

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2101 Session of
2011

INTRODUCED BY HANNA, DECEMBER 20, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, DECEMBER 20, 2011

AN ACT

1 Amending Titles 74 (Transportation) and 75 (Vehicles) of the
2 Pennsylvania Consolidated Statutes, providing for intermodal
3 transportation; further providing for definitions, for
4 registration periods, for display of registration plates, for
5 driver's license examinations, for expiration and renewal of
6 drivers' licenses, for required financial responsibility, for
7 speed timing devices, for inspection certificate violations,
8 for display of unauthorized material and for surcharges; and
9 making a related repeal.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Title 74 of the Pennsylvania Consolidated
13 Statutes is amended by adding a part to read:

14 PART V

15 INTERMODAL TRANSPORTATION

16 Chapter

17 90. (Reserved)

18 91. Funding

19 CHAPTER 90

20 (RESERVED)

21 CHAPTER 91

22 FUNDING

1 Sec.

2 9101. Intermodal Transportation Fund.

3 § 9101. Intermodal Transportation Fund.

4 (a) Establishment.--A special fund is established within the
5 State Treasury to be known as the Intermodal Transportation
6 Fund. Money in the fund is appropriated, upon approval of the
7 Governor, to the Department of Transportation for the purposes
8 set forth under this section.

9 (b) Deposits to the fund.--The following shall be deposited
10 into the fund:

11 (1) All surcharges levied under 75 Pa.C.S. § 6506(a)
12 (relating to surcharge).

13 (2) Other appropriations, deposits or transfers to the
14 fund.

15 (3) All interest earned on money in the fund.

16 (c) Use of revenues.--Money in the fund shall be used by the
17 department for all of the following:

18 (1) To provide financial assistance through the
19 department's programs relating to aviation, rail freight,
20 passenger rail, ports and waterways.

21 (2) For payment of costs incurred directly by the
22 department in the administration of the programs specified
23 under paragraph (1).

24 (3) For payment of costs for activities initiated or
25 undertaken directly by the department with reference to the
26 programs specified under paragraph (1).

27 Section 2. Section 102 of Title 75 is amended by adding a
28 definition to read:

29 § 102. Definitions.

30 Subject to additional definitions contained in subsequent

provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Model year." The calendar year so designated by a recognized manufacturer of a vehicle as the model year for a particular vehicle.

* * *

Section 3. Section 1307(a), (b) and (c) of Title 75 are amended and the section is amended by adding a subsection to read:

§ 1307. Period of registration.

(a) Staggered renewal system to be established.--The department shall establish a system of staggered registration renewal in a manner that an approximately equal number of registrations will expire every month throughout [the year] a two-year period. In order to implement and maintain the staggered registration system, the department may prorate annual registration fees over registration periods of from 6 to [18] 30 months.

* * *

(b) New registration.--A new registration is effective on the date of issuance of a registration card by the department or the date of issuance of a temporary registration card by an authorized agent of the department under section 1310 (relating to temporary registration cards). Except as otherwise indicated in this chapter, a new registration shall expire two years after the last day of the month preceding either the date of issuance of a registration card by the department or the date of issuance

1 of a temporary registration card by either the department or an
2 authorized agent of the department, whichever occurs first.

3 (c) Renewal of registration.--A renewed registration shall
4 be effective on issuance by the department of a renewed
5 registration card. Except as otherwise indicated in this
6 chapter, a renewed registration shall expire as follows:

7 (1) If a registration is renewed before two months have
8 elapsed since its scheduled expiration, the renewed
9 registration shall expire two years after the last day of the
10 month in which it had been scheduled to expire.

11 (2) If a registration is renewed after two months have
12 elapsed since expiration, the renewed registration shall
13 expire two years after the last day of the month preceding
14 the date of issuance of the renewed registration.

15 * * *

16 (g) International Registration Plan.--Vehicles registered
17 under the International Registration Plan shall be subject to
18 annual registration renewal.

19 Section 4. Sections 1332 and 1508 of Title 75 are amended by
20 adding subsections to read:

21 § 1332. Display of registration plate.

22 * * *

23 (a.1) Validating registration stickers.--Validating
24 registration stickers shall no longer be issued or required to
25 be displayed.

26 * * *

27 § 1508. Examination of applicant for driver's license.

