

**Eff. 1/23/08**

STATE OF NEW YORK

DEPARTMENT OF MOTOR VEHICLES

Pursuant to the authority contained in Sections 215(a), 301(a), 301(c), 301(d), 301(f), 302(a), 302(e), 302(f), 304(b) and 304-a of the Vehicle and Traffic Law, the Commissioner of Motor Vehicles hereby amends the Regulations of the Commissioner of Motor Vehicles as follows:

\* \* \* \* \*

Subdivisions (b), (c), (e), (k), (l), and (m) of section 79.1 are amended to read as follows:

(b) *Inspection [rejection notice] Rejection/Advisory 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 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).

(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 safety inspection for the vehicle.

(e) *Motor vehicle inspection record (VS-1074S[E], 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, reinspections and the results thereof, and [a] to 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.

(k) *Certified motor vehicle inspector*. A person who has been issued a certificate by the Commissioner of Motor Vehicles pursuant to section 304-a of the Vehicle and Traffic Law, 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] that seat fifteen persons or less, plus driver[s], and motor vehicles and trailers under 18,001 pounds MGW, but not of motorcycles. The ability to perform OBD II inspections may also be dependant upon passing the applicable test in the CVIS.

(m) *New York Metropolitan [Air Region] Area (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.

\* \* \* \* \*

Subdivisions (c) of section 79.2 is amended to read as follows:

(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. Upon the casual (non-dealer) sale or transfer of a motor vehicle, any certificate of inspection issued prior to the date of the sale or transfer shall be deemed invalid.

\* \* \* \* \*

A new subdivision (i) is added to section 79.2 to read as follows:

(i) Vehicles registered outside the NYMA are exempt from the diesel emissions inspection. However, an owner of a vehicle that would be subject to diesel emissions inspection if registered in the NYMA, may request a diesel emissions inspection when presenting the vehicle for inspection to an official diesel emissions inspection station.

\* \* \* \* \*

Paragraph (6) of subdivision (h) of section 79.2 is repealed.

(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.] Reserved.

\* \* \* \* \*

Subdivision (a) of section 79.3 is amended to read as follows:

(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] or 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 punched [in which said vehicle last successfully completed a prescribed inspection]. Upon the casual (non-dealer) sale or transfer of a motor vehicle, any certificate of inspection issued prior to the date of the sale or transfer shall be deemed invalid. Every motor vehicle and trailer [also] must be inspected upon change of registrant.

\* \* \* \* \*

Paragraph (4) of subdivision (d) of section 79.4 is amended to read as follows:

(4) All non-exempt 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 lbs.] subject to an OBD II inspection and 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.

\* \* \* \* \*

Subdivisions (a) and (e) of section 79.5 are amended to read as follows:

(a) No motor vehicle required to be inspected, as provided in [these regulations] this Part 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 or a CVIS-generated extension is displayed on the vehicle or can be presented.

(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 section 79.26 of this [section] Title have been met.

\* \* \* \* \*

Paragraph (1) of subdivision (c) of section 79.7 is amended to read as follows:

(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) is the weight used for safety inspection purposes and is the weight indicated on the vehicle registration certificate.

\* \* \* \* \*

Subparagraph (i) of paragraph (7) of subdivision (c) of section 79.7 is amended to read as follows:

(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).

\* \* \* \* \*

Paragraphs (2), (11) and (12) of subdivision (b) of section 79.8 are amended to read as follows:

(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, or the licensee may contract for the services. A licensee is liable for all the inspection activity of the contractor. Only a certified inspector may conduct a periodic inspection of a vehicle;

(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 upon entering the inspection facility [from outside the building.]; and

\* \* \* \* \*

A new paragraph (13) is added to section 79.8 to read as follows:

(13) to surrender any and all unused certificates of inspection and station licenses when failing to renew or retiring from business, or when a license has been revoked.

\* \* \* \* \*

Paragraph (3) of subdivision (d) of section 79.9 is amended to read as follows:

(3) In addition to the equipment specified in paragraphs 1 and 2 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 may 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.

\* \* \* \* \*

Subdivision (c) of section 79.10 is amended to read as follows:

(c) By March 1<sup>st</sup> 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] or defective 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:]. A sticker returned as defective must have a legible serial number. Stickers voided or damaged by an act of the inspection station or inspector are not eligible for credit, except that stickers intentionally voided to prevent issuance may be eligible for credit at the department's discretion. Stickers may also be eligible for credit in the following cases:

\* \* \* \* \*

Subdivisions (b) and (c) of section 79.11 are amended to read as follows:

(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 casual (non-dealer) 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, stolen 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 CVIS generated inspection receipt

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.

\* \* \* \* \*

Paragraphs (1), (2) and (3) of subdivision (a) of section 79.12 are amended to read as follows:

(1) A form entitled "Motor Vehicle Inspection Record" (form VS-1074S[E], 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 that are not required to be kept in the appropriate CVIS equipment. 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, motorcycle and safety inspections in the NYVIP CVIS. A high enhanced emissions inspection station must record the results of diesel emissions [or] and safety inspection of heavy vehicles subject to diesel emissions [I] inspection on the [appropriate] VS-1074SD 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.] A low enhanced emissions inspection station must record all inspections performed, including trailers, motorcycles, vehicles exempt from emissions inspection and heavy vehicles, in the NYVIP CVIS. If the low enhanced station is also licensed as a diesel emissions station, diesel emissions inspections will be recorded on the VS-1074SD form and, if the diesel vehicle receives a heavy vehicle inspection, the safety portion will be recorded in the NYVIP CVIS.

\* \* \* \* \*

Subdivisions (e) and (f) of section 79.12 are amended to read as follows:

(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 all [emissions] inspection certificates immediately upon request by entering the sticker order into the NYTEST or NYVIP CVIS as prompted by the CVIS 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 the daily printing of a copy of the daily inspection report or a [daily] copy of the detail report for every day that inspections are performed [as prompted by the CVIS. A copy of the inspection report must be kept in date order for two years by the station.]

The station must keep copies of the inspection reports, in chronological order, for two years. 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 these records and [the emissions analyzer system] any CVIS 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.

\* \* \* \* \*

Subdivision (a) of section 79.13 is amended to read as follows:

(a) Official public 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:

\* \* \* \* \*

Paragraphs (2) and (3) of subdivision (b) of section 79.13 is amended to read as follows:

(2) This sign must be displayed by a station which is restricted to the inspection of [noncommercial] light duty trailers. [only] If the station is also licensed to inspect motorcycles, then the official motorcycle sign must also be displayed: See Appendix 79-2

(3) This sign must be displayed by a station which is licensed [restricted] to inspect vehicles [the inspection of trucks] over 18,000 MGW [GVW] only: See Appendix 79-3

\* \* \* \* \*

Subdivisions (a) and (b) of section 79.14 are amended to read as follows:

(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] An Inspection Station may be subject to additional penalties for failure to comply with Department of Environmental Conservation regulations concerning diesel emissions standards. [Please refer] Refer to [their] DEC regulations.

\* \* \* \* \*

Paragraph (1) of subdivision (c) of section 79.15 is amended to read as follows:

(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, or any town or municipality within the county, licensed as an official inspection station (fleet) may inspect vehicles owned by and registered in the name of another municipality [a] or 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.

\* \* \* \* \*

Subparagraphs (i) and (ii) of paragraph (2) of subdivision (a) of section 79.17 are amended to read as follows:

(i) at least one year of experience in repairing motor vehicles within the last 5 years 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.

\* \* \* \* \*

Paragraph (3) of subdivision (a) of section 79.17 is amended to read as follows:

(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.]After filing an application for a motor vehicle inspector's certificate a person must successfully complete the inspector certification training program and pass a written test, covering inspection procedures, authorized by the commissioner. A skills test may be required at the department's discretion.

\* \* \* \* \*

Subdivision (e) of section 79.17 is amended to read as follows:

(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.

\* \* \* \* \*

Paragraph (1) of subdivision (c) of section 79.20 is amended to read as follows:

(1) To complete the appropriate vehicle inspection record (VS-1074), or make appropriate and accurate entries in the CVIS [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. If there is no VIN plate or state-issued VIN number (NYS or any other state), and none of the above-mentioned documents are presented, the inspection station must refuse to perform the inspection.

\* \* \* \* \*

Subparagraph (i) of paragraph (7) of subdivision (c) of section 79.20 is amended to read as follows:

(7) (i) If the condition of all items required to be inspected are found to comply with the specifications in this Part, then the certified inspector or the inspection station licensee shall affix or issue the proper certificate of inspection, with the mileage entered (except for trailers) check the waiver box and punch the trailer box if applicable and enter or punch the expiration date on the sticker [indicated], before the vehicle leaves the premises, as follows:

\* \* \* \* \*

Clause (a) of subparagraph (7) of subdivision (c) of section 79.20 is amended to read 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, and 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, to the driver's left of the windshield registration sticker;

\* \* \* \* \*

Subclauses (2) and (3) of clause (b) of subparagraph (7) of subdivision (c) of section 79.20 are amended to read as follows:

(2) if gasoline-powered and registered in the NYMA, also affix an emissions inspection certificate to the lower left inside corner of the windshield, to the driver's left of the windshield registration sticker;

(3) if diesel-powered and registered in the NYMA, also affix a Diesel Emissions Inspection Certificate to the lower left inside corner of the windshield, to the driver's left of the windshield registration sticker.

*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, unless the vehicle is presented to a High Enhanced or Diesel Emissions inspection station and an emissions test is requested.

\* \* \* \* \*

Subclause (e) of clause (i) of subparagraph (7) of subdivision (c ) of section 79.20 is amended to read as follows:

(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 box marked "T" and punch the appropriate expiration month. [and four round holes across the top, through the words "New York State,"] Enter [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 the inspection certificate [it] to the trailer owner to be kept with the trailer registration; and

\* \* \* \* \*

The opening paragraph of section 79.21 is amended to read as follows:

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. Also see applicable emissions inspection requirements for gasoline and diesel powered motor vehicles found in sections 79.24, 79.25 and 79.26.

