

ASSEMBLY, No. 652

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen IMPREVEDUTO and DALTON

1 AN ACT concerning the inspection and registration of motor vehicles,
2 and amending and supplementing various sections of statutory law,
3 and repealing sections 1 through 18 of P.L.1995, c.112 (C.39:8-41
4 et seq.).

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

8
9 1. (New section) a. Except for paragraph 2 of subsection b. of this
10 section, and subsections d., e. and f. of this section, for the purposes
11 of this act, "the enhanced inspection and maintenance program" means
12 the program established pursuant to the "Federal Clean Air Mandate
13 Compliance Act," P.L.1995, c.112, and the regulations adopted
14 pursuant thereto, concerning the emissions inspection and registration
15 procedures and requirements for motor vehicles, for the purposes of
16 complying with federal requirements established by the federal "Clean
17 Air Act Amendments of 1990," 42 U.S.C.A. §7403 et seq., the federal
18 rules and regulations adopted pursuant thereto, and the memorandums
19 of agreement between the United States Environmental Protection
20 Agency and the State concerning the implementation of the
21 requirements. For the purposes of paragraph 2 of subsection b. of this
22 section, and subsections d., e. and f. of this section, "the enhanced
23 inspection and maintenance program" means the program concerning
24 emissions inspection and registration procedures and requirements for
25 motor vehicles that complies with federal requirements for the
26 inspection and registration of motor vehicles established by the federal
27 "Clean Air Act Amendments of 1990," 42 U.S.C.A. §7403 et seq., the
28 federal rules and regulations adopted pursuant thereto, and that is
29 approved by the United States Environmental Protection Agency for
30 implementation in each of the states of Delaware, Maryland,
31 Pennsylvania, and Virginia, and the District of Columbia, respectively,
32 or throughout the member states of the Northeast Ozone Transport

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

Matter underlined thus is new matter.

1 Commission as part of a regional air pollution control plan established
2 by the commission.

3 b. Notwithstanding the provisions of P.L.1995, c.112 (C.39:8-41
4 et seq.), or any other law, or any regulation adopted pursuant thereto
5 to the contrary, no State agency, department or division thereof shall
6 develop, implement or enforce any aspect of the enhanced inspection
7 and maintenance program for motor vehicles or implement or enforce
8 any provision of any regulation adopted pursuant to P.L.1995, c.112,
9 or any aspect of an inspection or registration program for motor
10 vehicles other than the inspection and registration program in effect
11 and operation on June 1, 1995, until the following occur:

12 1) The Commissioner of Environmental Protection, and as
13 necessary, the Commissioner of the Department of Transportation and
14 the Director of the Division of Motor Vehicles within the Department
15 of Transportation, submit to the United States Environmental
16 Protection Agency as part of the state implementation plan, required
17 pursuant to section 7410 of the "Clean Air Act Amendments of 1990,"
18 42 U.S.C.A. §7403 et seq., the items required in subsection c. of this
19 section; and,

20 2) The Commissioner of Environmental Protection certifies, as
21 provided in subsection d. of this section, that the states of Delaware,
22 Maryland, Pennsylvania, and Virginia, and the District of Columbia
23 have adopted, implemented, and placed in operation enhanced
24 inspection and maintenance programs approved by the United States
25 Environmental Protection Agency as in compliance with the enhanced
26 inspection and maintenance program requirements for each of those
27 states and the District of Columbia, respectively.

28 c. The state implementation plan shall include the following
29 required items:

30 1) Documentation of a State statute and any necessary regulations
31 adopted pursuant thereto implementing an alternative fuels program
32 that provides an exemption from any State motor fuels tax imposed
33 pursuant to R.S.54:39-1 et seq. for all alternative fuels, and providing
34 an exemption for all alternative fuels from any applicable utility taxes;

35 2) Documentation of a State statute and any necessary regulations
36 adopted pursuant thereto, if regulations are necessary to implement the
37 law, providing an exemption from any sales and use tax imposed
38 pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1
39 et seq.) on the sale of any motor vehicle that operates on alternative
40 fuel;

41 3) P.L.1995, c.157 and regulations adopted pursuant thereto
42 implementing a periodic and roadside inspection program for diesel
43 commercial motor vehicles including trucks and buses;

44 4) Documentation of State adoption by law or regulation of the
45 low emission vehicle standards adopted by the Northeast Ozone
46 Transport Commission and an established schedule according to which

1 low emission vehicles will be sold within the member states of the
2 Northeast Ozone Transport Commission; and

3 5) P.L.1995, c.188 and regulations adopted pursuant thereto
4 revising and reforming the air pollution control permit program
5 affecting stationary sources of pollution in the State.

6 For the purposes of this subsection, "alternative fuel" means natural
7 gas, compressed natural gas, propane, liquefied petroleum gas,
8 hydrogen, coal-derived liquid fuels, electricity, or any other fuel
9 substantially composed of nonpetroleum substances that is used in a
10 clean-fuel vehicle that complies with the standards and requirements
11 applicable to such vehicles under the federal "Clean Air Act," 42
12 U.S.C. §7401 et seq. "Alternative fuel" does not include oxygenated
13 gasoline or reformulated gasoline.

14 d. The Commissioner of Environmental Protection shall:

15 1) Certify which of the states of Delaware, Maryland,
16 Pennsylvania, and Virginia, and the District of Columbia have adopted
17 and implemented the necessary laws and regulations, and have placed
18 in operation an enhanced inspection and maintenance system under
19 which, at the time of certification, motor vehicles are actually being
20 inspected for motor vehicle emissions in a manner approved by the
21 United States Environmental Protection Agency as in compliance with
22 the enhanced inspection and maintenance program requirements for
23 each of those states and the District of Columbia, respectively;

24 2) Submit annually in writing the certification to the Governor, the
25 Legislature, the members of the Joint Budget and Oversight
26 Committee, the Senate Budget and Appropriations Committee, the
27 Assembly Appropriations Committee, the Senate Environment
28 Committee, and the Assembly Environment and Energy Committee, or
29 the members of their successor committees; and

30 3) Monitor the progress of the programs in the states of Delaware,
31 Maryland, Pennsylvania, and Virginia, and the District of Columbia
32 and notify in writing the Governor, the Legislature, the members of the
33 Joint Budget and Oversight Committee, the Senate Budget and
34 Appropriations Committee, the Assembly Appropriations Committee,
35 the Senate Environment Committee, and the Assembly Environment
36 and Energy Committee, or the members of their successor committees,
37 if any state or the District of Columbia suspends, delays or terminates
38 the enhanced inspection and maintenance program implemented in that
39 state or the District of Columbia.

