

39: 8-4/

**LEGISLATIVE HISTORY CHECKLIST**  
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("Federal Clean Air Act")

NJSA: 39:8-41

LAWS OF: 1995

CHAPTER: 112

BILL NO: S1700

SPONSOR(S): Littell and Bennett

DATE INTRODUCED: December 19, 1994

COMMITTEE: ASSEMBLY: ---

SENATE: Budget, Natural Resources

AMENDED DURING PASSAGE: No Senate Committee Substitute enacted

DATE OF PASSAGE: ASSEMBLY: May 1, 1995

SENATE: March 30, 1995

DATE OF APPROVAL: June 1, 1995

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

**FOLLOWING WERE PRINTED:**

REPORTS: Yes

HEARINGS: Yes

974.90 New Jersey. Legislature. Senate. Committee on Law, Public  
A939 Safety and Defense.  
1991a Public hearing: motor vehicle inspections, held 2-4-91,  
2-25-91, 3-11-91, Trenton.

974.90 New Jersey. Governor's Management Review Commission.  
A939 Report on safety inspections and air emission testing.  
1990d December 19, 1990. Trenton, 1990.

See newspaper clippings--attached:

"Exhaust testing of autos bolstered," 6-3-95, Asbury Park Press.

"Tougher DMV tests to aim for clean air," 6-3-95, Home News.

KBG:pp

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 1700

STATE OF NEW JERSEY

ADOPTED FEBRUARY 6, 1995

Sponsored by Senators LITTELL and BENNETT

1 AN ACT concerning motor vehicle inspection and registration,  
2 amending P.L.1994, c.67, the fiscal year 1995 annual  
3 appropriations act, and supplementing and amending various  
4 parts of the statutory law.

5  
6 BE IT ENACTED *by the Senate and General Assembly of the*  
7 *State of New Jersey:*

8 1. (New section) Sections 1 through 18 of this act shall be  
9 known and may be cited as the "Federal Clean Air Mandate  
10 Compliance Act."

11 2. (New section) The Legislature finds and declares that the  
12 federal Clean Air Act requires states that have been determined  
13 to be in nonattainment for certain ambient air quality standards  
14 to take extraordinary measures to reduce air emissions; and that  
15 among these measures is an enhanced motor vehicle inspection  
16 and maintenance program.

17 The Legislature further finds and declares that the standards  
18 established by the United States Environmental Protection  
19 Agency are based on computer modeling and not on scientific  
20 testing; that the requirements of the Environmental Protection  
21 Agency regulations therefore may not achieve the federal  
22 emission reduction goals for New Jersey; and that officials of the  
23 Environmental Protection Agency are no longer mandating that  
24 the State program require the use of the "I/M 240" test and have  
25 recently expressed a greater flexibility in allowing states to make  
26 certain decisions in the implementation of this enhanced  
27 inspection and maintenance program.

28 The Legislature further finds and declares that the inspection  
29 and maintenance program being imposed by the Environmental  
30 Protection Agency pursuant to the federal law will be expensive  
31 and burdensome on the citizens of this State, but that the  
32 alternative to adopting this program is a series of federal  
33 sanctions that would result in the loss of federal highway monies,  
34 more stringent permitting criteria for industry and the imposition  
35 of an air pollution control program by the Environmental  
36 Protection Agency.

37 The Legislature further finds and declares that it would not  
38 adopt this enhanced motor vehicle inspection and maintenance  
39 program if the federal government were not forcing such action  
40 by the threat of the above-mentioned sanctions.

41 The Legislature further finds and declares that it shall take  
42 this opportunity to improve the existing motor vehicle inspection

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 system by authorizing competitive contracting for or  
2 privatization of motor vehicle inspections and making other  
3 necessary legislative reforms to the provisions of Title 39 of the  
4 Revised Statutes.

5 The Legislature therefore determines that an enhanced  
6 inspection and maintenance program shall be adopted, that this  
7 inspection and maintenance program shall be as  
8 consumer-friendly as possible and shall not use the "I/M 240"  
9 test, except as hereafter specified, and that advanced testing  
10 technologies, including but not limited to remote sensing, shall be  
11 investigated and used for emission testing to the extent  
12 permitted by the Environmental Protection Agency.

13 3. (New section) As used in chapter 8 of Title 39 of the  
14 Revised Statutes:

15 "Certificate of Approval" means a document, in a form  
16 determined by the director, issued in accordance with guidelines  
17 set by the division certifying that a motor vehicle complies with  
18 the requirements of Title 39 and Title 26 of the Revised Statutes  
19 and the regulations regarding the inspection of motor vehicles  
20 adopted pursuant thereto;

21 "Director" means the Director of the Division of Motor  
22 Vehicles in the Department of Law and Public Safety;

23 "Division" means the Division of Motor Vehicles in the  
24 Department of Law and Public Safety;

25 "Federal Clean Air Act" means the federal "Clean Air Act,"  
26 42 U.S.C. §7401 et seq., and any subsequent amendments or  
27 supplements to that act;

28 "Gross weight" means gross vehicle weight rating, as that term  
29 is defined in section 3 of P.L.1990, c.103 (C.39:3-10.11);

30 "Official inspection facility" means a test-only inspection  
31 facility that is operated by the division or that the State  
32 Treasurer has contracted for pursuant to section 4 of P.L. , c.  
33 (C. ) (now before the Legislature as this bill); and

34 "Private inspection facility" means an inspection facility  
35 licensed by the director pursuant to section 5 of P.L. , c.  
36 (C. ) (now before the Legislature as this bill).

37 4. (New section) a. The State Treasurer shall either:

38 (1) Assign to the State the full responsibility for the design,  
39 construction, renovation, equipment, establishment, maintenance,  
40 and operation of official inspection facilities and other aspects of  
41 the inspection and maintenance program, including safety  
42 inspections;

43 (2) Enter into a contract or contracts with a private  
44 contractor or contractors for the design, construction,  
45 renovation, equipment, establishment, maintenance, and  
46 operation of official inspection facilities and other aspects of the  
47 inspection and maintenance program, including safety  
48 inspections; or

49 (3) Assign to the State partial responsibility and enter into a  
50 contract or contracts with a private contractor or contractors for  
51 the remaining responsibility for the design, construction,  
52 renovation, equipment, establishment, maintenance, and  
53 operation of official inspection facilities and other aspects of the  
54 inspection and maintenance program, including safety inspections.

1 The State Treasurer shall choose one of the options pursuant to  
2 this subsection based on a determination of the best interests of  
3 the citizens of New Jersey. At least seven business days prior to  
4 the award of a contract that includes the operation or  
5 maintenance of an official inspection facility pursuant to this  
6 section, the State Treasurer shall issue a notice of intent to  
7 award the contract and shall submit to the Legislature the notice  
8 of intent and a report describing the option chosen, which shall  
9 include an economic analysis of the three options listed in this  
10 subsection with respect to the operation or maintenance portion  
11 of the contract.

12 b. (1) A contract authorized by this section may, subject to  
13 the provisions of subsection f. of R.S.39:8-2, include the  
14 purchase, lease or sale of an interest in real or personal  
15 property. The State Treasurer is authorized to exercise all  
16 authority of the Directors of the Division of Purchase and  
17 Property and of the Division of Building and Construction to  
18 award the contract or contracts authorized by this section as a  
19 single contract, multiple branch contracts or multiple single  
20 contracts. Any contract awarded pursuant to this section shall be  
21 awarded in accordance with the provisions of P.L.1954, c.48  
22 (C.52:34-6 et seq.) and any rules and regulations promulgated  
23 pursuant to that act. The provisions of R.S.52:32-2 shall not  
24 apply to any contract authorized by this section.

25 (2) Notwithstanding the provisions of chapter 35 of Title 52 of  
26 the Revised Statutes, the State Treasurer is not required to limit  
27 bids to persons who are prequalified. The State Treasurer is  
28 authorized to require each person who submits a bid for a  
29 contract pursuant to this section to submit statements under oath  
30 in response to a questionnaire that develops fully that person's  
31 financial ability, adequacy of plant and equipment, organization,  
32 prior experience and any other facts pertinent and material to  
33 qualification, including qualification of any subcontractors, for  
34 the contract sought. Any such questionnaire required shall be  
35 standardized with respect to, and shall be set forth in, each  
36 invitation to bid.

37 (3) Any other provision of law to the contrary notwithstanding,  
38 and subject to guidelines for conflict of interest established by  
39 the Attorney General, for the purposes of this section a State  
40 officer or employee or a group of State officers or employees  
41 may enter into a contract or contracts as a private contractor. A  
42 State officer or employee having any duties or responsibilities in  
43 connection with the evaluation or awarding of a contract  
44 pursuant to this section shall not individually or through any  
45 person or entity acting on behalf of that officer or employee bid  
46 on or enter into a contract as a private contractor.

47 (4) A contractor for the operation of an official inspection  
48 facility, or any of its officers or employees, may not be engaged  
49 in the business of selling, maintaining, or repairing motor vehicles  
50 or selling motor vehicle replacement or repair parts. A  
51 contractor's employees shall not be deemed employees of the  
52 State for any purpose.

53 c. A contract for the operation of an official inspection  
54 facility shall provide for motor vehicle inspection services that

1 are consumer-friendly to the maximum extent feasible. A  
2 contract shall at a minimum specify that:

3 (1) New or relocated inspection facilities shall be sited close  
4 to population centers, but in locations that remain convenient for  
5 suburban and rural residents;

6 (2) An inspection facility shall be open for inspections,  
7 exclusive of holidays, at least 55 hours each week, including hours  
8 prior to 9:00 am or after 5:00 pm on weekdays and hours on the  
9 weekend, except that the facility may lessen or expand these  
10 hours based on the results of a survey of persons who use the  
11 facility for motor vehicle inspections;

12 (3) An inspection facility shall maintain a climate-controlled  
13 waiting area for persons whose motor vehicles are being  
14 inspected;

15 (4) At least one lane at each inspection facility shall be  
16 reserved to the extent practicable for reinspections, although this  
17 lane may be opened to initial inspections whenever there are no  
18 reinspections being performed;

19 (5) The number of inspection lanes provided for in the contract  
20 to be constructed may be increased to meet the standards set by  
21 the director pursuant to subsection d. of this section only if the  
22 contractor can show that this increase is more cost-effective  
23 than extending the hours of operation;

24 (6) A toll-free telephone number and a network of  
25 computerized signs shall be established, and public service  
26 announcements shall be aired to advise motorists of the length of  
27 lines at inspection facilities. Periodic surveys concerning hours  
28 and methods of operation shall be conducted. Each motor vehicle  
29 operator who arrives at a facility for an inspection shall be  
30 provided with a written document containing the following  
31 statement:

32 "The motor vehicle emission test being conducted at this  
33 facility has been imposed on the residents of this State by an act  
34 of the Congress of the United States and the regulations of the  
35 United States Environmental Protection Agency."

36 In addition, the written document shall include the name and  
37 address of the Administrator of the federal Environmental  
38 Protection Agency and of each member of Congress elected from  
39 this State.

40 A contractor shall spend not less than one percent of its  
41 operating budget to provide an ongoing public information  
42 program; and

43 (7) All qualified full-time employees whose employment with  
44 the division is terminated as a result of P.L. , c. (C. ) (now  
45 before the Legislature as this bill) shall be offered full-time  
46 employment. If more than one contract for the operation of  
47 official inspection facilities is awarded, each contractor shall  
48 offer full-time employment to a percentage of the number of  
49 such employees that is equal to the percentage of the total  
50 number of inspection lanes that will be operated by that  
51 contractor.

52 d. The director shall adopt, pursuant to the "Administrative  
53 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regulations  
54 to establish the conduct of inspections by any person who has

1 entered into a contract with the State pursuant to subsection a.  
2 of this section, and may issue directives or guidelines or enter  
3 into contracts or agreements for the oversight and regulation of  
4 any person who has entered into a contract with the State  
5 pursuant to subsection a. of this section. The director shall  
6 establish standards that are designed to achieve average wait  
7 times of 30 minutes or less and to keep the overall operating cost  
8 of the facilities to a minimum. The director shall develop a  
9 system of incentives that are designed to achieve average wait  
10 times of 15 minutes or less. Data generated at any official  
11 inspection facility shall be the property of the State and shall be  
12 fully accessible to the division at any time.

13 e. If a dispute over contract compliance, performance or  
14 termination cannot be resolved by the State Treasurer and the  
15 private contractor pursuant to the procedures set forth in a  
16 contract entered into pursuant to the provisions of this section,  
17 either party to the contract may file with the Superior Court a  
18 request either for an order either to terminate the contract or  
19 for an order for other appropriate relief to the dispute. Any  
20 provision of N.J.S.59:13-5 to the contrary notwithstanding, the  
21 State Treasurer may consent to the filing of such a request prior  
22 to the expiration of 90 days from the date that the notice of  
23 claim is received. The court may take such action as it may  
24 deem necessary to facilitate the expeditious resolution of the  
25 dispute and an expeditious response to the request, including  
26 ordering the parties to undertake dispute resolution, mediation,  
27 or arbitration as provided in N.J.S.59:13-7. Within 90 days after  
28 the filing of a request, the court shall either grant the request or  
29 deny the request. If the request is granted, the court shall order  
30 such appropriate relief measures or remedies as it deems  
31 appropriate and necessary.

32 f. (1) A person whose employment with the Division of Motor  
33 Vehicles is terminated as a result of a contract entered into  
34 pursuant to subsection a. of this section, who does not accept an  
35 offer of employment with a contractor pursuant to paragraph (7)  
36 of subsection c. of this section, and who undergoes counseling  
37 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7), may apply  
38 for a training grant pursuant to section 6 of P.L.1992, c.43  
39 (C.34:15D-6).

40 (2) Any provision of P.L.1992, c.43 (C.34:15D-1 et al.) to the  
41 contrary notwithstanding, the Workforce Development Program  
42 in the Department of Labor may provide a training grant to each  
43 person who applies pursuant to paragraph (1) of this subsection  
44 for a training grant to pay for employment and training services  
45 as provided pursuant to section 6 of P.L.1992, c.43 (C.34:15D-6).

46 5. (New section) a. (1) The director, after appropriate  
47 inquiry and investigation, may license persons to operate private  
48 inspection facilities to inspect initially, reinspect and certify all  
49 motor vehicles that are subject to inspection pursuant to  
50 R.S.39:8-1. A person shall not be licensed unless qualified to  
51 conduct the inspections and reinspections, and in possession of  
52 the necessary equipment.

53 (2) The director, by regulation with the concurrence of the  
54 Department of Environmental Protection, may establish a limited

1 number of distinct classes of licenses, may restrict the activities  
2 authorized by each distinct class of license, including restrictions  
3 as to the vehicles that may be inspected or reinspected, and may  
4 restrict the services that holders of each class may perform in  
5 addition to the activities authorized by the license. These  
6 regulations shall permit private inspection facilities to perform  
7 initial inspections on motor vehicles four years old or newer and,  
8 to the maximum extent feasible, permit private inspection  
9 facilities to perform initial inspections on motor vehicles that are  
10 more than four years old and to repair and reinspect all motor  
11 vehicles.

12 b. (1) The director may license as a private inspection facility  
13 any person that is the owner or lessee of 10 or more motor  
14 vehicles to initially inspect, reinspect and certify vehicles that  
15 the person owns or leases.

16 (2) The director, by regulation with the concurrence of the  
17 Department of Environmental Protection, may restrict the  
18 activities authorized by a license issued pursuant to this  
19 subsection, including restrictions as to the vehicles that may be  
20 inspected or reinspected, and may restrict the services that  
21 holders of this license may perform in addition to the activities  
22 authorized by the license.

23 c. The director shall require a private inspection facility  
24 licensee to have in effect at all times liability insurance or such  
25 other proof of financial responsibility as the director may  
26 prescribe; and may require a performance bond.

27 d. The director shall prescribe the form and content of the  
28 application for a private inspection facility license, and may  
29 charge a nonrefundable application fee not to exceed \$20. The  
30 director may charge a license fee, not to exceed \$250, to be paid  
31 by a person for each year or part of a year in which that person  
32 holds a private inspection facility license. All fees collected  
33 pursuant to this subsection shall be paid to the State Treasurer  
34 and deposited in the "Motor Vehicle Inspection Fund" established  
35 pursuant to subsection j. of R.S.39:8-2.

36 6. (New section) a. Whenever a private inspection facility  
37 licensee conducts an initial inspection, the private inspection  
38 facility shall either reject the vehicle or certify that the vehicle  
39 was inspected pursuant to chapter 8 of Title 39 of the Revised  
40 Statutes and was found to conform to the standards established  
41 by law and regulation. When a vehicle is reinspected, the private  
42 inspection facility licensee shall either reject the vehicle or  
43 certify that the items for which a vehicle was initially rejected  
44 conform to the standards established by law and regulation. The  
45 certification shall be evidenced by a private inspection  
46 certificate of approval placed on the vehicle as prescribed by the  
47 director.

48 b. A private inspection facility licensee may charge an amount  
49 approved by and on file with the director for initial inspection,  
50 reinspection, and certification of a vehicle, which amount shall  
51 be subject to any maximum limits that may be established by the  
52 director by regulation. The director may establish maximum  
53 amounts that may be charged for initial inspection or  
54 reinspection based on the average length of time required to

1 inspect a vehicle or reinspect a specific rejected item.

2 c. A private inspection facility licensee shall post a schedule  
3 of charges for initial inspection, reinspection and certification in  
4 a prominent place on the premises, and shall file a copy thereof  
5 with the director.

6 d. A private inspection facility licensee shall not require, as a  
7 condition of performing an inspection, that any needed repairs or  
8 adjustments be done by the licensee or at a specific facility  
9 identified by the licensee or by an agent thereof.

10 7. (New section) a. The director shall provide each private  
11 inspection facility with as many certificates of approval and  
12 rejection stickers as may be required and may charge the private  
13 inspection facility licensee a fee of \$1 for each certificate or  
14 sticker, which fee shall be refunded for any expired or unused  
15 certificates or stickers. All fees collected pursuant to this  
16 subsection shall be paid to the State Treasurer and deposited in  
17 the "Motor Vehicle Inspection Fund" established pursuant to  
18 subsection j. of R.S.39:8-2. Every private inspection facility  
19 licensee shall:

20 (1) Keep such records of inspections and reinspections and of  
21 certificates and stickers issued in such form as the director may  
22 determine;

23 (2) Make such records available to the director upon demand;

24 (3) Institute such safeguards to secure the certificates and  
25 stickers from theft, loss or fraudulent use as the director may  
26 prescribe;

27 (4) Return any unused expired certificates or stickers to the  
28 director; and

29 (5) Upon request account to the director for all certificates  
30 and stickers.

31 b. An owner or operator of a private inspection facility that  
32 for any reason, including but not limited to theft, destruction,  
33 loss, or damage, does not upon request either promptly return or  
34 properly account for a certificate or sticker shall be liable to a  
35 civil penalty of not less than \$100 for each such certificate or  
36 sticker, to be collected in a civil action commenced by the  
37 director. Any penalty imposed pursuant to this subsection may be  
38 collected with costs in a summary proceeding pursuant to "the  
39 penalty enforcement law," N.J.S. 2A:58-1 et seq. The Superior  
40 Court and the municipal court shall have jurisdiction to enforce  
41 the provisions of "the penalty enforcement law" in connection  
42 with this subsection. Any fine collected pursuant to this  
43 subsection shall be paid to the State Treasurer and deposited in  
44 the "Motor Vehicle Inspection Fund" established pursuant to  
45 subsection j. of R.S.39:8-2.

46 8. (New section) A person who is employed by or under  
47 contract with a private inspection facility and who affixes a  
48 certificate of approval or a waiver certificate to a motor vehicle  
49 without having properly inspected the vehicle or without having  
50 determined that the condition of the vehicle conforms to  
51 standards established by law or regulation shall be liable to a civil  
52 penalty of not less than \$500, to be collected in a civil action  
53 commenced by the director. Any penalty imposed pursuant to  
54 this section may be collected with costs in a summary proceeding



1 pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et  
2 seq. The Superior Court and the municipal court shall have  
3 jurisdiction to enforce the provisions of "the penalty enforcement  
4 law" in connection with this section. A private inspection  
5 facility licensee shall be severally liable for any violation of this  
6 section by any person employed by or under contract with the  
7 private inspection facility licensee. Any fine collected pursuant  
8 to this section shall be paid to the State Treasurer and deposited  
9 in the "Motor Vehicle Inspection Fund" established pursuant to  
10 subsection j. of R.S.39:8-2.

11 In addition to any civil penalty imposed, the director may  
12 suspend the license of a private inspection facility that violates  
13 this section for a period of not less than six months. The director  
14 may also file an action in Superior Court to enjoin any violation  
15 of this section.

16 9. (New section) a. The director may, pursuant to the  
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
18 seq.), deny, suspend or revoke a private inspection facility license  
19 or refuse renewal thereof for cause, including but not limited to  
20 one or more of the following:

21 (1) Violation of any provision of P.L. , c. (C. ) (now  
22 before the Legislature as this bill) or of any rule or regulation  
23 adopted pursuant thereto;

24 (2) Fraud or misrepresentation in securing the license or in the  
25 conduct of the licensed activity;

26 (3) Making initial inspection or reinspection service charges in  
27 excess of those posted on the licensed premises and filed with the  
28 director;

29 (4) Conviction of a crime involving fraud or moral turpitude;

30 (5) Violation of P.L.1960, c.39 (C.56:8-1 et seq.) or of any  
31 regulation adopted thereunder;

32 (6) Failure to successfully complete any training or testing  
33 requirements that are a prerequisite to licensure;

34 (7) Fraudulently, willfully or negligently performing an  
35 improper inspection on a motor vehicle;

36 (8) Failure to pay a fee required by law; or

37 (9) Other good cause.

38 b. If the director determines that the public interest requires  
39 immediate suspension of a private inspection facility license prior  
40 to hearing, the director may do so, provided that the private  
41 inspection facility licensee is afforded the opportunity to request  
42 in writing a hearing within 10 days of the effective date of the  
43 suspension, and an administrative adjudication shall be held as  
44 soon thereafter as possible. The ordered suspension shall become  
45 final if a written request is not received by the director within 10  
46 days of service of the notice or the scheduled suspension or order  
47 of suspension as the case may be. If the director determines it  
48 necessary to suspend a license prior to hearing and the private  
49 inspection facility licensee files a request for a hearing within  
50 the time prescribed by this section, the director may hold a  
51 preliminary hearing to determine whether sufficient cause exists  
52 to continue such suspension until a plenary hearing can be  
53 conducted.

54 10. (New section) A private inspection facility or an official

1 inspection facility shall use emission testing equipment that has  
2 been certified by the Department of Environmental Protection.  
3 The Department of Environmental Protection shall adopt  
4 standards for the certification of the equipment, which may  
5 include but shall not be limited to any of the following:

6 a. An automated system to control test sequencing, the  
7 automatic pass or fail decision, and the format for the test report  
8 and electronic medium for storage and transmission of test  
9 results;

10 b. An exhaust gas analysis portion;

11 c. A device to accept and record vehicle identification  
12 information;

13 d. A device to provide a printed record of the test results to  
14 the owner or lessee; and

15 e. A chassis dynamometer.

16 11. (New section) All licenses issued pursuant to section 3 of  
17 P.L.1975, c.156 (C.39:8-11) shall expire and be of no force and  
18 effect on or after January 1, 1996, unless extended by the  
19 director. All licensed private inspection centers shall deliver to  
20 the director the license, all unused private inspection approval  
21 stickers, all inspection records and other items issued to the  
22 licensee or required by the director to be kept in connection with  
23 the operation of the private inspection center.

24 12. (New section) a. A person shall not conduct any emission  
25 inspection required by the director on a motor vehicle unless that  
26 person is licensed as an emission inspector by the director. The  
27 director may establish a fee not to exceed \$50 for the licensure  
28 and relicensure of emission inspectors and shall establish  
29 standards and requirements for the licensure and relicensure of  
30 emission inspectors including, at a minimum, the successful  
31 completion of emission training and testing requirements  
32 determined by the director in consultation with the Department  
33 of Environmental Protection as a prerequisite to licensing. Any  
34 license issued pursuant to this section shall be valid for the period  
35 set by the director, which shall not be longer than two years. The  
36 successful completion of refresher training and testing, at a  
37 minimum, shall be required prior to license renewal. All fees  
38 collected pursuant to this subsection shall be turned over to the  
39 State Treasurer and deposited in the "Motor Vehicle Inspection  
40 Fund" established pursuant to subsection j. of R.S.39:8-2.

41 b. The director may deny, suspend or revoke any license  
42 authorized to be issued by this section or refuse renewal thereof  
43 for cause, including but not limited to one or more of the  
44 following:

45 (1) Violation of any provision of P.L. , c. (C. ) (now  
46 before the Legislature as this bill) or of any regulation adopted  
47 pursuant thereto;

48 (2) Fraud, misrepresentation or misstatement in securing the  
49 license or in the conduct of the licensed activity;

50 (3) Conviction of a crime involving fraud or moral turpitude;

51 (4) Violation of P.L.1960, c.39 (C.56:8-1 et seq.) or of any  
52 regulation adopted pursuant thereto;

53 (5) Failure to successfully complete any training or testing  
54 requirements that are a prerequisite to licensure;

1 (6) Failure to pay any fee required by law; or

2 (7) Other good cause.

3 13. (New section) a. The director shall adopt, after  
4 consultation with the Division of Consumer Affairs in the  
5 Department of Law and Public Safety, rules and regulations for  
6 the registration of facilities authorized to perform  
7 emission-related repairs on vehicles that fail a required emission  
8 test. A facility or business shall not correct, adjust or repair, for  
9 compensation, any motor vehicle that has failed an emission test  
10 required by the director unless it has first obtained from the  
11 director a motor vehicle repair facility registration authorizing  
12 the facility or business to repair vehicles that have failed an  
13 emission test required by the director. The director may  
14 establish an annual registration fee, which shall not exceed \$50,  
15 to defray the cost of registering these businesses and facilities.  
16 All fees collected pursuant to this section shall be paid to the  
17 State Treasurer and deposited in the "Motor Vehicle Inspection  
18 Fund" established pursuant to subsection j. of R.S.39:8-2.

