

PROPOSED RULEMAKING

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 443]

Roadside Rest Areas

The Department of Transportation (Department), under the authority in section 8 of the act of June 7, 1961 (P. L. 257, No. 151) (36 P. S. § 478.18), proposes to amend Chapter 443 (relating to roadside rest areas) to read as set forth in Annex A.

Purpose of Chapter

The purpose of Chapter 443 is to set forth rules to ensure the comfort, convenience, cleanliness, health and safety of those members of the traveling public utilizing roadside rest areas and facilities.

Purpose of the Proposed Rulemaking

The purpose of the proposed amendments to Chapter 443 is to provide greater detail in the description of conditions and activities not permitted at roadside rest areas and facilities.

Summary of Significant Amendments

Proposed amendments to § 443.1 (relating to purpose and policy) add a subsection which clarifies that these regulations are applicable to roadside rest areas administered by the Department including Welcome Centers. Proposed amendments also include clarification that it is the intent of Chapter 443 to limit the use of roadside rest areas to those activities conducive to their purpose as a comfortable and convenient place for travelers to take a break from their driving journey to rest, stretch and take advantage of necessary facilities.

Proposed amendments to § 443.2 (relating to prohibited activities or actions) include more specific delineation of activities or actions which are inconsistent with the purpose of the roadside rest areas and are therefore prohibited. Among the newly delineated prohibited activities are making routine vehicle repairs or repairs to vehicles unless the vehicle has been placed out of service by law enforcement and the repair can be accomplished within 2 hours. The following are also prohibited: commercial activity unless permitted by the Department through written agreement; skateboarding and other similar activities; camping or setting up a tent; distribution of written materials except on terms as the Department may permit; and the use of a roadside rest area for special events unless permitted by the Department. Potentially disruptive activity that could interfere with the function and restful purpose of a rest area, such as solicitation, harassment, intimidation, picketing, demonstrating, oration and activity which impedes the movement of pedestrians or the flow of traffic, is expressly prohibited.

The prohibition against picketing, demonstrations and oration is not violative of the First Amendment guarantees of free speech. The courts have distinguished between forums that have been traditionally or historically open and available for public speech and expression, designated public forums specifically opened or designated by the government for speech or expressive activity and those not traditionally or explicitly designated as a

public forum. The courts have found roadside rest areas to fall within this last category and that public expression can be restricted.

Proposed § 443.4 (relating to limitation on parking or standing of vehicles) establishes a clear 2-hour limitation on the length of time vehicles may be parked or left standing at roadside rest areas. Vehicles left unattended for more than 24 hours will be considered abandoned and removed at the owner's expense. Vehicles placed out of service by law enforcement which cannot be repaired on site within 2 hours must be towed to an appropriate repair facility.

Persons and Entities Affected

This proposed rulemaking affects members of the general motoring public who stop at roadside rest areas and Welcome Centers.

Fiscal Impact

Implementation of this proposed rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 17, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Sunset Provisions

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* following appropriate evaluation of comments, suggestions or objections received during the public comment period. The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under 75 Pa.C.S. (relating to Vehicle Code). The Department, however, will continue to closely monitor these regulations for effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Diane M. Chamberlin, Director, Bureau of Office Services, Department of Transportation, 400 North Street, Harrisburg, PA 17105, (717) 783-8869, dchamberli@pa.gov within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about the proposed rulemaking is Terrence G. Pearsall, Jr., Acting Division Chief, Facility Management Division, Bureau of

Office Services, Department of Transportation, 400 North Street, Harrisburg, PA 17105-3451, (717) 787-0466, fax (717) 787-0462, tpearsall@pa.gov.

BARRY J. SCHOCH, P.E.,
Secretary

Fiscal Note: 18-431. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart B. NONVEHICLE CODE PROVISIONS

ARTICLE III. HIGHWAYS

CHAPTER 443. ROADSIDE REST AREAS

§ 443.1. Purpose and policy.

(a) This chapter is promulgated for the purpose of providing comfortable, [**convenience**] **convenient**, clean, attractive and safe places for the general motoring public and to set forth rules to insure the maximum comfort, convenience, cleanliness, health and safety of those members of the general public using the facilities.

(b) **This chapter applies to rest areas administered by the Department, including those containing information centers for the traveling public, that is, Welcome Centers.**

(c) **This chapter is intended to limit activities and actions in roadside rest areas to those that are consistent with the purpose of the facilities.**

§ 443.2. Prohibited activities or actions.

The following specified activities or actions [**shall be**] **are** prohibited in roadside rest areas:

(1) [**Driving or parking of a vehicle in areas other than those provided.**] **Failure to comply with posted traffic signs and markings.**

(2) Parking or standing of a vehicle for more than 2 hours in a single 24-hour period or in excess of the posted time limit.

(3) **Driving or parking of a vehicle in areas other than those provided.**

(4) Defacing or damaging buildings or other facilities.

[(4)] (5) Igniting or maintaining fires for heating or cooking equipment, except in areas or facilities designed for the purpose.

[(5)] (6) Depositing or disposing of refuse or waste, except picnic waste and contents of vehicle litter bags, which shall be deposited only in areas or containers provided [**therefor**] **for that purpose**. Disposing of camping, **sewage** or household refuse in [**this area**] **these areas** is prohibited.

[(6)] (7) Consumption of alcoholic beverages **or the use, possession or delivery of controlled substances.**

[(7)] (8) Discharging or shooting of firearms or bows and arrows, [**and**] **hunting or fishing or parking of vehicles for the purpose of hunting or fishing outside of the rest area.**

[(8)] (9) Maintenance or repairing of vehicles **or attachments to vehicles**—oil changes, filter replacements, draining of coolants, washing vehicles **or attachments to vehicles**, motor disassembly or assembly and

the like—except in emergencies **or when the vehicle has been placed out of service by law enforcement after roadside inspection and the repairs needed to return the vehicle to service can be completed within the 2-hour parking limitation in § 443.4 (relating to limitation on parking or standing of vehicles).**

[(9)] (10) Release of pets **or unloading of livestock.**

(i) Animals on leashes [**shall be**] **are** permitted only in areas designated as pet [**area**] **areas.**

(ii) **Pets may be permitted off-leash in designated fenced-in areas.**

(iii) **Seeing-eye and service dogs are not restricted.**

[(10)] (11) Picking, **cutting**, breaking, damaging or abuse of plants or vegetation or parts thereof.

[(11)] (12) Use of the area or facilities for bathing or washing of garments or clothing.

[(12)] (13) Sale of a product or conduct of other commercial activity, except [**in emergencies**] **when the Department authorizes, by written agreement, vending and communication facilities in rest areas along limited access rights of way or vending, communication facilities and other commercial activities serving the needs of the traveling public in rest areas not along limited access rights of way.**

[(13)] (14) Driving a motor vehicle in excess of 25 miles per hour, except on entrance or exit ramps.

[(14)] (15) Use of the area or facilities when closed for the season **or closed for any other reason.**

[(15)] (16) Engaging in loud, boisterous or abusive conduct or engaging in or soliciting lewd or lascivious conduct, including, but not limited to, sexual intercourse, indecent exposure, open lewdness or prostitution.

(17) **Skateboarding, rollerblading, skating, biking, sledding or riding of all-terrain vehicles.**

(18) **Camping overnight or setting up a tent, sleeping anywhere but in a legally parked vehicle or remaining anywhere but in a legally parked vehicle for more than 2 hours.**

(19) **Smoking in areas designated as “no smoking.”**

(20) **Distributing written materials except on terms and conditions the Department deems appropriate.**

(21) **Use of the area or facilities for special events except for free “coffee break” events and similar nonprofit activities for the traveling public when approved by the Department and on terms and conditions the Department deems appropriate.**

(22) **Other potentially disruptive activities that interfere with the proper functioning of the rest area for the purposes in § 443.1 (relating to purpose and policy), including:**

(i) **Soliciting, harassing, intimidating or coercing travelers.**

(ii) **Impeding the movement of pedestrians or interrupting traffic flow.**

(iii) **Picketing, demonstrating or performing oration or similar activities.**

§ 443.3. Additional prohibited activities or actions on noninterstate highways.

In addition to the activities prohibited in § 443.2 (relating to prohibited activities or actions), parking of commercial vehicles or the parking of a vehicle between dusk and dawn is prohibited in roadside rest areas along noninterstate highways **unless otherwise posted by the Department.**

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 443.4. Limitation on parking or standing of vehicles.

(a) Parking or standing of a vehicle for more than 2 hours in a single 24-hour period or in excess of the posted time limit is prohibited.

(b) Vehicles unattended for more than 24 hours will be considered abandoned and subject to removal and storage at the sole cost and expense of the owner.

(c) Vehicles which have been placed out of service by law enforcement after roadside inspection, when the repairs needed to return the vehicle to service cannot be completed within 2 hours, should be towed for repair to an appropriate garage or repair facility.

[Pa.B. Doc. No. 12-1410. Filed for public inspection July 27, 2012, 9:00 a.m.]

[67 PA. CODE CH. 175]

Vehicle Equipment Standards and Safety Inspection Process

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 4103, 4301, 4501, 4521 and 6103, proposes to amend Chapter 175 (relating to vehicle equipment and inspection) to read as set forth in Annex A.

Purpose of this Chapter

The purpose of Chapter 175 is to establish vehicle equipment standards, including lighting, brakes and other devices, and to regulate the vehicle equipment safety inspection process.

Purpose of the Proposed Rulemaking

The purpose of the proposed amendments to Chapter 175 is to revise equipment and inspection standards, including the frequency of inspection, coordination of inspection with vehicle registration, hours of operation of official inspection stations, certification of inspection mechanics, recording inspections, windshield replacement procedures, ordering inspection stickers, cause for suspension of inspection privileges, bumper height, rear wheel shields, mirrors, tire size, pedalcycle racks, exhaust systems, motorcycle handlebars and street rod equipment requirements.

Summary of Significant Amendments

Proposed amendments to § 175.2 (relating to definitions) add the terms "collectible motor vehicle" and "mass transit vehicle" because these terms are used in Chapter 175 and not defined. The term "renewed emissions certificate of inspection" is proposed to be added and is necessary to accommodate changes in the method by which inspection stations determine if a vehicle may receive a safety inspection.

Further proposed amendments to § 175.2 delete the language defining some terms and adopt by reference the definitions of those terms as defined in 75 Pa.C.S. § 102 (relating to definitions). The definition of "subject vehicle" is proposed to be amended by changing the gross vehicle weight rating at which gasoline powered vehicles are subject to emissions inspection to reflect corresponding changes in the emissions inspection program.

Proposed amendments to § 175.5 (relating to semiannual inspection) reflect amendments to 75 Pa.C.S. (relating to Vehicle Code) (code) changing the frequency of inspection for trailers having a registered gross weight in excess of 10,000 pounds from semiannual to annual. The proposed definition of "mass transit vehicle" coincides with the requirements of the code. The section further clarifies semiannual inspection requirements for certain motor carrier vehicles.

Proposed amendments to § 175.6 (relating to annual inspection) include motor homes as a vehicle type and to clarify that vehicles built on a truck chassis have to be inspected according to the inspection criteria for a truck based on the registered gross weight of the vehicle.

Proposed amendments to § 175.11 (relating to coordination of safety and emission inspection) are a result of the elimination of the requirement to coordinate safety and emissions inspection expirations to match the vehicle registration expiration. Previously, a vehicle owner was required to obtain a renewed emissions inspection sticker prior to receiving a safety inspection sticker. Because these sticker expirations are no longer required to match, the Department finds it necessary to redefine the conditions under which an emissions inspection is a prerequisite to a safety inspection.

Proposed amendments to § 175.27 (relating to hours) reflect changes to the code regarding the hours of operation of official inspection stations. These proposed amendments specify the conditions under which an inspection station qualifies for a waiver from the required 40 hours per week hours of operation.

Proposed amendments to § 175.28 (relating to certified inspection mechanics) address the need for inspection mechanics to have a valid driver's license for the types of vehicles the mechanic wishes to inspect, to perform inspections and to address school bus, occupational and probationary licenses for inspection mechanics. Proposed amendments to this section delete the reference to the length of time required for the mechanic certification course and to extend the recertification requirements to not more than 5 years. Subsection (g) is proposed to be amended to replace the list of mechanic codes with a table for clarification and to add a new mechanic license code. The section is proposed to be amended to provide for the certification of nonmechanics to perform document review for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title.

Proposed amendments to § 175.29 (relating to obligations and responsibilities of stations) reflect terms more commonly used in the industry, specifically receipts and work orders.

Proposed amendments to § 175.33 (relating to motorcycle inspection stations) correct a form number.

Proposed § 175.35 (relating to enhanced vehicle safety inspection stations) addresses the requirements for enhanced vehicle safety inspection stations.

Proposed amendments to § 175.41 (relating to procedure) delete references to the coordination of inspection

and vehicle registration expirations. This proposed amendment is a result of amendments to the code that eliminated this requirement. Additionally, proposed amendments to this section make it clear that an inspection certificate or temporary inspection approval indicator shall be affixed immediately after successful completion of the inspection.

Proposed amendments to § 175.42 (relating to recording inspection) permit official inspection stations to maintain inspection records electronically provided they are able to comply with the regulatory requirements regarding recordkeeping. Proposed amendments to this section also require official inspection stations to retain inspection records (paper or electronic) until they are audited by an authorized representative of the Department. Proposed amendments to this section accommodate the use of an electronic data collection and storage program. This information will serve as an added tool for the industry.

Proposed amendments to §§ 175.43 and 175.44 (relating to security; and ordering certificates of inspection) delete references to obsolete form MV-417 (signature card) and reflect the current process for authorizing purchasers of inspection stickers.

Proposed amendments to § 175.44 delete the required minimum number of inspection stickers which may be ordered by an official inspection station.

Proposed amendments to § 175.51 (relating to cause for suspension) add a penalty to the schedule of penalties for official safety inspection stations and certified mechanics. This additional penalty authorizes the suspension of safety inspection privileges for nonpayment of emissions inspection fines owed to the Department.

Proposed amendments to § 175.66 (relating to lighting and electrical systems) authorize the use of laser guided systems during highway maintenance operations. The use of these systems allows the vehicle operator to more closely determine the position of highway maintenance equipment thus helping to reduce property damage. A similar amendment is proposed in § 175.96 (relating to lighting and electrical systems).

Proposed amendments to § 175.78 (relating to chassis) delete standards regarding bumper height that were determined to be overly complex and unworkable. A simpler standard is proposed. This section was further proposed to be amended by deleting the requirement for rear wheel shields. These proposed amendments also appear in § 175.80 (relating to inspection procedure).

Proposed amendments to § 175.80 allow additional forms of vehicle identification to be presented for the purpose of inspecting vehicles that are owned by a licensed dealer. This proposed amendment also appears in §§ 175.110, 175.130, 175.160, 175.190 and 175.220.

Proposed amendments to § 175.80 delete standards regarding bumper height that were determined to be overly complex and unworkable. A simpler standard is proposed.

Proposed amendments to § 175.80 add language regarding acceptable tire size. Similar proposed amendments also appear in §§ 175.110, 175.130, 175.160, 175.174 and 175.190.

Proposed amendments to § 175.96 permit the use of pedalcycle racks on the front of public buses. This proposed amendment is the result of a change to 75 Pa.C.S. § 4537 (relating to device used to carry pedalcycles). A similar proposed amendment also appears in § 175.110 (relating to inspection procedure).

Section 175.105(b)(5)(i) (relating to exhaust systems) is proposed to be deleted. The effectiveness of this paragraph was postponed indefinitely. Language establishing effective dates in subparagraphs (ii) and (iii) is also proposed to be deleted. Similar amendments appear in § 175.110(d)(6)(viii).

Proposed amendments to § 175.110(a) include additional provisions for verification of ownership of vehicles presented for inspection by a dealer. Section 175.110(d)(6)(viii)(A) is proposed to be deleted. The effectiveness of this clause was postponed indefinitely. Language establishing effective dates in clauses (B) and (C) is also proposed to be deleted.

Proposed amendments to § 175.130 (relating to inspection procedure) include additional provisions for verification of ownership of vehicles presented for inspection by a licensed dealer. Language regarding acceptable tire size is also proposed to be added.

Proposed amendments to § 175.143 (relating to steering) delete requirements regarding acceptable heights for motorcycle handlebars and add provisions allowing steering wheels on motorcycles. Similar proposed amendments also appear in §§ 175.160, 175.172 and 175.190 (relating to inspection procedure; steering; and inspection procedure).

Proposed amendments to § 175.146 (relating to lighting and electrical systems) prohibit the use of ornamental lamps unless they were available as original equipment or are auxiliary lighting used to protect the driver as permitted by 75 Pa.C.S. § 4310 (related to motorcycle lighting). This proposed amendment also appears in § 175.175 (relating to lighting and electrical systems).

Proposed amendments to § 175.208 (relating to body) exempt street rods from requirements regarding hoods, fenders and bumpers. A similar proposed amendment also appears in §§ 175.209 and 175.220 (relating to chassis; and inspection procedure). This proposed amendment is a result of changes to the code regarding required equipment on street rods.

Persons and Entities Affected

This proposed rulemaking will affect owners of vehicles subject to inspection, official inspection stations, certified inspection mechanics and law enforcement personnel.

Fiscal Impact

Implementation of this proposed rulemaking will not require the expenditure of any additional funds by the Commonwealth or local municipalities. This proposed rulemaking may impose additional costs on vehicles owners to bring their vehicles into compliance with these regulations. The proposed amendments will not require the completion of any additional forms, reports or other paperwork.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 17, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory

review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Sunset Provisions

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* following appropriate evaluation of comments, suggestions or objections received during the public comment period. The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under the code. The Department, however, will continue to closely monitor these regulations for effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Anita Wasko, Director, Bureau of Motor Vehicles, Department of Transportation, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104 within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*

Contact Person

The contact person for technical questions about the proposed rulemaking is Kristen Singer, Manager, Vehicle Inspection Division, Department of Transportation, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, (717) 787-2171.

BARRY J. SCHOCH, P.E.,
Secretary

Fiscal Note: 18-425. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION

Subchapter A. GENERAL PROVISIONS

§ 175.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Antique motor vehicle—[A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufacturer's specifications and registered with the Department as an antique motor vehicle] The term as defined in 75 Pa.C.S. § 102 (relating to definitions).

* * * * *

Collectible motor vehicle—The term as defined in 75 Pa.C.S. § 102.

Combination—[Two or more vehicles physically interconnected in tandem] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Department—[The Department of Transportation of the Commonwealth] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Driveaway-towaway operation—[An operation in which a motor vehicle, trailer or semitrailer, singly or in combination, constitutes the commodity being transported, when one set or more of wheels of the vehicle are on the highway during the course of transportation, whether or not the vehicle furnished the motive power] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Essential parts—[Integral and body parts of a vehicle of a type required to be registered under the Vehicle Code, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model type or mode of operation] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Farm [truck] vehicle—[A truck determined by the Department to be used exclusively for agricultural purposes] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Fleet owner—[A person, or a Federal, State, or local government agency or authority owning or leasing 15 or more vehicles who or which provides servicing and repair of the vehicles] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Foreign vehicle—[A vehicle of a type required to be registered under the Vehicle Code brought into this Commonwealth from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this Commonwealth] The term as defined in 75 Pa.C.S. § 102.

* * * * *

GCWR—[**gross**] **Gross combination weight rating**—[The value specified by the manufacturer as the loaded weight of a combination] The term as defined in 75 Pa.C.S. § 102.

GVWR—[**gross**] **Gross vehicle weight rating**—[The value specified on the Federal weight certification label by the manufacturer as the loaded weight of a single vehicle] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Gross weight—[The combined weight of a vehicle or combination of vehicles and its load and driver] The term as defined in 75 Pa.C.S. § 102.

* * * * *

House trailer—[Includes the following:

(i) A trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways.

(ii) A trailer containing chassis and exterior shell designed and constructed for use as set forth in subparagraph (i) but which is used permanently or temporarily for advertising sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Manufacturer—[A person engaged in the business of constructing or assembling vehicles, motors or bodies of vehicles] The term as defined in 75 Pa.C.S. § 102.

Mass transit vehicle—The term as defined in 75 Pa.C.S. § 102.

* * * * *

Mobile home—[A trailer designed and used exclusively for living quarters or commercial purposes which exceeds the maximum size limitations prescribed by this title for operation on a highway and is only incidentally operated on a highway, including a unit transported on a removable or nonremovable frame designed so as to be assembled together with another unit or units into a structure which is used exclusively for living quarters—commonly known as a “modular unit”] The term as defined in 75 Pa.C.S. § 102.

Modular housing undercarriage—[A trailer which is used to transport a modular housing unit] The term as defined in 75 Pa.C.S. § 102.

Modular housing unit—[A unit on a removable or nonremovable frame designed for residential or commercial purposes which is wholly or in substantial part fabricated, formed or assembled in manufacturing facilities for assembly and installation on the building site] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Motorcycle—[A motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Motor home—[A motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck camper] The term as defined in 75 Pa.C.S. § 102.

Motorized pedalcycle—[A motor-driven cycle equipped with operable pedals, a motor rated no more than 1.5 brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission and a maximum design speed of no more than 25 miles per hour] The term as defined in 75 Pa.C.S. § 102.

Motor vehicle—[A vehicle which is self-propelled except one which is propelled solely by human power or by electric power obtained from overhead trolley wires but not operated upon rails] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Pedalcycle—[A vehicle propelled solely by human-powered pedals] The term as defined in 75 Pa.C.S. § 102.

Person—[A natural person, firm, copartnership, association or corporation] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Recreational trailer—[A trailer designed, adapted and used exclusively for recreational purposes] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Registration—[The authority for a vehicle to operate on a highway as evidenced by the issuance of an identifying card and plate or plates] The term as defined in 75 Pa.C.S. § 102.

Renewed emissions certificate of inspection—An emissions certificate of inspection that remains valid for more than 90 days.

* * * * *

Secretary—[The Secretary of Transportation of this Commonwealth] The term as defined in 75 Pa.C.S. § 102.

Semitrailer—[A trailer constructed so that some part of its weight rests upon, or is carried by, the towing vehicle] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Special mobile equipment—[A vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: ditch digging apparatus; well boring apparatus; earth-moving and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, finishing machines, road rollers, scarifiers, earth-moving carryalls, scrapers, power shovels and drag lines; and self-propelled cranes and tractors, other than truck tractors. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached] The term as defined in 75 Pa.C.S. § 102.

Specially constructed vehicle—[A vehicle not originally constructed by a generally recognized manufacturer of vehicles under a distinctive name and materially altered from its original construction but assembled from parts of various vehicles and kits and which would be commonly known as a “homemade” vehicle] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Street rod—[A motor vehicle, but not a reproduction thereof, with a model year of 1948 or older which has been materially altered or modified by the removal, addition or substitution of essential parts and with a gross weight or registered gross weight of not more than 9,000 pounds] The term as defined in 75 Pa.C.S. § 102.

Subject vehicle—A gasoline powered vehicle with a gross vehicle weight rating of [11,000] 9,000 pounds or less, moved upon a highway and registered or titled in a designated area, as defined in Chapter 177 (relating to emission inspection program), except any of the following:

* * * * *

Suspend—[To withdraw temporarily by formal action of the Department a license, registration or privilege issued or granted by the Department. Following a period of suspension, the Department will restore the license, registration or privilege] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Taxi—[A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, on a call and demand service and used for the transportation of persons for compensation] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Tire width—[The linear distance between the exteriors of the sidewalls of an uninflated tire, excluding elevations due to labeling, decoration or protective sidebands] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Trailer—[A vehicle designed to be towed by a motor vehicle] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Truck—[A motor vehicle designed, used or maintained primarily for the transportation of property] The term as defined in 75 Pa.C.S. § 102.

Truck-camper—[A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space] The term as defined in 75 Pa.C.S. § 102.

Truck tractor—[A motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Utility trailer—[A trailer, except a recreational trailer, which does not have air brakes] The term as defined in 75 Pa.C.S. § 102.

VIN—*Vehicle identification number*—[A combination of numerals or letters, or both, which the manufacturer assigns to a vehicle for identification purposes or, in the absence of a manufacturer-assigned num-

ber, which the Department assigns to a vehicle for identification purposes] The term as defined in 75 Pa.C.S. § 102.

[*Vaporizer*—A device that converts liquified natural gas and liquified petroleum gas to the gaseous state by means of heat.]

Vehicle—[Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks] The term as defined in 75 Pa.C.S. § 102.

Vehicle [Control] Inspection Division—The area of the Bureau which administers vehicle equipment and inspection matters.

§ 175.5. Semiannual inspection.

School buses, [passenger vans] vehicles which are under contract with or owned by a school district or a private or parochial school [—], including vehicles having chartered group and party rights under the Public Utility Commission [—] and used to transport school students; passenger vans used to transport persons for hire or owned by a commercial enterprise and used for the transportation of employees to or from their place of employment; [trailers having a registered gross weight in excess of 10,000 pounds;] mass transit vehicles and motor carrier vehicles with a registered gross weight in excess of 17,000 pounds other than farm vehicles for which a biennial certificate of exemption has been issued shall be subject to semiannual inspection.

* * * * *

§ 175.6. Annual inspection.

Other vehicles, including motor homes, emergency vehicles and private noncommercial vehicles used to transport students, shall be inspected annually. Motor homes and emergency vehicles built on a truck chassis shall be inspected according to the appropriate truck inspection procedure based on the registered gross weight of the vehicle.

§ 175.11. Coordination of safety and emission inspection.

(a) All subject vehicles required to participate in the [Enhanced] Emission I/M Program shall display on the vehicle a renewed emission certificate of inspection prior to placement of a renewed safety certificate of inspection.

(b) Upon successful completion of a safety inspection, a certificate of inspection may be affixed to the vehicle if the vehicle's emissions certificate of inspection is valid for more than 90 days from the date of the safety inspection.

(c) If the emissions certificate of inspection expires in less than 90 days from the date of the safety inspection, the vehicle shall receive a renewed emissions certificate of inspection prior to a renewed safety certificate of inspection being affixed.

(d) A temporary inspection approval indicator may be used to designate vehicles which have successfully passed the required periodic safety inspection, but must display

a renewed emission certificate of inspection, or obtain an official waiver, prior to placement of the renewed safety certificate of inspection.

(e) Under this chapter, the expiring safety certificate of inspection may be replaced with a new safety certificate of inspection at any time prior to the expiration of the certificate of inspection to which the temporary inspection approval indicator is affixed. The temporary inspection approval indicator does not extend the inspection expiration of any certificate of inspection to which it is affixed.

Subchapter B. OFFICIAL INSPECTION STATIONS

§ 175.27. Hours.

(a) An inspection station shall be open for business a minimum of 40 hours, Monday through Friday between 7 a.m. and 5 p.m. This section may be waived by the Bureau upon written request of the inspection station owner and prior approval of the inspection station supervisor. To be considered for a waiver of this section, [50% of the working hours shall be between 8 a.m. and 5 p.m.] the inspection station shall be open for business at least 10 business hours between 7 a.m. and 8 p.m. Monday through Friday. A request for a waiver of this section shall be submitted on a form provided by the Department. A waiver of this section may be denied or revoked for any of the following reasons:

(1) A violation of this chapter was committed by the inspection station owner, manager, a certified inspection mechanic or other employee at the station within 3 years immediately preceding a request for a waiver.

(2) The station owner, manager, a certified inspection mechanic or other employee at an inspection station that has been granted a waiver of this section commits a violation of this chapter after the waiver has been granted.

(3) Station personnel currently employed or hired have been or are currently suspended for a violation of this chapter.

(4) The Department or a designee is unable, on two attempts on two different business days, to perform an official visit, including a periodic records audit, during the hours specified in the approved waiver.

(5) An inspection station fails to be in operation during the hours specified in the waiver.

(6) An inspection station fails to comply with this section.

(b) This section does not apply to Commonwealth or fleet inspection stations.

§ 175.28. Certified inspection mechanics.

(a) *General.* An official inspection station shall have at least one certified inspection mechanic. Every inspection shall be performed by a certified inspection mechanic. The mechanic shall only inspect the type of vehicle for which he is certified and for which he holds a valid driver's license, except as otherwise provided in 75 Pa.C.S. § 4726(a) (relating to certification of mechanics). The mechanic signing the inspection sticker shall conduct and be responsible for the entire inspection of the vehicle, including the road test, except that the Department may exempt a mechanic from the requirement to perform a road test because of a physical

disability. See 75 Pa.C.S. § 4726 [(relating to certification of mechanics)].

* * * * *

(d) *Certification requirements.* A mechanic desiring to maintain certification or to become certified:

(1) Shall be 18 years of age or older.

(2) Shall, as provided in subsection (a), have a valid driver's license for each class of vehicle which the mechanic will inspect; except that a certified mechanic who inspects school buses is not required to hold a [Class 4 license but is required to hold a Class 2 or 3 license] school bus driver endorsement. For the purposes of this chapter, a valid driver's license [shall] does not include a learner's permit, a probationary license held by a driver for less than 3 years, an occupational limited license or an interlock license. A mechanic exempted from the requirement to perform the road test shall also be exempt from the requirement of this paragraph.

(3) Shall have [attended] completed an approved [9-hour] certification course and successfully completed the required [written] examination.

* * * * *

(e) *Recertification.* A mechanic shall be certified [every 3] for no more than 5 years. Mechanics may renew their mechanic certification by passing the required [written] examination within 180 days of receipt of notice from the Department that the mechanic card is due to expire.

* * * * *

(g) *Mechanic license codes.* A mechanic will be issued codes from the following [codes] table for the types of vehicle inspections and equipment testing the mechanic is authorized to [inspect] perform:

[(1) Passenger cars, trucks 17,000 pounds or less, and trailers less than 10,000 pounds.

(2) Motorcycles.

(3) Trucks over 17,000 pounds, trailers over 10,000 pounds, and buses.

(4) All vehicles.

(5) Codes 1 and 2.

(6) Codes 2 and 3.

(7) Codes 1 and 3

(8) (Reserved).

(9) Electrical speed timing:

(i) A—Electronic speed timing.

(ii) B—Mechanical speed timing.

(iii) C—Speedometer.

(iv) D—Electrical-mechanical speed timing.]

Code	Authorized Inspection or Testing
1	Inspection of passenger cars, trucks 17,000 pounds or less and trailers less than 10,000 pounds
2	Inspection of motorcycles

<i>Code</i>	<i>Authorized Inspection or Testing</i>
3	Inspection of trucks over 17,000 pounds, trailers over 10,000 pounds and buses
4	Inspection of vehicles
5	Inspections under codes 1 and 2
6	Inspections under codes 2 and 3
7	Inspections under codes 1 and 3
9	Testing and calibration of electronic (nonradar) speed timing devices that measure elapsed time between two sensors
A	Testing and calibration electronic (radar) speed timing devices
B	Testing and calibration of stopwatches
C	Testing and calibration of speedometers
D	Testing and calibration of electronic (nonradar) speed timing devices that calculate average speed between two points
J	Enhanced vehicle safety inspections in conjunction with inspections under existing mechanic license codes in this table for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title

(h) *Mechanic card.* The valid mechanic card shall be carried by the mechanic when performing an inspection.

(i) *Certified document reviewer.* The Department may certify nonmechanics to perform document review for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title.

§ 175.29. Obligations and responsibilities of stations.

(a) *Personal liability.* It is the responsibility of the owner of an inspection station to do all of the following:

* * * * *

(4) To keep [**current**] inspection records [**at the inspection station**] and required work orders available for examination and audit by the inspection station supervisor and other authorized persons.

(5) To keep[, for a period of 2 years, duplicate copies of garage report sheets and] certificate of inspection requisition forms for each inspection campaign.

* * * * *

(f) *Customer relations.* The garage owner shall consult the vehicle owner for permission to make repairs.

* * * * *

(4) The vehicle owner shall be informed in writing on the [**repair**] receipt or work order of any parts which, although in passing condition, the mechanic believes may become dangerous before the next inspection period. The brake and tire readings shall be indicated in writing on the [**repair**] receipt or work order. If a temporary inspection approval indicator is issued, the [**repair**] receipt or work order shall also contain the following information:

* * * * *

§ 175.33. Motorcycle inspection stations.

* * * * *

(d) *Record sheets.* A motorcycle inspection shall be recorded on Form [**MV-431**] **MV-480.**

* * * * *

(*Editor's Note:* The following section is new and printed in regular type to enhance readability.)

§ 175.35. Enhanced vehicle safety inspection stations.

(a) *Eligibility.* The enhanced vehicle safety inspection designation will be issued to stations that perform enhanced vehicle safety inspections for the purpose of titling reconstructed, specially constructed, recovered theft, flood, collectible, modified vehicles, street rods and other vehicles requiring a branded certificate of title as prescribed by the Department.

(b) *General requirements.* In addition to contractual requirements prescribed by the Department, an applicant for an enhanced vehicle safety inspection station shall meet the requirements of this chapter unless specifically exempted.

(c) *Certified enhanced inspection mechanic.* Each enhanced vehicle safety inspection station shall have a certified enhanced inspection mechanic authorized by the Department employed and present during normal business hours.

(d) *Certified document reviewer.* An enhanced vehicle safety inspection station shall have a certified document reviewer authorized by the Department employed and present during normal business hours. The certified enhanced inspection mechanic may act as the certified document reviewer.

(e) *Method of inspection.* A subject vehicle shall undergo an enhanced vehicle safety inspection according to this chapter by a mechanic certified to perform enhanced inspections on the appropriate class of vehicle.

(f) *Tools.* In addition to the tool requirements of § 175.26 (relating to tools and equipment), enhanced vehicle safety inspection stations shall have additional tools and equipment as contractually required by the Department.

Subchapter C. CERTIFICATE OF INSPECTION

§ 175.41. Procedure.

* * * * *

(b) *Type.* A certificate of inspection shall be selected for the particular type of vehicle being inspected according to this chapter. [**The certificate of inspection insert shall correspond to the vehicle's registration month based on charts supplied by the Department.**] The certificate of inspection shall be examined before using. If found to be incorrect, the inspection station supervisor and the Vehicle [**Control**] **Inspection** Division shall immediately be notified.

* * * * *

(c) *Required information.* The information on the rear of the certificate of inspection shall be completed in its entirety in permanent ink. The odometer reading is not required to be completed for trailers and motorcycles.

* * * * *

(2) When replacing a certificate of inspection for which a temporary inspection approval indicator has been issued, the back of the new certificate of inspection shall be

completed using the information recorded [**on the report sheet (Form MV-431)**] at the time of the original inspection.

(d) *Affixing certificate of inspection or temporary inspection approval indicator.* The certificate of inspection or temporary inspection approval indicator shall only be affixed to the vehicle **immediately upon the successful completion of the inspection**, on the premises of the official inspection station and on a portion of the premises located within 100 feet and on the same side of the street as the official inspection station. A certificate of inspection or temporary inspection approval indicator may not be issued or affixed at another area [**of**] or location.

* * * * *

(f) *Inspection cycles.* When selecting the proper type of certificate insert, the new expiration date is based upon whether the inspection is an annual or semiannual inspection.

(1) An annually inspected vehicle will receive an inspection for [**no more than 15 months and no less than 6 months based on the vehicle's registration month and charts supplied by the Department**] **1 year from the expiration of the safety inspection sticker which is about to expire, except motorcycles, which receive an expiration in accordance with charts provided by the Department.** A sticker may not be issued for more than 15 months from the month of inspection. If a vehicle, other than a motorcycle, does not display a currently valid certificate of inspection, the vehicle shall receive an inspection valid for 1 year from the month of inspection.

* * * * *

§ 175.42. Recording inspection.

(a) *Fraudulent recording.* Fraudulent recording of an inspection [**report sheet**] will be considered cause for suspension of inspection privileges.

(b) *Signature.* The **certified mechanic who performed the entire inspection shall place his signature in accordance with the following recordkeeping requirements:**

(1) **At stations utilizing Form MV-431 or MV-480,** the certified mechanic who performed the entire inspection shall place his signature in the appropriate column of Form MV-431 or MV-480 immediately following the inspection. Both the mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall place their signatures in the appropriate column.

[(1)] (i) When the inspection information is transferred from a work order to the Form MV-431 or MV-480 by anyone other than the certified mechanic who performed the inspection, the work order shall contain the certified mechanic's signature and be retained for [**2 years**] **audit.**

(ii) The person who enters the information shall place the name of the certified mechanic in the appropriate column and the initials of the person putting the information on the form in the appropriate column.

(iii) A mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall sign the work order.

(iv) The person who transfers the information shall place the names of both certified mechanics in the appropriate column.

(2) [**A work order shall be available for inspection upon request by the inspection station supervisor or an authorized representative of the Department.**] At stations utilizing an electronic data collection and storage program, the certified mechanic who performed the entire inspection shall place his signature on the work order immediately following the inspection. Both the mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall place their signatures on the work order. Work orders shall be retained for audit.

(c) *Records retention.*

(1) The original official inspection report sheet (Form MV-431 or MV-480) shall be retained as a garage record and kept on file at the station for [**2 years**] **audit.** At the close of each inspection period, the official inspection report sheet shall be placed in the station's files, even though all spaces may not have been used, and a new inspection report sheet shall be started for the new inspection period.

(2) **A work order signed by the inspecting mechanic as required under this section shall be available for inspection upon request by the inspection station supervisor or an authorized representative of the Department.**

(d) *Content.*

(1) *Stations utilizing Form MV-431 or MV-480.* The paper inspection report sheet (Form MV-431 for passenger cars, trucks and buses or MV-480 for motorcycles and trailers) shall be neat and legible and completed in its entirety. Details pertinent to every vehicle inspected, including rejections, shall be recorded on the report sheet **at the time of inspection.** Items inspected, adjusted or repaired shall be recorded. If the report sheet lists a piece of equipment which does not apply to the specific type of vehicle being inspected, a dash shall be placed in the column to indicate it has not been overlooked or neglected. Certificates of inspection issued shall be listed in numeric order.

[(1)] (i) Temporary inspection approval indicators, if issued in lieu of a certificate of inspection, shall be recorded on a separate report sheet (Form MV-431) and shall be indicated in the area designated for the sticker number. This separate report sheet shall be completed as described in this subsection except a "T" shall be entered in the area designated for the sticker number to indicate that a temporary inspection approval indicator was issued. An inspection station may not impose a sticker charge for the issuance of a temporary inspection approval indicator.

[(2)] (ii) Upon the return of a vehicle for which a temporary inspection approval indicator has been issued, the station which originally affixed the temporary inspection approval indicator shall:

[(i)] (A) Verify the year, make, body style, VIN and proof of financial responsibility for the vehicle presented for a renewed certificate of inspection to ensure it is the same vehicle indicated on the report sheet (Form MV-431) when the original inspection was performed. This infor-

mation shall be recorded as a new entry on the regular report sheet (Form MV-431) where all inspection sticker serial numbers issued are recorded.

[(ii)] (B) Record, on the Form MV-431, the serial number of the new certificate of inspection to be affixed to the vehicle along with the vehicle owner's name, address, VIN, license plate number, vehicle year make and body style. A reference to the date and number of the original inspection performed shall be noted in the shaded area to the left of the area designated for the sticker serial number and total cost (that is, See T-inspection number 123 dated 01/01/97).

[(iii)] (C) Enter, in the appropriate area of the report sheet (Form MV-431), the name of the certified inspection mechanic that verified the original inspection information and that is replacing the certificate of inspection.

(2) *Stations utilizing an electronic data collection and storage program.* The inspection record shall be completed in its entirety. Details pertinent to every vehicle inspected, including rejections, shall be recorded at the time of inspection. Items inspected, adjusted or repaired shall be recorded. If the inspection record lists a piece of equipment which does not apply to the specific type of vehicle being inspected, it shall be designated in the inspection record as "N/A" to indicate it has not been overlooked or neglected.

(i) For those vehicles which pass the safety inspection but do not yet display a renewed emission certificate of inspection as required, stations shall record a pending or incomplete safety inspection without issuing a safety certificate of inspection.

(ii) The temporary inspection approval indicator shall be affixed as described in § 175.41 (relating to procedure). Upon the return of a vehicle for which a temporary inspection approval indicator has been issued, the station which originally affixed the temporary inspection approval indicator shall:

(A) Verify the year, make, body style, VIN and proof of financial responsibility for the vehicle presented for a renewed certificate of inspection to ensure it is the same vehicle indicated on the inspector record when the original inspection was performed.

(B) Record, on the pending inspection record, the serial number of the new certificate of inspection to be affixed to the vehicle.

(C) If the name of the certified inspection mechanic that verified the original inspection information and that is replacing the certificate of inspection is someone other than the certified inspection mechanic who performed the original inspection, he shall also sign the work order.

(3) *Replacing a certificate of inspection.* The certified inspection mechanic replacing the certificate of inspection shall sign the back of the new certificate of inspection and record the information from the original inspection entry (wheels pulled, date of inspection, and the like.) on the new certificate of inspection before it is affixed to the vehicle. [The expiring certificate of

inspection shall be removed prior to affixing the new certificate of inspection as described in paragraph (2).]

(4) *Prohibitions against replacing certificate of inspection.* Inspection stations may not replace a certificate of inspection to which a temporary inspection approval indicator has been affixed if one or more of the following apply:

* * * * *

(f) *Classifications.* The form numbers [and colors] listed in this subsection explain the general classification of vehicles to be recorded on each type of inspection record [sheets]:

* * * * *

§ 175.43. Security.

* * * * *

(c) *Removal.* Except as provided in paragraphs (1) and (3), a certificate of inspection may not be removed from a vehicle for which the certificate was issued, except to replace it with a new certificate of inspection issued under this chapter and Chapter 177 (relating to emission inspection program).

(1) A person replacing or repairing a windshield in a manner that requires removal of a certificate of inspection shall, at the option of the registrant of the vehicle, cut out the portion of the windshield containing the certificate of inspection and deliver it to the registrant of the vehicle or destroy the certificate. The vehicle may be driven up to 5 days if it displays the portion of the old windshield containing the certificate. Within the 5-day period, an official inspection station may affix to the vehicle another certificate of inspection for the same period without reinspecting the vehicle in exchange for the portion of the old windshield containing the certificate of inspection. Example: A #1 certificate of inspection shall be replaced with a #1 certificate of inspection. The replacement may be made any time prior to the expiration of the certificate of inspection. A fee of no more than \$2 plus the fee paid to the Department for the certificate may be charged for exchanging the certificate of inspection.

* * * * *

(ii) The portion of the windshield containing the certificate of inspection [may] shall be retained for audit by the inspection station supervisor.

(iii) Record all information from the old certificate of inspection on Form MV-431. The replacement certificate of inspection shall be recorded on the same Form MV-431 and marked "replacement sticker issued." Stations utilizing an electronic data collection and storage program shall use the appropriate replacement sticker function menu to record replacements.

* * * * *

(f) *Issuance of certificates of inspection.* Certificates of inspection will not be issued by the Bureau to anyone who [cannot display an executed signature card, Form MV-417] is not listed as an authorized purchaser on Form MV-500 on file with the Bureau. The [signature card may not be entrusted to anyone

except an employe or other person for whom the] inspection station owner or manager [will] shall accept full responsibility for certificates of inspection delivered to [that person] authorized purchasers listed on Form MV-500.

