station license [(public)] (dealer) restricted to the inspection of only this type of vehicle. Such a license may be issued without the necessity for enclosed space as required in 79.9(b) of this Part, except that office space must be available on the premises for the safekeeping of inspection records and other items required by this Part. Such a dealer would be restricted to the inspection of light duty trailers with a gross weight of 10,000 lbs. or under, as required by section 79.22 of this part. If the dealer wishes to inspect trailers with a gross weight of more than 10,000 lbs., the required enclosed space must be maintained and those trailers must be inspected inside the premises.

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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, and any state agency or political subdivision [which qualifies for a license as an official inspection station (fleet), or municipality] having registered in its name more than five vehicles, [which qualifies] may qualify for a license as an official inspection station (fleet)[,]. A person, association or corporation licensed as an official fleet inspection station may inspect only those motor vehicles registered in his or its name, those leased for a period [of 30] greater than 30 days, and those motor vehicles owned by his or its employees. A state agency or political subdivision licensed as an official fleet inspection station may inspect only those motor vehicles registered in its name, those leased for a period greater than 30 days, and those motor vehicles registered in the name of any state agency or political subdivision. Any fleet inspection station that is exempt from payment of fees for inspection certificates under the provisions of subdivision (b) of section 305 of the Vehicle and Traffic Law may not inspect motor vehicles owned by its employees. An official inspection station (fleet or dealer) may only inspect those vehicles it is qualified to inspect. In addition, a state agency or political subdivision licensed as an official fleet inspection station that offers to inspect motor vehicles that are registered to other state agencies or political subdivisions is required to verify that the motor vehicles are registered to another state agency or political subdivision. 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. For the purposes of this Part, a political subdivision may include, but is not limited to: a county; a city; a village; a town; a school district; a fire district; a county extension service association; or a public improvement district. [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 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.]

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Paragraph (3) of subdivision (c) of section 79.15 is amended to read as follows:

(3) A fleet inspection station licensed to inspect Group 1A vehicles must have the appropriate CVIS for emissions inspection[, or]. A person, association or corporation licensed as an official fleet inspection station may be exempted from this requirement if the station can demonstrate that it has [at least 25] more than 25 Group 1A vehicles in its fleet that are not subject to emissions inspection. A [municipal] state agency or political subdivision licensed as an official fleet inspection station may be exempted from this requirement if the station can [must] demonstrate that it has more than 5 vehicles in its fleet that are not subject to emissions inspection. [exempt from emissions testing.] If a fleet inspection station is exempted from purchasing the CVIS, any vehicle in the fleet subject to emissions inspection must then be inspected at another facility licensed and equipped to perform the proper inspection.

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Paragraph (5) of subdivision (f) of section 79.15 is amended to read as follows:

(5) an official inspection station (fleet or dealer) is not required to maintain inspection rejection notices (form VS-1075), unless it inspects employee vehicles or is a state agency or political subdivision licensed as an official fleet inspection station that offers inspections to other state agencies or political subdivisions;

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A new paragraph (6) is added to subdivision (h) of section 79.15 to read as follows:

(6) An education facility licensed to inspect Group 1A vehicles must have the appropriate CVIS for emissions inspection, except that a facility located in the NYMA may be exempted from the requirement to maintain the NYTEST CVIS equipment. Any education facility that does not maintain the NYTEST CVIS equipment will not be permitted to order high enhanced emissions inspection certificates (form VS-1082E) and shall not be permitted to inspect vehicles that are subject to a high enhanced emissions inspection.

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A new section 79.16 is added to read as follows:

79.16 [Reserved] Special requirements for stations participating in the NYTEST shared network.

(a) NYTEST receiving station eligibility and operating requirements. A NYTEST receiving station is subject to all of the rules and regulations governing licensed official high enhanced emissions public inspection stations. In addition, NYTEST receiving stations must comply with the following requirements:

(1) have a valid official high enhanced emissions public inspection station license.

(2) maintain a valid service contract with a NYTEST vendor covering each NYTEST CVIS that the NYTEST receiving station operates. Such contract(s) must provide for the maintenance and repair of the NYTEST CVIS equipment for the duration of such contract(s).

(3) enter into shared network agreement(s) in the manner prescribed in section 79.16(d) of this Part.

(4) have the capability of performing the projected number of inspections that would be reasonably anticipated, based upon the shared network agreement(s) entered into with all NYTEST sending stations.

(5) perform both the safety and emissions portions of inspections for all vehicles subject to a safety/emissions inspection, including all vehicles referred or presented by a network NYTEST sending station.

