

§ 7:27-14.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context already indicates otherwise.

"Auxiliary power unit" or "APU" means an integrated system that provides heat, air conditioning, engine warming, or electricity to components on a heavy-duty vehicle.

"California Air Resources Board" or "CARB" means the agency of the State of California established and empowered to regulate sources of air pollution, including motor vehicles, pursuant to California Health and Safety Code, Sections 39500 et seq.

"Certified configuration" means a heavy-duty diesel engine design or a light-duty diesel-powered motor vehicle-engine-chassis design certified by either of the following agencies as meeting the applicable emission standards for heavy-duty diesel engines or light-duty diesel-powered motor vehicles manufactured in a given model year:

1. EPA, for model year 1971 or for a more recent model year heavy-duty diesel vehicle engine;
2. EPA, for model year 1968 or for a more recent model year light-duty diesel vehicle;
3. CARB, for model year 1973 or for a more recent model year heavy-duty diesel vehicle engine; or
4. CARB, for model year 1966 or for a more recent model year light-duty diesel vehicle.

"Closed crankcase ventilation system" means a system installed upon an internal combustion engine and that is designed to capture all solids, liquids and gases that are emitted from the vent and divert them to the engine intake air plenum for recombustion.

"Data link connector" or "DLC" means a standardized nine- or 16-pin diagnostic test receptacle used to connect an analyzer to a motor vehicle.

"Department" means the New Jersey Department of Environmental Protection.

"Diagnostic Trouble Code" or "DTC" means an alphanumeric code stored in the on board diagnostic system of a motor vehicle, which generally indicates the malfunction of a system or component. These codes are defined by SAE J2012 Diagnostic Trouble Code Definitions, (MAR92). Copies of SAE J2012 may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001.

"Diesel bus" means any diesel-powered autobus or motorbus of any size or configuration, whether registered in this State or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this State, including, but not limited to, autobuses under the jurisdiction of the New Jersey Department of Transportation pursuant to Titles 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the New Jersey Department of Transportation; autobuses that are subject to Federal motor carrier safety regulations; autobuses under the authority of the Interstate Commerce Commission or its successor agency; school buses, as defined pursuant to N.J.S.A. 39:1-1; and hotel, casino, charter, and special buses.

"Diesel emissions testing equipment" means equipment used to conduct a test of a diesel-powered motor vehicle in accordance with N.J.A.C. 7:27B-4 and, which satisfies all applicable specifications set forth at N.J.A.C. 7:27B-4.2(d) and 4.6. For motor vehicle inspections conducted pursuant to N.J.A.C. 7:27B-4 and this subchapter, this term shall include all devices used for performing a motor vehicle inspection including, but not limited to, smoke opacity meters, exhaust gas analyzers, on board diagnostic scanners and analyzers and computers and related software.

"Diesel engine" means a compression ignition type of internal combustion engine.

"Diesel particulate filter" or "DPF" means an exhaust emissions aftertreatment device that physically entraps and prevents from being emitted into the air at least 85 percent of the particulate matter contained in the full exhaust stream emitted by the engine.

"Diesel-powered" means utilizing a diesel engine.

"Electrification technology" means a technology that harnesses an off-vehicle electrical system to provide a vehicle with climate control and other needs.

"Element of design" means any part or system on a motor vehicle or a motor vehicle engine pertaining to the vehicle's or engine's certified configuration.

"Emission control apparatus" means any device utilized by the vehicle manufacturer and/or the engine manufacturer to control the release of any regulated emission, including any associated component, which monitors the function and maintenance of such a device, regardless of the location of the device on the vehicle. This term shall also include any retrofit device added to the vehicle or engine as part of a mandatory or voluntary retrofit program for emission control.

"EPA" means the United States Environmental Protection Agency.

"EPA Memorandum 1A" means the memorandum dated June 25, 1974, and issued by the EPA's Office of Enforcement and General Counsel, which sets forth the EPA's interim tampering enforcement policy. This term also includes any revisions to the policy set forth in the June 25, 1974, memorandum that are subsequently issued by the EPA. A copy of this EPA memorandum has been filed with the Office of Administrative Law and may be obtained from the Bureau of Mobile Sources in the Department of Environmental Protection.

