

39:8-59

LEGISLATIVE HISTORY CHECKLIST  
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(Diesel motor vehicles--inspection  
& regulation of emmissions)

NJSA: 39:8-59

LAWS OF: 1995 CHAPTER: 157

BILL NO: A2457

SPONSOR(S): Ogden

DATE INTRODUCED: December 15, 1994

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SENATE: ---

AMENDED DURING PASSAGE: No Assembly committee substitute enacted

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ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 2457

STATE OF NEW JERSEY

ADOPTED JUNE 19, 1995

Sponsored by Assemblywoman OGDEN  
and Assemblyman BAGGER

1 AN ACT concerning the emission inspection and registration of  
2 certain motor vehicles, amending P.L.1966, c.16, P.L.1969,  
3 c.119, R.S.39:3-20, P.L.1975, c.156, P.L.1962, c.198, and  
4 P.L.1987, c.373, supplementing Title 39 of the Revised Statutes  
5 and repealing parts of the statutory law.

6

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

9 1. (New section) The Legislature finds and declares that  
10 exhaust emissions from diesel buses, heavy-duty diesel trucks,  
11 and other diesel-powered motor vehicles contribute significantly  
12 to air pollution problems within the State; that such emissions  
13 diminish the quality of life and health of our citizens; and that  
14 the technology and state of the art in determining and controlling  
15 the level of unacceptable exhaust emissions from diesel buses,  
16 heavy-duty diesel trucks, and other diesel-powered motor  
17 vehicles are continually being advanced and that the procedures,  
18 test methods and standards for determination of such  
19 unacceptable levels must be reflective of those advances.

20 The Legislature therefore determines that it is in the public  
21 interest to establish a program regulating exhaust emissions from  
22 diesel buses, heavy-duty diesel trucks, and certain other  
23 diesel-powered motor vehicles.

24 2. (New section) As used in this act:

25 "Diesel bus" means any diesel-powered autobus or motorbus of  
26 any size or configuration, whether registered in this State or  
27 elsewhere, that is designed or used for intrastate or interstate  
28 transportation of passengers for hire or otherwise on a public  
29 road, street or highway or any public or quasi-public property in  
30 this State, and shall include, but need not be limited to:  
31 autobuses under the jurisdiction of the Department of  
32 Transportation pursuant to Titles 27 or 48 of the Revised  
33 Statutes; autobuses of the New Jersey Transit Corporation and its  
34 contract carriers that are under the inspection jurisdiction of the  
35 Department of Transportation; autobuses that are subject to  
36 federal motor carrier safety regulations; autobuses under the  
37 authority of the Interstate Commerce Commission or its  
38 successor agency; school buses, as defined pursuant to R.S.39:1-1;  
39 hotel, casino, charter, and special buses; and any other  
40 diesel-powered autobus or motorbus as determined by rule or  
41 regulation adopted by the Division of Motor Vehicles in  
42 consultation with the Department of Transportation;

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 "Diesel-powered motor vehicle" means a vehicle, whether  
2 registered in this State or elsewhere, that is self-propelled by a  
3 compression ignition type of internal combustion engine using  
4 diesel fuel and that (1) is designed or used for transporting  
5 persons or property on any public road, street or highway or any  
6 public or quasi-public property in this State, (2) is greater than  
7 8,500 pounds gross vehicle weight, (3) is not a diesel bus or  
8 heavy-duty diesel truck, and (4) is not a heavy-duty diesel truck  
9 or other diesel-powered motor vehicle owned and operated by a  
10 county, municipality, fire district, or duly incorporated nonprofit  
11 organization for first aid, emergency, ambulance, rescue, or  
12 fire-fighting purposes. Diesel-powered motor vehicle shall also  
13 mean a vehicle that is designed or used for construction or  
14 farming purposes and is greater than 8,500 pounds gross vehicle  
15 weight, except that the Division of Motor Vehicles, in  
16 consultation with the Department of Environmental Protection,  
17 may exempt from the requirements of this act diesel-powered  
18 motor vehicles that are registered as construction vehicles under  
19 Titles 39 and 41 of the Revised Statutes or that are greater than  
20 8,500 pounds gross vehicle weight and are designed or used for  
21 construction or farming purposes;

22 "Director" means the Director of the Division of Motor  
23 Vehicles;

24 "Division" means the Division of Motor Vehicles;

25 "EPA" means the United States Environmental Protection  
26 Agency;

27 "Gross vehicle weight rating" or "GVWR" means the value  
28 specified by the manufacturer as the loaded weight of a single or  
29 combination (articulated) vehicle. The GVWR of a combination  
30 (articulated) vehicle, commonly referred to as the "gross  
31 combination weight rating" or "GCWR," is the GVWR of the  
32 power unit plus the GVWR of the towed unit or units;

33 "Heavy-duty diesel truck" means any diesel-powered motor  
34 vehicle, whether registered in this State or elsewhere, with a  
35 GVWR of 18,000 or more pounds that is designed or used for the  
36 transporting of property on any public road, street or highway or  
37 any public or quasi-public property in this State. Heavy-duty  
38 diesel truck shall not mean a heavy-duty diesel truck owned and  
39 operated by a county, municipality, fire district, or duly  
40 incorporated nonprofit organization for first aid, emergency,  
41 ambulance, rescue, or fire-fighting purposes;

42 "Periodic inspection program" or "periodic inspection" means a  
43 program in which diesel buses, heavy-duty diesel trucks, and  
44 other diesel-powered motor vehicles registered in this State are  
45 periodically inspected in accordance with the provisions of this  
46 act;

47 "Person" means a corporation, company, association, society,  
48 firm, partnership, or joint stock company, or an individual, and  
49 shall also include the State and all of its political subdivisions and  
50 any agencies, authorities, corporations, or instrumentalities of  
51 the State or any political subdivision thereof; and

52 "Roadside enforcement program" or "roadside inspection"  
53 means a roadside examination program conducted pursuant to this  
54 act for the inspection of exhaust emissions, emission control

1 apparatus and such other items as the Department of  
2 Environmental Protection, in consultation with the Director of  
3 the Division of Motor Vehicles and the Commissioner of  
4 Transportation, prescribes, of diesel buses, heavy-duty diesel  
5 trucks, and other diesel-powered motor vehicles along any public  
6 road, street or highway or any public or quasi-public property in  
7 this State or at such other locations as may be designated by the  
8 director in consultation with the Commissioner of Transportation.

9 3. (New section) The Department of Environmental  
10 Protection, in consultation with the Division of Motor Vehicles  
11 and the Department of Transportation, shall adopt rules and  
12 regulations pursuant to the "Administrative Procedure Act,"  
13 P.L.1968, c.410 (C.52:14B-1 et seq.) establishing exhaust  
14 emissions standards and test methods, and standards for emission  
15 control apparatus and related items, in accordance with P.L.1966,  
16 c.16 (C.26:2C-8.1 et seq.) or as may be authorized or provided  
17 otherwise by federal law, rule or regulation, for diesel buses,  
18 heavy-duty diesel trucks, and other diesel-powered motor  
19 vehicles. The test methods shall be accurate, objective, and  
20 capable of being performed routinely in the periodic inspection  
21 program and the roadside enforcement program. In adopting such  
22 standards and test methods, the Department of Environmental  
23 Protection may consider, but need not necessarily adopt, exhaust  
24 control technology current at the time of adoption of the rules  
25 and regulations, as well as guidance, standards, directives, and  
26 other information issued by the EPA, any other state, or any  
27 governmental agency, scientific research entity, or industry. The  
28 Department of Environmental Protection may provide that the  
29 standards and test methods vary according to the age of the  
30 vehicle or according to other relevant factors, and the  
31 department may provide exemptions based upon good cause,  
32 including, but not limited to, whether the vehicle has been tested  
33 within the previous six months or other reasonable period of time  
34 in accordance with the law of another state or jurisdiction and  
35 has been found to be in compliance with the exhaust emissions  
36 standards of the state or jurisdiction in which the vehicle was  
37 tested. The provisions of this act shall not apply to any  
38 heavy-duty diesel truck or other diesel-powered motor vehicle  
39 owned and operated by a county, municipality, fire district, or  
40 duly incorporated nonprofit organization for first aid, emergency,  
41 ambulance, rescue, or fire-fighting purposes.

42 4. (New section) No owner or lessee of a diesel bus,  
43 heavy-duty diesel truck, or other diesel-powered motor vehicle  
44 shall operate, or cause or allow the operation of, that diesel bus,  
45 heavy-duty diesel truck, or other diesel-powered motor vehicle in  
46 this State in violation of the standards established by the  
47 Department of Environmental Protection and determined in  
48 accordance with test methods and procedures established  
49 pursuant to this act.

50 5. (New section) a. The owner and the lessee, if any, of a  
51 heavy-duty diesel truck operated in violation of section 4 of this  
52 act shall be jointly and severally liable for a civil penalty of: \$700  
53 for the first violation, except as otherwise provided in this  
54 subsection; and \$1,300 for the second or subsequent violation,

1 except as otherwise provided in this subsection. A second or  
2 subsequent violation is one that occurs within one year of the  
3 occurrence of a previous violation committed with respect to the  
4 same heavy-duty diesel truck, without regard to the date of the  
5 hearing that adjudicated the violation and without regard to the  
6 identity of the defendant against whom it was adjudicated. The  
7 complaint and summons shall state whether the charges pertain  
8 to a first violation or to a second or subsequent violation, but if  
9 the complaint and summons fail to allege a second or subsequent  
10 violation, the civil penalty imposed shall be that for a first  
11 violation. The penalty for a first violation may be reduced to  
12 \$150 and the penalty for a second or subsequent violation may be  
13 reduced to \$500 if the defendant provides a certification of the  
14 repairs to the vehicle that is satisfactory to the court and in  
15 compliance with emissions standards. The director may specify  
16 by rule or regulation the manner of the repairs and the  
17 certification necessary to effect a reduction of penalty. The  
18 director may, by rule or regulation, provide that information  
19 pertaining to penalties, the repairs that may effect a reduction of  
20 penalty, and the certification necessary to substantiate those  
21 repairs and compliance with emissions standards be served with  
22 the complaint and summons. The director may, by rule or  
23 regulation, prescribe a form for certifying repairs and compliance  
24 with emissions standards, with instructions as to how the form  
25 should be completed and certified. The director may provide that  
26 the form be served with the complaint and summons.

27 Notwithstanding any other provision of law or any rule or  
28 regulation adopted pursuant thereto to the contrary, repairs to  
29 effect a reduction of penalty under the provisions of this  
30 subsection shall be made before the hearing date or within 45  
31 days of the occurrence of the violation, whichever is sooner. A  
32 defendant who is permitted to waive appearance and plead guilty  
33 by mail shall also be permitted to submit the certification of  
34 repairs by mail; provided that if the court deems the certification  
35 to be inadequate, it shall afford the defendant the option to  
36 withdraw the defendant's guilty plea.

37 b. The owner and the lessee, if any, of a diesel bus operated in  
38 violation of section 4 of this act shall be jointly and severally  
39 liable for a civil penalty determined by a penalty schedule that  
40 the director, in consultation with the Commissioner of  
41 Transportation, shall adopt by rule or regulation pursuant to the  
42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
43 seq.), but in no event shall the penalties established thereby  
44 exceed the penalties established by subsection a. of this section  
45 for heavy-duty diesel trucks. The penalty schedule may provide  
46 for a reduction of penalty if the defendant provides a  
47 certification of the repairs to the vehicle that is satisfactory to  
48 the court and in compliance with emissions standards. The  
49 director, in consultation with the Commissioner of  
50 Transportation, may, by rule or regulation, specify the timing and  
51 manner of the repairs and compliance with emissions standards,  
52 and the certification necessary to effect a reduction of penalty.  
53 The director, in consultation with the Commissioner of  
54 Transportation, may, by rule or regulation, provide whether

1 information pertaining to repairs and compliance with emissions  
2 standards, and whether a form to certify those repairs and that  
3 compliance, should be served with the complaint and summons.

4 Notwithstanding the provisions of this subsection to the  
5 contrary, the New Jersey Transit Corporation shall not be liable  
6 for any civil penalty assessed for a violation of section 4 or a  
7 violation of any other provision of this act if the diesel bus that is  
8 the subject of the violation is operated by a lessee or contractor,  
9 or an employee or agent of a lessee or contractor, of the New  
10 Jersey Transit Corporation. However, if a diesel bus that is the  
11 subject of a violation is leased by the New Jersey Transit  
12 Corporation from another person, and the diesel bus is operated  
13 by the New Jersey Transit Corporation or an employee thereof,  
14 the New Jersey Transit Corporation as lessee, and not the owner  
15 of the diesel bus, shall be liable for any civil penalty assessed for  
16 the violation.

