

[First Reprint]
SENATE, No. 2811

STATE OF NEW JERSEY
218th LEGISLATURE

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Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Requires motor vehicle inspection stickers to notify drivers of penalty for texting while driving.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on February 14, 2019, with amendments.



1 AN ACT concerning texting while driving and amending R.S.39:8-2.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. R.S.39:8-2 is amended to read as follows:

7 39:8-2. a. The commission may designate and appoint, subject
8 to existing laws, competent inspectors of motor vehicles to conduct
9 examinations, other than the periodic inspections required pursuant
10 to subsection b. of this section, of motor vehicles required to be
11 inspected in accordance with the provisions of this chapter. The
12 inspectors may be delegated to enforce the provisions of the motor
13 vehicle and traffic law.

14 b. (1) The commission shall adopt, pursuant to the
15 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
16 seq.), rules and regulations consistent with P.L.1966,
17 c.16 (C.26:2C-8.1 et seq.) and with the requirements of the federal
18 Clean Air Act with respect to the type and character of the
19 inspections to be made, the facility at which the vehicle shall be
20 inspected, the frequency of inspections of motor vehicles and the
21 approval or rejection of motor vehicles as a result of these
22 inspections. These rules and regulations shall require the use of
23 inspection tests that are designed to meet the enhanced inspection
24 and maintenance requirements of the federal Clean Air Act and that
25 have been proven to be feasible and effective for the inspection of
26 large numbers of motor vehicles, except that these tests shall not
27 include the "I/M 240" test. Nothing in this subsection shall
28 preclude the use of the "I/M 240" test in sampling for performance
29 evaluations only or the use of the test at the option of a private
30 inspection facility. The rules and regulations may distinguish
31 between vehicles based on model year, type, or other vehicle
32 characteristics in order to facilitate inspections or to comply with
33 the federal Clean Air Act.

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted February 14, 2019.

1 operating license, motor vehicle registration, and motor vehicle
2 insurance, the inspection status of a motor vehicle, and mass transit
3 fares, that can be accessed quickly by a computer.

4 c. Except as modified by the commission to distribute evenly
5 the volume of inspections, all motor vehicles required by the
6 commission, in accordance with the provisions of R.S.39:8-1, to be
7 inspected under this chapter shall be inspected biennially, except
8 that:

9 **[(i)]** (1) after certification by the commission of the federal
10 approval by the United States Environmental Protection Agency of
11 the State waiver request, model year 2006 and newer motor vehicles
12 shall be inspected no later than five years from the last day of the
13 month in which they were initially registered and thereafter
14 biennially and a decal affixed thereto shall so indicate. Motor
15 vehicles five model years old or newer, purchased in a foreign
16 jurisdiction, and to be registered in this State, shall be subject to
17 inspection not later than five years from the last day of the last
18 calendar month of the model year of the vehicle, and thereafter,
19 inspected biennially and a decal affixed thereto shall so indicate.
20 Whenever a used motor vehicle five model years old or newer is
21 purchased in this or any other state which has affixed thereto an
22 unexpired decal issued pursuant to this paragraph or an unexpired
23 New Jersey inspection certificate of approval and is initially
24 registered by the purchaser in this State, the unexpired decal or
25 unexpired New Jersey inspection certificate of approval displayed
26 on the windshield shall be valid for the remaining time indicated
27 thereon. Upon expiration of the decal or inspection certificate of
28 approval, such vehicle shall be subject to inspection and inspected
29 biennially thereafter; and

30 **[(ii)]** (2) classes of vehicles that require more frequent
31 inspections, such as school buses, shall be inspected at such shorter
32 intervals as may be established by the commission after
33 consultation with the Department of Environmental Protection. At
34 any time, the commission may require the owner, lessee, or operator
35 of a motor vehicle to submit the vehicle for inspection.

36 d. The commission shall furnish to designated inspectors or to
37 other persons authorized to conduct inspections official certificates
38 of approval and rejection stickers, the form, content, and use of
39 which it shall establish. The certificates of approval and rejection
40 stickers shall be of a type, such as a windshield sticker or license
41 plate decal, that can be attached to the vehicle or license plate in a
42 location that is readily visible to anyone viewing the vehicle. Any
43 certificate of approval in the form of a windshield sticker shall
44 display the words "U Text U Drive U Pay" so as to be visible to the
45 operator of the motor vehicle. ¹The commission may distribute all
46 the existing windshield stickers before printing windshield stickers
47 which display the words "U Text U Drive U Pay" as required
48 pursuant to this subsection. ¹ If a certificate of approval cannot be

