

**TITLE 67. TRANSPORTATION  
CHAPTER 177. ENHANCED EMISSION INSPECTION PROGRAM  
Subchapter E. EQUIPMENT MANUFACTURERS' AND CONTRACTOR'S  
REQUIREMENTS AND OBLIGATIONS**

**EQUIPMENT MANUFACTURERS' REQUIREMENTS**

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**EQUIPMENT MANUFACTURERS' REQUIREMENTS**

**§ 177.501. Equipment approval procedures.**

(a) The manufacturer shall meet the following conditions for approval for participation in the emission inspection program.

(1) *Emission inspection equipment.* The following requirements shall be met for equipment approval in the emission inspection program:

(i) The manufacturer shall provide a certified copy of BAR 97 approved certification or a certified document stating complete testing compliance with BAR 97 test requirements by a reputable independent testing laboratory that completed the testing, or certify that the gas analyzer meets all performance standards of California BAR 97 as they apply to the PA gas analyzer.

(ii) The manufacturer shall certify that the approved test equipment will comply with the data collection requirements of this chapter.

(iii) The manufacturer shall provide a document that the dynamometer meets all State and California BAR requirements for ASM test equipment as specified in Appendix A and California BAR 97 specifications or certify that the dynamometer meets all performance standards of California BAR 97 as they apply to the PA dynamometer and ASM test equipment.

(iv) The manufacturer shall provide certification that the description of the methods the manufacturer or distributor will use shall meet or surpass all Department analyzer and

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

(v) The manufacturer shall offer as an option an equipment lease arrangement of at least 10 years to prospective equipment purchasers.

(vi) The manufacturer shall offer as an option a "fee per test" equipment financing opportunity to prospective equipment purchasers.

(vii) The manufacturer shall offer as an option a provision for installation of emission inspection test equipment, at the request of prospective equipment purchasers.

(viii) The manufacturer shall clearly identify equipment features which are listed as options but which are essential to comply with the program and equipment specifications of this chapter.

(ix) Equipment manufacturers and providers shall receive prior approval from the Department for any costs associated with program software updates or revisions.

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

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

(A) SAE J 1962 (Standardized Connector).

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

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

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

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

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

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

(b) *Certification.* A manufacturer shall cause a corporate officer with administration/operations

management responsibility, if a corporation; the general partners, if a partnership; or the owner, if a sole proprietorship, to certify in writing and attest in affidavit form to the Department that the exhaust emission analyzer and dynamometer, OBD scan tool and equipment for the gas cap test and visual inspection, as applicable, meets the specifications of this section and quality assurance and that the manufacturer meets or surpasses stated field requirements.

**§ 177.502. Service commitment.**

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

(1) Supply equipment for sale, lease or rent as specified by the purchase order.

(2) Train, at no cost, on the initial visit for installation of the emission analyzer or dynamometer, or both, all certified emission inspection inspectors employed at the time of installation regarding the proper use of the analyzer or the dynamometer, or both, and provide, within 7 days of the request by a station owner or operator, onsite training for additional inspectors for a service fee.

(3) Provide or permit test standards or procedures utilized by test equipment to be modified consistent with Federal requirements for emission inspection programs.

(4) Provide maintenance on purchased or leased equipment within 1 business day of oral or written request from the station. A fee may be charged for this service.

(b) Manufacturers and distributors shall offer to equipment purchasers the ability to contract for the following services for additional fees:

(1) Provide service for faulty equipment.

(2) Provide replacement parts and equipment while servicing faulty equipment.

(3) Provide inspections, calibrations, training or maintenance or any combination thereof on a more frequent basis than specified in subsection (a).

(c) Manufacturers or distributors shall permit equipment purchasers to contract with other Department approved service providers for the services specified in subsection (b).

(d) Replacement parts or equipment provided shall be the same as or equivalent to the parts or equipment provided by the original equipment manufacturers.

