

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 124]

Surplus Insurance Lines

The Insurance Department (Department) amends Chapter 124 (relating to surplus lines insurance) under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), regarding the general rulemaking authority of the Department, and Article XVI of The Insurance Company Law of 1921 (act) (40 P. S. §§ 991.1601—991.1626), regarding surplus lines.

Purpose

The purpose of this final-form rulemaking is to update Chapter 124 in accordance with amendments made to the act in 2002, 2010 and 2011. See the act of July 10, 2002 (P. L. 749, No. 110); the act of March 22, 2010 (P. L. 147, No. 14); and the act of June 30, 2011 (P. L. 194, No. 28) (Act 28). Chapter 124 sets forth duties and requirements regarding surplus lines agents, writing producers and surplus lines insurers transacting business in this Commonwealth.

Comments and Responses

Notice of proposed rulemaking was published at 43 Pa.B. 1269 (March 9, 2013) with a 30-day comment period. Comments were received from the Independent Agent and Brokers of Pennsylvania (IA&B) and the Insurance Federation of Pennsylvania (IFP).

The IA&B noted that most changes were editorial in nature and necessary to update the regulations in accordance with Act 28 and the Nonadmitted and Reinsurance Reform Act of 2010 (Pub. L. No. 111-203). The IA&B also noted the positive changes simplifying the diligent search process and recognized that further simplification may require legislative action.

The IFP questioned the reference to repealed section 1605(3) of the act (40 P. S. § 991.1605(3)) in § 124.10 (relating to eligible surplus lines insurer filing requirements) as inconsistent with Act 28 and recommended that § 124.10 be revised to recognize that the Department may rely upon the National Association of Insurance Commissioners ISITE database for immediate access to documents filed by foreign insurers. The IFP also objected to the “additional information” clause in subsections (a) and (b). Otherwise, the IFP expressed general support for the rulemaking.

On May 8, 2013 the Independent Regulatory Review Commission (IRRC) submitted a comment with regard to the proposed rulemaking noting that language in proposed § 124.10(a)(4) and (b)(3) was nonbinding and unclear.

In response to IRRC’s comment and the comment from the IFP, the Department revised § 124.10 to delete proposed subsections (a)(4) and (b)(3). In recognition of the availability of certain information in the ISITE database as noted by the IFP, the Department revised subsection (a) to permit a foreign insurer requesting placement on the eligible surplus lines list to submit only the jurat page instead of the entire financial statement. However, the Department retained the authority to re-

quest this information in situations when the Department cannot determine from the jurat page whether the requirements of section 1605(a) of the act are met. Additionally, the Department revised subsection (b) to note that submission of the jurat page will also be sufficient for foreign insurers on the Department’s list unless the Department requires further information to determine whether the requirements of section 1605(a) of the act continue to be met.

Affected Parties

The final-form rulemaking applies to surplus lines agents, writing producers and surplus lines insurers transacting business in this Commonwealth.

Fiscal Impact

State government

The final-form rulemaking will strengthen and clarify existing regulatory requirements. There will not be material increase in cost to the Department as a result of this final-form rulemaking.

General public

While the final-form rulemaking will not have immediate fiscal impact on the general public, the general public will benefit to the extent that the proposed rulemaking enhances the efficiency and effectiveness of the Commonwealth’s regulation of surplus lines insurance under Article XVI of the act.

Political subdivisions

The final-form rulemaking will not impose additional costs on political subdivisions.

Private sector

The final-form rulemaking will not impose significant costs on surplus lines licensees, writing producers or surplus lines insurers transacting business in this Commonwealth.

Paperwork

The final-form rulemaking will not impose additional paperwork on the Department.

Effectiveness/Sunset Date

The final-form rulemaking will become effective 30 days after publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, a sunset date has not been assigned.

Contact Person

Questions or comments regarding the final-form rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, fax (717) 705-3873, psalvatore@pa.gov within 30 days after the publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 22, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 1269, to IRRC and the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided

with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 18, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 19, 2013, and approved the final-form rulemaking.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 124, are amended by adding § 124.11, deleting §§ 124.8 and 124.9 and amending §§ 124.3—124.7 and 124.10 to read as set forth in Annex A.

(b) The Department shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking takes effect 30 days following publication in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 5903 (October 5, 2013).)

Fiscal Note: Fiscal Note 11-251 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

CHAPTER 124. SURPLUS LINES INSURANCE

§ 124.3. Conditions of binding authority.

(a) A surplus lines licensee may not exercise binding authority in this Commonwealth on behalf of an eligible surplus lines insurer unless there is in force a written contract executed by all parties to the contract setting forth the terms, conditions and limitations governing the exercise of binding authority by the surplus lines licensee. The written contract must, at a minimum, contain the following:

(1) A description of the classes of insurance for which the surplus lines licensee holds binding authority.

(2) The geographical limits of the binding authority.

(3) The maximum dollar limitations on the binding authority for any one risk for each class of insurance.

(4) The maximum policy period for which the surplus lines licensee may bind a risk.

(5) A prohibition against delegation of binding authority by the surplus lines licensee or, if the binding authority is delegable by the surplus lines licensee, a prohibition against delegation of binding authority by the surplus lines licensee without the prior written approval of the eligible surplus lines insurer.

(6) A provision in the following or substantially similar language:

It is understood and agreed that all insurance placed pursuant to this agreement on risks resident, located, or to be performed in this Commonwealth, shall be effected and written in accordance with Article XVI of the act of May 17, 1921 (P. L. 682, No. 284) (40 P. S. §§ 991.1601—991.1625).

(b) An executed copy of the written contract shall be maintained by the surplus lines licensee in its office. The copy shall be available at all reasonable times for examination by the Department without notice for at least 5 years following termination of the contract.

(c) If a surplus lines licensee, who is qualified under this chapter to exercise binding authority on behalf of the eligible surplus lines insurer, delegates binding authority to any other surplus lines licensee, the instrument delegating binding authority shall specifically identify the binding authority agreement between the delegating surplus lines licensee and the eligible surplus lines insurer. An executed copy of the instrument delegating binding authority shall be maintained by both the surplus lines licensee delegating binding authority and the surplus lines licensee to whom the authority is delegated in their offices. The copy shall be available at all reasonable times for examination by the Department without notice for at least 5 years following termination of the contract.

§ 124.4. Evidence of insurance.

(a) Section 1612 of the act (40 P. S. § 991.1612) requires the surplus lines licensee, upon placing surplus lines insurance, to deliver the contract of insurance to the insured or to the writing producer. A cover note, binder or other evidence of insurance shall be delivered by the surplus lines licensee if the contract of insurance is not immediately available.

(b) Delivery of the contract or other evidence of insurance by the surplus lines licensee shall occur within 15 calendar days after:

(1) Coverage has been bound by the surplus lines licensee, if the surplus lines licensee holds binding authority on behalf of the eligible surplus lines insurer.

(2) The surplus lines licensee has received written notification from the eligible surplus lines insurer or other nonadmitted insurer that it has assumed the risk, if the surplus lines licensee does not hold binding authority on behalf of the eligible surplus lines insurer.

