



**Motor Carrier Attachment**

**Article 5 New York State Vehicle and Traffic Law**

**Schoharie, NY October 6, 2018**

**HWY19MH001**

(4 pages)

days as approved by the department, prior to January first, nineteen hundred ninety-six, in any area of the state which has an emission inspection program in operation at the time of the enactment of such chapter. The commissioner shall approve any proposed fee schedule to the extent that it will allow an official inspection station operating such a pre-existing program to recover any additional fee imposed by such chapter.

(b) Each official inspection station shall keep a record of inspections, re-inspections, and the results thereof, and a record of certificates of inspection issued.

(c) Each official inspection station shall prominently display in an area of the station where the orderly transaction of business of such station occurs a sign provided or approved by the department and, after a motor vehicle fails to pass inspection at such station, provide written notice on forms provided or approved by the department to the owner or person in charge of said vehicle that the necessary repairs must be made to the vehicle within thirty days from the date of inspection and that such repairs need not necessarily be made at that station and shall be made in a manner consistent with federal law and regulations. The period allowed for repair shall not extend the expiration date of either the inspection sticker or registration certificate.

(d) 1. The commissioner shall supervise and cause inspections to be made of such official inspection stations. It shall be the duty of the superintendent of state police and of the police forces of all municipalities of the state to assist the commissioner in assuring compliance by all official inspection stations with the provisions of this article and with all rules and regulations promulgated thereunder. An official inspection station and the records thereof shall be open for

inspection at reasonable times by any police officer or any person designated by the commissioner to inspect such official inspection stations or any person designated by the commissioner of environmental conservation to inspect such official inspection stations with respect to emission inspections.

2. The commissioner shall have the right to inspect motor vehicles located on the premises of any person, association, corporation, subsidiary corporation or municipality having obtained permission to conduct self-inspection of motor vehicles pursuant to subdivision (c) or (f) of section three hundred two of this chapter and which have been issued a certificate of inspection within the previous fifteen days.

(e) A license to operate an official inspection station or a certificate to inspect vehicles may be suspended or revoked or renewal thereof may be refused by the commissioner or any person duly deputized for one or more of the following causes:

1. Failure to conduct inspections in conformance with the provisions of this article and the rules and regulations promulgated thereunder or improper issuance of certificates of inspections.

2. Conviction of a crime involving fraud, theft, perjury or bribery or other cause which would permit disqualification from receiving a license or a certificate to inspect vehicles upon the original application.

3. Fraud, deceit or misrepresentation in securing the license or a certificate to inspect vehicles or in the conduct of licensed or certified activity.

4. Excessive charges for conducting inspections and for making adjustments, corrections or repairs required by such inspections.

5. Violation of any provision of this article or any rule or regulation promulgated thereunder.

(f) No license or certificate shall be revoked or suspended, or

renewal refused, except upon notice to the licensee or certified inspector and after an opportunity to be heard. A license or certificate, however, may be temporarily suspended upon a written notice of temporary suspension delivered by certified mail to the licensee or certified inspector pending any prosecution, investigation or hearing. The written notice of temporary suspension shall provide that the temporary suspension is effective seventy-two hours after delivery of such notice. Whenever any license to operate an official inspection station or certificate to inspect vehicles is revoked, no license or certificate shall be reissued to an applicant until after the expiration of a period of one year from the date of such revocation.

(g) Upon the revocation or suspension of an inspection station license or certificate to inspect vehicles, the holder thereof shall deliver such license or certificate to the revoking or suspending officer, together with all inspection and inspection extension certificates, all inspection record forms, and any and all other items in the possession of the license or certificate holder which theretofore had been issued by the commissioner for use in connection with the inspection station or the inspection of vehicles. The failure of the holder thereof to deliver any of the aforesaid items to the revoking or suspending officer, or to any peace officer, acting pursuant to his special duties, or police officer directed by the commissioner or agent of the commissioner, displaying authorization to act in such capacity along with a certified copy of the order revoking or suspending such inspection station license, to secure possession thereof, shall constitute a misdemeanor.

(h) The commissioner, or any person duly deputized, in addition to or in lieu of revoking or suspending a license to operate an official inspection station or a certificate to inspect vehicles, may by order require the licensee or certified inspector to pay to the people of this