



1. What is the purpose of the OBDII Emissions Inspection waiver?

The purpose of an OBDII Emissions Inspection Waiver is to allow vehicles that fail an emissions inspection to still be issued an inspection certificate if they have passed the safety inspection and a minimum of \$450 has been spent on qualifying repairs. The waiver is intended for vehicles that have made a good faith effort to pass by undergoing proper, documented repairs that address the failure, but still fail the emissions test. This gives the customer time to save money to make additional repairs so the vehicle may pass future emissions inspections normally.

2. Can a waiver be issued to a vehicle being sold by a dealer?

No, vehicles sold by a dealer are subject to used vehicle certification which does not allow the issuance of a waiver.

3. Can a waiver be issued to a vehicle that is not registered?

No, the vehicle must have a current and valid registration.

4. How does the issuance of a waiver start?

Perform an initial inspection on the registered vehicle. Do not clear Diagnostic Trouble Codes (DTC). You need to capture and record all DTC's and emissions monitor statuses that are in the vehicle's PCM. Once the initial inspection has been performed and emissions failures captured are listed on the VIR (Vehicle Inspection Report), the waiver process has begun. In most cases, a waiver should not be issued for the emissions monitors "not ready."

5. How long do I have to complete the waiver process?

The diagnosis of the vehicle, emissions repairs, parts purchases, and the issuance of the waiver need to be completed within 30 days after the initial failure inspection. The CVIS (Computerized Vehicle Inspection System) will not offer a waiver after the 30 days has elapsed.

6. What repairs count towards the waiver?

Only confirmed emissions failure(s) and documented repairs that occur after the initial inspection count towards the waiver. For example, replacement of windshield wipers would not count towards the emissions waiver repairs.

7. What costs associated with the emissions repairs count towards the waiver?

Parts, labor and related sales tax that address the initial failure can count towards a waiver. Those emissions repairs must meet or exceed \$450.

8. Can repairs related to the safety portion of the inspection count toward the waiver?

No, only emissions-related repairs that address the initial failure count towards the waiver.

9. Can repairs made by the customer count toward the waiver?

Yes, but only the cost of the parts that were replaced and related sales tax count towards a waiver. Those replaced parts must address the initial emissions failure. Labor costs do not count. The customer must provide copies of the paid parts receipts for the parts that were replaced and confirm that the parts were installed on the vehicle.

10. Can repairs made by another repair facility count toward the waiver?

Yes, work performed by another registered repair facility counts towards a waiver. The customer must provide copies of the detailed invoice showing the diagnostics and work performed at the other repair facility and confirm that the parts were installed on the vehicle. Repairs performed by an unregistered repair facility do not count towards a waiver.

11. Can the cost to replace items from the Emissions Control Device (ECD) inspection count toward the waiver?

No, the cost to replace a missing ECD does not count towards a waiver.

12. Can the cost to replace a missing gas cap count towards the waiver?

No, the cost to replace a missing gas cap does not count towards a waiver.

13. Can the cost to replace a broken gas cap count towards the waiver?

Yes, the cost to replace a broken gas cap can count towards a waiver, as long as it addresses the initial failure(s).

14. Can a waiver be issued only for monitors “Not Ready”?

In general, no, a waiver cannot be issued for just monitor readiness alone. There should be DTC's listed on the initial VIR. There are possible exceptions. For further review before issuing an emissions waiver solely for this reason you may contact Clean Air at (518) 473-0597, option #4.

15. When entering repairs in the “Vehicle Repair Data” menu, what is required to be entered?

The “Vehicle Repair Data” menu lists certain emissions systems. Under each system is a list of items that may have been repaired or replaced, which can be accessed by clicking the “+”. Select the item that was repaired by double clicking on that item, then enter who made the repairs (your facility number, another registered repair facility's number or the customer). Do not make any changes to the “Repaired by Inspector” entry. Then enter the invoice number (numbers only, no letters) if needed and the date of repairs. The date of repairs cannot be earlier than the date of the initial inspection. Next, enter the cost of that selected repair. Those costs would be the parts, labor and related sales tax for the item that was repaired. If multiple systems and items were repaired, you must enter the actual amount spent for each and all items repaired. For example, the customer spent a total of \$675 towards diagnosis and repair of the emission failures (\$375 for O2 replacement and \$300 for EGR Valve replacement). The total in parts, labor and related sales tax for replacing O2 sensors would be entered under the field for or titled “Sensors.” The total in parts, labor and related sales tax for replacing the EGR Valve would be entered under the field for or titled “Emissions System.” The total amount of both repairs would qualify the vehicle for a waiver. All repair items must be entered separately - do not lump the total cost of multiple repairs under one system into a single entry. When entering the amount, do not use a dollar sign or decimal point - enter to the nearest dollar. When you are finished entering the repairs, select “OK” to continue.

16. When repairs are completed and you are reinspecting the vehicle to issue a waiver, can DTC's be present?

Yes, DTC's can be present. It is suggested you clear DTC's after the repairs are made and have the customer drive the vehicle, or with the customer's permission, you may test drive the vehicle to verify the repairs. There may be instances where the check engine light does not return and the emissions monitors complete, eliminating the need to issue the waiver. If the vehicle's check engine light comes back on or the required number of emissions monitors fail to complete and all the proper waiver requirements have been met, a waiver may still be issued.

17. After issuing a waiver, what paperwork is the facility required to keep?

The facility must keep a completed OBDII Emissions Waiver Checklist (form VS-71.1), a copy of the initial inspection VIR, subsequent VIR's, the final VIR showing a waiver was issued, and the original signed waiver form. The facility must also keep a copy of the invoice(s) showing, in detail, the repairs, the costs of those repairs, and the parts replaced. Part receipts must also be retained for parts that were replaced by the customer.

18. How long is the facility required to keep the waiver paperwork?

Two years from the date the waiver was issued.

19. After issuing a waiver, what paperwork is the facility required to give to the customer?

The facility is required to provide the customer with all VIRs from inspections performed at the facility, the signed waiver form, and the invoice(s) for the repairs performed by the facility.

20. How often can a waiver be issued to the same vehicle?

An emissions waiver is valid to the end of the last day of the month of issuance in the following year, or after 365 days have elapsed from the previous waiver issuance date. When the emissions waiver is no longer valid, it is possible to issue another waiver if needed as long as the waiver requirements are met. In other words, the customer must spend another \$450 on emissions related repairs.

NOTE: This form is a resource and is not intended as a replacement for the Commissioner's Inspection Regulations. For more information, see the Motor Vehicle Inspection Regulations Handbook (form CR-79), the New York State Inspection Guide (VS-71), and NYVIP unit messages. For more information on emissions waivers please see the OBDII Emissions Waiver Checklist (form VS-71.1). For further assistance contact the Office of Clean Air at 518-473-0597, Option #4.