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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2990 Session of  
1994

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INTRODUCED BY McCALL, COY, VEON, CORRIGAN, STABACK, PISTELLA AND  
DERMODY, JUNE 28, 1994

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 28, 1994

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, providing for certification of automotive repair  
3 technicians.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 48

9 CERTIFICATION OF AUTOMOTIVE

10 REPAIR TECHNICIANS

11 Sec.

12 4801. Definitions.

13 4802. State Automotive Repair Technician Certification Board.

14 4803. Powers and duties of board.

15 4804. Qualifications of applicants.

16 4805. Categories of fitness.

17 4806. Examination of applicants.

18 4807. Issuance of certificates.

1 4808. Renewal of certificate.  
2 4809. Publication and display of certification.  
3 4810. Advertising.  
4 4811. Violations.  
5 4812. Regulations.  
6 4813. Report to General Assembly.  
7 § 4801. Definitions.

8 The following words and phrases when used in this chapter  
9 shall have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Automotive repair technician." A person who holds himself  
12 out to the public as one who, for hire or compensation, repairs,  
13 rebuilds, replaces or maintains the working parts of motor  
14 vehicles or one who repairs, replaces, repaints or reshapes  
15 motor vehicle bodies and fenders. The term shall not include:

16 (1) persons engaged solely in the retail sale and  
17 dispensing of gasoline, motor oil or diesel fuel; cleaning or  
18 washing motor vehicles in whole or in part; replacing  
19 radiators; or replacing or mounting motor vehicle batteries,  
20 lights, windows or windshield wipers; or

21 (2) persons primarily engaged in repairing, servicing,  
22 maintaining, welding, rebuilding and assembling special  
23 mobile equipment.

24 "Board." The State Automotive Repair Technician  
25 Certification Board.

26 "Category of fitness." An area, level or type of  
27 occupational specialization or skill within the field of  
28 automotive repair work for which a person may be certified.

29 "Employed full time." Employed on a continuing basis for at  
30 least 30 hours a week.

1 "Person." A natural person.

2 § 4802. State Automotive Repair Technician Certification Board.

3 (a) Appointment.--Within 60 days after the effective date of  
4 this chapter, the secretary shall appoint a State Automotive  
5 Repair Technician Certification Board, consisting of nine  
6 members. Three of the members of the board shall be individuals  
7 known to represent the interests of the automotive repair  
8 technician. Two of such members shall be individuals who have  
9 been engaged in automotive repair work for a minimum of seven  
10 years, and the other such member shall be an individual who has  
11 been engaged in body repair work for a minimum of seven years.  
12 Other members of the board shall include, but not be limited to,  
13 individuals known to represent the interests of the consumer,  
14 individuals known to represent the automotive repair industry  
15 and individuals known to be knowledgeable in the fields of  
16 automotive technician testing and training.

17 (b) Chairman.--The secretary shall select a chairman, who  
18 shall serve as such for a period of two years.

19 (c) Compensation.--Members of the board shall not be  
20 compensated but shall be allowed their actual and necessary  
21 expenses incurred in the performance of their duties.

22 (d) Terms and meetings.--The members shall serve for a  
23 period of three years, except that three of the original  
24 appointees shall have two-year terms and three shall have four-  
25 year terms. The board shall meet at such time as the secretary  
26 shall direct.

27 § 4803. Powers and duties of board.

28 (a) General rule.--At the request of the secretary, the  
29 board shall:

30 (1) Advise the secretary in the selection or preparation

1 of certification examinations.

2 (2) Advise the secretary on methods of publicizing and  
3 recognizing certified technicians.

4 (3) Advise the secretary on methods of encouraging  
5 technicians to become certified.

6 (4) Assist the secretary, at his request, in evaluation  
7 of any aspects of the program and in the preparation of any  
8 reports required under this chapter.

9 (b) Cooperation of department.--The department shall  
10 cooperate with the board and shall furnish it with any  
11 information necessary to carry out its functions and duties. The  
12 board shall have no appointive powers, but such personnel and  
13 assistance as may be required for the performance of its  
14 functions and duties shall be provided by the department.

15 § 4804. Qualifications of applicants.

16 The secretary shall admit to examination for certification in  
17 a category of fitness any applicant who pays to the department  
18 an examination fee of \$100 for each objective written  
19 examination. The secretary is empowered to set a fee for any  
20 practical examination given, the fee to be sufficient to cover  
21 the cost of the practical examination.

22 § 4805. Categories of fitness.

23 The secretary, with the assistance of the board, shall  
24 establish categories of certification.

25 § 4806. Examination of applicants.

26 (a) General rule.--The secretary is empowered to either  
27 prepare and conduct the examination or contract with an  
28 independent contractor for the preparation and conduct of the  
29 examination. The secretary shall determine standards for the  
30 examination.

1 (b) Reexamination.--An applicant who fails to pass the  
2 examination may retake the examination upon making an  
3 application for reexamination. The fee for a reexamination shall  
4 be \$20.

5 § 4807. Issuance of certificates.