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

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

11 f. For the purpose of implementing the motor vehicle
12 inspection requirements of the federal Clean Air Act and subject to
13 the approval of the Attorney General, the State Treasurer, prior to
14 January 1, 1997, may:

15 (1) Purchase, lease, or acquire by eminent domain any property
16 for vehicle inspection purposes. Any other provision of law to the
17 contrary notwithstanding, no further approval shall be required for
18 transactions authorized by this paragraph, except that a proposed
19 purchase, lease, or acquisition by eminent domain shall require the
20 approval of the Joint Budget Oversight Committee, and shall be
21 submitted to the Joint Budget Oversight Committee, which shall
22 review the proposed purchase, lease, or acquisition by eminent
23 domain within 15 business days; and

24 (2) Sell or lease, or grant an easement in, any property acquired,
25 held, or used for vehicle inspection purposes or any other suitable
26 property held by the State that is not currently in use or dedicated to
27 another purpose. For the purpose of this paragraph and
28 notwithstanding any provision of R.S.52:20-1 et seq. to the
29 contrary, the sale or lease of, or the granting of an easement in, real
30 property owned by the State shall be subject to the approval of the
31 State House Commission, which shall meet at the call of the
32 Governor to act on a proposed sale or lease or grant of an easement
33 pursuant to this paragraph. A member of the State House
34 Commission may permit a representative to act on that member's
35 behalf in considering and voting on a sale or lease or grant of an
36 easement pursuant to this paragraph. Any other provision of law to
37 the contrary notwithstanding, any moneys derived from a sale,
38 lease, or granting of an easement by the State pursuant to this
39 paragraph shall not be expended unless approved by the Joint
40 Budget Oversight Committee for the purpose of purchasing, leasing,
41 or acquiring property pursuant to paragraph (1) of this subsection,
42 except that any moneys derived therefrom and not approved for that
43 purpose shall be appropriated to the Department of Transportation
44 to provide for mass transit improvements.

45 g. The commission shall conduct roadside examinations of
46 motor vehicles required to be inspected, using such inspection
47 equipment and procedures, and standards established pursuant to
48 section 1 of P.L.1966, c.16 (C.26:2C-8.1), including, but not limited

1 to, remote sensing technology, as the commission shall deem
2 appropriate to provide for the monitoring of motor vehicles
3 pursuant to this subsection. At least 20,000 vehicles or 0.5 percent
4 of the total number of motor vehicles required to be inspected under
5 this chapter, whichever is less, shall be inspected during each
6 inspection cycle by roadside examination teams under the
7 supervision of the commission. The commission may require any
8 vehicle failing a roadside examination to be inspected at an official
9 inspection facility or a private inspection facility within a time
10 period fixed by the commission. Failure to appear and pass
11 inspection within the time period fixed by the commission shall
12 result in registration suspension in addition to any other penalties
13 provided in this Title. The commission shall conduct an aggressive
14 roadside inspection program to ensure that all motor vehicles that
15 are required to be inspected in this State are in compliance with
16 State law.

17 h. The commission, and, when appropriate, the Department of
18 Environmental Protection, shall conduct inspections and audits of
19 licensed private inspection facilities, official inspection facilities,
20 and designated inspectors to ensure accurate test equipment
21 calibration and use, and compliance with proper inspection
22 procedures and with the provisions of P.L.1995, c.112 (C.39:8-41 et
23 al.) and any regulations adopted pursuant thereto by the commission
24 or by the Department of Environmental Protection. These
25 inspections and audits shall be conducted at such times and in such
26 manner as the commission, upon consultation with the Department
27 of Environmental Protection, shall determine in order to provide
28 quality assurance in the performance of the inspection and
29 maintenance program.

30 i. (1) The commission shall make a charge of \$2.50 for the
31 initial inspection for each vehicle subject to inspection, which
32 amount shall be paid to the commission or its representative when
33 payment of the registration fees fixed in chapter 3 of this Title is
34 made which inspection charge shall be considered a service charge
35 and shall be subject to the calculation of proportional revenue
36 remitted to the commission pursuant to section 105 of P.L.2003,
37 c.13 (C.39:2A-36); provided however, that on and after January 1,
38 1999, a school bus as defined pursuant to section 3 of P.L.1999,
39 c.5 (C.39:3B-20) and having a registration period commencing on
40 or after January 1, 1999, shall be subject to an inspection fee for
41 each in-terminal or in-lieu-of terminal inspection in accordance
42 with the following schedule:

43 School Bus Specification Inspection	\$50 per bus
44 School Bus Inspection	\$25 per bus
45 School Bus Reinspection	\$25 per bus
46 subject to the conditions set forth below	

47 The specification inspection is required when a school bus is put
48 into service in New Jersey, whether a new bus or a bus from another

1 state. The specification inspection is conducted to ensure that the
2 school bus meets New Jersey specification standards. The school
3 bus inspection fees shall be charged to the operator for each in-
4 terminal or in-lieu-of terminal inspection. School Vehicle Type I
5 and School Vehicle Type II buses shall be inspected semiannually.
6 Retired school buses shall be inspected annually. No school bus
7 inspection fee shall be charged for any reinspection conducted by
8 the commission if the reinspection is conducted on the same day as
9 the inspection that necessitated the reinspection. If an additional
10 trip is required by the commission's inspectors, a fee of \$25 per bus
11 shall be charged. School bus inspection fees shall be paid to the
12 commission or the commission's designee subject to the terms and
13 conditions prescribed by the commission and shall be considered
14 service charges of the commission and not subject to the calculation
15 of proportional revenue remitted to the commission pursuant to
16 section 105 of P.L.2003, c.13 (C.39:2A-36). Any law or rule or
17 regulation adopted pursuant thereto to the contrary notwithstanding,
18 a registration fee authorized pursuant to chapter 3 of Title 39 of the
19 Revised Statutes shall not be increased for the purpose of paying
20 any costs associated in any manner with the establishment,
21 implementation or operation of the motor vehicle inspection and
22 maintenance program established pursuant to P.L.1995,
23 c.112 (C.39:8-41 et al.).

24 (2) The commission shall establish by regulation a fee to cover
25 the costs of inspecting any vehicle that is required, or has the
26 option, under federal law to be inspected in this State but is
27 registered in another state or is owned or leased by the federal
28 government. In determining these costs, the commission shall
29 include all capital and direct and indirect operating costs associated
30 with the inspection of these vehicles including, but not limited to,
31 the costs of the actual inspection, the creation and maintenance of
32 the vehicle inspection record, administrative, oversight and quality
33 assurance costs and the costs associated with reporting inspection
34 information to the owner, the federal government and agencies of
35 other states. All fees collected pursuant to this subsection shall be
36 paid to the State Treasurer and deposited in the "Motor Vehicle
37 Inspection Fund" established pursuant to subsection j. of this
38 section.

39 j. There is established in the General Fund a special dedicated,
40 non-lapsing fund to be known as the "Motor Vehicle Inspection
41 Fund," which shall be administered by the State Treasurer. The
42 State Treasurer shall deposit into the "Motor Vehicle Inspection
43 Fund" \$11.50 from each motor vehicle registration fee received by
44 the State after June 30, 1995. This fee shall be considered a service
45 charge of the commission and shall be subject to the calculation of
46 proportional revenue remitted to the commission pursuant to section
47 105 of P.L.2003, c.13 (C.39:2A-36). The Legislature shall annually
48 appropriate from the fund an amount necessary to pay the

1 reasonable and necessary expenses of the implementation and
2 operation of the motor vehicle inspection program. The State
3 Treasurer shall:

4 (1) Pay to a private contractor or contractors contracted to
5 design, construct, renovate, equip, establish, maintain, and operate
6 official inspection facilities under a contract or contracts entered
7 into with the State Treasurer pursuant to subsection a. of section 4
8 of P.L.1995, c.112 (C.39:8-44) from the fund the amount necessary
9 to meet the costs agreed to under the contract or contracts; and

10 (2) Transfer from the fund to the commission as provided
11 pursuant to section 105 of P.L.2003, c.13 (C.39:2A-36) and the
12 Department of Environmental Protection the amounts necessary to
13 finance the costs of administering and implementing all aspects of
14 the inspection and maintenance program, and to the Office of
15 **【Telecommunications and Information Systems】** Information
16 Technology in the Department of the Treasury the amount
17 necessary for computer support upgrades;

18 Moneys remaining in the fund and any unexpended balance of
19 appropriations from the fund at the end of each fiscal year shall be
20 reappropriated for the purposes of the fund. Any interest earned on
21 moneys in the fund shall be credited to the fund.

22 (cf: P.L.2010, c.29, s.2)

23

24 2. This act shall take effect on the first day of the seventh
25 month following enactment except the Chief Administrator of the
26 New Jersey Motor Vehicle Commission may take any anticipatory
27 administrative action in advance thereof as shall be necessary for
28 the implementation of this act.