

Definitions

Historical vehicle. A vehicle that is more than 25 years old that qualifies for a historical registration when it begins the 26th model year. For example, a 1978 model vehicle qualifies for historical registration in 2004. Some vehicles that are less than 25 years old and have unique characteristics can qualify for a historical registration. The DMV determines if the vehicle has historical, classic or exhibit value. Production motor vehicles, manufactured as current model year vehicles, shall not qualify for historical registration. Production motor vehicles manufactured less than 10 years prior to the current calendar year shall not qualify for historical registration unless evidence is presented that the original manufacturer is no longer producing parts, and there is a scarcity of stored parts, and there are no dealerships in existence with parts and mechanics to service them. **Replicas, kit-constructed motor vehicles, or modified motor vehicles** which have distinctive configurations, shall not qualify as historical motor vehicles unless they were manufactured or represent a motor vehicle manufactured more than 25 years prior to the current calendar year. A **custom-built or homemade motor vehicle** assembled for a special event or for exhibition purposes, and which is the only one of its kind, can be considered for historical registration.

Vintage vehicle. A historical vehicle receiving a historical registration that can display vintage plates. Vintage plates are authentic NYS vehicle plates that were issued during the model year of the vehicle.

Replica. A full scale copy of a production motor vehicle manufactured during some previous year.

Titling & Registration

From New York Department of Motor Vehicles:

Register a Homemade or Unique Vehicle

The DMV must evaluate a motor vehicle, motorcycle or trailer that is homemade, custom or unique to make sure that the vehicle has the correct equipment for safe use on the highways. The DMV must approve the vehicle before you can register or operate the vehicle on the highways. Vehicles in this category include:

- an electric-powered vehicle that is not DMV-certified,
- a limited-use vehicle or limited-use motorcycle (moped) that is not DMV-certified,
- homemade automobiles, trucks or motorcycles, or those made from kits,
- dune buggies,
- amphibious vehicles, and
- other vehicles with special construction, equipment or characteristics.

Instructions

Use these **instructions to register a vehicle that is homemade or unique.**

- Get the application package.
- If the vehicle does not have an acceptable vehicle identification number (VIN), make sure that the DMV assigns one.
- Send the required documents to the DMV.
- If the vehicle is approved, the DMV issues form VS-103 (Notice of Registration Acceptability) to you.
- Get the vehicle inspected.
- Use the instructions on form VS-103 to apply for a vehicle registration and a title certificate.

Application Package

Contact the Technical Services Bureau to request an application package that includes:

- information about homemade vehicles and a checklist of instructions,
- a list of required vehicle equipment, and
- form MV-272.1 (if required).

Use this mailing address or telephone number:

NYSDMV Technical Services Bureau
Vehicle Safety Services
6 Empire State Plaza
Albany NY 12228
(518) 474-5282

Note: Ask questions about the requirements when you request the application package to prevent a delay in the process. **Not all vehicles are approved** for a registration.

Vehicle Examinations

Before a vehicle that is homemade or unique is approved for a registration, the DMV can require an examination of the vehicle. A vehicle examination is also required if the DMV assigns a VIN to the vehicle.

The DMV notifies you by mail of the date, the time and the location of the examination. Make sure that you bring the following documents to the examination:

- all original proofs of purchase, sales receipts or tax receipts,
- the Manufacturer's Certificate of Origin (MCO) or any other statement from the manufacturer,
- the title certificate, and other proofs of ownership, and
- other documents that identify the source of the vehicle or major parts used to make the vehicle.

Vehicle Identification Number (VIN)

If your vehicle needs an acceptable Vehicle Identification Number (VIN), the DMV Division of Field Investigations can assign one. Complete form MV-272.1 (Application for Vehicle Identification Number). Write a personal check or money order payable to "Commissioner of Motor Vehicles" for the non-refundable fee of \$25. Send the completed form and payment to:

VIN Assignment
Division of Field Investigation
Department of Motor Vehicles
6 Empire State Plaza
Albany, NY 12228

If you apply for a vehicle approval from the Technical Services Bureau at the same time that you request a VIN from the Division of Field Investigations, **make sure that you explain and include a note in the applications to both offices.**

Before you pay the non-refundable VIN fee, make sure that you can register the vehicle. Send the application to the Technical Services Bureau to request a vehicle approval. If the vehicle is approved, you receive a notification to send form MV-272.1 and your fee payment to the Division of Field Investigations. This procedure takes more time, but you do not pay the non-refundable fee for a VIN if the registration is refused.

The Division of Field Investigations must examine your vehicle before a VIN is assigned. When your VIN is assigned, you receive a validated form MV-272.1 from Division of Field Investigations that displays the VIN. Send a photocopy of this form to the Technical Services Bureau.

Safety Inspection

If your vehicle is approved for a registration, the Technical Services Bureau sends you form VS-103 (Notice of Registration Acceptability). You must get the vehicle inspected at an official motor vehicle inspection station. Take form VS-103 with you. If the vehicle passes the inspection, make sure that the inspector completes the form for you.

Note: Your vehicle is not registered at the time of inspection. You must tow or transport the vehicle on a trailer to the inspection station.

Vehicle Registration

If the vehicle has a VIN and has passed the safety inspection, you can register the vehicle at any local DMV office. **You must have the following items to register your vehicle:**

- A completed form MV-82.
- Proof of ownership.
- A NYS Insurance Identification Card that describes the same vehicle and displays the same name as the vehicle registration.
- Proof of sales tax payment, sales tax exemption or purchase price. If you do not have this proof, you must pay the sales tax. Get information about sales tax.

- A weight certificate or proof of ownership that indicates the vehicle weight (completed vehicle weight).
- The completed form VS-103. **If you do not provide a completed form VS-103, you cannot register the vehicle or receive a title certificate.**
- The original, validated copy of form MV-272.1 (if necessary).
- Proofs of identity and date of birth.
- If you register the vehicle in the name of a corporation, provide proof of incorporation. The instructions are included on form MV-82.1.
- Payment for the correct fees (sales tax, registration documents, vehicle plates and title certificate).

If You Need Additional Help

If you have questions about the equipment that is required on your custom-built or homemade vehicle, contact the Technical Services Bureau at the mailing address and telephone number shown on this page. Call the Division of Field Investigations at (518) 474-2019 if you have questions about VIN assignment.

Historical Plates and Vintage Plates

What is a historical vehicle or a vintage vehicle?

A historical vehicle is a vehicle that is more than 25 years old. A vehicle qualifies for a historical registration when it begins the 26th model year. For example, a 1978 model vehicle qualifies for historical registration in 2004.

Some vehicles that are less than 25 years old and have unique characteristics can qualify for a historical registration. The DMV determines if the vehicle has historical, classic or exhibit value.

A vintage vehicle is a historical vehicle and receives a historical registration. The registrant of a vintage vehicle can put vintage plates on the vehicle. Vintage plates are authentic NYS vehicle plates that were issued during the model year of the vehicle. More information about vintage plates appears below.

What are historical plates?

Standard series historical plates for passenger or commercial vehicles display either:

- a five-digit number followed by the letters HX (for example, 99999HX), or
- the letters HX followed by a five-digit number (for example, HX22222).

Standard series historical motorcycle plates display the letters HM followed by three numbers.

Personalized Historical plates for any historical vehicle or historical motorcycle are now available. For an additional fee, registrants can order personalized letter/number combinations of up to eight characters (includes spaces and/or a silhouette of New York State) or 6 characters/spaces (no state silhouette available) for a motorcycle. Personalized Historical plates have the word "HISTORICAL" along the bottom of the plate.

You can order standard series or personalized historical plates using form MV-440H (Historical License Plates).

What are vintage plates?

Vintage plates are the authentic vehicle plates that were issued in NYS during the model year of the vehicle. You can put vintage plates on a historical vehicle instead of historical plates. For example, you can use a set of authentic vehicle plates that the DMV issued in 1963 on a vehicle of model year 1963. You must provide a full set of **original** vintage plates. The DMV cannot issue a registration for vehicle plates that are copies or that are painted again. Vintage plates issued in the model year of 1972 and earlier must display the embossed year or have the original metal tab for that year. Make sure that the tab is attached and legible. A sticker that indicates the model year is not required to use the vintage plates. Vintage plates issued in the model year of 1973 and later do not have metal tabs or plate stickers.

How do I get vintage plates?

You can buy vintage plates from a local source like an automobile collector, an antique dealer, or a flea market. Make sure that the vintage plates are authentic. **Newer copies are not acceptable for a vintage registration.** Before you purchase a vintage plate, contact the Custom Plates Unit at 518-402-4839 to **verify that the number on the plate is available for your vintage plate registration.**

Is a historical registration different from a standard registration?

Yes. You **cannot** use a historical vehicle **for daily transportation**. An automobile collector normally registers a historical vehicle or a vintage vehicle to use it for exhibits, club activities, tours, and parades.

How do I get a historical registration or a vintage registration for a vehicle?

To apply for **historical plates**, you must sign the Owner's Certification Statement on form MV-440H (Historical License Plates). Form MV-440H includes the instructions to apply for a historical registration. You must complete form MV-82 (Application for Registration/Title). Bring form MV-440H, form MV-82, and all other required documents listed on form MV-440H to a DMV office.

To apply for **vintage plates**, you must sign the Owner's Certification Statement on form MV-440V (Vintage License Plates). Form MV-440V includes the instructions to apply for vintage plates. You must complete form MV-82 (Application for Registration/Title).

Send these items to the Custom Plates Unit at the address shown on form MV-440V:

- form MV-440V and form MV-82,
- all other required documents listed on form MV-440V, and
- a personal check or a money order payable to "Commissioner of Motor Vehicles" in the amount of the fee shown on form MV-440V.

You can call the Custom Plates Unit at 1-518-402-4838. The office hours are 8:00 - 4:00, Monday - Friday.

Is a historical registration or a vintage registration valid for one year or for two years?

Historical registrations and vintage registrations are valid for one year.

Is special insurance required for a historical registration?

Yes. Contact your insurance company to get information about insurance for a historical vehicle or a vintage vehicle.

The insurance identification card that is issued to you must display the word "HISTORICAL" to indicate the type of insurance coverage that is provided. "Antique" and "classic" are not acceptable words.

Can the DMV reissue vintage plates to another registrant?

If a historical registration expires, the DMV can reissue the historical plates or transfer them as original historical plates.

If the vintage plates are currently registered to a vehicle:

- The current registrant brings the vintage plates to a local DMV office. The DMV indicates on the registration record that the vehicle plates are stored. (The DMV office **does not** store vintage plates. The record indicates this status for insurance purposes and to complete the transfer.)
- The office then issues a receipt (form FS-6T). Keep the receipt. Give the vintage plates to the **new registrant**.

After the registration record indicates that the vintage plates are stored, the current registrant provides the following items to the Custom Plates Unit:

- A **letter** that states that the current registrant transfers all rights related to the vintage plates to the new registrant. The statement must include the name of the new registrant.
- A **photocopy of the driver license** of the current registrant who transfers the rights.
- A **photocopy of the vehicle registration** of the new registrant who will receive the rights to the vintage plates.
- The **transfer fee**.

If the **current registrant** of the vintage plate **is deceased**, and there is an Executor or Administrator of the Estate, the new registrant must provide:

- a copy of the death certificate,
- a letter from the Executor or Administrator that authorizes the transfer of the vintage plates,
- the proofs of identity and date of birth of the Executor or Administrator, and
- a copy of the Letters Testamentary or Letters of Administration.

The Custom Plates Unit then issues the registration documents and form MV-404 to the new registrant. The new registrant puts the vintage plates and the registration sticker on the vehicle. The new registrant can destroy the old vehicle plates.

If I remove a vehicle from the road, can I keep the historical plates or vintage plates?

You can store **historical plates** at a DMV office. Most offices can store vehicle plates. The DMV office gives you a receipt (form FS-6T) when you surrender your vehicle plates. Verify the information listed on the receipt, and make sure that the receipt states, "Stored at Local Office". Keep the receipt.

DMV offices **do not store vintage plates**. The DMV indicates on the registration record that the vehicle plates are stored.

Note: The policy to store vehicle plates is different in each office. Ask your local DMV office about the storage policy in that office.

You can register the vehicle again or use your stored vehicle plates to register another vehicle. Go to the office that has your vehicle plates. Make sure that you bring the receipt (form FS-6T) and the other documents required to register your vehicle.

From New York Compilation of Codes, Rules & Regulations:

15 NYCRR 20.1
15 N.Y. Comp. Codes R. & Regs. 20.1
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 15. DEPARTMENT OF MOTOR VEHICLES
CHAPTER I. REGULATIONS OF THE COMMISSIONER
SUBCHAPTER B. REGISTRATION, CERTIFICATE OF TITLE, AND NUMBER PLATES
PART 20. CERTIFICATE OF TITLE
GENERAL

Current through June 15, 2016

* Section 20.1.* Introduction.

Article 46 of the Vehicle and Traffic Law provides for the issuance of certificates of title for certain vehicles, which certificates will constitute the ownership document for such vehicles. The registration certificate which will be issued for such titled vehicles shall only be evidence of the right to operate such vehicle upon the public highways. The intent of article 46 is to provide for the issuance of titles and the recording of liens thereon on vehicles which are classified as **1973 or later model year vehicles**, while retaining the system under which the registration certificate served as proof of ownership, and liens are recorded under the Uniform Commercial Code on vehicles which are classified as **1972 or older model year vehicles**. The commissioner is empowered to promulgate regulations and to specify forms to implement the provisions of that article. The following regulations are intended to supplement the provision of article 46.

15 NY ADC 20.1
15 NY ADC 20.1
2008 WL 75304156
15 NY ADC 20.1

15 NYCRR 20.20
15 N.Y. Comp. Codes R. & Regs. 20.20
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 15. DEPARTMENT OF MOTOR VEHICLES
CHAPTER I. REGULATIONS OF THE COMMISSIONER
SUBCHAPTER B. REGISTRATION, CERTIFICATE OF TITLE, AND NUMBER PLATES
PART 20. CERTIFICATE OF TITLE
TITLE BRANDING

Current through June 15, 2016

* Section 20.20.* Brands on titles.

(a) Lemon Law brands. If a motor vehicle is returned to a manufacturer, its agent or a dealer for nonconformity to its warranty or after final determination, adjudication or settlement pursuant to section 198-a (New Car Lemon Law) or section 198-b (Used Car Lemon Law) of the General Business Law, the commissioner shall print a notice to that effect on the certificate of title and every future certificate of title issued for the vehicle.

