

**CHAPTER 47**  
INSPECTION OF VEHICLES

**Subchapter**

- A. Inspection Requirements
- B. Official Inspection Stations

**Enactment.** Chapter 47 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

**Suspension of Enforcement.** Section 8(g) of Act 81 of 1976, as amended April 6, 1979, P.L.2, No.2, provided that the enforcement of Chapter 47 is suspended insofar as the inspection of motorized pedalcycles and trailers with a gross weight of 3,000 pounds or less is required until such time as the General Assembly by law revises said provisions and repeals the suspension imposed and provided that the suspension shall be applied retroactively to July 1, 1977.

**Cross References.** Chapter 47 is referred to in section 6506 of this title; sections 6202, 6207 of Title 27 (Environmental Resources).

**SUBCHAPTER A**  
INSPECTION REQUIREMENTS

**Sec.**

- 4701. Duty to comply with inspection laws.
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**§ 4701. Duty to comply with inspection laws.**

No owner or driver shall refuse to submit a vehicle or a mass transit vehicle to any inspection and test that is authorized or required by the provisions of this chapter.  
(June 18, 1980, P.L.223, No.67, eff. imd.)

**§ 4702. Requirement for periodic inspection of vehicles.**

**(a) Annual safety inspection.**--Except as provided in subsection (b), the department shall establish a system of annual safety inspection of vehicles, including emergency vehicles, farm vehicles with a gross weight or gross vehicle weight rating of greater than 17,000 pounds for which a Type I biennial certificate of exemption has been issued and private noncommercial vehicles used to transport students.

**(b) Semiannual safety inspection of certain vehicles.**--The following vehicles shall be subject to semiannual safety inspection:

- (1) School buses.
- (2) Vehicles which are:
  - (i) under contract with or owned by a school district or private or parochial school, including vehicles having chartered group and party rights under the Pennsylvania Public Utility Commission; and
  - (ii) used to transport school students.
- (3) Passenger vans used to transport persons for hire or owned by a commercial enterprise and used for the transportation of employees to or from their place of employment.
- (4) (Deleted by amendment).
- (5) (Deleted by amendment).
- (6) Mass transit vehicles.
- (7) Motor carrier vehicles with a registered gross weight in excess of 17,000 pounds, other than farm vehicles for which a biennial certificate of exemption has been issued.

**(c) Safety inspection criteria for street rods.**--The department, after consultation with the National Street Rod Association and other interested groups, shall prescribe special inspection criteria for vehicles registered as street rods. Vehicles registered as street rods will not be required to be equipped with bumpers, fenders or engine coverage as originally manufactured. If the hood, top and sides, or both, are removed from the vehicle, the engine fan must be enclosed with a shroud designed to protect the fan from accidental contact from the outside.

**(c.1) Safety inspection criteria for collectible motor vehicles.**-- The department shall prescribe special inspection criteria for vehicles registered as collectible motor vehicles.

**(d) Extension of inspection period.**--The department may extend the time for any of the inspections required by this chapter for not more than 30 days due to weather conditions or other causes which render compliance with the provisions of this chapter within the prescribed time difficult or impossible.

**(e) Prohibition on centralized inspection.**--The department shall not require or direct the use of a centralized safety inspection program for purposes of performing vehicle safety inspections.

**(f) Emission inspection.**--Subject vehicles operated in this Commonwealth must be emission inspected as provided in section 4706 (relating to prohibition on expenditures for emission inspection program).

**(g) Exceptions.**--The following are exceptions to subsection (f):

- (1) **Emission inspection criteria for registration of subject vehicles with new registration plates.**--A subject vehicle never before registered in this Commonwealth or any other jurisdiction having less than 5,000 miles on its odometer and for which an annual or temporary registration plate was originally issued within the past 12 months shall

be exempt from emission inspection for one year from the date of original registration. A certificate of exemption shall be affixed to the subject vehicle in a manner prescribed by department regulations.

**(2) Emission inspection criteria for new vehicles with transferred registration plates.**--A subject vehicle never before registered in this Commonwealth or any other jurisdiction having less than 5,000 miles on its odometer and bearing a registration plate which has been transferred from another vehicle shall be required to pass an emission inspection prior to the next registration renewal, but not within nine months of the date of purchase of the subject vehicle.

**(3) Emission inspection criteria for used subject vehicles with new or transferred registration plates.**--A subject vehicle sold having a title issued in this or any other jurisdiction or sold with a manufacturer's statement of origin and having 5,000 or more miles on its odometer and which displays a currently valid certification of emission inspection shall be required to be emission inspected prior to expiration of the certificate of emission unless the renewal of registration becomes due immediately before the expiration of the certificate of emission inspection, in which case the subject vehicle shall be emission inspected prior to expiration of the new or transferred registration plate. If there is no evidence of emission inspection, an emission inspection must precede the next registration renewal.

**(4) Emission inspection criteria for vehicles operated with miscellaneous motor vehicle business registration plates or dealer registration plate.**--A subject vehicle which displays a miscellaneous motor vehicle business registration plate or a dealer registration plate shall be exempt from the requirements for emission inspection until it has accumulated 5,000 miles on its odometer. At that time it shall be subject to the provisions of subsection (f).

(June 18, 1980, P.L.223, No.67, eff. imd.; July 10, 1981, P.L.250, No.82, eff. imd.; May 26, 1982, P.L.435, No.129, eff. imd.; May 9, 1986, P.L.163, No.52, eff. imd.; Dec. 16, 1992, P.L.1250, No.166; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; July 6, 1995, P.L.246, No.30, eff. imd.; Dec. 20, 1995, P.L.669, No.75, eff. 120 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Apr. 17, 1997, P.L.6, No.3, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151; June 26, 2001, P.L.734, No.75, eff. 60 days; Dec. 1, 2004, P.L.1767, No.228, eff. 60 days)

**2004 Amendment.** Act 228 amended subsec. (c).

**2001 Amendment.** Act 75 amended subsec. (b)(7).

**1998 Amendment.** Act 151 amended subsec. (b)(2) and deleted subsec. (b)(5), effective July 1, 1999, as to subsec. (b)(2) and immediately as to subsec. (b)(5).

**1997 Amendment.** Act 3 amended subsec. (b).

**1995 Amendments.** Act 30 amended subsec. (a) and Act 75 added subsec. (c.1). See section 5 of Act 30 in the appendix to this title for special provisions relating to equipment standards and

inspection criteria.

**Cross References.** Section 4702 is referred to in sections 4702.1, 4706, 4708 of this title.

**§ 4702.1. Limited liability of inspection station or mechanic.**

**(a) General rule.**--An inspection conducted pursuant to section 4702(a) (relating to annual inspection) or 1165.1 (relating to inspection of reconstructed, modified and specially constructed vehicles) shall not be construed as a guaranty of the safety of any vehicle and neither the official inspection station issuing the certificate of inspection nor the official inspection mechanic performing the inspection shall be liable to the owner or occupants of any inspected vehicle for any damages caused by the failure or malfunction of that vehicle or to the owner or occupants of any vehicle involved in an accident with that inspected vehicle or to any pedestrian injured in the accident unless it can be shown by a preponderance of the evidence that the failure was caused by the negligence of the inspection station or mechanic. An official inspection mechanic in the course of his duties relating to the road test portion of an official vehicle safety inspection shall not be cited by law enforcement personnel for any violation relating to vehicle equipment. This provision does not preclude an official inspection mechanic from being cited by law enforcement personnel for moving violations committed during the road test portion of an official vehicle safety inspection.

