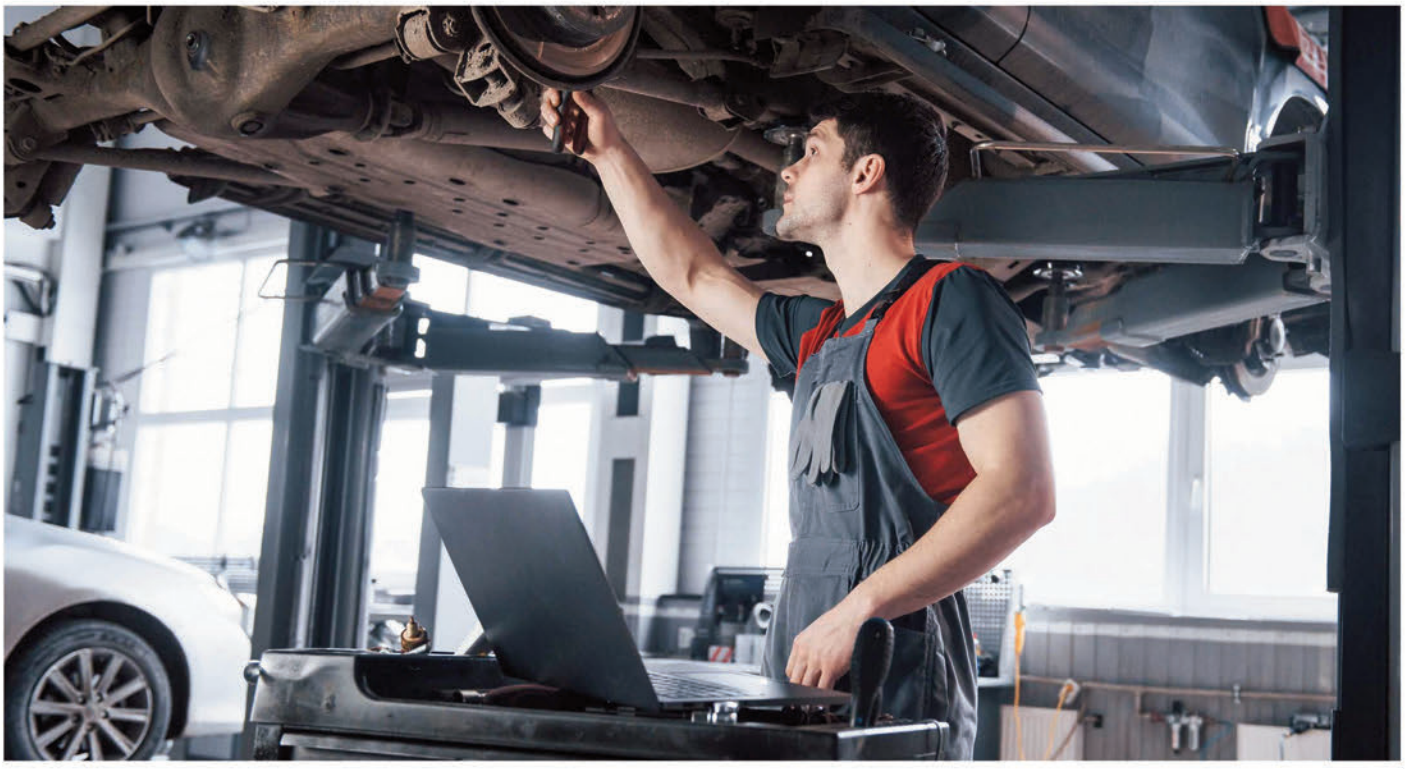
NEW YORK STATE | Department of Motor Vehicles

MOTOR VEHICLE REPAIR SHOP REGULATIONS



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MOTOR VEHICLE REPAIR SHOP REGULATIONS

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GENERAL INTRODUCTION

The Vehicle and Traffic Law requires that “any person who for compensation, is wholly or partially engaged in the business of repairing or diagnosing motor vehicle malfunctions or repairing motor vehicle bodies, fenders, or other components damaged by accident or otherwise” must register as a motor vehicle repair shop. Also, “any shop, drive-in station, or garage operated by any person, firm, corporation or association at which motor vehicles are inspected for the purpose of appraising, evaluating or estimating the extent or value of motor vehicle damage, or the necessity or cost of motor vehicle repair” must be registered by the Department of Motor Vehicles as a vehicle repair shop.

This has been prepared to provide registered repair shops with an operating guide explaining their responsibilities to consumers. Please read it thoroughly, and refer to it as needed.

