

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 508

Session of
1979

INTRODUCED BY KURY, MARCH 20, 1979

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 4, 1980

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for the inspection of vehicles
3 AND MASS TRANSIT VEHICLES AND LEGISLATIVE APPROVAL OF
4 REGULATIONS RELATING TO INSPECTIONS. <—

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

7 Section 1. Section ~~4703~~ 102 of Title 75, act of November 25, <—
8 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated
9 Statutes, is amended BY ADDING A DEFINITION to read: <—

10 § 102. DEFINITIONS. <—

11 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
12 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
13 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
14 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
15 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

16 * * *

17 "MASS TRANSIT VEHICLE." A SELF-PROPELLED OR ELECTRICALLY
18 PROPELLED DEVICE DESIGNED FOR CARRYING 15 OR MORE PASSENGERS

1 EXCLUSIVE OF THE DRIVER, OTHER THAN A TAXICAB, DESIGNED AND USED
2 FOR THE TRANSPORTATION OF PERSONS FOR COMPENSATION, INCLUDING
3 BUT NOT LIMITED TO SUBWAY CARS, BUSES, TROLLEYS AND TRACKLESS
4 TROLLEYS BUT EXCLUDING RAILROAD PASSENGER CARS.

5 * * *

6 SECTION 2. SECTIONS 4701, 4702(A), 4703, 4704, 4721, 4723,
7 4726, 4727, 4728, 4729, 4730(A) AND 6103 OF TITLE 75 ARE AMENDED
8 TO READ:

9 § 4701. DUTY TO COMPLY WITH INSPECTION LAWS.

10 NO OWNER OR DRIVER SHALL REFUSE TO SUBMIT A VEHICLE OR A MASS
11 TRANSIT VEHICLE TO ANY INSPECTION AND TEST THAT IS AUTHORIZED OR
12 REQUIRED BY THE PROVISIONS OF THIS CHAPTER.

13 § 4702. REQUIREMENT FOR PERIODIC INSPECTION OF VEHICLES.

14 (A) GENERAL RULE.--THE DEPARTMENT SHALL ESTABLISH A SYSTEM
15 OF SEMIANNUAL INSPECTION OF VEHICLES REGISTERED IN THIS
16 COMMONWEALTH AND MASS TRANSIT VEHICLES OPERATED IN THIS
17 COMMONWEALTH.

18 * * *

19 § 4703. Operation of vehicle ~~OR MASS TRANSIT VEHICLE~~ <—

20 without official certificate of inspection.

21 (a) General rule.--No [registered] motor vehicle required to
22 bear current Pennsylvania registration plates shall be driven

23 ~~{and}~~ no [registered] trailer required to bear current <—

24 Pennsylvania registration plates shall be moved on a highway AND <—

25 NO MASS TRANSIT VEHICLE SHALL BE OPERATED unless the vehicle
26 displays a currently valid certificate of inspection [and
27 approval].

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

29 (1) Special mobile equipment.

30 (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 <—

1 inspection [and approval] for the vehicle being operated. A
2 police officer may summarily remove an unauthorized, expired or
3 unlawfully issued certificate of inspection from any vehicle OR <—
4 MASS TRANSIT VEHICLE.

5 (g) Limitation on prosecution.--A motor vehicle, MASS <—
6 TRANSIT VEHICLE OR TRAILER shall be the subject of only one
7 arrest PROSECUTION under subsection (a) in any 24-hour period. <—

8 (h) Penalty.--Any person violating this section is guilty of
9 a summary offense and shall, upon conviction, be sentenced to
10 pay a fine of up to \$25.

11 § 4704. NOTICE BY POLICE OFFICERS OF VIOLATION. <—

12 (A) GENERAL RULE.--ANY POLICE OFFICER HAVING PROBABLE CAUSE
13 TO BELIEVE THAT ANY VEHICLE OR MASS TRANSIT VEHICLE, REGARDLESS
14 OF WHETHER IT IS BEING OPERATED, IS UNSAFE OR NOT EQUIPPED AS
15 REQUIRED BY LAW MAY AT ANY TIME SUBMIT A WRITTEN NOTICE OF THE
16 CONDITION TO THE DRIVER OF THE VEHICLE OR THE MASS TRANSIT
17 VEHICLE OR TO THE OWNER, OR IF NEITHER IS PRESENT, TO AN ADULT
18 OCCUPANT OF THE VEHICLE OR THE MASS TRANSIT VEHICLE, OR IF THE
19 VEHICLE OR THE MASS TRANSIT VEHICLE IS UNOCCUPIED, THE NOTICE
20 SHALL BE ATTACHED TO THE VEHICLE OR THE MASS TRANSIT VEHICLE IN
21 A CONSPICUOUS PLACE.

