

SENATE, No. 152

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator LaROSSA

1 AN ACT concerning the inspection and registration of motor vehicles,  
2 and amending various sections of statutory law, supplementing Title  
3 39 of the Revised Statutes, and repealing sections 1 through 18 of  
4 P.L.1995, c.112 (C.39:8-41 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) Notwithstanding the provisions of P.L.1995,  
10 c.112 (C.39:8-41 et seq.), or any other law, or any rule or regulation  
11 adopted pursuant thereto, to the contrary, no State agency,  
12 department or division thereof shall develop, implement or enforce any  
13 aspect of an inspection or registration program for motor vehicles  
14 other than the inspection and registration program for motor vehicles  
15 that was in effect and in operation on June 1, 1995.

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

19 1. [a.]The department, after consultation with the Director of the  
20 Division of Motor Vehicles, shall have the power to formulate and  
21 promulgate, amend and repeal codes, rules and regulations establishing  
22 standards and requirements for the control of air contaminants from  
23 motor vehicles.

24 [b. The department, after consultation with the Director of the  
25 Division of Motor Vehicles, shall adopt rules and regulations,  
26 consistent with the federal Clean Air Act, establishing exhaust  
27 emission standards and test methods and standards for emission  
28 control apparatus and related items. The department shall not require  
29 the "I/M 240" test, but shall adopt an alternative test that is acceptable  
30 to the United States Environmental Protection Agency. The  
31 department may provide that the standards and test methods vary  
32 according to the model year, type, or other vehicle characteristic that

**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 the department deems necessary to facilitate inspections or to comply  
2 with the federal Clean Air Act. The emission standards and test  
3 methods adopted pursuant to this subsection shall not set any quota  
4 for emission test failures and shall not require the failure of motor  
5 vehicles at any predetermined rate. This subsection shall not preclude  
6 the use of the "I/M 240" test in sampling for performance evaluation  
7 only or the use of the test at the option of a private inspection facility.]  
8 (cf: P.L.1995, c.157, s.32)

9

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

12 2. Any code, rule or regulation establishing standards and  
13 requirements for the control of air contaminants from motor vehicles  
14 shall be applicable to such classification of motor vehicles as the  
15 department shall determine to be necessary to carry out the purpose of  
16 P.L.1966, c.16 (C.26:2C-8.1 et seq.) and shall apply to such motor  
17 vehicles not earlier than 180 days following the date of adoption.  
18 (cf: P.L.1995, c.112, s.38)

19

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

22 9. [a. The department shall conduct ambient air quality tests, on at  
23 least a monthly basis and wherever possible in conjunction with the  
24 county college or other county facility, which are representative of  
25 every county of the State. The department shall report the results of  
26 these tests to the county health officers, the Legislature, and the news  
27 media.

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

31 (1) Conduct and supervise research programs for the purpose of  
32 determining the causes, effects, and hazards of air pollution;

33 (2) Conduct and supervise Statewide programs of air pollution  
34 control education including the preparation and distribution of  
35 information relating to air pollution control;

36 (3) Require the registration of persons engaged in operations that  
37 may result in air pollution and the filing of reports, including but not  
38 limited to emission statements, by them containing information relating  
39 to location, size of outlet, height of outlet, rate and period of emission  
40 and composition of effluent, and such other information as the  
41 department shall prescribe to be filed relative to air pollution, all in  
42 accordance with applicable codes, rules, or regulations established by  
43 the department;

44 (4) Enter and inspect any building or place, except private  
45 residences, for the purpose of investigating an actual or suspected  
46 source of air pollution and ascertaining compliance or noncompliance

1 with any codes, rules, or regulations of the department. Any  
2 information, other than actual or allowable air contaminant emissions,  
3 relating to secret processes or methods of manufacture or production  
4 obtained in the course of an inspection, investigation, or  
5 determination, shall be kept confidential and shall not be admissible in  
6 evidence in any court or in any other proceeding except before the  
7 department. If samples are taken for analysis, a duplicate of the  
8 analytical report shall be furnished promptly to the person suspected  
9 of causing air pollution;

10 (5) Receive or initiate complaints of air pollution, hold hearings in  
11 connection with air pollution, and institute legal proceedings for the  
12 prevention of air pollution and for the recovery of penalties, in  
13 accordance with P.L.1954, c.212 (C.26:2C-1 et seq.);

14 (6) With the approval of the Governor, cooperate with, and receive  
15 funds or other assistance from, the federal government, the State  
16 government, any interstate body, or any county or municipal  
17 government, or from private sources, for the study and control of air  
18 pollution;

19 (7) Charge, in accordance with a fee schedule that shall be  
20 adopted by the department pursuant to the "Administrative Procedure  
21 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), (a) reasonable annual  
22 emission fees for major facilities as provided in section 5 of P.L.1995,  
23 c.188 (C.26:2C-9.5), and (b) administrative fees for any of the services  
24 the department performs or provides in connection with administering  
25 P.L.1954, c.212 (C.26:2C-1 et seq.). The administrative fees charged  
26 by the department pursuant to this subsection shall not exceed \$25,000  
27 per application based on criteria contained in the fee schedule;

28 (8) Issue, renew, reopen, and revise operating permits, and require  
29 any person who is required to obtain an operating permit under the  
30 provisions of the federal Clean Air Act to obtain an operating permit  
31 and to certify compliance therewith for all air pollution sources; and

32 (9) Establish, implement, and operate a small business stationary  
33 source technical and environmental compliance assistance program as  
34 required pursuant to 42 U.S.C. §7661f of the federal Clean Air Act.  
35 (cf: P.L.1995, c.188, s.3)

