

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1086 Session of  
2015

INTRODUCED BY RAFFERTY, COSTA, EICHELBERGER, TEPLITZ, FONTANA,  
RESCHENTHALER, WHITE, VULAKOVICH AND BROWNE,  
DECEMBER 11, 2015

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 17, 2016

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in registration of vehicles, further providing for  
3 display of registration plate and for surrender of  
4 registration plates and cards upon suspension or revocation  
5 and providing for suspension of registration upon unpaid  
6 tolls; and, in fees, further providing for reinstatement of  
7 operating privilege or vehicle registration.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Sections 1332(b) and (c) and 1376(b.1) of Title  
11 75 of the Pennsylvania Consolidated Statutes are amended to  
12 read:

13 § 1332. Display of registration plate.

14 \* \* \*

15 (b) Obscuring plate.--It is unlawful to display on any  
16 vehicle a registration plate which:

17 (1) is so dirty as to prevent the reading of the number  
18 or letters thereon at a reasonable distance;

19 (2) is obscured in any manner which inhibits the proper

1 operation of an automated red light enforcement system in  
2 place pursuant to section 3116 (relating to automated red  
3 light enforcement systems in first class cities) or 3117  
4 (relating to automated red light enforcement systems in  
5 certain municipalities) or any other automated enforcement  
6 system authorized by this title or an electronic toll  
7 collection system as authorized under 74 Pa.C.S. § 8117  
8 (relating to toll collection); [or]

9 (3) is otherwise illegible at a reasonable distance or  
10 is obscured in any manner[.]; or

11 (4) is obscured, covered or otherwise obstructed in a  
12 manner which inhibits the visibility of the issuing  
13 jurisdiction at a reasonable distance.

14 (c) Penalty for obscured plate.--Any person who violates  
15 subsection (b) (2) or (4) commits a summary offense and shall,  
16 upon conviction, be sentenced to pay a fine of \$100.

17 \* \* \*

18 § 1376. Surrender of registration plates and cards upon  
19 suspension or revocation.

20 \* \* \*

21 (b.1) Immediate seizure of registration plates and cards.--  
22 The department may delegate authority to the persons described  
23 in this section to immediately seize registration plates and  
24 cards upon imposition of the following:

25 (1) a suspension imposed pursuant to section 1374(d) (3)  
26 or (4) (relating to suspension or revocation of vehicle  
27 business registration plates) until all fees, taxes and  
28 penalties have been paid;

29 (2) a suspension or revocation imposed pursuant to  
30 section 1373(b) (3) (relating to suspension of registration)

1 or 1374(g);

2 (3) a suspension or revocation is reinstated after  
3 determination of a matter as provided in section 1377  
4 (relating to judicial review); [or]

5 (4) a suspension imposed pursuant to section 1379  
6 (relating to suspension of registration upon sixth unpaid  
7 parking violation in cities of the first class) until all  
8 fines, penalties and costs have been paid[.]; or

9 (5) a suspension imposed pursuant to section 1380  
10 (relating to suspension of registration upon unpaid tolls)  
11 until all tolls, administrative fees and costs have been  
12 paid, dismissed, reversed on appeal or canceled or if the  
13 owner or registrant enters into an agreement with the tolling  
14 entity to make installment payments.

15 \* \* \*

16 Section 2. Title 75 is amended by adding a section to read:  
17 § 1380. Suspension of registration upon unpaid tolls.

18 (a) General rule.--

19 (1) The department shall suspend the registration of a  
20 vehicle upon notification from a tolling entity that the  
21 owner or registrant of the vehicle has either:

22 (i) failed to pay or defaulted in the payment of six  
23 or more violations issued under 74 Pa.C.S. § 8116(a)  
24 (relating to collection and disposition of tolls and  
25 other revenue) or 8117(a)(1) (relating to electronic toll  
26 collection) or other law, regulation, ordinance or  
27 standard applicable to the toll collection or payment  
28 requirements for a tolling entity; or

29 (ii) incurred unpaid tolls or administrative fees or  
30 costs that collectively total a minimum of \$500,

1 regardless of the number of violations.

2 (2) Nothing in paragraph (1) shall be construed to limit  
3 a tolling entity's ability to recoup unpaid tolls or  
4 administrative fees or costs by any means available under the  
5 law.

6 (b) Notice.--Prior to notifying the department under  
7 subsection (c), the tolling entity shall provide the owner or  
8 registrant written notice by first class mail of its intent to  
9 seek suspension of the vehicle registration under this section  
10 and afford the owner or registrant with the opportunity to be  
11 heard during an administrative proceeding.

12 (c) Notice to department.--

13 (1) Not sooner than 30 days after mailing the notice  
14 under subsection (b), the tolling entity, provided it has  
15 entered into an agreement with the department to enforce the  
16 provisions of this section, may notify the department  
17 electronically in a format prescribed by the department  
18 whenever an owner or registrant meets the requirements for  
19 suspension under subsection (a)(1).

20 (2) When a tolling entity has provided notice under this  
21 subsection and all of the violations are subsequently paid,  
22 dismissed, reversed on appeal or canceled, the tolling entity  
23 shall notify the department electronically in a format  
24 prescribed by the department of the disposition of the  
25 violation and shall provide the owner or registrant with a  
26 release from the suspension.

27 (d) Period of suspension.--A suspension under subsection (a)  
28 shall continue until the department receives notice from the  
29 tolling entity that the violations are paid, dismissed, reversed  
30 on appeal or canceled or the owner or registrant enters into an

1 agreement with the tolling entity to make installment payments  
2 for tolls, administrative fees and costs imposed and pays the  
3 fee prescribed in section 1960 (relating to reinstatement of  
4 operating privilege or vehicle registration), provided that the  
5 suspension may be reimposed by the department if the owner or  
6 registrant fails to make regular installment payments.

