

Regulatory Analysis Form

REG-001-D

<p>Regulatory Analysis Form</p>		<p>2003 AUG 12 PM 3: 13 This space for use by IRRC INDEPENDENT REGULATORY REVIEW COMMISSION</p>
<p>(1) Agency Transportation</p>	<p>IRRC Number: 2347</p>	
<p>(2) I.D. Number (Governor's Office Use) #18-385</p>		
<p>(3) Short Title Vehicle Equipment and Inspection</p>		
<p>(4) Pa Code Cite 67 Pa. Code, Chapter 175</p>	<p>(5) Agency Contacts & Telephone Numbers Primary Contact: Kristen Singer (717) 783-6283 Secondary Contact: John Munafo (717) 787-2304</p>	
<p>(6) Type of Rulemaking (Check One)</p> <p> <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted </p>	<p>(7) Is a 120-Day Emergency Certification Attached?</p> <p> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor </p>	
<p>(8) Briefly explain the regulation in clear and non-technical language. The purpose of these regulations is to amend Chapter 175 to provide for a visual inspection for the removal or, or tampering with, state and federally required equipment on vehicles registered in counties where there is no current emissions inspection program.</p>		
<p>(9) State the statutory authority for the regulation and any relevant state or federal court decisions. The statutory authority for these regulations is Sections 4103, 4107, 4702, and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, as amended by the Act of April 17, 1997, P.L. 6, No. 3 (75 Pa.C.S. §§4103, 4107, 4702 and 6103).</p>		
<p>(10) Is the regulation mandated by any federal or state law or court, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action. These regulations are not expressly required by state or federal law but are required for compliance with 75 Pa. C.S. § 4107 which prohibits the removal or rendering inoperative of equipment originally required to be included on vehicles at the time of manufacture.</p>		

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(11) Explain the compelling public interest that justifies this regulation. What is the problem it addresses?

The public interest that justifies these regulations is ensuring that all vehicles registered in the Commonwealth are properly equipped with emission control systems required by state and federal law.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

The public health, safety, and general welfare risks associated with non-regulation relate primarily to the risk associated with vehicles being operated with required equipment removed or rendered inoperative.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

These regulations will benefit all citizens in the Commonwealth through safer vehicles with all equipment required to be installed at the time of manufacture present and operative. Vehicle owners subject to this visual check of equipment will specifically benefit through the identification of missing or inoperative equipment on their vehicle(s).

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

These regulations will not adversely affect any specific group, except to the extent that they add an additional component to the safety inspection procedures not heretofore required in those counties where there is not currently an I/M emissions inspection program.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Owners of approximately 1.9 million vehicles registered in the counties in which vehicles are not subject to I/M emissions inspections will be required to comply with these regulations. Station owners who offer safety inspections must also bring their procedures into compliance with these regulations.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

These amendments have been reviewed by the Commonwealth Department of Environmental Protection.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Costs or savings to the general motoring public are not readily measurable. Costs of vehicle inspection is market driven and not regulated by the Department. Station owners vary in the fee charged for inspections and vehicle owners have the opportunity to choose a station with a fee acceptable to them. The Department cannot measure with any precision what costs or savings may result in the marketplace.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including and legal, accounting or consulting procedures which may be required.

These regulations will not occasion any measurable costs or savings to local government.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including and legal, accounting or consulting procedures which may be required.

These regulations will not occasion any measurable costs or savings to state government.

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local governments, and state government for the current year and five subsequent years.

There are no measurable costs associated with implementation of these regulations upon the general motoring public, local governments or state government. As noted in (17) above, costs of inspection is market driven and not regulated by the Department.

	Current FY Year	FY + 1 Year	FY + 2 Year	FY + 3 Year	FY + 4 Year	FY + 5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	Not Readily measurable					
Local Government	Not Readily measurable					
State Government	Not Readily Measurable					
Total Savings						
COSTS:						
Regulated Community	Not Readily measurable					
Local Government	Not Readily measurable					
State Government	Not Readily measurable					
Total Costs						

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REVENUE LOSSES:						
Regulated Community	None					
Local Government	None					
State Government	None					
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.
 There are no cost estimates derived.