(b) American Association of Motor Vehicle Administrators brands.

(1) Every title shall contain the term "**RECONSTRUCTED**" or "NON-USA-STD", in capital letters, if the vehicle meets the following criteria:

(i) **RECONSTRUCTED**. A vehicle that is repaired or constructed with a glider kit but not a vehicle manufactured in two or more stages; and

(ii) NON-USA-STD. A motor vehicle not originally manufactured in compliance with United States emission or safety standards or both.

(2) A title brand shall remain on the title and any subsequent title for the vehicle regardless of time or improvements.

(3) A brand **RECONSTRUCTED** or NON-USA-STD appearing on a certificate of title issued by another jurisdiction shall appear on any title issued for the vehicle by the commissioner.

(4) A brand SALVAGE REBUILT appearing on a certificate of title issued by another jurisdiction shall, together with the abbreviation for that other jurisdiction, appear on any title issued for the vehicle by the commissioner. Terms with the same meaning as "salvage rebuilt," including but not limited to "salvage," "rebuilt," "junk," "parts only," or "water damage" will be treated as "salvage rebuilt."

(c) Salvage vehicle brands.

(1) Every title shall bear the brand "REBUILT SALVAGE" and the abbreviation "NY" if the vehicle is eight model years old or newer on the date of loss and titled in New York after any one of the following has occurred:

(i) a salvage vehicle certificate (form MV-907A) for the vehicles has been filed with the department except as described in paragraph (2) of this subdivision;

(ii) the vehicle has been wrecked, destroyed or damaged to the extent that the total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its pre-accident condition, and for legal operation on the road or highways, exceeds 75 percent of the retail value of the vehicle at the time of loss as set forth in a current nationally recognized compilation of retail values. The value of repair parts for purposes of this section shall be determined by using the current published retail cost of the original

equipment manufacturer parts or the actual retail cost of the repair parts to be used in the repair. The labor cost of repairs for purposes of this section shall be computed by using the hourly labor rate and time allocations that are reasonable and customary in the automobile repair industry in the community where the repairs are performed; or

(iii) the vehicle owner has voluntarily declared the vehicle salvage.

(2) No title will be branded if the vehicle is a theft recovery for which the insurance company sends the commissioner a statement on letterhead stationery asserting that the vehicle was recovered with no damage or with damage which does not exceed 75 percent of the retail value at the time of recovery, as set forth in a current nationally recognized compilation of retail values. The statement should be mailed to: Department of Motor Vehicles, Title Services Bureau, Empire State Plaza, Albany, NY 12228. The recovered theft vehicle must be identified by vehicle identification number, year, make and model.

(3) This subdivision will apply to all titles issued on or after May 19, 1999, except that it will not apply if an applicant for a title acquired a vehicle prior to May 19, 1999, and the application for a title is received by the department prior to August 19, 1999.

15 NY ADC 20.20

15 NY ADC 20.20

2008 WL 75304166

15 NY ADC 20.20

15 NYCRR 23.1
15 N.Y. Comp. Codes R. & Regs. 23.1
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 15. DEPARTMENT OF MOTOR VEHICLES
CHAPTER I. REGULATIONS OF THE COMMISSIONER
SUBCHAPTER B. REGISTRATION, CERTIFICATE OF TITLE, AND NUMBER PLATES
PART 23. **HISTORICAL MOTOR VEHICLES**

Current through June 15, 2016

* Section 23.1.* Introduction.

Section 401(7)(g) of the Vehicle and Traffic Law authorizes the Commissioner of Motor Vehicles to classify motor vehicles for the purpose of **historical** registration to include motor **vehicles** that have unique characteristics so as to be of **historical**, classical or exhibition value.

15 NY ADC 23.1

15 NY ADC 23.1

2008 WL 75304181

15 NY ADC 23.1

15 NYCRR 23.2
15 N.Y. Comp. Codes R. & Regs. 23.2
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 15. DEPARTMENT OF MOTOR VEHICLES
CHAPTER I. REGULATIONS OF THE COMMISSIONER
SUBCHAPTER B. REGISTRATION, CERTIFICATE OF TITLE, AND NUMBER PLATES
PART 23. **HISTORICAL MOTOR VEHICLES**

Current through June 15, 2016

* Section 23.2.* Definitions.

- (a) An historical motor vehicle is any vehicle manufactured more than 25 years prior to the current calendar year, and any other model, year and type vehicle which has unique characteristics and which is determined by the commissioner to be of historical, classical or exhibition value.
- (b) A production motor vehicle is a motor vehicle produced and assembled by a manufacturer for sale or distribution.
- (c) A replica is a full scale copy of a production motor vehicle manufactured during some previous year.15
NY ADC 23.2
15 NY ADC 23.2
2008 WL 75304182
15 NY ADC 23.2

TITLE 15. DEPARTMENT OF MOTOR VEHICLES
CHAPTER I. REGULATIONS OF THE COMMISSIONER
SUBCHAPTER B. REGISTRATION, CERTIFICATE OF TITLE, AND NUMBER PLATES
PART 23. **HISTORICAL MOTOR VEHICLES**

15 NYCRR § 23.3 (2011)

§ 23.3 Applicability

(a) Production motor vehicles, manufactured as current model year vehicles, shall not qualify for **historical registration**.

(b) Production motor vehicles manufactured less than 10 years prior to the current calendar year shall not qualify for **historical registration** unless evidence is presented that the original manufacturer is no longer producing parts, and there is a scarcity of stored parts, and there are no dealerships in existence with parts and mechanics to service them.

(c) **Replicas, kit-constructed motor vehicles, or modified motor vehicles** which have distinctive configurations, shall not qualify as historical motor vehicles unless they were manufactured or represent a motor vehicle manufactured more than 25 years prior to the current calendar year.

(d) A **custom-built or homemade motor vehicle** assembled for a special event or for exhibition purposes, and which is the only one of its kind, can be considered for historical registration.

15 NYCRR 23.4
15 N.Y. Comp. Codes R. & Regs. 23.4
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 15. DEPARTMENT OF MOTOR VEHICLES
CHAPTER I. REGULATIONS OF THE COMMISSIONER
SUBCHAPTER B. REGISTRATION, CERTIFICATE OF TITLE, AND NUMBER PLATES
PART 23. **HISTORICAL MOTOR VEHICLES**

Current through June 15, 2016

* Section 23.4.* Criteria.

In determining whether a motor vehicle has unique characteristics, the commissioner shall give consideration, but not necessarily exclusive consideration, to the following:

- (a) makes of motor vehicles no longer in production;
- (b) makes or models of motor vehicles that are of limited availability as determined by registration figures;
- (c) unusual body design;
- (d) whether the monetary value of the vehicle exceeds the original model year sale price; and
- (e) the recognition accorded to a vehicle by known authorities on the subject of **historical, antique or classical** motor **vehicles**.

15 NY ADC 23.4

15 NY ADC 23.4

2008 WL 75304184

15 NY ADC 23.4

15 NYCRR 23.5
15 N.Y. Comp. Codes R. & Regs. 23.5
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 15. DEPARTMENT OF MOTOR VEHICLES
CHAPTER I. REGULATIONS OF THE COMMISSIONER
SUBCHAPTER B. REGISTRATION, CERTIFICATE OF TITLE, AND NUMBER PLATES
PART 23. **HISTORICAL MOTOR VEHICLES**

Current through June 15, 2016

* Section 23.5.* Use.

(a) A motor vehicle registered as an **historical motor vehicle** can only be operated upon the public highways as an exhibition piece or **collector's** item and used for participation in club activities, exhibits, tours, parades, occasional transportation and similar uses. It cannot be used for general daily transportation.

(b) **Historical plates** may be used on a non-owned unregistered motor vehicle that would qualify for **historical registration** and which is operated on the public highways by the registrant or his agent only for the purpose of test driving in anticipation of possible purchase. A motor vehicle that would qualify for **historical registration** is one that was manufactured more than 25 years prior to the current calendar year or a specific year's make or model that has been previously approved by the Department of Motor Vehicles for **historical registration** based on unique characteristics.

15 NY ADC 23.5

15 NY ADC 23.5

2008 WL 75304185

15 NY ADC 23.5

15 NYCRR 23.6
15 N.Y. Comp. Codes R. & Regs. 23.6
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 15. DEPARTMENT OF MOTOR VEHICLES
CHAPTER I. REGULATIONS OF THE COMMISSIONER
SUBCHAPTER B. REGISTRATION, CERTIFICATE OF TITLE, AND NUMBER PLATES
PART 23. **HISTORICAL MOTOR VEHICLES**

Current through June 15, 2016

* Section 23.6.* List of approved vehicles.

The Department of Motor Vehicles shall compile and maintain a list of motor vehicles approved for **historical registration** based upon unique characteristics.

15 NY ADC 23.6

15 NY ADC 23.6

2008 WL 75304186

15 NY ADC 23.6

15 NYCRR 23.7
15 N.Y. Comp. Codes R. & Regs. 23.7
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 15. DEPARTMENT OF MOTOR VEHICLES
CHAPTER I. REGULATIONS OF THE COMMISSIONER
SUBCHAPTER B. REGISTRATION, CERTIFICATE OF TITLE, AND NUMBER PLATES
PART 23. **HISTORICAL MOTOR VEHICLES**

Current through June 15, 2016

* Section 23.7.* Procedure for securing approval.

(a) If a motor vehicle was manufactured more than 25 years prior to the current calendar year, an applicant for **historical registration** must submit an application form for **historical registration** along with all other items required for standard registration.

(b) If a motor vehicle was manufactured 25 years or less prior to the current calendar year, an applicant for **historical registration** must submit the following, in addition to an application for **historical registration** and all other items required for a standard registration:

(1) A letter requesting **historical registration** that identifies the make, model, year of manufacture, vehicle identification number of the vehicle and an explanation of the reason why the motor vehicle should be considered. Reference should be made to the appropriate subdivision(s) of section 23.4 of this Part.

(2) A photocopy of supporting documents which verify that the motor vehicle in question qualifies as a collector's item or exhibition piece and meets one or more of the criteria set forth in section 23.4 of this Part. Such supporting documents should include either or both of the following:

(i) an extract from a publication or other written research source (publication or research source must be identified);

(ii) a letter from a recognized organization, society or club of motor vehicle enthusiasts or exhibitor indicating the reasons for recognition of the motor vehicle as a **collector's item** or **exhibition piece** (this letter must be on the organization's or exhibitor's letterhead and must be signed by an officer of the organization or exhibit).

(3) At least two photographs of the vehicle (a full front view and a full view of the side which shows the most significant details).

(c) Paragraph (2) of subdivision (b) of this section does not apply if an applicant wishes to obtain an **historical** registration for a motor **vehicle** whose make or model and year of manufacture are already on the list of approved vehicles specified in section 23.6 of this Part.

(d) These documents must be submitted to the Special Registration Section, Department of Motor Vehicles, Empire State Plaza, Albany, New York 12228.

15 NY ADC 23.7

15 NY ADC 23.7

2008 WL 75304187

15 NY ADC 23.7

From New York Vehicles and Traffic Law:

VEHICLE AND TRAFFIC LAW
TITLE X. UNIFORM VEHICLE CERTIFICATE OF TITLE ACT
ARTICLE 46. UNIFORM VEHICLE **CERTIFICATE OF TITLE ACT**

Veh & Tr § 2102 (2016)

§ 2102. **Exclusions**

(a) The following are excluded from the provisions of this title:

- (1) A vehicle owned by the United States unless it is registered in this state;
- (2) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration; or a vehicle used by a manufacturer solely for testing other than: (i) a vehicle registered by a dealer or manufacturer, or (ii) a vehicle for which a physical examination is required under section four hundred thirty of this chapter before a certificate of title may be issued, or (iii) a vehicle held for sale by a dealer which was purchased by the dealer as a result of sale upon repossession or a sale by a sheriff or marshall to satisfy a judgment, or (iv) a vehicle held for sale by a dealer for which a certificate of title containing an error attributable to processing by the department has been issued, or (v) a vehicle held for sale by a dealer for which ordinarily acceptable proof of ownership cannot be obtained by the dealer with reasonable diligence but for which a certificate of title would ordinarily be issued upon the filing of a bond with the commissioner as prescribed in subdivision (d) of section twenty-one hundred five of this article, or (vi) a vehicle for which a manufacturer or dealer has submitted a notice of repurchase as required by subdivision two of section four hundred seventeen-a of this chapter and regulations of the commissioner, or (vii) a vehicle held for sale by a dealer which was purchased by a dealer as the result of a sale by a police department, or (viii) a vehicle held for sale by a dealer which was purchased by a dealer as the result of a sale by the United States government;
- (3) A vehicle owned by a non-resident of this state and not required by law to be registered in this state provided, however, that a certificate of title may be issued to such a non-resident for a vehicle purchased by or transferred to such non-resident as a result of a sale after repossession, or a sale by a sheriff or marshall to satisfy a judgement [judgment] ^[n1], or a sale to foreclose a garageman's lien, provided such sale was held in this state, or a result of the settlement of an estate of a deceased if such settlement is pursuant to the estates, powers and trusts law of this state or a sale by a police department, provided such sale was held in this state;
- (4) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;
- (5) A vehicle moved solely by animal power;
- (6) An implement of husbandry;
- (7) Special mobile equipment;
- (8) A self-propelled wheel chair or an adapted tricycle operated or driven by a person with a disability;
- (9) A pole trailer or a trailer with an unladen weight of less than one thousand pounds;
- (10) A vehicle **manufactured prior to July first, nineteen hundred seventy-two** and designated by the manufacturer as being a **nineteen hundred seventy-two or earlier model year vehicle, and any vehicle manufactured or assembled prior to January first, nineteen hundred seventy-three for which the manufacturer or assembler has not designated a model year**;
- (11) Snowmobiles, off-highway motorcycles and limited use motorcycles;
- (12) A motor vehicle set off to a surviving spouse or surviving minor child pursuant to [section 5-3.1 of the estates, powers and trusts law](#) until an application for registration is made by such survivor or until after the survivor transfers the vehicle, in which case the transferee must apply for a certificate of title;

- (13) A vessel not required to be registered in this state and which is not registered in this state;
- (14) A vessel designated by the manufacturer as being a nineteen hundred eighty-six or earlier model year vessel and any vessel manufactured or assembled prior to August first, nineteen hundred eighty-six for which the manufacturer or assembler has not designated a model year;
- (15) Any vessel having a valid marine document issued by the United States or a foreign government;
- (16) Any vessel under fourteen feet in length;
- (17) A vehicle owned or leased by the state of New York and regularly utilized or intended to be utilized for undisclosed or undercover law enforcement purposes;
- (18) A vehicle owned by a non-resident of this state for which a currently effective certificate of title has been issued in another state and which is leased to a resident of, and registered in, this state.
- (19) A mobile home or a manufactured home, manufactured prior to July first, nineteen hundred ninety-four and designated by the manufacturer as being a nineteen hundred ninety-four or earlier model year mobile home or manufactured home, and any mobile home or manufactured home manufactured or assembled prior to January first, nineteen hundred ninety-four for which the manufacturer has not designated a model year.