36

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

38 39:8-1. a. Every motor vehicle registered in this State which is  
39 used over any public road, street, or highway or any public or  
40 quasi-public property in this State, and every vehicle subject to  
41 enhanced inspection and maintenance programs pursuant to 40 C.F.R.  
42 § 51.356, except historic motor vehicles registered as such, collector  
43 motor vehicles designated as such pursuant to this subsection, and  
44 those vehicles over 8,500 pounds gross weight that are under the  
45 inspection jurisdiction of the Department of Transportation pursuant  
46 to Titles 27 and 48 of the Revised Statutes, shall be inspected by

1 designated examiners or at official inspection facilities to be designated  
2 by the director or at licensed private inspection [facilities. The  
3 director shall adopt rules and regulations establishing a procedure for  
4 the designation of motor vehicles as collector motor vehicles, which  
5 designation shall include consideration by the director of one or more  
6 of the following factors: the age of the vehicle, the number of such  
7 vehicles originally manufactured, the number of such vehicles that are  
8 currently in use, the total number of miles the vehicle has been driven,  
9 the number of miles the vehicle has been driven during the previous  
10 year or other period of time determined by the director, and whether  
11 the vehicle has a collector classification for insurance purposes]  
12 centers. The director shall have the discretion to determine what  
13 motor vehicle equipment shall be subject to inspection under the  
14 provisions of this chapter.

15 [b. The director shall determine the official inspection facility or  
16 private inspection facility at which a motor vehicle, depending upon its  
17 characteristics, shall be inspected. The director, with the concurrence  
18 of the Department of Environmental Protection, may exclude by  
19 regulation from this inspection requirement any category of motor  
20 vehicle if good cause for such exclusion exists, unless the exclusion is  
21 likely to prevent this State from meeting the applicable performance  
22 standard established by the United States Environmental Protection  
23 Agency. The director may determine that a vehicle is in compliance  
24 with the inspection requirements of this section if the vehicle has been  
25 inspected and passed under a similar inspection program of another  
26 state, district, or territory of the United States.]

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

28

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

30 39:8-2. [a.] The director may designate and appoint, subject to  
31 existing laws, competent examiners of motor vehicles to [conduct  
32 examinations, other than the periodic inspections required pursuant to  
33 subsection b. of this section, of] examine motor vehicles required to  
34 be inspected in accordance with the provisions of this chapter. The  
35 examiners may be delegated to enforce the provisions of the motor  
36 vehicle and traffic law.

37 [b. (1)] The director [shall] may adopt, [pursuant to the  
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
39 seq.),]rules and regulations [consistent with P.L.1966, c.16  
40 (C.26:2C-8.1 et seq.) and with the requirements of the federal Clean  
41 Air Act] with respect to the [type and] character of the inspections to  
42 be made, [the facility at which the vehicle shall be inspected,]with  
43 respect to the frequency of inspections of motor vehicles and the  
44 approval or rejection of motor vehicles as a result of these inspections.  
45 [These rules and regulations shall require the use of inspection tests  
46 that are designed to meet the enhanced inspection and maintenance

1 requirements of the federal Clean Air Act and that have been proven  
2 to be feasible and effective for the inspection of large numbers of  
3 motor vehicles, except that these tests shall not include the "I/M 240"  
4 test. Nothing in this subsection shall preclude the use of the "I/M 240"  
5 test in sampling for performance evaluations only or the use of the test  
6 at the option of a private inspection facility. The rules and regulations  
7 may distinguish between vehicles based on model year, type, or other  
8 vehicle characteristics in order to facilitate inspections or to comply  
9 with the federal Clean Air Act. A low mileage vehicle shall not be  
10 subject to a tailpipe inspection test utilizing a dynamometer but may  
11 be subject to an idle test and a purge and pressure test. For the  
12 purpose of this paragraph, "low mileage vehicle" means a motor  
13 vehicle that is driven less than 10,000 miles during the biennial  
14 inspection period, except that the director may set the qualifying  
15 number of miles for this exemption at a lower number in order to meet  
16 the federal enhanced inspection and maintenance performance  
17 standard.

18 (2) The Department of Environmental Protection and the director  
19 shall investigate advanced testing technologies, including but not  
20 limited to remote sensing and onboard diagnostics, and shall, to the  
21 extent permitted by law, pursue the use of such technologies, other  
22 than the "I/M 240" test, in motor vehicle emission inspections required  
23 by the United States Environmental Protection Agency pursuant to the  
24 federal Clean Air Act. The director shall adopt, to the extent  
25 practicable, advanced technologies to facilitate the retrieval of testing  
26 and other information concerning motor vehicles, which technologies  
27 shall include but not be limited to the use of computer bar codes and  
28 personal cards containing encoded information, such as a person's  
29 operating license, motor vehicle registration, and motor vehicle  
30 insurance, the inspection status of a motor vehicle, and mass transit  
31 fares, that can be accessed quickly by a computer.

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

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

45 d. The director shall determine the form, content and use of official  
46 certificates of approval and shall furnish the certificates of approval to

1 designated examiners [or to other persons authorized to conduct  
2 inspections or to grant waivers official certificates of approval,  
3 rejection stickers or waiver certificates, the form, content and use of  
4 which he shall establish. The certificates of approval, rejection  
5 stickers and waiver certificates shall be of a type, such as a windshield  
6 sticker or license plate decal, that can be attached to the vehicle or  
7 license plate in a location that is readily visible to anyone viewing the  
8 vehicle. If a certificate of approval cannot be issued, the driver shall  
9 be provided with a written inspection report describing the reasons for  
10 rejection and, if appropriate, the repairs needed or likely to be needed  
11 to bring the vehicle into compliance with applicable standards.

