

<h1 style="margin: 0;">Regulatory Analysis Form</h1> <p style="margin: 0;">(Completed by Promulgating Agency)</p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p>	
<p>(All Comments submitted on this regulation will appear on IRRC's website)</p>			
<p>(1) Agency</p> <p style="text-align: center;">Department of Transportation</p>		<p style="text-align: right;">2017 MAR 14 11:21</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">IRRC RECEIVED</p>	
<p>(2) Agency Number:</p> <p>Identification Number: 18-466</p>			
<p>(3) PA Code Cite:</p> <p style="text-align: center;">67 Pa. Code Chapter 175</p>			
<p>(4) Short Title:</p> <p style="text-align: center;">Vehicle Equipment and Inspection</p>			
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Kay Kishbaugh, 717-783-4597, kkishbaugh@pa.gov</p> <p>Secondary Contact: Troy Roadcap, 717- 783-6823, troadcap@pa.gov</p>			
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>	
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>Chapter 175 governs the vehicle inspection process performed by inspection stations appointed by the Department. Amendments include removal of outdated procedures, modernization of language and the addition of new provisions that reflect today's modern vehicles and their associated equipment. Additional proposed changes include: adding sanctions to enforce existing regulations and ensure safe vehicles remain the primary focus, provide clarification to inspection mechanics regarding frequently asked questions, and to add language that accurately reflects today's inspection process.</p>			
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>Authority for this regulation is contained in Sections 4103, 4301, 4501, 4551, 4721 and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, <i>as amended</i> (75 Pa. C.S. §§ 4103, 4301, 4501, 4551, 4721, and 6103).</p>			

(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.

Sections 4101 through 4982 (relating to vehicle characteristics) of the Vehicle Code, 75 Pa. C.S. §§ 4101 – 4982 establish standards related to vehicle inspections and this regulation is required to provide clarity and details in furtherance of interpretation and implementation of the Vehicle Code's provisions.

(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.

The proposed amendments will benefit the more than 8.3 million licensed Pennsylvania drivers and motorists from other states that utilize Commonwealth highways. The amendments to the regulations provide public safety by reducing the number of fatal and serious injury crashes caused by vehicle malfunctions through proactive vehicle inspection requirements. These proposed revisions to Chapter 175 ensure that road-worthy, safe vehicles are operated on Commonwealth highways.

(11) 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.

No. Federal standards provide guidance that helps shape the basis of this regulation.

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

Regulations are comparable to the other 13 states with safety inspection programs.

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

No other existing regulations will be affected.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Department of Transportation, Vehicle Inspection Division, drafted these proposed revisions to Chapter 175, in concert with the Inspection Advisory Board (IAB) (75 Pa. C.S. §4732) comprised of industry stakeholders (11 members appointed by the Secretary to include representatives of the automotive industry and the public, to include the Pennsylvania State Police, a new car dealer, a used car dealer, a fleet owner, a certified mechanic, a service station operator, a parts and equipment wholesaler, an independent repair shop owner and two members of the general public who are licensed drivers), which participated in drafting these amendments to the regulation.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

All vehicle owners in the Commonwealth of Pennsylvania are impacted by these regulations. Businesses affected are Department appointed inspection stations that range from small businesses to a national franchise or dealerships. Vehicle owners must comply with these inspection requirements, which may include necessary upgrades attributable to these amendments to the regulation.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Businesses affected are Department appointed inspection stations that range from small businesses to a national franchise or dealership. Existing records do not capture the type of business, just the total number of businesses that serve as inspection stations. Currently there are 17,332 safety inspection stations, of which 6,000 are dealerships that would be affected.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

Parts dealerships and shops will benefit from equipment changes. Socially, the proposed amendments will benefit motorists utilizing the Commonwealth highway system. Benefits of the amendments to the regulation include the enforcement of safe vehicles and enhanced public safety by reducing the number of fatal and serious injury crashes due to equipment malfunctions.

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

The benefits of safe vehicles, motorists and Commonwealth highways systems outweigh minimal, potential costs to vehicle owners.

(19) 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 Department and IAB consider these regulatory changes to be revenue neutral; however, in some instances, as the cost of a vehicle inspection is market driven, some stations may charge a slightly higher fee for any additional time added to the inspection process. No additional legal, accounting or consulting procedures are required.

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

No costs and/or savings to the local governments are associated with compliance, including any legal, accounting or consulting procedures.

(21) Provide a specific estimate of the costs and/or savings to the **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.

No costs and/or savings to the state government are associated with compliance, including any legal, accounting or consulting procedures.

(22) For each of the groups and entities identified in items (19)-(21) above, 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.

There is no additional legal, accounting, consulting, reporting, recordkeeping or other paperwork required for implementation of these amendments to the regulation.

(22a) Are forms required for implementation of the regulation?

No forms are required for implementation of this regulation.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

No forms are required for implementation of this regulation.

(23) 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:	\$	\$	\$	\$	\$	\$
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Savings	N/A					
COSTS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A					
State Government	N/A					
Total Costs	N/A					

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

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Vehicle Inspection Program ¹	1.25 M	1.3 M	1.35 M	1.4 M

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The Department offers the following economic impact statement:

- (a) Businesses affected are Department appointed inspection stations that range from small businesses to a national franchise or dealership. Existing records don't capture the type of business, just the total number of businesses that serve as inspection stations. Currently there are 17,332 safety inspection stations, of which more than 12,000 are non-dealerships, many of which are small businesses.
- (b) There are no additional anticipated reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including professional skills necessary for preparation of the any report or record.

¹Estimated salary costs for employees who manage and audit the vehicle inspection program. The inspection program, overall, generates revenue from issuance of inspection stickers.

(c) Additional revenues will be generated from repairs made necessary because of these amendments to the regulation.

- (a) (d) No less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation are available since required equipment is an industry standard. All small businesses engaged in the transportation of hazardous materials are subject to this regulation; however, they are already subject to the federal regulation which this regulation adopts.
- (b) The reporting, recordkeeping, and administrative requirements will remain unchanged from the promulgation of the proposed amendments, and therefore there is no impact to small business.
- (c) All transporters of hazardous materials are currently required to comply with the federal regulations which are being adopted.
- (d) There is no less costly or less intrusive method, as this regulation merely adopts federal standards.

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

No special provisions have been developed to meet the particular needs of affected groups or persons but the interests of all parties were taken into consideration by the Inspection Advisory Board that provided guidance in promulgation of these amendments to the regulation.

(26) 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 other regulatory scheme can accomplish the purpose of these amendments to the regulation; however, alternatives from several different states were taken into consideration by the Inspection Advisory Board that provided guidance in promulgation of these amendments to the regulation.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The Department offers the following regulatory flexibility analysis:

- (a) No less stringent compliance or reporting requirements for small businesses are possible due to the need to ensure a regulatory scheme that applies to all appointed inspection stations. Special accommodations for small business would frustrate the purpose of these amendments to the regulation.
- (b) No less stringent schedules or deadlines for compliance or reporting requirements for small businesses are possible, again due to the need for a uniform vehicle inspection program that would undoubtedly be undermined by special consideration and treatment of small businesses.
- (c) The consolidation or simplification of compliance or reporting requirements for small businesses is not possible. The impact to small businesses is minimal and there is no possibility to consolidate or otherwise simplify compliance or reporting requirements (that remain unchanged).
- (d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation is not possible due to the nature of the Department's intent to implement a uniform vehicle inspection program.
- (e) The exemption of small businesses from all or any part of the requirements contained in the regulation would frustrate the Department's intent to implement a uniform vehicle inspection program and would result in non-uniform vehicle characteristics that could impact the ultimate goal of vehicle owner and motorist safety.

(28) 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.

Data was not the basis for the amendments to this regulation.

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

- | | |
|---|-----------------|
| A. The length of the public comment period: | <u>30 days</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>N/A</u> |
| C. The expected date of delivery of the final-form regulation: | <u>10/16/17</u> |
| D. The expected effective date of the final-form regulation: | <u>1/16/18</u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>1/16/18</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The proposed regulations will be continuously reviewed for clarity, effectiveness, and whether they are serving the best interests of the citizens of the Commonwealth.

RECEIVED
IRRC

CDL-1

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE
LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

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

By: *Kevin G. Kelly*
(Deputy Attorney General)

12/6/16
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. 18-466

DATE OF ADOPTION 3/18/16

BY *Kevin Stegall*
Secretary of Transportation

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

BY *Marisa H. Z. Dehr*

JUN 23 2016
(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 PROPOSED RULEMAKING

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

Preamble

Notice is hereby given that the Department of Transportation (Department), pursuant to the authority contained in 75 Pa. C.S. §§ 4103, 4301, 4501, 4551, 4721, and 6103 (the Vehicle Code), proposes to amend Chapter 175 of Title 67, the Department's 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 implement sections 4101-4982 of the Vehicle Code and provide clear standards for the inspection of vehicles.

Purpose of the Proposed Amendments

The purpose of these proposed amendments to Chapter 175 is to delete outdated procedures, modernize language, and to include provisions that reflect today's modern vehicles and their associated equipment. Additional proposed changes include: adding sanctions to enforce existing regulations and ensure safe vehicles remain the primary focus, provide clarification to inspection mechanics regarding frequently asked questions, and to add language that accurately reflects today's inspection process.

Summary of Significant Amendments

Section 175, Subchapter A, has been amended to update, amend, add, and remove definitions.

Section 175, Subchapter B, has been amended to reflect the requirement that a station must have a valid Pennsylvania sales tax number and a valid EIN or social security number in order to be appointed. Language has been added to require that PennDOT be added as the certificate holder on the required bond or insurance and that lapse of coverage will result in suspension. The approval process has been updated to reflect current practices. Requirements regarding the test drive of vehicles with adaptive controls are added.