"Exhaust emissions" means the emissions (including any liquid or solid particles in the gaseous stream) released into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

"Gross vehicle weight rating" or "GVWR" means the value specified by the vehicle manufacturer as the maximum loaded weight of a single or combination vehicle.

"Heavy-duty diesel vehicle" or "HDDV" means a diesel-powered motor vehicle, other than a diesel bus, that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or property.

"Idle" means an operating mode where the vehicle engine is in operation while the vehicle is stationary at any location.

"Indicator light" means a light that serves to inform about a given condition in a circuit or device, such as a malfunction.

"Light-duty diesel vehicle" or "LDDV" means a diesel-powered motor vehicle, other than a diesel bus, that has a GVWR of 8,500 pounds or less and is designed primarily for transporting persons or property.

"Malfunction indicator light" or "MIL" means the light located on the dashboard instrument panel of an OBD-equipped motor vehicle that indicates a malfunction detected by the OBD system by illuminating the words "check engine," "service engine" or an engine pictograph with the word "check" or "service."

"Model year" means the engine manufacturer's annual production period, consistent with 40 C.F.R. 86.082, as the same is amended or supplemented, which includes January 1 of such calendar year, provided, that if the manufacturer has no annual production period, this term shall mean a calendar year. The manufacturer's annual

production period shall include January 1 of the calendar year for which it is designated and shall not include a January 1 of any other calendar year. Thus, the maximum duration of a model year is one calendar year plus 364 days (or 365 days if the model year includes February 29 in a leap year).

"Motor vehicle" means all vehicles propelled otherwise than by muscular power, excepting motorized bicycles and such vehicles as run only upon rails or tracks.

"Motor Vehicle Commission" or "MVC" means the New Jersey Motor Vehicle Commission established by the Motor Vehicle Security and Customer Service Act (N.J.S.A. 39A:1-1 et seq.).

"OBD-eligible" means capable of receiving an OBD inspection as determined by the Department in accordance with N.J.A.C. 7:27-14.5(h).

"On board diagnostics" or "OBD" means an automotive diagnostic system complying with California OBD regulations at Title 13 California Code section 1968.1 or EPA OBD regulations at 40 CFR Part 86.

"Opacity" means the property of a substance whereby it partially or wholly obstructs the transmission of visible light expressed as the percentage to which light is obstructed.

"Peak smoke opacity" means the highest numerical value of smoke opacity obtained through the testing procedures for the snap acceleration smoke opacity test at N.J.A.C. 7:27B-4.3(a).

"Person" means any individual or entity and shall include, without limitation, corporations, companies, associations, societies, firms, partnerships, and joint stock companies, and shall also include, without limitation, all political subdivisions of any states, and any agencies or instrumentalities thereof.

"Private inspection facility" or "PIF" means a facility licensed by the MVC to perform emissions and mechanical inspections. A PIF may also offer motor vehicle parts and repair services.

"Quasi-public roadway" means any roadway that, although under private ownership or control, is accessible to the public. This term shall include, but shall not be limited to, the New Jersey Turnpike, the Garden State Parkway, and the Atlantic City Expressway, but shall not include shopping mall roadways and parking lots, private business roadways, residential and nonresidential parking lots, and private driveways.

"Regulated emission" means any solid, liquid or gaseous substance which is emitted from a motor vehicle or motor vehicle engine and which is regulated by the EPA pursuant to 40 C.F.R. Part 86.

"Retrofit device" means any emissions control apparatus, including exhaust aftertreatment device, that has been installed on the vehicle or engine after the original manufacturing date of the complete vehicle.

"Retrofitted EPA urban diesel bus" means a diesel bus which is equipped with an engine which has been retrofitted or rebuilt to meet a particulate emission standard of 0.10 g/bhp-hr (grams per brake horsepower per hour) in conformance with the requirements set forth at 40 C.F.R. 85.1403(b) or (c).

"Selective catalytic reduction" or "SCR" means an advanced active emissions control technology system that injects a liquid-reductant agent through a special catalyst into the exhaust stream of a diesel engine.

"Smoke" means the emissions, including airborne solid and/or liquid particles, exclusive of water vapor, released into the atmosphere from a process of combustion.

HISTORY:

R.1970 d.148, eff. June 19, 1971.

See: 2 N.J.R. 54(c), 3 N.J.R. 4(a).

Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).

