



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Secretary & CEO
Colleen Ogilvie, Registrar



VIA HAND DELIVERY

August 19, 2022

Hon. Steven T. James
Clerk of the House of Representatives
State House, Room 145
Boston, MA 02133

Dear Mr. Clerk:

Pursuant to G.L. c. 90, § 7V, the Registry of Motor Vehicles Division of the Massachusetts Department of Transportation (RMV) hereby files proposed amendments to 540 Code Mass. Regs. 4.00, et seq., relative to motor vehicle inspections in the Commonwealth. The proposed regulatory action will amend the definition of "Class F" mobile inspector licensees in order to permit said licensees to inspect certain noncommercial rental fleet vehicles. The proposed action also makes certain other technical edits and updates.

I hereby certify that, with respect to this regulatory amendment, the RMV has complied with the pertinent provisions of G.L. c. 30A, except for section 5 of said chapter 30A.

I respectfully request that, pursuant to said § 7V, you refer these regulations to the appropriate joint committee.

Thank you for your assistance. Please do not hesitate to contact me should you have any questions regarding this matter.

Very Truly Yours,


Matthew P. Landry
Chief Legal Counsel

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HOUSE No. 5224

Communication from the Registry of Motor Vehicles Division of the Massachusetts Department of Transportation (under the provisions of Chapter 30A, and Section 7V of Chapter 90 of the General Laws) submitting amendments to 540 CMR 4, Annual Safety and Combined Safety and Emissions of All Motor Vehicles, Trailers, Semi-Trailers and Converter Dollies. August 19, 2022. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

540CMR 4.00: Annual Safety and Combined Safety AND Emissions of All Motor Vehicles, Trailers, Semi-Trailers and Converter Dollies

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- 7 4.06: Procedures for Inspection of Motorcycles
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- 9 4.08: Licensure of Inspection Stations
- 10 4.09: Licensure of Inspectors - License Application Procedures and Fees

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12 4.01 : Scope and Applicability

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14 540 CMR 4.00 is adopted by the Registrar of Motor Vehicles pursuant to the authority of
15 M.G.L. c. 90, § 31. 540 CMR 4.00 establishes Rules and Regulations for the Safety and
16 Combined Safety and Emissions Inspections of all motor vehicles registered in the
17 Commonwealth of Massachusetts under the authority of M.G.L. c. 90, § 7 A. 540 CMR
18 4.00 also establishes regulations for the issuance of various inspection certificates
19 pursuant to M.G.L. c. 90, § 7V(a), (b) and (c), and Regulations for the licensing of
20 stations and inspectors pursuant to M.G.L. c. 90, § 7W. The failure of a motor vehicle to
21 meet the requirements of the Safety and Combined Safety and Emissions Inspections will
22 result in the suspension of the vehicle's certificate of registration pursuant of M.G.L. c.
23 90, § 20.

24 4.02: Definitions

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26 In addition to the definitions set forth in M.G.L. c. 90, § 1, the following definitions
27 shall also apply:

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29 Antique Motor Car. Any motor vehicle which has been assigned an "Antique"
30 registration plate.

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32 Certificate of inspection. A serially numbered, adhesive sticker, device, document or
33 symbol, as may be prescribed by the Registrar, indicating a motor vehicle or motorcycle
34 has met the inspection requirements established by the Registrar. The Registrar may
35 prescribe the use of one or more categories of said Certificates.

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37 Certificate of Rejection. A serially numbered, adhesive sticker, device, document or
38 symbol, as may be prescribed by the Registrar, indicating a motor vehicle or motorcycle
39 has failed to meet the Safety and Combined Safety and Emissions Inspection
40 requirements.

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42 Certificate of Waiver. A serially numbered device or symbol, as may be prescribed by the
43 Registrar, indicating that the requirement of passing the Emissions portion of the
44 Combined Safety and Emissions Inspection has been waived for a vehicle pursuant to
45 540 CMR 4.00.

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47 Class A License. The license issued to a Public or Fleet inspection station conducting
48 non-commercial light duty gas and diesel inspections of vehicles 10,000 lbs Gross
49 Vehicle Weight Ratings (GVWR) or less.