Section 175, Subchapter C, has been amended to allow the station, not the mechanic, to accept and record the financial responsibility requirement when presented on an electronic device. Language throughout was updated to reflect current practices.

Section 175, Subchapter D, has been updated to increase suspension time for egregious violations and to add additional sanctions for revoked sales tax numbers and the lapse of insurance coverage.

Section 175, Subchapter E, has been amended to modernize the inspection process and update regulations to reflect current equipment on today's modern vehicles, and to provide broader language that will allow regulation terminology to keep up with changing technology. Clarification was provided on airless tires and tire size, and lighting technology has been addressed to ensure they meet all modern standards. Language was added to allow for the capability to prove financial responsibility via electronic devices,

and safety issues have been addressed to reflect what the industry is encountering to ensure that only safe vehicles are operated on highways. The regulatory language currently in place does not allow for the introduction and approval of new devices and technologies and language changes throughout are intended to modernize regulations to reflect industry trends.

Section 175, Subchapter G, has been amended to delete the reference to proof of financial responsibility as this is no longer a requirement.

Persons and Entities Affected

These regulations affect all vehicle inspection station owners and personnel, as well as licensed operators of vehicles.

Fiscal Impact

Implementation of these regulations will not require the expenditure of any additional funds by the Commonwealth or local municipalities. The proposed amendments will not require the completion of any additional forms. No additional reports or paperwork will be required.

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), the agency submitted a copy of this proposed regulation on March 10, 2017 to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Transportation Committees. In addition to

submitting these regulations, the agency has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

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. 101, *et seq.*). The Department, however, will continue to closely monitor these regulations for their effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the regulations to Anita M. Wasko,

Director, Bureau of Motor Vehicles, 1101 South Front Street, 4th Floor, Harrisburg, Pennsylvania, 17104 within thirty days of the publication of this notice in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about the proposed amendments to the regulations is Kay Kishbaugh, Manager, Vehicle Inspection Division, 1101 South Front Street, 4th Floor, Harrisburg, Pennsylvania 17104, telephone number 717-783-4597.

Leslie S. Richards,
Secretary 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

Notice of Proposed Rulemaking

ANNEX A

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:

ASME Code - The American Society of Safety inspectoral Engineers Boiler and Pressure Vessel Code; Section VIII, Division I, and Section IX of the 1971 and later editions.

* * * *

Allowable working pressure—The pounds per square inch for which the container was constructed or, if conditions have changed, the maximum pressure at specified temperatures permitted at the most recent inspection by a [certified] safety inspector.

* * * *

[*Certified inspection mechanic*—A person who holds a valid certification card issued by the Bureau certifying that the person is qualified, has passed all requirements to inspect specific vehicles and holds a valid driver's license for the correct class of vehicle.

Certified inspector - A person who holds a certificate issued by the Boiler Division in the Bureau of Occupation and Industrial Safety within the Department of Labor and Industry certifying that the person is qualified to inspect unfired pressure vessels.]

* * * *

[*Inspection station supervisor*—A person designated by the Department to investigate, inspect and supervise the operation of inspection stations.]

* * * *

Multi-purpose passenger vehicle - A passenger car [which is] constructed on a truck chassis or [which] that has special features for off-road use in addition to highway use.

* * * *

Quality Assurance Officer - A person designated by the Department to investigate, inspect, audit, and supervise the operation of inspection stations (safety, emission, and enhanced), as well as training schools.

Rake - On motorcycles, the angle, measured in degrees, of a motorcycle's steering axis in relation to a line [which] that is perpendicular to the vehicle wheel base; on passenger cars or trucks, the ground clearance at the front or rear of a vehicle, reduced or increased, giving a tilted appearance.

* * * *

Safety Inspector - A person who holds a valid certification card issued by the Bureau certifying that the person is qualified, has passed all requirements to inspect specific vehicles and holds a valid driver's license for the correct class of vehicle.

* * * *

[*Snow plow*] *Snowplow lamp* - A lamp used in substitution of headlamps on vehicles equipped with [snow plows] snowplows.

* * * *

Stop lamp - A lamp at the rear of the vehicle [which] that indicates the brake is being applied by the operator to slow or stop the vehicle.

* * * *

Subject Vehicle - A gasoline powered vehicle with a gross vehicle weight rating of 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:

* * * *

(xi) A vehicle being repossessed by a financier or collector/repossessor [through the use] using [of] a miscellaneous motor vehicle business registration plate.

* * * *

(xiv) A school bus over 11,000 pounds gross vehicle weight rating (GVWR).

* * * *

Temporary inspection approval indicator - An adhesive insert affixed to the current certificate of safety inspection, as viewed from inside the vehicle, used to designate vehicles [which] that have successfully passed a required periodic safety inspection, but do not display a renewed emission certificate of inspection.

* * * *

Trail - The distance measured in inches between the point at which the steering axis of a motorcycle intersects with the ground in front of the motorcycle and the point at which the forward limit of the [wheel base] wheelbase intersects with the surface below the motorcycle.

* * * *

Turn signal - A lamp showing to front and rear [for the purpose of] indicating an intention to turn either [to the] right or left, [or for] pulling into traffic, or changing lanes.

* * * *

VIN (Vehicle I[i]dentification N[n]umber) - The term as defined in 75 Pa.C.S. § 102.

* * * *

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

* * * *

§ 175.4. Vehicles required to be inspected.

A registered vehicle moved upon a highway shall bear a valid certificate of inspection except for the following:

* * * *

(7) A vehicle being repossessed by a financier or collector-[repossessor] repossessor through the use of miscellaneous motor vehicle business registration plates.

* * * *

§ 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 annually, but in accordance with [according to] the appropriate truck inspection procedure based on the registered gross weight of the vehicle.

§ 175.7. Inspection of vehicle reentering this Commonwealth.

A vehicle subject to inspection [which] that has been outside this Commonwealth continuously for 30 days or more and [which,] that at the time of reentering this Commonwealth, does not bear a currently valid certificate of inspection, is [not] required to be inspected [until] within 10 days after reentering this Commonwealth.

§ 175.8. Newly-purchased vehicles.

(a) *Vehicles without a valid certificate of inspection.* A vehicle [which] that does not display a valid certificate of inspection at the time of sale, resale, or entry into this Commonwealth shall be inspected within 10 days of sale, resale, or entry into this Commonwealth, whichever occurs later. The inspection shall be coordinated with the staggered registration system regardless of the date of a previous inspection in this or another jurisdiction.

(b) *Vehicles with a valid certificate of inspection.* A vehicle [which] that displays a valid certificate of inspection at the time of sale or resale may be driven until the inspection certificate expires.

(c) *Vehicles subject to a semiannual inspection and mass transit vehicles.* Vehicles subject to a semiannual inspection and mass transit vehicles are exempt from the provision of subsection (a) [which] that requires coordination of inspection expiration with the staggered registration system.

§ 175.9. Vehicles registered in another state.

A vehicle registered in another state may be inspected. A certificate of inspection [shall be] is issued only if the vehicle meets inspection requirements.

§ 175.10. Vehicles requiring emission inspection due to address change.

A subject vehicle required to participate in the Emission I/M Program because of a vehicle registration change of address shall be phased into the emission inspection program at the time of the expiration of the current safety certificate of inspection.

§ 175.11. Coordination of safety and emission inspection.

(a) All subject vehicles required to participate in the 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.

* * * *

(d) A temporary inspection approval indicator may be used to designate vehicles [which] that 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.

* * * *

Subchapter B. OFFICIAL INSPECTION STATIONS

* * * *

§ 175.21. Appointment.

(a) *Authority.* For the purpose of establishing a system of official inspection stations, the Bureau will issue a certificate of appointment to a privately owned facility within this Commonwealth that complies with the requirements of the Vehicle Code and this title. An official inspection station is authorized to inspect vehicles and issue official certificates of inspection. See 75 Pa.C.S. § 4721 (relating to appointment of official inspection stations).

(b) *Certificate of appointment.* The certificate of appointment will be issued only when the Bureau is satisfied that the station is properly equipped and has certified personnel to make inspections and adjustments. Only those stations fulfilling Department requirements and complying with this chapter will be issued a certificate of appointment. Prior involvement with a suspended inspection station may be [sufficient] cause to deny appointment. A station applying for re-appointment after a period of suspension shall enroll in the Department's e-Safety program prior to re-appointment, and shall henceforth maintain its participation in the e-Safety program as a condition of maintaining its certificate of appointment. The certificate of appointment, at all times, shall be conspicuously displayed at the [place] station for which it is issued. See 75 Pa.C.S. § 4722 (relating to certificate of appointment).

(c) *Certificate not assignable.* A certificate of appointment shall be valid only for the person in whose name it is issued and for transaction of business at the place designated therein. A certificate of appointment shall not be assignable to another person, or location.

* * * *

(e) *Inspection stations with common access.* No certificate of appointment may be issued for operation by an official inspection station on the premises of another official inspection station [which] that utilizes the same access. This prohibition does not apply if the inspection stations have separate internal accesses, though sharing common external access.

(f) *Suspended inspection stations.* No certificate of appointment shall be issued for operation of an official safety inspection station on the premises of an official safety inspection station [which] that has been suspended, if the owner of the suspended station continues to conduct any type of business [which] that utilizes the same access. This prohibition shall not apply if the station and the other business each have a separate internal access, though sharing a common external access.

[(g) *Cancellation of appointments.* A certificate of appointment previously issued for a station [which] that does not comply with the restrictions contained in subsection (e) or (f) will be cancelled April 28, 1983.]

§ 175.22. Making application.

(a) *Form.* The applicant shall file one copy of Form MV-427, Application for Designation as an Official Inspection Station, with the Bureau. A separate application shall be made for each place of business.