(20b) Provide the past three year expenditure history for programs affected by this regulation.

Appropriation	FY-3	FY-2	FY-1	CurrentFY
183 Safety Administration	\$ 99,930,000	\$ 106,182,000	\$ 119,141,000	\$ 120,492,000

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.
 A measurable cost/benefit analysis cannot be computed for these regulations.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.
 There were no nonregulatory alternatives considered.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide reasons for their dismissal.
 There were no alternative regulatory schemes considered. Compliance with state and federal equipment requirements can best be accomplished through regulation.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.
 No, these regulations are not more stringent than Federal Standards.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?
 These regulations will not put Pennsylvania at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.
 These regulations will not affect other existing or proposed regulations of the promulgating agency or other state agencies.

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(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

These regulations will be included as a proposed change to the State Implementation Plan under the Federal Clean Air Act. Public hearings will be scheduled as part of the Federal review process. These regulations will also be forwarded to the House and Senate Transportation Committees and will be considered at a public meeting of the Independent Regulatory Review Commission.

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

These regulations will change the existing reporting requirement by eliminating the need to send the original official inspection reports to the Department.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small business, and farmers.

There are no special provisions in these regulations developed to meet the needs of any particular group.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

These regulations will become effective when published as a Final Rulemaking in the Pennsylvania Bulletin.

(31) Provide the schedule for continual review of the regulation.

The inspection process will be monitored by the Department for its effectiveness and changes incorporated when necessary.

RECEIVED

<p align="center">FACE SHEET FOR FILING DOCUMENTS WITH THE LEGISLATIVE REFERENCE BUREAU</p> <p align="center">(Pursuant to Commonwealth Documents Law)</p> <p align="right">#2347</p>	<p align="center">2003 AUG 12 PM 3:13 INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p align="center">DO NOT WRITE IN THIS SPACE</p>
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<p>Copy below is hereby approved as to form and legality. Attorney General.</p> <p><i>Angela M. Elliott</i></p> <p>By: _____ (Deputy Attorney General)</p> <p align="center">AUG 07 2003</p> <p align="center">_____ Date of Approval</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy of below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:</p> <p align="center">Department of Transportation (Agency)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>18-385</u></p> <p>DATE OF ADOPTION _____</p> <p>BY <i>Allen D. Biehler</i> Secretary of Transportation (Executive Officer, Chairman or Secretary)</p>	<p>Copy below is hereby approved as to form and legality. Executive of Independent Agencies.</p> <p><i>David J. Doherty</i></p> <p>By: _____</p> <p align="center">7/11/03</p> <p align="center">_____ (Date of Approval)</p> <p align="center">Executive (Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike Inapplicable Title)</p> <p><input type="checkbox"/> Check if applicable. No attorney General Approval or Objection within 30 days after submission.</p>
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NOTICE OF PROPOSED RULEMAKING

**DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES**

Title 67 Transportation
Part I. Department of Transportation
Subpart A. Vehicle Code Provisions
Article VII. Vehicle Characteristics
Chapter 175. Vehicle Equipment and Inspection

**DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES**

**Title 67 Transportation
Part I. Department of Transportation
Subpart A. Vehicle Code Provisions
Article VII. Vehicle Characteristics
Chapter 175, Vehicle Equipment and Inspection
Proposed Rulemaking**

Preamble

The Department of Transportation, Bureau of Motor Vehicles, pursuant to the authority contained in Sections 4103, 4107, 4702 and 6103 of the Vehicle Code, Act of June 17, 1996, P.L. 162 No. 81, *as amended* (75 Pa. C.S. §§ 4103, 4107, 4702 and 6103), proposes to amend Chapter 175 (relating to vehicle equipment and inspection), to read as set forth in Annex A.

Purpose of this Chapter

The purpose of this Chapter is to implement the provisions of 75 Pa. C.S. §§ 4101–4982 (relating to vehicle characteristics) which establish minimum standards for vehicle equipment and performance and make unlawful the sale and use of items which do not comply with standards.

