

No. 1980-67

AN ACT

SB 508

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the inspection of vehicles and mass transit vehicles and legislative approval of regulations relating to inspections.

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

Section 1. Section 102 of Title 75, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended by adding a definition to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

“Mass transit vehicle.” A self-propelled or electrically propelled device designed for carrying 15 or more passengers exclusive of the driver, other than a taxicab, designed and used for the transportation of persons for compensation, including but not limited to subway cars, buses, trolleys and trackless trolleys but excluding railroad passenger cars.

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Section 2. Sections 4701, 4702(a), 4703, 4704, 4721, 4723, 4726, 4727, 4728, 4729, 4730(a) and 6103 of Title 75 are amended to read:

§ 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.

§ 4702. Requirement for periodic inspection of vehicles.

(a) General rule.—The department shall establish a system of semiannual inspection of vehicles registered in this Commonwealth *and mass transit vehicles operated in this Commonwealth.*

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

(a) General rule.—No [registered] motor vehicle *required to bear current Pennsylvania registration plates* shall be driven and no [registered] trailer *required to bear current Pennsylvania registration plates* shall be moved on a highway *and no mass transit vehicle shall be operated* unless the vehicle displays a currently valid certificate of inspection [and approval].

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

- (1) Special mobile equipment.
- (2) Implements of husbandry.
- (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.*
- (6) *Motorized pedalcycles.*
- (7) *Vehicles being repossessed by a financier or collector-repossessor through the use of 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.*

(c) *Inspection of vehicles reentering this Commonwealth.—Vehicles subject to inspection 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 be inspected within five days of reentering this Commonwealth.*

(d) *Newly-purchased vehicles.—Newly-purchased vehicles may be driven without being inspected for five days after purchase or entry into this Commonwealth, whichever occurs later.*

[(c)] (e) Display of unauthorized certificate of inspection.—No certificate of inspection [and approval] 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.

[(d)] (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 [and approval] 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*.

(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.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of up to \$25.*

§ 4704. Notice by police officers of violation.

(a) General rule.—Any police officer having probable cause to believe that any vehicle *or mass transit vehicle*, regardless of whether it is being operated, is unsafe or not equipped as required by law may at any time submit a written notice of the condition to the driver of the vehicle *or the mass transit vehicle* or to the owner, or if neither 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) If an item of equipment is broken or missing, the notice shall specify the particulars of the condition and require that the equipment be adjusted or repaired. Within five days evidence must be submitted to the police that the requirements for repair have been satisfied.

(2) If the police officer has probable cause to believe that a vehicle *or mass transit vehicle* is unsafe or not in proper repair, he may require in the written notice that the car *or mass transit vehicle* be inspected. The owner or driver shall submit to the police within five days of the date of notification certification from an official inspection station that the vehicle *or the mass transit vehicle* has been restored to safe operating condition in relation to the particulars specified on the notice.

(3) After the expiration of the five-day period specified in paragraphs (1) and (2), 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 evidence of compliance with the requirements of paragraph (1) or (2), whichever is applicable.

(b) Operation prohibited if hazardous.—In the event a vehicle *or a mass transit vehicle*, in the reasonable judgment of the officer, is in such condition that further operation would be hazardous, the officer may require that the vehicle *or the mass transit vehicle* not be operated under its own power and may so stipulate in the notice given under subsection (a).

§ 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.

§ 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.

§ 4726. Certification of mechanics.

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 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. No official inspection station appointment shall be issued or renewed unless a certified official inspection mechanic is there employed.

§ 4727. Issuance of certificate of inspection.

(a) Requirements prior to inspection.—No vehicle, *except a mass transit vehicle for which registration is not required*, shall be inspected unless it is duly registered. The owner or operator or an employee of the official inspection station shall examine the registration card in order to ascertain that the vehicle is registered.

(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 the certificate of inspection.

§ 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.

§ 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[(d)] (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 \$1 may be charged for the exchanged certificate of inspection.

(3) A salvor shall remove and destroy the certificate of inspection on every vehicle *or mass transit vehicle* in his possession except vehicles used in the operation of the business of the salvor.

§ 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.

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§ 6103. Promulgation of rules and regulations by department.

(a) *General rule.*—In addition to the specific powers granted to the department by this title to promulgate rules and regulations, the department shall have the power in accordance with the provisions of the act of July 31, 1968 (P.L.769, No.240), [known as the “Commonwealth Documents Law,”] *referred to as the Commonwealth Documents Law*, to promulgate, consistent with and in furtherance of this title, rules and regulations in accordance with which the department shall carry out its responsibilities and duties under this title.

(b) *Legislative approval of mass transit inspection regulations.*—*A copy of every rule or regulation or amendment to a rule or regulation relating to the inspection of mass transit vehicles shall before adoption be forwarded to the Speaker of the House of Representatives and to the President pro tempore of the Senate for referral to and review by the appropriate standing committee of the House of Representatives and of the Senate as determined by the respective presiding officer. The standing committee shall, within 60 days from the receipt of such rule, regulation or amendment, approve or recommend disapproval to the House of Representatives or the Senate of any such rule, regulation or amendment. Failure of the standing committee to recommend disapproval and of the House of Representatives and Senate to disapprove any rule, regulation or amendment within the 60 days from the receipt thereof shall constitute approval thereof. If the standing committees of both the Senate and the House of Representatives recommend disapproval and the House of Representatives and the Senate disapprove any rule, regulation or amendment, the department shall not adopt the rule, regulation or amendment and it shall not be*

again offered for one year. Each committee shall immediately notify, in writing, the other committee and the department of any action taken pursuant to this subsection. Only in the absence of a disapproval shall the department proceed with the adoption of the rule, regulation or amendment in accordance with section 202 of the Commonwealth Documents Law.

Section 3. (a) The Pennsylvania State Police and the Department of Transportation in consultation with mass transit operators shall submit the regulations required by this act to the General Assembly within 60 calendar days of the effective date of this act and on the same day shall arrange for such regulations to be published in the Pennsylvania Bulletin. The regulations shall be effective subsequent to publication in the Pennsylvania Bulletin as provided by law.

(b) The Pennsylvania State Police in consultation with the Department of Transportation shall develop and present to the General Assembly within 30 calendar days of the effective date of this act, a vehicle inspection plan designed to resolve the presently existing deficiencies in the vehicle inspection program of any authority created pursuant to the act of August 14, 1963 (P.L.984, No.450), known as the "Metropolitan Transportation Authorities Act of 1963." The plan shall include the designation of State Police personnel on a permanent basis to supervise the vehicle inspection plan of such authority. Such plan shall be implemented by the Pennsylvania State Police within 60 days of the effective date of this act.

Section 4. This act shall take effect immediately.

APPROVED—The 18th day of June, A. D. 1980.

DICK THORNBURGH