

DMV Audits Inspection Stations

Dealers Accused of Entering False Vehicle Data

Aggressive DMV Audits:

The Department of Motor Vehicles is aggressively auditing new and used car dealer inspection facilities. During the last few weeks several clients have received hearing notices or investigation notices for falsely entering vehicle data into the inspection machine.

The audits, generally performed in Albany, consist of a comparison of the information electronically transmitted by the vehicle's on-board computer to the data entered manually by the inspector. If the two reports do not match, DMV will either issue a hearing notice or schedule a formal inspection of the facility.

Incidents on the Rise:

Some licensed inspectors are resorting to improper activities such as entering false vehicle data in response to the problems associated with resetting the vehicle's readiness codes. If the codes are not reset the vehicle cannot be inspected. In some instances an inspector must drive the vehicle for hundreds of miles before the codes will reset. Regardless of the level of frustration in resetting the codes, inspectors must never use data from one vehicle to successfully pass another.

Address Issue Immediately:

Dealers must ensure that their licensed inspectors are performing safety and emissions inspections in accordance with the Inspection Regulations. We recommend that dealers should hold a meeting with all licensed inspectors to review the proper inspection procedures and remind them that both the dealer and the inspector will be fined for any violation of the Regulations. Penalties include up to \$350 for each violation and the possibility of a license suspension. The Inspection Regulations can be found on the Internet at www.nydmv.state.ny.us/forms/cr79.pdf.

If you wish to discuss this issue or need any additional information on DMV rules and regulations please call Stevan LaBonte at 516-873-3000 or via e-mail at SLaBonte@DealerLaw.com.