

**Protocol for Private Buyer Titling Waiver of LEVII Certification**

Complete and Submit to:

New Jersey Department of Environmental Protection  
Low Emission Vehicle Program  
P.O. Box 437

Trenton, NJ 08625-0437

**Or** Faxed to (609) 530 - 5342

**Or** via email at [NJLEVexemption@dep.state.nj.us](mailto:NJLEVexemption@dep.state.nj.us)

**Frequently Asked Questions for New Jersey Low Vehicle Emission Program**

**1. When is this Low Vehicle Emission regulation approved?**

Senate Bill S2351 and Assembly Bill A2439 were passed in both houses on 01/12/2004 under 2002-2003 bills. It was signed into law by the Governor as P.L. 2003, c.266 on 01/14/2004. The Statute directed New Jersey Department of Environmental Protection (NJDEP) to implement the LEV program to be effective on January 1, 2009. DEP promulgated the Low Vehicle Emission Regulation under N.J.A.C 7:27-29 which becomes effective on January 27, 2006. It takes affect for light duty motor vehicles below 8,500 Ibs Gross Vehicle Weight Rating (GVWR) manufactured in model year 2009 and later. It does not include medium-duty vehicles, off-highway vehicles, all terrain vehicles (ATV) and motorcycles.

**2. What are the implications to the citizens?**

If you want to title a *new* vehicle in New Jersey, whether purchase or lease, it must be "California Certified", EPA "50-State" or "California only" to meet emission requirements, with some minor exceptions, beginning January 1, 2009.

**3. How to verify that a vehicle is "California certified"?**

Two main ways:

- a) the Manufacturer Source of Origin(MSO) / Manufacturer Certificate of Origin (MCO) must indicate "Certified for sale in 50 States" or "Certified for sale in California" (See examples below)
- b) The label under the hood in the engine compartment must indicate it is "California certified", EPA 50-State or California-Only vehicle.

"50-State Vehicle: This vehicle conforms to U.S. EPA and California regulations applicable to (the vehicle model year) model-year new motor vehicles."

"California-Only Vehicle: This vehicle conforms to U.S. EPA and California regulations applicable to (the vehicle model year) model-year new motor vehicles introduced into commerce only for sale in California."

**4. What are the emission statements that do not comply?**

This vehicle meets/satisfies Federal emission standards  
This vehicle is certified / legal for sale in 49 states  
This vehicle is certified / legal for sale in 45-states  
No statement

5. What is it mean by “new” vehicle?

This Regulation considers any vehicle purchased with less than 7,500 miles on the odometer a *new* vehicle. NJDEP will monitor the registration database to see any trend of violations.

6. What weight class of vehicle is included?

NJ LEV Regulation covers any passenger car and light-duty truck up to 8,500 pounds Gross Vehicle Weight Rating (GVWR) or less, excluding off-highway vehicles. “Passenger car” includes any motor vehicle designed primarily for transportation of individuals and having a design capacity of 12 individuals or fewer.

A gross vehicle weight rating (GVWR) is the maximum allowable total weight of a road vehicle or trailer when loaded - i.e including the weight of the vehicle itself plus fuel, passengers, cargo, and trailer tongue weight. Some commercial cargo vans and large SUVs are exceeding 8,500 lbs GVWR limits.

Most U.S. cars have a placard (sticker) with this information. It is located typically either in the driver's side door or doorframe, owner’s manual, or also may be present on another sticker immediately under the hood near the radiator.

7. I am a dealer, my client asked me to find a model that is not California certified, what can I do?

If the client is eligible under LEV exemptions, you must fill out and have the buyer sign the exemption certification on DEP/MVE-9 (2-07). You can obtain the form from <http://www.nj.gov/dep/cleanvehicles/>. Complete the application and submit with a copy of Manufacturer’s Certificate of Origin (MCO). You may also get a copy of the form by contacting NJDEP Low Emission Vehicle Program, P.O. Box 437, Trenton, N.J. 08625-0437 or email at [NJLEVexemptions@dep.state.nj.us](mailto:NJLEVexemptions@dep.state.nj.us).

