

PART 79**MOTOR VEHICLE INSPECTION**

(Statutory authority: Vehicle and Traffic Law §§ 215, 301, 302, 303,
304, 304-a, 305, 305-c, 375)

Sec	
79.1	Definitions
79.2	Vehicles subject to inspection
79.3	Schedule of inspection stations
79.4	Inspection information
79.5	Effect of certificate of inspection and effect of inspection rejection notice
79.6	Inspection sticker fees
79.7	Official inspection station licenses
79.8	Duties of licensee
79.9	Station requirements
79.10	Certificates of inspection and inspection rejection notices: procurement credit refunds
79.11	Issuance of certificates of inspection, issuance of inspection rejection notices, and replacements
79.12	Required records
79.13	Signs
79.14	Penalties
79.15	Official fleet and dealer inspection stations
79.16	[Reserved]
79.17	Qualifications and duties of certified motor vehicle inspectors
79.18-79.19	[Reserved]
79.20	Inspection procedure generally
79.21	Inspection of motor vehicles
79.22	Light duty trailers
79.23	Medium duty vehicles
79.24	Emissions inspections of motor vehicles
79.25	High enhanced emissions and OBD II emissions inspection waiver
79.26	Vehicles subject to diesel emissions inspection
79.27	Heavy vehicle inspection
79.28	Inspection of motorcycles

Historical Note

Part repealed now (§§ 79.1-79.23) filed June 5, 1979 eff.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, VS-1082 I, VS-1082 SE, VS-1082 D or VS-1082 E)* A sticker, also referred to as an inspection certificate, 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 5 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 (form VS-1075)* A form secured from the Department of Motor Vehicles and issued by an inspection station to a motorist as prescribed in this Part. An equivalent inspection rejection notice may also be printed by the computerized vehicle inspection system without a form number. The certificate informs the motorist why the vehicle is being

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79.8	Duties of licensee
79.9	Station requirements
79.10	Certificates of inspection and inspection rejection notices: procurement, credit, refunds
79.11	Issuance of certificates of inspection, issuance of inspection rejection notices, and replacements
79.12	Required records
79.13	Signs
79.14	Penalties
79.15	Official fleet and dealer inspection stations
79.16	[Reserved]
79.17	Qualifications and duties of certified motor vehicle inspectors
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(b) *Inspection rejection notice (form VS 1075)* A form secured from the Department of Motor Vehicles and issued by an inspection station to a motorist as prescribed in this Part. An equivalent inspection rejection notice may also be printed by the computerized vehicle inspection system without a form number. The certificate informs the motorist why the vehicle is being

§ 79.1

TITLE 15 MOTOR VEHICLES

rejected and advises the motorist of deficiencies. A rejection notice is not an extension of an expired sticker, except as provided for in section 79 20(a) of this Part.

(c) *Maximum gross weight (MGW)* The weight of a motor vehicle as shown on the vehicle's registration document or, in the case of truck or trailer, the weight of the vehicle plus the maximum load the vehicle is registered to carry as shown on the vehicle's registration document. The MGW, not the designed carrying capacity of the vehicle, will be the weight that is used to determine the appropriate inspection for the vehicle.

(d) *Motor vehicle* Every vehicle included in the definition of the term *motor vehicle and motorcycle* as set forth in sections 125 and 123 of the Vehicle and Traffic Law, and every vehicle included in the definition of the term *limited use automobile or motorcycle* as set forth in sections 121-a and 121-b of the Vehicle and Traffic Law, as well as all trailers, set forth in section 156 except those vehicles specifically set forth in section 79 2(d) of this Part.

(e) *Motor vehicle inspection record (VS-1074SE, VS-1074SD or VS 1074M)* A form secured from the Department of Motor Vehicles by an official inspection station. This form is used to record the inspections, re-inspections 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 high enhanced, OBD II or low enhanced 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, 410 or 420 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, and does not require inspection.

(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 registered 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 time extension (form VS 1077)* A sticker secured from the Department of Motor Vehicles and affixed to a motor vehicle to evidence that the time within which such motor vehicle must be inspected has been extended for a period not to exceed 10 days 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 304-a of the Vehicle and Traffic Law.

(l) *Motor vehicle inspector's certificate (form VS-26)* A card 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, diesel emissions, OBD II inspections, and low enhanced emissions inspections of motor vehicles which seat 15 persons or less plus drivers, and motor vehicles and trailers under 18,001 pounds MGW but not of motorcycles. The ability to perform OBD II inspections may also be dependent upon passing the applicable test in the CVIS.

Group 2—allows an individual to conduct safety and diesel emissions 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 dynamometer or idle emissions inspection (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. Vehicles registered in this region that are subject to the high enhanced emissions inspection will have NYMA printed on the registration. Diesel-powered vehicles registered in this region that are subject to the diesel emissions inspection will have DEMA printed on the registration.

(n) [Reserved]

(o) *Computerized vehicle inspection system (CVIS)* This consists of an exhaust emission analyzer and/or an emission system 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 safety inspections, OBD II inspections and high enhanced emissions inspections in the NYMA.

(q) *Official low enhanced emissions inspection station* Any person, association or corporation which has been issued a license to conduct safety inspections, OBD II inspections and low enhanced emissions inspections 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 with the valid New York State Safety (form VS-1082) or safety/emissions (form VS-1082SE) or heavy vehicle safety (form VS-1082HV) inspection sticker to evidence temporary waiver from the high enhanced emissions portion or diesel emissions portion of annual inspection. Form VS-1078 may not be used for a vehicle subject to the low enhanced emissions inspection.

(s) [Reserved]

(t) *Inflatable restraint system* An air bag as defined in 49 CFR part 571.208 (S4.1.5.1) that is designed and installed to be activated in a crash.

(u) *Inflatable restraint readiness indicator light* An indicator monitoring the inflatable restraint system's readiness. The light must be clearly visible from the driver's position.

(v) *Diesel emissions inspection station* Any person, association or corporation which has been issued a license to conduct both vehicle safety and diesel emissions inspection.

(w) *Diesel emissions inspection certification and waiver form (form VS-1079DE)* A form secured from the Department of Motor Vehicles used by an official inspection station to certify that a vehicle subject to the diesel emissions inspection has qualified for and been issued a waiver per Department of Environmental Conservation standards.

(x) *On board diagnostics (OBD)* A system within passenger cars and light trucks in designated model year 1996 or newer, which monitors system degradation as it relates to powertrain components and emission control devices.

(y) *Malfunction indicator lamp or light (MIL)* The term used for the "Check Engine" or "Service Engine Soon" light or any other indicator light with a similar name that performs the same function. This light is evaluated when performing the OBD II emissions portion of an inspection.

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; March 20, 1998; Aug. 18, 1998; March 9, 1999; Dec. 6, 1999; July 29, 2003; Aug. 16, 2004; April 19, 2004 eff. May 4, 2005 Amended (f) (u)

§ 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 registered under section 415 of the Vehicle and Traffic Law to any person other than another such registered 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), and prior to delivery.

(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," "lease buyout," 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, however an original registration or reregistration or renewal may be issued without an inspection having been made if the applicant for such registration obtains a 10-day time extension certificate (form VS-1077) for the motor vehicle which is to be registered. 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* for purposes of this section 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, (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 MGW 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,
- (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, mobile car crushers, 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,
- (10) golf carts and invalid chairs,
- (11) snowmobiles and snow travelers,
- (12) class B and class C limited use motorcycles,
- (13) all-terrain vehicles (including off-highway motorcycles), and
- (14) low speed vehicles.
- (e) [Reserved]
- (f) The following vehicles which are subject to safety inspection are exempt from the OBD II high-enhanced and low-enhanced emissions portion of that annual inspection:
 - (1) vehicles 26 or more model years old,
 - (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 less than two model years old,
 - (5) vehicles registered as historical vehicles,
 - (6) motorcycles, and
 - (7) vehicles registered outside the NYMA, subject to the heavy duty safety inspection (vehicles over 18,000 lbs. MGW, and 10,000 to 18,000 lbs. MGW medium duty vehicles that elect to have the heavy duty safety inspection).
- (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.
- (h) The following vehicles, which may be subject to safety inspection and are registered in the NYMA, are exempt from the diesel emissions portion of that inspection:
 - (1) emergency vehicles as defined by section 101 of the Vehicle and Traffic Law. These include ambulances, police vehicles, correction vehicles, fire vehicles, civil defense emergency vehicles, emergency ambulance vehicles, blood delivery vehicles, environmental emergency response vehicles, sanitation patrol vehicles, hazardous materials emergency vehicles, and ordnance disposal vehicles of the armed forces of the United States,
 - (2) agricultural trucks as defined by section 401(7)(E)(2) of the Vehicle and Traffic Law,
 - (3) [Reserved]
 - (4) vehicles registered as historic,

§ 79.2

TITLE 15 MOTOR VEHICLES

(5) special purpose commercial vehicles as set forth in section 401(7)(F)(a) of the Vehicle and Traffic Law (Note: Special purpose commercial vehicles are exempt from the safety inspection), and

(6) vehicles registered outside the NYMA. However, an owner of such a vehicle may request a diesel emissions inspection when presenting the vehicle for inspection to an official diesel emissions inspection station.

Historical Note

See 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 Aug 18 1998, March 9, 1999 Dec 6, 1999, May 6 2003 July 29, 2003 Aug 16 2004, April 19, 2005 eff May 4 2005 Amended (b)(2)

§ 79.3 Schedule of inspection.