(c) Under section 1624 of the act (40 P. S. § 991.1624), a contract or other evidence of insurance delivered by the surplus lines licensee shall contain a service of process clause substantially similar to the following:

SERVICE OF PROCESS CLAUSE

It is agreed that in the event of the failure of the Insurer(s) or Underwriter(s) herein to pay any amount claimed to be due hereunder, the Insurer(s)

or Underwriter(s) herein, at the request of the Insured (or reinsured), will submit to the jurisdiction of any court of competent jurisdiction within the United States of America and will comply with all requirements necessary to give such court jurisdiction, and all matters arising hereunder shall be determined in accordance with the law and practice of such court. It is further agreed that in any such action instituted against any one of them upon this contract, Insurer(s) or Underwriter(s) will abide by the final decision of such court or of any appellate court in the event of an appeal.

Service of process shall be made pursuant to the procedures provided by 42 Pa.C.S. Ch. 53 Subch. B (relating to interstate and international procedure). When making service of process by mail, such process shall be mailed to _____. The above-named is authorized and directed to accept service of process on behalf of the Insured(s) or Underwriter(s) in any such action or upon the request of the insured (or reinsured) to give a written undertaking to the insured (or reinsured) that it or they will enter a general appearance for the Insurer(s) or Underwriter(s) in the event such an action shall be instituted.

Further, pursuant to any statute of any state, territory or district of the United States of America, which makes provisions therefor, the Insured(s) or Underwriter(s) hereby designates the Superintendent, Commissioner or Director of Insurance or other officer specified for that purpose in the statute or his successor or successors in office, as the true and lawful attorney upon whom any lawful process may be served in any action, suit or proceeding instituted by or on behalf of the insured (or reinsured) or any beneficiary hereunder arising out of his contract of insurance (or reinsurance), and hereby designates the above-named as the person on whom such process or a true copy thereof shall be served.

§ 124.5. Diligent search of admitted insurers.

Under section 1604(2)(i) of the act (40 P. S. § 991.1604(2)(i)), surplus lines insurance may be procured through a surplus lines licensee from nonadmitted insurers if a diligent search is made among the admitted insurers who are writing, in this Commonwealth, coverage comparable to the coverage being sought. The following minimum requirements and conditions apply to the conduct of a diligent search among admitted insurers under section 1604(2)(i) of the act.

(1) Under section 1609(a)(1)(i) of the act (40 P. S. § 991.1609(a)(1)(i)), the writing producer shall execute and forward to the surplus lines licensee a written statement, in a form prescribed by the Department, declaring that a diligent effort to procure the desired coverage from admitted insurers was made. A diligent effort will be deemed to have been made if the writing producer has documented a declination of coverage from at least three admitted insurers which are writing, in this Commonwealth, coverage comparable to the coverage being sought. A declination may be documented by any of the following:

- (i) A written declination from the admitted insurer.
- (ii) A written record of an oral declination made by the person who initially received the declination or by another person working for the business from information transmitted by the person who received the declination. The written record must include:

(A) The name, office location and phone number of the admitted insurer or firm acting in the capacity of underwriting manager for the admitted insurer.

(B) The name and position of the person contacted.

(C) The date of contact.

(D) An explanation of the declination.

(iii) A written record that the writing producer contacted an admitted insurer who failed to respond within 5 business days, which includes the manner in which the contact was made and the information required under subparagraph (ii)(A)—(C).

(iv) A written record that the risk does not meet the underwriting guidelines of the admitted insurer. The written record must include:

(A) The name of the admitted insurer.

(B) Reference to the underwriting guidelines upon which the declination is based.

(2) A declination shall be obtained from the admitted insurer or recorded by the writing producer at or near the time of receipt of the declination and maintained for at least 5 years following termination of the contract.

(3) A declination of coverage by an admitted insurer shall be made by a person who is a full-time employee of the admitted insurer and who has underwriting responsibility for that admitted insurer or by a full-time employee of a firm acting in the capacity of underwriting manager for the admitted insurer.

(4) For purposes of this paragraph, the term “affiliate” is used as defined in section 1401 of The Insurance Company Law of 1921 (40 P. S. § 991.1401).

(i) A declination may not be obtained from an admitted insurer which is an affiliate of an admitted insurer from which a declination has already been obtained.

(ii) Surplus lines insurance may not be placed with a nonadmitted insurer that is an affiliate of an admitted insurer from which a declination has been obtained.

(iii) The restrictions in subparagraphs (i) and (ii) do not apply if the affiliated insurers write independently of each other using separate and independently developed underwriting criteria and marketing plans, and for underwriting purposes, compete with each other for the same type of coverage or class of insurance.

(5) Under section 1609(a)(2) of the act, the surplus lines licensee shall file with the Department a written declaration of the licensee’s lack of knowledge of how the coverage could have been procured from admitted insurers and shall simultaneously file the written declaration of the writing producer required under section 1609(a)(1) of the act. Under section 1609(a)(3) of the act, if the surplus lines licensee acts as both the writing producer and surplus lines licensee in a particular transaction, the surplus lines licensee is required to execute the declarations required under section 1609(a)(1) and (2) of the act.

§ 124.6. Export list coverages.

(a) Under section 1604(2)(ii) of the act (40 P. S. § 991.1604(2)(ii)), the Commissioner may create and maintain an export list of insurance coverages for which the full amount or kind of insurance cannot be obtained from admitted insurers.

(b) The diligent search requirement of section 1604(2)(i) of the act and the reporting requirements of

section 1609(a) of the act (40 P. S. § 991.1609(a)) do not apply to the placement of an insurance coverage which appears on the export list.

(c) Within 45 calendar days after the placement of an insurance coverage which appears on the most recent export list published by the Commissioner, the surplus lines licensee shall file with the Department or its designee a written declaration reporting the transaction on a form prescribed by the Department.

§ 124.7. Unique forms of coverages.

Under section 1604(2)(iii) of the act (40 P. S. § 991.1604(2)(iii)), surplus lines insurance may be procured through a surplus lines licensee from nonadmitted insurers if the kind of insurance sought to be obtained from admitted insurers requires a unique form of coverage not available in the admitted market. Within 45 calendar days after a unique form of coverage has been placed, the surplus lines licensee shall file with the Department or its designee, a written declaration reporting the transaction on a form prescribed by the Department.

§ 124.8. (Reserved).

§ 124.9. (Reserved).

§ 124.10. Eligible surplus lines insurer filing requirements.

(a) A request to consider a foreign insurer for placement on the Department's eligible surplus lines insurer list under section 1605(b) of the act (40 P. S. § 991.1605(b)) shall be made in writing by or on behalf of an insurer and include the following:

(1) *Certificate of authority.* A copy of the certificate of authority of the insurer or similar document setting forth its authority to issue policies and insure risks in the jurisdiction in which the insurer is incorporated, formed or organized.

(2) *Financial statement.* A copy of the jurat page from the latest annual financial report or statement of the insurer signed by the officers of the insurer and filed with the insurance regulatory authority or other governmental authority in the jurisdiction in which the insurer is incorporated, formed or organized. If the Department is unable to determine from the jurat page of the latest annual financial report or statement whether the insurer meets the requirements of section 1605(a) of the act, the insurer shall, upon request, forward to the Department:

(i) A copy of the entire annual financial report or statement. The copy must include all supplemental reports, exhibits and schedules required as part of the annual statement filing.

(ii) A copy of each subsequent quarterly financial report or statement of the insurer signed by the officers of the insurer and filed with the insurance regulatory authority or other governmental authority in the jurisdiction in which the insurer is incorporated, formed or organized.

(3) *Kind of insurance.* A written statement by an officer of the insurer identifying the kinds of insurance coverages the insurer intends to write and the types of risks the insurer intends to insure in this Commonwealth.

(b) After placement on the eligible surplus lines insurer list, a foreign insurer shall submit to the Department the information required under subsection (a)(2) within 30 days after the date required for filing in its domiciliary jurisdiction. If the Department cannot determine from the information provided whether the insurer continues to

meet the requirements of section 1605(a) of the act, the insurer shall submit the information required under subsection (a) upon request.

(c) A request to consider an alien insurer for placement on the Department's eligible surplus lines insurer list under section 1605(b) of the act shall be made in writing by or on behalf of an insurer and include documentation evidencing that the insurer is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the National Association of Insurance Commissioners.

(d) After placement on the eligible surplus lines insurer list, a nonadmitted insurer shall notify the Department within 10 business days if the nonadmitted insurer no longer satisfies the requirements of section 1605 of the act.

§ 124.11. Exempt commercial purchaser.

For the Department to determine whether a surplus lines licensee has placed business for an exempt commercial purchaser under section 1610(a.1) of the act (40 P. S. § 991.1610(a.1)), the surplus lines licensee shall file, with the Department or its designee, a written declaration reporting the transaction on a form prescribed by the Department.

[Pa.B. Doc. No. 13-1982. Filed for public inspection October 25, 2013, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 65 AND 75]

Fishing; Special Fishing Regulations and Endangered Species; Correction

The Fish and Boat Commission (Commission) recently discovered an error in its final-form rulemaking published as 42 Pa.B. 7684 (December 22, 2012). This final-form rulemaking amended, among other things, Chapter 75 (relating to endangered species) to add the Chesapeake Logperch (*Percina bimaculata*) to the Commonwealth's list of threatened species in § 75.2 (relating to threatened species).

In the Summary of Changes in the preamble to the final-form rulemaking, the last sentence of the final paragraph of section 6 incorrectly stated that the Commission added the Chesapeake Logperch to the Commonwealth's list of endangered species. Notwithstanding the error in that sentence, the preceding sentence correctly stated "Enough information is available to make the determination that this species is threatened in this Commonwealth at present and to justify adding it to the Commonwealth's list of threatened species." In addition, the commentary and Annex A of the proposed rulemaking published at 42 Pa.B. 3449 (June 16, 2012) pertaining to this change correctly indicated the proposed listing of the Chesapeake Logperch as an addition to the Commonwealth's list of threatened species.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 13-1983. Filed for public inspection October 25, 2013, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 175]

Vehicle Equipment Standards and Safety Inspection Process

The Department of Transportation, under the authority in 75 Pa.C.S. §§ 4103, 4301, 4501, 4521 and 6103, amends 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 Final-Form Rulemaking

The purpose of this final-form rulemaking is to revise the 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 Comments and Changes in the Final-Form Rulemaking

The proposed rulemaking was published at 42 Pa.B. 4704 (July 28, 2012). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees.

Comments or objections were not received from the public, the House and Senate Transportation Committees or IRRC. Consequently, changes have not been made to this final-form rulemaking.

Persons and Entities Affected

This final-form rulemaking affects owners of vehicles subject to inspection, official inspection stations, certified inspection mechanics and law enforcement personnel.

Fiscal Impact

Implementation of this final-form rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. This final-form rulemaking may impose additional costs on vehicle owners to bring their vehicles into compliance with these regulations. The final-form rulemaking does not require the completion of 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 the notice of proposed rulemaking, published at 42 Pa.B. 4704, to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when re-

quested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on September 18, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective September 18, 2013.

Effective Date and Sunset Provisions

This final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*. 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 their effectiveness.

Contact Person

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

Order

The Department of Transportation orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 175, are amended by adding § 175.35 and by amending §§ 175.2, 175.5, 175.6, 175.11, 175.27, 175.29, 175.33, 175.41—175.44, 175.51, 175.66, 175.78, 175.80, 175.96, 175.105, 175.110, 175.130, 175.143, 175.146, 175.160, 175.172, 175.174, 175.175, 175.190, 175.208, 175.209 and 175.220 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) The Secretary shall certify this order and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

BARRY J. SCHOCH, P.E.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 5903 (October 5, 2013).)

Fiscal Note: Fiscal Note 18-425 remains valid for the final adoption of the subject regulations.

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:

ASME Code—The American Society of Mechanical Engineers Boiler and Pressure Vessel Code; Section VIII, Division I, and Section IX of the 1971 and later editions.

ASTM—The American Society for Testing and Materials.

Acute area of the windshield—The center of the critical area on the driver's side of the vehicle directly in the driver's normal line of vision—8 1/2 inches wide and 5 1/2 inches high.

Allowable working pressure—The pounds per square inch for which the container was constructed or, if conditions have changed, the maximum pressure at specified temperatures permitted at the most recent inspection by a certified inspector.

Alteration—A change in the construction, design or installation of a container that affects the strength or safety of the system.

Antique motor vehicle—The term as defined in 75 Pa.C.S. § 102 (relating to definitions).

Auxiliary driving lamp—A lighting device mounted to provide illumination in front of the vehicle and to supplement the upper beam of a standard headlamp system; it is not intended for use alone or with the lower beam of a standard headlamp system.

Back-up lamp—A lamp used to provide illumination behind the vehicle and to provide a warning signal when the vehicle is in reverse gear.

Bead—That part of the tire made of steel wires wrapped or reinforced by ply cords, that is shaped to fit the rim.

Belt—A layer made of fabric or other material located under the tread area.

Bureau—The Bureau of Motor Vehicles of the Department.

Bus—A motor vehicle as defined in 75 Pa.C.S. § 102.

CGA—The Compressed Gas Association, Inc.; 500 Fifth Avenue; New York, New York 10036.

Cargo lamp—A lamp mounted on a multipurpose passenger vehicle, truck or bus that provides illumination to load or unload cargo.

Certified inspection mechanic—A person who holds a valid certification card issued by the Bureau certifying that the person is qualified, has passed all requirements to inspect specific vehicles and holds a valid driver's license for the correct class of vehicle.

Certified inspector—A person who holds a certificate issued by the Boiler Division in the Bureau of Occupation and Industrial Safety within the Department of Labor and Industry certifying that the person is qualified to inspect unfired pressure vessels.

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

Clearance lamps—Lamps which show to the front or rear of a vehicle to indicate overall width and height of a vehicle—on trucks and buses 80 inches or more in width.

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

Combination—The term as defined in 75 Pa.C.S. § 102.