17 c. The owner and the lessee, if any, of a diesel-powered motor  
18 vehicle operated in violation of section 4 of this act shall be  
19 jointly and severally liable for a civil penalty determined by a  
20 penalty schedule that the director shall adopt by rule or  
21 regulation pursuant to the "Administrative Procedure Act,"  
22 P.L.1968, c.410 (C.52:14B-1 et seq.), but in no event shall the  
23 penalties established thereby exceed the penalties established by  
24 subsection a. of this section for heavy-duty diesel trucks. The  
25 penalty schedule may provide for a reduction of penalty if the  
26 defendant provides a certification of the repairs to the vehicle  
27 that is satisfactory to the court and in compliance with emissions  
28 standards. The director may, by rule or regulation, specify the  
29 timing and manner of the repairs and compliance with emissions  
30 standards, and the certification necessary to effect a reduction  
31 of penalty. The director may, by rule or regulation, provide  
32 whether information pertaining to repairs and compliance with  
33 emissions standards, and whether a form to certify those repairs  
34 and that compliance, should be served with the complaint and  
35 summons.

36 6. (New section) a. The director, in consultation with the  
37 Department of Environmental Protection and the Department of  
38 Transportation and with the approval of the Attorney General,  
39 shall establish and implement a periodic inspection program and a  
40 roadside enforcement program to implement the standards and  
41 test methods adopted pursuant to section 3 of this act. These  
42 programs shall be designed to measure exhaust emissions and to  
43 inspect emission control apparatus and related items on diesel  
44 buses, heavy-duty diesel trucks, and other diesel-powered motor  
45 vehicles. The programs shall include, at a minimum, diesel buses  
46 and heavy-duty diesel trucks subject to the rules and regulations  
47 adopted pursuant to section 3 of this act; provided that the  
48 director, in consultation with the Department of Transportation,  
49 may exempt vehicles from either program for good cause, which  
50 may include that vehicles belonging to an exempted class are, by  
51 law, subject to emissions testing in another program. The  
52 director, in consultation with the Department of Environmental  
53 Protection and with the approval of the Attorney General, may,  
54 by rule or regulation, expand the periodic inspection program and

1 the roadside enforcement program to include other  
2 diesel-powered motor vehicles that are subject to the rules and  
3 regulations adopted pursuant to section 3 of this act. The  
4 director, in consultation with the Commissioner of  
5 Transportation, may, by rule or regulation, impose upon every  
6 owner and lessee of a diesel bus, heavy-duty diesel truck, or  
7 other diesel-powered motor vehicle subject to periodic inspection  
8 the obligation to have the vehicle periodically inspected in a  
9 manner determined by the director in consultation with the  
10 Commissioner of Transportation, to effect repairs or to abstain  
11 from operating or to limit the operation of a rejected vehicle or a  
12 vehicle overdue for inspection, and may take other action  
13 necessary or appropriate for implementation of the periodic  
14 inspection program. The director, in consultation with the  
15 Commissioner of Transportation, may, by rule or regulation,  
16 impose upon every owner and lessee of a diesel bus, heavy-duty  
17 diesel truck, or other diesel-powered motor vehicle subject to  
18 roadside inspection the obligation to abstain from operating or to  
19 limit the operation of a vehicle that has been tested and found to  
20 be in violation of the rules and regulations adopted pursuant to  
21 section 3 of this act, or to effect repairs, and may take other  
22 action necessary or appropriate for implementation of the  
23 roadside enforcement program. A school bus, as defined pursuant  
24 to R.S.39:1-1, shall be exempt from the roadside enforcement  
25 program. However, nothing in this subsection allowing or  
26 mandating exemptions from the periodic inspection program or  
27 the roadside enforcement program shall be construed to limit any  
28 other enforcement actions permitted by law.

29 b. The Department of Transportation shall exercise all  
30 authority, including but not limited to administrative,  
31 implementation, enforcement, and penalty authority, of the  
32 director and the division for the purposes of this act in  
33 connection with the periodic inspection program for diesel buses  
34 and the roadside enforcement program for diesel buses that are  
35 under the jurisdiction of the Department of Transportation  
36 pursuant to Titles 27 and 48 of the Revised Statutes or any other  
37 law, rule, or regulation. The Department of Transportation shall  
38 consult with the division and the Department of Environmental  
39 Protection in conducting the periodic inspection program for  
40 diesel buses and the roadside enforcement program for diesel  
41 buses that are under the jurisdiction of the Department of  
42 Transportation. Any periodic inspection that may be required  
43 pursuant to this act for a diesel bus under the jurisdiction of the  
44 Department of Transportation shall be conducted only in  
45 conjunction with any periodic safety inspection required for that  
46 diesel bus pursuant to law, rule, or regulation. Any suspension of  
47 registration privileges with respect to diesel buses requested by  
48 the Department of Transportation for a violation of this act or  
49 any rule or regulation adopted pursuant thereto shall be  
50 implemented by the division.

51 7. (New section) In implementing the roadside enforcement  
52 program, the director, in consultation with the Commissioner of  
53 Transportation, shall phase in roadside inspections by establishing  
54 a pilot roadside enforcement program providing a six-month

1 grace period in which warnings shall be issued in lieu of the civil  
2 penalties established by this act or any rule or regulation adopted  
3 pursuant thereto. Notwithstanding the provisions of the  
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
5 seq.), procedures for the pilot program may be adopted  
6 immediately.

7 8. (New section) a. The director, in consultation with the  
8 Department of Environmental Protection and the Department of  
9 Transportation, shall establish procedures by which test methods  
10 established pursuant to section 3 of this act shall be conducted in  
11 the periodic inspection program and in the roadside enforcement  
12 program.

13 b. The director, in consultation with the Department of  
14 Transportation and with the approval of the Attorney General,  
15 may, by rule or regulation, require that personnel from, and  
16 agents of, the division and the Department of Transportation, and  
17 personnel from the Division of State Police, who perform the test  
18 methods utilized in the roadside enforcement program, and  
19 licensees and persons employed by licensees who perform the  
20 tests and test methods utilized in the periodic inspection program  
21 in accordance with the provisions of section 11 of this act, be  
22 trained to do so and be examined, periodically if the rule or  
23 regulation so provides, to ensure that their training and  
24 competence are adequate. Testing in the roadside enforcement  
25 program may be conducted by personnel from the division, the  
26 Department of Transportation, or the Division of State Police, or  
27 by agents appointed by or under contract with the director or the  
28 Department of Transportation.

29 c. The director, in consultation with the Department of  
30 Environmental Protection and the Department of Transportation  
31 and with the approval of the Attorney General, shall designate  
32 one or more test methods among those established pursuant to  
33 section 3 of this act that shall be utilized in the roadside  
34 enforcement program established pursuant to section 6 of this  
35 act. The director, in consultation with the Department of  
36 Transportation and with the approval of the Attorney General,  
37 shall establish a form or forms upon which the results of these  
38 designated tests or test methods shall be reported in the ordinary  
39 course. The form shall contain a statement or statements  
40 establishing the following: the type of test performed; the result  
41 achieved; that the person completing the form is the person who  
42 performed the test; that the tester has been certified by the  
43 director as having adequate training and competence to perform  
44 the test; that the tester is an employee or agent of the State and  
45 was acting in an official capacity when the tester performed the  
46 test; and any other information that the director may prescribe.  
47 The form shall contain a certification subscribed by the person  
48 performing the test and certifying that that person did perform  
49 the test in a proper manner and believes the test results to be  
50 valid and accurate. The presentation of a form prepared in  
51 accordance with the provisions of this subsection to a court by  
52 any party to a proceeding shall be evidence that all of the  
53 requirements and provisions of this subsection have been met and  
54 that the form has been prepared in accordance with the



1 provisions of this subsection. The form shall be admissible  
2 evidence as proof of the statements contained therein in any civil  
3 penalty proceeding brought pursuant to the provisions of this act  
4 or any rule or regulation adopted pursuant thereto. A copy of the  
5 form shall be served, if practicable, with the complaint and  
6 summons upon the defendant or the defendant's agent for service  
7 of process; and, in any event, shall be served upon such person at  
8 least 20 days before the hearing. Whenever the form is served  
9 upon a defendant or a defendant's agent, together with the  
10 complaint and summons, the law enforcement officer serving the  
11 form shall execute and file with the court a proof of service on a  
12 form prescribed by the Administrative Director of the Courts and  
13 in a manner consistent with the Rules Governing the Courts of  
14 the State of New Jersey. The form shall not be admissible if it is  
15 not served at least 20 days before the hearing, provided that the  
16 court, upon a showing of good cause and that the defendant is not  
17 prejudiced, may postpone the hearing, subject to the Rules  
18 Governing the Courts of the State of New Jersey.

19 d. A roadside inspection of a diesel bus to enforce standards  
20 adopted pursuant to section 3 of this act shall be conducted only  
21 in conjunction with a roadside safety inspection that is conducted  
22 pursuant to law, rule or regulation.

23 9. (New section) The Superintendent of the State Police, in  
24 consultation with and subject to the approval of the Attorney  
25 General, shall provide State Police officers to assist the director  
26 and the Department of Transportation in conducting the roadside  
27 enforcement program and the pilot roadside enforcement  
28 program. The State Police officers shall have authority to direct  
29 diesel buses, heavy-duty diesel trucks, or other diesel-powered  
30 motor vehicles from the roadway for the purpose of inspection,  
31 and shall perform other police duties necessary for or helpful to  
32 the implementation of the programs.

33 10. (New section) In addition to any other penalties that may  
34 be applicable, the operator of a diesel bus, heavy-duty diesel  
35 truck, or other diesel-powered motor vehicle who fails to comply  
36 with any direction given pursuant to section 9 of this act, or who  
37 refuses to submit or resists submitting a vehicle under the  
38 operator's control for roadside inspection, or who fails to comply  
39 with any other obligation imposed upon that person as part of the  
40 roadside enforcement program shall be jointly and severally liable  
41 with the owner and the lessee, if any, of the vehicle for a civil  
42 penalty of \$500. The owner and the lessee, if any, of a diesel bus,  
43 heavy-duty diesel truck, or other diesel-powered motor vehicle  
44 subject to periodic inspections who violates any rule or regulation  
45 adopted pursuant to section 6 of this act pertaining to periodic  
46 inspections shall be liable for a civil penalty determined by a  
47 penalty schedule that the director, in consultation with the  
48 Commissioner of Transportation, shall adopt by rule or regulation  
49 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
50 (C.52:14B-1 et seq.), but in no event shall a penalty established  
51 thereby exceed \$500.

52 Notwithstanding the provisions of this section to the contrary,  
53 the New Jersey Transit Corporation shall not be liable for any  
54 civil penalty assessed for a violation of this section if the diesel

1 bus that is the subject of the violation is operated by a lessee or  
2 contractor, or an employee or agent of a lessee or contractor, of  
3 the New Jersey Transit Corporation. However, if a diesel bus  
4 that is the subject of a violation of this section is leased by the  
5 New Jersey Transit Corporation from another person, and the  
6 diesel bus is operated by the New Jersey Transit Corporation or  
7 an employee thereof, the New Jersey Transit Corporation as  
8 lessee, and not the owner of the diesel bus, shall be liable for any  
9 civil penalty assessed for the violation.

10 11. (New section) a. The director, in consultation with the  
11 Department of Transportation and after appropriate inquiry and  
12 investigation, shall issue licenses to operate diesel emission  
13 inspection centers to as many qualified and properly equipped  
14 persons, including owners or lessees of diesel buses, heavy-duty  
15 diesel trucks, or other diesel-powered motor vehicles, as the  
16 director determines shall be necessary to conduct periodic  
17 inspections. A licensee shall inspect and pass or reject a diesel  
18 bus, heavy-duty diesel truck, or other diesel-powered motor  
19 vehicle presented to the licensee for inspection. Passing shall  
20 indicate that the licensee or the licensee's employee has  
21 inspected the diesel bus, heavy-duty diesel truck, or other  
22 diesel-powered motor vehicle as prescribed by the director and  
23 has found that the vehicle conforms to the standards established  
24 by law and rule or regulation. The director, in consultation with  
25 the Department of Transportation and with the approval of the  
26 Attorney General, may establish by rule or regulation adopted  
27 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
28 (C.52:14B-1 et seq.) an application fee for the licensing of diesel  
29 emission inspection centers, which fee shall not exceed \$250 per  
30 year.

31 b. For the purpose of documenting compliance with periodic  
32 inspection requirements, the director shall furnish official  
33 inspection forms to licensed diesel emission inspection centers.  
34 The director shall require each diesel emission inspection center  
35 and each owner or lessee of a diesel bus, heavy-duty diesel truck,  
36 or other diesel-powered motor vehicle subject to periodic  
37 inspection to keep such records and file such reports regarding  
38 these inspections as the director shall deem necessary. The  
39 director may conduct such audits or inspections of these centers  
40 as the director deems appropriate.

41 c. The director may deny, suspend or revoke a diesel emission  
42 inspection center license or refuse renewal thereof for cause,  
43 including, but not limited to, one or more of the following:

44 (1) Violation of any provision of this act or of any rule or  
45 regulation adopted pursuant thereto; or

46 (2) Fraud or misrepresentation in securing a license or in the  
47 conduct of the licensed activity; or

48 (3) Conviction of a crime demonstrating that the applicant or  
49 licensee is unfit; or

50 (4) Improper, negligent, or fraudulent inspection of a diesel  
51 bus, heavy-duty diesel truck, or other diesel-powered motor  
52 vehicle; or

53 (5) Other good cause.