(6) perform reinspections (including all vehicles referred or presented by a network NYTEST sending station) in accordance with section 79.24(h) of this Part.

(7) make charges for inspections (including all vehicles referred or presented by a network NYTEST sending station) in accordance with sections 79.7(c), 79.8(b)(5), 79.20(c)(6) and 79.24(c)(3) and (4) of this Part.

(8) make charges for reinspections (including all vehicles referred or presented by a network NYTEST sending station) in accordance with sections 79.20(d)(1) and 79.24(h) of this Part. The vehicle owner or operator may be charged one inspection fee following the initial presentation of the vehicle for inspection, even if there were reinspection fees incurred by the NYTEST sending station. The vehicle owner or operator may be charged one reinspection fee following each subsequent presentation of the vehicle for reinspection, even if there were multiple reinspection fees incurred by the NYTEST sending station.

(9) immediately notify each approved NYTEST sending station within your network, in writing, of any event that prevents the NYTEST receiving station from conducting high enhanced emissions inspections, such as, but not limited to: suspension or revocation of the inspection station license; going out of business; retirement; removal of receiving station designation; and certain license amendments that cause station incompatibility (including, but not limited to, change of location, change of inspection groups, etc.).

(10) The NYTEST receiving station must provide the inspection receipt to the individual that presented the vehicle for inspection (the vehicle owner, registrant, or operator, as appropriate, or the NYTEST sending station representative). In addition, in the event the vehicle fails inspection, the NYTEST receiving station must provide the rejection notice to the individual that presented the vehicle for inspection.

(11) In order to withdraw the designation as a NYTEST receiving station, the licensee must make such request, in writing, to the DMV application processing unit. The request must include the facility name, facility address, facility number, reason for the request and must be

signed by an owner or officer of or a partner in the business. The withdrawal of the designation as a NYTEST receiving station will become effective when the station receives an approval letter from the Department of Motor Vehicles.

(12) A NYTEST receiving station must ensure that customers are not inconvenienced and that they are not prevented from retrieving their vehicle in a prompt and timely manner. It is not the responsibility of the Department of Motor Vehicles to resolve any disputes, financial or otherwise, between participating stations.

(b) NYTEST sending station eligibility and operating requirements. A NYTEST sending station is subject to all of the rules and regulations governing licensed official high enhanced emissions public inspection stations. In addition, NYTEST sending stations must comply with the following requirements:

(1) have a valid official high enhanced emissions public inspection station license, and must have held the license for at least twelve (12) months prior to the date of application. The department will not approve a shared network application if the NYTEST sending station applicant does not meet the requirements of this paragraph unless a waiver has been requested in writing and has been approved by the department. The approval of a waiver is at the sole discretion of the Commissioner of Motor Vehicles.

(2) enter into shared network agreement(s) in the manner prescribed in section 79.16(d) of this Part.

(3) maintain at least one, up to a maximum of three, valid, "in force", shared network agreements. The Department of Motor Vehicles will not consider a shared network agreement to be "in force" if any event occurs that prevents the NYTEST receiving station from conducting high enhanced emissions inspections, such as, but not limited to: suspension or revocation of the inspection station license; going out of business; retirement; removal of receiving station designation; and certain license amendments that cause station incompatibility (including, but not limited to, change of location, change of inspection groups, etc.). If a NYTEST sending station fails to maintain at least one "in force" shared network agreement, then all inspection activities (including safety inspections and NYVIP OBD II inspections) at the NYTEST sending station shall be prohibited. The NYTEST sending station will be permitted to resume inspection activities when an "in force" shared network agreement is established.

(4) submit a separate shared network application to the DMV application processing unit for each shared network agreement initiated, in the manner prescribed. The approval of any application to become a NYTEST sending station is at the sole discretion of the Commissioner of Motor Vehicles. The applicant must attach the following documents to the shared network application:

(i) a copy of the shared network agreement;

(ii) a copy of the valid NYTEST receiving station service contract(s);

(iii) a copy of the results of a computer search for directions, utilizing mapping software, that indicates the driving distance and the driving time between the proposed NYTEST receiving station and the proposed NYTEST sending station, and, if applicable, a request for a waiver from the driving distance and driving time requirements.

(5) surrender all high enhanced emissions inspection certificates to the Department of Motor Vehicles within thirty (30) calendar days after the date of the approval letter. An appropriate credit will be issued and the station will not be permitted to order high enhanced emissions inspection certificates.