19 b. The director may deny, suspend or revoke any registration  
20 issued pursuant to this section, or refuse renewal thereof, for  
21 performance by a registered business or facility of an improper  
22 repair on a motor vehicle or for other good cause.

23 c. The director may establish or approve a repair technician  
24 certification program for persons who perform, for compensation,  
25 emission-related repairs on vehicles that fail a required emission  
26 test.

27 d. The Department of Education, in consultation with the  
28 Department of Environmental Protection, shall develop and make  
29 available a course of instruction, to be offered at State  
30 community colleges and other appropriate educational  
31 institutions, for the purpose of training repair technicians in the  
32 diagnosis and repair of motor vehicle emission control systems.

33 14. (New section) A person who displays or causes or permits  
34 to be displayed any sign, mark, or advertisement, or otherwise  
35 identifies that person as a private inspection facility, a registered  
36 motor vehicle repair facility or an emission inspector when not  
37 holding a valid license or registration issued by the director, or  
38 who transfers or attempts to transfer a valid license or  
39 registration, shall be subject to a fine of not less than \$1,000 or  
40 imprisonment for not more than 30 days, or both. Any fine  
41 collected under the provisions of this section shall be paid to the  
42 State Treasurer and deposited in the "Motor Vehicle Inspection  
43 Fund" established pursuant to subsection j. of R.S.39:8-2.

44 15. (New section) The director, either directly or through an  
45 agent, may grant a waiver from the requirement that a vehicle  
46 satisfy emission standards. A waiver shall be valid for one  
47 inspection cycle. The waiver may be issued to any vehicle that  
48 cannot successfully pass the emission tests upon reinspection,  
49 provided the vehicle owner or lessee demonstrates compliance  
50 with the following to the satisfaction of the director or agent:

51 a. All available warranty coverage for vehicle emission  
52 systems has been used to obtain needed repairs on the vehicle or  
53 written denial of warranty coverage in a form and manner

1 prescribed by the director has been provided; and

2 b. The owner has expended, within 30 days prior to an emission  
3 test that is failed on or after January 1, 1998 or following the  
4 failed emission test, the amount for emission related repairs  
5 specified in rules and regulations adopted by the United States  
6 Environmental Protection Agency pursuant to the federal Clean  
7 Air Act; and

8 c. The repairs made on the vehicle were appropriate to the  
9 cause of the emission test failure; and

10 d. The repairs were made by a registered motor vehicle repair  
11 facility or by the owner of the vehicle provided he possesses a  
12 nationally recognized certification for emission-related diagnosis  
13 and repair; and

14 e. The vehicle complies with the safety inspection  
15 requirements of this chapter and the rules adopted by the  
16 director; and

17 f. Any other requirements established by the director by  
18 regulation; and

19 g. Any other requirements established by the Department of  
20 Environmental Protection with the concurrence of the director.

21 16. (New section) The owner or lessee of a motor vehicle that  
22 is subject to inspection pursuant to R.S.39:8-1 and that is  
23 included in either a "Voluntary Emissions Recall" as defined at  
24 40 C.F.R. §85.1902(d) or any amendment thereto or in a remedial  
25 plan determination made pursuant to section 207(c) of the federal  
26 Clean Air Act or any amendment thereto, for which owner  
27 notification occurs after the effective date of P.L. , c.  
28 (C. ) (now before the Legislature as this bill), shall obtain the  
29 required repairs within the time period established by the  
30 director, in consultation with the Department of Environmental  
31 Protection, in order to obtain a certificate of approval. The  
32 director shall allow the owner or lessee of a motor vehicle which  
33 is subject to recall a minimum of 60 days in which to comply with  
34 such recall notice. It shall be the responsibility of the owner and  
35 lessee of a vehicle to submit proof of required repairs in response  
36 to such recall notice in a form and manner determined by the  
37 director. The director shall suspend the registration privileges or  
38 deny an application for registration for any vehicle that has  
39 failed to receive necessary repairs in response to a "Voluntary  
40 Emissions Recall" or to a remedial plan determination within the  
41 time period established by the director in consultation with the  
42 Department of Environmental Protection.

43 17. (New section) The director shall adopt, after consultation  
44 with the Department of Environmental Protection and pursuant  
45 to the "Administrative Procedure Act," P.L. 1968, c.410  
46 (C.52:14B-1 et seq.), any rules and regulations necessary to  
47 implement the provisions of P.L. , c. (C. ) (now before the  
48 Legislature as this bill) or to place this State in substantial  
49 compliance with the motor vehicle emission inspection and  
50 maintenance requirements established by federal law, except that  
51 these rules and regulations shall not require the use of the "I/M  
52 240" test.

53 18. (New section) The provisions of P.L. , c. (C. )(now  
54 before the Legislature as this bill) shall not apply to violations

1 committed prior to its effective date, and prosecutions and  
2 dispositions for such violations shall be governed by the prior law,  
3 which is continued in effect for that purpose, as if P.L. , c.  
4 (C. )(now before the Legislature as this bill) were not in force.

5 19. R.S.39:8-1 is amended to read as follows:

6 39:8-1. [The director shall require every] a. Every motor  
7 vehicle registered in this State which is used over [the highways  
8 of this State, except vehicles and traction equipment registered  
9 pursuant to R.S.39:3-24 and] any public road, street, or highway  
10 or any public or quasi-public property in this State, and every  
11 vehicle subject to enhanced inspection and maintenance programs  
12 pursuant to 40 C.F.R. § 51.356, except historic motor vehicles  
13 registered as such [, to have such motor vehicles] , collector  
14 motor vehicles designated as such pursuant to this subsection, and  
15 those vehicles over 8,500 pounds gross weight that are under the  
16 inspection jurisdiction of the Department of Transportation  
17 pursuant to Titles 27 and 48 of the Revised Statutes, shall be  
18 inspected by designated examiners or at official inspection  
19 [stations] facilities to be designated by the director or at licensed  
20 private inspection [centers. The director shall have the  
21 discretion to determine what motor vehicle equipment shall be  
22 subject to inspection under the provisions of this chapter]  
23 facilities. The director shall adopt rules and regulations  
24 establishing a procedure for the designation of motor vehicles as  
25 collector motor vehicles, which designation shall include  
26 consideration by the director of one or more of the following  
27 factors: the age of the vehicle, the number of such vehicles  
28 originally manufactured, the number of such vehicles that are  
29 currently in use, the total number of miles the vehicle has been  
30 driven, the number of miles the vehicle has been driven during  
31 the previous year or other period of time determined by the  
32 director, and whether the vehicle has a collector classification  
33 for insurance purposes.

34 b. The director shall determine the official inspection facility  
35 or private inspection facility at which a motor vehicle, depending  
36 upon its characteristics, shall be inspected. The director, with  
37 the concurrence of the Department of Environmental Protection,  
38 may exclude by regulation from this inspection requirement any  
39 category of motor vehicle if good cause for such exclusion exists,  
40 unless the exclusion is likely to prevent this State from meeting  
41 the applicable performance standard established by the United  
42 States Environmental Protection Agency. The director may  
43 determine that a vehicle is in compliance with the inspection  
44 requirements of this section if the vehicle has been inspected and  
45 passed under a similar inspection program of another state,  
46 district, or territory of the United States.

47 (cf: P.L.1986, c.22, s.1)

48 20. R.S.39:8-2 is amended to read as follows:

49 39:8-2. a. The director may designate and appoint, subject to  
50 existing laws, competent examiners of motor vehicles to  
51 [examine] conduct examinations, other than the periodic  
52 inspections required pursuant to subsection b. of this section, of  
53 motor vehicles required to be inspected in accordance with the  
54 provisions of this chapter. The examiners may be delegated to

1 enforce the provisions of the motor vehicle and traffic law.

2 b. (1) The director [may make] shall adopt, pursuant to the  
3 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
4 seq.), rules and regulations consistent with P.L.1966, c.16  
5 (C.26:2C-8.1 et seq.) and with the requirements of the federal  
6 Clean Air Act with respect to the type and character of the  
7 inspections to be made, [with respect to] the facility at which the  
8 vehicle shall be inspected, the frequency of inspections of [new]  
9 motor vehicles and [with respect to] the approval or rejection of  
10 motor vehicles as a result of these inspections. [Motorcycles  
11 shall be inspected between April 1 and October 31. All other]  
12 These rules and regulations shall require the use of inspection  
13 tests that are designed to meet the enhanced inspection and  
14 maintenance requirements of the federal Clean Air Act and that  
15 have been proven to be feasible and effective for the inspection  
16 of large numbers of motor vehicles, except that these tests shall  
17 not include the "I/M 240" test. Nothing in this subsection shall  
18 preclude the use of the "I/M 240" test in sampling for  
19 performance evaluations only or the use of the test at the option  
20 of a private inspection facility. The rules and regulations may  
21 distinguish between vehicles based on model year, type, or other  
22 vehicle characteristics in order to facilitate inspections or to  
23 comply with the federal Clean Air Act. A low mileage vehicle  
24 shall not be subject to a tailpipe inspection test utilizing a  
25 dynamometer but may be subject to an idle test and a purge and  
26 pressure test. For the purpose of this paragraph, "low mileage  
27 vehicle" means a motor vehicle that is driven less than 10,000  
28 miles during the biennial inspection period, except that the  
29 director may set the qualifying number of miles for this  
30 exemption at a lower number in order to meet the federal  
31 enhanced inspection and maintenance performance standard.

32 (2) The Department of Environmental Protection and the  
33 director shall investigate advanced testing technologies, including  
34 but not limited to remote sensing and onboard diagnostics, and  
35 shall, to the extent permitted by law, pursue the use of such  
36 technologies, other than the "I/M 240" test, in motor vehicle  
37 emission inspections required by the United States Environmental  
38 Protection Agency pursuant to the federal Clean Air Act. The  
39 director shall adopt, to the extent practicable, advanced  
40 technologies to facilitate the retrieval of testing and other  
41 information concerning motor vehicles, which technologies shall  
42 include but not be limited to the use of computer bar codes and  
43 personal cards containing encoded information, such as a person's  
44 operating license, motor vehicle registration, and motor vehicle  
45 insurance, the inspection status of a motor vehicle, and mass  
46 transit fares, that can be accessed quickly by a computer.

47 c. Except as modified by the director to distribute evenly the  
48 volume of inspections, all motor vehicles required by the  
49 director, in accordance with the provisions of R.S.39:8-1, to be  
50 inspected under this chapter shall be inspected [at least annually]  
51 biennially, except that classes of vehicles that require more  
52 frequent inspections, such as school buses, shall be inspected at  
53 such shorter intervals as may be established by the director after  
54 consultation with the Department of Environmental Protection.

1 At any time, the director may require the owner, lessee, or  
2 operator of a motor vehicle to submit the vehicle for inspection.

3 [Rules and regulations relating to the frequency and character  
4 of vehicle emission inspections shall be promulgated in  
5 cooperation with the Department of Environmental Protection.]

6 d. The director shall furnish to designated examiners or to  
7 other persons authorized to conduct inspections or to grant  
8 waivers official certificates of approval, rejection stickers or  
9 waiver certificates, the form, content and use of which he shall  
10 [prescribe] establish. The certificates of approval, rejection  
11 stickers and waiver certificates shall be of a type, such as a  
12 windshield sticker or license plate decal, that can be attached to  
13 the vehicle or license plate in a location that is readily visible to  
14 anyone viewing the vehicle. If a certificate of approval cannot  
15 be issued, the driver shall be provided with a written inspection  
16 report describing the reasons for rejection and, if appropriate,  
17 the repairs needed or likely to be needed to bring the vehicle into  
18 compliance with applicable standards.

19 e. The director may, with the approval of the State House  
20 Commission, purchase, lease or acquire by the exercise of the  
21 power of eminent domain any property for the purpose of  
22 assisting him in carrying out the provisions of this chapter. This  
23 property may also be used by the director for the exercise of the  
24 duties and powers conferred upon him by the other chapters of  
25 this Title.

26 f. For the purpose of implementing the motor vehicle  
27 inspection requirements of the federal Clean Air Act and subject  
28 to the approval of the Attorney General, the State Treasurer,  
29 prior to January 1, 1997, may:

30 (1) Purchase, lease or acquire by eminent domain any property  
31 for vehicle inspection purposes. Any other provision of law to the  
32 contrary notwithstanding, no further approval shall be required  
33 for transactions authorized by this paragraph, except that a  
34 proposed purchase, lease or acquisition by eminent domain shall  
35 require the approval of the Joint Budget Oversight Committee,  
36 and shall be submitted to the Joint Budget Oversight Committee,  
37 which shall review the proposed purchase, lease or acquisition by  
38 eminent domain within 15 business days; and

39 (2) Sell or lease, or grant an easement in, any property  
40 acquired, held or used for vehicle inspection purposes or any  
41 other suitable property held by the State that is not currently in  
42 use or dedicated to another purpose. For the purpose of this  
43 paragraph and notwithstanding any provision of R.S.52:20-1 et  
44 seq. to the contrary, the sale or lease of, or the granting of an  
45 easement in, real property owned by the State shall be subject to  
46 the approval of the State House Commission, which shall meet at  
47 the call of the Governor to act on a proposed sale or lease or  
48 grant of an easement pursuant to this paragraph. A member of  
49 the State House Commission may permit a representative to act  
50 on that member's behalf in considering and voting on a sale or  
51 lease or grant of an easement pursuant to this paragraph. Any  
52 other provision of law to the contrary notwithstanding, any  
53 moneys derived from a sale, lease or granting of an easement by  
54 the State pursuant to this paragraph shall not be expended

1 unless approved by the Joint Budget Oversight Committee for the  
2 purpose of purchasing, leasing or acquiring property pursuant to  
3 paragraph (1) of this subsection, except that any moneys derived  
4 therefrom and not approved for that purpose shall be  
5 appropriated to the Department of Transportation to provide for  
6 mass transit improvements.

7 g. The director shall conduct [random] roadside examinations  
8 of motor vehicles required to be inspected [in this State], using  
9 such inspection equipment and procedures, and standards  
10 established pursuant to section 1 of P.L.1966, c.16 (C.26:2C-8.1),  
11 including, but not limited to, remote sensing technology, as the  
12 director shall deem appropriate to provide [a continuous] for the  
13 monitoring of motor vehicles pursuant to this subsection. [Each  
14 year at] At least [1%] 20,000 vehicles or 0.5 percent of the total  
15 number of motor vehicles [registered in the State] required to be  
16 inspected under this chapter, whichever is less, shall be inspected  
17 during each inspection cycle by roadside examination teams under  
18 the supervision of the director. The director may require any  
19 vehicle failing a roadside examination to be inspected at an  
20 official inspection facility or a private inspection facility within  
21 a time period fixed by the director. Failure to appear and pass  
22 inspection within the time period fixed by the director shall  
23 result in registration suspension in addition to any other penalties  
24 provided in this Title. The director shall conduct an aggressive  
25 roadside inspection program to ensure that all motor vehicles  
26 that are required to be inspected in this State are in compliance  
27 with State law.

28 h. The director , and, when appropriate, the Department of  
29 Environmental Protection, shall conduct inspections and audits of  
30 licensed private inspection [centers] facilities, official inspection  
31 facilities and designated examiners to [insure] ensure accurate  
32 test equipment calibration and use, and compliance with proper  
33 inspection procedures and with the provisions of [this act] P.L. ,  
34 c. (C. ) (now before the Legislature as this bill) and any  
35 regulations adopted pursuant thereto by the Division of Motor  
36 Vehicles or by the Department of Environmental Protection.  
37 These inspections and audits shall be conducted [monthly, except  
38 that at the discretion of the director, more frequent audits and  
39 inspections may be conducted] at such times and in such manner  
40 as the director, upon consultation with the Department of  
41 Environmental Protection, shall determine in order to provide  
42 quality assurance in the performance of the inspection and  
43 maintenance program.

44 i. (1) The director shall make a charge of \$2.50 for the initial  
45 inspection for each vehicle subject to inspection, which amount  
46 shall be paid to the director or his representative when payment  
47 of the registration fees fixed in chapter 3 of this Title is made.  
48 [The fee is not applicable to inspection by licensed private  
49 inspection centers.] Any law or rule or regulation adopted  
50 pursuant thereto to the contrary notwithstanding, a registration  
51 fee authorized pursuant to chapter 3 of Title 39 of the Revised  
52 Statutes shall not be increased for the purpose of paying any  
53 costs associated in any manner with the establishment,  
54 implementation or operation of the motor vehicle inspection and



1 maintenance program established pursuant to P.L. , c. (C. )  
2 (now before the Legislature as this bill).

3 (2) The director shall establish by regulation a fee to cover the  
4 costs of inspecting any vehicle that is required, or has the option,  
5 under federal law to be inspected in this State but is registered in  
6 another state or is owned or leased by the federal government. In  
7 determining these costs, the director shall include all capital and  
8 direct and indirect operating costs associated with the inspection  
9 of these vehicles including, but not limited to, the costs of the  
10 actual inspection, the creation and maintenance of the vehicle  
11 inspection record, administrative, oversight and quality assurance  
12 costs and the costs associated with reporting inspection  
13 information to the owner, the federal government and agencies of  
14 other states. All fees collected pursuant to this subsection shall  
15 be paid to the State Treasurer and deposited in the "Motor  
16 Vehicle Inspection Fund" established pursuant to subsection j. of  
17 this section.

18 j. There is established in the General Fund a special dedicated,  
19 non-lapsing fund to be known as the "Motor Vehicle Inspection  
20 Fund," which shall be administered by the State Treasurer. The  
21 State Treasurer shall deposit into the "Motor Vehicle Inspection  
22 Fund" \$11.50 from each motor vehicle registration fee received  
23 by the State after June 30, 1995. The Legislature shall annually  
24 appropriate from the fund an amount necessary to pay the  
25 reasonable and necessary expenses of the implementation and  
26 operation of the motor vehicle inspection program. The State  
27 Treasurer shall:

28 (1) Pay to a private contractor or contractors contracted to  
29 design, construct, renovate, equip, establish, maintain and  
30 operate official inspection facilities under a contract or  
31 contracts entered into with the State Treasurer pursuant to  
32 subsection a. of section 4 of P.L. , c. (C. ) (now  
33 before the Legislature as this bill) from the fund the amount  
34 necessary to meet the costs agreed to under the contract or  
35 contracts; and

36 (2) Transfer from the fund to the Division of Motor Vehicles  
37 and the Department of Environmental Protection the amounts  
38 necessary to finance the costs of administering and implementing  
39 all aspects of the inspection and maintenance program, and to the  
40 Office of Telecommunications and Information Systems in the  
41 Department of the Treasury the amount necessary for computer  
42 support upgrades;

43 Moneys remaining in the fund and any unexpended balance of  
44 appropriations from the fund at the end of each fiscal year shall  
45 be reappropriated for the purposes of the fund. Any interest  
46 earned on moneys in the fund shall be credited to the fund.

47 (cf: P.L.1989, c.167, s.1)

48 21. R.S.39:8-3 is amended to read as follows:

49 39:8-3. a. No certificate of approval shall be issued by an  
50 examiner [or] , official inspection [station] facility or private  
51 inspection facility until the motor vehicle inspected successfully  
52 passes all emission tests required by the director and the  
53 mechanism, brakes and equipment of the motor vehicle inspected

1 have been found to be in a proper and safe condition and  
2 complying with the laws of this [state] State.

3 b. Notwithstanding the issuance or non-issuance of a  
4 certificate of approval, the obligation to ensure that a vehicle is  
5 in a proper and safe condition rests with the owner, operator or  
6 lessee, as appropriate, of the vehicle.

7 (cf: R.S.39:8-3)

8 22. R.S.39:8-4 is amended to read as follows:

9 39:8-4. a. If inspections as required by R.S. 39:8-1 disclose  
10 the necessity for adjustments, corrections or repairs, the director  
11 shall cause a rejection sticker to be issued.

12 b. The director may require the owner of [any such] a motor  
13 vehicle [to have such adjustments, corrections or repairs]  
14 requiring an adjustment, correction or repair that is not  
15 emission-related to have that adjustment, correction or repair  
16 made and thereafter have the vehicle reinspected at [a motor  
17 vehicle] an official inspection [station] facility or at a licensed  
18 private inspection [center] facility within the period designated  
19 by the director.

20 The director may cause a certificate of approval to be issued  
21 for a motor vehicle needing an adjustment, correction or repair  
22 that is not emission-related in order to conform to the  
23 requirements of chapter 3 and chapter 8 of this Title, but which,  
24 in the director's determination, is nevertheless safe. In such  
25 cases the director shall issue notice to the vehicle owner to have  
26 the adjustment, correction or repair made within a specified  
27 period of time, subject to the penalties of R.S.39:8-9.

28 c. The director shall require the owner of a motor vehicle  
29 requiring an adjustment, correction or repair that is  
30 emission-related to have that adjustment, correction or repair  
31 made and thereafter have the vehicle reinspected at an official  
32 inspection facility or at a private inspection facility, as  
33 determined by the director, within the period designated by the  
34 director.

35 (cf: P.L.1986, c.22, s.3)

36 23. R.S.39:8-5 is amended to read as follows:

37 39:8-5. a. Every designated examiner [or] , official inspection  
38 [station] facility or private inspection facility shall make such  
39 reports to the director concerning inspections made and the  
40 results thereof, and in such form and at such time, as [he] the  
41 director may require. The director [shall] may furnish to the  
42 examiners and inspection [stations] facilities forms for such  
43 reports. The director may require the use of electronic media for  
44 the gathering and transmission of inspection data and reports  
45 when the director deems it appropriate or when electronic media  
46 are required by federal law.

47 b. Every motor vehicle repair facility that is registered  
48 pursuant to section 13 of P.L. , c. (C. ) (now before the  
49 Legislature as this bill) shall make such report to the director  
50 concerning emission repairs made and the results thereof, as the  
51 director may require. The director may furnish to registered  
52 motor vehicle repair facilities forms to be completed by them in  
53 documenting emission repairs to motor vehicles, which forms  
54 shall be presented by the operator of the vehicle to an emission

1 inspector at the time of vehicle reinspection.

2 (cf: P.L.1955, c.9, s.2)

3 24. R.S.39:8-7 is amended to read as follows:

4 39:8-7. [The commissioner] Except as otherwise provided  
5 pursuant to R.S.39:3-5, the director may suspend, revoke or deny  
6 the registration of a motor vehicle registered or required to be  
7 registered in this [state] State, or the reciprocity privilege of a  
8 motor vehicle registered in another state, if the motor vehicle is  
9 subject to the inspection requirement of this State and operated  
10 or parked on [the highways of the state which--] any public road,  
11 street or highway or any public or quasi-public property in this  
12 State, and:

13 a. Does not have displayed upon it a current certificate of  
14 approval, current rejection sticker or current waiver certificate  
15 issued in accordance with this chapter; or

16 b. Has not successfully passed inspection or been granted a  
17 waiver within the time period prescribed by the director; or

18 c. Is shown by the inspection to be incapable of being placed in  
19 a proper condition to make its use safe on the highway or  
20 incapable of being brought within the emission standards or  
21 requirements established by law or regulation, and for which a  
22 certificate of approval or waiver certificate cannot be issued.

23 (cf: R.S.39:8-7)

24 25. R.S.39:8-9 is amended to read as follows:

25 39:8-9. a. The enforcement of this chapter shall be vested in  
26 the director and the police or peace officers of any municipality,  
27 any county or the State.

28 [Any person] b. An owner or lessee who :

29 (1) Fails or refuses to have [his] a motor vehicle examined [,]  
30 within the time period prescribed by the director ; or [, after]

31 (2) After having had it examined, fails or refuses to place or  
32 display a certificate of approval [,if issued,] , rejection sticker or  
33 waiver certificate upon [his] the windshield [, or who fraudulently  
34 obtains a certificate of approval,] or other location on the vehicle  
35 as may be prescribed by the director; or [who]

36 (3) Fails or refuses to place [his] the motor vehicle in proper  
37 condition after having had the same examined [,] ; or [who, in]

38 (4) In any manner, fails to conform to the provisions of this  
39 chapter or the regulations adopted by the director pursuant  
40 thereto, shall be guilty of violating the provisions of this  
41 chapter, and shall [, for a first offense,] be subject to a fine of  
42 not [more] less than [\$100.00] \$100 or more than \$200 [, and, for a  
43 second offense, to a fine of not more than \$200.00] or [by] to  
44 imprisonment for not [less] more than 30 days, or to both such  
45 fine and imprisonment.

46 c. A person who fraudulently obtains a certificate of approval,  
47 rejection sticker or waiver certificate, or displays or has in his  
48 possession a fictitious, altered, or stolen certificate of approval,  
49 rejection sticker or waiver certificate shall be subject to a fine  
50 of \$500 for each such certificate or sticker.