(b) [Repealed]

(c) A person engaged in the business of selling vehicles who does not place such vehicles in his own consumer use and who is not required to be registered as a dealer under section four hundred fifteen of this chapter, shall not be deemed a dealer with respect to such vehicles and shall not be required to apply for or receive a certificate of title for any such vehicles. A local authority, which acquires title to a vehicle or vehicles under the provisions of section twelve hundred twenty-four of this chapter, and which does not place such vehicle or vehicles in its own consumer use shall not be required to apply for or receive a certificate of title for any such vehicle or vehicles.

(d) No certificate of title shall be issued to a vehicle excluded from the provisions of this article.

(e) The commissioner may, by regulation, exclude from the provisions of this title vehicles designated by the manufacturer as being of a model year more than nine years prior to the current calendar year. The commissioner may provide that such exclusion shall apply to all such vehicles or to any categories or classes of such vehicles.

VEHICLE AND TRAFFIC LAW
TITLE IV. REGISTRATION OF VEHICLES
ARTICLE 14. REGISTRATION OF MOTOR VEHICLES

Veh & Tr § 401 (2016)

§ 401. Registration of motor vehicles; fees; renewals

G. Schedule for **historical motor vehicles**. For each motor vehicle which is owned and operated as an **exhibition piece** or **collectors item**, and is used for participation in club activities, exhibit, tours, parades, occasional transportation and similar uses, but not used for general daily transportation, an annual fee of twenty-eight dollars and seventy-five cents. For purposes of this paragraph, a **historical motor vehicle** shall mean any vehicle manufactured more than twenty-five years prior to the current calendar year, and any other model, year and type vehicle which has unique characteristics and which is determined by the commissioner to be of historical, classic or exhibition value. Registration plates for such vehicles shall be of a type and design approved by the commissioner, but shall be of a distinctive nature. Except that, with the approval of the commissioner, an owner of any such vehicle may utilize registration plates issued in the year corresponding to the model year date in which the vehicle was manufactured, if the registration plate is legible, durable, and serviceable, of this state, and accurate in color, as determined by the department. Nothing in this paragraph shall be construed to prohibit the use of previously issued registration plates that have been restored, without deviation from their original alphanumeric or pictorial content, to such condition as otherwise satisfies all applicable requirements. Such plates shall be used only for the operation of the motor vehicle listed on the registration application and on other motor vehicles which would qualify for registration under this schedule owned by persons other than the registrant for the purpose of test driving by the registrant or his or her agent in anticipation of possible purchase. No such registration will be issued unless evidence of financial security, in a form prescribed by the commissioner, is submitted which provides coverage for the motor vehicle listed on the registration application and for non-owned motor vehicles being operated with such plates.

Equipment Exemptions

From New York Vehicles and Traffic Law:

VEHICLE AND TRAFFIC LAW

TITLE III. SAFETY RESPONSIBILITY; FINANCIAL SECURITY; EQUIPMENT; INSPECTION; SIZE AND WEIGHT; AND OTHER PROVISIONS

ARTICLE 9. EQUIPMENT OF MOTOR VEHICLES AND MOTORCYCLES

Veh & Tr § 375 (2016)

§ 375. Equipment

1. (a) Every motor vehicle, operated or driven upon the public highways of the state, shall be provided with adequate brakes and steering mechanism in good working order and sufficient to control such vehicle at all times when the same is in use, and a suitable and adequate horn or other device for signaling, which horn or device shall produce a sound sufficiently loud to serve as a danger warning but shall not be used other than as a reasonable warning nor be unnecessarily loud or harsh.

(b) Every such motor vehicle shall be equipped with suitable wipers or other device which shall clear a sufficient area of the windshields to provide reasonable driving vision. (i) The use or placing of posters or stickers on windshields or rear windows of motor vehicles other than those authorized by the commissioner, is hereby prohibited. The attaching to windshields and windshield wipers of handbills and other forms of advertisements, is hereby prohibited.

(ii) In a city of one million or more, the attaching or affixing by any means whatsoever of handbills or other forms of advertisements to a motor vehicle is hereby prohibited. In any prosecution for an alleged violation of this subparagraph, there shall be a rebuttable presumption that the person whose name, telephone number, or other identifying information appears on any handbill or other form of advertisement attached or affixed to a motor vehicle shall be in violation of the provisions of this subparagraph.

(iii) Notwithstanding any other provision of law, in addition to those persons otherwise authorized to enforce this subdivision and adjudicate violations thereof, the provisions of subparagraph (ii) of this paragraph shall also be enforceable in a city having a population of one million or more by an agency or agencies designated for such purpose by the mayor of such city, and notices of violation may be returnable to the environmental control board of such city, which shall have the power to impose the monetary penalties provided in subdivision (b) of section eighteen hundred of this chapter.

Notwithstanding any other provision of law, service of a notice of violation of subparagraph (ii) of this paragraph committed in such city may be made upon a person by first class mail, postage prepaid, and any such notice served by mail shall be returnable only to such environmental control board. Such service by first class mail shall be deemed complete upon mailing of the notice of violation, unless the notice of violation is returned to the sender by the United States postal service for any reason other than refusal of delivery. In addition, any notice of violation for a violation of subparagraph (ii) of this paragraph may be served by a means prescribed in article three of the civil practice law and rules or article three of the business corporation law. Notwithstanding any other provision of law, such penalties imposed by such environmental control board shall be paid into the general fund of such city.

(iv) Any final order issued pursuant to subparagraph (ii) of this paragraph by an environmental control board of a city having a population of one million or more shall constitute a judgment which may be entered in any place provided for the entry of civil judgments within the state, and may be enforced without court proceeding in the same manner as the enforcement of money judgments entered in civil actions. Notwithstanding the preceding sentence, before a judgment based upon a default may be so entered, such environmental control board must have notified the respondent by first class mail in such form as such environmental control board may direct: (A) of the default decision and order and the penalty imposed; (B) that a judgment will be entered in any place provided for the entry of civil judgments in the state; and (C) that the entry of such judgment may be avoided by requesting a stay of default for good cause shown and either requesting a hearing or entering a plea pursuant to the rules of such environmental control board within thirty days of the mailing of such notice. No judgment based upon a default may be so entered by the environmental control board within thirty days of the mailing of such notice. No judgment based upon a default may be so entered by the environmental control board within less than sixty days from the completion of service by mail of the notice of violation as provided in

subparagraph (iii) of this paragraph. Any requirement of any provision of law other than this subdivision that related to the manner of service of the notice of violation that precedes any final order of such environmental control board shall not apply to a final order issued pursuant to this subparagraph. A judgment entered pursuant to this subdivision shall remain in full force and effect for eight years.

(c) Every trailer and semi-trailer weighing more than one thousand pounds unladen and every trailer and semi-trailer manufactured or assembled on or after January first, nineteen hundred seventy-one having a registered maximum gross weight, an actual gross weight or gross weight consisting of the unladen weight and maximum carrying capacity recommended by the manufacturer in excess of three thousand pounds also shall be equipped with adequate brakes in good working order if operated or drawn on the public highways of this state. Every trailer while being drawn upon the public highways of this state shall be so attached to the vehicle drawing the same as to prevent the wheels of such trailer from being deflected more than six inches from the path of the towing vehicle's wheels. On and after January first, nineteen hundred seventy-one every trailer, except a semi-trailer, while being drawn upon the public highways of this state, shall be attached to the vehicle drawing the same by a device of a type approved by the commissioner.

(d) The commissioner shall make rules prescribing standards of brake efficiency, except for motor vehicles the standard of brake efficiency of which are fixed by the department of public service, and no brakes shall be deemed adequate within the meaning of this subdivision unless they meet the requirements of such rules. Such rules shall be filed in the office of the secretary of state and thereafter published once in the state advertising bulletin and shall become effective one month after such publication. Any amendment to such rules shall be likewise filed and published and shall take effect one month after such publication.

(e) No operator or registered owner of any motor vehicle having a registered maximum gross weight of eighteen thousand pounds or more shall disconnect or knowingly permit the disconnection of any set of service brakes on such motor vehicle. Any violation of the provisions of this paragraph shall occur only when such vehicle is actually operated on the public highways. Such violation shall be punishable as a misdemeanor.

2.

(a) Every motor vehicle except a motorcycle, driven upon a public highway during the period from one-half hour after sunset to one-half hour before sunrise or at any other time when windshield wipers are in use, as a result of rain, sleet, snow, hail or other unfavorable atmospheric condition, and at such other times as visibility for a distance of one thousand feet ahead of such motor vehicle is not clear, shall display:

1. at least two lighted head lamps on the front, one on each side, having light sources of equal power;
2. if manufactured prior to January first, nineteen hundred fifty-two, at least one lighted lamp on the rear which shall display a red light visible from the rear for a distance of at least five hundred feet;
3. if manufactured on or after January first, nineteen hundred fifty-two, at least two lighted lamps on the rear, one on each side, which lamps shall display a red light visible from the rear for a distance of at least one thousand feet; and
4. if required to display a number plate on the rear, a white light which shall illuminate the numerals on such plate in such manner as to render such numerals legible for at least fifty feet from the rear. The provisions of this subparagraph shall also apply to trailers.

(b) All lamps used on a motor vehicle except a motorcycle shall be so arranged, adjusted and operated, as to avoid dangerous glare or dazzle. Except as provided in paragraph (d) of this subdivision, the upper outline of any beam of dazzling light projected to the left of the longitudinal axis of the vehicle by the lowermost light distribution of a headlamp designed to produce more than one light distribution, or by the single light distribution of any other lamp used on such a motor vehicle, shall not rise higher than the lamp center at a distance of twenty-five feet nor higher than forty-two inches at a distance of seventy-five feet. In each case, the height of the beam shall be measured from the plane upon which the vehicle stands and the distance shall be measured from the lamp projecting the light.

(c) No lamp shall be used on a motor vehicle having a light source greater than thirty-two candle power, unless such lamp is approved by the commissioner as provided by this section. The provisions of this paragraph shall not apply to any light which is permitted to be displayed only on an authorized emergency vehicle, a hazard vehicle or a vehicle which is permitted to display a blue or green light pursuant to paragraphs four and five of subdivision forty-one of this section.

(d) A motor vehicle, other than a motorcycle, equipped with any device such as, but not limited to, a snow plow blade, which blocks or impairs the projection of light from the headlamps of such vehicle, shall be equipped with at least two additional headlamps on the front which headlamps meet all the

requirements of this subdivision for headlamps except those provisions of paragraph (b) of this subdivision specifically limiting the height of the beam of any headlamp.

3. Headlamps required pursuant to the provisions of subdivision two of this section may be of the multiple beam type designed to produce more than one distribution of light or of the single beam type designed to produce only one distribution of light.

Provided that, whenever a vehicle approaching from ahead is within five hundred feet, or when approaching a moving vehicle from the rear and within two hundred feet of the same, the headlamps, if of the multiple beam type, or the auxiliary front facing lamps, if the vehicle is so equipped, shall be operated so that dazzling light does not interfere with the driver of the approaching vehicle, or the vehicle being approached, and, whenever the highway is so lighted or traffic thereon is such that illumination of the highway for more than two hundred feet ahead of the vehicle by lights on such vehicle is unnecessary or impracticable, the headlamps, if of the multiple beam type, or the auxiliary front facing lamps, if the vehicle is so equipped, shall be operated with the lowermost distribution of light in use. Nothing contained in this subdivision shall be construed to prevent the use of flashing high beams to signify an intention to pass a vehicle or vehicles when two or more vehicles are traveling in the same direction, the operation of any headlamp as defined in paragraph d [(d)]Link to the text of the note of subdivision two of this section, nor shall it apply to any auxiliary front facing lamp permitted to be displayed only on an authorized emergency vehicle.

4. No headlamp shall be used upon any motor vehicle except a motorcycle operated upon the public highways of this state, unless such lamp is approved by the commissioner or is equipped with a lens or other device approved by the commissioner. Every such headlamp, lens or other device shall be applied and adjusted in accordance with the requirements of the certificate approving the use thereof. Every such headlamp shall be firmly and substantially mounted on the motor vehicle in such manner as to allow the lamp to be properly and readily adjusted. The operator of every motor vehicle shall permit any policeman, police officer or other person exercising police powers to inspect the equipment of such motor vehicle, and make such tests as may be necessary to determine whether the provisions of this section are being complied with.

Any certificate of approval heretofore issued pursuant to law, or hereafter issued by the commissioner may be revoked by the commissioner, after a hearing of which the person or corporation named therein, or his or its successor in interest, shall have been given reasonable notice and an opportunity to appear and be heard upon the ground that the device does not comply with the provisions of this section, and the rules and regulations of the commissioner and the decision of the commissioner revoking such certificate shall be final; such revocation, however, of a lens or other headlighting device heretofore or hereafter approved shall not take effect until six months after the decision of the commissioner revoking the same and shall apply only to vehicles manufactured and used thereafter on the highways of this state.

The foregoing provisions governing lights on motor vehicles do not apply to so-called dimmers the use of which is permitted or required by local ordinances.

The commissioner may make such rules and regulations relative to lights on motor vehicles and the approval of the same as are not inconsistent with the specific provisions of this section.

5, 6. [Repealed]

7. It shall be unlawful for any person, firm, association or corporation to sell or offer for sale a headlighting device without delivering therewith to the purchaser a printed sheet of instructions describing the device in detail, its method of mounting, arrangement and adjustment and specifying the candle power of the lamps to be used thereon and any other matter that may be necessary to insure compliance in the use of such device with the provisions of this article and the certificate of approval. Such instructions shall be printed with a photogravure of the pattern of light from one headlight shown on a regulation testing screen with respect to a horizontal cross line placed across the face of such screen at a height equal to the height of the center of such headlight, and with the headlight adjusted in accordance with the rules and regulations of the commissioner. The sale of a headlighting device not approved under the provisions of this section is prohibited. A violation of any of the provisions of this subdivision shall be a misdemeanor.

