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§ 9808. Calculation of amount of fuel used in Commonwealth (Repealed).
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§ 9810. Identification markers required (Repealed).
§ 9811. Average consumption (Repealed).
§ 9812. Records (Repealed).
§ 9813. Penalty and interest for failure to report or pay tax (Repealed).
§ 9814. Time for payment of taxes, penalties and interest (Repealed).
§ 9815. Manner of payment and recovery of taxes, penalties and interest (Repealed).
§ 9816. Determination, redetermination and review (Repealed).
§ 9817. Timely mailing treated as timely filing and payment (Repealed).
§ 9818. Availability of records of other agencies (Repealed).
§ 9819. False statements and penalties (Repealed).
§ 9820. Special investigators; powers (Repealed).
§ 9821. Regulations (Repealed).

Chapter 99. Tax Treatment of Certain Organizations

§ 9901. Corporate tax treatment of certain corporations (Repealed).

TITLE 75
VEHICLES

Part

I. Preliminary Provisions
II. Title, Registration and Licensing
III. Operation of Vehicles
IV. Vehicle Characteristics
V. Administration and Enforcement
VI. Miscellaneous Provisions

Enactment. Unless otherwise noted, the provisions of Title 75 were added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Special Provisions in Appendix. See sections 2, 4, 5, 6 and 8 of Act 81 of 1976 in the appendix to this title for transition provisions, saving provision, severability, applicability of Statutory Construction Act and effective date.

PART I
PRELIMINARY PROVISIONS

Chapter

1. General Provisions

Enactment. Part I was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

CHAPTER 1
GENERAL PROVISIONS

Sec.

101. Short title of title.
102. Definitions.
103. Uniformity of interpretation.
104. Continuation of existing law (Repealed).

Enactment. Chapter 1 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

§ 101. Short title of title.

This title shall be known and may be cited as the "Vehicle Code."

§ 102. Definitions.

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:

"Abandoned vehicle."

(1) A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:

(i) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.

(ii) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.

(iii) The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:

(A) A valid registration plate.

(B) A current certificate of inspection.

(C) An ascertainable vehicle identification number.

(iv) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 24 hours.

(v) The vehicle has remained on the private property of a salvor for 20 days.

(2) Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

"Active work zone." The portion of a work zone where construction, maintenance or utility workers are located on the roadway, berm or shoulder.

"Agent service." A person that has been authorized by the Department of Transportation to act as a card agent, a full agent or an issuing agent.

"Air-mile." A nautical mile, which is equivalent to 6,076 feet. For purposes of this title, 150 air-miles are equivalent to 172.6 miles.

"Alley." A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

"Ambulance." Any vehicle which is specifically designed, constructed or modified and equipped and is used or intended to be used and is maintained or operated for the purpose of providing emergency medical care to and transportation of human patients. The term includes advanced or basic life support vehicles that may or may not transport such patients.

"Antique motor vehicle." A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications.

"Articulated bus." A bus designed to transport passengers and on which passengers are authorized to be transported, consisting of two or more units or sections permanently assembled in tandem by flexible connections which permit passenger movement throughout the length of the bus.

"Authorized vehicle." A vehicle or type of vehicle, other than an emergency vehicle, for which special operating or equipment privileges are given by law or regulation of the department based on design and utility for work within a highway.

"Autocycle." A three-wheeled motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride.

"Automated driving system" or **"ADS."** The hardware and software collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether limited within a specific operational design domain and whether a Level 3, 4 or 5 driving automation system under SAE J3016.

"Automated red light enforcement system." A vehicle sensor installed to work in conjunction with a traffic-control signal which automatically produces one or more recorded images of a vehicle at the time the vehicle is used or operated in a manner which is a violation under this title.

"Automated speed enforcement system." An electronic traffic sensor system that:

(1) is able to automatically detect vehicles exceeding the posted speed limit with a type of speed timing device; and

(2) produces a recorded image that shows:

(i) a clear and legible identification of only the vehicle's license plate;

(ii) location; and

(iii) date and time.

"Automated speed enforcement work area." The portion of an active work zone where construction, maintenance or utility workers are located on the roadway, berm or shoulder and workers are adjacent to an active travel lane and where an automated speed enforcement system is active. For the purposes of this definition, workers shall also be considered adjacent to an active travel lane where workers are present and are protected by a traffic barricade.

"Blood delivery vehicle." Any vehicle which is used or intended to be used and is maintained or operated for the purpose of transporting blood or blood products on an emergency basis.

"Bodily injury." Impairment of physical condition or substantial pain.

"Bus."

(1) a motor vehicle designed to transport 16 or more passengers, including the driver; or

(2) a motor vehicle, other than a taxicab, limousine or personal vehicle as defined in 66 Pa.C.S. § 102 (relating to definitions), designed to transport not more than 15 passengers, including the driver, and used for the transportation of persons for compensation.

The term does not include a vehicle used in a ridesharing arrangement, as defined in the act of December 14, 1982 (P.L.1211, No.279), entitled "An act providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements," or a school bus.

"Business district." The territory contiguous to and including a highway when within any 600 feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

"Cancel." To void or terminate by formal action of the department any license, registration or privilege issued or granted by the department to which the individual is no longer entitled.

"Certificate holder." A firm, copartnership, association, corporation or educational or research institution holding a valid certificate of compliance in accordance with Subchapter B of Chapter 85 (relating to highly automated vehicles).

"Certified driver rehabilitation specialist." An experienced practitioner in the field of driver rehabilitation training who, through successful completion of a formal certification examination, has proven their capacity to provide driver rehabilitation services.

"Certified driving instructor." An individual who is certified by the Department of Education to teach the safe operation of motor vehicles.

"Chemical test or testing." Analysis performed on a biological material, including but not limited to breath, blood or urine, to determine the identity or concentration or both of particular constituents such as alcohol or controlled substances. Test procedures may rely on one or more physical or chemical properties of the constituent and utilize instrumental or chemical analysis techniques to accomplish the determination.

"Classic motor vehicle." A motor vehicle, but not a reproduction thereof, manufactured at least 15 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance. Any classic motor vehicle registered under section 1340 (relating to antique and classic plates) on the effective date of the amendment to this definition which fails to qualify as a classic motor vehicle pursuant to these provisions may retain such classic registration unless another type of registration is applied for and issued for the vehicle.

"Collectible motor vehicle." A reconstructed or modified motor vehicle substantially modified from the manufacturer's original specifications and appearance and maintained in a collectible condition as determined by the Department of Transportation.

"Combination." Two or more vehicles physically interconnected in tandem.

"Commercial driver." A person who is either a commercial driver license holder as defined in section 1603 (relating to definitions) or who is driving a commercial motor vehicle.

"Commercial implement of husbandry." An implement of husbandry that:

(1) Is a self-propelled vehicle.

(2) Is used to perform agricultural production or harvesting activities exclusively on farms other than farms owned or operated by the owner of the implement of husbandry.

(3) (Deleted by amendment).

The term also includes any other vehicle determined by the department to be a commercial implement of husbandry.

"Construction truck." A three or four axle truck engaged in construction operations.

"Containerized cargo." Manifested international freight in a sealed, seagoing container.

"Converter gear." A trailer designed and used exclusively to tow a semitrailer by mounting the semitrailer on the fifth wheel of the converter gear. The term includes the terms "auxiliary axle" and "jeep dolly."

"Court." Includes (when exercising criminal or quasi-criminal jurisdiction pursuant to 42 Pa.C.S. § 1515 (relating to jurisdiction and venue) or concerning the receipt, storage, reproduction, electronic transmission and admissibility of documentation under section 1377 (relating to judicial review) or 1550 (relating to judicial review)) a district justice or issuing authority or the equivalent official from the Federal Government or another state.

"Covered farm vehicle." A motor vehicle with a State-issued designation as a farm vehicle, including a motor vehicle operated in combination, which is:

(1) operated by a farmer or by a family member or employee of the farmer;

(2) used to transport agricultural commodities, livestock, farm machinery or farm supplies to or from a farm;

(3) not used in for-hire motor carrier operations; and

(4) not transporting hazardous materials that require a placard.

"Crosswalk."

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and, in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Dealer." A person engaged in the business of buying, selling or exchanging vehicles.

"Department." The Department of Transportation of the Commonwealth.

"District justice." (Deleted by amendment).

"Divided highway." A highway divided into two or more roadways and so constructed as to impede vehicular traffic between the roadways by providing an intervening space, physical barrier or clearly indicated dividing section.

"Driveaway-towaway operation." Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, constitutes the commodity being transported, when one set or more of wheels of the vehicle are on the highway during the course of transportation, whether or not the vehicle furnished the motive power.

"Driver." A person who drives or is in actual physical control of a vehicle.

"Driver improvement school." A program for educating drivers through a department-developed or approved curriculum that may be presented either by the department or by a third party approved by the department under section 1549 (relating to establishment of schools).

"Driver's license." A license or permit to drive a motor vehicle issued under this title.

"Electric personal assistive mobility device" or **"EPAMD."** A self-balancing, two-nontandem-wheeled device designed to transport only one person with an electric propulsion system.

"Electric vehicle." A motor vehicle which operates solely by use of a battery or battery pack and which meets the applicable Federal motor vehicle safety standards. The term includes a motor vehicle which is powered mainly through the use of an electric battery or battery pack but which uses a flywheel that stores energy produced by the electric motor or through regenerative braking to assist in operation of the motor vehicle.

"Emergency canteen support service organization vehicle." A vehicle that is:

(1) Owned by a Pennsylvania-registered, not-for-profit corporation, which is authorized to do business within this Commonwealth and has a minimum of two fully functional canteen units and a minimum of one restroom facility vehicle.

(2) Registered with the county emergency dispatch center as an emergency canteen support service vehicle on call 24 hours a day, seven days a week, 52 weeks per year.

(3) Dispatched for emergency service only via the county emergency dispatch center upon request of an emergency provider, whether fire, police, river rescue or other emergency provider.

"Emergency service responder." An individual acting in an official capacity as any of the following:

(1) A police officer.
(2) A sheriff or deputy sheriff.
(3) A coroner or deputy coroner.
(4) A firefighter.
(5) Fire police.
(6) A fire marshal.
(7) A medical examiner or deputy medical examiner.
(8) Rescue personnel.
(9) Ambulance personnel.
(10) Towing and recovery personnel.
(11) Highway maintenance and construction personnel.
(12) Hazardous material response team member.
(13) Emergency medical services personnel.
(14) Contractors or employees of a public utility as defined under 66 Pa.C.S. § 102 (relating to definitions), a municipally owned utility or an electric cooperative as defined in 15 Pa.C.S. Ch. 73 (relating to electric cooperative corporations).
(15) A police officer who is also a member of a county or regional municipal special emergency response team which is authorized to respond to emergencies under 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction).

"Emergency vehicle." A State or county emergency management vehicle, fire department vehicle, police vehicle, sheriff vehicle, ambulance, advanced life support squad vehicle, basic life support squad vehicle, emergency canteen support service organization vehicle, blood delivery vehicle, human organ delivery vehicle, hazardous material response vehicle, armed forces emergency vehicle, one vehicle operated by a coroner or chief county medical examiner and one vehicle operated by a chief deputy coroner or deputy chief county medical examiner used for answering emergency calls, a vehicle owned by or leased to a regional emergency medical services council that is used as authorized by the Department of Health to respond to an actual or potential disaster, mass casualty situation or substantial threat to public health, a vehicle owned by a county or regional police association and operated by a police officer that is used for police transport or victim extraction, a vehicle that is owned and operated by a county correctional institution in a city of the first class and used to respond to an emergency at a correctional institution in a city of the first class or to escort an ambulance which is transporting sick or injured prisoners in a city of the first class, any vehicle operated by a special agent, special agent supervisor, narcotics agent or narcotics agent supervisor while performing official duties as employees of the Office of Attorney General, any vehicle owned and operated by the Philadelphia Parking Authority established in accordance with 53 Pa.C.S. Ch. 55 (relating to parking authorities) and used in the enforcement of 53 Pa.C.S. Ch. 57 (relating to taxicabs and limousines in first class cities), a vehicle owned by a city of the first class and operated by first judicial district certified armed probation officers, a vehicle owned and operated by the Pennsylvania Turnpike Commission that is used by an emergency service responder as dispatched by the Pennsylvania Turnpike Commission's traffic operations center, or any other vehicle

designated by the State Police under section 6106 (relating to designation of emergency vehicles by Pennsylvania State Police), or a privately owned vehicle used in answering an emergency call when used by any of the following:

(1) A police chief and assistant chief.

(2) A fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief.

(3) A fire police captain and fire police lieutenant.

(4) An ambulance corps commander and assistant commander.

(5) A river rescue commander and assistant commander.

(6) A county emergency management coordinator.

(7) A fire marshal.

(8) A rescue service chief and assistant chief.

(9) The chief or operations director of a county hazardous materials response team.

(10) A police officer who is also a member of a county or regional municipal special emergency response team which is authorized to respond to emergencies under 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction).

"Engineering and traffic study." An orderly examination or analysis of physical features and traffic conditions conducted in accordance with regulations of the department and conforming to generally accepted engineering standards and practices for the purpose of ascertaining the need or lack of need for a particular action by the department or local authorities.

"Essential parts." All major component parts of a vehicle of a type required to be registered under this title, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

"Established place of business." The place actually occupied either continuously or at regular periods by a dealer, manufacturer or other vehicle-related business where the books and records are kept and a large share of the business is transacted.

"Exhibit." Surrender of a document into the temporary possession of a person for the purpose of examining the document.

"Farm equipment." A vehicle that is specifically designed and manufactured for and used exclusively in agriculture to plant, seed, cultivate, harvest or apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the department to be farm equipment.

"Farm vehicle." A truck or truck tractor determined by the Department of Transportation to be used exclusively for agricultural purposes.

"Fire department vehicle." A vehicle:

(1) owned or leased by an organized paid or volunteer fire department; or

(2) owned or leased by a fire relief association and utilized by an organized paid or volunteer fire department.

"Fleet owner." A person, Federal, State or local government agency or authority owning or leasing 15 or more vehicles who or which provides servicing and repair of the vehicles.

"Foreign vehicle." A vehicle of a type required to be registered under this title brought into this Commonwealth from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this Commonwealth.

"For-hire motor carrier operations." The transportation of goods or passengers for compensation.

"Freeway." A limited access highway to which the only means of ingress and egress is by interchange ramps.

"Full trailer." A trailer so constructed that no part of its weight rests upon the towing vehicle. A semitrailer attached to a towing vehicle by means of an auxiliary front axle or dolly shall be deemed to be a full trailer.

"General rule." A rule or order promulgated by the governing authority, as defined in 42 Pa.C.S. § 102 (relating to definitions), of the unified judicial system.

"Golf cart." A self-propelled motor vehicle designed and manufactured for the transportation of persons or equipment for sporting, maintenance or recreational purposes that is not capable of exceeding a speed of 20 miles per hour.

"Gross combination weight rating (GCWR)." The value specified by the manufacturer as the loaded weight of a combination.

"Gross vehicle weight rating (GVWR)." The value specified on the Federal weight certification label by the manufacturer as the loaded weight of a single vehicle.

"Gross weight." The combined weight of a vehicle or combination of vehicles and its load excluding the driver's weight.

"Hazardous material." Any explosive, blasting agent, flammable liquid, combustible liquid, flammable solid, flammable or nonflammable compressed gas, corrosive material, poison, poison gas, irritant, oxidizer, organic peroxide, radioactive material, etiologic agent, cryogenic liquid, hazardous waste, hazardous substance or other material which the department by procedure prescribed in Chapter 83 (relating to hazardous materials transportation) declares to be a hazardous material.

"Hazardous material response vehicle." A vehicle owned or leased by a hazardous material response team certified through the Pennsylvania Emergency Management Agency.

"Highly automated vehicle" or **"HAV."** A motor vehicle equipped with an automated driving system. The term excludes a personal delivery device.

"Highly automated vehicle driver." An individual who is an authorized employee or contractor of a certificate holder and who is responsible for all or part of the dynamic driving task for a highly automated vehicle and is:

(1) on board the highly automated vehicle; or

(2) in a remote location within the United States and is capable of monitoring and controlling the highly automated vehicle.

"Highly automated work zone vehicle." (Deleted by amendment).

"Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historical park.

"House coach." A vehicle with an enclosed area which is designed, constructed or equipped for use, either permanently or temporarily, as a dwelling place, living abode, sleeping place or camping accommodation. A house coach includes motor homes, slide-in cabins and sleeping units specifically designed for mounting on a pickup truck and sleeping cabins designed for use on trucks and truck tractors operated for heavy-duty, long-distance hauling.

"House trailer."

(1) A trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways.

(2) A trailer containing a chassis and exterior shell designed and constructed for use as a house trailer, as defined in paragraph (1), but which is used permanently or temporarily for advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property.

"Human organ delivery vehicle." Any vehicle which is used or intended to be used and is maintained or operated for the purpose of transporting human organs or human tissue on an emergency basis.

"Hybrid electric vehicle." An electric vehicle which allows power to be delivered to the drive wheels solely by a battery-powered electric motor but which also incorporates the use of a combustion engine to provide power to the battery and which meets the applicable Federal motor vehicle safety standards. The primary source of power for the motor must be the electric battery or battery pack and not the combustion engine.

"Ignition interlock limited license." A driver's license issued to an individual whose operating privilege is suspended or revoked for one or more violations under section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) or 3802 (relating to driving under influence of alcohol or controlled substance) or under former section 3731 (relating to driving under influence of alcohol or controlled substance) or a violation substantially similar to a violation under section 3802 or former section 3731 in another jurisdiction, requiring the individual to operate only motor vehicles equipped with a functioning ignition interlock system.

"Implement of husbandry." Farm equipment that meets all of the following criteria:

(1) Is equipped with pneumatic tires except if prohibited by religious beliefs.

(2) Is infrequently operated or moved upon highways.

(3) Is used in agriculture for any of the following purposes:

(i) performance of agriculture production or harvesting activities for the farmer's agricultural operations; or

(ii) transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operations.

The term also includes earthmoving equipment and any other vehicle determined by the department to be an implement of husbandry.

"Interactive wireless communications device." A wireless telephone, personal digital assistant, smart phone, portable or mobile computer or similar device which can be used for voice communication, texting, e-mailing, browsing the Internet or instant messaging. The term does not include any of the following:

(1) a device being used exclusively as a global positioning or navigation system;

(2) a system or device that is physically or electronically integrated into the vehicle; or

(3) a communications device that is affixed to a mass transit vehicle, bus or school bus.

"Intersection."

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.

"Interstate highway." A freeway on the Dwight D. Eisenhower System of Interstate and Defense Highways.

"Issuing authority." A public official having the power and authority of a magisterial district judge.

"Laned roadway." A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

"Learner's permit." A permit issued for the purpose of learning to operate a motor vehicle.

"Lienholder." A person holding a security interest in a vehicle.

"Limited access highway." A highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access except at points and in the manner determined by the authority having jurisdiction over the highway.

"Limousine." A motor vehicle designed for carrying no more than nine passengers, exclusive of the driver, and used for the transportation of persons for compensation.

"Local authorities." County, municipal and other local boards or bodies having authority to enact laws relating to traffic. The term also includes airport authorities, except where those authorities are located within counties of the first class or counties of the second class.

"Low-vision rehabilitation specialist." An individual who has been trained and certified regarding bioptic telescopes by an appropriate training program as approved by the department. The term includes an occupational therapist with specialty certification in low vision, a certified orientation and mobility specialist, a certified low-vision therapist, a teacher of visually impaired students, an optometrist, ophthalmologist and other eye care practitioner.

"Magisterial district judge." Includes a judge of a community court, of the Pittsburgh Magistrates Court, and of the Traffic Court of Philadelphia when exercising the jurisdiction of a magisterial district judge under this title.

"Major component parts." Includes any of the following parts of a vehicle: engine, transmission, front-end assemblies or unibodies structure which may consist of headlight, grille, fenders, bumpers and hood; fenders; hood; any door; any bumper; pickup box or cargo box; airbags; computer assembly; radio or stereo components; or trunk lid, deck lid, tailgate or hatchback, whichever is present.

"Manufactured construction unit." A building manufactured in sections in a production plant, transported to a site and set on a foundation to form a complete commercial or institutional noncombustible building.

"Manufactured home." A manufactured home as defined in section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383, 42 U.S.C. § 5402(6)). The term includes a mobile home.

"Manufacturer." A person engaged in the business of constructing or assembling vehicles or motors or bodies of vehicles.

"Manufacturer's shipping weight." The weight of a vehicle including all installed options as delivered for retail sale by the final stage manufacturer and as indicated on the manufacturer's certificate of origin.

"Mass transit vehicle." A self-propelled or electrically propelled device designed for carrying 15 or more passengers exclusive of the driver, other than a taxicab, designed and used for the transportation of persons for compensation, including but not limited to subway cars, buses, trolleys and trackless trolleys but excluding railroad passenger cars.

"Maxi-cube vehicle." A combination. The truck may have either a detachable or permanently attached cargo box. The cargo box on the trailer shall be designed such that the truck may be loaded and unloaded through the trailer. Neither cargo box shall exceed 34 feet in length, and the overall length of the combination shall not exceed 65 feet.

"Messenger service." A person who, for a fee, advertises, offers or provides to the public the service of obtaining from the department vehicle titles, registrations, drivers' licenses and similar documents. A dealer who obtains documents only for purchasers of vehicles from the dealer is not a messenger service.

"Mileage." The actual distance that a vehicle has traveled.

"Mobile home." A trailer designed and used exclusively for living quarters or commercial purposes which exceeds the maximum size limitations prescribed by this title for operation on a highway and is only incidentally operated on a highway.

"Modified vehicle." A vehicle of a type required to be registered under this title materially altered by the addition, deletion, substitution or modification of the body, chassis or essential parts, new or used. The term does not include vehicles that have been repaired to the function and appearance of vehicles in their original condition or vehicles where final-stage or second-stage manufacturers provide a manufacturer statement of origin or a federally required certification label at the time of the original title and registration application.

"Modular housing undercarriage." A trailer which is used to transport a modular housing unit.

"Modular housing unit." A unit transported on a removable or nonremovable frame designed for residential purposes which is wholly or in substantial part fabricated, formed or assembled in manufacturing facilities for assembly and installation on the building site.

"Motor carrier vehicle."

(1) A truck, truck tractor or combination having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 17,001 pounds or more.

(2) A truck, truck tractor or combination engaged in interstate commerce and having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 10,001 pounds or more.

"Motor home." A motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck-camper.

"Motor vehicle." A vehicle which is self-propelled except an electric personal assistive mobility device or a vehicle which is propelled solely by human power.

"Motorcycle." A motor vehicle having a seat or saddle for the use of the rider and:

(1) designed to travel on not more than three wheels in contact with the ground; or

(2) designed to travel on two wheels in contact with the ground which is modified by the addition of two stabilizing wheels on the rear of the motor vehicle.

The term includes an autocycle.

"Motor-driven cycle." A motorcycle, including a motor scooter, with a motor which produces not to exceed five brake horsepower.

"Motorized pedalcycle." A motor-driven cycle equipped with operable pedals, a motor rated no more than 1.5 brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission, and a maximum design speed of no more than 25 miles per hour or an electric motor-driven cycle equipped with operable pedals and an automatic transmission powered by an electric battery or battery pack-powered electric motor with a maximum design speed of no more than 25 miles per hour.

"Multipurpose agricultural vehicle." A motor vehicle which is 66 inches or less in width and 2,000 pounds or less in dry weight and which is used exclusively for agricultural operations and only incidentally operated or moved upon the highways.

"Neighborhood electric vehicle." A four-wheeled electric vehicle that has a maximum design speed of not less than 20 miles per hour and of not more than 25 miles per hour and that complies with the Federal safety standards established in 49 CFR 571.500 (relating to standard no. 500; low-speed vehicles).

"Nondivisible." Incapable of being divided into parts or dismembered without substantially damaging its usefulness or value.

"Nonrepairable vehicle." An abandoned vehicle under paragraph (1)(iii) of the definitions of "abandoned vehicle" which is incapable of safe operation for use on roadways or highways and which has no resale value except as a source of parts or scrap only, a salvage vehicle issued a nonrepairable or nonrebuildable vehicle document by another state or a vehicle which a salvor or vehicle salvage dealer designates as a source for parts or scrap or which the owner irreversibly designates as a source for parts or scrap. Such vehicles may not be issued a certificate of title or certificate of salvage.

"Nonresident." A person who is not a resident of this Commonwealth.

"Number." When used in the context of identification means a series of numerals or letters or both, with or without a prefix or suffix.

"Numbered traffic route." A highway which has been assigned an interstate, United States or Pennsylvania route number, consisting of three or fewer digits, to aid motorists in their travels.

"Occupational limited license." A license, issued under this title to a driver whose operating privileges have been suspended, to permit the operation of a motor vehicle under certain conditions, when necessary for the driver's occupation, work, trade or study.

"Official traffic-control devices." Signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

"Operating privilege." The privilege to apply for and obtain a license to use as well as the privilege to use a vehicle on a highway as authorized in this title, but not a contract, property right or civil right.

"Overtime parking." The continuous parking of a vehicle for a period of time exceeding the maximum period established by law.

"Owner." A person, other than a lienholder, having the property right in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

"Park" or **"parking."**

(1) When permitted, means the temporary storing of a vehicle, whether occupied or not, off the roadway.

(2) When prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

"Passenger car." A motor vehicle, except a motorcycle, designed primarily for the transportation of persons and designed for carrying no more than 15 passengers, including the driver, and primarily used for the transportation of persons. The term includes motor vehicles which are designed with seats that may be readily removed and reinstalled, but does not include such vehicles if used primarily for the transportation of property.

"Pedalcycle." A vehicle propelled solely by human-powered pedals or a pedalcycle with electric assist. The term does not mean a three-wheeled human-powered pedal-driven vehicle with a main driving wheel 20 inches in diameter or under and primarily designed for children six years of age or younger.

"Pedalcycle with electric assist." A vehicle weighing not more than 100 pounds with two or three wheels more than 11 inches in diameter, manufactured or assembled with an electric motor system rated at not more than 750 watts and equipped with operable pedals and capable of a speed not more than 20 miles per hour on a level surface when powered by the motor source only. The term does not include a device specifically designed for use by persons with disabilities.

"Pedestrian." Any of the following:

(1) An individual afoot.

(2) An individual with a mobility-related disability on a self-propelled wheelchair or an electrical mobility device operated by and designated for the exclusive use of an individual with a mobility-related disability.

(3) A personal delivery device.

"Pennsylvania Turnpike." The highway system owned and operated by the Pennsylvania Turnpike Commission.

"Person." A natural person, firm, copartnership, association or corporation.

"Personal delivery device" or **"PDD."** A ground delivery device that:

(1) is manufactured for transporting cargo or goods;

(2) is operated by a driving system that allows remote or autonomous operation, or both; and

(3) weighs 550 pounds or less without cargo or goods.

"Platoon." (Deleted by amendment).

"Police officer." A natural person authorized by law to make arrests for violations of law.

"Private road or driveway." A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Railroad grade crossing." One or more railroad tracks, but not streetcar tracks, which intersect or cross a highway at the same level or grade.

"Railroad sign or signal." A sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

"Recall." To withdraw by formal action of the department for an indefinite period the operating privilege of a person for reasons of incompetency.

"Reconstructed vehicle." A vehicle, other than an antique or classic vehicle, for which a certificate of salvage was issued and is thereafter restored to operating condition to meet the vehicle equipment and inspection standards under Part IV (relating to vehicle characteristics).

"Recorded image." An image recorded by an automated red light enforcement system on a photograph, a digital image or any other image-capture technology.

"Recovered theft vehicle." A vehicle other than an antique or classic vehicle which was reported as stolen but subsequently recovered.

"Recreational cargo trailer." A trailer designed or adapted for the purposes of transporting animals or vehicles for noncommercial recreational use, such as a horse trailer, watercraft trailer or all-terrain trailer.

"Recreational trailer." A trailer designed or adapted to provide temporary living quarters for noncommercial recreational, camping or travel use.

"Registered gross weight."

(1) The maximum gross weight at which a vehicle or combination is registered in this Commonwealth to operate upon a highway, which shall include the weight at which a vehicle or combination is registered for operation in this Commonwealth under any system of proportional registration pursuant to Subchapter C of Chapter 61 (relating to reciprocity).

(2) For the purposes of Chapter 49 (relating to size, weight and load) and the definition of "motor carrier vehicle," if there is no registered gross weight as defined in paragraph (1), then the term shall mean the maximum gross weight at which a vehicle or combination registered in another state is registered or otherwise authorized to operate by such state.

"Registration." The authority for a vehicle to operate on a highway as evidenced by the issuance of an identifying card and plate or plates.

"Residence district." The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

"Resident." A person dwelling permanently or continuously for a period exceeding 60 consecutive days within this Commonwealth, except that a person who regularly dwells in two or more states shall declare residence to be in any one of the states.

"Revoke." To terminate by formal action of the department any license, registration or privilege issued or granted by the department. Following a period of revocation, the license, registration or privilege may not be restored except upon submission and acceptance of a new application.

"Right-of-way." The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger or collision unless one grants precedence to the other.

"Roadway." That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by pedalcycles. In the event a highway includes two or more separate roadways the term "roadway" refers to each roadway separately but not to all such roadways collectively.

"Saddle-mount operation." Any operation in which any truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection.

"SAE J3016." Surface Vehicle Recommended Practice Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles published by the Society of Automotive Engineers (SAE) International in April 2021 and as it existed on the effective date of this definition or such subsequent date as may be provided by the department through regulation and consistent with Subchapter B of Chapter 85.

"Safety seat belt system." Any strap, webbing or similar device designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including buckles, fasteners and all installation hardware as specified by Federal Motor Vehicle Safety Standard No. 209 (49 C.F.R. § 571.209).

"Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians.

"Salvage motor vehicle auction or pool operator." A person who on his own behalf or as an agent for a third party engages in business for the purpose of offering for sale wrecked or salvage motor vehicles through an auction or private bid process to vehicle salvage dealers.

"Salvage vehicle." A vehicle which is inoperable or unable to meet the vehicle equipment and inspection standards under Part IV (relating to vehicle characteristics) to the extent that the cost of repairs would exceed the value of the repaired vehicle. The term does not include a vehicle which would qualify as an antique or classic vehicle except for its lack of restoration or maintenance.

"Salvor." A person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, recycling, selling, rebuilding or exchanging the vehicles or parts thereof.

"School bus." A motor vehicle which:

(1) is designed to carry 11 passengers or more, including the driver; and

(2) is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.

The term does not include a motor vehicle used to transport preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such

schools or school-related activities, which is designed to carry 11 to 15 passengers, including the driver, and which is registered in this Commonwealth as a bus prior to March 1, 1993, or a motor vehicle which is designed to carry 11 to 15 passengers, including the driver, and which was titled to any public, private or parochial school on or before March 1, 1993, and which is registered to that public, private or parochial school in this Commonwealth as a bus prior to September 15, 1993.

"School vehicle." A motor vehicle, except a motorcycle, designed for carrying no more than ten passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to a school district or private or parochial school. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children.

"Scrap metal processor." A person whose principal business is the operation of an establishment having facilities for processing iron, steel or nonferrous scrap metals, and whose principal product is scrap iron, scrap steel or nonferrous scrap for resale for remelting purposes only.

"Second-stage manufacturer." A person engaged in performing manufacturing operations on an incomplete vehicle produced by a manufacturer.

"Secretary." The Secretary of Transportation of the Commonwealth.

"Secure power of attorney." A document printed with security features containing all information required by Federal law and regulations which a transferor may use when a vehicle is transferred to authorize a transferee to disclose odometer mileage in lieu of the transferor completing the odometer information on a certificate of title in the event that the transferor's certificate of title is encumbered by a lienholder.

"Security interest." An interest in a vehicle reserved or created by agreement which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is perfected when it is valid against third parties generally, subject only to specific statutory exceptions.

"Semitrailer." A trailer so constructed that some part of its weight rests upon or is carried by the towing vehicle.

"Serious bodily injury." Any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"Shall." Indicates that an action is required or prohibited.

"Should." Indicates that an action is advisable but not required.

"Sidewalk." That portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Solid waste collection vehicle." A vehicle used for the curbside collection of municipal solid waste or recyclables.

"Special mobile equipment."

(1) Vehicles not designed or used primarily for the transportation of persons or property, except for tools and parts necessary for the use and maintenance of the vehicle, and only incidentally operated or moved over a highway.

(2) Vehicles which have machinery permanently attached shall not carry a load, except for tools and parts necessary for the use and maintenance of the permanently attached

machinery and are only incidentally operated or moved over a highway.

(3) Motor vehicles used primarily for road and bridge maintenance or repair which carry a load of asphalt emulsion or epoxy and aggregate material, that is applied as a finished product by the vehicle's equipment directly to a highway or trafficway for maintenance or repair of the road or bridge surface.

The term includes, but is not limited to, ditch digging apparatus, well boring apparatus; earth moving and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, patchers, finishing machines, road rollers, scarifiers, earth moving carryalls, scrapers, power shovels and drag lines; and self-propelled cranes and tractors, other than truck tractors. The term does not include house trailers; dump trucks; or truck-mounted transit mixers, cranes or shovels.

"Specially constructed vehicle." A vehicle not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles.

"Stand" or **"standing."** When prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

"State." A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.

"State designated highway." A highway or bridge on the system of highways and bridges over which the department has assumed or has been legislatively given jurisdiction.

"Status." With respect to an abandoned vehicle, a determination by police and a salvor as to the condition or value of the abandoned vehicle. The determination shall be one of the following: vehicle with value, salvage vehicle or nonrepairable vehicle.

"Stinger-steered automobile" or **"boat transporter."** A truck tractor-semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

"Stop" or **"stopping."**

(1) When required, means complete cessation from movement.

(2) When prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

"Streetcar." A car other than a railroad train for transporting persons or property and operated upon rails.

"Street rod." A motor vehicle, or a reproduction thereof, with a model year of 1948 or older which has been materially altered or modified by the removal, addition or substitution of essential parts and with a gross weight or registered gross weight of not more than 9,000 pounds.

"Suspend." To withdraw temporarily by formal action of the department any license, registration or privilege issued or granted by the department. Following a period of suspension, the department shall restore the license, registration or privilege.

"Tandem axle." Every axle located within eight feet of another axle.

"Taxi." A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, on a call and demand service, and used for the transportation of persons for compensation.

"Terminal." Any location where:

(1) freight either originates, terminates or is handled in the transportation process; or

(2) commercial motor carriers maintain operating facilities.

"Theft vehicle." A vehicle, other than an antique or classic vehicle, which was reported stolen.

"Through highway." A highway or portion of a highway on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on the through highway in obedience to a stop sign, yield sign or other official traffic-control device when the signs or devices are erected as provided in this title.

"Tire width." The linear distance between the exteriors of the sidewalls of an uninflated tire, excluding elevations due to labeling, decoration or protective sidebands.

"Tow dolly." A trailer designed and used exclusively to tow another vehicle by mounting its front or rear wheels on the tow dolly while the other wheels of the towed vehicle remain in contact with the ground.

"Traffic." Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, whether singly or together, using any highway for purposes of travel.

"Traffic-control signal." A device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

"Trafficway." The entire width between property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.

"Trailer." A vehicle designed to be towed by a motor vehicle.

"Transfer." To change ownership by purchase, gift or any other means.

"Transferee." A person to whom ownership of a motor vehicle is transferred, by purchase, gift or any means other than by the creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee.

"Transferor." A person who transfers his ownership of a motor vehicle by sale, gift or any means other than by the creation of a security interest and any person who, as agent, signs an odometer disclosure statement for the transferor.

"Truck." A motor vehicle designed primarily for the transportation of property. The term includes motor vehicles designed with seats that may be readily removed and reinstalled if those vehicles are primarily used for the transportation of property.

"Truck-camper." A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

"Truck tractor." A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Urban district." The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

"Urban mass transportation system." A person holding a certificate of the Public Utility Commission or a municipality authority, port authority or transportation authority established under the laws of this Commonwealth that transports persons on schedule over fixed routes and derives over 80% of their intrastate scheduled revenue from scheduled operations within the county in which they have their principal place of business, or contiguous counties.

"Utility trailer." A trailer, except a recreational trailer, which does not have air brakes.

"Valueless except for salvage." (Deleted by amendment).

"Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

"Vehicle identification number" or **"VIN."** A combination of numerals or letters or both which the manufacturer assigns to a vehicle for identification purposes, or, in the absence of a manufacturer-assigned number, which the department assigns to a vehicle for identification purposes.

"Work zone." The area of a highway where construction, maintenance or utility work activities are being conducted which is properly signed as a work zone in accordance with regulations of the Department of Transportation.

"Wrecker." A motor vehicle designed or constructed and used for the towing of abandoned or disabled vehicles.

"Zero-emission vehicle." A motor vehicle which produces no emissions of any criteria of pollutants under any operational mode and under any conditions and which meets the applicable Federal motor vehicle safety standards.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; June 6, 1979, P.L.39, No.12, eff. imd.; June 18, 1980, P.L.223, No.67, eff. imd.; June 18, 1980, P.L.229, No.68, eff. 60 days; Oct. 10, 1980, P.L.791, No.147, eff. imd.; July 10, 1981, P.L.250, No.82, eff. imd.; Mar. 7, 1982, P.L.152, No.49, eff. imd.; June 23, 1982, P.L.605, No.171, eff. imd.; Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; July 7, 1983, P.L.32, No.19, eff. imd.; July 22, 1983, P.L.122, No.32, eff. imd.; Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; Feb. 12, 1984, P.L.53, No.12, eff. imd.; Apr. 3, 1984, P.L.181, No.33, eff. 60 days; June 30, 1984, P.L.473, No.99, eff. imd.; July 10, 1984, P.L.679, No.146, eff. 60 days; June 19, 1985, P.L.49, No.20, eff. 60 days; July 11, 1985, P.L.204, No.52, eff. 60 days; July 11, 1985, P.L.220, No.56, eff. 60 days; July 8, 1986, P.L.432, No.90, eff. 60 days; Nov. 23, 1987, P.L.399, No.82, eff. imd.; Feb. 2, 1990, P.L.2, No.2, eff. 60 days; Mar. 13, 1990, P.L.69, No.14, eff. imd.; May 30, 1990, P.L.173, No.42; June 29, 1990, P.L.259, No.60, eff. imd.; Aug. 5, 1991, P.L.238, No.26, eff. imd.; Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Dec. 14, 1992, P.L.870, No.139, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; May 20, 1993, P.L.30, No.10; June 28, 1993, P.L.137, No.33, eff. July 1, 1993; July 2, 1993, P.L.408, No.58, eff. imd.; Feb. 10, 1994, P.L.10, No.2, eff. imd.; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; June 13, 1995, P.L.57, No.9, eff. 30 days; July

6, 1995, P.L.246, No.30, eff. 60 days; Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Dec. 20, 1995, P.L.669, No.75, eff. 120 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; June 22, 2001, P.L.411, No.33, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. 60 days; June 26, 2001, P.L.734, No.75, eff. 60 days; July 4, 2002, P.L.692, No.105, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152; Dec. 23, 2002, P.L.1982, No.229; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days; Nov. 30, 2004, P.L.1667, No.211, eff. 60 days; Dec. 1, 2004, P.L.1767, No.228, eff. Jan. 1, 2007; July 5, 2005, P.L.100, No.37; July 14, 2005, P.L.285, No.50, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Aug. 18, 2009, P.L.308, No.37, eff. imd.; Oct. 19, 2010, P.L.557, No.81, eff. 60 days; Nov. 9, 2011, P.L.406, No.98, eff. 120 days; Dec. 22, 2011, P.L.596, No.129, eff. 60 days; Jan. 27, 2012, P.L.1, No.1, eff. 60 days; June 22, 2012, P.L.642, No.67, eff. 60 days; Oct. 24, 2012, P.L.1407, No.174, eff. 60 days; Apr. 18, 2014, P.L.430, No.36, eff. 60 days; June 30, 2014, P.L.814, No.85, eff. 60 days; Oct. 14, 2014, P.L.2491, No.140, eff. imd.; Oct. 22, 2014, P.L.2543, No.154; Oct. 22, 2014, P.L.2635, No.170, eff. 60 days; Nov. 4, 2015, P.L.227, No.61, eff. 60 days; May 25, 2016, P.L.236, No.33, eff. 15 months; May 25, 2016, P.L.248, No.34, eff. 60 days; July 8, 2016, P.L.477, No.75, eff. 60 days; Nov. 4, 2016, P.L.1222, No.164, eff. imd.; Nov. 4, 2016, P.L.1277, No.165, eff. imd.; July 20, 2017, P.L.342, No.31, eff. 60 days; Nov. 29, 2017, P.L.1184, No.57, eff. 60 days; Oct. 19, 2018, P.L.547, No.83, eff. 60 days; Oct. 19, 2018, P.L.563, No.86, eff. imd.; Oct. 24, 2018, P.L.729, No.117, eff. 180 days; Oct. 24, 2018, P.L.881, No.138, eff. 180 days; Oct. 29, 2020, P.L.1052, No.103, eff. 60 days; Nov. 1, 2020, P.L.1064, No.106, eff. 90 days; Nov. 25, 2020, P.L.1246, No.131, eff. 10 months; Nov. 3, 2022, P.L.1783, No.120, eff. 14 mos.; Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendments. Act 120 added the def. of "driver improvement school" and Act 130 added the defs. of "automated driving system" or "ADS," "bodily injury," "certificate holder," "highly automated vehicle" or "HAV," "highly automated vehicle driver" and "SAE J3016" and deleted the defs. of "highly automated work zone vehicle" and "platoon."

2020 Amendments. Act 103 amended the def. of "multipurpose agricultural vehicle," Act 106 amended the def. of "pedestrian" and added the def. of "personal delivery device" or "PDD" and Act 131 added the defs. of "certified driver rehabilitation specialist," "certified driving instructor" and "low-vision rehabilitation specialist."

2018 Amendments. Act 83 amended the defs. of "emergency service responder" and "emergency vehicle" and added the def. of "solid waste collection vehicle," Act 86 added the defs. of "automated speed enforcement system" and "automated speed enforcement work area," Act 117 added the defs. of "highly automated work zone vehicle" and "platoon" and Act 138 amended the def. of "recreational trailer" and added the def. of "recreational cargo trailer."

2017 Amendments. Act 31 amended the def. of "stinger-steered automobile" or "boat transporter" and Act 57 added the def. of "golf cart."

2016 Amendments. Act 33 added the def. of "ignition interlock limited license," Act 34 amended the def. of "motorcycle" and added the def. of "autocycle," Act 75 amended

the def. of "emergency vehicle," Act 164 amended the def. of "bus" and Act 165 added par. (1)(v) in the def. of "abandoned vehicle."

2015 Amendment. Act 61 amended the def. of "emergency vehicle" and added par. (14) in the def. of "emergency service responder."

2014 Amendments. Act 36 added the def. of "manufactured home," Act 85 added the def. of "manufactured home," Act 140 amended the defs. of "emergency vehicle" and "fire department vehicle," Act 154 amended the def. of "pedalcycle" and added the defs. of "neighborhood electric vehicle" and "pedalcycle with electric assist," effective May 1, 2015, as to "neighborhood electric vehicle," and 60 days as to the remainder of the section and Act 170 added the defs. of "air-mile," "covered farm vehicle" and "for-hire motor carrier operations." The amendments by Acts 36 and 85 adding the def. of "manufactured home" are substantially the same and have both been given effect in setting forth the text of "manufactured home."

2012 Amendments. Act 67 amended the def. of "emergency vehicle" and added the def. of "emergency canteen support service organization vehicle" and Act 174 amended the defs. of "commercial implement of husbandry" and "multipurpose agricultural vehicle."

2011 Amendments. Act 98 added the def. of "interactive wireless communications device" and Act 129 amended the def. of "motorcycle."

2010 Amendment. Act 81 added the defs. of "emergency service responder" and "serious bodily injury." The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

2008 Amendment. Act 133 amended the def. of "motor vehicle."

2007 Amendment. Act 67 amended the defs. of "automated red light enforcement system" and "recorded images."

2005 Amendment. Act 37 added the def. of "commercial driver." Section 10(2) of Act 37 provided that Act 37 shall take effect 90 days after publication of a notice in the Pennsylvania Bulletin. The notice was published July 16, 2005, at 35 Pa.B. 4029.

2004 Amendments. Act 207 amended the def. of "issuing authority," added the def. of "magisterial district judge" and deleted the def. of "district justice," Act 211 amended the defs. of "multipurpose agricultural vehicle" and "special mobile equipment" and Act 228 amended the def. of "collectible motor vehicle." See section 28 of Act 207 in the appendix to this title for special provisions relating to applicability.

2002 Amendments. Act 105 amended the def. of "motor vehicle" and added the def. of "electric personal assistive mobility device" or "EPAMD," Act 123 added the defs. of "automated red light enforcement system," "house coach" and "recorded images," Act 152 amended the defs. of "abandoned vehicle," "collectible motor vehicle," "essential parts," "reconstructed vehicle," "recovered theft vehicle" and "vehicle identification number" or "VIN," added the defs. of "agent service," "major component parts," "mileage," "modified vehicle," "nonrepairable vehicle," "salvage vehicle," "status" and "theft vehicle" and deleted the def. of "valueless except for salvage," effective immediately as to "nonrepairable vehicle," six months as to "agent service" and 60 days as to the remainder of the section, and Act 229 amended the def. of "motor carrier vehicle" and added the defs. of "active work zone" and "work zone," effective immediately

as to "active work zone" and "work zone" and six months as to "motor carrier vehicle."

2001 Amendments. Act 33 amended the defs. of "commercial implement of husbandry," "farm equipment" and "implement of husbandry," Act 68 added the defs. of "transfer," "transferee" and "transferor" and Act 75 amended the def. of "emergency vehicle" and added the defs. of "ambulance," "blood delivery vehicle," "fire department vehicle," "hazardous material response vehicle" and "human organ delivery vehicle."

1998 Amendment. Act 151 amended the defs. of "maxi-cube vehicle," "modular housing unit," "motorized pedalcycle," "passenger car," "registered gross weight," "salvor," "special mobile equipment," "truck" and "vehicle" and added the defs. of "cancel," "manufactured construction unit" and "numbered traffic route."

1996 Amendment. Act 115 added the def. of "utility trailer."

1995 Amendments. Act 9 added the def. of "interstate highway," Act 30 added the def. of "second-stage manufacturer," Act 72 amended the def. of "pedalcycle" and Act 75 amended the defs. of "classic motor vehicle" and "emergency vehicle" and added the def. of "collectible motor vehicle."

1994 Amendments. Act 2 amended the def. of "terminal" and added the defs. of "maxi-cube vehicle," "saddle-mount operation" and "stinger-steered automobile" or "boat transporter," Act 115 added the def. of "secure power of attorney" and deleted the def. of "farm truck" and Act 172 added the def. of "containerized cargo."

1993 Amendments. Act 10 amended the defs. of "recovered theft vehicle" and "school bus," effective immediately, and amended the defs. of "commercial implement of husbandry" and "implement of husbandry" and added the def. of "farm vehicle," all effective in 60 days, Act 33 amended the def. of "court" and Act 58 amended the defs. of "passenger car" and "school bus."

1992 Amendments. Act 31 amended the defs. of "emergency vehicle" and "valueless except for junk" and added the def. of "recovered theft vehicle" and Act 139 added the defs. of "electric vehicle," "hybrid electric vehicle" and "zero-emission vehicle."

1990 Amendments. Act 2 added the def. of "salvage motor vehicle auction or pool operator" and Act 42 amended the defs. of "bus," "passenger car" and "school bus," added the defs. of "limousine," "occupational limited license" and "school vehicle," all effective November 1, 1990, and amended the def. of "classic motor vehicle," effective in 60 days, and Act 60 amended the def. of "street rod."

1987 Amendment. Act 82 added the def. of "safety seat belt system."

1986 Amendment. Act 90 amended the def. of "gross weight."

1984 Amendments. Act 11 deleted the def. of "proof of insurance," Act 12 amended the def. of "local authorities," Act 99 added the def. of "hazardous material" and Act 146 amended the defs. of "bus" and "motor-driven cycle."

1983 Amendments. Act 19 amended the def. of "registered gross weight" and added the defs. of "converter gear," "terminal" and "tow dolly" and Act 32 amended the def. of "resident." See section 7 of Act 19 in the appendix to this title for special provisions relating to expiration of amendments authorizing two trailers and long combinations.

1982 Amendments. Act 49 amended the def. of "mobile home" and added the defs. of "modular housing undercarriage" and

"modular housing unit" and Act 289 added the def. of "chemical test or testing."

1980 Amendments. Act 67 added the def. of "mass transit vehicle" and Act 147 added the defs. of "construction truck" and "tandem axle."

1979 Amendment. Act 12 added the def. of "articulated bus."

1978 Amendment. Act 53 amended the def. of "issuing authority" and added the defs. of "court," "district justice" and "general rule."

Cross References. Section 102 is referred to in sections 1920.2, 2105, 3742.1, 7304.1, 7310, 8509, 8522 of this title; section 6102 of Title 7 (Banks and Banking); section 6202 of Title 12 (Commerce and Trade); section 5704 of Title 18 (Crimes and Offenses); section 6202 of Title 27 (Environmental Resources); section 901 of Title 30 (Fish); section 901 of Title 34 (Game); section 3571 of Title 42 (Judiciary and Judicial Procedure); section 3732 of Title 62 (Procurement); section 8102 of Title 74 (Transportation).

§ 103. Uniformity of interpretation.

This title shall be so interpreted and construed as to effectuate its general purpose to make uniform the law throughout this Commonwealth and all political subdivisions.

§ 104. Continuation of existing law (Repealed).

1978 Repeal. Section 104 was repealed April 28, 1978, P.L.202, No.53, effective in 60 days.

PART II
TITLE, REGISTRATION AND LICENSING

Chapter

11. Certificate of Title and Security Interests
13. Registration of Vehicles
15. Licensing of Drivers
16. Commercial Drivers
17. Financial Responsibility
18. Motor Vehicle Insurance Fraud
19. Fees
20. Motor Vehicle Insurance Rate Review Procedures
21. Motor Carriers Road Tax Identification Markers
23. Motor Vehicle Transaction Recovery Fund

Enactment. Part II was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

CHAPTER 11
CERTIFICATE OF TITLE AND SECURITY INTERESTS

Subchapter

A. Certificate of Title
B. Security Interests
C. Electronic Titling Program
D. Salvage Vehicles, Theft Vehicles, Reconstructed Vehicles and Flood Vehicles

Enactment. Chapter 11 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Cross References. Chapter 11 is referred to in sections 1301, 1373 of this title.

SUBCHAPTER A
CERTIFICATE OF TITLE

Sec.

1101. Certificate of title required.
1102. Vehicles not requiring certificate of title.
1103. Application for certificate of title (Repealed).
1103.1. Application for certificate of title.
1104. Examination of records upon receipt of application.
1105. Issuance of certificate of title.
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1110. Duplicate certificate of title to replace original.
1111. Transfer of ownership of vehicle.
1111.1. Transfer of ownership of vehicles used for human habitation.
1112. Disclosure of odometer reading and tampering with odometer (Repealed).
1113. Transfer to or from manufacturer or dealer.
1114. Transfer of vehicle by operation of law.
1115. Correction of certificate of title.
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1117. Vehicle destroyed, dismantled, salvaged or recycled (Repealed).
1118. Suspension and cancellation of certificate of title.
1119. Application for certificate of title by agent.

§ 1101. Certificate of title required.

(a) General rule.--Except as provided in section 1102 (relating to vehicles not requiring certificate of title), every owner of a vehicle which is in this Commonwealth and for which no certificate of title has been issued by the department shall make application to the department for a certificate of title of the vehicle.

(b) Registration without certificate prohibited.--The department shall not register or renew the registration of a vehicle unless a certificate of title has been issued by the department to the owner or an application for a certificate of title has been delivered by the owner to the department.

(c) Penalty.--Failure to obtain a certificate of title as required by law is a summary offense.

§ 1102. Vehicles not requiring certificate of title.

No certificate of title is required for:

(1) A vehicle owned by the United States unless it is registered in this Commonwealth.

(2) A golf cart, motor-driven cycle, go-cart or other similar vehicle unless it is registered in this Commonwealth.

(3) A new vehicle owned by a manufacturer or registered dealer before and until sale.

(4) A vehicle owned by a nonresident of this Commonwealth and not required by law to be registered in this Commonwealth.

(5) A vehicle owned by a resident legally required to be registered in another state, based and used principally outside of this Commonwealth, and not required by law to be registered in this Commonwealth.

(6) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state.

(7) A vehicle moved solely by human or animal power.
(8) An implement of husbandry unless required to be registered.
(9) Special mobile equipment unless required to be registered.
(10) A multipurpose agricultural vehicle.
(11) A tow dolly.
(12) An electric personal assistive mobility device.
(Mar. 7, 1982, P.L.152, No.49, eff. imd.; July 11, 1985, P.L.220, No.56, eff. 60 days; Aug. 5, 1991, P.L.238, No.26, eff. imd.; July 4, 2002, P.L.692, No.105, eff. 60 days)

2002 Amendment. Act 105 added par. (12).
1991 Amendment. Act 26 added par. (11).
1985 Amendment. Act 56 added par. (10).
1982 Amendment. Act 49 amended the intro. par. and deleted par. (10).
Cross References. Section 1102 is referred to in section 1101 of this title.

§ 1103. Application for certificate of title (Repealed).

1990 Repeal. Section 1103 was repealed June 30, 1990, P.L.266, No.63, effective immediately, and July 10, 1990, P.L.356, No.83, effective immediately.

§ 1103.1. Application for certificate of title.

(a) Contents of application.--Application for a certificate of title shall be made upon a form prescribed and furnished by the department and shall contain a full description of the vehicle, the vehicle identification number, odometer reading, date of purchase, the actual or bona fide name and address of the owner, a statement of the title of applicant, together with any other information or documents the department requires to identify the vehicle and to enable the department to determine whether the owner is entitled to a certificate of title, and the description of any security interests in the vehicle. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality) may use a substitute address designated by the Office of Victim Advocate as their address.

(b) Signing and filing of application.--Application for a certificate of title shall be made within 20 days of the sale or transfer of a vehicle or its entry into this Commonwealth from another jurisdiction, whichever is later. The application shall be accompanied by the fee prescribed in this title and any tax payable by the applicant under the laws of this Commonwealth in connection with the acquisition or use of a vehicle or evidence to show that the tax has been collected. The application shall be signed and verified by oath or affirmation by the applicant if a natural person; in the case of an association or partnership, by a member or a partner; and in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application.

(c) Manufacturer's Statement of Origin for new vehicles.--If the application refers to a new vehicle, it shall be accompanied by the Manufacturer's Statement of Origin for the vehicle.

(d) Vehicles purchased from dealers.--If the application refers to a vehicle purchased from a dealer, the dealer shall mail or deliver the application to the department within 20 days of the date of purchase. The application shall contain the names and addresses of any lienholders in order of priority and

the amounts and the dates of the security agreements and be assigned by the dealer to the owner and signed by the owner. Any dealer violating this subsection is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $50 for each violation. The requirement that the dealer mail or deliver the application to the department does not apply to vehicles purchased by fleet owners or governmental or quasi-governmental agencies.

(d.1) Presumption of receipt and grace period prior to prosecution.--Within one business day of receiving an application referring to a vehicle purchased from a dealer, the department shall stamp the application with a work identification number, which shall include the year and day that the application was received at the department. In determining whether a dealer has submitted an application in accordance with subsection (d), an additional ten-day period shall be calculated and allotted to the dealer to account for any possible delay of the mail or by the department in timely stamping an application as to the year and day received. No issuing authority or court shall extend this period. An application, or copy thereof certified by the department, which displays the stamped work identification document number shall be accepted by any issuing authority or court in any proceeding as prima facie evidence of the date that the application was received by the department. If the displayed stamp is not legible, a certification by the department of the date that the application was received shall be accepted by the issuing authority or court as prima facie evidence of that date.

(e) Out-of-State vehicles.--If the application refers to a vehicle last previously titled or registered in another state or country, the following information shall be contained in or accompany the application or be forwarded in support of the application as required by the department:

(1) Any certificate of title issued by the other state or country.

(2) A tracing of the vehicle identification number taken from the official number plate or, where it is impossible to secure a legible tracing, verification that the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application. The department shall provide by regulation the persons who are authorized to verify vehicle identification numbers under this paragraph.

(3) Any other information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in the vehicle.

(f) Foreign vehicles owned by military personnel.--If the application refers to a vehicle last previously registered in another country by a person on active duty in the armed forces of the United States, the department may accept a complete form issued by the United States Department of Defense as evidence of ownership.

(g) Specially constructed, reconstructed or modified vehicles.--If the vehicle to be titled is a specially constructed, reconstructed or modified vehicle, that fact shall be stated in the application. The department may promulgate rules and regulations pertaining to the titling of specially constructed, reconstructed or modified vehicles.

(g.1) Verification.--In lieu of notarization of any document required to be submitted with the application for certificate of title, the department shall accept the verification of a

person's signature by a wholesale vehicle auction licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons or its employee, or an issuing agent who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee. The name and identification number and the signature of the issuing agent or wholesale vehicle auction or respective employee shall be written in the space reserved for a notarization or verification. If an issuing agent or wholesale vehicle auction or respective employee falsely verifies a person's signature, the department shall suspend the issuing agent's or wholesale vehicle auction's authority to issue temporary registration plates and cards for not less than 30 days. When verification is used in lieu of notarization, the issuing agent or its employee shall verify a person's identity by using at least one form of government-issued photo identification. A copy of the form of identification used shall be maintained by the issuing agent for a period of three years from the date of the verification.

(h) Penalties.--Any person who falsely verifies a signature under subsection (g.1) or a vehicle identification number under subsection (e)(2) or who verifies a vehicle identification number without being authorized as provided in subsection (e)(2) commits a summary offense punishable by a fine of $300.
(June 30, 1990, P.L.266, No.63, eff. imd.; July 10, 1990, P.L.356, No.83, eff. imd.; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Nov. 30, 2004, P.L.1474, No.188, eff. 180 days; July 14, 2005, P.L.285, No.50, eff. 60 days)

2005 Amendment. Act 50 amended subsec. (g.1).
2004 Amendment. Act 188 amended subsec. (a).
2002 Amendment. Act 152 amended subsecs. (g) and (g.1).
1998 Amendment. Act 151 amended subsec. (h) and added subsec. (g.1).
1994 Amendment. Act 115 added subsec. (d.1).
1990 Amendments. Acts 63 and 83 added section 1103.1. The amendments by Acts 63 and 83 are identical except for a reference by Act 83 in subsecs. (b) and (d) to "20 days" which has been given effect in setting forth the text of section 1103.1.
Cross References. Section 1103.1 is referred to in sections 1111, 6308 of this title.

§ 1104. Examination of records upon receipt of application.

The department, upon receiving an application for a certificate of title, shall check the vehicle identification number shown in the application against the records of vehicles required to be maintained under section 1105 (relating to issuance of certificate of title) and against the record of stolen vehicles required to be maintained under section 7114 (relating to records of stolen vehicles). If the record indicates that the vehicle is stolen, the application and accompanying documents may be retained by the department pending investigation.

§ 1105. Issuance of certificate of title.

(a) General rule.--The department shall file each application received and, when satisfied as to the genuineness and regularity of the application and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title for the vehicle. The department shall

use reasonable diligence in ascertaining whether or not the facts stated in the application are true.

(b) Maintenance of records.--The department shall maintain a record of all certificates of title issued by the department as follows:

(1) Under a distinctive title number assigned to the vehicle.

(2) Under the vehicle identification number.

(3) Alphabetically, under the name of the owner.

(4) In the discretion of the department, by any other method determined by the department.

(c) Title transfer odometer readings.--The department shall compare the odometer reading of the vehicle each time a certificate of title is transferred and ascertain the reported mileage against the most recent previously reported mileage for the vehicle.

(June 14, 1983, P.L.16, No.8, eff. 60 days)

1983 Amendment. Act 8 added subsec. (c).

Cross References. Section 1105 is referred to in section 1104 of this title.

§ 1106. Content and effect of certificate of title.

(a) Vehicle identification and encumbrances.--A certificate of title shall contain such description and other evidence of identification of the vehicle for which it is issued as the department may deem necessary and the odometer reading, together with a statement of any liens or encumbrances, including the names of the holder or holders of the liens or encumbrances and any indication of special use or condition set forth under subsection (b).

(b) Indication of special use or condition.--No person shall assign a certificate of title to any vehicle unless the certificate clearly contains notice of the use or condition if the vehicle is or has been:

(1) used as a police car;

(2) used as a taxicab for the transport of passengers, for hire, having a seating capacity of nine or fewer passengers;

(3) an abandoned vehicle;

(4) a flood vehicle;

(5) a modified vehicle;

(6) a reconstructed vehicle;

(7) a specially constructed vehicle;

(8) a recovered theft vehicle or a theft vehicle if required to be retitled under section 1164 (relating to theft vehicles);

(9) a vehicle originally manufactured for intended distribution outside the United States;

(10) bearing a VIN plate differing from its original;

(11) a motor vehicle returned to a vehicle dealer or manufacturer pursuant to the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law; or

(12) a highly automated vehicle.

Indication of the use or condition shall be deemed part of the description of the vehicle. Any person violating this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $200.

Indication of the use or condition shall be deemed part of the description of the vehicle. Any person violating this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $200.

(c) Certificate as evidence and notice.--A certificate of title issued by the department is prima facie evidence of the facts appearing on the certificate. The certificate shall be adequate notice to the Commonwealth, creditors, subsequent lienholders and purchasers that a lien against the vehicle exists. The printed name of the secretary shall constitute a signature on the certificate.
(June 14, 1983, P.L.16, No.8, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; June 28, 2018, P.L.498, No.74, eff. 180 days; Nov. 3, 2022, P.L.1946, No.130, eff. one year)

2022 Amendment. Act 130 amended subsec. (b)(10) and (11) and added subsec. (b)(12).
2018 Amendment. Act 74 amended subsec. (b).
2002 Amendment. Act 152 amended subsecs. (a) and (b).
1992 Amendment. Act 174 amended subsec. (c).
Cross References. Section 1106 is referred to in section 8508 of this title.

§ 1107. Delivery of certificate of title.

The certificate of title shall be mailed to the first lienholder or encumbrancer named in the certificate or, if there is no lienholder or encumbrancer, the title shall be mailed or delivered to the owner in accordance with the department regulations.

§ 1108. Registration without certificate of title.

If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in the vehicle, the department may register the vehicle but shall withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the ownership by the applicant of the vehicle and that there are no undisclosed security interests in the vehicle.

§ 1109. Refusing issuance of certificate.

The department may refuse issuance of a certificate of title or certificate of salvage when it has reasonable grounds to believe:

(1) That any required fee has not been paid.

(2) That any taxes payable under the laws of this Commonwealth on or in connection with, or resulting from, the acquisition or use of the vehicle have not been paid.

(3) That the applicant is not the owner of the vehicle.

(4) That the application contains a false or fraudulent statement.

(5) That the applicant has failed to furnish required information or documents or any additional information the department reasonably requires.

(6) That the vehicle is a nonrepairable vehicle.

(Dec. 9, 2002, P.L.1278, No.152)

2002 Amendment. Act 152 amended the entire section, effective immediately as to par. (6) and 60 days as to the remainder of the section.

§ 1110. Duplicate certificate of title to replace original.

(a) Application for duplicate.--In the event of a lost, destroyed, defaced, stolen or illegible certificate of title, application for a duplicate may be made by furnishing information satisfactory to the department upon a form prescribed and furnished by the department. The form shall be signed by the first lienholder or, if none, the owner or legal

representative of the owner, verified by oath or affirmation of the applicant, accompanied by the fee provided in this title.

(b) Status of original and duplicate.--If the original certificate of title is found after the duplicate is issued, the original title shall be returned to the department with an explanation. Only the duplicate title is valid once issued. Subsequent transfer of ownership can be made only on the duplicate.

§ 1111. Transfer of ownership of vehicle.

(a) Duty of transferor.--In the event of the sale or transfer of the ownership of a vehicle within this Commonwealth, the owner shall execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes, sworn to before a notary public or other officer empowered to administer oaths or verified by a wholesale vehicle auction licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee, or an issuing agent who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee, and deliver the certificate to the transferee at the time of the delivery of the vehicle.

(a.1) Exception for dealers.--When a certificate of title for a vehicle acquired by a licensed dealer for the purpose of resale is encumbered by a lien or when there is a manufacturer's statement of origin for a new vehicle, delivery of the certificate of title or manufacturer's statement of origin by the dealer as a transferor at the time of delivery of the vehicle upon resale shall not be required if, prior to delivery of the vehicle, the dealer obtains the applicable powers of attorney to properly execute transfer of the title or manufacturer's statement of origin and the dealer requests and receives the departmental verification of any lienholders, ownership, odometer information and title brands, on titled vehicles, and any other information that the department deems necessary to be verified. Upon payment of the established fee, the department shall provide the dealer or authorized messenger service with verification of the required information. The department may supply the verified information by either written or electronic means. The application and a properly assigned certificate of title or manufacturer's statement of origin shall be delivered to the department within the time period prescribed by section 1103.1 (relating to application for certificate of title). If a dealer sells a vehicle after verification of the required information for a certificate of title encumbered by a lien, but fails to satisfy the lien or deliver an assignment and warranty of title to the dealer's transferee within 90 days of the date of purchase, and this failure is the result of an act or omission by the dealer, the dealer shall accept return of the vehicle from the transferee and shall refund the purchase price less actual depreciation of the vehicle while it was within the possession of the transferee. In refunding the purchase price, the price shall include the listed dollar value of any trade-in vehicle as stated in the sales transaction document in lieu of returning the transferee's trade-in vehicle.

(a.2) Exception for sales at licensed wholesale auctions.--In the event of the offering for sale or transfer of a vehicle between automobile dealers licensed by this Commonwealth or another state at a wholesale vehicle auction which is licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons as a wholesale vehicle auction, the licensed dealer need not execute an assignment and warranty of title to the transferee at the time of the offering of the

vehicle for sale if, prior to the offering of the sale of the vehicle, it is noted that the title is not present. The transferor shall deliver a properly assigned and warranted title to that transferee within ten days of the date that the vehicle was offered for sale, and the sale shall not be consummated until the transferor has delivered the title to the transferee.

(b) Duty of transferee.--Except as otherwise provided in section 1113 (relating to transfer to or from manufacturer or dealer), the transferee shall, within 20 days of the assignment or reassignment of the certificate of title, apply for a new title by presenting to the department the properly completed certificate of title, sworn to before a notary public or other officer empowered to administer oaths or verified before an issuing agent, who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee, and accompanied by such forms as the department may require.

(b.1) Transfers relating to the RESET program.--A motor vehicle transferred to the Commonwealth or a political subdivision for use in the RESET program administered under section 405.1 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, shall not be subject to sales or use tax under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, upon the removal of the vehicle from inventory by any:

(1) motor vehicle dealer, importer or wholesaler; or

(2) "broker," "dealer" or "distributor," as defined in section 2 of the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.

(c) Penalty.--Any person violating subsection (a) shall be guilty of a summary offense and shall, upon conviction, be sentenced:

(1) For a first offense, to pay a fine of $100.

(2) For a subsequent offense, to pay a fine of not less than $300 nor more than $1,000.

(July 10, 1984, P.L.679, No.146, eff. 60 days; Dec. 20, 1995, P.L.666, No.74; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 14, 2005, P.L.285, No.50, eff. 60 days; Oct. 24, 2012, P.L.1431, No.178, eff. 60 days)

2012 Amendment . Act 178 amended subsecs. (a.1) and (b).

2005 Amendment. Act 50 amended subsec. (a).

References in Text. The short title of the act of June 13, 1967, P.L.31, No.21, known as the Public Welfare Code, referred to in subsection (b.1), was amended by the act of December 28, 2015, P.L.500, No.92. The amended short title is now the Human Services Code.

Cross References. Section 1111 is referred to in sections 1113, 1161, 6308 of this title.

§ 1111.1. Transfer of ownership of vehicles used for human habitation.

(a) Tax status certification.--If a mobile home or manufactured home that has been anchored to the ground to facilitate connections with electricity, water and sewerage, and previously titled in this Commonwealth to a person using the mobile home or manufactured home as a residence in this Commonwealth immediately preceding its sale or transfer, is offered for sale or transfer, the transferor shall obtain a tax status certification from the tax claim bureau of the county in which the mobile home or manufactured home is situated showing the county, municipal and school district real estate taxes due on the mobile home or manufactured home, as shown by

the bureau's records as of the date of the certification, including any delinquent taxes turned over to a third party for collection. The tax status certification shall be provided to the transferee and the department in conjunction with the transfer of the mobile home or manufactured home and shall include the following:

(1) The parcel number assigned to the vehicle.

(2) The amount of current or delinquent taxes owed from the parcel number.

(3) The date upon which a tax for the parcel number will accrue and the taxing period that the tax will cover.

(4) The addresses and telephone numbers of the tax collection authority and tax claim bureau or equivalent office.

(b) Certification obtained by third party.--The transferor may request a notary public or other officer empowered to administer oaths or a vehicle dealer or its employee licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons and authorized by the department to complete certificate of title transfer paperwork to obtain the tax status certification on his behalf. The person or entity obtaining the tax status certification on behalf of the transferor may recoup the fee paid for each certification from the transferor and is not liable to the transferor, transferee or the tax claim bureau or equivalent office of the county in which a mobile home or manufactured home is situated for an error or omission on the tax status certification or for payment of a tax due.

(c) Real estate taxes due.--If taxes are due from the mobile home or manufactured home, the transferor shall pay the delinquent real estate taxes in full or cause the taxes to be paid in full and an updated tax status certification must be obtained and provided to the transferee and the department before the transfer is completed. Payment of delinquent real estate taxes shall be made in accordance with section 204 of the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law.

(d) Tax liability.--If any tax status certification incorrectly indicates that a tax has been paid or that less than the true and correct amount is owed and a transferor, transferee or third party securing the certification acts in reliance upon such representations, the transferor, transferee or third party shall not be liable for the amount of the error. If a tax certification is requested in connection with a particular transfer or sale of a mobile home or manufactured home, the parties to the transaction shall be presumed to have acted in reliance upon the representations in the certification.

(e) Issuance of certification.--Notwithstanding any other provision of law and regardless of the timing of a tax due to accrue to the mobile home or manufactured home, the tax claim bureau or an equivalent office shall issue a tax status certification as provided in this section upon request by the transferor or transferor's agent.

(Apr. 18, 2014, P.L.430, No.36, eff. 60 days; June 30, 2014, P.L.814, No.85, eff. 60 days; Oct. 19, 2018, P.L.544, No.81, eff. 60 days)

2018 Amendment. Act 81 amended subsec. (a).

2014 Amendments. Act 36 added section 1111.1 and Act 85 amended subsec. (a).

§ 1112. Disclosure of odometer reading and tampering with odometer (Repealed).

1983 Repeal. Section 1112 was repealed June 14, 1983, P.L.16, No.8, effective in 60 days. The subject matter is now contained in Subchapter D of Chapter 71 of this title.

§ 1113. Transfer to or from manufacturer or dealer.

(a) Transfer to manufacturer or dealer.--When the purchaser or transferee of a vehicle is a manufacturer or registered dealer who holds the vehicle for resale, a certificate of title need not be applied for as provided for in section 1111 (relating to transfer of ownership of vehicle), but the transferee shall, within seven days from the date of assignment of the certificate of title to the manufacturer or dealer, forward to the department, upon a form prescribed and furnished by the department, notification of the acquisition of the vehicle. Notification in lieu of applying for a certificate of title as authorized in this section may not be used in excess of three consecutive transactions after which time an application shall be made for a certificate of title. Notwithstanding the foregoing, a transferee of a motor vehicle shall apply for a certificate of title no later than six months from the date of the assignment.

(b) Execution and display of notice of transfer.--The manufacturer or dealer making notification as to any vehicle acquired pursuant to subsection (a) shall execute at least two copies, the original of which shall be forwarded to the department, and one copy shall be retained by the manufacturer or dealer for at least one year after a subsequent transfer, to be exhibited, with a copy of the assigned certificate of title, upon request of any police officer or authorized department employee.

(c) Transfer from manufacturer or dealer.--Except as otherwise provided in this section when the transferee is another manufacturer or dealer:

(1) The manufacturer or dealer, upon transferring their interest in the vehicle, shall execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes.

(2) The transferee shall complete the application for certificate of title in the name of the transferee.

(3) The manufacturer or dealer shall forward the certificate of title and any other required forms to the department within 20 days of the transfer.

(d) Exception for repossessed vehicles.--This section does not apply to a vehicle repossessed upon default of performance of a lease, contract of conditional sale or similar agreement.

(e) Penalty.--Any manufacturer or dealer violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $50 for each violation.

(July 10, 1984, P.L.679, No.146, eff. 60 days; July 10, 1990, P.L.356, No.83, eff. 30 days; Aug. 5, 1991, P.L.238, No.26, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsecs. (a), (b) and (c).

Cross References. Section 1113 is referred to in sections 1111, 1952, 6308, 7134 of this title.

§ 1114. Transfer of vehicle by operation of law.

(a) General rule.--If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as otherwise provided, promptly mail or deliver to the department the last certificate of title, if available, and shall apply for a new certificate of title on a form prescribed and furnished by the department. The application

shall be accompanied by such instruments or documents of authority, or certified copies thereof, as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.

(b) Transfer to surviving spouse.--Transfer of a certificate of title to a surviving spouse, or any person designated by the spouse, may be made without the necessity of filing for letters of administration notwithstanding the fact that there are minor children surviving the decedent provided the surviving spouse files an affidavit that all the debts of the decedent have been paid.

(c) Surrender of certificate.--A person holding a certificate of title whose interest in a vehicle has been extinguished or transferred other than by voluntary transfer shall immediately surrender the certificate of title to the person to whom the right to possession of the vehicle has passed. Upon request of the department, such person shall mail or deliver the certificate to the department. Delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate.

Saved from Suspension. Pennsylvania Rule of Civil Procedure for District Justices No. 482(10), as amended April 25, 1979, provided that section 1114 shall not be deemed suspended or affected. Rules 401 through 482 relate to execution of judgments for the payment of money rendered by district justices. Act 207 of 2004 changed justices of the peace to magisterial district judges. Rule 482 can now be found in Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.

Pennsylvania Rule of Civil Procedure No. 3159(b)(11), adopted April 20, 1998, provided that section 1114 shall not be deemed suspended or affected by Rules 3101 through 3149 relating to enforcement of money judgments for the payment of money.

References in Text. Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Cross References. Section 1114 is referred to in sections 1902, 6308 of this title; section 367 of Title 15 (Corporations and Unincorporated Associations).

§ 1115. Correction of certificate of title.

(a) General rule.--When any certificate of title has been issued in error to a person not entitled to the certificate or contains incorrect information or information has been omitted from the certificate, the department shall notify in writing the person to whom the certificate has been issued or delivered that the certificate has been recalled. Unless a departmental hearing is requested pursuant to subsection (a.1), such person shall immediately return the certificate of title within ten days, together with any other information necessary for the adjustment of departmental records, and, upon receipt of the certificate, the department shall cancel the certificate and issue a corrected certificate of title.

(a.1) Opportunity for hearing and appeal.--The department's notice of recall shall advise the person to whom the certificate has been issued that said person may request an informal departmental hearing within ten days of the date of said notice if said person wishes to contest the recall. If an informal departmental hearing is requested within ten days, said hearing shall be held within 15 days of said request. If, as a result of the hearing, the department determines that the recall was proper, the person to whom the certificate of title was issued

or delivered shall return the certificate of title within ten days of the determination. Such person may appeal the informal departmental determination by requesting, within ten days of the date of the determination, a formal hearing as prescribed by departmental regulations (pertaining to administrative practice and procedure).

(b) Change in material information on certificate.--If any material information on the certificate of title is changed or different from the information originally set forth, the owner shall immediately inform the department and apply for a corrected certificate of title. For the purposes of this subsection, a change of address shall not be deemed material.

(b.1) Change in name on certificate.--Whenever there is a change of name because of marriage or divorce, the owner shall not be required to apply for a corrected certificate of title but shall, in such manner as the department shall prescribe, inform the department of the new name and of the title number of every vehicle titled in the owner's former name. Upon receipt of such information, the department shall correct the vehicle record of the owner to indicate the name change. The department shall not be required to produce a new certificate of title for a name change because of marriage or divorce, unless the owner submits an application for a new certificate of title. In the event that the owner submits an application for a new certificate of title, such owner shall be required to remit the fee set forth in section 1952 (relating to certificate of title) for the issuance of a certificate of title by the department.

(c) Seizure of certificate on conviction.--(Deleted by amendment).

(d) Issuance of corrected certificate after seizure or cancellation.--Upon failure of a person to return a certificate of title as required by the provisions of this section, the department may delegate authority to any department employee or police officer to seize the certificate of title. Upon failure of the department to receive, as required by this section, the certificate of title to which a person is not entitled or which contains incorrect or omitted information, the department may proceed to cancel the certificate of title issued in error and, upon receipt of sufficient evidence that the vehicle is within the possession of the proper owner or lienholder, may issue to the proper owner or lienholder a correct certificate of title.

(e) Penalty.--Any person violating this section shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $100 nor more than $300.

(July 2, 1993, P.L.408, No.58, eff. imd.; Feb. 10, 1994, P.L.10, No.2, eff. imd.; Dec. 20, 1995, P.L.669, No.75, eff. 120 days)

1995 Amendment. Act 75 added subsec. (b.1).

1994 Amendment. Act 2 amended subsec. (a).

§ 1116. Issuance of new certificate following transfer.

(a) Voluntary transfer.--The department, upon receipt of a properly assigned certificate of title with an application for a new certificate of title, the required fee and any other required documents and articles, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in the certificate or, if none, to the owner.

(b) Involuntary transfer.--The department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, on a form prescribed and

furnished by the department together with proper proof satisfactory to the department of the transfer, the required fee and any other required documents and articles, shall issue a new certificate of title in the name of the transferee as owner.

(c) Filing and retention of surrendered certificate.--The department shall file and retain for five years every surrendered certificate of title, or a copy, in such a manner as to permit the tracing of title of the vehicle.

Saved from Suspension. Pennsylvania Rule of Civil Procedure for District Justices No. 482(10), as amended April 25, 1979, provided that section 1116(b) shall not be deemed suspended or affected. Rules 401 through 482 relate to execution of judgments for the payment of money rendered by district justices. Act 207 of 2004 changed justices of the peace to magisterial district judges. Rule 482 can now be found in the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.

Pennsylvania Rule of Civil Procedure No. 3159(b)(11), adopted April 20, 1998, provided that section 1116 shall not be deemed suspended or affected by Rules 3101 through 3149 relating to enforcement of money judgments for the payment of money.

References in Text. Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Cross References. Section 1116 is referred to in section 367 of Title 15 (Corporations and Unincorporated Associations).

§ 1117. Vehicle destroyed, dismantled, salvaged or recycled (Repealed).

2002 Repeal. Section 1117 was repealed December 9, 2002, P.L.1278, No.152, effective in 60 days.

§ 1118. Suspension and cancellation of certificate of title.

(a) Return of new vehicle.--The department may cancel the certificate of title issued for a new vehicle when it is shown by satisfactory evidence that the vehicle has been returned within the time specified in the department regulations to the manufacturer or dealer from whom obtained.

(b) Vehicles sold to nonresidents or abandoned, nonrepairable or salvage.--The department may cancel certificates of title for vehicles sold to residents of other states or foreign countries when the vehicle is to be registered in the other jurisdiction or for an abandoned vehicle processed under this title or a nonrepairable or salvage vehicle.

(c) Surrender of Pennsylvania certificate in other jurisdiction.--The department, upon receipt of notification from another state or foreign country that a certificate of title issued by the department has been surrendered by the owner in conformity with the laws of the other state or foreign country, may cancel the certificate of title.

(d) Surrender of foreign certificate to department.--When an owner surrenders a certificate of title from another state or foreign country to the department, the department may notify the state or foreign country in order that the certificate of title may be cancelled or otherwise disposed of in accordance with the law of the other jurisdiction.

(e) Conviction for misstatement of facts.--The department, upon receipt of certification from the clerk of any court showing conviction for a misstatement of facts on any application for an original or duplicate certificate of title

or any transfer of a certificate of title, shall suspend the certificate of title and require that the certificate be returned immediately to the department, whereupon the department may cancel the certificate.

(f) Nonpayment of fee.--The department may suspend a certificate of title when a check received in payment of the fee is not paid on demand or when the fee for the certificate is unpaid and owing.

(g) Security interest unaffected by suspension or cancellation.--Suspension or cancellation of a certificate of title does not, in itself, affect the validity of a security interest noted on the certificate.

(h) Surrender of certificate.--The department may request the return of certificates of title which have been suspended or cancelled. The owner or person in possession of the certification of title shall immediately mail or deliver the certificate to the department.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 amended subsec. (b).

§ 1119. Application for certificate of title by agent.

(a) Authorization to make application.--

(1) Except as provided in paragraph (2), no person shall make application for a certificate of title when acting for another person unless authorization to make the application is in effect and is verified by oath or affirmation of the other person, made not more than 90 days before the application is received by the department.

(2) The 90-day provision contained in paragraph (1) shall not apply to:

(i) Fleet owners who are lessees of vehicles.

(ii) A wholesale vehicle auction licensed pursuant to the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.

(iii) Blanket powers of attorney issued for general purposes not limited to the sale, purchase or transfer of vehicles.

(iv) If the 90th day occurs during a declaration by the Governor of disaster emergency under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor), a limited power of attorney may be used for the sale, purchase or transfer of manufactured homes during the period of the disaster emergency and for 10 days following the expiration of the disaster emergency.

(b) Certificate not to be assigned in blank.--No person shall make application for, or assign or physically possess, a certificate of title, or direct or allow another person in his employ or control to make application for, or assign or physically possess, a certificate of title, unless the name of the transferee is placed on the assignment of certificate of title simultaneously with the name of the transferor and duly notarized. Wholesale vehicle auctions and vehicle dealers licensed pursuant to the Board of Vehicles Act are exempt from the limitations of this subsection with respect to certificates of title for vehicles that are entrusted to the licensed wholesale vehicle auction for sale or transfer.

(c) Persons authorized to hold certificate.--

(1) No person shall receive, obtain or hold a certificate of title recorded in the name of another person for the other person who is not in the regular employ of, or not a member of the family of, the other person.

(2) The following persons are exempt from the limitations of paragraph (1):

(i) A lienholder who has a valid undischarged lien recorded in the department against the vehicle represented by the certificate of title.

(ii) A vehicle auction, licensed pursuant to the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, when offering vehicles for sale.

(iii) A vehicle dealer, licensed pursuant to the Board of Vehicles Act, offering a vehicle for sale pursuant to a written consignment agreement with the transferor.

(d) Penalty.--Any person violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $100.

(May 21, 1992, P.L.244, No.37, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; July 14, 2005, P.L.285, No.50, eff. 60 days; July 23, 2020, P.L.644, No.64, eff. imd.)

2020 Amendment. Act 64 added subsec. (a)(2)(iv).

2005 Amendment. Act 50 amended subsecs. (a) and (b).

1998 Amendment. Act 151 amended subsec. (c)(2)(ii) and (iii).

1996 Amendment. Act 115 amended subsec. (c).

Cross References. Section 1119 is referred to in section 6308 of this title; section 5601 of Title 20 (Decedents, Estates and Fiduciaries).

SUBCHAPTER B
SECURITY INTERESTS

Sec.

1131. Applicability of subchapter.
1132. Perfection of security interest (Deleted by amendment).
1132.1. Perfection of a security interest in a vehicle.
1133. Creation of security interest for titled vehicle (Deleted by amendment).
1134. Assignment by lienholder of security interest.
1135. Satisfaction of security interest.
1136. Duty of lienholder to disclose pertinent information.
1137. Subchapter exclusive for perfecting security interest.
1138. Duration of perfection.
1139. Terminal rental adjustment clauses.
1140. Cancellation of certificate of title or ownership for mobile home.

§ 1131. Applicability of subchapter.

This subchapter does not apply to or affect:

(1) A lien given by statute or rule of law to a supplier of services or materials for the vehicle.

(2) A lien given by statute to the United States, the Commonwealth or any political subdivision.

(3) A security interest in a vehicle which is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind.

(4) Any vehicle for which a certificate of title is not required under this chapter.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001)

2001 Amendment. Act 18 amended par. (3).

§ 1132. Perfection of security interest (Deleted by amendment).

2001 Amendment. Section 1132 was deleted by amendment June 8, 2001, P.L.123, No.18, effective July 1, 2001.

§ 1132.1. Perfection of a security interest in a vehicle.

(a) Perfection.--A security interest in a vehicle titled in this Commonwealth is perfected at the time the department receives all of the following:

(1) A completed application specifying the lienholder's name and address. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality) may use a substitute address designated by the Office of Victim Advocate as their address.

(2) An amount equal to or greater than the fee required by section 1953 (relating to security interest).

(3) The manufacturer's statement of origin or the existing certificate of title for the vehicle.

(b) Duty of a lienholder.--If an additional security interest in a vehicle titled in this Commonwealth is being created by the owner of the vehicle and the certificate of title is in the possession of a lienholder, the lienholder shall, at the request of the owner, deliver the certificate of title to the person perfecting the security interest in the vehicle. Upon receipt of the certificate of title, the person perfecting the security interest in the vehicle shall deliver the certificate of title to the department in accordance with subsection (a).

(c) Work identification number.--Upon receipt of items required in subsection (a), the department shall assign or place a work identification number on each of the items. The first two numbers in the work identification number shall indicate the year in which the items were received. The next three numbers in the work identification number shall indicate the day of the year the items were received. The date indicated in the work identification number shall constitute conclusive evidence of the date of receipt and the date of perfection.

(d) Delivery of certificate of title.--Upon perfection of a security interest in a vehicle, the department shall issue a certificate of title with the names of the first two lienholders and indicate the number of additional lienholders existing at that time. The department shall mail the certificate of title to the first lienholder named in the certificate of title. (June 8, 2001, P.L.123, No.18, eff. July 1, 2001; Nov. 30, 2004, P.L.1474, No.188, eff. 180 days)

2004 Amendment. Act 188 amended subsec. (a).

2001 Amendment. Act 18 added section 1132.1.

§ 1133. Creation of security interest for titled vehicle (Deleted by amendment).

2001 Amendment. Section 1133 was deleted by amendment June 8, 2001, P.L.123, No.18, effective July 1, 2001.

§ 1134. Assignment by lienholder of security interest.

(a) General rule.--A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity or perfection of the security interest but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder

under this chapter until the assignee is named as lienholder on the certificate of title.

(b) Duty of assignee.--The assignee shall deliver to the department the certificate of title and an assignment by the lienholder named in the certificate of title on a form prescribed and furnished by the department and accompanied by the required fee. Failure of the assignee to make the delivery shall not affect the validity or perfection of the security interest.

(c) Division 9.--The provisions of this subchapter are subject to 13 Pa.C.S. § 9308(e) (relating to when security interest or agricultural lien is perfected; continuity of perfection).

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001)

§ 1135. Satisfaction of security interest.

(a) Absence of subsequent liens.--Where there are no subsequent liens upon a vehicle, the following rules apply upon the satisfaction of a security interest in the vehicle:

(1) The outstanding certificate of title shall be mailed or delivered immediately to the owner of the vehicle with proper evidence of satisfaction and release or the lienholder may apply for corrected title to be issued in the name of the owner.

(2) The owner may mail or deliver the certificate of title with proper evidence of satisfaction of the security interest to the department which shall issue a corrected certificate of title without a statement of liens or encumbrances. The corrected certificate of title may also be issued when the outstanding certificate of title cannot be returned and proper evidence is produced that all recorded security interests have been satisfied.

(b) Prior or subsequent liens.--Where there are subsequent liens upon a vehicle or the lien to be released is not a first lien, the following rules apply upon the satisfaction of a security interest in the vehicle:

(1) If the lienholder whose security interest is satisfied has possession of the certificate of title, the lienholder shall mail or deliver the certificate of title, immediately upon satisfaction, to the department with proper evidence of satisfaction and release of the security interest. A corrected certificate of title, containing a statement of the remaining security interests on record, shall be mailed by the department to the person holding the next lien upon the vehicle.

(2) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall, immediately upon satisfaction, mail or deliver to the owner proper evidence of the satisfaction and release of the security interest. Upon request of the owner and receipt of the release, the lienholder in possession of the certificate of title shall mail or deliver the certificate of title together with the release to the department. The department shall issue a corrected certificate of title which shall be mailed to the first lienholder.

(c) Penalties.--

(1) Any person failing to deliver upon demand a satisfied certificate of title as required by subsection (a)(1) is guilty of a summary offense and shall, upon conviction, for a first offense be sentenced to pay a fine

of $50 and for a subsequent offense be sentenced to pay a fine of $100.

(2) Any person failing to return to the department a certificate of title where there are other liens, for correction and delivery, as required by subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $100.

(3) No person shall be deemed guilty of a violation of this section if the person delivers the certificate of title to the department within five days of the satisfaction of the lien.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001)

2001 Amendment. Act 18 amended subsec. (a)(2).

Cross References. Section 1135 is referred to in section 7508 of this title.

§ 1136. Duty of lienholder to disclose pertinent information.

A lienholder named in a certificate of title shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to the security agreement and the indebtedness secured by the agreement.

§ 1137. Subchapter exclusive for perfecting security interest.

The method provided in this subchapter for perfecting and giving notice of security interests is exclusive, except as otherwise provided in 13 Pa.C.S. §§ 9315 (relating to secured party's rights on disposition of collateral and in proceeds) and 9316(d) and (e) (relating to effect of change in governing law).

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 27, 2013, P.L.154, No.30, eff. July 1, 2013)

§ 1138. Duration of perfection.

(a) General rule.--Perfection of a security interest is effective for a period of 30 years in the case of a mobile home or emergency vehicle, 20 years for a motor home or recreational trailer, eight years in the case of a truck tractor or trailer weighing in excess of 10,000 pounds and six years in all other cases, in each case dating from the time of perfection as provided for in this subchapter and subject to renewal as provided in subsection (b).

(b) Renewal.--The effectiveness of perfection lapses on the expiration of the periods specified in subsection (a) unless a renewal form is filed within the six months immediately preceding expiration. Upon the timely filing of a renewal form, the effectiveness of perfection continues for a period of three years, commencing on the date on which perfection would have lapsed in the absence of the filing. Perfection may be renewed for as many three-year periods as may be necessary by the holder of the security interest upon a form furnished by the department, signed by the secured party and accompanied by the fee provided in this title.

(c) Corrected certificate when perfection expires.--A corrected certificate of title without a statement of liens or encumbrances shall be issued by the department, upon the request of the owner, when perfection of the security interests recorded on the certificate of title have expired.

(July 10, 1984, P.L.679, No.146, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 22, 2001, P.L.411, No.33, eff. 120 days; Dec. 20, 2015, P.L.489, No.86, eff. 180 days)

2015 Amendment. Act 86 amended subsec. (a).

2001 Amendments. Act 18 amended the entire section and Act 33 amended subsec. (a). Act 33 overlooked the amendment by Act 18, but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (a).

§ 1139. Terminal rental adjustment clauses.

Notwithstanding any other provision of law, a lease agreement which pertains to the commercial use of a motor vehicle or trailer and which includes a terminal rental adjustment clause does not create a sale or security interest merely because the terminal rental adjustment clause provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the actual value of the motor vehicle or trailer upon lease termination or sale or other disposition of the motor vehicle or trailer. Actual value shall be determined as agreed upon by the parties. This section is not applicable to a consumer lease agreement pertaining to a motor vehicle or trailer leased or used primarily for personal, family or household purposes.

(July 6, 1995, P.L.315, No.48, eff. 60 days)

1995 Amendment. Act 48 added section 1139.

§ 1140. Cancellation of certificate of title or ownership for mobile home.

(a) General rule.--The department may cancel a certificate of title for a mobile home affixed to real property. The person requesting the cancellation shall submit to the department an application for cancellation and the certificate of title. The application must be on a form prescribed by the department. Upon cancellation, the ownership interest in the mobile home, together with all liens and encumbrances thereon, shall be transferred to and shall encumber the real property to which the mobile home has become affixed.

(b) New certificate of title after cancellation.--If the department has previously canceled a certificate of title to a mobile home under subsection (a), the owner of the mobile home shall submit to the department all of the following:

(1) An application for a certificate of title on the forms prescribed by the department.

(2) A certificate from an attorney or title company that there are no mortgages, judgments or other liens of record against the mobile home or, if there is a lien, a certified copy of a release of lien executed by the lienholder and issued by the recorder of deeds or prothonotary, as appropriate.

(3) Such other information as the department shall require.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001)

2001 Amendment. Act 18 added section 1140.

SUBCHAPTER C
ELECTRONIC TITLING PROGRAM

Sec.

1151. Electronic media system for vehicle titles (Expired).
1151.1. Program.
1152. Development of pilot program (Expired).
1153. Administration of system.
1154. Expansion of pilot program (Expired).
1155. Certification.

Enactment. Subchapter C was added December 20, 1995, P.L.666, No.74, effective immediately.

Subchapter Heading. The heading of Subchapter C was amended December 21, 1998, P.L.1126, No.151, effective in 60 days.

§ 1151. Electronic media system for vehicle titles (Expired).

2007 Expiration. Section 1151 expired January 1, 2007. See Act 113 of 2006.

§ 1151.1. Program.

(a) General rule.--The department shall administer an electronic titling program that permits the recording of vehicle title information for new, transferred and corrected certificates of title through electronic media in a cost-effective manner in lieu of the submission and maintenance of paper documents otherwise required by this chapter.

(b) Description.--The electronic titling program shall include, but not be limited to, methods by which vehicle title information, including the perfection, release and assignment of vehicle security interests, may be submitted through electronic media.

(c) Mandatory participation.--Except for individuals and lienholders who are not normally engaged in the business or practice of financing vehicles, lienholders shall participate in the electronic titling program.

(July 10, 2006, P.L.1086, No.113)

2006 Amendment. Act 113 added section 1151.1, effective in two years as to subsec. (c) and 60 days as to the remainder of the section.

§ 1152. Development of pilot program (Expired).

2007 Expiration. Section 1152 expired January 1, 2007. See Act 113 of 2006.

§ 1153. Administration of system.

To carry out its responsibilities under this subchapter, the department is authorized to contract with private industries for the purpose of administrating a system which will permit the electronic communication of title information and security interest notification. A third party operating a secured host computer system interfacing with the department's computer system and the computer system of a lending institution or other sales finance company shall be bonded in the amount specified by the department and shall maintain audit trails for a period of time specified by the department. The department is authorized to pay a reasonable fee to a third party to administer the system. Information received under this section by a third party shall remain confidential as specified by the department.

§ 1154. Expansion of pilot program (Expired).

2007 Expiration. Section 1154 expired January 1, 2007. See Act 113 of 2006.

§ 1155. Certification.

Notwithstanding any other provision of law, a written or printed report of an electronic transaction or recording permitted under this subchapter, if certified as true and correct by the department, shall serve as evidence of any signature, acknowledgment or information which was provided to or by the department through electronic means, and the certification shall be admissible in any legal proceeding as evidence of the facts stated therein.

SUBCHAPTER D
SALVAGE VEHICLES, THEFT VEHICLES, RECONSTRUCTED VEHICLES AND FLOOD VEHICLES

Sec.

1161. Certificate of salvage required.
1162. Transfer to vehicle salvage dealer.
1163. Transfer to scrap metal processor.
1164. Theft vehicles.
1165. Reconstructed vehicles.
1165.1. Inspection of reconstructed, modified and specially constructed vehicles.
1165.2. Specialized Vehicle Compliance Inspection Advisory Panel (Expired).
1166. Flood vehicles.
1167. Penalty.

Enactment. Subchapter D was added December 9, 2002, P.L.1278, No.152, effective in 60 days.

Cross References. Subchapter D is referred to in sections 4729, 7309 of this title.

§ 1161. Certificate of salvage required.

(a) General rule.--Except as provided in sections 1162 (relating to transfer to vehicle salvage dealer) and 1163 (relating to transfer to scrap metal processor), a person, including an insurer or self-insurer as defined in section 1702 (relating to definitions), who owns, possesses or transfers a vehicle located or registered in this Commonwealth which qualifies as a salvage vehicle shall make application to the department for a certificate of salvage for that vehicle.

(b) Application for certificate of salvage.--An owner who transfers a vehicle to be destroyed or dismantled, salvaged or recycled shall assign the certificate of title to the person to whom the vehicle is transferred. Except as provided in section 1163, the transferee shall immediately present the assigned certificate of title to the department or an authorized agent of the department with an application for a certificate of salvage upon a form furnished and prescribed by the department. An insurer as defined in section 1702 to which title to a vehicle is assigned upon payment to the insured or claimant of the replacement value of a vehicle shall be regarded as a transferee under this subsection, and an assignment of title to an insurer under this subsection is exempt from the requirements of notarization and verification in section 1111(a) (relating to transfer of ownership of vehicle). If an owner retains possession of a vehicle which is damaged to the extent that it qualifies for vehicle replacement payment, the owner shall apply for a certificate of salvage immediately. In this case, an insurer shall not pay vehicle replacement value until the owner produces evidence to the insurer that the certificate of salvage has been issued. A self-insurer as defined in section 1702 shall apply for a certificate of salvage when a vehicle is damaged to the extent that the cost of repairs would exceed the replacement value of the vehicle as certified by a licensed motor vehicle physical damage appraiser.

(c) Issuance and effect of certificate of salvage.--Upon proper application for a certificate of salvage, the department or agent of the department shall issue to the transferee a certificate of salvage which shall authorize the holder to possess or by endorsement transfer ownership of the salvage

vehicle. A certificate of title or registration shall not again be issued or renewed for the vehicle except upon application containing the information the department requires, accompanied by any necessary documents required under section 1165 (relating to reconstructed vehicles).

(d) Out-of-State salvage vehicles.--The owner of a salvage vehicle possessing a valid certificate of title or certificate of salvage from a state or jurisdiction other than this Commonwealth does not need to apply for a certificate under subsection (a). If the owner wishes to transfer the salvage vehicle, the owner shall make application to the department and attach the out-of-State certificate of title or certificate of salvage along with any other information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in the vehicle. The person identified on the application must be located or the owner or lienholder must be domiciled in this Commonwealth to qualify for issuance of a certificate of salvage by the department.

(e) Certificate not to be assigned in blank.--No person shall make application for or assign or physically possess a certificate of salvage or direct or allow another person in his employ or control to make application for or assign or physically possess a certificate of salvage unless the name and address of the transferee is placed on the assignment of the certificate of salvage simultaneously with the name of the transferor.

(f) Repairs to personal vehicle.--Nothing herein shall require a vehicle owner to obtain a certificate of salvage to repair or replace parts or component parts which malfunction or wear out as a result of normal use and operation which has occurred after the vehicle was transferred to the owner.
(Oct. 24, 2012, P.L.1431, No.178, eff. 60 days)

2012 Amendment. Act 178 amended subsec. (b).

Cross References. Section 1161 is referred to in sections 1162, 6308 of this title.

§ 1162. Transfer to vehicle salvage dealer.

(a) General rule.--Any owner who transfers a vehicle or a salvage vehicle to a vehicle salvage dealer, as defined in section 1337(c)(2) (relating to use of "Miscellaneous Motor Vehicle Business" registration plates), shall assign the certificate of title or salvage certificate to the vehicle salvage dealer. A certificate of title or salvage certificate for a vehicle transferred to a vehicle salvage dealer is exempt from the requirements of notarization and verification by a corporate officer.

(b) Certificate of title.--Upon transfer of a certificate of title to a salvage vehicle dealer, the salvage vehicle dealer shall immediately send to the department or an authorized agent of the department either of the following:

(1) The assigned certificate of title attached to a form prescribed by the department indicating that the vehicle is to be designated as a nonrepairable vehicle. A copy of the form shall be retained for record in accordance with section 6308(d) (relating to investigation by police officers). The vehicle shall not be rebuilt, retitled or issued a certificate of any kind.

(2) The assigned certificate of title with an application for a certificate of salvage upon a form prescribed by the department. The certificate of salvage, when issued to the vehicle salvage dealer, shall have the

same effect as provided in section 1161(c) (relating to certificate of salvage required).

(c) Vehicles with defective or lost title.--Any person on whose property is located a vehicle which is a salvage vehicle and which has a faulty, lost or destroyed title may transfer the vehicle to a salvor or to a salvage program operated by a political subdivision for removal to a suitable place of storage or for scrapping, provided the salvor or salvage program complies with the requirements of this section, except that the report to the department that the vehicle is a salvage vehicle shall be verified by the transferor of the vehicle instead of the police department.

Cross References. Section 1162 is referred to in sections 1161, 6308 of this title.

§ 1163. Transfer to scrap metal processor.

(a) Flattened vehicles.--When a vehicle has been flattened, crushed or processed to the extent that it is no longer identifiable as a vehicle, its certificate of title, certificate of salvage or nonrepairable certificate shall be attached to a form prescribed by the department and immediately sent to the department. The form shall include such information as the department shall require. A copy of the form shall be retained for record in accordance with section 6308(d) (relating to investigation by police officers). The vehicle scrap material shall no longer be considered a vehicle and shall not be reconstructed, retitled or issued a certificate of any kind.

(b) Vehicles.--Any owner who transfers a vehicle or a salvage vehicle to a scrap metal processor shall assign the certificate of title or certificate of salvage to the scrap metal processor. Such certificate of title or certificate of salvage is exempt from the requirements of notarization and verification by a corporate officer.

(c) Certificate of title.--Upon transfer of a certificate of title to a scrap metal processor, the scrap metal processor shall immediately send to the department or an authorized agent of the department the assigned certificate of title attached to a form prescribed by the department indicating that the vehicle is to be designated as a nonrepairable vehicle. A copy of the form shall be retained for record in accordance with section 6308(d). The vehicle shall not be rebuilt, retitled or issued a certificate of any kind.

(c.1) Title not assigned.--

(1) An insurance company may request the department to issue a salvage certificate for a vehicle if the insurance company is unable to obtain the properly endorsed certificate of title or certificate of salvage within 30 days following oral, written or electronic acceptance by the vehicle owner of an offer of an amount in settlement of a total loss:

(i) The request must be made on a form approved by the department and signed under penalty of perjury, accompanied by documentation as the department may require.

(ii) Prior to request for the certificate of salvage as provided for under this paragraph:

(A) The insurance company must make at least two written attempts mailed or delivered to obtain the assigned certificate of title or certificate of salvage.

(B) The insurance company must mail or deliver the settlement payment.

(2) The department shall issue a certificate of salvage for the vehicle upon receipt of the properly executed application.

(3) This subsection does not apply to a vehicle that has been driven or taken without the consent of the vehicle owner.

(4) The provisions of paragraph (1) do not apply to a vehicle where there was not oral, written or electronic acceptance by the owner of the total loss settlement.

(d) Vehicles with defective or lost title.--A vehicle owner may transfer a salvage vehicle with a faulty, lost or destroyed title located on the vehicle owner's property to a scrap metal processor for removal to a suitable place of storage or for scrapping, provided that the scrap metal processor complies with the requirements of this section. The report to the department that the vehicle is a salvage vehicle shall be verified by the transferor of the vehicle.

(July 20, 2016, P.L.820, No.91, eff. 60 days)

Cross References. Section 1163 is referred to in sections 1161, 6308 of this title.

§ 1164. Theft vehicles.

(a) General rule.--Upon payment to the insured of the replacement value for a theft vehicle, the owner or insurer shall apply for a certificate of salvage branded as a theft vehicle.

(b) Assessing damage on recovered theft vehicles.--If a theft vehicle has been recovered, the vehicle shall be assessed as to the level of damage at the time of recovery by an insurer or licensed physical damage appraiser:

(1) If the cost of repairs exceeds the replacement value of the vehicle, the theft-branded certificate of salvage shall serve as an ownership document. If the vehicle thereafter passes the reconstructed salvage vehicle inspection requirements under section 1165 (relating to reconstructed vehicles), it shall receive a certificate of title branded reconstructed and recovered-theft vehicle.

(2) If the cost of repairs is more than 50% of the replacement value of the vehicle and the owner elects to retain title to the vehicle, the owner shall apply for a certificate of title branded recovered-theft vehicle. A legible copy of the vehicle damage appraisal report completed by an insurer or licensed physical damage appraiser must accompany an application under this paragraph. The damage appraisal report shall include the replacement value of the vehicle.

(3) If an owner has received a certificate of salvage branded as a theft vehicle after a payment has been made and the stolen vehicle is located and thereafter passes an inspection by a licensed physical damage appraiser in which the damage does not rise to the level of paragraph (2), the owner may apply to the department for an unbranded title. A legible copy of the vehicle damage appraisal report completed by an insurer or licensed physical damage appraiser must accompany an application under this paragraph. The damage appraisal report shall include the replacement value of the vehicle.

(4) An individual who has not been paid the replacement value for the vehicle and has not received a certificate of salvage may use the existing certificate of title without applying for a new title.

(c) Self-insurer requirement.--If the insurer is a self-insurer, the assessment of damage under this section shall be completed by a licensed physical damage appraiser who is not affiliated with or employed by the self-insurer.
(June 28, 2018, P.L.498, No.74, eff. 180 days)

2018 Amendment. Act 74 amended subsec. (b) and added subsec. (c).

Cross References. Section 1164 is referred to in sections 1106, 6308 of this title.

§ 1165. Reconstructed vehicles.

(a) General rule.--If a vehicle, other than an antique or classic vehicle, for which a certificate of salvage has been issued is thereafter restored to operating condition, it shall be regarded as a reconstructed vehicle.

(b) Application for a reconstructed vehicle certificate of title.--A reconstructed vehicle title and registration shall be issued to an applicant if the applicant presents to the department an application for a certificate of title upon a form furnished and prescribed by the department and any other information the department deems appropriate.

Cross References. Section 1165 is referred to in sections 1161, 1164, 1166 of this title.

§ 1165.1. Inspection of reconstructed, modified and specially constructed vehicles.

(a) Findings of fact.--The General Assembly finds that a key element for successfully converting a stolen vehicle into a marketable item is obtaining a title to that vehicle. In a report to the Congress of the United States, the Motor Vehicle Titling, Registration and Salvage Advisory Committee made several recommendations that would assist state motor vehicle agencies to combat the vehicle theft and title fraud that has been rising at an alarming rate throughout the nation. In the committee's report, recommendations were for each state to establish a two-part inspection procedure. Part one would be to inspect each vehicle to verify the VIN and replacement parts (supported by titles, proof of ownership, bills of sale) and owner affirmation. Part two would be to provide a uniform safety inspection for rebuilt salvage vehicles.

(b) General rule.--All reconstructed, modified and specially constructed vehicles shall be required to undergo an enhanced vehicle safety inspection as specified in departmental contracts, policy guidelines or regulations as deemed appropriate by the advisory panel convened under section 1165.2 (relating to Specialized Vehicle Compliance Inspection Advisory Panel).
(Dec. 1, 2004, P.L.1767, No.228, eff. Jan. 1, 2007)

2004 Amendment. Act 228 added section 1165.1.

References in Text. Section 1165.2, referred to in subsec. (b), expired.

Cross References. Section 1165.1 is referred to in section 4702.1 of this title.

§ 1165.2. Specialized Vehicle Compliance Inspection Advisory Panel (Expired).

2007 Expiration. Section 1165.2 expired January 1, 2007. See Act 228 of 2004.

§ 1166. Flood vehicles.

(a) General rule.--Upon payment to the insured of the replacement value for a flood vehicle, the owner or insurer shall apply for a certificate of salvage branded as a flood vehicle.

(b) Assessing damage of flood vehicles.--A flood vehicle shall be assessed as to the level of damage by an insurer or licensed physical damage appraiser:

(1) If the cost of repairs exceeds the replacement value of the vehicle, the flood-branded certificate of salvage shall serve as an ownership document. If the vehicle thereafter passes the reconstructed salvage vehicle inspection requirements under section 1165 (relating to reconstructed vehicles), it shall receive a certificate of title branded reconstructed and flood vehicle.

(2) If the cost of repairs does not exceed the replacement value of the vehicle, the owner shall apply for a certificate of title branded flood vehicle. A legible copy of the vehicle damage appraisal report completed by an insurer or licensed physical damage appraiser must accompany an application under this paragraph. The damage appraisal report shall include the replacement cash value of the vehicle.

§ 1167. Penalty.

A person who violates the provisions of this subchapter commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $500 for each violation.

CHAPTER 13
REGISTRATION OF VEHICLES

Subchapter

A. General Provisions
B. Registration Plates
C. Violations and Suspensions

Enactment. Chapter 13 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

Special Provisions in Appendix. See section 25 of Act 115 of 1996 in the appendix to this title for special provisions relating to pilot programs for decentralized services for motor vehicle and driver license transactions.

See section 15 of Act 23 of 1999 in the appendix to this title for special provisions relating to joint study on registration validation stickers.

Cross References. Chapter 13 is referred to in sections 1516, 1752, 1798.3, 1911, 3722, 6117, 7702 of this title.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

1301. Registration and certificate of title required.
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§ 1301. Registration and certificate of title required.

(a) Driving unregistered vehicle prohibited.--No person shall drive or move and no owner or motor carrier shall knowingly permit to be driven or moved upon any highway any vehicle which is not registered in this Commonwealth unless the vehicle is exempt from registration.

(b) Proof of residency.--A person charged under this section has the burden of proving that he is a nonresident whenever he asserts a defense based on section 1303 (relating to vehicles of nonresidents exempt from registration). If he produces at the office of the issuing authority satisfactory proof that he is a nonresident and is in compliance with section 1303 within five days after being charged with a violation of this section, the issuing authority shall dismiss the charge.

(c) Certificate of title prerequisite to registration.--No vehicle shall be registered unless a certificate of title has been applied for or issued if one is required by Chapter 11 (relating to certificate of title and security interests).

(c.1) Reconstructed, recovered theft, flood, modified and specially constructed vehicles.--Only the department shall issue a temporary registration plate or card, or permit the transfer of a registration plate, in conjunction with any application for reconstructed, recovered theft, flood, modified and specially constructed vehicles. Proof of financial responsibility must accompany the application for registration prior to the issuance of a registration plate.

(c.2) Special inspection prerequisite to operation.--After the effective date of this section, no reconstructed, modified or specially constructed vehicle may be operated on the highway until it has successfully passed an inspection at a reconstructed vehicle inspection station.

(d) Penalty.--Any person violating the provisions of subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $75 or double the registration fee, whichever is greater, except when the vehicle was previously registered in this Commonwealth within 60 days of the commission of the offense whereupon the fine shall be $25. In the case of a motor carrier vehicle other than a trailer, the fine shall be $50 if the motor carrier vehicle was previously registered in this Commonwealth within 60 days of the commission of the offense or, if the registration occurs outside the 60-day period, the fine shall be double the

registration fee for the maximum weight at which the vehicle could have been registered in this Commonwealth.
(July 22, 1983, P.L.122, No.32, eff. imd.; Mar. 29, 1984, P.L.155, No.30, eff. 60 days; July 10, 1984, P.L.679, No.146, eff. 60 days; July 8, 1986, P.L.432, No.90, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Dec. 1, 2004, P.L.1767, No.228, eff. Jan. 1, 2007)

2004 Amendment. Act 228 added subsec. (c.2).
2002 Amendment. Act 152 added subsec. (c.1).
1998 Amendment. Act 151 amended subsecs. (a) and (d).
Cross References. Section 1301 is referred to in sections 1311, 6309, 6309.1 of this title.

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

(1) Any vehicle used in conformance with the provisions of this chapter relating to dealers, persons registered under any of the miscellaneous motor vehicle business classes or nonresidents.

(2) (Deleted by amendment).

(2.1) Any implement of husbandry, other than a commercial implement of husbandry, used exclusively for agricultural operations. Vehicles are exempt from registration under this paragraph when operated within 50 miles of the farm or farms owned or operated by the vehicle owner.

(2.2) Any implement of husbandry, trailer or semitrailer used exclusively for agricultural operations when being towed or hauled by an implement of husbandry or farm vehicle within 50 miles of the farm or farms owned or operated by the owner of the towed or hauled vehicle.

(3) Any self-propelled golf cart used for the transportation of persons or equipment for sporting, maintenance or recreational purpose while crossing certain public highways.

(4) Any vehicle moved by special permit as provided for in sections 4965 (relating to single permits for multiple highway crossings), 4966 (relating to permit for movement of quarry equipment), and 4970(a) (relating to permit for movement of construction equipment).

(5) Any vehicle registered and displaying plates issued in a foreign country by the armed forces of the United States for a period of 45 days from the date of the return of the owner to the United States.

(6) Any vehicle owned by a resident legally required to be registered in another state based and used principally outside of this Commonwealth.

(7) Any vehicle moved solely by human or animal power.

(8) (Deleted by amendment).

(9) Any mobile home or modular housing unit.

(10) Any farm vehicle used exclusively upon a farm or farms owned or operated by the owner of the vehicle, subject to the following:

(i) (Deleted by amendment).

(ii) (Deleted by amendment).

(i.1) Type A--Such a farm vehicle with a gross vehicle weight rating not exceeding 10,000 pounds may be driven upon highways only from sunrise to sunset and between:

(A) Parts of one such farm.

(B) Such farms located not more than 50 miles apart.

(C) Such farm or farms and a place of business located within a radius of 50 miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 50 miles from such farm or farms for the purpose of repairing or servicing of the farm vehicle or the trailer or semitrailer being towed or hauled by the farm vehicle.

(i.2) Type B--Such a farm vehicle with a gross vehicle weight rating of greater than 10,000 pounds and not exceeding 17,000 pounds may be driven upon highways only from sunrise to sunset and between:

(A) Parts of one such farm.

(B) Such farms located not more than 25 miles apart.

(C) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 50 miles from such farm or farms for the purpose of repairing or servicing of the farm vehicle or the trailer or semitrailer being towed or hauled by the farm vehicle.

(i.3) Type C--Such a farm vehicle which does qualify as a motor carrier vehicle and which does not display a currently valid certificate of inspection may be driven upon highways only from sunrise to sunset and between:

(A) Parts of one such farm.

(B) Such farms located not more than ten miles apart.

(C) Such farm or farms and a place of business located within a radius of ten miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of repairing or servicing of the farm vehicle or the trailer or semitrailer being towed or hauled by the farm vehicle.

(i.4) Type D--Such a farm vehicle which does qualify as a motor carrier vehicle and displays a currently valid certificate of inspection may be driven without any restriction as to time but may only be driven on highways between:

(A) Parts of one such farm.

(B) Such farms located not more than 50 miles apart.

(C) Such farm or farms and a place of business located within a radius of 50 miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies or for repairing or servicing of the farm vehicle or the trailer or semitrailer being towed or hauled by the farm vehicle.

(iii) A biennial certificate of exemption shall be required for a farm vehicle exempt under this paragraph.

(iv) The owner of the farm vehicle shall maintain such minimum levels of liability insurance coverage on

the vehicle as are required to be maintained under Chapter 17 (relating to financial responsibility) by owners of registered motor vehicles. The owner shall satisfy the requirements of this subparagraph if the minimum amounts of liability insurance coverage for the farm vehicle have been provided under farm liability insurance coverage maintained generally by the owner. Coverage prescribed in Subchapter B of Chapter 17 shall not be required to be maintained or provided for the farm vehicle.

(11) Any trailer or semitrailer, including but not limited to non-self-propelled special mobile equipment and amusement rides constructed as an integral part of the trailer chassis to create a single unit, to be used primarily for off highway use and only operated incidentally upon the highway.

(12) Any military vehicle used for training by a private, nonprofit, tax exempt military educational institution when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by the institution.

(13) Any oversized or overweight vehicle which may be moved or operated only under a permit and without a load pursuant to section 4961(a) (relating to authority to issue permits) and 4962(f) (relating to when loads permitted).

(14) Any vehicle used for golf course maintenance, resort maintenance or college, university or seminary campus maintenance when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by said golf course, resort or college, university or seminary.

(15) Any motor vehicle being towed.

(16) Any trailer registered in another state towed by a motor vehicle registered in this Commonwealth provided:

(i) the owner has as many trailers registered in this Commonwealth as combinations so registered; or

(ii) the towing vehicle is being operated under a permanent lease to a person meeting the requirements of subparagraph (i).

(17) Any multipurpose agricultural vehicle. Vehicles exempt from registration under this paragraph shall be used exclusively upon a farm or farms owned or operated by the owner of the vehicles or upon highways between:

(i) Parts of one such farm.

(ii) Such farms located not more than five miles apart.

(18) Any farm and garden vehicle under 20 horsepower driven incidentally upon a highway, as determined by the department.

(19) A tow dolly.

(20) An electric personal assistive mobility device.

(21) Special mobile equipment engaged in construction activities within one mile of an active construction site where the vehicle is being used. Unregistered vehicles used under this paragraph shall be required to meet lighting and other requirements of special mobile equipment. This exemption shall not apply to tracked vehicles.

(22) Any portable traffic control signal or device upon a trailer not exceeding 3,000 pounds gross vehicle weight.

(23) Any all-terrain vehicle exempt from registration under Chapter 77 (relating to snowmobiles and all-terrain vehicles) and operated as an emergency vehicle by a police

or fire department or emergency medical services agency when the vehicle does not travel on public highways in excess of two miles and is primarily for off-highway use and only operated incidentally upon the highway. An all-terrain vehicle so operated shall comply with section 4571 (visual and audible signals on emergency vehicles).

(July 20, 1979, P.L.168, No.55, eff. imd.; Feb. 15, 1980, P.L.12, No.8, eff. imd.; July 11, 1980, P.L.550, No.113, eff. 60 days; Oct. 10, 1980, P.L.791, No.147, eff. imd.; Mar. 7, 1982, P.L.152, No.49, eff. imd.; June 23, 1982, P.L.605, No.171, eff. imd.; July 10, 1984, P.L.679, No.146, eff. 60 days; July 11, 1985, P.L.204, No.52, eff. 90 days; July 11, 1985, P.L.220, No.56, eff. 60 days; Dec. 12, 1986, P.L.1562, No.170, eff. 60 days; Aug. 5, 1991, P.L.238, No.26, eff. imd.; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; July 6, 1995, P.L.246, No.30, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 4, 2002, P.L.692, No.105, eff. 60 days; Dec. 1, 2004, P.L.1767, No.228, eff. 60 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days; Oct. 24, 2012, P.L.1307, No.163, eff. 60 days; Oct. 24, 2012, P.L.1407, No.174, eff. 120 days; Nov. 29, 2017, P.L.1184, No.57, eff. 60 days)

2017 Amendment. Act 57 amended pars. (3) and (14) and added par. (23).

2012 Amendments. Act 163 added par. (22) and Act 174 amended pars. (10) and (17), added pars. (2.1) and (2.2) and deleted par. (2).

2010 Amendment. Act 81 amended par. (11). The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

2004 Amendment. Act 228 added par. (21).

2002 Amendment. Act 105 added par. (20).

1998 Amendment. Act 151 amended par. (18) and deleted par. (8).

1995 Amendment. See section 5 of Act 30 in the appendix to this title for special provisions relating to equipment standards and inspection criteria.

Cross References. Section 1302 is referred to in sections 2105, 4921, 77A01 of this title.

§ 1303. Vehicles of nonresidents exempt from registration.

(a) General rule.--A nonresident owner of any foreign vehicle may operate or permit the operation of the vehicle within this Commonwealth without registering the vehicle in this Commonwealth or paying any fees to the Commonwealth, provided the vehicle at all times when operated in this Commonwealth is duly registered and in full compliance with the registration requirements of the place of residence of the owner and further provided the vehicle is not:

(1) used for the transportation of persons for hire, compensation or profit;

(2) regularly operated in carrying on business within this Commonwealth;

(3) designed, used or maintained primarily for the transportation of property for hire, compensation or profit and not subject to reciprocity under section 6144 (relating to vehicle registration and licensing) or 6149 (relating to automatic reciprocity); or

(4) special mobile equipment if not also required to be and actually registered under the laws of the place of residence of the owner.

(b) Transportation of persons for hire, compensation or profit.--Every owner of a foreign vehicle operated within this Commonwealth for the transportation of persons for hire, compensation or profit either regularly according to schedule or for a period exceeding 30 days in the calendar year, unless exempted from registration under the terms of a reciprocity agreement shall register the vehicle according to the laws of this Commonwealth.

(c) Carrying on business in this Commonwealth.--Every nonresident, including any foreign corporation, carrying on business within this Commonwealth and operating in the business any vehicle within this Commonwealth, unless exempted from registration under the terms of a reciprocity agreement, shall be required to register each such vehicle according to the laws of this Commonwealth. A foreign corporation having its principal place of business in this Commonwealth is regarded as a resident of this Commonwealth for the purposes of this section.

(d) Members of armed forces.--A member of the armed forces of the United States who is serving on active duty in this Commonwealth need not register a personal passenger vehicle in this Commonwealth if the vehicle is registered in the state of his residence.

(e) Trailer as part of registered combination.--(Deleted by amendment).

(Mar. 7, 1982, P.L.152, No.49, eff. imd.; July 10, 1984, P.L.679, No.146, eff. 60 days; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days)

1994 Amendment. Act 172 amended subsec. (b).

1984 Amendment. Act 146 deleted subsec. (e).

1982 Amendment. Act 49 amended subsec. (c).

Cross References. Section 1303 is referred to in section 1301 of this title.

§ 1304. Registration criteria.

(a) General rule.--Except as otherwise provided in this section, vehicles shall be registered for a flat fee.

(b) Classification of vehicles.--The department may identify vehicles by type as to weight, design, loading, use, ownership or other significant characteristics for purposes of registration.

(c) Trucks, truck tractors and trailers.--The department shall register trucks, truck tractors and trailers at the gross weight requested by the applicant, provided that the weight is not greater than allowed in subsection (d) or less than allowed in subsection (e).

(d) Maximum registered gross weight.--No truck, truck tractor or trailer shall be registered at a gross weight in excess of the lowest of:

(1) the limiting weights established on the basis of axle load, tire load, horsepower or gross weight by type of vehicles;

(2) the gross vehicle weight rating assigned by the manufacturer; or

(3) a combination weight greater than the gross combination weight rating.

In the case of a vehicle in which no gross vehicle weight rating or gross combination weight rating is assigned by the manufacturer or where the vehicle has been altered subsequent to manufacture to change its weight bearing capacity, an equivalent rating shall be determined by the department on the basis of the vehicle's horsepower, braking ability, axle

limitations and such other factors related to safe operation as may be established by regulations of the department.

(e) Minimum registered gross weight.--No truck, truck tractor or trailer shall be registered at less than the total of the weight of the unladen vehicle, the maximum weight of the proposed load, the equivalent weight of the fuel capacity, 150 pounds times the seating capacity, and the weight of any permanently or temporarily attached appurtenances.

(f) Registered gross weight of trucks and truck tractors.--Every truck shall have its own registered gross weight and may also be registered at a registered gross weight for a combination. Every truck tractor shall be registered at a registered gross weight for a combination.

(g) Buses other than school buses.--The department shall register buses, other than school buses, on the basis of passenger seating capacity.

§ 1305. Application for registration.

(a) General rule.--Application for the registration of a vehicle shall be made to the department upon the appropriate form or forms furnished by the department. The application shall contain the full name and address of the owner or owners; the make, model, year and vehicle identification number of the vehicle; and such other information as the department may require. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality) may use a substitute address designated by the Office of Victim Advocate as their address. Applicants for registration of a truck, truck tractor, trailer or bus shall provide the vehicle's Gross Vehicle Weight Rating (GVWR), or the Gross Combination Weight Rating (GCWR), as applicable. If the manufacturer's ratings are not available, the applicant shall provide sufficient information as to the horsepower, braking capacity and such other data as necessary for the department to determine an equivalent measure of the vehicle's hauling and stopping capability. If the applicant wishes to register a vehicle at a registered gross weight less than the gross vehicle weight rating, the application shall include information as to weight, load and any other such information as the department may require. The application shall be accompanied by self-certification of financial responsibility and the applicable fee.

(b) Evidence of P.U.C. approval for buses and taxis.--Before registering any bus or taxi which is required under the laws of this Commonwealth to obtain a certificate of public convenience from the Pennsylvania Public Utility Commission, the department shall require evidence that the certificate has been issued and has not been revoked or has not expired.

(c) Designation of lessee as registrant.--The owner as lessor may designate the lessee as the registrant of the vehicle and the name and address of the lessee may be substituted on the registration card for the address of the lessor. However, even if the lessor does not designate the lessee as the registrant of the vehicle, the lessor shall still provide the department with the name and address of the lessee. The department shall designate the relationship upon the card in a manner it deems appropriate. This subsection is applicable only for the period during which the lease remains in effect.

(d) Self-certification of financial responsibility.--In addition to the other requirements to registration, the applicant shall file a self-certification of financial responsibility which shall include:

(1) The complete name, address and telephone number of the applicant. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 may use a substitute address designated by the Office of Victim Advocate as their address.

(2) The name of the insurance company which is insuring the subject vehicle.

(3) The policy number, effective date and expiration date of the policy of insurance insuring the vehicle.

(Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; Feb. 7, 1990, P.L.11, No.6, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Nov. 30, 2004, P.L.1474, No.188, eff. 180 days)

2004 Amendment. Act 188 amended subsecs. (a) and (d).

1998 Amendment. Act 151 amended subsec. (c).

Cross References. Section 1305 is referred to in sections 1306, 1331 of this title; section 5712 of Title 53 (Municipalities Generally).

§ 1306. Grounds for refusing registration.

The department shall refuse registration, renewal or transfer of registration when any of the following circumstances exists:

(1) The applicant is not entitled to registration under the provisions of this chapter.

(2) The applicant has at registration or titling neglected or refused to furnish the department with the information required on the appropriate official form, or any reasonable additional information required by the department.

(3) The department has reasonable grounds to believe that the application contains false or fraudulent information, or that the vehicle is stolen, which fact the department shall ascertain by reference to the stolen vehicle file required to be maintained under section 7114 (relating to records of stolen vehicles), or that the granting of registration would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle.

(4) The fees required by law have not been paid.

(5) The vehicle is not constructed or equipped as required by this title.

(6) The registration of the vehicle stands suspended for any reason as provided for in this title.

(7) Self-certification of financial responsibility, as required under section 1305(d) (relating to application for registration), is not filed with the registration application.

(8) (Repealed).

(9) (Repealed).

(10) An out-of-service order has been issued for the vehicle, the owner or operator by the department or the United States Department of Transportation.

(11) Self-certification of current safety inspection for a motor carrier vehicle, as required by section 1309 (relating to renewal of registration), is not filed with the application for renewal of registration.

(May 26, 1982, P.L.435, No.129, eff. imd.; Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; Apr. 26, 1989, P.L.13, No.4, eff. imd.; Feb. 7, 1990, P.L.11, No.6, eff. 60 days; Dec. 16, 1992, P.L.1250, No.166; Dec. 15, 1995, P.L.655, No.72, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 22, 2001, P.L.559, No.37, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months)

2002 Amendment. Act 229 added par. (11).

2001 Amendment. Act 37 amended the intro. par. and par. (10).

1995 Repeal. Act 72 repealed pars. (8) and (9).

§ 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. 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 months.

(a.1) Seasonal registration.--Upon application on a form prescribed by the department, the owner or lessee of a passenger car, recreational motor vehicle, motorcycle, truck or farm vehicle which does not have a gross vehicle weight rating of more than 14,000 pounds may register the vehicle with the department for a period of successive months of less than one year. The applicant shall specify the period of months during which the vehicle shall be registered. Except when the department initially converts a currently valid annual registration to a seasonal registration, the annual fee prescribed for the vehicle by Chapter 19 (relating to fees) shall be paid in full by the applicant regardless of the number of months chosen for registration by the applicant. Upon receipt of the appropriate fee and the properly completed form, including all information required by this chapter, the department shall issue a seasonal registration that shall expire on the last day of the expiration month chosen by the registrant. No insurer of a vehicle belonging to any owner or lessee who obtains a seasonal registration and who applies for or receives a reduced automobile insurance premium on account thereof shall be required to provide any contractual coverage, whether in the form of the provision of a defense or the payment of first-party or third-party benefits or otherwise, to the owner or lessee in connection with any event occurring during that part of the year in which the vehicle is not registered; and such owner or lessee shall be treated for all purposes, including, without limitation, ascertaining rights to stack coverages and to uninsured and underinsured motorist coverage, as a person who does not own that vehicle and has no duty to carry financial responsibility on it for that part of the year.

(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).

(c) Renewal of registration.--A renewed registration shall be effective on issuance by the department of a renewed registration card.

(d) Expiration of registration.--A registration shall expire on the last day of the month designated on the registration card.

(e) Antique, classic and collectible vehicles.--Antique, classic and collectible motor vehicle registrations shall expire upon the salvaging, scrapping or transfer of ownership of the vehicle, except that if the transfer is between spouses or between parent and child the registration may be transferred upon payment of a transfer fee.

(f) Optional permanent trailer registration.--Except as set forth in section 1920(c) (relating to trailers), the registration of trailers permanently registered as provided in

section 1920(c) shall expire upon salvaging of the vehicle or transfer of ownership.

(g) Election.--Upon application on a form prescribed by the department, the owner or lessee of a motor vehicle, except a motor vehicle registered under the International Registration Plan and a motor vehicle with a seasonal registration or a circus or carnival plate, may elect to pay an annual registration fee for a two-year period. The fee shall be two times the amount of the registration fee otherwise payable for the motor vehicle under this title.

(May 26, 1982, P.L.435, No.129, eff. imd.; Dec. 20, 1995, P.L.669, No.75, eff. 120 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Dec. 1, 2004, P.L.1771, No.229, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Nov. 25, 2013, P.L.974, No.89; July 2, 2014, P.L.988, No.109, eff. 60 days)

2014 Amendment. Act 109 amended subsec. (a.1).

2013 Amendment. Act 89 amended subsec. (f) and added subsec. (g), effective January 1, 2014, as to subsec. (f) and December 31, 2016, as to subsec. (g). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2004 Amendment. Act 229 amended subsec. (a).

1995 Amendment. Act 75 amended subsec. (e).

1982 Amendment. Act 129 amended subsecs. (a) and (c).

Cross References. Section 1307 is referred to in section 1786 of this title.

§ 1307.1. Permanent fleet registration.

The department may establish a system for issuing permanent registration cards and plates to the owner or lessee of a fleet of vehicles and may promulgate rules and regulations to implement the permanent registration system. The department may authorize permanently registered vehicles to be exempt from such requirements of this chapter as it deems necessary and may charge, in addition to any other fees due for registration of vehicles, a reasonable service fee for each fleet vehicle at the time of initial application for permanent registration.

(July 10, 1984, P.L.679, No.146, eff. 60 days)

1984 Amendment. Act 146 added section 1307.1.

§ 1308. Issuance of registration card.

(a) General rule.--The department, upon registering a vehicle, shall issue to the registrant a registration card which shall contain the registration number assigned to the vehicle, the name and address of the registrant and the name of the owner, if other than the registrant, a description of the vehicle including the vehicle identification number, the expiration date and such other information as may be determined by the department.

(b) Trucks.--The registration card for a truck shall indicate the registered gross weight of the truck, and the registered gross weight of the combination, if the truck is so registered, in addition to other information required.

(c) Truck tractors.--The registration card for a truck tractor shall indicate the registered gross weight of the combination in addition to other information required.

(d) Trailers.--The registration card for a trailer shall indicate the registered gross weight of the trailer in addition to other information required.

(e) Buses.--The registration card for a bus shall indicate the passenger seating capacity of the bus.

§ 1309. Renewal of registration.

At least 60 days prior to the expiration of each registration, the department shall send to the registrant an application for renewal of registration. Upon return of the application, accompanied by self-certification of financial responsibility and the applicable fee or fees, the department shall send to the registrant a renewed registration card. An application for renewal of registration for a motor carrier vehicle shall also be accompanied by self-certification of current safety inspection. Failure to receive a renewal application shall not relieve a registrant from the responsibility to renew the registration.

(May 26, 1982, P.L.435, No.129, eff. imd.; Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; Apr. 26, 1989, P.L.13, No.4, eff. imd.; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months)

Cross References. Section 1309 is referred to in sections 1306, 1331 of this title.

§ 1309.1. Apportioned registration renewal.

The department shall establish a system of staggered apportioned registration renewal in a manner that apportioned registrations will expire in no less than four periods throughout the year. In order to implement and maintain the staggered apportioned registration system, the department may prorate annual apportioned registration fees.

(July 11, 2022, P.L.1585, No.90, eff. 18 mos.)

2022 Amendment. Act 90 added section 1309.1.

§ 1310. Temporary registration cards.

(a) General rule.--The department shall provide temporary registration cards for use pending issuance or transfer of permanent registration cards. Temporary registration cards and plates may be delivered to designated agents who shall have the authority to issue them in accordance with regulations promulgated by the department. When determining whether to suspend, revoke or impose a monetary penalty upon an agent, the department may consider relevant mitigating events.

(b) Duration.--Temporary registration cards shall be valid for such period as the department shall designate. Temporary registration cards issued to a vehicle acquired in this Commonwealth for transportation to another state for registration or use in the other state shall be valid for 60 days from the date of issuance.

(c) Charges by designated agent.--A designated agent may not charge any fee for issuing a temporary registration card other than notary fees.

(July 11, 1996, P.L.660, No.115, eff. 60 days; Nov. 4, 2016, P.L.1277, No.165, eff. 60 days)

2016 Amendment. Act 165 amended subsec. (b).

1996 Amendment. Act 115 amended subsec. (a).

Cross References. Section 1310 is referred to in sections 1307, 1314 of this title.

§ 1310.1. Temporary registration permits.

(a) General rule.--A registration permit shall be issued to the registrant concurrent with the issuance of a temporary registration card and plate.

(b) Content of registration permit.--Every registration permit shall contain the following information:

(1) The term "Pennsylvania" preprinted on the permit.

(2) The term "temporary registration permit" preprinted on the permit.

(3) The sticker issued by the department which will contain the number of the temporary registration plate and the dealer identification number (DIN).

(4) The expiration date (month/day/year) of the temporary registration plate handprinted on the permit in permanent black marker.

(5) The control number preprinted on the permit.

(c) Location of registration permit.--Except as otherwise provided, a registration permit shall be affixed to the extreme lower left-hand (driver side) inside corner of the rear window of a vehicle with the printed information visible from the outside. On trailers, motorcycles, mopeds, motor-driven cycles and convertibles, the registration permit shall be carried with the vehicle at all times while the vehicle is being operated on the highway.

(June 22, 2001, P.L.559, No.37, eff. 60 days)

2001 Amendment. Act 37 added section 1310.1.

§ 1311. Registration card to be signed and exhibited on demand.

(a) Signing card.--Upon receiving the registration card or any duplicate, the registrant shall sign his name in the space provided.

(b) Carrying and exhibiting card.--Every registration card shall, at all times while the vehicle is being operated upon a highway, be in the possession of the person driving or in control of the vehicle or carried in the vehicle and shall be exhibited upon demand of any police officer.

(c) Production to avoid penalty.--No person shall be convicted of violating this section or section 1301 (relating to driving unregistered vehicle prohibited) if the person produces at the office of the issuing authority or at the office of the arresting police officer within five days of the violation, a registration card valid in this Commonwealth at the time of the arrest.

(July 20, 1979, P.L.168, No.55, eff. imd.)

§ 1312. Notice of change of name or address.

Any person whose address is changed from the address named in the application for registration or on the registration card or whose name is changed shall, within 15 days, notify the department in writing of the old and new address, or of such former and new names, and of the title or registration number of every vehicle registered in the person's name.

(June 30, 1990, P.L.266, No.63, eff. 60 days)

§ 1313. Duplicate registration cards.

(a) Additional cards upon request.--The department shall, if so requested, issue to the registrant of any vehicle whose registration is not under suspension a duplicate registration card, or as many duplicate registration cards as requested, upon payment of the fee provided in this title for each card.

(b) Replacement of lost or illegible card.--In the event of a lost, stolen, destroyed or illegible registration card, the registrant shall apply to the department for a duplicate within 48 hours of discovery of the loss or defacement of such registration card, upon a form furnished by the department, and accompanied by the fee provided in this title.

(c) Affidavit to avoid penalty.--No owner or operator of a vehicle shall be subject to a fine for failure to have the registration card if the owner or operator makes affidavit that the card was lost or stolen within the period of 20 days preceding and that application for new registration card was made within 48 hours as required in this section.

§ 1314. Transfer of registration.

(a) General rule.--Registration and registration plates may be transferred to another vehicle owned or leased by the registrant, or to a vehicle owned or leased by the spouse, parent or child of the registrant.

(b) Procedure for transfer.--In order to transfer registration and registration plates, the transferee shall apply for a temporary registration card in accordance with section 1310 (relating to temporary registration cards) and simultaneously apply for transfer of registration under this section.

(c) Same vehicle type.--If the transfer is within the same vehicle type, the transferee shall retain the registration plate previously issued, unless lost or destroyed. A new registration card shall be issued by the department.

(d) Different vehicle type.--If the transfer is to another vehicle type, a new registration plate and card shall be issued to the transferee. The previously issued plate shall be returned to the department for cancellation immediately upon receipt of the new registration plate, unless lost or destroyed. In addition to the transfer fee, the transferee shall pay the difference in registration fees when transferring registration to a type or class of vehicle requiring a higher fee. No refund shall be payable on transferring to a type or class of vehicle requiring a lower fee.

Cross References. Section 1314 is referred to in section 1334.1 of this title.

§ 1315. Operation of vehicle following death of owner.

When the owner of a vehicle is deceased, the vehicle may be operated by or for any heir or personal representative of the decedent for the remainder of the current registration period and throughout the next following registration period, provided that the registration is renewed in the name of the decedent's estate as otherwise required by this chapter. Registration may continue to be renewed thereafter in the name of the decedent's estate by any person entitled to the family exemption until the final account is approved by the court.

§ 1316. Department records.

The department shall maintain suitable records in a manner permitting identification of vehicles and owners, including:

(1) All registrations and transfers of registrations issued.

(2) All registrations and transfers of registrations denied and reasons for denial. Registrations and transfers returned for correction of errors or omissions need not be recorded.

§ 1317. Acknowledgment of littering provisions.

On every vehicle registration card, the following statement shall be printed immediately above or below the signature of the applicant:

> I hereby acknowledge this day that I have received notice of the provisions of section 3709 of the Vehicle Code.

Also printed on the registration card shall be the following:

> Section 3709 provides for a fine of up to $300 for dropping, throwing or depositing, upon any highway, or upon any other public or private property without the consent of the owner thereof or into or on the waters of this Commonwealth from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish or any dangerous or detrimental substance, or permitting any of the preceding without immediately removing such items or causing their removal.

For any violation of section 3709, I may be subject to a fine of up to $300 upon conviction, including any violation resulting from the conduct of any other persons operating, in possession of or present within this vehicle with my permission, if I do not with reasonable certainty identify the driver of the vehicle at the time the violation occurred.

(Mar. 27, 1986, P.L.71, No.24, eff. July 1, 1986)

1986 Amendment. Act 24 added section 1317.

§ 1318. Duties of agents.

(a) Verification of financial responsibility.--An agent of the Department of Transportation who is authorized to issue on behalf of the department a vehicle registration renewal or temporary registration shall be required to verify financial responsibility prior to issuance.

(b) Proof.--Proof of financial responsibility shall be verified by examining one of the following documents:

(1) An identification card as required by regulations promulgated by the Insurance Department.

(2) The declaration page of an insurance policy.

(3) A certificate of financial responsibility.

(4) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in Pennsylvania.

(5) A legible photocopy, facsimile or printout of an electronic transmission of a document listed in paragraphs (1) through (4), provided the agent receives the photocopy, facsimile or printout directly from a licensed insurance company or licensed insurance agency. The agent shall not accept a photocopy, facsimile or printout unless the licensed insurance company or licensed insurance agency provides it on the letterhead of the company or the agency, or with a letter written upon the company's or agency's letterhead, which specifically references the proof of financial responsibility by the insured's name and address and the make, model and vehicle identification number of the insured vehicle. An issuing agent of the department shall not accept a photocopy, facsimile or printout of an electronic transmission as proof of financial responsibility under this paragraph when the issuing agent is also acting as an insurance agent for the licensed insurance company or licensed insurance agency.

(c) Handwritten proof of financial responsibility.--If handwritten proof of financial responsibility is acceptable proof of insurance in the state where the vehicle is to be registered, the issuing agent is authorized to accept such handwritten proof, provided the issuing agent receives written confirmation from the applicable state, insurance company or insurance agency that handwritten proof is acceptable in that state. The agent shall retain a copy of the written confirmation along with the copy of the document provided as proof of financial responsibility.

(d) Verification of information on application.--In addition to any other duty prescribed by this title or departmental regulations, an agent shall verify that the purchase price stated on the application approximates the fair market value of the vehicle in a manner prescribed by the department as set forth in a notice published in the Pennsylvania Bulletin.

(e) Penalty.--Any person who violates this section, in addition to any penalty, suspension or revocation imposed by the department, commits a summary offense and shall, upon

conviction, be sentenced to pay a fine of not less than $100 nor more than $500 and for each subsequent or additional offense a fine of not less than $200 nor more than $500, or to imprisonment for not more than 90 days, or both.
(Feb. 7, 1990, P.L.11, No.6, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Apr. 17, 1997, P.L.6, No.3, eff. 60 days)

1997 Amendment. Act 3 added subsecs. (d) and (e).

§ 1319. Duties of motor carrier vehicle owners.

(a) Currently valid certificate of inspection.--A motor carrier vehicle is required to have a currently valid certificate of inspection at the time that the department renews the registration of the vehicle.

(b) Audit.--The department shall establish an audit procedure to monitor compliance with the requirement that motor carrier vehicles have a currently valid certificate of inspection at the time of registration renewal.
(Dec. 23, 2002, P.L.1982, No.229, eff. 6 months)

2002 Amendment. Act 229 added section 1319.

§ 1320. Contributions to Veterans' Trust Fund.

(a) Option.--The department shall provide for all of the following:

(1) Ability of an applicant for an original or renewal driver's license or identification card to make a contribution of $5 to the Veterans' Trust Fund.

(2) Ability of an applicant for a renewal vehicle registration to make a contribution of $5 to the Veterans' Trust Fund.

(3) Ability of an applicant for a two-year vehicle registration to make a contribution of $10 to the Veterans' Trust Fund on the department's publicly accessible Internet website.

(b) Implementation.--

(1) A contribution under subsection (a) shall be added, as appropriate, to the regular fee for:

(i) an original or renewal driver's license or identification card; and

(ii) a renewal of a vehicle registration.

(2) One contribution under subsection (a) may be made for:

(i) each issuance or renewal of a driver's license or identification card; and

(ii) each renewal vehicle registration.

(c) Use.--Contributions under subsection (a) shall be used exclusively for purposes set forth in 51 Pa.C.S. § 1721(c) (relating to Veterans' Trust Fund).

(d) Deposits.--

(1) The department shall determine on a monthly basis the total amount collected under this section and report the amount to the State Treasurer.

(2) The State Treasurer shall transfer the amount collected to the Veterans' Trust Fund.

(e) Reimbursement.--The Veterans' Trust Fund shall reimburse the Motor License Fund for the actual costs incurred by the department in the administration of this section.
(Oct. 24, 2012, P.L.1602, No.194, eff. 30 days; Oct. 24, 2018, P.L.918, No.149, eff. 60 days; June 30, 2021, P.L.255, No.55, eff. imd.)

2021 Amendment. Act 55 amended subsec. (a). Section 2 of Act 55 provided that no later than September 1, 2022, the Department of Transportation shall implement the amendment of section 1320(a).

2012 Amendment. Act 194 added section 1320.

Cross References. Section 1320 is referred to in section 1721 of Title 51 (Military Affairs).

§ 1321. Contributions for pediatric cancer research.

(a) General rule.--Within one year of the effective date of this section, the department shall provide for all of the following:

(1) Ability of a person renewing a driver's license or identification card electronically through the department's publicly accessible Internet website to make a contribution of $5 to the Pediatric Cancer Research Fund.

(2) Ability of a person renewing a vehicle registration electronically through the department's publicly accessible Internet website to make a contribution of $5 to the Pediatric Cancer Research Fund.

(b) Implementation.--

(1) A contribution under subsection (a) shall be added, as appropriate, to the regular fee for:

(i) a renewal of a driver's license or identification card; and

(ii) a renewal of a vehicle registration.

(2) One contribution under subsection (a) may be made for:

(i) each renewal of a driver's license or identification card; and

(ii) each renewal of a vehicle registration.

(c) Use.--Contributions under subsection (a) shall be used exclusively for pediatric cancer research approved by the Pennsylvania Cancer Control, Prevention and Research Advisory Board established by the act of December 18, 1980 (P.L.1241, No.224), known as the Pennsylvania Cancer Control, Prevention and Research Act.

(d) Deposits.--

(1) The department shall determine on a monthly basis the total amount collected under this section and report the amount to the State Treasurer.

(2) The State Treasurer shall transfer the amount collected to the Pediatric Cancer Research Fund, which fund is hereby established.

(e) Reimbursement.--The Pediatric Cancer Research Fund shall reimburse the Motor License Fund for the actual costs incurred by the department in the administration of this section.

(f) Information.--

(1) The department shall provide adequate information concerning the contribution for pediatric cancer research in its instructions for the applicants described in subsection (a). The information concerning the contribution shall include the listing of an address furnished by the Department of Health to which contributions may be sent by individuals wishing to make additional contributions.

(2) The Department of Health shall conduct a public information campaign on the availability of this opportunity to Pennsylvania taxpayers.

(g) Reporting.--The Department of Health shall report annually to the respective committees of the Senate and the House of Representatives that have jurisdiction over health matters on the amount received from the contributions authorized by this section and how the funds were used.

(June 28, 2018, P.L.496, No.73, eff. 60 days)

2018 Amendment. Act 73 added section 1321.

§ 1322. Contributions to Keystone Tree Restricted Account.

(a) General rule.--Within one year of the effective date of this section, the department shall provide for all of the following:

(1) Ability of a person renewing a driver's license or identification card electronically through the department's publicly accessible Internet website to make a contribution of $3 to the Keystone Tree Restricted Account established by 27 Pa.C.S. § 6602 (relating to establishment).

(2) Ability of a person renewing a vehicle registration electronically through the department's publicly accessible Internet website to make a contribution of $3 to the Keystone Tree Restricted Account.

(b) Implementation.--

(1) A contribution under subsection (a) shall be added, as appropriate, to the regular fee for:

(i) A renewal of a driver's license or identification card.

(ii) A renewal of a vehicle registration.

(2) One contribution under subsection (a) may be made for:

(i) Each renewal of a driver's license or identification card.

(ii) Each renewal of a vehicle registration.

(c) Use.--Contributions under subsection (a) shall be used exclusively for purposes specified in 27 Pa.C.S. § 6604 (relating to authorized purposes).

(d) Deposits.--The department shall determine on a monthly basis the total amount collected under this section and direct the State Treasurer to transfer the amount from the Motor License Fund to the Keystone Tree Restricted Account by the 15th of the following month.

(e) Reimbursement.--The Keystone Tree Restricted Account shall reimburse the Motor License Fund for the actual costs incurred by the department in the administration of this section.

(Nov. 7, 2019, P.L.609, No.78, eff. 60 days)

2019 Amendment. Act 78 added section 1322.

Cross References. Section 1322 is referred to in sections 6603, 6604 of Title 27 (Environmental Resources).

§ 1323. Contributions for breast cancer research.

(a) General rule.--Within one year of the effective date of this section, the department shall provide for all of the following:

(1) Ability of a person renewing a driver's license or identification card electronically through the department's publicly accessible Internet website to make a contribution of $5 to the Pennsylvania Breast Cancer Coalition.

(2) Ability of a person renewing a vehicle registration electronically through the department's publicly accessible Internet website to make a contribution of $5 to the Pennsylvania Breast Cancer Coalition.

(b) Implementation.--

(1) A contribution under subsection (a) shall be added, as appropriate, to the regular fee for:

(i) a renewal of a driver's license or identification card; and

(ii) a renewal of a vehicle registration.

(2) One contribution under subsection (a) may be made for:

(i) each renewal of a driver's license or identification card; and

(ii) each renewal of a vehicle registration.

(c) Use.--Contributions under subsection (a) shall be used exclusively for breast cancer research approved and administered by the Pennsylvania Breast Cancer Coalition.

(d) Deposits.--The department shall determine annually the total amount designated under this section and shall report the amount to the State Treasurer who shall transfer the amount from the Motor License Fund to the Pennsylvania Breast Cancer Coalition.

(e) Information.--

(1) The department shall provide adequate information concerning the contribution for breast cancer research in its instructions for the applicants described in subsection (a). The information concerning the contribution shall include the address of the Pennsylvania Breast Cancer Coalition to which contributions may be sent by individuals wishing to make additional contributions.

(2) The Pennsylvania Breast Cancer Coalition shall conduct a public information campaign on the availability of this opportunity to Pennsylvania taxpayers.

(f) Reporting.--The Pennsylvania Breast Cancer Coalition shall report annually to the respective committees of the Senate and the House of Representatives that have jurisdiction over health matters on the amount received from the contributions authorized by this section and how the funds were used.

(g) Reimbursement.--The Pennsylvania Breast Cancer Coalition shall reimburse the Motor License Fund for the actual costs incurred by the department in the administration of this section.

(June 25, 2021, P.L.60, No.23, eff. 120 days)

2021 Amendment. Act 23 added section 1323.

§ 1324. Contributions for the prevention of child abuse and neglect.

(a) General rule.--Within one year of the effective date of this section, the department shall provide for all of the following:

(1) Ability of a person renewing a driver's license or identification card electronically through the department's publicly accessible Internet website to make a contribution of $5 to the Children's Trust Fund.

