

**Regulatory Analysis Form**

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| <b>Regulatory Analysis Form</b>  |  | This space for use by IRRC REVIEW  |  |
| (1) Agency<br>Transportation   |  | IRRC Number: 2362  |  |
| (2) I.D. Number (Governor's Office Use)<br>#18-384   |  |  |  |
| (3) Short Title<br>Emission Inspection Program   |  |  |  |
| (4) Pa Code Cite<br>67 Pa. Code, Chapter 177   |  | (5) Agency Contacts & Telephone Numbers<br>Primary Contact: Peter Gertz<br>(717) 783-5842<br>Secondary Contact: Barry Williams<br>(717) 783-9292   |  |
| (6) Type of Rulemaking (Check One)<br><br><input type="checkbox"/> Proposed Rulemaking<br><input type="checkbox"/> Final Order Adopting Regulation<br><input checked="" type="checkbox"/> Final Order, Proposed Rulemaking Omitted   |  | (7) Is a 120-Day Emergency Certification Attached?<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes: By the Attorney General<br><input type="checkbox"/> Yes: By the Governor |  |
| (8) Briefly explain the regulation in clear and non-technical language.<br>The purpose of these regulations is to amend Chapter 177 to include on-board diagnostic testing requirements in the vehicle emissions I/M Program, and to implement a gas cap test and visual anti-tampering testing in selected counties.  |  |  |  |
| (9) State the statutory authority for the regulation and any relevant state or federal court decisions.<br>The statutory authority for these regulations is Sections 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104 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, 4531, 4701, 4706, 4707, 4710, 6103 and 9104). |  |  |  |
| (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.<br>These regulations are required by the Clean Air Act (42 U.S.C. §§ 7401-7671q) and the regulations promulgated thereunder, 40 CFR Part 51 (relating to regulations for preparation,  |  |  |  |

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adoption and submittal of implementation plans), and Part 85 (control of air pollution from mobile sources).

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

The public interest that justifies these regulations is the attainment and maintenance of air quality in the Commonwealth by the reduction of pollutants emitted by vehicles through an appropriate vehicle emission inspection program. Advancements in vehicle diagnostic technology have simplified testing of the emission control systems on newer vehicles; these testing procedures must be incorporated into the Commonwealth's vehicle emission I/M program.

(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 pollution of the atmosphere by vehicles in the Commonwealth if emission control systems are not appropriately tested and regulated. In addition, non-regulation would place the Commonwealth out of compliance with Federal regulations, jeopardizing the availability of Federal highway funding, and risking the imposition of other sanctions.

(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 cleaner air. Vehicle owners will also benefit through having the function of their vehicle emission control systems tested on a regular basis, perhaps identifying needed repairs that affect the efficiency of the vehicle's operation.

(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 owners of vehicles in I/M counties or regions will bear the expense of the emission inspection testing and any cost of repairs shown to be warranted by that testing. Inspection station owners will also have to purchase new equipment.

(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 6.5 million vehicles registered in the I/M counties or regions in which an I/M program is in place or contemplated will be required to comply with these regulations. Station owners wishing to offer emission inspections must also comply with these regulations. Manufacturers of inspection equipment/systems will also have to comply.

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(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.

Considerable information has been made available regarding the incorporation of OBD I/M testing in the Pennsylvania I/M Program. These regulations have been reviewed by the staff of the Pennsylvania Department of Environmental Protection and have been discussed with EPA staff.

(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 the I/M tests are market driven and are not regulated by the Department. Station owners vary in the fee charged for the I/M testing and vehicle owners have the opportunity to choose a station with a fee acceptable to them. Vehicle owners in counties or regions in which an I/M program is initiated will, of course, experience the additional cost of emission inspection; owners of newer vehicles in counties or regions with an existing I/M program may experience lower emission inspection costs with the simpler OBD—I/M check procedure. The Department cannot, however, measure with any precision what costs and savings may result in the marketplace.

(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, except to the extent that local governments with vehicle fleets will have to comply with inspection requirements.

(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 except to the extent that state agencies with vehicle fleets will have to comply with inspection requirements.

(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.

The costs associated with implementation of these regulations upon the general motoring public, local governments or state government are not readily measurable. As noted in (17) above, costs of the I/M tests are market driven and are not regulated by the Department. Costs and savings in the aggregate would be the fees charged for the various tests multiplied by the number of vehicles in each test category. The fees, however, are an unknown and may be variable from station to station.

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|                        | Current FY<br>Year        | FY + 1<br>Year | FY + 2<br>Year | FY + 3<br>Year | FY + 4<br>Year | FY + 5<br>Year |
|------------------------|---------------------------|----------------|----------------|----------------|----------------|----------------|
| <b>SAVINGS:</b>        | \$                        | \$             | \$             | \$             | \$             | \$             |
| Regulated Community    | Not Readily<br>measurable |                |                |                |                |                |
| Local Government       | Not Readily<br>measurable |                |                |                |                |                |
| State Government       | Not Readily<br>Measurable |                |                |                |                |                |
| Total Savings          |                           |                |                |                |                |                |
| <b>COSTS:</b>          |                           |                |                |                |                |                |
| Regulated Community    | Not Readily<br>measurable |                |                |                |                |                |
| Local Government       | Not Readily<br>measurable |                |                |                |                |                |
| State Government       | Not Readily<br>measurable |                |                |                |                |                |
| Total Costs            |                           |                |                |                |                |                |
| <b>REVENUE LOSSES:</b> |                           |                |                |                |                |                |
| 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.

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

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(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 since the regulations are required by Federal statute and regulation.

(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 since the Federal regulations required the incorporation of an OBD component in the Commonwealth's I/M emission inspection program.

(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 are similar to I/M programs in other states required to maintain an I/M program under the Clean Air Act. 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.

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

These regulations will be proposed as a 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 not change any existing reporting, record keeping or other paperwork requirements, although new stations in regions in which an I/M program is being initiated will have to comply with the reporting, record keeping and other paperwork requirements in the regulation.

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(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 immediately upon publication in the Pennsylvania Bulletin.

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

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

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

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Copy below is hereby approved as to form and legality.  
Attorney General



By: \_\_\_\_\_  
(Deputy Attorney General)

SEP 10 2003

\_\_\_\_\_  
Date of Approval

Check if applicable  
Copy not approved. Objections attached.

Copy of below is hereby certified to be true and  
correct copy of a document issued, prescribed or  
promulgated by:

Department  
of  
Transportation

DOCUMENT/FISCAL NOTE NO. 18-384

DATE OF ADOPTION \_\_\_\_\_

BY Allen D. Biebler  
Secretary of Transportation  
(Executive Officer, Chairman or Secretary)

Copy below is hereby approved as to  
form and legality. Executive or  
Independent Agencies.

BY [Signature]

8/11/03

\_\_\_\_\_  
(Date of Approval)

(Deputy General Counsel)  
(~~Chief Counsel, Independent Agency~~)  
(Strike Inapplicable Title)

Check if applicable. No attorney  
General Approval or Objection within  
30 days after submission.

NOTICE OF 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 177  
Enhanced Emission Inspection Program  
Bureau of Motor Vehicles

Final Regulation with Notice of Proposed Rulemaking Omitted  
pursuant to Section 4706 of the Vehicle Code, 75 Pa. C.S. § 4706

**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 177  
Emissions Inspection Program  
Bureau of Motor Vehicles**

**Final Regulation with Notice of Proposed Rulemaking Omitted  
Pursuant to 75 Pa. C.S. §§ 4706 & 4710**

**Preamble and Order**

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), by this Order adopts amendments to 67 Pa. Code, Chapter 177 (Enhanced Emission Inspection Program) by adding provisions for vehicle emission inspection and maintenance (I/M) testing using the onboard diagnostic (OBD) systems in model year (MY) 1996 and newer vehicles.

The I/M program, implemented under Sections 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104 of the Vehicle Code (75 P.S. §§ 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104), is required by the Federal Clean Air Act (Clean Air Act), as amended by Pub. L. No. 101-52, 104 Stat. 2399-2712 (42 U.S.C. §§ 7401-26718) and Pub. L. No. 104-59, 109 Stat. 568 (1995) (known as the National Highway System Designation Act of 1995 (NHS Act)). Implementation of emission testing using vehicle OBD systems is required by the Clean Air Act and recent amendments to the Federal Vehicle Inspection/Maintenance Program Requirements, 40 CFR Parts 51 and Control of Air Pollution from Mobile Sources, Part 85.

Proposed rulemaking is omitted pursuant to Section 4706 of the Vehicle Code, 75 Pa. C.S. § 4706, which exempts these regulations from the proposed rulemaking



provisions of the Commonwealth Documents Law and the Regulatory Review Act, and Section 4710 of the Vehicle Code, 75 Pa. C.S. §4710, which provides for initial submission of final regulations relating to the vehicle emission inspection/maintenance program to the Office of Attorney General for review as to form and legality and thereafter to the Independent Regulatory Review Commission and the designated Committees of the Pennsylvania House of Representatives and the Senate, in accordance with the Regulatory Review Act, Act of June 25, 1982 (P.L. 622, No. 181), *as revised* 71 P.S. § 745.1 *et seq.*

***Purpose of this Chapter***

The purpose of this Chapter is to implement an emission I/M program as required by 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).

***Purpose of these Amendments***

The purpose of these regulations is to incorporate OBD—I/M testing of MY 1996 or newer vehicles into the I/M program in Pennsylvania, in compliance with the Clean Air Act and amendments to 40 CFR Parts 51 and 85, which require states to implement OBD testing. The amendments also implement gas cap testing and visual anti-tampering inspection in selected counties.

The engines in vehicles model year (MY) 1996 and newer are largely electronically controlled. Sensors and actuators sense the operation of specific components (e.g., the oxygen sensor) and actuate others (e.g., the fuel injectors) to

maintain optimal engine performance and control. An onboard computer controls all of these systems. With proper software, the onboard computer is capable of monitoring all of the sensors and actuators to determine whether they are working as intended. It can detect a malfunction or deterioration of the various sensors and actuators, usually well before the driver becomes aware of the problem through a loss in vehicle performance or drivability. The sensors and actuators, along with the diagnostic software in the onboard computer, make up what is called "the OBD system."

Many component failures that impact emissions can be electrical or even chemical in nature. The OBD system is intended to detect problems that may not be noticeable upon visual inspection. When the OBD system determines that a problem exists, a corresponding "diagnostic trouble code" is stored in the computer's memory. When the vehicle is taken to a service center or repair shop, a service technician can retrieve the stored diagnostic trouble codes from the computer memory of the vehicle using newly developed diagnostic tools. Since the diagnostic trouble codes will specifically identify the problem, the service technician can more quickly and accurately make the proper repair.

The Clean Air Act as amended in 1990 required the Environmental Protection Agency (EPA) to set requirements for states to follow in designing and operating vehicle I/M programs. In addition to distinguishing between basic and enhanced I/M programs, the requirements were also to clarify how states can meet other minimum design requirements set by the Clean Air Act. One such requirement applicable to both basic and enhanced I/M programs is including OBD system checks as part of the required periodic inspection.

On November 5, 1992, EPA published regulations meeting most of the requirements of the Clean Air Act. At the time the regulations were promulgated, however, federal OBD certification standards had not yet been developed and published. To address the Clean Air Act's OBD-I/M requirement, EPA reserved sections in the regulations with the understanding that these reserved sections would be amended at some future date. Although the federal requirement to incorporate OBD into new vehicles began with the 1994 model year, manufacturers were allowed to request waivers on vehicles for MY 1994-95. Full compliance was thus not required on all light-duty cars and trucks sold in the United States until MY 1996. On August 6, 1996, EPA published amendments to the 1992 I/M regulations establishing OBD-I/M performance standards. The 1996 amendments also established data collection, analysis, and summary reporting requirements for the OBD-I/M testing element; established OBD test equipment requirements and the OBD test result reporting format; and identified those conditions that would result in an OBD -I/M pass, failure or rejection. Lastly, the August 6, 1996 amendments revised 40 CFR Part 85, subpart W to establish OBD-I/M as an official performance warranty short test under section 207(b) of the Clean Air Act.

At the time the original OBD-I/M requirements were established, it was not practical to evaluate the real-world, in-use performance of OBD because the vehicles in question were still too new and the number of those vehicles in need of repair was too few to make pilot testing worthwhile. In 1998, EPA further amended its OBD-I/M requirements to provide that state I/M programs begin OBD testing no later than January 1, 2001. In April, 2001 the EPA amended its OBD-I/M regulations to: 1) provide states several options for extending the current deadline for mandatory implementation of

OBD-I/M inspection beyond January 1, 2001; 2) clarify states' options regarding the integration of OBD-I/M checks into existing I/M programs; 3) revise and simplify the current list of diagnostic trouble codes that constitute the OBD-I/M failure criteria to include any code that leads the dashboard Malfunction Indicator Light (MIL) to illuminate; and 4) provide for exemptions from specific readiness code rejection criteria on OBD-equipped vehicles based upon vehicle model year.

In addition to the inclusion of OBD—I/M testing in the I/M program, these amendments correct some organizational and typographical deficiencies in the existing regulations.

***Significant Provisions of these Amendments***

**§ 177.3 Definitions.** Since 1999 the Commonwealth has not conducted a basic emissions inspection program, conducting only enhanced programs in Bucks, Chester, Delaware, Montgomery and Philadelphia counties (the Philadelphia region) and in Allegheny, Beaver, Washington and Westmoreland counties (the Pittsburgh region). Going forward, the inclusion of OBD—I/M testing will be incorporated into the enhanced program and expanded to other counties and regions in the Commonwealth. Consequently, the basic/enhanced distinction has no significance for the Pennsylvania emission I/M program and those definitions have been eliminated. References to the basic program and use of the word “enhanced” as a modifier throughout the regulation have been eliminated in these amendments.

In addition, since air quality attainment status is determined on a regional basis, it is more appropriate to discuss elements of the program in terms of regions, and the definition of I/M area has been replaced with I/M region, although insofar as air quality

considerations may require, the Secretary may initiate emission inspections in a single county as well. Counties and regions in which an I/M program is currently being administered or envisioned are included in the definition of "I/M region."

Also included are definitions for new terms and acronyms related to OBD technology. Definitions are provided for "onboard diagnostics (OBD)," "diagnostic trouble code (DTC)," "OBD data link connector (DLC)," "malfunction indicator light (MIL)," as well as "readiness code" and "scanner or scan tool."

**§ 177.22 Commencement date.** The Department plans to begin the implementation of OBD—I/M testing on or before the close of the 2003 calendar year, as testing and recording equipment compatible with the Department's vehicle inspection information database is developed and marketed to inspection stations. The section provides that the Secretary will give notice by publication in the *Pennsylvania Bulletin* of effective dates for the transition of the existing emission I/M inspection programs in the Philadelphia and Pittsburgh regions to programs which include OBD—I/M testing, and to initiate OBD—I/M testing programs in other counties and regions as appropriate. Such notice will provide motorists in those counties or regions with 60 days notice of the transition or initiation of the program.

This section also recognizes that, over time, the number of pre-1996 vehicles (which, generally, were not manufactured with the OBD technology) required to receive actual tailpipe testing and analysis of emitted gasses under the regulations will gradually decrease, and their contribution to air pollution in the region in which they are registered will diminish. Consistent with EPA guidelines, therefore, this section provides that the Secretary can reduce the test cycle or eliminate the emission testing of these vehicles

altogether, provided that emissions in the region are at or below state implementation plan levels and the I/M performance standards for the region are being met. Notably, this section also makes clear, however, that the requirements for annual **safety** inspections of **all** vehicles are not affected by any change in the emission I/M program.

**§ 177.51 Program requirements.** This section is amended to include the provisions for OBD—I/M testing of vehicles of MY 1996 and newer once an effective date for implementation of the program in a given county or region is established by the Secretary. Consistent with EPA regulations and guidelines, MY 1996 and newer vehicles will receive both an OBD—I/M check and the existing fuel filler cap (gas cap) test. This section is amended to also provide that as a vehicle MY becomes 25 years old and fewer vehicles of that MY are driven, vehicles of that MY will be required to undergo only the gas cap test and a visual inspection.

In regions of the Commonwealth where the I/M program has already been established and some vehicles are subject to ASM or dynamometer testing, the capability to perform the OBD—I/M check will be required for existing participating emission inspection stations. New inspection stations capable of performing *only* the OBD—I/M check will not be certified in these regions for a period of two (2) years following the promulgation of this rulemaking, in order to ensure that motorists in those regions will be able to receive an emission inspection at any certified station, regardless of the kind of test that is required for their vehicle. It may reasonably be anticipated that after the OBD—I/M check has been in place for two years, the population of pre-MY 1996 vehicles will have diminished in those regions, and motorist awareness of the differences

in the emission inspection tests will have increased, such that certification of OBD—I/M check only stations will not result in significant motorist confusion or dissatisfaction.