DEPARTMENT OF MOTOR VEHICLES
OFFICE OF VEHICLE SAFETY & CLEAN AIR

REGIONAL OFFICES

Vehicle Safety Region 1
1800 Old Walt Whitman Road, Suite 150
Melville, New York 11747
Voice - 631 - 770-3003
Fax - 631 - 770-3026
Counties: Nassau, Suffolk

Vehicle Safety Region 2
1 Larkin Plaza
Yonkers, New York 10701
Voice - 914 - 965-7766
Fax - 914 - 965-8591
Counties: Bronx, New York, Orange, Putnam, Rockland, Sullivan, Westchester

Vehicle Safety Region 3
175 Sparrow Bush Road
Latham, New York 12110
Voice - 518-783-7062
Fax - 518-783-7906
Counties: Albany, Clinton, Columbia, Dutchess, Essex, Fulton, Greene, Montgomery, Rensselaer Saratoga, Schenectady, Schoharie, Ulster, Warren, Washington

Vehicle Safety Region 4
6519 Towpath Road
East Syracuse, New York 13057
Voice - 315-458-6683
Fax - 315-458-8468
Counties: Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Otsego, Schuyler, Seneca, Steuben, St. Lawrence, Tioga, Tompkins

Vehicle Safety Region 5
334 Dingens Street
Buffalo, New York 14206
Voice - 716-826-3187
Fax - 716-826-3193
Counties: Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Wayne, Wyoming, Yates

Vehicle Safety Region 6
92-11 179th Place
Jamaica, New York 11433
Voice - 718-526-8546
Fax - 718-526-1934
Counties: Kings, Queens, Richmond

PHONE DIRECTORY

Repair Shop Business Applications	518-474-0919
Hearing Unit	518-474-1509
Information about Repair Shop Procedures and Regulations	518-474-5282
Supplies	518-474-3375
Consumer Complaint Unit	518-474-8943

Please note: The text of a Part of the Commissioner's Regulations in this document is **not** an **exact** duplicate of the official version of the Regulation. DMV staff may have changed some tabs/spacing, and may have changed the text to correct any typographical errors that appear in the official Regulations. **These corrections do not change the meaning or intent of the Regulation in this document in any way.**

PART 82

MOTOR VEHICLE REPAIR SHOP
(Statutory authority: VTL Sections 215, 398-g)

Sec.

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Section 82.1 Introduction.

Chapter 946 of the Laws of 1974 created article 12-A of the Vehicle and Traffic Law, entitled the Motor Vehicle Repair Shop Registration Act, hereinafter referred to as the act. The stated purposes of the act are to further highway safety by promoting the proper and efficient repair of malfunctioning or disabled motor vehicles, to protect consumers from dishonest, deceptive and fraudulent practices in the repair of such motor vehicles, to protect the motoring public from improper repairs, to eliminate unqualified automotive repair shops, and to set standards for quality repairs. This Part is promulgated to realize those purposes.

82.2 Definitions.

The following definitions shall apply to this Part:

(a) Day. Means calendar day except that if the last day is a Saturday, Sunday or holiday there shall be an extension of time to the conclusion of the next business day.

(b) Estimate. The repair shop's determination of the cost of parts and the cost of labor needed to perform offered services. If a teardown is needed to determine the services required to repair a motor vehicle malfunction or a motor vehicle body, fender or other component damaged by accident or otherwise, the estimate which includes the cost of teardown and re-assembly shall clearly state that such estimate does not include the cost of repairs.

(c) Guarantee. An obligation undertaken by a repair shop to re-repair a vehicle at no charge or at a reduced charge for parts or labor or both.

(d) Invoice. A bill in writing listing the details of the transaction between the repair shop and the customer as required by this Part.

(e) Material false statement. A knowingly misleading or untrue assertion which, if revealed, might have resulted in the denial of the application.

(f) Place of business. An address where repair shop services are offered or ordinarily performed.

(g) Reasonable fee for making an estimate. An amount based on no more than the shop's labor charge, calculated by clock hours, or one dollar, whichever is greater.

(h) Repair. Any alteration or adjustment to a motor vehicle, or diagnosing a malfunction.

(i) Timely written demand. A request in writing made to the repair shop operator by the customer before any work is done on the vehicle.

(j) True owner. The controlling interest in the business.

(k) Warranty. A promise made by a manufacturer that a vehicle will be repaired at no charge or at a reduced charge for parts or labor or both.

(l) Work order. An authorization, either oral or written, on the part of the customer for the repair shop to perform a service.

(m) Diagnostic center. A business which examines motor vehicles to determine the cause or location of malfunctions in motor vehicles.

(n) Drive-in station. A place to which consumers drive their motor vehicles to have them appraised for damage in connection with insurance. Drive-in stations may be permanent facilities or mobile operations. If a particular site is used as a drive-in facility for less than two days a week, it may qualify for registration as part of a mobile unit.

(o) Motor vehicle. Every vehicle operated, driven or towed upon a public highway except:

(1) electrically-driven mobility assistance devices, as defined by Section 130-a of the Vehicle and Traffic Law;

(2) vehicles which run only upon rails or tracks;

(3) snowmobiles; and

(4) towed vehicles designed and primarily used for some purpose other than transporting people or property.

(p) Body part. Bumper, chassis frame, cowl, door outer panel, door shell, fender, fender skirt, fender wheel house and spring mounting panel, fire wall, floor panel (front or rear), grille, hood, inner wheel house, pillar (center, lock or windshield), quarter panel (outer or inner), rear body panel, rocker panel, roof, and trunk lid.

(q) Inflatable restraint system. An air bag, as defined in 49 CFR Part 571.208 (S4.1.5.1) that is designed and installed to be activated in a crash.

82.3 Registration.

(a) Every motor vehicle repair shop is required to be registered with the commissioner. A motor vehicle repair shop is any person who, for compensation, is wholly or partially engaged in the business of repairing or diagnosing motor vehicle malfunctions or repairing motor vehicle bodies, fenders or other components damaged by accident or otherwise, except those persons excluded by subdivision (b) of this section. A motor vehicle repair shop is also any shop, drive-in station or garage which inspects motor vehicles for the purpose of appraising, evaluating or estimating the extent or value of motor vehicle damage or the necessity or cost of motor vehicle repairs.