40 e. If any one of the states of Delaware, Maryland, Pennsylvania, or
41 Virginia, or the District of Columbia suspends, delays or terminates its
42 enhanced inspection and maintenance program, any inspection or
43 registration program for motor vehicles in New Jersey other than the
44 program in effect and operation on June 1, 1995 shall be suspended,
45 delayed or terminated until all of the states of Delaware, Maryland,
46 Pennsylvania and Virginia, and the District of Columbia have resumed

1 the implementation and operation of the enhanced inspection and
2 maintenance program.

3 f. The Commissioner of Environmental Protection, or other
4 appropriate State representative to the Northeast Ozone Transport
5 Commission, shall propose to the Northeast Ozone Transport
6 Commission a regional plan for the development, implementation and
7 enforcement of an enhanced inspection and maintenance program for
8 motor vehicles and an emissions inspection and maintenance program
9 for diesel-powered motor vehicles for implementation throughout the
10 member states of the Northeast Ozone Transport Commission.

11 g. No moneys shall be appropriated to any State agency or division
12 thereof, and no moneys previously appropriated to any State agency
13 or division thereof for any purpose shall be expended for any
14 inspection or maintenance program for motor vehicles other than the
15 program in effect and operation on June 1, 1995, or for the altering or
16 upgrading in any manner of the inspection or registration program in
17 effect and operation on that date, until:

18 1) The Commissioner of Environmental Protection has certified
19 that, at the time of the expenditure, each of the states of Delaware,
20 Maryland, Pennsylvania, and Virginia, and the District of Columbia
21 have placed in operation an enhanced inspection and maintenance
22 program, and none have suspended, delayed or terminated the program
23 at the time of the certification;

24 2) The Commissioner of Environmental Protection, or other
25 appropriate State representative to the Northeast Ozone Transport
26 Commission, has proposed a regional plan for the development,
27 implementation and enforcement of an enhanced inspection and
28 maintenance program for motor vehicles and an emissions inspection
29 and maintenance program for diesel-powered motor vehicles for
30 implementation throughout the member states of the Northeast Ozone
31 Transport Commission;

32 3) The Northeast Ozone Transport Commission has adopted a
33 regional plan for the development, implementation and enforcement of
34 an enhanced inspection and maintenance program for motor vehicles
35 and an emissions inspection and maintenance program for
36 diesel-powered motor vehicles;

37 4) The United States Environmental Protection Agency has
38 approved the adopted plan; and

39 5) The Director of Budget and Accounting and the Joint Budget
40 and Oversight Committee have approved the expenditure.

41 h. No provision of this act shall be construed to prohibit or delay
42 the implementation, or restrict the funding, of the periodic inspection,
43 roadside enforcement, or roadside inspection programs for diesel
44 buses, heavy-duty diesel-trucks, or other diesel-powered motor
45 vehicles established pursuant to P.L.1995, c.157 (C.39:8-59 et seq.)

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

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

8 [b. The department, after consultation with the Director of the
9 Division of Motor Vehicles, shall adopt rules and regulations,
10 consistent with the federal Clean Air Act, establishing exhaust
11 emission standards and test methods and standards for emission
12 control apparatus and related items. The department shall not require
13 the "I/M 240" test, but shall adopt an alternative test that is acceptable
14 to the United States Environmental Protection Agency. The
15 department may provide that the standards and test methods vary
16 according to the model year, type, or other vehicle characteristic that
17 the department deems necessary to facilitate inspections or to comply
18 with the federal Clean Air Act. The emission standards and test
19 methods adopted pursuant to this subsection shall not set any quota
20 for emission test failures and shall not require the failure of motor
21 vehicles at any predetermined rate. This subsection shall not preclude
22 the use of the "I/M 240" test in sampling for performance evaluation
23 only or the use of the test at the option of a private inspection facility.]
24 (cf: P.L.1995, c.157, s.32)

25

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

28 2. Any code, rule or regulation establishing standards and
29 requirements for the control of air contaminants from motor vehicles
30 shall be applicable to such classification of motor vehicles as the
31 department shall determine to be necessary to carry out the purpose of
32 P.L.1966, c.16 (C.26:2C-8.1 et seq.) and shall apply to such motor
33 vehicles not earlier than 180 days following the date of adoption.

34 (cf: P.L.1995, c.112, s.38)

35

36 4. Section 9 of P.L.1954, c.212 (C.26:2C-9) is amended to read as
37 follows:

38 9. [a. The department shall conduct ambient air quality tests, on
39 at least a monthly basis and wherever possible in conjunction with the
40 county college or other county facility, which are representative of
41 every county of the State. The department shall report the results of
42 these tests to the county health officers, the Legislature, and the news
43 media.

44 b.]a. The department shall control air pollution in accordance with
45 the provisions of any applicable code, rule, or regulation promulgated
46 by the department and for this purpose shall have power to:

- 1 (1) Conduct and supervise research programs for the purpose of
2 determining the causes, effects, and hazards of air pollution;
- 3 (2) Conduct and supervise Statewide programs of air pollution
4 control education including the preparation and distribution of
5 information relating to air pollution control;
- 6 (3) Require the registration of persons engaged in operations that
7 may result in air pollution and the filing of reports, including but not
8 limited to emission statements, by them containing information relating
9 to location, size of outlet, height of outlet, rate and period of emission
10 and composition of effluent, and such other information as the
11 department shall prescribe to be filed relative to air pollution, all in
12 accordance with applicable codes, rules, or regulations established by
13 the department;
- 14 (4) Enter and inspect any building or place, except private
15 residences, for the purpose of investigating an actual or suspected
16 source of air pollution and ascertaining compliance or noncompliance
17 with any codes, rules, or regulations of the department. Any
18 information, other than actual or allowable air contaminant emissions,
19 relating to secret processes or methods of manufacture or production
20 obtained in the course of an inspection, investigation, or
21 determination, shall be kept confidential and shall not be admissible in
22 evidence in any court or in any other proceeding except before the
23 department. If samples are taken for analysis, a duplicate of the
24 analytical report shall be furnished promptly to the person suspected
25 of causing air pollution;
- 26 (5) Receive or initiate complaints of air pollution, hold hearings in
27 connection with air pollution, and institute legal proceedings for the
28 prevention of air pollution and for the recovery of penalties, in
29 accordance with P.L.1954, c.212 (C.26:2C-1 et seq.);
- 30 (6) With the approval of the Governor, cooperate with, and receive
31 funds or other assistance from, the federal government, the State
32 government, any interstate body, or any county or municipal
33 government, or from private sources, for the study and control of air
34 pollution;
- 35 (7) Charge, in accordance with a fee schedule that shall be
36 adopted by the department pursuant to the "Administrative Procedure
37 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), (a) reasonable annual
38 emission fees for major facilities as provided in section 5 of P.L.1995,
39 c.188 (C.26:2C-9.5), and (b) administrative fees for any of the services
40 the department performs or provides in connection with administering
41 P.L.1954, c.212 (C.26:2C-1 et seq.). The administrative fees charged
42 by the department pursuant to this subsection shall not exceed \$25,000
43 per application based on criteria contained in the fee schedule;
- 44 (8) Issue, renew, reopen, and revise operating permits, and require
45 any person who is required to obtain an operating permit under the
46 provisions of the federal Clean Air Act to obtain an operating permit

1 and to certify compliance therewith for all air pollution sources; and
2 (9) Establish, implement, and operate a small business stationary
3 source technical and environmental compliance assistance program as
4 required pursuant to 42 U.S.C. §7661f of the federal Clean Air Act.
5 (cf: P.L.1995, c.188, s.3)

6

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

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

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

43 (cf: P.L.1995, c.112, s.19)

44

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

46 39:8-2. [a.] The director may designate and appoint, subject to

1 existing laws, competent examiners of motor vehicles to [conduct
2 examinations, other than the periodic inspections required pursuant to
3 subsection b. of this section, of] examine motor vehicles required to
4 be inspected in accordance with the provisions of this chapter. The
5 examiners may be delegated to enforce the provisions of the motor
6 vehicle and traffic law.

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

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

1 fares, that can be accessed quickly by a computer.

2 c. Except as modified by the director to distribute evenly the
3 volume of inspections, all motor] Motorcycles shall be inspected
4 between April 1 and October 1. All other vehicles required by the
5 director[, in accordance with the provisions of R.S.39:8-1,]to be
6 inspected under this chapter shall be inspected [biennially, except that
7 classes of vehicles that require more frequent inspections, such as
8 school buses, shall be inspected at such shorter intervals as may be
9 established by the director after consultation] at least annually.

10 Rules and regulations relating to the frequency and character of
11 vehicle emission inspections shall be promulgated in cooperation with
12 the Department of Environmental Protection. [At any time, the
13 director may require the owner, lessee, or operator of a motor vehicle
14 to submit the vehicle for inspection.]

15 d. The director shall determine the form, content and use of official
16 certificates of approval and shall furnish the certificates of approval to
17 designated examiners [or to other persons authorized to conduct
18 inspections or to grant waivers official certificates of approval,
19 rejection stickers or waiver certificates, the form, content and use of
20 which he shall establish. The certificates of approval, rejection
21 stickers and waiver certificates shall be of a type, such as a windshield
22 sticker or license plate decal, that can be attached to the vehicle or
23 license plate in a location that is readily visible to anyone viewing the
24 vehicle. If a certificate of approval cannot be issued, the driver shall
25 be provided with a written inspection report describing the reasons for
26 rejection and, if appropriate, the repairs needed or likely to be needed
27 to bring the vehicle into compliance with applicable standards.

28 e.] The director may, with the approval of the State House
29 Commission, purchase, lease or acquire by the exercise of the power
30 of eminent domain any property for the purpose of assisting him in
31 carrying out the provisions of this chapter. This property may also be
32 used by the director for the exercise of the duties and powers
33 conferred upon him by the other chapters of this Title.

34 [f. For the purpose of implementing the motor vehicle inspection
35 requirements of the federal Clean Air Act and subject to the approval
36 of the Attorney General, the State Treasurer, prior to January 1, 1997,
37 may:

38 (1) Purchase, lease or acquire by eminent domain any property for
39 vehicle inspection purposes. Any other provision of law to the
40 contrary notwithstanding, no further approval shall be required for
41 transactions authorized by this paragraph, except that a proposed
42 purchase, lease or acquisition by eminent domain shall require the
43 approval of the Joint Budget Oversight Committee, and shall be
44 submitted to the Joint Budget Oversight Committee, which shall
45 review the proposed purchase, lease or acquisition by eminent domain
46 within 15 business days; and

1 (2) Sell or lease, or grant an easement in, any property acquired,
2 held or used for vehicle inspection purposes or any other suitable
3 property held by the State that is not currently in use or dedicated to
4 another purpose. For the purpose of this paragraph and
5 notwithstanding any provision of R.S.52:20-1 et seq. to the contrary,
6 the sale or lease of, or the granting of an easement in, real property
7 owned by the State shall be subject to the approval of the State House
8 Commission, which shall meet at the call of the Governor to act on a
9 proposed sale or lease or grant of an easement pursuant to this
10 paragraph. A member of the State House Commission may permit a
11 representative to act on that member's behalf in considering and voting
12 on a sale or lease or grant of an easement pursuant to this paragraph.
13 Any other provision of law to the contrary notwithstanding, any
14 moneys derived from a sale, lease or granting of an easement by the
15 State pursuant to this paragraph shall not be expended unless approved
16 by the Joint Budget Oversight Committee for the purpose of
17 purchasing, leasing or acquiring property pursuant to paragraph (1) of
18 this subsection, except that any moneys derived therefrom and not
19 approved for that purpose shall be appropriated to the Department of
20 Transportation to provide for mass transit improvements.

