

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2696 Session of
2004

INTRODUCED BY REICHLEY, BOYD, CAPPELLI, CRAHALLA, DeLUCA,
HARHART, HENNESSEY, JAMES, MILLARD, PETRARCA, THOMAS, TIGUE,
YOUNGBLOOD AND YUDICHAK, JUNE 14, 2004

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 14, 2004

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for emission inspection stations;
3 and providing for a sales and use tax exclusion for enhanced
4 emissions tests.

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

7 Section 1. Section 4706 of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended by adding subsections to read:

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

11 * * *

12 (b.9) Required certificates and station signs.--

13 (1) After appointment the owner of an emission
14 inspection station shall prominently display the following in
15 an area clearly visible to customers:

16 (i) A certificate of appointment for each type of
17 emission inspection approved for the location.

18 (ii) A sign in English and Spanish clearly stating

1 the fee for inspection. The sign must include the fee for
2 exemption. A separate and lesser fee shall be charged and
3 listed for inspection of a vehicle where an owner is 65
4 years of age or older, and a lesser fee shall be charged
5 and listed for exemption where an owner of a vehicle is
6 65 years of age or older.

7 (iii) The current list of certified emission
8 inspectors.

9 (iv) An approved official emission inspection sign
10 outside of the garage that is clearly visible to the
11 public.

12 (v) An approved sign indicating whether the emission
13 inspection station is able to deliver waivers.

14 (vi) A sign clearly providing the location and
15 telephone number of the quality assurance officer or the
16 Vehicle Inspection Division of the Bureau of Motor
17 Vehicles.

18 (2) Fleet and Commonwealth stations are exempt from
19 paragraph (1)(ii) and (iv).

20 (3) Administrative penalties notwithstanding, a person
21 who fails to display any of the required signs in accordance
22 with paragraph (1)(ii) and (vi) commits a summary offense
23 punishable by a fine of \$150.

24 (4) Failure to post signs as required in paragraph
25 (1)(ii) and (iv) or charging customers fees over and above
26 posted prices for emissions tests under this section
27 constitutes engaging in fraudulent or deceptive conduct to
28 create a likelihood of confusion or of misunderstanding under
29 the act of December 17, 1968 (P.L.1224, No.387), known as the
30 Unfair Trade Practices and Consumer Protection Law. The

1 penalties under the Unfair Trade Practices and Consumer
2 Protection Law shall apply to a violation of this paragraph.

3 * * *

4 (k) Sales and use tax exclusion.--As of January 1, 2005,
5 enhanced emissions tests under this section shall not be subject
6 to the tax imposed under Article II of the act of March 4, 1971
7 (P.L.6, No.2), known as the Tax Reform Code of 1971.

8 Section 2. This act shall take effect in 90 days.