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INDEPENDENT REGULATION  
REVIEW COMMISSION

<b>Regulatory Analysis Form</b>		<b>This space for use by IRRC</b>	
(1) Agency  Transportation		<b>IRRC Number:</b>  2538	
(2) I.D. Number (Governor's Office Use)  # 18-406			
(3) Short Title Emission Inspection Program			
(4) Pa Code Cite  67 Pa. Code, Chapter 177		(5) Agency Contacts & Telephone Numbers Primary Contact: Peter Gertz (717) 783-5842 Secondary Contact: Tammi Popp (717) 783-9292	
(6) Type of Rulemaking (Check One)  Proposed Rulemaking Final Order Adopting Regulation ➤ Final Order, Proposed Rulemaking Omitted		(7) Is a 120-Day Emergency Certification Attached? ➤ No Yes: By the Attorney General Yes: By the Governor	
(8) Briefly explain the regulation in clear and non-technical language. The purpose of these regulations is to amend Chapter 177 to modify the emissions inspection station required signage to include the posting of exemptions and emissions inspection fees for vehicle owners 65 years old or older and provide a sample sign to be used by the inspection stations.			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. The statutory authority for these regulations is Sections 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, as amended by the Act of April 17, 1997, P.L. 6, No. 3 (75 Pa.C.S. §§4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104).			
(10) Is the regulation mandated by any federal or state law or court, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action. These regulations are required by the Clean Air Act (42 U.S.C. §§ 7401-7671q) and the regulations promulgated thereunder, 40 CFR Part 51 (relating to regulations for preparation, adoption and submittal of implementation plans), and Part 85 (control of air pollution from mobile sources).			

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

Motorists, including those 65 and older, will be better able to choose a station for the emissions inspection testing of their vehicles by display of the possible exemption, waivers or senior citizen fees.

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

There are no public health, safety, environmental or general welfare risks associated with this change.

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

These regulations will benefit motorists, including those 65 years old and older, by helping them determine the cost for emissions inspection tests, waiver fees and exemptions.

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

These regulations will not adversely affect any specific group.

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

Owners of emission inspection stations will have to change current signage to incorporate the new language Approximately 6,600 inspection stations are currently certified to do emissions inspections.

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

No communications with or input from the public has been sought.

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

There are no direct costs or savings to the general motoring public. However, motorists, especially those vehicle owners 65 and older, may be better able to compare emission inspection costs among inspection stations and therefore pay lower test, exemption or waiver fees. Station owners may have small additional costs to replace or modify existing required station signage.

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

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

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

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

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

There are no costs associated with implementation of these regulations upon the general motoring public, local governments or state government. Inspection stations will incur marginal costs associated with acquiring new signs.

	Current FY Year	FY + 1 Year	FY + 2 Year	FY + 3 Year	FY + 4 Year	FY + 5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community	Cannot measure with any precision what savings may result.					
Local Government	None					
State Government	None					
Total Savings	None					
<b>COSTS:</b>						
Regulated Community	None (Minimum cost for new signage)					
Local Government	None					
State Government	None					
Total Costs	None					
<b>REVENUE LOSSES:</b>						
Regulated Community	None					
Local Government	None					
State Government	None					
Total Revenue Losses						
(20a) Explain how the cost estimates listed above were derived. There are no cost estimates derived.						
(20b) Provide the past three year expenditure history for programs affected by this regulation.						
Program						

	FY-3	FY-2	FY-1	CurrentFY
183 Safety Administration	\$ 118,299,000	\$ 118,558,000	\$ 124,925,000	\$ 127,708,000
<p>(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.</p> <p>A measurable cost/benefit analysis cannot be computed for these regulations.</p>				
<p>(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.</p> <p>There were no nonregulatory alternatives considered since the regulations contain the requirement for inspection station signage.</p>				
<p>(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide reasons for their dismissal.</p> <p>There were no alternative regulatory schemes considered since the I/M regulations contain the requirement for inspection station signage.</p>				
<p>(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.</p> <p>No, these regulations are not more stringent than Federal Standards.</p>				
<p>(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?</p> <p>These regulations will not put Pennsylvania at a competitive disadvantage with other states.</p>				
<p>(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.</p> <p>These regulations will not affect other existing or proposed regulations of the promulgating agency or other state agencies.</p>				
<p>(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.</p> <p>No public meetings are anticipated since the changes do not directly affect the public.</p>				
<p>(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.</p> <p>These regulations will not change any existing reporting, record keeping or other paperwork requirements, other than the need for emission inspection station owners to change or modify existing required station signage.</p>				

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

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

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

These regulations will become effective immediately upon publication in the Pennsylvania Bulletin.