**(b) Prior certification.**--Inspection mechanics certified as to training, qualifications and competence, prior to January 1, 1983, shall be deemed to have complied with departmental regulations and shall be authorized to conduct motor vehicle inspections without reapplication for certification. (May 26, 1982, P.L.435, No.129, eff. imd.; July 7, 1983, P.L.32, No.19, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 1, 2004, P.L.1767, No.228, eff. Jan. 1, 2007)

**2004 Amendment.** Act 228 amended subsec. (a).

**§ 4703. Operation of vehicle without official certificate of inspection.**

**(a) General rule.**--Except as otherwise provided in this section, no motor vehicle required to bear current registration plates issued by this Commonwealth and no farm vehicle with a gross weight or gross vehicle weight rating of greater than 17,000 pounds for which a Type I biennial certificate of exemption has been issued shall be driven and no trailer required to bear current registration plates issued by this Commonwealth shall be moved on a highway and no mass transit vehicle shall be operated unless the vehicle displays a currently valid certificate of inspection issued under this chapter.

**(b) Exceptions.**--Subsection (a) does not apply to:

- (1) Special mobile equipment.
- (2) Implements of husbandry.
  - (2.1) Registered commercial implement of husbandry with an implement of husbandry body type.
- (3) Motor vehicles being towed.
- (4) Motor vehicles being operated or trailers being

towed by an official inspection station owner or employee for the purpose of inspection.

(5) Trailers having a registered gross weight of 3,000 pounds or less.

(5.1) A trailer or semitrailer with a gross weight or gross vehicle weight rating of greater than 17,000 pounds displaying a currently valid Federal certificate of inspection.

(6) Motorized pedalcycles.

(7) Vehicles being repossessed by a financier or collector-repossessor business or vehicles enroute to a wholesale vehicle auction by a transporter business using the appropriate miscellaneous motor vehicle business registration plates.

(8) New vehicles while they are in the process of manufacture, including testing, and not in transit from the manufacturer to a purchaser or dealer.

(9) Any military vehicle used for training by a private, nonprofit, tax exempt military educational institution when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by the institution.

(10) A motor vehicle registered as an antique pursuant to section 1340 (relating to antique, classic and collectible plates).

(11) A motor vehicle being operated by the vehicle owner while enroute to an inspection station where an appointment for inspection has been scheduled, provided that such operation occurs no later than ten days after the expiration of a valid certificate of inspection issued under this chapter.

(12) (Deleted by amendment).

(13) New vehicles in the possession of a second-stage manufacturer which are in transit:

- (i) from a dealer or distributor for completion; or
- (ii) to a dealer or distributor upon completion.

**(c) Inspection of vehicles reentering this**

**Commonwealth.**--Vehicles subject to registration and inspection in this Commonwealth which have been outside this Commonwealth continuously for 30 days or more and which, at the time of reentering this Commonwealth, do not bear a currently valid certificate of inspection shall not be required to be inspected until ten days after reentering this Commonwealth.

**(d) Newly-purchased vehicles.**--Newly-purchased vehicles may be driven without a current inspection certificate for ten days after sale or resale or entry into this Commonwealth, whichever occurs later.

**(e) Display of unauthorized certificate of inspection.**--No certificate of inspection shall be displayed unless an official inspection has been made and the vehicle or mass transit vehicle is in conformance with the provisions of this chapter.

**(f) Authority of police.**--Any police officer may stop any motor vehicle, mass transit vehicle or trailer and require the owner or operator to display an official certificate of inspection for the vehicle being operated. A police officer may

summarily remove an unauthorized, expired or unlawfully issued certificate of inspection from any vehicle or mass transit vehicle. For the purposes of administering the requirements of regulations promulgated by the department, a qualified Commonwealth employee or an authorized department representative may remove an unauthorized, expired or unlawfully issued certificate of inspection from any vehicle.

**(g) Limitation on prosecution.**--A motor vehicle, mass transit vehicle or trailer shall be the subject of only one prosecution under subsection (a) in any 24-hour period.

**(h) Penalty.**--

(1) Except as provided in paragraph (2), a person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of up to \$25.

(2) Where the subject vehicle is a motor carrier vehicle, bus or school bus, the police officer or qualified Commonwealth employee shall place the vehicle out of service and require that the vehicle not be operated under its own power until such time as the vehicle is issued a valid official certificate of inspection. In addition, the person violating this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$500.

(June 18, 1980, P.L.223, No.67, eff. imd.; June 18, 1980, P.L.229, No.68, eff. 60 days; Mar. 7, 1982, P.L.152, No.49, eff. imd.; May 26, 1982, P.L.435, No.129, eff. imd.; July 10, 1984, P.L.679, No.146, eff. 60 days; Feb. 7, 1990, P.L.11, No.6, eff. 60 days; June 11, 1992, P.L.266, No.47, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; July 6, 1995, P.L.246, No.30, eff. imd.; Dec. 21, 1998, P.L.1126, No.151; June 22, 2001, P.L.411, No.33, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months; July 14, 2005, P.L.285, No.50, eff. 60 days)

**2005 Amendment.** Act 50 amended subsec. (b).

**2002 Amendment.** Act 229 amended subsec. (h). See section 21 of Act 229 in the appendix to this title for special provisions relating to promulgation of guidelines to implement Act 229.

**1998 Amendment.** Act 151 amended subsecs. (b)(10) and (f) and added subsec. (b)(13), effective immediately as to subsec. (f) and 60 days as to subsec. (b)(10) and (13).

**1995 Amendment.** Act 30 amended subsec. (a). See section 5 of Act 30 in the appendix to this title for special provisions relating to equipment standards and inspection criteria.

**1990 Amendment.** Act 6 amended subsec. (d).

**1982 Amendments.** Act 49 added subsec. (b)(9) and Act 129 amended subsecs. (b), (c) and (d).

**Cross References.** Section 4703 is referred to in section 4729 of this title.

**§ 4704. Inspection by police or Commonwealth personnel.**

**(a) Authority to inspect.**--

**(1) Inspection in conjunction with vehicle weighing.**--

(i) Any Pennsylvania State Police officer or

qualified Commonwealth employee engaged in weighing vehicles as provided in Ch. 49 Subch. E (relating to measuring and adjusting vehicle size and weight) is authorized to inspect any item of the vehicle's equipment and its load, driver and documents to determine whether they meet standards established in department regulations.

(ii) Any police officer or Commonwealth employee engaged in weighing vehicles as provided in Ch. 49 Subch. E is authorized to inspect any items of a vehicle's equipment to determine whether they meet the standards established in department regulations.

**(2) Systematic vehicle inspection programs.**--Any Pennsylvania State Police officer or qualified Commonwealth employee engaged in a systematic vehicle inspection program may inspect any vehicle, driver, documents, equipment and load to determine whether they meet standards established in department regulations.

**(3) Probable cause.**--

(i) Any State Police officer or qualified Commonwealth employee having probable cause to believe that a vehicle, driver, documents, equipment or load are unsafe, not equipped as required or otherwise not in compliance with the law or regulations may inspect the vehicle, driver, documents, equipment or load.

(ii) Any police officer having probable cause to believe that a vehicle or its equipment is unsafe, not equipped as required or otherwise not in compliance with the law or regulations may inspect the vehicle or its equipment.

**(4) Testing in conjunction with vehicle emissions.**--When testing for vehicle emissions, testing may include remote sensing devices or systematic roadside checks with tailpipe tests, emission control device checks and a check of the subject vehicle's emission control system including all of the components to determine if any part of the system has been disabled, changed or altered. The systematic testing may be conducted by police officers or qualified Commonwealth employees.

