

## Subchapter D

### SCHEDULE OF PENALTIES AND SUSPENSION: Official Inspection Stations and Certified Mechanics

#### 175.51. Cause for Suspension

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

| TYPE OF VIOLATION  | DURATION OF SUSPENSION  |                            |                              |
|--|-------------------------|----------------------------|------------------------------|
|  | 1st Violation           | 2nd Violation              | 3rd and Subsequent Violation |
| <b>(1) CATEGORY 1</b>  |                         |                            |                              |
| (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 inspecting of equipment or parts  | 2 months                | 1 year                     | 3 years                      |
| <b>(2) CATEGORY 2</b>  |                         |                            |                              |
| (i) Fraudulent record keeping  | 1 year                  | Permanent                  |                              |
| (ii) Improper record keeping   | 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 | 2 months                | 4 months                   | 1 year                       |
| (iv) Failure to affix certificate of inspection immediately upon successful completion of the inspection   | 2 months                | 4 months                   | 1 year                       |
| (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 card upon demand by inspection station supervisor or authorized representative of the Department                             | 2 months until produced | 6 months or until produced | 1 year or until produced     |
| (vii) Improper certificate of inspection security  | Warning                 | 4 months                   | 1 year                       |
| (viii) Careless record keeping   | Warning                 | 4 months                   | 6 months                     |

| TYPE OF VIOLATION  | DURATION OF SUSPENSION  |   |  |
|--|---|---|--|
|  | 1st Violation   | 2nd Violation   | 3rd and Subsequent Violation   |
| <b>(3) CATEGORY 3</b>  |   |   |  |
| (i) Inspection by mechanic with suspended, revoked, cancelled or recalled operating privilege  | 2 months  | 6 months  | 1 year   |
| (ii) Inspecting more than three motorcycles or two other vehicles per hour   | 4 months  | 6 months  | 1 year   |
| (iii) Inspection by uncertified mechanic   | 4 months  | 6 months  | 1 year   |
| <b>(4) CATEGORY 4</b>  |   |   |  |
| (i) Misstatement of fact   | 2 months  | 4 months  | 1 year   |
| (ii) Performing or indicating unnecessary repairs for the purpose of passing an inspection   | 4 months  | 6 months  | 1 year   |
| (iii) Performing repairs for the purpose of passing an inspection without vehicle owner authorization  | 4 months  | 6 months  | 1 year   |
| (iv) Unclean inspection area   | 2 months  | 4 months  | 6 months   |
| (v) Required tools or equipment missing or broken  | Warning if tools are repaired or replaced; if not, suspension until tools are repaired or replaced            | 2 months or until tools are repaired, whichever is greater. | 6 months or until tools are repaired or replaced, whichever is greater |
| (vi) Bad check   | Warning if amount due is paid within 10 days from date notified. If not, suspension until amount due is paid. | 2 months or until amount due is paid, whichever is greater  | 6 months or until amount due is paid, whichever is greater             |
| (vii) Failure to report discontinuance of business   | 1 year  | 3 years   | Permanent  |
| (viii) Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station              | 4 months  | 6 months  | 1 year   |
| (ix) Failure to give a written receipt or work order to customer, or to list required information on work order                                  | 2 months  | 4 months  | 1 year   |
| (x) Failure to satisfy monetary penalties for violations of Chapter 177 (relating to emission inspection program) within 90 days of notification | Suspension until amount due is paid   | 2 months or until amount due is paid, whichever is greater  | 6 months or until amount due is paid, whichever is greater             |

## Subchapter D - Schedule of Penalties and Suspension

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- (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 employe 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 employe 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 shall 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 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.
  - (3) 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 suspension.
  - (4) If the point record of a station has been reduced to zero, any subsequent accumulation of points that will result in the suspension of the station will be considered first, second, third and fourth suspensions.
- (e) **Restoration of Suspensions** - Stations and mechanics that have had their privilege to inspect suspended shall be restored as follows:
- (1) A station that has been suspended as a result of a point accumulation shall 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 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 section §175.52 (relating to reapplication) to ensure timely restoration.
- (f) **Removal of Points** - Points assessed against a station shall 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 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. Certificates of inspection, certificate of appointment, mechanic 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, the Department may order the surrender, upon demand, to any Inspection Station Supervisor 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 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 application for reappointment following suspension of 3 months or more, a complete and thorough investigation by the inspection station supervisor will be conducted to determine if 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.