

No. 1992-166

AN ACT

HB 2751

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the implementation and administration of an enhanced vehicle emission inspection program; further providing for administrative duties of the Department of Transportation for certain services and the Department of Environmental Resources; providing for an alternative fuels grant program; establishing the Alternative Fuels Incentive Grant Fund; and making an appropriation.

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

Section 1. Sections 1306, 4102, 4531, 4702, 4704 and 4706 of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1306. Grounds for refusing registration.

The department shall refuse registration or renewal or transfer of registration when any of the following circumstances exists:

(1) The applicant is not entitled to registration under the provisions of this chapter.

(2) The applicant has at registration or titling neglected or refused to furnish the department with the information required on the appropriate official form, or any reasonable additional information required by the department.

(3) The department has reasonable grounds to believe that the application contains false or fraudulent information, or that the vehicle is stolen, which fact the department shall ascertain by reference to the stolen vehicle file required to be maintained under section 7114 (relating to records of stolen vehicles), or that the granting of registration would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle.

(4) The fees required by law have not been paid.

(5) The vehicle is not constructed or equipped as required by this title.

(6) The registration of the vehicle stands suspended for any reason as provided for in this title.

(7) Self-certification of financial responsibility, as required under section 1305(d) (relating to application for registration), is not filed with the registration application.

(8) *Evidence of a passed emission inspection or evidence of the issuance of a waiver has not been presented for a vehicle required to have an emission inspection.*

(9) *The owner of a vehicle subject to emission inspection has failed to complete or comply with an emissions-related recall concerning that vehicle.*

§ 4102. Definitions.

The following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Centralized inspection.” *A system for vehicle emission inspection utilizing consolidated facilities owned and operated by the Commonwealth or by a contractor or contractors to the Commonwealth that provide for vehicle emission testing only.*

“Decentralized inspection.” *A system for vehicle emission inspection using privately owned and operated department-certified facilities to provide for vehicle emission testing or allowing for repairs or both.*

“Enhanced emission inspection program.” *A vehicle emission inspection program as defined by the Federal Environmental Protection Agency and including, but not limited to, computerized emission analyzers, on-road testing and inspection of vehicle emission control devices through a contracted centralized or decentralized inspection program.*

“Federal standard.” *A minimum standard of vehicle or vehicle equipment performance issued under the National Traffic and Motor Vehicle Safety Act (80 Stat. 718, 15 U.S.C. § 1381), the Motor Vehicle Information and Cost Savings Act (86 Stat. 947, 15 U.S.C. § 1901) or the Clean Air Act (81 Stat. 485, 42 U.S.C. § 1857).*

“On-road testing device.” *An exhaust gas analyzer capable of measuring vehicle exhaust gas content outside of the garage environment while the vehicle is in motion on the road or at roadside.*

“Qualified Commonwealth employee.” *An individual, police officer or qualified department employee who has completed training in the inspection or weighing of vehicles as required by section 4704 (relating to inspection by police or Commonwealth personnel), 4981 (relating to weighing and measurement of vehicles) or 8302 (relating to powers and duties of department).*

“Subject vehicle.” *A motor vehicle having a gross vehicle weight rating of 9,000 pounds or less which is of a model year and uses a type of fuel specified by regulation of the department if the secretary certifies by publication in the Pennsylvania Bulletin that an emission inspection program for such vehicles is required to meet the attainment goals established by the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.), as amended, and regulations promulgated by the United States Environmental Protection Agency.*

“Vehicle equipment standard.” *A minimum standard for vehicle performance or vehicle equipment performance which meets the needs of vehicle safety, noise control or air quality control, which is practicable and which provides objective criteria.*

§ 4531. Emission control systems.

(a) Compliance with established maximum levels.—No vehicle manufactured in compliance with the requirements of the Clean Air Act (77 Stat. 392, 42 U.S.C. § 1857), or any amendments or supplements thereto, shall have emissions exceeding the maximum permissible levels prescribed by law.

(b) Limitation on alteration of system.—No person shall *disable*, change or alter the emission control system of a vehicle **[in such a manner that it fails**

to comply with the prescribed emissions criteria]. *Original emission control components or replacements in kind shall be present and functioning on all vehicles. A subject vehicle may be equipped with any added components which are designed to improve emissions.* It is unlawful for [the vehicle] a subject vehicle that is not in compliance with the preceding requirements to be operated under its own power until a reinspection at an official *emission* inspection station establishes its full compliance[.], *provided that it shall be lawful for the vehicle to be operated under its own power by the vehicle owner while en route to the official emission inspection station for a reinspection.*

(c) *Limitation on sale and operation of vehicles with altered systems.—No person shall sell or operate a vehicle whose emission control system has been disabled, changed or altered from its original design specifications, except for in-kind replacement of system components and added components which are designed to improve emissions.*

§ 4702. Requirement for periodic inspection of vehicles.

(a) *Annual safety inspection.—*Except as provided in subsection (b), the department shall establish a system of annual *safety* inspection of vehicles, including emergency vehicles and private noncommercial vehicles used to transport students.

