

540 Mass. Reg. 4.08

Section 4.08 - Licensure of Inspection Stations

(1) General Provisions: Licensing Requirements.

(a) Applications. Application for a license to operate a Class A, B, C, D, E, F and M inspection station, with any endorsements as appropriate, or other inspection license as may be issued by the Registrar may be filed with the Registrar by a person engaged in the business of servicing, maintaining or repairing motor vehicles or their components.

1. An applicant for a Class M inspection station license must be a Motorcycle Dealer licensed pursuant to M.G.L. c. 140, § 58 or a motorcycle repairman who possesses a license required by law to carry on a repair business and who has received factory training or equivalent training as required by the Registrar.

2. An applicant for a Class B, C, D or E inspection station license must be a dealer, or in the repair business, of medium and/or heavy duty vehicles.

3. Selection Criteria. Once the Inspection Station Network is at capacity, as determined by the Registrar, stations wishing to become licensed shall be placed on a waiting list established and maintained by the Registrar. Applicants shall be selected for licensure from any such list as established by the Registrar as Inspection Station Network capacity warrants. Applicants shall first be selected from the list for licensure in accordance with a determination of geographic need as determined by the Registrar in the exercise of the Registrar's sole discretion. Inspection Station Network geographic need shall be evaluated on the basis of criteria including, but not limited to, factors such as the density of the population of motor vehicle owners in a geographic area and the distance between existing Licensed Inspection Stations as measured by either or both miles and travel time. If Inspection Station Network geographic needs are determined to be adequately met by the Registrar, then Inspection Station Licenses shall be issued in accordance with placement on a waiting list of applicants for Inspection Station Licenses compiled in chronological order by date of submission of application for licensure.

(b) Information Required. Each application for licensure shall contain such information as the Registrar shall require on the application form and be accompanied by a business certificate issued to the applicant by the city or town in which the premises is located and any other documents so determined by the Registrar.

(c) Application and License Fees. A nonrefundable application fee of \$50.00 made payable by cash, certified check or money order to the Registry of Motor Vehicles shall accompany each application. When an application is approved by the Registrar, and upon the payment of an additional fee of \$100.00, the applicant shall be granted a license which shall be valid for a period of one year from the date of issuance. The annual renewal fee shall be determined by the Secretary of Administration and Finance. An applicant

applying for a license at more than one location will be required to file a separate application for each location.

(d) Transactions.

1. Change of Location. A licensee may request a change of business location and such change may be authorized, provided it complies with all rules, regulations and policies of the Registrar. All change of location requests shall be approved at the discretion of the Registrar.

2. Ownership/Interest Change - Licenses Are Not Transferable. A licensee may request to change the ownership or interest of his or her current license, provided that the licensed business remain in its current location or is relocated to an underserved area and complies with all rules, regulations and policies of the Registrar. All ownership/interests change requests shall be approved at the discretion of the Registrar.

3. Name Change. A licensee may request a change in name, provided there is no change in corporate structure and provided it complies with all rules, regulations and policies of the Registrar. All name changes shall be approved at the discretion of the Registrar.

4. Inspection Bay Change. A licensee may request an inspection bay change or alteration of an existing inspection bay, provided the new or altered bay complies with all rules, regulations and policies of the Registrar. All inspection bay changes or alterations shall be approved at the discretion of the Registrar.

5. License Class Change. A licensee may request a license class change, provided the licensee complies with all rules, regulations and policies of the Registrar for the class of license to which the station is applying. All license class changes shall be approved at the discretion of the Registrar.

To request a change to any portion or function of the current approved licensed business which may include, but is not limited to, a change of location, change of ownership or interest in the business, change of name, or change in facility including the inspection bay(s), an application must be filed. The Registrar must be notified immediately by the licensee in the event that arrangements are made for the transfer of the business to another person. Upon the transfer of ownership or termination of the business, the station license, all unused Certificates of Inspection, Rejection, and records required to be kept in accordance with the provisions of 540 CMR 4.00 shall be surrendered and returned to the Registry of Motor Vehicles forthwith. Unused Certificates of Inspection will be rebated.