**(5) Inspection of a vehicle involved in an accident.**--Any Pennsylvania State Police officer or qualified Commonwealth employee is authorized to inspect any item of equipment and the load, driver and documents of any vehicle involved in an accident to determine whether they meet standards established in department regulations.

**(b) Notice of violation.**--Any police officer or qualified Commonwealth employee, having probable cause to believe that any vehicle or mass transit vehicle, regardless of whether it is being operated, or its equipment, documents or load, are unsafe, not equipped as required, or are otherwise not in compliance with the law or department regulations, may at any time submit a written notice of the violations to the driver of the vehicle or the mass transit vehicle or to the owner, lessee or registrant, or if none of them is present, to an adult occupant of the vehicle or the mass transit vehicle, or if the vehicle or the

mass transit vehicle is unoccupied, the notice shall be attached to the vehicle or the mass transit vehicle in a conspicuous place.

(1) The notice shall specify the particulars of the violations and require that the violations be corrected. Within five days or, in the case of a motor carrier vehicle or bus, within 15 days or before commencement of the vehicle's next trip, whichever occurs first, or in the case of emission testing, within 30 days, evidence must be submitted to the police or the Commonwealth, whichever is applicable, that the violations have been corrected.

(2) If the police officer or qualified Commonwealth employee has probable cause to believe that a vehicle or mass transit vehicle is unsafe or not in proper repair or fails a roadside vehicle emission test, he may require in the written notice that the vehicle or mass transit vehicle be inspected. The owner or driver shall, within five days of the date of notification or, in the case of a motor carrier vehicle or bus, within 15 days of the date of notification or before commencement of the vehicle's next trip, whichever occurs first, or in the case of emission testing, within 30 days, submit to the police or the Commonwealth, whichever is applicable, certification from an official inspection station that the vehicle or the mass transit vehicle has been restored to legal operating condition in relation to the particulars specified on the notice. Any person who fails a roadside vehicle emission inspection shall have 30 days in which to pass an enhanced vehicle emission inspection or to produce evidence that the subject vehicle has a valid emissions test waiver.

(3) After the expiration of the five-day, 15-day or 30-day period specified in paragraphs (1) and (2), whichever is appropriate, the vehicle shall not be operated upon the highways of this Commonwealth and a mass transit vehicle shall not be operated until the owner or driver has submitted to the police or the Commonwealth, whichever is applicable, evidence of compliance with the requirements of paragraph (1) or (2), whichever is applicable.

**(c) Operation prohibited if hazardous.--**

(1) In the event a vehicle or a mass transit vehicle, or its equipment, load or driver, in the reasonable judgment of the officer or qualified Commonwealth employee, is in such condition that further operation would be hazardous, the officer or qualified Commonwealth employee may require that the vehicle or the mass transit vehicle not be operated under its own power or that the driver discontinue driving, or both, and may so stipulate in the notice given under subsection (b). In the case of motor carrier vehicles or their drivers, all such determinations shall be based on out-of-service criteria established in department regulations.

(2) In the event a motor carrier vehicle or mass transit vehicle is involved in an accident that causes the death of the vehicle operator or another person, the motor carrier vehicle or mass transit vehicle and its equipment, load, driver and documents shall be inspected by a qualified

Commonwealth employee as designated by the department in accordance with subsection (f) before the vehicle or driver will be allowed to continue operation.

**(d) Authority of police and qualified Commonwealth employees.**--Any police officer or qualified Commonwealth employee shall be authorized to detain and inspect any sealed or unsealed vehicle, container or shipment which they have probable cause to believe may be in violation of the law or Commonwealth regulations while in transit or in maintenance facilities, terminals or other public or private property to ascertain if commodities or materials are being unloaded, stored or transported in an illegal manner; to inspect contents; to inspect and copy documents and otherwise to ensure compliance with the law and Commonwealth regulations, except that only State Police and qualified Commonwealth employees shall have the authority to enforce any law or regulation pertaining to drivers, including, but not limited to, minimum driver qualifications, maximum hours of service and driver records, or pertaining specifically to hazardous materials. If a seal is opened for inspection, the inspecting officer or Commonwealth employee shall reseal any vehicle, container or shipment prior to further transportation.

**(e) Limitation of authority of qualified Commonwealth employees.**--The authority granted to qualified Commonwealth employees under this section shall be exercised only when the employee is in uniform and shall apply only to motor carrier vehicles, buses and all vehicles and combinations carrying hazardous materials in an amount and type which require the vehicle to be placarded under Chapter 83 (relating to hazardous materials transportation) and to the drivers of all such vehicles. Qualified Commonwealth employees who are not police officers shall be regarded as police officers under this part for the purpose of instituting criminal proceedings by citation under Chapter 50 of the Pennsylvania Rules of Criminal Procedure.

**(f) Training of Commonwealth employees.**--The department shall establish a program or programs to train and qualify Commonwealth employees, including Pennsylvania State Police officers, to inspect vehicles, equipment, documents, loads and drivers as authorized under this section and may provide such a program to train and qualify any police officer. After one year following the effective date of this section, inspections under subsection (a)(2) may be conducted only by personnel qualified under this program. Until that time, such inspections may be conducted by personnel designated by the department. A document executed by a department official, or a photostatic copy thereof, indicating that a person, including any police officer, has been so qualified or designated shall be competent and prima facie evidence of the qualification or designation.

**(g) Limitations.**--(Deleted by amendment).

**(h) Administrative coordination.**--The department shall coordinate with the Pennsylvania Public Utility Commission in the enforcement of this section and 66 Pa.C.S. § 3312(a) (relating to evasion of motor carrier and broker regulations). (June 18, 1980, P.L.223, No.67, eff. imd.; June 18, 1980,

P.L.229, No.68, eff. 60 days; June 19, 1985, P.L.49, No.20, eff. 60 days; Dec. 16, 1992, P.L.1250, No.166; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days; Feb. 10, 1994, P.L.10, No.2, eff. imd.; June 19, 2001, P.L.281, No.21, eff. imd.; June 26, 2001, P.L.734, No.75, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229; Nov. 28, 2008, P.L.1658, No.133, eff. 60 days)

**2008 Amendment.** Act 133 deleted subsec. (g).

**2002 Amendment.** Act 229 amended subsecs. (a), (c), (e) and (g), effective in 60 days as to subsecs. (a) and (c) and six months as to the remainder of the section. See section 21 of Act 229 in the appendix to this title for special provisions relating to promulgation of guidelines to implement Act 229.

**2001 Amendments.** Act 21 amended subsec. (c) and added subsec. (h) and Act 75 amended subsec. (c) and added subsec. (h). Act 75 overlooked the amendment by Act 21, but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (c). The addition of subsec. (h) by Acts 21 and 75 are identical and therefore have been merged.

**1992 Amendment.** Section 9 of Act 166 provided that the amendment shall take effect 60 days after the Department of Transportation certifies by notice in the Pennsylvania Bulletin that an enhanced emission inspection program will commence.

**References in Text.** Section 3312(a) of Title 66, referred to in subsec. (h), does not exist.

**Cross References.** Section 4704 is referred to in sections 1373, 4102, 4107, 6103 of this title; section 4150 of Title 3 (Agriculture).

**§ 4705. Inspection of vehicles for transportation of school children.**

**(a) State Police inspection.**--The owner of every school bus shall, in addition to any other inspection required by this chapter, submit the vehicle to the Pennsylvania State Police annually prior to operating the vehicle for the transportation of school children during the school year, to determine whether the vehicle conforms with the provisions of this chapter including regulations promulgated by the department. If the vehicle is in conformance, a certificate of inspection and approval shall be issued by the Pennsylvania State Police.

