

## PART 79

## MOTOR VEHICLE INSPECTION

(Statutory authority: Vehicle and Traffic Law, §§ 215, 301, 302, 303, 304, 305)

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## Historical Note

Part repealed, new (§§ 79.1-79.23) filed June 5, 1979 eff. Sept. 1, 1979.

## § 79.1 Definitions.

For the purposes of this Part, the following terms shall have these meanings:

(a) *Certificate of inspection (form VS-1082, VS-1082 HV or VS 1082E)*. A sticker secured from the Department of Motor Vehicles by an official inspection station, issued by such station and affixed to a vehicle as prescribed by these regulations to evidence the satisfactory completion of an inspection of that vehicle in compliance with article V of the Vehicle and Traffic Law and this Part. Such sticker, when properly issued, is valid until midnight of the expiration date printed on the sticker, or, if no expiration date is printed on the sticker, until midnight on the last day of the month punched thereon, of the indicated year.

(b) *Inspection rejection notice*. A certificate secured from the Department of Motor Vehicles (VS-1075) or printed by a computerized vehicle inspection system by an official inspection station, issued by such station to a motorist as prescribed in this Part. The certificate informs the motorist why the vehicle is being rejected.

(c) [Reserved]

(d) *Motor vehicle*. Every vehicle included in the definition of the term *motor vehicle* as set forth in section 125 of the Vehicle and Traffic Law, and every vehicle included in the definition of the term *limited use automobile* as set forth in section 121-a of the Vehicle and Traffic Law, as

well as all trailers, set forth in section 156, except those vehicles specifically set forth in subdivisions (d) and (e) of section 79.2 of this Part.

(e) *Motor vehicle inspection record (VS-1074)*. A form secured from the Department of Motor Vehicles by an official inspection station. This form is used to record the inspections, reinspections and the results thereof, and a record of certificates of inspection, and inspection rejection notices issued but is not to be used to record information on inspections for vehicles subject to vehicle exhaust emissions inspection.

(f) *Motor vehicle registered in this State*. Every vehicle included in the definition of the term *motor vehicle* as set forth in subdivision (d) of this section, for which a certificate of registration has been issued pursuant to section 401, 420 or 1161 of the Vehicle and Traffic Law or for which a nonresident seasonal farm laborer vehicle certificate has been issued pursuant to subdivision 4 of section 250 of the Vehicle and Traffic Law. A vehicle ceases to be a motor vehicle registered in this State at such time as the registration for such vehicle expires because of transfer of ownership or destruction of such vehicle. A motor vehicle owned or controlled by a dealer or transporter and legally being operated with dealer or transporter plates is not a motor vehicle registered in this State.

(g) *Official safety inspection station*. Any person, association or corporation which has been issued a license by the Commissioner of Motor Vehicles, pursuant to section 303 of the Vehicle and Traffic Law, to conduct safety inspections of motor vehicles exempt from the emissions inspection requirement.

(h) *Official inspection station (fleet)*. Any person, association or corporation having more than 25 motor vehicles registered in its name which has been issued a license by the Commissioner of Motor Vehicles to conduct inspections of motor vehicles registered in its name or leased by it for a period greater than 30 days, and motor vehicles owned by its employees; or any municipality having more than five motor vehicles registered in its name which has been issued a license to conduct inspections of motor vehicles registered in its name or leased by it for a period greater than 30 days; and certain vehicles of other municipalities as set forth in section 79.15 of this Part.

(i) *Official inspection station (dealer)*. Any person, association or corporation, licensed as a dealer under section 415 of the Vehicle and Traffic Law, which has been issued a license by the Commissioner of Motor Vehicles to conduct inspection of motor vehicles held by such dealer for sale or demonstration, and motor vehicles owned by employees of such dealer.

(j) *Ten-day extension certificate (form VS-1077)*. A sticker secured from the Department of Motor Vehicles by an owner of a motor vehicle and affixed to said motor vehicle to evidence that the time within which such motor vehicle must be inspected has been extended for a 10-day period as stated on the certificate.

(k) *Certified motor vehicle inspector*. A person who has been issued a certificate authorizing him to conduct inspections of motor vehicles and/or motorcycles or trailers, by the Commissioner of Motor Vehicles pursuant to section 303(a) of the Vehicle and Traffic Law.

(l) *Motor vehicle inspector's certificate (form VS-26)*. A document issued by the Commissioner of Motor Vehicles to a person authorizing such person to conduct periodic inspections of motor vehicles and/or motorcycles or trailers. The certificates are categorized as follows:

Group 1—allows an individual to conduct safety and low enhanced emissions inspections of motor vehicles which seat 15 persons or less, plus drivers, and trucks and trailers under 18,000 pounds MGW, but not of motorcycles.

Group 2—allows an individual to conduct safety inspections of motor vehicles and trailers over 18,000 pounds MGW, all tractors, all semi-trailers, and motor vehicles with seating capacity greater than 15 persons, plus drivers.

Group 3—allows an individual to conduct safety inspections of motorcycles.

Group D—allows an individual to conduct high enhanced emissions inspection (must always be accompanied by a group 1 or 2 certification).

Group E—allows an individual to conduct exhaust emissions inspection until the implementation of the high enhanced program (must always be accompanied by a group 1 or 2 certification).

(m) *New York Metropolitan Air Region (NYMA)*. This region comprises the counties of Suffolk (except Fisher's Island), Nassau, Kings, Queens, Richmond, New York, Bronx, Westchester and Rockland.

(n) *Official emissions inspection station*. Any person, association or corporation which has been issued a license to conduct both safety and vehicle exhaust emission inspections of motor vehicles by the Commissioner of Motor Vehicles pursuant to sections 301, 302 and 303 of the Vehicle and Traffic Law. Effective with the implementation of the Enhanced Emission Inspection Program, the official emissions inspection station license shall no longer be valid.

(o) *Computerized vehicle inspection system*. This consists of an exhaust emission analyzer, related hardware and software.

(p) *Official high enhanced emissions inspection station*. Any person, association or corporation which has been issued a license to conduct both vehicle safety and high enhanced exhaust emission inspection in the NYMA.

(q) *Official low enhanced emissions inspection station*. Any person, association or corporation which has been issued a license to conduct both safety and vehicle low enhanced emissions inspection in areas geographically outside of the NYMA.

(r) *Temporary certificate of emissions waiver (form VS-1078)*. A certificate secured from the Department of Motor Vehicles by an owner of a motor vehicle and affixed to said motor vehicle above the valid New York safety inspection sticker to evidence temporary waiver from the high enhanced emissions portion of annual inspection.

(s) *Implementation of the enhanced I/M programs*. The enhanced I/M programs shall be implemented when the inspection stations performing the enhanced I/M inspections are deemed to be fully operational by the commissioner.

#### Historical Note

Sec. amds. filed: Sept. 15, 1966; May 31, 1968; Jan. 4, 1971; Nov. 30, 1976; repealed, new filed June 5, 1979; amds. filed: Dec. 17, 1980; April 30, 1981; Dec. 31, 1981; Oct. 25, 1982; Feb. 4, 1986; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990; Nov. 15, 1994 as emergency measure; Feb. 13, 1995 as emergency measure; April 17, 1995 as emergency measure, expired 60 days after filing; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997.

### § 79.2 Vehicles subject to inspection.

(a) All motor vehicles registered in this State must be inspected in accordance with the provisions of this Part unless expressly excluded by subdivisions (d) and (e) of this section.

(b) Except as provided in paragraph (3) of this subdivision, every motor vehicle (including a trailer, other than a mobile home trailer) sold or transferred for use on the public highways of this State by a dealer licensed under section 415 of the Vehicle and Traffic Law to any person other than another such licensed dealer, must be inspected and bear a valid certificate of inspection prior to delivery to the purchaser or transferee.

(1) For the purpose of this Part, motor vehicles classified as new vehicles, demonstrators, and used vehicles, are vehicles which are sold or transferred for use on the public highways of the State.

(2) For the purpose of this subdivision, a valid certificate of inspection shall be one which was issued after an inspection made within 30 days of the date of sale as indicated by the date of sale on the certificate of sale (form MV-50).

(3) Registered dealers do not have to inspect vehicles classified on the certificate of sale, MV-50, as "chassis," "FDD" (factory direct delivery), "O of S" (out of state), "junk" or "wholesale." Such indication should appear in the inspection block on the MV-50.

(4) A motor vehicle sold to a nonresident, which motor vehicle is to be immediately registered in the home state of such nonresident, shall not be deemed a motor vehicle sold or transferred for use on the public highways of the State and does not have to be inspected prior to sale.

(c) Every motor vehicle must be inspected and bear a valid certificate of inspection before an original registration, reregistration or renewal registration for that motor vehicle may be issued, except that, on a vehicle requiring a safety only or a low enhanced emissions inspection, an original registration or reregistration may be issued without an inspection having been made if the applicant for such registration obtains a 10-day time extension certificate for the motor vehicle which is to be registered. A vehicle that requires high enhanced emissions inspection in order to obtain an original or reregistration transaction may be issued a temporary registration. A vehicle sold as junk is not entitled to a 10-day time extension or a temporary registration and must be inspected before an original or reregistration is issued.

*Note:* A motor vehicle may be inspected as often as the owner may choose, so long as said vehicle is inspected at least once in any given 12-month period.

(d) The following are excluded from the term *motor vehicle*, and need not be inspected:

(1) fire vehicles, except ambulances;

(2) tractors used exclusively for agricultural purposes;

(3) vehicles inspected by or operating under a certificate of inspection authorized by the State Department of Transportation or the Federal Department of Transportation except vehicles registered as school cars, (operation under a certificate of operating authority issued by either agency, without an inspection having been made, does not constitute operating under such certificate of inspection);

(4) vehicles with a GVW of more than 8,500 pounds of a municipally owned and operated transit system;

(5) farm vehicles registered under subdivision 13 of section 401 of the Vehicle and Traffic Law. Farm vehicles are those operated upon a public highway connecting by the most direct route any farms or portions of a farm under single or common ownership or operation;

(6) vehicles subject to inspection and licensing by local authorities, provided such inspection by such local authorities conforms with the standards herein established by the Commissioner of Motor Vehicles;

(7) house trailers or mobile homes when sold for purposes other than registration and operation on the highways, until such time as these vehicles are to be registered for operation on the highways;

(8) vehicles not registered in this State; and

(9) special purpose commercial vehicles including vehicles with "STATE" or "OFFICIAL" plates which would be registered as special purpose commercial vehicles if they were privately owned and registered. These special purpose commercial vehicles have the following body types: agricultural spreader or sprayer, earth mover, feed processing machine, fire vehicle, power shovel, road building machine, road roller, road sweeper, sand spreader, snow plow, tractor crane, truck crane, truck with small wheels (such as a forklift), well driller and well servicing rig.

(e) Motorcycles and limited use motorcycles are excluded from the term *motor vehicle* for the purposes of this Part but are subject to the provisions of Part 80 of this Title, entitled "Motorcycle Inspection."

(f) The following vehicles, which are subject to safety inspection, are exempt from the emissions portion of that annual inspection in the counties of Bronx, New York, Kings, Queens, Nassau, Rockland, Westchester, Richmond and Suffolk:

- (1) *[Reserved]*
- (2) non-gasoline powered vehicles;
- (3) motor vehicles propelled by a two-cycle spark ignition engine designed to burn a mixture of gasoline with oil;
- (4) vehicles being sold as "new" or "demonstrator," as defined by section 78.2 of this Title; and
- (5) vehicles registered as historical vehicles.

**NOTE: UPON IMPLEMENTATION OF THE ENHANCED EMISSIONS INSPECTION PROGRAM SUBDIVISION (F) OF SECTION 79.2 IS REPEALED AND A NEW SUBDIVISION (F) IS ADDED TO READ AS FOLLOWS:**

(f) The following vehicles, which are subject to safety inspection, are exempt from the high and low-enhanced emissions portion of that annual inspection:

- (1) vehicles 26 model years or older;
- (2) diesel and electric;
- (3) motor vehicles propelled by a two-cycle spark ignition engine designed to burn a mixture of gasoline with oil;
- (4) vehicles being sold as "new" or "demonstrator," as defined by section 78.2 of this Title are exempt for two model years; and
- (5) vehicles registered as historical vehicles.

(g) A vehicle registered with official plates or State plates shall be subject to the same inspection it would be subject to if it were privately owned and registered.

**Historical Note**

Sec. amds. filed: Sept. 15, 1966; May 31, 1968; Dec. 18, 1969; Aug. 16, 1971; Dec. 29, 1972; Oct. 27, 1975; Nov. 2, 1977; repealed, new filed June 5, 1979; amds. filed: Dec. 17, 1980; Oct. 25, 1982; Jan. 29, 1985 as emergency measure; March 11, 1985; Nov. 9, 1990; Oct. 25, 1991; Nov. 15, 1994 as emergency measure; Feb. 13, 1995 as emergency measure; April 17, 1995 as emergency measure, expired 60 days after filing; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997.

**§ 79.3 Schedule of inspection.**

(a) Every motor vehicle and trailer registered in this State is required to be inspected again prior to the expiration date printed on its current inspection sticker. Provided, however, that if no expiration date is printed on the current inspection sticker, then it is required to be inspected within one year from the last day of the month in which said vehicle last successfully completed a prescribed inspection. Every motor vehicle and trailer also must be inspected upon change of owner.

**Historical Note**

Sec. amds. filed: July 13, 1964; Jan. 6, 1966; repealed, new filed Sept. 15, 1966; amds. filed: May 31, 1968; Dec. 29, 1972; repealed, new filed June 5, 1979; amds. filed: Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (a).

**§ 79.4 Inspection information.**

(a) Upon application to the commissioner, the owner of a motor vehicle required to be inspected may request an extension of time to have the inspection made. Such extension of time, not to exceed 10 days, may be granted by the commissioner if, in his discretion, reasonable grounds exist for its issuance. The extension must be affixed to the motor vehicle in the lower left corner of the inside of the windshield.

(b) Where a nonresident becomes a resident of this State, a certificate of inspection issued by any other jurisdiction to a motor vehicle owned by him will be accepted in lieu of a certificate of inspection issued in this State. Such a certificate will be valid until the expiration date of the out-of-state certificate, or one year from the date of New York registration, whichever occurs first. Upon expiration of the out-of-state certificate, the motor vehicle must be inspected and bear a certificate of inspection from an official New York inspection station.