**§ 177.106 (now § 177.275) Repair technician training and certification.** This section is amended to include language requiring training in OBD technology and the OBD testing requirements being implemented. It incorporates, but relocates to new section 177.275, the existing language requiring completion of a course relating to the Commonwealth's emission I/M program and adds a requirement of completion of additional training specifically related to OBD—I/M technology and repair.

**§ 177.202a OBD—I/M check equipment.** This new section describes the performance features required of equipment used to perform the OBD—I/M check. Reference is made to specifications developed by the Department and its consultants ensuring that the data retrieved in the performance of the OBD—I/M check can be communicated to the Department's vehicle inspection information database (VIID).

**§ 177.203 Test procedures.** This section is amended to delete provisions relating to a "basic" I/M program and eliminate the use of "enhanced" as a modifier. Procedures for establishing a vehicle's "readiness" for the OBD—I/M check as well as for conducting the test are added to this section. Procedures currently found only in Appendix B to the regulation for performance of the gas cap test, and procedures for performance of the visual inspection currently located in § 177.204 have been moved to the more appropriate location in this section.

**§ 177.204 Emission standards.** This section has been renamed "Basis for failure." It includes criteria for failure of all the I/M program tests, not simply standards

for permissible levels of emitted gasses. Criteria for failure of the OBD—I/M check are also included and track the requirements and recommendation of the EPA.

**§ 177.252 Emission inspection test report.** The amendments to this section eliminate provisions relating to the “basic” I/M program no longer conducted in the Commonwealth. Requirements for the report to be given the vehicle owner or operator pursuant to § 177.252 under the existing program are retained; requirements of the report to be given to vehicle owners or operators on which the OBD—I/M check is performed have been added. The OBD—I/M check report details the readiness results and diagnostic trouble codes revealed in the test, as well as providing information on any applicable recall for the vehicle and the availability of warranty coverage.

**§ 177.406 Tools and equipment.** The amendments to this section include OBD scanners or scan tools in the list of equipment required at an official emission inspection station. The amendments also deletes reference to specifications for equipment at “basic” I/M stations.

**§ 177.407 Certified emission inspectors.** This section is amended to delete references to a “basic” and “enhanced” I/M program. The amendments also include the training required for certification as an emission inspector for the OBD—I/M check.

**§ 177.501 Equipment approval procedures.** This section is amended to delete references to a “basic” and “enhanced” I/M program and to remove provisions specific to the “basic” program no longer conducted in the Commonwealth. The amendments also delete the provisions for “interim” approval relevant only during the start-up period of the I/M program. The amendments also include new requirements to be met for approval of equipment to be used in the OBD—I/M check.



***Persons and Entities Affected***

The amendment will affect the owners and operators of vehicles registered in the Commonwealth as well as individuals in the business of vehicle inspection and vehicle repair in the affected counties.

***Fiscal Impact***

These amendments to the I/M regulations will require the purchase of new equipment by existing emission inspection stations and by new stations in the areas in which an I/M program is being initiated. The cost will be recouped through the fees charged to vehicle owners for inspections. In some regions, the amendments may nevertheless result in savings to vehicle owners in the form of lower cost of emission inspection with introduction of the simpler OBD—I/M check. In counties in which these regulations initiate an I/M program, vehicle owners will experience increased costs for the emission inspection. These costs or savings to the general motoring public are not, however, readily measurable. Costs of the I/M tests are market driven and are not regulated by the Department. Station owners vary in the fee charged for I/M testing and vehicle owners have the opportunity to choose a station with a fee acceptable to them. The Department cannot, however, measure with any precision what costs and savings may result in the marketplace.

***Regulatory Review***

Pursuant to section 4710 (e) of the Vehicle Code (75 Pa. C.S. § 4710(e)), the Department submitted a copy of this rulemaking to the Office of Attorney General on \_\_\_\_\_, 2003. The rulemaking was approved as to form and legality by the Office of Attorney General on \_\_\_\_\_, 2003. The Department submitted a copy

of this final rulemaking on \_\_\_\_\_, 2003 to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees for review consistent with section 5 of the Act of June 30, 1989 (P.L. 73, No 19, 71 P.S. § 745.5). In accordance with section 5 (c) of the Regulatory Review Act, this amendment was deemed approved by the Committees on \_\_\_\_\_, 2003 and was approved by IRRC on \_\_\_\_\_, 2003.

In addition to the final rulemaking the Committees were provided with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

In preparing this final-form amendment, the Department has considered the comments received from the EPA, the public and individuals in the business of vehicle inspection and repair.

***Sunset Provisions***

The Department is not establishing a sunset date for this regulation since the regulation is necessary to comply with requirements of Federal laws relating to control of vehicle emissions.

**Contact Person**

The contact person for this regulation is Peter Gertz, Vehicle Inspection Division, 4<sup>th</sup> Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, or to [pgertz@state.pa.us](mailto:pgertz@state.pa.us).

**Authority**

These amendments are adopted under the authority contained in sections 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104 of the Vehicle Code (75 P.S. §§ 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104).

**Order**

The Department, acting under the authorizing statutes, orders that:

- (a) The regulations of the Department, 67 Pa. Code Chapter 177, are amended by amending Chapter 177 to read as set forth in Annex A.
- (b) The Secretary of the Department shall certify this order and Annex A, and deposit them with the Legislative Reference Bureau as required by law.
- (c) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

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 177. [ENHANCED] EMISSION INSPECTION PROGRAM

Subchapter A. General Provisions

\* \* \* \* \*

§ 177.3. Definitions.

\* \* \* \* \*

[*Basic Emission Inspection Program* – A vehicle emission program defined by the EPA as a basic program, utilizing BAR 80 or BAR 84 exhaust analyzers to conduct a one speed idle test, and not meeting the requirements of an enhanced emission inspection. This is the initial emissions program which will continue in Lehigh and Northampton Counties until November 15, 1999.]

\* \* \* \* \*

Diagnostic Trouble Code (DTC) – An alphanumeric code which is set in a vehicle's onboard computer when a monitor detects a condition likely to lead to (or which has already produced) a component or system failure.

\* \* \* \* \*

*Emission inspection* - The testing of the exhaust emissions control systems of a subject vehicle[, while it is running, for CO, HC, and NO,] as required by [Department procedures] this chapter. The term includes an inspection performed utilizing an I/M emission test, an OBD-I/M check, an evaporative function test, gas cap test, visual inspection or any combination of such tests.

[Enhanced e]Emission inspection program - A vehicle emission inspection program as defined by the EPA [which includes computerized emission analyzers, on-road testing and inspection of vehicle emission control devices through a decentralized inspection program] designed to meet an I/M performance standard.

*Emission inspection [test] report* - A document automatically generated by [the analyzer testing] an emission inspection device once the testing cycle is completed. [This document will be reviewed by a certified emission inspector before presentation to the owner or driver of the subject vehicle and will provide emission related inspection information, including test standards and the actual test results for the subject vehicle.]

\* \* \* \* \*

[I/M area - The geographic area which the Department has identified as a basic or enhanced emission I/M program designated area. These areas are certified by the Secretary and published in the *Pennsylvania Bulletin*. Copies of the designations are available upon request.]

I/M emission test - The testing of exhaust emissions of a subject vehicle, while the vehicle is running, for CO, HC, NO, or other emitted gasses.

\* \* \* \* \*

I/M Region - The designation and grouping of counties in the Commonwealth certified under § 177.51(d) of this Chapter for purposes of administration of emission inspection requirements under this chapter. Currently, in accordance with § 177.51(d), Chester, Delaware, Bucks, Montgomery and Philadelphia counties constitute the Philadelphia Region; Allegheny, Beaver, Washington and Westmoreland counties constitute the Pittsburgh Region. Pending certification in accordance with §177.51(d), Berks, Dauphin, Cumberland, Lancaster, Lebanon, Lehigh, Northampton and York counties shall constitute the South Central Region; Blair, Cambria, Centre, Erie Lackawanna, Luzerne, Lycoming and Mercer counties shall constitute the Northern Region.

\* \* \* \* \*

Malfunction Indicator Light (MIL) - Dashboard light illuminated when a vehicle's onboard computer detects conditions likely to result in emissions exceeding standards by 1½ times or greater. The MIL may display "Check Engine," "Service Engine Soon," or other similar message, or a symbol or picture representing an automobile engine.

\* \* \* \* \*

Model Year (MY) - The calendar year so designated by the manufacturer of a vehicle as the model year for a particular vehicle design.

\* \* \* \* \*

[OBD - On board diagnostic - A device which monitors the performance of emission control equipment, the vehicle's fuel metering system and ignition system, and other equipment and operating parameters for the purpose of detecting malfunction or deterioration in performance that would be expected to cause a vehicle to fail emissions standards. When these problems are detected, a malfunction indicator lamp located in the dashboard of the vehicle will be illuminated.]

OBD (Onboard Diagnostics) - A system of vehicle component and condition monitors controlled by a central, onboard computer designed and programmed, among other things, to signal the motorist when conditions exist which could lead to (or which has already produced) a component or system failure.

OBD Data Link Connector (DLC) - The interface which allows connection of the vehicle's OBD computer to an OBD scanner. Connecting an OBD scanner to the DLC allows I/M inspectors and vehicle repair technicians to read the readiness status of the vehicle's various onboard monitors and to read any diagnostic trouble codes recorded by the OBD computer.

OBD-I/M Check. - An inspection and evaluation of a vehicle's emission control systems utilizing the vehicle's OBD system as provided in §§ 177.203 and 177.204.

\* \* \* \* \*

Readiness Code - A status flag stored by a vehicle's onboard computer which is different from a DTC in that it does not indicate a vehicle component or system failure, but rather indicates whether or not the component or system



in question has been recently checked by the OBD system to determine if it is functioning properly.

\* \* \* \* \*

Scanner or Scan Tool - A PC-based or handheld device used to interface with a vehicle's onboard computer through its DLC for the purpose of determining readiness status and reading DTCs.

\* \* \* \* \*

**IMPLEMENTATION OF [ENHANCED] EMISSION  
INSPECTION PROGRAM**

**§ 177.21. [Cessation of current vehicle emission inspection program.]**

(a) The basic vehicle emission inspection program conducted as of September 30, 1997, in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, and in Allegheny, Beaver, Washington and Westmoreland Counties which exists in *Pennsylvania Code* serial pps. 125257-125266, 140091-140094, 125271-125288, 153617- 153620, 125291-125306, 182533 and 182554 will cease to be effective on a date designated by the Secretary by notice in the *Pennsylvania Bulletin* as provided in § 177.22 (relating to commencement date). Certificates of appointment issued to emission inspection stations in the program which exists in the

*Pennsylvania Code* serial pages listed in this section will terminate on a date designated by the Secretary in the *Pennsylvania Bulletin*. Emission inspection stations in the emission inspection program which exists in the *Pennsylvania Code* serial pages listed in this section that elect not to be certified to conduct emission inspections under the enhanced emission inspection program shall submit emission inspection related material to Department personnel upon a final audit by the Department.

b) The basic emission inspection program conducted as of September 30, 1997, in the applicable areas of Lehigh and Northampton Counties will continue as presently conducted and will cease on a date designated by the Secretary by notice in the *Pennsylvania Bulletin* or on November 15, 1999, whichever occurs first.] Reserved.

**§ 177.22. Commencement [date] of inspections.**

[The enhanced I/M program, as described in this chapter, will commence in Bucks, Chester, Delaware, Montgomery, Philadelphia, Allegheny, Beaver, Washington and Westmoreland counties on a date designated by the Secretary by notice in the *Pennsylvania Bulletin* or by November 15, 1997, whichever occurs first. It will commence by November 15, 1999, in the remaining counties subject to the I/M program.] Prior to implementation of the OBD-I/M check and

related inspection provisions of this Chapter, the Department will provide affected [motorists] vehicle owners with at least 60 days notice. Such notice shall be published in the Pennsylvania Bulletin, as provided for in 75 Pa. C.S. § 4706(b.1). [The Department may exercise discretion in the implementation of the enhanced I/M program with respect to phasing in the areas required to comply.]

**§ 177.23. Notification of requirement for emission inspection.**

The Department will notify the owner or lessee of a subject vehicle that is required to have [a basic or] an [enhanced] emission inspection [test].

\* \* \* \* \*

**§ 177.51. Program Requirements**

\* \* \* \* \*

(c) [Annual i] Inspection. Subject vehicles shall be emission inspected annually in coordination with a safety inspection according to procedures established by the Bureau, subject to the provisions in (1), (2) and (3) below. A safety inspection certificate for a vehicle subject to an [enhanced] emission inspection may not be

affixed until the subject vehicle has passed an emission inspection or received an exemption or a waiver as provided in § 177.281 (relating to issuance of waiver). The term "safety inspection certificate" as used in this subsection does not include temporary inspection approval indicators as defined in § 175.2[3 (relating to application of equipment rules)]. Safety inspection stations are not required to conduct emission inspections to maintain certification as safety inspection stations.

(1) At such time as the Secretary shall certify, by publication of a notice in the Pennsylvania Bulletin, that the number of subject pre-MY 1996 vehicles constitutes less than 40% of the total subject vehicles registered in an I/M county or region, subject pre-MY 1996 vehicles in that I/M county or region shall be inspected biennially in coordination with an annual safety inspection, provided that emissions in that I/M county or region are at or below levels which are in compliance with the State Implementation Plan, conformity requirements under the Clean Air Act, and the I/M performance standard.

(2) At such time as the Secretary shall certify, by publication of a notice in the Pennsylvania Bulletin, that the number of subject pre-MY 1996 vehicles

constitutes less than 20% of the total subject vehicles registered in an I/M county or region, pre-MY 1996 vehicles shall no longer be subject to the I/M program, provided that emissions in that I/M county or region are at or below levels which are in compliance with the State Implementation Plan, conformity requirements under the Clean Air Act, and the I/M performance standard.

(3) Nothing in this section shall be construed to relieve any vehicle from the requirements for annual safety inspections under Chapter 175 of Department regulations (67 Pa. Code, Chapter 175).

(d) *I/M [areas] counties or regions covered.* The Department will establish [areas of this] counties or regions within the Commonwealth which are subject to emission inspection by certification of the Secretary of the need to comply with Federal law and will publish the certification as a notice in the *Pennsylvania Bulletin* listing the I/M [areas] counties or regions.

(e) *Model year coverage.*

[(1) All subject gasoline-powered motor vehicles with a GVWR of 11,000 pounds or less and registered in a basic I/M inspection program area are required to continue to undergo a basic I/M inspection.

(2)] Subject gasoline-powered motor vehicles with a model year of 1975 and newer with a GVWR of 9,000 pounds or less and registered in an [enhanced] I/M [area] county or region are subject to an [enhanced] emission inspection. Current model year vehicles[, as defined in § 177.101(c) (relating to subject vehicles),] and vehicles driven less than 5,000 miles per year are exempt from this requirement.

(f) *Exhaust emission test types.* The following types of tests [types] will be administered to the appropriate model years and fuel types, subject to the provisions of (c) (2) above:

(1) [Beginning October 1, 1997,] Prior to the date established in accordance with § 177.22, subject vehicles registered in [Bucks, Chester, Delaware , Montgomery and Philadelphia Counties] counties in the Philadelphia Region will be required to undergo the following tests:

| <i>Model Year</i>  | <i>Test Type</i>  |
|--|---|
| 1975-1980 vehicles and 1975-<br>gas<br>1983 light duty trucks. | One-speed idle test;<br>cap test; visual<br>inspection. |
| 1981-and newer vehicles<br>and 1984-and newer light            | ASM 1 (ASM5015);<br>evaporative system                  |

duty trucks.

function tests  
(pressure, purge and  
gas cap test);  
visual inspection;

1981 and newer full  
time all wheel drive  
vehicles.

Two speed idle test,  
visual inspection,  
pressure and gas cap  
test.