(b) The following persons are excluded from the term motor vehicle repair shop and therefore do not require registration as a repair shop:

(1) an employee of a motor vehicle repair shop who engages in the business of repairing motor vehicles solely by reason of his employment;

(2) any person who is solely engaged in the business of repairing the motor vehicles of a single commercial or industrial establishment, or of the Federal, State or a local government or any agency thereof;

(3) any person whose activities consist solely of fueling, changing oil, water, batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper blades or light bulbs, polishing and washing, repairing, installing or replacing seat safety belts, upholstery or communications equipment;

(4) any person solely engaged in the business of repairing road building machines, farm machines, lawn machines, garden machines, vehicles registered as special purpose vehicles; or

(5) any person who does not work on the vehicle but only on parts of the vehicle removed by others.

(c) Repairs and services set forth in paragraph (3) of subdivision (b) of this section are not excluded from the provisions of this Part when performed in a registered repair shop.

(d) Application. (1) Every motor vehicle repair shop shall file an application for registration with the commissioner. The application shall contain the information required by the act, the repair shop's sales tax number, either a letter from the municipality where the repair shop is located indicating compliance with zoning, planning, fire, and building regulations and codes or a letter from such municipality indicating it has no such codes or proof that a registered repair shop is or was operating at that location, and such other information as the commissioner may require. Forms VS-1 and VS-1.1 will be supplied for this purpose. A nonrefundable ten dollar fee shall be submitted with such application. In addition, a one hundred fifty dollar registration fee, valid for two years, shall be submitted for each repair shop location to be registered. The one hundred fifty dollar registration fee shall be returned if the application for such location is denied.

(2) An applicant must complete both a VS-1 and VS-1.1 for each repair shop location desired. Forms VS-1 and VS-1.1 may be obtained at any motor vehicle issuing office.

(3) An applicant must indicate whether the repair shop will service air conditioning systems in the next two years. If so, the applicant must indicate the number of bays in the repair shop and submit a manufacturer's certificate showing the name and address of the repair shop, the name and address of the equipment manufacturer, the date of purchase, and the serial numbers of motor vehicle refrigerant recycling equipment purchased. A repair shop with three or less bays need not comply with this latter requirement until January 1, 1992.

82.4 Suspension, revocation or refusal to issue registration.

(a) The commissioner, or any person deputized by him, may deny the application of any person for a certificate of registration and may suspend or revoke the registration of any motor vehicle repair shop or refuse to issue a renewal thereof if he determines that such applicant or registrant:

(1) has made a material false statement or concealed a material fact in connection with his application;

(2) was the former holder of a certificate of registration issued hereunder which was revoked or suspended by the commissioner;

(3) was, or that any officer, director, partner or stockholder holding more than 10 percent of the outstanding stock was an officer, director, partner or stockholder holding more than 10 percent of the outstanding stock in a corporation or partnership, as the case may be, which was the former holder of a certificate of registration issued hereunder which was revoked or suspended by the commissioner;

(4) has failed to furnish satisfactory evidence of good character, reputation and fitness;

(5) does not have a place of business as required by this Part;

(6) is not the true owner of the repair shop, except in the case of a franchise or lease;

(7) has been guilty of fraud or fraudulent or deceptive practices;

(8) has within a two year period, been grossly negligent on two or more occasions in the performance of any repair or adjustment covered by the act or this Part, or, within a two year period, has grossly overcharged on two or more occasions for such repair or adjustment;

(9) has willfully failed to comply with any of the provisions of the act or the rules and regulations of the commissioner promulgated thereunder;

(10) Has knowingly issued a false or misleading estimate; or

(11) has engaged in a course of conduct which unreasonably impedes or delays a consumer's right to a fair recovery pursuant to the provisions of an automobile insurance policy, the insurance law or regulations issued by the superintendent of insurance governing the evaluation and adjustments of claims.

(b) For the purposes of paragraphs (7) through (11) of subdivision (a) of this section, it shall be presumed that the actions of any employee of a motor vehicle repair shop shall be attributable to, and deemed to be the actions of, such motor vehicle repair shop.

82.5 Obligations of the repair shop.

The repair shop shall:

(a) Upon the request of any customer make an estimate in writing of the parts and labor necessary for each specific repair or service offered and shall not charge for work done or parts supplied in excess of the estimate without the consent of such customer. The repair shop may charge a reasonable fee for making an estimate. The estimate shall contain the following information: the customer's name, the name and facility number of the repair shop, the date of the estimate, a list of parts necessary for each specific repair together with the costs for each part, indicating any parts which are not new parts of at least original equipment quality, the labor charge for each repair together with the costs of each labor charge, year and make of vehicle, registration plate number or vehicle identification number, a description of the problem reported by the customer, and a statement informing the customer of his right to receive replaced parts if the customer makes a written request for such return. In addition, for body parts, the repair shop must indicate if the part is a new original equipment manufacturer part, a new after market equipment manufacturer part or a used part. A statement on an estimate that all body parts are in one of the three classes except as otherwise indicated complies with this last requirement. All information on an estimate must be legible;