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

41 h.] The director[, and, when appropriate, the Department of
42 Environmental Protection,] shall conduct inspections and audits of
43 licensed private inspection [facilities, official inspection facilities and
44 designated examiners] centers to ensure accurate test equipment
45 calibration and use, and compliance with [proper inspection
46 procedures and with] the provisions of [P.L.1995, c.112 (C.39:8-41

1 et al.) and any regulations adopted pursuant thereto by the Division of
2 Motor Vehicles or by the Department of Environmental
3 Protection.]this act. These inspections and audits shall be conducted
4 [at such times and in such manner as the director, upon consultation
5 with the Department of Environmental Protection, shall determine in
6 order to provide quality assurance in the performance of the inspection
7 and maintenance program] monthly, except that at the discretion of the
8 director, more frequent audits and inspections may be conducted.

9 [i. (1)] The director shall make a charge of \$2.50 for the initial
10 inspection for each vehicle subject to inspection, which amount shall
11 be paid to the director or his representative when payment of the
12 registration fees fixed in chapter 3 of this Title is made. [Any law or
13 rule or regulation adopted pursuant thereto to the contrary
14 notwithstanding, a registration fee authorized pursuant to chapter 3 of
15 Title 39 of the Revised Statutes shall not be increased for the purpose
16 of paying any costs associated in any manner with the establishment,
17 implementation or operation of the motor vehicle inspection and
18 maintenance program established pursuant to P.L.1995, c.112
19 (C.39:8-41 et al.).

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

34 j. There is established in the General Fund a special dedicated,
35 non-lapsing fund to be known as the "Motor Vehicle Inspection Fund,"
36 which shall be administered by the State Treasurer. The State
37 Treasurer shall deposit into the "Motor Vehicle Inspection Fund"
38 \$11.50 from each motor vehicle registration fee received by the State
39 after June 30, 1995. The Legislature shall annually appropriate from
40 the fund an amount necessary to pay the reasonable and necessary
41 expenses of the implementation and operation of the motor vehicle
42 inspection program. The State Treasurer shall:

43 (1) Pay to a private contractor or contractors contracted to design,
44 construct, renovate, equip, establish, maintain and operate official
45 inspection facilities under a contract or contracts entered into with the
46 State Treasurer pursuant to subsection a. of section 4 of P.L.1995,

1 c.112 (C.39:8-41 et al.) from the fund the amount necessary to meet
2 the costs agreed to under the contract or contracts; and

3 (2) Transfer from the fund to the Division of Motor Vehicles and
4 the Department of Environmental Protection the amounts necessary to
5 finance the costs of administering and implementing all aspects of the
6 inspection and maintenance program, and to the Office of
7 Telecommunications and Information Systems in the Department of
8 the Treasury the amount necessary for computer support upgrades;

9 Moneys remaining in the fund and any unexpended balance of
10 appropriations from the fund at the end of each fiscal year shall be
11 reappropriated for the purposes of the fund. Any interest earned on
12 moneys in the fund shall be credited to the fund.]

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

14

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

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

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

26 (cf: P.L.1995, c.112, s.21)

27

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

29 39:8-4. [a.] If inspections as required by R.S.39:8-1 disclose the
30 necessity for adjustments, corrections or repairs, the director [shall
31 cause a rejection sticker to be issued.

32 b. The director] may require the owner of [a] any such motor
33 vehicle [requiring an adjustment, correction or repair that is not
34 emission-related to have that adjustment, correction or repair] to have
35 such adjustments, corrections or repairs made and thereafter [have the
36 vehicle] reinspected at [an official] a motor vehicle inspection [facility]
37 station or at a licensed private inspection [facility] center within the
38 period designated by the director.

39 The director may cause a certificate of approval to be issued for a
40 motor vehicle needing an adjustment, correction or repair [that is not
41 emission-related] in order to conform to the requirements of chapter
42 3 and chapter 8 of this Title, but which, in the director's determination,
43 is nevertheless safe. In such cases the director shall issue notice to the
44 vehicle owner to have the adjustment, correction or repair made within
45 a specified period of time, subject to the penalties of R.S.39:8-9.

46 [c. The director shall require the owner of a motor vehicle

1 requiring an adjustment, correction or repair that is emission-related
2 to have that adjustment, correction or repair made and thereafter have
3 the vehicle reinspected at an official inspection facility or at a private
4 inspection facility, as determined by the director, within the period
5 designated by the director.]

6 (cf: P.L.1995, c.112, s.22)

7

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

9 39:8-5. [a.] Every designated examiner, [official] or inspection
10 [facility or private inspection facility] station shall make such reports
11 to the director concerning inspections made and the results thereof,
12 [and in such form and at such time,]as the director may require. The
13 director [may] shall furnish to the examiners and inspection [facilities]
14 stations forms for such reports. [The director may require the use of
15 electronic media for the gathering and transmission of inspection data
16 and reports when the director deems it appropriate or when electronic
17 media are required by federal law.

18 b. Every motor vehicle repair facility that is registered pursuant to
19 section 13 of P.L.1995, c.112 (C.39:8-53) shall make such reports to
20 the director concerning emission repairs made and the results thereof,
21 as the director may require. The director may furnish to registered
22 motor vehicle repair facilities forms to be completed by them in
23 documenting emission repairs to motor vehicles, which forms shall be
24 presented by the operator of the vehicle to an emission inspector at the
25 time of vehicle reinspection.]

26 (cf: P.L.1995, c.112, s.23)

27

28 10. R.S.39:8-7 is amended to read as follows:

29 39:8-7. [Except as otherwise provided pursuant to R.S.39:3-5, the]
30 The director may [suspend,]revoke or deny the registration of a motor
31 vehicle registered [or required to be registered] in this State[, or the
32 reciprocity privilege of a motor vehicle registered in another state, if
33 the motor vehicle is subject to the inspection requirement of this State]
34 and operated [or parked] on [any public road, street or highway or any
35 public or quasi-public property in this State, and] the highways of the
36 State which:

37 a. Does not have displayed upon it a current certificate of
38 approval[, current rejection sticker or current waiver certificate]
39 issued in accordance with this chapter; or

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

42 c.] Is shown by the inspection to be incapable of being placed in a
43 proper condition to make its use safe on the highway [or incapable of
44 being brought within the emission standards or requirements
45 established by law or regulation,]and for which a certificate of
46 approval [or waiver certificate] cannot be issued.

1 (cf: P.L.1995, c.112, s.24)

2

3 11. R.S.39:8-9 is amended to read as follows:

4 39:8-9. [a.] The enforcement of this chapter shall be vested in the
5 director and the police or peace officers of any municipality, any
6 county or the State.