Commonwealth inspection station—An inspection station appointed to inspect all types of vehicles, space permitted, owned by and engaged exclusively in the

performance of the official duties of the Federal government, the Commonwealth or a political subdivision of the Commonwealth.

Cord—The strands forming the plies in the tire.

Critical area of the windshield—The part of the vehicle windshield cleaned by the sweep of the windshield wiper system.

DOT—The United States Department of Transportation.

Department—The term as defined in 75 Pa.C.S. § 102.

Designated area—The geographic area which the Department, in conjunction with the Department of Environmental Protection, and the United States Environmental Protection Agency, has identified as an Emission I/M Program designated area. A copy of the Department's designation is available upon request from the Department.

Driveaway-towaway operation—The term as defined in 75 Pa.C.S. § 102.

Emergency vehicle—As defined in 75 Pa.C.S. § 102.

Essential parts—The term as defined in 75 Pa.C.S. § 102.

FMVSS—Federal Motor Vehicle Safety Standards in 49 CFR Part 571 (relating to Federal motor vehicle safety standards).

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

Firefighting vehicle—A vehicle used exclusively for fighting fires. The term does not include passenger cars, buses and motorcycles.

Fleet inspection station—An inspection station appointed to inspect all types of vehicles, space permitting, leased by or owned and registered in the name of the person in whose name the certificate of appointment is issued.

Fleet owner—The term as defined in 75 Pa.C.S. § 102.

Fog lamps—Lamps which are used with or in lieu of the lower beam headlamps to provide illumination under conditions of rain, snow or fog.

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

Fuel supply container—A tank or cylinder installed on a vehicle to supply fuel for the propulsion system of the vehicle.

GCWR—Gross combination weight rating—The term as defined in 75 Pa.C.S. § 102.

GVWR—Gross vehicle weight rating—The term as defined in 75 Pa.C.S. § 102.

General inspection station—An inspection station appointed to inspect all types of vehicles if the station is so equipped.

Groove—The space between two adjacent tread ribs.

Gross weight—The term as defined in 75 Pa.C.S. § 102.

Hazard warning system or emergency signal system—A driver-controlled system of flashing front and rear lights used to warn approaching motorists when a car has broken down or is traveling at a slow speed.

Heavy truck—A truck having a registered gross weight in excess of 17,000 pounds or a truck tractor.

House trailer—The term as defined in 75 Pa.C.S. § 102.

ICC—The Interstate Commerce Commission; now functionally superseded by DOT in matters relating to safety.

Identification lamps—Lamps used in groups of three, in a horizontal row, which show to the front or rear, or both, on vehicles 80 inches or more in width.

Implement of husbandry—The term as defined in 75 Pa.C.S. § 102.

Indicator lights—Lamps that are visible to the operator of a vehicle that indicate operation of appropriate electrical circuits, malfunction of vehicle performance and requirement for remedial action by the operator of the vehicle.

Inspection area—The area of a station in which all inspections must be conducted.

Inspection/Maintenance (I/M) insert tab—A numbered tab, applied to the safety certificate of inspection, which indicates the month in which the safety certificate of inspection expires and that the vehicle is subject to the Emission Inspection Program.

Inspection/Maintenance (I/M) registration indicator—An indicator on the registration card which identifies the vehicle as a subject vehicle which shall be emission inspected annually.

Inspection station supervisor—A person designated by the Department to investigate, inspect and supervise the operation of inspection stations.

License plate lamp—A lamp used to illuminate the license plate on the rear of the vehicle.

Light truck—A truck having a registered gross weight of 11,000 pounds or less.

Manufacturer—The term as defined in 75 Pa.C.S. § 102.

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

Material which does not permit a person to see or view the inside of the vehicle—A material which reduces the transmittance of light to below 70% or to a percentage which is less than the percentage permitted by FMVSS No. 205 in effect at the time of the vehicle's manufacture.

Medium truck—A truck having a registered gross weight from 11,001 to 17,000 pounds, inclusive.

Mobile home—The term as defined in 75 Pa.C.S. § 102.

Modular housing undercarriage—The term as defined in 75 Pa.C.S. § 102.

Modular housing unit—The term as defined in 75 Pa.C.S. § 102.

Motor carrier vehicle—A truck, truck-tractor or combination having a gross weight or registered gross weight in excess of 17,000 pounds.

Motorcycle—The term as defined in 75 Pa.C.S. § 102.

Motorcycle inspection station—An inspection station appointed to inspect only motorcycles.

Motor-driven cycle—A motorcycle, including a motor scooter, with a motor which produces not to exceed five-brake horsepower, and every pedalcycle with a motor attached.

Motor home—The term as defined in 75 Pa.C.S. § 102.

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

Motorized pedalcycle—The term as defined in 75 Pa.C.S. § 102.

Multi-purpose passenger vehicle—A passenger car which is constructed on a truck chassis or which has special features for off-road use in addition to highway use.

NFPA—The National Fire Protection Association; 470 Atlantic Avenue; Boston, Massachusetts 02210.

NHTSA—The National Highway Traffic Safety Administration.

Ornamental lamps—Lamps not required and not located as described in Tables III, IV and V of this chapter, unless available as original equipment. Flashing or revolving lights are not ornamental lamps. Flashing or revolving lights and their use are addressed in Chapters 15 and 173 (relating to authorized vehicles and special operating privileges; and flashing or revolving lights on emergency and authorized vehicles).

Parking brake system—A brake system used to hold and maintain a vehicle in a stationary position. A positive mechanical means is employed to hold the brake applied when the vehicle is unattended.

Parking lamps—Steady-burning, low intensity lights used when a vehicle is stopped or parked.

Passenger car—The term as defined in 75 Pa.C.S. § 102.

Pedalcycle—The term as defined in 75 Pa.C.S. § 102.

Person—The term as defined in 75 Pa.C.S. § 102.

Ply—A layer of rubber-coated parallel cords.

Pole trailer—A trailer, including those with a variable wheelbase, attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular-shaped loads, including poles, pipes or structural members capable of sustaining themselves as beams between the supporting connections.

Rake—On motorcycles, the angle, measured in degrees, of a motorcycle's steering axis in relation to a line which is perpendicular to the vehicle wheel base; on passenger cars or trucks, the ground clearance at the front or rear of a vehicle, reduced or increased, giving tilted appearance.

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

Recreational trailer—The term as defined in 75 Pa.C.S. § 102.

Recreational and utility trailer inspection station—An inspection station appointed to inspect only recreational and utility trailers.

Reflex reflector—A reflective device used for reflecting light, usually built into a lens.

Registered gross weight—The term as defined in 75 Pa.C.S. § 102.

Registration—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.

Safety insert tab—A numbered tab, applied to the Safety Certificate of Inspection, which indicates the month in which the safety certificate of inspection expires.

School bus—The term as defined in 75 Pa.C.S. § 102.

Secretary—The term as defined in 75 Pa.C.S. § 102.

Semitrailer—The term as defined in 75 Pa.C.S. § 102.

Service brake system—A brake system used for retarding, stopping and controlling the vehicle under normal operating conditions.

Side marker lamps—Lamps located on the left and right sides, beamed and intended to indicate vehicle length.

