

NYS DEPARTMENT OF MOTOR VEHICLES
2010 REGULATORY AGENDA

Pursuant to section 202-d of the State Administrative Procedure Act, the Department of Motor Vehicles presents its regulatory agenda for 2010. All references are to Title 15 of the New York Code of Rules and Regulations. The Department reserves the right to add, delete or modify any item presented in this agenda.

1. Amend Part 2 in relation to driver education courses, including requirements related to instructors, the issuance of the MV-285 form, the use of instruction vehicles and applications for summer school courses.
2. Amend Part 3 to provide that the "F" restriction (full view mirror/hearing aid) on the driver's license is separated into two distinction restrictions, in order to comply with federal law.
3. Amend Part 6 to incorporate changes related to driver's physical qualifications; address the issue of carriers using the Article 19-A system electronically; and establish requirements for live scan fingerprinting of school bus drivers.
4. Amend Part 28, the International Registration Plan, in relation to: conforming Part 28 to Vehicle and Traffic Law provisions; updating references to forms and schedules; clarifying proof of ownership requirements; updating requirements related to the federal Heavy Vehicle Use Tax and the NYS Highway Use Tax; updating refund procedures; updating terminology to reflect current practices.
5. Amend Part 56 to allow more flexibility in relation to the mounting and use of strobe lights on school buses.
6. Amend Part 41 to conform New York State regulations to federal standards for brake efficiency, as set forth in 49 CFR 393.52 (commercial vehicle brake performance standards).
7. Amend Part 43 to conform New York State regulations to federal regulations for motor vehicle lighting, as set forth in 49 CFR 571.108.
8. Amend Part 76 or create a new Part under Title 15 to provide for the administration of the Motorcycle Safety Program, including but not limited to, the regulation of training sites, establishing standards for advertising, and establishing qualifications for instructors.
9. Amend Part 77 to require private service bureaus to post a notice on their websites that the motor vehicle transactions for which they charge a fee are performed at no charge by the Department of Motor Vehicles.
10. Amend Part 78, which governs the regulation of dealers, to: define certain terms related to dealers and transporters; set forth the requirements for a "place of business"; set

forth dealer bond requirements; clarify the requirements for a “courtesy delivery”; require additional information on the bill of sale, including a complete description of the vehicle sold and the vehicle traded-in with the vehicle selling price and vehicle trade-in allowance; clarify provisions related to vehicle equipment requirements for vehicles sold; clarify salvage vehicle disclosure requirements; provide for consistency with Part 79 regarding inspection requirements; strengthen requirements related to temporary certificates of registration; clarify the permissible uses of a transporter plate; clarify dealer recordkeeping requirements; clarify the specifications related to signs posted by dealers; revise procedures used to obtain a salvage certificate (MV-907A).

11. Amend Part 79, which governs the regulation of inspection stations and inspectors, to: provide for consistency with Part 78 regarding inspection requirements; consider increasing the fees that a station may charge a customer; clarify provisions related to heavy duty vehicle inspections; clarify and simplify procedures related to obtaining an appointment at an inspection station; establish additional requirements for the emissions inspection equipment; clarify procedures for returning inspection certificates to DMV and for properly indicating a voided certificate; clarify requirements related to official inspection station signs; clarify requirements related to inspection procedures and rejection criteria; revise procedures in relation to the On Board Diagnostic II emissions inspection; provide guidance about emissions waivers; make the necessary changes related to the termination of the NYTEST program.

12. Amend Part 81 to permit junk and salvage dealers to electronically report data to the Department of Motor Vehicles regarding the acquisition of certain motor vehicles.

13. Amend Part 82, which governs the regulation of repair shops, to: repair shop registration fees; the replacement of air bags; charging a customer for storage of a vehicle in a repair shop.

14. Amend Part 136 to revise the criteria for re-licensing problem drivers who pose a serious highway risk.

15. Amend Part 140 to make technical amendments in relation to the issuance of the post-revocation conditional license in order to conform to Chapter 496 of the Laws of 2009.