§ 398-c. Registration required; application; fees and issuance of certificate of registration. 1. Registration required. On and after the first day of November, nineteen hundred seventy-five, no person shall operate, or cause to have operated, a motor vehicle repair shop, unless such motor vehicle repair shop is registered in accordance with the provisions of this article and unless such registration is currently valid. The commissioner may request the attorney general to commence an action to enjoin the operation of any motor vehicle repair shop in violation of this subdivision. A violation of this subdivision shall be heard and determined and shall be subject to penalties as provided in section three hundred ninety-eight-i of this chapter.

2. Application. An application for a certificate of registration under this section shall be filed with the commissioner, in such form and detail as the commissioner shall prescribe, setting forth:

(a) the name and the residence address of the applicant; if an individual, the name under which he intends to conduct business; if a co-partnership, the name and residence address of each member thereof, and the name under which the business is to be conducted; if a corporation where stock is not sold to the public on a stock exchange or over-the-counter market, the name of the corporation, the name and residence address of each of the officers, directors and stockholders of the corporation holding more than ten percent of the outstanding stock and the name under which the business is to be conducted if different from the name of the corporation; if a corporation whose stock is sold to the public on a stock exchange or over-the-counter market, the name and business address of the corporation, the name under which the business is to be conducted if different from the corporate name and a separate statement that the corporation is either registered in New York or is authorized to do business in this state.

(a-1) appropriate certification or documentation from the municipality where the repair shop is located that the facility is in compliance with applicable zoning and planning regulations, fire regulations and building codes. It shall be the responsibility of the applicant to provide such documentation for the commissioner. The commissioner may waive this requirement for applicants from municipalities without such codes or regulations.

(b) the place or places, including the complete address or addresses, where the business is to be conducted.

(c) on and after January first, nineteen hundred ninety-one, an indication as to whether the applicant services motor vehicle air-conditioning systems and, if so, whether the applicant has purchased approved motor vehicle refrigerant recycling equipment or approved motor vehicle refrigerant recapturing equipment in accordance with section 38-0107 of the environmental conservation law. Applicants who indicate that they have purchased approved motor vehicle refrigerant recycling equipment must submit along with their application either a manufacturer's certificate issued upon purchase or an invoice with proof of payment. All such documents shall contain the name and address of the repair shop and manufacturer, the date purchased, and the serial numbers of the units acquired.

(d) such further information as the commissioner may by rule prescribe.

The commissioner may require the applicant to appear at such time and place as may be designated by the commissioner for examination to enable him to determine the accuracy of the facts set forth in the written application, either for initial registration or renewal thereof. Where the business is conducted under franchise, lease or other similar arrangement, the commissioner, in his discretion, may require the application to be submitted by the franchise holder, lessee or other person actually responsible for conducting the business. Every application under this section shall be affirmed as true by the applicant.

3. Fees and issuance of certificate of registration.

(a) Every original application shall be accompanied by an application fee of ten dollars, which shall in no event be refunded. If an application is approved by the commissioner, upon payment by the applicant of an additional fee of one hundred fifty dollars for each place of business, the applicant shall be granted a certificate of registration for each place of business, which certificate or certificates shall be valid for a period of two years. The commissioner may, however, in his discretion, issue such certificates of registration

on a staggered expiration basis, in which event the fees set forth herein shall be prorated on a monthly basis. In the event a certificate of registration is issued on a staggered expiration basis, it shall expire on the date fixed by the commissioner. The biennial fee for renewal of any certificate of registration issued pursuant to this section shall be one hundred fifty dollars. The commissioner shall issue a certificate of registration to each applicant pursuant to the provisions of this article, which certificate shall be conspicuously displayed in the place of business of the registrant for which such registration is issued. In the case of loss, mutilation or destruction of a certificate of registration, the commissioner shall upon application issue a duplicate certificate thereof upon proof of the facts.

(b) If a certificate of registration under this section shall be issued in the names of two or more persons as partners and a change occurs in the membership of such partnership, the certificate of registration shall not expire thereupon so long as any one of the persons named in such certificate is a member of the partnership or carries on the business of the partnership as surviving member of the partnership; provided, however, that when any such change occurs and the certificate of registration does not expire, the partners or surviving member after such change shall forthwith file with the commissioner (i) a statement regarding the change in such form and giving such information as the commissioner shall require or, where the change involves the addition of one or more new partners, (ii) a new application as provided in subdivision two of this section. Such new certificate of registration shall expire on the expiration date of the one replaced.

(c) If a certificate of registration under this section shall be issued and, subsequent thereto, the business name of any such shop is changed, or in the event that the owners of a business incorporate said business with no change in the actual ownership and operation thereof, such owner or owners thereof shall forthwith file with the commissioner a statement regarding the change of name in such form and with such information as the commissioner shall require.

(d) Fees assessed under this section shall be paid to the commissioner for deposit to the general fund.

4. If an individual owner of a registered repair shop dies or is adjudged mentally incompetent, his executor or administrator or his committee may carry on the business by filing an amendment to the application for registration. Every corporation whose stock is not sold to the public on a stock exchange or over-the-counter market shall file an amendment to its application for registration if there is any change in its officers, stockholders who hold more than ten percent of the outstanding shares, or directors. Every repair shop shall file an amendment to its application for registration if it changes its location. Every such amendment shall be filed within thirty days of the event.