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

8 (1) Fails or] refuses to have a motor vehicle examined [within the
9 time period prescribed by the director;], or

10 [(2) After] who fraudulently obtains a certificate of approval, after
11 having had it examined, [fails] or refuses to place [or display] a
12 certificate of approval, [rejection sticker or waiver certificate] if
13 issued, upon the windshield, or [other location on the vehicle as may
14 be prescribed by the director;]who fraudulently obtains a certificate of
15 approval, or

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

18 [(4) In] who, in any manner, fails to conform to the provisions of
19 this chapter [or the regulations adopted by the director pursuant
20 thereto,]shall be guilty of violating the provisions of this chapter, and
21 shall be, for a first offense, subject to a fine of not [less] more than
22 \$100 [or] , and, for a second offense, to a fine of not more than \$200
23 or to imprisonment for not [more] less than 30 days, or to both such
24 fine and imprisonment.

25 [c. A person who fraudulently obtains a certificate of approval,
26 rejection sticker or waiver certificate, or displays or has in his
27 possession a fictitious, altered, or stolen certificate of approval,
28 rejection sticker or waiver certificate shall be subject to a fine of \$500
29 for each such certificate or sticker.

30 d.] The provisions of this chapter shall be enforced and all penalties
31 for the violation thereof shall be recovered in accordance with the
32 provisions of "the penalty enforcement law" (N.J.S.2A:58-1 et seq.),
33 and in addition to the provisions and remedies therein contained, the
34 following provisions and remedies shall be applicable in any
35 proceeding brought for a violation of any of the provisions of this
36 chapter:

37 (1) The several municipal courts shall have jurisdiction of such
38 proceeding, in addition to the courts prescribed in "the penalty
39 enforcement law";

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

43 (3) A warrant may issue in lieu of summons;

44 (4) Any police or peace officer shall be empowered to serve and
45 execute process in any such proceeding;

46 (5) The hearing in any such proceeding shall be without a jury;

1 (6) Any such proceeding may be brought in the name of the
2 Director of the Division of Motor Vehicles in the Department of Law
3 and Public Safety or in the name of the State of New Jersey;

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

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

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

35 (cf: P.L.1995, c.112, s.25)

36
37 12. R.S.39:8-10 is amended to read as follows:

38 39:8-10. The director shall have authority to make rules and
39 regulations necessary for the administration and enforcement of this
40 chapter. The director may employ, subject to existing laws, such
41 persons as the director requires for the administration and enforcement
42 of this chapter and [the director may] fix their compensation.

43 (cf: P.L.1995, c.112, s.26)

44
45 13. R.S.39:3-4 is amended to read as follows:

46 39:3-4. Except as hereinafter provided, every resident of this State

1 and every nonresident whose automobile or motorcycle shall be driven
2 in this State shall, before using such vehicle on the public highways,
3 register the same, and no automobile or motorcycle shall be driven
4 unless so registered.

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

34 Thereupon the director shall have the power to grant a registration
35 certificate to the owner of any motor vehicle, if over 17 years of age,
36 application for the registration having been properly made and the fee
37 therefor paid, and the vehicle being of a type that complies with the
38 requirements of this title. The form and contents of the registration
39 certificate to be issued shall be determined by the director.

40 If the vehicle is a leased motor vehicle, the registration certificate
41 shall, in addition to containing the name and street address of the
42 lessor, identify the vehicle as a leased motor vehicle.

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

45 Every registration shall expire and the [registration] certificate
46 thereof become void on the last day of the twelfth calendar month

1 following the calendar month in which the certificate was issued;
2 provided, however, that the director may, at his discretion and for
3 good cause shown, require registrations which shall expire, and issue
4 certificates thereof which shall become void, on a date fixed by him,
5 which date shall not be sooner than three months nor later than [26]
6 16 months after the date of issuance of such certificates, and the fees
7 for such registrations, [including any other fees or charges collected
8 in connection with the registration fee,] shall be fixed by the director
9 in amounts proportionately less or greater than the fees established [by
10 law. The director may fix the expiration date for registration
11 certificates at a date other than 12 months if the director determines
12 that the change is necessary, appropriate or convenient in order to aid
13 in implementing the vehicle inspection requirements of chapter 8 of
14 Title 39 or for other good cause] in this title.

15 All motorcycles for which registrations have been issued prior to
16 the effective date of P.L.1989, c.167 and which are scheduled to
17 expire between November 1 and March 31 shall, upon renewal, be
18 issued registrations by the director which shall expire on a date fixed
19 by him, but in no case shall that expiration date be earlier than April
20 30 nor later than October 31. The fees for the renewal of the
21 motorcycle registrations authorized under this paragraph shall be fixed
22 by the director in an amount proportionately less or greater than the
23 fee established by R.S.39:3-21.

24 The director shall issue registration certificates for the following
25 registration period on and after the first day of the first calendar month
26 immediately proceeding the commencement of such registration
27 period, such registration certificates to be effective immediately.

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

32 No person owning or having control over any unregistered vehicle
33 shall permit the same to be parked or to stand on a public highway.

34 Any police officer is authorized to remove any unregistered vehicle
35 from the public highway to a storage space or garage, and the expense
36 involved in such removal and storing of the vehicle shall be borne by
37 the owner of the vehicle, [except that the expense shall be borne by the
38 lessee of a leased vehicle].

39 Any person violating the provisions of this section shall be subject
40 to a fine not exceeding \$100, except that for the misstatement of any
41 fact in the application required to be made to the director, the person
42 making such statement or omitting the statement that the motor
43 vehicle is to be used as a leased motor vehicle when that is the case
44 shall be subject to the penalties provided in R.S.39:3-37.

45 [The director may extend the expiration date of a registration
46 certificate without payment of a proportionate fee when the director

1 determines that such extension is necessary, appropriate or convenient
2 to the implementation of vehicle inspection requirements. If any
3 registration certificate is so extended, the owner shall pay upon
4 renewal the full registration fee for the period fixed by the director as
5 if no extension had been granted.]

6 Nothing in this section shall be construed to alter or extend the
7 expiration date of any registration certificate issued prior to March 1,
8 1956.