See: 16 N.J.R. 2888, 17 N.J.R. 189(b).

Section substantially amended.

Administrative Corrections.

See: 23 N.J.R. 1432(d).

Amended by R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).

See: 29 N.J.R. 971(a), 29 N.J.R. 4108(a).

Added "Alternative smoke opacity standard", "Black smoke", "Blue smoke", "California Air Resources Board", "Certified configuration", "Diesel bus", "Division of Motor Vehicles", "Element of design", "Emission control apparatus", "EPA", "Gross vehicle weight rating", "Heavy-duty diesel vehicle", "Light-duty diesel vehicle", "Low speed engine", "Model year", "Peak smoke opacity", "Quasi-public roadway", "Regulated emission", "Retrofitted diesel bus" and "Smokemeter"; amended and changed the name of "Diesel-powered engine" to read "Diesel engine" and "Diesel-powered motor vehicle" to read "Diesel powered"; deleted "Autobus"; and amended "Department", "Exhaust emissions", "Idle", "Opacity", "Person" and "Smoke".

Amended by R.1998 d.309, effective July 6, 1998 (operative July 21, 1998).

See: 30 N.J.R. 901(a), 30 N.J.R. 2476(b).

Deleted "Smokemeter" definition.

Amended by R.1999 d.210, effective July 6, 1999 (operative August 10, 1999).

See: 31 N.J.R. 828(a), 31 N.J.R. 1803(b).

Inserted "High speed diesel engine" and "Medium speed diesel engine"; and rewrote "Low speed engine" as "Low speed diesel engine".

Administrative change.

See: 33 N.J.R. 3550(a).

Amended by R.2007 d.201, effective July 2, 2007.

See: 38 N.J.R. 3728(b), 39 N.J.R. 2531(a).

Added definitions "Diesel particulate filter" and "Electrification technology"; and in definition "Idle", substituted "the vehicle engine is in operation while the vehicle is stationary at any location" for "the vehicle engine is not engaged in gear and where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer".

Amended by R.2007 d.235, effective August 6, 2007 (operative September 8, 2007).

See: 38 N.J.R. 5244(a), 39 N.J.R. 3352(a).

Added definitions "Closed crankcase ventilation system", "Diesel emission inspection center", "MVC", "NJ DEIC Inspection Form" and "Retrofit device"; deleted definition "Division of Motor Vehicles"; and substituted definition "Retrofitted EPA urban diesel bus" for definition "Retrofitted diesel bus".

Amended by R.2009 d.343, effective November 16, 2009 (operative December 18, 2009).

See: 41 N.J.R. 1606(a), 41 N.J.R. 4195(b).

Deleted definitions "Black smoke" and "Blue smoke"; added definitions "Data link connector", "Diagnostic Trouble Code", "Diesel emissions testing equipment", "EPA Memorandum 1A", "Malfunction indicator light", "OBD-eligible" and "On board diagnostics"; and rewrote definitions "Emission control apparatus" and "Retrofit device".

Amended by R.2016 d.124, effective October 3, 2016 (operative December 2, 2016).

See: 48 N.J.R. 748(a), 48 N.J.R. 2049(a).

Deleted definitions "Alternative smoke opacity standard", "'Diesel emission inspection center' or 'DEIC' ", "High speed diesel engine", "Low speed diesel engine", "Medium speed diesel engine", and "NJ DEIC Inspection Form"; added definitions "'Auxiliary power unit' or 'APU' ", "Indicator light", "'Private inspection facility' or 'PIF' ", and "'Selective catalytic reduction' or 'SCR' "; in definition "'Data link connector' or 'DLC' ", inserted "nine- or"; substituted definition "'Diesel particulate filter' or 'DPF' " for "Diesel particulate filter"; in definition "EPA Memorandum 1A", inserted a comma after "1974" twice, and substituted "Mobile Sources" for "Motor Vehicle Inspection and Maintenance"; substituted definition "'Motor Vehicle Commission' or 'MVC' " for "MVC" and rewrote the definition; in definition "OBD-eligible", updated the N.J.A.C. reference; and in definition "Peak smoke opacity", deleted ", or the rolling acceleration smoke opacity test at N.J.A.C. 7:27B-4.3(b), or the stall smoke opacity test at N.J.A.C. 7:27B-4.3(c)" from the end.