

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 854

Session of
1987

INTRODUCED BY GRUPPO, HERMAN, SEMMEL, TRELLO, JOHNSON, BOOK,
HECKLER, SAURMAN, CAWLEY, DeLUCA AND CIMINI, MARCH 11, 1987

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 17, 1988

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, placing certain limitations on insurance premium
3 increases; ~~and~~ further providing exemptions for the use of <—
4 certain sun screening materials; PROVIDING FOR THE IMPOSITION <—
5 OF SURCHARGES ON PERSONS CONVICTED OF DRIVING UNDER INFLUENCE
6 OF ALCOHOL OR CONTROLLED SUBSTANCE AND FOR THE DEPOSIT OF THE
7 SURCHARGES INTO THE CATASTROPHIC LOSS TRUST FUND; REPEALING
8 CERTAIN PROVISIONS RELATING TO THE CATASTROPHIC LOSS TRUST
9 FUND; MANDATING THE OFFERING OF CERTAIN INSURANCE COVERAGE;
10 FURTHER REGULATING COMPULSORY JUDICIAL ARBITRATION; AND
11 MAKING REPEALS.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Section 1793(a) of Title 75 of the Pennsylvania~~ <—
15 ~~Consolidated Statutes is amended by adding a paragraph to read:~~

16 SECTION 1. SECTION 1306(7) OF TITLE 75 OF THE PENNSYLVANIA <—
17 CONSOLIDATED STATUTES IS REPEALED.

18 SECTION 2. SECTION 1309 OF TITLE 75 IS AMENDED TO READ:

19 § 1309. RENEWAL OF REGISTRATION.

20 AT LEAST 60 DAYS PRIOR TO THE EXPIRATION OF EACH

21 REGISTRATION, THE DEPARTMENT SHALL SEND TO THE REGISTRANT AN

1 APPLICATION FOR RENEWAL OF REGISTRATION. UPON RETURN OF THE
2 APPLICATION, ACCOMPANIED BY SELF-CERTIFICATION OF FINANCIAL
3 RESPONSIBILITY[,] AND THE APPLICABLE FEE OR FEES [AND PROOF THAT
4 THE CATASTROPHIC LOSS TRUST FUND CHARGE HAS BEEN PAID], THE
5 DEPARTMENT SHALL SEND TO THE REGISTRANT A RENEWED REGISTRATION
6 CARD. FAILURE TO RECEIVE A RENEWAL APPLICATION SHALL NOT RELIEVE
7 A REGISTRANT FROM THE RESPONSIBILITY TO RENEW THE REGISTRATION.

8 SECTION 3. SECTION 1373(7) OF TITLE 75 IS REPEALED.

9 SECTION 4. SECTIONS 1715 AND 1723 OF TITLE 75 ARE AMENDED TO
10 READ:

11 § 1715. AVAILABILITY OF ADEQUATE LIMITS.

12 (A) GENERAL RULE.--AN INSURER SHALL MAKE AVAILABLE FOR
13 PURCHASE FIRST PARTY BENEFITS AS FOLLOWS:

14 (1) FOR MEDICAL BENEFITS, UP TO AT LEAST \$100,000.

15 (1.1) FOR EXTRAORDINARY MEDICAL BENEFITS, FROM \$100,000
16 TO \$1,000,000, AS LIMITED BY SUBSECTION (D).

17 (2) FOR INCOME LOSS BENEFITS, UP TO AT LEAST \$2,500 PER
18 MONTH UP TO A MAXIMUM BENEFIT OF AT LEAST \$50,000.

19 (3) FOR ACCIDENTAL DEATH BENEFITS, UP TO AT LEAST
20 \$25,000.

21 (4) FOR FUNERAL BENEFITS, \$2,500.

22 (5) FOR COMBINATION OF BENEFITS ENUMERATED IN PARAGRAPHS

23 (1) THROUGH (4) AND SUBJECT TO A LIMIT ON THE ACCIDENTAL
24 DEATH BENEFIT OF UP TO \$25,000 AND A LIMIT ON THE FUNERAL
25 BENEFIT OF \$2,500, UP TO AT LEAST [\$277,500] \$1,177,500 OF
26 BENEFITS IN THE AGGREGATE OR BENEFITS PAYABLE UP TO THREE
27 YEARS FROM THE DATE OF THE ACCIDENT, WHICHEVER OCCURS FIRST.