51 d. The provisions of this chapter shall be enforced and all  
52 penalties for the violation thereof shall be recovered in  
53 accordance with the provisions of "the penalty enforcement law"

(N.J.S.2A:58-1 et seq.), and in addition to the provisions and remedies therein contained, the following provisions and remedies shall be applicable in any proceeding brought for a violation of any of the provisions of this chapter:

[a.] (1) The several municipal courts shall have jurisdiction of such proceeding, in addition to the courts prescribed in "the penalty enforcement law";

[b.] (2) The complaint in any such proceeding may be made on information and belief by the director, or any police or peace officer of any municipality, any county or the State;

[c.] (3) A warrant may issue in lieu of summons;

[d.] (4) Any police or peace officer shall be empowered to serve and execute process in any such proceeding;

[e.] (5) The hearing in any such proceeding shall be without a jury;

[f.] (6) Any such proceeding may be brought in the name of the Director of the Division of Motor Vehicles in the Department of Law and Public Safety or in the name of the State of New Jersey;

[g.] (7) Any sums received in payment of any fines imposed in any such proceeding shall be paid to the Director of the Division of Motor Vehicles and shall be paid by him [into the State treasury] to the State Treasurer, who shall deposit one-half of such sums in the "Motor Vehicle Inspection Fund" established pursuant to subsection j. of R.S.39:8-2, and who shall pay the remaining one-half of such sums to the county or municipality initiating the complaint or summons or, if initiated by State law enforcement personnel, to the State Treasury;

[h.] (8) The director or judge before whom any hearing under this chapter is had may revoke the registration certificate of any motor vehicle owned or leased by any person, when such person shall have been [guilty of such willful] found to be in violation of any of the provisions of this chapter as shall in the discretion of the director or judge justify such revocation.

e. The director may order the suspension of the registration or reciprocity privilege of any motor vehicle found to be in violation of any of the provisions of this chapter. If the owner or lessee fails to surrender the license plates for that vehicle to the division within 45 days of the mailing of an order requiring their surrender, the director may order the confiscation of the license plates of the vehicle that is in violation. An order of license plate confiscation issued by the director shall include an order imposing a civil penalty of \$200 on the owner or lessee of the vehicle. This civil penalty shall be paid to the State Treasurer, who shall deposit one-half of the amount in the "Motor Vehicle Inspection Fund" established pursuant to subsection j. of R.S.39:8-2 and pay the remaining one-half to any municipality or county whose law enforcement, police or peace officers confiscated the plates in accordance with the order of the director, or if the plates were confiscated by State law enforcement personnel, to the State Treasury. A civil penalty imposed pursuant to this subsection shall be in addition to any other penalty provided by this chapter.

(cf: P.L.1983, c.403, s.28)

26. R.S.39:8-10 is amended to read as follows:

1       39:8-10. The director shall have authority to make rules and  
2 regulations necessary for the administration and enforcement of  
3 this chapter. [He] The director may employ, subject to existing  
4 laws, such persons as [he may require] the director requires for  
5 the administration and enforcement of this chapter and the  
6 director may fix their compensation. [He may use any funds  
7 obtained as fees from examinations required by this chapter for  
8 the establishment of stations and equipment that may be  
9 necessary to assist him in carrying out the purposes of this  
10 chapter. Any money remaining after all expenses are paid shall  
11 be turned over to the State Treasurer.]

12 (cf: P.L.1955, c.9, s.4)

13       27. R.S.39:3-4 is amended to read as follows:

14       39:3-4. Except as hereinafter provided, every resident of this  
15 State and every nonresident whose automobile or motorcycle  
16 shall be driven in this State shall, before using such vehicle on the  
17 public highways, register the same, and no automobile or  
18 motorcycle shall be driven unless so registered.

19       Such registration shall be made in the following manner: An  
20 application in writing, signed by the applicant or by an agent or  
21 officer, in case the applicant is a corporation, shall be made to  
22 the director or [his lawful] the director's agent, on forms  
23 prepared and supplied by the director, containing the name,  
24 street address of the residence or the business of the owner,  
25 mailing address, if different from the street address of the  
26 owner's residence or business, and age of the owner, together  
27 with a description of the character of the automobile or  
28 motorcycle, including the name of the maker and the  
29 [manufacturer's number or the motor number, or both,] vehicle  
30 identification number, or the manufacturer's number or the  
31 number assigned by the director if the vehicle does not have a  
32 vehicle identification number, and any other statement that may  
33 be required by the director. A post office box shall appear on the  
34 application only as part of a mailing address that is submitted by  
35 the owner, agent or officer, as the case may be, in addition to the  
36 street address of the applicant's residence or business. An owner  
37 whose last address appears on the records of the division as a post  
38 office box shall change his address on his application for renewal  
39 to the street address of his residence or business and, if different  
40 from his street address, his mailing address. [If the vehicle is  
41 insured by motor vehicle liability insurance, as required by law,  
42 the] The application shall contain the name of the insurer of  
43 [said] the vehicle and the policy number. If the vehicle is a leased  
44 motor vehicle, the application shall make note of that fact and  
45 shall include along with the name and street address of the lessor  
46 the name, street address and driver license number of the lessee.  
47 A lessor of a leased motor vehicle shall notify the director in  
48 writing, on such form as the director may prescribe, of the  
49 termination of a lease or of a change of the lessee within seven  
50 days after the termination or change.

51       Thereupon the director shall have the power to grant a  
52 registration certificate to the owner of any motor vehicle, if over  
53 17 years of age, application for the registration having been  
54 properly made and the fee therefor paid, and the vehicle being of

1 a type that complies with the requirements of this [subtitle]  
2 title. The form and contents of the registration certificate to be  
3 issued shall be [prescribed] determined by the director.

4 If the vehicle is a leased motor vehicle, the registration  
5 certificate shall, in addition to containing the name and street  
6 address of the lessor, identify the vehicle as a leased motor  
7 vehicle.

8 The director shall maintain a record of all registration  
9 certificates issued, and of the contents thereof.

10 Every registration shall expire and the registration certificate  
11 thereof become void on the last day of the twelfth calendar  
12 month following the calendar month in which the certificate was  
13 issued; provided, however, that the director may, at his discretion  
14 [and for good cause shown], require registrations which shall  
15 expire, and issue certificates thereof which shall become void, on  
16 a date fixed by him, which date shall not be sooner than three  
17 months nor later than [16] 26 months after the date of issuance of  
18 such certificates, and the fees for such registrations, including  
19 any other fees or charges collected in connection with the  
20 registration fee, shall be fixed by the director in amounts  
21 proportionately less or greater than the fees established [in this  
22 Title] by law. The director may fix the expiration date for  
23 registration certificates at a date other than 12 months if the  
24 director determines that the change is necessary, appropriate or  
25 convenient in order to aid in implementing the vehicle inspection  
26 requirements of chapter 8 of Title 39 or for other good cause.

27 All motorcycles for which registrations have been issued prior  
28 to the effective date of P.L.1989, c.167 and which are scheduled  
29 to expire between November 1 and March 31 shall, upon renewal,  
30 be issued registrations by the director which shall expire on a  
31 date fixed by him, but in no case shall that expiration date be  
32 earlier than April 30 nor later than October 31. The fees for the  
33 renewal of the motorcycle registrations authorized under this  
34 paragraph shall be fixed by the director in an amount  
35 proportionately less or greater than the fee established by  
36 R.S.39:3-21.

37 [The director shall issue registration certificates for the  
38 following registration period on and after the first day of the  
39 calendar month immediately preceding the commencement of  
40 such registration period, such registration certificates to be  
41 effective immediately.]

42 Application forms for all renewals of registrations for  
43 passenger automobiles shall be [mailed by the director from the  
44 central office of the division] sent to the last addresses of owners  
45 of motor vehicles and motorcycles, as they appear on the records  
46 of the division.

47 No person owning or having control over any unregistered  
48 [motor] vehicle shall permit the same to be parked or to stand on  
49 a public highway.

50 Any police officer is authorized to remove any [such]  
51 unregistered vehicle from the public highway to a storage space  
52 or garage, and the expense involved in such removal and storing  
53 of [said motor] the vehicle [to] shall be borne by the owner of  
54 [such] the vehicle, except that the expense shall be borne

1 by the lessee of a leased vehicle.

2 Any person violating the provisions of this section shall be  
3 subject to a fine not exceeding [\$100.00] \$100 , except that for  
4 the misstatement of any fact in the application required to be  
5 made to the director, the person making such statement or  
6 omitting the statement that the motor vehicle is to be used as a  
7 leased motor vehicle when that is the case shall be subject to the  
8 penalties provided in R.S.39:3-37.

9 The director may extend the expiration date of a registration  
10 certificate without payment of a proportionate fee when the  
11 director determines that such extension is necessary, appropriate  
12 or convenient to the implementation of vehicle inspection  
13 requirements. If any registration certificate is so extended, the  
14 owner shall pay upon renewal the full registration fee for the  
15 period fixed by the director as if no extension had been granted.

16 [Nothing in this section shall be construed to alter or extend  
17 the expiration date of any registration certificate issued prior to  
18 March 1, 1956.]

19 The Division of Motor Vehicles shall make a reasonable effort  
20 to notify any lessor whose name and address is on file with the  
21 division, or any other lessor the division may determine it is  
22 necessary to notify, of the requirements of this amendatory act.  
23 (cf: P.L.1993, c.125, s.2)

24 28. R.S.39:3-5 is amended to read as follows:

25 39:3-5. The [commissioner] director may refuse registration in  
26 the case of any automobile, commercial motor vehicle, trailer,  
27 semitrailer, tractor or omnibus that shall not comply with the  
28 requirements of this [subtitle] title or that shall seem to him  
29 unsuitable for use on the roads and highways of this state. The  
30 director shall deny registration to any motor vehicle that has  
31 failed to comply with applicable inspection requirements of  
32 chapter 8 of Title 39, or of any rules and regulations adopted  
33 pursuant thereto, within the time limits established by the  
34 director and to any vehicle subject to the inspection jurisdiction  
35 of the Department of Transportation that has failed to comply  
36 with the applicable inspection requirements of Titles 27 and 48 of  
37 the Revised Statutes or of any rules and regulations adopted  
38 pursuant thereto. The director may suspend or revoke the  
39 registration reciprocity privilege of any motor vehicle that has  
40 failed to undergo inspection in accordance with chapter 8 of Title  
41 39 or that is subject to the inspection jurisdiction of the  
42 Department of Transportation and has failed to undergo  
43 inspection in accordance with the requirements of Titles 27 and  
44 48 of the Revised Statutes or of any rules and regulations adopted  
45 pursuant thereto.

46 (cf: R.S. 39:3-5)

47 29. R.S.39:3-20 is amended to read as follows:

48 39:3-20. For the purpose of this [act] section , gross weight  
49 means the weight of the vehicle or combination of vehicles,  
50 including load or contents.

51 a. The director is authorized to issue registrations for  
52 commercial motor vehicles other than omnibuses or motor-drawn  
53 vehicles upon application therefor and payment of a fee based on  
54 the gross weight of the vehicle, including the gross weight

1 of all vehicles in any combination of vehicles of which the  
2 commercial motor vehicle is the drawing vehicle. The gross  
3 weight of a disabled commercial vehicle or combination of  
4 disabled commercial vehicles being removed from a highway shall  
5 not be included in the calculation of the registration fee for the  
6 drawing vehicle.

7 Except as otherwise provided in this subsection, every  
8 registration for a commercial motor vehicle other than an  
9 omnibus or motor-drawn vehicle shall expire and the certificate  
10 thereof shall become void on the last day of the eleventh  
11 calendar month following the month in which the certificate was  
12 issued; provided, however, that the director may require  
13 registrations which shall expire, and issue certificates thereof  
14 which shall become void, on a date fixed by the director, which  
15 shall not be sooner than three months or later than 26 months  
16 after the date of issuance of such certificates, and the fees for  
17 such registrations or registration applications, including any other  
18 fees or charges collected in connection with the registration fee,  
19 shall be fixed by the director in amounts proportionately less or  
20 greater than the fees established by law. The director may fix  
21 the expiration date for registration certificates at a date other  
22 than 11 months if the director determines that such change is  
23 necessary, appropriate or convenient in order to aid in  
24 implementing the vehicle inspection requirements of chapter 8 of  
25 Title 39 or for other good cause. The minimum registration fee  
26 [for registrations issued after July 1, 1984] shall be as follows:

27 For vehicles not in excess of 5,000 pounds, \$53.50.

28 For vehicles in excess of 5,000 pounds and not in excess of  
29 18,000 pounds, \$53.50 plus \$8.50 for each 1,000 pounds or portion  
30 thereof in excess of 5,000 pounds.

31 For vehicles in excess of 18,000 pounds and not in excess of  
32 50,000 pounds, \$53.50 plus \$9.50 for each 1,000 pounds or portion  
33 thereof in excess of 5,000 pounds.

34 For vehicles in excess of 50,000 pounds, \$53.50 plus \$10.50 for  
35 each 1,000 pounds or portion thereof in excess of 5,000 pounds.

36 [Commercial motor vehicles other than omnibuses or  
37 motor-drawn vehicles for which commercial motor vehicle  
38 registrations had been issued prior to the effective date of this  
39 act and which expire March 31, 1982 shall be issued commercial  
40 registrations, which, in the director's discretion, shall expire on a  
41 date to be fixed by him, which date shall not be sooner than four  
42 months nor later than 16 months following the date of issuance of  
43 the registration. The fees for such registrations shall be fixed by  
44 the director in amounts proportionately less or greater than the  
45 fees established by this subsection.]

46 b. The director is also authorized to issue registrations for  
47 commercial motor vehicles having three or more axles and a  
48 gross weight over 40,000 pounds but not exceeding 70,000 pounds,  
49 upon application therefor and proof to the satisfaction of the  
50 director that the applicant is actually engaged in construction  
51 work or in the business of supplying material, transporting  
52 material, or using such registered vehicle for construction work.

53 Except as otherwise provided in this subsection, every  
54 registration for these commercial motor vehicles shall expire and  
55 the certificate thereof shall become void on the last



1 day of the eleventh calendar month following the month in which  
2 the certificate was issued; provided, however, that the director  
3 may require registrations which shall expire, and issue  
4 certificates thereof which shall become void on a date fixed by  
5 the director, which shall not be sooner than three months or later  
6 than 26 months after the date of issuance of such certificates,  
7 and the fees for such registrations or registration applications,  
8 including any other fees or charges collected in connection with  
9 the registration fee, shall be fixed by the director in amounts  
10 proportionately less or greater than the fees established by law.  
11 The director may fix the expiration date for registration  
12 certificates at a date other than 11 months if the director  
13 determines that such change is necessary, appropriate or  
14 convenient in order to aid in implementing the vehicle inspection  
15 requirements of chapter 8 of Title 39 or for other good cause.

16 The registration fee [for registrations issued after July 1, 1984]  
17 shall be \$19.50 for each 1,000 pounds or portion thereof.

18 For purposes of calculating this fee, weight means the gross  
19 weight, including the gross weight of all vehicles in any  
20 combination of which such commercial motor vehicle is the  
21 drawing vehicle. ["Constructor" registrations issued prior to the  
22 effective date of this act, which expire June 30, 1982, shall be  
23 issued contractor vehicle registrations, which, in the director's  
24 discretion, shall expire on a date to be fixed by him, which date  
25 shall not be sooner than four months nor later than 16 months  
26 following the date of issuance of the registration. The fees for  
27 the registrations shall be fixed by the director in amounts  
28 proportionately less or greater than the fees established by this  
29 subsection.]

30 Such commercial motor vehicle shall be operated in compliance  
31 with the speed limitations of Title 39 of the Revised Statutes and  
32 shall not be operated at a speed greater than 30 miles per hour  
33 when one or more of its axles has a load which exceeds the  
34 limitations prescribed in R.S.39:3-84.

35 c. The director is also authorized to issue registrations for  
36 each of the following solid waste vehicles: two-axle vehicles  
37 having a gross weight not exceeding 42,000 pounds; tandem  
38 three-axle and four-axle vehicles having a gross weight not  
39 exceeding 60,000 pounds; four-axle tractor-trailer combination  
40 vehicles having a gross weight not exceeding 60,000 pounds.  
41 Registration is based upon application to the director and proof  
42 to his satisfaction that the applicant is actually engaged in the  
43 performance of solid waste disposal or collection functions and  
44 holds a certificate of convenience and necessity therefor issued  
45 by the [Board of Public Utilities] Department of Environmental  
46 Protection .

47 Except as otherwise provided in this subsection, every  
48 registration for a solid waste vehicle shall expire and the  
49 certificate thereof shall become void on the last day of the  
50 eleventh calendar month following the month in which the  
51 certificate was issued.

52 The registration fee shall be [\$50.00] \$50 plus \$8.50 for each  
53 1,000 pounds or portion thereof in excess of 5,000 pounds.

54 [Solid waste vehicles for which commercial motor vehicle

1 registrations had been issued prior to the effective date of this  
2 act and which shall expire June 30, 1982 shall be issued solid  
3 waste registrations, which, in the director's discretion, shall  
4 expire on a date to be fixed by him, which date shall not be  
5 sooner than four months or later than 16 months following the  
6 date of issuance of the registration. The fees for the  
7 registrations shall be fixed by the director in amounts  
8 proportionately less or greater than the fees established by this  
9 subsection.]

10 d. The director is also authorized to issue registrations for  
11 commercial motor-drawn vehicles upon application therefor. The  
12 registration year for commercial motor-drawn vehicles shall be  
13 April 1 to the following March 31 and the fee therefor shall be  
14 [\$18.00] \$18 for each such vehicle.

15 At the discretion of the director, an applicant for registration  
16 for a commercial motor-drawn vehicle may be provided the  
17 option of registering such vehicle for a period of four years. In  
18 the event that the applicant for registration exercises the  
19 four-year option, a fee of [\$64.00] \$64 for each such vehicle shall  
20 be paid to the director in advance.

21 If any commercial motor-drawn vehicle registered for a  
22 four-year period is sold or withdrawn from use on the highways,  
23 the director may, upon surrender of the vehicle registration and  
24 plate, refund [\$16.00] \$16 for each full year of unused prepaid  
25 registration.

26 e. It shall be unlawful for any vehicle or combination of  
27 vehicles registered under this act, having a gross weight,  
28 including load or contents, in excess of the gross weight provided  
29 on the registration certificate to be operated on the highways of  
30 this State.

31 The owner, lessee, bailee or any one of the aforesaid of a  
32 vehicle or combination of vehicles, including load or contents,  
33 found or operated on any public road, street or highway or on any  
34 public or quasi-public property in this State with a gross weight  
35 of that vehicle or combination of vehicles, including load or  
36 contents, in excess of the weight limitation permitted by the  
37 certificate of registration for the vehicle or combination of  
38 vehicles, pursuant to the provisions of this section, shall be  
39 assessed a penalty of [\$500.00] \$500 plus an amount equal to  
40 [\$100.00] \$100 for each 1,000 pounds or fractional portion of  
41 1,000 pounds of weight in excess of the weight limitation  
42 permitted by the certificate of registration for that vehicle or  
43 combination of vehicles. A vehicle or combination of vehicles for  
44 which there is no valid certificate of registration is deemed to  
45 have been registered for zero pounds for the purposes of the  
46 enforcement of this act, in addition to any other violation of this  
47 Title, but is not deemed to be lawfully or validly registered  
48 pursuant to the provisions of this Title.

49 This section shall not be construed to supersede or repeal the  
50 provisions of section 39:3-84, 39:4-75, or 39:4-76 of this Title.

51 f. In addition to the registration fees imposed pursuant to this  
52 section, the director shall impose and collect an additional fee of  
53 \$35 for every registration for a commercial motor vehicle, other  
54 than an omnibus, motor-drawn vehicle or non-commercial truck

1 registered pursuant to section 2 of P.L.1968, c.439 (C.39:3-8.1),  
2 having a gross weight of 10,000 pounds or more. All fees  
3 collected by the director shall be forwarded to the State  
4 Treasurer for deposit in a special nonlapsing fund. Moneys in the  
5 fund shall be used exclusively by the Department of Law and  
6 Public Safety for enforcement of laws and regulations governing  
7 commercial motor vehicles, except that the fees collected shall  
8 be allocated first to the division to defray the costs necessary to  
9 implement the provisions of this subsection.

10 (cf: P.L.1994, c.60, s.32)

11 30. Section 1 of P.L.1944, c.228 (C.39:3-22.1) is amended to  
12 read as follows:

13 1. Any person, who has entered or shall enter into active  
14 service in any branch of the naval or military forces of the  
15 United States and who has or shall have registered his motor  
16 vehicle in this State for any registration [year] period, shall be  
17 entitled to a refund on the registration fee paid for such vehicle  
18 for [said year which shall be one-twelfth of the registration fee  
19 so paid times] the number of full months remaining of the  
20 registration [year] period for which the vehicle will not be  
21 operated on the public highways of this or any other State;  
22 provided, that such person makes written application to the  
23 [commissioner] director for such refund, under oath, in such form  
24 as the [commissioner] director shall require and surrenders the  
25 certificate of registration and license plates of such motor  
26 vehicle.

27 (cf: P.L.1944, c.228, s.1)

28 31. R.S.39:3-25 is amended to read as follows:

29 39:3-25. In addition to the motor vehicle licenses authorized  
30 to be issued pursuant to the provisions of this chapter, the  
31 director shall issue, upon application therefor, a license plate for  
32 trucks marked "farmer," which shall be issued upon evidence  
33 satisfactory to the director that the applicant is a farmer and is  
34 actually engaged in the growing, raising and producing of farm  
35 products as an occupation. License plates issued under authority  
36 of this section shall be placed upon motor trucks engaged  
37 exclusively in the carrying or transportation of applicant's farm  
38 products, raised or produced on his farm, and farm supplies, and  
39 not engaged in hauling for hire.

40 Applicants for license plates herein authorized shall pay a  
41 registration fee of [\$25.00] \$25 plus \$4.25 for each 1,000 pounds  
42 or portion thereof in excess of 5,000 pounds. If the registration  
43 cycle established by the director is for more or less than 11  
44 months, applicants shall pay amounts proportionately less or  
45 greater than the fees established by law.

46 Except as otherwise provided in this section, every registration  
47 for a farm truck shall expire and the certificate thereof shall  
48 become void on the last day of the eleventh calendar month  
49 following the month in which the certificate was issued; except  
50 that the director may require registrations which shall expire,  
51 and issue certificates thereof which shall become void, on a date  
52 fixed by the director, which shall not be sooner than three months  
53 or later than 26 months after the date of issuance of such  
54 certificates, and the fees for such registrations, including any

1 other fees or charges collected in connection with the  
2 registration fee, shall be fixed by the director in amounts  
3 proportionately less or greater than the fees established by law.  
4 The director may fix the expiration date for registration  
5 certificates at a date other than 11 months if the director  
6 determines that such change is necessary, appropriate or  
7 convenient in order to aid in implementing the vehicle inspection  
8 requirements of chapter 8 of Title 39 or for other good cause.

9 [Farm trucks for which farm truck registrations had been  
10 issued prior to the effective date of this act and which expire  
11 June 30, 1982 shall be issued registrations, which, in the  
12 director's discretion, shall expire on a date to be fixed by him,  
13 which date shall not be sooner than four months nor later than 16  
14 months following the date of issuance of the registration. The  
15 fees for such registrations shall be fixed by the director in  
16 amounts proportionately less or greater than the fees established  
17 by this section.]

18 The term "farmer" as used in this section means any person  
19 engaged in the commercial raising, growing and producing of  
20 farm products on a farm not less than five acres in area, and who  
21 does not engage in the business of buying farm products for  
22 resale; and the term "farm products" means any crop, livestock  
23 or fur products.

24 (cf: P.L.1984, c.73, s.33)

25 32. R.S.39:3-27 is amended to read as follows:

26 39:3-27. No fee shall be charged for the registration of motor  
27 vehicles not used for pleasure or hire, owned by the United  
28 States, the State of New Jersey, a municipality, county, Regional  
29 Air Pollution Control Agency, Passaic Valley Sewerage  
30 Commissioners, North Jersey District Water Supply Commission,  
31 a county improvement authority created under the "county  
32 improvement authorities law" (P.L.1960, c.183), a local school  
33 district, a regional school district, a county vocational or  
34 technical school, a duly authorized volunteer fire department, a  
35 duly authorized volunteer first aid, rescue or emergency squad,  
36 any duly recognized auxiliary or reserve police organization of  
37 any municipality, hospital, humane society, and anticruelty  
38 society in this State, New Jersey wing of the Civil Air Patrol  
39 incorporated by the Act of July 1946 (Public Law 476-79th  
40 Congress), the American Red Cross, chartered local councils in  
41 New Jersey of the Boy Scouts of America or the Girl Scouts of  
42 the United States of America, chartered local councils in New  
43 Jersey of the Boys' Clubs of America or the Girls' Clubs of  
44 America, or chartered local organizations of the Police Athletic  
45 League or for the registration of ambulances owned by any  
46 nonprofit organization. These vehicles shall be registered and  
47 display number plates as provided in this [subtitle] title or the  
48 director may, in his discretion, issue special registration  
49 certificates and special number plates for any of these motor  
50 vehicles which shall be valid for such motor vehicle [until the  
51 transfer of ownership or the destruction of such motor vehicle, at  
52 which time the special registration shall expire] for a period fixed  
53 by the director which may correspond with the inspection  
54 expiration date applicable to such vehicles, which date shall not

1 be later than 26 months after the date of issuance of such  
2 certificates. Upon the expiration or nonrenewal of any special  
3 registration the registration certificate and special number  
4 marker shall be returned to the director; provided, however, upon  
5 proper application to the director the special registration and  
6 special number marker may be transferred to another motor  
7 vehicle acquired by the owner to whom the special registration  
8 and marker were issued.

9 (cf: P.L.1983, c.228, s.1)

10 33. Section 2 of P.L.1981, c.139 (C.39:3-27.19) is amended to  
11 read as follows:

12 2. The Director of the Division of Motor Vehicles may issue,  
13 upon application on a form [prescribed] prepared by him, a  
14 registration certificate and registration plates for commuter vans  
15 as the application may indicate is warranted in accordance with  
16 the definition of these vehicles contained in R.S.39:1-1 for the  
17 [annual] registration period as fixed by the director.

18 For each vehicle used as a commuter van the applicant for the  
19 registration thereof shall pay an annual fee of [\$50.00] \$50 or, if  
20 the registration is not annual, the fee shall be fixed by the  
21 director in an amount proportionately less or greater than \$50  
22 and proportionately less or greater than any other fees or charges  
23 imposed by law and collected in connection with the registration  
24 fee. [Any such applicant shall receive a credit for the unexpired  
25 portion of his registration for any vehicle covered under this act  
26 which has been issued prior to the effective date of this act on  
27 the basis of one-twelfth of the registration fee he has paid for  
28 each month remaining in such registration year.]