(e) Certificate of License and Display Requirements. The licensee shall conspicuously display the numbered Class license issued by the Registrar in an area that is reserved for inspection purposes. In case of loss, mutilation or destruction of the license, the Registrar shall issue a duplicate license upon proper proof thereof and payment of a fee of \$25.00.

(f) Requirements to Purchase and Security of Certificates of Inspection. Each licensee shall maintain adequate security, acceptable to the Registrar, which will prevent the misappropriation of Certificates of Inspection or Rejection. Missing or stolen Certificates

of Inspection or Rejection must be reported forthwith to the Registry of Motor Vehicles and local law enforcement.

(g)Supplies. Each licensee shall maintain, if required, an adequate supply of Certificates of Inspection, test authorizations, if required, and sticker stock to assure that motorists will not be denied inspections, or unnecessarily inconvenienced. Said documents shall be purchased from the Registry of Motor Vehicles or its designated agent in accordance with the applicable policies established by the Registrar and may not be sold or transferred from one station to another.

(h)Requirements for Personnel Who Administer Inspections. Inspections must be performed by the licensee or permanent employees of the licensee who are in possession of a valid motor vehicle operator license. A person who performs vehicle inspections shall be licensed by the Registrar. That license shall be renewed annually. A permanent employee shall, for purposes of 540 CMR 4.00, be defined as a person regularly employed by the licensed inspection station. Persons performing inspections must be able to demonstrate their proficiency in inspecting motor vehicles and in operating, calibrating, and maintaining items or equipment required for the inspection of motor vehicles, to personnel authorized by the Registrar, the Massachusetts Commissioner of the Department of Environmental Protection assigned to program administration and enforcement and the Network Contractor. Any person conducting a Class M inspection must provide proof that he has received factory training and training approved by the Registrar. The inspector must have a valid motorcycle license.

(i)Requirements for Personnel Who Administer Noncommercial Motor Vehicle Inspections. It shall be the licensed vehicle inspection station's or the mobile commercial motor vehicle inspector's responsibility to ensure that the individual(s) performing an annual inspection as contained herein are qualified as follows:

1. Has successfully completed a state certified training program approved by the Registrar;
2. Understands the inspection criteria set forth in 540 CMR 4.00 and can identify defective components;
3. Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an inspection; and
4. All Motor Vehicle Inspectors shall participate in training and be subject to testing as determined by the Registrar. The license shall be renewed annually.

(j)Requirements for Personnel Who Administer Commercial Motor Vehicle Inspections. It shall be the licensed commercial motor vehicle inspection station's or the mobile Commercial Motor Vehicle Inspector's responsibility to ensure that the individual(s) performing an annual inspection as contained herein are qualified as follows:

1. Has successfully completed a state certified training program approved by the Registrar;

2. Understands the inspection criteria set forth in 540 CMR 4.00, 49 CFR Part 393 and Appendix G to Part 396 and can identify defective components;
3. Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an inspection; and
4. Is capable of performing an inspection by reason of experience, training, or both as follows:
 - a. Successfully completed a State or Federal sponsored training program or has a certificate from a State or Canadian Province which qualifies the person to perform commercial motor vehicle safety inspections, or
 - b. Have a combination of training and/or experience totaling at least one year. Such training and/or experience may consist of:
 - i. Participation in a truck manufacturer-sponsored training program or similar commercial training program designed to train students in truck operation and maintenance;
 - ii. Experience as a mechanic or inspector in a motor carrier commercial motor vehicle maintenance program;
 - iii. Experience as a mechanic or inspector in commercial motor vehicle maintenance at a commercial garage, fleet leasing company or similar facility; or
 - iv. Experience as a Commercial Vehicle Inspector for a State, Provincial or Federal Government agency.
5. All Commercial Motor Vehicle Inspectors shall participate in training and subject to testing as determined by the Registrar. The license shall be renewed annually.
6. Availability of Premises and Records to Authorized Personnel. All licensees shall record and retain records pertaining to the inspection performed in accordance with the policies and procedures established by the Registrar. Facilities, records, and equipment shall, during normal business hours (defined as Monday through Friday 9:00 A.M. through 5:00 P.M. exclusive of holidays), be available at the address recorded on the Class A, B, C, D, E, F or M license (with any additional endorsements) to enforcement personnel of the Registry of Motor Vehicles, and/or Department of Environmental Protection and the Network Contractor.
7. Licensees will follow all applicable laws and all rules, regulations, policies and procedures of the Registrar. The Registrar retains the exclusive right to establish and amend all such rules, regulations, policies and procedures; and Licensees shall follow all applicable rules, regulations, policies and procedures of the Massachusetts Department of Revenue (DOR).
8. The Registrar may deny the application of any person for a license, if, in his/her discretion, he or she determines that:

- a. Such applicant has made a material false statement or concealed a material fact in connection with his or her application.
- b. Such applicant, any officer, director, stockholder or partner, or any other person directly or indirectly having an interest in the business was the former holder, or was an officer, director, stockholder or partner, in a corporation or partnership which was the former holder of an inspection station license which was revoked or suspended by the Registrar.
- c. Such applicant has failed to furnish satisfactory evidence of good character, reputation and fitness.
- d. Such applicant is not the true owner of the inspection facility.

(2) Facility, Equipment, and Inspection Station Requirements.

(a) Inspector on Premises. There shall be a licensed inspector on-site during all posted inspection times that is able to perform all inspections authorized within the station class.

(b) Promotions. No licensed inspection facility may advertise the Massachusetts vehicle safety and emissions inspection program in conjunction with any offer, promotion or discount of any product, service or commodity to any Customer. Nothing in the preceding sentence shall prohibit a licensed inspection facility from including in any advertisement that it is a licensed inspection facility.

(c) Hours of Operation. Inspection Stations shall be available to perform motor vehicle inspections for a minimum of six hours per day, five days per week. Inspections must be performed on a first come-first serve basis. Stations that use the approved inspection area for other purposes must make the area available for inspections within 15 minutes. Requests to alter posted hours of inspection must be submitted in writing to the Registrar and is reviewed and approved at the discretion of the Registrar. Inspections performed by appointment are prohibited during unposted hours of inspection. Inspection station licenses that have been inactive or locked-out due to an ownership change, location change, facility alteration or administrative action shall be granted six months in order to reopen and be available to perform inspections. At the conclusion of the six months, the inspection station shall be deemed out-of-business and the station license retired. However, the Registrar may grant extensions beyond the six months on a case by case basis. Such requests must be made in writing.

(d) Signs. The facilities of public station licensees should be available for the convenience of the public. Public station licensees shall conspicuously post and display identification as a "Massachusetts Inspection Station" on a sign not less than 24 inches by 36 inches, including the station's license number and the regular hours of inspection. Hours of inspection may be posted on a separate sign. All stations performing Commercial Motor Vehicle Inspections must post their commercial motor vehicle inspection labor rate. Such signs must be removed or covered whenever inspections cannot be performed during the posted hours.

(e) Facility.

1. Inspection facilities shall be located in a building appropriate for such activity, complies with local zoning laws with a suitable customer waiting area within the inspection business, and meets all relevant guidelines of the Registrar.
2. Licensees must maintain complete control of the entire physical location where the inspection facility is located. Multiple business interests in the same location of a licensed inspection facility is prohibited.
3. Licensees that lease or own space in a facility which physically adjoins another legally separate and distinct business must maintain a complete separation and entrance and be able to secure the premises from access by any personnel of the adjoining business.

(f) Inspection Area. A specific unobstructed area approved by the Registrar within which the complete motor vehicle inspection shall be performed, must be enclosed in a building in the primary service facility of the licensees' premises. The inspection area of all Classes of inspection stations except Class M, must be at least 30 feet in length and 12 feet in width, and said inspection area must exceed by five feet in width the width of the widest vehicle inspected. The inspection area for Class M inspections shall be 30 feet or less in length, or as determined by the Registrar. Exceptions to these standards may be provided by the Registrar or his or her designee in his or her sole discretion. All inspection stations first licensed on or after October 1, 2008 shall meet the new inspection bay size requirements. All inspection stations licensed before October 1, 2008 shall be required to meet the bay size requirements in effect at the time of licensure. Designated areas shall be suitably marked or otherwise outlined and include a smooth, level, substantial floor on which the wheels of the vehicle will stand evenly while being inspected and must be maintained in a neat manner. The Registrar, in his or her sole discretion, may also approve an additional specifically designated area on the licensees' premises convenient to the approved inspection bay to be used for the inspection of vehicles and/or trailers and converter dollies. Any modification of the inspection area or approved additional area must be approved by the Registrar. Any business operating at the same location that is not owned entirely by the licensee must be securely and permanently separated from the inspection bay.