(2) On and after the date established in accordance  
with § 177.22, subject vehicles MY 1996 and newer  
registered in counties in the Philadelphia Region will  
be required to undergo the following tests:

| <u>Model Year</u>  | <u>Test Type</u>  |
|--|---|
| <u>1996 and newer vehicles<br/>8,500 GVWR and under.</u>             | <u>OBD-I/M check; gas cap<br/>test.</u>                                 |
| <u>1996 and newer vehicles<br/>between 8,501 and 9,000<br/>GVWR.</u> | <u>Two speed idle test,<br/>visual inspection and<br/>gas cap test.</u> |

All subject vehicles MY 1975-1995 registered in counties in  
the Philadelphia Region shall be tested in accordance with  
the following table:

| <u>Calendar<br/>Year</u> | <u>Model Year</u>  | <u>Test Type</u>  |
|--------------------------|--|---|
| 2003                     | <u>1975-1977 vehicles and<br/>light duty trucks.</u>               | <u>Gas cap test; visual<br/>inspection.</u>   |
|                          | <u>1978-1980 vehicles and<br/>1978-1983 light duty<br/>trucks.</u> | <u>One-speed idle test; gas cap<br/>test; visual inspection</u>   |
|                          | <u>1981-1995 vehicles and<br/>1984-1995 light duty<br/>trucks.</u> | <u>ASM 1 (ASM5015); evaporative<br/>system function test<br/>(pressure purge and gas cap<br/>test); visual inspection</u> |

|             |  |  |
|-------------|--|--|
|             | <u>1981-1995 full time all wheel drive vehicles.</u>   | <u>Two speed idle test; visual inspection; pressure and gas cap test.</u>  |
| <u>2004</u> | <u>1975-1978 vehicles and light duty trucks.</u><br><br><u>1979-1980 vehicles and 1979-1983 light duty trucks.</u><br><br><u>1981-1995 vehicles and 1984-1995 light duty trucks.</u><br><br><u>1981-1995 full time all wheel drive vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><br><u>One-speed idle test; gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test); visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |
| <u>2005</u> | <u>1975-1979 vehicles and light duty trucks.</u><br><br><u>1980 vehicles and 1980-1983 light duty trucks.</u><br><br><u>1981-1995 vehicles and 1984-1995 light duty trucks.</u><br><br><u>1981-1995 full time all wheel drive vehicles.</u>      | <u>Gas cap test; visual inspection.</u><br><br><u>One-speed idle test; gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test); visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |
| <u>2006</u> | <u>1975-1980 vehicles and light duty trucks.</u><br><br><u>1981-1983 light duty trucks.</u><br><br><u>1981-1995 vehicles and 1984-1995 light duty trucks</u><br><br><u>1981-1995 full time all</u>   | <u>Gas cap test; visual inspection.</u><br><br><u>One speed idle test; gas cap test; visual inspection</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test); visual inspection.</u><br><br><u>Two speed idle test; visual</u>   |



|             |   |  |
|-------------|---|--|
|             | <u>wheel drive vehicles.</u>  | <u>inspection; pressure purge and gas cap test.</u>  |
| <u>2007</u> | <u>1975-1981 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1982-1983 light duty trucks.</u><br><br><u>1982-1995 vehicles and 1984-1995 light duty trucks.</u><br><br><u>1982-1995 full time all wheel drive vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><br><u>One speed idle test; gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test); visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |
| <u>2008</u> | <u>1975-1982 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1983 light duty trucks.</u><br><br><u>1983-1995 vehicles and 1984-1995 light duty trucks.</u><br><br><u>1983-1995 full time all wheel drive vehicles.</u>      | <u>Gas cap test; visual inspection.</u><br><br><u>One speed idle test; gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test); visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |
| <u>2009</u> | <u>1975-1983 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1984-1995 vehicles and light duty trucks.</u><br><br><u>1984-1995 full time all wheel drive vehicles.</u>  | <u>Gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test); visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u>   |
| <u>2010</u> | <u>1975-1984 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1985-1995 vehicles and light duty trucks.</u>  | <u>Gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure</u>  |

|             |  |  |
|-------------|--|--|
|             | <u>1985-1995 full time all wheel drive vehicles.</u>   | <u>purge and gas cap test);</u><br><u>visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u>  |
| <u>2011</u> | <u>1975-1985 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1986-1995 vehicles and light duty trucks.</u><br><br><u>1986-1995 full time all wheel drive vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test);</u><br><u>visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |
| <u>2012</u> | <u>1975-1986 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1987-1995 vehicles and light duty trucks.</u><br><br><u>1987-1995 full time all wheel drive vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test);</u><br><u>visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |
| <u>2013</u> | <u>1975-1987 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1988-1995 vehicles and light duty trucks.</u><br><br><u>1988-1995 full time all wheel drive vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test);</u><br><u>visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |
| <u>2014</u> | <u>1975-1988 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1989-1995 vehicles and light duty trucks.</u><br><br><u>1989-1995 full time all</u>                       | <u>Gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test);</u><br><u>visual inspection.</u><br><br><u>Two speed idle test; visual</u>  |

|             |  |  |
|-------------|--|--|
|             | <u>wheel drive vehicles.</u>   | <u>inspection; pressure purge and gas cap test.</u>  |
| <u>2015</u> | <u>1975-1989 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1990-1995 vehicles and light duty trucks.</u><br><br><u>1990-1995 full time all wheel drive vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test); visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |
| <u>2016</u> | <u>1975-1990 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1991-1995 vehicles and light duty trucks.</u><br><br><u>1991-1995 full time all wheel drive vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test); visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |
| <u>2017</u> | <u>1975-1991 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1992-1995 vehicles and light duty trucks.</u><br><br><u>1992-1995 full time all wheel drive vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test); visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |
| <u>2018</u> | <u>1975-1992 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1993-1995 vehicles and light duty trucks.</u><br><br><u>1993-1995 full time all wheel drive vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test); visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |

|                             |  |  |
|-----------------------------|--|--|
| <u>2019</u>                 | <u>1975-1993 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1994-1995 vehicles and light duty trucks.</u><br><br><u>1994-1995 full time all wheel drive vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test); visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |
| <u>2020</u>                 | <u>1975-1994 vehicles, light duty trucks and full time all wheel drive vehicles.</u><br><br><u>1995 vehicles and light duty trucks.</u><br><br><u>1995 full time all wheel drive vehicles.</u>           | <u>Gas cap test; visual inspection.</u><br><br><u>ASM 1 (ASM5015); evaporative system function test (pressure purge and gas cap test); visual inspection.</u><br><br><u>Two speed idle test; visual inspection; pressure purge and gas cap test.</u> |
| <u>2021 and thereafter.</u> | <u>1975-1995 vehicles, light duty trucks and full time all wheel drive vehicles.</u>   | <u>Gas cap test; visual inspection.</u>  |

(3) [Beginning October 1, 1997] Prior to the date established in accordance with § 177.22, subject vehicles registered in [Beaver, Allegheny, Washington and Westmoreland Counties] counties in the Pittsburgh Region will be required to undergo the following tests:

| <u>Model Year</u> | <u>Test Type</u>                                      |
|-------------------|---|
| 1975-1980         | One-speed idle test; gas cap test; visual inspection. |
| 1981-and newer    | Two-speed idle test, gas cap test; visual inspection. |

(4) On and after the date established in accordance with § 177.22, subject vehicles MY 1996 and newer registered in counties in the Pittsburgh Region will be required to undergo the following tests:

| <u>Model Year</u>  | <u>Test Type</u>  |
|--|---|
| <u>1996 and newer vehicles 8,500 GVWR and under.</u>         | <u>OBD-I/M check; gas cap test.</u>                             |
| <u>1996 and newer vehicles between 8,501 and 9,000 GVWR.</u> | <u>Two speed idle test, visual inspection and gas cap test.</u> |

All subject vehicles MY 1975-1995 registered in counties in the Pittsburgh Region shall be tested in accordance with the following table:

| <u>Calendar Year</u> | <u>Model Year</u>          | <u>Test Type</u>   |
|----------------------|----------------------------|--|
| 2003                 | <u>1975-1977 vehicles.</u> | <u>Gas cap test; visual inspection.</u>                      |
|                      | <u>1978-1980 vehicles.</u> | <u>One-speed idle test; gas cap test; visual inspection.</u> |
|                      | <u>1981-1995 vehicles.</u> | <u>Two-speed idle test; gas cap test; visual inspection.</u> |
| 2004                 | <u>1975-1978 vehicles.</u> | <u>Gas cap test; visual inspection.</u>                      |
|                      | <u>1979-1980 vehicles.</u> | <u>One-speed idle test; gas cap test; visual inspection.</u> |
|                      | <u>1981-1995 vehicles.</u> | <u>Two speed idle test; gas cap test; visual inspection.</u> |
| 2005                 | <u>1975-1979 vehicles.</u> | <u>Gas cap test; visual</u>                                  |

|             |                            |  |
|-------------|----------------------------|--|
|             | <u>1980 vehicles.</u>      | <u>inspection.</u><br><u>One-speed idle test; gas cap test; visual inspection.</u> |
|             | <u>1981-1995 vehicles.</u> | <u>Two speed idle test; gas cap test; visual inspection.</u>                       |
| <u>2006</u> | <u>1975-1980 vehicles.</u> | <u>Gas cap test; visual inspection.</u>  |
|             | <u>1981-1995 vehicles.</u> | <u>Two speed idle test; gas cap test; visual inspection.</u>                       |
| <u>2007</u> | <u>1975-1981 vehicles.</u> | <u>Gas cap test; visual inspection.</u>  |
|             | <u>1982-1995 vehicles.</u> | <u>Two speed idle test; gas cap test; visual inspection.</u>                       |
| <u>2008</u> | <u>1975-1982 vehicles.</u> | <u>Gas cap test; visual inspection.</u>  |
|             | <u>1983-1995 vehicles.</u> | <u>Two speed idle test; gas cap test; visual inspection.</u>                       |
| <u>2009</u> | <u>1975-1983 vehicles.</u> | <u>Gas cap test; visual inspection.</u>  |
|             | <u>1984-1995 vehicles.</u> | <u>Two speed idle test; gas cap test; visual inspection.</u>                       |
| <u>2010</u> | <u>1975-1984 vehicles.</u> | <u>Gas cap test; visual inspection.</u>  |
|             | <u>1985-1995 vehicles.</u> | <u>Two speed idle test; gas cap test; visual inspection.</u>                       |
| <u>2011</u> | <u>1975-1985 vehicles.</u> | <u>Gas cap test; visual inspection.</u>  |
|             | <u>1986-1995 vehicles.</u> | <u>Two speed idle test; gas cap test; visual inspection.</u>                       |
| <u>2012</u> | <u>1975-1986 vehicles.</u> | <u>Gas cap test; visual inspection.</u>  |
|             | <u>1987-1995 vehicles.</u> | <u>Two speed idle test; gas cap test; visual inspection.</u>                       |
| <u>2013</u> | <u>1975-1987 vehicles.</u> | <u>Gas cap test; visual inspection.</u>  |
|             | <u>1988-1995 vehicles.</u> | <u>Two speed idle test; gas cap test; visual inspection.</u>                       |

|                             |  |   |
|-----------------------------|--|---|
| <u>2014</u>                 | <u>1975-1988 vehicles.</u><br><u>1989-1995 vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><u>Two speed idle test; gas cap test; visual inspection.</u> |
| <u>2015</u>                 | <u>1975-1989 vehicles.</u><br><u>1990-1995 vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><u>Two speed idle test; gas cap test; visual inspection.</u> |
| <u>2016</u>                 | <u>1975-1990 vehicles.</u><br><u>1991-1995 vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><u>Two speed idle test; gas cap test; visual inspection.</u> |
| <u>2017</u>                 | <u>1975-1991 vehicles.</u><br><u>1992-1995 vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><u>Two speed idle test; gas cap test; visual inspection.</u> |
| <u>2018</u>                 | <u>1975-1992 vehicles.</u><br><u>1993-1995 vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><u>Two speed idle test; gas cap test; visual inspection.</u> |
| <u>2019</u>                 | <u>1975-1993 vehicles.</u><br><u>1994-1995 vehicles.</u> | <u>Gas cap test; visual inspection.</u><br><u>Two speed idle test; gas cap test; visual inspection.</u> |
| <u>2020</u>                 | <u>1975-1994 vehicles.</u><br><u>1995 vehicles.</u>      | <u>Gas cap test; visual inspection.</u><br><u>Two speed idle test; gas cap test; visual inspection.</u> |
| <u>2021 and thereafter.</u> | <u>1975-1995 vehicles</u>                                | <u>Gas cap test; visual inspection.</u>   |

[(3) Until November 1, 1999, vehicles registered in Lehigh and Northampton Counties and the remaining counties required to undergo emission inspection will under go the following:

| <i>Model Year</i>                    | <i>Test Type</i>     |
|--------------------------------------|----------------------|
| All subject gasoline power vehicles. | One-speed idle test. |

(4) Beginning November 1, 1999, vehicles registered in Lehigh and Northampton Counties and the remaining counties required to undergo emission inspection will undergo the following:

| <i>Model Year</i> | <i>Test Type</i>   |
|-------------------|--|
| 1975-1980         | One-speed idle test;<br>gas cap test;<br>visual inspection.  |
| 1981 and newer    | Two-speed idle test;<br>gas cap test;<br>visual inspection.] |

(5) Following publication of notice of an effective date in the Pennsylvania Bulletin in accordance with § 177.22, subject vehicles registered in the South Central Region will be required to undergo the following:

| <u><i>Model Year</i></u>  | <u><i>Test Type</i></u>                           |
|---|---|
| <u>1975-1995</u>  | <u>gas cap test;</u><br><u>visual inspection</u>  |
| <u>1996 and newer vehicles</u><br><u>8,500 GVWR and under</u>                   | <u>OBD-I/M check; gas cap</u><br><u>test.</u>     |
| <u>1996 and newer vehicles</u><br><u>between 8,501 and 9,000</u><br><u>GVWR</u> | <u>gas cap test; visual</u><br><u>inspection.</u> |

(6) Following publication of notice of an effective date in the Pennsylvania Bulletin in accordance with §



177.22, subject vehicles registered in the Northern  
Region will be required to undergo the following:

| <u>Model Year</u>              | <u>Test Type</u>                                 |
|--------------------------------|--|
| <u>1975 and newer vehicles</u> | <u>gas cap test;</u><br><u>visual inspection</u> |

[(5)](7) One-speed and two-speed idle testing shall be as described in 40 CFR Part 51, Subpart S, Appendix B (I and II) (relating to one and two-speed idle tests), which is adopted by reference[, and Appendix A, acceleration simulation mode Pennsylvania procedures, standards, equipment specifications and quality control requirements].

\* \* \* \* \*

**§ 177.53. Vehicle inspection process.**

The vehicle inspection process shall be as follows:

(1) If a subject vehicle passes the [basic or enhanced] emission inspection [requirements], the emission inspection station shall provide the vehicle owner or [driver] operator with an emission inspection [test] report certifying that the vehicle has passed the emission inspection.

(2) If a subject vehicle fails any phase of the [enhanced] emission inspection [requirements], the emission inspection station shall provide the vehicle owner or operator with a software generated interpretive diagnostic information form based on the particular portions of the inspection [test] that the vehicle failed.

(3) If a subject vehicle fails any phase of the [basic or enhanced] emission inspection, the vehicle owner shall have the vehicle repaired and submit the vehicle for retesting.

\* \* \* \* \*

#### **Subchapter B. SUBJECT VEHICLES**

##### **§ 177.101. Subject vehicles.**

###### *(a) Subject Vehicles.*

[(1) Subject vehicles in a basic I/M program area include gasoline powered vehicles with a GVWR of 11,000 pounds or less which are:

(i) Moved upon a highway.

(ii) Registered in or required to be registered in a designated I/M area.

(iii) Leased vehicles with registration or titling in the name of someone other than the lessee or user

where the motor vehicle is registered or required to be registered in an I/M area.

(2)] Subject vehicles in an [enhanced] I/M [program area] county or region include gasoline powered 1975 and newer model year vehicles, excluding the current model year, with a GVWR of 9,000 pounds or less which are:

[(i)] (1) Registered in or required to be registered in a [designated enhanced] certified I/M [area] county or region.

[(ii)] (2) Leased vehicles with registration or titling in the name of someone other than the lessee or user where the motor vehicle is registered or required to be registered in an I/M [area] county or region.

[(iii)] (3) Operated on Federal installations located within an I/M [area] county or region, regardless of where the vehicles are registered. This requirement applies to employe-owned or leased vehicles, including vehicles owned, leased or operated by civilian and military personnel on Federal installations, as well as, agency-owned or operated vehicles. Vehicles exempted from this requirement are:

([A]i) Tactical military vehicles.

([B]ii) Visiting agency, employe or military personnel vehicles as long as the visits do not exceed 60 calendar days per calendar year.

[(iv)] (4) School buses 9,000 pounds or less GVWR and other buses with a seating capacity of 15 seats or less with a GVWR of 9,000 pounds or less.

[(b) *Documentation of compliance.* The Federal installation shall provide, annually, or as requested, documentation of proof of compliance with subsection (a) (2) (iii) to the Department. This documentation shall be updated periodically, but at least in each inspection cycle. The installation shall present a valid certificate of compliance with the I/M program of the Commonwealth or an I/M program deemed acceptable to the Department, for each vehicle.]

[(c)] (b) *Other exempted vehicles.* Other exempted vehicles shall include vehicles operated or registered as one of the following:

\* \* \* \* \*

(14) Specially constructed vehicles.

\* \* \* \* \*

**§ 177.105. Vehicles requiring emission inspection due to change of address.**

Subject vehicles required to participate in the [Enhanced Emission] I/M Program because of vehicle registration change of address shall be phased into the emission inspection program [during] at the time of the expiration of the current certificate of safety inspection when the vehicle is next inspected.

**§ 177.106. [Repair technician training and certification.**

(a) *General rule.* Personnel who perform diagnosis and repair of automotive engines and related systems required to meet the emission standards of this chapter may be certified by the Department as certified repair technicians. Only certified repair technicians will be authorized to process requests for and deliver waivers.