9 The Division of Motor Vehicles shall make a reasonable effort to
10 notify any lessor whose name and address is on file with the division,
11 or any other lessor the division may determine it is necessary to notify,
12 of the requirements of this amendatory act.

13 (cf: P.L.1995, c.112, s.27)

14

15 14. R.S.39:3-5 is amended to read as follows:

16 39:3-5. The director may refuse registration in the case of any
17 automobile, commercial motor vehicle, trailer, semitrailer, tractor or
18 omnibus that shall not comply with the requirements of this title or
19 that shall seem to him unsuitable for use on the roads and highways of
20 this [state. The director shall deny registration to any motor vehicle
21 that has failed to comply with applicable inspection requirements of
22 chapter 8 of Title 39, or of any rules and regulations adopted pursuant
23 thereto, within the time limits established by the director and to any
24 vehicle subject to the inspection jurisdiction of the Department of
25 Transportation that has failed to comply with the applicable inspection
26 requirements of Titles 27 and 48 of the Revised Statutes or of any
27 rules and regulations adopted pursuant thereto. The director may
28 suspend or revoke the registration reciprocity privilege of any motor
29 vehicle that has failed to undergo inspection in accordance with
30 chapter 8 of Title 39 or that is subject to the inspection jurisdiction of
31 the Department of Transportation and has failed to undergo inspection
32 in accordance with the requirements of Titles 27 and 48 of the Revised
33 Statutes or of any rules and regulations adopted pursuant thereto.]

34 State.

35 (cf: P.L.1995, c.112, s.28)

36

37 15. R.S.39:3-20 is amended to read as follows:

38 39:3-20. For the purpose of this section, gross weight means the
39 weight of the vehicle or combination of vehicles, including load or
40 contents.

41 a. The director is authorized to issue registrations for commercial
42 motor vehicles other than omnibuses or motor-drawn vehicles upon
43 application therefor and payment of a fee based on the gross weight of
44 the vehicle, including the gross weight of all vehicles in any
45 combination of vehicles of which the commercial motor vehicle is the
46 drawing vehicle. The gross weight of a disabled commercial vehicle

1 or combination of disabled commercial vehicles being removed from
2 a highway shall not be included in the calculation of the registration
3 fee for the drawing vehicle.

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

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

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

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

29 For vehicles in excess of 50,000 pounds, \$53.50 plus~~[\$13.50]~~
30 \$10.50 for each 1,000 pounds or portion thereof in excess of 5,000
31 pounds.

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

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

1 registered vehicle for construction work.

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

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

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

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

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

1 Except as otherwise provided in this subsection, every registration
2 for a solid waste vehicle shall expire and the certificate thereof shall
3 become void on the last day of the eleventh calendar month following
4 the month in which the certificate was issued.

5 The registration fee shall be \$50 plus ~~[\$11.50]~~ \$8.50 for each 1,000
6 pounds or portion thereof in excess of 5,000 pounds.

7 Solid waste vehicles for which commercial motor vehicle
8 registrations had been issued prior to the effective date of this act and
9 which shall expire June 30, 1982 shall be issued solid waste
10 registrations, which, in the director's discretion, shall expire on a date
11 to be fixed by the director, which date shall not be sooner than four
12 months or later than 16 months following the date of issuance of the
13 registration. The fees for the registrations shall be fixed by the
14 director in amounts proportionately less or greater than the fees
15 established by this subsection.

16 d. The director is also authorized to issue registrations for
17 commercial motor-drawn vehicles upon application therefor. The
18 registration year for commercial motor-drawn vehicles shall be April
19 1 to the following March 31 and the fee therefor shall be \$18 for each
20 such vehicle.

21 At the discretion of the director, an applicant for registration for a
22 commercial motor-drawn vehicle may be provided the option of
23 registering such vehicle for a period of four years. In the event that
24 the applicant for registration exercises the four-year option, a fee of
25 \$64 for each such vehicle shall be paid to the director in advance.

26 If any commercial motor-drawn vehicle registered for a four-year
27 period is sold or withdrawn from use on the highways, the director
28 may, upon surrender of the vehicle registration and plate, refund \$16
29 for each full year of unused prepaid registration.

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

34 The owner, lessee, bailee or any one of the aforesaid of a vehicle or
35 combination of vehicles, including load or contents, found or operated
36 on any public road, street or highway or on any public or quasi-public
37 property in this State with a gross weight of that vehicle or
38 combination of vehicles, including load or contents, in excess of the
39 weight limitation permitted by the certificate of registration for the
40 vehicle or combination of vehicles, pursuant to the provisions of this
41 section, shall be assessed a penalty of \$500 plus an amount equal to
42 \$100 for each 1,000 pounds or fractional portion of 1,000 pounds of
43 weight in excess of the weight limitation permitted by the certificate
44 of registration for that vehicle or combination of vehicles. A vehicle
45 or combination of vehicles for which there is no valid certificate of
46 registration is deemed to have been registered for zero pounds for the

1 purposes of the enforcement of this act, in addition to any other
2 violation of this Title, but is not deemed to be lawfully or validly
3 registered pursuant to the provisions of this Title.

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

6 f. Of the registration fees collected by the director pursuant to this
7 section for vehicles with gross vehicle weights in excess of 5,000
8 pounds, an amount equal to \$3 per 1,000 pounds or portion thereof in
9 excess of 5,000 pounds for each registration shall be forwarded to the
10 State Treasurer for deposit in the Commercial Vehicle Enforcement
11 Fund established pursuant to section 17 of this act (C.39:8-75).
12 Moneys in the fund shall be used by the Department of Law and
13 Public Safety and the Department of Transportation for enforcement
14 of laws and regulations governing commercial motor vehicles, except
15 that the fees collected shall be allocated first to the division to defray
16 the costs necessary to implement the provisions of this subsection.

17 (cf: P.L.1995, c.157, s.34)

18

19 16. R.S. Section 1 of P.L.1994, c.228 (C.39:3-22.1) is amended to
20 read as follows:

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

32 (cf: P.L.1995, c.112, s.30)

33

34 17. R.S.39:3-25. is amended to read as follows:

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

45 Applicants for license plates herein authorized shall pay a
46 registration fee of \$25 plus \$4.25 for each 1,000 pounds or portion

1 thereof in excess of 5,000 pounds. [If the registration cycle
2 established by the director is for more or less than 11 months,
3 applicants shall pay amounts proportionately less or greater than the
4 fees established by law.]