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51 Class B License. The license issued to a Public or Fleet inspection station conducting
52 commercial and non-commercial light and medium duty gas and diesel inspections of
53 vehicles 26,000 lbs. (GVWR) or less including light-duty pole or pull trailers only.

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55 Class C License. The license issued to a Public or Fleet inspection station conducting all
56 commercial medium and heavy duty inspections of vehicles over 10,000 lbs. (GVWR),
57 including all trailers, semi-trailers and converter dollies.

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59 Class D License. The license issued to a Public or Fleet inspection station conducting all
60 commercial and noncommercial light, medium and heavy duty inspections of all vehicles
61 including all trailers, semi-trailers and converter dollies.

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63 Class E License. The license issued to a Public or Fleet inspection station conducting
64 heavy duty commercial inspection of vehicles over 26,000 lbs. (GVWR), including all
65 trailers, semi-trailers and converter dollies.

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67 Class F License. The license issued to an individual or corporation performing
68 inspections on commercial vehicles or school pupil transport vehicles of all fuel types
69 and weights, including all trailers, semi-trailers and converter dollies, owned or leased by

70 4.02: continued

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72 a fleet, using mobile equipment for the performance of such vehicle inspections. The
73 performance of commercial vehicle inspections at multiple repair and maintenance
74 facilities owned by the fleet shall be subject to the following conditions:

75 (a) The repair facility shall consist of a building on-site with a discernible address for
76 the purposes of fleet administration. Said fleet is contracting the inspection of existing
77 commercial vehicles with gross vehicle weight ratings of 10,001 lbs. or more,
78 including all trailers, semi-trailers and converter dollies to the Class F licensee at the
79 same physical location.

80 (b) Vehicles owned or leased by said fleet and registered as "noncommercial" motor
81 vehicles shall not be eligible for inspection by Class F licensees, except for such
82 "noncommercial" motor vehicles used exclusively as rental vehicles.

83 (c) Noncommercial motor vehicles furnished for regular use by individual employees
84 of said fleet shall not be eligible for inspection by Class F licensees.

85 (d) All Class F licensees utilizing mobile equipment for the testing of such
86 commercial vehicles, trailers, semi-trailers or converter dollies owned or leased by
87 said fleet shall have on-site OBD, opacity or any other emissions equipped
88 workstation capable of performing such emissions inspections as required by 310
89 CMR 60.02: Massachusetts Motor Vehicle Emissions Inspection and Maintenance
90 Program.

91 (e) The annual number of commercially registered vehicles, trailers, semi-trailers or
92 converter dollies inspected by Class F licensees with gross vehicle weight ratings of
93 less than 10,001 lbs. shall not exceed the annual number of commercially registered
94 vehicles with gross vehicle weight ratings of more than 10,001 lbs. (GVWR).

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96 Class M License. The license issued to a Public or Fleet inspection station conducting
97 motorcycle inspections.

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99 Commercial Motor Vehicle. For the purposes of Inspections, a commercial motor vehicle
100 shall mean any motor vehicle which is not a private passenger motor vehicle, antique
101 motor car, motorcycle, auto home, house trailer, taxicab, ambulance, hearse, livery
102 vehicle, school pupil transport vehicle or off-road equipment. A commercial motor
103 vehicle shall include the following vehicles:

104 (a) The vehicle has a gross vehicle weight rating or gross combination weight rating
105 of 10,001 or more lbs., unless such vehicle has a body type of a pickup, sport utility
106 vehicle or van meeting the definition of a private passenger vehicle; or

107 (b) The vehicle is designed to transport more than 15 passengers, including the
108 driver; or

109 (c) The vehicle is used in the transportation of hazardous materials in a quantity
110 requiring placarding in accordance with the Hazardous Materials Regulations of the
111 United States Department of Transportation. Any commercial motor vehicle that
112 singularly has a gross vehicle weight rating of 10,001 lbs. or less and is designed to
113 meet emissions standards, shall be submitted for an emissions inspection in addition to
114 all applicable safety inspection requirements; or

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116 4.02: continued

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(d) A single, full or semi trailer, used in commerce, with a manufacturer's gross vehicle weight rating over 3,000 lbs.

