

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2610 Session of  
2002

INTRODUCED BY TANGRETTI, BUNT, CASORIO, CORRIGAN, CREIGHTON,  
FICHTER, GRUCELA, HALUSKA, HARHAI, HERSHEY, MAHER, MARKOSEK,  
McCALL, MELIO, MICHLOVIC, R. MILLER, MYERS, PALLONE, RAYMOND,  
ROEBUCK, SHANER, SOLOBAY, STEIL, STERN, THOMAS, TRELLO,  
WASHINGTON AND WOJNAROSKI, MAY 1, 2002

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 1, 2002

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for prohibition on expenditures  
3 for emission inspection program.

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

6 Section 1. Section 4706(b.1) of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

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

10 \* \* \*

11 (b.1) Further exception.--

12 (1) The provisions of subsection (a) shall not apply if  
13 the secretary shall certify that a system is required to  
14 comply with the Clean Air Act (Public Law 95-95, 42 U.S.C. §  
15 7401 et seq.) and subsequent amendments or a final decree of  
16 a Federal court and is necessary for the Commonwealth to  
17 receive or avoid the loss of Federal funds, in which case the

1 department shall establish and administer an enhanced  
2 emission inspection program. This program shall be  
3 established in all areas of this Commonwealth where the  
4 secretary certifies by publication in the Pennsylvania  
5 Bulletin that a system is required in order to comply with  
6 Federal law. Any area, counties, county or portion thereof  
7 certified to be in the program by the secretary must be  
8 mandated to be in the program by Federal law. If a petition  
9 is required to be sent to the Federal Government in order for  
10 any counties, county or portions of any county to be exempted  
11 from the emission inspection program, the secretary shall  
12 petition the Federal Government on behalf of any counties,  
13 county or portion of any county that may qualify for an  
14 exemption. In cases where more than one county within a  
15 metropolitan statistical area may be exempted from the  
16 emissions inspection program, the county with the lowest  
17 population per square mile shall be exempted first. In cases  
18 where only portions of one county may be exempted from the  
19 emissions inspection program, the areas with the lowest  
20 population per area of postal zip code coverage region shall  
21 be exempted first. If the secretary establishes a centralized  
22 inspection program, the following limitations shall be  
23 applicable:

24 (i) Vehicle emission inspection shall be on a  
25 biennial basis.

26 (ii) No vehicle repairs or vehicle safety  
27 inspections shall be performed at any centralized  
28 emission inspection facility.

29 (iii) No contractor providing centralized inspection  
30 shall own or have any business interest in any vehicle

1 repair facility in this Commonwealth.

2 (iv) For the purposes of this chapter, the  
3 department may issue a contract for a period of seven  
4 years or more to the successful bidder for the  
5 establishment and operation of a centralized program for  
6 emissions testing.

7 (v) The department shall promulgate regulations for  
8 the conduct, supervision and qualification of a  
9 contractor, its principals, employees or agents providing  
10 centralized emission testing which shall include a  
11 schedule of offenses punishable by fine of up to \$20,000  
12 and shall make provision for the discipline, termination,  
13 suspension and/or debarment of a contractor, its  
14 principals, employees or agents for the violation of a  
15 regulation pertaining to the emission testing program.

16 (vi) An emission inspection station shall not be  
17 subject to more than two covert performance audits  
18 annually. A person who is to be charged with a violation  
19 uncovered by a covert performance audit shall be notified  
20 forthwith.

21 (vii) A person charged by a department quality  
22 assurance officer or other authorized person with an  
23 emission inspection violation shall have a right to a  
24 hearing regarding the charges in accordance with the  
25 following:

26 (A) The department shall provide written notice  
27 to an emission inspection station owner, dealer,  
28 contractor, inspector, certified repair technician or  
29 other employee of the contractor of the nature of the  
30 alleged violation and of the opportunity and

1           procedure to request a departmental hearing.

2           (B) The hearing, if requested, for a violation  
3           involving an immediate suspension shall take place  
4           within seven days of the request.

5           (C) The hearing, if requested, for all other  
6           violations will take place within 14 days of the  
7           request.

8           (D) The hearing shall be conducted by department  
9           personnel at a site established by the department.

10          (2) At least 60 days prior to the implementation of any  
11          enhanced emission inspection program developed under this  
12          subsection, the Secretary of Transportation shall certify by  
13          notice in the Pennsylvania Bulletin that an enhanced emission  
14          inspection program will commence.

15          \* \* \*

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