28 (B) HIGHER OR LOWER LIMITS AND ADDITIONAL BENEFITS.--

29 INSURERS MAY MAKE AVAILABLE HIGHER OR LOWER LIMITS OR BENEFITS
30 IN ADDITION TO THOSE ENUMERATED IN SUBSECTION (A).

(C) RESTRICTION ON PROVIDING FIRST PARTY BENEFITS.--AN INSURER SHALL NOT ISSUE OR DELIVER A POLICY PROVIDING FIRST PARTY BENEFITS IN ACCORDANCE WITH THIS SUBCHAPTER UNLESS THE POLICY ALSO CONTAINS COVERAGE FOR LIABILITY IN AMOUNTS AT LEAST EQUAL TO THE LIMITS REQUIRED FOR FINANCIAL RESPONSIBILITY.

(D) LIMITATIONS.--THE MAXIMUM MEDICAL BENEFIT WHICH SHALL BE PAID ON BEHALF OF ANY ONE ELIGIBLE CLAIMANT UNDER SUBSECTION (A)(1.1) SHALL BE \$50,000 PER YEAR AND \$1,000,000 LIFETIME AGGREGATE. DURING THE FIRST 18 MONTHS OF ELIGIBILITY, THE INSURER SHALL APPROVE PAYMENTS ON BEHALF OF A CLAIMANT WITHOUT REGARD TO THE \$50,000 PER YEAR LIMIT BUT SUBJECT TO THE \$1,000,000 LIFETIME AGGREGATE.

§ 1723. REPORTING REQUIREMENTS.

BEGINNING DECEMBER 31, 1986, AND EACH YEAR THEREAFTER, EACH INSURANCE COMPANY WRITING AUTOMOBILE INSURANCE IN THIS COMMONWEALTH SHALL FILE WITH THE INSURANCE DEPARTMENT THE NUMBER OF ITS INSURED, THE NUMBER OF ITS INSURED WHO HAVE PURCHASED FIRST PARTY MEDICAL BENEFITS IN EXCESS OF THE MINIMUM REQUIRED BY SECTION 1711 (RELATING TO REQUIRED BENEFITS) AND THE NUMBER OF INSURED WHO HAVE PURCHASED FIRST PARTY MEDICAL BENEFITS [IN THE AMOUNT OF \$100,000] UNDER SECTION 1715(A)(1) AND (1.1) (RELATING TO AVAILABILITY OF ADEQUATE LIMITS). THE INSURANCE DEPARTMENT SHALL FURNISH THIS INFORMATION TO THE GENERAL ASSEMBLY ANNUALLY.

SECTION 5. SECTIONS 1762 AND 1763 OF TITLE 75 ARE REPEALED.

SECTION 6. SECTION 1764(B) OF TITLE 75 IS AMENDED TO READ:

§ 1764. CATASTROPHIC LOSS TRUST FUND.

* * *

(B) COMPOSITION.--THE FUND SHALL BE COMPOSED OF MONEYS CONTRIBUTED PURSUANT TO SECTION 1762 (RELATING TO FUNDING),

1 SURCHARGES IMPOSED PURSUANT TO SECTION 3731.1 (RELATING TO
2 SURCHARGE UPON CONVICTION OF DRIVING UNDER INFLUENCE OF ALCOHOL
3 OR CONTROLLED SUBSTANCE), FINES IMPOSED PURSUANT TO SECTION
4 4581(B) (RELATING TO RESTRAINT SYSTEMS) UPON CONVICTION OF A
5 VIOLATION OF SECTION 4581(A)(2), AND FUNDS EARNED BY THE
6 INVESTMENT AND REINVESTMENT OF SUCH MONEYS. THE FUND SHALL BE
7 HELD IN TRUST, BE DEPOSITED IN A SEPARATE ACCOUNT AND BE THE
8 SOLE AND EXCLUSIVE SOURCE OF FUNDING FOR THE PAYMENT OF
9 CATASTROPHIC LOSS BENEFITS AND THE ADMINISTRATION OF THE FUND.