28 * * *

29 (e) Third party testing.--The department may authorize a
30 third party to administer the portion of the examination that

1 demonstrates the applicant's ability to exercise ordinary and
2 reasonable control in the operation of a motor vehicle of the
3 type or class of vehicles for which the applicant desires a
4 license to drive. Third party providers shall only administer
5 exams required in this section if:

6 (1) The test is the same test as that which would
7 otherwise be administered by the department.

8 (2) The third party has entered into an agreement with
9 the department, and that agreement has not been terminated by
10 the department.

11 (f) Driver License Examiners.--No layoffs shall occur in the
12 classification known as Driver's License Examiner as a result of
13 this section.

14 Section 5. Section 1514(a) and (e)(2) of Title 75 are
15 amended and the section is amended by adding subsections to
16 read:

17 § 1514. Expiration and renewal of drivers' licenses.

18 (a) General rule.--[Every] Except as otherwise indicated,
19 every driver's license shall expire on the day after the
20 licensee's birthdate [at intervals of not more than four years
21 as may be determined by the department] not less than 85 months
22 nor more than 96 months from the date of validation by the
23 department. Every license shall be renewable on or before its
24 expiration upon application, payment of the required fee, and
25 satisfactory completion of any examination required or
26 authorized by this chapter.

27 (a.1) Hazardous materials endorsement.--A driver's license
28 containing a hazardous materials endorsement shall expire on the
29 day after the licensee's birthday not less than 49 months nor
30 more than 60 months from the date of validation by the

1 department.

2 (a.2) Senior license.--Upon submission of an application
3 along with the appropriate fee, a person at least 65 years of
4 age may request a two-year driver's license which shall expire
5 on the day after the birthdate of the licensee not less than 13
6 months nor more than 24 months from the date of validation by
7 the department.

8 (a.3) Staggered renewals.--The department shall establish a
9 system of staggered driver's license renewals in a manner that
10 an approximately equal number of drivers' licenses will expire
11 annually throughout an eight-year period. In order to implement
12 and maintain the staggered driver's license renewal system, the
13 department may issue driver's licenses for periods of 37 months
14 to 96 months.

15 * * *

16 (e) Noncitizen license expiration and renewal.--

17 * * *

18 (2) If the expiration date of the INS credentials or
19 documents exceeds [four] eight years, the license shall
20 expire one day after the applicant's date of birth but not
21 more than [four] eight years from the date of issuance of the
22 license.

23 * * *

24 (f) Identification cards.--Identification cards will be
25 subject to the expiration and renewal guidelines set forth in
26 this section.

27 Section 6. Section 1786(d)(1) and (2) introductory paragraph
28 and (e) heading, (2) and (3) are amended and subsections (d) and
29 (e) are amended by adding paragraphs to read:

30 § 1786. Required financial responsibility.

1 * * *

2 (d) Suspension of registration and operating privilege.--

3 (1) [The] Except as provided under paragraph (1.1), the
4 Department of Transportation shall suspend the registration
5 of a vehicle for a period of three months if it determines
6 the required financial responsibility was not secured as
7 required by this chapter and shall suspend the operating
8 privilege of the owner or registrant for a period of three
9 months if the department determines that the owner or
10 registrant has operated or permitted the operation of the
11 vehicle without the required financial responsibility. The
12 operating privilege shall not be restored until the
13 restoration fee for operating privilege provided by section
14 1960 (relating to reinstatement of operating privilege or
15 vehicle registration) is paid.

16 (1.1) An owner or registrant shall have the option of
17 proceeding under this paragraph instead of serving a
18 registration suspension imposed under this section. If an
19 owner or registrant proceeds under this paragraph, he or she
20 shall do all of the following:

21 (i) Pay to the department a civil penalty of \$500.

22 (ii) Pay the restoration fee for operating privilege
23 provided under section 1960.

24 (iii) Furnish proof of financial responsibility in a
25 manner determined by the department.

