§ 301-b. Heavy duty vehicle emissions. 1. It shall be a violation to operate a heavy duty vehicle which, when tested, exceeds emissions levels set forth in section 19-0320 of the environmental conservation law or regulations adopted thereunder. The following penalties shall apply to any violation found as a result of roadside emissions inspections:

a.	First violation:	$700.00
	Second and subsequent violations:	$1300.00.

b. The penalties set forth in paragraph a of this subdivision shall be reduced to one hundred fifty dollars for the first violation and five hundred dollars for the second and subsequent violations by the court or administrative tribunal before which the summons or appearance ticket is returnable if the violation set forth in the summons or appearance ticket is corrected not later than thirty days after the issuance of the summons or appearance ticket and proof of such correction, as defined in paragraph c of this subdivision, is submitted to the court or administrative tribunal. The penalties described in this section shall not apply to vehicles defined by section one hundred forty-two of this chapter or owned by a county, town, city, or village for a first violation provided the vehicle is repaired within thirty days of ticket issuance.

c. Acceptable proof of repair or adjustment shall be submitted to the court or administrative tribunal on or before the return date of the summons or appearance ticket in a form and manner prescribed by regulations adopted pursuant to this section.

2. It shall be a violation to operate any heavy duty vehicle registered or required to be registered in this state without a certificate of inspection resulting from an annual inspection as required by section 19-0320 of the environmental conservation law or regulations adopted thereunder. The following violation structure shall apply to such violations:

a.	First violation:	$ 700.00

Second and subsequent violations: $1300.00.

b. The penalties defined in paragraph a of this subdivision shall be reduced to three hundred fifty dollars for the first violation and seven hundred fifty dollars for second and subsequent violations, provided that the vehicle in question bears a certificate which was valid within the last thirty days. The penalties described in this section shall not apply to vehicles defined by section one hundred forty-two of this chapter or owned by a county, town, city, or village for a first violation provided the vehicle is inspected within thirty days of ticket issuance.

3. Any fines collected for violations of this section shall be deposited in the clean air fund, to the credit of the mobile source account in accordance with the provisions of section ninety-seven-oo of the state finance law.

4. Notwithstanding the provisions of this section, no penalty shall be imposed pursuant to this section where the operator of such vehicle has been convicted of the same violation arising from the same incident pursuant to section 19-0320 of the environmental conservation law.