

**NYVIP MESSAGE No. 324**

**DATE: 03/26/2026**

**TO: ALL INSPECTION STATIONS**

**FROM: NYS DEPT. OF MOTOR VEHICLES**

**SUBJECT: NEW INSPECTION RESOURCES**

This message is to inform you of three newly created forms to assist you with Vehicle Inspections.

1. The ***New York State Inspection Guide (form VS-71)*** which details step-by-step the general procedure stations must follow to properly perform an inspection.
2. The ***NYS OBDII Emissions Waiver Checklist (form VS-71.1)*** to assist you in properly issuing an emissions waiver to a customer.
  - This should be completed and retained with all emissions waivers.
3. The ***OBDII Emissions Waiver FAQs (form VS-71.2)*** with common inspector questions and answers.

Station owners and managers should review the proper emissions waiver procedure with their inspectors regularly and confirm that all waivers issued from their Inspection Station are issued appropriately.

**Reminder: Stations cannot refuse to issue emission waivers if the vehicle qualifies. Once all the requirements have been met for a vehicle to receive an emissions waiver, all licensed public emissions inspection stations are required to issue the waiver.**

All three forms are included below and are available on the DMV website (DMV.NY.GOV) and the NYVIP3 website ( WWW.NYVIP3.COM).

These forms are resources for all inspectors and are not replacements for the Commissioner's Inspection Regulations.

If you have any questions regarding the information contained in this message or on any of the new forms you can contact the Office of Clean Air at 518-473-0597 option 4.

Thank you for your continued participation in the NYS Inspection Program.



All certified New York State motor vehicle inspectors must follow these basic steps to ensure the proper completion of all inspections performed.

1. A customer brings a vehicle to your facility for its inspection.
2. You will inspect the vehicle as it was presented, regardless of its current condition or other concerns that brought the vehicle into your facility (even if you see an obvious safety or emissions failure, such as an active check engine light, broken tail lamp, etc.). If the check engine light is illuminated, do not try to read and then clear the diagnostic trouble codes before you perform the inspection. Clearing the trouble codes will prevent you from issuing an emissions waiver later, if needed.
3. If the vehicle is subject to a safety-diesel emissions inspection (opacity) test, you may perform the pre-emissions inspection check before you bring the vehicle into the building.
4. Bring the vehicle inside the building. If the vehicle does not fully fit inside the building of the inspection facility, you cannot inspect the vehicle. (Note: You can only perform inspections outside for light duty trailer inspections and, if there is not proper exhaust ventilation, the opacity portion of safety-diesel emissions inspections.)
5. Enter the vehicle information into the Computerized Vehicle Inspection System (CVIS). If an alert displays on the screen, read the instructions about how to proceed. Ask the customer if the vehicle has been inspected within the past 30 days. If the vehicle was inspected within the past 30 days, ask to see the Vehicle Inspection Report (VIR) from the previous inspection(s) and verify the inspections or re-inspections that are required (for instance, Safety Only, Emissions Only, Safety-Emissions or Safety-Diesel Emissions). If the vehicle is missing a Vehicle Identification Number (VIN), complete form VS-110 and mail the form to DMV within 24 hours.
6. Check the expiration date of the current inspection certificate affixed to the vehicle. If the certificate is expired, remove it. Write down the month and year of expiration. You may need to enter this information into CVIS to generate a 10-day temporary inspection extension that will be issued at the end of the inspection, if eligible.
7. Perform the required inspections or re-inspections, starting with the safety inspection. Always perform a brake equalization test after you perform the complete safety inspection. Enter all safety results (pass/fail) into CVIS.
8. Perform the first part of the emissions inspection or re-inspection, if required, which may include an Emissions Control Device (ECD) check and gas cap check. Enter the results of the ECD and gas cap check into CVIS.
9. Perform the On-Board Diagnostics II (OBD II) test or the opacity test, if required, on the vehicle.
10. If the vehicle passes inspection, affix the certificate as instructed by the CVIS. If the vehicle is a light trailer, hand the inspection certificate to the customer. Provide the customer with the Vehicle Inspection Report.

If the vehicle fails inspection, give the customer the Vehicle Inspection Report that indicates the reason for failure. If this was an initial inspection, the customer now has 30 days to make repairs to the vehicle. If the customer takes longer than 30 days to complete the repairs, another full initial inspection is required.

If the vehicle only failed the emissions portion of the inspection, you may be able to issue an emissions waiver. However, emissions repairs must be made and the waiver must be issued within 30 days from the initial failure. Note: Only the emissions portion of an inspection can be waived, if eligible. For more information on emissions waivers, see the forms OBDII Emissions Waiver Checklist (form VS-71.1) and OBDII Emission Waiver FAQs (form VS-71.2).

