

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE CHARACTERISTICS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 177. [ENHANCED] EMISSION INSPECTION PROGRAM

Subchapter A. General Provisions

* * * * *

§ 177.3. Definitions.

* * * * *

[*Basic Emission Inspection Program* – A vehicle emission program defined by the EPA as a basic program, utilizing BAR 80 or BAR 84 exhaust analyzers to conduct a one speed idle test, and not meeting the requirements of an enhanced emission inspection. This is the initial emissions program which will continue in Lehigh and Northampton Counties until November 15, 1999.]

* * * * *

Diagnostic Trouble Code (DTC) – An alphanumeric code which is set in a vehicle's onboard computer when a monitor detects a condition likely to lead to (or which has already produced) a component or system failure.

* * * * *

Emission inspection – The testing of the exhaust emissions control systems of a subject vehicle[, while it is running, for CO, HC, and NO,] as required by [Department procedures] this chapter. The term includes an inspection performed utilizing an I/M emission test, an OBD-I/M check, an evaporative function test, gas cap test, visual inspection or any combination of such tests.

[*Enhanced e*]Emission inspection program – A vehicle emission inspection program as defined by the EPA [which includes computerized emission analyzers, on-road testing and inspection of vehicle emission control devices through a decentralized inspection program] designed to meet an I/M performance standard.

Emission inspection [test] report – A document automatically generated by [the analyzer testing] an emission inspection device once the testing cycle is completed. [This document will be reviewed by a certified emission inspector before presentation to the owner or driver of the subject vehicle and will provide emission related inspection information, including test standards and the actual test results for the subject vehicle.]

* * * * *

[*I/M area* – The geographic area which the Department has identified as a basic or enhanced emission I/M program designated area. These areas are certified by the Secretary and published in the *Pennsylvania Bulletin*. Copies of the designations are available upon request.]

I/M emission test – The testing of exhaust emissions of a subject vehicle, while the vehicle is running, for CO, HC, NO, or other emitted gasses.

* * * * *

I/M Region – The designation and grouping of counties in the Commonwealth certified under § 177.51(d) of this Chapter for purposes of administration of emission inspection requirements under this chapter. Currently, in accordance with § 177.51(d), Chester, Delaware, Bucks, Montgomery and Philadelphia counties constitute the Philadelphia Region; Allegheny, Beaver, Washington and Westmoreland counties constitute the Pittsburgh Region. Pending certification in accordance with §177.51(d), Berks, Dauphin, Cumberland, Lancaster, Lebanon, Lehigh, Northampton and York counties shall constitute the South Central Region; Blair, Cambria, Centre, Erie Lackawanna, Luzerne, Lycoming and Mercer counties shall constitute the Northern Region.

* * * * *

Malfunction Indicator Light (MIL) - Dashboard light illuminated when a vehicle's onboard computer detects conditions likely to result in emissions exceeding standards by 1½ times or greater. The MIL may display "Check Engine," "Service Engine Soon," or other similar message, or a symbol or picture representing an automobile engine.

* * * * *

Model Year (MY) - The calendar year so designated by the manufacturer of a vehicle as the model year for a particular vehicle design.

* * * * *

[OBD - On board diagnostic - A device which monitors the performance of emission control equipment, the vehicle's fuel metering system and ignition system, and other equipment and operating parameters for the purpose of detecting malfunction or deterioration in performance that would be expected to cause a vehicle to fail emissions standards. When these problems are detected, a malfunction indicator lamp located in the dashboard of the vehicle will be illuminated.]

OBD (Onboard Diagnostics) – A system of vehicle component and condition monitors controlled by a central, onboard computer designed and programmed, among other things, to signal the motorist when conditions exist which could lead to (or which has already produced) a component or system failure.

OBD Data Link Connector (DLC) – The interface which allows connection of the vehicle’s OBD computer to an OBD scanner. Connecting an OBD scanner to the DLC allows I/M inspectors and vehicle repair technicians to read the readiness status of the vehicle’s various onboard monitors and to read any diagnostic trouble codes recorded by the OBD computer.

OBD-I/M Check. – An inspection and evaluation of a vehicle’s emission control systems utilizing the vehicle’s OBD system as provided in §§ 177.203 and 177.204.

* * * * *

Readiness Code – A status flag stored by a vehicle’s onboard computer which is different from a DTC in that it does not indicate a vehicle component or system failure, but rather indicates whether or not the component or system

in question has been recently checked by the OBD system to determine if it is functioning properly.

* * * * *

Scanner or Scan Tool – A PC-based or handheld device used to interface with a vehicle's onboard computer through its DLC for the purpose of determining readiness status and reading DTCs.

* * * * *

IMPLEMENTATION OF [ENHANCED] EMISSION

INSPECTION PROGRAM

§ 177.21. [Cessation of current vehicle emission inspection program.]

(a) The basic vehicle emission inspection program conducted as of September 30, 1997, in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, and in Allegheny, Beaver, Washington and Westmoreland Counties which exists in *Pennsylvania Code* serial pps. 125257–125266, 140091–140094, 125271–125288, 153617– 153620, 125291–125306, 182533 and 182554 will cease to be effective on a date designated by the Secretary by notice in the *Pennsylvania Bulletin* as provided in § 177.22 (relating to commencement date). Certificates of appointment issued to emission inspection stations in the program which exists in the

Pennsylvania Code serial pages listed in this section will terminate on a date designated by the Secretary in the *Pennsylvania Bulletin*. Emission inspection stations in the emission inspection program which exists in the *Pennsylvania Code* serial pages listed in this section that elect not to be certified to conduct emission inspections under the enhanced emission inspection program shall submit emission inspection related material to Department personnel upon a final audit by the Department.

b) The basic emission inspection program conducted as of September 30, 1997, in the applicable areas of Lehigh and Northampton Counties will continue as presently conducted and will cease on a date designated by the Secretary by notice in the *Pennsylvania Bulletin* or on November 15, 1999, whichever occurs first.] Reserved.

§ 177.22. Commencement [date] of inspections.

[The enhanced I/M program, as described in this chapter, will commence in Bucks, Chester, Delaware, Montgomery, Philadelphia, Allegheny, Beaver, Washington and Westmoreland counties on a date designated by the Secretary by notice in the *Pennsylvania Bulletin* or by November 15, 1997, whichever occurs first. It will commence by November 15, 1999, in the remaining counties subject to the I/M program.] Prior to implementation of the OBD-I/M check and

related inspection provisions of this Chapter, the Department will provide affected [motorists] vehicle owners with at least 60 days notice. Such notice shall be published in the Pennsylvania Bulletin, as provided for in 75 Pa. C.S. § 4706(b.1). [The Department may exercise discretion in the implementation of the enhanced I/M program with respect to phasing in the areas required to comply.]

§ 177.23. Notification of requirement for emission inspection.

The Department will notify the owner or lessee of a subject vehicle that is required to have [a basic or] an [enhanced] emission inspection [test].

* * * * *

§ 177.51. Program Requirements

* * * * *

(c) [*Annual i*]Inspection. Subject vehicles shall be emission inspected annually in coordination with a safety inspection according to procedures established by the Bureau [REDACTED]. A safety inspection certificate for a vehicle subject to an [enhanced] emission inspection may not be

affixed until the subject vehicle has passed an emission inspection or received an exemption or a waiver as provided in § 177.281 (relating to issuance of waiver). The term "safety inspection certificate" as used in this subsection does not include temporary inspection approval indicators as defined in § 175.2[3 (relating to application of equipment rules)]. Safety inspection stations are not required to conduct emission inspections to maintain certification as safety inspection stations.

[REDACTED]

[REDACTED]

(d) *I/M [areas] counties or regions covered.* The Department will establish [areas of this] counties or regions within the Commonwealth which are subject to emission inspection by certification of the Secretary of the need to comply with Federal law and will publish the certification as a notice in the *Pennsylvania Bulletin* listing the I/M [areas] counties or regions.

(e) *Model year coverage.*

[(1) All subject gasoline-powered motor vehicles with a GVWR of 11,000 pounds or less and registered in a basic I/M inspection program area are required to continue to undergo a basic I/M inspection.

(2)] Subject gasoline-powered motor vehicles with a model year of 1975 and newer with a GVWR of 9,000 pounds or less and registered in an [enhanced] I/M [area] county or region are subject to an [enhanced] emission inspection. Current model year vehicles[, as defined in § 177.101(c)(relating to subject vehicles),] and vehicles driven less than 5,000 miles per year are exempt from this requirement.

(f) *Exhaust emission test types.* The following types of tests [types] will be administered to the appropriate model years and fuel types [redacted]

[redacted] :

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
[REDACTED]	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>
[REDACTED]	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>
[REDACTED]	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>
[REDACTED]	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>
[REDACTED]	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>
[REDACTED]	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>
[REDACTED]	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>
[REDACTED]	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[(3) Until November 1, 1999, vehicles registered in Lehigh and Northampton Counties and the remaining counties required to undergo emission inspection will under go the following:

<i>Model Year</i>	<i>Test Type</i>
All subject gasoline power vehicles.	One-speed idle test.

(4) Beginning November 1, 1999, vehicles registered in Lehigh and Northampton Counties and the remaining counties required to undergo emission inspection will undergo the following:

<i>Model Year</i>	<i>Test Type</i>
1975-1980	One-speed idle test; gas cap test; visual inspection.
1981 and newer	Two-speed idle test; gas cap test; visual inspection.]

(5) Following publication of notice of an effective date in the Pennsylvania Bulletin in accordance with § 177.22, subject vehicles registered in the South Central Region will be required to undergo the following:

<u><i>Model Year</i></u>	<u><i>Test Type</i></u>
<u>1975-1995</u>	<u>gas cap test;</u> <u>visual inspection</u>
<u>1996 and newer vehicles</u> <u>8,500 GVWR and under</u>	<u>OBD-I/M check; gas cap</u> <u>test.</u>
<u>1996 and newer vehicles</u> <u>between 8,501 and 9,000</u> <u>GVWR</u>	<u>gas cap test; visual</u> <u>inspection.</u>

(6) Following publication of notice of an effective date in the Pennsylvania Bulletin in accordance with §

177.22, subject vehicles registered in the Northeastern, Central and Northwestern Regions will be required to undergo the following:

<u>Model Year</u>	<u>Test Type</u>
<u>1975 and newer vehicles</u>	<u>gas cap test;</u> <u>visual inspection</u>

[(5)] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

* * * * *

§ 177.53. Vehicle inspection process.

The vehicle inspection process shall be as follows:

(1) If a subject vehicle passes the [basic or enhanced] emission inspection [requirements], the emission inspection station shall provide the vehicle owner or [driver] operator with an emission inspection [test] report certifying that the vehicle has passed the emission inspection.

(2) If a subject vehicle fails any phase of the [enhanced] emission inspection [requirements], the emission inspection station shall provide the vehicle owner or operator with a software generated interpretive diagnostic information form based on the particular portions of the inspection [test] that the vehicle failed.

(3) If a subject vehicle fails any phase of the [basic or enhanced] emission inspection, the vehicle owner shall have the vehicle repaired and submit the vehicle for retesting.

* * * * *

Subchapter B. SUBJECT VEHICLES

§ 177.101. Subject vehicles.

(a) Subject Vehicles.

[(1) Subject vehicles in a basic I/M program area include gasoline powered vehicles with a GVWR of 11,000 pounds or less which are:

- (i) Moved upon a highway.
- (ii) Registered in or required to be registered in a designated I/M area.
- (iii) Leased vehicles with registration or titling in the name of someone other than the lessee or user

where the motor vehicle is registered or required to be registered in an I/M area.

(2)] Subject vehicles in an [enhanced] I/M [program area] county or region include gasoline powered 1975 and newer model year vehicles, excluding the current model year, with a GVWR of 9,000 pounds or less which are:

[(i)] (1) Registered in or required to be registered in a [designated enhanced] certified I/M [area] county or region.

[(ii)] (2) Leased vehicles with registration or titling in the name of someone other than the lessee or user where the motor vehicle is registered or required to be registered in an I/M [area] county or region.

[(iii)] (3) Operated on Federal installations located within an I/M [area] county or region, regardless of where the vehicles are registered. This requirement applies to employe-owned or leased vehicles, including vehicles owned, leased or operated by civilian and military personnel on Federal installations, as well as, agency-owned or operated vehicles. Vehicles exempted from this requirement are:

([A]i) Tactical military vehicles.

(~~[B]~~ii) Visiting agency, employe or military personnel vehicles as long as the visits do not exceed 60 calendar days per calendar year.

[(iv)] (4) School buses 9,000 pounds or less GVWR and other buses with a seating capacity of 15 seats or less with a GVWR of 9,000 pounds or less.

[(b) *Documentation of compliance.* The Federal installation shall provide, annually, or as requested, documentation of proof of compliance with subsection (a)(2)(iii) to the Department. This documentation shall be updated periodically, but at least in each inspection cycle. The installation shall present a valid certificate of compliance with the I/M program of the Commonwealth or an I/M program deemed acceptable to the Department, for each vehicle.]

[(c)] (b) *Other exempted vehicles.* Other exempted vehicles shall include vehicles operated or registered as one of the following:

* * * * *

(14) Specially constructed vehicles.

* * * * *

§ 177.105. Vehicles requiring emission inspection due to change of address.

Subject vehicles required to participate in the [Enhanced Emission] I/M Program because of vehicle registration change of address shall be phased into the emission inspection program [during] at the time of the expiration of the current certificate of safety inspection when the vehicle is next inspected.

§ 177.106. [Repair technician training and certification.

(a) *General rule.* Personnel who perform diagnosis and repair of automotive engines and related systems required to meet the emission standards of this chapter may be certified by the Department as certified repair technicians. Only certified repair technicians will be authorized to process requests for and deliver waivers.

* * * * *

(d) *Supplemental training.* The Department may authorize periodic supplemental training a requirement for a person to maintain the status of a certified repair technician.]

[Reserved].

* * * * *

Subchapter C. EMISSION TEST PROCEDURES

AND EMISSION STANDARDS

GENERAL

§ 177.201 General Requirements.

I/M [E]mission tests, OBD-I/M checks, [and] evaporative system function[al] tests, gas cap tests and visual inspections shall be subject to the following requirements:

* * * * *

§ 177.202. Emission test equipment.

(a) *Performance features of [basic and enhanced] emission test equipment.* Computerized test systems are required for performing any emission measurement on subject vehicles. The test equipment shall be certified to meet applicable EPA requirements, including those contained in 40 CFR Part 5, Subpart S, Appendix D (relating to steady-state short test equipment), which is adopted by reference, or the performance standards of California BAR 97 as they apply to the PA97 analyzer and Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements). Newly acquired systems shall be subjected to acceptance test procedures to ensure compliance with program specifications.

* * * * *

§ 177.202a. OBD-I/M check equipment.

(a) Performance features of OBD-I/M check equipment.

The design and operation of any scanner or scan tool used in the performance of an OBD-I/M check shall meet all Federal requirements (contained in 40 CFR 85.2207-2231) and recommended Society of Automotive Engineers (SAE) practices (J1962, J1978 and J1979) for OBD system inspections.

(1) The equipment must be automated and require no inspector intervention to collect and record OBD data retrieved via the diagnostic link.

(2) The equipment must automatically retrieve an RPM signal, OBD readiness monitors, failure codes, MIL status, powertrain identification, powertrain control module identification and OBD vehicle identification number (where available) through a standard interface with the vehicle DLC.

(b) The equipment shall function in accordance with the specifications issued by the Department. Copies of the specifications are available from the Department.

§ 177.202b. Equipment for gas cap test and visual inspection.

The design and operation of equipment used in the performance of the gas cap test and visual inspection shall

meet the specifications issued by the Department. Copies of the specifications are available from the Department.

§ 177.203. Test procedures.

[(a) *Basic I/M program test procedures.*

(1) *Idle testing.* The following steps shall be taken when testing subject vehicles, except 1981 and later Ford Motor Company vehicles:

(i) Emission tests data shall be entered into the analyzer by a certified emission inspector using the alpha-numeric keyboard in the sequence specified.

(ii) The digital engine tachometer of the analyzer shall be connected to the subject vehicle engine being tested by means of an inductive pickup.

(iii) The engine shall be at normal operating temperature, not overheating, and with all accessories off.

(iv) The analyzer shall be warmed-up in proper operating condition, and the tachometer pickup shall be attached.

(v) With the motor vehicle in park or neutral gear and wheel chocks in place and the emergency brake secured, accelerate the engine to 2,500 revolutions per minute, plus or minus 300 revolutions per minutes,

for 30 seconds. Release the accelerator and allow the engine to return to idle.

(vi) With the engine operating at idle, insert the sample probe of the emission analyzer into the vehicle's exhaust pipe. The probe tip shall be inserted at least 12 inches into the tailpipe, or, in the case of a restriction, a device shall be added to prohibit test sample dilution. If multiple tailpipes are present, hardware which is capable of simultaneously sampling both sources shall be used. Simultaneous sampling hardware is not necessary for exhaust systems in which the exhaust pipes originate from a common point.

(vii) Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. These results shall be compared by vehicle model year as shown in §177.204(a)(relating to emission standards).

(viii) Subject motor vehicles having engines replaced shall be emission inspected by standards corresponding to the model year of the engine.

(ix) For purposes of determining truck test standards, the greater of the registered gross weight or manufacturer's GVWR shall be used.

(x) Vehicles shall be tested in as-received condition. A vehicle capable of operating on gasoline and other fuel is subject to testing and shall be tested while operating in the gasoline mode.

(2) *Restart idle mode test.* For 1981 and later Ford Motor Company vehicles, follow the same sequence as required in the idle mode test in paragraph (1), but add the following requirement between the steps set forth in paragraph (1)(v) and (vi). The engine shall be turned off and then restarted. After the completion of the 30 second/2,500 rpm cycle in paragraph (1)(vi), the inspector shall immediately insert the sample probe into the tailpipe and immediately proceed with the completion of the emission test.]

[(b)](a) [*Enhanced*] *I/M [program] emission test procedures.*

* * * * *

[REDACTED]

[REDACTED]

(b) OBD-I/M check.

(1) Readiness requirement for a valid OBD-I/M check.

An initial scan of the OBD system should determine the status of all readiness codes.

(i) A status indication of "not ready," "not supported" or similar message for one or more of the continuous monitors (i.e., misfire, fuel trim, and/or comprehensive components), may be disregarded for readiness determination purposes only and the OBD-I/M check can proceed.

(ii) For model year 1996–2000 vehicles, a status indication of "not ready," "not supported" or similar message for two or fewer other readiness codes may be

disregarded for readiness determination purposes only and the OBD-I/M check can proceed.

(iii) For model year 2001 and newer vehicles, a status indication of "not ready" or "not supported" for no more than one other readiness code may be disregarded for readiness determination purposes only and the OBD-I/M check can proceed.

(iv) The readiness requirement may also be waived or otherwise accommodated for specific makes, models, and model years of vehicles with known readiness design problems, in accordance with applicable technical service bulletins and/or EPA guidance. The Bureau will advise all participating stations by station bulletin whether the readiness requirements can be waived or otherwise accommodated for specific makes, models, and model years of vehicles.

(2) Performing the OBD-I/M check. Following a determination of readiness, the seven step procedure delineated below shall be used when performing an OBD-I/M check:

(i) Initiate the official test by scanning or manually inputting the required vehicle and owner information.

(ii) Visually examine the vehicle instrument panel to determine if the MIL illuminates briefly when the ignition key is turned to the "key on, engine off" (KOEO) position. A brief period of illumination of the MIL at start-up is normal and helps confirm the MIL bulb is in proper operating condition. This portion of the test procedure is also known as the "bulb check." Enter the results of the bulb check for downloading into the VIID.

(iii) Locate the vehicle's data link connector (DLC) and plug the scan tool into the connector. While it is recommended that this step be performed with the ignition in the "off" position, this step can also be performed with the vehicle running.

(iv) Start the vehicle's engine so that the vehicle is in the "key on, engine running" (KOER) condition. The MIL may illuminate and then extinguish during this phase. Continued illumination of the MIL (MIL commanded on) while the engine is running is cause for failure of the OBD—I/M check under § 177.204(2).

(v) With the scan tool in the "generic OBD" mode, follow the scan tool manufacturer's instructions to determine vehicle readiness status, MIL status (whether commanded on or off), and diagnostic trouble

codes (DTCs) for those vehicles with the MIL commanded on.

(vi) The results of the OBD-I/M check will be transferred automatically to the VIID.

(vii) Without clearing DTCs or readiness codes, turn off the vehicle ignition and then disconnect the scan tool. Procedure for clearing codes as necessary is included in section 177.271__ (relating to repairs following failure of the OBD-I/M check).

(c) Gas cap test procedures. The gas cap test will be conducted using test equipment approved by the Department, in accordance with the manufacturer's instructions.

(d) Visual inspection procedures.

(1) A visual inspection of the vehicle emission control system shall look for the presence of the following emission control devices:

(i) Catalytic converter.

(ii) Exhaust gas recirculation (EGR) valve.

(iii) Positive crankcase ventilation (PCV) valve.

(iv) Fuel inlet restrictor.

(v) Air pump.

(vi) Evaporative control system components.

(2) Visual inspections shall be performed through direct observation or through indirect observation, using a mirror or other visual aid.

(3) Inspections shall include a determination as to whether each subject device is present and appears to be properly connected and to be the correct type for the certified configuration.

(e) Subsequent test procedures approved by the EPA. If the EPA develops or approves other test procedures, including test procedures prescribed in this section, the Department may adopt these subsequently approved test procedures consistent with section 4706(e) of the Vehicle Code (relating to prohibition on expenditures for emission inspection program).

§ 177.204. [**Emission standards**]**Basis for failure.**

[Subject vehicles shall be rejected if they exceed the following standards] The basis for failure of the tests and procedures under this chapter shall be as follows:

[(1) *Basic I/M program area.*

(i) Passenger cars and trucks less than 6,000 pounds GVWR.

<i>MODEL YEAR</i>	<i>CO%</i>	<i>HC (ppm)</i>
Pre-1968	10.0	1,600
1968-1969	8.0	800

1970-1974	6.0	600
1975-1979	4.0	400
1980	3.0	300
1981 and newer	1.2	220

(ii) Trucks 6,000 pounds through 8,500 pounds GVWR.

<i>MODEL YEAR</i>	<i>CO%</i>	<i>HC (ppm)</i>
Pre-1970	7.0	1500
1970-1973	6.5	800
1974-1978	6.0	650
1979	4.0	400
1980	3.0	300
1981 and newer	1.2	220

(iii) Trucks 8,501 pounds through 11,000 pounds GVWR

(for vehicles in the basic I/M program).

<i>MODEL YEAR</i>	<i>CO%</i>	<i>HC (ppm)</i>
Pre-1970	7.0	1500
1970-1973	6.5	800
1974 and newer	6.0	650]

[(2)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(2) OBD-I/M check. Unless otherwise noted, a vehicle fails the OBD-I/M check for any of the following:

(i) The MIL does not illuminate at all when the ignition key is turned to the KOEO position.

(ii) The DLC is missing, has been tampered with, is otherwise inoperable or is inaccessible.

(iii) The vehicle displays more than the requisite number of readiness codes as "not ready," "not supported" or similar message under §177.203(b)(1)(i)-

(iii), and there is no justification under § 177.203(b)(1)(iv) for disregard of the readiness requirement.

(iv) The MIL illuminates continuously or flashes while the engine is running, even if no DTCs are present. If this condition is present, the vehicle shall fail under this paragraph, not paragraph (ii), even if the MIL did not illuminate in the KOEO position.

(v) Any DTCs are present and the MIL status, as indicated by the scan tool, is commanded on, regardless of whether or not the MIL is actually illuminated.

During the first test cycle of emission inspection utilizing the OBD-I/M check in an I/M county or region, the inability to locate or access a vehicle's DLC shall not be a basis for failure, provided that the MIL illuminates when the ignition key is in the KOEO position and does not

illuminate continuously or flash while the engine is running.

[(iii)] (3) Evaporative emission system function test (gas cap test) standards. [

(A)] A vehicle shall fail the gas cap test if at any time during [the 2 minutes of] the gas cap test the pressure drops from the starting pressure by more than 6 inches of water, causing the test to be terminated. If the pressure does not drop more than 6 inches during the test, the vehicle shall pass the gas cap test.

[(B) A vehicle shall fail the evaporative system pressure test if the system cannot maintain a system pressure above 8 inches of water for 2 minutes after being pressurized to 14 +/- 0.5 inches of water or if no pressure drop is detected when the gas cap is loosened as described in this section. Additionally, a vehicle shall fail the evaporative test if the canister is missing or obviously damaged, if hoses are missing or obviously damaged, or if the gas cap is missing.]

[(iv)] (4) Visual inspection of vehicle emission control system.

[(A) A visual inspection of the vehicle emission control system of 1975 and later model year subject vehicles shall be conducted on subject vehicles registered in the counties required to perform enhanced vehicle emission inspections. The visual inspection shall look for the presence of the following emission control devices:

- (I) Catalytic converter
- (II) Exhaust gas recirculation (EGR) valve
- (III) Positive crankcase ventilation (PCV) valve
- (IV) Fuel inlet restrictor
- (V) Air pump
- (VI) Evaporative control system components

(B) Visual emission control devices inspections shall be performed through direct observation or through indirect observation, using a mirror or other visual aid.

(C) These inspections shall include a determination as to whether each subject device is present and appears to be properly connected and appears to be the correct type for the certified configuration.

(D)] A vehicle shall fail the visual inspection if applicable required emission control equipment specified in [clause (A)] § 177.203(d) is not present, is not properly connected or is not the correct type for the certified configuration.

[(v)] (5) Subsequent test procedures and bases for failure approved by the EPA. If the EPA develops or approves other test procedures and bases for failure of test procedures, including the test procedures prescribed in this section, the Department may adopt these subsequently approved test procedures and bases for failure consistent with Section 4706(e) of the Vehicle Code (relating to prohibition on expenditures for emission inspection program).

* * * * *

EMISSION INSPECTION [TEST] REPORT

* * * * *

§ 177.252. Emission inspection [test] report.

(a) [The basic emission I/M program shall require two legible emission inspection test reports including full test details as listed below:

<i>Data</i>	<i>Suggested Format</i>
Date	Date: month/day/year 02/23/95
Station Number	Station #:
Inspector Number	Inspector #:
Vehicle ID Number	Vehicle ID #:
RPM Reading	RPM:
HC Standard in PPM	HC STD. PPM:
HC Test Reading in PPM	HC Test PPM:
CO Standard in %	CO STD. %:
CO Test Reading in %	CO Test %:
CO2 Reading in %	CO2 %:

Invalid Test	CO2/RPM: (either invalid CO2 or RPM Unstable)
Sticker Number	Sticker #:
Total Cost	Total Cost:

Certified emission inspector signature: inspector sig.
for signature, data will be manually completed.

(b)] The [enhanced] emission inspection [test] report shall be as shown on the sample emission inspection report form contained in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements) and shall include:

(1) A vehicle description, including license plate number, VIN, vehicle make, model [and], odometer reading, GVWR and estimated test weight, engine size, and inspection type.

(2) The date and time of the test.

(3) The name, [and] identification number and signature of the individuals performing the tests and the name, address and station number of the test station.

(4) The type of tests performed.

(5) The applicable test standards.

(6) The I/M emission test results, if applicable,
including exhaust concentrations, pass/fail results
for each mode measured and the results of visual
inspection.

(7) The OBD-I/M check results, if applicable,
including the status of the MIL illumination command,
the alphanumeric DTC(s) as specified per SAE J2012 and
J1930, unset readiness codes if the number of unset
readiness codes exceeds the limit for which an exemption
is allowed, i.e., if the outcome of the test is
unacceptable for testing based upon the presence of too
many unset readiness codes. If, during the initial
emission inspection cycle in an I/M county or region, a
vehicle subject to the OBD-I/M check with a DLC which
cannot be accessed nevertheless satisfies the MIL
elements of the OBD-I/M check, that result shall be
specifically noted in the report.

(8) The results of the gas cap test.

(9) The results of the visual inspection.

([8]_10) A statement indicating the availability of
warranty coverage as required in Section 207 of the
Clean Air Act (42 U.S.C.A. § 7525).

([9]_11) The results of the recall provisions check, if applicable, including the recall campaign number and date the recall repairs were completed.

([10]_12) A certification that tests were performed in accordance with this chapter and EPA regulations.

§ 177.253. Responsibility of the station owner for vehicles which fail the [I/M test] emission inspection.

(a) Owners or operators of vehicles that fail the [I/M] emission inspection [test] shall be provided with an emission inspection [test] report as described in §177.252 (relating to emission inspection [test] report) as well as the consumer complaint procedure, including the telephone number of the quality assurance officer or the Vehicle Inspection Division.

(b) Owners or operators of vehicles that fail the [I/M] emission inspection [test] may challenge the results [of the emission inspection].

* * * * *

RETEST

§ 177.271. Procedure.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) OBD-I/M check. Vehicles that fail the OBD-I/M check shall be retested after repair and clearing of the DTCs appearing in the initial check and compliance of the vehicle with the readiness requirements of § 177.203(b)(1).

(c) Gas cap test and visual inspection. Vehicles that fail the gas cap test or visual inspection shall be retested after repair.

§ 177.272. Prerequisites.

For a retest, the vehicle owner or driver shall present to the inspection station the emission inspection [test] report and the diagnostic information repair data form as described in § 177.273 (relating to content of repair data form).

§ 177.273. Content of repair data form.

The repair data form shall include the following:

* * * * *

(4) The repairs recommended by the repair facility or identified on the emission inspection report that were not performed.

* * * * *

§ 177.274. Retest fees.

(a) If the vehicle owner or driver presents the emission inspection [test] report and the completed repair form to the emission inspection station that performed the initial inspection within 30 calendar days of the initial emission inspection, the vehicle owner or driver shall receive one free retest. Retests after the 30-day period or retests performed after the free retest shall only be performed upon payment of the [emission inspection test] required fee to the emission inspection station.

* * * * *

§ 177.275. Repair technician training and certification.

(a) General rule. Personnel who perform diagnosis and repair of automotive engines and related systems required to meet the emission standards of this chapter may be certified by the Department as certified repair technicians. Only certified repair technicians with a

valid drivers license will be authorized to process requests for and deliver waivers.

(b) Certified repair technician requirements. A repair technician desiring to be certified shall:

(1) Be 18 years of age or older.

(2) Have a valid driver's license.

(3) Have done one of the following:

(i) Completed a course pertaining to the Commonwealth's emission inspection program and regulations, including training specifically pertaining to evaluation of OBD systems, and passed a written test administered by the Department or its agents with a minimum of 80% correct test responses and obtained certification from an automotive manufacturer or from the National Institute for Automotive Service Excellence (ASE) or other training identified by the Department as being equivalent and that certifies that the repair technician is proficient in evaluating and repairing emission control systems.

(ii) Completed a course pertaining to the Commonwealth's emission inspection program and regulations, including training specifically

pertaining to evaluation of OBD systems, passed a written test administered by the Department or its agents with a minimum of 80% correct test responses and completed and passed a repair technician test , approved by the Department, that included testing pertaining to the Commonwealth's emission inspection program and regulations, and, at a minimum, also included:

(A) The diagnosis and repair of malfunctions in computer controlled close-loop vehicles.

(B) The application of emission control theory and diagnostic data to the diagnosis and repair of failures of the emission test and the evaporative system function tests.

(C) The utilization of diagnostic information on systematic or repeated failures observed in the emission test and the evaporative system function tests.

(D) Generalized testing on the various subsystems related to emission control.

(E) Additional testing specifically pertaining to evaluation and repair of OBD systems.

(c) Completion of training program. A person who successfully completes all phases of the training program

and who passes the required testing will qualify as a certified repair technician.

(d) Supplemental training. The Department may authorize periodic supplemental training as a requirement for a person to maintain the status of a certified repair technician.

ISSUANCE OF WAIVER

§ 177.281. Issuance of waiver.

The Department or a single contractor shall electronically issue a certificate of emission inspection with an indicator to show that the vehicle has received a waiver if:

(1) The subject vehicle has failed the initial emission inspection, qualifying repairs have been completed and the subject vehicle has failed the retest.

* * * * *

[(3) The amount spent on qualifying repairs for a basic emission inspection:

(i) Would exceed \$50 for 1974 and newer model year vehicles.

(ii) Would exceed \$25 for pre-1974 model year vehicles.

(iii) Is recorded on the written estimate stating the general problem, the necessary major parts replacement items and the total necessary repair and labor costs which would exceed the total cost limitations.

(iv) Does not include costs for repairs performed on the vehicle before the initial test failure.

(v) Does include parts costs and labor costs paid for emission repair services performed on the vehicle if paid by the vehicle owner.

(vi) Does not include labor costs when work was performed by the vehicle owner or nonmechanic.

(vii) A low emission tune-up was performed within the cost limitations listed in subparagraph (i) or (ii).

(4)](3) [For an enhanced emission inspection, the] The procedure [shall be] as described in Appendix A has been followed and the amount spent on qualifying repairs [shall]:

(i) [Be]Was [at least \$150 for the 2-year period after commencement of the program in the affected area, and which thereafter] an amount as determined [shall be subject to annual adjustment as described]

in § 177.282 (relating to annual adjustment of minimum waiver expenditure).

(ii) Includes charges for electronic diagnostic inspection, parts costs and labor costs paid for qualifying emission repair services performed on the vehicle if paid by the vehicle owner and if the qualifying repairs were performed by a recognized or certified repair technician. For qualifying emission repair services performed by someone other than a recognized or certified repair technician, the cost of parts but not labor utilized by nonrepair technicians may apply toward the waiver limit. The cost of parts for the repair or replacement for the following emission control components may be applied: oxygen sensor; catalytic converter; thermal reactor; EGR valve; fuel filler or gas cap; evaporative canister; PCV valve; air pump; distributor; ignition wires; coil; spark plugs; and power train management system. The cost of hoses, gaskets, belts, clamps, brackets or other accessories directly associated with these components may also be applied to the waiver limit. These repairs shall have been performed no more than 60 days prior to the initial emission inspection test.

(iii) [Be considered qualifying if they are] Is appropriate to the cause of the test failure.

(iv) Excludes expenses which are incurred in the repair of emission control devices which are:

(A) Found to be tampered with.

(B) Rendered inoperative.

(C) Rendered inaccessible.

(D) Not installed.

(v) Excludes costs recoverable under an emission warranty, insurance policy or prepaid maintenance agreement. These recoverable cost repairs shall be used before necessary repair costs can be applied toward the waiver cost limitations. The operator of a vehicle within the statutory age and mileage coverage under section 207(b) of the Clean Air Act (42 U.S.C.A. § 7525(b)) shall present a written denial of warranty coverage from the manufacturer or authorized dealer for this provision to be waived.

(vi) Excludes the fee for emission inspection.

(vii) Excludes charges for giving a written estimate of needed repairs, except that the fee for an electronic diagnostic inspection may be included.

(viii) Excludes charges for checking for the presence of emission control devices.

[(5)](4) The vehicle owner or driver shall present the original of repair bills or receipts for parts to the inspection station to demonstrate compliance with the qualifying dollar amount [for that year] established pursuant to § 177.281(3). The bills shall:

* * * * *

[(6)](5) Upon completion of waiver requirements and a visual check to determine that repairs were actually made, a certificate of emission inspection with a waiver indicator shall be affixed to the subject vehicle.

[(7)](6) Vehicles subject to an [enhanced] emission test may be issued a certificate of emission inspection with a waiver indicator without meeting the emission test standards of § 177.204 (relating to [emission standards] basis for failure) if, after failing an emission retest, a complete, documented physical and functional diagnosis and inspection performed by emission inspection station personnel shows that no additional emission related repairs are needed.

§ 177.282. Annual adjustment of minimum waiver
expenditure for [enhanced] emission
inspection [areas].

* * * * *

PROCEDURES RELATING TO CERTIFICATES OF EMISSION INSPECTION
[PROCEDURES]

§ 177.291. Procedures relating to [C]certificates of
emission inspection [procedures].

(a) *Certificates issued.* The Department will issue a certificate of emission inspection, through an official emission inspection station, valid until the next scheduled emission inspection, for a subject motor vehicle which meets both the following:

(1) The motor vehicle has passed an inspection or reinspection performed by the emission inspection station.

(2) The motor vehicle has all required emission control devices installed under § 177.281 (relating to issuance of waiver).

(b) *Certification procedures.*

* * * * *

(2) A registration card containing the designation I/M shall indicate that the vehicles shall be emission inspected.

(3) A motor vehicle with a registration card containing the designation emission inspection required shall have a specified I/M indicator insert placed on the proper certificate of safety inspection and affixed to the windshield upon passing safety inspection.

(4) [A subject vehicle shall be required to undergo an annual emission inspection and, with the exception of vehicles which receive a waiver under § 177.281 (relating to issuance of waiver) may not exceed the emission standards specified in § 177.204 (relating to emission standards).] Upon compliance or issuance of a Certificate of Waiver an emission inspection sticker shall be affixed to the immediate right (when viewed from the driver's position) of the safety inspection sticker or, in the case where a truck weight class sticker is present, to the immediate right (when viewed from the driver's position) of the truck weight class sticker.

(5) If the vehicle fails the emission inspection, no certificate of emission inspection may be issued except under § 177.281.

* * * * *

(c) *Unauthorized display of certificate of emission inspection.* A certificate of emission inspection may not

be marked and affixed to a vehicle until it has successfully passed emission inspection requirements of Chapters 45 and 47 of the Vehicle Code (relating to other required equipment; and inspection of vehicles) and this chapter.

* * * * *

(e) *Inspection cycle.* The proper I/M monthly insert for certificate of emission inspection shall be coordinated with the vehicle safety inspection. Vehicles which are emission inspected shall receive an inspection certificate which is valid for no more than 15 months, or no more than 27 months if § 177.51(c)(1) becomes applicable and no less than [3] 6 months, based on the vehicle's registration month and charts supplied by the Department

* * * * *

(g) Improper or [F]faulty inspection. A deviation or change in the procedure specified in this section shall be considered an improper or faulty inspection and the certificate of emission inspection issued as a result shall be void.

* * * * *

§ 177.292. Recording inspection.

* * * * *

(b) *Proper forms.* The emission inspection inspector shall enter required data for loading into the [emission analyzer] VIID and record required information on the proper and applicable report forms and place his signature in the appropriate columns designated. This shall be done immediately following the emission inspection.

(c) *Certificate of waiver.* [For basic inspection program areas, a Certificate of Waiver Form shall be completed and maintained at the emission inspection station for every emission certificate of waiver issued. Information required on the form shall be completed and shall correspond exactly to the subject vehicle for which the waiver was issued. For enhanced emission inspection areas, t]The electronic waiver process shall be completed [on] by the [inspection analyzer] VIID. A waiver insert, as supplied by the Department, shall be placed on each emission certificate of inspection issued through the waiver process. The certificate of waiver form may be collected or the results of the electronic waiver process may be reviewed by the Department or its designee on an unannounced periodic basis.

* * * * *

ON-ROAD TESTING

* * * * *

§ 177.304. Failure of on-road emission test.

The owner or operator of a subject vehicle that was required to have an [enhanced] emission inspection and that fails an on-road emission test shall have 30 days following notice of the failure in which to have the failed vehicle pass an [enhanced] emission inspection or to produce evidence that the subject vehicle has a valid emissions [test] inspection waiver.

* * * * *

**Subchapter D. OFFICIAL EMISSION INSPECTION
STATION REQUIREMENTS**

GENERAL

§ 177.401. Appointment.

(a) *Authority.* For the purpose of establishing a system of official emission inspection stations, the Bureau will issue certificates of appointment to facilities within this Commonwealth that comply with the Vehicle Code and this title. Official [basic and enhanced] emission inspection stations are authorized to conduct [basic and enhanced] emission inspections and issue official certificates of emission inspection.

(b) Scope of certification. For a period of two years following the effective date of this Chapter, no emission inspection station will be issued a certificate of appointment unless it is capable of performing every type of emission inspection required for vehicles registered in the region in which the station is located.

(c) *Certificate of appointment.* The certificate of appointment for emission inspection stations will be issued only when the Bureau is satisfied that the station is properly equipped and employs certified [basic or enhanced] emission inspectors, as applicable, to perform [basic or enhanced] emission inspections required of vehicles registered in the region in which the station is located. Only those stations fulfilling Department requirements and complying with this chapter will be issued an emission certificate of appointment. Prior involvement with a suspended inspection station may be sufficient cause to deny appointment. The emission certificate of appointment shall be conspicuously displayed at the place for which issued, in accordance with 75 Pa. C.S. § 4722 (relating to certificate of appointment).

[(c)] (d) Certificate not assignable. A certificate of appointment for an emission inspection station may not be assigned or transferred to another person, business entity

or location and shall be valid only for the person or business entity in whose name it is issued and for transaction of business at the place designated therein.

[(d)] (e) *Valid certificate required.* No person may represent any place as an official emission inspection station unless the station is operating under a valid certificate of appointment issued by the Bureau.

[(e)] (f) *Inspection stations with common access.* An emission inspection certificate of appointment will not be issued for operation of an official emission inspection station on a part of the premises of another official emission inspection station which utilizes the same access. This subsection does not apply where the [inspection] stations have separate internal accesses, though sharing a common external access.

[(f)] (g) *Suspended inspection stations.* An emission inspection certificate of appointment will not be issued for operation of an official emission inspection station on a part of the premises of an official emission inspection station which has been suspended if the owner of the suspended station continues to conduct any type of business which utilizes the same access. This subsection does not apply where the station and the other business each have a

separate internal access, though sharing a common external access.

(h) Indefinite suspension of appointment. A certificate of appointment issued to an official emission station may be suspended indefinitely if the station no longer fulfills the requirements for appointment provided in this subchapter. Once the deficiency which prompted the suspension is cured, a station which has had its certificate of appointment indefinitely suspended may apply for re-appointment in accordance with the procedures set forth in this subchapter.

§ 177.402. Application.

* * * * *

(c) *Specification of type.* The application shall indicate the type of emission inspection station authorization applied for, that is, Commonwealth, general or fleet.

* * * * *

§ 177.403. Approval of emission inspection station.

* * * * *

(c) *Issuance and display of certificate.* Upon approval of the application by the Bureau, a certificate of appointment will be issued to the applicant for the place

of business within this Commonwealth as set forth in the application. Emissions inspections may not be performed unless a certificate of appointment has been issued to and is prominently displayed at the officially designated station.

§ 177.404. Required certificates and station signs.

After appointment the owner of an emission inspection station shall prominently display the following:

(1) A certificate of appointment for each type of emission inspection [station] approved for the location.

* * * * *

(4) An approved official emission inspection sign outside of the garage that is clearly visible to the public. This sign shall have a keystone design which is at least 24 inches high and 21 inches wide. The background shall be navy blue with gold lettering. The station number plate shall be at least 3 inches high and at least 13 inches wide. The background shall be green with white station numbers. If a keystone designated sign is already present, the station number shall be placed below present plates. If hung from a bracket, the sign shall be double faced. Fleet and Commonwealth

emission inspection stations are exempt from this paragraph.

(5) An approved sign indicating whether the emission inspection station is able to deliver waivers.

* * * * *

§ 177.405. Emission inspection areas.

(a) Emission inspections shall be conducted within approved enclosed or outside inspection areas that are safe, sound, well ventilated, and in good repair and condition.

* * * * *

(e) [Enhanced] E[e]mission inspection stations shall be at least 12 feet by 22 feet.

§ 177.406. [Tools and e]Equipment.

(a) *General requirements.* Official emission inspection stations shall have tools and equipment in good satisfactory operating condition to be able to conduct emission inspections upon a subject vehicle. [Tools] Equipment required shall include the following:

- [(1) Portable light.
- (2) Socket set.
- (3) Screw drivers (assorted).
- (4) Floor jack.

(5) Pliers (assorted sizes).

(6) Floor stands (two).

(7) Tachometer.

(8) Vacuum gauge.

(9) Hand vacuum pump.

(10) Dwell meter.

(11) Timing light.

(12) Spark plug gapper.

(13) Propane enrichment set.

(14) Ohms resistance gauge.]

[(15)] (1) Wheel chocks.

[(16)] (2) Approved emission inspection and maintenance textbooks/workbooks or electronic or computerized medium with supplements and current changes and approved handbooks and manuals.

[(17)] (3) Exhaust emission analyzer approved by the Bureau and certified by the manufacturer as meeting or surpassing specifications set forth in subsection (b), where applicable.

[(18)] PCV tester.]

[(19)] (4) Approved dynamometer, where applicable.

[(20)] Digital multimeter, if applicable.]

(5) Where applicable, OBD-I/M equipment as specified in § 177.501(a)(2), approved by the Bureau.

(6) Where applicable, equipment for performing the gas cap test and visual inspection.

(b) *Analyzer specifications.* Exhaust emission analyzers approved by the Bureau shall meet the following requirements:

(1) [Conform, as applicable, to the following requirements:

(i) For basic emission program areas, meet the specifications set forth in California BAR exhaust gas analyzer specifications, 1979 (BAR 80) and Appendix B of this chapter, and meet section 207b of the federal Clean Air Act (42 U.S.C.A. §7541(B)) warranty specifications.

(ii) For enhanced emission program areas, m]Meet PA 97 equipment specifications, where applicable, as provided in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standard, equipment specifications and quality control requirements) and meet section 207b of the Federal Clean Air Act (42 U.S.C.A. § 7541(b)) warranty specifications.

(2) Conform with the following minimum specifications:

(i) Upon the activation of the emission test, the Automatic data collection unit or VIID, as applicable, shall automatically set the standard required for comparison as defined in § 177.204 (relating to [emission standards] basis for failure). Standards shall be field programmed by the manufacturer or provided by the vehicle inspection information database, as applicable.

(ii) Approved exhaust emission analyzers shall be powered by alternating current.

(iii) The sample probe shall meet or surpass [BAR 80 or] PA 97 [,as applicable,] sample probe requirements and be capable of being placed in the tailpipe a minimum of 10 inches with a device, if necessary, to preclude sample dilution.

(3) *Field calibration gases.* Field calibration gases shall [meet the following standards:

(i) *Basic emission inspection program test equipment.* 1.6% CO, 600 ppm propane; and 11% CO₂, the carrier gas in nitrogen, with a 5% blend tolerance and a certified analytical accuracy of +/-2%. More than three gas blends are acceptable if the 1.6% CO, 600 ppm propane and 11% CO₂ concentrations with a 5% blend tolerance and +/-2% accuracy are maintained. Accuracy

of the field calibration gases traceable to National Bureau of Standards (NBS) standard gas +/-2% shall be certified by the individual gas blender and attested to in affidavit form to the Department by a corporate officer. A concentration label stating the gas standard manufacturer's name and production location, batch number and container fill date shall be affixed to the container. Gases used shall be secured from Bureau approved gas blenders. The seller of emission analyzers sold, used or contracted shall have a full gas container installed and operational at time of delivery.

(ii) *Enhanced emission inspection test equipment.*

The calibration gases shall] be as specified in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standard, equipment specifications and quality control requirements).

§ 177.407. Hours of operation.

Emission inspection stations shall be open for business a minimum of 5 days per week, 40 hours, Monday through Friday between 7 a.m. and [5] 8 p.m. This section may be waived by the Bureau upon written request of the inspection station owner and prior approval of the quality assurance

officer. To qualify for a waiver from the provisions of this section, [50% of the working hours shall be between 8 a.m. and 5 p.m.] the station shall be open for business at least 10 business hours during the normal work week (Monday through Friday) between 7 a.m. and 8 p.m. This section does not apply to:

[(i)] (1) Commonwealth or fleet emission inspection stations.

[(ii)] (2) Emission inspection stations owned and operated by more than one owner to do test-only inspections.

§ 177.408. Certified emission inspectors.

(a) *General rule.* Personnel who perform emission inspections at each emission inspection station will be certified by the Department as [basic or enhanced] emission inspectors[, as applicable]. The [enhanced] emission inspection shall be completely performed by certified [enhanced] emission inspectors with a valid driver's license.

* * * * *

(c) *Certified [enhanced] emission inspector requirements.* An inspector desiring to be certified to perform [enhanced] emission inspections shall:

* * * * *

(3) Have done the following:

(i) Completed an [enhanced] emission inspection training course, approved by the Department, that included, [at a minimum] where applicable, information on the following:

(A) The air pollution problem, including its cause and effects.

(B) The purpose, function and goal of the inspection program.

(C) Emission inspection regulations and procedures of the Commonwealth.

(D) Technical details of the test procedures and the rationale for their design.

(E) Emission control device function, configuration and inspection.

(F) Test equipment operation, calibration and maintenance.

(G) Quality control procedures and their purpose.

(H) Public relations.

(I) Safety and health issues related to the inspection process.

(ii) Passed a required written test with a minimum of 80% correct test responses.

(iii) Proved, through means of a computer-based training/testing (CBT) or other Department approved procedure under supervision of a certified educational instructor or other qualified Commonwealth employe or agent, the ability to perform a complete emission inspection, to properly utilize test equipment and to follow other required test procedures as prescribed in §202, §202a, § 202b, §203, §271 and §272 of this chapter, as applicable. The inability to properly conduct the test procedures shall constitute grounds for refusal of certification.

(4) Complete a refresher training course, under procedures established by the Department [which are stated in Appendix B, or] and pass the required [written] test every 2 years.

[(d) *Certified basic emission inspector requirements.* An inspector desiring to be certified to perform basic emission inspections shall:

(1) Be at least 18 years of age.

(2) Have:

(i) Completed a required emission course.

(ii) Passed a required written test.

(iii) Satisfactorily proven, under supervision of the course instructor, the ability to perform a complete emission inspection and analyzer calibration.

(iv) Filed proper application forms.

(3) Renew his certification every 2 years under procedures established by the Department.]

[(e)](d) *Identification*. While conducting inspections, a certified emission inspector shall have in his possession a currently valid inspector [basic or enhanced] emission inspection certification card issued by the Department.

[(f)](e) *Names of inspectors*. The names of certified emission inspectors and their inspector certification numbers shall be placed on the Current List of Certified Emission Inspectors form which shall be posted in a conspicuous location at the emission inspection station.

[(g)](f) *Number of inspections*. The number of inspections performed by a certified [enhanced] emission inspector may not exceed more than 12 subject vehicles per hour for the [basic or enhanced] one or two-speed idle emission inspection [and], 6 inspections per hour utilizing ASM test equipment and procedures, or 12 OBD-I/M checks per hour.

OBLIGATIONS AND RESPONSIBILITIES OF STATION OWNERS/AGENTS

§ 177.421. Obligations and responsibilities of station
owners/agents.

(a) *Personal liability.* It is the responsibility of the owner of an [enhanced] emission inspection station:

(1) To conduct the business of the official [enhanced] emission inspection station honestly and in the best interests of the Commonwealth, under the Vehicle Code and this chapter and, except in the case of a fleet or Commonwealth emission inspection station, to make every reasonable effort to inspect [all vehicles] upon request all vehicles which the station is equipped to inspect.

(2) To make official emission inspection regulations and supplements available for the use of all certified emission inspectors and other employes involved.

(3) To notify within 5 days the quality assurance officer and the Vehicle Inspection Division when a certified emission inspector is hired, resigns or is dismissed.

(4) [For basic emission inspection stations, to keep, at the station, for 2 years, current emission inspection records for examination by the quality assurance officer or other authorized persons. For enhanced emission

inspection stations, emission inspection records will be maintained on the VIID.

(5) To [assume full responsibility for providing] provide the [vehicle] emission inspection [test] report to motorists after testing and to have the possible repair requirements stated on a form provided to the vehicle owner or operator.

[(6)](5) To keep, at the station, as applicable, for 2 years, duplicate copies of completed Certificate of Emission Requisition Forms, repair order forms related to waivers and the original Certificate of Waiver Forms, and other required forms.

[(7)](6) To assume full responsibility, with or without actual knowledge, for:

(i) Every emission inspection conducted at the emission inspection station.

(ii) Every emission inspection waiver delivered by a certified repair technician at the emission inspection station.

* * * * *

[(8)](7) To perform, as applicable, required maintenance and calibration procedures of emission analyzers according to procedures established by the Department and perform electronic zero and span checks

hourly during periods of operation and weekly leak checks.

[(9) For basic emission inspection stations, to complete and retain at the station, for 2 years, weekly emission analyzer maintenance and calibration records. The emission analyzer calibration record shall be submitted to the designated Department officials or representatives upon request. The records for enhanced emission inspection stations may be maintained on the VIID.]

[(10)](8) To place an emission analyzer out of service when calibration cannot be performed according to procedures established by the Department.

[(11)](9) To ensure that [maintain] instrument calibration test results[.

(i) For basic emission inspection stations, the analyzer manufacturer or other approved service representative shall write maintenance and calibration information on the Emission Analyzer Maintenance and Calibration Report. This report shall be maintained at the station for 2 years.

(ii) For enhanced emission inspection stations, the information required in §177.421.11 shall be] are entered into the VIID by the analyzer manufacturer or

other approved service representative as directed by the Department.

[(12) To enter into an agreement with the manufacturer or distributor supplying an emission analyzer or other approved service provider to provide the analyzer calibration on the station premises as required by this chapter.

(13) For basic emission inspection stations, to maintain a copy of the inspection report for each inspection. The reports shall be kept in sequential test order whether a sticker is issued or not. Inspection reports shall be completed and signed by the emission inspector. Sticker information may be maintained on an Emission Inspection Record form for each emission inspection. The inspection reports shall be maintained for 2 years. For enhanced emission inspection stations, this information shall be entered into the VIID.]

[(14)](10) To maintain adequate numbers of current certificates of emission inspection and inserts for issuance.

* * * * *

**§ 177.422. Commonwealth [basic and enhanced] emission
inspection stations.**

(a) *Eligibility.* The designation, Commonwealth [Enhanced] Emission Inspection Station, will be issued to stations owned and operated by the following:

* * * * *

(b) *General requirements.* An applicant for a Commonwealth emission inspection station shall meet the requirements of this chapter, including the requirements for fleet stations.

(c) *Certified emission [inspection] inspector.* Each official Commonwealth emission inspection station shall have at least one certified emission [inspection] inspector.

(d) *Method of inspection.* A Commonwealth emission inspection station may, by mutual agreement with another governmental body, inspect and issue certificates of emission inspection to vehicles registered in the name of that governmental body. Inspection fees, as defined in this chapter, may be charged for the inspection. Charges may be collected for repairs.

§ 177.423. Fleet [basic and enhanced] emission inspection stations.

(a) Eligibility requirements for fleet emission inspection stations are as follows:

(1) *Minimum number of vehicles.* A fleet emission inspection station owner shall own or lease at least 15 subject vehicles.

(2) *Authorized subject vehicles.* The certificate of appointment shall authorize emission inspection of subject vehicles registered or leased by the fleet emission inspection station owner. Privately owned or registered vehicles of company officers and employees may not be emission inspected at a fleet emission inspection station, even if they are used for business purposes.

* * * * *

(b) Each fleet emission inspection station shall have at least one certified [enhanced] emission [inspection] inspector.

(c) Requirements for fleet inspection stations shall include the following:

(1) Applicants for a fleet emission inspection station shall comply with this chapter unless specifically exempted.

(2) Inspection areas shall be large enough to accommodate the largest subject vehicle to be inspected at the fleet emission inspection facility, in addition to meeting the minimum inspection area requirements of § 177.405 (relating to emission inspection areas).

(d) Limited inspection periods and limitations on the length of service requirements are permitted if the station meets the following:

* * * * *

(2) The station owner, in writing, requests the Department to permit a limited inspection period. This request shall specify the month in which emission inspections will be performed.

* * * * *

(e) Limited inspection period emission analyzer service requirements with accompanying limitations as to the length of service requirements are as follows:

* * * * *

(4) Station owners may not permit emission inspections to be performed during the limited inspection period until the Department has been notified by the analyzer manufacturer or other approved Commonwealth agent or service representative that the analyzer is in compliance with all requirements and the Department so

notifies the station owner. Failure to comply with this paragraph may result in cancellation of limited inspection period privileges.

§ 177.424. General emission inspection stations.

(a) *Eligibility.* The designation, general emission inspection station, will be issued to stations that emission inspect all subject vehicles, if the station is so equipped.

(b) *General requirements.* An applicant for a general emission inspection station shall comply with this chapter unless specifically exempted.

(c) *Certified [enhanced] emission [inspection] inspector.* Each general emission inspection station shall have a certified [enhanced] emission [inspection] inspector present during normal business hours.

(d) *Method of inspection.* Subject vehicles shall be inspected consistent with this chapter by a certified emission [inspection] inspector.

§ 177.425. Security.

* * * * *

(c) *Removal.* Certificates of emission inspection may not be removed from a vehicle for which the certificate was

issued except to replace it with a new certificate of emission inspection issued under this chapter. This prohibition is not applicable to expired certificates of emission inspection on vehicles registered outside the designated areas. These expired certificates of emission inspection shall be removed only by a certified emission or safety inspector.

(1) A person replacing a windshield in a manner which requires removal of a certificate of emission inspection shall, at the option of the registrant of the vehicle, cut out the portion of the windshield containing the emission certificate and deliver it to the registrant of the vehicle or destroy the emission certificate. The vehicle may be driven up to 5 days if it displays the portion of the old windshield containing the emission certificate. Within the 5-day period an appropriate official emission inspection station may affix to the vehicle another certificate of emission inspection for the same period without reinspecting the vehicle in exchange for the portion of the old windshield containing the certificate of emission inspection. A labor fee of no more than \$2 and the cost of the dial-up to the VIID may be charged for the exchanged certificate of emission inspection. The replacement may

be made at any time prior to the expiration of the certificate of emission inspection.

* * * * *

**Subchapter E. EQUIPMENT MANUFACTURERS' AND
CONTRACTOR'S REQUIREMENTS AND OBLIGATIONS**

EQUIPMENT MANUFACTURERS' REQUIREMENTS

§ 177.501. Equipment approval procedures.

[(a) The manufacturer shall meet the following conditions for interim and final approval for participation in the basic emission inspection program.

(1) Interim approval. The following requirements shall be met for interim approval:

(i) The manufacturer shall provide a certified copy of BAR 80- approved certification of the analyzer to be used.

(ii) The manufacturer shall provide documentation that the automatic data collection system will meet the Pennsylvania Automatic Data Collection system requirements and provide flow descriptions and detailed operations with proposed screens for Automatic Data Collection requirements.

(iii) The manufacturer shall submit a description of the proposed methods the manufacturer or distributor will use to meet Department analyzer

specifications, performance commitments, financial commitments, responsibilities and agreements as required by this chapter and the Department's procedures and policies.

(2) Final approval. The following requirements shall be met for final approval:

(i) The manufacturer shall provide a certified copy of BAR 80 approved certification or a certified document stating complete testing compliance with BAR 80 test requirements by a reputable independent testing laboratory that completed the testing.

(ii) The manufacturer shall provide a certified document that the Automatic Data Collection system meets the Pennsylvania Automatic Data Collection system requirements and provide final flow descriptions and diagrams and final detailed operations with final screens.

(iii) The manufacturer shall provide test tapes and printed listing of the test information transmitted to include a minimum of 200 engine tests with a representative sample of all cut points. All cut points shall be tested. (iv) The manufacturer shall submit a certified signed statement that the description of the methods the manufacturer or

distributor will use shall meet or surpass all Department analyzer and dynamometer specifications, performance commitments, financial commitments, responsibilities and agreements as required by this chapter and the Department's procedures and policies.

(b)](a) The manufacturer shall meet the following conditions for [interim and final] approval for participation in the [enhanced] emission inspection program.

[(1) *Interim approval*. The following requirements shall be met for interim approval:

(i) The manufacturer shall provide a statement certifying that the test equipment provided will meet all requirements of Pa 97 equipment as specified in Appendix A of this chapter, and that the manufacturer will provide certification that the gas analyzer and dynamometer to be used will meet the performance standards of California BAR 97 as they apply to the Pa 97 analyzer and dynamometer before receiving final approval for the equipment from the Department.

(ii) The manufacturer shall provide a document that the dynamometer will meet all requirements for ASM test equipment as specified in Appendix A of this chapter and will meet California BAR performance

standards as they apply to the Pa 97 analyzer and dynamometer prior to receiving final approval for this equipment from the Department.

(iii) The manufacturer shall submit a description of the proposed methods the manufacturer or distributor will use to meet Department analyzer specifications, performance commitments, financial commitments, responsibilities and agreements as required by this chapter and the Department's procedures and policies.

(iv) The equipment manufacturer must apply to the Department for final approval.

(2) Final approval.] (1) Emission inspection equipment. The following requirements shall be met for [final] equipment approval in the emission inspection program:

* * * * *

(2) OBD-I/M check equipment approval. The following requirements shall be met for approval of the OBD-I/M check equipment:

(i) The manufacturer or distributor of an OBD scanner or scan tool must certify that the scan tool used for OBD-I/M checks complies with applicable versions of the following SAE standards:

(A) SAE J 1962 (Standardized Connector).

(B) SAE J 1978 - OBDII (Scan Tool Functionality).

(C) SAE J 1979 (Diagnostic Test Modes (1-7)).

(D) SAE J 1850, ISO9141-2 & 14230-4

(Communication Protocols).

(E) SAE J 2012 (Standardized DTC usage).

(ii) The manufacturer or distributor must certify that the OBD hand-held scan tool or OBD PC-based scan tool meets PA Equipment Specifications for OBD-I/M Checks, copies of which are available by contacting the Bureau.

(iii) The manufacturer or distributor must certify that the emission-related parameters and/or emission-related engine parameters displayed must be able to be automatically transmitted to the VIID.

[(c)](b) *Certification.* A manufacturer shall cause a corporate officer with administration/operations management responsibility, if a corporation; the general partners, if a partnership; or the owner, if a sole proprietorship, to certify in writing and attest in affidavit form to the Department that the exhaust emission analyzer and dynamometer, OBD scan tool and equipment for the gas cap test and visual inspection, [if] as applicable, meets the specifications of this section and quality assurance and

that the manufacturer meets or surpasses stated field requirements.

§ 177.502. Service commitment.

(a) Manufacturers and distributors shall provide the following service commitments:

* * * * *

[(5) Visit each station at least every 3 months, no less than 80 calendar days and no greater than 95 calendar days from the previous visit or in the case of the initial visit, from the delivery date of the equipment to calibrate the analyzer or other equipment in accordance with Bureau procedures as provided in Appendix A.]

* * * * *

§ 177.503. Performance commitment.

(a) The manufacturer or distributor shall agree that, if it decides to discontinue participation in the program, or if its name is removed from the list of approved manufacturers or distributors of emission analyzers, OBD-I/M check equipment or equipment for the gas cap test and visual inspection by the Department, it will buy back all emission analyzers, [and] dynamometers, OBD-I/M check equipment or gas cap/visual inspection equipment from the inspection stations which purchased them for an amount

equal to the unamortized cost based on straight line amortization over the expected useful life of the analyzer, dynamometer, OBD-I/M check equipment or gas cap/visual inspection equipment.

(b) The manufacturer or distributor shall agree to provide a specific performance bond, irrevocable letter of credit, a certified check, or bank cashier's check drawn to the order of the Pennsylvania Department of Transportation, or other suitable financial instrument acceptable to the Department[in the amount of]:

(1) For analyzer and dynamometer manufacturers or distributors, in the amount of \$1 million initially, and in the amount of an additional \$400,000, for every 250 analyzers sold to Pennsylvania certified emission inspection stations.

(2) For OBD-I/M check equipment manufacturers or distributors, in the amount of \$500,000.

(3) For gas cap/visual inspection equipment, in the amount of \$200,000.

(c) This security will be:

(1) Used to insure that money is available to reimburse certified emission inspection stations for the reasonable value of existing emission analyzers, [and] dynamometers or OBD-I/M check equipment in the event

that the manufacturer or distributor goes out of business in this Commonwealth or is removed by the Department from the list of approved manufacturers or distributors for substantial failure to comply with the terms and conditions of the agreement or this chapter.

(2) Used in part or in whole in the event of nonperformance or default of the manufacturer or distributor.

~~[(c)]~~ (d) Other Department-approved equipment service providers shall agree to provide a specific performance bond, irrevocable letter of credit, a certified check, or bank cashier's check drawn to the order of the Pennsylvania Department of Transportation, or other suitable financial instrument acceptable to the Department, in the amount of \$200,000. These funds may be used in part or in whole in the event of nonperformance or default of the service provider.

* * * * *

CONTRACTOR OBLIGATIONS

§ 177.521. Contractor obligations and responsibilities.

* * * * *

(c) *Personal liability.* The contractor, or those acting as agents of the contractor, shall assume full responsibility for:

* * * * *

(2) Providing to the Department, at no cost to the Department, the results of the emission tests conducted at [enhanced] emission inspection stations. The requirements for data collection and transmission shall be as specified in the contract between the Department and the contractor.

* * * * *

Subchapter F. SCHEDULE OF PENALTIES AND HEARING PROCEDURE

SCHEDULE OF PENALTIES AND SUSPENSIONS

§ 177.601. Definitions

For the purposes of this subchapter, the following words and terms will have the following meanings:

Faulty Inspection - Failure to perform an emission inspection as required by this Chapter or any other deviation in the testing procedure, provided that it can be demonstrated that the outcome of the inspection would have been different if the inspection had been performed properly.

Improper Inspection - Failure to perform an emission inspection as required by this Chapter or any other deviation in the testing procedure provided that it can be demonstrated that the outcome of the inspection would have been the same if the inspection had been performed properly.

Careless Record Keeping - Failure to sign the emission inspection test report, missing or omitting required documentation supporting the issuance of a waiver as required by Section 177.281 or data entry errors proven to have no influence on the outcome of the inspection.

Fraudulent Record Keeping - A record keeping entry not in accordance with fact, truth or required procedure that falsifies or conceals one or more of the following:

(1) That a certificate of inspection was issued without compliance with the required inspection procedure,

(2) The number of inspections performed, or

(3) The individual(s) or station that performed the inspection.

Improper Record Keeping - A record keeping entry that is not in accordance with fact, truth or required procedure.

§ 177.602. Schedule of penalties for emission inspection stations.

(a) *Schedule of penalties.* The complete operation of an official emission inspection station shall be the responsibility of the owner. Failure to comply with the appropriate provisions of the Vehicle Code or this chapter will be considered sufficient cause for suspension of emission inspection privileges. In addition, violators are also subject to criminal prosecution. Every general, fleet or Commonwealth emission inspection station shall be subject to the following schedule of penalties and suspension:

[(1) *Schedule of penalties for basic emission inspection stations.*

<i>Type of Violation</i>	<i>Duration of Suspension</i>		
	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd & Subsequent Offenses</i>
<i>Category 1</i>			
(i) Issuance or possession of altered, forged, stolen, or counterfeit	1 year	Permanent	

	<i>Duration of Suspension</i>		
<i>Type of Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd & Subsequent Offenses</i>
certificate of inspection			
(ii) Furnish, lend, give, sell or receive a certificate of inspection without inspection	1 year	Permanent	
(iii) Fraudulent record keeping	1 year	Permanent	
(iv) Improper record keeping	3 months	1 year	3 years
(v) Faulty inspection	3 months	1 year	3 years
Category 2			
(vi) Inspecting more than 12 subject vehicles per hour per emission inspection mechanic	3 months	6 months	3 years
(vii) Failure to produce records upon demand by inspection station investigator	3 months	6 months	1 year
(viii) Inspection by uncertified mechanic	3 months	6 months	1 year
(ix) Unnecessary repairs for purpose of inspection	3 months	6 months	1 year

	<i>Duration of Suspension</i>		
<i>Type of Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd & Subsequent Offenses</i>
(x) Misstatement of fact	1 month	3 months	1 year
(xi) Improper assigning of certificate of inspection	1 month	3 months	1 year
Category 3			
(xii) Improper certificate of inspection security	Warning	3 months	1 year
(xiii) Unclean inspection area	Warning	3 months	6 months
(xiv) Careless record keeping	Warning	3 months	6 months
(xv) Required tools or equipment missing or broken	Warning if tools are repaired or replaced, if not, suspension until tools are repaired or replaced	1 month or until tools are repaired or replaced, whichever is greater	6 months or until tools are repaired or replaced, whichever is greater
(xvi) Bad Check	Warning, if amount due is paid within ten days from date notified. If not, suspension until amount due is paid.	3 months or until amount due is paid, whichever is greater.	6 months or until amount due is paid, whichever is greater.
Category 4			
(xvii) Failure to			

	<i>Duration of Suspension</i>		
<i>Type of Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd & Subsequent Offenses</i>
report discontinuance of business	1 year	2 years	Permanent
(xviii) Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station	3 months	6 months	1 year

(2) Schedule of penalties for enhanced emission inspection stations.]

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offenses
Category 1 (Fraudulent Activities)			
(i) Issuance or possession of altered, forged, stolen or counterfeit certificate of emission inspection	1 year & \$2,500 fine	Permanent & \$5,000 fine	
(ii) Furnish, lend, give, sell or receive a certificate of emission inspection without inspection	1 year & \$2,500 fine	Permanent & \$5,000 fine	
(iii) Fraudulent record keeping	1 year & \$2,500 fine	Permanent & \$5,000 fine	
Category 2 (IMPROPER ACTIVITIES)			
(iv) Faulty inspection	3 months & \$1,000 fine	1 year & \$2,500 fine	3 years & \$5,000 fine
(v) Inspecting more subject vehicles per hour per emission inspection inspector than	3 months	6 months	[3 years] <u>1 year</u>

<i>Type of Violation</i>	<i>Duration of Suspension</i>		
	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
permitted by Section 177.408(g)			
(vi) Failure to produce records upon demand by Department quality assurance officer or other authorized Commonwealth representative or agent	3 months or until produced, <u>whichever is greater</u>	6 months or until produced, <u>whichever is greater</u>	1 year or until produced, <u>whichever is greater</u>
(vii) Inspection by uncertified inspector	3 months	6 months & \$1,000 fine	1 year & \$2,500 fine
<u>(viii) Improper record keeping</u>	<u>2 months</u>	<u>6 months</u>	<u>1 year</u>
<u>(ix) Improper inspection</u>	<u>Warning</u>	<u>2 months and \$250 fine</u>	<u>6 months and \$500 fine</u>
[(viii)] <u>(x) Requiring or indicating [U]unnecessary repairs for purpose of inspection</u>	3 months	6 months	1 year
[(ix)] <u>(xi) Misstatement of fact</u>	1 month	3 months	1 year
[(x)] <u>(xii) Improper assigning of certificate of inspection</u>	1 month	3 months	1 year

<i>Type of Violation</i>	<i>Duration of Suspension</i>		
	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
<u>(xiii) Failure to verify registration or emission inspecting a vehicle with an expired registration</u>	<u>2 months</u>	<u>4 months</u>	<u>6 months</u>
<u>(xiv) Failure to affix certificate of inspection immediately upon successful completion of the inspection</u>	<u>2 months</u>	<u>4 months</u>	<u>6 months</u>
Category 3 (Careless Activities)			
<u>(xv) Inspection by emission inspector with suspended, revoked, cancelled, expired or recalled vehicle operating privilege</u>	<u>2 months</u>	<u>4 months</u>	<u>6 months</u>
<u>(xvi) Inspection by emission inspector with expired inspector certification</u>	<u>Warning</u>	<u>4 months</u>	<u>6 months</u>
<u>(xvii) Improper use of emission inspector</u>	<u>Warning</u>	<u>2 months and \$250 fine</u>	<u>6 months and \$500 fine</u>

	<i>Duration of Suspension</i>		
<i>Type of Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
<u>certification</u>			
[(xi)] <u>(xviii)</u> Improper security of certificate of inspection	Warning	3 months	1 year
[(xii)] <u>(xix)</u> Unclean inspection area	Warning	Warning	3 months
[(xiii)] <u>(xx)</u> Careless record keeping	Warning	Warning	3 months
[(xiv)] <u>(xxi)</u> Missing or broken tools	Warning, if repaired or replaced; if not, suspension until tools are repaired or replaced	1 month or until tools are repaired or replaced, whichever is greater	6 months or until tools are repaired or replaced, whichever is greater
[(xv)] <u>(xxii)</u> Bad Check	Warning, if amount due is paid within 10 days from date notified. If not, suspension until amount is paid	3 months or until amount due is paid, whichever is greater	6 months or until amount due is paid, whichever is greater
(4)Category 4 (Negligent)			
[(xvi)] <u>(xxiii)</u> Failure to report discontinuance of business	1 year	2 years	Permanent

<i>Type of Violation</i>	<i>Duration of Suspension</i>		
	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
[(xvii)] <u>(xxiv)</u> Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station	3 months	6 months	1 year
<u>(xxv) Failure to make emission inspection test printout available to customer</u>	<u>Warning</u>	<u>Warning and \$100 fine</u>	<u>1 month</u>

* * * * *

§ 177.603. Schedule of penalties for emission inspectors.