(b) Not perform any services not authorized by the customer by a work order. If a repair shop prepares a written work order, a copy shall be given to the customer. If a written work order is prepared by the customer, such work order shall be attached to the invoice. If the customer gives an oral work order, the oral work order shall be noted on the invoice and shall include the date, time and manner of authorization and by whom such authorization was given;

(c) Provide the customer with an invoice. An invoice shall contain the following information: the name, address and facility number of the repair shop, the date of the invoice, the date the vehicle was presented to the repair shop for repair or services, a list of all parts supplied and labor performed, including the cost for each such part and labor, a notation indicating the status of any part used which is not new and of at least original quality (i.e. used, rebuilt, etc.), the odometer reading on the vehicle at the time it was left with the repair shop and the odometer reading at the time the invoice was prepared, a promised date of delivery, if any such date was given, the name of the customer, year, make, and plate number and/or vehicle identification number of the vehicle, the terms and time limit of any guarantee for the repair work performed, a description of the problem reported by the customer, and the repair shop registration number. If the inflatable restraint system is replaced, the invoice shall indicate the name and tax identification number from whom the inflatable restraint was purchased. If such system is a salvage unit, the invoice must also state the dismantler's registration number, the vehicle identification number of the vehicle from which the unit came and the part number from the salvage inflatable restraint system. The invoice must indicate "salvage inflatable restraint system" if a salvage unit was used. The insurer and consumer shall receive a copy of the purchase invoice for the replacement inflatable restraint system. A repair performed under warranty requires an invoice which complies with this subdivision. In addition, if body parts were used in the repair, the invoice must indicate if each such part is a new original equipment manufacturer part, a new after market equipment manufacturer part or a used part. A statement on an invoice that all body parts are in one of the three classes except as otherwise indicated complies with this last requirement. All information on an invoice must be legible;

(d) Return replaced parts if a timely written demand is made by the customer. If work is authorized over the telephone, it shall be presumed that the customer wants his parts returned and the repair shop shall keep such parts until the customer or his agent appears to retrieve the motor vehicle at which time the replaced parts shall be given to the customer if he so directs. Customers may not waive their rights to replaced parts over the telephone. This subdivision does not apply to parts, components or equipment normally sold on an exchange basis or subject to a manufacturer's warranty;

(e) Operate the vehicle while in its possession only in accordance with the directions of the customer or as is necessary to repair or road test the vehicle;

(f) Make repairs covered by guarantee;

(g) Provide quality repairs;

(h) Not commit a fraud or a deceptive practice;

(i) Not grossly overcharge;

(j) Upon request of the customer, return the registration number plates to the customer, or, within 24 hours of the request, personally deliver or mail by special delivery first class mail to the nearest motor vehicle office the registration number plates and a notice that the vehicle is being held to satisfy a lien for storage or repairs;

(l) Complete repairs in a prompt and timely fashion unless needed parts are unavailable or extraordinary circumstances prevent it;

(m) not service an air conditioning system unless it uses approved motor vehicle refrigerant recycling equipment; and

(n) An activated/deployed, or stolen inflatable restraint may only be replaced with a unit newly manufactured for first-time use. However, a salvaged undeployed inflatable restraint system may be used as a replacement only if the consumer specifically requests a salvaged unit and proper documentation procedures are followed. However, nothing shall require a repair shop to install a salvaged inflatable restraint. In addition, on and after March 1, 1998, only a new inflatable restraint system or a salvage unit certified according to standards established by a nationally recognized testing, engineering and research body may be used for an inflatable restraint repair or replacement.

82.6 Civil penalty and restitution.

(a) The commissioner, or any person deputized by him, in addition to or in lieu of revoking or suspending the certificate of registration of a registrant in accordance with the provisions of the act or this Part, or upon finding that a registrant has been grossly negligent in the performance of any repair or adjustment covered by the act or this Part, or has grossly overcharged for such repair or adjustment, may in any one proceeding by order require the registrant to pay to the People of this State a penalty for a first violation in a sum not exceeding $750 for each violation, found to have been committed, and for a second or subsequent violation not arising out of the same incident both of which were committed within a period of 30 months, be a civil penalty of not more than $1,000 for each violation found to have been committed; provided, however, the penalty for each and any violation of paragraph (g) of subidivion one of section 398-e of the Vehicle and Traffic Law found to have been committed shall be no less than $350 and no more than $1,000, except that if a finding of financial loss is made pursuant to subdivision (b) of this section, the amount of such penalty may be increased by the amount of financial loss so found. Upon the failure of such registrant to pay such penalty within 30 days after the mailing of such order, postage prepaid, registered, and addressed to the last known place of business of such registrant, the commissioner may revoke the certificate of registration of such registrant or may suspend the same for such period as he may determine without further proceedings. (Amended 6/23/10)

(b) Upon a determination that a registrant has done or failed to do any act for which suspension of the registrant's registration or a civil penalty against the registrant could be imposed, the person making such determination may make a finding of financial loss to any complainant or complainants resulting from the actions of the registrant. The person making such finding may provide that if the registrant makes restitution to the complainant or complainants for the amount or amounts so found, that payment of such restitution may be substituted in lieu of any suspension or civil penalty, or a specified portion thereof imposed upon the registrant. However, a finding of financial loss shall only be made if the complainant:

(1) agrees to accept the amount so found, if offered by the registrant; and

(2) is not a party to any litigation which is pending or which has gone to judgment in relation to the same matter in any civil court.