(2) Ability of a person renewing a vehicle registration electronically through the department's publicly accessible Internet website to make a contribution of $5 to the Children's Trust Fund.

(b) Implementation.--

(1) A contribution under subsection (a) shall be added, as appropriate, to the regular fee for:

(i) a renewal of a driver's license or identification card; and

(ii) a renewal of a vehicle registration.

(2) One contribution under subsection (a) may be made for:

(i) each renewal of a driver's license or identification card; and

(ii) each renewal of a vehicle registration.

(c) Use.--Contributions made under subsection (a) shall be used by the Children's Trust Fund Board exclusively for the prevention of child abuse and neglect.

(d) Deposits.--The department shall determine annually the total amount designated under this section and shall report the amount to the State Treasurer who shall transfer the amount from the Motor License Fund to the Children's Trust Fund.

(e) Information.--The department shall provide adequate information concerning the contribution for the prevention of child abuse and neglect in its instructions for the applicants described in subsection (a). The information concerning the contribution shall include the address of the Children's Trust Fund to which contributions may be sent by individuals wishing to make additional contributions.

(f) Reporting.--The Children's Trust Fund Board shall include in its annual report required under section 5(6) of the act of December 15, 1988 (P.L.1235, No.151), known as the Children's Trust Fund Act, the amount received from the contributions authorized by this section and how the funds were used.

(g) Reimbursement.--The Children's Trust Fund shall reimburse the Motor License Fund for the actual costs incurred by the department in the administration of this section.

(h) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Children's Trust Fund." The fund created under section 8 of the Children's Trust Fund Act.

"Children's Trust Fund Board." The board created under section 4 of the Children's Trust Fund Act.

(Nov. 3, 2022, P.L.1734, No.112, eff. 180 days)

2022 Amendment. Act 112 added section 1324.

SUBCHAPTER B
REGISTRATION PLATES

Sec.

1331. Issuance and reissuance of registration plates.
1332. Display of registration plate.
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1335. Registration plates for manufacturers and dealers.
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1358. DARE plate (Repealed).
1358.1. Share the Road plate.
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1359. Special plates for steelworkers.
1360. Special plates for veterans of Vietnam Conflict.
1361. Special motorcycle plates related to veterans.
1362. Operation Iraqi Freedom veterans plate.
1363. Operation Enduring Freedom veterans plate.
1363.1. Afghanistan and Iraq veterans plate.
1364. Special plates for veterans.
1364.1. Special plates for current members of the armed forces of the United States.
1365. Gold Star Family plate.
1366. Special plates for recipients of Silver Star.
1366.1. Special plates for United States military airborne units.
1366.2. Blue Star Family plate.
1366.3. Special plates for recipients of Air Medal.
1367. Special plates for recipients of Bronze Star.
1368. Special plates for recipients of Bronze Star for Valor.
1368.1. Special plates for recipients of Soldier's Medal.
1368.2. Special plates for recipients of Presidential Service Badge.
1368.3. Special plates for recipients of Legion of Merit.
1369. Special plates for recipients of Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross.
1369.1. Special plates for recipients of Combat Action Badge, Combat Infantryman Badge, Combat Action Ribbon, Combat Action Medal or Combat Medical Badge.
1369.2. Special "In God We Trust" plates.
1369.3. Special plates for veterans of an ally foreign country.
1369.4. USA semiquincentennial registration plates.
1370. Report to General Assembly.

§ 1331. Issuance and reissuance of registration plates.

(a) Department to provide plates.--Registration plates shall be provided by the department.

(b) Information on plate.--Every registration plate shall have displayed upon it the identifying numbers or letters

assigned to the vehicle, the name of the Commonwealth, which may be abbreviated, and any other data the department may deem necessary.

(c) Temporary registration plates.--The department shall provide temporary registration plates for use on vehicles which are to be removed from this Commonwealth or for use as necessary pending issuance of permanent registration plates.

(d) Reflectorizing material on plate.--All registration plates, except temporary plates, shall be treated with reflectorizing material in accordance with standards approved by the department.

(e) Issuance of plates by agents.--The department may deliver registration plates, other than special plates, to designated agents, who shall have the authority to issue them in conjunction with the issuance of temporary registration cards.

(f) Periodic reissuance of registration plates.--The department shall develop, implement and administer a program to provide for the reissuance of current registration plates previously issued under this section. The program to be established under this subsection shall address the following criteria:

(1) Other than the annual registration fee required under sections 1305 (relating to application for registration) and 1309 (relating to renewal of registration) and Subchapter B of Chapter 19 (relating to registration fees), the reissued registration plate shall be issued under section 1934 (relating to general reissuance).

(2) The program shall provide that current registration plates issued under this section be replaced. The program may provide that the department provide for reissuance of registration plates on a staggered basis which will replace registration plates issued under this section.

(3) The program may provide for the return of and the recycling of the older registration plates.

(4) (Deleted by amendment).

(5) (Deleted by amendment).

(6) The program may contain any other conditions, limitations, contractual arrangements or other factors which the department deems necessary to implement this subsection.

(Dec. 21, 1998, P.L.1126, No.151; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days)

2008 Amendment. Act 133 amended subsec. (f).

1998 Amendment. Act 151 amended the section heading and added subsec. (f), effective in 60 days as to the section heading and July 1, 1999, as to subsec. (f).

§ 1332. Display of registration plate.

(a) General rule.--Every registration plate shall, at all times, be securely fastened to the vehicle to which it is assigned or on which its use is authorized in accordance with regulations promulgated by the department.

(a.1) Motorcycle registration plate.--

(1) A registration plate issued for a motorcycle may be mounted on the motorcycle in a vertical manner if:

(i) the identifying characters on the plate are displayed in a vertical alignment; and

(ii) the mounting complies with all other provisions of this section.

(2) A registration plate that has its identifying characters displayed horizontally shall not be displayed and mounted vertically.

(3) The department shall produce a registration plate for motorcycles which displays the identifying characters on the plate in a vertical alignment. The department shall issue such a plate upon request and upon payment of a fee of $20, which shall be in addition to the annual registration fee.

(4) No later than January 1, 2016, the department shall report to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives on the number of motorcycle registration plates issued in a vertical alignment, the cost of issuance and any required revision to the fee so as to maintain necessary financial support for the highway system in this Commonwealth.

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

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

(2) is illegible, obscured, covered or otherwise obstructed in any manner which inhibits the proper operation of an automated red light enforcement system in place pursuant to section 3116 (relating to automated red light enforcement systems in first class cities) or 3117 (relating to automated red light enforcement systems in certain municipalities) or any other automated enforcement system authorized by this title or an electronic toll collection system as authorized under 74 Pa.C.S. § 8117 (relating to electronic toll collection);

(3) is illegible, obscured, covered or otherwise obstructed in any manner at a reasonable distance;

(4) is illegible, obscured, covered or otherwise obstructed in any manner which inhibits the visibility of the issuing jurisdiction at a reasonable distance; or

(5) has a tinted plate cover.

(b.1) Construction.--Nothing under subsection (b) shall be construed to prohibit a vehicle from being affixed with a registration plate frame that minimally outlines the registration plate in such a manner that the registration plate's number and issuing jurisdiction is identifiable by an automated enforcement system under subsection (b)(2) or by law enforcement.

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

(d) Validating registration stickers.--Validating registration stickers shall not be issued or required to be displayed.

(Feb. 9, 2004, P.L.65, No.8; July 2, 2012, P.L.735, No.84, eff. 90 days; Nov. 25, 2013, P.L.974, No.89; Nov. 4, 2016, P.L.1277, No.165, eff. 9 months; Nov. 3, 2022, P.L.1734, No.112)

2022 Amendment. Act 112 amended subsec. (b) and added subsec. (b.1). Section 10(1)(ii) of Act 112 provided that the amendment or addition of subsecs. (b)(2), (3) and (4) and (b.1) shall take effect immediately and the remainder of the section shall take effect in 60 days.

2016 Amendment. Act 165 amended subsecs. (b) and (c).

2013 Amendment. Act 89 added subsecs. (a.1) and (d), effective in 90 days as to subsec. (a.1) and December 31, 2016, as to subsec. (d). See the preamble to Act 89 in the appendix

to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1332 is referred to in sections 6110.1, 6309.1 of this title.

§ 1333. Lost, stolen, damaged or illegible registration plate.

(a) Application for new plate.--The registrant of the vehicle shall within 48 hours of discovering the loss, theft or defacement apply to the department for a new plate and report the loss or theft of a plate to the police.

(b) Substitute registration.--Where the registration plate has been lost or stolen and in any other case in which the department may deem it advisable, the original registration shall be cancelled and substitute registration issued under a new registration number other than that originally issued. Upon receipt of substitute registration, it shall be the duty of the registrant to return the old registration plates and card to the department, unless lost or destroyed.

(b.1) Illegible registration plate.--The department may reissue a registration plate upon request by a registrant when it is determined by an authorized representative of the department or law enforcement that the registration plate is illegible from a reasonable distance. The department may select the style of the reissued registration plate and, except in the case of personal registration plates issued under section 1341 (relating to special registration plates), the registration plate number.

(c) Affidavit to avoid penalty.--No owner or operator of a vehicle shall be subject to a fine for the reason that the registration plate is missing if they have in their possession an affidavit that the plate was lost or stolen and that application for new plate or plates was made within 48 hours as required in this section.

(Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Mar. 19, 2014, P.L.361, No.23, eff. 120 days)

2014 Amendment. Act 23 amended subsec. (b.1).

§ 1334. Return of registration plate.

(a) General rule.--Registration plates shall be returned to the department under the following circumstances:

(1) A registration plate shall be returned if the registrant no longer has a vehicle titled in this Commonwealth.

(2) A legislative registration plate shall be returned on the expiration or termination of the term of office of the legislative member.

(3) A dealer or "Miscellaneous Motor Vehicle Business" registration plate shall be returned if the business is discontinued.

(4) A person with a disability registration plate shall be returned if the person to whom it was issued no longer qualifies under section 1338 (relating to person with disability plate and placard).

(b) Time for return of plate.--Each registration plate required to be returned under this section shall be returned to the department within five days of the occurrence requiring its return.

(c) Statement accompanying returned plate.--Each returned registration plate shall be accompanied by a statement of the reason for the return of the plate and the date of the occurrence requiring its return.

(July 11, 1980, P.L.550, No.113, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

1998 Amendment. Act 151 amended subsec. (a)(4).

§ 1334.1. Seizure of registration plate.

A police officer or an employee of the department authorized to enforce the provisions of Chapter 49 (relating to size, weight and load) may seize a registration plate that appears in departmental records as suspended, revoked, canceled, stolen, inactive or issued to a vehicle other than the vehicle on which it is displayed. This provision shall not apply to a registration plate that has been legally transferred as provided for in section 1314 (relating to transfer of registration).
(June 22, 2001, P.L.559, No.37, eff. 60 days)

2001 Amendment. Act 37 added section 1334.1.

§ 1335. Registration plates for manufacturers and dealers.

(a) General rule.--Upon posting of a bond in the amount of $20,000 and approval of an application in accordance with departmental regulations, the department shall issue to dealers and manufacturers who are licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons and to other dealers designated by departmental regulations, special registration plates which may be displayed on vehicles in lieu of registering each vehicle individually.

(a.1) Bond already on file.--An authorized dealer or manufacturer who has filed a bond with the Commonwealth shall not be required to file a separate bond under this section if the bond already on file with the Commonwealth is in the name of the Commonwealth and in an amount and coverage at least equal to that required under this section.

(a.2) Exemption.--The following types of dealers and manufacturers are exempt from posting of the bond specified in subsection (a):

(1) Farm equipment dealers.
(2) Mobile home dealers and manufacturers.
(3) Modular housing manufacturers.

(b) Application for plates.--Application for dealer registration plates shall be made by the dealer or manufacturer on a form provided by the department together with a copy of his license from the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen.

(c) Exemption from individual registration.--Vehicles displaying dealer registration plates may be operated on the highway without registering each vehicle individually, provided that the plates are used in accordance with the limitations of sections 1336 (relating to use of dealer registration plates) and 1336.1 (relating to use of multipurpose dealer registration plates).

(d) Modular housing manufacturers.--For the purposes of this section, no modular housing manufacturer shall be required to be licensed by the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen of the Department of State in order to receive registration plates.
(July 20, 1979, P.L.168, No.55, eff. imd.; Mar. 7, 1982, P.L.152, No.49, eff. imd.; July 10, 1984, P.L.679, No.146, eff. 60 days; July 10, 1990, P.L.356, No.83, eff. 30 days; Aug. 5, 1991, P.L.238, No.26; Dec. 7, 1994, P.L.820, No.115, eff. 60 days)

1994 Amendment. Act 115 amended subsec. (a).

1991 Amendment. Act 26 amended subsec. (c) and added subsec. (a.2), effective immediately as to subsec. (a.2) and 120 days as to subsec. (c).

References in Text. The State Board of Motor Vehicle Manufacturers, Dealers and Salesmen, referred to in this section, was changed to the State Board of Vehicle Manufacturers, Dealers and Salespersons by the act of December 22, 1983 (P.L.306, No.84).

§ 1336. Use of dealer registration plates.

(a) General rule.--Dealer registration plates may be displayed on any vehicle which is owned or in the possession of a dealer or manufacturer and such a vehicle may be operated upon the highway, but only if the vehicle is being held for sale and is being used for any of the following purposes:

(1) For teaching students enrolled in an approved driver education course, how to operate a vehicle and for the new driver to take an examination for a driver's license.

(2) For testing, for safety inspection, repairing or transporting to or from a repair facility vehicles in the possession of the dealer within a radius of 25 miles of the place of business of the dealer. Vehicles in the possession of the manufacturer may be tested within a radius of 50 miles of the place of business of the manufacturer.

(3) For demonstrating vehicles in the possession of the dealer or manufacturer at no cost to a prospective purchaser.

(4) For loaning to customers whose vehicles are being repaired if the loan period does not exceed 30 days.

(5) For loaning to a prospective purchaser for a period not exceeding five days for the purpose of demonstrating the vehicles.

(6) For loaning to charitable organizations as defined by departmental regulations for use in charitable activities authorized by departmental regulations.

(7) For transit to or from a dealer, show, exhibit or auction where the vehicle is purchased by the dealer or offered for sale to prospective purchasers.

(8) For delivery to or from a second-stage manufacturer for or upon completion. Vehicles operated pursuant to this paragraph must be unladen.

(9) For transit to or from a prospective purchaser or customer for the purpose of demonstrating or loaning as permitted by subsection (a).

(10) For use in the conduct of the dealer's administrative functions, such as attending meetings or events, transporting department-required paperwork or transporting financial paperwork.

(11) For a trailer being held for sale hauling other trailers being held for sale as long as the combined weight of all trailers does not exceed 3,000 pounds.

(b) Personal use.--A vehicle displaying dealer registration plates which is owned by a dealer or manufacturer, is held for sale and does not exceed a gross vehicle weight rating of 7,500 pounds may be operated upon the highways of this Commonwealth for the personal use of the following:

(1) The dealer or members of his or her immediate family when the dealer is a sole proprietorship.

(2) The officers, partners or members of their immediate families when the dealer is a corporation or partnership.

(3) The regular employees of the dealer.

(c) Commercial use prohibited.--Except as specifically authorized by subsections (a) and (b), dealer registration plates shall not be used on vehicles for a commercial purpose, including parts or delivery vehicles, courtesy shuttle vehicles, wreckers, roll backs, truck tractors and trucks.

(d) Limited use.--Limited use of certain types of dealer plates shall be as follows:

(1) A motor driven cycle or motorized pedalcycle dealer plate shall be used only on motor driven cycles and motorized pedalcycles.

(2) A motorcycle dealer plate shall be used only on motorcycles, motor driven cycles and motorized pedalcycles. In addition, a motorcycle dealer plate may be used on other vehicles owned or in possession of the motorcycle dealer only when the vehicle is being demonstrated for a prospective purchaser.

(3) A trailer dealer plate shall be used only on trailers.

(e) Records.--Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as permitted by subsection (a)(1), (4), (5) and (6). The records shall indicate the name of the person to whom the vehicle was loaned. If the vehicle was loaned to a business or an organization with more than one driver, it is sufficient to list only the name of the business or organization. The records shall be open to inspection by representatives of the department and police officers.

(f) Penalty.--Any person who violates this section, in addition to any penalty, suspension or revocation imposed by the department, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than $100. (July 10, 1990, P.L.356, No.83, eff. 30 days; Aug. 5, 1991, P.L.238, No.26, eff. 120 days; June 11, 1992, P.L.266, No.47, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsecs. (a)(2) and (7), (b) intro. par. and (e) and added subsec. (a)(8), (9), (10) and (11).

Cross References. Section 1336 is referred to in section 1335 of this title.

§ 1336.1. Use of multipurpose dealer registration plates.

(a) General rule.--Subject to the requirement that the vehicles on which multipurpose dealer registration plates are used, conform to or are lower than the weight limits for which the plates were purchased, the multipurpose dealer registration plates may be used on vehicles owned by or in possession of a dealer or manufacturer. All vehicles utilizing the multipurpose dealer registration plate shall be titled in the name of the business or family member, and sales and use tax must be paid.

(b) Exception for second-stage manufacturers.--A title in the name of the business or family member and payment of sales and use tax are not required for a vehicle which has never been titled as long as the vehicle:

(1) is in possession of a second-stage manufacturer and is being transported from a dealer or distributor for completion or delivered to a dealer or distributor upon completion; or

(2) is owned or in possession of a dealer and is being delivered to the second-stage manufacturer for completion or is being transported back to the dealer upon completion.

(Aug. 5, 1991, P.L.238, No.26, eff. 120 days; July 6, 1995, P.L.246, No.30, eff. 60 days)

Cross References. Section 1336.1 is referred to in section 1335 of this title.

§ 1336.2. Farm equipment dealer registration plates.

Upon submission of an application accompanied by the appropriate fee and information on a farm equipment dealer that a truck or truck tractor with a registered gross weight of 11,001 pounds or over is used solely in the business of the dealer, the department shall issue a farm equipment dealer registration plate for the vehicle.
(Aug. 5, 1991, P.L.238, No.26, eff. 120 days)

1991 Amendment. Act 26 added section 1336.2.

§ 1337. Use of "Miscellaneous Motor Vehicle Business" registration plates.

(a) General rule.--The department shall issue to owners of miscellaneous motor vehicle businesses with established places of business special registration plates which may be displayed on vehicles operated on highways in lieu of registering each vehicle individually. Registration plates issued under this section may be displayed upon vehicles only as provided for each of the following classes of miscellaneous motor vehicle business:

(1) For a repair or towing business:

(i) upon vehicles being used in the conduct of the repair business to retrieve, tow or deliver other vehicles or parts; and

(ii) upon vehicles being repaired.

(2) For a vehicle salvage dealer business:

(i) upon vehicles being used in the conduct of the vehicle salvage dealer's business to retrieve or deliver vehicles, vehicle hulks, parts or materials; and

(ii) upon vehicles being transported on their own wheels for the purpose of being dismantled or recycled.

(3) For a transporter business upon vehicles being transported on their own wheels in the conduct of the transporter business.

(4) For a financier or collector-repossessor business:

(i) upon vehicles being used to pick up vehicles that are being repossessed; and

(ii) upon vehicles being repossessed.

(5) For a watercraft trailer business:

(i) upon trailers used for the delivery of a new boat to its purchaser;

(ii) upon trailers used for the transport of a used boat which is to be resold by the dealer; and

(iii) upon trailers used for the transport of boats by a dealer to or from another boat dealer, warehouse, storage facility, boat show or repair facility or to and from a location where a boat is to be demonstrated, tested or inspected.

(6) For all classes of miscellaneous motor vehicle businesses upon vehicles used for the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of the owner's immediate family, or when the business is a corporation, upon vehicles used for the pleasure or use of not more than three officers or members of the officer's immediate family or for the personal use of the regular employees of the business when operated by the employee.

All vehicles specified in paragraphs (1)(i), (2)(i), (4)(i) and (6) must be titled in the name of the business or family member and sales tax must be paid.

(b) Application for registration.--Application for registration in any of the "Miscellaneous Motor Vehicle Business" classes shall be made upon a form provided by the

department and shall set forth the full name and business address of the applicant and such other information as the department shall require. The application shall be verified by the oath or affirmation of the applicant or, if the applicant is a partnership or a corporation, by a partner or officer.

(c) Classes of "Miscellaneous Motor Vehicle Business".--

(1) Repair or towing.--Any person regularly engaged in the business of mechanical or body repairs or towing for direct compensation of motor vehicles owned and operated by other persons.

(2) Vehicle salvage dealer.--Any person regularly engaged in the business of acquiring and dismantling used, wrecked, damaged, abandoned or salvage vehicles for the purpose of selling the usable parts and selling the remaining vehicle hulk materials for recycling or processing.

(3) Transporter.--Any person regularly engaged in the business of transporting new or used vehicles on their own wheels, owned by or in possession of a manufacturer or dealer.

(4) Financier or collector-repossessor.--Any person who is duly authorized by the Department of Banking to do business in this Commonwealth as a financier or collector-repossessor and who is regularly engaged in the business of financing sales, making loans on the security of vehicles or repossessing vehicles which are the subject of installment sales contracts as an independent contractor.

(5) Watercraft trailer dealer.--Any person regularly engaged in the business of selling watercraft and trailers used exclusively for the transport of the watercraft.

(July 20, 1979, P.L.168, No.55, eff. imd.; Feb. 10, 1994, P.L.10, No.2, eff. 60 days)

Cross References. Section 1337 is referred to in sections 1162, 7301, 7302, 7322 of this title.

§ 1337.1. Fleet owner transporter registration plate.

(a) General rule.--The department shall issue to fleet owners special registration plates which may be displayed on passenger cars, trucks, truck tractors and trailers owned or leased by the fleet owner in lieu of registering each vehicle individually.

(b) Limitations on use of plates.--

(1) A registration plate issued under this section may be displayed only on an unladen vehicle.

(2) A registration plate issued under this section may be displayed only on a vehicle type for which it was purchased, except that a plate issued for a truck or truck tractor may be displayed on an unladen passenger car or an unladen trailer. The weight limits for trucks, truck tractors and trailers must conform to the weight limit for which the registration plate was purchased.

(3) A vehicle bearing a registration plate issued under this section may be used for any of the following:

(i) For transit of the vehicle to or from the place where the vehicle is offered for sale.

(ii) For transit from the place where the vehicle was purchased.

(iii) For transit to and from a location where the vehicle is modified, completed or enhanced for a period of not more than 30 days after the date of purchase.

(iv) For testing of the vehicle for a period of not more than 30 days after the date of purchase.

(v) For repair, servicing or inspection of a vehicle which is not normally operated on a highway.

(c) Records.--Records shall be kept by the fleet owner in a manner prescribed by the department indicating the vehicles which displayed each registration plate issued under this section. The records shall be open to inspection by department representatives and any police officer.

(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

1992 Amendment. Act 174 added section 1337.1.

§ 1338. Person with disability plate and placard.

(a) Person with disability plate.--On the application of any person who:

(1) is blind;

(2) does not have full use of an arm or both arms;

(3) cannot walk 200 feet without stopping to rest;

(4) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;

(5) is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;

(6) uses portable oxygen;

(7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association;

(8) is severely limited in his or her ability to walk due to an arthritic, neurological or orthopedic condition;

(9) is a person in loco parentis of a person specified in paragraph (1), (2), (3), (4), (5), (6), (7) or (8);

(10) is the parent, including adoptive parent or foster parent, of a child or adult child provided that the person has custody, care or control of the child or adult child and the child or adult child satisfies paragraph (1), (2), (3), (4), (5), (6), (7) or (8); or

(11) is the spouse of a person specified in paragraph (1), (2), (3), (4), (5), (6), (7) or (8);

the department shall issue a special registration plate for one passenger car or truck with a registered gross weight of not more than 14,000 pounds, designating the vehicle so licensed as being used by a person with a disability. Special plates for persons with disabilities may also be issued for vehicles operated exclusively for the use and benefit of persons with disabilities. In the case of a motorcycle, the department shall issue a decal containing the international symbol for access for persons with disabilities for display on the registration plate.

(b) Person with disability parking placard.--On the initial application or renewal application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of persons with disabilities. When parking the designated vehicle, the person with disability parking placard shall be prominently displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When

there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be displayed on the dashboard. Placards may also be issued for use in vehicles when operated for the use and benefit of persons with disabilities provided that a person with a disability is being transported in the vehicle. Organizations that transport persons with disabilities shall upon application be issued not more than eight placards in the organization's name. These placards may be used in a vehicle of the organization or the personal vehicle of an employee or volunteer of the organization when the employee or volunteer operates the vehicle for the benefit and use of persons with disabilities provided that a person with a disability is being transported in the vehicle.

(c) Health care provider's statement.--

(1) Any person applying for a special plate or parking placard for persons with disabilities must present a statement, certified by a physician, podiatrist, chiropractor, optometrist, physician assistant or certified registered nurse practitioner licensed or certified to practice in this Commonwealth or in a contiguous state, that the person with a disability is disabled as provided in subsection (a).

(2) Any person applying for a renewal of registration of a special plate for persons with disabilities must comply with this subsection. Once a person with a disability has been duly certified by a physician, podiatrist, chiropractor, optometrist, physician assistant or certified registered nurse practitioner as being disabled, as provided in subsection (a), the applicant need not submit a certification for subsequent renewals of registration for a special plate for persons with disabilities. A person who was issued a person with disability plate under this section and no longer qualifies for one shall not be charged a replacement fee for a regular registration plate upon payment of the regular registration fee.

(3) In lieu of a health care provider's statement, a person applying for a special plate or parking placard may present a statement from a police officer certifying that the person does not have full use of a leg, or both legs, or is blind.

(4) The department shall phase out existing handicapped placards as soon as practicable and issue a new series to persons who comply with this section.

(c.1) Return of plates and placard.--Upon the death of a person to whom a plate or placard has been issued under this section, the plate or placard shall be void 30 days after death and shall not be displayed on any vehicle. The personal representative of the deceased shall return the plate to the department. If there is no personal representative, the spouse or, if there is no spouse, the next of kin of the deceased shall return the plate or placard to the department.

(c.2) Authorized use.--This section shall not preclude the operation of a vehicle which bears a person with disability plate when the vehicle is not being used for the benefit of the person with a disability or when the person with a disability is not present in the vehicle, provided the driver does not use or attempt to use any special privilege or benefit otherwise accorded to vehicles displaying the plate.

(d) Penalty.--Any person violating this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than $100.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Chiropractor." A chiropractor acting within the scope of practice contained in the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act.

"Podiatrist." A podiatrist acting within the scope of practice contained in the act of March 2, 1956 (1955 P.L.1206, No.375), known as the Podiatry Practice Act.

(July 11, 1980, P.L.550, No.113, eff. 60 days; Oct. 10, 1980, P.L.791, No.147, eff. imd.; May 9, 1986, P.L.158, No.51, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; July 11, 1990, P.L.432, No.105, eff. 60 days; July 19, 1991, P.L.88, No.20, eff. 90 days; Apr. 29, 1994, P.L.148, No.25, eff. imd.; July 6, 1995, P.L.246, No.30, eff. 60 days; Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 15, 2004, P.L.698, No.76, eff. 60 days; Dec 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days; June 23, 2016, P.L.390, No.55, eff. 60 days; Oct. 25, 2017, P.L.374, No.37, eff. 60 days)

2017 Amendment. Act 37 amended subsec. (c)(1) and (2).

2016 Amendment. Act 55 amended subsec. (a).

2004 Amendment. Section 2 of Act 76 provided that any regulations of the Department of Transportation that are inconsistent with Act 76 are hereby abrogated to the extent of that inconsistency.

Cross References. Section 1338 is referred to in sections 1334, 1341.1, 1342, 3354 of this title.

§ 1339. Legislative plate.

Upon application by a member or retired member of the General Assembly of the Commonwealth or the Congress of the United States, the department may issue special registration plates indicating that the vehicle is owned by a member or retired member of the Pennsylvania or United States Senate or House of Representatives, as appropriate.

(June 26, 2001, P.L.734, No.75, eff. 60 days)

§ 1340. Antique, classic and collectible plates.

(a) General rule.--Upon submission by a vehicle owner of information satisfactory to the department that a motorcycle or motor vehicle is an antique motorcycle or motor vehicle or classic motorcycle or motor vehicle or collectible motorcycle or motor vehicle, accompanied by the appropriate fee, the department may issue special plates for the motorcycle or vehicle. The special plate for antique motor vehicles, except antique motorcycles, shall bear the designation "antique vehicle." The applicant shall provide photographic proof in a manner specified by the department to demonstrate the condition of the motor vehicle. No annual registration fee may be charged for antique, collectible or classic motorcycles or motor vehicles. A holder of the special plates may obtain replacement plates bearing the designation "antique vehicle" upon payment of the appropriate fee.

(a.1) Vintage registration plates.--In lieu of a special plate issued under subsection (a), the owner of an antique or classic motor vehicle may request permission from the department to display a vintage registration plate from the model year of the motor vehicle. The vintage registration plate shall be:

(1) Provided by the motor vehicle owner.

(2) A Pennsylvania registration plate issued between the years 1906 and 1976.

(3) Legible from a reasonable distance.

The applicant shall provide information as the department may require for processing the request and a $75 application fee. The department may deny a request to use a vintage registration plate for cause.

(a.2) Historic military vehicle plates.--In lieu of a special plate issued under subsection (a), the owner of a historic military vehicle may be issued by the department special plates for the vehicle which shall have the same force and effect as antique or classic registration plates. The applicant shall provide information as the department may require for processing the request and a $75 application fee.

(b) Use of plates.--It is unlawful for any person to operate a motorcycle or vehicle with antique, classic, vintage, collectible or historic military vehicle registration plates for general daily transportation. Permitted use shall be limited to participation in club activities, exhibits, tours, parades, occasional transportation and similar uses. Occasional transportation shall mean no more than one day per week.

(c) Definition.--As used in this section, the term "historic military vehicle" means an antique or classic vehicle, including a trailer, that was manufactured for use in any country's military forces and is maintained to represent the vehicle's military design and markings accurately.

(May 30, 1990, P.L.173, No.42, eff. 60 days; Apr. 29, 1994, P.L.148, No.25, eff. 60 days; Dec. 20, 1995, P.L.669, No.75, eff. 120 days; Dec. 1, 2004, P.L.1767, No.228, eff. 60 days; Apr. 12, 2012, P.L.227, No.25, eff. 120 days; July 2, 2014, P.L.988, No.109, eff. 60 days; Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 amended subsec. (b) and added subsecs. (a.2) and (c).

2014 Amendment. Act 109 amended subsec. (a.1)(2).

Cross References. Section 1340 is referred to in sections 102, 1786, 4703 of this title.

§ 1340.1. Street rod plate.

Upon submission by a vehicle owner of information satisfactory to the department that a motor vehicle is a street rod, accompanied by the appropriate fee, the department shall issue special plates for the vehicle which shall have the same force and effect as regular registration plates. The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees.

(July 10, 1981, P.L.250, No.82, eff. imd.)

1981 Amendment. Act 82 added section 1340.1.

§ 1341. Special registration plates.

(a) General rule.--Upon request by the applicant, the department may issue registration plates consisting of any combination of numbers, letters or numbers and letters. They shall have the same force and effect as regular registration plates. The department may refuse any combination of letters and numbers for cause and shall adopt reasonable rules and regulations for the issuance of the plates and for carrying out the provisions of this section. The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees.

(b) Personal registration plates.--Upon request by the applicant, the department is authorized to issue personal registration plates. The department is authorized to reissue a combination of numbers or letters for a personal plate if the department records reveal that no activity, such as renewal or

transfer of the personal registration plate, has occurred for a period of five or more consecutive years and provided that the personal registration plate was never reported as lost or stolen. Whenever the department reissues an inactive personal plate, the department may purge its records of all references to the previous owners of that personal plate. The department shall, however, note upon its records the reissuance of the personal plate and to whom the plate was issued. A personal registration plate may be used only on a passenger car or truck, with a registered gross weight of not more than 14,000 pounds, motorcycle, trailer or motor home.

(c) Organization registration plates.--Upon request by the applicant, the department is authorized to issue organization registration plates. Organization registration plates may be issued for special groups or for special purposes and bear an appropriate designation. Special groups may charge an initial fee for authorization to request a registration plate bearing the name of the group or an abbreviation of the group name desired by the organization and as approved by the department. Special groups with more than 2,000 organization registration plates may charge a renewal fee for authorization to renew a registration plate bearing the name of the group. The imposition or collection of initial or renewal fees for authorization to request or continue use of a special group's plate is at the special group's discretion and does not require any action by the department. If the vehicle is licensed to a business that is not a member of the special group, the department shall issue the plate as long as the business owner or officer making application is a member of that group. An organization registration plate may be used only on a passenger car or truck, with a registered gross weight of not more than 14,000 pounds, trailer, motorcycle or motor home.

(Apr. 29, 1994, P.L.148, No.25, eff. imd.; June 26, 2001, P.L.734, No.75, eff. 60 days; Nov. 29, 2006, P.L.1449, No.159, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Mar. 19, 2014, P.L.361, No.23, eff. 120 days; Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 amended subsec. (c).

Cross References. Section 1341 is referred to in sections 1333, 1786 of this title.

§ 1341.1. Personal organization registration plates.

(a) General rule.--The department may, upon application of any person and upon payment of the additional fee under this section, issue a personal organization registration plate to applicants for special registration plates authorized in this chapter.

(b) Additional fee.--

(1) The department shall collect an additional fee of $100 for personal organization registration plates issued under subsection (a).

(2) For any personal plate issued under sections 1338 (relating to person with disability plate and placard) and 1342 (relating to veteran plates and placard), the department shall collect only an additional fee of $50.

(Mar. 19, 2014, P.L.361, No.23, eff. 120 days)

2014 Amendment. Act 23 added section 1341.1.

§ 1342. Veteran plates and placard.

(a) Severely disabled veteran plate.--On the application of a veteran whose service-connected disability is certified at 100% by the service unit of the armed forces in which the

veteran served or by the United States Veterans' Administration or who has a service-connected disability of the type enumerated in section 1338 (relating to person with disability plate and placard), the department shall issue a special registration plate designating the vehicle as belonging to a severely disabled veteran. The registration plate shall have a white background, shall have blue numbers or letters as the department may determine, shall have the words "disabled veteran" in at least ten-point bold type inscribed in red at the bottom of the plate and shall include the international symbol for access for persons with disabilities. A special registration plate issued to a veteran under this section may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. In the case of a motorcycle, the department shall issue a decal containing the international symbol for access for persons with disabilities and the words "disabled veteran" for display on the registration plate.

(b) Severely disabled veteran placard.--On the application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of a severely disabled veteran. When parking the designated vehicle, the severely disabled veteran parking placard shall be prominently displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be prominently displayed on the dashboard of the vehicle when it is in use for the transportation of such severely disabled veteran. Placards may also be issued for use in vehicles when operated for the use and benefit of severely disabled veterans provided that a severely disabled veteran is being transported in the vehicle.

(c) Disabled veteran plates.--On the application of any veteran having a disability certified by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration as service-connected, the department shall issue a special registration plate designating the vehicle as belonging to a disabled veteran. The registration plate shall have a white background, shall have numbers or letters as the department may determine and shall have the words "disabled veteran" in at least ten-point bold type inscribed at the bottom of the plate. A special registration plate issued to a veteran under this section may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(d) Prisoner of war plate.--On the application of an ex-prisoner of war whose imprisonment while in the service of the armed forces of the United States is certified by the appropriate branch of the armed forces, the department shall issue a special registration plate designating the vehicle as belonging to an ex-prisoner of war. The registration plate shall contain the letters "POW" and such other numbers or letters as the department may determine and shall have the words "prisoner of war" in at least ten-point bold type inscribed at the bottom of the plate. A special registration plate issued to an ex-prisoner of war under this subsection may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(e) Documentation of eligibility.--The department may require current holders of disabled veteran registration plates and placards to provide documentation of their eligibility under this section where current documentation is not sufficient.

(f) Return of plates and placard.--Upon the death of a veteran to whom a severely disabled veteran plate or placard has been issued under this section, the severely disabled veteran plate or placard shall be void 30 days after death and shall not be displayed on any vehicle. The personal representative of the deceased shall return the plate to the department. If there is no personal representative, the spouse or, if there is no spouse, the next of kin of the deceased shall return the plate or placard to the department.

(July 11, 1980, P.L.550, No.113, eff. 60 days; July 10, 1981, P.L.250, No.82, eff. imd.; May 9, 1986, P.L.158, No.51, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Apr. 29, 1994, P.L.148, No.25, eff. imd.; Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

2014 Amendment. Act 109 amended subsecs. (a), (c) and (d).

1998 Amendment. Act 151 amended subsecs. (a), (b), (c) and (d).

1995 Amendment. Act 72 added subsec. (f).

Cross References. Section 1342 is referred to in sections 1341.1, 1346, 3354 of this title.

§ 1343. Use of school bus or school vehicle plates.

(a) General rule.--A motor vehicle bearing school bus or school vehicle registration plates shall be used exclusively for the transportation of children and their chaperons to or from public, private, parochial or Sunday school or in connection with any public, private, parochial or Sunday school-related activity. Each school district shall adopt regulations regarding the number of chaperons to accompany students in connection with these activities. Except when transporting children to and from public, private, parochial or Sunday school or public, private, parochial or Sunday school-related activities, the words "school bus" on the front and rear of the vehicle shall be concealed and the red and amber visual signals shall not be operable.

(b) Penalty.--Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $25.

(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

§ 1344. Use of farm vehicle plates.

(a) General rule.--A truck or truck tractor bearing farm vehicle registration plates shall be used exclusively upon a farm or farms owned or operated by the registrant of the vehicle or upon highways between:

(1) Parts of one such farm.

(2) Such farms.

(3) Such a farm or farms and a place of business for the purpose of buying or selling agricultural commodities or supplies.

(4) Such place of business, if transported to the place of business pursuant to paragraph (3) and the place of delivery of the agricultural commodities, provided that:

(i) delivery is made pursuant to the sale of the commodities by the registrant of the vehicle, by an

employee of the vehicle registrant or by an auctioneer; and

(ii) if transported to the place of business pursuant to paragraph (3), delivery is made by the same vehicle of the registrant which transported the commodities to the place of business.

(5) Such farm or farms and a department site for the examination of an applicant for a driver's license.

(6) Such farm or farms and a place of business for the inspection, repair or servicing of the vehicle.

(b) Penalty.--Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $50 and shall, upon conviction for a second or subsequent offense, be sentenced to pay a fine of $200.
(July 20, 1979, P.L.168, No.55, eff. imd.; Nov. 23, 1987, P.L.399, No.82, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days)

1993 Amendment. Act 10 amended the section heading and subsec. (a).

Cross References. Section 1344 is referred to in section 2105 of this title.

§ 1344.1. Use of farm equipment dealer registration plates.

A truck or truck tractor bearing farm equipment dealer registration plates shall be used solely in the business of the dealer and operated exclusively by the dealership or its employees only when the vehicle is used:

(1) for delivering farm equipment to a farm for the purpose of sale, demonstration, loaning to customers whose farm equipment is being repaired or loaning to prospective purchasers;

(2) for pickup of new farm equipment from the manufacturer or distributor;

(3) for pickup of used farm equipment for the purpose of resale; or

(4) for inspection, repair or servicing the vehicle.
(Aug. 5, 1991, P.L.238, No.26, eff. 120 days)

1991 Amendment. Act 26 added section 1344.1.

§ 1345. Special plates for recipients of the Medal of Honor.

Upon application of any person who is a recipient of the Medal of Honor, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Medal of Honor. The plate shall have a light blue background interspersed with 13 white stars. The center of the plate shall bear a golden bronze replica of the appropriate medal. The initials of each recipient shall be embossed in red to the left of the medal and the letters "CMH" (for Congressional Medal of Honor) shall be embossed in red to the right of the medal.
(Nov. 23, 1982, P.L.689, No.197, eff. 60 days)

1982 Amendment. Act 197 added section 1345.

§ 1346. Special plates for recipients of Purple Heart.

Upon application of any person who is a recipient of the Purple Heart, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Purple Heart. A severely disabled veteran, as described in section 1342(a) (relating to veteran plates and placard), who is qualified to receive a plate under this section may also elect to receive a placard under section 1342(b). The special registration plate

may be used only on a passenger car, motorcycle or truck with a registered gross weight of not more than 14,000 pounds.
(June 12, 1986, P.L.252, No.65, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days; Oct. 24, 2018, P.L.705, No.108, eff. 120 days)

§ 1347. Hearing impaired plates.

On the application of any person with a hearing impairment, verified by a licensed physician and accompanied by the appropriate fee, the department shall issue to that person a special registration plate designating the vehicle as belonging to a person who has a hearing impairment, which plate shall have the same effect as a regular registration plate.
(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days)

1986 Amendment. Act 166 added section 1347.

§ 1348. Special plates for Pearl Harbor survivors.

Upon application of any person who is a survivor of Pearl Harbor, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a survivor of Pearl Harbor. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 10, 1990, P.L.356, No.83, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1349. Circus or carnival plates.

Upon submission by a truck or truck tractor owner of information to the department that a truck or truck tractor is used exclusively for the purpose of transportation of circus or carnival personnel or equipment or machinery and only so used during the period from April 1 through September 30 of any year, the department may issue special plates for the vehicle. The registration fee for the truck or truck tractor shall be one-half the fee for a similar truck or truck tractor not used for the purposes described in this section.
(July 10, 1990, P.L.356, No.83, eff. 180 days)

1990 Amendment. Act 83 added section 1349.

§ 1350. Special plates for veterans of Korean War.

Upon application of any person who is a veteran of the Korean War, accompanied by a fee of $20, which shall be in addition to the annual registration fee, and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Korean War. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Nov. 24, 1992, P.L.702, No.105, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1350.1. Special plates for recipients of Korean Defense Service Medal.

Upon application of any person who is a recipient of the Korean Defense Service Medal, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate

designating the vehicle so licensed as belonging to a person who is a recipient of the Korean Defense Service Medal. The department shall design and produce the special registration plate. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 7, 2006, P.L.389, No.82, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1351. Special plates for veterans of Persian Gulf War.

Upon application of any person who is a veteran of the Persian Gulf War, accompanied by a fee of $20, which shall be in addition to the annual registration fee, and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Persian Gulf War. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Nov. 24, 1992, P.L.702, No.105, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1352. Wild resource conservation plate.

The department, in consultation with the Wild Resource Conservation Board, shall design a special wild resource conservation registration plate. Upon application of any person, accompanied by a fee of $35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 14,000 pounds. The Wild Resource Conservation Fund shall receive $15 of each additional fee for this plate.
(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1352.1. Appalachian Trail organization registration plates.

(a) General rule.--The department, in consultation with the Appalachian Trail Conservancy, shall design a special Appalachian Trail organization registration plate. The plate, at a minimum, shall contain the image of a hiker and the Appalachian Trail Conservancy logo and distinctive coloring. The Appalachian Trail Conservancy may charge a fee for the authorization to request the registration plate. Upon request by the applicant, the department shall issue the plate for a passenger car or truck with a registered gross weight of not more than 14,000 pounds or a motor home. The fee provided under section 1931(b) (relating to personal and organization registration plates) shall apply.

(b) Proceeds.--It is the intent of the General Assembly that proceeds received by the Appalachian Trail Conservancy under this section are to be used exclusively for trail maintenance and improvement.
(Mar. 19, 2014, P.L.361, No.23, eff. 120 days; July 2, 2014, P.L.988, No.109, eff. imd.)

2014 Amendments. Act 23 added section 1352.1 and Act 109 amended subsec. (a).

§ 1352.2. Pollinator conservation registration plate.

The department, in consultation with the Department of Agriculture, shall design a special pollinator conservation registration plate. Upon application of any person, accompanied by a fee of $38 which shall be in addition to the registration

fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 14,000 pounds. The Pollinator Habitat Program Fund shall receive $25 of the fee paid by the applicant for the plate.
(Nov. 3, 2022, P.L.1734, No.112, eff. 120 days)

2022 Amendment. Act 112 added section 1352.2.
Cross References. Section 1352.2 is referred to in section 1905 of this title.

§ 1353. Preserve our heritage registration plate.

The department, in consultation with the Pennsylvania Historical and Museum Commission, shall design a special preserve our heritage registration plate. Upon receipt of an application, accompanied by a fee of $54 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 14,000 pounds. The Historical Preservation Fund shall receive $23 of each additional fee for this plate.
(Dec. 28, 1994, P.L.1441, No.170, eff. 120 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014; July 2, 2014, P.L.988, No.109, eff. 60 days)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 1353.1. Pennsylvania monument registration plate.

(a) Design.--The department shall design a Pennsylvania monument registration plate which shall have a replica of the Pennsylvania Memorial Monument at the Gettysburg National Military Park and shall display the words "Gettysburg 1863."

(b) Application.--Upon application of any person, accompanied by a fee of $54 which shall be in addition to the annual registration fee, the department shall issue the registration plate under subsection (a) for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 14,000 pounds.

(c) Proceeds.--The Pennsylvania Veterans' Monuments and Memorial Trust Fund shall receive $23 of the fee paid by the applicant for the registration plate under subsection (a).

(d) Use of proceeds.--Proceeds under subsection (c) shall be used exclusively to provide grants to nonprofit organizations for the cleaning, repair and restoration of Pennsylvania monuments and memorials by the Gettysburg National Military Park. A grant under this subsection may not be used to pay for the cost of cleaning, repair or restoration of the grounds surrounding a Pennsylvania monument or memorial.
(July 2, 2014, P.L.988, No.109, eff. 120 days; June 28, 2018, P.L.432, No.64, eff. 60 days)

2018 Amendment. Act 64 amended subsecs. (c) and (d).
2014 Amendment. Act 109 added section 1353.1.

§ 1354. Flagship Niagara commemorative registration plate (Repealed).

2013 Repeal. Section 1354 was repealed November 25, 2013, P.L.974, No.89, effective in 60 days.

§ 1354.1. United States Olympic plate.

(a) General rule.--The department, in consultation with the United States Olympic Committee or its designees, shall design a special United States Olympic registration plate, which shall display the official United States Olympic Committee logo and wording, which indicates support for the advancement of excellence in amateur athletic competition in this Commonwealth. The United States Olympic Committee may charge a fee for the authorization to request the registration plate. Upon request by the applicant, the department shall issue the plate for a passenger car or truck with a registered gross weight of not more than 14,000 pounds or a motor home. The fee provided under section 1931(b) (relating to personal and organization registration plates) shall apply.

(b) Proceeds.--It is the intent of the General Assembly that proceeds received by the United States Olympic Committee under this section are to be used exclusively to provide funding to one or more nonprofit organizations, as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), in this Commonwealth that focus on the advancement of excellence in amateur athletics.
(July 2, 2014, P.L.988, No.109, eff. 120 days)

2014 Amendment. Act 109 added section 1354.1.

§ 1355. Zoological plate.

The department, in consultation with the Pennsylvania Zoological Council, shall design a special zoological registration plate. Upon application of any person, accompanied by a fee of $54 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 14,000 pounds. The Zoological Enhancement Fund shall receive $23 of the fee paid by the applicant for the plate.
(Dec. 28, 1994, P.L.1441, No.170, eff. 60 days; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014; July 2, 2014, P.L.988, No.109, eff. 60 days)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1355 is referred to in section 1905 of this title.

§ 1355.1. Pennsylvania Hunting Heritage registration plates.

(a) General rule.--The department, in consultation with the Pennsylvania Game Commission, shall design a special Pennsylvania Hunting Heritage registration plate. The Pennsylvania Game Commission shall charge a fee for the authorization to request the registration plate. Upon request by the applicant, the department shall issue the plate for a passenger car or truck with a registered gross weight of not more than 14,000 pounds or a motor home. The fee provided under section 1931(b) (relating to personal and organization registration plates) shall apply.

(b) Proceeds.--Proceeds received by the Pennsylvania Game Commission under this section are to be used as follows:

(1) Thirty-three percent shall be allocated to nonprofit organizations that coordinate the processing and distribution of donated wild game from hunters and municipal herd reduction sources to Pennsylvania residents through a distribution network of food banks in this Commonwealth.

(2) Sixty-seven percent shall be allocated as grants to nonprofit sportsmen's clubs and organizations to conduct activities that promote sport hunting, youth hunter education or the conservation and enhancement of game species in this Commonwealth for current and future generations of hunters.

(c) Limitation.--A nonprofit organization may not use funding under this section for salaries or administrative expenses.

(d) Expenditures.--Estimates of amounts to be expended under this subsection shall be submitted to the Governor by the Pennsylvania Game Commission for approval by the Governor.
(July 2, 2014, P.L.988, No.109, eff. 120 days)

2014 Amendment. Act 109 added section 1355.1.

§ 1356. Special plates for recipients of Expeditionary Forces Medal.

Upon application of any person who is a recipient of the Expeditionary Forces Medal, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate designating the vehicle so registered as belonging to a person who is a recipient of the Expeditionary Forces Medal. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1357. Special plates for World War II veterans.

Upon application of any person who is a veteran of World War II, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate carrying the symbol of a ruptured duck designating the vehicle so registered as belonging to a person who is a veteran of World War II. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1357.1. Special plates for individuals in the service of the United States Merchant Marine.

Upon application of any person who was in the service of the United States Merchant Marine during World War II, the Korean War, the Vietnam Conflict or any of the Gulf Wars, including Operation Desert Storm, Operation Iraqi Freedom and Operation Desert Shield, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who was in the service of the United States Merchant Marine during World War II, the Korean War, the Vietnam Conflict or any of the Gulf Wars, including Operation Desert Storm, Operation Iraqi Freedom and Operation Desert Shield. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Oct. 24, 2012, P.L.1282, No.158, eff. 180 days; July 2, 2014, P.L.988, No.109, eff. 120 days)

§ 1358. DARE plate (Repealed).

2014 Repeal. Section 1358 was repealed April 7, 2014, P.L.381, No.27, effective in 60 days.

§ 1358.1. Share the Road plate.

The department shall design a Share the Road registration plate. Upon application of any person, accompanied by a fee of $40, which shall be in addition to the registration fee, the department shall issue the plate for a passenger car or truck with a registered gross weight of not more than 14,000 pounds or a motor home. The fee shall be used exclusively to maintain the department's central office position of Bicycle and Pedestrian Coordinator and to fund highway pedalcycle signage approved by the department.

(June 8, 2016, P.L.257, No.36, eff. 60 days)

2016 Amendment. Act 36 added section 1358.1. The preamble of Act 36 provided that Act 36 shall be known and may be cited as the Dave Bachman Act.

§ 1358.2. Distracted Driving Awareness plate.

(a) Distracted Driving Awareness plate.--The department shall design a Distracted Driving Awareness registration plate. Upon application of any person, accompanied by a fee of $40, which shall be in addition to the registration fee, the department shall issue the plate for a motorcycle and a passenger car or truck with a registered gross weight of not more than 14,000 pounds or a motor home. The fee shall be used exclusively to advance public education and outreach on the dangers posed by distracted driving, at the department's discretion.

(b) Expiration.--This section shall expire December 31, 2025.

(Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 added section 1358.2.

§ 1359. Special plates for steelworkers.

(a) General rule.--Upon application of any person who is a steelworker, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a steelworker. The special registration plate may be used only on a passenger car or a truck with a registered gross weight of not more than 14,000 pounds. The plate shall bear the likeness of the official emblem of the American Iron and Steel Institute.

(b) Definition.--As used in this section, the term "steelworker" means a person currently or formerly employed in the manufacture of steel or a surviving member of the steelworker's family.

(July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

2014 Amendment. Act 109 amended subsec. (a).

1996 Amendment. Act 115 added section 1359.

§ 1360. Special plates for veterans of Vietnam Conflict.

Upon application of any person who is a veteran of the Vietnam Conflict as that term is defined for the awarding of the Vietnam Service Medal, accompanied by a fee of $20 in addition to the annual registration fee and by such documentation as the department shall require, the department

shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Vietnam Conflict. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1361. Special motorcycle plates related to veterans.

(a) Honorably discharged veterans.--Upon application of any person who is an honorably discharged veteran of the armed forces of the United States, or a reserve component of the armed forces as defined in 51 Pa.C.S. § 7301 (relating to definitions), accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is a veteran. The special registration plate may be used only on a motorcycle.

(b) Honoring our veterans.--Upon application of any person, accompanied by a fee of $35 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the motorcycle as belonging to a person who is honoring veterans of the armed forces of the United States. The special registration plate may be used only on a motorcycle. The Veterans' Trust Fund shall receive $15 of the fee paid by the applicant for the plate.
(Feb. 9, 2004, P.L.65, No.8, eff. 60 days; July 8, 2015, P.L.119, No.17, eff. 90 days)

Cross References. Section 1361 is referred to in section 1721 of Title 51 (Military Affairs).

§ 1362. Operation Iraqi Freedom veterans plate.

Upon application of any person who is a veteran of the liberation or occupation of Iraq, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Iraqi Freedom. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 14, 2005, P.L.285, No.50, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1363. Operation Enduring Freedom veterans plate.

Upon application of any person who is a veteran of the liberation or occupation of Afghanistan, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Enduring Freedom. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 14, 2005, P.L.285, No.50, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1363.1. Afghanistan and Iraq veterans plate.

Upon application of any person who is a veteran of the liberation or occupation of Afghanistan and Iraq, accompanied by a fee of $23 which shall be in addition to the registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Afghanistan and Iraq. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. (Nov. 3, 2022, P.L.1734, No.112, eff. 120 days)

2022 Amendment. Act 112 added section 1363.1.

§ 1364. Special plates for veterans.

(a) Honorably discharged veterans.--Upon application of any person who is an honorably discharged veteran of the armed forces of the United States or a reserve component of the armed forces as defined in 51 Pa.C.S. § 7301 (relating to definitions), accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is a veteran of the armed forces of the United States. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(b) Honoring our veterans.--Upon application of any person, accompanied by a fee of $35, which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is honoring veterans of the armed forces of the United States. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. The Veterans' Trust Fund shall receive $15 of the fee paid by the applicant for the plate.

(c) Honoring our women veterans.--Upon application of any person, accompanied by a fee of $35, which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is honoring women veterans of the armed forces of the United States. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. The Veterans' Trust Fund shall receive $15 of the fee paid by the applicant for the plate. The portion of the fee transferred to the Veterans' Trust Fund under this subsection shall be used for programs and resources that assist women veterans. (July 14, 2005, P.L.285, No.50, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Oct. 24, 2012, P.L.1602, No.194, eff. 30 days; July 2, 2014, P.L.988, No.109, eff. 60 days; Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 added subsec. (c).

Cross References. Section 1364 is referred to in section 1721 of Title 51 (Military Affairs).

§ 1364.1. Special plates for current members of the armed forces of the United States.

(a) General rule.--A special registration plate shall, upon application, be issued to an individual who is a member of the armed forces of the United States, including a member of a

reserve component or the National Guard, under the following conditions:

(1) A fee of $20 has been paid in addition to the registration fee.

(2) Documentation required by the department has been provided.

(3) The vehicle belongs to the applicant.

(4) The plate issued appropriately designates the branch of service and includes the service emblem of which the applicant is a member.

(b) Eligibility.--A plate issued under subsection (a) shall be for members of the Pennsylvania National Guard and the following branches of the armed forces of the United States:

(1) Army.

(2) Navy.

(3) Air Force.

(4) Marine Corps.

(5) Coast Guard.

(c) Limitation.--A plate issued under this section may only be used on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(Oct. 4, 2016, P.L.881, No.108, eff. 120 days)

2016 Amendment. Act 108 added section 1364.1.

§ 1365. Gold Star Family plate.

(a) General rule.--Upon application of a family member of a person who was killed while serving on active duty in the military, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the family member a special registration plate designating the vehicle so licensed as belonging to a family member of a person who was killed while serving on active duty in the military. The department shall design and produce the special registration plate carrying the Service Flag Gold Star rimmed with blue which represents sacrifice to the cause of liberty and freedom. The words "Gold Star Family" shall be clearly displayed along the bottom of the plate. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(b) Documentation required.--An applicant for a Gold Star Family plate shall certify on a form approved by the department that the applicant is a family member of a person who was killed while serving on active duty in the military.

(c) Definition.--As used in this section, the term "family member" includes the following:

(1) Widow.

(2) Widower.

(3) Mother.

(4) Father.

(5) Stepmother.

(6) Stepfather.

(7) Mother through adoption.

(8) Father through adoption.

(9) Foster mother in loco parentis.

(10) Foster father in loco parentis.

(11) Son.

(12) Daughter.

(13) Stepson.

(14) Stepdaughter.

(15) Son by adoption.

(16) Daughter by adoption.

(17) Brother.
(18) Sister.
(19) Half brother.
(20) Half sister.
(Oct. 4, 2006, P.L.1143, No.117, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

2014 Amendment. Act 109 amended subsec. (a).
2006 Amendment. Act 117 added section 1365.

§ 1366. Special plates for recipients of Silver Star.

Upon application of any person who is a recipient of the Silver Star, accompanied by a fee of $10 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Silver Star. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 5, 2012, P.L.960, No.103, eff. 120 days)

2012 Amendment. Act 103 added section 1366.

§ 1366.1. Special plates for United States military airborne units.

(a) General rule.--Upon application of any person who is a veteran of or a member of a United States military airborne unit, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of or a member of a United States military airborne unit. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. The department shall design and produce the special registration plate to display a set of jump wings and glider wings.

(b) Definition.--As used in this section, the term "veteran of or a member of a United States military airborne unit" includes parachutist or glider units, glider troopers, paratroopers, air assault troopers, Rangers, U.S. Army Special Forces, USMC Recon, U.S. Navy Seals, U.S. Air Force Special Operations, Troop Carrier Command, including glider pilots and the 160th SOAR, military personnel who satisfactorily completed the prescribed proficiency tests while assigned or attached to an airborne unit and any other military personnel determined by the department to be appropriately classified as a member of a United States military airborne parachutist or glider unit.
(Oct. 24, 2012, P.L.1282, No.158, eff. 180 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

2014 Amendment. Act 109 amended subsec. (a).
2012 Amendment. Act 158 added section 1366.1.

§ 1366.2. Blue Star Family plate.

(a) General rule.--Upon application of a family member of a person who is an active duty service member in the military, including a reserve component or National Guard, accompanied by a fee of $23 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the family member a special registration plate designating the vehicle so licensed as belonging to a family member of a person serving on active duty in the military, including a reserve component or National

Guard. The department shall design and produce the special registration plate carrying the Blue Star which signifies that a family member is an active duty service member, including a reserve component or National Guard. The words "Blue Star Family" shall be clearly displayed along the bottom of the plate. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(b) Documentation required.--An applicant for a Blue Star Family plate shall certify on a form approved by the department that the applicant is a family member of a person who is an active duty service member in the military, including a reserve component or National Guard.

(c) Construction.--Nothing in this section shall be construed to require:

(1) A person issued a Blue Star Family plate to return the plate to the department if a family member no longer serves on active duty in the military, including a reserve component or National Guard.

(2) The department to periodically verify that a person issued a Blue Star Family plate has a family member serving on active duty in the military, including a reserve component or National Guard, after the initial issuance of the plate.

(d) Definition.--As used in this section, the term "family member" includes the following:

(1) Mother.
(2) Father.
(3) Stepmother.
(4) Stepfather.
(5) Mother through adoption.
(6) Father through adoption.
(7) Foster mother in loco parentis.
(8) Foster father in loco parentis.
(9) Son.
(10) Daughter.
(11) Stepson.
(12) Stepdaughter.
(13) Son by adoption.
(14) Daughter by adoption.
(15) Brother.
(16) Sister.
(17) Half-brother.
(18) Half-sister.
(19) Grandfather.
(20) Grandmother.
(21) Spouse.

(Nov. 3, 2022, P.L.1734, No.112, eff. 120 days)

2022 Amendment. Act 112 added section 1366.2.

§ 1366.3. Special plates for recipients of Air Medal.

Upon application of any person who is a recipient of the Air Medal, accompanied by a fee of $23 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Air Medal. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(Nov. 3, 2022, P.L.1746, No.113, eff. 120 days)

2022 Amendment. Act 113 added section 1366.3.

§ 1367. Special plates for recipients of Bronze Star.

Upon application of any person who is a recipient of the Bronze Star, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Bronze Star. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 5, 2012, P.L.960, No.103, eff. 120 days)

2012 Amendment. Act 103 added section 1367.

§ 1368. Special plates for recipients of Bronze Star for Valor.

Upon application of any person who is a recipient of the Bronze Star for Valor, accompanied by a fee of $10 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Bronze Star for Valor. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 5, 2012, P.L.960, No.103, eff. 120 days)

2012 Amendment. Act 103 added section 1368.

§ 1368.1. Special plates for recipients of Soldier's Medal.

Upon application of any person who is a recipient of the Soldier's Medal, accompanied by a fee of $20 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Soldier's Medal. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 added section 1368.1.

§ 1368.2. Special plates for recipients of Presidential Service Badge.

Upon application of any person who is a recipient of the Presidential Service Badge, accompanied by a fee of $20 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Presidential Service Badge. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 added section 1368.2.

§ 1368.3. Special plates for recipients of Legion of Merit.

Upon application of any person who is a recipient of the Legion of Merit, accompanied by a fee of $20 which shall be in addition to the registration fee and any documentation the department requires, the department shall issue to the person a special registration plate designating the vehicle licensed as belonging to a person who is a recipient of the Legion of Merit. The special registration plate may be used only on a

passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Oct. 24, 2018, P.L.705, No.108, eff. 120 days)

2018 Amendment. Act 108 added section 1368.3.

§ 1369. Special plates for recipients of Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross.

Upon application of any person who is a recipient of the Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross, accompanied by a fee of $10 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 5, 2012, P.L.960, No.103, eff. 120 days)

2012 Amendment. Act 103 added section 1369.

§ 1369.1. Special plates for recipients of Combat Action Badge, Combat Infantryman Badge, Combat Action Ribbon, Combat Action Medal or Combat Medical Badge.

Upon application of any person who is a recipient of the Combat Action Badge, Combat Infantryman Badge, Combat Action Ribbon, Combat Action Medal or Combat Medical Badge accompanied by a fee of $20, which shall be in addition to the annual registration fee, and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Combat Action Badge, Combat Infantryman Badge, Combat Action Ribbon, Combat Action Medal or Combat Medical Badge. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 2, 2014, P.L.988, No.109, eff. 120 days)

2014 Amendment. Act 109 added section 1369.1.

§ 1369.2. Special "In God We Trust" plates.

Upon application of any person, accompanied by a fee of $20 which shall be in addition to the annual registration fee, the department shall issue to the person a special "In God We Trust" registration plate. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 2, 2014, P.L.988, No.109, eff. 120 days)

2014 Amendment. Act 109 added section 1369.2.

§ 1369.3. Special plates for veterans of an ally foreign country.

Upon application of a person who was a citizen of a foreign country that allied with the United States in a military conflict and served in a military branch of that foreign country during the military conflict, accompanied by a fee of $20 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of a military branch of a foreign country that

allied with the United States in a military conflict. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 added section 1369.3.

§ 1369.4. USA semiquincentennial registration plates.

(a) General rule.--The department shall design a special USA semiquincentennial registration plate.

(b) Application and payment.--Upon application and payment of a fee of $52 by a person, which shall be in addition to the registration fee, the department shall issue a USA semiquincentennial registration plate for a motorcycle, a passenger car or a truck with a registered gross weight of not more than 14,000 pounds or a motor home.

(b.1) Disposition of fee.--The Semiquincentennial Restricted Account is established in the State Treasury. Twenty-five dollars of the fee under subsection (b) shall be deposited into the Semiquincentennial Restricted Account for use by the Pennsylvania Commission for the United States Semiquincentennial for activities related to the semiquincentennial.

(c) Description of plate.--The plate shall include the phrase "Let Freedom Ring - 250 years" and feature the Liberty Bell.

(d) Expiration.--This section shall expire December 31, 2026.
(July 1, 2020, P.L.555, No.48, eff. 120 days; July 7, 2022, P.L.503, No.51, eff. 60 days)

2022 Amendment. Act 51 amended subsec. (b) and added subsec. (b.1).

2020 Amendment. Act 48 added section 1369.4.

§ 1370. Report to General Assembly.

No later than January 1, 2015, and on January 1 of every fifth year thereafter, the department shall report to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives on the utilization of special registration plates provided for in this chapter. For each special registration plate, the report shall include the number of plates then in use, the number of new plates issued annually since the preceding report and make recommendations regarding the need for the continued issuance of such plates, including an analysis of usage, cost of issuance and any required revision to fees so as to maintain necessary financial support for the highway system in this Commonwealth.
(Nov. 25, 2013, P.L.974, No.89, eff. 60 days)

2013 Amendment. Act 89 added section 1370. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

SUBCHAPTER C
VIOLATIONS AND SUSPENSIONS

Sec.
1371. Operation following suspension of registration.
1372. Unauthorized transfer or use of registration.
1373. Suspension of registration.

1374. Suspension or revocation of vehicle business registration plates.
1375. Suspension of registration of unapproved carriers.
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1377. Judicial review.
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1379. Suspension of registration upon sixth unpaid parking violation in cities of the first class.
1380. Suspension of registration upon unpaid tolls.

§ 1371. Operation following suspension of registration.

(a) General rule.--No person shall operate and no owner shall permit to be operated upon any highway a vehicle the registration of which has been suspended.

(b) Penalty.--Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $100 nor more than $500. In the case of a motor carrier vehicle other than a trailer, the fine shall be double the registration fee for the maximum weight at which the vehicle could have been registered in this Commonwealth.

(Dec. 23, 2002, P.L.1982, No.229, eff. imd.)

2002 Amendment. Act 229 amended subsec. (b).

Cross References. Section 1371 is referred to in sections 1532, 6309, 6309.1 of this title.

§ 1372. Unauthorized transfer or use of registration.

No person shall:

(1) allow a registration card or plate or permit to be used by any person not authorized to use it or on any vehicle other than the vehicle for which it was issued;

(2) use any registration card or plate or permit unless authorized to do so; or

(3) display a registration card or plate in, on or in connection with any vehicle other than the vehicle for which it was issued.

§ 1373. Suspension of registration.

(a) Suspension after opportunity for hearing.--The department may suspend any registration after providing opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

(1) The vehicle is unsafe or unfit for operation or is not equipped as required by this title.

(2) The owner or registrant has made, or permitted to be made, any unlawful use of the vehicle or registration plate or plates, or registration card, or permitted the use by a person not entitled thereto.

(3) The owner or registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in any application or form required to be filed by this title.

(4) The registrant or any agent or employee has repeatedly violated any of the provisions of this chapter or Chapter 11 (relating to certificate of title and security interests).

(b) Suspension without hearing.--The department may suspend a registration without providing an opportunity for a hearing in any of the following cases:

(1) Upon the request or order of any court of record.

(2) The required fees have not been paid.

(3) An out-of-service order has been issued for the vehicle, the owner or the operator by the department or by the United States Department of Transportation.

(4) The vehicle is being operated in violation of section 4704(b)(1) (relating to inspection by police or Commonwealth personnel).

(May 26, 1982, P.L.435, No.129, eff. imd.; Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; Apr. 26, 1989, P.L.13, No.4, eff. imd.; July 10, 1990, P.L.356, No.83, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months)

2002 Amendment. Act 229 amended subsec. (b).

Cross References. Section 1373 is referred to in section 1376 of this title.

§ 1374. Suspension or revocation of vehicle business registration plates.

(a) Suspension or revocation after opportunity for hearing.--The department may impose a monetary penalty for certain violations and offenses as prescribed by regulation or this section or suspend or revoke registration plates for dealers, manufacturers or members of the "Miscellaneous Motor Vehicle Business" class after providing an opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

(1) Except as provided in subsection (g)(1) the registrant is no longer entitled to licensing as a dealer or manufacturer or to registration in the "Miscellaneous Motor Vehicle Business" class.

(2) The registrant has made or permitted to be made any unlawful use of the vehicle or registration plate or plates or registration card or permitted the use by a person not entitled thereto.

(3) The registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in any application.

(4) The registrant has failed to give notice of transfer of ownership or of the destruction or junking of any vehicle when and as required by this title.

(5) The registrant has failed to deliver to a transferee lawfully entitled thereto or to the department, when and as required by this title, a properly assigned certificate of title.

(6) The registrant has repeatedly violated any of the provisions of this title.

(7) Any fee payable to the Commonwealth in connection with the operation of the business of the registrant has not been paid.

(b) Mitigating events.--The opportunity for a hearing as authorized by subsection (a) shall include the consideration of relevant mitigating events as prescribed by regulation for violations and offenses of subsection (a)(2), (5) and (7).

(c) Written warning for first offense.--If the registrant violates subsection (a)(2), (5) or (7) as a first offense, the department shall sanction the registrant with a written warning without providing the opportunity for a hearing.

(d) Schedule of sanctions.--The department shall impose the following sanctions for violations:

(1) If the department finds that the registrant has violated subsection (a)(5) or (7) as a second offense, the registrant may be sanctioned with a monetary penalty of not less than $50 and not more than $100 per violation.

(2) If the department finds that the registrant has violated subsection (a)(5) or (7) as a third offense, the registrant may be sanctioned with a monetary penalty of not less than $100 and not more than $200 per violation.

(2.1) If the department finds that the registrant has violated subsection (a)(5) as a fourth or subsequent offense, the department may suspend for not less than three months or revoke the registration plates and cards of the registrant.

(3) A monetary penalty imposed for a violation of subsection (a)(5) shall be in addition to the requirement that the registrant deliver a properly assigned certificate of title. Unless extended by the department, if the registrant fails to pay the monetary penalty or to deliver the certificate of title within 45 days after notice was sent by the department, except as otherwise provided by section 1377 (relating to judicial review), the department shall suspend the registrant's registration plates until the monetary penalty has been paid and the title delivered.

(4) A monetary penalty imposed for a violation of subsection (a)(7) shall be in addition to payment of the original amount due for taxes and fees and any other penalty provided by law for submission of an uncollectible or dishonored check. Unless extended by the department, if the registrant fails to pay the monetary penalty, the original amount due or any other penalty within 45 days after notice was sent by the department, except as otherwise provided by section 1377, the department shall suspend the registrant's registration plates until all fees, taxes and penalties have been paid.

(5) A violation of subsection (a)(2) or (5) shall remain on the registrant's record for a period of 18 months from the date that the violation was sanctioned by the department. If the registrant does not commit another violation of subsection (a)(2) or (5) within that 18-month period, the department shall rescind from the registrant's record the prior sanction that was imposed. After rescission of the prior sanction, if the registrant thereafter commits a subsequent violation of subsection (a)(2) or (5), that violation shall be considered the same degree of offense as was previously imposed, unless more than three years have elapsed since the last date that the registrant was sanctioned for a violation of subsection (a)(2) or (5), in which case said subsequent violation shall be deemed a first offense.

(6) If the department has previously given notice of, and considered at a departmental hearing, violations of subsection (a)(5), no sanction shall be imposed for an alleged violation of subsection (a)(5) which was not included within said notice if said violation occurred prior to the date of the notice, the department's records reflected that the violation existed and the violation could have been included in the notice as an additional subject of the departmental hearing.

(7) If a registrant is sanctioned pursuant to subsection (c) or paragraph (1) or (2) or the corresponding provisions of departmental regulations, 67 Pa. Code Ch. 53 (relating to manufacturers, dealers and miscellaneous motor vehicle businesses registration plates), and the department also sanctions the registrant for corresponding violations as an issuing agent pursuant to departmental regulations, 67 Pa. Code Ch. 43 (relating to temporary registration cards and

plates), the department shall only impose the sanction prescribed by this section or the corresponding section of 67 Pa. Code Ch. 53. Notwithstanding, the department shall note the offense pertaining to the registrant and the offense pertaining to the issuing agent upon each record, and the department shall consider each record when calculating second, third or subsequent offenses by the registrant and the issuing agent.

(e) Hearing.--Until regulations are prescribed by the department as authorized by subsection (b), the hearing shall include the consideration of relevant mitigating events for a violation of subsection (a)(2), (5) or (7).

(f) Interim regulations.--Until such regulations are prescribed by the department as authorized by subsections (a) and (b), the applicable departmental regulations as currently promulgated shall remain in full force and effect, except as specifically superseded by the provisions of subsections (c), (d) and (e).

(g) Suspension without hearing.--The department may suspend or revoke registration plates for dealers, manufacturers or members of the "Miscellaneous Motor Vehicle Business" class without providing the opportunity for a hearing in any of the following cases:

(1) The registrant's license as a dealer or manufacturer has been suspended or revoked by the State Board of Vehicle Manufacturers, Dealers and Salespersons or the board has determined that the registrant is not entitled to such a license.

(2) If the Pennsylvania State Police shall certify that the dealer, manufacturer or member of the "Miscellaneous Motor Vehicle Business" class is no longer in business.

(h) Recommended action by State licensing board.--The department may also audit and investigate dealers and manufacturers registered by the State Board of Vehicle Manufacturers, Dealers and Salespersons to determine whether any dealer or manufacturer has violated any provision of this title pertaining to dealers or manufacturers or any regulation promulgated by the department. The department may recommend that the State Board of Vehicle Manufacturers, Dealers and Salespersons suspend the license of any dealer or manufacturer which it finds has committed a violation and the board shall take prompt action on any such recommendations under the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.

(July 10, 1990, P.L.356, No.83, eff. 30 days; June 28, 1993, P.L.137, No.33, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsecs. (d)(5) and (e).

1996 Amendment. Act 115 amended subsec. (d).

Cross References. Section 1374 is referred to in section 1376 of this title.

§ 1375. Suspension of registration of unapproved carriers.

(a) General rule.--The department shall suspend the registration of any vehicle upon the presentation to the department of a certificate of the Pennsylvania Public Utility Commission or notice of the Philadelphia Parking Authority setting forth, after hearing and investigation, that the commission or the Philadelphia Parking Authority has found and determined that the vehicle has been operated as a common carrier or contract carrier by motor vehicle within this Commonwealth without the approval of the commission or the

Philadelphia Parking Authority and either that no appeal was filed from such determination in the manner and within the time provided by law or that the determination was affirmed on appeal.

(b) Rescission of suspension.--Any suspension of registration under this section may be rescinded by the department upon the petition of the owner of such vehicle or of the lessee provided the petition is accompanied by a certificate of the Pennsylvania Public Utility Commission setting forth that the commission does not object to the rescission.

(July 14, 2005, P.L.285, No.50, eff. 60 days)

2005 Amendment. Act 50 amended subsec. (a).

Cross References. Section 1375 is referred to in section 3310 of Title 66 (Public Utilities).

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

(a) General rule.--The department, upon suspending or revoking any registration, shall require the registration plate or plates and registration card or cards to be surrendered immediately to the department.

(b) Delegation of authority.--If after 30 days from the mail date of a notice of suspension or revocation, the registration plates and cards are not surrendered under subsection (a), the department may delegate authority to the following persons to seize a registration plate and registration card which are required to be surrendered under subsection (a):

(1) A designated department employee.
(2) Members of the Pennsylvania State Police.
(3) Local police officers.
(4) Sheriffs or deputy sheriffs.
(5) Constables or deputy constables.

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

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

(2) a suspension or revocation imposed pursuant to section 1373(b)(3) (relating to suspension of registration) or 1374(g);

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

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

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

(c) Regulations.--The department shall, by regulation, prescribe the manner of selecting those persons who are delegated authority under this section to seize the registration plates and registration cards. This requirement does not apply to persons described in this section who have been trained

pursuant to the provisions of section 6117 (relating to authority of qualified employees of department and Department of Revenue).

(d) Penalty.--Any person failing or refusing to surrender to the department or its authorized delegate, upon demand, any registration plate or card which has been suspended or revoked is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $300, plus costs. Costs shall include a reasonable fee for official seizure of the unsurrendered items.

(June 19, 1985, P.L.49, No.20, eff. 60 days; Feb. 7, 1990, P.L.11, No.6, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 14, 2005, P.L.285, No.50, eff. 60 days; Oct. 9, 2009, P.L.494, No.49, eff. 60 days; Nov. 4, 2016, P.L.1277, No.165, eff. 9 months)

2016 Amendment. Act 165 amended subsec. (b.1).

2009 Amendment. Act 49 amended subsec. (b)(5).

1998 Amendment. Act 151 amended subsecs. (b.1)(2) and (c).

Cross References. Section 1376 is referred to in section 7165 of Title 44 (Law and Justice).

§ 1377. Judicial review.

(a) General rule.--Any person who has been sanctioned by the department under this chapter or whose registration or authority to issue registration cards or plates has been denied, suspended or otherwise sanctioned by the department shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The filing of the appeal shall act as a supersedeas, except for a warning or a revocation, and the suspension or monetary penalty shall not be imposed until determination of the matter as provided in this section. Upon application of the registrant and prior notice to the department, the court may grant a supersedeas from a revocation of registration or authority to issue registration. The court shall schedule the appeal for hearing upon 30 days' written notice to the department, and thereupon take testimony and examine into the facts of the case and determine whether the petitioner is entitled to registration, subject to suspension of registration or other sanction under the provisions of this title or departmental regulations.

(b) Documentation.--

(1) In any proceeding under this section, documents received by the department from a court or from an insurance company shall be admissible into evidence to support the department's case. In addition, if the department receives information from a court by means of electronic transmission or from an insurance company which is complying with its obligation under Subchapter H of Chapter 17 (relating to proof of financial responsibility) by means of electronic transmission, it may certify that it has received the information by means of electronic transmission, and that certification shall be prima facie proof of the adjudication and facts contained in such an electronic transmission.

(2) In a proceeding relating to the suspension of the registration of a motor vehicle imposed under section 1786 (relating to required financial responsibility), the department's certification of its receipt of documents or electronic transmission from an insurance company informing the department that the person's coverage has lapsed, been canceled or terminated shall also constitute prima facie

proof that the lapse, cancellation or termination of the policy of insurance described in the electronic transmission was effective under the laws of this Commonwealth.
(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; June 28, 1993, P.L.137, No.33; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 amended subsec. (b).

Cross References. Section 1377 is referred to in sections 102, 1374, 1376, 1786, 3753 of this title; section 933 of Title 42 (Judiciary and Judicial Procedure).

§ 1378. Suspension of motor carrier vehicle registration.

(a) Suspension.--The department shall suspend the registration of a motor carrier vehicle for three months if it determines that at the time the registration was renewed by the department the vehicle did not have a currently valid certificate of inspection.

(b) Documentation.--In any proceeding under this section, documents obtained by the department from an official inspection station shall be admissible into evidence to support the department's case. In addition, reports received by the department from police officers, qualified Commonwealth employees or department designees shall be admissible into evidence to support the department's case. In addition, the department may treat the documents and reports as documents of the department and use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). The department may certify that it has received or obtained documents and reports from inspection stations, police officers, qualified Commonwealth employees and department designees and that certification shall be prima facie proof of the facts contained in the documents and reports.

(c) Presumption.--False, illegible or incomplete information on a renewal application shall create a presumption that the vehicle did not have a currently valid certificate of inspection at the time of renewal.

(d) Restoration.--Whenever the department suspends the registration of a vehicle under this section, the department shall not restore the registration until the registration card and registration plate have been surrendered for three months, the vehicle owner pays a $50 restoration fee and the vehicle owner furnishes proof, satisfactory to the department, that the vehicle is covered by financial responsibility and has a currently valid certificate of inspection.
(Dec. 23, 2002, P.L.1982, No.229, eff. 6 months)

2002 Amendment. Act 229 added section 1378.

§ 1379. Suspension of registration upon sixth unpaid parking violation in cities of the first class.

(a) Suspension of registration.--The department shall suspend the registration of a vehicle upon the notification from the parking authority that the owner or registrant of the vehicle has failed to respond, failed to pay or defaulted in the payment of six or more tickets or citations issued for parking violations in cities of the first class.

(b) Notice to the department.--No sooner than 30 days after mailing the notice provided under subsection (b.1), the parking authority shall notify the department electronically in a format prescribed by the department whenever an owner or registrant fails to respond, fails to pay or defaults in payment of six

or more tickets or citations issued for parking violations. When a notice has been provided under this subsection and all of the tickets and citations are subsequently paid, dismissed, reversed on appeal or canceled, the parking authority shall notify the department electronically in a format prescribed by the department of the disposition of the tickets and shall provide the owner or registrant with a release from the suspension.

(b.1) Notice by the parking authority.--Prior to notifying the department under subsection (b), the parking authority shall provide the owner or registrant written notice by first class mail of its intent to seek suspension of the vehicle registration pursuant to this section.

(c) Period of suspension.--A suspension under subsection (a) shall continue until the department receives notice from the parking authority that all of the tickets and citations are paid, dismissed, reversed on appeal or canceled or the defendant enters into an agreement to make installment payments for the fines and penalties imposed, provided that the suspension may be reimposed by the department if the defendant fails to make regular installment payments and pays the fee prescribed in section 1960 (relating to reinstatement of operating privilege or vehicle registration).

(d) Additional suspension.--The department shall impose an additional period of registration suspension if, subsequent to the issuance of a suspension under subsection (a) but prior to the restoration of the registration, the department is notified by the parking authority that the owner or registrant has failed to respond, failed to pay or defaulted in the payment of an additional ticket or citation issued for a parking violation.

(e) Three-year limitation.--No suspension may be imposed based upon a parking violation more than three years after the commission of the violation.

(f) Definition.--As used in this section, the term "parking authority" means a parking authority in a city of the first class known as the Philadelphia Parking Authority.
(July 14, 2005, P.L.285, No.50; July 10, 2006, P.L.1086, No.113, eff. imd.)

2006 Amendment. Act 113 amended subsec. (b.1).

2005 Amendment. Act 50 added section 1379. Section 13(3) of Act 50 provided that section 1379 shall take effect in nine months or 60 days after publication of notice in the Pennsylvania Bulletin required under section 12 of Act 50, whichever is earlier. See sections 11 and 12 of Act 50 in the appendix to this title for special provisions relating to agreement and publication in Pennsylvania Bulletin.

Cross References. Section 1379 is referred to in sections 1376, 1960 of this title.

§ 1380. Suspension of registration upon unpaid tolls.

(a) General rule.--

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

(i) failed to pay or defaulted in the payment of four or more invoices issued under 74 Pa.C.S. § 8116(a) (relating to collection and disposition of tolls and other revenue) or 8117(a)(1) (relating to electronic toll collection), including violation notices issued prior to March 16, 2020, or other law, regulation, ordinance or standard applicable to the toll collection or payment requirements for a tolling entity; or

(ii) incurred unpaid tolls or administrative fees or costs that collectively total a minimum of $250, regardless of the number of unpaid invoices.

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

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

(c) Notice to department.--

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

(2) When a tolling entity has provided notice under this subsection and all of the unpaid invoices are subsequently paid, dismissed, reversed on appeal or canceled, the tolling entity shall notify the department electronically in a format prescribed by the department of the disposition of the unpaid invoice and shall provide the owner or registrant with a release from the suspension.

(d) Period of suspension.--A suspension under subsection (a) shall continue until the department receives notice from the tolling entity that the unpaid invoices are paid, dismissed, reversed on appeal or canceled or the owner or registrant enters into an agreement with the tolling entity to make installment payments for tolls, administrative fees and costs imposed and pays the fee prescribed in section 1960 (relating to reinstatement of operating privilege or vehicle registration), provided that the suspension may be reimposed by the department if the owner or registrant fails to make regular installment payments.

(e) Additional suspension.--The department shall impose an additional period of registration suspension if, subsequent to the issuance of a suspension under subsection (a) but prior to the restoration of the registration, the department is notified by the tolling entity that the owner or registrant has failed to pay, failed to respond or defaulted in the payment of an additional invoice issued under 74 Pa.C.S. § 8116(a) (relating to collection and disposition of tolls and other revenue) or 8117(a)(1).

(f) Violations outside Commonwealth.--

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

(2) An owner or registrant who provides proof satisfactory to the department that the full amount of the fine and costs has been forwarded to and received by the other state may not be regarded as having failed to pay for the purposes of this subsection.

(g) Documentation.--

(1) In any proceeding under this section, documents obtained by the department from a tolling entity or from the appropriate agency of the Commonwealth or another state shall be admissible into evidence to support the department's case.

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

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

(h) Statute of limitations.--No suspension may be imposed based upon a violation of 74 Pa.C.S. § 8117(a)(1) or similar provision from another state more than five years after the violation is committed.

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

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

(2) The penalties, exclusive of tolls, claimed by the other state or tolling entity against an owner or registrant of a motor vehicle registered in this Commonwealth do not exceed $100 for a first violation or $600 for all pending violations.

(3) The other state or tolling entity provides due process and appeal protections to avoid the likelihood that a false, mistaken or unjustified claim will be pursued against an owner or registrant.

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

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

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

(1) The Pennsylvania Turnpike Commission.

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

(i) The laws of this Commonwealth.

(ii) The laws of another state.

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

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

(Nov. 4, 2016, P.L.1277, No.165, eff. 9 months; Nov. 3, 2022, P.L.1734, No.112, eff. 60 days)

2022 Amendment. Act 112 amended subsecs. (a)(1), (c)(2), (d), (e) and (h).

2016 Amendment. Act 165 added section 1380.

Cross References. Section 1380 is referred to in sections 1376, 1960, 6110.1 of this title.

CHAPTER 15
LICENSING OF DRIVERS

Subchapter

A. General Provisions
B. Comprehensive System for Driver Education and Control
C. Violations
D. Driver's License Compact

Enactment. Chapter 15 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

Special Provisions in Appendix. See section 12 of Act 115 of 1994 in the appendix to this title for special provisions relating to contracts with private entities.

See section 25 of Act 115 of 1996 in the appendix to this title for special provisions relating to pilot programs for decentralized services for motor vehicle and driver license transactions.

Cross References. Chapter 15 is referred to in sections 1516, 1614, 1702 of this title; section 8613 of Title 20 (Decedents, Estates and Fiduciaries); section 4521.1 of Title 42 (Judiciary and Judicial Procedure).

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

1501. Drivers required to be licensed.
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§ 1501. Drivers required to be licensed.

(a) General rule.--No person, except those expressly exempted, shall drive any motor vehicle upon a highway or public property in this Commonwealth unless the person has a driver's license valid under the provisions of this chapter. As used in this subsection, the term "public property" includes, but is not limited to, driveways and parking lots owned or leased by the Commonwealth, a political subdivision or an agency or instrumentality of either.

(b) Persons in towed vehicles.--No person, except those expressly exempted, shall steer or, while within the passenger compartment of the vehicle, exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway in this Commonwealth unless the person has a valid driver's license under the provisions of this chapter for the type or class of vehicle being towed.

(c) Limitation on number of licenses.--No person shall receive a driver's license unless and until the person surrenders to the department all valid licenses in the person's possession issued by this or any other state. The department shall either return surrendered licenses issued by another state to that state or submit a list of the surrendered licenses to the state, together with information that the person is licensed in this Commonwealth. No person shall be permitted to have more than one valid driver's license issued by this or any other state at any time. A nonresident who holds a nonresident commercial driver's license issued by the Commonwealth under Chapter 16 (relating to commercial drivers) shall be permitted to have a regular driver's license issued by the country of his residence.

(d) Penalty.--Any person violating subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $200, except that, if the person charged furnishes satisfactory proof of having held a driver's license valid on the last day of the preceding driver's license period and no more than one year has elapsed from the last date for renewal, the fine shall be $25. No person charged with violating subsection (a) or (b) shall be convicted if the person produces at the office of the issuing authority within 15 days of the violation:

(1) a driver's license valid in this Commonwealth at the time of the violation; or

(2) if the driver's license is lost, stolen, destroyed or illegible, evidence that the driver was licensed at the time of the violation.

(July 1, 1981, P.L.202, No.63, eff. imd.; May 30, 1990, P.L.173, No.42; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (c).

1992 Amendment. Act 174 amended subsec. (a).

1990 Amendment. Act 42 amended subsecs. (c) and (d), effective November 1, 1990, as to subsec. (c) and 60 days as to subsec. (d).

Special Provisions in Appendix. See section 4 of Act 143 of 1994 in the appendix to this title for special provisions relating to habitual offenders.

Cross References. Section 1501 is referred to in sections 1511, 1532, 3732, 3732.1, 3735.1, 6309.1, 6503 of this title.

§ 1502. Persons exempt from licensing.

The following persons are not required to obtain a driver's license under this chapter:

(1) Any employee of the Federal Government while operating a motor vehicle owned by or leased to the Federal Government and being operated on official business unless the employee is required by the Federal Government or any agency thereof to have a state driver's license. This exemption shall not apply to the operation of commercial motor vehicles, as defined in Chapter 16 (relating to commercial drivers).

(2) Any person in the service of the armed forces of the United States, including the reserve components, when furnished with a valid military driver's license and operating an official vehicle on official business.

(3) Any nonresident who is at least 16 years of age and who has in possession a valid driver's license issued in the person's home state or country except that a person who has been issued a valid driver's license in a country other than the United States or Canada shall be exempt only upon showing a satisfactory understanding of official traffic-control devices. A nonresident may only drive the class or classes of vehicles in this Commonwealth for which the person is licensed to drive in the person's home state or country subject to all restrictions contained on the license.

(4) Any person on active duty in the armed forces of the United States who has in their immediate possession a valid driver's license issued in a foreign country by the armed forces of the United States may operate a motor vehicle in this Commonwealth for a period of not more than 45 days from the date of the person's return to the United States.

(5) Any person 14 years of age or older operating an implement of husbandry. Persons 14 or 15 years of age are restricted to the operation of implements of husbandry on one and two lane highways which bisect or immediately adjoin the premises upon which such person resides.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990)

1990 Amendment. Act 42 amended par. (1).

§ 1503. Persons ineligible for licensing; license issuance to minors; junior driver's license.

(a) Persons ineligible for licensing.--The department shall not issue a driver's license to, or renew the driver's license of, any person:

(1) Whose operating privilege is suspended or revoked in this or any other state.

(2) (Deleted by amendment).

(3) Who is a user of alcohol or any controlled substance to a degree rendering the user incapable of safely driving a motor vehicle. This paragraph does not apply to any person who is enrolled or otherwise participating in a methadone or other controlled substance treatment program approved by the Department of Health provided that the person is certified to be competent to drive by a physician designated by the Department of Health.

(4) Who has been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law.

(5) Whose name has been submitted under the provisions of section 1518 (relating to reports on mental or physical disabilities or disorders).

(6) Who is required by the department to take an examination until the person has successfully passed the examination.

(7) Who is under 18 years of age except in accordance with subsections (b) and (c).

(8) Who has repeatedly violated any of the provisions of this chapter. The department shall provide an opportunity for a hearing upon invoking this paragraph.

(9) Who is not a resident of this Commonwealth. This paragraph shall not apply to an employee of the Federal or State Government or the employee's immediate family or a person in the service of the armed forces of the United States or the person's immediate family.

(b) License issuance to minors.--The department shall issue a driver's license to a person 17 years of age who:

(1) has successfully completed a driver's training course approved by the department; and

(2) for a period of 12 months after passing the examination under section 1505(e) (relating to learners' permits) and receiving a junior driver's license:

(i) has not been involved in an accident reportable under section 3746(a) (relating to immediate notice of accident to police department) for which they are partially or fully responsible in the opinion of the department; or

(ii) has not been convicted of any violation of this title.

(c) Junior driver's license.--The department may issue a junior driver's license to a person 16 or 17 years of age under rules and regulations adopted by the department and subject to the provisions of this section. A junior driver's license shall automatically become a regular driver's license when the junior driver attains 18 years of age.

(1) Except as provided in paragraph (2), no licensed junior driver shall drive a vehicle upon a public highway between 11 p.m. and 5 a.m. unless accompanied by a spouse 18 years of age or older, a parent or a person in loco parentis.

(2) A licensed junior driver conforming to the requirements of section 1507 (relating to application for driver's license or learner's permit by minor) may drive a vehicle upon a public highway between 11 p.m. and 5 a.m. between the junior driver's home and activity or employment or in the course of the junior driver's activity or employment if the junior driver is a member of a volunteer fire company authorized by the fire chief to engage in fighting fires, is engaged in public or charitable service or is employed and is carrying an affidavit or certificate of authorization signed by the junior driver's fire chief, supervisor or employer indicating the probable schedule of the junior driver's activities. Upon termination of the junior driver's activity or employment, the junior driver shall surrender the affidavit or certificate to the fire chief, supervisor or employer. If the junior driver shall fail to surrender the affidavit or certificate, the employer, fire chief or supervisor shall immediately notify the Pennsylvania State Police.

(2.1) For the first six months after issuance of the junior driver's license, a junior driver shall not drive a

vehicle with more than one passenger under 18 years of age who is not a member of the driver's immediate family unless the junior driver is accompanied by a parent or legal guardian. After the expiration of the first six months, a junior driver shall not drive a vehicle with more than three passengers under 18 years of age who are not members of the driver's immediate family unless the junior driver is accompanied by a parent or legal guardian. A junior driver shall not drive a vehicle with more than one passenger under 18 years of age who is not a member of the driver's immediate family unless the junior driver is accompanied by a parent or legal guardian if the junior driver has been involved in an accident reportable under section 3746(a) for which the junior driver is partially or fully responsible in the opinion of the department or has been convicted of any violation of this title. For purposes of this paragraph, a junior driver's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household as the junior driver.

(3) In addition to the other provisions of this title relating to the suspension or revocation of operating privileges, in the event that a licensed junior driver is involved in an accident reportable under section 3746(a) for which the junior driver is partially or fully responsible in the opinion of the department or is convicted of any violation of this title, the department may suspend the operating privileges of the junior driver until the junior driver attains 18 years of age or for a period of time not exceeding 90 days.

(4) Any junior driver or other person violating any provision of this subsection is guilty of a summary offense.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 25, 1999, P.L.164, No.23; Dec. 9, 2002, P.L.1278, No.152, eff. 120 days; Oct. 25, 2011, P.L.334, No.81, eff. 60 days)

2011 Amendment. Act 81 amended subsec. (c). The preamble to Act 81 provided that the part of Act 81 that limits the number of passengers a junior driver may transport in a motor vehicle at one time may be referred to as Lacey's Law in honor of Lacey Gallagher.

2002 Amendment. Act 152 added subsec. (a)(9).

1999 Amendment. Act 23 amended the entire section, effective in 60 days as to subsec. (c)(1) and (2) and 180 days as to the remainder of the section.

Cross References. Section 1503 is referred to in sections 1504, 1533, 1550, 4581 of this title.

§ 1504. Classes of licenses.

(a) Proper class of license required.--No person shall drive any motor vehicle upon a highway in this Commonwealth unless the person has a valid driver's license for the type or class of vehicle being driven.

(b) Notation of class on license.--The department upon issuing a driver's license shall indicate on the license the type or general class or classes of vehicle or vehicles the licensee may operate in accordance with the provisions of subsection (c).

(c) Qualifications of applicants.--

(1) The department shall establish by regulation the qualifications necessary for the safe operation of the various types, sizes or combinations of vehicles and the manner of examining applicants to determine their

qualifications for the type or general class of license applied for.

(2) The qualifications for the safe operation of an autocycle shall be the same as for any single vehicle with a gross vehicle weight rating of not more than 26,000 pounds or any combination of vehicles that does not meet the definition of either Class A or Class B of this section.

(d) Number and description of classes.--Licenses issued by the department shall be classified in the following manner:

(1) Class A.--A Class A license shall be issued to those persons 18 years of age or older who have demonstrated their qualifications to operate any combination of vehicles with a gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds.

(i) The holder of a Class A license shall be deemed qualified to operate those vehicles for which a Class B or Class C license is issued.

(ii) Where required under this title, appropriate endorsements must be obtained.

(2) Class B.--A Class B license shall be issued to those persons 18 years of age or older who have demonstrated their qualifications to operate any single vehicle with a gross vehicle weight rating of 26,001 pounds or more or any such vehicle towing a vehicle having a gross vehicle weight rating of not more than 10,000 pounds.

(i) The holder of a Class B license shall be deemed qualified to operate those vehicles for which a Class C license is issued.

(ii) Where required under this title, appropriate endorsements must be obtained.

(3) Class C.--A Class C license shall be issued to those persons 18 years of age or older, except as provided in section 1503 (relating to persons ineligible for licensing; license issuance to minors; junior driver's license), who have demonstrated their qualifications to operate any single vehicle, except those vehicles requiring a Class M qualification, with a gross vehicle weight rating of not more than 26,000 pounds or any combination of vehicles, except combination vehicles involving motorcycles, that does not meet the definition of either Class A or Class B of this section.

(i) Where required under this title, appropriate endorsements must be obtained.

(ii) Any firefighter who is the holder of a Class C license and who has a certificate of authorization from his fire chief shall be authorized to operate any fire or emergency vehicle registered to the fire department or municipality, regardless of the other requirements of this section as to the class of license required. No fire chief, fire department, including any volunteer fire company, or municipality shall be liable for any civil damages as a result of the issuance of a certificate authorized under this paragraph unless such act constituted a crime, actual fraud, actual malice or willful misconduct.

(iii) Any member of a rescue or emergency squad who is the holder of a Class C license and who has a certificate of authorization from the head of the rescue or emergency squad shall be authorized to operate any rescue or emergency vehicle equipped with audible and visual signals registered to the rescue or emergency

squad or municipality, regardless of the other requirements of this section as to the class of license required. No head of a rescue or emergency squad, the rescue or emergency squad or municipality shall be liable for any civil damages as a result of the issuance of a certificate of authorization under this paragraph unless such issuance constituted a crime, actual fraud, actual malice or willful misconduct.

(iv) The holder of a Class C license shall also be authorized to drive a motor-driven cycle with an automatic transmission and cylinder capacity not exceeding 50 cubic centimeters, a three-wheeled motorcycle equipped with an enclosed cab or an autocycle, but not a motorcycle unless the license is endorsed, as provided in this title.

(4) Class M.--

(i) A Class M license shall be issued to those persons who have demonstrated their qualifications to operate a motorcycle. A Class M license accompanied by an endorsement shall be issued to those persons who have demonstrated their qualifications to operate a motor-driven cycle. If a person is qualified to operate only a motorcycle or motor-driven cycle, he shall be issued only a Class M license or a Class M license with an endorsement, as applicable.

(ii) This paragraph shall not apply to an autocycle.

(d.1) Operation of covered farm vehicle.--Notwithstanding the requirements of subsection (d) relating to class of license required, any driver who is the holder of a Class A, B or C license under this section shall be authorized to operate a covered farm vehicle.

(e) Removal of class from license.--A person with a license endorsed for a class may, upon request, have the endorsement removed by the department without prejudice.

(f) Penalty.--Except as provided under subsection (d.1), a person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of up to $200, except that, if the person charged furnishes satisfactory proof of having held the proper class of license valid on the last day of the preceding driver's license period and no more than six months have elapsed from the last date for renewal, the fine shall be $25. No person charged with violating subsection (a) shall be convicted if the person produces at the office of the issuing authority within 15 days of the violation:

(1) a valid driver's license for the type or class of vehicle being driven in this Commonwealth at the time of the violation; or

(2) if the driver's license is lost, stolen, destroyed or illegible, evidence that the driver was licensed for the type or class of vehicle being driven at the time of the violation.

(Feb. 15, 1980, P.L.12, No.8, eff. imd.; July 8, 1986, P.L.432, No.90, eff. 60 days; May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Apr. 16, 1992, P.L.169, No.31, eff. 60 days; May 21, 1992, P.L.246, No.39, eff. imd.; June 25, 1999, P.L.164, No.23, eff. 180 days; May 25, 2016, P.L.248, No.34, eff. 60 days; June 28, 2019, P.L.212, No.22, eff. 60 days; Nov. 17, 2021, P.L.444, No.90, eff. imd.)

2021 Amendment. Act 90 amended subsec. (f) intro. par. and added subsec. (d.1)

2019 Amendment. Act 22 added subsec. (f).

2016 Amendment. Act 34 amended subsecs. (c) and (d).

Cross References. Section 1504 is referred to in sections 1505, 1550, 1606 of this title.

§ 1505. Learners' permits.

(a) General rule.--A person who desires to obtain a driver's license or who desires to be licensed in a class for which the person is not already licensed shall apply to the department for the class or classes of license in which the person desires to be licensed. The department shall issue to each applicant a learner's permit which shall clearly identify the class of license applied for as provided in section 1504 (relating to classes of licenses).

(b) Learner must be accompanied.--A learner's permit entitles the person to whom it was issued to drive vehicles and combinations of vehicles of the class or classes specified, but only while the holder of the learner's permit is accompanied by and under the immediate supervision of a person who:

(1) is at least 21 years of age or, if the spouse of the learner's permit holder, is at least 18 years of age; or, if a parent, guardian or person in loco parentis of the learner's permit holder, is at least 18 years of age;

(2) is licensed to drive vehicles of the class then being driven by the holder of the learner's permit;

(3) is actually occupying a seat beside the holder of the learner's permit unless the vehicle is a motorcycle; and

(4) is not manifestly under the influence of alcohol or drugs to the degree that the person may endanger themselves or others.

(c) Operation of motorcycle.--A motorcycle learner's permit entitles the person to whom it is issued to operate a motorcycle only between sunrise and sunset and, except for a driver licensed to drive another class of vehicle, only while under the instruction and immediate supervision of a licensed motorcycle operator. Motorcycle learners shall not carry any passenger other than an instructor properly licensed to operate a motorcycle.

(d) Duration of permit.--

(1) A learner's permit shall be valid for a period of one year after date of issue, or until the holder of the permit has failed the examination as authorized in section 1508 (relating to examination of applicant for driver's license) three times within the one-year period.

(2) A person may reapply for a motorcycle learner's permit no more frequently than three times in a five-year period from when the person first applies. A motorcycle learner's permit is not renewable.

(e) Authorization to test for driver's license and junior driver's license.--A person with a learner's permit is authorized to take the examination for a regular or junior driver's license for the class of vehicle for which a permit is held. Before a person under the age of 18 years may take the examination for a junior driver's license, including a Class M license to operate a motorcycle, the minor must:

(1) Have held a learner's permit for that class of vehicle for a period of six months.

(2) Present to the department a certification form signed by the father, mother, guardian, person in loco parentis or spouse of a married minor stating that the minor applicant has:

(i) completed 65 hours of practical driving experience accompanied as required under subsection (b); and

(ii) except for a Class M license to operate a motorcycle, the 65 hours included no less than ten hours of nighttime driving and five hours of inclement weather driving.

(3) Have the certification form completed when the minor is ready for the licensing examination. The certification form shall be developed by the department and will be provided by the department when the original application for a learner's permit is processed. The department will make this form readily available through the mail or electronic means.

(4) For a Class M license to operate a motorcycle, present evidence of successful completion of the department-approved motorcycle safety course.

(f) Filing a false certification.--Any person who knowingly files a false certification commits a summary offense under section 6502 (relating to summary offenses).

(g) Liability.--Submission of a certification under subsection (e)(2) shall not subject the parent, guardian, person in loco parentis or spouse of a married minor to any liability based upon the certification.

(h) Requirements for a bioptic telescope learner's permit.--An individual with visual acuity less than 20/100 combined visual acuity but at least 20/200 visual acuity in the best corrected eye shall be eligible to apply for a bioptic telescope learner's permit, provided the individual meets the following:

(1) The applicant is given a complete vision examination, including plotted visual fields, and meets the visual requirements necessary for bioptic telescope driving.

(2) The applicant has color vision sufficient to respond correctly to the presence of, or changes in, traffic light color, pavement markings, road signs, turn indicators, brake lights, emergency flashers or the presence of other road users, including emergency vehicles, as determined by a qualified health care provider.

(3) The applicant provides proof of having a prescription bioptic telescope lens system in the applicant's physical possession for at least three months, and a statement of successful completion of at least 10 hours of front seat passenger-in-car instruction while wearing a bioptic telescope by a low-vision rehabilitation specialist.

(4) The applicant provides a letter of enrollment with a low-vision rehabilitation specialist.

(5) Bioptic telescope correction is no greater than a 6X telescope and firmly fixed in the glasses or attached permanently to the bridge of the frame.

(i) Issuance of bioptic telescope learner's permit.--

(1) Upon application by an eligible individual, the department shall issue a bioptic telescope learner's permit authorizing the permittee to drive only while wearing a bioptic telescope lens and during 30 minutes after sunrise through 30 minutes before sunset only.

(2) The bioptic telescope learner's permit shall be valid for 12 months.

(j) Authorization to test for driver's license with bioptic telescopes.--The following shall apply:

(1) Before an individual with a bioptic telescope learner's permit may take the examination for a driver's license, the individual must:

(i) Obtain a minimum of 20 hours of behind-the-wheel driver training using a bioptic telescope with a

certified driving instructor or certified driver rehabilitation specialist knowledgeable in the use of a bioptic telescope for driving.

(ii) After completion of the training under subparagraph (i), complete a minimum of 45 hours of observed driving hours with a licensed driver who is at least 21 years of age. The driving under this paragraph must include five hours of adverse weather driving.

(iii) After completion of the training and driving under subparagraphs (i) and (ii), the permittee must be reevaluated by a low-vision rehabilitation specialist. Based on the reevaluation, the low-vision rehabilitation specialist may recommend the department schedule the permittee for an on-road driving examination administered by the department.

(2) Paragraph (1)(ii) may be waived for experienced drivers with stable visual acuity and fields of vision and a clean driving record based on the recommendation of a low-vision rehabilitation specialist.

(May 21, 1992, P.L.245, No.38, eff. 60 days; June 25, 1999, P.L.164, No.23, eff. 180 days; July 15, 2004, P.L.694, No.75, eff. 60 days; Oct. 25, 2011, P.L.334, No.81, eff. 60 days; July 2, 2012, P.L.735, No.84; Dec. 23, 2013, P.L.1251, No.126, eff. 60 days; Oct. 24, 2018, P.L.925, No.153, eff. 60 days; Nov. 25, 2020, P.L.1246, No.131, eff. 10 mos.)

2020 Amendment. Act 131 added subsecs. (h), (i) and (j).

2018 Amendment. Act 153 amended subsec. (b).

2013 Amendment. Act 126 amended subsec. (d).

2012 Amendment. Act 84 amended subsec. (e) and added subsec. (g), effective in 60 days as to subsec. (e) and 90 days as to the remainder of the section.

Cross References. Section 1505 is referred to in sections 1503, 1508, 1512, 1554, 1607 of this title.

§ 1506. Application for driver's license or learner's permit.

(a) Form and content.--Every application for a learner's permit or driver's license shall be made upon a form furnished by the department and shall contain such information as the department may require to determine the applicant's identity, competency and eligibility. The form may also provide for inclusion of personal medical information and other information of use in an emergency.

(a.1) Noncitizen application.--A person who is not a citizen of the United States may apply for a Pennsylvania driver's license upon establishing the person's lawful presence in the United States and this Commonwealth. The department may issue a license if the person will lawfully be in the United States for a period of one year or more after the date of the application or for a shorter period of time if deemed appropriate by the department.

(b) Signature and certification.--The application shall be signed by the applicant who shall certify that the statements made are true and correct.

(Dec. 9, 2002, P.L.1278, No.152, eff. 270 days)

2002 Amendment. Act 152 added subsec. (a.1).

Cross References. Section 1506 is referred to in sections 1510, 1514 of this title.

§ 1507. Application for driver's license or learner's permit by minor.

(a) Signature of parent or guardian.--The application of any person under the age of 18 years for a learner's permit or

driver's license shall also be signed by the father, mother, guardian or person in loco parentis which signature shall be verified before a person authorized to administer oaths or before an authorized department employee.

(b) Signature of spouse of married minor.--The application of any married person under the age of 18 years may be signed by the spouse, if the spouse is at least 18 years of age, and verified before a person authorized to administer oaths.

(c) Certification of person signing.--Any person signing the application shall certify that the statements made thereon are true and correct to the best of the applicant's knowledge, information and belief and that the person consents to the issuance of the driver's license or learner's permit.

(d) Withdrawal of consent.--Any person who has signed the application of a person under the age of 18 years for a driver's license or learner's permit may thereafter file with the department a verified written request that the driver's license or learner's permit of the person be cancelled and the department shall cancel the driver's license or learner's permit.

Cross References. Section 1507 is referred to in section 1503 of this title.

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

(a) General rule.--Every applicant for a driver's license shall be examined for the type or class of vehicles that the applicant desires to drive. The examination shall include a physical examination, a screening test of the applicant's eyesight and a test of the applicant's ability to read and understand official traffic-control devices, knowledge of safe driving practices and the traffic laws of this Commonwealth, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicles for which the applicant desires a license to drive. If the department finds it necessary to further determine an applicant's fitness to operate a motor vehicle safely upon the highways the department may require one or more of the following types of examinations:

(1) A vision examination by an optometrist or ophthalmologist.

(2) A physical examination pursuant to section 1508.1 (relating to physical examinations).

(3) A mental examination.

(b) Issuance of license to licensed nonresident.--A driver's license may be issued to a person who has not had a learner's permit but who at the time of application is of sufficient age and has either a valid driver's license issued by another state or a license issued by another state which has expired within six months of the date of application under a law of that state requiring the examination and licensing of drivers, providing that the applicant demonstrates visual fitness. Also, the department must be satisfied that the applicant's experience in driving vehicles which may be driven by holders of the classes of licenses sought by the applicant is sufficient to justify the issuance of the license without further behind-the-wheel training.

(b.1) Issuance of bioptic telescope driver's license to licensed nonresident.--

(1) A driver wishing to transfer the driver's out-of-state bioptic telescope driver's license to this Commonwealth must satisfy all the bioptic telescope-related requirements in section 1505 (relating to learners' permits).

(2) The department may grant a waiver of the requirements under paragraph (1), provided the following conditions are met:

(i) The individual shows proof of at least three years of experience driving with a valid bioptic telescope driver's license.

(ii) The individual shows proof of a clean driving record for the previous three years prior to application for a driver's license in this Commonwealth with bioptic telescope restrictions.

(3) The individual has been assessed by a low-vision rehabilitation specialist. The low-vision rehabilitation specialist must determine whether the individual demonstrates the appropriate skills to operate a motor vehicle safely while using bioptic telescopes.

(c) Alcohol and drug use information.--The traffic laws examination shall contain at least one question relating to the driver's ability to understand the effects of alcohol and drug use on highway safety or the provisions of section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance). The driver's manual shall include a section relating to the effects of alcohol and drug use on highway safety, along with the related penalties.

(d) Police pursuit awareness.--The driver's manual shall include a section summarizing the risks involved in fleeing or attempting to elude a police officer. The section shall also summarize the related penalties for a violation of section 3733 (relating to fleeing or attempting to elude police officer).

(e) Third-party testing.--The department may authorize a third party to administer the portion of the examination that demonstrates the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicles for which the applicant desires a license to drive. Third-party providers shall only administer exams required in this section if:

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

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

(f) Layoffs.--No layoffs shall occur in the classifications known as Driver License Examiner, Driver License Examiner Assistant and Driver License Center Supervisor as a result of third-party testing under subsection (e).

(g) Autocycles not to be used.--No applicant for a driver's license may use an autocycle for the actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicles for which the applicant desires a license to drive.

(July 9, 1986, P.L.544, No.96, eff. 60 days; Dec. 27, 1994, P.L.1337, No.154; Dec. 10, 1996, P.L.925, No.149, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Oct. 22, 2014, P.L.2635, No.170, eff. 60 days; May 25, 2016, P.L.248, No.34, eff. 60 days; Nov. 25, 2020, P.L.1246, No.131, eff. 10 mos.)

2020 Amendment. Act 131 added subsec. (b.1).

2016 Amendment. Act 34 added subsec. (g).

2014 Amendment. Act 170 added subsecs. (e) and (f).

1998 Amendment. Act 151 amended subsec. (b).

1996 Amendment. Act 149 amended subsec. (a).

1994 Amendment. Act 154 added subsec. (d), effective on December 27, 1995, or on the date of publication in the

Pennsylvania Bulletin of notice that the driver's manual has been reprinted, whichever is earlier.

1986 Amendment. Act 96 added subsec. (c).

Cross References. Section 1508 is referred to in sections 1505, 1514, 1538, 1554 of this title.

§ 1508.1. Physical examinations.

(a) Authorization to conduct examinations.--The department shall promulgate regulations to authorize specific classes of licensed practitioners of the healing arts, to include, but not be limited to, physicians, chiropractors, physician assistants and certified registered nurse practitioners, to conduct examinations required for the issuance of a driver's license and a school bus driver endorsement.

(b) Definition.--As used in this section, the term "chiropractor" means a chiropractor acting within the scope of practice contained in the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act.

(Dec. 10, 1996, P.L.925, No.149, eff. 60 days; July 15, 2004, P.L.698, No.76, eff. 60 days)

2004 Amendment. Section 2 of Act 76 provided that any regulations of the Department of Transportation that are inconsistent with Act 76 are hereby abrogated to the extent of that inconsistency.

Cross References. Section 1508.1 is referred to in sections 1508, 1509 of this title.

§ 1509. Qualifications for school bus driver endorsement.

(a) School bus driver requirements.--No person shall be issued an endorsement to operate a school bus unless the person:

(1) has successfully completed a course of instruction as provided in subsection (c);

(2) has satisfactorily passed a physical examination to be given in accordance with rules and regulations promulgated and adopted by the department;

(3) is 18 years of age or older; and

(4) is qualified to operate school buses in accordance with this title and the rules and regulations promulgated and adopted by the department.

(b) Proof of physical and vision examination.--Every school bus driver shall carry a certificate issued by an examining physician or practitioner recognized by the department pursuant to section 1508.1 (relating to physical examinations), indicating that the person has passed the prescribed physical examination, including an examination of the eyes, within the preceding 13 months. The vision examination may be made by an optometrist or ophthalmologist.

(c) School bus driver training program.--The department shall establish standards for a basic course and a refresher course for school bus drivers. The courses shall be conducted by school districts or groups of school districts or any State or Federal transportation association of school bus operators designated by the school district on a continuing basis, with the costs and responsibility for completion of the training to be borne by the school district or private or parochial school for which the drivers operate.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Dec. 10, 1996, P.L.925, No.149, eff. 60 days; Oct. 22, 2015, P.L.199, No.49, eff. 60 days)

2015 Amendment. Act 49 amended subsecs. (a) and (b).

Cross References. Section 1509 is referred to in section 1550 of this title.

§ 1510. Issuance and content of driver's license.

(a) General rule.--The department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or general class of vehicles the licensee is authorized to drive and any endorsements or restrictions, which license, except as provided in subsection (j), shall contain a distinguishing number assigned by the department to the licensee, the actual name, date of birth, residence address, a color photograph or photographic facsimile of the licensee, such other information as may be required by the department, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality) may use a substitute address designated by the Office of Victim Advocate as their address. Personal medical data and other information for use in an emergency may be included as a part of the license. Information other than that required to identify the licensee, the distinguishing number and the class of license issued may be included in microdata form. Except as provided in subsection (f), an applicant shall include his Social Security number on his license application, but the Social Security number shall not be included on the license. No driver's license shall be valid until it has been signed by the licensee.

(a.1) Veteran's driver's license designation.--

(1) Beginning as soon as practicable, but no later than 18 months following the effective date of this subsection, the department shall issue a driver's license or identification card that clearly indicates that the person is a veteran of the United States Armed Forces. A qualified applicant is an individual who has served in the United States Armed Forces, including a reserve component or the National Guard, and who was discharged or released from such service under conditions other than dishonorable.

(2) Upon receipt of an application from a qualified applicant accompanied by such documentation as the department shall require, the department shall independently validate the documentation and immediately issue to the veteran a driver's license or identification card displaying a veteran designation without submitting the application or documentation to the Department of Military and Veterans Affairs for review, approval or validation. There shall be no fee for the veteran designation, but the qualified applicant must pay any renewal or duplicate driver's license or identification card fees.

(3) The department and the Department of Military and Veterans Affairs shall enter into an agreement whereby the Department of Military and Veterans Affairs shall reimburse the Motor License Fund for the department's actual costs of the issuance of a veteran's designation on drivers' licenses and identification cards. Reimbursement shall be paid from the Veterans' Trust Fund or such other funds available for this purpose.

(4) A person who falsely represents himself as a veteran of the United States Armed Forces on an application for a driver's license or identification card is subject to the penalty under 18 Pa.C.S. § 4904(b) (relating to unsworn falsification to authorities).

(b) Identification card.--The department shall, upon payment of the required fee, issue an identification card to any person

ten years of age or older who has made application therefor in such manner as the department shall prescribe or whose driver's license has been surrendered to the department because of a suspension or revocation of an operating privilege under this or any other title. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 may use a substitute address designated by the Office of Victim Advocate as their address. Except as provided in subsection (j), the identification card shall have substantially the same content as a driver's license but shall clearly indicate that it is not a driver's license. Upon failure of any person to pass any examination required under section 1514 (relating to expiration and renewal of drivers' licenses), the department shall, where appropriate, issue a complimentary identification card as an expression of gratitude for years of safe driving. The card shall only be issued upon receipt of the person's driver's license.

(c) Anatomical donors.--Any person who is registered as an anatomical organ donor and who has in his possession a card issued by the recipient organization may attach the card to the reverse side of his driver's license or identification card in such a way as to permit the removal of this card should the person no longer desire to be designated as an anatomical donor. Any person may also attach to the reverse side of his driver's license or identification card a symbol provided by the Department of Health designating a person to be an anatomical donor. The department shall distribute such symbols at all photo license centers and shall make such symbols available in quantity to any political subdivision or organization on request. Information concerning registered donor status may be included as a part of the person's personal medical data.

(d) Medical history record.--Any person may attach to the reverse side of his driver's license or identification card information relating to his personal medical history.

(e) Use of identification cards.--If a person has an established policy of accepting a driver's license issued pursuant to subsection (a) for the purpose of identification for the acceptance of a check given for payment of purchase or for the cashing of a check, the person shall also accept an identification card issued pursuant to subsection (b) for the same purpose. It shall be a defense to a prosecution under this subsection that the person was not presented with notice of the provisions of this subsection.

(f) Waiver.--Notwithstanding the provisions of subsection (a), the department shall issue a driver's license to an otherwise eligible person who has no Social Security number if the person submits a waiver obtained from the Federal Government permitting him not to have a Social Security number. The department may require other identifiers, including, but not limited to, a taxpayer identification number, before issuing the license.

(g) Completion of process.--

(1) For purposes of the National Voter Registration Act of 1993 (Public Law 103-31, 42 U.S.C. § 1973gg et seq.), this subsection applies to statutes requiring determination of completion of the licensing process.

(2) The process of issuing a driver's license is complete when a license bearing the licensee's photograph, photographic facsimile or image has been issued by the department.

(h) Sale of photographs prohibited.--Neither the department nor any person under contract with the department shall sell

photographs of holders of a driver's license or identification card for any commercial purpose.

(i) Issuance to noncitizens.--A license issued in accordance with section 1506(a.1) (relating to application for driver's license or learner's permit) may contain an indication that the license was issued to the person who is not a citizen of the United States and who has credentials or documents issued by the Immigration and Naturalization Service or its successor.

(j) Undercover credential.--The department may issue an undercover credential to Federal, State or local law enforcement officials. The department may establish guidelines concerning the issuance of such undercover credentials and shall take all reasonable steps to ensure the confidentiality of these licenses and their issuance.

(June 23, 1982, P.L.605, No.171, eff. imd.; May 1, 1984, P.L.224, No.48, eff. 60 days; July 9, 1986, P.L.544, No.96, eff. 120 days; May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; June 11, 1992, P.L.266, No.47, eff. imd.; June 28, 1993, P.L.137, No.33, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; June 26, 2001, P.L.734, No.75, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 270 days; Nov. 30, 2004, P.L.1474, No.188, eff. 180 days; Nov. 29, 2006, P.L.1449, No.159, eff. 3 years; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Oct. 24, 2012, P.L.1414, No.176, eff. 60 days; July 10, 2015, P.L.159, No.32, eff. 60 days; July 23, 2020, P.L.698, No.74, eff. 60 days)

2020 Amendment. Act 74 amended subsec. (a.1)(2).

2015 Amendment. Act 32 amended subsec. (a.1).

2008 Amendment. Act 133 amended subsecs. (a) and (b) and added subsec. (j).

2002 Amendment. Act 152 added subsec. (i).

2001 Amendment. Act 75 added subsec. (h).

1994 Amendment. Act 115 amended subsec. (b) and added subsec. (g).

1992 Amendment. Act 47 added subsec. (f).

1986 Amendment. Act 96 added subsec. (e).

1984 Amendment. Act 48 amended subsec. (c).

Cross References. Section 1510 is referred to in sections 1554, 1951 of this title; section 9503 of Title 13 (Commercial Code); section 1323 of Title 25 (Elections); section 1721 of Title 51 (Military Affairs).

§ 1511. Carrying and exhibiting driver's license on demand.

(a) General rule.--Every licensee shall possess a driver's license issued to the licensee at all times when driving a motor vehicle and shall exhibit the license upon demand by a police officer, and when requested by the police officer the licensee shall write the licensee's name in the presence of the officer in order to provide identity.

(b) Production to avoid penalty.--No person shall be convicted of violating this section or section 1501(a) (relating to drivers required to be licensed) if the person:

(1) produces at the headquarters of the police officer who demanded to see the person's license, within 15 days of the demand, a driver's license valid in this Commonwealth at the time of the demand; or

(2) if a citation has been filed, produces at the office of the issuing authority, within 15 days of the filing of the citation, a driver's license valid in this Commonwealth on the date of the citation.

(May 30, 1990, P.L.173, No.42, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (b).

§ 1512. Restrictions on drivers' licenses.

(a) General rule.--The department upon issuing a driver's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) Compliance with restrictions.--No person shall operate a motor vehicle in any manner in violation of the restrictions imposed.

(c) Bioptic telescope restrictions.--After an individual meets the bioptic telescope learner's permit requirements and successfully passes a driver's examination administered by the department, the individual may be issued a restricted license with the following restrictions:

(1) The individual's driving privilege is limited to roads other than freeways.

(2) The individual's driving privilege is limited to passenger vehicles weighing no more than 10,000 pounds and excludes operation of a motorcycle.

(3) If determined by the department or low-vision rehabilitation specialist to be appropriate, the individual's driving privilege may be limited to driving within a limited radius of the individual's residence.

(4) If the individual has visual acuity of less than 20/50 vision using bioptic telescope lenses while driving, the individual may drive in daylight hours only.

(5) If the applicant has visual acuity of 20/40 or better vision using bioptic telescope lenses while driving, the individual may apply for nighttime driving after one year, provided:

(i) the individual has committed no violations of this title and had no accidents reported during that year; and

(ii) the individual is reevaluated by a certified driving instructor or certified driver rehabilitation specialist knowledgeable in the use of bioptic telescopes for driving, and the instructor or specialist recommends allowing nighttime driving.

(6) A violation of a condition or limitation in this subsection shall result in the recall of the bioptic telescope license. An annual review of the individual's accident and violation history shall be conducted by the department. The bioptic telescope license may be recalled if the department determines that the individual was involved in an at-fault accident or convicted of two moving violations committed within a one-year period. A bioptic telescope licensee shall be subject to an annual vision assessment to determine whether the licensee's vision continues to meet the bioptic telescope-related vision standards in section 1505 (relating to learners' permits).

(Nov. 25, 2020, P.L.1246, No.131, eff. 10 mos.)

2020 Amendment. Act 131 added subsec. (c).

Cross References. Section 1512 is referred to in section 1535 of this title.

§ 1513. Duplicate and substitute drivers' licenses and learners' permits.

(a) General rule.--If a learner's permit or driver's license issued under the provisions of this chapter is mutilated, lost, stolen, destroyed or becomes illegible, the person to whom it was issued, upon furnishing proof satisfactory to the department that the license or permit has been mutilated, lost, stolen, destroyed, or has become illegible, shall obtain a duplicate or substitute license or permit upon payment of the required fee.

(b) Return of original.--If a duplicate or substitute learner's permit or driver's license has been issued, any person who finds or otherwise obtains possession of the original shall return the original to the department.

§ 1514. Expiration and renewal of drivers' licenses.

(a) General rule.--Every driver's license shall expire on the day after the licensee's birthdate at intervals of not more than four years as may be determined by the department. Every license shall be renewable on or before its expiration upon application, payment of the required fee, and satisfactory completion of any examination required or authorized by this chapter.

(b) Examination of applicants for renewal.--The department may require persons applying for renewal of a driver's license to take and successfully pass a physical examination or a vision examination by an optometrist or ophthalmologist, or both examinations, if the department has reason to believe, either based on knowledge of the person or on statistical inference, that the person may be a traffic safety hazard. The department may require the applicant to take and successfully pass such additional tests as the department may find reasonably necessary to determine the applicant's qualification according to the type or general class of license applied for and such examination may include any or all of the other tests required or authorized upon original application by section 1508 (relating to examination of applicant for driver's license). Upon refusal or neglect of the person to submit to the examination, the driver's license shall not be renewed until such time as the examination is successfully completed.

(c) Reexamination requested by court.--The department shall reexamine any person when requested to do so by a court. Upon the conclusion of such examination, the department may take any of the actions described in subsection (b) and shall report its findings and action to the court if such report is requested.

(d) Military personnel and dependents.--Notwithstanding subsection (a), a driver's license held by any person who enters or is on active service in the armed forces of the United States or the spouse or dependent child of the member of the armed forces who resides with such person shall continue in full force and effect so long as the active service continues and the person is absent from this Commonwealth, and for a further period of 45 days following the date of the person's discharge or separation from active service or return to this Commonwealth, unless the driver's license is sooner suspended, cancelled or revoked for cause according to law. A driver's license which otherwise would have expired under subsection (a) shall be valid only if the licensee has in immediate possession, together with the driver's license, papers indicating actual service outside this Commonwealth, or discharge or separation, as the case may be, or proof thereof if a spouse or child.

(e) Noncitizen license expiration and renewal.--

(1) Except as otherwise provided, a license issued on the basis of Immigration and Naturalization Service (INS) credentials or documents shall expire on the date appearing

on the INS credentials or documents provided by the applicant under section 1506(a.1) (relating to application for driver's license or learner's permit).

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

(3) Upon presenting INS credentials or documents indicating continued legal presence in the United States, the person may apply for a renewal of the license.

(4) If a person has been granted permanent legal status in the United States by the INS, the department may in its discretion require the person to present his INS credentials or documents for only the first license application or renewal.

(5) License renewals issued under this subsection shall be for the length of time as set forth in paragraph (1) or (2).

(Dec. 21, 1998, P.L.1126, No.151, eff. one year; Dec. 9, 2002, P.L.1278, No.152, eff. 270 days)

2002 Amendment. Act 152 added subsec. (e).

1998 Amendment. Act 151 amended subsec. (a).

Cross References. Section 1514 is referred to in sections 1510, 1550 of this title.

§ 1515. Notice of change of name or address.

(a) Driver's license.--Whenever any person after applying for or receiving a driver's license moves from the address named in the application or in the driver's license issued or when the name of a licensee is changed, such person shall, within 15 days thereafter, notify the department of the old and new addresses or of such former and new names and of the number of any license then held by the person. The department shall be notified of a change of name in writing.

(b) Identification card.--Whenever any person after applying for or receiving a department-issued identification card moves from the address named in the application or identification card issued or when the name of a cardholder is changed, such person shall, within 15 days thereafter, notify the department of the old and new addresses or of such former and new names and of the number of any identification card then held by the person. The department shall be notified of a change of name in writing.

(c) Nonresident.--

(1) After notification from another state that the driver is licensed in that state, the department shall invalidate the Pennsylvania driver's license.

(2) Upon notice of a change of address from a driver to an out-of-State address, the department shall not renew the driver's license of the person until the person reestablishes residency in this Commonwealth. This paragraph shall not apply to a person who is an employee of Federal or State Government whose workplace is located out-of-State or the employee's immediate family or to a person in the service of the armed forces of the United States or the person's immediate family.

(Dec. 9, 2002, P.L.1278, No.152, eff. 120 days)

§ 1516. Department records.

(a) Applications, suspensions and revocations.--The department shall file every application for a license received by it and shall maintain suitable records containing:

(1) All applications denied and the reasons for denial.

(2) All applications granted.

(3) The name of every licensee whose license has been suspended or revoked by the department and the reasons for such action.

(b) Accidents and convictions.--The department shall file all accident reports and abstracts of court records of convictions received by it under the laws of this Commonwealth and maintain actual or facsimile records or make suitable notations in order that the records of each licensee showing convictions of the licensee, any departmental action initiated against the licensee regarding a reportable accident in which the licensee was involved, and the traffic accidents shall be available for official use. Unless the licensee was a commercial driver at the time of the violation, the department shall maintain records or make notations only for convictions that are relevant to the licensee's operating privilege. Where the licensee was a commercial driver at the time of the violation, the department shall maintain records or make notations for all convictions of any violation, in any motor vehicle, of a State or local traffic control law, except a parking violation, and also for any other convictions that are relevant to the licensee's operating privilege. Court abstracts and certifications of conviction and accident reports submitted to the department under the laws of this Commonwealth shall be considered as records of the department, and the department may store such documents in accordance with the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may enter into evidence copies of such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). Such copies shall be admissible into evidence to support the department's case in an appeal of a department action taken under Chapter 13 (relating to registration of vehicles), 15 (relating to licensing of drivers), 16 (relating to commercial drivers) or 17 (relating to financial responsibility) of this title, and the certification shall constitute prima facie proof of the facts and information contained in the court abstract or certification of conviction or accident report. These records shall also be made available to the courts for sentencing purposes.

(c) Dismissal of charges for violations.--If a charge for violation of any of the provisions of this title against any person is dismissed where there have been no prior convictions by any court of competent jurisdiction, no record of the charge and dismissal shall be included in the driving record of the person. If the person has been previously convicted of the charge and suspension was imposed by the department, which suspension was either partially or fully served, the department may keep a record of the offense for the purpose of showing the suspension was imposed against the person, but the offense shall not be used for the purpose of calculating the requisite number of offenses under section 1542 (relating to revocation of habitual offender's license). In addition, the department may keep records of charges that have been filed with the courts in order to determine a person's eligibility for a probationary license under the provisions of section 1554(b)(3) (relating to probationary license). All records maintained pursuant to this subsection shall be maintained for administrative and law enforcement use only and shall not be released for any other purpose, except where the person was a commercial driver at the time of the violation and the charge was dismissed as part of

the person's acceptance of Accelerated Rehabilitative Disposition.

(d) Updating driving record.--Drivers wishing to have their record reviewed by the department may make such a request in order that the record be brought up to date. In updating records, the department shall include recalculation of suspension or revocation segments and the assignment and crediting of any suspension or revocation time previously assigned or credited toward a suspension or revocation which resulted from a conviction which has been vacated, overturned, dismissed or withdrawn. Any fully or partially served suspension or revocation time may only be reassigned or credited toward a suspension or revocation segment processed on the driver's record as of the actual commencement date of the fully or partially served suspension or revocation time.

(Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; July 5, 2005, P.L.100, No.37)

2005 Amendment. Act 37 amended subsecs. (b) and (c). Section 10(2) of Act 37 provided that Act 37 shall take effect 90 days after publication of a notice in the Pennsylvania Bulletin. The notice was published July 16, 2005, at 35 Pa.B. 4029.

2003 Amendment. Act 24 amended subsecs. (c) and (d).

Cross References. Section 1516 is referred to in sections 1607, 1611 of this title; section 302 of Title 74 (Transportation).

§ 1517. Medical Advisory Board.

(a) Membership.--There shall be a Medical Advisory Board consisting of 13 members appointed by the secretary. The board shall be composed of an authorized representative from the Department of Transportation, Department of Justice, Governor's Council on Drug and Alcohol Abuse, Department of Health, Pennsylvania State Police and professionals as follows: One neurologist, one doctor of cardiovascular disease, one doctor of internal medicine, one general practitioner, one ophthalmologist, one psychiatrist, one orthopedic surgeon and one optometrist.

(b) Duties.--The board may advise the department and review regulations proposed by the department concerning physical and mental criteria including vision standards relating to the licensing of drivers under the provisions of this chapter.

(Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

1998 Amendment. Act 151 amended subsec. (b).

Governor's Council on Drug and Alcohol Abuse. The Governor's Council on Drug and Alcohol Abuse is now known as the Pennsylvania Advisory Council on Drug and Alcohol Abuse and is designated as the advisory council to the Department of Health for drug and alcohol programs. See section 3 of the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act.

Department of Justice. The act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, effective January 20, 1981, provided that the General Counsel shall serve as a member of the Medical Advisory Board and repealed section 1517(a) to the extent that the Attorney General was made a member of the Medical Advisory Board.

Cross References. Section 1517 is referred to in section 1519 of this title.

§ 1518. Reports on mental or physical disabilities or disorders.

(a) Definition of disorders and disabilities.--The Medical Advisory Board shall define disorders characterized by lapses of consciousness or other mental or physical disabilities affecting the ability of a person to drive safely for the purpose of the reports required by this section.

(b) Reports by health care personnel.--All physicians, podiatrists, chiropractors, physician assistants, certified registered nurse practitioners and other persons authorized to diagnose or treat disorders and disabilities defined by the Medical Advisory Board shall report to the department, in writing, the full name, date of birth and address of every person over 15 years of age diagnosed as having any specified disorder or disability within ten days.

(c) Responsibility of institution heads.--The person in charge of every mental hospital, institution or clinic, or any alcohol or drug treatment facility, shall be responsible to assure that reports are filed in accordance with subsection (b).

(d) Confidentiality of reports.--The reports required by this section shall be confidential and shall be used solely for the purpose of determining the qualifications of any person to drive a motor vehicle on the highways of this Commonwealth.

(e) Use of report as evidence.--No report forwarded under the provisions of this section shall be used as evidence in any civil or criminal trial except in any proceeding under section 1519(c) (relating to determination of incompetency).

(f) Immunity from civil and criminal liability.--No civil or criminal action may be brought against any person or agency for providing the information required under this system.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Chiropractor." A chiropractor acting within the scope of practice contained in the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act.

"Podiatrist." A podiatrist acting within the scope of practice contained in the act of March 2, 1956 (1955 P.L.1206, No.375), known as the Podiatry Practice Act.

(July 15, 2004, P.L.698, No.76, eff. 60 days)

2004 Amendment. Section 2 of Act 76 provided that any regulations of the Department of Transportation that are inconsistent with Act 76 are hereby abrogated to the extent of that inconsistency.

Cross References. Section 1518 is referred to in section 1503 of this title.

§ 1519. Determination of incompetency.

(a) General rule.--The department, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may require the applicant or driver to undergo one or more of the examinations authorized under this subchapter in order to determine the competency of the person to drive. The department may require the person to be examined by a physician, a certified registered nurse practitioner, a physician assistant or a licensed psychologist designated by the department or may require the person to undergo an examination by a physician, a certified registered nurse practitioner, a physician assistant or a licensed psychologist of the person's choice. If the department designates the physician, a certified registered nurse practitioner, a physician assistant or licensed psychologist, the licensed driver or applicant may, in addition, cause a

written report to be forwarded to the department by a physician, a certified registered nurse practitioner, a physician assistant or a licensed psychologist of the driver's or applicant's choice. Vision qualifications may be determined by an optometrist or ophthalmologist. The department shall appoint one or more qualified persons who shall consider all medical reports and testimony in order to determine the competency of the driver or the applicant to drive.

(b) Confidentiality of reports and evidence.--Reports received by the department for the purpose of assisting the department in determining whether a person is qualified to be licensed and reports of examinations authorized under this subchapter are for the confidential use of the department and may not be divulged to any person or used as evidence in any trial except that the reports and statistics and evaluations used by the department in determining whether a person should be required to be examined under this subchapter shall be admitted in proceedings under section 1550 (relating to judicial review).

(c) Recall or suspension of operating privilege.--The department shall recall the operating privilege of any person whose incompetency has been established under the provisions of this chapter. The recall shall be for an indefinite period until satisfactory evidence is presented to the department in accordance with regulations to establish that such person is competent to drive a motor vehicle. The department shall suspend the operating privilege of any person who refuses or fails to comply with the requirements of this section until that person does comply and that person's competency to drive is established. Any person aggrieved by recall or suspension of the operating privilege may appeal in the manner provided in section 1550. The judicial review shall be limited to whether the person is competent to drive in accordance with the provisions of the regulations promulgated under section 1517 (relating to Medical Advisory Board).

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; Oct. 7, 1996, P.L.688, No.118, eff. 9 months; July 15, 2004, P.L.698, No.76, eff. 60 days)

2004 Amendment. Section 2 of Act 76 provided that any regulations of the Department of Transportation that are inconsistent with Act 76 are hereby abrogated to the extent of that inconsistency.

1996 Amendment. Section 2 of Act 118 provided that the Department of Transportation shall publish in the Pennsylvania Bulletin guidelines for determining cause to initiate any of the examinations under subsec. (a). The notice of guidelines for determining cause to initiate examinations was published September 6, 1997, at 27 Pa.B. 4559.

Cross References. Section 1519 is referred to in sections 1518, 1550 of this title.

§ 1520. Acknowledgment of littering provisions.

On every application for a learner's permit or driver's license, the following statement shall be printed immediately above or below the signature of the applicant:

> I hereby acknowledge this day that I have received notice of the provisions of section 3709 of the Vehicle Code.

Also printed on the card shall be the following:

> Section 3709 provides for a fine of up to $300 for dropping, throwing or depositing, upon any highway, or upon any other public or private property without the consent of the owner thereof or into or on the waters

of this Commonwealth from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish or any dangerous or detrimental substance, or permitting any of the preceding without immediately removing such items or causing their removal.
For any violation of section 3709, I may be subject to a fine of up to $300 upon conviction, including any violation resulting from the conduct of any other persons present within any vehicle of which I am the driver.
(Mar. 27, 1986, P.L.71, No.24, eff. July 1, 1986)

1986 Amendment. Act 24 added section 1520.

SUBCHAPTER B
COMPREHENSIVE SYSTEM FOR DRIVER EDUCATION AND CONTROL

Sec.
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Special Provisions in Appendix. See section 2(a) through (e) of Act 81 of 1976 in the appendix to this title for special provisions relating to the disposition and status of suspensions and convictions under prior law and to the assignment of points under section 1535 for similar violations occurring under prior law.

§ 1531. Administration of system by department.

The department shall administer an integrated system limited to the authority granted to the department in this title for revocation and suspension of operating privileges and for driver education, testing and control and for this purpose shall maintain a record as to every driver of convictions of offenses set forth in this title and such other convictions and offenses as are punishable by suspension or revocation under this title.

§ 1532. Suspension of operating privilege.

(a) One-year suspension.--The department shall suspend the operating privilege of any driver for one year upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on any of the following offenses:

(1) Any felony in the commission of which a court determines that a vehicle was essentially involved.

(2) (Deleted by amendment).

(3) Any violation of the following provisions:

Section 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

Section 3742 (relating to accidents involving death or personal injury).

Section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

Section 7111 (relating to dealing in titles and plates for stolen vehicles).

Section 7121 (relating to false application for certificate of title or registration).

Section 7122 (relating to altered, forged or counterfeit documents and plates).

(a.1) Three-year suspension.--The department shall suspend the operating privilege of any driver for three years upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on a violation of any of the following offenses:

(1) Any violation of section 3732 (relating to homicide by vehicle).

(2) Any violation of section 3735 (relating to homicide by vehicle while driving under influence).

(b) Suspension.--

(1) The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on any offense under the following provisions:

Section 3367 (relating to racing on highways).

Section 3714(b) (relating to careless driving).

Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3736 (relating to reckless driving).

Section 3743 (relating to accidents involving damage to attended vehicle or property).

(2) The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of the driver's conviction of a subsequent offense under section 1501(a) (relating to drivers required to be licensed) if the prior offense occurred within five years of the violation date of the subsequent offense.

(3) The department shall suspend the operating privilege of any driver for 12 months upon receiving a certified record of the driver's conviction of section 3733 (relating to fleeing or attempting to elude police officer) or a substantially similar offense reported to the department

under Article III of section 1581 (relating to Driver's License Compact), or an adjudication of delinquency based on section 3733. The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of a consent decree granted under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) based on section 3733.

(4) The department shall suspend the operating privilege of any driver for three months upon receiving a certified record of the driver's conviction of section 1371 (relating to operation following suspension of registration) or 3718 (relating to minor prohibited from operating with any alcohol in system) or an adjudication of delinquency based on section 1371.

(5) The department shall suspend the operating privilege of any driver for three months upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on section 3714(c).

(6) Beginning as soon as practicable, but no later than 10 months after the effective date of this paragraph, the department shall update driver records as follows:

(i) If a driver record shows on the effective date of this paragraph an active sanction imposed by the department for a conviction of any offense under a Federal, State or other state's controlled substance laws, except for an offense under subsection (a), the driver record will be changed to indicate the active departmental sanction has ended. The following shall apply:

(A) If the ending of the active departmental sanction means a driver's operating privilege is eligible for restoration, no points will be placed on the driver record as required by section 1545 (relating to restoration of operating privilege) and no restoration fee shall be imposed as required by section 1960 (relating to reinstatement of operating privilege or vehicle registration).

(B) If a driver record shows a pending departmental sanction after the active sanction imposed by the department for a conviction of any offense under a Federal, State or other state's controlled substance laws, except for an offense under subsection (a), the effective dates of the pending departmental sanction will be adjusted as if the active sanction ended under this subsection had been rescinded from the record.

(ii) If a driver record shows on the effective date of this paragraph a pending sanction imposed by the department for a conviction of any offense under a Federal, State or other state's controlled substance laws, except for an offense under subsection (a), the driver record will be changed to indicate that the pending sanction will not be imposed. The effective dates for a departmental sanction to be imposed after a conviction of any offense under a Federal, State or other state's controlled substance laws will be adjusted as if the controlled substance-related departmental sanction had been rescinded from the record.

(iii) If a driver record shows on the effective date of this paragraph an active suspension imposed under former subsection (d), the driver record will be changed to indicate the suspension has ended. The following shall apply:

(A) If the ending of the suspension means the driver's operating privilege is eligible for restoration, no restoration fee shall be imposed as required by section 1960.

(B) If the driver record shows any pending departmental sanction after the suspension imposed under former subsection (d), the effective dates of any such pending departmental sanction will be adjusted as if the suspension ended under this section had been rescinded from the record.

(iv) If the driver record shows on the effective date of this paragraph a pending suspension imposed under former subsection (d), the driver record will be changed to indicate the suspension will not be imposed. The effective dates for any departmental sanctions to be imposed after the pending suspension under former subsection (d) will be adjusted as if the pending suspension had been rescinded from the record.

(c) Suspension.--The department shall suspend the operating privilege of any person 21 years of age or younger upon receiving a certified record of the person's conviction or adjudication of delinquency under 18 Pa.C.S. § 2706 (relating to terroristic threats) committed on or against any school property, including any public school grounds, during any school-sponsored activity or on any conveyance providing transportation to a school entity or school-sponsored activity in accordance with the following:

(1) The period of suspension shall be as follows:

(i) For a first offense, a period of six months from the date of the suspension.

(ii) For a second offense, a period of one year from the date of the suspension.

(iii) For a third and any subsequent offense thereafter, a period of two years from the date of the suspension.

(2) For the purposes of this subsection, the term "conviction" shall include any conviction or adjudication of delinquency for any of the offenses listed in paragraph (1), whether in this Commonwealth or any other Federal or state court.

(d) Additional suspension.--(Deleted by amendment).

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; May 30, 1990, P.L.173, No.42; July 10, 1990, P.L.356, No.83, eff. Nov. 1, 1990; June 28, 1993, P.L.137, No.33, eff. 60 days; July 2, 1993, P.L.408, No.58, eff. 60 days; Feb. 10, 1994, P.L.20, No.3, eff. 60 days; Dec. 12, 1994, P.L.1048, No.143, eff. 9 months; Dec. 27, 1994, P.L.1337, No.154, eff. 180 days; Dec. 21, 1998, P.L.1126, No.151; June 25, 1999, P.L.164, No.23, eff. 180 days; Oct. 2, 2002, P.L.801, No.114, eff. imd.; Oct. 4, 2002, P.L.845, No.123; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Dec. 8, 2004, P.L.1791, No.237, eff. 150 days; Oct. 24, 2018, P.L.659, No.95, eff. 180 days; Nov. 3, 2022, P.L.1692, No.107, eff. 60 days)

2022 Amendment. Act 107 added subsec. (b)(6) and deleted subsec. (d).

2018 Amendment. Act 95 amended subsec. (c).

2004 Amendment. Act 237 amended subsec. (b).

2002 Amendments. Act 114 amended subsec. (a) and Act 123 amended subsecs. (a) and (b)(4) and added subsec. (a.1), effective immediately as to the deletion of the reference to sections 7102(b) and 7103(b) in subsec. (a)(3) and six months

as to the remainder of the amendment. Act 123 overlooked the amendment by Act 114, but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (a). See section 2 of Act 114 and section 11 of Act 123 in the appendix to this title for special provisions relating to petition for removal of suspensions or revocations.

1998 Amendment. Act 151 amended the section heading and subsecs. (a) intro. par. and (3) and (b)(3), effective immediately as to subsec. (b)(3) and 60 days as to the remainder of the section.

1994 Amendments. Act 3 added subsec. (c), Act 143 amended subsec. (b)(2) and (4) and added subsec. (d) and Act 154 amended subsec. (b)(1) and (3). The amendment by Act 3 is identical to the amendments by Acts 33 and 58 of 1993 and therefore the text has been merged. See section 8 of Act 3 in the appendix to this title for special provisions relating to savings provision.

1993 Amendment. See section 12 of Act 58 in the appendix to this title for special provisions relating to savings provision.

References in Text. 18 Pa.C.S. § 6310.4, referred to in subsec. (d), was repealed by the act of October 24, 2018 (P.L.659, No.95).

Cross References. Section 1532 is referred to in sections 1534, 1539, 1553, 1554, 1556, 1575, 1783, 6146, 6323 of this title.

§ 1533. Suspension of operating privilege for failure to respond to citation.

(a) Violations within Commonwealth.--The department shall suspend the operating privilege of any person who has failed to respond to a citation or summons to appear before an issuing authority or a court of competent jurisdiction of this Commonwealth for any violation of this title, other than parking, or who has failed to pay any fine, costs or restitution imposed by an issuing authority or such courts for violation of this title, other than parking, upon being duly notified by an issuing authority or a court of this Commonwealth.

(b) Violations outside Commonwealth.--The department shall suspend the operating privilege of any person who has failed to respond to a citation, summons or similar writ to appear before a court of competent jurisdiction of the United States or any state which has entered into an enforcement agreement with the department, as authorized under section 6146 (relating to enforcement agreements), for any violation of the motor vehicle laws of such state, other than parking, or who has failed to pay any fine or costs imposed by such court upon being duly notified in accordance with the laws of such jurisdiction in which the violation occurred. A person who provides proof, satisfactory to the department, that the full amount of the fine and costs has been forwarded to and received by the court shall not be regarded as having failed to respond for the purposes of this subsection.

(c) Time for responding to notice.--At least 15 days before an issuing authority or court notifies the department to impose a suspension pursuant to subsection (a), the issuing authority or court shall notify the person in writing of the requirement to respond to the citation and pay all fines, restitution and penalties imposed by the issuing authority or court.

(d) Period of suspension.--The suspension shall continue until such person shall respond to the citation, summons or writ, as the case may be, and pay all fines, restitution and penalties imposed or enter into an agreement to make installment payments for the fines, restitution and penalties imposed

provided that the suspension may be reimposed by the department if the defendant fails to make regular installment payments and, if applicable, pay the fee prescribed in section 1960 (relating to reinstatement of operating privilege or vehicle registration).

(e) Remedy cumulative.--A suspension under this section shall be in addition to the requirement of withholding renewal or reinstatement of a violator's driver's license as prescribed in section 1503(a) (relating to persons ineligible for licensing; license issuance to minors; junior driver's license).

(f) Admissibility of documents.--A copy of a document issued by a court or issuing authority of this Commonwealth or by an official of another state shall be admissible for the purpose of proving a violation of this section.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; Nov. 16, 1994, P.L.614, No.95, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 120 days; June 25, 1999, P.L.164, No.23, eff. 180 days; Oct. 8, 2012, P.L.1193, No.146, eff. 90 days)

2012 Amendment. Act 146 amended subsecs. (a), (c) and (d).

1999 Amendment. Act 23 amended subsec. (e).

1994 Amendments. Act 115 overlooked the amendment by Act 95, but the amendments do not conflict in substance and have both been given effect in setting forth the text of section 1533.

Cross References. Section 1533 is referred to in sections 1545, 1553, 1554, 1702 of this title.

§ 1534. Notice of acceptance of Accelerated Rehabilitative Disposition.

(a) General rule.--Except as provided in subsection (b), if a person is arrested for any offense enumerated in section 1532 (relating to revocation or suspension of operating privilege) and is offered and accepts Accelerated Rehabilitative Disposition under general rules, the court shall promptly notify the department.

(b) Exception.--If a person is arrested for any offense enumerated in section 3802 (relating to driving under influence of alcohol or controlled substance) and is offered and accepts Accelerated Rehabilitative Disposition under general rules, the court shall promptly notify the department. The department shall maintain a record of the acceptance of Accelerated Rehabilitative Disposition for a period of ten years from the date of notification. This record shall not be expunged by order of court or prior to the expiration of the ten-year period.

(c) Expungement.--Immediately following the expiration of the ten-year period, the department shall expunge the record of the acceptance of Accelerated Rehabilitative Disposition. The department shall not require an order of court to expunge the record.

(d) Exceptions to expungement.--The department shall not be required to expunge the record of acceptance of Accelerated Rehabilitative Disposition if:

(1) during the ten-year period, the department revokes the operating privileges of a person pursuant to section 1542 (relating to revocation of habitual offender's license); or

(2) the person was a commercial driver at the time of the violation causing the disposition.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (b) and added subsecs. (c) and (d).

§ 1535. Schedule of convictions and points.