Emission inspectors shall assume full responsibility for their acts as emission inspectors. Failure to comply with the appropriate provisions of the Vehicle Code or this chapter will be considered sufficient cause for suspension of emission inspection privileges. A violator may also be subject to criminal prosecution. After providing the emission inspector with an opportunity for a hearing, the Department may impose suspensions or penalties upon the

emission inspector according to the following schedule of offenses for violations:

[(1) *Schedule of penalties for basic emission inspection inspectors.*

<i>Type of Violation</i>	<i>Duration of Suspension</i>		
	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
<i>Category 1 (Fraudulent Activities)</i>			
(i) Issuance or possession of altered, forged, stolen or counterfeit certificate of inspection	1 year	Permanent	
(ii) Furnish, lend, give, sell or receive a certificate of emission inspection without inspection	1 year	Permanent	
(iii) Fraudulent record keeping	1 year	Permanent	
<i>Category 2 (Improper Activities)</i>			
(iv) Faulty inspection	3 months	1 year	3 years

<i>Type of Violation</i>	<i>Duration of Suspension</i>		
	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
(v) Inspecting more subject vehicles per hour per emission inspection inspector than permitted by Section 177.408(g)	3 months	6 months	3 years
(vi) Failure to produce records upon demand by Department quality assurance officer or other authorized Commonwealth representative or agent	3 months or until produced	6 months or until produced	1 year or until produced
(vii) Inspection with expired inspector's certificate	Warning	4 months	6 months
(viii) Improper record keeping	Warning	2 months	6 months
(ix) Improper inspection	Warning & \$100 fine	2 months & \$250 fine	6 months & \$500 fine
(x) Improper assigning of certificate of inspection	Warning	2 months	6 months
(xi) Improper security of certificate of emission inspection	Warning	2 months	6 months

	<i>Duration of Suspension</i>		
<i>Type of Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
<i>Category 3 (Careless Activities)</i>			
(xii) Unclean inspection area	Warning	1 month	4 months
(xiii) Careless record keeping	Warning	1 month	4 months
(xiv) Failure to make vehicle emission inspection test printout available to customer	Warning	1 month	4 months

(2) *Schedule of penalties for enhanced emission inspection inspectors.]*

	<i>Duration of Suspension</i>		
<i>Type of Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
<i>Category 1 (Fraudulent Activities)</i>			
(i) Issuance or possession of altered, forged, stolen or counterfeit certificate of <u>emission</u> inspection	1 year	Permanent	
(ii) Furnish,	1 year	Permanent	

	<i>Duration of Suspension</i>		
<i>Type of Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
lend, give, sell or receive a certificate of emission inspection without inspection			
(iii) Fraudulent record keeping	1 year	Permanent	
<i>Category 2 (Improper Activities)</i>			
(iv) Faulty inspection	3 months	1 year	3 years
(v) Inspecting more subject vehicles per hour per emission inspection inspector than permitted by Section 177.408(g)	3 months	6 months	3 years
(vi) Failure to produce records upon demand by Department quality assurance officer or other authorized Commonwealth representative or agent	3 months or until produced	6 months or until produced	1 year or until produced
[(vii) Inspection	[Warning]	[4 months]	[6 months]

	<i>Duration of Suspension</i>		
<i>Type of Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
with expired inspector's certificate]			
<u>(vii) Inspection by uncertified inspector</u>	<u>3 months and \$100 fine</u>	<u>6 months and \$500 fine</u>	<u>1 year and \$1,000 fine</u>
(viii) Improper record keeping	Warning	2 months	6 months
(ix) Improper inspection	Warning [& \$100 fine]	2 months & \$250 fine	6 months & \$500 fine
<u>(x) Requiring or indicating repairs unnecessary for purpose of passing inspection</u>	<u>3 months</u>	<u>6 months</u>	<u>1 year</u>
<u>(xi) Misstatement of fact</u>	<u>1 month</u>	<u>3 months</u>	<u>1 year</u>
[(x)] (xii) Improper assigning of certificate of inspection	Warning	2 months	6 months
<u>(xiii) Failure to verify registration or emission inspecting a vehicle with an expired registration</u>	<u>2 months</u>	<u>4 months</u>	<u>6 months</u>

<i>Type of Violation</i>	<i>Duration of Suspension</i>		
	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
<u>(xiv) Failure to affix certificate of inspection immediately upon successful completion of the inspection</u>	<u>2 months</u>	<u>4 months</u>	<u>6 months</u>
[(xi)] <u>(xv) Improper security of certificate of emission inspection</u>	Warning	2 months	6 months
<i>Category 3 (Careless Activities)</i>			
<u>(xvi) Inspection by emission inspector with suspended, revoked, cancelled, expired or recalled vehicle operating privilege</u>	<u>2 months</u>	<u>4 months</u>	<u>6 months</u>
<u>(xvii) Inspection by emission inspector with expired inspector certification</u>	<u>Warning</u>	<u>4 months</u>	<u>6 months</u>
<u>(xviii) Improper use of emission inspector certification</u>	<u>Warning</u>	<u>2 months and \$250 fine</u>	<u>6 months and \$500 fine</u>

	<i>Duration of Suspension</i>		
<i>Type of Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
(xix) <u>Improper security of certificate of emission inspection</u>	<u>Warning</u>	<u>2 months</u>	<u>4 months</u>
[(xii)] <u>(xx)</u> Unclean inspection area	Warning	1 month	4 months
[(xiii)] <u>(xxi)</u> Careless record keeping	Warning	1 month	4 months
[(xiv)] <u>(xxii)</u> Failure to make vehicle emission inspection test printout available to customer	Warning	1 month	4 months

* * * * *

[SCHEDULE OF PENALTIES FOR CERTIFIED
REPAIR TECHNICIANS] ADDITIONAL VIOLATIONS

§ 177.605. Subsequent violations.

* * * * *

DEPARTMENTAL HEARING PROCEDURE

§ 177.651. Notice of alleged violation and opportunity
[for a Departmental hearing] to be heard
prior to immediate suspension.

Prior to the immediate suspension of any official
emission inspection station, certificate of appointment,
emission inspector certification or certified repair
technician, the Department shall, within 3 days, provide
written notice of the alleged violation and the opportunity
to be heard. [Except for a penalty or sanction imposed
under the contract between the Department and the
contractor, a person charged by the Department's quality
assurance officers or other authorized personnel to be in
violation of this chapter or the Vehicle Code shall have
the right to request a hearing regarding the charges. The
hearing will be conducted in accordance with the following:

(1) The Department will provide written notice to a
dealer, contractor, inspector, certified repair
technician or other employe of the contractor of the

nature of the alleged violation and of the opportunity and procedure to request a Departmental hearing.

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

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

(4) The hearing will be conducted by Department personnel at a site established by the Department.]

* * * * *

RESTORATION AFTER SUSPENSION

§ 177.671. Restoration of certification of an emission inspector after suspension.

* * * * *

REGISTRATION RECALL PROCEDURE FOR VIOLATION OF §177.301-177.305 (RELATING TO ON-ROAD [R]TESTING)

§ 177.691. Registration Recall Committee.

* * * * *

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
------------	------------	------------	------------

[REDACTED]

	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 8. Software specifications and [enhanced] emission inspection waiver procedure.

(a)[.]*Software specifications.*

* * * * *

(b) [*Enhanced e*] Emission inspection waiver procedure.

* * * * *

(2) When repairs are completed, vehicle shall be returned to a certified emission inspection station.

(3) When retest is begun, repairs made and cost of repairs will be entered into [**analyzer**] the inspection equipment.

* * * * *

(iii) If yes, inspector will be presented with [**analyzer**] waiver screen.

* * * * *

APPENDIX B
Department Procedures and Specifications

1. Analyzer Specifications for Basic Emission Program Areas.

Exhaust emission analyzers approved by the Bureau shall meet the following requirements:

* * * * *

(iii) The HC, CO, CO₂, RPM and pass/fail or invalid test data are automatically recorded into the storage medium and recorded onto the consumer reports.]

2.1. Evaporative System Function Test[s].

[(a) Evaporative system pressure test,] [t]The evaporative system pressure test procedure shall be as follows:

* * * * *

(3) Vehicles shall fail the evaporative system pressure test if the system cannot maintain a system pressure above 8 inches of water for 2 minutes after being pressurized to 14 +/- 0.5 inch of water or if no pressure drop is detected when the gas cap is loosened as described in this section. Additionally, vehicles shall fail the evaporative test if the canister is missing or

obviously damaged, if hoses are missing or obviously disconnected, or if the gas cap is missing.

[(b) Fuel filler (gas) cap test. The fuel filler (gas) cap test procedure shall be as follows:

* * * * *

(c) Subsequent test procedures and equipment approved by the EPA. If the EPA develops or approves other emission test procedures or equipment, including test procedures or equipment prescribed in this section, the Department may adopt the subsequently approved emission test procedures and equipment consistent with section 4706(e) of the Vehicle Code (relating to prohibition of expenditures for the Emission Inspection Program.)

Editors Note: As part of this rulemaking, the Department is also deleting in their entirety the table entitled: PA Enhanced Emissions Inspector Certification (E.E.I.C), and the flow chart entitled: PA Enhanced Emissions Inspector Training, Certification, and Recertification, which appear in 67 Pa. Code at pages 177-143 through 177-146, serial page numbers (235383) through (235386).