29 The director shall design a plate to identify a vehicle as a  
30 commuter van.

31 (cf: P.L.1981, c.139, s.2)

32 34. R.S.39:3-30 is amended to read as follows:

33 39:3-30. Upon the transfer of ownership or the destruction of  
34 any motor vehicle or vehicle its registration shall become void.  
35 If the motor vehicle or vehicle is sold the original owner shall  
36 remove the license plates therefrom, and[, within 48 hours, notify  
37 the director of the name and address of the purchaser] surrender  
38 them to the division in a manner specified by the director if such  
39 plates are not transferred to another vehicle pursuant to this  
40 section.

41 The original owner may, by proper sworn application on a form  
42 to be furnished by the division, register another motor vehicle for  
43 the unexpired portion of the registration period of the original  
44 vehicle [, upon payment of] . A person applying to use the  
45 unexpired portion of a registration under this section shall pay a  
46 fee of \$4.50 if the vehicle is of a weight or other classification  
47 equal with or less than the one originally registered, and [upon  
48 the payment of] shall pay a fee of \$4.50 and the difference  
49 between the fee originally paid and that due if the new motor  
50 vehicle is properly registerable in a higher class. Unless the  
51 original license plates have been destroyed, the owner shall be  
52 assigned the license number previously issued to him and shall  
53 receive a new registration certificate. If the original license  
54 plates have been destroyed, replacement of the plates will be  
55 made under the provisions of R.S.39:3-32.

1 The surviving husband, wife, child or children of a deceased  
2 registered owner of any motor vehicle in whom title thereto shall  
3 vest by virtue of the terms of the will of such deceased owner, or  
4 otherwise, shall, upon application to the director, and upon the  
5 payment of a fee of \$4.50, be entitled to have the registration of  
6 such vehicle transferred to his or her name.

7 The registered owner of any motor vehicle shall, upon  
8 application to the director, and payment of a fee of \$4.50, be  
9 entitled to have the vehicle registered jointly in the name of the  
10 registered owner and the spouse of said owner. The registration  
11 certificate and certificate of ownership shall be amended  
12 accordingly without the payment of any additional fee.  
13 (cf: P.L.1978, c.96, s.1)

14 35. R.S.39:3-37 is amended to read as follows:

15 39:3-37. A person who gives a fictitious name or address or  
16 makes any other intentional misstatement of a material fact in  
17 [his] an application for registration of a motor vehicle , an  
18 application for a waiver pursuant to section 15 of P.L. , c.   
19 (C. ) (now before the Legislature as this bill) of the emission  
20 standards requirement, or an application for a driver's license or  
21 in a preliminary application, examination or proceeding, or a  
22 person who knowingly sells, loans or gives an identification  
23 document to another person for the purpose of aiding that person  
24 to obtain a driver's license [or], registration certificate or waiver  
25 certificate for which that person is not qualified, shall be subject  
26 to a fine of not less than [\$200.00] \$200 or more than [\$500.00]  
27 \$500, or imprisonment for not more than six months or both, at  
28 the discretion of the court. The director shall, upon proper  
29 evidence not limited to a conviction, revoke the registration of  
30 the motor vehicle or driver's license of a person who violates this  
31 section for a period of not less than six months or more than two  
32 years.

33 (cf: P.L.1989, c.298, s.1)

34 36. Section 11 of P.L.1968, c.410 (C.52:14B-11) is amended to  
35 read as follows:

36 11. No agency shall revoke or refuse to renew any license  
37 unless it has first afforded the licensee an opportunity for hearing  
38 in conformity with the provisions of this act applicable to  
39 contested cases. If a licensee has, in accordance with law and  
40 agency rules, made timely and sufficient application for a  
41 renewal, his license shall not expire until his application has been  
42 finally determined by the agency. Any agency that has authority  
43 to suspend a license without first holding a hearing shall promptly  
44 upon exercising such authority afford the licensee an opportunity  
45 for hearing in conformity with the provisions of this act.

46 This section shall not apply (1) where a statute provides that an  
47 agency is not required to grant a hearing in regard to revocation,  
48 suspension or refusal to renew a license, as the case may be; or  
49 (2) where the agency is required by any law to revoke, suspend or  
50 refuse to renew a license, as the case may be, without exercising  
51 any discretion in the matter, on the basis of a judgment of a  
52 court of competent jurisdiction; or (3) where the suspension or  
53 refusal to renew is based solely upon failure of the licensee to  
54 maintain insurance coverage as required by any law or regulation;

1 or (4) where the suspension or refusal to renew a motor vehicle  
2 registration is based upon the failure of the vehicle to be  
3 presented for inspection or to satisfy the inspection requirements  
4 of chapter 8 of Title 39 of the Revised Statutes.

5 (cf: P.L.1968, c.410, s.11)

6 37. Section 1 of P.L.1966, c.16 (C.26:2C-8.1) is amended to  
7 read as follows:

8 1. a. The department, after consultation with the Director of  
9 the Division of Motor Vehicles, shall have the power to formulate  
10 and promulgate, amend and repeal codes, rules and regulations  
11 establishing standards and requirements for the control of air  
12 contaminants from motor vehicles.

13 b. The department, after consultation with the Director of the  
14 Division of Motor Vehicles, shall adopt rules and regulations,  
15 consistent with the federal Clean Air Act, establishing exhaust  
16 emission standards and test methods and standards for emission  
17 control apparatus and related items. The department shall not  
18 require the "I/M 240" test, but shall adopt an alternative test  
19 that is acceptable to the United States Environmental Protection  
20 Agency. The department may provide that the standards and test  
21 methods vary according to the model year, type, or other vehicle  
22 characteristic that the department deems necessary to facilitate  
23 inspections or to comply with the federal Clean Air Act. The  
24 emission standards and test methods adopted pursuant to this  
25 subsection shall not set any quota for emission test failures and  
26 shall not require the failure of motor vehicles at any  
27 predetermined rate. This subsection shall not preclude the use of  
28 the "I/M 240" test in sampling for performance evaluation only or  
29 the use of the test at the option of a private inspection facility.

30 c. Within one year of the effective date of P.L. , c.  
31 (C. ) (now before the Legislature as this bill) the Department  
32 of Transportation and the Department of Environmental  
33 Protection, in conjunction with the Department of Law and  
34 Public Safety and in consultation with the New Jersey Institute of  
35 Technology, shall:

36 (1) Develop and implement a program for the roadside  
37 enforcement of smoke opacity and air pollutant standards for all  
38 classes of motor vehicles with a gross vehicle weight greater than  
39 18,000 pounds; and

40 (2) Develop a program for the roadside enforcement of smoke  
41 opacity and air pollutant standards for all classes of motor  
42 vehicles with a gross vehicle weight greater than 8,500 pounds  
43 and less than or equal to 18,000 pounds, and provide a written  
44 report on the feasibility of implementation of this program and  
45 reasonable timeframes for that implementation to the Senate  
46 Natural Resources, Trade and Economic Development Committee  
47 and to the Assembly Environment and Energy Committee, or to  
48 their successors.

49 Motor vehicles used for construction or farming purposes may  
50 be exempted from these programs at the discretion of the  
51 Commissioner of Environmental Protection, except that buses  
52 and other commercial motor vehicles shall not be exempted.

53 A roadside inspection of a bus to enforce smoke opacity and air  
54 pollutant standards adopted pursuant to this section shall be  
55 conducted only in conjunction with a roadside safety inspection

1 that is conducted pursuant to law, rule or regulation.

2 (cf: P.L.1967, c.106, s.11)

3 38. Section 2 of P.L.1966, c.16 (C.26:2C-8.2) is amended to  
4 read as follows:

5 2. Any code, rule or regulation establishing standards and  
6 requirements for the control of air contaminants from motor  
7 vehicles shall be applicable to such classification of motor  
8 vehicles as the department shall determine to be necessary to  
9 carry out the purpose of [this act and shall apply to such motor  
10 vehicles not earlier than 180 days following the date of adoption]  
11 P.L.1966, c.16 (C.26:2C-8.1 et seq.).

12 (cf: P.L.1967, c.106, s.12)

13 39. Section 9 of P.L.1954, c.212 (C.26:2C-9) is amended to  
14 read as follows:

15 9. a. The department shall conduct ambient air quality tests,  
16 on at least a monthly basis and wherever possible in conjunction  
17 with the county college or other county facility, which are  
18 representative of every county of the State. The department  
19 shall report the results of these tests to the county health  
20 officers, the Legislature, and the news media.

21 b. The department shall control air pollution in accordance  
22 with the provisions of any applicable code, rule or regulation  
23 promulgated by the department and for this purpose shall have  
24 power to[--

25 (a)] :

26 (1) Conduct and supervise research programs for the purpose  
27 of determining the causes, effects and hazards of air pollution;

28 [(b)] (2) Conduct and supervise Statewide programs of air  
29 pollution control education including the preparation and  
30 distribution of information relating to air pollution control;

31 [(c)] (3) Require the registration of persons engaged in  
32 operations which may result in air pollution and the filing of  
33 reports by them containing information relating to location, size  
34 of outlet, height of outlet, rate and period of emission and  
35 composition of effluent, and such other information as the  
36 department shall prescribe to be filed relative to air pollution, all  
37 in accordance with applicable codes, rules or regulations  
38 established by the department;

39 [(d)] (4) Enter and inspect any building or place, except private  
40 residences, for the purpose of investigating an actual or  
41 suspected source of air pollution and ascertaining compliance or  
42 noncompliance with any code, rules and regulations of the  
43 department. Any information relating to secret processes or  
44 methods of manufacture or production obtained in the course of  
45 such inspection, investigation or determination, shall be kept  
46 confidential and shall not be admissible in evidence in any court  
47 or in any other proceeding except before the department as  
48 herein defined. If samples are taken for analysis, a duplicate of  
49 the analytical report shall be furnished promptly to the person  
50 suspected of causing air pollution;

51 [(e)] (5) Receive or initiate complaints of air pollution, hold  
52 hearings in connection with air pollution and institute legal  
53 proceedings for the prevention of air pollution and for the  
54 recovery of penalties, in accordance with this act;



1     [(f)] (6) With the approval of the Governor, cooperate with, and  
 2     receive money from, the federal government, the State  
 3     government, or any county or municipal government or from  
 4     private sources for the study and control of air pollution;

5     [(g)] (7) The department may in accordance with a fee schedule  
 6     adopted as a rule or regulation establish and charge fees for any  
 7     of the services it performs, which fees shall be annual or periodic  
 8     as the department shall determine. The fees charged by the  
 9     department pursuant to this section shall not be less than [\$10.00]  
 10    \$10 nor more than [\$500.00] \$500 based on criteria contained in  
 11    the fee schedule.

12    (cf: P.L.1993, c.257, s.1)

13    40. The following language in section 1 of P.L.1994, c.67, the  
 14    fiscal year 1995 annual appropriations act, at page 156, is  
 15    amended to read as follows:

16    1.

## CAPITAL CONSTRUCTION

### 66 DEPARTMENT OF LAW AND PUBLIC SAFETY

#### 10 Public Safety and Criminal Justice

#### 11 Vehicular Safety

22    The amount hereinabove for Reserve for Clean Air Act  
 23    Implementation shall only be expended upon the approval of the  
 24    Director of the Division of Budget and Accounting and the Joint  
 25    Budget Oversight Committee; provided however, that there are  
 26    allocated from the Reserve for Clean Air Act Implementation  
 27    account without such approval the amount of \$100,000 to the  
 28    Bureau of Research, Division of Design and Right of Way, in the  
 29    Department of Transportation to conduct a study of the use of  
 30    drones to monitor air quality and of devices that reduce  
 31    pollutants in the air through the modification of a vehicle exhaust  
 32    system or fuel intake system, and the amount of \$100,000 for  
 33    grants to the Environmental and Occupational Health Sciences  
 34    Institute of Rutgers, the State University, to study the health  
 35    effects of federally mandated reformulated fuels on service  
 36    station attendants and motorists, and to the New Jersey Institute  
 37    of Technology, to study the fuel efficiency of federally mandated  
 38    reformulated fuels, the amount of which grants shall be  
 39    determined by the Secretary of State.

40    (cf: P.L.1994, c.67, s.1)

41    41. This act shall take effect immediately.

46    "Federal Clean Air Mandate Compliance Act."

SENATE, No. 1700  
STATE OF NEW JERSEY

INTRODUCED DECEMBER 19, 1994

By Senators LITTELL, BENNETT and Kyrillos

1   **AN ACT** concerning motor vehicle inspection and registration,  
2       amending P.L.1994, c.67, the fiscal year 1995 annual  
3       appropriations act, and amending, supplementing and repealing  
4       various parts of the statutory law.

5

6       **BE IT ENACTED** *by the Senate and General Assembly of the*  
7       *State of New Jersey:*

8       1. (New section) Sections 1 through 17 of this act shall be  
9       known and may be cited as the "Federal Clean Air Mandate  
10      Compliance Act."

11      2. (New section) The Legislature finds and declares that the  
12      federal Clean Air Act requires states that have been determined  
13      to be in nonattainment for certain ambient air quality standards  
14      to take extraordinary measures to reduce air emissions; and that  
15      among these measures is an enhanced motor vehicle inspection  
16      and maintenance program.

17      The Legislature further finds and declares that the standards  
18      established by the United States Environmental Protection  
19      Agency are based on computer modeling and not on scientific  
20      testing; that the requirements of the Environmental Protection  
21      Agency regulations therefore may not achieve the federal  
22      emission reduction goals for New Jersey; and that officials of the  
23      Environmental Protection Agency have recently expressed a  
24      greater flexibility in allowing states to make certain decisions in  
25      the implementation of this enhanced inspection and maintenance  
26      program.

27      The Legislature further finds and declares that the inspection  
28      and maintenance program being imposed by the Environmental  
29      Protection Agency pursuant to the federal law will be expensive  
30      and burdensome on the citizens of this State, but that the  
31      alternative to adopting this program is a series of federal  
32      sanctions that would result in the loss of federal highway monies,  
33      more stringent permitting criteria for industry and the imposition  
34      of an air pollution control program by the Environmental  
35      Protection Agency.

36      The Legislature further finds and declares that it would not  
37      adopt this enhanced motor vehicle inspection and maintenance  
38      program if the federal government were not forcing such action  
39      by the threat of the above-mentioned sanctions.

40      The Legislature further finds and declares that the current  
41      motor vehicle inspection system is already a burden on the  
42      citizens of New Jersey and that the Legislature shall take this

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 opportunity to improve the existing system through competitive  
2 contracting or by privatizing motor vehicle inspections and  
3 making other necessary legislative reforms to the provisions of  
4 Title 39 of the Revised Statutes.

5 The Legislature therefore determines that an enhanced  
6 inspection and maintenance program shall be adopted, and that  
7 this inspection and maintenance program shall be as  
8 consumer-friendly as possible and shall not require the "I/M 240"  
9 test.

10 3. (New section) As used in chapter 8 of Title 39 of the  
11 Revised Statutes:

12 "Certificate of Approval" means a document, in a form  
13 determined by the director, issued in accordance with guidelines  
14 set by the division certifying that a motor vehicle complies with  
15 the requirements of Title 39 and Title 26 of the Revised Statutes  
16 and the regulations regarding the inspection of motor vehicles  
17 adopted pursuant thereto;

18 "Director" means the Director of the Division of Motor  
19 Vehicles in the Department of Law and Public Safety;

20 "Division" means the Division of Motor Vehicles in the  
21 Department of Law and Public Safety;

22 "Federal Clean Air Act" means the federal "Clean Air Act,"  
23 42 U.S.C. §7401 et seq., and any subsequent amendments or  
24 supplements to that act;

25 "Gross weight" means gross vehicle weight rating, as that term  
26 is defined in section 3 of P.L.1990, c.103 (C.39:3-10.11);

27 "I/M 240" means a test using computerized analyzer equipment  
28 designed to measure air pollutants emitted from motor vehicles  
29 during transient conditions as the motor vehicle is operated on a  
30 dynamometer according to a computer-simulated driving cycle  
31 for a period of time exceeding one minute;

32 "Official inspection facility" means a test-only inspection  
33 facility that the State Treasurer has contracted for pursuant to  
34 subsection a. of R.S.39:8-2; and

35 "Private inspection facility" means an inspection facility  
36 licensed by the director pursuant to section 5 of P.L. , c.  
37 (C. ) (now before the Legislature as this bill).

38 4. (New section) a. (1) The State Treasurer, in consultation  
39 with the Commissioner of Environmental Protection and the  
40 Commissioner of Transportation, shall enter into a contract or  
41 contracts with a private contractor or contractors for the design,  
42 construction, renovation, equipment, establishment, maintenance,  
43 and operation of official inspection facilities and other aspects of  
44 the inspection and maintenance program. A contract required by  
45 this subsection may include the purchase, lease or sale of an  
46 interest in real or personal property. The State Treasurer is  
47 authorized to exercise all authority of the Directors of the  
48 Division of Purchase and Property and of the Division of Building  
49 and Construction to award the contract or contracts required by  
50 this section as a single contract, multiple branch contracts or  
51 multiple single contracts. Any contract awarded pursuant to this  
52 section shall be awarded in accordance with the provisions of  
53 P.L.1954, c.48 (C.52:34-6 et seq.) and regulations promulgated  
54 pursuant to that act. The provisions of R.S.52:32-2 shall not

1 apply to any contract required by this subsection.

2 (2) Notwithstanding the provisions of chapter 35 of Title 52 of  
3 the Revised Statutes, the State Treasurer is not required to limit  
4 bids to persons who are prequalified. The State Treasurer is  
5 authorized to require each person who submits a bid for a  
6 contract pursuant to this subsection to submit statements under  
7 oath in response to a questionnaire that develops fully that  
8 person's financial ability, adequacy of plant and equipment,  
9 organization, prior experience and any other facts pertinent and  
10 material to qualification, including qualification of any  
11 subcontractors, for the contract sought. Any such questionnaire  
12 required shall be standardized with respect to, and set forth in,  
13 each invitation to bid.

14 (3) Any other provision of law to the contrary notwithstanding,  
15 and subject to guidelines for conflict of interest established by  
16 the Attorney General, for the purposes of this section a State  
17 officer or employee or a group of State officers or employees  
18 may enter into a contract or contracts as a private contractor.

19 (4) A contractor for the operation of an official inspection  
20 facility, or any of its officers or employees, may not be engaged  
21 in the business of selling, maintaining, or repairing motor vehicles  
22 or selling motor vehicle replacement or repair parts. A  
23 contractor's employees shall not be deemed employees of the  
24 State for any purpose.

25 b. A contract for the operation of an official inspection  
26 facility shall provide for motor vehicle inspection services that  
27 are consumer-friendly to the maximum extent feasible. The  
28 contract shall at a minimum specify that:

29 (1) New or relocated inspection facilities shall be sited close  
30 to population centers, but in locations that remain convenient for  
31 suburban and rural residents, and shall be sited Statewide so that  
32 90 percent of motor vehicle owners or lessees reside within 12  
33 miles of an inspection facility;

34 (2) An inspection facility shall be open for inspections,  
35 exclusive of holidays, at least 45 hours each week from Monday  
36 through Friday, and at least 30 hours each week prior to 9:00 am  
37 or after 5:00 pm on weekdays or on the weekend, except that the  
38 facility may lessen or expand these hours based on the results of  
39 a survey of persons who use the facility for motor vehicle  
40 inspections;

41 (3) An inspection facility shall maintain a climate-controlled  
42 waiting area for persons whose motor vehicles are being  
43 inspected;

44 (4) The average daily wait time at an inspection facility for a  
45 motor vehicle inspection shall not exceed 15 minutes, except that  
46 during the five busiest days of the month the average daily wait  
47 time shall not exceed 30 minutes. The contractor shall pay \$500  
48 per day for each lane at which more than 10 percent of the motor  
49 vehicles have wait times exceeding 30 minutes, which amount  
50 shall be paid to the State Treasurer and deposited in the General  
51 Fund;

52 (5) At least one lane at each inspection facility shall be  
53 reserved to the extent practicable for reinspections, although this  
54 lane may be opened to regular inspections whenever there are no

1 reinspections being performed;

2 (6) The number of inspection lanes proposed by the State to be  
3 constructed may be increased to avoid exceeding the wait times  
4 specified in paragraph (4) of this subsection only if the contractor  
5 can show that this increase is more cost-effective than extending  
6 the hours of operation;

7 (7) A toll-free telephone number and a network of  
8 computerized signs shall be established, and public service  
9 announcements shall be aired to advise motorists of the length of  
10 lines at inspection facilities. Periodic surveys concerning hours  
11 and methods of operation shall be conducted. Each person who  
12 arrives at a facility for an inspection shall be provided with a  
13 written document containing the following statement:

14 "The motor vehicle emission test being conducted at this  
15 facility has been imposed on the residents of this State by an act  
16 of the Congress of the United States and the regulations of the  
17 United States Environmental Protection Agency."

18 In addition, the written document shall include the address of  
19 the Administrator of the federal Environmental Protection  
20 Agency and of each member of Congress elected from this State.

21 A contractor shall spend not less than one percent of its  
22 operating budget to provide an ongoing public information  
23 program; and

24 (8) The contractor shall offer full-time employment to a  
25 portion of the number of qualified full-time motor vehicle  
26 inspectors whose positions with the division are terminated as a  
27 result of P.L. , c. (C. )(now before the Legislature as this  
28 bill), which portion shall be proportionate to the number of  
29 official inspection facility emission inspections in the State to be  
30 performed by that contractor.

31 c. The director shall adopt, pursuant to the "Administrative  
32 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regulations  
33 to establish the conduct of inspections by any persons selected by  
34 the State pursuant to subsection a. of this section, and may issue  
35 directives or guidelines or enter into contracts or agreements for  
36 the oversight and regulation of any persons selected by the State  
37 pursuant to subsection a. of this section. The director may  
38 establish the maximum amount that may be charged for a service  
39 provided by a contractor pursuant to subsection a. of this  
40 section. Data generated at any inspection facility shall be the  
41 property of the State and shall be fully accessible to the division  
42 at any time.

43 5. (New section) a. (1) The director, after appropriate  
44 inquiry and investigation, may license persons to operate private  
45 inspection facilities to inspect initially, reinspect and certify  
46 such categories of vehicles as determined by the director with  
47 the concurrence of the Department of Environmental Protection.  
48 A person shall not be licensed unless qualified to conduct the  
49 inspections and reinspections, and in possession of the necessary  
50 equipment.

51 (2) For purposes of complying with the federal Clean Air Act  
52 and the applicable performance standards established by the  
53 United States Environmental Protection Agency for inspection  
54 and maintenance programs, the director, by regulation with the

1 concurrence of the Department of Environmental Protection,  
2 may establish a limited number of distinct classes of licenses,  
3 may restrict the activities authorized by each distinct class of  
4 license, including restrictions as to the vehicles that may be  
5 inspected or reinspected, and may restrict the services that  
6 holders of each class may perform in addition to the activities  
7 authorized by the license.

8 b. (1) The director may license as a private inspection facility  
9 any person that is the owner or lessee of 10 or more motor  
10 vehicles to initially inspect, reinspect and certify vehicles that  
11 the person owns or leases.

12 (2) For purposes of complying with the federal Clean Air Act  
13 and the applicable performance standards established by the  
14 United States Environmental Protection Agency for inspection  
15 and maintenance programs, the director, by regulation with the  
16 concurrence of the Department of Environmental Protection,  
17 may restrict the activities authorized by a license issued pursuant  
18 to this subsection, including restrictions as to the vehicles that  
19 may be inspected or reinspected, and may restrict the services  
20 that holders of this license may perform in addition to the  
21 activities authorized by the license.

22 c. The director shall require a private inspection facility  
23 licensee to have in effect at all times liability insurance or such  
24 other proof of financial responsibility as the director may  
25 prescribe; and may require a performance bond.

26 d. The director shall prescribe the form and content of the  
27 application for a private inspection facility license, and may  
28 charge a nonrefundable application fee not to exceed \$20. The  
29 director may charge a license fee, not to exceed \$250, to be paid  
30 by a person for each year or part of a year in which that person  
31 holds a private inspection facility license. All fees collected  
32 pursuant to this subsection shall be paid to the State Treasurer  
33 and deposited in the "Federal Motor Vehicle Inspection Program  
34 Fund" established pursuant to subsection j. of R.S.39:8-2.

35 6. (New section) a. Whenever a private inspection facility  
36 licensee conducts an initial inspection, the private inspection  
37 facility shall either reject the vehicle or certify that the vehicle  
38 was inspected pursuant to chapter 8 of Title 39 of the Revised  
39 Statutes and was found to conform to the standards established  
40 by law and regulation. When a vehicle is reinspected, the private  
41 inspection facility licensee shall either reject the vehicle or  
42 certify that the items for which a vehicle was initially rejected  
43 conform to the standards established by law and regulation. The  
44 certification shall be evidenced by a private inspection  
45 certificate of approval placed on the vehicle as prescribed by the  
46 director.

47 b. A private inspection facility licensee may charge an amount  
48 approved by and on file with the director for initial inspection,  
49 reinspection, and certification of a vehicle, which amount shall  
50 be subject to any maximum limits that may be established by the  
51 director by regulation. The director may establish maximum  
52 amounts that may be charged for initial inspection or  
53 reinspection based on the average length of time required to

1 inspect a vehicle or reinspect a specific rejected item.

2 c. A private inspection facility licensee shall post a schedule  
3 of charges for initial inspection, reinspection and certification in  
4 a prominent place on the premises, and shall file a copy thereof  
5 with the director.

6 d. A private inspection facility licensee shall not require, as a  
7 condition of performing an inspection, that any needed repairs or  
8 adjustments be done by the licensee or at a specific facility  
9 identified by the licensee or by an agent thereof.

10 7. (New section) a. The director shall provide each private  
11 inspection facility with as many certificates of approval and  
12 rejection stickers as may be required and may charge the private  
13 inspection facility licensee a fee of \$1 for each certificate or  
14 sticker. There shall be no refund for expired or unused  
15 certificates or stickers. All fees collected pursuant to this  
16 subsection shall be paid to the State Treasurer and deposited in  
17 the "Federal Motor Vehicle Inspection Program Fund" established  
18 pursuant to subsection j. of R.S. 39:8-2. Every private inspection  
19 facility licensee shall:

20 (1) Keep such records of inspections and reinspections and of  
21 certificates and stickers issued in such form as the director may  
22 determine;

23 (2) Make such records available to the director upon demand;

24 (3) Institute such safeguards to secure the certificates and  
25 stickers from theft, loss or fraudulent use as the director may  
26 prescribe;

27 (4) Return any unused expired certificates or stickers to the  
28 director; and

29 (5) Upon request account to the director for all certificates  
30 and stickers.