Commercial Motor Vehicle Inspector. An individual licensed by the Registrar as properly qualified under 540 CMR 4.08(1)(h).

Commissioner. The Commissioner of the Department of Environmental Protection for the Commonwealth.

DEP. The Department of Environmental Protection.

Exempt Vehicles from Emission Standards. Any motor vehicle exempted under 310 CMR 60.02 and in accordance with M.G.L. c. 111, § 142M.

Federal Motor Carrier Safety Regulations. The most current published edition of Title 49 U.S.C. Parts 390 to 397, including appendix Gas identified by USDOT/FHW A/OMC.

Fleet Inspection Station. A business which owns, leases or maintains a fleet of at least 15 motor vehicles and/or trailers maintains a garage for the repair and maintenance of those vehicles and is licensed by the Registrar to perform the Safety or Combined Safety and Emissions Inspection on its motor vehicles or motor vehicles owned by other fleets that are in the same vehicle class.

General Registration Holder. Any manufacturer, dealer, repairman, owner-contractor, transporter, farmer, dealer in recreational vehicles, trailers, boat trailers, or forester, all as defined in M.G.L. c. 90, § 1 and regulated by 540 CMR 18.00: *Minimum Standards for the Issuance and Use of General Registrations and General Registration Numbers Plates Issued under the Provisions of M.G.L. c. 90, § 5*, who has been issued a general registration plate pursuant to M.G.L. C. 90, § 5.

Inspection Station Agreement. The contract between the Network Contractor and the Inspection Stations which sets forth their respective responsibilities and duties.

Licensed Inspector. An individual licensed by the Registrar in accordance with 540 CMR 4.00 as properly trained to perform a Massachusetts Motor Vehicle Safety and/or Emissions Inspection.

Licensee. A holder of an Inspection Station License of any Class issued in accordance with 540 CMR 4.00.

Mobile Commercial Motor Vehicle Inspector. An individual, certified and licensed, who meets the requirements of 540 CMR 4.00 who may inspect commercial motor vehicles, rental fleet vehicles, and school pupil transport vehicles at a repair facility of any

162 4.02: continued

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164 commercial motor vehicle operation that meets the minimum requirements for
165 inspections prescribed for Commercial Vehicle Inspection Facilities by the Registrar.

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167 Network Contractor. The private entity which contracts with the DEP and RMV to
168 develop, manage and implement the enhanced emissions and safety inspection program.

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170 New Car Endorsement. An endorsement to a Class A, B or D license which permits Class
171 1 automobile dealers to inspect new vehicles under 10,000 GVWR prior to delivery to a
172 customer in accordance with 310 CMR 6.02: *Initial Inspection of New Motor Vehicles*
173 and in accordance with all regulations, policies and procedures promulgated by the
174 Registrar.

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176 Off-road Equipment. A piece of construction equipment that is used predominantly off-
177 road, but travels on public ways to and from a worksite.

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179 Out-of-service Criteria. The most current Out-of-service Criteria as prescribed in the
180 *North American Uniform Out-of-service Criteria* published by the Commercial Vehicle
181 Safety Alliance (CVSA).

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183 Referee Station. A location which may be designated by the Registrar to verify the
184 accuracy of inspections performed by Licensed Inspection stations and to grant
185 certificates of waiver.

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187 Registrar. The Registrar of Motor Vehicles.

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189 4.08: continued

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191 Registrar's sole discretion. Inspection Station Network geographic need shall be
192 evaluated on the basis of criteria including, but not limited to, factors such as the
193 density of the population of motor vehicle owners in a geographic area and the
194 distance between existing Licensed Inspection Stations as measured by either or both
195 miles and travel time. If Inspection Station Network geographic needs are determined
196 to be adequately met by the Registrar, then Inspection Station Licenses shall be issued
197 in accordance with placement on a waiting list of applicants for Inspection Station
198 Licenses compiled in chronological order by date of submission of application for
199 licensure.