(c) A certificate of inspection issued by any other jurisdiction which has a compulsory periodic inspection program to a motor vehicle which is concurrently registered (vehicle registered in more than one jurisdiction) in this State and in the state or province of Canada which issued the certificate of inspection will be accepted in lieu of a certificate of inspection issued in this State. Such a certificate will be valid until the expiration date of the out-of-state certificate, provided the motor vehicle remains registered in such other state or province of Canada. For purposes of this Part, a vehicle with an International Registration Plan registration will be deemed registered in every jurisdiction in which it may legally be operated.

(d) A resident of the NYMA whose motor vehicle inspection sticker will expire while outside the region or who purchases a vehicle from outside the region may apply to the commissioner for a temporary certificate of emissions waiver (form VS-1078). The temporary certificate of emissions waiver will be valid with a valid New York State safety inspection sticker for as long as the registered vehicle is outside the NYMA. The temporary certificate of emissions waiver will be valid for 10 days after entry into the NYMA by the motor vehicle.

**Historical Note**

Sec. amds. filed: Jan. 6, 1966; Sept. 15, 1966; May 31, 1968; July 10, 1969; Nov. 2, 1977; repealed, new filed June 5, 1979; amds. filed: April 30, 1981; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (d).

**§ 79.5 Effect of certificate of inspection and effect of inspection rejection notice.**

(a) No motor vehicle required to be inspected, as provided in these regulations and the Vehicle and Traffic Law, shall be operated on the public highways of the State unless a valid certificate of inspection is displayed on the vehicle.

(b) Upon failure of a vehicle to pass an inspection, the owner and/or operator of said vehicle shall be notified that such necessary corrections or repairs may be made by a person or facility of his choice, and that upon completion of such repairs the vehicle shall be submitted for reinspection at any licensed official inspection station.

(c) Upon failure of a vehicle to pass an emissions reinspection, after a complete procedural emissions repair as set forth by section 79.26 of this Part has taken place, the motor vehicle registrant may be eligible for an emissions waiver. Such waiver must be offered by the official emissions inspection station if the required repairs resulted in at least a 25 percent reduction in the failing pollutant and all other inspection requirements have been met.

(d) Effective with the implementation of the enhanced I/M program, if a vehicle fails to pass a high enhanced emission reinspection, the vehicle may be eligible for a waiver if the conditions contained in section 79.25(a) of this Part have been met.

**Historical Note**

Sec. amds. filed: Sept. 15, 1966; May 31, 1968; repealed, new filed June 5, 1979; amds. filed: Dec. 17, 1980; Dec. 31, 1981; Oct. 25, 1982; Nov. 9, 1990; Nov. 15, 1994 as emergency measure; Feb. 13, 1995 as emergency measure; April 17, 1995 as emergency measure, expired 60 days after filing; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Added (d).

**§ 79.6 Inspection sticker fees.**

- (a) The fee for a certificate representing that a vehicle has passed a safety inspection is \$2.
- (b) The fee for a certificate representing that a vehicle has passed an emissions inspection is \$2.
- (c) The fee for a certificate representing that a vehicle has passed a combined safety and emissions inspection is \$4.

**Historical Note**

Sec. amd. filed Sept. 15, 1966; repealed, new filed June 5, 1979; amds. filed: Dec. 17, 1980; Dec. 31, 1981; repealed, filed Oct. 25, 1982; new filed: Sept. 30, 1993 as emergency measure; Dec. 10, 1993; amds. filed: Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure, expired 60 days after filing.

**§ 79.7 Official inspection station licenses.**

(a) Inspections will be made only by official inspection stations currently licensed by the commissioner. Certificates of inspection and inspection rejection notices will be issued only by official inspection stations currently licensed by the commissioner. Before issuing licenses to such stations, the commissioner, after appropriate inquiry and investigation, must be satisfied that the station is properly equipped and has in its employ at least one full-time employee who is an appropriately certified motor vehicle inspector to conduct the type of inspections for which the station is licensed.

(b) Each application for a new license to operate an official inspection station must be made on a form prescribed by the commissioner and must be accompanied by an application fee of \$25, which is not refundable. If the application is approved, a license will be issued upon payment of an additional fee of \$5 for each month or fraction thereof from the date of issuance to its expiration date, but in no event shall the fee for one year exceed \$50 or \$100 for two years. In the event that an applicant desires to establish inspection facilities at locations which the commissioner considers as separate and different locations, a separate application must be made and a separate fee paid for each location.

(1) Except as modified by paragraph (2) of this subdivision, an inspection station may charge a fee which may not exceed, but may be less than, the fee set by the following schedule:

VEHICLE GROUPS	INSPECTION FEE
MGW (maximum gross weight) for inspection purposes is the weight indicated on the vehicle registration certificate.	
<b>GROUP 1</b>	
(a) (1) Safety inspection of all passenger vehicles, including suburbans, with seating capacities of 15 persons or less, plus drivers, and trucks of 10,000 pounds MGW and under.	\$10
(2) Trucks over 10,000 up to 18,000 pounds MGW, except when the registrant requests a Group 2 (heavy vehicle) inspection.	\$15
(b) Safety inspection of trailers of 18,000 pounds MGW and under except those trailers over 10,000 pounds MGW for which the registrants have requested heavy vehicle inspection.	\$ 6
<b>GROUP 2</b>	
(a) (1) Safety inspection of all tractors, trucks over 18,000 pounds MGW, trucks 10,000 pounds to 18,000 pounds MGW when requested by the registrant, passenger vehicles with seating capacities greater than 15 persons, plus drivers.	\$20
(2) All trailers over 18,000 pounds MGW and those trailers over 10,000 pounds MGW for which the registrants request heavy vehicle inspection.	\$12
(b) All semi-trailers.	\$12
<b>GROUP E</b>	
Emissions test (required for all nonexempt vehicles in New York Metropolitan Area) until the implementation of the High Enhanced Emission Inspection Program.	\$ 9
After implementation of the High Enhanced Emission Inspection Program	\$25
After implementation of the Low Enhanced Emissions Inspection Program	not more than \$ 4

(2) Official emission inspection station fees. Official emissions inspection stations must perform both the safety and emissions portions of an inspection on all vehicles which have "NYMA" printed on the registration document.

(i) Prior to the implementation of the enhanced emission programs, these stations must charge the combined inspection fee listed on the schedules in paragraph (1) of this subdivision for both parts of the inspection and must charge the fee listed if performing just a safety reinspection or an emissions reinspection.

(3) All fees listed include the cost of the inspection certificate. In the NYMA a combined safety and emissions certificate of inspection may be issued to a vehicle which is subject to and has passed only the safety portion of the inspection, if "Safety Only" is printed on the sticker.

(4) Inspection fees are not subject to State and local sales tax.

(5) If a licensed inspection station desires to inspect vehicles in groups other than those for which they are licensed, such station must first notify the commissioner who may approve such change after appropriate inquiry and investigation to determine that the station possesses qualified personnel, proper equipment and sufficient building area.

(6) An official high enhanced emission inspection station must perform both the safety and high enhanced emission portions of an inspection on all vehicles presented for inspection.

(7) An official low enhanced emission inspection station must perform both the safety and low enhanced emission portions of an inspection on all vehicles presented to them. Vehicles which have "NYMA" printed on the registration document may only be inspected if they present a temporary certificate of emissions waiver form (VS-1078).

(d) Official inspection station licenses are not transferable. Where a change occurs in the ownership of a station, except as set forth in subdivision (e) of this section, a new application accompanied by the prescribed fee must be made by the new owner. A change of location, without a change in ownership, where the commissioner considers such a change as being to a separate, new and different location, also requires a new application and fee. The commissioner must be notified in writing of a change of name without a change of ownership or locations and in such event no fee is required.

(e) The commissioner must be notified immediately in writing if there is a change in the members of a partnership. A license in the names of two or more persons as partners or otherwise shall not expire on change of ownership, as long as one person named as a partner remains the owner or part owner. This policy applies where two or more partners increase the number of partners, but does not apply where an individual forms a partnership nor where a corporation is involved. Corporations must notify the commissioner immediately, in writing, of any corporation officer changes.

(f) The commissioner may issue a temporary permit to operate an official inspection station to an applicant for a license, pending final action on an application for such license. Such permit shall be in the form of an official letter and will be valid for a period not in excess of 60 days from the date of issuance.

(g) A fleet or dealer inspection license will not be issued or renewed for a facility owner who already possesses a public inspection license at that location. A holder of a fleet or dealer license who wishes to obtain a public inspection license must surrender the fleet or dealer inspection license upon issuance of the public inspection license.

(h) In order to perform emissions inspections in the NYMA, a station must be licensed as an official emissions inspection station and be staffed and equipped to conduct safety and exhaust emissions inspections pursuant to these regulations. After implementation of the Enhanced Emission Inspection Program, a station must be licensed as an official high enhanced emissions inspection station and be staffed and equipped to conduct safety and high enhanced emissions inspections pursuant to these regulations. This subdivision does not apply to official inspection stations restricted to the inspection of trailers, motorcycles, or any vehicles exempt from the emission inspection requirement.

#### Historical Note

Sec. amds. filed: July 6, 1965; Sept. 15, 1966; May 31, 1968; Jan. 4, 1971; Dec. 29, 1972; repealed, new filed June 5, 1979; amds. filed: Feb. 28, 1980; March 31, 1980; Dec. 17, 1980; Dec. 31, 1981; Oct. 25, 1982; Jan. 17, 1985; Jan. 29, 1985; May 16, 1985; Sept. 20, 1985; May 2, 1989 as emergency measure; July 26, 1989 as emergency measure; Aug. 29, 1989; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990; Nov. 30, 1990 as emergency measure; Feb. 1, 1991; Sept. 30, 1993 as emergency measure; Dec. 10, 1993; Nov. 15, 1994 as emergency measure; Feb. 13, 1995 as emergency measure; April 17, 1995 as emergency measure, expired 60 days after filing; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (a), (b), (c), (h).

#### § 79.8 Duties of licensee.

(a) An applicant for a license for an official inspection station obligates himself to inspect vehicles in accordance with these regulations. By issuing a certificate of inspection, the licensee certifies that:

(1) the brakes, steering mechanism, lights and such other equipment specified by these regulations have been inspected in accordance with these regulations; and

(2) such equipment and mechanism comply with the regulations of the commissioner.

(b) The licensee is responsible for all inspection activities conducted at the inspection station. The specific duties of an official inspection station are as follows:

(1) to conduct, as promptly as possible, a thorough and efficient inspection of any vehicle, including a vehicle registered in another state, which the station is qualified to inspect, and which is presented to the station for an official inspection. Such inspection must be performed in the manner prescribed;

(2) to employ at all times, at least one full-time employee who is a certified motor vehicle inspector to perform the services required by these regulations. Such full-time certified motor vehicle inspector may be an employee or licensee. Only a certified inspector may conduct a periodic inspection of a vehicle;

(3) to maintain the minimum enclosed space, the necessary tools and equipment for inspection as required by these regulations;

(4) to make these regulations and procedures available to all personnel certified to make inspections;

(5) to make charges for inspections not in excess of the fee schedule. The inspection fee must not include any payment for corrections, adjustments, repairs or sales tax;

(6)-(7) [Reserved]

(8) to maintain a clean and orderly place of business with adequate supervision of employees making inspections;

(9) to keep records of inspections, reinspections and the results thereof, and a record of the issued certificates of inspection which shall be available for examination during normal business hours by any agent of the commissioner, or any other properly authorized law enforcement officer. Such records are to be kept in the manner prescribed by the commissioner. In addition, official emissions inspection station licensees and enhanced emissions inspection station licensees must maintain records of emissions inspections, reinspections, and the results thereof. Such records must be kept in the manner prescribed by the commissioner.

(10) to provide for safekeeping certificates of inspection, controlling their sequence of issuance, and insuring that they are placed only on vehicles in accordance with these regulations;

(11) to post prominently in the inspection station the official inspection station license, schedule of inspection charges and any other documents required by the commissioner to be posted; and

(12) to display on the outside of the premises an official inspection station sign. These signs must meet the specifications required by the Commissioner of Motor Vehicles (see section 79.13 of this Part), and be hung or mounted in such a manner that they are visible to the public from outside the building.

(c) The inspection station will make an appointment when the vehicle cannot be inspected in a convenient time span.

(1) When the inspection station is unable to inspect a vehicle within a time span convenient to the vehicle owner or operator, the inspection station shall set up an appointment for performing the inspection. The appointment shall be in writing on the inspection station's letterhead. The appointment notice shall include:

- (i) the time and date of the future appointment;
- (ii) the date of inspection refusal;
- (iii) a description of the vehicle, consisting of its year, make and model;
- (iv) name and address of the vehicle owner; and
- (v) signature of the inspection station licensee or his designated employee.

(2) The appointment date shall be not more than eight working days from the original request date.

(3) The inspection station shall inspect the vehicle promptly when it is submitted for inspection at the appointed time.

(4) The inspection station may charge a deposit for setting up an appointment. The deposit may not exceed the fee for inspection. The deposit must be applied to the inspection fee if the motorist appears for the appointment. The deposit may be forfeited to the inspection station if the motorist fails to keep the appointment.

#### Historical Note

Sec. amds. filed: July 6, 1965; Sept. 15, 1966; May 31, 1968; July 10, 1969; Jan. 4, 1971; Oct. 27, 1975; repealed, new filed June 5, 1979; amds. filed: Feb. 28, 1980; Dec. 17, 1980; Dec. 31, 1981; Oct. 25, 1982; Feb. 4, 1986; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (b)(3)-(7), (9).

### § 79.9 Station requirements.

(a) Official inspection station licenses will be issued only to reputable applicants who possess the required qualifications.

(b) *Space.* (1) The space requirements for official inspection stations, by class of station, are as follows:

(i) Class 1 station: In a city or village having a population of less than 10,000, and in an area outside a city or village, in any county of the State, a minimum enclosed area of 300 square feet is required.

(ii) Class 2 station: In a city or village with a population of 10,000 or more, a minimum enclosed area of 600 square feet is required.

(2) Except as provided in paragraph (3) of this subdivision, in determining the area available to meet space requirements, office space, vehicle display area, supply area, or any unusual obstructions, shall not be part of the minimum area available to meet these requirements.