(a) General rule.--A point system for driver education and control is hereby established which is related to other provisions for use, suspension and revocation of the operating privilege as specified under this title. Every driver licensed in this Commonwealth who is convicted of any of the following offenses shall be assessed points as of the date of violation in accordance with the following schedule:

Section Number	Offense	Points
1512	Violation of restriction on driver's license.	2
1571	Violation concerning license.	3
3102	Failure to obey policeman or authorized person.	2
3111.1	Obedience to traffic-control devices warning of hazardous conditions.	2
3112(a)(3)(i) or (ii)	Failure to stop for a red light.	3
3114(a)(1)	Failure to stop for a flashing red light.	3
3302	Failure to yield half of roadway to oncoming vehicle.	3
3303	Improper passing.	3
3304	Other improper passing.	3
3305	Other improper passing.	3
3306(a)(1)	Other improper passing.	4
3306(a)(2)	Other improper passing.	3
3306(a)(3)	Other improper passing.	3
3307	Other improper passing.	3
3310	Following too closely.	3
3321	Failure to yield to driver on the right at intersection.	3
3322	Failure to yield to oncoming driver when making left turn.	3
3323(b)	Failure to stop for stop sign.	3
3323(c)	Failure to yield at yield sign.	3
3324	Failure to yield when entering or crossing roadway between intersections.	3
3327(a) or (a.1)	Duty of driver in emergency response area and in relation to disabled vehicles.	2
3332	Improper turning around.	3
3341(a)	Failure to obey signal indicating approach of train.	2
3341(b)	Failure to comply with crossing gate or barrier. (and 30 days' suspension)	4
3342(b) or (e)	Failure to stop at railroad crossings.	4
3344	Failure to stop when entering from alley, driveway or building.	3
3345(a)	Failure to stop for school bus with flashing red lights. (and 60 days' suspension)	5
3361	Driving too fast for conditions.	2

3362	Exceeding maximum speed.--Over Limit: 6-10 2 11-15 3 16-25 4 26-30 5 31-over 5 (and departmental hearing and sanctions provided under section 1538(d))	
3365(b)	Exceeding special speed limit in school zone. (and 60 days' suspension for a second or subsequent offense)	3
3365(c)	Exceeding special speed limit for trucks on downgrades.	3
3542(a)	Failure to yield to pedestrian in crosswalk.	2
3547	Failure to yield to pedestrian on sidewalk.	3
3549(a)	Failure to yield to blind pedestrian.	3
3702	Improper backing.	3
3714(a)	Careless driving.	3
3745	Leaving scene of accident involving property damage only.	4

(b) Multiple offenses from same act.--If a driver is convicted of an offense under section 3361 (relating to driving vehicle at safe speed) or 3714 (relating to careless driving), in addition to being convicted of another offense committed at the same time and place, no points shall be assigned for violation of section 3361 or 3714 if points are assigned for the other offense.

(c) No points after six months.--The department shall assign points to the record of any person within six months from the date of a conviction. Any points assigned after such six-month period shall be null and void.

(d) Exception.--This section does not apply to a person who was operating a pedalcycle or an animal drawn vehicle.

(e) Suspension of operating privilege.--In addition to other provisions of this title relating to the suspension or revocation of operating privileges, the department shall suspend for 15 days the operating privileges of any person who for a violation in an active work zone is convicted under:

(1) section 3361 where the department has received an accident report submitted pursuant to section 3751 (relating to reports by police); or

(2) section 3362 (relating to maximum speed limits) by exceeding the posted speed limit by 11 miles per hour or more.

A conviction report received by the department which indicates that the violation of section 3361 or 3362 occurred in an active work zone shall create a presumption that the violation occurred in an active work zone.

(June 23, 1982, P.L.605, No.171, eff. imd.; Mar. 29, 1984, P.L.155, No.30, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. July 1, 1999; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months; Dec. 8, 2004, P.L.1791, No.237, eff. 150

days; July 5, 2012, P.L.1003, No.114, eff. 60 days; Oct. 29, 2020, P.L.1057, No.105, eff. 180 days)

2020 Amendment. Act 105 amended subsec. (a). Section 2 of Act 105 provided that Act 105 may be referred to as the Move Over Law.

2002 Amendment. Act 229 added subsec. (e).

1994 Amendment. Act 115 amended subsec. (b).

1982 Amendment. Act 171 added subsec. (d).

Cross References. Section 1535 is referred to in sections 1538, 1539, 1554, 1793, 1799.2, 3116, 3117, 3345.1, 3369, 3370, 3370.1, 3371, 4581 of this title.

§ 1536. Notice of assignment of points.

Whenever points are assigned to a driver's record, the department shall send to that person at his last known address a letter of notice pointing out the fact and emphasizing the nature and effects of the point system. Failure to receive such letter shall not prevent the suspension of the operating privilege pursuant to this subchapter.

§ 1537. Removal of points.

(a) General rule.--Points recorded against any person shall be removed at the rate of three points for each 12 consecutive months in which such person is not under suspension or revocation or has not committed any violation which results in the assignment of points or in suspension or revocation under this chapter.

(b) Subsequent accumulation of points.--When a driver's record is reduced to zero points and is maintained at zero points for 12 consecutive months, any accumulation of points thereafter shall be regarded as an initial accumulation of points.

(Dec. 21, 1998, P.L.1126, No.151, eff. July 1, 1999)

1998 Amendment. Act 151 amended subsec. (a).

§ 1538. School, examination or hearing on accumulation of points or excessive speeding.

(a) Initial accumulation of six points.--

(1) When any person's record for the first time shows an accumulation of six or more points, the department shall require the person to attend a driver improvement school or undergo a special examination and shall so notify the person in writing. The person may elect to attend a driver improvement school or undergo a special examination but shall not be permitted to both attend the school and undergo a special examination.

(2) Upon satisfactory attendance and completion of the driver improvement school course or upon passing the special examination:

(i) two points shall be removed from the person's record, if the person elected to take the special examination; or

(ii) four points shall be removed from the person's record, if the person elected to attend a driver improvement school and completed the school's requirements.

(3) Failure to attend and satisfactorily complete the requirements of a driver improvement school or pass the special examination shall result in the suspension of such person's operating privilege until:

(i) the person attends and satisfactorily completes the requirements of a driver improvement school; or

(ii) the examination has been satisfactorily completed.

(b) Second and subsequent accumulation of six points.--

(1) When any person's record has been reduced below six points and for the second or subsequent time shows an accumulation of six or more points, the department shall require the person to attend a departmental hearing and a driver improvement school and shall notify the person in writing. In addition, a hearing examiner may recommend one or more of the following:

(i) (Deleted by amendment).

(ii) That the person undergo an examination as provided for in section 1508 (relating to examination of applicant for driver's license).

(iii) That the person's driver's license be suspended for:

(A) a period not exceeding 15 days, if the person's record for a second time shows an accumulation of six or more points; or

(B) a period not exceeding 30 days, if the person's record for a third or subsequent time shows an accumulation of six or more points.

(2) The department may effect or modify the recommendations of the hearing examiner but may not impose any sanction not recommended by the hearing examiner.

(3) Upon completion of the sanction or sanctions imposed by the department, two points shall be removed from the person's record.

(4) Failure to attend the hearing or comply with the requirements of this subsection shall result in the suspension of the person's operating privilege until the requirements of this subsection have been satisfactorily completed.

(c) Subsequent accumulations of six points.--(Deleted by amendment).

(d) Conviction for excessive speeding.--

(1) When any person is convicted of driving 31 miles per hour or more in excess of the speed limit, the department shall require the person to attend a departmental hearing and attend a driver improvement school and shall notify the person in writing. In addition, a hearing examiner may recommend one or more of the following:

(i) (Deleted by amendment).

(ii) That the person undergo an examination as provided for in section 1508.

(iii) That the person have his driver's license suspended for a period not exceeding 15 days.

(2) The department shall effect at least one of the sanctions but may not increase any suspension beyond 15 days.

(3) Failure to attend the hearing or comply with the requirements of this subsection shall result in the suspension of such person's operating privilege until the requirements of this subsection have been satisfactorily completed.

(e) Additional suspension of operating privilege.--

(1) In addition to any other provisions of law relating to the suspension or revocation of operating privileges, a person's operating privileges shall be suspended under any of the following circumstances:

(i) Prior to reaching age 18, the person violates section 3362 (relating to maximum speed limits) by traveling 26 miles per hour or more over the posted speed

limit and the violation results in a conviction, guilty plea or plea of no contest before or after the person reaches age 18.

(ii) The person accumulates six or more points under the provisions of section 1535 (relating to schedule of convictions and points) and the violations resulting in points accumulation were committed before the person reached age 18.

(2) The first suspension under paragraph (1) shall be for a period of 90 days with every subsequent suspension under paragraph (1) to be for a period of 120 days. Suspensions under paragraph (1) shall be imposed consecutively to each other and to any other suspension. A suspension under paragraph (1) shall be considered a subsequent suspension even if it is imposed contemporaneously with a first suspension imposed under paragraph (1).

(June 25, 1999, P.L.164, No.23, eff. 180 days; Nov. 3, 2022, P.L.1783, No.120, eff. 14 mos.)

Cross References. Section 1538 is referred to in sections 1535, 1543, 1549, 1553, 1554 of this title.

§ 1539. Suspension of operating privilege on accumulation of points.

(a) General rule.--When any person's record shows an accumulation of 11 points or more, the department shall suspend the operating privilege of the person as provided in subsection (b).

(b) Duration of suspension.--The first suspension shall be for a period of 5 days for each point, the second suspension shall be for a period of 10 days for each point, the third suspension shall be for a period of 15 days for each point and any subsequent suspension shall be for a period of one year.

(c) Determination of subsequent suspensions.--Every suspension and revocation under any provision of this subchapter shall be counted in determining whether a suspension is a second, third or subsequent suspension. Acceptance of Accelerative Rehabilitative Disposition for an offense enumerated in section 1532 (relating to revocation or suspension of operating privilege) or 3802 (relating to driving under influence of alcohol or controlled substance) shall be considered a suspension in making such determination.

(d) Section not exclusive.--Suspension under this section is in addition to any suspension mandated under section 1535 (relating to schedule of convictions and points).

(Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (c).

Suspensions and Convictions Under Prior Law. Section 2(d)(3) of Act 81 of 1976 provided that no suspensions and convictions under former sections 618(b)(2) and 619.1 of the Vehicle Code of 1959 shall constitute prior suspensions for the purpose of determining the length of suspensions under section 1539.

Cross References. Section 1539 is referred to in sections 1551, 1554 of this title.

§ 1540. Surrender of license.

(a) Conviction of offense.--Upon a conviction by a court of competent jurisdiction for an offense which calls for mandatory suspension of an individual's operating privilege, the court or the district attorney shall inform the defendant that the suspension shall be effective within 60 days. This section shall create a rebuttable presumption of the defendant's knowledge of the suspension for the purposes of section 1543

(relating to driving while operating privilege is suspended or revoked).

(b) Suspension, revocation or disqualification of operating privilege.--

(1) Upon the suspension or revocation of the operating privilege or the disqualification of the commercial operating privilege of any person by the department, the department shall forthwith notify the person in writing at the address of record to surrender his driver's license to the department for the term of suspension, revocation or disqualification. Licenses that are surrendered to the department may be destroyed. Upon the restoration of the operating privilege, the licensee may apply for a replacement license.

(2) The department shall include with the written notice of suspension, revocation or disqualification a form for acknowledging the suspension, revocation or disqualification, which form shall be filed with the department if the person has no license to surrender.

(3) The suspension, revocation or disqualification shall be effective upon a date determined by the department.

(i) (Deleted by amendment).

(ii) (Deleted by amendment).

(4) (Deleted by amendment).

(c) Seizure of revoked, suspended, canceled or disqualified licenses.--Any police officer or designated employee of the Commonwealth shall be authorized to confiscate any license that has been revoked, suspended, canceled or disqualified. The confiscated license shall be returned to the department unless it is necessary to keep the license as evidence of an offense.

(1) (Deleted by amendment).

(i) (Deleted by amendment).

(ii) (Deleted by amendment).

(ii) (Deleted by amendment).

(iv) (Deleted by amendment).

(v) (Deleted by amendment).

(2) (Deleted by amendment).

(June 19, 1985, P.L.49, No.20, eff. 60 days; Nov. 6, 1985, P.L.300, No.72, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Feb. 7, 1990, P.L.11, No.6, eff. 60 days; May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; July 6, 1995, P.L.246, No.30, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Oct. 9, 2009, P.L.494, No.49, eff. 60 days; July 20, 2017, P.L.333, No.30, eff. 15 months)

Cross References. Section 1540 is referred to in sections 1541, 1553, 1554, 1556, 1611, 3327 of this title; section 7165 of Title 44 (Law and Justice).

§ 1541. Period of disqualification, revocation or suspension of operating privilege.

(a) Commencement of period.--The period of disqualification, revocation or suspension of the operating privilege or the disqualification of the commercial operating privilege shall commence as provided for in section 1540 (relating to surrender of license), except for the suspension of the operating privilege of an unlicensed individual under 16 years of age, in which case the suspension shall commence automatically upon the individual's 16th birthday for the specified period. The department may, upon request of the person whose license is suspended or disqualified, delay the commencement of the period of suspension or disqualification for a period not exceeding six months whenever the department determines that failure to

grant the extension will result in hardship to the person whose license has been suspended or disqualified.

(a.1) Credit toward serving period of suspension for certain violations.--Credit toward serving the period of suspension or revocation imposed for sections 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked), 3732 (relating to homicide by vehicle), 3735 (relating to homicide by vehicle while driving under influence), 3735.1 (relating to aggravated assault by vehicle while driving under the influence), 3742 (relating to accidents involving death or personal injury), 3802 (relating to driving under influence of alcohol or controlled substance) and 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock) shall not commence until the date of the person's release from prison.

(b) Eligibility for restoration of operating privilege.--Any person whose operating privilege has been revoked or suspended shall not be eligible for the restoration of the operating privilege until the expiration of the period of revocation or suspension.

(c) Restoration of revoked operating privilege.--Any person whose operating privilege has been revoked pursuant to section 1542 (relating to revocation of habitual offender's license) or 1543 is not entitled to automatic restoration of the operating privilege. Such person may apply for a learner's permit, if permitted under the provisions of this chapter, upon expiration of the revocation.

(d) Continued suspension of operating privilege.--A defendant ordered by the court under section 3816 (relating to requirements for driving under influence offenders), as the result of a conviction or Accelerated Rehabilitative Disposition of a violation of section 3802 to attend a treatment program for alcohol or drug addiction must successfully complete all requirements of the treatment program ordered by the court before the defendant's operating privilege may be restored. Successful completion of a treatment program includes the payment of all court-imposed fines and costs, as well as fees to be paid to the treatment program by the defendant. For the purposes of restoring a suspended license, being current on a payment plan shall be considered as a part of a successfully completed program. If a defendant fails to successfully complete the requirements of a treatment program, the suspension shall remain in effect until the defendant completes the program and is otherwise eligible for restoration of his operating privilege. The treatment agency shall immediately notify the court of successful completion of the treatment program. The final decision as to whether a defendant has successfully completed the treatment program rests with the court.

(e) (Reserved).

(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; July 11, 1990, P.L.513, No.122, eff. Dec. 1, 1990; Dec. 7, 1994, P.L.820, No.115, eff. imd.; Dec. 12, 1994, P.L.1048, No.143, eff. 9 months; Dec. 21, 1998, P.L.1126, No.151, eff. 1 year; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; May 11, 2006, P.L.159, No.37, eff. 60 days; May 11, 2006, P.L.164, No.40, eff. 60 days; Oct. 27, 2006, P.L.1182, No.122, eff. 60 days; July 20, 2017, P.L.333, No.30, eff. 15 months)

2017 Amendment. Act 30 amended subsecs. (a) and (e).

2006 Amendments. Act 37 amended subsec. (d), Act 40 amended subsec. (a.1) and Act 122 added subsec. (e).

2003 Amendment. Act 24 amended subsecs. (a.1), (c) and (d).
2002 Amendment. Act 123 amended the section heading and subsec. (a).
Cross References. Section 1541 is referred to in section 3815 of this title.

§ 1542. Revocation of habitual offender's license.

(a) General rule.--The department shall revoke the operating privilege of any person found to be a habitual offender pursuant to the provisions of this section. A "habitual offender" shall be any person whose driving record, as maintained in the department, shows that such person has accumulated the requisite number of convictions for the separate and distinct offenses described and enumerated in subsection (b) committed after the effective date of this title and within any period of five years thereafter.

(b) Offenses enumerated.--Three convictions arising from separate acts of any one or more of the following offenses committed by any person shall result in such person being designated as a habitual offender:

(1) Any violation of Subchapter B of Chapter 37 (relating to serious traffic offenses).

(1.1) Any violation of Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs) except for sections 3808(a)(1) and (b) (relating to illegally operating a motor vehicle not equipped with ignition interlock) and 3809 (relating to restriction on alcoholic beverages).

(1.2) Any violation of section 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked).

(2) Any violation of section 3367 (relating to racing on highways).

(3) Any violation of section 3742 (relating to accidents involving death or personal injury).

(3.1) Any violation of section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

(4) Any violation of section 3743 (relating to accidents involving damage to attended vehicle or property).

(c) Accelerative Rehabilitative Disposition as an offense.--Acceptance of Accelerative Rehabilitative Disposition for any offense enumerated in subsection (b) shall be considered an offense for the purposes of this section.

(d) Period of revocation.--The operating privilege of any person found to be a habitual offender under the provisions of this section shall be revoked by the department for a period of five years.

(e) Additional offenses.--Each additional offense committed within a period of five years, as measured from the date of any previous offense, shall result in a revocation for an additional period of two years.

(Dec. 7, 1994, P.L.820, No.115, eff. imd.; Dec. 12, 1994, P.L.1048, No.143, eff. 9 months; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (b).
1994 Amendment. Act 143 amended subsecs. (b) and (e).
Cross References. Section 1542 is referred to in sections 1516, 1534, 1541, 1543, 1554, 1575, 1783, 6503.1 of this title; section 5502 of Title 30 (Fish).

§ 1543. Driving while operating privilege is suspended or revoked.

(a) Offense defined.--Except as provided in subsection (b), any person who drives a motor vehicle on any highway or trafficway of this Commonwealth after the commencement of a suspension, revocation or cancellation of the operating privilege and before the operating privilege has been restored is guilty of a summary offense and shall, upon conviction or adjudication of delinquency, be sentenced to pay a fine of $200.

(b) Certain offenses.--

(1) The following shall apply:

(i) A person who drives a motor vehicle on a highway or trafficway of this Commonwealth at a time when the person's operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) or the former section 3731, because of a violation of section 1547(b)(1) (relating to suspension for refusal) or 3802 or former section 3731 or is suspended under section 1581 (relating to Driver's License Compact) for an offense substantially similar to a violation of section 3802 or former section 3731 shall, upon a first conviction, be guilty of a summary offense and shall be sentenced to pay a fine of $500 and to undergo imprisonment for a period of not less than 60 days nor more than 90 days.

(ii) A second violation of this paragraph shall constitute a summary offense and, upon conviction of this paragraph, a person shall be sentenced to pay a fine of $1,000 and to undergo imprisonment for not less than 90 days.

(iii) A third or subsequent violation of this paragraph shall constitute a misdemeanor of the third degree and, upon conviction of this paragraph, a person shall be sentenced to pay a fine of $2,500 and to undergo imprisonment for not less than six months.

(1.1) (i) A person who has an amount of alcohol by weight in his blood that is equal to or greater than .02% at the time of testing or who at the time of testing has in his blood any amount of a Schedule I or nonprescribed Schedule II or III controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or its metabolite or who refuses testing of blood or breath and who drives a motor vehicle on any highway or trafficway of this Commonwealth at a time when the person's operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3802 or former section 3731 or because of a violation of section 1547(b)(1) or 3802 or former section 3731 or is suspended under section 1581 for an offense substantially similar to a violation of section 3802 or former section 3731 shall, upon a first conviction, be guilty of a summary offense and shall be sentenced to pay a fine of $1,000 and to undergo imprisonment for a period of not less than 90 days.

(ii) A second violation of this paragraph shall constitute a misdemeanor of the third degree, and upon conviction thereof the person shall be sentenced to pay a fine of $2,500 and to undergo imprisonment for not less than six months.

(iii) A third or subsequent violation of this paragraph shall constitute a misdemeanor of the first degree, and upon conviction thereof the person shall be sentenced to pay a fine of $5,000 and to undergo imprisonment for not less than two years.

(2) This subsection shall apply to any person against whom one of these suspensions has been imposed whether the person is currently serving this suspension or whether the effective date of suspension has been deferred under any of the provisions of section 1544 (relating to additional period of revocation or suspension). This provision shall also apply until the person has had the operating privilege restored. This subsection shall also apply to any revocation imposed pursuant to section 1542 (relating to revocation of habitual offender's license) if any of the enumerated offenses was for a violation of section 3802 or former section 3731 or for an out-of-State offense that is substantially similar to a violation of section 3802 or former section 3731, for which a revocation is imposed under section 1581.

(c) Suspension or revocation of operating privilege.--Upon receiving a certified record of the conviction or adjudication of delinquency of any person under this section, the department shall suspend or revoke the person's operating privilege as follows:

(1) Except as provided for under paragraph (1.1), if the department's records show that the person was under suspension, recall or cancellation on the date of violation, and had not been restored, the department shall suspend the person's operating privilege for an additional one-year period.

(1.1) If the department's records show that the person was under an indefinite suspension on the date of violation for not satisfactorily completing a driver improvement school as required under section 1538 (relating to school, examination or hearing on accumulation of points or excessive speeding), and had not been restored, the department shall suspend the person's operating privilege for an additional 30-day period.

(2) If the department's records show that the person was under revocation on the date of violation, and had not been restored, the department shall revoke the person's operating privilege for an additional two-year period.

(d) Citation of appropriate subsection.--Prior to filing a citation for a violation of this section with the issuing authority named in the citation, the police officer shall verify the basis for the suspension with the department. Upon receiving the verification, the officer shall cite the appropriate subsection of this section on the citation.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Nov. 23, 1987, P.L.399, No.82, eff. 60 days; Dec. 12, 1994, P.L.1048, No.143, eff. 9 months; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; July 5, 2012, P.L.914, No.93, eff. 60 days; July 20, 2017, P.L.333, No.30, eff. 15 months; Oct. 24, 2018, P.L.925, No.153, eff. 60 days; Nov. 3, 2022, P.L.1783, No.120, eff. 14 mos.)

2022 Amendment. Act 120 amended subsec. (c).

2022 Unconstitutionality. Section 1543(b)(1)(ii) was declared unconstitutional on March 8, 2022, by the Superior

Court of Pennsylvania in Commonwealth v. Jackson, 271 A.3d 1286 (Pa. Super 2022).

2021 Unconstitutionality. Section 1543(b)(1.1)(i) was declared unconstitutional on April 29, 2021, by the Supreme Court of Pennsylvania in Commonwealth v. Eid, 249 A.3d 1030 (Pa. 2021).

2018 Amendment. Act 153 amended subsec. (b)(1).

2017 Amendment. Act 30 amended subsecs. (a) and (c).

2012 Amendment. Act 93 amended subsec. (b)(1.1)(i).

2003 Amendment. Act 24 amended subsec. (b).

1994 Amendment. Act 143 amended subsecs. (b) and (c). See section 4 of Act 143 in the appendix to this title for special provisions relating to habitual offenders.

1987 Amendment. Act 82 added subsec. (d).

Cross References. Section 1543 is referred to in sections 1540, 1541, 1542, 1547, 1549, 1553, 1554, 3732, 3732.1, 3735.1, 3807, 3811, 3812, 6309.1, 6503, 6506 of this title; section 8137 of Title 35 (Health and Safety); sections 1522, 1725.3, 5553, 9763 of Title 42 (Judiciary and Judicial Procedure).

§ 1544. Additional period of revocation or suspension.

(a) Additional point accumulation.--When any person's record shows an accumulation of additional points during a period of suspension or revocation, the department shall extend the existing period of suspension or revocation at the rate of five days for each additional point and the person shall be so notified in writing.

(b) Additional suspension.--When any person's record shows an additional suspension of the operating privilege assessed during a period of suspension or revocation, the department shall extend the existing period of suspension or revocation for the appropriate period and the person shall be so notified in writing.

(c) Revocation during suspension.--When any person's record shows an additional conviction calling for revocation of the operating privilege during a period of suspension, the department shall add the appropriate revocation onto the period of suspension and the person shall be so notified in writing.

(d) Revocation during revocation.--When any person's record shows a conviction calling for revocation of the operating privilege during a period of revocation, the department shall extend the existing period of revocation for the appropriate period and the person shall be so notified in writing.

Cross References. Section 1544 is referred to in sections 1543, 1545 of this title.

§ 1545. Restoration of operating privilege.

Upon the restoration of any person's operating privilege which has been suspended or revoked pursuant to this subchapter or pursuant to Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs), such person's record shall show five points, except that any additional points assessed against the person since the date of the last violation resulting in the suspension or revocation shall be added to such five points unless the person has served an additional period of suspension or revocation pursuant to section 1544(a) (relating to additional period of revocation or suspension). This section shall not apply to section 1533 (relating to suspension of operating privilege for failure to respond to citation) or to 18 Pa.C.S. § 6310.4 (relating to restriction of operating privileges).

(June 23, 1982, P.L.605, No.171, eff. imd.; June 16, 1989, P.L.25, No.8, eff. imd.; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

References in Text. 18 Pa.C.S. § 6310.4, referred to in the section, was repealed by the act of October 24, 2018 (P.L.659, No.95).

Cross References. Section 1545 is referred to in sections 1532, 3717 of this title.

§ 1546. Suspension or revocation of nonresident's operating privilege.

(a) General rule.--The privilege of driving a motor vehicle on the highways of this Commonwealth given to a nonresident shall be subject to suspension or revocation by the department in like manner and for like cause as a resident's operating privilege.

(b) Transmitting department action to state of residence.--When a nonresident's operating privilege is suspended or revoked, the department shall forward a certified copy of the record of such action to the motor vehicle administrator in the state wherein such person resides if there is a reciprocity agreement with the other state.

§ 1547. Chemical testing to determine amount of alcohol or controlled substance.

(a) General rule.--Any person who drives, operates or is in actual physical control of the movement of a vehicle in this Commonwealth shall be deemed to have given consent to one or more chemical tests of breath or blood for the purpose of determining the alcoholic content of blood or the presence of a controlled substance if a police officer has reasonable grounds to believe the person to have been driving, operating or in actual physical control of the movement of a vehicle in violation of section 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked), 3802 (relating to driving under influence of alcohol or controlled substance) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock).

(1) (Deleted by amendment).

(2) (Deleted by amendment).

(b) Civil penalties for refusal.--

(1) If any person placed under arrest for a violation of section 3802 is requested to submit to chemical testing and refuses to do so, the testing shall not be conducted but upon notice by the police officer, the department shall suspend the operating privilege of the person as follows:

(i) Except as set forth in subparagraph (ii), for a period of 12 months.

(ii) For a period of 18 months if any of the following apply:

(A) The person's operating privileges have previously been suspended under this subsection.

(B) The person has, prior to the refusal under this paragraph, been sentenced for:

(I) an offense under section 3802;

(II) an offense under former section 3731;

(III) an offense equivalent to an offense under subclause (I) or (II); or

(IV) a combination of the offenses set forth in this clause.

(2) It shall be the duty of the police officer to inform the person that:

(i) the person's operating privilege will be suspended upon refusal to submit to chemical testing and the person will be subject to a restoration fee of up to $2,000; and

(ii) if the person refuses to submit to chemical breath testing, upon conviction or plea for violating section 3802(a)(1), the person will be subject to the penalties provided in section 3804(c) (relating to penalties).

(3) Any person whose operating privilege is suspended under the provisions of this section shall have the same right of appeal as provided for in cases of suspension for other reasons.

(b.1) Other civil penalties for refusal.--

(1) If any person placed under arrest for a violation of section 1543(b)(1.1) or 3808(a)(2) is requested to submit to chemical testing and refuses to do so, the testing shall not be conducted; but, upon notice by the police officer and provided no suspension is imposed pursuant to subsection (b), the department shall suspend the operating privilege of the person for a period of six months.

(2) It shall be the duty of the police officer to inform the person that the person's operating privileges will be suspended upon refusal to submit to chemical testing and the person will be subject to a restoration fee of up to $2,000.

(3) Notwithstanding section 3805(c) (relating to ignition interlock), if any person receives a suspension pursuant to this subsection who at the time of the offense was required to comply with the provisions of section 3805 prior to obtaining a replacement license under section 1951(d) (relating to driver's license and learner's license) that does not contain an ignition interlock restriction, the suspension imposed pursuant to this subsection shall result in the recall of any ignition interlock restricted license previously issued and the driver shall surrender the ignition interlock restricted license to the department and, prior to the issuance of a replacement license under section 1951(d) that does not contain an ignition interlock restriction, the department shall require that the person comply with the provisions of section 3805.

(b.2) Restoration fees.--

(1) A person whose operating privilege has been suspended in accordance with subsection (b) or (b.1) shall:

(i) Except as provided in subparagraph (ii) or (iii), pay a restoration fee of $500.

(ii) If the department has previously suspended the person's operating privilege under this section on one occasion, pay a restoration fee of $1,000.

(iii) If the department has previously suspended the person's operating privilege under this section on two or more occasions, pay a restoration fee of $2,000.

(2) All restoration fees imposed under this section must be paid prior to the reinstatement of an individual's unrestricted operating privilege or in accordance with section 1556(b)(3) (relating to ignition interlock limited license).

(b.3) Limitation.--Nothing in this section shall be construed as limiting the ability of law enforcement to obtain chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania.

(c) Test results admissible in evidence.--In any summary proceeding or criminal proceeding in which the defendant is charged with a violation of section 3802 or any other violation of this title arising out of the same action, the amount of alcohol or controlled substance in the defendant's blood, as shown by chemical testing of the person's breath or blood, which tests were conducted by qualified persons using approved equipment, shall be admissible in evidence.

(1) Chemical tests of breath shall be performed on devices approved by the Department of Health using procedures prescribed jointly by regulations of the Departments of Health and Transportation. Devices shall have been calibrated and tested for accuracy within a period of time and in a manner specified by regulations of the Departments of Health and Transportation. For purposes of breath testing, a qualified person means a person who has fulfilled the training requirement in the use of the equipment in a training program approved by the Departments of Health and Transportation. A certificate or log showing that a device was calibrated and tested for accuracy and that the device was accurate shall be presumptive evidence of those facts in every proceeding in which a violation of this title is charged.

(2) (i) Chemical tests of blood, if conducted by a facility located in this Commonwealth, shall be performed by a clinical laboratory licensed and approved by the Department of Health for this purpose using procedures and equipment prescribed by the Department of Health or by a Pennsylvania State Police criminal laboratory. For purposes of blood testing, qualified person means an individual who is authorized to perform those chemical tests under the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act.

(ii) For purposes of blood testing to determine blood alcohol or controlled substance content levels, the procedures and equipment prescribed by the Department of Health shall be reviewed within 120 days of the effective date of this subparagraph and at least every two years thereafter to ensure that consideration is given to scientific and technological advances so that testing conducted in accordance with the prescribed procedures utilizing the prescribed equipment will be as accurate and reliable as science and technology permit.

(3) Chemical tests of blood, if conducted by a facility located outside this Commonwealth, shall be performed:

(i) by a facility licensed and approved by the Department of Health for this purpose; or

(ii) by a facility licensed to conduct the tests by the state in which the facility is located and licensed pursuant to the Clinical Laboratory Improvement Amendments of 1988 (Public Law 100-578, 102 Stat. 2903).

(4) For purposes of blood testing to determine the amount of a Schedule I or nonprescribed Schedule II or III controlled substance or a metabolite of such a substance, the Department of Health shall prescribe minimum levels of these substances which must be present in a person's blood in order for the test results to be admissible in a prosecution for a violation of section 1543(b)(1.1), 3802(d)(1), (2) or (3) or 3808(a)(2).

(d) Presumptions from amount of alcohol.--(Repealed).

(e) Refusal admissible in evidence.--In any summary proceeding or criminal proceeding in which the defendant is charged with a violation of section 3802 or any other violation of this title arising out of the same action, the fact that the defendant refused to submit to chemical testing as required by subsection (a) may be introduced in evidence along with other testimony concerning the circumstances of the refusal. No presumptions shall arise from this evidence but it may be considered along with other factors concerning the charge.

(f) Other evidence admissible.--Subsections (a) through (i) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of alcohol.

(g) Test results available to defendant.--Upon the request of the person tested, the results of any chemical test shall be made available to him or his attorney.

(g.1) Cost of testing.--The cost of chemical testing, including the drawing of blood, performed under this section shall be paid as follows:

(1) By the individual tested, if the individual was convicted of or placed into any preadjudication program or adjudicated delinquent for a violation of section 3802.

(2) By the requesting authority, if the individual was found not guilty under section 3802 or had the charges dismissed or withdrawn.

(h) Test by personal physician.--The person tested shall be permitted to have a physician of his own choosing administer an additional breath or blood chemical test and the results of the test shall also be admissible in evidence. The chemical testing given at the direction of the police officer shall not be delayed by a person's attempt to obtain an additional test.

(i) Request by driver for test.--Any person involved in an accident or placed under arrest for a violation of section 1543(b)(1.1), 3802 or 3808(a)(2) may request a chemical test of his breath or blood. Such requests shall be honored when it is reasonably practicable to do so.

(j) Immunity from civil liability and reports.--No physician, nurse or technician or hospital employing such physician, nurse or technician, and no other employer of such physician, nurse or technician shall be civilly liable for withdrawing blood and reporting test results to the police at the request of a police officer pursuant to this section. No physician, nurse or technician or hospital employing such physician, nurse or technician may administratively refuse to perform such tests and provide the results to the police officer except as may be reasonably expected from unusual circumstances that pertain at the time the request is made.

(k) Prearrest breath test authorized.--A police officer, having reasonable suspicion to believe a person is driving or in actual physical control of the movement of a motor vehicle while under the influence of alcohol, may require that person prior to arrest to submit to a preliminary breath test on a device approved by the Department of Health for this purpose. The sole purpose of this preliminary breath test is to assist the officer in determining whether or not the person should be placed under arrest. The preliminary breath test shall be in addition to any other requirements of this title. No person has any right to expect or demand a preliminary breath test. Refusal to submit to the test shall not be considered for purposes of subsections (b) and (e).

(l) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Adult." A person 21 years of age or older.

"Minor." A person under 21 years of age.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Feb. 12, 1984, P.L.53, No.12, eff. imd.; May 30, 1990, P.L.173, No.42, eff. Apr. 1, 1992; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; July 2, 1996, P.L.535, No.93; July 11, 1996, P.L.660, No.115, eff. 30 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Sept. 30, 2003, P.L.120, No.24; Nov. 29, 2004, P.L.1369, No.177, eff. imd.; May 11, 2006, P.L.164, No.40, eff. 60 days; May 25, 2016, P.L.236, No.33, eff. imd.; July 20, 2017, P.L.333, No.30)

2017 Amendment. Act 30 amended subsecs. (a), (b) and (b.1) and added subsecs. (b.2) and (b.3), effective immediately as to subsec. (b)(2)(ii) and six months as to subsecs. (a), (b) heading, (1), (2)(i) and (3), (b.1), (b.2) and (b.3).

2016 Amendment. Act 33 amended subsecs. (a), (c) intro. par., (2) and (3), (g.1), (h), (i) and (j).

2006 Amendment. Act 40 added subsec. (g.1).

2003 Amendment. Act 24 amended subsecs. (a), (b)(1) and (2), (c), (d), (e) and (i) and added subsec. (b.1), effective Sept. 30, 2003, as to subsec. (d) and February 1, 2004, as to the remainder of the section.

2003 Repeal. Act 24 repealed subsec. (d), effective February 1, 2004.

1996 Amendments. Act 93 amended subsec. (d) and added subsec. (l), effective in 30 days as to subsec. (d) and 60 days as to subsec. (l), and Act 115 amended subsec. (d) and added subsec. (l). Act 115 overlooked the amendment by Act 93 to subsec. (d), but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (d). The addition by Acts 93 and 115 of subsec. (l) are identical and therefore have been merged.

1984 Amendment. Act 12 amended subsec. (j). Section 12 of Act 12 provided that the amendment to section 1547 shall be retroactive to January 14, 1983.

Cross References. Section 1547 is referred to in sections 102, 1508, 1543, 1553, 1554, 1556, 1613, 3804, 3805 of this title; section 5125 of Title 30 (Fish); section 933 of Title 42 (Judiciary and Judicial Procedure).

§ 1548. Requirements for driving under influence offenders.

(a) Evaluation using Court Reporting Network.--(Deleted by amendment).

(b) Attendance at alcohol highway safety school.--(Deleted by amendment).

(c) Results of evaluation.--(Expired).

(d) Order for alcohol or drug commitment.--(Expired).

(e) Costs.--(Expired).

(f) Court-ordered intervention or treatment.--(Expired).

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Nov. 23, 1987, P.L.399, No.82, eff. 60 days; July 11, 1990, P.L.513, No.122, eff. Dec. 1, 1990; June 25, 1999, P.L.164, No.23, eff. 180 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2009 Expiration. Subsections (c), (d), (e) and (f) expired July 1, 2009. See Act 24 of 2003.

§ 1549. Establishment of schools.

(a) Driver improvement schools.--The department is authorized to establish and maintain driver improvement schools throughout this Commonwealth. The department may approve and conduct an annual review of the course material for the schools. The curriculum to be presented must be uniform throughout this Commonwealth, except as permitted under subsection (a.1)(3). All instructors shall be properly certified by the department after the completion of a course of instruction approved by the department.

(a.1) Third party authorized.--The department may authorize a third party to operate a driver improvement school, in addition to a driver improvement school operated by the department, for the purpose of fulfilling the requirements of subsection (a) and section 1538 (relating to school, examination or hearing on accumulation of points or excessive speeding) as follows:

(1) The third party may include, but need not be limited to:

(i) A nationally recognized nonprofit or not-for-profit organization which provides driver education services to improve traffic safety.

(ii) A private driving school in this Commonwealth.

(2) The third party shall offer classroom instruction, online instruction or a combination of both.

(3) The department shall establish a minimum curriculum requirement that is designed to create behavioral change in the driver, but shall not require the third party to implement the same curriculum utilized by a driver improvement school operated by the department under subsection (a), provided that the curriculum of the third party meets the minimum curriculum requirements of the department.

(4) The department shall establish minimum instruction hours for a person attending a driver improvement school operated by the third party, which shall be no less than four hours and no more than eight hours and shall be consistent among all authorized third-party providers.

(5) A third party approved by the department under this subsection may be authorized to administer an end-of-course examination required under section 1538 as part of the driver improvement school, provided that the examination is the same examination administered by the department.

(6) A third party may only operate a driver improvement school if the third party has entered into an agreement with the department and the agreement is in effect.

(7) The department may, at its discretion, impose additional requirements for a third party.

(b) Alcohol highway safety schools.--

(1) Each county, multicounty judicial district or group of counties combined under one program shall, in compliance with regulations of the department and the Department of Health, establish and maintain a course of instruction on the problems of alcohol and driving. The time during which the course is offered shall accommodate persons' work schedules, including weekend and evening times.

(2) These regulations shall include, but not be limited to, a uniform curriculum for the course of instruction, training and certification requirements for instructors and provision for the giving of both oral and written notice of the provisions of section 1543(b) (relating to driving while operating privilege is suspended or revoked) to all program participants.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Nov. 23, 1987, P.L.399, No.82, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Nov. 3, 2022, P.L.1783, No.120, eff. 14 mos.)

2022 Amendment. Act 120 amended subsec. (a) and added subsec. (a.1).

2003 Amendment. Act 24 amended subsec. (b). Section 20(2) of Act 24 provided that by October 1, 2004, the Department of Transportation shall promulgate regulations to implement subsec. (b).

Cross References. Section 1549 is referred to in sections 102, 3807 of this title.

§ 1550. Judicial review.

(a) General rule.--Any person who has been denied a driver's license, whose driver's license has been canceled, whose commercial driver's license designation has been removed or whose operating privilege has been recalled, suspended, revoked or disqualified by the department shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The appellant shall serve a copy of the petition for appeal, together with a copy of the notice of the action from which the appeal has been taken, upon the department's legal office.

(b) Supersedeas.--

(1) (i) Except as provided in subparagraphs (ii) and (iii), filing and service of a petition for appeal from a suspension or revocation shall operate as a supersedeas until final determination of the matter by the court vested with the jurisdiction of such appeals.

(ii) The filing and service of a petition for appeal from denial, recall, suspension or cancellation of a driver's license or from removal of the commercial driver's license designation under section 1503 (relating to persons ineligible for licensing; license issuance to minors; junior driver's license), 1504 (relating to classes of licenses), 1509 (relating to qualifications for school bus driver endorsement), 1514 (relating to expiration and renewal of drivers' licenses), 1519 (relating to determination of incompetency), 1572 (relating to cancellation of driver's license) or 1609.3 (relating to noncompliance with certification requirements) shall not act as a supersedeas unless ordered by the court after a hearing attended by the petitioner.

(iii) Further review by another court shall not operate as a supersedeas unless a court of competent jurisdiction determines otherwise.

(2) In the case of a disqualification of the commercial operating privilege, the driver may petition to the court of common pleas of his county of residence, which court may grant a supersedeas ex parte upon a showing of reasonable likelihood of successful prosecution of the appeal.

(c) Proceedings of court.--The court shall set the matter for hearing upon 60 days' written notice to the department and determine whether:

(1) the petitioner's driver's license should be denied or canceled;

(2) the petitioner's operating privilege should be suspended, revoked or recalled; or

(3) the petitioner's endorsement or commercial driver's license designation should be removed.

(d) Documentation.--

(1) In any proceeding under this section, documents received by the department from the courts or administrative bodies of other states or the Federal Government shall be admissible into evidence to support the department's case. In addition, the department may treat the received documents as documents of the department and use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). In addition, if the department receives information from courts or administrative bodies of other states or the Federal Government by means of electronic transmission, it may certify that it has received the information by means of electronic transmission and that certification shall be prima facie proof of the adjudication and facts contained in such an electronic transmission.

(2) In any proceeding under this section, documents received by the department from any other court or from an insurance company shall be admissible into evidence to support the department's case. In addition, if the department receives information from a court by means of electronic transmission or from an insurance company which is complying with its obligation under Subchapter H of Chapter 17 (relating to proof of financial responsibility) by means of electronic transmission, it may certify that it has received the information by means of electronic transmission, and that certification shall be prima facie proof of the adjudication and facts contained in such an electronic transmission.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; June 28, 1993, P.L.137, No.33, eff. July 1, 1993; July 2, 1993, P.L.408, No.58, eff. 60 days; Feb. 10, 1994, P.L.20, No.3, eff. 60 days; Oct. 7, 1996, P.L.688, No.118, eff. 60 days; June 25, 1999, P.L.164, No.23, eff. 180 days; Jan. 27, 2012, P.L.1, No.1, eff. imd.; Nov. 25, 2013, P.L.974, No.89, eff. imd.)

2013 Amendment. Act 89 reenacted subsec. (d)(2). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2012 Amendment . Act 1 amended subsecs. (a), (b)(1)(ii) and (c).

1996 Amendment. Act 118 amended subsecs. (a), (b) and (c).

1994 Amendment. Act 3 added subsec. (d). The amendment by Act 3 is identical to the amendments by Acts 33 and 58 of 1993 and therefore the text has been merged. See section 8 of Act 3 in the appendix to this title for special provisions relating to savings provision.

1993 Amendment. See section 12 of Act 58 in the appendix to this title for special provisions relating to savings provision.

Cross References. Section 1550 is referred to in sections 102, 1519, 1551, 1553, 1554, 1556, 1786, 3753 of this title; section 4355 of Title 23 (Domestic Relations); section 933 of Title 42 (Judiciary and Judicial Procedure).

§ 1551. Notice of department action.

The department shall promptly mail a notice to each person whose license is suspended as a result of the accumulation of points under section 1539 (relating to suspension of operating privilege on accumulation of points). The notice shall be mailed

to the address of record within six months following the conviction of a violation of this title that resulted in the addition of sufficient points to cause the suspension. Failure of the department to mail notice of suspension as required by this section shall prohibit the department from suspending the license of such person. This section shall not apply to any suspension which would have been imposed as the result of points which have been assigned to a person's record after the person has filed an appeal under section 1550 (relating to judicial review) until the appeal has been finally determined and for six months after the department is notified of the determination. This section shall not apply to a suspension imposed as the result of the determination of the appeal whether it be the reimposition of the suspension originally ordered or the imposition of a different suspension required because the department must recalculate the record due to a court order.
(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. July 1, 1999)

§ 1552. Accelerated Rehabilitative Disposition.

The court of common pleas in each judicial district and the Municipal Court of Philadelphia shall establish and implement a program for Accelerated Rehabilitative Disposition for persons charged with a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) in accordance with the provisions of this chapter, Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs) and rules adopted by the Supreme Court.
(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Nov. 29, 2004, P.L.1369, No.177, eff. imd.)

§ 1553. Occupational limited license.

(a) Issuance.--

(1) The department shall issue an occupational limited license under the provisions of this section to a driver whose operating privileges have been suspended for a violation of this title, except for an offense under section 3802 (relating to driving under influence of alcohol or controlled substance) or under former section 3731 (relating to driving under influence of alcohol or controlled substance) or for a refusal to submit to chemical testing under section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance), and is not prohibited under any other provision in this section. If the underlying reason for the suspension was caused by violations committed while the driver was operating a commercial motor vehicle, the driver shall not be issued an occupational limited license for the purpose of operating a commercial motor vehicle. The department shall prohibit the issuance of an occupational limited license when disqualified from doing so under the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570, 49 U.S.C. App. § 2701 et seq.) or the Motor Carrier Safety Improvement Act of 1999 (Public Law 106-159, 113 Stat. 1748).

(2) The department shall not issue an occupational limited license to drivers whose operating privileges have been recalled, canceled or revoked.

(b) Petition.--

(1) The applicant for an occupational limited license must file a petition with the department, by certified mail, setting forth in detail the need for operating a motor vehicle. The petition shall be on a form prescribed by the department and shall identify the specific motor vehicle or

vehicles the petitioner seeks permission to operate. The petition shall include an explanation as to why the operation of a motor vehicle is essential to the petitioner's occupation, work, trade, treatment or study. The petition shall identify the petitioner's employer, educational institution or treatment facility, as appropriate, and shall include proof of financial responsibility covering all vehicles which the petitioner requests to be allowed to operate. The department shall promulgate regulations to require additional information as well as additional evidence to verify the information contained in the petition.

(2) The petitioner shall surrender his driver's license in accordance with section 1540 (relating to surrender of license). If the petitioner's driver's license has been lost or stolen, the petitioner shall submit an application for a replacement license, along with the proper fee. If the petitioner is a nonresident licensed driver, the petitioner shall submit an acknowledgment of suspension in lieu of a driver's license. If the petitioner's license has expired, the petitioner shall submit an application for renewal, along with the appropriate fee. All fines, costs and restoration fees must be paid at the time of petition.

(3) Consistent with the provisions of this section, the department shall issue an occupational limited license to the applicant within 20 days of receipt of the petition.

(4) (i) A person whose operating privilege has been suspended for a conviction of section 1543 (relating to driving while operating privilege is suspended or revoked) may not petition for an occupational limited license unless department records show that the suspension for a conviction of section 1543 occurred only as the result of:

(A) a suspension for failure to respond to a citation imposed under the authority of section 1533 (relating to suspension of operating privilege for failure to respond to citation) or 6146 (relating to enforcement agreements);

(B) a suspension for failure to undergo a special examination imposed under the authority of section 1538(a) (relating to school, examination or hearing on accumulation of points or excessive speeding);

(C) a suspension for failure to attend a departmental hearing imposed under the authority of section 1538(b); or

(D) a suspension that occurred as a result of a violation of section 1772(b) (relating to suspension for nonpayment of judgments), 1774 (relating to payments sufficient to satisfy judgments) or 1775 (relating to installment payment of judgments).

(ii) The petition may not be filed until three months have been served for the suspension under section 1543(a).

(c) Fee.--The fee for applying for an occupational limited license shall be $65. This fee shall be nonrefundable and no other fee shall be required.

(d) Unauthorized issuance.--The department shall prohibit issuance of an occupational limited license to:

(1) A driver who is not licensed to drive by this or any other state.

(2) Any person who is required by this title to take an examination and who has failed to take and pass such an examination.

(3) Any person who has an unsatisfied judgment against him as the result of a motor vehicle operation, until such judgment has been satisfied under the provisions of section 1774 (relating to payments sufficient to satisfy judgments) or an installment agreement has been entered into to satisfy the judgment as permitted under section 1772(b) (relating to suspension for nonpayment of judgments) or 1775 (relating to installment payment of judgments) and the financial responsibility of such person has been established.

(4) Any person applying for an occupational limited license to operate a commercial motor vehicle whose commercial driver's license privilege is disqualified under the provisions of section 1611 (relating to disqualification).

(5) Any person who, at the time he applies for an occupational limited license, has previously been granted such a privilege within the period of five years next preceding such application.

(6) (Deleted by amendment).

(7) (Deleted by amendment).

(8) (Deleted by amendment).

(9) Except as set forth in subsection (d.3), any person whose operating privilege has been suspended for a violation of 18 Pa.C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) unless the suspension imposed has been fully served.

(10) (i) Except as provided under subparagraph (ii), any person whose operating privilege has been suspended pursuant to either former section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or section 1532(c) (relating to suspension of operating privilege) unless the suspension imposed has been fully served.

(ii) Subparagraph (i) shall not apply to a person whose:

(A) operating privilege has been suspended pursuant to either:

(I) former section 13(m) of The Controlled Substance, Drug, Device and Cosmetic Act; or

(II) section 1532(c) for a conviction of any offense involving the possession, sale, delivery, offering for sale, holding for sale or giving away of any controlled substance under the laws of the United States, this Commonwealth or any other state; and

(B) record of conviction, adjudication of delinquency or a granting of a consent decree was not sent to the department within the time period required under section 6323(1) (relating to reports by courts).

(11) Any person whose operating privilege has been suspended or revoked as the result of a conviction of or as a result of a court order in conjunction with an adjudication of delinquency or the granting of a consent decree for any offense under the following provisions, unless the suspension or revocation has been fully served:

Section 3345(a) (relating to meeting or overtaking school bus).

Section 3367 (relating to racing on highways).

Any violation of Ch. 37 Subch. B (relating to serious traffic offenses) or C (relating to accidents and accident reports).

(12) Any person whose operating privilege is currently suspended for failure to respond to a citation pursuant to section 1533 or 6146.

(13) Any person whose operating privilege is currently suspended pursuant to section 1784 (relating to proof of financial responsibility following violation), 1785 (relating to proof of financial responsibility following accident) or 1786 (relating to required financial responsibility).

(14) Any person whose operating privilege is currently suspended for failure to attend and satisfactorily complete a driver improvement course or failure to attend a hearing required under section 1538.

(15) Any person whose operating privilege has been suspended for a conviction of section 1543 unless department records show that the suspension for a conviction of section 1543 occurred only as a result of:

(i) a suspension for failure to respond to a citation imposed under the authority of section 1533 or 6146;

(ii) a suspension for failure to undergo a special examination imposed under the authority of section 1538(a); or

(iii) a suspension for failure to attend a departmental hearing imposed under the authority of section 1538(b).

(16) Any person whose operating privilege has been suspended under an interjurisdictional agreement as provided for in section 6146 as the result of a conviction or adjudication if the conviction or adjudication for an equivalent offense in this Commonwealth would have prohibited the issuance of an occupational limited license.

(17) Any person whose operating privilege has been suspended as the result of a conviction of a violation of section 7102(b) (relating to removal or falsification of identification number), 7103(b) (relating to dealing in vehicles with removed or falsified numbers), 7111 (relating to dealing in titles and plates for stolen vehicles), 7121 (relating to false application for certificate of title or registration) or 7122 (relating to altered, forged or counterfeit documents and plates) unless the suspension has been fully served.

(18) Any person whose operating privilege has been suspended under section 1532 (a.1) for conviction or adjudication of delinquency based on a violation of section 3732 (relating to homicide by vehicle) or 3735 (relating to homicide by vehicle while driving under influence).

(d.1) Adjudication eligibility.--(Deleted by amendment).

(d.2) Suspension eligibility.--(Deleted by amendment).

(d.3) Suspension eligibility related to Title 18 violation.--An individual whose operating privilege has been suspended for a violation of 18 Pa.C.S. § 6308 shall be eligible for an occupational limited license unless the individual has previously violated 18 Pa.C.S. § 6308.

(e) Offenses committed during a period for which an occupational limited license has been issued.--Any driver who has been issued an occupational limited license and as to whom the department receives a report of conviction of an offense for which the penalty is a cancellation, disqualification,

recall, suspension or revocation of operating privileges or a report under section 3815(c)(4) (relating to mandatory sentencing) shall have the occupational limited license recalled, and the driver shall surrender the limited license to the department or its agents designated under the authority of section 1540.

(f) Restrictions.--A driver who has been issued an occupational limited license shall observe the following:

(1) The driver shall operate a designated vehicle only:

(i) Between the driver's place of residence and place of employment or study and as necessary in the course of employment or conducting a business or pursuing a course of study where the operation of a motor vehicle is a requirement of employment or of conducting a business or of pursuing a course of study.

(ii) To and from a place for scheduled or emergency medical examination or treatment. This subparagraph includes treatment required under Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs).

(2) A driver who has been issued an occupational limited license shall not operate a school bus.

(3) Any person who violates the conditions of issuance or restrictions of the occupational limited license commits a summary offense and shall, upon conviction, pay a fine of $200 and, upon receipt of a certified record of conviction, the department shall recall the limited license.

(4) The operating privilege of a driver who has been issued an occupational limited license remains under suspension or revocation except when operating a motor vehicle in accordance with the conditions of issuance or restrictions of the occupational limited license.

(5) A driver who has been issued an occupational limited license shall possess a completed occupational limited license affidavit on a form prescribed by the department at all times when operating a motor vehicle. The driver shall exhibit the completed form upon demand by a police officer. The affidavit shall indicate that the driver is operating the motor vehicle at a time and between places in accordance with the restrictions of paragraph (1). An occupational limited license affidavit shall contain information required by regulations which shall be promulgated by the department. The driver is not required to possess a completed occupational limited license affidavit when operating a motor vehicle to a location for emergency medical treatment.

(g) Changes in condition.--A driver who is granted an occupational limited license shall immediately inform the department in writing of any change in the conditions under which that driver applied for the occupational limited license. Upon failure to give prompt notice of any changes or if the conditions for the limited license no longer exist, the department shall recall the occupational limited license.

(h) Appeal from denial or recall of occupational limited license.--Any driver who is denied an occupational limited license or whose occupational limited license is recalled may file with the department a petition for a hearing. The hearing shall be conducted in accordance with Title 2 (relating to administrative law and procedure). The department may charge a reasonable fee based on the cost to the department for conducting such a hearing. The appeal shall not operated as an automatic supersedeas. If an administrative hearing officer orders a supersedeas in any appeal, the petitioner shall earn no credit toward serving the suspension for which the petitioner

was granted an occupational limited license. An appeal from a decision of an administrative hearing officer may be taken in the manner provided in 42 Pa.C.S. § 763(a) (relating to direct appeals from government agencies). Appeals under this subchapter are exempt from the provisions of section 1550(b) (relating to judicial review) and from the provisions of 42 Pa.C.S. § 933 (relating to appeals from government agencies).
(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Dec. 7, 1994, P.L.820, No.115, eff. imd.; Dec. 12, 1994, P.L.1048, No.143, eff. 9 months; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2014; Oct. 27, 2014, P.L.2905, No.189, eff. imd.; May 25, 2016, P.L.236, No.33, eff. 15 months)

2016 Amendment. Act 33 amended subsec. (a)(1) and deleted subsecs. (d)(6), (7) and (8), (d.1) and (d.2).

2014 Amendment. Act 189 amended subsec. (d)(10). See section 3 of Act 189 in the appendix to this title for special provisions relating to retroactivity.

2013 Amendment. Act 89 amended subsec. (c). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2003 Amendment. Act 24 amended subsecs. (b)(1), (c), (d)(6), (8) and (9), (e) and (f) and added subsecs. (d.1), (d.2) and (d.3). See section 20(1) of Act 24 in the appendix to this title for special provisions relating to duties of Department of Transportation.

2002 Amendments. Act 123 amended subsecs. (b) and (d) and Act 229 amended subsecs. (a) and (d)(11).

1994 Amendments. Act 115 amended subsec. (d)(10) and Act 143 amended subsecs. (b), (d), (e) and (h). Act 143 overlooked the amendment by Act 115, but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (d)(10).

1990 Amendment. Act 42 added section 1553.

References in Text. Sections 7102 and 7103, referred to in subsec. (d)(17), are repealed.

Cross References. Section 1553 is referred to in sections 3806, 3815 of this title.

§ 1554. Probationary license.

(a) Issuance.--Unless otherwise prohibited under any other provision in this section, the department may issue a probationary license under this section to:

(1) a person who has been designated as a habitual offender under section 1542 (relating to revocation of habitual offender's license) and whose operating privilege has been revoked; or

(2) a person with an accumulation of suspensions or revocations wherein the cumulative term of suspension or revocation is five or more years.

The department may issue a probationary license for the operation of only a Class C noncommercial motor vehicle.

(b) Petition.--

(1) An applicant for a probationary license must file a petition with the department by certified mail setting forth in detail the need for operating a motor vehicle. The petition shall be on a form prescribed by the department and shall identify the specific motor vehicles the petitioner seeks permission to operate. The petition shall include the operator's name, address and operator number and proof of

financial responsibility. The department may require additional information as well as verification of the information contained in the petition. All fines, costs and restoration fees must be paid at the time of the petition.

(2) Before being eligible to petition for a probationary license, a person must have served the following terms of suspension or revocation for offenses enumerated in sections 1532 (relating to revocation or suspension of operating privilege), 1539 (relating to suspension of operating privilege on accumulation of points) and 1543 (relating to driving while operating privilege is suspended or revoked):

(i) A person with one to seven offenses must have served at least a three-year term of suspension or revocation.

(ii) A person with 8 to 14 offenses must have served at least a four-year term of suspension or revocation.

(iii) A person with 15 to 21 offenses must have served at least a five-year term of suspension or revocation.

(iv) A person with 22 or more offenses must have served at least a six-year term of suspension or revocation.

(3) The applicant must prove to the satisfaction of the department that the applicant has not driven a motor vehicle during the minimum period of suspension or revocation.

(c) Fee.--The fee for applying for a probationary license shall be $35. The fee shall be nonrefundable. The annual fee for issuance of a probationary license shall be $75, plus the cost of the photograph required in section 1510(a) (relating to issuance and content of driver's license), which shall be in addition to all other licensing fees.

(d) Initial issuance.--

(1) Prior to issuance of a probationary license, the petitioner must be interviewed at a departmental review session.

(2) The department may require the petitioner to satisfactorily complete one or more of the following:

(i) A driver improvement program, the cost of the program to be borne by the petitioner.

(ii) Any examination as provided for in section 1508 (relating to examination of applicant for driver's license).

(iii) A special examination that addresses knowledge of safe driving practices, departmental sanctions and related safety issues.

(3) The probationary license shall be issued only upon recommendation of the department.

(4) If the applicant recommended for a probationary license is not licensed to drive in this or any other state, the licensee shall not immediately be issued a probationary license. The applicant shall be permitted to apply for a Class C learner's permit under the provisions of section 1505(a) (relating to learners' permits). Thirty days after the issuance of the learner's permit, the applicant shall be eligible to test for a driver's license under the provisions of section 1508(a). If the applicant successfully passes all the required examinations, the department then may issue a probationary license to the applicant.

(e) Renewal.--The department may require a probationary license holder to attend a departmental review session and to satisfactorily complete a driver improvement program or special examination preceding renewal of the probationary license.

(f) Unauthorized issuance.--The department shall not issue a probationary license to:

(1) A person who has not fully served a minimum term of suspension or revocation under the provisions of subsection (b)(2).

(2) Except as provided in subsection (d)(4), a person who is not licensed to drive by this or any other state.

(3) A person whose operating privilege is currently suspended under section 1533 (relating to suspension of operating privilege for failure to respond to citation) or 6146 (relating to enforcement agreements).

(4) A person who has not satisfactorily completed a driver improvement course or special examination or who has not attended a hearing required under section 1538 (relating to school, examination or hearing on accumulation of points or excessive speeding).

(5) A person against whom there is an unsatisfied judgment resulting from the operation of a motor vehicle, until the judgment has been satisfied under the provisions of section 1774 (relating to payments sufficient to satisfy judgments) or an installment agreement has been entered into to satisfy the judgment as permitted under section 1772(b) (relating to suspension for nonpayment of judgments) or 1775 (relating to installment payment of judgments) and the financial responsibility of the person has been established.

(6) (Deleted by amendment).

(7) A person who has previously been issued a probationary license.

(8) A person who has been convicted of a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) or former section 3731, within the preceding seven years.

(9) A person who has been suspended for refusal to submit to chemical testing to determine the amount of alcohol or controlled substance within the preceding seven years.

(10) A person who has been granted Accelerated Rehabilitative Disposition for the offense of driving under the influence of alcohol or a controlled substance within the preceding seven years.

(11) A person who has ever been convicted of a violation of section 3732 (relating to homicide by vehicle) or 3735 (relating to homicide by vehicle while driving under influence).

(12) A person convicted of a violation of section 1543(b) within the preceding seven years.

(13) A person who has been convicted of a violation of section 3742.1 (relating to accidents involving death or personal injury while not properly licensed) within the preceding seven years.

(14) A person who has been convicted of a violation of section 3735.1 (relating to aggravated assault by vehicle while driving under the influence) within the preceding seven years.

(g) Offenses or violations committed during a period for which a probationary license has been issued.--

(1) If a person who has been issued a probationary license is convicted of any of the offenses enumerated in section 1535 (relating to schedule of convictions and points), the probationary license shall be recalled for 30 days for each point accumulated, and the person shall surrender the probationary license to the department or its

agents designated under the authority of section 1540 (relating to surrender of license).

(2) If a person who has been issued a probationary license is convicted, adjudicated delinquent or admitted to any preadjudication program for an offense for which the penalty is suspension, cancellation, disqualification or revocation of the operating privilege or if the department receives a report that the person has refused to submit to chemical testing as required by section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) or a report that the driver has been granted a consent decree or Accelerated Rehabilitative Disposition, the probationary license shall be canceled, and the person shall surrender the probationary license to the department or its agents designated under the authority of section 1540.

(h) Restrictions on use of probationary license.--

(1) For the first three years after initial issuance of a probationary license, the person who has been issued the probationary license shall operate only the specific motor vehicles identified in the petition filed with the department and only between the hours of 6 a.m. and 7 p.m. or such later hour as may be agreed to by the department.

(2) Any person who violates the conditions of issuance or restrictions of a probationary license commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $500, and the department shall recall the probationary license for a period of one year.

(i) Term of license.--A probationary license shall be valid for a period of one year from the date of issuance. If the driver has complied with the provisions of this section, the license may be renewed on an annual basis.

(j) Appeal from cancellation, denial or recall of probationary license.--

(1) A person who is denied a probationary license or whose probationary license is canceled or recalled may file with the department a petition for a hearing.

(2) The hearing shall be conducted in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

(3) The department may charge a reasonable fee based on the cost to the department for the hearing.

(4) The appeal shall not operate as an automatic supersedeas. If the administrative hearing officer orders a supersedeas, the petitioner shall earn no credit towards serving the suspension for which the petitioner was granted a probationary license.

(5) An appeal from a decision of an administrative hearing officer may be taken in the manner provided in 42 Pa.C.S. § 763(a) (relating to direct appeals from government agencies). Such appeals are exempt from the provisions of section 1550(b) (relating to judicial review) and from the provisions of 42 Pa.C.S. § 933 (relating to appeals from government agencies).

(k) Limitation.--A person to whom a probationary license is issued for six consecutive years shall be eligible to apply for a regular driver's license at the fee prescribed by section 1951(a) (relating to driver's license and learner's permit) upon satisfactory completion of the sixth year of the probationary license.

(Dec. 12, 1994, P.L.1048, No.143, eff. 9 months; Dec. 21, 1998, P.L.1126, No.151; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Nov. 25, 2013, P.L.974,

No.89, eff. Jan. 1, 2015; July 20, 2017, P.L.333, No.30, eff. 15 months)

2017 Amendment. Act 30 amended subsec. (b)(2).
2013 Amendment. Act 89 amended subsec. (c). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.
2003 Amendment. Act 24 amended subsec. (f)(8).
2002 Amendments. Act 123 amended subsecs. (d), (f)(2) and (g) and Act 229 added subsec. (f)(13) and (14).
1998 Amendment. Act 151 amended subsecs. (a) and (f)(4) and deleted subsec. (f)(6), effective in one year as to subsec. (a), July 1, 1999, as to subsec. (f)(4) and 60 days as to subsec. (f)(6).
1994 Amendment. Act 143 added section 1554.
Cross References. Section 1554 is referred to in section 1516 of this title.

§ 1555. Delay of suspension, revocation or disqualification.

(a) General rule.--Upon receiving certification that a person has filed a timely appeal from a criminal conviction that has caused the department to issue a notice of suspension, revocation or disqualification, the department may delay commencement of the suspension, revocation or disqualification for a period of up to six months. It shall be the responsibility of the person to obtain from the court in which the appeal was filed a statement which certifies that the person filed a timely appeal from the conviction and to forward the certification to the department, accompanied by a request for the six-month delay from the department.

(b) Additional delay.--A person may obtain an additional six-month delay if the person obtains and forwards to the department an additional certification from the court that the appeal is still pending before the court.

(c) Period of delay.--An initial or additional six-month period of delay shall be measured from the date on which the court certifies that the appeal is pending before it.
(July 6, 1995, P.L.315, No.48, eff. 60 days)

1995 Amendment. Act 48 added section 1555.

§ 1556. Ignition interlock limited license.

(a) Issuance.--

(1) The department shall issue an ignition interlock limited license under this section to an individual whose operating privileges have been suspended or revoked for:

(i) a violation under section 3802 (relating to driving under influence of alcohol or controlled substance) or under former section 3731 (relating to driving under influence of alcohol or controlled substance) or a violation substantially similar to a violation under this paragraph in another jurisdiction; or

(ii) a refusal to submit to chemical testing under section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance).

(2) The department shall issue an ignition interlock limited license under the provisions of this section only upon receiving proof that any motor vehicle to be operated by the individual has been equipped with an approved ignition interlock system as defined in section 3801 (relating to definitions) as a condition of issuing an ignition interlock limited license. Any vehicle to be operated by the individual, during any period in which the individual holds

a valid ignition interlock limited license, must be equipped with an ignition interlock system.

(3) An ignition interlock limited license issued under the provisions of this section permits an individual to operate motor vehicles equipped with a functioning ignition interlock system, as defined in section 3801.

(4) Any period in which an individual holds a valid ignition interlock limited license under this section shall be counted toward satisfaction of any mandatory period of ignition interlock use imposed under section 3805 (relating to ignition interlock) arising from the same incident.

(b) Petition.--

(1) An applicant for an ignition interlock limited license shall file a petition with the department, by certified mail, on a form prescribed by the department, and shall include proof that an approved ignition interlock system, as defined in section 3801, has been installed in one or more motor vehicles that the applicant seeks permission to operate.

(2) The petition shall also include proof of financial responsibility covering each vehicle the applicant requests to be permitted to operate. The department shall promulgate regulations to require additional information as well as additional evidence to verify the information contained in the petition.

(3) The applicant shall surrender the applicant's driver's license in accordance with section 1540 (relating to surrender of license). If the applicant's driver's license has been lost or stolen, the applicant shall submit an application for a replacement license, along with the proper fee. If the applicant is a nonresident licensed driver, the applicant shall submit an acknowledgment of suspension in lieu of a driver's license. If the applicant's license has expired, the applicant shall submit an application for renewal, along with the appropriate fee. All fines and costs must be paid at the time of petition unless the applicant is currently on a payment plan. Restoration fees required under section 1960 (relating to reinstatement of operating privilege or vehicle registration) must be paid at the time of petition. Restoration fees required under section 1547(b.2) must be paid as follows:

(i) One-half of the amount must be paid at the time of petition.

(ii) The remaining amount must be paid at the time of application for an unrestricted driver's license.

(4) Consistent with the provisions of this section, if the applicant is qualified, the department shall issue an ignition interlock limited license within 20 days of receipt of the petition and all other requirements for issuance.

(c) Fee.--The application fee for an ignition interlock limited license shall be $65. This fee shall be nonrefundable.

(d) Unauthorized issuance.--The department shall prohibit issuance of an ignition interlock limited license to:

(1) Any individual who is not licensed to drive by the Commonwealth or any other state.

(2) Any individual who is required by this title to take an examination and who has failed to take and pass the examination.

(3) Any individual whose operating privilege has been recalled or canceled.

(4) Any individual who has an unsatisfied judgment against the individual as the result of a motor vehicle

operation, until the judgment has been satisfied under the provisions of section 1774 (relating to payments sufficient to satisfy judgments) or an installment agreement has been entered into to satisfy the judgment, as permitted under section 1772(b) (relating to suspension for nonpayment of judgments) or 1775 (relating to installment payment of judgments), and the financial responsibility of the person has been established.

(5) Any individual applying for an ignition interlock limited license to operate a commercial motor vehicle.

(6) Any individual if the department is disqualified from issuing the ignition interlock limited license under the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570, 49 U.S.C. § 31302 et seq.) or the Motor Carrier Safety Improvement Act of 1999 (Public Law 106-159, 113 Stat. 1748).

(7) Any individual whose operating privilege has been suspended under section 1532(a.1) (relating to suspension of operating privilege) for conviction or adjudication of delinquency based on a violation of section 3732 (relating to homicide by vehicle) or 3735 (relating to homicide by vehicle while driving under influence).

(e) Adjudication eligibility.--An individual whose operating privilege has been suspended or revoked for a conviction of an offense under section 3802 or under former section 3731 or an offense substantially similar to an offense under section 3802 or former section 3731 in another jurisdiction shall be eligible to apply for and, if otherwise qualified, be issued an ignition interlock limited license upon receipt of notice of the suspension or revocation.

(f) Suspension eligibility.--The following shall apply:

(1) An individual whose license has been suspended under section 1547(b) shall be eligible to apply for and, if otherwise qualified, be issued an ignition interlock limited license under this section if the individual:

(i) has served six months of the suspension imposed under section 1547(b)(1)(i); or

(ii) has served nine months of the suspension imposed under section 1547(b)(1)(ii).

(2) An individual whose license has been suspended under section 3804(e) (relating to penalties) shall be eligible to apply for and, if otherwise qualified, be issued an ignition interlock limited license under this section if the individual:

(i) has not had a prior offense, as defined under section 3806 (relating to prior offenses). The individual shall be immediately eligible for a suspension imposed under section 3804(e)(2)(i);

(ii) has served six months of the suspension imposed under section 3804(e)(2)(i); or

(iii) has served nine months of the suspension imposed under section 3804(e)(2)(ii).

(3) An individual whose license has been suspended under section 3807(d) (relating to Accelerated Rehabilitative Disposition) shall be eligible, but not required, to apply for and, if otherwise qualified, be issued an ignition interlock limited license under this section for the duration of the suspension.

(g) Duration.--An individual may hold a valid ignition interlock limited license under this section for the duration of the mandatory period of ignition interlock usage imposed under section 3805 arising from the same incident.

(h) Required proof.--The department shall issue an ignition interlock limited license under the provisions of this section only upon receiving proof that any motor vehicle to be operated by the individual has been equipped with an approved ignition interlock system as defined in section 3801 as a condition of issuing an ignition interlock limited license. Any vehicle to be operated by the individual, during any period in which the individual holds a valid ignition interlock limited license, must be equipped with an ignition interlock system.

(i) Offenses reported during a period for which an ignition interlock limited license has been issued.--If the department receives a report of an offense for which the penalty is a cancellation, disqualification, recall, suspension or revocation of operating privileges or a report under section 3815(c)(4) (relating to mandatory sentencing) for any individual who has been issued an ignition interlock limited license, the department, at its sole discretion, shall either:

(1) extend the term of the ignition interlock limited license for up to the original term for which the driver's license was suspended or revoked; or

(2) recall the ignition interlock limited license, and the individual shall surrender the limited license to the department or its agents designated under the authority of section 1540.

(j) Restrictions.--

(1) Pursuant to subsection (a)(2), an individual who has been issued an ignition interlock limited license shall operate only motor vehicles equipped with a functioning ignition interlock system, as defined in section 3801.

(2) The operating privileges of an individual who has been issued an ignition interlock limited license remain under suspension or revocation, except when operating a motor vehicle in accordance with the conditions of issuance and restrictions of the ignition interlock limited license.

(k) Employment exemption.--If a person with an ignition interlock limited license is required in the course and scope of employment to drive, operate or be in actual physical control of the movement of a motor vehicle owned by the person's employer, the following apply:

(1) except as set forth in paragraph (2), the person may drive, operate or be in actual physical control of the movement of that motor vehicle in the course and scope of employment without installation of an ignition interlock system if:

(i) the employer has been notified that the employee is restricted; and

(ii) the employee has proof of the notification in the employee's possession while driving, operating or being in actual physical control of the movement of the employer's motor vehicle. Proof of the notification may be established only by the notarized signature of the employer acknowledging notification on a form which shall be provided by the department for this purpose and shall include a contact telephone number of the employer.

(2) Paragraph (1) does not apply in any of the following circumstances:

(i) To the extent that an employer-owned motor vehicle is made available to the employee for personal use.

(ii) If the employer-owned motor vehicle is owned by an entity which is wholly or partially owned or controlled by the person subject to this section.

(iii) If the employer-owned motor vehicle is a school bus, a school vehicle or a vehicle designed to transport more than 15 passengers, including the driver.

(l) Appeal from denial or recall of ignition interlock limited license.--

(1) Any individual who is denied an ignition interlock limited license or whose ignition interlock limited license is extended or recalled under subsection (i) may file with the department a petition for a hearing. The hearing shall be conducted in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

(2) The department may charge a reasonable fee based on the cost to the department for conducting the hearing.

(3) The appeal shall not operate as an automatic supersedeas. If an administrative hearing officer orders a supersedeas in any appeal, the individual shall earn no credit toward serving the suspension for which the individual was granted an ignition interlock limited license.

(4) An appeal from a decision of an administrative hearing officer may be taken in the manner provided in 42 Pa.C.S. § 763(a) (relating to direct appeals from government agencies).

(5) Appeals under this subsection are exempt from the provisions of section 1550(b) (relating to judicial review) and from the provisions of 42 Pa.C.S. § 933 (relating to appeals from government agencies).

(May 25, 2016, P.L.236, No.33, eff. 15 months; July 20, 2017, P.L.333, No.30)

2017 Amendment. Act 30 amended subsecs. (b)(3) and (f), effective immediately as to subsec. (b)(3) and 15 months as to subsec. (f).

2016 Amendment. Act 33 added section 1556.

Cross References. Section 1556 is referred to in sections 1547, 3805, 3806, 3808 of this title.

SUBCHAPTER C
VIOLATIONS

Sec.

1571. Violations concerning licenses.
1572. Cancellation of driver's license.
1573. Displaying a foreign license during suspension or revocation.
1574. Permitting unauthorized person to drive.
1575. Permitting violation of title.
1576. Local authorities liable for negligence of their employees (Repealed).

§ 1571. Violations concerning licenses.

(a) Offenses defined.--It is unlawful for any person:

(1) To exhibit or cause or permit to be exhibited or have in possession any recalled, canceled, suspended, revoked or disqualified driver's license.

(2) To lend a driver's license to any other person or permit the use thereof by another.

(3) To exhibit or represent as one's own any driver's license not issued to the person.

(4) To fail or refuse to surrender to the department upon lawful demand a recalled, canceled, suspended, revoked, disqualified, fictitious or fraudulently altered driver's license.

(5) To exhibit or cause or permit to be exhibited or have in possession a fictitious or fraudulently altered driver's license.

(a.1) Employees and agents.--It is unlawful for any department employee or any agent of the department to issue a fictitious or fraudulently altered driver's license when the employee or agent has knowledge that the application for the driver's license or the driver's license contains fictitious or fraudulent information.

(b) Penalty.--

(1) Any person violating the provisions of subsection (a)(1) through (4) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $100.

(2) Any person violating the provisions of subsection (a)(5) commits a misdemeanor of the first degree and shall be sentenced as provided in 18 Pa.C.S. §§ 1101(4) (relating to fines) and 1104(1) (relating to sentence of imprisonment for misdemeanors).

(3) Any person violating the provisions of subsection (a.1) commits a felony of the third degree and shall be sentenced as provided in 18 Pa.C.S. §§ 1101(3) (relating to fines) and 1103(3) (relating to sentence of imprisonment for felony). Each fictitious or fraudulently altered driver's license issued by a department employee or an agent of the department shall constitute a separate offense.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Oct. 2, 2002, P.L.801, No.114, eff. 60 days)

Cross References. Section 1571 is referred to in section 1535 of this title.

§ 1572. Cancellation of driver's license.

(a) General rule.--

(1) The department may cancel any driver's license upon determining that one of the following applies:

(i) The licensee was not entitled to the issuance.

(ii) The person failed to give the required or correct information on an application or certification or committed fraud in making the application or in obtaining the license.

(iii) The license has been materially altered.

(iv) The fee has not been paid.

(v) The licensee voluntarily surrenders his driving privilege.

(2) Upon the cancellation, the licensee shall immediately surrender the canceled license to the department.

(b) Other states.--The department shall cancel a driver's license issued to an individual who has applied for a Pennsylvania driver's license after the commission of an offense in another state which later resulted in suspension, revocation or disqualification in the other state if the offense would have resulted in the suspension, revocation or disqualification under this title or where the offense was substantially similar to offenses which in this State would have caused a suspension, revocation or disqualification.

(July 10, 1990, P.L.356, No.83, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Jan. 27, 2012, P.L.1, No.1, eff. imd.)

2012 Amendment. Act 1 amended subsec. (a)(1)(ii).

1998 Amendment. Act 151 amended subsec. (b).

Cross References. Section 1572 is referred to in sections 1550, 1611 of this title.

§ 1573. Displaying a foreign license during suspension or revocation.

(a) Offense defined.--It is unlawful for any resident or nonresident whose operating privilege to drive a motor vehicle in this Commonwealth has been recalled, canceled, suspended, revoked or disqualified as provided in this title to display a license or permit issued by any other jurisdiction or otherwise during the suspension or after the recall, cancellation, revocation or disqualification until the individual's operating privilege has been restored by the department.

(b) Display of regular license.--

(1) A resident of this Commonwealth who holds a commercial driver's license issued by this Commonwealth under Chapter 16 (relating to commercial drivers) shall be permitted to display a regular driver's license issued by the department in the event that the resident's commercial driver's license is disqualified.

(2) A nonresident who holds a commercial driver's license issued by a state other than this Commonwealth shall be permitted to display a regular driver's license issued by that person's state of residence in the event that the nonresident's commercial driver's license is disqualified.

(3) A nonresident who holds a nonresident commercial driver's license issued by this Commonwealth under Chapter 16 shall be permitted to display a regular driver's license issued by the nonresident's country in the event that the person's nonresident commercial driver's license is disqualified.

(c) Penalty.--Any person violating the provisions of this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $200. This penalty shall be in addition to any other penalties imposed under this title.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990)

§ 1574. Permitting unauthorized person to drive.

(a) General rule.--No person shall authorize or permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under this chapter or who is not licensed for the type or class of vehicle to be driven.

(b) Penalty.--Any person violating the provisions of subsection (a) is guilty of a summary offense and shall be jointly and severally liable with the driver for any damages caused by the negligence of such driver in operating the vehicle.

§ 1575. Permitting violation of title.

(a) General rule.--No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven in violation of any of the provisions of this title.

(b) Penalty.--Any person violating the provisions of subsection (a) is guilty of a summary offense and is subject to the same fine as the driver of the vehicle. If the driver is convicted under section 3735 (relating to homicide by vehicle while driving under influence) or 3802 (relating to driving under influence of alcohol or controlled substance), the person violating subsection (a) shall also be subject to suspension or revocation, as applicable, under sections 1532 (relating to revocation or suspension of operating privilege), 1542 (relating to revocation of habitual offender's license) and 3804(e) (relating to penalties).

(c) Indemnification.--In cases where a driver of a motor vehicle is required to conduct a pretrip safety inspection pursuant to department regulations and is subsequently convicted

of one or more equipment violations under this title, the owner of the vehicle shall indemnify the driver for any fines and costs paid if the specific equipment violation was listed on the driver's pretrip inspection report and acknowledged in writing by the owner.
(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (b).

§ 1576. Local authorities liable for negligence of their employees (Repealed).

1978 Repeal. Section 1576 was repealed November 26, 1978, P.L.1399, No.330, effective in 60 days.

SUBCHAPTER D
DRIVER'S LICENSE COMPACT

Sec.
1581. Driver's License Compact.
1582. Definitions.
1583. Compensation of compact administrator.
1584. Furnishing of information to other states.
1585. Actions of courts and other agencies.
1586. Duties of department.

Enactment. Subchapter D was added December 10, 1996, P.L.925, No.149, effective immediately unless otherwise noted.
Cross References. Subchapter D is referred to in section 3804 of this title.

§ 1581. Driver's License Compact.

The Driver's License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article I
Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with State and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

Article II
Definitions

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense and which conviction or forfeiture is required to be reported to the licensing authority.

Article III
Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted, describe the violation specifying the section of the statute, code or ordinance violated, identify the court in which action was taken, indicate whether a plea of guilty or not guilty was entered or the conviction was a result of the forfeiture of bail, bond or other security and shall include any special findings made in connection therewith.

Article IV
Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state in the case of convictions for:

(1) manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) any felony in the commission of which a motor vehicle is used; or

(4) failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) of this article as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

Article V
Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

Article VI
Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

Article VII
Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

Article VIII
Entry into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

Article IX
Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is

held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Effective Date. Section 10 of Act 149 of 1996 provided that, in recognition of the technical and administrative limitations under which the Department of Transportation is currently operating, the effective date of section 1581 Art. IV(b) shall be suspended until the repeal of section 10. Section 11(2) of Act 149 provided that the addition of section 1581 Art. IV(b) shall take effect on the date of the repeal of section 10 of Act 149.

Cross References. Section 1581 is referred to in sections 1532, 1543, 3804 of this title.

§ 1582. Definitions.

As used in this subchapter and in the compact with reference to this Commonwealth:

(1) "Licensing authority" means the Department of Transportation of the Commonwealth.

(2) "Executive head" means the Governor.

(3) "Compact administrator" means the Secretary of Transportation of the Commonwealth.

§ 1583. Compensation of compact administrator.

The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

§ 1584. Furnishing of information to other states.

The Department of Transportation of the Commonwealth shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact. The omission from any report received by the department from a party state of any information required by Article III of the compact shall not excuse or prevent the department from complying with its duties under Articles IV and V of the compact.

(Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

§ 1585. Actions of courts and other agencies.

Any court or other agency of this Commonwealth, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the Department of Transportation within the period specified in sections 6322 (relating to reports by issuing authorities) and 6323 (relating to reports by courts).

§ 1586. Duties of department.

The department shall, for purposes of imposing a suspension or revocation under Article IV of the compact, treat reports of convictions received from party states that relate to driving, operating or being in actual physical control of a vehicle while impaired by or under the influence of alcohol, intoxicating liquor, drugs, narcotics, controlled substances or other impairing or intoxicating substance as being substantially similar to section 3802 (relating to driving under

influence of alcohol or controlled substance). The fact that the offense reported to the department by a party state may require a different degree of impairment of a person's ability to operate, drive or control a vehicle than that required to support a conviction for a violation of section 3802 shall not be a basis for determining that the party state's offense is not substantially similar to section 3802 for purposes of Article IV of the compact.
(Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

CHAPTER 16
COMMERCIAL DRIVERS

Sec.
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1619. Prohibition against discharging, disciplining or discriminating against employees.
1620. Commercial driver records.
1621. Texting while driving.
1622. Handheld mobile telephone.

Enactment. Chapter 16 was added May 30, 1990, P.L.173, No.42, effective November 1, 1990, unless otherwise noted.

Special Provisions in Appendix. See section 20 of Act 42 of 1990 in the appendix to this title for special provisions relating to transition to commercial drivers' licenses.

Cross References. Chapter 16 is referred to in sections 1501, 1502, 1516, 1573 of this title; section 7416 of Title 35 (Health and Safety).

§ 1601. Short title of chapter.

This chapter shall be known and may be cited as the Uniform Commercial Driver's License Act.

§ 1602. Purpose and construction of chapter.

(a) Purpose.--The purpose of this chapter is to implement the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. app. § 2701 et seq.) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:

(1) Permitting commercial drivers to hold only one driver's license.

(2) Disqualifying commercial drivers who have committed certain serious traffic violations or other specified offenses.

(3) Strengthening licensing and testing standards.

(b) Construction.--This chapter is a remedial law and shall be liberally construed to promote the public health, safety and welfare. To the extent that this chapter conflicts with other driver licensing provisions, this chapter prevails. Where this chapter is silent, the general driver licensing provisions apply.

§ 1603. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commercial driver learner's permit." A permit issued pursuant to section 1607(d) (relating to commercial driver's license qualification standards).

"Commercial driver's license" or **"CDL."** A driver's license issued in accordance with the requirements of this chapter authorizing a person 18 years of age or older to drive a class of commercial motor vehicle.

"Commercial driver's license holder" or **"CDL holder."** A person who has been issued a commercial driver's license or a commercial driver learner's permit.

"Commercial Driver's License Information System" or **"CDLIS."** The information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. app. § 2701 et seq.) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial motor vehicle." A motor vehicle or combination designed or used to transport passengers or property:

(1) if the vehicle has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds or such lesser rating as the department shall adopt under the provisions of section 6103(c) (relating to promulgation of rules and regulations by department), as determined by Federal regulation and published by the department as a notice in the Pennsylvania Bulletin;

(1.1) if the vehicle has a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater;

(2) if the vehicle is designed to transport 16 or more passengers, including the driver;

(3) if the vehicle is a school bus; or

(4) if the vehicle is transporting hazardous materials and is required to be placarded in accordance with department regulations.

The term does not include an antique or classic motor vehicle, or an implement of husbandry, or any motor home or recreational trailer operated solely for personal use, or motorized construction equipment, including, but not limited to, motorscrapers, backhoes, motorgraders, compactors, excavators, tractors, trenchers and bulldozers.

"Controlled substance." Any substance so defined or classified under:

(1) The act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) Section 102(6) of the Controlled Substance Act (Public Law 91-513, 21 U.S.C. § 802(6)).

(3) Schedules I through V of 21 CFR Part 1308.

(4) Any revisions to paragraphs (2) or (3) which are published by the Department of Transportation as notices in the Pennsylvania Bulletin.

"Conviction." For the purposes of this chapter, a conviction includes a finding of guilty or the entering of a plea of guilty, nolo contendere or the unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court as determined by the law of the jurisdiction in which the prosecution was held. A payment of the fine or court cost or entering into an installment agreement to pay the fine or court cost for the violation by any person charged with a violation of this title is a plea of guilty. The term shall include the acceptance of Accelerated Rehabilitative Disposition or other preadjudication disposition for an offense or an unvacated finding of guilt or determination of violation of the law or failure to comply with the law by an authorized administrative tribunal. The term also includes a violation of a condition of release without bail, including the failure to pay a fine or appear in court to contest a citation. The term does not include a conviction which has been overturned or for which an individual has been pardoned.

"Disqualification." A prohibition against driving a commercial motor vehicle or a school vehicle.

"Employer." Any person, including the United States, a state or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle.

"Felony." An offense under state or Federal law which is punishable by death or imprisonment exceeding one year.

"Foreign jurisdiction." Any jurisdiction other than a state of the United States.

"Medical examiner." An individual who is licensed, certified or registered, in accordance with applicable statutes and regulations, to perform physical examinations. The term includes a doctor of medicine, an osteopath, a physician assistant, an advanced practice nurse and a doctor of chiropractic.

"Noncommercial motor vehicle." A motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" in this section.

"Nonresident CDL." A commercial driver's license issued by a state to an individual who resides in a foreign jurisdiction.

"Out-of-service order." A temporary prohibition against driving a commercial motor vehicle as provided by departmental regulation.

"Serious traffic violation."

(1) Excessive speeding as defined by the United States Secretary of Transportation by regulation and published by the department as a notice in the Pennsylvania Bulletin.

(2) Reckless driving.

(3) Any offense under this title relating to motor vehicle traffic control arising in connection with an accident resulting in death to any person.

(4) Any violation of section 1606(a) (relating to requirement for commercial driver's license), 1621(a) (relating to texting while driving), 1622(a) (relating to handheld mobile telephone), 3305 (relating to limitations on overtaking on left), 3306 (relating to limitations on driving on left side of roadway), 3307 (relating to no-passing zones), 3309(1), (2) or (4) (relating to driving

on roadways laned for traffic), 3310 (relating to following too closely), 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors) or 3365(c) (relating to special speed limitations).

(5) Any other offenses defined by the United States Secretary of Transportation as serious traffic violations and published by the department as a notice in the Pennsylvania Bulletin.

"State." A state of the United States or the District of Columbia.

"Tank vehicle." A commercial motor vehicle that is designed to transport liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank not designed for transportation with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

"United States." The 50 states and the District of Columbia. (Dec. 20, 1995, P.L.669, No.75, eff. 120 days; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months; July 5, 2005, P.L.100, No.37; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Jan. 27, 2012, P.L.1, No.1, eff. imd.; June 30, 2014, P.L.814, No.85, eff. 60 days; Oct. 22, 2015, P.L.199, No.49, eff. 60 days)

2015 Amendment . Act 49 amended the defs. of "commercial motor vehicle" and "tank vehicle."

2014 Amendment. Act 85 amended par. (4) of the def. of "serious traffic violation."

2012 Amendment . Act 1 added the def. of "medical examiner."

2008 Amendment. Act 133 amended the def. of "conviction."

2007 Amendment. Act 67 amended the def. of "serious traffic violation."

2005 Amendment. Act 37 amended the defs. of "disqualification" and "serious traffic violation" and added the defs. of "commercial driver's license holder" or "CDL holder," "conviction," "noncommercial motor vehicle" and "tank vehicle." Section 10(2) of Act 37 provided that Act 37 shall take effect 90 days after publication of a notice in the Pennsylvania Bulletin. The notice was published July 16, 2005, at 35 Pa.B. 4029.

Cross References. Section 1603 is referred to in sections 102, 3342, 3716, 3802, 4905, 7803 of this title.

§ 1604. Notification requirements for drivers.

(a) Notification of convictions.--A driver of a commercial motor vehicle holding a driver's license issued by this Commonwealth who is convicted of violating a Federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any Federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify his employer in writing of the conviction within 15 days of the date of conviction.

(a.1) Notification of charges.--

(1) A driver of a commercial motor vehicle holding a driver's license issued by this Commonwealth who is cited, arrested or charged with violating a Federal or State law or local ordinance relating to motor vehicle traffic control

in this or any other state or any Federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify his employer in writing within 30 days of the date of receiving the citation or being arrested or officially charged.

(2) An employer that receives timely notice from an employee under paragraph (1) may not terminate the employee solely for providing the notice unless the employee is convicted of the violation.

(b) Notification of suspensions, revocations, cancellations and disqualifications.--Each driver of a commercial motor vehicle whose operating privilege is suspended, revoked or canceled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period or who is disqualified from driving a commercial motor vehicle for any period, shall notify his employer of that fact before the end of the business day following the day the driver received notice of the suspension, revocation, cancellation, loss or disqualification.

(c) Notification of previous employment.--

(1) Each person who applies for employment as a commercial motor vehicle driver shall provide the employer, at the time of the application for employment, with the following information for the ten years preceding the date of application:

(i) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle.

(ii) The dates between which the applicant drove for each employer.

(iii) The reason for leaving that employer.

(2) The applicant shall certify that all information furnished is true and complete.

(3) An employer may require an applicant to provide additional and legally permitted information.

(d) Penalties.--

(1) Any person who violates subsection (a), (a.1) or (c) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $100.

(2) Any person who violates subsection (b) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $200.

(3) In addition to the fine contained in paragraph (1), any person who violates subsection (a) or (a.1) shall, upon conviction, pay an additional fine of $300 if the unreported conviction or citation, arrest or charge was related to any of the following violations:

(i) Violations under Subchapter B of Chapter 37 (relating to serious traffic offenses).

(ii) Section 3802 (relating to driving under influence of alcohol or controlled substance).

(iii) A Federal or State law or local ordinance in any other state or any Federal, provincial, territorial or municipal law in Canada that is classified as a felony or is punishable by imprisonment for more than five years.

(iv) A Federal or State law or local ordinance in any other state or any Federal, provincial, territorial or municipal law in Canada that is related to driving under the influence of drugs or alcohol.

(Nov. 25, 2020, P.L.1246, No.131)

2020 Amendment. Act 131 amended subsecs. (a) and (d) and added subsec. (a.1), effective in 60 days as to the amendment of subsecs. (a) and (d) and immediately as to the addition of subsec. (a.1).

Cross References. Section 1604 is referred to in section 1605 of this title.

§ 1605. Employer responsibilities.

(a) Requirements.--Each employer shall require the applicant to provide the information specified in section 1604(c) (relating to notification requirements for drivers). Each employer shall inform the applicant that the information he provides in accordance with section 1604(c) may be used and the applicant's previous employers may be contacted for the purpose of investigating the applicant's work history.

(b) Prohibitions.--No employer shall knowingly allow, require, permit or authorize a driver to drive a commercial motor vehicle:

(1) during any period in which:

(i) the driver's license was suspended, revoked or canceled by a state;

(ii) the driver has lost the privilege to drive a commercial motor vehicle in a state;

(iii) the driver has been disqualified from driving a commercial motor vehicle;

(iv) the driver is not licensed to drive a commercial vehicle;

(v) the driver is not qualified by a license restriction or required class or endorsement to operate the commercial vehicle being driven; or

(vi) the driver, or the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order;

(2) during any period in which the driver has more than one driver's license; or

(3) in violation of a Federal, State or local law or regulation pertaining to railroad-highway grade crossing.

(c) Test vehicles.--Each employer shall provide a representative vehicle to any employee who as a result of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. app. § 2701 et seq.) must obtain a commercial driver's license to continue his present occupation. This section includes, but is not limited to, current commercial motor vehicle drivers, construction equipment operators, utility truck operators, mechanics and vehicle inspectors employed prior to March 31, 1992. It is the employer's discretion to provide a representative vehicle to any employee who wishes to obtain a commercial driver's license if the Commercial Motor Vehicle Safety Act of 1986 does not require the employee to obtain a commercial driver's license for his current position.

(d) Test dates.--An employer shall provide a commercial driver the necessary time off for a driver to take the required knowledge exam and skills test when the tests have been scheduled.

(e) Penalties.--Any person who violates any provision of this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $1,000, except that if the violation relates to an out-of-service order, then the person shall, upon conviction, be sentenced to pay a fine of $2,750.

(Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Oct. 24, 2012, P.L.1473, No.187, eff. 60 days; Oct. 22, 2015, P.L.199, No.49, eff. 60 days)

2015 Amendment. Act 49 amended subsec. (b)(1)(v).
2012 Amendment. Act 187 amended subsec. (b).

§ 1606. Requirement for commercial driver's license.

(a) When required.--No person, except those specifically exempted in subsection (b), shall drive a commercial motor vehicle unless:

(1) the person has been issued a commercial driver's license;

(2) the person's commercial driver's license is in his immediate possession; and

(3) the person's commercial driver's license was issued for the class of commercial motor vehicle operated and contains all applicable license endorsements.

(b) Exemptions.--The following persons are not required to obtain a commercial driver's license in order to drive the commercial motor vehicle specified:

(1) A person with a commercial driver learner's permit who is accompanied by the holder of a commercial driver's license valid for the vehicle being driven.

(2) A person in the service of the Armed Forces of the United States, including members of the Reserves and National Guard on active duty; personnel on full-time National Guard duty; and personnel on inactive National Guard duty training or part-time National Guard training and National Guard military technicians who are required to wear military uniforms; and active duty United States Coast Guard personnel when operating commercial motor vehicles for military purposes.

(3) A person who is a volunteer or paid firefighter with a Class C license and who has a certificate of authorization from his fire chief while operating a fire or emergency vehicle registered to the fire department or municipality.

(4) Any member of a rescue or emergency squad who is the holder of a Class C license and who has a certificate of authorization from the head of the rescue or emergency squad while operating any rescue or emergency vehicle equipped with audible and visual signals registered to the rescue or emergency squad or municipality.

(5) A licensed driver under section 1504(d.1) (relating to classes of licenses) operating a Pennsylvania covered farm vehicle anywhere within this Commonwealth.

(5.1) A licensed driver with a Class A, Class B or Class C or out-of-State equivalent license operating a covered farm vehicle from another state when operated within 150 air-miles of the out-of-State farm.

(6) A driver with a Class C license operating a school bus, school vehicle or other commercial vehicle at the direction of authorized emergency management personnel in a time of declared Federal, State or local emergency. A person driving a school bus, school vehicle or other commercial vehicle pursuant to this paragraph shall not be subject to sanctions under the provisions of this chapter or section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

(7) An employee of the State emergency management agency or a county emergency management organization who is the holder of a Class C license and who has a certificate of

authorization from the head of the State emergency management agency or a county emergency management organization while operating any emergency vehicle equipped with audible and visual signals registered to the Commonwealth, State emergency management agency, county or county emergency management organization.

(8) The following shall apply:

(i) A driver who is 18 years of age or older and employed by a political subdivision may operate a commercial motor vehicle within the boundaries of the political subdivision for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

(A) the properly licensed employee who ordinarily operates a commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding or salting is unable to operate the vehicle; or

(B) the political subdivision determines that a snow or ice emergency exists that requires additional assistance.

(ii) The driver must have a certificate of authorization from the head of the political subdivision while operating the commercial motor vehicle. An individual operating a commercial motor vehicle under this paragraph shall not be subject to sanctions under the provisions of this chapter or section 3742.1.

(c) Prohibitions.--

(1) No person shall drive a commercial motor vehicle or a school vehicle during any period in which:

(i) his privilege to drive a commercial motor vehicle or a school vehicle in a state has been removed for any reason, including disqualification, until the person's commercial operating privilege has been restored;

(ii) his operating privilege is suspended, revoked, canceled or recalled until the person's operating privilege has been restored; or

(iii) the driver or vehicle has been placed under an out-of-service order.

(2) No person who operates a commercial motor vehicle shall at any time have more than one commercial driver's license.

(c.1) Additional prohibitions.--No person shall drive a commercial motor vehicle during any period of time that the motor carrier has been placed under an out-of-service order.

(d) Penalties.--

(1) Except as provided in paragraph (6), a person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $500. Except that, if the person charged furnishes satisfactory proof of having held a commercial driver's license valid on the last day of the preceding driver's license period and no more than 60 days have elapsed from the last date of renewal, the fine shall be $100. Except as provided in paragraph (6), every person convicted of a second or subsequent violation of subsection (a) shall be sentenced to pay a fine of not less than $500 nor more than $1,500.

(2) A person who drives a commercial motor vehicle or a school vehicle while subject to disqualification commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $500. Every person convicted of a second

or subsequent violation of driving a commercial motor vehicle while subject to disqualification shall be sentenced to pay a fine of not less than $500 nor more than $1,500.

(3) A person who drives a commercial motor vehicle or a school vehicle while subject to disqualification under section 1611(b) or (e) (relating to disqualification) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $1,000 or to imprisonment for six months, or both.

(4) A person who drives a commercial motor vehicle or a school vehicle in violation of an out-of-service order issued under section 1612 (relating to commercial drivers prohibited from operating with any alcohol in system) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $2,500 for a first offense and $5,000 for a second or subsequent offense.

(5) A person who drives a commercial motor vehicle or a school vehicle in violation of an out-of-service order (other than an out-of-service order issued under section 1612) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $2,500 for a first offense and $5,000 for a second or subsequent offense.

(6) No person shall be convicted of violating subsection (a) if the person produces at the office of the issuing authority within 15 days of the violation:

(i) a commercial driver's license valid in this Commonwealth at the time of the violation; or

(ii) if the commercial driver's license is lost, stolen, destroyed or illegible, evidence that the driver was licensed at the time of the violation and that application for a duplicate license had been made at the time of the violation.

(7) A person who drives a commercial motor vehicle in violation of subsection (c)(1)(ii) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $1,000.

(8) A person who drives a commercial motor vehicle in violation of subsection (c)(2) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $1,000.

(e) Convictions and fines cumulative.--Any violations brought under this section and fines imposed under this section shall be in addition to violations brought and fines imposed under any other sections of this title.

(May 21, 1992, P.L.246, No.39, eff. imd.; May 20, 1993, P.L.30, No.10, eff. 60 days; July 5, 2005, P.L.100, No.37; June 29, 2006, P.L.284, No.61, eff. imd.; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Jan. 27, 2012, P.L.1, No.1, eff. 60 days; Oct. 24, 2012, P.L.1473, No.187, eff. 60 days; Oct. 14, 2014, P.L.2491, No.140, eff. imd.; Oct. 22, 2014, P.L.2635, No.170, eff. 60 days; Nov. 25, 2020, P.L.1246, No.131, eff. imd.; Nov. 17, 2021, P.L.444, No.90, eff. imd.)

2021 Amendment. Act 90 amended subsec. (b)(5) and (5.1).

2020 Amendment. Act 131 added subsec. (b)(8).

2014 Amendments. Act 140 amended subsec. (b)(7) and Act 170 amended subsec. (b)(5) and added subsec. (b)(5.1).

2012 Amendment . Act 187 amended subsec. (a).

Cross References. Section 1606 is referred to in sections 1603, 1607, 1611, 8509 of this title.

§ 1607. Commercial driver's license qualification standards.

(a) Testing.--

(1) The Commonwealth shall offer one knowledge test to all commercial driver's license holders until April 1, 1992, for each class and for each endorsement for driving a commercial motor vehicle which complies with minimum standards established by Federal regulation and all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. App. § 2701 et seq.). This subsection shall not apply to an applicant for a commercial driver learner's permit.

(2) No person shall be issued a commercial driver's license unless the person is a resident of this Commonwealth and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum standards established by Federal regulation, all other requirements of the Commercial Motor Vehicle Safety Act of 1986 and other requirements imposed under Federal regulation which are published by the department as a notice in the Pennsylvania Bulletin. The department shall publish the content of the driving examination for the commercial driver's license as a notice in the Pennsylvania Bulletin. The tests shall be offered by the department or its agents.

(3) The department may authorize a person, including an agency of this or another state, an employer, a private institution, association or driver training school, or a department, agency or instrumentality of local government to administer the skills test specified by this section, provided:

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

(ii) The third party has entered into an agreement with the department.

(4) (Repealed).

(5) As a result of this section, no layoffs shall occur in the classification known as Driver's License Examiner.

(6) The department shall provide applicants for commercial driver's licenses with the choice of selecting a knowledge test administered in either a written or an oral format:

(i) The department shall administer the knowledge tests in both the English and Spanish languages.

(ii) An applicant requesting the oral or Spanish version of the knowledge test must schedule for the examination at a testing site authorized by the department.

(iii) The department shall offer alternate testing formats to avoid discrimination against drivers with limited literacy or verbal comprehension skills.

(iv) The alternative of an oral version of the knowledge test shall not be available to persons seeking a hazardous materials endorsement on a commercial driver's license.

(v) The use of interpreters shall not be permitted.

(7) The department shall accept the results of skills tests administered in other states and sent electronically by the other state, provided that the skills test administered meets Federal testing standards.

(8) The department shall require a driver to retake one or more tests authorized under this chapter within 30 days upon receiving credible information that the commercial driver learner's permit holder or commercial driver's license holder is suspected of fraud related to the issuance of a

commercial driver learner's permit or commercial driver's license.

(9) Interpreters shall not be permitted during the administration of the skills test. Neither the commercial driver learner's permit holder nor the test examiner may communicate in a language other than English during the skills test.

(b) Waiver of test.--The department shall waive the skills test specified in this section for a commercial driver's license applicant:

(1) Holding a valid Class 2, 3 or 4 license who meets the requirements of Federal regulations. If permitted by Federal regulation, the department may waive the written test requirement for a commercial driver's license applicant holding a valid Class 2, 3 or 4 license.

(2) Who, subject to the limitations and requirements of 49 CFR 383.77 (relating to substitute for driving skills tests), meets all certifications required for waiver under 49 CFR 383.77 and who certifies all of the following:

(i) That the applicant is a member of the active or reserve components of any branch or unit of the armed forces of the United States or a veteran who received an honorable discharge from any branch or unit of the active or reserve components of the armed forces of the United States.

(ii) That the applicant is or was regularly employed in a position in the armed forces of the United States requiring operation of a commercial motor vehicle.

(iii) That the applicant has legally operated, for at least two years within the five years immediately prior to applying for a commercial driver's license, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate, either under the exemption from this Commonwealth's commercial driver's license requirement provided by section 1606(b)(2) (relating to requirement for commercial driver's license) or the equivalent exemption of another state or while on active duty in a foreign jurisdiction.

(c) Limitations on issuance of license.--

(1) Applicants for a commercial driver's license shall provide the department with the names of all states where the applicant has been previously or is currently licensed to operate any type of motor vehicle.

(2) The department shall request the complete driving record from all states where the applicant was licensed within the previous ten years to operate any type of motor vehicle. Suitable notations of all convictions, disqualifications and other licensing actions for violations of any State or local law relating to motor vehicle traffic control, other than a parking violation, committed in any type of vehicle may be stored and admitted into evidence by the department as provided in section 1516(b) (relating to department records). All actions reported to the department under this paragraph shall have the same effect on subsequent actions as if the reported action had been taken by the department.

(3) A commercial driver's license or commercial driver learner's permit shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle or while the person's driver's license is suspended, revoked or canceled in any state; nor shall a commercial driver's license be issued to a person

who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which shall be returned to the issuing state for cancellation.

(4) A person must complete training as prescribed by 49 CFR Pt. 380 (relating to special training requirements) before taking the knowledge test for a hazardous materials endorsement for the first time.

(d) Commercial driver learner's permit.--

(1) The department shall issue a commercial driver learner's permit in accordance with section 1505 (relating to learners' permits).

(2) A commercial driver learner's permit is required for the addition of endorsements and the removal of restrictions established under this chapter, including those established by regulation.

(3) Before a person may take the examination for a commercial driver's license, the person must have held a learner's permit for 15 days for the class of vehicle the person intends to drive.

(4) A commercial driver learner's permit shall be valid for a period of one year from the date of issuance without having to retake the general and endorsement knowledge tests.

(5) An applicant for a commercial driver learner's permit must have a valid driver's license or commercial driver's license issued by the department.

(6) A commercial driver learner's permit is only valid when the commercial driver learner's permit holder has in the driver's immediate possession both the permit and a driver's license or commercial driver's license.

(7) A commercial driver learner's permit holder must be accompanied at all times by a CDL holder who has a valid commercial driver's license with the proper class and endorsements necessary to operate the vehicle being driven. The CDL holder must, at all times, be physically present in the front seat of the vehicle next to the commercial driver learner's permit holder or, in the case of a bus or passenger vehicle, directly behind or in the first row behind the driver and must have the commercial driver learner's permit holder under observation and direct supervision.

(8) A commercial driver learner's permit holder with a passenger or school bus endorsement is prohibited from operating a vehicle carrying a passenger other than Federal or State auditors and inspectors, test examiners, other trainees and the CDL holder accompanying the commercial driver learner's permit holder.

(9) A commercial driver learner's permit holder with a tank endorsement may only operate an empty tank vehicle and is prohibited from operating a tank vehicle that previously contained hazardous materials that has not been purged of any residue.

(10) An applicant for a commercial driver learner's permit must be at least 18 years of age.

(11) A commercial driver learner's permit holder is prohibited from operating a commercial motor vehicle if the vehicle is transporting hazardous materials and is required to be placarded in accordance with department regulations.

(12) A person must complete training as prescribed by 49 CFR Pt. 380 before taking the skills test for a Class A or Class B commercial driver's license for the first time.

(13) A person must complete training as prescribed by 49 CFR Pt. 380 before taking the skills test for a passenger (P) or school bus (S) endorsement for the first time.

(14) The requirements of paragraphs (12) and (13) do not apply to an individual who obtained a commercial driver learner's permit before February 7, 2020, or a later date as permitted by Federal regulation, if the individual obtains a commercial driver's license before the commercial driver learner's permit or commercial driver learner's permit renewal expires.

(15) The department shall waive the knowledge test specified under this section, subject to the limitations in 49 CFR 383.77, for an applicant who meets all the requirements for a waiver under 49 CFR 383.77(a).

(e) Federal disqualifications.--Upon receipt of a notification from the Federal Motor Carrier Safety Administration that a person is subject to a disqualification imposed by Federal law, the department shall record the disqualification in the person's driving record.

(Apr. 16, 1992, P.L.169, No.31, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; July 15, 2004, P.L.694, No.75, eff. 60 days; July 5, 2005, P.L.100, No.37; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Nov. 1, 2013, P.L.673, No.82, eff. 60 days; Oct. 22, 2015, P.L.199, No.49, eff. 60 days; Nov. 25, 2020, P.L.1246, No.131)

2020 Amendment. Act 131 amended subsec. (d)(4) and added subsecs. (c)(4) and (d)(12), (13), (14) and (15), effective in 60 days as to the addition of subsec. (d)(15), six months as to the amendment of subsec. (d)(4) and January 1, 2022, as to the addition of subsecs. (c)(4) and (d)(12), (13) and (14).

2015 Amendment. Act 49 amended subsec. (a)(6) and added subsecs. (a)(7), (8) and (9) and (d)(4), (5), (6), (7), (8), (9), (10) and (11).

2013 Amendment. Act 82 amended subsec. (b).

2005 Amendment. Act 37 amended subsec. (c) and added subsec. (e). Section 10(2) of Act 37 provided that Act 37 shall take effect 90 days after publication of a notice in the Pennsylvania Bulletin. The notice was published July 16, 2005, at 35 Pa.B. 4029.

2004 Amendment. Act 75 amended subsec. (d).

1996 Amendment. Act 115 amended subsec. (a). Section 27 of Act 115 provided that the provisions of 67 Pa. Code §§ 75.25, 75.26, 75.27 and 75.28 are repealed upon the publication of testing procedures as set forth in section 1607(a) in the Pennsylvania Bulletin. The notice of testing procedures was published in the Pennsylvania Bulletin on August 24, 1996, at 26 Pa.B. 4143.

Cross References. Section 1607 is referred to in sections 1603, 1611 of this title.

§ 1608. Nonresident CDL.

(a) Issuance of nonresident CDL.--The department may issue a nonresident CDL to a resident of a foreign jurisdiction. The following apply:

(1) The word "nondomiciled" shall appear on the face of the nonresident CDL.

(2) An applicant shall surrender any nonresident CDL issued by another state.

(3) Prior to issuing a nonresident CDL, the department shall establish the practical capability of revoking, suspending or canceling the nonresident CDL and disqualifying

the commercial motor vehicle driving privilege of that person.

(b) Other provisions applicable.--All provisions of this chapter applicable to the commercial driver's license for a resident of this Commonwealth, except the residency requirement, and all provisions of this title applicable to drivers' licenses shall be applicable to a nonresident CDL.

(c) Waiver of testing requirement.--The department may issue a nonresident CDL to a resident of a foreign jurisdiction without requiring additional testing if the driver possesses a valid CDL issued by another state or by the foreign jurisdiction of the driver and the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction meet the testing standards established in Federal regulations.

(Oct. 22, 2015, P.L.199, No.49, eff. 60 days)

2015 Amendment. Act 49 amended subsec. (a) and added subsec. (c).

§ 1609. Application for commercial driver's license.

(a) Contents of application.--The application for a commercial driver's license or commercial driver learner's permit shall include the following:

(1) The full name and current residential address of the person.

(2) A physical description of the person, including sex, height and eye color.

(3) Date of birth.

(4) The applicant's Social Security number.

(5) The person's signature.

(6) Certifications, including those required by Federal regulations.

(7) Any other information required by the department.

(b) Change of name or address.--Whenever any person, after applying for or receiving a commercial driver's license or commercial driver learner's permit, moves from the address named in the application or in the driver's license or learner's permit issued or when the name of the licensee or permittee is changed, such person shall, within 15 days, make application for a duplicate license. The duplicate shall be issued upon payment of the required fee and return of the original, or previous duplicate, license.

(c) New residents.--No person who is a resident of this Commonwealth for 30 days shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(d) Waiver.--Notwithstanding the provisions of subsection (a)(4), the department shall not require a Social Security number on the application for a commercial driver's license of a person who submits a waiver obtained from the Federal Highway Administration of the United States Department of Transportation permitting him not to have a Social Security number. If the waiver requires the person to have some other sort of identifier in place of the Social Security number, the identifier must be indicated on the application.

(June 11, 1992, P.L.266, No.47, eff. imd.)

1992 Amendment. Act 47 added subsec. (d).

Cross References. Section 1609 is referred to in section 1610 of this title.

§ 1609.1. Type of driving certification requirements.

(a) Self-certification requirement.--An applicant for a commercial driver learner's permit or initial commercial driver's license must make one of the applicable self-certifications from the following:

(1) Nonexcepted Interstate Commerce. A certification that the applicant:

(i) operates or expects to operate in interstate commerce;

(ii) is subject to and meets the medical qualification requirements under 49 CFR Part 391 (relating to qualifications of drivers and longer combination vehicle (LCV) driver instructors); and

(iii) acknowledges the requirement to obtain a medical certificate under 49 CFR § 391.45 (relating to persons who must be medically examined and certified).

(2) Excepted Interstate Commerce. A certification that the applicant operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR § 390.3(f) (relating to general applicability), 391.2 (relating to general exceptions), 391.68 (relating to private motor carrier of passengers (nonbusiness)) or 398.3 (relating to qualifications of drivers or operators) from all or parts of the qualification requirements of 49 CFR Part 391 and is therefore not required to obtain a medical examiner's certificate under 49 CFR § 391.45.

(3) Nonexcepted Intrastate Commerce. A certification that the applicant:

(i) operates in intrastate commerce;

(ii) is subject to and meets the medical qualification requirements of 67 Pa. Code Ch. 231 (relating to intrastate motor carrier safety requirements); and

(iii) acknowledges the requirement to obtain a medical certificate.

(4) Excepted Intrastate Commerce. A certification that the applicant operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the driver qualification requirements in 67 Pa. Code Ch. 231 and is not required to obtain a medical certificate.

(b) Existing drivers.--A holder of a commercial driver's license shall submit to the department a self-certification of driving which complies with subsection (a) within 30 days of notice by the department.

(Jan. 27, 2012, P.L.1, No.1, eff. imd.)

2012 Amendment. Act 1 added section 1609.1.

Cross References. Section 1609.1 is referred to in section 1609.3 of this title.

§ 1609.2. Medical certification.

(a) Requirements.--An individual who certifies that the individual operates or expects to operate a commercial motor vehicle in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide the department with an original or photographic copy of a medical examiner's certificate prepared by a medical examiner. The medical examiner's certificate shall be valid for up to two years from the date of the medical examination.

(b) Maintaining certification.--A CDL holder who certifies intent to operate a commercial motor vehicle in nonexcepted interstate commerce or nonexcepted intrastate commerce shall

provide the department with an original or copy of a subsequently issued medical examiner's certificate.

(c) Noncompliance with medical requirements.--

(1) This subsection applies in the following circumstances:

(i) Upon the expiration of a medical certification or a medical variance issued by the Federal Motor Carrier Safety Administration or the department.

(ii) If the Federal Motor Carrier Safety Administration notifies the department that a medical variance was rescinded.

(2) If this subsection applies, the department shall notify a nonexcepted commercial driver that the driver is no longer in conformance with the medical certification requirements and that the CDL designation will be removed from the driver's license unless the driver:

(i) submits a current medical certificate or medical variance; or

(ii) changes the self-certification to driving only in excepted interstate commerce or excepted intrastate commerce.

(Jan. 27, 2012, P.L.1, No.1, eff. imd.)

2012 Amendment. Act 1 added section 1609.2.

Cross References. Section 1609.2 is referred to in section 1609.3 of this title.

§ 1609.3. Noncompliance with certification requirements.

The department shall remove the commercial driver license designation from the driver's license of an individual who is not in compliance with section 1609.1 (relating to type of driving certification requirements) or 1609.2 (relating to medical certification).

(Jan. 27, 2012, P.L.1, No.1, eff. imd.)

2012 Amendment. Act 1 added section 1609.3.

Cross References. Section 1609.3 is referred to in section 1550 of this title.

§ 1610. Commercial driver's license.

(a) Content of license.--The commercial driver's license shall indicate "commercial driver's license" or "CDL" and shall include, but not be limited to, the following information:

(1) The name and residential address of the person.

(2) The person's color photograph or photographic facsimile.

(3) A physical description of the person, including sex, height and eye color.

(4) Date of birth.

(5) The license number assigned by the department.

(6) The person's signature or a facsimile of that signature.

(7) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive, together with any endorsements or restrictions.

(b) Classifications, endorsements and restrictions.--

(1) Commercial drivers' licenses may be issued with the following classifications, endorsements and restrictions. The holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles. Vehicles requiring an endorsement may not be driven unless the proper endorsement appears on the license.

(2) The following codes shall be used as required to describe the commercial driver's license endorsements. Additional endorsements may be added by regulation for use on the commercial driver's license:

A - (Deleted by amendment).
G - (Deleted by amendment).
H - Authorizes the driver to operate a vehicle transporting hazardous materials.
L - (Deleted by amendment).
N - Authorizes driving tank vehicles.
P - Authorizes driving vehicles carrying passengers.
Q - (Deleted by amendment).
S - Authorizes the driver to operate a school bus.
T - Authorizes driving double and triple trailers.
V - (Deleted by amendment).
X - Represents a combination of hazardous materials and tank vehicle endorsements.
Y - (Deleted by amendment).

(3) The following codes shall be used as required to describe the commercial driver's license restrictions. Additional restrictions may be added by regulation for use on the commercial driver's license:

A - Restricts the driver to driving under 49 CFR § 391.62(c) (relating to limited exemptions for intra-city zone drivers).
E - Prohibits driving a commercial motor vehicle equipped with a manual transmission.
G - Indicates qualification under 49 CFR § 391.62(e).
K - Restricts driver to intrastate driving.
L - Prohibits driving a commercial motor vehicle equipped with air brakes.
M - Prohibits driving a Class A passenger vehicle.
N - Prohibits driving a Class A or Class B passenger vehicle.
O - Prohibits driving a truck tractor-trailer combination.
P - Prohibits driving a commercial motor vehicle bus containing passengers.
Q - Requires the driver to wear corrective lenses.
V - Indicates that the driver has been issued a medical variance.
X - Prohibits tank vehicles from carrying cargo.
Y - Requires the driver to wear a hearing aid.
Z - Prohibits driving a commercial motor vehicle with full air brakes.

(4) A hazardous materials (code H) endorsement shall not be required for a driver with a Class A commercial driver's license who is operating a commercial motor vehicle in accordance with 49 CFR § 383.3(i) (relating to applicability).

(c) Applicant record check.--

(1) Before issuing, renewing, upgrading or transferring a commercial driver's license, the department shall obtain driving record information through the Commercial Driver's License Information System, the Drug and Alcohol Clearinghouse and the National Driver Register.

(2) Before issuing a commercial driver's license with an "H" or "X" endorsement, the department must have received notification from the United States Secretary of Transportation that the individual does not pose a security risk warranting denial of the endorsement. This paragraph shall not apply until such time as regulations are published

by the United States Secretary of Transportation as required by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001 (Public Law 107-56, 115 Stat. 272).

(d) Notification of license issuance.--When the department has electronic access, but no later than March 31, 1992, the department, within ten days after issuing a commercial driver's license, shall notify the Commercial Driver's License Information System of that fact, providing all information required to ensure identification of the person.

(e) License renewal procedures.--When applying for renewal of a commercial driver's license, the applicant must complete the application form required by section 1609(a) (relating to application for commercial driver's license), providing current and valid information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the English version of the written test for a hazardous materials endorsement must be taken and passed.

(f) Sale of photographs prohibited.--Neither the department nor any person under contract with the department shall sell photographs of holders of a commercial driver's license for any commercial purpose.

(June 26, 2001, P.L.734, No.75, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Jan. 27, 2012, P.L.1, No.1, eff. imd.; Oct. 22, 2015, P.L.199, No.49, eff. 60 days; Nov. 4, 2016, P.L.1277, No.165, eff. imd.; July 11, 2022, P.L.1585, No.90, eff. 60 days)

2022 Amendment. Act 90 amended subsec. (c)(1).

2016 Amendment. Act 165 added subsec. (b)(4).

2015 Amendment . Act 49 amended subsec. (b)(2) and added subsec. (b)(3).

2002 Amendment. Act 152 amended subsec. (c).

2001 Amendment. Act 75 added subsec. (f).

§ 1611. Disqualification.

(a) First violation of certain offenses.--Upon receipt of a report of conviction, the department shall, in addition to any other penalties imposed under this title, disqualify any person from driving a commercial motor vehicle or school vehicle for a period of one year for the first violation of:

(1) section 3802 (relating to driving under influence of alcohol or controlled substance) or former section 3731, where the person was a commercial driver at the time the violation occurred;

(2) section 3742 (relating to accidents involving death or personal injury), where the person was a commercial driver at the time the violation occurred;

(3) section 3743 (relating to accidents involving damage to attended vehicle or property), where the person was a commercial driver at the time the violation occurred;

(4) section 3745 (relating to accidents involving damage to unattended vehicle or property), where the person was a commercial driver at the time the violation occurred;

(5) any felony in the commission of which a court determines a motor vehicle was essentially involved and where the person was a commercial driver at the time the violation occurred, except as described in subsection (e);

(6) section 1606(c) (relating to requirement for commercial driver's license); or

(7) any offense wherein the person caused the death of a person as a result of a motor vehicle accident through the

negligent operation of a commercial motor vehicle, including, but not limited to, a violation of 18 Pa.C.S. § 2504 (relating to involuntary manslaughter) or a violation of section 3732 (relating to homicide by vehicle).

(b) Offenses involving hazardous materials or a bus.--Except as set forth in subsection (b.1), the department shall disqualify any person from driving a commercial motor vehicle for three years if any of the first offenses in subsection (a) or first refusal in section 1613 (relating to implied consent requirements for commercial motor vehicle drivers) occurred either while transporting a hazardous material required to be placarded or while operating a vehicle designed to transport 16 or more passengers, including the driver.

(b.1) Offenses involving out-of-service orders and a bus or hazardous materials.--The department shall disqualify any person for two years for a first violation of operating a commercial motor vehicle while the driver or vehicle is subject to an out-of-service order if the violation occurred either while transporting a hazardous material required to be placarded, or while operating a vehicle designed to transport 16 or more passengers, including the driver.

(c) Two violations of certain offenses.--Except as set forth in subsection (c.1), the department shall disqualify for life any person convicted of two or more violations of any of the offenses specified in subsection (a), or the subject of two or more reports of test refusal as specified in section 1613, or any combination of those offenses and/or refusals, arising from two or more separate and distinct incidents. Only offenses committed after the effective date of this chapter may be considered in applying this subsection.

(c.1) Subsequent violations of out-of-service orders.--The department shall disqualify any person from driving a commercial motor vehicle for three years for a second or subsequent violation in a ten-year period of driving while subject to an out-of-service order and for a period of five years if the offense occurred either while transporting a hazardous material required to be placarded, or while operating a vehicle designed to transport 16 or more passengers, including the driver.

(d) Mitigation of disqualification for life.--The department may issue regulations establishing guidelines, including conditions, under which a disqualification for life under subsection (c) may be reduced to a period of not less than ten years, if such reductions are permitted by Federal regulations.

(e) Disqualification for controlled substance offenses.--The department shall disqualify any person from driving a commercial motor vehicle for life who is convicted of using a motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance or possession with intent to manufacture, distribute or dispense a controlled substance where either:

(1) the person was a commercial driver's license holder at the time of the commission of the felony; or

(2) the motor vehicle used in the commission of the felony was a commercial motor vehicle.

There shall be no exceptions or reductions to this disqualification for life.

(f) Disqualification for failure to have CDL.--In addition to any other disqualification required by this section, the department shall disqualify any person from driving a commercial motor vehicle for six months upon receiving a report of the person's conviction of violating section 1606(a).

(g) Disqualification for serious traffic offenses.--The department shall disqualify any person from driving a commercial motor vehicle for a period of 60 days if convicted of two serious traffic violations, or 120 days if convicted of three serious traffic violations, arising from separate and distinct incidents occurring within a three-year period. A violation will only be considered a serious traffic violation for purposes of this subsection where:

(1) the person was a commercial driver's license holder at the time of the violation, and conviction of the violation results in a revocation, cancellation or suspension of the person's operating privileges for noncommercial motor vehicles; or

(2) the person was operating a commercial motor vehicle at the time of the violation.

(h) Conviction in Federal court or another state.--For purposes of the provisions of this section, a copy of a report of conviction or a copy of a report of administrative adjudication from a Federal court or another state for an offense similar to those offenses which would result in disqualification in this section shall be treated by the department as if the conviction had occurred in this Commonwealth. A conviction for negligent homicide shall be treated as similar to either a conviction for violating 18 Pa.C.S. § 2504 or a conviction for violating section 3732 for purposes of the provisions of this section.

(i) Surrender of license.--Upon the disqualification of the commercial driving privilege or school vehicle driving privilege of a person, the license shall be surrendered as provided in section 1540 (relating to surrender of license). If the person is not a CDL holder, then the person shall submit an acknowledgment of disqualification to the department in lieu of the license.

(j) Updating driving record.--After disqualifying, suspending, revoking, recalling or canceling a commercial driving privilege, the department shall update its records to reflect that action. After disqualifying, suspending, revoking, recalling or canceling a commercial driving privilege issued by another state, the department shall notify the licensing authority of the state which issued the commercial driver's license or nonresident commercial driver's license. In addition to any other records required or authorized to be kept by the department, the department shall file or make suitable notation in its records thereof all reports of the conviction of any violation, in any motor vehicle, of a State or local traffic control law, except a parking violation, and also for any other report of conviction or report of test refusal that results in disqualification pursuant to this chapter, of a person who was a commercial driver at the time of the violation that are received by the department from any court or administrative body of the Commonwealth, another state or the Federal Government. Such reports or suitable notations may be stored and admitted into evidence by the department as provided in section 1516(b) (relating to department records). Notwithstanding any other provision of law, no record maintained by the department in accordance with the provisions of this subsection may be expunged by order of court.

(k) Disqualification for railroad crossing offenses.--The department shall disqualify any person from driving a commercial motor vehicle upon receiving a report of the person's conviction for an offense under section 3341 (relating to obedience to signal indicating approach of train), 3342 (relating to vehicles

required to stop at railroad crossings) or 3343(a), (c) or (d) (relating to moving heavy equipment at railroad grade crossings) committed in a commercial vehicle as follows:

(1) 60 days for a first conviction.

(2) 120 days for a second conviction arising from separate and distinct incidents occurring within a three-year period.

(3) One year for a third conviction arising from separate and distinct incidents occurring within a three-year period.

(l) Disqualification for incomplete, incorrect or fraudulent application or certification.--The department shall disqualify any person from driving a commercial motor vehicle for 60 days upon canceling the person's commercial driver's license pursuant to section 1572(a)(1)(ii) (relating to cancellation of driver's license) involving an application or certification related to the requirements of this chapter.

(m) Limitation on noncommercial motor vehicle-based disqualifications.--A violation which occurred prior to the effective date of this subsection and which did not involve a commercial motor vehicle shall not be considered by the department for purposes of applying a disqualification pursuant to this section.

(n) Consecutive application.--All disqualifications shall be imposed consecutively.

(o) Fraud disqualification.--The department shall disqualify an individual from driving a commercial motor vehicle for one year upon receiving a certified record of the driver's conviction of fraud relating to the issuance of a commercial driver learner's permit or commercial driver's license, and the commercial driver's license designation shall be removed from the driver's license. Unless otherwise ineligible, a driver may apply for a commercial driver learner's permit upon restoration of the operating privilege.

(p) Retest disqualification.--The department shall disqualify an individual from driving a commercial motor vehicle if the individual fails to take and pass a retest required under section 1607(a)(8) (relating to commercial driver's license qualification standards). A driver disqualified under section 1607(a)(8) must reapply for a commercial driver learner's permit under the procedures applicable to all commercial driver learner's permit applicants.

(q) Human trafficking.--The department shall disqualify an individual from operating a commercial motor vehicle for life upon receiving a record of conviction of using a commercial motor vehicle in commission of a felony involving an act or practice of a severe form of trafficking in persons, as defined under section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386, 114 Stat. 1464). (Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; July 5, 2005, P.L.100, No.37; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Jan. 27, 2012, P.L.1, No.1, eff. imd.; Oct. 22, 2015, P.L.199, No.49, eff. 60 days; Nov. 25, 2020, P.L.1246, No.131, eff. 6 mos.)

2020 Amendment. Act 131 added subsec. (q).

2015 Amendment . Act 49 added subsecs. (o) and (p).

2012 Amendment . Act 1 amended subsec. (l).

2008 Amendment. Act 133 amended subsecs. (a) intro. par. and (6), (b) and (c) and added subsecs. (b.1), (c.1) and (n).

Cross References. Section 1611 is referred to in sections 1553, 1606, 1613, 6146 of this title.

§ 1612. Commercial and school vehicle drivers prohibited from operating with any alcohol in system.

(a) Offense defined.--Notwithstanding any other provision of this title, a person shall not drive, operate or be in physical control of a school vehicle or a commercial motor vehicle while having any alcohol in his system.

(b) Penalty.--

(1) A person who violates subsection (a) while driving, operating or in physical control of a commercial motor vehicle commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $100. A person who drives, operates or is in physical control of a commercial motor vehicle while having alcohol in his system or who refuses to take a test to determine his alcohol content as provided by section 1613 (relating to implied consent requirements for commercial motor vehicle drivers) shall be placed out of service for 24 hours.

(2) A person who violates subsection (a) while driving, operating or in physical control of a school bus or a school vehicle commits a summary offense and shall, upon conviction, be sentenced to pay a minimum fine of $250, and, for a person convicted of a second or subsequent offense, the sentencing court shall order the person to pay a fine of $500. A person who drives, operates or is in physical control of a school bus or a school vehicle while having alcohol in his system or who refuses to take a test to determine his alcohol content as provided by section 1613 shall be placed out of service by his employer for 30 days.

(Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

Cross References. Section 1612 is referred to in section 1606 of this title.

§ 1613. Implied consent requirements for commercial motor vehicle drivers.

(a) Implied consent.--A person who drives a commercial motor vehicle in this Commonwealth is deemed to have given consent to take a test or tests of the person's breath, blood or urine for the purpose of determining the person's alcohol concentration or the presence of other controlled substances.

(b) Tests ordered by police officer.--A test or tests may be administered at the direction of a police officer who, after stopping or detaining the commercial motor vehicle driver, has reasonable grounds to believe that the driver was driving a commercial motor vehicle while having any alcohol in his system.

(c) Warning against refusal.--A person requested to submit to a test as provided in subsection (a) shall be warned by the police officer requesting the test that refusal to submit to the test will result in the person's being disqualified from operating a commercial motor vehicle under subsection (e).

(d) Report on test refusal.--If the person refuses testing, the police officer shall submit a sworn report to the department certifying that the test was requested pursuant to subsection (a) and that the person refused to submit to testing.

(d.1) Disqualification for refusal.--Upon receipt of a report of test refusal, the department shall disqualify the person who is the subject of the report for the same period as if the department had received a report of the person's conviction for violating one of the offenses listed in section 1611(a) (relating to disqualification). A person who is

disqualified as a result of a report of test refusal that originated in this Commonwealth shall have the same right of appeal as provided for in cases of suspension. Where the report of test refusal originated from another state or other foreign jurisdiction, the review of a court on an appeal from a disqualification under this subsection shall be limited to whether the department has received a report of refusal and whether the person has successfully established one of the following defenses:

(1) The person being disqualified is not the one identified in the report.

(2) The person has successfully contested the report in the jurisdiction from which it originated.

(3) The department has erred in determining the length of the disqualification to be imposed as a result of the report of test refusal.

(d.2) Limitation on noncommercial motor vehicle-based refusal.--A report of test refusal which occurred prior to the effective date of this subsection and which did not involve a commercial motor vehicle shall not be considered by the department for purposes of applying a disqualification pursuant to this section.

(d.3) Definition.--As used in this section, the term "report of test refusal" shall mean the following:

(1) A report of a police officer submitted to the department that a person refused to submit to testing requested under this section.

(2) A notice by a police officer to the department of a person's refusal to take a test requested pursuant to section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) where the person was a commercial driver at the time relevant to the refusal.

(3) Any document, including an electronic transmission, submitted to the department from a court of competent jurisdiction indicating that a person was convicted of an offense that involves the refusal to submit to testing for alcohol or controlled substances where the person was a commercial driver at the time of the violation.

(4) Any document, including an electronic transmission, submitted to the department from a court, administrative tribunal, administrative agency or police officer or other agent of another state or other foreign jurisdiction indicating that a person refused to take a test requested to aid enforcement of a law against driving while under the influence of alcohol or a controlled substance where the person was a commercial driver at the time relevant to the refusal.

(e) Disqualification for refusal.--(Deleted by amendment).

(f) Appeal of disqualification.--(Deleted by amendment).

(July 5, 2005, P.L.100, No.37)

2005 Amendment. Act 37 added subsecs. (d.1), (d.2) and (d.3) and deleted subsecs. (e) and (f). Section 10(2) of Act 37 provided that Act 37 shall take effect 90 days after publication of a notice in the Pennsylvania Bulletin. The notice was published July 16, 2005, at 35 Pa.B. 4029.

Cross References. Section 1613 is referred to in sections 1611, 1612 of this title.

§ 1614. Notification of traffic convictions.

After receiving a report of the conviction of any holder of a commercial driver's license issued by another state, or any person who is a holder of a driver's license issued by another

state and who was operating a commercial motor vehicle at the time of the violation, for violation of this chapter or Chapter 15 (relating to licensing of drivers), 17 (relating to financial responsibility), 31 (relating to general provisions), 33 (relating to rules of the road in general) or 37 (relating to miscellaneous provisions) committed in a commercial motor vehicle, the department shall notify the driver licensing authority in the licensing state of the conviction.
(July 5, 2005, P.L.100, No.37)

2005 Amendment. Section 10(2) of Act 37 provided that Act 37 shall take effect 90 days after publication of a notice in the Pennsylvania Bulletin. The notice was published July 16, 2005, at 35 Pa.B. 4029.

§ 1615. Authority to enter agreements.

The department may enter into or make agreements, arrangements or declarations to carry out the provisions of this chapter.

§ 1616. Reciprocity.

Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle if the person has a commercial driver's license issued by any state, or any province or territory of Canada in accordance with the minimum Federal standards for the issuance of commercial motor vehicle drivers' licenses, if the person's operating privilege is not suspended, revoked or canceled and if the person is not disqualified from driving a commercial motor vehicle or subject to an out-of-service order.

§ 1617. Fees.

Fees relating to commercial drivers' licenses to be collected by the department under this chapter shall be in addition to any other fees imposed under the provisions of this title and are as follows:

(1) The annual fee for a commercial driver's license designation shall be $15.

(2) In addition to any other restoration fee required by this title, an additional restoration fee of $100 shall be assessed and collected before reinstating a commercial driver's operating privilege following a suspension or revocation under this title or disqualification under this chapter.

(3) If the commercial driving privilege of a driver is disqualified, a Class C noncommercial or M license, if the driver possesses the motorcycle qualification, may be obtained upon payment of the fees associated with obtaining a duplicate license.

(4) An additional fee of $15 shall be imposed for the initial issuance or renewal of a commercial driver's license with an "H" or "X" endorsement, in addition to the cost of a criminal history background check as required by the USA Patriot Act of 2001 (Public Law 107-56, 115 Stat. 272).

(Dec. 9, 2002, P.L.1278, No.152, eff. 120 days; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2015)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1617 is referred to in section 1902 of this title.

§ 1618. Fines exempt from Judicial Computer Account.

All fines and penalties imposed by this chapter shall be deposited into the Motor License Fund and shall not be subject

to the provisions of 42 Pa.C.S. § 3733 (relating to deposits into account).

§ 1619. Prohibition against discharging, disciplining or discriminating against employees.

(a) General rule.--No person shall discharge, discipline or in any manner discriminate against any employee with respect to the employee's compensation, terms, conditions or privileges of employment because such employee, or person acting pursuant to a request of the employee:

(1) refuses to operate a commercial motor vehicle which is not in compliance with the provisions of 67 Pa. Code Ch. 231 (relating to intrastate motor carrier safety requirements) and existing safety laws; or

(2) has filed any complaint or instituted or caused to be instituted any proceeding relating to a violation of a commercial motor vehicle safety rule, regulation, standard or order or has testified or is about to testify in any such proceeding.

(b) Unsafe conditions.--No person shall discharge, discipline or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards or orders applicable to commercial motor vehicle safety or health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury or serious impairment of health resulting from the unsafe condition. In order to qualify for protection under this subsection, the employee must have sought from his employer and have been unable to obtain correction of the unsafe condition.

(c) Procedure.--

(1) Any employee who believes he has been discharged, disciplined or otherwise discriminated against by any person in violation of subsection (a) or (b) may, within 180 days after such alleged violation occurs, file or have filed by any person on the employee's behalf a complaint with a magisterial district judge alleging such discharge, discipline or discrimination. Actions brought under this section shall be brought in the court of common pleas if the complaint states a claim for damages in excess of the jurisdictional limits provided by 42 Pa.C.S. § 1515 (relating to jurisdiction and venue) and the plaintiff declines to waive the portion of his claim exceeding the jurisdictional amount.

(2) Upon request of the employee, the employer or any representative of the employee or employer, the Pennsylvania Public Utility Commission shall assign and direct an investigator with qualifications in motor vehicle safety inspections to examine the vehicle or vehicles in question and render a signed report. Such report shall be prima facie evidence of the facts and the conclusions contained therein, and may be introduced in a legal proceeding brought under this section. Any party may call the investigator as if on cross examination in a legal proceeding brought under this section.

(3) If the magisterial district judge or the court of common pleas, after notice and hearing, determines that a

violation of subsection (a) or (b) has occurred, the magisterial district judge or court of common pleas has the power to and shall order:

(i) the person who committed such violation to take affirmative action to abate the violation;

(ii) such person to reinstate the complainant to the complainant's former position together with the compensation, including back pay, terms, conditions and privileges of the complainant's employment; and

(iii) compensatory damages.

(4) If an order is issued under paragraph (3), the magisterial district judge or court of common pleas issuing the order, at the request of the complainant, may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses, including attorney fees, reasonably incurred by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(d) Review of order.--Any person adversely affected or aggrieved by an order issued after a hearing under subsection (c) may obtain review of the order in accordance with the provisions of 42 Pa.C.S. (relating to judiciary and judicial procedure).

(e) Enforcement of order.--Whenever a person has failed to comply with an order issued under subsection (c)(3), an aggrieved party may file a civil action or seek an enforcement order in the court of common pleas for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the court of common pleas shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement and compensatory damages.

(July 10, 1990, P.L.356, No.83, eff. 60 days; Dec. 7, 1990, P.L.635, No.164, eff. imd.; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (c)(1), (3) and (4). See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

1990 Amendments. Act 83 added section 1619 and Act 164 amended subsecs. (c), (d) and (e).

§ 1620. Commercial driver records.

The department shall establish a program for unlimited annual electronic driver record checks for employers of commercial drivers. The program shall include the registration of the employer with the department, including an estimate of the number of drivers employed and an annual fee which shall be based on $5 per estimated driver. The department shall provide the registered employer with unlimited electronic access to uncertified driver records. The department is authorized to periodically audit the registered employer to determine that fees are approximately in line with the number of employees' records being accessed. If the department determines that the employer misrepresented the number of drivers whose records would be accessed or that the record of a driver other than a commercial driver employee or prospective commercial driver employee was accessed, the department shall take appropriate action.

(Dec. 1, 2004, P.L.1771, No.229, eff. 60 days)

2004 Amendment. Act 229 added section 1620.

§ 1621. Texting while driving.

(a) Prohibition.--Except as provided under subsection (c), a driver may not engage in texting while driving a commercial motor vehicle or motor carrier vehicle.

(b) Employer.--Except as provided under subsection (c), an employer may not permit or require a driver of the employer to engage in texting while driving a commercial motor vehicle or motor carrier vehicle.

(c) Emergency use exception.--Texting while driving shall be permissible by a driver of a commercial motor vehicle or motor carrier vehicle if necessary to communicate with a law enforcement official or other emergency service.

(d) Penalties.--

(1) A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $100.

(2) A person who violates subsection (b) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $500.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Driving." Operating a commercial motor vehicle or motor carrier vehicle on a highway, with the motor running, including while the commercial motor vehicle or motor carrier vehicle is temporarily stationary because of traffic, a traffic control device or other momentary delay. The term does not include operating a commercial motor vehicle or motor carrier vehicle with or without the motor running if the driver moved the vehicle to the side of or off of a highway and halted in a location where the vehicle can safely remain stationary.

"Electronic device." An electronic device includes, but is not limited to, a cellular telephone, personal digital assistant, pager, computer or any other device used to input, write, send, receive or read text.

"Texting." Manually entering alphanumeric text into or reading text from an electronic device. The following shall apply:

(1) The term includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access an Internet web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone or engaging in any other form of electronic text retrieval or entry, for present or future communication.

(2) The term does not include:

(i) Inputting, selecting or reading information on a global positioning system or navigation system.

(ii) Pressing a single button to initiate or terminate a voice communication using a mobile telephone.

(iii) Using a device capable of performing multiple functions, including, but not limited to, fleet management systems, dispatching devices, citizens band radios and music players, for a purpose that is not prohibited by this section.

(June 30, 2014, P.L.814, No.85, eff. 60 days)

2014 Amendment. Act 85 added section 1621.

Cross References. Section 1621 is referred to in section 1603 of this title.

§ 1622. Handheld mobile telephone.

(a) Commercial motor vehicle.--Except as provided under subsection (c), a driver may not use a handheld mobile telephone

while driving a commercial motor vehicle or motor carrier vehicle.

(b) Employer.--Except as provided under subsection (c), an employer may not permit or require a driver of the employer to use a handheld mobile telephone while driving a commercial motor vehicle or a motor carrier vehicle.

(c) Emergency use exception.--Using a handheld mobile telephone shall be permissible by a driver of a commercial motor vehicle or motor carrier vehicle if necessary to communicate with a law enforcement official or other emergency service.

(d) Penalties.--

(1) A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $100.

(2) A person who violates subsection (b) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $500.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Driving." Operating a commercial motor vehicle or motor carrier vehicle on a highway, with the motor running, including while the commercial motor vehicle or motor carrier vehicle is temporarily stationary because of traffic, a traffic control device or other momentary delay. The term does not include operating a commercial motor vehicle or motor carrier vehicle with or without the motor running if the driver moved the vehicle to the side of or off of a highway and halted in a location where the vehicle can safely remain stationary.

"Mobile telephone." A mobile communication device which uses a commercial mobile radio service, as defined in 47 CFR § 20.3 (relating to definitions). The term does not include two-way or Citizens Band Radio services.

"Use a handheld mobile telephone." As follows:

(1) Using at least one hand to hold a mobile telephone to conduct a voice communication.

(2) Dialing or answering a mobile telephone by pressing more than a single button.

(3) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 CFR § 393.93 (relating to seats, seat belt assemblies, and seat belt assembly anchorages) and adjusted in accordance with the vehicle manufacturer's instructions.

(June 30, 2014, P.L.814, No.85, eff. 60 days)

2014 Amendment. Act 85 added section 1622.

Cross References. Section 1622 is referred to in section 1603 of this title.

CHAPTER 17
FINANCIAL RESPONSIBILITY

Subchapter

A. General Provisions
B. Motor Vehicle Liability Insurance First Party Benefits
C. Uninsured and Underinsured Motorist Coverage
D. Assigned Risk Plan
E. Assigned Claims Plan
F. Catastrophic Loss Trust Fund (Repealed)

G. Nonpayment of Judgments
H. Proof of Financial Responsibility
I. Miscellaneous Provisions

Enactment. Chapter 17 was added February 12, 1984, P.L.26, No.11. Section 12 of Act 12 of 1984 provided that Act 11 shall take effect October 1, 1984.

Prior Provisions. Former Chapter 17, which related to the same subject matter, was added June 17, 1976, P.L.162, No.81, and repealed February 12, 1984, P.L.26, No.11, effective October 1, 1984.

Special Provisions in Appendix. See sections 6, 7 and 9 of Act 11 of 1984 in the appendix to this title for special provisions relating to references to Pennsylvania No-Fault Motor Vehicle Insurance Act, severability and applicability.

See sections 9 and 11 of Act 12 of 1984 in the appendix to this title for special provisions relating to savings provision and applicability.

See sections 28, 29 and 30 of Act 6 of 1990 in the appendix to this title for special provisions relating to promulgation of regulations, insurance policy requirements in cities of first class and single carrier vehicle insurance program in cities of first class.

Cross References. Chapter 17 is referred to in sections 1302, 1516, 1614, 4921, 8508 of this title; section 6155 of Title 42 (Judiciary and Judicial Procedure); section 57A07 of Title 53 (Municipalities Generally); section 2603.1 of Title 66 (Public Utilities).

SUBCHAPTER A
GENERAL PROVISIONS

Sec.
1701. Short title of chapter.
1702. Definitions.
1703. Application of chapter.
1704. Administration of chapter.
1705. Election of tort options.

§ 1701. Short title of chapter.

This chapter shall be known and may be cited as the Motor Vehicle Financial Responsibility Law.

§ 1702. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Assigned Risk Plan." A program for the equitable apportionment of assigned risks and clean risks among insurers.

"Automobile Insurance Policy Act." The act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor."

"Benefits" or **"first party benefits."** Medical benefits, income loss benefits, accidental death benefits and funeral benefits.

"Clean risk." An insured or an applicant for insurance who, for the 36-month period immediately preceding the date of application or renewal date of the policy:

(1) has not been involved in an accident as a driver, provided that, for purposes of this paragraph, an "accident" shall not include accidents described in section 3 of the

Automobile Insurance Policy Act or section 1799.3 (relating to limit on cancellations, refusals to renew, refusals to write, surcharges, rate penalties and point assignments);

(2) has not received more than three points for violations as set forth in Chapter 15 (relating to licensing of drivers); and

(3) whose operator's license has not been suspended or revoked except under section 1533 (relating to suspension of operating privilege for failure to respond to citation) and the insured is able to produce proof that he or she has responded to all citations and paid all fines and penalties imposed under that section and provided further that the named insured has been a licensed operator in Pennsylvania or another state for the immediately preceding three years.

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Department." The Department of Transportation or Insurance Department, as applicable.

"Financial responsibility." The ability to respond in damages for liability on account of accidents arising out of the maintenance or use of a motor vehicle in the amount of $15,000 because of injury to one person in any one accident, in the amount of $30,000 because of injury to two or more persons in any one accident and in the amount of $5,000 because of damage to property of others in any one accident. The financial responsibility shall be in a form acceptable to the Department of Transportation.

"Injury." Accidentally sustained bodily harm to an individual and that individual's illness, disease or death resulting therefrom.

"Insured." Any of the following:

(1) An individual identified by name as an insured in a policy of motor vehicle liability insurance.

(2) If residing in the household of the named insured:

(i) a spouse or other relative of the named insured; or

(ii) a minor in the custody of either the named insured or relative of the named insured.

"Insurer" or **"insurance company."** A motor vehicle liability insurer subject to the requirements of this chapter.

"Necessary medical treatment and rehabilitative services." Treatment, accommodations, products or services which are determined to be necessary by a licensed health care provider unless they shall have been found or determined to be unnecessary by a State-approved Peer Review Organization (PRO).

"Noneconomic loss." Pain and suffering and other nonmonetary detriment.

"Peer Review Organization" or **"PRO."** Any Peer Review Organization with which the Federal Health Care Financing Administration or the Commonwealth contracts for medical review of Medicare or medical assistance services, or any health care review company, approved by the commissioner, that engages in peer review for the purpose of determining that medical and rehabilitation services are medically necessary and economically provided. The membership of any PRO utilized in connection with this chapter shall include representation from the profession whose services are subject to the review.

"Private passenger motor vehicle." A four-wheel motor vehicle, except recreational vehicles not intended for highway use, which is insured by a natural person and:

(1) is a passenger car neither used as a public or livery conveyance nor rented to others; or

(2) has a gross weight not exceeding 9,000 pounds and is not principally used for commercial purposes other than farming.

The term does not include any motor vehicle insured exclusively under a policy covering garage, automobile sales agency repair shop, service station or public parking place operation hazards.

"Self-insurer." An entity providing benefits and qualified in the manner set forth in section 1787 (relating to self-insurance).

"Serious injury." A personal injury resulting in death, serious impairment of body function or permanent serious disfigurement.

"Underinsured motor vehicle." A motor vehicle for which the limits of available liability insurance and self-insurance are insufficient to pay losses and damages.

"Uninsured motor vehicle." Any of the following:

(1) A motor vehicle for which there is no liability insurance or self-insurance applicable at the time of the accident.

(2) A motor vehicle for which the insurance company denies coverage or the insurance company is or becomes involved in insolvency proceedings in any jurisdiction.

(3) An unidentified motor vehicle that causes an accident resulting in injury provided the accident is reported to the police or proper governmental authority and the claimant notifies his insurer within 30 days, or as soon as practicable thereafter, that the claimant or his legal representative has a legal action arising out of the accident.

"Voluntary rate." An insurer's rating plan approved by the commissioner. In the case of an insurer with multiple rating plans, the voluntary rate shall be that rating plan applicable to the risk.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Feb. 7, 1990, P.L.11, No.6, eff. imd.)