26 (2) Whenever the department revokes or suspends the
27 registration of any vehicle under this chapter, the
28 department shall not restore or transfer the registration
29 until the suspension has been served or the civil penalty has
30 been paid to the department and the vehicle owner furnishes

1 proof of financial responsibility in a manner determined by
2 the department and submits an application for registration to
3 the department, accompanied by the fee for restoration of
4 registration provided by section 1960. This subsection shall
5 not apply in the following circumstances:

6 * * *

7 (e) Obligations upon issuance, lapse, termination or
8 cancellation of financial responsibility.--

9 * * *

10 (2) An insurer who has issued a contract of motor
11 vehicle liability insurance, or any approved self-insurance
12 entity, shall notify the department [in a timely manner] of
13 the issuance within 24 hours and in a method prescribed by
14 the [department's regulations] department. [Upon request of
15 an owner or registrant in the case of an appeal brought by an
16 owner or registrant for suspension under this section, an
17 insurer shall provide a copy of the notice of cancellation or
18 a copy of the insurer's filing procedures with proof that the
19 notice was written in the normal course of business and
20 placed in the normal course of mailing. The department shall
21 not be required to produce such copy or any other proof that
22 notice of termination, lapse or cancellation was provided to
23 the owner or registrant in order to satisfy the burden of
24 proof in a proceeding under this section.]

25 (2.1) Upon request by the department, an insurer shall
26 notify the department of all vehicles for which it is
27 providing vehicle liability insurance on the date of the
28 request. The insurer shall submit the information as
29 prescribed by the department.

30 (3) An insurer who has issued a contract of motor

1 vehicle liability insurance [and knows or has reason to
2 believe that the contract is only for the purpose of
3 providing proof of financial responsibility] shall notify the
4 department if the insurance has lapsed or been canceled or
5 terminated by the insured or by the insurer. The insurer
6 shall notify the department not later than ten days following
7 the effective date of the cancellation or termination. Upon
8 request of a motor vehicle owner or if an appeal is brought
9 by an owner or registrant for suspension under this section,
10 an insurer shall provide a copy of the notice of termination,
11 lapse or cancellation or a copy of the insurer's filing
12 procedures with proof that the notice was written in the
13 normal course of business and placed in the normal course of
14 mailing. The department shall not be required to produce the
15 copy or any other proof that notice of termination, lapse or
16 cancellation was provided to the owner or registrant in order
17 to satisfy the burden of proof in a proceeding under this
18 section.

19 * * *

20 (6) Upon the request of the department, an insurer shall
21 verify whether a contract of motor vehicle liability
22 insurance has been issued for a vehicle.

23 (7) Certification by the department that it was unable
24 to verify the existence of insurance shall:

25 (i) be admissible into evidence,

26 (ii) be prima facie evidence of the absence of
27 required financial responsibility for the purposes of
28 this section; and

29 (iii) establish a presumption that the coverage does
30 not exist.

* * *

Section 7. Section 3368(c)(2) of Title 75 is amended,
subsection (c) is amended by adding a paragraph and the section
is amended by adding subsections to read:

§ 3368. Speed timing devices.

* * *

(c) Mechanical, electrical and electronic devices
authorized.--

* * *

(2) Except as otherwise provided in [paragraph (3)]
paragraphs (3) and (3.1), electronic devices such as radio-
microwave devices (commonly referred to as electronic speed
meters or radar) may be used only by members of the
Pennsylvania State Police.

* * *

(3.1) The department or its agents or contractors may
operate the devices authorized under paragraphs (2) and (3)
for the purpose of measuring and calculating the rate of
speed of vehicles in active work zones.

* * *

(f) Owner liability.--For each violation under subsection
(c)(3.1), the owner of the vehicle shall be liable for the
penalty imposed unless the owner is convicted of the same
violation under another section of this title or has a defense
under subsection (i).

(g) Certificate as evidence.--A certificate, or a facsimile
of a certificate, based upon inspection of measurements recorded
by the devices operated under subsection (c)(3.1) and sworn to
or affirmed by a police officer shall be prima facie evidence of
the facts contained in it. The certificate must include written

1 documentation that the mechanical, electrical or electronic
2 timing device was operating correctly at the time of the alleged
3 violation.

4 (h) Penalty.--

5 (1) The penalty for a violation under subsection (c)
6 (3.1) shall be the fines set forth under section 3365(d)
7 (relating to penalty).

8 (2) A penalty imposed under this section shall not be
9 deemed a criminal conviction and shall not be made part of
10 the operating record under section 1535 (relating to schedule
11 of convictions and points) of the individual upon whom the
12 penalty is imposed, nor may the imposition of the penalty be
13 subject to merit rating for insurance purposes.

