

§ 13:20-26.17 Compliance with diesel emission standards, equipment requirements, and test procedures; inspection and verification of installation of best available retrofit technology devices; periodic inspection program for diesel emissions; self-inspection; exempt vehicles

(a) Except as otherwise provided in P.L. 1995, c. 157, heavy-duty diesel trucks operating in New Jersey shall be subject to applicable diesel emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14, an examination of the muffler and diesel emission control apparatus pursuant to N.J.A.C. 7:27-14 and diesel test procedures set forth in N.J.A.C. 7:27B-4.

(b) The owner or lessee of a heavy-duty diesel truck registered in this State shall submit proof to the New Jersey Motor Vehicle Commission that the vehicle has, within 90 days after the date of registration or renewal thereof, complied with the requirements for periodic inspection. Compliance with the requirements for periodic inspection shall mean that the vehicle has been tested for smoke opacity at a private inspection facility licensed pursuant to N.J.A.C. 13:20-44 and that the vehicle has successfully passed a test procedure for smoke opacity as set forth in N.J.A.C. 7:27B-4; provided, however, that with regard to a new heavy-duty diesel truck, compliance with the requirements for periodic inspection shall mean that the vehicle has been inspected by a new motor vehicle dealer or motor vehicle leasing company in accordance with N.J.A.C. 13:20-27.

(c) Certification of self-inspection pursuant to N.J.A.C. 13:20-26.11 and 26.13 is a representation by the owner or lessee of any heavy-duty diesel truck that, at a minimum, the diesel vehicle is in compliance with the Department of Environmental Protection emission standards set forth in N.J.A.C. 7:27-14, all applicable requirements regarding the muffler and emission control apparatus and that the diesel vehicle can successfully pass the test procedures set forth in N.J.A.C. 7:27B-4. Any certification of self-inspection shall require compliance with the requirements of (b) above.

(d) The owner or lessee of a heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle, as defined in N.J.S.A. 26:2C-8.27 and this subchapter, who is required to install a best available retrofit technology device(s) pursuant to a Notice of Intent to Comply, a regulated fleet retrofit plan, combined regulated fleet retrofit plan, fleet averaging plan, or combined fleet averaging plan pursuant to N.J.S.A. 26:2C-8.26 et seq. shall present his or her heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle to a private inspection facility licensed pursuant to N.J.A.C. 13:20-44, so that the installation of the required best available retrofit technology device(s) can be confirmed and verified by the private inspection facility in accordance with the procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 32. Compliance with the requirements of this subsection shall mean that the diesel vehicle has been inspected at a licensed private inspection facility and that such facility has confirmed and verified that the best available retrofit technology device(s) has been installed on such heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle. A heavy-duty diesel truck or regulated diesel solid waste vehicle shall be presented for inspection at the time of the next annual periodic inspection following the installation of the best available retrofit technology device(s) on such heavy-duty diesel truck or regulated diesel solid waste vehicle. A diesel-powered motor vehicle or diesel bus shall be presented for inspection within 90 days following the installation of the best available retrofit technology device(s) on such diesel-powered motor vehicle or diesel bus.

(e) The following motor vehicles, some of which may be subject to inspection under other provisions of law or regulation, shall be exempt from the periodic diesel emission inspection requirements of this subchapter:

1. Diesel-powered motor vehicles, as defined in N.J.S.A. 39:8-60, that are registered as contractor equipment in-transit vehicles pursuant to N.J.S.A. 39:4-30;
2. Heavy-duty diesel trucks and other diesel-powered motor vehicles, as defined in N.J.S.A. 39:8-60, which are designed for farming purposes and registered pursuant to N.J.S.A. 39:3-24 or 39:3-25; and
3. Heavy-duty diesel trucks and other diesel-powered motor vehicles, as defined in P.L. 1995, c.157, which are owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

HISTORY:

New Rule, R.1997 d.392, effective September 15, 1997.

See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

Amended by R.1998 d.310, effective June 15, 1998.

See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (b), changed "January 1, 1998" to "July 1, 1998" and substituted 90 for 30 days after "the vehicle has, within", and substituted "after" for "prior to" following "90 days"; in (c), changed "January 1, 1998" to "July 1, 1998"; in (d), inserted a reference to N.J.S.A. 39:8-60 in 1 and rewrote 2; and deleted references to diesel-powered motor vehicles throughout the section.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (c), substituted "of" for "for" following "owner or lessee".

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Rewrote (b).

Amended by R.2007 d.233, effective August 6, 2007.

See: 38 N.J.R. 5318(a), 39 N.J.R. 3387(a).

Section was "Compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection program for diesel emissions; self-inspection; exempt vehicles". Added new (d); and recodified former (d) as (e).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Compliance with diesel emission standards, equipment requirements, and test procedures; inspection and verification of installation of best available retrofit technology devices; periodic inspection program for diesel emissions; self-inspection; exempt vehicles". In (a), deleted ", as defined by that Act," following "trucks" and a comma following the second occurrence of "N.J.A.C. 7:27-14"; in (b), deleted ", as defined in P.L. 1995, c. 157, and" following the first occurrence of "truck", and a comma following "State", and inserted "smoke" twice; and in (c), substituted "Department of Environmental Protection" for "DEP" and "Any" for "On or after July 1, 1998, any", and deleted a comma following "apparatus".

Amended by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

In (b) and (d), substituted "private inspection facility" for "diesel emission inspection center" throughout; and in (d), substituted "seq." for "al.", substituted the fourth occurrence of "facility" for "center", and inserted a comma following the second and third occurrences of "diesel bus" and following "13:20-47".

Amended by R.2016 d.050, effective May 16, 2016.

See: 48 N.J.R. 249(a), 48 N.J.R. 810(a).

In (b) and (d), substituted "N.J.A.C. 13:20-44" for "N.J.A.C. 13:20-47".