
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 497 Session of
1995

INTRODUCED BY CLARK, MASLAND, DERMODY, FLICK, SATHER, VANCE,
GODSHALL, PETTIT, PESCI, MARSICO, JADLOWIEC, SCHULER, BEBKO-
JONES, READSHAW, HERMAN, LAWLESS, HENNESSEY, BUNT, EGOLF,
BATTISTO, GEIST, NAILOR, ARMSTRONG, HERSHEY, YOUNGBLOOD,
WOZNIAK, REBER, ITKIN, L. I. COHEN, STABACK, STEELMAN,
E. Z. TAYLOR, MAITLAND, PLATTS, DEMPSEY, OLASZ, D. W. SNYDER,
SEMMEL, COLAFELLA, RUBLEY, ADOLPH, TIGUE, HALUSKA AND JAMES,
FEBRUARY 1, 1995

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, IN
SENATE, NOVEMBER 26, 1996

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further defining "emergency vehicle"; ADDING A <—
3 DEFINITION OF "ISSUING AGENT"; further providing for duties <—
4 of agents, APPLICATION FOR CERTIFICATE OF TITLE BY AGENT, FOR <—
5 TEMPORARY REGISTRATION CARDS, FOR SUSPENSION OR REVOCATION OF
6 VEHICLE BUSINESS REGISTRATION PLATES, for revocation or
7 suspension of operating privilege, for visual and audible <—
8 signals on emergency vehicles, FOR INSURANCE PREMIUMS, for <—
9 reports by issuing authorities and for reports by courts;
10 AUTHORIZING THE COMMONWEALTH TO ENTER INTO AGREEMENTS WITH <—
11 PRIVATE FIRMS FOR THE DEVELOPMENT, FINANCING, DESIGN,
12 CONSTRUCTION AND OPERATION OF NEW TRANSPORTATION FACILITIES
13 AND FOR THE OPERATION, IMPROVEMENT, FINANCING OR
14 REHABILITATION OF EXISTING TRANSPORTATION FACILITIES;
15 ESTABLISHING THE PENNSYLVANIA INFRASTRUCTURE BANK AND
16 PROVIDING FOR ITS POWERS AND DUTIES; and making a repeal.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The introductory paragraph of the definition of
20 "emergency vehicle" in section 102 of Title 75 of the

1 Pennsylvania Consolidated Statutes ~~is amended and the definition~~ <—
2 ~~is amended by adding paragraphs,~~ AMENDED DECEMBER 20, 1995 <—
3 (P.L.669, NO.75), IS AMENDED AND THE SECTION IS AMENDED BY
4 ADDING A DEFINITION to read:

5 § 102. Definitions.

6 Subject to additional definitions contained in subsequent
7 provisions of this title which are applicable to specific
8 provisions of this title, the following words and phrases when
9 used in this title shall have, unless the context clearly
10 indicates otherwise, the meanings given to them in this section:

11 * * *

12 "Emergency vehicle." A fire department vehicle, police
13 vehicle, sheriff vehicle, ambulance, blood-delivery vehicle,
14 MOTOR CARRIER ENFORCEMENT VEHICLE, HAZARDOUS MATERIAL RESPONSE <—
15 VEHICLE, armed forces emergency vehicle, A UNITED STATES, <—
16 PENNSYLVANIA OR COUNTY EMERGENCY MANAGEMENT VEHICLE USED FOR
17 ANSWERING EMERGENCY CALLS, one PRIVATELY OWNED vehicle operated <—
18 by a coroner or chief county medical examiner and one PRIVATELY <—
19 OWNED vehicle operated by a chief deputy coroner or deputy chief
20 county medical examiner used for answering emergency calls, one <—
21 ~~vehicle operated by the hazardous incident response team,~~ or any
22 other vehicle designated by the State Police under section 6106
23 (relating to designation of emergency vehicles by Pennsylvania
24 State Police), or a privately owned vehicle used in answering an
25 emergency call when used by any of the following:

26 * * *

27 ~~(9) The commander and assistant commander of an~~ <—
28 ~~organized scuba rescue team.~~

29 ~~(10) A coroner or chief county medical examiner and one~~
30 ~~vehicle operated by a chief deputy coroner or deputy chief~~

1 ~~county medical examiner.~~

2 * * *

3 ~~Section 2. Section 1318 of Title 75 is amended by adding a~~
4 ~~subsection to read:~~

5 ~~§ 1318. Duties of agents.~~

6 * * *

7 ~~(c) Liability. An agent of the department acting under this~~
8 ~~section shall not be liable in a civil action arising from such~~
9 ~~action or for any damages on account of any injury to a person~~
10 ~~or property arising from such action.~~

11 ~~Section 3. Sections 1532(d), 1793(a), 4571(b) and (f), 6322~~
12 ~~and 6323 of Title 75 are amended to read:~~

13 "ISSUING AGENT." A FULL AGENT, CARD AGENT, DEALER OR
14 MANUFACTURER, WHOM THE DEPARTMENT OF TRANSPORTATION HAS
15 AUTHORIZED TO ISSUE TEMPORARY REGISTRATION CARDS AND PLATES.

<—

16 * * *

17 SECTION 2. SECTIONS 1119(C), 1310(A), 1374(D), 1532(D),
18 1793(A), 6322 AND 6323 OF TITLE 75 ARE AMENDED TO READ:

19 § 1119. APPLICATION FOR CERTIFICATE OF TITLE BY AGENT.

20 * * *

21 (C) PERSONS AUTHORIZED TO HOLD CERTIFICATE.--

22 (1) NO PERSON SHALL RECEIVE, OBTAIN OR HOLD A
23 CERTIFICATE OF TITLE RECORDED IN THE NAME OF ANOTHER PERSON
24 FOR THE OTHER PERSON WHO IS NOT IN THE REGULAR EMPLOY OF, OR
25 NOT A MEMBER OF THE FAMILY OF, THE OTHER PERSON[, UNLESS THE
26 PERSON RECEIVING, OBTAINING OR HOLDING THE CERTIFICATE OF
27 TITLE HAS A VALID UNDISCHARGED LIEN RECORDED IN THE
28 DEPARTMENT AGAINST THE VEHICLE REPRESENTED BY THE CERTIFICATE
29 OF TITLE].