1 d. In addition to any other civil or criminal penalties that may  
2 be applicable, a person licensed by the director to operate a  
3 diesel emission inspection center who commits fraud or  
4 misrepresentation in securing a license or in the conduct of the  
5 licensed activity or who improperly or negligently or fraudulently  
6 conducts an inspection of a diesel bus, heavy-duty diesel truck, or  
7 other diesel-powered motor vehicle shall be liable for a civil  
8 penalty of \$1,500. In addition to any other civil or criminal  
9 penalties that may be applicable, a person licensed by the  
10 director to operate a diesel emission inspection center who  
11 otherwise violates any provision of this act or of any rule or  
12 regulation adopted pursuant thereto shall be liable for a civil  
13 penalty of \$500.

14 12. (New section) Any person who violates any provision of  
15 sections 2 through 20 of this act or any rule or regulation adopted  
16 pursuant thereto shall be liable for a civil penalty. The amount  
17 of the penalty shall be that specified in the other sections of this  
18 act or in the rules or regulations adopted pursuant to this act; but  
19 if no amount is otherwise specified, then the amount shall be  
20 \$200. Additionally, the director may suspend the registration  
21 privileges of a vehicle registered in this State that is operated in  
22 violation of this act or any rule or regulation adopted pursuant  
23 thereto.

24 13. (New section) a. A complaint and summons charging a  
25 violation of this act or any rule or regulation adopted pursuant  
26 thereto and seeking the imposition of a civil penalty in  
27 accordance with the provisions of this act or any rule or  
28 regulation adopted pursuant to this act shall be a ticket in the  
29 form prescribed by the Administrative Director of the Courts  
30 pursuant to the Rules Governing the Courts of the State of New  
31 Jersey and may contain information advising the persons to whom  
32 it is issued of the manner in which and time within which an  
33 answer to the alleged violation is required. The ticket may also  
34 advise that penalties may result from a failure to answer, that  
35 the failure to answer or appear shall be considered an admission  
36 of liability, and that a default judgment may be entered. Service  
37 of the ticket shall be subject to the Rules Governing the Courts  
38 of the State of New Jersey. The ticket may be served personally  
39 upon the operator of a vehicle, and the owner's or the lessee's  
40 name may be recorded on the ticket, together with the plate  
41 number and state or jurisdiction as shown by the registration  
42 plates of the vehicle and the make or model of the vehicle. A  
43 ticket may be served upon the owner or the lessee of the vehicle  
44 by affixing the ticket to the vehicle in a conspicuous place. A  
45 ticket may be served by mail upon the owner or the lessee of the  
46 vehicle on file with the division, the Department of  
47 Transportation, or the licensing authority of another jurisdiction  
48 by mailing the ticket to the vehicle owner or lessee by regular or  
49 certified mail to the address on file with the division, the  
50 Department of Transportation, or the licensing authority of  
51 another jurisdiction. Service of a ticket by regular or certified  
52 mail shall have the same effect as if the ticket were served  
53 personally, subject to the Rules Governing the Courts of the  
54 State of New Jersey.

1       b. Subject to the Rules Governing the Courts of the State of  
2 New Jersey, the ticket shall contain sufficient information to  
3 identify the person or persons charged and to inform them of the  
4 nature, date, time and location of the alleged violation. Subject  
5 to the Rules Governing the Courts of the State of New Jersey,  
6 the original of the ticket shall be signed by the complaining  
7 witness, who shall certify to the truth of the facts set forth  
8 therein. Any person may serve as the complaining witness. For  
9 the purposes of the certification, the complaining witness may  
10 rely upon information from the division, the Department of  
11 Transportation, or the Division of State Police, upon official  
12 reports, and upon any form prepared in accordance with  
13 subsection c. of section 8 of this act. The original ticket or a  
14 true copy of the ticket shall be considered a record kept in the  
15 ordinary business of the division and shall be prima facie evidence  
16 of the facts contained therein.

17       c. Any operator who drives a vehicle in this State when the  
18 owner or lessee of that vehicle causes, authorizes, or otherwise  
19 permits such operation shall be the owner's or lessee's agent for  
20 service of any ticket, process, or penalty or other notice against  
21 the owner or lessee arising out of any alleged violation of this act  
22 or any rule or regulation adopted pursuant thereto. The owner  
23 and the lessee, if any, of a vehicle driven by any operator in this  
24 State shall be the operator's agent or agents for service of any  
25 ticket, process, or penalty or other notice arising out of any  
26 alleged violation of section 10 of this act pertaining to a roadside  
27 inspection. Subject to the Rules Governing the Courts of the  
28 State of New Jersey, any service of ticket, process, or penalty or  
29 other notice served on an operator who operates in this State, or  
30 on an owner or lessee of the vehicle, shall also constitute service  
31 upon the remaining persons, so long as the ticket, process, or  
32 penalty or other notice advises the person actually served of that  
33 person's responsibility to notify the remaining persons.

34       d. Subject to the Rules Governing the Courts of the State of  
35 New Jersey, judicial proceedings under this act may be instituted  
36 on any day of the week, and the institution of the proceedings on  
37 a Sunday or a holiday shall not be a bar to the successful  
38 prosecution thereof. Subject to the Rules Governing the Courts  
39 of the State of New Jersey, any process served on a Sunday or  
40 holiday shall be as valid as if served on any other day of the week.

41       e. A municipal court before which proceedings pursuant to this  
42 act are instituted shall, subject to the Rules Governing the  
43 Courts of the State of New Jersey, immediately, upon expiration  
44 of the time for a defendant to answer or appear: (1) with respect  
45 to a resident of New Jersey, mail notice as provided in the Rules  
46 Governing the Courts of the State of New Jersey; or (2) with  
47 respect to a non-resident of New Jersey, mail notice as provided  
48 in the Rules Governing the Courts of the State of New Jersey.  
49 The notice shall be upon a form approved by the Administrative  
50 Director of the Courts that informs the defendant of the  
51 following: the infraction charged; the time and date of the  
52 infraction; the amount of penalties due; the defendant's right to  
53 have a hearing; and that a civil judgment may be entered against  
54 the defendant for failure to answer or appear or pay the

1 amount of penalties due. Upon failure to answer or appear in  
2 response to the notice, the court shall give notice of that fact to  
3 the division in a manner prescribed by the director, and money  
4 judgment shall be entered and execution shall issue in accordance  
5 with the Rules Governing the Courts of the State of New Jersey.  
6 If the judgment has been docketed in the Superior Court pursuant  
7 to section 15 of this act, execution shall be under the jurisdiction  
8 of that court. In no case of an unsatisfied judgment shall an  
9 arrest warrant or execution against the body of the defendant  
10 issue unless otherwise provided by the Rules Governing the  
11 Courts of the State of New Jersey. If notice has been given  
12 under this subsection of a person's failure to respond to a failure  
13 to appear notice and if the person appears or if the case is  
14 dismissed or otherwise disposed of, the court shall promptly give  
15 notice to that effect to the division.

16 f. If the defendant is the owner or lessee of a vehicle that is  
17 the subject of the violation and if the defendant fails to respond  
18 to a failure to appear notice, the judge or the division may  
19 suspend the registration privileges of the defendant in this State.  
20 The division shall keep a record of a suspension ordered by the  
21 court pursuant to this subsection. If the registration privileges of  
22 the defendant have been suspended pursuant to this subsection  
23 and if the defendant appears or the case is disposed of and if the  
24 defendant satisfies all penalties and costs that are owing, the  
25 court shall forward to the division a notice to restore the  
26 defendant's registration privileges. Upon receiving a notice to  
27 restore and upon the defendant's payment of the restoration fee  
28 in accordance with section 23 of P.L.1975, c.180 (C.39:3-10a),  
29 the division shall record the restoration and notify the defendant  
30 of the restoration.

31 14. (New section) An action for the recovery of a civil penalty  
32 for violation of this act or any rule or regulation adopted  
33 pursuant to this act shall be within the jurisdiction of and may be  
34 brought before the municipal court in the municipality where the  
35 offense was committed or where the defendant may be found, or  
36 where the measurement of emissions was physically made. The  
37 municipal prosecutor shall proceed in the matter on behalf of the  
38 State, unless the county prosecutor or the Attorney General  
39 assumes responsibility for the prosecution. The civil penalties  
40 provided by this act or any rule or regulation adopted pursuant  
41 thereto shall be recovered in the name of the division or the  
42 Department of Transportation, as appropriate, and any money  
43 collected by the court in payment of a civil penalty shall be  
44 conveyed to the State Treasurer for deposit into the State  
45 General Fund. The civil penalties provided by this act or any rule  
46 or regulation adopted pursuant thereto shall be collected and  
47 enforced by summary proceedings pursuant to "the penalty  
48 enforcement law," N.J.S.2A:58-1 et seq. If the ticket has not  
49 been marked to indicate that a court appearance is required, the  
50 defendant shall have the option to waive trial, enter a plea of  
51 guilty, and pay the penalty, either by mail or in person, to the  
52 violations clerk, subject to the Rules Governing the Courts of the  
53 State of New Jersey.

1       15. (New section) a. The court administrator of the municipal  
2 court shall docket in the Superior Court a municipal court  
3 judgment imposing a civil penalty pursuant to this act, or any rule  
4 or regulation adopted pursuant thereto, that remains unpaid at  
5 the time of the judgment's entry in the municipal court. The  
6 court administrator shall give notice of the docketing to the  
7 division in a manner prescribed by the director. The provisions  
8 and procedures of N.J.S.2B:12-26 shall apply to the docketing,  
9 except that the court administrator of the municipal court,  
10 rather than the division, shall effect the docketing; provided that  
11 nothing in this act shall be construed to prohibit the director or  
12 the director's designee from docketing the judgment on behalf of  
13 the division and in accordance with N.J.S.2B:12-26 if the court  
14 administrator of the municipal court fails to do so or if the  
15 director or the director's designee chooses to do so for any other  
16 reason. No fee shall be charged to docket the judgment. The  
17 docketing shall have the same force and effect as a civil  
18 judgment docketed in the Superior Court, and the director and  
19 the director's designees shall have all of the remedies and may  
20 take all of the proceedings for the collection thereof that may be  
21 had or taken upon recovery of a judgment in an action, but  
22 without prejudice to any right of appeal.

23       b. If the defendant is the owner or lessee of a vehicle that is  
24 the subject of the violation, and if the defendant fails to pay a  
25 civil penalty imposed pursuant to this act or any rule or  
26 regulation adopted pursuant thereto, the director may suspend  
27 the registration privileges of the defendant in this State.

28       c. Any vehicle that is registered or present in this State and  
29 for which a civil penalty has been assessed pursuant to this act or  
30 any rule or regulation adopted pursuant thereto may be placed  
31 out of service by the division or the Division of State Police if  
32 the civil penalty remains unpaid after the date on which it  
33 became due and owing. A vehicle placed out of service pursuant  
34 to this act by either the division or the Division of State Police  
35 shall not be operated until all civil penalties that are due and  
36 owing are paid to the division. When a vehicle is placed out of  
37 service pursuant to this act, an administrative out-of-service  
38 order shall be prepared on a form or forms specified by the  
39 director and a copy served upon the operator of the vehicle or  
40 upon the owner or lessee of the vehicle. The operator of a  
41 vehicle served with an out-of-service order pursuant to this act  
42 shall report the issuance of the out-of-service order to the owner  
43 and the lessee, if any, of the vehicle within 24 hours. When a  
44 vehicle is placed out of service pursuant to this act it shall be the  
45 responsibility of the owner or lessee of that vehicle to arrange  
46 for the prompt removal of that vehicle, by means other than  
47 operating the vehicle, and to pay all costs associated therewith.  
48 The vehicle shall be removed to a secure storage place where the  
49 division and the Division of State Police can readily confirm its  
50 non-operation. If the owner or lessee fails to comply, or is  
51 otherwise incapable of complying with this subsection, the  
52 division or the Division of State Police may make such  
53 arrangements for the removal of the vehicle to a secure storage  
54 place where the division and the Division of State Police can

1 readily confirm its non-operation, with all attendant charges and  
2 expenses to be paid by the owner, lessee, or bailee. No entity of  
3 government of this State or any political subdivision thereof shall  
4 be held liable for costs associated with or incurred in the  
5 enforcement of this subsection. Upon payment by cashier's  
6 check or money order, or in such other form as may be  
7 determined by the director, subject to law or the Rules Governing  
8 the Courts of the State of New Jersey, of all unpaid civil  
9 penalties and attendant storage charges and expenses for a  
10 vehicle that has been placed out of service, the director shall  
11 remove the out-of-service order. Any person who operates, and  
12 any owner or lessee who causes or allows to be operated, a  
13 vehicle in violation of an out-of-service order prepared and  
14 served in accordance with the provisions of this subsection shall  
15 be liable for a civil penalty of \$1,500, and, if the person has the  
16 vehicle registered in this State, the director may suspend the  
17 registration privileges of the vehicle.

