

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

2013 AUG -9 AM 10:25

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(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency:

Transportation

(2) Agency Number:

18-425

IRRC Number:

2959

(3) PA Code Cite:

67 Pa. Code, Chapter 175

(4) Short Title:

Vehicle Equipment and Inspection

(5) Agency Contacts (List Telephone Number and Email Address):

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E-mail: krsinger@pa.gov

(6) Type of Rulemaking (check applicable box):

- | | |
|--|--|
| <input type="checkbox"/> Proposed Regulation | <input type="checkbox"/> Emergency Certification Regulation; |
| <input checked="" type="checkbox"/> Final Regulation | <input type="checkbox"/> Certification by the Governor |
| <input type="checkbox"/> Final Omitted Regulation | <input type="checkbox"/> Certification by the Attorney General |

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The purpose of these amendments is to implement changes to Pennsylvania's Vehicle Equipment and Inspection regulations (Chapter 175) to reflect recent Vehicle Code changes and to clarify other provisions of the Chapter.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Authority for this regulation is contained in 75 Pa. C. S. §§ 4103, 4301, 4501 and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, as amended.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The statutory provisions (75 Pa. C. S. §§ 4103, 4301, 4501 and 6103), respectively, direct the Department to promulgate vehicle equipment standards for vehicles, equipment and devices; direct the Department to promulgate regulations governing lighting, brakes and other vehicle equipment; and authorize the Department to promulgate regulations to implement the Vehicle Code.

These amendments are not expressly mandated by any federal or state law or court order.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Pennsylvania law requires the periodic safety inspection of vehicles required to be registered in the Commonwealth. The inspection regulations found in Chapter 175 (Vehicle Equipment and Inspection) currently do not coincide with some provisions relating to vehicle equipment found in the Vehicle Code. The purpose of these amendments is to implement changes to the Chapter 175 to reflect the requirements of corresponding Vehicle Code changes and to clarify other provisions of the Chapter.

(11) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No such data, studies, or references were used to justify these amendments to the regulations.

(12) Describe who and how many people will be adversely affected by the regulation. How are they affected?

There should be no adverse impact on any individuals from these amendments to the regulations. However, some vehicle owners may experience additional repair costs in order to bring their vehicle into compliance with the provisions of Chapter 175. The precise number of individuals who may experience

increased costs cannot be determined.

(13) 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.

All vehicle owners, inspection station owners and certified inspection mechanics will be required to comply with the regulations.

(14) 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. Explain how the dollar estimates were derived.

The costs and/or savings to the regulated community resulting from these amendments are marginal and cannot be calculated with any precision.

(15) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There should be no costs and/or savings to local governments resulting from these amendments to the regulation.

(16) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There should be no costs and/or savings to state government resulting from these amendments to the regulation.

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

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$ N/A	\$	\$	\$	\$	\$
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Savings	N/A					
COSTS:	N/A					
Regulated Community	N/A					

Local Government	N/A					
State Government	N/A					
Total Costs	N/A					
REVENUE LOSSES:	N/A					
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Revenue Losses	N/A					

(17a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Vehicle Safety Inspection	\$4.1 M	\$4.1 M	\$4.5 M	\$4.5 M

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

N/A

(19) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

Little communication or input from the public was solicited regarding the proposed amendments that result from changes to the Vehicle Code. The proposed amendments relating to other provisions are the result of discussions with the inspection industry and research conducted by the Department.

(20) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No non-regulatory alternatives exist, therefore, none were considered.

(21) 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 regulations.

There are no provisions contained in the proposed regulations that are more stringent than federal standards.

(22) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

This regulation is consistent with other states' regulatory scheme and will not put Pennsylvania at a competitive disadvantage vis-à-vis other states.

(23) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

These amendments will not affect other Department regulations or the regulations of any other Commonwealth agency.

(24) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

These amendments will not change any legal, accounting and consulting procedures or generate any additional reporting, recordkeeping and paperwork requirements.

(25) 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 businesses, and farmers.

These are no special needs for affected groups or persons.

(26) Include a schedule for review of the regulation including:

A. The date by which the agency must receive public comments: 06/19/2012

B. The date or dates on which public meetings or hearings will be held: N/A

C. The expected date of promulgation of the proposed regulation as a final-form regulation: 10/27/2012

D. The expected effective date of the final-form regulation: 10/27/2012

E. The date by which compliance with the final-form regulation will be required:

10/27/2012

F. The date by which required permits, licenses or other approvals must be obtained:

N/A

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

These provisions will be reviewed periodically as determined to be appropriate by the Department.

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WITH THE
LEGISLATIVE REFERENCE BUREAU**

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DO NOT WRITE IN THIS SPACE

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

By: _____
(Deputy Attorney General)

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:

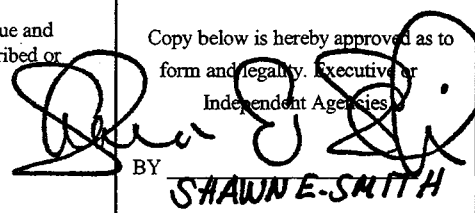
Department
of
Transportation
(Agency)

DOCUMENT/FISCAL NOTE NO. # 18-425

DATE OF ADOPTION _____

BY Bruce J. Edman
Secretary of Transportation

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


BY SHAUNE E. SMITH

APR 18 2013
(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 FINAL RULEMAKING

DEPARTMENT OF TRANSPORTATION

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article VII. Vehicle Characteristics

Chapter 175. Vehicle Equipment and Inspection

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article VII. Vehicle Characteristics

Chapter 175. Vehicle Equipment and Inspection

Notice of Final Rulemaking

Preamble

Notice is hereby given that the Department of Transportation, pursuant to the authority contained in 75 Pa. C.S. §§ 4103, 4301, 4501, 4521 and 6103 (Vehicle Code), hereby adopts amendments to Title 67, Chapter 175 of the Department of Transportation Regulations (relating to vehicle equipment and inspection) to read as set forth in Annex A.

Purpose of Chapter

The purpose of Chapter 175 is to establish vehicle equipment standards, including lighting, brakes and other devices, and to regulate the vehicle equipment safety inspection process.

Purpose of the Amendments

The purpose of these amendments to Chapter 175 is to revise the equipment and inspection standards, including but not limited to the frequency of inspection, coordination of inspection with vehicle registration, hours of operation of official inspection stations, certification of inspection mechanics, recording inspections, windshield replacement procedures, ordering inspection stickers, cause for suspension of

inspection privileges, bumper height, rear wheel shields, mirrors, tire size, pedalcycle racks, exhaust systems, motorcycle handlebars and street rod equipment requirements.

Summary of Comments and Changes in the Final Adopted Regulation

The amendments to the regulation were published as a proposed rulemaking in the July 28, 2012 issue of the *Pennsylvania Bulletin*. The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and to the House and Senate Transportation Committees of the General Assembly.

No comments or objections were received from the public, the Committees or IRRC. Consequently, no changes have been made in the Final Adopted Regulation.

Persons and Entities Affected

These regulations affect all owners of vehicles subject to inspection, all official inspection stations, certified inspection mechanics, and law enforcement personnel.