31 b. An owner or operator of a private inspection facility that  
32 for any reason, including but not limited to theft, destruction,  
33 loss, or damage, does not upon request either promptly return or  
34 properly account for a certificate or sticker shall be liable to a  
35 civil penalty of not less than \$100 for each such certificate or  
36 sticker, to be collected in a civil action commenced by the  
37 director. Any penalty imposed pursuant to this subsection may be  
38 collected with costs in a summary proceeding pursuant to "the  
39 penalty enforcement law," N.J.S.2A:58-1 et seq. The Superior  
40 Court and the municipal court shall have jurisdiction to enforce  
41 the provisions of "the penalty enforcement law" in connection  
42 with this subsection. Any fine collected pursuant to this  
43 subsection shall be paid to the State Treasurer and deposited in  
44 the "Federal Motor Vehicle Inspection Program Fund" established  
45 pursuant to subsection j. of R.S.39:8-2.

46 8. (New section) A person who affixes a private inspection  
47 certificate of approval or a waiver certificate to a motor vehicle  
48 without having properly inspected the vehicle or without having  
49 determined that the condition of the vehicle conforms to  
50 standards established by law or regulation shall be liable to a civil  
51 penalty of not less than \$500, to be collected in a civil action  
52 commenced by the director. Any penalty imposed pursuant to  
53 this section may be collected with costs in a summary proceeding  
54 pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et

1 seq. The Superior Court and the municipal court shall have  
2 jurisdiction to enforce the provisions of "the penalty enforcement  
3 law" in connection with this section. A private inspection  
4 facility licensee shall be severally liable for any violation of this  
5 section by any person employed by or under contract with the  
6 private inspection facility licensee. Any fine collected pursuant  
7 to this section shall be paid to the State Treasurer and deposited  
8 in the "Federal Motor Vehicle Inspection Program Fund"  
9 established pursuant to subsection j. of R.S. 39:8-2.

10 In addition to any civil penalty imposed, the director may  
11 suspend the license of a private inspection facility that violates  
12 this section for a period of not less than six months. The director  
13 may also file an action in Superior Court to enjoin any violation  
14 of this section.

15 9. (New section) a. The director may, pursuant to the  
16 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
17 seq.), deny, suspend or revoke any license authorized to be issued  
18 by this chapter or refuse renewal thereof for cause, including but  
19 not limited to one or more of the following:

20 (1) Violation of any provision of P.L. , c. (C. )(now before  
21 the Legislature as this bill) or of any regulation adopted pursuant  
22 thereto;

23 (2) Fraud or misrepresentation in securing the license or in the  
24 conduct of the licensed activity;

25 (3) Making initial inspection or reinspection service charges in  
26 excess of those posted on the licensed premises and filed with the  
27 director;

28 (4) Conviction of a crime involving fraud or moral turpitude;

29 (5) Violation of P.L.1960, c.39 (C.56:8-1 et seq.) or of any  
30 regulation adopted thereunder;

31 (6) Failure to successfully complete any training or testing  
32 requirements that are a prerequisite to licensure;

33 (7) Fraudulently, willfully or negligently performing an  
34 improper inspection on a motor vehicle;

35 (8) Failure to pay a fee required by law; or

36 (9) Other good cause.

37 b. If the director determines that the public interest requires  
38 immediate suspension of a license pursuant to P.L. , c.  
39 (C. )(now before the Legislature as this bill) prior to hearing, the  
40 director may do so, provided that the private inspection facility  
41 licensee is afforded the opportunity to request in writing a  
42 hearing within 10 days of the effective date of the suspension,  
43 and an administrative adjudication shall be held as soon  
44 thereafter as possible. The ordered suspension shall become final  
45 if a written request is not received by the director within 10 days  
46 of service of the notice or the scheduled suspension or order of  
47 suspension as the case may be. If the director determines it  
48 necessary to suspend a license prior to hearing and the private  
49 inspection facility licensee files a request for a hearing within  
50 the time prescribed by this section, the director may hold a  
51 preliminary hearing to determine whether sufficient cause exists  
52 to continue such suspension until a plenary hearing can be  
53 conducted.

54 c. A person who displays or causes or permits to be displayed



1 any sign, mark, or advertisement, or otherwise identifies that  
2 person as a private inspection facility, a motor vehicle repair  
3 facility or an emission inspector when not holding a valid license  
4 or registration issued by the director, or who transfers or  
5 attempts to transfer a valid license or registration, shall be  
6 subject to a fine of not less than \$1,000 or imprisonment for not  
7 less than 30 days, or both. Any fine collected under the  
8 provisions of this section shall be paid to the State Treasurer and  
9 deposited in the "Federal Motor Vehicle Inspection Program  
10 Fund" established pursuant to subsection j. of R.S. 39:8-2.

11 10. (New section) A licensed private inspection facility shall  
12 use emissions test equipment that has been certified by the  
13 Department of Environmental Protection. The Department of  
14 Environmental Protection shall adopt standards for the  
15 certification of the equipment, which shall include but not be  
16 limited to all of the following:

17 a. An automated system to control test sequencing, the  
18 automatic pass or fail decision, and the format for the test report  
19 and electronic medium for storage and transmission of test  
20 results;

21 b. An exhaust gas analysis portion;

22 c. A device to accept and record vehicle identification  
23 information;

24 d. A device to provide a printed record of the test results to  
25 the owner or lessee; and

26 e. A chassis dynamometer.

27 11. (New section) All licenses issued pursuant to section 3 of  
28 P.L.1975, c.156 (C. 39:8-11) shall expire and be of no force and  
29 effect on or after January 1, 1996. All licensed private  
30 inspection centers shall deliver to the director the license, all  
31 unused private inspection approval stickers, all inspection records  
32 and other items issued to the licensee or required by the director  
33 to be kept in connection with the operation of the private  
34 inspection center.

35 12. (New section) The owner or lessee of any vehicle that is  
36 subject to inspection under this chapter and that is included in  
37 either a "Voluntary Emissions Recall" as defined at 40 C.F.R.  
38 §85.1902(d) or any amendment thereto or in a remedial plan  
39 determination made pursuant to section 207(c) of the federal  
40 Clean Air Act or any amendment thereto, for which owner  
41 notification occurs after January 1, 1995, shall obtain required  
42 repairs within the time period established by the director, in  
43 consultation with the Department of Environmental Protection,  
44 in order to obtain a certificate of approval. The director shall  
45 allow the purchaser, owner or lessee of a motor vehicle which is  
46 subject to recall a minimum of 60 days in which to comply with  
47 such recall notice. It shall be the responsibility of the owner and  
48 lessee of a vehicle to submit proof of required repairs in response  
49 to such recall notice in a form and manner determined by the  
50 director. The director shall suspend the registration privileges or  
51 deny an application for registration for any vehicle that has  
52 failed to receive necessary repairs in response to a "Voluntary  
53 Emissions Recall" or to a remedial plan determination within the  
54 time period established by the director in consultation with the

1 Department of Environmental Protection.

2 13. (New section) a. A person shall not conduct any emission  
3 inspection required by the director on a motor vehicle unless that  
4 person is licensed as an emission inspector by the director. The  
5 director may establish a fee not to exceed \$50 for the licensure  
6 and relicensure of emission inspectors and shall establish  
7 standards and requirements for the licensure and relicensure of  
8 emission inspectors including, at a minimum, the successful  
9 completion of emission training and testing requirements  
10 determined by the director in consultation with the Department  
11 of Environmental Protection as a prerequisite to licensing. Any  
12 license issued pursuant to this section shall be valid for the period  
13 set by the director, which shall not be longer than two years. The  
14 successful completion of refresher training and testing, at a  
15 minimum, shall be required prior to license renewal. All fees  
16 collected pursuant to this subsection shall be turned over to the  
17 State Treasurer and deposited in the "Federal Motor Vehicle  
18 Inspection Program Fund" established pursuant to R.S.39:8-2.

19 b. The director may deny, suspend or revoke any license  
20 authorized to be issued by this section or refuse renewal thereof  
21 for cause, including but not limited to one or more of the  
22 following:

23 (1) Violation of any provision of P.L. , c. (C. ) (now  
24 before the Legislature as this bill) or of any regulation adopted  
25 pursuant thereto;

26 (2) Fraud, misrepresentation or misstatement in securing the  
27 license or in the conduct of the licensed activity;

28 (3) Conviction of a crime involving fraud or moral turpitude;

29 (4) Violation of P.L.1960, c.39 (C.56:8-1 et seq.) or of any  
30 regulation adopted pursuant thereto;

31 (5) Failure to successfully complete any training or testing  
32 requirements that are a prerequisite to licensure;

33 (6) Failure to pay any fee required by law; or

34 (7) Other good cause.

35 14. (New section) a. The director shall adopt, after  
36 consultation with the Division of Consumer Affairs in the  
37 Department of Law and Public Safety, rules and regulations for  
38 the registration of businesses and facilities authorized to perform  
39 emission-related repairs on vehicles that fail a required emission  
40 test. A facility or business shall not correct, adjust or repair, for  
41 compensation, any motor vehicle that has failed an emission test  
42 required by the director unless it has first obtained from the  
43 director a motor vehicle repair facility registration authorizing  
44 the facility or business to repair vehicles that have failed an  
45 emission test required by the director. The director may  
46 establish an annual registration fee, which shall not exceed \$50,  
47 to defray the cost of registering these businesses and facilities.  
48 All fees collected pursuant to this section shall be paid to the  
49 State Treasurer and deposited in the "Federal Motor Vehicle  
50 Inspection Program Fund" established pursuant to subsection j. of  
51 R.S.39:8-2.

52 b. The director may deny, suspend or revoke any registration  
53 issued pursuant to this section, or refuse renewal thereof, for  
54 performance by a registered business or facility of an improper

1 repair on a motor vehicle or for other good cause.

2 c. The Department of Education, in consultation with the  
3 Department of Environmental Protection, shall develop a course  
4 of instruction, to be offered at State community colleges, for the  
5 purpose of training repair technicians in the diagnosis and repair  
6 of motor vehicle emission control systems.

7 15. (New section) a. The director, either directly or through  
8 an agent, may grant a waiver from the requirement that a vehicle  
9 satisfy emission standards. A waiver shall be valid for one  
10 inspection cycle. It may be issued to any vehicle that cannot  
11 successfully pass the emission tests upon reinspection, provided  
12 the vehicle owner or lessee demonstrates compliance with the  
13 following to the satisfaction of the director or agent:

14 (1) All available warranty coverage for vehicle emission  
15 systems has been used to obtain needed repairs on the vehicle or  
16 written denial of warranty coverage in a form and manner  
17 prescribed by the director has been provided; and

18 (2) The owner has expended the amount specified in 40 C.F.R.  
19 § 51.360 for emission related repairs as provided pursuant to  
20 those rules; and

21 (3) The repairs made on the vehicle were appropriate to the  
22 cause of the emission test failure; and

23 (4) The repairs were made by a registered motor vehicle repair  
24 facility or by the owner of the vehicle provided he possesses a  
25 nationally recognized certification for emission-related diagnosis  
26 and repair; and

27 (5) The vehicle complies with the safety inspection  
28 requirements of this chapter and the rules adopted by the  
29 director; and

30 (6) Any other requirements established by the director by  
31 regulation; and

32 (7) Any other requirements established by the Department of  
33 Environmental Protection with the concurrence of the director.

34 b. The director shall adopt and implement a program, financed  
35 through the "Federal Motor Vehicle Inspection Program Fund"  
36 established pursuant to subsection j. of R.S.39:8-2, to assist low  
37 and moderate income motorists with the costs of  
38 emission-related repairs necessary to pass inspection. The  
39 proposed program shall be submitted to the Senate Natural  
40 Resources, Trade and Economic Development Committee and to  
41 the Assembly Environment and Energy Committee, or to their  
42 successors, for review not less than 60 days prior to  
43 implementation. The director shall make an annual report on the  
44 operation of the program to the Governor and to the Senate  
45 Natural Resources, Trade and Economic Development Committee  
46 and the Assembly Environment and Energy Committee, or their  
47 successors,

48 16. (New section) The director shall adopt, after consultation  
49 with the Department of Environmental Protection and pursuant  
50 to the "Administrative Procedure Act," P.L.1968, c.410  
51 (C.52:14B-1 et seq.), any rules and regulations necessary to  
52 implement the provisions of P.L. , c. (C. )(now before the  
53 Legislature as this bill) or to place this State in substantial  
54 compliance with the motor vehicle emission inspection and

1 maintenance requirements established by federal law.

2 17. (New section) The provisions of P.L. , c. (C. )(now  
3 before the Legislature as this bill) shall not apply to violations  
4 committed prior to its effective date, and prosecutions and  
5 dispositions for such violations shall be governed by the prior law,  
6 which is continued in effect for that purpose, as if P.L. , c.  
7 (C. )(now before the Legislature as this bill) were not in force.

8 18. R.S.39:8-1 is amended to read as follows:

9 39:8-1. [The director shall require every] a. Every motor  
10 vehicle registered in this State which is used over [the highways  
11 of this State, except vehicles and traction equipment registered  
12 pursuant to R.S.39:3-24 and historic motor vehicles registered as  
13 such, to have such motor vehicles] any public road, street,  
14 highway or any public or quasi-public property in this State,  
15 except those vehicles over 8,500 pounds gross weight that are  
16 under the inspection jurisdiction of the Department of  
17 Transportation pursuant to Titles 27 and 48 of the Revised  
18 Statutes, and every vehicle subject to enhanced inspection and  
19 maintenance programs pursuant to 40 C.F.R. § 51.356, shall be  
20 inspected by designated examiners or at official inspection  
21 [stations] facilities to be designated by the director or at licensed  
22 private inspection [centers. The director shall have the  
23 discretion to determine what motor vehicle equipment shall be  
24 subject to inspection under the provisions of this chapter]  
25 facilities.

26 b. The director shall determine the official inspection facility  
27 or private inspection facility at which a vehicle, depending upon  
28 its characteristics, shall be inspected. The director, with the  
29 concurrence of the Department of Environmental Protection,  
30 may exclude by regulation from this inspection requirement any  
31 category of motor vehicle if good cause for such exclusion exists,  
32 unless the exclusion is likely to prevent this State from meeting  
33 the applicable performance standard established by the United  
34 States Environmental Protection Agency. The director may  
35 determine that a vehicle is in compliance with the inspection  
36 requirements of this section if the vehicle has been inspected and  
37 passed under a similar inspection program of another state,  
38 district, or territory of the United States.

39 (cf: P.L.1986, c.22, s.1)

40 19. R.S.39:8-2 is amended to read as follows:

41 39:8-2. a. The director may designate and appoint, subject to  
42 existing laws, competent examiners of motor vehicles to  
43 [examine] conduct examinations, other than the periodic  
44 inspections required pursuant to subsection b. of this section, of  
45 motor vehicles required to be inspected in accordance with the  
46 provisions of this chapter. The examiners may be delegated to  
47 enforce the provisions of the motor vehicle and traffic law.

48 b. (1) The director [may make] shall adopt, pursuant to the  
49 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
50 seq.), rules and regulations consistent with P.L.1966, c.16 (C.  
51 26:2C-8.1 et seq.) and with the requirements of the federal Clean  
52 Air Act with respect to the type and character of the inspections  
53 to be made, [with respect to] the facility at which the vehicle  
54 shall be inspected, the frequency of inspections of [new] motor

1 vehicles and [with respect to] the approval or rejection of motor  
2 vehicles as a result of these inspections. These rules and  
3 regulations shall require the use, at official inspection facilities,  
4 of inspection tests that are designed to meet the enhanced  
5 inspection and maintenance requirements of the federal Clean  
6 Air Act and that have been proven to be feasible and effective  
7 for the inspection of large numbers of motor vehicles, except  
8 that these tests shall not include the "I/M 240" test. Nothing in  
9 this subsection shall preclude the use of the "I/M 240" test in  
10 sampling for performance evaluations only or the use of the test  
11 at the option of a private inspection facility. The rules and  
12 regulations may distinguish between vehicles based on model  
13 year, type, or other vehicle characteristics in order to facilitate  
14 inspections or to comply with the federal Clean Air Act.

15 (2) The Department of Environmental Protection and the  
16 director shall investigate advanced testing technologies other  
17 than the I/M 240 test, including but not limited to remote sensing  
18 and onboard diagnostics, and shall, to the extent permitted by  
19 law, pursue the use of such technologies in motor vehicle  
20 emission inspections required by the United States Environmental  
21 Protection Agency pursuant to the federal Clean Air Act. The  
22 director shall adopt, to the extent practicable, advanced  
23 technologies to facilitate the retrieval of testing and other  
24 information concerning motor vehicles, which technologies shall  
25 include but not be limited to the use of computer bar codes and  
26 personal cards containing encoded information, such as a person's  
27 operating license, motor vehicle registration, and motor vehicle  
28 insurance, the inspection status of a motor vehicle, and mass  
29 transit fare information, that can be accessed quickly by a  
30 computer.

31 Motorcycles, if not exempted from inspection by the director,  
32 shall be inspected between April 1 and October 31. [All other]

33 c. Except as modified by the director to distribute evenly the  
34 volume of inspections, all vehicles required by the director, in  
35 accordance with the provisions of R.S.39:8-1, to be inspected  
36 under this chapter shall be inspected [at least annually]  
37 biennially, except that classes of vehicles that require more  
38 frequent inspections, such as school buses, shall be inspected at  
39 such shorter intervals as may be established by the director after  
40 consultation with the Department of Environmental Protection.  
41 At any time, the director may require the owner, lessee, or  
42 operator of a vehicle to submit it for inspection.

43 [Rules and regulations relating to the frequency and character  
44 of vehicle emission inspections shall be promulgated in  
45 cooperation with the Department of Environmental Protection.]

46 d. The director shall furnish to designated examiners or to  
47 other persons authorized to conduct inspections or to grant  
48 waivers official certificates of approval, rejection stickers or  
49 waiver certificates, the form, content and use of which he shall  
50 [prescribe] establish. The certificates of approval, rejection  
51 stickers and waiver certificates shall be of a type, such as a  
52 windshield sticker or license plate decal, that can be attached to  
53 the vehicle or license plate in a location that is readily visible to  
54 anyone viewing the vehicle. If a certificate of approval cannot

1 be issued, the driver shall be provided with a written inspection  
2 report describing the reasons for rejection and, if appropriate,  
3 the repairs needed or likely to be needed to bring the vehicle into  
4 compliance with applicable standards.

5 e. The director may, with the approval of the State House  
6 Commission, purchase, lease or acquire by the exercise of the  
7 power of eminent domain any property for the purpose of  
8 assisting him in carrying out the provisions of this chapter. This  
9 property may also be used by the director for the exercise of the  
10 duties and powers conferred upon him by the other chapters of  
11 this Title.

12 f. For the purpose of implementing the motor vehicle  
13 inspection requirements of the federal Clean Air Act, the State  
14 Treasurer may, subject to the approval of the Attorney General,  
15 purchase, lease or acquire by eminent domain any property or sell  
16 or lease any property acquired, held or used for vehicle inspection  
17 purposes or any other suitable property held by the State that is  
18 not currently in use or dedicated to another purpose. Any other  
19 provision of law to the contrary notwithstanding, no further  
20 approval shall be required for transactions authorized by this  
21 subsection, except that any expenditure of funds by the Treasurer  
22 pursuant to this subsection shall be submitted to the Joint Budget  
23 Oversight Committee, which shall have 10 business days to  
24 disapprove a proposed expenditure. This subsection shall remain  
25 in effect until January 1, 1997, after which time it shall be null  
26 and void. Any revenue resulting from capital sales pursuant to  
27 this subsection is appropriated to the Department of  
28 Transportation to provide for mass transit improvements.

29 g. The director shall conduct [random] roadside examinations  
30 of motor vehicles required to be inspected [in this State], using  
31 such inspection equipment and procedures, and standards  
32 established pursuant to section 1 of P.L.1966, c.16 (C.26:2C-8.1),  
33 including, but not limited to, remote sensing technology, as he  
34 shall deem appropriate to provide [a continuous] for the  
35 monitoring of motor vehicles pursuant to this subsection. [Each  
36 year at] At least [1%] 20,000 vehicles or 0.5 percent of the total  
37 number of motor vehicles [registered in the State] required to be  
38 inspected under this chapter, whichever is less, shall be inspected  
39 during each inspection cycle by roadside examination teams under  
40 the supervision of the director. The director may require any  
41 vehicle failing a roadside examination to be inspected at an  
42 official inspection facility or a private inspection facility within  
43 a time period fixed by the director. Failure to appear and pass  
44 inspection within the time period fixed by the director shall  
45 result in registration suspension in addition to any other penalties  
46 provided in this Title. The director shall conduct an aggressive  
47 roadside inspection program to ensure that all motor vehicles  
48 that are required to be inspected in this State are in compliance  
49 with State law.

50 h. The director , and, when appropriate, the Department of  
51 Environmental Protection, shall conduct inspections and audits of  
52 licensed private inspection [centers] facilities, official inspection  
53 facilities and designated examiners to [insure] ensure accurate  
54 test equipment calibration and use, [and] compliance with proper

1 inspection procedures and with the provisions of [this act] P.L. ,  
2 c. (C. ) (now before the Legislature as this bill) and any  
3 regulations adopted pursuant thereto by the Division of Motor  
4 Vehicles or by the Department of Environmental Protection.  
5 These inspections and audits shall be conducted [monthly, except  
6 that at the discretion of the director, more frequent audits and  
7 inspections may be conducted] at such times and in such manner  
8 as the director, upon consultation with the Department of  
9 Environmental Protection, shall determine in order to provide  
10 quality assurance in the performance of the inspection program.  
11 i. (1) The director shall make a charge of \$2.50 for the initial  
12 inspection for each vehicle subject to inspection, which amount  
13 shall be paid to the director or his representative when payment  
14 of the registration fees fixed in chapter 3 of this Title is made.  
15 [The fee is not applicable to inspection by licensed private  
16 inspection centers.] Any law or rule or regulation adopted  
17 pursuant thereto to the contrary notwithstanding, a registration  
18 fee authorized pursuant to chapter 3 of Title 39 of the Revised  
19 Statutes shall not be increased for the purpose of paying any  
20 costs associated in any manner with the establishment,  
21 implementation or operation of the motor vehicle inspection and  
22 maintenance program established pursuant to P.L. , c. (C. )  
23 (now before the Legislature as this bill).  
24 (2) The director shall establish by regulation a fee to cover the  
25 costs of inspecting any vehicle that is required, or has the option,  
26 under federal law to be inspected in this State but is registered in  
27 another state or is owned or leased by the federal government. In  
28 determining these costs, the director shall include all capital and  
29 direct and indirect operating costs associated with the inspection  
30 of these vehicles including, but not limited to, the costs of the  
31 actual inspection, the creation and maintenance of the vehicle  
32 inspection record, administrative, oversight and quality assurance  
33 costs and the costs associated with reporting inspection  
34 information to the owner, the federal government and agencies of  
35 other states. All fees collected pursuant to this subsection shall  
36 be paid to the State Treasurer and deposited in the "Federal  
37 Motor Vehicle Inspection Program Fund" established pursuant to  
38 subsection j. of R.S.39:8-2.  
39 j. There is established in the General Fund a special dedicated,  
40 non-lapsing fund to be known as the "Federal Motor Vehicle  
41 Inspection Program Fund," which shall be administered by the  
42 State Treasurer. The State Treasurer shall deposit into the  
43 "Federal Motor Vehicle Inspection Program Fund" \$11.50 from  
44 each motor vehicle registration fee received by the State after  
45 June 30, 1995. The Legislature shall annually appropriate from  
46 the fund an amount necessary to pay the reasonable and  
47 necessary expenses of the implementation and operation of the  
48 federally mandated motor vehicle inspection program. The State  
49 Treasurer shall pay to the private contractor or contractors  
50 contracted to design, construct, renovate, equip, establish,  
51 maintain and operate official inspection facilities under the  
52 contract or contracts entered into with the State Treasurer  
53 pursuant to subsection a. of section 4 of P.L. , c. (C. )  
54 (now before the Legislature as this bill) from the fund the amount

1 necessary to meet the costs agreed to under the contract or  
2 contracts. The State Treasurer shall also transfer to the Division  
3 of Motor Vehicles an amount necessary to finance the  
4 emission-related repairs assistance program authorized pursuant  
5 to subsection b. of section 15 of P.L. , c. (C. ) (now  
6 before the Legislature as this bill). Moneys remaining in the fund  
7 and any unexpended balance of appropriations from the fund at  
8 the end of each fiscal year shall be reappropriated for the  
9 purposes of the fund. Any interest earned on moneys in the fund  
10 shall be credited to the fund.

11 (cf: P.L.1989, c.167, s.1)

12 20. R.S.39:8-3 is amended to read as follows:

13 39:8-3. a. No certificate of approval shall be issued by an  
14 examiner [or] , official inspection [station] facility or private  
15 inspection facility until the motor vehicle inspected successfully  
16 passes all emission tests required by the director and the  
17 mechanism, brakes and equipment of the motor vehicle inspected  
18 have been found to be in a proper and safe condition and  
19 complying with the laws of this [state] State.

20 b. Notwithstanding the issuance or non-issuance of a  
21 certificate of approval, the obligation to ensure that a vehicle is  
22 in a proper and safe condition rests with the owner, operator or  
23 lessee, as appropriate, of the vehicle.