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

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

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

(Pursuant to Commonwealth Documents Law)

2538

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p><i>[Signature]</i></p> <p>By: _____</p> <p align="center">(Deputy Attorney General)</p> <p align="center"><b>MAY 12 2006</b></p> <p>Date of Approval _____</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy of below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:</p> <p align="center"><u>Department</u> <u>of</u> <u>Transportation</u></p> <p align="center">DOCUMENT/FISCAL NOTE NO. 18-406</p> <p>DATE OF ADOPTION _____</p> <p>BY <u>Allen D. Brehler</u></p> <p align="center">Secretary of Transportation</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY <i>[Signature]</i></p> <p align="center">ANDREW C. CLARK</p> <p>Date of Approval <b>APR 25 2006</b></p> <p align="center">(Deputy General Counsel) (<del>Chief Counsel, Independent Agency</del>) (Strike Inapplicable Title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General Approval or objection within 30 days after submission.</p>
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**DEPARTMENT OF TRANSPORTATION  
BUREAU OF MOTOR VEHICLES**

Title 67 Transportation  
Part I. Department of Transportation  
Subpart A. Vehicle Code Provisions  
Article VII. Vehicle Characteristics  
Chapter 177  
Emissions Inspection Program  
Bureau of Motor Vehicles

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

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INDEPENDENT REGULATION  
REVIEW COMMISSION



**DEPARTMENT OF TRANSPORTATION  
BUREAU OF MOTOR VEHICLES**

**Title 67 Transportation  
Part I. Department of Transportation  
Subpart A. Vehicle Code Provisions  
Article VII. Vehicle Characteristics  
Chapter 177  
Emissions Inspection Program  
Bureau of Motor Vehicles**

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

**Preamble and Order**

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), by this Order adopts amendments to 67 Pa. Code, Chapter 177 (Enhanced Emission Inspection Program) These amendments also modify the emissions inspection station required signage to include the posting of the fee for exemptions and emissions inspection fees for vehicle owners 65 years old or older. A sample sign to be used by the inspection stations is also provided.

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



Vehicle Inspection/Maintenance Program Requirements, 40 CFR Parts 51 and Control of Air Pollution from Mobile Sources, Part 85.

Proposed rulemaking is omitted pursuant to Section 4706 of the Vehicle Code, 75 Pa. C.S. § 4706, which exempts these regulations from the proposed rulemaking provisions of the Commonwealth Documents Law and the Regulatory Review Act, and Section 4710 of the Vehicle Code, 75 Pa. C.S. §4710, which provides for initial submission of final regulations relating to the vehicle emission inspection/maintenance program to the Office of Attorney General for review as to form and legality and thereafter to the Independent Regulatory Review Commission and the designated Committees of the Pennsylvania House of Representatives and the Senate, in accordance with the Regulatory Review Act, Act of June 25, 1982 (P.L. 622, No. 181), *as revised* 71 P.S. § 745.1 *et seq.*

### ***Purpose of this Chapter***

The purpose of this Chapter is to implement an emission I/M program as required by the Clean Air Act (42 U.S.C. §§ 7401–7671q) and the regulations promulgated thereunder, 40 CFR Part 51 (relating to regulations for preparation, adoption and submittal of implementation plans), and Part 85 (control of air pollution from mobile sources).

### ***Purpose of these Amendments***

The purpose of these regulations is to modify the emissions inspection station required signage to include the posting for exemptions and emissions inspection fees for vehicle owners 65 years old or older. A sample sign to be used by the inspection stations is also provided for inclusion in the Appendices to the Chapter.

### ***Persons and Entities Affected***

The amendment will affect individuals in the business of vehicle inspection and vehicle repair in the affected counties.

### ***Fiscal Impact***

These amendments to the I/M regulations will provide motorists with a clearer notice of emissions inspection test, exemption and waiver fees. By requiring inspection stations to post inspection fees, including reduced fees for senior citizens, senior citizens will be able to choose an inspection station providing lower inspection fees and therefore save money. The regulation will have no fiscal impact on the Department or the Commonwealth.

### ***Regulatory Review***

Pursuant to section 4710 (e) of the Vehicle Code (75 Pa. C.S. § 4710(e)), the Department submitted a copy of this rulemaking to the Office of Attorney General on April 26, 2006. The rulemaking was approved as to form and legality by the Office of Attorney General on May 12, 2006. The Department submitted a copy of this final

rulemaking on May 23, 2006 to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees for review consistent with section 5 of the Act of June 30, 1989 (P.L. 73, No 19, 71 P.S. § 745.5). In accordance with section 5 (c) of the Regulatory Review Act, this amendment was deemed approved by the Committees on \_\_\_\_\_, 2006 and was approved by IRRC on \_\_\_\_\_, 2006.

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

### ***Sunset Provisions***

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

### ***Contact Person***

The contact person for this regulation is Peter Gertz, Vehicle Inspection Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, or to [pgertz@state.pa.us](mailto:pgertz@state.pa.us).

### ***Authority***

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

### ***Order***

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

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

Allen D. Biehler, P.E.

Secretary of Transportation

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**Subpart A. VEHICLE CODE CHARACTERISTICS**

**ARTICLE VII. VEHICLE CHARACTERISTICS**

**CHAPTER 177. EMISSION INSPECTION PROGRAM**

**Subchapter A. General Provisions**

\* \* \* \* \*

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

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

- (1) A certificate of appointment for each type of emission inspection approved for the location.
- (2) A sign clearly stating the Program Management Fee (PMF), the fees for exemptions (including labor) and for an inspection, that the inspection fee is the same whether the vehicle passes or fails, that the fee for inspection includes the cost of labor for the inspection, but not the cost of parts, repairs and adjustments, and that no additional charge shall be made by the inspecting station for one necessary reinspection within 30 days of the original inspection.

