

ASSEMBLY, No. 1697

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

By Assemblymen ROMA and KELLY

1 AN ACT concerning the inspection and registration of motor vehicles
2 and supplementing Title 39 of the Revised Statutes.

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

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7 1. This act shall be known and may be cited as "The New Jersey
8 Motorists Fairness Act."

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10 2. As used in this act:

11 "Commissioner" means the Commissioner of Environmental
12 Protection;

13 "Enhanced inspection and maintenance program" means an
14 emissions inspection program for motor vehicles that may affect the
15 registration or certification of motor vehicles for legal operation in a
16 state, that complies with federal requirements for the inspection and
17 registration of motor vehicles established by the federal "Clean Air Act
18 Amendments of 1990," 42 U.S.C.A. §7403 et seq., the federal rules
19 and regulations adopted pursuant thereto, and that is approved by the
20 United States Environmental Protection Agency for implementation in
21 states required by federal law to implement an enhanced program to
22 reduce pollution from in-use motor vehicles in part of the state or
23 statewide;

24 "Neighboring states" means the states of Connecticut, Delaware,
25 New York and Pennsylvania; and

26 "State implementation plan" means the plan or plan revisions
27 required to be submitted by a state to the United States Environmental
28 Protection Agency pursuant to the federal "Clean Air Act Amendments
29 of 1990," 42 U.S.C.A. §7403 et seq., to show compliance with the
30 requirements of the act.

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32 3. a. Notwithstanding the provisions of P.L.1995, c.112
33 (C.39:8-41 et seq.), or any other law, or any rule or regulation
34 adopted pursuant thereto, to the contrary, no State agency,
35 department or division thereof shall implement or enforce any aspect
36 of an inspection or registration program for motor vehicles established
37 pursuant to P.L.1995, c. 112, or implement or enforce any provision

1 of any regulation adopted pursuant thereto, until the commissioner has
2 certified, pursuant to subsection b. of this section, that the United
3 States Environmental Protection Agency has approved state
4 implementation plans or revisions thereto providing for the
5 development and implementation of enhanced inspection and
6 maintenance programs for:

7 (1) at least three of the neighboring states; or

8 (2) New York and Pennsylvania.

9 b. The commissioner, within 60 days of the effective date of this
10 act and every 90 days thereafter, shall certify which of the neighboring
11 states have an approved state implementation plan or revision thereto
12 providing for the development and implementation of an enhanced
13 inspection and maintenance program. The commissioner shall also
14 monitor the progress of the enhanced inspection and maintenance
15 programs in the neighboring states and shall notify in writing to the
16 Governor and the Legislature if any of those states implement,
17 suspend, delay or terminate an enhanced inspection and maintenance
18 program, and the effect that such action may have on the conditions
19 imposed pursuant to subsection a. of this section.

20 c. Notwithstanding the provisions of P.L.1995, c.112 (C.39:8-41
21 et seq.), or any other law, or any rule or regulation adopted pursuant
22 thereto, to the contrary, a State agency, department or division thereof
23 shall operate or provide for the operation of an enhanced inspection
24 and maintenance program only if, within 30 days of the first day on
25 which motor vehicles are actually inspected under an enhanced
26 inspection and maintenance program in this State, motor vehicles have
27 been or will be inspected under enhanced inspection and maintenance
28 programs in:

29 (1) at least three of the neighboring states; or

30 (2) New York and Pennsylvania.

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32 4. This act shall take effect immediately.

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STATEMENT

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37 This bill, entitled "The New Jersey Motorists Fairness Act," delays
38 the implementation or enforcement of the inspection or registration
39 program for motor vehicles established pursuant to the "Federal Clean
40 Air Mandate Compliance Act," P.L.1995, c.112 (C.39:8-41 et seq.)
41 until the Commissioner of Environmental Protection has made certain
42 certifications. Specifically, the Commissioner of Environmental
43 Protection must certify that the United States Environmental
44 Protection Agency has approved state implementation plans (SIPs) or
45 SIP revisions providing for the development and implementation of
46 enhanced inspection and maintenance programs for: (1) at least three

1 of the neighboring states, defined in the substitute as Delaware,
2 Connecticut, New York and Pennsylvania, or (2) New York and
3 Pennsylvania.

4 The bill also requires the commissioner, within 60 days of the
5 effective date of the act, and every 90 days thereafter, to certify which
6 of the neighboring states have an approved SIP providing for the
7 development and implementation of an enhanced inspection and
8 maintenance program. The commissioner is also required to monitor
9 the progress of programs in the neighboring states and to notify the
10 Governor and the Legislature in writing if any of those states
11 implements, suspends, delays or terminates an enhanced inspection and
12 maintenance program, and the effect that such action may have on the
13 program delay imposed pursuant to the bill.

14 Finally, the bill authorizes the State to operate or provide for the
15 operation of an enhanced inspection and maintenance program only if,
16 within 30 days of the first day on which motor vehicles are actually
17 inspected under an enhanced inspection and maintenance program in
18 this State, motor vehicles have been or will be inspected under
19 enhanced inspection and maintenance programs in either three of the
20 four neighboring states or in Pennsylvania and New York.

21 The bill defines a "state implementation plan" as the plan or plan
22 revisions required to be submitted by a state to the United States
23 Environmental Protection Agency pursuant to the federal "Clean Air
24 Act Amendments of 1990," 42 U.S.C.A. §7403 et seq., to show
25 compliance with the requirements of the act. The bill also defines an
26 "enhanced inspection and maintenance program" as an emissions
27 inspection program for motor vehicles that may affect the registration
28 or certification of motor vehicles for legal operation in a state, that
29 complies with federal requirements for the inspection and registration
30 of motor vehicles established by the federal "Clean Air Act
31 Amendments of 1990," 42 U.S.C.A. §7403 et seq., the federal rules
32 and regulations adopted pursuant thereto, and that is approved by the
33 United States Environmental Protection Agency for implementation in
34 states required by federal law to implement the enhanced program to
35 reduce pollution from in-use motor vehicles in part of the state or
36 statewide.

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41 "The New Jersey Motorists Fairness Act."