(c) The amount of financial loss which may be found and proposed as restitution shall be limited to an amount necessary to repair the vehicle or vehicles in question and/or any amount of overcharge which may be found. Neither punitive nor incidental damages may be included in the finding of financial loss.

(d) If payment of restitution to the complainant is authorized in lieu of all or a portion of a suspension or civil penalty, in order for the registrant to exercise the option to make such payment, such payment must be made by means of a certified check or money order payable to the complainant or complainants delivered to an office of the department as directed by the commissioner or his agent within 30 days of the date of notice of suspension and/or civil penalty. Upon receipt of such certified check or money order, the department shall forward the same to the complainant or complainants.

(e) If payment of restitution may be substituted in lieu of a civil penalty or portion of a civil penalty, and the registrant does not exercise the option to make such payment, the civil penalty becomes due as provided in subdivision (a) of this section.

(f) Any payment made in compliance with such a finding of financial loss shall not preclude any civil action which may be brought by either the complainant or registrant, and any such finding may be considered but shall not be binding upon any court before which any such action is brought.

82.7 Signs.

(a) The Commissioner of Motor Vehicles shall furnish an official indoor repair shop sign. Every registered repair shop, except those which are registered as repair shops solely to perform appraisal work in connection with insurance, shall post this sign indoors in a place where customers are likely to see it. (See Appendix A)

(1) If the repair shop has no indoor facilities, the sign shall be posted outdoors. The repair shop shall take appropriate steps to protect the sign from the elements.

(2) A mobile unit shall have the official indoor repair shop sign firmly affixed to the mobile unit in such a manner that it is visible to pedestrians.

(b) The repair shop shall post an official outdoor repair shop sign. Such sign shall be posted outside even if the official indoor sign has been posted outside. The size, shape and text of official outdoor repair shop signs must conform to the following specifications: An official outdoor repair shop sign must be three feet wide and two feet high and made of a durable material which will withstand the outdoor elements. The signs may be either a single or double faced sign, but must be hung or mounted in such manner that it is visible to the public.

(1) The text and design of the sign shall be as follows:

Such sign must be displayed on the outside of the premises and may be mounted flat against a building, or painted thereon, provided it is visible to the public. Such signs must be in place within 30 days from the date of issuance of the registration.

(i) The background of the sign shall be kelly green and the lettering and numbering shall be white.

(ii) The letters in the words "STATE OF NEW YORK" shall be two inches high, with a stroke of approximately one-half inch. All other letters shall be four inches high, with a stroke of approximately three-fourths of one inch.

(iii) The word "REGISTERED" shall be in an arc which shall have a radius of two feet, nine inches.

(iv) The repair shop registration number shall be placed upon the official repair shop sign in the area directly below the word "REGISTERED". Such numbers shall be two inch block numbers with a stroke of approximately one-half inch.

(2) The repair shop shall supply the outdoor sign.

(3) A mobile unit shall have the official outdoor repair shop sign displayed in such a manner that it is visible to pedestrians. A mobile unit owner may post on his, her or its vehicle a sign proportionally smaller than the sign described above but no smaller than one (1) foot high by two (2) feet wide.

(c) The repair shop shall post on a sign at least 8 1/2 by 14 inches how its labor charge is computed and may also show its hourly labor charge. This sign shall be posted next to the official indoor repair shop sign. The repair shop shall supply the sign. A mobile unit shall have the labor charge sign firmly affixed to the outside of the mobile unit in such a manner that it is visible to pedestrians. The following are recommended alternative examples:

LABOR RATE

$0^{00} per hour

Computed by Clock Hours and/or Flat Rate Manual

LABOR COST

HOURLY RATE
MULTIPLIED BY CLOCK HOURS
AND/OR FLAT RATE MANUAL

YOU HAVE A RIGHT TO ADDITIONAL INFORMATION ON LABOR COSTS UPON REQUEST

(1) This subdivision shall not apply to any repair shop which is required to be registered as a repair shop solely to perform appraisal work in connection with insurance.

(d) The Department of Motor Vehicles shall furnish a sign to every repair shop which performs appraisal work in connection with insurance. Every repair shop, including a mobile repair shop, which performs appraisal work in connection with insurance shall post the sign in a place where consumers are likely to see it. (See Appendix B)

82.8 Charges.

(a) Written estimates must indicate the hourly labor charge and how it is computed, i.e., by clock hours or flat rate. If flat rate, the manual used must be specified. However, a repair shop may utilize a job rate which covers both labor and parts on mechanical and electrical repairs costing less than two hundred dollars. When a job rate is used, a list of parts must be included in the estimate and invoice. A job rate may not be used for body repair work.

(b) If flat rate time is used the consumer shall be shown relevant time rates as listed in the manual, on request.

(c) (1) A customer may not be charged for storage unless notice in writing is given. Notice may be given by a statement on an estimate or other document given the customer, by letter or by other written means which gives the customer actual notice.

(2) Storage may not be charged during the period from which the customer has authorized repairs to one business day after the repair shop has notified the customer to pick up the repaired vehicle.

(d) Upon reasonable notice a customer may remove a vehicle from a repair shop during the shop's business hours upon paying for:

(1) labor actually performed;

(2) parts actually installed;

(3) parts ordered specifically for the customer's car if the order is not cancelable or the parts not returnable for cash or credit; and

(4) storage charges imposed in accordance with subdivision (c) of this section.