18 d. The Department of Transportation shall exercise the duties,  
19 powers, and responsibilities of the director and the division set  
20 forth in this section with respect to the periodic inspection  
21 program for diesel buses and the roadside enforcement program  
22 for diesel buses under the jurisdiction of the department as set  
23 forth in subsection b. of section 6 of this act.

24 16. (New section) Notwithstanding any other provisions of this  
25 title to the contrary, all fees and other monies that the division,  
26 the Department of Transportation, or the State Treasurer  
27 receives pursuant to the provisions of this act or any rule or  
28 regulation adopted pursuant thereto shall be paid to the  
29 Commercial Vehicle Enforcement Fund established pursuant to  
30 section 17 of this act; except that monies received for attendant  
31 storage charges and expenses as provided in subsection c. of  
32 section 15 of this act shall be paid to the entity that incurred  
33 those charges and expenses.

34 17. (New section) a. There is established in the General Fund  
35 a separate, nonlapsing, dedicated account to be known as the  
36 "Commercial Vehicle Enforcement Fund." The Commercial  
37 Vehicle Enforcement Fund shall be administered by the division  
38 in consultation with the Department of Transportation. All fees  
39 and other monies collected pursuant to this act or any rule or  
40 regulation adopted pursuant thereto shall be forwarded to the  
41 State Treasury for deposit into the Commercial Vehicle  
42 Enforcement Fund account. All fees and other monies deposited  
43 in the Commercial Vehicle Enforcement Fund account shall be  
44 used to fund the costs of administering the programs and  
45 activities of the Department of Law and Public Safety, the  
46 Department of Transportation and the Department of  
47 Environmental Protection established or specified in this act and  
48 in subsection f. of R.S.39:-20, subject to the approval of the  
49 Director of the Division of Budget and Accounting in the  
50 Department of the Treasury.

51 b. A municipality may be eligible for periodic grants from the  
52 fund in such amounts as the director, in consultation with the  
53 Commissioner of Transportation, may determine pursuant to rule  
54 or regulation to subsidize costs of prosecuting and trying actions  
55 pursuant to this act.

1 18. (New section) The State Treasurer shall establish a  
2 receivable account for the sole purpose of defraying the expenses  
3 incurred for program implementation and administration of this  
4 act. The receivable account shall be relieved by monies  
5 deposited into the Commercial Vehicle Enforcement Fund  
6 established pursuant to section 17 of this act.

7 19. (New section) Except as otherwise provided in this act,  
8 the division, the Department of Environmental Protection, and  
9 the Department of Transportation may adopt rules and  
10 regulations pursuant to the "Administrative Procedure Act,"  
11 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of  
12 this act.

13 20. (New section) On the first day of the forty-eighth month  
14 after this act takes effect, the Attorney General, in consultation  
15 with the Commissioner of Environmental Protection and the  
16 Commissioner of Transportation, shall submit to the Governor  
17 and to the members of the Legislature a report assessing the  
18 effectiveness of the programs required by this act and the  
19 necessity and feasibility of providing for periodic centralized  
20 emissions inspections of diesel buses, heavy-duty diesel trucks,  
21 and other diesel-powered motor vehicles.

22 21. (New section) As used in this act:

23 "Apportioned vehicle" means any vehicle used or intended for  
24 use in two or more member jurisdictions that register vehicles; is  
25 used for the transportation of persons for hire or is designed,  
26 used, or maintained for transportation of persons for hire or is  
27 designed, used, or maintained for transportation of property; and  
28 has a declared gross weight in excess of 26,000 pounds, or has  
29 three or more axles regardless of weight, or is used in  
30 combination when the gross vehicle weight of such combination  
31 exceeds 26,000 pounds; except that recreation vehicles, vehicles  
32 displaying restricted plates, city pick-up and delivery vehicles,  
33 buses used in transportation of chartered parties, and  
34 government-owned vehicles are not apportioned vehicles.

35 "Base jurisdiction" means, for the purpose of fleet registration,  
36 the jurisdiction where the registrant has an established place of  
37 business, where mileage is accrued by the fleet vehicles and  
38 where operational records for the vehicles are maintained or can  
39 be made available.

40 "Fleet" means one or more apportioned vehicles.

41 "In-jurisdiction miles" means the total number of miles  
42 operated by a fleet of apportioned vehicles in a jurisdiction  
43 during the preceding year. Mileage of New Jersey registered  
44 vehicles accrued in jurisdictions that are not member  
45 jurisdictions shall be counted as in-jurisdiction miles operated in  
46 New Jersey.

47 "International Registration Plan" means a registration  
48 reciprocity agreement among the signatory states of the United  
49 States and provinces of Canada providing the payment of  
50 registration fees on the basis of fleet miles operated in each  
51 jurisdiction.

52 "Interstate operations" means apportioned vehicle movement  
53 between or through two or more jurisdictions.

54 "Jurisdiction" means a state, territory or possession of the



1 United States, the District of Columbia, the Commonwealth of  
2 Puerto Rico or a state province or territory of a country.

3 "Member jurisdiction" means a jurisdiction which is a party to  
4 the International Registration Plan.

5 "Motor carrier audit" means a physical examination of a motor  
6 carrier's operational records including source documentation to  
7 verify fleet mileage and accuracy of the carrier's record keeping  
8 system.

9 "Negotiable title" means a title issued by a jurisdiction that  
10 documents ownership of a vehicle and can be used to transfer  
11 ownership.

12 "Operational records" means documents supporting miles  
13 traveled in each jurisdiction and total miles travelled, such as,  
14 but not limited to fuel reports, trip sheets, and logs.

15 "Owner" means a person, business firm, or corporation holding  
16 the negotiable title to a vehicle or in whom the legal right of  
17 possession or control of the vehicle is vested.

18 "Preceding year" means the period of twelve consecutive  
19 months immediately before July 1 of the year preceding the  
20 commencement of the registration year for which apportioned  
21 registration is sought.

22 "Reciprocity" means that an apportioned vehicle properly  
23 registered in New Jersey shall be exempt from further  
24 registration requirements by any other member jurisdictions.

25 "Reciprocity agreement" means the agreement, arrangement  
26 or understanding governing the reciprocal grant of rights and  
27 privileges to vehicles that are based in and properly registered  
28 under the applicable laws of the jurisdiction that are parties to  
29 the International Registration Plan.

30 "Registrant" means a person, business firm, or corporation in  
31 whose name a vehicle or fleet of vehicles is registered.

32 "Registration year" means the 12-month period when the  
33 registration plates issued by the base jurisdiction are valid  
34 according to the laws of the base jurisdiction.

35 "Restricted plate" means a registration plant that has  
36 restrictions of time, geographic area, mileage or commodities or  
37 persons which may be hauled, such as a dealer plate or a farm  
38 plate.

39 "Total miles" means the total number of miles accumulated in  
40 all jurisdictions during the preceding year by all vehicles of the  
41 fleet while they were a part of the fleet. Mileage accumulated  
42 by the fleet that did not engage in interstate operations shall not  
43 be included in total miles.

44 22 (New section) a. The Director of the Division of Motor  
45 Vehicles, on behalf of the State of New Jersey, may enter into  
46 and become a member of the International Registration Plan.  
47 Such plan may provide, but shall not be limited to, the following:

48 (1) the grant of full reciprocity, in accordance with the plan,  
49 to apportioned vehicles not based in New Jersey which are  
50 operated in interstate commerce in exchange for equivalent  
51 reciprocity for New Jersey-based apportioned vehicles;

52 (2) the exchange of audits of operational records or owners of  
53 fleets of apportioned vehicles with jurisdictions participating in  
54 the plan; and

1 (3) Provisions for the orderly administration of the plan,  
2 including the collection and disbursement of proportional  
3 registration fees, cooperative enforcement activities and the free  
4 exchange of information.

5 b. The director shall adopt rules and regulations in accordance  
6 with the provisions of the "Administrative Procedure Act,"  
7 P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions  
8 of the International Registration Plan.

9 c. The director may, by contract, agreement or otherwise, or  
10 by appointment as a motor vehicle agent or by licensing,  
11 authorize a private corporation, organization or association to  
12 register apportioned vehicles and to maintain and perform motor  
13 carrier audits of the records necessary for participation in the  
14 International Registration Plan on behalf of the Division of Motor  
15 Vehicles.

16 23. (New section) a. The Division of Motor Vehicles or its  
17 designee shall register all apportioned vehicles within its  
18 jurisdiction upon application and payment of registration fees and  
19 upon proof of proper insurance and proof of filing of Federal  
20 Form 2290 pursuant to the federal highway motor vehicle use tax,  
21 26 U.S.C. §4481 et seq. A registration certificate shall be issued  
22 for each vehicle that is registered and that certificate shall  
23 identify the vehicle for which it is issued and shall list the  
24 jurisdictions in which the vehicle has been apportioned, the  
25 weight of the vehicle and the fee classification of the vehicle.  
26 The registration card shall be carried in or upon the vehicle for  
27 which it has been issued at all times.

28 b. Any registration issued for an apportioned vehicle pursuant  
29 to this section may be suspended, cancelled or revoked by the  
30 Division of Motor Vehicles in the event of the registrant's  
31 falsification of information, misstatement of fact, failure to pay  
32 fees, or failure to maintain the vehicle in accordance with  
33 standards set by the Federal Department of Transportation.

34 24. (New section) a. The registration fee for an apportioned  
35 vehicle shall be determined by the number of in-jurisdiction miles  
36 an apportioned vehicle drives in the State of New Jersey and in  
37 each of the jurisdictions in which it is authorized to travel by its  
38 registration. The formula used for the registration fee shall be in  
39 accord with the International Registration Plan and shall be set  
40 forth in regulation.

41 b. In addition to the registration fee, the Division of Motor  
42 Vehicles shall set by regulation an administrative fee which will  
43 be collected from each registrant to subsidize the cost of the  
44 administration of the program.

45 c. The administrative fee collected pursuant to this act shall  
46 be forwarded to the State Treasurer and be deposited into the  
47 Commercial Vehicle Enforcement Fund established pursuant to  
48 section 17 of this act.

49 25. (New section) a. A registrant whose application for  
50 apportioned registration has been accepted shall preserve its  
51 operational records for a period of three years after the close of  
52 the registration year. Such records shall be made available to the  
53 Division of Motor Vehicles or its designee upon request for an  
54 audit as to the accuracy of computation, payments and

1 assessments for deficiencies or allowances for credit during the  
2 normal business hours of the day.

3 b. If a registrant fails to make records available to the  
4 Division of Motor Vehicles or its designee upon proper request or  
5 if a registrant fails to maintain operational records from which  
6 true liability can be determined, the Director of the Division of  
7 Motor Vehicles has the discretion to:

8 (1) suspend, revoke or cancel the registration.

9 (2) assess liability based upon the director's estimate of the  
10 actual miles traveled by the registrant in each jurisdiction; and

11 (3) take whatever action is reasonably necessary to advance  
12 the purposes of the International Registration Plan.

13 c. At the option of the carrier, on-board recording devices  
14 that are pre-approved by the director may be used in lieu of, or  
15 in addition to, handwritten trip reports for apportioned  
16 registration record keeping purposes.

17 26. (New section) a. The Director of the Division of Motor  
18 Vehicles may issue temporary registration credentials for any  
19 vehicle or combination of vehicles that could be lawfully  
20 operated in the jurisdiction if full registration or apportioned  
21 registration were obtained.

22 b. A person desiring a temporary registration certificate shall  
23 make application therefor on forms provided by the division.  
24 Every application shall be accompanied by the fee established by  
25 regulation.

26 c. The temporary registration shall be carried in the cab of the  
27 vehicle for which the permit is issued and shall not be valid for  
28 more than 72 hours.

29 27. (New section) A person who violates any provision of  
30 sections 21 through 26 of this act shall be subject to a fine of  
31 \$500 for each offense. Such fine shall be forwarded by the judge  
32 to whom the same has been paid to the State Treasurer for  
33 deposit into the State General Fund.

34 28. (New section) The Division of Motor Vehicles or its  
35 designee shall perform motor carrier audits of the operational  
36 records of carrier accounts registered in New Jersey in  
37 accordance with the International Registration Plan Agreement  
38 and, upon the completion of any such audit, shall notify each  
39 jurisdiction in which the registrant is apportioned of the accuracy  
40 of the records of the registrant.

41 29. (New section) a. Registration of apportioned vehicles  
42 under this act and the State's participation in the International  
43 Registration Plan supersedes all other statutes, acts, and  
44 reciprocal agreement covering in whole or in part any of the  
45 matters covered by this act.

46 b. The State's participation in the International Registration  
47 Plan shall not affect any reciprocal or other agreement,  
48 arrangement or understanding the State has with any  
49 non-member jurisdiction.