Snow plow lamp—A lamp used in substitution of headlamps on vehicles equipped with snow plows.

Special mobile equipment—The term as defined in 75 Pa.C.S. § 102.

Specially constructed vehicle—The term as defined in 75 Pa.C.S. § 102.

Stop lamp—A lamp at the rear of the vehicle which indicates the brake is being applied by the operator to slow or stop the vehicle.

Street rod—The term as defined in 75 Pa.C.S. § 102.

Subject vehicle—A gasoline powered vehicle with a gross vehicle weight rating of 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:

- (i) Special mobile equipment.
 - (ii) An implement of husbandry.
 - (iii) A motor vehicle being towed.
 - (iv) A motor vehicle being driven or towed by an official inspection station owner or employee for the purpose of inspection.
 - (v) A classic motor vehicle.
 - (vi) An antique motor vehicle.
 - (vii) A motorcycle.
 - (viii) A motorized pedalcycle.
 - (ix) A motor driven cycle.
 - (x) A street rod.
 - (xi) A vehicle being repossessed by a financier or collector/repossessor through the use of a miscellaneous motor vehicle business registration plate.
 - (xii) A new vehicle while it is in the process of manufacture, including testing and not in transit from the manufacturer to a purchaser or dealer.
 - (xiii) A military vehicle used for training by a private, nonprofit, tax exempt military educational institution when the vehicle does not travel on public roads in excess of 1 mile and when the property on both sides of the public road is owned by the institution.
 - (xiv) A school bus over 11,000 pounds gross vehicle weight rating.
 - (xv) A bus, other than school bus, with a seating capacity of 27 or more.
- Supply line*—The piping, tubing or hose, including all related fittings, through which vapor or liquid passes between the first shut-off valve at the container and the final stage regulator or vaporizer.
- Suspend*—The term as defined in 75 Pa.C.S. § 102.
- Tail lamp*—A steady burning low-intensity light used on the rear of a vehicle.
- Taxi*—The term as defined in 75 Pa.C.S. § 102.

Temporary inspection approval indicator—An adhesive insert affixed to the current certificate of safety inspection, as viewed from inside the vehicle, used to designate vehicles which have successfully passed a required periodic safety inspection, but do not display a renewed emission certificate of inspection.

Tire width—The term as defined in 75 Pa.C.S. § 102.

Trail—The distance measured in inches between the point at which the steering axis of a motorcycle intersects with the ground in front of the motorcycle and the point at which the forward limit of the wheel base intersects with the surface below the motorcycle.

Trailer—The term as defined in 75 Pa.C.S. § 102.

Trailer inspection station—An inspection station appointed to inspect only trailers.

Tread—That portion of the tire that comes into contact with the road.

Tread rib—The tread section running circumferentially around the tire.

Truck—The term as defined in 75 Pa.C.S. § 102.

Truck-camper—The term as defined in 75 Pa.C.S. § 102.

Truck tractor—The term as defined in 75 Pa.C.S. § 102.

Turn signal—A lamp showing to front and rear for the purpose of indicating an intention to turn either to the right or left or for pulling into traffic or changing lanes.

UL—The Underwriter's Laboratories, Inc.

Utility trailer—The term as defined in 75 Pa.C.S. § 102.

VIN—Vehicle identification number—The term as defined in 75 Pa.C.S. § 102.

Vehicle—The term as defined in 75 Pa.C.S. § 102.

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

§ 175.5. Semiannual inspection.

School buses, 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; 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 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 will expire 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, 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 2 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.

(b) *Multiple stations.* A certified inspection mechanic may work part time at more than one official inspection station if the mechanic notifies the inspection station supervisor and the Vehicle Control Division of the names and station numbers of all current employers. Failure to do so may result in suspension of the mechanic's inspection privileges.

(c) *Number of inspections.* A certified mechanic may not inspect more than:

(1) Two vehicles other than motorcycles per hour.

(2) Three motorcycles per hour.

(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 school bus driver endorsement. For the purposes of this chapter, a valid driver's license 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 completed an approved certification course and successfully completed the required examination.

(4) Shall pass the required tactile test administered by a certified/qualified automotive instructor at an approved education facility.

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

(f) *Prior certification.* A mechanic card without an expiration date shall remain valid for 180 days after the date of notice to the mechanic to attend the certification course. Failure to complete the certification course and pass the required tests within 180 days will result in cancellation.

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

<i>Code</i>	<i>Authorized Inspection or Testing</i>
1	Inspection of passenger cars, trucks 17,000 pounds or less and trailers less than 10,000 pounds
2	Inspection of motorcycles
3	Inspection of trucks over 17,000 pounds, trailers over 10,000 pounds and buses
4	Inspection of vehicles
5	Inspection 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 of 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 inspection in conjunction with inspection 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:

(1) To conduct the business of the official inspection station honestly and in the best interests of this Commonwealth, in accordance with the provisions of 75 Pa.C.S (relating to Vehicle Code) and this chapter, and, except in the case of a fleet or Commonwealth inspection station, to make every reasonable effort to inspect all vehicles upon request.

(2) To make official inspection regulations and supplements available for the use of certified inspection mechanics and other employees involved in inspection.

(3) To notify the inspection station supervisor and the Vehicle Control Division when a certified mechanic is hired.

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

(5) To keep 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.

(1) The permission may be established at the time the vehicle is brought to the station for inspection or after it is determined the repairs are needed.

(2) The vehicle owner shall be allowed to make his own repairs or to select anyone else he desires to do them for him.

(3) A part replaced as a result of inspection shall be retained until the vehicle is returned to the customer. The customer shall have the right to examine all replaced parts.

(4) The vehicle owner shall be informed in writing on the 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 receipt or work order. If a temporary inspection approval indicator is issued, the receipt or work order shall also contain the following information:

(i) A statement which specifies that failure to return the vehicle displaying a renewed emission certificate of inspection to the station prior to the expiration of the safety certificate of inspection shall void the temporary inspection approval indicator and necessitate a complete reinspection of the vehicle for which a fee may be charged.

(ii) A statement indicating that the fee for affixing a new certificate of inspection which shall be charged upon the return of the vehicle for the new certificate of inspection to be affixed. This fee shall be no greater than the posted fee for the certificate of inspection as required by § 175.24(2) (relating to required certificates and station signs).

§ 175.33. Motorcycle inspection stations.

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

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§ 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.

(a) *Unauthorized display of certificate of inspection.* No certificate of inspection or temporary inspection approval indicator may be marked or affixed to a vehicle unless the vehicle has successfully passed inspection, meeting the requirements of 75 Pa.C.S. (relating to Vehicle Code) and this chapter.

(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 shall be examined before using. If found to be incorrect, the inspection station supervisor and the Vehicle Inspection Division shall immediately be notified.

(1) TS-460 shall be used for motor vehicles except motorcycles and motor-driven cycles.

(2) TS-463 shall be used for trailers, motorcycles and motor-driven cycles.

(3) A temporary inspection approval indicator shall be used to designate a vehicle which has successfully passed the required periodic safety inspection, but which shall display a renewed emission certificate of inspection before a new safety certificate of inspection sticker may be affixed to the vehicle.