200 (b) Information Required. Each application for licensure shall contain such information
201 as the Registrar shall require on the application form and be accompanied by a business
202 certificate issued to the applicant by the city or town in which the premises is located and
203 any other documents so determined by the Registrar.

204 (c) Application and License Fees. A nonrefundable application fee of \$50.00 made
205 payable by cash, certified check or money order to the Registry of Motor Vehicles shall
206 accompany each application. When an application is approved by the Registrar, and upon
207 the payment of an additional fee of \$100.00, the applicant shall be granted a license

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which shall be valid for a period of one year from the date of issuance. The annual renewal fee shall be determined by the Secretary of Administration and Finance. An applicant applying for a license at more than one location will be required to file a separate application for each location.

(d) Transactions.

1. Change of Location. A licensee may request a change of business location and such change may be authorized, provided it complies with all rules, regulations and policies of the Registrar. All change of location requests shall be approved at the discretion of the Registrar.

2. Ownership/Interest Change - Licenses Are Not Transferable. A licensee may request to change the ownership or interest of his or her current license, provided that the licensed business remain in its current location or is relocated to an underserved area and complies with all rules, regulations and policies of the Registrar. All ownership/interests change requests shall be approved at the discretion of the Registrar.

3. Name Change. A licensee may request a change in name, provided there is no change in corporate structure and provided it complies with all rules, regulations and policies of the Registrar. All name changes shall be approved at the discretion of the Registrar.

4. Inspection Bay Change. A licensee may request an inspection bay change or alteration of an existing inspection bay, provided the new or altered bay complies with all rules, regulations and policies of the Registrar. All inspection bay changes or alterations shall be approved at the discretion of the Registrar.

5. License Class Change. A licensee may request a license class change, provided the licensee complies with all rules, regulations and policies of the Registrar for the class of license to which the station is applying. All license class changes shall be approved at the discretion of the Registrar.

To request a change to any portion or function of the current approved licensed business which may include, but is not limited to, a change of location, change of ownership or interest in the business, change of name, or change in facility including the inspection bay(s), an application must be filed. The Registrar must be notified immediately by the licensee in the event that arrangements are made for the transfer of the business to another person. Upon the transfer of ownership or termination of the business, the station license, all unused Certificates of Inspection, Rejection, and records required to be kept in accordance with the provisions of 540 CMR 4.00 shall be surrendered and returned to the Registry of Motor Vehicles forthwith. Unused Certificates of Inspection will be rebated.

(e) Certificate- of License and Display Requirements. The licensee shall conspicuously display the numbered Class license issued by the Registrar in an area that is reserved for inspection purposes. In case of loss, mutilation or destruction of the license, the Registrar shall issue a duplicate license upon proper proof thereof and payment of a fee of \$25.00.

(f) Requirements to Purchase and Security of Certificates of Inspection. Each licensee shall maintain adequate security, acceptable to the Registrar, which will prevent the misappropriation of Certificates of Inspection or Rejection. Missing or stolen Certificates

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of Inspection or Rejection must be reported forthwith to the Registry of Motor Vehicles and local law enforcement.

(g) Supplies. Each licensee shall maintain, if required, an adequate supply of Certificates of Inspection, test authorizations, if required, and sticker stock to assure that motorists will not be denied inspections, or unnecessarily inconvenienced. Said documents shall be purchased from the Registry of Motor Vehicles or its designated agent in accordance with the applicable policies established by the Registrar and may not be sold or transferred from one station to another.

(h) Requirements for Personnel Who Administer Inspections. Inspections must be performed by the licensee or permanent employees of the licensee who are in possession of a valid motor vehicle operator license. A person who performs vehicle inspections shall be licensed by the Registrar. That license shall be renewed annually. A permanent employee shall, for purposes of 540 CMR 4.00, be defined as a person regularly employed by the licensed. inspection station. Persons performing inspections must be able to demonstrate their proficiency in inspecting motor vehicles and in operating, calibrating, and maintaining items or equipment required for the inspection of motor vehicles, to personnel authorized by the Registrar, the Massachusetts Commissioner of the Department of Environmental Protection assigned to program administration and enforcement and the Network Contractor. Any person conducting a Class M inspection must provide proof that he has received. factory training and training approved by the Registrar. The inspector must have a valid motorcycle license.