8. [Repealed]

9. Every omnibus operating upon the public highways of the state having a carrying capacity of ten or more passengers, shall be equipped with one hand fire extinguisher of at least 4 B:C Underwriters' Laboratories rating or a similar rating by any qualified laboratory or testing organization which meets the criteria of American Society for Testing Materials test E548-76. Fire extinguishers shall be kept in good operating condition at all times and must be mounted in a place readily accessible for use.

10.

- a. Every motor vehicle, when driven or operated upon a public highway, shall be equipped with a mirror or other reflecting device so adjusted that the operator of such vehicle shall have a clear and full view of the road and condition of traffic behind such vehicle.
- b. In addition to the above requirements, an omnibus having a capacity of ten or more passengers registered in this state and manufactured or assembled after July first, nineteen hundred seventy, shall be equipped with a mirror attached to the right side of such vehicle and so adjusted that the driver thereof shall have a clear and full view of the road and condition of traffic behind such vehicle.
- c. Every passenger motor vehicle registered in this state and manufactured or assembled after June thirtieth, nineteen hundred sixty-nine, and designated as a nineteen hundred seventy or subsequent year model, shall be equipped with adjustable interior mirrors meeting specifications established by the commissioner which specifications may provide minimum and maximum reflectance values.
- d. Every new passenger-type motor vehicle, except a motorcycle, manufactured for sale in New York state on or after January first, in the year next succeeding the effective date of this paragraph shall be manufactured with an interior rear-view mirror of the selective position prismatic type with a reflectance value in the night driving position of at least four percent; or its functional equivalent. For purposes of this section, "passenger-type motor vehicle" shall mean any motor vehicle with a seating capacity of not more than fifteen adults, not including the driver, that is equipped with one or more rear windows. Any violation of the provisions of this paragraph by any manufacturer shall constitute an offense and shall be punishable by a civil fine of not more than seven hundred fifty dollars for each offense.
- e. Every single-unit motor vehicle registered in this state, operated for commercial purposes and having a cube style or enclosed walk-in delivery bay, where such delivery bay has a length of eight feet six inches or more, but not exceeding a length of eighteen feet, shall be equipped with a cross-view back-up mirror system, rear video system, rear object detection system, or other device, which enables the driver of the vehicle to detect by means of a visual, or visual and audible warning-indicator, persons and objects located directly behind the vehicle. The commissioner is hereby authorized to promulgate regulations providing specifications for mirrors or other devices as required by this paragraph.
- f. Every sani-van and motor vehicle commonly classified as a garbage truck purchased on or after January first, two thousand eight and registered in this state, which is operated in and engages in the collection of garbage or refuse in the county of Westchester shall be equipped with a rear video system, rear object detection system, or other device which enables the driver of the vehicle to detect by means of a visual, or visual and audible warning-indicator, persons and objects located directly behind the vehicle. The commissioner is hereby authorized to promulgate regulations providing specifications for mirrors or other devices as required by this paragraph. Provided, however, that the provisions of this paragraph shall not apply to motor vehicles commonly classified as rolloff vehicles that are used for the express purpose of transporting waste containers such as open boxes or compactors.
- 10-a. It shall be unlawful after July first, nineteen hundred sixty-seven to operate on any public highway in this state any motor vehicle registered in this state, manufactured or assembled on or after such date, and designated as a nineteen hundred sixty-eight or later model, unless such vehicle is equipped with an adjustable side view mirror which shall be affixed to the left outside of such vehicle and which shall be adjustable so that the operator of such vehicle may have a clear view of the road and condition of traffic on the left side and to the rear of such vehicle.
- 10-b. It shall be unlawful after June thirtieth, nineteen hundred seventy-three to operate on any public highway or street in this state, any passenger type motor vehicle except convertible, suburban and omnibus or other motor vehicle that has a roll-down rear window or a rear window or windows located in a movable closure (door-like) member registered in this state, manufactured or assembled after said date, and designated as a nineteen hundred seventy-four or subsequent model unless such vehicle be equipped with a rear window defogger or defroster, which shall be so located and adjusted that its operation will give the operator of such vehicle, by means of the mirror or other reflecting device required by subdivision ten of this section, a view of the road and the condition of traffic behind such vehicle.
- 10-c. It shall be unlawful after June thirtieth, nineteen hundred eighty-five to operate on any public highway or street in this state, any passenger type motor vehicle that has a rear window or windows located in a movable closure (door-like) member, except for a multipurpose passenger vehicle (designed to carry ten persons or less and constructed either on a truck chassis or with special features for occasional off-road operation) registered in this state and manufactured or assembled after said date, and designated as a nineteen hundred eighty-six or subsequent model unless such vehicle be equipped with a rear window defogger or defroster, which shall be so located and adjusted that its operation will give the operator of such vehicle, by means of the mirror or other reflecting device required by subdivision ten of this section, a view of the road and the condition of traffic behind such vehicle.

10-d. It shall be unlawful after December thirty-first, nineteen hundred ninety-two to operate on any public highway or street in this state, any passenger type motor vehicle that has a rear window located in a single movable closure (door-like) member and which has a non-removable top, registered in this state and manufactured or assembled after said date, and designated as a nineteen hundred ninety-three or subsequent model unless such vehicle be equipped with a rear window defogger or defroster, which shall be so located and adjusted that its operation will give the operator of such vehicle, by means of the mirror or other reflecting device required by subdivision ten of this section, a view of the road and the condition of traffic behind such vehicle.

10-e. [Repealed upon conditions set forth in L 2011, ch 138, § 2] Every truck, tractor, and tractor-trailer or semitrailer combination registered in this state having a gross vehicle weight rating of twenty-six thousand pounds or more, and a conventional cab configuration in which more than half of the engine length is forward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle length, whenever operated within a city having a population of one million or more on highways other than controlled-access highways, shall be equipped with a convex mirror on the front of such vehicle or combination of vehicles. When such vehicle or combination of vehicles is being operated, such mirror shall be adjusted so as to enable the operator thereof to see all points on an imaginary horizontal line which: (a) is three feet above the road, (b) is one foot directly forward from the midpoint of the front of such motor vehicle, and (c) extends the full width of the front of such vehicle or combination of vehicles. Provided, however, the commissioner, in consultation with the commissioner of transportation, may promulgate rules and regulations exempting from the requirements of this subdivision any vehicle or combination of vehicles where such commissioner has determined that the use of such convex mirrors would not increase the visibility of persons or objects located directly in front of such vehicle or combination of vehicles.

11. It shall be unlawful after January first, nineteen hundred thirty-four to operate on any public highway or street, in this state, a motor vehicle manufactured or assembled after said date, designed or used for the purpose of carrying passengers for hire, or as a public conveyance to transport school children and others, unless such vehicle be equipped with safety glass wherever glass is used in doors, windows and windshields.

12. It shall be unlawful to operate on any public highway or street in this state any motor vehicle registered in New York state unless such vehicle be equipped with safety glass wherever glass is used in doors, windows and windshields. For the purposes of this subdivision, any device other than a trailer, which is attached to or carried upon a motor vehicle and which lawfully can be occupied while the motor vehicle is in motion, shall be considered a part of such motor vehicle.

12-a.

(a) Every motor vehicle, except a motorcycle, when driven or operated upon a public highway, road or street shall be equipped with a front windshield in a fixed and more or less upright position constructed of safety glass as defined in subdivision fourteen of this section and required by subdivisions eleven and twelve hereof. No person shall drive any motor vehicle with any sign or other nontransparent material other than a certificate or paper required to be displayed by law upon the front windshield or the sidewings or side windows on either side forward of or adjacent to the operator's seat.

(b) No person shall operate any motor vehicle upon any public highway, road or street:

(1) the front windshield of which is composed of, covered by or treated with any material which has a light transmittance of less than seventy percent unless such materials are limited to the uppermost six inches of the windshield; or

(2) the sidewings or side windows of which on either side forward of or adjacent to the operator's seat are composed of, covered by or treated with any material which has a light transmittance of less than seventy percent; or

(3) if it is classified as a station wagon, sedan, hardtop, coupe, hatchback or convertible and any rear side window has a light transmittance of less than seventy percent; or

(4) the rear window of which is composed of, covered by or treated with any material which has a light transmittance of less than seventy percent. A rear window may have a light transmittance of less than seventy percent if the vehicle is equipped with side mirrors on both sides of the vehicle so adjusted that the driver thereof shall have a clear and full view of the road and condition of traffic behind such vehicle.

(c) Any person required for medical reasons to be shielded from the direct rays of the sun and/or any person operating a motor vehicle belonging to such person or in which such person is an habitual passenger shall be exempt from the provisions of subparagraphs one and two of paragraph (b) of this subdivision provided the commissioner has granted an exemption and notice of such exemption is affixed to the vehicle as directed by the commissioner. The applicant for such exemption must provide a physician's statement with the reason for the exemption, the name of the individual with a medically

necessary condition operating or transported in the vehicle, the specific condition involved, and the minimum level of light transmission required. The commissioner shall only authorize exemptions where the medical condition certified by the physician is contained on a list of medical conditions prepared by the commissioner of health pursuant to subdivision sixteen of section two hundred six of the public health law. If such [such]Link to the text of the note exemption is granted, the commissioner shall make a record thereof and shall distribute a sufficiently noticeable sticker to the applicant to be attached to any window so shielded or altered pursuant to such exemption.

(d) The commissioner may test any window for a person who has been charged with violating this subdivision. If such window is found to be in conformity with this subdivision, a small label attesting to the conformity shall be affixed to the window tested.

(e) On and after January first, nineteen hundred ninety-two, no person shall manufacture, sell, offer for sale, equip or operate a motor vehicle in this state in violation of the provisions of this subdivision, except that a person may operate a nineteen hundred ninety-one or earlier model year vehicle without violating this subdivision if the windows on said vehicle were in conformity with this subdivision as it existed on December thirty-first, nineteen hundred ninety-one.

(f) The commissioner shall make such rules and regulations as he shall deem necessary to carry out the provisions of this subdivision.

(ff) Notwithstanding any other provision of this section or any other general, special or local law, charter, administrative code, ordinance, rule or regulation to the contrary, any person operating a motor vehicle in a burial or funeral procession while travelling to or from a funeral, interment or cremation may place a funeral sign no larger than eight and one half by fourteen inches in any window of such vehicle, as long as such sign when so placed will not prevent such person from having a clear and full view of the road and the condition of traffic behind such vehicle.

13. It shall be unlawful for any person, firm or corporation to replace glass in doors, windows, or windshields of motor vehicles unless such replacement be made with safety glass.

14. The term "safety glass" as used in this section shall be construed to mean any product composed of glass, so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the commissioner.

15. The commissioner of motor vehicles shall maintain a list of types of glass approved by him as conforming to the specifications and requirements for safety glass as set forth in this section, and shall not issue a license for or relicense any motor vehicle subject to the provisions of subdivisions eleven and twelve unless such motor vehicle be equipped as therein provided with such approved type of glass.

16. The owner and operator of any motor vehicle operated in violation of the provisions of subdivisions eleven and twelve shall be guilty of a traffic infraction. In case of the violation of such subdivisions by any common carrier or person operating under a permit issued by the public service commission (or other authorized body or person), said permit shall be revoked, or, in the discretion of the commissioner, suspended until the provisions of such subdivisions are satisfactorily complied with.

17. Every omnibus having a seating capacity of more than ten passengers, every truck having a maximum gross weight in excess of twelve thousand pounds and every combination of tractor and trailer operated upon a public highway shall carry emergency lighting equipment ready at all times for immediate use. The equipment of the vehicle or combination of vehicles may consist of flares of the type used by railroads, flaring candles, torches, lanterns or red emergency reflectors provided it is adequate to provide a warning light in all kinds of weather both in front of and in the rear of the vehicle for at least eight hours. No red emergency reflector shall be deemed adequate within the meaning of this subdivision unless it is of a size and type approved by the commissioner, and conforms to minimum specifications established by him, which minimum shall not be less than the minimum established by the interstate commerce commission for buses and trucks in interstate commerce. When any such vehicle or a combination of vehicles, except an omnibus which stops for the purpose of taking on or discharging passengers, is parked or left standing on a public highway except within a city or incorporated village, during the period from one-half hour after sunset to one-half hour before sunrise, the operator of such vehicle or combination of vehicles shall cause at least one light, or reflector or lighted flare to be placed on the highway in front of such vehicle or combination of vehicles, and at least one light, reflector or lighted flare on the highway in the rear of such vehicle or combination of vehicles at a distance of approximately one hundred feet in the front of and at the rear of such vehicle or combination of vehicles, provided that if such vehicle is parked or left standing within three hundred feet of a curve, crest of hill, or other obstruction, the flare, candle, torch, lantern, or reflector in that direction shall be so placed as to afford ample warning to other highway users but in no case less than approximately one hundred feet or more than approximately three hundred feet from the stopped vehicle.

18. Except as otherwise provided herein, it shall be unlawful to operate on any public highway or street in this state any motor vehicle, or combination of motor vehicle and trailer, so constructed or so loaded that the driver thereof is unable to indicate clearly by hand signals to approaching and following traffic his intention of stopping or turning, unless such motor vehicle or combination of vehicles shall be equipped with directional signals approved by the commissioner, provided, however, it shall be unlawful after January first, nineteen hundred fifty-two to operate on any public highway or street in this state any motor vehicle registered in this state, manufactured or assembled after said date unless such vehicle be equipped with directional signals approved by the commissioner. It shall also be unlawful to fail to cause such signals to be maintained, at all times in good and sufficient working order. The provisions of this subdivision shall not apply to special purpose commercial motor vehicles registered under schedule F of subdivision seven of section four hundred one of this chapter or to a vehicle or combination of vehicles lawfully operated under registration issued, under section four hundred fifteen of this chapter or under a similar provision of the law of another jurisdiction.

18-a. Any motor vehicle may be equipped with and every motor vehicle registered in this state and manufactured or assembled after June thirtieth, nineteen hundred sixty-five, and designated as a nineteen hundred sixty-six or subsequent year model, shall be equipped with a device, approved by the commissioner, by means of which the operator may cause the two front and two rear directional signals to flash simultaneously for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing. The provisions of this subdivision requiring that certain motor vehicles shall be so equipped shall not apply to special purpose commercial motor vehicles registered under schedule F of subdivision seven of section four hundred one or to a vehicle or combination of vehicles lawfully operated under registration issued under section four hundred fifteen.