Fiscal Impact

Implementation of these regulations will not require the expenditure of any additional funds by the Commonwealth or local municipalities. These regulations may impose additional costs on vehicles owners to bring their vehicle into compliance with these regulations. The proposed amendments will not require the completion of any additional forms, reports or other paperwork.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, Act of June 25, 1982 (P.L. 633, No. 181), *as amended*, 71 P.S. 745.5(a), on July 17, 2012, the Department submitted a copy of this proposed regulation to the Independent Regulatory Review Commission and

to the Chairpersons of the House and Senate Transportation Committees. No comments were received from the public, IRRC or the Committees.

Under Section 5.1(j.2) of the Regulatory Review Act, on _____, 2012 the final rulemaking was deemed approved by the House and Senate Transportation Committees. Under section 5(e) of the Regulatory Review Act, IRRC met on _____, and approved the final rulemaking.

Sunset Provisions

The Department of Transportation will make these regulations effective upon publication in final form following appropriate evaluation of any comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required pursuant to the Vehicle Code (75 Pa. C.S. 1.01, et seq.). The Department, however, will continue to closely monitor these regulations for their effectiveness.

Contact Person

The contact person for technical questions about the proposed amendments to the regulations is Kristen Singer, Manager, Vehicle Inspection Division, 1101 South Front Street, 4th Floor, Harrisburg, Pennsylvania 17104, telephone number 717-787-2171.

Order

The Department of Transportation orders that:

- (A) The regulations of the Department of Transportation, 67 PA. Code, Chapter 175, are amended as set forth in Annex A.

- (B) The Secretary of the Department of Transportation shall submit this order and Annex A hereto to the Office of General Counsel and the Office of Attorney General for approval as to legality and from, as required by law.
- (C) The Secretary shall certify this Order and Annex A and deposit the same with the Legislative Reference Bureau, as required by law.
- (D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

Barry J. Schoch, P.E.

Secretary of Transportation

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION

Subchapter A. GENERAL PROVISIONS

§ 175.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Antique motor vehicle—[A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufacturer's specifications and registered with the Department as an antique motor vehicle] The term as defined in 75 Pa. C.S. § 102 (relating to definitions).

* * * * *

Collectible motor vehicle— The term as defined in 75 Pa. C.S. § 102.

* * * * *

Combination—[Two or more vehicles physically interconnected in tandem] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Department—[The Department of Transportation of the Commonwealth.] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Driveaway-towaway operation—[An operation in which a motor vehicle, trailer or semitrailer, singly or in combination, constitutes the commodity being transported, when one set or more of wheels of the vehicle are on the highway during the course of transportation, whether or not the vehicle furnished the motive power.] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Essential parts—[Integral and body parts of a vehicle of a type required to be registered under the Vehicle Code, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model type or mode of operation] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Farm [truck] vehicle—[A truck determined by the Department to be used exclusively for agricultural purposes] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Fleet owner—[A person, or a Federal, State, or local government agency or authority owning or leasing 15 or more vehicles who or which provides servicing and repair of the vehicles] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Foreign vehicle—[A vehicle of a type required to be registered under the Vehicle Code brought into this Commonwealth from another state, territory or country other than in the

ordinary course of business by or through a manufacturer or dealer and not registered in this Commonwealth] The term as defined in 75 Pa. C.S. § 102.

* * * * *

GCWR—[*gross*] *Gross combination weight rating*—[The value specified by the manufacturer as the loaded weight of a combination] The term as defined in 75 Pa. C.S. § 102.

GVWR—[*gross*] *Gross vehicle weight rating*—[The value specified on the Federal weight certification label by the manufacturer as the loaded weight of a single vehicle] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Gross weight—[The combined weight of a vehicle or combination of vehicles and its load and driver] The term as defined in 75 Pa. C.S. § 102.

* * * * *

House trailer—[Includes the following:

(i) A trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways.

(ii) A trailer containing chassis and exterior shell designed and constructed for use as set forth in subparagraph (i) but which is used permanently or temporarily for advertising sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Manufacturer—[A person engaged in the business of constructing or assembling vehicles, motors or bodies of vehicles] The term as defined in 75 Pa. C.S. § 102.

Mass transit vehicle— The term as defined in 75 Pa. C.S. § 102.

* * * * *

Mobile home—[A trailer designed and used exclusively for living quarters or commercial purposes which exceeds the maximum size limitations prescribed by this title for operation on a highway and is only incidentally operated on a highway, including a unit transported on a removable or nonremovable frame designed so as to be assembled together with another unit or units into a structure which is used exclusively for living quarters—commonly known as a “modular unit”] The term as defined in 75 Pa. C.S. § 102.

Modular housing undercarriage—[A trailer which is used to transport a modular housing unit] The term as defined in 75 Pa. C.S. § 102.

Modular housing unit—[A unit on a removable or nonremovable frame designed for residential or commercial purposes which is wholly or in substantial part fabricated, formed or assembled in manufacturing facilities for assembly and installation on the building site] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Motorcycle—[A motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Motor home—[A motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck camper] The term as defined in 75 Pa. C.S. § 102.

Motorized pedalcycle—[A motor-driven cycle equipped with operable pedals, a motor rated no more than 1.5 brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission and a maximum design speed of no more than 25 miles per hour] The term as defined in 75 Pa. C.S. § 102.

Motor vehicle—[A vehicle which is self-propelled except one which is propelled solely by human power or by electric power obtained from overhead trolley wires but not operated upon rails] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Pedalcycle—[A vehicle propelled solely by human-powered pedals] The term as defined in 75 Pa. C.S. § 102.

Person—[A natural person, firm, copartnership, association or corporation] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Recreational trailer—[A trailer designed, adapted and used exclusively for recreational purposes] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Registration—[The authority for a vehicle to operate on a highway as evidenced by the issuance of an identifying card and plate or plates] The term as defined in 75 Pa. C.S. § 102.

Renewed emissions certificate of inspection – An emissions certificate of inspection that remains valid for more than 90 days.

* * * * *

Secretary—[The Secretary of Transportation of this Commonwealth] The term as defined in 75 Pa. C.S. § 102.

Semitrailer—[A trailer constructed so that some part of its weight rests upon, or is carried by, the towing vehicle] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Special mobile equipment—[A vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: ditch digging apparatus; well boring apparatus; earth-moving and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, finishing machines, road rollers, scarifiers, earth-moving carryalls, scrapers, power shovels and drag lines; and self-propelled cranes and tractors, other than truck tractors. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached] The term as defined in 75 Pa. C.S. § 102.

Specially constructed vehicle—[A vehicle not originally constructed by a generally recognized manufacturer of vehicles under a distinctive name and materially altered from its original construction but assembled from parts of various vehicles and kits and which would be commonly known as a “homemade” vehicle] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Street rod—[A motor vehicle, but not a reproduction thereof, with a model year of 1948 or older which has been materially altered or modified by the removal, addition or

substitution of essential parts and with a gross weight or registered gross weight of not more than 9,000 pounds] The term as defined in 75 Pa. C.S. § 102.

