(i) The inspection or reinspection fee(s) charged by the NYTEST receiving station to the NYTEST sending station are the responsibility of the NYTEST sending station.

(ii) The inspection or reinspection fee(s) charged by the NYTEST sending station to the vehicle owner or operator must be computed as if the NYTEST sending station had performed the inspection or reinspection itself.

(iii) If an owner or operator presents a vehicle to a NYTEST sending station for a reinspection, an authorized representative of the NYTEST sending station shall ask the motorist to provide any rejection notice(s) issued within the past thirty (30) days, and provide such notice(s) to the NYTEST receiving station. If the NYTEST sending station fails to request this information, any fee(s) for the portion(s) of the inspection performed by the NYTEST receiving station that were not authorized by the NYTEST CVIS shall then be the responsibility of the NYTEST sending station.

(iv) In the event a high enhanced emissions inspection waiver is offered, the NYTEST sending station must sign the waiver form on behalf of the vehicle owner or operator, and notify the vehicle owner or operator, in writing, that a waiver was issued.

(v) The NYTEST sending station must disclose to the motorist, in writing, the location of the NYTEST receiving station that performed the inspection or reinspection.

(vi) The NYTEST sending station must provide to the vehicle owner, registrant, or operator, as appropriate, any inspection receipt and rejection notice issued by the NYTEST receiving station.

(vii) A NYTEST sending 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.

(d) Requirements for shared network agreements. All shared network agreements must meet the following requirements:

(1) must be a written contract or agreement.

(2) must be legible.

(3) must be in English.

(4) must be signed by an authorized representative (an owner or officer of or a partner in the respective businesses) of the NYTEST sending station and the NYTEST receiving station.

(5) must contain provisions for the NYTEST receiving station to inspect all vehicles referred or presented by the NYTEST sending station and must stipulate the period of time that the NYTEST receiving station is obligated to perform this service.

(6) may contain provisions that the NYTEST sending station provides payment to the NYTEST receiving station.

(7) A shared network agreement should contain a clause that makes the effective date of the agreement contingent upon DMV approval of the application to establish the NYTEST Sending Station/NYTEST Receiving Station relationship.

(8) The parties to a shared network agreement must be within five (5) driving miles and fifteen (15) driving minutes from each other. The department will not approve those shared network agreements that do not meet this requirement, unless a waiver has been requested and approved. The approval of all waivers is at the sole discretion of the Commissioner of Motor Vehicles.

(9) If a NYTEST sending station is licensed to inspect vehicles in group 1a of section 79.7(c)(1) of this Part, then the NYTEST receiving station must also be licensed to inspect vehicles in group 1a. If a NYTEST sending station is licensed to inspect vehicles in group 2a of section 79.7(c)(1) of this Part, then the NYTEST receiving station must also be licensed to inspect vehicles in group 2a.

(e) Miscellaneous Provisions.

(1) In order to systematically reduce the number of NYTEST equipped inspection stations and to ensure the overall viability of the NYTEST high enhanced emissions inspection program, the Commissioner of Motor Vehicles reserves the right to determine the rate of reduction of the number of NYTEST equipped stations in any given geographical area, the minimum number of NYTEST equipped stations in any given geographical area and the official start date of the shared network concept program.

(2) The status of an official high enhanced emissions public inspection station as either a NYTEST receiving station or NYTEST sending station is a matter of public record.

(e) Violations. Any violation of the provisions of this section are subject to the same penalties as any violation of the provisions of this regulation, as set forth in section 79.14 of this Part.

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Paragraphs (1), (5) and (6) of subdivision (b) of section 79.17 are amended to read as follows:

(1) When directed by [their] one's employer, to conduct in a competent manner, as promptly as possible, a thorough and efficient inspection of motor vehicles, including a motor vehicle registered in another State, appropriate to the type of motor vehicle [he] one may be allowed to inspect as it appears upon [his] one's certificate and which the official inspection station is allowed to inspect, and which is presented to the station for a statutory periodic

inspection; and be able to make minor repairs to correct items which cannot be approved upon initial inspection. Such inspection must be performed in the manner prescribed by the commissioner.