22 (1) IF AN ITEM OF EQUIPMENT IS BROKEN OR MISSING, THE
23 NOTICE SHALL SPECIFY THE PARTICULARS OF THE CONDITION AND
24 REQUIRE THAT THE EQUIPMENT BE ADJUSTED OR REPAIRED. WITHIN
25 FIVE DAYS EVIDENCE MUST BE SUBMITTED TO THE POLICE THAT THE
26 REQUIREMENTS FOR REPAIR HAVE BEEN SATISFIED.

27 (2) IF THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE
28 THAT A VEHICLE OR MASS TRANSIT VEHICLE IS UNSAFE OR NOT IN
29 PROPER REPAIR, HE MAY REQUIRE IN THE WRITTEN NOTICE THAT THE
30 CAR OR MASS TRANSIT VEHICLE BE INSPECTED. THE OWNER OR DRIVER

1 SHALL SUBMIT TO THE POLICE WITHIN FIVE DAYS OF THE DATE OF
2 NOTIFICATION CERTIFICATION FROM AN OFFICIAL INSPECTION
3 STATION THAT THE VEHICLE OR THE MASS TRANSIT VEHICLE HAS BEEN
4 RESTORED TO SAFE OPERATING CONDITION IN RELATION TO THE
5 PARTICULARS SPECIFIED ON THE NOTICE.

6 (3) AFTER THE EXPIRATION OF THE FIVE-DAY PERIOD
7 SPECIFIED IN PARAGRAPHS (1) AND (2), THE VEHICLE SHALL NOT BE
8 OPERATED UPON THE HIGHWAYS OF THIS COMMONWEALTH AND A MASS
9 TRANSIT VEHICLE SHALL NOT BE OPERATED UNTIL THE OWNER OR
10 DRIVER HAS SUBMITTED TO THE POLICE EVIDENCE OF COMPLIANCE
11 WITH THE REQUIREMENTS OF PARAGRAPH (1) OR (2), WHICHEVER IS
12 APPLICABLE.

13 (B) OPERATION PROHIBITED IF HAZARDOUS.--IN THE EVENT A
14 VEHICLE OR A MASS TRANSIT VEHICLE, IN THE REASONABLE JUDGMENT OF
15 THE OFFICER, IS IN SUCH CONDITION THAT FURTHER OPERATION WOULD
16 BE HAZARDOUS, THE OFFICER MAY REQUIRE THAT THE VEHICLE OR THE
17 MASS TRANSIT VEHICLE NOT BE OPERATED UNDER ITS OWN POWER AND MAY
18 SO STIPULATE IN THE NOTICE GIVEN UNDER SUBSECTION (A).

19 § 4721. APPOINTMENT OF OFFICIAL INSPECTION STATIONS.

20 FOR THE PURPOSE OF ESTABLISHING A SYSTEM OF OFFICIAL
21 INSPECTION STATIONS, THE DEPARTMENT SHALL ISSUE CERTIFICATES OF
22 APPOINTMENT TO PRIVATELY OWNED FACILITIES WITHIN THIS
23 COMMONWEALTH THAT COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER
24 AND REGULATIONS ADOPTED BY THE DEPARTMENT. THE DEPARTMENT SHALL
25 ISSUE INSTRUCTIONS AND ALL NECESSARY FORMS TO SUCH FACILITIES.
26 OFFICIAL INSPECTION STATIONS ARE AUTHORIZED TO INSPECT VEHICLES
27 AND MASS TRANSIT VEHICLES AND ISSUE OFFICIAL CERTIFICATES OF
28 INSPECTION.

29 § 4723. CERTIFICATE OF APPOINTMENT FOR INSPECTING FLEET

30 VEHICLES AND FLEET MASS TRANSIT VEHICLES.

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1 THE DEPARTMENT MAY ISSUE A CERTIFICATE OF APPOINTMENT UNDER
2 THE PROVISIONS OF THIS CHAPTER TO ANY PERSON WHO OWNS OR LEASES
3 15 OR MORE VEHICLES OR MASS TRANSIT VEHICLES AND WHO MEETS THE
4 REQUIREMENTS OF THIS CHAPTER AND REGULATIONS ADOPTED BY THE
5 DEPARTMENT. THE CERTIFICATE OF APPOINTMENT MAY AUTHORIZE
6 INSPECTION OF ONLY THOSE VEHICLES OR MASS TRANSIT VEHICLES OWNED
7 OR LEASED BY SUCH PERSON.