10 * * *

11 SECTION 7. SECTIONS 1765(C)(6) AND 1766 OF TITLE 75 ARE
12 REPEALED.

13 SECTION 8. SECTION 1767 OF TITLE 75 IS AMENDED TO READ:
14 § 1767. [ANNUAL REPORTS] REPORTS.

15 (A) ANNUAL REPORTS.--BY MARCH 1 OF EACH YEAR SUBSEQUENT TO
16 THE FIRST FULL CALENDAR YEAR AFTER THE EFFECTIVE DATE OF THIS
17 SUBCHAPTER, THE INSURANCE DEPARTMENT SHALL PREPARE AND PROVIDE
18 TO THE GOVERNOR AND TO THE GENERAL ASSEMBLY A WRITTEN REPORT OF
19 THE STATUS AND ACTIVITIES OF THE CATASTROPHIC LOSS TRUST FUND.
20 IN ITS SECOND ANNUAL REPORT AND IN EVERY SECOND ANNUAL REPORT
21 THEREAFTER, THE DEPARTMENT SHALL INCLUDE IN ITS REPORT FINDINGS
22 AND RECOMMENDATIONS WITH RESPECT TO THE OPERATION OF THE FUND
23 AND THE ACTUARIAL SOUNDNESS OF THE FUND. EACH ANNUAL REPORT
24 SHALL ALSO INCLUDE AN AUDIT BY THE AUDITOR GENERAL OF THE
25 AMOUNTS PAID TO EACH ELIGIBLE PERSON SO AS TO AVOID
26 DUPLICATIONS, ERRORS OR FRAUD.

27 (B) SPECIAL REPORT.--BY JANUARY 1, 1989, THE INSURANCE
28 DEPARTMENT SHALL PREPARE AND PROVIDE TO THE GOVERNOR AND TO THE
29 GENERAL ASSEMBLY A REPORT ON THE ACTUARIAL SOUNDNESS OF THE FUND
30 AND RECOMMENDATIONS WITH RESPECT TO THE ELIMINATION OF ANY

1 UNFUNDED LIABILITY. IF SUCH REPORT INCLUDES RECOMMENDATIONS FOR
2 COLLECTING A SURCHARGE TO ELIMINATE THE UNFUNDED LIABILITY, THE
3 REPORT SHALL COMPARE THE CONSEQUENCES OF IMPOSING THAT SURCHARGE
4 ON EACH MOTOR VEHICLE REQUIRED TO BE REGISTERED UNDER CHAPTER 13
5 (RELATING TO REGISTRATION OF VEHICLES) EXCEPT TRAILERS,
6 RECREATIONAL VEHICLES NOT INTENDED FOR HIGHWAY USE, MOTORCYCLES,
7 MOTOR-DRIVEN CYCLES, MOTORIZED PEDALCYCLES OR LIKE TYPE
8 VEHICLES; ON EACH INSURED AS DEFINED IN SECTION 1702 (RELATING
9 TO DEFINITIONS); AND ON EACH MOTOR VEHICLE FOR WHICH COVERAGE IS
10 PURCHASED UNDER SECTION 1715(A)(1.1) (RELATING TO AVAILABILITY
11 OF ADEQUATE LIMITS) AND SHALL COMPARE THE CONSEQUENCES OF
12 ELIMINATING THE UNFUNDED LIABILITY OVER A PERIOD OF FIVE YEARS,
13 A PERIOD OF TEN YEARS, A PERIOD OF 15 YEARS, AND A PERIOD OF 20
14 YEARS.

15 SECTION 9. SECTION 1787(D) OF TITLE 75 IS REPEALED.

16 SECTION 10. SECTION 1791 OF TITLE 75 IS AMENDED TO READ:

17 § 1791. NOTICE OF AVAILABLE BENEFITS AND LIMITS.