Purpose of these Amendments

The purpose of the amendments is to ensure that all vehicles registered in the Commonwealth are equipped with appropriate exhaust emission control systems as required by state and federal law. Section 4107 of the Vehicle Code makes it unlawful for any person to willfully and intentionally remove or render inoperative any item of vehicle equipment which was required to be installed at the time of the vehicle's manufacture, 75 Pa. C.S. § 4107(b). The Clean Air Act (42 U.S.C. §§ 7401–7671q) and the regulations promulgated thereunder, 40 CFR Part 51 (relating to regulations for

preparation, adoption and submittal of implementation plans), and Part 85 (control of air pollution from mobile sources) require vehicle manufacturers to install the emission control equipment which is the subject of this regulation. As applied in Pennsylvania, other provisions of the Clean Air Act provide for the testing of this required vehicle emissions equipment in 25 counties in the Commonwealth. However, there is currently no provision in Department regulations requiring inspection for even the presence of this required equipment in the remaining 42 counties under which to ensure that vehicle owners are in compliance with the provisions of 75 Pa C.S. § 4107(b), and that this equipment has not been removed or rendered inoperative. These amendments provide for an inclusion in the safety inspection regimen of a visual inspection for the presence of the required equipment in vehicles registered in the counties not subject to emissions testing.

The amendments also eliminate the requirement that inspection stations forward original official inspection report sheets to the Department and retain duplicate copies in station files; the amendment requires only retention of the original official inspection report sheets in the station files.

Significant Provisions of these Amendments

The significant provisions of these amendments are the inclusion of a new subsection in § 175.80, *Visual inspection of emission control system*. This amendment adds a visual inspection for the presence of the catalytic converter, exhaust gas recirculation (EGR) valve, positive crankcase ventilation (PCV) valve, fuel inlet restrictor, air pump and evaporative control system components (§ 175.80(d)). The section also requires a determination by the inspector as to whether the device is the correct type for the vehicle and if it appears to be properly connected.

The provision will be applicable to vehicles registered in counties where there is not a current emission inspection program. In counties where there is a current I/M inspection program, verification of the presence and appropriateness of these components is already a part of the emissions inspection performed under the provisions of Chapter 177 of these regulations.

In addition, these amendments modify § 175.42(c) which currently requires inspection stations to forward completed official inspection report sheets to the Department and retain duplicate copies in station files for a period of two (2) years. The amendment would eliminate the need to forward the original sheets to the Department and require only that the original sheets be kept in station files for the two (2) year period. This record keeping change will not impair the enforceability of the regulation.

Persons and Entities Affected

The amendment to § 175.80 will affect the owners of vehicles registered in the counties in the Commonwealth where there is not a current emission inspection program. The amendment will also affect certified safety inspection stations in those counties. Some inspection stations in counties having a current emission inspection program may also be affected to the extent that vehicles registered in neighboring counties where there is not an emission inspection program may seek to have a safety inspection performed at that station.

The amendment to § 175.42 will provide paper work relief to all safety inspection stations.

7/11/03

Fiscal Impact

These amendments may result in additional cost to consumers with vehicles registered in counties where there is not an emission inspection program if a vehicle fails to pass the safety inspection because of these new components of the inspection. Additional market-driven marginal increases in the cost of inspection could also result because of the addition of the new visual inspection procedures. The amendment to § 175.42 will marginally reduce the cost for inspection stations in eliminating postage and duplicating costs associated with sending the original inspection report sheets to the Department and retaining duplicate copies. The fiscal impact of these amendments cannot, however, be measured with any precision.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, the Act of June 25, 1982 (P.L. 633, No 181), *as amended*, (71 P.S. 745.1-745.15), the agency submitted, on _____, 2003, a copy of this proposed rulemaking to the Independent Regulatory Review Commission and to the Chairmen of the House and Senate Committees on Transportation. The agency has also provided the Commission and the Committees with a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the

Department, the General Assembly and the Governor of comments recommendation, or objections.

Sunset Provisions

The Department is not establishing a sunset date for this regulation since these amendments are needed to administer provisions required under the Vehicle Code (75 Pa. C.S. §101, et seq.). The Department, however, will continue to closely monitor these regulations for their effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the regulations to Kristen Singer, Vehicle Inspection Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, within 30 days of the publication of this notice in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about the proposed amendments to the regulations is Kristen Singer, Vehicle Inspection Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, krsinger@state.pa.us.