(5) A person who has been issued, by the commissioner, a motor vehicle inspector's certificate (form VS-26) must present [their] the certificate to [their] one's current employer and to any other subsequent employer, who shall immediately record the certificate number on the appropriate forms or in the CVIS as prescribed by the commissioner.

(6) During [their] one's hours of employment at the official inspection station, the inspector must have [in his or her] possession [his or her] of one's own motor vehicle inspector's certificate (form VS-26) and must present on demand such certificate to an automotive facilities inspector or any other agents appointed by the commissioner.

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Paragraphs (1) and (2) of subdivision (c) of section 79.17 are amended to read as follows:

(1) In no event shall any of the aforementioned duties of certified motor vehicle inspectors, employed at an official inspection station, relieve the licensee of an official inspection station of [their responsibilities] the responsibility for all inspection activities conducted at the inspection station as stated in section 79.8(b) of this Part.

(2) A certified motor vehicle inspector shall not permit [his or her] one's certificate to be used by any other person and shall not leave [their] one's [card] certificate unattended. A certified motor vehicle inspector shall not use any other inspector's certificate, and shall not allow one's certificate to be used by any other person. Such certificate shall not be altered or reproduced. The Department of Motor Vehicles may issue a temporary certificate after application to replace a defective or lost certificate. A temporary certificate is equivalent to a permanent certificate (form VS-26) and must be safeguarded in the same manner. A certified inspector must not allow one's temporary certificate to be used by any other person and a certified inspector must not use any other inspector's temporary certificate. Upon receipt of a permanent certificate, the temporary certificate must be destroyed.

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Subdivisions (d) and (e) of section 79.17 are amended to read as follows:

(d) In order to perform high enhanced dynamometer or idle emissions inspections in an official high enhanced emissions inspection station, a person must be certified in high enhanced exhaust emissions inspection in addition to the requirements set forth in [paragraph] subdivision (a) of this section. Certification for high enhanced emissions inspection shall be granted upon completion of an approved high enhanced emissions course.

(e) In order to perform OBD II inspections in an official high or low enhanced emissions inspection station, using the NYVIP CVIS, an inspector must also successfully pass the

computer-based exam on the CVIS, in addition to the requirements set forth in [paragraph] subdivision (a) of this section.

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Paragraph (6) of subdivision (a) of section 79.20 is amended to read as follows:

(6) results of the inspection (pass, fail), including any required advisory notifications to the motorist such as the air bag warning light malfunction advisory (see section 79.21(k) of this Part) or the tire pressure out-of-range advisory (see sections 79.21(c), 79.27(a) and 79.28(f) of this Part); and

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Subparagraph (ii) of paragraph (2) of subdivision (a) of section 79.24 is amended to read as follows:

(ii) Only an Official High Enhanced Emissions Inspection Station other than a NYTEST Sending Station may perform High Enhanced Emissions Inspections (Dynamometer or Idle Tests).

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Paragraph (3) of subdivision (c) of section 79.24 is amended to read as follows:

(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 should instruct the motorist [that he/she must] to return the vehicle in a repaired condition in order for the vehicle to be inspected.

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Subdivisions (b) and (d) of section 79.25 are amended to read as follows:

(b) If all of the above conditions are met, the 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 form 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. The station must attach the following documentation to the waiver certification form: copies of invoices and receipts for all of the diagnostic and repair work performed and used to qualify for the waiver; copies of all vehicle inspection receipts and/or inspection rejection notices for the initial emissions inspection failure and all subsequent emissions inspection failures. This [form and all repair] documentation must be kept by the station for two years for possible review by NYS.

(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] subdivision (c) of this section.