

No. 154

AN ACT

SB 123

Amending the act of April 29, 1959 (P.L.58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," providing for the inspection of emission control systems and devices on motor vehicles and making the removal of such emission control devices from any vehicle unlawful, providing a penalty.

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

Section 1. Subsection (a) of section 834, act of April 29, 1959 (P.L.58), known as "The Vehicle Code," amended July 23, 1970 (P.L.590), is amended to read:

Section 834. Official Inspections.—

(a) Every owner of a motor vehicle (including a commercial motor vehicle, motor bus, motor omnibus, truck tractor, trailer, or semi-trailer, but not including a trailer or semi-trailer having a chassis and body weight of less than one thousand (1000) pounds, or bicycle with motor attached, or fertilizer trailer), being operated in this Commonwealth, shall submit such motor vehicle to such inspection of its mechanism and equipment as may be designated by the secretary, *including such emission control systems and devices for which the Secretary of Transportation, in consultation with the Secretary of Environmental Resources, has adopted inspection procedure and requirements which shall, to the extent possible and practical, be consistent with the requirements of the "Clean Air Act" (77 Stat. 392, 42 U.S.C. 1857) and any amendments and supplements thereto. These requirements shall not apply within ninety (90) days after they are adopted, shall not be changed oftener than once a year and shall apply only to those motor vehicles as are required by Federal law or regulation to be equipped with such emission control systems and devices. The inspection of such devices and systems shall commence on the first day of the inspection periods (1) and (2) following the adoption of such standards by the secretary: Provided, however, That the secretary may provide that the inspection of such devices and systems may commence on the first day of the inspection period next following.*

Such motor vehicle shall be inspected twice a year on a quarterly inspection cycle. Motor vehicles inspected in the first quarter shall be inspected again during the third quarter; motor vehicles inspected in the second quarter shall be inspected again during the fourth quarter.

The owner of a motor vehicle shall submit it for inspection during the quarterly cycle in accordance with regulations prescribed by the secretary.

Motor vehicles, trailers and semi-trailers, determined by the department to be exempt from registration under the provisions of section 401, subsection (f) of this act, and antique motor vehicles, if either operated on the public highways of this Commonwealth only during the period between sunrise and sunset, shall be exempt from the lighting equipment provisions of this act.

The secretary may, with the approval of the Governor, extend the time for not more than sixty (60) days for any of the inspections required by this section, in any case, where weather conditions of the highways or any other cause whatsoever renders compliance with the provisions of this section within the prescribed time difficult or impossible for a large number of persons.

Owners of Pennsylvania registered vehicles which have been outside of the Commonwealth continuously for thirty (30) days or more and which at the time of reentering the Commonwealth do not bear a currently valid inspection sticker shall, within forty-eight (48) hours of their reentering the State, proceed to an official inspection station for inspection and approval of the vehicle.

* * *

Section 2. The act is amended by adding a new section to read:

Section 850. Removal of Emission Control Devices Unlawful.— (a) *It shall be unlawful for any person to operate knowingly a vehicle which has been manufactured to comply with the requirements of the "Clean Air Act" (77 Stat. 392, 42 U.S.C. 1857), and any amendments and supplements thereto, if any emission control device on such vehicle has been removed, rendered inoperative, or altered from inspection requirements adopted pursuant to section 834 of this act.*

(b) *The owner or operator of any motor vehicle equipped with an emission control device who is notified by a peace officer that such device is not functioning properly shall be allowed five (5) days within which to correct the malfunctioning emission control device to conform with the requirements of this act. The submission to the peace officer, giving the notification of a certificate issued or executed by an official inspection station, showing that within five (5) days after such notification the emission control device has been repaired to conform with the requirements of this act, shall relieve the owner or operator from arrest. Unless such certificate, showing that the emission control device has been corrected as required in this act is received by the peace officer within ten (10) days from the date of notification, information for arrest shall be made.*

Penalty.—*Any person violating any of the provisions of this section shall, upon summary conviction, be sentenced to pay a fine of one hundred dollars (\$100.00) and costs of prosecution and, in default of payment thereof, shall undergo imprisonment for not more than thirty (30) days.*

Section 3. This act shall take effect ninety days from the date of its final enactment.

APPROVED—The 16th day of June, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 154.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.