(a) Every motor vehicle and trailer registered in this State is required to be inspected prior to 12 midnight of 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 registrant.

Historical Note

See amds filed July 13 1964, Jan 6 1966 repealed, new filed Sept 15, 1966, amds filed May 11, 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 March 9 1999, July 29 2003 eff Aug 13 2003 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 or kept with the vehicle registration if the vehicle has no windshield or is a trailer or motorcycle.

(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) The owner of a vehicle registered in the NYMA whose motor vehicle inspection certificate will expire while outside the NYMA or who purchases a vehicle from outside the NYMA may apply to the commissioner for a temporary certificate of emissions waiver (form VS-1078) prior to receiving an inspection. The temporary certificate of emissions waiver will be valid with a valid New York State safety inspection certificate (form VS-1082), heavy vehicle safety inspection certificate (form VS-1082HV) or safety/emissions inspection certificate (form VS-1082SE) for as long as the registered vehicle is outside the NYMA. A vehicle exempt from emissions inspection does not require a temporary waiver, may be inspected at any inspection station licensed to inspect such vehicles, and does not need to be re-inspected upon return to the NYMA.

(1) A vehicle subject to the high enhanced emissions inspection (dynamometer or idle test) presented for inspection with a VS-1078 outside the NYMA must receive the low enhanced or OBD II safety/emissions inspection, as if it were registered in the county where the inspection is performed and as directed by the CVIS, and when it passes said inspection, shall receive a safety/emissions inspection certificate (form VS-1082SE).

(2) A vehicle subject to the diesel emissions inspection that is presented for inspection with a VS-1078 outside the NYMA must receive the appropriate safety inspection and, when it passes said inspection, shall receive the appropriate safety inspection certificate.

(3) The temporary certificate of emissions waiver will be valid for 10 days after entry into the NYMA by the motor vehicle. Upon re-entry to the NYMA and prior to the expiration of the 10 days, the subject vehicle must receive the complete appropriate emissions/safety inspection.

(4) All nonexempt 1996 or newer passenger cars and light duty trucks which are nondiesel and nonelectric-powered with an MGW of less than 8,501 pounds registered in the NYMA, that are inspected outside the NYMA, shall receive a complete safety and OBD II inspection and when such a vehicle passes said inspection, shall receive a safety/emissions inspection certificate (form VS-1082SE). This certificate shall be valid in the NYMA; the vehicle does not require reinspection and a VS-1078 is not required.

Historical Note

Sec. 79.5 added Jan. 6, 1966; Sept. 15, 1966; May 31, 1968; July 10, 1969; Nov. 2, 1977; repealed, new § 79.5 added June 5, 1979; words "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; Aug. 18, 1998; Dec. 6, 1999; July 29, 2003; Aug. 16, 2004; April 19, 2005 eff. May 4, 2005. Amended (d)(4).

§ 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 or inspection extension 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 provided with an inspection rejection notice and 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 official inspection station licensed to perform the required inspection.

(c) [Reserved]

(d) If a vehicle subject to the high enhanced or OBD II emissions inspection fails to pass a high enhanced or OBD II 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.

§ 79.5

TITLE 15 MOTOR VEHICLES

(e) If a vehicle fails to pass a diesel emissions reinspection the vehicle may be eligible for a waiver if the conditions contained in subdivision (h) of this section 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 Aug 18, 1998, March 9 1999 Dec 6 1999, July 29, 2003 Aug 16, 2004 eff Sept 1, 2004 Amended (a), (b) (d)

§ 79.6 Inspection sticker fees

- (a) The fee for a certificate representing that a vehicle has passed a safety inspection is \$2
- (b) [Reserved]
- (c) Except as modified in subdivision (e) of this section, the fee for a certificate representing that a vehicle has passed a combined safety and emissions inspection is \$6
- (d) [Reserved]
- (e) The fee for a certificate representing that a vehicle has passed a combined safety and diesel emissions inspection is \$2

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 March 9, 1999 Dec 6, 1999, July 29, 2003 Oct 9 2003 as emergency measure expired 90 days after filing Jan 9, 2004 as emergency measure, expired 60 days after filing, March 11, 2004 as emergency measure March 23 2004 Aug 16, 2004 eff Sept 1, 2004 Amended (c)

§ 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. Before being issued a license to inspect vehicles for the public, a station must be registered with the commissioner as a repair shop.

(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.

(c) *Inspection fees* (1) 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 FEES

MGW (maximum gross weight) for inspection purposes is the weight indicated on the vehicle registration certificate

GROUP 1

(a) (1) Safety inspection of all motor vehicles except trailers, including motor vehicles with a seating capacity of 15 passengers or less, plus a driver, with a MGW of 10,000 pounds or less \$10

(2) Safety inspection of all motor vehicles except trailers including motor vehicles with a seating capacity of 15 passengers or less, plus a driver with a MGW over 10,000 pounds up to and including 18,000 pounds MGW, except when the registrant request a Group 2 heavy vehicle inspection \$15

(b) Safety inspection of trailers with a MGW of 18,000 pounds or less except those trailers with a MGW over 10,000 pounds, up to and including 18,000 pounds MGW, when the registrant requests a Group 2 heavy vehicle inspection \$ 6

GROUP 2

(a) (1) Safety inspection of all vehicles over 18,000 pounds MGW, over 10,000 pounds up to and including 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

GROUP 3

Motorcycles \$ 6

Emissions inspection fees (includes low enhanced OBD II diesel and high enhanced)

High enhanced emissions inspection (dynamometer or idle test required for all nonexempt vehicles registered in the NYMA) \$27

OBD II Emissions Inspection (performed at a high enhanced emissions inspection station) \$27

OBD II Emissions Inspection (performed at a low enhanced emissions inspection station) \$11

Low enhanced emissions inspection (required for all nonexempt vehicles registered outside the NYMA) \$11

Diesel emissions inspection (required for all nonexempt vehicles registered in the NYMA) \$25

(2) Official high enhanced inspection fees Official high enhanced inspection stations must perform both the safety and emissions portions of an inspection on all vehicles subject to emissions inspection presented to them

(3) [Reserved]

(4) Inspection fees are not subject to State and local sales tax All fees listed include the cost of the inspection certificate

(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) If a vehicle fails a safety and/or emissions inspection and is not removed from the station for repair, there shall be no charge for reinspection of the vehicle. A test drive by station personnel for the purposes of diagnosis or verification of repair does not constitute removal from the station.

(7) An official low enhanced inspection station must perform both the safety and low enhanced emission or OBD II emission inspection portions of an inspection on all vehicles subject to emissions inspection presented to them.

(i) 1996 or newer vehicles with an MGW of less than 8,501 lbs. that are non-diesel and non-electric powered, subject to the OBD II inspection with NYMA on the registration, may receive the safety and OBD II inspection at a low enhanced station and do not need a temporary certificate of emissions waiver (form VS-1078). All other vehicles subject to emissions inspection which have "NYMA" or "DEMA" printed on the registration document may only be inspected at a low enhanced inspection station if they present a temporary certificate of emissions waiver form (VS-1078).

(8) An official inspection station outside the NYMA, which is not an official diesel inspection station, may only inspect a vehicle subject to the diesel emissions inspection if the operator of the vehicle presents a valid 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, requires an amendment setting forth the new location. This amendment must be submitted at least 30 days prior to the facility changing location. The commissioner may waive the 30-day requirement in the case of extreme emergencies such as natural disasters or eviction, and may in such cases issue a temporary permit to operate an official inspection station at the new location, pending final review of the amendment application. If the department has not conducted an on-site investigation of the proposed new location within 30 days of receipt of the amendment application, a temporary permit to operate at that new location may be granted until the investigation takes place. A temporary permit issued pursuant to this subdivision shall remain in effect for no longer than 60 days. 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.

(c) 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) [Reserved]

(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, a station must be licensed as an official enhanced emissions inspection station and be staffed and equipped to conduct safety and 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.

(i) In order to perform diesel emissions inspections, a station must be licensed as an official diesel emissions inspection station and be staffed and equipped to conduct safety and diesel exhaust inspection 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, Aug. 18, 1998, March 9, 1999, Dec. 6, 1999, Dec. 12, 2000, July 29, 2003, Oct. 9, 2003 as emergency measure, expired 90 days after filing, Jan. 9, 2004 as emergency measure, expired 60 days after filing, March 11, 2004 as emergency measure, March 23, 2004, Aug. 16, 2004, April 19, 2005 eff. May 4, 2005 Amended (c)(1) (3), (6), (7) (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) An inspection station is not required to perform repairs to defective items for which a vehicle is rejected. If, however, the station does not perform repairs, the station must inform the motorist of the policy before the inspection is started. The station must prominently post a sign

visible to the motorist during the normal course of business and must also inform the motorist in writing and obtain the motorist's signature as acknowledgement.

(7) [Reserved]

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

(9) to keep records of safety and/or emissions inspections, re-inspections 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. All such records must be kept in the manner prescribed by the commissioner and must be kept for a minimum of two years,

(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 business certificate (form MV-61P), inspection groups and fee chart (form VS-77) 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, and shall be within the normal posted business hours of the station.

(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

See 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 23 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, March 9, 1999, Dec 6 1999, July 29, 2003, Aug 16 2004 eff. Sept 1 2004. Amended (b) (c).