8. I am in active military service outside the State; can I bring the vehicle not certified to California requirement when returning to New Jersey?

If the vehicle has already been titled outside of New Jersey, you may title the vehicle in New Jersey.

If the vehicle has not been titled before, you need to complete a “Buyer Application for Waiver from the New Jersey Low Vehicle Emission Program” form DEP/MVW-9 (1-08). You can obtain the form from <http://www.nj.gov/dep/bmvin/>, complete and submit with a copy of Manufacturer’s Certificate of Origin (MCO). You can also contact NJDEP Low Emission Vehicle Program, P.O. Box 437, Trenton, N.J. 08625-0437 or email at [NJLEVexemptions@dep.state.nj.us](mailto:NJLEVexemptions@dep.state.nj.us). Under certain circumstances, NJDEP may exempt certain vehicles based on its usage and/or the hardship of the buyer(s).

9. I bought my new vehicle during a trip out of state where I totaled my vehicle in an accident. I have now discovered that this is an EPA 49 State certified vehicle. May I title the vehicle in New Jersey? See Item #8 above.

10. I just bought a *new* federal certified vehicle in my home state and under my company's restructuring, I am assigned to a New Jersey facility, can I register this vehicle in NJ? See Item #8 above.
11. What happens if I purchased a vehicle that does not comply with California emission standards, but only to EPA standards, from another state or through the internet and none of the exemptions apply to me? See Item #8 above.
12. What happens if my vehicle complies with the California emissions standards, but the MSO does not indicate compliance?  
Motor Vehicle Agency would deny title registration and refer you to NJDEP for further action. NJDEP may grant or deny a waiver based on individual circumstances.
13. What is "deliver for sale" mean?  
It means vehicle that has received a bill of lading for sale in New Jersey and is shipped, or is in the process of being shipped to a dealer in New Jersey.
14. What activities are covered in this bill?  
Any activities relating to the deliver for sale, offer for sale, sell, import, deliver, purchase, rent, acquire, receive, or register of vehicles.
15. What if I import a vehicle that does not comply to either California or EPA standards?  
A vehicle that is manufactured outside of the United States and is not originally built to meet U.S. safety and emissions standards is called a Grey Market vehicle. These vehicles may need to be modified after they are imported and must be approved by the Federal Environmental Protection Agency (EPA) and Federal Department of Transportation (DOT) before they can be registered.
- If a customs inspector determines that the privately owned vehicle was not manufactured for the U.S. market in accordance with federal safety and emission standards, the owner must post a bond at Customs equal to the value of the vehicle plus the import duty. This bond is canceled by release letters from the DOT and EPA when the vehicle does meet those standards.
- NJ DEP will require the emission conversion certification to comply with California or EPA 50-state standards, or an exemption or waiver obtained under certain circumstances before you can title the vehicle. See Item #8 above.
16. Any transition period?  
Yes, any model year 2009 vehicle manufactured before January 1, 2009 can continue to be sold, offered for sale or, purchased, acquired or received for a maximum of one year if the vehicle is already delivered for sale or lease on or before January 1, 2009. The MSO should list the date before January 1, 2009.
17. What is the penalty?

Under N.J.A.C 7:27-29.3(a), delivery of a Non-Certified Vehicle is considered non-minor and subjected to severe civil administrative penalty amounts up to \$2,500 for the first offense, per vehicle, \$5,000 for the second offense, \$12,500 on the third offense and \$30,000 for the fourth and each subsequent offense.

**18. For any further information:**

NJDEP's website at: <http://www.nj.gov/dep/cleanvehicles/> or  
<http://www.state.nj.us/dep/aqm/sub29.htm> or

Email: [NJZEV@dep.state.nj.us](mailto:NJZEV@dep.state.nj.us)