

RULE REVIEW

Department of Motor Vehicles

FIVE YEAR REVIEW OF RULES ADOPTED BY THE DEPARTMENT OF MOTOR VEHICLES IN CALENDAR YEAR 2008 REQUIRED TO BE REVIEWED IN CALENDAR YEAR 2013

As required by Chapter 262 of the Laws of 1996, the following is a list of rules that were adopted by the Department of Motor Vehicles in calendar year 2008 which must be reviewed in calendar year 2013. Public comment on the continuation or modification of these rules is invited. Comments may be directed to: The Department of Motor Vehicles, Counsel's Office, 6 ESP, Room 522A, Albany, NY 12228.

MTV-26-07-00006 Part 141

Analysis of the need for the rule: Article 12-C of the Vehicle and Traffic Law required the Commissioner of Motor Vehicles to establish a pilot program to review alternate technologies, including the internet, as a means to offer the accident prevention course. Prior to the pilot program, the course, commonly known as the Point Insurance Reduction Program, was classroom based. Part 141 set forth the criteria for the internet based course and the requirements for course approval. Since the pilot program is still in effect, Part 141 remains necessary.

Legal basis for the rule: Vehicle and Traffic Law Sections 215(a), 399-1 and 399-n.

MTV-47-07-00002 Part 79 Motor Vehicle Inspections-Clarification

Analysis of the need for the rule: This amendment made technical changes to Part 79 in order to clarify several provisions regarding the inspection of motor vehicles. For example, the amendments clarified that any municipality within a county could inspect its vehicles, other municipalities' vehicles or the county's vehicles. The amendment also clarified the appropriate fees to be charged if a vehicle passed only a portion of the inspection, e.g., passed the safety portion but failed the emissions inspection. These amendments are still applicable and should remain in effect.

Legal basis for the rule: Vehicle and Traffic Law Sections 215(a), 301(a), 301(c), 301(d), 301(f), 302(a), 302(e), 302(f), 304(b) and 304-a.

MTV-30-08-0006 Part 79 Motor Vehicle Inspections- Shared Network

Analysis of the need for the rule: The amendments to Part 79 established a shared network for inspection stations in New York State. The Shared Network addressed the problem of the dramatic decrease in the number of pre-1996 vehicles subject to a dynamometer based emissions inspection. Due to federal requirements, New York was required to continue the dynamometer based program even though maintaining the equipment was unduly burdensome for many stations. These amendments allowed inspection stations to share the cost of the equipment by directing customers to other stations that would conduct the inspections. Since dynamometer based inspections are no longer required under federal and state law, these amendments have been repealed.

Legal basis for the rule: Vehicle and Traffic Law Sections 215(a), 301(a), 301(c), 301(d), 301(f), 302(a), 302(e), 302(f), 304(b), and 304-a.

MTV-25-08-00012- Part 3-Fingerprinting of employees

This regulation was adopted to comply with Department of Homeland Security guidelines, issued pursuant to the Western Hemisphere Travel Initiative, which permits only employees who are United States citizens and who have been subject to a criminal history check to issue an Enhanced Driver's License. The EDL is a secure document that assists US citizens crossing the border from Canada into the United States. Since DHS's policy has not changed, this regulation remains necessary.

Legal basis for the rule: Vehicle and Traffic Law Sections 215(a), 508(1) and 508(4).

MTV- 38-08-0002 Part 3 Enhanced Driver's Licenses-Off cycle renewal

The regulation was adopted to permit licensees the option of "off cycle" driver license renewals when they apply for an Enhanced Driver's License. This effectively resets the current eight year license renewal term so that licensees would receive an EDL for the full eight years for the \$30.00 fee as well as receive a proration of the license renewal fee based upon the number of years remaining in their current cycle. This regulation remains necessary.

Legal basis for the rule: Vehicle and Traffic Law Sections 215(a) and 502(6).

Power Authority of the State of New York

Please be advised that, following a review of actions taken by the Power Authority of the State of New York (the "Authority") under State Administrative Procedure Act ("SAPA") in the year 2008, it has been determined that no rules were enacted during 2008 that are subject to the "five-year review" requirements of SAPA § 207. Therefore, the Authority will not be submitting a list of rules subject to the five-year review for publication in the New York *State Register*.