(e) A manual may be used if it is objective and has wide acceptance in the industry. One manual may be used for mechanical repairs, one for body repairs and a different one for paint and refinishing materials. A manual may be printed, be an electronic compilation, or utilize other storage technology.

82.9 Records.

(a) Each motor vehicle repair shop shall maintain copies of estimates, work orders, invoices, parts purchase orders and appraisals prepared by that repair shop. Such copies shall be kept for two years and shall be available for inspection by the commissioner or his designee during all business hours.

(b) A repair shop which removes or installs inflatable restraint systems shall maintain a bound log book to account for inflatable restraint repairs containing:

1. Repaired vehicle information:
   (a) date of installation;
   (b) vehicle identification number (VIN);
   (c) registration plate number;
   (d) make;
   (e) model; and
   (f) replacement inflatable restraint's part number.

2. If a salvage inflatable restraint system is used:
   (a) VIN of the vehicle from which the replacement inflatable restraint system was salvaged; and
   (b) The name, tax identification number and registration number of the dismantler from whom the salvaged restraint system was purchased.

3. If a new inflatable restraint system is used, supplier information:
   (a) name;
   (b) tax identification number; and
   (c) The records required in paragraph (b) of this subdivision must be maintained in a bound book with consecutively numbered pages. Such records must be available for examination by an agent of the commissioner or any police officer during regular and usual business hours.

82.10 Consumer complaints.

The commissioner will accept complaints against a repair shop up to 90 days or 3,000 miles after completion of the repairs, whichever comes first. All complaints that are signed shall be reviewed or investigated except those that fall outside the jurisdiction of the act. The commissioner may assist in settlement of disputes between the repair shop and the complainant. If a settlement is reached, a report of the facts shall be included in the registrant's record. A settlement shall not act to bar the commissioner from proceeding to a hearing to investigate alleged violations of the act or these regulations.

82.11 Local law and ordinances.

The provisions of the act and of this Part shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any local law, ordinance, order, rule or regulation in conflict with the provisions of the act, or this Part, nor shall any local authority enact or duplicate any provisions of the act or this Part as a local law, ordinance, order, rule or regulation. The act and this Part do not supersede any local laws or ordinances in other fields such as zoning and fire safety. The issuance of a registration to a repair shop indicates that the repair shop has complied with the registration requirements of the act. No refunds of any fees will be made to a registrant who is forced to terminate business or move to another location because of non-compliance with local laws or ordinances in those fields not covered by the act. The enforcement of local laws and ordinances is the responsibility of the local municipality.

82.12 Change of ownership, name or location.

(a) If an individual owner of a registered repair shop dies or is adjudged mentally incompetent, his estate or his committee may carry on the business. Notification to the commissioner must be made within 30 days.

(b) If a certificate of registration shall be issued in the names of two or more persons as partners and a change occurs in the membership of such partnership, the certificates of registration shall not expire thereupon so long as any one of the persons named in such certificate is a member of the partnership or carries on the business of the partnership as surviving member of the partnership; provided, however, that when any such change occurs and the certificate of registration does not expire, the partners or surviving member after such change shall forthwith file with the commissioner (1) a statement regarding the change indicating who is carrying on the business, or, where the change involves the addition of one or more new partners, (2) a new application is provided, together with a fee of five dollars. Such new certificate of registration shall expire on the expiration date of the one replaced. Notification to the commissioner must be made within 30 days.

(c) A corporation shall notify the commissioner of any change in its officers, stockholders who hold more than ten percent of the outstanding shares, or directors. Notification to the commissioner must be made within 30 days.

(d) When a motor vehicle repair shop changes its location, notification thereof shall be given to the commissioner not more than 30 days therefrom.

(e) If the business name of a registered repair shop is changed, or if the owners of a registered repair shop incorporate such business, but the change of name or incorporation creates no change in the actual ownership and operation of said repair shop, notification shall be given to the commissioner not more than 30 days therefrom. The commissioner shall treat such change of name or incorporation as an amendment and charge a filing fee of five dollars. Any change of name or incorporation which changes the ownership or operation of a repair shop shall be considered as a new repair shop and all requirements of a new repair shop shall be met.

82.13 Quality repairs, repair shop standards, subcontractors.

(a) A repair shop shall perform quality repairs. Quality repairs are those repairs held by those having knowledge and expertise in the automotive field to be necessary to bring a motor vehicle to its pre-malfunction or pre-damage condition.

(b) A repair shop shall have adequate equipment, adequate facilities and personnel competent to perform the services it offers.

(c) A repair shop shall be responsible for work it subcontracts to others.

82.14 Hearings.

(a) An aggrieved party may request a hearing if an application for a certificate of registration has been denied. The request must be in writing and must be made within 30 days after the applicant is notified of such denial. Any request filed after the 30 day deadline shall not be considered.

(b) (1) A certificate of registration may be suspended or revoked, a civil penalty imposed, or a determination of gross overcharging or gross negligence may be made, or any combination thereof, at a hearing before a hearing officer appointed by the commissioner. If the registrant does not appear at a hearing, the provisions of section 127.8 of this title shall apply.

(2) An adjournment of a hearing may be granted in accordance with the provisions of section 127.7 of this title.

(3) The hearing shall be held at a time and place designated by the commissioner.

