

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1987** Session of  
1987

INTRODUCED BY SALOOM, HUTCHINSON, PETRARCA, KUKOVICH, VEON,  
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DALEY AND CORRIGAN, NOVEMBER 18, 1987

REFERRED TO COMMITTEE ON TRANSPORTATION, NOVEMBER 18, 1987

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, removing provisions relating to certain vehicle  
3 emission inspection requirements.

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

6 Section 1. Section 4706 of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 4706. Prohibition on expenditures for emission inspection  
9 program.

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

16 [(b) Exception.--The provisions of subsection (a) shall not  
17 apply when the secretary shall certify that such system is

1 required to comply with Federal law and is necessary for the  
2 Commonwealth to receive or avoid the loss of Federal funds in  
3 which case the department may establish and administer such a  
4 system for motor vehicles registered in areas where periodic  
5 inspection of emissions or emission systems of motor vehicles is  
6 required by the Environmental Protection Agency of the United  
7 States or decrees of the courts of the United States.

8 (c) Certificate of emission inspection.--

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

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

15 (ii) all required emission control devices are  
16 installed and the motor vehicle has qualified for and has  
17 received a low-emission tune-up as provided in paragraphs  
18 (2), (3) and (5) after failing an inspection performed by  
19 the inspection station within the past 90 days.

20 (2) When the cost of necessary repairs, as documented by  
21 a written estimate, would exceed the total cost limitation,  
22 as provided in paragraph (5), the owner may, instead of  
23 performing or obtaining necessary repairs, obtain a low-  
24 emission tune-up. For the purpose of determining  
25 qualification for a low-emission tune-up, the cost of  
26 necessary repairs shall not include the costs covered by any  
27 warranty, insurance policy or prepaid maintenance agreement  
28 or the costs as referred to in paragraphs (6) and (7).

29 (3) A low-emission tune-up shall consist of four engine  
30 checks and necessary adjustments and shall be performed in

1 the following manner:

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

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

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

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

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

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

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

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

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

14      (d) Charge for inspection.--Whenever a system for the  
15      periodic inspection of emissions or emission systems is  
16      established as authorized in subsection (b), the maximum charge  
17      for such inspection shall be \$8. No additional charge shall be  
18      made by the inspecting station for one necessary reinspection  
19      within 30 days of the original inspection.

20      (e) Coordination with safety inspections.--Whenever a system  
21      for the periodic inspection of emissions or emission systems is  
22      established as authorized in subsection (b), such inspection of  
23      emissions or emission systems shall be coordinated with the  
24      vehicle safety inspections required by section 4702 (relating to  
25      requirement for periodic inspection of vehicles) and shall be  
26      obtained during the period in which a vehicle is required to  
27      obtain the safety inspection.

28      (f) Credit.--

29          (1) Once each calendar year, every qualified person or  
30      persons who owns a vehicle which undergoes an emission

1 inspection required pursuant to this section shall be  
2 eligible to claim a credit in the amount of \$19 against the  
3 annual registration fee for the vehicle as provided in  
4 Chapter 19 (relating to fees) or the processing fee in  
5 section 1901(c)(16) and (17) (relating to exemption of  
6 entities and vehicles from fees). The credit shall be  
7 available only for one vehicle for each qualified person.

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

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

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

1 Commonwealth.

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

6 (g) Regulations.--The department shall promulgate such  
7 regulations as may be necessary to implement this section but it  
8 shall not promulgate a regulation that would require safety  
9 inspection stations to also perform emission control  
10 inspections.

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

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

18 "Qualified person or persons." A natural person or persons  
19 who is an unmarried individual or surviving spouse who is not a  
20 dependent of another individual with income as defined in  
21 section 301 of the act of March 4, 1971 (P.L.6, No.2), known as  
22 the Tax Reform Code of 1971, for the prior calendar year not  
23 exceeding \$14,999; or who are a husband and wife filing the  
24 personal income tax return separately or jointly with a combined  
25 income as defined in section 301 of the Tax Reform Code of 1971,  
26 for the prior calendar year not exceeding \$14,999.]

27 Section 2. This act shall take effect in 60 days.