\* \* \* \* \*

Subdivisions (a), (c), (d), (e) and (l) of section 79.21 are amended to read as follows:

(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, or on the NYVIP CVIS when prompted). 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.

(c) *Tires*

Procedure	Reject it:
<p>Tires</p> <p>1. Tire tread depth readings shall be taken in two adjacent major grooves showing the most tread wear. Readings for a tire which has the tread design running across the tire or for a siped tire where such tread design is permitted, shall be taken at or near the center of the tire. Inspect all tires mounted on vehicles (do not inspect spare tire).</p>	<p>1. Any tire is worn to less than 2/32 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 or truck] <u>motor vehicle, other than a trailer, with a MGW of 10,000 pounds or more</u>, or truck tractor must not be worn to less than 4/32 of an inch of major tread design at the two points at which the gauge readings are obtained.</p>

<p>2. Inspect for breaks or cuts.</p> <p>3. Inspection for bumps, bulges or knots.</p> <p>4. Inspect for any ply or cord structure that is exposed.</p> <p>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.</p>	<p>2. Tire has fabric break, or a cut in excess of one inch in any direction and deep enough to reach the body cords.</p> <p>3. Tire has visible bumps, bulges or knots indicating partial failure or separation of the tire structure.</p> <p>4. Tire has any portion of the ply or cord structure exposed.</p> <p>5. Tire is marked "<u>Not for Highway Use</u>", "for farm use only," "for racing use only," "for temporary use only," [etc.] <u>or other markings having like meaning</u> or the tire size designation is preceded by a "T."</p>
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(d) *Steering, suspension, front end and chassis/frame.*

<p>Spring and Torsion Bars</p> <p>3. Inspect general condition of springs and torsion bars.</p>	<p>3. Any front or rear springs <u>or air springs, if equipped, are</u> [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.</p>
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(e) *Lighting and reflectors.*

<p style="text-align: center;">Headlamps</p> <p>1. All vehicles must be equipped with an approved headlamp system.</p> <p>Visually check operation of high and low headlamps. <u>(Not required on trailers)</u></p>	<p>1. Headlamps are not of an approved type.</p> <p>Lens is missing, broken (piece missing), or has a crack that results in an opening.</p> <p>Any filament in headlamp unit fails to light properly. Lights can be moved easily by hand due to a broken fender or loose support, or if a good ground is not made by mounting. Foreign material is placed on headlamps that interferes with light beam of lamp (such as shields, painted lens, etc.).</p>
<p><i>Note:</i> Modification of an original headlamp system must result in the replacement with a complete approved system.</p>	
<p>2. Visually inspect only the following for proper operation and condition:</p> <p>Minimum Lighting</p> <p>1952 and older model vehicles:</p> <p>REAR</p> <p>-at least one red tail lamp -at least one red or amber stop lamp</p> <p>1953 and newer model vehicles:</p> <p>FRONT</p> <p>-at least two amber directional signals <u>(Not required on trailers)</u></p>	<p>2. Lamps are not securely mounted or do not produce a steady light with switch on or brake applied. Lamps do not operate properly in all switch positions.</p> <p>(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.</p>

**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 (Not required on trailers))
- at least one license plate lamp

<p>8. In addition to the lighting required in paragraph 2 of this subdivision, vehicles 80" or more in width must have the following:</p> <p>FRONT</p> <ul style="list-style-type: none"> <li>-Two amber clearance lamps</li> <li>-One amber identification lamp (three-lamp cluster) <u>(Not required on trailers)</u></li> </ul> <p>EACH SIDE</p> <ul style="list-style-type: none"> <li>-One amber side marker</li> <li>-One red side marker</li> <li>-One amber Class A reflector</li> <li>-One red Class A reflector</li> </ul> <p>REAR</p> <ul style="list-style-type: none"> <li>-Two red clearance lamps</li> <li>-One red identification lamp (three-lamp cluster)</li> </ul>	<p>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.</p> <p>Lamps are not of an approved type, or any lens is broken, missing, or improperly fit so that light is being emitted without passing through the lens.</p>
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(1) *Fuel leaks.*

Procedure	Reject if:
<p>1. Check the fuel system, including the fuel tank and lines, for leaks, <u>including auxiliary heating or refrigeration units.</u></p> <p>2. <u>Compressed Natural Gas (CNG), Liquefied Petroleum Gas (LPG) or Liquefied Natural Gas (LNG) fuel systems</u></p>	<p>1. Any leak is found in [the] <u>any</u> fuel system, tank or lines to such a degree as to cause dripping or pooling of fuel.</p> <p>2. Any fuel leakage from the <u>CNG, LPG or LNG system detected audibly, visually or by smell.</u></p>
<p><u>Note: Some brief fuel leakage, water vapor at the fittings, or decompression may occur during refueling, causing temporary frosting of CNG or LPG fuel system parts. If the vehicle has been refueled shortly before inspection, care must be taken to distinguish these temporary occurrences from actual leaks. Also, in hot weather some condensation on the system is normal.</u></p>	

\* \* \* \* \*

Subdivision (c) of section 79.23 is amended to read as follows:

(c) *Exhaust system*

Procedure	Reject if:
<p>1. Visually inspect for presence, condition and location of exhaust system.</p>	<p>1. Vehicle has no muffler, exhaust pipe, tail pipe or tail spout. Vehicle has gutted, altered or patched muffler.                      Vehicle has exhaust noise appreciably greater than mechanical noise of fan and valves.</p> <p>There is excessive vibration of exhaust line.                      There is leakage of exhaust gases at:</p> <ul style="list-style-type: none"> <li>a. Manifold gasket.</li> <li>b. Manifold and exhaust pipe gaskets.</li> <li>c. Muffler and muffler connection.</li> <li>d. Any point in exhaust pipe and tail pipe.</li> </ul> <p>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.</p> <p>Exhaust system does not discharge to the atmosphere at a location to the rear of the cab (if the exhaust projects above the cab, it must be near the rear of the cab). <u>Motor vehicles engaged in the transportation of inflammable liquids are excluded from the requirements of this provision.</u></p> <p>[Motor vehicles engaged in the transportation of inflammable liquids are excluded from the requirements of this regulation.]</p>

\* \* \* \* \*

Section 79.24 is repealed and a new section 79.24 is added to read as follows:

79.24 Emissions Inspection Procedure

(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. This section describes the

specific tests that are authorized and required under Section 301(d) of Vehicle and Traffic law, and 6 NYCRR 217-1. Vehicles subject to diesel emissions inspection are subject to the procedures set forth in section 79.26 of this Part.

(1) OBD II Emissions Inspection. (i) All non-exempt vehicles, model-year 1996 and newer, non-diesel and non-electric, registered in any county in the State (except for vehicles with a make of “Custom” or “Homemade”) are subject to the OBD II Emissions Inspection, in addition to the applicable safety inspection.

(ii) Any Official High Enhanced Emissions Inspection Station or Official Low Enhanced Emissions Inspection Station may perform OBD II Emissions Inspections.

(iii) An OBD II Emissions Inspection must be performed with NYVIP CVIS equipment.

(2) High Enhanced Emissions Inspection (Dynamometer or Idle Tests) performed with the NYTEST CVIS equipment

(i) All non-exempt vehicles not subject to the OBD II Emissions Inspection, registered in the NYMA, are subject to the High Enhanced Emissions Inspection (Dynamometer or Idle Test), in addition to any applicable safety inspection.

(a) Transient (Dynamometer) Test. (1) All non-exempt vehicles subject to the High Enhanced Emissions Inspection (except: motor vehicles with a make of “Custom” or “Homemade” and those vehicles equipped with traction control that cannot be disabled; or those vehicles equipped with four wheel or all wheel drive systems that cannot be disabled); are subject to the Transient (Dynamometer) Test.

(b) Idle Test. (1) All other non-exempt vehicles subject to the High Enhanced Emissions Inspection including motor vehicles with a make of “Custom” or “Homemade”, or equipped with traction control that cannot be disabled, or equipped with four wheel or all wheel drive systems that cannot be disabled are subject to the idle test.

(ii) Only an Official High Enhanced Emissions Inspection Station may perform High Enhanced Emissions Inspections (Dynamometer or Idle Tests).

(iii) A High Enhanced Emissions Inspection (Dynamometer or Idle Test) must be performed with NYTEST CVIS equipment.

(3) Low Enhanced Emissions Inspection. (i) All non-exempt vehicles not subject to the OBD II Emissions Inspection, registered outside of the NYMA, including those vehicles with a make of “Custom” or “Homemade”, are subject to the Low Enhanced Emissions Inspection, in addition to any applicable safety inspection. Vehicles classified as “Custom” or “Homemade” are only subject to the requirements of section 79.24(i) item 8b.

(ii) Any Official High Enhanced Emissions Inspection Station or Official Low Enhanced Emissions Inspection Station may perform Low Enhanced Emissions Inspections.

(iii) All Low Enhanced Emissions Inspections must be performed with NYVIP CVIS Equipment.

(b) Procedures. (1) OBD II Emissions Inspection. (i) OBD II inspection procedure. All model-year 1996 and newer non-exempt vehicles registered in any county in the State, except for vehicles with a make of "Custom" or "Homemade," are subject to the OBD II emissions inspection.

(ii) This procedure consists of entering the appropriate vehicle data, including the results of the safety inspection and the emissions control device check (section 79.24(i) items 1-10) into the CVIS and communicating with the vehicle's OBD II system. The CVIS records the results of the test and prints the results. The inspection station must give the customer a copy of the print out.

