

No. 1982-129

AN ACT

HB 562

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration and inspection of vehicles and the appointment and certification of inspection stations and mechanics.

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

Section 1. The introductory paragraph of section 1306 of Title 75, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended to read:

§ 1306. Grounds for refusing registration.

The department shall refuse registration **[and] or renewal or** transfer of registration when any of the following circumstances exists:

\* \* \*

Section 2. Sections 1307(a) and (c), 1309 and 1373(5) of Title 75 are amended to read:

§ 1307. Period of registration.

(a) Staggered renewal system to be established.—The department shall establish a system of staggered registration renewal in a manner that **[some] an approximately equal number of** registrations will expire every month throughout the year. ***This system shall be coordinated with the periodic inspection of all vehicles which are subject to annual inspection except those vehicles bearing dealer registration plates.*** In order to implement and maintain the staggered registration system, the department may prorate annual registration fees over registration periods of from 6 to 18 months.

\* \* \*

(c) Renewal of registration.—A renewed registration shall be effective on issuance by the department of a renewed registration card **[except that the department, by regulation, may establish a renewal system coordinated with the periodic inspection of vehicles as provided in section 4702 (relating to requirement for periodic inspection of vehicles)].**

\* \* \*

§ 1309. Renewal of registration.

**[Prior] At least 60 days prior** to the expiration of each registration, the department shall send to the registrant an application for renewal of registration. Upon return of the application, accompanied by proof of insurance and the applicable fee **or fees**, the department shall send to the registrant a renewed registration card. Failure to receive a renewal application shall not relieve a registrant from the responsibility to renew the registration.

§ 1373. Suspension of registration.

The department may suspend any registration after providing opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

\* \* \*

(5) The required [~~fee has~~] *fees have* not been paid.

\* \* \*

Section 3. Section 1958 of Title 75 is amended to read:

§ 1958. Certificate of inspection.

The department shall charge ~~[\$1] \$2~~ for each *annual* certificate of inspection *and \$1 for each semiannual certificate of inspection*.

Section 4. Section 4702 of Title 75, subsection (b.1) added July 10, 1981 (P.L.250, No.82), is amended to read:

§ 4702. Requirement for periodic inspection of vehicles.

(a) [~~General rule.—The~~] *Annual inspection.—Except as provided in subsection (b), the department shall establish a system of [semiannual] annual inspection of vehicles [registered in this Commonwealth and mass transit vehicles operated in this Commonwealth] including emergency vehicles and private noncommercial vehicles used to transport students.*

(b) [~~Annual~~] *Semiannual inspection of certain vehicles.—[Recreational trailers, vehicles registered as antique and classic vehicles, fire-fighting vehicles and motorcycles shall be subject to annual inspection.] School buses, passenger vans under contract with or owned by a school district or private or parochial school, including vehicles having chartered, group and party rights under the Public Utility Commission and used to transport school students, 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, trailers having a registered gross weight in excess of 10,000 pounds, mass transit vehicles and motor carrier vehicles shall be subject to semiannual inspection.*

[(b.1)] (c) 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.

[(c)] *Inspection of vehicles reentering this Commonwealth.—Owners of Pennsylvania registered vehicles which have been outside of 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 and approval shall, within five days of reentering this Commonwealth, proceed to an official inspection station for an inspection of the vehicle.]*

(d) Extension of inspection period.—The department may, by regulation, 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.

Section 5. Title 75 is amended by adding a section to read:

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

*An inspection conducted pursuant to section 4702(a) (relating to annual inspection) 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.*

Section 6. Section 4703(b), (c) and (d) of Title 75, paragraph (9) of subsection (b) added March 7, 1982 (P.L.152, No.49), are amended to read:

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

\* \* \*

(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.
- (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) Antique vehicles.**

(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 [within five] until ten days [of] after* 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.]~~

*(1) Except as provided in paragraph (2), vehicles shall be inspected within ten days of sale or resale or three days of entry into this Commonwealth, whichever occurs later. The inspection shall be coordinated with the staggered registration system regardless of the date of any previous inspection in this or any other jurisdiction.*

*(2) Vehicles subject to semiannual inspection and mass transit vehicles which display currently valid official certificates of inspection are exempt from the provisions of paragraph (1).*

*(3) A vehicle held by a dealer or manufacturer and operated with a registration plate issued under section 1335 (relating to registration plates for manufacturers and dealers) and operated or used under the provisions of section 1336(a)(4), (5) or (7) (relating to use of dealer registration plates) is exempt from the provisions of paragraph (1).*

\* \* \*

Section 7. Section 4726(a) of Title 75 is amended to read:

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

\* \* \*

Section 8. Section 4727 of Title 75 is amended to read:

§ 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 **[registration] titling** is not required **[or except a vehicle owned by a dealer or manufacturer]**, shall be inspected unless it is duly registered or titled in this Commonwealth or in any other jurisdiction. The **[owner or operator or an employee of the official] certified** inspection **[station] mechanic** shall examine the registration card, **[or] 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 **[the] 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.**

Section 9. Section 4729 of Title 75 is amended to read:  
§ 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 **[\$1] \$2 plus the fee paid to the department** may be charged for **[the exchanged] exchanging the** 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.

**(4) Every applicant for a certificate of junk pursuant to section 1117(a) (relating to vehicle destroyed or junked) shall remove and destroy the valid certificate of inspection.**

Section 10. (a) All vehicles subject to annual inspection pursuant to section 4702 (relating to requirement for periodic inspection of vehicles) shall be inspected at least once in the 12 months immediately following the first day of the month following enactment.

(b) During the initial phase-in of the annual inspection program all vehicles shall be subject to a varied inspection interval not to exceed 15 months.

Section 11. (a) The Department of Transportation shall promulgate regulations which will initiate the implementation of this act no later than one year after enactment.

(b) The regulations of the department currently in effect relating to inspections shall continue to be effective until such time as new regulations are adopted to supersede such regulations.

Section 12. Nothing in this amendatory act shall be construed as requiring an automobile emission program.

Section 13. This act shall take effect immediately.

APPROVED—The 26th day of May, A. D. 1982.

DICK THORNBURGH