(b) *Semiannual safety inspection of certain vehicles.—*School buses, passenger vans under contract with or owned by a school district or private or parochial school, including vehicles having chartered, group and party rights under the Public Utility Commission and used to transport school students, passenger vans used to transport persons for hire or owned by a commercial enterprise and used for the transportation of employees to or from their place of employment, trailers having a registered gross weight in excess of 10,000 pounds, construction trucks for which annual permits are issued pursuant to section 4970(b) (relating to permit for movement of construction equipment), mass transit vehicles and motor carrier vehicles shall be subject to semiannual *safety* inspection.

(c) *[Inspection] Safety inspection criteria for street rods.—*The department, after consultation with the National Street Rod Association and other interested groups, shall prescribe special inspection criteria for vehicles registered as street rods.

(d) *Extension of inspection period.—*The department may [, **by regulation,**] extend the time for any of the inspections required by this chapter for not more than 30 days due to weather conditions or other causes which render compliance with the provisions of this chapter within the prescribed time difficult or impossible.

(e) *Prohibition on centralized inspection.—*The department shall not require or direct the use of a centralized *safety* inspection program for purposes of performing vehicle *safety* inspections.

(f) *Emission inspection.—*Subject vehicles operated in this Commonwealth must be emission inspected as provided in section 4706 (relating to prohibition on expenditures for emission inspection program).

(g) Exceptions.—The following are exceptions to subsection (f):

(1) Emission inspection criteria for registration of subject vehicles with new registration plates.—A subject vehicle never before registered in this Commonwealth or any other jurisdiction having less than 5,000 miles on its odometer and for which an annual or temporary registration plate was originally issued within the past 12 months shall be exempt from emission inspection for one year from the date of original registration. A certificate of exemption shall be affixed to the subject vehicle in a manner prescribed by department regulations.

(2) Emission inspection criteria for new vehicles with transferred registration plates.—A subject vehicle never before registered in this Commonwealth or any other jurisdiction having less than 5,000 miles on its odometer and bearing a registration plate which has been transferred from another vehicle shall be required to pass an emission inspection prior to the next registration renewal, but not within nine months of the date of purchase of the subject vehicle.

(3) Emission inspection criteria for used subject vehicles with new or transferred registration plates.—A subject vehicle sold having a title issued in this or any other jurisdiction or sold with a manufacturer's statement of origin and having 5,000 or more miles on its odometer and which displays a currently valid certification of emission inspection shall be required to be emission inspected prior to expiration of the certificate of emission unless the renewal of registration becomes due immediately before the expiration of the certificate of emission inspection, in which case the subject vehicle shall be emission inspected prior to expiration of the new or transferred registration plate. If there is no evidence of emission inspection, an emission inspection must precede the next registration renewal.

(4) Emission inspection criteria for vehicles operated with miscellaneous motor vehicle business registration plates or dealer registration plate.—A subject vehicle which displays a miscellaneous motor vehicle business registration plate or a dealer registration plate shall be exempt from the requirements for emission inspection until it has accumulated 5,000 miles on its odometer. At that time it shall be subject to the provisions of subsection (f).

§ 4704. Inspection by police or Commonwealth personnel.

(a) Authority to inspect.—

(1) Inspection in conjunction with vehicle weighing.—Any police officer or Commonwealth employee engaged in weighing vehicles as provided in Subchapter E of Chapter 49 (relating to measuring and adjusting vehicle size and weights) is authorized to inspect any items of a vehicle's equipment to determine whether they meet the standards established in department regulations.

(2) Systematic vehicle inspection programs.—Any Pennsylvania State Police officer or qualified Commonwealth employee engaged in a systematic vehicle inspection program may inspect any vehicle, driver, documents, equipment and load to determine whether they meet standards established in department regulations.

(3) Probable cause.—

(i) Any State Police officer or qualified Commonwealth employee having probable cause to believe that a vehicle, driver, documents, equipment or load are unsafe, not equipped as required or otherwise not in compliance with the law or regulations may inspect the vehicle, driver, documents, equipment or load.

(ii) Any police officer having probable cause to believe that a vehicle or its equipment is unsafe, not equipped as required or otherwise not in compliance with the law or regulations may inspect the vehicle or its equipment.

(4) Testing in conjunction with vehicle emissions.—When testing for vehicle emissions, testing may include remote sensing devices or systematic roadside checks with tailpipe tests, emission control device checks and a check of the subject vehicle's emission control system including all of the components to determine if any part of the system has been disabled, changed or altered. The systematic testing may be conducted by police officers or qualified Commonwealth employees.

(b) Notice of violation.—Any police officer or qualified Commonwealth employee, having probable cause to believe that any vehicle or mass transit vehicle, regardless of whether it is being operated, or its equipment, documents or load, are unsafe, not equipped as required, or are otherwise not in compliance with the law or department regulations, may at any time submit a written notice of the violations to the driver of the vehicle or the mass transit vehicle or to the owner, *lessee* or registrant, or if none of them is present, to an adult occupant of the vehicle or the mass transit vehicle, or if the vehicle or the mass transit vehicle is unoccupied, the notice shall be attached to the vehicle or the mass transit vehicle in a conspicuous place.