**(b) Display of certificate.**--No vehicle requiring a certificate of inspection under the provisions of this section shall be operated without prominently displaying the certificate, in the manner directed by the department, in addition to any other certificate required by law, on any of the highways of this Commonwealth.

**§ 4706. Prohibition on expenditures for emission inspection program.**

**(a) General rule.**--Except as provided in subsection (b), neither the department nor any other department or agency of the executive branch of State government shall expend any public funds for the establishment and administration of any system for the periodic inspection of emissions or emission systems of motor vehicles.

**(b) Exception.**--The provisions of subsection (a) shall not apply when the secretary shall certify that a system is required to comply with Federal law and is necessary for the Commonwealth to receive or avoid the loss of Federal funds in which case the department may establish and administer such a system for motor vehicles registered in areas where periodic inspection of emissions or emission systems of motor vehicles is required by the Environmental Protection Agency of the United States or decrees of the courts of the United States.

**(b.1) Further exception.**--

(1) The provisions of subsection (a) shall not apply if the secretary shall certify that a system is required to comply with the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.) and subsequent amendments or a final decree of a Federal court and is necessary for the Commonwealth to receive or avoid the loss of Federal funds, in which case the department shall establish and administer an enhanced emission inspection program. This program shall be established in all areas of this Commonwealth where the secretary certifies by publication in the Pennsylvania Bulletin that a system is required in order to comply with Federal law. Any area, counties, county or portion thereof certified to be in the program by the secretary must be mandated to be in the program by Federal law. If a petition is required to be sent to the Federal Government in order for any counties, county or portions of any county to be exempted from the emission inspection program, the secretary shall petition the Federal Government on behalf of any counties, county or portion of any county that may qualify for an exemption. In cases where more than one county within a metropolitan statistical area may be exempted from the emissions inspection program, the county with the lowest population per square mile shall be exempted first. In cases where only portions of one county may be exempted from the emissions inspection program, the areas with the lowest population per area of postal zip code coverage region shall be exempted first. If the secretary establishes a centralized inspection program, the following limitations shall be applicable:

(i) Vehicle emission inspection shall be on a biennial basis.

(ii) No vehicle repairs or vehicle safety inspections shall be performed at any centralized emission inspection facility.

(iii) No contractor providing centralized inspection shall own or have any business interest in any vehicle repair facility in this Commonwealth.

(iv) For the purposes of this chapter, the department may issue a contract for a period of seven years or more to the successful bidder for the establishment and operation of a centralized program for emissions testing.

(v) The department shall promulgate regulations for the conduct, supervision and qualification of a contractor, its principals, employees or agents providing

centralized emission testing which shall include a schedule of offenses punishable by fine of up to \$20,000 and shall make provision for the discipline, termination, suspension and/or debarment of a contractor, its principals, employees or agents for the violation of a regulation pertaining to the emission testing program.

(2) At least 60 days prior to the implementation of any enhanced emission inspection program developed under this subsection, the Secretary of Transportation shall certify by notice in the Pennsylvania Bulletin that an enhanced emission inspection program will commence.

**(b.2) Restrictions on exceptions.**--Notwithstanding any other provision or requirement contained in this title, no provision or requirement of this section shall be more stringent or restrictive than those required by the Clean Air Act. No allowable vehicle emission standard shall be more restrictive than that originally certified for the subject vehicle at the time of manufacture.

**(b.3) Fees.**--(Repealed).

**(b.4) Audits.**--(Repealed).

**(b.5) Repairs covered by warranty.**--The inspection shall be performed so that when vehicles tested under warranty are repaired, such repairs must be covered by the vehicle manufacturer's warranty provisions.

**(b.6) Retests.**--The first retest performed for a vehicle that has failed will be free.

**(b.7) Waiver.**--(Repealed).

**(b.8) Computer costs.**--The cost of connect into the department's computer to facilitate registration, renewal and denial will be borne by both the centralized and the enhanced or basic decentralized emission facilities.

**(c) Evidence of emission inspection.**--

(1) The department shall issue evidence of emission inspection through an official emission inspection station or an authorized agent of the department, valid until the next scheduled emission inspection, for a subject motor vehicle which meets the following criteria:

(i) The subject vehicle has passed an inspection or a reinspection performed by the emission inspection station and all required emission control devices are installed.

(ii) The subject vehicle is exempt pursuant to the provisions of section 4702(g) (relating to requirement for periodic inspection of vehicles).

(2) When a subject vehicle has failed the emission inspection test and continues to fail after the owner has expended an amount at least equal to the total cost limitation as provided in paragraph (3), the owner may apply for a waiver. For the purpose of determining qualification for a waiver, the cost of necessary repairs shall not include the costs covered by any warranty, insurance policy or prepaid maintenance agreement or the costs as referred to in paragraph (4).

(3) The waiver limit shall be the minimum required by Federal law. The costs mandated by this subsection do not

include any costs recoverable under warranty, insurance policy or prepaid maintenance agreement.

(4) Any expenses incurred in the repair of emission control devices found to be tampered with or rendered inoperative or which are not installed shall not be included in the total cost limitation of paragraph (3).

(5) It is unlawful to operate a subject vehicle without evidence of emission inspection or certification by an authorized agent, provided that it shall be lawful for a motor vehicle to be operated by the vehicle owner while en route to an emissions inspection station or to a vehicle repair facility where an appointment for emissions-related repairs has been scheduled and, provided further, that such operation occurs no later than ten days after the expiration of valid evidence of emission inspection issued under this title.

(6) Subject vehicles presented for emission inspection after the assigned emission inspection deadline shall be charged \$10 for each month or portion thereof past the due date in addition to the emission inspection fee, except as provided in regulations promulgated by the department.

**(c.1) Exchange of evidence of emission inspection.**--A person replacing a windshield or repairing a windshield in such a manner as to require removal of evidence of emission inspection shall at the option of the registrant of the vehicle or the owner of a mass transit vehicle cut out the portion of the windshield containing the evidence of emission inspection and deliver it to the registrant of the vehicle or the owner of the mass transit vehicle or destroy the evidence of emission inspection. The vehicle or the mass transit vehicle may be driven for up to five days if it displays the portion of the old windshield containing the evidence of emission inspection as prescribed in department regulations. Within the five-day period, an official emission inspection station may affix to the vehicle or mass transit vehicle another evidence of emission inspection for the same inspection period without reinspecting the vehicle or mass transit vehicle in exchange for the portion of the old windshield containing the evidence of emission inspection. A fee of no more than \$2 plus the fee paid to access the department's computer to enter the evidence of emission inspection into the system may be charged for exchanging evidence of emission inspection.

**(d) Coordination with vehicle registration.**--(Deleted by amendment).

**(e) Regulations.**--Upon certification by the secretary of the need to comply with Federal law, the department shall promulgate such regulations as may be necessary to implement the emission inspection program but it shall not promulgate a regulation that would require safety inspection stations to also perform emission control inspections. Regulations promulgated by the department relating to the enhanced emission inspection program shall not be subject to the proposed rulemaking provisions of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, or the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

**(f) Scope.**--(Repealed).

**(g) Alternative enhanced emission inspection program.**--Notwithstanding the provisions of subsection (f), the department shall comply with all of the following requirements:

(1) The department shall immediately suspend the development and implementation of a centralized, test-only vehicle emission inspection program until March 31, 1995.

(2) The department shall immediately notify the Environmental Protection Agency that the Commonwealth is developing an alternative vehicle emission program and intends to seek its approval of the plan in accordance with the requirements of the Federal law.