14 (i) Defenses.--

15 (1) It shall be a defense to a violation under
16 subsection (c) (3.1) that the person named in the notice of
17 the violation was not operating the vehicle at the time of
18 the violation. The owner may be required to submit evidence
19 that the owner was not the driver at the time of the alleged
20 violation. The owner of the vehicle may not be required to
21 disclose the identity of the operator of the vehicle at the
22 time of the violation.

23 (2) If an owner receives a notice of violation under
24 this section of a time period during which the vehicle was
25 reported to a police department of any state or municipality
26 as having been stolen, it shall be a defense to a violation
27 under this section that the vehicle has been reported to a
28 police department as stolen prior to the time the violation
29 occurred and had not been recovered prior to that time.

30 (3) It shall be a defense to a violation under this

1 section that the person receiving the notice of violation was
2 not the owner of the vehicle at the time of the offense.

3 (j) Notice to owner.--In the case of a violation involving a
4 motor vehicle registered under the laws of this Commonwealth,
5 the notice of violation must be mailed within 30 days after the
6 commission of the violation or within 30 days after the
7 discovery of the identity of the registered owner, whichever is
8 later, and not thereafter to the address of the registered owner
9 as listed in the records of the department. In the case of motor
10 vehicles registered in jurisdictions other than this
11 Commonwealth, the notice of violation must be mailed within 30
12 days after the discovery of the identity of the registered
13 owner, and not thereafter to the address of the registered owner
14 as listed in the records of the official in the jurisdiction
15 having charge of the registration of the vehicle. A notice of
16 violation under this section must be provided to an owner within
17 90 days of the commission of the offense.

18 (k) Mailing of notice and records.--Notice of violation must
19 be sent by first class mail. A manual or automatic record of
20 mailing prepared by the system administrator in the ordinary
21 course of business shall be prima facie evidence of mailing and
22 shall be admissible in any judicial or administrative proceeding
23 as to the facts contained in it.

24 Section 8. Section 4703 of Title 75 is amended by adding a
25 subsection to read:

26 § 4703. Operation of vehicle without official certificate of
27 inspection.

28 * * *

29 (d.1) New motor vehicles.--A current model year motor
30 vehicle, other than a motor carrier vehicle, never before

1 registered in this Commonwealth or any other jurisdiction and
2 which has less than 5,000 miles on its odometer shall be exempt
3 from the safety inspection requirement for two years from the
4 date of original sale. A certificate of exemption shall be
5 affixed to the vehicle in a manner prescribed by the department.

6 * * *

7 Section 9. Section 6125(b) of Title 75 is amended to read:

8 § 6125. Display of unauthorized signs, signals or markings.

9 * * *

10 (b) Commercial advertising on signs or signals.--[No]

11 (1) Except as provided under paragraph (2), no person
12 shall place or maintain nor shall any public authority permit
13 upon any highway any official traffic-control device
14 containing any commercial advertising except for business
15 signs included as a part of official motorist service panels
16 or roadside area information panels approved by the
17 department.

18 (2) The department may, except as provided under Federal
19 law, lease space for commercial advertising upon any official
20 traffic-control device.

21 * * *

22 Section 10. Section 6506 of Title 75 is amended by adding a
23 subsection to read:

24 § 6506. Surcharge.

25 * * *

26 (c) Disposition.--Notwithstanding the provisions of 42
27 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines,
28 etc.) and 3573 (relating to municipal corporation portion of
29 fines, etc.):

30 (1) For fiscal year 2012-2013 and each fiscal year

1 thereafter, all surcharges levied and collected under
2 subsection (a) by any division of the unified judicial system
3 existing under section 1 of Article V of the Constitution of
4 Pennsylvania and 42 Pa.C.S. § 301 (relating to unified
5 judicial system) shall be remitted to the Commonwealth for
6 deposit in the Intermodal Transportation Fund.

7 (2) If the surcharge is being paid in installments, the
8 surcharge shall be remitted on each installment.

9 Section 11. Repeals are as follows:

10 (1) The General Assembly declares that the repeal under
11 paragraph (2) is necessary to effectuate the following:

12 (i) The addition of 74 Pa.C.S. § 9101.

13 (ii) The addition of 75 Pa.C.S. § 6506(c).

14 (2) Section 1798-E of the act of April 9, 1929 (P.L.343,
15 No.176), known as The Fiscal Code, is repealed.

16 Section 12. This act shall take effect in 60 days.