1990 Amendment. Act 6 added the defs. of "Assigned Risk Plan," "Automobile Insurance Policy Act," "clean risk," "commissioner," "necessary medical treatment and rehabilitative services," "noneconomic loss," "Peer Review Organization" or "PRO," "private passenger motor vehicle," "serious injury" and "voluntary rate."

References in Text. The act of June 5, 1968 (P.L.140, No.78), referred to as the Automobile Insurance Policy Act, referred to in the defs. of "Automobile Insurance Policy Act" and "clean risk," was repealed by the act of June 17, 1998, P.L.464, No.68. The subject matter is now contained in Article XX of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

Cross References. Section 1702 is referred to in sections 1119, 1161, 1798.3 of this title.

§ 1703. Application of chapter.

This chapter does not apply with respect to any motor vehicle owned by the United States.

§ 1704. Administration of chapter.

(a) General rule.--Except as provided in subsection (b), the Department of Transportation shall administer and enforce this chapter and may make rules and regulations necessary for the administration and enforcement of this chapter.

(b) Insurance matters.--The Insurance Department shall administer and enforce those provisions of this chapter as to matters under its jurisdiction as determined by this chapter

or other statute and may make rules and regulations necessary for the administration and enforcement of those provisions.

§ 1705. Election of tort options.

(a) Financial responsibility requirements.--

(1) Each insurer, not less than 45 days prior to the first renewal of a private passenger motor vehicle liability insurance policy on and after July 1, 1990, shall notify in writing each named insured of the availability of two alternatives of full tort insurance and limited tort insurance described in subsections (c) and (d). The notice shall be a standardized form adopted by the commissioner and shall include the following language:

NOTICE TO NAMED INSUREDS

A. "Limited Tort" Option--The laws of the Commonwealth of Pennsylvania give you the right to choose a form of insurance that limits your right and the right of members of your household to seek financial compensation for injuries caused by other drivers. Under this form of insurance, you and other household members covered under this policy may seek recovery for all medical and other out-of-pocket expenses, but not for pain and suffering or other nonmonetary damages unless the injuries suffered fall within the definition of "serious injury" as set forth in the policy or unless one of several other exceptions noted in the policy applies. The annual premium for basic coverage as required by law under this "limited tort" option is $. Additional coverages under this option are available at additional cost.

B. "Full Tort" Option--The laws of the Commonwealth of Pennsylvania also give you the right to choose a form of insurance under which you maintain an unrestricted right for you and the members of your household to seek financial compensation for injuries caused by other drivers. Under this form of insurance, you and other household members covered under this policy may seek recovery for all medical and other out-of-pocket expenses and may also seek financial compensation for pain and suffering and other nonmonetary damages as a result of injuries caused by other drivers. The annual premium for basic coverage as required by law under this "full tort" option is $. Additional coverages under this option are available at additional cost.

C. You may contact your insurance agent, broker or company to discuss the cost of other coverages.

D. If you wish to choose the "limited tort" option described in paragraph A, you must sign this notice where indicated below and return it. If you do not sign and return this notice, you will be considered to have chosen the "full tort" coverage as described in paragraph B and you will be charged the "full tort" premium.

I wish to choose the "limited tort" option described in paragraph A:

....

Named Insured Date

E. If you wish to choose the "full tort" option described in paragraph B, you may sign this notice where indicated below and return it. However, if you do not sign and return this notice, you will be considered to have chosen the "full tort" coverage as described in

paragraph B and you will be charged the "full tort" premium.

I wish to choose the "full tort" option described in paragraph B:

....

Named Insured Date

(2) Insurers shall print the above notice containing both options on one sheet in prominent type and place in a prominent location. Any person signing, or otherwise bound by, a document containing such terms is bound by such election and is precluded from claiming liability of any person based upon being inadequately informed in making the election between full tort or limited tort alternatives. Where there are two or more named insureds on a policy, any named insured may make the full or limited tort election provided for in this section for all named insureds on the policy.

(3) If a named insured who receives a notice under paragraph (1) does not indicate a choice within 20 days, the insurer shall send a second notice. The second notice shall be in a form identical to the first notice, except that it shall be identified as a second and final notice. If a named insured has not responded to either notice ten days prior to the renewal date, the named insured and those he is empowered by this section to bind by his choice are conclusively presumed to have chosen the full tort alternative. All notices required by this section shall advise that if no tort election is made, the named insured and those he is empowered to bind by his choice are conclusively presumed to have chosen the full tort alternative. Any person subject to the limited tort option by virtue of this section shall be precluded from claiming liability of any person based upon being inadequately informed.

(4) Each insurer, prior to the first issuance of a private passenger motor vehicle liability insurance policy on and after July 1, 1990, shall provide each applicant with the notice required by paragraph (1). A policy may not be issued until the applicant has been provided an opportunity to elect a tort option.

(5) An owner of a currently registered private passenger motor vehicle who does not have financial responsibility shall be deemed to have chosen the limited tort alternative.

(6) Nothing in this section changes or modifies the existing requirement that owners of registered vehicles maintain bodily injury and property damage liability insurance arising out of the ownership, maintenance or use of a motor vehicle.

(b) Application of tort options.--

(1) The tort option elected by a named insured shall apply to all private passenger motor vehicle policies of the named insured issued by the same insurer and shall continue in force as to all subsequent renewal policies, replacement policies and any other private passenger motor vehicle policies under which the individual is a named insured until the insurer, or its authorized representative, receives a properly executed form electing the other tort option.

(2) The tort option elected by a named insured shall apply to all insureds under the private passenger motor vehicle policy who are not named insureds under another private passenger motor vehicle policy. In the case where more than one private passenger motor vehicle policy is

applicable to an insured and the policies have conflicting tort options, the insured is bound by the tort option of the policy associated with the private passenger motor vehicle in which the insured is an occupant at the time of the accident if he is an insured on that policy and bound by the full tort option otherwise.

(3) An individual who is not an owner of a currently registered private passenger motor vehicle and who is not a named insured or insured under any private passenger motor vehicle policy shall not be precluded from maintaining an action for noneconomic loss or economic loss sustained in a motor vehicle accident as the consequence of the fault of another person pursuant to applicable tort law.

(c) Full tort alternative.--Each person who is bound by the full tort election remains eligible to seek compensation for noneconomic loss claimed and economic loss sustained in a motor vehicle accident as the consequence of the fault of another person pursuant to applicable tort law.

(d) Limited tort alternative.--Each person who elects the limited tort alternative remains eligible to seek compensation for economic loss sustained in a motor vehicle accident as the consequence of the fault of another person pursuant to applicable tort law. Unless the injury sustained is a serious injury, each person who is bound by the limited tort election shall be precluded from maintaining an action for any noneconomic loss, except that:

(1) An individual otherwise bound by the limited tort election who sustains damages in a motor vehicle accident as the consequence of the fault of another person may recover damages as if the individual damaged had elected the full tort alternative whenever the person at fault:

(i) is convicted or accepts Accelerated Rehabilitative Disposition (ARD) for driving under the influence of alcohol or a controlled substance in that accident;

(ii) is operating a motor vehicle registered in another state;

(iii) intends to injure himself or another person, provided that an individual does not intentionally injure himself or another person merely because his act or failure to act is intentional or done with his realization that it creates a grave risk of causing injury or the act or omission causing the injury is for the purpose of averting bodily harm to himself or another person; or

(iv) has not maintained financial responsibility as required by this chapter, provided that nothing in this paragraph shall affect the limitation of section 1731(d)(2) (relating to availability, scope and amount of coverage).

(2) An individual otherwise bound by the limited tort election shall retain full tort rights with respect to claims against a person in the business of designing, manufacturing, repairing, servicing or otherwise maintaining motor vehicles arising out of a defect in such motor vehicle which is caused by or not corrected by an act or omission in the course of such business, other than a defect in a motor vehicle which is operated by such business.

(3) An individual otherwise bound by the limited tort election shall retain full tort rights if injured while an occupant of a motor vehicle other than a private passenger motor vehicle.

(e) Nondiscrimination.--No insurer shall cancel, refuse to write or refuse to renew a motor vehicle insurance policy based on the tort option election of the named insured. Any violation of this subsection shall be deemed a violation of the Automobile Insurance Policy Act.

(f) Definitions.--As used in this section, the following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Insured." Any individual residing in the household of the named insured who is:

(1) a spouse or other relative of the named insured; or

(2) a minor in the custody of either the named insured or relative of the named insured.

"Named insured." Any individual identified by name as an insured in a policy of private passenger motor vehicle insurance.

(Feb. 7, 1990, P.L.11, No.6, eff. imd.)

1990 Amendment. Act 6 added section 1705.

References in Text. The act of June 5, 1968 (P.L.140, No.78), referred to as the Automobile Insurance Policy Act, referred to in subsec. (e), was repealed by the act of June 17, 1998, P.L.464, No.68. The subject matter is now contained in Article XX of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

Cross References. Section 1705 is referred to in sections 1731, 1791.1, 1799.7 of this title.

SUBCHAPTER B
MOTOR VEHICLE LIABILITY INSURANCE
FIRST PARTY BENEFITS

Sec.

1711. Required benefits.
1712. Availability of benefits.
1713. Source of benefits.
1714. Ineligible claimants.
1715. Availability of adequate limits.
1716. Payment of benefits.
1717. Stacking of benefits.
1718. Exclusion from benefits.
1719. Coordination of benefits.
1720. Subrogation.
1721. Statute of limitations.
1722. Preclusion of recovering required benefits.
1723. Reporting requirements.
1724. Certain nonexcludable conditions.
1725. Rental vehicles.

Cross References. Subchapter B is referred to in sections 1302, 1787, 1797, 1798, 4921 of this title.

§ 1711. Required benefits.

(a) Medical benefit.--An insurer issuing or delivering liability insurance policies covering any motor vehicle of the type required to be registered under this title, except recreational vehicles not intended for highway use, motorcycles, motor-driven cycles or motorized pedalcycles or like type vehicles, registered and operated in this Commonwealth, shall

include coverage providing a medical benefit in the amount of $5,000.

(b) Minimum policy.--All insurers subject to this chapter shall make available for purchase a motor vehicle insurance policy which contains only the minimum requirements of financial responsibility and medical benefits as provided for in this chapter.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Apr. 26, 1989, P.L.13, No.4, eff. June 1, 1989; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

Cross References. Section 1711 is referred to in sections 1718, 1719, 1720, 1721, 1723, 1752, 1787, 1798.1 of this title; section 57A07 of Title 53 (Municipalities Generally); section 2603.1 of Title 66 (Public Utilities).

§ 1712. Availability of benefits.

An insurer issuing or delivering liability insurance policies covering any motor vehicle of the type required to be registered under this title, except recreational vehicles not intended for highway use, motorcycles, motor-driven cycles or motorized pedalcycles or like type vehicles, registered and operated in this Commonwealth, shall make available for purchase first party benefits with respect to injury arising out of the maintenance or use of a motor vehicle as follows:

(1) Medical benefit.--Subject to the limitations of section 1797 (relating to customary charges for treatment), coverage to provide for reasonable and necessary medical treatment and rehabilitative services, including, but not limited to, hospital, dental, surgical, psychiatric, psychological, osteopathic, ambulance, chiropractic, licensed physical therapy, nursing services, vocational rehabilitation and occupational therapy, speech pathology and audiology, optometric services, medications, medical supplies and prosthetic devices, all without limitation as to time, provided that, within 18 months from the date of the accident causing injury, it is ascertainable with reasonable medical probability that further expenses may be incurred as a result of the injury. Benefits under this paragraph may include any nonmedical remedial care and treatment rendered in accordance with a recognized religious method of healing.

(2) Income loss benefit.--Includes the following:

(i) Eighty percent of actual loss of gross income.

(ii) Reasonable expenses actually incurred for hiring a substitute to perform self-employment services thereby mitigating loss of gross income or for hiring special help thereby enabling a person to work and mitigate loss of gross income.

Income loss does not include loss of expected income for any period following the death of an individual or expenses incurred for services performed following the death of an individual. Income loss shall not commence until five working days have been lost after the date of the accident.

(3) Accidental death benefit.--A death benefit paid to the personal representative of the insured, should injury resulting from a motor vehicle accident cause death within 24 months from the date of the accident.

(4) Funeral benefit.--Expenses directly related to the funeral, burial, cremation or other form of disposition of the remains of a deceased individual, incurred as a result of the death of the individual as a result of the accident and within 24 months from the date of the accident.

(5) Combination benefit.--A combination of benefits described in paragraphs (1) through (4) as an alternative to the separate purchase of those benefits.

(6) Extraordinary medical benefits.--Medical benefits, as defined in paragraph (1), which exceed $100,000.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. Dec. 3, 2002)

2002 Amendments. Act 123 amended par. (1) and Act 229 amended par. (1).

Cross References. Section 1712 is referred to in sections 1715, 1718, 1719, 1720, 1721, 1752, 1753, 1787 of this title.

§ 1713. Source of benefits.

(a) General rule.--Except as provided in section 1714 (relating to ineligible claimants), a person who suffers injury arising out of the maintenance or use of a motor vehicle shall recover first party benefits against applicable insurance coverage in the following order of priority:

(1) For a named insured, the policy on which he is the named insured.

(2) For an insured, the policy covering the insured.

(3) For the occupants of an insured motor vehicle, the policy on that motor vehicle.

(4) For a person who is not the occupant of a motor vehicle, the policy on any motor vehicle involved in the accident. For the purpose of this paragraph, a parked and unoccupied motor vehicle is not a motor vehicle involved in an accident unless it was parked so as to cause unreasonable risk of injury.

(b) Multiple sources of equal priority.--The insurer against whom a claim is asserted first under the priorities set forth in subsection (a) shall process and pay the claim as if wholly responsible. The insurer is thereafter entitled to recover contribution pro rata from any other insurer for the benefits paid and the costs of processing the claim. If contribution is sought among insurers responsible under subsection (a)(4), proration shall be based on the number of involved motor vehicles.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

§ 1714. Ineligible claimants.

An owner of a currently registered motor vehicle who does not have financial responsibility or an operator or occupant of a recreational vehicle not intended for highway use, motorcycle, motor-driven cycle, motorized pedalcycle or like type vehicle required to be registered under this title cannot recover first party benefits.

Cross References. Section 1714 is referred to in section 1713 of this title.

§ 1715. Availability of adequate limits.

(a) General rule.--An insurer shall make available for purchase first party benefits as follows:

(1) For medical benefits, up to at least $100,000.

(1.1) For extraordinary medical benefits, from $100,000 to $1,100,000, which may be offered in increments of $100,000, as limited by subsection (d).

(2) For income loss benefits, up to at least $2,500 per month up to a maximum benefit of at least $50,000.

(3) For accidental death benefits, up to at least $25,000.

(4) For funeral benefits, $2,500.

(5) For combination of benefits enumerated in paragraphs (1), (2), (3) and (4) and subject to a limit on the accidental death benefit of up to $25,000 and a limit on the funeral benefit of $2,500, up to at least $177,500 of benefits in the aggregate or benefits payable up to three years from the date of the accident, whichever occurs first, provided that nothing contained in this subsection shall be construed to limit, reduce, modify or change the provisions of subsection (d).

(b) Higher or lower limits and additional benefits.--Insurers may make available higher or lower limits or benefits 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 of reasonable and necessary expenses only for medical treatment and rehabilitative services which, as described in section 1712(1) (relating to availability of benefits), exceed $100,000. 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.

(e) Other extraordinary medical benefits.--Notwithstanding the requirement of subsection (a)(1.1), an insured may obtain the extraordinary medical benefits described in that subsection through any insurance contract, program or group arrangement.

(f) Determining adverse experience of an agent.--For purposes of determining adverse experience of an agent, experience generated from extraordinary medical benefit coverage described in subsection (a)(1.1) shall be excluded.

(g) Voluntary pooling.--Notwithstanding any other provisions of this act or the act of June 11, 1947 (P.L.538, No.246), known as The Casualty and Surety Rate Regulatory Act, two or more insurers may enter into an arrangement or agreement to provide for the availability of an extraordinary medical benefit pursuant to the provisions of this chapter. All such arrangements or agreements entered into by an insurer shall be subject to the prior approval of the Insurance Commissioner. (Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Apr. 26, 1989, P.L.13, No.4, eff. June 1, 1989; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

1990 Amendment. Act 6 amended subsec. (a).

Cross References. Section 1715 is referred to in sections 1719, 1720, 1723, 1787, 1791, 1798.1, 1798.3 of this title.

§ 1716. Payment of benefits.

Benefits are overdue if not paid within 30 days after the insurer receives reasonable proof of the amount of the benefits. If reasonable proof is not supplied as to all benefits, the portion supported by reasonable proof is overdue if not paid within 30 days after the proof is received by the insurer. Overdue benefits shall bear interest at the rate of 12% per annum from the date the benefits become due. In the event the insurer is found to have acted in an unreasonable manner in refusing to pay the benefits when due, the insurer shall pay,

in addition to the benefits owed and the interest thereon, a reasonable attorney fee based upon actual time expended.

§ 1717. Stacking of benefits.

First party benefits shall not be increased by stacking the limits of coverage of:

(1) multiple motor vehicles covered under the same policy of insurance; or

(2) multiple motor vehicle policies covering the individual for the same loss.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

§ 1718. Exclusion from benefits.

(a) General rule.--An insurer shall exclude from benefits any insured, or his personal representative, under a policy enumerated in section 1711 (relating to required benefits) or 1712 (relating to availability of benefits), when the conduct of the insured contributed to the injury sustained by the insured in any of the following ways:

(1) While intentionally injuring himself or another or attempting to intentionally injure himself or another.

(2) While committing a felony.

(3) While seeking to elude lawful apprehension or arrest by a law enforcement official.

(b) Conversion of vehicle.--A person who knowingly converts a motor vehicle is ineligible to receive first party benefits from any source other than a policy of insurance under which he is an insured for any injury arising out of the maintenance or use of the converted vehicle.

(c) Named driver exclusion.--An insurer or the first named insured may exclude any person or his personal representative from benefits under a policy enumerated in section 1711 or 1712 when any of the following apply:

(1) The person is excluded from coverage while operating a motor vehicle in accordance with the act of June 5, 1968 (P.L.140, No.78), relating to the writing, cancellation of or refusal to renew policies of automobile insurance.

(2) The first named insured has requested that the person be excluded from coverage while operating a motor vehicle. This paragraph shall only apply if the excluded person is insured on another policy of motor vehicle liability insurance.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

1990 Amendment. Act 6 amended subsec. (c).

References in Text. The act of June 5, 1968 (P.L.140, No.78), referred to as the Automobile Insurance Policy Act, referred to in subsec. (c)(1), was repealed by the act of June 17, 1998, P.L.464, No.68. The subject matter is now contained in Article XX of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

§ 1719. Coordination of benefits.

(a) General rule.--Except for workers' compensation, a policy of insurance issued or delivered pursuant to this subchapter shall be primary. Any program, group contract or other arrangement for payment of benefits such as described in section 1711 (relating to required benefits), 1712(1) and (2) (relating to availability of benefits) or 1715 (relating to availability of adequate limits) shall be construed to contain a provision that all benefits provided therein shall be in excess of and not in duplication of any valid and collectible first party benefits provided in section 1711, 1712 or 1715 or workers' compensation.

(b) Definition.--As used in this section the term "program, group contract or other arrangement" includes, but is not limited to, benefits payable by a hospital plan corporation or a professional health service corporation subject to 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).
(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

Cross References. Section 1719 is referred to in sections 1720, 1722 of this title.

§ 1720. Subrogation.

In actions arising out of the maintenance or use of a motor vehicle, there shall be no right of subrogation or reimbursement from a claimant's tort recovery with respect to workers' compensation benefits, benefits available under section 1711 (relating to required benefits), 1712 (relating to availability of benefits) or 1715 (relating to availability of adequate limits) or benefits paid or payable by a program, group contract or other arrangement whether primary or excess under section 1719 (relating to coordination of benefits).
(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

1993 Partial Repeal. Section 25(b) of Act 44 provided that section 1720 is repealed insofar as it relates to workers' compensation payments or other benefits payable under the Workers' Compensation Act.

§ 1721. Statute of limitations.

(a) General rule.--If benefits have not been paid, an action for first party benefits shall be commenced within four years from the date of the accident giving rise to the claim. If first party benefits have been paid, an action for further benefits shall be commenced within four years from the date of the last payment.

(b) Minors.--For minors entitled to benefits described in section 1711 (relating to required benefits) or 1712 (relating to availability of benefits), an action for benefits shall be commenced within four years from the date on which the injured minor attains 18 years of age.

(c) Definition.--As used in this section the term "further benefits" means expenses incurred not earlier than four years preceding the date an action is commenced.
(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

§ 1722. Preclusion of recovering required benefits.

In any action for damages against a tortfeasor, or in any uninsured or underinsured motorist proceeding, arising out of the maintenance or use of a motor vehicle, a person who is eligible to receive benefits under the coverages set forth in this subchapter, or workers' compensation, or any program, group contract or other arrangement for payment of benefits as defined in section 1719 (relating to coordination of benefits) shall be precluded from recovering the amount of benefits paid or payable under this subchapter, or workers' compensation, or any program, group contract or other arrangement for payment of benefits as defined in section 1719.
(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Apr. 26, 1989, P.L.13, No.4, eff. imd.; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

1993 Partial Repeal. Section 25(b) of Act 44 provided that section 1722 is repealed insofar as it relates to workers'

compensation payments or other benefits payable under the Workers' Compensation Act.

§ 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 insureds, the number of its insureds who have purchased first party medical benefits in excess of the minimum required by section 1711 (relating to required benefits) and the number of insureds who have purchased first party medical benefits 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.
(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Apr. 26, 1989, P.L.13, No.4, eff. imd.)

§ 1724. Certain nonexcludable conditions.

(a) General rule.--Insurance benefits may not be denied solely because the driver of the insured motor vehicle is determined to be under the influence of drugs or intoxicating beverages at the time of the accident for which benefits are sought.

(b) Contract exclusions.--Provisions of an insurance policy which exclude insurance benefits if the insured causes a vehicular accident while under the influence of drugs or intoxicating beverages at the time of the accident are void.
(Mar. 27, 1986, P.L.71, No.24, eff. July 1, 1986)

1986 Amendment. Act 24 added section 1724.

§ 1725. Rental vehicles.

Every motor vehicle insurance policy shall contain a notice as to whether the policy covers collision damage to rental vehicles, and any limitations on such coverage. The notice shall be written in clear, plain language and shall be printed on the first page of the policy in boldface capital letters.
(June 30, 1990, P.L.266, No.63, eff. 90 days)

1990 Amendment. Act 63 added section 1725.

SUBCHAPTER C
UNINSURED AND UNDERINSURED MOTORIST COVERAGE

Sec.

1731. Availability, scope and amount of coverage.
1732. Limits of coverage (Repealed).
1733. Priority of recovery.
1734. Request for lower limits of coverage.
1735. Coverages unaffected by workers' compensation benefits (Repealed).
1736. Coverages in excess of required amounts.
1737. Workers' compensation benefits not a bar to uninsured and underinsured motorist benefits (Repealed).
1738. Stacking of uninsured and underinsured benefits and option to waive.

§ 1731. Availability, scope and amount of coverage.

(a) Mandatory offering.--No motor vehicle liability insurance policy shall be delivered or issued for delivery in this Commonwealth, with respect to any motor vehicle registered or principally garaged in this Commonwealth, unless uninsured motorist and underinsured motorist coverages are offered therein or supplemental thereto in amounts as provided in section 1734 (relating to request for lower limits of coverage). Purchase

of uninsured motorist and underinsured motorist coverages is optional.

(b) Uninsured motorist coverage.--Uninsured motorist coverage shall provide protection for persons who suffer injury arising out of the maintenance or use of a motor vehicle and are legally entitled to recover damages therefor from owners or operators of uninsured motor vehicles. The named insured shall be informed that he may reject uninsured motorist coverage by signing the following written rejection form:

REJECTION OF UNINSURED MOTORIST PROTECTION

By signing this waiver I am rejecting uninsured motorist coverage under this policy, for myself and all relatives residing in my household. Uninsured coverage protects me and relatives living in my household for losses and damages suffered if injury is caused by the negligence of a driver who does not have any insurance to pay for losses and damages. I knowingly and voluntarily reject this coverage.

.....
Signature of First Named Insured
.....
Date

(b.1) Limitation of rejection.--Uninsured motorist protection may be rejected for the driver and passengers for rental or lease vehicles which are not otherwise common carriers by motor vehicle, but such coverage may only be rejected if the rental or lease agreement is signed by the person renting or leasing the vehicle and contains the following rejection language:

Rejection of Uninsured Motorist Protection

I am rejecting uninsured motorist coverage under this rental or lease agreement, and any policy of insurance or self-insurance issued under this agreement, for myself and all other passengers of this vehicle. Uninsured coverage protects me and other passengers in this vehicle for losses and damages suffered if injury is caused by the negligence of a driver who does not have any insurance to pay for losses and damages.

(b.2) Rejection language change.--The rejection language of subsection (b.1) may only be changed grammatically to reflect a difference in tense in the rental agreement or lease agreement.

(b.3) Vehicle rental services.--The requirements of subsection (b.1) may be met in connection with an expedited vehicle rental service, which service by agreement of the renter does not require the renter's signature for each rental, if a master enrollment or rental agreement contains the rejection language of subsection (b.1) and such agreement is signed by the renter.

(c) Underinsured motorist coverage.--Underinsured motorist coverage shall provide protection for persons who suffer injury arising out of the maintenance or use of a motor vehicle and are legally entitled to recover damages therefor from owners or operators of underinsured motor vehicles. The named insured shall be informed that he may reject underinsured motorist coverage by signing the following written rejection form:

REJECTION OF UNDERINSURED MOTORIST PROTECTION

By signing this waiver I am rejecting underinsured motorist coverage under this policy, for myself and all relatives residing in my household. Underinsured coverage protects me and relatives living in my household for losses and damages suffered if injury is caused by the negligence of a driver who does not have enough insurance to pay for

all losses and damages. I knowingly and voluntarily reject this coverage.

.....
Signature of First Named Insured

.....
Date

(c.1) Form of waiver.--Insurers shall print the rejection forms required by subsections (b) and (c) on separate sheets in prominent type and location. The forms must be signed by the first named insured and dated to be valid. The signatures on the forms may be witnessed by an insurance agent or broker. Any rejection form that does not specifically comply with this section is void. If the insurer fails to produce a valid rejection form, uninsured or underinsured coverage, or both, as the case may be, under that policy shall be equal to the bodily injury liability limits. On policies in which either uninsured or underinsured coverage has been rejected, the policy renewals must contain notice in prominent type that the policy does not provide protection against damages caused by uninsured or underinsured motorists. Any person who executes a waiver under subsection (b) or (c) shall be precluded from claiming liability of any person based upon inadequate information.

(d) Limitation on recovery.--

(1) A person who recovers damages under uninsured motorist coverage or coverages cannot recover damages under underinsured motorist coverage or coverages for the same accident.

(2) A person precluded from maintaining an action for noneconomic damages under section 1705 (relating to election of tort options) may not recover from uninsured motorist coverage or underinsured motorist coverage for noneconomic damages.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990; Dec. 28, 1994, P.L.1441, No.170, eff. 60 days; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; July 6, 1995, P.L.246, No.30, eff. 60 days)

1995 Amendment. Act 30 amended subsec. (b.1) and added subsecs. (b.2) and (b.3), retroactive to December 28, 1994, as to subsec. (b.1).

Cross References. Section 1731 is referred to in sections 1705, 1734 of this title.

§ 1732. Limits of coverage (Repealed).

1990 Repeal. Section 1732 was repealed February 7, 1990, P.L.11, No.6, effective July 1, 1990.

§ 1733. Priority of recovery.

(a) General rule.--Where multiple policies apply, payment shall be made in the following order of priority:

(1) A policy covering a motor vehicle occupied by the injured person at the time of the accident.

(2) A policy covering a motor vehicle not involved in the accident with respect to which the injured person is an insured.

(b) Multiple sources of equal priority.--The insurer against whom a claim is asserted first under the priorities set forth in subsection (a) shall process and pay the claim as if wholly responsible. The insurer is thereafter entitled to recover contribution pro rata from any other insurer for the benefits paid and the costs of processing the claim.

(Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

§ 1734. Request for lower limits of coverage.

A named insured may request in writing the issuance of coverages under section 1731 (relating to availability, scope and amount of coverage) in amounts equal to or less than the limits of liability for bodily injury.
(Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

Cross References. Section 1734 is referred to in section 1731 of this title.

§ 1735. Coverages unaffected by workers' compensation benefits (Repealed).

1993 Repeal. Section 1735 was repealed July 2, 1993, P.L.190, No.44, effective immediately.

§ 1736. Coverages in excess of required amounts.

The coverages provided under this subchapter may be offered by insurers in amounts higher than those required by this chapter but may not be greater than the limits of liability specified in the bodily injury liability provisions of the insured's policy.

§ 1737. Workers' compensation benefits not a bar to uninsured and underinsured motorist benefits (Repealed).

1993 Repeal. Section 1737 was repealed July 2, 1993, P.L.190, No.44, effective immediately.

§ 1738. Stacking of uninsured and underinsured benefits and option to waive.

(a) Limit for each vehicle.--When more than one vehicle is insured under one or more policies providing uninsured or underinsured motorist coverage, the stated limit for uninsured or underinsured coverage shall apply separately to each vehicle so insured. The limits of coverages available under this subchapter for an insured shall be the sum of the limits for each motor vehicle as to which the injured person is an insured.

(b) Waiver.--Notwithstanding the provisions of subsection (a), a named insured may waive coverage providing stacking of uninsured or underinsured coverages in which case the limits of coverage available under the policy for an insured shall be the stated limits for the motor vehicle as to which the injured person is an insured.

(c) More than one vehicle.--Each named insured purchasing uninsured or underinsured motorist coverage for more than one vehicle under a policy shall be provided the opportunity to waive the stacked limits of coverage and instead purchase coverage as described in subsection (b). The premiums for an insured who exercises such waiver shall be reduced to reflect the different cost of such coverage.

(d) Forms.--

(1) The named insured shall be informed that he may exercise the waiver of the stacked limits of uninsured motorist coverage by signing the following written rejection form:

UNINSURED COVERAGE LIMITS

By signing this waiver, I am rejecting stacked limits of uninsured motorist coverage under the policy for myself and members of my household under which the limits of coverage available would be the sum of limits for each motor vehicle insured under the policy. Instead, the limits of coverage that I am purchasing shall be reduced to the limits stated in the policy. I knowingly and voluntarily reject the stacked limits of coverage. I understand that my premiums will be reduced if I reject this coverage.

.....
Signature of First Named Insured
.....
Date

(2) The named insured shall be informed that he may exercise the waiver of the stacked limits of underinsured motorist coverage by signing the following written rejection form:

UNDERINSURED COVERAGE LIMITS

By signing this waiver, I am rejecting stacked limits of underinsured motorist coverage under the policy for myself and members of my household under which the limits of coverage available would be the sum of limits for each motor vehicle insured under the policy. Instead, the limits of coverage that I am purchasing shall be reduced to the limits stated in the policy. I knowingly and voluntarily reject the stacked limits of coverage. I understand that my premiums will be reduced if I reject this coverage.

.....
Signature of First Named Insured
.....
Date

(e) Signature and date.--The forms described in subsection (d) must be signed by the first named insured and dated to be valid. Any rejection form that does not comply with this section is void.

(Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

1990 Amendment. Act 6 added section 1738.

SUBCHAPTER D
ASSIGNED RISK PLAN

Sec.

1741. Establishment.
1742. Scope of plan.
1743. Rates.
1744. Termination of policies.

Cross References. Subchapter D is referred to in sections 1787, 1792 of this title.

§ 1741. Establishment.

The Insurance Department shall, after consultation with the insurers licensed to write motor vehicle liability insurance in this Commonwealth, adopt a reasonable Assigned Risk Plan for the equitable apportionment among those insurers of applicants for motor vehicle liability insurance who are entitled to, but are unable to, procure insurance through ordinary methods. When the plan has been adopted, all motor vehicle liability insurers shall subscribe thereto and shall participate in the plan. The plan may provide reasonable means for the transfer of individuals insured thereunder into the ordinary market, at the same or lower rates, pursuant to regulations established by the department.

§ 1742. Scope of plan.

The Assigned Risk Plan shall:

(1) Include rules for the classification of risks and rates therefor.

(2) Provide for the installment payment of premiums subject to customary terms and conditions.

(3) Provide rules for the equitable apportionment among participating insurers of clean risks who shall be eligible to receive the insurer's voluntary rate.

(4) Provide rules to specify the effective date and time of coverage, provided that applicants may only obtain coverage effective as of the date and time of the application if the agent or broker of record uses electronic mail binding procedures specified in the rules.

(Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

§ 1743. Rates.

All rates for the Assigned Risk Plan shall be subject to the act of June 11, 1947 (P.L.538, No.246), known as The Casualty and Surety Rate Regulatory Act, and shall not be inadequate, excessive or unfairly discriminatory.

§ 1744. Termination of policies.

Cancellation, refusal to renew and other termination of policies issued under the Assigned Risk Plan shall be in accordance with the rules of the plan.

SUBCHAPTER E
ASSIGNED CLAIMS PLAN

Sec.

1751. Organization.
1752. Eligible claimants.
1753. Benefits available.
1754. Additional coverage.
1755. Coordination of benefits.
1756. Subrogation.
1757. Statute of limitations.

Cross References. Subchapter E is referred to in section 1787 of this title.

§ 1751. Organization.

Insurers providing financial responsibility as required by law shall organize and maintain, subject to the approval and regulation of the Insurance Department, an Assigned Claims Plan and adopt rules for the operation and for the assessment of costs on a fair and equitable basis.

§ 1752. Eligible claimants.

(a) General rule.--A person is eligible to recover benefits from the Assigned Claims Plan if the person meets the following requirements:

(1) Is a resident of this Commonwealth.

(2) Is injured as the result of a motor vehicle accident occurring in this Commonwealth.

(3) Is not an owner of a motor vehicle required to be registered under Chapter 13 (relating to registration of vehicles).

(4) Is not the operator or occupant of a motor vehicle owned by the Federal Government or any of its agencies, departments or authorities.

(5) Is not the operator or occupant of a motor vehicle owned by a self-insurer or by an individual or entity who or which is immune from liability for, or is not required to provide, benefits or uninsured and underinsured motorist coverage.

(6) Is otherwise not entitled to receive any first party benefits under section 1711 (relating to required benefits) or 1712 (relating to availability of benefits) applicable to the injury arising from the accident.

(7) Is not the operator or occupant of a recreational vehicle not intended for highway use, motorcycle, motor-driven cycle or motorized pedalcycle or other like type vehicle required to be registered under this title and involved in the accident.

(b) Grounds for ineligibility.--A person otherwise qualifying as an eligible claimant under subsection (a) shall nevertheless be ineligible to recover benefits from the Assigned Claims Plan if that person contributed to his own injury in any of the following ways:

(1) While intentionally injuring himself or another or attempting to intentionally injure himself or another.

(2) While committing a felony.

(3) While seeking to elude lawful apprehension or arrest by a law enforcement official.

(4) While knowingly converting a motor vehicle.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

§ 1753. Benefits available.

An eligible claimant may recover medical benefits, as described in section 1712(1) (relating to availability of benefits), up to a maximum of $5,000. No income loss benefit or accidental death benefit shall be payable under this subchapter.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

Cross References. Section 1753 is referred to in sections 1754, 1755, 1757 of this title.

§ 1754. Additional coverage.

An eligible claimant who has no other source of applicable uninsured motorist coverage and is otherwise entitled to recover in an action in tort against a party who has failed to comply with this chapter may recover for losses or damages suffered as a result of the injury up to $15,000 subject to an aggregate limit for all claims arising out of any one motor vehicle accident of $30,000. If a claimant recovers medical benefits under section 1753 (relating to benefits available), the amount of medical benefits recovered or recoverable up to $5,000 shall be set off against any amounts recoverable in this section.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

Cross References. Section 1754 is referred to in section 1757 of this title.

§ 1755. Coordination of benefits.

(a) Workers' compensation.--All benefits (less reasonably incurred collection costs) that an eligible claimant receives or is entitled to receive from workers' compensation and from any other like source under local, state or Federal law shall be subtracted from any benefits available in section 1753 (relating to benefits available) unless the law authorizing or providing for those benefits makes them excess or secondary to the benefits in accordance with this subchapter.

(b) Accident and health benefits.--All benefits an eligible claimant receives or is entitled to receive as a result of injury from any available source of accident and health benefits shall be subtracted from those benefits available in section 1753.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

§ 1756. Subrogation.

The Assigned Claims Plan or its assignee is entitled to recover, in accordance with the tort liability law of this Commonwealth, reimbursement for benefits or coverages paid,

loss adjustment costs and any other sums paid to an eligible claimant under this subchapter.
(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

§ 1757. Statute of limitations.

(a) General rule.--An action by an eligible claimant to recover benefits or coverages from the Assigned Claims Plan shall be commenced within four years from the date of the accident.

(b) Minors.--For minors entitled to benefits described in section 1753 (relating to benefits available) or 1754 (relating to additional coverage), an action to recover these benefits or coverages shall be commenced within four years from the date on which the injured minor attains 18 years of age.
(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

SUBCHAPTER F
CATASTROPHIC LOSS TRUST FUND
(Repealed)

1988 Repeal. Subchapter F (§§ 1761 - 1769) was added February 12, 1984, P.L.26, No.11, and repealed December 12, 1988, P.L.1120, No.144, effective immediately.

SUBCHAPTER G
NONPAYMENT OF JUDGMENTS

Sec.
1771. Court reports on nonpayment of judgments.
1772. Suspension for nonpayment of judgments.
1773. Continuation of suspension until judgments paid and proof given.
1774. Payments sufficient to satisfy judgments.
1775. Installment payment of judgments.

§ 1771. Court reports on nonpayment of judgments.

(a) General rule.--Whenever any person fails within 60 days to satisfy any judgment arising from a motor vehicle accident, the judgment creditor may forward to the department a certified copy of the judgment.

(b) Notice to state of nonresident defendant.--If the defendant named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

§ 1772. Suspension for nonpayment of judgments.

(a) General rule.--The department, upon receipt of a certified copy of a judgment, shall suspend the operating privilege of each person against whom the judgment was rendered except as otherwise provided in this section and in section 1775 (relating to installment payment of judgments).

(b) Nonsuspension with consent of judgment creditor.--If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor's operating privilege be retained or restored, the department shall not suspend or shall restore until the consent is revoked in writing, notwithstanding default in the payment of the judgment, or of any installment thereof prescribed in section 1775, provided the judgment debtor furnishes proof of financial responsibility.

(c) Financial responsibility in effect at time of accident.--Any person whose operating privilege has been suspended, or is about to be suspended or become subject to suspension, under this chapter shall be relieved from the effect of the judgment as prescribed in this chapter if the person files evidence satisfactory to the department that financial responsibility was in force and effect at the time of the accident resulting in the judgment and is or should be available for the satisfaction of the judgment. If insurance already obtained is not available because the insurance company has gone into receivership or bankruptcy, the person shall only be required to present to or file with the department proper evidence that an insurance policy was in force and effect at the time of the accident.

Cross References. Section 1772 is referred to in sections 1553, 1554, 1556, 1783 of this title.

§ 1773. Continuation of suspension until judgments paid and proof given.

A person's operating privilege shall remain suspended and shall not be renewed in the name of that person unless and until every judgment is stayed, satisfied in full or to the extent provided in this subchapter, and until the person furnishes proof of financial responsibility as required.

§ 1774. Payments sufficient to satisfy judgments.

(a) General rule.--For the purpose of this chapter only, judgments shall be deemed satisfied upon the occurrence of one of the following:

(1) When $15,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to one person as the result of any one accident.

(2) When $30,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to two or more persons as the result of any one accident.

(3) When $5,000 has been credited upon any judgment or judgments rendered in excess of that amount because of damage to property of others as the result of any one accident.

(b) Credit for payment under settlement.--Payments made in settlement of any claims because of bodily injury or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

(c) Escrow deposit by judgment debtor.--When the judgment creditor cannot be found, the judgment debtor may deposit in escrow with the prothonotary of the court where the judgment was entered an amount equal to the amount of the judgment, subject to the limits set forth in subsection (a), interest to date and record costs, whereupon the prothonotary shall notify the department and the judgment shall be deemed satisfied. The amount deposited shall be retained by the prothonotary for a period of five years from the date of the deposit, after which, if it has not been claimed by the judgment creditor, it shall be returned to the judgment debtor. When the deposit is made, the prothonotary shall notify the judgment creditor and his counsel, if any, by certified or registered mail at his last known address. No interest shall run on any judgment with respect to the amount deposited with the prothonotary under the terms of this subsection.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

Cross References. Section 1774 is referred to in sections 1553, 1554, 1556, 1787 of this title.

§ 1775. Installment payment of judgments.

(a) Order authorizing installment payment.--A judgment debtor, upon due notice to the judgment creditor, may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) Suspension prohibited during compliance with order.--The department shall not suspend a driver's operating privilege and shall restore any operating privilege suspended following nonpayment of a judgment when the judgment debtor obtains an order permitting payment of the judgment in installments and while the payment of any installment is not in default, provided that the judgment debtor furnishes proof of financial responsibility.

(c) Suspension for default in payment.--In the event the judgment debtor fails to pay any installment as specified by the order, then, upon notice of the default, the department shall suspend the operating privilege of the judgment debtor until the judgment is satisfied as provided in this chapter.

Cross References. Section 1775 is referred to in sections 1553, 1554, 1556, 1772 of this title.

SUBCHAPTER H
PROOF OF FINANCIAL RESPONSIBILITY

Sec.

1781. Notice of sanction for not evidencing financial responsibility.
1782. Manner of providing proof of financial responsibility.
1783. Proof of financial responsibility before restoring operating privilege or registration.
1784. Proof of financial responsibility following violation.
1785. Proof of financial responsibility following accident.
1786. Required financial responsibility.
1787. Self-insurance.
1788. Neighborhood electric vehicles.

Cross References. Subchapter H is referred to in sections 1377, 1550 of this title.

§ 1781. Notice of sanction for not evidencing financial responsibility.

An applicant for registration of a vehicle shall acknowledge on a form developed by the Department of Transportation that the applicant knows he may lose his operating privilege or vehicle registrations if he fails to maintain financial responsibility on the currently registered vehicle for the period of registration.

(Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

§ 1782. Manner of providing proof of financial responsibility.

(a) General rule.--Proof of financial responsibility may be furnished by filing evidence satisfactory to the department that all motor vehicles registered in a person's name are covered by motor vehicle liability insurance or by a program of self-insurance as provided by section 1787 (relating to self-insurance) or other reliable financial arrangements, deposits, resources or commitments acceptable to the department.

(b) Nonresident.--The nonresident owner of a motor vehicle not registered in this Commonwealth may give proof of financial

responsibility by filing with the department a written certificate or certificates of an insurance company authorized to transact business in the state in which the motor vehicle or motor vehicles described in the certificate are registered or, if the nonresident does not own a motor vehicle, then evidence satisfactory to the department that the person does not own a motor vehicle. The department shall accept the certificate upon condition that the insurance company complies with the following provisions with respect to the policies so certified:

(1) The insurance company shall execute a power of attorney authorizing the department to accept service on its behalf or process in any action arising out of a motor vehicle accident in this Commonwealth.

(2) The insurance company shall agree in writing that the policies shall be deemed to conform with the laws of this Commonwealth relating to the terms of motor vehicle liability policies issued in this Commonwealth.

(c) Default by foreign insurance company.--If any insurance company not authorized to transact business in this Commonwealth, which has qualified to furnish proof of financial responsibility, defaults in any undertakings or agreements, the department shall not thereafter accept as proof any certificate of the company whether theretofore filed or thereafter tendered as proof as long as the default continues.

(d) Financial responsibility identification cards.--Insurers shall provide financial responsibility identification cards to insureds which shall be valid only for the period for which coverage has been paid by the insured. If the insured and insurer both agree, the insurer may issue the financial responsibility identification card solely in electronic format. Financial responsibility identification cards shall disclose the period for which coverage has been paid by the insured and shall contain such other information as required by the Insurance Department. In such instance where the insured has financed premiums through a premium finance company or where the insured is on an insurer-sponsored or agency-sponsored payment plan, financial responsibility identification cards may be issued for periods of six months even though such payment by the insured may be for a period of less than six months. Nothing in this subsection shall be construed to require the immediate issuance of financial responsibility identification cards where an insured replaces an insured vehicle, adds a vehicle or increases coverages under an existing policy for which a premium adjustment is required.

(e) Immunity.--If an insured chooses to provide proof of financial responsibility to be viewed in an electronic format on an electronic device pursuant to section 1786 (relating to required financial responsibility), a police officer administering in good faith this subchapter shall be immune from any civil or criminal liability which arises from the insured's choice, including the inadvertent viewing of materials on the device other than the proof of financial responsibility, inadvertent deletion of information from the device, inadvertent interception of a communication while in possession of the device and breakage which occurs to the device.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990; Dec. 23, 2013, P.L.1266, No.132, eff. 60 days)

2013 Amendment. Act 132 amended subsec. (d) and added subsec. (e).

1984 Amendment. Act 12 amended subsec. (a).

§ 1783. Proof of financial responsibility before restoring operating privilege or registration.

Whenever the department suspends or revokes the operating privilege of any person or the registration of any vehicle pursuant to section 1532 (relating to revocation or suspension of operating privilege), 1542 (relating to revocation of habitual offender's license), 1772 (relating to suspension for nonpayment of judgments), 1784 (relating to proof of financial responsibility following violation) or 1785 (relating to proof of financial responsibility following accident), or upon receiving the record of a conviction or forfeiture of bail, the department shall not restore the operating privilege or the applicable registration until the person furnishes proof of financial responsibility.

§ 1784. Proof of financial responsibility following violation.

A defendant who is convicted of a traffic offense, other than a parking offense, that requires a court appearance shall be required to show proof of financial responsibility covering the operation of the vehicle at the time of the offense. If the defendant fails to show proof of financial responsibility, the court shall notify the department of that fact. Upon receipt of the notice, the department shall revoke the registration of the vehicle. If the defendant is the owner of the vehicle, the department shall also suspend the operating privilege of the defendant.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

Cross References. Section 1784 is referred to in sections 1553, 1783 of this title.

§ 1785. Proof of financial responsibility following accident.

If the department determines that the owner of a motor vehicle involved in an accident requiring notice to a police department pursuant to section 3746 (relating to immediate notice of accident to police department) did not maintain financial responsibility on the motor vehicle at the time of the accident, the department shall suspend the operating privilege of the owner, where applicable, and the department shall revoke the registration of the vehicle.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

Cross References. Section 1785 is referred to in sections 1553, 1783 of this title.

§ 1786. Required financial responsibility.

(a) General rule.--Every motor vehicle of the type required to be registered under this title which is operated or currently registered shall be covered by financial responsibility.

(b) Self-certification.--The Department of Transportation shall require that each motor vehicle registrant certify that the registrant is financially responsible at the time of registration or renewal thereof. The department shall refuse to register or renew the registration of a vehicle for failure to comply with this requirement or falsification of self-certification.

(c) Consent to produce proof of financial responsibility.--Upon registering a motor vehicle or renewing a motor vehicle registration, the owner of the motor vehicle shall be deemed to have given consent to produce proof, upon request, to the Department of Transportation or a police officer that the vehicle registrant has the financial responsibility required by this chapter. Proof of financial responsibility may be satisfied under this chapter by production of a financial

responsibility identification card in paper or electronic form. If an owner of a motor vehicle is providing electronic proof of financial responsibility to a police officer, the police officer shall only view content that is reasonably necessary to demonstrate proof of financial responsibility. The owner of the electronic device assumes liability for any damage to the electronic device containing the financial responsibility identification card while in possession of the police officer or agents of the department.

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

(1) The Department of Transportation shall suspend the registration of a vehicle for a period of three months if it determines the required financial responsibility was not secured as required by this chapter and shall suspend the operating privilege of the owner or registrant for a period of three months if the department determines that the owner or registrant has operated or permitted the operation of the vehicle without the required financial responsibility. The operating privilege shall not be restored until the restoration fee for operating privilege provided by section 1960 (relating to reinstatement of operating privilege or vehicle registration) is paid.

(1.1) In lieu of serving a registration suspension imposed under this section, an owner or registrant may pay to the department a civil penalty of $500, the restoration fee prescribed under section 1960 and furnish proof of financial responsibility in a manner determined by the department. An owner or registrant may exercise this option no more than once in a 12-month period.

(2) Whenever the department revokes or suspends the registration of any vehicle under this chapter, the department shall not restore or transfer the registration until the suspension has been served or the civil penalty has been paid to the department and the vehicle owner furnishes proof of financial responsibility in a manner determined by the department and submits an application for registration to the department, accompanied by the fee for restoration of registration provided by section 1960. This subsection shall not apply in the following circumstances:

(i) The owner or registrant proves to the satisfaction of the department that the lapse in financial responsibility coverage was for a period of less than 31 days and that the owner or registrant did not operate or permit the operation of the vehicle during the period of lapse in financial responsibility.

(ii) The owner or registrant is a member of the armed services of the United States, the owner or registrant has previously had the financial responsibility required by this chapter, financial responsibility had lapsed while the owner or registrant was on temporary, emergency duty and the vehicle was not operated during the period of lapse in financial responsibility. The exemption granted by this paragraph shall continue for 30 days after the owner or registrant returns from duty as long as the vehicle is not operated until the required financial responsibility has been established.

(iii) The insurance coverage has terminated or financial responsibility has lapsed simultaneously with or subsequent to expiration of a seasonal registration, as provided in section 1307(a.1) (relating to period of registration).

(3) An owner whose vehicle registration has been suspended under this subsection shall have the same right of appeal under section 1377 (relating to judicial review) as provided for in cases of the suspension of vehicle registration for other purposes. The filing of the appeal shall act as a supersedeas, and the suspension shall not be imposed until determination of the matter as provided in section 1377. The court's scope of review in an appeal from a vehicle registration suspension shall be limited to determining whether:

(i) the vehicle is registered or of a type that is required to be registered under this title; and

(ii) there has been either notice to the department of a lapse, termination or cancellation in the financial responsibility coverage as required by law for that vehicle or that the owner, registrant or driver was requested to provide proof of financial responsibility to the department, a police officer or another driver and failed to do so. Notice to the department of the lapse, termination or cancellation or the failure to provide the requested proof of financial responsibility shall create a presumption that the vehicle lacked the requisite financial responsibility. This presumption may be overcome by producing clear and convincing evidence that the vehicle was insured at all relevant times.

(4) Where an owner or registrant's operating privilege has been suspended under this subsection, the owner or registrant shall have the same right of appeal under section 1550 (relating to judicial review) as provided for in cases of suspension for other reason. The court's scope of review in an appeal from an operating privilege suspension shall be limited to determining whether:

(i) the vehicle was registered or of a type required to be registered under this title; and

(ii) the owner or registrant operated or permitted the operation of the same vehicle when it was not covered by financial responsibility. The fact that an owner, registrant or operator of the motor vehicle failed to provide competent evidence of insurance or the fact that the department received notice of a lapse, termination or cancellation of insurance for the vehicle shall create a presumption that the vehicle lacked the requisite financial responsibility. This presumption may be overcome by producing clear and convincing evidence that the vehicle was insured at the time that it was driven.

(5) An alleged lapse, cancellation or termination of a policy of insurance by an insurer may only be challenged by requesting review by the Insurance Commissioner pursuant to Article XX of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921. Proof that a timely request has been made to the Insurance Commissioner for such a review shall act as a supersedeas, staying the suspension of registration or operating privilege under this section pending a determination pursuant to section 2009(a) of The Insurance Company Law of 1921 or, in the event that further review at a hearing is requested by either party, a final order pursuant to section 2009(i) of The Insurance Company Law of 1921.

(6) The civil penalty collected under paragraph (1.1) shall be deposited into the Public Transportation Trust Fund.

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

(1) An owner of a motor vehicle who ceases to maintain financial responsibility on a registered vehicle shall not operate or permit operation of the vehicle in this Commonwealth until proof of the required financial responsibility has been provided to the Department of Transportation.

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

(3) An insurer who has issued a contract of motor vehicle liability insurance and knows or has reason to believe that the contract is only for the purpose of providing proof of financial responsibility shall notify the department if the insurance has been canceled or terminated by the insured or by the insurer. The insurer shall notify the department not later than ten days following the effective date of the cancellation or termination.

(4) A person who, after maintaining financial responsibility on the vehicle of another person, ceases to maintain such financial responsibility shall immediately notify the vehicle's owner who shall not operate, or permit operation of, the vehicle in this Commonwealth.

(5) In the case of a person who leases any motor vehicle from a person engaged in the business of leasing motor vehicles, the lessee shall sign a statement indicating that the required financial responsibility has been provided through the lessor or through the lessee's motor vehicle liability insurance policy coverage. The lessee shall submit the statement to the lessor.

(f) Operation of a motor vehicle without required financial responsibility.--Any owner of a motor vehicle for which the existence of financial responsibility is a requirement for its legal operation shall not operate the motor vehicle or permit it to be operated upon a highway of this Commonwealth without the financial responsibility required by this chapter. In addition to the penalties provided by subsection (d), any person who fails to comply with this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $300.

(g) Defenses.--

(1) No person shall be convicted of failing to produce proof of financial responsibility under this subchapter or section 3743 (relating to accidents involving damage to attended vehicle or property) or 6308 (relating to investigation by police officers) if the person produces, at the office of the issuing authority within five days of the date of the violation, proof that he possessed the required financial responsibility at the time of the violation.

(2) No person shall be penalized for maintaining a registered motor vehicle without financial responsibility

under subsection (d) if, at the time insurance coverage terminated or financial responsibility lapsed, the registration plate and card were voluntarily surrendered to the department, a full agent designated by the department to accept voluntarily surrendered registration plates and cards pursuant to regulations promulgated by the department or a decentralized service agent appointed by the department. If a seasonal registration, as provided in section 1307(a.1), has been issued for the vehicle, return of the registration plate and card shall be required only if the insurance coverage terminates or financial responsibility lapses prior to the expiration of the seasonal registration. The department, a full agent or the decentralized service agent, as the case may be, shall issue a receipt showing the date that the registration plate and card were received. The designated full agent or the decentralized service agent shall return the registration plate and card to the department accompanied by a copy of the receipt.

(h) Reinstatement of voluntarily surrendered registration plate and card.--

(1) Except as provided in paragraph (2), the original registration plate and card shall be canceled by the department and destroyed. Any person who voluntarily surrendered a registration plate and card pursuant to the provisions of subsection (g)(2) may obtain a substitute registration plate and card bearing a registration number other than that originally issued from the department, a designated full agent or a decentralized service agent, as the case may be. Proof of financial responsibility in a form approved by the department shall be submitted together with the receipt showing the registration plate and card were voluntarily surrendered.

(2) Any registration plate issued under sections 1340 (relating to antique and classic plates) and 1341 (relating to special registration plates) shall be returned by the department to the owner of the motor vehicle upon receipt of proof of financial responsibility.

(3) A full agent designated by the department to issue substitute temporary registration cards and plates following a voluntary surrender of registration cards and plates pursuant to regulations promulgated by the department or a decentralized service agent appointed by the department may be authorized to issue substitute temporary registration plates provided proof of financial responsibility and a copy of the receipt showing the original registration plate and card were voluntarily surrendered are furnished. The fees provided pursuant to sections 1929 (relating to replacement registration plates) and 1932 (relating to duplicate registration cards) shall not be charged if the original registration plate and card were canceled pursuant to paragraph (1).

(Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990; Dec. 7, 1990, P.L.635, No.164, eff. imd.; Apr. 16, 1992, P.L.169, No.31, eff. 120 days; Dec. 16, 1992, P.L.1247, No.165, eff. 60 days; July 2, 1993, P.L.408, No.58, eff. imd.; Feb. 10, 1994, P.L.10, No.2, eff. imd.; Dec. 7, 1994, P.L.820, No.115, eff. imd.; July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2015; Dec. 23, 2013, P.L.1266, No.132, eff. 60 days; Mar. 19, 2014, P.L.361, No.23, eff. 120 days)

2014 Amendment. Act 23 amended subsec. (h)(2).

2013 Amendments. Act 89 amended subsec. (d) and Act 132 amended subsec. (c). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2002 Amendment. Act 152 amended subsecs. (d) and (e)(2).

1996 Amendment. Act 115 amended subsec. (g)(2) and added subsec. (d)(3).

1994 Amendment. Act 115 amended subsecs. (g) and (h).

Cross References. Section 1786 is referred to in sections 1377, 1553, 1782, 1960, 6309.1 of this title; section 7317 of Title 51 (Military Affairs); section 57A07 of Title 53 (Municipalities Generally); section 2603.1 of Title 66 (Public Utilities); section 1506 of Title 74 (Transportation).

§ 1787. Self-insurance.

(a) General rule.--Self-insurance is effected by filing with the Department of Transportation, in satisfactory form, evidence that reliable financial arrangements, deposits, resources or commitments exist such as will satisfy the department that the self-insurer will:

(1) Provide the benefits required by section 1711 (relating to required benefits), subject to the provisions of Subchapter B (relating to motor vehicle liability insurance first party benefits), except the additional benefits and limits provided in sections 1712 (relating to availability of benefits) and 1715 (relating to availability of adequate limits).

(2) Make payments sufficient to satisfy judgments as required by section 1774 (relating to payments sufficient to satisfy judgments).

(3) Provide uninsured motorist coverage up to the limits set forth in section 1774.

(b) Stacking limits prohibited.--Any recovery of uninsured motorist benefits under this section only shall not be increased by stacking the limits provided in section 1774, in consideration of the ownership or operation of multiple vehicles or otherwise.

(c) Assigned Risk and Assigned Claims Plans.--Self-insurers shall not be required to accept assigned risks pursuant to Subchapter D (relating to Assigned Risk Plan) or contribute to the Assigned Claims Plan pursuant to Subchapter E (relating to Assigned Claims Plan).

(d) Catastrophic Loss Trust Fund.--(Repealed).

(e) Promulgation of regulations, etc.--The Department of Transportation may, jointly with the Insurance Department, promulgate rules, regulations, guidelines, procedures or standards for reviewing and establishing the financial eligibility of self-insurers.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Apr. 26, 1989, P.L.13, No.4, eff. imd.)

1989 Repeal. Act 4 repealed subsec. (d).

1984 Amendment. Act 12 added section 1787.

Cross References. Section 1787 is referred to in sections 1702, 1782 of this title.

§ 1788. Neighborhood electric vehicles.

(a) Minimum coverage requirements.--A neighborhood electric vehicle that is registered or operated on a highway shall be covered by financial responsibility in the amount of $15,000 for injury to one person in any one accident, in the amount of $30,000 for injury to two or more persons in any one accident and in the amount of $5,000 for damage of property of others

in any one accident. The financial responsibility shall be in a form acceptable to the department.

(b) Exemption from other coverages.--For a neighborhood electric vehicle, no person shall be required to purchase and no insurer shall be required to offer or make available any other coverages contained in this chapter.

(Oct. 22, 2014, P.L.2543, No.154, eff. May 1, 2015)

2014 Amendment. Act 154 added section 1788.

SUBCHAPTER I
MISCELLANEOUS PROVISIONS

Sec.

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§ 1791. Notice of available benefits and limits.

It shall be presumed that the insured has been advised of the benefits and limits available under this chapter provided the following notice in bold print of at least ten-point type is given to the applicant at the time of application for original coverage, and no other notice or rejection shall be required:

IMPORTANT NOTICE

Insurance companies operating in the Commonwealth of Pennsylvania are required by law to make available for purchase the following benefits for you, your spouse or other relatives or minors in your custody or in the custody of your relatives, residing in your household, 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 $1,100,000 which may be offered in increments of $100,000.

(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), (2), (3) and (4), a combination benefit, up to at least $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, provided that nothing contained in this subsection shall be construed to limit, reduce, modify or change the provisions of section 1715(d) (relating to availability of adequate limits).

(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 renewal premium evidences your actual knowledge and understanding of the availability of these benefits and limits as well as the benefits and limits you have selected.

If you have any questions or you do not understand all of the various options available to you, contact your agent or company.

If you do not understand any of the provisions contained in this notice, contact your agent or company before you sign.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Apr. 26, 1989, P.L.13, No.4, eff. June 1, 1989; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

§ 1791.1. Disclosure of premium charges and tort options.

(a) Invoice.--At the time of application for original coverage and every renewal thereafter, an insurer must provide to an insured an itemized invoice listing the minimum motor vehicle insurance coverage levels mandated by the Commonwealth and the premium charge for the insured to purchase the minimum mandated coverages. The invoice must contain the following notice in print of no less than ten-point type:

The laws of the Commonwealth of Pennsylvania, as enacted by the General Assembly, only require that you purchase liability and first-party medical benefit coverages. Any additional coverages or coverages in excess of the limits required by law are provided only at your request as enhancements to basic coverages.

The insurer shall provide the itemized invoice to the insured in conjunction with the declaration of coverage limits and premiums for the insured's existing coverages.

(b) Notice of tort options.--In addition to the invoice required under subsection (a), an insurer must, at the time of application for original coverage for private passenger motor vehicle insurance and every renewal thereafter, provide to an insured the following notice of the availability of two

alternatives of full tort insurance and limited tort insurance described in section 1705(c) and (d) (relating to election of tort options):

The laws of the Commonwealth of Pennsylvania give you the right to choose either of the following two tort options:

A. "Limited Tort" Option--This form of insurance limits your right and the rights of members of your household to seek financial compensation for injuries caused by other drivers. Under this form of insurance, you and other household members covered under this policy may seek recovery for all medical and other out-of-pocket expenses, but not for pain and suffering or other nonmonetary damages unless the injuries suffered fall within the definition of "serious injury," as set forth in the policy, or unless one of several other exceptions noted in the policy applies.

B. "Full Tort" Option--This form of insurance allows you to maintain an unrestricted right for yourself and other members of your household to seek financial compensation for injuries caused by other drivers. Under this form of insurance, you and other household members covered under this policy may seek recovery for all medical and other out-of-pocket expenses and may also seek financial compensation for pain and suffering or other nonmonetary damages as a result of injuries caused by other drivers.

If you wish to change the tort option that currently applies to your policy, you must notify your agent, broker or company and request and complete the appropriate form.

(c) Notice of premium discounts.--Except where the commissioner has determined that an insurer may omit a discount because the discount is duplicative of other discounts or is specifically reflected in the insurer's experience, at the time of application for original coverage and every renewal thereafter, an insurer must provide to an insured a notice stating that discounts are available for drivers who meet the requirements of sections 1799 (relating to restraint system), 1799.1 (relating to antitheft devices) and 1799.2 (relating to driver improvement course discounts).

(d) Additional information.--Upon an oral or written request, an insurer subject to this chapter shall provide to the requestor information on the requestor's cost to purchase from the insurer the minimum requested automobile insurance coverages under either of the two tort options described in subsection (b). These requirements shall include the request for and provision of information by telephone.

(Feb. 7, 1990, P.L.11, No.6, eff. imd.)

1990 Amendment. Act 6 added section 1791.1. Section 32 of Act 6 provided that section 1791.1 shall apply to all policies issued or renewed on and after July 1, 1990.

§ 1791.2. Motorcycle marshals.

A motorcycle driver when operating a motorcycle to guide, usher or otherwise ensure the safety of participants in a bicycle race is neither competing nor participating in the bicycle race for purposes of this chapter.

(July 14, 2005, P.L.285, No.50, eff. imd.)

2005 Amendment. Act 50 added section 1791.2.

§ 1792. Availability of uninsured, underinsured, bodily injury liability and property damage coverages and mandatory deductibles.

(a) Availability of coverages.--Except for policies issued under Subchapter D (relating to Assigned Risk Plan), an insurer issuing a policy of bodily injury liability coverage pursuant to this chapter shall make available for purchase higher limits of uninsured, underinsured and bodily injury liability coverages 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. Additionally, an insurer shall make available for purchase at least $5,000 because of damage to property of others in any one accident. However, the exclusion of availability relating to the Assigned Risk Plan shall not apply to damage to property of others in any one accident.

(b) Physical damage deductibles.--

(1) Every private passenger automobile insurance policy providing collision coverage issued or renewed on and after the effective date of this subsection shall offer a deductible in an amount of $500 for collision coverage and may offer a deductible in a greater or lesser amount or a zero deductible.

(2) (Deleted by amendment).

(3) Any person or entity providing financing to the purchaser of a motor vehicle or otherwise holding a security interest in a motor vehicle shall not be permitted to require the purchase of a deductible for less than $500 for collision and comprehensive coverages. Any financial institution, insurer, agent or other person or entity found to have violated this provision shall be required to reimburse the policyholder in an amount equal to the difference in premium and, in addition, shall be required to pay a civil penalty of $500 to the Department of Transportation for each violation.

(4) With the purchase of a $500 or greater deductible, there shall be an immediate commensurate reduction in rate for collision and comprehensive coverages. The reduction in rate shall be based on the insured's existing deductible level.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990; Dec. 23, 2013, P.L.1266, No.132, eff. 60 days)

2013 Amendment. Act 132 amended subsec. (b) hdg., (1) and (2). Section 4 of Act 132 provided that the amendment of section 1792 shall apply to a private passenger automobile insurance policy issued or renewed on or after the effective date of section 4.

§ 1793. Special provisions relating to premiums.

(a) Limitation on premium increases.--

(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).

(b) Surcharge disclosure plan.--All insurers shall provide to the insured a surcharge disclosure plan. The insurer providing the surcharge disclosure plan shall detail the provisions of the plan including, but not limited to:

(1) A description of conditions that would assess a premium surcharge to an insured along with the estimated increase of the surcharge per policy period per policyholder.

(2) The number of years any surcharge will be in effect.

The surcharge disclosure plan shall be delivered to each insured by the insurer at least once annually. Additionally, the surcharge information plan shall be given to each prospective insured at the time application is made for motor vehicle insurance coverage.

(c) Return of premiums of canceled policies.--When an insurer cancels a motor vehicle insurance policy which is subject to section 6(3) of the act of June 5, 1968 (P.L.140, No.78), relating to writing, cancellation of or refusal to renew policies of automobile insurance, the insurer shall within 30 days of canceling the policy return to the insured all premiums paid under the policy less any proration for the period the policy was in effect. Premiums are overdue if not paid to the insured within 30 days after canceling the policy. Overdue return premiums shall bear interest at the rate of 12% per annum from the date the return premium became due.

(d) Rules and regulations.--The Insurance Department shall promulgate rules and regulations establishing guidelines and procedures for determining fault of an insured for the purpose of subsection (a) and guidelines for the content and format of the surcharge disclosure plan.

References in Text. The act of June 5, 1968 (P.L.140, No.78), referred to as the Automobile Insurance Policy Act, referred to in subsec. (c), was repealed by the act of June 17, 1998, P.L.464, No.68. The subject matter is now contained in Article XX of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

§ 1794. Compulsory judicial arbitration jurisdiction.

Beginning January 1, 1987, the monetary limit in 42 Pa.C.S. § 7361(b)(2)(i) (relating to compulsory arbitration) for the submission of matters to judicial arbitration in judicial districts embracing first and second class counties shall be $25,000 for actions arising from the maintenance or use of a motor vehicle.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

§ 1795. Insurance fraud reporting immunity.

(a) General rule.--An insurance company, and any agent, servant or employee acting in the course and scope of his employment, shall be immune from civil or criminal liability arising from the supply or release of written or oral information to any duly authorized Federal or State law enforcement agency, including the Insurance Department, upon compliance with the following:

(1) The information is supplied to the agency in connection with an allegation of fraudulent conduct on the part of any person relating to the filing or maintenance of a motor vehicle insurance claim for bodily injury or property damage.

(2) The insurance company, agent, servant or employee has probable cause to believe that the information supplied is reasonably related to the allegation of fraud.

(b) Notice to policyholder.--The insurance company shall send written notice to the policyholder or policyholders about whom the information pertains unless the insurance company receives notice that the authorized agency finds, based on specific facts, that there is reason to believe that the information will result in any of the following:

(1) Endangerment to the life or physical safety of any person.

(2) Flight from prosecution.

(3) Destruction of or tampering with evidence.

(4) Intimidation of any potential witness or witnesses.

(5) Obstruction of or serious jeopardy to an investigation.

The insurance company shall send written notice not sooner than 45 days nor more than 60 days from the time the information is furnished to an authorized agency except when the authorized agency specifies that a notice should not be sent in accordance with the exceptions enumerated in this subsection in which event the insurance company shall send written notice to the policyholder not sooner than 180 days nor more than 190 days following the date the information is furnished.

(c) Immunity for sending notice.--An insurance company or authorized agency and any person acting on behalf of an insurance company or authorized agency complying with or attempting in good faith to comply with subsection (b) shall be immune from civil liability arising out of any acts or omissions in so doing.

(d) Applicability.--Nothing in this section shall be construed to create any rights to privacy or causes of action on behalf of policyholders that are not in existence as of the effective date of this section.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

1984 Amendment. Act 12 amended subsec. (a).

§ 1796. Mental or physical examination of person.

(a) General rule.--Whenever the mental or physical condition of a person is material to any claim for medical, income loss or catastrophic loss benefits, a court of competent jurisdiction or the administrator of the Catastrophic Loss Trust Fund for catastrophic loss claims may order the person to submit to a mental or physical examination by a physician. The order may only be made upon motion for good cause shown. The order shall give the person to be examined adequate notice of the time and date of the examination and shall state the manner, conditions and scope of the examination and the physician by whom it is to be performed. If a person fails to comply with an order to be examined, the court or the administrator may order that the person be denied benefits until compliance.

(b) Report of examination.--If requested by the person examined, a party causing an examination to be made shall promptly deliver to the person examined a copy of every written report concerning the examination at least one of which must set forth the physician's findings and conclusions in detail. Upon failure to promptly provide copies of these reports, the court or the administrator shall prohibit the testimony of the examining physician in any proceeding to recover benefits.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

1984 Amendment. Act 12 added section 1796.

§ 1797. Customary charges for treatment.

(a) General rule.--A person or institution providing treatment, accommodations, products or services to an injured person for an injury covered by liability or uninsured and underinsured benefits or first party medical benefits, including extraordinary medical benefits, for a motor vehicle described in Subchapter B (relating to motor vehicle liability insurance first party benefits) shall not require, request or accept payment for the treatment, accommodations, products or services in excess of 110% of the prevailing charge at the 75th percentile; 110% of the applicable fee schedule, the recommended fee or the inflation index charge; or 110% of the diagnostic-related groups (DRG) payment; whichever pertains to the specialty service involved, determined to be applicable in this Commonwealth under the Medicare program for comparable services at the time the services were rendered, or the provider's usual and customary charge, whichever is less. The General Assembly finds that the reimbursement allowances applicable in the Commonwealth under the Medicare program are an appropriate basis to calculate payment for treatments, accommodations, products or services for injuries covered by liability or uninsured and underinsured benefits or first party medical benefits insurance. Future changes or additions to Medicare allowances are applicable under this section. If the commissioner determines that an allowance under the Medicare program is not reasonable, he may adopt a different allowance by regulation, which allowance shall be applied against the percentage limitation in this subsection. If a prevailing charge, fee schedule, recommended fee, inflation index charge or DRG payment has not been calculated under the Medicare program for a particular treatment, accommodation, product or service, the amount of the payment may not exceed 80% of the provider's usual and customary charge. If acute care is provided in an acute care facility to a patient with an immediately life-threatening or urgent injury by a Level I or Level II trauma center accredited by the Pennsylvania Trauma Systems Foundation under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, or to a major burn injury patient by a burn facility which meets all the service standards of the American Burn Association, the amount of payment may not exceed the usual and customary charge. Providers subject to this section may not bill the insured directly but must bill the insurer for a determination of the amount payable. The provider shall not bill or otherwise attempt to collect from the insured the difference between the provider's full charge and the amount paid by the insurer.

(b) Peer review plan for challenges to reasonableness and necessity of treatment.--

(1) Peer review plan.--Insurers shall contract jointly or separately with any peer review organization established for the purpose of evaluating treatment, health care services, products or accommodations provided to any injured person. Such evaluation shall be for the purpose of confirming that such treatment, products, services or accommodations conform to the professional standards of performance and are medically necessary. An insurer's challenge must be made to a PRO within 90 days of the insurer's receipt of the provider's bill for treatment or services or may be made at any time for continuing treatment or services.

(2) PRO reconsideration.--An insurer, provider or insured may request a reconsideration by the PRO of the PRO's

initial determination. Such a request for reconsideration must be made within 30 days of the PRO's initial determination. If reconsideration is requested for the services of a physician or other licensed health care professional, then the reviewing individual must be, or the reviewing panel must include, an individual in the same specialty as the individual subject to review.

(3) Pending determinations by PRO.--If the insurer challenges within 30 days of receipt of a bill for medical treatment or rehabilitative services, the insurer need not pay the provider subject to the challenge until a determination has been made by the PRO. The insured may not be billed for any treatment, accommodations, products or services during the peer review process.

(4) Appeal to court.--A provider of medical treatment or rehabilitative services or merchandise or an insured may challenge before a court an insurer's refusal to pay for past or future medical treatment or rehabilitative services or merchandise, the reasonableness or necessity of which the insurer has not challenged before a PRO. Conduct considered to be wanton shall be subject to a payment of treble damages to the injured party.

(5) PRO determination in favor of provider or insured.--If a PRO determines that medical treatment or rehabilitative services or merchandise were medically necessary, the insurer must pay to the provider the outstanding amount plus interest at 12% per year on any amount withheld by the insurer pending PRO review.

(6) Court determination in favor of provider or insured.--If, pursuant to paragraph (4), a court determines that medical treatment or rehabilitative services or merchandise were medically necessary, the insurer must pay to the provider the outstanding amount plus interest at 12%, as well as the costs of the challenge and all attorney fees.

(7) Determination in favor of insurer.--If it is determined by a PRO or court that a provider has provided unnecessary medical treatment or rehabilitative services or merchandise or that future provision of such treatment, services or merchandise will be unnecessary, or both, the provider may not collect payment for the medically unnecessary treatment, services or merchandise. If the provider has collected such payment, it must return the amount paid plus interest at 12% per year within 30 days. In no case does the failure of the provider to return the payment obligate the insured to assume responsibility for payment for the treatment, services or merchandise.

(c) Review authorized.--By December 1, 1991, the Legislative Budget and Finance Committee shall commence a review of the impact of this section. Such review may be conducted biennially. (Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984; Feb. 7, 1990, P.L.11, No.6, eff. Apr. 15, 1990)

References in Text. The act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, referred to in subsec. (a), was repealed by the act of August 18, 2009 (P.L.308, No.37). The subject matter is now contained in Chapter 81 of Title 35 (Health and Safety).

Cross References. Section 1797 is referred to in section 1712 of this title.

§ 1798. Attorney fees and costs.

(a) Basis for reasonable fee.--No attorney's fee for representing a claimant in connection with a claim for first

party benefits provided under Subchapter B (relating to motor vehicle liability insurance first party benefits) or a claim for catastrophic loss benefits under Subchapter F (relating to Catastrophic Loss Trust Fund) shall be calculated, determined or paid on a contingent fee basis, nor shall any attorney's fees be deducted from the benefits enumerated in this subsection which are otherwise due such claimant. An attorney may charge a claimant a reasonable fee based upon actual time expended.

(b) Unreasonable refusal to pay benefits.--In the event an insurer is found to have acted with no reasonable foundation in refusing to pay the benefits enumerated in subsection (a) when due, the insurer shall pay, in addition to the benefits owed and the interest thereon, a reasonable attorney fee based upon actual time expended.

(c) Payment by fund.--The Catastrophic Loss Trust Fund may award the claimant's attorney a reasonable fee based upon actual time expended because a claimant is unable to otherwise pay the fees and costs.

(d) Fraudulent or excessive claims.--If, in any action by a claimant to recover benefits under this chapter, the court determines that the claim, or a significant part thereof, is fraudulent or so excessive as to have no reasonable foundation, the court may award the insurer's attorney a reasonable fee based upon actual time expended. The court, in such case, may direct that the fee shall be paid by the claimant or that the fee may be treated in whole or in part as an offset against any benefits due or to become due the claimant.

(Feb. 12, 1984, P.L.53, No.12, eff. Oct. 1, 1984)

1984 Amendment. Act 12 added section 1798.

References in Text. Subchapter F, referred to in this section, is repealed.

§ 1798.1. Extraordinary medical benefit rate.

(a) Filing.--Each insurer issuing or delivering liability insurance policies as described in section 1711 (relating to required benefits) shall file with the Insurance Commissioner for an extraordinary medical benefit rate for coverage under section 1715(a)(1.1) (relating to availability of adequate limits). The filing shall be subject to the act of June 11, 1947 (P.L.538, No.246), known as The Casualty and Surety Rate Regulatory Act, provided that no first time filing for extraordinary medical benefit coverage which is scheduled for a formal administrative hearing may be deemed effective until an adjudication is issued by the Insurance Commissioner. Insurers may provide for the discounting of extraordinary medical benefit loss reserves in annual financial statements. Unallocated extraordinary medical benefit loss expense payments may be treated in accordance with section 315 of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of one thousand nine hundred and twenty-one, and regulations promulgated pursuant thereto. The Insurance Commissioner may order the discounting of extraordinary medical benefit losses and allocated loss adjustment expenses in calculating rates for coverage under section 1715(a)(1.1) to the extent determined to be actuarially sound.

(b) Rates.--All rates established under this section shall be adequate to assure actuarial soundness. Under no circumstances shall rates for other coverages required under the provisions of this chapter be modified or otherwise established to subsidize, in whole or in part, the rate for the extraordinary medical benefit. In making a rate for the extraordinary medical benefit, due consideration shall be given

to the current factors generally in use in making motor vehicle insurance rates.

(c) Limitation.--The extraordinary medical benefit rate for coverage under section 1715(a)(1.1) shall not be subject to any premium tax levied under State law.

(Apr. 26, 1989, P.L.13, No.4, eff. imd.)

1989 Amendment. Act 4 added section 1798.1.

References in Text. Section 315 of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, referred to in subsec. (a), was repealed by the act of December 18, 1992 (P.L.1496, No.177).

Cross References. Section 1798.1 is referred to in section 1798.2 of this title.

§ 1798.2. Transition.

(a) Savings provision.--Notwithstanding the repeal of Subchapter F (relating to Catastrophic Loss Trust Fund) by the act of December 12, 1988 (P.L.1120, No.144), all natural persons who suffer or suffered a catastrophic loss prior to June 1, 1989, or who may suffer a catastrophic loss during the registration year for which payment was made in accordance with former section 1762 (relating to funding), respectively, shall continue to receive, or be eligible to receive, catastrophic loss benefits as if Subchapter F had not been repealed. To ensure the administration and delivery of catastrophic loss benefits to eligible claimants, all powers and duties previously imposed on the Catastrophic Loss Trust Fund Board under Subchapter F are hereby transferred to the Insurance Commissioner.

(b) Rate filing.--All insurers shall, within 30 days of the effective date of this section, file for approval by the Insurance Commissioner an extraordinary medical benefit rate pursuant to section 1798.1(a) (relating to extraordinary medical benefit rate). Any insurer having an approved rate for catastrophic loss coverage on the effective date of this section shall utilize that approved rate.

(c) Notice.--For extraordinary medical benefit rate filings approved after the effective date of this section, the insurer shall provide the following notice to all policyholders no later than 30 days from the date of approval, which notice shall not be subject to any provision of any law or regulation requiring the approval of the Insurance Commissioner prior to its adoption or use:

IMPORTANT NOTICE
EXTRAORDINARY MEDICAL BENEFITS

By virtue of recent amendment to the Motor Vehicle Financial Responsibility Law, as of June 1, 1989, the first party benefits coverage may be extended to provide an extraordinary medical benefit which will pay the medical and rehabilitation costs for you and your family members residing in your household which are more than $100,000 for each person injured as the result of an automobile accident, up to a lifetime benefit limit of $1,000,000 for each person. The cost of this extraordinary medical benefit coverage on an annual basis is $ per vehicle. If you wish to purchase the extraordinary medical benefit coverage, please notify your agent or insurance company for additional information. If you do not wish to purchase extraordinary medical benefit coverage, please disregard this notice.

(Apr. 26, 1989, P.L.13, No.4, eff. imd.; July 1, 1989, P.L.115, No.24, eff. imd.)

1989 Amendments. Act 4 added section 1798.2, retroactive to December 12, 1988, and Act 24 amended subsec. (a).

References in Text. Subchapter F and section 1762, referred to in this section, are repealed.

Cross References. Section 1798.2 is referred to in section 1798.4 of this title.

§ 1798.3. Unfunded liability report.

By May 15, 1989, the Insurance Commissioner and the Budget Secretary shall jointly prepare and provide to the Governor and to the General Assembly a report on the actuarial soundness of the fund, including a projection of the additional revenues needed on a year-to-year basis and a comparison of the cost of providing additional revenues on a year-to-year, as-needed basis and the cost of providing adequate revenues to eliminate the unfunded liability within no more than five years. The report shall include recommendations as to how rapidly the unfunded liability should be eliminated and what the source or sources of the additional revenues should be, which shall include, but not be limited to, the General Fund or other surcharges. If such report includes recommendations for collecting a surcharge to eliminate the unfunded liability, the report shall compare the consequences of imposing that surcharge on each motor vehicle required to be registered under Chapter 13 (relating to registration of vehicles) except trailers, recreational vehicles not intended for highway use, motorcycles, motor-driven cycles, motorized pedalcycles or like type vehicles; on each insured as defined in section 1702 (relating to definitions); and on each motor vehicle for which coverage is purchased under section 1715(a)(1) (relating to availability of adequate limits) and shall compare the consequences of eliminating the unfunded liability over a period of five years, a period of ten years, a period of 15 years and a period of 20 years.
(Apr. 26, 1989, P.L.13, No.4, eff. imd.)

1989 Amendment. Act 4 added section 1798.3.

§ 1798.4. Catastrophic Loss Benefits Continuation Fund.

(a) Creation.--The Catastrophic Loss Benefits Continuation Fund is hereby created to provide funds necessary to pay catastrophic loss benefits under section 1798.2 (relating to transition).

(b) Composition.--The Catastrophic Loss Benefits Continuation Fund shall be composed of funds transferred from the Catastrophic Loss Trust Fund, funds contributed pursuant to section 6506 (relating to surcharge) and funds earned by the investment and reinvestment of such funds. The funds shall be held in trust, be deposited in a separate account and be the sole and exclusive source of funds for the payment of catastrophic loss benefits under section 1798.2 and the administration of the Catastrophic Loss Benefits Continuation Fund.

(c) Separation from General Fund and Motor License Fund.--The fund and all income earned by it shall not become part of the General Fund or Motor License Fund. No obligations or expenses of or claim against the Catastrophic Loss Trust Fund or the Catastrophic Loss Benefits Continuation Fund shall constitute a debt of the Commonwealth or a charge against the General Fund or Motor License Fund. Upon the expiration of section 6506, excess money in the Catastrophic Loss Benefits Continuation Fund, beyond the money needed to cover the unfunded liability of the Catastrophic Loss Trust Fund in accordance with section 6506, shall be deposited in the Motor License Fund.

(d) Borrowing from the Workers' Compensation Security Fund.--Whenever the Governor shall ascertain that the cash balance and the current estimated receipts of the Catastrophic Loss Benefits Continuation Fund shall be insufficient at any time during any fiscal period to meet promptly any expenses payable from the fund, the Governor shall authorize the transfer from the Workers' Compensation Security Fund to the Catastrophic Loss Benefits Continuation Fund such sums as are necessary. Any sum so transferred shall be available for the purpose for which the Catastrophic Loss Benefits Continuation Fund is created by law and shall be considered as a loan to that fund. Such transfers shall be made upon warrant of the State Treasurer upon requisition of the Governor. For purposes of determining whether contributions to the Workers' Compensation Security Fund pursuant to section 5 of the act of July 1, 1937 (P.L.2532, No.470), known as the Workers' Compensation Security Fund Act, are necessary, the Insurance Commissioner shall consider the amount of any loan made pursuant to this act as an asset of the Workers' Compensation Security Fund that does not reduce the fund below 5% of its loss reserves and does not trigger the resumption of contributions to the fund. The amounts transferred to the Catastrophic Loss Benefits Continuation Fund may carry over from fiscal year to fiscal year and shall be repaid together with an amount of interest equivalent to the average interest rate derived from investments of the Workers' Compensation Security Fund in the immediately preceding fiscal year as determined by the State Treasurer. An estimate of the actual and projected borrowings and loan repayments to be made from and to the Workers' Compensation Security Fund shall be included in the report required pursuant to section 7 of the act of July 1, 1989 (P.L.115, No.24), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, creating the Catastrophic Loss Benefits Continuation Fund for payment of certain catastrophic loss benefits; providing for surcharges for certain offenses to provide moneys for the fund; and further providing for conditions of permits." The authorization to make transfers pursuant to this subsection shall expire on July 1, 1998, unless otherwise provided by the General Assembly.
(July 1, 1989, P.L.115, No.24, eff. imd.; July 1, 1990, P.L.312, No.70, eff. imd.; June 28, 1993, P.L.137, No.33, eff. 60 days)

1993 Amendment. Act 33 amended subsec. (d).
1989 Amendment. Act 24 added section 1798.4. See sections 5, 6 and 7 of Act 24 in the appendix to this title for special provisions relating to transfer of Catastrophic Loss Trust Fund moneys, certification by Insurance Commissioner and reports to General Assembly.
References in Text. Section 5 of the act of July 1, 1937 (P.L.2532, No.470), known as the Workers' Compensation Security Fund Act, referred to in subsec. (d), was deleted by amendment by the act of June 22, 2000 (P.L.379, No.49).

§ 1799. Restraint system.

(a) General rule.--All insurance companies authorized to write private passenger automobile insurance within this Commonwealth shall provide premium discounts for motor vehicles equipped with passive restraint devices. These discounts shall apply to the first party benefits coverage and shall be approved by the commissioner as part of the insurer's rate filing, provided that such discounts shall not be less than 15% for passive seat belts, 20% for one airbag on the operator's side of the vehicle and 30% for two airbags. Some or all of the

premium discounts required by this subsection may be omitted upon demonstration to the commissioner in an insurer's rate filing that the discounts are duplicative of other discounts provided by the insurer or specifically reflected in the insurer's experience.

(b) Definitions.--As used in this subsection, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Passive restraint." Any frontal automobile crash protection system which requires no action of the vehicle occupants and complies with standard 571.208 of the National Traffic Safety Administration or its successor.

(Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

1990 Amendment. Act 6 added section 1799.

Cross References. Section 1799 is referred to in section 1791.1 of this title.

§ 1799.1. Antitheft devices.

(a) General rule.--All insurance companies authorized to write private passenger automobile insurance within this Commonwealth shall provide premium discounts for motor vehicles with passive antitheft devices. These discounts shall apply to the comprehensive coverage and shall be approved by the commissioner as part of the insurer's rate filing, provided that such discounts shall not be less than 10%. Some or all of the premium discounts required by this subsection may be omitted upon demonstration to the commissioner in an insurer's rate filing that the discounts are duplicative of other discounts provided by the insurer.

(b) Definitions.--As used in this subsection, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Passive antitheft device." Any item or system installed in an automobile which is activated automatically when the operator turns the ignition key to the off position and which is designed to prevent unauthorized use, as prescribed by regulations of the commissioner. The term does not include an ignition interlock provided as a standard antitheft device by the original automobile manufacturer.

(Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

1990 Amendment. Act 6 added section 1799.1.

Cross References. Section 1799.1 is referred to in section 1791.1 of this title.

§ 1799.2. Driver improvement course discounts.

(a) Motor vehicle driver improvement course.--All insurance companies authorized to write private passenger automobile insurance within this Commonwealth shall provide a premium discount for each motor vehicle on a policy under which all named insureds are 55 years of age or older and have successfully completed a motor vehicle driver improvement course meeting the standards of the Department of Transportation. This discount shall apply to all coverages for all policy periods beginning within the three-year period immediately following the successful completion of the course and shall be approved by the commissioner as part of the insurer's rate filing, provided that such discount shall not be less than 5%. The successful completion of more than one course within a three-year period does not qualify the insured for additional discounts. The premium discount required by this subsection may be omitted upon demonstration to the commissioner in an

insurer's rate filing that the discount is duplicative of a driver improvement course discount provided by the insurer.

(b) Completion of course.--Upon successfully completing the approved course, each participant shall be issued, by the course's sponsoring agency, a certificate which shall be the basis of qualification for the discount on insurance.

(c) Continuing eligibility.--Each participant shall take an approved course every three years to continue to be eligible for the discount on insurance. Each insurer may require, as a condition of providing and maintaining the discount, that the insured for a three-year period after course completion:

(1) not be involved in an accident for which the insured is chargeable;

(2) not be convicted of an offense enumerated in section 1535 (relating to schedule of convictions and points); and

(3) not be convicted or have accepted Accelerated Rehabilitative Disposition (ARD) for driving under the influence of alcohol or a controlled substance.

(d) Nonapplicability.--This section shall not apply in the event the approved course is specified by a court or other governmental entity resulting from a conviction of an offense enumerated in section 1535.

(Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

1990 Amendment. Act 6 added section 1799.2.

Cross References. Section 1799.2 is referred to in section 1791.1 of this title.

§ 1799.3. Limit on cancellations, refusals to renew, refusals to write, surcharges, rate penalties and point assignments.

(a) Damage claims.--No insurer shall cancel or refuse to renew a policy or apply any surcharge, rate penalty or driver record point assignment where, during the preceding three-year period, the aggregate cost to the insurer for any person injured or property damaged is determined to be less than $650 in excess of any self-insured retention or deductible applicable to the named insured.

(b) Reimbursements.--A surcharge, rate penalty or driver record point assignment shall not be made if the insurer is reimbursed by or on behalf of the named insured or other resident operator for at least 60% of the total amount of the paid claim received through subrogation or from a settlement or judgment against the individual responsible for the accident.

(c) First party medical claims.--No surcharge, rate penalty or driver record point assignment shall be made as a result of an insurer paying a first party medical claim.

(d) Notice to insured.--If an insurer makes a determination to impose a surcharge, rate penalty or driver record point assignment, the insurer shall inform the named insured of the determination and shall specify the manner in which the surcharge, rate penalty or driver record point assignment was made and clearly identify the amount of the surcharge or rate penalty on the premium notice for as long as the surcharge or rate penalty is in effect.

(e) Adjustment of cap.--The Insurance Department, at least once every three years, shall adjust the $650 cap or limit relative to changes in the components of the Consumer Price Index (Urban) to measure seasonally adjusted changes in medical care and automobile maintenance and repair costs and shall make such adjustments to the cap or limit as shall be necessary to maintain the same rate of change in the cap or limit as has

occurred in the Consumer Price Index (Urban). Such adjustments may be rounded off to the nearest $50 figure.

(f) Notice of refusal to write.--If requested by the applicant, an agent for an insurer shall submit an application for automobile insurance to the insurer or provide the applicant written notice of the reasons for refusal to write on a form supplied by the insurer and approved by the commissioner. An applicant receiving a notice of reasons under this subsection may obtain review by the commissioner pursuant to the Automobile Insurance Policy Act. If either the applicant or insurer is aggrieved by the commissioner's review, the commissioner may, in his discretion and for cause shown, hold a hearing pursuant to the Automobile Insurance Policy Act. No insurer shall take any action, overt or otherwise, against any agent or broker for complying with this subsection.

(g) Conflict with other law.--The limitations imposed on cancellations, refusals to renew, surcharges, rate penalties and point assignments by this section shall be in addition to any other limitations imposed by other laws. Where any conflict exists between this section and the provisions of any other law, this section shall be applied so as to supersede such other laws to the extent of the conflict.

(Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

1990 Amendment. Act 6 added section 1799.3.

References in Text. The act of June 5, 1968 (P.L.140, No.78), referred to as the Automobile Insurance Policy Act, referred to in subsec. (f), was repealed by the act of June 17, 1998 (P.L.464, No.68). The subject matter is now contained in Article XX of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

Cross References. Section 1799.3 is referred to in section 1702 of this title.

§ 1799.4. Examination of vehicle repairs.

Upon request of the insurer, an insurance adjuster shall be afforded a reasonable opportunity to enter a repair facility and examine covered repairs being made to a specific insured's vehicle during regular business hours.

(Feb. 7, 1990, P.L.11, No.6, eff. 60 days)

1990 Amendment. Act 6 added section 1799.4.

§ 1799.5. Conduct of market study.

(a) Duty of Insurance Department.--The Insurance Department may authorize a market conduct study of private passenger automobile insurers.

(b) Purposes of study.--The purposes of the study shall be to:

(1) Determine extent of insurer competition.

(2) Determine the number of uninsured motorists.

(3) Determine extent of insurer profits and losses.

(4) Determine that rates and premiums charged to residents are lawfully applied.

(5) Determine if the various policies for automobile insurance written in this Commonwealth are available equally to each resident.

(6) Determine the validity of existing rating territories and if rate differentials between or among rating territories is justified by the losses.

(Feb. 7, 1990, P.L.11, No.6, eff. 60 days)

1990 Amendment. Act 6 added section 1799.5.

Cross References. Section 1799.5 is referred to in section 1799.6 of this title.

§ 1799.6. Conduct of random field surveys.

(a) Authority.--In furtherance of the purposes and goals of section 1799.5 (relating to conduct of market study), the Insurance Department may conduct field surveys of agents and brokers in this Commonwealth, which shall include, but not be limited to:

(1) The determination of the geographical areas to be surveyed.

(2) The establishment of a list of insurance agents and brokers in the surveyed area or its immediate neighborhood.

(3) The interview of agents and brokers at their offices to obtain premium quotations from the agent for each company represented by that agent.

(4) The sorting and categorizing of information.

(5) The construction of a table displaying quotations by insurer, area and risk.

(6) The writing of a report of the findings.

(b) Conjunctive analysis of market study and field survey.--The department may analyze information collected from insurance companies under section 1799.5 in conjunction with information collected from field surveys. This analysis may be ongoing. The department's authority to undertake the conjunctive analysis is in addition to any other of its statutory investigative responsibilities. The conjunctive analysis may be used by the department for general regulatory purposes, including enforcement of the insurance laws.

(Feb. 7, 1990, P.L.11, No.6, eff. 60 days)

1990 Amendment. Act 6 added section 1799.6.

§ 1799.7. Rates.

(a) Rate filing.--All insurers and the Assigned Risk Plan must file for new private passenger motor vehicle rates on or before May 1, 1990. These rates shall apply to all policies issued or renewed on and after July 1, 1990.

(b) Rate reductions.--The rates charged by insurers under the filing required by subsection (a) shall be reduced from current rates as follows:

(1) For an insured electing the limited tort option under section 1705 (relating to election of tort options), the total premium charged for any selection of coverages and coverage limits shall be reduced by at least 22% from the total premium for the same selection of coverages and coverage limits in effect on December 1, 1989.

(2) For an insured bound by the full tort option under section 1705, the total premium charged for any selection of coverages and coverage limits shall be reduced by at least 10% from the total premium for the same selection of coverages and coverage limits in effect on December 1, 1989.

(3) An insurer aggrieved by the rate reductions mandated by this subsection may seek relief from the commissioner, which relief may be granted when the commissioner deems necessary in extraordinary circumstances.

(c) Approval and disapproval of certain filings.--Any initial filing submitted by an insurer pursuant to subsection (a), which reduces rates for all insureds from rates in effect December 1, 1989, in amounts specified in subsection (b), shall become effective immediately for policies issued or renewed on and after July 1, 1990, upon receipt by the department and shall be deemed to comply with the act of June 11, 1947 (P.L.538, No.246), known as The Casualty and Surety Rate Regulatory Act,

and with Chapter 20 (relating to motor vehicle insurance rate review procedures). Any filing so deemed may subsequently be disapproved, effective upon seven days' written notice by the commissioner stating in what respect the filing or part thereof fails to meet the requirements of this chapter or other applicable law. If a deemed filing is so disapproved within 90 days after receipt by the commissioner, the commissioner may order the insurer to pay refunds to all insureds charged inappropriate rates under the filing. The ability to order refunds shall be in addition to other penalties authorized by law.

(d) Immediate rate freeze.--In order to provide stability during the period of transition leading up to the effective date of the amendments to this chapter and to assure fair and equitable treatment of insurers and insureds, it is in the best interest of the Commonwealth to temporarily suspend the adoption of new private passenger motor vehicle rates. Notwithstanding any provisions of law to the contrary, all private passenger motor vehicle rates in effect on December 1, 1989, may not be changed so as to be effective prior to July 1, 1990. Any rate requests filed with the commissioner to be effective on or after December 1, 1989, whether or not such requests were approved by the commissioner or by operation of law prior to, on or after December 1, 1989, are hereby disapproved as being in conflict with this chapter.

(e) Rate freeze after implementation of tort option elections.--No insurer nor the Assigned Risk Plan may increase any private passenger motor vehicle rates between July 1, 1990, and June 30, 1991.

(f) Rate increase justification.--All rates charged by an insurer during the period between July 1, 1991, and June 30, 1992, may not be increased over the rates in effect pursuant to subsections (b) and (e) by an amount greater than that indicated by an increase in the Consumer Price Index (URBAN), the cost of medical care services, the cost of automobile repairs or other indices of cost increases affecting automobile insurance adopted by the commissioner by publication of notice in the Pennsylvania Bulletin.

(g) Calculation of rates.--In all rate filings subsequent to the initial filing required by subsection (a), insurers shall allocate expenses, losses and income according to the coverages which generate such expenses, losses and income, provided that each insurer shall provide its limited tort electors with premium savings that equal, in the aggregate, reductions in the insurer's losses created by limited tort electors under the system of tort options established in section 1705.

(h) Coverage reductions.--Insurers shall reduce the premium for insureds who elect to reduce or eliminate first party benefits, uninsured or underinsured motorist coverage required prior to the effective date of this section by the cost of such coverage.

(Feb. 7, 1990, P.L.11, No.6, eff. 60 days)

1990 Amendment. Act 6 added section 1799.7.

CHAPTER 18
MOTOR VEHICLE INSURANCE FRAUD

Subchapter

A. General Provisions
B. Antifraud Plans

C. Comprehensive Database System

Enactment. Chapter 18 was added February 7, 1990, P.L.11, No.6, effective immediately.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.
1801. Definitions.

§ 1801. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Comprehensive database system." A centralized organization or entity designed to collect and disseminate insurance claims information and data from and among its members or subscribers for, but not limited to, the prevention and suppression of fraud.

"Department." The Insurance Department of the Commonwealth.

"Motor vehicle insurer" or **"insurer."** An entity licensed to write motor vehicle insurance in the Commonwealth.
(Dec. 18, 1992, P.L.1411, No.174, eff. imd.)

SUBCHAPTER B
ANTIFRAUD PLANS

Sec.
1811. Filing of plans.
1812. Content of plans.
1813. Review by commissioner.
1814. Report on antifraud activities.
1815. Penalties.
1816. Confidentiality of plans and reports.
1817. Reporting of insurance fraud.
1818. Civil immunity.

§ 1811. Filing of plans.

Each insurer licensed to write motor vehicle insurance in this Commonwealth shall institute and maintain a motor vehicle insurance antifraud plan. The antifraud plan of insurers licensed on the effective date of this subchapter shall be filed with the department on or before December 31, 1990. All insurers licensed after the effective date of this chapter shall file within six months of licensure. All changes to the antifraud plan shall be filed with the department within 30 days after it has been modified.

Cross References. Section 1811 is referred to in section 1815 of this title.

§ 1812. Content of plans.

The antifraud plans of each insurer shall establish specific procedures:

(1) To prevent insurance fraud, including internal fraud involving employees or company representatives, fraud resulting from misrepresentation on applications for insurance coverage, and claims fraud.

(2) To review claims in order to detect evidence of possible insurance fraud and to investigate claims where fraud is suspected.

(3) To report fraud to appropriate law enforcement agencies and to cooperate with such agencies in their prosecution of fraud cases.

(4) To undertake civil actions against persons who have engaged in fraudulent activities.

(5) To report fraud-related data to a comprehensive database system.

(6) To ensure that costs incurred as a result of insurance fraud are not included in any rate base affecting the premiums of motor vehicle insurance consumers.

(Dec. 18, 1992, P.L.1411, No.174, eff. imd.)

Cross References. Section 1812 is referred to in sections 1813, 1815 of this title.

§ 1813. Review by commissioner.

Antifraud plans shall be filed with the department. If, after review, the commissioner finds that the antifraud plan does not comply with section 1812 (relating to content of plans), the antifraud plan may be disapproved. Notice of disapproval shall include a statement of the specific reasons for such disapproval. Any plan disapproved by the commissioner must be refiled within 60 days of the date of the notice of disapproval. The commissioner may audit insurers to ensure compliance with antifraud plans as a part of the examinations performed under sections 213, 214 and 216 of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of one thousand nine hundred and twenty-one.

References in Text. Sections 213, 214 and 216 of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, referred to in this section, were repealed by the act of February 17, 1994 (P.L.79, No.8).

Cross References. Section 1813 is referred to in section 1815 of this title.

§ 1814. Report on antifraud activities.

All insurers shall annually provide to the department a summary report on actions taken under the plan to prevent and combat insurance fraud, including, but not limited to, measures taken to protect and ensure the integrity of electronic data-processing-generated data and manually compiled data, statistical data on the amount of resources committed to combating fraud, and the amount of fraud identified and recovered during the reporting period.

§ 1815. Penalties.

Insurers that fail to file timely antifraud plans as required by sections 1811 (relating to filing of plans) and 1813 (relating to review by commissioner) are subject to the penalty provisions of section 320 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921. Insurers that do not make a good faith attempt to file an antifraud plan which complies with section 1812 (relating to content of plans) shall also be subject to the penalty provisions of section 320 of The Insurance Company Law of 1921, provided that no penalty may be imposed for the first filing made by an insurer under this subchapter. Insurers that fail to follow the antifraud plan shall be subject to a civil penalty for each violation, not to exceed $10,000, at the discretion of the commissioner after consideration of all relevant factors, including the willfulness of any violation.

§ 1816. Confidentiality of plans and reports.

The antifraud plans and reports which insurers file with the department and any reports or materials related to such reports are not public records and shall not be subject to public inspection.

§ 1817. Reporting of insurance fraud.

Every insurer licensed to do business in this Commonwealth, and its employees, agents, brokers, motor vehicle physical damage appraisers and public adjusters, or public adjuster solicitors, who has a reasonable basis to believe insurance fraud has occurred shall be required to report the incidence of suspected insurance fraud to Federal, State or local criminal law enforcement authorities. Licensed insurance agents and physical damage appraisers may elect to report suspected fraud through the affected insurer with which they have a contractual relationship. All reports of insurance fraud to law enforcement authorities shall be made in writing. Where insurance fraud involves agents, brokers, motor vehicle physical damage appraisers, public adjusters or public adjuster solicitors, a copy of the report shall also be sent to the department.
(Dec. 18, 1992, P.L.1411, No.174, eff. imd.)

§ 1818. Civil immunity.

No person shall be subject to civil liability for libel, violation of privacy, or otherwise by virtue of the filing of reports or furnishing of other information, in good faith and without malice, required by this subchapter.

SUBCHAPTER C
COMPREHENSIVE DATABASE SYSTEM

Sec.

1821. Membership in system.
1822. Warning notice on application for insurance and claim forms.
1823. Rules and regulations.
1824. Civil immunity.
1825. Use of information (Deleted by amendment).
1826. Annual reports (Deleted by amendment).

Subchapter Heading. The heading of Subchapter C was amended December 18, 1992, P.L.1411, No.174, effective immediately.

§ 1821. Membership in system.

(a) General rule.--Each motor vehicle insurer shall, as a condition of authority to transact the business of insurance in this Commonwealth, obtain and maintain membership in one or more comprehensive database systems for the purpose of reporting and accessing motor vehicle insurance claims data and information.

(b) Requirements for selection.--Any comprehensive database system selected for membership by a motor vehicle insurer shall meet the following minimum qualifications:

(1) Have and maintain a computerized database.

(2) Have and maintain the capacity to interact with other comprehensive database systems or have and maintain a substantial insurer membership.

(3) Have the ability to service the insurance industry, insurance regulators or law enforcement authorities on an interstate basis.

(c) Claims information.--Each motor vehicle insurer shall report and access data and information relating to motor vehicle

insurance claims to its comprehensive database systems in accordance with the systems' reporting procedures.

(d) Availability to law enforcement officials.--Any data and information reported to a comprehensive database system may be made available to law enforcement officials.

(e) Payment of expenses.--Each motor vehicle insurer shall be liable for its share of expenses incurred by any Pennsylvania-specific data index of which the insurer was a member prior to the effective date of this act.

(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

1992 Amendment. Act 174 deleted by amendment former section 1821 and added a new section 1821.

§ 1822. Warning notice on application for insurance and claim forms.

Not later than May 1, 1990, all applications for insurance, renewals and claim forms shall contain a statement that clearly states in substance the following:

> Any person who knowingly and with intent to injure or defraud any insurer files an application or claim containing any false, incomplete or misleading information shall, upon conviction, be subject to imprisonment for up to seven years and payment of a fine of up to $15,000.

(Dec. 18, 1992, P.L.1411, No.174, eff. imd.)

1992 Amendment. Act 174 deleted by amendment former section 1822 and renumbered former section 1827 to section 1822.

§ 1823. Rules and regulations.

The department may promulgate such rules and regulations as may be necessary to carry out this chapter.

(Dec. 18, 1992, P.L.1411, No.174, eff. imd.)

1992 Amendment. Act 174 deleted by amendment former section 1823 and renumbered former section 1828 to section 1823.

§ 1824. Civil immunity.

No person shall be subject to civil liability for libel, violation of privacy or otherwise by virtue of the filing of reports or furnishing of other information in good faith and without malice required by this subchapter.

(Dec. 18, 1992, P.L.1411, No.174, eff. imd.)

1992 Amendment. Act 174 deleted by amendment former section 1824 and renumbered former section 1829 to section 1824.

§ 1825. Use of information (Deleted by amendment).

1992 Amendment. Section 1825 was deleted by amendment December 18, 1992, P.L.1411, No.174, effective immediately.

§ 1826. Annual reports (Deleted by amendment).

1992 Amendment. Section 1826 was deleted by amendment December 18, 1992, P.L.1411, No.174, effective immediately.

CHAPTER 19
FEES

Subchapter

A. General Provisions
B. Registration Fees
C. Permits

D. Miscellaneous Fees

Enactment. Chapter 19 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Cross References. Chapter 19 is referred to in section 1307 of this title.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

1901. Exemption of persons, entities and vehicles from fees.
1902. Exemptions from other fees.
1903. Limitation on local license fees and taxes.
1904. Collection and disposition of fees and moneys.
1905. Payments to special funds.

§ 1901. Exemption of persons, entities and vehicles from fees.

(a) Governmental and quasi-governmental entities.--Except as otherwise specifically provided in this title, no fees shall be charged under this title to any of the following:

(1) The Commonwealth.
(2) Political subdivisions.
(3) State and local authorities.
(4) State-related institutions of higher learning.
(5) The Federal Government.
(6) Other states.

(b) Title and registration fees.--No fee shall be charged for titling or registration of any of the following:

(1) Buses registered by urban mass transportation systems.

(2) Vehicles registered by volunteer fire, rescue and ambulance associations. For the purpose of this paragraph, the department shall exempt a volunteer EMS company, volunteer ambulance service and nonprofit emergency medical services agency that is a nonprofit chartered corporation, association or organization located in this Commonwealth, that is licensed by the Department of Health. The exemption shall not include a corporation, association or organization that is primarily engaged in the operation of invalid coaches that are intended for the routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit. The department may not use any other method to determine volunteer status of these organizations.

(3) Vehicles registered by foreign nationals with the rank of vice consul or higher assigned to a consulate in this Commonwealth provided that citizens of the United States are granted reciprocal exemptions.

(4) Vehicles of totally disabled veterans whose disability is certified by the service unit of the armed forces in which the veterans served or by the United States Veterans' Administration as service-connected.

(5) Vehicles on loan or transferred to a nonprofit corporation by the United States Department of Defense or the United States General Services Administration and used exclusively for leasing to political subdivisions, State agencies and the Federal Government. Such vehicles shall be issued the same kind of registration plates as are issued to vehicles registered by political subdivisions.

(b.1) Identification card fees.--No fee shall be charged for an initial or renewal identification card, including for a photograph required for an initial or renewal identification

card, to an individual who affirms in writing that the individual is:

(1) homeless, as defined on the effective date of this subsection in section 103 of the McKinney-Vento Homeless Assistance Act (Public Law 100-77, 42 U.S.C. § 11302);

(2) a resident of this Commonwealth; and

(3) aware of the prohibitions on unsworn falsification to authorities set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(c) Processing fee in lieu of registration fee.--No registration fee shall be charged for vehicles registered by any of the following but the department shall charge a fee of $10 to cover the costs of processing for issuing or renewing the registration:

(1) Hospital.

(2) Humane society.

(3) Nonprofit youth center.

(4) American Red Cross.

(5) Church.

(6) Girl Scouts of America.

(7) Boy Scouts of America.

(8) Salvation Army.

(9) Duly chartered posts of national veterans' organizations.

(10) Young Men's Christian Association.

(11) Young Men's Hebrew Association.

(12) Young Women's Christian Association.

(13) Young Women's Hebrew Association.

(14) Jewish Community Center.

(15) Nonprofit corporations of musical marching groups of youths.

(16) Any person who is retired and receiving social security or other pension and whose total annual income does not exceed $19,200. Unless the retired person is physically or mentally incapable of driving the vehicle, the retired person shall be the principal driver of the vehicle but may from time to time authorize another person to drive the vehicle in his or her stead.

(17) Any veteran who lost a limb or eye or who became partially paralyzed while serving in the armed forces of the United States.

(18) A person who, as a member of the armed forces of the United States, was captured by the enemy during World War I, World War II, the Korean Emergency, the Vietnam Conflict or in a future armed conflict for which the Department of Defense authorizes a campaign medal.

(19) Any person who has been awarded the Congressional Medal of Honor.

(20) Nonprofit organizations which care for or otherwise provide services for the elderly or the infirm.

(21) Nonprofit organizations which principally serve mentally or physically handicapped or disabled persons.

(22) Nonprofit mobile aviation museum.

(23) Nonprofit corporations that provide ambulance or emergency medical services.

(d) Limitations.--

(1) Vehicles titled and registered under the provisions of this section shall be operated and used exclusively for the purpose for which the vehicles were entitled to the exemptions from fees.

(2) Only one passenger car or truck with a registered gross weight of not more than 9,000 pounds may be registered

to any person under the provisions of subsection (b)(4) and subsection (c)(16), (17), (18) and (19).

(e) Penalty.--Any person violating the provisions of this section is guilty of a summary offense.

(July 11, 1980, P.L.550, No.113, eff. 60 days; June 23, 1982, P.L.605, No.171, eff. imd.; Nov. 23, 1982, P.L.689, No.197, eff. 60 days; Dec. 13, 1985, P.L.327, No.86, eff. Apr. 1, 1986; June 12, 1986, P.L.252, No.65, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; July 10, 1990, P.L.370, No.84, eff. 60 days; Aug. 14, 1991, P.L.342, No.36, eff. imd.; June 11, 1992, P.L.266, No.47, eff. 60 days; Apr. 29, 1994, P.L.148, No.25, eff. imd.; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151; Oct. 24, 2018, P.L.645, No.91, eff. 120 days; Nov. 25, 2020, P.L.1246, No.131, eff. 60 days)

2020 Amendment. Act 131 added subsec. (b.1).

2018 Amendment. Act 91 amended subsec. (b)(2).

1998 Amendment. Act 151 amended the section heading and subsecs. (c)(16) and (d)(2) and added subsec. (c)(23), effective July 1, 1999, as to subsec. (c)(16) and (23) and 60 days as to the remainder of the section.

1994 Amendments. Act 25 amended subsec. (a) and Act 172 added subsec. (c)(22).

1992 Amendment. Act 47 added subsec. (b)(5).

1990 Amendment. Act 84 added subsec. (c)(20) and (21).

1986 Amendments. Act 65 amended subsec. (d) and Act 166 amended subsec. (b).

1982 Amendment. Act 197 added subsec. (c)(18) and (19).

§ 1902. Exemptions from other fees.

No fee shall be charged under this title for or to any of the following:

(1) A certificate of title returned to the department for cancellation.

(2) The replacement of a registration card or plate, driver's license, learner's permit or certificate of title lost in the mail if the applicant files an affidavit of nonreceipt within 90 days of the date of original issuance.

(3) A certificate of salvage.

(4) A certificate of rejection.

(5) A special hauling permit issued to any person:

(i) hauling equipment or materials for use on a Federal or State emergency relief project; or

(ii) hauling a holiday tree for a governmental entity at no charge.

(6) A manufacturer, jobber or dealer for a certificate of title to a motor vehicle, trailer or semitrailer when assignment of certificate of title accompanies the application for certificate of title, and when the dealer, manufacturer or jobber is possessed of current manufacturer's, dealer's or jobber's registration plates.

(7) The transfer of title to a surviving spouse pursuant to section 1114 (relating to transfer of vehicle by operation of law).

(8) Volunteer emergency service personnel who require a certified driving record for certification under 35 Pa.C.S. Ch. 81 (relating to emergency medical services system).

(9) A driver record of a school bus driver obtained electronically from the department by the employer of the school bus driver or any Federal or state transportation association of school bus operators on behalf of the employer where the employer or the association has paid an annual record access fee established by the department. The

department shall publish notice of the annual fee in the Pennsylvania Bulletin.

(10) The reissuance of a registration plate, where the registration plate has been determined by an authorized representative of the department or law enforcement to be illegible from a reasonable distance.

(11) Notwithstanding section 1617 (relating to fees), the change of address on a commercial driver's license, including a commercial driver's license with a motorcycle endorsement, if an individual's current address has been changed by a government entity.

(12) A duplicate registration card ordered at the time of an online transaction where the applicant prints the registration credential. This paragraph does not apply to duplicate registration cards processed by the department or an agent service of the department in an over-the-counter transaction or by mail.

(Mar. 7, 1982, P.L.152, No.49, eff. imd.; June 23, 1982, P.L.605, No.171, eff. imd.; Apr. 16, 1992, P.L.169, No.31, eff. 60 days; June 28, 1993, P.L.137, No.33, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Dec. 1, 2004, P.L.1771, No.229, eff. 60 days; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Oct. 24, 2018, P.L.881, No.138)

2018 Amendment. Act 138 amended par. (8) and added pars. (11) and (12). Section 5(1) of Act 138 provided that the amendment of par. (8) shall take effect in 60 days, section 5(2) of Act 138 provided that the addition of par. (11) shall take effect in 90 days and section 5(3) of Act 138 provided that the addition of par. (12) shall take effect in one year.

2008 Amendment. Act 133 added par. (10).

2004 Amendment. Act 229 added par. (9).

1998 Amendment. Act 151 amended par. (5).

§ 1903. Limitation on local license fees and taxes.

Except as set forth in section 1935 (relating to fee for local use), no municipality shall require or collect any registration or license fee or tax for any vehicle or driver's license from any person.

(Nov. 25, 2013, P.L.974, No.89, eff. 60 days)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 1904. Collection and disposition of fees and moneys.

(a) General rule.--Except as provided under this section, the department shall collect all fees payable under this title and all other moneys received in connection with the administration of this title and transmit them to the State Treasurer for deposit in the Motor License Fund. Moneys paid in error may be refunded by the department.

(b) Disposition.--Fees collected under sections 1951(c) (relating to driver's license and learner's permit), 1952 (relating to certificate of title), 1953 (relating to security interest), 1955 (relating to information concerning drivers and vehicles), 1956 (relating to certified copies of records) and 1958 (relating to certificate of inspection) shall be transmitted to the State Treasurer for deposit in the following funds:

(1) For fiscal year 2013-2014:

(i) 33.9% to the Public Transportation Trust Fund;

(ii) 30.7% to the Multimodal Transportation Fund; and

(iii) 35.4% to the Motor License Fund.

(1.1) For fiscal year 2014-2015:

(i) 43.9% to the Public Transportation Trust Fund;

(ii) 23% to the Multimodal Transportation Fund; and

(iii) 33.1% to the Motor License Fund.

(2) For fiscal years 2015-2016 and 2016-2017:

(i) 66.6% to the Public Transportation Trust Fund;

(ii) 23% to the Multimodal Transportation Fund; and

(iii) 10.4% to the Motor License Fund.

(3) For fiscal years beginning after June 30, 2017:

(i) 77% to the Public Transportation Trust Fund; and

(ii) 23% to the Multimodal Transportation Fund.

(c) Automatic adjustments.--

(1) For the initial adjustment, the department shall do all of the following:

(i) Determine the percentage increase in the Consumer Price Index for All Urban Consumers for the period beginning August 1, 2013, and ending January 31, 2015.

(ii) Except as set forth in paragraph (3), apply, as of July 1, 2015, the increase under subparagraph (i) to every fee charged under this title.

(2) For subsequent adjustments, the department shall do all of the following:

(i) Determine the percentage increase in the Consumer Price Index for All Urban Consumers for the period beginning February 1, 2015, and ending January 31, 2017, and for each succeeding 24-month period.

(ii) Except as set forth in paragraph (3), apply, as of July 1, 2017, the increase under subparagraph (i) to every fee charged under this title.

(3) For fees charged under sections 1916 (relating to trucks and truck tractors), 1917 (relating to motor buses and limousines) and 1918 (relating to school buses and school vehicles), the department shall do all of the following:

(i) Determine the percentage increase in the Consumer Price Index for All Urban Consumers for the period beginning February 1, 2017, and ending January 31, 2019, and for each succeeding 24-month period.

(ii) Apply, as of July 1, 2019, the increase under subparagraph (i) to every fee under this paragraph.

(4) If a fee is increased under this subsection and results in a fee which is less than a whole dollar, the following apply:

(i) Except as set forth in subparagraph (ii), the fee shall be rounded to the nearest whole dollar.

(ii) If the fee is prescribed in a section referenced in subsection (b), the fee shall be rounded to the next higher dollar.

(Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1904 is referred to in section 1506 of Title 74 (Transportation).

§ 1905. Payments to special funds.

(a) Power and duty of State Treasurer.--In accordance with the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, the State Treasurer shall administer the designated funds of the department.

(b) Zoological Enhancement Fund.--Fifteen dollars of each fee received under section 1355 (relating to zoological plate) shall be credited to the Zoological Enhancement Fund, created as follows:

(1) There is hereby established a special account in the Treasury Department which shall be known as the Zoological Enhancement Fund. The purpose of the Zoological Enhancement Fund is to assist Commonwealth nonprofit zoological institutions accredited by the American Zoo and Aquarium Association and licensed by the United States Department of Agriculture to fulfill their conservation, education and recreation missions to the citizens of this Commonwealth.

(2) All moneys in the Zoological Enhancement Fund are hereby annually appropriated to the Department of Commerce and may be expended for the purposes authorized under this subsection.

(3) Estimates of amounts to be expended under this subsection shall be submitted to the Governor by the Department of Commerce for his approval.

(4) The State Treasurer shall not honor any requisition for expenditures by the Department of Commerce in excess of estimates approved by the Governor or in excess of the amount available for the purposes for which the requisition was made, whichever is the lesser amount.

(c) Drug Abuse Resistance Education Fund.--The following shall apply:

(1) The Drug Abuse Resistance Education (DARE) Fund shall terminate at the end of the 2013-2014 fiscal year.

(2) All money in the Drug Abuse Resistance Education (DARE) Fund on the effective date of this paragraph shall be appropriated to the Pennsylvania Commission on Crime and Delinquency and shall be expended to provide grants to children's advocacy centers, as defined in 23 Pa.C.S. § 6303(a) (relating to definitions), during fiscal year 2013-2014. All money in the Drug Abuse Resistance Education (DARE) Fund on the date of termination shall be transferred to the General Fund.

(3) Estimates of amounts to be expended under this subsection shall be submitted to the Governor by the Pennsylvania Commission on Crime and Delinquency for his approval.

(4) The State Treasurer shall not honor any requisition for expenditures by the Pennsylvania Commission on Crime and Delinquency in excess of estimates approved by the Governor or in excess of the amount available for the purposes for which the requisition was made, whichever is the lesser amount.

(d) Pollinator Habitat Program Fund.--Twenty-five dollars of each fee received under section 1352.2 (relating to pollinator conservation registration plate) shall be credited to the Pollinator Habitat Program Fund, established as follows:

(1) The Pollinator Habitat Program Fund is established as a special fund in the State Treasury for the purpose of providing support for roadside pollinator initiatives.

(2) All money in the Pollinator Habitat Program Fund is annually appropriated to the department and may be expended for the purposes authorized under this subsection.

(3) Estimates of amounts to be expended under this subsection shall be submitted to the Governor by the department for approval.

(4) The State Treasurer shall not honor any requisition for expenditures by the department in excess of estimates approved by the Governor or in excess of the amount available for the purposes for which the requisition was made, whichever is the lesser amount.

(July 6, 1995, P.L.288, No.42, eff. 60 days; July 6, 1995, P.L.315, No.48, eff. 60 days; Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996; Apr. 7, 2014, P.L.381, No.27, eff. 60 days; Nov. 3, 2022, P.L.1734, No.112, eff. 120 days)

2022 Amendment. Act 112 added subsec. (d).

2014 Amendment. Act 27 amended subsec. (c).

1995 Amendments. Act 42 added section 1905, Act 48 added section 1905 and Act 75 added subsec. (c). The amendments by Acts 42 and 48 are identical and therefore have been merged.

References in Text. The Department of Commerce, referred to in subsec. (b), was renamed the Department of Community and Economic Development by Act 58 of 1996.

SUBCHAPTER B
REGISTRATION FEES

Sec.

1911. Registration fees.
1912. Passenger cars.
1913. Motor homes.
1914. Motorcycles.
1915. Motor-driven cycles.
1916. Trucks and truck tractors.
1917. Motor buses and limousines.
1918. School buses and school vehicles.
1919. Reduced combustion vehicles (Expired).
1920. Trailers.
1920.1. Recreational trailers and recreational cargo trailers.
1920.2. Special procedures for trailer registration.
1921. Special mobile equipment.
1922. Implements of husbandry.
1923. Antique, classic and collectible vehicles.
1924. Farm vehicles.
1925. Ambulances, taxis and hearses.
1925.1. Limousines.
1926. Dealers and miscellaneous motor vehicle business.
1926.1. Farm equipment vehicle dealers.
1926.2. Fleet owner transporter plate.
1927. Transfer of registration.
1928. Temporary and electronically issued registration plates.
1929. Replacement registration plates.
1930. Legislative registration plates.
1931. Personal and organization registration plates.
1931.1. Street rod registration plates.
1932. Duplicate registration cards.
1933. Commercial implements of husbandry.
1934. General reissuance.
1935. Fee for local use.

Cross References. Subchapter B is referred to in section 1331 of this title.

§ 1911. Registration fees.

(a) General rule.--A fee for the registration of vehicles as provided in Chapter 13 (relating to the registration of

vehicles) shall be charged by the department as provided in this title.

(b) Department to establish certain fees.--If a vehicle to be registered is of a type not specifically provided for by this title and is otherwise eligible for registration, the department shall determine the most appropriate fee or fee schedule for the vehicle or type of vehicle based on such factors as design and intended use.

(Nov. 25, 2013, P.L.974, No.89, eff. Dec. 31, 2016)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 1912. Passenger cars.

The annual fee for registration of a passenger car shall be $36.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997)

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1912 is referred to in sections 1926.2, 9511.11 of this title.

§ 1913. Motor homes.

The annual fee for registration of a motor home shall be determined by its registered gross weight in pounds according to the following table:

Class	Registered Gross Weight in Pounds	Fee
1	8,000 or less	$65
2	8,001 - 11,000	90
3	11,001 or more	116

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1913 is referred to in sections 1926, 9511.11 of this title.

§ 1914. Motorcycles.

The annual fee for registration of a motorcycle other than a motor-driven cycle shall be $18.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997)

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1914 is referred to in section 9511.11 of this title.

§ 1915. Motor-driven cycles.

The annual fee for registration of a motor-driven cycle shall be $9.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997)

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1915 is referred to in section 9511.11 of this title.

§ 1916. Trucks and truck tractors.

(a) General rule.--

(1) The annual fee for registration of a truck or truck tractor shall be determined by its registered gross weight or combination weight in pounds according to the following table:

Class	Gross or Combination Weight in Pounds	Registered Fees Fiscal Year 2013-2014	Fiscal Year 2014-2015	Fiscal Year 2015-2016	Fiscal Year 2016-2017	Fiscal Year 2017-2018
1	5,000 or less	$58.50	$60	$60	$62	$62
2	5,001 - 7,000	81	83	83	86	86
3	7,001 - 9,000	153	158	158	164	164
4A	9,001 - 10,000	198	204	204	212	212
4B	10,001 - 11,000	198	204	204	212	212
5	11,001 - 14,000	243	263	283	303	323
6	14,001 - 17,000	288	312	336	359	383
7	17,001 - 21,000	355.50	385	414	443	473
8	21,001 - 26,000	405	438	472	505	539
9	26,001 - 30,000	472.50	511	550	589	628
10	30,001 - 33,000	567	614	661	707	754
11	33,001 - 36,000	621	672	723	775	826
12	36,001 - 40,000	657	711	765	820	874
13	40,001 - 44,000	697.50	755	813	870	928
14	44,001 - 48,000	751.50	813	875	937	999
15	48,001 - 52,000	828	896	965	1,033	1,101
16	52,001 - 56,000	882	955	1,028	1,100	1,173
17	56,001 - 60,000	999	1,081	1,164	1,246	1,329
18	60,001 - 64,000	1,111.50	1,203	1,295	1,387	1,487
19	64,001 - 68,000	1,165.50	1,262	1,358	1,454	1,550
20	68,001 - 73,280	1251	1,354	1,457	1,561	1,664
21	73,281 - 76,000	1,597.50	1,729	1,861	1,993	2,125
22	76,001 - 78,000	1,633.50	1,768	1,903	2,038	2,173
23	78,001 - 78,500	1,651.50	1,788	1,924	2,060	2,196
24	78,501 - 79,000	1,669.50	1,807	1,945	2,083	2,220
25	79,001 - 80,000	1,687.50	1,827	1,966	2,105	2,244

(2) A portion of the registration fee for any truck or truck tractor in Classes 9 through 25 shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund according to the following table:

Classes	Amount Deposited in Highway Bridge Improvement Restricted Account
9-12	$ 72
13-17	108
18-20	144
21-25	180

(3) A registration fee for a motor carrier vehicle in excess of 17,000 pounds shall be refunded if the vehicle is stolen or demolished and the vehicle has a nonrepairable certificate or certificate of salvage. The refund shall be prorated based on the number of months the vehicle was operational.

(4) In the case of apportioned registrations, only the fees paid for the Commonwealth portion of the fees shall be eligible for a refund.

(b) Optional registration.--Any vehicle falling within the range of weights for Classes 1 through 4, inclusive, shall notwithstanding any gross vehicle weight stamped on the

manufacturer's serial plate, be registered, upon request of the person making application for registration, at the maximum allowable gross or combination weight for the particular weight class within which the gross vehicle weight determined by the manufacturer causes such vehicle to fall.
(Feb. 15, 1980, P.L.12, No.8, eff. imd.; June 18, 1980, P.L.229, No.68, eff. 60 days; Dec. 8, 1982, P.L.842, No.234, eff. Apr. 1, 1983; July 13, 1987, P.L.303, No.56, eff. imd.; Apr. 17, 1997, P.L.6, No.3, eff. Jan. 1, 1998; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2015; Nov. 4, 2016, P.L.1277, No.165)

2016 Amendment. Act 165 added subsec. (a)(3) and (4), effective in 90 days as to the addition of subsec. (a)(3) and 60 days as to the addition of subsec. (a)(4).

2013 Amendment. Act 89 amended subsec. (a). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1916 is referred to in sections 1904, 1926, 1926.2, 9511.11 of this title.

§ 1917. Motor buses and limousines.

The annual fee for registration of a motor bus or a limousine shall be determined by its seating capacity according to the following:

(1) If the seating capacity is less than 27:

(i) For fiscal year 2013-2014, $9 per seat.

(ii) For fiscal year 2014-2015, $10 per seat.

(iii) For fiscal year 2015-2016, $11 per seat.

(iv) For fiscal year 2016-2017, $12 per seat.

(v) For fiscal years beginning after June 30, 2017, $13 per seat.

(2) If the seating capacity is more than 26 but less than 52:

(i) For fiscal year 2013-2014, $234 plus $11.25 for each seat beyond 26.

(ii) For fiscal year 2014-2015, $259.50 plus $13 for each seat beyond 26.

(iii) For fiscal year 2015-2016, $285 plus $14 for each seat beyond 26.

(iv) For fiscal year 2016-2017, $310.50 plus $15 for each seat beyond 26.

(v) For fiscal years beginning after June 30, 2017, $336 plus $16 for each seat beyond 26.

(3) If the seating capacity is more than 51:

(i) For fiscal year 2013-2014, $540.

(ii) For fiscal year 2014-2015, $600.

(iii) For fiscal year 2015-2016, $660.

(iv) For fiscal year 2016-2017, $720.

(v) For fiscal years beginning after June 30, 2017, $775.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2015)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1917 is referred to in sections 1904, 1925.1, 9511.11 of this title.

§ 1918. School buses and school vehicles.

The annual fee for registration of a school bus or school vehicle shall be determined as follows:

(1) For fiscal year 2013-2014, $24.
(2) For fiscal year 2014-2015, $27.
(3) For fiscal year 2015-2016, $30.
(4) For fiscal year 2016-2017, $33.
(5) For fiscal years beginning after June 30, 2017, $35.

(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2015)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1918 is referred to in section 1904 of this title.

§ 1919. Reduced combustion vehicles (Expired).

1996 Expiration. Section 1919 expired December 31, 1996. See Act 139 of 1992.

§ 1920. Trailers.

(a) General rule.--The annual fee for registration of a trailer shall be determined by its registered gross weight according to the following table:

Registered Gross Weight in Pounds	Fee
3,000 or less	$ 6
3,001 - 10,000	12
10,001 or more	35

(b) Optional five-year registration.--A trailer with a registered gross weight of 10,000 pounds or less may be registered for a period of five years upon payment by the registrant of the applicable fee for such period.

(c) Optional permanent registration.--

(1) A trailer with a registered gross weight of 10,001 or more pounds may be registered for a one-time fee of $165 in lieu of the annual fee at the option of the registrant.

(2) A permanent registration of a trailer under this section may be transferred to another trailer one time upon payment of the fee under section 1927 (relating to transfer of registration).

(June 18, 1980, P.L.229, No.68, eff. 60 days; Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89)

2013 Amendment. Act 89 amended subsecs. (a) and (c), effective July 1, 2014, as to subsecs. (a) and (c)(1) and January 1, 2015, as to subsec. (c)(2). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1920 is referred to in sections 1307, 1926, 1926.2 of this title.

§ 1920.1. Recreational trailers and recreational cargo trailers.

(a) General rule.--The annual fee for registration of a recreational trailer or recreational cargo trailer shall be

determined by its registered gross weight according to the following table:

Registered Gross Weight in Pounds	Fee
8,000 or less	$12
8,001 - 13,000	35
13,001 or more	90

(b) Optional five-year registration.--A recreational trailer or recreational cargo trailer with a registered gross weight of 13,000 pounds or less may be registered for a period of five years upon payment by the registrant of the applicable fee for such period.

(c) Optional permanent registration.--The following apply:

(1) A recreational trailer or recreational cargo trailer with a registered gross weight of 13,001 or more pounds may be registered for a one-time fee of $425 in lieu of the annual fee at the option of the registrant.

(2) A permanent registration of a recreational trailer or recreational cargo trailer under this section may be transferred to another recreational trailer or recreational cargo trailer one time upon payment of the fee under section 1927 (relating to transfer of registration).

(Oct. 24, 2018, P.L.881, No.138, eff. one year)

2018 Amendment. Act 138 added section 1920.1.

§ 1920.2. Special procedures for trailer registration.

(a) General rule.--Application for certificate of title and the registration of a trailer, including a recreational trailer or recreational cargo trailer, shall be made upon an appropriate form furnished by the department. Department information shall contain the definitions of recreational trailer and recreational cargo trailer as set forth under section 102 (relating to definitions).

(b) Penalty.--An applicant who falsely certifies that a trailer is a recreational trailer or recreational cargo trailer on an application for a trailer registration is subject to the penalty under 18 Pa.C.S. § 4904(b) (relating to unsworn falsification to authorities).

(Oct. 24, 2018, P.L.881, No.138, eff. one year)

2018 Amendment. Act 138 added section 1920.2.

§ 1921. Special mobile equipment.

The annual fee for registration of special mobile equipment shall be $52.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1921 is referred to in section 9511.11 of this title.

§ 1922. Implements of husbandry.

The annual fee for registration of an implement of husbandry not exempt from registration under this title shall be $26.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1922 is referred to in section 9511.11 of this title.

§ 1923. Antique, classic and collectible vehicles.

The fee for registration of an antique, classic or collectible motor vehicle shall be $75.

(Dec. 20, 1995, P.L.669, No.75, eff. 120 days; Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997)

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1923 is referred to in section 9511.11 of this title.

§ 1924. Farm vehicles.

(a) General rule.--The annual fee for registration of a farm vehicle shall be $110 or one-third of the regular fee, whichever is greater.

(b) Certificate of exemption.--The biennial processing fee for a certificate of exemption issued in lieu of registration of a farm vehicle shall be determined by the type of certificate issued and the gross weight or combination weight or weight rating according to the following table:

Certificate type	Weight in pounds	Fee
Type A	10,000 or less	$24
Type B	greater than 10,000 and not exceeding 17,000	24
Type C	greater than 17,000	50
Type D	greater than 17,000	100

(July 20, 1979, P.L.168, No.55, eff. imd.; May 20, 1993, P.L.30, No.10, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; July 6, 1995, P.L.246, No.30, eff. imd.; Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Oct. 24, 2012, P.L.1407, No.174, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

1995 Amendment. See section 5 of Act 30 in the appendix to this title for special provisions relating to equipment standards and inspection criteria.

Cross References. Section 1924 is referred to in section 9511.11 of this title.

§ 1925. Ambulances, taxis and hearses.

The annual fee for registration of an ambulance, taxi or hearse shall be $77.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1925 is referred to in section 9511.11 of this title.

§ 1925.1. Limousines.

The department shall issue registration plates for limousines for an annual fee as prescribed in section 1917 (relating to motor buses and limousines). The limousine registration plate shall be issued only to vehicles used as limousines for the transportation of persons for compensation.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; June 11, 1992, P.L.266, No.47, eff. 60 days)

§ 1926. Dealers and miscellaneous motor vehicle business.

(a) General rule.--The annual fee for a dealer registration plate or miscellaneous motor vehicle business plate shall be $52.

(b) Motorcycle dealers.--The annual fee for each dealer registration plate issued to a motorcycle dealer other than a motor-driven cycle dealer shall be $26.

(c) Motor-driven cycle dealers.--The annual fee for each dealer registration plate issued to a motor-driven cycle dealer shall be $13.

(d) Multipurpose dealer registration plate.--The annual fee for a multipurpose dealer registration plate shall be the appropriate fee specified in section 1913 (relating to motor homes) for motor homes, the appropriate fee specified in section 1916 (relating to trucks and truck tractors) for trucks and truck tractors and the appropriate fee specified in section 1920(a) (relating to trailers) for trailers.

(Aug. 5, 1991, P.L.238, No.26, eff. 120 days; Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. Act 89 amended subsecs. (a), (b) and (c). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1926 is referred to in section 9511.11 of this title.

§ 1926.1. Farm equipment vehicle dealers.

The annual fee for registration of a farm equipment dealer truck or truck tractor shall be one-half of the regular fee or $349, whichever is greater.

(Aug. 5, 1991, P.L.238, No.26, eff. 120 days; Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1926.1 is referred to in section 9511.11 of this title.

§ 1926.2. Fleet owner transporter plate.

The annual fee for a fleet owner transporter plate shall be the appropriate fee specified in section 1912 (relating to passenger cars), 1916 (relating to trucks and truck tractors) or 1920(a) (relating to trailers).
(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

1992 Amendment. Act 174 added section 1926.2.

§ 1927. Transfer of registration.

The fee for transfer of registration shall be $9.
(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1927 is referred to in sections 1920, 1920.1, 9511.11 of this title.

§ 1928. Temporary and electronically issued registration plates.

The fee payable by a dealer or other dispensing agent for a temporary registration plate or for a registration plate to be issued for new registration processed electronically with the department shall be $14. The charge of the agent for providing an applicant with a plate under this section shall not exceed a total of $14.
(June 18, 1980, P.L.229, No.68, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 1929. Replacement registration plates.

The fee for a replacement registration plate other than a legislative or personal plate shall be $11.
(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1929 is referred to in sections 1786, 9511.11 of this title.

§ 1930. Legislative registration plates.

The fee for issuance of a legislative registration plate shall be $76 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each legislative registration plate issued or replaced.
(Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 1931. Personal and organization registration plates.

(a) Personal registration plates.--The fee for issuance of a personal registration plate shall be $76 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each personal registration plate issued or replaced.

(b) Organization registration plates.--The fee for issuance of an organization registration plate shall be $25 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each organization registration plate issued or replaced.

(Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014; July 2, 2014, P.L.988, No.109, eff. 60 days)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1931 is referred to in sections 1352.1, 1354.1, 1355.1 of this title.

§ 1931.1. Street rod registration plates.

The fee for the issuance of a street rod registration plate shall be $51 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each street rod registration plate issued or replaced.

(July 10, 1981, P.L.250, No.82, eff. imd.; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 1932. Duplicate registration cards.

The fee for each duplicate registration card when ordered at the time of vehicle registration, the transfer or renewal of registration or the replacement of a registration plate shall be $2. The fee for each duplicate registration card issued at any other time shall be $6.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2015)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1932 is referred to in sections 1786, 9511.11 of this title.

§ 1933. Commercial implements of husbandry.

The annual fee for registration of a commercial implement of husbandry shall be $110 or one-half of the regular fee, whichever is greater.

(Dec. 18, 1992, P.L.1411, No.174, eff. imd.; Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1933 is referred to in section 9511.11 of this title.

§ 1934. General reissuance.

No fee shall be charged under this title for any registration plate issued as a result of the department's order of a general reissuance of registration plates provided the registration plate is issued at the time designated by the department. This section shall supersede any other provision in this title which prescribes a fee for the issuance of a registration plate.
(Dec. 21, 1998, P.L.1126, No.151, eff. July 1, 1999)

1998 Amendment. Act 151 added section 1934.

Cross References. Section 1934 is referred to in section 1331 of this title.

§ 1935. Fee for local use.

(a) Establishment of fund.--A special fund is established within the State Treasury to be known as the Fee for Local Use Fund. Money in the fund is appropriated to the department for the purposes set forth in this section.

(b) Levy.--Beginning after December 31, 2014, a county may, in its discretion, by ordinance, impose an annual fee of $5 for each nonexempt vehicle registered to an address located in the county. A county shall notify the department of the passage of the ordinance 90 days prior to the effective date of the ordinance.

(c) Collection.--The department shall collect fees imposed under subsection (b) at the time a vehicle is registered and shall deposit the money in the Fee for Local Use Fund.

(d) Distribution.--Money paid into the Fee for Local Use Fund shall be distributed by the department to each participating county in accordance with the amounts collected from the county. Funds payable to a county under this section shall be added to funds payable to the county under section 9010(b) (relating to disposition and use of tax) and shall be used by the county for transportation purposes or be allocated by the county in accordance with section 9010(c).
(Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2015; Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 amended subsecs. (b) and (c). Section 7 of Act 91 provided that the amendment of subsecs. (b) and (c) shall apply to registrations issued or renewed on or after the effective date of section 7.

2013 Amendment. Act 89 added section 1935. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1935 is referred to in section 1903 of this title.

SUBCHAPTER C
PERMITS

Sec.

1941. Scope of subchapter.
1942. Special hauling permits as to weight and size.
1943. Annual hauling permits.
1944. Mobile homes, modular housing units and modular housing undercarriages.
1945. Books of permits.
1946. Movements requiring special escort.
1947. Refund of certain fees.

1948. Chemical and fertilizer vehicle permits (Repealed).
1949. Construction trucks (Deleted by amendment).
1950. Fee for migrant farm vehicle (Repealed).

§ 1941. Scope of subchapter.

This subchapter prescribes fees payable to the department for permits covering movements on State highways and does not limit the right of local authorities to prescribe fees for permits for movements on streets and highways under their jurisdiction.

§ 1942. Special hauling permits as to weight and size.

(a) Fee schedule.--The fee for a special hauling permit for each movement of an overweight or oversize vehicle or load, or both, shall be as follows:

(1) Oversize vehicle or load, or both, having a width up to 14 feet and not exceeding legal weight limit, $35.

(2) Oversize vehicle or load, or both, having a width exceeding 14 feet and not exceeding any legal weight limit, $71.

(3) Vehicle and load weighing in excess of legal weight limit, 4¢ per mile per ton by which the gross weight exceeds the registered gross weight.

(b) Cumulative fees.--Fees under subsection (a) are cumulative so that a vehicle and load which are both oversize and overweight would be subject to a fee under subsection (a)(1) or (2) and subsection (a)(3).

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. Act 89 amended subsec. (a). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 1943. Annual hauling permits.

(a) Quarry equipment and machinery.--The annual fee for operation or movement of each piece of heavy quarry equipment or machinery, as provided for in section 4966 (relating to permit for movement of quarry equipment), shall be $706.

(b) Implements of husbandry.--(Repealed).

(c) Course of manufacture.--The annual fee for operation or movement of loads or vehicles, as provided for in section 4968 (relating to permit for movement during course of manufacture), shall be as follows:

(1) Oversized movements:

(i) Movements limited to daylight hours only - $130.

(ii) Movements that can be conducted 24 hours per day - $1,300.

(2) Overweight movements:

(i) Movements not exceeding 100,000 pounds gross weight:

(A) Not more than one mile in distance - $69.

(B) More than one mile in distance - $750.

(ii) Movements in excess of 100,000 pounds gross weight - $756, plus $152 for each mile of highway authorized under the permit.

(d) Multiple highway crossings.--The annual fee for a single permit for multiple highway crossings, as provided for in section 4965 (relating to single permits for multiple highway crossings), shall be $415.

(e) Vehicles with oversize wheels and tires.--(Deleted by amendment).

(e.1) Special mobile equipment.--The annual fee for hauling or towing each piece of special mobile equipment, as provided

for in section 4975 (relating to permit for movement of special mobile equipment), shall be $300.

(f) Containerized cargo.--The annual company fee for movement of any combination with overweight containerized cargo as provided for in section 4974 (relating to permit for movement of containerized cargo) shall be:

(1) $155 for a motor carrier requesting permits for up to 15 truck tractors.

(2) $233 for a motor carrier requesting permits for 16 to 50 truck tractors.

(3) $388 for a motor carrier requesting permits for 51 to 100 truck tractors.

(4) $544 for a motor carrier requesting permits for 101 to 150 truck tractors.

(5) $622 for a motor carrier requesting permits for 151 or more truck tractors.

(g) Domestic animal feed.--The annual fee for movement of each vehicle hauling domestic animal feed, in bulk, as provided for in section 4976 (relating to permit for movement of domestic animal feed) shall be $587.

(g.1) Eggs.--The annual fee for movement of each vehicle hauling eggs as provided for in section 4976.2 (relating to permit for movement of eggs) shall be $400.

(h) Movement of wooden structures.--The annual fee for movement of wooden structures as provided for in section 4977 (relating to permit for movement of wooden structures) shall be $1,468.

(i) Live domestic animals.--The annual permit fee for each truck tractor authorized to transport live domestic animals, as provided in section 4976.1 (relating to permit for movement of live domestic animals), shall be $520.

(j) Building structural components.--The permit fee for each truck tractor authorized to transport building structural components, as provided in section 4978 (relating to permit for movement of building structural components), shall be $141 for each month the permit is valid.

(k) Utility construction equipment.--The permit fee for utility construction equipment, as provided for in section 4970(a) (relating to permit for movement of construction equipment), shall be $141 for each month the permit is valid.

(l) Particleboard or fiberboard.--The annual fee for movement of particleboard or fiberboard, as provided for in section 4979 (relating to permit for movement of particleboard or fiberboard used for the manufacture of ready-to-assemble furniture), shall be $1,130.

(m) Bulk refined oil.--The annual fee for movement of bulk refined oil, as provided for in section 4979.1 (relating to permit for movement of bulk refined oil), shall be:

(1) $1,130 for a distance up to 50 miles.

(2) $1,690 for a distance of more than 50 miles up to 125 miles.

(n) Waste coal and beneficial combustion ash.--The annual fee for the movement of waste coal and beneficial combustion ash, as provided for in section 4979.2 (relating to permit for movement of waste coal and beneficial combustion ash), shall be $565.

(o) Float glass or flat glass.--The annual fee for the movement of float glass or flat glass, as provided for in section 4979.3 (relating to permit for movement of float glass or flat glass for use in construction and other end uses), shall be $1,209.

(p) Self-propelled cranes.--The annual permit fee for each self-propelled crane, as provided for in section 4979.4 (relating to permit for movement of self-propelled cranes), shall be as follows:

(1) Cranes not exceeding 100,000 pounds gross weight, prorated up to a maximum of $553.

(2) Cranes in excess of 100,000 pounds gross weight, prorated up to a maximum of $139 plus $69 for each mile of highway authorized under the permit.

(q) Construction equipment.--The annual fee for the movement of construction equipment shall be $520.

(q.1) Nonhazardous liquid glue.--The annual fee for the movement of nonhazardous liquid glue, as provided for in section 4979.5 (relating to permit for movement of nonhazardous liquid glue), shall be $1,000.

(q.2) Waste tires.--The annual fee for the movement of waste tires under section 4979.6 (relating to permit for movement of waste tires) shall be $845.

(r) Excess damage permit.--The annual fee for excess damage permits, as provided for in section 4961(d) (relating to authority to issue permits), shall be $640 to cover the costs of administering the permit and inspections of the involved highway.

(July 20, 1979, P.L.168, No.55, eff. imd.; Nov. 29, 1985, P.L.316, No.81, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; July 6, 1995, P.L.315, No.48, eff. 60 days; Dec. 20, 1995, P.L.669, No.75, eff. 60 days; July 11, 1996, P.L.660, No.115; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 25, 1999, P.L.164, No.23, eff. 60 days; June 22, 2001, P.L.559, No.37, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days; Oct. 24, 2012, P.L.1473, No.187, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2010 Amendment. The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

§ 1944. Mobile homes, modular housing units and modular housing undercarriages.

The fee for a special hauling permit for a mobile home, modular housing unit or modular housing undercarriage which exceeds the maximum size prescribed in this title but which does not exceed 14 feet in body width shall be $39. The fee for a special hauling permit for a mobile home or modular housing unit, as provided in section 4973 (relating to permits for movement of a mobile home, a manufactured home or a modular housing unit and modular housing undercarriage), shall be $76.

(Mar. 7, 1982, P.L.152, No.49, eff. imd.; Dec. 7, 1994, P.L.820, No.115, eff. imd.; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014; June 30, 2014, P.L.814, No.85, eff. 60 days)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 1945. Books of permits.

(a) General rule.--Upon request, permits for movement of oversize vehicles or loads, the dimensions of which do not exceed those specified by the department, will be issued in

booklet form, containing a convenient number of permits. For each movement, one permit shall be removed from the booklet, dated, trip data entered and carried in the towing vehicle.

(b) Penalty.--Any person violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $1,000.

(July 1, 1989, P.L.115, No.24, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. Act 89 amended subsec. (b). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1989 Amendment. Act 24 amended subsec. (a).

§ 1946. Movements requiring special escort.

When a special escort is required, as provided for in section 4962 (relating to conditions of permits and security for damages), the cost of the escort shall be paid by the permittee. The department, the Pennsylvania State Police and local authorities may establish schedules of fees for escort costs based on mileage or otherwise.

(Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

§ 1947. Refund of certain fees.

The portion of the fee of an unused overweight permit based on ton-miles or the fee for an unused escort, or both, may be refunded upon payment of a processing fee of $38.

(Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 1948. Chemical and fertilizer vehicle permits (Repealed).

1993 Repeal. Section 1948 was repealed May 20, 1993, P.L.30, No.10, effective in 60 days.

§ 1949. Construction trucks (Deleted by amendment).

1998 Amendment. Section 1949 was deleted by amendment December 21, 1998, P.L.1126, No.151, effective immediately.

§ 1950. Fee for migrant farm vehicle (Repealed).

1993 Repeal. Section 1950 was repealed May 20, 1993, P.L.30, No.10, effective in 60 days.

SUBCHAPTER D
MISCELLANEOUS FEES

Sec.

1951. Driver's license and learner's permit.
1952. Certificate of title.
1953. Security interest.
1954. Approval of vehicle equipment and testing devices.
1955. Information concerning drivers and vehicles.
1956. Certified copies of records.
1957. Uncollectible checks.
1958. Certificate of inspection.
1959. Messenger service.
1960. Reinstatement of operating privilege or vehicle registration.
1961. Secure power of attorney.

§ 1951. Driver's license and learner's permit.

(a) Driver's license.--The driver's license fee for each year or partial year shall be $5.25 plus the cost of the photograph required in section 1510(a) (relating to issuance and content of driver's license).

(b) Learner's permit.--The fee for a learner's permit shall be $5.

(c) Identification card.--The fee for an identification card shall be $19 plus the cost of the photograph.

(d) Replacement license or card.--The fee for a replacement driver's license or identification card shall be $19 plus the cost of the photograph.

(Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 120 days; Nov. 25, 2013, P.L.974, No.89, eff. Apr. 1, 2014)

2013 Amendment. Act 89 amended subsecs. (c) and (d). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2002 Amendment. Act 152 amended subsec. (a).

Cross References. Section 1951 is referred to in sections 1547, 1554, 1904, 3805, 3808 of this title.

§ 1952. Certificate of title.