(3) The department shall develop and submit to the Environmental Protection Agency an alternative enhanced vehicle emission inspection program for approval which meets the requirements of Federal law and consists of a decentralized test and repair program or a hybrid program which combines both decentralized test and repair and test-only components. The decentralized test program may contain an additional component which will test and repair only those components necessary to achieve compliance with Federal clean air standards. As part of this decentralized test program, the department shall utilize the newest and most efficient technologies, including, but not limited to, remote roadside testing, identification and targeting of gross polluting vehicles and alternative equipment to existing inspection technology. The department may incorporate pilot programs and demonstration projects which achieve and enhance vehicle emissions reductions.

(4) On the effective date of this subsection, the department shall be immediately prohibited from expending any funds or allowing any other action in furtherance of the development and implementation of a centralized, test-only vehicle emission inspection program until the Environmental Protection Agency approves the decentralized or hybrid system proposed under paragraph (3). Any funds expended by the department after the approval of the program by the Environmental Protection Agency shall be limited to the implementation of the revised vehicle inspection program.

**(h) Removal from Ozone Transport Commission.**--The Governor shall take the steps necessary to obtain Environmental Protection Agency approval to remove all areas of the Commonwealth from the Northeast Ozone Transport Commission region that are now classified or in the future will be classified as in attainment of the Federal ozone pollution standard or which are unclassified for the purpose of imposing an enhanced vehicle emission system inspection program and other air pollution control measures. The Governor shall initiate the actions necessary under this section no later than 60 days after the effective date of this section.

**(i) Suspension of program.**--The Governor shall immediately suspend the implementation and enforcement of the Employer Trip Reduction Program until March 31, 1995, or until an alternative program is developed that will achieve the same emission reductions. The Employer Trip Reduction Program or an

alternative program shall not be required if the area classified as severe ozone nonattainment is reclassified as a serious ozone nonattainment area by the Environmental Protection Agency.

**(j) Program for repair of certain vehicles.**--The provisions of subsection (a) shall not apply to the Credit for Repairing Polluting Vehicles Program which the Department of Environmental Protection may establish. The program may provide that any person could make repairs to or reimburse expenses for repairs to registered motor vehicles which have been identified as polluting vehicles. Upon certification that the vehicle is no longer a polluting vehicle, the Department of Environmental Protection shall award the appropriate emission credit to the person applying for the credit in accordance with the applicable requirements of this title, the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, and the Clean Air Act (69 Stat. 322, 42 U.S.C. § 7401 et seq.). (May 4, 1983, P.L.4, No.3, eff. imd.; July 22, 1983, P.L.122, No.32, eff. imd.; July 11, 1985, P.L.204, No.52, eff. Sept. 1, 1985; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Dec. 16, 1992, P.L.1250, No.166; Feb. 10, 1994, P.L.10, No.2, eff. imd.; Nov. 16, 1994, P.L.614, No.95, eff. imd.; Dec. 15, 1995, P.L.655, No.72, eff. imd.; Dec. 20, 1995, P.L.669, No.75, eff. 120 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Dec. 1, 2004, P.L.1771, No.229, eff. 60 days)

**2004 Amendment.** Act 229 deleted subsec. (d).

**2002 Amendment.** Act 152 added subsec. (c.1).

**1995 Amendments.** Act 72 amended subsec. (g) (3) and Act 75 added subsec. (j).

**1995 Repeal Note.** Act 72 repealed subsecs. (b.3), (b.4), (b.7) and (f).

**Cross References.** Section 4706 is referred to in section 4702 of this title.

**§ 4706.1. Centralized emission inspection litigation settlement.**

**(a) Authorization.**--Except as otherwise provided in subsection (d) and notwithstanding any other provision of law to the contrary, the Governor is hereby authorized to transfer funds from the specific funds and continuing appropriations set forth in subsection (b) for the sole purpose of paying all settlements and court orders arising from legal action related to any contract with the department for the conduct of a program of centralized emissions inspections entered into prior to November 16, 1994, pursuant to the act of December 16, 1992 (P.L.1250, No.166).

**(b) Sources of transferable funds.**--The funds and continuing appropriations subject to the authorization under subsection (a) are as follows:

(1) The Catastrophic Loss Benefits Continuation Fund established under section 1798.4 (relating to Catastrophic Loss Benefits Continuation Fund).

(2) Any funds remaining unexpended, unencumbered or uncommitted from the continuing appropriations for the hazardous waste control program contained in:

(i) Section 211 of the act of June 29, 1984

(P.L.1360, No.7A), known as the General Appropriation Act of 1984.

(ii) Section 212 of the act of June 30, 1985 (P.L.592, No.5A), known as the General Appropriation Act of 1985.

(iii) Section 212 of the act of July 1, 1986 (P.L.1776, No.5A), known as the General Appropriation Act of 1986.

(iv) Section 213 of the act of July 3, 1987 (P.L.459, No.9A), known as the General Appropriation Act of 1987.

(v) Section 213 of the act of July 1, 1988 (P.L.1956, No.5A), known as the General Appropriation Act of 1988.

Funds from this fund and these appropriations may be transferred upon approval of the Governor to a restricted account and are hereby appropriated for the payment of any settlements and court orders arising from legal action related to any contract with the department for the conduct of a program of centralized emission inspections entered into before November 16, 1994.

**(c) Transfer mechanism.**--The transfers shall be upon warrant of the State Treasurer upon requisition of the Governor and shall be for the sole purpose of settling the legal action under this section. A statement of the actual amount of each transfer shall be reported to the General Assembly within 14 days of the requisition.

**(d) Exceptions.**--This section shall not authorize the Governor to transfer any funds from the Catastrophic Loss Benefits Continuation Fund if the transfer of funds for the purpose contained in this section prevents timely processing and payment of catastrophic loss benefits under section 1798.2 (relating to transition).

**(e) Expiration.**--This section shall expire December 31, 1998.  
(Dec. 15, 1995, P.L.655, No.72, eff. imd.)

**1995 Amendment.** Act 72 added section 4706.1.

**§ 4707. Consumer protection.**

The Secretary of Transportation and the Commissioner of State Police shall create a consumer protection program for the purpose of monitoring the vehicle emission inspection and the vehicle safety inspection programs for inspection station performance and to assure protection against fraud against consumers.

(May 4, 1983, P.L.4, No.3, eff. imd.)

**1983 Amendment.** Act 3 added section 4707.

**§ 4708. Inspection of motorcycles.**

An annual system of inspections in accordance with section 4702 (relating to requirement for periodic inspection of vehicles) shall be established for motorcycles according to the following schedule:

(1) Motorcycles whose registrations expire in the months of January and July shall be inspected in the months of May, June or July.

(2) Motorcycles whose registrations expire in the months of February and August shall be inspected in the months of June, July or August.

(3) Motorcycles whose registrations expire in the months of March and September shall be inspected in the months of July, August or September.

(4) Motorcycles whose registrations expire in the months of April and October shall be inspected in the months of August, September or October.

(5) Motorcycles whose registrations expire in the months of May and November shall be inspected in the months of March, April or May.

(6) Motorcycles whose registrations expire in the months of June and December shall be inspected in the months of April, May or June.

(Mar. 29, 1984, P.L.159, No.31, eff. 90 days)

**1984 Amendment.** Act 31 added section 4708.

**§ 4709. Low-Emissions Vehicle Commission.**

**(a) Establishment.**--There is hereby established a Low-Emissions Vehicle Commission which shall consist of 13 members. The Secretary of Commerce, the Secretary of Environmental Resources and the Secretary of Transportation shall be members. Six members shall be appointed by the Governor as follows:

(1) One member shall be a representative of an environmental advocacy group, and one each shall be appointed from a list of at least three nominees provided by each of the following:

(i) The Associated Petroleum Industries of Pennsylvania.