(1) The notice shall specify the particulars of the violations and require that the violations be corrected. Within five days or, in the case of a motor carrier vehicle or bus, within 15 days or before commencement of the vehicle's next trip, whichever occurs first, *or in the case of emission testing, within 30 days*, evidence must be submitted to the police or the Commonwealth, whichever is applicable, that the violations have been corrected.

(2) If the police officer or qualified Commonwealth employee has probable cause to believe that a vehicle or mass transit vehicle is unsafe or not in proper repair *or fails a roadside vehicle emission test*, he may require in the written notice that the vehicle or mass transit vehicle be inspected. The owner or driver shall, within five days of the date of notification or, in the case of a motor carrier vehicle or bus, within 15 days of the date of notification or before commencement of the vehicle's next trip, whichever occurs first, *or in the case of emission testing, within 30 days*, submit to the police or the Commonwealth, whichever is applicable, certification from an official inspection station that the vehicle or the mass transit vehicle has been restored to [safe] *legal* operating condition in relation to the particulars specified on the notice. *Any person who fails a roadside vehicle emission inspection shall have 30 days in which to pass an*

enhanced vehicle emission inspection or to produce evidence that the subject vehicle has a valid emissions test waiver.

(3) After the expiration of the five-day [or 15-day], 15-day or 30-day period specified in paragraphs (1) and (2), whichever is appropriate, the vehicle shall not be operated upon the highways of this Commonwealth and a mass transit vehicle shall not be operated until the owner or driver has submitted to the police or the Commonwealth, whichever is applicable, evidence of compliance with the requirements of paragraph (1) or (2), whichever is applicable.

(c) Operation prohibited if hazardous.—In the event a vehicle or a mass transit vehicle, or its equipment, load or driver, in the reasonable judgment of the officer or qualified Commonwealth employee, is in such condition that further operation would be hazardous, the officer or qualified Commonwealth employee may require that the vehicle or the mass transit vehicle not be operated under its own power or that the driver discontinue driving, or both, and may so stipulate in the notice given under subsection (b). In the case of motor carrier vehicles or their drivers, all such determinations shall be based on out-of-service criteria established in department regulations.

(d) Authority of police and qualified Commonwealth employees.—Any police officer or qualified Commonwealth employee shall be authorized to detain and inspect any sealed or unsealed vehicle, container or shipment which they have probable cause to believe may be in violation of the law or Commonwealth regulations while in transit or in maintenance facilities, terminals or other public or private property to ascertain if commodities or materials are being unloaded, stored or transported in an illegal manner; to inspect contents; to inspect and copy documents and otherwise to ensure compliance with the law and Commonwealth regulations, except that only State Police and qualified Commonwealth employees shall have the authority to enforce any law or regulation pertaining to drivers, including, but not limited to, minimum driver qualifications, maximum hours of service and driver records, or pertaining specifically to hazardous materials. If a seal is opened for inspection, the inspecting officer or Commonwealth employee shall reseal any vehicle, container or shipment prior to further transportation.

(e) Limitation of authority of qualified Commonwealth employees.—The authority granted to qualified Commonwealth employees under this section shall be exercised only when the employee is in uniform and shall apply only to *vehicles subject to emission inspection*, motor carrier vehicles, buses and all vehicles and combinations carrying hazardous materials in an amount and type which require the vehicle to be placarded under Chapter 83 (relating to hazardous materials transportation) and to the drivers of all such vehicles. Qualified Commonwealth employees *who are not police officers* shall be regarded as police officers *under this part* for the purpose of instituting criminal proceedings by citation under Chapter 50 of the Pennsylvania Rules of Criminal Procedure.

(f) Training of Commonwealth employees.—The department shall establish a program *or programs* to train and qualify Commonwealth

employees, including Pennsylvania State Police officers, to inspect vehicles, equipment, documents, loads and drivers as authorized under this section *and may provide such a program to train and qualify any police officer.* After one year following the effective date of this section, inspections under subsection (a)(2) may be conducted only by personnel qualified under this program. Until that time, such inspections may be conducted by personnel designated by the department. A document executed by a department official, or a photostatic copy thereof, indicating that a person, *including any police officer*, has been so qualified or designated shall be competent and prima facie evidence of the qualification or designation.

(g) Limitations.—Farm trucks not required to be registered, implements of husbandry and special mobile equipment shall not be subject to the systematic vehicle inspections authorized under subsection (a).

§ 4706. Prohibition on expenditures for emission inspection program.

(a) General rule.—Except as provided in subsection (b), neither the department nor any other department or agency of the executive branch of State government shall expend any public funds for the establishment and administration of any system for the periodic inspection of emissions or emission systems of motor vehicles.

(b) Exception.—The provisions of subsection (a) shall not apply when the secretary shall certify that [such] a system is required to comply with Federal law and is necessary for the Commonwealth to receive or avoid the loss of Federal funds in which case the department may establish and administer such a system for motor vehicles registered in areas where periodic inspection of emissions or emission systems of motor vehicles is required by the Environmental Protection Agency of the United States or decrees of the courts of the United States.