(a) General rule.--The fee for issuance of a certificate of title shall be $50.

(b) Manufacturer's or dealer's notification.--The fee for a manufacturer's or dealer's notification of acquisition of a vehicle from another manufacturer or dealer for resale pursuant to section 1113 (relating to transfer to or from manufacturer or dealer) shall be $5.

(June 18, 1980, P.L.229, No.68, eff. 60 days; Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89, eff. Apr. 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. See section 20 of Act 3 in the appendix to this title for special provisions relating to additional revenue from fee increases.

Cross References. Section 1952 is referred to in sections 1115, 1904, 9511.11 of this title.

§ 1953. Security interest.

The fee for recording or changing the amount of security interest on a certificate of title shall be $23.

(Nov. 25, 2013, P.L.974, No.89, eff. Apr. 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1953 is referred to in sections 1132.1, 1904 of this title.

§ 1954. Approval of vehicle equipment and testing devices.

The department is authorized to charge reasonable fees for the approval of vehicle equipment and testing devices under the provisions of section 4104 (relating to testing and approval of equipment) except that:

(1) fees for other testing shall be based on the cost of operating the department equipment approval program and shall not exceed similar fees charged by the American Association of Motor Vehicle Administrators; and

(2) no fee shall be charged for approval based on certifications of the American Association of Motor Vehicle Administrators.

§ 1955. Information concerning drivers and vehicles.

(a) Drivers, registrations, titles and security interests.--

(1) The fee for a copy of written or electronic information relating to a driver, registration, title or security interest shall be $8.

(2) If a Commonwealth agency has entered into a contract with a third party to deliver driver information to a person that has complied with section 6114(b)(5) (relating to limitation on sale, publication and disclosure of records), the department may impose an additional fee of up to $2 for the requested record.

(3) Upon approval from the department, a person that has received the driver information from the third party under paragraph (2) that has complied with section 6114(b)(5) may provide the information, for a fee, to a third party for the same purposes contained in section 6114(b)(5) without the payment of any additional fees under this subsection to the department.

(4) Except as provided in paragraph (3), a person that sells, publishes or discloses or offers to sell, publish or disclose the information received by the person under this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $500 nor more than $1,000.

(5) The department shall comply with the provisions of section 6114(d) with respect to the information of a driver under 18 years of age whose information is provided to any person under this subsection.

(b) Other data and information.--The department may charge to any person or governmental or quasi-governmental entity a reasonable fee based on the cost to the department of compiling data and statistical information upon request.

(June 18, 1980, P.L.229, No.68, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Nov. 25, 2013, P.L.974, No.89)

2013 Amendment. Act 89 amended subsec. (a), effective immediately as to subsec. (a)(2) and April 1, 2014, as to subsec. (a)(1), (3), (4) and (5). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1955 is referred to in section 1904 of this title; section 8619 of Title 20 (Decedents, Estates and Fiduciaries).

§ 1956. Certified copies of records.

(a) Department records.--The fee for a certified copy of any department record which the department is authorized by law to furnish to the public shall be $22 for each form or supporting document comprising such record.

(b) State Police reports.--The fee for a certified Pennsylvania State Police record of investigation of a vehicle accident which the Pennsylvania State Police are authorized by this title to furnish to the public shall be $22 for each copy of the Pennsylvania State Police full report of investigation.

(Nov. 25, 2013, P.L.974, No.89, eff. Apr. 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1956 is referred to in section 1904 of this title.

§ 1957. Uncollectible checks.

Whenever any check issued in payment of any fee or for any other purpose is returned to the department or a municipality as uncollectible, the department or municipality shall charge a fee of $38 for each driver's license, registration, replacement of tags, transfer of registration, certificate of title, whether original or duplicate, special hauling permit and each other unit of issue by the department or municipality, plus all protest fees, to the person presenting the check, to cover the cost of collection.

(Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2015)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 1958. Certificate of inspection.

(a) General rule.--The department shall charge $5 for each annual certificate of inspection, $3 for each semiannual certificate of inspection and $2 for each certificate of exemption.

(b) Credit.--(Expired).

(June 18, 1980, P.L.229, No.68, eff. 60 days; May 26, 1982, P.L.435, No.129, eff. imd.; Dec. 14, 1992, P.L.870, No.139, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1996 Expiration. Subsection (b) expired December 31, 1996. See Act 139 of 1992.

Cross References. Section 1958 is referred to in section 1904 of this title.

§ 1959. Messenger service.

(a) Annual registration.--The annual fee for registration of a messenger service as provided for in Chapter 75 (relating to messenger service) shall be $192.

(b) Additional places of business.--The annual fee for registration of additional place of business or branch office from which a messenger service may transact business shall be $95.

(c) Transfer of location.--The fee for the transfer of location of a registered place of business or branch office of a messenger service during a period of registration shall be $19.

(Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2015)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 1960. Reinstatement of operating privilege or vehicle registration.

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

(June 18, 1980, P.L.229, No.68, eff. 60 days; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990; July 14, 2005, P.L.285, No.50,

eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2015; Nov. 4, 2016, P.L.1277, No.165, eff. 60 days)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1960 is referred to in sections 1379, 1380, 1532, 1533, 1556, 1786, 6308.1 of this title; section 4355 of Title 23 (Domestic Relations).

§ 1961. Secure power of attorney.

The fee for processing a secure power of attorney submitted for the purpose of odometer disclosure when not accompanied by an application for title shall be $23.

(Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2015)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

CHAPTER 20
MOTOR VEHICLE INSURANCE RATE REVIEW PROCEDURES

Sec.

2001. Short title of chapter.
2002. Scope of chapter.
2003. Waiting period for filings.
2004. Action by commissioner on rate filings within waiting period.
2005. Review of action of commissioner taken without hearing.
2006. Action by commissioner on rate filings after waiting period.
2007. Deemed approvals.
2008. Hearing procedures.
2009. Rules and regulations.

Enactment. Chapter 20 was added February 7, 1990, P.L.11, No.6. Section 32 of Act 6 provided that Chapter 20 shall take effect immediately for all rate filings for private passenger motor vehicle insurance and shall take effect July 1, 1990, for all other rate filings.

Cross References. Chapter 20 is referred to in section 1799.7 of this title.

§ 2001. Short title of chapter.

This chapter shall be known and may be cited as the Motor Vehicle Insurance Rate Review Procedures Act.

§ 2002. Scope of chapter.

This chapter applies to all rate filings for motor vehicle insurance. Rate filings for motor vehicle insurance shall also be subject to the act of June 11, 1947 (P.L.538, No.246), known as The Casualty and Surety Rate Regulatory Act. Where any conflict exists between this chapter and The Casualty and Surety Rate Regulatory Act, this chapter shall be applied so as to supersede The Casualty and Surety Rate Regulatory Act to the extent of the conflict.

§ 2003. Waiting period for filings.

(a) General rule.--Notwithstanding any other provision of law to the contrary and except as otherwise provided in subsection (b), no rate filing to which this chapter applies may become effective prior to the expiration of a waiting period of 60 days from the date the filing is received by the

commissioner. This 60-day period may be extended an additional 30 days by the commissioner upon written notice to the insurer or rating organization making the filing.

(b) Exceptions.--The waiting period and extensions thereof required by subsection (a) shall not apply in the following circumstances:

(1) When an insurer or rating organization makes written application, the commissioner may authorize a filing or part thereof which has been reviewed to become effective prior to the expiration of the waiting period or any extension thereof as provided in subsection (a).

(2) Upon the written consent of the insured stating his reasons therefor, filed and approved by the department, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk. The rate shall become effective when such consent is filed and shall be deemed to meet the requirements of this chapter and other applicable statutes governing the establishment of rates until such time as the commissioner reviews the filing and so long thereafter as the filing remains in effect.

Cross References. Section 2003 is referred to in sections 2004, 2006, 2007 of this title.

§ 2004. Action by commissioner on rate filings within waiting period.

(a) General rule.--Notwithstanding any other provision of law to the contrary, within the waiting period or any extension thereof as provided in section 2003(a) (relating to waiting period for filings), the commissioner may, by written notice, approve or disapprove the rate filing or schedule a formal administrative hearing on the filing. If a rate filing is approved, it may become effective upon the expiration of the waiting period and any extension thereof as provided in section 2003(a) or upon the effective date specified in the filing, whichever is later. If a rate filing is disapproved, the commissioner shall state in what respects the filing or part thereof fails to meet the requirements of this chapter or other applicable law.

(b) Effective date pending hearing.--If a rate filing is scheduled for a formal administrative hearing under this section, the filing may not become effective until an adjudication is issued. An adjudication shall be issued within 60 days after the close of the hearing.

§ 2005. Review of action of commissioner taken without hearing.

Any insurer or rating organization aggrieved by any order or decision of the commissioner made without a hearing may, within 30 days after notice of the order to the insurer or organization, make written request to the commissioner for a hearing thereon. The commissioner shall hold a hearing within 30 days after receipt of the request and shall give not less than ten days' written notice of the time and place of the hearing. Within 30 days after the close of the hearing, the commissioner shall affirm, reverse or modify his previous action, specifying his reasons therefor.

§ 2006. Action by commissioner on rate filings after waiting period.

If, at any time after the waiting period or extension thereof as provided in section 2003(a) (relating to waiting period for filings), the commissioner finds that a rate filing does not meet the requirements of applicable statutes governing the establishment of rates or upon application by a person, other than the insurer or rating organization that made the filing,

aggrieved by a rate filing for which the waiting period has expired, the commissioner may hold a hearing upon not less than ten days' written notice to every insurer or rating organization which made the filing, specifying the matters to be considered at the hearing. If, after the hearing, the commissioner finds that the filing fails to meet the requirements of applicable statutes governing the establishment of rates, he shall issue an order specifying his findings and stating when, within a reasonable period thereafter, the filing or portions thereof shall be deemed no longer effective. The order shall be sent to every affected insurer and rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

§ 2007. Deemed approvals.

A rate filing may be deemed to meet the requirements of this chapter and other applicable statutes governing the establishment of rates unless disapproved or scheduled for a formal administrative hearing by the commissioner within the waiting period or any extensions thereof as provided in section 2003(a) (relating to waiting period for filings). The filing shall not become effective unless the department receives written notice of the insurer's or rating organization's intent to exercise the right granted under this section at least ten calendar days prior to the effective date.

§ 2008. Hearing procedures.

All hearings shall be conducted in accordance with Title 2 (relating to administrative law and procedure).

§ 2009. Rules and regulations.

The commissioner may adopt such rules and regulations as are reasonably necessary to carry out the purposes of this chapter. Rules and regulations shall be promulgated in conformity with the provisions of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

CHAPTER 21
MOTOR CARRIERS ROAD TAX IDENTIFICATION MARKERS

Sec.

2101. Construction.
2101.1. Definitions.
2102. Identification markers and license or road tax registration card required.
2103. False statements and penalties.
2104. Special investigators; powers.
2105. Exemptions.

Enactment. Chapter 21 was added June 18, 1980, P.L.229, No.68, effective in 60 days.

Cross References. Chapter 21 is referred to in sections 6117, 9602 of this title.

§ 2101. Construction.

This chapter shall be construed in conjunction with Chapter 96 (relating to motor carriers road tax).

(July 13, 1987, P.L.303, No.56, eff. imd.; Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996)

§ 2101.1. Definitions.

The following words and phrases when used in this chapter and in Chapter 96 (relating to motor carriers road tax) shall

have the meanings given to them in this section unless the context clearly indicates otherwise:

"IFTA." The International Fuel Tax Agreement, including any amendments.

"License." A valid unexpired and unrevoked license issued pursuant to the International Fuel Tax Agreement by any base jurisdiction thereof to the motor carrier.

"Qualified motor vehicle." A motor vehicle, other than a recreational vehicle, which is used, designed or maintained for transportation of persons or property and:

(1) Having two axles and a gross weight or registered gross weight exceeding 26,000 pounds.

(2) Having three or more axles regardless of weight.

(3) Used in combination, when the gross weight or registered gross weight of the combination exceeds 26,000 pounds.

If there is no registered gross weight, then the gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of the motor vehicle shall be used.

(Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996)

1995 Amendment. Act 75 added section 2101.1.

Cross References. Section 2101.1 is referred to in section 9602 of this title.

§ 2102. Identification markers and license or road tax registration card required.

(a) General rule.--The Secretary of Revenue shall provide identification markers as follows:

(1) Qualified motor vehicles subject to IFTA shall be issued identification markers (decals) and a license as required by IFTA.

(2) Qualified motor vehicles not subject to IFTA shall be issued identification markers and a road tax registration card.

(3) All qualified motor vehicles required to display the identification markers shall permanently affix such identification markers on the exterior portion of both sides of the cab and shall follow the directions as indicated on the reverse side of the identification marker.

(4) A legible copy of the IFTA license (cab card) issued to the motor carrier shall be carried in the cab of any qualified motor vehicle subject to IFTA. The road tax registration card issued to any qualified motor vehicle not subject to IFTA shall be carried in the cab of the vehicle.

(5) The identification markers, road tax registration card and any IFTA license issued by the Secretary of Revenue shall remain the property of the Commonwealth and may be recalled for any violation of the provisions of this chapter, Chapter 96 (relating to motor carriers road tax) or the regulations promulgated thereunder.

(6) The Department of Revenue, for cause, may deny, suspend or revoke any license, road tax registration card or identification markers issued under this section after an opportunity for a hearing has been afforded the carrier, provided, however, that a license, a road tax registration card or identification markers may be denied or may be suspended or revoked for failure to file a return as required or for nonpayment of moneys due and not under appeal under this chapter or Chapter 96, including related motor fuel taxes prior to a hearing.

(b) Fee.--The fee for issuance of identification markers shall be $12 per vehicle.

(c) Issuance of markers and licenses or road tax registration cards.--

(1) Identification markers and licenses or road tax registration cards shall be issued on a 12-month basis, effective January 1 of each year, and shall be valid through the next succeeding December 31; however, enforcement of this section shall not become effective until March 1 of each year as to qualified motor vehicles displaying the previous year's identification markers. The identification markers and license or road tax registration card may be validly displayed and carried on or after December 1 of the preceding year.

(2) The Department of Revenue shall have the power and may designate the Department of Transportation to act as an agent for the Department of Revenue for the purpose of collecting the fee under subsection (b), processing the necessary papers and issuing a temporary permit to authorize the operation of a qualified motor vehicle pending issuance of permanent identification markers by the department.

(d) Operation without identification markers unlawful.--Except as provided in paragraphs (2) and (3), it shall be unlawful to operate or to cause to be operated in this Commonwealth any qualified motor vehicle unless the vehicle bears the identification markers required by this section or valid and unrevoked IFTA identification markers issued by another IFTA jurisdiction.

(1) The Secretary of Revenue may by regulation exempt from the requirement to display the identification markers those qualified motor vehicles which in his opinion are clearly identifiable such that effective enforcement of this chapter will not suffer thereby.

(2) For a period not exceeding 30 days as to any one motor carrier, the Secretary of Revenue by letter or telegram may authorize the operation of a qualified motor vehicle or vehicles without the identification markers required when both the following are applicable:

(i) enforcement of this section for that period would cause undue delay and hardship in the operation of such qualified motor vehicle; and

(ii) the motor carrier is registered and/or licensed for the motor carriers road tax with the Department of Revenue or has filed an application therefor with the Department of Revenue:

(A) The fee for such temporary permits shall be $7 for each qualified motor vehicle which shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund.

(B) Conditions for the issuance of such permits shall be set forth in regulations promulgated by the Department of Revenue.

(C) A temporary permit issued by another IFTA jurisdiction under authority similar to this paragraph shall be accorded the same effect as a temporary permit issued under this paragraph.

(3) A motor carrier may, in lieu of paying the tax imposed and filing the tax report required by Chapter 96 and in lieu of complying with any other provisions of this section that would otherwise be applicable as a result of the operation of a particular qualified motor vehicle, obtain from the Department of Revenue a trip permit authorizing the carrier to operate the qualified motor vehicle for a period of five consecutive days. The Department of Revenue shall

specify the beginning and ending days on the face of the permit. The fee for a trip permit for each qualified motor vehicle is $73 which shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund. The report otherwise required under Chapter 96 is not required with respect to a vehicle for which a trip permit has been issued under this subsection.

(e) Operation without IFTA license or road tax registration card unlawful.--It shall be unlawful to operate or to cause to be operated in this Commonwealth any qualified motor vehicle unless the vehicle carries either the IFTA license or road tax registration card required by this section.

(June 23, 1982, P.L.605, No.171, eff. imd.; Dec. 8, 1982, P.L.842, No.234, eff. Apr. 1, 1983; July 13, 1987, P.L.303, No.56, eff. imd.; May 30, 1990, P.L.173, No.42, eff. 180 days; Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996; Nov. 25, 2013, P.L.974, No.89, eff. Apr. 1, 2014)

2013 Amendment. Act 89 amended subsecs. (b) and (d)(2) and (3). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 2102 is referred to in section 2103 of this title.

§ 2103. False statements and penalties.

(a) False statements.--Any person who willfully and knowingly makes, publishes, delivers or utters a false statement orally, or in writing, or in the form of a receipt for the sale of motor fuel, for the purpose of obtaining or attempting to obtain, or to assist any person to obtain or attempt to obtain, a credit or refund or reduction of liability for taxes under this chapter or Chapter 96 (relating to motor carriers road tax) shall be guilty of a summary offense and, upon conviction thereof, for a first offense shall be sentenced to pay a fine of not less than $100 nor more than $500; and for each subsequent or additional offense, a fine of not less than $200 nor more than $500, or undergo imprisonment for a term not exceeding 90 days, or both.

(a.1) Operation without identification marker.--Notwithstanding the provisions of subsection (b), any person who violates section 2102(d) (relating to identification markers required) and who can adequately establish an absence of knowing and willful intent shall be guilty of a summary offense and shall be sentenced to pay a fine of $25.

(b) Other penalties.--Any person willfully violating any provision of this chapter or Chapter 96 (relating to motor carriers road tax) not covered by any other penalty contained in this chapter shall be guilty of a summary offense and, upon conviction thereof, for a first offense, shall be sentenced to pay a fine of not less than $100 nor more than $500; and, for each subsequent or additional offense, a fine of not less than $200 nor more than $500, or undergo imprisonment for a term not exceeding 90 days, or both. If the person convicted is a corporation, any imprisonment imposed shall be served by the responsible corporate employee.

(July 13, 1987, P.L.303, No.56, eff. imd.; May 30, 1990, P.L.173, No.42, eff. 60 days)

1990 Amendment. Act 42 added subsec. (a.1).

§ 2104. Special investigators; powers.

Such employees of the Department of Revenue as are designated as special investigators, and who carry identification

indicating such capacity, are hereby declared to be peace officers of the Commonwealth, are hereby given police power and authority throughout the Commonwealth to arrest on view without warrant any driver of a qualified motor vehicle engaged in any operations in violation of any provision of this chapter or Chapter 96 (relating to motor carriers road tax) and shall have the power and authority upon probable cause that any such violation may have occurred to search and seize without warrant or process any qualified motor vehicle so operated.
(Dec. 8, 1982, P.L.842, No.234, eff. Apr. 1, 1983; July 13, 1987, P.L.303, No.56, eff. imd.; Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996)

§ 2105. Exemptions.

(a) General rule.--The requirements of this chapter and Chapter 96 (relating to motor carriers road tax) do not apply to the following vehicles:

(1) A qualified motor vehicle bearing a Pennsylvania farm vehicle registration plate and operated in accordance with the restrictions of section 1344 (relating to use of farm vehicle plates) or a qualified motor vehicle registered and operated under provisions of another jurisdiction determined by the Department of Revenue to be similar to those restrictions.

(2) A qualified motor vehicle exempt from registration as a farm vehicle and operated in accordance with the restrictions of section 1302(10) (relating to vehicles exempt from registration) or a qualified motor vehicle operated under provisions of another jurisdiction determined by the Department of Revenue to be similar to those restrictions.

(3) An emergency vehicle as defined by section 102 (relating to definitions).

(4) A qualified motor vehicle operated by or on behalf of any department, board or commission of the Commonwealth, or any political subdivision thereof, or any quasi-governmental authority of which this Commonwealth is a participating member, or any agency of the Federal Government or the District of Columbia, any foreign country, or of any state or any political subdivision thereof which grants similar exemptions to publicly owned vehicles registered in this Commonwealth.

(5) A school bus.

(5.1) A motorbus owned by and registered to a church.

(6) An implement of husbandry as defined by section 102.

(7) Special mobile equipment as defined by section 102.

(8) An unladen or towed motor vehicle or unladen trailer which enters this Commonwealth solely for the purpose of securing repairs or reconditioning. The repair facility shall furnish to the motor carrier a certificate to be carried by the qualified motor vehicle operator while the vehicle is in this Commonwealth for the purposes of this paragraph.

(9) A qualified motor vehicle needing emergency repairs which secures authorization from the Pennsylvania State Police to enter this Commonwealth under this section.

(10) A commercial implement of husbandry.

(b) Regulations.--The Department of Revenue may promulgate regulations to implement this section.
(Feb. 12, 1984, P.L.53, No.12, eff. 60 days; July 13, 1987, P.L.303, No.56, eff. imd.; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days; Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996; July 11, 1996, P.L.660, No.115, eff. imd.)

1996 Amendment. Act 115 added subsec. (a)(5.1), retroactive to August 10, 1992.

CHAPTER 23
MOTOR VEHICLE TRANSACTION RECOVERY FUND

Sec.
2301. Definitions.
2302. Establishment and maintenance of fund.
2303. Disbursements.
2304. Assignment of claims.
2305. Appeals.
2306. Exemptions.
2307. Enforcement.

Enactment. Chapter 23 was added July 10, 1990, P.L.356, No.83, effective in 60 days.

§ 2301. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Fund." The Motor Vehicle Transaction Recovery Fund established in this chapter.

"Member." Every holder of motor vehicle dealer registration plates and every person authorized to act as an agent of the department with respect to vehicle titling and registration.

§ 2302. Establishment and maintenance of fund.

(a) Establishment.--There is hereby established in the General Fund a Motor Vehicle Transaction Recovery Fund.

(b) Assessments.--Every applicant for motor vehicle dealer registration plates or for the authority to act as an agent for the department with respect to vehicle titling and registration shall pay, in addition to any other license fees and bonds, an assessment of $60 to the fund.

(c) Use and maintenance of fund.--The assessments shall be used to establish and maintain the fund and shall be deposited into the State Treasury and credited to the fund. The fund shall be used solely to provide the Department of Transportation and the Department of Revenue with the money necessary to process documents relating to the titling and registration of vehicles as described in this chapter. The fund shall be invested and interest and dividends shall accrue to the fund.

(d) Minimum balance.--Whenever the balance of the fund falls below $500,000, the secretary may assess all members an additional assessment of up to $50 to bring the fund up to at least the $500,000 minimum. Not more than one additional assessment may be made against a member in any 12-month period. (Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (b).

§ 2303. Disbursements.

(a) Authorization.--The secretary, or his designee, may, in his discretion, authorize a disbursement from the fund to cover the amount of any fees and taxes pertaining to an application for titling or registration of a vehicle which a member failed to forward to the department or the department's contracted agent or third-party representative. The disbursement may not exceed the amount paid to the member for the fees and taxes associated with the titling and registration.

(b) Proof of loss.--In order to substantiate a disbursement from the fund, an aggrieved party shall forward to the department an application provided by the department. Along with other documentation, the department shall require the aggrieved party to provide the original or acceptable copies of the canceled check or money order paid to the member and the registration or other document issued to the aggrieved party by the member.

(c) Procedure.--Upon receipt of an application for disbursement, the department shall notify the member. If the member fails to forward the necessary titling or registration documents, fees and taxes within 15 days, the secretary may suspend the member and, where applicable, direct the Department of State to do so. If payment is not made by the member within 15 days and the secretary is satisfied concerning the proof of the claim, he shall direct that the titling and registration documents be processed with moneys from the fund.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (a).

§ 2304. Assignment of claims.

By making application to the fund, an aggrieved party assigns to the Commonwealth any claim he may have for restitution arising out of the failure of the member to forward the titling and registration documents, fees and taxes. The department may coordinate with applicable Commonwealth agencies the filing of a civil complaint against the member for reimbursement to the fund. Nothing contained in this chapter shall limit the authority of the department, the Department of Revenue or any other government agency to take civil, criminal or disciplinary action against any member for any violation of this title or any statute or regulation. Payment by the fund shall not relieve payment by any surety.

§ 2305. Appeals.

Any aggrieved party may appeal the decision of the secretary to the court of common pleas vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure).

§ 2306. Exemptions.

No person who acts solely as either a notary or messenger for motor vehicle forms or a farm equipment dealer, mobile home dealer and manufacturer or modular housing manufacturer shall be bound by the provisions of this chapter.

(Aug. 5, 1991, P.L.238, No.26, eff. imd.)

§ 2307. Enforcement.

(a) Criminal penalty.--Any member who issues or forwards to the department any documents relative to the titling or registration of a vehicle without having paid the requisite fee to the fund commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $100 for each document submitted.

(b) Administrative penalties.--The department and the Department of State may suspend the license and recall motor vehicle dealer plates and the authority to issue temporary registrations of any member who does not pay the requisite fee to the fund prior to acting as a member. The suspension and recall shall remain in effect until the requisite fee is paid, plus an additional 30 days.

PART III
OPERATION OF VEHICLES

Chapter

31. General Provisions
33. Rules of the Road in General
35. Special Vehicles and Pedestrians
37. Miscellaneous Provisions
38. Driving After Imbibing Alcohol or Utilizing Drugs

Enactment. Part III was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

CHAPTER 31
GENERAL PROVISIONS

Subchapter

A. Obedience to and Effect of Traffic Laws
B. Traffic-control Devices
C. Fines

Enactment. Chapter 31 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Cross References. Chapter 31 is referred to in section 1614 of this title.

SUBCHAPTER A
OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

Sec.

3101. Application of part.
3102. Obedience to authorized persons directing traffic.
3103. Persons riding animals or driving animal-drawn vehicles.
3104. Persons working on highways.
3105. Drivers of emergency vehicles.
3106. Operators of streetcars.
3107. Drivers in funeral processions.
3108. Drivers of certified escort vehicles.

§ 3101. Application of part.

(a) General rule.--Except as provided in subsection (b), the provisions of this part relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a particular provision.

(b) Serious traffic offenses.--The provisions of section 3345 (relating to meeting or overtaking school bus), Subchapter B of Chapter 37 (relating to serious traffic offenses) and Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs) shall apply upon highways and trafficways throughout this Commonwealth.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (b).

Cross References. Section 3101 is referred to in section 3808 of this title.

§ 3102. Obedience to authorized persons directing traffic.

No person shall willfully fail or refuse to comply with any lawful order or direction of:

(1) any uniformed police officer, sheriff or constable or, in an emergency, a railroad or street railway police officer;

(2) any appropriately attired person, including an agent or employee of the funeral director during a funeral, authorized to direct, control or regulate traffic;

(3) any employee who has been trained in traffic control by a licensed and insured private security company and who is acting in the scope of employment; or

(4) any driver of a certified escort vehicle as defined under section 3108 (relating to drivers of certified escort vehicles) and who is acting in the capacity as a driver of a certified escort vehicle.

(Aug. 5, 1991, P.L.238, No.26, eff. imd.; Dec. 22, 1993, P.L.561, No.81, eff. 60 days; June 26, 2001, P.L.734, No.75, eff. 60 days; Oct. 30, 2015, P.L.216, No.55, eff. 60 days)

Cross References. Section 3102 is referred to in sections 1535, 3326, 3327 of this title.

§ 3103. Persons riding animals or driving animal-drawn vehicles.

(a) General rule.--Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this part, except those provisions of this part which by their very nature can have no application or where specifically provided otherwise.

(b) Limited access highways.--No person shall ride an animal or drive any animal-drawn vehicle upon a limited access highway.

§ 3104. Persons working on highways.

Unless specifically made applicable, the provisions of this part, except those contained in Subchapter B of Chapter 37 (relating to serious traffic offenses), shall not apply to persons, motor vehicles, and equipment while actually engaged in work upon a highway but shall apply to such persons and vehicles when traveling to or from such work.

§ 3105. Drivers of emergency vehicles.

(a) General rule.--The driver of an emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm or other emergency call, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

(b) Exercise of special privileges.--The driver of an emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this part.

(2) Proceed past a red signal indication or stop sign, but only after slowing down as may be necessary for safe operation, except as provided in subsection (d).

(3) Exceed the maximum speed limits so long as the driver does not endanger life or property, except as provided in subsection (d).

(4) Disregard regulations governing direction of movement, overtaking vehicles or turning in specified directions.

(c) Audible and visual signals required.--The privileges granted in this section to an emergency vehicle shall apply only when the vehicle is making use of an audible signal and visual signals meeting the requirements and standards set forth in regulations adopted by the department.

(d) Ambulances, blood delivery vehicles and human organ delivery vehicles.--The driver of an ambulance, blood delivery vehicle or human organ delivery vehicle shall comply with maximum speed limits, red signal indications and stop signs.

After ascertaining that the ambulance, blood delivery vehicle or human organ delivery vehicle will be given the right-of-way, the driver may proceed through a red signal indication or stop sign.

(d.1) Vehicles owned and operated by a county correctional institution in a city of the first class.--The driver of a vehicle that is owned and operated by a county correctional institution in a city of the first class and used to respond to an emergency at a correctional institution in a city of the first class or to escort an ambulance which is transporting a sick or injured prisoner in a city of the first class shall comply with maximum speed limits, red signal indications and stop signs. After ascertaining that the vehicle will be given the right-of-way, the driver may proceed through a red signal indication or stop sign.

(e) Exercise of care.--This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

(f) Pedalcycles.--No part of this section shall be construed to restrict the operation of a pedalcycle used by a police officer or a bike medic during the course of performing official duties.

(g) Emergency vehicle preemption devices.--

(1) The department may promulgate regulations for the operation and use of preemptive traffic devices by emergency vehicles.

(2) An individual other than authorized emergency personnel who operates or uses a preemptive traffic device commits a misdemeanor of the third degree.

(3) The possession of a preemptive traffic device by an individual who is not an authorized user of the device is prohibited. The device if in the possession of a nonauthorized user shall be deemed contraband and shall be seized by a law enforcement officer.

(h) Limitations relating to school buses.--Notwithstanding the provisions of subsection (b)(4), the driver of an emergency vehicle shall come to a complete stop when a school bus flashes its red signal lights and activates its side stop signal arms. After stopping, the driver of the emergency vehicle may pass the school bus only after exercising due diligence and caution for the safety of the students in a manner that will not risk the safety of the students.

(i) Definition.--As used in this section, the term "bike medic" means an individual who:

(1) operates a pedalcycle and is certified by the Department of Health as an emergency medical services provider;

(2) is a member of an emergency medical services agency licensed by the Department of Health and operating within the scope of practice of an emergency medical services provider, as applicable;

(3) has successfully completed a basic emergency medical services cycling program approved by the Department of Health;

(4) wears emergency first responder appropriate attire for operating upon the highways in accordance with national standards; and

(5) makes use of an appropriate visual and audible warning device in the performance of official duties.

(May 9, 1986, P.L.158, No.51, eff. 60 days; Dec. 15, 1995, P.L.655, No.72, eff. 60 days; June 26, 2001, P.L.734, No.75, eff. 60 days; July 15, 2004, P.L.694, No.75, eff. 60 days; June

17, 2016, P.L.338, No.44, eff. 60 days; July 8, 2016, P.L.477, No.75, eff. 60 days)

2016 Amendments. Act 44 amended subsec. (f) and added subsec. (i) and Act 75 added subsec. (d.1).

2004 Amendment. Act 75 added subsec. (h).

Cross References. Section 3105 is referred to in sections 3345.1, 6342 of this title; section 901 of Title 30 (Fish); section 901 of Title 34 (Game).

§ 3106. Operators of streetcars.

Every operator of a streetcar upon any roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title except those provisions which by their nature can have no application.

§ 3107. Drivers in funeral processions.

(a) General rule.--The driver of a vehicle which is being driven in a funeral procession may:

(1) Park or stand irrespective of the provisions of this part.

(2) Proceed past a red signal indication or stop sign if the lead vehicle in the procession started through the intersection while the signal indicator was green or, in the case of a stop sign, the lead vehicle first came to a complete stop before proceeding through the intersection.

(b) Visual signals required.--The privileges granted by this section shall apply only if each vehicle in the funeral procession displays lighted head lamps and emergency flashers and bears a flag or other insignia designating it as part of a funeral procession.

(b.1) Visual signals authorized.--Notwithstanding any other provision of this title to the contrary, a funeral director or the director's representative may display flashing or revolving purple lights on any funeral processional vehicle which is being driven in a funeral procession.

(c) Right-of-way to emergency vehicles.--This section does not relieve the driver of a vehicle which is being driven in a funeral procession from yielding the right-of-way to an emergency vehicle making use of audible and visual signals, nor from the duty to drive with due regard for the safety of all persons.

(Aug. 5, 1991, P.L.238, No.26, eff. imd.; June 26, 2001, P.L.734, No.75, eff. 60 days; July 5, 2012, P.L.934, No.99, eff. 60 days)

2012 Amendment. Act 99 added subsec. (b.1).

2001 Amendment. Act 75 amended subsec. (c).

1991 Amendment. Act 26 added section 3107.

§ 3108. Drivers of certified escort vehicles.

(a) General rule.--The driver of a certified escort vehicle that is being operated to escort a super load must be certified and licensed by the department and wear attire that complies with 67 Pa. Code § 101.3(5) (relating to minimum attire).

(b) Criteria to be established.--Within one year of the effective date of this section, the department shall establish criteria for certified escort vehicles and for determining certification and licensing of drivers of certified escort vehicles within this Commonwealth and shall post the criteria on the department's publicly accessible Internet website.

(c) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Certified escort vehicle." A vehicle that is operated to escort a super load on a highway of this Commonwealth.

"Super load." A vehicle or combination or load having a gross weight exceeding 201,000 pounds, a total length exceeding 160 feet or a total width exceeding 16 feet. The term does not include any of the following:

(1) A building under 67 Pa. Code § 179.11 (relating to special vehicle-load restrictions).

(2) A vehicle or combination moved across the highway under section 4965 (relating to single permits for multiple highway crossings) or 4966 (relating to permit for movement of quarry equipment).

(3) A drag line moved across a highway under permit.

(Oct. 30, 2015, P.L.216, No.55, eff. 60 days)

2015 Amendment. Act 55 added section 3108.

Cross References. Section 3108 is referred to in sections 3102, 4573, 4901, 4962 of this title.

SUBCHAPTER B
TRAFFIC-CONTROL DEVICES

Sec.

3111. Obedience to traffic-control devices.
3111.1. Obedience to traffic-control devices warning of hazardous conditions.
3112. Traffic-control signals.
3113. Pedestrian-control signals.
3114. Flashing signals.
3115. Lane-direction-control signals.
3116. Automated red light enforcement systems in first class cities.
3117. Automated red light enforcement systems in certain municipalities.

Cross References. Subchapter B is referred to in section 3344 of this title.

§ 3111. Obedience to traffic-control devices.

(a) General rule.--Unless otherwise directed by a uniformed police officer or any appropriately attired person authorized to direct, control or regulate traffic, the driver of any vehicle shall obey the instructions of any applicable official traffic-control device placed or held in accordance with the provisions of this title, subject to the privileges granted the driver of an emergency vehicle in this title.

(a.1) Penalty.--

(1) A person who violates this section commits a summary offense and shall, upon conviction, pay a fine of $150. No costs or surcharges imposed under 42 Pa.C.S. § 1725.1 (relating to costs) or section 6506 (relating to surcharge) shall be assessed or imposed upon a conviction under this section.

(2) Notwithstanding any other provision of law, including 42 Pa.C.S. § 3733(a) (relating to deposits into account), the fine collected under paragraph (1) shall be deposited as follows:

(i) Twenty-five dollars of the fine shall be deposited as provided under 42 Pa.C.S. § 3733(a).

(ii) After deposit of the amount under subparagraph (i), the remaining portion of the fine shall be deposited into the Public Transportation Trust Fund.

(b) Proper position and legibility of device.--No provision of this title for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, the section shall be effective even though no devices are erected or in place.

(c) Presumption of authorized placement.--Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this title, the devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Presumption of proper devices.--Any official traffic-control device placed or held pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary shall be established by competent evidence.

(June 26, 2001, P.L.734, No.75, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2014; Dec. 23, 2013, P.L.1251, No.126, eff. imd.)

2013 Amendments. Act 89 added subsec. (a.1) and Act 126 amended subsec. (a.1). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2001 Amendment. Act 75 amended subsec. (a).

Cross References. Section 3111 is referred to in sections 3326, 3327 of this title; section 1506 of Title 74 (Transportation).

§ 3111.1. Obedience to traffic-control devices warning of hazardous conditions.

(a) General rule.--The driver of any vehicle, unless otherwise directed by an emergency service responder, shall not drive past, around or through a sign or traffic-control device closing a road or highway due to an existing or potentially hazardous condition.

(b) Penalty.--Any person violating this section commits a summary offense and shall, upon conviction, pay a fine of not more than $250 unless the violation results in the utilization of the services of a first responder or emergency medical or rescue personnel, including towing services, in which case the fine shall be increased to not less than $250 nor more than $500.

(c) Emergency response costs.--A person convicted of violating this section shall, in addition to any other sentence imposed or restitution ordered under 42 Pa.C.S. § 9721(c) (relating to sentencing generally), be sentenced to pay restitution in an amount equal to the cost of fire and police response and emergency medical service or emergency preparedness response resulting from the offense.

(July 5, 2012, P.L.1003, No.114, eff. 60 days)

2012 Amendment. Act 114 added section 3111.1.

Cross References. Section 3111.1 is referred to in section 1535 of this title.

§ 3112. Traffic-control signals.

(a) General rule.--Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication.--

(i) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn except that vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113 (relating to pedestrian-control signals), pedestrians facing any green signal may proceed across the roadway within a crosswalk.

(2) Steady yellow indication.--

(i) Vehicular traffic facing a steady yellow signal is thereby warned that the related green indication is being terminated or that a red indication will be exhibited immediately thereafter.

(ii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113, pedestrians facing a steady yellow signal are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication.--

(i) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, or if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subparagraph (ii).

(ii) Unless signing is in place prohibiting a turn, vehicular traffic facing a steady red signal may enter the intersection to turn right, or to turn left from a one-way highway onto a one-way highway after stopping as required by subparagraph (i). Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113, pedestrians facing a steady red signal alone shall not enter the roadway.

(b) Places other than intersections.--In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(c) Inoperable or malfunctioning signal.--If a traffic-control signal is out of operation or is not functioning properly, including, but not limited to, a signal that uses inductive loop sensors or other automated technology to detect the presence of vehicles that fails to detect a vehicle, vehicular traffic facing a:

(1) Green or yellow signal may proceed with caution as indicated in subsection (a)(1) and (2).

(2) Red or completely unlighted signal shall stop in the same manner as at a stop sign, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign as provided in section 3323 (relating to stop signs and yield signs).

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 20, 2016, P.L.861, No.101, eff. 60 days)

2016 Amendment. Act 101 amended subsec. (c).

1998 Amendment. Act 151 amended subsec. (a)(3).

Cross References. Section 3112 is referred to in sections 1535, 3116, 3117, 3326, 3541 of this title.

§ 3113. Pedestrian-control signals.

(a) General rule.--Whenever special pedestrian-control signals exhibiting words or symbols are in place, the signals shall indicate as follows:

(1) Word "Walk" or walking person symbol.--Pedestrians facing the signal should proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Phrase "Don't Walk" or upraised hand symbol.--Pedestrians should not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.

(3) Flashing "Walk".--Pedestrians facing the signal are cautioned that there is possible hazard from turning vehicles, but pedestrians may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(4) Flashing "Don't Walk" Signal.--Pedestrians should not start to cross the roadway in the direction of the signal, but any pedestrian who has partly completed crossing during the "Walk" signal should proceed to a sidewalk or safety zone, and all drivers of vehicles shall yield to the pedestrian.

(b) Local regulation.--This section does not prohibit a municipality from establishing a summary offense for violation of subsection (a)(2) or (4).

(c) Penalties.--The driver of a vehicle who violates subsection (a) commits a summary offense and, upon conviction, shall be sentenced to pay a fine of $50. This subsection shall not apply to those municipalities that establish a summary offense as authorized under subsection (b) with a fine in excess of $50.

(Dec. 7, 1990, P.L.635, No.164, eff. imd.; June 25, 2001, P.L.701, No.68, eff. 120 days; June 26, 2001, P.L.734, No.75, eff. 60 days)

2001 Amendments. Act 75 overlooked the amendment by Act 68, but the amendments do not conflict in substance (except for the amount of the fine, as to which Act 75 has been given effect) and have both been given effect in setting forth the text of section 3113.

Cross References. Section 3113 is referred to in sections 3112, 3541 of this title.

§ 3114. Flashing signals.

(a) General rule.--Whenever a flashing red or yellow signal is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:

(1) Flashing red.--When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop in the same manner as at a stop sign, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign as provided in section 3323 (relating to stop signs and yield signs).

(2) Flashing yellow.--When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) Railroad grade crossings.--This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 3341 (relating to obedience to signal indicating approach of train).

Cross References. Section 3114 is referred to in sections 1535, 3116, 3117, 3326, 3327 of this title.

§ 3115. Lane-direction-control signals.

When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

§ 3116. Automated red light enforcement systems in first class cities.

(a) General rule.--

(1) A city of the first class, upon passage of an ordinance, is authorized to enforce section 3112(a)(3) (relating to traffic-control signals) by recording violations using an automated red light enforcement system approved by the department.

(2) This section shall only be applicable at intersections in the city of the first class agreed upon by the system administrator and the Secretary of Transportation who shall consider using the automated red light enforcement system at the following intersections:

(i) U.S. Route 1 (Roosevelt Boulevard) at Grant Avenue, at Red Lion Road and at Cottman Street.

(ii) Kensington Avenue at Clearfield Street.

(iii) Richmond Street at Allegheny Avenue and at Castor Avenue.

(iv) Aramingo Avenue at York Street.

(v) Thompson Street at Lehigh Avenue.

(vi) Broad Street at Washington Avenue.

(b) Owner liability.--For each violation pursuant to this section, 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 (f).

(c) Certificate as evidence.--A certificate, or a facsimile of a certificate, based upon inspection of recorded images produced by an automated red light enforcement system and sworn to or affirmed by a police officer employed by the city of the first class shall be prima facie evidence of the facts contained in it. The city must include written documentation that the automated red light enforcement system was operating correctly at the time of the alleged violation. A recorded image evidencing a violation of section 3112(a)(3) shall be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation.

(d) Penalty.--

(1) The penalty for a violation under subsection (a) shall be a fine of $100 unless a lesser amount is set by ordinance.

(2) A fine is not authorized for a violation of this section if any of the following apply:

(i) The intersection is being manually controlled.

(ii) The signal is in the mode described in section 3114 (relating to flashing signals).

(3) A fine is not authorized during:

(i) The first 120 days of operation of the automated system at the initial intersection.

(ii) The first 45 days for each additional intersection selected for the automated system.

(3.1) A warning may be sent to the violator under paragraph (3).

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

(5) No surcharge points may be imposed in the provision of motor vehicle insurance coverage. Fines collected under this section shall not be subject to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of fines, etc.) or 3573 (relating to municipal corporation portion of fines, etc.).

(e) Limitations.--

(1) No automated red light enforcement system shall be utilized in such a manner as to take a frontal view recorded image of the vehicle as evidence of having committed a violation.

(2) Notwithstanding any other provision of law, camera equipment deployed as part of an automated red light enforcement system as provided in this section must be incapable of automated or user-controlled remote intersection surveillance by means of recorded video images. Recorded images collected as part of the automated red light enforcement system must only record traffic violations and may not be used for any other surveillance purposes. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(3) Notwithstanding any other provision of law, information prepared under this section and information

relating to violations under this section which is kept by the city of the first class, its authorized agents or its employees, including recorded images, written records, reports or facsimiles, names, addresses and the number of violations under this section, shall be for the exclusive use of the city, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties under this section and under any ordinances and resolutions of the city. The information shall not be deemed a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise, nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section or any ordinance or resolution of the city. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(4) Recorded images obtained through the use of automated red light enforcement systems deployed as a means of promoting traffic safety in a city of the first class shall be destroyed within one year of final disposition of any recorded event. The city shall file notice with the Department of State that the records have been destroyed in accordance with this section.

(5) Notwithstanding any other provision of law, registered vehicle owner information obtained as a result of the operation of an automated red light enforcement system under this section shall not be the property of the manufacturer or vendor of the automated red light enforcement system and may not be used for any purpose other than prescribed in this section.

(f) Defenses.--

(1) It shall be a defense to a violation under this section that the person named in the notice of the violation was not operating the vehicle at the time of the violation. The owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation. The city of the first class may not require the owner of the vehicle to disclose the identity of the operator of the vehicle at the time of the violation.

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

(3) It shall be a defense to a violation under this section that the person receiving the notice of violation was not the owner of the vehicle at the time of the offense.

(g) Department approval.--No automated red light enforcement system may be used without the approval of the department, which shall have the authority to promulgate regulations for the certification and use of such systems.

(h) Duty of city.--If a city of the first class elects to implement this section, the following provisions shall apply:

(1) The city may not use an automated red light enforcement system unless there is posted an appropriate sign in a conspicuous place before the area in which the automated red light enforcement device is to be used notifying the public that an automated red light enforcement device is in use immediately ahead.

(2) The city shall designate or appoint the Philadelphia Parking Authority as the system administrator to supervise and coordinate the administration of notices of violation issued under this section.

(3) The system administrator shall prepare a notice of violation to the registered owner of a vehicle identified in a recorded image produced by an automated red light enforcement system as evidence of a violation of section 3112(a)(3). The issuance of the notice of violation must be done by a police officer employed by the police department with primary jurisdiction over the area where the violation occurred. The notice of violation shall have attached to it a copy of the recorded image showing the vehicle; the registration number and state of issuance of the vehicle registration; the date, time and place of the alleged violation; that the violation charged is under section 3112(a)(3); and instructions for return of the notice of violation. The text of the notice must be as follows:

This notice shall be returned personally, by mail or by an agent duly authorized in writing, within 30 days of issuance. A hearing may be obtained upon the written request of the registered owner.

(i) System administrator.--

(1) The system administrator may hire and designate personnel as necessary or contract for services to implement this section.

(2) The system administrator shall process fines issued pursuant to this section.

(3) The system administrator shall submit an annual report to the chairman and the minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives. The report shall be considered a public record under the Right-to-Know Law and include for the prior year:

(i) The number of violations and fines issued.

(ii) A compilation of fines paid and outstanding.

(iii) The amount of money paid to a vendor or manufacturer under this section.

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

(k) Mailing of notice and records.--Notice of violation must be sent by first class mail. A manual or automatic record

of mailing prepared by the system administrator in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in any judicial or administrative proceeding as to the facts contained in it.

(l) Payment of fine.--

(1) An owner to whom a notice of violation has been issued may admit responsibility for the violation and pay the fine provided in the notice.

(2) Payment must be made personally, through an authorized agent, electronically or by mailing both payment and the notice of violation to the system administrator. Payment by mail must be made only by money order, credit card or check made payable to the system administrator. The system administrator shall remit the fine, less the system administrator's operation and maintenance costs necessitated by this section, to the department for deposit into a restricted receipts account in the Motor License Fund. Fines deposited in the fund under this paragraph shall be used by the department to develop, by regulation, a Transportation Enhancements Grant Program. The department shall award transportation enhancement grants on a competitive basis. The department may pay any actual administrative costs arising from its administration of this section. The department may not reserve, designate or set aside any specific level of funds or percentage of funds to an applicant prior to the completion of the application process, nor may the department designate a set percentage of funds to an applicant. Grants shall be awarded by the department based on the majority vote of a selection committee consisting of four representatives, with the secretary or his designee serving as chairman, of the department appointed by the secretary and four members appointed by the mayor of the city of the first class. Priority shall be given to applications seeking grant funds for transportation enhancements in the municipality where the automated red light camera system is operated.

(3) Payment of the established fine and applicable penalties shall operate as a final disposition of the case.

(m) Hearing.--

(1) An owner to whom a notice of violation has been issued may, within 30 days of the mailing of the notice, request a hearing to contest the liability alleged in the notice. A hearing request must be made by appearing before the system administrator during regular office hours either personally or by an authorized agent or by mailing a request in writing.

(2) Upon receipt of a hearing request, the system administrator shall in a timely manner schedule the matter before a hearing officer. The hearing officer shall be designated by the city of the first class. Written notice of the date, time and place of hearing must be sent by first class mail to the owner.

(3) The hearing shall be informal; the rules of evidence shall not apply; and the decision of the hearing officer shall be final, subject to the right of the owner to appeal the decision to the traffic court.

(4) If the owner requests in writing that the decision of the hearing officer be appealed to the traffic court, the system administrator shall file the notice of violation and supporting documents with the traffic court, which shall hear and decide the matter de novo.

(n) Compensation to manufacturer or vendor.--If a city of the first class has established an automated red light enforcement system deployed as a means of promoting traffic safety and the enforcement of the traffic laws of this Commonwealth or the city, the compensation paid to the manufacturer or vendor of the automated red light enforcement system may not be based upon the number of traffic citations issued or a portion or percentage of the fine generated by the citations. The compensation paid to the manufacturer or vendor of the equipment shall be based upon the value of the equipment and the services provided or rendered in support of the automated red light enforcement system.

(o) Duration of yellow light change interval.--The duration of the yellow light change interval at intersections where automated red light enforcement systems are in use shall conform to the yellow light change interval duration specified on the traffic signal permit issued by the department or the first class city.

(p) Revenue limitation.--A city of the first class may not collect an amount equal to or greater than 5% of its annual budget from the collection of revenue from the issuance and payment of violations under this section.

(q) Expiration.--This section shall expire July 15, 2027. (Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Feb. 9, 2004, P.L.65, No.8; July 14, 2005, P.L.285, No.50, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. imd.; Dec. 22, 2011, P.L.596, No.129, eff. imd.; July 2, 2012, P.L.735, No.84, eff. imd.; July 20, 2016, P.L.861, No.101, eff. 60 days)

2016 Amendment. Act 101 amended subsec. (q).

2012 Amendment. Act 84 reenacted and amended section 3116.

Cross References. Section 3116 is referred to in sections 1332, 3117, 3369, 3370, 3370.1, 9023 of this title.

§ 3117. Automated red light enforcement systems in certain municipalities.

(a) General rule.--A municipality, upon passage of an ordinance, is authorized to enforce section 3112(a)(3) (relating to traffic-control signals) by recording violations using an automated red light enforcement system approved by the department.

(b) Applicability.--

(1) This section shall only be applicable at intersections in a municipality designated by the municipality with the approval of the secretary under the requirements of paragraph (2).

(2) No automated red light system shall be installed until the municipality provides notice to the department of the location of each intersection. After receiving notice and before the system may be installed, the department shall have 60 days to review each proposed intersection and to issue a recommendation to the municipality which shall include all of the following:

(i) A statement on whether the proposed intersection is an appropriate location for an automated red light enforcement system.

(ii) The data on which the department based the recommendation.

(3) No system shall be installed if the department does not issue a recommendation approving the location to the municipality.

(4) The department may identify the location of an alternate intersection in the municipality that it determines is appropriate for an automated red light enforcement system.

(c) Owner liability.--For each violation under this section, 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 (g).

(d) Certificate as evidence.--A certificate, or a facsimile of a certificate, based upon inspection of recorded images produced by an automated red light enforcement system and sworn to or affirmed by a police officer employed by the municipality shall be prima facie evidence of the facts contained in it. The municipality must include a written statement that the automated red light enforcement system was operating correctly at the time of the alleged violation. A recorded image evidencing a violation of section 3112(a)(3) shall be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation.

(e) Penalty.--

(1) The penalty for a violation under subsection (a) shall be a fine of $100 unless a lesser amount is set by ordinance.

(2) A fine is not authorized for a violation of this section if any of the following apply:

(i) The intersection is being manually controlled.

(ii) The signal is in the mode described in section 3114 (relating to flashing signals).

(3) A fine is not authorized during any of the following:

(i) The first 60 days of operation of the automated system at the initial intersection.

(ii) The first 30 days for each additional intersection selected for the automated system.

(4) A warning may be sent to the violator under paragraph (3).

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

(6) No surcharge points may be imposed in the provision of motor vehicle insurance coverage. Fines collected under this section shall not be subject to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of fines, etc.) or 3573 (relating to municipal corporation portion of fines, etc.).

(f) Limitations.--

(1) No automated red light enforcement system shall be utilized in such a manner as to take a frontal view recorded image of the vehicle as evidence of having committed a violation.

(2) Notwithstanding any other provision of law, camera equipment deployed as part of an automated red light enforcement system as provided under this section must be incapable of automated or user-controlled remote intersection surveillance by means of recorded video images. Recorded images collected as part of the automated red light enforcement system may only record traffic violations and may not be used for any other surveillance purposes. The restrictions set forth under this paragraph shall not be deemed to preclude a court of competent jurisdiction from

issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(3) Notwithstanding any other provision of law, information prepared under this section and information relating to violations under this section which is kept by the municipality, its authorized agents or employees, including recorded images, written records, reports or facsimiles, names and addresses, shall be for the exclusive use of the municipality, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties under this section and under any ordinances and resolutions of the municipality. The information shall not be deemed a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise, nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section or any ordinance or resolution of the municipality. The restrictions set forth under this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(4) Recorded images obtained through the use of automated red light enforcement systems deployed as a means of promoting traffic safety in a municipality shall be destroyed within 30 days following the final disposition of any recorded event. The municipality shall file notice with the Department of State that the records have been destroyed in accordance with this section.

(5) Notwithstanding any other provision of law, registered vehicle owner information obtained as a result of the operation of an automated red light enforcement system under this section shall not be the property of the manufacturer or vendor of the automated red light enforcement system and may not be used for any purpose other than prescribed in this section.

(g) Defenses.--

(1) It shall be a defense to a violation under this section that the person named in the notice of the violation was not operating the vehicle at the time of the violation. The owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation. The municipality may not require the owner of the vehicle to disclose the identity of the operator of the vehicle at the time of the violation.

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

(3) It shall be a defense to a violation under this section that the person receiving the notice of violation was not the owner or lessor of the vehicle at the time of the offense.

(h) Department approval.--No automated red light enforcement system may be used without the approval of the department, which

shall have the authority to promulgate regulations for the certification and use of such systems.

(i) Duty of municipality.--If a municipality elects to implement this section, the following provisions shall apply:

(1) The municipality may not use an automated red light enforcement system unless an appropriate sign is posted in a conspicuous place before the area in which the automated red light enforcement device is to be used notifying the public that an automated red light enforcement device is in use immediately ahead.

(2) The municipality or its designee shall serve as the system administrator to supervise and coordinate the administration of notices of violations issued under this section.

(3) The following apply:

(i) The system administrator shall prepare a notice of violation to the registered owner of a vehicle identified in a recorded image produced by an automated red light enforcement system as evidence of a violation of section 3112(a)(3). The issuance of the notice of violation must be done by a police officer employed by the police department with primary jurisdiction over the area where the violation occurred. The notice of violation must have attached to it all of the following:

(A) A copy of the recorded image showing the vehicle.

(B) The registration number and state of issuance of the vehicle registration.

(C) The date, time and place of the alleged violation.

(D) Notice that the violation charged is under section 3112(a)(3).

(E) Instructions for return of the notice of violation.

(ii) The text of the notice must be as follows:

This notice shall be returned personally, by mail or by an agent duly authorized in writing, within 30 days of issuance. A hearing may be obtained upon the written request of the registered owner.

(j) System administrator.--

(1) The system administrator may hire and designate personnel as necessary or contract for services to implement this section.

(2) The system administrator shall process fines issued under this section.

(3) The system administrator shall submit an annual report to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives. The report shall be considered a public record under the Right-to-Know Law and include for the prior year:

(i) The number of violations and fines issued.

(ii) A compilation of fines paid and outstanding.

(iii) The amount of money paid to a vendor or manufacturer under this section.

(k) Notice to owner.--In the case of a violation involving a motor vehicle registered under the laws of this Commonwealth, the notice of violation must be mailed within 30 days after the commission of the violation or within 30 days after the discovery of the identity of the registered owner, whichever is later, to the address of the registered owner as listed in

the records of the department. In the case of motor vehicles registered in jurisdictions other than this Commonwealth, the notice of violation must be mailed within 30 days after the discovery of the identity of the registered owner to the address of the registered owner as listed in the records of the official in the jurisdiction having charge of the registration of the vehicle. A notice of violation under this section must be provided to an owner within 90 days of the commission of the offense.

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

(m) Payment of fine.--

(1) An owner to whom a notice of violation has been issued may admit responsibility for the violation and pay the fine provided in the notice.

(2) Except as provided in paragraph (2.1), payment must be made personally, through an authorized agent, electronically or by mailing both payment and the notice of violation to the system administrator. Payment by mail must be made only by money order, credit card or check made payable to the system administrator. The system administrator shall remit the fine, less the system administrator's operation and maintenance costs necessitated under this section, to the department for deposit into a restricted receipts account in the Motor License Fund. Fines deposited in the fund under this paragraph shall be used by the department for a Transportation Enhancements Grant Program. The department shall award transportation enhancement grants on a competitive basis subject to a selection committee established by the secretary. The department may pay any actual administrative costs arising from its administration of this section. The department may not reserve, designate or set aside any specific level of funds or percentage of funds to an applicant prior to the completion of the application process, nor may the department designate a set percentage of funds to an applicant. Priority shall be given to applications seeking grant funds for transportation enhancements in the municipality where the automated red light camera system is operated.

(2.1) In a city of the second class, payment must be made personally, through an authorized agent, electronically or by mailing both payment and the notice of violation to the system administrator. Payment by mail must be made only by money order, credit card or check payable to the system administrator. The system administrator shall remit the fine, less the system's operation and maintenance costs necessitated under this section, to the department for deposit into a restricted receipts account in the Motor License Fund. Fines deposited in the fund under this paragraph shall be used by the department for a Transportation Enhancement Grants Program. The department shall award transportation enhancement grants on a competitive basis. The department may pay any actual administrative costs arising from its administration of this section. The department may not reserve, designate or set aside any specific level of funds or percentage of funds to an applicant prior to the completion of the application process, nor may the department designate a set percentage

of funds to an applicant. Grants shall be awarded by the department based on the majority vote of a selection committee consisting of four representatives of the department appointed by the secretary and four members appointed by the mayor of the city of the second class, with the secretary or his designee serving as chairman. Priority shall be given to applications seeking grant funds for transportation enhancements in the municipality where the automated red light camera system is operated.

(3) Payment of the established fine and applicable penalties shall operate as a final disposition of the case.

(n) Hearing.--

(1) An owner to whom a notice of violation has been issued may, within 30 days of the mailing of the notice, request a hearing to contest the liability alleged in the notice. A hearing request must be made by appearing before the system administrator during regular office hours either personally or by an authorized agent or by mailing a request in writing.

(2) Upon receipt of a hearing request, the system administrator shall in a timely manner schedule the matter before a hearing officer. The hearing officer shall be designated by the municipality. Written notice of the date, time and place of hearing must be sent by first class mail to the owner.

(3) The hearing shall be informal, the rules of evidence shall not apply and the decision of the hearing officer shall be final, subject to the right of the owner to appeal the decision to the magisterial district judge.

(4) If the owner requests in writing that the decision of the hearing officer be appealed to the magisterial district judge, the system administrator shall file the notice of violation and supporting documents with the magisterial district judge, who shall hear and decide the matter de novo.

(o) Compensation to manufacturer or vendor.--If a municipality has established an automated red light enforcement system deployed as a means of promoting traffic safety and the enforcement of the traffic laws of this Commonwealth or the municipality, the compensation paid to the manufacturer or vendor of the automated red light enforcement system may not be based upon the number of traffic citations issued or a portion or percentage of the fine generated by the citations. The compensation paid to the manufacturer or vendor of the equipment shall be based upon the value of the equipment and the services provided or rendered in support of the automated red light enforcement system.

(p) Duration of yellow light change interval.--The duration of the yellow light change interval at intersections where automated red light enforcement systems are in use shall conform to the yellow light change interval duration specified on the traffic signal permit issued by the department or municipality.

(q) Revenue limit.--A municipality may not collect an amount equal to or greater than 5% of its annual budget from the collection of revenue from the issuance and payment of violations under this section.

(r) Report.--The department shall conduct an evaluation of section 3116 (relating to automated red light enforcement systems in first class cities) and of any municipality that approved automated red light enforcement systems under this section. The evaluation shall include, but is not limited to, the effectiveness of automated red light enforcement systems

in this Commonwealth and the conditions that should be present in order for a municipality to consider approving automated red light enforcement systems at intersections within the municipality based on the class and size of the municipality, the average daily traffic, the number of collisions and fatalities, the collection of fines, the revenue limit and the allocation of revenue received. The department shall complete the evaluation by June 1, 2017, and provide a copy to the chairperson of the Transportation Committee of the Senate and the chairperson of the Transportation Committee of the House of Representatives.

(s) Expiration.--This section shall expire July 15, 2027.

(t) Definitions.--As used in this section:

(1) The term "designee" shall include a person, business entity or governmental entity, including the department.

(2) The term "municipality" means:

(i) A city, borough or township with a population under the 2010 Federal Decennial Census exceeding 20,000 with a police agency accredited by the Pennsylvania Chiefs of Police Association in a county of the second class A.

(ii) A city, borough or township with a population under the 2010 Federal Decennial Census exceeding 20,000 with a police agency accredited by the Pennsylvania Chiefs of Police Association in a county of the third class with a population between 490,000 and 510,000.

(iii) A city of the second class.

(July 2, 2012, P.L.735, No.84, eff. 90 days; July 20, 2016, P.L.861, No.101, eff. 60 days)

2016 Amendment. Act 101 added subsec. (r), amended and relettered former subsec. (r) to subsec. (s) and relettered former subsec. (s) to subsec. (t).

2012 Amendment. Act 84 added section 3117.

Cross References. Section 3117 is referred to in sections 1332, 9023 of this title.

SUBCHAPTER C
FINES

Sec.

3121. EMS costs.

Enactment. Subchapter C was added August 18, 2009, P.L.308, No.37, effective in 180 days.

§ 3121. EMS costs.

In addition to any other costs that may be imposed under this part for a traffic violation, except for a parking violation, a cost of $20 shall be imposed. Moneys collected shall be forwarded to the State Treasurer for deposit in the Emergency Medical Services Operating Fund.

(Oct. 29, 2020, P.L.773, No.93, eff. 120 days)

Cross References. Section 3121 is referred to in section 8153 of Title 35 (Health and Safety).

CHAPTER 33
RULES OF THE ROAD IN GENERAL

Subchapter

A. General Provisions
B. Right-of-way
C. Turning, Starting and Signals
D. Special Stops Required
E. Stopping, Standing and Parking
F. Speed Restrictions

Enactment. Chapter 33 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

Cross References. Chapter 33 is referred to in section 1614 of this title.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

3301. Driving on right side of roadway.
3302. Meeting vehicle proceeding in opposite direction.
3303. Overtaking vehicle on the left.
3304. Overtaking vehicle on the right.
3305. Limitations on overtaking on the left.
3306. Limitations on driving on left side of roadway.
3307. No-passing zones.
3308. One-way roadways and rotary traffic islands.
3309. Driving on roadways laned for traffic.
3310. Following too closely.
3311. Driving on divided highways.
3312. Limited access highway entrances and exits.
3313. Restrictions on use of limited access highways.
3314. Prohibiting use of hearing impairment devices.
3315. Passing and overtaking streetcars.
3316. Prohibiting text-based communications.
3317. Platooning.

§ 3301. Driving on right side of roadway.

(a) General rule.--Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction where permitted by the rules governing such movement.

(2) When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided the driver yields the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute a hazard.

(3) When and where official traffic-control devices are in place designating a lane or lanes to the left side of the center of the roadway for the movement indicated by the devices.

(4) Upon a roadway restricted to one-way traffic.

(5) When making a left turn as provided in sections 3322 (relating to vehicle turning left) and 3331 (relating to required position and method of turning).

(6) In accordance with section 3303(a)(3) (relating to overtaking vehicle on the left).

(b) Vehicle proceeding at less than normal speed.--

(1) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway,

except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into an alley, private road or driveway.

(2) This subsection does not apply to:

(i) A driver who must necessarily drive in a lane other than the right-hand lane to continue on his intended route.

(ii) A pedalcycle operating in accordance with Chapter 35 (relating to special vehicles and pedestrians).

(c) Pedalcycles.--

(1) Upon all roadways, any pedalcycle operating in accordance with Chapter 35, proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into an alley, private road or driveway.

(2) This subsection does not apply to:

(i) A pedalcycle using any portion of an available roadway due to unsafe surface conditions.

(ii) A pedalcycle using a roadway that has a width of not more than one lane of traffic in each direction.

(Feb. 2, 2012, P.L.27, No.3, eff. 60 days)

Cross References. Section 3301 is referred to in sections 3306, 3307, 3505 of this title.

§ 3302. Meeting vehicle proceeding in opposite direction.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

Cross References. Section 3302 is referred to in sections 1535, 3326, 3327 of this title.

§ 3303. Overtaking vehicle on the left.

(a) General rule.--The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions and special rules stated in this chapter:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and shall stay to the left of the other vehicle until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle and shall give way to the right in favor of the overtaking vehicle on suitable signal.

(3) The driver of a motor vehicle overtaking a pedalcycle proceeding in the same direction shall pass to the left of the pedalcycle within not less than four feet at a careful and prudent reduced speed.

(b) Suitable signal defined.--Suitable signal for purposes of subsection (a)(2) shall be as follows:

(1) At all times when head lamps are required to be lighted according to section 4302 (relating to the period for requiring lighted lamps), an audible signal or the

intermittent flashing of low and high beams except that the use of high beams shall not be permitted when a vehicle is approaching from the opposite direction within 500 feet.

(2) At all other times, an audible signal.

(Feb. 2, 2012, P.L.27, No.3, eff. 60 days)

2012 Amendment. Act 3 added subsec. (a)(3).

Cross References. Section 3303 is referred to in sections 1535, 3301, 3307, 3326, 3327 of this title.

§ 3304. Overtaking vehicle on the right.

(a) General rule.--The driver of a vehicle may overtake and pass upon the right of another vehicle only under one of the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn, except that such movement shall not be made by driving off the berm or shoulder of the highway.

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaken vehicle, except that such movement shall not be made by driving off the roadway.

(b) Limitation.--No passing movement under this section shall be made unless the movement can be made in safety.

Cross References. Section 3304 is referred to in sections 1535, 3326, 3327 of this title.

§ 3305. Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center or marked center line of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

Cross References. Section 3305 is referred to in sections 1535, 1603, 3307, 3326, 3327 of this title.

§ 3306. Limitations on driving on left side of roadway.

(a) General rule.--No vehicle shall be driven on the left side of the roadway under any of the following conditions:

(1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing, unless otherwise indicated by official traffic-control devices.

(3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) Application of section.--This section does not apply under the conditions described in section 3301(a)(2),(3),(4) and (5) (relating to driving on right side of roadway).

Cross References. Section 3306 is referred to in sections 1535, 1603, 3326, 3327, 6506 of this title.

§ 3307. No-passing zones.

(a) Establishment and marking.--The department and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and shall by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when the signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions of the signs or markings. Signs shall be placed to indicate the beginning and end of each no-passing zone.

(b) Compliance by drivers.--Where signs and markings are in place to define a no-passing zone as set forth in subsection (a), no driver shall at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark a no-passing zone throughout its length.

(b.1) Overtaking pedalcycles.--It is permissible to pass a pedalcycle, if done in accordance with sections 3303(a)(3) (relating to overtaking vehicle on the left) and 3305 (relating to limitations on overtaking on the left).

(c) Application of section.--This section does not apply under the conditions described in section 3301(a)(2) and (5) (relating to driving on right side of roadway).

(Feb. 2, 2012, P.L.27, No.3, eff. 60 days)

2012 Amendment. Act 3 added subsec. (b.1).

Cross References. Section 3307 is referred to in sections 1535, 1603, 3326, 3327, 6109 of this title.

§ 3308. One-way roadways and rotary traffic islands.

(a) Establishment and marking.--The department and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.

(b) Driving on one-way roadway.--Upon a roadway designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

(c) Driving around rotary traffic island.--A vehicle passing around a rotary traffic island shall be driven only to the right of the island.

Cross References. Section 3308 is referred to in section 6109 of this title.

§ 3309. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others not inconsistent therewith shall apply:

(1) Driving within single lane.--A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety.

(2) Three lane roadways.--Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when the center lane is clear of traffic within a safe distance, or in preparation for making a left turn, or where the center lane is allocated

exclusively to traffic moving in the same direction that the vehicle is proceeding and the allocation is designated by official traffic-control devices.

(3) Lanes limited to specific use.--Official traffic-control devices may be erected to restrict the use of specified lanes to specified classes or types of traffic or vehicles, including multioccupant vehicles or car pools, and drivers of vehicles shall obey the directions of every such device.

(4) Prohibitions against changing lanes.--Official traffic-control devices may be installed prohibiting the changing of lanes on a section of roadway and drivers of vehicles shall obey the directions of every such device.

Cross References. Section 3309 is referred to in sections 1603, 3326 of this title.

§ 3310. Following too closely.

(a) General rule.--The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

(b) Combinations of vehicles and trucks.--The driver of any motor vehicle drawing another vehicle or of any truck when traveling upon a roadway outside of an urban district and following a motor vehicle drawing another vehicle or following a truck shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space without danger, except that this subsection does not prevent a motor vehicle drawing another vehicle or prevent a truck from overtaking and passing any vehicle or combination of vehicles.

(c) Caravans and motorcades.--Upon any roadway outside of an urban district, motor vehicles being driven in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy space without danger. This subsection does not apply to funeral processions, which shall not be interrupted by any vehicle other than an emergency vehicle.

(Aug. 5, 1991, P.L.238, No.26, eff. imd.)

1991 Amendment. Act 26 amended subsec. (c).

Cross References. Section 3310 is referred to in sections 1535, 1603, 3326, 3327, 8532 of this title.

§ 3311. Driving on divided highways.

(a) General rule.--Whenever any highway has been divided into two or more roadways by leaving an intervening space, physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices, police officers or appropriately attired persons authorized to direct, control or regulate traffic. No vehicle shall be driven over, across or within any such dividing space, barrier or section except through an opening in the physical barrier or dividing section or space or at a crossover or intersection as established.

(b) Traffic-control devices regulating turns.--Whenever necessary for the protection and safety of traffic, official traffic-control devices may be installed at an opening in the physical barrier or dividing section or space or at a crossover

or intersection prohibiting or regulating a turn or turns as may be necessary pursuant to the authority of this title.

§ 3312. Limited access highway entrances and exits.

No person shall drive a vehicle onto or from any limited access highway except at such entrances and exits as are established by public authority.

Cross References. Section 3312 is referred to in section 3327 of this title.

§ 3313. Restrictions on use of limited access highways.

(a) General rule.--The department may regulate or prohibit the use of any limited access highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) Traffic-control devices at entrances.--The department, when adopting any prohibition under this section, shall erect and maintain official traffic-control devices at the entrances to the limited access highway on which the prohibitions are applicable and when in place no person shall disobey the restrictions stated on the devices.

(c) Motorcycles.--Except on busways in counties of the first or second class, motorcycles may be operated upon any limited access highway in an urban district in a lane specified for multioccupant vehicles or car pools, except where the department can demonstrate that such use will create a safety hazard.

(d) Driving in right lane.--

(1) Except as provided in paragraph (2) and unless otherwise posted, upon all limited access highways having two or more lanes for traffic moving in the same direction, all vehicles shall be driven in the right-hand lanes when available for traffic except when any of the following conditions exist:

(i) When overtaking and passing another vehicle proceeding in the same direction.

(ii) When traveling at a speed greater than the traffic flow.

(iii) When moving left to allow traffic to merge.

(iv) When preparing for a left turn at an intersection, exit or into a private road or driveway when such left turn is legally permitted.

(2) Unless otherwise posted, no vehicle or combination over 10,000 pounds may be driven in the left-hand lane of a limited access highway having three or more lanes for traffic moving in the same direction except when preparing for a left turn at an intersection, an exit or into a private road or driveway when such left turn is legally permitted.

(Apr. 29, 1994, P.L.148, No.25, eff. 60 days; June 25, 1999, P.L.164, No.23, eff. 180 days; June 26, 2001, P.L.734, No.75, eff. 60 days)

2001 Amendment. Act 75 amended subsec. (d).

1994 Amendment. Act 25 added subsec. (c).

§ 3314. Prohibiting use of hearing impairment devices.

(a) General rule.--No driver shall operate a vehicle while wearing or using one or more headphones or earphones.

(b) Exception.--This section does not prohibit the use of hearing aids or other devices for improving the hearing of the driver, nor does it prohibit the use of a headset in conjunction with a cellular telephone that only provides sound through one ear and allows surrounding sounds to be heard with the other ear, nor does it prohibit the use of communication equipment by the driver of an emergency vehicle or by motorcycle operators

complying with section 3525 (relating to protective equipment for motorcycle riders).
(Mar. 29, 1984, P.L.159, No.31, eff. imd.; May 20, 1993, P.L.30, No.10, eff. 60 days; July 6, 1995, P.L.315, No.48, eff. 60 days)

§ 3315. Passing and overtaking streetcars.

(a) General rule.--Notwithstanding any other provision of this subchapter, the driver of a vehicle may not overtake and pass to the left of a streetcar proceeding in the same direction, whether the streetcar is actually in motion or temporarily halted to receive or discharge passengers, if overtaking or passing requires driving in a lane normally used by traffic moving in the opposite direction.

(b) Streetcar stopped to receive or discharge passengers.--The driver of a vehicle may not overtake and pass a streetcar which has stopped to receive or discharge passengers on the side on which passengers board or alight until the doors of the streetcar are closed and passengers who are discharged have reached the side of the highway.

(c) Applicability.--This section shall not be applicable to locations where streetcars are operating on tracks located within a median section of the roadway separated from the roadway by curbs or other physical barriers.
(May 11, 2006, P.L.159, No.37, eff. 60 days)

2006 Amendment. Act 37 added section 3315.

§ 3316. Prohibiting text-based communications.

(a) Prohibition.--No driver shall operate a motor vehicle on a highway or trafficway in this Commonwealth while using an interactive wireless communications device to send, read or write a text-based communication while the vehicle is in motion. A person does not send, read or write a text-based communication when the person reads, selects or enters a telephone number or name in an interactive wireless communications device for the purpose of activating or deactivating a voice communication or a telephone call.

(b) (Reserved).

(c) Seizure.--The provisions of this section shall not be construed as authorizing the seizure or forfeiture of an interactive wireless communications device, unless otherwise provided by law.

(d) Penalty.--A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $50.

(e) Preemption of local ordinances.--In accordance with section 6101 (relating to applicability and uniformity of title), this section supersedes and preempts all ordinances of any municipality with regard to the use of an interactive wireless communications device by the driver of a motor vehicle.

(f) Definition.--As used in this section, the term "text-based communication" means a text message, instant message, electronic mail or other written communication composed or received on an interactive wireless communications device.
(Nov. 9, 2011, P.L.406, No.98, eff. 120 days)

2011 Amendment. Act 98 added section 3316.

Cross References. Section 3316 is referred to in sections 3732, 3732.1 of this title.

§ 3317. Platooning (Repealed).

2022 Repeal. Section 3317 was repealed November 3, 2022, P.L.1946, No.130, effective in 240 days.

SUBCHAPTER B
RIGHT-OF-WAY

Sec.

3321. Vehicle approaching or entering intersection.
3322. Vehicle turning left.
3323. Stop signs and yield signs.
3324. Vehicle entering or crossing roadway.
3325. Duty of driver on approach of emergency vehicle.
3326. Duty of driver in construction and maintenance areas or on highway safety corridors.
3327. Duty of driver in emergency response areas and in relation to disabled vehicles.
3328. Unmarked police vehicles.
3329. Duty of driver in litter enforcement corridors.

§ 3321. Vehicle approaching or entering intersection.

(a) General rule.--When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) Exception.--The right-of-way rule established in subsection (a) is not applicable:

(1) on through highways, where the traffic on the through highway shall have the right-of-way;

(2) on limited-access highways, where the traffic on the limited-access highway shall have the right-of-way;

(3) in traffic circles, where the traffic in the traffic circle shall have the right-of-way; and

(4) as otherwise provided in this part.

(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days)

Cross References. Section 3321 is referred to in section 1535 of this title.

§ 3322. Vehicle turning left.

The driver of a vehicle intending to turn left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute a hazard.

Cross References. Section 3322 is referred to in sections 1535, 3301 of this title.

§ 3323. Stop signs and yield signs.

(a) Intersections controlled by signs.--Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in section 6124 (relating to erection of traffic-control devices at intersections).

(b) Duties at stop signs.--Except when directed to proceed by a police officer or appropriately attired persons authorized to direct, control or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line or, if no stop line is present, before entering a crosswalk on the near side of the intersection or, if no crosswalk is present, then at the point nearest the intersecting roadway where the driver has a clear view of approaching traffic on the intersecting roadway before entering. If, after stopping at a crosswalk or clearly marked stop line, a driver does not have a clear view of approaching traffic, the driver shall after yielding the right-of-way to any pedestrian in the crosswalk slowly pull forward from the stopped position to a point where the driver has a clear view of approaching traffic. The driver

shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time when the driver is moving across or within the intersection or junction of roadways and enter the intersection when it is safe to do so.

(c) Duties at yield signs.--The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop before entering a crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering. After slowing down or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time the driver is moving across or within the intersection of roadways. If a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign, the collision shall be deemed prima facie evidence of failure of the driver to yield the right-of-way.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (b).

Cross References. Section 3323 is referred to in sections 1535, 3112, 3114, 3326, 3327 of this title.

§ 3324. Vehicle entering or crossing roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

Cross References. Section 3324 is referred to in section 1535 of this title.

§ 3325. Duty of driver on approach of emergency vehicle.

(a) General rule.--Upon the immediate approach of an emergency vehicle making use of an audible signal and visual signals meeting the requirements and standards set forth in regulations adopted by the department, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer or an appropriately attired person authorized to direct, control or regulate traffic. On one-way roadways a driver may comply by driving to the edge or curb which is nearest to the lane in which he is traveling.

(b) Duty of operator of streetcar.--Upon the approach of an emergency vehicle, the operator of every streetcar shall immediately stop the streetcar clear of any intersection and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer or an appropriately attired person authorized to direct, control or regulate traffic.

(c) Defense.--It is a defense to prosecution under this section if the defendant can show by a preponderance of the evidence that the failure to stop immediately for a police officer was based on a good faith concern for personal safety. In determining whether the defendant has met this burden, the court may consider the following factors:

(1) The time and location of the event.

(2) The type of vehicle used by the police officer.

(3) The defendant's conduct while being followed by the police officer.

(4) Whether the defendant stopped at the first available reasonably lighted or populated area.

(5) Any other factor considered relevant by the court.

(June 26, 2001, P.L.734, No.75, eff. 60 days)

Cross References. Section 3325 is referred to in sections 3327, 3732, 3732.1 of this title.

§ 3326. Duty of driver in construction and maintenance areas or on highway safety corridors.

(a) Areas indicated by traffic-control devices.--The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway or utility construction or maintenance area indicated by official traffic-control devices placed in accordance with department regulations, including advanced warning signs or a vehicle having flashing or revolving yellow lights.

(b) Work vehicles displaying flashing lights.--The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever the vehicle displays flashing lights meeting the requirements and regulations promulgated by the department.

(c) Fines to be doubled.--For any of the following violations, when committed in an active work zone manned by workers acting in their official capacity or on a highway safety corridor designated under section 6105.1 (relating to designation of highway safety corridors), the fine shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3112 (relating to traffic-control signals).

Section 3114 (relating to flashing signals).

Section 3302 (relating to meeting vehicle proceeding in opposite direction).

Section 3303 (relating to overtaking vehicle on the left).

Section 3304 (relating to overtaking vehicle on the right).

Section 3305 (relating to limitations on overtaking on the left).

Section 3306 (relating to limitations on driving on left side of roadway).

Section 3307 (relating to no-passing zones).

Section 3309 (relating to driving on roadways laned for traffic).

Section 3310 (relating to following too closely).

Section 3323 (relating to stop signs and yield signs).

Section 3326 (relating to duty of driver in construction and maintenance areas).

Section 3361 (relating to driving vehicle at safe speed).

Section 3362 (relating to maximum speed limits).

Section 3702 (relating to limitations on backing).

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

Section 3802 (relating to driving under influence of alcohol or controlled substance).

(c.1) Applicability of subsection (c).--Fines under subsection (c) shall be doubled only if the active work zone or highway safety corridor where the violation occurred is posted with an official sign in accordance with this section.

(c.2) Penalties for bodily injury or death.--In addition to any other penalty prescribed by law, a driver who violates this section and causes bodily injury to, serious bodily injury to or the death of a worker acting in the worker's official capacity or on a highway safety corridor designated under section 6105.1 commits an offense and shall, upon conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program:

(1) For causing bodily injury as defined in 18 Pa.C.S. § 2301 (relating to definitions), pay a fine of not more than $1,000.

(2) For causing serious bodily injury, pay a fine of not more than $5,000.

(3) For causing death, pay a fine of not more than $10,000.

(c.3) Suspension of operating privilege.--Upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program for a violation of this section, the department shall suspend the operating privilege of the driver in accordance with the following:

(1) For a period of six months if the certified conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program indicates the violation resulted in the serious bodily injury of a worker acting in the worker's official capacity or on a highway safety corridor designated under section 6105.1.

(2) For a period of one year if the certified conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program indicates the violation resulted in the death of a worker acting in the worker's official capacity or on a highway safety corridor designated under section 6105.1.

(d) Notice.--

(1) Official traffic-control devices shall be appropriately placed to notify motorists that increased penalties apply for moving violations in active work zones signed in compliance with this subsection and subsection (e).

(2) Official traffic control devices shall be appropriately placed to notify motorists that increased penalties apply for moving violations in highway safety corridors.

(e) Posting.--Official traffic-control devices shall be erected at the beginning of an active work zone with a white strobe light or other unique, illuminated light or device. The light or device shall indicate that workers are present in the active work zone. The light or device shall be turned off if no workers are present. An official traffic-control device shall be erected immediately at the end of the active work zone indicating that workers are no longer present.

(July 5, 1989, P.L.164, No.30, eff. 60 days; July 6, 1995, P.L.315, No.48, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229,

eff. 6 months; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Nov. 24, 2015, P.L.431, No.70, eff. 6 months)

2015 Amendment. Act 70 added subsecs. (c.2) and (c.3).
2003 Amendment. Act 24 amended subsec. (c).
Cross References. Section 3326 is referred to in section 1603 of this title.

§ 3327. Duty of driver in emergency response areas and in relation to disabled vehicles.

(a) Emergency response areas.--When approaching or passing an emergency response area, a person, unless otherwise directed by an emergency service responder, shall:

(1) pass in a lane not adjacent to that of the emergency response area, if possible; or

(2) if passing in a nonadjacent lane is impossible, illegal or unsafe, pass the emergency response area at a speed of no more than 20 miles per hour less than the posted speed limit and reasonable for safely passing the emergency response area.

(a.1) Disabled vehicles.--When approaching or passing a disabled vehicle, a person shall:

(1) if it is possible to do so, pass in a lane not adjacent to that of the disabled vehicle; or

(2) if it is impossible, illegal or unsafe to comply with paragraph (1), pass the disabled vehicle at a rate of speed that is no more than 20 miles per hour less than the posted speed limit and reasonable for safely passing the disabled vehicle.

(b) Penalty.--Any person violating subsection (a) or (a.1) commits a summary offense and shall, upon conviction, pay:

(1) For a first offense, a fine of not more than $500.

(2) For a second offense, a fine of not more than $1,000.

(3) For a third or subsequent offense, a fine of not more than $2,000.

(b.1) Suspension of operating privilege.--

(1) Except as otherwise provided in paragraph (2), in accordance with section 1540 (relating to surrender of license), the department shall suspend the operating privilege of any person for 90 days upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program for a violation of subsection (a) or (a.1), if the certified conviction:

(i) indicates the violation resulted in serious bodily injury to or death of another person; or

(ii) is the driver's third or subsequent conviction for a violation of subsection (a) or (a.1).

(2) Upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program for a violation of subsection (a) or (a.1), in accordance with section 1540, the department shall suspend the operating privilege of the driver in accordance with the following:

(i) For a period of six months if the certified conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program indicates the violation resulted in the serious bodily injury of an emergency

service responder or a person in or near a disabled vehicle.

(ii) For a period of one year if the certified conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program indicates the violation resulted in the death of an emergency service responder or a person in or near a disabled vehicle.

(b.2) Penalties for bodily injury or death in emergency response areas.--In addition to any other penalty prescribed by law, a driver who violates subsection (a) and causes bodily injury to, serious bodily injury to or the death of an emergency service responder or another person commits an offense and shall, upon conviction, as follows:

(1) For causing bodily injury as defined in 18 Pa.C.S. § 2301 (relating to definitions), pay a fine of not more than $1,000.

(2) For causing serious bodily injury, pay a fine of not more than $5,000.

(3) For causing death, pay a fine of not more than $10,000.

(b.3) Penalties for bodily injury or death in relation to disabled vehicles.--In addition to any other penalty prescribed by law, a driver who violates subsection (a.1) and causes bodily injury to, serious bodily injury to or the death of another person commits an offense:

(1) For causing bodily injury as defined in 18 Pa.C.S. § 2301, pay a fine of not more than $1,000.

(2) For causing serious bodily injury as defined in 18 Pa.C.S. § 2301, pay a fine of not more than $5,000.

(3) For causing death, pay a fine of not more than $10,000.

(c) Marking.--

(1) An emergency response area shall be clearly marked with road flares, caution signs or any other traffic-control device which law enforcement officials may have at their immediate disposal or visual signals on vehicles meeting the requirements of Subchapter D of Chapter 45 (relating to equipment of authorized and emergency vehicles).

(2) A disabled vehicle shall use at least two of the following markings:

(i) Vehicular hazard signal lamps as provided in section 4305 (relating to vehicular hazard signal lamps).

(ii) Caution signs or other traffic-control device.

(iii) Road flares.

(d) Reports by emergency service responders.--

(1) An emergency service responder observing a violation of subsection (a) or (a.1) may prepare a written, signed report which indicates that a violation has occurred. To the extent possible, the report shall include the following information:

(i) Information pertaining to the identity of the alleged violator.

(ii) The license number and color of the vehicle involved in the violation.

(iii) The time and approximate location at which the violation occurred.

(iv) Identification of the vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.

(2) Within 48 hours after the violation occurs, the emergency service responder shall deliver a copy of the

report to a police officer having authority to exercise police power in the area where the violation occurred. If the police officer believes that the report established a sufficient basis for the issuance of a citation, the officer shall file a citation and a copy of the report with the issuing authority. If the issuing authority determines that the report and citation establish a sufficient basis for the issuance of a summons, a summons shall be issued in accordance with general rules governing the institution of proceedings in summary traffic offense cases. The issuing authority shall send the defendant a copy of the citation, together with a statement that it was filed by the police officer named in the citation on the basis of information received.

(3) A person may institute a proceeding pursuant to this subsection or in accordance with any means authorized by the Pennsylvania Rules of Criminal Procedure.

(e) Fines to be doubled.--In addition to any penalty as provided in subsections (b), (b.2) and (b.3), the fine for any of the following violations when committed in an emergency response area manned by emergency service responders shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3114 (relating to flashing signals).

Section 3302 (relating to meeting vehicle proceeding in opposite direction).

Section 3303 (relating to overtaking vehicle on the left).

Section 3304 (relating to overtaking vehicle on the right).

Section 3305 (relating to limitations on overtaking on the left).

Section 3306 (relating to limitations on driving on left side of roadway).

Section 3307 (relating to no-passing zones).

Section 3310 (relating to following too closely).

Section 3312 (relating to limited access highway entrances and exits).

Section 3323 (relating to stop signs and yield signs).

Section 3325 (relating to duty of driver on approach of emergency vehicle).

Section 3361 (relating to driving vehicle at safe speed).

Section 3707 (relating to driving or stopping close to fire apparatus).

Section 3710 (relating to stopping at intersection or crossing to prevent obstruction).

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

Section 3802 (relating to driving under influence of alcohol or controlled substance).

(e.1) Public awareness.--The department shall educate the public of the provisions of this section periodically throughout the year and maintain information on the department's publicly accessible Internet website. The department shall refer to the education effort as the "Move Over" campaign.

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Disabled vehicle." A vehicle that is in a traffic lane or on the side of a traffic lane and is clearly marked with at least two of the markings specified in subsection (c)(2).

"Emergency response area." Any of the following:

(1) The area in which emergency service responders render emergency assistance to individuals on or near a roadway or a police officer is conducting a traffic stop or systematic check of vehicles or controlling or directing traffic as long as the emergency vehicle is making use of visual signals meeting the requirements of Subchapter D of Chapter 45.

(2) The area in which contractors or employees of a public utility, a municipally owned utility or an electric cooperative provide disaster emergency-related services, including, but not limited to, the repair, renovation, installation, construction and activities related to damaged, impaired or destroyed infrastructure, within the first 72 hours after a declared emergency or until the expiration of a declared emergency, whichever is later, as long as the vehicles used to provide disaster emergency-related services are making use of visual signals as authorized under section 4572(b) (relating to visual signals on authorized vehicles).

(June 26, 2001, P.L.734, No.75, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; July 10, 2006, P.L.1086, No.113, eff. 60 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days; Nov. 4, 2015, P.L.227, No.61, eff. 60 days; Nov. 24, 2015, P.L.431, No.70, eff. 6 months; July 7, 2017, P.L.301, No.20, eff. 60 days; Oct. 29, 2020, P.L.1057, No.105, eff. 180 days)

2020 Amendment. Section 2 of Act 105 provided that Act 105 may be referred to as the Move Over Law.

2017 Amendment. Act 20 amended subsecs. (b) and (b.1)(1).

2015 Amendments. Act 61 amended subsec. (f) and Act 70 amended subsecs. (b.1) and (e) and added subsec. (b.2).

2010 Amendment. The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

Cross References. Section 3327 is referred to in sections 1535, 3732, 3732.1 of this title.

§ 3328. Unmarked police vehicles.

(a) General rule.--The Pennsylvania State Police, in consultation with the department, shall promulgate regulations for the use of unmarked vehicles by police officers. The regulations shall:

(1) establish the procedure to be used by a police officer in an unmarked vehicle when stopping a motorist;

(2) require the use of audible and visual signals which meet the requirements and standards set forth in this title and in regulations adopted by the department; and

(3) establish requirements for the wearing of an official police uniform and the display of official police identification.

(b) Public awareness.--The Pennsylvania State Police and the department shall provide for the dissemination of information to the public regarding the use of unmarked vehicles. Such information shall accompany annual vehicle registration or vehicle registration renewal forms distributed by the department no earlier than July 1, 2002.

(June 26, 2001, P.L.734, No.75, eff. 60 days)

2001 Amendment. Act 75 added section 3328.

§ 3329. Duty of driver in litter enforcement corridors.

(a) Areas indicated by traffic-control devices.--The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within a litter enforcement corridor indicated by official traffic-control devices placed in accordance with department regulations, including advanced warning signs or a vehicle having flashing or revolving yellow lights.

(b) Fines to be doubled.--For any of the following violations, when committed in a litter enforcement corridor designated under section 6105.2 (relating to designation of litter enforcement corridors), the fine shall be double the usual amount:

Section 3709 (relating to depositing waste and other material on highway, property or waters).

Section 4903 (relating to securing loads in vehicles).

18 Pa.C.S. § 6501 (relating to scattering rubbish).

(c) Fines to be tripled.--If a person is found to be littering or scattering rubbish under 18 Pa.C.S. § 6501 that originated from a commercial business, the fine shall be triple the usual amount.

(d) Notice.--Official traffic control devices shall be appropriately placed to notify motorists that increased penalties apply for littering violations within a litter enforcement corridor.

(June 28, 2018, P.L.429, No.62, eff. 6 months)

2018 Amendment. Act 62 added section 3329.

Cross References. Section 3329 is referred to in section 6109 of this title.

SUBCHAPTER C
TURNING, STARTING AND SIGNALS

Sec.

3331. Required position and method of turning.
3332. Limitations on turning around.
3333. Moving stopped or parked vehicle.
3334. Turning movements and required signals.
3335. Signals by hand and arm or signal lamps.
3336. Method of giving hand and arm signals.

§ 3331. Required position and method of turning.

(a) Right turn.--The driver of a vehicle intending to turn right shall approach the turn and make the turn as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turn.--The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(c) Compliance with traffic-control devices.--The department and local authorities on highways under their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when the devices are so placed no driver shall turn a vehicle other than as directed and required by the devices.

(d) Two-way left turn lanes.--Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

(1) A left turn shall not be made from any other lane.

(2) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

(e) Interference with pedalcycles.--No turn by a driver of a motor vehicle shall interfere with a pedalcycle proceeding straight while operating in accordance with Chapter 35 (relating to special vehicles and pedestrians).

(Feb. 2, 2012, P.L.27, No.3, eff. 60 days)

2012 Amendment. Act 3 added subsec. (e).

Cross References. Section 3331 is referred to in sections 3301, 3505, 6109 of this title.

§ 3332. Limitations on turning around.

(a) General rule.--The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made in safety and without interfering with other traffic.

(b) Turns on curves or grades.--No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

Cross References. Section 3332 is referred to in section 1535 of this title.

§ 3333. Moving stopped or parked vehicle.

No person shall move a vehicle which is stopped, standing or parked unless and until the movement can be made with safety.

§ 3334. Turning movements and required signals.

(a) General rule.--Upon a roadway no person shall turn a vehicle or move from one traffic lane to another or enter the traffic stream from a parked position unless and until the movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided in this section.

(b) Signals on turning and starting.--At speeds of less than 35 miles per hour, an appropriate signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. The signal shall be given during not less than the last 300 feet at speeds in excess of 35 miles per hour. The signal shall also be given prior to entry of the vehicle into the traffic stream from a parked position.

(c) Limitations on use of certain signals.--The signals required on vehicles by section 3335(b) (relating to signals by hand and arm or signal lamps) shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(d) Discontinuing turn signals.--Turn signals shall be discontinued immediately after completing the turn or movement from one traffic lane to another traffic lane.

§ 3335. Signals by hand and arm or signal lamps.

(a) General rule.--Any stop or turn signal shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (b).

(b) Required signals by signal lamps.--Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load exceeds 14 feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

(c) Exception.--This section does not apply to a motor vehicle registered as an antique or classic vehicle which was not originally equipped with signal lamps.

Cross References. Section 3335 is referred to in section 3334 of this title.

§ 3336. Method of giving hand and arm signals.

All signals given by hand and arm shall be given from the left side of the vehicle in the following manner except as indicated for pedalcycles and motorcycles and the signals shall indicate as follows:

(1) For a left turn, the hand and arm shall be extended horizontally.

(2) For a right turn, the left hand and arm shall be extended upward, except that operators of motorcycles and pedalcycles may also be permitted to signal a right turn by extending the right hand and arm horizontally.

(3) To stop or decrease speed, the left hand and arm shall be extended downward.

(Dec. 15, 1995, P.L.655, No.72, eff. 60 days)

SUBCHAPTER D
SPECIAL STOPS REQUIRED

Sec.

3341. Obedience to signal indicating approach of train.
3342. Vehicles required to stop at railroad crossings.
3343. Moving heavy equipment at railroad grade crossings.
3344. Emerging from alley, driveway or building.
3345. Meeting or overtaking school bus.
3345.1. Automated enforcement of failure to stop for school bus with flashing red lights.
3346. Emergency vehicles entering or leaving official garage.

§ 3341. Obedience to signal indicating approach of train.

(a) General rule.--Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until it can be done safely. The foregoing requirements shall apply upon the occurrence of any of the following circumstances:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.

(2) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train.

(3) A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from that distance and the railroad train, by reason of its speed or nearness to the crossing, is a hazard.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(b) Compliance with crossing gate or barrier.--

(1) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed.

(2) No person shall start to drive a vehicle through, around or under a gate or barrier at the entrance to a railroad crossing while the gate or barrier is being opened or closed.

(c) Penalties.--A violation of subsection (a) constitutes a summary offense punishable by a fine of from $50 to $200. A violation of subsection (b) constitutes a summary offense punishable by a fine of from $200 to $500.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 added subsec. (c).

Cross References. Section 3341 is referred to in sections 1535, 1611, 3114 of this title.

§ 3342. Vehicles required to stop at railroad crossings.

(a) General rule.--Except as provided in subsection (c), the driver of any vehicle described in subsection (b), before crossing at grade any track or tracks of a railroad, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad crossing and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train. When it is safe to do so, the driver of the vehicle shall drive the vehicle across the tracks only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing the crossing. The driver shall not manually shift gears while crossing the track or tracks.

(b) Vehicles subject to stopping requirement.--Subsection (a) shall apply to the following vehicles:

(1) Any vehicle designated by the department in accordance with the provisions of subsection (d).

(2) A school bus, whether or not carrying passengers.

(3) Every truck and tractor combination which carries gasoline, diesel fuel, fuel oil, explosives or radioactive materials.

(4) Every bus transporting passengers.

(5) Any vehicle specified in 49 CFR 392.10(a) (relating to railroad grade crossings; stopping required) or any current amendment or modification to that section published by the United States Department of Transportation.

(c) Exceptions.--Subsection (a) does not apply at any of the following:

(1) Any railroad grade crossing at which traffic is controlled by a police officer or flagman, who indicates that the vehicle is not required to stop.

(2) Any railroad grade crossing at which traffic is regulated by a functioning highway traffic-control signal transmitting a green indication for the direction of travel of the vehicle.

(3) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(4) Any abandoned railroad grade crossing which is marked by the former rail operator with a sign prescribed by the department indicating that the rail line is abandoned.

(5) An industrial or spur line railroad grade crossing marked with a sign reading "exempt." Such a sign shall be

erected only by or with the consent of the Pennsylvania Public Utility Commission.

(d) Notice of vehicles subject to section.--The department shall publish in the Pennsylvania Bulletin a notice describing the vehicles which must comply with the stopping requirements of subsection (a). In developing the list of vehicles, the department shall give consideration to the hazardous nature of any substance carried by the vehicle as determined by the department and to the number of passengers carried by the vehicle in determining whether the vehicle shall be required to stop. This list of vehicles shall correlate with and so far as possible conform to the regulations of the United States Department of Transportation as amended from time to time.

(e) Use of vehicle hazard lights.--The driver of any vehicle mentioned in subsection (b)(2) and (3) shall activate the vehicle hazard lights when stopping at the railroad crossing.

(f) Penalty.--A violation of this section constitutes a summary offense punishable by a fine of from $100 to $150, except that a violation of subsection (b) or (e) shall be punishable by a fine of from $200 to $500.

(g) Requirement upon approaching tracks.--Upon approaching any track of a railroad, the driver of every commercial motor vehicle as defined by section 1603 (relating to definitions) other than those listed in subsection (b) shall:

(1) reduce the rate of speed of the commercial motor vehicle and check that the tracks are free of approaching trains; and

(2) stop the vehicle if the tracks are not clear.

(h) Railroad grade crossing.--No commercial motor vehicle may proceed onto a railroad grade crossing unless:

(1) there is sufficient space to drive completely through the crossing without stopping; and

(2) the vehicle has sufficient undercarriage clearance to allow the vehicle to drive completely through the railroad grade crossing without stopping.

(i) Traffic control.--No driver of a commercial motor vehicle may fail to obey a traffic control device or direction of an enforcement officer at a railroad grade crossing.

(July 9, 1986, P.L.544, No.96, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Dec. 10, 1996, P.L.925, No.149, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 5, 2005, P.L.100, No.37; Oct. 24, 2012, P.L.1473, No.187, eff. 60 days)

2012 Amendment. Act 187 amended subsec. (g) and added subsecs. (h) and (i).

Cross References. Section 3342 is referred to in sections 1535, 1611 of this title.

§ 3343. Moving heavy equipment at railroad grade crossings.

(a) General rule.--No person shall operate or move any crawler-type tractor, power shovel, derrick, roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of intended crossing.--Notice of any intended crossing shall be given to an authorized representative of the railroad and a reasonable time be given to the railroad to provide proper protection at the crossing.

(c) Stopping at crossing.--Before making any crossing, the person operating or moving the vehicle or equipment shall first stop the vehicle or equipment not less than 15 feet nor more than 50 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) Movement over crossing.--No crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. Movement over a crossing shall be under the direction of any flagman provided by the railroad.

Cross References. Section 3343 is referred to in section 1611 of this title.

§ 3344. Emerging from alley, driveway or building.

Unless otherwise directed by official traffic-control devices erected in accordance with provisions of Subchapter B of Chapter 31 (relating to traffic-control devices), the driver of a vehicle emerging from an alley, building, private road or driveway within an urban district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, private road or driveway or, in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic.

Cross References. Section 3344 is referred to in section 1535 of this title.

§ 3345. Meeting or overtaking school bus.

(a) Duty of approaching driver when red signals are flashing.--Except as provided in subsection (g), the driver of a vehicle meeting or overtaking any school bus stopped on a highway or trafficway shall stop at least ten feet before reaching the school bus when the red signal lights on the school bus are flashing and the side stop signal arms are activated under section 4552(b.1) (relating to general requirements for school buses). The driver shall not proceed until the flashing red signal lights are no longer actuated. In no event shall a driver of a vehicle resume motion of the vehicle until the school children who may have alighted from the school bus have reached a place of safety. The driver of a vehicle approaching an intersection at which a school bus is stopped shall stop his vehicle at that intersection until the flashing red signal lights are no longer actuated.

(a.1) Reports by school bus operators.--

(1) The operator of a school bus who observes a violation of subsection (a) may prepare a signed, written report which indicates that a violation has occurred. To the extent possible, the report shall include the following information:

(i) Information, if any, pertaining to the identity of the alleged violator.

(ii) The license number and color of the vehicle involved in the violation.

(iii) The time and approximate location at which the violation occurred.

(iv) Identification of the vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.

(v) Whether the school bus is equipped with a side stop signal arm enforcement system under section 3345.1 (relating to automated enforcement of failure to stop for school bus with flashing red lights).

(2) Within 48 hours after the violation occurs, the school bus operator shall deliver a copy of the report to a police officer having authority to exercise police power in the area where the violation occurred. If the police officer believes that the report establishes a sufficient basis for the issuance of a citation, the officer shall file a citation and the report with the issuing authority. If the issuing authority determines that the report and citation establish a sufficient basis for the issuance of a summons, a summons shall be issued in accordance with general rules governing the institution of proceedings in summary traffic offense cases. The issuing authority shall send the defendant a copy of the citation, together with a statement that it was filed by the police officer named in the citation on the basis of information received.

(3) A person may institute a proceeding pursuant to this subsection or in accordance with any means authorized by the Rules of Criminal Procedure.

(b) Duty of approaching driver when amber signals are flashing.--The driver of a vehicle meeting or overtaking any school bus shall proceed past the school bus with caution and shall be prepared to stop when the amber signal lights are flashing.

(c) Use of red signals.--The red visual signals shall be actuated by the driver of every school bus whenever the vehicle is stopped on a highway or trafficway for the purpose of receiving or discharging school children, except as provided in subsections (e) and (f). The signals shall not be terminated until the school children who may have alighted from the school bus have reached a place of safety or until boarding school children have completed boarding the bus.

(d) Use of amber signals.--The amber visual signals shall be actuated by the driver of every school bus not more than 300 feet nor less than 150 feet prior to making a stop for the purpose of receiving or discharging school children and shall remain in operation until the red visual signals are actuated. Amber signals shall not be used unless the red visual signals are to be actuated immediately following.

(e) Limitations on use of signals.--The visual signals required in the regulations shall not be actuated on streets in urban districts designated by the department or local authorities, at intersections or other places where traffic is controlled by uniformed police officers or appropriately attired persons authorized to direct, control or regulate traffic, or in school bus loading areas designated by the department or local authorities when the bus is entirely off the roadway.

(f) Operation for nonschool purposes.--When a school bus is being operated upon a highway for purposes other than the actual transportation of school children to or from school or in connection with school activities, all markings indicating "SCHOOL BUS" shall be covered or concealed. During such operation, the flashing visual signals shall not be actuated.

(f.1) Use of school buses for transportation of disabled persons.--Whenever a school bus is being used upon a highway or trafficway for the transportation of disabled persons exclusively and the school bus is equipped with red signal lights, the driver of the school bus may actuate the signal lights in the same manner as set forth in this section regarding

the transportation of school children. The driver of a vehicle approaching the school bus shall have the same duties regarding stopping, passing and overtaking as he does with respect to a school bus carrying school children.

(g) Exceptions from stopping requirements.--The driver of a vehicle upon a highway or trafficway with separate roadways need not stop upon meeting or passing a school bus with actuated red signal lights which is on a different roadway.

(h) Loading zones for school children.--Every school district transporting school children by school bus shall establish and maintain school bus loading zones at or near all schools to or from which school children are transported and shall establish school bus loading zones along the highways and trafficways traversed by school buses in accordance with regulations promulgated by the department.

(i) Mandatory use of loading zones.--Whenever school bus loading zones have been established at or near a school or along a highway or trafficway, it is unlawful for a school bus operator to stop the bus to pick up or discharge school children at any location other than at the loading zones. A list of approved loading zones for the route of the bus shall be carried by the operator.

(j) Penalty.--A person who violates subsection (a) or (f.1) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $250 and a $35 surcharge. The surcharge shall be deposited into the School Bus Safety Grant Program Account.

(Mar. 29, 1984, P.L.155, No.30, eff. 60 days; Dec. 19, 1988, P.L.1290, No.163, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Oct. 24, 2018, P.L.1154, No.159, eff. 6 months; Oct. 23, 2023, P.L.134, No.19, eff. 60 days)

2023 Amendment. Act 19 amended subsec. (a.1)(1)(v).

2018 Amendment. Act 159 amended subsecs. (a.1)(1) and (j).

1998 Amendment. Act 151 amended subsecs. (a), (c), (f.1), (g), (h) and (i).

1984 Amendment. Act 30 amended subsec. (j) and added subsecs. (a.1) and (f.1).

Cross References. Section 3345 is referred to in sections 1535, 1553, 3101, 3345.1, 4552, 4553, 6506 of this title.

§ 3345.1. Automated enforcement of failure to stop for school bus with flashing red lights.

(a) General rule.--A school entity may install and operate a side stop signal arm enforcement system for the purpose of enforcing this section.

(a.1) Violation and liability.--

(1) A motor vehicle meeting or overtaking a school bus stopped on a highway or trafficway when the red signal lights on the school bus are flashing and the side stop signal arms are activated as described in section 3345 (relating to meeting or overtaking school bus) is a violation of this section.

(2) The owner of a motor vehicle that violates paragraph (1) shall be liable for the penalty imposed under subsection (c), unless the owner is convicted of a violation of section 3345 or has a defense under subsection (f). For the purposes of this section, the lessee of a leased vehicle shall be considered the owner of a motor vehicle.

(b) Applicability.--

(1) (Deleted by amendment).

(2) Nothing in this section shall supersede the provisions of:

(i) Section 3105(h) (relating to drivers of emergency vehicles).

(ii) Section 3345(c) or (d).

(c) Penalty.--For each violation of this section, the owner of the motor vehicle shall be subject to a penalty as follows:

(1) The penalty for the violation shall be a fine of $300. The fine shall be distributed as follows:

(i) $250 to the school entity where the violation occurred and which authorized the use of a side stop signal arm enforcement system, which shall be utilized for the installation, administration or maintenance of side stop signal arm enforcement systems, including through a system administrator under an agreement with the school entity, on school buses;

(ii) $25 to the primary police department that reviewed the submitted evidence as required under subsection (h.2); and

(iii) $25 to the School Bus Safety Grant Program Account.

(1.1) The fine under paragraph (1) shall not be subject to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of fines, etc.) or 3573 (relating to municipal corporation portion of fines, etc.).

(2) (Deleted by amendment).

(3) (Deleted by amendment).

(4) A violation under this section shall not:

(i) be deemed a criminal conviction;

(ii) be made part of the operating record of the individual upon whom the penalty is imposed under section 1535 (relating to schedule of convictions and points);

(iii) be the subject of merit rating for insurance purposes; or

(iv) authorize imposition of surcharge points in the provision of motor vehicle insurance coverage.

(d) Certificate as evidence.--A certificate, or a facsimile of a certificate, based upon inspection of recorded images produced by a side stop signal arm enforcement system and sworn to or affirmed by a primary police department shall be prima facie evidence of the facts contained in it. The school entity, the system administrator on the school entity's behalf or the contracted company that provides pupil transportation must include written documentation that the side stop signal arm enforcement system was operating correctly at the time of the alleged violation. A recorded image evidencing a violation of this section shall be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation of this section.

(e) Limitations.--

(1) (i) Notwithstanding any other provision of law, equipment deployed as part of a side stop signal arm enforcement system as provided under this section must be incapable of automated or user-controlled remote surveillance by means of recorded video images.

(ii) Recorded images collected as part of the side stop signal arm enforcement system may only record violations of this section and may not be used for any other surveillance purposes.

(iii) Restrictions under this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be

provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(1.1) (i) To the extent practical, an automated side stop signal arm enforcement system shall use necessary technologies to ensure that photographs or recorded video images produced by the system shall not identify, nor be configured to identify, the driver, the passengers or the interior contents of the motor vehicle.

(ii) No violation of this section may be dismissed solely because a photograph or recorded video image allows for the identification of the driver, passengers or interior contents of the motor vehicle as long as a reasonable effort has been made to comply with this paragraph.

(2) (i) Notwithstanding any other provision of law, information prepared under this section and information relating to violations of this section which are kept by the school entity, system administrator on the school entity's behalf, contracted company that provides pupil transportation or primary police department, its authorized agents or employees, including recorded images, written records, reports or facsimiles, names, addresses, vehicle information and the number of violations under this section, shall be exclusively used for the purpose of enforcing this section through side stop signal arm enforcement systems.

(ii) The information shall not be deemed a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(iii) The information may be discoverable by court order or otherwise and may be offered in evidence in any action or proceeding which is directly related to a violation of this section or any other violation in connection with a criminal law enforcement action.

(3) Images obtained through the use of a side stop signal arm enforcement system shall be destroyed within one year of final disposition of the recorded event. A system administrator under an agreement with a school entity shall notify the school entity by written notice in accordance with this section that the records have been destroyed.

(4) Notwithstanding any other provision of law, motor vehicle owner information obtained as a result of the operation of a side stop signal arm enforcement system shall not be the property of the school entity, system administrator on the school entity's behalf or contracted company that provides pupil transportation and may not be used for any purpose other than prescribed in this section.

(5) A violation of this subsection shall constitute a misdemeanor of the third degree punishable by a $500 fine. Each violation shall constitute a separate and distinct offense.

(6) A school entity, system administrator or contracted company that provides pupil transportation that violates this subsection in which the penalty is a misdemeanor shall be subject to 18 Pa.C.S. § 307 (relating to liability of organizations and certain related persons).

(f) Defenses.--

(1) (Deleted by amendment).

(2) (Deleted by amendment).

(3) It shall be a defense to a violation under this section that the owner of the motor vehicle named in the

notice of the violation was not driving the motor vehicle at the time of the violation. The owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation. The owner may not be required to disclose the identity of the driver of the motor vehicle at the time of the violation.

(4) It shall be a defense to a violation under this section that the motor vehicle in the notice of the violation has been reported to any police department as stolen prior to the time the violation occurred and had not been recovered prior to that time.

(5) It shall be a defense to a violation under this section that the person receiving the notice of violation was not the owner of the motor vehicle at the time of the offense.

(6) It shall be a defense to a violation under this section that the side stop signal arm enforcement system being used under this section was not in compliance with the department's regulations with respect to testing for accuracy, certification or calibration.

(g) Agreements.--

(1) A school entity may enter into an agreement with a system administrator to initiate actions to enforce this section through a side stop signal arm enforcement system.

(2) Except as otherwise provided, an agreement under paragraph (1) shall take effect in a school entity by vote of the local board of school directors. The meeting to consider approval of a side stop signal arm enforcement system shall be properly noticed under 65 Pa.C.S. Ch. 7 (relating to open meetings).

(3) Enforcement of this section shall only occur in those jurisdictions where the school entity has a written intergovernmental agreement with a primary police department for that jurisdiction.

(4) Compensation under an agreement authorized by this section shall not require a minimum or maximum number of violations to be issued that would impact the compensation to the system administrator.

(5) The school entity, or the system administrator on the school entity's behalf, shall provide notice through a publicly accessible Internet website that provides guidance and information related to the system, including, but not limited to, the number of school buses equipped with a system, the appeals process limited to the defenses under subsection (f) and contact information. The website shall remain publicly accessible throughout the period of use in a manner as determined by the school entity.

(6) The school entity, or the system administrator on the school entity's behalf, shall establish an electronic system where program information and all violations, in conformance with this section, can be accessed and viewed by:

(i) The primary police department for conducting procedures under subsection (h.2).

(ii) The department's hearing officer for conducting procedures under subsection (i.4).

(7) The school entity, or the system administrator on the school entity's behalf, may utilize an alternative system to share program information and all violations if the electronic system is unavailable for any legitimate purpose.

(8) The department may randomly conduct audits of a school entity, or a system administrator on the school

entity's behalf, to ensure compliance with this section as determined by the department. If the department conducts an audit, the department shall prepare a summary of the audit, which shall be posted on the publicly accessible Internet website maintained by the school entity or the system administrator on the school entity's behalf.

(h) Submission of violation information.--A school entity, or a system administrator on the school entity's behalf, shall submit the following information regarding a violation of this section to the primary police department using the electronic system under subsection (g)(6):

(1) A copy of the recorded image showing the motor vehicle.

(2) The license plate number and state of issuance of the motor vehicle.

(3) The date, time and place of the alleged violation.

(4) Not later than July 1 annually, the school entity, or the system administrator on the school entity's behalf, shall submit a report to the department and the Pennsylvania State Police for the preceding calendar year. The information shall be compiled by the department and the Pennsylvania State Police into a report to be jointly submitted to the chairperson and minority chairperson of the Transportation Committee of the Senate and the chairperson and minority chairperson of the Transportation Committee of the House of Representatives by no later than December 31 annually. The report shall be posted on the publicly accessible Internet website maintained by the school entity or the system administrator on the school entity's behalf. The report shall be a public record under the Right-to-Know Law and include:

(i) The name of the system administrator.

(ii) The number of school buses equipped with a side stop signal arm enforcement system.

(iii) The number of notices of violation issued.

(iv) The amount of fines imposed and collected.

(v) The amounts paid under agreements authorized by this section.

(vi) The results of contested violations.

(vii) Use of additional revenue funds and any grants awarded from the program.

(h.1) Duty of school district.--(Deleted by amendment).

(h.2) Police review required.--Upon receipt of violation information under subsection (h), a primary police department shall:

(1) Review submitted evidence to determine if a violation under this section occurred and electronically certify the notice of violation.

(2) Notify the school entity, or the system administrator on the school entity's behalf, of the electronic certification of the notice of violation related to the primary police department's capacity to view and authorize the notice.

(3) Restrict the review of submitted evidence under paragraph (1) to an individual who is a police officer.

(i) (Reserved).

(i.1) Notice of violation, fines and contest.--(Deleted by amendment).

(i.2) Notice of violation.--

(1) Upon certification from a primary police department that a violation of this section has occurred as required by subsection (h.2), a school entity, or a system administrator on the school entity's behalf, shall initiate

an action to enforce this section by sending an administrative notice of violation to the owner of the motor vehicle identified by a side stop signal arm enforcement system as violating this section.

(2) The notice of violation shall include all of the following:

(i) A copy of the recorded image showing the motor vehicle.

(ii) The registration number and state of issuance of the motor vehicle registration.

(iii) The date, time and place of the alleged violation.

(iv) Certification of the alleged violation from the primary police department and written documentation that the side stop signal arm enforcement system was operating correctly at the time of the alleged violation as required under subsection (d).

(v) Notice that the owner of the motor vehicle is charged with a violation of this section.

(vi) Instructions for return of the notice of violation and payment of the fine under subsection (i.3).

(vii) Instructions for contesting the violation under subsection (i.4).

(viii) A statement that a violation under this section:

(A) is not deemed a criminal conviction;

(B) will not be made part of the operating record of the individual upon whom the violation of this section is being imposed;

(C) will not be used to determine a merit rating for insurance purposes; and

(D) does not authorize the imposition of surcharge points in the provision of motor vehicle insurance coverage.

(3) A notice of violation shall be sent by first class mail as follows:

(i) In the case of a violation involving a motor vehicle subject to the laws of this Commonwealth, the notice of violation must be mailed within 30 days after the commission of the violation or within 30 days after the discovery of the identity of the owner, whichever is later, and not thereafter to the address of the owner listed in the records of the department.

(ii) In the case of motor vehicles from jurisdictions other than this Commonwealth, the notice of violation must be mailed within 30 days after the discovery of the identity of the owner and not thereafter to the address of the owner as listed in the records of the official in the jurisdiction having charge of the registration of the motor vehicle.

(iii) A notice of violation under this section shall be invalid unless provided to the owner within 90 days of the commission of the violation.

(iv) A manual or automatic record of mailing prepared by a school entity, or a system administrator on the school entity's behalf, in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in a judicial or administrative proceeding as to the facts contained in the notice of violation.

(i.3) Payment of fine.--Payment of the fine shall be as follows:

(1) An owner of the motor vehicle may admit responsibility for the violation and pay the fine provided in the notice of violation personally, through an authorized agent, electronically or by mailing both the payment and notice of violation to the school entity or to a system administrator on the school entity's behalf.

(2) Payment of the fine shall operate as a final disposition of the violation of this section.

(3) If payment is not received within 90 days of the mailing date of the notice of violation, the school entity, or a system administrator on the school entity's behalf, may request an applicable credit collection agency to resolve the payment amount owed.

(i.4) Contest of violation.--The procedure for contesting a violation of this section shall be as follows:

(1) An owner of the motor vehicle may, within 30 days of the mailing date of the notice of violation, request a hearing before the department's hearing officer to contest liability either personally, by an authorized agent or by mailing a request in writing on the prescribed form or electronically. A hearing to contest liability may be in person or be conducted through live-stream synchronous video conferencing or similar virtual presence technology and shall be only at reasonable locations and times set by the school entity or the system administrator on the school entity's behalf.

(2) Upon receipt of a hearing request, the school entity, or the system administrator on the school entity's behalf, shall in a timely manner schedule the matter before a hearing officer designated by the department. Written notice of the date, time and place of hearing shall be sent by first class mail or electronically to the owner of the motor vehicle.

(3) The hearing shall be informal and the rules of evidence shall not apply. The decision of the department's hearing officer shall be made within 45 days from the hearing date and shall be final, subject to the right of the owner of the motor vehicle to appeal the decision under paragraph (4).

(3.1) The school entity, in coordination with the system administrator, if applicable, may enter into an agreement to designate a person to represent the school entity, or the system administrator on the school entity's behalf, to administer the hearing to contest liability under this subsection.

(4) If, within 45 days of issuance of the decision of the department's hearing officer, the owner of the motor vehicle requests in writing an appeal of the decision of the department's hearing officer, the owner shall file the notice of violation and supporting documents with the office of the magisterial district judge for the magisterial district where the violation occurred. A magisterial district judge shall hear and decide the matter de novo and shall be restricted to finding an owner liable or not liable for violating this section and shall not assign damages to an owner or otherwise impose penalties on primary police departments, police officers, school entities, system administrators or other persons involved in the appeal process, except as otherwise provided under 42 Pa.C.S. § 1726 (relating to establishment of taxable costs), which may only be assessed to the school entity or system administrator on the school entity's behalf.

(5) The school entity, or system administrator on the school entity's behalf, shall reimburse the department for the actual cost of the hearing officer designated under paragraph (2).

(j) Department approval.--

(1) No side stop signal arm enforcement system may be used without the approval of the department, which shall have the authority to promulgate regulations for the certification and use of such systems.

(2) Any system installed prior to the effective date of this paragraph shall obtain department approval within six months of the effective date of the temporary regulations promulgated under paragraph (3).

(3) In order to facilitate the prompt implementation of this section, regulations promulgated by the department under this section during the three years following the effective date of this section shall be deemed temporary regulations, which shall expire upon the prompt promulgation of final regulations. The temporary regulations shall not be subject to:

(i) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(ii) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(iii) Section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(k) School Bus Safety Grant Program.--

(1) The School Bus Safety Grant Program Account is established as a restricted account in the General Fund. Money in the account is appropriated on a continuing basis to the department for grants under this subsection.

(2) The surcharge established under section 3345(j), the portion of the fine established under subsection (c)(1)(iii) and any other revenue as provided for under this title shall be deposited into the account and shall be used by the department to implement the School Bus Safety Grant Program. The department shall develop a uniform application process to award school bus safety grants in an amount not to exceed $100,000 on a competitive basis for the following purposes:

(i) To promote and increase school bus safety, education and training throughout this Commonwealth.

(ii) To reimburse or pay for, in whole or in part, education, training and other associated costs related to the issuance of a commercial learner's permit, commercial driver's license or school bus endorsement by the department to an individual for the purpose of driving a school bus in this Commonwealth.

(3) The department may pay any actual administrative costs arising from the administration of this section out of the fines deposited into the account.

(4) The following are eligible to apply for grants under this subsection:

(i) Independent school bus contractors.

(ii) School entities.

(iii) Municipalities.

(5) The department shall post information related to this grant program on the department's publicly accessible Internet website.

(l) Contracted companies.--

(1) No contracted company that provides pupil transportation shall be liable if a side stop signal arm enforcement system is vandalized or otherwise malfunctions.

(2) Nothing in this section shall be construed to require a contracted company that provides pupil transportation to take a school bus out of service due to a nonfunctioning side stop signal arm enforcement system, except that a contracted company shall allow the school entity, or a system administrator on the school entity's behalf, access to the school bus for the purpose of repairing and maintaining a side stop signal arm enforcement system when the school bus is not in service at a time mutually agreeable to the contractor and school entity or a system administrator on the school entity's behalf.

(3) Independent school bus contractors shall not be held responsible for costs associated with the side stop signal arm enforcement system, including, but not limited to, installation, maintenance, repair, replacement or removal of the system.

(m) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Local board of school directors." A board of directors or other governing authority of a school entity.

"Manufacturer" or **"vendor."** (Deleted by amendment).

"Primary police department." Any of the following:

(1) The police department of the municipality in which a school entity is located if the municipality has a police department with authority to issue citations for violations of this title.

(2) The Pennsylvania State Police if the municipality in which a school entity is located does not have a police department with authority to issue citations for violations of this title, at the sole discretion of the Pennsylvania State Police.

(3) A police department of the school entity.

"Pupil transportation." The transport of resident pupils of a school district to and from preprimary, primary or secondary schools and students to or from public, private or parochial schools. The term does not include transportation for field trips.

"School entity." A school district, area career and technical school, intermediate unit, charter school, regional charter school or cyber charter school.

"Side stop signal arm enforcement system" or **"system."** A camera system installed on a school bus with at least one camera and one computer that produce recorded video and two or more photographic still images of a motor vehicle being used or operated in a manner that violates this section.

"Side stop signal arms." As described in section 4552(b.1) (relating to general requirements for school buses).

"System administrator." A person that creates, owns or has a license or permission to sell, lease, distribute or administer a side stop signal arm enforcement system that, consistent with the requirements of this section, is under agreement with a school entity to perform, but not be limited to, the following:

(1) Provide for the installation, operation and maintenance of a side stop signal arm enforcement system on one or more school buses within a school entity's fleet, regardless of whether a school bus is owned, contracted or leased by the school entity.

(2) Administer the enforcement of a violation of this section through a side stop signal arm enforcement system on a school entity's behalf as permitted by this section, including maintaining and transmitting records, mailing violation notices, processing violations, collecting fines and administering contests of violations, unless a school entity designates another person to contest the violations.

(Oct. 24, 2018, P.L.1154, No.159; July 1, 2020, P.L.515, No.38, eff. 60 days; Oct. 20, 2021, P.L.423, No.80, eff. imd.; Oct. 23, 2023, P.L.134, No.19; Dec. 14, 2023, P.L.344, No.38, eff. imd.)

2023 Amendments. Act 19 amended the entire section, effective immediately as to subsec. (j)(3) and 60 days as to the remainder of the section, and Act 38 amended subsecs. (e)(4), (f)(3), (i.2)(1), (2)(v) and (3)(i), (ii) and (iii), (i.3)(3) and (i.4)(4).

2018 Amendment. Section 3 of Act 159 provided that the addition of subsec. (j) shall take effect immediately and six months as to the rest of the section.

References in Text. Section 27 of Act 16 of 2019 provided that a reference in statute or regulation to "area vocational-technical school" shall be deemed a reference to "area career and technical school," and a reference in statute or regulation to "vocational curriculums" shall be deemed a reference to "career and technical curriculums."

Cross References. Section 3345.1 is referred to in section 3345 of this title.

§ 3346. Emergency vehicles entering or leaving official garage.

If an emergency vehicle is leaving or returning to its garage and the emergency lights of the emergency vehicle are engaged, the driver of an approaching vehicle shall stop and give the emergency vehicle the right-of-way to leave or enter the garage and may not proceed until the emergency vehicle is safely out of the driver's path.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 added section 3346.

SUBCHAPTER E
STOPPING, STANDING AND PARKING

Sec.

3351. Stopping, standing and parking outside business and residence districts.
3352. Removal of vehicle by or at direction of police.
3353. Prohibitions in specified places.
3354. Additional parking regulations.

Cross References. Subchapter E is referred to in section 3509 of this title.

§ 3351. Stopping, standing and parking outside business and residence districts.

(a) General rule.--Outside a business or residence district, no person shall stop, park or stand any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or stand the vehicle off the roadway. In the event it is necessary to stop, park or stand the vehicle on the roadway or any part of the roadway, an unobstructed width of the highway opposite the vehicle shall be left for the free

passage of other vehicles and the vehicle shall be visible from a distance of 500 feet in each direction upon the highway.

(b) Exception for disabled vehicles.--This section and sections 3353 (relating to prohibitions in specified places) and 3354 (relating to additional parking regulations) do not apply to the driver of any vehicle which is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position.

Cross References. Section 3351 is referred to in sections 3352, 4572, 6109 of this title.

§ 3352. Removal of vehicle by or at direction of police.

(a) Outside business and residence districts.--Whenever any police officer finds a vehicle in violation of any of the provisions of section 3351 (relating to stopping, standing and parking outside business and residence districts), the officer may move the vehicle, or cause the vehicle to be moved, or require the driver or other person in charge of the vehicle to move the vehicle, to a position off the roadway where the vehicle will not interfere unduly with the normal movement of traffic or constitute a safety hazard.

(b) Unattended vehicle obstructing traffic.--Any police officer may remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel, in such position or under such circumstances as to interfere unduly with the normal movement of traffic or constitute a safety hazard.

(c) Removal to garage or place of safety.--Any police officer may remove or cause to be removed to the place of business of the operator of a wrecker or to a nearby garage or other place of safety any vehicle found upon a highway under any of the following circumstances:

(1) Report has been made that the vehicle has been stolen or taken without the consent of its owner.

(2) The person or persons in charge of the vehicle are physically unable to provide for the custody or removal of the vehicle.

(3) The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before an issuing authority without unnecessary delay.

(4) The vehicle is in violation of section 3353 (relating to prohibitions in specified places) except for overtime parking.

(5) The vehicle has been abandoned as defined in this title. The officer shall comply with the provisions of Chapter 73 (relating to abandoned vehicles and cargos).

(d) Notice to owner prior to removal.--

(1) Prior to removal of an abandoned vehicle bearing a registration plate, current certificate of inspection or vehicle identification number plate by which the last registered owner of the vehicle can be determined, the police department shall send a notice by certified mail to the last registered owner of the vehicle informing the owner that unless the vehicle is moved to a suitable location within seven days of the date notice is mailed, the vehicle will be removed under this section and held at a suitable facility where it may be reclaimed by the owner in accordance with the provisions of section 7306 (relating to payment of costs upon reclaiming vehicle). If the abandoned motor vehicle does not bear an identifiable registration plate, current

certificate of inspection or vehicle identification number plate, the notice may be secured to the vehicle.

(2) If, within the seven-day period, the owner so requests, the owner shall be given an opportunity to explain to the police officer or department why the owner believes the vehicle should not be removed. If the police officer or department determines that the vehicle shall, nonetheless, be removed, the owner shall be given an additional 48 hours to remove the vehicle, have it removed or demand a hearing, which shall conform to the requirements of 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies). The police officer or department shall inform the owner of the right to a hearing by delivering to the owner a notice warning the owner that, unless the vehicle is removed or a hearing is demanded, the owner shall be subject to the provisions of section 7306. If, as a result of the hearing, it is determined that the vehicle will be removed, the owner shall be given an additional 48 hours to remove the vehicle or have it removed. The hearing shall be before a civilian officer or employee of the municipality in which the vehicle is located.

(3) The provision for notice set forth in this subsection is applicable only if the vehicle is abandoned upon a highway and is not in violation of subsection (b) or section 3351(a) or 3353. Notice under this subsection is in addition to any other notice requirements provided in Chapter 73.

(4) This subsection does not apply to nonrepairable vehicles.

(Apr. 3, 1984, P.L.181, No.33, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 amended subsecs. (c) and (d).

§ 3353. Prohibitions in specified places.

(a) General rule.--Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(1) Stop, stand or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street except that:

(A) A pedalcycle may be parked as provided in section 3509(b)(2) (relating to parking).

(B) Standing or parking for the purpose of loading or unloading persons or property may be authorized by local ordinance, but the ordinance shall not authorize standing or parking on State designated highways except during off-peak traffic-flow hours as determined by department regulations.

(ii) On a sidewalk except that a pedalcycle may be parked as provided in section 3509(b)(2).

(iii) Within an intersection.

(iv) On a crosswalk.

(v) Between a safety zone and the adjacent curb within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official traffic-control devices.

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(viii) On any railroad tracks.

(ix) In the area between roadways of a divided highway, including crossovers.

(x) At any place where official signs prohibit stopping.

(2) Stand or park a vehicle:

(i) In front of a public or private driveway.

(ii) Within 15 feet of a fire hydrant.

(iii) Within 20 feet of a crosswalk at an intersection.

(iv) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the site of a roadway.

(v) Within 20 feet of the driveway entrance to any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within 75 feet of the entrance.

(vi) Where the vehicle would prevent the free movement of a streetcar.

(vii) On a limited access highway unless authorized by official traffic-control devices.

(viii) At any place where official signs prohibit standing.

(ix) Within 30 feet upon the approach to a sign warning of the possible presence of a person with a disability in the vicinity of a roadway adjacent to the person's residence or the possible presence of a person with a disability frequently traversing the roadway at that location. This subparagraph shall not apply unless an enabling local ordinance has been passed. The ordinance may apply generally throughout the municipality or be site specific. The ordinance may specify the height of vehicles prohibited from parking in these locations. The enforcement of this subparagraph requires that a sign indicating the violation and amount of fine be posted at each applicable location. For purposes of this section, the term "disability" shall mean a hearing impairment or total or partial blindness.

(3) Park a vehicle:

(i) Within 50 feet of the nearest rail of a railroad crossing.

(ii) At any place where official signs prohibit parking.

(b) Unattended vehicle on private property.--

(1) No person shall park or leave unattended a vehicle on private property without the consent of the owner or other person in control or possession of the property except in the case of emergency or disablement of the vehicle, in which case the operator shall arrange for the removal of the vehicle as soon as possible.

(2) The provisions of this subsection shall not apply to private parking lots unless such lots are posted to notify the public of any parking restrictions and the operator of the vehicle violates such posted restrictions. For the purposes of this section "private parking lot" means a parking lot open to the public or used for parking without charge; or a parking lot used for parking with charge. The department shall define by regulation what constitutes adequate posting for public notice.

(c) Property owner may remove vehicle.--The owner or other person in charge or possession of any property on which a vehicle is parked or left unattended in violation of the provisions of subsection (b) may remove or have removed the vehicle at the reasonable expense of the owner of the vehicle. Such person who removes or has removed a vehicle left parked or unattended in violation of the provisions of subsection (b) shall have a lien against the owner of the vehicle, in the amount of the reasonable value of the costs of removing the vehicle plus the costs of storage. Any city, borough, incorporated town or township may, by ordinance, provide for rates to be charged for removal of vehicles and for municipal regulation of authorized towing services. If storage charges are not set by the municipality, a maximum of $25 per day may be charged for storage.

(d) Restrictions by appropriate authorities.--The department on State-designated highways and local authorities on any highway within their boundaries may by erection of official traffic-control devices prohibit, limit or restrict stopping, standing or parking of vehicles on any highway where engineering and traffic studies indicate that stopping, standing or parking would constitute a safety hazard or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic.

(e) Penalty.--Any person violating any provision of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than $50. (Nov. 9, 1977, P.L.226, No.69, eff. imd.; Nov. 10, 1979, P.L.460, No.95, eff. imd.; Oct. 10, 1980, P.L.791, No.147, eff. imd.; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; July 2, 2004, P.L.497, No.58, eff. imd.)

2004 Amendment. Act 58 amended subsecs. (a)(2) and (e).
2002 Amendment. Act 152 amended subsec. (c).
1980 Amendment. Act 147 amended subsec. (b).
1979 Amendment. Act 95 amended subsecs. (a)(1)(i) and (c).
Cross References. Section 3353 is referred to in sections 3351, 3352, 4572, 6109 of this title.

§ 3354. Additional parking regulations.

(a) Two-way highways.--Except as otherwise provided in this section, every vehicle standing or parked upon a two-way highway shall be positioned parallel to and with the right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder.

(b) One-way highways.--Except as otherwise provided in this section, every vehicle standing or parked upon a one-way highway shall be positioned parallel to the curb or edge of the highway in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or, in the absence of a curb, as close as practicable to the left edge of the left-hand shoulder.

(c) Angle parking.--Local authorities may permit angle parking on any highway after an engineering and traffic study has determined that the highway is of sufficient width to permit angle parking without interfering with the free movement of traffic, except that on a State-designated highway prior approval of the department shall also be obtained.

(d) Person with a disability and disabled veterans.--

(1) When a motor vehicle bearing a person with a disability or severely disabled veteran plate or displaying a person with a disability or severely disabled veteran parking placard as prescribed in this title is being operated by or for the transportation of the person with a disability or severely disabled veteran, the driver shall be relieved of any liability for parking for a period of 60 minutes in excess of the legal parking period permitted by local authorities except where local ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours.

(2) At the request of a person with a disability or severely disabled veteran, local authorities may erect on the highway as close as possible to the person's or veteran's place of residence a sign or signs indicating that that place is reserved for a person with a disability or severely disabled veteran, that no parking is allowed there by others, and that any unauthorized person parking there shall be subject to a fine and may be towed. The absence of a sign stating the penalty amount indicated in subsection (f) at parking spaces designated with an international symbol for access for persons with disabilities on a sign shall not preclude the enforcement of this subsection. A vehicle may only be towed under this paragraph if the parking space is posted with a sign indicating that vehicles in violation of this section may be towed.

(2.1) Local authorities may limit access to a parking space reserved under paragraph (2) to a specific vehicle, license plate or other method of designation. Under this paragraph, local authorities may charge a reasonable fee and shall comply with section 6109 (relating to specific powers of department and local authorities) and the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

(3) (i) Except for persons parking vehicles lawfully bearing a person with a disability or severely disabled veteran registration plate or displaying a person with a disability or severely disabled veteran parking placard when such vehicles are being operated by or for the transportation of a person with a disability or a severely disabled veteran, no person shall park a vehicle on public or private property reserved for a person with a disability or severely disabled veteran which property has been so posted in accordance with departmental regulations. Regulations shall require that parking spaces designated with an international symbol for access for persons with disabilities on a sign are posted with a sign stating the penalty amount indicated in subsection (f) and that vehicles in violation of the subsection may be towed and require that signs be replaced when they become either obsolete or missing with all costs to replace the necessary signs to be borne by the persons responsible for signing the particular location. The absence of a sign stating the penalty amount at parking spaces designated with an international symbol for access for persons with disabilities shall not preclude the enforcement of this subsection. A vehicle which is unlawfully parked in a designated person with a disability parking area may be removed from that area by towing and may be reclaimed by the vehicle owner upon payment of the towing costs. A vehicle may only be towed under this paragraph if the parking space is posted with

a sign indicating that vehicles in violation of this section may be towed.

(ii) Local authorities shall have the power and may, by ordinance or resolution, authorize a person with a disability and severely disabled veterans to issue statements to violators or violating vehicles for violation of subparagraph (i). The form of the statement shall be as prescribed by the local authorities.

(iii) No occupancy or driveway permit may be issued to a person whose property is reserved for a person with a disability or a severely disabled veteran if the property is not posted with a sign stating the penalty amount indicated in subsection (f).

(d.1) Obstructing movement.--A person may not obstruct a space on public or private property reserved for a person with a disability or a part of a curb ramp or the access aisle adjacent to a parking space reserved for a person with a disability in a manner that would prevent a person or wheelchair or personal mobility device from entering or leaving a vehicle legally parked in an adjoining space.

(e) Unauthorized use.--An operator of a vehicle bearing a person with a disability or severely disabled veteran plate or displaying a person with a disability or severely disabled veteran parking placard shall not make use of the parking privileges accorded to a person with a disability and severely disabled veterans under subsection (d)(3) unless the operator is a person with a disability or a severely disabled veteran or unless the vehicle is being operated for the transportation of a person with a disability or severely disabled veteran.

(e.1) Motorcycle parking.--Notwithstanding the provisions of section 6301 (relating to prosecutions under local ordinances superseded by title) regarding parking violations, a local ordinance may not prohibit nor cite as a violation the parallel or angle occupancy by one or more motorcycles in any parking space on any highway otherwise available for parking for other individual vehicles, provided that the space occupied by one or more motorcycles does not exceed the space within which a single vehicle must park. In the instance of a violation applicable to any single vehicle, each motorcycle so parked shall be individually liable for any violation as if the motorcycle were the sole occupant of the parking space.

(f) Penalty.--A person violating subsection (a), (b) or (d)(1) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than $15. A person violating subsection (d)(2) or (3) or (e) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $50 nor more than $200. If a person is convicted under subsection (d)(2) or (3) in the absence of a sign stating the penalty amount, the fine imposed may not exceed $50. A person violating subsection (d.1) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $100 nor more than $300.

(g) Special penalty; disposition.--

(1) In addition to any other penalty imposed under this section, a person who is convicted of violating subsection (d)(2) or (3) shall be sentenced to pay a fine of $50.

(2) All fines collected under this subsection shall be disposed of as follows:

(i) Ninety-five percent shall be paid to the Department of Revenue, transmitted to the Treasury Department and credited to the Department of Public Welfare for use for the Attendant Care Program.

(ii) Five percent shall be paid to the municipality in which the offense occurred.

(h) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Access aisle." A physical area marked in accordance with departmental regulations:

(1) designated by white or blue pavement marking hash marks, cross-hatching or other similar visual no-parking indicators;

(2) which provides additional space for a person using a wheelchair, wheelchair lift or other mobility device; and

(3) which is located adjacent to a parking space reserved for a person with a disability.

"Person with a disability." A person issued a plate or placard.

"Plate or placard." A plate or placard issued under:

(1) Section 1338 (relating to person with disability plate and placard).

(2) Section 1342(a) or (b) (relating to veteran plates and placard).

(Nov. 9, 1977, P.L.226, No.69, eff. imd.; July 11, 1980, P.L.550, No.113, eff. 60 days; Mar. 29, 1984, P.L.159, No.31, eff. imd.; May 9, 1986, P.L.158, No.51, eff. 60 days; July 10, 1990, P.L.370, No.84, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 28, 1994, P.L.1441, No.170, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Oct. 24, 2018, P.L.889, No.144, eff. 180 days)

2018 Amendment. Act 144 amended subsec. (f) and added subsecs. (d)(2.1), (d.1) and (h).

2002 Amendment. Act 123 amended subsecs. (d), (e), (f) and (g) and added subsec. (e.1).

References in Text. The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Cross References. Section 3354 is referred to in sections 3351, 6109 of this title.

SUBCHAPTER F
SPEED RESTRICTIONS

Sec.

3361. Driving vehicle at safe speed.
3362. Maximum speed limits.
3363. Alteration of maximum limits.
3364. Minimum speed regulation.
3365. Special speed limitations.
3366. Charging speed violations.
3367. Racing on highways.
3368. Speed timing devices.
3369. Automated speed enforcement systems in active work zones.
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3370.1. Automated speed enforcement study.
3371. Pilot program for automated speed enforcement systems in designated school zones.

Cross References. Subchapter F is referred to in section 6109 of this title.

§ 3361. Driving vehicle at safe speed.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Cross References. Section 3361 is referred to in sections 1535, 3326, 3327, 3362, 3366, 3716 of this title.

§ 3362. Maximum speed limits.

(a) General rule.--Except when a special hazard exists that requires lower speed for compliance with section 3361 (relating to driving vehicle at safe speed), the limits specified in this section or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:

(1) 35 miles per hour in any urban district.

(1.1) 65 miles per hour or 70 miles per hour for all vehicles on freeways where the department has posted a 65-miles-per-hour or 70-miles-per-hour speed limit.

(1.2) 25 miles per hour in a residence district if the highway:

(i) is not a numbered traffic route; and

(ii) is functionally classified by the department as a local highway.

(2) 55 miles per hour in other locations.

(3) Any other maximum speed limit established under this subchapter.

(b) Posting of speed limit.--

(1) No maximum speed limit established under subsection (a)(1), (1.2) or (3) shall be effective unless posted on fixed or variable official traffic-control devices erected in accordance with regulations adopted by the department which regulations shall require posting at the beginning and end of each speed zone and at intervals not greater than one-half mile.

(2) No maximum speed limit established under subsection (a)(1.1) shall be effective unless posted on fixed or variable official traffic-control devices erected after each interchange on the portion of highway on which the speed limit is in effect and wherever else the department shall determine.

(c) Penalty.--

(1) Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of:

(i) $42.50 for violating a maximum speed limit of 65 miles per hour or higher; or

(ii) $35 for violating any other maximum speed limit.

(2) Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of $2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(June 13, 1995, P.L.57, No.9, eff. 30 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 26, 2001, P.L.734, No.75,

eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. imd.; Mar. 19, 2014, P.L.361, No.23, eff. imd.)

2014 Amendment. Act 23 amended subsec. (a)(1.1).

2013 Amendment. Act 89 amended subsecs. (a) and (c). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1998 Amendment. Act 151 amended subsec. (b)(1) and added subsec. (a)(1.2).

1995 Amendment. See section 4 of Act 9 in the appendix to this title for special provisions relating to report on effect of increased speed limit.

Cross References. Section 3362 is referred to in sections 1535, 1538, 3326, 3363, 3370, 3370.1, 3716, 6108, 6109, 6506 of this title.

§ 3363. Alteration of maximum limits.

On highways under their respective jurisdictions, local authorities subject to section 6109(e) (relating to specific powers of department and local authorities) or the department, upon the basis of an engineering and traffic investigation, may determine that the maximum speed permitted under this subchapter is greater or less than is reasonable and safe under the conditions found to exist upon any such highway or part thereof and establish a reasonable and safe maximum limit. The maximum speed limit may be made effective at all times or at times indicated and may vary for different weather conditions and other factors bearing on safe speeds. No maximum speed greater than 55 miles per hour shall be established under this section except on highways listed in section 3362(a)(1.1) (relating to maximum speed limits), where the maximum speed for all vehicles shall not be greater than 70 miles per hour.

(June 13, 1995, P.L.57, No.9, eff. 30 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. imd.)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1995 Amendment. See section 4 of Act 9 in the appendix to this title for special provisions relating to report on effect of increased speed limit.

§ 3364. Minimum speed regulation.

(a) Impeding movement of traffic prohibited.--Except when reduced speed is necessary for safe operation or in compliance with law, no person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.

(b) Slow moving vehicle to drive off roadway.--

(1) Except when reduced speed is necessary for safe operation or in compliance with law, whenever any person drives a vehicle upon a roadway having width for not more than one lane of traffic in each direction at less than the maximum posted speed and at such a slow speed as to impede the normal and reasonable movement of traffic, the driver shall, at the first opportunity when and where it is reasonable and safe to do so and after giving appropriate signal, drive completely off the roadway and onto the berm or shoulder of the highway. The driver may return to the roadway after giving appropriate signal only when the movement can be made in safety and so as not to impede the normal and reasonable movement of traffic.

(2) A pedalcycle may be operated at a safe and reasonable speed appropriate for the pedalcycle. A pedalcycle operator shall use reasonable efforts so as not to impede the normal and reasonable movement of traffic.

(c) Establishment of minimum speed limits.--At any other time when the department or local authorities under their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. The minimum limit shall be effective when posted upon appropriate fixed or variable signs.

(Feb. 2, 2012, P.L.27, No.3, eff. 60 days)

2012 Amendment. Act 3 amended subsec. (b).

Cross References. Section 3364 is referred to in sections 4305, 6109 of this title.

§ 3365. Special speed limitations.

(a) Bridges and elevated structures.--

(1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure when the structure is posted with signs as provided in this subsection.

(2) The department and local authorities on highways under their respective jurisdictions may conduct a traffic and engineering investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that the structure cannot safely withstand vehicles traveling at the speed otherwise permissible under this title, the department or local authority shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit official traffic-control devices stating the maximum speed to be erected and maintained before each end of the structure.

(3) Upon the trial of any person charged with a violation of this subsection, proof of the determination of the maximum speed by the department and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

(b) School zones.--When passing through a school zone as defined and established under regulations of the department, no person shall drive a vehicle at a speed greater than 15 miles per hour. An official traffic-control device shall indicate the beginning and end of each school zone to traffic approaching in each direction. Establishment of a school zone, including its location and hours of operation, shall be approved by the department.

(c) Hazardous grades.--The department and local authorities on highways under their respective jurisdictions may conduct traffic and engineering investigations on grades which are considered hazardous. If the grade is determined to be hazardous, vehicles having a gross weight in excess of a determined safe weight may be further limited as to maximum speed and may be required to stop before proceeding downhill. The restrictions shall be indicated by official traffic-control

devices erected and maintained according to regulations established by the department.

(c.1) Active work zones.--When passing through an active work zone, no person shall drive a vehicle at a speed greater than the posted limit. An official traffic-control device shall indicate the beginning and end of each active work zone to traffic approaching in each direction.

(d) Penalty.--

(1) Any person violating any provision of this section commits a summary offense and shall, upon conviction, be sentenced to pay:

(i) Except as set forth under subparagraph (ii), a fine of $35.

(ii) For a violation of subsection (b), a fine of not more than $500 if the person exceeds the maximum speed limit by more than 11 miles per hour.

(2) Any person exceeding a maximum speed limit established under this section by more than five miles per hour shall pay an additional fine of $2 per mile for each mile in excess of five miles per hour in excess of the maximum speed limit.

(Oct. 10, 1980, P.L.791, No.147, eff. imd.; Dec. 23, 2002, P.L.1982, No.229; Dec. 8, 2004, P.L.1791, No.237, eff. 150 days)

2004 Amendment. Act 237 amended subsec. (d).

2002 Amendment. Act 229 amended subsec. (b) and added subsec. (c.1), effective in 60 days as to subsec. (b) and six months as to the remainder of the section.

Cross References. Section 3365 is referred to in sections 1535, 1603, 3370.1 of this title.

§ 3366. Charging speed violations.

In every charge of violation of a speed provision in this subchapter, except for a violation of section 3361 (relating to driving vehicle at safe speed), the citation or complaint shall specify the speed at which the defendant is alleged to have driven and the applicable speed limit.

§ 3367. Racing on highways.

(a) Definitions.--As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Drag race." The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles within a certain distance or time limit.

"Race." The use of one or more vehicles in an attempt to outgain, outdistance or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(b) General rule.--No person shall drive a vehicle on a highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

(c) Permits for special activities.--The department or local authorities within their jurisdiction may issue permits for special activities which would otherwise be prohibited by this section.

(d) Penalty.--Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $200.

Cross References. Section 3367 is referred to in sections 1532, 1542, 1553, 6503 of this title.

§ 3368. Speed timing devices.

(a) Speedometers authorized.--The rate of speed of any vehicle may be timed on any highway by a police officer using a motor vehicle equipped with a speedometer. In ascertaining the speed of a vehicle by the use of a speedometer, the speed shall be timed for a distance of not less than three-tenths of a mile.

(b) Testing of speedometers.--The department may appoint stations for testing speedometers and may prescribe regulations as to the manner in which the test shall be made. Speedometers shall have been tested for accuracy within a period of one year prior to the alleged violation and immediately upon change of tire size. A certificate from the station showing that the test was made, the date of the test and the degree of accuracy of the speedometer shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

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

(1) Except as otherwise provided in this section, the rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device.

(2) Except as otherwise provided in paragraph (3), electronic devices such as radio-microwave devices, commonly referred to as electronic speed meters or radar, may be used only as part of an automated speed enforcement system or by members of the Pennsylvania State Police.

(3) Electronic devices which calculate speed by measuring elapsed time between measured road surface points by using two sensors and devices which measure and calculate the average speed of a vehicle between any two points may be used by any police officer.

(4) No person may be convicted upon evidence obtained through the use of devices authorized by paragraphs (2) and (3) unless the speed recorded is six or more miles per hour in excess of the legal speed limit. Furthermore, no person may be convicted upon evidence obtained through the use of devices authorized by paragraph (3) in an area where the legal speed limit is less than 55 miles per hour if the speed recorded is less than ten miles per hour in excess of the legal speed limit. This paragraph shall not apply to evidence obtained through the use of devices authorized by paragraph (2) or (3) within a school zone or an active work zone.

