

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1514 Session of  
1993

INTRODUCED BY OLASZ, PETRARCA, MICOZZIE, BOYES, MARKOSEK,  
GIGLIOTTI, MELIO, MERRY, FARGO, PESCI, CLARK, J. TAYLOR,  
NAILOR, COLAFELLA, DeLUCA, PRESTON, LEDERER, BELFANTI,  
KASUNIC, BATTISTO AND DERMODY, MAY 3, 1993

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, SEPTEMBER 27, 1994

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for the suspension of operating  
3 privileges for failure to respond to a citation AND FOR THE <—  
4 ENHANCED VEHICLE EMISSION INSPECTION PROGRAM. ~~and for lack of~~ <—  
5 ~~financial responsibility.~~

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

8 Section 1. ~~Sections 1533 and 1786(d)~~ SECTION 1533 of Title <—  
9 75 of the Pennsylvania Consolidated Statutes ~~are~~ IS amended to <—  
10 read:

11 § 1533. Suspension of operating privilege for failure to  
12 respond to citation.

13 (a) Violations within Commonwealth.--The department shall  
14 suspend the operating privilege of any person who has failed to  
15 respond to a citation or summons to appear before an issuing  
16 authority or a court of competent jurisdiction of this  
17 Commonwealth [or of any state] for any violation of this title,

1 other than parking, or who has failed to pay any fine or costs  
2 imposed by an issuing authority or such courts for any violation  
3 of this title, other than parking, upon being duly notified [in  
4 accordance with general rules] by an issuing authority or a  
5 court of this Commonwealth. [There shall be 15 days to respond  
6 to such notification before suspension is imposed. The  
7 suspension shall be for an indefinite period until such person  
8 shall respond and pay any fines and penalties imposed. Such  
9 suspension shall be in addition to the requirement of  
10 withholding renewal or reinstatement of a violator's driver's  
11 license as prescribed in section 1503(c) (relating to persons  
12 ineligible for licensing).]

13 (b) Violations outside Commonwealth.--The department shall  
14 suspend the operating privilege of any person who has failed to  
15 respond to a citation, summons or similar writ to appear before  
16 a court of competent jurisdiction of the United States or any  
17 state which has entered into an enforcement agreement with the  
18 department, as authorized by section 6146 (relating to  
19 enforcement agreements), for any violation of the motor vehicle  
20 laws of such state, other than parking, or who has failed to pay  
21 any fine or costs imposed by such court, upon being duly  
22 notified in accordance with the laws of such jurisdiction in  
23 which the violation occurred. A person who provides proof,  
24 satisfactory to the department, that the full amount of the fine  
25 and costs has been forwarded to the court shall not be regarded  
26 as having failed to respond for the purposes of this subsection.

27 (c) Time for responding to notice.--At least 15 days before  
28 an issuing authority or court notifies the department to impose  
29 a suspension pursuant to subsection (a), the issuing authority  
30 or court shall notify the person in writing of the requirement

1 to respond to the citation and pay all fines and penalties  
2 imposed by the issuing authority or court.

3 (d) Period of suspension.--The suspension shall continue  
4 until such person shall respond to the citation, summons or  
5 writ, as the case may be, and pay all fines and penalties  
6 imposed or enter into an agreement to make installment payments  
7 for the fines and penalties imposed provided that the suspension  
8 may be reimposed by the department if the defendant fails to  
9 make regular installment payments.

10 (e) Remedy cumulative.--A suspension under this section  
11 shall be in addition to the requirement of withholding renewal  
12 or reinstatement of a violator's driver's license as prescribed  
13 in section 1503(a) (relating to persons ineligible for  
14 licensing).

15 (f) Admissibility of documents.--A copy of a document issued  
16 by a court or issuing authority of this Commonwealth or by an  
17 official of another state shall be admissible for the purpose of  
18 proving a violation of this section.