(b.1) Further exception.—

(1) *The provisions of subsection (a) shall not apply if the secretary shall certify that a system is required to comply with the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.) and subsequent amendments or a final decree of a Federal court and is necessary for the Commonwealth to receive or avoid the loss of Federal funds, in which case the department shall establish and administer an enhanced emission inspection program. This program shall be established in all areas of this Commonwealth where the secretary certifies by publication in the Pennsylvania Bulletin that a system is required in order to comply with Federal law. Any area, counties, county or portion thereof certified to be in the program by the secretary must be mandated to be in the program by Federal law. If a petition is required to be sent to the Federal Government in order for any counties, county or portions of any county to be exempted from the emission inspection program, the secretary shall petition the Federal Government on behalf of any counties, county or portion of any county that may qualify for an exemption. In cases where more than one county within a metropolitan statistical area may be exempted from the emissions inspection program, the county with the lowest population per square mile shall be exempted first. In cases where only portions of one county may be*

exempted from the emissions inspection program, the areas with the lowest population per area of postal zip code coverage region shall be exempted first. If the secretary establishes a centralized inspection program, the following limitations shall be applicable:

- (i) Vehicle emission inspection shall be on a biennial basis.*
- (ii) No vehicle repairs or vehicle safety inspections shall be performed at any centralized emission inspection facility.*
- (iii) No contractor providing centralized inspection shall own or have any business interest in any vehicle 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.

(c) [Certificate] Evidence of emission inspection.—

(1) The department shall issue [a certificate] evidence of emission inspection through an official emission inspection station or an authorized agent of the department, valid until the next scheduled emission inspection, for a subject motor vehicle which meets the following criteria:

(i) [the motor] The subject vehicle has passed an inspection or a reinspection performed by the emission inspection station; or, including an antitampering check, and all required emission control devices are installed, except as noted in subparagraph (ii).

(ii) [all required emission control devices are installed and the motor vehicle has qualified for and has received a low-emission tune-up as provided in paragraphs (2), (3) and (5) after failing an inspection performed by the inspection station within the past 90 days.] For two years from the commencement of the enhanced emission inspection program, a subject vehicle that passes the tailpipe emissions portion of the test but fails the antitampering check portion shall be issued a tampering

warning in lieu of a test failure. At the expiration of this time period, the subject vehicle shall meet the requirements of subparagraph (i) or shall be considered to have failed the entire test.

(iii) The subject vehicle is exempt pursuant to the provisions of section 4702(g) (relating to requirement for periodic inspection of vehicles).

(2) [When the cost of necessary repairs, as documented by a written estimate, would exceed] *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 [(5)] (3), the owner may[, instead of performing or obtaining necessary repairs, obtain a low-emission tune-up] *apply for a waiver.* For the purpose of determining qualification for a [low-emission tune-up] *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 [paragraphs (6) and (7)] *paragraph (4).*

[(3)] *A low-emission tune-up shall consist of four engine checks and necessary adjustments and shall be performed in the following manner:*

(i) *If the motor vehicle is equipped with a breaker point ignition system, the mechanic shall check and, if necessary, adjust the distributor point dwell to the manufacturer's specifications.*

(ii) *If the motor vehicle is equipped with a distributor which provides for timing adjustment, the mechanic shall check and, if necessary, adjust the ignition timing according to the manufacturer's specifications.*

(iii) *If the motor vehicle is equipped with a carburetor which provides for idle and air/fuel mixture adjustments, the mechanic shall then adjust the idle and air/fuel mixture according to the recommended procedures of the motor vehicle manufacturer.*

(iv) *If the motor vehicle is equipped with a carburetor which provides for idle speed adjustment, the mechanic shall check and, if necessary, adjust the idle RPM to the specifications of the motor vehicle manufacturer. If a substantial idle speed adjustment is necessary, the mechanic shall recheck the initial timing.*

(v) *If none of the checks or adjustments set forth in this paragraph can be performed on a motor vehicle or are found to be ineffective, a low-emission tune-up shall also include checking and, if necessary, repairing or replacing the vacuum lines and electrical wires related to the emission control system and checking and, if necessary, replacing or repairing the air filter, positive crankcase ventilation valve or any spark-plugs if found defective.*

(4) *The department by regulation shall establish standard time allowances needed to perform the low-emission tune-up.*

(5) *The total cost limitation is \$50 for 1974 and newer model year vehicles and \$25 for pre-1974 model year vehicles.]*

(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.*

[(6)] (4) Any expenses incurred in the repair of emission control devices found to be tampered with or rendered inoperative **[through intervention by the vehicle owner or someone acting on his behalf]** or which are not installed shall not be included in the total cost limitation of **[this]** paragraph (3).

[(7)] The costs mandated by this subsection do not include any costs recoverable under an emission warranty.]

(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 charged \$10 for each month or portion thereof past the due date in addition to the emission inspection fee, except as provided in regulations promulgated by the department.*

[(d)] Charge for inspection.—Whenever a system for the periodic inspection of emissions or emission systems is established as authorized in subsection (b), the maximum charge for such inspection shall be \$8. No additional charge shall be made by the inspecting station for one necessary reinspection within 30 days of the original inspection.