(5) Light detection and ranging devices, commonly referred to as LIDAR, may be used only as part of an automated speed enforcement system or by members of the Pennsylvania State Police.

(d) Classification, approval and testing of mechanical, electrical and electronic devices.--The department may, by regulation, classify specific devices as being mechanical, electrical or electronic. All mechanical, electrical or electronic devices shall be of a type approved by the department, which shall appoint stations for calibrating and testing the devices and may prescribe regulations as to the manner in which calibrations and tests shall be made. The

certification and calibration of electronic devices under subsection (c)(3) shall also include the certification and calibration of all equipment, timing strips and other devices which are actually used with the particular electronic device being certified and calibrated. Electronic devices commonly referred to as electronic speed meters or radar shall have been tested for accuracy within a period of one year prior to the alleged violation. Other devices shall have been tested for accuracy within a period of 60 days prior to the alleged violation. A certificate from the station showing that the calibration and test were made within the required period and that the device was accurate shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

(e) Distance requirements for use of mechanical, electrical and electronic devices.--Mechanical, electrical or electronic devices may not be used to time the rate of speed of vehicles within 500 feet after a speed limit sign indicating a decrease of speed. This limitation on the use of speed timing devices shall not apply to speed limit signs indicating school zones, bridge and elevated structure speed limits, hazardous grade speed limits and work zone speed limits.

(f) LIDAR testing and calibration.--

(1) The department may, upon publication in the Pennsylvania Bulletin, provide that LIDAR speed measuring devices and LIDAR systems shall be calibrated and tested using the testing procedures in department regulation.

(2) LIDAR speed measuring devices and LIDAR systems shall be calibrated and tested every 365 days at a minimum before being utilized by the Pennsylvania State Police or as part of an automated speed enforcement system.

(3) The certification that the LIDAR device and system, as applicable, have been tested and found to be accurate shall create a presumption that the requirements of this subsection have been fulfilled.

(4) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph unless the context clearly indicates otherwise:

"LIDAR." The technology of measuring target range using reflected light to determine target range and speed from the time-of-flight of laser pulses.

"LIDAR speed-measuring device." Speed-measuring equipment that determines target range and speed based on the time-of-flight of laser light pulses reflected off a target.

"LIDAR system." A LIDAR speed-measuring device that incorporates additional equipment that is used to gather, process and record images, as applicable, to be used as part of speed enforcement efforts.

(July 11, 1985, P.L.204, No.52, eff. 60 days; Mar. 27, 1986, P.L.71, No.24, eff. imd.; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Oct. 19, 2018, P.L.563, No.86, eff. imd.)

2018 Amendment. Act 86 amended subsec. (c)(2) and added subsecs. (c)(5) and (f).

2008 Amendment. Act 133 amended subsecs. (b) and (d).

2002 Amendment. Act 229 amended subsec. (c)(4).

1986 Amendment. Act 24 amended subsecs. (c) and (d).

1985 Amendment. Act 52 amended subsec. (c) and added subsec. (e).

Cross References. Section 3368 is referred to in sections 3369, 3370, 3370.1 of this title.

§ 3369. Automated speed enforcement systems in active work zones.

(a) Establishment.--A program is established to provide for automated speed enforcement systems in active work zones.

(b) Applicability.--This section shall apply to Federal aid highways only under the jurisdiction of the department and the Pennsylvania Turnpike Commission. An automated speed enforcement system may not be used unless:

(1) At least two appropriate warning signs are conspicuously placed before the active work zone notifying the public that an automated speed enforcement system is in use.

(2) The first warning sign under paragraph (1) shall:

(i) Be the largest size available in conformance with Federal regulations, unless the department or the Pennsylvania Turnpike Commission determines that a smaller size is necessary to ensure the safety of the work zone.

(ii) Clearly and accurately indicate if the automated speed enforcement system is active and in use.

(iii) Be placed at least 1,000 feet before the active work zone, unless the department or the Pennsylvania Turnpike Commission determines that a lesser distance is necessary to ensure the safety of the work zone, comply with Federal regulations or provide adequate traffic control in the work zone and is capable of providing the most advanced notification as practical.

(iv) Be followed immediately by the posted speed limit of the active work zone and prior to the placement of the automated speed enforcement system.

(3) An appropriate sign is conspicuously placed in the middle, if appropriate, and at the end of the active work zone.

(3.1) The posted speed limit of the active work zone is placed at an appropriate location within the active work zone to provide adequate notice to drivers.

(4) A notice identifying the location of the specific highway segment where the automated speed enforcement system is in use and posted at the active work zone and on the department's or Pennsylvania Turnpike Commission's publicly accessible Internet website. The notice on the websites shall remain throughout the period of use.

(c) Liability.--Driving in excess of the posted speed limit in an automated speed enforcement work area by at least 11 miles per hour is a violation of this section.

(c.1) Owner liability.--For each violation under this section, the owner of the motor vehicle shall be liable for the penalty imposed unless the owner is convicted of the same violation under another provision of this title or has a defense under subsection (g). For the purposes of this section, the lessee of a leased vehicle shall be considered the owner of a motor vehicle.

(d) Notice of violation.--

(1) (i) An action to enforce this section shall be initiated by an administrative notice of violation to the owner of a motor vehicle identified by an automated speed enforcement system as violating this section. A notice of violation based upon inspection of recorded images produced by an automated speed enforcement system and sworn or affirmed by an authorized member of the

Pennsylvania State Police shall be prima facie evidence of the facts contained in the notice. The Pennsylvania State Police shall receive certification from the department, the Pennsylvania Turnpike Commission or the system administrator when an automated speed enforcement system is active in accordance with subsection (b).

(ii) The notice of violation must include written verification that the automated speed enforcement system was operating correctly at the time of the alleged violation and the date of the most recent inspection that confirms the automated speed enforcement system to be operating properly.

(iii) An automated speed enforcement system operator shall complete training offered by the manufacturer or vendor of the automated speed enforcement system, including training on any devices critical to the operation of the system, or the manufacturer's or vendor's representative in the procedures for setting up, testing and operating an automated speed enforcement system. Upon completion of the training, the manufacturer or vendor or manufacturer's or vendor's representative shall issue a signed certificate to the automated speed enforcement system operator, which shall be admitted as evidence in any court proceeding for a violation involving an automated speed enforcement system. An automated speed enforcement system operator shall fill out and sign a daily log for an automated speed enforcement system, which:

(A) states the date, time and location of the system setup;

(B) states that the automated speed enforcement system operator successfully performed and the automated speed enforcement system passed the self-tests specified by the manufacturer or vendor of the automated speed enforcement system;

(C) shall be kept on file; and

(D) shall be admitted in any proceeding for a violation involving an automated speed enforcement system.

(iv) An automated speed enforcement system shall undergo an annual calibration check performed by a calibration laboratory. The calibration laboratory shall issue a signed certificate of calibration after the annual calibration check, which shall be kept on file and shall be admitted as evidence in any proceeding for a violation involving an automated speed enforcement system.

(v) The following shall be attached to the notice of violation:

(A) A copy of the recorded image showing the motor vehicle with its license plate visible.

(B) The registration number and state of issuance of the motor vehicle registration.

(C) Verification that the automated speed enforcement system was operating correctly at the time of the alleged violation and the date of the most recent inspection that confirms the automated speed enforcement system to be operating properly.

(D) The date, time and place of the alleged violation.

(E) Notice that the violation charged is under this section.

(F) Instructions for return of the notice of violation.

(2) In the case of a violation involving a motor vehicle subject to the laws of this Commonwealth, the notice of violation shall be mailed within 30 days after the commission of the violation or within 30 days after the discovery of the identity of the owner, whichever is later, to the address of the owner as listed in the records of the department.

(3) In the case of a violation involving a motor vehicle from a jurisdiction other than this Commonwealth, the notice of violation shall be mailed within 30 days after the discovery of the identity of the owner to the address of the owner as listed in the records of the official in the jurisdiction having charge of the registration of the vehicle.

(4) A notice of violation shall be invalid unless provided to the owner within 90 days of the offense.

(5) The notice shall include the following text:

This notice shall be returned personally, by mail or by an agent duly authorized in writing, within 30 days of the mailing date of the notice. A hearing may be obtained upon the written request of the owner.

(6) Notice of violation must be sent by first class mail. A manual or automatic record of mailing prepared by the system administrator in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in a judicial or administrative proceeding as to the facts contained in the notice.

(e) Penalty.--

(1) If a person violates this section as a first offense, the person shall receive a written warning.

(2) The penalty for a violation under this section shall be a fine of $75 for the second offense and $150 for the third and subsequent offenses, and the fine shall not be subject to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of fines, etc.) or 3573 (relating to municipal corporation portion of fines, etc.).

(2.1) A person does not commit a second or subsequent offense unless the second offense occurs at least 15 days after the mailing date of the written warning.

(3) The fine or warning is not authorized during times when the automated speed enforcement work area is not active and not in use.

(4) A penalty imposed under this section shall not:

(i) be deemed a criminal conviction;

(ii) be made part of the operating record of the individual upon whom the penalty is imposed under section 1535 (relating to schedule of convictions and points);

(iii) be the subject of merit rating for insurance purposes; or

(iv) authorize imposition of surcharge points in the provision of motor vehicle insurance coverage.

(5) If a person who has a prior violation of this section before the effective date of this paragraph commits another violation of this section after the effective date of this paragraph, the violation after the effective date of this paragraph shall be deemed a first offense and any violation occurring after that violation shall constitute an additional offense.

(f) Limitations.--

(1) Recorded images collected as part of the automated speed enforcement system may record only violations of this

section and may not be used for any other surveillance purposes. The restrictions provided in this paragraph shall not preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials, if the information is requested solely in connection with a criminal law enforcement action and is reasonably described.

(2) Notwithstanding any other provision of law, information gathered and maintained under this section that is kept by the Commonwealth, its authorized agents or its employees, including recorded images, written records, motor vehicle information, reports or facsimiles, names and addresses, shall be for the exclusive purpose of discharging its duties under this section. The information shall not be deemed a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise or be admissible as evidence in a proceeding except to determine liability under this section. The restrictions provided in this paragraph shall not preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials, if the information is requested solely in connection with a criminal law enforcement action and is reasonably described.

(3) Recorded images obtained through the use of automated speed enforcement systems deployed as a means of promoting traffic safety in automated speed enforcement work areas shall be destroyed within one year of final disposition of a notice of violation, except that images subject to a court order under paragraph (1) or (2) shall be destroyed within two years after the date of the order, unless further extended by court order. The department, the Pennsylvania Turnpike Commission or the system administrator shall retain evidence that the records have been destroyed in accordance with this section.

(4) Notwithstanding any other provision of law, motor vehicle owner information obtained as a result of the operation of an automated speed enforcement system under this section shall be the exclusive property of the Commonwealth and not the property of the manufacturer or vendor of the automated speed enforcement system and may not be used for a purpose other than prescribed in this section.

(5) An intentional violation of this subsection shall constitute a misdemeanor of the third degree punishable by a $500 fine. Each violation shall constitute a separate and distinct offense.

(g) Defenses.--

(1) It shall be a defense to a violation under this section that the motor vehicle was reported to a police department as stolen prior to the time the violation occurred and was not recovered prior to that time.

(2) It shall be a defense to a violation under this section that the person receiving the notice of violation was not the owner of the motor vehicle at the time of the offense.

(3) It shall be a defense to a violation under this section that the automated speed enforcement system being used to determine speed was not in compliance with section 3368 (relating to speed timing devices) with respect to testing for accuracy, certification or calibration.

(4) It shall be a defense to a violation under this section that the person named in the notice of the violation

was not driving the motor vehicle at the time of the violation. The department or system administrator may require the owner to submit evidence that the owner was not the driver at the time of the alleged violation. The owner of the motor vehicle may not be required to disclose the identity of the driver of the motor vehicle at the time of the violation.

(h) Authority and duties of department and Pennsylvania Turnpike Commission.--

(1) The department and Pennsylvania Turnpike Commission shall establish an automated speed enforcement system program.

(2) (i) The department and Pennsylvania Turnpike Commission may promulgate regulations for the certification and the use of automated speed enforcement systems.

(ii) In order to facilitate the prompt implementation of this section, regulations promulgated by the department and Pennsylvania Turnpike Commission under this section shall be deemed temporary regulations and not subject to:

(A) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(B) Section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(C) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(3) (i) The department and Pennsylvania Turnpike Commission shall serve directly or through a contracted private service with a manufacturer or vendor as the system administrator of the program. Compensation under a contract authorized by this paragraph shall be based only upon the value of equipment and services provided or rendered in support of the automated speed enforcement system program and may not be based on the quantity of notices of violation issued or amount of fines imposed or generated.

(ii) The system administrator shall prepare and issue notices of violation.

(iii) Two restricted accounts are established in the State Treasury for fines remitted under this section to the department and Pennsylvania Turnpike Commission, respectively. The system administrator of the department or Pennsylvania Turnpike Commission, if any, shall send an invoice to the department or Pennsylvania Turnpike Commission based, respectively, on the services under subparagraph (i) and the Pennsylvania State Police under subsection (d)(1)(i). The department, Pennsylvania Turnpike Commission and the Pennsylvania State Police shall use the appropriate restricted account to pay for the administration of the program and the system administrator's invoice costs, if applicable. Remaining fines shall be allocated by the department or Pennsylvania Turnpike Commission to develop a Work Zone and Highway Safety Program. At a minimum, funds from the Work Zone and Highway Safety Program shall be used for improvement projects, enforcements and countermeasures to improve the safety in work zones and on highways. Funds may also be used to increase awareness of distracted driving and transportation enhancements

established under section 3116 (relating to automated red light enforcement systems in first class cities).

(A) (Deleted by amendment).

(B) (Deleted by amendment).

(C) (Deleted by amendment).

(iv) (Deleted by amendment).

(v) (Deleted by amendment).

(vi) (Deleted by amendment).

(vii) (Deleted by amendment).

(viii) The system administrator shall provide an appropriate form by which owners of the motor vehicles may challenge a notice of violation. A hearing to contest liability may be in person or be conducted through live-stream synchronous video conferencing or similar virtual presence technology and shall be only at reasonable times set by the system administrator. Challenges to be heard in person shall be conducted in, at least, Erie, Harrisburg, Philadelphia, Pittsburgh and Scranton. The form may be included with or as part of the notice of violation.

(4) Not later than April 1 annually, the department, the Pennsylvania Turnpike Commission and the Pennsylvania State Police shall submit a report on the program for the preceding calendar year to the chairperson and minority chairperson of the Transportation Committee of the Senate and the chairperson and minority chairperson of the Transportation Committee of the House of Representatives. The report shall be a public record under the Right-to-Know Law and include:

(i) The number of vehicular accidents and related serious bodily injuries and deaths in all work zones and in automated speed enforcement work areas where the program operated.

(ii) Speed data.

(iii) The number of notices of violation issued and contested.

(iv) The amount of fines imposed and collected.

(v) Amounts paid under contracts authorized by this section.

(vi) (Deleted by amendment).

(vii) Use of funds under paragraph (3)(iii).

(i) Payment of fine.--

(1) An owner of a motor vehicle may admit responsibility for the violation and pay the fine provided in the notice personally, through an authorized agent, electronically or by mailing both payment and the notice of violation to the system administrator.

(2) Payment by mail must be made only by money order, credit card or check made payable to the Commonwealth, the Pennsylvania Turnpike Commission or the system administrator, as applicable.

(3) Payment of the fine shall operate as a final disposition of the case.

(4) If payment is not received within 90 days of the mailing of the notice of violation, the department or Pennsylvania Turnpike Commission may request an applicable credit collection agency to resolve the payment amount owed.

(j) Contest.--

(1) An owner of a motor vehicle may, within 30 days of the mailing date of the notice, request a hearing to contest liability by appearing before the system administrator either personally or by an authorized agent or by sending a request

on the prescribed form. A hearing to contest liability may be in person or be conducted through live-stream synchronous video conferencing or similar virtual presence technology as described under subsection (h)(3)(viii).

(2) Upon receipt of a hearing request, the system administrator shall in a timely manner schedule the matter before a hearing officer designated by the department or Pennsylvania Turnpike Commission. Written notice of the date, time and place of hearing must be presented or sent by first class mail to the owner of the motor vehicle.

(3) The hearing shall be informal and the rules of evidence shall not apply. The decision of the hearing officer shall be made within 45 days from the hearing date and shall be final, subject to the right of the owner of the motor vehicle to appeal the decision under paragraph (4).

(4) If, within 45 days of issuance of the decision of the hearing officer, the owner of the motor vehicle requests in writing an appeal of the decision of the hearing officer, the owner of the motor vehicle shall file the notice of violation and supporting documents with the office of the magisterial district judge for the magisterial district where the violation occurred, and a magisterial district judge shall hear and decide the matter de novo and shall be restricted to finding an owner liable or not liable for violating this section.

(k) Expiration.--(Deleted by amendment).

(Oct. 19, 2018, P.L.563, No.86; Dec. 14, 2023, P.L.344, No.38)

2023 Amendment. Act 38 amended subsecs. (b), (c.1), (d)(1), (2), (3), (4) and (5), (e), (f), (g), (h)(1), (3) and (4), (i) and (j) and deleted subsec. (k), effective immediately as to the amendment of subsec. (k) and 60 days as to the remainder of the section.

2018 Amendment. Act 86 added section 3369. Section 6 of Act 86 provided that subsec. (c) shall take effect 60 days after publication in the Pennsylvania Bulletin and 120 days as to the remainder of the section. See section 4 of Act 86 in the appendix to this title for special provisions relating to notice.

§ 3370. Automated speed enforcement system on designated highways.

(a) General rule.--A program is established to provide for an automated speed enforcement system on U.S. Route 1 (Roosevelt Boulevard) between Ninth Street and the Philadelphia County line shared with Bucks County in a city of the first class. The following shall apply:

(1) A city of the first class, upon passage of an ordinance, is authorized to enforce section 3362 (relating to maximum speed limits) on Roosevelt Boulevard by recording violations using an automated speed enforcement system approved by the department.

(2) (Deleted by amendment).

(3) A city of the first class may expand the automated speed enforcement system beyond Roosevelt Boulevard to no more than five corridors if the following conditions are met:

(i) The city of the first class, in consultation with the department, proposes a new State or local highway corridor within the borders of the city of the first class according to speed data and speed-related accidents involving vehicles or pedestrians. Each proposed corridor must include a beginning segment and

an end segment on the same State or local route within the borders of the city of the first class.

(ii) The city of the first class conducts an engineering and traffic investigation under section 6109(e) (relating to specific powers of department and local authorities) on the posted speed limit within a proposed State or local highway corridor for an automated speed enforcement system.

(iii) The city of the first class provides at least one opportunity for public comment regarding the proposed State or local highway corridor.

(4) When the conditions under paragraph (3) have been met, a city of the first class, upon passage of an ordinance for each new corridor, is authorized to enforce section 3362 by recording violations using an automated speed enforcement system approved by the department.

(b) Owner liability.--For each violation under this section, the owner of the motor 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 (g). For the purposes of this section, the lessee of a leased vehicle shall be considered the owner of the motor vehicle.

(c) Certificate as evidence.--A certificate, or a facsimile of a certificate, based upon inspection of recorded images produced by an automated speed enforcement system and sworn to or affirmed by a police officer employed by the city of the first class shall be prima facie evidence of the facts contained in it. The city must include written documentation that the automated speed enforcement system was operating correctly at the time of the alleged violation. A recorded image evidencing a violation of section 3362 shall be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation.

(d) Penalty.--The following shall apply:

(1) The penalty for a violation under subsection (a) shall be a fine of $150 unless a lesser amount is set by ordinance. The ordinance may create fines for first offense, second offense and third and subsequent offenses, but no single fine shall exceed $150.

(2) A penalty is authorized only for a violation of this section if each of the following apply:

(i) At least two appropriate warning signs are conspicuously placed at the beginning and end and at two-mile intervals of the designated highway notifying the public that an automated speed enforcement system is in use.

(ii) A notice identifying the location of the automated speed enforcement system is posted on the city of the first class's or system administrator's publicly accessible Internet website throughout the period of use.

(3) A fine is not authorized during the first 30 days of operation of an automated speed enforcement system.

(4) The system administrator may provide a written warning to the owner of a motor vehicle determined to have violated this section during the first 30 days of operation of the automated speed enforcement system.

(5) A penalty imposed under this section shall not be deemed a criminal conviction and shall not be made part of the operating record under section 1535 (relating to schedule of convictions and points) of the individual upon whom the

penalty is imposed, nor may the imposition of the penalty be subject to merit rating for insurance purposes.

(6) No surcharge points may be imposed in the provision of motor vehicle insurance coverage. Penalties collected under this section shall not be subject to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of fines, etc.) or 3573 (relating to municipal corporation portion of fines, etc.).

(7) If a person who has a prior violation of this section before the effective date of this paragraph commits another violation of this section after the effective date of this paragraph, the violation after the effective date of this paragraph shall be deemed a first offense and any violation occurring after that violation shall constitute an additional offense.

(e) Liability.--Driving in excess of the posted speed limit along the designated highway by 11 miles per hour or more is a violation of this section.

(f) Limitations.--The following shall apply:

(1) No automated speed enforcement system shall be utilized in such a manner as to take a frontal view recorded image of the motor vehicle as evidence of having committed a violation.

(2) Notwithstanding any other provision of law, camera equipment deployed as part of an automated speed enforcement system as provided in this section must be incapable of automated or user-controlled remote surveillance by means of recorded video images. Recorded images collected as part of the automated speed enforcement system must only record traffic violations and may not be used for any other surveillance purposes, but may include video of the area enforced when triggered by a violation. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(3) Notwithstanding any other provision of law, information prepared under this section and information relating to violations under this section which is kept by the city of the first class or system administrator, its authorized agents or its employees, including recorded images, written records, reports or facsimiles, names, addresses, motor vehicle information and the number of violations under this section, shall be for the exclusive use of the city, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties under this section and under any ordinances and resolutions of the city. The information shall not be deemed a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise, nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section or any ordinance or resolution of the city. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(4) Recorded images obtained through the use of automated speed enforcement systems deployed as a means of promoting traffic safety in a city of the first class shall be destroyed within one year of final disposition of any recorded event except that images subject to a court order under paragraph (2) or (3) shall be destroyed within two years after the date of the order, unless further extended by court order. The city shall file notice with the department that the records have been destroyed in accordance with this section.

(5) Notwithstanding any other provision of law, motor vehicle owner information obtained as a result of the operation of an automated speed enforcement system under this section shall not be the property of the manufacturer or vendor of the automated speed enforcement system and may not be used for any purpose other than as prescribed in this section.

(6) An intentional violation of this subsection shall constitute a misdemeanor of the third degree punishable by a $500 fine. Each violation shall constitute a separate and distinct offense.

(g) Defenses.--The following shall apply:

(1) It shall be a defense to a violation under this section that the person named in the notice of the violation was not driving the motor vehicle at the time of the violation. The owner of the motor vehicle may be required to submit evidence that the owner was not the driver at the time of the alleged violation. The city of the first class may not require the owner of the motor vehicle to disclose the identity of the driver of the motor vehicle at the time of the violation.

(2) If an owner of a motor vehicle receives a notice of violation pursuant to this section of a time period during which the motor vehicle was reported to a police department as having been stolen, it shall be a defense to a violation under this section that the motor vehicle has been reported to a police department as stolen prior to the time the violation occurred and had not been recovered prior to that time.

(3) It shall be a defense to a violation under this section that the person receiving the notice of violation was not the owner of the motor vehicle at the time of the offense.

(4) It shall be a defense to a violation under this section that the automated speed enforcement system being used to determine speed was not in compliance with section 3368 (relating to speed timing devices) with respect to testing for accuracy, certification or calibration.

(h) Department approval.--

(1) No automated speed enforcement system may be used without the approval of the department, which shall have the authority to promulgate regulations for the certification and use of the systems which regulations may include the use of radio-microwave devices, commonly referred to as electronic speed meters or radar, or light detection and ranging devices, commonly referred to as LIDAR, in their operations.

(2) Notwithstanding any other provision of law, the devices identified in paragraph (1) shall be tested for accuracy at regular intervals as designated by regulation of the department.

(i) Duty of city.--The following provisions shall apply:

(1) A city of the first class may not use an automated speed enforcement system unless there is posted an appropriate sign in a conspicuous place before the area in which the automated speed enforcement system is to be used notifying the public that an automated speed enforcement system is in use immediately ahead.

(2) A city of the first class shall designate or appoint the Philadelphia Parking Authority as the system administrator to supervise and coordinate the administration of notices of violation issued under this section. Compensation under a contract authorized by this paragraph shall be based only upon the value of equipment and services provided or rendered in support of the automated speed enforcement system program and may not be based on the quantity of notices of violation issued or amount of fines imposed or generated.

(3) The system administrator shall prepare a notice of violation to the owner of a motor vehicle identified in a recorded image produced by an automated speed enforcement system as evidence of a violation of section 3362. The notice of violation must be issued by a police officer employed by the police department with primary jurisdiction over the area where the violation occurred. The notice of violation shall have the following attached to it:

(i) a copy of the recorded image showing the motor vehicle;

(ii) the registration number and state of issuance of the motor vehicle registration;

(iii) the date, time and place of the alleged violation;

(iv) notice that the violation charged is under section 3362; and

(v) instructions for return of the notice of violation, which shall read:

This notice shall be returned personally, by mail or by an agent duly authorized in writing, within 30 days of issuance. A hearing may be obtained upon the written request of the owner of the motor vehicle.

(j) System administrator.--The following shall apply:

(1) The system administrator may hire and designate personnel as necessary or contract for services through a manufacturer or vendor to implement this section.

(2) The system administrator shall process notices of violation and penalties issued under this section.

(3) Not later than September 1 annually, the system administrator shall submit an annual report to the chairperson and the minority chairperson of the Transportation Committee of the Senate and the chairperson and minority chairperson of the Transportation Committee of the House of Representatives. The report shall be considered a public record under the Right-to-Know Law and include for the prior year:

(i) The number of violations and fines issued and data regarding the speeds of motor vehicles in the enforcement area.

(ii) A compilation of penalties paid and outstanding and violations contested.

(iii) The amount of money paid to a vendor or manufacturer under this section.

(iv) The number of vehicular and pedestrian accidents and related serious bodily injuries and deaths along the designated highway.

(k) Notice to owner.--In the case of a violation involving a motor vehicle subject to the laws of this Commonwealth, the notice of violation must be mailed within 30 days after the commission of the violation or within 30 days after the discovery of the identity of the owner of the motor vehicle, whichever is later, and not thereafter to the address of the owner as listed in the records of the department. In the case of motor vehicles from jurisdictions other than this Commonwealth, the notice of violation must be mailed within 30 days after the discovery of the identity of the owner to the address of the owner as listed in the records of the official in the jurisdiction having charge of the registration of the motor vehicle. A notice of violation under this section must be provided to the owner of the motor vehicle within 90 days of the commission of the offense.

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

(m) Payment of fine.--The following shall apply:

(1) An owner of a motor vehicle to whom a notice of violation has been issued may admit responsibility for the violation and pay the fine provided in the notice.

(2) Payment must be made personally, through an authorized agent, electronically or by mailing both payment and the notice of violation to the system administrator. Payment by mail must be made only by money order, credit card or check made payable to the system administrator. The system administrator shall remit the fine, less the system administrator's operation and maintenance costs necessitated by this section, to the department for deposit into a restricted receipts account in the Motor License Fund. Fines deposited in the fund under this paragraph shall be used by the department for a Transportation Enhancement Grants Program as established by section 3116 (relating to automated red light enforcement systems in first class cities). The department shall award transportation enhancement grants on a competitive basis. The department may pay actual administrative costs arising from the department's administration of this section. The department may not reserve, designate or set aside a specific level of funds or percentage of funds to an applicant prior to the completion of the application process, nor may the department designate a set percentage of funds to an applicant. Grants shall be awarded by the department based on the majority vote of a selection committee consisting of four representatives of the department appointed by the secretary and four members appointed by the mayor of the city of the first class, with the secretary or a designee of the secretary serving as chairperson. Priority shall be given to applications seeking grant funds for transportation enhancements in the municipality where the automated speed camera system is operated.

(3) Payment of the established fine and applicable penalties shall operate as a final disposition of the case.

(n) Hearing.--The following shall apply:

(1) An owner of a motor vehicle to whom a notice of violation has been issued may, within 30 days of the mailing date of the notice, request a hearing to contest the liability alleged in the notice. A hearing request must be made by appearing before the system administrator during regular office hours either personally or by an authorized agent or by sending a request on the prescribed form.

(2) Upon receipt of a hearing request, the system administrator shall in a timely manner schedule the matter before a hearing officer. The hearing officer shall be designated by the city of the first class. Written notice of the date, time and place of hearing must be sent by first class mail to the owner of the motor vehicle. A hearing to contest liability may be in person or be conducted through live-stream synchronous video conferencing or similar virtual presence technology and shall be only at the locations and times set by the system administrator.

(3) The hearing shall be conducted pursuant to 2 Pa.C.S. Ch. 5 (relating to practice and procedure) and will be subject to appeal pursuant to 2 Pa.C.S. Ch. 7 (relating to judicial review).

(o) Compensation to manufacturer or vendor.--If a city of the first class has established an automated speed enforcement system, the compensation paid to the manufacturer or vendor of the automated speed enforcement system may not be based upon the number of traffic citations issued or a portion or percentage of the fine generated by the citations. The compensation paid to the manufacturer or vendor of the equipment shall be based upon the value of the equipment and the services provided or rendered in support of the automated speed enforcement system.

(p) Revenue limitation.--A city of the first class may not collect an amount equal to or greater than 2% of its annual budget from the collection of revenue from the issuance and payment of violations under this section.

(q) Expiration.--(Deleted by amendment).

(Oct. 19, 2018, P.L.563, No.86; Dec. 14, 2023, P.L.344, No.38)

2023 Amendment. Act 38 amended the heading and subsecs. (a), (b), (d)(2) and (4), (f), (g), (i), (j)(1) and (3), (k), (m)(1), (n)(1) and (2) and (o), added subsec. (d)(7) and deleted subsec. (q), effective immediately as to the amendment of subsec. (q) and 60 days as to the remainder of the section.

2018 Amendment. Act 86 added section 3370. Section 6 of Act 86 provided that subsec. (e) shall take effect 60 days after publication in the Pennsylvania Bulletin and 60 days as to the remainder of the section. See section 5 of Act 86 in the appendix to this title for special provisions relating to notice.

§ 3370.1. Automated speed enforcement study.

The Local Government Commission shall conduct a study of expanding automated speed enforcement on highways and streets owned by municipalities. No later than two years after the effective date of this section, the Local Government Commission shall submit a report to the General Assembly and shall provide findings and recommendations on the expansion of automated speed enforcement on highways and streets owned by municipalities.

(Dec. 14, 2023, P.L.344, No.38, eff. imd.)

2023 Amendment. Act 38 added section 3370.1.

§ 3371. Pilot program for automated speed enforcement systems in designated school zones.

(a) General rule.--A pilot program is established to provide for an automated speed enforcement system in designated school zones in a city of the first class. The following shall apply:

(1) This section shall only be applicable in a city of the first class in no more than five school zones agreed upon by the system administrator, on the city's behalf, and the secretary.

(2) A city of the first class shall conduct an engineering and traffic investigation under section 6109(e) (relating to specific powers of department and local authorities) on the posted speed limit within the proposed school zone for an automated speed enforcement system.

(3) A city of the first class shall provide at least one opportunity for public comment regarding the proposed school zone.

(4) When the requirements under paragraphs (2) and (3) are met, a city of the first class, upon passage of an ordinance for the school zones, is authorized to enforce section 3365(b) (relating to special speed limitations) by recording violations using an automated speed enforcement system approved by the department.

(b) Owner liability.--For each violation under this section, the owner of the motor vehicle shall be liable for the penalty imposed under subsection (d) unless the owner is convicted of the same violation under another section of this title or has a defense under subsection (g). For the purposes of this section, the lessee of a leased vehicle shall be considered the owner of a motor vehicle.

(c) Certificate as evidence.--A certificate, or a facsimile of a certificate, based upon inspection of recorded images produced by an automated speed enforcement system and sworn to or affirmed by a police officer employed by the city of the first class shall be prima facie evidence of the facts contained in it. The city must include written documentation that the automated speed enforcement system was operating correctly at the time of the alleged violation. A recorded image evidencing a violation of section 3365(b) shall be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation.

(d) Penalty.--

(1) The penalty for a violation under subsection (a) shall be a fine of $150 unless a lesser amount is set by ordinance. The ordinance may create fines for a first offense, second offense and third and subsequent offenses, but no single fine shall exceed $150.

(2) A penalty is authorized only for a violation of this section if each of the following apply:

(i) At least two appropriate warning signs are conspicuously placed at the beginning and end of the designated school zone notifying the public that an automated speed enforcement system is active and in use.

(ii) A notice identifying the location of the automated speed enforcement system is posted on the city's or system administrator's publicly accessible Internet website throughout the period of use.

(iii) The designated school zone is active as indicated by an official traffic-control device with a posted speed limit of no greater than 15 miles per hour.

(3) A fine is not authorized during the first 30 days of operation of an automated speed enforcement system.

(4) The system administrator may provide a written warning to the registered owner of a motor vehicle determined

to have violated this section during the first 30 days of operation of the automated speed enforcement system.

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

(6) Surcharge points may not be imposed in the provision of motor vehicle insurance coverage. Penalties collected under this section shall not be subject to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of fines, etc.) or 3573 (relating to municipal corporation portion of fines, etc.).

(e) Liability.--Driving in excess of the posted speed limit in a designated school zone by 11 miles per hour or more is a violation of this section.

(f) Limitations.--

(1) An automated speed enforcement system may not be utilized in such a manner as to take a frontal view recorded image of the motor vehicle as evidence of having committed a violation.

(2) Notwithstanding any other provision of law, camera equipment deployed as part of an automated speed enforcement system as provided in this section must be incapable of automated or user-controlled remote surveillance by means of recorded video images. Recorded images collected as part of the automated speed enforcement system must only record traffic violations and may not be used for any other surveillance purposes, but may include video of the area enforced when triggered by a violation. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(3) Notwithstanding any other provision of law, information prepared under this section and information related to violations under this section which is kept by the city of the first class, its authorized agents or its employees, including recorded images, written records, reports or facsimiles, names, addresses, motor vehicle information and the number of violations under this section, shall be for the exclusive use of the city, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties under this section and under any ordinances and resolutions of the city. The information shall not be deemed a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise, nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section or any ordinance or resolution of the city. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(4) Recorded images obtained through the use of automated speed enforcement systems deployed as a means of promoting traffic safety in a city of the first class shall

be destroyed within one year of final disposition of any recorded event, except that images subject to a court order under paragraph (2) or (3) shall be destroyed within two years after the date of the order, unless further extended by court order. A city of the first class shall file notice with the department that the records have been destroyed in accordance with this section.

(5) Notwithstanding any other provision of law, registered motor vehicle owner information obtained as a result of the operation of an automated speed enforcement system under this section shall not be the property of the manufacturer or vendor of the automated speed enforcement system and may not be used for any purpose other than as prescribed in this section.

(6) A violation of this subsection shall constitute a misdemeanor of the third degree punishable by a $500 fine. Each violation shall constitute a separate and distinct offense.

(g) Defenses.--

(1) It shall be a defense to a violation under this section that the person named in the notice of the violation was not driving the motor vehicle at the time of the violation. The owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation. The city of the first class may not require the owner of the motor vehicle to disclose the identity of the driver of the motor vehicle at the time of the violation.

(2) If an owner receives a notice of violation under this section of a time period during which the motor vehicle was reported to any police department as having been stolen, it shall be a defense to a violation under this section that the motor vehicle had been reported to a police department as stolen prior to the time the violation occurred and had not been recovered prior to that time.

(3) It shall be a defense to a violation under this section that the person receiving the notice of violation was not the owner of the motor vehicle at the time of the offense.

(4) It shall be a defense to a violation under this section that the automated speed enforcement system being used to determine speed was not in compliance with section 3368 (relating to speed timing devices) with respect to testing for accuracy, certification or calibration.

(h) Department approval.--

(1) No automated speed enforcement system may be used without the approval of the department, which shall have the authority to promulgate regulations for the certification and use of the systems, which regulations may include the use of radio-microwave devices, commonly referred to as electronic speed meters or radar, or light detection and ranging devices, commonly referred to as LIDAR, in their operations.

(2) Notwithstanding any other provision of law, the devices identified in paragraph (1) shall be tested for accuracy at regular intervals as designated by regulation of the department.

(i) Duty of city.--If a city of the first class elects to implement this section, the following provisions shall apply:

(1) The city of the first class may not use an automated speed enforcement system unless there is posted an appropriate sign in a conspicuous place before the school zone in which the automated speed enforcement system is to

be used notifying the public that an automated speed enforcement system is in use immediately ahead.

(2) The city of the first class shall designate or appoint the Philadelphia Parking Authority as the system administrator to supervise and coordinate the administration of notices of violation issued under this section. Compensation under a contract authorized by this paragraph shall be based only upon the value of equipment and services provided or rendered in support of the automated speed enforcement system program and may not be based on the quantity of notices of violation issued or amount of fines imposed or generated.

(3) The system administrator shall prepare a notice of violation to the registered owner of a motor vehicle identified in a recorded image produced by an automated speed enforcement system as evidence of a violation of section 3362 (relating to maximum speed limits). The notice of violation must be issued by a police officer employed by the police department with primary jurisdiction over the area where the violation occurred. The notice of violation shall have the following attached to it:

(i) a copy of the recorded image showing the motor vehicle;

(ii) the registration number and state of issuance of the motor vehicle registration;

(iii) the date, time and place of the alleged violation;

(iv) notice that the violation charged is under section 3365(b); and

(v) instructions for return of the notice of violation, which shall read:

This notice shall be returned personally, by mail or by an agent duly authorized in writing, within 30 days of issuance. A hearing may be obtained upon the request of the registered owner of the motor vehicle.

(j) System administrator.--

(1) The system administrator may hire and designate personnel as necessary or contract for services with a manufacturer or vendor to implement this section.

(2) The system administrator shall process notices of violation and penalties issued under this section.

(3) Not later than September 1 annually, the system administrator shall submit an annual report to the chairperson and minority chairperson of the Transportation Committee of the Senate and the chairperson and minority chairperson of the Transportation Committee of the House of Representatives. The report shall be considered a public record under the Right-to-Know Law and include for the prior year:

(i) The number of violations and fines issued and data regarding the speeds of motor vehicles in the enforcement area.

(ii) A compilation of penalties paid and outstanding and violations contested.

(iii) The amount of money paid to a system administrator, vendor or manufacturer under this section.

(iv) The number of vehicular and pedestrian accidents and related serious bodily injuries and deaths in the designated school zones.

(k) Notice to owner.--In the case of a violation involving a motor vehicle registered under the laws of this Commonwealth,

the notice of violation must be mailed within 30 days after the commission of the violation or within 30 days after the discovery of the identity of the registered owner of the motor vehicle, whichever is later, and not thereafter to the address of the registered owner as listed in the records of the department. In the case of motor vehicles registered in jurisdictions other than this Commonwealth, the notice of violation must be mailed within 30 days after the discovery of the identity of the registered owner to the address of the registered owner as listed in the records of the official in the jurisdiction having charge of the registration of the motor vehicle. A notice of violation under this section must be provided to the registered owner within 90 days of the commission of the offense.

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

(m) Payment of fine.--

(1) An owner of the motor vehicle to whom a notice of violation has been issued may admit responsibility for the violation and pay the fine provided in the notice.

(2) Payment must be made personally, through an authorized agent, electronically or by mailing both payment and the notice of violation to the system administrator. Payment by mail must be made only by money order, credit card or check made payable to the system administrator. The system administrator shall remit the fine, less the system administrator's operation and maintenance costs necessitated by this section, to the department for deposit into a restricted receipts account in the Motor License Fund. Fines deposited into the fund under this paragraph shall be used by the department for a Transportation Enhancement Grants Program as established by section 3116 (relating to automated red light enforcement systems in first class cities). The department shall award transportation enhancement grants on a competitive basis. The department may pay actual administrative costs arising from the department's administration of this section. The department may not reserve, designate or set aside a specific level of money or percentage of money to an applicant prior to the completion of the application process, nor may the department designate a set percentage of money to an applicant. Grants shall be awarded by the department based on the majority vote of a selection committee consisting of four representatives of the department appointed by the secretary and four members appointed by the mayor of the city of the first class, with the secretary or a designee of the secretary serving as chairperson. Priority shall be given to applications seeking grant money for transportation enhancements in the municipality where the automated speed camera system is operated.

(3) Payment of the established fine and applicable penalties shall operate as a final disposition of the case.

(n) Hearing.--

(1) An owner of the motor vehicle to whom a notice of violation has been issued may, within 30 days of the mailing date of the notice, request a hearing to contest the liability alleged in the notice. A hearing request must be made by appearing before the system administrator during

regular office hours either personally or by an authorized agent or by sending a request on the prescribed form.

(2) Upon receipt of a hearing request, the system administrator shall in a timely manner schedule the matter before a hearing officer. The hearing officer shall be designated by the city of the first class. Written notice of the date, time and place of hearing must be sent by first class mail to the owner of the motor vehicle. A hearing to contest liability may be in-person or be conducted through live-stream synchronous video conferencing or similar virtual presence technology and shall be only at the locations and times set by the system administrator.

(3) The hearing shall be conducted in accordance with 2 Pa.C.S. Ch. 5 (relating to practice and procedure) and shall be subject to appeal under 2 Pa.C.S. Ch. 7 (relating to judicial review).

(o) Compensation to manufacturer or vendor.--If a city of the first class has established an automated speed enforcement system, the compensation paid to the manufacturer or vendor of the automated speed enforcement system may not be based upon the number of traffic citations issued or a portion or percentage of the fine generated by the citations. The compensation paid to the manufacturer or vendor of the equipment shall be based upon the value of the equipment and the services provided or rendered in support of the automated speed enforcement system.

(p) Revenue limitation.--A city of the first class may not collect an amount equal to or greater than 2% of its annual budget from the collection of revenue from the issuance and payment of violations under this section.

(q) Expiration.--This section shall expire December 31, 2029.

(Dec. 14, 2023, P.L.344, No.38)

2023 Amendment. Act 38 added section 3371. Section 5(2) of Act 38 provided that subsec. (e) shall take effect 60 days after the publication in the Pennsylvania Bulletin under section 4 of Act 38 and section 5(3) of Act 38 provided that the remainder of the section shall take effect in 60 days. Section 4 of Act 38 provided that the Secretary of Transportation shall transmit notice to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin that an automated speed enforcement system is operational in the designated school zones under section 3371.

CHAPTER 35
SPECIAL VEHICLES AND PEDESTRIANS

Subchapter

A. Operation of Pedalcycles
B. Special Rules for Motorcycles
C. Rights and Duties of Pedestrians
D. Pedalcycle and Pedestrian Advisory Committee
E. Electric Personal Assistive Mobility Devices
F. Operation of Neighborhood Electric Vehicles

Enactment. Chapter 35 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Cross References. Chapter 35 is referred to in sections 3301, 3331 of this title.

SUBCHAPTER A
OPERATION OF PEDALCYCLES

Sec.
3501. Applicability of traffic laws to pedalcycles.
3502. Penalty for violation of subchapter.
3503. Responsibility of parent or guardian.
3504. Riding on pedalcycles.
3505. Riding on roadways and pedalcycle paths.
3506. Articles carried by operator.
3507. Lamps and other equipment on pedalcycles.
3508. Pedalcycles on sidewalks and pedalcycle paths.
3509. Parking.
3510. Pedalcycle helmets for certain persons.
3511. Pedalcycles prohibited on freeways.
3512. Pedalcycle Helmet Fund (Repealed).
3513. Civil immunity for lenders of pedalcycle helmets.
3514. Operation of pedalcycles with electric assist.

§ 3501. Applicability of traffic laws to pedalcycles.

(a) General rule.--Every person riding a pedalcycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special provisions in this subchapter and except as to those provisions of this title which by their nature can have no application.

(b) Application of subchapter.--The provisions of this subchapter apply whenever a pedalcycle is operated upon any highway or upon any path set aside for the exclusive use of pedalcycles subject to the exceptions stated in subsection (a).

§ 3502. Penalty for violation of subchapter.

Any person violating any provision of this subchapter is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $10.

§ 3503. Responsibility of parent or guardian.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of this title relating to the operation of pedalcycles.

§ 3504. Riding on pedalcycles.

(a) Use of seat by operator.--A person propelling a pedalcycle shall not ride other than upon or astride a permanent and regular seat attached to the pedalcycle.

(b) Number of riders.--No pedalcycle shall be used to carry more persons at one time than the number for which the pedalcycle is designed and equipped except that an adult rider may transport a child in a pedalcycle child carrier which is securely attached to the pedalcycle or in a trailer which is towed by a pedalcycle.

(Dec. 15, 1995, P.L.655, No.72, eff. 60 days)

§ 3505. Riding on roadways and pedalcycle paths.

(a) General rule.--Except as provided in subsections (b) and (c), every person operating a pedalcycle upon a highway shall obey the applicable rules of the road as contained in this title.

(b) Operation on shoulder.--A pedalcycle may be operated on the shoulder of a highway and shall be operated in the same direction as required of vehicles operated on the roadway. All turns shall be made in accordance with section 3331 (relating to required position and method of turning).

(c) Slower than prevailing speeds.--A pedalcycle operated at slower than prevailing speed shall be operated in accordance

with the provisions of section 3301 (relating to driving on right side of roadway) unless it is unsafe to do so.

(d) One-way roadways.--Any person operating a pedalcycle upon a roadway which carries traffic in one direction only and has two or more marked traffic lanes may ride as near the left-hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(e) Limitation on riding abreast.--Persons riding pedalcycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of pedalcycles.

(f) Mandatory use of available pedalcycle path.--(Deleted by amendment).

(Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Feb. 2, 2012, P.L.27, No.3, eff. 60 days)

2012 Amendment . Act 3 amended subsec. (c).

1998 Amendment. Act 151 amended subsec. (b) and deleted subsec. (f).

§ 3506. Articles carried by operator.

No person operating a pedalcycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

§ 3507. Lamps and other equipment on pedalcycles.

(a) Lamps and reflectors.--Every pedalcycle when in use between sunset and sunrise shall be equipped on the front with a lamp which emits a beam of white light intended to illuminate the pedalcycle operator's path and visible from a distance of at least 500 feet to the front, a red reflector facing to the rear which shall be visible at least 500 feet to the rear and an amber reflector on each side. Operators of pedalcycles may supplement the required front lamp with a white flashing lamp, light-emitting diode or similar device to enhance their visibility to other traffic and with a lamp emitting a red flashing lamp, light-emitting diode or similar device visible from a distance of 500 feet to the rear. A lamp or lamps worn by the operator of a pedalcycle shall comply with the requirements of this subsection if the lamp or lamps can be seen at the distances specified.

(b) Audible signal devices.--A pedalcycle may be equipped with a device capable of giving a signal audible for a distance of at least 100 feet except that a pedalcycle shall not be equipped with nor shall any person use upon a pedalcycle any siren.

(c) Brakes.--Every pedalcycle shall be equipped with a braking system which will stop the pedalcycle in 15 feet from an initial speed of 15 miles per hour on a dry, level and clean pavement.

(Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (a).

§ 3508. Pedalcycles on sidewalks and pedalcycle paths.

(a) Right-of-way to pedestrians.--A person riding a pedalcycle upon a sidewalk or pedalcycle path used by pedestrians shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing a pedestrian.

(b) Business districts.--A person shall not ride a pedalcycle upon a sidewalk in a business district unless

permitted by official traffic-control devices, nor when a usable pedalcycle-only lane has been provided adjacent to the sidewalk.

§ 3509. Parking.

(a) Sidewalks.--

(1) A person may park a pedalcycle on a sidewalk unless prohibited or restricted by an official traffic-control device.

(2) A pedalcycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(b) Roadways.--

(1) A pedalcycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

(2) A pedalcycle may be parked on the roadway abreast of another pedalcycle or pedalcycles near the side of the roadway at any location where parking is allowed.

(3) A person shall not park a pedalcycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

(4) In all other respects, pedalcycles parked anywhere on a highway shall conform with the provisions of Subchapter E of Chapter 33 (relating to stopping, standing and parking).

Cross References. Section 3509 is referred to in section 3353 of this title.

§ 3510. Pedalcycle helmets for certain persons.

(a) General rule.--A person under 12 years of age shall not operate a pedalcycle or ride as a passenger on a pedalcycle unless the person is wearing a pedalcycle helmet meeting the standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation's Standards for Protective Headgear for Use in Bicycling or any other nationally recognized standard for pedalcycle helmet approval. This subsection shall also apply to a person who rides:

(1) upon a pedalcycle while in a restraining seat attached to a pedalcycle; or

(2) in a trailer towed by a pedalcycle.

(b) Helmet to be labeled.--Any helmet sold or offered for sale for use by operators and passengers of pedalcycles shall be labeled in accordance with the standard described in subsection (a), which shall constitute the manufacturer's certification that the helmet conforms to the applicable safety standards.

(b.1) Sale of helmet.--No person shall sell or offer for sale for use by an operator or passenger of a pedalcycle a helmet which is not of a type meeting the requirements established by this section.

(b.2) Waiver of fine.--If a person receives a citation issued by the proper authority for violation of subsection (a), a magisterial district judge, magistrate or judge shall dismiss the charges if the person prior to or at the person's hearing displays evidence of acquisition of a helmet meeting the standards prescribed in subsection (a) to such magisterial district judge, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase or transfer of such a helmet from another helmet owner, evidenced by a notarized letter.

(b.3) Exemption.--This section shall not apply to a child under 12 years of age who can produce a statement from the

family's church authorities attesting that it is against the tenets of the family's religion to wear a helmet.

(c) Civil actions.--In no event shall a violation or alleged violation of subsection (a) be used as evidence in a trial of any civil action; nor shall any jury in a civil action be instructed that any conduct did constitute or could be interpreted by them to constitute a violation of subsection (a); nor shall failure to use a pedalcycle helmet be considered as contributory negligence nor shall failure to use a pedalcycle helmet be admissible as evidence in the trial of any civil action.

(d) Penalty.--Notwithstanding any other provisions of law, any violation of subsection (a) is punishable by a fine, including all penalties, assessments and court costs imposed on the convicted person not to exceed $25. The parent or legal guardian having control or custody of a person under 12 years of age whose conduct violates this section shall be jointly and severally liable with the person for the amount of the fine imposed.

(e) Definitions.--As used in this section, the term "wearing a pedalcycle helmet" means having a pedalcycle helmet of good fit fastened securely upon the head with the helmet straps. (July 19, 1991, P.L.88, No.20, eff. 90 days; Dec. 28, 1994, P.L.1441, No.170, eff. 60 days; Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (b.2). See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

Cross References. Section 3510 is referred to in sections 3513, 3582 of this title.

§ 3511. Pedalcycles prohibited on freeways.

(a) General rule.--No person shall ride a pedalcycle on a freeway.

(b) Exceptions.--

(1) The department and local authorities, on highways under their respective jurisdictions, may issue permits for a procession or event prohibited under subsection (a) upon a determination that:

(i) The pedalcycle procession or event is of national, State or regional interest; and

(ii) the results of an engineering and traffic study indicate that the procession or event can be conducted with safety.

(2) On State-designated freeways, pedalcycles may be authorized under the following limitations:

(i) The pedalcycler is 18 years of age or older or is accompanied by a pedalcycler 18 years of age or older.

(ii) A written request for review of the freeway route based on the potential unavailability of an alternate route is made to the department.

(iii) The department determines that no reasonable alternate route exists and the freeway is safe for pedalcycle travel.

(iv) The department publishes a notice in the Pennsylvania Bulletin authorizing pedalcycle access to the freeway. The notice shall constitute approval for the persons authorized under subparagraph (i) to ride a pedalcycle on the State-designated freeway.

(c) Action by local authorities.--Action taken by local authorities regarding permission to use pedalcycles on freeways under their jurisdiction shall be:

(1) by ordinance of the local governing body; or
(2) by a commission or public official authorized to act on specified matters.

(d) Operation on shoulder.--If the department authorizes pedalcycle access to a freeway, the pedalcycle shall be operated upon the shoulder of that freeway whenever practicable.
(June 11, 1992, P.L.266, No.47, eff. 60 days; Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 amended subsec. (b).
1995 Amendment. Act 72 added subsec. (d).
1992 Amendment. Act 47 added section 3511.

§ 3512. Pedalcycle Helmet Fund (Repealed).

1995 Repeal. Section 3512 was repealed December 15, 1995, P.L.655, No.72, effective in 60 days.

§ 3513. Civil immunity for lenders of pedalcycle helmets.

No person or organization who or which lends to another person or organization a pedalcycle helmet, as described in section 3510 (relating to pedalcycle helmets for certain persons), shall be liable for any civil damages resulting from any act or omission, except any act or omission intentionally designed to harm or any grossly negligent act or omission resulting in harm to another.
(Dec. 28, 1994, P.L.1441, No.170, eff. 60 days)

1994 Amendment. Act 170 added section 3513.

§ 3514. Operation of pedalcycles with electric assist.

No person under 16 years of age shall operate a pedalcycle with electric assist.
(Oct. 22, 2014, P.L.2543, No.154, eff. 60 days)

2014 Amendment. Act 154 added section 3514.

SUBCHAPTER B
SPECIAL RULES FOR MOTORCYCLES

Sec.
3521. Applicability of traffic laws to motorcycles.
3522. Riding on motorcycles.
3523. Operating motorcycles on roadways laned for traffic.
3524. Footrests and handhold.
3525. Protective equipment for motorcycle riders.
3526. Lighted lamp requirements for motorcycles.
3527. Certain passengers prohibited in autocycles.

§ 3521. Applicability of traffic laws to motorcycles.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special provisions in this subchapter and except as to those provisions of this title which by their nature can have no application.

§ 3522. Riding on motorcycles.

(a) Use of seat by operator and passengers.--A person operating a motorcycle shall ride only upon the permanent and regular seat attached to the motorcycle, and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon

another seat firmly attached to the motorcycle at the rear or side of the operator. In no event shall a passenger sit in front of the operator of the motorcycle.

(b) Method of seating.--Unless in a sidecar, a person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) Articles carried by operator.--No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

(d) Interference with operation.--No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

§ 3523. Operating motorcycles on roadways laned for traffic.

(a) Right to use of lane.--All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane.

(b) Overtaking and passing.--The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) Operation between lanes or vehicles.--No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Limitation on operating abreast.--Motorcycles shall not be operated more than two abreast in a single lane.

(e) Limited access highways.--No motorized pedalcycle shall be operated on any limited access highway.

(f) Exception for police officers.--Subsections (b) and (c) do not apply to police officers in the performance of their official duties.

§ 3524. Footrests and handhold.

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests and handhold for the passenger.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

§ 3525. Protective equipment for motorcycle riders.

(a) Protective headgear.--Except as provided in subsection (d), no person shall operate or ride upon a motorcycle or a motor-driven cycle (other than a motorized pedalcycle) unless he is wearing protective headgear which complies with standards established by the department.

(b) Eye-protective devices.--No person shall operate or ride upon a motorcycle (other than a motorized pedalcycle or a three-wheeled motorcycle equipped with an enclosed cab) unless he is wearing an eye-protective device of a type approved by the department.

(c) Approval of equipment.--The department may approve or disapprove protective headgear and eye-protective devices required under this section and may issue and enforce regulations establishing standards and specifications for the approval of the headgear and devices. The department shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved.

(d) Exception.--The provisions of subsection (a) shall not apply to the following:

(1) The operator or any occupant of a three-wheeled motorcycle equipped with an enclosed cab.

(2) A person 21 years of age or older who has been licensed to operate a motorcycle for not less than two full calendar years.

(3) A person 21 years of age or older who has completed a motorcycle rider safety course approved by the department or the Motorcycle Safety Foundation.

(4) The passenger of a person exempt under this subsection if the passenger is 21 years of age or older.

(Feb. 15, 1980, P.L.12, No.8, eff. imd.; July 8, 1986, P.L.432, No.90, eff. 60 days; July 6, 2003, P.L.19, No.10, eff. 60 days)

Cross References. Section 3525 is referred to in section 3314 of this title.

§ 3526. Lighted lamp requirements for motorcycles.

Notwithstanding the provisions of section 4302 (relating to periods for requiring lighted lamps), the operator of a motorcycle, manufactured during or after 1986, upon a highway shall display the lighted head lamps and other lamps and illuminating devices required under Chapter 43 (relating to lighting equipment) at all times.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; May 11, 2006, P.L.161, No.38, eff. imd.)

§ 3527. Certain passengers prohibited in autocycles.

No person who is operating an autocycle may permit a child who is under eight years of age to be a passenger in the autocycle if the child would be required to be secured in a passenger car as provided in section 4581 (relating to restraint systems).

(May 25, 2016, P.L.248, No.34, eff. 60 days)

2016 Amendment. Act 34 added section 3527.

SUBCHAPTER C
RIGHTS AND DUTIES OF PEDESTRIANS

Sec.

3541. Obedience of pedestrians to traffic-control devices and regulations.
3542. Right-of-way of pedestrians in crosswalks.
3543. Pedestrians crossing at other than crosswalks.
3544. Pedestrians walking along or on highway.
3545. Pedestrians soliciting rides or business.
3546. Driving through or around safety zone.
3547. Right-of-way of pedestrians on sidewalks.
3548. Pedestrians to yield to emergency vehicles.
3549. Blind pedestrians.
3550. Pedestrians under influence of alcohol or controlled substance.
3551. Compliance with bridge and railroad warning signals.
3552. Penalty for violation of subchapter.

§ 3541. Obedience of pedestrians to traffic-control devices and regulations.

(a) Traffic-control devices.--A pedestrian shall obey the instructions of a police officer or other appropriately attired person authorized to direct, control or regulate traffic.

(b) Traffic and pedestrian-control signals.--Local authorities by ordinance may require pedestrians to obey traffic and pedestrian-control signals as provided in sections 3112 (relating to traffic-control signals) and 3113 (relating to pedestrian-control signals).

§ 3542. Right-of-way of pedestrians in crosswalks.

(a) General rule.--When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within

any marked crosswalk or within any unmarked crosswalk at an intersection.

(b) Exercise of care by pedestrian.--No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute a hazard.

(c) Limitation on vehicles passing.--Whenever any vehicle is stopped at any crosswalk at an intersection or at any marked crosswalk to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(d) Application of section.--Subsection (a) does not apply under the conditions stated in section 3543(b) (relating to pedestrians crossing at other than crosswalks).

(e) Penalties.--The driver of a vehicle who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $50.

(June 25, 2001, P.L.701, No.68, eff. 120 days; June 26, 2001, P.L.734, No.75, eff. 60 days)

2001 Amendments. Act 75 overlooked the amendment by Act 68, but the amendments do not conflict in substance (except for the amount of the fine, as to which Act 75 has been given effect) and have both been given effect in setting forth the text of section 3542.

Cross References. Section 3542 is referred to in section 1535 of this title.

§ 3543. Pedestrians crossing at other than crosswalks.

(a) General rule.--Every pedestrian crossing a roadway at any point other than within a crosswalk at an intersection or any marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.

(b) At pedestrian tunnel or overhead crossing.--Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between controlled intersections in urban district.--Between adjacent intersections in urban districts at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) Crossing intersection diagonally.--No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices or at the direction of a police officer or other appropriately attired person authorized to direct, control or regulate traffic. When authorized to cross diagonally, pedestrians shall cross only in accordance with the signal pertaining to the crossing movements.

Cross References. Section 3543 is referred to in section 3542 of this title.

§ 3544. Pedestrians walking along or on highway.

(a) Mandatory use of available sidewalk.--Where a sidewalk is provided and its use is practicable, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Absence of sidewalk.--Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder as far as practicable from the edge of the roadway.

(c) Absence of sidewalk and shoulder.--Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to

an outside edge of the roadway and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Right-of-way to vehicles.--Except as otherwise provided in this subchapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

§ 3545. Pedestrians soliciting rides or business.

No person shall:

(1) Stand on a roadway for the purpose of soliciting a ride.

(2) Stand on a roadway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(3) Stand on or in proximity to a highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

Cross References. Section 3545 is referred to in section 7714 of Title 35 (Health and Safety).

§ 3546. Driving through or around safety zone.

(a) Through zones.--No vehicle shall at any time be driven through or within a safety zone.

(b) Around zones.--Traffic may move on either side of a safety zone unless prohibited from driving to the left of the zone by the installation of an official traffic-control device as provided in this title.

§ 3547. Right-of-way of pedestrians on sidewalks.

The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across the alley, building entrance, road or driveway.

Cross References. Section 3547 is referred to in section 1535 of this title.

§ 3548. Pedestrians to yield to emergency vehicles.

(a) General rule.--Upon the immediate approach of an emergency vehicle making use of audible and visual signals meeting the requirements of this title, every pedestrian shall yield the right-of-way to the emergency vehicle.

(b) Exercise of care by driver.--This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

(June 26, 2001, P.L.734, No.75, eff. 60 days)

§ 3549. Blind pedestrians.

(a) General rule.--The driver of a vehicle shall yield the right-of-way to any totally or partially blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog and shall take such precautions as may be necessary to avoid injuring or endangering the pedestrian and, if necessary, shall stop the vehicle in order to prevent injury or danger to the pedestrian.

(b) Effect of absence of cane or dog.--This section shall not be construed to deprive a totally or partially blind pedestrian not carrying a cane or not being guided by a dog of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of a totally or partially blind pedestrian to carry a cane or to be guided by a guide dog upon the streets, highways or sidewalks of this Commonwealth be held to constitute contributory negligence in and of itself.

(c) Penalty.--A violation of subsection (a) constitutes a summary offense punishable by a fine of not less than $50 nor more than $150.
(Oct. 4, 2002, P.L.845, No.123, eff. 60 days)

2002 Amendment. Act 123 added subsec. (c).
Cross References. Section 3549 is referred to in section 1535 of this title.

§ 3550. Pedestrians under influence of alcohol or controlled substance.

A pedestrian who is under the influence of alcohol or any controlled substance to a degree which renders the pedestrian a hazard shall not walk or be upon a highway except on a sidewalk.

§ 3551. Compliance with bridge and railroad warning signals.

(a) Bridges.--No pedestrian shall enter or remain upon any bridge or approach to any bridge beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) Railroad crossings.--No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(c) Penalty.--A violation of this section constitutes a summary offense punishable by a fine of not less than $50 nor more than $150.
(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 added subsec. (c).

§ 3552. Penalty for violation of subchapter.

Except as otherwise provided for in this subchapter, any pedestrian violating any provision of this subchapter is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $5.
(Oct. 4, 2002, P.L.845, No.123, eff. 60 days)

SUBCHAPTER D
PEDALCYCLE AND PEDESTRIAN ADVISORY COMMITTEE

Sec.
3571. Pedalcycle and Pedestrian Advisory Committee.

Enactment. Subchapter D was added December 15, 1995, P.L.655, No.72, effective in 60 days.
Reenactment. Subchapter D was reenacted and amended May 17, 2001, P.L.24, No.8, retroactive to December 31, 2000.

§ 3571. Pedalcycle and Pedestrian Advisory Committee.

(a) Establishment.--There is hereby established under the jurisdiction of the Department of Transportation the Pennsylvania Pedalcycle and Pedestrian Advisory Committee.

(b) Composition.--The committee shall consist of 17 members. The members shall be as follows:

(1) The Secretary of Transportation, ex officio.
(2) The Secretary of Conservation and Natural Resources, ex officio.
(3) The chairman and minority chairman of the Transportation Committee of the Senate.
(4) The chairman and minority chairman of the Transportation Committee of the House of Representatives.

(5) Eleven members of the public representing various bicycling or pedestrian constituencies. Each member shall have relevant expertise and knowledge and shall be familiar with best practices in bicycle or pedestrian policy, planning, design and education. The public members shall be appointed by the Governor as follows:

(i) Two members representing urban and suburban constituencies in the Philadelphia and Pittsburgh metropolitan areas.

(ii) One member representing Statewide constituencies.

(iii) One member representing a metropolitan planning organization or rural planning organization.

(iv) One member representing trail constituencies.

(v) One member representing pedestrian constituencies.

(vi) One member representing senior citizen or disabled constituencies.

(vii) One member representing children and education constituencies.

(viii) One member representing a recreational cycling club.

(ix) Two at-large members representing the general public.

Each member set forth in paragraphs (1) through (4) may designate an alternate to serve in his stead, and such member shall notify the chairman in writing of this designation.

(c) Terms of appointees.--The terms of all members of the committee appointed by the Governor shall be for three years. Any member of the committee may be reappointed for additional terms. An individual appointed to fill a vacancy shall serve for the unexpired term and shall be eligible for reappointment.

(d) Officers.--The members of the committee shall annually elect a chairman, a vice chairman and a secretary from among the public members of the committee.

(e) Meetings and expenses.--

(1) The committee shall meet at least annually.

(2) A public member who misses three consecutive meetings without good cause acceptable to the chairman may be replaced by the Governor.

(3) The public members of the committee shall be allowed actual, necessary and reasonable per diem expenses in accordance with regulations of the Executive Board. The department shall provide appropriate staff support to enable the committee to properly carry out its functions.

(f) Powers and duties.--The powers and duties of the committee shall be to advise and comment on all phases of bicycling and pedestrian program activities being undertaken or financially assisted by the department and agencies of State government.

(Mar. 21, 1996, P.L.35, No.11, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; May 17, 2001, P.L.24, No.8, eff. imd.; July 5, 2012, P.L.932, No.98, eff. 60 days)

2012 Amendment. Act 98 amended subsecs. (b) and (f).

2001 Amendment. Act 8 reenacted and amended section 3571, retroactive to December 31, 2000.

SUBCHAPTER E
ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Sec.

3581. Equipment.
3582. Pedalcycle helmets for certain persons.
3583. EPAMD prohibited on freeways.

Enactment. Subchapter E was added July 4, 2002, P.L.692, No.105, effective in 60 days.

§ 3581. Equipment.

(a) Exemption.--Electrical personal assistive mobility devices shall be exempted from the vehicle equipment requirements in Chapters 41 (relating to equipment standards), 43 (relating to lighting equipment) and 45 (relating to other required equipment) and department regulations relating to those sections.

(b) Lamps and reflectors.--Every EPAMD when operated on a sidewalk, sidewalk area or highway between sunset and sunrise shall be equipped on the front with a lamp which emits a beam of white light intended to illuminate the EPAMD operator's path and visible from a distance of at least 500 feet in front, a red reflector facing to the rear which is visible at least 500 feet to the rear and a reflector on each side.

§ 3582. Pedalcycle helmets for certain persons.

(a) General rule.--A child under 12 years of age may not operate an EPAMD unless the person is wearing a pedalcycle helmet meeting the requirements of section 3510 (relating to pedalcycle helmets for certain persons).

(b) Waiver of fine.--If a person receives a citation issued by the proper authority for violation of subsection (a), a magisterial district judge, magistrate or judge shall dismiss the charges if the person prior to or at the person's hearing displays evidence of acquisition of a helmet meeting the standards prescribed in subsection (a) to the magisterial district judge, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase or transfer of such a helmet from another helmet owner, evidenced by a notarized letter.

(c) Exemption.--This section shall not apply to a child under 12 years of age who can produce a statement from the family's church authorities attesting that it is against the tenets of the family's religion to wear a helmet.

(d) Civil actions.--In no event shall a violation or alleged violation of subsection (a) be used as evidence in a trial of any civil action, nor shall any jury in a civil action be instructed that any conduct did constitute or could be interpreted by the jury to constitute a violation of subsection (a), nor shall failure to use a pedalcycle helmet be considered as contributory negligence, nor shall failure to use a pedalcycle helmet be admissible as evidence in the trial of any civil action.

(e) Penalty.--Notwithstanding any other provisions of law, any violation of subsection (a) is punishable by a fine, including all penalties, assessments and court costs imposed on the convicted person, not to exceed $25. The parent or legal guardian having control or custody of a child under 12 years of age whose conduct violates this section shall be jointly and severally liable with the person for the amount of the fine imposed.

(f) Definitions.--As used in this section, the term "wearing a pedalcycle helmet" means having a pedalcycle helmet of good fit fastened securely upon the head with the helmet straps. (Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (b). See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

§ 3583. EPAMD prohibited on freeways.

No person shall operate an EPAMD on a freeway.

SUBCHAPTER F
OPERATION OF NEIGHBORHOOD ELECTRIC VEHICLES

Sec.

3591. Scope of subchapter.
3592. Required equipment.
3593. Operation on certain highways or roadways.
3594. Same treatment as passenger cars.
3595. Seating limitation.
3596. Waiver of liability.

Enactment. Subchapter F was added October 22, 2014, P.L.2878, No.177, effective May 1, 2015.

§ 3591. Scope of subchapter.

This subchapter applies to the operation of neighborhood electric vehicles on certain highways or roadways in this Commonwealth.

§ 3592. Required equipment.

(a) General rule.--A neighborhood electric vehicle operated upon any highway or roadway in this Commonwealth shall be maintained in proper condition and comply with the equipment requirements and standards as set forth in 49 CFR § 571.500 (relating to Standard No. 500; Low-speed vehicles). A neighborhood electric vehicle operated upon any highway or roadway in this Commonwealth shall be equipped with the following additional equipment:

(1) Brakes adequate to control the movement of and to stop such vehicle.

(2) An odometer.

(3) A speedometer.

(4) The original manufacturer's vehicle identification number die stamped upon the body or frame, or both, of the vehicle or the original manufacturer's vehicle identification number die stamped upon the engine or motor of the vehicle.

(5) A windshield wiper.

(6) A horn.

(7) A battery charge indicator.

(b) Exemption.--A neighborhood electric vehicle shall be exempt from equipment requirements not enumerated in this subchapter.

(c) 25 MPH vehicle decal.--A neighborhood electric vehicle shall have a safety information decal as provided by the manufacturer affixed in a conspicuous place on the rear of the vehicle which shall display in prominent lettering "25 MPH Vehicle." The decal shall be at least 4 inches in height by 10 inches in length.

(d) Penalties.--Any person who operates a neighborhood electric vehicle without the equipment prescribed in this section shall be subject to the penalties under section 6502 (relating to summary offenses).

§ 3593. Operation on certain highways or roadways.

(a) Operation on State highways.--

(1) Except as otherwise provided under paragraphs (2) and (3), a neighborhood electric vehicle may not be operated upon any highway or roadway under the jurisdiction of the

department with a posted speed in excess of 25 miles per hour.

(2) The secretary may, by order, permit the use of a neighborhood electric vehicle upon any highway or roadway under the jurisdiction of the department where the posted speed limit is greater than 25 miles per hour but not greater than 35 miles per hour.

(3) The secretary may, by order, prohibit the use of a neighborhood electric vehicle on any street under the jurisdiction of the department where the secretary determines that the operation of a neighborhood electric vehicle would constitute a hazard.

(4) Any order issued by the secretary under paragraph (2) or (3) shall be published in the Pennsylvania Bulletin.

(b) Operation on local roadways.--

(1) Except as otherwise provided under paragraph (2) or (3), a neighborhood electric vehicle may not be operated upon any highway or roadway under the jurisdiction of a local authority with a posted speed limit in excess of 25 miles per hour.

(2) Local authorities may, by ordinance or resolution, as appropriate, in the case of any roadway under their jurisdiction, permit the use of a neighborhood electric vehicle where the posted speed limit is greater than 25 miles per hour but not greater than 35 miles per hour.

(3) A local authority may, by ordinance or resolution, as appropriate, prohibit the use of a neighborhood electric vehicle on any roadway where the local authority determines that the operation of a neighborhood electric vehicle would constitute a hazard.

(c) Intersection with State highways.--

(1) A neighborhood electric vehicle may enter an intersection and cross any highway or roadway under the jurisdiction of the department where the posted speed limit is 35 miles per hour or less, provided that, if the highway or roadway is more than two lanes or is divided, such crossing shall only occur at a signalized intersection.

(2) A neighborhood electric vehicle may enter an intersection and cross any highway or roadway under the jurisdiction of the department where the posted speed limit is in excess of 35 miles per hour only at a signalized intersection.

(d) Intersection with local roadways.--

(1) A neighborhood electric vehicle may enter an intersection and cross any highway or roadway under the jurisdiction of a local authority where the posted speed limit is 35 miles per hour or less, provided that, if the highway or roadway is more than two lanes or is divided, such crossing shall only occur at signalized intersections.

(2) A neighborhood electric vehicle may enter an intersection and cross any highway or roadway under the jurisdiction of a local authority where the posted speed limit is in excess of 35 miles per hour only at a signalized intersection.

(e) Violation.--Any person operating a neighborhood electric vehicle upon a highway or roadway or crossing a highway or roadway in violation of this section shall be subject to the penalties under section 6502 (relating to summary offenses).

§ 3594. Same treatment as passenger cars.

A neighborhood electric vehicle shall be considered a passenger car for the purposes of Part II (relating to title,

registration and licensing) and section 4581 (relating to restraint systems).

§ 3595. Seating limitation.

A neighborhood electric vehicle may not be operated at a time in which the number of passengers exceeds the number of available safety belts in the vehicle.

§ 3596. Waiver of liability.

(a) General rule.--A purchaser of a new neighborhood electric vehicle in this Commonwealth shall execute a waiver and certify that the neighborhood electric vehicle was purchased with full knowledge of the potentially hazardous characteristics of such vehicles as detailed by the manufacturer or the manufacturer's agent or dealer.

(b) Manufacturer responsibility.--The waiver shall be prepared by the manufacturer and kept in the possession of the manufacturer and the manufacturer's agent or dealer of neighborhood electric vehicles. An executed copy shall be provided to the purchaser.

(c) Signing by purchaser.--The signing of the waiver by the purchaser shall serve to eliminate any liability of the manufacturer and the manufacturer's agent or dealer of neighborhood electric vehicles.

CHAPTER 37
MISCELLANEOUS PROVISIONS

Subchapter

A. Offenses in General
B. Serious Traffic Offenses
C. Accidents and Accident Reports

Enactment. Chapter 37 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Cross References. Chapter 37 is referred to in section 1614 of this title.

SUBCHAPTER A
OFFENSES IN GENERAL

Sec.

3701. Unattended motor vehicle.
3701.1. Leaving an unattended child in a motor vehicle.
3702. Limitations on backing.
3703. Driving upon sidewalk.
3704. Obstruction to driving view or mechanism.
3705. Opening and closing vehicle doors.
3706. Riding in house trailers, mobile homes or boats on trailers.
3707. Driving or stopping close to fire apparatus.
3708. Unauthorized driving over fire hose.
3709. Depositing waste and other material on highway, property or waters.
3710. Stopping at intersection or crossing to prevent obstruction.
3711. Unauthorized persons and devices hanging on vehicles.
3712. Abandonment of vehicles.
3712.1. Restitution of property owners.
3712.2. Stripping abandoned vehicles.
3713. Railroad trains not to block crossings.
3714. Careless driving.

3715. Restriction on alcoholic beverages (Repealed).
3716. Accidents involving overturned vehicles.
3717. Trespass by motor vehicle.
3718. Minor prohibited from operating with any alcohol in system.
3719. Passengers in open trucks.
3720. Snow and ice dislodged or falling from moving vehicle (Repealed).
3721. Snow and ice.
3722. Off-road vehicles in urban municipalities.
3723. Theft of catalytic converter.

§ 3701. Unattended motor vehicle.

(a) General rule.--No person driving or in charge of a motor vehicle shall permit the vehicle to stand unattended without placing the gear shift lever in a position which under the circumstances impedes the movement of the vehicle, stopping the engine, locking the ignition in vehicles so equipped, removing the key from the ignition and, when standing upon any grade, turning the front wheels to the curb or side of the highway and effectively setting the brake.

(b) Penalty.--Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $5.

§ 3701.1. Leaving an unattended child in a motor vehicle.

(a) General rule.--A person driving or in charge of a motor vehicle may not permit a child under six years of age to remain unattended in the vehicle when the motor vehicle is out of the person's sight and under circumstances which endanger the health, safety or welfare of the child.

(a.1) Applicability.--This section shall apply to the highways and trafficways of this Commonwealth and, for the purposes of this section only, the term "trafficways" shall include, but not be limited to, parking lots.

(b) Penalty.--A person who violates this section commits a summary offense. It is a separate offense for each child left unattended.

(July 19, 1991, P.L.88, No.20, eff. 90 days; July 2, 1993, P.L.408, No.58, eff. 60 days; July 10, 2006, P.L.1086, No.113, eff. 60 days)

2006 Amendment. Act 113 amended subsec. (b).
1993 Amendment. Act 58 added subsec. (a.1).
1991 Amendment. Act 20 added section 3701.1.

§ 3702. Limitations on backing.

(a) General rule.--No driver shall back a vehicle unless the movement can be made with safety and without interfering with other traffic and then only after yielding the right-of-way to moving traffic and pedestrians.

(b) Limited access highways.--No driver shall back a vehicle upon any shoulder or roadway of any limited access highway.

Cross References. Section 3702 is referred to in sections 1535, 3326 of this title.

§ 3703. Driving upon sidewalk.

(a) General rule.--Except as provided in subsection (b) or (c), no person shall drive any vehicle except a human-powered vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

(b) Certain mobility-related devices for persons with disabilities.--Any municipality may permit the operation of a self-propelled wheelchair or an electrical mobility device on

a sidewalk or sidewalk area for the specific purpose of giving persons with mobility-related disabilities the capability of transporting themselves. The municipality may impose such restrictions as are necessary to protect the interests of pedestrians and others using the sidewalk or sidewalk area.

(c) Electric personal assistive mobility device (EPAMD).--Unless prohibited by ordinance, a municipality shall permit the operation of an electric personal assistive mobility device on a sidewalk or sidewalk area. A municipality may impose such restrictions as may be necessary to protect the interests of pedestrians and others using the sidewalk or sidewalk area. (July 13, 1987, P.L.303, No.56, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 4, 2002, P.L.692, No.105, eff. 60 days)

§ 3704. Obstruction to driving view or mechanism.

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle or whenever any person in the front seat is not seated.

§ 3705. Opening and closing vehicle doors.

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

§ 3706. Riding in house trailers, mobile homes or boats on trailers.

(a) General rule.--No person or persons shall occupy a house trailer, mobile home or boat on a trailer while it is being moved upon a highway.

(b) Towing prohibited.--No person shall tow on a highway a house trailer, mobile home or boat on a trailer occupied by a passenger or passengers.

(c) Exception for certain semitrailers.--A semitrailer which is attached to a truck in an articulating manner by means of a fifth wheel semitrailer coupling device attached to the carrying compartment of the truck may be occupied by a passenger or passengers. The coupling device shall have a two-inch or larger kingpin. All windows shall have safety glass. Some means of electrical or electronic communications approved by the department is required between the cab of the truck and the semitrailer.

§ 3707. Driving or stopping close to fire apparatus.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop the vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm.

Cross References. Section 3707 is referred to in section 3327 of this title.

§ 3708. Unauthorized driving over fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any highway, private road or driveway, for use at any fire or alarm of fire, without the consent of a fire department officer, a police officer or other appropriately attired person authorized to direct, control or regulate traffic at the scene.

§ 3709. Depositing waste and other material on highway, property or waters.

(a) General rule.--No person shall throw or deposit, upon any highway, or upon any other public or private property without the consent of the owner thereof or into or on the waters of this Commonwealth from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance.

(b) Removal of deposited material.--

(1) Any person who drops, or permits to be dropped or thrown, upon any highway, or upon any other public or private property without the consent of the owner thereof or into or on any waters of this Commonwealth from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance shall immediately remove the same or cause it to be removed.

(2) For the purposes of this subsection a "person who permits to be dropped or thrown" from a vehicle any of the items described in paragraph (1) shall include the driver of the vehicle and the registrant of any vehicle registered in this Commonwealth from which any of the items are dropped or thrown, either by the registrant or any person operating, in possession of or present within the vehicle with the permission of the registrant, regardless of the registrant's intent or lack of knowledge with respect to the disposal of such items in violation of this section where the registrant of the vehicle does not, with reasonable certainty, identify the driver of the vehicle at the time the violation occurred.

(c) Removal of material following accident.--Any person removing a wrecked, damaged or disabled vehicle from a highway shall remove from the highway or neutralize any glass, oil or other injurious substance resulting from the accident or disablement.

(d) Penalty.--Any person violating any of the provisions of subsection (a) or (b) commits a summary offense and shall, upon conviction, be sentenced to either or both of the following:

(1) To pay a fine of not more than:

(i) $900 for a violation which occurs in an easement purchased under the program established by section 14.1 of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law;

(ii) $600 for a violation which occurs in an agricultural security area as defined in section 3 of the Agricultural Area Security Law; or

(iii) $300 for a violation which occurs anywhere else.

(2) Except where infirmity or age or other circumstance would create a hardship, be directed by the court in which conviction is obtained to pick up and remove litter from public property or private property, or both, with prior permission of the legal owner. If the person has no prior record of convictions for violation of this section, he may be sentenced to pick up and remove litter for not less than eight hours nor more than 16 hours. Upon a second conviction, the person may be sentenced to pick up and remove litter for not less than 16 hours and not more than 32 hours. Upon third and subsequent convictions, he may be sentenced to pick up and remove litter for not less than 40 hours and not more than 80 hours. The court shall schedule the time to be spent on such activities in such a manner that it does not interfere with the person's employment and does not interfere substantially with the person's family responsibilities or religious obligations.

(e) Disposition of fines, etc.--Revenue from the collection of fines and bail forfeitures in the course of enforcement of this section shall be distributed in the following manner:

(1) One-half shall be distributed to the agency or local government unit which brought the action to enforce this section and may be used to defray the expenses of enforcing this section, at the option of the agency or local government unit.

(2) One-half shall be allocated to the department for Statewide public education and awareness programs to promote litter control and recycling and awareness of the provisions of this section.

(Mar. 27, 1986, P.L.71, No.24, eff. July 1, 1986; June 22, 2001, P.L.411, No.33, eff. 60 days)

2001 Amendment. Act 33 amended subsec. (d) intro. par. and (1).

1986 Amendment. Act 24 amended the section heading and subsecs. (a), (b) and (d) and added subsec. (e).

Cross References. Section 3709 is referred to in sections 1317, 1520, 3329 of this title.

§ 3710. Stopping at intersection or crossing to prevent obstruction.

No driver shall enter an intersection or a crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle operated without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed.

Cross References. Section 3710 is referred to in section 3327 of this title.

§ 3711. Unauthorized persons and devices hanging on vehicles.

(a) General rule.--No person shall hang onto or ride on the outside or the rear end of any vehicle and no person on a pedalcycle, motorcycle, roller skates, sled or any similar device, shall hold fast to or attach the device to any moving vehicle or streetcar, and no operator of a vehicle or streetcar shall knowingly permit any person to hang onto or ride on the outside or rear end of the vehicle or streetcar operated, or allow any person on a pedalcycle, motorcycle, roller skates, sled or any similar device to hold fast or attach the device to the vehicle or streetcar operated on any highway.

(b) Exceptions.--This section is not applicable to firemen or garbage collectors or operators of fire trucks or garbage trucks or employees of public utility companies acting pursuant to and during the course of their duties or to other persons exempted by department regulations from the application of this section. This section does not prohibit attaching a trailer or semitrailer to a pedalcycle.

§ 3712. Abandonment of vehicles.

(a) Abandonment on highway.--No person shall abandon a vehicle upon any highway.

(b) Abandonment on public or private property.--No person shall abandon a vehicle upon any public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(c) Stripping abandoned vehicle.--(Deleted by amendment).

(d) Penalties.--

(1) Any person violating subsection (a) or (b):

(i) For a first offense, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $500 plus all costs of disposing of the vehicle under the provisions of Chapter 73 (relating to abandoned vehicles and cargos).

(ii) For a second offense, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $1,000 plus all costs of disposing of the vehicle under the provisions of Chapter 73.

(iii) For a third or subsequent offense, commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay all costs of disposing of the vehicle under the provisions of Chapter 73.

(2) In a case involving a violation of this section, the municipality in which the vehicle is located may file the complaint with the appropriate issuing authority.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

Cross References. Section 3712 is referred to in section 7305 of this title.

§ 3712.1. Restitution of property owners.

Any person who abandons a vehicle on private property may be ordered to pay restitution for any damages sustained by the owner or other person in control or possession of the real property where the vehicle was abandoned.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 added section 3712.1.

§ 3712.2. Stripping abandoned vehicles.

(a) Offense defined.--

(1) Except as provided in paragraph (2), a person commits the offense of stripping an abandoned vehicle if the person intentionally removes any part of an abandoned vehicle.

(2) Paragraph (1) does not apply if the person:

(i) is the owner of the vehicle or the owner's agent; or

(ii) is authorized to make the removal under Chapter 73 (relating to abandoned vehicles and cargos).

(b) Penalties.--Any person violating subsection (a):

(1) For a first offense, commits a misdemeanor of the third degree.

(2) For a subsequent offense, commits a felony of the third degree.

(c) Complaints.--In a case involving a violation of this section, the municipality in which the vehicle is located may file the complaint with the appropriate issuing authority.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 added section 3712.2.

§ 3713. Railroad trains not to block crossings.

No person or government agency shall operate any train in such a manner as to prevent vehicular use of any roadway for a period of time in excess of five consecutive minutes except under any of the following circumstances:

(1) When necessary to comply with signals affecting the safety of the movement of trains.

(2) When necessary to avoid striking any object or person on the track.

(3) When the train is disabled.

(4) When the train is in motion except while engaged in switching operations.

(5) When there is no vehicular traffic waiting to use the crossings.

(6) When necessary to comply with a governmental safety regulation.

§ 3714. Careless driving.

(a) General rule.--Any person who drives a vehicle in careless disregard for the safety of persons or property is guilty of careless driving, a summary offense.

(b) Unintentional death.--If the person who violates this section unintentionally causes the death of another person as a result of the violation, the person shall, upon conviction, be sentenced to pay a fine of $500.

(c) Serious bodily injury.--If the person who violates this section unintentionally causes the serious bodily injury of another person as a result of the violation, the person shall, upon conviction, be sentenced to pay a fine of $250.

(d) Definition.--(Deleted by amendment).

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Dec. 8, 2004, P.L.1791, No.237, eff. 150 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days)

2010 Amendment . Act 81 deleted subsec. (d). The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

Cross References. Section 3714 is referred to in sections 1532, 1535, 3326, 3327, 3716 of this title.

§ 3715. Restriction on alcoholic beverages (Repealed).

2000 Repeal. Section 3715 was repealed June 22, 2000, P.L.469, No.64, effective September 1, 2000.

§ 3716. Accidents involving overturned vehicles.

(a) Speeding, careless driving, etc.--If a commercial motor vehicle overturns in an accident resulting from a violation of section 3361 (relating to driving vehicle at safe speed), 3362 (relating to maximum speed limits), 3714 (relating to careless driving) or 3802 (relating to driving under influence of alcohol or controlled substance), the operator of the vehicle shall, upon conviction of any of the aforementioned offenses, be sentenced to pay a fine of $2,000, in addition to any other penalty authorized by law.

(b) Equipment violations.--If a commercial motor vehicle overturns in an accident resulting from a violation of section 4103 (relating to promulgation of vehicle equipment standards) or 4502 (relating to general requirements for braking systems), the owner or any responsible lessee of the vehicle shall, upon conviction of any of the aforementioned offenses, be sentenced to pay a fine of not less than $500 nor more than $1,500, in addition to any other penalty authorized by law.

(c) Miscellaneous.--If a commercial motor vehicle overturns in an accident resulting from a violation of section 4903 (relating to securing loads in vehicles) or 6103 (relating to promulgation of rules and regulations by department), the responsible party shall, upon conviction of the aforementioned offenses, be sentenced to pay a fine of not less than $500 nor more than $1,500, in addition to any other penalty authorized by law.

(d) Definitions.--As used in this section, the term "commercial motor vehicle" shall have the meaning ascribed in section 1603 (relating to definitions).

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; June 22, 2001, P.L.559, No.37, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (a).
1990 Amendment. Act 42 added section 3716.

§ 3717. Trespass by motor vehicle.

(a) General rule.--It is unlawful for a person to knowingly operate a motor vehicle on private real property other than a private road or driveway without consent of the owner or lessor of the real property.

(b) Operation of motor vehicle on private road or driveway prohibited.--Except when necessary as a result of emergency or when necessary to provide the operator a means of turning his vehicle around on portions of highways where no other means of turning around is provided, it is unlawful, without the consent of the owner or lessor, for a person to knowingly operate a motor vehicle on a private road or driveway. There shall be a rebuttable presumption that a person has knowingly violated this subsection if the owner or lessor of the road or driveway has placed, at or near the points of entry from public or private vehicular access, a gate, fence or similar obstruction or a readily visible sign that would reasonably convey that the unauthorized operation of motor vehicles on the road or driveway is prohibited.

(c) Damage to real property by operation of motor vehicle prohibited.--It is unlawful for a person to knowingly or recklessly cause damage to any real or personal property by means of the operation of a motor vehicle on private real property. There shall be a rebuttable presumption that a person has knowingly or recklessly caused damage under this subsection where digging, ground breakage or other damage to land, sod or soil or damage to trees, growing crops, ornamental flowers or shrubs or other similar flora affixed to the land or to structures, fixtures or personal property affixed to or located on the private real property has resulted from the operation of a motor vehicle on the private real property.

(d) Travel on cultivated land prohibited.--It is unlawful for a person to knowingly operate a motor vehicle on cultivated agricultural land of another without the consent of the owner or lessor. For purposes of this subsection, the term "cultivated agricultural land" includes land which is or has been recently groomed or prepared for the purpose of present or future commercial or private agricultural, silvicultural, horticultural or floricultural production, whether or not the land is currently in seed or sustaining growing crops. There shall be a rebuttable presumption that a person has knowingly operated a motor vehicle on cultivated agricultural land either if there are agricultural crops or residue from the crops visible on the land or if the owner or lessor of the land has placed near the roadside boundaries of the property visible signs which would easily convey to the operator of a motor vehicle that the land is cultivated agricultural land and that operation of a motor vehicle on it is prohibited.

(e) Offense defined.--The following penalties shall apply:

(1) A person who violates subsection (b) commits a summary offense and shall, upon conviction, be subject to a fine of $100.

(2) A person who violates subsection (c) or (d) commits a summary offense and shall, upon conviction, be subject to the following penalties:

(i) A fine of $500 for a first conviction of the offense.

(ii) A fine of $1,000 plus suspension of operating privileges for a period of six months for a second or

subsequent conviction of the offense. If a person is under 16 years of age at the time of the second or subsequent conviction of an offense, the period of suspension shall commence upon the person's 16th birthday.

(3) In addition, restitution shall be made for the value of damage to real or personal property which results from the violation of this section.

(f) Assessment of points.--A person whose operating privilege has been suspended pursuant to subsection (e) shall not be subject to assessment of points otherwise applicable under section 1545 (relating to restoration of operating privilege) upon restoration of privileges.

(g) Additional penalties.--This section is not intended nor shall this section be construed to preclude prosecution, conviction or imposition of penalties pursuant to other provisions of this title that may be applicable.

(July 1, 1990, P.L.312, No.70, eff. 60 days)

1990 Amendment. Act 70 added section 3717.

Cross References. Section 3717 is referred to in section 7724 of this title.

§ 3718. Minor prohibited from operating with any alcohol in system.

(a) Offense defined.--Notwithstanding any other provision of this title, a minor shall not drive, operate or be in physical control of a motor vehicle while having any alcohol in his system.

(b) Penalty.--A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $100.

(c) Definition.--As used in this section, the term "minor" means a person under 21 years of age.

(July 2, 1996, P.L.535, No.93, eff. 30 days; July 11, 1996, P.L.660, No.115, eff. 30 days)

1996 Amendments. Act 93 added section 3718 and Act 115 added section 3718. The amendments by Acts 93 and 115 are identical and therefore have been merged.

Cross References. Section 3718 is referred to in section 1532 of this title.

§ 3719. Passengers in open trucks.

(a) General rule.--An open-bed pickup truck or open flatbed truck may not be driven at a speed of more than 35 miles per hour if any person is occupying the bed of the truck.

(b) Children.--

(1) Such a truck may not be driven at any speed if a child less than 18 years of age is occupying the bed of the truck or trailer.

(2) This subsection shall not apply to:

(i) a child of a farmer who is being transported between parts of a farm or farms owned or operated by the farmer in order to perform work on the farm or farms;

(ii) a child possessing a valid hunting license who is being transported between a hunting camp and a hunting site or between hunting sites during hunting season;

(iii) a child who is a participant in an officially sanctioned parade, only during the course of the parade; or

(iv) a child employed to perform farm labor who is being transported between parts of a farm or farms owned or operated by the child's employer or employers.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 added section 3719.

§ 3720. Snow and ice dislodged or falling from moving vehicle (Repealed).

2022 Repeal. Section 3720 was repealed July 11, 2022, P.L.1585, No.90, effective in 60 days.

§ 3721. Snow and ice.

(a) Removal of snow and ice from a motor vehicle or motor carrier vehicle.--

(1) Except as otherwise provided in this section, a driver of a motor vehicle or motor carrier vehicle being operated on a highway of this Commonwealth shall make reasonable efforts to remove accumulated ice or snow from the motor vehicle or motor carrier vehicle, including the hood, trunk and roof of the motor vehicle or motor carrier vehicle, within 24 hours after the cessation of the falling snow or ice.

(2) Paragraph (1) shall not apply if:

(i) the driver of the motor carrier vehicle, mass transit vehicle, bus or school bus is en route to a facility to remove accumulated ice or snow at the time of the stop under paragraph (3); or

(ii) compliance with this section would cause the driver of the motor carrier vehicle, mass transit vehicle, bus or school bus to violate any other Federal or State law or regulation regarding workplace safety or would be a threat to the health and safety of the driver.

(3) A driver of a motor vehicle or motor carrier vehicle who violates this subsection may be stopped on a highway by a police officer if the police officer believes the accumulated ice or snow may pose a threat to persons or property.

(4) A driver of a motor vehicle or motor carrier vehicle who violates this subsection shall be subject to a fine of $50 for each offense regardless of whether any snow or ice is dislodged from the vehicle.

(b) Dislodged or fallen snow or ice.--When snow or ice is dislodged or falls from a moving vehicle or motor carrier vehicle and strikes another vehicle or pedestrian causing death or serious bodily injury, the operator of the vehicle from which the snow or ice is dislodged or falls shall be subject to a fine of not less than $200 nor more than $1,500 for each offense.

(July 11, 2022, P.L.1585, No.90, eff. 60 days)

2022 Amendment. Act 90 added section 3721.

§ 3722. Off-road vehicles in urban municipalities.

(a) Prohibition.--Except as provided in Subchapter C of Chapter 77 (relating to operation), subsection (b) or otherwise provided by this title or other law of this Commonwealth, including local ordinances adopted by urban municipalities, no individual may operate an all-terrain vehicle or a dirt bike on any of the following public areas within the boundaries of an urban municipality:

(1) A highway, including the berm or shoulder.

(2) A sidewalk.

(3) A pedalcycle lane.

(b) Exception for crossing.--Subsection (a) shall not apply to the operation of a dirt bike while making a direct crossing

of a highway in compliance with all of the following requirements:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

(2) The dirt bike is brought to a complete stop before crossing the shoulder or main-traveled way of the highway.

(3) The individual yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

(4) In crossing a divided highway, the crossing is made only at an intersection of the highway with another highway.

(c) Penalty.--Except as provided in subsection (d), an individual who violates subsection (a) commits a summary offense and shall, upon conviction:

(1) For a first offense, be sentenced to pay a fine of not less than $50 nor more than $200 and costs of prosecution and, in default of the payment of the fine or costs, be imprisoned for not more than 10 days.

(2) For a subsequent offense, be sentenced to pay a fine of not less than $100 nor more than $300 and costs of prosecution and, in default of the payment of the fine or costs, be imprisoned for not more than 30 days.

(d) Prohibition on similar citations.--No person may be charged with a violation of Subchapter C of Chapter 77 concurrently with a violation of subsection (a) for an offense committed at the same time and place.

(e) Forfeiture.--

(1) In addition to the penalty provided under subsection (c) and subject to paragraph (2), an all-terrain vehicle or dirt bike operated in violation of subsection (a) shall be subject to forfeiture in accordance with 42 Pa.C.S. §§ 5803 (relating to asset forfeiture), 5805 (relating to forfeiture procedure), 5806 (relating to motion for return of property), 5807 (relating to restrictions on use), 5807.1 (relating to prohibition on adoptive seizures) and 5808 (relating to exceptions).

(2) Forfeiture as authorized under paragraph (1) may not occur unless the individual is convicted of a violation of subsection (a).

(3) A police officer may impound an all-terrain vehicle or dirt bike operated in violation of subsection (a) pending final disposition of the case or a court order.

(f) Construction.--Nothing contained in this section shall be construed to allow the operation of an all-terrain vehicle or dirt bike outside of the boundaries of an urban municipality in a manner that is inconsistent with this title or other law of this Commonwealth.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"All-terrain vehicle." As defined in section 7702 (relating to definitions).

"Dirt bike." A two-wheeled motor vehicle that has a seat or saddle, is designed and manufactured exclusively for off-road use and does not comply with Federal Motor Vehicle Safety Standards or Environmental Protection Agency on-road emissions standards. The term does not include:

(1) A vehicle that is or is required to be registered under Chapter 13 (relating to registration of vehicles).

(2) A dual sport motorcycle.

(3) An electric pedalcycle.

"Dual sport motorcycle." A motorcycle that is designed and manufactured to be ridden on and off road and is titled and registered with the department for on-road use.

"Electric pedalcycle." A vehicle that:

(1) weighs not more than 100 pounds with two wheels more than 11 inches in diameter;

(2) is manufactured or assembled with an electric motor system rated at not more than 750 watts and that ceases to provide assistance when the vehicle reaches speeds of 28 miles per hour; and

(3) is equipped with operable pedals and a seat or saddle for the rider.

"Urban municipality." A city of the first class, second class, second class A or third class.

(July 11, 2022, P.L.1596, No.92, eff. 60 days)

2022 Amendment. Act 92 added section 3722.

Cross References. Section 3722 is referred to in section 5803 of Title 42 (Judiciary and Judicial Procedure).

§ 3723. Theft of catalytic converter.

(a) Offense defined.--A person commits the offense of theft of a catalytic converter if the person unlawfully takes or attempts to take possession of, carries away or exercises unlawful control over a catalytic converter with intent to deprive the rightful owner of the catalytic converter.

(b) Grading.--Except as provided under subsection (c):

(1) An offense under this section constitutes a misdemeanor of the third degree if the value of the catalytic converter unlawfully obtained is less than $50.

(2) An offense under this section constitutes a misdemeanor of the second degree if the value of the catalytic converter unlawfully obtained is $50 or more but less than $200.

(3) An offense under this section constitutes a misdemeanor of the first degree if the value of the catalytic converter unlawfully obtained is $200 or more but less than $1,000.

(4) An offense under this section constitutes a felony of the third degree if the value of the catalytic converter unlawfully obtained is $1,000 or more.

(c) Third or subsequent offenses.--An offense under this section constitutes a felony of the third degree if the offense is a third or subsequent offense, regardless of the value of the catalytic converter. For purposes of this subsection, a first and second offense include a conviction, acceptance of or other form of preliminary disposition before the sentencing on the present violation for an offense under this section.

(Nov. 3, 2022, P.L.1946, No.130, eff. 60 days)

2022 Amendment. Act 130 added section 3723.

SUBCHAPTER B
SERIOUS TRAFFIC OFFENSES

Sec.

3731. Driving under influence of alcohol or controlled substance (Repealed).
3731.1. Operators of commercial vehicles (Repealed).
3732. Homicide by vehicle.
3732.1. Aggravated assault by vehicle.
3733. Fleeing or attempting to elude police officer.

3734. Driving without lights to avoid identification or arrest.
3735. Homicide by vehicle while driving under influence.
3735.1. Aggravated assault by vehicle while driving under the influence.
3736. Reckless driving.

Cross References. Subchapter B is referred to in sections 1542, 1553, 1604, 3101, 3104 of this title.

§ 3731. Driving under influence of alcohol or controlled substance (Repealed).

2003 Repeal. Section 3731 was repealed September 30, 2003, P.L.120, No.24, effective February 1, 2004. The subject matter is now contained in section 3802 of this title. Section 21(2) of Act 24 provided that the repeal of section 3731 shall not affect offenses committed prior to February 1, 2004, or civil and administrative penalties imposed as a result of those offenses.

§ 3731.1. Operators of commercial vehicles (Repealed).

1990 Repeal. Section 3731.1 was repealed May 30, 1990, P.L.173, No.42, effective November 1, 1990.

§ 3732. Homicide by vehicle.

(a) Offense.--Any person who recklessly or with gross negligence causes the death of another person while engaged in the violation of any law of this Commonwealth or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic except section 3802 (relating to driving under influence of alcohol or controlled substance) is guilty of homicide by vehicle, a felony of the third degree, when the violation is the cause of death.

(b) Sentencing.--

(1) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) may be sentenced to an additional term not to exceed five years' confinement if at trial the prosecution proves beyond a reasonable doubt that the offense occurred in an active work zone.

(1.1) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) who is also convicted of a violation of section 1501 (relating to drivers required to be licensed), 1543 (relating to driving while operating privilege is suspended or revoked), 3316 (relating to prohibiting text-based communications), 3325 (relating to duty of driver on approach of emergency vehicle) or 3327 (relating to duty of driver in emergency response areas and in relation to disabled vehicles) may be sentenced to an additional term not to exceed five years' confinement.

(2) The prosecution must indicate intent to proceed under this section in the indictment or information which commences the prosecution.

(3) The Pennsylvania Commission on Sentencing, pursuant to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section when the violation occurred in an active work zone or the individual was also convicted of a violation of section 1501, 1543, 3316, 3325 or 3327.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Dec. 20, 2000, P.L.772, No.108, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Oct. 19, 2010, P.L.557, No.81, eff. 60 days; Nov. 4, 2016,

P.L.1277, No.165, eff. 60 days; Oct. 24, 2018, P.L.925, No.153, eff. 60 days; Oct. 29, 2020, P.L.1057, No.105, eff. 180 days)

2020 Amendment. Act 105 amended subsec. (b)(1.1). Section 2 of Act 105 provided that Act 105 may be referred to as the Move Over Law.

2018 Amendment. Act 153 amended subsec. (b).

2010 Amendment. The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

2003 Amendment. Act 24 amended subsec. (a).

Cross References. Section 3732 is referred to in sections 1532, 1541, 1553, 1554, 1556, 1611, 8510.1 of this title; section 3103 of Title 23 (Domestic Relations); sections 5551, 5750, 67A01 of Title 42 (Judiciary and Judicial Procedure).

§ 3732.1. Aggravated assault by vehicle.

(a) Offense.--Any person who recklessly or with gross negligence causes serious bodily injury to another person while engaged in the violation of any law of this Commonwealth or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic, except section 3802 (relating to driving under influence of alcohol or controlled substance), is guilty of aggravated assault by vehicle, a felony of the third degree when the violation is the cause of the injury.

(b) Sentencing.--

(1) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) may be sentenced to an additional term not to exceed two years' confinement if at trial the prosecution proves beyond a reasonable doubt that the offense occurred in an active work zone.

(2) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) who is also convicted of a violation of section 1501 (relating to drivers required to be licensed), 1543 (relating to driving while operating privilege is suspended or revoked), 3316 (relating to prohibiting text-based communications), 3325 (relating to duty of driver on approach of emergency vehicle) or 3327 (relating to duty of driver in emergency response areas and in relation to disabled vehicles) may be sentenced to an additional term not to exceed two years' confinement.

(3) The prosecution must indicate intent to proceed under this section in the indictment or information which commences the prosecution.

(4) The Pennsylvania Commission on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section when the violation occurred in an active work zone or the individual was also convicted of a violation of section 1501, 1543, 3316, 3325 or 3327.

(Oct. 19, 2010, P.L.557, No.81, eff. 60 days; Nov. 4, 2016, P.L.1277, No.165, eff. 60 days; Oct. 24, 2018, P.L.925, No.153, eff. 60 days; Oct. 29, 2020, P.L.1057, No.105, eff. 180 days)

2020 Amendment. Act 105 amended subsec. (b)(2). Section 2 of Act 105 provided that Act 105 may be referred to as the Move Over Law.

2018 Amendment. Act 153 amended subsec. (b).

2010 Amendment. Act 81 added section 3732.1. The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

Cross References. Section 3732.1 is referred to in section 8510.1 of this title.

§ 3733. Fleeing or attempting to elude police officer.

(a) Offense defined.--Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police officer, when given a visual and audible signal to bring the vehicle to a stop, commits an offense as graded in subsection (a.2).

(a.1) Disposition of fines, etc.--The fines imposed and collected under subsection (a) shall not be subject to 42 Pa.C.S. § 3733 (relating to deposits into account). The fines imposed and collected under subsection (a) shall be distributed in the manner provided in 42 Pa.C.S. § 3571(b)(2) and (3) (relating to Commonwealth portion of fines, etc.).

(a.2) Grading.--

(1) Except as provided in paragraph (2), an offense under subsection (a) constitutes a misdemeanor of the second degree. Any driver upon conviction shall pay an additional fine of $500. This fine shall be in addition to and not in lieu of all other fines, court expenses, jail sentences or penalties.

(2) An offense under subsection (a) constitutes a felony of the third degree if the driver while fleeing or attempting to elude a police officer does any of the following:

(i) commits a violation of section 3802 (relating to driving under influence of alcohol or controlled substance);

(ii) crosses a State line; or

(iii) endangers a law enforcement officer or member of the general public due to the driver engaging in a high-speed chase.

(b) Signal by police officer.--The signal given by the police officer may be by hand, voice, emergency lights or siren.

(c) Defenses.--

(1) It is a defense to a prosecution under this section that the pursuing police officer's vehicle was not clearly identifiable by its markings or, if unmarked, was not occupied by a police officer who was in uniform and displaying a badge or other sign of authority.

(2) It is a defense to prosecution under this section if the defendant can show by a preponderance of the evidence that the failure to stop immediately for a police officer's vehicle was based upon a good faith concern for personal safety. In determining whether the defendant has met this burden, the court may consider the following factors:

(i) The time and location of the event.

(ii) The type of police vehicle used by the police officer.

(iii) The defendant's conduct while being followed by the police officer.

(iv) Whether the defendant stopped at the first available reasonably lighted or populated area.

(v) Any other factor considered relevant by the court.

(Dec. 27, 1994, P.L.1337, No.154, eff. 180 days; June 26, 2001, P.L.734, No.75, eff. 60 days; July 10, 2006, P.L.1086, No.113, eff. 60 days)

2006 Amendment. Act 113 amended subsec. (a) and added subsec. (a.2). Act 113 overlooked the amendment by Act 75 of 2001, but the amendments do not conflict in substance and have

both been given effect in setting forth the text of subsec. (a).

2001 Amendment. Act 75 amended subsecs. (a) and (c).

1994 Amendment. See section 5 of Act 154 in the appendix to this title for special provisions relating to appropriation of fines.

Cross References. Section 3733 is referred to in sections 1508, 1532 of this title; section 5104.3 of Title 18 (Crimes and Offenses).

§ 3734. Driving without lights to avoid identification or arrest.

Any person who drives without lights or turns off any or all the lights on a motor vehicle for the purpose of avoiding identification or arrest is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $200.

Cross References. Section 3734 is referred to in sections 1532, 6503 of this title.

§ 3735. Homicide by vehicle while driving under influence.

(a) Offense defined.--

(1) A person who unintentionally causes the death of another person as the result of a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) and who is convicted of violating section 3802:

(i) is guilty of a felony of the second degree; or

(ii) is guilty of a felony of the first degree if, before sentencing on the present violation, the person has incurred a conviction, adjudication of delinquency, juvenile consent decree, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition for any of the following:

(A) An offense under section 3802.

(B) An offense under former section 3731 (relating to driving under influence of alcohol or controlled substance).

(C) An offense which constitutes a felony under this subchapter.

(D) An offense substantially similar to an offense under clause (A), (B) or (C) in another jurisdiction.

(E) Any combination of the offenses under clause (A), (B), (C) or (D).

(2) The sentencing court shall order a person convicted under paragraph (1)(i) to serve a minimum term of imprisonment of not less than three years. A consecutive three-year term of imprisonment shall be imposed for each victim whose death is the result of a violation of section 3802.

(3) The sentencing court shall order a person convicted under paragraph (1)(ii) to serve a minimum term of imprisonment of:

(i) Not less than five years if, before sentencing on the present violation, the person has one prior conviction, adjudication of delinquency, juvenile consent decree, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition for any of the offenses listed under paragraph (1)(ii)(A), (B), (C), (D) or (E). A consecutive five-year term of imprisonment shall be imposed for each victim whose death is the result of a violation of section 3802.

(ii) Not less than seven years if, before sentencing on the present violation, the person has incurred at

least two prior convictions, adjudications of delinquency, juvenile consent decrees, acceptances of Accelerated Rehabilitative Disposition or other forms of preliminary disposition for any of the offenses listed under paragraph (1)(ii)(A), (B), (C), (D) or (E). A consecutive seven-year term of imprisonment shall be imposed for each victim whose death is the result of a violation of section 3802.

(b) Applicability of sentencing guidelines.--The sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory penalty of this section.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Feb. 23, 1996, P.L.21, No.8, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Oct. 24, 2018, P.L.925, No.153, eff. 60 days)

2018 Amendment. Act 153 amended subsec. (a).

1996 Amendments. Act 115 overlooked the amendment by Act 8, but the amendments do not conflict in substance and have both been given effect in setting forth the text of section 3735.

Cross References. Section 3735 is referred to in sections 1532, 1541, 1553, 1554, 1556, 1575, 3803 of this title; section 8137 of Title 35 (Health and Safety); sections 1725.3, 1725.5, 5750, 67A01 of Title 42 (Judiciary and Judicial Procedure).

§ 3735.1. Aggravated assault by vehicle while driving under the influence.

(a) Offense defined.--Any person who negligently causes serious bodily injury to another person as the result of a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) and who is convicted of violating section 3802 commits a felony of the second degree when the violation is the cause of the injury.

(a.1) Sentencing.--In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) and a violation of section 1501 (relating to drivers required to be licensed) or 1543 (relating to driving while operating privilege is suspended or revoked) when committed at the same time and place may be sentenced to an additional term not to exceed two years' confinement.

(b) Definition.--(Deleted by amendment).

(Feb. 23, 1996, P.L.21, No.8, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Oct. 19, 2010, P.L.557, No.81, eff. 60 days; Oct. 24, 2018, P.L.925, No.153, eff. 60 days)

2018 Amendment. Act 153 added subsec. (a.1).

2010 Amendment. Act 81 deleted subsec. (b). The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

2003 Amendment. Act 24 amended subsec. (a).

1996 Amendment. Act 8 added section 3735.1.

Cross References. Section 3735.1 is referred to in sections 1532, 1541, 1554 of this title; section 8137 of Title 35 (Health and Safety); sections 1725.3, 5750, 67A01 of Title 42 (Judiciary and Judicial Procedure).

§ 3736. Reckless driving.

(a) General rule.--Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Penalty.--Any person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $200.

(May 30, 1990, P.L.173, No.42, eff. Apr. 1, 1992)

1990 Amendment. Act 42 added section 3736.

Cross References. Section 3736 is referred to in sections 1532, 3326, 3327 of this title.

SUBCHAPTER C
ACCIDENTS AND ACCIDENT REPORTS

Sec.

3741. Application of subchapter.
3742. Accidents involving death or personal injury.
3742.1. Accidents involving death or personal injury while not properly licensed.
3743. Accidents involving damage to attended vehicle or property.
3743.1. Spilled cargo.
3744. Duty to give information and render aid.
3745. Accidents involving damage to unattended vehicle or property.
3745.1. Accident scene clearance.
3746. Immediate notice of accident to police department.
3747. Written report of accident by driver or owner.
3748. False reports.
3749. Reports by coroners and medical examiners.
3750. Reports by garages.
3751. Reports by police.
3752. Accident report forms.
3753. Department to compile, tabulate and analyze accident reports.
3754. Accident prevention investigations.
3755. Reports by emergency room personnel.
3756. Post-accident testing.
3757. Compensation for incident removal costs.

Cross References. Subchapter C is referred to in section 1553 of this title.

§ 3741. Application of subchapter.

The provisions of this subchapter shall apply upon highways and trafficways throughout this Commonwealth.

§ 3742. Accidents involving death or personal injury.

(a) General rule.--The driver of any vehicle involved in an accident resulting in injury or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744 (relating to duty to give information and render aid). Every stop shall be made without obstructing traffic more than is necessary.

(a.1) Highly automated vehicles.--If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the highly automated vehicle stops at the scene of an accident or

as close thereto as is safely possible and remains at the scene until the requirements of section 3744 have been fulfilled.

(b) Penalties.--

(1) Except as otherwise provided in this section, any person violating this section commits a misdemeanor of the first degree.

(2) If the victim suffers serious bodily injury, any person violating subsection (a) commits a felony of the third degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than 90 days and a mandatory minimum fine of $1,000, notwithstanding any other provision of law.

(3) (i) If the victim dies, any person violating subsection (a) commits a felony of the second degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than three years and a mandatory minimum fine of $2,500, notwithstanding any other provision of law.

(ii) In addition to the minimum term of imprisonment provided for in subparagraph (i), the Pennsylvania Commission on Sentencing shall provide within its guidelines a sentencing enhancement if the victim dies as the result of a violation of subsection (a). The provisions of this subparagraph shall not be an element of the crime, and notice of the provisions of this subparagraph shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this subparagraph shall be provided after conviction and before sentencing.

(c) Authority of sentencing court.--There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (b)(2) or (3) or to place such offender on probation or to suspend sentence. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Definitions.--(Deleted by amendment).

(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Apr. 4, 1996, P.L.53, No.18, eff. 60 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days; July 5, 2012, P.L.914, No.93, eff. 60 days; June 30, 2014, P.L.814, No.85, eff. 60 days; Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added subsec. (a.1).

2014 Amendment. Act 85 amended subsec. (b).

2010 Amendment. Act 81 deleted subsec. (d). The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

1996 Amendment. Act 18 amended subsecs. (b), (c) and (d).

Cross References. Section 3742 is referred to in sections 1532, 1541, 1542, 1611, 3744, 3745.1 of this title; section 3103 of Title 23 (Domestic Relations); sections 5551, 67A01 of Title 42 (Judiciary and Judicial Procedure).

§ 3742.1. Accidents involving death or personal injury while not properly licensed.

(a) Offense defined.--A person whose operating privilege was disqualified, canceled, recalled, revoked or suspended and not restored or who does not hold a valid driver's license and applicable endorsements for the type and class of vehicle being operated commits an offense under this section if the person was the driver of any vehicle and:

(1) caused an accident resulting in injury or death of a person; or

(2) acted with negligence that contributed to causing the accident resulting in injury or death of a person.

(b) Penalties.--

(1) Except as otherwise provided in this section, any person violating subsection (a)(1) commits a misdemeanor of the second degree.

(2) If the victim suffers serious bodily injury or death, any person violating subsection (a)(1) commits a felony of the third degree.

(2.1) A person violating subsection (a)(2) resulting in the serious bodily injury of a person commits a misdemeanor of the third degree.

(2.2) A person violating subsection (a)(2) resulting in the death of a person commits a misdemeanor of the second degree.

(3) Any motor vehicle, as defined in section 102 (relating to definitions), used in the commission of an offense under this section may be deemed contraband and forfeited in accordance with the provisions set forth in 18 Pa.C.S. § 6501(d) (relating to scattering rubbish).

(c) Definitions.--(Deleted by amendment).

(Feb. 23, 1996, P.L.21, No.8, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Nov. 30, 2004, P.L.1667, No.211, eff. 60 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days; Oct. 24, 2018, P.L.925, No.153, eff. 60 days)

2010 Amendment. The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

Cross References. Section 3742.1 is referred to in sections 1532, 1542, 1554, 1606 of this title.

§ 3743. Accidents involving damage to attended vehicle or property.

(a) General rule.--The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744 (relating to duty to give information and render aid). Every stop shall be made without obstructing traffic more than is necessary.

(a.1) Highly automated vehicles.--

(1) If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the highly automated vehicle stops at the scene of the accident or as close thereto as is safely possible and the certificate holder for the highly automated vehicle or a person on behalf of the certificate holder for the highly automated vehicle or the highly automated vehicle immediately contacts a duly authorized police department to report the accident.

(2) The highly automated vehicle shall remain at the scene of the accident or as close thereto as is safely possible until the requirements of section 3744 are fulfilled.

(b) Penalty.--Any person violating this section commits a misdemeanor of the third degree, punishable by a fine of $2,500 or imprisonment for not more than one year, or both.

(July 6, 1995, P.L.288, No.42, eff. 60 days; Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added subsec. (a.1).
1995 Amendment. Act 42 amended subsec. (b).
Cross References. Section 3743 is referred to in sections 1532, 1542, 1611, 1786, 3745.1 of this title.

§ 3743.1. Spilled cargo.

(a) General rule.--Immediately following an accident, a police officer may remove or direct removal of spilled cargo from any roadway to the nearest point off the roadway where the spilled cargo will not interfere with or obstruct traffic.

(b) Storage of cargo.--When, in the opinion of a police officer, it is necessary to protect the contents, load or spilled cargo of a wrecked vehicle from the elements, spoilage or theft, the police officer may remove or direct the removal of the contents or load or spilled cargo and have the same stored, at the expense of the owner, at the nearest practical place of storage.

(c) Liability for damage or loss.--In carrying out the provisions of this section, no liability shall attach to the police officer or, absent a showing of gross negligence, to any person acting under the direction of the police officer for damage to or loss of any portion of the contents or load or spilled cargo.

(Dec. 8, 2004, P.L.1791, No.237, eff. 150 days)

2004 Amendment. Act 237 added section 3743.1.

§ 3744. Duty to give information and render aid.

(a) General rule.--The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving, and shall upon request exhibit his driver's license and information relating to financial responsibility to any person injured in the accident or to the driver or occupant of or person attending any vehicle or other property damaged in the accident and shall give the information and upon request exhibit the license and information relating to financial responsibility to any police officer at the scene of the accident or who is investigating the accident and shall render to any person injured in the accident reasonable assistance, including the making of arrangements for the carrying of the injured person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if requested by the injured person.

(a.1) Highly automated vehicles.--

(1) If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the certificate holder for the highly automated vehicle, a person on behalf of the certificate holder for the highly automated vehicle or the highly automated vehicle immediately contacts a duly authorized police department to report the accident and communicates the registration and financial responsibility information for the highly automated vehicle to the police department.

(2) The highly automated vehicle shall remain at the scene of the accident or as close thereto as is safely

possible until the requirements of this section are fulfilled.

(b) Report of accident to police.--In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (a) and no police officer is present, the driver of any vehicle involved in the accident after fulfilling all other requirements of section 3742 (relating to accidents involving death or personal injury) and subsection (a), insofar as possible on his part to be performed, shall forthwith report the accident to the nearest office of a duly authorized police department and submit to the police department the information specified in subsection (a).

(c) Duty of occupants if driver disabled.--Whenever the driver of a vehicle is physically unable to give the information or assistance required in this section and there are other occupants in the vehicle at the time of the accident who are physically able to give the information or assistance required in this section, each of the other occupants shall fully reveal the identity of himself and the identity of the driver of the vehicle and of the owner of the vehicle of which they are occupants and shall otherwise perform the duties of the driver as set forth in subsection (a).

(Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added subsec. (a.1).

1984 Amendment. Act 11 amended subsec. (a).

Cross References. Section 3744 is referred to in sections 3742, 3743, 3745, 3745.1 of this title.

§ 3745. Accidents involving damage to unattended vehicle or property.

(a) General rule.--The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to the other vehicle or property shall immediately stop the vehicle at the scene of the accident or as close thereto as possible and shall then and there either locate and notify the operator or owner of the damaged vehicle or other property of his name, address, information relating to financial responsibility and the registration number of the vehicle being driven or shall attach securely in a conspicuous place in or on the damaged vehicle or other property a written notice giving his name, address, information relating to financial responsibility and the registration number of the vehicle being driven and shall without unnecessary delay notify the nearest office of a duly authorized police department. Every stop shall be made without obstructing traffic more than is necessary.

(a.1) Highly automated vehicles.--

(1) If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the highly automated vehicle immediately stops at the scene of the accident or as close thereto as is safely possible and the certificate holder for the highly automated vehicle, a person on behalf of the certificate holder for the highly automated vehicle or the highly automated vehicle immediately contacts a duly authorized police department to report the accident and communicates the registration and financial responsibility information for the highly automated vehicle to the police department.

(2) The highly automated vehicle shall remain at the scene of the accident or as close thereto as is safely possible until the requirements of section 3744 (relating to duty to give information and render aid) are fulfilled.

(b) Penalty.--A violation of this section is a summary offense, punishable by a fine of $300 or imprisonment for not more than 90 days, or both.

(Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; July 10, 1984, P.L.679, No.146, eff. 60 days; July 6, 1995, P.L.288, No.42, eff. 60 days; Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added subsec. (a.1).

1995 Amendment. Act 42 amended subsec. (b).

Cross References. Section 3745 is referred to in sections 1535, 1611, 3745.1, 6506 of this title.

§ 3745.1. Accident scene clearance.

(a) General rule.--Notwithstanding any other provision of law to the contrary, the driver of any vehicle in an accident that does not result in apparent serious bodily injury or death shall immediately remove the vehicle from the roadway to a safe refuge on the shoulder, emergency lane or median or to a place otherwise removed from the roadway whenever, in the judgment of the driver:

(1) The motor vehicle does not require towing and can be normally and safely driven under its own power in its customary manner without further damage or hazard to the motor vehicle, traffic elements or the roadway.

(2) The motor vehicle can be moved safely.

(b) Driver request.--The driver of a motor vehicle involved in a traffic accident may request any individual who possesses a valid driver's license to remove the vehicle from the roadway in order to comply with this section. Such individual is not required to comply with the request and shall not be subject to any liability, either civil or criminal, for refusing the request.

(c) Police officers.--A police officer may immediately remove or direct removal of a wrecked vehicle if the owner or operator cannot remove the wrecked vehicle or refuses or fails to have the vehicle removed as required under this section. In carrying out the provisions of this subsection, no liability shall attach to the police officer or, absent a showing of gross negligence, to any person acting under the direction of the police officer for damage to any vehicle or damage to or loss of any portion of the contents of the vehicle.

(d) No liability.--The driver or any other person who has removed a vehicle from the roadway as provided in this section before the arrival of a law enforcement officer shall not be considered liable or at fault regarding the cause of the accident solely by reason of moving the vehicle pursuant to this section.

(e) Other driver duties.--Compliance with this section shall not affect a driver's duty to comply with section 3742 (relating to accidents involving death or personal injury), 3743 (relating to accidents involving damage to attended vehicle or property), 3744 (relating to duty to give information and render aid), 3745 (relating to accidents involving damage to unattended vehicle or property), 3746 (relating to immediate notice of accident to police department) or 3747 (relating to written report of accident by driver or owner).

(f) Other police duties.--This section shall not relieve any law enforcement officer of an investigating police department, including the Pennsylvania State Police, from

complying with section 3746 or 3751 (relating to reports by police).

(g) Penalty.--Any person violating this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than $50.

(Dec. 8, 2004, P.L.1791, No.237, eff. 150 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days)

2010 Amendment. Act 81 amended subsec. (a). The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

2004 Amendment. Act 237 added section 3745.1.

§ 3746. Immediate notice of accident to police department.

(a) General rule.--The driver of a vehicle involved in an accident shall immediately by the quickest means of communication give notice to the nearest office of a duly authorized police department if the accident involves:

(1) injury to or death of any person; or

(2) damage to any vehicle involved to the extent that it cannot be driven under its own power in its customary manner without further damage or hazard to the vehicle, other traffic elements, or the roadway, and therefore requires towing.

(a.1) Highly automated vehicles.--If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the certificate holder for the highly automated vehicle, a person on behalf of the certificate holder for the highly automated vehicle or the highly automated vehicle immediately contacts a duly authorized police department to report the accident.

(b) Duty of occupant if driver disabled.--Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there is another occupant in the vehicle at the time of the accident capable of doing so, the occupant shall make or cause to be given the notice not given by the driver.

(c) Investigation by police officer.--Every accident reported to a police department required in this section shall be investigated by a police officer who shall provide each driver a signed statement that the accident was reported.

(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added subsec. (a.1).

Cross References. Section 3746 is referred to in sections 1503, 1785, 3745.1, 3747, 8510.3 of this title.

§ 3747. Written report of accident by driver or owner.

(a) General rule.--If a police officer does not investigate an accident required to be investigated by section 3746 (relating to immediate notice of accident to police department), the driver of a vehicle which is in any manner involved in the accident shall, within five days of the accident, forward a written report of the accident to the department.

(b) Supplemental reports.--The department may require any driver of a vehicle involved in an accident of which written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department.

(c) Exception for disabled persons.--A written accident report is not required under this subchapter from any person who is physically incapable of making a report during the period of incapacity.

(d) Duty of owner if driver disabled.--Whenever the driver is physically incapable of making a written report of an accident as required in this section and the driver is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall, within five days after the accident, make the report not made by the driver.

(e) Confidentiality of reports.--All written reports required in this section to be forwarded to the department by drivers or owners of vehicles involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or any other governmental agency or their representatives having use for the records for accident prevention purposes, except that the department shall disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies his presence at the accident and shall disclose whether any person or vehicle was covered by a vehicle insurance policy and the name of the insurer.

(f) Use of reports as evidence.--No accident reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the department shall furnish upon demand of any party to the trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with the law and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers and the owners of the vehicles involved. The reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of section 3748 (relating to false reports).

(g) Compliance with other laws required.--This section does not affect the duty of filing accident reports required by any other statute or regulations made thereunder.

Cross References. Section 3747 is referred to in section 3745.1 of this title.

§ 3748. False reports.

Any person who gives information in oral or written reports required by this subchapter knowing or having reason to believe that the information is false is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $200.

Cross References. Section 3748 is referred to in sections 3747, 6503 of this title.

§ 3749. Reports by coroners and medical examiners.

(a) General rule.--Every coroner or medical examiner in this Commonwealth shall report in writing to the department within five days of certification the death of any person resulting from a vehicle accident, giving the time and place of accident and the circumstances relating thereto. These reports shall be made on forms prepared by the department. Every coroner or medical examiner shall retain a copy of the reports in his office for a period of two years.

(b) Blood and urine samples.--The coroners or medical examiners of each county in this Commonwealth shall take blood or urine samples or both from the bodies of all drivers and of all pedestrians over 15 years of age who die within four hours following an accident and shall, within ten days of the accident, transmit the samples to the Governor's Council on Drug and Alcohol Abuse. This subsection shall be applicable to all occupants over 15 years of age if the driver of the vehicle cannot be determined.

(c) Regulations for testing samples.--The Governor's Council on Drug and Alcohol Abuse shall establish and promulgate rules and regulations for the testing of the blood and urine samples authorized to be taken from dead bodies under this section.

Governor's Council on Drug and Alcohol Abuse. The Governor's Council on Drug and Alcohol Abuse is now known as the Pennsylvania Advisory Council on Drug and Alcohol Abuse and is designated as the advisory council to the Department of Health for drug and alcohol programs. See section 3 of the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act.

§ 3750. Reports by garages.

The person in charge of any garage or repair shop to which is brought a vehicle which shows evidence of having been struck by any bullet shall report to the nearest office of a duly authorized police department within 24 hours after the vehicle is received by the garage or repair shop, giving the year, make and model name of the vehicle, the vehicle identification number, the registration plate number and address of the owner or driver of the vehicle.

§ 3751. Reports by police.

(a) General rule.--Every police department that investigates a vehicle accident for which a report must be made as required in this subchapter and prepares a written report as a result of an investigation either at the time and at the scene of the accident or thereafter by interviewing the participants or witnesses shall, within 15 days of the accident, forward an initial written report of the accident to the department. If the initial report is not complete, a supplemental report shall be submitted at a later date.

(b) Furnishing copies of report.--

(1) Police departments shall, upon request, furnish a certified copy of the full report of the police investigation of any vehicle accident to any person involved in the accident, his attorney or insurer, and to the Federal Government, branches of the military service, Commonwealth agencies, and to officials of political subdivisions and to agencies of other states and nations and their political subdivisions.

(2) Except as provided in paragraph (3), the cost of furnishing a copy of a report under this subsection shall not exceed $15.

(3) In a city of the first class, the cost of furnishing a copy of a report under this subsection shall not exceed $25.

(4) The copy of the report shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

(5) Police departments may refuse to furnish the complete copy of investigation of the vehicle accident whenever there are criminal charges pending against any persons involved in the vehicle accident unless the Pennsylvania Rules of Criminal Procedure require the production of the documents.

(June 11, 1992, P.L.266, No.47, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days; Nov. 30, 2004, P.L.1667, No.211, eff. 60 days)

2004 Amendment. Act 211 amended subsec. (b).

1993 Amendment. Act 10 overlooked the amendment to subsec. (a) by Act 47 of 1992, but the amendments do not conflict in

substance and have both been given effect in setting forth the text of subsec. (a).

Cross References. Section 3751 is referred to in sections 1535, 3745.1 of this title; section 1392 of Title 53 (Municipalities Generally).

§ 3752. Accident report forms.

(a) Form and content.--The department shall prepare and upon request supply to all law enforcement agencies and other appropriate agencies or individuals, forms for written accident reports as required in this subchapter suitable with respect to the persons required to make the reports and the purposes to be served. The written report forms shall call for sufficiently detailed information to disclose with reference to a vehicle accident the cause, conditions then existing and the persons and vehicles involved, including separate information or data on autocycles. Reports for use by the drivers and owners shall also provide for information relating to financial responsibility.

(b) Use.--Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all the information required therein unless not available.

(May 25, 2016, P.L.248, No.34, eff. Jan. 1, 2018)

2016 Amendment. Act 34 amended subsec. (a).

§ 3753. Department to compile, tabulate and analyze accident reports.

(a) Central accident records agency.--The department shall establish a central accident records agency which shall be the repository for all reportable traffic accidents as defined in this subchapter. The agency will have primary responsibility for the administration and supervision of storing, processing and providing the informational needs to all official agencies having responsibility in the highway transportation system. Accident reports submitted to the department under this subchapter shall be considered as records of the department, and the department may use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). Such reports shall be admissible into evidence to support the department's case in an appeal of a department action that a licensee or registrant has taken under section 1377 (relating to judicial review) or 1550 (relating to judicial review), and the certification shall constitute prima facie proof of the facts and information contained in the accident report.

(b) Central accident analysis system.--The department shall provide accident data for analysis in selecting crash prevention programs and in evaluating the effectiveness of those programs implemented. The system shall provide an annual report to the General Assembly assessing traffic safety in Pennsylvania, including, but not limited to, an analysis of accident characteristics and mitigation strategies to reduce the potential for future accidents. In addition, the system shall be capable of providing:

(1) An annual statistical summary of motor vehicle accidents including multidimensional distribution for such factors as type, time and location of accident, road and weather conditions, type of traffic control, and condition and actions of operators and type and condition of the vehicles.

(2) Accident frequency histories for special highway locations.

(3) Comparative site-specific and route-specific accident data, including, but not limited to, accident rates, capsule summary listings, engineering extracts, location priority reports, cluster reports and maps depicting accident rates or frequencies for use in conducting in-depth accident investigations or safety studies.

(4) Evaluation of speed, driving under the influence, safety belts and other safety provisions of this title to aid the department and the General Assembly in determining when changes are desirable.

(5) Statistical analyses of the relationship between driver characteristics and behavior and accident involvement. These analyses shall include frequency and severity of crashes by drivers grouped by major violation category and frequency.

(6) An evaluation of legal or departmental actions as related to driver improvement and accident reduction.

(7) When information or data relating to motorcycles appears or is used in the system, the information and data shall be separated from information or data relating to other types of motorcycles.

(b.1) Certain reports.--The department shall biannually compile and make available to the public information submitted on an accident report concerning junior drivers with multiple passengers under 18 years of age and the use of seat belts by drivers and passengers under 18 years of age in motor vehicles involved in traffic accidents. The report shall note the number of passengers under 18 years of age if the driver involved in the accident was a junior driver and whether drivers and passengers under 18 years of age utilized a safety belt system. The data shall be included in a report submitted to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives.

(c) Highway safety statistics.--The department may compile such other statistics for such purposes as it might deem helpful in advancing highway safety.

(Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Oct. 25, 2011, P.L.334, No.81, eff. 60 days; May 25, 2016, P.L.248, No.34, eff. Jan. 1, 2018)

2016 Amendment. Act 34 added subsec. (b)(7).

2011 Amendment. Act 81 added subsec. (b.1).

1998 Amendment. Act 151 amended the section heading and subsec. (a).

1994 Amendment. Act 172 amended subsec. (b).

§ 3754. Accident prevention investigations.

(a) General rule.--The department, in association with the Pennsylvania State Police, may conduct in-depth accident investigations and safety studies of the human, vehicle and environmental aspects of traffic accidents for the purpose of determining the causes of traffic accidents and the improvements which may help prevent similar types of accidents or increase the overall safety of roadways and bridges.

(b) Confidentiality of reports.--In-depth accident investigations and safety studies and information, records and reports used in their preparation shall not be discoverable nor admissible as evidence in any legal action or other proceeding, nor shall officers or employees or the agencies charged with the development, procurement or custody of in-depth accident investigations and safety study records and reports be required

to give depositions or evidence pertaining to anything contained in such in-depth accident investigations or safety study records or reports in any legal action or other proceeding.
(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days)

§ 3755. Reports by emergency room personnel.

(a) General rule.--If, as a result of a motor vehicle accident, the person who drove, operated or was in actual physical control of the movement of any involved motor vehicle requires medical treatment in an emergency room of a hospital and if probable cause exists to believe a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) was involved, the emergency room physician or his designee shall promptly take blood samples from those persons and transmit them within 24 hours for testing to the Department of Health or a clinical laboratory licensed and approved by the Department of Health and specifically designated for this purpose. This section shall be applicable to all injured occupants who were capable of motor vehicle operation if the operator or person in actual physical control of the movement of the motor vehicle cannot be determined. Test results shall be released upon request of the person tested, his attorney, his physician or governmental officials or agencies.

(b) Immunity from civil or criminal liability.--No physician, nurse or technician or hospital employing such physician, nurse or technician and no other employer of such physician, nurse or technician shall be civilly or criminally liable for withdrawing blood or obtaining a urine sample and reporting test results to the police pursuant to this section or for performing any other duty imposed by this section. No physician, nurse or technician or hospital employing such physician, nurse or technician may administratively refuse to perform such tests and provide the results to the police officer except as may be reasonably expected from unusual circumstances that pertain at the time of admission.
(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Feb. 12, 1984, P.L.53, No.12, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (a).
1984 Amendment. Act 12 amended subsec. (b).
1982 Amendment. Act 289 added section 3755.

§ 3756. Post-accident testing.

The department shall promulgate regulations consistent with 49 CFR 382.303 (relating to post-accident testing).

(a) Testing requirement.--(Deleted by amendment).

(b) Penalty.--(Deleted by amendment).
(Dec. 23, 2002, P.L.1982, No.229, eff. 60 days; Oct. 24, 2018, P.L.925, No.153, eff. imd.)

§ 3757. Compensation for incident removal costs.

(a) General rule.--Notwithstanding any other law or regulation, any entity incurring the cost of removing a vehicle or cargo at an accident scene if the removal is authorized by a police officer shall have the unqualified right to compensation for the cost of removal and cargo storage and cleanup from the owner of:

(1) A vehicle removed.

(2) A vehicle, the cargo of which was removed in whole or in part.

(3) The cargo removed.

(b) Right to information.--A towing company that removes a vehicle or cargo under subsection (a) shall have the unqualified right to any information relevant to vehicle ownership and

information affecting compensation, including, but not limited to, insurance information.
(Dec. 8, 2004, P.L.1791, No.237, eff. 150 days)

2004 Amendment. Act 237 added section 3757.

CHAPTER 38
DRIVING AFTER IMBIBING ALCOHOL OR UTILIZING DRUGS

Sec.
3801. Definitions.
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3816. Requirements for driving under influence offenders.
3817. Reporting requirements for offenses.

Enactment. Chapter 38 was added September 30, 2003, P.L.120, No.24, effective February 1, 2004.

Special Provisions in Appendix. See sections 19, 20 and 21 of Act 24 of 2003 in the appendix to this title for special provisions relating to initial contracts by department, duties of department and applicability.

Cross References. Chapter 38 is referred to in sections 1542, 1545, 1552, 1553, 3101 of this title; section 5329 of Title 23 (Domestic Relations); sections 67A01, 9763 of Title 42 (Judiciary and Judicial Procedure).

§ 3801. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Adult." An individual who is at least 21 years of age.

"Ignition interlock system." A system approved by the department which prevents a vehicle from being started or operated unless the operator first provides a breath sample indicating that the operator has an alcohol level less than 0.025%.

"Minor." An individual who is under 21 years of age.

Cross References. Section 3801 is referred to in section 1556 of this title.

§ 3802. Driving under influence of alcohol or controlled substance.

(a) General impairment.--

(1) An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the individual is

rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle.

(2) An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.08% but less than 0.10% within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.

(b) High rate of alcohol.--An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.10% but less than 0.16% within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.

(c) Highest rate of alcohol.--An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is 0.16% or higher within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.

(d) Controlled substances.--An individual may not drive, operate or be in actual physical control of the movement of a vehicle under any of the following circumstances:

(1) There is in the individual's blood any amount of a:

(i) Schedule I controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act;

(ii) Schedule II or Schedule III controlled substance, as defined in The Controlled Substance, Drug, Device and Cosmetic Act, which has not been medically prescribed for the individual; or

(iii) metabolite of a substance under subparagraph (i) or (ii).

(2) The individual is under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.

(3) The individual is under the combined influence of alcohol and a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.

(4) The individual is under the influence of a solvent or noxious substance in violation of 18 Pa.C.S. § 7303 (relating to sale or illegal use of certain solvents and noxious substances).

(e) Minors.--A minor may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the minor's blood or breath is 0.02% or higher within two hours after the minor has driven, operated or been in actual physical control of the movement of the vehicle.

(f) Commercial or school vehicles.--An individual may not drive, operate or be in actual physical control of the movement of a commercial vehicle, school bus or school vehicle in any of the following circumstances:

(1) After the individual has imbibed a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is:

(i) 0.04% or greater within two hours after the individual has driven, operated or been in actual physical control of the movement of a commercial vehicle other than a school bus or a school vehicle.

(ii) 0.02% or greater within two hours after the individual has driven, operated or been in actual physical control of the movement of a school bus or a school vehicle.

(2) After the individual has imbibed a sufficient amount of alcohol such that the individual is rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle.

(3) While the individual is under the influence of a controlled substance or combination of controlled substances, as defined in section 1603 (relating to definitions).

(4) While the individual is under the combined influence of alcohol and a controlled substance or combination of controlled substances, as defined in section 1603.

(g) Exception to two-hour rule.--Notwithstanding the provisions of subsection (a), (b), (c), (e) or (f), where alcohol or controlled substance concentration in an individual's blood or breath is an element of the offense, evidence of such alcohol or controlled substance concentration more than two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle is sufficient to establish that element of the offense under the following circumstances:

(1) where the Commonwealth shows good cause explaining why the chemical test sample could not be obtained within two hours; and

(2) where the Commonwealth establishes that the individual did not imbibe any alcohol or utilize a controlled substance between the time the individual was arrested and the time the sample was obtained.

(May 11, 2006, P.L.155, No.36, eff. imd.)

2006 Amendment. Act 36 amended subsec. (g)(1). See the preamble to Act 36 in the appendix to this title for special provisions relating to legislative intent.

Cross References. Section 3802 is referred to in sections 102, 1534, 1539, 1541, 1543, 1547, 1552, 1553, 1554, 1556, 1575, 1586, 1611, 3326, 3327, 3716, 3732, 3732.1, 3733, 3735, 3735.1, 3755, 3803, 3804, 3805, 3806, 3807, 3811, 3812, 3814, 3815, 3816, 3817, 6506 of this title; sections 6105, 7508.1 of Title 18 (Crimes and Offenses); section 5502 of Title 30 (Fish); section 8137 of Title 35 (Health and Safety); sections 933, 1515, 1725.3, 1725.5, 3571, 3573 of Title 42 (Judiciary and Judicial Procedure); section 1604 of Title 75 (Vehicles).

§ 3803. Grading.

(a) Basic offenses.--Except as provided in subsection (b):

(1) An individual who violates section 3802(a) (relating to driving under influence of alcohol or controlled substance) and has no more than one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804 (relating to penalties).

(2) An individual who violates section 3802(a) and has two prior offenses commits a misdemeanor of the second degree.

(3) An individual who violates section 3802 and has three or more prior offenses or has previously been convicted of a violation of section 3735 (relating to homicide by vehicle while driving under influence) commits a felony of the third degree.

(b) Other offenses.--

(1) An individual who violates section 3802(a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any person or in damage to a vehicle or other property, or who violates section 3802(b), (e) or (f) and who has one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804.

(2) An individual who violates section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania, or who violates section 3802(c) or (d) and who has no prior offenses commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804.

(3) An individual who violates section 3802(a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any person or in damage to a vehicle or other property, or who violates section 3802(b), (e) or (f) and who has two prior offenses commits a misdemeanor of the first degree.

(4) An individual who violates section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania, or who violates section 3802(c) or (d) and who has one prior offense commits a misdemeanor of the first degree.

(4.1) An individual who violates section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania, or who violates section 3802(c) or (d), commits:

(i) A felony of the third degree if the individual has two prior offenses.

(ii) A felony of the second degree if the individual has three or more prior offenses.

(5) An individual who violates section 3802 where a minor under 18 years of age was an occupant in the vehicle when the violation occurred commits:

(i) A misdemeanor of the first degree if the individual has no more than one prior offense.

(ii) A felony of the third degree if the individual has two or more prior offenses.

(Nov. 29, 2004, P.L.1369, No.177, eff. imd.; May 8, 2012, P.L.255, No.39, eff. 60 days; Oct. 27, 2014, P.L.2905, No.189, eff. imd.; Oct. 24, 2018, P.L.925, No.153, eff. 60 days; July 11, 2022, P.L.717, No.59, eff. 120 days)

2022 Amendment. Act 59 amended subsec. (b)(4.1). The preamble of Act 59 provided that Act 59 may be referred to as Deana's Law.

Cross References. Section 3803 is referred to in sections 3804, 3806, 3815 of this title.

§ 3804. Penalties.

(a) General impairment.--Except as set forth in subsection (b) or (c), an individual who violates section 3802(a) (relating to driving under influence of alcohol or controlled substance) shall be sentenced as follows:

(1) For a first offense, to:

(i) undergo a mandatory minimum term of six months' probation;

(ii) pay a fine of $300;

(iii) attend an alcohol highway safety school approved by the department; and

(iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 (relating to drug and alcohol assessments) and 3815 (relating to mandatory sentencing).

(2) For a second offense, to:

(i) undergo imprisonment for not less than five days;

(ii) pay a fine of not less than $300 nor more than $2,500;

(iii) attend an alcohol highway safety school approved by the department; and

(iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(3) For a third or subsequent offense, to:

(i) undergo imprisonment of not less than ten days;

(ii) pay a fine of not less than $500 nor more than $5,000; and

(iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(b) High rate of blood alcohol; minors; commercial vehicles and school buses and school vehicles; accidents.--Except as set forth in subsection (c), an individual who violates section 3802(a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any person or damage to a vehicle or other property or who violates section 3802(b), (e) or (f) shall be sentenced as follows:

(1) For a first offense, to:

(i) undergo imprisonment of not less than 48 consecutive hours;

(ii) pay a fine of not less than $500 nor more than $5,000;

(iii) attend an alcohol highway safety school approved by the department; and

(iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(2) For a second offense, to:

(i) undergo imprisonment of not less than 30 days;

(ii) pay a fine of not less than $750 nor more than $5,000;

(iii) attend an alcohol highway safety school approved by the department; and

(iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(3) For a third offense, to:

(i) undergo imprisonment of not less than 90 days;

(ii) pay a fine of not less than $1,500 nor more than $10,000; and

(iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(4) For a fourth or subsequent offense, to:
(i) undergo imprisonment of not less than one year;
(ii) pay a fine of not less than $1,500 nor more than $10,000; and
(iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(c) Incapacity; highest blood alcohol; controlled substances.--An individual who violates section 3802(a)(1) and refused testing of breath under section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) or testing of blood pursuant to a valid search warrant or an individual who violates section 3802(c) or (d) shall be sentenced as follows:

(1) For a first offense, to:
(i) undergo imprisonment of not less than 72 consecutive hours;
(ii) pay a fine of not less than $1,000 nor more than $5,000;
(iii) attend an alcohol highway safety school approved by the department; and
(iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(2) For a second offense, to:
(i) undergo imprisonment of not less than 90 days;
(ii) pay a fine of not less than $1,500;
(iii) attend an alcohol highway safety school approved by the department; and
(iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(3) For a third or subsequent offense, to:
(i) undergo imprisonment of not less than one year;
(ii) pay a fine of not less than $2,500; and
(iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(c.1) Violation involving minor occupant.--An individual who violates section 3803(b)(5) (relating to grading), in addition to any penalty imposed in this chapter, shall be sentenced as follows:

(1) For a first offense, to:
(i) pay a fine of not less than $1,000; and
(ii) complete 100 hours of community service.

(2) For a second offense, to:
(i) pay a fine of not less than $2,500; and
(ii) undergo imprisonment of not less than one month nor more than six months.

(3) For a third or subsequent offense, undergo imprisonment of not less than six months nor more than two years.

(c.2) Consecutive sentence.--A sentence imposed upon an individual under this section who has two or more prior offenses shall be served consecutively to any other sentence the individual is serving and to any other sentence being then imposed by the court, except for those with which the offense must merge as a matter of law.

(c.3) Sentencing enhancement.--The Pennsylvania Commission on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for a violation of section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania or for a violation of section

3802(c) or (d) and where the individual has four or more prior offenses.

(d) Extended supervision of court.--If a person is sentenced pursuant to this chapter and, after the initial assessment required by section 3814(1), the person is determined to be in need of additional treatment pursuant to section 3814(2), the judge shall impose a minimum sentence as provided by law and a maximum sentence equal to the statutorily available maximum. A sentence to the statutorily available maximum imposed pursuant to this subsection may, in the discretion of the sentencing court, be ordered to be served in a county prison, notwithstanding the provisions of 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of confinement).

(e) Suspension of operating privileges upon conviction.--

(1) The department shall suspend the operating privilege of an individual under paragraph (2) upon receiving a certified record of the individual's conviction of or an adjudication of delinquency for:

(i) an offense under section 3802; or

(ii) an offense which is substantially similar to an offense enumerated in section 3802 reported to the department under Article III of the compact in section 1581 (relating to Driver's License Compact).

(2) Suspension under paragraph (1) shall be in accordance with the following:

(i) Except as provided for in subparagraph (iii), 12 months for an ungraded misdemeanor or misdemeanor of the second degree under this chapter.

(ii) 18 months for a misdemeanor of the first degree or felony of the second or third degree under this chapter.

(iii) There shall be no suspension for an ungraded misdemeanor under section 3802(a) where the person is subject to the penalties provided in subsection (a) and the person has no prior offense.

(iv) For suspensions imposed under paragraph (1)(ii), notwithstanding any provision of law or enforcement agreement to the contrary, all of the following apply:

(A) Suspensions shall be in accordance with Subchapter D of Chapter 15 (relating to the Driver's License Compact).

(B) In calculating the term of a suspension for an offense that is substantially similar to an offense enumerated in section 3802, the department shall presume that if the conduct reported had occurred in this Commonwealth then the person would have been convicted under section 3802(a)(2).

(v) Notwithstanding any other provision of law or enforcement agreement to the contrary, the department shall suspend the operating privilege of a driver for six months upon receiving a certified record of a consent decree granted under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) based on section 3802.

(f) Community service assignments.--In addition to the penalties set forth in this section, the sentencing judge may impose up to 150 hours of community service. Where the individual has been ordered to drug and alcohol treatment pursuant to sections 3814 and 3815, the community service shall be certified by the drug and alcohol treatment program as consistent with any drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(f.1) Victim impact panels.--

(1) In addition to any other penalty imposed under this section, the court may order a person who violates section 3802 to attend a victim impact panel program.

(2) A victim impact panel program shall provide a nonconfrontational forum for driving under the influence crash victims, their family members, their friends or other pertinent persons to speak to driving under the influence offenders about the impact of the crash on victims' lives and on the lives of families, friends and neighbors.

(3) A victim impact panel shall be administrated through the local office of probation and parole or other office as the court shall determine and shall be operated in consultation with the Mothers Against Drunk Driving - Pennsylvania State Organization.

(4) A victim impact panel program may assess a reasonable participation fee to achieve program self-sufficiency but may not operate for profit. The department shall establish an acceptable range of fees.

(5) The department shall develop standards and incentives to encourage counties to establish victim impact panel programs. In developing these standards, the department shall establish and chair a coordinating committee among pertinent agencies and organizations, including the Department of Health, the Pennsylvania Commission on Crime and Delinquency, the Office of Victim Advocate, the Administrative Office of Pennsylvania Courts, county officials, the Mothers Against Drunk Driving - Pennsylvania State Organization and the Pennsylvania DUI Association. The standards shall address items including all of the following:

(i) Prototype design and structure standards for victim impact panels.

(ii) Training standards and curricula for presenters, facilitators and administrators.

(iii) Operations policy and guidelines manual.

(iv) Evaluation standards, design and structure allowing for the tracking and analysis of recidivism data.

(v) Standards for counseling and debriefing activities for victim presenters.

(vi) Standards for reimbursing reasonable costs to victims for participation in panels.

(vii) Assistance to counties through coordinating potential Federal and State funding streams to carry out this subsection and to assist counties as may be needed.