(3) *[Reserved]*

(4) The designated inspection areas of any station shall include, if a headlight tester is used, an area of 12 x 25 feet of level space, and if a screen tester is used to inspect headlights, an area of 12 x 45 feet of level space, and capable of being darkened.

(5) The enclosed area of any station must be large enough to accommodate any vehicle in the group or groups which the station is permitted to inspect as indicated on the station's application and license. For a heavy vehicle inspection station licensed to inspect semi-trailers, this requires a door and service bay height of at least 13 feet, 6 inches and a bay length of at least 50 feet. For a heavy vehicle inspection station not licensed to inspect semi-trailers, this requires a door and service bay height of at least 13 feet, 6 inches and a bay length of at least 35 feet.

(6) Temporary expedients for obtaining additional space or facilities, such as tents, sheds or so-called curb service will not be permitted.

(7) If after approval, the minimum space requirements are not maintained, inspections may not be performed at that station until the minimum space requirements are again met. Any agents appointed by the commissioner are empowered to prevent further inspections by a station for failure to maintain adequate space and to permit inspections to be made again upon compliance with the requirements.

(c) *Waivers of dimension requirements.* (1) The commissioner, where such action is required to provide adequate inspection facilities, may waive the space requirements in any area of the State.

(2) The commissioner may waive the dimension standards for a fleet or dealer inspection station which inspects only vehicles owned or controlled by the fleet or dealer and which fit into the station.

(3) The commissioner may waive the dimension standards for a public inspection station which was licensed prior to January 1, 1990, where there is an undue hardship or such waiver is in the public interest because of a lack of heavy vehicle inspection stations in an area. However, no waiver will permit a station to inspect a vehicle which cannot fit into its building.

(d) *Equipment.* (1) All equipment and tools required by this section shall be properly maintained in such a manner that an inspection may be conducted in conformity with these regulations. Each station must have as a minimum the following equipment, before it will be approved as an official inspection station:

- (i) headlight aiming device or screen;
- (ii) paper punch,  $\frac{1}{4}$  to  $\frac{1}{2}$  inch in diameter;
- (iii) tire depth gauge calibrated in 32nds of an inch; and
- (iv) upon implementation of the enhanced emission inspection programs a Department of Environmental Conservation certified gas cap tester.

(2) A screen used for light testing in an official inspection station must meet the specifications and standards set forth in these regulations (Appendix III).

(3) An official emissions inspection station or an official high enhanced emissions inspection station must have, in addition to the other equipment specified in this section, the appropriate computerized vehicle inspection system certified by the Department of Environmental Conservation. The equipment for official high enhanced emissions inspection stations shall include but not be limited to:

- (i) an analyzer;
- (ii) computer;
- (iii) controlling software;
- (iv) communications link prescribed by the Department of Motor Vehicles through a contracted data manager;
- (v) printer;
- (vi) camera; and
- (vii) dynamometer;

Portions of this equipment shall be delivered and installed in official high enhanced emissions inspection stations as directed by the commissioner.

(4) The following equipment requirements apply only to official heavy vehicle inspection stations:

- (i) measuring device for brake adjustment;
- (ii) feeler gauge or equivalent;
- (iii) brake drum gauge; and
- (iv) rotor thickness gauge.

(5) If, after approval, the equipment requirements are not maintained, inspections may not be performed at that station until the equipment requirements are again met. An automotive facilities inspector and any other agent appointed by the commissioner are empowered to prevent further inspections by a station for failure to maintain adequate equipment and to permit inspections to be made again upon compliance with the equipment requirements.

(e) *[Reserved]*

(f) *Personnel.* (1) A person will not be deemed to be a certified motor vehicle inspector unless he or she has a currently valid certified motor vehicle inspector's certificate issued in accordance with section 79.17 of this Part.

(2) A person who has been issued a certified motor vehicle inspector's certificate may be employed at any official inspection station for the purpose of inspecting only those vehicles appropriate to the type of vehicle he is allowed to inspect as it appears upon his certificate and appropriate to the type of vehicle allowed to be inspected by such official inspection station.

(3) An automotive facilities inspector or any other agent appointed by the commissioner is authorized to test certified motor vehicle inspectors for competency where reasonable grounds exist to believe that the inspector is incompetent in conducting inspections of vehicles. If an inspector fails to pass such test, he or she will be deemed incompetent, and will not be permitted to conduct further inspections until a subsequent special written examination authorized by the commissioner is passed. If the certified motor vehicle inspector fails the special written examination, the commissioner shall revoke the inspector's certificate. The certified motor vehicle inspector's certificate may be reinstated when the inspector certification training program is successfully completed and the written examination of such program is passed.

(4) An automotive facilities inspector or any other agents appointed by the commissioner are empowered to prevent further inspections by an inspector deemed incompetent and to permit inspections to be made again by such a person upon reinstatement of the certificate or upon issuance of a new certificate after revocation.

#### Historical Note

Sec. amds. filed: July 6, 1966; Sept. 15, 1966; May 31, 1968; April 15, 1969; Jan. 4, 1971; Feb. 15, 1978; repealed, new filed June 5, 1979; amds. filed: Dec. 17, 1980; Oct. 25, 1982; May 16, 1985; Feb. 4, 1986; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; June 14, 1990 as emergency measure; Aug. 17, 1990; Nov. 9, 1990; Oct. 25, 1991; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (b), (d).

### § 79.10 Certificates of inspection and inspection rejection notices: procurement, credit, refunds.

(a) Official inspection stations will purchase certificates of inspection from the Department of Motor Vehicles. The department will furnish to official inspection stations, without fee, a supply of inspection rejection notices as necessary.

(b) Certificates of inspection are not transferable and may be issued only by the station which obtained such certificates from the commissioner.

(c) By March 1st of each calendar year, every inspection station owner must return to the department all unused, expired inspection certificates from the previous year. Refunds or credits will be allowed for such unused and unpunched certificates of inspection upon receipt of an application in a form prescribed by the commissioner and surrender of the certificates, and in the following cases:

- (1) upon request for change of class of license;
- (2) upon request for cancellation of a license.

(d) Refunds or credits will be allowed for certificates of inspection lost or destroyed, while in transit from the Department of Motor Vehicles to the designated inspection station, upon receipt

of an application in a form prescribed by the commissioner, accompanied by adequate proof of such loss or destruction.

**Historical Note**

Sec. amds. filed: Nov. 4, 1964; Sept. 15, 1966; July 10, 1969; repealed, new filed June 5, 1979; amds. filed: March 31, 1980; Oct. 25, 1982; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990; Oct. 25, 1991; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Repealed (e).

**§ 79.11 Issuance of certificates of inspection, issuance of inspection rejection notices, and replacements.**

(a) A valid certificate of inspection, inspection rejection notice or 10-day time extension certificate may be removed from a motor vehicle only by an official inspection station as part of the inspection procedure, except as follows. A certificate of inspection or 10-day time extension certificate may also be removed by a duly authorized employee of the Department of Transportation in order to inspect a motor vehicle required to be inspected pursuant to State laws. A certificate of inspection or 10-day extension certificate may be removed by persons authorized by the commissioner when such persons are performing assigned inspection duties.

(b) Any person may remove a certificate of inspection which has expired. A certificate of inspection issued without compliance with these regulations may be removed by any person authorized by the commissioner to do so. Any certificate of inspection, inspection rejection notice or 10-day time extension certificate which has expired by reason of the sale or transfer of the vehicle must be removed by the purchaser or transferee immediately upon accepting delivery of the vehicle. In the NYMA a certificate of inspection on a vehicle transferred to a registered motor vehicle dealer may be retained on the windshield until the required inspection is performed prior to the delivery to the buyer.

(c) *Replacement inspection certificates.* (1) Only the Department of Motor Vehicles may issue a replacement inspection certificate for one which has been lost, mutilated or destroyed. The vehicle owner may obtain a replacement certificate by submitting:

- (i) a statement as to why a replacement certificate is necessary; and
- (ii) a check for \$2 made out to the Commissioner of Motor Vehicles; and
- (iii) the remains of the original inspection certificate showing the date of expiration, the sticker serial number and the mileage,

or

the receipt portion of the inspection certificate,

or

verification from the inspection station that issued the original certificate consisting of a statement on the station's letterhead indicating the original certificate serial number, vehicle description, plate number, date issued and mileage at the time of inspection. The inspection station may charge a fee not exceeding \$2 for providing this verification.

(2) Requests for a replacement certificate, including the material noted above, should be mailed to Consumer and Facility Services Bureau, P.O. Box 2700, ESP, Albany, NY 12220-0700.

(3) Failure to supply verification of inspection as noted above will prohibit the issuance of a replacement certificate and the vehicle owner will be required to have an original inspection performed in order to obtain a valid inspection certificate.

**Historical Note**

Sec. amds. filed: Sept. 15, 1966; Dec. 28, 1967; May 31, 1968; April 15, 1969; Sept. 8, 1972; Oct. 19, 1977; repealed, new filed June 5, 1979; amds. filed: Oct. 25, 1982; Feb. 4, 1986; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990; Oct. 25, 1991; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (b), (c)(1).

**§ 79.12 Required records.**

(a) A form entitled "Motor Vehicle Inspection Record" (form VS-1074) will be furnished without charge to the inspection stations. A new form must be started on the first day of each year. Form VS-1074 shall not be used to record the result of inspections of vehicles subject to exhaust emissions inspections. The official inspection station shall retain form VS-1074 in its files for two years from the date of the last entry after which period it may be destroyed.

(b) Inspection stations are to maintain a supply of, and use, the following items:

(1) Certificates of inspection. See section 79.1(a) of this Part.

(2) Inspection rejection notices. See section 79.1(b) of this Part.

(c) If an inspection station fails to maintain a supply of certificates of inspection and inspection rejection notices, inspections shall not be performed at the station until such time as the station has ordered and received a supply of such certificates or notices. An automotive facilities inspector or any other agents appointed by the commissioner are empowered to prevent further inspections by a station for failure to maintain a supply of said certificates or notices, and to permit inspections to be made again upon obtaining a supply of said certificates or notices.

(d) All records required by these regulations and all records made by the official inspection station in connection with inspections, including shop orders and all repair bills (except those in amounts less than \$5), shall be retained for a period of at least two years.

(e) An official inspection station must account for all certificates of inspection issued to it. On and after January 1, 1991, an emissions inspection station must record the receipt of emissions inspection certificates immediately upon request by scanning the invoice so that the order received will be recorded in the analyzer system's computer.

(f) For official emissions inspection stations, procedures for recordkeeping must also be in compliance with the instructions in form VS-28, "Emissions Inspection Procedure," or "Enhanced Emissions Inspection Procedure." A copy of the daily inspection report must be kept in date order for two years by the station. Inspection certificate purchase invoices must also be kept for two years. An automotive facilities inspector or any other agent appointed by the commissioner must be given access to the emissions analyzer system for the purpose of conducting an audit of the station's inspection records and activity. This includes the authority to produce hard copy of the station's inspection records on the system's printer, as well as the authority to obtain the computer disk which contains inspection records.

**Historical Note**

Sec. amds. filed: Sept. 15, 1966; May 31, 1968; March 11, 1977; repealed, new filed June 5, 1979; amds. filed: Feb. 28, 1980; Dec. 17, 1980; Dec. 31, 1981; Oct. 25, 1982; Feb. 4, 1986; Nov. 20, 1986; Aug. 29, 1989; Nov. 9, 1990; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (a), (f).

§ 79.13 Signs.

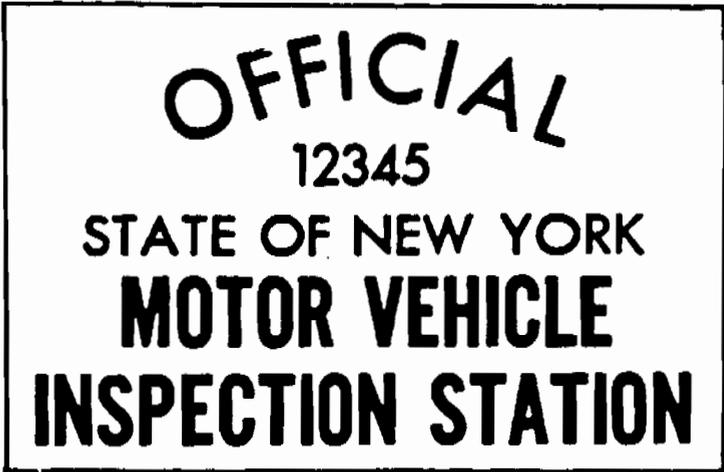
(a) The size, shape and text of official inspection station signs must conform to the following specifications:

(1) An official inspection station sign must be three feet wide and two feet high and made of a durable material which will withstand the outdoor elements.

(2) The sign may be either a single- or double-faced sign, and shall be hung or mounted in such manner that it is visible to the public from outside the building.

(b) The text and design of the sign shall be as follows for the class of license issued. The appropriate sign must be hung or mounted in such a manner that it is visible to the public from outside the building.

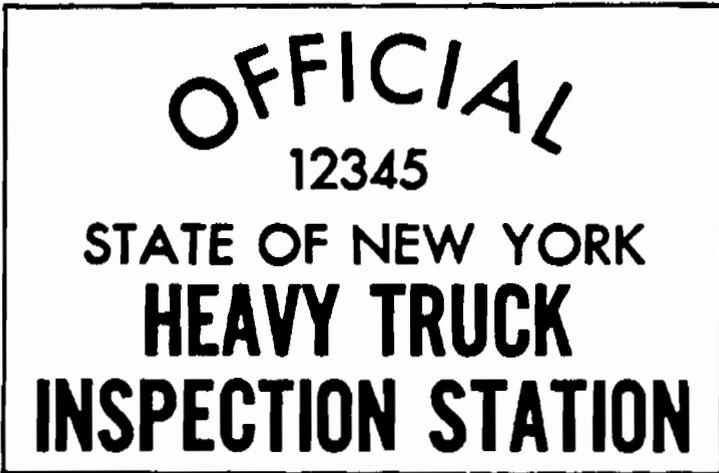
(1) The sign must be displayed by a station which is licensed to inspect vehicles for the general public:



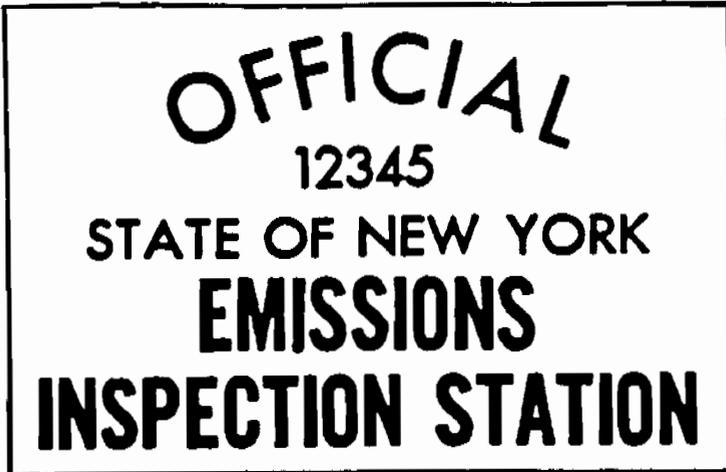
(2) This sign must be displayed by a station which is restricted to the inspection of noncommercial trailers only:



(3) This sign must be displayed by a station which is restricted to the inspection of trucks over 18,000 GVW only:



(4) This sign must be displayed by a station which is licensed to conduct vehicle exhaust emissions inspections.