(i) The sign shall list the fees in the order provided in the sample found in Appendix A as Exhibit B and shall consist of letters and numbers no less than 1 inch in height.

(ii) The sign shall also indicate whether the emissions inspection station is able to deliver waivers and shall provide the telephone number of the Customer Hotline.

(iii) If lesser fees are charged to vehicle owner who is 65 years old or older, there shall be a corresponding posting of those fees as illustrated in Appendix A, Exhibit B.

(iv) Fleet and Commonwealth stations are exempt from this paragraph.

(3) The current list of certified emission inspectors.

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

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

(6) A sign clearly providing the location and telephone number of the quality assurance officer or the Vehicle Inspection Division.]

\* \* \* \* \*

**Exhibit B  
SAMPLE**

**Emissions Test and Exemption Fees**

<p><b>All test fees include the cost of labor for the inspection, but not the cost of parts, repairs and adjustments. No additional charge shall be made for one re-inspection, if necessary, within 30 days of the original inspection at this station.</b></p>	
<p><b>All prices include a Program Management Fee (PMF) of \$ _____</b></p>	
<p align="center"><b>EMISSIONS INSPECTION PASS OR FAIL</b></p>	<p align="center"><b>EMISSIONS INSPECTION FEES FOR VEHICLE OWNERS 65 YEARS OLD OR OLDER PASS OR FAIL</b></p>
<p><b>Tailpipe Test</b> _____</p>	<p><b>Tailpipe Test</b> _____</p>
<p><b>Tailpipe with Dynamometer</b> _____</p>	<p><b>Tailpipe with Dynamometer</b> _____</p>
<p><b>On-Board-Diagnostic (OBD) Test</b> _____</p>	<p><b>On-Board-Diagnostic (OBD) Test</b> _____</p>
<p><b>Visual Inspection</b> _____</p>	<p><b>Visual Inspection</b> _____</p>
<p><b>New Car Exemption</b> _____</p>	<p><b>New Car Exemption</b> _____</p>
<p><b>5,000 Mile Exemption</b> _____</p>	<p><b>5,000 Mile Exemption</b> _____</p>
<p><b>This station has personnel authorized to deliver waivers.</b></p>	
<p><b>Customer Hotline Telephone Number — 1-800-265-0921</b></p>	





**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION**

**OFFICE OF CHIEF COUNSEL  
GENERAL LAW DIVISION**

POST OFFICE BOX 8212  
HARRISBURG, PA 17105-8212  
TELEPHONE: (717) 787-5299  
FACSIMILE: (717) 772-2741



May 23, 2006

Kim Kaufman  
Executive Director  
14<sup>th</sup> Floor Harrisstown 2  
333 Market Street  
Harrisburg, PA 17101

**Re: Final Rulemaking with Notice of Proposed Rulemaking  
Omitted, Pursuant to 75 Pa. C.S. §§ 4706 & 4710  
Regulation # 18-406, 67 Pa. Code,  
Chapter 177 — Emissions Inspection Program**

Dear Mr. Kaufman:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form for amendments to 67 Pa. Code, Chapter 177, Emissions Inspection Program, of Department regulations which the Department of Transportation intends to adopt in accordance with the provisions of Section 204 of the Commonwealth Documents Law, Act of July 31, 1968, P.L. 769, 45 P.S. § 1204.

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

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

Very truly yours,

Stephen F. J. Martin  
Regulatory Counsel

cc: Lois Hein, Governor's Office of the Budget w/o enclosures  
Judith Bailets, Staff Assistant, Governor's Policy Office w/o enclosures  
Eric Madden, Director of Policy, Department of Transportation w/o enclosures

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

I.D. NUMBER: #18-406

SUBJECT: Emissions Inspection Program  
67 Pa. Code, Chapter 177

AGENCY: Department of Transportation

**TYPE OF REGULATION**

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Proposed Regulation

Final Regulation

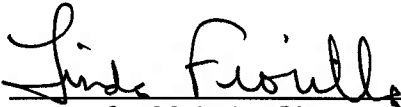

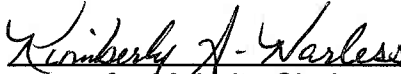

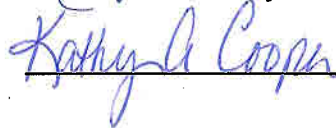
X Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

**FILING OF REGULATION**

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DATE	SIGNATURE	DESIGNATION
5/23/06	 for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION
5/23/06	 for Minority Chair	
05-23-06	 for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION
5/23/06	 for Minority Chair	
5/23/06	 	INDEPENDENT REGULATORY REVIEW COMMISSION
		LEGISLATIVE REFERENCE BUREAU

Date: May 23, 2006