(6) submit a separate application for each shared network agreement terminated in the manner prescribed.

(7) conduct only those types of inspections that the station is qualified to perform. After approval, a NYTEST sending station is not qualified to perform safety/high enhanced emissions inspections (transient and idle tests) and is not permitted to perform only the safety portion of a safety/high enhanced emissions inspection.

(8) make charges for inspections (including all vehicles presented to a network NYTEST receiving station) in accordance with sections 79.7(c), 79.8(b)(5), 79.20(c)(6) and 79.24(c)(3) and (4) of this Part.

(9) make charges for reinspections (including all vehicles referred or presented by a network NYTEST sending station) in accordance with sections 79.20(d)(1) and 79.24(h) of this Part. The vehicle owner or operator may be charged one inspection fee following the initial presentation of the vehicle for inspection, even if there were reinspection fees incurred by the NYTEST sending station. The vehicle owner or operator may be charged one reinspection fee following each subsequent presentation of the vehicle for reinspection, even if there were multiple reinspection fees incurred by the NYTEST sending station.

(10) refer all customer requests for safety/high enhanced emissions inspections (transient and idle tests) to a NYTEST receiving station in the manner prescribed in section 79.16(c) of this Part.

(11) In order to withdraw the designation as a NYTEST sending station, the licensee must make such request, in writing, to the DMV application processing unit. The request must include the facility name, facility address, facility number, reason for the request and must be signed by an owner or officer of or a partner in the business. In addition, the licensee must submit a completed shared network application in order to drop each NYTEST receiving station in the NYTEST sending station's network. The withdrawal of the designation as a NYTEST sending station will become effective after the station demonstrates that the NYTEST CVIS equipment is fully functional and operational.

(c) NYTEST sending station referral procedures. A NYTEST sending station must comply with the following requirements:

(1) If a vehicle owner or operator presents a vehicle to a NYTEST sending station for a safety/high enhanced emissions inspection (transient or idle test) and an inspection appointment has not been previously made, the NYTEST sending station shall comply with any one of the following options. However, if a vehicle owner or operator requests that a NYTEST sending station set up an appointment on the vehicle owner's or operator's behalf, the station must choose an option set forth in subparagraph (ii) or (iii) of this paragraph:

(i) notify the vehicle owner or operator of the facility name, facility address, and telephone number of a network NYTEST receiving station and advise the vehicle owner or operator of the two options, that is: present the vehicle to the NYTEST receiving station for an inspection; or, contact the NYTEST receiving station for an appointment for an inspection.

(ii) make an appointment for a safety/high enhanced emissions inspection (transient or idle test) on behalf of the vehicle owner or operator with a network NYTEST receiving station and direct the vehicle owner or operator to present the vehicle to the NYTEST receiving station at the time of such appointment. The appointment information must be given to the vehicle owner or operator in writing, and must be in accordance with section 79.8(c) of this Part.

(iii) with the vehicle owner's or operator's consent, make an appointment for a safety/high enhanced emissions inspection (transient or idle test) on behalf of the vehicle owner or operator with a network NYTEST receiving station and direct the vehicle owner or operator to return the vehicle to the NYTEST sending station prior to the time of such appointment. Then, with the vehicle owner's or operator's consent, complete a work order and accept responsibility for obtaining a safety/high enhanced emissions inspection (transient or idle test) and present the vehicle to the network NYTEST receiving station on behalf of the vehicle owner or operator at the time of such appointment. The appointment information must be given to the vehicle owner or operator in writing and must be in accordance with section 79.8(c) of this Part.

(iv) with the vehicle owner's or operator's consent, complete a work order and accept responsibility for obtaining a safety/high enhanced emissions inspection (transient or idle test) within a time span that is convenient to the customer and present the vehicle to a network NYTEST receiving station on behalf of the vehicle owner or operator.

(2) If a vehicle owner or operator presents a vehicle to a NYTEST sending station for a safety/high enhanced emissions inspection (transient or idle test) and an inspection appointment has been previously made, the NYTEST sending station must, with the vehicle owner's or operator's consent, complete a work order and accept responsibility for obtaining a safety/high enhanced emissions inspection (transient or idle test) and present the vehicle to the network NYTEST receiving station on behalf of the vehicle owner or operator at the appointment date and time.

(3) If a NYTEST sending station accepts responsibility for presenting a vehicle to a NYTEST receiving station for an inspection or a reinspection, the NYTEST sending station must comply with the following requirements: