

# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[ 67 PA. CODE CH. 175 ]

### Vehicle Equipment and Inspection

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 4103, 4301, 4501, 4551, 4721 and 6103, proposes to amend Chapter 175 (relating to vehicle equipment and inspection) to read as set forth in Annex A.

#### *Purpose of Chapter*

The purpose of Chapter 175 is to implement 75 Pa.C.S. Part IV (relating to vehicle characteristics) and provide clear standards for the inspection of vehicles.

#### *Purpose of this Proposed Rulemaking*

The purpose of this proposed rulemaking is to delete outdated procedures, modernize language and include provisions that reflect modern vehicles and associated equipment. Additional proposed amendments include: adding sanctions to enforce existing regulations and ensure safe vehicles remain the primary focus; providing clarification to inspection mechanics regarding frequently asked questions; and adding language that accurately reflects the current inspection process.

#### *Summary of Significant Amendments*

Proposed amendments to § 175.2 (relating to definitions) update, amend, add and delete definitions.

Proposed amendments to Chapter 175, Subchapter B (relating to official inspection stations) reflect the requirement that a station shall have a valid Pennsylvania sales tax number and a valid Employer Identification Number or Social Security number to be appointed. Proposed amendments require that the Department be added as the certificate holder on the required bond or insurance and that lapse of coverage will result in suspension. The approval process is proposed to be updated to reflect current practices. Requirements regarding the test drive of vehicles with adaptive controls are proposed to be added.

Proposed amendments to Chapter 175, Subchapter C (relating to certificate of inspection) allow the station, not the mechanic, to accept and record the financial responsibility requirement when presented on an electronic device. Language throughout is proposed to be amended to reflect current practices.

Proposed amendments to Chapter 175, Subchapter D (relating to schedule of penalties and suspensions: official inspection stations and certified safety inspectors) increase the suspension time for egregious violations and add additional sanctions for revoked sales tax numbers and the lapse of insurance coverage.

Proposed amendments to Chapter 175, Subchapter E (relating to passenger cars and light trucks) modernize the inspection process, reflect current equipment on modern vehicles and provide broader language that will allow the regulations to keep up with changing technology. Clarification is provided on airless tires and tire size. Lighting technology is addressed to ensure they meet modern standards. Language is proposed to be added to allow for the capability to prove financial responsibility

through electronic devices. Safety issues are addressed to reflect what the industry is encountering to ensure that only safe vehicles are operated on highways. The current regulations do not allow for the introduction and approval of new devices and technologies and proposed amendments throughout are intended to modernize regulations to reflect industry trends.

Proposed amendments to Chapter 175, Subchapter G (relating to recreational, semi and utility trailers) delete the reference to proof of financial responsibility as this is no longer a requirement.

#### *Persons and Entities Affected*

This proposed rulemaking affects vehicle inspection station owners and personnel, as well as licensed operators of vehicles.

#### *Fiscal Impact*

Implementation of this proposed rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. The proposed amendments will not require the completion of any additional forms. Additional reports or paperwork will not be required.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 10, 2017, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

#### *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* following appropriate evaluation of comments, suggestions or objections received during the public comment period.

#### *Sunset Provisions*

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 will continue to closely monitor these regulations for effectiveness.

#### *Public Comments*

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

Contact Person

The contact person for technical questions about this proposed rulemaking is Kay Kishbaugh, Manager, Vehicle Inspection Division, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, (717) 783-4597.

LESLIE S. RICHARDS, Secretary

Fiscal Note: 18-466. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION

Subchapter A. GENERAL PROVISIONS

§ 175.2. Definitions.

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

\* \* \* \* \*

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 ] safety inspector.

\* \* \* \* \*

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.

\* \* \* \* \*

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.

\* \* \* \* \*

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

\* \* \* \* \*

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.

Quality Assurance Officer—A person designated by the Department to investigate, inspect, audit and supervise the operation of inspection stations (safety, emission and enhanced) and training schools.

Rake—On motorcycles, the angle, measured in degrees, of a motorcycle’s steering axis in relation to a line [ which ] that 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 a tilted appearance.

\* \* \* \* \*

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.

Safety inspector—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.

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

\* \* \* \* \*

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

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 ] that 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:

\* \* \* \* \*

(xi) A vehicle being repossessed by a financier or collector/repossessor [ through the use of ] using 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** ] **GVWR**.

\* \* \* \* \*

*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** ] **that** 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** ] **wheel-base** intersects with the surface below the motorcycle.

\* \* \* \* \*

*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** ] **right or left**, 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** ] **that** administers vehicle equipment and inspection matters.

§ 175.4. **Vehicles required to be inspected.**

A registered vehicle moved upon a highway [ **shall** ] **must** bear a valid certificate of inspection except for the following:

\* \* \* \* \*

(7) A vehicle being repossessed by a financier or [ **collector-repossessor** ] **collector-repossessor** through the use of miscellaneous motor vehicle business registration plates.

\* \* \* \* \*

§ 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** ] **annually, in accordance with** the appropriate truck inspection procedure based on the registered gross weight of the vehicle.

§ 175.7. **Inspection of vehicle reentering this Commonwealth.**

A vehicle subject to inspection [ **which** ] **that** has been outside this Commonwealth continuously for 30 days or more and [ **which, at the time of reentering** ] **that at the time of re-entering** this Commonwealth[ , ] does not bear a currently valid certificate of inspection[ , **is not** ] **is** required to be inspected [ **until** ] **within** 10 days after reentering this Commonwealth.

§ 175.8. **Newly-purchased vehicles.**

(a) *Vehicles without a valid certificate of inspection.* A vehicle [ **which** ] **that** does not display a valid certificate of inspection at the time of sale, resale or entry into this Commonwealth shall be inspected within 10 days of sale, resale or entry into this Commonwealth, whichever occurs later. The inspection shall be coordinated with the staggered registration system regardless of the date of a previous inspection in this or another jurisdiction.

(b) *Vehicles with a valid certificate of inspection.* A vehicle [ **which** ] **that** displays a valid certificate of inspection at the time of sale or resale may be driven until the inspection certificate expires.

(c) *Vehicles subject to a semiannual inspection and mass transit vehicles.* Vehicles subject to a semiannual inspection and mass transit vehicles are exempt from the provision of subsection (a) [ **which** ] **that** requires coordination of inspection expiration with the staggered registration system.

§ 175.9. **Vehicles registered in another state.**

A vehicle registered in another state may be inspected. A certificate of inspection [ **shall be** ] **is** issued only if the vehicle meets inspection requirements.

§ 175.10. **Vehicles requiring emission inspection due to address change.**

A subject vehicle required to participate in the Emission I/M Program because of a vehicle registration change of address shall be phased into the emission inspection program at the time of the expiration of the current safety certificate of inspection.

§ 175.11. **Coordination of safety and emission inspection.**

\* \* \* \* \*

(d) A temporary inspection approval indicator may be used to designate vehicles [ **which** ] **that** 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.

\* \* \* \* \*

**Subchapter B. OFFICIAL INSPECTION STATIONS**

§ 175.21. **Appointment.**

(a) *Authority.* For the purpose of establishing a system of official inspection stations, the Bureau will issue a certificate of appointment to a privately owned facility within this Commonwealth that complies with the requirements of [ **the Vehicle Code** ] **75 Pa.C.S. (relating to Vehicle Code)** and this title. An official inspection station is authorized to inspect vehicles and issue official certificates of inspection. See 75 Pa.C.S. § 4721 (relating to appointment of official inspection stations).

(b) *Certificate of appointment.* The certificate of appointment will be issued only when the Bureau is satisfied that the station is properly equipped and has certified personnel to make inspections and adjustments. Only those stations fulfilling Department requirements and complying with this chapter will be issued a certificate of appointment. Prior involvement with a suspended inspection station may be [ **sufficient** ] cause to deny appointment. **A station applying for reappointment after a period of suspension shall enroll in the Department’s e-Safety program prior to reappointment,**



and shall maintain its participation in the e-Safety program as a condition of maintaining its certificate of appointment. The certificate of appointment, at all times [ shall ], must be conspicuously displayed at the [ place ] station for which it is issued. See 75 Pa.C.S. § 4722 (relating to certificate of appointment).

(c) *Certificate not assignable.* A certificate of appointment [ shall be ] is valid only for the person in whose name it is issued and for transaction of business at the place designated therein. A certificate of appointment [ shall not be ] is not assignable to another person or location.

(d) *Valid certificate required.* No person shall in any manner represent a place as an official inspection station unless the station is operating under a valid certificate of appointment issued by the Bureau.

(e) *Inspection stations with common access.* No certificate of appointment may be issued for operation by an official inspection station on the premises of another official inspection station [ which ] that utilizes the same access. This prohibition does not apply if the inspection stations have separate internal accesses, though sharing common external access.

(f) *Suspended inspection stations.* No certificate of appointment shall be issued for operation of an official safety inspection station on the premises of an official safety inspection station [ which ] that has been suspended, if the owner of the suspended station continues to conduct any type of business [ which ] that utilizes the same access. This prohibition [ shall ] does not apply if the station and the other business each have a separate internal access, though sharing a common external access.

[ (g) *Cancellation of appointments.* A certificate of appointment previously issued for a station which does not comply with the restrictions contained in subsection (e) or (f) will be cancelled April 28, 1983. ]

#### § 175.22. Making application.

(a) *Form.* The applicant shall file one copy of Form MV-427, Application for Designation as an Official Inspection Station, with the Bureau. A separate application shall be made for each place of business.

(b) *Bond or proof of insurance.* [ Requirements shall be as follows: ] All of the following are required:

(1) An applicant for a certificate of appointment shall furnish a bond on a form prescribed by the Department or proof of insurance as required [ by ] under 75 Pa.C.S. § 4722(c) (relating to certificate of appointment).

(2) The bond or insurance [ shall be in the amount of \$10,000 ] is required for each place of business and shall provide compensation to a vehicle owner for damage their vehicle may sustain while it is in possession of the inspection station.

(3) The bond or proof of insurance shall be renewed each year. The Department must be listed as the certificate holder on the bond or insurance policy.

(4) Cancellation of the bond or insurance shall automatically void the certificate of appointment. Inspections shall cease until the Bureau receives a new bond or proof of insurance and the station has applied for reappointment.

(c) *Specification of type.* The application [ shall ] must indicate the type of inspection station authorization applied for; that is, Commonwealth, general, fleet, recreational and utility trailer, or motorcycle.

(d) *Applicant.* The applicant shall be the owner of the business or, in the case of a corporation, some other person specifically authorized to sign the application. The applicant shall be authorized to conduct business in this Commonwealth and shall provide a valid State sales tax identification number and a valid Employer Identification Number or Social Security number to the Department prior to authorization.

(1) If a natural person, the applicant shall be 18 years of age or older.

(2) If the applicant is a corporation, partnership or association, the application shall be signed by an officer, partner, associate or another person specifically authorized to sign the application.

(i) The person who signs the application shall be 18 years of age or older.

(ii) Except in the case of an executive officer, partner or associate, written evidence of the authority of the person—for example, station manager—to sign the application [ shall ] must be attached thereto and attested to by a partner or a corporation or association officer.