19 ~~§ 1786. Required financial responsibility.~~

20 ~~\* \* \*~~

21 ~~(d) Suspension of registration and operating privilege. The~~  
22 ~~Department of Transportation shall suspend the registration of a~~  
23 ~~vehicle for a period of three months if it determines the~~  
24 ~~required financial responsibility was not secured as required by~~  
25 ~~this chapter and shall suspend the operating privilege of the~~  
26 ~~owner or registrant for a period of three months if the~~  
27 ~~department determines that the owner or registrant has operated~~  
28 ~~or permitted the operation of the vehicle without the required~~  
29 ~~financial responsibility. The operating privilege shall not be~~  
30 ~~restored until the restoration fee for operating privilege~~

1 ~~provided by section 1960 (relating to reinstatement of operating~~  
2 ~~privilege or vehicle registration) is paid. Whenever the~~  
3 ~~department revokes or suspends the registration of any vehicle~~  
4 ~~under this chapter, the department shall not restore the~~  
5 ~~registration until the vehicle owner furnishes proof of~~  
6 ~~financial responsibility in a manner determined by the~~  
7 ~~department and submits an application for registration to the~~  
8 ~~department, accompanied by the fee for restoration of~~  
9 ~~registration provided by section 1960. This subsection shall not~~  
10 ~~apply in the following circumstances:~~

11 ~~(1) The owner or registrant proves to the satisfaction~~  
12 ~~of the department that the lapse in financial responsibility~~  
13 ~~coverage was for a period of less than 31 days and that the~~  
14 ~~owner or registrant did not operate or permit the operation~~  
15 ~~of the vehicle during the period of lapse in financial~~  
16 ~~responsibility.~~

17 ~~(2) The owner or registrant is a member of the armed~~  
18 ~~services of the United States, the owner or registrant has~~  
19 ~~previously had the financial responsibility required by this~~  
20 ~~chapter, financial responsibility had lapsed while the owner~~  
21 ~~or registrant was on temporary, emergency duty and the~~  
22 ~~vehicle was not operated during the period of lapse in~~  
23 ~~financial responsibility. The exemption granted by this~~  
24 ~~paragraph shall continue for 30 days after the owner or~~  
25 ~~registrant returns from duty as long as the vehicle is not~~  
26 ~~operated until the required financial responsibility has been~~  
27 ~~established.~~

28 ~~\* \* \*~~

29 ~~Section 2. This act shall take effect IN 60 DAYS. as~~  
30 ~~follows:~~

<—

1           ~~(1) The amendment of 75 Pa.C.S. § 1786(d) shall take~~  
2           ~~effect immediately.~~

3           ~~(2) The remainder of this act shall take effect in 60~~  
4           ~~days.~~

5           SECTION 2. SECTION 4706 OF TITLE 75 IS AMENDED TO READ:           <—

6           § 4706. PROHIBITION ON EXPENDITURES FOR EMISSION INSPECTION  
7                       PROGRAM.

8           (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B),  
9           NEITHER THE DEPARTMENT NOR ANY OTHER DEPARTMENT OR AGENCY OF THE  
10          EXECUTIVE BRANCH OF STATE GOVERNMENT SHALL EXPEND ANY PUBLIC  
11          FUNDS FOR THE ESTABLISHMENT AND ADMINISTRATION OF ANY SYSTEM FOR  
12          THE PERIODIC INSPECTION OF EMISSIONS OR EMISSION SYSTEMS OF  
13          MOTOR VEHICLES.

14          (B) EXCEPTION.--THE PROVISIONS OF SUBSECTION (A) SHALL NOT  
15          APPLY WHEN THE SECRETARY SHALL CERTIFY THAT A SYSTEM IS REQUIRED  
16          TO COMPLY WITH FEDERAL LAW AND IS NECESSARY FOR THE COMMONWEALTH  
17          TO RECEIVE OR AVOID THE LOSS OF FEDERAL FUNDS IN WHICH CASE THE  
18          DEPARTMENT MAY ESTABLISH AND ADMINISTER SUCH A SYSTEM FOR MOTOR  
19          VEHICLES REGISTERED IN AREAS WHERE PERIODIC INSPECTION OF  
20          EMISSIONS OR EMISSION SYSTEMS OF MOTOR VEHICLES IS REQUIRED BY  
21          THE ENVIRONMENTAL PROTECTION AGENCY OF THE UNITED STATES OR  
22          DECREEES OF THE COURTS OF THE UNITED STATES.