\* \* \* \* \*

(d) *Supplemental training.* The Department may authorize periodic supplemental training a requirement for a person to maintain the status of a certified repair technician.]

[Reserved].

\* \* \* \* \*

**Subchapter C. EMISSION TEST PROCEDURES  
AND EMISSION STANDARDS  
GENERAL**

§ 177.201 General Requirements.

I/M [E]mission tests, OBD-I/M checks, [and] evaporative system function[all] tests, gas cap tests and visual inspections shall be subject to the following requirements:

\* \* \* \* \*

§ 177.202. Emission test equipment.

(a) *Performance features of [basic and enhanced] emission test equipment*. Computerized test systems are required for performing any emission measurement on subject vehicles. The test equipment shall be certified to meet applicable EPA requirements, including those contained in 40 CFR Part 5, Subpart S, Appendix D (relating to steady-state short test equipment), which is adopted by reference, or the performance standards of California BAR 97 as they apply to the PA97 analyzer and Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements). Newly acquired systems shall be subjected to acceptance test procedures to ensure compliance with program specifications.

\* \* \* \* \*

**§ 177.202a. OBD-I/M check equipment.**

**(a) Performance features of OBD-I/M check equipment.**

The design and operation of any scanner or scan tool used in the performance of an OBD-I/M check shall meet all Federal requirements (contained in 40 CFR 85.2207-2231) and recommended Society of Automotive Engineers (SAE) practices (J1962, J1978 and J1979) for OBD system inspections.

(1) The equipment must be automated and require no inspector intervention to collect and record OBD data retrieved via the diagnostic link.

(2) The equipment must automatically retrieve an RPM signal, OBD readiness monitors, failure codes, MIL status, powertrain identification, powertrain control module identification and OBD vehicle identification number (where available) through a standard interface with the vehicle DLC.

(b) The equipment shall function in accordance with the specifications issued by the Department. Copies of the specifications are available from the Department.

**§ 177.202b. Equipment for gas cap test and visual inspection.**

The design and operation of equipment used in the performance of the gas cap test and visual inspection shall

meet the specifications issued by the Department. Copies of the specifications are available from the Department.

**§ 177.203. Test procedures.**

[(a) *Basic I/M program test procedures.*

(1) *Idle testing.* The following steps shall be taken when testing subject vehicles, except 1981 and later Ford Motor Company vehicles:

(i) Emission tests data shall be entered into the analyzer by a certified emission inspector using the alpha-numeric keyboard in the sequence specified.

(ii) The digital engine tachometer of the analyzer shall be connected to the subject vehicle engine being tested by means of an inductive pickup.

(iii) The engine shall be at normal operating temperature, not overheating, and with all accessories off.

(iv) The analyzer shall be warmed-up in proper operating condition, and the tachometer pickup shall be attached.

(v) With the motor vehicle in park or neutral gear and wheel chocks in place and the emergency brake secured, accelerate the engine to 2,500 revolutions per minute, plus or minus 300 revolutions per minutes,



for 30 seconds. Release the accelerator and allow the engine to return to idle.

(vi) With the engine operating at idle, insert the sample probe of the emission analyzer into the vehicle's exhaust pipe. The probe tip shall be inserted at least 12 inches into the tailpipe, or, in the case of a restriction, a device shall be added to prohibit test sample dilution. If multiple tailpipes are present, hardware which is capable of simultaneously sampling both sources shall be used. Simultaneous sampling hardware is not necessary for exhaust systems in which the exhaust pipes originate from a common point.

(vii) Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. These results shall be compared by vehicle model year as shown in §177.204(a) (relating to emission standards).

(viii) Subject motor vehicles having engines replaced shall be emission inspected by standards corresponding to the model year of the engine.

(ix) For purposes of determining truck test standards, the greater of the registered gross weight or manufacturer's GVWR shall be used.

(x) Vehicles shall be tested in as-received condition. A vehicle capable of operating on gasoline and other fuel is subject to testing and shall be tested while operating in the gasoline mode.

(2) *Restart idle mode test.* For 1981 and later Ford Motor Company vehicles, follow the same sequence as required in the idle mode test in paragraph (1), but add the following requirement between the steps set forth in paragraph (1)(v) and (vi). The engine shall be turned off and then restarted. After the completion of the 30 second/2,500 rpm cycle in paragraph (1)(vi), the inspector shall immediately insert the sample probe into the tailpipe and immediately proceed with the completion of the emission test.]

[(b)](a) [Enhanced] I/M [program] emission test procedures.

\* \* \* \* \*

(3) *Evaporative system function tests.* Evaporative system functions tests, including an evaporative system pressure test and an evaporative system purge test on 1981 and newer model year subject vehicles, shall be administered on subject vehicles registered in Bucks, Chester, Delaware, Montgomery and Philadelphia counties upon notification to the Department of EPA approved

procedures and will be conducted based on the procedures approved by the Department. [A gas cap test will be administered on all 1975 and newer model year vehicles subject to the enhanced emission test.

(4) *Subsequent test procedures approved by the EPA.* If the EPA develops or approves other test procedures, including test procedures prescribed in this section, the Department may adopt these subsequently approved test procedures consistent with section 4706(e) of the Vehicle Code (relating to prohibition on expenditures for emission inspection program).]

(b) OBD-I/M check.

(1) Readiness requirement for a valid OBD-I/M check.

An initial scan of the OBD system should determine the status of all readiness codes.

(i) A status indication of "not ready," "not supported" or similar message for one or more of the continuous monitors (i.e., misfire, fuel trim, and/or comprehensive components), may be disregarded for readiness determination purposes only and the OBD-I/M check can proceed.

(ii) For model year 1996-2000 vehicles, a status indication of "not ready," "not supported" or similar message for two or fewer other readiness codes may be

disregarded for readiness determination purposes only and the OBD-I/M check can proceed.

(iii) For model year 2001 and newer vehicles, a status indication of "not ready" or "not supported" for no more than one other readiness code may be disregarded for readiness determination purposes only and the OBD-I/M check can proceed.

(iv) The readiness requirement may also be waived or otherwise accommodated for specific makes, models, and model years of vehicles with known readiness design problems, in accordance with applicable technical service bulletins and/or EPA guidance. The Bureau will advise all participating stations by station bulletin whether the readiness requirements can be waived or otherwise accommodated for specific makes, models, and model years of vehicles.

(2) Performing the OBD-I/M check. Following a determination of readiness, the seven step procedure delineated below shall be used when performing an OBD-I/M check:

(i) Initiate the official test by scanning or manually inputting the required vehicle and owner information.

(ii) Visually examine the vehicle instrument panel to determine if the MIL illuminates briefly when the ignition key is turned to the "key on, engine off" (KOEO) position. A brief period of illumination of the MIL at start-up is normal and helps confirm the MIL bulb is in proper operating condition. This portion of the test procedure is also known as the "bulb check." Enter the results of the bulb check for downloading into the VIID.

(iii) Locate the vehicle's data link connector (DLC) and plug the scan tool into the connector. While it is recommended that this step be performed with the ignition in the "off" position, this step can also be performed with the vehicle running.

(iv) Start the vehicle's engine so that the vehicle is in the "key on, engine running" (KOER) condition. The MIL may illuminate and then extinguish during this phase. Continued illumination of the MIL (MIL commanded on) while the engine is running is cause for failure of the OBD—I/M check under § 177.204(2).

(v) With the scan tool in the "generic OBD" mode, follow the scan tool manufacturer's instructions to determine vehicle readiness status, MIL status (whether commanded on or off), and diagnostic trouble

codes (DTCs) for those vehicles with the MIL commanded on.

(vi) The results of the OBD-I/M check will be transferred automatically to the VIID.

(vii) Without clearing DTCs or readiness codes, turn off the vehicle ignition and then disconnect the scan tool. Procedure for clearing codes as necessary is included in section 177.271 (relating to repairs following failure of the OBD-I/M check).

(c) Gas cap test procedures. The gas cap test will be conducted using test equipment approved by the Department, in accordance with the manufacturer's instructions.

(d) Visual inspection procedures.

(1) A visual inspection of the vehicle emission control system shall look for the presence of the following emission control devices:

(i) Catalytic converter.

(ii) Exhaust gas recirculation (EGR) valve.

(iii) Positive crankcase ventilation (PCV) valve.

(iv) Fuel inlet restrictor.

(v) Air pump.

(vi) Evaporative control system components.

(2) Visual inspections shall be performed through direct observation or through indirect observation, using a mirror or other visual aid.

(3) Inspections shall include a determination as to whether each subject device is present and appears to be properly connected and to be the correct type for the certified configuration.

(e) Subsequent test procedures approved by the EPA. If the EPA develops or approves other test procedures, including test procedures prescribed in this section, the Department may adopt these subsequently approved test procedures consistent with section 4706(e) of the Vehicle Code (relating to prohibition on expenditures for emission inspection program).

**§ 177.204. [Emission standards] Basis for failure.**

[Subject vehicles shall be rejected if they exceed the following standards] The basis for failure of the tests and procedures under this chapter shall be as follows:

[(1) *Basic I/M program area.*

(i) Passenger cars and trucks less than 6,000 pounds GVWR.

| MODEL YEAR | CO%  | HC (ppm) |
|------------|------|----------|
| Pre-1968   | 10.0 | 1,600    |
| 1968-1969  | 8.0  | 800      |

|                |     |     |
|----------------|-----|-----|
| 1970-1974      | 6.0 | 600 |
| 1975-1979      | 4.0 | 400 |
| 1980           | 3.0 | 300 |
| 1981 and newer | 1.2 | 220 |

(ii) Trucks 6,000 pounds through 8,500 pounds GVWR.

| MODEL YEAR     | CO% | HC (ppm) |
|----------------|-----|----------|
| Pre-1970       | 7.0 | 1500     |
| 1970-1973      | 6.5 | 800      |
| 1974-1978      | 6.0 | 650      |
| 1979           | 4.0 | 400      |
| 1980           | 3.0 | 300      |
| 1981 and newer | 1.2 | 220      |

(iii) Trucks 8,501 pounds through 11,000 pounds GVWR

(for vehicles in the basic I/M program).

| MODEL YEAR     | CO% | HC (ppm) |
|----------------|-----|----------|
| Pre-1970       | 7.0 | 1500     |
| 1970-1973      | 6.5 | 800      |
| 1974 and newer | 6.0 | 650]     |

[(2)] (1) [Enhanced I/M program area] I/M emission test. A vehicle fails the I/M emission test if emissions exceed the following standards:

(i) *Idle test standards.*

(A) Passenger cars and trucks less than 6,000 pounds GVWR.

| MODEL YEAR     | CO% | HC (PPM) |
|----------------|-----|----------|
| 1975-1979      | 4.0 | 400      |
| 1980           | 3.0 | 300      |
| 1981-1992      | 1.2 | 220      |
| 1993 and newer | 1.0 | 130      |



(B) Trucks 6,000 pounds through 9,000 pounds GVWR.

| MODEL YEAR     | CO% | HC (PPM) |
|----------------|-----|----------|
| [1975-1978     | 6.0 | 650]     |
| 1975-1978      | 6.0 | 650      |
| 1979           | 4.0 | 400      |
| 1980           | 3.0 | 300      |
| 1981-1992      | 1.2 | 220      |
| 1993 and newer | 1.0 | 180      |

(C) Maximum exhaust dilution shall be measured as at least 6% CO plus CO<sub>2</sub> on vehicles subject to a steady-state test as described in 40 CFR Part 51, Subpart S, Appendix B (relating to test procedures), which is adopted by reference.

(ii) *ASM test emission standards.*

Model years 1981 and newer vehicles required to receive an ASM emission inspection shall be subject to standards specified in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements). [This includes both phase in and final test standards.]

(2) OBD-I/M check. Unless otherwise noted, a vehicle fails the OBD-I/M check for any of the following:

(i) The MIL does not illuminate at all when the ignition key is turned to the KOEO position.

(ii) The DLC is missing, has been tampered with, is otherwise inoperable or is inaccessible.

(iii) The vehicle displays more than the requisite number of readiness codes as "not ready," "not supported" or similar message under §177.203(b)(1)(i)-

(iii), and there is no justification under § 177.203(b)(1)(iv) for disregard of the readiness requirement.

(iv) The MIL illuminates continuously or flashes while the engine is running, even if no DTCs are present. If this condition is present, the vehicle shall fail under this paragraph, not paragraph (ii), even if the MIL did not illuminate in the KOEO position.

(v) Any DTCs are present and the MIL status, as indicated by the scan tool, is commanded on, regardless of whether or not the MIL is actually illuminated.

During the first test cycle of emission inspection utilizing the OBD-I/M check in an I/M county or region, the inability to locate or access a vehicle's DLC shall not be a basis for failure, provided that the MIL illuminates when the ignition key is in the KOEO position and does not

illuminate continuously or flash while the engine is running.

[(iii)] (3) Evaporative emission system function test (gas cap test) standards. [

(A)] A vehicle shall fail the gas cap test if at any time during [the 2 minutes of] the gas cap test the pressure drops from the starting pressure by more than 6 inches of water, causing the test to be terminated. If the pressure does not drop more than 6 inches during the test, the vehicle shall pass the gas cap test.

[(B)] A vehicle shall fail the evaporative system pressure test if the system cannot maintain a system pressure above 8 inches of water for 2 minutes after being pressurized to 14 +/- 0.5 inches of water or if no pressure drop is detected when the gas cap is loosened as described in this section. Additionally, a vehicle shall fail the evaporative test if the canister is missing or obviously damaged, if hoses are missing or obviously damaged, or if the gas cap is missing.]

[(iv)] (4) Visual inspection of vehicle emission control system.

[(A) A visual inspection of the vehicle emission control system of 1975 and later model year subject vehicles shall be conducted on subject vehicles registered in the counties required to perform enhanced vehicle emission inspections. The visual inspection shall look for the presence of the following emission control devices:

- (I) Catalytic converter
- (II) Exhaust gas recirculation (EGR) valve
- (III) Positive crankcase ventilation (PCV) valve
- (IV) Fuel inlet restrictor
- (V) Air pump
- (VI) Evaporative control system components

(B) Visual emission control devices inspections shall be performed through direct observation or through indirect observation, using a mirror or other visual aid.

(C) These inspections shall include a determination as to whether each subject device is present and appears to be properly connected and appears to be the correct type for the certified configuration.

(D)] A vehicle shall fail the visual inspection if applicable required emission control equipment specified in [clause (A)] § 177.203(d) is not present, is not properly connected or is not the correct type for the certified configuration.

[(v)] (5) Subsequent test procedures and bases for failure approved by the EPA. If the EPA develops or approves other test procedures and bases for failure of test procedures, including the test procedures prescribed in this section, the Department may adopt these subsequently approved test procedures and bases for failure consistent with Section 4706(e) of the Vehicle Code (relating to prohibition on expenditures for emission inspection program).

\* \* \* \* \*

**EMISSION INSPECTION [TEST] REPORT**

\* \* \* \* \*

**§ 177.252. Emission inspection [test] report.**

(a) [The basic emission I/M program shall require two legible emission inspection test reports including full test details as listed below:

| <i>Data</i>            | <i>Suggested Format</i>          |
|------------------------|----------------------------------|
| Date                   | Date: month/day/year<br>02/23/95 |
| Station Number         | Station #:                       |
| Inspector Number       | Inspector #:                     |
| Vehicle ID Number      | Vehicle ID #:                    |
| RPM Reading            | RPM:                             |
| HC Standard in PPM     | HC STD. PPM:                     |
| HC Test Reading in PPM | HC Test PPM:                     |
| CO Standard in %       | CO STD. %:                       |
| CO Test Reading in %   | CO Test %:                       |
| CO2 Reading in %       | CO2 %:                           |

Invalid Test

CO2/RPM: (either invalid  
CO2 or RPM Unstable)

Sticker Number

Sticker #:

Total Cost

Total Cost:

Certified emission inspector signature: inspector sig.  
for signature, data will be manually completed.

(b)] The [enhanced] emission inspection [test]  
report shall be as shown on the sample emission  
inspection report form contained in Appendix A  
(relating to acceleration simulation mode: Pennsylvania  
procedures, standards, equipment specifications and  
quality control requirements) and shall include:

(1) A vehicle description, including license plate  
number, VIN, vehicle make, model [and], odometer  
reading, GVWR and estimated test weight, engine size,  
and inspection type.

(2) The date and time of the test.

(3) The name, [and] identification number and  
signature of the individual[s] (s) performing the tests  
and the name, address and station number of the test  
station.

(4) The type of tests performed.

(5) The applicable test standards.

(6) The I/M emission test results, if applicable,  
including exhaust concentrations, pass/fail results  
for each mode measured and the results of visual  
inspection.