50 30. (New section) a. The Division of Motor Vehicles shall  
51 distribute the registration fees collected for participating  
52 jurisdictions in accordance with the International Registration  
53 Program Agreement.

54 b. There is created within the State Treasury a special account

1 to be known as the "Proportional Registration Distributive Fund"  
2 into which all fees collected for other jurisdictions shall be  
3 deposited and held in trust until distributed pursuant to  
4 subsection a. of this section.

5 c. Funds collected for other jurisdictions pursuant to the  
6 International Registration Plan shall not be considered funds of  
7 the State of New Jersey and shall not be appropriated for  
8 purposes other than distribution pursuant to subsection a. of this  
9 section.

10 31. (New section) After July 1, 1995, if no agreement,  
11 arrangement or declaration is in effect with respect to another  
12 jurisdiction as authorized by this act, any vehicle properly  
13 registered or licensed in such other jurisdiction, and for which  
14 evidence of compliance is supplied, shall receive, when operated  
15 in this State, the same exemptions, benefits, and privileges  
16 granted by such other jurisdiction to vehicles properly registered  
17 in this State. Reciprocity extended under this section shall apply  
18 to commercial vehicles only when engaged exclusively in  
19 interstate commerce, except as to a foreign registered trailer or  
20 semi-trailer in intrastate commerce when hauled by a truck, road  
21 tractor, or truck tractor registered with the director in  
22 conformity with R.S.39:3-20.

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

25 1. a. The department, after consultation with the Director of  
26 the Division of Motor Vehicles, shall have the power to formulate  
27 and promulgate, amend and repeal codes, rules and regulations  
28 establishing standards and requirements for the control of air  
29 contaminants from motor vehicles.

30 b. The department, after consultation with the Director of the  
31 Division of Motor Vehicles, shall adopt rules and regulations,  
32 consistent with the federal Clean Air Act, establishing exhaust  
33 emission standards and test methods and standards for emission  
34 control apparatus and related items. The department shall not  
35 require the "I/M 240" test, but shall adopt an alternative test  
36 that is acceptable to the United States Environmental Protection  
37 Agency. The department may provide that the standards and test  
38 methods vary according to the model year, type, or other vehicle  
39 characteristic that the department deems necessary to facilitate  
40 inspections or to comply with the federal Clean Air Act. The  
41 emission standards and test methods adopted pursuant to this  
42 subsection shall not set any quota for emission test failures and  
43 shall not require the failure of motor vehicles at any  
44 predetermined rate. This subsection shall not preclude the use of  
45 the "I/M 240" test in sampling for performance evaluation only or  
46 the use of the test at the option of a private inspection facility.

47 [c. Within one year of the effective date of P.L. , c.  
48 (C. ) (now before the Legislature as this bill) the Department  
49 of Transportation and the Department of Environmental  
50 Protection, in conjunction with the Department of Law and  
51 Public Safety and in consultation with the New Jersey Institute of  
52 Technology, shall:

53 (1) Develop and implement a program for the roadside  
54 enforcement of smoke opacity and air pollutant standards for all

1 classes of motor vehicles with a gross vehicle weight greater than  
2 18,000 pounds; and

3 (2) Develop a program for the roadside enforcement of smoke  
4 opacity and air pollutant standards for all classes of motor  
5 vehicles with a gross vehicle weight greater than 8,500 pounds  
6 and less than or equal to 18,000 pounds, and provide a written  
7 report on the feasibility of implementation of this program and  
8 reasonable timeframes for that implementation to the Senate  
9 Natural Resources, Trade and Economic Development Committee  
10 and to the Assembly Environment and Energy Committee, or to  
11 their successors.

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

16 A roadside inspection of a bus to enforce smoke opacity and air  
17 pollutant standards adopted pursuant to this section shall be  
18 conducted only in conjunction with a roadside safety inspection  
19 that is conducted pursuant to law, rule or regulation.]

20 (cf: P.L.1995, c.112, s.37)

21 33. Section 3 of P.L.1969, c.119 (C.39:3-6.1) is amended to  
22 read as follows:

23 3. As used in this act unless other meaning is clearly apparent  
24 from the language or context, or unless inconsistent with the  
25 manifest intention of the Legislature:

26 "Commercial vehicle" means any vehicle which is operated in  
27 interstate commerce and used for the transportation of persons  
28 for hire, compensation or profit, or designed or used primarily for  
29 the transportation of property.

30 "Jurisdiction" means and includes a State, territory or  
31 possession of the United States, the District of Columbia, the  
32 Commonwealth of Puerto Rico, a foreign country and a state or  
33 province of a foreign country.

34 "Properly registered," as applied to place of registration,  
35 means:

36 (a) The jurisdiction where the person registering the vehicle has  
37 his legal residence, or

38 (b) In the case of a commercial vehicle, the jurisdiction in  
39 which it is registered if the commercial enterprise in which such  
40 vehicle is used has a place of business therein and, if the vehicle  
41 is most frequently dispatched, garaged, serviced, maintained,  
42 operated or otherwise controlled in or from such place of business  
43 and, the vehicle has been assigned to such place of business, or

44 (c) In the case of a commercial vehicle, the jurisdiction where,  
45 because of an agreement or arrangement between [2] two or more  
46 jurisdictions, or pursuant to a declaration, the vehicle has been  
47 registered as required by [said] that jurisdiction.

48 In case of doubt or dispute as to the proper place of  
49 registration of a vehicle, the division shall make the final  
50 determination, but in making such determination, the division  
51 may confer with departments of the other jurisdictions affected.

52 "Fleet" means [3] one or more commercial vehicles.

53 The words "division," "motor vehicle," "person," "vehicle,"

1 and "owner" shall each have the meanings ascribed to them  
2 respectively by [Revised Statutes] R.S.39:1-1.

3 The director shall promulgate regulations, after public hearing,  
4 establishing definitions of other words and terms as may be  
5 necessary for the administration of this act.

6 (cf: P.L.1969, c.119, s.3)

7 34. R.S.39:3-20 is amended to read as follows:

8 39:3-20. For the purpose of this act, gross weight means the  
9 weight of the vehicle or combination of vehicles, including load  
10 or contents.

11 a. The director is authorized to issue registrations for  
12 commercial motor vehicles other than omnibuses or motor-drawn  
13 vehicles upon application therefor and payment of a fee based on  
14 the gross weight of the vehicle, including the gross weight of all  
15 vehicles in any combination of vehicles of which the commercial  
16 motor vehicle is the drawing vehicle. The gross weight of a  
17 disabled commercial vehicle or combination of disabled  
18 commercial vehicles being removed from a highway shall not be  
19 included in the calculation of the registration fee for the drawing  
20 vehicle.

21 Except as otherwise provided in this subsection, every  
22 registration for a commercial motor vehicle other than an  
23 omnibus or motor-drawn vehicle shall expire and the certificate  
24 thereof shall become void on the last day of the eleventh  
25 calendar month following the month in which the certificate was  
26 issued. The minimum registration fee for registrations issued  
27 after July 1, 1984 shall be as follows:

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

29 For vehicles in excess of 5,000 pounds and not in excess of  
30 18,000 pounds, \$53.50 plus [~~\$8.50~~] \$11.50 for each 1,000 pounds or  
31 portion thereof in excess of 5,000 pounds.

32 For vehicles in excess of 18,000 pounds and not in excess of  
33 50,000 pounds, \$53.50 plus [~~\$9.50~~] \$12.50 for each 1,000 pounds or  
34 portion thereof in excess of 5,000 pounds.

35 For vehicles in excess of 50,000 pounds, \$53.50 plus [~~\$10.50~~]  
36 \$13.50 for each 1,000 pounds or portion thereof in excess of 5,000  
37 pounds.

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

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

1 Except as otherwise provided in this subsection, every  
2 registration for these commercial motor vehicles shall expire and  
3 the certificate thereof shall become void on the last day of the  
4 eleventh calendar month following the month in which the  
5 certificate was issued.

6 The registration fee for registrations issued after July 1, 1984  
7 shall be [~~\$19.50~~] \$22.50 for each 1,000 pounds or portion thereof.

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

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

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

36 Except as otherwise provided in this subsection, every  
37 registration for a solid waste vehicle shall expire and the  
38 certificate thereof shall become void on the last day of the  
39 eleventh calendar month following the month in which the  
40 certificate was issued.

41 The registration fee shall be \$50.00 plus [~~\$8.50~~] \$11.50 for each  
42 1,000 pounds or portion thereof in excess of 5,000 pounds.

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

53 d. The director is also authorized to issue registrations for  
54 commercial motor-drawn vehicles upon application therefor. The

1 registration year for commercial motor-drawn vehicles shall be  
2 April 1 to the following March 31 and the fee therefor shall be  
3 \$18.00 for each such vehicle.

4 At the discretion of the director, an applicant for registration  
5 for a commercial motor-drawn vehicle may be provided the  
6 option of registering such vehicle for a period of four years. In  
7 the event that the applicant for registration exercises the  
8 four-year option, a fee of \$64.00 for each such vehicle shall be  
9 paid to the director in advance.

10 If any commercial motor-drawn vehicle registered for a  
11 four-year period is sold or withdrawn from use on the highways,  
12 the director may, upon surrender of the vehicle registration and  
13 plate, refund \$16.00 for each full year of unused prepaid  
14 registration.

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

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

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

40 f. [In addition to the registration fees imposed pursuant to this  
41 section, the director shall impose and collect an additional fee of  
42 \$35 for every registration for a commercial motor vehicle, other  
43 than an omnibus, motor-drawn vehicle or non-commercial truck  
44 registered pursuant to section 2 of P.L.1968, c.439 (C.39:3-8.1),  
45 having a gross weight of 10,000 pounds or more. All fees] Of the  
46 registration fees collected by the director pursuant to this  
47 section for vehicles with gross vehicle weights in excess of 5,000  
48 pounds, an amount equal to \$3.00 per 1,000 pounds or portion  
49 thereof in excess of 5,000 pounds for each registration shall be  
50 forwarded to the State Treasurer for deposit in [a special  
51 nonlapsing fund] the Commercial Vehicle Enforcement Fund  
52 established pursuant to section 17 of this act. Moneys in the fund  
53 shall be used [exclusively] by the Department of Law and Public  
54 Safety and the Department of Transportation for enforcement



1 of laws and regulations governing commercial motor vehicles [,  
2 except that the fees collected shall be allocated first to the  
3 division to defray the costs necessary to implement the provisions  
4 of this subsection].

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

6 35. Section 6 of P.L.1975, c.156 (C.39:8-14) is amended to  
7 read as follows:

8 6. a. The director may license any person who is the owner or  
9 lessee of 10 or more motor vehicles to initially inspect, reinspect  
10 and certify those vehicles if such person has available to him the  
11 equipment, facilities and qualified employees, or other qualified  
12 person under his control by contract, necessary to make the  
13 required initial inspection, adjustments, corrections or repairs.  
14 When the licensee, or his employee, or other qualified person  
15 under his control conducts an initial inspection, he shall certify  
16 that he or his employee or other qualified person under his  
17 control by contract has inspected the motor vehicle as prescribed  
18 by the director and has found that the motor vehicle conforms to  
19 the standards established by law or regulation. When a motor  
20 vehicle is reinspected, the licensee shall certify that the items  
21 for which a vehicle was initially rejected have been adjusted,  
22 corrected or repaired by him or under his direction and that the  
23 condition of the items conforms to the standards established by  
24 law or regulation. The certification shall be evidenced by a  
25 private inspection approval sticker placed on the vehicle as  
26 prescribed by the director.

27 b. Any inspection or reinspection conducted pursuant to this  
28 section relating to emissions from a motor vehicle powered with  
29 diesel fuel that is also subject to the provisions of P.L. , c.   
30 (C. ) (now before the Legislature as this bill) shall be conducted  
31 in accordance with the provisions of that act.

32 (cf: P.L.1986, c.22, s.7)

33 36. Section 90 of P.L.1962, c.198 (C.48:4-2.1a) is amended to  
34 read as follows:

35 90. a. The Commissioner of Transportation may make rules,  
36 regulations and orders applicable to the construction, equipment  
37 and insurance required of every motor vehicle within the  
38 jurisdiction of the Department of Transportation, and shall  
39 inspect, through the department's agents, inspectors and  
40 employees, any such motor vehicle to determine the manner of  
41 compliance with such rules, regulations and orders.

42 b. In the event of noncompliance with such rules, regulations  
43 and orders, or with statutory requirements, the commissioner  
44 may, through the department's agents, inspectors and employees,  
45 cause the immediate discontinuance of the operation of such  
46 motor vehicle, and no such motor vehicle shall be restored to  
47 service without the express approval of the commissioner.

48 c. Any person who shall remove or deface any notice of  
49 discontinuance that has been affixed or otherwise attached to  
50 [said] the motor vehicle without approval of the commissioner is  
51 guilty of a crime of the fourth degree. In addition to any other  
52 penalties or remedies provided by law, a person who violates this  
53 subsection is subject to a civil penalty of [~~\$1,000.00~~] \$1,000 .