Subject vehicle—A gasoline powered vehicle with a gross vehicle weight rating of [11,000] 9,000 pounds or less, moved upon a highway and registered or titled in a designated area, as defined in Chapter 177 (relating to emission inspection program), except any of the following:

* * * * *

Suspend—[To withdraw temporarily by formal action of the Department a license, registration or privilege issued or granted by the Department. Following a period of suspension, the Department will restore the license, registration or privilege] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Taxi—[A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, on a call and demand service and used for the transportation of persons for compensation] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Tire width—[The linear distance between the exteriors of the sidewalls of an uninflated tire, excluding elevations due to labeling, decoration or protective sidebands] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Trailer—[A vehicle designed to be towed by a motor vehicle] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Truck—[A motor vehicle designed, used or maintained primarily for the transportation of property] The term as defined in 75 Pa. C.S. § 102.

Truck-camper—[A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space] The term as defined in 75 Pa. C.S. § 102.

Truck tractor—[A motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn] The term as defined in 75 Pa. C.S. § 102.

* * * * *

Utility trailer—[A trailer, except a recreational trailer, which does not have air brakes] The term as defined in 75 Pa. C.S. § 102.

VIN—Vehicle identification number—[A combination of numerals or letters, or both, which the manufacturer assigns to a vehicle for identification purposes or, in the absence of a manufacturer-assigned number, which the Department assigns to a vehicle for identification purposes] The term as defined in 75 Pa. C.S. § 102.

[*Vaporizer*—A device that converts liquified natural gas and liquified petroleum gas to the gaseous state by means of heat.]

Vehicle—[Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks] The term as defined in 75 Pa. C.S. § 102.

Vehicle [Control] Inspection Division—The area of the Bureau which administers vehicle equipment and inspection matters.

* * * * *

§ 175.5. Semiannual inspection.

School buses, [passenger vans] vehicles which are under contract with or owned by a school district or a private or parochial school[—], including vehicles having chartered group and party rights under the Public Utility Commission[—] and used to transport school students; passenger vans used to transport persons for hire or owned by a commercial enterprise and used for the transportation of employees to or from their place of employment; [trailers having a registered gross weight in excess of 10,000 pounds;] mass transit vehicles and motor carrier vehicles with a registered gross weight in excess of 17,000 pounds, other than farm vehicles for which a biennial certificate of exemption has been issued shall be subject to semiannual inspection.

§ 175.6. Annual inspection.

Other vehicles, including motor homes, emergency vehicles and private noncommercial vehicles used to transport students, shall be inspected annually. Motor homes and emergency vehicles built on a truck chassis shall be inspected according to the appropriate truck inspection procedure based on the registered gross weight of the vehicle.

* * * * *

§ 175.11. Coordination of safety and emission inspection.

(a) All subject vehicles required to participate in the [Enhanced] Emission I/M Program shall display on the vehicle a renewed emission certificate of inspection prior to placement of a renewed safety certificate of inspection.

(b) Upon successful completion of a safety inspection, a certificate of inspection may be affixed to the vehicle if the vehicle's emissions certificate of inspection is valid for more than 90 days from the date of the safety inspection.

(c) If the emissions certificate of inspection will expire in less than 90 days from the date of the safety inspection, the vehicle shall receive a renewed emissions certificate of inspection prior to a renewed safety certificate of inspection being affixed.

(d) A temporary inspection approval indicator may be used to designate vehicles which have successfully passed the required periodic safety inspection, but must display a renewed emission certificate of inspection, or obtain an official waiver, prior to placement of the renewed safety certificate of inspection.

(e) Under this chapter, the expiring safety certificate of inspection may be replaced with a new safety certificate of inspection at any time prior to the expiration of the certificate of inspection to which the temporary inspection approval indicator is affixed. The temporary inspection approval indicator does not extend the inspection expiration of any certificate of inspection to which it is affixed.

Subchapter B. OFFICIAL INSPECTION STATIONS

* * * * *

§ 175.27. Hours.

(a) An inspection station shall be open for business a minimum of 40 hours, Monday through Friday between 7 a.m. and 5 p.m. This section may be waived by the Bureau upon written request of the inspection station owner and prior approval of the inspection station supervisor. To be considered for a waiver of this section, [50% of the working hours shall be

between 8 a.m. and 5 p.m.] the inspection station shall be open for business at least 10 business hours between 7 a.m. and 8 p.m. Monday through Friday. A request for a waiver of this section shall be submitted on a form provided by the Department. A waiver of this section may be denied or revoked for any of the following reasons:

(1) A violation of this chapter was committed by the inspection station owner, manager, a certified inspection mechanic or other employee at the station within 3 years immediately preceding a request for a waiver.

(2) The station owner, manager, a certified inspection mechanic or other employee at an inspection station that has been granted a waiver of this section commits a violation of this chapter after the waiver has been granted.

(3) Station personnel currently employed or hired have been or are currently suspended for a violation of this chapter.

(4) The Department or a designee is unable, on two attempts on two different business days, to perform an official visit, including a periodic records audit, during the hours specified in the approved waiver.

(5) An inspection station fails to be in operation during the hours specified in the waiver.

(6) An inspection station fails to comply with this section.

(b) This section does not apply to Commonwealth or fleet inspection stations.

§ 175.28. Certified inspection mechanics.

(a) *General.* An official inspection station shall have at least one certified inspection mechanic. Every inspection shall be performed by a certified inspection mechanic. The mechanic shall only inspect the type of vehicle for which he is certified and for which he holds a valid

driver's license, except as otherwise provided in 75 Pa. C.S. § 4726(a) (relating to certification of mechanics). The mechanic signing the inspection sticker shall conduct and be responsible for the entire inspection of the vehicle, including the road test, except that the Department may exempt a mechanic from the requirement to perform a road test because of a physical disability. See 75 Pa. C.S. § 4726 [(relating to certification of mechanics)].

* * * * *

(d) *Certification requirements.* A mechanic desiring to maintain certification or to become certified:

(1) Shall be 18 years of age or older.

(2) Shall, as provided in subsection (a), have a valid driver's license for each class of vehicle which the mechanic will inspect; except that a certified mechanic who inspects school buses is not required to hold a [Class 4 license but is required to hold a Class 2 or 3 license] school bus driver endorsement. For the purposes of this chapter, a valid driver's license [shall] does not include a learner's permit, a probationary license held by a driver for less than 3 years, an occupational limited license or an interlock license. A mechanic exempted from the requirement to perform the road test shall also be exempt from the requirement of this paragraph.

(3) Shall have [attended] completed an approved [9-hour] certification course and successfully completed the required [written] examination.

* * * * *

(e) *Recertification.* A mechanic shall be certified [every 3] for no more than 5 years. Mechanics may renew their mechanic certification by passing the required [written] examination within 180 days of receipt of notice from the Department that the mechanic card is due to expire.

* * * * *

(g) *Mechanic license codes.* A mechanic will be issued codes from the following [codes] table for the types of vehicle inspections and equipment testing the mechanic is authorized to [inspect] perform:

- (1) Passenger cars, trucks 17,000 pounds or less, and trailers less than 10,000 pounds.
- (2) Motorcycles.
- (3) Trucks over 17,000 pounds, trailers over 10,000 pounds, and buses.
- (4) All vehicles.
- (5) Codes 1 and 2.
- (6) Codes 2 and 3.
- (7) Codes 1 and 3
- (8) (Reserved).
- (9) Electrical speed timing:
 - (i) A—Electronic speed timing.
 - (ii) B—Mechanical speed timing.
 - (iii) C—Speedometer.
 - (iv) D—Electrical-mechanical speed timing.]