(4) A record of the hearing shall be made either stenographically or by mechanical recording.

82.15 Appeals.

(a) An appeal from a decision of a hearing officer shall be made to the review board appointed pursuant to the act and section 82.16 of this Part. A suspension pending appearance at a hearing shall not be appealable.

(b) An appeal shall be accompanied by a non-refundable $10 appeal filing fee. No appeal shall be deemed filed if the required fee has not been paid.

(c) An appeal must be filed on a form prescribed by the commissioner within 60 days after written notice of the determination being appealed from has been mailed to the aggrieved party. No appeal will be considered if it is not timely filed.

(d) (1) The appellant has the option of having the transcript of the hearing reviewed as a part of the appeal proceeding. If the appellant desires to have the transcript reviewed, he must so indicate on the appeal form and he must also submit the transcript as prescribed in this section. The transcript shall not be reviewed if the appellant fails to indicate on the appeal form that the transcript should be reviewed or if the appellant does not file the transcript in the time required by paragraph (3) of this subdivision.

(2) Transcripts can only be obtained from the agency which holds the contract for the transcription of hearings held by the Motor Vehicle Department. The cost of such transcript, which is payable by the appellant, shall be the price for such transcripts as contained in the contract between the department and the independent contractor.

(3) A transcript will be considered to have been submitted in timely fashion if it is physically submitted to the review board, or if proof that the transcript has been ordered is submitted to the review board not later than 60 days from the date after written notice was given of the determination appealed from or 30 days after the board has mailed an acknowledgment of receipt of the appeal with instructions for ordering the transcript, whichever is later, excluding the date of determination. Proof that the transcript has been ordered shall consist of acknowledgment of receipt of such order by the contractor.

(4) If a request for review of the transcript is made and the transcript is not submitted in timely fashion in accordance with paragraph (3) of this subdivision, the appeal will be deemed untimely and will not be considered. However, upon written notice made within 45 days from the date after written notice is given of the determination appealed from, excluding the date of the determination, a request for review with a transcript can be amended to a request for review without a transcript.

(5) Repealed 3/5/03

(e) No personal appearances will be allowed.

(f) The submission of a written request to file an appeal shall stay the operation of the initial determination until after a review is had and a determination made by the commissioner. However, failure to timely submit such appeal and comply with the provisions of this subdivision shall remove the stay and re-impose the initial determination.

(g) Whenever the same facts give rise to a hearing, involving any other license or registration issued by the commissioner, a combined hearing may be held. If the registrant appeals only from a determination made with respect to his repair shop registration, he shall be entitled to a review as provided in this Part; however, if he appeals from any determination or determinations made with respect to any other license or registration, as well as a determination with respect to his repair shop registration, the appeals procedure established in article Three-A of the Vehicle and Traffic Law shall be followed in lieu of the procedure established in this Part.

82.16 Review board.

(a) The commissioner shall establish a review board. Such board shall consist of persons who have engaged in the automotive repair shop business for at least five years representing the automobile repair shop industry, persons who shall be laymen having no association with the automotive repair shop industry representing consumers, and persons who are attorneys admitted to practice in this State and who have no interest in or represent as an attorney an automotive repair shop. Members of the review board shall be appointed insofar as is practical to provide for representation of different geographic areas of the State, and shall serve in no other capacity in the Department of Motor Vehicles. The number of persons appointed to such review board shall be determined by the commissioner and shall be appointed to serve at his pleasure. Three persons, one of whom shall be an automotive repair shop industry representative, one of whom shall be a consumer representative, and one of whom shall be an attorney appointed pursuant to the provisions of this subdivision, shall as a panel review each appeal from a determination of the hearing officer. Such attorney shall serve as the chairman of such panel with respect to any such review. At least two votes shall be required to take final action on each appeal. (Amended 3/25/09)

(b) The review board shall review and determine all appeals. Such determination may be to affirm, reverse or modify the initial determination of the hearing officer or to remand the case for further hearing to determine additional facts. (Amended 3/25/09)

(c) The review board shall render its decision as promptly as possible.

82.17 Unregistered, suspended or revoked repair shops.

(a) Any allegation that a person has operated a repair shop without being registered, or while the registration is suspended or revoked, shall be determined by the commissioner or his designee pursuant to section 82.14 of this Part. The commissioner shall bring charges of unregistered, suspended or revoked operation within two years of the date of the alleged occurrence.

(b) Except as provided in subdivision (c) of this section, any person who operates a repair shop without being registered shall be required to pay to the people of this State a civil penalty in the sum of one thousand dollars. However, any such person against whom such penalty has been assessed may avoid all but five hundred dollars of such penalty by obtaining a registration as required by this Part, provided that application for such registration is made not more than ten days after the imposition of such penalty.

(c) (1) Any person who operates a repair shop while his repair shop registration is revoked or suspended, shall pay to the people of this State a civil penalty in the sum of $1000. Such civil penalty may not be avoided.

(2) Any person who operates a repair shop without being registered and who has previously had a civil penalty assessed for unregistered operation shall pay to the people of this State a civil penalty in the sum of $1000. Such civil penalty may not be avoided.

(d) (1) If it is determined that a person has operated a repair shop without being registered, such determination may be appealed to the review board established pursuant to section 82.16 of this Part. The procedure established in section 82.15 of this Part shall apply to such appeals provided that no appeal shall be accepted or determined by the review board unless the civil penalty assessed against such person has been paid as prescribed in subdivision (b) of this section.