(e) Department approved equipment service representatives shall provide the following service commitments:

(1) Maintenance on equipment within 1 business day of an oral or written request from the

station. A fee may be charged for this service.

(2) Replacement equipment while servicing faulty equipment. A fee may be charged for this service.

**§ 177.503. Performance commitment.**

(a) The manufacturer or distributor shall agree that, if it decides to discontinue participation in the program, or if its name is removed from the list of approved manufacturers or distributors of emission analyzers, OBD-I/M check equipment or equipment for the gas cap test and visual inspection by the Department, it will buy back all emission analyzers, dynamometers, OBD-I/M check equipment or gas cap/visual inspection equipment from the inspection stations which purchased them for an amount equal to the unamortized cost based on straight line amortization over the expected useful life of the analyzer, dynamometer, OBD-I/M check equipment or gas cap/visual inspection equipment.

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

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

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

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

(c) This security will be used:

(1) To insure that money is available to reimburse certified emission inspection stations for the reasonable value of existing emission analyzers, dynamometers or OBD-I/M check equipment in the event that the manufacturer or distributor goes out of business in this Commonwealth or is removed by the Department from the list of approved manufacturers or distributors for substantial failure to comply with the terms and conditions of the agreement or this chapter.

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

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

**§ 177.504. Revocation of approval.**

(a) The Department may, at any time, on the basis of manufacturer or distributor failure to comply with this chapter, Chapter 41 of the Vehicle Code (relating to equipment standards), or any contract or agreement between the manufacturer and the Department, revoke or suspend the manufacturer's or distributor's approval to provide new or replacement emission analyzers and dynamometers to Pennsylvania emission inspection stations, and may remove the manufacturer or distributor's name from the list of approved emission analyzers and dynamometers if the manufacturer or distributor has failed to make satisfactory progress toward correcting notice of failure within 30 calendar days after having received written notice by the Department.

(b) The following shall constitute, together or individually, a default under this subsection and may be cause for revocation of approval, termination of an agreement or forfeiture of security provided in § 177.503(b) (relating to performance commitment):

(1) Failure of emission analyzer equipment or dynamometers, or both, provided by the manufacturer or distributor to certified emission inspection stations to comply with the manufacturer's or distributor's approved application.

(2) Failure, on the initial visit for installation of the emission analyzer or dynamometer, or both, to train all certified emission inspection inspectors employed by the emission inspection applicant stations.

(3) Failure to provide optional contracted services to stations provided any of the listed optional contracted services are specified in the station/manufacturer contract.

(c) Other Department approved equipment service providers shall agree to provide a specific performance bond, irrevocable letter of credit, certified check or bank cashier's check drawn to the order of the Pennsylvania Department of Transportation, or other suitable financial instrument acceptable to the Department in the amount of \$200,000. The Department may, at any time, on the basis of the service provider's failure to comply with this chapter, revoke or suspend the approval of other service providers to provide service and parts to certified emission inspection stations.

**CONTRACTOR OBLIGATIONS**

**§ 177.521. Contractor obligations and responsibilities.**

(a) Services to be contracted. The Department intends to contract with a vendor to perform services, including but not limited to, inspection station audits, inspection test data collection, on-road testing and other quality assurance efforts needed to comply with Federal law. The vendor is responsible for providing all services as specified in contracts executed with the Department, which shall be available for public review.

(b) Subcontracts. The vendor may subcontract any of these services, with the approval of the Department, but the vendor shall be liable to the Department for the performance of the subcontractor.

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

(1) Making records available to the Department quality assurance personnel and other authorized Commonwealth personnel during periodic audits.

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

(3) Providing to the Department, at no cost to the Department, the results of inspection station audits and on-road testing. The requirements for data collection and transmission shall be as specified in the contract between the Department and the contractor.

(4) Maintaining copies of test results and other data in the event that there are problems with the online transmission. The copies may be discarded only after notification by the Department that data from the original transmission has been satisfactorily transferred for data processing.

(5) Using computer control of quality assurance checks and quality control charts whenever possible.