24 (cf: R.S.39:8-3)

25 21. R.S.39:8-4 is amended to read as follows:

26 39:8-4. If inspections as required by R.S.39:8-1 disclose the  
27 necessity for adjustments, corrections or repairs, the director  
28 may require the owner of any such motor vehicle to have such  
29 adjustments, corrections or repairs made and thereafter  
30 reinspected at [a motor vehicle] an official inspection [station]  
31 facility or at a licensed private inspection [center] facility within  
32 the period designated by the director.

33 [The director may cause a certificate of approval to be issued  
34 for a motor vehicle needing an adjustment, correction or repair in  
35 order to conform to the requirements of chapter 3 and chapter 8  
36 of this Title, but which, in the director's determination, is  
37 nevertheless safe. In such cases the director shall issue notice to  
38 the vehicle owner to have the adjustment, correction or repair  
39 made within a specified period of time, subject to the penalties  
40 of R.S.39:8-9.]

41 (cf: P.L.1986, c.22, s.3)

42 22. R.S.39:8-5 is amended to read as follows:

43 39:8-5. a. Every designated examiner [or] , official inspection  
44 [station] facility or private inspection facility shall make such  
45 reports to the director concerning inspections made and the  
46 results thereof, and in such form and at such time, as [he] the  
47 director may require. The director [shall] may furnish to the  
48 examiners and inspection [stations] facilities forms for such  
49 reports. The director may require the use of electronic media for  
50 the gathering and transmission of inspection data and reports  
51 when the director deems it appropriate or when electronic media  
52 are required by federal law.

53 b. Every motor vehicle repair facility that is registered  
54 pursuant to section 14 of P.L. , c. (C. ) (now before the



1 Legislature as this bill) shall make such report to the director  
2 concerning emission repairs made and the results thereof, as the  
3 director may require. The director may furnish to registered  
4 motor vehicle repair facilities forms to be completed by them in  
5 documenting emission repairs to motor vehicles, which forms  
6 shall be presented by the operator of the vehicle to an emission  
7 inspector at the time of vehicle reinspection.

8 (cf: P.L.1955, c.9, s.2)

9 23. R.S.39:8-7 is amended to read as follows:

10 39:8-7. [The commissioner] Except as required by R.S.39:3-3,  
11 the director may suspend, revoke or deny the registration of a  
12 motor vehicle registered or required to be registered in this  
13 [state] State, or the reciprocity privilege of a motor vehicle  
14 registered in another state, if the motor vehicle is subject to the  
15 inspection requirement of this State and operated or parked on  
16 [the highways of the state which] any public road, street or  
17 highway or any public or quasi-public property in this State, and:

18 a. Does not have displayed upon it a current certificate of  
19 approval , rejection sticker or waiver certificate issued in  
20 accordance with this chapter; or

21 b. Has not successfully passed inspection or been granted a  
22 waiver within the time period prescribed by the director; or

23 c. Is shown by the inspection to be incapable of being placed in  
24 a proper condition to make its use safe on the highway or  
25 incapable of being brought within the emission standards or  
26 requirements established by law or regulation, and for which a  
27 certificate of approval or waiver certificate cannot be issued.

28 (cf: R.S.39:8-7)

29 24. R.S.39:8-9 is amended to read as follows:

30 39:8-9. a. The enforcement of this chapter shall be vested in  
31 the director and the police or peace officers of any municipality,  
32 any county or the State.

33 [Any person] b. An owner or lessee who :

34 (1) Fails or refuses to have his motor vehicle examined [,]  
35 within the time period prescribed by the director ; or [, after]

36 (2) After having had it examined, fails or refuses to place or  
37 display a certificate of approval [,if issued,] , rejection sticker or  
38 waiver certificate upon his windshield [, or who fraudulently  
39 obtains a certificate of approval,] or other location on the vehicle  
40 as may be prescribed by the director; or [who]

41 (3) Fails or refuses to place his motor vehicle in proper  
42 condition after having had the same examined [,] ; or [who, in]

43 (4) In any manner, fails to conform to the provisions of this  
44 chapter or the regulations adopted by the director pursuant  
45 thereto, shall be guilty of violating the provisions of this  
46 chapter, and shall [, for a first offense,] be subject to a fine of  
47 not [more] less than [\$100.00] \$100 or more than \$200 [, and, for a  
48 second offense, to a fine of not more than \$200.00] or by  
49 imprisonment for not less than 30 days, or both such fine and  
50 imprisonment.

51 c. A person who fraudulently obtains a certificate of approval,  
52 rejection sticker or waiver certificate, or displays or has in his  
53 possession a fictitious, altered, or stolen certificate of approval,  
54 rejection sticker or waiver certificate shall be subject to a fine

1 of \$500 for each such certificate or sticker.

2 d. The provisions of this chapter shall be enforced and all  
3 penalties for the violation thereof shall be recovered in  
4 accordance with the provisions of "the penalty enforcement law"  
5 (N.J.S.2A:58-1 et seq.), and in addition to the provisions and  
6 remedies therein contained, the following provisions and remedies  
7 shall be applicable in any proceeding brought for a violation of  
8 any of the provisions of this chapter:

9 [a.] (1) The several municipal courts shall have jurisdiction of  
10 such proceeding, in addition to the courts prescribed in "the  
11 penalty enforcement law";

12 [b.] (2) The complaint in any such proceeding may be made on  
13 information and belief by the director, or any police or peace  
14 officer of any municipality, any county or the State;

15 [c.] (3) A warrant may issue in lieu of summons;

16 [d.] (4) Any police or peace officer shall be empowered to serve  
17 and execute process in any such proceeding;

18 [e.] (5) The hearing in any such proceeding shall be without a  
19 jury;

20 [f.] (6) Any such proceeding may be brought in the name of the  
21 Director of the Division of Motor Vehicles in the Department of  
22 Law and Public Safety or in the name of the State of New Jersey;

23 [g.] (7) Any sums received in payment of any fines imposed in  
24 any such proceeding shall be paid to the Director of the Division  
25 of Motor Vehicles and shall be paid by him [into the State  
26 treasury] to the State Treasurer, who shall deposit one-half of  
27 such sums in the "Federal Motor Vehicle Inspection Program  
28 Fund" established pursuant to subsection j. of R.S.39:8-2, and  
29 who shall pay the remaining one-half of such sums to the county  
30 or municipality initiating the complaint or summons or, if  
31 initiated by State law enforcement personnel, to the State  
32 Treasury;

33 [h.] (8) The director or judge before whom any hearing under  
34 this chapter is had may revoke the registration certificate of any  
35 motor vehicle owned or leased by any person, when such person  
36 shall have been [guilty of such willful] found to be in violation of  
37 any of the provisions of this chapter as shall in the discretion of  
38 the director or judge justify such revocation.

39 e. The director may order the suspension of the registration or  
40 reciprocity privilege of any motor vehicle found to be in violation  
41 of any of the provisions of this chapter. If the owner or lessee  
42 fails to surrender the license plates for that vehicle to the  
43 division within 45 days of the mailing of an order requiring their  
44 surrender, the director may order the confiscation of the license  
45 plates of the vehicle that is in violation. An order of license  
46 plate confiscation issued by the director shall include an order  
47 imposing a civil penalty of \$200 on the owner or lessee of the  
48 vehicle. This civil penalty shall be paid to the State Treasurer,  
49 who shall deposit one-half of the amount in the "Federal  
50 Inspection and Maintenance Program Fund" established pursuant  
51 to subsection j. of R.S.39:8-2 and pay the remaining one-half to  
52 any municipality or county whose law enforcement, police or  
53 peace officers confiscated the plates in accordance with the  
54 order of the director, or if the plates were confiscated by State

1 law enforcement personnel, to the State Treasury. A civil  
2 penalty imposed pursuant to this subsection shall be in addition to  
3 any other penalty provided by this chapter.

4 (cf: P.L.1983, c.403, s.28)

5 25. R.S. 39:8-10 is amended to read as follows:

6 39:8-10. The director shall have authority to make rules and  
7 regulations necessary for the administration and enforcement of  
8 this chapter. [He] The director may employ, subject to existing  
9 laws, such persons as he may require for the administration and  
10 enforcement of this chapter and fix their compensation. [He may  
11 use any funds obtained as fees from examinations required by this  
12 chapter for the establishment of stations and equipment that may  
13 be necessary to assist him in carrying out the purposes of this  
14 chapter. Any money remaining after all expenses are paid shall  
15 be turned over to the State Treasurer.]

16 (cf: P.L.1955, c.9, s.4)

17 26. R.S.39:3-4 is amended to read as follows:

18 39:3-4. Except as hereinafter provided, every resident of this  
19 State and every nonresident whose automobile or motorcycle  
20 shall be driven in this State shall, before using such vehicle on the  
21 public highways, register the same, and no automobile or  
22 motorcycle shall be driven unless so registered.

23 Such registration shall be made in the following manner: An  
24 application in writing, signed by the applicant or by an agent or  
25 officer, in case the applicant is a corporation, shall be made to  
26 the director or [his lawful] the director's agent, on forms  
27 prepared and supplied by the director, containing the name,  
28 street address of the residence or the business of the owner,  
29 mailing address, if different from the street address of the  
30 owner's residence or business, and age of the owner, together  
31 with a description of the character of the automobile or  
32 motorcycle, including the name of the maker and the  
33 [manufacturer's number or the motor number, or both,] vehicle  
34 identification number, or the manufacturer's number or the  
35 number assigned by the director if the vehicle does not have a  
36 vehicle identification number, and any other statement that may  
37 be required by the director. A post office box shall appear on the  
38 application only as part of a mailing address that is submitted by  
39 the owner, agent or officer, as the case may be, in addition to the  
40 street address of the applicant's residence or business. An owner  
41 whose last address appears on the records of the division as a post  
42 office box shall change his address on his application for renewal  
43 to the street address of his residence or business and, if different  
44 from his street address, his mailing address. [If the vehicle is  
45 insured by motor vehicle liability insurance, as required by law,  
46 the] The application shall contain the name of the insurer of  
47 [said] the vehicle and the policy number. If the vehicle is a leased  
48 motor vehicle, the application shall make note of that fact and  
49 shall include along with the name and street address of the lessor  
50 the name, street address and driver license number of the lessee.  
51 A lessor of a leased motor vehicle shall notify the director in  
52 writing, on such form as the director may prescribe, of the  
53 termination of a lease or of a change of the lessee within seven  
54 days after the termination or change.

1       Thereupon the director shall have the power to grant a  
2 registration certificate to the owner of any motor vehicle, if over  
3 17 years of age, application for the registration having been  
4 properly made and the fee therefor paid, and the vehicle being of  
5 a type that complies with the requirements of this [subtitle]  
6 title. The form and contents of the registration certificate to be  
7 issued shall be [prescribed] determined by the director.

8       If the vehicle is a leased motor vehicle, the registration  
9 certificate shall, in addition to containing the name and street  
10 address of the lessor, identify the vehicle as a leased motor  
11 vehicle.

12       The director shall maintain a record of all registration  
13 certificates issued, and of the contents thereof.

14       Every registration shall expire and the registration certificate  
15 thereof become void on the last day of the twelfth calendar  
16 month following the calendar month in which the certificate was  
17 issued; provided, however, that the director may, at his discretion  
18 [and for good cause shown], require registrations which shall  
19 expire, and issue certificates thereof which shall become void, on  
20 a date fixed by him, which date shall not be sooner than three  
21 months nor later than [16] 26 months after the date of issuance of  
22 such certificates, and the fees for such registrations, including  
23 any other fees or charges collected in connection with the  
24 registration fee, shall be fixed by the director in amounts  
25 proportionately less or greater than the fees established [in this  
26 Title] by law. The director may fix the expiration date for  
27 registration certificates at a date other than 12 months if the  
28 director determines that the change is necessary, appropriate or  
29 convenient in order to aid in implementing the vehicle inspection  
30 requirements of chapter 8 of Title 39 or for other good cause.

31       All motorcycles for which registrations have been issued prior  
32 to the effective date of P.L.1989, c.167 and which are scheduled  
33 to expire between November 1 and March 31 shall, upon renewal,  
34 be issued registrations by the director which shall expire on a  
35 date fixed by him, but in no case shall that expiration date be  
36 earlier than April 30 nor later than October 31. The fees for the  
37 renewal of the motorcycle registrations authorized under this  
38 paragraph shall be fixed by the director in an amount  
39 proportionately less or greater than the fee established by  
40 R.S.39:3-21.

41       [The director shall issue registration certificates for the  
42 following registration period on and after the first day of the  
43 calendar month immediately preceding the commencement of  
44 such registration period, such registration certificates to be  
45 effective immediately.]

46       Application forms for all renewals of registrations for  
47 passenger automobiles shall be [mailed by the director from the  
48 central office of the division] sent to the last addresses of owners  
49 of motor vehicles and motorcycles, as they appear on the records  
50 of the division.

51       No person owning or having control over any unregistered  
52 [motor] vehicle shall permit the same to be parked or to stand on  
53 a public highway.

54       Any police officer is authorized to remove any [such]

1 unregistered vehicle from the public highway to a storage space  
2 or garage, and the expense involved in such removal and storing  
3 of [said motor] the vehicle [to] shall be borne by the owner of  
4 [such] the vehicle, except that the expense shall be borne by the  
5 lessee of a leased vehicle.

6 Any person violating the provisions of this section shall be  
7 subject to a fine not exceeding [~~\$100.00~~] \$100 , except that for  
8 the misstatement of any fact in the application required to be  
9 made to the director, the person making such statement or  
10 omitting the statement that the motor vehicle is to be used as a  
11 leased motor vehicle when that is the case shall be subject to the  
12 penalties provided in R.S.39:3-37.

13 The director may extend the expiration date of a registration  
14 certificate without payment of a proportionate fee when the  
15 director determines that such extension is necessary, appropriate  
16 or convenient to the implementation of vehicle inspection  
17 requirements. If any registration certificate is so extended, the  
18 owner shall pay upon renewal the full registration fee for the  
19 period fixed by the director as if no extension had been granted.

20 [Nothing in this section shall be construed to alter or extend  
21 the expiration date of any registration certificate issued prior to  
22 March 1, 1956.]

23 The Division of Motor Vehicles shall make a reasonable effort  
24 to notify any lessor whose name and address is on file with the  
25 division, or any other lessor the division may determine it is  
26 necessary to notify, of the requirements of this amendatory act.  
27 (cf: P.L.1993, c.125, s.2)

28 27. R.S.39:3-5 is amended to read as follows:

29 39:3-5. The [commissioner] director may refuse registration in  
30 the case of any automobile, commercial motor vehicle, trailer,  
31 semitrailer, tractor or omnibus that shall not comply with the  
32 requirements of this [subtitle] title or that shall seem to him  
33 unsuitable for use on the roads and highways of this state. The  
34 director shall deny registration to any motor vehicle that has  
35 failed to comply with applicable inspection requirements of  
36 chapter 8 of Title 39, or of any rules and regulations adopted  
37 pursuant thereto, within the time limits established by the  
38 director and to any vehicle subject to the inspection jurisdiction  
39 of the Department of Transportation that has failed to comply  
40 with the applicable inspection requirements of Titles 27 and 48 of  
41 the Revised Statutes or of any rules and regulations adopted  
42 pursuant thereto. The director may suspend or revoke the  
43 registration or reciprocity privilege of any motor vehicle that has  
44 failed to undergo inspection in accordance with chapter 8 of Title  
45 39 or that is subject to the inspection jurisdiction of the  
46 Department of Transportation and has failed to undergo  
47 inspection in accordance with the requirements of Titles 27 and  
48 48 of the Revised Statutes or of any rules and regulations adopted  
49 pursuant thereto.

50 (cf: R.S.39:3-5)

51 28. R.S.39:3-10 is amended to read as follows:

52 39:3-10. No person shall drive a motor vehicle on a public  
53 highway in this State unless licensed to do so in accordance with  
54 this article. No person under 17 years of age shall be licensed to

1 drive motor vehicles, nor shall a person be licensed until he has  
2 passed a satisfactory examination as to his ability as an  
3 operator. The examination may be administered by the division  
4 or by an agent appointed pursuant to R.S. 39:3-3. The director  
5 may authorize any person, including but not limited to any agency  
6 of the State, or a private driver training facility or other private  
7 company or institution, or a department, agency or  
8 instrumentality of local government, to administer any portion of  
9 the examination for any driver license or endorsement. This  
10 authorization may be by contract, by appointment as a motor  
11 vehicle agent, by licensing or by other appropriate means. The  
12 director shall adopt such regulations as deemed necessary to  
13 establish, oversee, and regulate the administration of motor  
14 vehicle driver testing by third parties, including establishing  
15 maximum fees that may be charged.

16 The director may limit the number of persons licensed to  
17 administer examinations and may suspend or revoke any  
18 authorization on any reasonable ground. The director may  
19 terminate the third party testing authorized by this section at  
20 any time. A person authorized to administer examinations by  
21 appointment as a motor vehicle agent shall so act until this  
22 authority is revoked by the director.

23 An examiner administering a skills test in good faith shall not  
24 be held accountable for any violation of Title 39 of the Revised  
25 Statutes committed by the person being tested.

26 The examination shall include a test of the applicant's vision,  
27 his ability to understand traffic control devices, his knowledge of  
28 safe driving practices and of the effects that ingestion of alcohol  
29 or drugs has on a person's ability to operate a motor vehicle, his  
30 knowledge of such portions of the mechanism of motor vehicles  
31 as is necessary to insure the safe operation of a vehicle of the  
32 kind or kinds indicated by the applicant and of the laws and  
33 ordinary usages of the road and a demonstration of his ability to  
34 operate a vehicle of the class designated.

35 The director shall expand the driver's license examination by  
36 20%. The additional questions to be added shall consist solely of  
37 questions developed in conjunction with the State Department of  
38 Health concerning the use of alcohol or drugs as related to  
39 highway safety. The director shall develop in conjunction with the  
40 State Department of Health supplements to the driver's manual  
41 which shall include information necessary to answer any question  
42 on the driver's license examination concerning alcohol or drugs  
43 as related to highway safety.

44 The director shall expand the driver's license examination to  
45 include a question asking whether the applicant is aware of the  
46 provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161  
47 (C.26:6-57 et seq.) and the procedure for indicating on the  
48 driver's license the intention to make a donation of body organs  
49 or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

50 Any person applying for a driver's license to operate a motor  
51 vehicle or motorized bicycle in this State shall surrender to the  
52 director any current driver's license issued to him by another  
53 state upon his receipt of a driver's license for this State. The  
54 director shall refuse to issue a driver's license if the applicant

1 fails to comply with this provision.

2 The director shall create classified licensing of drivers  
3 covering the following classifications:

4 a. Motorcycles, except that for the purposes of this section,  
5 [motorcycle] "motorcycle" shall not include any three-wheeled  
6 motor vehicle equipped with a single cab with glazing enclosing  
7 the occupant, seats similar to those of a passenger vehicle or  
8 truck, seat belts and automotive steering;

9 b. Omnibuses as classified by R.S.39:3-10.1 and school buses  
10 classified under N.J.S.18A:39-1 et seq.;

11 c. Articulated vehicles means a combination of a commercial  
12 motor vehicle registered at a gross weight in excess of 18,000  
13 pounds and one or more motor-drawn vehicles joined together by  
14 means of a coupling device;

15 d. All motor vehicles not included in classifications a., b. and  
16 c. A license issued pursuant to this classification d. shall be  
17 referred to as the "basic driver's license."

18 Every applicant for a license under classification b. or c. shall  
19 be a holder of a basic driver's license. Any issuance of a license  
20 under classification b. or c. shall be by endorsement on the basic  
21 driver's license.

22 A driver's license for motorcycles may be issued separately,  
23 but if issued to the holder of a basic driver's license, it shall be  
24 by endorsement on the basic driver's license.

25 The director, upon payment of the lawful fee and after he or a  
26 person authorized by him has examined the applicant and is  
27 satisfied of the applicant's ability as an operator, may, in his  
28 discretion, license the applicant to drive a motor vehicle. The  
29 license shall authorize him to drive any registered vehicle, of the  
30 kind or kinds indicated, and shall expire, except as otherwise  
31 provided, on the last day of the 48th calendar month following  
32 the calendar month in which such license was issued.

33 The director may, at his discretion and for good cause shown,  
34 issue licenses which shall expire on a date fixed  
35 by him. The fee for licenses with expiration dates fixed by the  
36 director shall be fixed by the director in amounts proportionately  
37 less or greater than the fee herein established.

38 The required fee for a license for the 48-month period shall be  
39 as follows:

40 Motorcycle license or endorsement \$13.00

41 Omnibus or school bus endorsement \$16.00

42 Articulated vehicle endorsement \$8.00

43 Basic driver's license \$16.00

44 The director shall waive the payment of fees for issuance of  
45 omnibus endorsements whenever an applicant establishes to the  
46 director's satisfaction that said applicant will use the omnibus  
47 endorsement exclusively for operating omnibuses owned by a  
48 nonprofit organization duly incorporated under Title 15 or 16 of  
49 the Revised Statutes or Title 15A of the New Jersey Statutes.

50 The director shall issue licenses for the following license period  
51 on and after the first day of the calendar month immediately  
52 preceding the commencement of such period, such licenses to be  
53 effective immediately.

54 All applications for renewals of licenses shall be made on forms

1 prescribed by the director and in accordance with procedures  
2 established by him.

3 The director in his discretion may refuse to grant a license to  
4 drive motor vehicles to a person who is, in his estimation, not a  
5 proper person to be granted such a license, but no defect of the  
6 applicant shall debar him from receiving a license unless it can be  
7 shown by tests approved by the Director of the Division of Motor  
8 Vehicles that the defect incapacitates him from safely operating  
9 a motor vehicle.

10 In addition to requiring an applicant for a driver's license to  
11 submit satisfactory proof of identity and age, the director also  
12 shall require the applicant to provide, as a condition for obtaining  
13 a license, satisfactory proof that the applicant's presence in the  
14 United States is authorized under federal law.

15 A person violating this section shall be subject to a fine not  
16 exceeding [\$500.00] \$500 or imprisonment in the county jail for  
17 not more than 60 days, but if that person has never been licensed  
18 to drive in this State or any other jurisdiction, he shall be subject  
19 to a fine of not less than [\$200.00] \$200 and, in addition, the  
20 court shall issue an order to the Director of the Division of Motor  
21 Vehicles requiring the director to refuse to issue a license to  
22 operate a motor vehicle to the person for a period of not less  
23 than 180 days. The penalties provided for by this paragraph shall  
24 not be applicable in cases where failure to have actual possession  
25 of the operator's license is due to an administrative or technical  
26 error by the Division of Motor Vehicles.

27 [Nothing in this section shall be construed to alter or extend  
28 the expiration of any license issued prior to the date this  
29 amendatory and supplementary act becomes operative.]

30 (cf: P.L.1993,c.34,s.1)

31 29. R.S.39:3-20 is amended to read as follows:

32 39:3-20. For the purpose of this act, gross weight means the  
33 weight of the vehicle or combination of vehicles, including load  
34 or contents.

35 a. The director is authorized to issue registrations for  
36 commercial motor vehicles other than omnibuses or motor-drawn  
37 vehicles upon application therefor and payment of a fee based on  
38 the gross weight of the vehicle, including the gross weight of all  
39 vehicles in any combination of vehicles of which the commercial  
40 motor vehicle is the drawing vehicle. The gross weight of a  
41 disabled commercial vehicle or combination of disabled  
42 commercial vehicles being removed from a highway shall not be  
43 included in the calculation of the registration fee for the drawing  
44 vehicle.

45 Except as otherwise provided in this subsection, every  
46 registration for a commercial motor vehicle other than an  
47 omnibus or motor-drawn vehicle shall expire and the certificate  
48 thereof shall become void on the last day of the [eleventh]  
49 twelfth calendar month following the month in which the  
50 certificate was issued; provided, however, that the director may  
51 require registrations which shall expire, and issue certificates  
52 thereof which shall become void, on a date fixed by the director,  
53 which shall not be sooner than three months or later than 26



1 months after the date of issuance of such certificates, and the  
2 fees for such registrations or registration applications, including  
3 any other fees or charges collected in connection with the  
4 registration fee, shall be fixed by the director in amounts  
5 proportionately less or greater than the fees established by law.  
6 The director may fix the expiration date for registration  
7 certificates at a date other than 12 months if the director  
8 determines that such change is necessary, appropriate or  
9 convenient in order to aid in implementing the vehicle inspection  
10 requirements of chapter 8 of Title 39 or for other good cause.  
11 The minimum registration fee [for registrations issued after July  
12 1, 1984] shall be as follows:

13 Except as otherwise provided in this subsection, every  
14 registration for a commercial motor vehicle other than an  
15 omnibus or motor-drawn vehicle shall expire and the certificate  
16 thereof shall become void on the last day of the eleventh  
17 calendar month following the month in which the certificate was  
18 issued. The minimum registration fee for registrations issued  
19 after July 1, 1984 shall be as follows:

20 For vehicles not in excess of 5,000 pounds, \$53.50.

21 For vehicles in excess of 5,000 pounds and not in excess of  
22 18,000 pounds, \$53.50 plus \$8.50 for each 1,000 pounds or portion  
23 thereof in excess of 5,000 pounds.

24 For vehicles in excess of 18,000 pounds and not in excess of  
25 50,000 pounds, \$53.50 plus \$9.50 for each 1,000 pounds or portion  
26 thereof in excess of 5,000 pounds.

27 For vehicles in excess of 50,000 pounds, \$53.50 plus \$10.50 for  
28 each 1,000 pounds or portion thereof in excess of 5,000 pounds.

29 [Commercial motor vehicles other than omnibuses or  
30 motor-drawn vehicles for which commercial motor vehicle  
31 registrations had been issued prior to the effective date of this  
32 act and which expire March 31, 1982 shall be issued commercial  
33 registrations, which, in the director's discretion, shall expire on a  
34 date to be fixed by him, which date shall not be sooner than four  
35 months nor later than 16 months following the date of issuance of  
36 the registration. The fees for such registrations shall be fixed by  
37 the director in amounts proportionately less or greater than the  
38 fees established by this subsection.]