8 § 4726. CERTIFICATION OF MECHANICS.

9 NO MECHANIC SHALL CONDUCT MOTOR VEHICLE INSPECTIONS OR MASS
10 TRANSIT VEHICLE INSPECTIONS AT AN OFFICIAL INSPECTION STATION
11 UNLESS CERTIFIED AS TO TRAINING, QUALIFICATIONS AND COMPETENCE
12 BY THE DEPARTMENT ACCORDING TO DEPARTMENT REGULATIONS. THE
13 REGULATIONS RELATING TO MASS TRANSIT VEHICLE INSPECTIONS SHALL
14 REQUIRE THAT ANY MECHANIC CONDUCTING SUCH INSPECTIONS SHALL
15 POSSESS PROVEN COMPETENCE IN THE AREA OF MASS TRANSIT VEHICLE
16 OPERATION AND MAINTENANCE. THE PROVISIONS OF THIS TITLE OR
17 REGULATIONS ADOPTED THEREUNDER SHALL NOT BE CONSTRUED OR APPLIED
18 IN A MANNER WHICH WOULD PRECLUDE OR IMPAIR THE RIGHT OF A PERSON
19 WHO IS A RESIDENT OF ANOTHER STATE, AND WHO IS IN POSSESSION OF
20 A VALID DRIVER'S LICENSE ISSUED BY SUCH STATE, TO BE CERTIFIED
21 TO CONDUCT MOTOR VEHICLE INSPECTIONS OR MASS TRANSIT VEHICLE
22 INSPECTIONS AT AN OFFICIAL INSPECTION STATION IN THIS
23 COMMONWEALTH. NO OFFICIAL INSPECTION STATION APPOINTMENT SHALL
24 BE ISSUED OR RENEWED UNLESS A CERTIFIED OFFICIAL INSPECTION
25 MECHANIC IS THERE EMPLOYED.

26 § 4727. ISSUANCE OF CERTIFICATE OF INSPECTION.

27 (A) REQUIREMENTS PRIOR TO INSPECTION.--NO VEHICLE, EXCEPT A
28 MASS TRANSIT VEHICLE FOR WHICH REGISTRATION IS NOT REQUIRED, <—
29 SHALL BE INSPECTED UNLESS IT IS DULY REGISTERED. THE OWNER OR
30 OPERATOR OR AN EMPLOYEE OF THE OFFICIAL INSPECTION STATION SHALL

1 EXAMINE THE REGISTRATION CARD IN ORDER TO ASCERTAIN THAT THE
2 VEHICLE IS REGISTERED.

3 (B) REQUIREMENTS FOR ISSUANCE OF CERTIFICATE.--AN OFFICIAL
4 CERTIFICATE OF INSPECTION SHALL NOT BE ISSUED UNLESS THE VEHICLE
5 OR MASS TRANSIT VEHICLE IS INSPECTED AND FOUND TO BE IN
6 COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER INCLUDING ANY
7 REGULATIONS PROMULGATED BY THE DEPARTMENT. NOTATION OF THE
8 ODOMETER READING SHALL BE INCLUDED ON THE CERTIFICATE OF
9 INSPECTION.

10 § 4728. DISPLAY OF CERTIFICATE OF INSPECTION.

11 THE APPROPRIATE CERTIFICATE OF INSPECTION SHALL BE AFFIXED TO
12 THE VEHICLE OR MASS TRANSIT VEHICLE AS SPECIFIED IN REGULATIONS
13 ADOPTED BY THE DEPARTMENT.

14 § 4729. REMOVAL OF CERTIFICATE OF INSPECTION.

15 NO CERTIFICATE OF INSPECTION SHALL BE REMOVED FROM A VEHICLE
16 OR A MASS TRANSIT VEHICLE FOR WHICH THE CERTIFICATE WAS ISSUED
17 EXCEPT TO REPLACE IT WITH A NEW CERTIFICATE OF INSPECTION ISSUED
18 IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER OR AS FOLLOWS:

19 (1) THE POLICE OFFICER MAY REMOVE A CERTIFICATE OF
20 INSPECTION IN ACCORDANCE WITH THE PROVISIONS OF SECTION
21 4703[(D)] (F) (RELATING TO OPERATION OF VEHICLE ~~OR MASS~~ <—
22 ~~TRANSIT VEHICLE~~ WITHOUT OFFICIAL CERTIFICATE OF INSPECTION).