(i) Requirements for Personnel Who Administer Noncommercial Motor Vehicle Inspections. It shall be the licensed vehicle inspection station's or the mobile commercial motor vehicle inspector's responsibility to ensure that the individual(s) performing an annual inspection as contained herein are qualified as follows:

1. Has successfully completed a state certified training program approved by the Registrar.
2. Understands the inspection criteria set forth in 540 CMR 4.00 and can identify defective components;
3. Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an inspection; and
4. All Motor Vehicle Inspectors shall participate in training and be subject to testing as determined by the Registrar. The license shall be renewed annually.

(j) Requirements for Personnel Who Administer Commercial Motor Vehicle Inspections. It shall - be the licensed commercial motor vehicle inspection station's or the mobile Commercial Motor Vehicle Inspector's responsibility to ensure that the individual(s) performing an annual inspection as contained herein are qualified as follows:

1. Has successfully completed a state certified training program approved by the Registrar,
- 2. Understands the inspection criteria set forth in 540 CMR 4.00, 49 CFR Part 393 and Appendix G to Part 396 and can identify defective components;**
3. Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an inspection; and

300 4.08: continued

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4. Is capable of performing an inspection by reason of experience, training, or both as follows:
 - a. Successfully completed a State or Federal sponsored training program or has a certificate from a State or Canadian Province which qualifies the person to perform commercial motor vehicle safety inspections, or
 - b. Have a combination of training and/or experience totaling at least one year. Such training and/or experience may consist of:
 - i. Participation in a truck manufacturer-sponsored training program or similar commercial training program designed to train students in truck operation and maintenance;
 - ii. Experience as a mechanic or inspector in a motor carrier commercial motor vehicle maintenance program;
 - iii. Experience as a mechanic or inspector in commercial motor vehicle maintenance at a commercial garage, fleet leasing company or similar facility; or
 - iv. Experience as a Commercial Vehicle Inspector for a State, Provincial or Federal Government agency.
5. All Commercial Motor Vehicle Inspectors shall participate in training and subject to testing as determined by the Registrar. The license shall be renewed annually.
6. Availability of Premises and Records to Authorized Personnel. All licensees shall record and retain records pertaining to the inspection performed in accordance with the policies and procedures established by the Registrar. Facilities, records, and equipment shall, during normal business hours (defined as Monday through Friday 9:00 A.M. through 5:00 P.M. exclusive of holidays), be available at the address recorded on the Class A, B, C, D, E, For M license (with any additional endorsements) to enforcement personnel of the Registry of Motor Vehicles, and/or Department of Environmental Protection and the Network Contractor.
7. Licensees will follow all applicable laws and all rules, regulations, policies and procedures of the Registrar. The Registrar retains the exclusive right to establish and amend all such rules, regulations, policies and procedures; and Licensees shall follow all applicable rules, regulations, policies and procedures of the Massachusetts Department of Revenue (DOR).
8. The Registrar may deny the application of any person for a license, if, in his/her discretion, he or she determines that:
 - a. Such applicant has made a material false statement or concealed a material fact in connection with his or her application.
 - b. Such applicant, any officer, director, stockholder or partner, or any other person directly or indirectly having an interest in the business was the former holder, or was an officer, director, stockholder or partner, in a corporation or partnership which was the former holder of an inspection station license which was revoked or suspended by the Registrar.
 - c. Such applicant has failed to furnish satisfactory evidence of good character, reputation and fitness.
 - d. Such applicant is not the true owner of the inspection facility.

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(2) Facility, Equipment, and Inspection Station Requirements.

(a) Inspector on Premises. There shall be a licensed inspector on-site during all posted inspection times that is able to perform all inspections authorized within the station class.

(b) Promotions. No licensed inspection facility may advertise the Massachusetts vehicle safety and emissions inspection program in conjunction with any offer, promotion or discount of any product, service or commodity to any Customer.

Nothing in the preceding sentence shall prohibit a licensed inspection facility from including in any advertisement that it is a licensed inspection facility.

