

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
CHAPTER III. AIR RESOURCES  
SUBCHAPTER A. PREVENTION AND CONTROL OF AIR CONTAMINATION AND AIR POLLUTION  
PART 217. MOTOR VEHICLE EMISSIONS  
SUBPART 217-6. MOTOR VEHICLE ENHANCED INSPECTION AND MAINTENANCE PROGRAM  
REQUIREMENTS BEGINNING JANUARY 1, 2011

(Statutory authority: Environmental Conservation Law, §§ 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 71-2103, 71-2105)

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**§217-6.1 Definitions**

(a) *Certified Motor Vehicle Inspector*. A person who has been issued a certificate by the Commissioner of Motor Vehicles under section 304-a of the VTL to perform motor vehicle emissions inspections in New York State. Emissions testing requirements for certified motor vehicle inspectors are listed within 15 NYCRR Section 79.1.

(b) *Department*. The New York State Department of Environmental Conservation.

(c) *Gross vehicle weight rating (GVWR)*. The value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

(d) *Diagnostic Trouble Code (DTC)*. An alphanumeric identifier for a fault condition identified by a vehicle's on-board diagnostic system.

(e) *Light duty truck 1 (LDT1)*. Any motor vehicle rated at 3,750 pounds GVWR or less, and which has a basic frontal area of 45 square feet or less, which is:

- (1) designed primarily for transporting property, or is a derivation of such a vehicle;
- (2) designed primarily for transporting people, and has a capacity of more than 12 persons; or
- (3) available with special features enabling off-street or off-highway operation and use.

(f) *Light duty truck 2 (LDT2)*. Any motor vehicle rated above 3,751 pounds GVWR, but not greater than 8,500 pounds GVWR, and which has a basic frontal area of 45 square feet or less, which is:

- (1) designed primarily for transporting property, or is a derivation of such a vehicle;
- (2) designed primarily for transporting people, and has a capacity of more than 12 persons; or

(3) available with special features enabling off-street or off-highway operation and use.

(g) *Model year.* The manufacturer's annual production period for each engine family which includes January 1st of such calendar year, or, if the manufacturer has no production period, the calendar year. In the case of any motor vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

(h) *Motor vehicle.* Motor vehicle shall have the same meaning as all of the following terms: *motor vehicle* in section 125 of the Vehicle and Traffic Law (VTL) except for those vehicles specifically set forth in subdivision 15 NYCRR Section 79.2.

(i) *Official emissions inspection station.* A facility that has obtained a license from the Commissioner of Motor Vehicles under section 303 of the VTL and 15 NYCRR Section 79.1.

(j) *Passenger Car.* *Passenger car* means any motor vehicle designed with a capability for transportation of persons and having a design capacity of 12 persons or less.

### **§217-6.2 Applicability**

(a) This Subpart applies to all nonelectric powered motor vehicles registered or primarily operated in New York State.

### **§217-6.3 Motor vehicle exhaust and emission standards and inspection procedure**

(a) In accordance with the applicability set forth in section 217-6.2 of this Subpart, no person who owns, operates, or leases a nonelectric powered passenger car or light-duty truck subject to the requirements of this section shall operate said vehicle, or allow or permit it to be operated, in such a manner that:

(1) effective January 1, 2011, for model year 1996 and newer non-diesel motor vehicles not greater than 8,500 pounds GVWR, the on-board diagnostic system:

(i) fails to function as designed; or

(ii) fails to complete diagnostic routines for necessary supported emission control systems; or

(iii) indicates that the malfunction indicator light fails to illuminate at the starter switch key-on-engine-off position; or

(iv) the malfunction indicator light is illuminated when the engine is running; or

(v) the malfunction indicator light is commanded to be illuminated and diagnostic trouble codes are stored; or

(vi) fails to function as originally designed due to the installation of aftermarket parts prohibited by Subpart 218-7 of this Title;

(2) effective on January 1, 2012, for model year 1997 and newer diesel powered motor vehicles not greater than 8,500 pounds GVWR, the on-board diagnostic system:

- (i) fails to function as designed; or
- (ii) fails to complete diagnostic routines for necessary supported emission control systems; or
- (iii) indicates that the malfunction indicator light fails to illuminate at the starter switch key-on-engine-off position; or
- (iv) the malfunction indicator light is illuminated when the engine is running; or
- (v) the malfunction indicator light is commanded to be illuminated and diagnostic trouble codes are stored; or
- (vi) fails to function as originally designed due to the installation of aftermarket parts prohibited by Subpart 218-7 of this Title.

(b) In accordance with the applicability set forth in section 217-6.2 of this Subpart, any person who owns, operates, or leases a nonelectric powered motor vehicle subject to the requirements of this section shall have adjustments, repairs, or replacements made to said vehicle to ensure that the requirements of subdivision (a) of this section are met unless an emission inspection waiver is issued by the Department of Motor Vehicles pursuant to 15 NYCRR Section 79.25.

#### **§217-6.4 Issuance of certificate of inspection**

No official emissions inspection station or certified inspector may issue an emission certificate of inspection, as defined by 15 NYCRR Section 79.1, for a motor vehicle unless the motor vehicle of record has been inspected pursuant to, and meets the requirements of section 217-6.3 of this Subpart.

#### **§217-6.5 Program Audits**

- (a) All official emissions inspection stations shall be subject to audit by persons designated by the department to determine conformance with this Subpart.
- (b) No person shall operate an official emissions inspection station using equipment and/or procedures that are not in compliance with department procedures and/or standards.
- (c) The department may periodically conduct equipment audits of the official emissions inspection stations. During these audits, department personnel shall conduct quality control evaluations of the test equipment required by 15 NYCRR Section 79.9 to determine compliance with section 217-6.3 of this Subpart.
- (d) All duties and obligations under this regulation are enforceable pursuant to article 71 of the Environmental Conservation Law.