

# Comments of the Independent Regulatory Review Commission



## Department of Transportation Regulation #18-484 (IRRC #3435)

### Vehicle Equipment and Inspection

**July 16, 2025**

We submit for your consideration the following comments on the proposed rulemaking published in the May 17, 2025 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

#### **1. Legislative comments. – Fiscal impact; Need; Clarity.**

Senator Judy Ward, Chair of the Senate Transportation Committee, submitted a letter commending the Department for updating its regulations. The letter also asks questions and offers comments summarized below:

- What empirical evidence can the Department provide to justify “the decision to inspect all four tires”?;
- The proposed changes related to new inspection standards could lead to escalated costs for vehicle owners;
- Does the new definition of “airless tires” align with federal standards?;
- Will farm vehicles remain exempt from certain inspection requirements;
- Clearer guidance is needed for the phrase “free of debris;”
- Can an E-Z Pass transponder be attached to a windshield in the path of the wiper blades?; and
- The Department “disregarded” the opportunity to modernize the annual emissions tests.

Representative Kerry Benninghoff, Republican House Transportation Committee Chairman, also submitted a letter commending the Department for updating its regulations. His letter asks the Department to consider an exemption to allow the mounting of certain devices on the interior of the windshields of commercial motor vehicles. The letter also asks the Department to consider an amendment to its regulations that would align Pennsylvania’s inspections requirements for commercial vehicles with federal standards.

We ask the Department to address the comments and questions raised by Senator Ward and the suggestions of Representative Benninghoff when submitting the final-form regulation.

**2. Section 175.51. Cause for monetary penalty or suspension. – Statutory authority; Implementation procedures; Clarity.**

This section is being amended to include the option of a monetary penalty instead of a suspension against a station or certified inspection mechanic when the Department finds a violation or failure to comply with statute and regulations. We have concerns with two provisions being added to this section. First, under Subsection (a), the penalty charts for improper infractions, careless infractions and miscellaneous infractions allow for either a monetary penalty or a duration of suspension. Since the regulatory language included for each type of infraction includes a monetary penalty or a suspension, the following sentence being added to Subsection (a) is not needed:

When the penalty for a violation provides both a monetary penalty and a duration of suspension, the Department, at its discretion, may allow the station or certified inspection mechanic the option to pay the monetary penalty instead of serving a suspension.

We recommend that it be deleted from the final regulation.

Second, Subsection (a)(1), relating to major infractions, includes the following note:

An entity or person criminally charged may be indefinitely suspended pending the disposition of the criminal case, at the discretion of the Department.

The Department explains in the Preamble that the intent of the note is... “to help clarify that anyone who is criminally charged may be suspended pending the disposition of the criminal case. The intent of this proposed amendment is to prohibit individuals who are charged with a crime involving vehicle fraud from conducting inspections.” We believe it is in the public interest to protect customers from unscrupulous stations and inspection mechanics. However, we question the legality of suspending an entity or person that has not been convicted of a criminal charge. In addition, the note fails to specify that the criminal charge be related to vehicle fraud. If the note is retained in the final-form regulation, we ask the Department to explain in the preamble its statutory authority for imposing this type of suspension. In addition, the final-form regulation should be amended to specify that the charges must be related to crimes involving vehicle fraud.