(b) *Bond or proof of insurance.* Requirements shall be as follows:

(1) An applicant for a certificate of appointment shall furnish a bond on a form prescribed by the Department or proof of insurance as required by 75 Pa.C.S. § 4722(c) (relating to certificate of appointment).

(2) The bond or insurance [shall be in the amount of \$10,000] is required for each place of business and shall provide compensation to a vehicle owner for damage their vehicle may sustain while it is in possession of the inspection station.

(3) The bond or proof of insurance shall be renewed each year. PennDOT shall be listed as the certificate holder on the bond or insurance policy.

(4) Cancellation of the bond or insurance shall automatically void the certificate of appointment. Inspections shall cease until the Bureau receives a new bond or proof of insurance and the station has applied for reappointment.

(c) *Specification of type.* The application shall indicate the type of inspection station authorization applied for; that is, Commonwealth, general, fleet, recreational, and utility trailer or motorcycle.

(d) *Applicant.* The applicant shall be the owner of the business or, in the case of a corporation, some other person specifically authorized to sign the application. The applicant shall be authorized to conduct business within the Commonwealth of Pennsylvania and shall provide a valid state sales tax identification number and a valid EIN or social security number to the Department prior to authorization.

* * * *

§ 175.23. Approval.

(a) *Investigation.* Upon submission of application/reapplication, the Bureau will conduct a review of all information provided. Subject to initial approval by the Bureau, a [An inspection station supervisor] Quality Assurance Officer will conduct an investigation of the physical location and equipment [each applicant] to determine full compliance with the Vehicle Code and this chapter.

(b) *English comprehension.* The applicant and each [inspection mechanic] safety inspector shall be sufficiently versed in the English language to read and understand this title.

(c) *Issuance of certificate of appointment.* A certificate of appointment shall be provided only upon approval of the application by the Bureau and upon a successful site inspection by the Quality Assurance Officer. [Upon approval of the application by the Bureau, a] A certificate of appointment shall be issued to the applicant for the place of business located within this Commonwealth, as set forth in the application. No vehicle inspections shall be [made] conducted unless a certificate of appointment has been issued to and is prominently displayed at the official inspection station.

§ 175.24. Required certificates and station signs.

After appointment, the owner of each inspection station shall prominently display signs required by the Bureau, including the following:

(1) A certificate of appointment for each type of station approved for the location.

(2) A sign clearly stating the fee for the certificate of inspection separate from the fee for inspection. The fee for inspection shall be the same whether the vehicle passes or fails. The fee for inspection shall include the cost of the inspection, the electronic processing of inspection data, and labor for the inspection, including pulling wheels, but it shall not include the cost of parts, repairs, or adjustments. The sign shall clearly indicate the fee for different types of vehicles - for example, passenger cars, trucks, and trailers - to the extent that the fee varies among vehicles. Fleet and Commonwealth stations are exempt from this requirement.

(3) A current list of certified [inspection mechanics] safety inspectors on a Department approved form [Form TS-443].

(4) An official inspection station sign outside the garage, clearly visible to the public. This sign shall have a keystone design [which] that is 24 inches high and 21 inches wide. The station number plate shall be 2 3/4 inches high and 13 3/8 inches wide. The background shall be navy blue with gold lettering. If hung from a bracket, the sign shall be double faced. A previously issued sign will still be permitted, providing that the sign remains clearly legible. Signage that has deteriorated or been defaced shall be replaced. Fleet and Commonwealth stations are exempted from this requirement.

§ 175.25. Inspection area.

(a) *General.* The following requirements apply to inspection areas:

(1) Except as provided in subsection (b)(1)(iii) and (3), the inspection area shall be entirely within a

sound, enclosed building; shall be in good repair; and shall be kept in good condition.

(2) An anticipated alteration or change affecting the condition or size of the inspection area shall be reported to the [inspection station supervisor] Quality Assurance Officer [at once] immediately.

* * * *

(5) The inspection area shall be free from obstructions, including shelves, [work benches]workbenches, partitions, displays, machinery and stairways. If the inspection area or any part is located outside the building, the area shall also be kept clear of snow or other substances [which] that would curtail or interfere with inspections. Work areas must remain free of debris with the required tools easily accessible.

(6) Hoists and lifts are permitted in the inspection area if a thorough and proper inspection can be performed.

(b) *Minimum requirements.* The following minimum dimensions apply to inspection areas:

(1) *Commonwealth, fleet and general inspection stations:*

* * * *

(ii) Twelve feet wide by 43 feet long, if the station uses an approved headlight-aiming [headlight aiming] screen.

(iii) A motor carrier vehicle may be inspected either as single unit or in combination if, in the case of a station meet[s]ing the requirements of subparagraph (i), the inspection area has an additional unobstructed length of 42 feet or, in the case of a station meet[s]ing the requirements of subparagraph (ii), an additional unobstructed length of 21 feet.

(2) *Motorcycle inspection stations:*

* * * *

(ii) Ten feet wide by 32 feet long, if the station uses an approved headlight-aiming [headlight] screen.

* * * *

§ 175.26. Tools and equipment.

(a) *General requirements.* An inspection station shall have tools and equipment in good operating condition sufficient to inspect each type of vehicle to be inspected, including the following:

(1) Hammers—a ball-peen hammer, one plastic or brass hammer, and one rubber hammer.

* * * *

[(19) A paper punch with a minimum diameter or width of 1/4 inch and a maximum diameter or width

of 3/8 inch.]

* * * *

§ 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] Quality Assurance Officer. To be considered for a waiver of this section, 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:

* * * *

(4) The Department or a designee is unable[, on two attempts on 2 different business days,] to perform an official visit, including a periodic records audit, during the hours specified in the approved waiver.

* * * *

§ 175.28. Certified [inspection mechanics] Safety Inspectors.

(a) *General.* An official inspection station shall have at least one certified [inspection mechanic] safety inspector. Every inspection shall be performed by a certified [inspection mechanic] safety inspector. The [mechanic] safety inspector 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 safety inspectors). With the exception of verifying financial responsibility in an electronic format, [The] the [mechanic] safety inspector signing the inspection sticker shall conduct and be responsible for the entire inspection of the vehicle, including the [road test] test drive, except that the Department may exempt a [mechanic] safety inspector from the requirement to perform a [road test] test drive because of a physical disability. See 75 Pa.C.S. § 4726. In the event the vehicle to be inspected has adaptive controls, if the safety inspector is unable or not allowed to perform the test drive, the safety inspector may not perform the inspection. The vehicle must be inspected by a safety inspector capable of conducting the test drive with the adaptive controls or defer the inspection to another station or the entity that installed the adaptive devices.

(b) *Multiple stations.* A certified [inspection mechanic] safety inspector may work part time at more than one official inspection station if the [mechanic] safety inspector notifies the inspection station supervisor and the Vehicle Control Division of the names and station numbers of all current employers. Failure to do so may result in suspension of the [mechanic] safety inspector's inspection privileges.

(c) *Number of inspections.* A certified [mechanic] safety inspector may not inspect more than:

(1) Two vehicles other than motorcycles per hour.

(2) Three motorcycles per hour.

(d) *Certification requirements.* A [mechanic] safety inspector 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] that the safety inspector will inspect; except that a certified safety inspector who inspects school buses is not required to hold a school bus driver endorsement. For the purposes of this chapter, a valid driver's license 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] safety inspector exempted from the requirement to perform the [road test] test drive shall also be exempt from the requirement of this paragraph.

(3) Shall have completed an approved certification course and successfully completed the required examination.

(4) Shall pass the required tactile test administered by a certified/qualified automotive instructor at an approved education facility.

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

(f) *Prior certification.* A mechanic card without an expiration date shall remain valid for 180 days after the date of notice to the safety inspector to attend the certification course. Failure to complete the certification course and pass the required tests within 180 days will result in cancellation.

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

Code Authorized Inspection or Testing

- 1 Inspection of passenger cars, trucks 17,000 pounds or less and trailers less than 10,000 pounds
- 2 Inspection of motorcycles
- 3 Inspection of trucks over 17,000 pounds, trailers over 10,000 pounds and buses
- 4 Inspection of ALL 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 and 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] safety inspector license codes in this table for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title

* * * *

(i) *Certified document reviewer.* The Department may certify non-[mechanics] safety inspectors 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:

* * * *

(3) To notify the [inspection station supervisor] Quality Assurance Officer and the Vehicle [Control] Inspection Division when a certified [mechanic] safety inspector is hired.

(4) To keep inspection records and required work orders available for examination and audit by the [inspection station supervisor] Quality Assurance Officer or an authorized representative of the Department. [and other authorized persons.]

* * * *

(b) *Change of ownership.* The following apply to change of ownership:

(1) In the case of a change of ownership, the certificate of appointment, all unissued certificates of inspection, and all inspection material shall be surrendered immediately to the [inspection station supervisor] Quality Assurance Officer. The new owner shall submit a Form MV-427 application to the Bureau. An investigation of the premises will be conducted by the [inspection station supervisor] Quality Assurance Officer.

(2) In the following circumstances, it shall not be necessary to surrender unissued certificates of inspection; however, no inspections shall be conducted until the new ownership has been approved and a new certificate of appointment issued:

- (i) Creation, modification or termination of a partnership.
- (ii) Incorporation of a business.
- (iii) Transfer of the controlling interest in a corporation.
- (iv) Transfer of ownership to a spouse, child, or parent.

