

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 5

Session of
1983

INTRODUCED BY HOLL, JANUARY 12, 1983

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 26, 1983

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, PROVIDING FOR EMISSION CONTROL INSPECTIONS; <—
3 providing for recording of odometer readings; and ~~refusing~~ <—
4 ~~certificates of title.~~ CHANGING THE PENALTY FOR TAMPERING <—
5 WITH ODOMETERS.

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

8 Section 1. Section 1105 of Title 75 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subsection to read:
10 § 1105. Issuance of certificate of title.

11 * * *

12 (c) Title transfer odometer readings.--The department shall
13 compare the odometer reading of the vehicle each time a
14 certificate of title is transferred and ascertain the reported
15 mileage against the most recent previously reported mileage for
16 the vehicle.

17 Section 2. Section 1112(e) of Title 75 is amended to read:
18 § 1112. Disclosure of odometer reading and tampering with

1 odometer.

2 * * *

3 (e) Penalties.--Any person violating subsection (a) or (b)
4 is guilty of a summary offense and shall, upon conviction, be
5 sentenced to pay a fine of \$100. Any person violating subsection
6 (c) [is guilty of a summary offense and shall, upon conviction,
7 be sentenced to pay a fine of \$300] shall, upon the first
8 conviction, be fined \$1,000. Each subsequent conviction shall be
9 a misdemeanor of the third degree.

10 SECTION 3. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: <—
11 § 4706. EMISSION CONTROL INSPECTIONS.

12 (A) ESTABLISHMENT OF EMISSION CONTROL INSPECTION SYSTEM.--
13 NOTWITHSTANDING THE PROVISIONS OF SECTION 2013 OF THE ACT OF
14 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE
15 CODE OF 1929, THE DEPARTMENT MAY EXPEND PUBLIC FUNDS FOR THE
16 ESTABLISHMENT AND ADMINISTRATION OF ANY SYSTEM FOR THE PERIODIC
17 INSPECTION OF EMISSIONS OR EMISSION SYSTEMS OF MOTOR VEHICLES.
18 WHEN THE SECRETARY SHALL CERTIFY THAT SUCH SYSTEM IS REQUIRED TO
19 COMPLY WITH FEDERAL LAW AND IS NECESSARY FOR THE COMMONWEALTH TO
20 RECEIVE OR AVOID THE LOSS OF FEDERAL FUNDS IN WHICH CASE THE
21 DEPARTMENT MAY ESTABLISH AND ADMINISTER SUCH A SYSTEM FOR MOTOR
22 VEHICLES REGISTERED IN AREAS WHERE PERIODIC INSPECTION OF
23 EMISSIONS OR EMISSION SYSTEMS OF MOTOR VEHICLES IS REQUIRED BY
24 THE ENVIRONMENTAL PROTECTION AGENCY OF THE UNITED STATES OR
25 DECREES OF THE COURTS OF THE UNITED STATES.

26 (B) CERTIFICATE OF COMPLIANCE.--THE DEPARTMENT SHALL ISSUE A
27 CERTIFICATE OF COMPLIANCE THROUGH AN OFFICIAL EMISSION
28 INSPECTION STATION VALID UNTIL THE NEXT SCHEDULED EMISSION
29 INSPECTION FOR A MOTOR VEHICLE WHICH MEETS THE FOLLOWING
30 CRITERIA:

1 (1) THE MOTOR VEHICLE HAS PASSED AN INSPECTION OR A
2 REINSPECTION PERFORMED BY THE INSPECTION STATION.

3 (2) THE MOTOR VEHICLE HAS QUALIFIED FOR AND HAS RECEIVED
4 A LOW-EMISSION TUNE UP AFTER FAILING AN INSPECTION PERFORMED
5 BY THE INSPECTION STATION WITHIN THE PAST 90 DAYS.

6 (I) WHEN THE COST OF NECESSARY REPAIRS, AS
7 DOCUMENTED BY A WRITTEN ESTIMATE, WOULD EXCEED THE TOTAL
8 COST LIMITATION, AS PROVIDED IN SUBPARAGRAPH (III), THE
9 OWNER MAY, INSTEAD OF PERFORMING OR OBTAINING NECESSARY
10 REPAIRS, OBTAIN A LOW-EMISSION TUNE UP. FOR THE PURPOSE
11 OF DETERMINING QUALIFICATION FOR A LOW-EMISSION TUNE UP,
12 THE COST OF NECESSARY REPAIRS SHALL NOT INCLUDE THE COSTS
13 COVERED BY ANY WARRANTY, INSURANCE POLICY OR PREPAID
14 MAINTENANCE AGREEMENT OR THE COSTS NECESSARY TO REPAIR OR
15 REPLACE ANY EMISSION CONTROL DEVICES WHICH HAVE BEEN
16 TAMPERED WITH.

17 (II) A LOW-EMISSION TUNE UP SHALL CONSIST OF FOUR
18 ENGINE CHECKS AND NECESSARY ADJUSTMENTS AND SHALL BE
19 PERFORMED IN THE FOLLOWING MANNER:

20 (A) IF THE MOTOR VEHICLE IS EQUIPPED WITH A
21 BREAKER POINT IGNITION SYSTEM, THE MECHANIC SHALL
22 CHECK AND, IF NECESSARY, ADJUST THE DISTRIBUTOR POINT
23 DWELL TO THE MANUFACTURER'S SPECIFICATIONS.