23          (B.1) FURTHER EXCEPTION.--

24               (1) THE PROVISIONS OF SUBSECTION (A) SHALL NOT APPLY IF  
25          THE SECRETARY SHALL CERTIFY THAT A SYSTEM IS REQUIRED TO  
26          COMPLY WITH THE CLEAN AIR ACT (PUBLIC LAW 95-95, 42 U.S.C. §  
27          7401 ET SEQ.) AND SUBSEQUENT AMENDMENTS OR A FINAL DECREE OF  
28          A FEDERAL COURT AND IS NECESSARY FOR THE COMMONWEALTH TO  
29          RECEIVE OR AVOID THE LOSS OF FEDERAL FUNDS, IN WHICH CASE THE  
30          DEPARTMENT SHALL ESTABLISH AND ADMINISTER AN ENHANCED

1 EMISSION INSPECTION PROGRAM. THIS PROGRAM SHALL BE  
2 ESTABLISHED IN ALL AREAS OF THIS COMMONWEALTH WHERE THE  
3 SECRETARY CERTIFIES BY PUBLICATION IN THE PENNSYLVANIA  
4 BULLETIN THAT A SYSTEM IS REQUIRED IN ORDER TO COMPLY WITH  
5 FEDERAL LAW. ANY AREA, COUNTIES, COUNTY OR PORTION THEREOF  
6 CERTIFIED TO BE IN THE PROGRAM BY THE SECRETARY MUST BE  
7 MANDATED TO BE IN THE PROGRAM BY FEDERAL LAW. IF A PETITION  
8 IS REQUIRED TO BE SENT TO THE FEDERAL GOVERNMENT IN ORDER FOR  
9 ANY COUNTIES, COUNTY OR PORTIONS OF ANY COUNTY TO BE EXEMPTED  
10 FROM THE EMISSION INSPECTION PROGRAM, THE SECRETARY SHALL  
11 PETITION THE FEDERAL GOVERNMENT ON BEHALF OF ANY COUNTIES,  
12 COUNTY OR PORTION OF ANY COUNTY THAT MAY QUALIFY FOR AN  
13 EXEMPTION. IN CASES WHERE MORE THAN ONE COUNTY WITHIN A  
14 METROPOLITAN STATISTICAL AREA MAY BE EXEMPTED FROM THE  
15 EMISSIONS INSPECTION PROGRAM, THE COUNTY WITH THE LOWEST  
16 POPULATION PER SQUARE MILE SHALL BE EXEMPTED FIRST. IN CASES  
17 WHERE ONLY PORTIONS OF ONE COUNTY MAY BE EXEMPTED FROM THE  
18 EMISSIONS INSPECTION PROGRAM, THE AREAS WITH THE LOWEST  
19 POPULATION PER AREA OF POSTAL ZIP CODE COVERAGE REGION SHALL  
20 BE EXEMPTED FIRST. IF THE SECRETARY ESTABLISHES A CENTRALIZED  
21 INSPECTION PROGRAM, THE FOLLOWING LIMITATIONS SHALL BE  
22 APPLICABLE:

23 (I) VEHICLE EMISSION INSPECTION SHALL BE ON A  
24 BIENNIAL BASIS.

25 (II) NO VEHICLE REPAIRS OR VEHICLE SAFETY  
26 INSPECTIONS SHALL BE PERFORMED AT ANY CENTRALIZED  
27 EMISSION INSPECTION FACILITY.

28 (III) NO CONTRACTOR PROVIDING CENTRALIZED INSPECTION  
29 SHALL OWN OR HAVE ANY BUSINESS INTEREST IN ANY VEHICLE  
30 REPAIR FACILITY IN THIS COMMONWEALTH.

(IV) FOR THE PURPOSES OF THIS CHAPTER, THE DEPARTMENT MAY ISSUE A CONTRACT FOR A PERIOD OF SEVEN YEARS OR MORE TO THE SUCCESSFUL BIDDER FOR THE ESTABLISHMENT AND OPERATION OF A CENTRALIZED PROGRAM FOR EMISSIONS TESTING.

(V) THE DEPARTMENT SHALL PROMULGATE REGULATIONS FOR THE CONDUCT, SUPERVISION AND QUALIFICATION OF A CONTRACTOR, ITS PRINCIPALS, EMPLOYEES OR AGENTS PROVIDING CENTRALIZED EMISSION TESTING WHICH SHALL INCLUDE A SCHEDULE OF OFFENSES PUNISHABLE BY FINE OF UP TO \$20,000 AND SHALL MAKE PROVISION FOR THE DISCIPLINE, TERMINATION, SUSPENSION AND/OR DEBARMENT OF A CONTRACTOR, ITS PRINCIPALS, EMPLOYEES OR AGENTS FOR THE VIOLATION OF A REGULATION PERTAINING TO THE EMISSION TESTING PROGRAM.