30 (2) THE FOLLOWING PERSONS ARE EXEMPT FROM THE

1 LIMITATIONS OF PARAGRAPH (1):

2 (I) A LIENHOLDER WHO HAS A VALID UNDISCHARGED LIEN
3 RECORDED IN THE DEPARTMENT AGAINST THE VEHICLE
4 REPRESENTED BY THE CERTIFICATE OF TITLE.

5 (II) A WHOLESALE VEHICLE AUCTION, LICENSED BY THE
6 STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND
7 SALESPERSONS, WHEN OFFERING VEHICLES FOR SALE TO DEALERS.

8 (III) A VEHICLE DEALER, LICENSED BY THE STATE BOARD
9 OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS,
10 OFFERING A VEHICLE FOR SALE PURSUANT TO A WRITTEN
11 CONSIGNMENT AGREEMENT WITH THE TRANSFEROR.

12 * * *

13 § 1310. TEMPORARY REGISTRATION CARDS.

14 (A) GENERAL RULE.--THE DEPARTMENT SHALL PROVIDE TEMPORARY
15 REGISTRATION CARDS FOR USE PENDING ISSUANCE OR TRANSFER OF
16 PERMANENT REGISTRATION CARDS. TEMPORARY REGISTRATION CARDS AND
17 PLATES MAY BE DELIVERED TO DESIGNATED AGENTS WHO SHALL HAVE THE
18 AUTHORITY TO ISSUE THEM IN ACCORDANCE WITH REGULATIONS
19 PROMULGATED BY THE DEPARTMENT. WHEN DETERMINING WHETHER TO
20 SUSPEND, REVOKE OR IMPOSE A MONETARY PENALTY UPON AN AGENT, THE
21 DEPARTMENT MAY CONSIDER RELEVANT MITIGATING EVENTS.

22 * * *

23 § 1374. SUSPENSION OR REVOCATION OF VEHICLE BUSINESS
24 REGISTRATION PLATES.

25 * * *

26 (D) SCHEDULE OF SANCTIONS.--THE DEPARTMENT SHALL IMPOSE THE
27 FOLLOWING SANCTIONS FOR VIOLATIONS:

28 (1) IF THE DEPARTMENT FINDS THAT THE REGISTRANT HAS
29 VIOLATED SUBSECTION (A)(5) OR (7) AS A SECOND OFFENSE, THE
30 REGISTRANT MAY BE SANCTIONED WITH A MONETARY PENALTY OF NOT

1 LESS THAN \$50 AND NOT MORE THAN \$100 PER VIOLATION.

2 (2) IF THE DEPARTMENT FINDS THAT THE REGISTRANT HAS
3 VIOLATED SUBSECTION (A)(5) OR (7) AS A THIRD OFFENSE, THE
4 REGISTRANT MAY BE SANCTIONED WITH A MONETARY PENALTY OF NOT
5 LESS THAN \$100 AND NOT MORE THAN \$200 PER VIOLATION.

6 (2.1) IF THE DEPARTMENT FINDS THAT THE REGISTRANT HAS
7 VIOLATED SUBSECTION (A)(5) AS A FOURTH OR SUBSEQUENT OFFENSE,
8 THE DEPARTMENT MAY SUSPEND FOR NOT LESS THAN THREE MONTHS OR
9 REVOKE THE REGISTRATION PLATES AND CARDS OF THE REGISTRANT.

10 (3) A MONETARY PENALTY IMPOSED FOR A VIOLATION OF
11 SUBSECTION (A)(5) SHALL BE IN ADDITION TO THE REQUIREMENT
12 THAT THE REGISTRANT DELIVER A PROPERLY ASSIGNED CERTIFICATE
13 OF TITLE. [IF] UNLESS EXTENDED BY THE DEPARTMENT, IF THE
14 REGISTRANT FAILS TO PAY THE MONETARY PENALTY OR TO DELIVER
15 THE CERTIFICATE OF TITLE WITHIN 45 DAYS AFTER NOTICE WAS SENT
16 BY THE DEPARTMENT, EXCEPT AS OTHERWISE PROVIDED BY SECTION
17 1377 (RELATING TO JUDICIAL REVIEW), THE DEPARTMENT SHALL
18 SUSPEND THE REGISTRANT'S REGISTRATION PLATES UNTIL THE
19 MONETARY PENALTY HAS BEEN PAID AND THE TITLE DELIVERED.

20 (4) A MONETARY PENALTY IMPOSED FOR A VIOLATION OF
21 SUBSECTION (A)(7) SHALL BE IN ADDITION TO PAYMENT OF THE
22 ORIGINAL AMOUNT DUE FOR TAXES AND FEES AND ANY OTHER PENALTY
23 PROVIDED BY LAW FOR SUBMISSION OF AN UNCOLLECTIBLE OR
24 DISHONORED CHECK. [IF] UNLESS EXTENDED BY THE DEPARTMENT, IF
25 THE REGISTRANT FAILS TO PAY THE MONETARY PENALTY, THE
26 ORIGINAL AMOUNT DUE OR ANY OTHER PENALTY WITHIN 45 DAYS AFTER
27 NOTICE WAS SENT BY THE DEPARTMENT, EXCEPT AS OTHERWISE
28 PROVIDED BY SECTION 1377, THE DEPARTMENT SHALL SUSPEND THE
29 REGISTRANT'S REGISTRATION PLATES UNTIL ALL FEES, TAXES AND
30 PENALTIES HAVE BEEN PAID.

1 (5) A VIOLATION OF SUBSECTION (A)(5) SHALL REMAIN ON THE
2 REGISTRANT'S RECORD FOR A PERIOD OF 18 MONTHS FROM THE DATE
3 THAT THE VIOLATION WAS SANCTIONED BY THE DEPARTMENT. IF THE
4 REGISTRANT DOES NOT COMMIT ANOTHER VIOLATION OF SUBSECTION
5 (A)(5) WITHIN THAT 18-MONTH PERIOD, THE DEPARTMENT SHALL
6 RESCIND FROM THE REGISTRANT'S RECORD THE PRIOR SANCTION THAT
7 WAS IMPOSED. AFTER RESCISSION OF THE PRIOR SANCTION, IF THE
8 REGISTRANT THEREAFTER COMMITS A SUBSEQUENT VIOLATION OF
9 SUBSECTION (A)(5), THAT VIOLATION SHALL BE CONSIDERED THE
10 SAME DEGREE OF OFFENSE AS WAS PREVIOUSLY IMPOSED, UNLESS MORE
11 THAN THREE YEARS HAVE ELAPSED SINCE THE LAST DATE THAT THE
12 REGISTRANT WAS SANCTIONED FOR A VIOLATION OF SUBSECTION
13 (A)(5), IN WHICH CASE SAID SUBSEQUENT VIOLATION SHALL BE
14 DEEMED A FIRST OFFENSE.

15 (6) IF THE DEPARTMENT HAS PREVIOUSLY GIVEN NOTICE OF,
16 AND CONSIDERED AT A DEPARTMENTAL HEARING, VIOLATIONS OF
17 SUBSECTION (A)(5), NO SANCTION SHALL BE IMPOSED FOR AN
18 ALLEGED VIOLATION OF SUBSECTION (A)(5) WHICH WAS NOT INCLUDED
19 WITHIN SAID NOTICE IF SAID VIOLATION OCCURRED PRIOR TO THE
20 DATE OF THE NOTICE, THE DEPARTMENT'S RECORDS REFLECTED THAT
21 THE VIOLATION EXISTED AND THE VIOLATION COULD HAVE BEEN
22 INCLUDED IN THE NOTICE AS AN ADDITIONAL SUBJECT OF THE
23 DEPARTMENTAL HEARING.

24 (7) IF A REGISTRANT IS SANCTIONED PURSUANT TO SUBSECTION
25 (C), OR PARAGRAPH (1) OR (2) OR THE CORRESPONDING PROVISIONS
26 OF DEPARTMENTAL REGULATIONS, 67 PA. CODE CH. 53 (RELATING TO
27 MANUFACTURERS, DEALERS AND MISCELLANEOUS MOTOR VEHICLE
28 BUSINESSES REGISTRATION PLATES), AND THE DEPARTMENT ALSO
29 SANCTIONS THE REGISTRANT FOR CORRESPONDING VIOLATIONS AS AN
30 ISSUING AGENT PURSUANT TO DEPARTMENTAL REGULATIONS, 67 PA.

1 CODE CH. 43 (RELATING TO TEMPORARY REGISTRATION CARDS AND
2 PLATES), THE DEPARTMENT SHALL ONLY IMPOSE THE SANCTION
3 PRESCRIBED BY THIS SECTION OR THE CORRESPONDING SECTION OF 67
4 PA. CODE CH. 53. NOTWITHSTANDING, THE DEPARTMENT SHALL NOTE
5 THE OFFENSE PERTAINING TO THE REGISTRANT AND THE OFFENSE
6 PERTAINING TO THE ISSUING AGENT UPON EACH RECORD, AND THE
7 DEPARTMENT SHALL CONSIDER EACH RECORD WHEN CALCULATING
8 SECOND, THIRD OR SUBSEQUENT OFFENSES BY THE REGISTRANT AND
9 THE ISSUING AGENT.

10 * * *

11 § 1532. Revocation or suspension of operating privilege.

12 * * *

13 (d) [Additional suspension.--] Violations of Title 18.--

14 (1) The department shall suspend the operating privilege
15 of any person upon receiving a certified record of the
16 [driver's] person's conviction, adjudication of delinquency
17 or admission into a preadjudication program for a violation
18 under 18 Pa.C.S. § 6307 (relating to misrepresentation of age
19 to secure liquor or malt or brewed beverages), 6308 (relating
20 to purchase, consumption, possession or transportation of
21 liquor or malt or brewed beverages) or 6310.3 (relating to
22 carrying a false identification card). The duration of the
23 suspension shall be as follows:

24 [(1) For a first offense, the department shall impose a
25 suspension for a period of 90 days.

26 (2) For a second offense, the department shall impose a
27 suspension for a period of one year.

28 (3) For a third and subsequent offense, the department
29 shall impose a suspension for a period of two years. Any
30 multiple suspensions imposed shall be served consecutively.

1 Courts may certify the conviction, adjudication of delinquency
2 or admission into the preadjudication program on the same form
3 used to submit the order of suspension required under the
4 provisions of 18 Pa.C.S. § 6310.4 (relating to restriction of
5 operating privileges). Wherever practicable, the suspension
6 imposed under this section shall be made concurrent with the
7 suspension imposed under the provisions of 18 Pa.C.S. § 6310.4.
8 All offenses committed on or after May 23, 1988, shall be
9 included in considering whether an offense is a first, second,
10 third or subsequent offense.]

11 (i) For a first offense, the department shall impose
12 a suspension for a period of 90 days. If, however, the
13 person successfully completes the preadjudication program
14 to which he has been admitted, the period of suspension
15 shall be reduced to 45 days.

16 (ii) For a second offense, the department shall
17 impose a suspension for a period of one year.

18 (iii) For a third and subsequent offense, the
19 department shall impose a suspension for a period of two
20 years. Any multiple suspensions imposed shall be served
21 consecutively.

22 (2) If the person is admitted to a preadjudication
23 program, the court shall notify the department within ten
24 days from the person's successful completion of the program.

25 (3) All offenses committed on or after May 23, 1988,
26 shall be included in considering whether an offense is a
27 first, second, third or subsequent offense.

28 § 1793. Special provisions relating to premiums.

29 (a) Limitation on premium increases.--

30 (1) An insurer shall not increase the premium rate of an

owner of a policy of insurance subject to this chapter solely because one or more of the insureds under the policy made a claim under the policy and was paid thereon unless it is determined that the insured was at fault in contributing to the accident giving rise to the claim.

(2) No insurer shall charge an insured who has been convicted of a violation of an offense enumerated in section 1535 (relating to schedule of convictions and points) a higher rate for a policy of insurance solely on account of the conviction. An insurer may charge an insured a higher rate for a policy of insurance if a claim is made under paragraph (1).

(3) An insurer shall not increase premiums, impose any surcharge or rate penalty, or make any driver record point assignment for automobile insurance, nor shall an insurer cancel or refuse to renew an automobile insurance policy on account of a suspension under section 1532(d) (relating to revocation or suspension of operating privilege).

* * *

~~§ 4571. Visual and audible signals on emergency vehicles.~~

~~* * *~~

~~(b) Police, sheriff, fire and coroner or medical examiner vehicles.~~

~~(1) Police, sheriff, coroner, medical examiner or fire police vehicles may in addition to the requirements of subsection (a) be equipped with revolving or flashing blue lights. The combination of red and blue lights may be used only on official police, sheriff, coroner, medical examiner or fire police vehicles, except that one fire police captain and one fire police lieutenant of a volunteer fire department~~

~~may, in addition to the requirements of subsection (a), equip one privately owned vehicle used in answering an emergency call with a combination of red and blue lights. All other privately owned vehicles that may be designated as emergency vehicles under the provisions of this title may only be equipped as provided by subsection (a).~~

~~(2) Unmarked police and sheriff vehicles, used as emergency vehicles and equipped with audible warning systems, may be equipped with the lights described in this section.~~

~~(3) Police, sheriff and fire vehicles may be equipped with a mounted rack containing one or more emergency warning lights or side mounted floodlights or alley lights or all such lights.~~

~~* * *~~

~~(f) Conformity with department regulations. All equipment authorized or required by this section shall conform to department regulations. No person shall sell within this Commonwealth for use under this section any equipment that does not conform to department regulations. A warranty of fitness for a particular purpose shall be implied in all contracts for the sale of equipment authorized or required by this section, and this warranty may not be excluded by a person in the business of selling goods of that kind.~~

§ 6322. Reports by issuing authorities.

(a) General rule.--Subject to any inconsistent procedures and standards relating to reports and transmission of funds prescribed pursuant to Title 42 (relating to judiciary and judicial procedure):

(1) Following the fifteenth and last days of each month, every issuing authority shall prepare a statement, upon forms

1 prescribed and furnished by the department, of all fines
2 collected, bail forfeited, sentence imposed and final
3 disposition for all cases on violations of any provisions of
4 this title or under 18 Pa.C.S. § 6307 (relating to
5 misrepresentation of age to secure liquor or malt or brewed
6 beverages), 6308 (relating to purchase, consumption,
7 possession or transportation of liquor or malt or brewed
8 beverages) or 6310.3 (relating to carrying a false
9 identification card), including an adjudication of
10 delinquency or admission into a preadjudication program,
11 decided by the issuing authority in the semimonthly reporting
12 period just concluded. The statement shall be certified by
13 the issuing authority to be true and correct and shall be
14 forwarded to the department within the following week, with a
15 copy sent to the police department which filed the charge.
16 Any fines and bail forfeited payable to the Commonwealth
17 under Subchapter E of Chapter 35 of Title 42 (relating to
18 fines, etc.) shall accompany the report to the department.

19 (2) The report shall include the identifying number of
20 the citation, the name and residence address of the party
21 charged, the driver's license number, the registration number
22 of the vehicle involved, a description of the offense, the
23 section and subsection of the statute or ordinance violated,
24 the date of hearing, the plea, the judgment or whether bail
25 was forfeited, clear and concise reasons supporting the
26 adjudication, the sentence or amount of forfeiture and such
27 other information as the department may require.

28 (b) Use of reports by department.--The department shall
29 promptly enter the information contained in the reports in the
30 records of the persons involved in order to effect swift

1 execution of the provisions of Subchapter B of Chapter 15
2 (relating to a comprehensive system for driver education and
3 control).

4 § 6323. Reports by courts.

5 Subject to any inconsistent procedures and standards relating
6 to reports and transmission of funds prescribed pursuant to
7 Title 42 (relating to judiciary and judicial procedure):

8 (1) The clerk of any court of this Commonwealth, within
9 ten days after final judgment of conviction or acquittal or
10 other disposition of charges under any of the provisions of
11 this title [or], under section 13 of the act of April 14,
12 1972 (P.L.233, No.64), known as The Controlled Substance,
13 Drug, Device and Cosmetic Act, or under 18 Pa.C.S. § 6307
14 (relating to misrepresentation of age to secure liquor or
15 malt or brewed beverages), 6308 (relating to purchase,
16 consumption, possession or transportation of liquor or malt
17 or brewed beverages) or 6310.3 (relating to carrying a false
18 identification card), including an adjudication of
19 delinquency, admission into a preadjudication program or the
20 granting of a consent decree, shall send to the department a
21 record of the judgment of conviction, acquittal or other
22 disposition.

23 (2) A record of the judgment shall also be forwarded to
24 the department upon conviction or acquittal of a person of a
25 felony, a misdemeanor of the first degree or a misdemeanor of
26 the second degree in the commission of which the judge
27 determines that a motor vehicle was essentially involved.

28 (3) The fines and bail forfeited under any of the
29 provisions of this title payable to the Commonwealth under
30 Subchapter E of Chapter 35 of Title 42 (relating to fines,

etc.) shall accompany the record sent to the department.

(4) The record of judgment required to be sent to the department by paragraphs (1) and (2) shall indicate if the vehicle driven by the person was a commercial motor vehicle.

SECTION 3. TITLE 75 IS AMENDED BY ADDING A CHAPTER TO READ:

<—

CHAPTER 84

PUBLIC-PRIVATE TRANSPORTATION PARTNERSHIP

SEC.