12 e.] The director may, with the approval of the State House  
13 Commission, purchase, lease or acquire by the exercise of the power  
14 of eminent domain any property for the purpose of assisting him in  
15 carrying out the provisions of this chapter. This property may also be  
16 used by the director for the exercise of the duties and powers  
17 conferred upon him by the other chapters of this Title.

18 [f. For the purpose of implementing the motor vehicle inspection  
19 requirements of the federal Clean Air Act and subject to the approval  
20 of the Attorney General, the State Treasurer, prior to January 1, 1997,  
21 may:

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

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

1 purchasing, leasing or acquiring property pursuant to paragraph (1) of  
2 this subsection, except that any moneys derived therefrom and not  
3 approved for that purpose shall be appropriated to the Department of  
4 Transportation to provide for mass transit improvements.

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

25 h.] The director[, and, when appropriate, the Department of  
26 Environmental Protection,] shall conduct inspections and audits of  
27 licensed private inspection [facilities, official inspection facilities and  
28 designated examiners] centers to ensure accurate test equipment  
29 calibration and use, and compliance with [proper inspection  
30 procedures and with] the provisions of [P.L.1995, c.112 (C.39:8-41  
31 et al.) and any regulations adopted pursuant thereto by the Division of  
32 Motor Vehicles or by the Department of Environmental  
33 Protection.]this act. These inspections and audits shall be conducted  
34 [at such times and in such manner as the director, upon consultation  
35 with the Department of Environmental Protection, shall determine in  
36 order to provide quality assurance in the performance of the inspection  
37 and maintenance program] monthly, except that at the discretion of the  
38 director, more frequent audits and inspections may be conducted.

39 [i. (1)] The director shall make a charge of \$2.50 for the initial  
40 inspection for each vehicle subject to inspection, which amount shall  
41 be paid to the director or his representative when payment of the  
42 registration fees fixed in chapter 3 of this Title is made. [Any law or  
43 rule or regulation adopted pursuant thereto to the contrary  
44 notwithstanding, a registration fee authorized pursuant to chapter 3 of  
45 Title 39 of the Revised Statutes shall not be increased for the purpose  
46 of paying any costs associated in any manner with the establishment,

1 implementation or operation of the motor vehicle inspection and  
2 maintenance program established pursuant to P.L.1995, c.112  
3 (C.39:8-41 et al.).

4 (2) The director shall establish by regulation a fee to cover the  
5 costs of inspecting any vehicle that is required, or has the option,  
6 under federal law to be inspected in this State but is registered in  
7 another state or is owned or leased by the federal government. In  
8 determining these costs, the director shall include all capital and direct  
9 and indirect operating costs associated with the inspection of these  
10 vehicles including, but not limited to, the costs of the actual  
11 inspection, the creation and maintenance of the vehicle inspection  
12 record, administrative, oversight and quality assurance costs and the  
13 costs associated with reporting inspection information to the owner,  
14 the federal government and agencies of other states. All fees collected  
15 pursuant to this subsection shall be paid to the State Treasurer and  
16 deposited in the "Motor Vehicle Inspection Fund" established pursuant  
17 to subsection j. of this section.

18 j. There is established in the General Fund a special dedicated,  
19 non-lapsing fund to be known as the "Motor Vehicle Inspection Fund,"  
20 which shall be administered by the State Treasurer. The State  
21 Treasurer shall deposit into the "Motor Vehicle Inspection Fund"  
22 \$11.50 from each motor vehicle registration fee received by the State  
23 after June 30, 1995. The Legislature shall annually appropriate from  
24 the fund an amount necessary to pay the reasonable and necessary  
25 expenses of the implementation and operation of the motor vehicle  
26 inspection program. The State Treasurer shall:

27 (1) Pay to a private contractor or contractors contracted to design,  
28 construct, renovate, equip, establish, maintain and operate official  
29 inspection facilities under a contract or contracts entered into with the  
30 State Treasurer pursuant to subsection a. of section 4 of P.L.1995,  
31 c.112 (C.39:8-41 et al.) from the fund the amount necessary to meet  
32 the costs agreed to under the contract or contracts; and

33 (2) Transfer from the fund to the Division of Motor Vehicles and  
34 the Department of Environmental Protection the amounts necessary to  
35 finance the costs of administering and implementing all aspects of the  
36 inspection and maintenance program, and to the Office of  
37 Telecommunications and Information Systems in the Department of  
38 the Treasury the amount necessary for computer support upgrades;

39 Moneys remaining in the fund and any unexpended balance of  
40 appropriations from the fund at the end of each fiscal year shall be  
41 reappropriated for the purposes of the fund. Any interest earned on  
42 moneys in the fund shall be credited to the fund.]

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

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

45 39:8-3. [a.] No certificate of approval shall be issued by an  
46 examiner, [official] or inspection [facility or private inspection facility]

1 station until [the motor vehicle inspected successfully passes all  
2 emission tests required by the director and] the mechanism, brakes and  
3 equipment of the motor vehicle inspected have been found to be in a  
4 proper and safe condition and complying with the laws of this State.

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

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

10

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

12 39:8-4. [a.] If inspections as required by R.S.39:8-1 disclose the  
13 necessity for adjustments, corrections or repairs, the director [shall  
14 cause a rejection sticker to be issued.