(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.

(1) The temporary inspection approval indicator shall be affixed as described in subsection (e)(5) so as to be visible to the vehicle operator (while seated in the driver's location) without obscuring any required information entered on the back of the safety certificate of inspection.

(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 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 approval indicator may not be issued or affixed at another area 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 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.

(2) A semiannually inspected vehicle will receive an inspection for no more than 9 months based on charts supplied by the Department.

(3) Insert stickers will be selected based upon the expiration date on the new inspection. If the vehicle is subject to emission inspection as determined by an I/M indicator on the registration card, the vehicle will receive an I/M indicator tab on the safety certificate of inspection.

(4) A temporary inspection approval indicator shall be used to indicate that a vehicle has successfully passed the required periodic safety inspection, but shall display a renewed emission certificate of inspection before a new safety certificate of inspection sticker may be affixed to the vehicle. The temporary inspection approval indicator does not extend the expiration of any certificate of inspection to which it is affixed.

§ 175.42. Recording inspection.

(a) *Fraudulent recording.* Fraudulent recording of an inspection 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.

(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 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) 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 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.

(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.

(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:

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

(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).

(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.

(4) *Prohibitions against replacing a 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:

(i) The inspection station did not perform the original inspection of the vehicle or issue the temporary inspection approval indicator affixed to the current certificate of inspection.

(ii) The vehicle does not display a renewed emission certificate of inspection.

(iii) The original safety certificate of inspection has expired.

(iv) The vehicle is in an obviously unsafe condition, including, but not limited to, bald tires, exhaust leaks, broken glazing and broken or missing lighting.

(e) *Nonrelated items.* Gas, oil or other nonrelated items may not be included in total charges for repair and inspection.

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

(1) *Form MV-431.* Motor vehicles except motorcycles and motor-driven cycles shall be recorded on this form.

(2) *Form MV-480.* Trailer, motorcycle and motor-driven cycles shall be recorded on this form.

§ 175.43. Security.

(a) *Check for errors.* When inspection stickers are received by the inspection station, they should be checked for errors. If errors are discovered, they shall be reported to the Vehicle Control Division at once.

(b) *Not transferable.* An inspection certificate is not transferable. It shall only be affixed to vehicles as designated on the inspection record sheet of the inspection station to which the certificates were issued.

(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.

(i) A replacement certificate of inspection may not be issued in the following circumstances.

(A) Acceptable proof of financial responsibility is not provided. For the purpose of this chapter, financial responsibility shall be proven by one of the following documents:

(I) A valid financial responsibility identification card issued in accordance with 31 Pa. Code (relating to insurance).

(II) The declaration page of a valid insurance policy.

(III) A valid self-insurance identification card.

(IV) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(V) A valid insurance policy issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(B) The vehicle is in an obviously unsafe operating condition.

(ii) The portion of the windshield containing the certificate of inspection 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.

(iv) "Replacement" shall be marked on the reverse side of the replacement certificate of inspection.

(2) Only one current, valid certificate of inspection shall be visible on a vehicle. The old certificate of inspection shall be removed and completely destroyed before a new sticker may be affixed.

(3) A vehicle that has an expired emission certificate of inspection affixed and which no longer has an I/M registration indicator on the registration card, shall have the expired emission sticker removed by the safety inspection mechanic who is affixing a new safety certificate of inspection.

(d) *Security.* Inspection certificates and temporary inspection approval indicators shall be kept under lock and key in a safe place. The station owner shall be solely responsible for their safety and shall account for certificates of inspection and temporary inspection approval indicators issued to the station.

(e) *Unused.* Unused certificates of inspection for an expired period shall be retained by the inspection station until audited by the inspection station supervisor. The Department will refund 75% of the purchase price of the unused certificates of inspection after the audit has been completed.

(f) *Issuance of certificates of inspection.* Certificates of inspection will not be issued by the Bureau to anyone who is not listed as an authorized purchaser on Form MV-500 on file with the Bureau. The inspection station owner or manager shall accept full responsibility for certificates of inspection delivered to authorized purchasers listed on Form MV-500.

(g) *Authorized purchasers.* A new MV-500 to authorize persons to purchase certificates of inspection shall be ordered from the Vehicle Inspection Division immediately whenever an employee whose signature appears on the form is no longer employed by the station or a signature is to be added or deleted.

§ 175.44. Ordering certificates of inspection.

(a) *Forms.* The following requisition forms shall be used to order certificates of inspection and inserts:

(1) MV-436a. For vehicles.

(2) MV-467a. For inserts and temporary inspection approval indicators.

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

(1) The correct name, address and station number, as shown on the certificate of appointment, shall be entered on every requisition form.

(2) A requisition shall be personally signed by one of the persons whose signature appears on 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 Form MV-500 on file with the Department.

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

(1) When special delivery is desired, a separate check shall be enclosed for postage. Do not enclose cash or add the amount for postage to the check for certificates of inspection.

(2) Each sticker requisition shall be accompanied by a separate check. Certificates of inspection may be ordered on one requisition form. Checks shall be made payable to the "Department of Transportation" or "PENNDOT."

(3) A requisition may be a snap-out form with two sheets in each set. A copy shall be forwarded to the Department. No copy may be detached.

(4) 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.

(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.

(d) *Copies.* A copy of the requisition or a Department receipt will be returned with the order of certificates of inspection shipped from the Department. Station copies of

the requisitions or Department receipts shall be kept on file at the station for 2 years and shall be made available for inspection upon request of the inspection station supervisor or an authorized representative of the Department.

(e) *Suggested schedule.* Certificates of inspection should be ordered as needed. Thirty days should be allowed for delivery.

(f) *Additional certificates.* An inspection station should anticipate its need for additional certificates of inspection.

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. (relating to Vehicle Code) will be considered sufficient cause for suspension of inspection privileges. A violator is also subject to criminal prosecution.

<i>Type of Violation</i>	<i>Duration of Suspension</i>				
	<i>1st Violation</i>	<i>2nd Violation</i>	<i>3rd and Subsequent Violation</i>		
	* * * *	*			
(4) <i>Category 4</i>					
(i) Misstatement of fact	2 months	4 months	1 year		
(ii) Performing or indicating unnecessary repairs for the purpose of passing an inspection	4 months	6 months	1 year		
(iii) Performing repairs for the purpose of passing an inspection without vehicle owner authorization	4 months	6 months	1 year		
(iv) Unclean inspection area	2 months	4 months	6 months		
(v) Required tools or equipment missing or broken	Warning if tools are repaired or replaced; if not, suspension until tools are repaired or replaced	2 months or until tools are repaired or replaced, whichever is greater	6 months or until tools are repaired or replaced whichever is greater		
(vi) Bad check	Warning if amount due is paid within 10 days from date notified. If not, 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		
(vii) Failure to report discontinuance of business	1 year	3 years	Permanent		
(viii) Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station	4 months	6 months	1 year		
(ix) Failure to give a written receipt or work order to customer, or to list required information on work order	2 months	4 months	1 year		
(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:

(1) Auxiliary driving lamps may not be substituted for headlamps. Auxiliary driving lamps may only be used with high headlamp beams.