(g) Equipment Required.

1. **General Requirements.** All inspection station licensees must possess the necessary tools and equipment, and shall maintain same in good working order, and shall possess facilities necessary for the ordinary repair and adjustment of motor vehicles or components on which inspection is required. In addition to the preceding, licensees must be equipped with the following equipment that has been approved by the Registrar, applicable to the particular Class license as noted.
 - a. Headlamp aiming screen or device as approved by the Registrar for Class A, B, C, D, E, F and M licenses.
 - b. Dial indicator gauge. All Classes except Class M.

- c. Registry approved brake meter. All Classes except Class M.
- d. Tire tread depth gauge, marked in 32^{nds} of an inch. All Classes.
- e. Jack of sufficient capacity to lift the front axle of the heaviest vehicle inspected. All Classes.
- f. Two jack stands; with a minimum rated capacity capable of holding the vehicle to be inspected. All Classes except Class M.
- g. Inspector workstation equipment. All Classes.
- h. *Registry of Motor Vehicles Inspection Manual*. All Classes.
- i. Registry approved 48-inch long headlamp aiming stick, unless approved mechanical headlamp aiming device is used.
- j. Registry approved tint meter for glass. All Classes except Class M and fleet stations.
- k. Air, power and phone lines or communication link to operate the inspection equipment properly.
- l. A commercial motor vehicle inspection station is required to have a current copy of FMCSR Parts 390 to 397 and Appendix G available for inspector use.

2. Fleet Inspection Stations. Licensees are limited to the inspection of motor vehicles owned or maintained by the licensee or other fleets.

3. Inspection Area. The licensed fleet inspection station must provide a specific area within which the complete inspection shall be performed except where additional testing is required for brakes. The area must be in a building, enclosing an area at least 30 feet in length and 12 feet in width and said inspection area must exceed by five feet in width the width of the widest vehicle inspected, except as otherwise approved ore October 1, 2008 shall be required to meet the bay size requirements in effect at the time of licensure. The designated area shall be suitably marked or otherwise outlined and include a smooth, substantial level floor on which all the wheels of the longest vehicle inspected will stand evenly while being inspected. Additional adequate space must be available within the building for repairing and maintaining motor vehicles.

4. Public Commercial Motor Vehicle Inspection Facility. Class C, D and E and facilities utilizing services of Class F licensees using mobile equipment. A commercial motor vehicle inspection station shall have a specific area approved by the Registrar within which the complete inspection of all commercial motor vehicles so defined shall be performed. The area shall be a suitably marked, smooth, level, unobstructed concrete flooring. The dimensions of a public commercial motor vehicle inspection facility shall at a minimum be: a length ten feet longer than the longest single or combination commercial motor vehicle to be inspected, with a minimum of at least 45 feet in length and a minimum of at least 14 feet in width. All axles of any single or combination commercial motor vehicle inspected must be on the same flat, level flooring. The area

shall be equipped to provide regulated air supply of sufficient pressure and electrical power to any non-self powered commercial motor vehicle which in combination cannot be accommodated in the designated area. The designated area shall be enclosed in a building having an entrance door of no less than 12 feet in width and 12 feet in height or as approved by the Registrar. All public commercial motor vehicle inspection facilities first licensed on or after October 1, 2008 shall meet the new inspection bay size requirements. All inspection stations licensed before October 1, 2008 shall be required to meet the bay size requirements in effect at the time of licensure.

(3) Revocation, Suspension or Denial of Licenses.