18 IT SHALL BE PRESUMED THAT THE INSURED HAS BEEN ADVISED OF THE
19 BENEFITS AND LIMITS AVAILABLE UNDER THIS CHAPTER PROVIDED THE
20 FOLLOWING NOTICE IN BOLD PRINT OF AT LEAST TEN-POINT TYPE IS
21 GIVEN TO THE APPLICANT AT THE TIME OF APPLICATION FOR ORIGINAL
22 COVERAGE OR AT THE TIME OF THE FIRST RENEWAL AFTER OCTOBER 1,
23 1984, AND NO OTHER NOTICE OR REJECTION SHALL BE REQUIRED:

24 IMPORTANT NOTICE

25 INSURANCE COMPANIES OPERATING IN THE COMMONWEALTH OF
26 PENNSYLVANIA ARE REQUIRED BY LAW TO MAKE AVAILABLE FOR
27 PURCHASE THE FOLLOWING BENEFITS FOR YOU, YOUR SPOUSE OR
28 OTHER RELATIVES OR MINORS IN YOUR CUSTODY OR IN THE
29 CUSTODY OF YOUR RELATIVES, RESIDING IN YOUR HOUSEHOLD,
30 OCCUPANTS OF YOUR MOTOR VEHICLE OR PERSONS STRUCK BY YOUR

MOTOR VEHICLE:

(1) MEDICAL BENEFITS, UP TO AT LEAST \$100,000.

(1.1) EXTRAORDINARY MEDICAL BENEFITS, FROM \$100,000 TO \$1,000,000.

(2) INCOME LOSS BENEFITS, UP TO AT LEAST \$2,500 PER MONTH UP TO A MAXIMUM BENEFIT OF AT LEAST \$50,000.

(3) ACCIDENTAL DEATH BENEFITS, UP TO AT LEAST \$25,000.

(4) FUNERAL BENEFITS, \$2,500.

(5) AS AN ALTERNATIVE TO PARAGRAPHS (1) THROUGH (4), A COMBINATION BENEFIT, UP TO AT LEAST [\$277,500] \$1,177,500 OF BENEFITS IN THE AGGREGATE OR BENEFITS PAYABLE UP TO THREE YEARS FROM THE DATE OF THE ACCIDENT, WHICHEVER OCCURS FIRST, SUBJECT TO A LIMIT ON ACCIDENTAL DEATH BENEFIT OF UP TO \$25,000 AND A LIMIT ON FUNERAL BENEFIT OF \$2,500.

(6) UNINSURED, UNDERINSURED AND BODILY INJURY LIABILITY COVERAGE UP TO AT LEAST \$100,000 BECAUSE OF INJURY TO ONE PERSON IN ANY ONE ACCIDENT AND UP TO AT LEAST \$300,000 BECAUSE OF INJURY TO TWO OR MORE PERSONS IN ANY ONE ACCIDENT OR, AT THE OPTION OF THE INSURER, UP TO AT LEAST \$300,000 IN A SINGLE LIMIT FOR THESE COVERAGES, EXCEPT FOR POLICIES ISSUED UNDER THE ASSIGNED RISK PLAN. ALSO, AT LEAST \$5,000 FOR DAMAGE TO PROPERTY OF OTHERS IN ANY ONE ACCIDENT.

ADDITIONALLY, INSURERS MAY OFFER HIGHER BENEFIT LEVELS THAN THOSE ENUMERATED ABOVE AS WELL AS ADDITIONAL BENEFITS. HOWEVER, AN INSURED MAY ELECT TO PURCHASE LOWER BENEFIT LEVELS THAN THOSE ENUMERATED ABOVE.

YOUR SIGNATURE ON THIS NOTICE OR YOUR PAYMENT OF ANY

1 RENEWAL PREMIUM EVIDENCES YOUR ACTUAL KNOWLEDGE AND
2 UNDERSTANDING OF THE AVAILABILITY OF THESE BENEFITS AND
3 LIMITS AS WELL AS THE BENEFITS AND LIMITS YOU HAVE
4 SELECTED.

5 SECTION 11. SECTION 1793(A) OF TITLE 75 IS AMENDED BY ADDING
6 A PARAGRAPH TO READ:

7 § 1793. Special provisions relating to premiums.

8 (a) Limitation on premium increases.--

9 * * *

10 (3) No insurer may charge an insured who has been
11 suspended under section 1533 (relating to suspension of
12 operating privilege for failure to respond to citation) a
13 higher rate for a policy of insurance solely on account of
14 the suspension.

15 * * *

16 SECTION 12. SECTION 1794 OF TITLE 75 IS AMENDED TO READ: <—

17 § 1794. COMPULSORY JUDICIAL ARBITRATION JURISDICTION.