23 (2) A PERSON REPLACING A WINDSHIELD OR REPAIRING A
24 WINDSHIELD IN SUCH A MANNER AS TO REQUIRE REMOVAL OF A
25 CERTIFICATE OF INSPECTION SHALL AT THE OPTION OF THE
26 REGISTRANT OF THE VEHICLE OR THE OWNER OF A MASS TRANSIT
27 VEHICLE CUT OUT THE PORTION OF THE WINDSHIELD CONTAINING THE
28 CERTIFICATE AND DELIVER IT TO THE REGISTRANT OF THE VEHICLE
29 OR THE OWNER OF THE MASS TRANSIT VEHICLE OR DESTROY THE
30 CERTIFICATE. THE VEHICLE OR THE MASS TRANSIT VEHICLE MAY BE

1 DRIVEN FOR UP TO FIVE DAYS IF IT DISPLAYS THE PORTION OF THE
2 OLD WINDSHIELD CONTAINING THE CERTIFICATE AS PRESCRIBED IN
3 DEPARTMENT REGULATIONS. WITHIN THE FIVE DAY PERIOD AN
4 OFFICIAL INSPECTION STATION MAY AFFIX TO THE VEHICLE OR MASS
5 TRANSIT VEHICLE ANOTHER CERTIFICATE OF INSPECTION FOR THE
6 SAME INSPECTION PERIOD WITHOUT REINSPECTING THE VEHICLE OR
7 MASS TRANSIT VEHICLE IN EXCHANGE FOR THE PORTION OF THE OLD
8 WINDSHIELD CONTAINING THE CERTIFICATE OF INSPECTION. A FEE OF
9 NO MORE THAN \$1 MAY BE CHARGED FOR THE EXCHANGED CERTIFICATE
10 OF INSPECTION.

11 (3) A SALVOR SHALL REMOVE AND DESTROY THE CERTIFICATE OF
12 INSPECTION ON EVERY VEHICLE OR MASS TRANSIT VEHICLE IN HIS
13 POSSESSION EXCEPT VEHICLES USED IN THE OPERATION OF THE
14 BUSINESS OF THE SALVOR.

15 § 4730. VIOLATIONS OF USE OF CERTIFICATE OF INSPECTION.

16 (A) GENERAL RULE.--NO PERSON SHALL:

17 (1) MAKE, ISSUE, TRANSFER OR POSSESS ANY IMITATION OR
18 COUNTERFEIT OF AN OFFICIAL CERTIFICATE OF INSPECTION; OR

19 (2) DISPLAY OR CAUSE TO BE DISPLAYED ON ANY VEHICLE OR
20 MASS TRANSIT VEHICLE OR HAVE IN POSSESSION ANY CERTIFICATE OF
21 INSPECTION KNOWING THE SAME TO BE FICTITIOUS OR STOLEN OR
22 ISSUED FOR ANOTHER VEHICLE OR ISSUED WITHOUT AN INSPECTION
23 HAVING BEEN MADE.

24 * * *

25 § 6103. PROMULGATION OF RULES AND REGULATIONS BY DEPARTMENT.

26 (A) ~~IN GENERAL~~ GENERAL RULE.--IN ADDITION TO THE SPECIFIC
27 POWERS GRANTED TO THE DEPARTMENT BY THIS TITLE TO PROMULGATE
28 RULES AND REGULATIONS, THE DEPARTMENT SHALL HAVE THE POWER IN
29 ACCORDANCE WITH THE PROVISIONS OF THE ACT OF JULY 31, 1968

30 (P.L.769, NO.240), [KNOWN AS THE "COMMONWEALTH DOCUMENTS LAW,"]

1 REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW, TO PROMULGATE,
2 CONSISTENT WITH AND IN FURTHERANCE OF THIS TITLE, RULES AND
3 REGULATIONS IN ACCORDANCE WITH WHICH THE DEPARTMENT SHALL CARRY
4 OUT ITS RESPONSIBILITIES AND DUTIES UNDER THIS TITLE.