(ii) The Pennsylvania Gas Association.

(iii) The Pennsylvania Electric Association.

(iv) The Pennsylvania Automotive Association.

(v) The Pennsylvania AAA Federation.

(2) There shall be four legislative members: two members of the Senate, one appointed by the Majority Leader of the Senate and one appointed by the Minority Leader of the Senate; and two members of the House of Representatives, one appointed by the Majority Leader of the House of Representatives and one appointed by the Minority Leader of the House of Representatives.

(3) The Low-Emissions Vehicle Commission shall elect a chairman.

(4) The Secretary of Transportation and the Secretary of Commerce shall jointly provide administrative staff.

**(b) Study content.**--The Low-Emissions Vehicle Commission shall complete a study which addresses:

(1) whether adoption of the low-emissions vehicle program will result in significant net air quality improvements, using appropriate air quality modeling analysis and considering both volatile organic compound and nitrogen oxide emissions and their impact on ambient ozone levels; and

(2) whether adoption of the low-emissions vehicle program will result in a more cost-effective reduction in ozone precursors than other alternative control strategies

for mobile and stationary sources to achieve and maintain the NAAQS standards established by the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.), including the low-emissions vehicle program's impact on economic development, future economic expansion, benefits to public health, welfare and environment and the fiscal impact on the consumer.

**(c) Submission of study.**--The commission shall submit its completed study to the Governor and the General Assembly within 240 days of enactment of this legislation.

**(d) Prohibitions.**--

(1) Except as provided in paragraph (2), no department, board or commission may adopt regulations establishing any low-emissions vehicle program until the study under subsection (c) has been submitted to the General Assembly. Nothing in this section shall preclude the department from proposing regulations related to the California motor vehicle emission standards under this act, subject to review under the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(2) If the Low-Emissions Vehicle Commission does not submit its study during the time period under subsection (c), a department, board or commission may go forward with adopting regulations establishing a low-emissions vehicle program.

**(e) Reformulated motor fuels.**--No department, board or commission shall adopt regulations mandating the sale or use of reformulated motor fuels which comply with any specifications for reformulated motor fuels prescribed by the State of California under 42 U.S.C. § 7545(c) (4) (B). (Dec. 16, 1992, P.L.1250, No.166)

**1992 Amendment.** Act 166 added section 4709.

**References in Text.** The Secretary of Environmental Resources, referred to in subsec. (a), was abolished by Act 18 of 1995. The functions of the secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection. The Secretary of Commerce, referred to in subsec. (a), was renamed the Secretary of Community and Economic Development by Act 58 of 1996.

**§ 4710. Vehicle Emission System Inspection Program Advisory Committee.**

**(a) Appointment, composition, etc.**--A Vehicle Emission System Inspection Program Advisory Committee shall be appointed by the Governor no later than 15 days after the effective date of this section and shall have its first meeting no later than 30 days after the effective date of this section.

**(b) Members.**--The committee shall consist of 16 members. Members shall serve without compensation other than reimbursement for reasonable and necessary expenses in accordance with the rules of the Executive Board and shall serve for terms fixed by the secretary. The members shall include:

(1) Three representatives of public interest or environmental groups.

(2) Six from the following groups, one each from a list of three nominees provided by each of the following: The

Pennsylvania AAA Federation, Service Station Dealers and Automotive Repair Association of Pennsylvania and Delaware, Pennsylvania Automotive Association, the Automotive Service Association of Pennsylvania, Associated Petroleum Industries of Pennsylvania and Coalition for Safer, Cleaner Vehicles.

(3) The chairmen and minority chairmen of the Senate and House of Representatives Transportation Committees or their designees.

(4) The Secretary of Commerce, the Secretary of Environmental Resources and the Secretary of Transportation or their designees shall serve as ex officio, nonvoting members of the committee.

**(c) Advice to department.**--The advisory committee shall provide guidance, advice and recommendations to the department on the establishment and implementation of the enhanced vehicle emission inspection program. Any request for proposal for contracted services issued by the department regarding the enhanced vehicle emission inspection program shall not be subject to review by the committee.

**(d) Review of regulations.**--The department simultaneously shall submit for review prior to adoption final enhanced emission inspection program regulations to the advisory committee and to the Attorney General. The advisory committee and the Attorney General shall have 30 days to review and comment on regulations submitted for review, and the advisory committee shall forward its comments to the secretary, to the designated standing committees and to the Independent Regulatory Review Commission. Attorney General review of enhanced emission inspection regulations shall occur concurrently with the review of the advisory committee. Review by the Attorney General shall be limited to form and legality. If the Attorney General determines that a rule or regulation is improper in form or legality, its determination shall be transmitted to the department and not otherwise subject to the provisions of section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act. An enhanced emission inspection rule or regulation which has been further amended as a consequence of a comment by the advisory committee or a determination of illegality by the Attorney General shall be resubmitted simultaneously to the advisory committee and to the Attorney General. The advisory committee and the Attorney General shall have ten days to review and comment. If the Attorney General continues its objections and the department disagrees, the department may promulgate the rule or regulations with or without revision and shall publish with it a copy of the Attorney General's objections. Upon completion of review of enhanced emission inspection regulations by the advisory committee and the Attorney General, the regulations shall be submitted to the designated standing committees and the Independent Regulatory Review Commission for review consistent with the act of June 30, 1989 (P.L.73, No.19), entitled "An act reenacting and amending the act of June 25, 1982 (P.L.633, No.181), entitled, as reenacted and amended, 'An act providing for independent oversight and review of regulations, creating an Independent Regulatory Review Commission, providing for its

powers and duties and making repeals,' further providing for the membership of the Independent Regulatory Review Commission and for the procedure for regulatory review; changing the termination date for the commission; and making repeals."

**(e) Meetings.**--The advisory committee shall meet at the call of the chairman, but not less than semiannually, to carry out its duties. The committee shall select a chairman and such other officers as it deems appropriate.

**(f) Additional members.**--The secretary may appoint additional members of the advisory committee on a temporary or permanent basis to advise the department on particular issues.

**(g) Sunset date.**--The advisory committee established under this section shall sunset on December 31, 1996. (Dec. 16, 1992, P.L.1250, No.166, eff. imd.)

**1992 Amendment.** Act 166 added section 4710.

**References in Text.** The Secretary of Environmental Resources, referred to in subsec. (b), was abolished by Act 18 of 1995. The functions of the secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection. The Secretary of Commerce, referred to in subsec. (b)(4), was renamed the Secretary of Community and Economic Development by Act 58 of 1996.

## **SUBCHAPTER B**

### **OFFICIAL INSPECTION STATIONS**

#### **Sec.**

- 4721. Appointment of official inspection stations.
- 4722. Certificate of appointment.
- 4723. Certificate of appointment for inspecting fleet vehicles.
- 4723.1. Certificate of appointment for enhanced vehicle safety inspection for reconstructed vehicle, modified or specially constructed inspection stations.
- 4724. Suspension of certificates of appointment.
- 4725. Use of certificate of appointment at official inspection stations.
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- 4727. Issuance of certificate of inspection.
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- 4731. Records of inspections and certificates issued.
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- 4733. Prohibited provision.

#### **§ 4721. Appointment of official inspection stations.**

For the purpose of establishing a system of official inspection stations, the department shall issue certificates of appointment to privately owned facilities within this Commonwealth that comply with the requirements of this chapter and regulations adopted by the department. The department shall issue instructions and all necessary forms to such facilities. Official inspection stations are authorized to inspect vehicles

and mass transit vehicles and issue official certificates of inspection.