#### § 175.23. Approval.

(a) *Investigation.* [ An inspection station supervisor will conduct an investigation of each applicant to determine full compliance with the Vehicle Code and this chapter. ] Upon submission of application or reapplication, the Bureau will conduct a review of the information provided. Subject to initial approval by the Bureau, a Quality Assurance Officer will conduct an investigation of the physical location and equipment to determine full compliance with 75 Pa.C.S. (relating to Vehicle Code) and this chapter.

(b) *English comprehension.* The applicant and each [ inspection mechanic ] safety inspector shall be sufficiently versed in the English language to read and understand this title.

(c) *Issuance of certificate of appointment.* A certificate of appointment will be provided only upon approval of the application by the Bureau and upon a successful site inspection by the Quality Assurance Officer. [ Upon approval of the application by the Bureau, a certificate of appointment shall ] A certificate of appointment will be issued to the applicant for the place of business located within this Commonwealth, as set forth in the application. No vehicle inspections shall be [ made ] conducted unless a certificate of appointment has been issued to and is prominently displayed at the official inspection station.

#### § 175.24. Required certificates and station signs.

After appointment, the owner of each inspection station shall prominently display signs required by the Bureau, including all of the following:

(1) A certificate of appointment for each type of station approved for the location.

(2) A sign clearly stating the fee for the certificate of inspection separate from the fee for inspection. The fee for inspection shall be the same whether the vehicle passes or fails. The fee for inspection [ shall ] must

include the cost of **the inspection, the electronic processing of inspection data and** labor for the inspection, including pulling wheels, but it **[ shall ] may** not include the cost of parts, repairs or adjustments. The sign **[ shall ] must** clearly indicate the fee for different types of vehicles—for example, passenger cars, trucks and trailers—to the extent that the fee varies among vehicles. Fleet and Commonwealth stations are exempt from this requirement.

(3) A current list of certified **[ inspection mechanics, Form TS-443 ] safety inspectors on a Department-approved form.**

(4) An official inspection station sign outside the garage, clearly visible to the public. This sign **[ shall ] must** have a keystone design **[ which ] that** is 24 inches high and 21 inches wide. The station number plate **[ shall ] must** be 2 3/4 inches high and 13 3/8 inches wide. The background **[ shall ] must** be navy blue with gold lettering. If hung from a bracket, the sign **[ shall ] must** be double faced. A previously issued sign will still be permitted **providing that the sign remains clearly legible. Signage that has deteriorated or been defaced shall be replaced.** Fleet and Commonwealth stations are exempted from this requirement.

§ 175.25. **Inspection area.**

(a) *General.* The following requirements apply to inspection areas:

(1) Except as provided in subsection (b)(1)(iii) and (3), the inspection area **[ shall ] must** be entirely within a sound, enclosed building; **[ shall ] must** be in good repair; and shall be kept in good condition.

(2) An anticipated alteration or change affecting the condition or size of the inspection area shall be reported to the **[ inspection station supervisor at once ] Quality Assurance Officer immediately.**

(3) The floor **[ shall ] must** be of a hard surface and in sound condition. Dirt floors will not be approved.

(4) The floor of the inspection area **[ shall ] must** be level. No more than 1% slope from front to rear or side to side is acceptable.

(5) The inspection area **[ shall ] must** be free from obstructions, including shelves, **[ work benches ] workbenches**, partitions, displays, machinery and stairways. If the inspection area or any part is located outside the building, the area **[ shall ] must** also be kept clear of snow or other substances **[ which ] that** would curtail or interfere with inspections. **Work areas must remain free of debris with the required tools easily accessible.**

(6) Hoists and lifts are permitted in the inspection area if a thorough and proper inspection can be performed.

(b) *Minimum requirements.* The following minimum dimensions apply to inspection areas:

(1) *Commonwealth, fleet and general inspection stations:*

(i) Twelve feet wide by 22 feet long, if the station uses an approved headlight aimer or tester.

(ii) Twelve feet wide by 43 feet long, if the station uses an approved **[ headlight aiming ] headlight-aiming** screen.

(iii) A motor carrier vehicle may be inspected either as single unit or in combination if, in the case of a station

**[ meets ] meeting** the requirements of subparagraph (i), the inspection area has an additional unobstructed length of 42 feet or, in the case of a station **[ meets ] meeting** the requirements of subparagraph (ii), an additional unobstructed length of 21 feet.

(2) *Motorcycle inspection stations:*

(i) Ten feet wide by 18 feet long, if the station uses an approved headlight tester.

(ii) Ten feet wide by 32 feet long, if the station uses an approved **[ headlight aiming ] headlight-aiming** screen.

(3) *Trailer inspection stations:* 12 feet wide by 55 feet long.

(c) *Inspections conducted in inspection area.* An inspection shall be conducted entirely within the inspection area with the exception of the road test.

§ 175.26. **Tools and equipment.**

(a) *General requirements.* An inspection station **[ shall ] must** have tools and equipment in good operating condition sufficient to inspect each type of vehicle to be inspected, including the following:

\* \* \* \* \*

(18) An approved headlight testing device—SAE approved No. J600a for photo-electric type and J602c for mechanic aimers. Not required for recreational and utility trailer stations.

**[ (19) A paper punch with a minimum diameter or width of 1/4 inch and a maximum diameter or width of 3/8 inch. ]**

(b) *Discontinued testers.* An inspection station equipped with discontinued testers may continue to use them as long as they are in good working order and capable of testing all types of headlights.

§ 175.27. **Hours.**

(a) An inspection station **[ shall ] must** 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 ] Quality Assurance Officer.** To be considered for a waiver of this section, the inspection station **[ shall ] must** 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:

\* \* \* \* \*

(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.

\* \* \* \* \*

§ 175.28. Certified **[ inspection mechanics ] safety inspectors.**

(a) *General.* An official inspection station **[ shall ] must** have at least one certified **[ inspection mechanic ] safety inspector.** Every inspection shall be performed by a certified **[ inspection mechanic ] safety inspector.** The **[ mechanic ] safety inspector** 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 ] With the exception of verifying financial responsibility in an electronic format, the safety inspector** signing the inspection sticker shall conduct and be responsible for the entire inspection of the vehicle, including the **[ road ] test drive**, except that the Department may exempt a **[ mechanic ] safety inspector** from the requirement to perform a **[ road ] test drive** because of a physical disability. See 75 Pa.C.S. § 4726. **In the event the vehicle to be inspected has adaptive controls, if the safety inspector is unable or not allowed to perform the test drive, the safety inspector may not perform the inspection. The vehicle shall be inspected by a safety inspector capable of conducting the test drive with the adaptive controls or defer the inspection to another station or the entity that installed the adaptive devices.**

(b) *Multiple stations.* A certified **[ inspection mechanic ] safety inspector** may work part time at more than one official inspection station if the **[ mechanic ] safety inspector** notifies the **[ inspection station supervisor ] Quality Assurance Officer** 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 ] safety inspector's** inspection privileges.

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

- (1) Two vehicles other than motorcycles per hour.
- (2) Three motorcycles per hour.

(d) *Certification requirements.* A **[ mechanic ] safety inspector** 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 ] that the safety inspector** will inspect; except that a certified **[ mechanic ] safety inspector** 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 ] safety inspector** exempted from the requirement to perform the **[ road test shall also be ] test drive is also** 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 ] safety inspector** shall be certified for no more than 5 years. **[ Mechanics may renew their mechanic ] A safety inspector may renew his safety inspector** certification by passing the required examination within 180 days of receipt of notice from the Department that the **[ mechanic ] safety inspector** card is due to expire.

(f) *Prior certification.* A **[ mechanic ] safety inspector** card without an expiration date shall remain valid for 180 days after the date of notice to the **[ mechanic ] safety inspector** 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 ] Safety inspector license codes.* A **[ mechanic ] safety inspector** will be issued codes from the following table for the types of vehicle inspections and equipment testing the **[ mechanic ] safety inspector** is authorized to perform:

Code	Authorized Inspection or Testing
1	Inspection of passenger cars, trucks 17,000 pounds or less and trailers less than 10,000 pounds
2	Inspection of motorcycles
3	Inspection of trucks over 17,000 pounds, trailers over 10,000 pounds and buses
4	Inspection of <b>all</b> 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 <b>[ mechanic ] safety inspector</b> license codes in this table for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title

(h) *[ Mechanic ] Safety inspector card.* The valid **[ mechanic ] safety inspector** card shall be carried by the **[ mechanic ] safety inspector** when performing an inspection.

(i) *Certified document reviewer.* The Department may certify **[ nonmechanics ] nonsafety inspectors** 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 ] safety inspectors and other employees involved in inspection.

(3) [ To notify the inspection station supervisor and the Vehicle Control Division when a certified mechanic is hired. ] To notify the Quality Assurance Officer and the Vehicle Inspection Division when a certified safety inspector 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 ] Quality Assurance Officer or an authorized representative of the Department.

\* \* \* \* \*

(b) *Change of ownership.* The following apply to change of ownership:

(1) In the case of a change of ownership, the certificate of appointment, all unissued certificates of inspection[ , ] and all inspection material shall be surrendered immediately to the [ inspection station supervisor ] Quality Assurance Officer. The new owner shall submit a Form MV-427 application to the Bureau. An investigation of the premises will be conducted by the [ inspection station supervisor ] Quality Assurance Officer.

\* \* \* \* \*

(c) *Change of location.* In the case of a change of location of an inspection station, all of the following apply:

(1) A Form MV-427 application shall be completed and submitted to the Bureau.

(2) An investigation of the premises will be conducted by the [ inspection station supervisor ] Quality Assurance Officer.

(3) Certificates of inspection will be audited by the [ inspection station supervisor ] Quality Assurance Officer and shall be retained by the station owner.

(4) No inspections shall be made at the new location until it has been investigated and approved and a new certificate of appointment issued by the Bureau.

(5) If the new location is not approved at the time of the investigation, the [ inspection station supervisor ] Quality Assurance Officer will pick up all current certificates of inspection and will retain them until the new location is approved.

(d) *Discontinuance of business.* Inspections shall be discontinued in any of the following circumstances:

(1) If the owner vacates, abandons or discontinues the inspection business. Immediate notice shall be provided to the Bureau and the [ inspection station supervisor ] Quality Assurance Officer. The [ inspection station supervisor ] Quality Assurance Officer will pick up the certificate of appointment and all certificates of inspection, records and other inspection materials, and return them to the Bureau.

(2) If the owner is deceased. If a member of the family or partner wishes to continue the business, a new application for appointment shall be submitted to the Bureau.

(3) If the owner voluntarily discontinues the operation of an inspection station, the owner shall immediately notify the [ inspection station supervisor ] Quality Assurance Officer. Remaining inspection materials

shall be returned to the [ inspection station supervisor ] Quality Assurance Officer.

(e) *Notice required.* [ The following events shall be reported at once to the inspection station supervisor and the Bureau; however, it is not necessary to discontinue inspections. ] The following events shall be reported immediately to the Quality Assurance Officer and the Bureau:

(1) Whenever certificates of inspection are damaged, lost or stolen. Lost or stolen stickers shall be immediately reported to local law enforcement or the Pennsylvania State Police.

\* \* \* \* \*

§ 175.30. Commonwealth inspection stations.

\* \* \* \* \*

(c) *Certified [ inspection mechanic ] safety inspector.* Each official Commonwealth inspection station shall have at least one [ inspection mechanic ] safety inspector certified to inspect each type of vehicle [ which ] that will be inspected.

\* \* \* \* \*

§ 175.31. Fleet inspection stations.

(a) *Eligibility.* Eligibility requirements are as follows:

(1) A fleet inspection station owner shall own or lease at least 15 or more vehicles.

(2) The certificate of appointment [ shall ] will authorize inspection of only those vehicles registered or leased by the fleet inspection station owner. Privately owned or registered vehicles of company officers and [ employes ] employees may not be inspected at a fleet inspection station even if they are used for business purposes.

(3) The inspection certificate [ shall ] will be cancelled if the number of vehicles owned or leased falls below 15, except for a temporary delay in ordering or receiving additional vehicles to supplement the fleet.

(b) *Certified [ inspection mechanic ] safety inspector.* Each fleet inspection station shall have at least one [ inspection mechanic ] safety inspector certified to inspect each type of vehicle [ which ] that will be inspected.

(c) *Requirements.* Requirements [ shall ] include all of the following:

(1) An applicant for a fleet inspection station shall meet the requirements of this chapter, unless specifically exempted.

(2) In addition to the minimum inspection area requirements of § 175.25(b)(1)(i) (relating to inspection area), the inspection area shall be large enough to accommodate the largest vehicle to be inspected at the fleet inspection station.

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 exam-

ined before using. If found to be incorrect, the [ **inspection station supervisor and** ] **Quality Assurance Officer** or the Vehicle Inspection Division shall immediately be notified. **A temporary inspection approval indicator shall be used to designate a vehicle that has successfully passed the required periodic safety inspection. The vehicle must display a renewed emission certificate of inspection before a new safety certificate of inspection sticker may be affixed to the vehicle.**

[ (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.

\* \* \* \* \*

**§ 175.42. Recording inspection.**

\* \* \* \* \*

(c) *Records retention.*

(1) The original official inspection report sheet (Form MV-431 or MV-480) **or electronic version** shall be retained as a garage record and [ **kept on file** ] **maintained** at the station for audit. At the close of each inspection period, the [ **official inspection report sheet** ] **hard copy MV-431 or MV-480** 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** ] **safety inspector** as required under this section shall be available for inspection upon request by the [ **inspection station supervisor** ] **Quality Assurance Officer** 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** ] **that** 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.

\* \* \* \* \*

(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** ] **that** 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** ] **that** 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.

\* \* \* \* \*

**§ 175.43. Security.**

\* \* \* \* \*

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

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

(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 **paper or electronic** 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.

(VI) **Proof of insurance in an electronic format on an electronic device. For inspection purposes, hard copy proof of insurance is not necessary. The station may verify and record proof of financial responsibility when presented electronically.**

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

\* \* \* \* \*



§ 175.44. Ordering certificates of inspection.

\* \* \* \* \*

(c) *Additional instructions.* [ The ] All of 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 ] must 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." ] "PennDOT."

\* \* \* \* \*

Subchapter D. SCHEDULE OF PENALTIES AND SUSPENSIONS: OFFICIAL INSPECTION STATIONS AND CERTIFIED [ MECHANICS ] SAFETY INSPECTORS

§ 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) and these regulations will be considered sufficient cause for suspension of inspection privileges or revocation of the certificate of appointment, or both. A violator is also subject to criminal prosecution.

Type of Violation	Duration of Suspension		
	1st Violation	2nd Violation	3rd and Subsequent Violation
(1) <i>Category 1</i>			
(i) Issuance or possession of altered, forged, stolen or counterfeit certification of inspection	1 year	Permanent	
(ii) Furnish, lend, give, sell or receive a certificate of inspection without inspection	1 year	Permanent	
(iii) Faulty inspection of equipment or parts	[ 2 ] 6 months	1 year	[ 3 years ] Permanent
(2) <i>Category 2</i>			
(i) Fraudulent recordkeeping	1 year	Permanent	
(ii) Improper recordkeeping	2 months	1 year	3 years
(iii) Failure to verify registration, title, manufacturer's statement of origin, financial responsibility information, or inspecting a vehicle with an expired registration or when valid proof of financial responsibility has not been submitted. <b>The station may verify and record proof of financial responsibility when presented electronically.</b>	[ 2 ] 4 months	[ 4 ] 6 months	1 year
(iv) Failure to affix certificate of inspection immediately upon successful completion of the inspection	[ 2 ] 6 months	[ 4 months ] 1 year	[ 1 year ] Permanent
(v) Improperly assigning certificate of inspection	2 months	4 months	1 year
(vi) Failure to produce records, certificates of inspection, signature cards, certificate of appointment or [ mechanic ] safety inspector card upon demand by [ inspection station supervisor ] Quality Assurance Officer or authorized representative of the Department	[ 2 months or until produced ] Until produced plus 2 months	[ 6 months or until produced ] Until produced plus 6 months	[ 1 year or until produced ] Until produced plus 1 year
(vii) Improper certificate of inspection security	[ Warning ] 2 months	4 months	1 year
(viii) Careless recordkeeping	Warning	4 months	6 months
<b>(ix) Failure to report lost or stolen stickers</b>	<b>2 months</b>	<b>6 months</b>	<b>1 year</b>
(3) <i>Category 3</i>			
(i) Inspection by [ mechanic ] safety inspector with suspended, revoked, cancelled or recalled operating privilege	[ 2 ] 6 months	[ 6 months ] 1 year	[ 1 year ] Permanent
(ii) Inspecting more than three motorcycles or two other vehicles per hour	4 months	6 months	1 year

<i>Type of Violation</i>	<i>Duration of Suspension</i>		
	<i>1st Violation</i>	<i>2nd Violation</i>	<i>3rd and Subsequent Violation</i>
(iii) Inspection by uncertified [ <b>mechanic</b> ] <b>safety inspector</b>	[ 4 ] 6 months	[ 6 months ] 1 year	[ 1 year ] Permanent
(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, <b>only</b> if tools are repaired or replaced <b>within 20 days</b> ; 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 or failure to satisfy monetary obligations to the Department	Warning, if amount due is paid within 10 days from date notified[ . <b>If</b> ]; if not, suspension until amount due is paid	[ 2 ] 3 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 <b>from date discontinuance is discovered</b>	[ 3 years ] Permanent <b>from date discontinuance is discovered</b>	[ 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 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
(x) Failure to maintain bond or insurance, or lapse in the station's insurance policy	Until proof of insurance or bond is provided to the Department plus 3 months	Until proof of insurance or bond is provided to the Department plus 6 months	Until proof of insurance or bond is provided to the Department plus 1 year
(xi) Failure to maintain tax identification number	Until proof of tax identification number is provided to the Department plus 3 months	Until proof of tax identification number is provided to the Department plus 6 months	Until proof of tax identification number is provided to the Department plus 1 year
	<i>1st through 3rd Violations</i>	<i>4th Violation</i>	<i>5th and Subsequent Violation</i>
[ (ix) ] (xii) Failure to give a written receipt or work order to customer, or to list required information on work order	[ 2 months ] Counseling	[ 4 ] 6 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 ]

(b) *Assignment of points.* The Department will permit the station owner to consent to the acceptance of a point assessment for the station in lieu of suspension [ , ] if the station owner, manager, supervisor or other management level [ **employee** ] **employee** was without knowledge of the violation, and should not have known of the violation.

(1) The station owner bears the burden of proving that it provided proper supervision of the [ **employee** ] **employee** who committed the violation, but that supervision could not have prevented the violation.

(2) By accepting the assessment of points the station owner waives the right to appeal the Department's determination in the case to a court of record. If the station owner refuses to accept the point assessment, the Department will issue the suspension indicated in this subchapter.

(c) *Point determination.* When offering a point assessment, in lieu of a suspension, the Department will calculate points in the following manner:

(1) One point will be assessed for every 2 months of suspension [ **which** ] **that** the Department would otherwise impose.

(2) A point assessment will not exceed eight points for a single violation.

(3) If an inspection station is currently serving a suspension for a violation of this chapter, no point assessment will be made. A subsequent violation which occurs while a current suspension is being served will result in a suspension that will run consecutively with the current suspension.

(d) *Point suspension.* The Department will suspend the privileges of an official inspection station for an accumulation of points whenever the station accumulates ten or more points.

**[ (1) The first occurrence of an accumulation of ten points or more shall result in a suspension for a period of 2 months for each point over nine points; the second occurrence of an accumulation of ten points or more shall result in a suspension for a period of 4 months for each point over nine points; the third occurrence of an accumulation of ten points or more shall result in a suspension for a period of 6 months for each point over nine points.**

**(2) The fourth occurrence for an accumulation of ten or more points shall result in a permanent suspension. ]**

**(1) The first occurrence of an accumulation of ten points or more will result in a suspension for 2 months for each point over nine points.**

**(2) The second occurrence of an accumulation of ten points or more will result in a suspension for 4 months for each point over nine points.**

**(3) The third occurrence of an accumulation of ten points or more will result in a suspension of 1 year.**

**[ (3) ] (4) Only suspensions issued as the result of an accumulation of points shall be counted in determining whether a suspension for point accumulation is a second [ , **third or fourth** ] or **third** suspension.**

**[ (4) ] (5) If the point record of a station has been reduced to zero, a subsequent accumulation of points that**

will result in the suspension of the station will be considered first, second [ , ] or third [ **and fourth** ] suspensions.

(e) *Restoration of suspensions.* Stations and [ **mechanics** ] **safety inspectors** that have had their privilege to inspect suspended [ **shall** ] **will** be restored as follows:

(1) A station that has been suspended as a result of a point accumulation [ **shall** ] **will** have its point total reduced to six points upon restoration.

(2) Additional points assessed against the station since the last violation resulting in a suspension will be added to the point record unless the station has served an additional suspension under subsection (c)(3).

(3) A certified [ **inspection mechanic** ] **safety inspector** that has been suspended under this chapter will be restored at the termination of the suspension.

(4) Prior to restoration, the station shall meet the reapplication requirements of § 175.52 (relating to reapplication) to ensure timely restoration.

(f) *Removal of points.* Points assessed against a station [ **shall** ] **will** be removed at the rate of two points for each 12 consecutive months in which the station has not had additional violations charged against it that could result in additional points. The 12-month period starts at the date of the last violation resulting in points or from the date of restoration of a suspension resulting from an accumulation of points, whichever occurred last.

(g) *Subsequent violations.* Determination of second and subsequent violations is made on the basis of previous violations in the same category within a 3-year period.

(h) *Multiple violations.* In the case of multiple violations [ **which** ] **that** are reviewed and considered at one Departmental hearing, the Department will impose separate penalties for each violation as required by the schedule. The Department may direct that a suspension be served concurrently. If the Department permits a station to accept points in lieu of a suspension, the points will be assigned for the more serious violation affecting each vehicle. Violations affecting more than one vehicle will be treated as separate violations.

(i) *Sale of business.* An inspection station may be sold, transferred or leased to a new owner, and an application for appointment will be considered while the station is suspended or restored pending an appeal unless sold, transferred or leased to a person affiliated with the station or related to the station owner.