(7) The OBD-I/M check results, if applicable,  
including the status of the MIL illumination command,  
the alphanumeric DTC(s) as specified per SAE J2012 and  
J1930, unset readiness codes if the number of unset  
readiness codes exceeds the limit for which an exemption  
is allowed, i.e., if the outcome of the test is  
unacceptable for testing based upon the presence of too  
many unset readiness codes. If, during the initial  
emission inspection cycle in an I/M county or region, a  
vehicle subject to the OBD-I/M check with a DLC which  
cannot be accessed nevertheless satisfies the MIL  
elements of the OBD-I/M check, that result shall be  
specifically noted in the report.

(8) The results of the gas cap test.

(9) The results of the visual inspection.

(~~8~~ 10) A statement indicating the availability of  
warranty coverage as required in Section 207 of the  
Clean Air Act (42 U.S.C.A. § 7525).

([9] 11) The results of the recall provisions check, if applicable, including the recall campaign number and date the recall repairs were completed.

([10] 12) A certification that tests were performed in accordance with this chapter and EPA regulations.

**§ 177.253. Responsibility of the station owner for**

**vehicles which fail the [I/M test] emission inspection.**

(a) Owners or operators of vehicles that fail the [I/M] emission inspection [test] shall be provided with an emission inspection [test] report as described in §177.252 (relating to emission inspection [test] report) as well as the consumer complaint procedure, including the telephone number of the quality assurance officer or the Vehicle Inspection Division.

(b) Owners or operators of vehicles that fail the [I/M] emission inspection [test] may challenge the results [of the emission inspection].

\* \* \* \* \*

**RETEST**

**§ 177.271. Procedure.**



(a) I/M emission test. Vehicles that fail the initial I/M emission test or a retest shall be retested after repair[ to determine if the repairs were effective for any portion of the inspection that was failed on the previous test. To the extent that repair to correct a previous failure could lead to failure of another portion of the test, that portion shall also be retested].

(b) OBD-I/M check. Vehicles that fail the OBD-I/M check shall be retested after repair and clearing of the DTCs appearing in the initial check and compliance of the vehicle with the readiness requirements of § 177.203(b)(1).

(c) Gas cap test and visual inspection. Vehicles that fail the gas cap test or visual inspection shall be retested after repair.

**§ 177.272. Prerequisites.**

For a retest, the vehicle owner or driver shall present to the inspection station the emission inspection [test] report and the diagnostic information repair data form as described in § 177.273 (relating to content of repair data form).

**§ 177.273. Content of repair data form.**

The repair data form shall include the following:

\* \* \* \* \*

(4) The repairs recommended by the repair facility or identified on the emission inspection report that were not performed.

\* \* \* \* \*

**§ 177.274. Retest fees.**

(a) If the vehicle owner or driver presents the emission inspection [test] report and the completed repair form to the emission inspection station that performed the initial inspection within 30 calendar days of the initial emission inspection, the vehicle owner or driver shall receive one free retest. Retests after the 30-day period or retests performed after the free retest shall only be performed upon payment of the [emission inspection test] required fee to the emission inspection station.

\* \* \* \* \*

**§ 177.275. Repair technician training and certification.**

(a) General rule. Personnel who perform diagnosis and repair of automotive engines and related systems required to meet the emission standards of this chapter may be certified by the Department as certified repair technicians. Only certified repair technicians with a

valid drivers license will be authorized to process requests for and deliver waivers.

(b) Certified repair technician requirements. A repair technician desiring to be certified shall:

(1) Be 18 years of age or older.

(2) Have a valid driver's license.

(3) Have done one of the following:

(i) Completed a course pertaining to the Commonwealth's emission inspection program and regulations, including training specifically pertaining to evaluation of OBD systems, and passed a written test administered by the Department or its agents with a minimum of 80% correct test responses and obtained certification from an automotive manufacturer or from the National Institute for Automotive Service Excellence (ASE) or other training identified by the Department as being equivalent and that certifies that the repair technician is proficient in evaluating and repairing emission control systems.

(ii) Completed a course pertaining to the Commonwealth's emission inspection program and regulations, including training specifically

pertaining to evaluation of OBD systems, passed a written test administered by the Department or its agents with a minimum of 80% correct test responses and completed and passed a repair technician test , approved by the Department, that included testing pertaining to the Commonwealth's emission inspection program and regulations, and, at a minimum, also included:

(A) The diagnosis and repair of malfunctions in computer controlled close-loop vehicles.

(B) The application of emission control theory and diagnostic data to the diagnosis and repair of failures of the emission test and the evaporative system function tests.

(C) The utilization of diagnostic information on systematic or repeated failures observed in the emission test and the evaporative system function tests.

(D) Generalized testing on the various subsystems related to emission control.

(E) Additional testing specifically pertaining to evaluation and repair of OBD systems.

(c) Completion of training program. A person who successfully completes all phases of the training program

and who passes the required testing will qualify as a certified repair technician.

(d) Supplemental training. The Department may authorize periodic supplemental training as a requirement for a person to maintain the status of a certified repair technician.

#### ISSUANCE OF WAIVER

##### § 177.281. Issuance of waiver.

The Department or a single contractor shall electronically issue a certificate of emission inspection with an indicator to show that the vehicle has received a waiver if:

(1) The subject vehicle has failed the initial emission inspection, qualifying repairs have been completed and the subject vehicle has failed the retest.

\* \* \* \* \*

[(3) The amount spent on qualifying repairs for a basic emission inspection:

(i) Would exceed \$50 for 1974 and newer model year vehicles.

(ii) Would exceed \$25 for pre-1974 model year vehicles.

(iii) Is recorded on the written estimate stating the general problem, the necessary major parts replacement items and the total necessary repair and labor costs which would exceed the total cost limitations.

(iv) Does not include costs for repairs performed on the vehicle before the initial test failure.

(v) Does include parts costs and labor costs paid for emission repair services performed on the vehicle if paid by the vehicle owner.

(vi) Does not include labor costs when work was performed by the vehicle owner or nonmechanic.

(vii) A low emission tune-up was performed within the cost limitations listed in subparagraph (i) or (ii).

(4)](3) [For an enhanced emission inspection, the] The procedure [shall be] as described in Appendix A has been followed and the amount spent on qualifying repairs [shall]:

(i) [Be]Was [at least \$150 for the 2-year period after commencement of the program in the affected area, and which thereafter] an amount as determined [shall be subject to annual adjustment as described]

in § 177.282 (relating to annual adjustment of minimum waiver expenditure).

(ii) Includes charges for electronic diagnostic inspection, parts costs and labor costs paid for qualifying emission repair services performed on the vehicle if paid by the vehicle owner and if the qualifying repairs were performed by a recognized or certified repair technician. For qualifying emission repair services performed by someone other than a recognized or certified repair technician, the cost of parts but not labor utilized by nonrepair technicians may apply toward the waiver limit. The cost of parts for the repair or replacement for the following emission control components may be applied: oxygen sensor; catalytic converter; thermal reactor; EGR valve; fuel filler or gas cap; evaporative canister; PCV valve; air pump; distributor; ignition wires; coil; spark plugs; and power train management system. The cost of hoses, gaskets, belts, clamps, brackets or other accessories directly associated with these components may also be applied to the waiver limit. These repairs shall have been performed no more than 60 days prior to the initial emission inspection test.

(iii) [Be considered qualifying if they are] Is appropriate to the cause of the test failure.

(iv) Excludes expenses which are incurred in the repair of emission control devices which are:

(A) Found to be tampered with.

(B) Rendered inoperative.

(C) Rendered inaccessible.

(D) Not installed.

(v) Excludes costs recoverable under an emission warranty, insurance policy or prepaid maintenance agreement. These recoverable cost repairs shall be used before necessary repair costs can be applied toward the waiver cost limitations. The operator of a vehicle within the statutory age and mileage coverage under section 207(b) of the Clean Air Act (42 U.S.C.A. § 7525(b)) shall present a written denial of warranty coverage from the manufacturer or authorized dealer for this provision to be waived.

(vi) Excludes the fee for emission inspection.

(vii) Excludes charges for giving a written estimate of needed repairs, except that the fee for an electronic diagnostic inspection may be included.

(viii) Excludes charges for checking for the presence of emission control devices.



[(5)](4) The vehicle owner or driver shall present the original of repair bills or receipts for parts to the inspection station to demonstrate compliance with the qualifying dollar amount [for that year] established pursuant to § 177.281(3). The bills shall:

\* \* \* \* \*

[(6)](5) Upon completion of waiver requirements and a visual check to determine that repairs were actually made, a certificate of emission inspection with a waiver indicator shall be affixed to the subject vehicle.

[(7)](6) Vehicles subject to an [enhanced] emission test may be issued a certificate of emission inspection with a waiver indicator without meeting the emission test standards of § 177.204 (relating to [emission standards] basis for failure) if, after failing an emission retest, a complete, documented physical and functional diagnosis and inspection performed by emission inspection station personnel shows that no additional emission related repairs are needed.

§ 177.282. Annual adjustment of minimum waiver  
expenditure for [enhanced] emission  
inspection [areas].

\* \* \* \* \*

PROCEDURES RELATING TO CERTIFICATES OF EMISSION INSPECTION  
[PROCEDURES]

§ 177.291. Procedures relating to [C]certificates of  
emission inspection [procedures].

(a) *Certificates issued.* The Department will issue a certificate of emission inspection, through an official emission inspection station, valid until the next scheduled emission inspection, for a subject motor vehicle which meets both the following:

(1) The motor vehicle has passed an inspection or reinspection performed by the emission inspection station.

(2) The motor vehicle has all required emission control devices installed under § 177.281 (relating to issuance of waiver).

(b) *Certification procedures.*

\* \* \* \* \*

(2) A registration card containing the designation I/M shall indicate that the vehicles shall be emission inspected.

(3) A motor vehicle with a registration card containing the designation emission inspection required shall have a specified I/M indicator insert placed on the proper certificate of safety inspection and affixed to the windshield upon passing safety inspection.

(4) [A subject vehicle shall be required to undergo an annual emission inspection and, with the exception of vehicles which receive a waiver under § 177.281 (relating to issuance of waiver) may not exceed the emission standards specified in § 177.204 (relating to emission standards).] Upon compliance or issuance of a Certificate of Waiver an emission inspection sticker shall be affixed to the immediate right (when viewed from the driver's position) of the safety inspection sticker or, in the case where a truck weight class sticker is present, to the immediate right (when viewed from the driver's position) of the truck weight class sticker.

(5) If the vehicle fails the emission inspection, no certificate of emission inspection may be issued except under § 177.281.

\* \* \* \* \*

(c) *Unauthorized display of certificate of emission inspection.* A certificate of emission inspection may not

be marked and affixed to a vehicle until it has successfully passed emission inspection requirements of Chapters 45 and 47 of the Vehicle Code (relating to other required equipment; and inspection of vehicles) and this chapter.

\* \* \* \* \*

(e) *Inspection cycle.* The proper I/M monthly insert for certificate of emission inspection shall be coordinated with the vehicle safety inspection. Vehicles which are emission inspected shall receive an inspection certificate which is valid for no more than 15 months, or no more than 27 months if § 177.51(c)(1) becomes applicable and no less than [3] 6 months, based on the vehicle's registration month and charts supplied by the Department

\* \* \* \* \*

(g) Improper or [F]faulty inspection. A deviation or change in the procedure specified in this section shall be considered an improper or faulty inspection and the certificate of emission inspection issued as a result shall be void.

\* \* \* \* \*

§ 177.292. Recording inspection.

\* \* \* \* \*

(b) *Proper forms.* The emission inspection inspector shall enter required data for loading into the [emission analyzer] VIID and record required information on the proper and applicable report forms and place his signature in the appropriate columns designated. This shall be done immediately following the emission inspection.

(c) *Certificate of waiver.* [For basic inspection program areas, a Certificate of Waiver Form shall be completed and maintained at the emission inspection station for every emission certificate of waiver issued. Information required on the form shall be completed and shall correspond exactly to the subject vehicle for which the waiver was issued. For enhanced emission inspection areas, t]The electronic waiver process shall be completed [on] by the [inspection analyzer] VIID. A waiver insert, as supplied by the Department, shall be placed on each emission certificate of inspection issued through the waiver process. The certificate of waiver form may be collected or the results of the electronic waiver process may be reviewed by the Department or its designee on an unannounced periodic basis.

\* \* \* \* \*

**ON-ROAD TESTING**

\* \* \* \* \*

**§ 177.304. Failure of on-road emission test.**

The owner or operator of a subject vehicle that was required to have an [enhanced] emission inspection and that fails an on-road emission test shall have 30 days following notice of the failure in which to have the failed vehicle pass an [enhanced] emission inspection or to produce evidence that the subject vehicle has a valid emissions [test] inspection waiver.

\* \* \* \* \*

**Subchapter D. OFFICIAL EMISSION INSPECTION  
STATION REQUIREMENTS**

**GENERAL**

**§ 177.401. Appointment.**

(a) *Authority.* For the purpose of establishing a system of official emission inspection stations, the Bureau will issue certificates of appointment to facilities within this Commonwealth that comply with the Vehicle Code and this title. Official [basic and enhanced] emission inspection stations are authorized to conduct [basic and enhanced] emission inspections and issue official certificates of emission inspection.

(b) Scope of certification. For a period of two years following the effective date of this Chapter, no emission inspection station will be issued a certificate of appointment unless it is capable of performing every type of emission inspection required for vehicles registered in the region in which the station is located.

(c) *Certificate of appointment.* The certificate of appointment for emission inspection stations will be issued only when the Bureau is satisfied that the station is properly equipped and employs certified [basic or enhanced] emission inspectors, as applicable, to perform [basic or enhanced] emission inspections required of vehicles registered in the region in which the station is located. Only those stations fulfilling Department requirements and complying with this chapter will be issued an emission certificate of appointment. Prior involvement with a suspended inspection station may be sufficient cause to deny appointment. The emission certificate of appointment shall be conspicuously displayed at the place for which issued, in accordance with 75 Pa. C.S. § 4722 (relating to certificate of appointment).

[(c)] (d) Certificate not assignable. A certificate of appointment for an emission inspection station may not be assigned or transferred to another person, business entity

or location and shall be valid only for the person or business entity in whose name it is issued and for transaction of business at the place designated therein.

[(d)] (e) *Valid certificate required.* No person may represent any place as an official emission inspection station unless the station is operating under a valid certificate of appointment issued by the Bureau.

[(e)] (f) *Inspection stations with common access.* An emission inspection certificate of appointment will not be issued for operation of an official emission inspection station on a part of the premises of another official emission inspection station which utilizes the same access. This subsection does not apply where the [inspection] stations have separate internal accesses, though sharing a common external access.

[(f)] (g) *Suspended inspection stations.* An emission inspection certificate of appointment will not be issued for operation of an official emission inspection station on a part of the premises of an official emission inspection station which has been suspended if the owner of the suspended station continues to conduct any type of business which utilizes the same access. This subsection does not apply where the station and the other business each have a



separate internal access, though sharing a common external access.

(h) Indefinite suspension of appointment. A certificate of appointment issued to an official emission station may be suspended indefinitely if the station no longer fulfills the requirements for appointment provided in this subchapter. Once the deficiency which prompted the suspension is cured, a station which has had its certificate of appointment indefinitely suspended may apply for re-appointment in accordance with the procedures set forth in this subchapter.

**§ 177.402. Application.**

\* \* \* \* \*

(c) *Specification of type.* The application shall indicate the type of emission inspection station authorization applied for, that is, Commonwealth, general or fleet.

\* \* \* \* \*

**§ 177.403. Approval of emission inspection station.**

\* \* \* \* \*

(c) *Issuance and display of certificate.* Upon approval of the application by the Bureau, a certificate of appointment will be issued to the applicant for the place

of business within this Commonwealth as set forth in the application. Emissions inspections may not be performed unless a certificate of appointment has been issued to and is prominently displayed at the officially designated station.

**§ 177.404. Required certificates and station signs.**

After appointment the owner of an emission inspection station shall prominently display the following:

(1) A certificate of appointment for each type of emission inspection [station] approved for the location.

\* \* \* \* \*

(4) An approved official emission inspection sign outside of the garage that is clearly visible to the public. This sign shall have a keystone design which is at least 24 inches high and 21 inches wide. The background shall be navy blue with gold lettering. The station number plate shall be at least 3 inches high and at least 13 inches wide. The background shall be green with white station numbers. If a keystone designated sign is already present, the station number shall be placed below present plates. If hung from a bracket, the sign shall be double faced. Fleet and Commonwealth

emission inspection stations are exempt from this paragraph.

(5) An approved sign indicating whether the emission inspection station is able to deliver waivers.

\* \* \* \* \*

**§ 177.405. Emission inspection areas.**

(a) Emission inspections shall be conducted within approved enclosed or outside inspection areas that are safe, sound, well ventilated, and in good repair and condition.

\* \* \* \* \*

(e) [Enhanced] E[e]mission inspection stations shall be at least 12 feet by 22 feet.