(c) *Change of location.* In the case of a change of location of an inspection station, all of the following apply:

- (1) A Form MV-427 application shall be completed and submitted to the Bureau.
- (2) An investigation of the premises will be conducted by the [inspection station supervisor] Quality Assurance Officer.
- (3) Certificates of inspection will be audited by the [inspection station supervisor] Quality Assurance Officer and shall be retained by the station owner.
- (4) No inspections shall be made at the new location until it has been investigated and approved and a new certificate of appointment issued by the Bureau.
- (5) If the new location is not approved at the time of the investigation, the [inspection station supervisor] Quality Assurance Officer will pick up all current certificates of inspection and will retain them until the new location is approved.

(d) *Discontinuance of business.* Inspections shall be discontinued in any of the following circumstances:

- (1) If the owner vacates, abandons or discontinues the inspection business. Immediate notice shall be provided to the Bureau and the [inspection station supervisor] Quality Assurance Officer. The [inspection station supervisor] Quality Assurance Officer will pick up the certificate of appointment and all certificates of inspection, records, and other inspection materials and return them to the Bureau.
- (2) If the owner is deceased. If a member of the family or partner wishes to continue the business, a new application for appointment shall be submitted to the Bureau.
- (3) If the owner voluntarily discontinues the operation of an inspection station, the owner shall immediately notify the [inspection station supervisor] Quality Assurance Officer. Remaining inspection materials shall be returned to the [inspection station supervisor] Quality Assurance Officer.

(e) *Notice required.* The following events shall be reported [at once] immediately to the [inspection station supervisor] Quality Assurance Officer and the Bureau[; however, it is not necessary to discontinue inspections.]:

(1) Whenever certificates of inspection are damaged, lost, or stolen. Lost or stolen stickers must be immediately reported to local law enforcement or the Pennsylvania State Police.

* * * *

§ 175.30. Commonwealth inspection stations.

* * * *

(c) *Certified* [inspection mechanic] safety inspector. Each official Commonwealth inspection station shall have at least one [inspection mechanic] safety inspector certified to inspect each type of vehicle

[which] that will be inspected.

* * * *

§ 175.31. Fleet inspection stations.

(a) *Eligibility.* Eligibility requirements are as follows:

(1) A fleet inspection station owner shall own or lease at least 15 or more vehicles.

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

(3) The inspection certificate shall be cancelled if the number of vehicles owned or leased falls below 15, except for a temporary delay in ordering or receiving additional vehicles to supplement the fleet.

(b) *Certified* [inspection mechanic] safety inspector. Each fleet inspection station shall have at least one [inspection mechanic] safety inspector certified to inspect each type of vehicle [which] that will be inspected.

* * * *

Subchapter C. CERTIFICATE OF INSPECTION

* * * *

§ 175.41. Procedure.

(a) *Unauthorized display of certificate of inspection.* No certificate of inspection or temporary inspection approval indicator may be marked or affixed to a vehicle unless the vehicle has successfully passed inspection, meeting the requirements of 75 Pa.C.S. (relating to Vehicle Code) and this chapter.

(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 shall be examined before using. If found to be incorrect, the [inspection station supervisor] Quality Assurance Officer [and] or the Vehicle Inspection Division shall immediately be notified.

[(1) TS-460 shall be used for motor vehicles except motorcycles and motor-driven cycles.

(2) TS-463 shall be used for trailers, motorcycles, and motor-driven cycles.]

[(3)] (1) A temporary inspection approval indicator shall be used to designate a vehicle [which] that has successfully passed the required periodic safety inspection, but [which] shall display a renewed emission certificate of inspection before a new safety certificate of inspection sticker may be affixed to the vehicle.

* * * *

§ 175.42. Recording inspection.

* * * *

(c) Records retention.

(1) The original official inspection report sheet (Form MV-431 or MV-480) or electronic version shall be retained as a garage record and [kept on file] maintained at the station for audit. At the close of each inspection period, the hardcopy MV-431 or MV-480 [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] safety inspector as required under this section shall be available for inspection upon request by the [inspection station supervisor] Quality Assurance Officer 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] that 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.

* * * *

(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] that 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] that 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.

* * * *

§ 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] re-inspecting 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.

(i) A replacement certificate of inspection may not be issued in the following circumstances.

(A) Acceptable proof of financial responsibility is not provided. For the purpose of this chapter, financial responsibility shall be proven by one of the following documents:

(I) A valid paper or electronic financial responsibility identification card issued in accordance with 31 Pa. Code (relating to insurance).

* * * *

(VI) Proof of insurance in an electronic format on an electronic device. For inspection purposes, no hard copy proof of insurance is necessary. The station may verify and record proof of financial responsibility when presented electronically.

* * * *

§ 175.44. Ordering certificates of inspection.

* * * *

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

* * * *

(2) Each sticker requisition shall be accompanied by a separate check. Certificates of inspection may be ordered on one requisition form. Checks shall be made payable to the “Department of Transportation” or “P[ENN]ennDOT.”

* * * *

Subchapter D. SCHEDULE OF PENALTIES, AND SUSPENSIONS:

OFFICIAL INSPECTION STATIONS AND CERTIFIED SAFETY INSPECTORS

* * * *

§ 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. (relating to Vehicle Code) and these regulations will be considered sufficient cause for suspension of inspection privileges and/or revocation of the certificate of appointment. A violator is also subject to criminal prosecution.

<i>Type of Violation</i>	<i>Duration of Suspension</i>		
	<i>1st Violation</i>	<i>2nd Violation</i>	<i>3rd and Subsequent Violation</i>
<i>(1) Category 1</i>			
(i) Issuance or possession of altered, forged, stolen or counterfeit certification of inspection	1 year	Permanent	
(ii) Furnish, lend, give, sell or receive a certificate of inspection without inspection	1 year	Permanent	
(iii) Faulty inspection of equipment or parts	[2] 6 months	1 year	[3 years] <u>Permanent</u>
<i>(2) Category 2</i>			
(i) Fraudulent recordkeeping	1 year	Permanent	
(ii) Improper recordkeeping	2 months	1 year	3 years
(iii) Failure to verify registration, title, manufacturer's statement of origin, financial responsibility information, or inspecting a vehicle with an expired registration or when valid proof of financial responsibility has not been submitted. <u>**The station may verify and record proof of financial responsibility when presented electronically.</u>	[2] 4 months	4 6 months	1 year
(iv) Failure to affix certificate of inspection immediately upon successful completion of the inspection	[2] 6 months	[4 months] <u>1 year</u>	[1 year] <u>Permanent</u>

(v) Improperly assigning certificate of inspection	2 months	4 months	1 year
(vi) Failure to produce records, certificates of inspection, signature cards, certificate of appointment or safety inspector card upon demand by inspection station supervisor or authorized representative of the Department	[2 months or until produced] <u>Until produced plus 2 months</u>	[6 months or until produced] <u>Until produced plus 6 months</u>	[1 year or until produced] <u>Until produced plus 1 year</u>
(vii) Improper certificate of inspection security	[Warning] <u>2 months</u>	4 months	1 year
(viii) Careless recordkeeping	Warning	4 months	6 months
<u>(ix) Failure to report lost or stolen stickers</u>	<u>2 months</u>	<u>6 months</u>	<u>1 year</u>
(3) <i>Category 3</i>			
(i) Inspection by [mechanic] <u>safety inspector</u> with suspended, revoked, cancelled or recalled operating privilege	[2] <u>6 months</u>	[6 months] <u>1 year</u>	[1 year]- <u>Permanent</u>
(ii) Inspecting more than three motorcycles or two other vehicles per hour	4 months	6 months	1 year
(iii) Inspection by uncertified [mechanic] <u>safety inspector</u>	[3 months] <u>6 months</u>	[6 months] <u>1 year</u>	[1 year] <u>Permanent</u>
(4) <i>Category 4</i>			
(i) Misstatement of fact	2 months	4 months	1 year
(ii) Performing or indicating unnecessary repairs for the purpose of passing an inspection	4 months	6 months	1 year
(iii) Performing repairs for the purpose of passing an inspection without vehicle owner authorization	4 months	6 months	1 year

(iv) Unclean inspection area	2 months	4 months	6 months
(v) Required tools or equipment missing or broken	Warning, only if tools are repaired or replaced <u>within 20 days</u> ; if not, suspension until tools are repaired or replaced	2 months or until tools are repaired or replaced, whichever is greater	6 months or until tools are repaired or replaced, whichever is greater
(vi) <u>Bad check or failure to satisfy monetary obligations to the Department</u>	Warning, if amount due is paid within 10 days from date notified. If not, suspension until amount due is paid	[2] <u>3 months</u> , or until amount due is paid, whichever is greater	6 months, or until amount due is paid, whichever is greater
(vii) Failure to report discontinuance of business	1 year from date discontinuance is discovered	[3 years] <u>Permanent from date discontinuance is discovered</u>	[Permanent from date discontinuance is discovered]
(viii) Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station	4 months	6 months	1 year
(ix) <u>Failure to maintain bond or insurance or lapse in the station's insurance policy</u>	<u>Until proof of insurance or bond is provided to the Department plus 3 months</u>	<u>Until proof of insurance or bond is provided to the Department plus 6 months</u>	<u>Until proof of insurance or bond is provided to the Department plus 1 year</u>
(x) <u>Failure to maintain tax identification number</u>	<u>Until proof of tax identification number is provided to the Department plus 3 months</u>	<u>Until proof of tax identification number is provided to the Department plus 6 months</u>	<u>Until proof of tax identification number is provided to the Department plus 1 year.</u>
	<i>1st through 3rd Violations</i>	<i>4th Violation</i>	<i>5th and subsequent Violation</i>
([ix] xi) Failure to give a written receipt or work order to customer, or to list required information on work order	[2 months] <u>Counseling</u>	[4] <u>6 months</u>	1 year

(b) *Assignment of points.* The Department will permit the station owner to consent to the acceptance of a

point assessment for the station in lieu of suspension, if the station owner, manager, supervisor, or other management level employee was without knowledge of the violation, and should not have known of the violation.