<u>Code</u>	<u>Authorized Inspection or Testing</u>
<u>1</u>	<u>Inspection of passenger cars, trucks 17,000 pounds or less and trailers less than 10,000 pounds</u>
<u>2</u>	<u>Inspection of motorcycles</u>
<u>3</u>	<u>Inspection of trucks over 17,000 pounds, trailers over 10,000 pounds and buses</u>

- 4 Inspection of vehicles
- 5 Inspection under codes 1 and 2
- 6 Inspections under codes 2 and 3
- 7 Inspections under codes 1 and 3
- 9 Testing and calibration of electronic (nonradar) speed timing devices that measure elapsed time between two sensors
 - A Testing an calibration OF electronic (radar) speed timing devices
 - B Testing and calibration of stopwatches
 - C Testing and calibration of speedometers
 - D Testing and calibration of electronic (nonradar) speed timing devices that calculate average speed between two points
 - J Enhanced vehicle safety inspection in conjunction with inspection under existing mechanic license codes in this table for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title

(h) *Mechanic card.* The valid mechanic card shall be carried by the mechanic when performing an inspection.

(i) *Certified document reviewer.* The Department may certify nonmechanics to perform document review for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title.

§175.29. Obligations and responsibilities of stations.

(a) *Personal liability.* It is the responsibility of the owner of an inspection station to do all of the following:

* * * * *

(4) To keep [current] inspection records [at the inspection station] and required work orders available for examination and audit by the inspection station supervisor and other authorized persons.

(5) To keep[, for a period of 2 years, duplicate copies of garage report sheets and] certificate of inspection requisition forms for each inspection campaign.

* * * * *

(f) *Customer relations.* The garage owner shall consult the vehicle owner for permission to make repairs.

* * * * *

(4) The vehicle owner shall be informed in writing on the [repair] receipt or work order of any parts which, although in passing condition, the mechanic believes may become dangerous before the next inspection period. The brake and tire readings shall be indicated in writing on the [repair] receipt or work order. If a temporary inspection approval indicator is issued, the [repair] receipt or work order shall also contain the following information:

* * * * *

§ 175.33. Motorcycle inspection stations.

* * * * *

(d) *Record sheets.* A motorcycle inspection shall be recorded on Form [MV-431] MV-480.

* * * * *

§ 175.35. Enhanced Vehicle Safety Inspection Stations.

(a) *Eligibility.* The enhanced vehicle safety inspection designation will be issued to stations that perform enhanced vehicle safety inspections for the purpose of titling reconstructed.

specialty constructed, recovered theft, flood, collectible, modified vehicles, street rods and other vehicles requiring a branded certificate of title as prescribed by the Department.

(b) General requirements. In addition to contractual requirements prescribed by the Department, an applicant for an enhanced vehicle safety inspection station shall meet the requirements of this chapter unless specifically exempted.

(c) Certified enhanced inspection mechanic. Each enhanced vehicle safety inspection station shall have a certified enhanced inspection mechanic authorized by the Department employed and present during normal business hours.

(d) Certified document reviewer. An enhanced vehicle safety inspection station shall have a certified document reviewer authorized by the Department employed and present during normal business hours. The certified enhanced inspection mechanic may act as the certified document reviewer.

(e) Method of inspection. A subject vehicle shall undergo an enhanced vehicle safety inspection according to this chapter by a mechanic certified to perform enhanced inspections on the appropriate class of vehicle.

(f) Tools. In addition to the tool requirements of § 175.26 (relating to tools and equipment), enhanced vehicle safety inspection stations shall have additional tools and equipment as contractually required by the Department.

Subchapter C. CERTIFICATE OF INSPECTION

§ 175.41. Procedure.

* * * * *

(b) *Type.* A certificate of inspection shall be selected for the particular type of vehicle being inspected according to this chapter. [The certificate of inspection insert shall correspond to the vehicle's registration month based on charts supplied by the Department.] The certificate of inspection shall be examined before using. If found to be incorrect, the inspection station supervisor and the Vehicle [Control] Inspection Division shall immediately be notified.

* * * * *

(c) *Required information.* The information on the rear of the certificate of inspection shall be completed in its entirety in permanent ink. The odometer reading is not required to be completed for trailers and motorcycles.

* * * * *

(2) When replacing a certificate of inspection for which a temporary inspection approval indicator has been issued, the back of the new certificate of inspection shall be completed using the information recorded [on the report sheet (Form MV-431)] at the time of the original inspection.

(d) *Affixing certificate of inspection or temporary inspection approval indicator.* The certificate of inspection or temporary inspection approval indicator shall only be affixed to the vehicle immediately upon the successful completion of the inspection, on the premises of the official inspection station and on a portion of the premises located within 100 feet and on the same side of the street as the official inspection station. A certificate of inspection or temporary approval indicator may not be issued or affixed at another area [of] or location.

* * * * *

(f) *Inspection cycles.* When selecting the proper type of certificate insert, the new expiration date is based upon whether the inspection is an annual or semiannual inspection.

(1) An annually inspected vehicle will receive an inspection for [no more than 15 months and no less than 6 months based on the vehicle's registration month and charts supplied by the Department] 1 year from the expiration of the safety inspection sticker which is about to expire, except motorcycles, which receive an expiration in accordance with charts provided by the Department. A sticker may not be issued for more than 15 months from the month of inspection. If a vehicle, other than a motorcycle, does not display a currently valid certificate of inspection, the vehicle shall receive an inspection valid for 1 year from the month of inspection.

* * * * *

§ 175.42. Recording inspection.

(a) *Fraudulent recording.* Fraudulent recording of an inspection [report sheet] will be considered cause for suspension of inspection privileges.

(b) *Signature.* The certified mechanic who performed the entire inspection shall place his signature in accordance with the following recordkeeping requirements:

(1) At stations utilizing Form MV-431 or MV-480, the certified mechanic who performed the entire inspection shall place his signature in the appropriate column of Form MV-431 or MV-480 immediately following the inspection. Both the mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall place their signatures in the appropriate column.

[(1)] (i) When the inspection information is transferred from a work order to the Form MV-431 or MV-480 by anyone other than the certified mechanic who performed the inspection, the work order shall contain the certified mechanic's signature and be retained for [2 years] audit.

(ii) The person who enters the information shall place the name of the certified mechanic in the appropriate column and the initials of the person putting the information on the form in the appropriate column.

(iii) A mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall sign the work order.

(iv) The person who transfers the information shall place the names of both certified mechanics in the appropriate column.

(2) [A work order shall be available for inspection upon request by the inspection station supervisor or an authorized representative of the Department.] At stations utilizing an electronic data collection and storage program, the certified mechanic who performed the entire inspection shall place his signature on the work order immediately following the inspection. Both the mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall place their signatures on the work order. Work orders shall be retained for audit.

