

No. 1983-3

AN ACT

SB 1

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for expenditures for the motor vehicle emission inspection program; establishing a credit program for certain inspection fees; further providing for certain bonding requirements; providing a penalty; establishing a new program for monitoring vehicle emission and vehicle safety inspections; and making a repeal.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

§ 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 such 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.

(c) Certificate of emission inspection.—

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

(i) the motor vehicle has passed an inspection or a reinspection performed by the inspection station; or

(ii) all required emission control devices are installed and the motor vehicle has qualified for and has received a low-emission tune-up as provided in paragraphs (2), (3) and (5) after failing an inspection performed by the inspection station within the past 90 days.

(2) When the cost of necessary repairs, as documented by a written estimate, would exceed the total cost limitation, as provided in paragraph (5), the owner may, instead of performing or obtaining necessary repairs, obtain a low-emission tune-up. For the purpose of determining qualification for a low-emission tune-up, 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 paragraphs (6) and (7).

(3) A low-emission tune-up shall consist of four engine checks and necessary adjustments and shall be performed in the following manner:

(i) If the motor vehicle is equipped with a breaker point ignition system, the mechanic shall check and, if necessary, adjust the distributor point dwell to the manufacturer's specifications.

(ii) If the motor vehicle is equipped with a distributor which provides for timing adjustment, the mechanic shall check and, if necessary, adjust the ignition timing according to the manufacturer's specifications.

(iii) If the motor vehicle is equipped with a carburetor which provides for idle and air/fuel mixture adjustments, the mechanic shall then adjust the idle and air/fuel mixture according to the recommended procedures of the motor vehicle manufacturer.

(iv) If the motor vehicle is equipped with a carburetor which provides for idle speed adjustment, the mechanic shall check and, if necessary, adjust the idle RPM to the specifications of the motor vehicle manufacturer. If a substantial idle speed adjustment is necessary, the mechanic shall recheck the initial timing.

(v) If none of the checks or adjustments set forth in this paragraph can be performed on a motor vehicle or are found to be ineffective, a low-emission tune-up shall also include checking and, if necessary, repairing or replacing the vacuum lines and electrical wires related to the emission control system and checking and, if necessary, replacing or repairing the air filter, positive crankcase ventilation valve or any spark-plugs if found defective.

(4) The department by regulation shall establish standard time allowances needed to perform the low-emission tune-up.

(5) The total cost limitation is \$50 for 1974 and newer model year vehicles and \$25 for pre-1974 model year vehicles.

(6) Any expenses incurred in the repair of emission control devices found to be tampered with or rendered inoperative through intervention by the vehicle owner or someone acting on his behalf or which are not installed shall not be included in the total cost limitation of this paragraph.

(7) The costs mandated by this subsection do not include any costs recoverable under an emission warranty.

(d) Charge for inspection.—Whenever a system for the periodic inspection of emissions or emission systems is established as authorized in subsection (b), the maximum charge for such inspection shall be \$5. No additional charge shall be made by the inspecting station for one necessary reinspection within 30 days of the original inspection.

(e) Coordination with safety inspections.—Whenever a system for the periodic inspection of emissions or emission systems is established as authorized in subsection (b), such inspection of emissions or emission systems shall be coordinated with the vehicle safety inspections required by section 4702 (relating to requirement for periodic inspection of vehicles) and shall be

obtained during the period in which a vehicle is required to obtain the safety inspection.

(f) Credit.—

(1) Once each calendar year, every qualified person or persons who owns a vehicle which undergoes an emission inspection required pursuant to this section shall be eligible to claim a credit in the amount of \$19 against the annual registration fee for the vehicle as provided in Chapter 19 (relating to fees) or the processing fee in section 1901(c)(16) and (17) (relating to exemption of entities and vehicles from fees). The credit shall be available only for one vehicle for each qualified person.

(2) In order to claim a credit, a qualified person shall subtract the amount of the credit from the annual fee for registration of the vehicle as provided in Chapter 19 or the processing fee as provided in section 1901(c)(16) and (17) except that the credit shall not reduce the amount of annual registration fee or processing fee due to less than \$5. The person may only claim the credit one time in any calendar year and shall claim it within 12 months of the date of the inspection.