39 b. The director is also authorized to issue registrations for  
40 commercial motor vehicles having three or more axles and a  
41 gross weight over 40,000 pounds but not exceeding 70,000 pounds,  
42 upon application therefor and proof to the satisfaction of the  
43 director that the applicant is actually engaged in construction  
44 work or in the business of supplying material, transporting  
45 material, or using such registered vehicle for construction work.

46 Except as otherwise provided in this subsection, every  
47 registration for these commercial motor vehicles shall expire and  
48 the certificate thereof shall become void on the last day of the  
49 [eleventh] twelfth calendar month following the month in which  
50 the certificate was issued; provided, however, that the director  
51 may require registrations which shall expire, and issue  
52 certificates thereof which shall become void on a date fixed by  
53 the director, which shall not be sooner than three months or later  
54 than 26 months after the date of issuance of such certificates,

1 and the fees for such registrations or registration applications,  
2 including any other fees or charges collected in connection with  
3 the registration fee, shall be fixed by the director in amounts  
4 proportionately less or greater than the fees established by law.  
5 The director may fix the expiration date for registration  
6 certificates at a date other than 12 months if the director  
7 determines that such change is necessary, appropriate or  
8 convenient in order to aid in implementing the vehicle inspection  
9 requirements of chapter 8 of Title 39 or for other good cause.

10 The registration fee [for registrations issued after July 1, 1984]  
11 shall be \$19.50 for each 1,000 pounds or portion thereof.

12 For purposes of calculating this fee, weight means the gross  
13 weight, including the gross weight of all vehicles in any  
14 combination of which such commercial motor vehicle is the  
15 drawing vehicle. ["Constructor" registrations issued prior to the  
16 effective date of this act, which expire June 30, 1982, shall be  
17 issued contractor vehicle registrations, which, in the director's  
18 discretion, shall expire on a date to be fixed by him, which date  
19 shall not be sooner than four months nor later than 16 months  
20 following the date of issuance of the registration. The fees for  
21 the registrations shall be fixed by the director in amounts  
22 proportionately less or greater than the fees established by this  
23 subsection.]

24 Such commercial motor vehicle shall be operated in compliance  
25 with the speed limitations of Title 39 of the Revised Statutes and  
26 shall not be operated at a speed greater than 30 miles per hour  
27 when one or more of its axles has a load which exceeds the  
28 limitations prescribed in R.S.39:3-84.

29 c. The director is also authorized to issue registrations for  
30 each of the following solid waste vehicles: two-axle vehicles  
31 having a gross weight not exceeding 42,000 pounds; tandem  
32 three-axle and four-axle vehicles having a gross weight not  
33 exceeding 60,000 pounds; four-axle tractor-trailer combination  
34 vehicles having a gross weight not exceeding 60,000 pounds.  
35 Registration is based upon application to the director and proof  
36 to his satisfaction that the applicant is actually engaged in the  
37 performance of solid waste disposal or collection functions and  
38 holds a certificate of convenience and necessity therefor issued  
39 by the Board of Public Utilities.

40 Except as otherwise provided in this subsection, every  
41 registration for a solid waste vehicle shall expire and the  
42 certificate thereof shall become void on the last day of the  
43 [eleventh] twelfth calendar month following the month in which  
44 the certificate was issued.

45 The registration fee shall be [\$50.00] \$50 plus \$8.50 for each  
46 1,000 pounds or portion thereof in excess of 5,000 pounds.

47 [Solid waste vehicles for which commercial motor vehicle  
48 registrations had been issued prior to the effective date of this  
49 act and which shall expire June 30, 1982 shall be issued solid  
50 waste registrations, which, in the director's discretion, shall  
51 expire on a date to be fixed by him, which date shall not be  
52 sooner than four months or later than 16 months following the  
53 date of issuance of the registration. The fees for the  
54 registrations shall be fixed by the director in amounts

1 proportionately less or greater than the fees established by this  
2 subsection.]

3 d. The director is also authorized to issue registrations for  
4 commercial motor-drawn vehicles upon application therefor. The  
5 registration year for commercial motor-drawn vehicles shall be  
6 April 1 to the following March 31 and the fee therefor shall be  
7 ~~[\$18.00]~~ \$18 for each such vehicle.

8 At the discretion of the director, an applicant for registration  
9 for a commercial motor-drawn vehicle may be provided the  
10 option of registering such vehicle for a period of four years. In  
11 the event that the applicant for registration exercises the  
12 four-year option, a fee of ~~[\$64.00]~~ \$64 for each such vehicle shall  
13 be paid to the director in advance.

14 If any commercial motor-drawn vehicle registered for a  
15 four-year period is sold or withdrawn from use on the highways,  
16 the director may, upon surrender of the vehicle registration and  
17 plate, refund ~~[\$16.00]~~ \$16 for each full year of unused prepaid  
18 registration.

19 e. It shall be unlawful for any vehicle or combination of  
20 vehicles registered under this act, having a gross weight,  
21 including load or contents, in excess of the gross weight provided  
22 on the registration certificate to be operated on the highways of  
23 this State.

24 The owner, lessee, bailee or any one of the aforesaid of a  
25 vehicle or combination of vehicles, including load or contents,  
26 found or operated on any public road, street or highway or on any  
27 public or quasi-public property in this State with a gross weight  
28 of that vehicle or combination of vehicles, including load or  
29 contents, in excess of the weight limitation permitted by the  
30 certificate of registration for the vehicle or combination of  
31 vehicles, pursuant to the provisions of this section, shall be  
32 assessed a penalty of ~~[\$500.00]~~ \$500 plus an amount equal to  
33 ~~[\$100.00]~~ \$100 for each 1,000 pounds or fractional portion of  
34 1,000 pounds of weight in excess of the weight limitation  
35 permitted by the certificate of registration for that vehicle or  
36 combination of vehicles. A vehicle or combination of vehicles for  
37 which there is no valid certificate of registration is deemed to  
38 have been registered for zero pounds for the purposes of the  
39 enforcement of this act, in addition to any other violation of this  
40 Title, but is not deemed to be lawfully or validly registered  
41 pursuant to the provisions of this Title.

42 This section shall not be construed to supersede or repeal the  
43 provisions of section 39:3-84, 39:4-75, or 39:4-76 of this Title.

44 f. In addition to the registration fees imposed pursuant to this  
45 section, the director shall impose and collect an additional fee of  
46 \$35 for every registration for a commercial motor vehicle, other  
47 than an omnibus, motor-drawn vehicle or non-commercial truck  
48 registered pursuant to section 2 of P.L.1968, c.439 (C.39:3-8.1),  
49 having a gross weight of 10,000 pounds or more. All fees  
50 collected by the director shall be forwarded to the State  
51 Treasurer for deposit in a special nonlapsing fund. Moneys in the  
52 fund shall be used exclusively by the Department of Law and  
53 Public Safety for enforcement of laws and regulations governing  
54 commercial motor vehicles, except that the fees collected shall

1 be allocated first to the division to defray the costs necessary to  
2 implement the provisions of this subsection.

3 (cf: P.L.1994, c.60, s.32)

4 30. Section 1 of P.L.1944, c.228 (C.39:3-22.1) is amended to  
5 read as follows:

6 1. Any person, who has entered or shall enter into active  
7 service in any branch of the naval or military forces of the  
8 United States and who has or shall have registered his motor  
9 vehicle in this State for any registration [year] period, shall be  
10 entitled to a refund on the registration fee paid for such vehicle  
11 for [said year which shall be one-twelfth of the registration fee  
12 so paid times] the number of full months remaining of the  
13 registration [year] period for which the vehicle will not be  
14 operated on the public highways of this or any other State;  
15 provided, that such person makes written application to the  
16 [commissioner] director for such refund, under oath, in such form  
17 as the [commissioner] director shall require and surrenders the  
18 certificate of registration and license plates of such motor  
19 vehicle.

20 (cf: P.L.1944, c.228, s.1)

21 31. R.S.39:3-25 is amended to read as follows:

22 39:3-25. In addition to the motor vehicle licenses authorized  
23 to be issued pursuant to the provisions of this chapter, the  
24 director shall issue, upon application therefor, a license plate for  
25 trucks marked "farmer," which shall be issued upon evidence  
26 satisfactory to the director that the applicant is a farmer and is  
27 actually engaged in the growing, raising and producing of farm  
28 products as an occupation. License plates issued under authority  
29 of this section shall be placed upon motor trucks engaged  
30 exclusively in the carrying or transportation of applicant's farm  
31 products, raised or produced on his farm, and farm supplies, and  
32 not engaged in hauling for hire.

33 Applicants for license plates herein authorized shall pay a  
34 registration fee of [\$25.00] \$25 plus \$4.25 for each 1,000 pounds  
35 or portion thereof in excess of 5,000 pounds. If the registration  
36 cycle established by the director is for more or less than 12  
37 months, applicants shall pay amounts proportionately less or  
38 greater than the fees established by law.

39 Except as otherwise provided in this section, every registration  
40 for a farm truck shall expire and the certificate thereof shall  
41 become void on the last day of the [eleventh] twelfth calendar  
42 month following the month in which the certificate was issued;  
43 except that the director may require registrations which shall  
44 expire, and issue certificates thereof which shall become void, on  
45 a date fixed by the director, which shall not be sooner than three  
46 months or later than 26 months after the date of issuance of such  
47 certificates, and the fees for such registrations, including any  
48 other fees or charges collected in connection with the  
49 registration fee, shall be fixed by the director in amounts  
50 proportionately less or greater than the fees established by law.  
51 The director may fix the expiration date for registration  
52 certificates at a date other than 12 months if the director  
53 determines that such change is necessary, appropriate or  
54 convenient in order to aid in implementing the vehicle inspection

1 requirements of chapter 8 of Title 39 or for other good cause.

2 [Farm trucks for which farm truck registrations had been  
3 issued prior to the effective date of this act and which expire  
4 June 30, 1982 shall be issued registrations, which, in the  
5 director's discretion, shall expire on a date to be fixed by him,  
6 which date shall not be sooner than four months nor later than 16  
7 months following the date of issuance of the registration. The  
8 fees for such registrations shall be fixed by the director in  
9 amounts proportionately less or greater than the fees established  
10 by this section.]

11 The term "farmer" as used in this section means any person  
12 engaged in the commercial raising, growing and producing of  
13 farm products on a farm not less than five acres in area, and who  
14 does not engage in the business of buying farm products for  
15 resale; and the term "farm products" means any crop, livestock  
16 or fur products.

17 (cf: P.L.1984, c.73, s.33)

18 32. R.S. 39:3-27 is amended to read as follows:

19 39:3-27. No fee shall be charged for the registration of motor  
20 vehicles not used for pleasure or hire, owned by the United  
21 States, the State of New Jersey, a municipality, county, Regional  
22 Air Pollution Control Agency, Passaic Valley Sewerage  
23 Commissioners, North Jersey District Water Supply Commission,  
24 a county improvement authority created under the "county  
25 improvement authorities law" (P.L.1960, c. 183), a local school  
26 district, a regional school district, a county vocational or  
27 technical school, a duly authorized volunteer fire department, a  
28 duly authorized volunteer first aid, rescue or emergency squad,  
29 any duly recognized auxiliary or reserve police organization of  
30 any municipality, hospital, humane society, and anticruelty  
31 society in this State, New Jersey wing of the Civil Air Patrol  
32 incorporated by the Act of July 1946 (Public Law 476-79th  
33 Congress), the American Red Cross, chartered local councils in  
34 New Jersey of the Boy Scouts of America or the Girl Scouts of  
35 the United States of America, chartered local councils in New  
36 Jersey of the Boys' Clubs of America or the Girls' Clubs of  
37 America, or chartered local organizations of the Police Athletic  
38 League or for the registration of ambulances owned by any  
39 nonprofit organization. These vehicles shall be registered and  
40 display number plates as provided in this [subtitle] title or the  
41 director may, in his discretion, issue special registration  
42 certificates and special number plates for any of these motor  
43 vehicles which shall be valid for such motor vehicle [until the  
44 transfer of ownership or the destruction of such motor vehicle, at  
45 which time the special registration shall expire] for a period fixed  
46 by the director which may correspond with the inspection  
47 expiration date applicable to such vehicles, which date shall not  
48 be later than 26 months after the date of issuance of such  
49 certificates. Upon the expiration or nonrenewal of any special  
50 registration the registration certificate and special number  
51 marker shall be returned to the director; provided, however, upon  
52 proper application to the director the special registration and  
53 special number marker may be transferred to another motor  
54 vehicle acquired by the owner to whom the special registration

1 and marker were issued.

2 (cf: P.L.1983, c.228, s.1)

3 33. Section 2 of P.L.1981, c.139 (C.39:3-27.19) is amended to  
4 read as follows:

5 2. The Director of the Division of Motor Vehicles may issue,  
6 upon application on a form [prescribed] prepared by him, a  
7 registration certificate and registration plates for commuter vans  
8 as the application may indicate is warranted in accordance with  
9 the definition of these vehicles contained in R.S. 39:1-1 for the  
10 [annual] registration period as fixed by the director.

11 For each vehicle used as a commuter van the applicant for the  
12 registration thereof shall pay an annual fee of [~~\$50.00~~] \$50 or, if  
13 the registration is not annual, the fee shall be fixed by the  
14 director in an amount proportionately less or greater than \$50  
15 and proportionately less or greater than any other fees or charges  
16 imposed by law and collected in connection with the registration  
17 fee. [Any such applicant shall receive a credit for the unexpired  
18 portion of his registration for any vehicle covered under this act  
19 which has been issued prior to the effective date of this act on  
20 the basis of one-twelfth of the registration fee he has paid for  
21 each month remaining in such registration year.]

22 The director shall design a plate to identify a vehicle as a  
23 commuter van.

24 34. R.S.39:3-30 is amended to read as follows:

25 39:3-30. Upon the transfer of ownership or the destruction of  
26 any motor vehicle or vehicle its registration shall become void.  
27 If the motor vehicle or vehicle is sold the original owner shall  
28 remove the license plates therefrom, and[, within 48 hours, notify  
29 the director of the name and address of the purchaser] surrender  
30 them to the division in a manner specified by the director if such  
31 plates are not transferred to another vehicle pursuant to this  
32 section.

33 The original owner may, by proper sworn application on a form  
34 to be furnished by the division, register another motor vehicle for  
35 the unexpired portion of the registration period of the original  
36 vehicle [, upon payment of] . A person applying to use the  
37 unexpired portion of a registration under this section shall pay a  
38 fee of \$4.50 if the vehicle is of a weight or other classification  
39 equal with or less than the one originally registered, and [upon  
40 the payment of] shall pay a fee of \$4.50 and the difference  
41 between the fee originally paid and that due if the new motor  
42 vehicle is properly registerable in a higher class. Unless the  
43 original license plates have been destroyed, the owner shall be  
44 assigned the license number previously issued to him and shall  
45 receive a new registration certificate. If the original license  
46 plates have been destroyed, replacement of the plates will be  
47 made under the provisions of R.S.39:3-32.

48 The surviving husband, wife, child or children of a deceased  
49 registered owner of any motor vehicle in whom title thereto shall  
50 vest by virtue of the terms of the will of such deceased owner, or  
51 otherwise, shall, upon application to the director, and upon the  
52 payment of a fee of \$4.50, be entitled to have the registration of  
53 such vehicle transferred to his or her name.

1 The registered owner of any motor vehicle shall, upon  
2 application to the director, and payment of a fee of \$4.50, be  
3 entitled to have the vehicle registered jointly in the name of the  
4 registered owner and the spouse of said owner. The registration  
5 certificate and certificate of ownership shall be amended  
6 accordingly without the payment of any additional fee.

7 (cf: P.L.1978, c.96, s.1)

8 35. R.S.39:3-37 is amended to read as follows:

9 39:3-37. A person who gives a fictitious name or address or  
10 makes any other intentional misstatement of a material fact in  
11 [his] an application for registration of a motor vehicle , an  
12 application for a waiver pursuant to section 15 of P.L. , c.  
13 (C. ) (now before the Legislature as this bill) of the emission  
14 standards requirement, or an application for a driver's license or  
15 in a preliminary application, examination or proceeding, or a  
16 person who knowingly sells, loans or gives an identification  
17 document to another person for the purpose of aiding that person  
18 to obtain a driver's license [or], registration certificate or waiver  
19 certificate for which that person is not qualified, shall be subject  
20 to a fine of not less than [\$200.00] \$200 or more than [\$500.00]  
21 \$500, or imprisonment for not more than six months or both, at  
22 the discretion of the court. The director shall, upon proper  
23 evidence not limited to a conviction, revoke the registration of  
24 the motor vehicle or driver's license of a person who violates this  
25 section for a period of not less than six months or more than two  
26 years.

27 (cf: P.L.1989, c.298, s.1)

28 36. Section 11 of P.L.1968, c.410 (C.52:14B-11) is amended to  
29 read as follows:

30 11. No agency shall revoke or refuse to renew any license  
31 unless it has first afforded the licensee an opportunity for hearing  
32 in conformity with the provisions of this act applicable to  
33 contested cases. If a licensee has, in accordance with law and  
34 agency rules, made timely and sufficient application for a  
35 renewal, his license shall not expire until his application has been  
36 finally determined by the agency. Any agency that has authority  
37 to suspend a license without first holding a hearing shall promptly  
38 upon exercising such authority afford the licensee an opportunity  
39 for hearing in conformity with the provisions of this act.

40 This section shall not apply (1) where a statute provides that an  
41 agency is not required to grant a hearing in regard to revocation,  
42 suspension or refusal to renew a license, as the case may be; or  
43 (2) where the agency is required by any law to revoke, suspend or  
44 refuse to renew a license, as the case may be, without exercising  
45 any discretion in the matter, on the basis of a judgment of a  
46 court of competent jurisdiction; or (3) where the suspension or  
47 refusal to renew is based solely upon failure of the licensee to  
48 maintain insurance coverage as required by any law or regulation;  
49 or (4) where the suspension or refusal to renew a motor vehicle  
50 registration is based upon the failure of the vehicle to be  
51 presented for inspection or to satisfy the inspection requirements  
52 of chapter 8 of Title 39 of the Revised Statutes.

53 (cf: P.L.1968, c.410, s.11)

54 37. Section 1 of P.L.1966, c.16 (C.26:2C-8.1) is amended to

1 read as follows:

2 1. a. The department, after consultation with the Director of  
3 the Division of Motor Vehicles, shall have the power to formulate  
4 and promulgate, amend and repeal codes, rules and regulations  
5 establishing standards and requirements for the control of air  
6 contaminants from motor vehicles.

7 b. The department, after consultation with the Director of the  
8 Division of Motor Vehicles, shall adopt rules, consistent with the  
9 federal Clean Air Act, establishing exhaust emission standards  
10 and test methods and standards for emission control apparatus  
11 and related items. The department shall not adopt the "I/M 240"  
12 test, but shall adopt an alternative test that is acceptable to the  
13 United States Environmental Protection Agency. The department  
14 may provide that the standards and test methods vary according  
15 to the model year, type, or other vehicle characteristic that the  
16 department deems necessary to facilitate inspections or to  
17 comply with the federal Clean Air Act. This subsection shall not  
18 preclude the use of the "I/M 240" test in sampling for  
19 performance evaluation only or the use of the test at the option  
20 of a private inspection facility.

21 c. Within one year of the effective date of P.L. , c. (C. )  
22 (now before the Legislature as this bill) the Department of  
23 Transportation and the Department of Environmental Protection,  
24 in conjunction with the Department of Law and Public Safety and  
25 in consultation with the New Jersey Institute of Technology, shall  
26 develop and implement a program for the roadside enforcement  
27 of smoke opacity and air pollutant standards for all classes of  
28 motor vehicles with a gross vehicle weight of 8,500 pounds or  
29 more. Motor vehicles used for construction or farming purposes  
30 may be exempted from these programs at the discretion of the  
31 Commissioner of Environmental Protection, except that buses  
32 and other commercial motor vehicles shall not be exempted.

33 (cf: P.L.1966, c.16, s.1)

34 38. Section 2 of P.L.1966, c.16 (C.26:2C-8.2) is amended to  
35 read as follows:

36 2. Any code, rule or regulation establishing standards and  
37 requirements for the control of air contaminants from motor  
38 vehicles shall be applicable to such classification of motor  
39 vehicles as the department shall determine to be necessary to  
40 carry out the purpose of this act [and shall apply to such motor  
41 vehicles not earlier than 180 days following the date of adoption].

42 (cf: P.L.1967, c.106, s.12)

43 39. Section 9 of P.L.1954, c.212 (C.26:2C-9) is amended to  
44 read as follows:

45 9. a. The department shall conduct ambient air quality tests,  
46 on at least a monthly basis and wherever possible in conjunction  
47 with the county college or other county facility, which are  
48 representative of every county of the State. The department  
49 shall report the results of these tests to the county health  
50 officers, the Legislature, and the news media.

51 b. The department shall control air pollution in accordance  
52 with the provisions of any applicable code, rule or regulation  
53 promulgated by the department and for this purpose shall have



1 power to--

2 [(a)] (1) Conduct and supervise research programs for the  
3 purpose of determining the causes, effects and hazards of air  
4 pollution;

5 [(b)] (2) Conduct and supervise Statewide programs of air  
6 pollution control education including the preparation and  
7 distribution of information relating to air pollution control;

8 [(c)] (3) Require the registration of persons engaged in  
9 operations which may result in air pollution and the filing of  
10 reports by them containing information relating to location, size  
11 of outlet, height of outlet, rate and period of emission and  
12 composition of effluent, and such other information as the  
13 department shall prescribe to be filed relative to air pollution, all  
14 in accordance with applicable codes, rules or regulations  
15 established by the department;

16 [(d)] (4) Enter and inspect any building or place, except private  
17 residences, for the purpose of investigating an actual or  
18 suspected source of air pollution and ascertaining compliance or  
19 noncompliance with any code, rules and regulations of the  
20 department. Any information relating to secret processes or  
21 methods of manufacture or production obtained in the course of  
22 such inspection, investigation or determination, shall be kept  
23 confidential and shall not be admissible in evidence in any court  
24 or in any other proceeding except before the department as  
25 herein defined. If samples are taken for analysis, a duplicate of  
26 the analytical report shall be furnished promptly to the person  
27 suspected of causing air pollution;

28 [(e)] (5) Receive or initiate complaints of air pollution, hold  
29 hearings in connection with air pollution and institute legal  
30 proceedings for the prevention of air pollution and for the  
31 recovery of penalties, in accordance with this act;

32 [(f)] (6) With the approval of the Governor, cooperate with, and  
33 receive money from, the federal government, the State  
34 government, or any county or municipal government or from  
35 private sources for the study and control of air pollution;

36 [(g)] (7) The department may in accordance with a fee schedule  
37 adopted as a rule or regulation establish and charge fees for any  
38 of the services it performs, which fees shall be annual or periodic  
39 as the department shall determine. The fees charged by the  
40 department pursuant to this section shall not be less than [\$10.00]  
41 \$10 nor more than [\$500.00] \$500 based on criteria contained in  
42 the fee schedule.

43 (cf: P.L.1993, c.257, s.1)

44 40. Section 1 of P.L.1956, c.25 (C.39:8-2.2), sections 3 through  
45 16 of P.L.1975, c.156 (C.39:8-11 through 39:8-24) and sections 17  
46 through 20 of P.L.1986, c.22 (C.39:8-37 through 39:8-40) are  
47 repealed effective January 1, 1996.

48 41. The following language in section 1 of P.L.1994, c.67, the  
49 fiscal year 1995 annual appropriations act, at page 156, is  
50 amended to read as follows:

1 1.

## CAPITAL CONSTRUCTION

### 66 DEPARTMENT OF LAW AND PUBLIC SAFETY

#### 10 Public Safety and Criminal Justice

#### 11 Vehicular Safety

7 The amount hereinabove for Reserve for Clean Air Act  
8 Implementation shall only be expended upon the approval of the  
9 Director of the Division of Budget and Accounting and the Joint  
10 Budget Oversight Committee; provided however, that there are  
11 allocated from the Reserve for Clean Air Act Implementation  
12 account without such approval the amount of \$100,000 to the  
13 Bureau of Research, Division of Design and Right of Way, in the  
14 Department of Transportation to conduct a study of devices that  
15 reduce pollutants in the air through the modification of a vehicle  
16 exhaust system or fuel intake system, and the amount of \$100,000  
17 for grants to the Environmental and Occupational Health  
18 Sciences Institute of Rutgers, the State University, and the New  
19 Jersey Institute of Technology, the amount of which grants shall  
20 be determined by the Secretary of State, to study the health  
21 effects of federally mandated reformulated fuels on service  
22 station attendants and motorists.  
23 (cf: P.L.1994, c.67, s.1)

24 42. This act shall take effect on January 1, 1995, except for  
25 section 38, which shall take effect immediately, and except that  
26 the State Treasurer, the Division of Motor Vehicles, and the  
27 Department of Environmental Protection, immediately upon  
28 enactment of this bill, may undertake all actions, including but  
29 not limited to the proposal and adoption of regulations, the  
30 expenditure of funds, the acquisition of property, the  
31 construction of facilities, the awarding of contracts and the  
32 licensing of persons, that are necessary to implement the  
33 provisions of this act by January 1, 1995.

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#### STATEMENT

37

38 This bill supplements and amends Title 39 and amends other  
39 parts of the law to provide for the implementation of an  
40 enhanced motor vehicle inspection and maintenance program in  
41 New Jersey in response to the requirements at the federal "Clean  
42 Air Act Amendments of 1990," and will substantially conform  
43 New Jersey law to the standards and requirements of that federal  
44 law and the regulations adopted thereunder by the United States  
45 Environmental Protection Agency (40 C.F.R. §51.350 et seq.).  
46 Failure to implement an enhanced motor vehicle inspection and  
47 maintenance program in New Jersey will result in the loss of  
48 significant federal highway funds and the requirement of  
49 two-for-one emission offsets in air pollution control permitting.