(5) The background of the sign shall be national school bus yellow and the lettering thereon shall be black.

(6) The letters in the words "STATE OF NEW YORK" shall be two inches high, with a stroke of approximately one-half inch. All other letters shall be four inches high, with a stroke of approximately three fourths of an inch.

(7) The word "OFFICIAL" shall be in an arc which shall have a radius of two feet, nine inches.

(c) The official inspection station number shall be placed upon the official inspection station sign in the area directly below the word "OFFICIAL," and such numbers shall be two-inch block letters and meeting the same requirements as to color prescribed in paragraph (b)(5) of this section.

*Note:* Those stations using the station number sign hanging separately from the bottom of the "OFFICIAL" sign may continue to do so until replacement of sign is necessary. At that time, conformance with this section will be required.

(d) In addition, other signs bearing the same text as specified in this section may also be displayed on the premises. Such signs shall have the same design and be proportionate in dimensions to the official inspection station sign, but in no case shall exceed the size of that sign.

(e) The schedule of inspection fees (form VS-77) shall be conspicuously displayed in an office location or similar area of the station where the customer transacts business. Licensee shall be authorized to inspect only those groups of vehicles as indicated on the station display license. Additional fee signs shall be equivalent in size to the VS-77.

(f) The names and certificate expiration dates of all certified motor vehicle inspectors currently employed to conduct inspections by such official inspection station must be conspicuously displayed to the public at the station. They shall be printed in clear and legible manner under the title "Certified Motor Vehicle Inspectors", with letters one-half inch or more in height.

#### Historical Note

Sec. amds. filed: July 6, 1965; May 31, 1968; Jan. 4, 1971; repealed, new filed June 5, 1979; amds. filed: Dec. 17, 1980; Oct. 25, 1982; April 4, 1983; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (b)(5).

#### § 79.14 Penalties.

(a) An official inspection station license and/or a motor vehicle inspector's certificate may be suspended or revoked or renewal thereof may be refused by the commissioner on one or more of the following grounds:

- (1) conviction of a crime involving moral turpitude, or other cause which would permit disqualification from receiving a license upon the original application;
- (2) violation of any provision of the Motor Vehicle Inspection Law (article 5 of the Vehicle and Traffic Law) or of these regulations;
- (3) failure to register as a repair shop, or suspension or revocation of a repair shop registration (this subdivision does not apply to fleet and dealer inspection stations);

*Note:* This subdivision does not apply to fleet and dealer inspection stations.

- (4) failure to attend a required motor vehicle inspection clinic or training session.

(b) In addition to, or in lieu of, suspending or revoking an official inspection station license, the commissioner may require an official inspection station to pay a civil penalty not in excess of \$350 for each violation of the Motor Vehicle Inspection Law (article 5 of the Vehicle and Traffic Law) or of these regulations.

#### Historical Note

Sec. amds. filed: May 31, 1968; Jan. 4, 1971; Aug. 11, 1976, repealed, new filed June 5, 1979; amds. filed: Jan. 17, 1985; May 16, 1985; Nov. 9, 1990; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (b).

**§ 79.15 Official fleet and dealer inspection stations.**

(a) An official inspection station license (fleet) may be issued to a person, association or corporation owning or leasing more than 250 motor vehicles registered in the State of New York, permitting the licensee to establish an inspection station of a portable nature. Such a portable station may make inspections of motor vehicles owned or leased by such person, association or corporation, at locations within counties as the place where the records, required testing equipment, and certificates of inspection will be kept, except when inspections are actually being made at another location.

(b) Dealers registered under section 415 of the Vehicle and Traffic Law, engaged in the business of selling house trailers may qualify for an official inspection station license (public) restricted to the inspection of only this type of vehicle. Such a license may be issued without the necessity for enclosed space as required in section 79.9(b) of this Part, except that office space must be available on the premises for the safekeeping of inspection records and other items required by this Part and without the necessity for the equipment specified in section 79.9(d)(1)(i) and (iv) of this Part.

(c) (1) Any person, association or corporation, having registered in his or its name more than 25 motor vehicles, which qualifies for a license as an official inspection station (fleet), or municipality having registered in its name more than five vehicles which qualifies for a license as an official inspection station (fleet), may inspect only those motor vehicles registered in his or its name, those leased for a period of 30 days, and those motor vehicles owned by his or its employees. A fleet inspection station may contract to provide inspection personnel at the fleet license facility, provided only certified inspectors perform inspections. The fleet inspection station will remain responsible for all inspections. In addition, a county licensed as an official inspection station (fleet) may inspect vehicles owned by and registered in the name of a town located within the county. However, the State, a city, county, village, town, school district, or any of the departments thereof, which are exempt from payment of fees for inspection certificates, under the provisions of subdivision (a) of section 305 may not inspect motor vehicles owned by its employees.

(2) A fleet inspection station license may be issued to a facility located outside New York State if all the following conditions are met:

- (i) the applicant has at least one fleet inspection station located in New York;
- (ii) the applicant has at least 25 motor vehicles registered in New York;
- (iii) the applicant agrees to pay the travel expenses of Department of Motor Vehicles employees who are assigned to inspect, investigate or examine the facility or its records, or train its employees; and
- (iv) the applicant agrees to abide by article 5 of the Vehicle and Traffic Law and these regulations.

(d) For parent and subsidiary corporations or separate entities where there is common ownership and management, common space, equipment and personnel may be used to qualify more than one fleet licensee or to qualify one location for a common license for both the parent and subsidiary corporation or separate entities with common ownership and management, provided the total number of vehicles registered in the name of the parent and subsidiary corporations, or the names of the separate entities, exceeds 25.

(e) Dealers registered under section 415 of the Vehicle and Traffic Law, holding motor vehicles for sale or demonstration, who qualify for a license as an official inspection station (dealer), may inspect only those vehicles held by them for sale or demonstration and those motor vehicles owned by their employees.

(f) An official inspection station (fleet or dealer) is subject to all rules and regulations governing the official inspection stations, except:

- (1) it need meet only the space requirements for a class 1 station (see section 79.9[b] of this Part);
- (2) no official inspection station sign shall be displayed by such a station;

(3) no schedule of fees need be filed with the application for such a station, nor need a schedule of inspection charges be posted within the station;

(4) tools and supplies adequate to inspect and make minor repairs need be maintained only for the motor vehicles which such station is authorized to inspect;

(5) an official inspection station (fleet or dealer) is not required to maintain inspection rejection notices (form VS-1075), unless it inspects employee vehicles; and

(6) in those instances where such rules and regulations are inconsistent with the provisions of this section, this section controls.

(g) An official inspection station (fleet or dealer) located within NYMA is subject to all additional requirements applicable to official emissions inspection stations or official high enhanced emission inspection station, unless the official inspection station (fleet or dealer) is restricted to the inspection of those vehicles exempt from emissions inspection. Official inspection station (fleet or dealer) can be restricted to the inspection of (1) trailers, (2) motorcycles, (3) trucks with a maximum gross weight over 18,000 pounds, (4) vehicles with a maximum gross weight over 8,500 pounds, (5) diesel-powered vehicles, and (6) any vehicle exempt from the exhaust emissions inspection requirement. In addition, an official inspection station fleet or dealer license can be restricted to the inspection of new vehicles. An official inspection station (fleet) of a local government located in the NYMA must provide for the emissions inspection of vehicles for which such inspection is required in a manner consistent with these regulations and any modifications of the procedure used for emissions inspection within official inspection stations (fleet) of a local government must be approved in writing by the commissioner.

(h) (1) The commissioner may issue a restricted public inspection license to an education facility, certified by the State Education Department, after the required investigation. The facility would be restricted to inspecting the following vehicles:

- (i) vehicles owned by the education facility;
- (ii) vehicles owned by the faculty;
- (iii) vehicles owned by the students; and
- (iv) vehicles owned by the student's immediate family.

(2) The students will be permitted to conduct the required inspections under the supervision of a certified inspector.

(3) The facility will be exempt from all fees and will not be permitted to charge for the inspection.

(4) The facility will be subject to the same requirements as any other public inspection station, except that:

- (i) they will not be permitted to display the official inspection station sign; and
- (ii) they will not have to apply for registration as a repair shop.

(5) The facility will be issued a license for only one inspection location.

#### Historical Note

Sec. amds. filed: May 31, 1968; April 15, 1969; repealed, new filed Sept. 1, 1979; amds. filed: Nov. 9, 1979; Dec. 17, 1980; Oct. 25, 1982; Jan. 29, 1985 as emergency measure; March 11, 1985; Aug. 29, 1989; Nov. 9, 1990; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (b), (g).

~~§ 79.16~~~~Historical Note~~~~Sec. grds. filed: Sept. 15, 1966; May 31, 1968; Dec. 18, 1969; Sept. 1, 1970; repealed, filed June 6, 1979 off June 6, 1979.~~**§ 79.17 Qualifications and duties of certified motor vehicle inspectors.**

(a) *Certified motor vehicle inspector qualifications.* In order to obtain a certified motor vehicle inspector's certificate, a person must have the following qualifications:

(1) He must be at least 17 years of age at the time of filing with the commissioner an application for a motor vehicle inspector's certificate.

(2) He must have either:

(i) at least one year of experience in repairing motor vehicles immediately preceding the date of filing an application for a certified motor vehicle inspector's certification obtained either in a firm in the automotive industry or in an approved cooperative work study program offering training in the automotive field; or

(ii) a high school or vocational school diploma in vocational automotive trades or college certification of successful completion of first year of course toward an AAS degree in automotive technology.

(3) A person after filing an application for a motor vehicle inspector's certificate must have successfully completed the inspector certification training program and passed a written and skills test, authorized by the commissioner on inspection procedures.

(b) *Duties of inspectors.* The specific duties of a certified motor vehicle inspector are as follows:

(1) When directed by his employer, to conduct in a competent manner, as promptly as possible, a thorough and efficient inspection of motor vehicles, including a motor vehicle registered in another state, appropriate to the type of motor vehicle he may be allowed to inspect as it appears upon his certificate and which the official inspection station is allowed to inspect, and which is presented to the station for a statutory periodic inspection; and be able to make minor repairs to correct items which cannot be approved upon initial inspection. Such inspection must be performed in the manner prescribed by the commissioner.

(2) Must have a knowledge of these regulations and a knowledge of the proper use of inspection equipment as required in section 79.9(b) of this Part to perform the services required by these regulations.

(3) To attend all required certified motor vehicle inspection clinics or training sessions upon being duly notified by the commissioner to receive information relating to the subject of periodic inspection of motor vehicles.

(4) When directed by his employer, to make or cause to be made correct entries, on form VS-1074 or any other form prescribed by the commissioner in connection with periodic inspections of vehicles presented for inspection, appropriate to the type of vehicle to be inspected by such official inspection station and appropriate to the type of vehicle allowed to be inspected by such inspector.

(5) A person who has been issued, by the commissioner, a motor vehicle inspector's certificate must present his certificate to his current employer and to any other subsequent employer, who shall immediately record the certificate number on the appropriate forms prescribed by the commissioner.

(6) During his hours of employment at the official inspection station, the inspector must carry on his person his certificate and must present on demand such certificate to an automotive facilities inspector or any other agents appointed by the commissioner.

(c) *Miscellaneous.* (1) In no event shall any of the aforementioned duties of certified motor vehicle inspectors, employed at an official inspection station, relieve the licensee of an

official inspection station of his responsibilities for all inspection activities conducted at the inspection station as stated in section 79.8(b) of this Part.

(2) A certified motor vehicle inspector shall not permit his or her certificate to be used by any other person. A certified motor vehicle inspector shall not use any other inspector's certificate. Such certificate shall not be altered or reproduced.

(3) Certified motor vehicle inspector's certificates are valid for a period of three years. The commissioner may alter this period so that the expiration of the certificate corresponds to a date three years from the last day of the month in which the inspector's birthday occurs. Certified motor vehicle certificates are renewable upon submission of a completed application and may require proof that the inspector has had at least 18 months of experience as a certified motor vehicle inspector during the three-year period immediately preceding the renewal date, provided that there is no suspension, revocation or renewal refusal of the certificate or other administrative action in effect pending any prosecution, investigation or hearing and, if required, the inspector has passed the inspector certification renewal clinic. Certification may be temporarily renewed pending the outcome of an investigation or hearing. If an inspector's certificate is lost or stolen, the inspector must immediately notify the certification unit in the Albany office of the Department of Motor Vehicles.

(d) In order to perform inspections in an official emissions inspection station, or an official high enhanced emissions inspection station, a person must be certified in exhaust emissions inspection in addition to the requirements set forth in subdivision (a) of this section. Certification for an emissions inspection shall be granted upon completion of an approved emissions course. Certification for a high enhanced emissions inspection shall be granted upon completion of an approved high enhanced emissions course.

#### Historical Note

Sec. filed Jan. 4, 1971; amd. filed April 28, 1978; repealed, new filed June 5, 1979; amds filed: Nov. 9, 1979; Dec. 17, 1980; July 26, 1984; Nov. 9, 1990; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (d).

### § 79.20 Inspection procedure generally.

(a) The items set forth in sections 79.21 through 79.27 of this Part are to be inspected and the prescribed standards must be met before a certificate of inspection can be issued. An inspection rejection notice is to be given to the operator if the condition of any item required to be inspected is found defective, unless the necessary repairs are made before the motor vehicle leaves the premises of the inspection station licensee.