(g) [*New signature cards.* A new signature card] *Authorized purchasers.* A new MV-500 to authorize persons to purchase certificates of inspection shall be ordered from the Vehicle [Control] Inspection Division immediately whenever [one or more of the following occur:] an employe whose signature appears on the form is no longer employed by the station or a signature is to be added or deleted.

[(1) The station copy is lost or stolen. The loss shall be immediately reported to the Vehicle Control Division.

(2) An employe whose signature appears on the card is no longer employed by the station.

(3) The card is defaced, torn or illegible.

(4) A signature is to be added.]

§ 175.44. Ordering certificates of inspection.

* * * * *

(b) *Contents.* Required information shall be entered on the order form.

* * * * *

(2) A requisition shall be personally signed by one of the persons whose signature appears on [**the signature card, Form MV-417**] **Form MV-500.** The signature shall be identical to the one on file or the requisition will

be rejected. No one may order certificates of inspection unless his signature is on the [**signature card**] **Form MV-500** on file with the Department.

(c) *Additional instructions.* The following also apply:

* * * * *

(4) [**Orders for certificates of inspection shall be for multiples of 25, with a minimum of 50 certificates, except that Commonwealth and fleet inspection stations shall order a minimum of 25 certificates.**

(5) [An incomplete or improper certificate of inspection requisition or check shall be returned to the official inspection station for correction. To avoid unnecessary inconvenience or delay, information shall be rechecked carefully.

[(6)] (5) If certificates of inspection are to be delivered to a mailing address instead of the inspection station address, the mailing address shall be included on every requisition submitted to the Department.

* * * * *

Subchapter D. SCHEDULE OF PENALTIES AND SUSPENSIONS: OFFICIAL INSPECTION STATIONS AND CERTIFIED MECHANICS

§ 175.51. Cause for suspension.

(a) *Schedule.* The complete operation of an official inspection station is the responsibility of the owner. Failure to comply with the appropriate provisions of 75 Pa.C.S. [§§ 101—9821] (relating to [**the**] Vehicle Code) will be considered sufficient cause for suspension of inspection privileges. A violator is also subject to criminal prosecution.

Type of Violation	Duration of Suspension			
	1st Violation	2nd Violation	3rd and Subsequent Violation	
(4) <i>Category 4</i>	* * *	* *		
(x) Failure to satisfy monetary penalties for violations of Chapter 177 (relating to emission inspection program) within 90 days of notification	Suspension until amount due is paid	2 months or until amount due is paid, whichever is greater	6 months or until amount due is paid, whichever is greater	
	* * *	* *		

Subchapter E. PASSENGER CARS AND LIGHT TRUCKS

§ 175.66. Lighting and electrical systems.

* * * * *

(1) *Auxiliary driving lamps and fog lamps.* Auxiliary driving lamps and fog lamps may be installed on a passenger vehicle or light truck if the lamps comply with the following:

* * * * *

(11) Guidance laser systems used during highway maintenance operations, such as line painting and

snow plowing, are authorized if they comply with 21 CFR 1040.10 (relating to laser products) for Class IIIa laser products and Occupational Health and Safety Administration Standard 1926.54 and are installed and operated in accordance with manufacturer's requirements. Guidance laser systems may not emit red or blue light visible to other motorists.

* * * * *

§ 175.78. Chassis.

* * * * *

(e) *Bumpers.* A vehicle specified under this subchapter shall be equipped with bumpers of a type used as original equipment, or a suitable replacement which is equal to or greater in strength than that provided by the vehicle manufacturer, securely attached to the chassis or frame. See 75 Pa.C.S. § 4536 (relating to bumpers).

* * * * *

Vehicle Class	Maximum Height	
	Front Bumper (or Frame if any of the conditions in subparagraph (iv) apply)	Rear Bumper (or Frame if any of the conditions in subparagraph (iv) apply)
Passenger cars	22 inches	22 inches
Trucks and multipurpose passenger Vehicles		
5,000 lbs. or less GVWR	24 inches	26 inches
5,001 lbs.—7,000 lbs. GVWR	27 inches	29 inches
7,001 lbs.—9,000 lbs. GVWR	28 inches	30 inches
9,001 lbs.—11,000 lbs. GVWR	30 inches	30 inches

(ii) The front and rear height measurements shall be made to the bottom edge of the foremost portion of the frame rail, or to the original mounting brackets, whichever is lower, if one of the following apply:

- (A) The bumper height, relative to the frame rail, has been altered.
- (B) The vehicle was not originally equipped with a front or rear bumper.
- (C) A supplemental bumper has been added.
- (D) The manufacturer's specified bumper has been replaced with a bumper not identical to the manufacturer's specified bumper.]

Some part of the main horizontal bumper bar on passenger vehicles shall fall within 16-20 inches above ground level.

(6) Some part of the main horizontal bumper bar on multipurpose passenger vehicles and light trucks shall fall within 16-30 inches above ground level.

* * * * *

[(i) *Rear wheel shields.* Trucks shall be constructed or equipped to bar water or other road surface substances thrown from rear wheels of the vehicle at tangents exceeding 22.5°, measured from the road surface, from passing in a straight line to rear of the vehicle. See 75 Pa.C.S. § 4533 (relating to rear wheel shields).]

§ 175.80. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. **When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a ve-**

(5) [*Bumper height.* Bumper height shall be as follows:

(i) **Some part of the main horizontal bumper bar, exclusive of any bumper guards, on passenger vehicles and light trucks shall fall within 16 inches aboveground level and may not exceed the following limits:**

Vehicle Class	Maximum Height	
	Front Bumper (or Frame if any of the conditions in subparagraph (iv) apply)	Rear Bumper (or Frame if any of the conditions in subparagraph (iv) apply)
Passenger cars	22 inches	22 inches
Trucks and multipurpose passenger Vehicles		
5,000 lbs. or less GVWR	24 inches	26 inches
5,001 lbs.—7,000 lbs. GVWR	27 inches	29 inches
7,001 lbs.—9,000 lbs. GVWR	28 inches	30 inches
9,001 lbs.—11,000 lbs. GVWR	30 inches	30 inches

hicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

- (i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [or], manufacturer's statement of origin, **VIN-specific auction slip or VIN-specific secure power of attorney:**
 - (A) The VIN is not in agreement with the [**vehicle registration card,] certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney.** Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate [**department**] **Department** form has been completed to correct the error or transposition.

* * * * *

(*Editor's Note:* The effective date of § 175.80(a)(5)(v) was postponed indefinitely in the final-form rulemaking published at 33 Pa.B. 5823 (November 29, 2003). This proposed rulemaking will give effect to the subparagraph.)

(5) Check outside mirrors and reject if one or more of the following apply:

* * * * *

(v) The mirrors, if originally so equipped, are missing.

* * * * *

(7) Check the flooring and floor beds and reject if one or more of the following apply:

* * * * *

[(iii) **A truck is not equipped with rear wheel shields—mud flaps—as required under 75 Pa.C.S. § 4533 (relating to rear wheel shields).**]

(8) Check the bumpers and reject if one or more of the following apply:

* * * * *

(iii) [**Some part of the main horizontal bumper bar, exclusive of bumper guards, on passenger cars, multipurpose passenger vehicles and light trucks does not fall within 16 inches aboveground level or exceeds the following limits:**

Vehicle Class	Maximum Height	
	Front Bumper (or Frame if any of the conditions in subparagraph (iv) apply)	Rear Bumper (or Frame if any of the conditions in subparagraph (iv) apply)
Passenger cars	22 inches	22 inches
Trucks and multipurpose passenger Vehicles		
5,000 lbs. or less GVWR	24 inches	26 inches
5,001 lbs.—7,000 lbs. GVWR	27 inches	29 inches
7,001 lbs.—9,000 lbs. GVWR	28 inches	30 inches
9,001 lbs.—11,000 lbs. GVWR	30 inches	30 inches]

Some part of the main horizontal bumper bar on passenger vehicles does not fall within 16-20 inches above ground level.

(iv) [The front and rear height measurements shall be made to the bottom edge of the foremost portion of the frame rail, or to the original mounting brackets, whichever is lower, if one of the following apply:

- (A) The bumper height, relative to the frame rail, has been altered.
- (B) The vehicle was not originally equipped with a front or rear bumper.
- (C) A supplemental bumper has been added.
- (D) The manufacturer's specified bumper has been replaced with a bumper not identical to the manufacturer's specified bumper.]

Some part of the main horizontal bumper bar on multipurpose passenger vehicles and light trucks does not fall within 16-30 inches above ground level.

* * * * *

(b) Internal inspection. An internal inspection shall be performed as follows:

* * * * *

(Editor's Note: The effective date of § 175.80(b)(7)(iv) was postponed indefinitely in the final-form rulemaking published at 33 Pa.B. 5823. This proposed rulemaking will give effect to the subparagraph.)