8401. DECLARATION OF POLICY.

8402. DEFINITIONS.

8403. NEW TRANSPORTATION FACILITIES.

8404. EXISTING TRANSPORTATION FACILITIES.

8405. CONSTRUCTION.

8406. CONTRACTING FOR LAW ENFORCEMENT SERVICES.

8407. PILOT PROJECTS AND EXPANSION OF PROGRAM.

8408. PENNSYLVANIA INFRASTRUCTURE BANK.

§ 8401. DECLARATION OF POLICY.

THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

(1) AN EFFICIENT TRANSPORTATION SYSTEM IS ESSENTIAL FOR THIS COMMONWEALTH'S ECONOMIC WELL-BEING AND FOR THE MAINTENANCE OF A HIGH QUALITY OF LIFE FOR THE PEOPLE.

(2) PUBLIC SOURCES OF REVENUE TO PROVIDE FOR AN EFFICIENT TRANSPORTATION SYSTEM HAVE NOT KEPT PACE WITH THIS COMMONWEALTH'S GROWING TRANSPORTATION NEEDS, AND ALTERNATIVE FUNDING SOURCES SHOULD BE DEVELOPED TO AUGMENT OR SUPPLEMENT AVAILABLE PUBLIC SOURCES OF REVENUE.

(3) ONE IMPORTANT ALTERNATIVE IS PRIVATELY FUNDED TRANSPORTATION PROJECTS, WHEREBY PRIVATE FIRMS OBTAIN EXCLUSIVE AGREEMENTS TO DEVELOP ALL OR A PORTION OF A PUBLIC TRANSPORTATION FACILITY OR REHABILITATE, IMPROVE OR OPERATE

1 AN EXISTING TRANSPORTATION FACILITY.

2 (4) DURING THE TERM OF THE DEVELOPMENT AGREEMENT THE
3 PRIVATE FIRM MAY OWN OR LEASE THE TRANSPORTATION FACILITY
4 FROM THE COMMONWEALTH AND CHARGE TOLLS, USER FEES OR ANNUAL
5 LEASE PAYMENTS SUFFICIENT TO RETIRE THE PRIVATE INVESTMENT IN
6 THE TRANSPORTATION PROJECT, INCLUDING A REASONABLE RETURN ON
7 INVESTMENT, OPERATE AND MAINTAIN THE TRANSPORTATION FACILITY,
8 RETIRE ANY OUTSTANDING DEBT ISSUED IN SUPPORT OF THE PROJECT
9 AND MAKE LEASE PAYMENTS TO THE COMMONWEALTH.

10 (5) PRIVATELY FINANCED TRANSPORTATION PROJECTS ALLOW FOR
11 JOINT VENTURES OF PRIVATE FIRMS AND PUBLIC ENTITIES THAT DO
12 ALL OF THE FOLLOWING:

13 (I) TAKE ADVANTAGE OF PRIVATE SECTOR EFFICIENCIES IN
14 DESIGNING AND BUILDING TRANSPORTATION PROJECTS.

15 (II) ALLOW FOR THE RAPID FORMATION OF CAPITAL
16 NECESSARY FOR FUNDING TRANSPORTATION PROJECTS.

17 (III) MORE QUICKLY BRING REDUCTIONS IN CONGESTION IN
18 NEW AND EXISTING TRANSPORTATION CORRIDORS.

19 (IV) OFFER THE TRAVELING PUBLIC ALTERNATIVES TO THE
20 PUBLIC TRANSPORTATION FACILITIES NOW AVAILABLE OR WHICH
21 REASONABLY CAN BE MADE AVAILABLE IN LIGHT OF LIMITED
22 PUBLIC FUNDS.

23 (6) THE DEPARTMENT SHOULD BE PERMITTED AND ENCOURAGED TO
24 TEST THE FEASIBILITY OF PRIVATELY BUILT AND OPERATED
25 TRANSPORTATION FACILITIES.

26 § 8402. DEFINITIONS.

27 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
28 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
29 CONTEXT CLEARLY INDICATES OTHERWISE:

30 "DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE

1 COMMONWEALTH.

2 "PRIVATE FIRM." AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
3 UNINCORPORATED ASSOCIATION OR A CONSORTIUM THEREOF WHO OR WHICH
4 ENTERS INTO AN AGREEMENT WITH THE DEPARTMENT PURSUANT TO ANY OF
5 THE PROVISIONS OF THIS ACT.

6 "TRANSPORTATION FACILITY." ALL OR ANY PORTION OF THE
7 COMMONWEALTH'S TRANSPORTATION SYSTEM, INCLUDING, BUT NOT LIMITED
8 TO, HIGHWAYS, ROADS, BRIDGES, RIGHTS-OF-WAY, VEHICLES AND
9 EQUIPMENT, PORTS AND MARINE-RELATED FACILITIES, PARK AND RIDE
10 LOTS, COMMUTER FACILITIES, RAIL AND OTHER TRANSIT SYSTEMS, REST
11 AREAS, TOURIST INFORMATION CENTERS, TUNNELS, AIRPORTS,
12 TRANSPORTATION MANAGEMENT SYSTEMS, COMMUNICATION AND INFORMATION
13 SYSTEMS, TOLL COLLECTION SYSTEMS, INTERMODAL TRANSFER CENTER OR
14 ANY COMBINATION OF THE ABOVE.

15 § 8403. NEW TRANSPORTATION FACILITIES.

16 (A) DEPARTMENT POWERS AND DUTIES.--THE DEPARTMENT SHALL HAVE
17 THE POWER TO SOLICIT PROPOSALS AND ENTER INTO AGREEMENTS WITH
18 PRIVATE FIRMS OR CONSORTIA OF PRIVATE FIRMS FOR THE
19 CONSTRUCTION, OWNERSHIP, LEASE OR OPERATION OF TRANSPORTATION
20 FACILITIES. THE DEPARTMENT MAY EXERCISE ANY POWER POSSESSED BY
21 IT, INCLUDING, BUT NOT LIMITED TO, EMINENT DOMAIN, TO FACILITATE
22 THE DEVELOPMENT, CONSTRUCTION, FINANCING, OPERATION AND
23 MAINTENANCE OF HIGHWAY PROJECTS UNDER THIS ACT.