15 b. The director] may require the owner of [a] any such motor  
16 vehicle [requiring an adjustment, correction or repair that is not  
17 emission-related to have that adjustment, correction or repair] to have  
18 such adjustments, corrections or repairs made and thereafter [have the  
19 vehicle] reinspected at [an official] a motor vehicle inspection  
20 [facility] station or at a licensed private inspection [facility] center  
21 within the period designated by the director.

22 The director may cause a certificate of approval to be issued for a  
23 motor vehicle needing an adjustment, correction or repair [that is not  
24 emission-related] in order to conform to the requirements of chapter  
25 3 and chapter 8 of this Title, but which, in the director's determination,  
26 is nevertheless safe. In such cases the director shall issue notice to the  
27 vehicle owner to have the adjustment, correction or repair made within  
28 a specified period of time, subject to the penalties of R.S.39:8-9.

29 [c. The director shall require the owner of a motor vehicle  
30 requiring an adjustment, correction or repair that is emission-related  
31 to have that adjustment, correction or repair made and thereafter have  
32 the vehicle reinspected at an official inspection facility or at a private  
33 inspection facility, as determined by the director, within the period  
34 designated by the director.]

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

36

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

38 39:8-5. [a.] Every designated examiner, [official] or inspection  
39 [facility or private inspection facility] station shall make such reports  
40 to the director concerning inspections made and the results thereof,  
41 [and in such form and at such time,]as the director may require. The  
42 director [may] shall furnish to the examiners and inspection [facilities]  
43 stations forms for such reports. [The director may require the use of  
44 electronic media for the gathering and transmission of inspection data  
45 and reports when the director deems it appropriate or when electronic  
46 media are required by federal law.

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

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

10

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

12       39:8-7. [Except as otherwise provided pursuant to R.S.39:3-5, the]  
13 The director may [suspend,]revoke or deny the registration of a motor  
14 vehicle registered [or required to be registered] in this State[, or the  
15 reciprocity privilege of a motor vehicle registered in another state, if  
16 the motor vehicle is subject to the inspection requirement of this State]  
17 and operated [or parked] on [any public road, street or highway or any  
18 public or quasi-public property in this State, and] the highways of the  
19 State which:

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

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

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

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

31

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

33       39:8-9. [a.] The enforcement of this chapter shall be vested in the  
34 director and the police or peace officers of any municipality, any  
35 county or the State.

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

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

39       [(2) After] who fraudulently obtains a certificate of approval, after  
40 having had it examined, [fails] or refuses to place [or display] a  
41 certificate of approval, [rejection sticker or waiver certificate] if  
42 issued, upon the windshield , or [other location on the vehicle as may  
43 be prescribed by the director;]who fraudulently obtains a certificate of  
44 approval, or

45       [(3) Fails or] who refuses to place the motor vehicle in proper  
46 condition after having had the same examined[:], or

1        [(4) In] who, in any manner, fails to conform to the provisions of  
2 this chapter [or the regulations adopted by the director pursuant  
3 thereto,] shall be guilty of violating the provisions of this chapter, and  
4 shall be for a first offense, subject to a fine of not [less] more than  
5 \$100 [or] , and, for a second offense, to a fine of not more than \$200  
6 or to imprisonment for not [more] less than 30 days, or to both such  
7 fine and imprisonment.

8        [c. A person who fraudulently obtains a certificate of approval,  
9 rejection sticker or waiver certificate, or displays or has in his  
10 possession a fictitious, altered, or stolen certificate of approval,  
11 rejection sticker or waiver certificate shall be subject to a fine of \$500  
12 for each such certificate or sticker.

13        d.] The provisions of this chapter shall be enforced and all penalties  
14 for the violation thereof shall be recovered in accordance with the  
15 provisions of "the penalty enforcement law" (N.J.S.2A:58-1 et seq.),  
16 and in addition to the provisions and remedies therein contained, the  
17 following provisions and remedies shall be applicable in any  
18 proceeding brought for a violation of any of the provisions of this  
19 chapter:

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

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

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

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

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

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

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

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

1 [e. The director may order the suspension of the registration or  
2 reciprocity privilege of any motor vehicle found to be in violation of  
3 any of the provisions of this chapter. If the owner or lessee fails to  
4 surrender the license plates for that vehicle to the division within 45  
5 days of the mailing of an order requiring their surrender, the director  
6 may order the confiscation of the license plates of the vehicle that is  
7 in violation. An order of license plate confiscation issued by the  
8 director shall include an order imposing a civil penalty of \$200 on the  
9 owner or lessee of the vehicle. This civil penalty shall be paid to the  
10 State Treasurer, who shall deposit one-half of the amount in the  
11 "Motor Vehicle Inspection Fund" established pursuant to subsection  
12 j. of R.S.39:8-2 and pay the remaining one-half to any municipality or  
13 county whose law enforcement, police or peace officers confiscated  
14 the plates in accordance with the order of the director, or if the plates  
15 were confiscated by State law enforcement personnel, to the State  
16 Treasury. A civil penalty imposed pursuant to this subsection shall be  
17 in addition to any other penalty provided by this chapter.]

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

19

20

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

22 39:8-10. The director shall have authority to make rules and  
23 regulations necessary for the administration and enforcement of this  
24 chapter. The director may employ, subject to existing laws, such  
25 persons as the director requires for the administration and enforcement  
26 of this chapter and [the director may] fix their compensation.

