

P.L. 2025, CHAPTER 359, *approved January 20, 2026*
Assembly, No. 4618 (*Second Reprint*)

1 AN ACT concerning employment at official inspection facilities and
2 amending ²and supplementing² P.L.1995, c.112.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 4 of P.L.1995, c.112 (C.39:8-44) is amended to read as
8 follows:

9 4. a. The State Treasurer shall ²**[either]**²:

10 (1) ²**[Assign]** assign² to the State the full responsibility for the
11 design, construction, renovation, equipment, establishment,
12 maintenance, and operation of official inspection facilities and other
13 aspects of the inspection and maintenance program, including safety
14 inspections;

15 (2) ²**[Enter]** enter² into a contract or contracts with a private
16 contractor or contractors for the design, construction, renovation,
17 equipment, establishment, maintenance, and operation of official
18 inspection facilities and other aspects of the inspection and
19 maintenance program, including safety inspections; or

20 (3) ²**[Assign]** assign² to the State partial responsibility and enter
21 into a contract or contracts with a private contractor or contractors for
22 the remaining responsibility for the design, construction, renovation,
23 equipment, establishment, maintenance, and operation of official
24 inspection facilities and other aspects of the inspection and
25 maintenance program, including safety inspections.

26 The State Treasurer shall choose one of the options pursuant to this
27 subsection based on a determination of the best interests of the citizens
28 of New Jersey. At least seven business days prior to the award of a
29 contract that includes the operation or maintenance of an official
30 inspection facility pursuant to this section, the State Treasurer shall
31 issue a notice of intent to award the contract and shall submit to the
32 Legislature the notice of intent and a report describing the option
33 chosen, which shall include an economic analysis of the three options
34 listed in this subsection with respect to the operation or maintenance
35 portion of the contract.

36 b. (1) A contract authorized by this section may, subject to the
37 provisions of subsection f. of R.S.39:8-2, include the purchase, lease

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALA committee amendments adopted January 23, 2025.

²Senate floor amendments adopted December 22, 2025.

1 ²₁² or sale of an interest in real or personal property. The State
2 Treasurer is authorized to exercise all authority of the Directors of the
3 Division of Purchase and Property and of the Division of Building and
4 Construction to award the contract or contracts authorized by this
5 section as a single contract, multiple branch contracts ²₁² or multiple
6 single contracts. Any contract awarded pursuant to this section shall
7 be awarded in accordance with the provisions of P.L.1954, c.48
8 (C.52:34-6 et seq.) and any rules and regulations promulgated pursuant
9 to that act. The provisions of R.S.52:32-2 shall not apply to any
10 contract authorized by this section.

11 (2) Notwithstanding the provisions of chapter 35 of Title 52 of the
12 Revised Statutes, the State Treasurer is not required to limit bids to
13 persons who are prequalified. The State Treasurer is authorized to
14 require each person who submits a bid for a contract pursuant to this
15 section to submit statements under oath in response to a questionnaire
16 that develops fully that person's financial ability, adequacy of plant
17 and equipment, organization, prior experience ²₁² and any other facts
18 pertinent and material to qualification, including qualification of any
19 subcontractors, for the contract sought. Any such questionnaire
20 required shall be standardized with respect to, and shall be set forth in,
21 each invitation to bid.

22 (3) Any other provision of law to the contrary notwithstanding,
23 and subject to guidelines for conflict of interest established by the
24 Attorney General, for the purposes of this section ²₁² a State officer or
25 employee or a group of State officers or employees may enter into a
26 contract or contracts as a private contractor. A State officer or
27 employee having any duties or responsibilities in connection with the
28 evaluation or awarding of a contract pursuant to this section shall not
29 individually or through any person or entity acting on behalf of that
30 officer or employee bid on or enter into a contract as a private
31 contractor.

32 (4) A contractor for the operation of an official inspection facility,
33 or any of its officers or employees, may not be engaged in the business
34 of selling, maintaining, or repairing motor vehicles or selling motor
35 vehicle replacement or repair parts. A contractor's employees shall not
36 be deemed employees of the State for any purpose.