24 (B) SELECTION OF PROJECTS.--THE DEPARTMENT MAY DEVELOP THE
25 CONCEPT FOR TRANSPORTATION FACILITY PROJECTS ON ITS OWN AND IT
26 MAY SOLICIT OR ACCEPT SUGGESTIONS FOR TRANSPORTATION FACILITY
27 PROJECTS FROM INTERESTED PERSONS. IN SELECTING THE PRIVATE FIRM
28 TO CONSTRUCT, REHABILITATE, IMPROVE OR OPERATE A TRANSPORTATION
29 FACILITY, THE DEPARTMENT IS NOT REQUIRED TO FOLLOW EXISTING
30 STATUTES, REGULATIONS OR POLICIES GOVERNING BIDDING OR

1 PROCUREMENT; INSTEAD THE DEPARTMENT SHALL SOLICIT PROPOSALS AND
2 SELECT FROM AMONG THEM USING A FAIR, OPEN, COMPETITIVE PROCESS
3 DESIGNED TO FIT THE NEEDS OF THE PARTICULAR TRANSPORTATION
4 FACILITY PROJECT.

5 (C) STATE AND LOCAL APPROVAL.--PRIOR TO COMMENCING
6 CONSTRUCTION, TRANSPORTATION FACILITY PROJECTS DEVELOPED UNDER
7 THIS SECTION SHALL BE APPROVED THROUGH THE APPLICABLE STATEWIDE
8 AND LOCAL PLANNING AND PROGRAMMING PROCESS TO THE EXTENT THAT
9 SUCH PROJECTS WOULD HAVE BEEN REQUIRED TO BE APPROVED IF THEY
10 WERE SOLELY PUBLIC PROJECTS. THE PROCESS SHALL GIVE
11 CONSIDERATION TO THE UNIQUE CHARACTERISTICS INVOLVED WITH
12 PRIVATE FINANCING AND DEVELOPMENT.

13 (D) RIGHTS-OF-WAY, EASEMENTS AND PERMITS.--FOR THE PURPOSE
14 OF FACILITATING TRANSPORTATION FACILITY PROJECTS, THE AGREEMENTS
15 MAY INCLUDE PROVISIONS FOR THE LEASE OF FACILITIES AND RIGHTS-
16 OF-WAY IN AND AIRSPACE OVER OR UNDER STATE PROPERTY, FOR THE
17 GRANTING OF NECESSARY EASEMENTS AND FOR THE ISSUANCE OF PERMITS
18 OR OTHER AUTHORIZATIONS TO ENABLE THE PRIVATE FIRM TO CARRY OUT
19 THE PROJECTS. THE AGREEMENT MAY ALSO PROVIDE THE PRIVATE FIRM
20 THE RIGHT OF FIRST REFUSAL TO UNDERTAKE PROJECTS UTILIZING
21 AIRSPACE OWNED BY THE DEPARTMENT.

22 (E) LEASES.--A TRANSPORTATION FACILITY CONSTRUCTED,
23 REHABILITATED OR IMPROVED BY A PRIVATE FIRM UNDER THIS ACT SHALL
24 AT ALL TIMES BE OWNED BY THE COMMONWEALTH, UNLESS THE DEPARTMENT
25 ELECTS TO PROVIDE FOR PRIVATE OWNERSHIP DURING ALL OR PART OF
26 THE TERM OF THE AGREEMENT. THE AGREEMENT SHALL PROVIDE FOR THE
27 OWNERSHIP BY OR THE LEASE OF THE TRANSPORTATION FACILITY TO THE
28 PRIVATE FIRM FOR UP TO 50 YEARS. IN CONSIDERATION THEREFOR, THE
29 AGREEMENT SHALL PROVIDE FOR COMPLETE REVERSION OF THE PRIVATELY
30 CONSTRUCTED, REHABILITATED OR IMPROVED TRANSPORTATION FACILITY

1 TO THE COMMONWEALTH AT THE NATURAL EXPIRATION OF THE LEASE AT NO
2 CHARGE TO THE COMMONWEALTH.

3 (F) MAINTENANCE SERVICE AGREEMENTS.--THE CONTRACT MAY
4 PROVIDE THAT THE PRIVATE FIRM SHALL BE RESPONSIBLE FOR
5 MAINTENANCE AND REPAIR OF THE TRANSPORTATION FACILITY. HOWEVER,
6 THE PRIVATE FIRM MAY ENTER INTO AGREEMENTS WITH THE DEPARTMENT
7 TO PROVIDE MAINTENANCE OR REPAIRS. AGREEMENTS FOR MAINTENANCE OR
8 REPAIR SERVICES ENTERED INTO UNDER THIS CHAPTER MAY PROVIDE FOR
9 FULL REIMBURSEMENT TO THE COMMONWEALTH FOR SERVICES RENDERED BY
10 THE DEPARTMENT AND REIMBURSEMENT PAY BE IN CASH OR IN KIND AS
11 SPECIFIED BY THE DEPARTMENT.