(g) Sentencing guidelines.--The sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory penalties of this section.

(h) Appeal.--The Commonwealth has the right to appeal directly to the Superior Court any order of court which imposes a sentence for violation of this section which does not meet the requirements of this section. The Superior Court shall remand the case to the sentencing court for imposition of a sentence in accordance with the provisions of this section.

(i) First class cities.--Notwithstanding the provision for direct appeal to the Superior Court, if, in a city of the first class, a person appeals from a judgment of sentence under this section from the municipal court to the common pleas court for a trial de novo, the Commonwealth shall have the right to appeal directly to the Superior Court from the order of the common pleas court if the sentence imposed is in violation of this section. If, in a city of the first class, a person appeals to

the court of common pleas after conviction of a violation of this section in the municipal court and thereafter withdraws his appeal to the common pleas court, thereby reinstating the judgment of sentence of the municipal court, the Commonwealth shall have 30 days from the date of the withdrawal to appeal to the Superior Court if the sentence is in violation of this section.

(j) Additional conditions.--In addition to any other penalty imposed under law, the court may sentence a person who violates section 3802 to any other requirement or condition consistent with the treatment needs of the person, the restoration of the victim to preoffense status or the protection of the public.

(k) Nonapplicability.--Except for subsection (e), this section shall not apply to dispositions resulting from proceedings under 42 Pa.C.S. Ch. 63.

(Nov. 29, 2004, P.L.1369, No.177, eff. imd.; May 11, 2006, P.L.155, No.36, eff. imd.; May 8, 2012, P.L.255, No.39, eff. 60 days; July 20, 2017, P.L.333, No.30, eff. imd.; Oct. 24, 2018, P.L.925, No.153, eff. 60 days; July 11, 2022, P.L.717, No.59, eff. 120 days)

2022 Amendment. Act 59 amended subsec. (e)(2)(ii) and added subsecs. (c.2) and (c.3). The preamble of Act 59 provided that Act 59 may be referred to as Deana's Law.

2017 Amendment. Act 30 amended subsec. (c).

2012 Amendment. Act 39 amended subsec. (k) and added subsec. (c.1).

2006 Amendment. Act 36 added subsec. (f.1). See the preamble to Act 36 in the appendix to this title for special provisions relating to legislative intent.

2004 Amendment. Act 177 amended subsecs. (a), (b) and (c) and added subsec. (k).

Cross References. Section 3804 is referred to in sections 1547, 1556, 1575, 3803, 3805, 3806, 3815, 3816 of this title; section 7508.1 of Title 18 (Crimes and Offenses); section 9763 of Title 42 (Judiciary and Judicial Procedure).

§ 3805. Ignition interlock.

(a) General rule.--Except as provided under subsection (a.1), if a person violates section 3802 (relating to driving under influence of alcohol or controlled substance) or has had their operating privileges suspended pursuant to section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) or 3808(c) (relating to illegally operating a motor vehicle not equipped with ignition interlock) and the person seeks a restoration of operating privileges, the department shall require as a condition of issuing a restricted license pursuant to this section that the following occur:

(1) Any motor vehicle to be operated by the individual has been equipped with an ignition interlock system and remains so for the duration of the restricted license period.

(2) If there are no motor vehicles owned or to be operated by the person or registered to the person that the person so certify to the department in accordance with the department's regulations.

(a.1) Exception.--Subsection (a) shall not apply to an individual who meets all of the following:

(1) Is subject to the penalties under section 3804(a)(1) (relating to penalties) or subject to mandatory suspension of operating privilege under section 3807(d) (relating to Accelerated Rehabilitative Disposition).

(2) Has not had a prior offense, as defined under section 3806 (relating to prior offenses).

(b) Application for a restricted license.--A person subject to this section shall apply to the department for an ignition interlock restricted license under section 1951 (relating to driver's license and learner's permit), which shall be clearly marked to restrict the person to only driving, operating or being in actual physical control of the movement of motor vehicles equipped with an ignition interlock system. Upon issuance of an ignition interlock restricted license to any person, the department shall notify the person that until the person obtains an unrestricted license the person may not drive, operate or be in actual physical control of the movement of any motor vehicle which is not equipped with an ignition interlock system.

(c) Issuance of unrestricted license.--One year from the date of issuance of an ignition interlock restricted license under this section, if otherwise eligible, a person may be issued a replacement license under section 1951(d) that does not contain the ignition interlock system restriction. The department shall not issue an unrestricted license until a person has presented all of the following:

(1) Proof that the person has completed the ignition interlock restricted license period under this section.

(2) Certification by the vendor that provided the ignition interlock device that the person has complied with subsection (h.2).

(d) Prohibition.--Except as set forth in subsections (e) and (f), until the person obtains an unrestricted license, the person may not own, register, drive, operate or be in actual physical control of the movement of any motor vehicle within this Commonwealth unless the motor vehicle is equipped with an ignition interlock system.

(e) Economic hardship exemption.--A person subject to the requirements of subsection (a) may apply to the department for a hardship exemption to the requirement that an ignition interlock system must be installed in each of the person's motor vehicles. Where the department determines that the applicant establishes that such a requirement would result in undue financial hardship, the department may permit the applicant to install an ignition interlock system on only one of the applicant's motor vehicles. However, the applicant in accordance with section 3808 (relating to illegally operating a motor vehicle not equipped with ignition interlock) shall be prohibited from driving, operating or being in actual physical control of the movement of any motor vehicle, including any of the applicant's motor vehicles, which is not equipped with an ignition interlock system.

(f) Employment exemption.--If a person with a restricted license is required in the course and scope of employment to drive, operate or be in actual physical control of the movement of a motor vehicle owned by the person's employer, the following apply:

(1) Except as set forth in paragraph (2), the person may drive, operate or be in actual physical control of the movement of that motor vehicle in the course and scope of employment without installation of an ignition interlock system if:

(i) the employer has been notified that the employee is restricted; and

(ii) the employee has proof of the notification in the employee's possession while driving, operating or being in actual physical control of the movement of the employer's motor vehicle. Proof of the notification may

be established only by the notarized signature of the employer acknowledging notification on a form which shall be provided by the department for this purpose and shall include a contact telephone number of the employer.

(2) Paragraph (1) does not apply in any of the following circumstances:

(i) To the extent that an employer-owned motor vehicle is made available to the employee for personal use.

(ii) If the employer-owned motor vehicle is owned by an entity which is wholly or partially owned or controlled by the person subject to this section.

(iii) If the employer-owned motor vehicle is a school bus; a school vehicle; or a vehicle designed to transport more than 15 passengers, including the driver.

(g) Prohibition of authorization.--This section shall not give the department authorization to impose an ignition interlock requirement on a person that has committed an offense under former section 3731 prior to October 1, 2003, without the issuance of a court order.

(h) Department approval.--An ignition interlock system required to be installed under this title must be a system which has been approved by the department. The department's approval of ignition interlock systems shall be published in the Pennsylvania Bulletin. Systems approved for use under former 42 Pa.C.S. § 7002(d) (relating to ignition interlock systems for driving under the influence) and any contracts for the installation, maintenance and inspection of the systems in effect as of the effective date of this section shall continue to be approved and in effect until the department again publishes approval of ignition interlock systems in the Pennsylvania Bulletin and enters into new contracts in support of the systems.

(h.1) Mobile installation services.--

(1) Approved service providers of department-certified manufacturers of ignition interlock systems shall be permitted to provide mobile installation of ignition interlock systems within this Commonwealth.

(2) Mobile installation of ignition interlock systems shall be held to the same security and procedural standards as provided in specifications of the department.

(3) Approved service providers of mobile installation of ignition interlock systems shall not permit the program participant or any unauthorized personnel to witness the installation of the ignition interlock system.

(4) Regular maintenance of ignition interlocks after mobile installation shall be performed according to the specifications established by the department.

(h.2) Declaration of compliance.--Restrictions imposed under section 1556 (relating to ignition interlock limited license) shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that the following incidents have not occurred in the two consecutive months prior to the date entered on the certificate, and for the purposes of a suspension imposed under section 3807(d)(2), the person's ignition interlock device vendor shall certify the following incidents have not occurred in the prior 30 days entered on the certificate:

(1) An attempt to start the vehicle with a breath alcohol concentration of 0.08% or more, not followed within

10 minutes by a subsequent attempt with a breath alcohol concentration lower than 0.08%.

(2) Failure to take or pass any required retest.

(3) Failure of the person to appear at the ignition interlock system vendor when required for maintenance, repair, calibration, monitoring, inspection or replacement of the device such that the ignition interlock system no longer functions as required under subsection (h).

(i) Offenses committed during a period for which an ignition interlock restricted license has been issued.--Except as provided in sections 1547(b.1) and 3808(c) (relating to illegally operating a motor vehicle not equipped with ignition interlock), any driver who has been issued an ignition interlock restricted license and as to whom the department receives a certified record of a conviction of an offense for which the penalty is a cancellation, disqualification, recall, suspension or revocation of operating privileges shall have the ignition interlock restricted license recalled, and the driver shall surrender the ignition interlock restricted license to the department. Following the completion of the cancellation, disqualification, recall, suspension or revocation which resulted in the recall of the ignition interlock restricted license, the department shall require that the person complete the balance of the ignition interlock restricted license period previously imposed prior to the issuance of a replacement license under section 1951(d) that does not contain an ignition interlock restriction.

(Nov. 30, 2004, P.L.1667, No.211, eff. June 30, 2007; May 11, 2006, P.L.159, No.37, eff. 60 days; May 25, 2016, P.L.236, No.33, eff. 15 months; July 20, 2017, P.L.333, No.30)

2017 Amendment. Act 30 amended subsecs. (a.1), (h.2) intro par. and (1) and (i), effective immediately as to subsecs. (a.1) and (h.2)(1) and 15 months as to (h.2) intro par. and (i).

2016 Amendment. Act 33 amended subsecs. (a), (b), (c) and (f)(2)(ii) and added subsecs. (a.1) and (h.2).

2006 Amendment. Act 37 added subsec. (h.1).

Special Provisions in Appendix. See section 20(1) of Act 24 of 2003 in the appendix to this title for special provisions relating to duties of department.

Cross References. Section 3805 is referred to in sections 1547, 1556, 3806, 3808 of this title.

§ 3806. Prior offenses.

(a) General rule.--Except as set forth in subsection (b), the term "prior offense" as used in this chapter shall mean any conviction for which judgment of sentence has been imposed, adjudication of delinquency, juvenile consent decree, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition before the sentencing on the present violation for any of the following:

(1) an offense under section 3802 (relating to driving under influence of alcohol or controlled substance);

(2) an offense under former section 3731;

(3) an offense substantially similar to an offense under paragraph (1) or (2) in another jurisdiction; or

(4) any combination of the offenses set forth in paragraph (1), (2) or (3).

(b) Timing.--

(1) For purposes of sections 1553(d.2) (relating to occupational limited license), 1556 (relating to ignition interlock limited license), 3803 (relating to grading), 3804

(relating to penalties) and 3805 (relating to ignition interlock), the prior offense must have occurred:

(i) within 10 years prior to the date of the offense for which the defendant is being sentenced; or

(ii) on or after the date of the offense for which the defendant is being sentenced.

(2) The court shall calculate the number of prior offenses, if any, at the time of sentencing.

(3) If the defendant is sentenced for two or more offenses in the same day, the offenses shall be considered prior offenses within the meaning of this subsection.

(Nov. 29, 2004, P.L.1369, No.177, eff. imd.; Oct. 27, 2014, P.L.2905, No.189, eff. 60 days; May 25, 2016, P.L.236, No.33, eff. imd.)

2020 Unconstitutionality. Section 3806(a) intro. par. was declared unconstitutional in part on May 20, 2020, by the Superior Court of Pennsylvania in Commonwealth v. Chichkin, 232 A.3d 959 (2020).

2014 Amendment. Section 2 of Act 189 provided that the amendment of subsec. (b) shall apply to persons sentenced on or after the effective date of section 2.

Cross References. Section 3806 is referred to in sections 1556, 3805 of this title.

§ 3807. Accelerated Rehabilitative Disposition.

(a) Eligibility.--

(1) Except as set forth in paragraph (2), a defendant charged with a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) may be considered by the attorney for the Commonwealth for participation in an Accelerated Rehabilitative Disposition program in a county if the program includes the minimum requirements contained in this section.

(2) The attorney for the Commonwealth shall not submit a charge brought under this chapter for Accelerated Rehabilitative Disposition if any of the following apply:

(i) The defendant has been found guilty of or accepted Accelerated Rehabilitative Disposition of a charge brought under section 3802 within ten years of the date of the current offense unless the charge was for an ungraded misdemeanor under section 3802(a)(2) and was the defendant's first offense under section 3802.

(ii) An accident occurred in connection with the events surrounding the current offense and an individual other than the defendant was killed or suffered serious bodily injury as a result of the accident.

(iii) There was a passenger under 14 years of age in the motor vehicle the defendant was operating.

(b) Evaluation and treatment.--

(1) A defendant offered Accelerated Rehabilitative Disposition for a violation of section 3802 is, as a condition of participation in the program, subject to the following requirements in addition to any other conditions of participation imposed by the court:

(i) The defendant must attend and successfully complete an alcohol highway safety school established under section 1549 (relating to establishment of schools). A participating defendant shall be given both oral and written notice of the provisions of section 1543(b) (relating to driving while operating privilege is suspended or revoked).

(ii) Prior to receiving Accelerated Rehabilitative Disposition or other preliminary disposition, the defendant must be evaluated under section 3816(a) (relating to requirements for driving under influence offenders) to determine the extent of the defendant's involvement with alcohol or other drug and to assist the court in determining what conditions of Accelerated Rehabilitative Disposition would benefit the defendant and the public. If the evaluation indicates there is a need for counseling or treatment, the defendant shall be subject to a full assessment for alcohol and drug addiction in accordance with the provisions of section 3814(3) and (4) (relating to drug and alcohol assessments).

(iii) If the defendant is assessed under subparagraph (ii) to be in need of treatment, the defendant must participate and cooperate with a licensed alcohol or drug addiction treatment program. The level and duration of treatment shall be in accordance with the recommendations of the full assessment. Nothing in this subparagraph shall prevent a treatment program from refusing to accept a defendant if the program administrator deems the defendant to be inappropriate for admission to the program. A treatment program shall retain the right to immediately discharge into the custody of the probation officer an offender who fails to comply with program rules and treatment expectations or refuses to constructively engage in the treatment process.

(iv) The defendant must remain subject to court supervision for at least six months, but not more than 12 months.

(v) The defendant must make restitution to any person that incurred determinable financial loss as a result of the defendant's actions which resulted in the offense. Restitution must be subject to court supervision.

(vi) The defendant must pay the reasonable costs of a municipal corporation in connection with the offense. Fees imposed under this subparagraph shall be distributed to the affected municipal corporation.

(vii) The defendant must pay any other fee, surcharge or cost required by law. Except as set forth in subparagraph (vi), (viii) or (ix), a fee or financial condition imposed by a judge as a condition of Accelerated Rehabilitative Disposition or any other preliminary disposition of any charge under this chapter shall be distributed as provided for in 42 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines, etc.) and 3573 (relating to municipal corporation portion of fines, etc.).

(viii) The defendant must pay the costs of compliance with subparagraphs (i), (ii) and (iii).

(ix) The defendant shall pay a cost of $50 which shall be forwarded to the State Treasurer for deposit in the Emergency Medical Services Operating Fund.

(2) The defendant shall be subject to a full assessment for alcohol and drug addiction if any of the following apply:

(i) The evaluation under paragraph (1)(ii) indicates a likelihood that the defendant is addicted to alcohol or other drugs.

(ii) The defendant's blood alcohol content at the time of the offense was at least 0.16%.

(3) The assessment under paragraph (2) shall be conducted by one of the following:

(i) The Department of Health or its designee.

(ii) The county agency with responsibility for county drug and alcohol programs or its designee.

(iii) The clinical personnel of a facility licensed by the Department of Health for the conduct of drug and alcohol addiction treatment programs.

(4) The assessment under paragraph (2) shall consider issues of public safety and shall include recommendations for all of the following:

(i) Length of stay.

(ii) Levels of care.

(iii) Follow-up care and monitoring.

(c) Insurance.--

(1) This subsection shall only apply to a health insurance, health maintenance organization or other health plan required to provide benefits under section 602-A of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) If an individual who is insured by a health insurance, a health maintenance organization or other health plan, that is doing business in this Commonwealth, the individual may not be deprived of alcohol and other drug abuse and addiction treatment or coverage within the scope of that plan due to the identification of an alcohol or other drug problem which occurs as a result of an assessment under this section.

(d) Mandatory suspension of operating privileges.--As a condition of participation in an Accelerated Rehabilitative Disposition program, the court shall order the defendant's license suspended as follows:

(1) There shall be no license suspension if the defendant's blood alcohol concentration at the time of testing was less than 0.10%.

(2) For 30 days if the defendant's blood alcohol concentration at the time of testing was at least 0.10% but less than 0.16%.

(3) For 60 days if:

(i) the defendant's blood alcohol concentration at the time of testing was 0.16% or higher;

(ii) the defendant's blood alcohol concentration is not known;

(iii) an accident which resulted in bodily injury or in damage to a vehicle or other property occurred in connection with the events surrounding the current offense; or

(iv) the defendant was charged pursuant to section 3802(d).

(4) For 90 days if the defendant was a minor at the time of the offense.

(e) Failure to comply.--

(1) A defendant who fails to complete any of the conditions of participation contained in this section shall be deemed to have unsuccessfully participated in an Accelerated Rehabilitative Disposition program, and the criminal record underlying participation in the program shall not be expunged.

(2) The court shall direct the attorney for the Commonwealth to proceed on the charges as prescribed in the Rules of Criminal Procedure if the defendant:

(i) fails to meet any of the requirements of this section;

(ii) is charged with or commits an offense under 18 Pa.C.S. (relating to crimes and offenses); or

(iii) violates any other condition imposed by the court.

(Nov. 29, 2004, P.L.1369, No.177, eff. imd.; Aug. 18, 2009, P.L.308, No.37, eff. 180 days; Oct. 29, 2020, P.L.773, No.93, eff. 120 days)

2020 Amendment. Act 93 amended subsec. (b)(1)(ix).

2009 Amendment. Act 37 amended subsec. (b)(1)(vii) and added subsec. (b)(1)(ix).

2004 Amendment. Act 177 amended subsecs. (b)(1)(iv) and (d).

Cross References. Section 3807 is referred to in sections 1556, 3805, 3817 of this title; section 8153 of Title 35 (Health and Safety).

§ 3808. Illegally operating a motor vehicle not equipped with ignition interlock.

(a) Offense defined.--

(1) An individual required to only drive, operate or be in actual physical control of the movement of a motor vehicle equipped with an ignition interlock system under any of the following who drives, operates or is in actual physical control of the movement of a motor vehicle within this Commonwealth without such a system commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than $300 and not more than $1,000 and to imprisonment for not more than 90 days:

(i) Section 1556 (relating to ignition interlock limited license).

(ii) Section 3805 (relating to ignition interlock).

(iii) A requirement by another jurisdiction to operate only a vehicle with an ignition interlock system.

(2) An individual required to only drive, operate or be in actual physical control of the movement of a motor vehicle equipped with an ignition interlock system under any of the following who drives, operates or is in actual physical control of the movement of a motor vehicle within this Commonwealth without such a system and who has an amount of alcohol by weight in his blood that is equal to or greater than 0.025% at the time of testing or who has in his blood any amount of a Schedule I or nonprescribed Schedule II or III controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or its metabolite commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of $1,000 and to undergo imprisonment for a period of not less than 90 days:

(i) Section 1556.

(ii) Section 3805.

(iii) A requirement by another jurisdiction to operate only a vehicle with an ignition interlock system.

(b) Tampering with an ignition interlock system.--A person that tampers with an ignition interlock system required by law commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than $300 nor more than $1,000 and to undergo imprisonment for not more than 90 days. An offense

under this subsection shall be deemed to have been committed at either the location where tampering occurred or the place where the vehicle containing the ignition interlock system required by law is registered. The term "tampering," in addition to any physical act which is intended to alter or interfere with the proper functioning of an ignition interlock system required by law, shall include attempting to circumvent or bypass or circumventing or bypassing an ignition interlock system by:

(1) means of using another individual to provide a breath sample; or

(2) providing a breath sample for the purpose of bypassing an ignition interlock system required by law.

(c) Suspension of operating privilege.--Notwithstanding section 3805(c) and (i):

(1) If a person who is required to only drive, operate or be in actual physical control of the movement of a motor vehicle equipped with an ignition interlock system violates this section, upon receipt of a certified record of the conviction, the department shall not issue a replacement license to the person under section 1951(d) (relating to driver's license and learner's permit) that does not contain an ignition interlock restriction for a period of one year from the date of conviction until the person has complied with the requirements of section 3805.

(2) Upon receipt of a certified record of a second conviction of a violation of this section committed by a person who is required to only drive, operate or be in actual physical control of the movement of a motor vehicle equipped with an ignition interlock system which occurred during the same ignition interlock restricted license period, the department shall suspend the person's operating privileges for a period of one year and recall the ignition interlock restricted license, and the person shall surrender the ignition interlock restricted license to the department. Following completion of the suspension period, the department shall require that the person comply with the requirements of section 3805 prior to being eligible to receive a replacement license under section 1951(d) that does not contain an ignition interlock restriction.

(d) Applicability.--Notwithstanding section 3101 (relating to application of part), this section shall apply in all areas throughout this Commonwealth; however, it shall not apply to persons installing, maintaining or inspecting ignition interlock devices in the course and scope of their employment.
(Nov. 29, 2004, P.L.1369, No.177, eff. imd.; May 25, 2016, P.L.236, No.33, eff. 15 months; July 20, 2017, P.L.333, No.30, eff. 15 months)

2017 Amendment. Act 30 amended subsec. (c)(2).

2016 Amendment. Act 33 amended subsecs. (a), (b) and (c)(1).

Cross References. Section 3808 is referred to in sections 1541, 1542, 1547, 3805, 3811, 3812, 6506 of this title; section 8137 of Title 35 (Health and Safety); sections 1515, 1725.3 of Title 42 (Judiciary and Judicial Procedure).

§ 3809. Restriction on alcoholic beverages.

(a) General rule.--Except as set forth in subsection (b), an individual who is an operator or an occupant in a motor vehicle may not be in possession of an open alcoholic beverage container or consume a controlled substance as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled

Substance, Drug, Device and Cosmetic Act, or an alcoholic beverage in a motor vehicle while the motor vehicle is located on a highway in this Commonwealth.

(b) Exception.--This section does not prohibit possession or consumption by any of the following:

(1) A passenger in the passenger area of a motor vehicle designed, maintained or used primarily for the lawful transportation of persons for compensation. This paragraph includes buses, taxis and limousines.

(2) An individual in the living quarters of a house coach or house trailer.

(c) Penalty.--An individual who violates this section commits a summary offense.

Cross References. Section 3809 is referred to in section 1542 of this title.

§ 3810. Authorized use not a defense.

The fact that a person charged with violating this chapter is or has been legally entitled to use alcohol or controlled substances is not a defense to a charge of violating this chapter.

§ 3811. Certain arrests authorized.

(a) Warrant not required.--In addition to any other powers of arrest, a police officer is authorized to arrest an individual without a warrant if the officer has probable cause to believe that the individual has violated section 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked), 3802 (relating to driving under influence of alcohol or controlled substance) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock), regardless of whether the alleged violation was committed in the presence of the police officer.

(b) Territory.--The authority under subsection (a) extends to any hospital or other medical treatment facility located beyond the territorial limits of the police officer's political subdivision at which an individual to be arrested is found or was taken or removed for purposes of emergency treatment, examination or evaluation as long as there is probable cause to believe that the violation of section 1543(b)(1.1), 3802 or 3808(a)(2) occurred within the police officer's political subdivision.

§ 3812. Preliminary hearing or arraignment.

The presiding judicial officer at the preliminary hearing or preliminary arraignment relating to a charge of a violation of section 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked), 3802 (relating to driving under influence of alcohol or controlled substance) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock) shall not reduce or modify the original charges without the consent of the attorney for the Commonwealth.

§ 3813. Work release.

In any case in which an individual is sentenced to a period of imprisonment as a result of a conviction for violating a provision of this chapter, the judicial officer imposing the sentence shall consider assigning that individual to a daytime work release program. Any work release program permitted under this section shall be certified by the Drug and Alcohol Treatment program administration as being consistent with any drug and alcohol treatment requirements imposed under section 3814 (relating to drug and alcohol assessments).

§ 3814. Drug and alcohol assessments.

If a defendant is convicted or pleads guilty or no contest to a violation of section 3802 (relating to driving under influence of alcohol or controlled substance), the following apply prior to sentencing:

(1) The defendant shall be evaluated under section 3816(a) (relating to requirements for driving under influence offenders) and any other additional evaluation techniques deemed appropriate by the court to determine the extent of the defendant's involvement with alcohol or other drug and to assist the court in determining what type of sentence would benefit the defendant and the public.

(2) The defendant shall be subject to a full assessment for alcohol and drug addiction if any of the following subparagraphs apply:

(i) The defendant, within ten years prior to the offense for which sentence is being imposed, has been sentenced for an offense under:

(A) section 3802;

(B) former section 3731; or

(C) an equivalent offense in another jurisdiction.

(ii) Either:

(A) the evaluation under paragraph (1) indicates there is a need for counseling or treatment; or

(B) the defendant's blood alcohol content at the time of the offense was at least 0.16%.

(3) The assessment under paragraph (2) shall be conducted by one of the following:

(i) The Department of Health or its designee.

(ii) The county agency with responsibility for county drug and alcohol programs or its designee.

(iii) The clinical personnel of a facility licensed by the Department of Health for the conduct of drug and alcohol addiction treatment programs.

(4) The assessment under paragraph (2) shall consider issues of public safety and shall include recommendations for all of the following:

(i) Length of stay.

(ii) Levels of care.

(iii) Follow-up care and monitoring.

Special Provisions in Appendix. See section 18 of Act 24 of 2003 in the appendix to this title for special provisions relating to applicability of sections 3814 and 3815.

Cross References. Section 3814 is referred to in sections 3804, 3807, 3813, 3815, 3816 of this title; section 9763 of Title 42 (Judiciary and Judicial Procedure).

§ 3815. Mandatory sentencing.

(a) County supervision.--Notwithstanding the length of any maximum term of imprisonment imposed pursuant to sections 3803 (relating to grading) and 3804 (relating to penalties), and notwithstanding the provisions of section 17 of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, the sentencing judge may grant parole under the supervision of the county parole system to any offender serving a sentence for a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) and, if applicable, serving any concurrent sentence of imprisonment for any misdemeanor offense arising from the same criminal episode as the violation of section 3802. The power of the sentencing judge to grant parole shall apply only to those offenders whose sentences are being

served in a county prison pursuant to 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of confinement) or section 3804(d). The sentencing judge shall declare his intention to retain parole authority and supervision at the time of sentencing in cases in which he would not otherwise have parole authority and supervision.

(b) Parole.--

(1) An offender who is determined pursuant to section 3814 (relating to drug and alcohol assessments) to be in need of drug and alcohol treatment shall be eligible for parole in accordance with the terms and conditions prescribed in this section following the expiration of the offender's mandatory minimum term of imprisonment.

(2) The following shall be conditions of parole:

(i) If the offender is not determined under the procedures set forth in section 3814 to be addicted to alcohol or another substance, the offender must refrain from:

(A) the use of illegal controlled substances; and

(B) the abuse of prescription drugs, over-the-counter drugs or any other substances.

(ii) If the offender is determined under the procedures set forth in section 3814 to be addicted to alcohol or another substance, the offender must do all of the following:

(A) Refrain from:

(I) the use of alcohol or illegal controlled substances; and

(II) the abuse of prescription drugs, over-the-counter drugs or any other substances.

(B) Participate in and cooperate with drug and alcohol addiction treatment under subsection (c).

(c) Treatment.--

(1) Treatment must conform to assessment recommendations made under section 3814.

(2) Treatment must be conducted by a drug and alcohol addiction treatment program licensed by the Department of Health.

(3) The treatment program shall report periodically to the assigned parole officer on the offender's progress in the treatment program. The treatment program shall promptly notify the parole officer if the offender:

(i) fails to comply with program rules and treatment expectations;

(ii) refuses to constructively engage in the treatment process; or

(iii) without authorization terminates participation in the treatment program.

(4) Upon notification under paragraph (3), the parole officer shall report the offender's actions to the parole authority and to the department for compliance with section 1553(e) (relating to occupational limited license). The parole authority shall schedule a revocation hearing to consider recommendations of the parole officer and the treatment program.

(5) Nothing in this subsection shall prevent a treatment program from refusing to accept an offender if the program administrator deems the offender to be inappropriate for admission to the program. A treatment program shall retain the right to immediately discharge into the custody of the assigned parole officer an offender who fails to comply with

program rules and treatment expectations or refuses to constructively engage in the treatment process.

(d) Enforcement.--

(1) This subsection applies to an offender ordered to participate in a treatment program under subsection (b)(2)(ii) who:

(i) fails to comply with program rules and treatment expectations;

(ii) refuses to constructively engage in the treatment process; or

(iii) terminates participation in the treatment program without authorization.

(2) Notwithstanding any other provision of law, all of the following apply to an offender under paragraph (1):

(i) The offender's parole, prerelease, work release or any other release status shall be revoked.

(ii) The offender shall be ineligible for parole, prerelease, work release or any other release from the correctional facility prior to the expiration of the offender's maximum term unless the offender is permitted to be readmitted to a treatment program.

(3) Nothing in this subsection shall be construed to grant a legal right to parole to an offender previously ineligible for parole, on the grounds that the offender is currently prepared to participate in, comply with and constructively engage in the treatment process. Under such circumstances, parole or reparole of the offender shall be at the parole authority's discretion.

(e) Follow-up.--After an offender has completed the treatment program under subsection (c), the parole officer shall take reasonable steps to ensure that the offender does not abuse alcohol, use illegal controlled substances or abuse prescription drugs, over-the-counter drugs or any other such substances. These reasonable steps include requiring chemical testing and periodic reassessment of the offender by the treatment program.

(f) Fees.--

(1) Except as set forth in paragraph (2), the parole authority shall impose upon an offender subject to this section reasonable fees to cover the cost of any of the following:

(i) Chemical testing of the offender required under this section.

(ii) An assessment of the offender required under this section.

(iii) Drug or alcohol treatment provided in accordance with the assessment.

(2) If the parole authority finds the offender to be unable to pay the full amount of the fees required by paragraph (1) and section 1541(d) (relating to period of disqualification, revocation or suspension of operating privilege), it shall require the offender to pay as much of the fee as is consistent with the offender's ability to pay and shall direct the assigned parole officer to establish a reasonable payment schedule for the offender to pay as much of the remaining fees as is consistent with the offender's ability to pay.

(g) Insurance.--

(1) This subsection shall only apply to a health insurance, health maintenance organization or other health plan required to provide benefits under section 602-A of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) If an individual who is insured by a health insurance, a health maintenance organization or other health plan, that is doing business in this Commonwealth, the individual may not be deprived of alcohol and other drug abuse and addiction treatment or coverage within the scope of that plan due to the identification of an alcohol or other drug problem which occurs as a result of an assessment under this section.

(h) Additional funding.--In order to support and augment the diagnostic assessment and treatment services provided under this section, the Department of Health, the department and the Pennsylvania Commission on Crime and Delinquency shall seek all available Federal funding, including funds available through the United States National Highway Traffic Safety Administration and the Department of Health and Human Services.
(Nov. 29, 2004, P.L.1369, No.177, eff. imd.)

2004 Amendment. Act 177 amended subsec. (a).

Special Provisions in Appendix. See section 18 of Act 24 of 2003 in the appendix to this title for special provisions relating to applicability of sections 3814 and 3815.

References in Text. Section 17 of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, referred to in subsec. (a), was repealed by the act of August 11, 2009 (P.L.494, No.49). The subject matter is now contained in Part IV of Title 61 (Prisons and Parole).

Cross References. Section 3815 is referred to in sections 1553, 1556, 3804, 3816, 3817 of this title; section 9763 of Title 42 (Judiciary and Judicial Procedure).

§ 3816. Requirements for driving under influence offenders.

(a) Evaluation using Court Reporting Network.--In addition to any other requirements of the court, every person convicted of a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) and every person offered Accelerated Rehabilitative Disposition as a result of a charge of a violation of section 3802 shall, prior to sentencing or receiving Accelerated Rehabilitative Disposition or other preliminary disposition, be evaluated using Court Reporting Network instruments issued by the department and any other additional evaluation techniques deemed appropriate by the court to determine the extent of the person's involvement with alcohol or controlled substances and to assist the court in determining what sentencing, probation or conditions of Accelerated Rehabilitative Disposition would benefit the person or the public.

(b) Court-ordered intervention or treatment.--A record shall be submitted to the department as to whether the court did or did not order a defendant to attend drug and alcohol treatment pursuant to the requirements of sections 3804 (relating to penalties), 3814 (relating to drug and alcohol assessments) and 3815 (relating to mandatory sentencing). If the court orders treatment, a report shall be forwarded to the department as to whether the defendant successfully completed the program. If a defendant fails to successfully complete a program of treatment as ordered by the court, the suspension shall remain in effect until the department is notified by the court that the defendant has successfully completed treatment and the defendant is otherwise eligible for restoration of his operating privilege. In order to implement the recordkeeping requirements of this section, the department and the court shall work together to exchange pertinent information about a defendant's case,

including attendance and completion of treatment or failure to complete treatment.

Cross References. Section 3816 is referred to in sections 1541, 3807, 3814 of this title.

§ 3817. Reporting requirements for offenses.

(a) Requirement.--The department shall make an annual report on the administration of this chapter. The department, the Administrative Office of Pennsylvania Courts and the Pennsylvania Sentencing Commission shall work together to exchange pertinent information necessary to complete this report.

(b) Contents.--The report shall include the following information by county:

(1) The number of offenders charged with a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) sorted by the subsection under which the offender was charged.

(2) The number of offenders convicted of violating section 3802 sorted by the subsection under which the offender was convicted.

(3) The number of offenders admitted to an Accelerated Rehabilitative Disposition program for violating section 3802 sorted by the subsection under which the offender was charged.

(4) The number of offenders completing an Accelerated Rehabilitative Disposition program for a violation of section 3802 sorted by the subsection under which the offender was charged.

(5) The number of persons refusing a chemical test sorted by the number of prior offenses.

(6) The number of offenders subject to treatment under section 3807 (relating to Accelerated Rehabilitative Disposition) sorted by the subsection of section 3802 under which the offender was charged.

(7) The number of offenders subject to section 3815 (relating to mandatory sentencing) sorted by the subsection of section 3802 under which the offender was convicted.

(8) The number of offenders sent to treatment for alcohol and drug problems and addiction.

(9) The names of the treatment facilities providing treatment and the level of care and length of stay in treatment.

(10) The number of offenders successfully completing treatment.

(11) The number of first, second, third and subsequent offenders sorted by the subsection of section 3802 under which the offender was charged.

(12) The number of first, second, third and subsequent offenders sorted by the subsection of section 3802 under which the offender was convicted.

(13) The number of offenders who violated section 3802 for whom costs for assessment and treatment were waived by the court.

(14) The number of offenders who violated section 3802 for whom fines and costs were waived by the court.

(c) Recipients.--The annual report shall be submitted to the Judiciary Committee, Public Health and Welfare Committee and Transportation Committee of the Senate; the Health and Human Services Committee, Judiciary Committee and Transportation Committee of the House of Representatives; and the Department of Health Bureau of Drug and Alcohol Programs, who shall utilize

the data for program planning purposes. The Bureau of Drug and Alcohol Programs shall consider increases in county drug and alcohol program costs that result from the implementation of this chapter when proposing annual appropriations requests. The report shall be made available to the public.

PART IV
VEHICLE CHARACTERISTICS

Chapter

41. Equipment Standards
43. Lighting Equipment
45. Other Required Equipment
47. Inspection of Vehicles
49. Size, Weight and Load

Enactment. Part IV was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

CHAPTER 41
EQUIPMENT STANDARDS

Sec.

4101. Purpose of part.
4102. Definitions.
4103. Promulgation of vehicle equipment standards.
4104. Testing and approval of equipment.
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4108. Injunctive relief.

Enactment. Chapter 41 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

Cross References. Chapter 41 is referred to in section 3581 of this title.

§ 4101. Purpose of part.

The purpose of this chapter and Chapters 43 (relating to lighting equipment) and 45 (relating to other required equipment) is to establish minimum standards for vehicle equipment the performance of which is related to vehicle safety, noise control and air quality and to make unlawful the sale and use of items which do not comply with the requirements of this part or with the standards and regulations promulgated by the department.

§ 4102. Definitions.

The following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Centralized inspection." A system for vehicle emission inspection utilizing consolidated facilities owned and operated by the Commonwealth or by a contractor or contractors to the Commonwealth that provide for vehicle emission testing only.

"Decentralized inspection." A system for vehicle emission inspection using privately owned and operated department-certified facilities to provide for vehicle emission testing or allowing for repairs or both.

"Enhanced emission inspection program." A vehicle emission inspection program as defined by the Federal Environmental Protection Agency and including, but not limited to,

computerized emission analyzers, on-road testing and inspection of vehicle emission control devices through a contracted centralized or decentralized inspection program.

"Federal standard." A minimum standard of vehicle or vehicle equipment performance issued under the National Traffic and Motor Vehicle Safety Act (80 Stat. 718, 15 U.S.C. § 1381), the Motor Vehicle Information and Cost Savings Act (86 Stat. 947, 15 U.S.C. § 1901) or the Clean Air Act (81 Stat. 485, 42 U.S.C. § 1857).

"On-road testing device." An exhaust gas analyzer capable of measuring vehicle exhaust gas content outside of the garage environment while the vehicle is in motion on the road or at roadside.

"Qualified Commonwealth employee." An individual, police officer or qualified department employee who has completed training in the inspection or weighing of vehicles as required by section 4704 (relating to inspection by police or Commonwealth personnel), 4981 (relating to weighing and measurement of vehicles) or 8302 (relating to powers and duties of department).

"Subject vehicle." A motor vehicle having a gross vehicle weight rating of 9,000 pounds or less which is of a model year and uses a type of fuel specified by regulation of the department if the secretary certifies by publication in the Pennsylvania Bulletin that an emission inspection program for such vehicles is required to meet the attainment goals established by the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.), as amended, and regulations promulgated by the United States Environmental Protection Agency.

"Vehicle equipment standard." A minimum standard for vehicle performance or vehicle equipment performance which meets the needs of vehicle safety, noise control or air quality control, which is practicable and which provides objective criteria. (Dec. 16, 1992, P.L.1250, No.166)

1992 Amendment. See section 9 of Act 166 in the appendix to this title for special provisions relating to effective date.

Cross References. Section 4102 is referred to in section 4150 of Title 3 (Agriculture).

§ 4103. Promulgation of vehicle equipment standards.

(a) General rule.--The department shall promulgate vehicle equipment standards for vehicles, equipment and devices required under this part. To the maximum extent possible, consistent with safety, the standards shall be expressed in terms of minimum acceptable performance levels, measured against objective testing parameters.

(b) Applicability of Federal standards.--Federal standards promulgated with respect to the performance of any vehicle or item of equipment shall have the same force and effect as if promulgated by the department under subsection (a) and shall supersede any Commonwealth standard applicable to the same aspect of performance for the vehicle or item of equipment.

(c) Incorporation of standards by reference.--Subject to the provisions of subsections (a) and (b), applicable standards or recommended practices issued by the National Highway Traffic Safety Administration, U.S. Department of Transportation, the Vehicle Equipment Safety Commission, the American National Standards Institute, the Society of Automotive Engineers or any other generally recognized standards setting body may be adopted by reference, provided that copies of the standards are incorporated in the notice of proposed rule making.

(d) Applicability to certain vehicles.--Vehicle equipment standards contained in this part or promulgated by the department under the authority given in this part shall not apply to a motor vehicle registered as an antique or classic vehicle containing equipment which meets the original manufacturer's specifications.

(e) Extension of standards prohibited.--Vehicle equipment standards promulgated by the department shall not be extended to any vehicle which, because of its date of manufacture, is not required by Federal standards to have the equipment.

(f) Highly automated vehicles.--

(1) A highly automated vehicle that is designed to operate exclusively by the ADS or a highly automated vehicle driver in a remote location for all trips is not subject to motor vehicle equipment laws or regulations of this Commonwealth that relate to or support motor vehicle operation by a driver seated in the vehicle and are not relevant for an ADS.

(2) Nothing in this subsection shall be construed to exempt an entire highly automated vehicle from the periodic inspection of vehicles under section 4702 (relating to requirement for periodic inspection of vehicles).

(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added subsec. (f).

Cross References. Section 4103 is referred to in sections 3716, 4104, 4702 of this title.

§ 4104. Testing and approval of equipment.

(a) Authority of department.--The department may require new vehicles and equipment to be tested and approved for compliance with the requirements of this part or any vehicle equipment standard adopted pursuant to section 4103(a) (relating to promulgation of vehicle equipment standards).

(b) Basis of approval.--Approvals may be based on certification furnished to the department by the American Association of Motor Vehicle Administrators, or if the American Association of Motor Vehicle Administrators certification program does not cover the type of vehicle or equipment, the department shall determine approval on test reports prepared by such testing laboratories as the department may designate.

(c) Procedure for approval.--The department shall establish by regulation the procedure to be followed when request for approval of any item of equipment is submitted under this section. The department shall not unreasonably withhold designation of any laboratory which meets the minimum criteria established by the department as an approved laboratory for equipment testing. Where a regulated manufacturer has its own in-house testing facilities which meet the minimum criteria, the department may accept test reports from the manufacturer for the purpose of granting equipment approvals.

(d) Markings on approved equipment.--Each item of equipment requiring approval by the department shall bear the trademark, name or code symbol under which it is approved. If practicable, the markings shall be legible after installation. For the purposes of this subsection, code symbol means one assigned and approved by the department in the absence of a name or trademark.

(e) Lists of approved equipment.--The department shall maintain lists of all items of equipment which have been approved under authority of this part. Copies of the lists or portions of the lists shall be made available at cost upon request.

Cross References. Section 4104 is referred to in section 1954 of this title.

§ 4105. Revocation and renewal of certificates of approval.

(a) Hearing to review approved devices.--When the department has reason to believe that an approved device being sold commercially does not comply with the requirements of this part, it may, after giving 30 days' notice to the person holding the certificate of approval for the device, conduct a hearing upon the question of compliance of the approved device. After the hearing, the department shall determine whether the approved device meets the requirements of this part and shall notify the person holding the certificate of approval of the determination.

(b) Devices determined to be in violation.--If the department determines as a result of the hearing that the device does not meet the requirements of this part, the person holding the certificate of approval shall have a period of 90 days to resubmit a request for approval. In the event the device is determined to be hazardous, the department may take immediate action through injunctive relief pursuant to section 4108 (relating to injunctive relief). If the person holding the certificate of approval fails to satisfy the department that the resubmitted device as thereafter to be sold meets the requirements of this part, the department shall revoke the approval issued unless the device is resubmitted to and retested by an authorized testing laboratory and is found to meet the requirements of this part. The department may require that all devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this part.

(c) Expiration of certificate.--Certificates of approval issued for items of equipment required to be approved under this part will not expire except as provided by regulation or until revoked by the department.

(d) Renewal of certificate.--Certificates of approval which expire pursuant to regulation shall be void after the period stated from the date of issue unless application is made for renewal of the certificates in accordance with the procedure established by the department, together with the applicable fee, and a new certificate of approval is issued.

(e) Promulgation of regulations.--The department shall promulgate rules and regulations to effectuate the provisions of this section.

Cross References. Section 4105 is referred to in section 4106 of this title.

§ 4106. Market surveillance program.

(a) General rule.--The department shall maintain a continuing program of market surveillance to insure that any items of vehicle equipment offered for sale in this Commonwealth and for which approvals are required are in compliance with the law.

(b) Purchase and testing of samples.--The department may undertake at State expense random retail purchase and compliance testing of samples of equipment which is covered by a valid certificate of approval or which has been certified by its manufacturer as being in compliance with an applicable Federal motor vehicle safety standard. If the samples, upon testing, fail to meet the applicable performance requirements, the department may commence revocation proceedings pursuant to section 4105 (relating to revocation and renewal of certificates of approval).

(c) Notice of violations.--If the market surveillance program reveals instances of items of equipment being offered for sale which have not been submitted for approval as required by State law or regulation or have been disapproved or have not been certified as being in compliance with an applicable Federal standard, immediate written notice of that fact shall be furnished the dealer, distributor, wholesaler or manufacturer. The dealer shall not thereafter sell the equipment and the distributor, wholesaler or manufacturer shall recall all the equipment from all dealers.

§ 4107. Unlawful activities.

(a) Violation of vehicle equipment standards.--

(1) It is unlawful for any person to sell, offer for sale, lease, install or replace, either separately or as part of the equipment of a vehicle, any item of vehicle equipment affecting the operation of the vehicle which does not comply with this title or regulations promulgated thereunder, or which does not comply with an applicable Federal motor vehicle safety standard adopted by regulation by the department.

(2) Any person convicted of violating this subsection shall be subject to a civil penalty of not more than $100 for each violation. Each violation of the provisions of this subsection shall constitute a separate violation with respect to each motor vehicle or item of motor vehicle equipment or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty shall not exceed $10,000 for any related series of violations.

(b) Other violations.--It is unlawful for any person to do any of the following:

(1) Willfully or intentionally remove (other than for purposes of repair and replacement) or render inoperative, in whole or in part, any item of vehicle equipment which was required to be installed at the time of manufacture or thereafter upon any vehicle, by any law, rule, regulation or requirement of any officer or agency of the United States or of the Commonwealth, if it is intended that the vehicle be operated upon the highways of this Commonwealth unless the removal or alteration is specifically permitted by this title or by regulations promulgated by the department.

(2) Operate, or cause or permit another person to operate, on any highway in this Commonwealth any vehicle or combination which is not equipped as required under this part or under department regulations or when the driver is in violation of department regulations or the vehicle or combination is otherwise in an unsafe condition or in violation of department regulations.

(2.1) Operate a motor carrier vehicle, bus or school bus the brake system of which is in such condition that further operation would be hazardous under section 4704(c)(1) (relating to inspection by police or Commonwealth personnel).

(3) Do any act forbidden by this part or fail to perform any act required under this part.

(b.1) Out-of-service criteria.--No person shall operate a motor carrier vehicle or cause, permit, require or otherwise allow any other person to operate a motor carrier vehicle in violation of driver out-of-service criteria or standards periodically adopted by the United States Department of Transportation and adopted by reference by the department under the provisions of section 6103 (relating to promulgation of rules and regulations by department). The department shall

coordinate with the Pennsylvania Public Utility Commission in the enforcement of this subsection and 66 Pa.C.S. § 3312 (relating to evasion of motor carrier and broker regulations).

(c) Use of certain equipment unaffected.--This part shall not be construed to:

(1) Prohibit the use of parts or equipment required by the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718, 15 U.S.C. § 1381) or the use of any other parts or accessories on any vehicle not inconsistent with the provisions of this title or regulations promulgated thereunder.

(2) Limit the use of independent after market repair and service parts in the repair of vehicles and items of vehicle equipment unless in violation of the provisions of this title or regulations promulgated thereunder.

(d) Penalty.--

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

(ii) A person who operates a motor carrier vehicle, bus or school bus in violation of subsection (b)(2.1) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $150, except that, if multiple charges are filed together, the fine shall be $300 per violation.

(2) (i) Except as provided in subparagraph (ii), a person who causes, permits, requires or otherwise allows another person to operate a motor carrier vehicle or a bus in violation of subsection (b)(2) commits a summary offense and, upon conviction, shall be sentenced to pay a fine of $50 per violation, except that the minimum fine for a violation not related to driver's hours of service which causes the driver or the vehicle to be placed out of service under section 4704(c) shall be $100 per violation. The maximum fine which may be levied on the basis of multiple charges filed together shall be $1,000.

(ii) A person who causes, permits, requires or otherwise allows another person to operate a motor carrier vehicle, bus or school bus in violation of subsection (b)(2.1) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $300, except that, if multiple charges are filed together, the fine shall be $600 per violation.

(3) Any person who violates subsection (b.1) as it relates to driver's hours of service commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $500 per violation.

(4) The department shall coordinate with the commission in the enforcement of this subsection and 66 Pa.C.S. § 3312(a).

(e) Exception for certain frozen dessert trucks.--Any frozen dessert truck which is equipped with a side stop signal arm and flashing or revolving red or amber lights may be operated within

this Commonwealth without violating the provisions of this part and sections 4552 (relating to general requirements for school buses), 4571 (relating to visual and audible signals on emergency vehicles) and 4572 (relating to visual signals on authorized vehicles) so long as the side stop signal arm and the flashing or revolving red or amber lights are not utilized or activated within this Commonwealth.
(June 19, 1985, P.L.49, No.20, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; June 19, 2001, P.L.281, No.21, eff. imd.; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months; July 5, 2005, P.L.100, No.37; Dec. 18, 2007, P.L.436, No.67, eff. 60 days)

2007 Amendment. Act 67 amended subsec. (d)(3).
2002 Amendment. Act 229 amended subsecs. (b) and (d).
2001 Amendment. Act 21 amended subsec. (d) and added subsec. (b.1).
1998 Amendment. Act 151 added subsec. (e).
References in Text. Section 3312(a) of Title 66 (Public Utilities), referred to in subsec. (d)(4), does not exist.
Cross References. Section 4107 is referred to in section 6309 of this title.

§ 4108. Injunctive relief.

(a) General rule.--Upon petition by the department, any court of competent jurisdiction in this Commonwealth may, for cause shown, restrain violations of this part or restrain the sale, offer for sale or use of any item of vehicle equipment which is determined to be in violation of this part or regulations promulgated pursuant thereto.

(b) Notice of contemplated action.--Whenever practicable, the department shall give notice to any person against whom an action for injunctive relief is contemplated and afford an opportunity to present views and, except in the case of a knowing and willful violation, shall afford reasonable opportunity to achieve compliance. The failure to give notice and afford such opportunity shall not preclude the granting of appropriate relief.

(c) Nonjury criminal contempt proceedings.--In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, the court shall sit without intervention of a jury.
(Apr. 28, 1978, P.L.202, No.53, eff. 60 days)

1978 Amendment. Act 53 amended subsec. (a).
Cross References. Section 4108 is referred to in section 4105 of this title; section 4136 of Title 42 (Judiciary and Judicial Procedure).

CHAPTER 43
LIGHTING EQUIPMENT

Sec.
4301. Promulgation of regulations by department.
4302. Periods for requiring lighted lamps.
4303. General lighting requirements.
4304. Obstructed lights not required.
4305. Vehicular hazard signal lamps.
4306. Use of multiple-beam road lighting equipment.
4307. Use and display of illuminated signs.
4308. Lighted head lamps on school buses.
4309. Lighted head lamps in work zones.

4310. Motorcycle lighting.

Enactment. Chapter 43 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

Cross References. Chapter 43 is referred to in sections 3526, 3581, 4101, 4552, 4905 of this title.

§ 4301. Promulgation of regulations by department.

The department shall promulgate regulations governing the number, visibility, color, size, type, construction, location and use of lamps, other lighting equipment and any retroreflective surfaces on vehicles.

§ 4302. Periods for requiring lighted lamps.

(a) General rule.--The operator of a vehicle upon a highway shall display the lighted head lamps and other lamps and illuminating devices required under this chapter for different classes of vehicles, subject to exceptions with respect to parked vehicles, at the following times:

(1) Between sunset and sunrise.

(2) Any time when the operator cannot discern a person or vehicle upon the highway from a distance of 1,000 feet due to insufficient light or unfavorable atmospheric conditions, including rain, snow, sleet, hail, fog, smoke or smog.

(3) Any time when the vehicle's windshield wipers are in continuous or intermittent use due to precipitation or atmospheric moisture, including rain, snow, sleet or mist.

(b) Signal lights.--Stop lights, turn signals and other signaling devices shall be lighted as prescribed in this title.

(c) Applicability.--This section shall not apply to motorcycles.

(June 11, 1992, P.L.266, No.47, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Nov. 29, 2006, P.L.1449, No.159, eff. 60 days)

2006 Amendment. Act 159 amended subsec. (a).

2002 Amendment. Act 152 added subsec. (c).

Cross References. Section 4302 is referred to in sections 3303, 3526 of this title.

§ 4303. General lighting requirements.

(a) Head lamps.--Every vehicle, except trailers, operated on a highway shall be equipped with a head lamp system in conformance with regulations of the department. The regulations shall not prohibit a bus from being equipped with devices used to carry pedalcycles on the front of the bus.

(b) Rear lighting.--Every vehicle operated on a highway shall be equipped with a rear lighting system including, but not limited to, rear lamps, rear reflectors, stop lamps and license plate light, in conformance with regulations of the department. If a vehicle is equipped with a centrally mounted rear stop light, a decal or overlay may be affixed to the centrally mounted rear stop light if the decal or overlay meets all applicable State and Federal regulations.

(c) Turn signals and hazard warning lights.--Every motor vehicle, except motorcycles and pedalcycles, and every trailer operated on a highway shall be equipped with a system of turn signal lights and hazard warning lights in conformance with regulations of the department.

(d) Identification, clearance and side marker lights.--Every motor vehicle, trailer and combination operated on a highway shall be equipped with a system of lights which may include retroreflective reflectors, identification, clearance and side marker lights in conformance with regulations of the department.

(e) Equipment exempted by regulation.--Antique motor vehicles, animal-drawn vehicles, implements of husbandry, commercial implements of husbandry and special mobile equipment, if operated exclusively between the hours of sunrise and sunset and not during periods of reduced visibility or insufficient illumination, may be exempted from certain lighting equipment requirements of this part by regulations of the department.

(f) Off-road lighting.--Off-road lighting lamps may be mounted on the roof or roll bar of a vehicle and shall be covered with an opaque covering that prohibits any light from being emitted when the vehicle is being operated on a highway or trafficway. Any person who illuminates an off-road lighting lamp while the vehicle is being operated on a highway or a trafficway commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $100.

(g) Snow plow lamps.--Snow plow lamps shall be installed as follows:

(1) Snow plow lamps shall be wired through a double throw switch so that both sets of lights will not operate at the same time.

(2) Snow plow lamps shall be aimed so that the high intensity beam does not project to left of extreme left side of vehicle nor higher than center of lamp at a distance of 25 feet in front of vehicle. In no case shall the high intensity portion of the beam be higher than 42 inches above level surface at a distance of 75 feet ahead. The lamps shall be spaced at a distance not less than 20 inches apart and shall be symmetrically located on each side of the vehicle centerline.

(3) Fog lamps, if installed on a vehicle equipped with snow plow lamps, may be substituted for snow plow lamps anytime when, due to unfavorable atmospheric conditions, including rain, snow, sleet, hail, fog, smoke or smog, persons or vehicles on the highway are not clearly discernible to the operator for a distance of 1,000 feet ahead. Fog lamps that are used in lieu of snow plow lamps shall meet the same aiming requirements as snow plow lamps.

(Nov. 23, 1987, P.L.399, No.82, eff. 60 days; Nov. 24, 1992, P.L.725, No.109, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 10, 1996, P.L.925, No.149, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (a).

1996 Amendment. Act 149 added subsec. (g).

1992 Amendments. Act 109 added subsec. (f) and Act 174 amended subsec. (e).

1987 Amendment. Act 82 amended subsec. (b).

§ 4304. Obstructed lights not required.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except a tail lamp) need not be lighted which, by reason of its location on a vehicle of the combination, is obscured by another vehicle of the combination, but this does not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

§ 4305. Vehicular hazard signal lamps.

(a) General rule.--Simultaneous flashing of the two front and two rear signal lamps shall indicate a vehicular traffic hazard. The driver of a motor vehicle equipped with simultaneous flashing signals shall use the signals when the vehicle is

stopped or disabled on a highway, except when the vehicle is stopped in compliance with a traffic-control device or when legally parked. Drivers of other vehicles shall exercise extraordinary care in approaching, overtaking and passing a vehicle displaying vehicular hazard warning signals.

(b) Use outside business and residence districts.--Outside of a business or residence district:

(1) The driver of a motor vehicle or combination equipped with simultaneous flashing signals shall use the signals when the vehicle is unable to maintain a speed of at least 25 miles per hour because of weather, grade or other similar factors or is unable to maintain a speed consistent with the normal flow of traffic.

(2) The driver of a bus equipped with simultaneous flashing signals shall use the signals when the bus is stopped with one or more wheels on the roadway between dusk and dawn for the purpose of receiving or discharging passengers.

(c) Use below minimum speed limit.--The driver of a motor vehicle or combination equipped with simultaneous flashing signals shall use the signals when the vehicle is not maintaining at least the minimum speed established in accordance with the provisions of section 3364 (relating to minimum speed regulation).

(June 25, 1987, P.L.30, No.13, eff. 60 days)

Cross References. Section 4305 is referred to in section 3327 of this title.

§ 4306. Use of multiple-beam road lighting equipment.

(a) Approaching an oncoming vehicle.--Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use the low beam of light.

(b) Approaching a vehicle from rear.--Whenever the driver of a vehicle approaches another vehicle from the rear within 300 feet, the driver shall use the low beam of light.

(c) Exception.--

(1) An emergency vehicle which is equipped with a flashing headlamp system that conforms to regulations promulgated by the department shall be exempt from the provisions of this section only when the vehicle is being used pursuant to the provisions of section 4571(e) (relating to visual and audible signals on emergency vehicles).

(2) Nothing in this section shall limit drivers from flashing high beams at oncoming vehicles as a warning of roadway emergencies or other dangerous or hazardous conditions ahead.

(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; June 26, 2001, P.L.734, No.75, eff. 60 days)

§ 4307. Use and display of illuminated signs.

(a) General rule.--Except as otherwise provided in this section, no vehicle shall bear or display any illuminated signs, letters, numerals or figures of any kind whatsoever.

(b) Buses.--A bus or school bus may bear an illuminated sign stating its use or destination.

(c) Taxicabs.--A taxicab may carry on the rear or the top of the vehicle illuminated signs placed so as not to interfere with the vision of the driver through the rear window of the vehicle. The size and placement of the sign must receive approval of the department or be a type approved by the department prior to use on the vehicle.

(c.1) Transportation network company driver.--Notwithstanding any other provision of law or regulation to the contrary, but subject to 53 Pa.C.S. § 57A01 (relating to definitions), a Transportation Network Company Driver may display an illuminated sign provided by a Transportation Network Company within the interior of his or her vehicle so long as such sign is approved by the Pennsylvania Public Utility Commission or the Philadelphia Parking Authority, as applicable. The Transportation Network Company shall file the illuminated sign with the Pennsylvania Public Utility Commission for review and approval. If the Pennsylvania Public Utility Commission does not approve the illuminated sign, the Philadelphia Parking Authority may approve the illuminated sign within their jurisdiction, after the Transportation Network Company files the illuminated sign with the Philadelphia Parking Authority for review and approval. The Pennsylvania Public Utility Commission and the Philadelphia Parking Authority shall each have 15 business days to review the illuminated sign, as applicable.

(d) Trucks and truck tractors.--A truck or truck tractor may carry on the top of the cab roof an illuminated sign placed so as not to interfere with the vision of the driver through the windshield of the vehicle. Illuminated signs so placed shall be of a size and type designed not to interfere with or unduly distract the drivers of other vehicles on the highway. The type, size and placement of the sign must receive approval of the department or be a type approved by the department prior to use on the vehicle.

(e) Implements of husbandry.--An implement of husbandry or vehicle used exclusively for highly perishable crops for processing, operating between sunset and sunrise, shall have two rotating yellow beacons and four-way flashers operating.

(f) Food delivery vehicle.--A food delivery vehicle may display an illuminated sign which shall be of a department-approved size and type designed not to interfere with or unduly distract the drivers of other vehicles on the highway. The department shall promulgate regulations setting forth the size, type and placement of signs approved for use under this subsection.

(f.1) Illuminated decal.--A vehicle may display a single illuminated decal in the corner of the rear window so as not to interfere with the driver or unduly distract a driver of another vehicle upon the highway or trafficway.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Food delivery vehicle." A vehicle engaged in the transportation or conveyance of food products or items from their place of origin or production to a place of delivery. The vehicle may make intermittent stops that are customary in the routine conduct of the business for which the transportation occurs.

"Illuminated decal." A battery-powered device measuring no greater than six inches in width and six inches in height with an illumination source not designed to project light beyond the vehicle, but only to provide backlighting for a graphic.
(July 10, 1981, P.L.259, No.86, eff. 60 days; June 30, 1990, P.L.266, No.63, eff. imd.; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 5, 2012, P.L.934, No.99, eff. 60 days; Oct. 24, 2018, P.L.705, No.108, eff. 60 days)

2018 Amendment. Act 108 added subsec. (c.1).

2012 Amendment . Act 99 amended subsec. (g) and added subsec. (f.1).

2007 Amendment. Act 67 added subsecs. (f) and (g).

1990 Amendment. Act 63 added subsec. (e).

§ 4308. Lighted head lamps on school buses.

Every school bus shall display lighted head lamps during the entire period that the school bus is in operation.
(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days)

1986 Amendment. Act 166 added section 4308.

§ 4309. Lighted head lamps in work zones.

(a) Lighted head lamps required.--Head lamps shall be lighted on every vehicle driving through a signed work zone. The department, local authorities or utilities, as the case may be, shall post or require its contractor to post, in advance of every work zone, an official sign warning drivers to light their vehicles' head lamps for an upcoming work zone.

(b) Penalty.--A person who fails to comply with the requirements of subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $25. No person shall be convicted of a violation of subsection (a) unless the person is also convicted of another violation of this title which occurred at the same time. No costs as described in 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for summary conviction of subsection (a). Conviction under this subsection shall not constitute a moving violation.
(Dec. 23, 2002, P.L.1982, No.229, eff. 60 days)

2002 Amendment. Act 229 added section 4309.

§ 4310. Motorcycle lighting.

Auxiliary lighting may be added to a motorcycle to protect the driver, including blue dot illumination, standard bulb running lights and light-emitting diode (LED) pods and strips.
(June 29, 2006, P.L.205, No.50, eff. 60 days)

2006 Amendment. Act 50 added section 4310.

CHAPTER 45
OTHER REQUIRED EQUIPMENT

Subchapter

A. Brake Equipment
B. Safety and Anti-pollution Equipment
C. Vehicles for Transportation of School Children
D. Equipment of Authorized and Emergency Vehicles
E. Occupant Protection

Enactment. Chapter 45 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

Cross References. Chapter 45 is referred to in sections 3581, 4101 of this title.

SUBCHAPTER A
BRAKE EQUIPMENT

Sec.

4501. Promulgation of regulations by department.
4502. General requirements for braking systems.

§ 4501. Promulgation of regulations by department.

The department shall promulgate regulations governing the type, size, construction, location and use of brake equipment taking into consideration different requirements for different classes or types of vehicles. The authority granted in this section includes the power to regulate the performance of the brake system on a vehicle.

§ 4502. General requirements for braking systems.

(a) Parking brakes.--Every vehicle or combination, except a motorcycle, operated on a highway shall be equipped with a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated, under all conditions of loading, on a surface free of ice or snow. The system shall not be designed to require a continuous or intermittent source of energy for full effectiveness after initial application.

(b) Service brakes.--Every vehicle and combination operated on a highway shall be equipped with a service brake system adequate to control the movement of and to stop and hold the vehicle or combination on any grade on which it is operated, under all conditions of loading, and adequate to meet the braking performance standards established by regulation of the department.

(c) Breakaway systems.--Every combination operated on a highway, the towed vehicle of which is equipped with brakes or which has a gross weight in excess of 3,000 pounds, shall be so equipped that, upon breakaway of the towed vehicle, the towed vehicle shall be stopped and held automatically, and the towing vehicle shall be capable of being stopped and held by use of its own service braking system.

(d) Exceptions.--This section does not apply to towed instruments of husbandry and such items or types of special mobile equipment or commercial implements of husbandry as are specifically exempted from compliance by regulations promulgated by the department.

(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

1992 Amendment. Act 174 amended subsec. (d).

Cross References. Section 4502 is referred to in section 3716 of this title.

SUBCHAPTER B
SAFETY AND ANTI-POLLUTION EQUIPMENT

Sec.

4521. Promulgation of regulations by department.
4522. Effect of amendments to Federal regulations (Repealed).
4523. Exhaust systems, mufflers and noise control.
4524. Windshield obstructions and wipers.
4525. Tire equipment and traction surfaces.
4526. Safety glass.
4527. Image display device.
4528. Fire extinguishers.
4529. Slow moving vehicle emblem.
4530. Portable emergency warning devices.
4531. Emission control systems.
4532. Smoke control for diesel-powered motor vehicles.
4533. Rear wheel shields.
4534. Rearview mirrors.
4535. Audible warning devices.
4536. Bumpers.
4537. Device used to carry pedalcycles.

§ 4521. Promulgation of regulations by department.

The department shall promulgate regulations governing the number, size, color, type, construction, location and use of other equipment on vehicles consistent with but not limited by the provisions of this subchapter and taking into consideration different requirements for different classes or types of vehicles.

§ 4522. Effect of amendments to Federal regulations (Repealed).

1985 Repeal. Section 4522 was repealed June 19, 1985, P.L.49, No.20, effective in 60 days.

§ 4523. Exhaust systems, mufflers and noise control.

(a) Compliance with established sound levels.--Every motor vehicle operated on a highway shall be constructed, equipped, maintained and operated so as not to exceed the sound level for the vehicle as prescribed in regulations promulgated by the department. The test procedures and instrumentation to be utilized shall also be established by regulation.

(b) Compliance with exhaust requirements.--In addition to any requirements established under sections 4531 (relating to emission control systems) and 4532 (relating to smoke control for diesel-powered motor vehicles), every motor vehicle shall be constructed, equipped, maintained and operated so as to prevent engine exhaust gases from penetrating and collecting in any part of the vehicle occupied by the driver or passengers.

(c) Mufflers and related equipment.--Every motor vehicle shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation and no muffler or exhaust system shall be equipped with a cutout, bypass or similar device.

(d) Unauthorized modification of equipment.--No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of the vehicle above the maximum levels permitted under subsection (a) or violate the provisions of subsection (b). Headers and side exhausts are permitted provided the vehicle meets all the requirements of this section.

(e) Fire equipment and racing vehicles.--This section does not apply to fire equipment or to racing vehicles being operated in an organized racing or competitive event conducted under a permit issued by local authorities.

§ 4524. Windshield obstructions and wipers.

(a) Obstruction on front windshield.--No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway except an inspection certificate, sticker identification sign on a mass transit vehicle or other officially required sticker and no person shall drive any motor vehicle with any ice or snow on the front windshield which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.

(b) Obstruction on side and rear windows.--No person shall drive a motor vehicle with any sign, poster or other nontransparent material, including ice or snow, upon the side wings or side or rear windows of the vehicle which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway. The placement of a registration permit upon the side or rear window of a vehicle shall not be considered a material obstruction.

(c) Other obstruction.--No person shall drive any motor vehicle with any object or material hung from the inside rearview mirror or otherwise hung, placed or attached in such

a position as to materially obstruct, obscure or impair the driver's vision through the front windshield or any manner as to constitute a safety hazard.

(d) Windshield wiper systems.--The windshield on every motor vehicle other than a motorcycle or special mobile equipment shall be equipped with a wiper system capable of cleaning rain, snow or other moisture from the windshield, and so constructed as to be controlled or operated by the driver of the vehicle.

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

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

(2) This subsection does not apply to:

(i) A vehicle which is equipped with tinted windows of the type and specification that were installed by the manufacturer of the vehicle or to any hearse, ambulance, government vehicle or any other vehicle for which a currently valid certificate of exemption has been issued in accordance with regulations adopted by the department.

(ii) A vehicle which is equipped with tinted windows, sun screening devices or other materials which comply with all applicable Federal regulations and for which a currently valid certificate of exemption for medical reasons has been issued in accordance with regulations adopted by the department.

(3) A certificate of exemption shall be issued by the department for a vehicle which is:

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

(ii) Equipped with tinted windows, sun screening devices or other materials for a physical condition that makes it necessary to equip the motor vehicle with sun screening material which would be of a light transmittance or luminous reflectance in violation of this section.

(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 physical 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 physical condition certified to the department by a licensed physician or optometrist.

(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 vehicle to remove all sun screening or other materials from the vehicle. At the time of the sale or transfer of a formerly exempt vehicle, the owner shall remove and destroy the certificate of exemption for physical reasons and provide

the purchaser with a notarized statement setting forth the name and address of the owner or seller, the vehicle identification number, year and model, and the business entity and process used to remove the sun screening or other material.

(f) Exception.--This section does not apply to mobile video recording equipment installed in a vehicle exclusively used for official police purposes.

(Feb. 15, 1980, P.L.12, No.8, eff. imd.; Dec. 8, 1982, P.L.842, No.234, eff. Apr. 1, 1983; July 10, 1984, P.L.679, No.146, eff. 60 days; Nov. 21, 1990, P.L.556, No.137, eff. 180 days; June 22, 2001, P.L.559, No.37, eff. 60 days; June 11, 2002, P.L.370, No.53, eff. imd.)

2002 Amendment. Act 53 added subsec. (f). Section 3 of Act 53 provided that subsec. (f) shall apply upon the enactment of a statute providing for the intercepting and recording of oral communications under 18 Pa.C.S. § 5704. Act 52 of 2002, effective June 11, 2002, added provisions relating to the intercepting and recording of oral communications under 18 Pa.C.S. § 5704.

2001 Amendment. Act 37 amended subsec. (b).

1990 Amendment. Act 137 amended subsec. (e).

Cross References. Section 4524 is referred to in section 8117 of Title 74 (Transportation).

§ 4525. Tire equipment and traction surfaces.

(a) General rule.--No vehicle shall be operated on the highway unless the vehicle is equipped with tires of a type, size and construction approved by the department for the vehicle and unless the tires are in a safe operating condition as determined in accordance with regulations of the department, except that commercial implements of husbandry may be equipped with tires marked for nonhighway use.

(b) Vehicles not equipped with pneumatic tires.--It is unlawful for any person to operate or move, or cause or permit to be moved, in contact with any highway any vehicle equipped with traction or road contact surfaces other than pneumatic tires unless of a type, size and construction permitted by regulations of the department and unless the movement is made under specific conditions allowed by regulations of the department.

(c) Ice grips and tire studs.--Tires in which ice grips or tire studs of wear resisting material have been installed which provide resiliency upon contact with the road and which have projections not exceeding two thirty-seconds of an inch beyond the tread of the traction surface of the tire shall be permitted between November 1 of each year and April 15 of the following year. The Governor may by executive order extend the time tires with ice grips or tire studs may be used when highway conditions are such that such tires would be a safety factor in traveling Commonwealth highways. The use of tires with ice grips or tire studs contrary to the provisions of this subsection shall be unlawful.

(d) Tire chains.--Tire chains may be temporarily used on vehicles during periods of snow and ice emergency if they are in conformance with regulations promulgated by the department.

(e) Penalty.--

(1) Any person violating the provisions of subsection (c) shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine as indicated in paragraph (2) and, in default of payment thereof, shall undergo imprisonment for not more than 30 days.

(2) Fines for violation of subsection (c) relating to the period of use of ice grips or tire studs shall be determined from the following chart based on the period of unauthorized use:

April 16 to May 31	$35
June 1 to June 30	45
July 1 to July 31	55
August 1 to August 31	55
September 1 to September 30	55
October 1 to October 31	55

(3) Fines for any other violation of subsection (c) shall be determined according to the chart in paragraph (2) except that fines for violations occurring between November 1 to April 15 shall be $10.

(Nov. 10, 1979, P.L.460, No.95, eff. imd.; July 10, 1984, P.L.679, No.146, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days)

1993 Amendment. Act 10 amended subsec. (a).

1984 Amendment. Act 146 amended subsecs. (c) and (e).

§ 4526. Safety glass.

(a) Safety glass required.--It is unlawful to sell or to operate on any highway in this Commonwealth any vehicle manufactured or assembled after January 1, 1934, and registered in this Commonwealth unless the vehicle is equipped with safety glass or similar material, which is in compliance with regulations promulgated by the department, wherever transparent or translucent material is used in the vehicle in doors, windows, windshields and wings.

(b) Replacement of glass.--It is unlawful for the owner of any vehicle to have safety glass, broken or otherwise, in the windshields, doors, windows or wings of the vehicle replaced with any glass other than safety glass. It is unlawful for any person to install in the windshields, doors, windows or wings of any vehicle any glass other than safety glass.

(c) Violation by common carrier or public utility.--In case of any violation of any provision of this section by any common carrier or person operating under a certificate of authority issued by the Pennsylvania Public Utility Commission, the certificate shall either be revoked or, in the discretion of the commission, suspended until the provision or provisions are complied with to the satisfaction of the commission.

(d) Exception.--This section does not apply to house trailers.

§ 4527. Image display device.

(a) General rule.--No motor vehicle shall be operated on a highway with an image display device where a broadcast television image, a live stream video image from the Internet, satellite or any other source or a prerecorded video image is visible to the driver while the vehicle is in motion.

(b) Exception.--This section shall not apply to the following:

(1) Television-type receiving equipment in a vehicle used exclusively for safety or law enforcement purposes as approved by the Pennsylvania State Police.

(2) Image display devices used in conjunction with any of the following:

(i) A vehicle information display.

(ii) A global positioning device.

(iii) A mapping display.

(iv) A visual display used to enhance or supplement the driver's view forward, behind or to the sides of a motor vehicle for the purpose of maneuvering the vehicle.

(v) A visual display used to enhance or supplement a driver's view of vehicle occupants.

(vi) A visual display used exclusively for safety or traffic engineering information.

(vii) A television receiver, video monitor, television or video screen or any other similar means of visually displaying a television broadcast or video signal, if that equipment has an interlock device that, when the motor vehicle is driven, disables the equipment from displaying a broadcast television image, live stream video image from the Internet, satellite or any other source or a prerecorded video image.

(Apr. 29, 1994, P.L.148, No.25, eff. imd.; Apr. 20, 2016, P.L.151, No.19, eff. 60 days)

§ 4528. Fire extinguishers.

Every vehicle towing a house trailer, every motor home and every motor vehicle with a mounted truck-camper shall be equipped with at least one fire extinguisher of a type and size approved by the department.

§ 4529. Slow moving vehicle emblem.

(a) General rule.--All implements of husbandry, commercial implements of husbandry and special mobile equipment designed to operate at 25 miles per hour or less and all animal-drawn vehicles shall, when traveling on a highway, display on the rear of the vehicle a reflective slow moving vehicle emblem as specified in regulations of the department. The use of the slow moving vehicle emblem shall be in addition to any other lighting devices or equipment required by this title.

(b) Limitations on use or display.--No person shall use or display the slow moving vehicle emblem except as provided in this section nor shall any person display the emblem on a vehicle traveling at a speed in excess of 25 miles per hour.

(c) Towed vehicles.--The emblem shall be required to be displayed on a slow moving vehicle which is being towed on a highway unless the towing vehicle displays the emblem in such a manner as to be clearly visible from the rear.

(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

1992 Amendment. Act 174 amended subsec. (a).

§ 4530. Portable emergency warning devices.

(a) General rule.--Every truck, other than a truck registered as either a Class I or Class II having a gross weight of 7,000 pounds or less, truck tractor and bus and any motor vehicle towing a trailer shall carry at least three portable emergency warning devices of a type specified by regulations promulgated by the department. The regulations shall be consistent with Motor Carrier Safety Regulations, Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, section 393.95.

(b) When display required.--Whenever any vehicle of a type referred to in subsection (a) is disabled or stopped for more than ten minutes upon a roadway or shoulder outside of an urban district, or upon any divided highway, the driver of the vehicle shall display the portable warning devices of the type required under subsection (a) in such manner as the department shall direct by regulations.

(July 10, 1984, P.L.679, No.146, eff. 60 days)

§ 4531. Emission control systems.

(a) Compliance with established maximum levels.--No vehicle manufactured in compliance with the requirements of the Clean Air Act (77 Stat. 392, 42 U.S.C. § 1857), or any amendments or supplements thereto, shall have emissions exceeding the maximum permissible levels prescribed by law.

(b) Limitation on alteration of system.--No person shall disable, change or alter the emission control system of a vehicle. Original emission control components or replacements in kind shall be present and functioning on all vehicles. A subject vehicle may be equipped with any added components which are designed to improve emissions. It is unlawful for a subject vehicle that is not in compliance with the preceding requirements to be operated under its own power until a reinspection at an official emission inspection station establishes its full compliance, provided that it shall be lawful for the vehicle to be operated under its own power by the vehicle owner while en route to the official emission inspection station for a reinspection.

(c) Limitation on sale and operation of vehicles with altered systems.--No person shall knowingly sell or operate a vehicle whose emission control system has been disabled, changed or altered from its original design specifications, except for in-kind replacement of system components and added components which are designed to improve emissions.

(Dec. 16, 1992, P.L.1250, No.166; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days)

1994 Amendment. Act 172 amended subsec. (c).

Automobile Emission Program. Section 12 of Act 129 of 1982 provided that nothing in Act 129 shall be construed as requiring an automobile emission program. The notice stating that the enhanced emission inspection program will commence January 2, 1995, was published in the Pennsylvania Bulletin on October 29, 1994, at 24 Pa.B. 5472.

Cross References. Section 4531 is referred to in section 4523 of this title.

§ 4532. Smoke control for diesel-powered motor vehicles.

(a) Standards and inspection.--The department shall promulgate regulations for the control of smoke from diesel-powered motor vehicles prescribing standards, inspection procedures and inspection equipment.

(b) Compliance with standards.--No person shall operate a diesel-powered motor vehicle on a highway in such a manner that the smoke emitted exceeds the standards established under this section. Each day of operation in violation shall constitute a separate offense under this subsection.

(c) Correction to avoid prosecution.--Any person arrested in violation of this section shall, upon written notice, be given the opportunity to correct the violation within 48 hours. If sufficient proof of correction is furnished to the arresting officer or his representative within 48 hours of the delivery of the written notice, no prosecution of the violation shall be brought.

(d) Limitation on alteration of system.--No person shall intentionally change or alter a factory installed smoke control system on any diesel-powered vehicle or its fuel system so as to limit the ability of the system to control smoke, and no person shall remove the smoke control system except for repair or installation of a proper replacement.

Cross References. Section 4532 is referred to in section 4523 of this title.

§ 4533. Rear wheel shields.

Every truck with a gross weight exceeding 11,000 pounds, trailer and truck tractor (without a semitrailer) driven on a highway shall be so constructed or equipped as to bar water or other road surface substances thrown from the rear wheels of such vehicle or combination at tangents exceeding 22 1/2 degrees, measured from the road surface, from passing in a straight line to the rear of such vehicle or combination.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

§ 4534. Rearview mirrors.

No person shall operate a motor vehicle or combination on a highway unless the vehicle or combination is equipped with at least one mirror, or similar device, which provides the driver an unobstructed view of the highway to the rear of the vehicle or combination. This section shall not apply to any special mobile equipment, commercial implement of husbandry or implement of husbandry that is not so equipped by the original manufacturer.

(June 23, 1982, P.L.605, No.171, eff. imd.; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

§ 4535. Audible warning devices.

(a) General rule.--Every motor vehicle operated on a highway shall be equipped with a horn or other audible warning device of a type approved in regulations of the department.

(b) Certain sound devices prohibited.--Except as specifically provided in this part or by regulations of the department, no vehicle operated on a highway shall be equipped with a siren, bell, whistle or any device emitting a similar sound or any unreasonably loud or harsh sound.

(c) Exceptions.--This section shall not apply to any special mobile equipment, commercial implement of husbandry or implement of husbandry that is not so equipped by the original manufacturer.

(June 23, 1982, P.L.605, No.171, eff. imd.; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

1992 Amendment. Act 174 amended subsec. (c).

§ 4536. Bumpers.

No person shall operate any vehicle upon a highway without bumpers of a type specified by regulations of the department in both the front and rear unless the vehicle was originally designed and manufactured to be used without bumpers. This section shall not apply to any special mobile equipment, commercial implement of husbandry or implement of husbandry that is not so equipped by the original manufacturer. The driver of a commercial implement of husbandry equipped with vehicular hazard signal lamps shall use the signals when the vehicle is traveling below the speed limit on any highway if the vehicle is not equipped with a rear bumper.

(June 23, 1982, P.L.605, No.171, eff. imd.; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days)

§ 4537. Device used to carry pedalcycles.

Notwithstanding any other provision of this title to the contrary, a bus used for public transportation shall be permitted to operate with a device used to carry pedalcycles mounted on the front of the bus if the device, including the pedalcycles, does not extend more than 36 inches.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 added section 4537.

SUBCHAPTER C
VEHICLES FOR TRANSPORTATION OF SCHOOL CHILDREN

Sec.
4551. Safety regulations.
4552. General requirements for school buses.
4553. General requirements for other vehicles transporting school children.

§ 4551. Safety regulations.

(a) General rule.--All school buses and all other vehicles used in the transportation of school children, owned by or under contract with any school district or parochial or private school, shall conform to standards prescribed by the department. Regulations shall be promulgated by the department governing the safe design, construction, equipment and operation of vehicles engaged in the transportation of school children.

(b) Violation and penalty.--No person shall operate or permit the operation of a vehicle of a type specified in this subchapter which is not in compliance with the requirements of this subchapter or applicable regulations issued under this subchapter. Violation of this section constitutes a summary offense punishable by a fine of not less than $50 nor more than $100.

§ 4552. General requirements for school buses.

(a) Color and identification.--Every school bus shall be of a uniform color scheme and labeled "School Bus" on both front and rear as provided by regulation. Exterior labels and markings other than those specifically required or permitted by law or regulation shall be prohibited. This subsection shall not be construed to prohibit the affixation of exterior labels or stickers of a temporary nature which have been approved by the school district as having educational value and which do not obscure the "School Bus" labels.

(b) Visual signals.--In addition to the applicable lighting requirements of Chapter 43 (relating to lighting equipment) every school bus shall be equipped with a uniform front and rear system of red and amber visual signals for the warning and control of traffic during route operations as provided in section 3345 (relating to meeting or overtaking school bus) and in regulations of the department.

(b.1) Use of side stop signal arms.--Every school bus shall be equipped with a side stop signal arm on the left side of the vehicle. The side stop signal arm shall be automatically activated whenever the bus is stopped with the red visual signals in use and shall itself contain a flashing red light connected to the same circuits as the red visual signals. The side stop signal arm is mandated according to the following schedule:

(1) School buses may be equipped with and use a side stop signal arm on January 1, 1989.

(2) Every new school bus purchased and manufactured after July 1, 1989, shall be equipped with a side stop signal arm.

(3) By July 1, 1994, every school bus shall be equipped with a side stop signal arm.

The department shall adopt regulations implementing this subsection.

(b.2) Use of front crossing control arm.--Every school bus shall be equipped with a crossing control arm on the front of the vehicle. The crossing control arm shall be automatically

activated whenever the bus is stopped with the red visual signals in use. The crossing control arm is mandated according to the following schedule:

(1) School buses may be equipped with and use a crossing control arm on January 1, 1999.

(2) Every school bus purchased and manufactured after July 1, 1999, shall be equipped with a crossing control arm.

(3) By July 1, 2001, every school bus shall be equipped with a crossing control arm.

(b.3) Strobe light.--School buses may be equipped with a bright white strobe light affixed to the roof.

(c) Body construction.--Every school bus shall be designed and constructed to provide a single, closed metal body with adequate ventilation and an entrance door of adequate clearance and safe design visible to and controlled only by the driver. At least one emergency exit door of safe design and construction and adequate labeling shall be located in or near the rear of the school bus. All side windows shall be of a safe design which will provide emergency egress for passengers.

(d) Seating.--Adequate seating space of safe design and construction shall be provided for each passenger and no passenger shall be carried for which adequate seating space is not available and used.

(e) Visibility.--Every school bus shall be designed and equipped so as to provide the driver with an unobstructed view of any pedestrian in proximity to the vehicle.

(f) Emergency equipment.--Every school bus shall carry, in good and usable condition, at least one fire extinguisher of adequate size and type and such other emergency equipment as regulations may prescribe.

(g) Emergency drills.--Each school district and the administration of every private school within this Commonwealth shall ensure, through adequate instruction and a minimum of two actual drills each year, that every student is familiar with school bus emergency procedures and equipment and safe loading and unloading operations.

(h) Duty of department.--The department shall by regulation adopt specific requirements implementing this section and any additional requirements, not inconsistent with this section, which will ensure the maximum safety of school children furnished transportation. Unless required by Federal law or regulation, the regulations established by the department shall not require vehicles which pick up and discharge school children only at locations off the highway to be of any particular color or to display flashing red and amber lights.

(Dec. 19, 1988, P.L.1290, No.163, eff. imd.; Mar. 13, 1990, P.L.69, No.14, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

1998 Amendment. Act 151 added subsecs. (b.2) and (b.3).

1990 Amendment. Act 14 amended subsec. (a).

1988 Amendment. Act 163 added subsec. (b.1).

Cross References. Section 4552 is referred to in sections 3345, 3345.1, 4107, 4921 of this title.

§ 4553. General requirements for other vehicles transporting school children.

(a) Buses operated by urban mass transportation systems.--

(1) Buses, other than school buses, operated by urban mass transportation systems for the exclusive transportation of school children shall comply with Federal safety standards and such other safety regulations as the Pennsylvania Public

Utility Commission and the department shall provide for such buses.

(2) Buses, other than school buses, operated by urban mass transportation systems for the exclusive or nonexclusive transportation of school children may, at the option of the urban mass transportation system, be equipped with flashing red and amber lights and may be identified by appropriate labeling as carrying school children. This equipment and identifying labels shall conform to those regulations which may be issued by the department under this paragraph. Notwithstanding any other provision of law, buses which are operated by urban mass transportation systems and which are equipped and identified in accordance with this paragraph, shall be considered school buses for purposes of section 3345(a), (b), (c), (d), (e), (f), (g) and (j) (relating to meeting or overtaking school bus). The department may issue those regulations it deems appropriate to implement this paragraph.

(b) School-chartered bus.--In addition to school buses, school-chartered buses, which are designed to transport 16 or more passengers, including the driver, and which are operated by a person holding a certificate of the Pennsylvania Public Utility Commission or the Interstate Commerce Commission, may be used under a short-term contract with a school which has acquired the exclusive use of the vehicle at a fixed charge to transport school children to a school-related event, provided that the vehicle is not used to transport school children to or from their residences or designated bus stops. A school-chartered vehicle may be used without restriction for the transportation of school children with special needs as may be necessary to make reasonable accommodations pursuant to the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

(c) Other vehicles.--A motor vehicle used to transport children to or from school or in connection with school activities, which is not a school bus because of its limited seating capacity, shall comply with regulations established by the department for such vehicles. Unless required by Federal law or regulation, the regulations established by the department shall not require vehicles which pick up and discharge school children only at locations off the highway to be of any particular color or to display flashing red and amber lights. (July 10, 1984, P.L.679, No.146, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. imd.; Oct. 19, 2010, P.L.557, No.81, eff. 60 days)

2010 Amendment. Act 81 amended subsec. (b). The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

1993 Amendment. Act 10 relettered former subsec. (b) to subsec. (c) and added present subsec. (b).

1984 Amendment. Act 146 amended subsec. (a).

SUBCHAPTER D
EQUIPMENT OF AUTHORIZED AND EMERGENCY VEHICLES

Sec.

4571. Visual and audible signals on emergency vehicles.
4572. Visual signals on authorized vehicles.
4572.1. Flashing or revolving lights on tow trucks.

4572.2. Solid waste collection vehicles.
4573. Identification of certain vehicles.

Cross References. Subchapter D is referred to in section 3327 of this title.

§ 4571. Visual and audible signals on emergency vehicles.

(a) General rule.--Every emergency vehicle shall be equipped with one or more revolving or flashing red lights and an audible warning system. Spotlights with adjustable sockets may be attached to or mounted 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 one or more revolving or flashing blue lights. The combination of red and blue lights may be used only on police, sheriff, coroner, medical examiner or fire police vehicles.

(2) Unmarked police and sheriff vehicles used as emergency vehicles and equipped with audible warning systems shall be equipped with the lights described in this subsection.

(b.1) Mounted lights and additional equipment.--

(1) 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 in conformance with department regulations.

(1.1) Nothing contained in the regulations under paragraph (1) may be construed to require a limit, modification or change of the lighting in police, sheriff and fire vehicles legally complying with regulations as of the date of enactment of this paragraph as long as the vehicle is used as an emergency vehicle.

(2) Additional visual or audible warning signal equipment, including, but not limited to, flashing headlamp system, flashing or revolving white or clear lights, steady burning lights, traffic-control emergency directional light assembly, amber lights and intersection lights, may be utilized on emergency vehicles in accordance with regulations promulgated by the department.

(3) The department may not prohibit the use of flashing or revolving lights mounted internally in the passenger compartment of fire department vehicles or privately owned vehicles used in answering an emergency call when used by a fire police captain, fire police lieutenant, fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief that comply with the department's regulations.

(3.1) Police and sheriff vehicles may be equipped with flashing red and blue lights in reverse lamp assemblies.

(3.2) Emergency vehicles, other than police vehicles, may be equipped with flashing red lights in reverse lamp assemblies.

(4) On an annual basis, but no later than April 1 of each year, the State Fire Commissioner may recommend to the department any changes or challenges to the emerging technology of the flashing or revolving lights mounted internally or externally in privately owned vehicles of volunteer firefighters when used in answering an emergency call. The department, in consultation with the Pennsylvania State Police, shall review the recommendations and may

promulgate any necessary regulations on the use, type and installation of the emerging technology.

(b.2) Police officer special emergency response team members.--A privately owned vehicle used in responding to an emergency under 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction) by a police officer who is also a member of a county or regional special emergency response team shall be equipped with revolving or flashing red lights and an audible warning system in accordance with subsection (a) subject to the lights and audible warning system being returned to the head of the special emergency response team upon termination of a person's active status as a police officer or active member of a special emergency response team.

(c) Game Commission vehicles.--(Repealed).

(c.1) Public Utility Commission vehicles.--Vehicles owned or operated by the Pennsylvania Public Utility Commission and used in the enforcement of 66 Pa.C.S. Chs. 23 (relating to common carriers) and 25 (relating to contract carrier by motor vehicle and broker) may be equipped with revolving or flashing red lights in accordance with subsection (a).

(d) Vehicles prohibited from using signals.--Except as otherwise specifically provided in this section, no vehicle other than an emergency vehicle may be equipped with revolving or flashing lights or audible warning systems identical or similar to those specified in subsections (a) and (b). A person who equips or uses a vehicle with visual or audible warning systems in violation of this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $500 nor more than $1,000.

(e) Authorized period of use.--The lights and warning systems specified by this section may be used only during an emergency, or in the interest of public safety, or by police officers, sheriffs and deputy sheriffs in enforcement of the law. Unauthorized use of the lights and warning systems specified by this section shall be a summary offense punishable by a fine of not less than $500 nor more than $1,000.

(f) Conformity with department regulations.--Except as provided under subsections (b.1)(1.1) and (b.2), all equipment authorized or required by this section shall conform to department regulations.

(Feb. 15, 1980, P.L.12, No.8, eff. imd.; July 10, 1981, P.L.250, No.82, eff. imd.; July 9, 1984, P.L.671, No.142, eff. imd.; May 9, 1986, P.L.158, No.51, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Mar. 13, 1990, P.L.69, No.14, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; June 26, 2001, P.L.734, No.75, eff. 60 days; July 8, 2016, P.L.477, No.75, eff. imd.; Oct. 19, 2018, P.L.547, No.83, eff. 60 days)

2018 Amendment. Act 83 amended subsecs. (b.1)(3) and (f) and added subsecs. (b.1)(3.1), (3.2) and (b.2).

2016 Amendment. Act 75 amended subsec. (f) and added subsec. (b.1)(1.1), (3) and (4).

Cross References. Section 4571 is referred to in sections 1302, 4107, 4306 of this title.

§ 4572. Visual signals on authorized vehicles.

(a) Flashing or revolving blue lights.--Ambulance personnel, volunteer firefighters, certified volunteer search and rescue organization members and owners and handlers of dogs used in tracking humans may each equip one motor vehicle with no more than two flashing or revolving blue lights. The following shall apply:

(1) In order to be eligible to display lights on their vehicles under this subsection, the names of the ambulance personnel, volunteer firefighters and certified volunteer search and rescue organization members shall be submitted to the nearest station of the Pennsylvania State Police on a list signed by the chief of the ambulance or fire department or company, the head of the search and rescue organization, and each dog owner and handler shall register at the nearest Pennsylvania State Police station.

(2) The manner in which the lights are displayed and their intensity shall be determined by regulation of the department.

(2.1) Nothing contained in the regulations under paragraph (2) shall be construed to require a limit, modification or change of the lighting in vehicles legally complying with regulations as of the date of enactment of this paragraph as long as the vehicle is used in a manner that otherwise complies with this section.

(3) The lights shall be operable by the driver from inside the vehicle.

(4) The lights may be used only while en route to or at the scene of a fire or emergency call.

(5) The lights shall be removed from the vehicle immediately upon receipt of notice from the chief of the ambulance or fire department or company or the head of the search and rescue organization to remove the lights upon termination of the person's status as an active volunteer firefighter or ambulance person or upon termination of the person's active status as a certified volunteer search and rescue organization member or dog owner or handler, or when the vehicle is no longer used in connection with the person's duties as a volunteer firefighter or ambulance person, certified volunteer search and rescue organization member or dog owner or handler.

(6) This subsection does not relieve the driver from the duty to drive with due regard for the safety of all persons nor exempt the driver from complying with all provisions of this title.

(7) The department may not prohibit the use of flashing or revolving blue lights mounted internally in the passenger compartment of a privately owned vehicle used in answering an emergency call that otherwise comply with the department's regulations.

(b) Flashing or revolving yellow lights.--Vehicles authorized pursuant to the provisions of sections 6106 (relating to designation of emergency vehicles by Pennsylvania State Police) and 6107 (relating to designation of authorized vehicles by department), tow trucks and vehicles used for snow removal may be equipped with one or more flashing or revolving yellow lights. The manner in which the light or lights shall be displayed and the intensity shall be determined by regulation of the department.

(b.1) Yellow flashing or revolving lights on school vehicles.--School vehicles may be equipped with a permanently affixed or removable yellow flashing or revolving light, as determined by regulation of the department. The light shall only be activated when the vehicle is preparing to stop or is stopped to load and unload students. Nothing under this subsection shall be construed to permit an activity by a driver of a school vehicle prohibited under section 3351 (relating to stopping, standing and parking outside business and residence

districts) or 3353 (relating to prohibitions in specified places).

(c) Vehicles prohibited from using lights.--No vehicle other than a duly authorized vehicle may be equipped with lights identical or similar to those specified in subsections (a) and (b). A person who equips or uses a vehicle with visual systems in violation of this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $100 nor more than $500.

(June 26, 2001, P.L.734, No.75, eff. 60 days; Nov. 29, 2006, P.L.1449, No.159, eff. 60 days; July 8, 2016, P.L.477, No.75, eff. 60 days; Oct. 19, 2018, P.L.547, No.83, eff. 60 days; July 1, 2020, P.L.515, No.38, eff. 60 days)

2020 Amendment. Act 38 added subsec. (b.1).

2018 Amendment. Act 83 amended subsec. (a) intro. par. and added subsec. (a)(7).

2016 Amendment. Act 75 added subsec. (a)(2.1).

2006 Amendment. Act 159 amended subsec. (a).

Cross References. Section 4572 is referred to in sections 3327, 4107, 4573 of this title.

§ 4572.1. Flashing or revolving lights on tow trucks.

(a) Colored lights.--

(1) Subject to subsection (b), tow trucks may be equipped with one or more flashing or revolving yellow lights and one or more flashing or revolving white lights. The manner in which the light or lights shall be displayed shall be determined by regulation of the department.

(2) Subject to subsection (b.1), tow trucks may be equipped with one or more flashing or revolving yellow lights and one or more flashing or revolving blue lights. The blue lights shall only be equipped in the rear of the vehicle.

(b) Limitations on white lights.--The flashing or revolving yellow and white lights under subsection (a)(1) on tow trucks shall be activated only when the vehicle is actively performing the type of work which is the basis of the designation of the vehicle as an authorized vehicle or is within the vicinity of an emergency response area. Tow trucks shall not operate with activated flashing or revolving yellow and white lights under subsection (a)(1) when:

(1) Not engaged in the act of towing a vehicle.

(2) Brake lights, turn signals and operating lights are visible from the rear and not obstructed.

(3) The vehicle being towed does not trail behind the tow truck and is securely positioned on the flatbed of the tow truck with no parts of the towed vehicle overhanging.

(b.1) Limitations on blue lights.--A tow truck may only operate with blue lights under subsection (a)(2) while the tow truck is stationary on the side of the road or highway while responding to a disabled vehicle. A tow truck shall not operate with blue lights under subsection (a)(2) at any time while the tow truck is in motion.

(c) Penalty.--Unauthorized use of the lights specified in this subsection shall be a summary offense punishable by a fine of $50.

(Oct. 19, 2018, P.L.547, No.83, eff. 60 days; Nov. 3, 2022, P.L.2156, No.157, eff. 60 days)

2022 Amendment. Section 2 of Act 157 provided that all regulations and parts of regulations are abrogated to the extent of any inconsistency with the provisions of Act 157.

§ 4572.2. Solid waste collection vehicles.

(a) General rule.--Upon approaching and passing a stationary solid waste collection vehicle that is giving a visual signal by means of a bright yellow strobe light as required under subsection (b), the driver of an approaching vehicle shall proceed as follows:

(1) make a lane change into a lane not adjacent to the solid waste collection vehicle, if possible in the existing safety and traffic conditions; or

(2) if a lane change under paragraph (1) would be impossible, prohibited by law or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which shall be less than the posted speed limit, and be prepared to stop.

(b) Requirements for solid waste collection vehicles.--Solid waste collection vehicles shall be equipped with a bright yellow strobe light affixed to the roof, which shall be mounted to provide visibility to vehicles approaching from any direction, in accordance with department regulations. The strobe light shall be active while stopped upon a street and while engaged in the collection of garbage, solid wastes, recyclables and refuse or while moving between stops at a speed not greater than 10 miles per hour.

(Oct. 19, 2018, P.L.547, No.83, eff. 60 days)

2018 Amendment. Act 83 added section 4572.2.

§ 4573. Identification of certain vehicles.

(a) Commercial tow trucks.--Any truck which is used commercially to tow other motor vehicles shall have the name of the business, or person, operating the truck displayed on signs on both sides of the truck.

(b) Certified escort vehicle.--Any certified escort vehicle which is used to escort a super load as defined in section 3108 (relating to drivers of certified escort vehicles) shall display the department's certification emblem, may use flashing or revolving yellow lights in accordance with sections 4572 (relating to visual signals on authorized vehicles) and 6107 (relating to designation of authorized vehicles by department) and shall comply with other department regulations, including those pertaining to pilot cars.

(Oct. 10, 1980, P.L.791, No.147, eff. imd.; Oct. 30, 2015, P.L.216, No.55, eff. 60 days)

Cross References. Section 4573 is referred to in section 4962 of this title.

SUBCHAPTER E
OCCUPANT PROTECTION

Sec.

4581. Restraint systems.
4582. Child Passenger Restraint Fund.
4583. Hospital information program.
4584. Oral hazard warning (Deleted by amendment).
4585. Use of information or evidence of violation of subchapter.
4586. Civil immunity for child passenger safety technicians and lenders of child passenger restraint systems and booster seats.

Enactment. Subchapter E was added November 1, 1983, P.L.195, No.53, effective immediately, unless otherwise noted.

Subchapter Heading. Subchapter E was amended June 13, 2016, P.L.336, No.43, effective in 60 days.

Special Provisions in Appendix. See the preamble of Act 53 of 1983 in the appendix to this title for information relating to legislative intent.

§ 4581. Restraint systems.

(a) Occupant protection.--

(1) (i) Except as provided under subparagraph (ii), any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child under four years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a child passenger restraint system, as provided in subsection (d).

(ii) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child under two years of age anywhere in the motor vehicle shall fasten such child securely in a rear-facing child passenger restraint system, to be used until the child outgrows the maximum weight and height limits designated by the manufacturer, as provided in subsection (d).

(iii) This paragraph shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts.

(1.1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child four years of age or older but under eight years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a fastened safety seat belt system and in an appropriately fitting child booster seat, as provided in subsection (d). This paragraph shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts.

(2) (i) The driver of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall:

(A) if under 18 years of age, be secured in a properly adjusted and fastened safety seat belt system; and

(B) secure or cause to be secured in a properly adjusted and fastened safety seat belt every vehicle occupant eight years of age or older but under 18 years of age.

(ii) Except for children under 18 years of age and except as provided in paragraphs (1) and (1.1) and subparagraph (i), each driver and front seat occupant of a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system.

(iii) This paragraph shall not apply to:

(A) A driver or front seat occupant of any vehicle manufactured before July 1, 1966.

(B) A driver or front seat occupant who possesses a written verification from a physician that he is unable to wear a safety seat belt system for physical or medical reasons, or from a psychiatrist or other specialist qualified to make an informed judgment that he is unable to wear a safety seat belt system for psychological reasons.

(C) A rural letter carrier while operating any motor vehicle during the performance of his duties as a United States postal service rural letter carrier only between the first and last delivery points.

(D) A driver who makes frequent stops and is traveling less than 15 miles per hour for the purpose of delivering goods or services while in the performance of his duties and only between the first and last delivery points.

(iv) A violation of this paragraph shall not be subject to the assessment of any points under section 1535 (relating to schedule of convictions and points).

(3) Notwithstanding the provisions of section 1503(c)(2.1) (relating to persons ineligible for licensing; license issuance to minors; junior driver's license), a driver who is under 18 years of age may not operate a motor vehicle in which the number of passengers exceeds the number of available safety seat belts in the vehicle.

(b) Offense.--Anyone who fails to comply with the provisions of subsection (a)(1) or (1.1) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $75. The court imposing and collecting any such fines shall transfer the fines thus collected to the State Treasurer for deposit in the Child Passenger Restraint Fund, pursuant to section 4582 (relating to Child Passenger Restraint Fund). Anyone who violates subsection (a)(2) or (3) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $10. No person shall be convicted of a violation of subsection (a)(2)(ii) unless the person is also convicted of another violation of this title which occurred at the same time. No costs as described in 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for summary conviction of subsection (a)(2) or (3). Conviction under this subsection shall not constitute a moving violation.

(c) Waiver of fine.--If a person receives a citation issued by the proper authority for violation of subsection (a)(1) or (1.1), a magisterial district judge, magistrate or judge shall dismiss the charges if the person prior to or at the person's hearing displays evidence of acquisition of a child passenger restraint system or child booster seat to such magisterial district judge, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase, rental, transferal from another child seat owner (evidenced by notarized letter) or bailment from a bona fide loaner program of a child passenger restraint system or child booster seat.

(d) Standards.--

(1) A child passenger restraint system shall be used as designated by the manufacturer of the system in motor vehicles equipped with seat safety belts and shall meet the Federal Motor Vehicle Safety Standard (49 C.F.R. § 571.213).

(2) A child booster seat shall be used as designated by the manufacturer of the system in motor vehicles equipped with seat safety belts and shall meet the Federal Motor Vehicle Safety Standard (49 CFR § 571.213) that is designed to elevate a child to properly sit in a federally approved safety seat belt system.

(e) Civil actions.--In no event shall a violation or alleged violation of this subchapter be used as evidence in a trial of any civil action; nor shall any jury in a civil action be instructed that any conduct did constitute or could be interpreted by them to constitute a violation of this subchapter; nor shall failure to use a child passenger restraint system, child booster seat or safety seat belt system be considered as contributory negligence nor shall failure to use such a system be admissible as evidence in the trial of any civil action; nor shall this subchapter impose any legal obligation upon or impute any civil liability whatsoever to an owner, employer, manufacturer, dealer or person engaged in the business of renting or leasing vehicles to the public to equip a vehicle with a child passenger restraint system or child booster seat or to have such child passenger restraint system or child booster seat available whenever their vehicle may be used to transport a child.

(f) Criminal proceedings.--The requirements of this subchapter or evidence of a violation of this subchapter are not admissible as evidence in a criminal proceeding except in a proceeding for a violation of this subchapter. No criminal proceeding for the crime of homicide by vehicle shall be brought on the basis of noncompliance with this subchapter.

(g) Exemptions.--Exemptions will be allowed if it is determined, according to the rules and regulations of the department, that the use of a child passenger restraint system or child booster seat would be impractical for physical reasons including, but not limited to, medical reasons or size of the child.

(h) Insurance.--An insurer may not charge an insured who has been convicted of a violation of this section a higher premium for a policy of insurance in whole or in part by reason of that conviction.

(Nov. 23, 1987, P.L.399, No.82, eff. imd.; June 22, 1993, P.L.101, No.22, eff. 60 days; June 25, 1999, P.L.164, No.23; Dec. 23, 2002, P.L.1982, No.229, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days; Oct. 25, 2011, P.L.334, No.81, eff. 60 days; June 13, 2016, P.L.336, No.43, eff. 60 days)

2016 Amendment. Act 43 amended subsec. (a)(1), (1.1) and (2)(i). See section 3 of Act 43 in the appendix to this title for special provisions relating to duties of law enforcement officials.

2011 Amendment. Act 81 amended subsecs. (a) and (b).

2004 Amendment. Act 207 amended subsec. (c). See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

1987 Amendment. See sections 8, 9 and 10 of Act 82 in the appendix to this title for special provisions relating to compatibility with Federal safety standards, seat belt educational program and seat belt oral hazard warnings.

Cross References. Section 4581 is referred to in sections 3527, 3594, 4582, 4586 of this title.

§ 4582. Child Passenger Restraint Fund.

A Child Passenger Restraint Fund is established in the General Fund as a special restricted receipts account hereby

earmarked for and appropriated to the department. This fund shall consist of all fines deposited pursuant to section 4581(b) (relating to restraint systems), all Federal funds granted for said use and any moneys donated into the fund. All such funds shall be used solely for the purpose of purchasing Federally approved child restraint seats or appropriately fitting child booster seats and making such seats available to qualified loaner programs within the Commonwealth. A qualified loaner program shall be one determined by the department to loan Federally approved child restraint seats or appropriately fitting child booster seats to parents or legal guardians of children under eight years of age who, due to financial or economic hardship, are unable to comply with the provisions of this subchapter. The department shall adopt such regulations as are necessary to effectuate the purpose of this section. (July 15, 2004, P.L.694, No.75, eff. 60 days)

Cross References. Section 4582 is referred to in section 4581 of this title.

§ 4583. Hospital information program.

(a) Availability of restraint devices.--The hospital, in conjunction with the attending physician, shall provide the parents of any newborn child with any information regarding the availability of loaner or rental programs for child restraint devices that may be available in the community where the child is born.

(b) Instruction and education programs.--The department shall provide instructional and educational program material through all current public information channels and to all relevant State and Federally funded, community-based programs for maximum distribution of information about this child passenger protection law.

§ 4584. Oral hazard warning (Deleted by amendment).

2004 Amendment. Section 4584 was deleted by amendment July 15, 2004, P.L.694, No.75, effective in 60 days.

§ 4585. Use of information or evidence of violation of subchapter.

The requirements of this subchapter or evidence of a violation of this subchapter may not be used by an insurer for any purpose.

§ 4586. Civil immunity for child passenger safety technicians and lenders of child passenger restraint systems and booster seats.

(a) Technician immunity.--A child passenger safety technician or sponsoring organization shall not be civilly liable for an act or omission that occurs solely in the inspection, installation or adjustment of a child passenger restraint system or child booster seat in a motor vehicle or in the giving of advice or assistance regarding the installation or adjustment of a child passenger restraint system or child booster seat in a motor vehicle if:

(1) the child passenger safety technician acts in good faith and within the scope of the training for which the technician is currently certified;

(2) the act or omission does not constitute gross negligence or willful or wanton misconduct;

(3) the inspection, installation or adjustment of the child passenger restraint system or child booster seat or the advice or assistance is provided without fee or charge to the owner or operator of the motor vehicle; and

(4) the inspection, installation or adjustment of the child passenger restraint system or child booster seat is not provided in conjunction with the for-profit sale of the child passenger restraint system or child booster seat.

(b) Lender immunity.--No person or organization who or which lends to another person or organization a child passenger restraint system or appropriately fitting child booster seats, as described in section 4581 (relating to restraint systems), shall be liable for any civil damages resulting from any acts or omission, except any act or omission intentionally designed to harm, or any grossly negligent act or omission resulting in harm to another.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Child passenger safety technician." An individual who holds a current certification as a child passenger safety technician or technician instructor by the National Highway Traffic Safety Administration of the United States Department of Transportation, the American Automobile Association or other entity designated by the National Highway Traffic Safety Administration.

(Nov. 23, 1987, P.L.399, No.82, eff. imd.; July 15, 2004, P.L.694, No.75, eff. 60 days)

CHAPTER 47
INSPECTION OF VEHICLES

Subchapter

A. Inspection Requirements
B. Official Inspection Stations

Enactment. Chapter 47 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

Suspension of Enforcement. Section 8(g) of Act 81 of 1976, as amended April 6, 1979, P.L.2, No.2, provided that the enforcement of Chapter 47 is suspended insofar as the inspection of motorized pedalcycles and trailers with a gross weight of 3,000 pounds or less is required until such time as the General Assembly by law revises said provisions and repeals the suspension imposed and provided that the suspension shall be applied retroactively to July 1, 1977.

Cross References. Chapter 47 is referred to in section 6506 of this title; sections 6202, 6207 of Title 27 (Environmental Resources); sections 57A09, 57B02 of Title 53 (Municipalities Generally); section 2606 of Title 66 (Public Utilities).

SUBCHAPTER A
INSPECTION REQUIREMENTS

Sec.

4701. Duty to comply with inspection laws.
4702. Requirement for periodic inspection of vehicles.
4702.1. Limited liability of inspection station or mechanic.
4703. Operation of vehicle without official certificate of inspection.
4704. Inspection by police or Commonwealth personnel.
4705. Inspection of vehicles for transportation of school children.

4706. Prohibition on expenditures for emission inspection program.
4706.1. Centralized emission inspection litigation settlement (Expired).
4707. Consumer protection.
4708. Inspection of motorcycles.
4709. Low-Emissions Vehicle Commission.
4710. Vehicle Emission System Inspection Program Advisory Committee.

§ 4701. Duty to comply with inspection laws.

No owner or driver shall refuse to submit a vehicle or a mass transit vehicle to any inspection and test that is authorized or required by the provisions of this chapter. (June 18, 1980, P.L.223, No.67, eff. imd.)

§ 4702. Requirement for periodic inspection of vehicles.

(a) Annual safety inspection.--Except as provided in subsection (b), the department shall establish a system of annual safety inspection of vehicles, including emergency vehicles, farm vehicles with a gross weight or gross vehicle weight rating of greater than 17,000 pounds for which a Type D biennial certificate of exemption has been issued and private noncommercial vehicles used to transport students.

(b) Semiannual safety inspection of certain vehicles.--The following vehicles shall be subject to semiannual safety inspection:

(1) School buses.

(2) Vehicles which are:

(i) under contract with or owned by a school district or private or parochial school, including vehicles having chartered group and party rights under the Pennsylvania Public Utility Commission; and

(ii) used to transport school students.

(3) Passenger vans used to transport persons for hire or owned by a commercial enterprise and used for the transportation of employees to or from their place of employment.

(4) (Deleted by amendment).

(5) (Deleted by amendment).

(6) Mass transit vehicles.

(7) (Deleted by amendment).

(c) Safety inspection criteria for street rods.--The department, after consultation with the National Street Rod Association and other interested groups, shall prescribe special inspection criteria for vehicles registered as street rods. Vehicles registered as street rods will not be required to be equipped with bumpers, fenders or engine coverage as originally manufactured. If the hood, top and sides, or both, are removed from the vehicle, the engine fan must be enclosed with a shroud designed to protect the fan from accidental contact from the outside.

(c.1) Safety inspection criteria for collectible motor vehicles.--The department shall prescribe special inspection criteria for vehicles registered as collectible motor vehicles.

(c.2) Safety inspection criteria for highly automated vehicles.--The standards established by the department under subsection (a) shall apply to highly automated vehicles only in a manner consistent with the provisions of section 4103(f) (relating to promulgation of vehicle equipment standards).

(d) Extension of inspection period.--The department may extend the time for any of the inspections required by this chapter for not more than 30 days due to weather conditions or

other causes which render compliance with the provisions of this chapter within the prescribed time difficult or impossible.

(e) Prohibition on centralized inspection.--The department shall not require or direct the use of a centralized safety inspection program for purposes of performing vehicle safety inspections.

(f) Emission inspection.--Subject vehicles operated in this Commonwealth must be emission inspected as provided in section 4706 (relating to prohibition on expenditures for emission inspection program).

(g) Exceptions.--The following are exceptions to subsection (f):

(1) Emission inspection criteria for registration of subject vehicles with new registration plates.--A subject vehicle never before registered in this Commonwealth or any other jurisdiction having less than 5,000 miles on its odometer and for which an annual or temporary registration plate was originally issued within the past 12 months shall be exempt from emission inspection for one year from the date of original registration. A certificate of exemption shall be affixed to the subject vehicle in a manner prescribed by department regulations.

(2) Emission inspection criteria for new vehicles with transferred registration plates.--A subject vehicle never before registered in this Commonwealth or any other jurisdiction having less than 5,000 miles on its odometer and bearing a registration plate which has been transferred from another vehicle shall be required to pass an emission inspection prior to the next registration renewal, but not within nine months of the date of purchase of the subject vehicle.

(3) Emission inspection criteria for used subject vehicles with new or transferred registration plates.--A subject vehicle sold having a title issued in this or any other jurisdiction or sold with a manufacturer's statement of origin and having 5,000 or more miles on its odometer and which displays a currently valid certification of emission inspection shall be required to be emission inspected prior to expiration of the certificate of emission unless the renewal of registration becomes due immediately before the expiration of the certificate of emission inspection, in which case the subject vehicle shall be emission inspected prior to expiration of the new or transferred registration plate. If there is no evidence of emission inspection, an emission inspection must precede the next registration renewal.

(4) Emission inspection criteria for vehicles operated with miscellaneous motor vehicle business registration plates or dealer registration plate.--A subject vehicle which displays a miscellaneous motor vehicle business registration plate or a dealer registration plate shall be exempt from the requirements for emission inspection until it has accumulated 5,000 miles on its odometer. At that time it shall be subject to the provisions of subsection (f).

(June 18, 1980, P.L.223, No.67, eff. imd.; July 10, 1981, P.L.250, No.82, eff. imd.; May 26, 1982, P.L.435, No.129, eff. imd.; May 9, 1986, P.L.163, No.52, eff. imd.; Dec. 16, 1992, P.L.1250, No.166; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; July 6, 1995, P.L.246, No.30, eff. imd.; Dec. 20, 1995, P.L.669, No.75, eff. 120 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Apr. 17, 1997, P.L.6, No.3, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151; June 26, 2001, P.L.734, No.75, eff. 60 days;

Dec. 1, 2004, P.L.1767, No.228, eff. 60 days; Oct. 24, 2012, P.L.1407, No.174, eff. 60 days; Nov. 4, 2016, P.L.1277, No.165, eff. 90 days; Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added subsec. (c.2).
2016 Amendment. Act 165 deleted subsec. (b)(7).
2012 Amendment. Act 174 amended subsec. (a).
2004 Amendment. Act 228 amended subsec. (c).
1998 Amendment. Act 151 amended subsec. (b)(2) and deleted subsec. (b)(5), effective July 1, 1999, as to subsec. (b)(2) and immediately as to subsec. (b)(5).
1997 Amendment. Act 3 amended subsec. (b).
1995 Amendments. Act 30 amended subsec. (a) and Act 75 added subsec. (c.1). See section 5 of Act 30 in the appendix to this title for special provisions relating to equipment standards and inspection criteria.
1982 Amendment. See sections 10, 11 and 12 of Act 129 in the appendix to this title for special provisions relating to implementation of annual inspection program, promulgation of regulations on inspections and automobile emission program.
Cross References. Section 4702 is referred to in sections 4103, 4702.1, 4706, 4708 of this title.

§ 4702.1. Limited liability of inspection station or mechanic.

(a) General rule.--An inspection conducted pursuant to section 4702(a) (relating to annual inspection) or 1165.1 (relating to inspection of reconstructed, modified and specially constructed vehicles) shall not be construed as a guaranty of the safety of any vehicle and neither the official inspection station issuing the certificate of inspection nor the official inspection mechanic performing the inspection shall be liable to the owner or occupants of any inspected vehicle for any damages caused by the failure or malfunction of that vehicle or to the owner or occupants of any vehicle involved in an accident with that inspected vehicle or to any pedestrian injured in the accident unless it can be shown by a preponderance of the evidence that the failure was caused by the negligence of the inspection station or mechanic. An official inspection mechanic in the course of his duties relating to the road test portion of an official vehicle safety inspection shall not be cited by law enforcement personnel for any violation relating to vehicle equipment. This provision does not preclude an official inspection mechanic from being cited by law enforcement personnel for moving violations committed during the road test portion of an official vehicle safety inspection.

(b) Prior certification.--(Deleted by amendment).

(May 26, 1982, P.L.435, No.129, eff. imd.; July 7, 1983, P.L.32, No.19, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 1, 2004, P.L.1767, No.228, eff. Jan. 1, 2007; Nov. 4, 2016, P.L.1277, No.165, eff. 60 days)

2016 Amendment. Act 165 deleted subsec. (b).
2004 Amendment. Act 228 amended subsec. (a).

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

(a) General rule.--Except as otherwise provided in this section, no motor vehicle required to bear current registration plates issued by this Commonwealth and no farm vehicle with a gross weight or gross vehicle weight rating of greater than 17,000 pounds for which a Type D biennial certificate of exemption has been issued shall be driven and no trailer

required to bear current registration plates issued by this Commonwealth shall be moved on a highway and no mass transit vehicle shall be operated unless the vehicle displays a currently valid certificate of inspection issued under this chapter.

(b) Exceptions.--Subsection (a) does not apply to:

(1) Special mobile equipment.

(2) Implements of husbandry.

(2.1) Registered commercial implement of husbandry with an implement of husbandry body type.

(3) Motor vehicles being towed.

(4) Motor vehicles being operated or trailers being towed by an official inspection station owner or employee for the purpose of inspection.

(5) Trailers having a registered gross weight of 3,000 pounds or less.

(5.1) A trailer or semitrailer with a gross weight or gross vehicle weight rating of greater than 17,000 pounds displaying a currently valid Federal certificate of inspection.

(6) Motorized pedalcycles.

(7) Vehicles being repossessed by a financier or collector-repossessor business or vehicles enroute to a wholesale vehicle auction by a transporter business using the appropriate miscellaneous motor vehicle business registration plates.

(8) New vehicles while they are in the process of manufacture, including testing, and not in transit from the manufacturer to a purchaser or dealer.

(9) Any military vehicle used for training by a private, nonprofit, tax exempt military educational institution when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by the institution.

(10) A motor vehicle registered as an antique pursuant to section 1340 (relating to antique, classic and collectible plates).

(11) A motor vehicle being operated by the vehicle owner while enroute to an inspection station where an appointment for inspection has been scheduled, provided that such operation occurs no later than ten days after the expiration of a valid certificate of inspection issued under this chapter.

(12) (Deleted by amendment).

(13) New vehicles in the possession of a second-stage manufacturer which are in transit:

(i) from a dealer or distributor for completion; or

(ii) to a dealer or distributor upon completion.

(14) A neighborhood electric vehicle.

(c) Inspection of vehicles reentering this Commonwealth.--Vehicles subject to registration and inspection in this Commonwealth which have been outside this Commonwealth continuously for 30 days or more and which, at the time of reentering this Commonwealth, do not bear a currently valid certificate of inspection shall not be required to be inspected until ten days after reentering this Commonwealth.

(d) Newly-purchased vehicles.--Newly-purchased vehicles may be driven without a current inspection certificate for ten days after sale or resale or entry into this Commonwealth, whichever occurs later.

(e) Display of unauthorized certificate of inspection.--No certificate of inspection shall be displayed unless an official inspection has been made and the vehicle or mass transit vehicle is in conformance with the provisions of this chapter.

(f) Authority of police.--Any police officer may stop any motor vehicle, mass transit vehicle or trailer and require the owner or operator to display an official certificate of inspection for the vehicle being operated. A police officer may summarily remove an unauthorized, expired or unlawfully issued certificate of inspection from any vehicle or mass transit vehicle. For the purposes of administering the requirements of regulations promulgated by the department, a qualified Commonwealth employee or an authorized department representative may remove an unauthorized, expired or unlawfully issued certificate of inspection from any vehicle.

(g) Limitation on prosecution.--A motor vehicle, mass transit vehicle or trailer shall be the subject of only one prosecution under subsection (a) in any 24-hour period.

(h) Penalty.--

(1) Except as provided in paragraph (2), a person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of up to $25.

(2) Where the subject vehicle is a motor carrier vehicle, bus or school bus, the police officer or qualified Commonwealth employee shall place the vehicle out of service and require that the vehicle not be operated under its own power until such time as the vehicle is issued a valid official certificate of inspection. In addition, the person violating this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $100 nor more than $500.

(June 18, 1980, P.L.223, No.67, eff. imd.; June 18, 1980, P.L.229, No.68, eff. 60 days; Mar. 7, 1982, P.L.152, No.49, eff. imd.; May 26, 1982, P.L.435, No.129, eff. imd.; July 10, 1984, P.L.679, No.146, eff. 60 days; Feb. 7, 1990, P.L.11, No.6, eff. 60 days; June 11, 1992, P.L.266, No.47, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; July 6, 1995, P.L.246, No.30, eff. imd.; Dec. 21, 1998, P.L.1126, No.151; June 22, 2001, P.L.411, No.33, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months; July 14, 2005, P.L.285, No.50, eff. 60 days; Oct. 24, 2012, P.L.1407, No.174, eff. 60 days; Oct. 22, 2014, P.L.2543, No.154, eff. May 1, 2015)

2014 Amendment. Act 154 added subsec. (b)(14).

2012 Amendment. Act 174 amended subsec. (a).

2005 Amendment. Act 50 amended subsec. (b).

2002 Amendment. Act 229 amended subsec. (h).

1998 Amendment. Act 151 amended subsecs. (b)(10) and (f) and added subsec. (b)(13), effective immediately as to subsec. (f) and 60 days as to subsec. (b)(10) and (13).

1995 Amendment. See section 5 of Act 30 in the appendix to this title for special provisions relating to equipment standards and inspection criteria.

1990 Amendment. Act 6 amended subsec. (d).

1982 Amendment. Act 129 amended subsecs. (b), (c) and (d).

Cross References. Section 4703 is referred to in section 4729 of this title.

§ 4704. Inspection by police or Commonwealth personnel.

(a) Authority to inspect.--

(1) Inspection in conjunction with vehicle weighing.--

(i) Any Pennsylvania State Police officer or qualified Commonwealth employee engaged in weighing vehicles as provided in Ch. 49 Subch. E (relating to measuring and adjusting vehicle size and weight) is authorized to inspect any item of the vehicle's equipment and its load, driver and documents to determine whether they meet standards established in department regulations.

(ii) Any police officer or Commonwealth employee engaged in weighing vehicles as provided in Ch. 49 Subch. E is authorized to inspect any items of a vehicle's equipment to determine whether they meet the standards established in department regulations.

(2) Systematic vehicle inspection programs.--Any Pennsylvania State Police officer or qualified Commonwealth employee engaged in a systematic vehicle inspection program may inspect any vehicle, driver, documents, equipment and load to determine whether they meet standards established in department regulations.

(3) Probable cause.--

(i) Any State Police officer or qualified Commonwealth employee having probable cause to believe that a vehicle, driver, documents, equipment or load are unsafe, not equipped as required or otherwise not in compliance with the law or regulations may inspect the vehicle, driver, documents, equipment or load.

(ii) Any police officer having probable cause to believe that a vehicle or its equipment is unsafe, not equipped as required or otherwise not in compliance with the law or regulations may inspect the vehicle or its equipment.

(4) Testing in conjunction with vehicle emissions.--When testing for vehicle emissions, testing may include remote sensing devices or systematic roadside checks with tailpipe tests, emission control device checks and a check of the subject vehicle's emission control system including all of the components to determine if any part of the system has been disabled, changed or altered. The systematic testing may be conducted by police officers or qualified Commonwealth employees.

(5) Inspection of a vehicle involved in an accident.--Any Pennsylvania State Police officer or qualified Commonwealth employee is authorized to inspect any item of equipment and the load, driver and documents of any vehicle involved in an accident to determine whether they meet standards established in department regulations.

(b) Notice of violation.--Any police officer or qualified Commonwealth employee, having probable cause to believe that any vehicle or mass transit vehicle, regardless of whether it is being operated, or its equipment, documents or load, are unsafe, not equipped as required, or are otherwise not in compliance with the law or department regulations, may at any time submit a written notice of the violations to the driver of the vehicle or the mass transit vehicle or to the owner, lessee or registrant, or if none of them is present, to an adult occupant of the vehicle or the mass transit vehicle, or if the vehicle or the mass transit vehicle is unoccupied, the notice shall be attached to the vehicle or the mass transit vehicle in a conspicuous place.

(1) The notice shall specify the particulars of the violations and require that the violations be corrected.

Within five days or, in the case of a motor carrier vehicle or bus, within 15 days or before commencement of the vehicle's next trip, whichever occurs first, or in the case of emission testing, within 30 days, evidence must be submitted to the police or the Commonwealth, whichever is applicable, that the violations have been corrected.

(2) If the police officer or qualified Commonwealth employee has probable cause to believe that a vehicle or mass transit vehicle is unsafe or not in proper repair or fails a roadside vehicle emission test, he may require in the written notice that the vehicle or mass transit vehicle be inspected. The owner or driver shall, within five days of the date of notification or, in the case of a motor carrier vehicle or bus, within 15 days of the date of notification or before commencement of the vehicle's next trip, whichever occurs first, or in the case of emission testing, within 30 days, submit to the police or the Commonwealth, whichever is applicable, certification from an official inspection station that the vehicle or the mass transit vehicle has been restored to legal operating condition in relation to the particulars specified on the notice. Any person who fails a roadside vehicle emission inspection shall have 30 days in which to pass an enhanced vehicle emission inspection or to produce evidence that the subject vehicle has a valid emissions test waiver.

(3) After the expiration of the five-day, 15-day or 30-day period specified in paragraphs (1) and (2), whichever is appropriate, the vehicle shall not be operated upon the highways of this Commonwealth and a mass transit vehicle shall not be operated until the owner or driver has submitted to the police or the Commonwealth, whichever is applicable, evidence of compliance with the requirements of paragraph (1) or (2), whichever is applicable.

(c) Operation prohibited if hazardous.--

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

(2) In the event a motor carrier vehicle or mass transit vehicle is involved in an accident that causes the death of the vehicle operator or another person, the motor carrier vehicle or mass transit vehicle and its equipment, load, driver and documents shall be inspected by a qualified Commonwealth employee as designated by the department in accordance with subsection (f) before the vehicle or driver will be allowed to continue operation.

(d) Authority of police and qualified Commonwealth employees.--Any police officer or qualified Commonwealth employee shall be authorized to detain and inspect any sealed or unsealed vehicle, container or shipment which they have probable cause to believe may be in violation of the law or Commonwealth regulations while in transit or in maintenance facilities, terminals or other public or private property to ascertain if commodities or materials are being unloaded, stored

or transported in an illegal manner; to inspect contents; to inspect and copy documents and otherwise to ensure compliance with the law and Commonwealth regulations, except that only State Police and qualified Commonwealth employees shall have the authority to enforce any law or regulation pertaining to drivers, including, but not limited to, minimum driver qualifications, maximum hours of service and driver records, or pertaining specifically to hazardous materials. If a seal is opened for inspection, the inspecting officer or Commonwealth employee shall reseal any vehicle, container or shipment prior to further transportation.

(e) Limitation of authority of qualified Commonwealth employees.--The authority granted to qualified Commonwealth employees under this section shall be exercised only when the employee is in uniform and shall apply only to motor carrier vehicles, buses and all vehicles and combinations carrying hazardous materials in an amount and type which require the vehicle to be placarded under Chapter 83 (relating to hazardous materials transportation) and to the drivers of all such vehicles. Qualified Commonwealth employees who are not police officers shall be regarded as police officers under this part for the purpose of instituting criminal proceedings by citation under Chapter 50 of the Pennsylvania Rules of Criminal Procedure.

(f) Training of Commonwealth employees.--The department shall establish a program or programs to train and qualify Commonwealth employees, including Pennsylvania State Police officers, to inspect vehicles, equipment, documents, loads and drivers as authorized under this section and may provide such a program to train and qualify any police officer. After one year following the effective date of this section, inspections under subsection (a)(2) may be conducted only by personnel qualified under this program. Until that time, such inspections may be conducted by personnel designated by the department. A document executed by a department official, or a photostatic copy thereof, indicating that a person, including any police officer, has been so qualified or designated shall be competent and prima facie evidence of the qualification or designation.

(g) Limitations.--(Deleted by amendment).

(h) Administrative coordination.--The department shall coordinate with the Pennsylvania Public Utility Commission in the enforcement of this section and 66 Pa.C.S. § 3312(a) (relating to evasion of motor carrier and broker regulations). (June 18, 1980, P.L.223, No.67, eff. imd.; June 18, 1980, P.L.229, No.68, eff. 60 days; June 19, 1985, P.L.49, No.20, eff. 60 days; Dec. 16, 1992, P.L.1250, No.166; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days; Feb. 10, 1994, P.L.10, No.2, eff. imd.; June 19, 2001, P.L.281, No.21, eff. imd.; June 26, 2001, P.L.734, No.75, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days)

2008 Amendment. Act 133 deleted subsec. (g).

2002 Amendment. Act 229 amended subsecs. (a), (c), (e) and (g), effective in 60 days as to subsecs. (a) and (c) and six months as to the remainder of the section.

2001 Amendments. Act 21 amended subsec. (c) and added subsec. (h) and Act 75 amended subsec. (c) and added subsec. (h). Act 75 overlooked the amendment by Act 21, but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (c). The addition

of subsec. (h) by Acts 21 and 75 is identical and therefore has been merged.

1992 Amendment. Section 9 of Act 166 provided that the amendment shall take effect 60 days after the Department of Transportation certifies by notice in the Pennsylvania Bulletin that an enhanced emission inspection program will commence.

References in Text. Section 3312(a) of Title 66, referred to in subsec. (h), does not exist.

Cross References. Section 4704 is referred to in sections 1373, 4102, 4107, 6103 of this title; section 4150 of Title 3 (Agriculture).

§ 4705. Inspection of vehicles for transportation of school children.

(a) State Police inspection.--The owner of every school bus shall, in addition to any other inspection required by this chapter, submit the vehicle to the Pennsylvania State Police annually prior to operating the vehicle for the transportation of school children during the school year, to determine whether the vehicle conforms with the provisions of this chapter including regulations promulgated by the department. If the vehicle is in conformance, a certificate of inspection and approval shall be issued by the Pennsylvania State Police.

(b) Display of certificate.--No vehicle requiring a certificate of inspection under the provisions of this section shall be operated without prominently displaying the certificate, in the manner directed by the department, in addition to any other certificate required by law, on any of the highways of this Commonwealth.

§ 4706. Prohibition on expenditures for emission inspection program.

(a) General rule.--Except as provided in subsection (b), neither the department nor any other department or agency of the executive branch of State government shall expend any public funds for the establishment and administration of any system for the periodic inspection of emissions or emission systems of motor vehicles.

(b) Exception.--The provisions of subsection (a) shall not apply when the secretary shall certify that a system is required to comply with Federal law and is necessary for the Commonwealth to receive or avoid the loss of Federal funds in which case the department may establish and administer such a system for motor vehicles registered in areas where periodic inspection of emissions or emission systems of motor vehicles is required by the Environmental Protection Agency of the United States or decrees of the courts of the United States.

(b.1) Further exception.--

(1) The provisions of subsection (a) shall not apply if the secretary shall certify that a system is required to comply with the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.) and subsequent amendments or a final decree of a Federal court and is necessary for the Commonwealth to receive or avoid the loss of Federal funds, in which case the department shall establish and administer an enhanced emission inspection program. This program shall be established in all areas of this Commonwealth where the secretary certifies by publication in the Pennsylvania Bulletin that a system is required in order to comply with Federal law. Any area, counties, county or portion thereof certified to be in the program by the secretary must be mandated to be in the program by Federal law. If a petition is required to be sent to the Federal Government in order for any counties, county or portions of any county to be

exempted from the emission inspection program, the secretary shall petition the Federal Government on behalf of any counties, county or portion of any county that may qualify for an exemption. In cases where more than one county within a metropolitan statistical area may be exempted from the emissions inspection program, the county with the lowest population per square mile shall be exempted first. In cases where only portions of one county may be exempted from the emissions inspection program, the areas with the lowest population per area of postal zip code coverage region shall be exempted first. If the secretary establishes a centralized inspection program, the following limitations shall be applicable:

(i) Vehicle emission inspection shall be on a biennial basis.

(ii) No vehicle repairs or vehicle safety inspections shall be performed at any centralized emission inspection facility.

(iii) No contractor providing centralized inspection shall own or have any business interest in any vehicle repair facility in this Commonwealth.

(iv) For the purposes of this chapter, the department may issue a contract for a period of seven years or more to the successful bidder for the establishment and operation of a centralized program for emissions testing.

(v) The department shall promulgate regulations for the conduct, supervision and qualification of a contractor, its principals, employees or agents providing centralized emission testing which shall include a schedule of offenses punishable by fine of up to $20,000 and shall make provision for the discipline, termination, suspension and/or debarment of a contractor, its principals, employees or agents for the violation of a regulation pertaining to the emission testing program.

(2) At least 60 days prior to the implementation of any enhanced emission inspection program developed under this subsection, the Secretary of Transportation shall certify by notice in the Pennsylvania Bulletin that an enhanced emission inspection program will commence.

(b.2) Restrictions on exceptions.--Notwithstanding any other provision or requirement contained in this title, no provision or requirement of this section shall be more stringent or restrictive than those required by the Clean Air Act. No allowable vehicle emission standard shall be more restrictive than that originally certified for the subject vehicle at the time of manufacture.

(b.3) Fees.--(Repealed).

(b.4) Audits.--(Repealed).

(b.5) Repairs covered by warranty.--The inspection shall be performed so that when vehicles tested under warranty are repaired, such repairs must be covered by the vehicle manufacturer's warranty provisions.

(b.6) Retests.--The first retest performed for a vehicle that has failed will be free.

(b.7) Waiver.--(Repealed).

(b.8) Computer costs.--The cost of connect into the department's computer to facilitate registration, renewal and denial will be borne by both the centralized and the enhanced or basic decentralized emission facilities.

(c) Evidence of emission inspection.--

(1) The department shall issue evidence of emission inspection through an official emission inspection station or an authorized agent of the department, valid until the next scheduled emission inspection, for a subject motor vehicle which meets the following criteria:

(i) The subject vehicle has passed an inspection or a reinspection performed by the emission inspection station and all required emission control devices are installed.

(ii) The subject vehicle is exempt pursuant to the provisions of section 4702(g) (relating to requirement for periodic inspection of vehicles).

(2) When a subject vehicle has failed the emission inspection test and continues to fail after the owner has expended an amount at least equal to the total cost limitation as provided in paragraph (3), the owner may apply for a waiver. For the purpose of determining qualification for a waiver, the cost of necessary repairs shall not include the costs covered by any warranty, insurance policy or prepaid maintenance agreement or the costs as referred to in paragraph (4).

(3) The waiver limit shall be the minimum required by Federal law. The costs mandated by this subsection do not include any costs recoverable under warranty, insurance policy or prepaid maintenance agreement.

(4) Any expenses incurred in the repair of emission control devices found to be tampered with or rendered inoperative or which are not installed shall not be included in the total cost limitation of paragraph (3).

(5) It is unlawful to operate a subject vehicle without evidence of emission inspection or certification by an authorized agent, provided that it shall be lawful for a motor vehicle to be operated by the vehicle owner while en route to an emissions inspection station or to a vehicle repair facility where an appointment for emissions-related repairs has been scheduled and, provided further, that such operation occurs no later than ten days after the expiration of valid evidence of emission inspection issued under this title.

(6) Subject vehicles presented for emission inspection after the assigned emission inspection deadline shall be charged $10 for each month or portion thereof past the due date in addition to the emission inspection fee, except as provided in regulations promulgated by the department.

(c.1) Exchange of evidence of emission inspection.--A person replacing a windshield or repairing a windshield in such a manner as to require removal of evidence of emission inspection shall at the option of the registrant of the vehicle or the owner of a mass transit vehicle cut out the portion of the windshield containing the evidence of emission inspection and deliver it to the registrant of the vehicle or the owner of the mass transit vehicle or destroy the evidence of emission inspection. The vehicle or the mass transit vehicle may be driven for up to five days if it displays the portion of the old windshield containing the evidence of emission inspection as prescribed in department regulations. Within the five-day period, an official emission inspection station may affix to the vehicle or mass transit vehicle another evidence of emission inspection for the same inspection period without reinspecting the vehicle or mass transit vehicle in exchange for the portion of the old windshield containing the evidence of emission inspection. A fee of no more than $2 plus the fee paid to access

the department's computer to enter the evidence of emission inspection into the system may be charged for exchanging evidence of emission inspection.

(d) Coordination with vehicle registration.--(Deleted by amendment).

(e) Regulations.--Upon certification by the secretary of the need to comply with Federal law, the department shall promulgate such regulations as may be necessary to implement the emission inspection program but it shall not promulgate a regulation that would require safety inspection stations to also perform emission control inspections. Regulations promulgated by the department relating to the enhanced emission inspection program shall not be subject to the proposed rulemaking provisions of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, or the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(f) Scope.--(Repealed).

(g) Alternative enhanced emission inspection program.--Notwithstanding the provisions of subsection (f), the department shall comply with all of the following requirements:

(1) The department shall immediately suspend the development and implementation of a centralized, test-only vehicle emission inspection program until March 31, 1995.

(2) The department shall immediately notify the Environmental Protection Agency that the Commonwealth is developing an alternative vehicle emission program and intends to seek its approval of the plan in accordance with the requirements of the Federal law.

(3) The department shall develop and submit to the Environmental Protection Agency an alternative enhanced vehicle emission inspection program for approval which meets the requirements of Federal law and consists of a decentralized test and repair program or a hybrid program which combines both decentralized test and repair and test-only components. The decentralized test program may contain an additional component which will test and repair only those components necessary to achieve compliance with Federal clean air standards. As part of this decentralized test program, the department shall utilize the newest and most efficient technologies, including, but not limited to, remote roadside testing, identification and targeting of gross polluting vehicles and alternative equipment to existing inspection technology. The department may incorporate pilot programs and demonstration projects which achieve and enhance vehicle emissions reductions.

(4) On the effective date of this subsection, the department shall be immediately prohibited from expending any funds or allowing any other action in furtherance of the development and implementation of a centralized, test-only vehicle emission inspection program until the Environmental Protection Agency approves the decentralized or hybrid system proposed under paragraph (3). Any funds expended by the department after the approval of the program by the Environmental Protection Agency shall be limited to the implementation of the revised vehicle inspection program.

(h) Removal from Ozone Transport Commission.--The Governor shall take the steps necessary to obtain Environmental Protection Agency approval to remove all areas of the Commonwealth from the Northeast Ozone Transport Commission region that are now classified or in the future will be classified as in attainment of the Federal ozone pollution

standard or which are unclassified for the purpose of imposing an enhanced vehicle emission system inspection program and other air pollution control measures. The Governor shall initiate the actions necessary under this section no later than 60 days after the effective date of this section.

(i) Suspension of program.--The Governor shall immediately suspend the implementation and enforcement of the Employer Trip Reduction Program until March 31, 1995, or until an alternative program is developed that will achieve the same emission reductions. The Employer Trip Reduction Program or an alternative program shall not be required if the area classified as severe ozone nonattainment is reclassified as a serious ozone nonattainment area by the Environmental Protection Agency.

(j) Program for repair of certain vehicles.--The provisions of subsection (a) shall not apply to the Credit for Repairing Polluting Vehicles Program which the Department of Environmental Protection may establish. The program may provide that any person could make repairs to or reimburse expenses for repairs to registered motor vehicles which have been identified as polluting vehicles. Upon certification that the vehicle is no longer a polluting vehicle, the Department of Environmental Protection shall award the appropriate emission credit to the person applying for the credit in accordance with the applicable requirements of this title, the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, and the Clean Air Act (69 Stat. 322, 42 U.S.C. § 7401 et seq.). (May 4, 1983, P.L.4, No.3, eff. imd.; July 22, 1983, P.L.122, No.32, eff. imd.; July 11, 1985, P.L.204, No.52, eff. Sept. 1, 1985; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Dec. 16, 1992, P.L.1250, No.166; Feb. 10, 1994, P.L.10, No.2, eff. imd.; Nov. 16, 1994, P.L.614, No.95, eff. imd.; Dec. 15, 1995, P.L.655, No.72, eff. imd.; Dec. 20, 1995, P.L.669, No.75, eff. 120 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Dec. 1, 2004, P.L.1771, No.229, eff. 60 days)

2004 Amendment. Act 229 deleted subsec. (d).

2002 Amendment. Act 152 added subsec. (c.1).

1995 Amendments. Act 72 amended subsec. (g)(3) and repealed subsecs. (b.3), (b.4), (b.7) and (f) and Act 75 added subsec. (j).

1994 Amendment. See section 9 of Act 2 in the appendix to this title for special provisions relating to schedule for emission testing.

1992 Amendment. See section 5 of Act 166 in the appendix to this title for special provisions relating to continuation of existing emission inspection programs.

1983 Amendment. See sections 2, 3, 6 and 7 of Act 3 in the appendix to this title for special provisions relating to when vehicle emission inspection program not required, creation and maintenance of monitoring program, repeals and effective date.

Cross References. Section 4706 is referred to in section 4702 of this title.

§ 4706.1. Centralized emission inspection litigation settlement (Expired).

1998 Expiration. Section 4706.1 expired December 31, 1998. See Act 72 of 1995.

§ 4707. Consumer protection.

The Secretary of Transportation and the Commissioner of State Police shall create a consumer protection program for the purpose of monitoring the vehicle emission inspection and the vehicle safety inspection programs for inspection station

performance and to assure protection against fraud against consumers.
(May 4, 1983, P.L.4, No.3, eff. imd.)

1983 Amendment. Act 3 added section 4707.

§ 4708. Inspection of motorcycles.

An annual system of inspections in accordance with section 4702 (relating to requirement for periodic inspection of vehicles) shall be established for motorcycles according to the following schedule:

(1) Motorcycles whose registrations expire in the months of January and July shall be inspected in the months of May, June or July.

(2) Motorcycles whose registrations expire in the months of February and August shall be inspected in the months of June, July or August.

(3) Motorcycles whose registrations expire in the months of March and September shall be inspected in the months of July, August or September.

(4) Motorcycles whose registrations expire in the months of April and October shall be inspected in the months of August, September or October.

(5) Motorcycles whose registrations expire in the months of May and November shall be inspected in the months of March, April or May.

(6) Motorcycles whose registrations expire in the months of June and December shall be inspected in the months of April, May or June.

(Mar. 29, 1984, P.L.159, No.31, eff. 90 days)

1984 Amendment. Act 31 added section 4708.

§ 4709. Low-Emissions Vehicle Commission.

(a) Establishment.--There is hereby established a Low-Emissions Vehicle Commission which shall consist of 13 members. The Secretary of Commerce, the Secretary of Environmental Resources and the Secretary of Transportation shall be members. Six members shall be appointed by the Governor as follows:

(1) One member shall be a representative of an environmental advocacy group, and one each shall be appointed from a list of at least three nominees provided by each of the following:

(i) The Associated Petroleum Industries of Pennsylvania.

(ii) The Pennsylvania Gas Association.

(iii) The Pennsylvania Electric Association.

(iv) The Pennsylvania Automotive Association.

(v) The Pennsylvania AAA Federation.

(2) There shall be four legislative members: two members of the Senate, one appointed by the Majority Leader of the Senate and one appointed by the Minority Leader of the Senate; and two members of the House of Representatives, one appointed by the Majority Leader of the House of Representatives and one appointed by the Minority Leader of the House of Representatives.

(3) The Low-Emissions Vehicle Commission shall elect a chairman.

(4) The Secretary of Transportation and the Secretary of Commerce shall jointly provide administrative staff.

(b) Study content.--The Low-Emissions Vehicle Commission shall complete a study which addresses:

(1) whether adoption of the low-emissions vehicle program will result in significant net air quality improvements, using appropriate air quality modeling analysis and considering both volatile organic compound and nitrogen oxide emissions and their impact on ambient ozone levels; and

(2) whether adoption of the low-emissions vehicle program will result in a more cost-effective reduction in ozone precursors than other alternative control strategies for mobile and stationary sources to achieve and maintain the NAAQS standards established by the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.), including the low-emissions vehicle program's impact on economic development, future economic expansion, benefits to public health, welfare and environment and the fiscal impact on the consumer.

(c) Submission of study.--The commission shall submit its completed study to the Governor and the General Assembly within 240 days of enactment of this legislation.

(d) Prohibitions.--

(1) Except as provided in paragraph (2), no department, board or commission may adopt regulations establishing any low-emissions vehicle program until the study under subsection (c) has been submitted to the General Assembly. Nothing in this section shall preclude the department from proposing regulations related to the California motor vehicle emission standards under this act, subject to review under the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(2) If the Low-Emissions Vehicle Commission does not submit its study during the time period under subsection (c), a department, board or commission may go forward with adopting regulations establishing a low-emissions vehicle program.

(e) Reformulated motor fuels.--No department, board or commission shall adopt regulations mandating the sale or use of reformulated motor fuels which comply with any specifications for reformulated motor fuels prescribed by the State of California under 42 U.S.C. § 7545(c)(4)(B).
(Dec. 16, 1992, P.L.1250, No.166)

1992 Amendment. Act 166 added section 4709. See section 9 of Act 166 in the appendix to this title for special provisions relating to effective date.

References in Text. The Secretary of Environmental Resources, referred to in subsec. (a), was abolished by Act 18 of 1995. The functions of the secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection. The Secretary of Commerce, referred to in subsec. (a), was renamed the Secretary of Community and Economic Development by Act 58 of 1996.

§ 4710. Vehicle Emission System Inspection Program Advisory Committee.

(a) Appointment, composition, etc.--A Vehicle Emission System Inspection Program Advisory Committee shall be appointed by the Governor no later than 15 days after the effective date of this section and shall have its first meeting no later than 30 days after the effective date of this section.

(b) Members.--The committee shall consist of 16 members. Members shall serve without compensation other than reimbursement for reasonable and necessary expenses in

accordance with the rules of the Executive Board and shall serve for terms fixed by the secretary. The members shall include:

(1) Three representatives of public interest or environmental groups.

(2) Six from the following groups, one each from a list of three nominees provided by each of the following: The Pennsylvania AAA Federation, Service Station Dealers and Automotive Repair Association of Pennsylvania and Delaware, Pennsylvania Automotive Association, the Automotive Service Association of Pennsylvania, Associated Petroleum Industries of Pennsylvania and Coalition for Safer, Cleaner Vehicles.

(3) The chairmen and minority chairmen of the Senate and House of Representatives Transportation Committees or their designees.

(4) The Secretary of Commerce, the Secretary of Environmental Resources and the Secretary of Transportation or their designees shall serve as ex officio, nonvoting members of the committee.

(c) Advice to department.--The advisory committee shall provide guidance, advice and recommendations to the department on the establishment and implementation of the enhanced vehicle emission inspection program. Any request for proposal for contracted services issued by the department regarding the enhanced vehicle emission inspection program shall not be subject to review by the committee.

(d) Review of regulations.--The department simultaneously shall submit for review prior to adoption final enhanced emission inspection program regulations to the advisory committee and to the Attorney General. The advisory committee and the Attorney General shall have 30 days to review and comment on regulations submitted for review, and the advisory committee shall forward its comments to the secretary, to the designated standing committees and to the Independent Regulatory Review Commission. Attorney General review of enhanced emission inspection regulations shall occur concurrently with the review of the advisory committee. Review by the Attorney General shall be limited to form and legality. If the Attorney General determines that a rule or regulation is improper in form or legality, its determination shall be transmitted to the department and not otherwise subject to the provisions of section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act. An enhanced emission inspection rule or regulation which has been further amended as a consequence of a comment by the advisory committee or a determination of illegality by the Attorney General shall be resubmitted simultaneously to the advisory committee and to the Attorney General. The advisory committee and the Attorney General shall have ten days to review and comment. If the Attorney General continues its objections and the department disagrees, the department may promulgate the rule or regulations with or without revision and shall publish with it a copy of the Attorney General's objections. Upon completion of review of enhanced emission inspection regulations by the advisory committee and the Attorney General, the regulations shall be submitted to the designated standing committees and the Independent Regulatory Review Commission for review consistent with the act of June 30, 1989 (P.L.73, No.19), entitled "An act reenacting and amending the act of June 25, 1982 (P.L.633, No.181), entitled, as reenacted and amended, 'An act providing for independent oversight and review of regulations, creating an Independent Regulatory Review Commission, providing for its powers and duties and making repeals,' further providing for

the membership of the Independent Regulatory Review Commission and for the procedure for regulatory review; changing the termination date for the commission; and making repeals."

(e) Meetings.--The advisory committee shall meet at the call of the chairman, but not less than semiannually, to carry out its duties. The committee shall select a chairman and such other officers as it deems appropriate.

(f) Additional members.--The secretary may appoint additional members of the advisory committee on a temporary or permanent basis to advise the department on particular issues.

(g) Sunset date.--The advisory committee established under this section shall sunset on December 31, 1996.