(3) Any qualified person who shall claim a credit under this subsection is deemed to have granted his or her consent for the department to have access, pursuant to procedures established by the Department of Revenue and the Department of Transportation, to relevant personal income tax returns. Notwithstanding any other provision of law to the contrary, the Department of Revenue shall provide such information relating to the returns of qualified persons claiming the credit as the Secretary of Transportation shall require to confirm eligibility for the credit.

(4) Any person who fraudulently claims or attempts to claim the credit as authorized herein commits a misdemeanor of the second degree and shall in addition to any fines and imprisonment be ordered to make restitution to the Commonwealth.

(5) The provisions of this subsection shall expire two years from the date that the Secretary of Transportation certifies that the motor vehicle emission inspection program has been implemented.

(g) Regulations.—The department shall promulgate such regulations as may be necessary to implement this section.

(h) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Dependent.” A natural person who derives more than one-half of his total support during the entire taxable year from another individual. Any individual who shall be a dependent shall not be eligible to claim the credit authorized by subsection (f).

“Qualified person or persons.” A natural person or persons who is an unmarried individual or surviving spouse who is not a dependent of another individual with income as defined in section 301 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, for the prior calendar year not exceeding \$9,000; or who are a husband and wife filing the personal income tax return separately or jointly with a combined income as defined in section 301 of the Tax Reform Code of 1971, for the prior calendar year not exceeding \$9,000.

§ 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.

Section 2. Whenever any geographical area where periodic inspection of emissions or emission systems of motor vehicles is required under 75 Pa.C.S. § 4706 (relating to prohibition on expenditures for emission inspection program) comes into compliance with the State implementation plan under the Federal Clean Air Act, the implementation of a vehicle emission inspection program shall not be required in that geographical area, nor shall any vehicle emission inspection program as authorized under section 4706 be established or administered in any county of the fifth, sixth, seventh or eighth class or any other area for which such program is not required under the State implementation plan or revisions thereto approved by the Environmental Protection Agency under the Federal Clean Air Act.

Section 3. The Secretary of Transportation and the Secretary of Environmental Resources shall create and maintain a program for the purpose of monitoring and assessing, on behalf of the citizens of the Commonwealth, the implementation of the vehicle emission program as called for by 42 U.S.C. § 1857 et seq. and any amendments thereto and any regulations, guidelines and court orders promulgated under the authority of this Federal act, for the purpose of determining the adequacy, effectiveness and relative accuracy of existing or proposed technologies and methodologies intended to measure or analyze air quality for the purpose of determining levels of attainment or nonattainment with the Federal law, and when appropriate, shall seek relief in part or in whole from the requirement to continue to implement vehicle emissions inspection. The Secretary of Transportation and the Secretary of Environmental Resources will report to the General Assembly on this matter at least once a year by December 15 of each year.

Section 4. No bond shall be required pursuant to the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, or any other law for contracts in an amount of \$25,000 or less between a prime contractor and the Department of Transportation for construction, reconstruction, alteration, repair or maintenance of highways.

Section 5. If any provision of this amendatory act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction or disapproved by a court of the United States, such invalidity or disapproval shall not affect other provisions or applications of the act which can be given effect without the invalid or disapproved provision or application, and to this end the provisions of this act are declared to be severable.

Section 6. (a) Section 2013 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.

(b) Any regulations issued by the department heretofore relating to motor vehicle emission inspections which are inconsistent with the provisions

of this act or any order of a court of the United States are hereby rescinded to the extent of the inconsistency.

Section 7. This act shall take effect immediately except that the provisions of 75 Pa.C.S. § 4706(c) (relating to certificate of emission inspection) shall take effect upon the certification of the Secretary of Transportation that the provisions of section 4706(c) have been approved or have not been disapproved by the Environmental Protection Agency of the United States or the courts of the United States, and except that the provisions of 75 Pa.C.S. § 4706(d) (relating to charge for inspection) shall take effect upon the certification of the Secretary of Transportation that the provisions of section 4706(d) have been approved or have not been disapproved by the courts of the United States.

APPROVED—The 4th day of May, A. D. 1983.

DICK THORNBURGH