54 d. Any person who owns or causes to be operated a motor

1 vehicle subject to this section without a valid certificate of  
2 inspection issued by the commissioner, or in violation of rules or  
3 orders made by the commissioner concerning insurance  
4 requirements of that vehicle, is a disorderly person. In addition  
5 to any other penalties or remedies provided by law, a person who  
6 violates this subsection is subject to a civil penalty of [\$500.00]  
7 \$500 per day for each vehicle so operated.

8 e. Any person who operates a motor vehicle subject to this  
9 section without a valid certificate of inspection issued by the  
10 commissioner, or in violation of rules or orders made by the  
11 commissioner concerning insurance requirements of that vehicle,  
12 is a petty disorderly person.

13 f. Any inspection conducted pursuant to this section relating  
14 to emissions from a motor vehicle powered with diesel fuel that  
15 is also subject to the provisions of P.L. , c. (C. ) (now  
16 before the Legislature as this bill) shall be conducted in  
17 accordance with the provisions of that act.

18 (cf: P.L.1987, c.452, s.1)

19 37. Section 1 of P.L.1987, c.373 (C.48:4-2.1b) is amended to  
20 read as follows:

21 1. The Commissioner of Transportation may, in conjunction  
22 with any program of self-inspection established to ensure  
23 compliance with regulations adopted under section 90 of  
24 P.L.1962, c.198 (C.48:4-2.1a), and at the request of any owner or  
25 operator of a motor vehicle required to be self-inspected,  
26 authorize Department of Transportation personnel to conduct  
27 vehicle emission tests and brake tests. The commissioner may  
28 adopt regulations setting the amount of and providing for the  
29 charging and collecting of a fee for each vehicle emission test  
30 and each brake test conducted pursuant to this section, which fee  
31 shall be in an amount necessary to cover only the actual costs of  
32 the program.

33 Any inspection conducted pursuant to this section relating to  
34 emissions from a motor vehicle powered with diesel fuel that is  
35 also subject to the provisions of P.L. , c. (C. ) (now before  
36 the Legislature as this bill) shall be conducted in accordance with  
37 the provisions of that act.

38 (cf: P.L.1987, c.373, s.1)

39 38. The following are repealed:

40 P.L.1977, c.259 (C.39:5E-1 et seq.);

41 R.S.39:3-6; and

42 Sections 6 and 10 of P.L.1969, c.119 (C.39:3-6.4 and 39:3-6.8).

43 39. This act shall take effect immediately and shall apply to  
44 interstate commercial registrations that are valid on or after  
45 July 1, 1995.

46  
47  
48  
49  
50 Establishes emissions inspection and roadside enforcement  
51 programs and international registration plan for certain trucks  
52 and buses.

ASSEMBLY, No. 2457  
STATE OF NEW JERSEY

INTRODUCED DECEMBER 15, 1994

By Assemblywoman OGDEN

1 AN ACT concerning the inspection and regulation of exhaust  
2 emissions from diesel-powered motor vehicles and  
3 supplementing Title 39 of the Revised Statutes.

4

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

7 1. The Legislature finds and declares that exhaust emissions  
8 from heavy-duty diesel trucks and other diesel-powered motor  
9 vehicles can contribute significantly to pervasive air pollution  
10 problems within the State; and that such emissions diminish the  
11 quality of life and health of our citizens.

12 The Legislature further finds and declares that the technology  
13 and state of the art in determining and controlling the level of  
14 unacceptable exhaust emissions from heavy-duty diesel trucks  
15 and other diesel-powered motor vehicles are continually being  
16 advanced and that the procedures, test methods and standards for  
17 determination of such unacceptable levels must be reflective of  
18 such advances.

19 The Legislature therefore determines that it is in the public  
20 interest to establish a program regulating the exhaust emissions  
21 from diesel-powered motor vehicles.

22 2. As used in this act, the following words and terms shall have  
23 the following meanings:

24 "Department" means the Department of Environmental  
25 Protection.

26 "Diesel-powered motor vehicle" means a vehicle which is  
27 self-propelled by a compression ignition type of internal  
28 combustion engine and which is designed primarily for  
29 transporting persons or property on a public road, street or  
30 highway or any public or quasi-public property in this State.

31 "Director" means the Director of the Division of Motor  
32 Vehicles.

33 "Division" means the Division of Motor Vehicles within the  
34 Department of Law and Public Safety.

35 "EPA" means the United States Environmental Protection  
36 Agency.

37 "Gross vehicle weight rating" or "GVWR" means the value  
38 specified by the manufacturer as the loaded weight of a single or  
39 combination (articulated) vehicle. The GVWR of a combination  
40 (articulated) vehicle, commonly referred to as the "gross  
41 combination weight rating" or "GVWR" is the GVWR of the  
42 power unit plus the GVWR of the power unit plus the GVWR of  
43 the towed unit or units.

44 "Heavy-duty diesel truck" means any diesel-powered motor  
45 vehicle, whether registered in this State or elsewhere, with a

1 GVWR of 18,000 or more pounds which is designed or used for the  
2 transporting of property on any public road, street or highway or  
3 any public or quasi-public property in this State.

4 "Periodic Inspection Program" or "periodic inspections" means  
5 a program in which heavy-duty diesel trucks and other  
6 diesel-powered motor vehicles registered in this State are  
7 periodically inspected in accordance with the provisions of this  
8 act.

9 "Person" means corporations, companies, associations,  
10 societies, firms, partnerships and joint stock companies, as well  
11 as individuals, and shall also include the State and all of its  
12 political subdivisions, and any agencies or instrumentalities of the  
13 State or any political subdivision thereof.

14 "Roadside Enforcement Program" or "roadside inspections"  
15 means a roadside-examination program conducted pursuant to  
16 this act by or under the direction of the Division of Motor  
17 Vehicles, utilizing personnel from or agents of the division or  
18 personnel from the Division of State Police, for the inspection of  
19 exhaust emissions, emission control apparatus and such other  
20 items as the Department of Environmental Protection, in  
21 consultation with the director of the Division of Motor Vehicles,  
22 prescribes, of heavy-duty diesel trucks and other diesel-powered  
23 motor vehicles along any public road, street or highway or any  
24 public or quasi-public property in this State or at such other  
25 locations as may be designated by the director.

26 3. The Department of Environmental Protection, in  
27 consultation with the Division of Motor Vehicles, shall adopt  
28 rules establishing exhaust emissions standards and test methods,  
29 and standards for emission control apparatus and related items, in  
30 accordance with N.J.S.26:2C:8.1 et seq. for heavy duty diesel  
31 trucks and for other diesel-powered motor vehicles. The test  
32 methods shall be accurate, objective, and capable of being  
33 performed routinely in the Periodic Inspection and Roadside  
34 Enforcement Programs. In adopting such standards and test  
35 methods, the department may consider exhaust control  
36 technology current at the time of the rulemaking, as well as  
37 guidance, standards, directives, and other information issued by  
38 the EPA, any other state, governmental agency, scientific  
39 research entity, or industry, but in effectuating the purposes of  
40 this act, the department shall not be bound to adopt such  
41 standards. The department may provide that the standards and  
42 test methods vary according to the age of the vehicle or  
43 according to other relevant factors, and the department may  
44 provide exemptions based upon good cause, including, but not  
45 limited to, exemption of vehicles that have been tested within  
46 the previous six months or other reasonable period of time in  
47 accordance with the law of another state or jurisdiction and have  
48 been found to be in compliance with the exhaust-emission  
49 standards of the state or jurisdiction in which the vehicle was  
50 tested.

51 4. No person shall operate a heavy-duty diesel truck or other  
52 diesel-powered motor vehicle in this State, and no owner or  
53 lessee shall suffer a heavy-duty diesel truck or other  
54 diesel-powered motor vehicle to be operated in this State, in

1 violation of the standards established by the department and  
2 determined in accordance with test methods and procedures  
3 established pursuant to this act.

4 5. a. The owner, operator, and lessee of a heavy-duty diesel  
5 truck operated in violation of section 4 of this act shall be jointly  
6 and severally liable for a civil penalty of \$500 for the first  
7 violation, except as provided hereinafter; and \$800 for the second  
8 or subsequent violation, except as provided hereinafter. A second  
9 or subsequent violation is one that occurs at a time less than one  
10 year from the occurrence of a previous violation committed with  
11 respect to the same heavy-duty diesel truck, without regard to  
12 the date of the hearing which adjudicated the violation and  
13 without regard to the identity of the defendant against whom it  
14 was adjudicated. The complaint and summons shall state whether  
15 the charges pertain to a first or to a second or subsequent  
16 violation, but if the complaint and summons fail to allege a  
17 second or subsequent violation, the civil penalty imposed shall be  
18 that for a first violation. The penalty for a first violation may be  
19 reduced to \$300 and the penalty for a second or subsequent  
20 violation may be reduced to \$500 if the defendant provides  
21 certification of the repairs to the vehicle that is satisfactory to  
22 the court and in compliance with emissions standards. The  
23 director may specify by rule or regulation the manner of the  
24 repairs and the certification necessary to effect a reduction of  
25 penalty. The director of the Division of Motor Vehicles may, by  
26 rule, provide that information pertaining to penalties, pertaining  
27 to the repairs which may effect a reduction of penalty, and  
28 pertaining to the certification necessary to substantiate those  
29 repairs and compliance with emissions standards be served with  
30 or be made a part of the complaint and summons. The director  
31 may, by rule, prescribe a form for certifying repairs and  
32 compliance with emissions standards, with instructions as to how  
33 the form should be completed and certified. The director may  
34 provide that the form be served with or be made a part of the  
35 complaint and summons.

36 Notwithstanding any other provision of law or any rule or  
37 regulation adopted pursuant thereto to the contrary, repairs to  
38 effect a reduction of penalty under the provisions of this  
39 subsection must be made before the hearing date or within 45  
40 days of the occurrence of the violation, whichever is sooner. A  
41 defendant who is permitted to waive appearance and plead guilty  
42 by mail shall also be permitted to submit the certification of  
43 repairs by mail; provided that if the court deems the certification  
44 to be inadequate, it shall afford the defendant the option to  
45 withdraw the defendant's guilty plea.

46 b. The owner, operator, and lessee of a diesel-powered motor  
47 vehicle, other than a heavy-duty diesel truck, operated in  
48 violation of section 4 of this act shall be jointly and severally  
49 liable for a civil penalty determined by a penalty schedule which  
50 the director is authorized to adopt as rulemaking, but not to  
51 exceed the penalties established by this section for heavy-duty  
52 diesel trucks. The penalty schedule may provide for a reduction  
53 of penalty if the defendant provides certification of repairs to  
54 the vehicle that is satisfactory to the court and compliance with

1 emissions standards. The director may, by rule, specify the  
2 timing and manner of the repairs and compliance with emissions  
3 standards, and the certification necessary to effect a reduction  
4 of penalty. The director may, by rule, provide whether  
5 information pertaining to repairs and compliance with emissions  
6 standards, and whether a form to certify those repairs and that  
7 compliance, should be served with or made a part of the  
8 complaint and summons.

9 6. The director, in consultation with the department and with  
10 the approval of the Attorney General, shall establish and  
11 implement a Periodic Inspection Program and a Roadside  
12 Enforcement Program to implement the standards and test  
13 methods adopted under section 3 of this act. These programs  
14 shall be designed to measure exhaust emissions and to inspect  
15 emission control apparatus and related items on heavy-duty  
16 diesel trucks and other diesel-powered motor vehicles.  
17 Categories and models of all diesel-powered motor vehicles  
18 subject to inspection shall include, at a minimum, heavy-duty  
19 diesel trucks subject to the rules adopted under section 3 of this  
20 act; provided that the director may exempt vehicles from either  
21 program for good cause, which may include that vehicles  
22 belonging to an exempted class are, by law, subject to emissions  
23 testing in another program. The director, in consultation with  
24 the department and with the approval of the Attorney General,  
25 may, by rule, expand the Periodic Inspection Program and  
26 Roadside Enforcement Program to include other diesel-powered  
27 motor vehicles which are subject to the rules adopted under  
28 section 3 of this act. The director may, by rule, impose upon  
29 every operator, owner, and lessee of a motor vehicle subject to  
30 periodic inspection the obligation periodically to have the vehicle  
31 inspected in a manner determined by the director, to effect  
32 repairs, to abstain from operating or to limit the operation of a  
33 rejected vehicle or a vehicle overdue for inspection, or to  
34 perform other duties necessary or appropriate for the  
35 implementation of the Periodic Inspection Program. The director  
36 may, by rule, impose upon every operator, owner, and lessee of a  
37 motor vehicle subject to roadside inspection and the obligation to  
38 abstain from operating or to limit the operation of a vehicle  
39 which has been tested and found to be in violation of the rules  
40 adopted under section 3 of this act, to effect repairs, or to  
41 perform other duties necessary or appropriate for the  
42 implementation of the Roadside Inspection Program.