(iii) Specific instructions regarding the OBD II test procedure are found in the "NYVIP Vehicle Inspection System Operators Manual".

(2) High Enhanced Emissions Inspection. (i) Transient (Dynamometer) Test.

(a) High Enhanced Emissions Dynamometer Test Procedure. All non-exempt vehicles registered in the NYMA not subject to the OBD II Emissions Inspection, except those motor vehicles with a make of "Custom" or "Homemade", vehicles equipped with traction control that cannot be disabled, or those vehicles equipped with four wheel or all wheel drive systems that cannot be disabled, are subject to the Transient (Dynamometer) Test.

(b) This test consists of entering the appropriate vehicle data, including the results of the Safety Inspection and the Emissions Control Device Check (section 79.24(i) items 1-8a) 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 emissions test. The system prints out the results including warranty information. The inspection station must give a copy of the print out to the customer. An emissions test is considered invalid if the computerized vehicle inspection system indicates an invalid test reading.

(c) Specific instructions regarding the dynamometer test procedure are found in Form VS-28, "Enhanced Emissions Inspection Procedure".

(ii) Idle Test. (a) High Enhanced Emissions Idle Test Procedure. All non-exempt vehicles registered in the NYMA not subject to the OBD II Emissions Inspection, including motor vehicles with a make of "Custom" or "Homemade" and vehicles equipped with

traction control that cannot be disabled or those vehicles equipped with four wheel or all wheel drive systems that cannot be disabled, are subject to the Idle Test.

(b) This test will consist of entering the appropriate vehicle data, including the results of the Safety Inspection and the Emissions Control Device Check (section 79.24(i) items 1-8a NOTE: Vehicles with a make of custom or homemade are subject to the requirements of section 79.24(i) item 8b only), into the computerized vehicle inspection system (CVIS), receiving information from the DMV data files including recall stops, placing a probe into the vehicle exhaust system while the engine is idling, and activating the system. The system will measure the hydrocarbon and carbon monoxide levels and indicate if the vehicle has passed or failed the emissions test. The system will print out the results including warranty information. A copy of the print out must be given to the customer. An emissions test is considered invalid if the computerized vehicle inspection system indicates an invalid test reading.

(c) Specific, detailed instructions regarding the idle test procedure are found in Form VS-28, "Enhanced Emissions Inspection Procedure".

(3) Low Enhanced Emissions Inspection. (i) Low enhanced inspection procedure. All non-exempt vehicles registered outside of the NYMA not subject to the OBD II Emissions Inspection, including those vehicles with a make of "Custom" or "Homemade", are subject to this inspection.

(ii) This test consists of entering the appropriate vehicle data, including the results of the Safety Inspection and the Emissions Control Device Check (section 79.24(i) items 1-8b NOTE: Vehicles with a make of "Custom" or "Homemade" are subject to the requirements of section 79.24(i) item 8b only) into the CVIS. The CVIS records the results of the test and prints the results. The inspection station must give the customer a copy of the print out.

(iii) Specific, detailed instructions regarding the low enhanced inspection procedure are found in section 79.24(i) of these regulations.

(c) Pre-Emissions Inspection Safety Check. – The inspection station must perform this check before starting any other part of the inspection.

(1) Each vehicle subject to the High Enhanced Emissions Dynamometer Test must 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 ensure that the wheels, wheel fasteners, tires that will be on the dynamometer are in good

condition, that the tires are 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 must first be visually inspected for: exhaust system - missing section that would prohibit collection of a valid exhaust sample.

(3) If a vehicle fails the Pre-Emissions Inspection Safety Check, it shall not be inspected. This refusal shall not constitute an inspection, no inspection fee shall be charged, and the station must instruct the motorist that he/she must return the vehicle in a repaired condition in order for the vehicle to be inspected.

(4) If a vehicle subject to the Transient (Dynamometer) test passes the Pre-Emissions Inspection Safety Check, but later, during the performance of the safety portion of the inspection, 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 station must issue the customer an invoice that states the reason for not performing the test, and the station may only charge the safety inspection portion of the fee.

(5) 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 are subject to a High Enhanced Emissions "Idle Test".

(d) Standards. (1) High Enhanced (Dynamometer and Idle) Tests. (i) The New York State Department of Environmental Conservation in consultation with the Department of Motor Vehicles shall establish and modify periodically the standards for the High Enhanced tests, including but not limited to 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.

(ii) Such standards shall include those established by the New York State Department of Environmental Conservation in 6 NYCRR 217-1.3 and 217-1.4.

(iii) Each time a station performs a high-enhanced exhaust emissions test, the testing equipment checks the sample for validity. A test is invalid if combined carbon monoxide and carbon dioxide emissions are less than 6% when measured using the test procedure. An invalid test constitutes an emissions inspection failure until a valid sample can be obtained.

(2) OBD II Test. (i) The New York State Department of Environmental Conservation, in consultation with the Department of Motor Vehicles, shall establish and modify periodically the standards for the OBD II inspection, including the weight standards to be used to determine the proper OBD II requirements and classifications.

(ii) Such standards shall include criteria established by New York State Department of Environmental Conservation in 6 NYCRR 217-1.3.

(e) General Provisions. (1) Vehicles registered in this State. All non-exempt motor vehicles registered in this State are subject to either an OBD II, high-enhanced, or low-enhanced emissions inspection. All non-exempt vehicles must pass the appropriate emissions inspection and the appropriate safety inspection before any inspection certificate may be issued. Vehicles with a make of “Custom” or “Homemade” registered outside the NYMA are subject to a low-enhanced emissions inspection and must only pass the requirements of section 79.24(i) item 8b. Vehicles classified as “Custom” or “Homemade” registered in the NYMA are also subject to the High Enhanced Idle test.

(2) Vehicles registered in another state. If a non-exempt 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 inspection station must perform the inspection procedure appropriate for the vehicle as if it were registered in the county where the inspection is to be performed, and shall issue the appropriate safety or safety/emissions inspection certificate if it passes the inspection.

(3) Vehicles registered in the NYMA. Vehicles that are registered in the NYMA may only be inspected at an Official High Enhanced Emissions Inspection Station, provided however, a Low Enhanced Emissions Inspection Station may inspect a vehicle that is registered in the New York Metropolitan Area (NYMA) according to the following provisions:

(i) Vehicles exempt from emissions inspection.

(a) A Low Enhanced Emissions Inspection Station may perform a safety inspection and issue a Safety Inspection Certificate (Form VS-1082). Form VS-1078, “Temporary Certificate of Emissions Waiver” is not required and the vehicle will not require inspection upon reentry to the New York Metropolitan Area (NYMA).

(ii) Vehicles subject to the OBD II Emissions Inspection.

(a) A Low Enhanced Emissions Inspection Station may perform the OBD II Emissions Inspection and safety inspection and issue a Safety/Emissions Inspection Certificate (Form VS-1082SE). Form VS-1078, “Temporary Certificate of Emissions Waiver” is not required and the vehicle will not require inspection upon reentry to the New York Metropolitan Area (NYMA).

(iii) Vehicles subject to the High Enhanced Emissions Inspection.

(a) A Low Enhanced Emissions Inspection Station may not ordinarily perform an inspection on a vehicle requiring a High Enhanced Emissions Inspection (Transient (Dynamometer) or Idle Test). However, if a vehicle that is registered in the NYMA is temporarily being used in any of the fifty-three (53) upstate counties outside of the NYMA and is presented for inspection, the Low Enhanced Emissions Inspection Station may perform the inspection provided Form VS-1078, "Temporary Certificate of Emissions Waiver" has been obtained for that vehicle. This certificate may be obtained by the motorist from any DMV Issuing Office and must be presented to the Low Enhanced Emissions Inspection Station before the inspection may be performed. The inspection station may perform the Low Enhanced Emissions Inspection and safety inspection and issue a Safety/Emissions Inspection Certificate (Form VS-1082SE). The inspection certificate will expire ten days after entry into the New York Metropolitan Area, or upon the expiration date on the inspection certificate. When the vehicle enters the NYMA, the motorist must enter the "Date of Entry Into NYMA" on the VS-1078 form and affix the form to the lower left of the windshield next to the inspection certificate. The motorist will have ten (10) days to present the vehicle to an Official High Enhanced Emissions Inspection Station for inspection. The high-enhanced station must conduct the appropriate complete safety inspection and emissions inspection and issue a Safety/Emissions Inspection Certificate (Form VS-1082E).

(f) Effect of Failure of Emissions Inspection. (1) OBD II inspection. (i) Subject vehicles must pass the OBD II emissions inspection (which includes section 79.24(i), items 1-10), and safety inspection in order for an inspection certificate to be issued. If the vehicle fails any portion of the inspection, the inspection station must give the motorist a CVIS-generated inspection receipt indicating the reason for failure. An inspection station cannot issue a certificate of inspection until appropriate repairs are made and the vehicle passes all applicable portions of the inspection, or, until the vehicle meets the conditions in section 79.25(a) and qualifies for an emissions waiver.

(2) High enhanced dynamometer or idle test. (i) An inspection station shall only issue an inspection certificate if the subject vehicle passes the appropriate dynamometer or idle emissions test, including an emissions control device (ECD) check (section 79.24(i) items 1-7), gas cap pressure test (section 79.24(i)(8a)), and safety inspection. If the vehicle fails any portion of the inspection, the station shall give the motorist a CVIS-generated inspection receipt indicating the reason for failure. A certificate of inspection cannot be issued until appropriate repairs are made and the vehicle passes all applicable portions of the inspection, or, until the vehicle meets the conditions in section 79.25(a) and qualifies for an emissions waiver.