37 c. A contract for the operation of an official inspection facility
38 shall provide for motor vehicle inspection services that are consumer-
39 friendly to the maximum extent feasible. A contract shall at a
40 minimum specify that:

41 (1) ² **[New]** new² or relocated inspection facilities shall be sited
42 close to population centers, but in locations that remain convenient for
43 suburban and rural residents;

44 (2) ² **[An]** an² inspection facility shall be open for inspections,
45 exclusive of holidays, at least 55 hours each week, including hours
46 prior to 9:00 ² **[am]** a.m.² or after 5:00 ² **[pm]** p.m.² on weekdays and
47 hours on the weekend, except that the facility may lessen or expand

1 these hours based on the results of a survey of persons who use the
2 facility for motor vehicle inspections;

3 (3) ²**[An]** an² inspection facility shall maintain a climate-
4 controlled waiting area for persons whose motor vehicles are being
5 inspected;

6 (4) ²**[At]** at² least one lane at each inspection facility shall be
7 reserved to the extent practicable for reinspections, although this lane
8 may be opened to initial inspections whenever there are no
9 reinspections being performed;

10 (5) ²**[The]** the² number of inspection lanes provided for in the
11 contract to be constructed may be increased to meet the standards set
12 by the **[director]** Chief Administrator of the New Jersey Motor
13 Vehicle Commission pursuant to subsection d. of this section only if
14 the contractor can show that this increase is more cost-effective than
15 extending the hours of operation;

16 (6) ²**[A]** a² toll-free telephone number and a network of
17 computerized signs shall be established, and public service
18 announcements shall be aired to advise motorists of the length of lines
19 at inspection facilities. Periodic surveys concerning hours and
20 methods of operation shall be conducted. Each motor vehicle operator
21 who arrives at a facility for an inspection shall be provided with a
22 written document containing the following statement:

23 "The motor vehicle emission test being conducted at this facility
24 has been imposed on the residents of this State by an act of the
25 Congress of the United States and the regulations of the United States
26 Environmental Protection Agency."

27 In addition, the written document shall include the name and
28 address of the Administrator of the ²**[federal]** United States²
29 Environmental Protection Agency and of each member of Congress
30 elected from this State.

31 A contractor shall spend not less than one percent of its operating
32 budget to provide an ongoing public information program; ¹**[and]**¹
33 and²

34 (7) ²**[All]** all² qualified full-time employees whose employment
35 with the **[division]** New Jersey Motor Vehicle Commission is
36 terminated as a result of P.L.1995, c.112 (C.39:8-41 et al.) shall be
37 offered full-time employment. If more than one contract for the
38 operation of official inspection facilities is awarded, each contractor
39 shall offer full-time employment to a percentage of the number of such
40 employees that is equal to the percentage of the total number of
41 inspection lanes that will be operated by that contractor ²**[**¹; and

42 (8) During any contract renewal or subsequent procurement for the
43 operation of an official inspection facility, any employee covered by a
44 collective bargaining agreement shall be offered employment to meet
45 the staffing needs of the new contract. The terms of the existing
46 collective bargaining agreement, including compensation and benefits,
47 shall be the existing or current wage for any new contract established
48 by renewal or subsequent procurement. Offers of employment to any

1 existing or new employee shall not be less than the existing or current
2 wage for a particular position, as applicable¹2.

3 d. The **【director】** chief administrator shall adopt, pursuant to the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.),
5 regulations to establish the conduct of inspections by any person who
6 has entered into a contract with the State pursuant to subsection a. of
7 this section, and may issue directives or guidelines or enter into
8 contracts or agreements for the oversight and regulation of any person
9 who has entered into a contract with the State pursuant to subsection a.
10 of this section. The **【director】** chief administrator shall establish
11 standards that are designed to achieve average wait times of 30
12 minutes or less and to keep the overall operating cost of the facilities
13 to a minimum. The **【director】** chief administrator shall develop a
14 system of incentives that are designed to achieve average wait times of
15 15 minutes or less. Data generated at any official inspection facility
16 shall be the property of the State and shall be fully accessible to the
17 **【division】** New Jersey Motor Vehicle Commission at any time.

18 e. If a dispute over contract compliance, performance ^{2,2} or
19 termination cannot be resolved by the State Treasurer and the private
20 contractor pursuant to the procedures set forth in a contract entered
21 into pursuant to the provisions of this section, either party to the
22 contract may file with the Superior Court a request either for an order
23 either to terminate the contract or for an order for other appropriate
24 relief to the dispute. Any provision of N.J.S.59:13-5 to the contrary
25 notwithstanding, the State Treasurer may consent to the filing of such
26 a request prior to the expiration of 90 days from the date that the notice
27 of claim is received. The court may take such action as it may deem
28 necessary to facilitate the expeditious resolution of the dispute and an
29 expeditious response to the request, including ordering the parties to
30 undertake dispute resolution, mediation, or arbitration as provided in
31 N.J.S.59:13-7. Within 90 days after the filing of a request, the court
32 shall either grant the request or deny the request. If the request is
33 granted, the court shall order such appropriate relief measures or
34 remedies as it deems appropriate and necessary.