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

28

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

30 39:3-4. Except as hereinafter provided, every resident of this State  
31 and every nonresident whose automobile or motorcycle shall be driven  
32 in this State shall, before using such vehicle on the public highways,  
33 register the same, and no automobile or motorcycle shall be driven  
34 unless so registered.

35 Such registration shall be made in the following manner: An  
36 application in writing, signed by the applicant or by an agent or officer,  
37 in case the applicant is a corporation, shall be made to the director or  
38 the director's agent, on forms prepared and supplied by the director,  
39 containing the name, street address of the residence or the business of  
40 the owner, mailing address, if different from the street address of the  
41 owner's residence or business, and age of the owner, together with a  
42 description of the character of the automobile or motorcycle, including  
43 the name of the maker and the [vehicle identification number, or the  
44 manufacturer's number or the number assigned by the director if the  
45 vehicle does not have a vehicle identification number,] manufacturer's  
46 number or the motor number, or both, and any other statement that

1 may be required by the director. A post office box shall appear on the  
2 application only as part of a mailing address that is submitted by the  
3 owner, agent or officer, as the case may be, in addition to the street  
4 address of the applicant's residence or business. An owner whose last  
5 address appears on the records of the division as a post office box  
6 shall change his address on his application for renewal to the street  
7 address of his residence or business and, if different from his street  
8 address, his mailing address. [The] If the vehicle is insured by motor  
9 vehicle liability insurance, as required by law, the application shall  
10 contain the name of the insurer of the vehicle and the policy number.  
11 If the vehicle is a leased motor vehicle, the application shall make note  
12 of that fact and shall include along with the name and street address of  
13 the lessor the name, street address and driver license number of the  
14 lessee. A lessor of a leased motor vehicle shall notify the director in  
15 writing, on such form as the director may prescribe, of the termination  
16 of a lease or of a change of the lessee within seven days after the  
17 termination or change.

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

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

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

29 Every registration shall expire and the [registration] certificate  
30 thereof become void on the last day of the twelfth calendar month  
31 following the calendar month in which the certificate was issued;  
32 provided, however, that the director may, at his discretion and for  
33 good cause shown, require registrations which shall expire, and issue  
34 certificates thereof which shall become void, on a date fixed by him,  
35 which date shall not be sooner than three months nor later than [26]  
36 16 months after the date of issuance of such certificates, and the fees  
37 for such registrations, [including any other fees or charges collected  
38 in connection with the registration fee,] shall be fixed by the director  
39 in amounts proportionately less or greater than the fees established [by  
40 law. The director may fix the expiration date for registration  
41 certificates at a date other than 12 months if the director determines  
42 that the change is necessary, appropriate or convenient in order to aid  
43 in implementing the vehicle inspection requirements of chapter 8 of  
44 Title 39 or for other good cause] in this title.

45 All motorcycles for which registrations have been issued prior to  
46 the effective date of P.L.1989, c.167 and which are scheduled to

1 expire between November 1 and March 31 shall, upon renewal, be  
2 issued registrations by the director which shall expire on a date fixed  
3 by him, but in no case shall that expiration date be earlier than April  
4 30 nor later than October 31. The fees for the renewal of the  
5 motorcycle registrations authorized under this paragraph shall be fixed  
6 by the director in an amount proportionately less or greater than the  
7 fee established by R.S.39:3-21.

8 The director shall issue registration certificates for the following  
9 registration period on and after the first day of the first calendar month  
10 immediately preceding the commencement of such registration  
11 period, such registration certificates to be effective immediately.

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

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

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

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

29 [The director may extend the expiration date of a registration  
30 certificate without payment of a proportionate fee when the director  
31 determines that such extension is necessary, appropriate or convenient  
32 to the implementation of vehicle inspection requirements. If any  
33 registration certificate is so extended, the owner shall pay upon  
34 renewal the full registration fee for the period fixed by the director as  
35 if no extension had been granted.]

36 Nothing in this section shall be construed to alter or extend the  
37 expiration date of any registration certificate issued prior to March 1,  
38 1956.

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

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

44  
45 14. R.S.39:3-5 is amended to read as follows:

46 39:3-5. The director may refuse registration in the case of any

1 automobile, commercial motor vehicle, trailer, semitrailer, tractor or  
2 omnibus that shall not comply with the requirements of this title or  
3 that shall seem to him unsuitable for use on the roads and highways of  
4 this [state. The director shall deny registration to any motor vehicle  
5 that has failed to comply with applicable inspection requirements of  
6 chapter 8 of Title 39, or of any rules and regulations adopted pursuant  
7 thereto, within the time limits established by the director and to any  
8 vehicle subject to the inspection jurisdiction of the Department of  
9 Transportation that has failed to comply with the applicable inspection  
10 requirements of Titles 27 and 48 of the Revised Statutes or of any  
11 rules and regulations adopted pursuant thereto. The director may  
12 suspend or revoke the registration reciprocity privilege of any motor  
13 vehicle that has failed to undergo inspection in accordance with  
14 chapter 8 of Title 39 or that is subject to the inspection jurisdiction of  
15 the Department of Transportation and has failed to undergo inspection  
16 in accordance with the requirements of Titles 27 and 48 of the Revised  
17 Statutes or of any rules and regulations adopted pursuant  
18 thereto.]State.

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

20

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

22 39:3-20. For the purpose of this section, gross weight means the  
23 weight of the vehicle or combination of vehicles, including load or  
24 contents.