§ 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

(iii) Class 3 station A motorcycle inspection station must have a minimum enclosed area of 120 square feet

(2) When 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 the above requirements

(3)-(4) [Reserved]

(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* 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

(1) Each station must have, as a minimum the following equipment before it will be approved as an official inspection station

(i) paper punch $\frac{1}{4}$ to $\frac{1}{2}$ inch in diameter

(ii) tire depth gauge calibrated in 32nds of an inch and

(iii) tire pressure gauge calibrated in lbs/sq. in. (psi)

(2) In addition to the equipment specified in paragraph (1) of this subdivision, an official low enhanced emissions inspection station must also have the appropriate computerized vehicle inspection system (CVIS), approved by the Department of Environmental Conservation and

the Department of Motor Vehicles. This equipment which shall be known as the NYVIP CVIS shall include but not be limited to

- (i) computer,
- (ii) controlling software,
- (iii) communications link prescribed by DEC and DMV,
- (iv) printer
- (v) a DEC and DMV approved OBD II scan tool with appropriate connectors and software
- (vi) bar code scanner, and
- (vii) a dedicated phone line for transmission of all inspection data. An enhanced emissions station that has more than one CVIS unit must maintain at least one phone line dedicated for use by the CVIS. This line may be shared by other CVIS units. No line(s) used by CVIS unit(s) may be shared by any other equipment.

This equipment shall be delivered and installed in official low enhanced emissions inspection stations as directed by the commissioner.

(3) In addition to the equipment specified in paragraph (1) of this subdivision, an official high enhanced emissions inspection station must also have the appropriate computerized vehicle inspection system (CVIS) approved by the Department of Environmental Conservation and the Department of Motor Vehicles, capable of performing high enhanced dynamometer and idle tests. This equipment, which shall be known as the NYTEST CVIS, shall include but not be limited to

- (i) an analyzer
- (ii) computer,
- (iii) controlling software
- (iv) communications link prescribed by DEC and DMV,
- (v) printer,
- (vi) camera,
- (vii) dynamometer,
- (viii) bar code scanner
- (ix) a DEC and DMV approved gas cap tester with an updated set of gas cap adapters, and
- (x) a dedicated phone line for transmission of all inspection data. An enhanced emissions station that has more than one CVIS unit must maintain at least one phone line dedicated for use by the CVIS. This line may be shared by other CVIS units. No line(s) used by CVIS unit(s) may be shared by any other equipment.

Upon approval by DMV and DEC, a high enhanced emissions inspection station may also purchase and install an upgrade to the NYTEST CVIS to perform OBD II emissions tests. This upgrade will be optional and will not be required. Effective April 1, 2005, an official high enhanced emissions inspection station must also have the NYVIP CVIS specified in paragraph (2) of this subdivision. Effective April 1, 2005, all OBD II inspections must be performed in the NYVIP CVIS. This equipment shall be delivered and installed in official high enhanced emissions inspection stations as directed by the commissioner.

(4) In addition to the equipment specified in paragraph (1) of this subdivision, an official diesel emissions inspection station must also have the appropriate diesel emissions inspection system approved by the Department of Environmental Conservation as set forth in 6 NYCRR Part 217.

(5) In addition to the equipment specified in paragraph (1) of this subdivision, official heavy vehicle inspection stations must also have

- (i) measuring device for brake adjustment,

- (ii) feeler gauge or equivalent
- (iii) brake drum gauge, and
- (iv) rotor thickness gauge

(6) Official emissions inspection stations must maintain their printers so that reports and other required documents print legibly and clearly. In addition, high enhanced inspection stations must maintain the sticker printer and replace the printer/ink cartridge on a regular basis so that stickers are legible for as long as the sticker is valid.

(7) For official high enhanced emissions inspection stations the NYTEST camera and recording device must be maintained in such a manner that all dynamometer and idle inspections will be properly recorded, making it possible to identify the subject vehicle by make, model, color, and where possible, license plate. Failure to so maintain the video system, or any act that would prevent the inspection from being properly recorded, will be a violation of this section. Access to the recording device shall be limited to agents of the Department of Motor Vehicles and representatives of the analyzer's manufacturer. The Department of Motor Vehicles shall retain the right to view and/or examine the video record, and to retrieve and/or exchange the recording media as necessary during any audit or investigation of the inspection station. Such video record shall be part of the record of inspection at the inspection station.

(8) 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.

(c) [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 and new filed June 5, 1979; amds. filed Dec. 17, 1980; Oct. 25, 1982; May 16, 1984; 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,

§ 79.9

TITLE 15 MOTOR VEHICLES

1997 as emergency measure May 5, 1997 as emergency measure May 19 1997 Aug 18
1998, March 9, 1999, Dec 6, 1999 Nov 16 2001 July 29 2003 Aug 16 2004 April 19
2005 eff May 4 2005 Amended (d)(2), (3)(x), (7)

§ 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 (c)

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

(a) A valid certificate of inspection, inspection rejection notice (issued by a CVIS or form VS-1075) temporary certificate of emissions waiver (form VS-1078) or 10-day time extension certificate (form VS-1077) 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, temporary certificate of emissions waiver or 10-day time extension certificate which has been made invalid 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.

(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. 23, 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, Aug. 16, 2004 eff. Sept. 1, 2004 Amended (a)-(h)

§ 79.12 Required records.

(a) (1) A form entitled "Motor Vehicle Inspection Record" (form VS-1074SE, VS-1074SD, or VS-1074M) will be furnished without charge to the inspection stations. This form will be used to record inspections performed by the station. A new form must be started on the first day of each year. Form VS-1074 must be kept in an orderly chronological manner. Such forms shall be completed in accordance with the "Instructions for Completing Vehicle Inspection Record", which is on the reverse of each form. The start of each month must be clearly marked. The official inspection station shall keep separate form VS-1074 records for each series of inspection stickers (safety, motorcycle, heavy vehicle, diesel safety/emissions) that the station is licensed to issue after inspection. The official inspection station shall retain all VS-1074 forms in its files for two years from the date of the last entry.

(2) For high enhanced emissions stations, the result of inspections of vehicles subject to the high enhanced dynamometer or idle emissions inspection or OBD II emissions inspection must be recorded in the NYTEST or NYVIP CVIS. Effective April 1, 2005, a high enhanced inspection station must record all OBD II, low enhanced and safety inspections in the NYVIP CVIS. A high enhanced emissions inspection station must record the results of diesel emissions or heavy vehicles subject to diesel emissions inspection on the appropriate VS-1074 form.

(3) A low enhanced emissions inspection station that is also an official diesel emissions station must record issuance of diesel emissions stickers on the appropriate VS-1074 form. All other inspections must be recorded in the NYVIP CVIS.

(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

§ 79.12

TITLE 15 MOTOR VEHICLES

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. A high or low enhanced emissions inspection station must record the receipt of emissions inspection certificates immediately upon request by entering the sticker order into the CVIS as prompted by the software so that the order received will be recorded in the analyzer system's computer.

(f) For official high and low enhanced emissions inspection stations procedures for record-keeping must also include printing a copy of the daily inspection report or a daily copy of the detail report as prompted by the CVIS. A copy of the 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

Soc. 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; Aug. 18, 1998; March 9, 1999; Dec. 6, 1999; July 29, 2003; Aug. 16, 2004; April 19, 2005 eff. May 4, 2005. Amended (a)(2)-(3) (f).

§ 79.13 Signs.

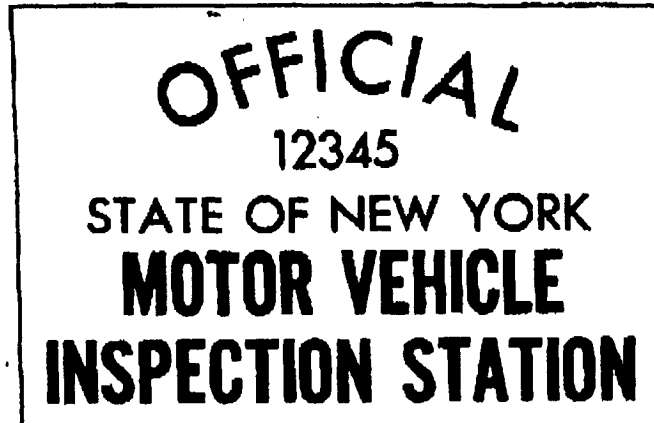
(a) Official inspection stations are responsible for obtaining and displaying the official inspection station sign. The size, shape and text of official inspection station signs must conform to the following specifications and must be displayed by a station licensed to inspect for the general public.

(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.

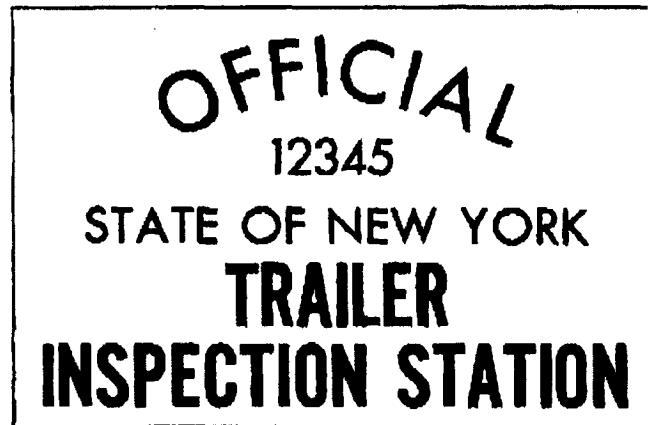
(2) The sign may be either a single- or double-faced sign, and shall be hung or mounted in such manner that it is visible to the public from outside the building.

