

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1892 Session of
1993

INTRODUCED BY MARKOSEK, HASAY, DENT, MAYERNIK, DERMODY,
GIGLIOTTI, GORDNER, YANDRISEVITS, PESCI, SANTONI, VAN HORNE,
MERRY, NYCE, ROONEY, LAUGHLIN, SEMMEL, COLAIZZO, CESSAR,
STABACK, KENNEY, MIHALICH, E. Z. TAYLOR, HERSHEY, BAKER,
KING, M. N. WRIGHT, PISTELLA, FAJT, RAYMOND, PETTIT, SATHER,
BUNT, GODSHALL, CLARK, OLASZ, GEIST, PRESTON, DRUCE, McCALL,
MELIO, COLAFELLA, B. SMITH, TRELLO, LEH, BELFANTI, TANGRETTI,
PETRARCA, D. W. SNYDER AND MICHLOVIC, JUNE 23, 1993

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 27, 1993

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for emissions program.

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

5 Section 1. Section 4706 heading, (a) and (b.1)(1) of Title
6 75 of the Pennsylvania Consolidated Statutes are amended to
7 read:

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

10 (a) General rule.--Except as provided in [subsection (b)]
11 this section, 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

1 systems of motor vehicles.

2 * * *

3 (b.1) Further exception.--

4 (1) The provisions of subsection (a) shall not apply if
5 the secretary shall certify that a system is required to
6 comply with the Clean Air Act (Public Law 95-95, 42 U.S.C. §
7 7401 et seq.) and subsequent amendments or a final decree of
8 a Federal court and is necessary for the Commonwealth to
9 receive or avoid the loss of Federal funds, in which case the
10 department shall establish and administer an enhanced
11 emission inspection program. This program shall be
12 established in all areas of this Commonwealth where the
13 secretary certifies by publication in the Pennsylvania
14 Bulletin that a system is required in order to comply with
15 Federal law. Any area, counties, county or portion thereof
16 certified to be in the program by the secretary must be
17 mandated to be in the program by Federal law. If a petition
18 is required to be sent to the Federal Government in order for
19 any counties, county or portions of any county to be exempted
20 from the emission inspection program, the secretary shall
21 petition the Federal Government on behalf of any counties,
22 county or portion of any county that may qualify for an
23 exemption. In cases where more than one county within a
24 metropolitan statistical area may be exempted from the
25 emissions inspection program, the county with the lowest
26 population per square mile shall be exempted first. In cases
27 where only portions of one county may be exempted from the
28 emissions inspection program, the areas with the lowest
29 population per area of postal zip code coverage region shall
30 be exempted first. If the secretary establishes a centralized

1 inspection program, the following limitations shall be
2 applicable:

3 (i) Vehicle emission inspection shall be on a
4 biennial basis.

5 (ii) No vehicle repairs or vehicle safety
6 inspections shall be performed at any centralized
7 emission inspection facility.

8 (iii) No contractor providing centralized inspection
9 shall own or have any business interest in any vehicle
10 repair facility in this Commonwealth.

11 (iv) For the purposes of this chapter, the
12 department may issue a contract for a period of seven
13 years or more to the successful bidder for the
14 establishment and operation of a centralized program for
15 emissions testing.

16 (v) The department shall promulgate regulations for
17 the conduct, supervision and qualification of a
18 contractor, its principals, employees or agents providing
19 centralized emission testing which shall include a
20 schedule of offenses punishable by fine of up to \$20,000
21 and shall make provision for the discipline, termination,
22 suspension and/or debarment of a contractor, its
23 principals, employees or agents for the violation of a
24 regulation pertaining to the emission testing program.

25 (vi) Every centralized emission inspection center
26 shall prominently display a sign containing the following
27 phrase:

28 Auto emissions testing is a requirement of the
29 Federal Environmental Protection Agency.

30 This phrase shall also appear on all correspondence

1 pertaining to auto emissions sent to motorists by the
2 department or its contractors. IT SHALL BE A VIOLATION OF <—
3 THIS SUBPARAGRAPH, PUNISHABLE BY A CIVIL PENALTY OF
4 \$1,000, FOR ANY CENTRALIZED EMISSION INSPECTION CENTER TO
5 FAIL TO DISPLAY OR ANY DEPARTMENT CONTRACTOR TO FAIL TO
6 USE THE REQUIRED PHRASE.

7 * * *

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