18 BEGINNING JANUARY 1, 1987, THE MONETARY LIMIT IN 42 PA.C.S. §
19 7361(B)(2)(I) (RELATING TO COMPULSORY ARBITRATION) FOR THE
20 SUBMISSION OF MATTERS TO JUDICIAL ARBITRATION IN JUDICIAL
21 DISTRICTS EMBRACING [FIRST AND SECOND CLASS] COUNTIES OF THE
22 FIRST, SECOND OR SECOND A CLASS SHALL BE \$25,000 FOR ACTIONS
23 ARISING FROM THE MAINTENANCE OR USE OF A MOTOR VEHICLE.

24 SECTION 13. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

25 § 3731.1. SURCHARGE UPON CONVICTION OF DRIVING UNDER INFLUENCE
26 OF ALCOHOL OR CONTROLLED SUBSTANCE.

27 UPON CONVICTION OF A VIOLATION OF SECTION 3731 (RELATING TO
28 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE), THE
29 SENTENCING COURT SHALL IMPOSE UPON AND COLLECT FROM THE
30 DEFENDANT A SURCHARGE OF \$100 IN ADDITION TO AND INDEPENDENT OF

1 ANY FINE AND COSTS IMPOSED ON THE DEFENDANT. THE COURT SHALL
2 FORWARD THE SURCHARGE TO THE DEPARTMENT IN THE MANNER PRESCRIBED
3 FOR THE FORWARDING OF FINES AND BAIL FORFEITED PURSUANT TO
4 SECTIONS 6322 (RELATING TO REPORTS BY ISSUING AUTHORITIES) AND
5 6323 (RELATING TO REPORTS BY COURTS). WITHIN TEN DAYS AFTER THE
6 END OF EACH MONTH, THE DEPARTMENT SHALL REMIT ALL SURCHARGES
7 RECEIVED DURING THE PRIOR MONTH TO THE INSURANCE DEPARTMENT FOR
8 DEPOSIT IN THE CATASTROPHIC LOSS TRUST FUND TO BE USED FOR THE
9 PURPOSES AND ADMINISTERED IN THE MANNER PRESCRIBED BY SUBCHAPTER
10 F OF CHAPTER 17 (RELATING TO CATASTROPHIC LOSS TRUST FUND).

11 Section 2 14. Section 4524(e) of Title 75 is amended to <—
12 read:

13 § 4524. Windshield obstructions and wipers.

14 * * *

15 (e) Sun screening and other materials prohibited.--

16 (1) No person shall drive any motor vehicle with any sun
17 screening device or other material which does not permit a
18 person to see or view the inside of the vehicle through the
19 windshield, side wing or side window of the vehicle.

20 (2) This subsection does not apply to [any]:

21 (i) Any A vehicle which is equipped with tinted <—
22 windows of the type and specification that were installed
23 by the manufacturer of the vehicle or to any hearse,
24 ambulance, government vehicle or any other vehicle [to] <—
25 FOR which a currently valid certificate of exemption [is <—
26 affixed as specified by regulation] HAS BEEN ISSUED IN <—
27 ACCORDANCE WITH REGULATIONS adopted by the department.

28 (ii) Any A vehicle which is equipped with tinted <—
29 windows or a sun screening device for medical reasons <—
30 which are certified by a licensed physician., SUN <—

1 SCREENING DEVICES OR OTHER MATERIALS WHICH COMPLY WITH
2 ALL APPLICABLE FEDERAL REGULATIONS FOR WHICH A CURRENTLY
3 VALID CERTIFICATE OF EXEMPTION FOR MEDICAL REASONS HAS
4 BEEN ISSUED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE
5 DEPARTMENT.

6 (3) A certificate of exemption shall be issued by the
7 department for a vehicle which is [registered]:

8 (i) Registered in this Commonwealth on the effective
9 date of this subsection and is equipped with a sun
10 screening device or other material prohibited under
11 paragraph (1) on the effective date.

12 (ii) Equipped with tinted windows or a sun screening <—
13 device, SUN SCREENING DEVICES OR OTHER MATERIALS for <—
14 medical reasons as specified in paragraph (2)(ii).

