

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 53 and 124

STATE OF NEW JERSEY

ADOPTED FEBRUARY 22, 1996

Sponsored by Senators SCOTT and LITTELL

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

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

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

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10 2. As used in this act:

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

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

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

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

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

1 of an inspection or registration program for motor vehicles established
2 pursuant to P.L.1995, c. 112, or implement or enforce any provision
3 of any regulation adopted pursuant thereto, until the commissioner has
4 certified, pursuant to subsection b. of this section, that the United
5 States Environmental Protection Agency has approved state
6 implementation plans or revisions thereto providing for the
7 development and implementation of enhanced inspection and
8 maintenance programs for:

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

10 (2) New York and Pennsylvania.

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

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

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

32 (2) New York and Pennsylvania.

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34 4. This act shall take effect immediately.
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39 "The New Jersey Motorists Fairness Act."