

SENATE, No. 310

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator CASEY

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

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

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

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 states of the Northeast Ozone Transport Commission as part of a
2 regional air pollution control plan established by the commission.

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

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

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

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

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

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

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

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

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

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

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

14 d. The Commissioner of Environmental Protection shall:

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

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

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

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

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

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

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

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

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

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

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

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

41

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

44 1. [a.] The department, after consultation with the Director of the
45 Division of Motor Vehicles, shall have the power to formulate and
46 promulgate, amend and repeal codes, rules and regulations establishing

1 standards and requirements for the control of air contaminants from
2 motor vehicles.

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

20

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

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

30

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

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

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

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

44 (2) Conduct and supervise Statewide programs of air pollution
45 control education including the preparation and distribution of
46 information relating to air pollution control;

1 (3) Require the registration of persons engaged in operations that
2 may result in air pollution and the filing of reports, including but not
3 limited to emission statements, by them containing information relating
4 to location, size of outlet, height of outlet, rate and period of emission
5 and composition of effluent, and such other information as the
6 department shall prescribe to be filed relative to air pollution, all in
7 accordance with applicable codes, rules, or regulations established by
8 the department;

9 (4) Enter and inspect any building or place, except private
10 residences, for the purpose of investigating an actual or suspected
11 source of air pollution and ascertaining compliance or noncompliance
12 with any codes, rules, or regulations of the department. Any
13 information, other than actual or allowable air contaminant emissions,
14 relating to secret processes or methods of manufacture or production
15 obtained in the course of an inspection, investigation, or
16 determination, shall be kept confidential and shall not be admissible in
17 evidence in any court or in any other proceeding except before the
18 department. If samples are taken for analysis, a duplicate of the
19 analytical report shall be furnished promptly to the person suspected
20 of causing air pollution;

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

25 (6) With the approval of the Governor, cooperate with, and receive
26 funds or other assistance from, the federal government, the State
27 government, any interstate body, or any county or municipal
28 government, or from private sources, for the study and control of air
29 pollution;

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

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

43 (9) Establish, implement, and operate a small business stationary
44 source technical and environmental compliance assistance program as

1 required pursuant to 42 U.S.C. §7661f of the federal Clean Air Act.
2 (cf: P.L.1995, c.188, s.3)

3

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

5 39:8-1. a. Every motor vehicle registered in this State which is
6 used over any public road, street, or highway or any public or
7 quasi-public property in this State, and every vehicle subject to
8 enhanced inspection and maintenance programs pursuant to 40 C.F.R.
9 § 51.356, except historic motor vehicles registered as such, collector
10 motor vehicles designated as such pursuant to this subsection, and
11 those vehicles over 8,500 pounds gross weight that are under the
12 inspection jurisdiction of the Department of Transportation pursuant
13 to Titles 27 and 48 of the Revised Statutes, shall be inspected by
14 designated examiners or at official inspection facilities to be designated
15 by the director or at licensed private inspection [facilities. The
16 director shall adopt rules and regulations establishing a procedure for
17 the designation of motor vehicles as collector motor vehicles, which
18 designation shall include consideration by the director of one or more
19 of the following factors: the age of the vehicle, the number of such
20 vehicles originally manufactured, the number of such vehicles that are
21 currently in use, the total number of miles the vehicle has been driven,
22 the number of miles the vehicle has been driven during the previous
23 year or other period of time determined by the director, and whether
24 the vehicle has a collector classification for insurance purposes]
25 centers. The director shall have the discretion to determine what
26 motor vehicle equipment shall be subject to inspection under the
27 provisions of this chapter.

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

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

41

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

43 39:8-2. [a.] The director may designate and appoint, subject to
44 existing laws, competent examiners of motor vehicles to [conduct
45 examinations, other than the periodic inspections required pursuant to
46 subsection b. of this section, of] examine motor vehicles required to

1 be inspected in accordance with the provisions of this chapter. The
2 examiners may be delegated to enforce the provisions of the motor
3 vehicle and traffic law.