(c) Hours of Operation. Inspection Stations shall be available to perform motor vehicle inspections for a minimum of six hours per day, five days per week. Inspections must be performed on a first come-first serve basis. Stations that use the approved inspection area for other purposes must make the area available for inspections within 15 minutes. Requests to alter posted hours of inspection must be submitted in writing to the Registrar and is reviewed and approved at the discretion of the Registrar. Inspections performed by appointment are prohibited during unpasted hours of inspection. Inspection station licenses that have been inactive or locked-out due to an ownership change, location change, facility alteration or administrative action shall be granted six months in order to reopen and be available to perform inspections. At the conclusion of the six months, the inspection station shall be deemed out-of-business and the station license retired. However, the Registrar may grant extensions beyond the six months on a case by case basis. Such requests must be made in writing.

(d) Signs. The facilities of public station licensees should be available for the convenience of the public. Public station licensees shall conspicuously post and display identification as a "Massachusetts Inspection Station" on a sign not less than 24 inches by 36 inches, including the station's license number and the regular hours of inspection. Hours of inspection may be posted on a separate sign. All stations performing Commercial Motor Vehicle Inspections must post their commercial motor vehicle inspection labor rate. Such signs must be removed or covered whenever inspections cannot be performed during the posted hours.

(e) Facility.

1. Inspection facilities shall be located in a building appropriate for such activity, complies with local zoning laws with a suitable customer waiting area within the inspection business, and meets all relevant guidelines of the Registrar.

2. Licensees must maintain complete control of the entire physical location where the inspection facility is located. Multiple business interests in the same location of a licensed inspection facility is prohibited.

3. Licensees that lease or own space in a facility which physically adjoins another legally separate and distinct business must maintain a complete separation and entrance and be able to secure the premises from access by any personnel of the adjoining business.

(f) Inspection Area. A specific unobstructed area approved by the Registrar within which the complete motor vehicle inspection shall be performed, must be enclosed in

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a building in the primary service facility of the licensees' premises. The inspection area of all Classes of inspection stations except Class M, must be at least 30 feet in length and 12 feet in width, and said inspection area must exceed by five feet in width the width of the widest vehicle inspected. The inspection area for Class M inspections shall be 30 feet or less in length, or as determined by the Registrar. Exceptions to these standards may be provided by the Registrar or his or her designee in his or her sole discretion. All inspection stations first licensed on or after October 1, 2008 shall meet the new inspection bay size requirements. All inspection stations licensed before October 1, 2008 shall be required to meet the bay size requirements in effect at the time of licensure. Designated areas shall be suitably marked or otherwise outlined and include a smooth, level, substantial floor on which the wheels of the vehicle will stand evenly while being inspected and must be maintained in a neat manner. The Registrar, in his or her sole discretion, may also approve an additional specifically designated area on the licensees' premises convenient to the approved inspection bay to be used for the inspection of vehicles and/or trailers and converter dollies. Any modification of the inspection area or approved additional area must be approved by the Registrar. Any business operating at the same location that is not owned entirely by the licensee must be securely and permanently separated from the inspection bay.

(g) Equipment Required.

1. General Requirements. All inspection station licensees must possess the necessary tools and equipment, and shall maintain same in good working order, and shall possess facilities necessary for the ordinary repair and adjustment of motor vehicles or components on which inspection is required. In addition to the preceding, licensees must be equipped with the following equipment that has been approved by the Registrar, applicable to the particular Class license as noted.
 - a. Headlamp aiming screen or device as approved by the Registrar for Class A, B, C, D, E, F and M licenses.
 - b. Dial indicator gauge. All Classes except Class M.
 - c. Registry approved brake meter. All Classes except Class M.
 - d. Tire tread depth gauge, marked in 32nd' of an inch. All Classes.
 - e. Jack of sufficient capacity to lift the front axle of the heaviest vehicle inspected. All Classes.
 - f. Two jack stands; with a minimum rated capacity capable of holding the vehicle to be inspected. All Classes except Class M.
 - g. Inspector workstation equipment. All Classes.
 - h. *Registry of Motor Vehicles Inspection Manual.* All Classes.
 - i. Registry approved 48-inch long headlamp aiming stick, unless approved mechanical headlamp aiming device is used.
 - j. Registry approved tint meter for glass. All Classes except Class M and fleet stations.
 - k. Air, power and phone lines or communication link to operate the inspection equipment properly.
 - l. A commercial motor vehicle inspection station is required to have a current copy of FMCSR Parts 390 to 397 and Appendix G available for inspector use.