7 (e) Additional suspension.--The department shall impose an  
8 additional period of registration suspension if, subsequent to  
9 the issuance of a suspension under subsection (a) but prior to  
10 the restoration of the registration, the department is notified  
11 by the tolling entity that the owner or registrant has failed to  
12 pay, failed to respond or defaulted in the payment of an  
13 additional violation issued under 74 Pa.C.S. § 8117(a)(1).

14 (f) Violations outside Commonwealth.--

15 (1) The department shall suspend the registration of a  
16 vehicle upon the notification from a tolling entity that has  
17 entered into an enforcement agreement with the department as  
18 authorized under section 6146 (relating to enforcement  
19 agreements) for any toll violation of that state or an  
20 authority or for failure to pay any fine or costs imposed in  
21 accordance with the laws of the jurisdiction in which the  
22 violation occurred.

23 (2) A person who provides proof satisfactory to the  
24 department that the full amount of the fine and costs has  
25 been forwarded to and received by the other state may not be  
26 regarded as having failed to pay for the purposes of this  
27 subsection.

28 (g) Documentation.--

29 (1) In any proceeding under this section, documents  
30 obtained by the department from a tolling entity or from the

1 appropriate agency of the Commonwealth or another state shall  
2 be admissible into evidence to support the department's case.

3 (2) The department may treat the documents and reports  
4 as documents of the department and use any of the methods of  
5 storage permitted under the provisions of 42 Pa.C.S. § 6109  
6 (relating to photographic copies of business and public  
7 records) and may reproduce the documents in accordance with  
8 the provisions of 42 Pa.C.S. § 6103 (relating to proof of  
9 official records).

10 (3) The department may certify that it has received or  
11 obtained documents and reports from a tolling entity, the  
12 Commonwealth or other states, and the certification shall be  
13 prima facie proof of the facts contained in the documents and  
14 reports.

15 (h) Three-year statute of limitations.--No suspension may be  
16 imposed based upon a violation of 74 Pa.C.S. § 8117(a)(1) or  
17 similar provision from another state more than three years after  
18 the violation is committed.

19 (i) Collection of out-of-State tolls.--The department or a  
20 tolling entity may collect the civil penalties and tolls imposed  
21 by an out-of-State tolling entity if the department or tolling  
22 entity has entered into a reciprocity agreement that confirms  
23 the following:

24 (1) The other state or tolling entity has its own  
25 effective reciprocal procedure for collecting penalties and  
26 tolls imposed by a Commonwealth tolling entity and agrees to  
27 collect penalties and tolls of the Commonwealth tolling  
28 entity by employing sanctions that include denial of a  
29 person's right to register or reregister a motor vehicle.

30 (2) The penalties, exclusive of tolls, claimed by the

1 other state or tolling entity against an owner OR REGISTRANT <--  
2 of a motor vehicle registered in this Commonwealth do not  
3 exceed \$100 for a first violation or \$600 for all pending  
4 violations.

5 (3) The other state or tolling entity provides due  
6 process and appeal protections to avoid the likelihood that a  
7 false, mistaken or unjustified claim will be pursued against  
8 an owner OR REGISTRANT. <--

9 (4) An owner OR REGISTRANT of a motor vehicle registered <--  
10 in this Commonwealth may present evidence to the other state  
11 or tolling entity by mail, telephone, electronic means or  
12 other means to invoke rights of due process, without having  
13 to appear personally in the jurisdiction where the violation  
14 is alleged to have occurred.

15 (5) The reciprocal collection agreement between the  
16 department or a tolling entity and the other state or tolling  
17 entity provides that each party may charge the other a fee  
18 sufficient to cover the costs of collection services,  
19 including costs incurred by the agency that registers motor  
20 vehicles.

21 (I.1) CONVERSION.--NOTWITHSTANDING ANY LAW TO THE CONTRARY, <--  
22 THE PENNSYLVANIA TURNPIKE COMMISSION MAY NOT CONVERT ANY  
23 EXISTING TOLLING LOCATIONS TO NEW ELECTRONIC-ONLY TOLLING  
24 LOCATIONS UNLESS AFFECTED EMPLOYEES COVERED UNDER A COLLECTIVE  
25 BARGAINING AGREEMENT HAVE BEEN REASSIGNED WITHOUT LOSS OF  
26 SENIORITY, PAY OR BENEFITS TO ANOTHER WORKSITE WITHIN 25 MILES  
27 OF THE EMPLOYEE'S CURRENT WORKSITE. THIS SUBSECTION SHALL EXPIRE  
28 ON DECEMBER 31, 2022.

29 (j) Definition.--As used in this section, the term "tolling  
30 entity" means any of the following:

1       (1) The Pennsylvania Turnpike Commission.

2       (2) An entity authorized to impose and collect tolls in  
3       accordance with any of the following:

4               (i) The laws of this Commonwealth.

5               (ii) The laws of another state.

6               (iii) The terms of an interstate compact or  
7               agreement.

8       (3) An authorized agent of an entity under paragraph  
9       (2).

10      Section 3. Section 1960 of Title 75 is amended to read:

11      § 1960. Reinstatement of operating privilege or vehicle  
12              registration.

13      The department shall charge a fee of \$70 or, if section 1379  
14      (relating to suspension of registration upon sixth unpaid  
15      parking violation in cities of the first class), 1380 (relating  
16      to suspension of registration upon unpaid tolls) or 1786(d)  
17      (relating to required financial responsibility) applies, a fee  
18      of \$88 to restore a person's operating privilege or the  
19      registration of a vehicle following a suspension or revocation.

20      Section 4. This act shall take effect in nine months.