5 (B) ~~LEGISLATIVE ACTION~~; APPROVAL OF INSPECTION <—
6 REGULATIONS.--A COPY OF EVERY RULE OR REGULATION OR AMENDMENT TO
7 A RULE OR REGULATION RELATING TO CHAPTER 47 (RELATING TO
8 INSPECTION OF VEHICLES) SHALL BEFORE ADOPTION BE FORWARDED TO
9 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO THE PRESIDENT
10 PRO TEMPORE OF THE SENATE FOR REFERRAL TO AND REVIEW BY THE
11 APPROPRIATE STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES
12 AND OF THE SENATE AS DETERMINED BY THE RESPECTIVE PRESIDING
13 OFFICER. THE STANDING COMMITTEE SHALL, WITHIN 60 DAYS FROM THE
14 RECEIPT OF SUCH RULE, REGULATION OR AMENDMENT, APPROVE OR <—
15 RECOMMEND DISAPPROVAL TO THE HOUSE OF REPRESENTATIVES OR THE
16 SENATE OF ANY SUCH RULE, REGULATION OR AMENDMENT. FAILURE OF THE
17 STANDING COMMITTEE TO RECOMMEND DISAPPROVAL AND OF THE HOUSE OF
18 REPRESENTATIVES AND SENATE TO DISAPPROVE ANY RULE, REGULATION OR
19 AMENDMENT WITHIN THE 60 DAYS FROM THE RECEIPT THEREOF SHALL
20 CONSTITUTE APPROVAL THEREOF. IF THE STANDING COMMITTEES OF BOTH
21 THE SENATE AND THE HOUSE OF REPRESENTATIVES RECOMMEND
22 DISAPPROVAL AND THE HOUSE OF REPRESENTATIVES AND THE SENATE
23 ~~DISAPPROVES~~ DISAPPROVE ANY RULE, REGULATION OR AMENDMENT, THE <—
24 ~~AGENCY~~ DEPARTMENT SHALL NOT ADOPT THE RULE, REGULATION OR <—
25 AMENDMENT AND IT SHALL NOT BE AGAIN OFFERED FOR ONE YEAR. EACH
26 COMMITTEE SHALL IMMEDIATELY NOTIFY, IN WRITING, THE OTHER
27 COMMITTEE AND THE DEPARTMENT OF ANY ACTION TAKEN PURSUANT TO
28 THIS SUBSECTION. ONLY IN THE ABSENCE OF A DISAPPROVAL SHALL THE
29 ~~AGENCY SHALL~~ DEPARTMENT PROCEED WITH THE ADOPTION OF THE RULE, <—
30 REGULATION OR AMENDMENT IN ACCORDANCE WITH SECTION 202 OF THE

1 COMMONWEALTH DOCUMENTS LAW.

2 SECTION 3. (A) THE PENNSYLVANIA STATE POLICE AND THE
3 DEPARTMENT OF TRANSPORTATION IN CONSULTATION WITH MASS TRANSIT
4 OPERATORS SHALL SUBMIT THE REGULATIONS REQUIRED BY THIS ACT TO
5 THE GENERAL ASSEMBLY WITHIN 60 CALENDAR DAYS OF THE EFFECTIVE
6 DATE OF THIS ACT AND ON THE SAME DAY SHALL ARRANGE FOR SUCH
7 REGULATIONS TO BE PUBLISHED IN THE PENNSYLVANIA BULLETIN. THE
8 REGULATIONS SHALL BE EFFECTIVE SUBSEQUENT TO PUBLICATION IN THE
9 PENNSYLVANIA BULLETIN AS PROVIDED BY LAW.

10 (B) THE PENNSYLVANIA STATE POLICE IN CONSULTATION WITH THE
11 DEPARTMENT OF TRANSPORTATION SHALL DEVELOP AND PRESENT TO THE
12 GENERAL ASSEMBLY WITHIN 30 CALENDAR DAYS OF THE EFFECTIVE DATE
13 OF THIS ACT, A VEHICLE INSPECTION PLAN DESIGNED TO RESOLVE THE
14 PRESENTLY EXISTING DEFICIENCIES IN THE VEHICLE INSPECTION
15 PROGRAM OF ANY AUTHORITY CREATED PURSUANT TO THE ACT OF AUGUST
16 14, 1963 (P.L.984, NO.450), KNOWN AS THE "METROPOLITAN
17 TRANSPORTATION AUTHORITIES ACT OF 1963." THE PLAN SHALL INCLUDE
18 THE DESIGNATION OF STATE POLICE PERSONNEL ON A PERMANENT BASIS
19 TO SUPERVISE THE VEHICLE INSPECTION PLAN OF SUCH AUTHORITY. SUCH
20 PLAN SHALL BE IMPLEMENTED BY THE PENNSYLVANIA STATE POLICE
21 WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS ACT.

22 Section ~~2~~ 4. This act shall take effect ~~in 60 days~~
23 IMMEDIATELY.

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