(2) AT LEAST 60 DAYS PRIOR TO THE IMPLEMENTATION OF ANY ENHANCED EMISSION INSPECTION PROGRAM DEVELOPED UNDER THIS SUBSECTION, THE SECRETARY OF TRANSPORTATION SHALL CERTIFY BY NOTICE IN THE PENNSYLVANIA BULLETIN THAT AN ENHANCED EMISSION INSPECTION PROGRAM WILL COMMENCE.

(B.2) RESTRICTIONS ON EXCEPTIONS.--NOTWITHSTANDING ANY OTHER PROVISION OR REQUIREMENT CONTAINED IN THIS TITLE, NO PROVISION OR REQUIREMENT OF THIS SECTION SHALL BE MORE STRINGENT OR RESTRICTIVE THAN THOSE REQUIRED BY THE CLEAN AIR ACT. NO ALLOWABLE VEHICLE EMISSION STANDARD SHALL BE MORE RESTRICTIVE THAN THAT ORIGINALLY CERTIFIED FOR THE SUBJECT VEHICLE AT THE TIME OF MANUFACTURE.

(B.3) FEES.--THE TEST FEE SHALL NOT EXCEED \$22 EVERY TWO YEARS.

(B.4) AUDITS.--THE DEPARTMENT SHALL PERFORM COVERT AUDITS OF ALL LICENSED FACILITIES ON A MONTHLY BASIS. THE PENALTIES FOR

1 VIOLATIONS SHALL BE THE SAME AS FOUND IN SUBSECTION (B.1)(1)(V)  
2 AND SHALL APPLY TO BOTH CENTRALIZED AND TEST AND REPAIR  
3 INSPECTION STATIONS.

4 (B.5) REPAIRS COVERED BY WARRANTY.--THE INSPECTION SHALL BE  
5 PERFORMED SO THAT WHEN VEHICLES TESTED UNDER WARRANTY ARE  
6 REPAIRED, SUCH REPAIRS MUST BE COVERED BY THE VEHICLE  
7 MANUFACTURER'S WARRANTY PROVISIONS.

8 (B.6) RETESTS.--THE FIRST RETEST PERFORMED FOR A VEHICLE  
9 THAT HAS FAILED WILL BE FREE.

10 (B.7) WAIVER.--THE WAIVER SHALL BE BASED UPON EACH BIENNIAL  
11 INSPECTION REGARDLESS IF THE VEHICLE WAS INSPECTED AT A  
12 CENTRALIZED EMISSION INSPECTION FACILITY OR AT AN ENHANCED OR  
13 BASIC DECENTRALIZED VEHICLE EMISSION INSPECTION AND MAINTENANCE  
14 FACILITY.

15 (B.8) COMPUTER COSTS.--THE COST OF CONNECT INTO THE  
16 DEPARTMENT'S COMPUTER TO FACILITATE REGISTRATION, RENEWAL AND  
17 DENIAL WILL BE BORNE BY BOTH THE CENTRALIZED AND THE ENHANCED OR  
18 BASIC DECENTRALIZED EMISSION FACILITIES.

19 (C) EVIDENCE OF EMISSION INSPECTION.--

20 (1) THE DEPARTMENT SHALL ISSUE EVIDENCE OF EMISSION  
21 INSPECTION THROUGH AN OFFICIAL EMISSION INSPECTION STATION OR  
22 AN AUTHORIZED AGENT OF THE DEPARTMENT, VALID UNTIL THE NEXT  
23 SCHEDULED EMISSION INSPECTION, FOR A SUBJECT MOTOR VEHICLE  
24 WHICH MEETS THE FOLLOWING CRITERIA:

25 (I) THE SUBJECT VEHICLE HAS PASSED AN INSPECTION OR  
26 A REINSPECTION PERFORMED BY THE EMISSION INSPECTION  
27 STATION AND ALL REQUIRED EMISSION CONTROL DEVICES ARE  
28 INSTALLED.

29 (II) THE SUBJECT VEHICLE IS EXEMPT PURSUANT TO THE  
30 PROVISIONS OF SECTION 4702(G) (RELATING TO REQUIREMENT

FOR PERIODIC INSPECTION OF VEHICLES).