15 ~~Any exemption issued under subparagraph (ii) shall be limited~~ <—
16 ~~to an owner or operator who meets the requirements of~~
17 ~~paragraph (2)(ii) or a family member who meets the~~
18 ~~requirements of paragraph (2)(ii) and who is transported by~~
19 ~~an owner or operator. Upon sale or transfer of the vehicle to~~
20 ~~any other person who does not qualify under paragraph~~
21 ~~(2)(ii), the exemption shall be null and void. Prior to the~~
22 ~~sale or transfer of an exempt vehicle, it shall be the sole~~
23 ~~responsibility of the owner or seller of that vehicle to~~
24 ~~remove all sunscreening from the vehicle. At the time of the~~
25 ~~sale or transfer of a formerly exempt vehicle, the owner~~
26 ~~shall present to the purchaser a notarized statement setting~~
27 ~~forth the name and address of the owner or seller, the~~
28 ~~vehicle identification number, year and model, and the~~
29 ~~business entity and process used to remove the sunscreening.~~
30 ~~A copy of this statement shall be attached to the title~~

~~transfer papers submitted to the department. Possession of the notarized statement shall be an absolute defense for any alleged violation under paragraph (1).~~

~~(4) The department, in consultation with the Medical Advisory Board, shall, by regulation, determine which medical reasons shall be sufficient to justify the use of tinted windows or sun screening devices.~~

~~The regulations necessary to implement the provisions of paragraphs (2)(ii) and (3)(ii) shall be promulgated and submitted to the Independent Regulatory Review Commission within 30 days of the effective date of this act.~~

(A) A CERTIFICATE OF EXEMPTION FOR MEDICAL REASONS SHALL BE ISSUED ONLY IF THE OWNER OR REGISTRANT OF THE VEHICLE, OR A PERSON RESIDING IN THE HOUSEHOLD OF THE OWNER OR REGISTRANT WHO REGULARLY DRIVES OR IS DRIVEN IN THE VEHICLE, SUFFERS FROM A MEDICAL CONDITION DETERMINED BY THE DEPARTMENT, IN CONSULTATION WITH THE MEDICAL ADVISORY BOARD, TO JUSTIFY THE EXEMPTION.

(B) ANY PERSON REQUESTING AN EXEMPTION FOR MEDICAL REASONS SHALL HAVE HIS MEDICAL CONDITION CERTIFIED TO THE DEPARTMENT BY A LICENSED PHYSICIAN.

(4) A CERTIFICATE OF EXEMPTION ISSUED UNDER THIS SUBSECTION SHALL BE CARRIED IN THE VEHICLE AND DISPLAYED ON REQUEST OF A POLICE OFFICER.

(5) UPON THE SALE OR TRANSFER OF THE VEHICLE TO ANY PERSON WHO DOES NOT QUALIFY UNDER PARAGRAPH (2)(II), THE EXEMPTION SHALL BE NULL AND VOID. PRIOR TO THE SALE OR TRANSFER OF AN EXEMPT VEHICLE, IT SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER OR SELLER OF A FORMERLY EXEMPT

1 VEHICLE TO REMOVE ALL SUN SCREENING OR OTHER MATERIALS FROM
2 THE VEHICLE. AT THE TIME OF THE SALE OR TRANSFER OF A
3 FORMERLY EXEMPT VEHICLE, THE OWNER SHALL REMOVE AND DESTROY
4 THE CERTIFICATE OF EXEMPTION FOR MEDICAL REASONS AND PROVIDE
5 THE PURCHASER WITH A NOTARIZED STATEMENT SETTING FORTH THE
6 NAME AND ADDRESS OF THE OWNER OR SELLER, THE VEHICLE
7 IDENTIFICATION NUMBER, YEAR AND MODEL, AND THE BUSINESS
8 ENTITY AND PROCESS USED TO REMOVE THE SUN SCREENING OR OTHER
9 MATERIAL. POSSESSION OF THE NOTARIZED STATEMENT SHALL BE AN
10 ABSOLUTE DEFENSE FOR ANY ALLEGED VIOLATION OF PARAGRAPH (1)
11 BY THE PURCHASER.