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

21 Farm trucks for which farm truck registrations had been issued
22 prior to the effective date of this act and which expire June 30, 1982
23 shall be issued registrations, which, in the director's discretion, shall
24 expire on a date to be fixed by the director, which date shall not be
25 sooner than four months not later than 16 months following the date
26 of issuance of the registration. The fees for such registrations shall be
27 fixed by the director in amounts proportionately less or greater than
28 the fees established by this section.

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

34 (cf: P.L.1995, c.112, s.31)

35

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

37 39:3-27. No fee shall be charged for the registration of motor
38 vehicles not used for pleasure or hire, owned by the United States, the
39 State of New Jersey, a municipality, county, Regional Air Pollution
40 Control Agency, Passaic Valley Sewerage Commissioners, North
41 Jersey District Water Supply Commission, a county improvement
42 authority created under the "county improvement authorities law"
43 (P.L.1960, c.183), a local school district, a regional school district, a
44 county vocational or technical school, a duly authorized volunteer fire
45 department, a duly authorized volunteer first aid, rescue or emergency
46 squad, any duly recognized auxiliary or reserve police organization of

1 any municipality, hospital, humane society, and anticruelty society in
2 this State, New Jersey wing of the Civil Air Patrol incorporated by the
3 Act of July 1946 (Public Law 476-79th Congress), the American Red
4 Cross, chartered local councils in New Jersey of the Boy Scouts of
5 America or the Girl Scouts of the United States of America, chartered
6 local councils in New Jersey of the Boys' Clubs of America or the
7 Girls' Clubs of America, or chartered local organizations of the Police
8 Athletic League or [for the registration of] ambulances owned by any
9 nonprofit organization. These vehicles shall be registered and display
10 number plates as provided in this title or the director may, in his
11 discretion, issue special registration certificates and special number
12 plates for any of these motor vehicles which shall be valid for such
13 motor vehicle [for a period fixed by the director which may
14 correspond with the inspection expiration date applicable to such
15 vehicles, which date shall not be later than 26 months after the date of
16 issuance of such certificates.] Upon the expiration [or nonrenewal] of
17 any special registration the registration certificate and special number
18 marker shall be returned to the director; provided, however, upon
19 proper application to the director the special registration and special
20 number marker may be transferred to another motor vehicle acquired
21 by the owner to whom the special registration and marker were issued.
22 (cf: P.L.1995, c.112, s.32)

23

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

26 2. The Director of the Division of Motor Vehicles may issue, upon
27 application on a form [prepared] to be determined by [him] the
28 director, a registration certificate and registration plates for commuter
29 vans as the application may indicate is warranted in accordance with
30 the definition of these vehicles contained in R.S.39:1-1 for the annual
31 registration period [as fixed by the director].

32 For each vehicle used as a commuter van the applicant for the
33 registration thereof shall pay an annual fee of \$50 [or, if the
34 registration is not annual, the fee shall be fixed by the director in an
35 amount proportionately less or greater than \$50 and proportionately
36 less or greater than any other fees or charges imposed by law and
37 collected in connection with the registration fee]. Any such applicant
38 shall receive a credit for the unexpired portion of the registration for
39 any vehicle covered under this act which has been issued prior to the
40 effective date of this act on the basis of one-twelfth of the registration
41 fee the applicant has paid for each month remaining in such
42 registration year.

43 The director shall design a plate to identify a vehicle as a commuter
44 van.

45 (cf: P.L.1995, c.112, s.33)

46

1 20. R.S.39:3-30 is amended to read as follows:

2 39:3-30. Upon the transfer of ownership or the destruction of any
3 motor vehicle [or vehicle] its registration shall become void. If the
4 motor vehicle [or vehicle] is sold the original owner shall remove the
5 license plates therefrom, and [surrender them to the division in a
6 manner specified by the director if such plates are not transferred to
7 another vehicle pursuant to this section] , within 48 hours, notify the
8 director of the name and address of the purchaser.

9 The original owner may, by proper sworn application on a form to
10 be furnished by the division, register another motor vehicle for the
11 unexpired portion of the registration period of the original vehicle. [A
12 person applying to use the unexpired portion of a registration under
13 this section shall pay] , upon payment of a fee of \$4.50 if the vehicle
14 is of a weight or other classification equal with or less than the one
15 originally registered, and shall pay a fee of \$4.50 and the difference
16 between the fee originally paid and that due if the new motor vehicle
17 is properly registerable in a higher class. Unless the original license
18 plates have been destroyed, the owner shall be assigned the license
19 number previously issued to him and shall receive a new registration
20 certificate. If the original license plates have been destroyed,
21 replacement of the plates will be made under the provisions of
22 R.S.39:3-32.

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

29 The registered owner of any motor vehicle shall, upon application
30 to the director, and payment of a fee of \$4.50, be entitled to have the
31 vehicle registered jointly in the name of the registered owner and the
32 spouse of said owner. The registration certificate and certificate of
33 ownership shall be amended accordingly without the payment of any
34 additional fee.

35 (cf: P.L.1995, c.112, s.34)

36

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

38 39:3-37. A person who gives a fictitious name or address or makes
39 any other intentional misstatement of a material fact in an application
40 for registration of a motor vehicle[, an application for a waiver
41 pursuant to section 15 of P.L.1995, c.112 (C.39:8-55) of the emission
42 standards requirement,]or [an application for a] driver's license or in
43 a preliminary application, examination or proceeding, or a person who
44 knowingly sells, loans or gives an identification document to another
45 person for the purpose of aiding that person to obtain a driver's
46 license[,]or registration certificate [or waiver certificate] for which

1 that person is not qualified, shall be subject to a fine of not less than
2 \$200 or more than \$500, or imprisonment for not more than six
3 months or both, at the discretion of the court. The director shall, upon
4 proper evidence not limited to a conviction, revoke the registration of
5 the motor vehicle or driver's license of a person who violates this
6 section for a period of not less than six months or more than two
7 years.