(June 18, 1980, P.L.223, No.67, eff. imd.)

**§ 4722. Certificate of appointment.**

(a) **Application and issuance.**--Application for a certificate of appointment shall be made upon an official form. The certificate of appointment shall be issued only when the department is satisfied that the station is equipped properly and has competent personnel to make inspections and adjustments and that inspections will be conducted properly. Only those stations fulfilling department requirements and complying with department regulations shall be issued a certificate of appointment.

(b) **Separate application for each place of business.**--If the applicant has or intends to have more than one place of business within this Commonwealth, a separate application shall be made for each place of business.

(c) **Bond or proof of insurance.**--Before issuing a certificate of appointment the department shall require a bond or proof of insurance to provide compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of the applicant or its employees in such amount as is deemed adequate by the department pursuant to department regulations.

(d) **Waiver.**--The department shall promulgate regulations to provide a waiver of the 40-hour requirement that an inspection station must be open for business.

The regulations shall establish the minimum requirements to be eligible for the waiver and shall require, at a minimum, that the inspection station be open for business at least ten business hours during the normal workweek (Monday through Friday) between 7 a.m. and 8 p.m.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

**2002 Amendment.** Act 152 added subsec. (d). See section 24 of Act 152 in the appendix to this title for special provisions relating to waiver of hour requirements for official inspection stations.

**§ 4723. Certificate of appointment for inspecting fleet vehicles.**

The department may issue a certificate of appointment under the provisions of this chapter to any person who owns or leases 15 or more vehicles or mass transit vehicles and who meets the requirements of this chapter and regulations adopted by the department. The certificate of appointment may authorize inspection of only those vehicles or mass transit vehicles owned or leased by such person.

(June 18, 1980, P.L.223, No.67, eff. imd.)

**§ 4723.1. Certificate of appointment for enhanced vehicle safety inspection for reconstructed vehicle, modified or specially constructed inspection stations.**

The department shall issue a certificate of appointment for enhanced vehicle safety inspection for reconstructed vehicle, modified or specially constructed inspection stations.

(Dec. 1, 2004, P.L.1767, No.228, eff. Jan. 1, 2007)

**2004 Amendment.** Act 228 added section 4723.1.

**§ 4724. Suspension of certificates of appointment.**

**(a) General rule.**--The department shall supervise and inspect official inspection stations and may suspend the certificate of appointment issued to a station which it finds is not properly equipped or conducted or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. The department shall maintain a list of all stations holding certificates of appointment and of those whose certificates of appointment have been suspended. Any suspended certificate of appointment and all unused certificates of inspection shall be returned immediately to the department.

**(b) Judicial review.**--Any person whose certificate of appointment has been denied or suspended under this chapter shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The court shall set the matter for hearing upon 60 days' written notice to the department and take testimony and examine into the facts of the case and determine whether the petitioner is entitled to a certificate of appointment or is subject to suspension of the certificate of appointment under the provisions of this chapter.

**(c) Limitation.**--The department prior to suspending a certificate of appointment of an official inspection station on the grounds of careless recordkeeping or the court on appeal from a suspension may consider the volume of inspections conducted by the inspection station and provide to the owner or operator of the inspection station the opportunity to correct any inaccurate records.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; June 18, 1980, P.L.229, No.68, eff. 60 days; July 4, 2002, P.L.692, No.105, eff. 60 days)

**Cross References.** Section 4724 is referred to in section 933 of Title 42 (Judiciary and Judicial Procedure).

**§ 4725. Use of certificate of appointment at official inspection stations.**

**(a) General rule.**--No person shall in any manner represent any place as an official inspection station unless the station is operating under a valid certificate of appointment issued by the department.

**(b) Transfer, use and posting.**--No certificate of appointment for any official inspection station shall be assigned or transferred or used at any location other than the one designated in the certificate. The certificate of appointment shall be posted in a conspicuous place at such location.

**(c) Penalty.**--Any person violating this section is guilty of a summary offense punishable:

- (1) For a first offense, by a fine of \$100.
- (2) For a subsequent offense, by a fine of not less than \$200 nor more than \$500 or imprisonment for not more than 90

days, or both.

**§ 4726. Certification of mechanics.**

**(a) General rule.**--No mechanic shall conduct motor vehicle inspections or mass transit vehicle inspections at an official inspection station unless certified as to training, qualifications and competence by the department or the department's designate according to department regulations. The regulations relating to mass transit vehicle inspections shall require that any mechanic conducting such inspections shall possess proven competence in the area of mass transit vehicle operation and maintenance. The provisions of this title or regulations adopted thereunder shall not be construed or applied in a manner which would preclude or impair the right of a person who is a resident of another state, and who is in possession of a valid driver's license issued by such state, to be certified to conduct motor vehicle inspections or mass transit vehicle inspections at an official inspection station in this Commonwealth. A certified official inspection mechanic performing a road test on a vehicle for the purpose of conducting a motor vehicle inspection is not required to hold a commercial driver's license if the entire road test is performed on private property, provided the mechanic holds a valid Class C driver's license and the road test area is of adequate space and size to perform a complete and proper road test as specified in department regulations. No official inspection station appointment shall be issued or renewed unless a certified official inspection mechanic is employed there.

**(b) Supervision and suspension.**--The department shall supervise mechanics certified under this section and may suspend the certification issued to a mechanic if it finds that the mechanic has improperly conducted inspections or has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. The department shall maintain a list of all certified mechanics and of those whose certification has been suspended. Any suspended certificate shall be returned immediately to the department.

**(c) Judicial review.**--Any mechanic whose certificate has been denied or suspended under this chapter shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The court shall set the matter for hearing upon 60 days' written notice to the department and take testimony and examine into the facts of the case and determine whether the petitioner is entitled to certification or is subject to suspension of the certification under the provisions of this chapter.

(June 18, 1980, P.L.223, No.67, eff. imd.; June 18, 1980, P.L.229, No.68, eff. 60 days; May 26, 1982, P.L.435, No.129, eff. imd.; June 28, 1993, P.L.137, No.33, eff. 60 days; July 2, 1993, P.L.408, No.58, eff. imd.)

**1993 Amendments.** Act 33 amended subsec. (a) and Act 58 amended subsec. (a). The amendments by Acts 33 and 58 are identical and therefore have been merged.

**1980 Amendments.** Act 68 overlooked the amendment by Act 67,

but the amendments do not conflict in substance and have both been given effect in setting forth the text of section 4726.

**§ 4727. Issuance of certificate of inspection.**

**(a) Requirements prior to inspection.**--No vehicle, except a vehicle held by a dealer or manufacturer for which titling is not required or a mass transit vehicle for which titling is not required, shall be inspected unless it is duly registered or titled in this Commonwealth or in any other jurisdiction. The certified inspection mechanic shall examine the registration card, title or other document as specified in department regulations in order to ascertain that the vehicle is registered or titled or that an application for title has been submitted by the vehicle owner.

**(b) Requirements for issuance of certificate.**--An official certificate of inspection shall not be issued unless the vehicle or mass transit vehicle is inspected and found to be in compliance with the provisions of this chapter including any regulations promulgated by the department. Notation of the odometer reading shall be included on any certificate of inspection or other document as specified in department regulations.

**(c) Unsafe school buses.**--School buses found to be unsafe and placed out of service by an enforcement agency shall be reported by the enforcement agency to the school authorities.