(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.

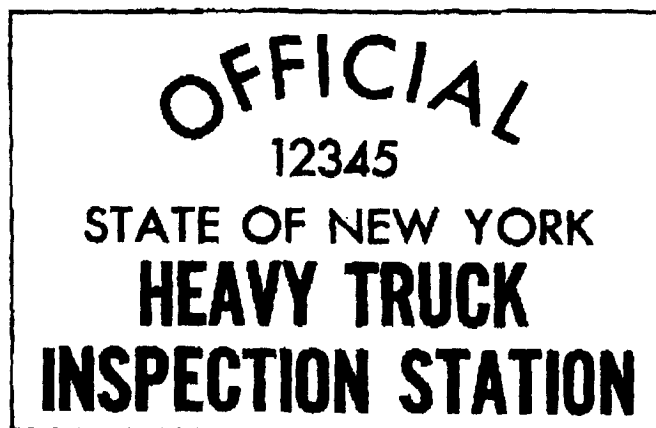
(1) The sign must be displayed by a station which is licensed to perform low enhanced emissions, OBD II emissions and/or safety inspections for the general public.



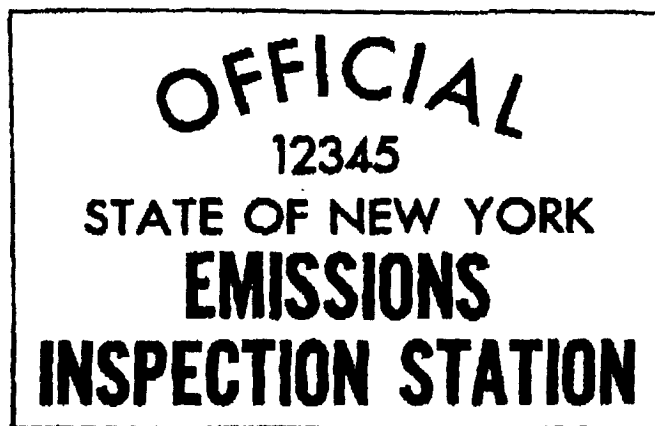
(2) This sign must be displayed by a station which is restricted to the inspection of noncommercial trailers only



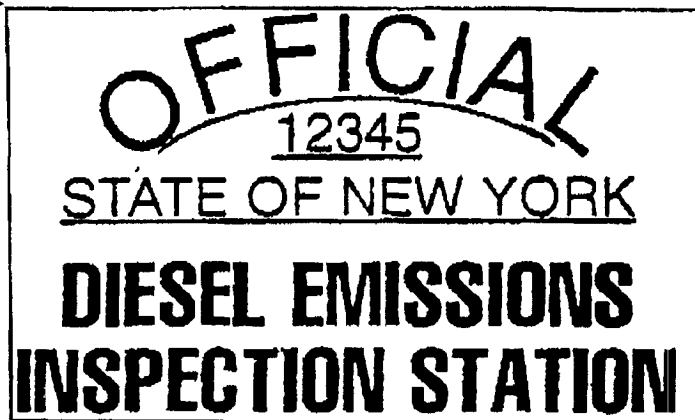
(3) This sign must be displayed by a station which is restricted to the inspection of trucks over 18,000 GVW only



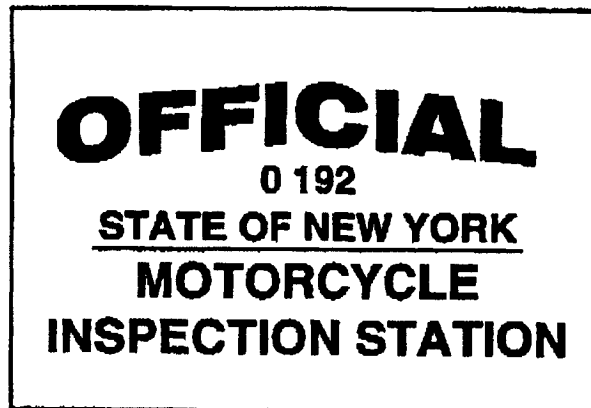
(4) (i) This sign must be displayed by a station which is licensed to perform high enhanced emissions inspections for the general public



(ii) This sign must be displayed by a station which is licensed to conduct diesel emissions exhaust inspections for the general public



(5) This sign must be displayed by a station which is licensed to inspect motorcycles for the general public.



(6) Except for a motorcycle inspection station, the background of the sign shall be a national school bus yellow and the lettering thereon shall be black. Stations licensed prior to April 1, 1979 may use a sign with either an orange or national school bus chrome background. For a motorcycle inspection station, the sign shall have a blue background and the lettering thereon shall be orange or gold.

(7) 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.

(8) 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.

§ 79.13

TITLE 15 MOTOR VEHICLES

letters and meeting the same requirements as to color prescribed in paragraph (b)(6) 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 inspection groups and fee chart (form VS-77), provided by DMV, shall be conspicuously displayed in an office location or similar area of the station where the customer transacts business. Licensees shall be authorized to inspect only those groups of vehicles as indicated on the station official business certificate (form MV-61P). 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. The posting shall be in a clear and legible manner, provided by the official inspection station under the title "Certified Motor Vehicle Inspectors" with letters one-half inch or more in height. The list of inspectors generated by the NYVIP CVIS will be sufficient for this requirement.

Historical Note

Sec. amended filed July 6, 1965; May 31, 1968; Jan. 4, 1971; repealed new filed June 5, 1979; amended filed Dec. 17, 1980; Oct. 25, 1982; April 4, 1983; Dec. 29, 1989 as emergency measure; Feb. 26, 1990; Nov. 9, 1990; Aug. 1, 1991 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; Aug. 18, 1998; March 9, 1999; Dec. 6, 1999; July 29, 2003; Aug. 16, 2004 eff. Sept. 1, 2004. Amended (b), (f).

§ 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.

Note You may be subject to additional penalties for failure to comply with Department of Environmental Conservation regulations concerning diesel emissions standards. Please refer to their regulations.

Historical Note

See 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, Dec 6 1999 eff Dec 22 1999 Amended (b)

§ 79.15 Official fleet and dealer inspection stations

(a) *Portable fleet stations* 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 in New York State-owned or controlled by the licensee, in addition to the official location listed on the station's license. The official location must have space and equipment sufficient to perform inspections on any vehicle that the station is licensed for. Any remote location must have space and equipment sufficient for any inspection performed at that location. The location listed on the station's license shall be considered the official station location and will be the place where the records, required testing equipment, and certificates of inspection will be required to be kept, except when inspections are actually being made at another location.

(b) *Trailer only dealer stations* Dealers registered under section 415 of the Vehicle and Traffic Law, engaged in the business of selling 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. Such a dealer would be restricted to the inspection of light duty trailers with a gross weight of 10,000 pounds or under, as required by section 79.22 of this Part. If the dealer wishes to inspect trailers with a gross weight of more than 10,000 pounds, the required enclosed space must be maintained and those trailers must be inspected inside the premises.

(c) *Fleet stations* (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 of the Vehicle and Traffic Law 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.

(3) A fleet station licensed to inspect Group 1A vehicles must have the appropriate CVIS for emissions inspection, or demonstrate that it has at least 25 Group 1A vehicles in its fleet that are not subject to emissions inspection. A municipal fleet must demonstrate that it has 5 vehicles exempt from emissions testing. If exempted from purchasing the CVIS, any vehicle in the fleet subject to emissions inspection must then be inspected at another facility licensed and equipped to perform the proper inspection.

(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) [Reserved]
- (5) an official inspection station (fleet or dealer) is not required to maintain inspection rejection notices (form VS-1075), unless it inspects employee vehicles,
- (6) an official inspection station (fleet or dealer) need not register as a repair shop, and
- (7) 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) is subject to all additional requirements applicable to official enhanced emission inspection stations unless the official inspection station (fleet or dealer) is restricted to the inspection of certain classes of vehicles. Official inspection stations (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 emissions inspection requirement. In addition, an official inspection station fleet or dealer license can be restricted to the inspection of any combination of these or other classes of vehicles. An official inspection station (fleet or dealer) is only required to have and maintain equipment necessary to inspect the classes of vehicles it is restricted to inspect unless the station also inspects employees' vehicles in which case the station must have the same equipment required of a public station. 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 3, 1997 as emergency measure May 19, 1997, March 9, 1999 Dec 6, 1999, July 29, 2003, Aug 16 2004 April 19 2005 eff May 4 2005 Amended (c)(3)

§ 79.10**Historical Note**

Sec amds filed Sept 15 1966, May 31 1968, Dec 18, 1969 Sept 1 1970 repealed filed June 3, 1975 eff June 5, 1975

§ 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) They 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) They 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 their 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(d) 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) To make or cause to be made correct entries in the CVIS, on any VS-1074 form 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 (form VS-26) must present their certificate to their current employer and to any other subsequent employer who shall immediately record the certificate number on the appropriate forms or in the CVIS as prescribed by the commissioner

(6) During their hours of employment at the official inspection station the inspector must have in his or her possession his or her motor vehicle inspector's certificate (form VS-26) 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 their 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 and shall not leave their card unattended. 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 12 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 high enhanced dynamometer or idle emissions inspections in an official high enhanced emissions inspection station a person must be certified in high enhanced exhaust emissions inspection in addition to the requirements set forth in subdivision (a) of this section. Certification for a high enhanced emissions inspection shall be granted upon completion of an approved high enhanced emissions course