35 f. (1) A person whose employment with the **【Division of Motor**
36 **Vehicles】** New Jersey Motor Vehicle Commission is terminated as a
37 result of a contract entered into pursuant to subsection a. of this
38 section, who does not accept an offer of employment with a contractor
39 pursuant to paragraph (7) ²**【¹or paragraph (8)¹2** of subsection c. of
40 this section, and who undergoes counseling pursuant to section 7 of
41 P.L.1992, c.43 (C.34:15D-7), ¹**【may apply】** shall be eligible¹ for a
42 training grant pursuant to section 6 of P.L.1992, c.43 (C.34:15D-6).

43 (2) Any provision of P.L.1992, c.43 (C.34:15D-1 et al.) to the
44 contrary notwithstanding, the Workforce Development Program in the
45 Department of Labor and Workforce Development may provide a
46 training grant to each person who applies pursuant to paragraph (1) of
47 this subsection for a training grant to pay for employment and training

1 services as provided pursuant to section 6 of P.L.1992, c.43
2 (C.34:15D-6).

3 g. Notwithstanding any law, rule, or regulation to the contrary,
4 ¹~~["during"]~~ ¹for¹ any contract renewal ¹or award of a new contract¹
5 involving the operation of an official inspection facility within this
6 State, existing ²qualified² employees covered by a collective
7 bargaining agreement shall be the first to be offered employment to
8 meet the staffing requirements ², as determined by the employer, to
9 meet the requirements² of the ¹~~["new"]~~¹ contract. Offers of
10 employment to both existing and new ²qualified² employees shall
11 include compensation and ²economic² benefits ²~~["packages that meet~~
12 ~~the requirements of"]~~, including health benefits and paid time off,
13 which benefits may be specified by the commission in its solicitation,
14 that are the same as or comparable to the benefits contained in² any
15 collective bargaining agreement ²~~["that may be in place for the"]~~ then in
16 effect under an² existing contract.

17 In the event of a sale, transfer of assets including contracts, or ²~~["in~~
18 ~~the event of"]~~² a merger with another company, the ²compensation and
19 economic benefits delineated in this subsection that exist in a²
20 collective bargaining agreement in effect at the time shall be binding
21 on ²~~["any"]~~ the² successors and assigns, including all purchasers of any
22 assets, contracts, or the business. ²~~["The collective bargaining~~
23 ~~agreement shall be binding on any and all corporations, partnerships,~~
24 ~~organizations, and sole proprietorships affiliated with or related to~~
25 ~~doing business under the terms of the collective bargaining agreement~~
26 ~~in effect"]~~ Notwithstanding the foregoing, the vendor shall be
27 considered to be a contractor and the inspection employees hired by
28 the vendor shall at all times remain the employees of the vendor and
29 not the commission².

30 (cf: P.L.1995, c.112, s.4)

31
32 ²2. (New section) Notwithstanding the provisions of any law, rule,
33 or regulation to the contrary, for any solicitation issued on or before
34 the effective date of P.L. , c. (C.) (pending before the
35 Legislature as this bill), or within six months thereafter, involving the
36 operation of an official inspection facility within this State, if the
37 commission, or a designee of the commission, determines that it is
38 necessary to alter any of the terms, conditions, or requirements of the
39 solicitation to conform to the requirements of P.L. , c. (C.)
40 (pending before the Legislature as this bill), such alterations may be
41 set forth in addenda to the solicitation or made pursuant to any other
42 applicable method not otherwise inconsistent with State law or
43 regulation. The commission, or the commission's designee, shall not
44 be required to reissue the solicitation. For the purpose of expediting
45 the procurement, the period of time for the State Comptroller to
46 review, if applicable, any subsequent addendum or clarification for
47 compliance with applicable contracting laws, rules, and regulations,

1 pursuant to section 10 of P.L.2007, c.52 (C.52:15C-10), shall be 10
2 business days or less, if practicable, as determined by the State
3 Comptroller. An existing bidder shall be afforded the opportunity to
4 amend the bidder's bid to conform to such requirements or to
5 withdraw the bidder's proposal from consideration for an award.²

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7 ²[2.] 3.² This act shall take effect immediately.

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10 _____
11
12 Requires official inspection facility employees covered by
13 collective bargaining agreement to be offered employment following
14 contract renewal or award of new contract; requires collective
15 bargaining agreement to be binding in certain cases.