**(d) Proof of insurance.**--

(1) No certificate of inspection shall be issued unless proof of financial responsibility is submitted to the inspection official, who shall, on the official State Inspection record provided by the department, record the name of the insured, the vehicle tag number, the issuing company, the policy number and the expiration date. The requirement that the inspection official record financial responsibility information shall not be construed to require the inspection official to verify the information submitted.

(2) In those cases where the insured fails to present proof of financial responsibility to the inspection official, the inspection official, in addition to denying a certificate of inspection, may provide notification to the department, on the form provided by the department, within 30 days of the insured's failure to present proof of financial responsibility. Failure of the inspection official to make notification under this subsection shall not impose any duty or liability on the mechanic or station owner.

(3) Financial responsibility may be proven by showing one of the following documents:

- (i) An identification card as required by regulations promulgated by the Insurance Department.
- (ii) The declaration page of an insurance policy.
- (iii) A certificate of financial responsibility.
- (iv) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in Pennsylvania.

(v) A legible photocopy, facsimile or printout of an electronic transmission of a document listed in subparagraphs (i) through (iv), provided the certified

inspection mechanic receives the photocopy, facsimile or printout directly from a licensed insurance company or licensed insurance agency. The certified inspection mechanic shall not accept a photocopy, facsimile or printout unless it is provided on the letterhead of the licensed insurance company or licensed insurance agency, or is provided with a letter written upon the company's or agency's letterhead, which specifically references the document provided as proof of financial responsibility by describing the insured's name and address and the make, model and vehicle identification number of the insured vehicle.

(4) If handwritten proof of financial responsibility is acceptable proof of insurance in the state where the vehicle is registered, the certified inspection mechanic may accept such handwritten proof, provided the certified inspection mechanic receives written confirmation from the applicable state, insurance company or insurance agency that handwritten proof is acceptable in that state. This paragraph is applicable only to vehicles registered in a state other than this Commonwealth.

**(e) Penalty.**--An inspection official who fails to complete the official State Inspection record under subsection (d) or who issues a certificate of inspection with reason to know that there has been a violation of section 7122(4) (relating to altered, forged or counterfeit documents and plates) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. This subsection does not impose vicarious liability upon the station owner. The criminal liability of the station owner is dependent upon actual commission of the offense or upon solicitation, attempt or conspiracy to commit the offense.

(June 18, 1980, P.L.223, No.67, eff. imd.; June 18, 1980, P.L.229, No.68, eff. 60 days; May 26, 1982, P.L.435, No.129, eff. imd.; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990; June 30, 1990, P.L.266, No.63, eff. imd.; July 11, 1996, P.L.660, No.115, eff. 60 days)

**1996 Amendment.** Act 115 amended subsec. (d).

**1990 Amendments.** Act 6 added subsec. (d) and Act 63 amended subsec. (d) and added subsec. (e).

**§ 4728. Display of certificate of inspection.**

The appropriate certificate of inspection shall be affixed to the vehicle or mass transit vehicle as specified in regulations adopted by the department.

(June 18, 1980, P.L.223, No.67, eff. imd.)

**§ 4729. Removal of certificate of inspection.**

No certificate of inspection shall be removed from a vehicle or a mass transit vehicle for which the certificate was issued except to replace it with a new certificate of inspection issued in accordance with the provisions of this chapter or as follows:

(1) The police officer may remove a certificate of inspection in accordance with the provisions of section 4703(f) (relating to operation of vehicle without official certificate of inspection).

(2) A person replacing a windshield or repairing a windshield in such a manner as to require removal of a certificate of inspection shall at the option of the registrant of the vehicle or the owner of a mass transit vehicle cut out the portion of the windshield containing the certificate and deliver it to the registrant of the vehicle or the owner of the mass transit vehicle or destroy the certificate. The vehicle or the mass transit vehicle may be driven for up to five days if it displays the portion of the old windshield containing the certificate as prescribed in department regulations. Within the five day period an official inspection station may affix to the vehicle or mass transit vehicle another certificate of inspection for the same inspection period without reinspecting the vehicle or mass transit vehicle in exchange for the portion of the old windshield containing the certificate of inspection. A fee of no more than \$2 plus the fee paid to the department may be charged for exchanging the certificate of inspection.

(3) A salvor shall remove and destroy the current certificate of inspection on every vehicle processed as abandoned in the salvor's possession except vehicles owned by the salvor or used in the operation of the business of the salvor.

(4) Every applicant for a certificate of salvage or nonrepairable certificate pursuant to Subchapter D of Chapter 11 (relating to salvage vehicles, theft vehicles, reconstructed vehicles and flood vehicles) shall remove and destroy the current certificate of inspection.

(5) For the purposes of administering the requirements of regulations promulgated by the department, a qualified Commonwealth employee or an authorized department representative may remove an unauthorized, expired or unlawfully issued certificate of inspection or a certificate of inspection issued for a covert audit.

(June 18, 1980, P.L.223, No.67, eff. imd.; May 26, 1982, P.L.435, No.129, eff. imd.; Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152)

**2002 Amendment.** Act 152 amended the entire section, effective immediately as to par. (5) and 60 days as to the remainder of the section.

**§ 4730. Violations of use of certificate of inspection.**

**(a) General rule.**--No person shall:

(1) make, issue, transfer or possess any imitation or counterfeit of an official certificate of inspection; or

(2) display or cause to be displayed on any vehicle or mass transit vehicle or have in possession any certificate of inspection knowing the same to be fictitious or stolen or issued for another vehicle or issued without an inspection having been made.

**(b) Unauthorized use by official inspection station.**--No official inspection station shall furnish, loan, give or sell certificates of inspection and approval to any other official inspection station or any other person except upon an inspection made in accordance with the requirements of this chapter.

**(c) Penalty.**--A violation of the provisions of this section constitutes a summary offense punishable:

(1) For a first offense, by a fine of \$100.

(2) For a subsequent offense, by a fine of not less than \$200 nor more than \$500 or imprisonment for not more than 90 days, or both.

(June 18, 1980, P.L.223, No.67, eff. imd.)

**1980 Amendment.** Act 67 amended subsec. (a).

**§ 4731. Records of inspections and certificates issued.**

A record shall be made of every inspection and every certificate issued and the record shall be forwarded to the department in the manner and at the time the department shall specify by regulation. An official inspection station and its records shall be open for inspection by any police officer, authorized department employee or any designee of the department.

(Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

**§ 4732. Inspection Advisory Board.**

**(a) Membership.**--There shall be an Inspection Advisory Board consisting of 11 members appointed by the secretary. The board shall be composed of an authorized representative of the department and of the Pennsylvania State Police and representatives of the automotive industry and the public, as follows: 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 operator and two members of the general public who are licensed drivers.

**(b) Duties.**--The board shall advise the department and review regulations proposed by the department concerning inspection requirements and operation of official inspection stations.

**§ 4733. Prohibited provision.**

**(a) General rule.**--It shall be unlawful for any agreement to contain a provision requiring the operation of a retail motor vehicle fuel station during those hours that are proven by a retail motor vehicle fuel station owner or operator to be unprofitable to such owner or operator.

**(b) Definitions.**--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**"Agreement."** A contract or lease, or combination of both, or other terminology used to describe a contractual relationship between any or all of the following parties: a refiner, a distributor and a retail motor vehicle fuel station owner or operator.

**"Distributor."** A person who purchases motor vehicle fuel from a refiner for the purpose of resale to a retail motor vehicle fuel station.

**"Refiner."** A manufacturer of motor vehicle fuel.

**"Retail motor vehicle fuel station."** A place of business where motor vehicle fuel is sold and dispensed into the tanks of motor vehicles, either by means of a self-service or full-service pump.

(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

**1992 Amendment.** Act 174 added section 4733.