(e) In order to perform OBD II inspections in an official high or low enhanced emissions inspection station using the NYVIP CVIS, an inspector must also successfully pass the computer-based exam resident on the CVIS in addition to the requirements set forth in subdivision (a) of this section

Historical Note

Sec. filed Jan. 4, 1971 and filed April 28, 1978 repealed new filed June 5, 1979 and 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, March 9 1999, Dec 6, 1999, July 29 2001 Aug 16, 2004 eff Sept 1, 2004 Amended (b) (d) added (e)

§ 79.20 Inspection procedure generally

(a) The items set forth in sections 79.21 through 79.28 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. A rejection notice is NOT an extension of an expired inspection certificate with the exception that a vehicle that has failed an OBD II emissions inspection may be issued a rejection notice with an extension for the purpose of verifying emission repairs and preparing the vehicle for reinspection as directed by the NYVIP CVIS. A receipt or invoice must be given to the motorist for the actual cost of the inspection. The receipt or invoice must contain the following information:

- (1) date of inspection
- (2) facility number,
- (3) certified inspector number
- (4) vehicle information (year, make, mileage, plate number, or VIN if the vehicle has no plate)
- (5) the actual fee charged the motorist for the inspection,
- (6) results of the inspection (pass/fail) and
- (7) the inspection certificate number if the vehicle passes inspection

If the vehicle passes an inspection at a high or low enhanced inspection station, the inspection station must give the customer the motorist copy of the New York State Inspection Receipt, which is printed by the NYTEST CVIS, or the inspection receipt which is printed by the NYVIP CVIS. If the vehicle fails the inspection, the motorist must be given the rejection notice which is printed by the NYTEST CVIS or the inspection receipt that is printed by the NYVIP CVIS. Although the CVIS generated rejection notice or inspection receipt satisfies the requirements of this section, the station may, in addition, issue a standard receipt.

(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. During the transient portion of a high enhanced emissions inspection, it will be permissible, if necessary due to dynamometer installation, for a portion of the vehicle to extend outside the facility. It shall be permissible to conduct the diesel emissions test of a diesel safety/emissions inspection outside the station only if the station does not have sufficient exhaust ventilation. The remainder of such inspection must be conducted within the enclosed portion of the station.

(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) To complete the appropriate vehicle inspection record (VS-1074), or make appropriate entries in the emissions analyzer, obtain the information necessary from any of the following: the vehicle, the windshield registration or windshield inspection certificate, the registration document (MV-639TR) or photocopy, a temporary registration (form MV-149), a certificate of sale (form MV-50), a certificate of title (form MV-999), a manufacturer's certificate of origin, a manufacturer's statement of origin, a salvage certificate (form MV-907A) or photocopy, a notice of registration acceptability (form VS-103), or an out-of-state registration or ownership document.

(2) (i) The inspector, service writer or other authorized representative at an official emissions inspection station shall ask the customer if the vehicle has been inspected and/or

rejected within the past 30 days and shall request any rejection notice(s) pertaining to such inspection(s). Failure to request this information would require the station to perform a portion of the inspection at no charge to the customer if the CVIS later determines that the vehicle has passed that portion at another station within 30 days.

(1) When prompted by the NYVIP CVIS, the certified inspector will scan the bar coded reinspection information printed on the rejection notice by the CVIS, to determine the correct reinspection.

(3) At the start of the inspection, the certified inspector shall remove or obtain any expired certificates of inspection after being utilized for data entry if required and 10-day time extension certificates (form VS-1077) or temporary certificates of emissions waivers (form VS-1078) from the windshield or other location on the vehicle. Any inspection certificates or temporary certificates 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 within 24 hours. A mutilated or missing VIN plate is not a cause for rejection or refusal to perform an inspection.

(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. A certified inspector may not begin an inspection or accept a vehicle for inspection if the equipment required to perform a complete inspection is missing, broken or not functioning. If an official emissions inspection station begins an inspection and is unable to continue because of failure of the CVIS and is unable to create a record in the CVIS of the portion of the inspection that was completed, and the vehicle leaves the premises of the station, then upon reinspection the vehicle must receive a complete inspection. The failed attempt shall not constitute an inspection and the customer shall not be charged a fee.

(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 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 of 15 persons or less, plus drivers, and motor vehicles of 18,000 pounds MGW and under, except those motor vehicles and trailers over 10,000 pounds MGW for which the registrants have requested heavy vehicle inspections - affix the appropriate safety, safety/emissions, high enhanced safety/emissions, or diesel safety/emissions inspection certificate to lower left inside corner of windshield.

(b) all tractors, all motor vehicles over 18,000 pounds MGW, those motor vehicles 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- or diesel-powered tractors, motor vehicles over 18,000 pounds MGW, those motor vehicles over 10,000 pounds MGW for which the registrant requested heavy vehicle inspection, and passenger vehicles with seating capacities over 15 passengers plus drivers, registered in the NYMA, will be required to display BOTH the heavy vehicle inspection certificate and the appropriate emissions inspection certificate (high enhanced or diesel) as noted above. These vehicles

registered outside the NYMA are exempt from emissions inspection and will be issued the heavy vehicle inspection certificate only

(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 a safety inspection certificate. If issuing a VS-1082 safety certificate, punch the expiration month and four round holes across the top, through the words "New York State," enter the registration plate number in the "odometer reading" box on the back of the sticker, or the last 6 digits of the VIN if the trailer is not registered, and give it to the trailer owner to be kept with the trailer registration and

(f) [Reserved]

(g) All motorcycle - affix the motorcycle inspection certificate to a permanent structural member on the left front side of the motorcycle visible when approaching the vehicle from the operator's left

(d) (1) When a vehicle subject to emissions inspection is presented to a high or low enhanced emissions inspection station for the purpose of reinspection (vehicle was previously rejected within 30 days by the same station or some other station) only the portions (safety, emissions or gas cap) of the inspection that failed should be reinspected as long as a valid rejection notice or CVIS verification is received, and only the fee for those portions actually required to be reinspected may be charged

(2) When a vehicle is presented for the purpose of "safety-only" reinspection (vehicle was previously rejected within 30 days by the same station or some other station), a complete and thorough safety inspection must be conducted

(3) When a vehicle subject to the diesel emissions inspection is presented for the purpose of reinspection to the same station within 30 days of the initial rejection, only the portion of the inspection (safety or diesel emissions) that was failed shall be reinspected

(e) When a vehicle subject to the high enhanced exhaust emissions inspection or the diesel emissions inspection is presented for inspection in the NYMA with a valid New York State safety, heavy vehicle safety or safety/emissions inspection certificate and a temporary certificate of emissions waiver (form VS-1078), a complete safety and exhaust emissions inspection (high enhanced or diesel) must be performed

Historical Note

Soc amds filed Sept 15, 1966 May 31 1968 repealed new filed June 4, 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, Aug 18, 1998, March 9, 1999 Dec 6 1999 Dec 12, 2000 July 29 2003 Aug 16, 2004 April 19 2005 eff May 4, 2005 Amended (a) (c)(2) (7)

§ 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 section 79.28 of this Part) motor vehicles and trailers with maximum gross weights over 10,000 pounds up to 18,000 pounds (see section 79.23 of this Part) motor vehicles 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) Trailers with a maximum gross weight of 10,000 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 performing a brake equalization test and 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, copper tubing or compression fittings are used
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 deplete power assist in system. Depress brake pedal and while maintaining force, start engine.	7 Brake pedal does not fall slightly under force when engine starts

<i>Procedure</i>		<i>Reject if</i>
<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 $\frac{1}{16}$ 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 $\frac{1}{16}$ inch over any rivet head
<i>Check Condition of Brake Linings and Pads</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
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	11 Friction material 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
<i>Brake Drums</i>		
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	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
<i>Brake Rotor</i>		
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	13 There are substantial cracks extending to edge. There is evidence of mechanical damage other than wear Distortion or scoring impairs the braking system
<i>Brake Components</i>		
14	Visually inspect components of the braking system	14 There is any disconnected, improperly installed, broken, frozen, seized, bypassed, or missing component of the braking system.

Note An inoperative anti-lock brake system or an illuminated ABS warning light are not causes for rejection

§ 79.21

TITLE 15 MOTOR VEHICLES

(b) *Parking brake* If a 1962 or older vehicle is not originally equipped with parking brake disregard this procedure

<i>Procedure</i>		<i>Reject if</i>	
<i>Parking Brake Function</i>			
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.
<i>Parking Brake Components</i>			
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. There is no reserve travel in the lever or pedal when the brake is fully applied. The ratchet and pawl or other automatic locking device does not hold the brake position or cannot be properly released.
<i>Parking Brake Independence</i>			
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.

(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.

<i>Procedure</i>		<i>Reject if</i>	
<i>Tires</i>			
1	Two 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)	1	Any tire is worn to less than $\frac{1}{4}$ 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 $\frac{1}{8}$ of an inch of major tread design at the two points at which the gauge readings are obtained
2	Inspect for breaks or cuts	2	Tire has fabric break, or a cut in excess of one inch in any direction and deep enough to reach the body cords

3	Inspection for bumps, bulges or knots	3	Tire has visible bumps, bulges or knots indicating partial failure or separation of the tire structure
4	Inspect for any ply or cord structure that is exposed	4	Tire has any portion of the ply or cord structure exposed
5	Visually inspect for restricted usage marking on tires 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	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'
<i>Wheel Fasteners</i>			
6	Inspect for number and condition of wheel fasteners	6	Any wheel fastener is missing or broken
7	Check tire pressure	7	Advise customer if tire pressure is not within range recommended by vehicle manufacturer <i>Note:</i> Tire pressure check is an advisory only, do not reject the vehicle. The customer must be notified in writing.

