

ASSEMBLY, No. 2125

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblymen WEINGARTEN, DeCROCE, Gibson, O'Toole,  
Wolfe, Holzapfel, Bodine, Augustine, Bagger, Kelly, Bateman,  
Garrett, Kramer, Carroll, Felice, Assemblywoman Wright,  
Assemblyman Zecker and Assemblywoman Crecco

1 AN ACT concerning the emissions testing of motor vehicles and  
2 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. The Legislature finds and declares that the State emissions  
8 testing program for motor vehicles, required pursuant to the federal  
9 "Clean Air Act Amendments of 1990," 42 U.S.C. §7503 et al., and  
10 authorized pursuant to the "Federal Clean Air Mandate Compliance  
11 Act," P.L.1995, c.112 (C.39:8-41 et al.), is scheduled to be fully  
12 implemented on January 1, 1998 but very little information is available  
13 concerning the actual impact the program will have on motor vehicle  
14 owners; that the State is committed to improving and preserving the  
15 environment and reducing air pollution, but the State believes it is  
16 necessary to assess and examine the practicality of the emissions  
17 testing program established by federal and State law before proceeding  
18 to full implementation of the program; that the public is very  
19 concerned about the economic and personal impact the program will  
20 have on individual motor vehicle owners and its fiscal implications for  
21 the State; that the Legislature does not intend and does not wish that  
22 individual motor vehicles be denied motor vehicle registration  
23 indiscriminately by an unnecessarily burdensome or stringent  
24 inspection and maintenance program for motor vehicles; that the  
25 federal government has given the State an excellent opportunity to  
26 revise and assess the proposed enhanced emissions testing program  
27 during the interim testing period prior to the final approval of the  
28 program by the United States Environmental Protection Agency; that  
29 the Division of Motor Vehicles in the Department of Transportation  
30 is currently collecting data that would serve to assess some of the  
31 impact of the program and the United States Environmental Protection  
32 Agency is requiring the Division of Motor Vehicles to collect and  
33 submit other data pursuant to federal law that would serve to further  
34 assess the impact of the program; and that it is fitting, proper and

1 prudent for the State to have actual data on the impact of the proposed  
2 program and assess the impact of the program based on this data prior  
3 to full implementation of the enhanced emissions testing program.

4 b. The Legislature therefore determines that the Division of Motor  
5 Vehicles in the Department of Transportation should collect data  
6 concerning emissions failures and the repairability of motor vehicles by  
7 model year during the interim period prior to final federal approval of  
8 the emissions testing program, and submit this data to the Governor  
9 and the Legislature along with its recommendations for further  
10 negotiations with the United States Environmental Protection Agency,  
11 needed action on the part of the State Congressional delegation to  
12 further change federal law, or possible action by the Governor and  
13 Legislature to further modify the program.

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15 2. For the purposes of this act:

16 "Basic emissions testing" means the emissions test that measures  
17 emissions released from a motor vehicle while it is idling and the  
18 emissions test implemented by the Division of Motor Vehicles prior  
19 to the implementation of enhanced emissions testing;

20 "Centralized enhanced emissions testing" means enhanced emissions  
21 testing conducted by the State or a contracted private vendor in  
22 specific locations throughout the State, and shall not include enhanced  
23 emissions testing by private inspection facilities, individual mechanics  
24 or private garages;

25 "Director" means the Director of the Division of Motor Vehicles;

26 "Division" means the Division of Motor Vehicles in the  
27 Department of Transportation;

28 "Emissions failure" means exceedance of the standards for  
29 acceptable levels of emissions of carbon monoxide, hydrocarbons,  
30 oxides of nitrogen, and other regulated emissions for the model year  
31 of motor vehicle being tested, as established by rule or regulation by  
32 the Department of Environmental Protection pursuant to P.L.1995,  
33 c.112 and the federal rules or regulations adopted by the United States  
34 Environmental Protection Agency that establish cut points and  
35 standards for emissions testing;

36 "Enhanced emissions testing" means testing of emissions released  
37 from motor vehicles pursuant to the regulations adopted pursuant to  
38 P.L.1995, c.112 (C.39:8-41 et al.) to comply with the federal  
39 requirement to implement an enhanced inspection and maintenance  
40 program for motor vehicles, and using an ASM 50/15 test or other test  
41 approved by the United States Environmental Protection Agency and  
42 authorized by State law for the implementation of an enhanced  
43 inspection and maintenance program for motor vehicles;

44 "Enhanced inspection and maintenance program" means an  
45 emissions inspection program for motor vehicles that may affect the  
46 registration or certification of motor vehicles for legal operation in a

1 state, that complies with federal requirements for the inspection and  
2 registration of motor vehicles established by the federal "Clean Air Act  
3 Amendments of 1990," 42 U.S.C. §7403 et al., and the federal rules  
4 and regulations adopted pursuant thereto, and that is approved by the  
5 United States Environmental Protection Agency for implementation in  
6 states required by federal law to implement an enhanced program to  
7 reduce pollution from in-use motor vehicles in part of the state or  
8 statewide, either during the interim testing period or after the close of  
9 that period;

10 "Interim testing period" means the 18-month period following the  
11 United States Environmental Protection Agency interim approval of  
12 the State revision to the State implementation plan submitted by  
13 March 27, 1996, during which time the State is required to begin  
14 implementation of its proposed enhanced inspection and maintenance  
15 program and collect data on the actual emissions levels and rates of  
16 failure from motor vehicles tested;

17 "Reparability" means the ability of a motor vehicle to be repaired  
18 sufficiently to pass the State enhanced emissions testing or basic  
19 emissions testing as indicated by model year and State regulation, and  
20 be registered in the State.