[(e)] (d) Coordination with **[safety inspections]** *vehicle registration.*—Whenever a system for the periodic inspection of emissions or emission systems is established as authorized in **[subsection (b)]** *subsections (b) and (b.1)*, such inspection of emissions or emission systems shall be coordinated with the vehicle **[safety inspections required by section 4702 (relating to requirement for periodic inspection of vehicles)]** and shall be obtained during the period in which a vehicle is required to obtain the **[safety inspection]** *registration period.*

[(f)] Credit.—

(1) Once each calendar year, every qualified person or persons who owns a vehicle which undergoes an emission inspection required pursuant to this section shall be eligible to claim a credit in the amount of \$19 against the annual registration fee for the vehicle as provided in Chapter 19 (relating to fees) or the processing fee in section 1901(c)(16) and (17) (relating to exemption of entities and vehicles from fees). The credit shall be available only for one vehicle for each qualified person.

(2) In order to claim a credit, a qualified person shall subtract the amount of the credit from the annual fee for registration of the vehicle as provided in Chapter 19 or the processing fee as provided in section 1901(c)(16) and (17) except that the credit shall not reduce the amount of annual registration fee or processing fee due to less than \$5. The person may only claim the credit one time in any calendar year and shall claim it within 12 months of the date of the inspection.

(3) Any qualified person who shall claim a credit under this subsection is deemed to have granted his or her consent for the department to have access, pursuant to procedures established by the Department of Revenue and the Department of Transportation, to relevant personal income tax returns. Notwithstanding any other provision of law to the contrary, the Department of Revenue shall provide such information relating to the returns of qualified persons claiming the credit as the Secretary of Transportation shall require to confirm eligibility for the credit.

(4) Any person who fraudulently claims or attempts to claim the credit as authorized herein commits a misdemeanor of the second degree and shall in addition to any fines and imprisonment be ordered to make restitution to the Commonwealth.

(5) The provisions of this subsection shall expire two years from the date that the Secretary of Transportation certifies that the motor vehicle emission inspection program has been implemented.

(g) *(e) Regulations.*—[The] *Upon certification by the secretary of the need to comply with Federal law, the department shall promulgate such regulations as may be necessary to implement [this section] the emission inspection program* but it shall not promulgate a regulation that would require safety inspection stations to also perform emission control inspections. *Regulations promulgated by the department relating to the enhanced emission inspection program shall not be subject to the proposed rulemaking provisions of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law, or the act of June 25, 1982 (P.L. 633, No. 181), known as the Regulatory Review Act.*

(h) *Definitions.*—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“*Dependent.*” A natural person who derives more than one-half of his total support during the entire taxable year from another individual. Any individual who shall be a dependent shall not be eligible to claim the credit authorized by subsection (f).

“*Qualified person or persons.*” A natural person or persons who is an unmarried individual or surviving spouse who is not a dependent of another individual with income as defined in section 301 of the act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971, for the prior calendar year not exceeding \$14,999; or who are a husband and wife filing the personal income tax return separately or jointly with a combined income as defined in section 301 of the Tax Reform Code of 1971, for the prior calendar year not exceeding \$14,999.]

Section 2. Title 75 is amended by adding sections to read:

§ 4709. *Low-Emissions Vehicle Commission.*

(a) *Establishment.*—*There is hereby established a Low-Emissions Vehicle Commission which shall consist of 13 members. The Secretary of Commerce, the Secretary of Environmental Resources and the Secretary of Transportation shall be members. Six members shall be appointed by the Governor as follows:*

(1) One member shall be a representative of an environmental advocacy group, and one each shall be appointed from a list of at least three nominees provided by each of the following:

- (i) The Associated Petroleum Industries of Pennsylvania.*
- (ii) The Pennsylvania Gas Association.*
- (iii) The Pennsylvania Electric Association.*
- (iv) The Pennsylvania Automotive Association.*
- (v) The Pennsylvania AAA Federation.*

(2) There shall be four legislative members: two members of the Senate, one appointed by the Majority Leader of the Senate and one appointed by the Minority Leader of the Senate; and two members of the House of Representatives, one appointed by the Majority Leader of the House of Representatives and one appointed by the Minority Leader of the House of Representatives.

(3) The Low-Emissions Vehicle Commission shall elect a chairman.

(4) The Secretary of Transportation and the Secretary of Commerce shall jointly provide administrative staff.

(b) Study content.—The Low-Emissions Vehicle Commission shall complete a study which addresses:

(1) whether adoption of the low-emissions vehicle program will result in significant net air quality improvements, using appropriate air quality modeling analysis and considering both volatile organic compound and nitrogen oxide emissions and their impact on ambient ozone levels; and

(2) whether adoption of the low-emissions vehicle program will result in a more cost-effective reduction in ozone precursors than other alternative control strategies for mobile and stationary sources to achieve and maintain the NAAQS standards established by the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.), including the low-emissions vehicle program's impact on economic development, future economic expansion, benefits to public health, welfare and environment and the fiscal impact on the consumer.

(c) Submission of study.—The commission shall submit its completed study to the Governor and the General Assembly within 240 days of enactment of this legislation.

(d) Prohibitions.—

(1) Except as provided in paragraph (2), no department, board or commission may adopt regulations establishing any low-emissions vehicle program until the study under subsection (c) has been submitted to the General Assembly. Nothing in this section shall preclude the department from proposing regulations related to the California motor vehicle emission standards under this act, subject to review under the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(2) If the Low-Emissions Vehicle Commission does not submit its study during the time period under subsection (c), a department, board or commission may go forward with adopting regulations establishing a low-emissions vehicle program.