19. It shall be unlawful for the owner to operate, park or stand a motor vehicle or trailer on any public highway or street in this state, or to authorize another to so operate, park or stand a motor vehicle or trailer, with the consent of such owner, expressed or implied, unless such motor vehicle or trailer be equipped and lighted as provided by this section and by section three hundred seventy-six, and the operation, parking or standing on a public highway or street in this state of a motor vehicle or trailer which is not so equipped and lighted or which is defectively equipped and lighted is hereby prohibited.

20. Every omnibus having a seating capacity of more than seven passengers, used exclusively to transport pupils, teachers and other persons acting in a supervisory capacity to and from school or school activities, or to transport children, instructors or other persons acting in a supervisory capacity to and from child care centers maintained for migrant farm and food processing laborers or to transport children, instructors or other persons acting in a supervisory capacity to and from camp or camp activities, or to transport children, instructors or other persons acting in a supervisory capacity to and from religious services or instruction shall be equipped in the manner provided by this subdivision and any such omnibus used by any state facility or not-for-profit agency licensed by the state and used to transport persons with disabilities, instructors or other persons acting in a supervisory capacity may be equipped in the manner provided by this subdivision:

(a) For each such omnibus having a seating capacity in excess of fifteen children, there shall be colored flashing signal lamps conforming to regulations prescribed by the commissioner on the front and on the rear thereof, including at least one flashing red signal lamp on the front thereof and at least one flashing red signal lamp on the rear thereof. For each such omnibus having a seating capacity of not more than fifteen children, there shall be colored flashing signal lamps conforming to regulations prescribed by the commissioner facing the front and facing the rear thereof, and at least one flashing red signal lamp facing the front thereof and at least one flashing red signal lamp facing the rear thereof. The driver of every such vehicle shall keep such red signal lamps lighted whenever passengers are being received or discharged or whenever he has stopped within fifty feet to the rear of a vehicle with such red signal lamps lighted, and shall light all other required signal lamps, as a warning, prior to stopping to receive or discharge passengers in accordance with regulations prescribed by the commissioner.

(b)

(1) In addition to such signal lamps, two signs shall be conspicuously displayed on the exterior of every such omnibus designating it as a school omnibus by the use of the words "SCHOOL BUS" which shall be painted or otherwise inscribed thereon in black letters. Such letters shall be of uniform size, at least eight inches in height, and each stroke of each letter shall be not less than one inch in width. The background of each such sign shall be painted the color known as "national school bus chrome." For each such omnibus having a seating capacity in excess of fifteen children, such signs shall be securely mounted on top of such vehicle, one of which shall be affixed on the front and one on the rear thereof. For each such omnibus having a seating capacity of not more than fifteen children, such signs shall be securely mounted on top of

such vehicle, one of which shall face the front and one of which shall face the rear thereof. Each such sign shall be visible and readable from a point at least two hundred feet distant.

(2) The universal handicapped symbol shall be conspicuously displayed on the exterior of every omnibus equipped with a wheelchair lift which transports children with disabilities. The commissioner shall promulgate regulations regarding the size and location of such universal handicapped symbol. The commissioner shall require that any new signage relating to accessibility installed or replaced on or after the effective date of the chapter of the laws of two thousand fourteen which amended this subparagraph depict the logo promulgated by the secretary of state pursuant to section one hundred one of the executive law.

(c) In the event such vehicle is operated on a public highway during the period between one-half hour after sunset and one-half hour before sunrise, the signs required by paragraph (b) of this subdivision shall be illuminated as to be visible from a point at least five hundred feet distant.

(d) Every such omnibus shall be equipped as provided in paragraphs (a) and (b) of this subdivision, and such signs shall be displayed and illuminated in accordance with paragraphs (b) and (c) of this subdivision, and such signal lamps shall be operated as provided in paragraph (a) of this subdivision at all times when such omnibus shall be engaged in transporting pupils to and from school or school activities or in transporting children to and from child care centers maintained for children of migrant farm and food processing laborers, or in transporting children to and from camp or camp activities or transporting children to and from religious services or instruction or transporting persons with disabilities on any such omnibus used by any state facility or not-for-profit agency licensed by the state.

(e) Every such omnibus, having its engine located ahead of the driver, with a seating capacity of more than twelve school children shall be equipped with a mirror, convex in shape, at least eight inches in diameter, firmly mounted at hood, windshield or fender-top height in front of the bus. It shall be located on either the left or right side of the bus in such manner that the seated driver may observe through its use the road from the front bumper forward to the point where direct observation is possible.

(f) The commissioner of motor vehicles is hereby authorized and empowered to adopt and, from time to time, to amend such regulations, not inconsistent with this subdivision, governing the color, number, size, type, construction and use of such signal lamps and signs, as he may deem necessary for public safety. On and after July first, nineteen hundred fifty-one, no such signal lamp or sign shall be deemed to comply with the requirements of this subdivision unless it is of a size and type approved by the commissioner and unless it shall conform to the specifications prescribed and promulgated by him.

(g) In the event, however, that such an omnibus, equipped as herein provided, shall cease to be used to transport pupils or pupils and teachers or children of migrant laborers and migrant child care center instructors, or children and camp instructors, the equipment, markings and paint, herein provided for, shall be removed and changed within fifteen days after relicense. Nothing contained in this section, however, shall be deemed to waive any other requirements as to equipment, markings and paint, contained in this chapter.

(h) All the provisions of this chapter relating to school buses shall apply with equal force and effect to buses used in transporting children and instructors to and from child care centers maintained for children of migrant farm and food processing laborers and to buses used in transporting children to and from camp or camp activities and to buses used in transporting children to and from religious services or instruction. As used in this subdivision, camp or camp activities shall mean day camp or day camp activities respectively.

(i) Every omnibus subject to the provisions of this subdivision shall be operated with headlights and taillights illuminated at all times of day or night.

(j) The commissioner of transportation, in his discretion, by regulation or upon written request, by departmental order, for good cause, may exempt any school bus that does not receive or discharge passengers on or along the public highways on regularly scheduled routes from the requirements of any or all paragraphs of subdivisions twenty and twenty-one of this section.

(k) All omnibuses manufactured or assembled prior to April first, nineteen hundred seventy-seven and all omnibuses manufactured or assembled after April first, nineteen hundred seventy-seven which do not meet federal standards for school bus safety, shall be phased out of use beginning with the nineteen hundred ninety-six–nineteen hundred ninety-seven school year and ending with the nineteen hundred ninety-seven–nineteen hundred ninety-eight school year. In each of such school years, at least one-half of such omnibuses shall be retired from use according to the following formula: in the nineteen hundred ninety-six–nineteen hundred ninety-seven school year, the minimum number of such omnibuses to be phased out of each owner/operator's fleet shall be the total number of such omnibuses divided by two and rounded upwards to the nearest whole number. All such omnibuses remaining shall be phased out in the nineteen hundred ninety-seven–nineteen hundred ninety-eight school year.

Notwithstanding the foregoing provisions of this paragraph the commissioner of education may make exceptions on a case by case basis if a school district certifies to the commissioner of education that a certain omnibus should not be retired for reason of economic hardship and the commissioner of transportation determines upon inspection that such omnibus is in good working order. In making his determination, the commissioner of transportation shall consider, among other relevant factors, the relative age and structure of each such omnibus. When such determination is made, every such omnibus so certified shall be reinspected by the commissioner of transportation once every six months. Any school district receiving an exemption from the provisions of this paragraph for any omnibus shall provide to the commissioner of education an annual recertification of economic hardship.

(1)

(1) Every such omnibus used on a regular basis to transport pupils with a disability on a regularly scheduled route shall, with the written consent of the parent, guardian, or person in a position of loco parentis, have maintained on such omnibus the following information about each such pupil:

(i) name;

(ii) nature of the disability; and

(iii) the name of such pupil's parent, guardian, or person in a position of loco parentis and one or more telephone numbers where such person can be reached in an emergency, and/or the name and telephone number of any other person designated by such parent, guardian or person in a position of loco parentis as a person who can be contacted in an emergency.

(2) Such information shall be used solely for the purpose of contacting such pupil's parent, guardian, person in a position of loco parentis, or designee in the event of an emergency involving such pupil, shall be kept in a manner which retains the privacy of the pupil, and shall not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. Provided, however, that in the event that such driver or teacher is incapacitated, such information may be accessed by any emergency services provider for the purpose authorized by this subparagraph.

(3) Such information shall be updated as needed, but at least once each school year. Such information shall be destroyed if: parental consent is revoked; the pupil no longer attends such school; or, the disability no longer exists.

(4) For the purposes of this paragraph, the term "disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of a pupil, whether of a temporary or permanent nature.

21. Every motor vehicle having a seating capacity of more than seven passengers, and used primarily to transport pupils or pupils and teachers to and from school, shall be painted the color known as "national school bus chrome."

In the event, however, such a motor vehicle so painted shall cease to be used to transport pupils or pupils and teachers, the color of paint herein provided for, shall be changed to another color, within fifteen days of relicense.

21-a. In any case where a New York state police or New York city, Albany, Buffalo, Rochester, Syracuse or Yonkers police department vehicle is painted a distinctive color which would designate it in the public's view as such a state or city police vehicle, the purchaser of such vehicle shall cause the color of its paint to be altered and any designated markings to be removed within fifteen days of registration.

21-b. The commissioner shall promulgate rules and regulations for the use of two-way radios on school buses.

21-c. The commissioner, in consultation with the commissioner of transportation, shall promulgate rules and regulations for the use of stop-arms on school buses which shall include provisions for a second stop-arm to be located on the driver's side as close as is practical to the rear corner of the bus. Every school bus designed with a capacity of forty-five persons or more, and manufactured for use in this state on or after January first, two thousand two shall be equipped with a second stop-arm in compliance with such regulations.

21-d. The commissioner shall promulgate rules and regulations for the use of back up beepers on school buses.

21-e. The commissioner shall promulgate rules and regulations for the use of front crossing arms on school buses.

21-f. The commissioner shall promulgate rules and regulations for the use of safety sensor devices on school buses.

21-g. Every school bus manufactured for use in this state after April first, nineteen hundred ninety, shall be equipped with back-up beepers.

21-h. It shall be unlawful for any motor vehicle having a seating capacity of more than seven passengers, and used primarily to transport pupils or pupils and teachers to and from school to be mounted with, or

have placed or installed thereon any sign, placard or other display except as provided by law. Provided, however, that the provisions of this subdivision shall not apply to such motor vehicles operating in a city with a population of one million or more.

21-h.

(a) Every school bus manufactured for use in this state on or after April first, two thousand, shall be equipped with exterior reflective markings which comply with the rules and regulations promulgated by the commissioner pursuant to paragraph (c) of this subdivision.

(b) Every school bus used to transport ten or more passengers in this state on or after September first, two thousand two, shall be equipped with exterior reflective markings which comply with the rules and regulations promulgated by the commissioner pursuant to paragraph (c) of this subdivision.

(c) The commissioner shall promulgate rules and regulations for exterior reflective markings required to be attached on school buses. Such rules and regulations:

(1) shall require the rear of school buses to be marked with reflective material to outline the perimeter of the back of the bus and of the rear emergency exit;

(2) shall require the horizontal application of strips of reflective material, not less than one and three-quarters inches wide, above the rear windows, and above the rear bumper from the edges of the rear emergency exit door to both corners of the school bus with vertical strips of reflective material at each corner connected to the horizontal strips;

(3) shall require the horizontal application of strips of reflective material, not less than one and three-quarters inches wide, the entire length of the sides of the school bus body and located equidistant between the floorline and the beltline of the bus; and

(4) may require the marking of the front, rear or both bumpers of school buses with reflective material between one and three-quarters and two and one-quarter inches wide applied thereto at a forty-five degree angle to the center line of the road surface.

21-i.

(a)

(1) Every school bus manufactured on or after January first, nineteen hundred ninety, fueled with other than diesel fuel and used to transport three or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight passengers and used to transport students who use wheelchairs or other assistive mobility devices shall be equipped with an engine fire suppression system.

(2) Every school bus manufactured for use in this state on or after September first, two thousand seven fueled with diesel fuel and used to transport three or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight passengers and used to transport students who use wheelchairs or other assistive mobility devices shall be equipped with an engine fire suppression system.

(b) The commissioner of the department of transportation shall promulgate rules and regulations establishing standards for the use of engine fire suppression systems on school buses used to transport students who use wheelchairs or other assistive mobility devices.

22. It shall be unlawful to operate a motor vehicle upon the public highways of this state which is equipped with any glass which is so broken, fractured or discolored as to distort visibility.

23. Every motor vehicle operated for hire upon the public highways of this state shall be equipped with handles or other devices which shall permit the door or doors to the passenger compartment to be readily opened from the interior of the vehicle.

24. It shall be unlawful to operate upon any public highway in this state a motor vehicle which is equipped with a television receiving set within view of the operator or in which a television receiving set is in operation within the view of the operator. A motor vehicle shall not be deemed to be equipped with a television receiving set solely because such set utilizes power from such vehicle. The provisions of this subdivision shall not prohibit a vehicle with a weight of ten thousand pounds or more or a school bus from using closed-circuit television receiving equipment exclusively for safety and maneuvering purposes, in accordance with regulations to be established by the commissioner.

24-a. It shall be unlawful to operate upon any public highway in this state a motor vehicle, limited use automobile, limited use motorcycle or bicycle while the operator is wearing more than one earphone attached to a radio, tape player or other audio device.

25.

(a) On and after the first day of January, nineteen hundred seventy-four it shall be unlawful to operate on any public highway or street in this state any tractor, commercial motor vehicle, combination of a commercial motor vehicle and trailer, or combination of a truck-tractor and semi-trailer which is not so constructed or equipped as reasonably to bar water or other road surface substances from being thrown

by the rearmost wheels beyond the extreme rear of the vehicle or combination of vehicles, and to minimize side spray.

(b) Unless the commercial vehicle or combination vehicle is so designed or constructed to accomplish the objectives set forth in paragraph (a) of this subdivision by reason of fender or body construction or other means of enclosure, any such commercial vehicle or combination vehicle shall be equipped, on and after January first, nineteen hundred fifty-seven, with splash guards and stone deflectors which shall be composed of materials substantial enough to withstand ripping or tearing by ordinary means and withstand the action of the elements for a reasonable length of time. Such splash guards and stone deflectors shall also have a reasonable degree of flexibility and the distance from the lower end thereof to the ground shall not exceed one-third of the distance, measured along the ground, from the bottom of the splash guard to the point of contact of the rear wheel.