25 a. The director is authorized to issue registrations for commercial  
26 motor vehicles other than omnibuses or motor-drawn vehicles upon  
27 application therefor and payment of a fee based on the gross weight of  
28 the vehicle, including the gross weight of all vehicles in any  
29 combination of vehicles of which the commercial motor vehicle is the  
30 drawing vehicle. The gross weight of a disabled commercial vehicle  
31 or combination of disabled commercial vehicles being removed from  
32 a highway shall not be included in the calculation of the registration  
33 fee for the drawing vehicle.

34 Except as otherwise provided in this subsection, every registration  
35 for a commercial motor vehicle other than an omnibus or motor-drawn  
36 vehicle shall expire and the certificate thereof shall become void on the  
37 last day of the eleventh calendar month following the month in which  
38 the certificate was issued[; provided, however, that the director may  
39 require registrations which shall expire, and issue certificates thereof  
40 which shall become void, on a date fixed by the director, which shall  
41 not be sooner than three months or later than 26 months after the date  
42 of issuance of such certificates, and the fees for such registrations or  
43 registration applications, including any other fees or charges collected  
44 in connection with the registration fee, shall be fixed by the director in  
45 amounts proportionately less or greater than the fees established by  
46 law. The director may fix the expiration date for registration

1 certificates at a date other than 11 months if the director determines  
2 that such change is necessary, appropriate or convenient in order to  
3 aid in implementing the vehicle inspection requirements of chapter 8  
4 of Title 39 or for other good cause]. The minimum registration fee  
5 shall be as follows:

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

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

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

13 For vehicles in excess of 50,000 pounds, \$53.50 plus [~~\$13.50~~]  
14 \$10.50 for each 1,000 pounds or portion thereof in excess of 5,000  
15 pounds.

16 Commercial motor vehicles other than omnibuses or motor-drawn  
17 vehicles for which commercial motor vehicle registrations had been  
18 issued prior to the effective date of this act and which expire March  
19 31, 1982 shall be issued commercial registrations, which, in the  
20 director's discretion, shall expire on a date to be fixed by him, which  
21 date shall not be sooner than four months nor later than 16 months  
22 following the date of issuance of the registration. The fees for such  
23 registrations shall be fixed by the director in amounts proportionately  
24 less or greater than the fees established by this subsection.

25 b. The director is also authorized to issue registrations for  
26 commercial motor vehicles having three or more axles and a gross  
27 weight over 40,000 pounds but not exceeding 70,000 pounds, upon  
28 application therefor and proof to the satisfaction of the director that  
29 the applicant is actually engaged in construction work or in the  
30 business of supplying material, transporting material, or using such  
31 registered vehicle for construction work.

32 Except as otherwise provided in this subsection, every registration  
33 for these commercial motor vehicles shall expire and the certificate  
34 thereof shall become void on the last day of the eleventh calendar  
35 month following the month in which the certificate was issued[;  
36 provided, however, that the director may require registrations which  
37 shall expire, and issue certificates thereof which shall become void on  
38 a date fixed by the director, which shall not be sooner than three  
39 months or later than 26 months after the date of issuance of such  
40 certificates, and the fees for such registrations or registration  
41 applications, including any other fees or charges collected in  
42 connection with the registration fee, shall be fixed by the director in  
43 amounts proportionately less or greater than the fees established by  
44 law. The director may fix the expiration date for registration  
45 certificates at a date other than 11 months if the director determines  
46 that such change is necessary, appropriate or convenient in order to

1 aid in implementing the vehicle inspection requirements of chapter 8  
2 of Title 39 or for other good cause].

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

5 For purposes of calculating this fee, weight means the gross weight,  
6 including the gross weight of all vehicles in any combination of which  
7 such commercial motor vehicle is the drawing vehicle. "Constructor"  
8 registrations issued prior to the effective date of this act, which expire  
9 June 30, 1982, shall be issued contractor vehicle registrations, which  
10 in the director's discretion, shall expire on a date to be fixed by the  
11 director which date shall not be sooner than four months nor later than  
12 16 months following the date of issuance of the registration. The fees  
13 for the registrations shall be fixed by the director in amounts  
14 proportionately less or greater than the fees established by this  
15 subsection.

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

21 c. The director is also authorized to issue registrations for each of  
22 the following solid waste vehicles: two-axle vehicles having a gross  
23 weight not exceeding 42,000 pounds; tandem three-axle and four-axle  
24 vehicles having a gross weight not exceeding 60,000 pounds; four-axle  
25 tractor-trailer combination vehicles having a gross weight not  
26 exceeding 60,000 pounds. Registration is based upon application to  
27 the director and proof to his satisfaction that the applicant is actually  
28 engaged in the performance of solid waste disposal or collection  
29 functions and holds a certificate of convenience and necessity therefor  
30 issued by the Department of Environmental Protection.

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

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

37 Solid waste vehicles for which commercial motor vehicle  
38 registrations had been issued prior to the effective date of this act and  
39 which shall expire June 30, 1982 shall be issued solid waste  
40 registrations, which, in the director's discretion, shall expire on a date  
41 to be fixed by the director, which date shall not be sooner than four  
42 months or later than 16 months following the date of issuance of the  
43 registration. The fees for the registrations shall be fixed by the  
44 director in amounts proportionately less or greater than the fees  
45 established by this subsection.

46 d. The director is also authorized to issue registrations for

1 commercial motor-drawn vehicles upon application therefor. The  
2 registration year for commercial motor-drawn vehicles shall be April  
3 1 to the following March 31 and the fee therefor shall be \$18 for each  
4 such vehicle.