(d) *Steering, suspension, front end and chassis/frame*

<i>Procedure</i>		<i>Reject if</i>
<i>Steering Wheel Free Play</i>		
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. 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.	1 Steering wheel movement exceeds Power Steering 2 inches free play Manual Steering 3 inches free play

Steering Linkage

<i>Procedure</i>		<i>Reject if</i>	
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	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 arm, 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
<i>Spring and Torsion Bars</i>			
3	Inspect general condition of springs and torsion bars	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	Visually inspect chassis/frame or primary uni-body member for general condition	4	(i) The front wheels are visually out of line (ii) Any axle or front end assembly is bent or twisted (iii) Chassis/frame or primary uni-body member is severely rusted at suspension attachment points (iv) Bolts or nuts are loose, missing or in a deteriorated condition due to rust (v) Chassis/frame or primary uni-body member is cracked or broken
<i>Power Steering System</i>			
4	Inspect for power steering operation, leakage and condition of belts	5	System does not work, there are visible leaks or the power system belt is loose, V-belt(s) is cracked or fraying. Flat serpentine belt(s) is "chinking" (rib missing) in the micro V area, flat outer surface is cracked, belt is fraying
<i>Note: Small cracks in the micro V ribs of a serpentine belt are not reason for rejection</i>			
<i>Shock Absorbers</i>			
6	Visually inspect for broken or missing shocks and any loose or broken mounting brackets and bolts	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

(c) *Lighting and reflectors* The following are the only lights that must be inspected

Low beam headlamps (operation only)
 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 the headlights may be operated independently from such lights

Note Additional signal lights on side mirrors or marker lights that blink (with the turn signals) are not required turn signals, and the vehicle must not be rejected for the condition or operation of such lights

Procedure	Reject if
<i>Headlamps</i>	
1 All vehicles must be equipped with an approved headlamp system Visually check operation of high and low headlamps	1 Headlamps are not of an approved type Lens is missing, broken (piece missing) or has a crack that results in an opening 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 headlamps that interferes with light beam of lamp (such as shields, painted lens, etc.)
<i>Note</i> Modification of an original headlamp system must result in the replacement with a complete approved system	
2 Visually inspect only the following for proper operation and condition Minimum Lighting	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 (a) Lamps are not of an approved type (b) Any lens is missing, broken (piece missing), or has a crack that results in an opening or improperly fit so that light is being emitted (c) Vehicle is not equipped with minimum lighting requirements for its model year (d) Any lens has been repaired with unapproved material

1952 and older model vehicles

	<i>Procedure</i>	<i>Reject if</i>
	REAR	
	at least one red tail lamp at least one red or amber stop lamp	
	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) at least one license plate lamp	
3	Every motor vehicle equipped with directional signals must also be equipped with an indicator lamp	3 Interior indicator lamp does not function properly (If vehicle has an exterior indicator lamp only check for proper operation)
4	1966 and newer vehicles must be equipped with a traffic hazard warning device (four-way flasher)	4 Not properly equipped with a traffic hazard warning device which operates independently of ignition or directional signal switches
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	5 Add-on exterior lights are not on a switch 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	6 Not equipped with a high-mounted stop lamp on the vertical 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 All stop lamp bulbs of original equipment must light
7	Every motor vehicle must have a rear number (license) plate lamp When multiple bulbs were original equipment, all must be present and operational	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	In addition to the lighting required in paragraph 2 of this subdivision vehicles 80' or more in width must have the following	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

<i>Procedure</i>	<i>Reject if</i>
FRONT	
Two amber clearance lamps	
One amber identification lamp (three-lamp cluster)	
EACH SIDE	
One amber side marker	
One red side marker	
One amber Class A reflector	
One red Class A reflector	
REAR	
Two red clearance lamps	
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.

<i>Procedure</i>	<i>Approved Glass</i>	<i>Reject if</i>
1	Inspect windshield and other windows on vehicle for presence of approved safety glazing	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 left, right and rear of the driver. Any 1935 or newer model year vehicle is not equipped with approved safety glass or rigid plastic, if plastic is used with an AS-1, -2, -3, -4, -5, -10 or -11 rating in any window on a convertible pickup or light-duty truck.
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. <i>Windshield Only</i> 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).

§ 79.21

TITLE 15 MOTOR VEHICLES

(g) Mirrors

Procedure		Reject If	
Location and Mounting			
1	Inspect mirrors for proper location and mounting	1	<p>(a) 1967 and older model not equipped with at least one mirror either an interior or left outside mirror</p> <p>(b) 1968 and newer model not equipped with a left outside mirror</p> <p>(c) 1970 and newer model not equipped with an adjustable interior mirror in addition to the left outside mirror unless the vehicle is equipped with dual outside mirrors</p> <p>(d) Truck-tractor does not have both a left and right outside rear view mirror</p> <p>(e) There is no left and right outside mirror on a vehicle with a permanent obstruction of the rear window</p> <p>(f) Any mirror cannot be properly adjusted to provide a clear and full view of the rear</p> <p>(g) Any mirror is not securely mounted</p>

Cracks - Broken Discoloration

2	Inspect reflecting surface for any cracks, breaks or discoloration	2	Any mirror is cracked, broken or discolored
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Note Vehicles with mirrors that are not subject to section (1) are to be inspected and rejected if the mirror is cracked, broken or discolored unless the mirror and housing are completely removed from the vehicle

(h) [Reserved]

(i) Windshield wipers

Windshield Wipers

Note Rear window wipers are not part of inspection

1	Visually inspect for presence of windshield wipers or wiper	1	Vehicle is not equipped with the number of wipers with which it was originally equipped
Windshield Wiper Operation			
2	Inspect for satisfactory operation and condition of wiper blades	2	<p>Any wiper is inoperative, does not operate freely, or is improperly adjusted</p> <p>Any wiper blade has dead, torn or badly worn rubber or if material other than the rubber wiper blade comes in contact with windshield</p> <p>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

<i>Procedure</i>	<i>Reject if</i>
<i>Horn</i>	
1 Inspect for presence of horn and operation	1 Vehicle is not equipped with at least one horn which shall produce a sound sufficiently loud to serve as a danger warning Horn is not securely fastened to the vehicle Horn button or actuating device does not work properly or is not within easy reach of the driver
2 Bulb or hand operated horn is acceptable if vehicle was originally equipped with such	

(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 seat belts, tugging on them and unbuckling them	2 (i) Any seat belt cannot be buckled (ii) Any seat belt is pulled out of its anchors or was not anchored at the start of the inspection (iii) Any seat belt unbuckles when tugged (iv) Any 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
3 On 1998 and newer models, inspect the inflatable restraint system readiness indicator light (air bag warning light). The light should illuminate when the key is turned on and should go out within a few seconds of starting the engine	3 On 1998 and newer models advise the motorist on the invoice or inspection receipt if the warning light does not illuminate or indicates a problem in the restraint system by remaining illuminated with the engine running. Do not reject

(l) *Fuel leaks*

<i>Procedure</i>	<i>Reject if</i>
1 Check the fuel system including the fuel tank and lines for leaks	1 Any leak is found in the fuel system tank or lines to such a degree as to cause dripping or pooling of fuel

§ 79.21

TITLE 15 MOTOR VEHICLES

Historical Note

Sec amds filed Jan 16, 1964, Oct 30 1967 Oct 16 1968 Apru 15 1969, Sept 23 1970 Dec 29, 1972, March 7, 1973, Oct 27 1975 May 11, 1976 Nov 2, 1977 Feb 13, 1978, repealed, new filed June 5 1979 amds filed Nov 9 1979 Feb 28 1980 April 12 1982 Oct 23, 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, March 20 1998, March 9 1999, Dec 6, 1999 Nov 16, 2001 July 29, 2003, Aug 16, 2004, April 19 2005 eff May 4 2005 Amended opening para. (a)(14) (e), (g)

~~§ 79.22 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. The vehicles subject to inspection under this section are subject to procedures found in section 79 21(a), (c), (d)(3), (d)(4), (d)(6) 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

(a) Hitch system

Procedure	Reject if
1 Visually inspect for secure hitch	1 There are broken or missing bolts broken welds, or any looseness in the hitch attachment

Historical Note

Sec filed Jan 16 1964, amnd filed Dec 29 1972, repealed, new filed June 5 1979 amds filed Feb 28 1980 Dec 29, 1989 as emergency measure Feb 26, 1990 Nov 9, 1990 repealed, new filed Dec 6, 1999 eff Dec 22 1999

§ 79.23 Medium duty vehicles

This section contains additional requirements for the inspection of vehicles with maximum gross weights over 10,000 pounds up to and including 18,000 pounds which shall be known as medium duty vehicles but not including those vehicles for which the registrants request heavy vehicle inspection. The vehicles subject to inspection under this section are also subject to procedures found in section 79 21 of this Part in addition to the following

*Procedure**Reject if*

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 in 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

Loc ands filed May 31, 1968, Dec 18, 1969 repealed new filed Dec 29, 1972 and filed Jan 31 1973 repealed new filed June 5, 1979 ands 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, Dec 6 1999 July 29 2003, Aug 16, 2004, April 19, 2005 off May 4 2005 Amended (a)

§ 79.24 Emissions inspections of motor vehicles

(a) *Applicability* Except as exempted in section 79.2 of this Part all motor vehicles registered in this State must pass both the appropriate emissions inspection and the appropriate safety inspection before any inspection certificate may be issued. Vehicles subject to diesel emissions inspection are subject to the procedures found in section 79.26 of this Part.

