

Key Regulatory Changes Affecting Small Businesses – July 2008-June 2009

Agency: Department of Agriculture and Markets

Title/Section(s): General Seed Certification Standards
1 NYCRR Part 96

State Register I.D. No.: AAM- 35-08-00011
<http://www.dos.state.ny.us/info/register/2009/feb11/pdfs/rules.pdf>
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Effective Date: February 11, 2009

Summary: The rule incorporates the latest nationally recognized standards and practices for seed certification to conform New York State standards to the Federal Seed Act (7 U.S.C §§1551-1611) and the Federal Seed Act Regulations (7 C.F.R. Part 201), and incorporate by reference the provisions of the Seed Certification Handbook, which provides nationally recognized standards and practices for certifying seeds. The Department's regulations were last updated in 1978.

There are costs to participate and get approval for seed certification. Approximately 12 producers participate in the seed certification program. Approximately 3,700 acres statewide are subject to inspection. Inspection costs statewide would be approximately \$18,500. Sampling will cost approximately \$20 per sample. There will be approximately 200 samples required to be tested, which would cost approximately \$4,000. Training will cost approximately \$500 per person; it is expected that 16 people will require the training, for a total training cost of approximately \$8,000. The total estimated cost to the regulated parties for the implementation of this rule is \$30,500.

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Agency: Department of State

Title/Section(s): Installation, Servicing or Maintaining of Security or Fire Alarm Systems
19 NYCRR §§196.1, 196.2, 196.8 and 192.10

State Register I.D. No.: DOS-32-08-00006
<http://www.dos.state.ny.us/info/register/2008/oct29/pdfs/rules.pdf>
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Effective Date: June 1, 2009

Summary: The Department of State (DOS) licenses security and fire alarm installers. Licensing requires successful completion of an educational program administered by the Department. The rule adds educational requirements for servicing and maintaining alarm systems to comport with statutory changes.

Under previous regulations, DOS required that installers complete four educational requirements called modules. The rule adds a fifth education module, consisting of twenty-one hours concerning the service and maintenance of alarm systems.

Only prospective licensees will be affected by the rule. The Department estimates that the average additional cost for the twenty-one hour education module for alarm system installers will be approximately \$315.

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Agency: Department of State

Title/Section(s): 30-Hour Remedial Course for Real Estate Brokers and Salespeople
19 NYCRR §§176.26 and 177.18

State Register I.D. No. : DOS- 42-08-00009
<http://www.dos.state.ny.us/info/register/2008/dec17/pdfs/rules.pdf>
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Effective Date: December 17, 2008

Summary: This rule adds a voluntary 30-hour supplementary education course for certain real estate broker applicants. The rule also allows real estate salespersons to use the 30-hour course toward their biennial continuing education requirements.

This rule creates a supplemental 30-hour course for broker applicants who completed the 45-hour salesperson's course prior to July 1, 2008. By completing the supplemental course, broker applicants will be able to receive credit for the 75 hours of salesperson education now required by statute.

The voluntary 30-hour course will cost licensees approximately \$200.

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Agency: Department of Motor Vehicles

Title/Section(s): Motor Vehicle Inspections
15 NYCRR Part 79

State Register I.D. No. : MTV-30-08-00006
<http://www.dos.state.ny.us/info/register/2008/sept24/pdfs/rules.pdf>
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Effective Date: September 24, 2008

Summary: The rule establishes the “Shared Network” inspection station program in the New York Metropolitan Area (NYMA) that will enable the inspection stations located in the 9 counties making up the NYMA to out-source certain types of inspections to other stations.

This rule applies to the 9 counties downstate known as the NYMA. Inspection stations there must perform an emissions test during the annual inspection of motor vehicles to ensure that the vehicle meets the mandated standards of the federal Clean Air Act of 1990. There are different criteria based upon model year of the vehicle. Vehicles that are pre-1996 undergo a test called the New York Transient Emissions Short Test (NYTEST) using a dynamometer, which is an expensive and high- maintenance piece of equipment. Vehicles manufactured from 1996 and afterwards are subject to the New York Vehicle Inspection Program (NYVIP), which uses different technology called the On Board-Diagnostic equipment (OBDII) that the cars are equipped with when they come from the manufacturer.

Prior to adoption of this rule, an inspection station was required to maintain both types of equipment to be licensed as an inspection station. This rule will allow inspection stations to enter into agreements with one another as senders or receivers. Sending stations will be relieved from maintaining the expensive NYTEST equipment and receiving stations will increase the number of inspections they perform. The Shared Network concept maintains the NYTEST emissions program, which ensures compliance with the Clean Air Act of 1990.

The annual maintenance of the NYTEST equipment ranges from \$2,500 to \$7,000 per station. As the equipment ages and becomes less reliable, these costs are expected to rise. The number of NYTEST inspections will dramatically decrease as older model cars are removed from the road. However, the cost of maintaining the equipment continues to increase.

In 2006, inspection stations in the Bronx conducted 72,319 NYTEST inspections. These stations expect to conduct only 18,958 by 2012. In 2006, stations in Nassau County conducted 202,515 NYTEST inspections. They expect to conduct only 53,088 in 2012.

The Shared Network concept imposes no mandatory costs upon stations because it is a voluntary program. Sending stations will benefit because they will no longer pay costs associated with maintaining the NYTEST system. Receiving stations will benefit because they will draw more customers for inspections. In addition, as part of the agreement between the stations, the receiving station will have the option of charging the sending station a fee for its services.

Stations that choose not to participate in the Shared Network will continue to bear the cost of maintaining the equipment. There are no costs to the State, DMV or to local governments. There are no costs to motor vehicle registrants as the inspection fee will not be increased.

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