(e) Reformulated motor fuels.—No department, board or commission shall adopt regulations mandating the sale or use of reformulated motor fuels which comply with any specifications for reformulated motor fuels prescribed by the State of California under 42 U.S.C. § 7545(c)(4)(B).

§ 4710. Vehicle Emission System Inspection Program Advisory Committee.

(a) Appointment, composition, etc.—A Vehicle Emission System Inspection Program Advisory Committee shall be appointed by the Governor no later than 15 days after the effective date of this section and shall have its first meeting no later than 30 days after the effective date of this section.

(b) Members.—The committee shall consist of 16 members. Members shall serve without compensation other than reimbursement for reasonable and necessary expenses in accordance with the rules of the Executive Board and shall serve for terms fixed by the secretary. The members shall include:

(1) Three representatives of public interest or environmental groups.

(2) Six from the following groups, one each from a list of three nominees provided by each of the following: The Pennsylvania AAA Federation, Service Station Dealers and Automotive Repair Association of Pennsylvania and Delaware, Pennsylvania Automotive Association, the Automotive Service Association of Pennsylvania, Associated Petroleum Industries of Pennsylvania and Coalition for Safer, Cleaner Vehicles.

(3) The chairmen and minority chairmen of the Senate and House of Representatives Transportation Committees or their designees.

(4) The Secretary of Commerce, the Secretary of Environmental Resources and the Secretary of Transportation or their designees shall serve as ex officio, nonvoting members of the committee.

(c) Advice to department.—The advisory committee shall provide guidance, advice and recommendations to the department on the establishment and implementation of the enhanced vehicle emission inspection program. Any request for proposal for contracted services issued by the department regarding the enhanced vehicle emission inspection program shall not be subject to review by the committee.

(d) Review of regulations.—The department simultaneously shall submit for review prior to adoption final enhanced emission inspection program regulations to the advisory committee and to the Attorney General. The advisory committee and the Attorney General shall have 30 days to review and comment on regulations submitted for review, and the advisory committee shall forward its comments to the secretary, to the designated standing committees and to the Independent Regulatory Review Commission. Attorney General review of enhanced emission inspection regulations shall occur concurrently with the review of the advisory committee. Review by the Attorney General shall be limited to form and legality. If the Attorney General determines that a rule or regulation is improper in form or legality, its determination shall be transmitted to the department and not otherwise subject to the provisions of section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act. An enhanced emission inspection rule or regulation which has been further amended as a

consequence of a comment by the advisory committee or a determination of illegality by the Attorney General shall be resubmitted simultaneously to the advisory committee and to the Attorney General. The advisory committee and the Attorney General shall have ten days to review and comment. If the Attorney General continues its objections and the department disagrees, the department may promulgate the rule or regulations with or without revision and shall publish with it a copy of the Attorney General's objections. Upon completion of review of enhanced emission inspection regulations by the advisory committee and the Attorney General, the regulations shall be submitted to the designated standing committees and the Independent Regulatory Review Commission for review consistent with the act of June 30, 1989 (P.L.73, No.19), entitled "An act reenacting and amending the act of June 25, 1982 (P.L.633, No.181), entitled, as reenacted and amended, 'An act providing for independent oversight and review of regulations, creating an Independent Regulatory Review Commission, providing for its powers and duties and making repeals,' further providing for the membership of the Independent Regulatory Review Commission and for the procedure for regulatory review; changing the termination date for the commission; and making repeals."

(e) Meetings.—The advisory committee shall meet at the call of the chairman, but not less than semiannually, to carry out its duties. The committee shall select a chairman and such other officers as it deems appropriate.

(f) Additional members.—The secretary may appoint additional members of the advisory committee on a temporary or permanent basis to advise the department on particular issues.

(g) Sunset date.—The advisory committee established under this section shall sunset on December 31, 1996.

§ 6116. Payment by credit or debit card.

Notwithstanding any other provision of this title, the department is authorized to accept payment of a fee by a credit or debit card, even though such payment may not be accompanied by the required documents if the department determines that payment by credit or debit card will improve service to the public without adversely affecting the security and accuracy of departmental records. If a payment is made by a credit or debit card, the department may, in addition to the fee prescribed, assess an additional service fee.

Section 3. Section 6311 of Title 75 is amended to read:

§ 6311. Enforcement authority.

*If a driver fails or refuses to comply with the requirements of a police officer or qualified Commonwealth employee given pursuant to this title, the police officer or Commonwealth employee shall have authority to take the vehicle into temporary custody for the purpose of inspecting, **testing** or weighing the vehicle, its equipment, documents or load. In addition to any fine or penalty attributable to the weight, inspection, **test** or other offense, any driver who fails or refuses to comply commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500. Any costs incurred in weighing, **testing** or inspecting shall be paid by the driver to the person*

or agency incurring the costs or to the issuing authority for payment to the person or agency incurring the costs.

Section 4. Title 75 is amended by adding a chapter to read:

CHAPTER 72
ALTERNATIVE FUELS

Sec.