(c) The commissioner of motor vehicles is hereby authorized and empowered to make rules and regulations with respect to splash guards and stone deflectors, their type and construction, manner of attachment to vehicles and all other matters requisite for the proper effectuation of the purposes of this subdivision. In making such rules and regulations the commissioner shall be guided by the desirability of uniformity in requirements with regard to splash guards and stone deflectors among the several states.

(d) The provisions of this subdivision shall not apply to motor vehicles, trailers and semi-trailers registered pursuant to subdivision thirteen of section four hundred one of this chapter, and not operated upon the public highways in excess of one and one-half miles by direct route between farms or portions of farms under single or common ownership or operation.

26. A gong or siren whistle shall not be used on any vehicle other than an authorized emergency vehicle. This shall not be construed to apply to a gong or siren designed and used solely as a burglar alarm on a vehicle.

27. When a vehicle (a) has a crane, boom or other similar device attached or (b) is loaded with any material, and such crane, boom, device or material extends four feet or more beyond the front or rear of such vehicle, such vehicle shall be provided with a red flag not less than twenty-four inches square by day and a red light visible from the rear and an amber light visible from the front for a distance of at least five hundred feet by night on the extreme end of the extending portion of such crane, boom, device or material.

28. No person shall operate upon a public highway a vehicle which emits unnecessary smoke or unnecessary offensive vapors.

28-a. Except as permitted or authorized by law, no person shall remove, dismantle or otherwise cause to be inoperative any equipment or feature constituting an operational element of a motor vehicle's air pollution control system or mechanism required by federal or state law or by any rules or regulations promulgated pursuant thereto.

28-b. Except where inconsistent with federal law, every motor vehicle registered in this state and manufactured or assembled after June thirty, nineteen hundred sixty-three shall be equipped with a crankcase ventilating system of a type approved by the state commissioner of environmental conservation for the purpose of reducing the emission of pollutants into the atmosphere. Such system shall be maintained in good working order in continued conformity with standards promulgated by the state commissioner of environmental conservation. For the purposes of this subdivision the term "motor vehicle" shall exclude diesel powered motor vehicles, motorcycles, vehicles driven by electric power and special purpose commercial motor vehicles registered under paragraph F of subdivision seven of section four hundred one of this chapter.

28-c. Except where inconsistent with federal law, rules and regulations, every motor vehicle registered in this state and manufactured or assembled after June thirty, nineteen hundred sixty-seven and known as a nineteen hundred sixty-eight or subsequent model shall be equipped with an air contaminant emission control system of a type approved by the state commissioner of environmental conservation. Such systems shall be maintained in good working order in continued conformity with emission standards promulgated by the state commissioner of environmental conservation. For the purposes of this subdivision, "air contaminant emission control systems" may include, but shall not be limited to, exhaust control systems and gasoline evaporation control systems but shall exclude crankcase ventilating systems.

28-d. The state commissioner of environmental conservation may exempt or partially exempt from the provisions of subdivisions twenty-eight-b and twenty-eight-c of this section any type or class of motor vehicle for which no practical control systems have been developed or are necessary.

28-e. Standards and exemptions established by the state commissioner of environmental conservation pursuant to subdivisions twenty-eight-b, twenty-eight-c and twenty-eight-d of this section, shall be consistent with applicable federal laws and regulations.

28-f.

(a) Except where inconsistent with federal law, rules and regulations, in addition to any air contaminant emission control systems required by subdivisions twenty-eight-b and twenty-eight-c of this section, the commissioner of environmental conservation may by regulation require the installation of exhaust emission control devices in proper working condition on all or any vehicles of any class or classes of gasoline powered motor vehicle having a registered maximum gross weight in excess of six thousand pounds. The commissioner of environmental conservation shall not promulgate any such regulation unless he (i) has determined, with the concurrence of the commissioner, that any such device is, or devices are, effective and reliable, (ii) has determined that the installation of any such device on all or any vehicles of such class or classes is necessary to the achievement of federal ambient air quality standards pursuant to an approved air quality implementation plan adopted pursuant to the federal clean air act, as amended (42 U.S.C. 1857 et seq.) and (iii) has determined that the effect of such regulation will not be diluted by the absence of a comparable requirement in an adjoining state; provided, however, that the effective date of the requirements of such regulation shall not be prior to the approval or promulgation of a transportation control plan pursuant to the Federal clean air act as amended for those portions of adjoining states designated as the territorial areas forming parts of the New Jersey-New York-Connecticut Interstate Air Quality Control Region under such act and not prior to the effective date of comparable requirements for such vehicles registered in, required to be registered in, or operated in any such portions. Any such requirement shall take effect with respect to any such motor vehicle as of the date of issuance of a registration for such vehicle in the year next succeeding the date on which the regulation requiring the installation of such a device is promulgated by the commissioner of environmental conservation, but in no event prior to March first, nineteen hundred seventy-six.

(b) The provisions of paragraph (a) of this subdivision shall apply only to gasoline powered vehicles which are registered in or are required by law to be registered pursuant to subdivision seven of section four hundred one of this chapter in, or are regularly operated in that portion of the state designated as the territorial area forming part of the New Jersey-New York-Connecticut Interstate Air Quality-Control Region under the federal clean air act, as amended (42 U.S.C. 1857 et seq.) or any part of such region.

(c) Whenever a motor vehicle registered pursuant to subdivision seven of section four hundred one of this chapter is not required by a regulation promulgated pursuant to this subdivision, to have an exhaust emission control device installed in accordance with this subdivision, the applicant for registration for any such motor vehicle shall be required to file a statement as prescribed by the commissioner in conjunction with such registration that such motor vehicle is not required to have such a device. A false statement in relation to such exemption shall constitute a material false statement in an application for registration.

(d) A notation on the registration for a vehicle and an identifying sticker on the vehicle, both of which indicate that such vehicle is required to have an exhaust emission control device shall be presumptive evidence that such device in proper working condition is required on that vehicle pursuant to paragraph (a) of this subdivision.

(e) The rules and regulations promulgated pursuant to paragraph (a) of this subdivision shall contain provisions necessary or appropriate to implement this subdivision, including the definition of terms and exemptions for motor vehicles registered in areas from which no substantial numbers of motor vehicles are regularly operated in the portion of the state referred to in paragraph (b) of this subdivision.

(f) No registered owner shall permit a motor vehicle, required to have an exhaust emission control device in proper working condition pursuant to the provisions of this subdivision, to be operated in the portion of the state to which this subdivision is applicable, unless such vehicle is equipped with an approved exhaust emission control device in proper working condition. Every person convicted of a violation of this paragraph shall for a first violation thereof with respect to a particular motor vehicle be punished by a fine of seven hundred fifty dollars. Such fine may not be waived, suspended or in any other manner not levied, except that four hundred fifty dollars of such fine may be waived upon presentation of acceptable evidence prior to the final determination of the violation that the device required pursuant to paragraph (a) of this subdivision has been installed on the vehicle and is in proper working condition. Every person convicted of a second or subsequent violation with respect to a particular vehicle shall be punished by a fine of seven hundred fifty dollars, which fine may not be waived, suspended or in any other manner not levied.

29.

(a) A motor vehicle shall not be used to tow more than one other vehicle.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the following vehicles or combination of vehicles are permitted to be operated in New York state:

1. Municipal garbage or ash collecting systems consisting of three vehicles;
2. A tow truck or wrecker being used to tow a disabled tractor semitrailer combination;

3. A tractor being used to tow a semitrailer and trailer outside the city of New York or counties of Nassau and Suffolk or on any qualifying highway or access highway within the city of New York or counties of Nassau or Suffolk;
- 3-a. A tractor semitrailer-semitrailer combination of vehicles where the two semitrailers are connected by a B-train assembly and such combinations of vehicles is operated outside the city of New York or counties of Nassau and Suffolk or on any qualifying highway or access highway within the city of New York or counties of Nassau or Suffolk;
4. Subject to rules and regulations of the commissioner of transportation, a combination of an automotive powered cab and truck chassis being used to tow two such additional vehicles in double saddle-mount fashion, each mounted upon a device designed and constructed so as to be readily dismountable and which performs the function of a conventional fifth wheel, so that while all the wheels of the towing powered chassis touch the roadway, only the wheels on the rear axle of each of the towed vehicles are in contact with the roadway; and
5. Subject to rules and regulations of the commissioner of transportation, a combination of an automotive powered cab and truck chassis being used to tow three such additional vehicles in triple saddle-mount fashion on a qualifying or access highway, each mounted upon a device designed and constructed so as to be readily dismountable and which performs the function of a conventional fifth wheel, so that while all the wheels of the towing powered chassis touch the roadway, only the wheels on the rear axle of each of the towed vehicles are in contact with the roadway.
- (c) No vehicle shall be towed by a rope or other non-rigid connection which is longer than sixteen feet.
- (d) A motor vehicle being towed by a rope or other non-rigid connection must have a licensed driver in such motor vehicle who shall steer it when it is being towed.
- 29-a. No vehicle or mobile equipment shall be towed with the use of a dolly unless the dolly, vehicle or mobile equipment is secured to the towing vehicle by safety chains or cables which will prevent the dolly, vehicle or mobile equipment from separating from the towing vehicle and the towed vehicle or mobile equipment is securely fastened to the dolly. Dolly shall mean a multi-wheel device utilized to raise a part of a towed vehicle or mobile equipment while it is being towed by another vehicle.
30. It shall be unlawful for any person to operate a motor vehicle with any object placed or hung in or upon the vehicle, except required or permitted equipment of the vehicle, in such a manner as to obstruct or interfere with the view of the operator through the windshield, or to prevent him from having a clear and full view of the road and condition of traffic behind such vehicle.
31. Mufflers and exhaust systems. Prevention of noise. Every motor vehicle, operated or driven upon the highways of the state, shall at all times be equipped with an adequate muffler and exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise and no such muffler or exhaust system shall be equipped with a cut-out, bypass, or similar device. No person shall modify the muffler or exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor or exhaust system of such vehicle above that emitted by the muffler or exhaust system originally installed on the vehicle and such original muffler and exhaust system shall comply with all the requirements of this section.
- A muffler is a device consisting of a series of chambers or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise. An exhaust system is a series of mechanical devices for the purpose of receiving exhaust gas from an internal combustion engine and expelling it into the atmosphere.
- 31-a. No person shall, in the state, sell, install or use a motorcycle exhaust device without internal baffles, known as "straight pipes".
- 31-b. No person shall, in the state, sell, install or use a motorcycle exhaust device that is intentionally designed to allow for the internal baffling to be fully or partially removed or interchangeable. This subdivision shall not apply to a motorcycle manufactured or assembled prior to nineteen hundred seventy-nine or a motorcycle registered as a limited use vehicle or an all terrain vehicle pursuant to article forty-eight-A or forty-eight-B of this chapter.
32. The violation of any of the provisions of this section with respect to adequate brakes except those relating to emergency or hand brakes shall constitute a misdemeanor and the violation of any of the other provisions of this section, including those relating to emergency or hand brakes, shall be punishable by a fine not exceeding one hundred fifty dollars or by imprisonment for not exceeding thirty days, or by both such fine and imprisonment, except as herein otherwise provided.
33. The provisions of this section shall not apply to fire and police vehicles, self-propelled combines, self-propelled corn and hay harvesting machines, farm type tractors used exclusively for agricultural purposes or for snow plowing other than for hire, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site except when reference is specifically made to such vehicle.

34. Any motor vehicle may be equipped with and every passenger vehicle registered in this state and manufactured or assembled after January first, nineteen hundred sixty-nine, shall be equipped with at least one back-up light. Such light shall display a white light to the rear when the ignition switch is energized and reverse gear is engaged. Such light shall not be lighted when the motor vehicle is in forward motion.

35. Tires.

(a) The commissioner may establish standards for the manufacture, regrooving or retreading of tires which are produced or sold in this state, and for the use of tires on vehicles operated in this state.

(b) No tire shall be manufactured, distributed, offered for sale or sold in this state if it does not comply with the standards established by the commissioner pursuant to paragraph (a) of this subdivision. A violation of this paragraph shall be punishable as a misdemeanor.

(c) No person shall operate a motor vehicle or a trailer on a public highway if such vehicle is equipped with tires that do not meet the standards established by the commissioner pursuant to paragraph (a) of this subdivision.

35-a. It shall be unlawful to operate a motor vehicle or trailer equipped with tires having metal objects protruding from the tire tread upon any public highway. The prohibition contained in this section shall not apply to pneumatic tires containing metal type studs, the diameter of which studs inclusive of the stud casing does not exceed three-eighths of an inch and which do not protrude beyond the tread surface of such tires more than three thirty-seconds of an inch and the contact area of which does not exceed three-fourths of one per cent of the total nominal contact area of said tires determined by multiplying the circumference of the outermost edge of tread times the tread width, except that no vehicle equipped with such tires, other than school buses and state or municipally-owned vehicles, may operate on a public highway during the period from the first day of May to the fifteenth day of October, inclusive.

36.

(a) The slow-moving vehicle emblem as developed by the American Society of Agricultural Engineers shall be recognized as the official state slow moving vehicle emblem. The commissioner of motor vehicles shall adopt standards and specifications for design, creation and use, in conformance with those recommendations of the American Society of Agricultural Engineers for the size, design and mounting of said slow-moving vehicle emblem.

(b) Farm machinery and implements of husbandry and other machinery including road construction and maintenance machinery designed to operate at twenty-five miles per hour or less, traveling on a public highway during day or night, whether self-propelled or used in combination, shall each separately display a slow-moving vehicle emblem as specified in paragraph (a) of this subdivision.

(c) The use of such emblem shall be in addition to any lighting devices, flags or other equipment required by law. Such emblem shall be used only on farm machinery and implements of husbandry on road construction and maintenance machinery, and on such other vehicles, machinery and equipment as may be specified in regulations issued by the commissioner. All use shall be in accordance with such regulations. Use of such emblem as a clearance marker or on stationary objects on the highways is prohibited.