(3) Low enhanced inspection. (i) An inspection station shall only issue an inspection certificate if the subject vehicle passes the low enhanced emissions inspection (section 79.24(i), items 1-8) as well as the safety inspection. If the vehicle fails any portion of the inspection, the station must give the motorist a CVIS-generated inspection receipt indicating the reason for failure. A certificate of inspection cannot be issued until appropriate repairs are made and the vehicle passes all applicable portions of the inspection. Vehicles subject to the low enhanced inspection cannot qualify for an emissions waiver.

(g) OBD II and Low Enhanced Emissions Inspection Reinspection and Fees.

(1) If a vehicle fails the safety portion and/or the emissions portion of the safety/emissions inspection, and is not removed from the station by the customer for repair, the station may not 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.

(2) If a vehicle fails both the safety portion and emissions portion of the safety/emissions inspection, is removed from the station by the customer for repair, and if the vehicle is presented for reinspection, that inspection station or any other emissions inspection station must conduct a full inspection of both the safety portion and emissions portion during the reinspection of the vehicle, and may charge a fee up to but not more than the applicable fee for the failed portions as set forth in section 79.7(c) of this Part.

(3) If a vehicle fails the safety portion or the emissions portion of the safety/emissions inspection, and is removed from the station by the customer for repair and if the vehicle is presented for reinspection within thirty (30) days of the rejection, that inspection station or any other emissions inspection station must conduct a full inspection of only the failed safety or emissions portion during the reinspection of the vehicle, and may charge a fee up to but not more than the applicable fee for the failed portion as set forth in section 79.7(c) of this Part.

(4) If a vehicle fails the safety portion or emissions portion of the safety/emissions inspection, and is removed from the station by the customer for repair and if the vehicle is presented for reinspection more than thirty (30) days after rejection, that inspection station or any other emissions inspection station must conduct a full inspection of both the safety portion and emissions portion during the reinspection of the vehicle, and may charge a fee up to but not more than the applicable fee for the for the safety portion and emissions portion as set forth in section 79.7(c) of this Part.

(h) High Enhanced Emissions Inspection Reinspection and Fees – For the purposes of this section, failing the emissions portion of an inspection will require performing the entire emissions inspection, as well as the gas cap portion of the inspection when the vehicle is reinspected. Failing only the gas cap portion will not require a complete emissions reinspection.

(1) If a vehicle fails the safety portion, and/or emissions portion, and/or gas cap portion of the safety/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.

(2) If a vehicle fails the safety portion and the emissions portion of the safety/emissions inspection, and is removed from the station by the customer for repair and if the vehicle is presented for reinspection, that inspection station or any other high enhanced emissions inspection station must conduct a full inspection of the safety portion and the emissions portion and the gas cap portion during the reinspection of the vehicle, and may charge a fee up to but not more than the applicable fee for the failed portions as set forth in section 79.7(c) of this Part.

(3) If a vehicle fails one or more but not all of the portions of the safety/emissions inspection, and is removed from the inspection station by the customer for repair and if the vehicle is presented for reinspection, that inspection station or any other high enhanced emissions inspection station must conduct a full inspection on the failed portion(s) only during the reinspection of the vehicle and may charge a fee up to but no more than the fee listed in the following chart:

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

(4) If a vehicle fails one or more but not all of the portions of the safety/emissions inspection, and is removed from the station by the customer for repair and if the vehicle is presented for reinspection more than thirty (30) days after rejection, that inspection station or any other emissions inspection station must conduct a full inspection of the safety portion and the emissions portion and the gas cap portion during the reinspection of the vehicle, and may charge a fee up to but not more than the applicable fee for the safety portion and emissions portion as set forth in section 79.7(c) of this Part.

(5) 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).

(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 8b:

<u>Procedure</u>	<u>Reject if:</u>
<u><i>Positive Crankcase Ventilation (PCV) System</i></u>	
<u>1. Presence of PCV system for 25 model years old and newer vehicles.</u>	<u>1. The PCV system is missing or disconnected.</u>

<p style="text-align: center;"><u><i>Catalytic Converter</i></u></p> <p><u>2. Presence of the catalytic converter for 25 model years old and newer vehicles. Check to determine that the air supply is connected to the converter when applicable.</u></p>	<p><u>2. The catalytic converter is disconnected or removed. The air supply to the converter is disconnected or removed.</u></p>
<p style="text-align: center;"><u><i>Fuel Inlet Restrictor</i></u></p> <p><u>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).</u></p>	<p><u>3. The restrictor is missing; has been bent back against the filler pipe; or has been altered in a way that will allow the introduction of a larger "leaded fuel" nozzle.</u></p>
<p style="text-align: center;"><u><i>Exhaust Gas Recirculator Valve (EGR)</i></u></p> <p><u>4. For 25 model years old and newer, secure mounting of the EGR valve and proper connection of hoses.</u></p>	<p><u>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.</u></p>
<p style="text-align: center;"><u><i>Thermostatic Air Cleaner (TAC)</i></u></p> <p><u>5. For model year 1984 and newer vehicles, check for proper placement of the thermostatic air cleaner.</u></p>	<p><u>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.</u></p>
<p style="text-align: center;"><u><i>Air Injection System (AIR)</i></u></p> <p><u>6. For model year 1984 and newer vehicles, check for presence of original designed air injection system.</u></p>	<p><u>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.</u></p>
<p style="text-align: center;"><u><i>Evaporative Emission Control (EVAP)</i></u></p> <p><u>7. For model year 1984 and newer vehicles, check the fuel evaporation control system.</u></p>	<p><u>7. The canister is removed or the hoses are disconnected or removed.</u></p>

<p style="text-align: center;"><u><i>Gas Cap</i></u></p> <p><u>8a. Vehicles subject to the high enhanced emissions inspection (dynamometer or idle test). All non-exempt vehicles including vehicles with a make of 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.</u></p> <p><u>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.</u></p> <p><u>All non-exempt vehicles including vehicles with a make of custom or homemade, the vehicle gas cap shall be present and shall be visually checked for condition, as directed by the CVIS software.</u></p>	<p><u>8a. Gas cap tester indicates failure or the gas cap is missing.</u></p> <p><u>8b. Gas cap is missing, broken or cracked.</u></p>
<p style="text-align: center;"><u><i>OBD II</i></u></p>	
<p><u>9a. Operation of MIL. All non-exempt vehicles subject to the OBD II test, except for vehicles with a make of custom or homemade, shall be checked for the operation and activation of the on-board diagnostic malfunction indicator light (MIL), as per EPA and DEC requirements.</u></p>	<p><u>9a. The MIL fails to light with the key on and engine off. The MIL remains lit with the engine running.</u></p>
<p><u>9b. OBD II eligible vehicles as per above in 9a.</u></p>	<p><u>9b. The MIL is commanded on by the OBD II system.</u></p>

<p><u>10. All non-exempt vehicles subject to the OBD II test, except for vehicles with a make of custom or homemade, shall be checked for the operation and activation of the vehicle's OBD II system monitors, as per EPA and DEC requirements. 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 O2 sensor monitor and the secondary AIR monitor.</u></p>	<p><u>10. If the number of monitors that the CVIS determines to be "not ready" exceeds the maximum allowable as calculated by NYS DEC, or by EPA mandate.</u></p>
<p><u>11. All non-exempt vehicles subject to the OBD II test, except for vehicles with a make of custom or homemade shall be checked for proper operation of the OBD II system by communicating with the CVIS, as per DEC requirements.</u></p>	<p><u>11. If the NYVIP CVIS is unable to communicate with the OBD II computer in the vehicle.</u></p>

\* \* \* \* \*

Subdivision (b) of section 79.25 is amended to read as follows:

(b) If all of the above conditions are met, the [emissions analyzer system] CVIS will allow the inspector to issue an inspection certificate for the vehicle. If issuing a "Safety/Emissions" sticker VS-1082SE, check the "Repair Waiver Issued" box on the reverse side of the sticker and punch the appropriate expiration month. 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.

\* \* \* \* \*

Section 79.25 is amended by adding new subdivisions (d) and (e) to read as follows:

(d) Official Inspection Stations Fleet (see section 79.15) may only apply the cost of parts towards a waiver; no labor may be applied. All diagnosis and repairs must be documented, as described in paragraph (c) of this section.

(e) Vehicles sold by a dealer that must be inspected prior to delivery are not eligible for a waiver.

\* \* \* \* \*

Paragraph (2) of subdivision (h) of section 79.26 is amended to read as follows:

(2) If all of the above conditions are met, the inspector will be allowed to issue the inspection certificate(s) for the vehicle. Check the “Repair Waiver Issued” box on the reverse side of the “Safety/Diesel Emissions” sticker VS-1082D and punch the appropriate expiration month. The inspector must fill out a Diesel Emission Inspection Certification and Waiver Form (Form VS-1079DE), and that form, along with copies of the repair invoices verifying that the required repairs have been performed, must be retained by the station for a period of two years. Copies of all the above documents and a copy of Form VS-1079DE must be mailed to The Department of Environmental Conservation (DEC) at the address on the form within three days of issuing the waiver.

Subdivisions (a),(b),(c),(d), (e), (k), (l), and (m) of section 79.27 are amended to read as follows:

(a) *Tires.*

Inspect for:	Reject if:
1. Approved type	1. Any tire: -is not DOT approved; -is marked for restricted use such as: -for farm use only; -for temporary use; <u>-not for highway use, or other marking having like meaning;</u> <u>-excluded from use on a steering axle; or</u> the tire size designation is preceded by a "T". <u>-No bus may have a recapped, retread or regrooved tire on the steering axle.</u>
2. Condition  A. Casing	2. Any tire:  <u>-is in contact with body or frame of vehicle;</u> -is flat; -has a fabric break or cut <u>to the extent that the ply or cord is exposed</u> [larger than 1 inch exposing the ply or cords]; -has a bump, bulge or knot indicating partial failure of the tire structure; -has been repaired with a boot or blowout patch; <u>-or shows tread or recap separation.</u>
B. Tread (All tread measurements must be taken in the two adjacent major tread grooves)	B. Tread On:

showing the most wear).	
i. Front steering axle tires	i. Any front steering axle tire: -is regrooved; -has less than 4/32" tread.
ii. Other Tires	ii. Any other tire has less than 2/32" tread.
C. Valve Stem	C. The valve stem is: - cracked; - chafed from contact with the spider or rim; - in contact with brake drum; - inaccessible for taking pressure readings;
D. Tire Pressure	D. Advise customer if tire pressure is not within range recommended by vehicle manufacturer.
Check tire pressure	NOTE: Tire pressure check is an advisory only, do not reject the vehicle. The customer must be notified in writing.