(2) The requirement that the civil penalty be paid before an appeal can be accepted or determined by the review board shall not apply to an appeal by a repair shop from a determination made pursuant to subdivision (c) of this section.

(3) If the review board finds that the person has not been operating a repair shop without being registered, any civil penalty which has been paid shall be refunded, and if such board determines that registration as a repair shop is not required and a registration has been obtained to avoid the civil penalty assessed, the registration shall be cancelled and all fees paid for such registration shall be refunded.

(e) An award of restitution may be granted in favor of a complainant against an unregistered repair shop in the same manner and for the same reasons as if the unregistered repair shop were a registered repair shop.

82.18 Insurers and repair shops.

(a) The insurance company has a right to inspect the repaired motor vehicle. Such right of inspection shall also include the right to inspect all replaced parts and components thereof, except warranty or exchange parts. The exception for warranty or exchange parts from the right to inspect shall not apply to replacement inflatable restraint systems. The insurer shall also have the right to take possession of a deployed inflatable restraint system (air bag).

(b) As required by section 3411(i) of the New York Insurance Law, a repair shop shall complete its portion of a "Certification of Automobile Repair", Insurance Department form NYS APD2, when requested to do so by an insurance company.

(c) No repair shop shall provide a form to a customer which, when signed, allows the repair shop or its employee to act as the customer's designated representative in negotiating a loss with an insurance company if the form serves a second purpose as well. Specifically, a form to act as a designated representative may not be combined with an estimate, authorization to repair or authorization to tow.

82.19 Consumers and repair shops.

(a) A consumer has a right to inspect his vehicle before paying for repair work. The inspection must be on the premises of the repair shop.

(b) Nothing in this Chapter shall be construed as allowing a consumer to remove his car from the premises of the repair shop before paying the bill.

(c) The consumer's right to inspect his vehicle is independent of the rights of an insurance company to inspect a vehicle.

APPENDIX A - Official Indoor Repair Shop Sign

NEW YORK STATE | Department of Motor Vehicles

DMV REGISTERED REPAIR SHOP NOTICE TO CONSUMERS

Our Facility Identification Number Is _____

PURSUANT TO NYS LAW, THIS REPAIR SHOP IS REQUIRED TO:

1. **Provide you with an estimate for all repair work**, but you must ask for it.
   - A reasonable fee may be charged for the estimate. The repair shop may not charge you more than the price on the estimate unless you give them your permission to perform additional work.

READ YOUR ESTIMATE CAREFULLY!

2. **Perform only those repairs that you have authorized.**

3. **Provide you with a detailed invoice** of all parts supplied and labor performed.

4. **Return replaced parts to you,** but you must ask for them in writing, before work begins or, if the repair work was authorized over the telephone, they must be offered to you when the vehicle is picked up.

5. **Operate your vehicle only as directed** by you, or as necessary to repair or road test.

6. **Complete repairs in a prompt and timely fashion** (with rare exceptions).

7. **Notify you in writing before charging for storage.**
   - You cannot be charged for storage until 2 business days after they have notified you to pick up the vehicle.

If you are not satisfied that this repair shop is operating according to the Motor Vehicle Repair Shop Registration Act, visit dmv.ny.gov/contact-us or call (518) 474-8943.

Complaints must be made to DMV within 90 days or 3,000 miles after the repair, whichever comes first.

THIS SIGN MUST BE CONSPICUOUSLY DISPLAYED IN A PLACE WHERE CUSTOMERS ARE LIKELY TO SEE IT.

APPENDIX B - Appraisal Repair Shop Sign

NEW YORK STATE | Department of Motor Vehicles

APPRAISAL REPAIR SHOP

New York State
Department of
Motor Vehicles
Registration Number _____

1. SECTION 2610 OF THE INSURANCE LAW SAYS AN INSURANCE COMPANY CANNOT REQUIRE THAT REPAIRS BE MADE TO A MOTOR VEHICLE IN A PARTICULAR PLACE OR REPAIR SHOP. YOU HAVE A RIGHT TO HAVE YOUR VEHICLE REPAIRED IN THE SHOP OF YOUR CHOICE.
2. YOU DO NOT HAVE TO GET YOUR VEHICLE REPAIRED TO RECEIVE YOUR PAYMENT FOR DAMAGE FROM YOUR INSURANCE COMPANY.
3. IF BODY PARTS WERE USED IN THE REPAIR, THE INVOICE MUST INDICATE IF EACH SUCH PART IS A NEW ORIGINAL EQUIPMENT MANUFACTURER PART, A NEW AFTER MARKET EQUIPMENT MANUFACTURER PART OR A USED PART. THIS IS REQUIRED BY PART 82.5 OF THE COMMISSIONER'S REGULATIONS. THIS ALSO APPLIES TO INFLATABLE RESTRAINTS (AIR BAGS).

- Questions about the above information should be directed to the manager of this repair shop.
- If you are not satisfied that the shop is operating according to the NYS Repair Shop Registration Act, you can send complaints to:

Bureau of Consumer and Facility Services
POB 2700 - ESP
Albany NY 12220-0700

Or Call between 8:30 a.m. - 4:15 p.m.: 518-474-8943

dmv.ny.gov

VS-47A (6/25)