8 (cf: P.L.1995, c.112, s.35)

9

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

12 11. No agency shall revoke or refuse to renew any license unless
13 it has first afforded the licensee an opportunity for hearing in
14 conformity with the provisions of this act applicable to contested
15 cases. If a licensee has, in accordance with law and agency rules,
16 made timely and sufficient application for a renewal, his license shall
17 not expire until his application has been finally determined by the
18 agency. Any agency that has authority to suspend a license without
19 first holding a hearing shall promptly upon exercising such authority
20 afford the licensee an opportunity for hearing in conformity with the
21 provisions of this act.

22 This section shall not apply (1) where a statute provides that an
23 agency is not required to grant a hearing in regard to revocation,
24 suspension or refusal to renew a license, as the case may be; or (2)
25 where the agency is required by any law to revoke, suspend or refuse
26 to renew a license, as the case may be, without exercising any
27 discretion in the matter, on the basis of a judgment of a court of
28 competent jurisdiction; or (3) where the suspension or refusal to renew
29 is based solely upon failure of the licensee to maintain insurance
30 coverage as required by any law or regulation[; or (4) where the
31 suspension or refusal to renew a motor vehicle registration is based
32 upon the failure of the vehicle to be presented for inspection or to
33 satisfy the inspection requirements of chapter 8 of Title 39 of the
34 Revised Statutes].

35 (cf: P.L.1995, c.112, s.36)

36

37 23. Sections 1 through 18, inclusive, of P.L.1995, c.112
38 (C.39:8-41 et seq.) are repealed.

39

40 24. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 This bill prohibits the development, implementation and
46 enforcement of any aspect of an inspection and maintenance program

1 other than the program in effect and operation on June 1, 1995 until
2 the following actions are taken:

3 1) The Commissioner of Environmental Protection, and as
4 necessary, the Commissioner of the Department of Transportation and
5 the Director of the Division of Motor Vehicles within the Department
6 of Transportation, submit to the United States Environmental
7 Protection Agency as part of the state implementation plan, required
8 pursuant to section 7410 of the "Clean Air Act Amendments of 1990,"
9 42 U.S.C.A. §7403 et seq., the items required in subsection b. of the
10 bill; and,

11 2) The Commissioner of Environmental Protection certifies, as
12 provided in subsection c. of this section, that the states of Delaware,
13 Maryland, Pennsylvania, and Virginia, and the District of Columbia
14 have adopted, implemented, and have in operation enhanced inspection
15 and maintenance programs approved by the United States
16 Environmental Protection Agency as in compliance with the enhanced
17 inspection and maintenance program requirements for each of those
18 states and the District of Columbia, respectively.

19 The bill requires the state implementation plan include the following
20 items:

21 1) Documentation of a State statute and any necessary regulations
22 adopted pursuant thereto implementing an alternative fuels program
23 that provides an exemption from any State motor fuels tax imposed
24 pursuant to R.S.54:39-1 et seq. for all alternative fuels, and providing
25 an exemption for all alternative fuels from any applicable utility taxes;

26 2) Documentation of a State statute and any necessary regulations
27 adopted pursuant thereto, if regulations are necessary to implement the
28 law, providing an exemption from any sales and use tax imposed
29 pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1
30 et seq.) of the sale of any motor vehicle that operates on alternative
31 fuel;

32 3) P.L.1995, c.157 and regulations adopted pursuant thereto
33 implementing a periodic and roadside inspection program for diesel
34 commercial motor vehicles including trucks and buses;

35 4) Documentation of State adoption by law or regulation of the
36 low emission vehicle standards adopted by the Northeast Ozone
37 Transport Commission and an established schedule according to which
38 low emission vehicles will be sold within the member states of the
39 Northeast Ozone Transport Commission; and

40 5) P.L.1995, c.188 and regulations adopted pursuant thereto
41 revising and reforming the air pollution control permit program
42 affecting stationary sources of pollution in the State.

43 The bill also prohibits the expenditure of any moneys appropriated
44 for an enhanced inspection and maintenance program until the
45 Northeast Ozone Transport Commission adopts a regional plan for the
46 development, implementation and enforcement of an enhanced

1 inspection and maintenance program for motor vehicles and the
2 inspection and maintenance of diesel-powered motor vehicles
3 throughout the member states of the Northeast Ozone Transport
4 Commission and the United States Environmental Protection Agency
5 has approved the plan. The bill further requires Joint Budget
6 Oversight Committee approval of expenditures for an enhanced
7 inspection and maintenance program.

8 This bill also repeals the "Federal Clean Air Mandate Compliance
9 Act," P.L.1995, c.157 (C.39:8-59 et seq.), by amending the various
10 sections of law previously amended by P.L.1995, c.112 and repealing
11 sections 1 through 18 of the law, inclusive. Section 40 of P.L.1995,
12 c.112 is not repealed. This section, which was not allocated as part of
13 the "Federal Clean Air Mandate Compliance Act," added language to
14 the 1995 State budget appropriating \$100,000 to the Department of
15 Transportation to study of the use of drones to monitor air quality and
16 \$100,000 to Rutgers University to study the health effects of
17 reformulated gasoline. This bill makes no changes to the funding of
18 the studies.

19 The "Federal Clean Air Mandate Compliance Act" was enacted in
20 1995 to meet the federal requirements of the Clean Air Act
21 Amendments of 1990 by establishing an enhanced inspection and
22 maintenance program required by the federal law.

23 Given the recent actions of other states to suspend or modify their
24 enhanced inspection and maintenance programs, and the public
25 concerns regarding the mandatory emissions testing requirement as a
26 condition of vehicle registration, the sponsors of the bill believe
27 mandates to clean the air can be better achieved with greater public
28 support through other measures required by the federal law than
29 through the implementation of an enhanced inspection and
30 maintenance program. The sponsors of the bill further believe that any
31 successful enhanced inspection and maintenance program that may be
32 necessary in the future must be negotiated through the Northeast
33 Ozone Transport Commission. To that end, it is the sponsors' intent
34 that the bill prohibit any State moneys from being spent on an
35 enhanced inspection and maintenance program until a regional plan is
36 adopted by the Northeast Ozone Transport Commission and approved
37 by the United States Environmental Protection Agency.

38

39

40

41 Prohibits development and implementation of enhanced inspection and
42 maintenance program for motor vehicles until certain actions are
43 taken; repeals the "Federal Clean Air Mandate Compliance Act."