(b) *Wheels or Rims.*

Inspect for:	Reject if:
1. Condition	
A. Rim <u>or</u> Wheel	A. The rim <u>or</u> wheel: - and lock ring are mismatched; - is cracked; - is bent; - is sprung; - has other damage; - shows evidence of slippage on the spider[.]; <u>- stud holes are elongated;</u> <u>- clamps are missing or damaged;</u> <u>- or welded repairs have been made.</u>
B. Mounting (bolts, nuts or stud)	B. Any fastener is: - broken; - missing; - damaged; - loose.

(c) *Steering.*

Inspect for:	Reject if:
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<p>1. Steering wheel free play</p> <p>A. Operations</p> <p>Note: Power steering fluid must be full, the belt must be tight, and the engine running.</p>	<p>A. Power steering wheel has more than 30 degrees of free play or exceeds the movement listed as follows:</p> <table border="0"> <thead> <tr> <th>Wheel Size</th> <th>Movement</th> </tr> </thead> <tbody> <tr> <td>16 in. or less</td> <td>4 ½ in. (11.5 cm)</td> </tr> <tr> <td>18 in.</td> <td>4 ¾ in. (12.0 cm)</td> </tr> <tr> <td>20 in.</td> <td>5 ¼ in. (13.5 cm)</td> </tr> <tr> <td>22 in.</td> <td>5 ¾ in. (14.5 cm)</td> </tr> </tbody> </table> <p>B. Manual steering has more than 15 degrees of free play or exceeds the movement listed as follows:</p> <table border="0"> <thead> <tr> <th>Wheel Size</th> <th>Movement</th> </tr> </thead> <tbody> <tr> <td>16 in. or less</td> <td>2 in. (5.1 cm)</td> </tr> <tr> <td>18 in.</td> <td>2 ¼ in. (5.4 cm)</td> </tr> <tr> <td>20 in.</td> <td>2 ½ in. (6.4 cm)</td> </tr> <tr> <td>22 in.</td> <td>2 ¾ in. (7.0 cm)</td> </tr> </tbody> </table> <p><u>C. Steering wheel is not properly secured.</u></p>	Wheel Size	Movement	16 in. or less	4 ½ in. (11.5 cm)	18 in.	4 ¾ in. (12.0 cm)	20 in.	5 ¼ in. (13.5 cm)	22 in.	5 ¾ in. (14.5 cm)	Wheel Size	Movement	16 in. or less	2 in. (5.1 cm)	18 in.	2 ¼ in. (5.4 cm)	20 in.	2 ½ in. (6.4 cm)	22 in.	2 ¾ in. (7.0 cm)
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<p>2. Power Steering Unit</p> <p>A. Operation</p> <p>B. Condition</p>	<p>A. The power steering system does not work.</p> <p>B. The power steering system:          -has visible leaks;          -hoses are chafed;          -belt(s) are missing, loose frayed, or [worn]  <u>binds or contacts other objects.</u></p>																				

(d) *Front end.*

Inspect for:	Reject if
<p>1. Condition</p>	<p>1. Axle is bent.            2. There is excessive looseness in any of the following parts:            -king pins and/or bushings;            -wheel bearings;            -upper or lower cross shaft mounting or bushings;            -idler arm;</p>

	<p>-pitman/steering arm;          -center control arms;          -tie rod ends;          -drag link ends;          -gear box;          -gear box mounting <u>is loose, bolts are missing or bolts or case are cracked;</u>          -rack mounting;          -steering wheel shaft mounting;          -steering shaft coupler/universal is: binding;          frayed;          cracked.          -steering damper:          leaks;          is loose;          mount is cracked/broken;          is missing.</p> <p><u>-worn universal joints</u>  <u>-bearing cap broke or missing</u>  <u>-any cracks or welded repairs in the above items.</u></p>
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(e) *Suspension.*

Inspect for:	Reject if:
<p>1. Springs</p> <p>A. Presence</p> <p>B. Condition</p> <p><u>C. Trailer Adjustable axle</u></p>	<p>A. Any spring is missing.</p> <p>B. A spring:            -is noticeably sagging;            -is broken;            -center bolt is broken;            -shackle is excessively worn or loose;            -eye or pin bolt broken/missing.  <u>-Composite spring cracked more than 3/4 of an inch in any direction.</u>  <u>- any leaf or portion of any leaf in any spring assembly is missing or separated</u></p> <p><u>C. Adjustable Axle Assemblies (Sliding Subframes) assembly locking pins are missing or not engaged</u></p>

<p>2. Torsion bars, stabilizer bars and torque rods</p> <p>A. Presence</p> <p>B. Condition</p>	<p>A. Any torque rod torsion or stabilizer bar is missing.</p> <p>B. Torque rod torsion or stabilizer bar is:          -broken;          -disconnected;          -missing;          -bent;          -excessively loose.</p>
<p>3. Air suspension</p> <p>A. Presence</p> <p>B. Condition</p>	<p>A. Any air bag is missing.</p> <p>B. Any air bag is:          -chafed;          -damaged;          -leaking;</p>
<p>4. Shock absorbers</p> <p>A. Presence</p> <p>B. Condition</p>	<p>A. A shock is on one side but not the other <u>or</u> shock absorbers are missing on a vehicle originally equipped with them</p> <p>B. Any shock:          -is broken          -has a loose or broken mount or mounting bolt. (A leaking shock is not cause for rejection)</p>

(g) *Window glass.*

Inspect for:	Reject if:
<p>1. Windshield</p> <p>A. Presence</p> <p>B. Approved type</p>	<p>A. The vehicle is not equipped with a windshield.</p> <p>B. Any 1935 or newer vehicle's windshield is</p>

C. Condition	<p>not AS-1, AS-10 or AS-14 rated safety glass.</p> <p>C. (i) The windshield has a "star" larger than 3 inches in diameter. (A star is considered to be a bruise from which multiple cracks extend, such as a "stone bruise", shot, etc.).  (ii) There is a crack more than 11 inches long, any part of which extends into the path of the windshield wipers.  (iii) There are any sharp or jagged edges.</p>
<p>2. Other glass</p> <p>A. Approved type</p> <p>B. Condition</p>	<p>A.(i) The windows to the immediate left and right of the driver are not AS-1, 2, 8, 10 or rated safety glass.  (ii) Any other windows do not have safety glass or rigid plastic with an AS-1, 2, 3, 4, 5, 8, 10 or 11 rating.</p> <p>B. (i) Any window is broken or has exposed sharp or jagged edges.  (ii) Any window is cracked, starred, scratched or discolored so as to obstruct driver's vision.</p>

(h) *Windshield Wipers.*

Inspect for:	Reject if:
1. Presence	1. Vehicle is not equipped with the number of wiper(s) with which it was originally manufactured.
2. Condition	2. Any wiper blade(s) have: -torn rubber; -material other than the rubber wiper blade in contact with the windshield.
3. Operation	(A) Any wiper controls are located beyond the reach of the driver so that they cannot easily be operated without moving from normal driving position. (B) Any wiper does not work. (C) Wiper does not operate freely. (D) Any wiper is improperly adjusted.

(i) *Mirrors.*

Inspect for:	Reject if:
1. Presence  Note: Inspection of an interior, rear view mirror is not necessary.	1. Either the right or left exterior rearview mirror is missing.
2. Condition	2. Any mirror is cracked, broken or discolored.
3. Operation	3. (A) Any mirror is not securely mounted. (B) Any mirror cannot be adjusted. (C) Any mirror will not maintain a set adjustment.

(j) *Horn.*

Inspect for:	Reject if:
1. Presence	1. The vehicle does not have a horn.
2. Condition	2. The horn is not securely mounted.
3. Operation	3 (A) The horn does not work. (B) The control is not within easy reach of the driver.

(k) *Coupling Devices.*

Inspect for:	Reject if:
1. Fifth wheels  (A) Condition  (i) Mounting to frame  (ii) Mounting plates and pivot brackets	-More than 20 percent of fasteners, per side, missing or ineffective. -Any movement between mounting components and frame [in excess of 1/32 inch]. -Any mounting angle iron cracked or broken (see NOTE 2.) -More than 20 percent of the fasteners, per side, are missing or ineffective. -Any welds or parent metal is cracked (see NOTE 2). -More than ¼ [3/8] inch horizontal movement between pivot bracket pin and bracket. -Pivot bracket pin missing or not secured.

<p>(iii) Sliders</p>	<ul style="list-style-type: none"> <li>-More than 25 percent of latching fasteners, per side, ineffective.</li> <li>-Any fore or aft stop is missing or not securely attached.</li> <li>-Movement more than 3/8 inches between slider bracket and slider base.</li> <li>-Any slider component has a crack in parent metal or weld (see NOTE 2).</li> </ul>						
<p>(iv) Upper/lower coupler</p>	<ul style="list-style-type: none"> <li>-Horizontal movement between the upper and lower fifth wheel halves exceeds ½ inch.</li> <li>-Operating handle will not stay in the closed or locked position.</li> <li>-Kingpin cannot be properly engaged.</li> <li><u>-Kingpin can be moved by hand in any direction.</u></li> <li>-Separation between upper and lower coupler allowing light to show through from side to side.</li> </ul> <p><u>Any semi trailer with a bolted upper coupler having fewer effective bolts than shown in the following table.</u></p> <p><u>MINIMUM TOTAL QUANTITY OF BOLTS. (Total minimum quantity of bolts must be equally divided with ½ on each side of the coupler)</u></p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td colspan="2" style="text-align: center;"><u>BOLT SIZE</u></td> </tr> <tr> <td style="text-align: center;"><u>½ in (13mm)</u></td> <td style="text-align: center;"><u>5/8 in (16mm) or larger</u></td> </tr> <tr> <td style="text-align: center;"><u>10-(5 each side)</u></td> <td style="text-align: center;"><u>8-(4 each side)</u></td> </tr> </table> <ul style="list-style-type: none"> <li>-Cracks in the fifth wheel plate.</li> <li>-Locking mechanism parts missing, broken, or deformed to the extent that the kingpin is not securely held.</li> </ul>	<u>BOLT SIZE</u>		<u>½ in (13mm)</u>	<u>5/8 in (16mm) or larger</u>	<u>10-(5 each side)</u>	<u>8-(4 each side)</u>
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<u>10-(5 each side)</u>	<u>8-(4 each side)</u>						
<p>NOTE 2: Any repair weld cracking, well defined (especially open) cracks in stress or load bearing areas, cracks through 20 percent or more of original welds or parent metal are grounds for rejection except:</p> <ul style="list-style-type: none"> <li>-Cracks in fifth wheel approach ramps.</li> <li>-Casting shrinkage cracks in the ribs of the body of a cast fifth wheel.</li> </ul>							
<p>B. Operation</p>	<ul style="list-style-type: none"> <li>-Ineffective latching mechanism.</li> </ul>						

i. Slider (power or manual)	-Missing or ineffective stop. -Movement of more than ¼ inch between slider and housing. -Any leaking, air or hydraulic cylinders, hoses, or chambers (other than slight oil weeping normal with hydraulic seals).
2. Pintle hooks  A. Condition	-Cracks anywhere in pintle hook assembly. -Any welded repairs to the pintle hook. -Excessively worn (see NOTE 3).
<p><i>Note: 3:</i> No part of the horn or hook (stationary part) should have any section reduced by more than 20 percent. If wear can be seen when the hook and eye are coupled, it is due to either this condition or the eye condition described in <i>Note 4</i>.</p>	
B. Operation	Latch does not work.
3. Drawbar/tow bar eye  A. Condition i. Mounting  ii. Integrity	-Any cracks in attachment welds -Any missing or ineffective fasteners.  - <u>any welded repairs</u> -Any cracks. -Excessively worn (see NOTE 4).
<p><i>Note 4:</i> The eye should not be worn to beyond 20 percent of its original cross section thickness. If wear can be seen when the hook and eye are coupled, it is due to either this condition or that described in <i>Note 3</i>.</p>	
4. Drawbar/towbar tongue  A. Condition  B. Operation	A. Any cracks.  B. Movement of ¼ inch or more between subframe and drawbar at point of attachment.  - <u>ineffective latching mechanism.</u> - <u>missing or ineffective stop</u> - <u>movement of more than ¼ inch (6mm) between the slider and housing.</u> - <u>any leaking air or hydraulic cylinders, hoses, or chambers (other than slight oil weeping normal with hydraulic seals).</u>
5. Safety chains and cable  A. Presence of safety chains	

<p>B. Condition (i) Chains and hooks</p> <p>(ii) Cable</p> <p><u>6. Full Trailer (Double Ring, Ball-Bearing Turntable)</u></p> <p><u>Mounting – Top and Bottom</u></p> <p><u>Wear</u></p>	<p>A. Missing</p> <p><u>B.</u> -Worn to the extent of a measurable reduction in link cross section. -Incapable of secure attachment. -Improper repairs, including welding, wire, small bolts, rope and tape. -Kinked or broken cable strands. -Incapable of secure attachment. -Improper clamps or clamping.</p> <p>- <u>top or Bottom Flange has less than 6 effective bolts.</u> - <u>twenty percent or more of original welds (or repaired original welds), or parent metal is cracked.</u>  - <u>upper flange half touching lower flange half</u> - <u>cracked flanges</u></p>
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(l) *Exhaust system.*

<i>Inspect for:</i>	<i>Reject if:</i>
<p>1. Presence</p>	<p>1. (A) Vehicle does not have either a muffler or turbocharger. (B) Exhaust [is not discharged] <u>discharge does not meet the following criteria;</u></p> <p>(i) either to the rear or above the cab.</p> <p>(ii) [on a bus, within six inches of the rear of the vehicle] <u>gasoline engine powered busses –may not be more than 6 inches forward from the rear most part of the vehicle;</u></p> <p><u>(iii) busses powered by other than gasoline engine –may not be more than 15 inches forward of the rear most part of the vehicle,</u></p>

	<u>or must be to the rear of all doors or windows designed to be open, except windows designed to be opened solely as emergency exits.</u>
2. Condition	<p>2. (A) Vehicle has gutted, altered or patched muffler.</p> <p>(B) The exhaust system is excessively loose.</p> <p>(C) Exhaust gases leak at:</p> <ul style="list-style-type: none"> <li>-the manifold gasket</li> <li>-the muffler</li> <li>-any other point in exhaust system (except on tilt cabs where pipe is attached to cab)</li> </ul> <p>(D) Exhaust system is so located as it would be likely to result in burning, charring or damaging the electric wiring fuel system or any other combustible part of the vehicle.</p>

(m) *Lighting and Reflectors.*

Inspect for:	Reject if:
1. Headlights	
A. Presence	A. Any motor vehicle does not have headlights. <u>(Not required for trailers)</u>
B. Approved type	B. (i) A headlight or the headlight system does not meet SAE or DOT standards. (ii) Any headlamp has an unapproved material over or in front of the lens.
C. Condition	C (i) Any lens is broken (pieces missing). (ii) Any headlamp is not securely mounted or can easily be moved.
D. Operation	D. Any headlamp fails to light in the high or low beam switch position.
2. Taillights/stop lights	
A. Presence	A. The vehicle is not equipped with at least two red tail lamps and at least two red stop lamps.
B. Approved type	B. Lamps do not display required DOT or SAE markings.
C. Condition	C. (i) Any lamp/lens is broken (pieces missing). Tape or other material is used in place of all or part of an approved lens.

	(ii) Any lamp is not securely mounted.
D. Operation	D. Any lamp does not operate properly in <u>all</u> switch positions.
3. Directional lights/hazard warning lights/indicator lights.  A. Presence	A (i) Any 1953 and newer vehicle is not equipped with directional lamps. <u>Front directional signals are not required on trailers.</u> (ii) Any 1966 and newer motor vehicle is not equipped with hazard warning lights. (iii) Any vehicle equipped with directional signals must also be equipped with indicator lights.
B. Approved type	B (i) Any lamp does not display required DOT or SAE markings. (ii) Front lights do not display amber; rear lights do not display red or amber.
C. Condition	C (i) Any lamp/lens is broken (pieces missing). Tape or other material is used in place of all or part of an approved lens. (ii) Any lamp is not securely mounted.
D. Operation	D (i) Any lamp does not operate properly in all switch positions. (ii) Lamps are not visible front or rear. (iii) Any switch must be manually held for the desired function. (iv) Hazard warning lights do not operate with ignition off. (v) Interior indicator lamp does not function properly. (If vehicle has an exterior indicator lamp only, check for proper operation.)
4. Marker/clearance lights and reflectors (See NOTE 5)  A. Presence	A. (i) Side marker lights On each SIDE 1 red to the rear 1 amber to the front 1 amber in center if over 30 feet long  (ii) Clearance lights indicating overall width 2 red showing to the rear

	<p>2 amber showing to the front</p> <p>(iii) Identification lamp (3-lamp cluster) center of vehicle over 80 inches in width amber on the front (except trailers) red on the rear</p> <p>(iv) Reflex reflectors On the REAR at the same height 2 red one on each side On each SIDE 1 amber to the front 1 red to the rear</p>
<p><i>Note 5:</i> Tractors do not need rear side marking devices, rear clearance lamps, or rear 3-lamp cluster</p>	
B. Approved type	B. Lamps or reflectors do not display required SAE or DOT markings. (Amended 8/13/03)
C. Condition	<p>C. (i) Any lens is broken (pieces missing). Tape or other material is used in place of all or part of an approved lens.</p> <p>(ii) Any device is not securely mounted.</p>
D. Operation	D. Any lamp fails to light properly when activated by the switch.
5. Back-up lights	
A. Presence	A. Any 1969 and newer motorized vehicle does not have at least one backup light. ( <u>Not required on trailers</u> )
B. Approved type	B. Back-up light(s) is not SAE or DOT approved.
C. Condition	<p>C (i) Any lens is broken (pieces missing). Tape or other material is used in place of all or part of an approved lens.</p> <p>(ii) Any lamp is not securely mounted.</p>
D. Operation	D. Any back-up light fails to operate properly.
6. License plate lights	
A. Presence	A. Any vehicle does not have at least one lamp to illuminate the rear license plate.
B. Approved type	B. Lamps or reflectors do not display required SAE or DOT markings.
C. Condition	C. (i) Any lens is broken (pieces missing).

	Tape or other material is used in place of all or part of an approved lens. (ii) Any device is not securely mounted.
D. Operation	D. Any lamp fails to light properly when activated by the switch.

\* \* \* \* \*

Paragraph (2) of subdivision (n) of section 79.27 is amended to read as follows:

(n) *Service Brake System.* For brake inspection, EITHER:

(2) On vehicles with removable backing plates, remove all of the plates or look through the inspection ports so that brake components can be viewed. (If the front axle is the only axle without removable backing plates, it is not necessary to remove a front brake drum or hub and drum assembly.)

A new vehicle with a "Manufacturer's Certificate of Origin" (MCO), except a glider kit, as its ownership document is not required to be disassembled for brake component inspection.

On vehicles which require the wheel to be removed the "grease seal" SHOULD be replaced along with any other unserviceable parts required to insure safe operation upon re-assembly. These repairs must be authorized by the owner/operator. Once a vehicle is REJECTED, it is the owner/operator's responsibility to timely remove that vehicle from the facility at his/her own expense.

Inspect for:	Reject if:
1. Hydraulic or electric brakes  A. Presence	A. There is a missing or disconnected brake on any wheel except for the following: 1980 and older trucks and tractors which have three or more factory equipped axles, in some cases may not have brakes on the front axle. These vehicles should not be rejected unless there is evidence that front brakes ever existed. ( <i>i.e.</i> , drums, rotors or backing plate assemblies are present.)
B. Condition (i) Hoses, connections and lines	(i) Any brake hose or connecting line is: -cracked -broken -crimped -swelled or swollen -not securely fastened

	<ul style="list-style-type: none"> <li>-charred</li> <li>-chafed</li> <li>-leaking</li> <li>-in contact with the: exhaust system or driveline</li> <li>-copper tubing or compression fittings are used</li> <li><u>-improperly joined lines, such as a splice made by sliding the hose over a piece of tubing and clamping the hose to the tube</u></li> </ul>
(ii) Brake lining	(ii) Brake lining is: <ul style="list-style-type: none"> <li>-broken</li> <li>-cracked</li> <li>-not completely attached to the shoe or pad</li> <li>-contaminated with grease or oil, etc.</li> </ul>
(a) Bonded Lining	(a) The thinnest part of the lining measures less than 1/16".
(b) Riveted or bolted lining	(b) The lining is worn to less than 1/16" above any bolt or rivethead.
(iii) Rotors	(iii) The rotor: <ul style="list-style-type: none"> <li>-is worn or machined below the <u>minimum allowable</u> [discard] thickness</li> <li>-has cracks on the friction surface extending to the open edge</li> <li>-mounting holes are elongated</li> <li>-has mechanical damage other than normal wear</li> </ul>
(iv) Drums	(iv) The drum: <ul style="list-style-type: none"> <li>-is worn or machined <u>beyond</u> [below] the <u>maximum allowable diameter</u> [minimum discard thickness] (only if the drum has been removed)</li> <li>-has a crack on the friction surface extending to the open edge</li> <li>-has a crack on the outside particularly at the drum mounting</li> <li>-has mechanical damage other than normal wear</li> <li>-mounting holes are elongated</li> <li>-friction surface is contaminated with grease, oil etc.</li> </ul>
(v) Wheel cylinder/caliper	(v) Wheel cylinder/caliper has visible leak

(vi) Master cylinder	(vi) Master cylinder: -has visible leaks -is not filled to its design capacity
C. Operation	
(i) Components	(i) Any component is seized or does not operate properly.
(ii) Single brake pedal	(ii) A 1954 or newer vehicle is not equipped with a single brake pedal which operates all the service brakes on that motor vehicle or combination of vehicles. (This shall not prohibit the use of an additional valve which can operate the trailer brakes independently).
(iii) Brake pedal reserve	(iii) The brake pedal when depressed under normal foot pressure: -has a reserve travel of less than 20% of its total travel -does not hold its position for 60 seconds without dropping
(iv) Power assisted system	(iv) Pedal assist is not felt when engine is started or vehicles with an electric back-up system does not operate with engine off. (Note: For this test, some systems may require the ignition switch to be in the "on" position) -any leak on a vehicle equipped with a hydraulic boost system
(v) Warning device	(v) A 1973 or newer truck or tractor is not equipped with either an audible or visible warning device to readily indicate to the driver a brake system or assist failure, <u>or if on hydraulic system the brake failure light/low fluid warning light is on and/or inoperative.</u>
(vi) System performance of the Power Unit (must be the last brake test done) <u>This test must be done on a hard level surface, free from loose material (indoors or outdoors)</u>	(vi) The truck, tractor or bus fails to stop within 35 feet or stops with significant pull when tested from a speed of 20MPH [(see NOTE 6)].
[NOTE 6: This test must be done on a hard level surface, free from loose material (indoors or outdoors) using a decelerometer, measured and marked test area or with approved brake testing equipment set to approved specifications.]	
2. Air/vacuum brake systems A. Presence (i) General	(i) There is a missing or disconnected brake on any wheel except for the following: 1980 and

	<p>older trucks and tractors that have three or more factory equipped axles in some cases may not have brakes on the front axle. These vehicles should not be rejected unless there is evidence that front brakes ever existed (i.e. drum(s), rotor(s), or backing plate assemblies are present).</p> <p><u>There is insufficient vacuum reserve to permit one full brake application after engine is shut off</u></p>
(ii) Warning systems	(ii) The vehicle is not equipped with either an audible or visible warning device, <b>OTHER THAN THE GAUGE</b> , to readily indicate to the driver a system failure.
(iii) Gauge	(iii) The gauge is missing or defective.
<b>B. Condition</b>	
(i) Tanks, hoses, lines and connections, etc.	(i) Any brake component is: <ul style="list-style-type: none"> <li>-cracked</li> <li>-broken</li> <li>-crimped</li> <li>-swelled or swollen</li> <li>-not securely fastened</li> <li>-charred or chafed</li> <li>-in contact with the exhaust system or driveline</li> </ul>
(ii) Brake lining (all measurements must be taken from shoe/pad or top of the rivet/bolt)	(ii) Brake lining is: <ul style="list-style-type: none"> <li>-broken</li> <li>-cracked</li> <li>-not completely attached to the shoe or pad</li> <li>-contaminated with grease, oil, etc.</li> </ul>
(a) Bonded lining (on a brakeshoe or pad)	(a) The thinnest part of the lining measures less than 1/4" at the center of the shoe (only if a drum has been removed).
(b) Riveted or bolted lining (pads and shoes)	(b) The lining is worn to less than 1/16" above any bolt or rivet head (only when the lining or pad is required to be measured).
(c) Air disc brake pads	(c) The lining is worn to less than 1/8".
(iii) Rotors	(iii) The rotor: <ul style="list-style-type: none"> <li>- is worn or machined below the minimum [discard] <u>allowable</u> thickness;</li> </ul>

	<ul style="list-style-type: none"> <li>- has cracks on the friction surface extending to the open edge;</li> <li>- mounting holes are elongated;</li> <li>- has mechanical damage other than normal wear.</li> </ul>
(iv) Drums	<p>(iv) The drum:</p> <ul style="list-style-type: none"> <li>- is worn or machined [below the minimum discard thickness] <u>beyond the maximum allowable diameter</u> (only if a drum has been removed);</li> <li>- has a crack on the friction surface extending to the open edge;</li> <li>- has a crack on the outside, particularly at the drum mounting;</li> <li>- has mechanical damage other than normal wear;</li> <li>- mounting holes are elongated;</li> <li>- friction surface is contaminated with grease, oil, etc.</li> </ul>
C. Operation	
(i) Components	<p>(i) Any component is seized or does not operate properly <u>or any non-manufactured holes or cracks are found in the spring brake housing section of a parking brake.</u></p>
(ii) Single brake pedal	<p>(ii) A 1954 or newer model vehicle is not equipped with a single brake pedal which operates all the service brakes on that motor vehicle or combination of vehicles. (This shall not prohibit the use of an additional valve which can operate the trailer brakes independently.)</p>
(iii) Storage tank drain	<p>(iii) Drain cock cannot be opened or is plugged (when checking, drain liquids and other foreign substances).</p>
(iv) Warning devices	<p>(iv) The warning device does not provide a continuous warning once activated.</p>
(a) Vacuum warning device TEST: run engine to build full vacuum	<p>(a) With engine off: The warning system does not activate whenever the vacuum reserve is reduced to less than 8 inches of mercury (Do this by applying the brakes).</p>
(b) Air Warning Device	<p>(b) With engine off: The warning system does not activate when the pressure drops below 60 PSI or manufacturer's specification, if known</p>

	(Do this by applying the brakes).
(v) Air brake leakage test	
<p>The following four conditions must be met before performing this test. System pressure must be reduced or increased to 80 PSI either by applying the brakes or building up pressure</p> <ul style="list-style-type: none"> <li>- governor is cut-in,</li> <li>- engine is at idle,</li> <li>- reservoir pressure is between 80-90 PSI,</li> <li>- service brakes are fully applied</li> </ul>	
(a) With engine running and service brakes applied determine if system can maintain at least 80 PSI.	(a) The system does not maintain at least 80 PSI. (Perform this test for 1 minute on single and/or combination vehicles.)
(vi) Air pressure safety relief valve governor cut out and compressor drive belts	<p>(vi) Air pressure safety relief valve; is not present or does not operate on a system which can be checked. (Some valves designed with a lead plug cannot be tested).</p> <ul style="list-style-type: none"> <li>- Brake system operating pressure exceeds 135 PSI.</li> <li>- Compressor: drive belt(s) is missing, badly worn, frayed, slipping or loose, <u>or bolts, pulleys, brackets, braces or adapters are cracked, broken, loose or missing.</u></li> </ul>
(vii) Inverting relay spring brake control valve or inversion valve (on vehicles so equipped)	(vii) If valve fails to function properly.
(viii) Air brake adjustment	
<p>Equipment: Steel scale and feeler gauge or equivalent.</p>	
(a) On vehicles equipped with Cam brakes, mark each brake chamber pushrod at the face of the brake chamber with the brakes released.	(a) Cam brakes, push-rod travel of any chamber exceeds the maximum stroke listed in Table A (See Appendix I).
<p>Apply the air brakes fully with reservoir pressure at 100 PSI or delivery pressure between 80-90 PSI, and measure the distance the push rod length travels from the face of the chamber to the mark previously made when the brakes were released. (Fig. 1 See Appendix III) This measurement in the push-rod stroke table in Table A (See Appendix I).</p>	

	There is a mismatch on any axle of: 1. Air Chamber Size 2. Slack adjustor
(b) On vehicles equipped with wedge brakes, remove the inspection hole cover at each dust shield and with the brakes released, scribe a line on the edge of the brake lining. Apply the air brakes fully with reservoir pressure at pressure between 80 and 90 PSI. Measure the distances the brake lining travels. (Fig. 2 See Appendix IV)	(b) Any brake shoe, has more that 1/16” travel.
(c) On vehicles equipped with disc brakes use Table B (See Appendix II)	(c) Push rod travel of any chamber exceeds the maximum stroke listed in Table B (See Appendix II).
1. System performance of the power unit (must be the last brake test done[ – see Note 6]) <u>This test must be done on a hard level surface, free from loose material (indoors or outdoors)</u>	1. The truck, tractor or bus fails to stop within 35 feet or stops with significant pull when tested from a speed of 20 MPH.

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Subdivision (o) of subdivision 79.27 is amended to read as follows:

(o) [Emergency] Parking Brake Systems.

Inspect for:	Reject if:
1. Parking brake	
<i>Note 7: On 1962 and older vehicles not originally equipped with a parking brake, disregard this section.</i>	
A. Presence	A. The vehicle is not equipped with a parking brake.
B. Condition of the parking brake components	B. There are any of the following missing <u>or</u> defective: -cotter pins; -retracting springs; -worn rods or couplings; -cable(s) are visibly frayed or frozen. -The ratchet, pawl, lever control, or other locking device does not hold the brake in the applied position or cannot be properly operated

	<p>or released.</p> <p><u>-any non-manufactured holes or cracks are found in the spring brake housing section of a parking brake.</u></p>
C. Operation	<p>C. The parking brake does not operate separate from the service brakes.</p> <p>-Failure of either system leaves the vehicle without brakes.</p> <p>-There is no reserve travel in the lever or pedal when the brake is fully applied.</p> <p>-The control is not within easy reach of the driver.</p> <p>-The parking brake does not hold the vehicle stationary with transmission in low gear (whether automatic or manual) with moderate engine power applied.</p>
<p>2. Emergency breakaway systems</p> <p>A. Presence</p> <p>(i) Trailers</p> <p>(ii) Towing vehicles manufactured after 1953.</p>	<p>(i) The trailer is not equipped with an emergency breakaway system.</p> <p>(ii) The vehicle is not equipped with an automatic breakaway system (tractor protection valve so that the service brakes on the towing vehicle remain operational if the trailer separates.</p> <p>Where manual operation is permitted, this control shall be within easy reach of the driver.</p>
B. Operation	
(i) All trailers (air, vacuum, or electric)	<p>(i) Trailer is not equipped with an emergency system which automatically applies the brakes upon separation from the towing vehicle and stays applied for a minimum of 15 minutes. Trailer with batteries that cannot be recharged must only be capable of making a brake application. The 15 minutes will be waived.</p>

<p>(ii) Towing vehicles.</p> <p>The test must be conducted with a fully charged system</p>	
<p>SINGLE AIR BRAKE SYSTEMS (Pre FMVSS 121 Brake Systems) manually operate the dash control valve (tractor protection control valve)</p>	<p>The trailer emergency brake system cannot be applied and released with this valve.</p>
<p>DUAL AIR BRAKE SYSTEMS (FMVSS 121 Systems) manually operate the tractor protection control valve. (Normally marked trailer supply valve)</p> <p>Manually operate park control valve</p>	<p>The trailer brakes do not apply and release as knob is pulled out and pushed in.</p> <p>All parking brakes do not apply and release as knob is pulled out and pushed in.</p>

\* \* \* \* \*

Subdivision (q) of section 79.27 is amended to read as follows:

(q) *Fuel Leaks.*

Procedure:	Reject if:
<p>Check the fuel system, including the fuel tanks and lines, for leaks, <u>including auxiliary heating or refrigeration units.</u></p> <p><u>Compressed Natural Gas (CNG), Liquefied Petroleum Gas (LPG or Liquefied Natural Gas (LNG) fuel systems</u></p>	<p>Any leak[s] is found in [the] <u>any</u> fuel system, tank or lines to such a degree as to cause dripping or pooling of fuel.</p> <p><u>A fuel tank is not securely attached to the vehicle.</u></p> <p><u>Note: Some fuel tanks use spring or rubber bushings to permit movement</u></p> <p><u>Any fuel leakage from the CNG, LPG or LNG system detected audibly, visually or by smell.</u></p>

Note: Some brief fuel leakage, water vapor at the fittings, or decompression may occur during refueling, causing temporary frosting of CNG or LPG fuel system parts. If the vehicle has been refueled shortly before inspection, care must be taken to distinguish these temporary frosting occurrences from actual leaks. Also, in hot weather some condensation on the system is normal.

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Subdivisions (b) (d) and (e) of section 79.28 are amended to read as follows:

(b) *Steering suspension and frame.*

<p>4. Check handlebars.</p>	<p>4. Loose, bent, broken, cracked or damaged, affecting proper steering; equipped with bicycle handlebars.                  [Handlebar grips measure in excess of 15" above the seat or saddle, measuring from the lowest part of the grip to the lowest point on the seat.]  <u>The handlebars or grips are higher than the operator's shoulders.</u></p>
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(d) *Headlamp.*

Inspect for:	Reject if:
<p>1. Check presence/condition.</p> <p><u>NOTE: Certain motorcycles may have a headlamp system that "modulates" between high and low intensity. This is an allowed modification only if the system can be switched off for normal operation.</u></p>	<p>1. Not equipped with at least one approved, operating motorcycle headlamp. Lamp is not operational; not properly and securely mounted, lens is cracked, broken, covered, discolored or obstructed (such as shields, paint, etc.).                  Light is not white or does not operate properly in all switching positions. Lights do not have high and low beams.</p>

(e) *Other lights.*

Inspect for:	Reject if:
<p>1. Check tail, number plate, stop and turn signal lights, reflectors.</p> <p><u>NOTE: No lighting other than the</u></p>	<p>1. Vehicle is not equipped with at least one tail and number plate light. If manufactured after October 1, 1968, one stop lamp. August 1985 and newer motorcycles must have turn</p>

<u>headlamp(s) referenced in (d) may be modulated; they must emit steady light.</u>	signals. Does not have at least one Class B red reflector on rear (may be part of light lens).
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A New Appendix A is added to Part 79 to read as follows:

TABLE A

CLAMP TYPE BRAKE CHAMBER DATA

TYPE	OUTSIDE DIAMETER		BRAKE ADJUSTMENT LIMIT	
	in.	mm.	in.	mm.
6	4-1/2	(114)	1-1/4	(32)
9	5-1/4	(133)	1-3/8	(35)
12	5-11/16	(145)	1-3/8	(35)
16	6-3/8	(162)	1-3/4	(45)
20	6-25/32	(172)	1-3/4	(45)
24	7-7/32	(184)	1-3/4	(45)
30	8-3/32	(206)	2	(51)
36	9	(229)	2-1/4	(57)

LONG STROKE CLAMP TYPE BRAKE CHAMBER DATA

TYPE	OUTSIDE DIAMETER		BRAKE ADJUSTMENT LIMIT	
	in.	mm.	in.	mm.
12	5-11/16	(145)	1-3/4	(35)
16	6-3/8	(162)	2.0	(45)
20	6-25/32	(172)	2.0	(45)
24	7-7/32	(184)	2.0	(45)
24*	7-7/32	(184)	2 1/2	(45)
30	8-3/32	(206)	2 1/2	(51)

- \*For 3 inch maximum stroke type 24 chambers

NOTE: A brake found at the adjustment limit is not a violation.

BOLT TYPE BRAKE CHAMBER DATA

TYPE	OUTSIDE DIAMETER		BRAKE ADJUSTMENT LIMIT	
	in.	mm.	in.	mm.
A	6-15/16	(176)	1-3/8	(35)
B	9-3/16	(234)	1-3/4	(45)
C	8-1/16	(205)	1-3/4	(45)
D	5-1/4	(133)	1-1/4	(32)
E	6-3/16	(157)	1-3/8	(35)
F	11	(279)	2-1/4	(57)
G	9-7/8	(251)	2	(51)

NOTE: A brake found at the adjustment limit is not a violation.

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ROTOCHAMBER DATA

TYPE	OUTSIDE DIAMETER		BRAKE ADJUSTMENT LIMIT	
	in.	mm.	in.	mm.
9	4-9/32	(109)	1-1/2	(38)
12	4-13/16	(122)	1-12	(38)
16	5-13/32	(138)	2	(51)
20	5-15/16	(151)	2	(51)
24	6-13/32	(163)	2	(51)
30	7-1/16	(180)	2 1/4	(57)
36	7-5/8	(194)	2 3/4	(70)
50	8-7/8	(226)	3	(76)

NOTE: A brake found at the adjustment limit is not a violation.

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DD2 & DD-3 BRAKE CHAMBER DATA

TYPE	OUTSIDE DIAMETER	BRAKE ADJUSTMENT LIMIT
30	8-1/8 in. (206mm)	2-1/4 in. (57mm)

Note: This chamber has three air lines and is found on motor coaches

NOTE: A brake found at the adjustment limit is not a violation.

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WEDGE BRAKE DATA

The combined movement of both shoe lining scribe marks shall not exceed 1/8 inch (3.18mm)

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EXPLANATION: Material underlined is new regulation; material in brackets is old regulation to be omitted.

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This amendment shall take effect immediately upon appearing in the New York State Register.

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