* * * *

(c) *Point determination.* When offering a point assessment, in lieu of a suspension, the Department will calculate points in the following manner:

(1) One point will be assessed for every 2 months of suspension [which] that the Department would otherwise impose.

* * * *

(d) *Point suspension.* The Department will suspend the privileges of an official inspection station for an accumulation of points whenever the station accumulates ten or more points.

[(1) The first occurrence of an accumulation of ten points or more shall result in a suspension for a period of 2 months for each point over nine points; the second occurrence of an accumulation of ten points or more shall result in a suspension for a period of 4 months for each point over nine points; the third occurrence of an accumulation of ten points or more shall result in a suspension for a period of 6 months for each point over nine points.]

- (1) The first occurrence of an accumulation of ten points or more shall result in a suspension for a period of 2 months for each point over nine points;
- (2) The second occurrence of an accumulation of ten points or more shall result in a suspension for a period of 4 months for each point over nine points;
- (3) The third occurrence of an accumulation of ten points or more shall result in a suspension of 1 year.

[(2) The fourth occurrence for an accumulation of ten or more points shall result in a permanent suspension.]

- (4) [(3)] Only suspensions issued as the result of an accumulation of points shall be counted in determining whether a suspension for point accumulation is a second[,] or third [or fourth] suspension.
- (5) [(4)] If the point record of a station has been reduced to zero, a subsequent accumulation of points that will result in the suspension of the station will be considered first, second, or third [and fourth] suspensions.

* * * *

(h) *Multiple violations.* In the case of multiple violations [which] that are reviewed and considered at one Departmental hearing, the Department will impose separate penalties for each violation as required by the schedule. The Department may direct that a suspension be served concurrently. If the Department permits a station to accept points in lieu of a suspension, the points will be assigned for the more serious violation affecting each vehicle. Violations affecting more than one vehicle will be treated as separate violations.

(i) *Sale of business.* An inspection station may be sold, transferred, or leased to a new owner, and an application for appointment will be considered while the station is suspended or restored pending an appeal unless sold, transferred, or leased to a person affiliated with the station or related to the station owner.

(j) *Confiscated materials.* Certificates of inspection and records confiscated as the result of an investigation will be retained by the [inspection station supervisor] Quality Assurance Officer. Certificates of inspection, certificates of appointment, [mechanic] safety inspector certification cards, and records confiscated as the result of a suspension will be returned to the Department. [The Department will refund 75% of the purchase price for certificates of inspection confiscated as the result of a suspension.]

(k) *Official documents.* Whenever an inspection station or [mechanic] safety inspector is suspended, [or cancelled] the Department may order the surrender, upon demand, to a[n Inspection Station Supervisor] Quality Assurance Officer or authorized representative of the Department of any of the following items:

* * * *

(6) A [mechanic] safety inspector certification card.

§ 175.52. Reapplication.

After a suspension has been served, inspection privileges will not be restored until an application for reappointment has been received by the Department. Upon receipt of a[n] complete application for reappointment following suspension of 3 months or more, a complete and thorough investigation by the [inspection station supervisor] Quality Assurance Officer will be conducted to determine if the applicant qualifies for reappointment under Subchapter B (relating to official inspection stations). Other applications for reappointment are subject to investigation at the discretion of the Department. [The station shall submit an application for appointment 30 days prior to the restoration date to ensure timely restoration.]

§ 175.53. [Reserved].

Subchapter E. PASSENGER CARS AND LIGHT TRUCKS

* * * *

§ 175.64. Braking systems.

* * * *

(b) *Service brakes.* A vehicle specified under this subchapter shall be equipped with a service brake system. See 75 Pa.C.S. § 4502 (relating to general requirements for braking systems).

* * * *

(4) Metal from a shoe or pad may not contact the brake drums or rotors.

(5) [Brake lines shall be approved for use as brake lines.] The hydraulic hoses or tubing shall be approved for use as brake lines according to SAE standards for hydraulic brake line use.

* * * *

§ 175.65. Tires and wheels.

(a) *Condition of tires and wheels.* Tires and wheels shall be in safe operating condition as described in § 175.80 (relating to inspection procedure).

* * * *

(e) *Nonpneumatic tires.* A passenger car or light truck operated on highway may not be equipped with nonpneumatic tires (solid) except an antique vehicle with nonpneumatic tires if originally equipped by the manufacturer.

(f) Airless Tires – a passenger car or light truck operated on a highway may not be equipped with airless tires unless they are specifically designed and approved by the Federal Department of Transportation for highway use.

[(f)](g) *Ice grips or studs.* A tire may not be equipped with ice grips or tire studs or wear-resisting material [which] that has [have] projections exceeding 2/32 inch beyond the tread of the traction surface of the tire.

[(g)](h) *Tires and rims.* The axles of a vehicle specified under this subchapter shall be equipped with the number and type of tires and rims with a load rating equal to or higher than those offered by the manufacturer.

[(h)](i) *Spacers.* [Spacers or similar devices thicker than 1/4 inch may not be installed to increase wheel track.] Spacers or similar devices over 1/4 inch in thickness may not be used to increase wheel track unless originally equipped by the manufacturer.

§ 175.66. Lighting and electrical systems.

* * * *

(c) *Headlamp system.* A vehicle specified under this subchapter [which] that is driven on a highway shall have a two- or four-headlamp system. See 75 Pa.C.S. § 4303(a) (relating to general lighting requirements).

* * * *

(7) A vehicle specified under this subchapter shall be equipped with a beam indicator [, which] that shall be [lighted] lit whenever the high beam of light from the headlamp is in use and shall not otherwise be lighted. An indicator shall be located so that when [lighted] lit it is readily visible without glare to

operator of vehicle.

* * * *

(f) *Illumination except headlamps, fog lamps and auxiliary driving lamps.* A vehicle specified under this subchapter shall be equipped with parking lamps, stop lamps, tail lamps, turn signal lamps and hazard warning lamps designed for that specific function [, which] that under normal atmospheric conditions shall be capable of being seen and distinguished during nighttime operation at a distance of 500 feet. See 75 Pa.C.S. § 4303(b)—(d).

* * * *

(2) Rear lamps shall be lighted whenever headlamps, fog lamps, or auxiliary driving lamps are in operation.

* * * *

(1) *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:

(1) Auxiliary driving lamps and front fog lamps shall be white or selective yellow within the limits specified in SAE lighting standards.

[(1)](2) Auxiliary driving lamps may not be substituted for headlamps. Auxiliary driving lamps may only be used with high headlamp beams.

[(2)](3) Fog lamps may not be substituted for headlamps.

[(3)](4) Auxiliary driving lamps and fog lamps shall be mounted on the front, spaced at least 20 inches apart from center to center and at height not more than 42 inches above level surface upon which the vehicle stands nor lower than the lowest chassis part. Red [~~R~~]rear fog lamps, if originally installed or offered as optional equipment, are acceptable.

[(4)](5) Auxiliary driving lamps and fog lamps shall be aimed when the vehicle and lamp assembly are in the straight ahead position with the beam not above horizontal centerline of lamp at 25 feet.

[(5)](6) A vehicle specified under this subchapter may have only one pair of approved auxiliary driving lamps and front fog lamps.

[(6)](7) Auxiliary driving lamps and fog lamps may not be placed in front of a required lamp.

[(7)](8) Auxiliary driving lamps may not be used on snowplows as a substitute for headlamps obscured by blade. A substitute for headlamps used on the vehicle shall be complete, approved headlamps having both high and low beams.

[(8)](9) Snowplow lamps shall be installed as follows:

* * * *

[(9)](10) In accordance with 75 Pa.C.S. § 4303(f) (relating to general lighting requirements), roof or roll bar mounted off-road lights may be installed if they are not used on a highway or [trafficway] traffic way and are covered with an opaque covering at all times while operating on the highway or [trafficway] traffic way. Vehicles equipped with roof or roll bar mounted off-road lights shall have a switch that indicates to the driver, through the use of a pilot light, that the lights are on when so switched.

[(10)](11) White or clear cargo lamps are permitted if available as original equipment or installed in a manner [which] that expressly illuminates the cargo area of a multipurpose passenger vehicle, truck or bus.

[(11)](12) 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.

* * * *

§ 175.67. Glazing.

* * * *

(b) *Safety glazing.* A vehicle specified under this subchapter shall be equipped with safety glazing in all windshields, windows, and wings. The requirements of this subsection do not apply to a vehicle manufactured or assembled before January 1, 1934, if the original glazing is not cracked or discolored.

* * * *

(3) No object or material may be hung, placed, or attached in a position that obstructs, obscures, or impairs the driver's vision through the windshield wiper path, excluding certificates of inspection.

[(3)](4) This subsection also applies to glass etchings, except those used for vehicle identification.

[(4)](5) A sunscreening device or other material [which] that does not permit a person to see or view the inside of the vehicle is prohibited, unless otherwise permitted by FMVSS No. 205, or a certificate of exemption has been issued in compliance with § 175.265 (relating to exemption provisions). See Table X for specific requirements for vehicles subject to this subchapter. Passenger car requirements relating to the rear window are delineated by vehicle model year in Table X.

[(5)](6) Vehicles specified under this subchapter may not have an obstruction forward of the windshield [which] that extends more than 2 inches upward into the horizontally projected vision area of the windshield with the exception of windshield wiper components.

§ 175.68. Mirrors.

* * * *

(b) *Rearview mirrors.* A vehicle specified under this subchapter shall be equipped with at least one rearview mirror or similar device [which] that provides the driver an unobstructed view of the highway to the rear of the vehicle for a distance of not less than 200 feet. A mirror may not be cracked, broken, or discolored.

(c) *Obstructions.* On a vehicle specified under this subchapter, a rearview mirror shall be free from obstructions as described in § 175.80.

