

STATE OF NEW YORK

7634

2025-2026 Regular Sessions

IN SENATE

April 24, 2025

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the location of a motor vehicle repair shop; and to amend the environmental conservation law, in relation to certifications

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "fume-free schools act".

3 § 2. Section 398-c of the vehicle and traffic law is amended by adding
4 a new subdivision 5 to read as follows:

5 5. (a) No facility receiving a certificate of registration under this
6 section shall be located immediately adjacent to the real property bound-
7 ary line of a building occupied exclusively as a school without receiv-
8 ing a certificate of compliance from the department of environmental
9 conservation under section 19-0332 of the environmental conservation
10 law.

11 (b) Any facility that has received a certificate of registration under
12 this chapter on or before the effective date of this subdivision and is
13 located immediately adjacent to the real property boundary line of a
14 building occupied exclusively as a school must present proof to the
15 department of an application for a certificate of compliance under
16 section 19-0332 of the environmental conservation law within one week of
17 the effective date of this subdivision. Failure to present proof of an
18 application for a certificate of compliance to the department by the
19 mandated deadline, following a warning by the department to the motor
20 vehicle repair shop, shall be grounds for the suspension or revocation
21 of registration of the motor vehicle repair shop and the assessment of
22 civil penalties by the commissioner or person duly deputized by them.

23 (c) Notification from the department of environmental conservation
24 that a motor vehicle repair shop has violated section 19-0332 of the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 environmental conservation law shall be grounds for the suspension or
2 revocation of registration of the motor vehicle repair shop and assess-
3 ment of civil penalties by the commissioner or person duly deputized by
4 them.

5 § 3. The environmental conservation law is amended by adding a new
6 section 19-0332 to read as follows:

7 § 19-0332. Certificates of compliance for purposes of the vehicle and
8 traffic law.

9 1. For the purposes of sections three hundred ninety-eight-c and
10 section three hundred ninety-eight-d of the vehicle and traffic law, the
11 commissioner or the commissioner's designated representative is hereby
12 authorized to issue certificates of compliance for motor vehicle repair
13 shops immediately adjacent to the real property boundary line of a
14 building occupied exclusively as a school. No such certificate shall be
15 issued unless the facility to which it is applicable is in compliance
16 with section three hundred ninety-eight-d of the vehicle and traffic
17 law. The certificate of compliance shall affirm that the motor vehicle
18 repair shop does not contain a coating line.

19 2. For the purposes of this section, "coating line" shall mean the
20 application of one or more surface coatings, using one or more applica-
21 tors, together with any associated drying or curing areas. "Surface
22 coating" shall mean a material applied onto or impregnated into a subs-
23 trate for protective, decorative, or functional purposes. Such materials
24 include, but are not limited to: paints, varnishes, primers, sealers,
25 adhesives, inks and maskants.

26 3. Upon a determination by the department that a motor vehicle repair
27 shop that is required to apply for a certificate of compliance under the
28 vehicle and traffic law has not done so, the department shall issue a
29 notice of non-compliance to the motor vehicle repair shop. The notice of
30 non-compliance shall clearly state the deadline by which the motor vehi-
31 cle repair shop must apply for a certificate of compliance in order to
32 not be found in violation of this section.

33 4. Upon determination of a violation of this section, in addition to
34 taking any enforcement action authorized under this chapter, the depart-
35 ment shall notify the department of motor vehicles of the violation.

36 5. Upon a denial of an application for a certificate of compliance by
37 the department, the department shall notify the department of motor
38 vehicles of such denial.

39 § 4. This act shall take effect on the ninetieth day after it shall
40 have become a law.