(b) All inspections, except brake equalization tests, must be conducted within the enclosed portion of the premises of the official inspection station conducting the inspection. This regulation shall not apply to trailers required to be inspected under the provisions of section 79.22 of this Part.

(c) *Certified inspector procedure.* Upon accepting a vehicle for the purpose of conducting an official inspection of such vehicle pursuant to this section, the certified inspector shall conduct such inspection in the following manner:

(1) Obtain information necessary to complete the VS-1074, Motor Vehicle Inspection Record, or make appropriate entries in the emissions analyzer from the windshield registration or windshield inspection certificate, the registration receipt or photocopy, a temporary registration (form MV-149), a certificate of sale (form MV-50), a certificate of title, a manufacturer's certificate of origin, a manufacturer's statement of origin, a salvage certificate (form MV-907A) or photocopy, a junked vehicle affidavit (form MV-51D), a notice of registration acceptability (form VS-103), or an out-of-state registration or ownership document.

(2) [Reserved]

(3) The certified inspector shall remove or obtain any and all expired certificates of inspection, after being utilized for data entry, if required, and 10-day time extension stickers from the windshield or other location on the vehicle. Certificates of inspection or 10-day time extension stickers which are not yet expired are to be left on the vehicle until the vehicle passes inspection.

(4) If the vehicle identification number (VIN) plate is missing or mutilated beyond recognition, complete form VS-110 (Notice of Missing or Mutilated Vehicle Identification Number) and mail it to address on form. Do not reject vehicle if VIN is the only defect.

(5) [Reserved]

(6) A complete inspection of the vehicle pursuant to the requirements of these regulations must be conducted before either a certificate of inspection or an inspection rejection notice is issued.

(7) (i) If the condition of all items required to be inspected are found to comply with the specification in this Part, then the certified inspector or the inspection station licensee shall give the customer for a vehicle with a seating capacity of more than 15 persons, plus driver, a statement verifying the inspection of the vehicle in accordance with the specifications set forth in clause (f) of this subparagraph and affix or issue the proper certificate of inspection, with the mileage (except for trailers) and expiration date indicated, before the vehicle leaves the premises, as follows:

(a) passenger vehicles with seating capacities 15 persons or less, plus drivers, and trucks of 18,000 pounds MGW and under, except those trucks and trailers over 10,000 pounds MGW for which the registrants have requested heavy vehicle inspections - affix a Safety Inspection Certificate to lower left inside corner of windshield;

(b) all tractors, all trucks over 18,000 pounds MGW, those trucks over 10,000 pounds MGW for which the registrants requested heavy vehicle inspection and passenger vehicles with seating capacities over 15 persons, plus drivers;

(1) affix a Heavy Vehicle Safety Inspection Certificate near the front registration plate where it can be seen at all times;

(2) if gasoline-powered and registered in the NYMA, also affix an Emissions Inspection Certificate to the lower left inside corner of the windshield;

*Note:* Gasoline-powered tractors, trucks over 18,000 pounds MGW, and passenger vehicles with seating capacities over 15 persons, plus drivers, registered in the NYMA, will be required to display BOTH the Heavy Vehicle Safety Certificate and the Emissions Inspection Certificate as noted above.

(c) all semitrailers - affix a Heavy Vehicle Safety Inspection Certificate at eye level on the left (driver) side, straight out from the king pin on a nonremovable part;

(d) all trailers over 18,000 pounds MGW and those trailers over 10,000 pounds MGW for which the registrants requested heavy vehicle inspection - affix a Heavy Vehicle Safety Inspection Certificate on the left (driver) side of the trailer tongue where it can be seen at all times;

(e) trailers 18,000 pounds MGW and under except those trailers over 10,000 pounds MGW for which the registrants requested heavy vehicle inspection - issue safety inspection certificate. Punch the expiration month and four round holes across the top, through the words "New York State," and give it to the trailer owner to be kept with the trailer registration; and

(f) when a vehicle with a seating capacity of more than 15 persons, plus driver, passes inspection, the certified inspector or the inspection licensee, shall, in addition to the requirements, provide the vehicle operator with a written statement of passing inspection. The written statement shall be either on a form supplied by the department or on the inspection station's letterhead stationery and shall contain:

(1) year of vehicle;

- (2) make of vehicle;
- (3) model and color of vehicle;
- (4) vehicle identification number of vehicle;
- (5) facility number;
- (6) inspector number;
- (7) date of inspection;
- (8) certificate of inspection number;
- (9) a statement that the vehicle described in the statement passed inspection; and
- (10) inspector's or inspection station licensee's signature.

(ii) If the vehicle fails inspection and repairs are not to be made immediately, complete the inspection rejection notice and give it to the operator.

(d) (1) In NYMA after the implementation of the high enhanced emissions inspection, when a vehicle is presented for the purpose of reinspection (vehicle was previously rejected by the same station or some other station), only the portion (safety, emissions or gas cap) of the inspection that was failed should be reinspected as long as a valid receipt or DMV system verification is received.

(2) When a vehicle is presented for the purpose of "safety-only" reinspection (vehicle was previously rejected by the same station or some other station), a complete and thorough inspection must be conducted.

(e) When a vehicle is presented for inspection in the NYMA with a valid New York safety inspection sticker and a temporary certificate of emissions waiver (form VS-1078), a complete safety and exhaust emissions inspection must be performed.

#### Historical Note

Sec. amds. filed: Sept. 15, 1966; May 31, 1968; repealed, new filed: June 5, 1979; Dec. 17, 1980; amds. filed: April 30, 1981; Sept. 1, 1981; Oct. 25, 1982; April 4, 1983; Jan. 17, 1985; Sept. 20, 1985; Feb. 4, 1986; Nov. 20, 1986; Aug. 29, 1989; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990; Nov. 30, 1990 as emergency measure; Feb. 1, 1991; Dec. 14, 1993 as emergency measure; Feb. 17, 1994; Nov. 15, 1994 as emergency measure; Feb. 13, 1995 as emergency measure; April 17, 1995 as emergency measure, expired 60 days after filing; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (c)(1), (3), (4), (d), (e).

#### § 79.21 Inspection of motor vehicles.

This section comprises the safety inspection or the safety portion of a safety and emissions inspection for all vehicles except motorcycles (see Part 80 of this Title), trucks with maximum gross weights over 10,000 pounds up to 18,000 pounds (see section 79.23 of this Part), trucks and trailers with maximum gross weights over 18,000 pounds, all semi-trailers, all tractors and all passenger vehicles with seating capacities of more than 15 persons, plus drivers (see section 79.27 of this Part). In addition, trailers with a maximum gross weight of 18,000 pounds or less are also subject to inspection requirements of section 79.22 of this Part.

(a) *Service brake system.* Every vehicle must be tested for brake equalization after a complete inspection has been performed. Such test must be on a dry, hard, level surface, free from loose material (indoors or outdoors) or with approved brake testing equipment set to approved specifications. At least one front axle wheel must be removed for brake inspection. (Identify location of wheel removed on VS-1074 if you use this form.) However, an inspector may remove as many wheels as necessary to determine the condition of the braking system. A brake tester that

has been approved by the commissioner may be used to test the vehicle's braking system in lieu of the requirement that a wheel be removed.

<i>Procedure</i>	<i>Reject if:</i>
1. Brake Equalization	1. The vehicle fails to make straight stop without significant wheel pull.
<i>Visually Inspect Condition of Brake System</i>	
2. Inspect wheel cylinders and calipers for leakage.	2. Wheel cylinders or calipers leak.
3. Inspect hoses and lines for leaks, cracks, chafing, flattened or restricted section and improper support.	3. Hoses or lines leak, or are cracked, flattened or are insecurely fastened.
4. Inspect master cylinder for leakage and reservoir fluid level.	4. Master cylinder leaks or reservoir is not full to its designed capacity.

*Note:* Visual inspection of mechanical system. It is imperative that brake system reservoir cover and the surrounding area be thoroughly cleaned before cover is removed to assure that no dirt is mixed with brake fluid.

<i>Procedure</i>	<i>Reject if:</i>
<i>Test Pedal Reserve</i>	
5. While the vehicle is stopped, depress brake pedal under normal foot pressure (if vehicle is equipped with power brakes, engine should be running for this test).	5. Pedal reserve is less than 1/4 of the possible travel or less than the manufacturer's specification.
<i>Test Brake for Fade</i>	
6. Apply brakes, using normal foot pressure. On vehicles equipped with power brakes the engine should be running.	6. Brake pedal does not hold its position for at least 60 seconds without fading.
<i>Inspect Power Brake Unit</i>	
7. With engine stopped apply brakes several times to destroy vacuum in system. Depress brake pedal and while maintaining force, start engine.	7. Brake pedal does not fall slightly under force when engine starts.
<i>Check Condition of Drum Brake Linings</i>	
8. Bonded Linings Measure the lining thickness at the thinnest point.	8. Thinnest point is less than 1/16 inch.
9. Riveted Linings Inspect for loose or missing rivets. Measure lining thickness above rivet head at thinnest point.	9. Any rivets are loose or missing  Lining is worn to less than 1/2 inch over any rivet head.
<i>Check Condition of Disc Brake Linings</i>	
10. Inspect for audible or visual sign from disc brake wear sensors, if vehicle is so equipped.	10. Disc brake wear sensor is activated.

*Procedure*

- 11. All Linings and Pads Inspect for broken or cracked linings and parts of linings not firmly attached to their mounting. Also inspect for contamination.

*Brake Drums*

- 12. Inspect the condition of the drum friction surface for substantial cracks extending to the open edge of the drum (short hairline heat check cracks should not be considered). Inspect for cracks on the outside of drum. Inspect for mechanical damage.

Inspect for contaminated friction surface.

*Brake Rotor*

- 13. Inspect for substantial cracks extending to edge of rotor. Inspect for mechanical damage. Inspect discs for any distortion or scoring that would impair braking system.

*Reject if:*

- 11. Lining is broken, cracked or not firmly and completely attached to its mounting. If friction surface is contaminated with oil or grease or there is metal-to-metal contact.

- 12. There are substantial cracks on the friction surface extending to open edge.

There are external cracks.

There is evidence of mechanical damage other than wear.

Friction surface is contaminated with oil, grease, or brake fluid.

- 13. There are substantial cracks extending to edge. There is evidence of mechanical damage other than wear.

Distortion or scoring impairs the braking system.

*Procedure*  
*Brake Components*

*Reject if:*

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| 14. Visually inspect components of the braking system. | 14. There is any disconnected, improperly installed, broken or bypassed component of the braking system. |
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(b) *Parking brake.* If a 1962 or older vehicle is not originally equipped with parking brake, disregard this procedure.

*Procedure**Reject if:**Parking Brake Function*

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| 1. Set the parking brake firmly. If vehicle is equipped with an "automatic parking brake release" type, that releases itself when gear selector is placed in a position other than park or neutral, omit paragraph 1 of this subdivision and inspect all other points of the parking brake. | 1. Parking or holding brake will not hold the vehicle stationary with engine running at a slightly accelerated speed with shift lever in drive position for automatic transmission or shift lever in low gear while engaging the clutch on a standard transmission. |
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*Parking Brake Components*

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| 2. Check parking brake components for general condition. | 2. Cable(s) are visibly frayed or frozen, or there are missing or defective cotter pins or broken or missing retracting springs or worn rods or couplings.<br>There is no reserve travel in the lever or pedal when the brake is fully applied.<br>The ratchet and pawl or other automatic locking device does not hold the brake position or cannot be properly released. |
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*Parking Brake Independence*

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| 3. Examine means by which parking brake works. | 3. Parking brake is activated by same means as service brake. Parking brake is not mechanically activated. |
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(c) *Tires.* A vehicle which is used primarily in an authorized landfill may be equipped with foam-filled tires. Such tires would not be rejectable under paragraphs 2, 3, 4 and 5. However, the tires must be inspected for the required tread depth and restricted usages.

*Note:* If a tire obviously has the required tread depth, it is not necessary to use the tread depth gauge. Use of the gauge is only required when tread depth is questionable and a reading must be obtained to determine

whether or not the tire must be rejected. Do not check tread depth at tread wear indicator bar or tie bar.

*Procedure**Reject if:**Tires*

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| <ol style="list-style-type: none"> <li>1. Tire tread depth readings shall be taken in two adjacent major grooves showing the most tread wear. Readings for a tire which has the tread design running across the tire or for a siped tire where such tread design is permitted, shall be taken at or near the center of the tire. Inspect all tires mounted on vehicles (do not inspect spare tire).</li> <li>2. Inspect for breaks or cuts.</li> <li>3. Inspection for bumps, bulges or knots.</li> <li>4. Inspect for any ply or cord structure that is exposed.</li> <li>5. Visually inspect for restricted usage marking on tires.<br/>Every tire manufactured for highway use will be labeled with one symbol DOT which indicates that the tire conforms to the applicable Federal Motor Vehicle Safety Standards.</li> </ol> | <ol style="list-style-type: none"> <li>1. Any tire is worn to less than <math>\frac{1}{32}</math> of an inch of major tread design at the two worst adjacent points at which the gauge readings are obtained. However, the front tires of a bus, truck with maximum gross weight in excess of 10,000 pounds or truck tractor must not be worn to less than <math>\frac{1}{16}</math> of an inch of major tread design at the two points at which the gauge readings are obtained.</li> <li>2. Tire has fabric break, or a cut in excess of one inch in any direction and deep enough to reach the body cords.</li> <li>3. Tire has visible bumps, bulges or knots indicating partial failure of separation of the tire structure.</li> <li>4. Tire has any portion of the ply or cord structure exposed.</li> <li>5. Tire is marked "for farm use only," "for racing use only," "for temporary use only," etc. or the tire size designation is preceded by a "T."</li> </ol> |
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*Wheel Fasteners*

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| <ol style="list-style-type: none"> <li>6. Inspect for number and condition of wheel fasteners.</li> </ol> | <ol style="list-style-type: none"> <li>6. Any wheel fastener is missing or broken.</li> </ol> |
|---|---|

(d) *Steering, suspension, front end and chassis/frame.**Procedure**Reject if:**Steering Wheel Free Play*

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| <ol style="list-style-type: none"> <li>1. For vehicles equipped with power steering, the engine must be running and the fluid level, belt tension and condition must be adequate before testing.<br/><br/>With front tires in straight ahead position, turn steering wheel until motion can be detected at the front tires. Align a reference mark on steering wheel with a mark on a ruler and slowly turn steering wheel in the opposite direction until motion can again be detected at the front tires. Measure free play at steering wheel.</li> </ol> | <ol style="list-style-type: none"> <li>1. Steering wheel movement exceeds:<br/>Power Steering: 2 inches free play<br/>Manual Steering: 3 inches free play</li> </ol> |
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*Procedure*  
*Steering Linkage*

2. Turn steering wheel to extreme right or left positions to determine if there is any binding or interference (on vehicles equipped with power steering, engine must be running). With vehicle raised, visually inspect steering linkage and front end components for excessive wear and/or looseness.