5 At the discretion of the director, an applicant for registration for a  
6 commercial motor-drawn vehicle may be provided the option of  
7 registering such vehicle for a period of four years. In the event that  
8 the applicant for registration exercises the four-year option, a fee of  
9 \$64 for each such vehicle shall be paid to the director in advance.

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

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

18 The owner, lessee, bailee or any one of the aforesaid of a vehicle or  
19 combination of vehicles, including load or contents, found or operated  
20 on any public road, street or highway or on any public or quasi-public  
21 property in this State with a gross weight of that vehicle or  
22 combination of vehicles, including load or contents, in excess of the  
23 weight limitation permitted by the certificate of registration for the  
24 vehicle or combination of vehicles, pursuant to the provisions of this  
25 section, shall be assessed a penalty of \$500 plus an amount equal to  
26 \$100 for each 1,000 pounds or fractional portion of 1,000 pounds of  
27 weight in excess of the weight limitation permitted by the certificate  
28 of registration for that vehicle or combination of vehicles. A vehicle  
29 or combination of vehicles for which there is no valid certificate of  
30 registration is deemed to have been registered for zero pounds for the  
31 purposes of the enforcement of this act, in addition to any other  
32 violation of this Title, but is not deemed to be lawfully or validly  
33 registered pursuant to the provisions of this Title.

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

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

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

2

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

5 1. Any person, who has entered or shall enter into active service in  
6 any branch of the naval or military forces of the United States and who  
7 has or shall have registered his motor vehicle in this State for any  
8 registration [period] year, shall be entitled to a refund on the  
9 registration fee paid for such vehicle for the number of full months  
10 remaining of the registration [period] year for which the vehicle will  
11 not be operated on the public highways of this or any other State;  
12 provided, that such person makes written application to the director  
13 for such refund, under oath, in such form as the director shall require  
14 and surrenders the certificate of registration and license plates of such  
15 motor vehicle.

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

17

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

19 39:3-25. In addition to the motor vehicle licenses authorized to be  
20 issued pursuant to the provisions of this chapter, the director shall  
21 issue, upon application therefor, a license plate for trucks marked  
22 "farmer," which shall be issued upon evidence satisfactory to the  
23 director that the applicant is a farmer and is actually engaged in the  
24 growing, raising and producing of farm products as an occupation.  
25 License plates issued under authority of this section shall be placed  
26 upon motor trucks engaged exclusively in the carrying or  
27 transportation of applicant's farm products, raised or produced on his  
28 farm, and farm supplies, and not engaged in hauling for hire.

29 Applicants for license plates herein authorized shall pay a  
30 registration fee of \$25 plus \$4.25 for each 1,000 pounds or portion  
31 thereof in excess of 5,000 pounds. [If the registration cycle  
32 established by the director is for more or less than 11 months,  
33 applicants shall pay amounts proportionately less or greater than the  
34 fees established by law.]

35 Except as otherwise provided in this section, every registration for  
36 a farm truck shall expire and the certificate thereof shall become void  
37 on the last day of the eleventh calendar month following the month in  
38 which the certificate was issued[; except that the director may require  
39 registrations which shall expire, and issue certificates thereof which  
40 shall become void, on a date fixed by the director, which shall not be  
41 sooner than three months or later than 26 months after the date of  
42 issuance of such certificates, and the fees for such registrations,  
43 including any other fees or charges collected in connection with the  
44 registration fee, shall be fixed by the director in amounts  
45 proportionately less or greater than the fees established by law. The  
46 director may fix the expiration date for registration certificates at a

1 date other than 11 months if the director determines that such change  
2 is necessary, appropriate or convenient in order to aid in  
3 implementing the vehicle inspection requirements of chapter 8 of Title  
4 39 or for other good cause].

5 Farm trucks for which farm truck registrations had been issued  
6 prior to the effective date of this act and which expire June 30, 1982  
7 shall be issued registrations, which, in the director's discretion, shall  
8 expire on a date to be fixed by the director, which date shall not be  
9 sooner than four months not later than 16 months following the date  
10 of issuance of the registration. The fees for such registrations shall be  
11 fixed by the director in amounts proportionately less or greater than  
12 the fees established by this section.

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

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

19

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

21 39:3-27. No fee shall be charged for the registration of motor  
22 vehicles not used for pleasure or hire, owned by the United States, the  
23 State of New Jersey, a municipality, county, Regional Air Pollution  
24 Control Agency, Passaic Valley Sewerage Commissioners, North  
25 Jersey District Water Supply Commission, a county improvement  
26 authority created under the "county improvement authorities law"  
27 (P.L.1960, c.183), a local school district, a regional school district, a  
28 county vocational or technical school, a duly authorized volunteer fire  
29 department, a duly authorized volunteer first aid, rescue or emergency  
30 squad, any duly recognized auxiliary or reserve police organization of  
31 any municipality, hospital, humane society, and anticruelty society in  
32 this State, New Jersey wing of the Civil Air Patrol incorporated by the  
33 Act of July 1946 (Public Law 476-79th Congress), the American Red  
34 Cross, chartered local councils in New Jersey of the Boy Scouts of  
35 America or the Girl Scouts of the United States of America, chartered  
36 local councils in New Jersey of the Boys' Clubs of America or the  
37 Girls' Clubs of America, or chartered local organizations of the Police  
38 Athletic League or [for the registration of] ambulances owned by any  
39 nonprofit organization. These vehicles shall be registered and display  
40 number plates as provided in this title or the director may, in his  
41 discretion, issue special registration certificates and special number  
42 plates for any of these motor vehicles which shall be valid for such  
43 motor vehicle [for a period fixed by the director which may  
44 correspond with the inspection expiration date applicable to such  
45 vehicles, which date shall not be later than 26 months after the date of  
46 issuance of such certificates.] Upon the expiration [or nonrenewal] of