(7) Check the inside [the] mirror and reject if one or more of the following apply:

* * * * *

(iv) The mirror, if originally so equipped, is missing.

* * * * *

(e) Beneath the vehicle inspection. A beneath the vehicle inspection shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(xxii) A tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating.

* * * * *

Subchapter F. MEDIUM AND HEAVY TRUCKS AND BUSES

§ 175.96. Lighting and electrical systems.

* * * * *

(g) Condition and position of lamps. Lamps shall be properly fastened; direct light properly; be of a color not contrary to Tables II—IV; and may not be obstructed by a screen, bar, auxiliary equipment or a device so as to obscure, change the color of or obstruct the beam. Exception: A bus used for public transportation may be equipped with a device used to carry pedalcycles mounted on the front of the bus if the device, including the pedalcycle, does not extend more than 36 inches.

* * * * *

(l) Auxiliary driving lamps and fog lamps. Auxiliary driving lamps and fog lamps may be installed on a medium or heavy truck and bus if the lamps comply with the following:

* * * * *

(11) Guidance laser systems used during highway maintenance operations, such as line painting and snow plowing are authorized if they comply with 21 CFR 1040.10 (relating to laser products) for Class IIIa laser products and Occupational Health and Safety Administration Standard 1926.54 and are installed and operated in accordance with manufacturer's requirements. Guidance laser systems may not emit red or blue light visible to other motorists.

* * * * *

§ 175.105. Exhaust systems.

* * * * *

(b) Exhaust system requirements. A vehicle specified under this subchapter shall be constructed, equipped, maintained and operated to prevent engine exhaust gases from penetrating and collecting in any part of the vehicle occupied by the driver or a passenger, in addition to the requirements of this title for emission control systems and smoke control for a diesel-powered vehicle.

* * * * *

(5) An exhaust system shall extend and discharge completely to the outside edge of the vehicle body, including a truck bed, or as originally designed, except for the following:

(i) [Heavy trucks or truck tractors. The exhaust system of every heavy truck and truck tractor shall discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab.

(ii)] Gasoline powered buses, including school buses. The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus. [Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.

(iii)] (ii) Buses, including school buses, powered by fuels other than gasoline. The exhaust system of a bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits. [Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.]

* * * * *

§ 175.110. Inspection procedure.

(a) External inspection. An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [vehicle registration card,] certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [an] the error or transposition.

* * * * *

(9) Check the lamps and lenses and reject if one or more of the following apply:

* * * * *

(ix) The auxiliary equipment is placed on, in or in front of a lamp. Exception: A bus used for public transportation may be equipped with a device used to carry pedalcycles mounted on the front of the bus if the device, including the pedalcycle, does not extend more than 36 inches.

* * * * *

(d) Beneath the vehicle inspection. A beneath the vehicle inspection shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(xxii) A tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating.

* * * * *

(6) Inspect the exhaust system and reject if one or more of the following apply:

* * * * *

(viii) The exhaust does not discharge to the outside edge of the vehicle body, including a truck bed, or as originally designed, except for the following:

(A) [Heavy trucks or truck tractors. The exhaust system of every heavy truck and truck tractor shall discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab.

(B)] Gasoline powered buses, including school buses. The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus. [Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.

(C)] (B) Buses, including school buses, powered by fuels other than gasoline. The exhaust system of a bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits. [Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.]

(7) [Inspect the braking system. At] Inspect the braking system and remove at least one front and one opposite rear wheel [shall be removed]. It is not necessary to remove the wheel and drum assembly if there is a removable backing plate that allows examination of the brake system. Reject if one or more of the following apply:

* * * * *

Subchapter G. RECREATIONAL, SEMI AND UTILITY TRAILERS

§ 175.130. Inspection procedure.

(a) External inspection. An external inspection of a trailer over 3,000 pounds registered gross weight shall be performed as follows:

(1) Verify [the] ownership [and], legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Common-

wealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [vehicle registration card,] certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [an] the error or transposition.

* * * * *

(c) Beneath the vehicle inspection. A beneath the vehicle inspection of a trailer over 3,000 pounds registered gross weight shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(ix) [A tire extends beyond the outer edge of the wheel housing or exceeds the manufacturer's specifications as to size.] A tire extends beyond body line, a tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating or a tire makes contact with the body or chassis.

* * * * *

Subchapter H. MOTORCYCLES

§ 175.143. Steering.

* * * * *

(d) Handlebars. [The handlebars or grips may not be higher than the operator's shoulder level when the operator is properly seated upon the motorcycle.] Nothing in this subchapter prohibits a motorcycle from being equipped with a steering wheel instead of handlebars.

(1) The handlebars or steering system shall be of a sturdy construction adequate in size and length to provide proper leverage for steering and capable of withstanding a minimum force of 100 pounds applied to each handle grip in any direction.

(2) The handlebars or steering system shall be designed so as not to restrict front fork movement and shall be capable of vertical adjustments.

* * * * *

§ 175.146. Lighting and electrical systems.

* * * * *

(h) Ornamental lamps. A lamp not enumerated in this section, and not located as described in Tables III—V of this chapter, is prohibited unless it is available as original equipment or is auxiliary lighting added to a motor-

cycle to protect the driver as permitted by 75 Pa.C.S. § 4310 (relating to motorcycle lighting). An illuminated sign is prohibited. Flashing or revolving lights are not ornamental lamps. Provisions relating to flashing or revolving lights are located in Chapters 15 and 173 (relating to authorized vehicles and special operating privileges; and flashing or revolving lights on emergency and authorized vehicles).

* * * * *

§ 175.160. Inspection procedure.

(a) External inspection. An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [vehicle registration card,] certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [an] the error or transposition.

* * * * *

(c) Beneath the vehicle inspection. A beneath the vehicle inspection shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(xiv) [A tire extends beyond the outer edge of the wheel housing or exceeds the manufacturer's specifications as to size.] A tire extends beyond body line, a tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating or a tire makes contact with the body or chassis.

(2) Inspect the steering system and reject if [any] one or more of the following apply:

* * * * *

(ii) [The handlebars or grips are higher than operator's shoulder level when properly seated upon motorcycle.

(iii) The handlebars or steering system of each motorcycle are not of sturdy construction.

(iv) (iii) The handlebars or steering system restrict front fork movement.

(v) (iv) The handlebars do not provide a minimum of 18 inches between grip ends. If equipped with a steering wheel instead of handlebars, the steering wheel, except if specially designed for handicapped drivers, is not circular or equivalent in strength to original equipment or has an outside diameter less than 13 inches.

(vi) (v) The handlebars are not equipped with grips of nonslip design and material.

(vii) (vi) The measured movement at the front or rear of the tire is greater than 1/4 inch in relation to the axle shaft.

(viii) (vii) The linkage components are not secured with cotter pins or other suitable devices.

(ix) (viii) The steering stops allow a tire to rub on the frame or chassis parts.

(x) (ix) The front wheel is incapable of being turned to the right and left steering stops without binding or interference.

* * * * *

Subchapter J. MOTOR-DRIVEN CYCLES AND MOTORIZED PEDALCYCLES

§ 175.172. Steering.

* * * * *

(c) Handlebars. [The handlebars or grips may not be higher than the operator's shoulder level when the operator is properly seated upon the vehicle.] Nothing in this subchapter prohibits a motor-driven cycle or pedalcycle from being equipped with a steering wheel instead of handlebars.

(1) The handlebars or steering system shall be of a sturdy construction [and] adequate in size and length to provide proper leverage for steering and [shall be] capable of withstanding a minimum force of 100 pounds applied to each handle grip in any direction.

(2) The handlebars or steering system shall be designed so as not to restrict front fork movement and shall be capable of vertical adjustment.

* * * * *

§ 175.174. Tires and wheels.

* * * * *

(c) [Manufacturer's specifications. A vehicle specified under this subchapter shall have tires which conform to the vehicle manufacturer's specifications as to tire size.] Tire standards. A vehicle specified under this subchapter shall have tires manufactured in conformance with standards in Chapter 159 (relating to new pneumatic tires). See 75 Pa.C.S. § 4525 (relating to tire equipment and traction surfaces). Tires with equivalent metric size designations may be used.

* * * * *

§ 175.175. Lighting and electrical systems.

* * * * *

(h) Ornamental lamps. A lamp not enumerated in this section, and not located as described in Tables III—V of this chapter, is prohibited unless it is available as original equipment or is auxiliary lighting added to a motorcycle to protect the driver as permitted by 75 Pa.C.S. § 4310 (relating to motorcycle lighting). An illuminated sign is prohibited. Flashing or revolving lights are not ornamental lamps. Provisions relating to flashing or revolving lights are located in Chapters 15 and 173 (relating to authorized vehicles and special operating privileges; and flashing or revolving lights on emergency and authorized vehicles).

* * * * *

§ 175.190. Inspection procedure.