*Spring and Torsion Bars*

3. Inspect general condition of springs and torsion bars.
4. Visually inspect chassis or frame for general condition.

*Hydraulic Power Unit*

5. Inspect for operation, leakage and condition of belts.

*Shock Absorbers*

6. Visually inspect for broken or missing shocks and any loose or broken mounting brackets and bolts.

*Reject if:*

2. There is any tightness, binding or interference when turning the steering wheel completely to the right or left. There is excessive wear and/or looseness in any of the following parts: wheel bearings, upper and lower cross shaft and bushing, upper and lower outer pins and bushings, idler arm, center control arms, tie rod ends, drag link ends, steering and pitman arms, gear box mounting, rack and pinion mounting, steering column mounting or steering wheel shaft mounting; the coupler or universal between gear box and steering column is frayed or cracked; the adjustable column lock or latch does not hold column securely; the steering or shock damper displays visible leakage or is missing or broken.

3. Any front or rear spring is noticeably sagging or broken or if spring shackles are excessively worn or loose. Any torsion bar or stabilizer bar, including mechanical linkage is broken, disconnected, missing or bent.
4. (i) The front wheels are visually out of line.
- (ii) Any axle or front end assembly is bent or twisted.
- (iii) Chassis or frame is severely rusted at suspension attachment points
- (iv) Bolts or rivets are loose, missing or in a deteriorated condition due to rust.
- (v) Chassis or frame is cracked or broken.

5. System does not work, there are visible leaks, or the power system belt is loose or worn.

6. Shock absorbers are missing on a vehicle originally equipped with them or are broken. Mounting bolts or mounts are broken or loose.

*Note:* A leaking shock absorber or MacPherson strut is not cause for rejection.

- (e) *Lighting and reflectors.* The following are the only lights that must be inspected:  
Low beam headlamps (operation and alignment).  
High beam headlamps (operation only).

- Tail lamps.
- Stop lamps.
- Directional signals.
- Traffic hazard warning lights (four-way flashers).
- Backup lights.
- Number (license) plate lamp(s).

Do not reject a vehicle for the condition or operation of any of the following:

Side marker lights (under 80' in width).

Any exterior headlamps, spotlights, fog lights, etc., added on to vehicle, as long as they are operated on a switch separate from the headlamp switch.

<i>Procedure</i> <i>Headlamps</i>	<i>Reject if:</i>
<p>1. All vehicles must be equipped with an approved headlamp system.</p> <p>Visually check operation of high and low headlamps.</p> <p><i>Note:</i> Modification of an original headlamp system must result in the replacement with a complete approved system.</p> <p>Using any approved headlamp aiming method, check aim of low beam head-lamps only.</p>	<p>1. Headlamps are not of an approved type.</p> <p>Lens is broken or missing.</p> <p>Any filament in headlamp unit fails to light properly. Lights can be moved easily by hand due to a broken fender or loose support, or if a good ground is not made by mounting. Foreign material is placed on head-lamps, lens that interferes with light beam of lamp (such as shields, painted lens, etc.).</p> <p>Horizontal aim at 25 feet is more than:</p> <ul style="list-style-type: none"> <li>— 4 inches to the LEFT or</li> <li>— 4 inches to the RIGHT</li> </ul> <p>Vertical aim at 25 feet is:</p> <ul style="list-style-type: none"> <li>— higher than 4 inches UP or</li> <li>— lower than 4 inches DOWN.</li> </ul>
<p>2. Visually inspect only the following for proper operation and condition:</p> <p>Minimum Lighting</p> <p>1952 and older model vehicles:</p> <p><b>REAR</b></p> <ul style="list-style-type: none"> <li>at least one red tail lamp</li> <li>at least one red or amber stop lamp</li> </ul>	<p>2. Lamps are not securely mounted or do not produce a steady light with switch on or brake applied. Lamps do not operate properly in all switch positions.</p> <ul style="list-style-type: none"> <li>(a) Lamps are not of an approved type.</li> <li>(b) Any lens is broken, missing or improperly fit so that white light is being emitted.</li> <li>(c) Vehicle is not equipped with minimum lighting requirements for its model year.</li> <li>(d) Any lens has been repaired with unapproved material.</li> </ul>

*Procedure*

*Reject if:*

1953 and newer model vehicles:

**FRONT**

at least two amber directional signals

**REAR**

at least two red or amber directional signals

at least two red tail lamps

at least two red stop lamps (1971 or older models, red or amber)

at least one white backup lamp (1969 and newer)

3. Every motor vehicle equipped with directional signals must also be equipped with an indicator lamp.
4. 1966 and newer vehicles must be equipped with a traffic hazard warning device (four-way flasher)
5. Supplementary lighting. Any exterior headlamps, spotlights, fog lights, etc., added to those originally placed on the vehicle by the manufacturer must be operated on a switch or switches separate from the headlamp switch.
6. 1987 and newer passenger cars must be equipped with a high-mounted stop lamp on the vertical centerline, except those with "custom" as the make of the vehicle.
7. Every motor vehicle must have a rear number (license) plate lamp. When two bulbs were original equipment, both must be present and operational.
8. In addition to the lighting required in paragraph 2 of this subdivision, vehicles 80" or more in width must have the following:

3. Interior indicator lamp does not function properly. (If vehicle has an exterior indicator lamp only, check for proper operation.)
4. Not properly equipped with a traffic hazard warning device which operates independently of ignition or directional signal switches.
5. Add-on exterior lights are not on a switch separate from the headlamp switch.
6. Not equipped with a high-mounted stop lamp on the vehicle centerline. Stop lamp is not of an approved type, is not securely mounted, does not function when brake is applied, has a broken lens allowing white light to be visible from the rear of the vehicle, or has any material such as tape, cellophane or plastic on or over the lens.
7. Rear number (license) plate lamp is not of an approved type, is not securely mounted or does not illuminate when the tail lamps are turned on.
8. Lamps are not securely mounted or do not produce a steady light with switch on or brake applied. Lamps do not operate properly in all switch positions. Lamps are not of an approved type, or any lens is broken, missing, or improperly fit so that light is emitted without passing through the lens.

**FRONT**

Two amber clearance lamps

One amber identification lamp (three-lamp cluster)

**EACH SIDE**

*Procedure*

*Reject if:*

- One amber side marker
- One red side marker
- One amber Class A reflector
- One red Class A reflector

**REAR**

- Two red clearance lamp
- One red identification lamp (three-lamp cluster)

*Note:* Historical vehicles lighting. In lieu of inspecting headlamps and tail lamps on a vehicle registered as "Historical," and bearing Historical plates, you may accept a Form VS-18 affidavit from the owner or operator certifying that the vehicle is only operated during the daylight hours.

(f) *Windshield and other glass.* Every 1935 or newer vehicle must be equipped with a windshield, except trailers. All must be inspected. A star is considered to be a bruise from which multiple cracks extend, such as a "stone bruise," shot, etc.

*Procedure*

*Reject if:*

*Approved Glass*

- 1. Inspect windshield and other windows on vehicle for presence of approved safety glass or rigid plastic.

- 1. Vehicle is not equipped with a windshield.

Any 1935 or newer model year vehicle is not equipped with approved safety glass with an AS-1, AS-10 or AS-14 rating in the windshield or an AS-1, -2, -3, -10 or -11 rating in the windows to the immediate left and right of the driver. Any 1935 or newer model year vehicle is not equipped with approved safety glass with an AS-1, -2, -3, -4, -5, -10 or -11 rating or a rigid plastic in any remaining window if a glass or plastic is used.

- 2. Inspect windshield and other windows for cracks or sharp edges.

- 2. Windshield or other window is broken or has exposed sharp or jagged edges.

*Windshield Only:*

Any "star" larger than three inches in diameter is located in any area of the windshield.

There is a crack more than 11 inches long, any part of which extends into the path of the windshield wiper(s).

(g) *Mirrors.*

*Procedure*  
*Location and Mounting*

*Reject if:*

1. Inspect mirrors for proper location and mounting.

1. (a) 1967 and older model not equipped with at least one mirror, either an interior or left outside mirror.  
(b) 1968 and newer model not equipped with a left outside mirror.  
(c) 1970 and new model car not equipped with an adjustable interior mirror unless the vehicle is equipped with dual outside mirrors.  
(d) Truck - tractor does not have both a left and right outside rear view mirror.  
(e) There is no left and right outside mirror on a vehicle with a permanent obstruction of the rear window.  
(f) Any mirror cannot be properly adjusted to provide a clear and full view of the rear.

*Cracks - Broken - Discoloration*

2. Inspect reflecting surface for any cracks, breaks or discoloration.

2. Any mirror is cracked, broken or discolored.

(h) Inspect 1984 and newer gasoline-powered vehicles up to 8,500 pounds gross vehicle weight, except for vehicles classified as homemade or custom on the certificate of registration for:

*Procedure*

*Reject if:*

*Positive crankcase ventilation (PCV) System*

1. Inspect for presence of PCV system.

1. The PCV system is missing or disconnected.

*Catalytic Converter*

2. Inspect for the presence of the catalytic converter. Check to determine that the air supply is connected to the converter when applicable.

2. The catalytic converter is disconnected or removed. The air supply to the converter is disconnected or removed.

*Fuel Inlet Restrictor*

3. Check the fuel inlet pipe to determine that the restrictor is in its designed location. (The door which covers the hole for the fuel nozzle is not required to be in place.)

3. The restrictor is missing; has been bent back against the filler pipe; or has been altered in a way which will allow the introduction of a larger "leaded fuel" nozzle.

*Exhaust Gas Recirculator Valve (EGR)*

4. Locate the EGR valve and check to determine that the unit is securely mounted and all vacuum hoses are connected.

4. The EGR valve is removed. The vacuum hoses are disconnected or removed.

*Thermostatic Air Cleaner (TAC)*

5. Inspect the thermostatic air cleaner to determine it is in place.

5. The unit is missing. Holes have been drilled or punched in the air cleaner. Vacuum lines are disconnected or missing. Manifold heat pipe is disconnected or missing.

*Air Injection System (AIS)*

6. Inspect the air injection system to determine that the original designed system is in place.

6. The air pump is disconnected or removed. The drive belt is removed.

*Procedure*

*Note:* One of two systems may be used:  
 Air pump system uses an air pump to inject air into exhaust.  
 Pulse air system using valves and tubes to induce air into exhaust.

*Reject if:*

The air hoses and/or pipes are disconnected or removed.  
 The diverter valve is disconnected or removed.

*Evaporative Emission Control*

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| <p>7. Inspect the fuel evaporation control system.</p> | <p>7. The canister is removed or the hoses are disconnected or removed.</p> |
|--|---|

**NOTE: UPON IMPLEMENTATION OF THE ENHANCED EMISSIONS INSPECTION PROGRAM, SECTION 79.21(H) IS REPEALED.**

(i) *Windshield Wipers*

*Windshield Wipers*

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|--|--|
| <p>1. Visually inspect for presence of windshield wipers or wiper.</p> | <p>1. Vehicle is not equipped with the number of wipers with which it was originally equipped.</p> |
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*Wiper Operation*

- |   |   |
|---|---|
| <p>2. Inspect for satisfactory operation and condition of wiper blades.</p> | <p>2. Any wiper is inoperative, does not operate freely, or is improperly adjusted.<br/>                 Any wiper blade has dead, torn or badly worn rubber or if metal comes in contact with windshield.<br/>                 Any wiper controls are located beyond the reach of the driver so that he cannot readily operate it without having to move from his normal driving position.</p> |
|---|---|

(j) *Horn.*

*Procedure*

*Reject if:*

*Horn*

- |   |  |
|---|--|
| <p>1. Inspect for presence of horn and operation.</p>   | <p>1. Vehicle is not equipped with at least one horn which shall produce an audible sound.<br/>                 Horn is not securely fastened to the vehicle.<br/>                 Horn button or actuating device does not work properly or is not within easy reach of the driver.</p> |
| <p>2. Bulb- or hand-operated horn is acceptable if vehicle was originally equipped with such.</p> |  |

(k) *Seat belts.*

<i>Procedure</i>	<i>Reject if:</i>
1. Inspect for the required number of seat belts.	1. (i) 1965 to 1968 models, not equipped with at least two safety belts for the front seat. (ii) 1967 and 1968 models, not equipped with at least one safety belt for rear seat for each passenger for which the rear seat of such vehicle was designed. (iii) 1969 or newer model, not equipped with at least one safety belt for each passenger seat position.
2. Check seat belt function by buckling front seat belts, tugging on them and unbuckling them.	2. (i) Any front seat belt cannot be buckled.  (ii) Any front seat belt is pulled out of its anchors or was not anchored at the start of the inspection. (iii) Any front seat belt unbuckles when tugged. (iv) Any front seat belt cannot be unbuckled. (v) Any automatic adjuster does not recoil. (vi) Any motorized belt does not activate when the front door is closed and the ignition is turned on. (vii) Any motorized belt does not release when the door is opened and the ignition is turned off.

**Historical Note**

Sec. amds. filed: Jan. 16, 1964; Oct. 30, 1967; Oct. 16, 1968; April 15, 1969; Sept. 23, 1970; Dec. 29, 1972; March 7, 1973; Oct. 27, 1975; May 11, 1976; Nov. 2, 1977; Feb. 15, 1978; repealed, new filed June 5, 1979; amds. filed: Nov. 9, 1979; Feb. 28, 1980; April 12, 1982; Oct. 25, 1982; April 4, 1983; May 25, 1984; Jan. 29, 1985; May 16, 1985; Feb. 4, 1986; April 9, 1987; Aug. 29, 1989; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990; Oct. 25, 1991; Feb. 14, 1994; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (h).