1 any special registration the registration certificate and special number  
2 marker shall be returned to the director; provided, however, upon  
3 proper application to the director the special registration and special  
4 number marker may be transferred to another motor vehicle acquired  
5 by the owner to whom the special registration and marker were issued.  
6 (cf: P.L.1995, c.112, s.32)

7

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

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

16 For each vehicle used as a commuter van the applicant for the  
17 registration thereof shall pay an annual fee of \$50 [or, if the  
18 registration is not annual, the fee shall be fixed by the director in an  
19 amount proportionately less or greater than \$50 and proportionately  
20 less or greater than any other fees or charges imposed by law and  
21 collected in connection with the registration fee]. Any such applicant  
22 shall receive a credit for the unexpired portion of the registration for  
23 any vehicle covered under this act which has been issued prior to the  
24 effective date of this act on the basis of one-twelfth of the registration  
25 fee the applicant has paid for each month remaining in such  
26 registration year.

27 The director shall design a plate to identify a vehicle as a commuter  
28 van.

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

30

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

32 39:3-30. Upon the transfer of ownership or the destruction of any  
33 motor vehicle [or vehicle] its registration shall become void. If the  
34 motor vehicle [or vehicle] is sold the original owner shall remove the  
35 license plates therefrom, and [surrender them to the division in a  
36 manner specified by the director if such plates are not transferred to  
37 another vehicle pursuant to this section] , within 48 hours, notify the  
38 director of the name and address of the purchaser.

39 The original owner may, by proper sworn application on a form to  
40 be furnished by the division, register another motor vehicle for the  
41 unexpired portion of the registration period of the original vehicle. [A  
42 person applying to use the unexpired portion of a registration under  
43 this section shall pay] , upon payment of a fee of \$4.50 if the vehicle  
44 is of a weight or other classification equal with or less than the one  
45 originally registered, and shall pay a fee of \$4.50 and the difference  
46 between the fee originally paid and that due if the new motor vehicle

1 is properly registerable in a higher class. Unless the original license  
2 plates have been destroyed, the owner shall be assigned the license  
3 number previously issued to him and shall receive a new registration  
4 certificate. If the original license plates have been destroyed,  
5 replacement of the plates will be made under the provisions of  
6 R.S.39:3-32.

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

13 The registered owner of any motor vehicle shall, upon application  
14 to the director, and payment of a fee of \$4.50, be entitled to have the  
15 vehicle registered jointly in the name of the registered owner and the  
16 spouse of said owner. The registration certificate and certificate of  
17 ownership shall be amended accordingly without the payment of any  
18 additional fee.

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

20

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

22 39:3-37. A person who gives a fictitious name or address or makes  
23 any other intentional misstatement of a material fact in an application  
24 for registration of a motor vehicle[, an application for a waiver  
25 pursuant to section 15 of P.L.1995, c.112 (C.39:8-55) of the emission  
26 standards requirement,]or [an application for a] driver's license or in  
27 a preliminary application, examination or proceeding, or a person who  
28 knowingly sells, loans or gives an identification document to another  
29 person for the purpose of aiding that person to obtain a driver's  
30 license[,]or registration certificate [or waiver certificate] for which  
31 that person is not qualified, shall be subject to a fine of not less than  
32 \$200 or more than \$500, or imprisonment for not more than six  
33 months or both, at the discretion of the court. The director shall, upon  
34 proper evidence not limited to a conviction, revoke the registration of  
35 the motor vehicle or driver's license of a person who violates this

1 section for a period of not less than six months or more than two  
2 years.

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

4

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

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

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

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

31

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

34

35 24. This act shall take effect immediately.

36

37

38

#### STATEMENT

39

40 This bill prohibits the development, implementation and  
41 enforcement of any aspect of an inspection or registration program for  
42 motor vehicles other than the inspection and registration program for  
43 motor vehicles in effect and operation on June 1, 1995, and repeals the  
44 "Federal Clean Air Mandate Compliance Act," P.L.1995, c.112  
45 (C.39:8-41 et seq.).

46 The bill does not repeal section 40 of P.L.1995, c.112. This

1 section, which was not allocated as part of the "Federal Clean Air  
2 Mandate Compliance Act," added language to the Fiscal Year 1996  
3 appropriations act that appropriated \$100,000 to the Department of  
4 Transportation to study the use of drones to monitor air quality and  
5 \$100,000 to Rutgers University to study the health effects of  
6 reformulated gasoline. This bill makes no changes to the funding of  
7 those studies.

8 The "Federal Clean Air Mandate Compliance Act" was enacted in  
9 1995 to meet the federal requirements of the Clean Air Act  
10 Amendments of 1990 by establishing an enhanced inspection and  
11 maintenance program required by the federal law. The purpose of the  
12 program is to significantly improve the air quality of the State.  
13 However, to date, the implementation of the program promises to cost  
14 the State billions of dollars and greatly inconvenience motorists, while  
15 there has been no evidence, scientific or otherwise, that indicates that  
16 the program will have any effect on air quality or justify this great  
17 expense.

18

19

20

21

22 Prohibits the development, enforcement and implementation of an  
23 enhanced inspection and maintenance program for motor vehicles;  
24 repeals the "Federal Clean Air Mandate Compliance Act."