

SENATE, No. 124

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senator LITTELL

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. As used in this act:

8 "Commissioner" means the Commissioner of Environmental  
9 Protection.

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

21 "Ozone Transport Region" means the ozone transport region  
22 established pursuant to 42 U.S.C. §7511c (a), comprising the states of  
23 Connecticut, Delaware, Maine, Maryland, Massachusetts, New  
24 Hampshire, New Jersey, New York, Pennsylvania, Rhode Island,  
25 Vermont, Virginia, and the District of Columbia, which together form  
26 the membership of the Ozone Transport Commission for the  
27 northeastern and mid-Atlantic states established pursuant to 42 U.S.C.  
28 §7506a.

29 "State implementation plan" means the plan or plan revisions  
30 required to be submitted by a state or the District of Columbia to the  
31 United States Environmental Protection Agency pursuant to the  
32 federal "Clean Air Act Amendments of 1990," 42 U.S.C.A. §7403 et  
33 seq., to show compliance with the requirements of the act. For the  
34 purposes of this act, if the District of Columbia is required to submit  
35 some other instrument or documentation to accomplish the same  
36 purpose, that instrument or documentation shall be considered a "state  
37 implementation plan."

1       2. a. Notwithstanding the provisions of P.L.1995, c.112  
2 (C.39:8-41 et seq.), or any other law, or any rule or regulation  
3 adopted pursuant thereto, to the contrary, no State agency,  
4 department or division thereof shall develop, implement or enforce any  
5 aspect of an inspection or registration program for motor vehicles  
6 established pursuant to P.L.1995, c. 112, or implement or enforce any  
7 provision of any regulation adopted pursuant thereto, until the  
8 Commissioner of Environmental Protection has certified, pursuant to  
9 subsection b. of this section, that the 12 states in the Ozone Transport  
10 Region and the District of Columbia have established the statutory and  
11 regulatory authority necessary to fully implement and place in  
12 operation an enhanced inspection and maintenance program in each of  
13 their respective states and the District of Columbia, and have received  
14 approval from the United States Environmental Protection Agency to  
15 implement the program proposed by law, regulation or revision to  
16 their respective state implementation plans.

17       b. The Commissioner of Environmental Protection, within 60 days  
18 of the effective date of this act and annually thereafter, shall certify  
19 which of the states in the Ozone Transport Region and the District of  
20 Columbia have adopted the necessary laws and regulations required to  
21 fully implement and place in operation an enhanced inspection and  
22 maintenance program. The commissioner shall also monitor the  
23 progress of the programs in the states in the Ozone Transport Region  
24 and the District of Columbia and shall notify in writing the Governor  
25 and the Legislature if any state or the District of Columbia implements,  
26 suspends, delays or terminates an enhanced inspection and  
27 maintenance program in that state or the District of Columbia, or  
28 repeals any law or regulation authorizing the implementation of an  
29 enhanced inspection and maintenance program.

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31       3. This act shall take effect immediately.

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#### STATEMENT

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36       This bill delays the development, implementation or enforcement of  
37 the inspection or registration program for motor vehicles established  
38 pursuant to the "Federal Clean Air Mandate Compliance Act,"  
39 P.L.1995, c.112 (C.39:8-41 et seq.) until the Commissioner of  
40 Environmental Protection has certified that the 12 states in the Ozone  
41 Transport Region and the District of Columbia have established the  
42 statutory and regulatory authority required to fully implement and  
43 place in operation an enhanced inspection and maintenance program  
44 in each of their respective states and the District of Columbia. The  
45 states in the Ozone Transport Region are Connecticut, Delaware,  
46 Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New

1 York, Pennsylvania, Rhode Island, Vermont, and Virginia.

2 The bill also requires the Commissioner of Environmental  
3 Protection, within 60 days of enactment and annually thereafter, to  
4 certify which states and the District of Columbia have adopted the  
5 necessary laws and regulations required to fully implement and place  
6 in operation enhanced inspection and maintenance programs, and have  
7 received approval from the United States Environmental Protection  
8 Agency to implement the program proposed by law, regulation or  
9 revision to their respective state implementation plans. The  
10 commissioner is also required to monitor the progress of the programs  
11 and notify the Governor and the Legislature in writing if any state or  
12 the District of Columbia implements, suspends, delays or terminates  
13 an enhanced inspection and maintenance program, or repeals any law  
14 or regulation authorizing the implementation of an enhanced inspection  
15 and maintenance program.

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

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31 Delays implementation of inspection and registration program  
32 established by P.L.1995, c.112 until states in Ozone Transport Region  
33 and District of Columbia establish authority to implement enhanced  
34 inspection and maintenance programs.