**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) and NYVIP unit messages. For further assistance, please contact the Technical Services Bureau at (518) 474-5282, option #4.**





**\*\*NOTE: A WAIVER CANNOT BE ISSUED TO A VEHICLE BEING SOLD BY A DEALER\*\***

1. Do you have an initial emissions inspection failure from the Computerized Vehicle Inspection System (CVIS)? This may be from another facility. A copy of the Vehicle Inspection Report (VIR) is required.
  - Yes - Continue to Step 2.
  - No - Perform initial inspection. You must complete an initial inspection that fails for emissions and have a VIR reflecting the failure to begin the process of issuing a waiver.
2. Is the date of that initial inspection less than 30 days from today's date?
  - Yes - Continue to Step 3.
  - No - Waiver cannot be issued. Perform an initial inspection and continue to Step 3.
3. Did your facility, another registered facility, or the customer make repairs to the vehicle that address the initial emissions failure(s) that occurred after the initial inspection, where the total cost of parts, labor and related sales tax are \$450 or more? Note: Confirm that the invoices and part receipts are dated after the initial inspection and you have all necessary documentation to issue the waiver (this should include the diagnostic procedure used to repair the vehicle). Only costs addressing the DTC's from step one apply towards the \$450 threshold.
  - Yes - Continue to Step 4.
  - No - Make repairs to the vehicle that address the initial failure. **Repairs made prior to the initial failed inspection do not count toward a waiver. If the customer made repairs, you may only count the cost of the replaced parts and the related sales tax.**
4. Reinspect the vehicle. The CVIS will ask you, "Were any emissions-related repairs performed prior to the start of the inspection?". If you select "YES", the CVIS will prompt you to enter the work performed, parts replaced, and the associated costs. Do you have a detailed invoice showing work performed along with parts replaced or receipts for parts replaced by the customer that address the initial failure? Are all documents dated within 30 days of the initial failure? Have you confirmed that the parts have been replaced?
  - Yes - Complete entries in the "Vehicle Repair Data" menu and continue to Step 7 (be sure to double-click the repair items when selecting from the menu).
  - No - Complete the reinspection. Create a detailed invoice listing labor performed and parts replaced. If another registered repair facility made repairs, you will need copies of their detailed invoice. If the customer made repairs, you will need copies of all receipts for parts. You must verify that the parts identified as being replaced were actually replaced.
5. The vehicle must pass the Safety, Emissions Control Device (ECD) and Gas Cap portion of the inspection to issue a waiver. Did the vehicle pass the Safety, ECD and Gas Cap portion of the inspection?
  - Yes - Continue to Step 6.
  - No - Complete the reinspection. Make repairs to the vehicle that address the Safety, ECD or Gas Cap failures. The cost of any repairs addressing a Safety failure does not count towards a waiver. The cost to replace missing ECD's does not count towards a waiver. The cost to replace a missing gas cap does not count towards a waiver.
6. Perform the OBD portion of the reinspection. Did the vehicle fail the OBD portion of the inspection?
  - Yes - Continue to Step 7.
  - No - Vehicle passed inspection. Waiver will not be issued.
7. The CVIS will ask you, "This vehicle is eligible for an emission waiver. Will that waiver be issued now?" You will need to select Yes or No. How did you answer this question?
  - Yes - Continue to Step 8.
  - No - Reinspection is complete. Waiver will not be issued.
8. The statements: "The Inspector and Motorist must sign the waiver form" and "The waiver form and all invoices relevant to this waiver must be kept by the Inspection Station for two years. DMV may audit this waiver" will appear on screen. Select "OK" to continue.
9. The next screen confirms the following items:
  - This is not a vehicle being sold by a dealer.
  - The repairs entered into the Inspection Workstation for this vehicle have not been performed prior to the initial emission failure.
  - The repairs made were not for missing Emission Control Devices or repairs covered under warranty.
  - The repairs made to this vehicle are relevant to the initial emission failure.
  - Repairs made to this vehicle by someone other than the Certified Inspector issuing this waiver have been verified by the Inspector issuing the waiver to the best of the Inspector's ability that the repairs were properly performed and are relevant to the initial emission failure.
  - You have legible copies of all invoices for parts and labor for repairs made to this vehicle relevant to the initial emission failure.
  - You have copies of all vehicle inspection receipts and/or inspection rejection notices for the initial emission inspection failure and all subsequent emissions inspection failures.

At the bottom of the screen the CVIS will ask, "Have all the above requirements been met?"

Select "YES" if all requirements have been met. Select "NO" if all requirements have not been met. How did you answer the question?

- Yes - Waiver will be issued. The CVIS will issue a certificate and print the VIR form along with the waiver form. Make sure to print two copies of these forms. Provide the customer with a copy of each. You and the customer must complete and sign the entries on the waiver forms. The facility will keep this completed checklist, one copy of the final VIR, one copy of the signed waiver form, the initial inspection VIR, additional reinspection VIRs, copies of parts receipts for replaced parts and detailed invoices showing the work performed. Detailed invoices must be finalized and show parts, labor, and related sales tax for the emissions repairs. The waiver documentation must be retained for two years and available for review by NYS.
- No - Waiver will not be issued. Complete the reinspection.

**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), OBDII Emissions Waiver FAQs (form VS-71.2), New York State Inspection Guide (form VS-71), and NYVIP unit messages. For additional assistance contact the Office of Clean Air at 518-473-0597, Option #4.**



**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.

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