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

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

45 c. Except as modified by the director to distribute evenly the
46 volume of inspections, all motor] Motorcycles shall be inspected

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

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

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

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

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

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

44 (2) Sell or lease, or grant an easement in, any property acquired,
45 held or used for vehicle inspection purposes or any other suitable
46 property held by the State that is not currently in use or dedicated to

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

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

38 h.] The director[, and, when appropriate, the Department of
39 Environmental Protection,] shall conduct inspections and audits of
40 licensed private inspection [facilities, official inspection facilities and
41 designated examiners] centers to ensure accurate test equipment
42 calibration and use, and compliance with [proper inspection
43 procedures and with] the provisions of [P.L.1995, c.112 (C.39:8-41
44 et al.) and any regulations adopted pursuant thereto by the Division of
45 Motor Vehicles or by the Department of Environmental
46 Protection.]this act. These inspections and audits shall be conducted

1 [at such times and in such manner as the director, upon consultation
2 with the Department of Environmental Protection, shall determine in
3 order to provide quality assurance in the performance of the inspection
4 and maintenance program] monthly, except that at the discretion of the
5 director, more frequent audits and inspections may be conducted.

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

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

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

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

46 (2) Transfer from the fund to the Division of Motor Vehicles and

1 the Department of Environmental Protection the amounts necessary to
2 finance the costs of administering and implementing all aspects of the
3 inspection and maintenance program, and to the Office of
4 Telecommunications and Information Systems in the Department of
5 the Treasury the amount necessary for computer support upgrades;

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

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

11

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

13 39:8-3. [a.] No certificate of approval shall be issued by an
14 examiner, [official] or inspection [facility or private inspection facility]
15 station until [the motor vehicle inspected successfully passes all
16 emission tests required by the director and] the mechanism, brakes and
17 equipment of the motor vehicle inspected have been found to be in a
18 proper and safe condition and complying with the laws of this State.

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

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

24

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

26 39:8-4. [a.] If inspections as required by R.S. 39:8-1 disclose the
27 necessity for adjustments, corrections or repairs, the director [shall
28 cause a rejection sticker to be issued.

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

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

43 [c. The director shall require the owner of a motor vehicle
44 requiring an adjustment, correction or repair that is emission-related
45 to have that adjustment, correction or repair made and thereafter have
46 the vehicle reinspected at an official inspection facility or at a private

1 inspection facility, as determined by the director, within the period
2 designated by the director.]

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

4

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

6 39:8-5. [a.] Every designated examiner, [official] or inspection
7 [facility or private inspection facility] station shall make such reports
8 to the director concerning inspections made and the results thereof,
9 [and in such form and at such time,]as the director may require. The
10 director [may] shall furnish to the examiners and inspection [facilities]
11 stations forms for such reports. [The director may require the use of
12 electronic media for the gathering and transmission of inspection data
13 and reports when the director deems it appropriate or when electronic
14 media are required by federal law.

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

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

24

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

26 39:8-7. [Except as otherwise provided pursuant to R.S.39:3-5, the]
27 The director may [suspend,]revoke or deny the registration of a motor
28 vehicle registered [or required to be registered] in this State[, or the
29 reciprocity privilege of a motor vehicle registered in another state, if
30 the motor vehicle is subject to the inspection requirement of this State]
31 and operated [or parked] on [any public road, street or highway or any
32 public or quasi-public property in this State, and] the highways of the
33 State which:

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

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

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

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

45

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

1 39:8-9. [a.] The enforcement of this chapter shall be vested in the
2 director and the police or peace officers of any municipality, any
3 county or the State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33

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

35 39:8-10. The director shall have authority to make rules and
36 regulations necessary for the administration and enforcement of this
37 chapter. The director may employ, subject to existing laws, such
38 persons as the director requires for the administration and enforcement
39 of this chapter and [the director may] fix their compensation.

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

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

2 39:3-4. Except as hereinafter provided, every resident of this State
3 and every nonresident whose automobile or motorcycle shall be driven
4 in this State shall, before using such vehicle on the public highways,
5 register the same, and no automobile or motorcycle shall be driven
6 unless so registered.

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

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

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

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

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

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

26 The director shall issue registration certificates for the following
27 registration period on and after the first day of the first calendar month
28 immediately preceding the commencement of such registration period.
29 such registration certificates to be effective immediately.

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

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

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

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

1 [The director may extend the expiration date of a registration
2 certificate without payment of a proportionate fee when the director
3 determines that such extension is necessary, appropriate or convenient
4 to the implementation of vehicle inspection requirements. If any
5 registration certificate is so extended, the owner shall pay upon
6 renewal the full registration fee for the period fixed by the director as
7 if no extension had been granted.]

8 Nothing in this section shall be construed to alter or extend the
9 expiration date of any registration certificate issued prior to March 1,
10 1956.

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

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

16

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

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

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

38

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

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

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

1 combination of vehicles of which the commercial motor vehicle is the
2 drawing vehicle. The gross weight of a disabled commercial vehicle
3 or combination of disabled commercial vehicles being removed from
4 a highway shall not be included in the calculation of the registration
5 fee for the drawing vehicle.