(1) *NYMA vehicles* (i) All nonexempt vehicles registered in the NYMA are subject to a high enhanced dynamometer test, high enhanced idle test or OBD II test. Except as noted in subparagraph (iv) of this paragraph, these vehicles may only be inspected at an official high enhanced emissions inspection station. A low enhanced emissions inspection station may not perform an inspection on a vehicle requiring a high enhanced emissions dynamometer or idle inspection unless a temporary certificate of emissions waiver (form VS-1078) has been obtained for that vehicle. This certificate must be presented to the low enhanced emissions inspection station before the inspection may be performed. The vehicle will receive a low enhanced safety/emissions inspection or an OBD II safety/emissions inspection as directed by the CVIS.

(ii) *OBD II test—high enhanced emissions inspection stations.* A high enhanced emissions inspection station that chooses to purchase and install the appropriate CVIS equipment (NYVIP or NYTEST OBD II upgrade) may perform OBD II inspections instead of the high enhanced dynamometer or idle tests on nonexempt OBD II subject vehicles. OBD II subject vehicles are vehicles that are non diesel- and non-electric-powered 1996 model year and newer vehicles, except for vehicles classified as custom, homemade or greater than 8 500 pounds MGW. Effective April 1, 2005, all high enhanced emissions inspection stations must have a NYVIP CVIS and must perform OBD II inspections on all nonexempt OBD II subject vehicles using the NYVIP CVIS. The NYTEST CVIS may not be used for OBD II tests or low enhanced inspections on or after April 1, 2005.

(iii) A nonexempt vehicle registered in the NYMA that, after obtaining a temporary certificate of emissions waiver (form VS-1078) passes the low enhanced safety/emissions inspection at a low enhanced emissions inspection station shall be issued a safety/emissions inspection certificate (form VS-1082SE), which is valid for as long as the vehicle is outside the NYMA. Upon the vehicle's re-entry into the NYMA, the motorist must enter the date of re-entry on the waiver which will allow 10 days for the vehicle to receive and pass a

complete high enhanced safety/emissions inspection and be issued the proper safety/emissions inspection certificate

(iv) Upon installation of the NYVIP CVIS at a low enhanced station, a nonexempt vehicle registered in the NYMA that passes the OBD II safety/emissions inspection at a low enhanced emissions inspection station shall be issued a safety/emissions inspection certificate (form VS-1082SE) which shall be valid in the NYMA. A VS-1078 will not be required and the vehicle will not require reinspection.

(2) Non-NYMA vehicles. All vehicles registered in New York State, but outside the NYMA.

(i) Except as noted in subparagraphs (ii) and (iii) of this paragraph, all nonexempt 1996 or newer passenger cars and light duty trucks which are non-diesel- and non-electric-powered, with an MGW of less than 8,501 pounds, except for vehicles classified as custom or homemade, will be required to pass the OBD II test as part of the annual inspection.

(ii) 1995 and older nonexempt vehicles, nonexempt vehicles classified as custom or homemade and nonexempt vehicles with an MGW of 8,501 pounds and above will be required to pass the low enhanced emissions inspection as part of the annual inspection.

(iii) A high enhanced emissions inspection station may not perform low enhanced or OBD II inspections on non-NYMA vehicles subject to emissions inspection unless the station purchases and installs the NYVIP CVIS equipment. If a vehicle registered outside the NYMA subject to emissions inspection is presented for inspection to a high enhanced emissions inspection station that does not have the NYVIP OBD II CVIS equipment, the motorist must be informed before the inspection is started that either a high enhanced emissions inspection must be performed or the motorist must take the vehicle to a low enhanced emissions inspection station. A high enhanced emissions inspection station that purchases and installs the NYVIP CVIS equipment to perform OBD II inspections may perform OBD II and low enhanced inspections on vehicles registered outside the NYMA. Effective April 1, 2005, all low enhanced or OBD II inspections performed at a high enhanced emissions inspection station must be performed using the NYVIP CVIS.

(3) Vehicles registered in another state. If a nonexempt motor vehicle with a registration from another state or with a New York State registration with an out-of-state address is presented for inspection at an official inspection station, the vehicle must receive the inspection appropriate for the vehicle as if it were registered in the county where the inspection is to be performed and shall be issued the appropriate safety or safety/emissions inspection certificate if it passes the inspection.

(b) *Emissions inspection procedures.* (1) High enhanced emissions dynamometer test procedure. The test will specifically follow the "high enhanced emissions inspection procedure" (VS-28) and in general will consist of entering appropriate vehicle data into the computerized vehicle inspection system (CVIS), receiving information from the DMV data files including recall stops, securing 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 emissions 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 printout must be given to the customer. An emission test will be considered invalid if the computerized vehicle inspection system indicates an invalid test reading.

(2) High enhanced emissions idle test procedure. Subject vehicles in the NYMA that are exempt from the high enhanced dynamometer test will receive this test. This includes nonexempt vehicles 1980 model year and older, vehicles classified as homemade or custom and vehicles over 8,500 pounds MGW. The test will specifically follow the "enhanced emissions inspection procedure" (VS 28) and in general will consist of entering appropriate vehicle data into the CVIS, 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 printout must be given to the customer. An emissions test will be considered invalid if the computerized vehicle inspection system indicates an invalid test reading.

(3) **OBD II test procedure.** Non-diesel- and non-electric-powered 1996 model year and newer, nonexempt vehicles registered outside the NYMA, except for vehicles classified as custom, homemade or greater than 8,500 pounds MGW, will be subject to this test of the OBD II system. Effective April 1, 2005, such vehicles registered in the NYMA will also be subject to the OBD II test. This test in general will consist of entering the appropriate vehicle data including the results of the safety inspection and the emissions control device check (subdivision [i], items 1-10 of this section) into the CVIS and communicating with the vehicle's OBD II system. The CVIS will record the results of the test and print the results. A copy of the printout must be given to the customer. High enhanced emissions inspection stations that choose to purchase and install the NYVIP CVIS prior to April 1, 2005, may perform this test on subject vehicles upon installation of the equipment.

(4) **Low enhanced inspection procedure.** All other subject vehicles registered in New York State, but outside the NYMA, will be subject to this inspection, which in general will consist of entering the appropriate vehicle data including the results of the safety inspection and the emissions control device check (subdivision [i], items 1-8 of this section) into the CVIS. The CVIS will record the results of the test and print the results. A copy of the printout must be given to the customer.

(c) **Pre-emission inspection safety check.** (1) Each vehicle subject to the high enhanced emissions dynamometer 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 that would prohibit collection of a valid exhaust sample.

(iii) **Tire tread**—for vehicles tested on the dynamometer, the station should assure that the wheels, wheel fasteners, tires that will be on the dynamometer are in good condition, tires properly inflated and that they pose no safety problem. Temporary tires (emergency spares) are not acceptable.

(iv) **Excessive internal engine noise.**

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

(vi) **Oil or grease leaks** (same requirements as fuel leaks).

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

(3) Vehicles found having any of the conditions set forth in paragraph (1) or (2) 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 for the vehicle to be inspected.

(4) Vehicles subject to a high enhanced emissions dynamometer test manufactured with a traction control system, all-wheel-drive system, or a four-wheel drive system that cannot be switched or shifted off (driven in two-wheel-drive only), cannot be tested on a dynamometer. These vehicles will be subject to a high enhanced emissions idle test.

(5) If during the performance of the safety portion of the inspection on a vehicle subject to the dynamometer test, a defect is found in the vehicle that would make it unsafe to perform a dynamometer test (such defect was not an item to be checked on the pre-emissions safety check) then that vehicle shall not receive an emissions inspection. The customer must receive an invoice that states the reasons for not performing the test and shall be charged only the safety inspection portion of the fee.

(6) If a high enhanced vehicle that was originally to receive the optional OBD II inspection at a high enhanced emissions inspection station is to be tested on the dynamometer due to an

OBD II communication problem, as directed by the CVIS and during the safety portion of the inspection a defect is found in the vehicle that would make it unsafe to perform a dynamometer test, then that vehicle shall not receive an emissions inspection. The customer must receive an invoice stating the reason for not performing the test, and only the safety portion of the inspection fee may be charged.

(d) *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 exhaust emissions test.

(3) Each time a high enhanced exhaust 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.

(e) *[Reserved]*

(f) *Effect of failure of OBD II high enhanced or low enhanced emissions test.* (1) High enhanced dynamometer or idle test. In addition to the safety inspection, vehicles subject to high enhanced emissions dynamometer or idle inspection must pass the appropriate dynamometer or idle emissions test, including an emissions control device (ECD) check (subdivision [i], items 1-7 of this section), and gas cap pressure test (paragraph [i][8] of this section) in order for an inspection certificate to be issued. If the vehicle fails to pass either the emissions inspection, gas cap test or the safety inspection, or combination, an inspection rejection notice must be given to the motorist. A certificate of inspection cannot be issued until appropriate repairs are made to the emissions system or until appropriate repairs are made to the failed safety inspection items or both or until the vehicle meets the conditions of section 79.25(a) of this Part and qualifies for an emissions waiver.