(j) *Confiscated materials.* Certificates of inspection and records confiscated as the result of an investigation will be retained by the [ **inspection station supervisor** ] **Quality Assurance Officer**. Certificates of inspection, certificates of appointment, [ **mechanic** ] **safety inspector** certification cards and records confiscated as the result of a suspension will be returned to the Department. **[ The Department will refund 75% of the purchase price for certificates of inspection confiscated as the result of a suspension. ]**

(k) *Official documents.* Whenever an inspection station or [ **mechanic is suspended or cancelled** ] **safety inspector is suspended**, the Department may order the surrender, upon demand, to [ **an Inspection Station Supervisor** ] **a Quality Assurance Officer** or authorized representative of the Department of any of the following items:



- (1) Inspection records.
- (2) A certificate of appointment.
- (3) Signature cards.
- (4) Unused certificates of inspection.
- (5) Unused monthly insert tabs.
- (6) A [ **mechanic** ] **safety inspector** certification card.

§ 175.52. Reapplication.

After a suspension has been served, inspection privileges will not be restored until an application for reappointment has been received by the Department. Upon receipt of [ **an** ] **a complete** application for reappointment following suspension of 3 months or more, a complete and thorough investigation by the [ **inspection station supervisor** ] **Quality Assurance Officer** will be conducted to determine if **the** applicant qualifies for reappointment under Subchapter B (relating to official inspection stations). Other applications for reappointment are subject to investigation at the discretion of the Department. [ **The station shall submit an application for appointment 30 days prior to the restoration date to ensure timely restoration.** ]

Subchapter E. PASSENGER CARS AND LIGHT TRUCKS

§ 175.64. Braking systems.

\* \* \* \* \*

(b) *Service brakes.* A vehicle specified under this subchapter shall be equipped with a service brake system. See 75 Pa.C.S. § 4502 (relating to general requirements for braking systems).

\* \* \* \* \*

(4) Metal from a shoe **or pad** may not contact the brake drums or rotors.

(5) [ **Brake lines shall be approved for use as brake lines.** ] **The hydraulic hoses or tubing must be approved for use as brake lines according to Society of Automotive Engineers standards for hydraulic brake line use.**

\* \* \* \* \*

§ 175.65. Tires and wheels.

\* \* \* \* \*

(e) *Nonpneumatic tires.* A passenger car or light truck operated on highway may not be equipped with nonpneumatic tires (**solid**) except an antique vehicle with nonpneumatic tires if originally equipped by the manufacturer.

(f) *Airless tires.* A passenger car or light truck operated on a highway may not be equipped with airless tires unless they are specifically designed and approved by the United States Department of Transportation for highway use.

[ (f) ] (g) *Ice grips or studs.* A tire may not be equipped with ice grips or tire studs or wear-resisting material [ **which have** ] **that has** projections exceeding 2/32 inch beyond the tread of the traction surface of the tire.

[ (g) ] (h) *Tires and rims.* The axles of a vehicle specified under this subchapter shall be equipped with

the number and type of tires and rims with a load rating equal to or higher than those offered by the manufacturer.

[ (h) ] (i) *Spacers.* [ **Spacers or similar devices thicker than 1/4 inch may not be installed to increase wheel track.** ] **Spacers or similar devices over 1/4 inch in thickness may not be used to increase wheel track unless originally equipped by the manufacturer.**

§ 175.66. Lighting and electrical systems.

\* \* \* \* \*

(c) *Headlamp system.* A vehicle specified under this subchapter [ **which** ] **that** is driven on a highway shall have a two- or four-headlamp system. See 75 Pa.C.S. § 4303(a) (relating to general lighting requirements).

\* \* \* \* \*

(7) A vehicle specified under this subchapter shall be equipped with a beam indicator[ , **which shall be lighted** ] **that shall be lit** whenever the high beam of light from the headlamp is in use and [ **shall** ] **may** not otherwise be lighted. An indicator [ **shall** ] **must** be located so that when [ **lighted** ] **lit** it is readily visible without glare to operator of vehicle.

(d) *Total candlepower.* The total candlepower for headlamps and auxiliary lamps [ **shall** ] **may** not exceed 150,000.

(e) *Other required lamps.* A vehicle specified under this subchapter [ **shall** ] **must** have at least one red stop lamp on each side of rear of vehicle, which [ **shall** ] **must** be illuminated immediately upon application of the service brake.

(f) *Illumination except headlamps, fog lamps and auxiliary driving lamps.* A vehicle specified under this subchapter [ **shall** ] **must** be equipped with parking lamps, stop lamps, tail lamps, turn signal lamps and hazard warning lamps designed for that specific function[ , **which** ] **that** under normal atmospheric conditions shall be capable of being seen and distinguished during nighttime operation at a distance of 500 feet. See 75 Pa.C.S. § 4303(b)—(d).

\* \* \* \* \*

(l) *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 **all of** the following:

(1) **Auxiliary driving lamps and front fog lamps must be white or selective yellow within the limits specified in Society of Automotive Engineers lighting standards.**

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

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

[ (3) ] (4) 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** ] **Red**

rear fog lamps, if originally installed or offered as optional equipment, are acceptable.

[ (4) ] (5) 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) ] (6) A vehicle specified under this subchapter may have only one pair of approved auxiliary driving lamps and **front** fog lamps.

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

[ (7) ] (8) 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** ] **must** be complete, approved headlamps having both high and low beams.

[ (8) ] (9) 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) ] (10) 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** ] **traffic way** and are covered with an opaque covering at all times while operating on the highway or [ **trafficway** ] **traffic way**. Vehicles equipped with roof or roll bar mounted off-road lights [ **shall** ] **must** have a switch that indicates to the driver, through the use of a pilot light, that the lights are on when so switched.

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

[ (11) ] (12) 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.

### § 175.67. Glazing.

\* \* \* \* \*

(d) *Obstructions.* A vehicle specified under this subchapter shall have glazing free from obstructions as described in § 175.80 (relating to inspection procedure).

(1) With the exception of materials in paragraph [ (4) ] (5), signs, posters or other materials whose design prevents a driver from seeing through the material may not be placed on the windshield, a side wing, a side window or rear window so as to obstruct, obscure or impair the driver's clear view of the highway or an intersecting highway. Under FMVSS No. 205, these restrictions do not apply to the rear side windows, rear wings or rear window of trucks or multipurpose passenger vehicles.

(2) With the exception of materials in paragraph [ (4) ] (5), signs, posters or other materials whose design prevents a driver from seeing through the material may not be placed on a rear side window, rear wing or rear window of a passenger car which either covers more than 20% of the exposed portion of the windows or wings, or extends more than 3 1/2 inches above the lowest exposed portion of the windows or wings.

**(3) An object or material may not be hung, placed or attached in a position that obstructs, obscures or impairs the driver's vision through the windshield wiper path, excluding a certificate of inspection.**

[ (3) ] (4) This subsection also applies to glass etchings, except those used for vehicle identification.

[ (4) ] (5) A [ **sun screening** ] **sunscreening** device or other material [ **which** ] **that** does not permit a person to see or view the inside of the vehicle is prohibited, unless otherwise permitted by FMVSS No. 205, or a certificate of exemption has been issued in compliance with § 175.265 (relating to exemption provisions). See Table X for specific requirements for vehicles subject to this subchapter. Passenger car requirements relating to the rear window are delineated by vehicle model year in Table X.

[ (5) ] (6) Vehicles specified under this subchapter may not have an obstruction forward of the windshield [ **which** ] **that** extends more than 2 inches upward into the horizontally projected vision area of the windshield with the exception of windshield wiper components.

### § 175.68. Mirrors.

(a) *Condition of mirrors.* Mirrors [ **shall** ] **must** be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Rearview mirrors.* A vehicle specified under this subchapter [ **shall** ] **must** be equipped with at least one rearview mirror or similar device [ **which** ] **that** provides the driver an unobstructed view of the highway to the rear of the vehicle for a distance of not less than 200 feet. A mirror may not be cracked, broken or discolored.

(c) *Obstructions.* On a vehicle specified under this subchapter, a rearview mirror [ **shall** ] **must** be free from obstructions as described in § 175.80.

(1) A vehicle specified under this subchapter having a sign, load or material [ **which** ] **that** obstructs, obscures or impairs the driver's clear view of the highway or an intersecting highway [ **shall** ] **must** have two outside

rearview mirrors, one on the driver's side and one on the passenger's side, each with a minimum reflective surface of 19.5 square inches.

(2) [ Rear window louvers are permitted only if the vehicle has at least two outside rearview mirrors, one on the driver's side and one on the passenger's side, each with minimum reflective surfaces of 19.5 square inches. ] An object or material may not be hung, placed or attached to obstruct, obscure or impair the driver's vision through the rear window, with the exception of a temporary registration permit, unless the vehicle is equipped with at least two outside rearview mirrors, one on the driver's side and one on the passenger's side, each with a minimum reflective surface of 19.5 square inches.

(3) Rearview mirrors, each with a minimum reflective surface of 19.5 square inches, shall be installed on both sides of a vehicle for which a certificate of exemption for a [ sun screening ] sunscreening device or other material has been issued. A vehicle [ for which ] that a certificate of exemption [ has been issued ] is issued for medical reasons, may be equipped with only a left outside rearview mirror, unless the vehicle was originally equipped with an outside rearview mirror on both sides of the vehicle.

(4) [ No object or material may be hung from the rearview mirror and no object or material may be hung, placed or attached in a position so as to materially obstruct, obscure or impair the driver's vision through the windshield or constitute a safety hazard. ] An object or material may not be hung from the rearview mirror to extend below the rearview mirror.

(5) This subsection also applies to glass etchings, except those used for vehicle identification.

(d) *Motor homes.* A motor home [ shall ] must be free from obstructions as described in this subchapter.

(1) A vehicle manufactured as or permanently converted into a motor home with a GVW of 11,000 pounds or less may have windows—approved glass only—transparent screens and roll-up shades or curtains installed if the shades and curtains are securely fastened in the completely opened position to avoid covering a portion of window while the vehicle is being operated on the highway. Venetian blinds may not cover a window while the vehicle is [ operated on the highway ] in operation.

(2) If a window is covered for installation of a wardrobe, cupboard or other convenience, it shall be factory installed or otherwise permanently installed—optional equipment or facsimile only. Two outside mirrors shall be installed to afford the operator a clear view 200 feet to the rear of the vehicle.

§ 175.71. Windshield wipers.

(a) *Condition of windshield wipers.* A wiper system [ shall ] must be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Cleaning.* A vehicle specified under this subchapter [ shall ] must be equipped with a wiper system capable of cleaning rain, snow and other moisture from windshield and constructed [ so as ] to be operated by a switch conveniently located for use by the driver while in normal operating position.

(1) Wipers shall operate as specified by the manufacturer or a minimum of 45 cycles per minute if not specified.

(2) [ A vehicle specified under this subchapter originally equipped with two wiper blades and two wiper arms—driver and passenger side—shall have them in place and in good working order. ] A vehicle specified under this subchapter may not have less than the quantity of windshield wiper arms and windshield wiper blades as originally equipped by the manufacturer.

§ 175.72. Fuel systems.

(a) *Condition of fuel systems.* All components in a fuel system shall be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Fuel system requirements.* The fuel system components [ shall be leakproof and shall be ] must be leak-proof and fastened securely to the vehicle with fasteners designed for that purpose.

(c) *Accelerator operation.* An accelerator control system [ shall ] must return the engine throttle to the idle position when the operator removes the actuating force from the accelerator control.

(d) *Filler cap.* A fuel system [ shall ] must be equipped with a filler cap or equivalent fuel filler neck-sealing device.

(e) *Alternate fuel systems.* See Subchapter M (relating to alternate fuel systems and controls).

§ 175.75. Exhaust systems.

(a) *Condition of exhaust system.* All components of the exhaust system [ shall ] must be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Exhaust system requirements.* A vehicle specified under this subchapter [ shall ] must 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 requirements of this title for an emission control system and smoke control for a diesel-powered vehicle.

(1) A vehicle specified under this subchapter [ shall ] must 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 ]. A muffler may not show evidence of external repair.

(2) The exhaust system of a vehicle may not be modified in a manner [ which ] that 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).

\* \* \* \* \*

§ 175.76. Horns and warning devices.

(a) *Condition of horns and warning devices.* All components of a horn or warning device [ shall ] must be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Horn and warning device requirements.* A vehicle specified under this subchapter [ shall ] must have a



horn or other warning device [ **which** ] **that** is audible under normal conditions at a distance of not less than 200 feet. No vehicle shall be equipped with a siren, bell, whistle, or similar device emitting an unreasonably loud or harsh sound except emergency vehicles and vehicles equipped with an anti-theft device.

§ 175.77. **Body.**

\* \* \* \* \*

(d) *Protruding objects.* There may be no torn metal, glass [ **or** ], other loose or dislocated parts, **or materials** protruding from the body of the vehicle.

(e) *Fender flares.* A vehicle may be equipped with fender flares [ **not to exceed 3 inches** ] **as described in § 175.80.**

\* \* \* \* \*

§ 175.78. **Chassis.**

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

(b) *Vehicle frame.* A vehicle frame [ **shall** ] **or unibody must** be in solid condition.

(c) *Motor mounts.* [ **Motor mounts may not be broken, cracked or missing.** ] **Motor mounts must be in safe operating condition as described in § 175.80.**

(d) *Flooring and floor beds.* Flooring and floor beds [ **shall** ] **must** 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** ] **must** be equipped with bumpers of a type used as original equipment, or suitable replacement [ **which** ] **that** 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** ] **must** 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 **or bumper cover** may not extend beyond the [ **body line** ] **bodyline** or be longer than **the** 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.

(7) **A bumper cover must be securely fastened, and may not be broken, torn or protruding to create a hazard.**

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

(1) [ **Metal springs may not protrude from the driver’s seat.** ] **Metal, springs or other materials may not protrude from any seat cushion or seat back that constitutes a hazard to the vehicle occupant.**

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

(g) [ **Safety** ] *Seat or safety belts.* A vehicle specified under this subchapter [ **shall** ] **must** be equipped with **seat or safety belts** of a type used as original equipment securely attached to the frame or structure. If attached to sheet metal, they [ **shall** ] **must** have backing plates. **Seat or safety belts must be in safe operating condition as described in § 175.80.**

[ (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.** ] **Body mounts must be in safe operating condition as described in § 175.80.**

§ 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.** ] **For the purpose of this subchapter, ownership and legality shall be proven by a valid vehicle registration, valid temporary registration, a valid temporary registration renewal from the Department’s online vehicle registration service issued for the vehicle being inspected, certificate of title or manufacturer’s statement of origin. When a dealer licensed to sell vehicles in this Commonwealth presents a vehicle held for resale for inspection, 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 valid vehicle registration, valid temporary registration, a valid temporary registration renewal from the Department’s online vehicle registration service, 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 a **valid vehicle registration, valid temporary registration, a valid temporary registration renewal from the Department’s online vehicle registration service, certificate of title, manufacturer’s statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney;**

(A) The VIN **on the vehicle** 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.

**(B) For registered vehicles, the license plate is not in agreement with the valid vehicle registration, valid temporary registration or a valid temporary registration renewal from the Department's online vehicle registration service. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct an error or transposition.**

**(C) The VIN plate is not securely fastened or is defaced, misplaced or missing.**

**[ (B) ] (D)** The license plate is hanging loosely from its mounting bracket.

**[ (C) ] (E)** The license plate is **covered or** obscured so that the numbers **or letters** cannot be identified.

**[ (D) ] (F)** The license plate lamp, if originally so equipped, does not illuminate the license plate.

**[ (iii) ] (ii)** 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:

(A) A valid **paper or electronic** financial responsibility identification card issued in accordance with 31 Pa. Code (relating to insurance).

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

(C) A valid self-insurance identification card.

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

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

(2) Check glazing.

(i) Reject if any of the following apply:

(A) Approved safety glazing is not used in every windshield, window and wing.

(B) A sign, poster or other material whose design prevents a driver from seeing through the material, obstructs, obscures or impairs the driver's clear view of the highway or an intersecting highway. Under FMVSS No. 205, this restriction does not apply to the rear side windows, rear wings or rear window of trucks or multi-purpose passenger vehicles.

(C) A sign, poster or other material, whose design prevents a driver from seeing through the material, extends more than 3 1/2 inches from the lowest exposed portion of the rear window, rear side windows or rear wings of a passenger car.

(D) A vehicle displays a sticker other than those prescribed under § 175.67(c) (relating to glazing), or displays a parking sticker in a location described in § 175.67(d).

(E) Glass is shattered **[ or ]**, broken or has exposed sharp edges.

(F) The windshield is removed.

**(G) [ There are defects in an acute area of the windshield—center of the critical area on the driv-**

**er'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—or discolorations or hazardous cracks to the front, right, left or rear of the driver which would interfere with the driver's vision. ] There are cracks, defects or discolorations in the windshield wiper path of the windshield, or discolorations or hazardous cracks to the front, right, left or rear of the driver that are more than 3/4 inch in length or diameter, or that interfere with the driver's vision.**

(H) Glass etchings, except those used for vehicle identification, are on the windshield or front side windows.

(I) Glass etchings extend more than 3 1/2 inches from the lowest exposed portion of rear window, rear side windows or rear wings.

(ii) This paragraph does not prohibit the use of a product or material along the top edge of a windshield as long as the product or material is transparent and does not encroach upon the AS-1 portion of the windshield as provided by FMVSS No. 205, and the product or material is not more than 3 inches from the top of the windshield.

(3) Check the windshield wiper system and reject if any of the following apply:

(i) The wipers do not operate as specified by manufacturer, or 45 cycles per minute if not specified.

(ii) The wiper blades are **smaller than originally equipped**, torn, or smear or streak the windshield after five cycles.

(iii) **[ There is only one wiper where two are required. ] The quantity of wiper blades and wiper arms is less than the quantity originally equipped by the vehicle manufacturer.**

(iv) The wipers do not return to the rest position.

(v) The windshield washers, if originally so equipped, do not operate.

(4) Check the door operation, including the tailgate, and reject if one or more of the following apply:

(i) The doors, except a tailgate on a pick-up truck, are not on the vehicle if originally fitted by the manufacturer.

(ii) The doors **[ , including the tailgate, ]** do not open and **securely** close **[ securely ] from mechanisms inside and outside the vehicle**, unless the vehicle has been manufactured or modified to the extent that there is no roof or side **or if child safety locks are engaged. Note: The rear side doors on emergency vehicles as defined in 75 Pa.C.S. § 102 (relating to definitions) are exempted from this requirement.**

(iii) **The tailgate, if present, does not securely close.**

(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 **all outside** 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 ] 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.
- (6) Check fenders, hood and trunk lid and reject if one or more of the following apply:
  - (i) A fender—front or rear—has been removed.
  - (ii) The fenders are not of a type and size used as original equipment.
  - (iii) The hood does not cover the entire motor compartment or cannot be fully closed.
  - (iv) The trunk lid is not present or does not close securely.
  - (v) **[ The fender flares exceed 3 inches in width. ] Fender flares used to cover tire tread cause the vehicle to exceed the allowable vehicle width of less than 96 inches.**
- (7) Check the flooring and floor beds, **including the cargo area**, 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 ] corroded or configured** to permit exhaust gases to enter **any** passenger compartment.
  - (8) Check the bumpers, **visually accessible portion**, and reject if one or more of the following apply:
    - (i) The bumper **and bumper covers**, if required as original equipment, **[ is ] are** not on the vehicle.
    - (ii) The bumpers **and bumper covers** are not firmly attached to the frame or chassis.
    - (iii) Some part of the **[ main ] originally positioned** horizontal bumper bar on passenger vehicles does not fall within 16—20 inches above ground level. **Additional bumper material added to the originally positioned horizontal bumper bar is not to be used when taking this measurement.**
    - (iv) Some part of the **[ main ] originally positioned** horizontal bumper bar on multipurpose passenger vehicles and light trucks does not fall within 16—30 inches above ground level. **Additional bumper material added to the originally positioned horizontal bumper bar is not to be used when taking this measurement.**
    - (v) A broken or torn portion **[ is protruding so as to create hazard ] protrudes, creating a hazard.**
    - (vi) The bumpers **or bumper covers** extend beyond **[ body line ] the bodyline** or are longer than originally equipped, whichever is greater.
    - (vii) **A bumper cover is not securely fastened, protrudes or contains exposed sharp edges and is not attached in solid condition.**
  - (9) Check the lamps and lenses and reject if one or more of the following apply:
    - (i) An exterior bulb or sealed beam, if originally equipped or installed, fails to light properly **or fails to direct light properly**, except ornamental lights.

(ii) The turn signal lamps **and hazard warning lamps** do not flash between 60—120 flashes per minute.

(iii) The turn signal lamps do not properly indicate right or left or hold in position when **[ so ]** switched or do not self-cancel, if originally designed to do so.

(iv) The back-up lamps do not turn off automatically when the vehicle goes forward, there is no indicator on **the** dash that lights or there is no audible warning signal.

(v) **[ The lamp shows a color contrary to the lighting chart. ] A lamp is located or shows color contrary to the lighting chart and Society of Automotive Engineers lighting code tables II—IV.**

(vi) The lamp or filament indicated at the switch position does not light when the correct switch indicates the lamp should be on.

(vii) **[ The lamp has a missing or broken lens. ] A lamp or lens is loose, missing or broken.**

(viii) **[ A required lamp is missing. ] A required lamp or housing contains water, debris, excessive condensation or is repaired in a temporary manner.**

(ix) **[ The auxiliary equipment is placed on, in or in front of a lamp. ] Auxiliary equipment or a device is placed on, in or in front of a lamp to obscure, change the color or obstruct the beam.**

(x) The fog lamps operate with the high beams of the headlamps or are substituted for the low beams.

(xi) The auxiliary driving lamps operate with the low beam of a standard headlamp system or alone.

(xii) The headlamps are out of adjustment as follows:

(A) Mechanical aimer:

(I) The horizontal aim is more than 4 inches to the left or right.

(II) The vertical aim is higher or lower than 4 inches from center.

(B) Screen or **[ photo electric ] photoelectric** type tester. See Charts 1—3 (relating to headlight aiming screen distance and marking identification; high beam inspection limits; and low beam inspection limits).

(I) Turn the lamps on high beam and reject if the center of the beam is horizontally more than 4 inches to the right or left of “straight ahead” or if center of light beam is vertically more than 4 inches above or below horizontal line.

(II) Turn the lamps on low beam and reject if the upper edge of the beam is more than 4 inches above or below horizontal center line of headlamp or if inner edge of beam is more than 4 inches to the right or left of the vertical line.

(xiii) **The automatic headlamp aiming system malfunction indicator light displays “check headlights” or similar warning indicator, and one or more headlamps cannot be aimed as required.**

(10) Check for protruding **[ metal ] material** and reject if torn metal, glass, or other loose or dislocated parts **or material** protrude from a surface of the vehicle **[ so as to create ] creating** a hazard.

(11) **Check the exterior body components and reject if one or more of the following apply:**



(i) **Torn metal, broken glass, other loose or damaged material, or dislocated parts are present on the exterior of the vehicle creating a hazard such as sharp edges, or are in a deteriorated or dangerous condition, or a temporary repair that does not provide adequate structural support. Surface corrosion is not cause for rejection.**

(ii) **Holes are present that allow exhaust gases to enter the passenger compartment.**

[ (11) ] (12) Check the fuel tank cap and reject if the fuel tank filler cap, **if originally equipped**, is missing.

[ (12) ] (13) Check the shock absorbers **or struts** and reject if **[ the vehicle continues free rocking motion greater than three cycles after release, indicating loss of the shock absorber function. ] one or more of the following apply:**

(i) **The vehicle continues free rocking motion greater than three cycles after release, indicating loss of the shock absorber or strut function.**

(ii) **There are loose or missing bushings that affect the proper function of the shock absorbers or struts.**

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

(1) Check steering column and reject if one or more of the following apply:

(i) **[ Freeplay ] Measured freeplay** exceeds the following allowances:

<i>Wheel diameter</i>	<i>Freeplay</i>
16 inches or less	2 inches
18 inches	2 1/4 inches
20 inches	2 1/2 inches
22 inches	2 3/4 inches

(ii) **[ The gear box is loose on the frame. ] The tilt or telescopic steering wheel does not hold adjustment.**

(iii) **[ The energy-absorbing column is defective. ] The steering column is loose or displays movement.**

(iv) The steering wheel, except if specially designed for handicapped drivers, is not circular or equivalent in strength to original equipment or has **[ an ] a measured** outside diameter less than 13 inches.

(v) The front wheels cannot be turned to the full right or left position without binding or interference.

(vi) The flexible steering coupler **[ —rag joint—is badly misaligned— ], rag joint or universal/flex joint is badly misaligned**, twisted or out of alignment between attaching collars.

(vii) The number of turns of the steering wheel from a straight ahead tire position to the right stop is not equal to the number of turns to the left stop within a tolerance of 1/4 turn.

(2) Check the high beam and turn signal indicator lamps and reject if the indicator lamps are not working.

(3) Check the horn and reject if any of the following apply:

(i) There is no horn or other acceptable audible warning device.

(ii) The horn or other warning device is not audible under normal conditions for distances of not less than 200 feet.

(iii) The vehicle is equipped with a siren, bell, whistle, or device emitting harsh or unreasonably loud sound, except for emergency vehicles and vehicles equipped with an anti-theft device.

(4) Check the brake pedal and reject if one or more of the following apply:

(i) The brake pedal travel exceeds 80% of the total available travel unless originally designed to do so.

(ii) The brake pedal fades while the vehicle is stopped unless originally designed to do so.

(iii) There is excessive friction in pedal linkage or components, pedal levers are misaligned or improperly positioned, or the pedal pad is missing **or damaged to the extent that the underlying pedal is exposed.**

(iv) A brake warning lamp or other device indicates a malfunction of the braking systems unless the vehicle is equipped with an antilock braking system **[ (ABS) which ]** that is designed to revert to standard braking operation and no **[ driveability ] drivability** deficiency or loss of braking performance is present.

(5) Check the parking brake operation and reject if the pedal or lever reaches its limit of travel before parking brakes are set, **or the pedal is damaged to the extent that the underlying pedal is exposed.**

(6) Check the **[ seat and ] seats and seat or** safety belts, if originally equipped, and reject if one or more of the following apply:

(i) **[ The driver's seat or back rest is not firmly attached. ] All seats, including the backrest, are not firmly attached.**

(ii) **[ The metal spring protrudes from driver's seat. ] Any metal or spring protrudes from any seat cushion or seat back.**

(iii) The **driver's** seat-adjusting mechanism slips out of set position.

(iv) There is no **seat or** safety belt for each seating location, if the vehicle was originally so equipped, or if seats have been added.

(v) **[ The safety ] A seat or safety** belt webbing is frayed.

(vi) The **seat or safety** belt buckles do not operate properly.

(vii) **[ The belt anchorages are broken. ] The seat or safety belt anchors are broken, missing, not securely fastened or are severely deteriorated.**

(viii) A passive seat **or safety** belt restraint system is inoperative **in that it is not able to be locked in position at the "B" pillar.**

(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 **the** inside mirror.

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

(8) Check front windshield defroster system, if so equipped, and reject if defroster fan does not function.

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

(1) Check the hood and reject if any of the following apply:

(i) The latch does not hold securely in the fully closed position.

(ii) The latch release mechanism or its parts are broken, missing or so poorly adjusted that the hood cannot [ **be closed** ] close properly.

(iii) The double latch mechanism is not operating as originally equipped.

**(iv) Oil or any combustible fluid leaks on vehicle components in sufficient quantity to constitute a fire hazard.**

(2) Check the motor mounts, either here or during the beneath vehicle inspection, and reject if the motor mounts are broken, cracked [ **or missing** ], **missing or are not functioning as designed.**

(3) Check the fuel systems and controls and reject if any of the following apply:

(i) There is [ **liquid** ] fuel leakage at any point in system.

(ii) A part of **the** fuel line is not securely fastened.

(iii) A fuel tank or line was not specifically designed or manufactured as a fuel tank or line.

(iv) A fuel line is in contact with high temperature surfaces or moving parts.

(v) A fuel tank or line intrudes into a driver, passenger or cargo compartment except if the vehicle was originally so designed. If the vehicle is equipped with an alternate fuel system, see Subchapter M (relating to alternate fuel systems and controls).

(vi) The throttle does not return to the idle position when the actuating force is removed.

(vii) The firewall has any holes or cracks [ **which** ] **that** would permit fumes to enter driver and passenger compartments.

**(viii) Any fuel line, including tubing or hose that is chafed, worn, or restricted or repaired in a temporary manner and poses a risk of failure.**

**(ix) Visually accessible metal tubing is flaking, pitting or bulging, and poses a risk of failure.**

(4) Check the exhaust system and reject if there is an exhaust leak **in any under the hood components.**

(5) Check the brake system and reject if any of the following apply:

(i) The master cylinder leaks.

(ii) The power brake lines or hydraulic hoses or lines leak or are disconnected, flattened [ **or restricted** ], **restricted, crimped or corroded to the point of flaking, bulging or pitting, and pose a risk of failure or are not approved for use as brake lines.**

(iii) **Components are not approved for use on hydraulic brake lines according to Society of Automotive Engineers standards for hydraulic brake lines use.**

[ **(iii)** ] **(iv)** The hydraulic booster for the power brake system is leaking or inoperative or has excessively worn belts that would prevent proper operation of the pump.

**(v) Power assist unit for the power brake system is inoperative, leaking or worn preventing proper operation of the system.**

(6) Check the battery **if visually accessible** and reject if the battery is not securely fastened with a device specifically designed for that function.

**(7) Reject if oil or any combustible fluid leaks on vehicle components in sufficient quantity to constitute a fire hazard.**

(d) *Visual inspection of **the** emission control system.* Vehicles registered in counties where there is not an emission inspection program under Chapter 177 (relating to emission inspection program)[ , ] shall be checked visually for the presence of emission control components. These components may be original vehicle equipment or an equivalent aftermarket replacement component meeting the same standards. In addition to the exceptions under § 175.4 (relating to vehicles required to be inspected), this subsection does not apply to vehicles registered as collectible or classic motor vehicles as defined in 75 Pa.C.S. § 102 [ **(relating to definitions)** ].

(1) The visual inspection shall be performed through direct observation or through indirect observation, using a mirror or other visual aid.

(2) Provided that the make and model year of the vehicle would have originally been equipped with the device, reject if one or more of the following apply:

(i) The catalytic converter has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(ii) [ **Exhaust** ] **The exhaust** gas recirculation [ **(EGR)** ] valve has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(iii) [ **Positive** ] **The positive** crankcase ventilation [ **(PCV)** ] valve has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(iv) [ **Fuel** ] **The fuel** inlet restrictor has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(v) [ **Air** ] **The air** pump has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(vi) [ **Evaporative** ] **The evaporative** control system components have been removed, disconnected or are the wrong type for the certified vehicle configuration.

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

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

(i) A tire has two [ **adjacent treads with** ] **or more grooves that measure** less than 2/32-inch tread remaining at any point **other than a wear bar**—less than 4/32-inch tread on the front tires of the vehicles having a gross weight in excess of 10,000 pounds.

[ **(ii) A tire is worn so that the tread wear indicators contact the road in any two adjacent grooves.** ]

(ii) Any overall outside tire's diameter is smaller than the vehicle manufacturer's recommended minimum size or below the vehicle manufacturer's recommended load rating.

(iii) A tire is repaired on a sidewall.

[ (iii) ] (iv) A part of ply or cord is exposed.

[ (iv) ] (v) A tire has been repaired with a blow-out patch or boot.

[ (v) ] (vi) There is a bump, bulge or separation anywhere on the external surface of a tire.

[ (vi) ] (vii) A tire is marked "not for highway use," "for racing purposes only" or "unsafe for highway use," or has a similar designation.

[ (vii) ] (viii) There are other conditions or markings such as cracking or dry rotting reasonably believed to render the tire unsafe for highway use.

[ (viii) ] (ix) A tire has been regrooved or recut below the original tread design depth except special [ taxicab tires which ] tires that are identified as having extra undertread rubber.

[ (ix) ] (x) A tire's tread extends beyond the outer edge of the wheel housing, inclusive of fender flares.

[ (x) ] (xi) The tires used on the same axle are not the same size or type of construction—bias, belted, radial or snow.

[ (xi) ] (xii) The wheel nuts or bolts are missing, loose or have improper thread engagement.

[ (xii) ] (xiii) The stud or bolt holes are worn out of round.

[ (xiii) ] (xiv) Part of the wheel is bent, cracked, welded or [ damaged so as to affect ] otherwise damaged, affecting the safe operation of the vehicle.

[ (xiv) ] (xv) The rear wheel does not track the front wheel in [ straight ahead ] a straight-ahead position, as originally designed.

[ (xv) ] (xvi) The [ wheel base ] wheelbase on one side differs from the [ wheel base ] wheelbase on the other side by more than 1 inch, unless the vehicle's design specifications indicate different left and right wheel base dimensions.