~~§ 79.23 Light duty trailers.~~

~~This section contains additional requirements for the inspection of trailers with a maximum gross weight of 10,000 pounds or under, other than semi-trailers.~~

~~(a) *Wreck system.* (1) The vehicles subject to inspection under this section are subject to procedures found in section 79.21(a), (c) and (e) of this Part, in addition to the following.~~

*Note.* If a trailer is equipped with brakes, they should be checked for compliance with section 79.21(a). However, do not reject a trailer for lack of brakes.

**(2) Procedure**  
**Inspect for Secure Hitch**

**Reject if:**

- |                                   |  |
|-----------------------------------|--|
| <p>1. Visually inspect hitch.</p> | <p>1. There are broken or missing bolts, broken welds, or any looseness in the hitch attachment.</p> |
|-----------------------------------|--|

**Historical Note**

Sec. filed Jan. 16, 1964; amd. filed Dec. 29, 1972; repealed, new filed June 1, 1979; amd. filed: Feb. 28, 1980; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990 eff. Nov. 28, 1990.

**§ 79.23 Medium duty vehicles.**

This section contains additional requirements for the inspection of trucks with maximum gross weights over 10,000 pounds up to 18,000 pounds, which shall be known as medium duty vehicles but not including those trucks for which the registrant requests heavy vehicle inspection.

**(a) Brake system.**

**Procedure**

**Reject if:**

- |   |   |
|---|---|
| <p>1. Brake equalization. Each vehicle shall be tested for brake equalization before and after a wheel is pulled. This test must be done on a hard level surface, free from loose material (indoors and outdoors), or on a brake equalization machine. At least one rearmost factory-equipped axle brake drum or hub and drum assembly must be removed unless the brake backing plate is designed to allow the inspection of the brake lining thickness and drum condition. If disassembly is not required, the second brake equalization test may be omitted.<br/>Visually inspect the brake system.</p> <p>2. Determine how the brakes are applied (parking and service).</p> <p>3. Inspect for presence of brakes on all wheels.</p> | <p>1. The vehicle fails to stop without significant pull.</p> <p>2. There are not two separate means of brake application or these two separate means of applying the service and parking brakes are connected in any way, so that failure on any one part leaves the vehicle without brakes. The parking brake operating control is not separate from the service brake control.</p> <p>3. There are missing or inoperative brakes on any wheel except for the following: 1980 or older trucks and tractors which have three or more factory-equipped axles, in some cases, may not have brakes on the front axle. These vehicles should not be rejected unless there is evidence that front brakes existed (i.e., drums or backing plate assemblies are present).</p> |
|---|---|

Procedure	Reject if
4. Inspect for a single pedal capable of operating all the brakes, if vehicle is designated as a 1954 or newer model.	4. The vehicle is not equipped with a single brake pedal or the pedal does not operate all the service brakes on the motor vehicle or combination of vehicles. (This does not prohibit the use of an additional valve to operate the trailer brakes independently.)
5. Inspect all brake hoses, tubes and connecting lines. Look for proper support. Be sure lines are secure and cannot chafe on the frame, exhaust system or other lines.	5. There is a break, crimp or crack in any brake hose, line, tube or connection. Any line is not secured or is chafed by moving parts or in contact with the exhaust system.

Procedure	Rejecting
<i>Linings and pads</i>	
6. Inspect for any broken or cracked linings or parts of linings which are not firmly attached. Also inspect for contamination and excessively uneven lining wear.	6. Lining is broken, cracked or not firmly and completely attached, or if friction surface is contaminated with oil, grease, etc.
7. Bonded linings. Measure the lining thickness at the thinnest point.	7. Thinnest point is less than inch.
8. Bolted or riveted linings. Inspect for loose or missing bolts or rivets. Measure lining's thickness.	8. Any rivets or bolts are loose or missing.
	Lining is worn to less than 1/8" above a rivet or bolt head if bolt is less than 1/4" diameter. If lining is secured to the shoe with 1/4 inch diameter bolts minimum lining thickness must not be less than 1/16". Measurements should be taken at a point nearest the center of the shoe.
<i>Drums and rotors</i>	
9. Discs — Inspect discs for mechanical damage and cracks extending to the edge.	9. The disc is broken or has cracks on the friction surface extending to the open edge or if the mounting holes are elongated. (Heat check cracks not extending to the open edge may be ignored.)
10. Drums — Inspect friction surface for cracks extending to the open edge or drum or if it has mechanical damage other than normal wear or the surface is contaminated.	10. Drum has a crack on the friction surface extending to the open edge or on the outside of the drum, particularly at the drum mounting area. (Heat check cracks not extending to the open edge may be ignored.) There is evidence of mechanical damage other than normal wear, or the mounting holes are elongated or the friction surface is contaminated with grease, oil, etc.
<i>Hydraulic brake systems</i>	
11. Inspect wheel cylinders, lines, connections and calipers for visible leakage.	11. Wheel cylinders, lines or calipers have visible leaks.
12. Inspect master cylinder for leakage and reservoir fluid level.	12. Master cylinder leaks or reservoir is not full to its designed capacity.
13. Test pedal reserve. While vehicle is stopped, depress brake pedal under normal foot pressure (if vehicle is equipped with power brakes, engine should be running for this test). Also, inspect for leakage under pressure.	13. Pedal reserve is less than 1/4 of the possible travel or manufacturer's specifications; brake pedal does not hold its position for at least 60 seconds without dropping; leaks are visible.
14. Power-assisted systems. With engine off, apply brakes several times to deplete reserve supply. Put foot on pedal and start engine.	14. Pedal does not drop slightly when engine starts.
<i>Air brake systems.</i>	
15. Inspect lines, valves, fittings and air chambers for leaks.	15. If the air pressure does not maintain between 80 and 90 psi. (perform this test for 1 minute on single and/or combination vehicles.)

*Note:* The following four conditions must be met before performing this test:

- governor is cut in;
  - reservoir pressure is between 80 and 90 psi;
  - engine is at idle; and
  - service brakes are fully applied.
16. Inspect air pressure safety relief valve, tension and condition of compressor drive belts; check air intake cleaner.
17. Air and vacuum warning system gauges — make a series of brake applications until low pressure warning signal operates.
18. Inspect for presence of an emergency breakaway system on all trailers.
19. Inspect for presence of a tractor protection valve on towing vehicles manufactured after June 30, 1953.
16. Air pressure safety relief is not present or does not operate on systems which can be checked. (Some valves are designed with a lead plug which cannot be tested.) Compressor drive belt(s) are missing, badly worn, frayed or loose. Air compressor intake is clogged to the point of preventing proper air intake.
17. Gauge is missing or inoperative. Vehicle is not equipped with either an audible or visible warning device to readily indicate to the driver the lack of sufficient assist to stop the vehicle. (a gauge does not satisfy this requirement.)  
*Air System:*  
 Warning system does not provide a continuous warning once activated or does not activate when pressure drops:  
 (i) to manufacturer's specifications, if known, or  
 (ii) below 60 pounds per square inch (42.4 kg/sq cm), if manufacturer's specifications are unknown.  
*Vacuum System:*  
 Warning system does not activate when the vacuum reservoir has less than eight inches of mercury.
18. Trailer is not equipped with breakaway brakes which automatically apply upon separation from the towing vehicle.
19. Vehicle is not equipped with an automatic breakaway system (tractor protection valve) so that the service brakes on the truck or tractor can still operate if the trailer separates. This valve must automatically operate within a pressure range of 20–45 psi (14.1–31.8 kg/sq cm). Where manual operation is permitted, this control shall be within easy reach of the driver.

(b) Coupling devices.

<i>Procedure</i>	<i>Reject if:</i>
1. Pintle Hooks	
A. Condition	<ul style="list-style-type: none"> <li>— Cracks anywhere in pintle hooks assembly</li> <li>— Any welded repairs to the pintle hook.</li> <li>— Section reduction visible when coupled (see Note 3)</li> </ul>
<i>Note 1: No part of the horn or hook (stationary part) should have any section reduced by more than 20 percent. If wear can be seen when the hook and eye are coupled, it is due to either this condition or the eye condition described in Note 2.</i>	
B. Operation	Latch does not work
2. Drawbar/Towbar Eye	
A. Condition	<ul style="list-style-type: none"> <li>— Any cracks in attachment welds</li> <li>— Any missing or ineffective fasteners</li> <li>— Any cracks</li> <li>— Section reduction visible when coupled (see Note 3)</li> </ul>
i. Mounting	
ii. Integrity	
<i>Note 2: The eye should not be worn to beyond 20 percent of its original cross section thickness. If wear can be seen when the hook and eye are coupled, it is probable that either this condition or that described in Note 1 exists.</i>	
3. Drawbar/Towbar Tongue	
A. Condition	A. Any cracks
B. Operation	B. Movement of 1/4 inch or more between subframe and drawbar at point of attachment.
4. Safety Chains and Cable	
A. Presence of safety chains	A. Missing
B. Condition	
(i) Chains and hooks	<ul style="list-style-type: none"> <li>— Worn to the extent of a measurable reduction in link cross section.</li> <li>— Incapable of secure attachment.</li> <li>— Improper repairs, including welding, wire, small bolts, rope and tape.</li> </ul>
(ii) Cable	<ul style="list-style-type: none"> <li>— Kinked or broken cable strands.</li> <li>— Incapable of secure attachment.</li> </ul>
	Improper clamps or clamping

~~(\*) Exhaust system.~~

Procedure	Reject if:
<b>Exhaust system (tractor-trailer combinations only).</b>	
1. Visually inspect for presence, condition and location of exhaust system.	1. Vehicle has no muffler, exhaust pipe, tail pipe or tail spout. Vehicle has gutted, altered or patched muffler. Vehicle has exhaust noise appreciably greater than mechanical noise of fan and valves. There is excessive vibration of exhaust line. There is leakage of exhaust gases at: <ul style="list-style-type: none"> <li>a. Manifold gasket.</li> <li>b. Manifold and exhaust pipe gas.</li> <li>c. Muffler and muffler connection.</li> <li>d. Any point in exhaust pipe and tail pipe.</li> </ul> Exhaust system is so located as would be likely to result in burning, charring or damaging the electric wiring, fuel supply or any combustible part of the vehicle. Exhaust system does not discharge to the atmosphere at a location to the rear of the cab (if the exhaust projects above the cab, it must be near the rear of the cab). Motor vehicles engaged in the transportation of inflammable liquids are excluded from the requirements of this regulation.

**Historical Note**

Sec. amds. filed: May 31, 1968; Dec. 18, 1969; repealed, new filed Dec. 29, 1972; amd. filed Jan. 31, 1973; repealed, new filed June 5, 1979; amds. filed: Nov. 9, 1979; April 9, 1987; Aug. 29, 1989; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990; Nov. 30, 1990 as emergency measure; Feb. 1, 1991 eff. Feb. 1, 1991.

**§ 79.24 Vehicles subject to exhaust emissions inspection and procedure.**

(a) *Applicability.* All gasoline-powered motor vehicles which are registered in the New York Metropolitan Air Region are subject to a test of the vehicle exhaust emissions as part of the annual vehicle inspection. A vehicle required to have an exhaust emissions inspection under these regulations may only be inspected at an official emissions inspection station. No other classification of inspection station may conduct inspections for vehicles requiring emissions inspection unless a Temporary Certificate of Emissions Waiver (form VS-1078) has been issued for the vehicle and is presented to the inspection station.

(b) *Standards.* (1) The New York State Department of Environmental Conservation, in consultation with the Department of Motor Vehicles, shall establish and modify periodically the standards of hydrocarbon and carbon monoxide levels allowable in the exhaust emissions of vehicles subject to the exhaust emissions test.

(2) The New York State Department of Environmental Conservation has established the following emissions limits:

Vehicle model year		Carbon monoxide (CO) limit— cannot be more than	Hydrocarbon (HC) limit— cannot be more than
Light duty & 500 lbs. or less	Heavy duty & 501 lbs. or more		
	1969 or older	7.0%	800ppm
1974 and older	1970 to 1973	6.0	700ppm
	1974 to 1978	4.5	600ppm
1975 to 1978	1979 or newer	3.0	300ppm
1979 or 1980		2.5	300ppm
1981 and newer		1.2	220ppm

(3) Each time an emissions test is performed, the testing equipment checks the sample for validity. A test will be considered invalid if combined carbon monoxide and carbon dioxide emissions are less than six percent when measured using the test procedure. An invalid test constitutes an emissions inspection failure until a valid sample can be obtained.

(4) These limits shall be posted conspicuously in each official emissions inspection station using form VS-32 (emissions test limits).

(c) *Test procedure.* "Emissions Inspection Procedure" (VS-28) and in general consist of entering appropriate vehicle data into the computerized vehicle inspection system, placing a probe into the vehicle exhaust system while the engine is idling, and activating the system. The system will measure the hydrocarbon and carbon monoxide levels and indicate if the vehicle has passed or failed the emissions test. The system will print out the results. A copy of the printout must be given to the customer. One copy must be retained by the inspection station for two years. An emissions test will be considered invalid if the computerized vehicle inspection system indicates an invalid test reading or the New York State certified inspector is unwilling to place the emissions probe in the vehicle's exhaust system because the exhaust system is not within two feet of the rear of the vehicle, or is not within six inches from the side of the vehicle.

(d) *Effect of failure of emissions test.* All gasoline-powered vehicles must pass the exhaust emissions test in order for an inspection certificate to be issued. If the vehicle fails to pass either the emissions test or the safety inspection, or both, an inspection rejection notice must be completed and given to the operator. A certificate of inspection cannot be issued until appropriate repairs are made to reduce the exhaust emissions level to within the set standards or until appropriate repairs are made to the failed safety inspection items or both.

(e) *Reinspection.* If a vehicle fails both the safety AND emissions portions of the inspection, and is removed from the inspection station for repairs, that inspection station or any other inspection station must conduct a full inspection and charge a full inspection fee for the reinspection of the vehicle. If a vehicle fails the safety portion of an inspection but passes the emissions portion, and is removed from the inspection station for repairs, and is brought back to the same inspection station within 30 days, the inspection station shall charge the safety portion of the inspection fee as set forth in section 79.7(c) of this Part. If a vehicle passes the safety portion of the inspection but fails the emissions portion, and is removed from the inspection station for repairs, and is brought back to the same inspection station within 30 days, the inspection station shall conduct only the emissions portion of the inspection and shall charge only the emissions portion of the inspection fee as set forth in section 79.7(c). An inspection station other than the one which did the original inspection must perform a full inspection on the vehicle presented for reinspection. An inspection station to which a vehicle is presented for reinspection more than 30 days after rejection must perform a full inspection.

