

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1470 Session of
1999

INTRODUCED BY MARSICO, BATTISTO, CLARK, GEIST, LYNCH,
McILHINNEY, McNAUGHTON, RAMOS, SNYDER, E. Z. TAYLOR, TULLI
AND YOUNGBLOOD, MAY 6, 1999

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 6, 1999

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for unlawful activities and for
3 police and Commonwealth inspections relating to vehicle
4 inspections.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 4107(d) of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended and the section is amended by
9 adding a subsection to read:

10 § 4107. Unlawful activities.

11 * * *

12 (b.1) Out-of-service criteria.--

13 (1) No person shall operate a motor carrier vehicle or
14 cause, permit, require or otherwise allow any other person to
15 operate a motor carrier vehicle in violation of the standards
16 set forth in the North American Uniform Out-of-Service
17 Criteria, as amended, and published by the Commercial Vehicle
18 Safety Alliance, which is hereby adopted as Commonwealth

1 standards.

2 (2) The department shall promulgate the provisions of
3 the North American Uniform Out-of-Service Criteria, as
4 amended, as regulations. Regulations under this paragraph
5 shall not be subject to the act of June 25, 1982 (P.L.633,
6 No.181), known as the Regulatory Review Act.

7 * * *

8 (d) Penalty.--

9 (1) A person who operates a motor carrier vehicle or a
10 bus in violation of subsection (b)(2) commits a summary
11 offense and, upon conviction, shall be sentenced to pay a
12 fine of \$25 per violation, except that the minimum fine for a
13 violation not related to driver's hours of service which
14 causes the driver or the vehicle to be placed out of service
15 under section 4704(c) (relating to inspection by police or
16 Commonwealth personnel) shall be \$50 per violation. The
17 maximum fine which may be levied on the basis of multiple
18 charges filed together shall be \$500.

19 (2) A person who causes [or], permits, requires or
20 otherwise allows another person to operate a motor carrier
21 vehicle or a bus in violation of subsection (b)(2) commits a
22 summary offense and, upon conviction, shall be sentenced to
23 pay a fine of \$50 per violation, except that the minimum fine
24 for a violation not related to driver's hours of service
25 which causes the driver or the vehicle to be placed out of
26 service under section 4704(c) shall be \$100 per violation.
27 The maximum fine which may be levied on the basis of multiple
28 charges filed together shall be \$1,000.

29 (3) Any person who violates subsection (b.1), as it
30 relates to driver's hours of service, commits a summary

1 offense and shall, upon conviction, be sentenced to pay a
2 fine of \$500 per violation.

3 * * *

4 Section 2. Section 4704(c) of Title 75 is amended to read:

5 § 4704. Inspection by police or Commonwealth personnel.

6 * * *

7 (c) Operation prohibited if hazardous.--

8 (1) In the event a vehicle or a mass transit vehicle, or
9 its equipment, load or driver, in the reasonable judgment of
10 the officer or qualified Commonwealth employee, is in such
11 condition that further operation would be hazardous, the
12 officer or qualified Commonwealth employee may require that
13 the vehicle or the mass transit vehicle not be operated under
14 its own power or that the driver discontinue driving, or
15 both, and may so stipulate in the notice given under
16 subsection (b). In the case of motor carrier vehicles or
17 their drivers, all such determinations shall be based on out-
18 of-service criteria established in department regulations.

19 (2) In the event a motor carrier vehicle or mass transit
20 vehicle is involved in an accident that causes the death of
21 the vehicle operator or another person, the motor carrier
22 vehicle or mass transit vehicle shall be inspected by a
23 qualified Commonwealth employee, as designated by the
24 department in accordance with the provisions of subsection
25 (f), before the vehicle or driver will be allowed to continue
26 operation.

27 * * *

28 Section 3. This act shall take effect in 60 days.