[ (xvi) ] (xvii) Studded tires are in use after April 15 and before November 1.

[ (xvii) ] (xviii) Retreads are on the front axle of a taxi.

[ (xviii) ] (xix) The diameter of duals is not within [ 3/8-inch ] 3/8 inch of each other.

[ (xix) ] (xx) An axle has missing tires or rims.

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

[ (xxi) ] (xxii) Spacers or adapters over 1/4 inch in thickness are used to increase wheel track, unless originally equipped by the manufacturer.

[ (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:

(i) Steering gear [ box is loose on frame ] is loose on its mounting, or is binding or leaking preventing proper operation of the system.

(ii) Measured movement at the front or rear of a tire is greater than [ 1/4-inch. Eliminate ] manufacturer's specifications using the manufacturer's recommended procedure. In the absence of a manufacturer's specification, measured movement at the front or rear of a tire is greater than 1/4 inch. If there is no manufacturer's recommended procedure, eliminate all wheel bearing movement by applying the service brake; then, with the vehicle raised and wheels in the straight ahead position, grasp the front and rear of the tire and attempt to move the assembly right and left without moving the steering gear. Measure the movement.

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

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

(v) The front wheels are incapable of being turned to the right and left steering stops without binding or interference.

(vi) The steering damper has severe leakage, not slight dampness.

(vii) Any constant velocity joint is loose, noisy or demonstrates a drivability problem during the test drive.

(viii) The steering assembly and steering mechanism is not in safe operating condition according to manufacturer's recommended procedures.

(3) Inspect the suspension system and reject if one or more of the following apply:

(i) The measured ball joint movement is in excess of the manufacturer's specifications using the manufacturer's recommended procedures.

(ii) The shock absorbers or struts are missing.

(iii) The shock absorbers or strut bearing plate, mounting bolts or mounts are broken.

(iv) The shock absorbers or struts have severe leakage—not slight dampness.

(v) The sway or stabilizer bar [ is ] and mounting components are loose, missing or broken.

(vi) The coil spring or [ main ] leaf spring is broken, if originally equipped.

(vii) [ The spring attaching part is loose, badly worn, broken or missing. ] The coil spring, leaf spring, torsion bar or mounting components is loose, badly worn, broken, missing or corroded.

(viii) Spring shackle kits or blocks are used to lower the suspension of the front of the vehicle.

(ix) Spring shackle kits are more than 2 inches over original equipment.

(x) Blocks are used on front axle to raise the vehicle.

(xi) [ Blocks used on rear axle exceed 5 inches over original equipment. ] A block used on a rear axle exceeds 5 inches over original equipment or multiple blocks are used.



(4) Inspect the floor and reject if any of the following apply:

(i) The floor bed, **rocker panels** or inner panels have openings **[ which ] that** would allow exhaust gases to enter either the occupant compartment or trunk.

(ii) The floor bed **[ is not sufficient to hold the weight of ] does not provide adequate structural support** for the driver, passengers and cargo.

(5) Inspect the vehicle frame and reject if one or more of the following apply:

(i) The vehicle frame **or unibody** is not in solid condition.

(ii) **[ The repairs ] Repairs** are made with tape, tar paper or cloth, or are made in another temporary manner **that does not provide adequate structural support.**

(iii) **[ The frame components are missing, cracked, rotted or broken or are in deteriorated or dangerous condition. ] The frame or unibody components (such as cross members, body/cab mount supports, truck frame cross supports, A-frame, radiator supports, engine/transaxle supports or other components providing structural support) are missing, cracked, corroded (not surface corrosion), or broken or are in a deteriorated or dangerous condition.**

(iv) Body mounts do not hold as required.

(v) A body mount is broken, cracked, deteriorated or missing.

(vi) The difference **[ in the body floor and ] from the body floor** to the top of the frame rail exceeds 4 inches.

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

(i) The vehicle has no muffler or muffler has external repair.

(ii) There are loose or leaking joints.

(iii) There are holes, cracks or leaking seams in **the** exhaust system, **to include the exhaust manifold.**

(iv) There is a muffler **catalytic converter or similar device** cutout **[ or similar device ]**.

(v) Part of the exhaust system passes through the occupant compartment.

(vi) The elements are not securely fastened with proper clamps and hangers.

(vii) **[ The exposed exhaust system does not have adequate heat shield or protective system. ] Any exposed portion of the exhaust system, including those through truck beds, does not have an adequate heat shield or protective system to prevent contact with people or cargo.**

(viii) The exhaust does not discharge **completely** to the outside edge of the vehicle body **behind the passenger compartment or to the rear of the vehicle,** including a truck bed, or as originally designed.

(ix) **The catalytic converter has had an external repair, been removed, disconnected or has an external repair.**

(7) Inspect the **service** braking system. Remove **[ at least one front and one opposite rear wheel and ] all wheels and** reject if one or more of the following apply:

(i) The hydraulic hoses or tubing **are not approved for use as brake lines;** leaks; is flattened, restricted, insecurely fastened or improperly retained; or has exposed cords.

(ii) The wheel cylinder **[ leaks ] has visible external leakage without the removal of the dust cover,** has missing parts, is improperly retained or is not functioning.

(iii) The caliper leaks, has missing parts, is improperly retained or **[ is ] caliper components** are not functioning **properly.**

(iv) The lining is broken; not firmly attached to shoe **or pad backing;** or contaminated with oil, grease or another substance that would affect proper brake operation.

(v) There is mechanical damage other than wear.

(vi) The **measured** inside diameter of the drum is greater than **the** maximum diameter stamped on **the** drum or greater than **[ .090 ] 0.090** inch over original drum diameter for unmarked drums.

(vii) The **measured** disc thickness is less than **the** minimum stamped on **the** assembly or less than **the** manufacturer's specifications.

(viii) The **measured** bonded linings are less than 2/32 inch at the thinnest point.

(ix) The **measured** riveted linings are less than 1/32 inch above **the** rivet head at **the** thinnest point.

(x) The drums or rotors **[ are scored deeper than .015 inch ] have scoring or pitting measuring deeper than 0.015 inch.**

(xi) **Repairs are made with components that are not approved for use on hydraulic brake lines according to Society of Automotive Engineers standards for hydraulic brake line use.**

(xii) **Brake pads or shoes do not make full contact with the rotor or drum, as originally designed.**

(xiii) **The brake line or brake hose is crimped, is corroded (not surface corrosion) to the point of flaking, bulging or pitting and poses a risk of failure.**

(xiv) **The braking performance is affected by a backing plate that is broken, corroded or missing, if originally equipped. Surface corrosion is not cause for rejection.**

(8) Inspect the fuel system and reject if any of the following apply:

(i) There is fuel leakage.

(ii) **[ Part ] Any part** of the system is not securely fastened.

(iii) The system is not properly routed.

(iv) **Fuel tank mounting components are severely corroded (not surface corrosion) to the point of flaking or pitting and pose a risk of failure.**

(v) Metal tubing is flaking or bulging and poses a risk of failure.

(vi) Any fuel tank or fuel line is not specifically designed or manufactured as a fuel tank or fuel line.

(f) [ Road test. Perform road test and reject if one or more of the following apply: ] Test drive. A test drive of not less than 1 mile shall be performed as the final step in the inspection procedure and prior to the issuance of the certificate of inspection. Reject if one or more of the following apply:

(1) The parking brake fails to exhibit normal resistance when an attempt is made to move the vehicle both forward and backward from a stopped position.

(2) The automatic transmission [ will ] does not hold in the park position, if originally equipped.

(3) The vehicle is not capable of stopping within the maximum stopping distance prescribed in Table I (relating to brake performance) or swerves so that any part leaves the 12-foot lane.

(4) There is a malfunction of the braking or steering mechanism, particular shimmy, wander, pull or [ another ] any other questionable operating behavior that affects safe operation of the vehicle.

(5) The speedometer does not operate.

(6) The odometer does not operate, except on a motor vehicle at least 25 years old.

(7) The vehicle cannot be driven both forward and backward.

(8) The starter inhibitor system does not function, as originally equipped.

(9) The windshield defroster does not provide adequate heat to defrost the windshield.

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

\* \* \* \* \*

[Pa.B. Doc. No. 17-508. Filed for public inspection March 24, 2017, 9:00 a.m.]

GAME COMMISSION

[ 58 PA. CODE CHS. 131 AND 141 ]

Preliminary Provisions; Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017, meeting to amend §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns and semiautomatic rifles for designated species of wildlife and hunting seasons, and to expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons and aperture sights for flintlock muzzleloading deer season.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 31, 2017, meeting of the Commission. Comments can be sent until March 24, 2017, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

In relevant part, the act of November 21, 2016 (P.L. 1317, No. 168) (Act 168) made two significant changes to section 2308 of the act (relating to unlawful devices and methods). Act 168 eliminated the Commonwealth's historic prohibition against the use of air guns for hunting. Act 168 also effectively eliminated the Commonwealth's historic prohibition against the use of semiautomatic rifles for hunting. It is important to note that Act 168 was not extended to authorize the Commission to allow use of semiautomatic handguns.

In an effort to expand hunting opportunities in this Commonwealth, the Commission proposes amend §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns and semiautomatic rifles for designated species of wildlife and hunting seasons. These proposed amendments will also expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons and aperture sights for flintlock muzzleloading deer season.

Section 2102(d) of the code (relating to regulations) authorizes the commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns and semiautomatic rifles for designated species of wildlife and hunting seasons, and to expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons and aperture sights for flintlock muzzleloading deer season.

3. Persons Affected

Persons wishing to use air guns, semiautomatic rifles or breech-loading black powder firearms to hunt or take

game or wildlife in this Commonwealth may be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-410. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 131. PRELIMINARY PROVISIONS**

§ 131.2. **Definitions.**

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

*Act*—Title 34 of the *Pennsylvania Consolidated Statutes* (relating to [ **the** ] Game and Wildlife Code).

**Aggregate ammunition capacity**—A firearm’s total cumulative ammunition capacity that includes the ammunition capacity of both the chamber and magazine.

**Air gun**—A firearm operated by air or gas cylinder by which a projectile can be discharged or propelled.

*Antlered deer*—

(i) In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having three or more points on one antler, not including brow tines which is the point immediately above the antler burr.

\* \* \* \* \*

*Meat or animal products*—For the purpose of section 2361(a)(13) of the act (relating to unlawful acts concerning taking of furbearers), meat or animal products include artificial representations or facsimiles.

**Muzzleloading firearm**—

(i) A firearm designed and manufactured to be loaded with loose ammunition components (projectile and propellant charge) from the muzzle or forward, open end of the firearm’s barrel.

(ii) The term includes breech-loading rifles and handguns that fire loose ammunition components comparable to a muzzleloading firearm.

(iii) The term does not authorize a firearm that accepts cartridge ammunition.

*Plugged shotgun*—For the purpose of section 2308(a)(4) of the act, any shotgun containing a one-piece plug, stop

or filler in the magazine to reduce ammunition capacity that is incapable of removal without disassembling the shotgun or magazine.