12 SECTION 15. SECTION 4581(B) OF TITLE 75, AMENDED NOVEMBER
13 23, 1987 (P.L.399, NO.82), IS AMENDED TO READ:

14 § 4581. RESTRAINT SYSTEMS.

15 * * *

16 (B) OFFENSE.--ANYONE WHO FAILS TO COMPLY WITH THE PROVISIONS
17 OF SUBSECTION (A)(1) SHALL BE GUILTY OF A SUMMARY OFFENSE WITH A
18 MAXIMUM FINE OF \$25. THE COURT IMPOSING AND COLLECTING ANY SUCH
19 FINES SHALL TRANSFER THE FINES THUS COLLECTED TO THE STATE
20 TREASURER FOR DEPOSIT IN THE CHILD PASSENGER RESTRAINT FUND,
21 PURSUANT TO SECTION 4582 (RELATING TO CHILD PASSENGER RESTRAINT
22 FUND). ANYONE WHO VIOLATES SUBSECTION (A)(2) COMMITS A SUMMARY
23 OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE
24 OF \$10. NO PERSONS SHALL BE CONVICTED OF A VIOLATION OF
25 SUBSECTION (A)(2) UNLESS THE PERSON IS ALSO CONVICTED OF ANOTHER
26 VIOLATION OF THIS TITLE WHICH OCCURRED AT THE SAME TIME. NO
27 COSTS AS DESCRIBED IN 42 PA.C.S. § 1725.1 (RELATING TO COSTS)
28 SHALL BE IMPOSED FOR SUMMARY CONVICTION OF SUBSECTION (A)(2).
29 CONVICTION UNDER THIS SUBSECTION SHALL NOT CONSTITUTE A MOVING
30 VIOLATION. THE COURT SHALL FORWARD FINES IMPOSED UPON CONVICTION

1 OF A VIOLATION OF SUBSECTION (A)(2) TO THE DEPARTMENT IN THE
2 MANNER PRESCRIBED FOR THE FORWARDING OF FINES AND BAIL FORFEITED
3 PURSUANT TO SECTIONS 6322 (RELATING TO REPORTS BY ISSUING
4 AUTHORITIES) AND 6323 (RELATING TO REPORTS BY COURTS). WITHIN
5 TEN DAYS AFTER THE END OF EACH MONTH, THE DEPARTMENT SHALL REMIT
6 ALL SUCH FINES RECEIVED DURING THE PRIOR MONTH TO THE INSURANCE
7 DEPARTMENT FOR DEPOSIT IN THE CATASTROPHIC LOSS TRUST FUND TO BE
8 USED FOR THE PURPOSES AND ADMINISTERED IN THE MANNER PRESCRIBED
9 BY SUBCHAPTER F OF CHAPTER 17 (RELATING TO CATASTROPHIC LOSS
10 TRUST FUND).

11 * * *

12 SECTION 16. NOTWITHSTANDING THE REPEAL OF 75 PA.C.S. §§ 1762
13 (RELATING TO FUNDING), 1763 (RELATING TO ENFORCEMENT) AND 1766
14 (RELATING TO BENEFITS), ALL INDIVIDUALS WHO SUFFER OR SUFFERED A
15 CATASTROPHIC LOSS PRIOR TO THE EFFECTIVE DATE OF THIS SECTION
16 SHALL CONTINUE TO RECEIVE, OR BE ELIGIBLE TO RECEIVE,
17 CATASTROPHIC LOSS BENEFITS AS IF THOSE SECTIONS HAD NOT BEEN
18 REPEALED.

19 SECTION 17. THE REPEAL OF 75 PA.C.S. §§ 1762 (RELATING TO
20 FUNDING), 1763 (RELATING TO ENFORCEMENT) AND 1766 (RELATING TO
21 BENEFITS) SHALL NOT BE APPLICABLE IN THE CASE OF A MOTOR VEHICLE
22 UNTIL THE END OF THE REGISTRATION YEAR FOR WHICH A CHARGE WAS
23 PAID IN ACCORDANCE WITH SECTION 1762 FOR THAT VEHICLE PRIOR TO
24 THE EFFECTIVE DATE OF THIS SECTION.

25 Section ~~3~~ 18. This act shall take effect in ~~60~~ 90 days.

<—