(2) WHEN A SUBJECT VEHICLE HAS FAILED THE EMISSION INSPECTION TEST AND CONTINUES TO FAIL AFTER THE OWNER HAS EXPENDED AN AMOUNT AT LEAST EQUAL TO THE TOTAL COST LIMITATION AS PROVIDED IN PARAGRAPH (3), THE OWNER MAY APPLY FOR A WAIVER. FOR THE PURPOSE OF DETERMINING QUALIFICATION FOR A WAIVER, THE COST OF NECESSARY REPAIRS SHALL NOT INCLUDE THE COSTS COVERED BY ANY WARRANTY, INSURANCE POLICY OR PREPAID MAINTENANCE AGREEMENT OR THE COSTS AS REFERRED TO IN PARAGRAPH (4).

(3) THE WAIVER LIMIT SHALL BE THE MINIMUM REQUIRED BY FEDERAL LAW. THE COSTS MANDATED BY THIS SUBSECTION DO NOT INCLUDE ANY COSTS RECOVERABLE UNDER WARRANTY, INSURANCE POLICY OR PREPAID MAINTENANCE AGREEMENT.

(4) ANY EXPENSES INCURRED IN THE REPAIR OF EMISSION CONTROL DEVICES FOUND TO BE TAMPERED WITH OR RENDERED INOPERATIVE OR WHICH ARE NOT INSTALLED SHALL NOT BE INCLUDED IN THE TOTAL COST LIMITATION OF PARAGRAPH (3).

(5) IT IS UNLAWFUL TO OPERATE A SUBJECT VEHICLE WITHOUT EVIDENCE OF EMISSION INSPECTION OR CERTIFICATION BY AN AUTHORIZED AGENT, PROVIDED THAT IT SHALL BE LAWFUL FOR A MOTOR VEHICLE TO BE OPERATED BY THE VEHICLE OWNER WHILE EN ROUTE TO AN EMISSIONS INSPECTION STATION OR TO A VEHICLE REPAIR FACILITY WHERE AN APPOINTMENT FOR EMISSIONS-RELATED REPAIRS HAS BEEN SCHEDULED AND, PROVIDED FURTHER, THAT SUCH OPERATION OCCURS NO LATER THAN TEN DAYS AFTER THE EXPIRATION OF VALID EVIDENCE OF EMISSION INSPECTION ISSUED UNDER THIS TITLE.

(6) SUBJECT VEHICLES PRESENTED FOR EMISSION INSPECTION AFTER THE ASSIGNED EMISSION INSPECTION DEADLINE SHALL BE

1 CHARGED \$10 FOR EACH MONTH OR PORTION THEREOF PAST THE DUE  
2 DATE IN ADDITION TO THE EMISSION INSPECTION FEE, EXCEPT AS  
3 PROVIDED IN REGULATIONS PROMULGATED BY THE DEPARTMENT.

4 (D) COORDINATION WITH VEHICLE REGISTRATION.--WHENEVER A  
5 SYSTEM FOR THE PERIODIC INSPECTION OF EMISSIONS OR EMISSION  
6 SYSTEMS IS ESTABLISHED AS AUTHORIZED IN SUBSECTIONS (B) AND  
7 (B.1), SUCH INSPECTION OF EMISSIONS OR EMISSION SYSTEMS SHALL BE  
8 COORDINATED WITH THE VEHICLE REGISTRATION PERIOD.

9 (E) REGULATIONS.--UPON CERTIFICATION BY THE SECRETARY OF THE  
10 NEED TO COMPLY WITH FEDERAL LAW, THE DEPARTMENT SHALL PROMULGATE  
11 SUCH REGULATIONS AS MAY BE NECESSARY TO IMPLEMENT THE EMISSION  
12 INSPECTION PROGRAM BUT IT SHALL NOT PROMULGATE A REGULATION THAT  
13 WOULD REQUIRE SAFETY INSPECTION STATIONS TO ALSO PERFORM  
14 EMISSION CONTROL INSPECTIONS. REGULATIONS PROMULGATED BY THE  
15 DEPARTMENT RELATING TO THE ENHANCED EMISSION INSPECTION PROGRAM  
16 SHALL NOT BE SUBJECT TO THE PROPOSED RULEMAKING PROVISIONS OF  
17 THE ACT OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE  
18 COMMONWEALTH DOCUMENTS LAW, OR THE ACT OF JUNE 25, 1982  
19 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW ACT.