(a) The Registrar may, after the applicant, licensee or person licensed by the Registrar to perform safety inspections has been granted a hearing held at such time and place as the Registrar may prescribe and duly notice to the licensee, refuse to issue a license, suspend or revoke a license or refuse to issue the renewal of a license for any of the following causes:

1. Failure to comply with any of the rules and regulations or the written policies and procedures of the Registrar or Commissioner pertaining to license Class A, B, C, D, E, F and M inspection stations.
2. Failure to inspect vehicles during posted inspection hours.
3. Failure to have on hand at all times an adequate supply of Certificates of Inspection.
4. Failure to maintain that portion of premises utilized as an inspection area in a proper manner.
5. Failure to properly maintain equipment utilized in inspections procedures.
6. Engaging in fraudulent practices or conduct during the inspection of motor vehicles or related to the vehicle inspection license process.
7. The issuance of a Certificate of Inspection or Certificate of Rejection without performing the required emissions test, if applicable.
8. For any action deemed by the Registrar or Commissioner of the Department of Environmental Protection to violate the terms and public purpose of the vehicle inspection program.

(b) Mailing, by first class mail, postage prepaid, of a notice of a hearing to the last known address of a licensee or applicant, 14 days prior to the date of the hearing, shall be deemed proper notice.

(c) Second, third, and subsequent infractions shall be infractions committed within the three years immediately preceding the date of the infraction for which the Registrar orders another suspension or revocation. The total number of prior infractions, in any combination, shall determine if a second or subsequent offense exists.

(d) If the licensee appeals the Registrar's decision to revoke or suspend a license, the Registrar, upon a timely request, may allow the suspension or revocation to be stayed pending a hearing before the Motor Vehicle Board of Appeal on Motor Vehicle Liability, Policies and Bonds if said suspension is not based upon activity which would constitute a threat to the public safety.

(e) The Registry shall suspend the license of an inspector or a station for a minimum of 180 days for intentionally improperly passing a motor vehicle for the emissions test required pursuant to 310 CMR 60.02. A second or subsequent violation within three years shall result in a license revocation.

(f) Suspensions or revocations of the license of any Class A, B, C, D, E, F and M inspection station, in addition to that identified in 540 CMR 4.08(3)(e), shall be in accordance with the following chart:

SUSPENSION PERIODS FOR VIOLATIONS OF INSPECTION

PROCEDURE REQUIREMENTS

(Certificates of Inspection, as used herein, includes Certificates of Rejection)

Type of Offense	1st Infraction	2nd Infraction	3rd or Subsequent Infraction	
1. Failure to maintain inspection bay in proper manner.				
2. Failure to maintain adequate supply of Certificates of Inspection or Rejection.				
3. Failure to maintain adequate security of Certificates of Inspection and test authorizations.				
4. Failure to properly keep required records or properly enter required data.	Up to 60 Days	Up to 120 Days	Up to 240 Days	Revoke
5. Failure to charge the established inspection fee.				
6. Failure to comply with any provisions of 540 CMR 4.00 or the Registrar's written policies or procedures relating thereto not otherwise specified herein.				
7. Unauthorized person performing inspection.				
8. Failure to adhere to the Registrar's written policies and procedures.				

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| 1. | Failure to apply Certificates of Inspection, or
Rejection to vehicle as required. | | | | |
| 2. | Issuing Certificates of Inspection without
performing a complete inspection. | Up to 60
Days | Up to
120 Days | Up to
180
Days | Revoke |
| 3. | Failure to perform complete inspection in
designated inspection bay. | | | | |
| 4. | Failure to have on-hand required equipment in
proper working condition. | | | | |
| 1. | Suggesting or requiring that unnecessary repairs or
adjustments be made in order for vehicle to pass
inspection. | Up to
280 Days | Up to
360 Days | Up to
540
Days | Revoke |
| 2. | Falsification or alteration of recorded data
pertaining to inspection. | | | | |
| 3. | Fraudulent practices. | | | | |
| 1. | Licensee or employee performing inspections while
under the influence of liquor or drugs. | Revoke | Revoke | Revoke | Revoke |

540 CMR 4.08

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Amended by Mass Register Issue 1480, eff. 10/14/2022.