12 (G) RETURN ON PRIVATE INVESTMENT.--AGREEMENTS ENTERED INTO
13 UNDER THIS ACT MAY AUTHORIZE THE PRIVATE FIRM TO IMPOSE FEES OR
14 TOLLS FOR THE USE OF A TRANSPORTATION FACILITY CONSTRUCTED,
15 IMPROVED, REHABILITATED OR OPERATED BY IT AND SHALL REQUIRE THAT
16 OVER THE TERM OF THE LEASE THE FEES OR THE TOLL REVENUES BE
17 APPLIED TO PAYMENT OF THE PRIVATE FIRM'S CAPITAL OUTLAY COSTS
18 FOR THE TRANSPORTATION FACILITY PROJECT, THE COSTS ASSOCIATED
19 WITH OPERATIONS, TOLL COLLECTION AND ADMINISTRATION OF THE
20 PROJECT, REIMBURSEMENT TO THE STATE FOR THE COSTS OF SERVICES
21 PROVIDED FOR THE TRANSPORTATION FACILITY AND A REASONABLE RETURN
22 ON INVESTMENT TO THE PRIVATE FIRM. THE AGREEMENT MAY REQUIRE
23 THAT ANY EXCESS REVENUE BE APPLIED TO ANY INDEBTEDNESS INCURRED
24 BY THE PRIVATE FIRM WITH RESPECT TO THE PROJECT OR BE PAID INTO
25 THE MOTOR LICENSE FUND. SUBSEQUENT TO EXPIRATION OF THE LEASE OF
26 A TRANSPORTATION FACILITY TO A PRIVATE FIRM, THE DEPARTMENT MAY
27 CONTINUE TO CHARGE FEES OR TOLLS FOR USE OF THE TRANSPORTATION
28 FACILITY. THE AGREEMENT SHALL DETERMINE A NEGOTIATED MAXIMUM
29 RATE OF RETURN ON INVESTMENT BASED ON PROJECT CHARACTERISTICS.
30 FOR THE PURPOSES OF THIS SUBSECTION, CAPITAL OUTLAY COSTS

1 INCLUDE INTEREST, EXPENSE, DEVELOPMENT COSTS, PERMITTING COSTS,
2 DESIGN AND CONSTRUCTION COSTS, COSTS ASSOCIATED WITH THE
3 DEPARTMENT'S REVIEW AND OVERSIGHT FUNCTIONS, AND COSTS
4 ASSOCIATED WITH ESTABLISHMENT OF A FUND TO ASSURE THE ADEQUACY
5 OF MAINTENANCE AND REPAIR EXPENDITURES.

6 (H) PLANS AND SPECIFICATIONS.--THE PLANS AND SPECIFICATIONS
7 FOR EACH PROJECT CONSTRUCTED PURSUANT TO THIS SECTION SHALL
8 COMPLY WITH THE DEPARTMENT'S STANDARDS FOR TRANSPORTATION
9 FACILITIES, EXCEPT THAT INNOVATIVE DESIGN AND CONSTRUCTION
10 METHODS MAY BE USED BY THE PRIVATE ENTITY WHEN AUTHORIZED BY THE
11 DEPARTMENT.

12 (I) STATE HIGHWAY SYSTEM.--A HIGHWAY CONSTRUCTED BY AND
13 LEASED TO OR FROM A PRIVATE FIRM SHALL, DURING THE TERM OF THE
14 LEASE, BE DEEMED TO BE PART OF THE STATE HIGHWAY SYSTEM FOR
15 PURPOSES OF HIGHWAY IDENTIFICATION AND ENFORCEMENT OF TRAFFIC
16 AND FEE OR TOLL EVASION LAWS.

17 (J) FEDERAL OR STATE FUNDS OR OTHER RESOURCES.--NOTHING IN
18 THIS SECTION SHALL PROHIBIT THE USE OF AVAILABLE FEDERAL OR
19 STATE FUNDS OR OTHER RESOURCES TO SUPPLEMENT PRIVATE FUNDING OF
20 A TRANSPORTATION FACILITY PROJECT. TERMS AND CONDITIONS OF THE
21 FEDERAL OR STATE FUNDING SHALL BE INCLUDED IN THE AGREEMENT
22 ENTERED INTO BY THE DEPARTMENT AND THE PRIVATE FIRM.

23 (K) ENVIRONMENTAL CLEARANCES.--THE DEPARTMENT SHALL NOT BE
24 REQUIRED TO COMPLY WITH THE PROVISIONS OF SECTION 2002(B) OF THE
25 ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE
26 ADMINISTRATIVE CODE OF 1929, UNTIL AFTER A CONTRACT FOR THE
27 TRANSPORTATION FACILITY PROJECT IS AWARDED. THE DEPARTMENT MAY
28 REQUIRE THAT THE PRIVATE FIRM WHICH IS AWARDED THE CONTRACT
29 SECURE ALL NECESSARY ENVIRONMENTAL CLEARANCES PRIOR TO
30 COMMENCING ANY CONSTRUCTION ON THE PROJECT.

(L) ADDITIONAL TERMS.--AGREEMENTS UNDER THIS ACT MAY INCLUDE ANY CONTRACTUAL PROVISION THAT, IN THE DEPARTMENT'S SOLE DISCRETION, IS APPROPRIATE TO THE PARTICULAR PROJECT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE AGREEMENT MAY PERMIT COMMERCIAL ENTERPRISES OR ACTIVITIES IN ANY NEW OR EXISTING TRANSPORTATION FACILITY.

§ 8404. EXISTING TRANSPORTATION FACILITIES.

THE DEPARTMENT SHALL HAVE THE POWER TO SOLICIT PROPOSALS AND ENTER INTO CONTRACTS WITH PRIVATE FIRMS OR CONSORTIA OF PRIVATE FIRMS TO IMPROVE, REHABILITATE, OPERATE, USE OR MAKE CAPITAL IMPROVEMENTS TO EXISTING STATE TRANSPORTATION FACILITIES OR PORTIONS THEREOF. TO THE EXTENT APPLICABLE, THE PROVISIONS OF SECTION 8403 (RELATING TO NEW TRANSPORTATION FACILITIES) SHALL APPLY TO TRANSPORTATION FACILITY PROJECTS UNDER THIS SECTION.

§ 8405. CONSTRUCTION.

A PRIVATE FIRM ENTERING INTO AN AGREEMENT WITH THE DEPARTMENT UNDER THIS CHAPTER SHALL BE A PUBLIC BODY FOR PURPOSES OF THE ACT OF AUGUST 15, 1961 (P.L.987, NO.442), KNOWN AS THE PENNSYLVANIA PREVAILING WAGE ACT.

§ 8406. CONTRACTING FOR LAW ENFORCEMENT SERVICES.