(2) Fog lamps may not be substituted for headlamps.

(3) Auxiliary driving lamps and fog lamps shall be mounted on the front, spaced at least 20 inches apart from center to center and at height not more than 42 inches above level surface upon which the vehicle stands nor lower than the lowest chassis part. Rear fog lamps, if originally installed or offered as optional equipment, are acceptable.

(4) Auxiliary driving lamps and fog lamps shall be aimed when the vehicle and lamp assembly are in the straight ahead position with the beam not above horizontal centerline of lamp at 25 feet.

(5) A vehicle specified under this subchapter may have only one pair of approved auxiliary driving lamps and fog lamps.

(6) Auxiliary driving lamps and fog lamps may not be placed in front of a required lamp.

(7) Auxiliary driving lamps may not be used on snowplows as a substitute for headlamps obscured by blade. A substitute for headlamps used on the vehicle shall be complete, approved headlamps having both high and low beams.

(8) Snowplow lamps shall be installed as follows:

(i) These lamps shall be wired through a double throw switch so that both sets of lights will not operate at same time.

(ii) Snowplow lamps shall be aimed so that the high intensity beam does not project to the left of the extreme left side of the vehicle nor higher than the center of the lamp at a distance of 25 feet in front of the vehicle. In no case shall the high intensity portion of a beam be higher than 42 inches above the level upon which the vehicle stands at a distance of 75 feet ahead. Lamps shall be spaced at a distance of not less than 20 inches apart and shall be symmetrically located on each side of the vehicle centerline.

(9) In accordance with 75 Pa.C.S. § 4303(f) (relating to general lighting requirements), roof or roll bar mounted off-road lights may be installed if they are not used on a highway or trafficway and are covered with an opaque covering at all times while operating on the highway or trafficway. Vehicles equipped with roof or roll bar mounted off-road lights shall have a switch that indicates to the driver, through the use of a pilot light, that the lights are on when so switched.

(10) White or clear cargo lamps are permitted if available as original equipment or installed in a manner which expressly illuminates the cargo area of a multipurpose passenger vehicle, truck or bus.

(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.

(m) *Antique vehicle lighting exemption.* An antique vehicle, if operated exclusively between the hours of sunrise to sunset and not during periods of reduced visibility or insufficient illumination, is exempt from requirements of this section except requirements pertaining to stop lamps.

(n) *Battery fastening.* A vehicle specified under this subchapter shall be equipped with a system specifically designed for the secure fastening of the battery.

§ 175.78. Chassis.

(a) *Condition of chassis.* All items on the chassis shall be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Vehicle frame.* A vehicle frame shall be in solid condition.

(c) *Motor mounts.* Motor mounts may not be broken, cracked or missing.

(d) *Flooring and floor beds.* Flooring and floor beds shall be of a construction to support occupants and cargo which the vehicle is capable of carrying and may not have openings through which exhaust gases could enter passenger compartment.

(e) *Bumpers.* A vehicle specified under this subchapter shall be equipped with bumpers of a type used as original equipment, or 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).

(1) A bumper shall be of at least equivalent strength and mounting as the original equipment.

(2) No portion of a bumper may be broken, torn or protruding to create a hazard.

(3) A bumper may not extend beyond the body line or be longer than original equipment, whichever is greater.

(4) A wood plank bumper is permitted on a road service truck or wrecker if it is firmly attached to a regular bumper or equivalent steel backing.

(5) 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.

(f) *Seats.* A vehicle specified under this subchapter shall be equipped with a seat for an operator which is firmly anchored to the frame or a support.

(1) Metal springs may not protrude from the driver's seat.

(2) A seat adjusting mechanism may not move from a set position when so adjusted.

(g) *Safety belts.* A vehicle specified under this subchapter shall be equipped with safety belts of a type used as original equipment securely attached to the frame or structure. If attached to sheet metal, they shall have backing plates.

(1) Safety belt webbing may not be frayed.

(2) Belt buckles shall operate properly.

(h) *Body mounts.* Body mounts may not be broken, cracked, deteriorated or missing.

§ 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 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, 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 certificate of title, 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 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 final-form rulemaking gives effect to this subparagraph.)

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

(i) The mirror is cracked, broken or discolored.

(ii) The mirror will not hold adjustment.

(iii) A vehicle does not have rearview mirrors as originally equipped by the manufacturer.

(iv) Outside rearview mirrors, with a minimum reflective surface as described in § 175.68 (relating to mirrors), are not installed on both sides of the vehicle if a certificate of exemption for a sun screening device or other material has been issued by the Department. See § 175.264 (relating to mirrors). A vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless originally equipped with an outside rearview mirror on both sides of the vehicle.

(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:

(i) They are not in a condition to support the occupants and cargo.

(ii) The floor pan is rusted through so as to cause hazard to occupants or to permit exhaust gases to enter passenger compartment.

(Editor's Note: The effective date of § 175.80(a)(8)(iii) and (iv) was indefinitely postponed in the final-form

rulemaking published at 33 Pa.B. 5823. This final-form rulemaking gives effect to these subparagraphs.)

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

(i) The bumper, if required as original equipment, is not on the vehicle.

(ii) The bumpers are not firmly attached to the frame or chassis.

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

(iv) 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.

(v) A broken or torn portion is protruding so as to create hazard.

(vi) The bumpers extend beyond body line or are longer than originally equipped, whichever is greater.

* * * * *

(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 final-form rulemaking gives effect to this subparagraph.)

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

(i) The mirror is cracked, broken or discolored.

(ii) The mirror will not hold adjustment.

(iii) An object or material is hung from or blocking inside mirror.

(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:

* * * * *

(xxi) Spacers over 1/4 inch in thickness are used to increase wheel track.

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

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

* * * * *

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.

* * * * *

(1) *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:

(1) Auxiliary driving lamps may not be substituted for headlamps. Auxiliary driving lamps may only be used with high headlamps beams.

(2) Fog lamps are not permitted to be substituted for headlamps.

(3) Auxiliary driving lamps and fog lamps shall be mounted on the front, spaced at least 20 inches apart from center to center and at a height not more than 42 inches above the level surface upon which the vehicle stands, nor lower than the lowest chassis part. Rear fog lamps, if originally installed or offered as optional equipment are acceptable.

(4) Auxiliary driving lamps and fog lamps shall be aimed when the vehicle and lamp assembly are in the straight ahead position with the beam not above the horizontal centerline of the lamp at 25 feet.

(5) A vehicle specified under this subchapter may have only one pair of approved auxiliary driving lamps and fog lamps.

(6) Auxiliary driving lamps and fog lamps may not be placed in front of a required lamp.

(7) Auxiliary driving lamps may not be used on snowplows as a substitute for headlamps obscured by blade. A substitute for headlamps used on these vehicles shall be complete, approved headlamps having both high and low beams.

(8) Snowplow lamps shall be installed as follows:

(i) These lamps shall be wired through a double throw switch so that both sets of lights will not operate at same time.