43 7. In implementing the Roadside Enforcement Program, the  
44 director may phase in road-side inspections by establishing a pilot  
45 roadside enforcement program providing a grace period in which  
46 warnings are issued in lieu of the civil penalties established by  
47 this act. Notwithstanding the provisions of the "Administrative  
48 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), procedures  
49 for the pilot project may be adopted immediately.

50 8. a. The director, in consultation with the department, shall  
51 establish procedures by which test methods, established under  
52 section 3 of this act, are conducted in the Periodic Inspection  
53 Program and in the Roadside Enforcement Program.

54 b. The director, with the approval of the Attorney General,

1 may by rule require that personnel from and agents of the  
2 Division and personnel from the Division of State Police who  
3 perform the test methods utilized in the Roadside Enforcement  
4 Program, and licensees and persons employed by licensees who  
5 perform the tests and test methods utilized in the Periodic  
6 Inspection Program in accordance with the provisions of section  
7 11 of this act, be trained to do so and be examined, periodically if  
8 the rule so provides, to ensure that their training and competence  
9 are adequate. Testing in the Roadside Inspection Program may  
10 be conducted by personnel from the Division, by personnel from  
11 the Division of State Police, and by agents appointed by or under  
12 contract with the director.

13 c. The director, in consultation with the department and with  
14 the approval of the Attorney General, shall designate one or more  
15 test methods among those established under section 3 of this act  
16 which are to be utilized in the Roadside Enforcement Program  
17 established under section 6 of this act. The director, with the  
18 approval of the Attorney General, shall establish a form or forms  
19 upon which the results of these designated tests or test methods  
20 will be reported in the ordinary course. The form shall contain a  
21 statement or statements establishing the following: the type of  
22 test performed; the result achieved; that the subscriber is the  
23 person who performed the test; that he has been certified by the  
24 director as having adequate training and competence to perform  
25 the test; that he is an employee or agent of the State and was  
26 acting in his official capacity when he performed the test; and  
27 any other information which the director may prescribe. The  
28 form shall contain a certification subscribed by the person  
29 performing the test and certifying that he did perform the test in  
30 a proper manner and believes the test results to be valid and  
31 accurate. The presentation of a form prepared in accordance  
32 with the provisions of this subsection to a court by any party to a  
33 proceeding shall be evidence that all of the requirements and  
34 provisions of this subsection have been met and that the form has  
35 been prepared in accordance with the provisions of this  
36 subsection. The form shall be admissible evidence as proof of the  
37 statements contained therein in any civil penalty proceeding  
38 brought under the provisions of this act. A copy of the form shall  
39 be served, if practicable, with the complaint and summons upon  
40 the defendant or his agent for service of process; and, in any  
41 event, shall be served upon such person at least 20 days before  
42 the hearing. The director may provide that a copy of the form be  
43 included as part of the complaint and summons shall constitute  
44 service of the form. The form shall not be admissible if it is not  
45 served at least 20 days before the hearing, provided that the  
46 court, upon a showing of good cause and that the defendant is not  
47 prejudiced, may relax this time limitation, postpone the hearing,  
48 or enter other appropriate relief.

49 9. The Superintendent of the State Police, in consultation with  
50 and subject to the approval of the Attorney General, shall provide  
51 State Police officers to assist the director in conducting the  
52 Roadside Enforcement Program and pilot program. The State  
53 Police officers shall have exclusive authority to direct vehicles

1 from the roadway for the purpose of inspection, and shall perform  
2 other police duties necessary for or helpful to the implementation  
3 of the programs.

4 10. In addition to any other penalties that may be applicable,  
5 the operator of a motor vehicle who fails to comply with any  
6 direction given pursuant to section 9 of this act, or who refuses  
7 to submit or resists submitting a vehicle under his control for  
8 roadside inspection, or who fails to comply with any other  
9 obligation imposed upon him as part of the Roadside Enforcement  
10 Program shall be jointly and severally liable with the owner and  
11 lessee, if any, of such motor vehicle for a civil penalty of \$500.  
12 The operator, owner, or lessee of a motor vehicle subject to  
13 periodic inspections who violates any rule pertaining thereto shall  
14 be liable for a civil penalty of \$500.

15 11. a. The director, after appropriate inquiry and  
16 investigation, shall issue licenses to operate diesel emission  
17 centers to as many qualified and properly equipped persons,  
18 including owners or lessees of heavy-duty diesel trucks or other  
19 diesel-powered motor vehicles, as the director determines are  
20 necessary to conduct periodic inspections. A licensee shall  
21 inspect and pass or reject a heavy-duty diesel truck or  
22 diesel-powered motor vehicle presented to him for inspection.  
23 Passing shall indicate that the licensee or his employee has  
24 inspected the motor vehicle as prescribed by the director and has  
25 found that the motor vehicle conforms to the standards  
26 established by law and rule. The director, with the approval of  
27 the Attorney General, may establish by rule an application fee  
28 for the licensing of diesel emission centers, which fee shall not  
29 exceed \$250 per year.

30 b. For the purpose of documenting compliance with periodic  
31 inspection requirements, the director shall furnish official  
32 inspection forms to licensed diesel emission centers. The  
33 director shall require each diesel emission center and each owner,  
34 operator or lessee of a heavy-duty diesel truck or other  
35 diesel-powered motor vehicle subject to periodic inspection to  
36 keep such records and file such reports regarding these  
37 inspections as the director shall deem necessary. The director  
38 may conduct such audits or inspections of these centers as the  
39 director deems appropriate.

40 c. The director may deny, suspend or revoke a diesel emission  
41 center license or refuse renewal thereof for cause, including, but  
42 not limited to one or more of the following:

43 (1) Violation of any provision of this act or of any rule  
44 thereunder; or

45 (2) Fraud or misrepresentation in securing a license or in the  
46 conduct of the license activity; or

47 (3) Conviction of a crime demonstrating that the applicant or  
48 licensee is unfit; or

49 (4) Improper, negligent, or fraudulent inspection of a motor  
50 vehicle; or

51 (5) Other good cause.

52 d. In addition to any other civil or criminal penalties that may  
53 be applicable, a person licensed by the director to operate a



1 diesel emission center who commits fraud or misrepresentation in  
2 securing a license or in the conduct of the license activity or who  
3 improperly or negligently or fraudulently conducts an inspection  
4 of a motor vehicle shall be liable for a civil penalty of \$1500. In  
5 addition to any other civil or criminal penalties that may be  
6 applicable, a person licensed by the director to operate a diesel  
7 emission center who otherwise violates any provision of this act  
8 or of any rule adopted thereunder shall be liable for a civil  
9 penalty of \$500.

10 12. Any person who violates any provision of this act or any  
11 rule adopted pursuant to this act shall be liable for a civil  
12 penalty. The amount of the penalty shall be that specified in the  
13 other sections of this act or in the rules adopted pursuant to this  
14 act; but if no amount is otherwise specified, then the amount  
15 shall be \$200. Additionally, the director may suspend the  
16 registration privileges of a New Jersey-registered vehicle  
17 operated in violation of this act.

18 13. a. The complaint and summons charging a violation of this  
19 act and seeking the imposition of a civil penalty in accordance  
20 with the provisions of this act or any rule adopted pursuant to  
21 this act shall be a ticket in the form prescribed by the director  
22 and shall contain information advising the persons to whom it is  
23 issued of the manner in which and time within which an answer to  
24 the alleged violation is required. The ticket shall also advise that  
25 penalties may result from a failure to answer, that the failure to  
26 answer or appear shall be considered an admission of liability, and  
27 that a default judgment may be entered. The ticket may be  
28 served personally upon the operator of a vehicle, and his name  
29 shall be recorded on the ticket, together with the plate number  
30 and State or jurisdiction as shown by the registration plates of  
31 the vehicle and the make or model of the vehicle. A ticket may  
32 be served upon the owner of the vehicle by affixing the ticket to  
33 the vehicle in a conspicuous place, or by any other method  
34 appropriate under R. 4:4-4 of the Rules Governing the Courts of  
35 the State of New Jersey. A ticket may be served by mail upon  
36 the owner of the vehicle on file with the Division of the licensing  
37 authority of another jurisdiction by mailing the ticket to the  
38 vehicle owner by regular or certified mail to the address on file  
39 with the Division or the licensing authority of another  
40 jurisdiction, or by any other method appropriate under R. 4:4-4 of  
41 the Rules Governing the Courts of the State of New Jersey.  
42 Service of a ticket by regular or certified mail shall have the  
43 same effect as if the ticket were served personally.

44 b. The ticket shall contain sufficient information to identify  
45 the person or persons charged and to inform them of the nature,  
46 date, time and location of the alleged violation. The original of  
47 the ticket shall be signed by the complainant, who shall certify to  
48 the truth of the facts set forth therein. Any person authorized by  
49 the director may serve as the complainant. For the purposes of  
50 the certification, the complainant may rely upon information  
51 from the Division or from the Division of State Police, upon  
52 official reports, and upon any form prepared in accordance with  
53 subsection c. of section 8 of this act. The original ticket or a  
54 true copy of the ticket shall be considered a record kept in the

1 ordinary business of the Division and shall be prima facie  
2 evidence of the facts contained therein.

3 c. Any owner or lessee of a vehicle who causes, authorizes, or  
4 otherwise permits an operator to drive in this State shall make  
5 the operator his or their agent for service of any ticket, process,  
6 or notice against any such person arising out of any alleged  
7 violation of this act. Any operator of a vehicle who drives in this  
8 State shall make the owner and lessee, if any, of the vehicle his  
9 agent or agents for service of any ticket, process, or notice  
10 arising out of any alleged violation of this act. Thus, any service  
11 of ticket, process, or penalty or other notice served on the  
12 operator who operates in this State, or on the owner or lessee of  
13 the vehicle shall also constitute service upon the remaining  
14 persons, so long as the ticket, process, or penalty or other notice  
15 advises the person actually served of his responsibility to notify  
16 the remaining persons.

17 d. Proceedings under this act may be instituted on any day of  
18 the week, and the institution of the proceedings on a Sunday or a  
19 holiday shall be no bar to the successful prosecution thereof. Any  
20 process served on a Sunday or holiday shall be as valid as if  
21 served on any other day of the week.

22 14. An action for the recovery of a civil penalty for violation  
23 of this act or any rule adopted pursuant to this act shall be within  
24 the jurisdiction of and may be brought before the municipal court  
25 in the municipality where the offense was committed or where  
26 the defendant may reside, or where the defendant may be found,  
27 or where the measurement of emissions was physically made.  
28 The municipal prosecutor shall proceed in the matter on behalf of  
29 the State, unless the county prosecutor or the Attorney General  
30 determines to assume responsibility for the prosecution. The  
31 civil penalties provided by this act shall be recovered in the name  
32 of the Division, and any money collected by the court in payment  
33 of a civil penalty shall be conveyed to the Division. The civil  
34 penalties provided by this act shall be collected and enforced by  
35 summary proceedings pursuant to "the penalty enforcement law"  
36 (N.J.S.2A:58-1 et seq.).

37 15. a. The court administrator of the municipal court shall  
38 docket in the Superior Court a municipal court judgment imposing  
39 a civil penalty which arises under this act and which remains  
40 unpaid at the time of the judgment's entry in the municipal  
41 court. The provisions and procedures of N.J.S.2B:12-26 shall  
42 apply to the docketing, except that the court administrator of the  
43 municipal court, rather than the Division, shall effect the  
44 docketing; provided that nothing in this act shall foreclose the  
45 director or the director's designee from docketing the judgment  
46 on behalf of the Division and in accordance with N.J.S.2B:12-26  
47 if the court administrator of the municipal court fails to do so or  
48 if the director or the director's designee chooses to do so for any  
49 other reason. No fee shall be charged to docket the judgment.  
50 The docketing shall have the same force and effect as a civil  
51 judgment docketed in the Superior Court, and the director and  
52 the director's designees shall have all of the remedies and may  
53 take all of the proceedings for the collection thereof which may

1 be had or taken upon recovery of a judgement in an action, but  
2 without prejudice to any right of appeal.

3 b. If the defendant is the owner, lessee, or operator of a  
4 vehicle which is the subject of the violation, and if the defendant  
5 fails to pay a civil penalty imposed under this act, the director  
6 may suspend the operation or registration privileges, or both, of  
7 the defendant in this State.