(2) *Low enhanced inspection.* Subject vehicles registered outside the NYMA must pass the low enhanced emissions inspection (subdivision [i] items 1-8 of this section) as well as the safety inspection in order for a certificate to be issued. If the vehicle fails to pass either the emissions inspection or the safety inspection, or combination, a certificate of inspection cannot be issued until appropriate repairs are made. Vehicles subject to the low enhanced inspection cannot qualify for an emissions waiver.

(3) *OBD II inspection.* Subject vehicles must pass the OBD II emissions inspection (which includes subdivision [i] items 1-10 of this section) and safety inspection in order for a certificate to be issued. If the vehicle fails to pass either the emissions inspection or the safety inspection, or combination, an inspection rejection notice must be given to the motorist. A certificate of inspection cannot be issued until appropriate repairs are made to the emissions system or until appropriate repairs are made to the failed safety inspection items or both or until the vehicle meets the conditions in section 79.25(a) of this part and qualifies for an emissions waiver.

(g) *Low enhanced and OBD II emissions reinspection procedure and fees.* (1) If a vehicle fails a safety and/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 emissions 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 or any other emissions inspection station within 30 days, the inspection station may only conduct the safety portion of the inspection and 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 emissions 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.

(2) A vehicle subject to the low enhanced emissions inspection or the OBD II inspection that is presented for a reinspection to a high enhanced emissions inspection station must receive the appropriate high enhanced safety/emissions inspection as directed by the CVIS unless the high enhanced emissions inspection station has installed the NYVIP CVIS equipment to perform OBD II inspections and is therefore able to perform low enhanced and OBD II inspections as described in subparagraph (a)(2)(iii) of this section.

(b) *High enhanced emissions idle and dynamometer test reinspection procedure and fees*

(1) If a vehicle fails a safety, emissions and/or gas cap portion of the high enhanced safety/emissions (dynamometer or idle test) 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 high enhanced emissions inspection station must conduct a full inspection on the failed portion during the reinspection of the vehicle and may charge a fee up to but no more than the fee listed in the following chart:

<i>Fails</i>	<i>Passes</i>	<i>Must reinspect</i>	<i>Reinspect charge</i>
safety	emissions, gas cap	safety	\$10
emissions	safety, gas cap	emissions	\$27
gas cap	safety, emissions	gas cap	\$ 6
safety, emissions	gas cap	safety, emissions	\$37
safety, emissions, gas cap	—	safety, emissions, gas cap	\$37
safety, gas cap	emissions	safety, gas cap	\$16
emissions, gas cap	safety	emissions, gas cap	\$27

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

(2) A vehicle that has failed a high enhanced safety/emissions inspection, and is presented to a low enhanced emissions inspection station for reinspection, must be accompanied by a temporary certificate of emissions waiver (form VS-1078), unless the vehicle is to receive the OBD II test, in which case the waiver is not needed.

(i) *Emissions control devices* The following items must be inspected on vehicles subject to a high enhanced, low enhanced or OBD II emissions inspection. A vehicle must be inspected only for the items with which it was originally equipped by the manufacturer. Vehicles classified as homemade or custom on the certificate of registration are only subject to the gas cap inspection/test described in item number 8 of this subdivision. As described in this subdivision, nonexempt vehicles 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 25 model years old and newer vehicles	1 The PCV system is missing or disconnected
<i>Catalytic Converter</i>	
2 Presence of the catalytic converter for 25 years old and 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>	

<i>Procedure</i>	<i>Reject if</i>
3 For model year 1984 and newer vehicles check the fuel inlet pipe to determine that the restrictor is in its designed location (The door that 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 'loaded fuel' nozzle
<i>Exhaust Gas Recirculation Valve (EGR)</i>	
4 For 25 model years old 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. Any visible electrical connector to the EGR, or any visible component of the EGR system is disconnected or removed
<i>Thermostatic Air Cleaner (TAC)</i>	
5 For model year 1984 and newer vehicles check for 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 (AIR)</i>	
6 For model year 1984 and newer vehicles check for presence of original designed air injection system	6 The air pump if originally equipped with one is disconnected or removed. The drive belt is removed. The air hoses and/or pipes are disconnected or removed. The diverter valve is disconnected or removed
<i>Evaporative Emission Control (EVAP)</i>	
7 For model year 1984 and newer vehicles, check the fuel evaporation control system	7 The canister is removed or the hoses are disconnected or removed
<i>Gas Cap</i>	
8a Vehicles subject to the high enhanced emissions inspection including OBD II inspection performed by NYTEST CVIS with OBD II upgrade All nonexempt vehicles including vehicles classified as custom or homemade, the vehicle gas cap shall be tested using a New York State Department of Environmental Conservation approved gas cap tester, as directed by the CVIS software	8a Gas cap tester indicates failure or the gas cap is missing
8b Vehicles subject to the low enhanced emissions inspection or OBD II emissions inspection performed by NYVIP CVIS including vehicles registered in the NYMA receiving a low enhanced emissions inspection or an OBD II inspection at a low enhanced station All nonexempt vehicles including vehicles classified as custom or homemade the vehicle gas cap shall be present and shall be visually checked for condition, as directed by the CVIS software	8b Gas cap is missing, broken or cracked

OBD II

	<i>Procedure</i>	<i>Reject if</i>
9a	All nonexempt 1996 model year and newer vehicles under 8,501 pounds MGW except for vehicles classified as custom or homemade, shall be checked for the operation and activation of the on-board diagnostic malfunction indicator light (MIL)	<p>The MIL fails to light with the key on and engine off. The MIL remains lit with the engine running. The motorist must be informed of the system malfunction and informed of possible warranty repairs by the manufacturer.</p> <p>This failure criteria will be effective outside the NYMA (low enhanced inspection stations). In the NYMA (high enhanced inspection stations), this will remain an advisory notice only until the installation of the OBD II CVIS equipment (NYVIP or NYTEST OBD II upgrade) and software. Upon installation of the OBD II CVIS equipment in a high enhanced station, this will be a failure criteria.</p>
	Upon installation of NYVIP OBD II equipment and software (CVIS), or installation of optional OBD II upgrade to NYTEST CVIS (9b, 10, 11)	
9b	OBD II eligible vehicles as per above in 9a	The MIL is commanded on by the OBD II system
10	All nonexempt 1996 model year and newer vehicles under 8,501 pounds MGW except for vehicles classified as custom or homemade shall be checked for the operation and activation of the vehicle's OBD system monitors. These monitors are manufacturer-specific and include but are not limited to the comprehensive component monitor, the misfire monitor, the fuel monitor, the oxygen sensor monitor, the catalyst monitor, the EGR monitor, the EVAP monitor, the heated catalyst monitor, the A/C system refrigerant monitor, the heated O ₂ sensor monitor and the secondary AIR monitor.	If the number of monitors that the CVIS determines to be 'not ready' exceeds the maximum allowable as calculated by NYS DEC or by FPA mandate.
11	All nonexempt 1996 model year and newer vehicles under 8,501 pounds MGW, except for vehicles classified as custom or homemade shall be checked for proper operation of the OBD II system by communicating with the CVIS.	If the CVIS (NYVIP or NYTEST with the OBD II upgrade) is unable to communicate with the OBD II computer in the vehicle.

Historical Note

Sec. amds. filed Jan. 16, 1964, July 13, 1964, March 7, 1973 repealed, filed June 5, 1970 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, repealed, now filed upon implementation of Enhanced Emissions Inspection Program 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 amdt filed March 9 1999 Dec 6 1999 July 29 2003 Oct 9 2003 as emergency measure expired 90 days after filing Jan 9 2004 as emergency measure expired 60 days after filing March 11 2004 as emergency measure March 23 2004 repealed new filed Aug 16 2004 and filed April 19 2005 eff May 4 2005 Amended (a)(1), (2), (h)(3), (f)(1), (g)(1)-(2) (h)(1) (i)

§ 79.25 High enhanced emissions and OBD II 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, safety items 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, based on the cost of such repairs if performed in 1989. Provided, however, that the waiver amount will be adjusted to account for increases in the Consumer Price Index (CPI) since January 1989 and will be adjusted each year in accordance with the CPI.

(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. The NYTEST or NYVIP CVIS will print a waiver certification form that must be filled out by the station, and signed by both the customer and the certified inspector. This form and all repair documentation must be kept by the station for two years for possible review by NYS.

(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 have been made and have been documented, including documentation of diagnosis procedures. The repair cost must meet the minimum waiver cost as calculated in paragraph (a)(3) of this section. Repairs made to qualify for the waiver must address the reason for the emissions failure and follow acknowledged industry standards for diagnosis and repair.

Historical Note

Sec. filed July 25, 1975, repealed filed June 5, 1970, new filed Jan. 28, 1981 as emergency measure expired 60 days after filing, Dec. 31, 1981 and filed Aug. 29, 1989 repealed, new filed Nov. 9, 1990 and 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 repealed, new filed upon implementation of Enhanced Emissions Inspection Program 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 and filed March 9, 1999, July 29, 2003 Aug. 16, 2004 eff. Sept. 1, 2004 Amended sec. title, (a) (c)

~~§ 79.26 Vehicles subject to diesel emissions inspection~~

~~(a) Applicability (1) All nonexempt diesel-powered motor vehicles, over 8,500 pounds MGW, 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 diesel emissions inspection station. No other classification of inspection station may conduct inspections for vehicles requiring diesel emissions inspection unless a temporary certificate of emissions waiver (form VS-1078) has been issued for the vehicle and is presented to the inspection~~