**§ 177.406. [Tools and e]Equipment.**

(a) *General requirements.* Official emission inspection stations shall have tools and equipment in good satisfactory operating condition to be able to conduct emission inspections upon a subject vehicle. [Tools] Equipment required shall include the following:

- [(1) Portable light.
- (2) Socket set.
- (3) Screw drivers (assorted).
- (4) Floor jack.

(5) Pliers (assorted sizes).

(6) Floor stands (two).

(7) Tachometer.

(8) Vacuum gauge.

(9) Hand vacuum pump.

(10) Dwell meter.

(11) Timing light.

(12) Spark plug gapper.

(13) Propane enrichment set.

(14) Ohms resistance gauge.]

[(15)] (1) Wheel chocks.

[(16)] (2) Approved emission inspection and maintenance textbooks/workbooks or electronic or computerized medium with supplements and current changes and approved handbooks and manuals.

[(17)] (3) Exhaust emission analyzer approved by the Bureau and certified by the manufacturer as meeting or surpassing specifications set forth in subsection (b), where applicable.

[(18) PCV tester.]

[(19)] (4) Approved dynamometer, where applicable.

[(20) Digital multimeter, if applicable.]

(5) Where applicable, OBD-I/M equipment as specified in § 177.501(a)(2), approved by the Bureau.

(6) Where applicable, equipment for performing the gas cap test and visual inspection.

(b) *Analyzer specifications.* Exhaust emission analyzers approved by the Bureau shall meet the following requirements:

(1) [Conform, as applicable, to the following requirements:

(i) For basic emission program areas, meet the specifications set forth in California BAR exhaust gas analyzer specifications, 1979 (BAR 80) and Appendix B of this chapter, and meet section 207b of the federal Clean Air Act (42 U.S.C.A. §7541(B)) warranty specifications.

(ii) For enhanced emission program areas, m]Meet PA 97 equipment specifications, where applicable, as provided in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standard, equipment specifications and quality control requirements) and meet section 207b of the Federal Clean Air Act (42 U.S.C.A. § 7541(b)) warranty specifications.

(2) Conform with the following minimum specifications:

(i) Upon the activation of the emission test, the Automatic data collection unit or VIID, as applicable, shall automatically set the standard required for comparison as defined in § 177.204 (relating to [emission standards] basis for failure). Standards shall be field programmed by the manufacturer or provided by the vehicle inspection information database, as applicable.

(ii) Approved exhaust emission analyzers shall be powered by alternating current.

(iii) The sample probe shall meet or surpass [BAR 80 or] PA 97 [,as applicable,] sample probe requirements and be capable of being placed in the tailpipe a minimum of 10 inches with a device, if necessary, to preclude sample dilution.

(3) *Field calibration gases.* Field calibration gases shall [meet the following standards:

(i) *Basic emission inspection program test equipment.* 1.6% CO, 600 ppm propane; and 11% CO<sub>2</sub>, the carrier gas in nitrogen, with a 5% blend tolerance and a certified analytical accuracy of +/-2%. More than three gas blends are acceptable if the 1.6% CO, 600 ppm propane and 11% CO<sub>2</sub> concentrations with a 5% blend tolerance and +/-2% accuracy are maintained. Accuracy

of the field calibration gases traceable to National Bureau of Standards (NBS) standard gas +/-2% shall be certified by the individual gas blender and attested to in affidavit form to the Department by a corporate officer. A concentration label stating the gas standard manufacturer's name and production location, batch number and container fill date shall be affixed to the container. Gases used shall be secured from Bureau approved gas blenders. The seller of emission analyzers sold, used or contracted shall have a full gas container installed and operational at time of delivery.

(ii) *Enhanced emission inspection test equipment.* The calibration gases shall be as specified in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standard, equipment specifications and quality control requirements).

**§ 177.407. Hours of operation.**

Emission inspection stations shall be open for business a minimum of 5 days per week, 40 hours, Monday through Friday between 7 a.m. and [5] 8 p.m. This section may be waived by the Bureau upon written request of the inspection station owner and prior approval of the quality assurance

officer. To qualify for a waiver from the provisions of this section, [50% of the working hours shall be between 8 a.m. and 5 p.m.] the station shall be open for business at least 10 business hours during the normal work week (Monday through Friday) between 7 a.m. and 8 p.m. This section does not apply to:

[(i)] (1) Commonwealth or fleet emission inspection stations.

[(ii)] (2) Emission inspection stations owned and operated by more than one owner to do test-only inspections.

**§ 177.408. Certified emission inspectors.**

(a) *General rule.* Personnel who perform emission inspections at each emission inspection station will be certified by the Department as [basic or enhanced] emission inspectors[, as applicable]. The [enhanced] emission inspection shall be completely performed by certified [enhanced] emission inspectors with a valid driver's license.

\* \* \* \* \*

(c) *Certified [enhanced] emission inspector requirements.* An inspector desiring to be certified to perform [enhanced] emission inspections shall:



\* \* \* \* \*

(3) Have done the following:

(i) Completed an [enhanced] emission inspection training course, approved by the Department, that included, [at a minimum] where applicable, information on the following:

(A) The air pollution problem, including its cause and effects.

(B) The purpose, function and goal of the inspection program.

(C) Emission inspection regulations and procedures of the Commonwealth.

(D) Technical details of the test procedures and the rationale for their design.

(E) Emission control device function, configuration and inspection.

(F) Test equipment operation, calibration and maintenance.

(G) Quality control procedures and their purpose.

(H) Public relations.

(I) Safety and health issues related to the inspection process.

(ii) Passed a required written test with a minimum of 80% correct test responses.

(iii) Proved, through means of a computer-based training/testing (CBT) or other Department approved procedure under supervision of a certified educational instructor or other qualified Commonwealth employe or agent, the ability to perform a complete emission inspection, to properly utilize test equipment and to follow other required test procedures as prescribed in §202, §202a, § 202b, §203, §271 and §272 of this chapter, as applicable. The inability to properly conduct the test procedures shall constitute grounds for refusal of certification.

(4) Complete a refresher training course, under procedures established by the Department [which are stated in Appendix B, or] and pass the required [written] test every 2 years.

[(d) *Certified basic emission inspector requirements.* An inspector desiring to be certified to perform basic emission inspections shall:

(1) Be at least 18 years of age.

(2) Have:

(i) Completed a required emission course.

(ii) Passed a required written test.

(iii) Satisfactorily proven, under supervision of the course instructor, the ability to perform a complete emission inspection and analyzer calibration.

(iv) Filed proper application forms.

(3) Renew his certification every 2 years under procedures established by the Department.]

[(e)](d) *Identification.* While conducting inspections, a certified emission inspector shall have in his possession a currently valid inspector [basic or enhanced] emission inspection certification card issued by the Department.

[(f)](e) *Names of inspectors.* The names of certified emission inspectors and their inspector certification numbers shall be placed on the Current List of Certified Emission Inspectors form which shall be posted in a conspicuous location at the emission inspection station.

[(g)](f) *Number of inspections.* The number of inspections performed by a certified [enhanced] emission inspector may not exceed more than 12 subject vehicles per hour for the [basic or enhanced] one or two-speed idle emission inspection [and], 6 inspections per hour utilizing ASM test equipment and procedures, or 12 OBD-I/M checks per hour.

**OBLIGATIONS AND RESPONSIBILITIES OF STATION OWNERS/AGENTS**

**§ 177.421. Obligations and responsibilities of station  
owners/agents.**

(a) *Personal liability.* It is the responsibility of the owner of an [enhanced] emission inspection station:

(1) To conduct the business of the official [enhanced] emission inspection station honestly and in the best interests of the Commonwealth, under the Vehicle Code and this chapter and, except in the case of a fleet or Commonwealth emission inspection station, to make every reasonable effort to inspect [all vehicles] upon request all vehicles which the station is equipped to inspect.

(2) To make official emission inspection regulations and supplements available for the use of all certified emission inspectors and other employees involved.

(3) To notify within 5 days the quality assurance officer and the Vehicle Inspection Division when a certified emission inspector is hired, resigns or is dismissed.

(4) [For basic emission inspection stations, to keep, at the station, for 2 years, current emission inspection records for examination by the quality assurance officer or other authorized persons. For enhanced emission

inspection stations, emission inspection records will be maintained on the VIID.

(5) To [assume full responsibility for providing] provide the [vehicle] emission inspection [test] report to motorists after testing and to have the possible repair requirements stated on a form provided to the vehicle owner or operator.

[(6)](5) To keep, at the station, as applicable, for 2 years, duplicate copies of completed Certificate of Emission Requisition Forms, repair order forms related to waivers and the original Certificate of Waiver Forms, and other required forms.

[(7)](6) To assume full responsibility, with or without actual knowledge, for:

(i) Every emission inspection conducted at the emission inspection station.

(ii) Every emission inspection waiver delivered by a certified repair technician at the emission inspection station.

\* \* \* \* \*

[(8)](7) To perform, as applicable, required maintenance and calibration procedures of emission analyzers according to procedures established by the Department and perform electronic zero and span checks

hourly during periods of operation and weekly leak checks.

[(9) For basic emission inspection stations, to complete and retain at the station, for 2 years, weekly emission analyzer maintenance and calibration records. The emission analyzer calibration record shall be submitted to the designated Department officials or representatives upon request. The records for enhanced emission inspection stations may be maintained on the VIID.]

[(10)](8) To place an emission analyzer out of service when calibration cannot be performed according to procedures established by the Department.

[(11)](9) To ensure that [maintain] instrument calibration test results[.

(i) For basic emission inspection stations, the analyzer manufacturer or other approved service representative shall write maintenance and calibration information on the Emission Analyzer Maintenance and Calibration Report. This report shall be maintained at the station for 2 years.

(ii) For enhanced emission inspection stations, the information required in §177.421.11 shall be] are entered into the VIID by the analyzer manufacturer or

other approved service representative as directed by the Department.

[(12) To enter into an agreement with the manufacturer or distributor supplying an emission analyzer or other approved service provider to provide the analyzer calibration on the station premises as required by this chapter.

(13) For basic emission inspection stations, to maintain a copy of the inspection report for each inspection. The reports shall be kept in sequential test order whether a sticker is issued or not. Inspection reports shall be completed and signed by the emission inspector. Sticker information may be maintained on an Emission Inspection Record form for each emission inspection. The inspection reports shall be maintained for 2 years. For enhanced emission inspection stations, this information shall be entered into the VIID.]

[(14)] (10) To maintain adequate numbers of current certificates of emission inspection and inserts for issuance.

\* \* \* \* \*

**§ 177.422. Commonwealth [basic and enhanced] emission  
inspection stations.**

(a) *Eligibility.* The designation, Commonwealth [Enhanced] Emission Inspection Station, will be issued to stations owned and operated by the following:

\* \* \* \* \*

(b) *General requirements.* An applicant for a Commonwealth emission inspection station shall meet the requirements of this chapter, including the requirements for fleet stations.

(c) *Certified emission [inspection] inspector.* Each official Commonwealth emission inspection station shall have at least one certified emission [inspection] inspector.

(d) *Method of inspection.* A Commonwealth emission inspection station may, by mutual agreement with another governmental body, inspect and issue certificates of emission inspection to vehicles registered in the name of that governmental body. Inspection fees, as defined in this chapter, may be charged for the inspection. Charges may be collected for repairs.



§ 177.423. Fleet [basic and enhanced] emission inspection stations.

(a) Eligibility requirements for fleet emission inspection stations are as follows:

(1) *Minimum number of vehicles.* A fleet emission inspection station owner shall own or lease at least 15 subject vehicles.

(2) *Authorized subject vehicles.* The certificate of appointment shall authorize emission inspection of subject vehicles registered or leased by the fleet emission inspection station owner. Privately owned or registered vehicles of company officers and employees may not be emission inspected at a fleet emission inspection station, even if they are used for business purposes.

\* \* \* \* \*

(b) Each fleet emission inspection station shall have at least one certified [enhanced] emission [inspection] inspector.

(c) Requirements for fleet inspection stations shall include the following:

(1) Applicants for a fleet emission inspection station shall comply with this chapter unless specifically exempted.

(2) Inspection areas shall be large enough to accommodate the largest subject vehicle to be inspected at the fleet emission inspection facility, in addition to meeting the minimum inspection area requirements of § 177.405 (relating to emission inspection areas).

(d) Limited inspection periods and limitations on the length of service requirements are permitted if the station meets the following:

\* \* \* \* \*

(2) The station owner, in writing, requests the Department to permit a limited inspection period. This request shall specify the month in which emission inspections will be performed.

\* \* \* \* \*

(e) Limited inspection period emission analyzer service requirements with accompanying limitations as to the length of service requirements are as follows:

\* \* \* \* \*

(4) Station owners may not permit emission inspections to be performed during the limited inspection period until the Department has been notified by the analyzer manufacturer or other approved Commonwealth agent or service representative that the analyzer is in compliance with all requirements and the Department so

notifies the station owner. Failure to comply with this paragraph may result in cancellation of limited inspection period privileges.

**§ 177.424. General emission inspection stations.**

(a) *Eligibility.* The designation, general emission inspection station, will be issued to stations that emission inspect all subject vehicles, if the station is so equipped.

(b) *General requirements.* An applicant for a general emission inspection station shall comply with this chapter unless specifically exempted.

(c) *Certified [enhanced] emission [inspection] inspector.* Each general emission inspection station shall have a certified [enhanced] emission [inspection] inspector present during normal business hours.

(d) *Method of inspection.* Subject vehicles shall be inspected consistent with this chapter by a certified emission [inspection] inspector.

**§ 177.425. Security.**

\* \* \* \* \*

(c) *Removal.* Certificates of emission inspection may not be removed from a vehicle for which the certificate was

issued except to replace it with a new certificate of emission inspection issued under this chapter. This prohibition is not applicable to expired certificates of emission inspection on vehicles registered outside the designated areas. These expired certificates of emission inspection shall be removed only by a certified emission or safety inspector.

(1) A person replacing a windshield in a manner which requires removal of a certificate of emission inspection shall, at the option of the registrant of the vehicle, cut out the portion of the windshield containing the emission certificate and deliver it to the registrant of the vehicle or destroy the emission certificate. The vehicle may be driven up to 5 days if it displays the portion of the old windshield containing the emission certificate. Within the 5-day period an appropriate official emission inspection station may affix to the vehicle another certificate of emission inspection for the same period without reinspecting the vehicle in exchange for the portion of the old windshield containing the certificate of emission inspection. A labor fee of no more than \$2 and the cost of the dial-up to the VIID may be charged for the exchanged certificate of emission inspection. The replacement may

be made at any time prior to the expiration of the certificate of emission inspection.

\* \* \* \* \*

**Subchapter E. EQUIPMENT MANUFACTURERS' AND  
CONTRACTOR'S REQUIREMENTS AND OBLIGATIONS**

**EQUIPMENT MANUFACTURERS' REQUIREMENTS**

**§ 177.501. Equipment approval procedures.**

[(a) The manufacturer shall meet the following conditions for interim and final approval for participation in the basic emission inspection program.

(1) Interim approval. The following requirements shall be met for interim approval:

(i) The manufacturer shall provide a certified copy of BAR 80- approved certification of the analyzer to be used.

(ii) The manufacturer shall provide documentation that the automatic data collection system will meet the Pennsylvania Automatic Data Collection system requirements and provide flow descriptions and detailed operations with proposed screens for Automatic Data Collection requirements.

(iii) The manufacturer shall submit a description of the proposed methods the manufacturer or distributor will use to meet Department analyzer

specifications, performance commitments, financial commitments, responsibilities and agreements as required by this chapter and the Department's procedures and policies.

(2) Final approval. The following requirements shall be met for final approval:

(i) The manufacturer shall provide a certified copy of BAR 80 approved certification or a certified document stating complete testing compliance with BAR 80 test requirements by a reputable independent testing laboratory that completed the testing.

(ii) The manufacturer shall provide a certified document that the Automatic Data Collection system meets the Pennsylvania Automatic Data Collection system requirements and provide final flow descriptions and diagrams and final detailed operations with final screens.

(iii) The manufacturer shall provide test tapes and printed listing of the test information transmitted to include a minimum of 200 engine tests with a representative sample of all cut points. All cut points shall be tested. (iv) The manufacturer shall submit a certified signed statement that the description of the methods the manufacturer or

distributor will use shall meet or surpass all Department analyzer and dynamometer specifications, performance commitments, financial commitments, responsibilities and agreements as required by this chapter and the Department's procedures and policies.

(b)] (a) The manufacturer shall meet the following conditions for [interim and final] approval for participation in the [enhanced] emission inspection program.

[(1) *Interim approval*. The following requirements shall be met for interim approval:

(i) The manufacturer shall provide a statement certifying that the test equipment provided will meet all requirements of Pa 97 equipment as specified in Appendix A of this chapter, and that the manufacturer will provide certification that the gas analyzer and dynamometer to be used will meet the performance standards of California BAR 97 as they apply to the Pa 97 analyzer and dynamometer before receiving final approval for the equipment from the Department.