(c) *Records retention.*

(1) The original official inspection report sheet (Form MV-431 or MV-480) shall be retained as a garage record and kept on file at the station for [2 years] audit. At the close of each inspection period, the official inspection report sheet shall be placed in the

station's files, even though all spaces may not have been used, and a new inspection report sheet shall be started for the new inspection period.

(2) A work order signed by the inspecting mechanic as required under this section shall be available for inspection upon request by the inspection station supervisor or an authorized representative of the Department.

(d) *Content.*

(1) Stations utilizing Form MV-431 or MV-480. The paper inspection report sheet (Form MV-431 for passenger cars, trucks and buses or MV-480 for motorcycles and trailers) shall be neat and legible and completed in its entirety. Details pertinent to every vehicle inspected, including rejections, shall be recorded on the report sheet at the time of inspection. Items inspected, adjusted or repaired shall be recorded. If the report sheet lists a piece of equipment which does not apply to the specific type of vehicle being inspected, a dash shall be placed in the column to indicate it has not been overlooked or neglected. Certificates of inspection issued shall be listed in numeric order.

[(1)] (i) Temporary inspection approval indicators, if issued in lieu of a certificate of inspection, shall be recorded on a separate report sheet (Form MV-431) and shall be indicated in the area designated for the sticker number. This separate report sheet shall be completed as described in this subsection except a "T" shall be entered in the area designated for the sticker number to indicate that a temporary inspection approval indicator was issued. An inspection station may not impose a sticker charge for the issuance of a temporary inspection approval indicator.

[(2)] (ii) Upon the return of a vehicle for which a temporary inspection approval indicator has been issued, the station which originally affixed the temporary inspection approval indicator shall:

[(i)] (A) Verify the year, make, body style, VIN and proof of financial responsibility for the vehicle presented for a renewed certificate of inspection to ensure it is the same vehicle indicated on the report sheet (Form MV-431) when the original inspection was performed. This information shall be recorded as a new entry on the regular report sheet (Form MV-431) where all inspection sticker serial numbers issued are recorded.

[(ii)] (B) Record, on the Form MV-431, the serial number of the new certificate of inspection to be affixed to the vehicle along with the vehicle owner's name, address, VIN, license plate number, vehicle year make and body style. A reference to the date and number of the original inspection performed shall be noted in the shaded area to the left of the area designated for the sticker serial number and total cost (that is, See T-inspection number 123 dated 01/01/97).

[(iii)] (C) Enter, in the appropriate area of the report sheet (Form MV-431), the name of the certified inspection mechanic that verified the original inspection information and that is replacing the certificate of inspection.

(2) Stations utilizing an electronic data collection and storage program. The inspection record shall be completed in its entirety. Details pertinent to every vehicle inspected, including rejections, shall be recorded at the time of inspection. Items inspected, adjusted or repaired shall be recorded. If the inspection record lists a piece of equipment which does not

apply to the specific type of vehicle being inspected, it shall be designated in the inspection record as "N/A" to indicate it has not been overlooked or neglected.

(i) For those vehicles which pass the safety inspection but do not yet display a renewed emission certificate of inspection as required, stations shall record a pending or incomplete safety inspection without issuing a safety certificate of inspection.

(ii) The temporary inspection approval indicator shall be affixed as described in § 175.41 (relating to procedure). Upon the return of a vehicle for which a temporary inspection approval indicator has been issued, the station which originally affixed the temporary inspection approval indicator shall:

(A) Verify the year, make, body style, VIN and proof of financial responsibility for the vehicle presented for a renewed certificate of inspection to ensure it is the same vehicle indicated on the inspector record when the original inspection was performed.

(B) Record, on the pending inspection record, the serial number of the new certificate of inspection to be affixed to the vehicle.

(C) If the name of the certified inspection mechanic that verified the original inspection information and that is replacing the certificate of inspection is someone other than the certified inspection mechanic who performed the original inspection, he shall also sign the work order.

(3) Replacing a certificate of inspection. The certified inspection mechanic replacing the certificate of inspection shall sign the back of the new certificate of inspection and record the information from the original inspection entry (wheels pulled, date of inspection, and the like.) on the new certificate of inspection before it is affixed to the vehicle. [The expiring

certificate of inspection shall be removed prior to affixing the new certificate of inspection as described in paragraph (2).]

(4) Prohibitions against replacing a certificate of inspection. Inspection stations may not replace a certificate of inspection to which a temporary inspection approval indicator has been affixed if one or more of the following apply:

* * * * *

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

* * * * *

§ 175.43. Security.

* * * * *

(c) *Removal.* Except as provided in paragraphs (1) and (3), a certificate of inspection may not be removed from a vehicle for which the certificate was issued, except to replace it with a new certificate of inspection issued under this chapter and Chapter 177 (relating to emission inspection program).

(1) A person replacing or repairing a windshield in a manner that requires removal of a certificate of inspection shall, at the option of the registrant of the vehicle, cut out the portion of the windshield containing the certificate of inspection and deliver it to the registrant of the vehicle or destroy the certificate. The vehicle may be driven up to 5 days if it displays the portion of the old windshield containing the certificate. Within the 5-day period, an official inspection station may affix to the vehicle another certificate of inspection for the same period without reinspecting the vehicle in exchange for the portion of the old windshield

containing the certificate of inspection. Example: A #1 certificate of inspection shall be replaced with a #1 certificate of inspection. The replacement may be made any time prior to the expiration of the certificate of inspection. A fee of no more than \$2 plus the fee paid to the Department for the certificate may be charged for exchanging the certificate of inspection.

* * * * *

(ii) The portion of the windshield containing the certificate of inspection [may] shall be retained for audit by the inspection station supervisor.

(iii) Record all information from the old certificate of inspection on Form MV-431. The replacement certificate of inspection shall be recorded on the same Form MV-431 and marked “replacement sticker issued.” Stations utilizing an electronic data collection and storage program shall use the appropriate replacement sticker function menu to record replacements.

* * * * *

(f) *Issuance of certificates of inspection.* Certificates of inspection will not be issued by the Bureau to anyone who [cannot display an executed signature card, Form MV-417] is not listed as an authorized purchaser on Form MV-500 on file with the Bureau. The [signature card may not be entrusted to anyone except an employe or other person for whom the] inspection station owner or manager [will] shall accept full responsibility for certificates of inspection delivered to [that person] authorized purchasers listed on Form MV-500.

(g) [*New signature cards.* A new signature card] Authorized purchasers. A new MV-500 to authorize persons to purchase certificates of inspection shall be ordered from the Vehicle [Control] Inspection Division immediately whenever [one or more of the following occur:] an

employee whose signature appears on the form is no longer employed by the station or a signature is to be added or deleted.

[(1) The station copy is lost or stolen. The loss shall be immediately reported to the Vehicle Control Division.

(2) An employe whose signature appears on the card is no longer employed by the station.

(3) The card is defaced, torn or illegible.

(4) A signature is to be added.]

§ 175.44. Ordering certificates of inspection.

* * * * *

(b) *Contents.* Required information shall be entered on the order form.

* * * * *

(2) A requisition shall be personally signed by one of the persons whose signature appears on [the signature card, Form MV-417] Form MV-500. The signature shall be identical to the one on file or the requisition will be rejected. No one may order certificates of inspection unless his signature is on the [signature card] Form MV-500 on file with the Department.