37. The commissioner shall promulgate rules and regulations prescribing appropriate cautionary devices to be affixed to motor vehicles engaged in retail sales of frozen desserts directly to consumers which shall include, but not be limited to, front crossing arms to be activated only when such vehicle is stopped and its occupants are engaged in such retail sales. Such rules and regulations shall be designed to warn oncoming vehicles of the likelihood of pedestrians in or about the vicinity of such sales oriented motor vehicles. No person shall engage in the retail sale by motor vehicle of frozen desserts directly to consumers in violation of the rules and regulations promulgated by the commissioner. As used in this subdivision, "frozen desserts" shall mean ice cream, frozen custard, French ice cream, French custard ice cream, artificially sweetened ice cream, ice milk, artificially sweetened ice milk, fruit sherbet, non-fruit sherbet, water ices, non-fruit water ices, quiescently frozen confection, quiescently frozen dairy confection, manufactured desserts mix, frozen confection, mellorine frozen dessert, parevine, frozen yogurt, freezer made shakes, freezer made milk shakes, lo-mel, and dietary frozen dessert as all such products are commonly known, together with any mix used in such frozen desserts and any products which are similar in appearance, odor or taste to such products, or are prepared or frozen as frozen desserts are customarily prepared or frozen, whether made with dairy products or non-dairy products.

38. [None]

39. Every motor vehicle registered in this state and manufactured or assembled after October first, nineteen hundred sixty-four shall be equipped with a defrosting device, in good working order, for the purpose of preventing the formation of snow or ice on the windshield directly in front of the operator. For the purposes of this subdivision the term "motor vehicle" shall exclude motorcycles, tractors used

exclusively for agricultural purposes, self-propelled combines, self-propelled harvesting machines and farm equipment and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

40. Stop lamps.

(a) Every motor vehicle, except a motorcycle, operated or driven upon the public highways of the state, if manufactured prior to January first, nineteen hundred fifty-two, shall be equipped with at least one stop lamp which shall display a red to amber light visible at least five hundred feet from the rear of the vehicle when the brake of such vehicle is applied.

(b) Every motor vehicle, except a motorcycle, operated or driven upon the public highways of the state, if manufactured on or after January first, nineteen hundred fifty-two, shall be equipped with at least two stop lamps, one on each side, each of which shall display a red to amber light visible at least five hundred feet from the rear of the vehicle when the brake of such vehicle is applied.

41. Colored and flashing lights. The provisions of this subdivision shall govern the affixing and display of lights on vehicles, other than those lights required by law.

1. No light, other than a white light, and no revolving, rotating, flashing, oscillating or constantly moving white light shall be affixed to, or displayed on any vehicle except as prescribed herein.

2. Red lights and certain white lights. One or more red or combination red and white lights, or one white light which must be a revolving, rotating, flashing, oscillating or constantly moving light, may be affixed to an authorized emergency vehicle, and such lights may be displayed on an authorized emergency vehicle when such vehicle is engaged in an emergency operation, and upon a fire vehicle while returning from an alarm of fire or other emergency.

3. Amber lights.

a. One or more amber lights may be affixed to a hazard vehicle, and such a light or lights which display an amber light visible to all approaching traffic under normal atmospheric conditions from a distance of five hundred feet from such vehicle shall be displayed on a hazard vehicle when such vehicle is engaged in a hazardous operation. Such light or lights shall not be required to be displayed during daylight hours provided at least two red flags visible from a distance of five hundred feet are placed both in or on the front of, and to or on the rear of the vehicle and two such flags are placed to each side of the vehicle open to traffic. Such lights or flags need not be displayed on the vehicle when the vehicle is operating, or parked, within a barricaded work area and said lights or flags are displayed on the barricade. The provisions of this subdivision shall not prohibit the temporary affixing and display of an amber light to be used as a warning on a disabled motor vehicle or on a motor vehicle while it is stopped on a highway while engaged in an operation which would restrict, impede or interfere with the normal flow of traffic.

b. In any city in this state having a population of one million or more, one amber light may be affixed to any motor vehicle owned or operated by a volunteer member of a civilian or crime patrol provided such volunteer civilian or crime patrol member has been authorized in writing to so affix an amber light by the police commissioner of the municipality in which he patrols, which authorization shall be subject to revocation at any time by the police commissioner who issued the same or his successor in office. Such amber light may be operated by such volunteer civilian or crime patrol member in such a vehicle only when engaged in a patrol operation as defined and authorized by rules and regulations promulgated by the police commissioner and only in such a manner and at such times as may be authorized by the police commissioner pursuant to said rules and regulations.

4. Blue light.

a. One blue light may be affixed to any motor vehicle owned by a volunteer member of a fire department or on a motor vehicle owned by a member of such person's family residing in the same household or by a business enterprise in which such person has a proprietary interest or by which he or she is employed, provided such volunteer firefighter has been authorized in writing to so affix a blue light by the chief of the fire department or company of which he or she is a member, which authorization shall be subject to revocation at any time by the chief who issued the same or his or her successor in office. Such blue light may be displayed exclusively by such volunteer firefighter on such a vehicle only when engaged in an emergency operation. The use of blue lights on vehicles shall be restricted for use only by a volunteer firefighter except as otherwise provided for in subparagraph b of this paragraph.

b. In addition to the red and white lights authorized to be displayed pursuant to paragraph two of this subdivision, one or more blue lights or combination blue and red lights or combination blue, red and white lights may be affixed to a police vehicle, fire vehicle, ambulance, emergency ambulance service vehicle, and county emergency medical services vehicle provided that such blue light or lights shall be displayed on a police vehicle, fire vehicle, ambulance, emergency ambulance service vehicle, and county emergency medical services vehicle for rear projection only. In the event that the trunk or rear gate of a police vehicle, fire vehicle, ambulance, emergency ambulance service vehicle, and county emergency medical

services vehicle obstructs or diminishes the visibility of other emergency lighting on such vehicles, a blue light may be affixed to and displayed from the trunk, rear gate or interior of such vehicles. Such lights may be displayed on a police vehicle, fire vehicle, ambulance, emergency ambulance service vehicle, and county emergency medical services vehicle when such vehicles are engaged in an emergency operation. Nothing contained in this subparagraph shall be deemed to authorize the use of blue lights on police vehicles, fire vehicles, ambulances, emergency ambulance service vehicles, and county emergency medical services vehicles unless such vehicles also display one or more red or combination red and white lights as otherwise authorized in this subdivision.

c. The commissioner is authorized to promulgate rules and regulations relating to the use, placement, power and display of blue lights on a police vehicle and fire vehicle.

5. Green light. One green light may be affixed to any motor vehicle owned by a member of a volunteer ambulance service, or on a motor vehicle owned by a member of such person's family, or by a business enterprise in which such person has a proprietary interest or by which he is employed, provided such member has been authorized in writing to so affix a green light by the chief officer of such service as designated by the members thereof. Such green light may be displayed exclusively by such member of a volunteer ambulance service only when engaged in an emergency operation. The use of green lights on vehicles shall be restricted for use only by a member of a volunteer ambulance service as provided for in this paragraph.

As used in this paragraph volunteer ambulance service means:

a. a non-profit membership corporation (other than a fire corporation) incorporated under or subject to the provisions of the membership corporations law, or any other law, operating its ambulance or ambulances on a non-profit basis for the convenience of the members thereof and their families or of the community or under a contract with a county, city, town or village pursuant to section one hundred twenty-two-b of the general municipal law; or

b. an unincorporated association of persons operating its ambulance or ambulances on a non-profit basis for the convenience of the members and their families or of the community.

6. The commissioner is authorized to promulgate regulations with respect to the affixing and display of colored lights and to promulgate specifications with respect to such lights.

7. The provisions of this subdivision forty-one shall not be applicable to vehicles from other states or from the Dominion of Canada which have entered this state to render police, fire or civil defense aid, or ambulance service, while such vehicles are here or are returning to their home stations if the lights on such vehicles comply with the laws of their home states or the Dominion of Canada and are displayed in this state in the same manner permitted by their home states or the Dominion of Canada, nor shall the provisions of this subdivision forty-one be deemed to amend, supersede or in any manner affect the provisions of the New York state defense emergency act as now in force or as it may be amended from time to time.

8. The provisions of this subdivision shall not be applicable to the driver of a vehicle from another state or foreign jurisdiction which vehicle has colored lights affixed but not revolving, rotating, flashing, oscillating or constantly moving if the lights on such vehicle comply with the laws of the state or home foreign jurisdiction in which the vehicle is registered.

42. Every motor vehicle registered in this state which is manufactured or assembled on or after September first, nineteen hundred eighty and operated or driven upon the highways of the state shall be equipped with a speedometer device which is capable of measuring the speed of such vehicle and displaying the same in miles per hour.

43. No dealer shall sell a motor vehicle or a trailer which is to be registered in this state unless such motor vehicle or trailer has all the equipment required for operation on the public highways of this state.

44. Driver education vehicles. Any motor vehicle used for the purpose of driving instruction for hire or for driver education by a school and being operated by a person receiving such instruction or education shall bear identification, visible to both oncoming and following traffic, to indicate that the vehicle is being driven by a student driver. The commissioner may establish standards for such identification.

45. Hydrocarbon gas powered vehicles. It shall be unlawful to operate upon any public highway or street in this state a motor vehicle that uses hydrocarbon gas as its primary or secondary fuel supply, unless the motor vehicle conspicuously displays a reflective placard designed to alert emergency personnel to the extraordinary hazards which may arise from proximity with this fuel. The commissioner shall, in cooperation with the state fire administrator, establish regulations as to the location and design of this warning placard.

46. Tamper-resistant odometers or speedometers. It shall be unlawful after July first, nineteen hundred ninety-one for any person, firm, association or corporation to sell or offer for sale in this state a new motor vehicle which is to be registered in this state and which was manufactured or assembled on or after

such date, and designed as a nineteen hundred ninety-two or later model, unless such vehicle is equipped with a tamper-resistant odometer or speedometer designed with the intent to reduce the likelihood of unlawful tampering with the mileage reading thereon.

The commissioner shall promulgate such rules and regulations relative to tamper-resistant odometers and speedometers on motor vehicles and the approval of the same as are not inconsistent with the provisions of federal law, if any, relating thereto. Such rules shall, at a minimum, require odometers and speedometers which indicate mileage with a minimum of six digits exclusive of digits indicating fractions of a mile. This section shall not apply to motorcycles.

47.

(a) It shall be unlawful for any person to operate or cause to be operated, an audio amplification system which is operated in, installed in or powered by a vehicle which generates an A-weighted sound level in excess of seventy dB (A) measured at, or adjusted to, a distance of twenty-five feet from the vehicle which is driven, standing, or parked on a public highway, or within one hundred feet of a public highway unless that system is being operated to request assistance or warn of a hazardous situation. This section shall not apply to authorized emergency vehicles or vehicles operated by gas, electric, communications or water utilities. This section shall not apply to the sound systems of vehicles used for advertising, or in parades, political or other special events, except that the use of sound systems on those motor vehicles may be prohibited by a local authority by ordinance or local law.

(b) Any person convicted of a violation of this section shall for a first conviction thereof be punished by a fine of up to one hundred fifty dollars; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be guilty of a traffic infraction and shall be punished by a fine of not less than one hundred fifty dollars and not more than three hundred dollars; upon conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be guilty of a traffic infraction and shall be punished by a fine of not less than three hundred seventy-five dollars and not more than seven hundred fifty dollars.

48. Bumpers or similar devices.

(a) For the purposes of this subdivision, the following terms shall have the following meanings:

(i) Bumper. A system, the primary function of which is to provide protection against damage affecting front or rear external lamps, body parts and vehicle occupants during low speed impacts.

(ii) Passenger car. A motor vehicle whose body style is a sedan, hardtop, coupe, convertible, station wagon or hatchback but not a van, minivan, multipurpose passenger vehicle, truck, tractor, motorcycle or bus.

(b) No person shall operate a passenger car registered in New York unless it is equipped with both a front and rear bumper, each securely fastened and with some part of the bumper located between sixteen inches and twenty inches above the ground. This provision shall not apply to a vehicle registered as an historical vehicle.

(c) Except insofar as paragraph (b) of this subdivision shall apply, no person shall operate a motor vehicle designated as a nineteen hundred ninety or newer model year vehicle, which is registered in this state, except a motorcycle or special purpose commercial vehicle registered under schedule F of subdivision seven of section four hundred one of this chapter, which is so constructed that the body has a clearance at the front end of more than thirty inches from the ground when empty, unless the front end of the vehicle is equipped with bumpers or devices serving similar purposes which shall be so constructed and located that (i) some part of the bumpers or devices must be at least sixteen but not more than thirty inches above the ground with the vehicle empty; (ii) the maximum distance between the closest points between bumpers or devices, if more than one is used, shall not exceed twenty-four inches; (iii) the maximum transverse distance from the widest part of the motor vehicle at the front to the bumper or device shall not exceed eighteen inches; and (iv) the bumpers or devices shall be substantially constructed and firmly attached. A motor vehicle constructed and maintained so that the body, chassis, or other parts of the vehicle afford the front end protection contemplated shall be deemed to be in compliance with this section.

(d) Except insofar as paragraph (b) of this subdivision shall apply, no person shall operate a motor vehicle or a combination of vehicles, designated as a nineteen hundred ninety or newer model year vehicle, except a tractor, pole trailer, vehicle engaged in saddle-mount operation, motorcycle or special purpose commercial vehicle registered under schedule F of subdivision seven of section four hundred one of this chapter, if the motor vehicle is registered in this state, and which is so constructed that the body, or the chassis assembly without the body, has a clearance at the rear end of more than thirty inches from the ground when empty, unless the rear end of the vehicle or combination of vehicles is equipped with bumpers or devices serving similar purposes which shall be so constructed and located that: (i) some part of the bumpers or devices must be at least sixteen but not more than thirty inches above the ground with the vehicle empty; (ii) the maximum distance between the closest points between bumpers, or devices, if

more than one is used, shall not exceed twenty-four inches; (iii) the maximum transverse distance from the widest part of the motor vehicle at the rear to the bumper or device shall not exceed eighteen inches; (iv) the bumpers or devices shall be located not more than twenty-four inches forward of the extreme rear of the vehicle; and (v) the bumpers or devices shall be substantially constructed and firmly attached. Motor vehicles constructed and maintained so that the body, chassis, or other parts of the vehicle afford the rear end protection contemplated shall be deemed to be in compliance with this section.

49. Truck warning lights.

(a) Every truck registered in this state and manufactured or assembled after September first, nineteen hundred ninety-two, which has a bed capable of being tilted or lifted by controls that are located within the cab of such truck and which is operated upon any public highway or street in this state shall be equipped with a warning light in its cab that is activated whenever the bed of the truck is elevated.

(b) Every tractor registered in this state and manufactured or assembled after September first, nineteen hundred ninety-three, which is used primarily for the towing of a trailer capable of being tilted or lifted and which is operated upon any public highway or street in this state shall be equipped with a warning light in its cab that is activated whenever the trailer is elevated.