(ii) The manufacturer shall provide a document that the dynamometer will meet all requirements for ASM test equipment as specified in Appendix A of this chapter and will meet California BAR performance

standards as they apply to the Pa 97 analyzer and dynamometer prior to receiving final approval for this equipment from the Department.

(iii) The manufacturer shall submit a description of the proposed methods the manufacturer or distributor will use to meet Department analyzer specifications, performance commitments, financial commitments, responsibilities and agreements as required by this chapter and the Department's procedures and policies.

(iv) The equipment manufacturer must apply to the Department for final approval.

(2) Final approval. (1) Emission inspection equipment. The following requirements shall be met for [final] equipment approval in the emission inspection program:

\* \* \* \* \*

(2) OBD-I/M check equipment approval. The following requirements shall be met for approval of the OBD-I/M check equipment:

(i) The manufacturer or distributor of an OBD scanner or scan tool must certify that the scan tool used for OBD-I/M checks complies with applicable versions of the following SAE standards:

(A) SAE J 1962 (Standardized Connector).



(B) SAE J 1978 - OBDII (Scan Tool Functionality).

(C) SAE J 1979 (Diagnostic Test Modes (1-7)).

(D) SAE J 1850, ISO9141-2 & 14230-4

(Communication Protocols).

(E) SAE J 2012 (Standardized DTC usage).

(ii) The manufacturer or distributor must certify that the OBD hand-held scan tool or OBD PC-based scan tool meets PA Equipment Specifications for OBD-I/M Checks, copies of which are available by contacting the Bureau.

(iii) The manufacturer or distributor must certify that the emission-related parameters and/or emission-related engine parameters displayed must be able to be automatically transmitted to the VIID.

[(c)](b) Certification. A manufacturer shall cause a corporate officer with administration/operations management responsibility, if a corporation; the general partners, if a partnership; or the owner, if a sole proprietorship, to certify in writing and attest in affidavit form to the Department that the exhaust emission analyzer and dynamometer, OBD scan tool and equipment for the gas cap test and visual inspection, [if] as applicable, meets the specifications of this section and quality assurance and

that the manufacturer meets or surpasses stated field requirements.

**§ 177.502. Service commitment.**

(a) Manufacturers and distributors shall provide the following service commitments:

\* \* \* \* \*

[(5) Visit each station at least every 3 months, no less than 80 calendar days and no greater than 95 calendar days from the previous visit or in the case of the initial visit, from the delivery date of the equipment to calibrate the analyzer or other equipment in accordance with Bureau procedures as provided in Appendix A.]

\* \* \* \* \*

**§ 177.503. Performance commitment.**

(a) The manufacturer or distributor shall agree that, if it decides to discontinue participation in the program, or if its name is removed from the list of approved manufacturers or distributors of emission analyzers, OBD-I/M check equipment or equipment for the gas cap test and visual inspection by the Department, it will buy back all emission analyzers, [and] dynamometers, OBD-I/M check equipment or gas cap/visual inspection equipment from the inspection stations which purchased them for an amount

equal to the unamortized cost based on straight line amortization over the expected useful life of the analyzer, dynamometer, OBD-I/M check equipment or gas cap/visual inspection equipment.

(b) The manufacturer or distributor shall agree to provide a specific performance bond, irrevocable letter of credit, a certified check, or bank cashier's check drawn to the order of the Pennsylvania Department of Transportation, or other suitable financial instrument acceptable to the Department [ in the amount of ]:

(1) For analyzer and dynamometer manufacturers or distributors, in the amount of \$1 million initially, and in the amount of an additional \$400,000, for every 250 analyzers sold to Pennsylvania certified emission inspection stations.

(2) For OBD-I/M check equipment manufacturers or distributors, in the amount of \$500,000.

(3) For gas cap/visual inspection equipment, in the amount of \$200,000.

(c) This security will be:

(1) Used to insure that money is available to reimburse certified emission inspection stations for the reasonable value of existing emission analyzers, [and] dynamometers or OBD-I/M check equipment in the event

that the manufacturer or distributor goes out of business in this Commonwealth or is removed by the Department from the list of approved manufacturers or distributors for substantial failure to comply with the terms and conditions of the agreement or this chapter.

(2) Used in part or in whole in the event of nonperformance or default of the manufacturer or distributor.

[(c)] (d) Other Department-approved equipment service providers shall agree to provide a specific performance bond, irrevocable letter of credit, a certified check, or bank cashier's check drawn to the order of the Pennsylvania Department of Transportation, or other suitable financial instrument acceptable to the Department, in the amount of \$200,000. These funds may be used in part or in whole in the event of nonperformance or default of the service provider.

\* \* \* \* \*

#### CONTRACTOR OBLIGATIONS

§ 177.521. Contractor obligations and responsibilities.

\* \* \* \* \*

(c) *Personal liability.* The contractor, or those acting as agents of the contractor, shall assume full responsibility for:

\* \* \* \* \*

(2) Providing to the Department, at no cost to the Department, the results of the emission tests conducted at [enhanced] emission inspection stations. The requirements for data collection and transmission shall be as specified in the contract between the Department and the contractor.

\* \* \* \* \*

**Subchapter F. SCHEDULE OF PENALTIES AND HEARING PROCEDURE**

**SCHEDULE OF PENALTIES AND SUSPENSIONS**

**§ 177.601. Definitions**

For the purposes of this subchapter, the following words and terms will have the following meanings:

Faulty Inspection - Failure to perform an emission inspection as required by this Chapter or any other deviation in the testing procedure, provided that it can be demonstrated that the outcome of the inspection would have been different if the inspection had been performed properly.

Improper Inspection - Failure to perform an emission inspection as required by this Chapter or any other deviation in the testing procedure provided that it can be demonstrated that the outcome of the inspection would have been the same if the inspection had been performed properly.

Careless Record Keeping - Failure to sign the emission inspection test report, missing or omitting required documentation supporting the issuance of a waiver as required by Section 177.281 or data entry errors proven to have no influence on the outcome of the inspection.

Fraudulent Record Keeping - A record keeping entry not in accordance with fact, truth or required procedure that falsifies or conceals one or more of the following:

- (1) That a certificate of inspection was issued without compliance with the required inspection procedure,
- (2) The number of inspections performed, or
- (3) The individual(s) or station that performed the inspection.

Improper Record Keeping - A record keeping entry that is not in accordance with fact, truth or required procedure.

**§ 177.602. Schedule of penalties for emission inspection stations.**

(a) *Schedule of penalties.* The complete operation of an official emission inspection station shall be the responsibility of the owner. Failure to comply with the appropriate provisions of the Vehicle Code or this chapter will be considered sufficient cause for suspension of emission inspection privileges. In addition, violators are also subject to criminal prosecution. Every general, fleet or Commonwealth emission inspection station shall be subject to the following schedule of penalties and suspension:

[(1) *Schedule of penalties for basic emission inspection stations.*

| <i>Type of Violation</i>  | <i>Duration of Suspension</i> |                    |                                      |
|---|-------------------------------|--------------------|--------------------------------------|
|   | <i>1st Offense</i>            | <i>2nd Offense</i> | <i>3rd &amp; Subsequent Offenses</i> |
| <i>Category 1</i>   |                               |                    |                                      |
| (i) Issuance or possession of altered, forged, stolen, or counterfeit | 1 year                        | Permanent          |                                      |

| Type of Violation  | Duration of Suspension |             |                           |
|--|------------------------|-------------|---------------------------|
|  | 1st Offense            | 2nd Offense | 3rd & Subsequent Offenses |
| certificate of inspection  |                        |             |                           |
| (ii) Furnish, lend, give, sell or receive a certificate of inspection without inspection | 1 year                 | Permanent   |                           |
| (iii) Fraudulent record keeping  | 1 year                 | Permanent   |                           |
| (iv) Improper record keeping   | 3 months               | 1 year      | 3 years                   |
| (v) Faulty inspection  | 3 months               | 1 year      | 3 years                   |
| Category 2   |                        |             |                           |
| (vi) Inspecting more than 12 subject vehicles per hour per emission inspection mechanic  | 3 months               | 6 months    | 3 years                   |
| (vii) Failure to produce records upon demand by inspection station investigator          | 3 months               | 6 months    | 1 year                    |
| (viii) Inspection by uncertified mechanic  | 3 months               | 6 months    | 1 year                    |
| (ix) Unnecessary repairs for purpose of inspection                                       | 3 months               | 6 months    | 1 year                    |



| <i>Type of Violation</i>                             | <i>Duration of Suspension</i>   |   |  |
|--|---|---|--|
|  | <i>1st Offense</i>  | <i>2nd Offense</i>  | <i>3rd &amp; Subsequent Offenses</i>                                   |
| (x) Misstatement of fact                             | 1 month   | 3 months  | 1 year   |
| (xi) Improper assigning of certificate of inspection | 1 month   | 3 months  | 1 year   |
| Category 3   |   |   |  |
| (xii) Improper certificate of inspection security    | Warning   | 3 months  | 1 year   |
| (xiii) Unclean inspection area                       | Warning   | 3 months  | 6 months   |
| (xiv) Careless record keeping                        | Warning   | 3 months  | 6 months   |
| (xv) Required tools or equipment missing or broken   | Warning if tools are repaired or replaced, if not, suspension until tools are repaired or replaced              | 1 month or until tools are repaired or replaced, whichever is greater | 6 months or until tools are repaired or replaced, whichever is greater |
| (xvi) Bad Check                                      | Warning, if amount due is paid within ten days from date notified. If not, suspension until amount due is paid. | 3 months or until amount due is paid, whichever is greater.           | 6 months or until amount due is paid, whichever is greater.            |
| Category 4   |   |   |  |
| (xvii) Failure to                                    |   |   |  |

|  | <i>Duration of Suspension</i> |                    |                                      |
|--|-------------------------------|--------------------|--------------------------------------|
| <i>Type of Violation</i>   | <i>1st Offense</i>            | <i>2nd Offense</i> | <i>3rd &amp; Subsequent Offenses</i> |
| report discontinuance of business  | 1 year                        | 2 years            | Permanent                            |
| (xviii) Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station | 3 months                      | 6 months           | 1 year                               |

(2) Schedule of penalties for enhanced emission

inspection stations.]

| Type of Violation   | Duration of Suspension  |                          |                             |
|---|-------------------------|--------------------------|-----------------------------|
|   | 1st Offense             | 2nd Offense              | 3rd and Subsequent Offenses |
| <b>Category 1<br/>(Fraudulent Activities)</b>   |                         |                          |                             |
| (i) Issuance or possession of altered, forged, stolen or counterfeit certificate of emission inspection | 1 year & \$2,500 fine   | Permanent & \$5,000 fine |                             |
| (ii) Furnish, lend, give, sell or receive a certificate of emission inspection without inspection       | 1 year & \$2,500 fine   | Permanent & \$5,000 fine |                             |
| (iii) Fraudulent record keeping   | 1 year & \$2,500 fine   | Permanent & \$5,000 fine |                             |
| <b>Category 2<br/>(IMPROPER ACTIVITIES)</b>   |                         |                          |                             |
| (iv) Faulty inspection  | 3 months & \$1,000 fine | 1 year & \$2,500 fine    | 3 years & \$5,000 fine      |
| (v) Inspecting more subject vehicles per hour per emission inspection inspector than                    | 3 months                | 6 months                 | [3 years]<br><u>1 year</u>  |

| Type of Violation  | Duration of Suspension                                  |   |   |
|--|---|---|---|
|  | 1st Offense   | 2nd Offense   | 3rd and Subsequent Offenses                           |
| permitted by Section 177.408(g)  |   |   |   |
| (vi) Failure to produce records upon demand by Department quality assurance officer or other authorized Commonwealth representative or agent | 3 months or until produced, <u>whichever is greater</u> | 6 months or until produced, <u>whichever is greater</u> | 1 year or until produced, <u>whichever is greater</u> |
| (vii) Inspection by uncertified inspector  | 3 months  | 6 months & \$1,000 fine                                 | 1 year & \$2,500 fine                                 |
| <u>(viii) Improper record keeping</u>  | <u>2 months</u>   | <u>6 months</u>   | <u>1 year</u>   |
| <u>(ix) Improper inspection</u>  | <u>Warning</u>  | <u>2 months and \$250 fine</u>                          | <u>6 months and \$500 fine</u>                        |
| <del>[(viii)]</del> <u>(x) Requiring or indicating [U]unnecessary repairs for purpose of inspection</u>                                      | 3 months  | 6 months  | 1 year  |
| <del>[(ix)]</del> <u>(xi) Misstatement of fact</u>   | 1 month   | 3 months  | 1 year  |
| <u>(x) (xii) Improper assigning of certificate of inspection</u>   | 1 month   | 3 months  | 1 year  |

| <i>Type of Violation</i>   | <i>Duration of Suspension</i> |                                |                                    |
|--|-------------------------------|--------------------------------|------------------------------------|
|  | <i>1st Offense</i>            | <i>2nd Offense</i>             | <i>3rd and Subsequent Offenses</i> |
| <u>(xiii) Failure to verify registration or emission inspecting a vehicle with an expired registration</u>                       | <u>2 months</u>               | <u>4 months</u>                | <u>6 months</u>                    |
| <u>(xiv) Failure to affix certificate of inspection immediately upon successful completion of the inspection</u>                 | <u>2 months</u>               | <u>4 months</u>                | <u>6 months</u>                    |
| Category 3<br>(Careless Activities)  |                               |                                |                                    |
| <u>(xv) Inspection by emission inspector with suspended, revoked, cancelled, expired or recalled vehicle operating privilege</u> | <u>2 months</u>               | <u>4 months</u>                | <u>6 months</u>                    |
| <u>(xvi) Inspection by emission inspector with expired inspector certification</u>   | <u>Warning</u>                | <u>4 months</u>                | <u>6 months</u>                    |
| <u>(xvii) Improper use of emission inspector</u>   | <u>Warning</u>                | <u>2 months and \$250 fine</u> | <u>6 months and \$500 fine</u>     |

| Type of Violation  | Duration of Suspension  |   |  |
|--|---|---|--|
|  | 1st Offense   | 2nd Offense   | 3rd and Subsequent Offenses  |
| <u>certification</u>   |   |   |  |
| [(xi)] (xviii)<br>Improper security of certificate of inspection | Warning   | 3 months  | 1 year   |
| [(xii)] (xix)<br>Unclean inspection area                         | Warning   | Warning   | 3 months   |
| [(xiii)] (xx)<br>Careless record keeping                         | Warning   | Warning   | 3 months   |
| [(xiv)] (xxi)<br>Missing or broken tools                         | Warning, if repaired or replaced; if not, suspension until tools are repaired or replaced                 | 1 month or until tools are repaired or replaced, whichever is greater | 6 months or until tools are repaired or replaced, whichever is greater |
| [(xv)] (xxii) Bad Check  | Warning, if amount due is paid within 10 days from date notified. If not, suspension until amount is paid | 3 months or until amount due is paid, whichever is greater            | 6 months or until amount due is paid, whichever is greater             |
| (4) Category 4 (Negligent)                                       |   |   |  |
| [(xvi)] (xxiii)<br>Failure to report discontinuance of business  | 1 year  | 2 years   | Permanent  |

| Type of Violation   | Duration of Suspension |                        |                             |
|---|------------------------|------------------------|-----------------------------|
|   | 1st Offense            | 2nd Offense            | 3rd and Subsequent Offenses |
| [(xvii)] (xxiv)<br>Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station | 3 months               | 6 months               | 1 year                      |
| (xxv) Failure to make emission inspection test printout available to customer   | Warning                | Warning and \$100 fine | 1 month                     |

\* \* \* \* \*

**§ 177.603. Schedule of penalties for emission inspectors.**

Emission inspectors shall assume full responsibility for their acts as emission inspectors. Failure to comply with the appropriate provisions of the Vehicle Code or this chapter will be considered sufficient cause for suspension of emission inspection privileges. A violator may also be subject to criminal prosecution. After providing the emission inspector with an opportunity for a hearing, the Department may impose suspensions or penalties upon the

emission inspector according to the following schedule of offenses for violations:

[(1) Schedule of penalties for basic emission inspection inspectors.]