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

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

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

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

31 For vehicles in excess of 50,000 pounds, \$53.50 plus [~~\$13.50~~]
32 \$10.50 for each 1,000 pounds or portion thereof in excess of 5,000
33 pounds.

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

43 b. The director is also authorized to issue registrations for
44 commercial motor vehicles having three or more axles and a gross
45 weight over 40,000 pounds but not exceeding 70,000 pounds, upon
46 application therefor and proof to the satisfaction of the director that

1 the applicant is actually engaged in construction work or in the
2 business of supplying material, transporting material, or using such
3 registered vehicle for construction work.

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

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

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

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

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

1 functions and holds a certificate of convenience and necessity therefor
2 issued by the Department of Environmental Protection.

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

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

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

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

23 At the discretion of the director, an applicant for registration for a
24 commercial motor-drawn vehicle may be provided the option of
25 registering such vehicle for a period of four years. In the event that
26 the applicant for registration exercises the four-year option, a fee of
27 \$64 for each such vehicle shall be paid to the director in advance.

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

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

36 The owner, lessee, bailee or any one of the aforesaid of a vehicle or
37 combination of vehicles, including load or contents, found or operated
38 on any public road, street or highway or on any public or quasi-public
39 property in this State with a gross weight of that vehicle or
40 combination of vehicles, including load or contents, in excess of the
41 weight limitation permitted by the certificate of registration for the
42 vehicle or combination of vehicles, pursuant to the provisions of this
43 section, shall be assessed a penalty of \$500 plus an amount equal to
44 \$100 for each 1,000 pounds or fractional portion of 1,000 pounds of
45 weight in excess of the weight limitation permitted by the certificate
46 of registration for that vehicle or combination of vehicles. A vehicle

1 or combination of vehicles for which there is no valid certificate of
2 registration is deemed to have been registered for zero pounds for the
3 purposes of the enforcement of this act, in addition to any other
4 violation of this Title, but is not deemed to be lawfully or validly
5 registered pursuant to the provisions of this Title.

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

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

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

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

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

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

35
36 17. R.S.39:3-25. is amended to read as follows:

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

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

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

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

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

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

37

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

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

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

25

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

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

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

45 The director shall design a plate to identify a vehicle as a commuter
46 van.

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

2

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

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

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

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

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

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

38

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

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

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

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

11

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

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

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

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

38

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

41

42 24. This act shall take effect immediately.

1 STATEMENT

2

3

4 This bill prohibits the development, implementation and
5 enforcement of any aspect of an inspection and maintenance program
6 other than the program in effect and operation on June 1, 1995 until
7 the following actions are taken:

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

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

24 The bill requires the state implementation plan include the following
25 items:

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

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

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

40 4) Documentation of State adoption by law or regulation of the
41 low emission vehicle standards adopted by the Northeast Ozone
42 Transport Commission and an established schedule according to which
43 low emission vehicles will be sold within the member states of the
44 Northeast Ozone Transport Commission; and

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

1 The bill also prohibits the expenditure of any moneys appropriated
2 for an enhanced inspection and maintenance program until the
3 Northeast Ozone Transport Commission adopts a regional plan for the
4 development, implementation and enforcement of an enhanced
5 inspection and maintenance program for motor vehicles and the
6 inspection and maintenance of diesel-powered motor vehicles
7 throughout the member states of the Northeast Ozone Transport
8 Commission and the United States Environmental Protection Agency
9 has approved the plan. The bill further requires Joint Budget
10 Oversight Committee approval of expenditures for an enhanced
11 inspection and maintenance program.

12 This bill also repeals the "Federal Clean Air Mandate Compliance
13 Act," P.L.1995, c.157 (C.39:8-59 et seq.), by amending the various
14 sections of law previously amended by P.L.1995, c.112 and repealing
15 sections 1 through 18 of the law, inclusive. Section 40 of P.L.1995,
16 c.112 is not repealed. This section, which was not allocated as part of
17 the "Federal Clean Air Mandate Compliance Act," added language to
18 the 1995 State budget appropriating \$100,000 to the Department of
19 Transportation to study of the use of drones to monitor air quality and
20 \$100,000 to Rutgers University to study the health effects of
21 reformulated gasoline. This bill makes no changes to the funding of
22 the studies.

23 The "Federal Clean Air Mandate Compliance Act" was enacted in
24 1995 to meet the federal requirements of the Clean Air Act
25 Amendments of 1990 by establishing an enhanced inspection and
26 maintenance program required by the federal law.

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

1

2

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