7201. Definitions.

7202. Alternative Fuels Incentive Grant Fund.

7203. Reports.

7204. Appropriation.

§ 7201. Definitions.

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

“Alcohols.” Fuels composed of 85% ethanol or methanol and 15% gasoline.

“Alternative fuels.” Motor vehicle fuels and fuel systems which when compared to conventional gasoline or reformulated gasoline, will result in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates or any combination thereof. These shall include compressed natural gas (CNG), liquified natural gas (LNG), liquid propane gas (LPG), alcohols (ethanol - e85 and methanol - m85), hydrogen, hythane (a combination of CNG and hydrogen) and electricity.

“Bi-fuel” or “dual-fuel.” Vehicles that operate on an alternative fuel and gasoline or an alternative fuel and diesel fuel.

“Dedicated vehicle.” A vehicle which runs exclusively on an alternative fuel. This term includes original equipment manufacturer vehicles.

“Diesel fuel.” Diesel engine fuel and all other liquids suitable for the generation of power for the propulsion of motor vehicles except gasoline.

“Fund.” The Alternative Fuels Incentive Grant Fund.

“Gallon.” The quantity of fluid or liquid at a temperature of 60 degrees Fahrenheit necessary to completely fill a United States standard gallon liquid measure.

“Gasoline.” The same as a motor fuel and also means every liquid petroleum product, or combination thereof, other than solvents having an Atmospheric Pressure Index gravity of 46 degrees or above at a temperature of 60 degrees Fahrenheit and at atmospheric pressure and includes drip, casinghead or natural gasoline. The term includes liquid of less than 46 degrees Atmospheric Pressure Index gravity at a temperature of 60 degrees Fahrenheit compounded, blended, manufactured or otherwise produced by mixing or blending gasoline or solvents with blending materials when the blended product can be used for generating power in internal combustion engines.

“Incremental cost.” The difference between the purchase price of a dedicated vehicle and the purchase price of a gasoline-only fueled vehicle.

“OEM.” The original equipment manufacturer.

“OEM vehicle.” A vehicle originally manufactured to run exclusively on an alternative fuel.

“PEO.” The Pennsylvania Energy Office.

“Retrofit.” Installing an alternative fuel system into an existing gasoline fueled vehicle.

§ 7202. Alternative Fuels Incentive Grant Fund.

(a) Establishment.—There is hereby established a separate account in the State Treasury to be known as the Alternative Fuels Incentive Grant Fund. This fund shall be administered by the PEO. The fund shall consist of that portion of revenues collected under the utilities gross receipts tax as set forth in section 7204 (relating to appropriation).

(b) Expenditures.—

(1) Moneys from the fund shall be expended by the PEO as grants to school districts, municipal authorities, political subdivisions, nonprofit entities and corporations or partnerships incorporated or registered in this Commonwealth and to residents of this Commonwealth to meet 60% of the expenses relative to retrofitting vehicles to operate on alternative fuels as either a bi-fuel, dual-fuel or dedicated vehicle, including the incremental cost of purchase of dedicated vehicles and to meet 60% of the cost to install the necessary fueling equipment. Two years after the effective date of this chapter and for every two-year period thereafter, the grant funding amount offered by the PEO shall be reduced 10% until it reaches 20% of the retrofit cost where it will remain until economic or other conditions warrant it be changed.

(2) No more than 5% of the fund may be used to administer the provisions of this chapter.

(3) No more than 10% of the fund may go to any one school district, municipal authority, political subdivision, nonprofit entity, corporation or partnership in any one year, provided that the total amount of grants made to grant recipients within a political subdivision in a year shall not exceed 15% of the fund.

(c) Regulatory powers.—The PEO shall promulgate regulations necessary to carry out the provisions of this chapter which shall include a method by which grant applications will be prioritized according but not limited to the following goals and/or criteria:

(1) The improvement of this Commonwealth's air quality.

(2) The fulfillment of the State's requirements under the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.).

(3) The protection of this Commonwealth's natural environment, including land, water and wildlife.

(4) The advancement of economic development in this Commonwealth and the promotion of this Commonwealth's indigenous resources.

(5) The reduction of this Commonwealth's dependence on imported crude oil and other petroleum products.

(6) The most cost-effective use of private and public funding.

(7) The transfer and commercialization of innovative energy technologies.

§ 7203. Reports.

(a) Annual report.—The PEO shall annually make a report to the General Assembly on the activities undertaken pursuant to this chapter, including the number of grants awarded and other expenditures from the fund.

(b) Special report.—The Department of Revenue, in consultation with the PEO and the Department of Transportation, shall submit a report to the General Assembly within two years after the effective date of this chapter which analyzes the impact of alternatively fueled vehicles on revenue from State taxes on motor fuels at the time and projected five years into the future and make recommendations on mechanisms to replace any revenue losses.

§ 7204. Appropriation.

There is hereby allocated from the General Fund, on an annual basis, an amount equal to 0.25 mills of the utilities' gross receipts tax collected during each fiscal year under Article XI of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. All moneys in this fund are hereby appropriated to the Pennsylvania Energy Office on a continuing basis to carry out this chapter.