(c) *Additional instructions.* The following also apply:

* * * * *

(4) [Orders for certificates of inspection shall be for multiples of 25, with a minimum of 50 certificates, except that Commonwealth and fleet inspection stations shall order a minimum of 25 certificates.

(5)] An incomplete or improper certificate of inspection requisition or check shall be returned to the official inspection station for correction. To avoid unnecessary inconvenience or delay, information shall be rechecked carefully.

[(6)] (5) If certificates of inspection are to be delivered to a mailing address instead of the inspection station address, the mailing address shall be included on every requisition submitted to the Department.

* * * * *

**Subchapter D. SCHEDULE OF PENALTIES AND SUSPENSION:
OFFICIAL INSPECTION STATIONS AND CERTIFIED MECHANICS**

§ 175.51. Cause for suspension.

(a) *Schedule.* The complete operation of an official inspection station is the responsibility of the owner. Failure to comply with the appropriate provisions of 75 Pa. C.S. [§§ 101--9821] (relating to [the] Vehicle Code) will be considered sufficient cause for suspension of inspection privileges. A violator is also subject to criminal prosecution.

Duration of Suspension

<i>Type of Violation</i>	<i>1st Violation</i>	<i>2nd Violation</i>	<i>3rd and Subsequent Violation</i>
	* * * * *		
(4) <i>Category 4</i>			
	* * * * *		
<u>(x) Failure to satisfy monetary penalties for violations of Chapter 177 (relating to emission inspection program) within 90 days of notification</u>	<u>Suspension until amount due is paid</u>	<u>2 months or until amount due is paid, whichever is greater</u>	<u>6 months or until amount due is paid, whichever is greater</u>

* * * * *

Subchapter E. PASSENGER CARS AND LIGHT TRUCKS

* * * * *

§ 175.66. Lighting and electrical systems.

* * * * *

(l) *Auxiliary driving lamps and fog lamps.* Auxiliary driving lamps and fog lamps may be installed on a passenger vehicle or light truck if the lamps comply with the following:

* * * * *

(11) Guidance laser systems used during highway maintenance operations, such as line painting and snow plowing, are authorized if they comply with 21 CFR § 1040.10 (relating to laser products) for Class IIIa laser products and Occupational Health and Safety Administration standard 1926.54 and are installed and operated in accordance with manufacturer's requirements. Guidance laser systems shall not emit red or blue light visible to other motorists.

* * * * *

§ 175.78. Chassis.

* * * * *

(e) *Bumpers.* A vehicle specified under this subchapter shall be equipped with bumpers of a type used as original equipment, or suitable replacement which is equal to or greater in strength

than that provided by the vehicle manufacturer, securely attached to the chassis or frame. See 75 Pa. C. S. § 4536 (relating to bumpers).

* * * * *

(5) [*Bumper height*. Bumper height shall be as follows:

(i) Some part of the main horizontal bumper bar, exclusive of any bumper guards, on passenger vehicles and light trucks shall fall within 16 inches aboveground level and may not exceed the following limits:

<i>Vehicle Class</i>	<i>Maximum Height</i>	
	<i>Front Bumper (or Frame</i>	<i>Rear Bumper (or Frame</i>
	<i>if any of the conditions in subparagraph (iv) apply)</i>	
	<i>subparagraph (iv) apply)</i>	
Passenger cars	22 inches	22 inches
Trucks and multipurpose passenger Vehicles		
5,000 lbs. or less GVWR	24 inches	26 inches
5,001 lbs.—7,000 lbs. GVWR	27 inches	29 inches
7,001 lbs.—9,000 lbs. GVWR	28 inches	30 inches
9,001 lbs.—11,000 lbs. GVWR	30 inches	30 inches

(ii) The front and rear height measurements shall be made to the bottom edge of the foremost portion of the frame rail, or to the original mounting brackets, whichever is lower, if one of the following apply:

(A) The bumper height, relative to the frame rail, has been altered.

- (B) The vehicle was not originally equipped with a front or rear bumper.
- (C) A supplemental bumper has been added.
- (D) The manufacturer's specified bumper has been replaced with a bumper not identical to the manufacturer's specified bumper.]

Some part of the main horizontal bumper bar on passenger vehicles shall fall within 16-20 inches above ground level.

(6) Some part of the main horizontal bumper bar on multipurpose passenger vehicles and light trucks shall fall within 16-30 inches above ground level.

* * * * *

[(i) *Rear wheel shields.* Trucks shall be constructed or equipped to bar water or other road surface substances thrown from rear wheels of the vehicle at tangents exceeding 22.5°, measured from the road surface, from passing in a straight line to rear of the vehicle. See 75 Pa. C.S. § 4533 (relating to rear wheel shields).]

§ 175.80. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle

registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [vehicle registration card,] certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate [department] Department form has been completed to correct the error or transposition.

* * * * *

(Editor's Note: The effective date of § 175.80(a)(5)(v) was postponed indefinitely in the final-form rulemaking published at 33 Pa.B. 5823 (November 29, 2003). This rulemaking will give effect to the subparagraph.)

(5) Check outside mirrors and reject if one or more of the following apply:

* * * * *

(v) The mirrors, if originally so equipped, are missing.

* * * * *

(7) Check the flooring and floor beds and reject if one or more of the following apply:

* * * * *

[(iii) A truck is not equipped with rear wheel shields—mud flaps—as required under 75 Pa. C.S. § 4533 (relating to rear wheel shields).]

(8) Check the bumpers and reject if one or more of the following apply:

* * * * *

(iii) [Some part of the main horizontal bumper bar, exclusive of bumper guards, on passenger cars, multipurpose passenger vehicles and light trucks does not fall within 16 inches aboveground level or exceeds the following limits:

<i>Vehicle Class</i>	<i>Maximum Height</i>	
	<i>Front Bumper (or Frame</i>	<i>Rear Bumper (or Frame</i>
	<i>if any of the conditions in</i>	
	<i>subparagraph (iv) apply) subparagraph (iv) apply)</i>	
Passenger cars	22 inches	22 inches
Trucks and multipurpose passenger Vehicles		
5,000 lbs. or less GVWR	24 inches	26 inches
5,001 lbs.—7,000 lbs. GVWR	27 inches	29 inches
7,001 lbs.—9,000 lbs. GVWR	28 inches	30 inches
9,001 lbs.—11,000 lbs. GVWR	30 inches	30 inches]

Some part of the main horizontal bumper bar on passenger vehicles does not fall within 16-20 inches above ground level.

(iv) [The front and rear height measurements shall be made to the bottom edge of the foremost portion of the frame rail, or to the original mounting brackets, whichever is lower, if one of the following apply:

(A) The bumper height, relative to the frame rail, has been altered.

- (B) The vehicle was not originally equipped with a front or rear bumper.
- (C) A supplemental bumper has been added.
- (D) The manufacturer's specified bumper has been replaced with a bumper not identical to the manufacturer's specified bumper.]

Some part of the main horizontal bumper bar on multipurpose passenger vehicles and light trucks does not fall within 16-30 inches above ground level.