(1) A vehicle specified under this subchapter having a sign, load or material [which] that obstructs, obscures or impairs the driver's clear view of the highway or an intersecting highway shall have two outside rearview mirrors, one on the driver's side and one on the passenger's side, each with a minimum reflective surface of 19.5 square inches.

(2) [Rear window louvers are permitted only if the vehicle has at least two outside rearview mirrors, one on the driver's side and one on the passenger's side, each with minimum reflective surfaces of 19.5 square inches.] No object or material may be hung, placed, or attached to obstruct, obscure, or impair the driver's vision through the rear window (with the exception of a temporary registration permit), unless the vehicle is equipped with at least two outside rearview mirrors, one on the driver's side and one on the passenger's side, each with a minimum reflective surface of 19.5 square inches.

(3) Rearview mirrors, each with a minimum reflective surface of 19.5 square inches, shall be installed on both sides of a vehicle for which a certificate of exemption for a sun-screening device or other material has been issued. A vehicle [for which] that a certificate of exemption is issued [has been issued] for medical reasons, may be equipped with only a left outside rearview mirror, unless the vehicle was originally equipped with an outside rearview mirror on both sides of the vehicle.

(4) [No object or material may be hung from the rearview mirror and no object or material may be hung, placed or attached in a position so as to materially obstruct, obscure or impair the driver's vision through the windshield or constitute a safety hazard.] No object or material may be hung from the rearview mirror to extend below the rearview mirror.

* * * *

(d) *Motor homes.* A motor home shall be free from obstructions as described in this subchapter.

(1) A vehicle manufactured as or permanently converted into a motor home with a GVW of 11,000 pounds or less may have windows - approved glass only - transparent screens and roll-up shades or curtains installed if the shades and curtains are securely fastened in the completely opened position to avoid covering a portion of window while the vehicle is being operated on the highway. Venetian blinds may not cover a window while the vehicle is in operation. [operated on the highway.]

* * * *

§ 175.71. Windshield wipers.

* * * *

(b) *Cleaning.* A vehicle specified under this subchapter shall be equipped with a wiper system capable of cleaning rain, snow and other moisture from windshield and constructed [so as] to be operated by a switch conveniently located for use by the driver while in normal operating position.

* * * *

(2) [A vehicle specified under this subchapter originally equipped with two wiper blades and two wiper arms—driver and passenger side—shall have them in place and in good working order.] A vehicle specified under this subchapter shall have not less than the quantity of windshield wiper arms and windshield wiper blades as originally equipped by the manufacturer.

§ 175.72. Fuel systems.

* * * *

(b) *Fuel system requirements.* The fuel system components shall be leak-proof and [shall be] fastened securely to the vehicle with fasteners designed for that purpose.

* * * *

(d) *Filler cap.* A fuel system shall be equipped with a filler cap or equivalent fuel filler neck-sealing device.

* * * *

§ 175.75. 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 requirements of this title for an emission control system and smoke control for a diesel-powered vehicle.

(1) A vehicle specified under this subchapter shall be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. A muffler or exhaust system may not be equipped with a cutout, bypass, or similar device and a muffler may not show evidence of external repair.

(2) The exhaust system of a vehicle may not be modified in a manner [which] that will amplify or increase noise emitted by the motor of a vehicle above the maximum level permitted by Chapter 157 (relating to established sound levels).

* * * *

(6) A firefighting vehicle is exempt from regulations concerning exhaust systems, mufflers, and noise control.

§ 175.76. Horns and warning devices.

* * * *

(b) *Horn and warning device requirements.* A vehicle specified under this subchapter shall have a horn or other warning device [which] that is audible under normal conditions at a distance of not less than 200 feet. No vehicle shall be equipped with a siren, bell, whistle, or similar device emitting an unreasonably loud or harsh sound except emergency vehicles and vehicles equipped with an anti-theft device.

§ 175.77. Body.

* * * *

(d) *Protruding objects.* There may be no torn metal, glass, [or] other loose or dislocated parts, or materials protruding from the body of the vehicle.

(e) *Fender flares.* A vehicle may be equipped with fender flares [not to exceed 3 inches] as described in § 175.80 (relating to inspection procedure).

* * * *

§ 175.78. Chassis.

* * * *

(b) *Vehicle frame.* A vehicle frame or unibody shall be in solid condition.

(c) *Motor mounts.* [Motor mounts may not be broken, cracked or missing] Motor mounts shall be in safe operating condition as described in § 175.80 (relating to inspection procedure).

* * * *

(e) *Bumpers.* A vehicle specified under this subchapter shall be equipped with bumpers of a type used as original equipment, or suitable replacement [which] that 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).

(1) A bumper shall be of at least equivalent strength and mounting as the original equipment.

(2) No portion of a bumper may be broken, torn, or protruding to create a hazard.

(3) A bumper or bumper cover may not extend beyond the [body line] bodyline or be longer than the original equipment, whichever is greater.

(4) A wood plank bumper is permitted on a road service truck or wrecker, if it is firmly attached to a regular bumper or equivalent steel backing.

(5) 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.

(7) A bumper cover shall be securely fastened, and may not be broken, torn, or protruding to create a hazard.

(f) *Seats.* A vehicle specified under this subchapter shall be equipped with a seat for an operator [which] that is firmly anchored to the frame or a support.

(1) [Metal springs may not protrude from the driver's seat] Metal, springs, or other materials may not protrude from any seat cushion or seat back that constitutes a hazard to the vehicle occupant(s).

* * * *

(g) *Seat or Safety belts.* A vehicle specified under this subchapter shall be equipped with seat or safety belts of a type used as original equipment securely attached to the frame or structure. If attached to sheet metal, they shall have backing plates. Seat or safety belts have to be in safe operating condition as described in § 175.80 (relating to inspection procedure).

[(1) Safety belt webbing may not be frayed.

(2) Belt buckles shall operate properly.]

(h) *Body mounts.* [Body mounts may not be broken, cracked, deteriorated or missing] Body mounts shall be in safe operating condition as described in § 175.80 (relating to inspection procedure).

§ 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 valid vehicle registration [card], valid temporary registration or a valid temporary registration renewal via PennDOT's online vehicle registration service issued for the vehicle being inspected, certificate of title, or manufacturer's statement of origin. When a [vehicle being held for resale is presented for inspection by a dealer] dealer licensed to sell vehicles in the Commonwealth presents a vehicle held for resale for inspection, [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 valid vehicle registration [card], valid temporary registration, or a valid temporary registration renewal via PennDOT's online vehicle registration service, 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 a valid vehicle registration, valid temporary registration, or a valid temporary registration renewal via PennDOT's online vehicle registration service, certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN on the vehicle is not in agreement with the certificate of title, 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 the error or transposition.

(B) For registered vehicles, the license plate is not in agreement with the valid vehicle registration, valid temporary registration, or a valid temporary registration renewal via PennDOT's online vehicle registration service. 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 error or transposition.

(C) The VIN plate is not securely fastened or is defaced, misplaced, or missing.

[(B)](D) The license plate is hanging loosely from its mounting bracket.

[(C)](E) The license plate is covered or obscured so that the numbers or letters cannot be identified.

[(D)](F) The license plate lamp, if originally so equipped, does not illuminate the license plate.

(ii[i]) Acceptable proof of financial responsibility is not provided. For the purpose of this chapter, financial responsibility shall be proven by one of the following documents:

(A) A valid paper or electronic financial responsibility identification card issued in accordance with 31. Pa. Code (relating to insurance).

* * * *

(2) Check glazing.

(i) Reject if any of the following apply:

(A) Approved safety glazing is not used in every windshield, window, and wing.

* * * *

(G) There are cracks, defects, or discolorations in [an acute area of] the windshield wiper path of the windshield [- center of the critical area on the driver's side of the vehicle directly in the driver's normal line of vision, 8 1/2 inches wide and 5 1/2 inches high—] or discolorations or hazardous cracks to the front, right, left or rear of the driver [which] that [would] are more than 3/4" in length or diameter or [which] that interfere with the driver's vision.

* * * *

(I) Glass etchings extend more than 3 1/2 inches from the lowest exposed portion of rear window, rear side windows, or rear wings.

* * * *

(3) Check the windshield wiper system and reject if any of the following apply:

* * * *

(ii) The wiper blades are smaller than originally equipped, torn, or smear or streak the windshield after five cycles.

(iii) [There is only one wiper where two are required] The quantity of wiper blades and wiper arms is less than the quantity originally equipped by the vehicle manufacturer.

* * * *

(4) Check the door operation, including the tailgate, and reject if one or more of the following apply:

* * * *

(ii) The doors[, including the tailgate,] do not open and securely close [securely,] from mechanisms inside and outside the vehicle, unless the vehicle has been manufactured or modified to the extent that there is no roof or side or if child safety locks are engaged. **Note: The rear side doors on emergency vehicles as defined at 75 Pa. C.S. § 102 are exempted from this requirement.**

(iii) The tailgate, if present, does not securely close.

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

* * * *

(iii) A vehicle does not have all outside rearview mirrors as originally equipped by the manufacturer.

* * * *

(6) Check fenders, hood, and trunk lid and reject if one or more of the following apply:

* * * *

(v) [The fender]Fender flares [exceed 3 inches in width] used to cover tire tread cause the vehicle to exceed the allowable vehicle width of less than 96 inches.

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

* * * *

(ii) The floor pan is [rusted through] corroded or configured [so as] to [cause hazard to occupants or to] permit exhaust gases to enter any passenger compartment.

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

(i) The bumper and bumper covers, if required as original equipment, [is] are not on the vehicle.

(ii) The bumpers and bumper covers are not firmly attached to the frame or chassis.