Section 5. Until implementation of an enhanced emission inspection program under 75 Pa.C.S. § 4706(b.1), the Department of Transportation may continue to utilize any emission inspection program developed under 75 Pa.C.S. § 4706(b).

Section 6. For the first year of enhanced emission testing in those areas previously designated by the Department of Transportation as requiring emission inspection, the department shall require one-half of all subject vehicles to undergo an antitampering emission inspection at a reduced fee. Warnings in accordance with the provisions of 75 Pa.C.S. § 4706(c)(1)(ii) shall be issued as warranted. Those vehicles selected for antitampering inspection shall be required to undergo a complete enhanced emission inspection the following year as provided under this act. The remaining subject vehicles shall undergo a complete enhanced emission inspection in accordance with the provisions of this act. In those areas not previously designated by the department as requiring emission inspection, the department shall require one-half of all subject vehicles to undergo a complete enhanced emission inspection as provided under this act. The remaining subject vehicles shall undergo a complete enhanced emission inspection the following year in accordance with the provisions of this act.

Section 7. The Department of Environmental Resources may by regulation establish a program known as "Cash for Clunkers." Under this program, the owner or operator of a stationary source of air pollution would purchase and permanently remove from registered use any pre-1981 model-year passenger motor vehicle. Proof of permanent removal from use would be by a certificate of salvage issued under 75 Pa.C.S. § 1117. Upon presentation of these certificates or certified copies to the department, the department shall award the appropriate emission credit to the owner or operator of the stationary air pollution source.

Section 8. (a) The Department of Transportation shall:

(1) Within 18 months of enactment of this act, investigate the methods by which other states provide decentralized vehicle and driver license transaction services.

(2) Within 18 months of enactment of this act, investigate opportunities available to provide decentralized motor vehicle and driver license transaction services through private entities.

(3) Within 18 months of enactment of this act, investigate available technological means by which citizens may routinely obtain motor vehicle and driver license transaction services through self-service terminals, direct or indirect telephone linkage to departmental computers or similar systems.

(4) Within six months of enactment of this act, install at least three pilot programs of private sector, decentralized services for motor vehicle and driver license transactions, including, but not limited to, at least three vehicle dealerships, decentralized agents or other private business entities who, notwithstanding any other provision of 75 Pa.C.S. or departmental regulations, shall be temporarily authorized to obtain real time or on-line access to the department's data bases to read motor vehicle records and information and driver license records after first obtaining the written consent of the person who is the subject of the record as provided under 75 Pa.C.S. § 6114. Computerized and electronically recorded data may be submitted to the department for the purpose of updating records. The department shall permit temporarily authorized dealerships, decentralized agents or business entities to issue accountable documents which, as determined by the department, may include registration plates, cards and stickers and driver licenses. The temporarily authorized dealerships, decentralized agents or private business entities shall not have been previously sanctioned by the department for violations of 75 Pa.C.S. or departmental regulations within the past three years. Temporarily authorized dealerships, decentralized agents or private business entities shall be permitted to charge a reasonable fee to customers for providing these services.

(5) Within 18 months of enactment of this act, provide a written report of the aforementioned activities to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives.

(b) In pursuing the directives of subsection (a), the department is authorized to do the following:

(1) Contract with private entities for the purpose of development, administration and operation of a system which will permit electronic transactions and payment by credit or debit card or electronic funds transfer. A third party operating a secured-host computer system interfacing with the department's computer system shall be bonded in an amount specified by the department and will maintain transaction audit trails for a period of time specified by the department. In lieu of the cost of administration and collection which the department would otherwise incur, the department is authorized to pay a reasonable fee to any dealership, decent-

ralized agent or other private business entity for data entry, collection of fees and electronic transfer of such fees to the department.

(2) Conduct transactions by electronic means through real time access if the department determines that electronic transactions will improve service to the public without adversely affecting the security and accuracy of departmental records.

(3) Implement procedures to certify the accuracy of electronic transactions.

(c) Notwithstanding any other provision of law, a written or printed report of an electronic transaction permitted under this section if certified as true and correct by the department may serve as evidence of any signature, acknowledgment or information which was provided to the department by electronic means, and such certification shall be admissible in any legal proceeding as evidence of the facts stated within the certification.

(d) After submitting the written report to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives as required under subsection (a)(5), the department shall be authorized to and may take the necessary steps to expand the pilot program required under subsection (a)(4) on a permanent Statewide basis unless otherwise directed to terminate the program through a concurrent resolution enacted by the General Assembly.

(e) If subsection (c) or its application to any person or circumstance is held invalid, the remaining provisions or applications of this section are void.

Section 9. This act shall take effect as follows:

(1) The amendment or addition of 75 Pa.C.S. §§ 4706(b.1) and (e), 4710 and 6116 and section 8 of this act shall take effect immediately.

(2) The addition of 75 Pa.C.S. Ch. 72 shall take effect July 1, 1993.

(3) The remainder of this act shall take effect 60 days after the Department of Transportation certifies by notice in the Pennsylvania Bulletin that an enhanced emission inspection program will commence.

APPROVED—The 16th day of December, A. D. 1992.

ROBERT P. CASEY