| Type of Violation   | Duration of Suspension  |             |                             |
|---|-------------------------|-------------|-----------------------------|
|   | 1 <sup>st</sup> Offense | 2nd Offense | 3rd and Subsequent Offenses |
| <i>Category 1 (Fraudulent Activities)</i>   |                         |             |                             |
| (i) Issuance or possession of altered, forged, stolen or counterfeit certificate of inspection    | 1 year                  | Permanent   |                             |
| (ii) Furnish, lend, give, sell or receive a certificate of emission inspection without inspection | 1 year                  | Permanent   |                             |
| (iii) Fraudulent record keeping   | 1 year                  | Permanent   |                             |
| <i>Category 2 (Improper Activities)</i>   |                         |             |                             |
| (iv) Faulty inspection  | 3 months                | 1 year      | 3 years                     |



| <i>Type of Violation</i>   | <i>Duration of Suspension</i> |                            |                                    |
|--|-------------------------------|----------------------------|------------------------------------|
|  | <i>1<sup>st</sup> Offense</i> | <i>2nd Offense</i>         | <i>3rd and Subsequent Offenses</i> |
| (v) Inspecting more subject vehicles per hour per emission inspection inspector than permitted by Section 177.408(g)                         | 3 months                      | 6 months                   | 3 years                            |
| (vi) Failure to produce records upon demand by Department quality assurance officer or other authorized Commonwealth representative or agent | 3 months or until produced    | 6 months or until produced | 1 year or until produced           |
| (vii) Inspection with expired inspector's certificate  | Warning                       | 4 months                   | 6 months                           |
| (viii) Improper record keeping   | Warning                       | 2 months                   | 6 months                           |
| (ix) Improper inspection   | Warning & \$100 fine          | 2 months & \$250 fine      | 6 months & \$500 fine              |
| (x) Improper assigning of certificate of inspection  | Warning                       | 2 months                   | 6 months                           |
| (xi) Improper security of certificate of emission inspection   | Warning                       | 2 months                   | 6 months                           |

| <i>Type of Violation</i>  | <i>Duration of Suspension</i> |                    |                                    |
|---|-------------------------------|--------------------|------------------------------------|
|   | <i>1<sup>st</sup> Offense</i> | <i>2nd Offense</i> | <i>3rd and Subsequent Offenses</i> |
| <i>Category 3 (Careless Activities)</i>   |                               |                    |                                    |
| (xii) Unclean inspection area   | Warning                       | 1 month            | 4 months                           |
| (xiii) Careless record keeping  | Warning                       | 1 month            | 4 months                           |
| (xiv) Failure to make vehicle emission inspection test printout available to customer | Warning                       | 1 month            | 4 months                           |

(2) *Schedule of penalties for enhanced emission inspection inspectors.]*

| <i>Type of Violation</i>   | <i>Duration of Suspension</i> |                    |                                    |
|--|-------------------------------|--------------------|------------------------------------|
|  | <i>1<sup>st</sup> Offense</i> | <i>2nd Offense</i> | <i>3rd and Subsequent Offenses</i> |
| <i>Category 1 (Fraudulent Activities)</i>  |                               |                    |                                    |
| (i) Issuance or possession of altered, forged, stolen or counterfeit certificate of <u>emission inspection</u> | 1 year                        | Permanent          |                                    |
| (ii) Furnish,  | 1 year                        | Permanent          |                                    |

| Type of Violation  | Duration of Suspension     |                            |                             |
|--|----------------------------|----------------------------|-----------------------------|
|  | 1 <sup>st</sup> Offense    | 2nd Offense                | 3rd and Subsequent Offenses |
| lend, give, sell or receive a certificate of emission inspection without inspection  |                            |                            |                             |
| (iii) Fraudulent record keeping  | 1 year                     | Permanent                  |                             |
| <i>Category 2 (Improper Activities)</i>  |                            |                            |                             |
| (iv) Faulty inspection   | 3 months                   | 1 year                     | 3 years                     |
| (v) Inspecting more subject vehicles per hour per emission inspection inspector than permitted by Section 177.408(g)                         | 3 months                   | 6 months                   | 3 years                     |
| (vi) Failure to produce records upon demand by Department quality assurance officer or other authorized Commonwealth representative or agent | 3 months or until produced | 6 months or until produced | 1 year or until produced    |
| [(vii) Inspection]   | [Warning]                  | [4 months]                 | [6 months]                  |

| Type of Violation  | Duration of Suspension         |                                |                                |
|--|--------------------------------|--------------------------------|--------------------------------|
|  | 1 <sup>st</sup> Offense        | 2nd Offense                    | 3rd and Subsequent Offenses    |
| with expired inspector's certificate]  |                                |                                |                                |
| <u>(vii) Inspection by uncertified inspector</u>   | <u>3 months and \$100 fine</u> | <u>6 months and \$500 fine</u> | <u>1 year and \$1,000 fine</u> |
| (viii) Improper record keeping   | Warning                        | 2 months                       | 6 months                       |
| (ix) Improper inspection   | Warning [& \$100 fine]         | 2 months & \$250 fine          | 6 months & \$500 fine          |
| <u>(x) Requiring or indicating repairs unnecessary for purpose of passing inspection</u>                   | <u>3 months</u>                | <u>6 months</u>                | <u>1 year</u>                  |
| <u>(xi) Misstatement of fact</u>   | <u>1 month</u>                 | <u>3 months</u>                | <u>1 year</u>                  |
| [(x)] (xii) Improper assigning of certificate of inspection  | Warning                        | 2 months                       | 6 months                       |
| <u>(xiii) Failure to verify registration or emission inspecting a vehicle with an expired registration</u> | <u>2 months</u>                | <u>4 months</u>                | <u>6 months</u>                |

| Type of Violation   | Duration of Suspension  |                                |                                |
|---|-------------------------|--------------------------------|--------------------------------|
|   | 1 <sup>st</sup> Offense | 2nd Offense                    | 3rd and Subsequent Offenses    |
| <u>(xiv) Failure to affix certificate of inspection immediately upon successful completion of the inspection</u>                  | <u>2 months</u>         | <u>4 months</u>                | <u>6 months</u>                |
| [(xi)] <u>(xv) Improper security of certificate of emission inspection</u>  | Warning                 | 2 months                       | 6 months                       |
| <i>Category 3 (Careless Activities)</i>   |                         |                                |                                |
| <u>(xvi) Inspection by emission inspector with suspended, revoked, cancelled, expired or recalled vehicle operating privilege</u> | <u>2 months</u>         | <u>4 months</u>                | <u>6 months</u>                |
| <u>(xvii) Inspection by emission inspector with expired inspector certification</u>   | Warning                 | <u>4 months</u>                | <u>6 months</u>                |
| <u>(xviii) Improper use of emission inspector certification</u>   | Warning                 | <u>2 months and \$250 fine</u> | <u>6 months and \$500 fine</u> |

| Type of Violation  | Duration of Suspension  |                 |                             |
|--|-------------------------|-----------------|-----------------------------|
|  | 1 <sup>st</sup> Offense | 2nd Offense     | 3rd and Subsequent Offenses |
| (xix) <u>Improper security of certificate of emission inspection</u>                                     | <u>Warning</u>          | <u>2 months</u> | <u>4 months</u>             |
| [(xii)] <u>(xx)</u><br>Unclean inspection area   | Warning                 | 1 month         | 4 months                    |
| [(xiii)] <u>(xxi)</u><br>Careless record keeping   | Warning                 | 1 month         | 4 months                    |
| [(xiv)] <u>(xxii)</u><br>Failure to make vehicle emission inspection test printout available to customer | Warning                 | 1 month         | 4 months                    |

\* \* \* \* \*

[SCHEDULE OF PENALTIES FOR CERTIFIED  
REPAIR TECHNICIANS] ADDITIONAL VIOLATIONS

§ 177.605. Subsequent violations.

\* \* \* \* \*

DEPARTMENTAL HEARING PROCEDURE

§ 177.651. Notice of alleged violation and opportunity  
[for a Departmental hearing] to be heard  
prior to immediate suspension.

Prior to the immediate suspension of any official  
emission inspection station, certificate of appointment,  
emission inspector certification or certified repair  
technician, the Department shall, within 3 days, provide  
written notice of the alleged violation and the opportunity  
to be heard. [Except for a penalty or sanction imposed  
under the contract between the Department and the  
contractor, a person charged by the Department's quality  
assurance officers or other authorized personnel to be in  
violation of this chapter or the Vehicle Code shall have  
the right to request a hearing regarding the charges. The  
hearing will be conducted in accordance with the following:

- (1) The Department will provide written notice to a  
dealer, contractor, inspector, certified repair  
technician or other employe of the contractor of the

nature of the alleged violation and of the opportunity and procedure to request a Departmental hearing.

(2) The hearing, if requested, for a violation involving an immediate suspension will take place within 3 days of the request.

(3) The hearing, if requested, for all other violations will take place within 14 days of the request.

(4) The hearing will be conducted by Department personnel at a site established by the Department.]

\* \* \* \* \*

#### RESTORATION AFTER SUSPENSION

§ 177.671. Restoration of certification of an emission inspector after suspension.

\* \* \* \* \*

#### REGISTRATION RECALL PROCEDURE FOR VIOLATION OF §177.301-177.305 (RELATING TO ON-ROAD [R]TESTING)

§ 177.691. Registration Recall Committee.

\* \* \* \* \*



APPENDIX A

Acceleration Simulation Mode: Pennsylvania Procedures,  
Standards, Equipment Specifications and Quality Control  
Requirements

§ 1. ASM Exhaust Emission Standards and Calculations.

(a) *ASM Emissions Standards*

(1) ASM Start-Up Standards. The following standards shall be used for ASM tests performed until notice by the Department that the standards in subsection (2) (i) or (2) (ii) shall apply. The exhaust emission standards for the following model years are cross referenced by the number in the column in (a) (3) below:

\* \* \* \* \*

(2) *ASM final standards.*

(i) *ASM equivalent test weight methodology.* Upon notice by the Department in the *Pennsylvania Bulletin*, the following exhaust emission standards will be used for ASM tests performed. The exhaust emissions standards for the following model years are cross-referenced by the number in the column in (a) (3) below:

(A) Light Duty Vehicles.

\* \* \* \* \*

(B) Light Duty Trucks 1 (less than 6000 pounds GVWR).

\* \* \* \* \*

(C) Light Duty Trucks 2 (greater than 6000 pounds GVWR).

\* \* \* \* \*

(ii) *ASM vehicle engine displacement methodology.*

Upon notice by the Department in the *Pennsylvania Bulletin*, the exhaust emission standards used for ASM tests performed shall be in accordance with the following tables:

**LDV Exhaust Emission Standards for the ASM 5015 test**

|                            | HC              | CO           | Nox               |
|----------------------------|-----------------|--------------|-------------------|
| 5015 LDV MY 1980 and newer | 275 liters* ppm |              |                   |
| 5015 LDV MY 1980 to 1982   |                 | 1.3 liters*% |                   |
| 5015 LDV MY 1983 and newer |                 | 1.1 liters*% |                   |
| 5015 LDV MY 1980 only      |                 |              | 8,500 liters* ppm |

|                                  |  |                      |
|----------------------------------|--|----------------------|
| 5015 LDV MY<br>1981 and<br>newer |  | 3,600 liters*<br>ppm |
|----------------------------------|--|----------------------|

**LDT Exhaust Emission Standards for the ASM 5015 test**

|  | HC                   | CO           | Nox    |
|--|----------------------|--------------|--------|
| 5015 LDT MY<br>1980 to 1983                          | 1,140 liters*<br>ppm |              |        |
| 5015 LDT MY<br>1984 to 1995                          | 537 liters*<br>ppm   |              |        |
| 5015 LDT MY<br>1996 [to<br>1998] and<br><u>newer</u> | 275 liters*<br>ppm   |              |        |
| 5015 LDT MY<br>1980 to 1983                          |                      | 9.7 liters*% |        |
| 5015 LDT MY<br>1984 to 1995                          |                      | 5.4 liters*% |        |
| 5015 LDT MY<br>1996 and<br>newer                     |                      | 1.1 liters*% |        |
| 5015 LDT MY  |                      |              | 14,145 |

|                                  |  |                      |
|----------------------------------|--|----------------------|
| 1980 to 1987                     |  | liters*ppm           |
| 5015 LDT MY<br>1988 to 1995      |  | 7,380 liters*<br>ppm |
| 5015 LDT MY<br>1996 and<br>newer |  | 6,150 liters*<br>ppm |

All 5015 cut points are applied by the following method:

The vehicle's engine displacement in liters multiplied by the exhaust constituent (HC, CO, or Nox) levels in concentration (HC and Nox in ppm; CO in % ten second average values). This liter\*concentration value is compared to the appropriate cut point and if the value is above the cut point the vehicle is considered having failed the test.

(3) ASM 2525 and 5015 concentration tables follow (although both 2525 and 5015 standards are shown, the Pennsylvania test consists only of the 5015 mode):

\* \* \* \* \*

(b) *ASM Test Score Calculation*

\* \* \* \* \*

**§ 8. Software specifications and [enhanced] emission inspection waiver procedure.**

(a) *[.]Software specifications.*

\* \* \* \* \*

(b) [Enhanced e] Emission inspection waiver procedure.

\* \* \* \* \*

(2) When repairs are completed, vehicle shall be returned to a certified emission inspection station.

(3) When retest is begun, repairs made and cost of repairs will be entered into [analyzer] the inspection equipment.

\* \* \* \* \*

(iii) If yes, inspector will be presented with [analyzer] waiver screen.

\* \* \* \* \*

**APPENDIX B**

**Department Procedures and Specifications**

**[§ 1. Analyzer Specifications for Basic Emission Program Areas.**

Exhaust emission analyzers approved by the Bureau shall meet the following requirements:

\* \* \* \* \*

(iii) The HC, CO, CO<sub>2</sub>, RPM and pass/fail or invalid test data are automatically recorded into the storage medium and recorded onto the consumer reports.]

**§ [2.] 1. Evaporative System Function Test[s].**

[(a) Evaporative system pressure test,] [t]The evaporative system pressure test procedure shall be as follows:

\* \* \* \* \*

(3) Vehicles shall fail the evaporative system pressure test if the system cannot maintain a system pressure above 8 inches of water for 2 minutes after being pressurized to 14 +/- 0.5 inch of water or if no pressure drop is detected when the gas cap is loosened as described in this section. Additionally, vehicles shall fail the evaporative test if the canister is missing or

obviously damaged, if hoses are missing or obviously disconnected, or if the gas cap is missing.

[(b) Fuel filler (gas) cap test. The fuel filler (gas) cap test procedure shall be as follows:

\* \* \* \* \*

(c) Subsequent test procedures and equipment approved by the EPA. If the EPA develops or approves other emission test procedures or equipment, including test procedures or equipment prescribed in this section, the Department may adopt the subsequently approved emission test procedures and equipment consistent with section 4706(e) of the Vehicle Code (relating to prohibition of expenditures for the Emission Inspection Program.)

**Editors Note:** As part of this rulemaking, the Department is also deleting in their entirety the table entitled: PA Enhanced Emissions Inspector Certification (E.E.I.C), and the flow chart entitled: PA Enhanced Emissions Inspector Training, Certification, and Recertification, which appear in 67 Pa. Code at pages 177-143 through 177-146, serial page numbers (235383) through (235386).



September 11, 2003

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

**Re: Regulation #18-384 — 67 Pa. Code, Chapter 177 —  
Emissions Inspection Program**

Dear Mr. Nyce:

Enclosed please find a courtesy copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form for Amendments to 67 Pa. Code, Chapter 177, Emissions Inspection Program, which the Department of Transportation intends to adopt as a final regulation with notice of proposed rulemaking omitted pursuant to Sections 4706 and 4710 of the Vehicle Code, 75 Pa. C.S. §§ 4706 & 4710, and 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, *as amended*, 71 P.S. § 745.1 *et seq.*

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,

Stephen F. J. Martin  
Regulatory Counsel





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

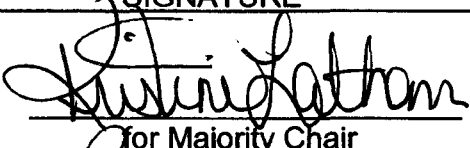
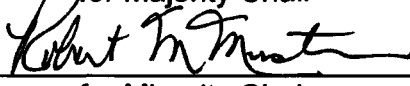
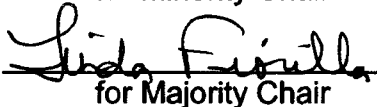

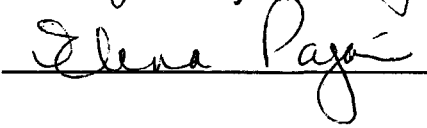
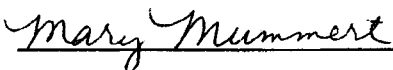
I.D. NUMBER: 18-384  
 SUBJECT: Emissions Inspection Program  
 67 Pa. Code Chapter 177  
 AGENCY: Department of Transportation

**TYPE OF REGULATION**

- 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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| DATE    | SIGNATURE   | DESIGNATION                                 |
|---------|---|---|
| 9/11/03 | <br>for Majority Chair | HOUSE COMMITTEE ON<br>TRANSPORTATION        |
| 9/11/03 | <br>for Minority Chair |   |
| 9/11/03 | <br>for Majority Chair | SENATE COMMITTEE ON<br>TRANSPORTATION       |
| 9/11/03 | <br>for Minority Chair |   |
| 9/11/03 |                        | INDEPENDENT REGULATORY<br>REVIEW COMMISSION |
| 9-11-03 |                        | ATTORNEY GENERAL                            |

Date: September 11, 2003