* * * * *

(b) *Internal inspection.* An internal inspection shall be performed as follows:

* * * * *

(*Editor's Note:* The effective date of § 175.80(b)(7)(iv) was postponed indefinitely in the final-form rulemaking published at 33 Pa.B. 5823. This proposed rulemaking will give effect to the subparagraph.)

(7) Check the inside [the] mirror and reject if one or more of the following apply:

* * * * *

(iv) The mirror, if originally so equipped, is missing.

* * * * *

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

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(xxii) A tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating.

* * * * *

Subchapter F. MEDIUM AND HEAVY TRUCKS, AND BUSES

* * * * *

§ 175.96. Lighting and electrical systems.

* * * * *

(g) *Condition and position of lamps.* Lamps shall be properly fastened; direct light properly; be of a color not contrary to Tables II—IV; and may not be obstructed by a screen, bar, auxiliary equipment or a device so as to obscure, change the color of or obstruct the beam. Exception: A bus used for public transportation may be equipped with a device used to carry pedalcycles mounted on the front of the bus if the device, including the pedalcycle, does not extend more than 36 inches.

* * * * *

(l) *Auxiliary driving lamps and fog lamps.* Auxiliary driving lamps and fog lamps may be installed on a medium or heavy truck and bus if the lamps comply with the following:

* * * * *

(11) Guidance laser systems used during highway maintenance operations, such as line painting and snow plowing are authorized if they comply with 21 CFR § 1040.10 (relating to laser products) for Class IIIa laser products and Occupational Health and Safety Administration Standard 1926.54 and are installed and operated in accordance with manufacturer's requirements. Guidance laser systems may not emit red or blue light visible to other motorists.

* * * * *

§ 175.105. Exhaust systems.

* * * * *

(b) *Exhaust system requirements.* A vehicle specified under this subchapter shall be constructed, equipped, maintained and operated to prevent engine exhaust gases from penetrating and collecting in any part of the vehicle occupied by the driver or a passenger, in addition to the requirements of this title for emission control systems and smoke control for a diesel-powered vehicle.

* * * * *

(5) An exhaust system shall extend and discharge completely to the outside edge of the vehicle body, including a truck bed, or as originally designed, except for the following:

(i) [Heavy trucks or truck tractors. The exhaust system of every heavy truck and truck tractor shall discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab.

(ii)] *Gasoline powered buses, including school buses.* The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus. [Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.

(iii)] (ii) Buses, including school buses, powered by fuels other than gasoline. The exhaust system of a bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits. [Until June 15, 1998, the tailpipe of school buses may extend

to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.]

* * * * *

§ 175.110. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [vehicle registration card,] certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate department form has been completed to correct [an] the error or transposition.

* * * * *

(9) Check the lamps and lenses and reject if one or more of the following apply:

* * * * *

(ix) The auxiliary equipment is placed on, in or in front of a lamp. Exception: A bus used for public transportation may be equipped with a device used to carry pedalcycles mounted on the front of the bus if the device, including the pedalcycle, does not extend more than 36 inches.

* * * * *

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

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(xxii) A tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating.

* * * * *

(6) Inspect the exhaust system and reject if one or more of the following apply:

* * * * *

(viii) The exhaust does not discharge to the outside edge of the vehicle body, including a truck bed, or as originally designed, except for the following:

(A) [*Heavy trucks or truck tractors.* The exhaust system of every heavy truck and truck tractor shall discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab.

(B)] *Gasoline powered buses, including school buses.* The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 6

inches forward of the rearmost part of the bus. [Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.

(C)] (B) Buses, including school buses, powered by fuels other than gasoline.

The exhaust system of a bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits. [Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.]

(7) [*Inspect the braking system.* At] Inspect the braking system and remove at least one front and one opposite rear wheel [shall be removed]. It is not necessary to remove the wheel and drum assembly if there is a removable backing plate that allows examination of the brake system. Reject if one or more of the following apply:

* * * * *

Subchapter G. RECREATIONAL, SEMI AND UTILITY TRAILERS

* * * * *

§ 175.130. Inspection procedure.

(a) *External inspection.* An external inspection of a trailer over 3,000 pounds registered gross weight shall be performed as follows:

(1) Verify [the] ownership [and], legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [vehicle registration card,] certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [an] the error or transposition.

* * * * *

(c) *Beneath the vehicle inspection.* A beneath the vehicle inspection of a trailer over 3,000 pounds registered gross weight shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(ix) [A tire extends beyond the outer edge of the wheel housing or exceeds the manufacturer's specifications as to size.] A tire extends beyond body line, a tire is

smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating or a tire makes contact with the body or chassis.

* * * * *

Subchapter H. MOTORCYCLES

* * * * *

§ 175.143. Steering.

* * * * *

(d) *Handlebars.* [The handlebars or grips may not be higher than the operator's shoulder level when the operator is properly seated upon the motorcycle.] Nothing in this subchapter prohibits a motorcycle from being equipped with a steering wheel instead of handlebars.

(1) The handlebars or steering system shall be of a sturdy construction adequate in size and length to provide proper leverage for steering and capable of withstanding a minimum force of 100 pounds applied to each handle grip in any direction.

(2) The handlebars or steering system shall be designed so as not to restrict front fork movement and shall be capable of vertical adjustment.

* * * * *

§ 175.146. Lighting and electrical systems.

* * * * *

(h) *Ornamental lamps.* A lamp not enumerated in this section, and not located as described in Tables III - V of this chapter, is prohibited unless it is available as original equipment or is

auxiliary lighting added to a motorcycle to protect the driver as permitted by 75 Pa. C.S. §4310 (related to motorcycle lighting). An illuminated sign is prohibited. Flashing or revolving lights are not ornamental lamps. Provisions relating to flashing or revolving lights are located in Chapters 15 and 173 (relating to authorized vehicles and special operating privileges; and flashing or revolving lights on emergency and authorized vehicles).

* * * * *

§ 175.160. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [vehicle registration card,] certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two

digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [an] the error or transposition.

* * * * *

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

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(xiv) [A tire extends beyond the outer edge of the wheel housing or exceeds the manufacturer's specifications as to size.] A tire extends beyond body line, any tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating or a tire makes contact with the body or chassis.

(2) Inspect the steering system and reject if [any] one or more of the following apply:

* * * * *

(ii) [The handlebars or grips are higher than operator's shoulder level when properly seated upon motorcycle.

[(iii)] The handlebars or steering system of each motorcycle are not of sturdy construction.

[(iv)] [(iii)] The handlebars or steering system restrict front fork movement.

[(v)] [(iv)] The handlebars do not provide a minimum of 18 inches between grip ends. If equipped with a steering wheel instead of handlebars, the steering wheel, except if specially designed for handicapped drivers, is not circular or equivalent in strength to original equipment or has an outside diameter less than 13 inches.

[(vi)] [(v)] The handlebars are not equipped with grips of nonslip design and material.

[(vii)] (vi) The measured movement at the front or rear of the tire is greater than ¼ inch in relation to the axle shaft.

[(viii)] (vii) The linkage components are not secured with cotter pins or other suitable devices.

[(ix)] (viii) The steering stops allow a tire to rub on the frame or chassis parts.

[(x)] (ix) The front wheel is incapable of being turned to the right and left steering stops without binding or interference.