(a) External inspection. An external inspection of motor-driven cycles only shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [vehicle registration card,] certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [an] the error or transposition.

* * * * *

(c) Beneath the vehicle inspection. A beneath the vehicle inspection of motor-driven cycles only shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(xiii) [A tire extends beyond outer edge of wheel housing or exceeds the manufacturer's specification as to size.] A tire extends beyond body line, a tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating or a tire makes contact with the body or chassis.

(2) Inspect the steering system and reject if [any] one or more of the following apply:

(i) [The handlebars or grips are higher than the operator's shoulder level when properly seated upon vehicle.

(ii)] The handlebars, grips or steering system are not of sturdy construction.

[(iii)] (ii) The handlebars or steering system restrict the front fork movement.

[(iv)] (iii) The handlebars do not provide a minimum of 18 inches between the grip ends. If equipped with a steering wheel instead of handlebars, the steering wheel, except if specially designed for handicapped drivers, is not circular or equivalent in strength to original equipment or has an outside diameter less than 13 inches.

[(v)] (iv) The handlebars are not equipped with grips of nonslip design and material.

[(vi)] (v) Measured movement at the front or rear of the tire is greater than 1/4 inch in relation to the axle shaft.

[(vii)] (vi) The linkage components are not secured with cotter pins or other suitable devices.

[(viii)] (vii) The steering stops allow a tire to rub on the frame or chassis parts.

[(ix)] (viii) The front wheel is incapable of being turned to the right and left steering stops without binding or interference.

Subchapter K. STREET RODS, SPECIALLY CONSTRUCTED AND RECONSTRUCTED VEHICLES

§ 175.208. Body.

* * * * *

(b) Fenders. A vehicle specified under this subchapter shall have fenders on all wheels which cover the entire tread width of a tire that comes in contact with the road surface. The tire tread circumference coverage shall be from at least 15 degrees front to at least 75 degrees rear of the vertical centerline at each wheel, measured from the center of wheel rotation. Vehicles registered as street rods are exempt from the requirements regarding fenders.

(c) Hood—street rods only. A street rod is not required to have a hood which covers the top of the entire engine compartment. [Street rod engine compartment sides may remain open.] If the hood top or sides, or both, are removed from the vehicle, the engine fan must be enclosed with a shroud designed to protect the fan from accidental contact from the outside.

* * * * *

§ 175.209. Chassis.

* * * * *

(b) Bumpers. A vehicle specified under this subchapter shall be equipped with front and rear bumpers securely attached to the chassis, except when the original body configuration provided by a recognized manufacturer did not include bumpers in the design of the vehicle. Vehicles registered as street rods are exempt from the requirements regarding bumpers.

(1) Some part of the main horizontal bumper of a passenger vehicle and all street rods, if so equipped, shall fall within 12-20 inches above ground level.

* * * * *

§ 175.220. Inspection procedure.

(a) External inspection. An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [vehicle registration card,] certificate of title [or], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [an] the error or transposition.

* * * * *

(3) [Check] With the exception of vehicles registered as street rods, check the fenders and reject if one or more of the following apply:

* * * * *

(4) [Check] With the exception of vehicles registered as street rods, check the bumpers and reject if one or more of the following apply:

* * * * *

(ii) Some part of the main horizontal bumper does not fall within 12-20 inches above the ground level on [the street rods,] specially constructed vehicles and reconstructed passenger vehicles.

* * * * *

(c) Under the hood inspection. An under the hood inspection shall be performed as follows:

(1) Check the [hood] engine compartment and reject if the street rod [hood does not cover the top of the entire engine compartment] hood top or sides, or both, are removed from the vehicle and the engine fan is not enclosed with a shroud designed to protect the fan from accidental contact from the outside.

* * * * *

[Pa.B. Doc. No. 12-1411. Filed for public inspection July 27, 2012, 9:00 a.m.]

STATE ATHLETIC COMMISSION

[58 PA. CODE CH. 29]

Amateur Mixed Martial Arts Waiver

The State Athletic Commission (Commission) proposes to add § 29.30 (regarding waiver of rule for contestants with three or more amateur bouts) to read as set forth in Annex A.

A. Effective Date

This proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin*.

B. Statutory Authority

This proposed rulemaking is authorized under 5 Pa.C.S. § 103(b)(1) (relating to duties of commission), which authorizes the Commission to establish policy and promulgate rules and regulations regarding professional and amateur boxing contests and exhibitions and matters pertaining thereto. This proposed rulemaking is further authorized by 5 Pa.C.S. § 302 (relating to definitions), which defines “boxing” as “The act of attack and defense with the fists, practiced as a sport. The term includes all variations of the sport permitting or using other parts of the human body, including, but not limited to, the foot, knee, leg, elbow or head.”

C. Background and Purpose

The Commission has regulated amateur and professional mixed martial arts (MMA) competition in this Commonwealth since Chapter 29 became effective on February 27, 2009. MMA is a sport using a combination of boxing, kickboxing, wrestling, karate, taekwondo, jujitsu, muay thai and other martial arts techniques, including grappling, kicking and striking. Presently, 45 states and tribal organizations permit or regulate professional MMA. Forty-four states and tribal organizations permit or regulate amateur MMA. Amateur MMA is legal but unregulated in 13 of those states and directly regulated by the athletic commissions of 21 states.

D. Description of Proposed Amendments

Section 29.29 (relating to acts constituting fouls) sets forth the acts which constitute fouls in amateur competition and how a contestant using foul tactics in a contest or exhibition will be disqualified or have points deducted from his score. Fouls include acts prohibited by § 29.12 (relating to acts constituting fouls), as well as additional specified techniques while standing and while on the ground. Striking to the opponent’s head while on the ground (commonly referred to as “pound and ground”) is an act which constitutes a foul for amateur contestants under current § 29.29(b)(3)(i). Striking to the head while on the ground is not a foul under the professional rules in § 29.12. In addition, amateur contestants are required to wear shin/instep pads under § 29.27(c) (relating to equipment), while professional contestants are not. See § 29.7 (relating to proper attire of contestants).

Proposed § 29.30 would permit the Commission to waive the “striking to the head while on the ground” and shin/instep pad rules for amateur contestants. This regulation has been requested by many of the more experienced amateur contestants as a bridge to their professional debuts, when striking to the head while on the ground is permitted and shin and instep pads are not required. The waiver is at the discretion of the Commission

and shall be requested by both amateur contestants to a particular contest who agree to conduct the contest with a waiver of the “striking to the head while on the ground” and the shin/instep pad rules. In reviewing waiver requests, the Commission will take into account several factors, including the win-loss records of both participants and the individual conditioning, training, experience and skill level of the contestants. Because only experienced amateurs with three or more sanctioned bouts will be permitted to request a waiver, chances for injury are lessened in practicing the technique of striking to the head while on the ground and kicking while not wearing shin/instep pads.

E. Fiscal Impact and Paperwork Requirements

The proposed rulemaking will not have adverse fiscal impact on the Department of State (Department) or the Commission because the Commission is self-supporting and does not use General Fund moneys. The Commission will not incur additional costs in enforcing this proposed rulemaking. The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. Additional paperwork requirements upon the Commonwealth or the private sector will be limited to amateur contestants applying for the waiver. There is not a fee to request the waiver. The proposed rulemaking will not have adverse fiscal impact on the mixed martial artists, boxers, promoters, referees, judges and timekeepers the Commission regulates.

F. Sunset Date

The Commission and the Department monitor the regulations of the Commission on a continuing basis. Therefore, a sunset date has not been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 17, 2012, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate State Government Committee and the House State Government Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

H. Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Gregory P. Sirb, Executive Director, State Athletic Commission, 2601 North 3rd Street, Harrisburg, PA 17110 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16-53 (amateur mixed martial arts waiver) when submitting comments.

CHARLES BEDNARIK,
Chairperson

Fiscal Note: 16-53. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART I. STATE ATHLETIC COMMISSION

Subpart B. BOXING

CHAPTER 29. MIXED MARTIAL ARTS

Subchapter B. AMATEUR MIXED MARTIAL ARTS

§ 29.30. Waiver of rule for contestants with three or more amateur bouts.

(a) An amateur contestant who has completed at least three amateur bouts may petition the Commission to waive the “striking to the head while on the ground” provision in § 29.29(b)(3)(i) (relating to acts constituting fouls) and the shin/instep pad requirement in § 29.27(c) (relating to equipment).

(b) The waiver will include only bouts in which both contestants have the required three-bout experience and both have agreed to conduct the contest with a waiver of the “striking to the head while on the ground” and the shin/instep pad rules.

(c) Grant of the waiver will be at the discretion of the Commission. In reviewing waiver requests, the Commission will consider factors including the win-loss record, conditioning, training, experience and skill level of each individual contestant.

[Pa.B. Doc. No. 12-1412. Filed for public inspection July 27, 2012, 9:00 a.m.]