20 (F) SCOPE.--THE VEHICLE EMISSION INSPECTION AND MAINTENANCE  
21 PROGRAM PROVIDED FOR IN THIS SECTION SHALL BE A CENTRALIZED  
22 TEST-ONLY ENHANCED EMISSION INSPECTION PROGRAM AS PROVIDED FOR  
23 IN THE CLEAN AIR ACT AND REGULATIONS PROMULGATED BY THE  
24 ENVIRONMENTAL PROTECTION AGENCY. HOWEVER, IF THE PERFORMANCE  
25 STANDARD REQUIREMENTS UNDER SECTION 183(C) OF THE CLEAN AIR ACT  
26 (42 U.S.C. § 7511B(C)) AND REGULATIONS PROMULGATED BY THE  
27 ENVIRONMENTAL PROTECTION AGENCY ARE CHANGED TO PERMIT THE  
28 CONSIDERATION AND APPROVAL OF EITHER AN ENHANCED OR A BASIC  
29 DECENTRALIZED EMISSION INSPECTION PROGRAM FOR THE COMMONWEALTH,  
30 THE DEPARTMENT SHALL PETITION THE ENVIRONMENTAL PROTECTION

1 AGENCY FOR ALLOWANCE TO REVISE ITS SUBMISSION UNDER THE CLEAN  
2 AIR ACT, SO AS TO STUDY AND PURSUE THE IMPLEMENTATION OF EITHER  
3 AN ENHANCED OR BASIC DECENTRALIZED VEHICLE EMISSION INSPECTION  
4 AND MAINTENANCE PROGRAM WHICH MEETS REVISED MINIMUM FEDERAL  
5 REQUIREMENTS ESTABLISHED BY A FEDERAL STATUTE, AN ORDER OF A  
6 FEDERAL OR STATE COURT OF COMPETENT JURISDICTION OR AN  
7 ADMINISTRATIVE ACTION BY THE ENVIRONMENTAL PROTECTION AGENCY NOT  
8 EXCEEDING THE MANDATES OF THE ACT OF NOVEMBER 15, 1990 (PUBLIC  
9 LAW 101-549, 104 STAT. 2399). [ANY MODIFICATION OF THE  
10 PERFORMANCE STANDARD REQUIREMENTS, EITHER BY CONGRESS OR THE  
11 ENVIRONMENTAL PROTECTION AGENCY, OR THE MODIFICATION OF ANY  
12 SUBMISSION BY THE DEPARTMENT UNDER SECTION 110 OF THE CLEAN AIR  
13 ACT (42 U.S.C. § 7410) SHALL NOT AFFECT ANY PENDING OR EXISTING  
14 REQUEST FOR PROPOSALS, BIDS FOR CONTRACTS, NEGOTIATIONS, AWARDS  
15 FOR CONTRACTS, CONTRACTS OR PROGRAMS FOR ENHANCED VEHICLE  
16 EMISSION INSPECTION IN DESIGNATED AREAS OF THIS COMMONWEALTH.]

17 (G) ALTERNATIVE ENHANCED EMISSION INSPECTION PROGRAM.--  
18 NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (F), THE DEPARTMENT  
19 SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

20 (1) THE DEPARTMENT SHALL IMMEDIATELY SUSPEND THE  
21 DEVELOPMENT AND IMPLEMENTATION OF A CENTRALIZED, TEST-ONLY  
22 VEHICLE EMISSION INSPECTION PROGRAM UNTIL MARCH 31, 1995.

23 (2) THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE  
24 ENVIRONMENTAL PROTECTION AGENCY THAT THE COMMONWEALTH IS  
25 DEVELOPING AN ALTERNATIVE VEHICLE EMISSION PROGRAM AND  
26 INTENDS TO SEEK ITS APPROVAL OF THE PLAN IN ACCORDANCE WITH  
27 THE REQUIREMENTS OF THE FEDERAL LAW.

28 (3) NO LATER THAN MARCH 1, 1995, THE DEPARTMENT SHALL  
29 DEVELOP AND SUBMIT TO THE ENVIRONMENTAL PROTECTION AGENCY AN  
30 ALTERNATIVE ENHANCED VEHICLE EMISSION INSPECTION PROGRAM FOR