(ii) Snowplow lamps shall be aimed so that the high intensity beam does not project to the left of the extreme left side of the vehicle, nor higher than the center of the lamp at a distance of 25 feet in front of vehicle. In no case shall the high intensity portion of a beam be higher than 42 inches above the level upon which vehicle stands at a distance of 75 feet ahead. The lamps shall be spaced at a distance of not less than 20 inches apart and shall be symmetrically located on each side of the vehicle centerline.

(9) In accordance with 75 Pa.C.S. § 4303(f), roof or roll bar mounted off-road lights may be installed if they are not used on a highway or trafficway and are covered with an opaque covering at all times while operating on the highway or trafficway. Vehicles equipped with roof or roll bar mounted off-road lights shall have a switch that indicates to the driver, through the use of a pilot light, that the lights are on when so switched.

(10) White or clear cargo lamps are permitted if available as original equipment or installed in a manner which expressly illuminates the cargo area of a truck or bus.

(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.

(m) *Antique vehicle lighting exemption.* An antique vehicle, if operated exclusively between the hours of sunrise to sunset and not during periods of reduced visibility or insufficient illumination, is exempt from the requirements of this section, except requirements pertaining to stop lamps.

(n) *Battery fastening.* A vehicle specified under this subchapter shall be equipped with a system specifically designed for the secure fastening of the battery.

§ 175.105. Exhaust systems.

(a) *Condition of exhaust system.* All components of the exhaust system shall be in safe operating condition as described in § 175.110 (relating to inspection procedure).

(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.

(1) A vehicle specified under this subchapter shall be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. A muffler or exhaust system may not be equipped with a cutout, bypass or similar device, and a muffler may not show evidence of external repair.

(2) The exhaust system of a vehicle may not be modified in a manner which will amplify or increase noise emitted by the motor of a vehicle above the maximum level permitted by Chapter 157 (relating to established sound levels).

(3) Headers and side exhaust are permitted if the vehicle meets the requirements of this section.

(4) An exposed exhaust system shall be equipped with an adequate heat shield or protective system.

(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) *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.

(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.

(c) *Exemption.* A firefighting vehicle is exempt from this section.

§ 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 dealer's acquisition of the vehicle, or both, may be pre-

sented 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, 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 certificate of title, 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 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:

* * * * *

(xxi) A tire makes contact with the body or chassis.

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

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

* * * * *

(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) *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.

(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.

(7) Inspect the braking system and remove at least one front and one opposite rear wheel. 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 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, 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 certificate of title, 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 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 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.* 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.

(3) The handlebar design shall provide a minimum of 18 inches between ends, after final assembly.

(4) The handlebars shall be equipped with grips of nonslip design and materials.

§ 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 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).

* * * * *

§ 175.160. **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, 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 certificate of title, 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 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 body line, any 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 one or more of the following apply:

(i) The front wheel geometry of a motorcycle with a single front wheel does not meet the following specifications as to rake and trail:

(A) Maximum rake: 45 degrees; maximum trail: 14 inches positive.

(B) Minimum rake: 20 degrees; minimum trail: 2 inches positive.

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

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

(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.

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

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

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

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

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

(3) Inspect the suspension system and reject if any of the following apply:

* * * * *

**Subchapter J. MOTOR-DRIVEN CYCLES AND
MOTORIZED PEDALCYCLES**

§ 175.172. **Steering.**

(a) *Condition of steering components.* The steering assembly and steering mechanism shall be in safe operating condition as described in § 175.190 (relating to inspection procedure).

(b) *Steering head.* The steering head shall be provided with a bearing or similar device allowing the steering shaft to turn freely in a rotating fashion.

(c) *Handlebars.* 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 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 adjustment.

(3) The handlebar design shall provide a minimum of 18 inches between ends, after final assembly.

(4) The handlebars shall be equipped with grips of nonslip design and materials.

§ 175.174. **Tires and wheels.**

(a) *Condition of tires and wheels.* Tires and wheels shall be in safe operating condition as described in § 175.190 (relating to inspection procedure).

(b) *Tire conditions.* The tires may not bear a marking or condition which may render the tire unsafe for highway use. The tires must be free of partial exposure of ply or cord; blow-out patches; bumps, bulges or separation; and regrooving and recutting below the original tread design depth.

(c) *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.

(d) *Nonpneumatic tires.* No vehicle specified under this subchapter operated on highway shall be equipped with nonpneumatic tires.

(e) *Ice grips or studs.* No tire shall be equipped with ice grips or tire studs of wear-resisting material which have projections exceeding 2/32 inch beyond the tread of the traction surface of the tire.

(f) *Antique vehicle pneumatic tire exemption.* An antique vehicle may be equipped with nonpneumatic tires if originally equipped by the manufacturer.

(g) *Wheel conditions.* The wheels shall conform to the manufacturer's specifications and may not be bent, cracked, welded or damaged so as to affect safe operating conditions. The wheels shall be free of missing and loose studs and bolts or an improper thread engagement.

§ 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 (related 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).

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§ 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, 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 certificate of title, 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 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 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 one or more of the following apply:

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

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

(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.

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

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

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

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

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

(3) Inspect the vehicle frame and reject if any of the following apply:

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Subchapter K. STREET RODS, SPECIALLY CONSTRUCTED AND RECONSTRUCTED VEHICLES

§ 175.208. Body.

(a) *Condition of body.* All items on the body shall be in safe operating condition as described in §§ 175.80, 175.110, 175.130, 175.160, 175.190 and 175.220 (relating to inspection procedure) and this subchapter.

(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. 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.

(d) *Doors.* A door shall be installed for any location from which a refuse truck is to be operated. If the vehicle is equipped with dual controls, a door shall be installed at each control position.

§ 175.209. Chassis.

(a) *Condition of chassis.* All items of a chassis shall be in safe operating condition as described in this subchapter and Subchapters E—H and J.

(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.

(2) Some part of the horizontal bumper of a truck shall fall within 16-30 inches above ground level.

(c) *Scrub line.* A vehicle specified under this subchapter shall meet the minimum scrub line requirements. See Chart 5 (relating to scrub line).

(1) A scrub line is an imaginary surface created if lines were drawn from the bottom of the wheel rim on one side to the bottom of the tire on the other side. When lines are drawn from both sides, an "X" under the vehicle suspension is created. A suspension or chassis component may not be below the top portion of this imaginary "X."

(2) Only exhaust systems and sheet metal may extend below the scrub line.

§ 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, 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 certificate of title, 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 the error or transposition.

* * * * *

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

(i) The fenders do not cover the entire tire tread width of tire that comes in contact with the road surface.

(ii) The front tire tread circumference coverage is less than 15° to the front and 75° to the rear of each tire.

(iii) The rear tire tread circumference coverage is less than 75°.

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

(i) The front or rear bumper is missing.

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

(5) Check the lights and reject if the vehicle does not have operating hazard warning lamps capable of being seen and distinguished during nighttime operations at a distance of 500 feet.

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

(1) Check the mirrors and reject if the mirrors for the operator are insufficient to view front and both sides and rear of vehicle for distance not less than 200 feet.

(2) Check the unconventional operation location and reject if all the major controls and switches are not conveniently located for use by the driver while in an unconventional operating position.

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

(1) Check the engine compartment and reject if the street rod 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.

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