Allen D. Biehler, P.E.

Secretary of Transportation

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE CHARACTERISTICS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION

Subchapter A. General Provisions

* * * * *

Subchapter C. Certificate of Inspection

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§ 175.42. Recording inspection.

* * * * *

(c) *[Duplicates.] Records retention.* *[An] The original official inspection report sheet shall be [maintained in duplicate and, upon completion of the entire sheet, the original copy shall be forwarded immediately to the Bureau of Motor Vehicles, Vehicle Control Division, Post Office Box 8696, Harrisburg, Pennsylvania 17105. The duplicate copy shall be] retained as a garage record and kept on file at the station for 2 years. At the close of each inspection period, the official inspection report sheet shall be placed in the station's files, [the original report shall be returned to the Bureau at once,] even though all spaces may not have [not] been used, and a new inspection report sheet shall be started for the new inspection period.*

* * * * *

(f) *[Enclosures prohibited.* Letters, checks, sticker requisitions or other items may not be enclosed when forwarding the report forms to the Vehicle Control Division.

(g) *Classifications.* The form numbers and colors listed in this subsection explain the general classification of vehicles to be recorded on each type of inspection sheets:

* * * * *

Subchapter E. Passenger Cars and Light Trucks

* * * * *

§ 175.80. Inspection procedure.

* * * * *

(c) *Under the hood inspection.* An under the hood inspection shall be performed as follows:

* * * * *

(d) *Visual inspection of emission control system.* Vehicles registered in counties where there is not a current emission inspection program under 67 Pa. Code, Chapter 177, shall be checked visually for the presence of emission control components. These components may be original vehicle equipment or an equivalent aftermarket replacement component meeting the same standards.

(1) The visual inspection shall be performed through direct observation or through indirect observation, using a mirror or other visual aid.

(2) Provided that the make and model year of the vehicle would have originally been equipped with the device, reject if one or more of the following apply:

(i) The catalytic converter has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

(ii) Exhaust gas recirculation (EGR) valve has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

(iii) Positive crankcase ventilation (PCV) valve has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

(iv) Fuel inlet restrictor has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

(v) Air pump has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

(vi) Evaporative control system components have been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

(e) Beneath the vehicle inspection. A beneath the vehicle inspection shall be performed as follows:

* * * * *

[(e)] (f) Road test. Perform road test and reject if one or more of the following apply:

* * * * *



(717) 787-6485

August 12, 2003

Robert E. Nyce
Executive Director
14th Floor Harrisstown 2
333 Market Street
Harrisburg, PA 17101

**Re: Regulation #18-385 — 67 Pa. Code, Chapter 175, Vehicle
Equipment and Inspection, Notice of Proposed Rulemaking**

Dear Mr. Nyce:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form for Amendments to 67 Pa. Code, Chapter 175, Vehicle Equipment and Inspection, which the Department of Transportation today delivered to the Legislative Reference Bureau for publication as a proposed rulemaking in accordance with the provisions of the Commonwealth Documents Law, Act of July 31, 1968, P.L. 769, 45 P.S. § 1201 *et seq.*, and the Regulatory Review Act, 71 P.S § 745.1 *et seq.*

Copies of these materials were also delivered today to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees, as well as to the Legislative Reference Bureau for publication in the August 23, 2003 issue of the *Pennsylvania Bulletin*.

The Department of Transportation will provide you with any assistance you require to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. F. J. Martin", written over a horizontal line.

Stephen F. J. Martin
Regulatory Counsel

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: #18-385

SUBJECT: Vehicle Equipment and Inspection, 67 Pa. Code, Chapter 175

AGENCY: Department of Transportation

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

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 HOUSE COMMITTEE ON TRANSPORTATION
 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
AUG 12 2003	<u>Kristine Latham</u> for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION
8/12/03	<u>Deborah Wogant</u> for Minority Chair	
8/12/03	<u>Jinda Finelli</u> for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION
8/12/03	<u>Mary E. Slattery</u> for Minority Chair	
8/12/03	<u>Genea Pagan</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (N/A)
8/12/03	<u>Mayra Casas</u>	LEGISLATIVE REFERENCE BUREAU
Date:	August 12, 2003	