AGREEMENTS FOR LAW ENFORCEMENT SERVICES FOR PRIVATELY OPERATED TRANSPORTATION FACILITIES UNDER THIS CHAPTER MAY BE ENTERED INTO WITH ANY LAW ENFORCEMENT AGENCY AND SHALL PROVIDE FOR REIMBURSEMENT FOR SERVICES RENDERED BY THAT AGENCY.

§ 8407. PILOT PROJECTS AND EXPANSION OF PROGRAM.

THE DEPARTMENT IS AUTHORIZED TO ENTER INTO AGREEMENTS FOR A SUFFICIENT NUMBER OF PILOT TRANSPORTATION FACILITY PROJECTS TO DETERMINE THE EFFICACY OF PUBLIC-PRIVATE PARTNERSHIPS FOR TRANSPORTATION FACILITY PROJECTS. WITHIN TWO YEARS FROM THE DATE OF ENACTMENT OF THIS CHAPTER, THE DEPARTMENT SHALL PROVIDE A

1 WRITTEN REPORT TO THE TRANSPORTATION COMMITTEE OF THE SENATE AND
2 THE TRANSPORTATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES
3 SUMMARIZING ACTIVITIES UNDERTAKEN PURSUANT TO THIS CHAPTER.
4 AFTER SUBMITTING THE WRITTEN REPORT, THE DEPARTMENT SHALL BE
5 AUTHORIZED TO EXPAND THE PILOT PROGRAM ON A PERMANENT STATEWIDE
6 BASIS.

7 § 8408. PENNSYLVANIA INFRASTRUCTURE BANK.

8 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED A FUND TO BE
9 KNOWN AS THE PENNSYLVANIA INFRASTRUCTURE BANK. THE SECRETARY OF
10 TRANSPORTATION SHALL BE THE TREASURER-CUSTODIAN OF THE BANK. THE
11 BANK IS AUTHORIZED TO HOLD AND TO DISBURSE IN ACCORDANCE WITH
12 THIS SECTION ALL FEDERAL AND STATE FUNDS MADE AVAILABLE FOR ITS
13 USE.

14 (B) AUTHORIZATION.--THE BANK IS AUTHORIZED TO:

15 (1) MAKE LOANS TO OR ENTER INTO LEASES WITH QUALIFIED
16 BORROWERS TO FINANCE THE COSTS OF QUALIFIED PROJECTS AND TO
17 ACQUIRE, HOLD AND SELL BORROWER OBLIGATIONS EVIDENCING THE
18 LOANS.

19 (2) ENTER INTO GUARANTIES SECURED SOLELY BY OR PURCHASE
20 INSURANCE OR OTHER CREDIT ENHANCEMENT THROUGH AMOUNTS ON
21 DEPOSIT IN THE BANK.

22 (3) ENTER INTO CONTRACTS, ARRANGEMENTS AND AGREEMENTS TO
23 PROVIDE ASSISTANCE THROUGH AMOUNTS ON DEPOSIT IN THE BANK.
24 THE DEPARTMENT SHALL DETERMINE THE FORM AND CONTENT OF ANY
25 BORROWER OBLIGATION, INCLUDING THE TERMS AND RATE OF INTEREST
26 ON ANY LOANS OR LEASES.

27 (4) ENTER INTO CONTRACTS, ARRANGEMENTS AND AGREEMENTS
28 WITH OTHER PERSONS AND EXECUTE AND DELIVER ALL TRUST
29 AGREEMENTS, LOAN AGREEMENTS AND OTHER INSTRUMENTS NECESSARY
30 OR CONVENIENT TO THE EXERCISE OF THE POWERS GRANTED BY THIS

SECTION.

(5) ENTER INTO GRANT COOPERATIVE, OPERATING AND OTHER AGREEMENTS WITH THE UNITED STATES RELATING TO THE BANK.

(6) ESTABLISH AND COLLECT FEES, CHARGES AND INTEREST.

(7) ESTABLISH FISCAL CONTROLS AND ACCOUNTING PROCEDURES FOR THE BANK.

(8) ADOPT REGULATIONS, PROCEDURES OR GUIDELINES FOR THE BANK AND FOR ACCOUNTING PROCEDURES BY QUALIFIED BORROWERS FOR FINANCIAL ASSISTANCE AND PROJECTS.

(9) ESTABLISH ACCOUNTS AND SUBACCOUNTS IN THE BANK AS NECESSARY AND INVEST MONEYS HELD IN THE BANK.

(C) ADDITIONAL AUTHORIZATIONS.--THE BANK AND THE SECRETARY ARE AUTHORIZED TO TAKE ANY ACTIONS REQUIRED BY FEDERAL LAW OR REGULATION IN ORDER TO QUALIFY AS A STATE INFRASTRUCTURE BANK AND TO RECEIVE FEDERAL FUNDS MADE AVAILABLE TO STATE INFRASTRUCTURE BANKS.

(D) LIMITATIONS.--THE DEPARTMENT SHALL NOT BE AUTHORIZED TO BE A BANK, TRUST COMPANY, INSURANCE COMPANY OR DEALER IN SECURITIES SUBJECT TO ANY FEDERAL OR STATE BANKING OR INSURANCE REGULATING AGENCY, OR ANY SECURITIES, SECURITIES EXCHANGE OR SECURITIES DEALERS' LAW.

Section ~~4-3~~ 4. The provisions of 18 Pa.C.S. § 6310.4 are repealed.

SECTION 5. ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS THEY ARE INCONSISTENT WITH SECTION 3 OF THIS ACT.

Section ~~5-4~~ 6. This act shall take effect as follows:

(1) The amendment of 75 Pa.C.S. § 1532(d) shall take effect in 120 days.

(2) The amendment OR ADDITION of the ~~definition~~

DEFINITIONS of "emergency vehicle" AND "ISSUING AGENT" in 75

1 Pa.C.S. § 102 and of 75 Pa.C.S. ~~§ 4571(b) and (f)~~ §§ 1119(C), <—
2 1310(A) AND 1374(D) shall take effect in 60 days.
3 (3) Section ~~2-3~~ 4 of this act shall take effect in 120 <—
4 days.
5 (4) The remainder of this act shall take effect
6 immediately.