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Subchapter J. MOTOR-DRIVEN CYCLES AND MOTORIZED PEDALCYCLES

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§ 175.172. Steering.

* * * * *

(c) *Handlebars.* [The handlebars or grips may not be higher than the operator's shoulder level when the operator is properly seated upon the vehicle.] Nothing in this subchapter prohibits a motor-driven cycle or pedalcycle from being equipped with a steering wheel instead of handlebars.

(1) The handlebars or steering system shall be of a sturdy construction [and] adequate in size and length to provide proper leverage for steering and [shall be] capable of withstanding a minimum force of 100 pounds applied to each handle grip in any direction.

(2) The handlebars or steering system shall be designed so as not to restrict front fork movement and shall be capable of vertical adjustment.

* * * * *

§ 175.174. Tires and wheels.

* * * * *

(c) [*Manufacturer's specifications.* A vehicle specified under this subchapter shall have tires which conform to the vehicle manufacturer's specifications as to tire size.] *Tire standards.* A vehicle specified under this subchapter shall have tires manufactured in conformance with standards in Chapter 159 (relating to new pneumatic tires). See 75 Pa. C.S. § 4525 (relating to tire equipment and traction surfaces). Tires with equivalent metric size designations may be used.

* * * * *

§ 175.175. Lighting and electrical systems.

* * * * *

(h) *Ornamental lamps.* A lamp not enumerated in this section, and not located as described in Tables III-V of this chapter, is prohibited unless it is available as original equipment or is auxiliary lighting added to a motorcycle to protect the driver as permitted by 75 Pa. C.S. §4310 (related to motorcycle lighting). An illuminated sign is prohibited. Flashing or revolving lights are not ornamental lamps. Provisions relating to flashing or revolving lights are located in Chapters 15 and 173 (relating to authorized vehicles and special operating privileges; and flashing or revolving lights on emergency and authorized vehicles).

* * * * *

§ 175.190. Inspection procedure.

(a) *External inspection.* An external inspection of motor-driven cycles only shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [vehicle registration card,] certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [an] the error or transposition.

* * * * *

(c) *Beneath the vehicle inspection.* A beneath the vehicle inspection of motor-driven cycles only shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(xiii) [A tire extends beyond outer edge of the wheel housing or exceeds the manufacturer's specifications as to size.] A tire extends beyond body line, a tire is

smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating or a tire makes contact with the body or chassis.

(2) Inspect the steering system and reject if [any] one or more of the following apply:

(i) [The handlebars or grips are higher than the operator's shoulder level when properly seated upon vehicle.

[(ii)] (ii) The handlebars, grips or steering system are not of sturdy construction.

[(iii)] (ii) The handlebars or steering system restrict the front fork movement.

[(iv)] (iii) The handlebars do not provide a minimum of 18 inches between the grip ends. If equipped with a steering wheel instead of handlebars, the steering wheel, except if specially designed for handicapped drivers, is not circular or equivalent in strength to original equipment or has an outside diameter less than 13 inches.

[(v)] (iv) The handlebars are not equipped with grips of nonslip design and material.

[(vi)] (v) Measured movement at the front or rear of the tire is greater than ¼ inch in relation to the axle shaft.

[(vii)] (vi) The linkage components are not secured with cotter pins or other suitable devices.

[(viii)] (vii) The steering stops allow a tire to rub on the frame or chassis parts.

[(ix)] (viii) The front wheel is incapable of being turned to the right and left steering stops without binding or interference.

* * * * *

**Subchapter K. STREET RODS, SPECIALLY CONSTRUCTED AND
RECONSTRUCTED VEHICLES**

* * * * *

§ 175.208. Body.

* * * * *

(b) *Fenders.* A vehicle specified under this subchapter shall have fenders on all wheels which cover the entire tread width of a tire that comes in contact with the road surface. The tire tread circumference coverage shall be from at least 15 degrees front to at least 75 degrees rear of the vertical centerline at each wheel, measured from the center of wheel rotation. Vehicles registered as street rods are exempt from the requirements regarding fenders.

(c) *Hood—street rods only.* A street rod is not required to have a hood which covers the top of the entire engine compartment. [Street rod engine compartment sides may remain open.] If the hood top or sides, or both, are removed from the vehicle, the engine fan must be enclosed with a shroud designed to protect the fan from accidental contact from the outside.

* * * * *

§ 175.209. Chassis.

* * * * *

(b) *Bumpers.* A vehicle specified under this subchapter shall be equipped with front and rear bumpers securely attached to the chassis, except when the original body configuration provided by a recognized manufacturer did not include bumpers in the design of the vehicle. Vehicles registered as street rods are exempt from the requirements regarding bumpers.

(1) Some part of the main horizontal bumper of a passenger vehicle and all street rods, if so equipped, shall fall within 12—20 inches above ground level.

* * * * *

§ 175.220. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [vehicle registration card,] certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [an] the error or transposition.

* * * * *

(3) [Check] With the exception of vehicles registered as street rods, check the fenders and reject if one or more of the following apply:

* * * * *

(4) [Check] With the exception of vehicles registered as street rods, check the bumpers and reject if one or more of the following apply:

* * * * *

(ii) Some part of the main horizontal bumper does not fall within 12-20 inches above the ground level on [the street rods,] specially constructed vehicles and reconstructed passenger vehicles.

* * * * *

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

(1) Check the [hood]engine compartment and reject if the street rod [hood does not cover the top of the entire engine compartment] hood top and sides, or both, are removed from the vehicle and the engine fan is not enclosed with a shroud designed to protect the fan from accidental contact from the outside.

* * * * *



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

August 9, 2013

David Sumner, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

**Re: Final Rulemaking
18-425 — 67 Pa. Code, Chapter 175
Vehicle Equipment and Inspection**

Dear Mr. Sumner:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form, for amendments to Chapter 175 of Department regulations which the Department of Transportation intends to adopt in accordance with the provisions of Section 5 of the Regulatory Review Act, Act of June 25, 1982, P.L. 633, *as amended* 71 P.S. § 745.5.

Copies of these materials were also delivered today to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees.

The Department of Transportation will provide IRRC 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: #18-425
 SUBJECT: Vehicle Equipment and Inspection
 67 Pa. Code, Chapter 175
 AGENCY: Department of Transportation

2013 AUG -9 AM 10: 26

RECEIVED
IRRC

TYPE OF REGULATION

- Proposed Regulation
- X 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

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
8/9/13	<u>Barbara Ramsey</u> for Majority Chair Hon. Dick L. Hess	HOUSE COMMITTEE ON TRANSPORTATION
8/9/13	<u>Leon Vuleta</u> for Minority Chair Hon. Michael P. McGeehan	
8-9-13	<u>C. Boyce</u> for Majority Chair Hon. John C. Rafferty, Jr.	SENATE COMMITTEE ON TRANSPORTATION
8-9-13	<u>John N. Wozniak</u> for Minority Chair Hon. John N. Wozniak	
	<u>N/A</u>	OFFICE OF ATTORNEY GENERAL
8/9/13	<u>K Cooper</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
	<u>N/A</u>	LEGISLATIVE REFERENCE BUREAU

Date: August 9, 2013