24 (B) IF THE MOTOR VEHICLE IS EQUIPPED WITH A
25 DISTRIBUTOR WHICH PROVIDES FOR TIMING ADJUSTMENT, THE
26 MECHANIC SHALL CHECK AND, IF NECESSARY, ADJUST THE
27 IGNITION TIMING ACCORDING TO THE MANUFACTURER'S
28 SPECIFICATIONS.

29 (C) IF THE MOTOR VEHICLE IS EQUIPPED WITH A
30 CARBURETOR WHICH PROVIDES FOR IDLE AIR/FUEL MIXTURE

1 ADJUSTMENT, THE MECHANIC SHALL THEN ADJUST THE IDLE
2 AIR/FUEL MIXTURE ACCORDING TO THE RECOMMENDED
3 PROCEDURES OF THE MOTOR VEHICLE MANUFACTURER.

4 (D) IF THE MOTOR VEHICLE IS EQUIPPED WITH A
5 CARBURETOR WHICH PROVIDES FOR IDLE SPEED ADJUSTMENT,
6 THE MECHANIC SHALL CHECK AND, IF NECESSARY, ADJUST
7 THE IDLE RPM TO THE SPECIFICATIONS OF THE MOTOR
8 VEHICLE MANUFACTURER. IF A SUBSTANTIAL IDLE SPEED
9 ADJUSTMENT IS NECESSARY, THE MECHANIC SHALL RECHECK
10 THE INITIAL TIMING.

11 (E) THE DEPARTMENT OF TRANSPORTATION BY
12 REGULATION SHALL ESTABLISH STANDARD TIME ALLOWANCES
13 NEEDED TO PERFORM THE LOW-EMISSION TUNE UP.

14 (III) THE TOTAL COST LIMITATION IS \$50.

15 (IV) ANY EXPENSES INCURRED IN THE REPAIR OF EMISSION
16 CONTROL DEVICES FOUND TO BE TAMPERED WITH OR RENDERED
17 INOPERATIVE THROUGH INTERVENTION BY THE VEHICLE OWNER OR
18 SOMEONE ACTING ON HIS BEHALF SHALL NOT BE INCLUDED IN THE
19 TOTAL COST LIMITATION OF THIS PARAGRAPH.

20 (V) THE COSTS MANDATED BY THIS SUBSECTION DO NOT
21 INCLUDE ANY COSTS RECOVERABLE UNDER AN EMISSION WARRANTY.

22 (C) INSPECTION FEE.--WHENEVER A SYSTEM FOR THE PERIODIC
23 INSPECTION OF EMISSIONS OR EMISSION SYSTEMS IS ESTABLISHED, THE
24 MAXIMUM CHARGE FOR SUCH INSPECTION SHALL BE \$5. NO ADDITIONAL
25 CHARGE SHALL BE MADE BY THE INSPECTING STATION FOR ONE NECESSARY
26 REINSPECTION WITHIN 30 DAYS OF THE ORIGINAL INSPECTION.

27 (D) APPROPRIATION; REIMBURSEMENT.--

28 (1) THERE IS HEREBY CREATED IN THE MOTOR LICENSE FUND A
29 SPECIAL FUND TO WHICH SHALL BE TRANSFERRED FUNDS NECESSARY
30 NOT TO EXCEED \$15,000,000 ANNUALLY FOR THE REIMBURSEMENT OF

1 VEHICLE OWNERS OF UP TO 80% OF THEIR COST OF COMPLIANCE WITH
2 THIS SECTION, WHICH AMOUNT SHALL NOT EXCEED \$40 PER VEHICLE.

3 (2) THE DEPARTMENT SHALL PROMULGATE THE NECESSARY
4 REGULATIONS TO ADMINISTER THE REIMBURSEMENT PROGRAM CREATED
5 IN THIS SECTION AND SHALL HAVE THE AUTHORITY, WHEN THE
6 APPROPRIATED AMOUNT IS NOT SUFFICIENT TO COVER 80% OF ALL
7 ALLOWABLE REIMBURSEMENTS, TO PRORATE THE REIMBURSEMENT
8 ACCORDINGLY.

9 (3) ANY EXPENSES INCURRED IN THE REPAIR OF EMISSION
10 CONTROL DEVICES FOUND TO BE TAMPERED WITH OR RENDERED
11 INOOPERATIVE THROUGH INTERVENTION BY THE VEHICLE OWNER OR
12 SOMEONE ACTING ON HIS BEHALF SHALL NOT BE REIMBURSED BY THE
13 COMMONWEALTH.

14 SECTION 4. SECTION 2013 OF THE ACT OF APRIL 9, 1929
15 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, IS
16 REPEALED INsofar AS IT IS INCONSISTENT WITH SECTION 3 OF THIS
17 ACT.

18 Section 3 5. This act shall take effect ~~in 60 days~~
19 IMMEDIATELY.

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