6 (a) Issuance.--The secretary shall issue a certificate to  
7 practice automotive repair technician work in categories of  
8 fitness, established pursuant to the provisions of this chapter,  
9 to each applicant who has successfully passed the examination  
10 and to those persons who qualify under this chapter.

11 (b) Content.--The certificate shall be a card in a form  
12 prescribed by the secretary containing information prescribed by  
13 the secretary, including the name of the person certified, a  
14 certification number, categories of certification in which the  
15 person is certified, the date of expiration of the certificate  
16 and a statement that the person is a State-certified automotive  
17 repair technician in the categories of certification listed on  
18 the certificate. The secretary may verify such proof as he deems  
19 necessary before a certificate is issued.

20 (c) Picture.--At the discretion of the secretary, the  
21 certificate may contain a picture of the person certified. In  
22 such case, an additional charge sufficient to cover the cost of  
23 providing the picture shall be charged to the applicant.

24 (d) Period of validity.--Each certificate issued for a  
25 category of fitness shall be valid for a period to be determined  
26 by the secretary, the period to be not less than three years. A  
27 person may apply for a new certificate at any time; however, any  
28 prior certificate issued by the secretary which is still valid  
29 must be surrendered prior to the issuance of a new certificate.  
30 If a certificate is lost, upon presentation of proof of loss

1 acceptable to the secretary, a replacement certificate may be  
2 issued. The fee for issuance of a new or replacement certificate  
3 shall be the same as for issuance of an original certificate.

4 (e) Examinations.--

5 (1) Examinations shall be held at times and places  
6 within this Commonwealth as the secretary determines, but  
7 there shall be at least two examinations a year.

8 (2) Each applicant shall take an objective written or  
9 practical examination about his fitness for a certificate in  
10 the category for which application is made. The examination  
11 may be offered in a language other than English.

12 (3) There shall be a type of examination for each  
13 category of certificates which shall apply to the type of  
14 work for which the certificate is applied. The examination  
15 shall cover knowledge of principles of automotive repair  
16 applicable to the category for which a certificate is  
17 requested and may include or consist of diagrams, plans or  
18 sketches in connection with which the applicant is required  
19 to demonstrate his knowledge of automotive repairs by  
20 answering questions keyed to the diagrams, plans or sketches.

21 § 4808. Renewal of certificate.

22 Applications for renewal of certification shall be mailed to  
23 certificate holders two months prior to expiration of the  
24 certificates. Certificates will be renewed upon receipt of the  
25 completed form, a fee of \$20 and evidence of completion of 40  
26 hours per annum of continuing education as prescribed by the  
27 secretary.

28 § 4809. Publication and display of certification.

29 (a) Record of certified technicians.--The secretary shall  
30 maintain a record of all persons certified under this chapter.

1 The information shall be available to the public; however, the  
2 secretary may require payment of a fee sufficient to defray the  
3 expense of providing the information.

4 (b) Verification of certification.--In addition to the  
5 certificate provided for in section 4807 (relating to issuance  
6 of certificates), a person certified under this chapter may,  
7 upon request and payment of a fee of \$2 per document, be issued  
8 a verification of certification containing the same information  
9 as the certificate. The verification of certification may be  
10 used for display purposes in any repair shop in which the  
11 certified person is employed full time.

12 § 4810. Advertising.

13 (a) General rule.--A person who has been issued a  
14 certificate under this chapter shall have the right to hold  
15 himself out during the period of validity of the certificate as  
16 a State-certified automotive repair technician in the category  
17 or categories for which the certificate was issued.

18 (b) Repair shop.--

19 (1) During any period in which a repair shop employs  
20 full time a State-certified automotive repair technician, the  
21 repair shop may advertise that it employs a State-certified  
22 automotive repair technician, indicating the category or  
23 categories of certification of the person.

24 (2) If more than one State-certified automotive repair  
25 technician is employed full time by the repair shop, the  
26 repair shop may advertise the number of certified technicians  
27 and the category or categories of certification employed full  
28 time by the repair shop.

29 (3) If all persons who are employed full time as  
30 technicians are State-certified automotive repair

1 technicians, the repair shop employing them may advertise  
2 that all its technicians are State-certified automotive  
3 repair technicians.

4 § 4811. Violations.

5 It is a summary offense:

6 (1) For a person who does not hold a valid State-  
7 certified automotive repair technician certificate to hold  
8 himself out as a State-certified automotive repair technician  
9 or as being certified, authorized, approved or designated in  
10 any other manner which would tend to mislead another into  
11 believing that the person is certified under this chapter; or

12 (2) For a person to falsely advertise that he employs a  
13 State-certified automotive repair technician.

14 § 4812. Regulations.

15 The secretary is authorized to promulgate such regulations as  
16 he shall deem necessary to administer the provisions of this  
17 chapter.

18 § 4813. Report to General Assembly.

19 The secretary shall issue annual reports to the General  
20 Assembly on the operations of the program set forth in this  
21 chapter. The report shall include statistical evaluations of  
22 test results and information concerning training courses  
23 operated within this Commonwealth and any additional information  
24 believed to be necessary by the secretary.

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