8 c. Any vehicle which is registered or present in this State and  
9 for which a civil penalty has been assessed under this act may be  
10 placed out of service by the Division of State Police if the civil  
11 penalty remains unpaid after the date on which it became due and  
12 owing. A vehicle placed out of service under this act by either  
13 the Division or the Division of State Police shall not be operated  
14 until all civil penalties that are due and owing are paid to the  
15 division. When a vehicle is placed out of service under this act,  
16 an out-of-service order shall be prepared on forms as specified  
17 by the director and a copy served upon the operator of the  
18 vehicle, or upon the owner or lessee of the vehicle. The operator  
19 of a vehicle served with an out-of-service order pursuant to this  
20 act shall report the issuance of the out-of-service order to the  
21 owner of the vehicle within 24 hours. When a vehicle is placed  
22 out of service under this act it shall be the responsibility of the  
23 operator, lessee, or owner of that vehicle to arrange for the  
24 prompt removal of that vehicle, by means other than operating  
25 the vehicle, and to pay all cost associated therewith. The vehicle  
26 shall be removed to a secure storage place where the Division and  
27 the Division of State Police can readily confirm its  
28 non-operation. When the operator, owner, or lessee fails to  
29 comply, or or is otherwise incapable of complying with this  
30 subsection, the division or the Division of State Police may make  
31 such arrangements for the removal of the vehicle to a secure  
32 storage place where the Division and the Division of State Police  
33 can readily confirm its non-operation, with all attendant charges  
34 and expenses to be paid by the owner, lessee, or bailee. No entity  
35 of government of this State or subdivision thereof shall be held  
36 liable for costs associated or incurred in the enforcement of this  
37 subsection. Upon payment by cashier's check, money order, or in  
38 such other form as determined by the director, of all unpaid civil  
39 penalties and attendant storage charges and expenses for a  
40 vehicle that has been placed out of service, the director shall  
41 remove the out-of-service order. Any person who operates, and  
42 any owner or lessee who suffers to be operated, a vehicle in  
43 violation of an out-of-service order prepared and served in  
44 accordance with the provisions of this subsection shall be liable  
45 for a civil penalty of \$1500, and, if the person holds a State  
46 driver's license or has the vehicle registered in this State, the  
47 director may suspend the operation or registration privileges, or  
48 both, of the person.

49 16. Notwithstanding any other provisions of this title, all  
50 monies which the Division receives under the provisions of this  
51 act shall be paid to the "Clean Diesel Fund" established pursuant  
52 to section 17 of this act; except that monies received for  
53 attendant storage charges and expenses as provided in subsection  
54 c. of section 15 of this act shall be paid to the entity which

1 incurred these charges and expenses.

2 17. a. There is established in the General Fund of the State  
3 Treasury a separate, nonlapsing, dedicated, revolving account to  
4 be known as the Clean Diesel Fund. The Clean Diesel Fund shall  
5 be administered by the Division. The Division shall forward all  
6 monies collected pursuant to this act to the State Treasury for  
7 deposit into the Clean Diesel Fund account. All monies deposited  
8 in the Clean Diesel Fund account shall be used to fund the costs  
9 of administering the programs and activities specified in this act.

10 b. A municipality shall be entitled to periodic grants from the  
11 Fund in such amounts as the director may determine pursuant to  
12 rule, proportionate to the number of enforcement actions brought  
13 in the municipality to subsidize costs of prosecuting and trying  
14 actions under this act.

15 18. The State Treasurer shall establish a receivable account  
16 for the sole purpose of defraying the expenses incurred for  
17 program implementation and administration. The receivable  
18 account shall be relieved by monies deposited into the Clean  
19 Diesel Fund established pursuant to section 17 of this act.

20 19. Except as otherwise provided in this act, the director may  
21 adopt rules pursuant to the "Administrative Procedure Act,"  
22 P.L.1968, c.(C.52:14B-1 et seq.) to effectuate the purposes of  
23 this act.

24 20. On the first day of the forty-eighth month after this  
25 action takes effect, the Attorney General shall submit to the  
26 Governor and members of the Legislature a report assessing the  
27 effectiveness of the programs required by this act and the  
28 necessity and feasibility of providing periodic centralized  
29 inspections of diesel-powered motor vehicles for smoke emissions  
30 and other air contaminants.

31 21. This act shall take effect immediately.

32

33 SPONSOR'S STATEMENT

34

35 This bill establishes the "Periodic Inspection" and "Roadside  
36 Enforcement" programs for the regulation of diesel exhaust  
37 emissions from heavy duty diesel trucks and certain other  
38 diesel-powered motor vehicles. The bill provides for standards  
39 and test methods to be developed by the Department of  
40 Environmental Protection and roadside enforcement to be  
41 conducted as either air pollution spot checks or as part of  
42 existing truck safety and weight enforcement program. The bill  
43 also provides civil penalties. The civil penalty is intended to be a  
44 mandatory penalty which must be imposed in the amount  
45 specified in the bill with provision for reduction only in the event  
46 of prompt compliance with emission standards. The bill provides  
47 for reimbursement of the impacted municipalities and agencies.

48

49

50

51 Establishes the Periodic Inspection Program and the Roadside  
52 Enforcement Program for certain diesel-powered motor vehicles.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 2457**

**STATE OF NEW JERSEY**

DATED: JUNE 15, 1995

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2457.

This Assembly Committee Substitute for Assembly Bill No. 2457 establishes programs for the regulation of exhaust emissions from heavy duty-diesel trucks and certain other diesel-powered motor vehicles, establishes funding for that regulation and for the enforcement of safety regulation of commercial motor vehicles, and provides implementing legislation for State participation in the International Registration Plan.

The substitute establishes a periodic inspection program and a roadside enforcement program for the regulation of exhaust emissions from diesel buses, including diesel school buses and similar vehicles and interstate buses, heavy duty-diesel trucks, and certain other diesel-powered motor vehicles. The substitute does not apply to diesel automobiles and light trucks. The inspection program does apply to larger construction and farming diesel vehicles, but the Division of Motor Vehicles (DMV) in the Department of Law and Public Safety, in consultation with the Department of Environmental Protection (DEP), may exempt such vehicles from coverage. The substitute provides the DEP and the DMV with discretionary powers to exempt vehicles from the inspection programs for good cause, including coverage under another emissions testing program.

The substitute requires the DEP, in consultation with the DMV and the Department of Transportation (DOT), to adopt exhaust emissions standards and test methods, and standards for emission control apparatus and related items, for heavy-duty diesel motor vehicles.

The DMV, in consultation with the DEP and the DOT and with the approval of the Attorney General, will establish a periodic inspection program and a roadside enforcement program for the diesel vehicles. Diesel buses and heavy-duty diesel trucks will be subject to periodic inspections; expansion of the inspection process to other diesel-powered motor vehicles will be at the discretion of the DMV in consultation with the DEP and with the approval of the Attorney General. The substitute assigns to the DOT the periodic inspection and roadside enforcement programs for diesel buses that are under the jurisdiction of that department pursuant to Titles 27 and 48 of the Revised Statutes or any other law, rule, or regulation.

Under the substitute, a pilot roadside enforcement program would be initiated immediately. Under that pilot program, violators

would be provided a six-month grace period in which warnings would be issued in lieu of civil penalties. The substitute requires the State Police to provide assistance in conducting the pilot roadside enforcement program and the regular roadside enforcement program.

The substitute provides for various civil penalties for violations, for joint and several liability between the owner and the lessee, if any, of a vehicle that is the subject of certain violations, for suspension of vehicle registration privileges under certain conditions, and for placement of vehicles out of service under certain conditions. The assessment of penalties against the New Jersey Transit Corporation would depend in certain cases upon its status as lessor or lessee of the diesel bus that is the subject of the violation.

The substitute authorizes the licensing of private diesel emission inspection centers to conduct periodic inspections as required under the substitute. The application fee for the license would not exceed \$250.

The substitute also requires the Attorney General, in consultation with the Commissioner of Environmental Protection and the Commissioner of Transportation, to prepare and submit a report after two years assessing the effectiveness of the programs required by the substitute and the necessity and feasibility of providing for periodic centralized emissions inspections of diesel buses, heavy-duty diesel trucks, and other diesel-powered motor vehicles.

The substitute also provides the implementing legislation for New Jersey's entry into the International Registration Plan, a reciprocal registration system that provides for the payment of license fees to a single state. All states are required to adopt the plan by September 1, 1996. The International Registration Plan lowers barriers to interstate commerce by permitting the owners of commercial motor vehicles operating in more than one state to register in a single home state and pay a single registration fee, which is distributed to all of the other member states of the plan on the basis of the mileage driven in each member state. Commercial motor vehicles registered under the plan are granted exemption from certain fee requirements when traveling outside of their home states, and commercial motor vehicles registered in other states will be granted exemption from certain fees when traveling in New Jersey. The plan also provides for cooperative enforcement and the exchange of audit and other information.

All penalties collected under the periodic emissions inspection program and the a roadside emissions enforcement program will be deposited to the State General Fund. All fees and other monies collected under the emissions programs will be deposited to the "Commercial Vehicle Enforcement Fund" established under the substitute. The fund will be used to pay the costs of administering the programs and activities of the DMV, DOT and DEP specified in the substitute and to provide grants to municipalities to defray the costs of prosecuting and trying actions in municipal courts.

The substitute repeals the flat \$35 additional fee on commercial vehicles over 10,000 pounds and replaces the flat fee with a size-graduated additional fee of \$3 for each 1,000 pounds over 5,000 pounds. The substitute provides that this fee together with an administration fee under the International Registration Plan are also to be deposited to the "Commercial Vehicle Enforcement Fund."

FISCAL IMPACT:

The Department of Law and Public Safety has supplied data concerning the estimated fines under the emissions regulation program, the added fee and registration revenue under the International Registration Plan and the fines collected under the commercial vehicle safety program. Offsetting these revenues are the revenue decrease of the repeal of the \$35 registration fee and the administrative expenses of the three programs. The substitute is estimated to result in net gains of approximately \$5.4 million in FY1996, \$12.5 million in FY1997 and \$10.6 million in FY1998. Of these amounts, approximately \$5 million would be deposited to the general fund and \$0.3 million in would be surplus to the Commercial Vehicle Enforcement Fund in FY1996, \$7.4 million in FY1997 and \$5.5 million in FY1998.

ASSEMBLY ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2457**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 19, 1995

The Assembly Environment and Energy Committee favorably reports Assembly Bill No. 2457 with committee amendments.

As introduced, this bill would establish a periodic inspection program and a roadside enforcement program for the regulation of exhaust emissions from heavy duty-diesel trucks and certain other diesel-powered motor vehicles.

As amended by the committee the bill would establish a periodic inspection program and a roadside enforcement program for the regulation of exhaust emissions from diesel buses, heavy duty-diesel trucks, and certain other diesel-powered motor vehicles. The provisions of the bill would also pertain to larger construction and farming diesel vehicles unless they are exempted by the Department of Environmental Protection (DEP) in consultation with the Division of Motor Vehicles in the Department of Law and Public Safety (DMV), as permitted by the bill. The bill would not apply to diesel automobiles and light trucks. The definition of "diesel bus" in the bill would encompass all types of diesel buses, including diesel school buses and similar vehicles and interstate buses. The bill provides the DEP and the DMV with discretionary powers to exempt vehicles from the inspection programs for good cause.

The bill requires the DEP, in consultation with the DMV and the Department of Transportation (DOT), to adopt exhaust emissions standards and test methods, and standards for emission control apparatus and related items, for diesel buses, heavy-duty diesel trucks, and other diesel-powered motor vehicles. The DMV, in consultation with the DEP and the DOT and with the approval of the Attorney General, would establish periodic inspection and roadside enforcement programs for diesel vehicles. Diesel buses and heavy-duty diesel trucks would be required to be subject to inspections. Expansion of the inspection process to other diesel-powered motor vehicles would be at the discretion of the DMV in consultation with the DEP and with the approval of the Attorney General. The bill would assign to the DOT the periodic inspection and roadside enforcement programs for diesel buses that are under the jurisdiction of that department pursuant to Titles 27 and 48 of the Revised Statutes or any other law, rule, or regulation.

Under the bill, a pilot roadside enforcement program would be initiated immediately. Under that pilot program, violators would be provided a six-month grace period in which warnings would be issued in lieu of civil penalties. The bill requires the State Police to provide assistance in conducting the pilot roadside enforcement program and the regular roadside enforcement program.



The bill provides for various civil penalties for violations, for joint and several liability between the owner and the lessee, if any, of the vehicle that is the subject of certain violations, for suspension of vehicle registration privileges under certain conditions, and for placement of vehicles out of service under certain conditions. The assessment of penalties against the New Jersey Transit Corporation would depend in certain cases upon its status as lessor or lessee of the diesel bus that is the subject of the violation.

The bill authorizes the licensing of private diesel emission inspection centers to conduct periodic inspections as required under the bill. The application fee for the license would not exceed \$250.

All penalties, fees, and other monies collected pursuant to the bill would be deposited into a dedicated fund to be known as the "Clean Diesel Fund" and would be used to (1) pay the costs of administering the programs and activities specified in the bill, and (2) provide grants to municipalities in proportion to the number of enforcement actions brought in the municipality in order to subsidize the costs of prosecuting and trying actions in municipal courts as provided by the bill.

The bill also requires the Attorney General, in consultation with the Commissioner of Environmental Protection and the Commissioner of Transportation, to prepare and submit a report assessing the effectiveness of the programs required by the bill and the necessity and feasibility of providing for periodic centralized emissions inspections of diesel buses, heavy-duty diesel trucks, and other diesel-powered motor vehicles.