\* \* \* \* \*

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

§ 141.22. Small game **seasons.**

(a) *Permitted devices.* It is lawful to hunt small game, except woodchucks, **during any small game season** with the following devices:

(1) A manually operated [ **rifle or** ] or **semiautomatic rifle or manually operated** handgun. The firearm must be [ **.23** ] **.22** caliber or less, that [ **projects** ] **propels** single-projectile ammunition.

(2) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that [ **projects** ] **propels** multiple-projectile shotgun ammunition not larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 [ (relating to **nontoxic shot**) ] (relating to approval of nontoxic shot types and shot coatings). **A centerfire shotgun’s magazine capacity may not exceed two rounds. The shotgun’s total aggregate ammunition capacity may not exceed three rounds.**

(3) A muzzleloading rifle or handgun. The firearm must be .40 caliber or less, that [ **projects** ] **propels** single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A raptor. The raptor [ **must** ] **shall** be lawfully possessed under a falconry permit [ **pursuant to** ] **under** section 2925 of the act (relating to falconry permits).

(7) **An air gun. The firearm must be between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.**

(b) *Prohibitions.* [ **It** ] **While hunting small game during any small game season, except woodchucks, it is unlawful to:**

(1) Use or possess single-projectile ammunition larger than [ **.23** ] **.22** caliber or multiple-projectile shotgun ammunition larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 [ (relating to **nontoxic shot**) ], except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(3) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.

(4) Use or possess a device **or ammunition** not provided for in the act or in this section, **except as authorized under section 2525 of the act.**



(5) Hunt in a party of more than six persons. This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary position.

(c) **[ Woodchucks (Groundhogs). ] Woodchuck (Groundhog) season.**

(1) *Permitted devices.* It is lawful to hunt woodchucks **during woodchuck season** with the following devices:

(i) A manually operated **[ rifle or handgun ] or semi-automatic centerfire rifle or manually operated handgun that propels single-projectile ammunition.**

(ii) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less that propels multiple-projectile shotgun ammunition not larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 **[ (relating to nontoxic shot) ]**. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(iii) A muzzleloading rifle or handgun **that propels single-projectile ammunition.**

(iv) A bow and arrow.

(v) A crossbow and bolt.

(vi) A raptor. The raptor **[ must ] shall** be lawfully possessed under a falconry permit **[ pursuant to ] under section 2925 of the act [ (relating to falconry permits) ]**.

(vii) **An air gun. The firearm must be .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.**

(2) *Prohibitions.* While hunting woodchucks **during woodchuck season**, it is unlawful to **[ use or possess a device or ammunition not provided for in this section. ]**:

(i) **Use or possess multiple-projectile shotgun ammunition larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134, except as authorized under section 2525 of the act.**

(ii) **Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.**

(iii) **Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.**

#### Subchapter C. BIG GAME

#### § 141.43. Deer.

(a) *Archery deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the archery deer season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting deer during the archery deer season, it is unlawful to:

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery deer season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader deer seasons and the late archery and flintlock muzzleloading deer seasons if that person is in possession of both a valid archery deer license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

(ii) **Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.**

(b) *Flintlock muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the flintlock muzzleloading deer season with a flintlock muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open **or aperture** sights and be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) *Prohibitions.* While hunting deer during the flintlock muzzleloading deer season, it is unlawful to:

(i) Use manmade materials attached to the hammer or frizzen to create sparks.

(ii) Use telescopic sights.

(iii) Use or possess multiple projectile ammunition or ammunition other than required by section 2322(a)(4) of the act (relating to prohibited devices and methods), **except as authorized under section 2525 of the act.**

(iv) **Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.**

(c) *Muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the muzzleloading deer season with a muzzleloading firearm. **[ The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design. ]** The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) *Prohibitions.* While hunting deer during the muzzleloading deer season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required by section 2322(a)(4) of the act, **except as authorized under section 2525 of the act.**

(ii) Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(d) *Regular and special firearms deer seasons.*

(1) *Permitted devices.* It is lawful to hunt deer during the regular and special firearms deer seasons with any of the following devices:

(i) [ A manually operated, centerfire firearm. ] A manually operated or semiautomatic, centerfire rifle or manually operated, centerfire handgun that propels single-projectile ammunition. The semiautomatic rifle's magazine capacity may not exceed five rounds. The firearm's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic rifles under this subparagraph becomes effective July 1, 2017, and expires June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(ii) A manually operated or semiautomatic, centerfire shotgun that propels single-projectile ammunition. The semiautomatic shotgun's magazine capacity may not exceed five rounds. The firearm's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic shotguns under this subparagraph becomes effective July 1, 2017, and expires June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

[ (ii) ] (iii) A bow and arrow as permitted under subsection (a)(1)(i).

[ (iii) ] (iv) A crossbow and bolt as permitted under subsection (a)(1)(ii).

[ (iv) ] (v) A muzzleloading firearm as permitted under subsection (b)(1) or (c)(1).

(2) *Prohibitions.* While hunting deer during the regular and special firearms deer seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required by section 2322(a)(4) of the act, except as authorized under section 2525 of the act.

(ii) Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(e) *Cooperating while hunting during any deer season.* Holders of any of the appropriate licenses or stamps may cooperate while hunting antlered or antlerless deer if pertinent provisions of the act and this section are met.

(f) *.22 caliber or less rimfire required for furbearers.* When using a firearm only a rimfire rifle or handgun .22 caliber or less may be used to dispatch legally trapped furbearers during the regular or special firearms deer seasons.

#### § 141.44. Bear.

(a) *Archery bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the archery bear season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting bear during the archery bear season, it is unlawful to:

(i) Use or possess a firearm or while in possession of a firearm, except as otherwise authorized by section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(b) *Muzzleloading bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the muzzleloading bear season with a muzzleloading firearm. [ The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design. ] The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) *Prohibitions.* While hunting bear during the muzzleloading bear season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(ii) Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(c) *Regular and extended firearms bear seasons.*

(1) *Permitted devices.* It is lawful to hunt bear during the regular and extended firearms bear seasons with any of the following devices:

(i) [ A manually operated, centerfire firearm. ] A manually operated or semiautomatic, centerfire rifle or manually operated, centerfire handgun that propels single-projectile ammunition. The semiautomatic rifle's magazine capacity may not exceed five rounds. The firearm's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic rifles under this subparagraph becomes effective July 1, 2017, and expires June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(ii) A manually operated or semiautomatic, centerfire shotgun that propels single-projectile ammunition. The semiautomatic shotgun's magazine capacity may not exceed five rounds. The firearm's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic shotguns under this subparagraph becomes effective July 1, 2017, and expires June 30, 2020,

unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

[ (ii) ] (iii) A bow and arrow as permitted under subsection (a)(1)(i).

[ (iii) ] (iv) A crossbow and bolt as permitted under subsection (a)(1)(ii).

[ (iv) ] (v) A muzzleloading firearm as permitted under subsection (b)(1).

(2) *Prohibitions.* While hunting for bear during the regular and extended firearms bear seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, **except as authorized under section 2525 of the act.**

(ii) Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, **except as authorized under section 2525 of the act.**

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

#### § 141.45. Turkey.

(a) *Fall turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the fall turkey season with any of the following devices:

(i) [ A firearm. A manually operated centerfire, rimfire or muzzleloading firearm using single-projectile ammunition, except as otherwise prohibited in paragraph (2)(i). ] A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition. The semiautomatic rifle's magazine capacity may not exceed five rounds. The rifle's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic rifles under this subparagraph becomes effective July 1, 2017, and expires June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(ii) [ A shotgun. ] A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun [ using shot ] that propels single-projectile ammunition or multiple projectile shotgun ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 [ (relating to nontoxic shot) ] (relating to approval of nontoxic shot types and shot coatings). A centerfire semiautomatic shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(iii) A muzzleloading rifle or handgun that propels single-projectile ammunition.

[ (iii) ] (iv) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

[ (iv) ] (v) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting turkey during the fall turkey season, it is unlawful to:

(i) Use [ a manually operated centerfire, rimfire or muzzleloading ] or possess a firearm using single projectile ammunition in Wildlife Management Units 2B, 5B, 5C and 5D, **except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).**

(ii) Use drives or any method other than hand or mouth calling.

(iii) Use or possess an electronic caller or a live turkey as a decoy.

(iv) Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, **except as authorized under section 2525 of the act.**

(b) *Spring turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the spring turkey season with any of the following devices:

(i) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 [ (relating to nontoxic shot) ]. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(ii) A bow and arrow as permitted under subsection (a)(1)(iii).

(iii) A crossbow and bolt as permitted under subsection (a)(1)(iv).

(2) *Prohibitions.* While hunting turkey during the spring turkey season, it is unlawful to:

(i) Use or possess a centerfire, rimfire or muzzleloading firearm [ using ] that propels single projectile ammunition, **except as authorized under section 2525 of the act.**

(ii) Use or possess single projectile ammunition, except arrows or bolts, **except as authorized under section 2525 of the act.**

(iii) Use drives or any method other than hand or mouth calling.

(iv) Use or possess an electronic caller or a live turkey as a decoy.

(v) Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, **except as authorized under section 2525 of the act.**

#### § 141.47. Elk.

(a) *Permitted devices.* It is lawful to hunt elk during the elk season with any of the following devices:

(1) A manually operated or semiautomatic, centerfire rifle or **manually operated, centerfire** handgun. The firearm must be a .27 caliber or larger firearm that



propels single-projectile ammunition 130 grains or larger. **The semiautomatic rifle's magazine capacity may not exceed five rounds. The rifle's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic rifles under this paragraph becomes effective July 1, 2017, and expires June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.**

(2) A manually operated or semiautomatic, centerfire shotgun. The firearm must be a 12 gauge or larger firearm that propels single-projectile ammunition. **The semiautomatic shotgun's magazine capacity may not exceed five rounds. The shotgun's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic shotguns under this paragraph becomes effective July 1, 2017, and expires June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.**

(3) A muzzleloading firearm. The firearm must be .50 caliber or larger **single-barrel** firearm that propels single-projectile ammunition 210 grains or larger.

(4) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(5) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(b) *Prohibitions.* While hunting elk during the elk season, it is unlawful to:

(1) Use or possess multiple projectile ammunition or ammunition other than that required under section 2322(a)(4) of the act (relating to prohibited devices and methods), **except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).**

(2) Use [ a device ] or possess a device or ammunition not provided for in the act or in this section, **except as authorized under section 2525 of the act.**

(3) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(4) Drive or herd elk.

(5) Hunt within the Hick's Run no hunt zone, [ this being ] the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within [ .3 ] 0.3 mile of Route 555.

#### Subchapter D. FURBEARERS

§ 141.67. Furbearer [ hunting ] seasons.

[ It is unlawful to take furbearers using shot larger than # 4 buckshot. ]

(a) *Permitted devices.* It is lawful to hunt or take furbearers during any furtaking season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(2) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels single-projectile ammunition or multiple-projectile shotgun ammunition not larger than # 4 buckshot. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(3) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) An air gun. The firearm must be .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) *Prohibitions.* While hunting furbearers during any furbearer hunting or trapping season, it is unlawful to:

(1) Use or possess multiple-projectile shotgun ammunition larger than # 4 buckshot, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

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