**NOTE: UPON IMPLEMENTATION OF THE ENHANCED EMISSIONS INSPECTION PROGRAM, SECTION 79.24 IS REPEALED AND A NEW SECTION 79.24 IS ADDED TO READ AS FOLLOWS:**

**§ 79.24 Vehicles subject to emissions inspection and procedure.**

(a) *Applicability.* All non-exempt motor vehicles, which are registered in the NYMA are subject to a test of the vehicle exhaust emissions as part of the annual vehicle inspection. A vehicle required to have an exhaust emissions inspection under these regulations may be inspected only at an official enhanced emissions inspection station. No other classification of inspection station may conduct inspections for vehicles requiring emissions inspection unless a temporary certificate of emissions waiver (form VS-1078) has been issued for the vehicle and is presented to the inspection station.

(b) *Pre-emission inspection safety check.* (1) Each vehicle subject to enhanced emissions transient test will first be visually inspected for the following unsafe conditions:

(i) Fuel leaks—all fuel leaks in or around engine area, fuel tank or lines, to such a degree as to cause wetness or pooling of fuel.

(ii) Exhaust system—missing sections which would prohibit collection of exhaust sample.

(iii) Tire tread—for vehicles tested on the dynamometer, the station should assure that the tires that will be on the dynamometer are in good condition and well inflated. Temporary tires (emergency spares) are not acceptable.

(iv) Excessive internal engine noise.

(v) Coolant leaks (same requirements as fuel leaks).

(vi) Oil leaks (same requirements as fuel leaks).

(2) Each vehicle subject to the enhanced emissions idle test will first be visually inspected for: exhaust system—missing section which would prohibit collection of exhaust sample.

(3) Vehicles found having any of the conditions in paragraph (1) of this subdivision shall not be inspected. This refusal shall not constitute an inspection, no inspection fee shall be charged, and the station should instruct the motorist that he/she must return the vehicle in a repaired condition in order to get inspected.

(c) *Standards.* (1) The New York State Department of Environmental Conservation in consultation with the Department of Motor Vehicles shall establish and modify periodically the standards of hydrocarbon, carbon monoxide and oxides of nitrogen levels allowable in the exhaust emissions of vehicles subject to the high enhanced exhaust emissions test.

(2) The test limits established by the New York State Department of Environmental Conservation in 6 NYCRR 217-1.3 and 217-1.4 must be used when performing a high enhanced emissions test.

(3) Each time a high enhanced emissions test is performed, the testing equipment checks the sample for validity. A test is invalid if combined carbon monoxide and carbon dioxide emissions are less than six percent when measured using the test procedure. An invalid test constitutes an emissions inspection failure until a valid sample can be obtained.

(d) *High enhanced emissions idle test procedure.* The test will specifically follow the "Enhanced Emissions Inspection Procedure" (VS-28) and in general consist of entering appropriate vehicle data into the computerized vehicle inspection system, getting information from the DMV data files including recall stops, placing a probe into the vehicle exhaust system while the engine is idling, and activating the system. The system will measure the hydrocarbon and carbon monoxide levels and indicate if the vehicle has passed or failed the emissions test. The system will print out the results including warranty information. A copy of the print out must be given to the customer. An emissions test will be considered invalid if the computerized vehicle inspection system indicates an invalid test reading.

(e) *High enhanced emissions dynamometer test procedure.* The test will specifically follow the "High Enhanced Emission Inspection Procedure" (VS-28) and in general consist of entering

appropriate vehicle data into the computerized vehicle inspection system, getting information from the DMV data files including recall stops, placing the vehicle on the dynamometer, placing a probe into the vehicle exhaust system and driving a computerized trace. The system will measure the hydrocarbon, carbon monoxide and oxides of nitrogen and indicate if the vehicle has passed or failed the emission test. The system will print out the results including warranty information. A copy of the print out must be given to the customer. An emission test will be considered invalid if the computerized vehicle inspection system indicates an invalid test reading.

(f) *Effect of failure of high or low enhanced emissions test.* (1) Subject vehicles must pass the appropriate emissions test in order for an inspection certificate to be issued. If the vehicle fails to pass either the emissions test or a gas cap test (low enhanced gas cap test is part of emissions) or the safety inspection, or combination, an inspection rejection notice must be given to the operator. A certificate of inspection cannot be issued until appropriate repairs are made to reduce the exhaust emissions level to within the test limits or until appropriate repairs are made to the failed safety inspection items or both or until it qualifies for a waiver.

(g) *Reinspection (low enhanced emissions inspection).* If a vehicle fails a safety or emissions inspection, and is not removed from the station for repair, there shall be no charge for reinspection of such vehicle. If a vehicle fails both the safety and emissions portions of the inspection, and is removed from the inspection station for repairs, that inspection station or any other inspection station must conduct a full inspection during the reinspection of the vehicle. If a vehicle fails the safety portion of an inspection but passes the emissions portion, and is removed from the inspection station for repairs, and is brought back to the same inspection station within 30 days, the inspection station may charge only the safety portion of the inspection fee as set forth in section 79.7(c) of this Part. If a vehicle passes the safety portion of the inspection but fails the emissions portion, and is removed from the inspection station for repairs, and is brought to the same or any other inspection station within 30 days, the inspection station shall conduct only the emissions portion of the inspection and may charge only the emissions portion of the inspection fee as set forth in section 79.7(c) of this Part. An inspection station to which a vehicle is presented for reinspection more than 30 days after rejection must perform a full inspection.

(h) *High enhanced emission reinspection fees.* If a vehicle fails a safety, emissions or gas cap portion of the inspection, and is not removed from the station for repair, there shall be no charge for reinspection of such vehicle. If a vehicle fails a safety or emissions or gas cap portion of the inspection and is removed from the inspection station for repairs, that inspection station or any other station must conduct a full inspection on the failed portion during the reinspection of the vehicle and may charge according to the following chart:

FAILS	PASSES	MUST REINSPECT	REINSPECT CHARGE
safety	emissions, gas cap	safety	\$10
emissions	safety, gas cap	emissions	\$25
gas cap	safety, emissions	gas cap	\$ 4
safety, emissions	gas cap	safety, emissions	\$35
safety, emissions, gas cap	—	safety, emissions, gas cap	\$35
safety, gas cap	emissions	safety, gas cap	\$14
emissions, gas cap	safety	emissions, gas cap	\$25

An inspection station to which a vehicle is presented for reinspection more than 30 days after rejection must perform a full inspection.

(i) The following items in addition to a high enhanced idle or dynamometer test must be passed for a high enhanced emissions inspection. The following items must be passed for a low enhanced emissions inspection.

*Emission Control Devices.*

Except as provided in subsections 1, 2, 4, 8 and 9, 1984 and newer gasoline-powered vehicles up to 8,500 pounds gross vehicle weight, except for vehicles classified as homemade or custom on the certificate of registration must be inspected for:

<i>Procedure</i>	<i>Reject if:</i>
<i>Positive Crankcase Ventilation (PCV) System</i>	
1. Presence of PCV system for model year 1968 or newer vehicles.	1. The PCV system is missing or disconnected.
<i>Catalytic Converter</i>	
2. Presence of the catalytic converter in model year 1975 or newer vehicles. Check to determine that the air supply is connected to the converter when applicable.	2. The catalytic converter is disconnected or removed. The air supply to the converter is disconnected or removed.
<i>Fuel Inlet Restrictor</i>	
3. Check the fuel inlet pipe to determine that the restrictor is in its designed location. (The door which covers the hole for the fuel nozzle is not required to be in place.)	3. The restrictor is missing; has been bent back against the filler pipe; or has been altered in a way which will allow the introduction of a larger "leaded fuel" nozzle.
<i>Exhaust Gas Recirculator Valve (EGR)</i>	
4. For model years 1973 and newer, secure mounting of the EGR valve and proper connection of hoses.	4. The EGR valve is removed. The vacuum hoses are disconnected or removed.
<i>Thermostatic Air Cleaner (TAC)</i>	
5. Proper placement of the thermostatic air cleaner.	5. The unit is missing. Holes have been drilled or punched in the air cleaner. Vacuum lines are disconnected or missing. Manifold heat pipe is disconnected or missing.
<i>Air Injection System (AIS)</i>	
6. Presence of original designed air injection system.	6. The air pump is disconnected or removed. The drive belt is removed.
<i>Note: One of two systems may be used:</i>	
Air pump system uses an air pump to inject air into exhaust.	The air hoses and/or pipes are disconnected or removed.
Pulse air system using valves and tubes to induce air into exhaust.	The diverter valve is disconnected or removed.
<i>Evaporative Emission Control</i>	
7. The fuel evaporation control system.	7. The canister is removed or the hoses are disconnected or removed.
<i>Gas Cap Tester</i>	
8a. In the high enhanced emissions area vehicles 25 model years and newer, except for vehicles classified as homemade or custom, the vehicle gas cap shall be tested using an approved New York Department of Environmental Conservation gas cap tester.	8a. Gas cap tester indicates failure or the gas cap is missing.
8b. In the low enhanced emissions area all non-exempt vehicles except for vehicles classified as homemade or custom, the vehicle gas cap shall be present.	8b. Gas cap is missing, broken or cracked.
<i>On-Board Diagnostics (OBD)</i>	

*Procedure*

9. All 1996 model year and newer vehicles shall be checked for the operation and activation of the on-board diagnostic malfunction indicator light (MIL).

*Reject if:*

9. MIL fails to light with the ignition key on, engine off and/or if MIL light is lit with engine running. A motorist must be told to have the vehicle repaired or returned to the dealership for possible warranty. Do not fail the vehicle.

*Historical Note*

Sec. amds. filed: Jan. 16, 1964; July 13, 1964; March 7, 1973; repealed, filed June 5, 1979, new filed Dec. 17, 1980; amds. filed: April 30, 1981; Dec. 31, 1981; Oct. 25, 1982; July 29, 1983; Jan. 29, 1985; Sept. 20, 1985; Dec. 6, 1985 as emergency measure; Feb. 4, 1986; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990; Oct. 25, 1991; Nov. 15, 1994 as emergency measure; Feb. 13, 1995 as emergency measure; April 17, 1995 as emergency measure, expired 60 days after filing; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Repealed, new filed upon implementation of Enhanced Emissions Inspection Program.

**§ 79.25 Emissions inspection waiver.**

(a) Effective January 1, 1991, if a vehicle fails, after proper procedural repair, the reinspection of the emissions portion, a certificate of inspection must be offered by the official emissions inspection station if all of the following conditions are met:

- (1) the safety inspection has been passed;
- (2) all emissions control devices have passed inspection;
- (3) all required repairs and adjustments as noted in section 79.26 of this Part have been properly made and documented;
- (4) there has been at least a 25 percent reduction in the pollutant(s) for which the vehicle originally failed the emissions test;
- (5) the repairs or adjustments have not resulted in the emissions retest being invalid or in the passing pollutant now going beyond the test limits; and
- (6) both the original inspection and the reinspection were conducted at the same inspection station.

(b) If all of the above conditions are met, the emissions analyzer system will allow the inspector to issue an inspection certificate for the vehicle.

(c) The commissioner or an agent of the commissioner reserves the right to inspect a vehicle before or after the waiver is issued to verify that proper procedural repairs have been made.

**UPON IMPLEMENTATION OF THE ENHANCED EMISSIONS INSPECTION PROGRAM, SECTION 79.25 IS REPEALED AND A NEW SECTION 79.25 IS ADDED TO READ AS FOLLOWS:**

**§ 79.25 High enhanced emissions inspection waiver.**

(a) If a vehicle fails, after proper repair, the reinspection of the emissions portion, a certificate of inspection must be offered by the official emissions inspection station if all of the following conditions are met:

- (1) The safety inspection has been passed.

(2) All emissions control devices have passed inspection. The cost for replacement of missing emissions control devices or warranty repairs does not count towards the emissions waiver cost limits.

(3) Repairs and adjustments have been properly made and documented and cost at least \$450 in 1998. Provided, however, that after January 1999, the waiver amount will be adjusted to account for increases in the CPI since January 1989 and will be adjusted each year after 1999 in accordance with the CPI.

(4) The repairs or adjustments have not resulted in the emissions re-test being invalid or in the passing pollutant now going beyond the test limits.

(b) If all of the above conditions are met, the emissions analyzer system will allow the inspector to issue an inspection certificate for the vehicle.

(c) The commissioner or an agent of the commissioner reserves the right to inspect a vehicle before or after the waiver is issued to verify that proper repairs costing at least \$450 have been made and have been documented.

#### Historical Note

Sec. filed July 25, 1975; repealed, filed June 5, 1979; new filed: Jan. 28, 1981 as emergency measure, expired 60 days after filing; Dec. 31, 1981; amd. filed Aug. 29, 1989, repealed, new filed Nov. 9, 1990; amds. filed: Oct. 25, 1991; Nov. 15, 1994 as emergency measure; Feb. 13, 1995 as emergency measure; April 17, 1995 as emergency measure, expired 60 days after filing; Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997. Amended (a); repealed, new filed upon implementation of Enhanced Emissions Inspection Program.

#### § 79.26

#### Historical Note

Sec. filed Dec. 31, 1981; repealed, new filed Nov. 9, 1990; amds. filed: Aug. 1, 1995 as emergency measure; Oct. 27, 1995 as emergency measure; Dec. 22, 1995 as emergency measure, expired 60 days after filing; repealed, filed: Feb. 16, 1996 as emergency measure; May 15, 1996 as emergency measure; July 12, 1996 as emergency measure; Sept. 9, 1996 as emergency measure; Nov. 7, 1996 as emergency measure; Jan. 6, 1997 as emergency measure; March 7, 1997 as emergency measure; May 5, 1997 as emergency measure; May 19, 1997 eff. June 4, 1997.

#### ~~§ 79.27 Heavy vehicle inspection.~~

~~This section comprises the safety inspection or the safety portion of a safety and emissions inspection for all trucks and trailers with maximum gross weights over 18,000 pounds, those trucks and trailers over 10,000 pounds MGW for which the registrants requested heavy vehicle inspection, all tractors, all semi-trailers and passenger vehicles with seating capacities of more than 15 persons, plus drivers.~~

~~Note 1: Any additional axle or axles (tag axles) on a vehicle must be inspected in the rear position.~~