50. Taxicab partitions and shields. Every taxicab registered in this state and registered or licensed by a city, town or village of seventy-five thousand persons or more pursuant to section one hundred eighty-one of the general municipal law shall be equipped with (a) partitions or shields made of plexiglass or other shatterproof material located between and effectively separating the front and rear seats, and (b) amber colored distress lights, mounted on and clearly visible to passersby from the front and rear of the taxicab; provided, however, that the requirements of this subdivision shall not apply to taxicabs registered or licensed by such city, town or village which elects not to be subjected to the requirements of this subdivision pursuant to a duly enacted or adopted local law, ordinance or regulation. Nothing contained herein shall be construed to restrict the power of a city, town or village which elects not to be subject to the requirements of this subdivision to adopt or enforce a local law, ordinance or regulation regarding the use of taxicab partitions and distress lights.

51. Taxicab and livery notices.

(a) Every taxicab and livery registered in this state shall have posted therein the following notice:

“Seatbelts must be available for your use. Please buckle up.”

(b) The notices required to be posted pursuant to paragraph (a) of this subdivision shall be posted in a manner legible and conspicuous to passengers in all seating positions of such vehicles.

VEHICLE AND TRAFFIC LAW
TITLE III. SAFETY RESPONSIBILITY; FINANCIAL SECURITY; EQUIPMENT; INSPECTION; SIZE AND
WEIGHT; AND OTHER PROVISIONS
ARTICLE 9. EQUIPMENT OF MOTOR VEHICLES AND MOTORCYCLES

Veh & Tr § 383 (2016)

§ 383. Safety belts and anchorage assemblies

1. Safety belts required. No motor vehicle shall be sold or registered in this state and no motor vehicle registered in this state shall be operated in this state unless such vehicle is equipped with safety belts approved by and conforming to standards established by the commissioner as follows:

(a) A motor **vehicle** manufactured or **assembled** after June thirtieth, nineteen hundred sixty-four and designated as a 1965 or later model, at least two safety belts for the front seat;

(b) A motor **vehicle** manufactured or **assembled** after June thirtieth, nineteen hundred sixty-six and designated as a 1967 or later model, at least one safety belt for the rear seat for each passenger for which the rear seat of such vehicle was designed;

(c) A motor **vehicle** manufactured or **assembled** on or after January first, nineteen hundred sixty-eight, at least one safety belt for each passenger seat position.

2. Anchorage assemblies. No motor vehicle shall be sold or registered in this state unless such motor vehicle is equipped with safety belt assembly anchorages conforming to standards established by the commissioner for each safety belt required in such motor vehicle. In addition, no motor **vehicle** manufactured or **assembled** after June thirtieth, nineteen hundred sixty-two shall be sold or registered in this state unless such motor vehicle is equipped with safety belt assembly anchorages conforming to standards established by the commissioner for two safety belts for the front seat of such vehicle.

3. Sale of safety belts. No safety belt shall be sold for use in a motor vehicle, or installed in a motor vehicle unless such safety belt is approved by, and conforms to standards established by the commissioner.

4. Safety belts required in certain used motor vehicles. No person, firm, association or corporation engaged in the business of selling or leasing used motor vehicles, shall sell or lease any used motor **vehicle** manufactured or **assembled** after June thirtieth, nineteen hundred sixty-two and designated as a 1963 or subsequent year model unless such motor vehicle is equipped with two safety belts for the front seat of such motor vehicle. This provision shall not apply to motor vehicles sold at wholesale or for junk.

4-a. Driver seat safety belts for certain motor vehicles. Notwithstanding any other provisions of this chapter, it shall be unlawful for the owner of a bus as defined in section one hundred four of this chapter and manufactured on or after January first, nineteen hundred sixty-five or a motor vehicle used for the purpose of transporting children to and from public or private schools to permit such vehicle to be used for such purpose unless the driver's seat on such vehicle is equipped with a seat safety belt of a type and specifications as approved by the commissioner of motor vehicles. Any owner who permits a motor vehicle to be operated without such safety belt or any person who operates a motor vehicle and fails to use such safety belt shall be in violation of the provisions of this subdivision and shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars.

4-b. Taxicabs and liveries. All seat safety belts installed in a taxicab or livery vehicle pursuant to this

section shall be clearly visible, accessible and maintained in good working order, and no seat safety belt installed in such taxicab or livery vehicle shall be removed therefrom.

5. (a) Passenger seat safety belts for school buses. Every school bus, as defined in section one hundred forty-two of this chapter, manufactured for use in this state on and after July first, nineteen hundred eighty-seven, shall be designed so that all passenger seats on such vehicle are equipped with seat safety belts and increased seat back padding on passenger seats of a type and specification as approved by the commissioner of transportation through the adoption of rules and regulations. Such rules and regulations shall provide that when any contactable surface of the school bus, as specified in the Federal Motor Vehicle Safety Standard, [49 CFR Section 571.222](#), is impacted from any direction at twenty-two feet per second by the head form, the axial acceleration at the center of gravity of the head form shall be such that the head form impact requirement shall not exceed eight hundred.

(b) Passenger seat safety belts for existing school buses. Any school bus as defined in section one hundred forty-two of this chapter, which is scheduled for retrofitting pursuant to action by a board of education or board of trustees under section thirty-six hundred thirty-five-a of the education law shall be retrofitted so that all passenger seats on such vehicles are equipped with seat safety belts and additional padding of a type and specification as approved by the commissioner of transportation through the adoption of rules and regulations. Such rules and regulations shall provide that when any contactable surface of the school bus as specified in the Federal Motor Vehicle Safety Standard, [49CFR Section 571.222](#) is impacted from any direction at twenty-two feet per second by the head form, the axial acceleration at the center of gravity of the head form shall be such that the head form impact requirement shall not exceed eight hundred. Furthermore, the commissioner shall have the power through rules and regulations to exempt certain design school buses from retrofitting. In granting such exemptions, the commissioner shall consider safety factors, structural integrity of the school buses and any other items deemed necessary to preserve the safety and welfare of the school bus passengers. Provided further however that the commissioner of transportation shall not authorize retrofitting of any school bus manufactured prior to April first, nineteen hundred seventy-seven.

6. Regulations. The commissioner shall establish by regulation standards for safety belts, safety belt anchorage assemblies, and the installation of safety belts in motor vehicles. The commissioner may also by regulation exclude certain motor vehicles or types of motor vehicles from the requirements of this section. The commissioner may prescribe the method of securing approval of safety belts.

VEHICLE AND TRAFFIC LAW
TITLE IV. REGISTRATION OF VEHICLES
ARTICLE 16. REGISTRATION OF DEALERS AND TRANSPORTERS

Veh & Tr § 416-a (2016)

§ 416-a. Bumper quality label requirements

1. It shall be unlawful after January first, nineteen hundred ninety-three for any manufacturer to sell or lease or to offer to sell or lease in this state for the purpose of registration in this state any new passenger type motor **vehicle** manufactured or **assembled** after said date designated as a nineteen hundred ninety-three or subsequent model, except omnibus and multipurpose passenger vehicles, unless such vehicle has affixed thereto a bumper quality label, placed conspicuously upon that window or windshield where the manufacturer's suggested retail price sticker has been posted. The commissioner shall determine the size, type legibility and placement of such label. Such label shall include the following information: "This vehicle is equipped with a front bumper that has been tested at an impact speed of (specified by vehicle manufacturer) [-----] miles per hour and a rear bumper that has been tested at an impact speed of (specified by the vehicle manufacturer) [-----] miles per hour, and has sustained no damage to the vehicle's body and minimal damage to the bumper and attachment hardware. Minimal damage to the bumper means damage that can be repaired with the use of [a] ^[n1] common repair materials and without replacing any parts. The stronger the bumper, the less likely the car will require repair after a low-speed collision."

2. The impact speed required to be specified in the notice pursuant to subdivision one of this section is the maximum speed of impact upon the bumper of the vehicle at which the vehicle sustains no damage to the body and safety systems and only minimal damage to the bumper when subjected to the fixed barrier and pendulum impact tests, and when subjected to the corner impact test at not less than sixty percent of that maximum speed, conducted pursuant to the practices, procedures and regulations promulgated under the concurrent authority of the Federal Motor Vehicle Information and Cost Savings Act (Cost Savings Act) ([15 U.S.C. 1901](#) et seq.) and the National Traffic and Motor Vehicle Safety Act ([15 U.S.C. 1381](#), et seq.).^[n2]

3. For purposes of this section, "no damage" means that, when a passenger vehicle is subjected to applicable impact testing practices and procedures, the exterior surfaces shall have no separations of surface materials, paint, polymeric coatings or other covering materials from the surface to which they are bonded, and no permanent deviations from their original contours thirty minutes after completion of each pendulum and barrier impact test, except where such damage occurs to the bumper face bar and the components and associated fasteners that directly attach the bumper face bar to the chassis frame. There shall be no breakage or release of fasteners or joints except as described above.

4. Any manufacturer who violates subdivision one of this section, without just cause, shall be subject to a civil fine of not more than fifty dollars per vehicle with respect to which there has been a violation of this section. Civil penalties so assessed may not be deducted as an expense from any tax liability due to any local or state tax jurisdiction.

VEHICLE AND TRAFFIC LAW
TITLE III. SAFETY RESPONSIBILITY; FINANCIAL SECURITY; EQUIPMENT; INSPECTION; SIZE AND
WEIGHT; AND OTHER PROVISIONS
ARTICLE 9. EQUIPMENT OF MOTOR VEHICLES AND MOTORCYCLES

Veh & Tr § 382-c (2016)

§ 382-c. Occupant compartments

The commissioner may prescribe, by regulation, standards consistent with federal motor vehicle safety standards specifying requirements for instrument panels, seat backs, protrusions (including knobs, switches, levers, handles, bezels, and panel contours), sun visors, arm rests, steering control systems and other similar components of the interior of the occupant's compartment of motor vehicles to afford impact protection for occupants. The commissioner may limit the application of such regulations to specified classes of vehicles; provided, however, that such regulations shall not apply to any motor **vehicle manufactured prior** to June thirtieth, nineteen hundred sixty-seven. No motor vehicle shall be registered or driven on the public highways of the state unless it is constructed, equipped or maintained as required by the regulations promulgated pursuant to this section.

Emissions Exemptions

New York requires annual emissions testing in conjunction with the state's annual safety inspection. Vehicles that weigh 8,500 lbs or less which are model year 1996 or newer must undergo an OBD-II inspection. Vehicles manufactured prior to 1996 and vehicles with a GVWR of more than 8,501 lbs are subject to a low enhanced inspection. The low-enhanced emissions inspection includes a gas cap check and a visual inspection to find evidence of tampering and to prevent malfunctions in the air pollution control devices and is conducted at the same time as the safety inspection.

Diesel Vehicles:

Diesel-powered vehicles that weigh more than 8,500 lbs and are registered in the New York Metropolitan Area (NYMA) counties of Nassau, Suffolk, Rockland, Westchester, and the five counties within New York City, are subject to annual emissions inspection.

Exemptions:

1. New vehicles for the newest two (2) MYs
2. Vehicles that are 26 MY old or older
3. Vehicles registered with historical plates
4. Homemade vehicles or custom vehicles are required to be tested, but only must pass a gas cap inspection to ensure the gas cap is not missing, broken or cracked

From New York Compilation of Codes, Rules & Regulations:

TITLE 15. DEPARTMENT OF MOTOR VEHICLES
CHAPTER I. REGULATIONS OF THE COMMISSIONER
SUBCHAPTER F. BUSINESS REQUIRING LICENSES
PART 79. MOTOR VEHICLE INSPECTION

15 NYCRR § 79.24 (2011)

§ 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 Emissions Inspection Station may perform OBD II Emissions Inspections.

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

(2) (Reserved)

(3) Low Enhanced Emissions Inspection.

(i) All non-exempt vehicles not subject to the OBD II Emissions Inspection, 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 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) (Reserved)

(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 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) (Reserved)

(d) Standards.

(1) (Reserved)

(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 the 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 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. All non-exempt motor vehicles with a make of "Custom" or "Homemade" are subject to a low-enhanced emissions inspection and must only pass the requirements of section 79.24(i) item 8b.

(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) (Reserved)

(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) (Reserved)

(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 safety portion and emissions portion as set forth in section 79.7(c) of this Part.

(h) (Reserved)

(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:

Fails	Passes	Must Reinspect	Reinspect Charge
safety	emissions, gas cap	safety	\$ 10
emissions	safety, gas cap	emissions	\$ 27
gas cap	safety, emissions	gas cap	\$ 6
safety, emissions	gas cap	safety, emissions	\$ 37
safety, gas cap	emissions	safety, gas cap	\$ 16
emissions, gas cap	safety	emissions, gas cap	\$ 27

(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 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:

Procedure	Reject if:
Positive Crankcase Ventilation (PCV) System	
1. Presence of PCV system for 25 model years old and newer vehicles.	1. The PCV system is missing or disconnected.
Catalytic Converter	
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.	2. The catalytic converter is disconnected or removed. The air supply to the converter is disconnected or removed.
Fuel Inlet Restrictor	
3. For 25 model years old 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).	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.
Exhaust Gas Recirculator Valve (EGR)	
4. For 25 model years old and newer, secure mounting of the EGR valve and proper connection of hoses.	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.
Thermostatic Air Cleaner (TAC)	
5. For 25 model years old and newer vehicles, check for proper	5. The unit is missing. Holes have been drilled or punched in the

placement of the thermostatic air cleaner.

air cleaner. Vacuum lines are disconnected or missing. Manifold heat pipe is disconnected or missing.

Air Injection System (AIR)

6. For 25 model years old and newer vehicles, check for presence of original designed air injection system.

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.

Evaporative Emission Control (EVAP)

7. For 25 model years old and newer vehicles, check the fuel evaporation control system.

7. The canister is removed or the hoses are disconnected or removed.

Gas Cap

8a.
8b. Vehicles subject to the low enhanced emissions inspection or OBD II emissions inspection. 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.

8a.
8b. Gas cap is missing, broken or cracked.

OBD II

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.

9a. The MIL fails to light with the key on and engine off. The MIL remains lit with the engine running.

9b. OBD II eligible vehicles as per above in 9a.

9b. The MIL is commanded on by the OBD II system.

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.

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.

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.

11. If the NYVIP CVIS is unable to communicate with the OBD II computer in the vehicle.