(iii) Some part of the [main] originally positioned horizontal bumper bar on passenger vehicles does not fall within 16-20 inches above ground level. Additional bumper material added to the originally positioned horizontal bumper bar is not to be used when taking this measurement.

(iv) Some part of the [main] originally positioned horizontal bumper bar on multipurpose passenger vehicles and light trucks does not fall within 16-30 inches above ground level. Additional bumper material added to the originally positioned horizontal bumper bar is not to be used when taking this measurement.

(v) The broken or torn portion [is] protrud[ings]es, [so as to create]creating a hazard.

(vi) The bumpers or bumper covers extend beyond the [body line] bodyline or are longer than originally equipped, whichever is greater.

(vii) A bumper cover is not securely fastened, protrudes, or contains exposed sharp edges and is not attached in solid condition.

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

(i) An exterior bulb or sealed beam, if originally equipped or installed, fails to light properly or fails to direct light properly, except ornamental lights.

(ii) The turn signal lamps and hazard warning lamps do not flash between 60 - 120 flashes per minute.

(iii) The turn signal lamps do not properly indicate right or left or hold in position when [so] switched or do not self-cancel, if originally designed to do so.

(iv) The back-up lamps do not turn off automatically when the vehicle goes forward, there is no indicator on the dash that lights, or there is no audible warning signal.

(v) [The] A lamp is located or shows [a] color contrary to the lighting chart and SAE lighting code tables II-IV.

* * * *

(vii) [The] A lamp or [has a missing or broken] lens is loose, missing, or broken.

(viii) A required lamp or housing [is missing] contains water, debris, excessive condensation, or is repaired in a temporary manner.

(ix) [The auxiliary] Auxiliary equipment or a device is placed on, in, or in front of a lamp to obscure, change the color of, or obstruct the beam.

* * * *

(xi) The auxiliary driving lamps operate with the low beam of a standard headlamp system or alone.

(xii) The headlamps are out of adjustment as follows:

* * * *

(B) Screen or [photo electric] photoelectric type tester. See Charts 1 - 3 (relating to headlight aiming screen distance and marking identification; high beam inspection limits; and low beam inspection limits).

* * * *

(xiii) The automatic headlamp aiming system malfunction indicator light (MIL) displays "Check Headlights" or similar warning indicator and one or more headlamps cannot be aimed as required.

(10) Check for protruding [metal] material and reject if torn metal, glass, or other loose or dislocated parts or material protrude from a surface of the vehicle [so as to] creat[e]ing a hazard.

(11) Check the exterior body components and reject if one or more of the following apply:

(i) Torn metal, broken glass, other loose or damaged material, or dislocated parts are present on the exterior of the vehicle creating a hazard such as sharp edges or are in a deteriorated or dangerous condition or a temporary repair that does not provide adequate structural support. Surface corrosion is not cause for rejection.

(ii) Holes are present that allow exhaust gases to enter the passenger compartment.

[(11)](12) Check the fuel tank cap and reject if the fuel tank filler cap, if originally equipped, is missing.

[(12)](13) Check the shock absorbers or struts and reject if [the vehicle continues free rocking motion greater than three cycles after release, indicating loss of the shock absorber function] one or more of the following apply:

(i) The vehicle continues free rocking motion greater than three cycles after release, indicating loss of the shock absorber or strut function.

(ii) There are loose or missing bushings that affect the proper function of the shock absorbers or struts.

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

(1) Check steering column and reject if one or more of the following apply:

(i) [Freeplay] Measured freeplay exceeds the following allowances:

<i>Wheel diameter</i>	<i>Freeplay</i>
16 inches or less	2 inches
18 inches	2 1/4 inches
20 inches	2 1/2 inches
22 inches	2 3/4 inches

(ii) [The gear box is loose on the frame.] The tilt or telescopic steering wheel does not hold adjustment.

(iii) The [energy-absorbing] steering column is [defective] loose or displays movement.

(iv) The steering wheel, except if specially designed for handicapped drivers, is not circular or equivalent in strength to original equipment or has [an] a measured outside diameter less than 13 inches.

* * * *

(vi) The flexible steering coupler, [-] rag joint, [-] or universal/flex joint is badly misaligned, [-] twisted, or out of alignment between attaching collars.

* * * *

(4) Check the brake pedal and reject if one or more of the following apply:

* * * *

(iii) There is excessive friction in pedal linkage or components, pedal levers are misaligned or improperly positioned, or the pedal pad is missing or damaged to the extent that the underlying pedal is exposed.

(iv) A brake warning lamp or other device indicates a malfunction of the braking systems unless the vehicle is equipped with an antilock braking system (ABS) [which] that is designed to revert to standard braking operation and no driv[e]ability deficiency or loss of braking performance is present.

(5) Check the parking brake operation and reject if the pedal or lever reaches its limit of travel before parking brakes are set, or the pedal is damaged to the extent that the underlying pedal is exposed.

(6) Check the seats and seat or safety belts, if originally equipped, and reject if one or more of the following apply:

(i) [The driver's seat or back rest is not firmly attached.] All seats, including the backrest, are not

firmly attached.

(ii) [The] Any metal or spring protrudes from any [driver's] seat cushion or seat back.

(iii) The driver's seat-adjusting mechanism slips out of set position.

(iv) There is no seat or safety belt for each seating location, if the vehicle was originally so equipped, or if seats have been added.

(v) [The safety] A seat or safety belt webbing is frayed.

(vi) The seat or safety belt buckles do not operate properly.

(vii) The seat or safety belt anchor[age]s are broken, missing, not securely fastened, or are severely deteriorated.

(viii) A passive seat or safety belt restraint system is inoperative in that it is not able to be locked in position at the "B" pillar.

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

* * * *

(iii) An object or material is hung from or blocking the inside mirror.

* * * *

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

(1) Check the hood and reject if any of the following apply:

* * * *

(ii) The latch release mechanism or its parts are broken, missing, or so poorly adjusted that the hood cannot [be] close[d] properly.

(iii) The double latch mechanism is not operating as originally equipped.

(iv) Oil or any combustible fluid leaks on vehicle components in sufficient quantity to constitute a fire hazard.

(2) Check the motor mounts, either here or during the beneath vehicle inspection, and reject if the motor mounts are broken, cracked, [or] missing, or are not functioning as designed.

(3) Check the fuel systems and controls and reject if any of the following apply:

(i) There is [liquid] fuel leakage at any point in system.

(ii) A part of the fuel line is not securely fastened.

(iii) A fuel tank or line was not specifically designed or manufactured as a fuel tank or line.

* * * *

(v) A fuel tank or line intrudes into a driver, passenger, or cargo compartment except if the vehicle was originally so designed. If the vehicle is equipped with an alternate fuel system, see Subchapter M (relating to alternate fuel systems and controls).

* * * *

(vii) The firewall has any holes or cracks[, which] that would permit fumes to enter driver and passenger compartments.

(viii) Any fuel line, including but not limited to, tubing or hose that is chafed, worn, or restricted or repaired in a temporary manner and poses a risk of failure.

(ix) Visually accessible metal tubing is flaking, pitting, or bulging, and poses a risk of failure.

(4) Check the exhaust system and reject if there is an exhaust leak in any under the hood components.

(5) Check the brake system and reject if any of the following apply:

* * * *

(ii) The power brake lines or hydraulic hoses or lines leak or are disconnected, flattened, [or] restricted, crimped, or corroded to the point of flaking, bulging, or pitting, and pose a risk of failure or are not approved for use as brake lines.

(iii) Components are not approved for use on hydraulic brake lines according to SAE standards for hydraulic brake lines use.

[(iii)](iv) The hydraulic booster for the power brake system is leaking or inoperative or has excessively worn belts that would prevent proper operation of the pump.

(v) Power assist unit for the power brake system is inoperative, leaking, or worn preventing proper operation of the system.

(6) Check the battery if visually accessible and reject if the battery is not securely fastened with a device specifically designed for that function.

(7) Reject if oil or any combustible fluid leaks on vehicle components in sufficient quantity to constitute a fire hazard.

(d) *Visual inspection of the emission control system.* Vehicles registered in counties where there is not an

emission inspection program under Chapter 177 (relating to emission inspection program), shall be checked visually for the presence of emission control components. These components may be original vehicle equipment or an equivalent aftermarket replacement component meeting the same standards. In addition to the exceptions under § 175.4 (relating to vehicles required to be inspected), this subsection does not apply to vehicles registered as collectible or classic motor vehicles as defined in 75 Pa.C.S. § 102 (relating to definitions).

* * * *

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

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

(ii) ~~The~~ [E]exhaust gas recirculation (EGR) valve has been removed, disconnected, or is the wrong type for the certified vehicle configuration.

(iii) ~~The~~ [P]positive crankcase ventilation (PCV) valve has been removed, disconnected, or is the wrong type for the certified vehicle configuration.

(iv) ~~The~~ [F]fuel inlet restrictor has been removed, disconnected, or is the wrong type for the certified vehicle configuration.

(v) ~~The~~ [A]air pump has been removed, disconnected, or is the wrong type for the certified vehicle configuration.

(vi) ~~The~~ [E]evaporative control system components have been removed, disconnected, or are the wrong type for the certified vehicle configuration.

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

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

(i) A tire has two [adjacent treads with] or more grooves that measure less than 2/32-inch tread remaining at any point other than a wear bar - less than 4/32-inch tread on the front tires of the vehicles having a gross weight in excess of 10,000 pounds.

(ii) Any overall outside tire's diameter is smaller than the vehicle manufacturer's recommended minimum size or below the vehicle manufacturer's recommended load rating.

[(ii)](iii) [A tire is worn so that the tread wear indicators contact the road in any two adjacent grooves] A tire is repaired on a sidewall.