50 The federal Clean Air Act Amendments mandate modification  
51 of the New Jersey motor vehicle inspection system so that the  
52 State may attain and maintain National Ambient Air Quality

1 Standards. The bill will provide for this modification by: (1)  
2 establishment of a more comprehensive motor vehicle emissions  
3 inspection procedure to be performed biennially by a private  
4 contractor; (2) issuance of certificates of waiver for motor  
5 vehicles that fail to meet emissions standards after qualifying  
6 repair; (3) establishment of a procedure for the completion of  
7 emissions inspection as a component of the New Jersey inspection  
8 program; and (4) establishment of a registration denial and  
9 suspension procedure for motor vehicles that are not inspected  
10 prior to registration or that have not been repaired and  
11 reinspected after failing an initial inspection. In response to EPA  
12 rule requirements, the bill provides for the establishment of a  
13 dedicated, non-lapsing fund to be known as the Federal Motor  
14 Vehicle Inspection Program Fund to ensure that financial  
15 resources are available to continue the enhanced inspection and  
16 maintenance program in New Jersey.

17 The main provisions of the bill are as follows:

18 Section 4 of the bill requires the State Treasurer to contract  
19 with a private contractor to run the official (test-only) inspection  
20 facilities. This section specifies several contract provisions to  
21 make the program more consumer-friendly, including maximum  
22 wait times and specified operating hours. It provides for a \$500  
23 fine on a contractor if 10 percent of the vehicles in a lane wait  
24 over 30 minutes. The contractor shall offer employment to  
25 full-time DMV inspectors whose positions are terminated as a  
26 result of this act.

27 Section 5 authorizes the DMV to license private inspection  
28 facilities (PIF's), and establishes a \$20 application fee and \$250  
29 license fee. The PIF's are subject to various specified penalties  
30 for violations of the act.

31 Section 6 sets certain standards for PIF's, and authorizes the  
32 DMV to set maximum amounts that PIF's can charge for  
33 inspections and reinspections. A PIF shall not require as a  
34 condition of inspection that repairs be done at any specified  
35 garage.

36 Section 8 establishes a civil penalty of not less than \$500 and a  
37 PIF license suspension for a person performing an improper  
38 inspection.

39 Section 9 sets forth circumstances under which a PIF licensee  
40 can lose its license or, in the case of fraud, be subject to a fine or  
41 imprisonment.

42 Section 11 provides that all old Private Inspection Center (PIC)  
43 licenses shall expire on January 1, 1996, and thus allows one year  
44 (1995) for the transition from the current licensing system to PIF  
45 licenses.

46 Section 12 sets forth inspection requirements for vehicles  
47 subject to emission recalls, as set in the federal law.

48 Section 13 requires that emission inspectors must be licensed  
49 by DMV, and sets a \$50 maximum license fee.

50 Section 14 requires that motor vehicle repair facilities must be  
51 registered with the DMV before they may perform  
52 emission-related repairs on vehicles that have failed the required  
53 emission test.

54 Section 15 permits a waiver from emission inspection

1 requirement, subject to federal requirements. The director is  
2 mandated to set up a program to assist low and moderate income  
3 motorists with emission repair costs.

4 Section 19 amends R.S. 39:8-2 to require the DMV to adopt an  
5 enhanced inspection and maintenance program, but specifies that  
6 the I/M 240 test may not be used at an official inspection  
7 facility, except for sampling purposes for comparative  
8 evaluations only. The I/M 240 test may also be used at the option  
9 of a private inspection facility. The DEP and DMV are required  
10 to investigate remote sensing and onboard diagnostics, and pursue  
11 the use of these technologies in complying with the Clean Air  
12 Act. The DMV is required to adopt, to the extent practicable,  
13 advanced technologies such as bar coding and so-called "smart  
14 cards" for the retrieval of testing and other information about  
15 motor vehicles and mass transit fare information. The  
16 inspections authorized in this bill are generally required to be  
17 biennial, except that the DMV may require more frequent  
18 inspections for special classes of vehicles, such as school buses.  
19 The Treasurer is given special authority to dispose of property in  
20 an expedited manner in setting up the inspection and maintenance  
21 program, subject to review by the Joint Budget Oversight  
22 Committee. Roadside examinations using remote sensing  
23 technology are required. This section also prohibits an increase  
24 in any fee to pay for the inspection program. It establishes a  
25 dedicated "Federal Motor Vehicle Inspection Program Fund," into  
26 which will be deposited \$11.50 from each registration fee  
27 received after June 30, 1995, as well as various license fee and  
28 fine revenue.

29 Section 24 amends R.S.39:8-9 to provide for fine for any  
30 violation is not less than \$100 or more than \$200. A person who  
31 fraudulently obtains a certificate of approval is subject to fine of  
32 \$500. A person's registration privilege may be revoked for any  
33 violation of the act, and a motor vehicle's license plates may be  
34 confiscated to enforce this section.

35 Section 26 amends R.S.39:3-4 to allow the DMV to change the  
36 registration expiration date of a motor vehicle, and the  
37 registration period can be extended for up to 26 months.

38 Section 27 amends R.S.39:3-5 to provide that a motor vehicle  
39 must pass inspection prior to registration.

40 Section 28 amends R.S.39:3-10 to authorize the DMV to  
41 privatize driver license exams.

42 Section 37 authorizes the DEP to adopt emission standards,  
43 consistent with the Clean Air Act but not including I/M 240, by  
44 rulemaking. The DOT and the DEP are required to develop a  
45 roadside emission testing program from vehicles over 8,500  
46 pounds.

47 Section 39 requires DEP to conduct monthly ambient air  
48 quality tests that are representative of every county.

49 Section 40 repeals the sections of law concerning the current  
50 Private Inspection Centers, effective January 1, 1996.

51 Section 41 amends the fiscal year 1995 annual appropriations  
52 act to allocate \$200,000 from the appropriation to the capital  
53 account of the Department of Law and Public Safety. Of this  
54 amount, \$100,000 is allocated to the Department of

1 Transportation to conduct a study of alternative pollutant  
2 reduction devices, and \$100,000 is allocated to the New Jersey  
3 Institute of Technology and the Environmental and Occupational  
4 Health Sciences Institute of Rutgers University to study the  
5 health effects of reformulated fuels.

6 Section 42 makes the act effective on January 1, 1995, and  
7 gives the relevant agencies the authority to take action  
8 immediately to begin implementation.

9

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13 "Federal Clean Air Mandate Compliance Act."

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 1700

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1995

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1700 SCS.

Senate Bill No. 1700 SCS provides for the implementation of an enhanced motor vehicle inspection and maintenance program in New Jersey in response to the requirements of the federal "Clean Air Act Amendments of 1990." This bill substantially conforms New Jersey law to the standards and requirements of that federal law and the regulations adopted by the United States Environmental Protection Agency (EPA) (40 C.F.R. §51.350 et seq.); however, the bill specifically prohibits the use of the I/M 240 emissions test, originally required by the EPA, except in certain limited circumstances.

A full discussion of the provisions of the bill is contained in the February 6, 1995, statement of the Senate Natural Resources, Trade and Economic Development Committee that accompanied the release of the bill by that committee.

FISCAL IMPACT

The bill establishes a dedicated "Motor Vehicle Inspection Fund" into which will be deposited \$11.50 from each registration fee received after June 30, 1995, as well as various other license fees and fines allocated to the fund by the bill. The fund will be used to: (1) pay the private contractor(s) who may be selected by the State Treasurer in accordance with section 4 of the bill to construct, operate and maintain the official State motor vehicle inspection stations; and (2) cover the cost incurred by the Division of Motor Vehicles (DMV) and the Department of Environmental Protection (DEP) in administering the motor vehicle inspection program and by the Office of Telecommunications and Information Systems in the Department of Treasury for computer support upgrades. This bill specifically prohibits any increase in current motor vehicle registration fees for the purpose of generating additional State revenues to pay for this new inspection and maintenance program.

According to DMV, there are approximately 5.9 million vehicles registered in this State and \$11.50 from each motor vehicle registration fee will be deposited by the State Treasurer into the new "Motor Vehicle Inspection Fund." DMV estimates that this will generate \$68 million annually. It is noted that the Fiscal Year 1995 appropriations act appropriated \$35 million in capital construction funds to the Department of Law and Public Safety for the initial implementation costs of this inspection program.

In addition, the "Motor Vehicle Inspection Fund" will receive revenues from the various fees and fines established or increased by this bill. For example, DMV will issue licenses for new private inspection facilities (PIFs) that will inspect motor vehicles and will charge a \$20 application fee and \$250 license fee; motor vehicle emission inspectors will also be licensed by DMV in accordance with the provisions of this bill and pay a license fee of \$50; and the fine for failing to have a motor vehicle inspected is increased to not less than \$100 or more than \$200. The additional revenues are estimated to be approximately \$2.0 million annually and will also be deposited into the fund.

The Attorney General, in testimony before this committee on February 6, 1995, stated that the estimated cost of implementing the enhanced motor vehicle inspection and maintenance system in accordance with this bill will be \$45 million in the first year of implementation and \$55 million annually thereafter for approximately the next seven years.

The bill gives the State Treasurer special authority, for a limited period of time, to acquire and dispose of property in an expedited manner for the purpose of establishing the inspection and maintenance program, subject to review by the State House Commission and the Joint Budget Oversight Committee. Revenues from the sale of property that are not used by the Treasurer for acquisition of other property are to be appropriated to the Department of Transportation (DOT) for mass transit improvements.

Finally, the bill amends the fiscal year 1995 annual appropriations act to allocate for certain specific purposes \$200,000 from the \$35 million appropriation to the capital construction account of the Department of Law and Public Safety. Of this \$200,000, \$100,000 is allocated to the DOT to conduct a study of alternative pollutant reduction and monitoring devices, and \$100,000 is allocated to the New Jersey Institute of Technology to study the fuel efficiency of reformulated fuels and to the Environmental and Occupational Health Sciences Institute of Rutgers University to study the health effects of reformulated fuels.

SENATE NATURAL RESOURCES, TRADE AND  
ECONOMIC DEVELOPMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 1700

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1995

The Senate Natural Resources, Trade and Economic Development Committee favorably reports a Senate committee substitute for Senate Bill No.1700.

This committee substitute supplements and amends Title 39 and amends other parts of the law to provide for the implementation of an enhanced motor vehicle inspection and maintenance program in New Jersey in response to the requirements of the federal "Clean Air Act Amendments of 1990," and will substantially conform New Jersey law to the standards and requirements of that federal law and the regulations adopted pursuant thereto by the United States Environmental Protection Agency (EPA) (40 C.F.R. §51.350 et seq.). Failure to implement an enhanced motor vehicle inspection and maintenance program in New Jersey will result in the loss of significant federal highway funds and the requirement of two-for-one emission offsets in air pollution control permitting for stationary sources.

The committee substitute will provide for: (1) establishment of a more comprehensive motor vehicle emissions inspection procedure to be performed biennially by the Division of Motor Vehicles (DMV), a private contractor or a licensed private inspection facility; (2) issuance of certificates of waiver for motor vehicles that fail to meet emission standards after qualifying repair; (3) establishment of a procedure for the completion of emission inspection as a component of the New Jersey inspection program; and (4) establishment of a registration denial and suspension procedure for motor vehicles that are not inspected prior to registration or that have not been repaired and reinspected after failing an initial inspection. In response to EPA rule requirements, the committee substitute provides for the establishment of a dedicated, non-lapsing fund to be known as the Motor Vehicle Inspection Fund, to ensure that financial resources are available to continue the enhanced inspection and maintenance program in New Jersey.

The main provisions of the committee substitute are as follows:

Section 4 of the committee substitute requires the State Treasurer either to assign to the State the full responsibility for construction and operation of the official inspection facilities, to contract with a private contractor to run the official inspection facilities, or to create a hybrid public/private inspection program. At least seven business days prior to the award of a contract that includes the operation or maintenance of an official inspection facility, the State Treasurer shall issue a notice of intent to award the contract and shall submit a written report to the Legislature explaining the chosen option, which report shall include an economic analysis of the three options with respect to the operation and maintenance portion of the contract.



The committee substitute provides that a State officer or employee may enter into a contract under this section as a private contractor. This section specifies several contract provisions to make the program more consumer-friendly, including siting facilities close to population centers, keeping facilities open at least 55 hours per week, including hours in the early morning, at night, and on weekends, and offering employment to full-time DMV employees whose employment is terminated as a result of the act. Average daily wait times and incentives to improve wait times are to be set by the DMV. An expedited contract dispute procedure is established in subsection e. of this section. Subsection f. makes laid-off DMV employees eligible for employment training grants through the Workforce Development Program in the Department of Labor.

Section 5 authorizes the DMV to license private inspection facilities (PIFs) to inspect initially, reinspect and certify motor vehicles, and establishes a \$20 application fee and \$250 license fee. Most often, a private inspection facility licensee would be a garage that could both test the motor vehicle and effect repairs. This section requires the DMV to permit PIFs to conduct initial inspections on motor vehicles four years old or newer, and requires the DMV to permit PIF inspections of older vehicles to the maximum extent feasible. The PIFs are subject to various specified penalties for violations of the act.

Section 6 sets certain standards for PIFs, and authorizes the DMV to set maximum amounts that PIFs can charge for inspections and reinspections. A PIF cannot require as a condition of inspection that repairs be done at a particular garage.

Section 7 requires the DMV to provide to each PIF as many certificates and stickers as may be required, and provides that the DMV may charge a refundable fee of \$1 per sticker.

Section 8 establishes a civil penalty of not less than \$500 and a PIF license suspension for a person performing an improper inspection.

Section 9 sets forth circumstances under which a PIF licensee can lose its license or, in the case of fraud, be subject to a fine or imprisonment.

Section 10 requires PIFs and official inspection facilities to use emission testing equipment that has been certified by the Department of Environmental Protection under standards adopted by the department.

Section 11 provides that all current Private Inspection Center (PIC) licenses shall expire on January 1, 1996, and thus allows one year (1995) for the transition from the current licensing system to PIF licenses. However, the DMV director may extend PIC licenses beyond January 1, 1996.

Section 12 requires that emission inspectors must be licensed by the DMV, and sets a \$50 maximum license fee.

Section 13 requires that motor vehicle repair facilities must be registered with the DMV before they may perform emission-related repairs on vehicles that have failed the required emission test. The Department of Education is mandated to develop and make available a course for training emission repair technicians.

Section 15 permits a waiver from the emission inspection requirement, subject to certain federal criteria. A key federal

criterion for a waiver, the expenditure of a specified amount of money on emission related repairs, will be instituted for emission test failures occurring after January 1, 1998. Emission-related repairs conducted within 30 days prior to the failed test, as well as subsequent repairs, will count towards the waiver amount.

Section 16 sets forth inspection requirements for vehicles subject to emission recalls, as set forth in the federal law.

Section 17 authorizes the DMV director to adopt rules and regulations to implement the act, but specifies that these rules shall not require the use of the I/M 240 test.

Section 19 amends R.S.39:8-1 to specify which vehicles are subject to inspection. Historic motor vehicles and collector motor vehicles are exempted from the inspection requirement, and the DMV is authorized to exempt other categories of vehicles.

Section 20 amends R.S.39:8-2 to specify the nature of the DMV regulations implementing the enhanced inspection and maintenance program, and specifies that the I/M 240 test shall not be used at an official inspection facility, except for sampling purposes for comparative evaluations only. The I/M 240 test may also be used at the option of a private inspection facility. The DMV shall not require a tailpipe test using a dynamometer for a "low mileage vehicle" as defined pursuant to this section. The Department of Environmental Protection (DEP) and the DMV are required to investigate remote sensing and onboard diagnostics, and pursue the use of these technologies in complying with the federal Clean Air Act. The DMV is required to adopt, to the extent practicable, advanced technologies such as bar coding and so-called "smart cards" for the retrieval of testing and other information about motor vehicles and mass transit fare information. The inspections authorized in this committee substitute are generally required to be biennial, except that the DMV may require more frequent inspections for special classes of vehicles, such as school buses.

Section 20 also gives the State Treasurer authority, until January 1, 1997, to acquire and dispose of property in an expedited manner in setting up the inspection and maintenance program, subject to expedited review by the State House Commission when disposing of property, and by the Joint Budget Oversight Committee when acquiring property. Revenues from the sale of property that are not used by the State Treasurer for acquisition of other property are appropriated to the Department of Transportation (DOT) for mass transit improvements.

This section also requires roadside examinations using remote sensing technology. This section also prohibits an increase in any fee to pay for the inspection program. It establishes a dedicated Motor Vehicle Inspection Fund, into which will be deposited \$11.50 from each registration fee received after June 30, 1995, as well as various license fee and fine revenue. The fund shall be used to pay private contractors and to cover the cost to the DMV and the DEP of administering the program.

Section 22 amends R.S.39:8-4 to provide that the DMV director may require non-emission related repairs or adjustments to be made, and may issue a certificate of approval for a vehicle prior to such repairs. The director is mandated to require emission-related repairs and adjustments to be made, and cannot issue a certificate of approval until the repairs are made.

Section 24 authorizes the DMV director to suspend, revoke or deny registration to a motor vehicle that is not in compliance with the inspection requirements when that vehicle is operated or parked on a public road or on public or quasi-public property.

Section 25 amends R.S.39:8-9 to provide for a fine for any violation that is not less than \$100 or more than \$200. A person who fraudulently obtains a certificate of approval is subject to a fine of \$500. A person's registration privilege may be revoked for any violation of the act, and a motor vehicle's license plates may be confiscated to enforce this section.

Section 27 amends R.S.39:3-4 to allow the DMV to change the registration expiration date of a motor vehicle, and the registration period can be extended for up to 26 months.

Section 28 amends R.S.39:3-5 to provide that a motor vehicle must pass inspection prior to registration.

Section 36 amends the "Administrative Procedure Act" to allow the DMV, without a prior hearing, to suspend or refuse to renew a motor vehicle registration for failure to comply with inspection requirements.

Section 37 requires the DEP to adopt emission standards, consistent with the federal Clean Air Act but not including I/M 240, by rulemaking. The DOT and the DEP are required to develop and implement a roadside emission testing program for vehicles over 18,000 pounds. The agencies are also required to develop a testing program for vehicles between 8,500 pounds and 18,000 pounds and report on the feasibility of its implementation to the Legislature.

Section 39 requires DEP to conduct monthly ambient air quality tests that are representative of every county and report the results to county health officers, the Legislature and the news media.

Section 40 amends the fiscal year 1995 annual appropriations act to allocate \$200,000 from the appropriation to the capital account of the Department of Law and Public Safety. Of this amount, \$100,000 is allocated to the DOT to conduct a study of alternative pollutant reduction and monitoring devices, and \$100,000 is allocated to the New Jersey Institute of Technology to study the fuel efficiency of reformulated fuels and to the Environmental and Occupational Health Sciences Institute of Rutgers University to study the health effects of reformulated fuels.

#### FISCAL IMPACT

The bill establishes a dedicated "Motor Vehicle Inspection Fund" into which will be deposited \$11.50 from each registration fee received after June 30, 1995, as well as various other license fees and fines allocated to the fund by the bill. The fund will be used to: (1) pay the private contractor or contractors who may be selected by the State Treasurer in accordance with section 4 of the bill to construct, operate and maintain the official State motor vehicle inspection stations; and (2) cover the cost incurred by the Division of Motor Vehicles (DMV) and the Department of Environmental Protection (DEP) in administering the motor vehicle inspection program. This bill specifically prohibits any increase in current motor vehicle registration fees for the purpose of generating additional State revenues to pay for this new emissions inspection program.

According to DMV, there are approximately 5.9 million vehicles registered in this State and \$11.50 from each motor vehicle registration fee will be deposited by the State Treasurer into the new "Motor Vehicle Inspection Fund." DMV estimates that this will generate \$68 million annually. It is noted that the Fiscal Year 1995 appropriations act appropriated \$35 million in capital funds to the Department of Law and Public Safety for the initial implementation costs of the motor vehicle inspection program.

In addition, the State will receive revenues from the various fees and fines established or increased by this bill. For example, DMV will issue licenses for new private inspection facilities (PIFs) that will inspect motor vehicles and will charge a \$20 application fee and \$250 license fee; motor vehicle emission inspectors will also be licensed by DMV in accordance with the provisions of this bill and pay a license fee of \$50; and the fine for failing to have a motor vehicle inspected is increased to not less than \$100 or more than \$200. The additional revenues are estimated to be approximately \$2.0 million annually and will also be deposited into the fund. Compliance enforcement costs for the DEP and the DMV are not known at this time.

The bill gives the State Treasurer special authority to acquire and dispose of property in an expedited manner for the purpose of establishing the inspection and maintenance program, subject to review by the State House Commission and the Joint Budget Oversight Committee. Revenues from the sale of property that are not used by the Treasurer for acquisition of other property are appropriated to the Department of Transportation (DOT) for mass transit improvements.

Finally, the bill amends the fiscal year 1995 annual appropriations act to allocate for certain specific purposes \$200,000 from the \$35 million appropriation to the capital account of the Department of Law and Public Safety. Of this \$200,000, \$100,000 is allocated to the DOT to conduct a study of alternative pollutant reduction and monitoring devices, and \$100,000 is allocated to the New Jersey Institute of Technology to study the fuel efficiency of reformulated fuels and to the Environmental and Occupational Health Sciences Institute of Rutgers University to study the health effects of reformulated fuels.



# OFFICE OF THE GOVERNOR

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### GOVERNOR SIGNS AUTO INSPECTION/MAINTENANCE BILL FOR CLEANER AIR

Governor Christie Whitman today signed legislation establishing an enhanced motor vehicle inspection program that will result in the single largest improvement ever in New Jersey's air quality, accounting for more than 40 percent of the initial pollutant reductions required under the federal Clean Air Act. She signed the legislation while attending the Clean Air Act Advisory Committee's meeting in Iselin.

The motor vehicle inspection will be required every other year, rather than the current annual system. The new program also provides for a less time-consuming test than originally required by EPA and allows newer vehicles to be inspected at private inspection centers. There will be no additional fees associated with the inspection program.

"This program represents a critical component of our plans to improve New Jersey's air, making it cleaner and healthier for everyone living in our state. Through implementation of this legislation, New Jersey will fulfill the federal mandate, while ensuring that motorists will not be inconvenienced nor face additional inspection costs," said Governor Whitman.

The legislation, S-1700/A-2456 (sponsored by Senators Littell/Bennett, Assembly members Ogden/Haytaian), implements an agreement the governor negotiated with the U.S. Environmental Protection Agency (EPA) last year.

"New Jersey has the highest vehicle density of any state in the nation, and a severe ozone problem," said Robert C. Shinn, Jr., commissioner of the state Department of Environmental Protection. "Since motor vehicles are the single greatest cause of air pollution, the enhanced inspection/maintenance program will significantly reduce smog and ozone-forming pollutants. Smog can cause serious health problems for the young, elderly and those with respiratory problems, such as asthmatics. By implementing the enhanced I/M program, and other programs that reduce pollution from industry both inside and outside of the state, we will dramatically improve our air quality."

Attorney General Deborah Poritz said the program negotiated by Governor Whitman is far less costly and far more convenient for New Jersey motorists than the one originally prescribed by EPA.

I/M signed, add 1

"Unlike other states that committed hundreds of millions of dollars to implementing the EPA program just to experience its failure, New Jersey was fortunate in being able to identify the pitfalls in that program early and to establish itself as a national leader in obtaining an effective, rational and fair inspection program for the motorists of this state," Poritz said. "This legislation provides the state with the flexibility necessary to implement the best program possible."

The new legislation authorizes the Division of Motor Vehicle Services to evaluate proposals to expand and privatize inspection stations, implement a waiver program, and establish a toll-free information number and a network of computerized signs advising motorists of waiting times at inspection facilities.

The new program will contain three new pollution tests, the ASM test, pressure and purge tests. The ASM will expand current testing for hydrocarbons and carbon monoxide to include nitrogen oxides. The ASM test was performed on over 8,000 vehicles at the Wayne Inspection Station.

"Instead of the cumbersome, costly and inconvenient I/M240 test proposed by EPA, our new program will use the simpler and far less expensive ASM test," said C. Richard Kamin, director of the Division of Motor Vehicles. "This test, which has proven very effective in identifying polluting vehicles, simply involves measuring tailpipe emissions while a vehicle is running at a steady speed of 15 miles per hour on a dynamometer." A dynamometer consists of two rollers that allow the wheels of a vehicle to move while the vehicle remains stationary.

The pressure test is designed to determine if any pollutants are leaking into the atmosphere from the gas tank or gas cap of the vehicle. These pollutants significantly contribute to our air pollution problem and most pressure test failures can be fixed easily by purchasing a new gas cap or hose. The purge test is designed to make sure that gasoline which evaporates in the gas tank is not released into the atmosphere but, instead, is returned to the engine for combustion. The purge test is performed by flowing helium through the gas tank while the ASM test is being conducted.

Presently, New Jersey fails to meet the federal health standard for ozone and must reduce the amount of volatile organic compounds and nitrogen oxide, pollutants which combine in sunlight to form ozone or smog. Highway vehicles are one of the largest sources of these pollutants, as well as carbon monoxide, a pollutant which results from incomplete fuel combustion and is emitted directly from the tailpipe. Under the Clean Air Act, New Jersey must take steps to reduce these pollutants and to ensure healthy air by the year 2005 for southern New Jersey and 2007 for northern New Jersey.

The I/M program will become part of the State Ozone Implementation Plan required by EPA under the Clean Air Act Amendments of 1990. This new auto emission test will enable New Jersey to avoid federal sanctions that could have cost the state more than \$500 million in highway funds and could have endangered future economic development.

The I/M program is just one of the strategies DEP is undertaking to clean the air, including implementing tougher controls on industrial emissions, developing a new roadside testing program for diesel trucks, and encouraging motorists to carpool and take mass transit.

(more)

add 2, 1/M

New Jersey is one of about 40 states required to improve its inspection/maintenance program to reduce auto emissions. Northeastern states from Virginia to Maine also are part of the Ozone Transport Commission, which are working together to reduce smog. The Ozone Transport Commission recently petitioned EPA to urge midwestern states to control nitrogen oxide emissions from power plants in that region, as those pollutants blow eastward and contribute to air pollution in the Northeast.

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