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22 3. a. The Division of Motor Vehicles shall collect, or shall require  
23 the vendor operating the centralized enhanced emissions testing to  
24 collect, for no less than six months during the interim testing period  
25 emissions failure and reparability data by model year on motor  
26 vehicles tested under the enhanced emissions testing program during  
27 the interim testing period.

28 b. The Director of the Division of Motor Vehicles shall report to  
29 the Governor and the Legislature within three months of the close of  
30 the interim testing period the data collected and, based on the data,  
31 recommendations for any negotiations with the United States  
32 Environmental Protection Agency, action to be taken by the State  
33 Congressional delegation, or action to be taken by the Governor and  
34 the Legislature for further modifications to the enhanced inspection  
35 and maintenance program. The data presented in the report shall be  
36 provided in such a way as to assist the Legislature in understanding the  
37 implementation of the program and its impact, and to allow for the  
38 Legislature to conduct its own review and assessment of the data and  
39 determine its own recommendations for further modifications to the  
40 enhanced inspection and maintenance program.

41 c. The report required pursuant to subsection b. of this section  
42 shall include, but not be limited to, a compilation and analysis of the  
43 number of motor vehicles by model year failing the enhanced emissions  
44 testing, the number of motor vehicles by model year failing both the  
45 enhanced emissions testing and the basic emissions testing, the  
46 percentage increase or decrease by model year of emissions failures

1 due to the use of the enhanced emissions testing, any data and analysis  
2 submitted to the United States Environmental Protection Agency  
3 concerning the functioning of the enhanced emissions testing or the  
4 enhanced inspection and maintenance program, the average cost of  
5 repair by model year for motor vehicles failing the enhanced emissions  
6 testing, the average cost of repair by model year for motor vehicles  
7 failing the basic emissions testing, the average cost of repair by model  
8 year for motor vehicles failing both the enhanced emissions testing  
9 and the basic emissions testing, and, of the motor vehicles repaired and  
10 retested, the percentage and actual numbers of motor vehicles by  
11 model year that could not pass the enhanced emissions testing after  
12 repair. The report shall also include the results and analysis of the  
13 repairability study conducted by the division in conjunction with the  
14 New Jersey Institute of Technology.

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16 4. a. The Division of Motor Vehicles shall provide, or shall require  
17 the vendor operating the centralized enhanced emissions testing to  
18 provide, diagnostic personnel and, to the extent available, diagnostic  
19 equipment, that are capable of assessing the possible reasons for  
20 emissions failure, the repair required, and the average cost of such  
21 repairs. The diagnostic personnel and equipment shall be provided as  
22 part of the staffing of the emissions testing lanes and shall not be  
23 incremental to the initial personnel or equipment provided for the  
24 implementation of the enhanced inspection and maintenance program  
25 during the interim testing period. The diagnostic personnel shall assess  
26 the possible reasons for emissions failure, the repair required, the  
27 average cost of repairs for each emissions failure for motor vehicles  
28 subjected to the enhanced emissions testing, and shall record the  
29 assessments made by model year of motor vehicle. The personnel  
30 required pursuant to this subsection shall be provided at the number  
31 testing lanes throughout the State necessary to obtain a statistically  
32 representative sample of motor vehicles tested, as determined by the  
33 director.

34 b. The director shall adopt, pursuant to the "Administrative  
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
36 regulations establishing a method of data collection and record  
37 keeping for collecting the data required pursuant to section 2 of this  
38 act and the repairability data on motor vehicles failing the basic  
39 emissions testing, including the repair required and the average cost of  
40 repairs. The regulations shall also require private inspection facilities  
41 and persons licensed to repair motor vehicles in the State to collect  
42 and record the data in accordance with the rules and regulations. The  
43 director may also adopt rules and regulations necessary for the  
44 implementation of this act.

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46 5. This act shall take effect immediately.

## STATEMENT

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This bill requires the Division of Motor Vehicles, or the vendor selected to operate the centralized enhanced emissions testing in the State, to collect for a minimum of six months data on the emissions failure and repairability of motor vehicles tested under the enhanced inspection and maintenance program. The bill further requires the Director of the Division of Motor Vehicles to report within three months this data and, based on the data, recommendations for negotiations with the United States Environmental Protection Agency, action by the State Congressional delegation, or action to be taken by the Governor and the Legislature to further modify the proposed enhanced inspection and maintenance program. The bill requires diagnostic personnel to be provided as part of the initial staffing of the implementing of the enhanced inspection and maintenance program. The diagnostic personnel shall collect repairability data at the number of lanes necessary to obtain a statistically representative sample of motor vehicles tested, as determined by the Director of the Division of Motor Vehicles. Finally, the bill directs the Director of the Division of Motor Vehicles to establish by regulation a method of collecting repairability data on motor vehicles failing the basic emissions testing, provide for private inspection facilities to collect and provide this data, and adopt rules and regulations necessary to implement the act.

This bill is being introduced in response to public concern about the economic and personal impact the enhanced inspection and maintenance program will have on individual motor vehicle owners and its fiscal implications for the State. The bill is intended to allow the State to assess the practicality of the proposed enhanced inspection and maintenance program for motor vehicles prior to full implementation. It is not intended to undermine the goals of improving and preserving the environment or reducing air pollution. Also, the bill is intended to require the use of personnel and equipment that would be employed for the implementation of the enhanced inspection and maintenance program and is not intended to increase the personnel or equipment costs of implementing the program.

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Requires DMV to collect certain data on emissions-tested motor vehicles and report data and recommendations for modification of emissions testing program to Governor and Legislature.