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2. Fleet Inspection Stations. Licensees are limited to the inspection of motor vehicles owned or maintained by the licensee or other fleets.

3. Inspection Area. The licensed fleet inspection station must provide a specific area within which the complete inspection shall be performed except where additional testing is required for brakes. The area must be in a building, enclosing an area at least 30 feet in length and 12 feet in width and said inspection area must exceed by five feet in width the width of the widest vehicle inspected, except as otherwise approved by the Registrar. All fleet inspection stations first licensed on or after October 1, 2008 shall meet the new inspection bay size requirements. All inspection stations licensed before October 1, 2008 shall be required to meet the bay size requirements in effect at the time of licensure. The designated area shall be suitably marked or otherwise outlined and include a smooth, substantial level floor on which all the wheels of the longest vehicle inspected will stand evenly while being inspected. Additional adequate space must be available within the building for repairing and maintaining motor vehicles.

4. Public Commercial Motor Vehicle Inspection Facility. Class C, D and E and facilities utilizing services of Class F licensees using mobile equipment. A commercial motor vehicle inspection station shall have a specific are approved by the Registrar within which the complete inspection of all commercial motor vehicles so defined shall be performed. The area shall be a suitably marked, smooth, level, unobstructed concrete flooring. The dimensions of a public commercial motor vehicle inspection facility shall at a minimum be: a length ten feet longer than the longest single or combination commercial motor vehicle to be inspected, with a minimal of at least 45 feet in length and a minimum of at least 14 feet in width. All axles of any single or combination commercial motor vehicle inspected must be on the same flat, level flooring. The area shall be equipped to provide regulated air supply of sufficient pressure and electrical power to any non-self powered commercial motor vehicle which in combination cannot be accommodated in the designated area. The designated area shall be enclosed in a building having an entrance door of no less than 12 feet in width and 12 feet in height or as approved by the Registrar. All public commercial motor vehicle inspection facilities first licensed on or after October 1, 2008 shall meet the new inspection bay size requirements. All inspection stations licensed before October 1, 2008 shall be required to meet the bay size requirements in effect at the time of licensure.

(3) Revocation, Suspension or Denial of Licenses.

(a) The Registrar may, after the applicant, licensee or person: licensed by the Registrar to. perform safety inspections has been granted a hearing held at such time and place as the Registrar may prescribe and duly notice to the licensee, refuse to issue a license, suspend or revoke a license or refuse to issue the renewal of a license for any of the following causes:

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1. Failure to comply with any of the rules and regulations or the written policies and procedures of the Registrar or Commissioner pertaining to license Class A, B, C, D, E, F and M inspection stations.
 2. Failure to inspect vehicles during posted inspection hours.
 3. Failure to have on hand at all times an adequate supply of Certificates of inspection.
 4. Failure to maintain that portion of premises utilized as an inspection area in a proper manner.
 5. Failure to properly maintain equipment utilized in inspections procedures.
 6. Engaging in fraudulent practices or conduct during the inspection of motor vehicles or related to the vehicle inspection license process.
 7. The issuance of a Certificate of Inspection or Certificate of Rejection without performing the required emissions test, if applicable.
 8. For any action deemed by the Registrar or Commissioner of the Department of Environmental Protection to violate the terms and public purpose of the vehicle inspection program.
- (b) Mailing, by first class mail, postage prepaid, of a notice of a hearing to the last known address of licensee or applicant, 14 days prior to the date of the hearing, shall be deemed proper notice.
- (c) Second, third, and subsequent infractions shall be infractions committed within the three years immediately preceding the date of the infraction for which the Registrar orders another suspension or revocation. The total number of prior infractions, in any combination, shall determine if a second or subsequent offense exists.