1 APPROVAL WHICH MEETS THE REQUIREMENTS OF FEDERAL LAW AND  
2 CONSISTS OF A DECENTRALIZED TEST AND REPAIR PROGRAM OR A  
3 HYBRID PROGRAM WHICH COMBINES BOTH DECENTRALIZED TEST AND  
4 REPAIR AND TEST-ONLY COMPONENTS. THE DECENTRALIZED TEST  
5 PROGRAM MAY CONTAIN AN ADDITIONAL COMPONENT WHICH WILL TEST  
6 AND REPAIR ONLY THOSE COMPONENTS NECESSARY TO ACHIEVE  
7 COMPLIANCE WITH FEDERAL CLEAN AIR STANDARDS. AS PART OF THIS  
8 DECENTRALIZED TEST PROGRAM THE DEPARTMENT SHALL UTILIZE THE  
9 NEWEST AND MOST EFFICIENT TECHNOLOGIES, INCLUDING, BUT NOT  
10 LIMITED TO, REMOTE ROADSIDE TESTING, IDENTIFICATION AND  
11 TARGETING OF GROSS POLLUTING VEHICLES AND ALTERNATIVE  
12 EQUIPMENT TO EXISTING INSPECTION TECHNOLOGY. THE DEPARTMENT  
13 MAY INCORPORATE PILOT PROGRAMS AND DEMONSTRATION PROJECTS  
14 WHICH ACHIEVE AND ENHANCE VEHICLE EMISSIONS REDUCTIONS.

15 (4) ON THE EFFECTIVE DATE OF THIS SUBSECTION THE  
16 DEPARTMENT SHALL BE IMMEDIATELY PROHIBITED FROM EXPENDING ANY  
17 FUNDS OR ALLOWING ANY OTHER ACTION IN FURTHERANCE OF THE  
18 DEVELOPMENT AND IMPLEMENTATION OF A CENTRALIZED, TEST-ONLY  
19 VEHICLE EMISSION INSPECTION PROGRAM UNTIL THE ENVIRONMENTAL  
20 PROTECTION AGENCY APPROVES THE DECENTRALIZED OR HYBRID SYSTEM  
21 PROPOSED UNDER PARAGRAPH (3). ANY FUNDS EXPENDED BY THE  
22 DEPARTMENT AFTER THE APPROVAL OF THE PROGRAM BY THE  
23 ENVIRONMENTAL PROTECTION AGENCY SHALL BE LIMITED TO THE  
24 IMPLEMENTATION OF THE REVISED VEHICLE INSPECTION PROGRAM.

25 (H) REMOVAL FROM OZONE TRANSPORT COMMISSION.--THE GOVERNOR  
26 SHALL TAKE THE STEPS NECESSARY TO OBTAIN ENVIRONMENTAL  
27 PROTECTION AGENCY APPROVAL TO REMOVE ALL AREAS OF THE  
28 COMMONWEALTH FROM THE NORTHEAST OZONE TRANSPORT COMMISSION  
29 REGION THAT ARE NOW CLASSIFIED OR IN THE FUTURE WILL BE  
30 CLASSIFIED AS IN-ATTAINMENT OF THE FEDERAL OZONE POLLUTION

1 STANDARD OR WHICH ARE UNCLASSIFIED FOR THE PURPOSE OF IMPOSING  
2 AN ENHANCED VEHICLE EMISSION SYSTEM INSPECTION PROGRAM AND OTHER  
3 AIR POLLUTION CONTROL MEASURES. THE GOVERNOR SHALL INITIATE THE  
4 ACTIONS NECESSARY UNDER THIS SECTION NO LATER THAN 60 DAYS AFTER  
5 THE EFFECTIVE DATE OF THIS SECTION.

6 (I) SUSPENSION OF PROGRAM.--THE GOVERNOR SHALL IMMEDIATELY  
7 SUSPEND THE IMPLEMENTATION AND ENFORCEMENT OF THE EMPLOYER TRIP  
8 REDUCTION PROGRAM UNTIL MARCH 31, 1995, OR UNTIL AN ALTERNATIVE  
9 PROGRAM IS DEVELOPED THAT WILL ACHIEVE THE SAME EMISSION  
10 REDUCTIONS. THE EMPLOYER TRIP REDUCTION PROGRAM OR AN  
11 ALTERNATIVE PROGRAM SHALL NOT BE REQUIRED IF THE AREA CLASSIFIED  
12 AS SEVERE OZONE NONATTAINMENT IS RECLASSIFIED AS A SERIOUS OZONE  
13 NONATTAINMENT AREA BY THE ENVIRONMENTAL PROTECTION AGENCY.

14 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

15 (1) THE AMENDMENT OR ADDITION OF 75 PA.C.S. § 4706 AND  
16 THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

17 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
18 DAYS.