[(iii)](iv) A part of ply or cord is exposed.

[(iv)](v) A tire has been repaired with a blow-out patch or boot.

- [(v)](vi) There is a bump, bulge, or separation anywhere on the external surface of a tire.
- [(vi)](vii) A tire is marked “not for highway use,” “for racing purposes only,” or “unsafe for highway use,” or has a similar designation.
- [(vii)](viii) There are other conditions or markings such as cracking or dry rotting reasonably believed to render the tire unsafe for highway use.
- [(viii)](ix) A tire has been regrooved or recut below the original tread design depth except special [taxicab] tires that [which] are identified as having extra undertread rubber.
- [(ix)](x) A tire’s tread extends beyond the outer edge of the wheel housing, inclusive of fender flares.
- [(x)](xi) The tires used on the same axle are not the same size or type of construction - bias, belted, radial, or snow.
- [(xi)](xii) The wheel nuts or bolts are missing, loose, or have improper thread engagement.
- [(xii)](xiii) The stud or bolt holes are worn out of round.
- [(xiii)](xiv) Part of the wheel is bent, cracked, welded or otherwise damaged, [so as to affect] affecting the safe operation of the vehicle.
- [(xiv)](xv) The rear wheel does not track the front wheel in a straight-ahead [straight ahead] position, as originally designed.
- [(xv)](xvi) The [wheel base] wheelbase on one side differs from the [wheel base] wheelbase on the other side by more than 1 inch, unless the vehicle’s design specifications indicate different left and right wheel base dimensions.
- [(xvi)](xvii) Studded tires are in use after April 15 and before November 1.
- [(xvii)](xviii) Retreads are on the front axle of a taxi.
- [(xviii)](xix) The diameter of duals is not within 3/8-inch of each other.
- [(xix)](xx) An axle has missing tires or rims.
- [(xx)](xxi) A tire makes contact with the body or chassis.
- [(xxi)](xxii) Spacers or adapters over 1/4 inch in thickness are used to increase wheel track, unless originally equipped by the manufacturer.
- [(xxii)] A tire is smaller than the manufacturer’s recommended minimum size or below the manufacturer’s recommended load rating.]

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

(i) Steering gear [box] is loose on [frame] its mounting, or is binding or leaking preventing proper operation of the system.

(ii) Measured movement at the front or rear of a tire is greater than manufacturer's specifications using the manufacturer's recommended procedure. In the absence of a manufacturer's specification, measured movement at the front or rear of a tire is greater than 1/4-inch. If there is no manufacturer's recommended procedure, eliminate [Eliminate] all wheel bearing movement by applying the service brake; then, with the vehicle raised and wheels in the straight ahead position, grasp the front and rear of the tire and attempt to move the assembly right and left without moving the steering gear. Measure the movement.

* * * *

(vi) The steering damper has severe leakage, not slight dampness.

(vii) Any constant velocity (CV) joint is loose or noisy or demonstrates a drivability problem during the test drive.

(viii) The steering assembly and steering mechanism is not in safe operating condition according to manufacturer's recommended procedures.

(3) Inspect the suspension system and reject if one or more of the following apply:

(i) The measured ball joint movement is in excess of the manufacturer's specifications using the manufacturer's recommended procedures.

(ii) The shock absorbers or struts are missing.

(iii) The shock absorbers or strut bearing plate, mounting bolts, or mounts are broken.

(iv) The shock absorbers or struts have severe leakage—not slight dampness.

(v) The sway or stabilizer bar [is] and mounting components are loose, missing, or broken.

(vi) The coil spring or [main] leaf spring is broken, if originally equipped.

(vii) The coil spring, leaf spring, torsion bar, or mounting components are [attaching part is] loose, badly worn, broken, [or] missing, or corroded.

* * * *

(xi) [Blocks]A block used on a rear axle exceeds 5 inches over original equipment or multiple blocks are used.

(4) Inspect the floor and reject if any of the following apply:

(i) The floor bed, rocker panels, or inner panels have openings [which] that would allow exhaust

gases to enter either the occupant compartment or trunk.

(ii) The floor bed does not provide adequate structural support for [is not sufficient to hold the weight of] the driver, passengers and cargo.

(5) Inspect the vehicle frame and reject if one or more of the following apply:

(i) The vehicle frame or unibody is not in solid condition.

(ii) [The r]Repairs are made with tape, tar paper or cloth, or are made in another temporary manner that does not provide adequate structural support.

(iii) The frame or unibody components (such as cross members, body/cab mount supports, truck frame cross supports, A-frame, radiator supports, engine/transaxle supports or other components providing structural support) are missing, cracked, [rotted] corroded (not surface corrosion), or broken or are in a deteriorated or dangerous condition.

* * * *

(v) A body mount is broken, cracked, deteriorated, or missing.

(vi) The difference [in] from the body floor [and] to the top of the frame rail exceeds 4 inches.

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

* * * *

(iii) There are holes, cracks, or leaking seams in the exhaust system, to include the exhaust manifold.

(iv) There is a muffler catalytic converter or similar device cutout [or similar device].

* * * *

(vii) [The] Any exposed portion of the exhaust system, including those through truck beds, does not have an adequate heat shield or protective system to prevent contact with people or cargo.

(viii) The exhaust does not discharge completely to the outside edge of the vehicle body behind the passenger compartment or to the rear of the vehicle, including a truck bed, or as originally designed.

(ix) The catalytic converter has had an external repair, been removed, disconnected, or has an external repair.

(7) Inspect the service braking system. Remove [at least one front and one opposite rear] all wheels and [wheel and] reject if one or more of the following apply:

(i) The hydraulic hoses or tubing are not approved for use as brake lines; leaks; is flattened, restricted, insecurely fastened, or improperly retained; or has exposed cords.

(ii) The wheel cylinder [leaks,] has visible external leakage without the removal of the dust cover, has missing parts, is improperly retained, or is not functioning.

(iii) The caliper leaks, has missing parts, is improperly retained or [is] caliper components are not functioning properly.

(iv) The lining is broken; not firmly attached to shoe or pad backing; or contaminated with oil, grease, or another substance that would affect proper brake operation.

* * * *

(vi) The measured inside diameter of the drum is greater than the maximum diameter stamped on the drum or greater than .090 inch over original drum diameter for unmarked drums.

(vii) The measured disc thickness is less than the minimum stamped on the assembly or less than the manufacturer's specifications.

(viii) The measured bonded linings are less than 2/32 inch at the thinnest point.

(ix) The measured riveted linings are less than 1/32 inch above the rivet head at thinnest point.

(x) The drums or rotors [are scored] have scoring or pitting measuring deeper than .015 inch.

(xi) Repairs are made with components that are not approved for use on hydraulic brake lines according to SAE standards for hydraulic brake line use.

(xii) Brake pads or shoes do not make full contact with the rotor or drum, as originally designed.

(xiii) The brake line or brake hose is crimped, is corroded (not surface corrosion) to the point of flaking, bulging, or pitting and poses a risk of failure.

(xiv) The braking performance is affected by a backing plate that is broken, corroded, or missing, if originally equipped. Surface corrosion is not cause for rejection.

(8) Inspect the fuel system and reject if any of the following apply:

* * * *

(ii) Any [P]part of the system is not securely fastened.

* * * *

(iv) Fuel tank mounting components are severely corroded (not surface corrosion) to the point of flaking or pitting and pose a risk of failure.

(v) Metal tubing is flaking or bulging and poses a risk of failure.

(vi) Any fuel tank or fuel line is not specifically designed or manufactured as a fuel tank or fuel line.

(f) [*Road test*]Test Drive. [Perform road test and] A test drive of not less than one mile shall be performed as the final step in the inspection procedure and prior to the issuance of the certificate of inspection. R[r]eject if one or more of the following apply:

* * * *

(2) The automatic transmission will not hold in the park position, if originally equipped.

(3) The vehicle is not capable of stopping within the maximum stopping distance prescribed in Table I (relating to service brake performance) or swerves so that any part leaves the 12-foot lane.

(4) There is a malfunction of the braking or steering mechanism, particular shimmy, wander, pull or [another] any other questionable operating behavior that affects safe operation of the vehicle.

* * * *

(8) The starter inhibitor system does not function, as originally equipped.

(9) The windshield defroster does not provide adequate heat to defrost the windshield.

* * * *

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 ownership, legality and proof of financial responsibility.] Verify ownership and legality. 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:

* * * *



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

March 10, 2017

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

Re: Proposed Rulemaking, Regulation # 18-466
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 the Department of Transportation's (Department) regulations which the Department 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*.

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

The Department will provide the Independent Regulatory Review Commission with any assistance required to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,


Jeffrey M. Spotts,
Regulatory Counsel

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

I.D. NUMBER: #18-466
 SUBJECT: Vehicle Equipment and Inspection
 67 Pa. Code, Chapter 175
 AGENCY: Department of Transportation

TYPE OF REGULATION

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

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
3/10/17	<u>Nancy S. Cole</u> for Majority Chair Hon. John Taylor	HOUSE COMMITTEE ON TRANSPORTATION
3/10/17	<u>Paule Waymelle</u> for Minority Chair Hon. William F. Keller	
3/10/17	<u>C. Maddal</u> for Majority Chair Hon. John C. Rafferty, Jr.	SENATE COMMITTEE ON TRANSPORTATION
3-10-17	<u>Cheyl Schell</u> for Minority Chair Hon. John P. Sabatina, Jr.	
	<u>N/A</u>	OFFICE OF ATTORNEY GENERAL
3/10/17	<u>Steph F. Hoff</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
3/9/17	<u>Cousine Inaut</u>	LEGISLATIVE REFERENCE BUREAU
Date:	March 10, 2017	

2017 MAR 10 AM 11:21

RECEIVED
IRRC