(Dec. 16, 1992, P.L.1250, No.166, eff. imd.)

1992 Amendment. Act 166 added section 4710.

References in Text. The Secretary of Environmental Resources, referred to in subsec. (b), was abolished by Act 18 of 1995. The functions of the secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection. The Secretary of Commerce, referred to in subsec. (b)(4), was renamed the Secretary of Community and Economic Development by Act 58 of 1996.

SUBCHAPTER B
OFFICIAL INSPECTION STATIONS

Sec.

4721. Appointment of official inspection stations.
4722. Certificate of appointment.
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4730. Violations of use of certificate of inspection.
4731. Records of inspections and certificates issued.
4732. Inspection Advisory Board.
4733. Prohibited provision.

§ 4721. Appointment of official inspection stations.

For the purpose of establishing a system of official inspection stations, the department shall issue certificates of appointment to privately owned facilities within this Commonwealth that comply with the requirements of this chapter and regulations adopted by the department. The department shall issue instructions and all necessary forms to such facilities. Official inspection stations are authorized to inspect vehicles and mass transit vehicles and issue official certificates of inspection.

(June 18, 1980, P.L.223, No.67, eff. imd.)

§ 4722. Certificate of appointment.

(a) Application and issuance.--Application for a certificate of appointment shall be made upon an official form. The certificate of appointment shall be issued only when the department is satisfied that the station is equipped properly

and has competent personnel to make inspections and adjustments and that inspections will be conducted properly. Only those stations fulfilling department requirements and complying with department regulations shall be issued a certificate of appointment.

(b) Separate application for each place of business.--If the applicant has or intends to have more than one place of business within this Commonwealth, a separate application shall be made for each place of business.

(c) Bond or proof of insurance.--Before issuing a certificate of appointment the department shall require a bond or proof of insurance to provide compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of the applicant or its employees in such amount as is deemed adequate by the department pursuant to department regulations.

(d) Waiver.--The department shall promulgate regulations to provide a waiver of the 40-hour requirement that an inspection station must be open for business. The regulations shall establish the minimum requirements to be eligible for the waiver and shall require, at a minimum, that the inspection station be open for business at least ten business hours during the normal workweek (Monday through Friday) between 7 a.m. and 8 p.m.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 added subsec. (d). See section 24 of Act 152 in the appendix to this title for special provisions relating to waiver of hour requirements for official inspection stations.

§ 4723. Certificate of appointment for inspecting fleet vehicles.

The department may issue a certificate of appointment under the provisions of this chapter to any person who owns or leases 15 or more vehicles or mass transit vehicles and who meets the requirements of this chapter and regulations adopted by the department. The certificate of appointment may authorize inspection of only those vehicles or mass transit vehicles owned or leased by such person.

(June 18, 1980, P.L.223, No.67, eff. imd.)

§ 4723.1. Certificate of appointment for enhanced vehicle safety inspection for reconstructed vehicle, modified or specially constructed inspection stations.

The department shall issue a certificate of appointment for enhanced vehicle safety inspection for reconstructed vehicle, modified or specially constructed inspection stations.

(Dec. 1, 2004, P.L.1767, No.228, eff. Jan. 1, 2007)

2004 Amendment. Act 228 added section 4723.1.

§ 4724. Suspension of certificates of appointment.

(a) General rule.--The department shall supervise and inspect official inspection stations and may suspend the certificate of appointment issued to a station or may impose a monetary penalty or may issue a warning against the station which it finds is not properly equipped or conducted or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. A schedule of all penalties, points and suspension may be established by the department by publishing a notice in the Pennsylvania Bulletin until the regulations governing these penalties are promulgated by the department. The department shall maintain a list of all stations holding certificates of

appointment and of those whose certificates of appointment have been suspended. Any suspended certificate of appointment and all unused certificates of inspection shall be returned immediately to the department.

(b) Judicial review.--Any person whose mechanic certificate issued under section 4726 (relating to certification of mechanics) or certificate of appointment has been denied or suspended or who has received a monetary penalty under this chapter shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The court shall set the matter for hearing upon 60 days' written notice to the department and take testimony and examine into the facts of the case and determine whether the petitioner is entitled to a mechanic certificate or certificate of appointment or is subject to suspension or monetary penalty under the provisions of this chapter.

(c) Limitation.--The department prior to suspending a certificate of appointment of an official inspection station on the grounds of careless recordkeeping or the court on appeal from a suspension may consider the volume of inspections conducted by the inspection station and provide to the owner or operator of the inspection station the opportunity to correct any inaccurate records.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; June 18, 1980, P.L.229, No.68, eff. 60 days; July 4, 2002, P.L.692, No.105, eff. 60 days; Nov. 4, 2016, P.L.1277, No.165, eff. 60 days)

2016 Amendment. Act 165 amended subsecs. (a) and (b).

Cross References. Section 4724 is referred to in section 933 of Title 42 (Judiciary and Judicial Procedure).

§ 4725. Use of certificate of appointment at official inspection stations.

(a) General rule.--No person shall in any manner represent any place as an official inspection station unless the station is operating under a valid certificate of appointment issued by the department.

(b) Transfer, use and posting.--No certificate of appointment for any official inspection station shall be assigned or transferred or used at any location other than the one designated in the certificate. The certificate of appointment shall be posted in a conspicuous place at such location.

(c) Penalty.--Any person violating this section is guilty of a summary offense punishable:

(1) For a first offense, by a fine of $100.

(2) For a subsequent offense, by a fine of not less than $200 nor more than $500 or imprisonment for not more than 90 days, or both.

§ 4726. Certification of mechanics.

(a) General rule.--No mechanic shall conduct motor vehicle inspections or mass transit vehicle inspections at an official inspection station unless certified as to training, qualifications and competence by the department or the department's designate according to department regulations. The regulations relating to mass transit vehicle inspections shall require that any mechanic conducting such inspections shall possess proven competence in the area of mass transit vehicle operation and maintenance. The provisions of this title or regulations adopted thereunder shall not be construed or applied in a manner which would preclude or impair the right of a person who is a resident of another state, and who is in possession

of a valid driver's license issued by such state, to be certified to conduct motor vehicle inspections or mass transit vehicle inspections at an official inspection station in this Commonwealth. A certified official inspection mechanic performing a road test on a vehicle for the purpose of conducting a motor vehicle inspection is not required to hold a commercial driver's license if the entire road test is performed on private property, provided the mechanic holds a valid Class C driver's license and the road test area is of adequate space and size to perform a complete and proper road test as specified in department regulations. No official inspection station appointment shall be issued or renewed unless a certified official inspection mechanic is employed there.

(b) Supervision and suspension.--The department shall supervise mechanics certified under this section and may suspend the certification issued to a mechanic or may impose a monetary penalty if it finds that the mechanic has improperly conducted inspections or has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. The department shall maintain a list of all certified mechanics and of those whose certification has been suspended. Any suspended certificate shall be returned immediately to the department.

(c) Judicial review.--(Deleted by amendment).

(June 18, 1980, P.L.223, No.67, eff. imd.; June 18, 1980, P.L.229, No.68, eff. 60 days; May 26, 1982, P.L.435, No.129, eff. imd.; June 28, 1993, P.L.137, No.33, eff. 60 days; July 2, 1993, P.L.408, No.58, eff. imd.; Nov. 4, 2016, P.L.1277, No.165, eff. 60 days)

2016 Amendment. Act 165 amended subsec. (b) and deleted subsec. (c).

1993 Amendments. Act 33 amended subsec. (a) and Act 58 amended subsec. (a). The amendments by Acts 33 and 58 are identical and therefore have been merged.

Cross References. Section 4726 is referred to in section 4724 of this title.

§ 4727. Issuance of certificate of inspection.

(a) Requirements prior to inspection.--No vehicle, except a vehicle held by a dealer or manufacturer for which titling is not required or a mass transit vehicle for which titling is not required, shall be inspected unless it is duly registered or titled in this Commonwealth or in any other jurisdiction. The certified inspection mechanic shall examine the registration card, title or other document as specified in department regulations in order to ascertain that the vehicle is registered or titled or that an application for title has been submitted by the vehicle owner.

(b) Requirements for issuance of certificate.--An official certificate of inspection shall not be issued unless the vehicle or mass transit vehicle is inspected and found to be in compliance with the provisions of this chapter including any regulations promulgated by the department. Notation of the odometer reading shall be included on any certificate of inspection or other document as specified in department regulations.

(c) Unsafe school buses.--School buses found to be unsafe and placed out of service by an enforcement agency shall be reported by the enforcement agency to the school authorities.

(d) Proof of insurance.--

(1) No certificate of inspection shall be issued unless proof of financial responsibility is submitted to the

inspection official, who shall, on the official State Inspection record provided by the department, record the name of the insured, the vehicle tag number, the issuing company, the policy number and the expiration date. The requirement that the inspection official record financial responsibility information shall not be construed to require the inspection official to verify the information submitted.

(2) In those cases where the insured fails to present proof of financial responsibility to the inspection official, the inspection official, in addition to denying a certificate of inspection, may provide notification to the department, on the form provided by the department, within 30 days of the insured's failure to present proof of financial responsibility. Failure of the inspection official to make notification under this subsection shall not impose any duty or liability on the mechanic or station owner.

(3) Financial responsibility may be proven by showing one of the following documents:

(i) An identification card as required by regulations promulgated by the Insurance Department.

(ii) The declaration page of an insurance policy.

(iii) A certificate of financial responsibility.

(iv) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in Pennsylvania.

(v) A legible photocopy, facsimile or printout of an electronic transmission of a document listed in subparagraphs (i) through (iv), provided the certified inspection mechanic receives the photocopy, facsimile or printout directly from a licensed insurance company or licensed insurance agency. The certified inspection mechanic shall not accept a photocopy, facsimile or printout unless it is provided on the letterhead of the licensed insurance company or licensed insurance agency, or is provided with a letter written upon the company's or agency's letterhead, which specifically references the document provided as proof of financial responsibility by describing the insured's name and address and the make, model and vehicle identification number of the insured vehicle.

(4) If handwritten proof of financial responsibility is acceptable proof of insurance in the state where the vehicle is registered, the certified inspection mechanic may accept such handwritten proof, provided the certified inspection mechanic receives written confirmation from the applicable state, insurance company or insurance agency that handwritten proof is acceptable in that state. This paragraph is applicable only to vehicles registered in a state other than this Commonwealth.

(e) Penalty.--An inspection official who fails to complete the official State Inspection record under subsection (d) or who issues a certificate of inspection with reason to know that there has been a violation of section 7122(4) (relating to altered, forged or counterfeit documents and plates) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $100. This subsection does not impose vicarious liability upon the station owner. The criminal liability of the station owner is dependent upon actual commission of the offense or upon solicitation, attempt or conspiracy to commit the offense.

(June 18, 1980, P.L.223, No.67, eff. imd.; June 18, 1980, P.L.229, No.68, eff. 60 days; May 26, 1982, P.L.435, No.129,

eff. imd.; Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990; June 30, 1990, P.L.266, No.63, eff. imd.; July 11, 1996, P.L.660, No.115, eff. 60 days)

1996 Amendment. Act 115 amended subsec. (d).

1990 Amendment. Act 63 amended subsec. (d) and added subsec. (e).

Cross References. Section 4727 is referred to in section 57A09 of Title 53 (Municipalities Generally).

§ 4728. Display of certificate of inspection.

The appropriate certificate of inspection shall be affixed to the vehicle or mass transit vehicle as specified in regulations adopted by the department.

(June 18, 1980, P.L.223, No.67, eff. imd.)

§ 4729. Removal of certificate of inspection.

No certificate of inspection shall be removed from a vehicle or a mass transit vehicle for which the certificate was issued except to replace it with a new certificate of inspection issued in accordance with the provisions of this chapter or as follows:

(1) The police officer may remove a certificate of inspection in accordance with the provisions of section 4703(f) (relating to operation of vehicle without official certificate of inspection).

(2) A person replacing a windshield or repairing a windshield in such a manner as to require removal of a certificate of inspection shall at the option of the registrant of the vehicle or the owner of a mass transit vehicle cut out the portion of the windshield containing the certificate and deliver it to the registrant of the vehicle or the owner of the mass transit vehicle or destroy the certificate. The vehicle or the mass transit vehicle may be driven for up to five days if it displays the portion of the old windshield containing the certificate as prescribed in department regulations. Within the five day period an official inspection station may affix to the vehicle or mass transit vehicle another certificate of inspection for the same inspection period without reinspecting the vehicle or mass transit vehicle in exchange for the portion of the old windshield containing the certificate of inspection. A fee of no more than $2 plus the fee paid to the department may be charged for exchanging the certificate of inspection.

(3) A salvor shall remove and destroy the current certificate of inspection on every vehicle processed as abandoned in the salvor's possession except vehicles owned by the salvor or used in the operation of the business of the salvor.

(4) Every applicant for a certificate of salvage or nonrepairable certificate pursuant to Subchapter D of Chapter 11 (relating to salvage vehicles, theft vehicles, reconstructed vehicles and flood vehicles) shall remove and destroy the current certificate of inspection.

(5) For the purposes of administering the requirements of regulations promulgated by the department, a qualified Commonwealth employee or an authorized department representative may remove an unauthorized, expired or unlawfully issued certificate of inspection or a certificate of inspection issued for a covert audit.

(June 18, 1980, P.L.223, No.67, eff. imd.; May 26, 1982, P.L.435, No.129, eff. imd.; Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152)

2002 Amendment. Act 152 amended the entire section, effective immediately as to par. (5) and 60 days as to the remainder of the section.

§ 4730. Violations of use of certificate of inspection.

(a) General rule.--No person shall:

(1) make, issue, transfer or possess any imitation or counterfeit of an official certificate of inspection; or

(2) display or cause to be displayed on any vehicle or mass transit vehicle or have in possession any certificate of inspection knowing the same to be fictitious or stolen or issued for another vehicle or issued without an inspection having been made.

(b) Unauthorized use by official inspection station.--No official inspection station shall furnish, loan, give or sell certificates of inspection and approval to any other official inspection station or any other person except upon an inspection made in accordance with the requirements of this chapter.

(c) Penalty.--A violation of the provisions of this section constitutes a summary offense punishable:

(1) For a first offense, by a fine of $100.

(2) For a subsequent offense, by a fine of not less than $200 nor more than $500 or imprisonment for not more than 90 days, or both.

(June 18, 1980, P.L.223, No.67, eff. imd.)

1980 Amendment. Act 67 amended subsec. (a).

§ 4731. Records of inspections and certificates issued.

A record shall be made of every inspection and every certificate issued and the record shall be forwarded to the department in the manner and at the time the department shall specify by regulation. An official inspection station and its records shall be open for inspection by any police officer, authorized department employee or any designee of the department.

(Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

§ 4732. Inspection Advisory Board.

(a) Membership.--There shall be an Inspection Advisory Board consisting of 11 members appointed by the secretary. The board shall be composed of an authorized representative of the department and of the Pennsylvania State Police and representatives of the automotive industry and the public, as follows: a new car dealer, a used car dealer, a fleet owner, a certified mechanic, a service station operator, a parts and equipment wholesaler, an independent repair shop operator and two members of the general public who are licensed drivers.

(b) Duties.--The board shall advise the department and review regulations proposed by the department concerning inspection requirements and operation of official inspection stations.

§ 4733. Prohibited provision.

(a) General rule.--It shall be unlawful for any agreement to contain a provision requiring the operation of a retail motor vehicle fuel station during those hours that are proven by a retail motor vehicle fuel station owner or operator to be unprofitable to such owner or operator.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Agreement." A contract or lease, or combination of both, or other terminology used to describe a contractual relationship between any or all of the following parties: a refiner, a

distributor and a retail motor vehicle fuel station owner or operator.

"Distributor." A person who purchases motor vehicle fuel from a refiner for the purpose of resale to a retail motor vehicle fuel station.

"Refiner." A manufacturer of motor vehicle fuel.

"Retail motor vehicle fuel station." A place of business where motor vehicle fuel is sold and dispensed into the tanks of motor vehicles, either by means of a self-service or full-service pump.

(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

1992 Amendment. Act 174 added section 4733.

CHAPTER 49
SIZE, WEIGHT AND LOAD

Subchapter

A. General Provisions
B. Width, Height and Length
C. Maximum Weights of Vehicles
D. Special Permits for Excessive Size and Weight
E. Measuring and Adjusting Vehicle Size and Weight

Enactment. Chapter 49 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Cross References. Chapter 49 is referred to in sections 102, 1334.1, 6309, 6506 of this title; sections 4102, 4150 of Title 3 (Agriculture); sections 6202, 6207 of Title 27 (Environmental Resources).

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

4901. Scope and application of chapter.
4902. Restrictions on use of highways and bridges.
4903. Securing loads in vehicles.
4904. Limits on number of towed vehicles.
4905. Safety requirements for towed vehicles.
4906. Fire apparatus and emergency vehicles.
4907. Penalty for violation of chapter.
4908. Operation of certain combinations on interstate and certain other highways.
4908.1. Operation of motor homes on interstate and certain other highways (Repealed).
4909. Transporting foodstuffs in vehicles used to transport waste.

§ 4901. Scope and application of chapter.

(a) General rule.--No vehicle, combination or load which has a size or weight exceeding the limitations provided in this chapter and no vehicle, combination or load which is not so constructed or equipped as required in this title or the regulations of the department shall be operated or moved upon any highway of this Commonwealth, unless permitted as provided in this title by the department or local authority with respect to highways and bridges under their respective jurisdictions. Failure to obtain a permit prior to the operation or movement of such a vehicle, combination or load shall subject the owner, lessee and operator of the vehicle or combination to the

institution of summary criminal proceedings by citation for any violations of this part.

(b) Limitations on local regulation.--The maximum size and weight of vehicles specified in this chapter shall govern throughout this Commonwealth and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in this title.

(c) Permit authorizing prohibited movement.--If an overweight or oversize movement cannot be made in any other feasible manner, the permit may authorize the movement to be made in contravention to any provision of this title provided that:

(1) the department or local authority determines that the movement is in the public interest; and

(2) the movement is escorted by certified escort vehicles as defined under section 3108 (relating to drivers of certified escort vehicles) or the Pennsylvania State Police and the following shall apply:

(i) The department, in consultation with the Pennsylvania State Police, shall determine whether a Pennsylvania State Police escort is necessary.

(ii) If it is jointly determined by the Pennsylvania State Police and the department that the movement must be escorted by the Pennsylvania State Police, the permittee shall bear the total costs of escorting the movement.

(d) Responsibility of local authorities.--Local authorities:

(1) that have adopted an ordinance under this chapter; or

(2) that establish or enforce size or weight limitations which differ from those provided for in this chapter;

have the burden and responsibility to properly administer, adhere to and enforce compliance with the requirements of this chapter and the regulations of the department. Failure of a local authority to properly administer, adhere to or enforce the substantive requirements of this chapter and the department's regulations shall subject the local authority to penalties set forth under section 4907 (relating to penalty for violation of chapter).

(e) Definition.--As used in this section, the term "extra-duty Pennsylvania State Police" means sworn members of the Pennsylvania State Police performing escort duty outside of their regularly scheduled shift on an overtime basis.

(Dec. 7, 1994, P.L.820, No.115, eff. imd.; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; June 22, 2001, P.L.411, No.33, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Oct. 30, 2015, P.L.216, No.55, eff. 60 days)

2015 Amendment. Act 55 amended subsec. (c).

2002 Amendment. Act 152 amended subsec. (c) and added subsec. (e).

2001 Amendment. Act 33 added subsec. (d).

1994 Amendments. Acts 115 and 172 amended subsec. (a). The amendments by Acts 115 and 172 are identical and therefore have been merged.

Cross References. Section 4901 is referred to in section 4962 of this title.

§ 4902. Restrictions on use of highways and bridges.

(a) Restrictions based on condition of highway or bridge.--

(1) The Commonwealth and local authorities with respect to highways and bridges under their jurisdictions may prohibit the operation of vehicles and may impose

restrictions as to the weight or size of vehicles operated upon a highway or bridge only when they determine by conducting an engineering and traffic study as provided for in department regulations that the highway or bridge may be damaged or destroyed unless use by vehicles is prohibited or the permissible size or weight of vehicles is reduced.

(2) School buses, emergency vehicles and vehicles making local deliveries or pickups may be exempted from restrictions on the use of highways imposed under this subsection.

(2.1) Government-owned vehicles, vehicles of local government agency contractors providing material for maintenance and department contractors engaged in or providing material for construction or maintenance shall be exempted from restrictions on the use of highways, except bridges, imposed under this subsection in accordance with department regulations. The following types of documents shall constitute evidence that a vehicle is traveling to or from a site in accordance with this paragraph:

(i) A bill of lading.

(ii) A shipping order.

(iii) A service order or other document that indicates the address of the site and purpose of the trip.

(3) The department may issue a statement of policy, which shall take effect upon publication in the Pennsylvania Bulletin, adopting an appropriate methodology to provide letters of local determination that identify particular vehicles, routes or uses as local in nature.

(4) The methodology under paragraph (3) may allow for exemptions from 67 Pa. Code Ch. 189 (relating to hauling in excess of posted weight limit) related to the at-risk industry of logging or other forest products experiencing a 20% decline in Statewide employment between March 2002 and March 2011, as determined by the Department of Labor and Industry.

(5) The exemptions and related requirements under paragraph (4) may remain in existence only until December 31, 2028. Exemptions for local delivery or pickup may not include traffic going to or coming from a site at which minerals, natural gas or natural resources are developed, harvested or extracted, notwithstanding whether the site is located at a residence, a commercial site or on farmland. Delivery or pickup of logs or other forest products to or from permanent processing mills located on or reachable only through posted highways shall be considered local delivery or pickup. Delivery or pickup of coal to or from permanent coal reprocessing or preparation plants located on or reachable only through posted highways and not on the same posted highway as a site at which coal is extracted shall be considered local delivery or pickup.

(b) Restrictions based on traffic conditions.--The Commonwealth and local authorities with respect to highways and bridges under their jurisdictions may prohibit the operation of vehicles and may impose restrictions as to the weight or size of vehicles operated upon a highway or bridge whenever they determine that hazardous traffic conditions or other safety factors require such a prohibition or restriction. School buses, emergency vehicles and vehicles making local deliveries or pickups may be exempted from restrictions on the use of highways imposed under this subsection.

(c) Permits and security.--

(1) The Commonwealth and local authorities may issue permits for movement of vehicles of size and weight in excess of restrictions promulgated under subsections (a) and (b) with respect to highways and bridges under their jurisdiction and may require such agreement or security as they deem necessary to cover the cost of repairs and restoration necessitated by the permitted movement of vehicles. In reference to subsection (a), the Commonwealth and local authorities shall not refuse to issue a permit with respect to a highway under their jurisdiction if there is no reasonable alternate route available. For purposes of this section, "reasonable alternate route" shall mean a route meeting the criteria set forth in department regulations relating to traffic and engineering studies.

(2) The department may establish the types of permits to be issued and agreements to be entered into, subject to the following:

(i) Permits may be for long-term or short-term use of the posted highways.

(ii) The department may require multiple vehicles traveling to or from a single destination to operate pursuant to a single permit.

(iii) The department may establish a permit type allowing the posting authority to determine that damage to the posted highway covered by the permit will be minimal. This type of permit may include categories based on the number and kinds of loads expected, including a category providing that use of the posted highway under a single minimum-use permit of less than 700 loads per year shall not require an agreement or security. The department may alter the 700 loads per year minimum-use threshold if it determines the structural capacity of the State highways can accept a higher or lower amount of over-posted weight traffic. The department may express the threshold as a loads-per-day, loads-per-week or loads-per-month number.

(iv) The department may restrict use of de minimis and minimum-use permits during thaw periods as determined by the department.

(v) The department shall exclude hauling related to unconventional oil and gas development from minimum-use status based on its disproportionate and qualitatively different impact upon highways and bridges.

(3) The department shall promulgate regulations to implement this section. During the two years immediately following the effective date of this section, the department may promulgate temporary regulations, which shall expire no later than three years following the effective date of this paragraph or upon promulgation of final regulations, whichever occurs first. Temporary regulations promulgated by the department under this paragraph shall not be subject to any of the following:

(i) Sections 201, 202 and 203 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(ii) The Act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(d) Designation of alternate routes.--

(1) In conjunction with the exercise of the powers set forth in subsections (a) and (b), the Commonwealth may designate alternate routes for vehicles in excess of

specified weights or sizes. Such alternate routes may utilize portions of the Pennsylvania Turnpike.

(2) In conjunction with the exercise of the powers set forth in subsection (c), when refusing to issue a permit with respect to a highway under their jurisdiction, the Commonwealth and local authorities may conduct or cause to be conducted an alternate route study. The elements of an engineering and traffic study conducted to designate an alternate route pursuant to this section shall consist of the same elements found in department regulations.

(e) Erection of signs.--The Commonwealth and local authorities shall erect or cause to be erected and maintained restriction signs designating the restrictions within 25 feet of each end of a bridge or portion of highway restricted as provided in subsection (a) or (b). In the case of a restriction on a bridge or on a highway which does not begin or end at an intersection with an unrestricted highway, the Commonwealth or local authorities shall also place an advance informational sign at the intersection nearest each end of the restricted bridge or portion of highway which would allow drivers to avoid the restricted bridge or portion of highway. No person shall be convicted of violating subsection (a) or (b) unless the restriction sign designating the restricted bridge or portion of highway to traffic moving in the direction the person was driving was posted as required in this subsection. However, failure to post the restriction sign designating the restricted bridge or portion of highway to traffic moving in the opposite direction or failure to post any advance informational sign shall not constitute a defense to a violation of this section.

(f) Actions to be in accordance with department regulations.--All actions taken under authority of this section shall be taken in accordance with department regulations.

(f.1) Local ordinances superseded.--Notwithstanding any other provision of law, local authorities are prohibited from enacting or enforcing ordinances inconsistent with the provisions contained in this section.

(g) Penalty.--

(1) Any person operating a vehicle or combination upon a highway or bridge in violation of a prohibition or restriction imposed under subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $75, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of $150 plus $150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

(2) Any person operating a vehicle or combination in violation of a prohibition or restriction imposed under subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than $500.

(h) (Reserved).

(i) Authority to conduct investigations and audits.--The Commonwealth and local authorities may conduct or cause to be conducted an investigation and audit of a person or entity to determine if there has been a violation of this section, pertinent regulation or agreement. Audits shall be limited to proper usage of letters of local determination and de minimis and minimum-use permits.

(j) Authority to suspend, revoke or deny permits.--The Commonwealth and local authorities may suspend, revoke or deny a permit and agreement if it is determined by the Commonwealth

or a local authority that there has been a violation of this section, pertinent regulation or agreement, notwithstanding any other provision of this section.
(June 18, 1980, P.L.229, No.68, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 22, 2001, P.L.411, No.33, eff. 60 days; May 11, 2006, P.L.161, No.38, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. imd.; Oct. 24, 2018, P.L.725, No.115, eff. imd; Oct. 24, 2018, P.L.881, No.138, eff. 60 days; July 11, 2022, P.L.1591, No.91, eff. 60 days)

2022 Amendment. Act 91 amended subsec. (a)(5) and added subsec. (a)(2.1).

2018 Amendments. Acts 115 and 138 amended subsec. (a)(4) and (5). The amendments by Acts 115 and 138 are identical and therefore have been merged.

2013 Amendment. Act 89 amended subsecs. (a) and (c) and added subsecs. (h), (i) and (j). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2006 Amendment. Act 38 amended subsec. (g)(2).

Cross References. Section 4902 is referred to in sections 4943, 4963, 6506 of this title.

§ 4903. Securing loads in vehicles.

(a) General rule.--No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping.

(b) Fastening load.--Every load on a vehicle shall be fastened so as to prevent the load or covering from becoming loose, detached or in any manner a hazard to other users of the highway.

(c) Load of logs.--

(1) Every load of logs on a vehicle shall be securely fastened with binders, chains or straps and, in the case of an open-body or stake-body vehicle, trailer or semitrailer there shall be a sufficient number of vertical metal stakes or posts securely attached on each side of the vehicle, trailer or semitrailer at least as high as the top of the load to secure such load in the event of a failure of the binders, chains or straps.

(2) A load of logs which are greater than six feet in length must be secured by three binders for each stack of logs, except that, if the stacks are tiered so that one stack rests upon the bottom stack or stacks, a total of three binders is necessary for that tiered combination.

(3) A load of logs which are six feet or less in length must be secured by two binders for each stack of logs, except that, if the stacks are tiered so that one stack rests upon the bottom stack or stacks, a total of three binders is necessary for that tiered combination.

(4) A tiered combination which includes logs which are greater than six feet and logs which are six feet or less shall be governed by paragraph (2).

(c.1) Load of loose garbage.--Every load of loose, nonbaled garbage, waste, refuse or rubbish being transported through or within this Commonwealth shall be transported in a vehicle with four solid sides and with a cover or top of a type to prevent any of the load from escaping. The cover or top shall remain tightly in place going to a disposal site. The load shall be no higher than the solid sides of the vehicle. It is imperative that all garbage, waste, refuse or rubbish be removed from the vehicle at the disposal site to prevent any scattering of litter

on the highway during the return trip. No truck, trailer or semitrailer with an open body or stake body shall be used for such purposes. This subsection shall not apply to vehicles engaged in the systematic collection of garbage or refuse and which are designed to be open in the rear for the loading of garbage or refuse.

(c.2) Load of baled garbage.--Garbage, municipal waste, waste, refuse or rubbish in a tightly compacted and baled form being transported through or within this Commonwealth shall be securely fastened to the vehicle and covered over all exposed areas by being placed within a woven bag or with a canvas cover or cover of a comparable type. If a canvas cover or cover of a comparable type is used, the cover shall be securely attached to the underside of all sides of the truck, trailer or semitrailer by straps. A woven bag, canvas cover or cover of a comparable type shall have the purpose of preventing any of the material from the bales from escaping. No part of any bale shall be uncovered, except for inspection, at any time during transportation within or through this Commonwealth until arrival at the disposal site.

(c.3) Load of equipment with hydraulically operated boom arm.--The boom arm of equipment with a hydraulically operated boom arm being transported through or within this Commonwealth shall be securely fastened to the vehicle with steel restraining devices to prevent its movement or shifting during transit.

(d) Establishment of standards for fastening devices.--The department may promulgate regulations establishing minimum standards governing types and numbers of devices to be used in securing loads to prevent spillage and leakage of a load while in transit.

(e) Exceptions.--This section does not prohibit:

(1) the necessary spreading of any substance in highway maintenance or construction operations; or

(2) the shedding or dropping of feathers or other matter from vehicles hauling live or slaughtered birds or animals.

(f) Penalty for violation of subsection (a), (b) or (c).--A person who owns or who operates a vehicle in violation of subsection (a), (b) or (c) and, as a result of the violation, any item, piece, fragment or part of the load escapes and causes injury to a person or damage to another vehicle or other property commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $300 nor more than $1,000. A violation of subsection (a), (b) or (c) which does not result in injury to a person or damage to another vehicle or other property constitutes a summary offense, punishable by a fine of not less than $100 nor more than $300.

(g) Penalty for violation of subsection (c.1) or (c.2).--A person who owns or who operates a vehicle in violation of subsection (c.1) or (c.2) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $300 nor more than $1,000. Notwithstanding the provisions of 42 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines, etc.) and 3573 (relating to municipal corporation portion of fines, etc.), disposition of any fine collected for a violation of subsection (c.1) or (c.2) shall be as follows:

(1) Unless paragraph (2) applies, the fine collected shall be paid to the Commonwealth for deposit into the Motor License Fund.

(2) If the county where the offense was committed has a litter control program approved by the department, 50% of the fine collected shall be paid to the county for expenditure in the approved litter control program; and 50%

of the fine collected shall be paid to the Commonwealth for deposit into the Motor License Fund.

(Mar. 13, 1990, P.L.69, No.14, eff. imd.; July 11, 1996, P.L.660, No.115, eff. 60 days; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; July 11, 2022, P.L.1591, No.91, eff. 60 days)

2022 Amendment. Act 91 amended subsec. (c.2).

2008 Amendment. Act 133 added subsec. (c.3).

1996 Amendment. Act 115 amended subsec. (c).

1990 Amendment. Act 14 added subsecs. (c.1), (c.2), (f) and (g). See section 6 of Act 14 in the appendix to this title for special provisions relating to construction of Act 14.

Cross References. Section 4903 is referred to in sections 3329, 3716 of this title.

§ 4904. Limits on number of towed vehicles.

(a) General rule.--No motor vehicle shall be operated upon a highway towing more than one other vehicle except as otherwise provided in this section.

(b) Farm tractors.--Farm tractors may tow no more than two other vehicles when engaged in agricultural operations.

(c) Towing vehicles requiring service.--

(1) A dolly not exceeding ten feet in length may be towed by a motor vehicle for the purpose of towing another vehicle requiring service.

(2) A combination requiring emergency service may be towed to a nearby garage or other place of safety.

(d) Saddle-mount operations.--Not more than three truck tractors, empty trucks or chassis therefor, may be towed by a truck tractor, truck or the chassis thereof, provided that only the rear wheels of the drawn vehicles shall touch the road surface and the overall length of the combination does not exceed 75 feet.

(e) Two-trailer combinations on interstate and certain other highways.--Combinations consisting of a truck tractor and two trailers may be driven only as described in section 4908 (relating to operation of certain combinations on interstate and certain other highways).

(f) Tow dollies and converter gears.--A tow dolly or converter gear may be towed by a motor vehicle for the purpose of towing another vehicle, provided the combination meets all requirements of section 4905 (relating to safety requirements for towed vehicles) and separate lighting equipment is displayed on the rear of a towed motor vehicle. A converter gear may also be towed empty behind a combination consisting of a truck tractor and semitrailer.

(g) Combinations permitted under section 4965(2).--Combinations permitted only to cross a highway to get from one commercial or industrial facility to another under section 4965(2) (relating to single permits for multiple highway crossings) may consist of more than two units as long as the dimensions and gross axle and wheel weight of the combination and loads do not exceed the maximums specified in this chapter.

(h) Certain combinations permitted under section 4968.--Combinations consisting of a truck and one trailer or a truck tractor and one trailer which exceeds the maximum vehicle lengths authorized in section 4923 (relating to length of vehicles) and which shall not exceed 102 inches in width, or a truck tractor and no more than two trailers, each trailer of which shall not exceed 102 inches in width and 28 1/2 feet in length may be operated under a permit issued under section 4968 (relating to permit for movement during course of manufacture).

(i) Portable traffic control signals or devices.--Portable traffic control signals mounted upon a trailer not exceeding 3,000 pounds gross vehicle weight may be operated in tandem as long as the length of the two trailers combined does not exceed 300 inches and the trailers are designed by the manufacturer to be able to be towed in tandem on public roadways.
(July 1, 1981, P.L.197, No.60, eff. imd.; July 7, 1983, P.L.32, No.19, eff. imd.; July 11, 1985, P.L.204, No.52, eff. 90 days; Nov. 29, 1985, P.L.316, No.81, eff. 60 days; July 9, 1986, P.L.544, No.96, eff. 60 days; Feb. 10, 1994, P.L.10, No.2, eff. imd.; Apr. 17, 1997, P.L.6, No.3, eff. 60 days; Oct. 24, 2012, P.L.1307, No.163, eff. 60 days)

2012 Amendment . Act 163 added subsec. (i).
1997 Amendment. Act 3 amended subsec. (e).
1994 Amendment. Act 2 amended subsec. (d).
1986 Amendment. Act 96 amended subsec. (h).
1985 Amendment. Act 52 added subsec. (g).
1983 Amendment. Act 19 added subsecs. (e) and (f). See section 7 of Act 19 in the appendix to this title for special provisions relating to expiration of amendments authorizing two trailers and long combinations.
1981 Amendment. Act 60 amended subsec. (c).
Cross References. Section 4904 is referred to in section 4908 of this title.

§ 4905. Safety requirements for towed vehicles.

(a) Connecting devices and distances.--When one vehicle is towing another, the connection shall be of sufficient strength to pull all weight towed. The distance between the vehicles shall not exceed 15 feet except between any two vehicles transporting poles, pipes, machinery or other objects of a structural nature such that they cannot readily be dismembered.

(b) Red flags and lights.--If the distance between the vehicles exceeds five feet, a red flag or cloth not less than 12 inches square shall be displayed upon the connection centered between the vehicles. During hours of darkness a red light shall be displayed at the same position in lieu of the flag or cloth.

(c) Deflection of trailer wheels.--Every trailer shall be attached to the vehicle drawing it so as to prevent the wheels of the trailer from deflecting more than six inches from the path of the drawing vehicle's wheels.

(d) Safety chains.--Whenever two vehicles are connected by a ball-and-socket type hitch, or pintle hook without a locking device, they shall also be connected by two safety chains of equal length, each safety chain having an ultimate strength at least equal to the gross weight of the towed vehicles. The safety chains shall be crossed and connected to the towed and towing vehicle and to the tow bar so as to prevent the tow bar from dropping to the ground in the event the tow bar fails or becomes disconnected. The safety chains shall have no more slack than is necessary to permit proper turning.

(e) Obstructed lighting equipment.--Whenever the rear running lights, stop lights, turn signals or hazard warning lights required by the provisions of Chapter 43 (relating to lighting equipment) are obstructed by the load on a vehicle or by a towed vehicle or its load, lighting equipment shall be displayed on the rear of the towed vehicle or load equivalent to the obstructed lights or signals, except in the case of implements of husbandry or commercial implements of husbandry displaying the slow-moving vehicle emblem and operating between sunrise and sunset.

(f) Penalty for violation of subsection (e).--

(1) A person who operates a commercial motor vehicle, as defined in section 1603 (relating to definitions), in violation of subsection (e) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $300 for each violation.

(2) A person who operates a motor vehicle other than a commercial motor vehicle, as defined in section 1603, in violation of subsection (e) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $50 nor more than $100.

(June 23, 1981, P.L.98, No.35, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 20, 1995, P.L.669, No.75, eff. 120 days)

1995 Amendment. Act 75 added subsec. (f).

1992 Amendment. Act 174 amended subsec. (e).

Cross References. Section 4905 is referred to in section 4904 of this title.

§ 4906. Fire apparatus and emergency vehicles.

This chapter does not apply to fire apparatus being operated on the highway unless specifically provided otherwise. The weight requirements of this chapter do not apply to emergency vehicles as defined in 23 U.S.C. § 127(r)(2) (relating to vehicle weight limitations-Interstate System). In lieu of the weight requirements of this chapter, the requirements of 23 U.S.C. § 127(r)(1) shall apply to emergency vehicles.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 20, 2017, P.L.342, No.31, eff. 60 days)

§ 4907. Penalty for violation of chapter.

(a) General rule.--Any person violating any provision of this chapter for which a penalty is not otherwise provided commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $300 for each violation.

(b) Penalty for violation of permit.--Any person whose vehicle, combination or load is in violation of or not in compliance with any condition of a permit and any person who violates or fails to comply with any condition of a permit while operating or transporting a vehicle, combination or load, in addition to any other violation prohibited by this chapter, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $500 for each violation.

(c) Penalty for violation of multijurisdictional permit.--Any person who violates or fails to comply with any provision of a permit issued under section 6146.1 (relating to multijurisdictional permit agreement), in addition to any other violation prohibited by this title, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $500 for each violation.

(d) Penalty for operation with an invalid permit.--Any person who operates or moves an oversize or overweight vehicle, combination or load with an expired, void or invalidated permit, in addition to any other violation prohibited by this chapter, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $1,000 for each violation.

(e) Failure to properly administer, adhere to and enforce the requirements of this chapter.--When it is determined in a summary proceeding that a local authority has failed to comply with any of the requirements of this chapter or the department's concomitant regulations, the following shall occur:

(1) The local authority shall be liable for the costs for scheduling and conducting the proceeding and for the

reasonable costs incurred to respond to and defend against the charges. The costs shall be assessed by the magisterial district judge and payable within 30 days of assessment.

(2) The local authority shall forfeit any right of recovery for the cost of any repairs and restoration necessitated by the movement of vehicles upon highways or bridges.

(Dec. 7, 1994, P.L.820, No.115, eff. imd.; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; June 22, 2001, P.L.411, No.33, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (e)(1). See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

2001 Amendment. Act 33 added subsec. (e).

Cross References. Section 4907 is referred to in section 4901 of this title.

§ 4908. Operation of certain combinations on interstate and certain other highways.

(a) General rule.--Combinations authorized by section 4904(e) (relating to limits on number of towed vehicles) to have two trailers may be driven only on the types of highways and under the limitations set forth below:

(1) On the designated national network consisting of all interstate highways and portions of Federal aid primary highways having at least a 48-foot-wide roadway or two 24-foot-wide roadways and designated by the department as capable of safely accommodating such vehicles.

(2) Between the designated national network and a terminal or a facility for food, fuel, repair or rest having an entrance within the access limitation prescribed by Federal Highway Administration regulation of the nearest ramp or intersection, but only on highways having lanes at least ten feet wide.

(3) On highways marked with traffic route signs having travel lanes at least ten feet in width unless prohibited by the department on State highways or the municipality on local highways based on safety reasons and marked with signs prohibiting such vehicles.

(4) Between the highways authorized under paragraph (3) and a terminal or facility for food, fuel, repair or rest having an entrance within one-half road mile of the nearest ramp or intersection, but only on highways having lanes at least ten feet wide.

(5) Approval of a highway other than as designated under paragraphs (1) through (4) shall be obtained from the:

(i) City in the case of a highway in a city.

(ii) Department in the case of a State highway not in a city, except that the department will, upon request, delegate authority to approve routes under this subsection to a municipality which has been delegated authority to issue permits under section 420 of the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law.

(iii) Municipality in the case of a local highway not in a city.

(b) Household goods carriers.--In addition to the operations authorized in subsection (a), a household goods carrier, consisting of a truck tractor and two trailers may be driven between the designated national network and a point of loading or unloading which can safely and reasonably be accessed using

highways approved under subsection (a)(2) through (5) for the particular movement.

(1) (Deleted by amendment).

(2) (Deleted by amendment).

(b.1) Short 102-inch trailers.--(Deleted by amendment).

(c) Nearby terminals and facilities.--(Deleted by amendment).

(d) Route approval.--(Deleted by amendment).

(e) Notice.--

(1) The department shall publish the designated network established in subsection (a)(1) in the Pennsylvania Bulletin as a notice under 45 Pa.C.S. § 725(a)(3) (relating to additional contents of Pennsylvania Bulletin) and will also forward the designated network to trucking companies and associations and other interested parties, upon request.

(2) Approval of a route under subsection (a)(5) shall be effective upon notice by the approving authority to the person who requested it. Notice of the approval shall also be given to State and affected local police and shall be published in the Pennsylvania Bulletin in a timely manner as a notice under 45 Pa.C.S. § 725(a)(3).

(3) Approval of a route under subsection (b)(2) shall be effective upon notice by the approving authority to the person who requested it. Notice of the approval shall also be given to State and affected local police and shall be published in the Pennsylvania Bulletin in a timely manner.

(f) Revocation of route approval.--The authority which approved a route under subsection (a)(5) may revoke the route approval if it determines that the route or some portion of it cannot safely and reasonably accommodate combinations authorized to exceed length or number of trailer limitations. Notice of the revocation shall be published in the Pennsylvania Bulletin as a notice under 45 Pa.C.S. § 725(a)(3) and shall be effective 15 days after such publication, except that the posting authority may effect an earlier revocation by posting signs to indicate the revocation. Written notice of the revocation shall also be given to the person who requested the route approval and to State and affected local police.

(g) Penalty.--A person who operates a combination in violation of this section on a highway which is not marked with signs prohibiting the operation of such a combination commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $50 for each violation. A person cited under this subsection shall not be subject to citation under section 4904. (July 7, 1983, P.L.32, No.19, eff. imd.; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Feb. 10, 1994, P.L.10, No.2, eff. imd.; Apr. 17, 1997, P.L.6, No.3, eff. 60 days; June 12, 2018, P.L.204, No.31, eff. 180 days)

2018 Amendment. Act 31 amended subsecs. (a) intro. par., (b) and (g) and deleted subsec. (b.1).

1983 Amendment. See section 7 of Act 19 in the appendix to this title for special provisions relating to expiration of amendments authorizing two trailers and long combinations.

Cross References. Section 4908 is referred to in section 4904 of this title.

§ 4908.1. Operation of motor homes on interstate and certain other highways (Repealed).

2018 Repeal. Section 4908.1 was repealed June 12, 2018, P.L.204, No.31, effective in 180 days.

§ 4909. Transporting foodstuffs in vehicles used to transport waste.

(a) Offense defined.--

(1) A person commits a violation of this section if he transports or knowingly provides a vehicle for the transportation of any food product or produce intended for human consumption in a vehicle which has been used to transport any municipal, residual or hazardous waste or any chemical or liquid, in bulk, which is not a food product or produce.

(2) A person commits a violation of this section if he knowingly accepts any food product or produce from, or provides any food product or produce to, a vehicle used to transport any municipal, residual or hazardous waste or any chemical or liquid, in bulk, which is not a food product or produce.

(b) Penalties.--

(1) A person who violates subsection (a)(1) shall, upon conviction for the first offense, pay a fine of not less than $1,000 nor more than $10,000. Upon the second or subsequent conviction of subsection (a)(1), a person shall pay a fine of not less than $5,000 nor more than $25,000, or the court shall order the operating privilege of the vehicle operator suspended for a period of up to one year, or both. A copy of the order shall be transmitted to the department.

(2) A person who violates subsection (a)(2) shall, upon conviction for the first offense, pay a fine of not less than $1,000 nor more than $10,000. A person who violates subsection (a)(2) shall, upon the second or subsequent conviction, pay a fine of not less than $5,000 nor more than $25,000.

(c) Vehicle forfeiture.--Any vehicle or conveyance used in the commission of an offense under this section shall be deemed contraband and forfeited in accordance with 42 Pa.C.S. §§ 5803 (relating to asset forfeiture), 5805 (relating to forfeiture procedure), 5806 (relating to motion for return of property), 5807 (relating to restrictions on use), 5807.1 (relating to prohibition on adoptive seizures) and 5808 (relating to exceptions).

(d) Responsibility for cost.--The owner of any vehicle or conveyance forfeited under subsection (c) shall be responsible for any costs incurred in properly disposing of waste in the vehicle or conveyance.

(e) Environmental Quality Board.--The Environmental Quality Board shall have the power and its duty shall be to adopt regulations, if necessary, to carry out the requirements of this section. Regulations, if necessary, shall be proposed within 90 days.

(f) Emergency telephone number.--The Pennsylvania State Police shall establish or designate a toll-free telephone number to report violations of illegal hauling.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Food product or produce." Any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale, in whole or in part, for human consumption.

"In bulk." Not divided into parts or packaged in separate units.

"Municipal waste," "residual waste" or "hazardous waste." The terms shall have the meanings given to them under the act

of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, and the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.
(Mar. 13, 1990, P.L.69, No.14, eff. imd.; June 29, 2017, P.L.247, No.13, eff. July 1, 2017)

2017 Amendment. Act 13 amended subsec. (c).
1990 Amendment. Act 14 added section 4909. See section 6 of Act 14 in the appendix to this title for special provisions relating to construction of act.
Environmental Quality Board. Section 502(c) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Protection, provided that the Environmental Quality Board shall have the powers and duties currently vested in it, except as vested in the Department of Conservation and Natural Resources by Act 18 of 1995, which powers and duties include those set forth in section 4909.
Cross References. Section 4909 is referred to in section 5803 of Title 42 (Judiciary and Judicial Procedure).

SUBCHAPTER B
WIDTH, HEIGHT AND LENGTH

Sec.
4921. Width of vehicles.
4922. Height of vehicles.
4923. Length of vehicles.
4924. Limitations on length of projecting loads.
4925. Width of projecting loads on passenger vehicles.

Cross References. Subchapter B is referred to in sections 4961, 4962, 4968, 4970, 4977, 4978, 4979.4 of this title.

§ 4921. Width of vehicles.
(a) General rule.--The total outside width of a vehicle, including any load, shall not exceed eight feet six inches except as otherwise provided in this section.
(b) Special vehicles.--The following paragraphs determine widths for special vehicles, with each paragraph specifically controlling its own subject matter in the event of a conflict with another paragraph:
(1) Any implement of husbandry or vehicle loaded with crops or nutrients and not exceeding 12 feet in width may be driven, hauled or towed between sunrise and sunset on highways other than freeways.
(2) Any implement of husbandry not exceeding 14 feet 6 inches in width may be driven, hauled or towed without any restriction as to time on highways other than freeways in accordance with the following:
(i) (Reserved).
(ii) The implement may be driven, hauled or towed within 50 miles of any farm owned or operated by the owner of the implement of husbandry.
(iii) The implement may be driven, hauled or towed between:
(A) farms; or
(B) a farm owned or operated by a farmer and a place of business of a mechanic or dealer in implements of husbandry;

located not more than 150 miles away for the purpose of buying, selling, trading, loaning and leasing, demonstrating, repairing or servicing the implement of husbandry.

(iv) When driven, hauled or towed between sunset and sunrise, the implement of husbandry shall have and operate at least one flashing or revolving yellow light or yellow strobe light, which shall be mounted to provide visibility to vehicles approaching from any direction, 360° visibility, regardless of the method of mounting and hazard signal lamps.

(2.1) Any implement of husbandry exceeding 14 feet 6 inches and not exceeding 18 feet in width may be driven, hauled or towed between sunrise and sunset on highways other than freeways if the implement of husbandry is covered by financial responsibility under paragraph (2.2)(vi) and is preceded by a pilot vehicle that displays an "oversize load" sign on the front of the vehicle and has continuously activated hazard signal lamps. The implement of husbandry shall have and operate at least one flashing or revolving yellow light or yellow strobe light, which shall be mounted to provide visibility to vehicles approaching from any direction, 360° visibility, regardless of the method of mounting and hazard signal lamps. Implements subject to this paragraph may be driven, hauled or towed:

(i) Within 50 miles of any farm owned or operated by the owner of the implement of husbandry.

(ii) Between:

(A) farms; or

(B) a farm owned or operated by a farmer and a place of business of a mechanic or dealer in implements of husbandry;

located not more than 150 miles away for the purpose of buying, selling, trading, loaning and leasing, demonstrating, repairing or servicing the implement of husbandry with at least five business days' prior notice to the department by telephone. In cases of emergency repair or servicing, advance notice is not required.

(2.2) An implement of husbandry exceeding 14 feet 6 inches and not exceeding 18 feet in width may be driven, hauled or towed, and may be preceded by a pilot vehicle that displays an "oversize load" sign on the front of the vehicle and has continuously activated hazard signal lamps, on highways other than freeways between sunset and sunrise within 25 miles of any farm owned or operated by the owner of the implement of husbandry if all of the following are met:

(i) the implement of husbandry is equipped with reflective edgemarks or lights to identify the outermost edges of the rear and front of the implement that are visible from the front, the rear and, as is practicable, from each side;

(ii) the implement of husbandry shall have and operate at least one flashing or revolving yellow light or yellow strobe light, which shall be mounted to provide visibility to vehicles approaching from any direction, 360° visibility, regardless of the method of mounting, and hazard signal lamps;

(iii) the implement of husbandry is not driven, hauled or towed at a speed greater than 25 miles per hour;

(iv) the implement of husbandry is driven, hauled or towed by a person who is at least 18 years of age;

(v) the implement of husbandry is followed by a vehicle that is displaying an "oversize load" sign on the rear of the vehicle and is operating continuously activated hazard signal lamps; and

(vi) the implement of husbandry is covered by the minimum levels of liability insurance coverage on the vehicle as are required to be maintained under Chapter 17 (relating to financial responsibility) by owners of registered motor vehicles. The requirement of this subparagraph shall be met if the minimum amounts of liability insurance coverage for the implement of husbandry have been provided under farm liability insurance coverage maintained generally by the owner. Coverage prescribed under Subchapter B of Chapter 17 (relating to motor vehicle liability insurance first party benefits) shall not be required to be maintained or provided for the implement of husbandry.

(3) Special mobile equipment not exceeding nine feet two inches in width may be driven, hauled or towed between sunrise and sunset on highways other than freeways.

(4) The department may regulate the operation of special vehicles subject to this subsection which regulations may prohibit the operation of special vehicles on certain days or during certain hours.

(4.1) A vehicle not exceeding 14 feet 6 inches in width may be towed by an implement of husbandry exempt from registration under section 1302(2.1) and (2.2) (relating to vehicles exempt from registration) without any restriction as to time on highways other than freeways, if all of the following apply:

(i) The implement towing the vehicle is being operated in accordance with subsection (a) or this subsection.

(ii) The towed vehicle, when towed between sunset and sunrise, has and operates at least one flashing or revolving yellow light or yellow strobe light, which shall be mounted to provide visibility to vehicles approaching from any direction, 360 degree visibility, regardless of the method of mounting and hazard signal lamps.

(5) An implement of husbandry or vehicle used for crops or nutrients and not exceeding 14 feet 6 inches in width may be operated on highways other than freeways between sunset and sunrise. The implement or vehicle, when used at this time, shall have and operate at least one flashing or revolving yellow light or strobe light, which shall be mounted to provide visibility to vehicles approaching from any direction, 360-degree visibility, regardless of the method of mounting, and hazard signals.

(6) Except as provided in paragraph (6.1), commercial implements of husbandry not exceeding 12 feet in width, including wheels and tires, may be driven, hauled or towed between sunrise and sunset on highways other than freeways.

(6.1) A commercial implement of husbandry not exceeding 12 feet in width, including wheels and tires, may be driven between sunrise and sunset on a freeway, not including the Pennsylvania Turnpike or an interstate highway, subject to all of the following:

(i) The commercial implement of husbandry is capable of reaching speeds of at least 40 miles per hour and

maintains a speed of at least 40 miles per hour at all times when being driven on the freeway, unless otherwise required by this title.

(ii) The tires on the commercial implement of husbandry have a speed rating from the manufacturer of at least 40 miles per hour.

(iii) The commercial implement of husbandry is not driven for more than 30 miles on the freeway.

(iv) The commercial implement of husbandry is equipped with one or more flashing or revolving yellow lights in a manner determined by the department.

(v) The commercial implement of husbandry is driven only in the right lane of the freeway, unless as otherwise required by this title or required when exiting the freeway.

(vi) The freeway has a maximum speed limit of 65 miles per hour at the locations on which the commercial implement of husbandry is being driven.

(vii) The individual operating the commercial implement of husbandry is at least 18 years of age and has a valid driver's license.

(viii) The commercial implement of husbandry is being driven to or from a farm, or farms, and the business location of the owner of the commercial implement of husbandry.

(ix) The commercial implement of husbandry is covered by the minimum levels of liability insurance coverage on the vehicle as required under Chapter 17 by owners of registered motor vehicles.

(x) The commercial implement of husbandry is followed by a vehicle with continuously activated hazard signal lamps.

(xi) The height of the commercial implement of husbandry does not exceed the maximum height established in section 4922 (relating to height of vehicles), the length of the commercial implement of husbandry does not exceed the maximum length established in section 4923 (relating to length of vehicles) and the weight of the commercial implement of husbandry does not exceed the maximum weight established in section 4941 (relating to maximum gross weight of vehicles).

(xii) The department has not prohibited the operation of a commercial implement of husbandry on the freeway in accordance with paragraph (6.2).

(6.2) The department may prohibit the operation of a commercial implement of husbandry as authorized by paragraph (6.1) on the entirety or a portion of a freeway if the prohibition is needed to protect the safety of motorists.

(7) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Crop." The term includes, but is not limited to:

(i) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.

(ii) Fruits, including apples, peaches, grapes, cherries and berries.

(iii) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.

"Nutrient." The term includes, but is not limited to:

(i) A substance or recognized plant nutrient, element or compound that is used or sold for its plant nutritive content or its claimed nutritive value.

(ii) Livestock and poultry manures and their byproducts, compost used as fertilizer, commercially manufactured chemical fertilizers, biosolids or combinations of commercially manufactured chemical biosolids.

(c) Buses.--(Deleted by amendment).

(c.1) Motor homes or recreational trailers.--(Deleted by amendment).

(c.2) Utility trailers.--(Deleted by amendment).

(c.3) Trucks other than combinations.--(Deleted by amendment).

(d) Nondivisible loads.--(Deleted by amendment).

(e) Mirrors, sunshades and tarpaulins.--Mirrors, sunshades and tarpaulins may extend beyond the maximum width of a vehicle as follows:

(1) Mirrors may extend on each side a maximum of six inches beyond the width of the vehicle, trailer or load, whichever is greater.

(2) Sunshades may extend a maximum of six inches on each side of the vehicle.

(3) Tarpaulins and the mechanical components of the devices used to secure tarpaulins may extend no more than six inches on each side of a vehicle or trailer.

(e.1) School buses.--School bus side stop signal arms, as provided for in section 4552 (relating to general requirements for school buses), may, when in an extended position displaying red visual signals while the vehicle is stopped and loading or discharging students, extend beyond the width limitation otherwise provided in this section.

(e.2) Excluded devices.--Devices listed in and meeting the requirements of 23 CFR Pt. 658 Appendix D (relating to devices that are excluded from measurement of the length or width of a commercial motor vehicle) are excluded from measurement of the width of a motor vehicle.

(e.3) Highly automated vehicles.--If a highly automated vehicle is operating on highways of this Commonwealth, a rear visibility system comprised of a set of devices or components, that together perform the function of producing the rearview image, shall be considered a mirror or a similar device to a mirror, and shall be excluded from the measurement of the width of the highly automated vehicle consistent with applicable Federal and State laws.

(f) Exceptions.--The provisions of this subchapter governing the width of vehicles do not apply to street sweepers, snow removal equipment, truck-mounted line-painting equipment and recycling equipment used under the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

(July 20, 1979, P.L.168, No.55, eff. imd.; Mar. 7, 1982, P.L.152, No.49, eff. imd.; July 7, 1983, P.L.32, No.19, eff. imd.; Dec. 19, 1988, P.L.1290, No.163, eff. imd.; June 30, 1990, P.L.266, No.63, eff. imd.; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days; July 2, 1993, P.L.408, No.58, eff. 60 days; Feb. 10, 1994, P.L.10, No.2, eff. imd.; Dec. 7, 1994, P.L.820, No.115, eff. imd.; July 11, 1996, P.L.660, No.115, eff. 60 days; Apr. 17, 1997, P.L.6, No.3, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 22, 2001, P.L.411, No.33, eff. 60 days; Nov. 30, 2004, P.L.1667, No.211, eff. 60 days; Oct. 24, 2012, P.L.1405, No.173, eff. 60 days; Oct. 24, 2012, P.L.1407, No.174, eff. 60 days; Nov. 1, 2012, P.L.1680, No.209, eff. 60 days; June 12, 2018, P.L.204, No.31, eff. 180 days; June 28, 2019, P.L.221,

No.28, eff. 60 days; July 11, 2022, P.L.1591, No.91, eff. 60 days; Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendments. Act 91 amended subsec. (b)(6) and added subsec. (b)(6.1) and (6.2) and Act 130 added subsec. (e.3).

2019 Amendment. Act 28 amended subsec. (b)(2.1) and (2.2).

2018 Amendment. Act 31 amended subsec. (a), added subsec. (e.2) and deleted subsecs. (c), (c.1), (c.2), (c.3) and (d).

2012 Amendments. Act 173 amended subsec. (b) intro. par., (1) and (5) and added subsec. (b)(7), Act 174 added subsec. (b)(4.1) and Act 209 amended subsec. (b)(2) and added subsec. (b)(2.1) and (2.2).

2001 Amendment. Act 33 amended subsec. (b).

1993 Amendments. Act 10 amended subsecs. (b)(5) and (6) and (d) and Act 58 amended subsecs. (e) and (f).

1988 Amendment. Act 163 added subsec. (e.1).

Cross References. Section 4921 is referred to in section 4961 of this title.

§ 4922. Height of vehicles.

(a) General rule.--No vehicle, including any load, shall exceed a height of 13 feet 6 inches. This provision shall not be construed to require public authorities to provide sufficient vertical clearance to permit the operation of such vehicles.

(b) Buses.--Any bus operated wholly within a municipality, where permitted by the municipality, or in more than one municipality, where approved by the Public Utility Commission, may be of a total height, including load, not to exceed 14 feet 6 inches.

(c) Exceptions.--The provisions of this subchapter governing the height of vehicles do not apply to fire apparatus or to vehicles used exclusively to repair overhead lights and wires.

(d) Penalty.--Any person convicted of operating a vehicle with a height greater than 13 feet 6 inches and traveling without a valid permit shall, upon conviction, pay a fine of $500.

(Nov. 26, 2008, P.L.1658, No.133, eff. 60 days)

2008 Amendment. Act 133 added subsec. (d).

Cross References. Section 4922 is referred to in sections 4921, 4961 of this title.

§ 4923. Length of vehicles.

(a) Motor vehicles.--

(1) Except as provided in paragraph (2), no motor vehicle, including any load and bumpers, shall exceed an overall length of 40 feet.

(2) Paragraph (1) does not apply to the following:

(i) A motor vehicle equipped with a boom or boomlike device if the vehicle does not exceed 55 feet.

(ii) A bus, school bus or motor home which does not exceed 45 feet.

(iii) An articulated bus which does not exceed 63 feet.

(iv) An automobile or boat transporter which does not exceed 45 feet, exclusive of an overhang of not more than three feet on the front and four feet on the rear. An automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul if the automobile transporter complies with the weight limitations for a motor vehicle.

(b) Excluded devices.--Devices listed in and meeting the requirements of 23 CFR Pt. 658 Appendix D (relating to devices

that are excluded from measurement of the length or width of a commercial motor vehicle) are excluded from measurement of the length of a motor vehicle.

(b.1) Combinations.--

(1) The length of a single trailer being towed by a truck or truck tractor shall not exceed 53 feet. Truck or truck tractors towing trailers equipped with a kingpin shall not be operated when the distance between the kingpin and the center line of the rear axle or rear axle group exceeds 41 feet or, in the case of a trailer used exclusively or primarily to transport vehicles in connection with motor sports competition events, does not exceed 46 feet.

(2) For a double trailer, the length of each trailer being towed in combination by a truck tractor shall not exceed 28 1/2 feet.

(3) The overall length of the combination of a truck tractor with a conventional fifth wheel and an auto or boat transporter shall not exceed 65 feet, exclusive of an overhang of not more than three feet on the front and four feet on the rear of the combination.

(4) The overall length of a stinger-steered auto or boat transporter combination shall not exceed 80 feet, exclusive of an overhang of not more than four feet on the front and six feet on the rear of the combination. A stinger-steered automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul if the stinger-steered automobile transporter complies with the weight limitations for a truck tractor and semitrailer combination.

(5) The overall length of a saddle-mount combination shall not exceed 75 feet.

(6) The overall length of a maxi-cube combination shall not exceed 65 feet.

(7) A combination consisting of any tow truck towing a disabled motor vehicle to a place of repairs or other place of safety.

(8) A combination transporting articles that, themselves, do not exceed 70 feet in length and are nondivisible as to length.

(9) The overall length of a towaway trailer transporter combination shall not exceed 82 feet.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Automobile or boat transporter." A truck of a total length not greater than 45 feet, exclusive of an overhang of not more than three feet on the front and four feet on the rear of the vehicle configured by the manufacturer to haul either automobiles, light trucks or boats.

"Towaway trailer transporter combination." As follows:

(1) a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers with a total weight that does not exceed 26,000 pounds; and

(2) the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor or dealer of the trailers or semitrailers.

"Trailer transporter towing unit." A power unit that is not used to carry property when operating in a towaway trailer transporter combination.

(June 6, 1979, P.L.39, No.12, eff. imd.; June 18, 1980, P.L.229, No.68, eff. 60 days; July 1, 1981, P.L.197, No.60, eff. imd.; July 7, 1983, P.L.32, No.19, eff. imd.; Dec. 11, 1986, P.L.1530,

No.166, eff. 60 days; Feb. 10, 1994, P.L.10, No.2, eff. imd.; Apr. 17, 1997, P.L.6, No.3, eff. 60 days; June 22, 2001, P.L.559, No.37, eff. imd.; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Nov. 30, 2004, P.L.1667, No.211, eff. 60 days; Oct. 24, 2012, P.L.1407, No.174, eff. 60 days; June 30, 2014, P.L.814, No.85, eff. 60 days; July 20, 2017, P.L.342, No.31, eff. 60 days; June 12, 2018, P.L.204, No.31, eff. 180 days)

2018 Amendment. Act 31 amended subsec. (b.1)(1) and added subsec. (b).

2017 Amendment. Act 31 amended subsecs. (a)(2), (b.1) and (c).

2014 Amendment. Act 85 amended subsec. (a).

1983 Amendment. See section 7 of Act 19 in the appendix to this title for special provisions relating to expiration of amendments authorizing two trailers and long combinations.

Cross References. Section 4923 is referred to in sections 4904, 4924 of this title.

§ 4924. Limitations on length of projecting loads.

(a) General rule.--Subject to the provisions of this subchapter limiting the length of vehicles and loads, the load upon any vehicle or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load, other than a nondivisible load, upon the rear vehicle of a combination shall not extend more than six feet beyond the rear of the bed or body of such vehicle.

(b) Red flags and lights.--If the load on any vehicle extends more than four feet beyond the rear of the vehicle, a red flag or cloth not less than 12 inches square shall be displayed at the end of the load. During hours of darkness, a red light shall be displayed in the same position in lieu of the flag or cloth.

(c) Compliance with maximum length limitations.--Subsection (a) does not permit loads to exceed the maximum limits set forth in section 4923 (relating to length of vehicles).

(d) Exceptions.--Except for subsection (b), this section does not apply to a motor vehicle specifically designed and being used to:

(1) transport roof trusses; or

(2) transport live trees for transplanting.

(Nov. 23, 1987, P.L.399, No.82, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days)

1993 Amendment. Act 10 amended subsec. (d).

§ 4925. Width of projecting loads on passenger vehicles.

(a) General rule.--No passenger-type vehicle shall be operated on any highway with a load extending beyond the left side of the vehicle nor extending more than 12 inches beyond the right side of the vehicle.

(b) Exception.--This section does not apply to emergency vehicles.

SUBCHAPTER C
MAXIMUM WEIGHTS OF VEHICLES

Sec.

4941. Maximum gross weight of vehicles.
4942. Registered gross weight.

4943. Maximum axle weight of vehicles.
4944. Maximum wheel load.
4945. Penalties for exceeding maximum weights.
4946. Impoundment of vehicles for nonpayment of overweight fines (Repealed).
4947. Disposition of impounded vehicles and loads (Repealed).
4948. Maximum weight and seating capacity of buses.
4949. Application to tow trucks.

Cross References. Subchapter C is referred to in sections 4961, 4968, 4974, 4976, 4976.1, 4976.2, 4978, 4979, 4979.1, 4979.2, 4979.3, 4979.4, 4979.5, 4979.6, 4982, 6506 of this title.

§ 4941. Maximum gross weight of vehicles.

(a) General rule.--Except as provided for in subsection (d), no vehicle shall, when operated upon a highway, have a gross weight exceeding 80,000 pounds, and no combination driven upon a highway shall have a gross weight exceeding 80,000 pounds, or the applicable weight set as forth in subsection (b) or (c), whichever is less.

(b) Combination of vehicles.--No combination shall, when operated upon a highway, have a gross weight exceeding the following:

Combination of Vehicles	Maximum Gross Weight In Pounds
Two-axle truck tractor & single-axle semitrailer	58,400
Two-axle truck tractor & two-axle semitrailer	73,280
Three-axle truck tractor & single-axle semitrailer	73,280
Two-axle truck & two-axle trailer	73,280

(c) Motor vehicles.--No motor vehicle when operated upon a highway shall have a gross weight exceeding the following specified maximum gross weight for the following described motor vehicles:

	Maximum Gross Weight In Pounds
Two-axle motor vehicle	38,000
Three-axle motor vehicle	58,400
Four-axle motor vehicle	73,280
Five-axle motor vehicle	73,280
Six-axle motor vehicle	77,000
Seven-axle motor vehicle	80,000

(d) Natural gas and electric vehicles.--

(1) Notwithstanding any other provision of law, a vehicle that is operated by an engine fueled primarily by compressed or liquefied natural gas or powered primarily by means of electric battery power may exceed the gross vehicle weight limits imposed under this section by an amount, not to exceed a maximum of 2,000 pounds, that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system or the battery or battery pack carried by the vehicle and the weight of a comparable diesel tank and fueling system.

(2) The weight exemption provided for under this subsection shall apply to all State highways and interstate highways as provided by the exemption permitted under 23 U.S.C. § 127 (relating to vehicle weight limitations-Interstate System).

(June 18, 1980, P.L.229, No.68, eff. 60 days; Oct. 10, 1980, P.L.791, No.147, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 22, 2001, P.L.559, No.37, eff. 60 days; July

20, 2017, P.L.342, No.31, eff. 60 days; Nov. 3, 2022, P.L.2067, No.145, eff. 60 days)

2022 Amendment. Act 145 amended subsec. (d)(1).
2017 Amendment. Act 31 amended subsec. (a) and added subsec. (d).
2001 Amendment. Act 37 amended subsecs. (a) and (c).
Cross References. Section 4941 is referred to in sections 4921, 4945, 4961 of this title.

§ 4942. Registered gross weight.

(a) Single vehicle limits.--No vehicle registered as a truck, a combination or a trailer shall be operated with a gross weight in excess of its registered gross weight.

(b) Truck towing trailer.--No vehicle registered as a truck shall be operated with a gross weight, exclusive of any trailer being towed, in excess of its registered gross weight as a truck.

(c) Combination.--No combination containing a trailer having a gross weight or registered gross weight in excess of 10,000 pounds shall be operated with a gross weight in excess of the registered gross weight of the truck or truck tractor for a combination. This subsection shall not apply to a combination of vehicles consisting of a motor vehicle towing a recreational trailer or recreational cargo trailer, registered as such, as long as the combination weight does not exceed the sum of the manufacturer's rated axle capacities or the gross combination weight rating, whichever is less.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Oct. 24, 2018, P.L.881, No.138, eff. 180 days)

2018 Amendment. Act 138 amended subsec. (c).
Cross References. Section 4942 is referred to in section 4945 of this title.

§ 4943. Maximum axle weight of vehicles.

(a) General rule.--No vehicle or combination driven upon a highway shall have a weight upon any axle in excess of the lesser of the manufacturer's rated axle capacity or the following applicable weight:

(1) Steering axles.--The maximum axle weight upon a steering axle shall not exceed 20,000 pounds.

(2) Other axles.--

Maximum Axle Weight in Pounds Upon:

If the Center-to-Center Distance Between the Nearest Adjacent Axles is:	One of Two Adjacent Axles	Other of Two Adjacent Axles
Under 6 feet	18,000	18,000
6 to 8 feet	18,000	22,400
Over 8 feet	22,400	22,400

(b) Exceptions and special applications.--

(1) No combination registered and carrying a gross weight in excess of 73,280 pounds shall have an overall gross weight on any single axle, other than the steering axle, in excess of 20,000 pounds, or an overall gross weight on any group of two or more consecutive axles in excess of that produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + (12N + 36) \right)$$

Where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more

consecutive axles and N = number of axles in group under consideration, except that two consecutive pairs of axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive pairs of axles is 36 feet or more.

(2) When a truck tractor is registered in excess of 73,280 pounds and is operating in combination with an overall gross weight of 73,280 or less, the maximum axle weight limits of subsection (a)(1) and (2) shall be applicable for the purposes of weighing the combination.

(3) No trucks registered in Classes 17 and 20 shall have an overall gross weight in excess of 21,400 pounds on any tandem axle. In addition, a group of three tandem axles shall not have an overall gross weight in excess of 60,000 pounds. This paragraph shall not be applicable to interstate highways except for a highway added to the interstate system under the National Highway System Designation Act of 1995 (Public Law 104-59, 109 Stat. 568).

(4) Subsection (a)(1) and (2) do not apply to a vehicle or combination operating under the terms of an agreement established under section 4902(c) (relating to restrictions on use of highways and bridges). This paragraph shall not be applicable to interstate highways except for a highway added to the interstate system under the National Highway System Designation Act of 1995.

(5) For the purpose of determining the weight that a six-axle combination registered in Class 25 shall be permitted to carry on a highway, paragraph (1) shall be applied only in the following manner. If the external bridge of the combination is 43 feet and the internal bridge is 32 feet, a group of two consecutive axles may carry a gross weight of 34,000 pounds and a group of three consecutive axles may carry a gross weight of 42,500 pounds. These axles shall be weighed simultaneously to determine their gross weight.

(6) (Deleted by amendment).

(c) Gross weight.--No vehicle or combination shall be driven with a gross weight in excess of the sum of the allowable axle weights as set forth in this section, nor shall any vehicle or combination be driven with a gross weight in excess of the sum of the manufacturer's rated axle capacities.

(d) Location of front axle of semitrailer.--(Deleted by amendment).

(e) Lift-axle position.--

(1) Except when necessary for turning a truck that is operating under normal load conditions, the lift axle shall be in full contact with the highway under full pressure.

(2) Any person violating this subsection is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $250.

(June 18, 1980, P.L.229, No.68, eff. 60 days; Oct. 10, 1980, P.L.791, No.147, eff. imd.; July 7, 1983, P.L.32, No.19, eff. imd.; Mar. 21, 1996, P.L.35, No.11, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (b)(3) and (4) and deleted subsecs. (b)(6) and (d).

1996 Amendment. Act 11 amended subsec. (b).

1983 Amendment. Act 19 amended subsec. (a).

Cross References. Section 4943 is referred to in section 4945 of this title.

§ 4944. Maximum wheel load.

No motor vehicle or combination shall, when operated upon a highway, have a weight upon any one wheel in excess of 800 pounds for each nominal inch of width of tire on the wheel. Special mobile equipment may be authorized to carry up to 1,000 pounds per nominal inch of tire width subject to the issuance of a permit by the department.
(June 18, 1980, P.L.229, No.68, eff. 60 days; June 11, 1992, P.L.266, No.47, eff. 60 days)

Cross References. Section 4944 is referred to in section 4945 of this title.

§ 4945. Penalties for exceeding maximum weights.

(a) Gross weight violations.--

(1) Any person driving a vehicle or combination upon a highway exceeding the maximum gross weight allowed by section 4941 (relating to maximum gross weight of vehicles) or the registered gross weight allowed by section 4942 (relating to registered gross weight), whichever is less, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $75 plus $75 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum gross weight or the registered gross weight.

(2) If the gross weight of any vehicle or combination exceeds the applicable gross weight allowed under section 4941(a), the fine imposed under this subsection shall be doubled.

(b) Axle weight violation.--Subject to the provisions of section 4982(c) (relating to reducing or readjusting loads of vehicles), any person operating a vehicle or combination with a weight on an axle or group of consecutive axles exceeding the maximum axle weights allowed by section 4943 (relating to maximum axle weight of vehicles) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $100 plus $100 for each 500 pounds, or part thereof, in excess of 2,000 pounds over the maximum axle weight allowed.

(c) Wheel weight violation.--Any person operating a vehicle or combination upon a highway exceeding the maximum wheel weight allowed by section 4944 (relating to maximum wheel load) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $100 plus $100 for each 200 pounds, or part thereof, in excess of 200 pounds over the maximum wheel weight allowed.

(d) Concurrent violations.--In any case in which there are concurrent violations of more than one of the sections or subsections of this subchapter prescribing maximum weights, the only penalty imposed shall be for violation of that section or subsection which produces the greatest fine.
(June 18, 1980, P.L.229, No.68, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days)

1986 Amendment. Act 166 amended subsec. (b).
1980 Amendment. Act 68 amended subsec. (a).

§ 4946. Impoundment of vehicles for nonpayment of overweight fines (Repealed).

1985 Repeal. Section 4946 was repealed June 19, 1985, P.L.49, No.20, effective in 60 days.

§ 4947. Disposition of impounded vehicles and loads (Repealed).

1985 Repeal. Section 4947 was repealed June 19, 1985, P.L.49, No.20, effective in 60 days.

§ 4948. Maximum weight and seating capacity of buses.

(a) Gross, axle and wheel weights.--No bus shall be operated upon any highway with a gross weight in excess of 73,280 pounds, or with a weight on any axle in excess of the lesser of the manufacturer's rated axle capacity or 22,400 pounds on any single axle. Buses operated upon interstate highways shall not have a weight on any axle in excess of 20,000 pounds. No bus shall be operated on a highway with a weight upon any wheel in excess of 800 pounds on any one wheel for each nominal inch of width of tire on the wheel.

(b) Seating capacity load.--A bus shall not be operated on a highway with a load exceeding by more than 25% its registered seating capacity except when operated within a business or residence district. A child under the age of six years shall not be counted when computing the load on the bus.

(c) Penalties.--Any person owning or operating a bus with a gross weight or with weight on any axle or wheel exceeding by more than 5% the maximum allowed in subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $100. If the excess weight is more than 10% above the maximum weight allowed, the fine shall be $300. Any person in violation of subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $50 nor more than $100.

(June 6, 1979, P.L.39, No.12, eff. imd.; Oct. 10, 1980, P.L.791, No.147, eff. imd.)

1980 Amendment. Act 147 amended subsec. (a).

§ 4949. Application to tow trucks.

The weight restrictions set forth in this subchapter do not apply to a combination consisting of any tow truck towing a disabled motor vehicle to a place of repairs or other place of safety as long as the overweight combination travels directly to the first available such location and the movement is performed at the direction of authorized emergency personnel or a qualified Commonwealth employee.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 added section 4949.

SUBCHAPTER D
SPECIAL PERMITS FOR EXCESSIVE SIZE AND WEIGHT

Sec.

4961. Authority to issue permits.
4962. Conditions of permits and security for damages.
4963. Exemptions for vehicles used in State highway construction or maintenance.
4964. Oral authorization following emergency or accident.
4965. Single permits for multiple highway crossings.
4966. Permit for movement of quarry equipment.
4967. Permit for movement of implements of husbandry (Repealed).
4968. Permit for movement during course of manufacture.
4969. Permit for movement of vehicles with oversize wheels and tires (Repealed).
4970. Permit for movement of construction equipment.
4971. Permit for operation of chemical and fertilizer vehicles (Deleted by amendment).
4972. Permits for migrant farm vehicles (Repealed).

4973. Permits for movement of a mobile home, a manufactured home or a modular housing unit and modular housing undercarriage.
4974. Permit for movement of containerized cargo.
4975. Permit for movement of special mobile equipment.
4976. Permit for movement of domestic animal feed and whole or unprocessed grain.
4976.1. Permit for movement of live domestic animals.
4976.2. Permit for movement of eggs.
4977. Permit for movement of wooden structures.
4978. Permit for movement of building structural components.
4979. Permit for movement of particleboard or fiberboard used in the manufacture of ready-to-assemble furniture.
4979.1. Permit for movement of bulk refined oil.
4979.2. Permit for movement of waste coal, beneficial combustion ash or limestone.
4979.3. Permit for movement of float glass or flat glass for use in construction and other end uses.
4979.4. Permit for movement of self-propelled cranes.
4979.5. Permit for movement of nonhazardous liquid glue.
4979.6. Permit for movement of waste tires.

Cross References. Subchapter D is referred to in section 4982 of this title.

§ 4961. Authority to issue permits.

(a) General rule.--The department and local authorities with respect to highways under their respective jurisdictions may, upon application in writing showing good cause, issue special permits in writing authorizing the applicant to operate or move on specified highways any of the following:

(1) A vehicle which when unloaded exceeds the maximum size specified in Subchapter B (relating to width, height and length) or the maximum weights specified in Subchapter C (relating to maximum weights of vehicles).

(2) A combination carrying a nondivisible load and exceeding the maximum size specified in Subchapter B or the maximum weights specified in Subchapter C.

(3) A vehicle containing a nondivisible load which exceeds the maximum width specified in section 4921(a) (relating to width of vehicles) or the maximum height specified in section 4922 (relating to height of vehicles).

(4) A mobile home.

(5) A modular housing or manufactured construction unit which exceeds the maximum size prescribed in this title.

(5.1) A manufactured construction unit which exceeds the maximum size and weight prescribed in this title.

(6) A modular housing or manufactured construction unit undercarriage which exceeds the maximum size prescribed in this title.

(7) Such other vehicles and combinations as are specifically authorized in this chapter.

(b) Limitation for truck tractors.--Permits to exceed the maximum weight limit shall be issued only for truck tractors registered at the maximum weight permitted under section 4941(a) or (b) (relating to maximum gross weight of vehicles). When a truck tractor is operating under permit, the fine for axle and gross weight violations shall only be applicable to the weight that the vehicle is in excess of the weight allowed on the permit.

(c) County offices for issuing permits.--The department shall empower an authorized representative or employee to issue

permits as provided in subsection (a) and may provide a place within each county where the permits may be issued.

(d) Excess damage permits.--The department and local authorities having highways under their respective jurisdictions may issue a permit with a maximum distance of 2.5 miles for the movement upon specified highways of combinations in excess of the maximum weights specified in Subchapter C and may require such security as deemed necessary to cover the cost of repairs and restoration necessitated by the movement of such vehicles. Permits issued under this subsection shall be subject to the following conditions:

(1) The security shall be in the form of an irrevocable letter of credit signed by a bank officer and naming the department or local authority as sole beneficiary, to be honored on presentment.

(2) The maximum allowable gross weight shall be 125,000 pounds.

(3) Upon notification from the department or local authority, the permittee shall reimburse the department or local authority for repair and restoration costs determined to be necessitated by the movement of the overweight vehicles. Failure to reimburse the department or local authority within 60 days of said notice shall automatically invalidate the permit and cause action against the letter of credit.

(Oct. 10, 1980, P.L.791, No.147, eff. imd.; Mar. 7, 1982, P.L.152, No.49, eff imd.; May 1, 1984, P.L.224, No.48, eff. 60 days; July 11, 1985, P.L.204, No.52, eff. 90 days; Feb. 10, 1994, P.L.10, No.2, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

Cross References. Section 4961 is referred to in sections 1302, 1943, 4962 of this title.

§ 4962. Conditions of permits and security for damages.

(a) General rule.--Permits may be conditioned by limiting the number of trips or by establishing seasonal or other time limitations or geographic limitations including limitations as to prescribed highways or by otherwise limiting or prescribing conditions of operation under the permit as the department or local authorities shall deem necessary to protect the safety of highway users, to promote the efficient movement of traffic or to protect the highways. The department or local authorities may require such undertaking or security as they deem necessary to compensate for any damage to any highway or structure or appurtenance.

(b) Display of permit.--Every permit shall be carried in the towing vehicle and shall be open to inspection by any police officer or authorized agent of the issuing agency or any person having an accident involving a permitted vehicle or combination.

(c) Revocation of permit.--A permit shall be revocable for cause and shall be subject to summary confiscation or invalidation as provided by departmental regulations.

(d) Special escort services.--The department or local authorities shall specify what movements require special escort services of the Pennsylvania State Police, local police or department personnel as determined under section 4901(c)(2) (relating to scope and application of chapter).

(e) Liability of permittee for damage.--The permittee shall be liable for all damage to any highway structure or appurtenance sustained as a result of operating or moving under the permit.

(f) When loads permitted.--Only vehicles and combinations permitted under the following provisions shall be authorized to carry or haul loads while operating under the permit:

Section 4961(a)(2), (3) and (6) (relating to authority to issue permits).

Section 4965 (relating to single permits for multiple highway crossings).

Section 4968 (relating to permit for movement during course of manufacture).

Section 4974 (relating to permit for movement of containerized cargo).

Section 4975 (relating to permit for movement of special mobile equipment).

Section 4976 (relating to permit for movement of domestic animal feed).

Section 4976.1 (relating to permit for movement of live domestic animals).

Section 4976.2 (relating to permit for movement of eggs).

Section 4977 (relating to permit for movement of wooden structures).

Section 4978 (relating to permit for movement of building structural components).

Section 4979 (relating to permit for movement of particleboard or fiberboard used in the manufacture of ready-to-assemble furniture).

Section 4979.1 (relating to permit for movement of bulk refined oil).

Section 4979.2 (relating to permit for movement of waste coal and beneficial combustion ash).

Section 4979.3 (relating to permit for movement of float glass or flat glass for use in construction and other end uses).

Section 4979.4 (relating to permit for movement of self-propelled cranes).

Section 4979.5 (relating to permit for movement of nonhazardous liquid glue).

Section 4979.6 (relating to permit for movement of waste tires).

(f.1) Authorized travel periods.--A permitted vehicle, combination or load which does not exceed 135,000 pounds gross weight and which does not exceed 10 feet in width or any height or length limitation under Subchapter B (relating to width, height and length) may be driven, hauled or towed 24 hours a day, seven days a week, if the vehicle or combination is operated at prevailing speeds. Movement under this subsection is not authorized during inclement weather, as defined in department regulations.

(1) (Deleted by amendment).

(2) (Deleted by amendment).

(f.2) One pilot car.--Vehicles greater than 13 feet but not greater than 14 feet in body width, even if the total length of the vehicle or combination, including the load on the combination, exceeds 90 feet but is not in excess of 120 feet, shall only be required to maintain one pilot car. The position of the pilot car to the front or rear of the permitted vehicle may be determined by the department.

(f.3) Additional authorized travel periods.--Except as otherwise provided under this title, a permitted vehicle, combination or load which is oversized (over-length, over-width or over-height), overweight or both oversized and overweight may operate under a permit from sunrise to sunset every day of the week, except as follows:

(1) During a holiday period specified in department regulations or in the permit.

(2) During inclement weather as defined in department regulations.

(3) In urbanized areas as specified in department regulations or the permit.

(4) As restricted by the permit.

(f.4) Travel restriction.--A permitted oversized vehicle may not travel within 1,000 feet of another permitted oversized vehicle traveling in the same direction, unless the vehicle is one of the following:

(1) A military vehicle.

(2) A vehicle traveling in a construction zone.

(3) A vehicle traveling within 2,500 feet of a stop sign, traffic light or any other traffic control signal or event that would cause either vehicle to come to a stop.

(f.5) Transport.--Notwithstanding the provisions of this title to the contrary, a permit issued under section 4961 or 4973 (relating to permits for movement of a mobile home, a manufactured home or a modular housing unit and modular housing undercarriage) for the movement of manufactured homes, modular homes, mobile homes, manufactured construction units or modular housing undercarriages shall permit the transport of multiple sections of homes, units or undercarriages or any and all components needed or used to assemble the homes, units or undercarriages, including, but not limited to, shingles, dormers, trusses and gable end walls, provided that the multiple sections and components do not cause the overall weight to exceed 80,000 pounds or exceed the width, length or height limitations set forth in the permit.

(f.6) One certified escort vehicle.--

(1) A super load, as defined in section 3108(c) (relating to drivers of certified escort vehicles), shall be required to maintain one certified escort vehicle under section 4573(b) (relating to identification of certain vehicles) unless otherwise determined under section 4901(c) that an additional certified escort vehicle or a Pennsylvania State Police escort is necessary.

(2) The requirements of this subsection are in addition to, not in lieu of, all other pilot car requirements for the super load movement.

(f.7) Movement of dozers.--

(1) A permitted vehicle or combination hauling a dozer with an attached blade in excess of 12 feet in width, but not wider than 15 feet, may move upon a highway if:

(i) a traffic protector guiderail device is securely fastened to the dozer; or

(ii) the blade is angled so the total width of the load does not exceed 12 feet.

(2) A blade over 15 feet in width shall be removed and hauled separately.

(g) Penalty.--Any person who operates or moves or attempts to operate or move an oversize or overweight vehicle, combination or load under an altered, forged or counterfeited permit, in addition to any other violation prohibited by this title, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $5,000 for each violation.

(July 11, 1985, P.L.204, No.52, eff. 90 days; July 1, 1989, P.L.115, No.24, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. imd.; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; July 6, 1995, P.L.315, No.48, eff. 60 days; Dec. 20, 1995, P.L.669, No.75, eff. 60

days; Feb. 23, 1996, P.L.21, No.8, eff. 60 days; July 11, 1996, P.L.660, No.115; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 25, 1999, P.L.164, No.23, eff. 60 days; July 14, 2005, P.L.285, No.50, eff. 60 days; July 16, 2007, P.L.106, No.33, eff. 60 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days; Oct. 24, 2012, P.L.1473, No.187, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. 60 days; Mar. 19, 2014, P.L.361, No.23, eff. imd.; June 30, 2014, P.L.814, No.85, eff. 60 days; Oct. 30, 2015, P.L.216, No.55, eff. 60 days; July 20, 2017, P.L.318, No.24, eff. 60 days; June 25, 2021, P.L.59, No.22, eff. 60 days)

2021 Amendment. Act 22 added subsec. (f.7).

2017 Amendment. Act 24 amended subsec. (f.1).

2015 Amendment. Act 55 amended subsec. (d) and added subsec. (f.6).

2014 Amendments. Act 23 amended subsec. (f.3) intro. par. and Act 85 amended subsec. (f.2) and added subsecs. (f.4) and (f.5).

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2012 Amendment . Act 187 amended subsec. (f).

2010 Amendment. The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

1994 Amendments. Act 115 amended subsec. (c) and added subsec. (g) and Act 172 amended subsec. (c) and added subsec. (g). The amendments by Acts 115 and 172 are identical and therefore have been merged.

Cross References. Section 4962 is referred to in sections 1302, 1946, 4973 of this title.

§ 4963. Exemptions for vehicles used in State highway construction or maintenance.

When operating within the established construction or maintenance project limits as specified in the highway construction plans or contract documents, no permit shall be required for movement across, upon or along any highway of oversize or overweight vehicles of the department or a contractor or other person currently involved in the authorized construction or maintenance of the highway. Movement under this section is not authorized upon a bridge posted under section 4902 (relating to restrictions on use of highways and bridges) unless the posted bridge is currently being reconstructed or maintained.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 22, 2001, P.L.559, No.37, eff. 60 days)

§ 4964. Oral authorization following emergency or accident.

In the event of an emergency or accident affecting the public safety or convenience, the department and local authorities may orally authorize the operation or movement of a vehicle or combination which exceeds the maximum size or weight specified in this chapter provided a permit is applied for within 72 hours of the operation or movement.

§ 4965. Single permits for multiple highway crossings.

A single permit may be issued for a number of movements across the highway at specified locations within a fixed period of time of vehicles or combinations:

(1) exceeding the maximum size or weight specified in this chapter; or

(2) used to cross a highway to get from one commercial or industrial facility to another commercial or industrial facility under the same operation.

Whenever a permit is issued for crossing the highway, it is unlawful to move the vehicles along the highway.
(July 11, 1985, P.L.204, No.52, eff. 90 days)

Cross References. Section 4965 is referred to in sections 1302, 1943, 3108, 4904, 4962 of this title.

§ 4966. Permit for movement of quarry equipment.

An annual permit may be issued for the movement of a piece of quarry equipment or machinery exceeding the maximum size or weight specified in this chapter across any highway other than a freeway from one part of a quarry to another, or upon the highways other than freeways connecting by the most direct route any quarries or portions of quarries under single ownership or operation, but no permit shall be issued for the movement of equipment or machinery for a distance greater than one mile.
(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

Cross References. Section 4966 is referred to in sections 1302, 1943, 3108 of this title.

§ 4967. Permit for movement of implements of husbandry (Repealed).

1979 Repeal. Section 4967 was repealed July 20, 1979, P.L.168, No.55, effective immediately.

§ 4968. Permit for movement during course of manufacture.

(a) Annual permit.--(Deleted by amendment).

(a.1) General rule.--An annual permit may be issued authorizing movement on specified highways of:

(1) boats, trailers, mobile homes, modular housing units and undercarriages, helicopters, hot ingots, a hot box, basic oxygen furnace lances, railway equipment and rails or other articles, vehicles or combinations which exceed the maximum height, width or length specified in Subchapter B (relating to width, height and length) while they are in the course of manufacture and under contract with or under the direct control of the manufacturer, provided that they do not exceed the maximum weight specified in Subchapter C (relating to maximum weights of vehicles) unless they also qualify under paragraph (3);

(2) self-propelled cranes while they are in the course of manufacture and under contract with or under the direct control of the manufacturer; or

(3) aircraft refueling vehicles or vehicles and combinations carrying milk, raw coal, flat-rolled steel coils, steel slabs, hot ingots, a hot box, pulpwood and wood chips, raw water or cryogenic liquid or sugar which exceed the maximum weight specified in Subchapter C while they are in the course of manufacture and under contract with or under the direct control of the manufacturer, provided that they do not exceed the maximum height, width or length specified in Subchapter B unless they also qualify under paragraph (1), subject to the provisions in subsection (a.2).

(a.2) Specifications.--

(1) Except for articles and vehicles not exceeding 102 inches in width, no permit shall be issued under this section for movement of articles or vehicles while they are in transit from the manufacturer to a purchaser or dealer or for the movement of articles or vehicles upon a freeway.

(2) Overwidth articles and vehicles:

(i) Articles and vehicles not wider than 102 inches may be moved any distance on a permit.

(ii) Articles and vehicles wider than 102 inches but not wider than 108 inches may be moved up to seven miles on a permit 24 hours per day, seven days a week.

(iii) Articles and vehicles wider than 102 inches but not in excess of 12 feet in width may be moved up to 50 miles on a permit.

(iv) Wider articles and vehicles may be moved no farther than ten miles on a permit.

(3) A combination of vehicles which is hauling flat-rolled steel coils or steel slabs may be permitted by the department and local authorities to move upon highways within their respective jurisdictions a distance not exceeding 50 miles if the gross weight does not exceed 100,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(4) A combination of vehicles which is hauling milk to or from a manufacturer may be permitted by the department and local authorities to move upon highways within their respective jurisdictions 24 hours a day, seven days a week, except during inclement weather as defined in department regulations, if the gross weight does not exceed 95,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds. A permit may be issued for this type of movement upon an interstate highway. An application to the department for the movement of milk, except for raw milk, shall designate the route the applicant requests to use.

(5) A combination of vehicles which is hauling a hot ingot or a hot box may be permitted by the department and local authorities to move upon highways within their respective jurisdictions a distance not exceeding 25 miles if the gross weight does not exceed 150,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(6) A combination of vehicles which is hauling basic oxygen furnace lances may be permitted by the department and local authorities to move upon highways within their respective jurisdictions if the overall length does not exceed 90 feet. A vehicle operating under a permit authorized under this section may be driven 24 hours a day, seven days a week, if the vehicle or combination is operated at prevailing speeds. Movement under this paragraph is not authorized during any of the following:

(i) A holiday period specified in department regulations or in the permit.

(ii) Inclement weather, as defined in department regulations.

(7) A self-propelled crane which is being road tested may be permitted by the department and local authorities to move upon highways within their respective jurisdictions a distance not exceeding 15 miles if the gross weight does not exceed 150,000 pounds and the weight on any axle does not exceed 27,000 pounds.

(8) A combination of vehicles which is hauling raw coal from a mine to a processing or preparation facility may be permitted by the department and local authorities to move upon highways within their respective jurisdictions a distance not exceeding 30 miles if the gross weight does not exceed 95,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(9) A combination of vehicles which is hauling raw water from a spring to a bottling facility may be permitted by the department and local authorities to move upon specified highways within their respective jurisdictions subject to the following conditions:

(i) The vehicle must be a six-axle combination - three-axle truck tractor.

(ii) Gross vehicular weight must not exceed 96,900 pounds.

(iii) Maximum weight on steering axles shall be 11,000 pounds.

(iv) Maximum weight on the truck-tractor tandem (axles two and three) shall be 38,000 pounds, with a maximum of 19,500 pounds on either axle in the group.

(v) Maximum weight on the semitrailer tridem (axles four, five and six) shall be 47,700 pounds, with a maximum of 16,400 pounds on any axle in the group.

(vi) Minimum spacing between axle one and axle two shall be 12 feet 11 inches.

(vii) The center-to-center distance between the last drive axle of the truck tractor (axle three) and the first axle of semitrailer (axle four) must be a minimum of 26 feet 7 inches.

(viii) Minimum spacing between tandem and tridem axles shall be 4 feet 1 inch.

No permit may be issued for this type of movement upon an interstate highway.

(10) A combination of vehicles which is hauling pulpwood or wood chips from a specified source to a pulp mill may be permitted by the department and local authorities to move upon specified highways within their respective jurisdictions subject to the following conditions:

(i) The vehicle must be a minimum five-axle combination - three-axle truck tractor meeting the following characteristics:

(A) Gross vehicular weight must not exceed 95,000 pounds.

(B) Maximum weight on steering axles shall be 11,000 pounds.

(C) Maximum weight on the truck-trailer tandem (axles two and three) shall be 42,000 pounds, with a maximum of 21,000 pounds on either axle in the group.

(D) Maximum weight on the semitrailer tridem (axles four and five) shall be 42,000 pounds, with a maximum of 21,000 pounds on any axle in the group.

(E) Minimum spacing between axle one and axle two shall be 12 feet 6 inches.

(F) The center-to-center distance between the last drive axle of the truck tractor (axle three) and the first axle of the semitrailer (axle four) must be a minimum of 28 feet 0 inch.

(G) Minimum spacing between tandem and tridem axles shall be 4 feet 0 inch.

(ii) The vehicle must be a minimum six-axle combination - three-axle truck tractor meeting the following characteristics:

(A) Gross vehicular weight must not exceed 107,000 pounds.

(B) Maximum weight on steering axles shall be 12,000 pounds.

(C) Maximum weight on the truck-tractor tandem (axles two and three) shall be 42,000 pounds, with a maximum of 21,000 pounds on either axle in the group.

(D) Maximum weight on the semitrailer tridem (axles four, five and six) shall be 53,000 pounds, with a maximum of 17,670 pounds on any axle in the group.

(E) Minimum spacing between axle one and axle two shall be 12 feet 6 inches.

(F) The center-to-center distance between the last drive axle of the truck tractor (axle three) and the first axle of the semitrailer (axle four) must be a minimum of 45 feet 0 inch.

(G) Minimum spacing between tandem and tridem axles shall be 4 feet 0 inch.

No permit may be issued for this type of movement upon an interstate highway.

(11) An aircraft refueling vehicle manufactured for the United States Department of Defense which is being road tested and carrying a load required under contract with the Department of Defense as part of the road test procedure may be permitted by the department and local authorities to move upon highways within their respective jurisdictions a distance not exceeding 35 miles if, for a three-axle vehicle, the gross weight does not exceed 70,000 pounds and the weight on any axle does not exceed 26,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(12) A permit may be denied or revoked in order to preserve the safety of highway users or to protect the structural integrity of highways or bridges or as otherwise authorized by department regulations.

(13) A combination of vehicles that hauls cryogenic liquid from a manufacturing or processing facility to another manufacturing or processing facility may be permitted by the department and local authorities to move upon highways within their respective jurisdiction if the gross weight does not exceed 102,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(14) A combination vehicle hauling sugar may be permitted by the department and local authorities to move upon specified highways within their respective jurisdictions a distance not exceeding five miles if the gross weight does not exceed 95,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Bulk milk." The term shall mean milk, as defined in section 1 of the act of July 2, 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law, which is not transported in packages.

"Condensed milk" and "evaporated milk." The term shall mean manufactured dairy products as defined in section 1 of the act of July 2, 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law, which is not transported in packages.

"Hot box." Consists of an enclosure consisting of welded steel plate chained to a semitrailer with a removable lid lined with refraction for purposes of insulation and retention of heat.

"Milk." The term shall mean any of the following:

(1) Bulk milk.

(2) Evaporated milk.
(3) Raw milk.
(4) Condensed milk.

"Raw milk." Has the meaning given to it in the act of July 2, 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law.

"Sugar." The term shall refer to granulated raw, semi-refined or refined sugar derived from the processing of sugar cane or sugar beets, requiring further processing and not intended for direct consumption or retail sale.

(Mar. 7, 1982, P.L.152, No.49, eff. imd.; Nov. 29, 1985, P.L.316, No.81, eff. 60 days; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; July 6, 1995, P.L.315, No.48, eff. 60 days; Feb. 23, 1996, P.L.21, No.8, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 25, 1999, P.L.164, No.23, eff. 60 days; June 22, 2001, P.L.559, No.37, eff. 60 days; Nov. 29, 2006, P.L.1449, No.159, eff. 60 days; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days; Oct. 24, 2012, P.L.1473, No.187, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. imd.; May 25, 2016, P.L.248, No.34, eff. 60 days; Nov. 4, 2016, P.L.1277, No.165, eff. 60 days; July 11, 2022, P.L.1591, No.91, eff. 60 days)

2022 Amendment. Act 91 amended subsec. (a.2)(10)(i) intro. par. and (ii) intro par.

2016 Amendments. Act 34 amended subsec. (a.2)(4) and Act 165 amended subsec. (a.1)(3), added subsec. (a.2)(14) and the def. of "sugar" in subsec. (b).

2013 Amendment. Act 89 amended subsecs. (a.1)(3), (a.2)(4) and (b). See the preamble and section 44 of Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations and movement of raw milk.

2012 Amendment . Act 187 amended subsec. (a.1)(3) and added subsec. (a.2)(13).

2010 Amendment. Act 81 deleted subsec. (a) and added subsecs. (a.1) and (a.2). The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

Cross References. Section 4968 is referred to in sections 1943, 4904, 4962 of this title.

§ 4969. Permit for movement of vehicles with oversize wheels and tires (Repealed).

1993 Repeal. Section 4969 was repealed May 20, 1993, P.L.30, No.10, effective in 60 days.

§ 4970. Permit for movement of construction equipment.

(a) Utility construction equipment.--A permit may be issued for the duration of a single construction project, but not exceeding one year, authorizing a public utility or its contractors or subcontractors to move oversized or overweight construction equipment across or upon highways immediately adjacent to the construction site and between the construction site and the base of operations of the utility company, contractor or subcontractor.

(b) Construction trucks.--(Deleted by amendment).

(b.1) Construction trucks.--(Deleted by amendment).

(c) Combinations.--A combination transporting construction equipment under a single trip permit may be driven 24 hours per day, seven days a week outside of the designated urbanized areas, subject to the following conditions:

(1) The equipment being transported is used exclusively for highway construction.

(2) The maximum width of the load and vehicle does not exceed ten feet.

(3) The maximum gross weight of the vehicle and load does not exceed 135,000 pounds.

(4) The vehicle with load must be capable of operating at prevailing speeds.

(5) The outermost limits of the load must be marked with lights as specified by the department.

(6) The permitted vehicle must be followed by a pilot car in accordance with department regulations.

(7) Movement under this subsection is not authorized during inclement weather as defined in department regulations.

(i) (Deleted by amendment).

(ii) (Deleted by amendment).

(d) Construction equipment.--An annual permit may be issued for the movement of certain types of construction equipment which exceed the maximum width specified in Subchapter B (relating to width, height and length), subject to the following conditions:

(1) The equipment being transported is used for excavating, land clearing, paving or roadbuilding activities.

(2) The maximum width of the load and the vehicle does not exceed 11 feet.

(3) The maximum travel distance does not exceed 125 miles from the place of origin as shown on the permit.

(Oct. 10, 1980, P.L.791, No.147, eff. imd.; May 9, 1986, P.L.163, No.52, eff. imd.; June 11, 1992, P.L.266, No.47, eff. imd.; Dec. 14, 1992, P.L.870, No.139, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; June 22, 2001, P.L.559, No.37, eff. 60 days; July 20, 2017, P.L.318, No.24, eff. 60 days)

2017 Amendment. Act 24 amended subsec. (c)(7).

2001 Amendment. Act 37 added subsecs. (c) and (d).

1998 Amendment. Act 151 deleted subsecs. (b) and (b.1).

Cross References. Section 4970 is referred to in sections 1302, 1943 of this title.

§ 4971. Permit for operation of chemical and fertilizer vehicles (Deleted by amendment).

1992 Amendment. Section 4971 was deleted by amendment December 18, 1992, P.L.1411, No.174, effective in 60 days.

§ 4972. Permits for migrant farm vehicles (Repealed).

1993 Repeal. Section 4972 was repealed May 20, 1993, P.L.30, No.10, effective in 60 days.

§ 4973. Permits for movement of a mobile home, a manufactured home or a modular housing unit and modular housing undercarriage.

(a) General rule.--A permit may be issued under this section for movement of a mobile home or a modular housing unit that exceeds 14 feet in body width but which does not exceed 16 feet in width.

(b) Conditions.--A vehicle, combination or load permitted under this section shall be operated under such conditions as specified by the department pursuant to section 4962 (relating to conditions of permits and security for damages). A mobile home or modular housing unit which exceeds 14 feet in body width may not exceed 80 feet, including hitch, in home unit length or 14 feet 6 inches in height.

(c) Equipment.--In addition to the requirements of this title and departmental regulations, a mobile home that is wider than 14 feet in body width or a modular housing undercarriage which is carrying a modular housing unit that is wider than 14 feet in body width shall be equipped as follows:

(1) the mobile home or modular housing undercarriage shall have at least four axles;

(2) each wheel on a mobile home or modular housing undercarriage shall be equipped with operable brakes; and

(3) the tires on a mobile home or modular housing undercarriage may not carry a weight in excess of the tire manufacturer's rating as marked on the sidewall of the tire.

(d) Pilot cars.--In addition to the conditions of this title and departmental regulations, a vehicle, combination or load permitted under this section that is wider than 14 feet in body width shall be accompanied by two pilot cars on all highways, with one pilot car leading the permitted motor vehicle and one pilot car following the permitted vehicle or combination.

(e) Restricted travel periods.--(Deleted by amendment).

(Dec. 7, 1994, P.L.820, No.115, eff. imd.; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; June 30, 2014, P.L.814, No.85, eff. 60 days)

2014 Amendment. Act 85 amended the section heading and deleted subsec. (e).

1994 Amendments. Acts 115 and 172 added section 4973. The amendments by Acts 115 and 172 are identical and therefore have been merged.

Cross References. Section 4973 is referred to in sections 1944, 4962 of this title.

§ 4974. Permit for movement of containerized cargo.

(a) General rule.--An annual permit may be issued authorizing the movement on highways of containerized cargo which exceeds the maximum vehicle gross or maximum axle weights specified in Subchapter C (relating to maximum weights of vehicles). Except as set forth in subsection (b), the weight of any combination permitted under this section shall not exceed 90,000 pounds overall gross weight and 21,000 pounds on any axle. A brake retarder is not required on a combination permitted under this section while the combination is operated within the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia. A vehicle operating under a permit authorized under this section may be driven 24 hours a day, seven days a week, except on holidays and in inclement weather.

(b) Refrigerated meat products.--An annual permit may be issued authorizing the movement on specified highways of containerized cargo consisting of refrigerated meat products which exceeds the maximum vehicle gross weight or maximum axle weights specified in Subchapter C, subject to the following conditions:

(1) The vehicle must be a six-axle combination - three-axle truck tractor.

(2) Gross vehicular weight must not exceed 107,500 pounds.

(3) Maximum weight on any axle must not exceed 21,000 pounds.

(4) Specified highways and routes may only be permitted in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

(5) Travel is authorized 24 hours a day, seven days a week, except in inclement weather.

(Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; Feb. 23, 1996, P.L.21, No.8, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. 60 days; July 14, 2005, P.L.285, No.50, eff. 60 days; July 20, 2017, P.L.318, No.24, eff. 60 days)

2017 Amendment. Act 24 amended subsec. (b)(5).

Cross References. Section 4974 is referred to in sections 1943, 4962 of this title.

§ 4975. Permit for movement of special mobile equipment.

An annual permit may be issued authorizing the hauling or towing of a piece of special mobile equipment which does not exceed nine feet two inches in width on freeways, provided the permitted vehicle or combination maintains a minimum speed of 40 miles per hour.

(Dec. 20, 1995, P.L.669, No.75, eff. 60 days; Feb. 23, 1996, P.L.21, No.8, eff. 60 days)

Cross References. Section 4975 is referred to in sections 1943, 4962 of this title.

§ 4976. Permit for movement of domestic animal feed and whole or unprocessed grain.

An annual permit may be issued authorizing the movement on highways of domestic animal feed and whole or unprocessed grain, in bulk, which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles). The weight of any vehicle permitted under this section may not exceed 95,000 pounds overall gross weight and the weight on any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(Feb. 23, 1996, P.L.21, No.8, eff. 60 days; Nov. 29, 2006, P.L.1449, No.159, eff. 60 days)

Cross References. Section 4976 is referred to in sections 1943, 4962 of this title.

§ 4976.1. Permit for movement of live domestic animals.

(a) Authorization.--An annual permit may be issued authorizing the movement on highways of live domestic animals which exceeds the maximum gross weight specified in Subchapter C (relating to maximum weights of vehicles). The weight of any combination permitted under this section shall not exceed 95,000 pounds gross weight, and the weight on any nonsteering axle shall not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(b) Definition.--As used in this section, the term "domestic animal" shall have the meaning given to it in 3 Pa.C.S. Ch. 23 (relating to domestic animals).

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 added section 4976.1.

Cross References. Section 4976.1 is referred to in sections 1943, 4962 of this title.

§ 4976.2. Permit for movement of eggs.

(a) Authorization.--Except as set forth in subsection (b), all of the following apply:

(1) An annual permit may be issued authorizing the movement on highways to haul eggs to or from a processor by a combination of vehicles which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles).

(2) On a vehicle permitted under this section:

(i) overall gross weight may not exceed 95,000 pounds; and

(ii) weight on a nonsteering axle may not exceed 21,000 pounds.

(b) Exception.--No permit may be issued for this type of movement upon an interstate highway.

(Oct. 24, 2012, P.L.1473, No.187, eff. 60 days)

2012 Amendment . Act 187 added section 4976.2.

Cross References. Section 4976.2 is referred to in sections 1943, 4962 of this title.

§ 4977. Permit for movement of wooden structures.

An annual permit may be issued for the movement on highways of certain wooden structures which exceed the maximum length, width and height specified in Subchapter B (relating to width, height and length), subject to the following conditions:

(1) The overall width, including all appurtenances and overhangs, may not exceed 13 feet.

(2) The overall length may not exceed 90 feet.

(2.1) The overall height may not exceed 13 feet 10 inches.

(3) The wooden structure or structures must be transported on a trailer of a type approved by the department to accommodate the transportation of structures which do not exceed the width, length or height specified in this section.

(4) Movement under this section is limited to roof trusses, wooden utility sheds, gazebos, garages and play equipment. Other components that do not exceed width, length or height specified in this section may be carried in conjunction with movements under this permit.

(July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 10, 1996, P.L.925, No.149, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 25, 1999, P.L.164, No.23, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. 60 days)

2002 Amendment. Act 123 amended pars. (3) and (4).

Cross References. Section 4977 is referred to in sections 1943, 4962 of this title.

§ 4978. Permit for movement of building structural components.

A permit may be issued for the duration of a single building construction project, but not exceeding one year, authorizing the movement upon specified highways of nondivisible building structural components, such as precast concrete, roof trusses or wall panels, which exceed the maximum width, height or length specified in Subchapter B (relating to width, height and length) or the maximum gross weight specified in Subchapter C (relating to maximum weights of vehicles). Combinations permitted under this section may not exceed 90 feet in length, 13 feet in width, 14 feet 6 inches in height or 116,000 pounds gross vehicle weight.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 22, 2001, P.L.559, No.37, eff. 60 days)

Cross References. Section 4978 is referred to in sections 1943, 4962 of this title.

§ 4979. Permit for movement of particleboard or fiberboard used in the manufacture of ready-to-assemble furniture.

An annual permit may be issued authorizing the movement on specified highways of particleboard or fiberboard for use in the manufacture of ready-to-assemble household or office furniture which exceeds the maximum vehicle gross weight

specified in Subchapter C (relating to maximum weights of vehicles). Permits issued under this section shall not exceed a distance of 70 miles. The weight of any vehicle permitted under this section may not exceed 107,000 pounds overall gross weight and shall have the following maximum axle weight limits for all nonsteering axles:

Single axle	21,000 pounds
Tandem axles	42,000 pounds
Tridem axles	53,000 pounds
Quad axles	63,000 pounds

No permit may be issued for this type of movement upon an interstate highway.
(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 22, 2001, P.L.559, No.37, eff. imd.)

Cross References. Section 4979 is referred to in sections 1943, 4962 of this title.

§ 4979.1. Permit for movement of bulk refined oil.

An annual permit may be issued authorizing the movement on specified highways of refined oil in bulk between a refinery and a distribution facility which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles). Permits issued under this section shall not exceed a distance of 125 miles. The weight of any vehicle permitted under this section may not exceed 107,000 pounds overall gross weight and shall have the following maximum axle weight limits for all nonsteering axles:

Single axle	21,000 pounds
Tandem axles	42,000 pounds
Tridem axles	53,000 pounds
Quad axles	63,000 pounds

No permit may be issued for this type of movement upon an interstate highway.
(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days)

2010 Amendment. The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

Cross References. Section 4979.1 is referred to in sections 1943, 4962 of this title.

§ 4979.2. Permit for movement of waste coal, beneficial combustion ash or limestone.

(a) Waste coal and beneficial combustion ash.--An annual permit may be issued for the movement on specified highways of waste coal from a refuse pile to a preparation or power production facility or beneficial combustion ash from a power production facility to a reclamation area which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles). The weight of any vehicle permitted under this section may not exceed 95,000 pounds overall gross weight, and the weight on any nonsteering axle may not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(b) Limestone.--An annual permit may be issued for the movement on specified highways of limestone from a quarry to a power production facility which exceeds the maximum vehicle gross weight specified in Subchapter C, subject to the following conditions:

(1) The combination must have a minimum of six axles.

(2) The maximum overall gross weight may not exceed 95,000 pounds.

(3) The weight on any nonsteering axle may not exceed 21,000 pounds.

(4) The maximum travel distance may not exceed 100 miles.

(5) No permit may be issued for this type of movement on an interstate highway.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

Cross References. Section 4979.2 is referred to in sections 1943, 4962 of this title.

§ 4979.3. Permit for movement of float glass or flat glass for use in construction and other end uses.

(a) General rule.--An annual permit may be issued authorizing the movement on specified highways of float glass or flat glass for use in construction and other end uses which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles).

(b) Specifications.--

(1) The weight of any vehicle permitted under this section may not exceed 100,000 pounds overall gross weight, shall be a five axle combination - three axle truck tractor and shall have the following maximum axle weight limits for all axles:

Steering axles	12,000 pounds
Truck tractor tandem axles	44,000 pounds with a maximum of 22,500 pounds on either axle in the group
Semitrailer tandem axles	44,000 pounds with a maximum of 22,500 pounds on either axle in the group

(2) The spacing between axle 1 and axle 2 must be a minimum of 15 feet.

(3) The center-to-center distance between the last drive axle of the truck tractor and the first axle of the semitrailer must be a minimum of 31 feet 6 inches.

(4) The spacing between tandem axles must be a minimum of 4 feet 4 inches for the truck tractor and 5 feet 2 inches for the semitrailer.

(c) Operation limitations.--

(1) Except as provided in paragraph (2), a vehicle operating under a permit authorized under this section may be driven 24 hours a day, seven days a week.

(2) Movement under this paragraph is not authorized during any of the following:

(i) A holiday period specified in department regulations or in the permit.

(ii) Inclement weather, as defined in department regulations.

(d) Interstate highways.--No permit may be issued for this type of movement upon an interstate highway.

(June 25, 1999, P.L.164, No.23, eff. 60 days; June 22, 2001, P.L.559, No.37, eff. 60 days)

2001 Amendment. Act 37 amended subsec. (b).

1999 Amendment. Act 23 added section 4979.3.

Cross References. Section 4979.3 is referred to in sections 1943, 4962 of this title.

§ 4979.4. Permit for movement of self-propelled cranes.

An annual permit may be issued authorizing the movement on specified highways of self-propelled cranes which exceed the maximum width, height or length specified in Subchapter B (relating to width, height and length) or the maximum vehicle gross or maximum axle weights specified in Subchapter C (relating to maximum weights of vehicles).

(June 25, 1999, P.L.164, No.23, eff. 60 days; June 22, 2001, P.L.559, No.37, eff. 60 days)

Cross References. Section 4979.4 is referred to in sections 1943, 4962 of this title.

§ 4979.5. Permit for movement of nonhazardous liquid glue.

An annual permit may be issued authorizing the movement on specified highways of nonhazardous liquid glue in bulk between a chemical plant and a particleboard or fiberboard manufacturing facility which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles). Permits issued under this section shall not exceed a distance of 75 miles. The weight of any vehicle permitted under this section may not exceed 105,000 pounds overall gross weight and shall have the following maximum axle weight limits for all nonsteering axles:

Single axle	21,000 pounds
Tandem axles	42,000 pounds
Tridem axles	53,000 pounds
Quad axles	63,000 pounds

No permit may be issued for this type of movement upon an interstate highway.

(Oct. 19, 2010, P.L.557, No.81, eff. 60 days)

2010 Amendment. Act 81 added section 4979.5. The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

Cross References. Section 4979.5 is referred to in sections 1943, 4962 of this title.

§ 4979.6. Permit for movement of waste tires.

An annual permit may be issued for the movement on specified highways of waste tires and tire derived-fuel, chipped tires, from a refuse pile to a preparation or power production facility which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles). The weight of any vehicle permitted under this section may not exceed 95,000 pounds overall gross weight, and the weight on any nonsteering axle may not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(Oct. 19, 2010, P.L.557, No.81, eff. 60 days)

2010 Amendment. Act 81 added section 4979.6. The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

Cross References. Section 4979.6 is referred to in sections 1943, 4962 of this title.

SUBCHAPTER E
MEASURING AND ADJUSTING VEHICLE SIZE AND WEIGHT

Sec.

4981. Weighing and measurement of vehicles.

4982. Reducing or readjusting loads of vehicles.
4983. Penalty for failure to obey police officer (Repealed).

Cross References. Subchapter E is referred to in sections 4704, 6506 of this title.

§ 4981. Weighing and measurement of vehicles.

(a) Authority of police officers and qualified department employees.--A police officer or qualified department employee is authorized to require the driver of a vehicle or combination to stop and submit the vehicle or combination to be measured and weighed. Weighing may be done by using either portable or stationary scales, provided that when portable scales more than one inch in height are used, sufficient ramp blocks shall be made available to allow the vehicle or combination to mount the scales safely. The weighing shall be conducted by qualified personnel who have been trained in the use of weighing equipment in a training program approved by an agency of the Commonwealth. The personnel performing the weighing on all highways and interstates in this Commonwealth shall inform the drivers of the vehicle of the right to readjust or rearrange the load under section 4982(c) (relating to reducing or readjusting loads of vehicles). The driver or owner, if present, of a vehicle or combination may, at the time of weighing, witness in an orderly fashion the weighing procedure. If the driver wishes to witness the procedure from outside the cab of the vehicle, he shall be required to turn off the engine, put the transmission in gear and set the emergency brake before leaving the cab. A police officer or qualified department employee may require that a vehicle or combination be driven to the nearest stationary scales if the scales are within two miles.

(b) Scales on freeways.--The Department of Transportation, in cooperation with the Pennsylvania State Police, shall operate on freeways at points which it deems necessary scales and other equipment for detecting violations of the size and weight limitations prescribed by this chapter. The department may also contract with persons or local authorities to use their scales.

(c) Tolerance when weighing axles.--A 3% tolerance per axle shall be permitted when a vehicle is weighed on stationary or portable scales. This tolerance shall not apply on any interstate highway to vehicles weighed on stationary scales.

(d) Reweighing at request of driver or owner.--Whenever scales operated by other than the department indicate that a vehicle, wheel, axle or pair of axles is overweight, the driver or owner may elect to have the vehicle reweighed on the nearest available scales which have been certified by the Department of Agriculture. The lower reading of the two scales shall determine whether charges shall be filed under this section.

(e) Certification of accuracy of portable scales.--

(1) Portable scales shall be calibrated for the purpose of certification of accuracy by the Department of General Services. A certificate from the Department of General Services showing that portable scales were calibrated and found to be accurate shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this chapter is charged.

(2) Portable scales shall be calibrated as follows:

(i) Annually.

(ii) Following any event that could affect the accuracy of the portable scale or following repairs or failures. If a portable scale is calibrated under this subparagraph, the portable scale shall not need to be calibrated for a period of one year.

(f) Certification of qualified personnel.--The competency of a witness to testify concerning the weighing of a vehicle may be established by a certificate from an agency of the Commonwealth showing that the person was trained in the use of weighing equipment in a training program approved by a Commonwealth agency. This certification shall be admissible as competent and prima facie evidence that the person is qualified and trained in the use of weighing equipment in such a training program.

(June 18, 1980, P.L.229, No.68, eff. 60 days; Oct. 10, 1980, P.L.791, No.147, eff. imd.; June 23, 1982, P.L.605, No.171, eff. imd.; June 19, 1985, P.L.49, No.20, eff. 60 days; July 8, 1986, P.L.432, No.90, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Feb. 10, 1994, P.L.10, No.2, eff. imd.; June 22, 2001, P.L.559, No.37, eff. 60 days; Oct. 19, 2010, P.L.557, No.81, eff. 90 days)

2010 Amendment. Act 81 amended subsec. (e). The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

2001 Amendment. Act 37 amended subsecs. (a) and (e).

1994 Amendment. Act 2 amended subsecs. (a) and (e) and added subsec. (f).

1986 Amendment. Act 166 amended subsec. (c).

Cross References. Section 4981 is referred to in sections 4102, 4982 of this title; section 4150 of Title 3 (Agriculture).

§ 4982. Reducing or readjusting loads of vehicles.

(a) Violation of weight limitations.--If the gross weight or the weight upon any wheel, tire, axle or group of axles of a vehicle or combination exceeds the maximum allowed, the driver shall reduce or readjust the load so that the gross weight and the weight upon each wheel, tire, axle or group of axles will not exceed the maximum weights permitted under this chapter.

(b) Violation of size limitations.--If the load upon any vehicle or combination is such that the size limitations of this chapter are exceeded, the driver shall reduce or reposition the load so that it does not exceed the size limitations.

(c) Load adjustment to avoid prosecution.--If the gross weight of the vehicle or combination does not exceed the maximum allowable gross weight plus 3% tolerance for scale error and the weight upon any axle or group of axles is in excess of the maximum allowable axle weight, the operator shall be allowed four hours to adjust the position of the load so that the weight upon all wheels, tires, axles and groups of axles does not exceed the maximum allowable weights plus 3% tolerance for scale error as authorized in section 4981(c) (relating to weighing and measurement of vehicles). If the load is so rearranged no arrest shall be made or prosecution brought for violation of Subchapter C (relating to maximum weights of vehicles). The provisions of this subsection shall not apply to any loads which exceed the amount of weight for which a permit was issued.

(d) Load incapable of reduction.--If the load on any vehicle or combination is such that it is incapable of reduction or dismemberment and is otherwise eligible to move under permit as provided in Subchapter D (relating to special permits for excessive size and weight), a valid permit shall be obtained before any further movement of a vehicle or combination in violation of the limitations of this chapter.

(e) Responsibility of owner or driver.--All material unloaded and any vehicle or combination parked awaiting a permit shall be cared for by the owner or driver at the risk of the owner or driver.

(July 8, 1986, P.L.432, No.90, eff. imd.)

1986 Amendment. Act 90 amended subsec. (c).
Cross References. Section 4982 is referred to in sections 4945, 4981 of this title.

§ 4983. Penalty for failure to obey police officer (Repealed).

1985 Repeal. Section 4983 was repealed June 19, 1985, P.L.49, No.20, effective in 60 days.

PART V
ADMINISTRATION AND ENFORCEMENT

Chapter

61. Powers of Department and Local Authorities
63. Enforcement
65. Penalties and Disposition of Fines
67. Service of Process on Nonresidents (Repealed)

Enactment. Part V was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

CHAPTER 61
POWERS OF DEPARTMENT AND LOCAL AUTHORITIES

Subchapter

A. General Provisions
B. Traffic-control Devices
C. Reciprocity

Enactment. Chapter 61 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.
Cross References. Chapter 61 is referred to in section 6309.2 of this title.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

6101. Applicability and uniformity of title.
6102. Powers and duties of department and local authorities.
6103. Promulgation of rules and regulations by department.
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6112. Removal of traffic hazards by property owner.
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6117. Authority of qualified employees of department and Department of Revenue.
6118. Municipal police officer education and training.
6119. Removal of dead deer.

§ 6101. Applicability and uniformity of title.

(a) Requirement.--The provisions of this title shall be applicable and uniform throughout this Commonwealth and in all political subdivisions in this Commonwealth, and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of this title unless expressly authorized.

(b) Sanctions.--When a court of competent jurisdiction determines and notifies the department that an ordinance adopted by a local authority is in violation of subsection (a), commencing 40 days following entry of a final order, unless an appeal has been timely filed with a court of record, the following sanctions apply until the local authority repeals or substantially amends the ordinance to remove the language that was found to be in violation of subsection (a):

(1) Suspension of unobligated capital expenditures for bridges and highways.

(2) Suspension of allocation under the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law.

(3) Suspension of allocation and apportionment under section 9010(c.1) (relating to disposition and use of tax).

(4) Suspension of expenditures from the special fund into which allocations under the Liquid Fuels Tax Municipal Allocation Law are deposited, unless a contract for the work that is the subject of the expenditure has been fully executed or the moneys have been otherwise obligated.

(c) Suspended funds.--Upon notification that the local authority has repealed or substantially amended the ordinance to remove the language that was found to be in violation of subsection (a), the department shall immediately end all sanctions against the local authority and return all suspended funds to the local authority.

(Oct. 24, 2012, P.L.1473, No.187, eff. 60 days)

Cross References. Section 6101 is referred to in sections 3316, 9010 of this title.

§ 6102. Powers and duties of department and local authorities.

(a) Department.--The department is charged with the duty of administering the provisions of this title and of all laws the administration of which is now or hereafter vested in the department.

(b) Local authorities.--Local authorities may exercise the powers granted in this chapter only by duly enacted ordinances of their governing bodies.

§ 6103. Promulgation of rules and regulations by department.

(a) General rule.--In addition to the specific powers granted to the department by this title to promulgate rules and regulations, the department shall have the power in accordance with the provisions of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, to promulgate, consistent with and in furtherance of this title,

rules and regulations in accordance with which the department shall carry out its responsibilities and duties under this title.

(b) Legislative approval of mass transit inspection regulations.--(Repealed).

(c) Adoption of Federal statute, regulation, standard or criteria.--The department shall be authorized to adopt by reference any Federal statute, regulation, standard or criteria or provision thereof relating to vehicles or drivers, including, but not limited to, minimum driver qualifications, maximum hours of service, loading, unloading, hazardous materials, operation, equipment, records and inspection.

(1) The department shall be authorized to extend the coverage of any Federal statute, regulation, standard or criteria adopted under this subsection to vehicles and drivers operating only in intrastate commerce, except as follows:

(i) (Deleted by amendment).

(ii) (Deleted by amendment).

(iii) No Federal statute, regulation, standard or criteria shall be extended to cover farm tractors or drivers of farm tractors, regardless of whether the farm tractor is operated as a combination.

(iv) No Federal statute, regulation, standard or criteria shall be extended to cover implements of husbandry other than farm tractors, farm vehicles or drivers of these vehicles, regardless of whether the vehicle is operated as a combination, provided that:

(A) the vehicle's or combination's gross weight, gross vehicle weight rating or gross combination weight rating does not equal or exceed 26,001 pounds;

(B) the vehicle or combination is not carrying hazardous materials in an amount that requires the towing or towed vehicle to be placarded under Chapter 83 (relating to hazardous materials transportation); and

(C) the vehicle or combination is not designed or used to transport 16 or more people, including the driver.

(v) For purposes of subparagraphs (iii) and (iv), the term "farm tractors" includes tractors designed for off-road agricultural use, combines, crop pickers, crop and forage harvesters, threshers, plows, tillers, planters, seeders, field sprayers, forage cutters, balers and similar vehicles that are infrequently operated or moved upon highways and that are used by a farmer in agricultural production.

(vi) No Federal statute, regulation, standard or criteria shall be extended to cover a motor vehicle transporting property along a highway in this Commonwealth, regardless of whether the motor vehicle is operated as a combination, provided that all of the following criteria are met:

(A) the vehicle's or combination's gross weight, gross vehicle weight rating or gross combination weight rating does not equal or exceed 26,001 pounds;

(B) the vehicle or combination is not carrying hazardous materials in an amount that requires the towing or towed vehicle to be placarded under Chapter 83;

(C) the vehicle or combination is not designed or used to transport 16 or more people, including the driver; and

(D) the motor vehicle or combination is being used to transport property, including a vehicle, to or from an amateur competitive event, regardless of whether the motor vehicle or combination owner is sponsored for participation in the amateur competitive event.

(2) The regulations promulgated by the department under paragraph (1) may be modified, but shall, to the maximum extent possible, be consistent with safety and correspond to Federal regulations, standards or criteria.

(3) The regulations promulgated by the department under paragraph (1) shall not cause the forfeiture or withholding of Federal funding. If a regulation promulgated under paragraph (1) results in a forfeiture or withholding of Federal funding, the regulation shall be void, and the department shall publish notice of the voided regulation in the Pennsylvania Bulletin.

(d) Modification of Federal statute, regulation, standard or criteria.--If any Federal statute, regulation, standard or criteria adopted by the department is amended or modified by the Federal Government, the amendment or modification shall have the effect of so amending or modifying the department's regulations. The amendment or modification shall take effect 60 days after the effective date of the Federal amendment or modification unless the department publishes a notice in the Pennsylvania Bulletin stating that the amendment or modification shall not take effect.

(e) Additional penalties.--

(1) In addition to any other penalty provided by law, the department may promulgate regulations providing for the suspension of the operating privilege, vehicle registration and fleet inspection privilege of:

(i) Any person who fails to pay any fee, charge or fine levied under this title.

(ii) Any person the department finds has repeatedly operated or caused or permitted the operation of motor carrier vehicles or buses placed out of service under section 4704(c) (relating to inspection by police or Commonwealth personnel).

(2) Except in the case of a person having been convicted of a violation, the department shall provide the opportunity for a hearing prior to imposing a suspension. The department shall be authorized to charge an administrative fee, based on department costs, if the person requests a hearing.

(f) Definition.--As used in this section, the term "amateur competitive event" shall mean a competition, tournament or athletic event, including motorsports, where the competitors' participation is not the result of an employment contract that requires participation in the competitive event, notwithstanding the receipt of prize money or sponsorship.

(June 18, 1980, P.L.223, No.67, eff. imd.; June 25, 1982, P.L.633, No.181, eff. Jan. 1, 1983; June 19, 1985, P.L.49, No.20, eff. 60 days; June 19, 2001, P.L.281, No.21, eff. imd.; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days; July 11, 2022, P.L.1591, No.91, eff. 60 days)

2022 Amendment. Act 91 amended subsec. (c)(1) and added subsec. (f).

2010 Amendment. Act 81 amended subsec. (c). The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

2001 Amendment. Act 21 amended subsecs. (c) and (d).

1985 Amendment. Act 20 added subsecs. (c), (d) and (e).

1982 Repeal. Act 181 repealed subsec. (b).

Cross References. Section 6103 is referred to in sections 1603, 3716, 4107 of this title.

§ 6103.1. Exemption from additional requirements for highway occupancy permits for agricultural purposes.

The department shall waive all additional requirements for a highway occupancy permit in a fifth through eighth class county when all of the following conditions exist:

(1) The State highway has an overall width of at least 33 feet.

(2) Not more than 25 combination vehicles per week will access the highway.

(3) The lack of sufficient land is not the result of a subdivision within ten years by the applicant.

(4) The waiver is necessary for the expansion or creation of an agricultural operation which lacks other highway access points that could be permitted without waiver.

(5) The applicant does not hold fee simple title to land necessary to provide access without this waiver.

(6) The State highway has an average daily travel of less than 6,500 vehicles per day.

(7) The highway access point has a sight distance of at least 500 feet.

(Dec. 8, 2004, P.L.1791, No.237, eff. 150 days; July 10, 2006, P.L.1086, No.113, eff. 60 days)

§ 6104. Administrative duties of department.

(a) Forms.--The department shall prescribe and provide suitable forms of applications, certificates of title, registration cards, drivers' licenses and all other forms requisite or deemed necessary to carry out the provisions of this title and any other laws the administration of which is vested in the department.

(b) Review of applications.--The department shall examine and determine the genuineness, regularity and legality of every application for registration of a vehicle, for a certificate of title, and for a driver's license and of any other application lawfully made to the department, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any application if not satisfied of the genuineness, regularity or legality of the application or the truth of any statement contained in the application, or for any other reason when authorized by law.

(c) Investigations.--The department may make necessary and reasonable investigations to procure information required to enforce the provisions of this title and department regulations.

(d) Retention of records.--The department shall promulgate rules setting forth the minimum amount of time that must elapse before the department may destroy records acquired, established or maintained under this title.

(e) Furnishing documents and information.--The department may supply copies of and information concerning registrations, titles and security interests of vehicles and such statistical data as it may deem to be in the public interest.

(f) Furnishing information to municipal police departments and sheriffs' offices.--The department shall regularly transmit to each municipal police department and sheriff's office a list of the names of persons residing within its jurisdiction whose

operating privilege or registration has been suspended or revoked.
(Feb. 7, 1990, P.L.11, No.6, eff. 60 days)

1990 Amendment. Act 6 added subsec. (f).

§ 6105. Department to prescribe traffic and engineering investigations.

The department may establish by regulation the manner in which traffic and engineering investigations shall be carried out. The department may specify particular actions which require traffic and engineering investigations. No action shall become effective until the investigation has been properly completed.

§ 6105.1. Designation of highway safety corridors.

The department, based upon a traffic and engineering investigation, shall have the power to designate a segment of a highway as a highway safety corridor.
(Dec. 23, 2002, P.L.1982, No.229, eff. 6 months)

2002 Amendment. Act 229 added section 6105.1.

Cross References. Section 6105.1 is referred to in section 3326 of this title.

§ 6105.2. Designation of litter enforcement corridors.

Litter enforcement corridors shall be designated as follows:

(1) The department shall have the power to designate a segment of any State highway.

(2) A political subdivision shall have the ability to petition the department to designate a segment of any State highway that is located within the political subdivision's physical boundaries.

(3) A political subdivision shall have the ability to designate any local road, by authority granted in section 6109 (relating to specific powers of department and local authorities).

(4) All scenic highways, as designated by 74 Pa.C.S. Ch. 83 (relating to scenic highways), shall be deemed litter enforcement corridors.
(June 28, 2018, P.L.429, No.62, eff. 6 months)

2018 Amendment. Act 62 added section 6105.2.

Cross References. Section 6105.2 is referred to in sections 3329, 6109 of this title.

§ 6106. Designation of emergency vehicles by Pennsylvania State Police.

(a) General rule.--The Pennsylvania State Police may designate any vehicle or group of vehicles as emergency vehicles upon a finding that the designation is necessary to the preservation of life or property or to the execution of emergency governmental functions.

(a.1) Exception.--Vehicles designated as emergency vehicles under this section shall not display or be equipped with a combination of red and blue lights.

(b) Manner and carrying of designation.--The designation shall be in writing and the written designation shall be carried in the vehicle at all times.
(June 26, 2001, P.L.734, No.75, eff. 60 days)

Cross References. Section 6106 is referred to in sections 102, 4572 of this title.

§ 6107. Designation of authorized vehicles by department.

The department may designate any vehicle or group of vehicles as authorized vehicles upon a finding that the vehicle is used in the performance of public service or governmental functions.

Duly authorized vehicles shall be exempted from certain provisions of this title as specified in regulations promulgated by the department.

Cross References. Section 6107 is referred to in sections 4572, 4573 of this title.

§ 6108. Power of Governor during emergency.

(a) General rule.--In the event of a declared National, State or local emergency when the Governor of this Commonwealth has made a specific determination that modification of any of the provisions of this title will aid in the alleviation of the stated emergency conditions, the Governor shall have the power to so modify the provisions on any or all highways in this Commonwealth to be effective at any or all hours of the day or night with respect to any or all types or classes of vehicles. Such modifications shall expire at the end of the emergency period. No person, unless specifically exempted by the terms of the declaration of emergency or by other provisions of the statute or other laws, shall violate any of the terms, conditions, provisions and modifications set forth by the Governor.

(b) Penalty.--Any person violating the provisions of this section, other than violations of section 3362(a)(3) (relating to maximum speed limits), commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $300. This penalty shall be in addition to any other penalties imposed under this title.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

Cross References. Section 6108 is referred to in section 8704 of Title 53 (Municipalities Generally).

§ 6109. Specific powers of department and local authorities.

(a) Enumeration of police powers.--The provisions of this title shall not be deemed to prevent the department on State-designated highways and local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers. The following are presumed to be reasonable exercises of police power:

(1) Except as limited by subsections (g) and (h), regulating or prohibiting stopping, standing or parking.

(2) Regulating traffic by means of police officers or official traffic-control devices.

(3) Subject to subsections (j) and (j.1), regulating or prohibiting processions, special activities or assemblages on highways.

(4) Designating particular highways or roadways for use by traffic moving in one direction as authorized in section 3308 (relating to one-way roadways and rotary traffic islands).

(5) Establishing speed limits for vehicles in public parks.

(6) Designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction.

(7) Prohibiting or restricting the use of highways at particular places or by particular classes of vehicles whenever the highway or portion of the highway may be seriously damaged by the use or the movement of the vehicles would constitute a safety hazard.

(8) Regulating the operation of pedalcycles and requiring their registration and inspection, and the payment of a reasonable registration fee.

(9) Regulating or prohibiting the turning of vehicles or specified types of vehicles as authorized in section 3331 (relating to required position and method of turning).

(10) Altering or establishing speed limits as authorized in Subchapter F of Chapter 33 (relating to speed restrictions).

(11) Enforcement of speed restrictions authorized under Subchapter F of Chapter 33, except that speed restrictions may be enforced by local police on a limited access or divided highway only if it is patrolled by the local police force under the terms of an agreement with the Pennsylvania State Police.

(12) Designating no-passing zones as authorized in section 3307 (relating to no-passing zones).

(13) Prohibiting or regulating the use of designated streets by any class or kind of traffic, provided that a prohibition or regulation of a local authority may not be specific to or discriminate against a highly automated vehicle.

(14) Establishing minimum speed limits as authorized in section 3364 (relating to minimum speed regulation).

(15) Regulating and temporarily prohibiting traffic on streets closed or restricted for construction, maintenance or special events.

(16) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk.

(17) Restricting pedestrian crossings at unmarked crosswalks.

(18) Regulating persons propelling push carts.

(19) Regulating persons upon skates, coasters, sleds and other toy vehicles.

(20) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.

(21) Regulating the operation of streetcars, the passing of streetcars by other vehicles and the driving upon streetcar tracks by other vehicles.

(22) Providing for and establishing procedures governing the removal and impounding of any vehicle parked on the highways or public property of the local authority in violation of any local ordinance adopted pursuant to the authority of this title or of any of the provisions of this title.

(23) Adopting such other traffic regulations as are specifically authorized by this title.

(24) Designating any local road as a litter enforcement corridor, as described in section 6105.2 (relating to designation of litter enforcement corridors) and enforcing penalties for violations of section 3329 (relating to duty of driver in litter enforcement corridors), provided that the local authority has received written complaints about littering or the scattering of rubbish and demonstrates the need to designate the local road.

(b) Action by local authorities.--Action taken by local authorities under this section shall be:

(1) by ordinance of the local governing body; or

(2) by a commission or public official authorized to act on specified matters.

(c) When traffic-control devices required.--No regulation or ordinance enacted under subsection (a)(1), (4), (5), (6), (7), (9), (10), (11), (12), (13), (14), (15), (16) or (21) shall

be effective until official traffic-control devices giving notice of the traffic regulations or ordinances are erected upon or at the entrances to the highway or part thereof affected as may be most appropriate.

(d) Prior approval by department.--Notwithstanding the provisions of subsection (a), the department may require local authorities to obtain department approval in advance of regulating traffic on State-designated highways within their physical boundaries.

(e) Engineering and traffic investigation required.--Action by local authorities under this section shall be taken only after completing an engineering and traffic investigation when and in such manner as required by regulations promulgated by the department. No engineering and traffic investigation is required to establish a speed limit under section 3362(a)(1.2) (relating to maximum speed limits) or to restrict the operation of vehicles under the Surface Transportation Assistance Act of 1982 (Public Law 97-424, 96 Stat. 2097) beyond the access limitations prescribed under 23 CFR 658.19 (relating to reasonable access).

(f) Delegation of powers authorized.--Except as set forth in subsections (g) and (h), nothing contained in this section shall be deemed to prevent local authorities by ordinance or resolution of the local governing body from delegating their powers under subsection (a)(1) or (22) to a parking authority established pursuant to 53 Pa.C.S. Ch. 55 (relating to parking authorities).

(g) Delegation of powers in cities of the first class.--

(1) Notwithstanding any contrary provision of 53 Pa.C.S. Ch. 55 or this title, beginning on March 31, 2014, the parking authority of a city of the first class shall enforce and administer the system of on-street parking regulation in a city of the first class on behalf of the city. The system of on-street parking regulation shall include all ordinances and resolutions enacted or adopted by the city of the first class pursuant to the powers specified under subsection (a)(1) and those certain stopping, standing and parking provisions provided in sections 3351 (relating to stopping, standing and parking outside business and residence districts), 3353 (relating to prohibitions in specified places) and 3354 (relating to additional parking regulations).

(2) Any revenues generated pursuant to the system of on-street parking regulation authorized by this subsection shall be collected by the authority on behalf of the city of the first class and disbursed as provided in this paragraph, subject to adjustment under paragraph (3). Beginning with its fiscal year ending in 2015, upon the conclusion of each of its fiscal years, the authority shall transfer the revenues of the system of on-street parking regulation net of the operating and administrative expenses of the system of on-street parking regulation as follows:

(i) Up to $35,000,000 in the aggregate after taking into account any monthly remittances to the city in which it is located.

(ii) In the event the net annual revenue of the system of on-street parking regulation exceeds $35,000,000, the authority shall transfer all of the excess to the general fund of a school district of the first class coterminous with the city.

(3) The amount set forth in paragraph (2)(i) shall be adjusted each fiscal year beginning with the fiscal year

ending in 2014 by increasing the $35,000,000 aggregate amount by an amount equal to $35,000,000 multiplied by the percentage increase, if any, in the gross revenue generated by the system of on-street parking regulation. No adjustment shall be made if the gross revenue generated by the system of on-street parking regulation did not increase over the prior fiscal year.

(4) The provisions of section 696(h)(1) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall not apply to amounts transferred to a school district of the first class under this subsection. Any portion of the excess net revenue of the system of on-street parking regulation not transferred to a school district of the first class must be transferred to the city of the first class in which the authority is located.

(5) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph:

"Administer." To provide any services or materials necessary to enforce any ordinance or resolution enacted in order to regulate or prohibit the stopping, standing or parking of motor vehicles in a city of the first class or those certain stopping, standing and parking provisions provided in sections 3351, 3353 and 3354, including, but not limited to:

(i) The installation and maintenance of all equipment, including parking meters, on and along highways, streets and roadways.

(ii) The installation and maintenance of all signage, including signage for handicapped parking, residential permit parking and loading areas, on and along highways, streets and roadways.

(iii) The operation and management of any handicapped parking, residential parking and loading area permit programs.

"Enforce." The issuance of parking violation notices or citations, the immobilization, towing and impoundment of motor vehicles and the collection of fines, penalties, costs and fees, including independent collection agency fees, for violations of any ordinance or resolution enacted in order to regulate or prohibit the stopping, standing or parking of motor vehicles in a city of the first class and those certain stopping, standing and parking provisions provided in this section and sections 3351, 3353 and 3354.

(h) Delegation of powers in cities of the second class.--

(1) Notwithstanding any contrary provision of 53 Pa.C.S. Ch. 55 or this title, beginning on January 1, 2005, the parking authority of a city of the second class shall enforce and administer all ordinances and resolutions enacted or adopted by the city of the second class pursuant to the powers specified under subsection (a)(1) and those certain stopping, standing and parking provisions provided in sections 3351 (relating to stopping, standing and parking outside business and residence districts), 3353 (relating to prohibitions in specified places) and 3354 (relating to additional parking regulations).

(2) Beginning on March 1, 2005, the parking authority of a city of the second class shall enter into an agreement with the city of the second class for the transfer of a portion of the fines, penalties and costs collected pursuant to this subsection, which the parking authority board deems reasonable, to the city of the second class.

(3) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph:

"Administer." To provide any services or materials necessary to enforce any ordinance or resolution enacted in order to regulate or prohibit the stopping, standing or parking of motor vehicles in a city of the second class or those certain stopping, standing and parking provisions provided in sections 3351, 3353 and 3354, including, but not limited to:

(i) The installation and maintenance of all equipment, including parking meters, on and along highways, streets and roadways.

(ii) The installation and maintenance of all signage, including signage for handicapped parking, residential permit parking and loading areas, on and along highways, streets and roadways.

(iii) The operation and management of any handicapped parking, residential parking and loading area permit programs.

(iv) The adjudication of all disputed parking violation notices or citations issued through enforcement by the parking authority in a city of the second class.

"Enforce." The issuance of parking violation notices or citations, the immobilization, towing and impoundment of motor vehicles and the collection of fines, penalties and costs, including independent collection agency fees, for violations of any ordinance or resolution enacted in order to regulate or prohibit the stopping, standing or parking of motor vehicles in a city of the second class and those certain stopping, standing and parking provisions provided in sections 3351, 3353 and 3354.

(i) Delegation of powers in cities of the second class A and third class.--

(1) Notwithstanding a provision of 53 Pa.C.S. Ch. 55 or this title to the contrary, beginning January 1, 2018, the parking authority of a city of the second class A or city of the third class may enforce and administer ordinances and resolutions enacted or adopted by the city of the second class A or city of the third class under the powers specified under subsection (a)(1) and those certain stopping, standing and parking provisions provided in sections 3351, 3353 and 3354.

(2) Beginning March 1, 2018, the parking authority of a city of the second class A or city of the third class may enter into an agreement with the city of the second class A or city of the third class for the transfer of a portion of the fines, penalties and costs collected under this subsection, which the parking authority board deems reasonable, to the city of the second class A or city of the third class.

(3) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph:

"Administer." To provide any services or materials necessary to enforce any ordinance or resolution enacted in order to regulate or prohibit the stopping, standing or parking of motor vehicles in a city of the second class A or city of the third class or those certain stopping, standing and parking provisions provided in sections 3351, 3353 and 3354, including, but not limited to:

(i) The installation and maintenance of all equipment, including parking meters, on and along highways, streets and roadways.

(ii) The installation and maintenance of all signage, including signage for handicapped parking, residential permit parking and loading areas, on and along highways, streets and roadways.

(iii) The operation and management of any handicapped parking, residential parking and loading area permit programs.

(iv) The adjudication of all disputed parking violation notices or citations issued through enforcement by the parking authority in a city of the second class A or city of the third class.

"Enforce." The issuance of parking violation notices or citations, the immobilization, towing and impoundment of motor vehicles and the collection of fines, penalties and costs, including independent collection agency fees, for violations of any ordinance or resolution enacted in order to regulate or prohibit the stopping, standing or parking of motor vehicles in a city of the second class A and city of the third class and those certain stopping, standing and parking provisions provided in sections 3351, 3353 and 3354.

(j) Permits for processions, special activities and assemblages on State-designated highways.--The department may not require, as a condition for the approval of a permit for a procession, special activity or assemblage on a State-designated highway, a local authority to submit a statement that the local authority will agree to fully indemnify, save harmless and defend the Commonwealth, Commonwealth departments and their officers, agents and employees from and against claims, suits or actions for injury, death or property damage arising from or because of the acts or omissions of its officers, agents or employees or of the sponsor of the procession, special activity or assemblage, if all of the following conditions are met:

(1) The sponsor of the procession, special activity or assemblage is not the local authority.

(2) The sponsor will fully indemnify, save harmless and, if requested, defend the Commonwealth, Commonwealth departments and their officers, agents and employees from and against claims, suits or actions for injury, death or property damage arising from or because of the acts or omissions of the sponsor, its officers, agents or employees.

(3) The sponsor names the department as an additional insured on its liability policies and the liability insurance policies are occurrence based and the insurance certificate indicates that the insurance is occurrence based.

(4) The sponsor agrees to reimburse the Commonwealth for all costs for police escort and traffic-control services.

(5) The local authority approves of the sponsor conducting the procession, special activity or assemblage.

(6) The local authority agrees to provide adequate detour signing or police controls for the rerouting of traffic along an alternate route, if requested by the department.

(j.1) Sovereign immunity.--

(1) Nothing in subsection (j) shall be construed to require the department to issue a permit for a procession, assemblage or special activity that will occur on a street, highway or real estate deemed by the department to be unsafe for use by participants. The department, its servants and agents, employees and representatives acting on its behalf

shall be immune from suit by participants for personal injuries or property damages arising during a procession, assemblage or special activity permitted by the department under 42 Pa.C.S. §§ 8521 (relating to sovereign immunity generally) and 8522 (relating to exceptions to sovereign immunity).

(2) The term "participants" shall include spectators, event sponsors, municipal officials, police, fire police, media and others present during the procession, assemblage or special activity permitted by the department.

(Dec. 7, 1982, P.L.820, No.229, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Feb. 9, 2004, P.L.65, No.8; Feb. 10, 2004, P.L.69, No.9, eff. imd.; Dec. 8, 2004, P.L.1791, No.237; July 2, 2012, P.L.735, No.84; Dec. 22, 2017, P.L.1258, No.80, eff. 60 days; June 12, 2018, P.L.204, No.31, eff. imd.; June 28, 2018, P.L.429, No.62, eff. 6 months; June 30, 2021, P.L.188, No.36, eff. imd.; Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 amended subsec. (a)(13).

2021 Amendment. Act 36 amended subsec. (a)(3) and added subsecs. (j) and (j.1).

2018 Amendments. Act 31 amended subsec. (e) and Act 62 added subsec. (a)(24).

2017 Amendment. Act 80 added subsec. (i).

2012 Amendment. Act 84 amended subsecs. (a)(1), (f) and (h) and added subsec. (g), effective in 90 days as to subsec. (g) and immediately as to the rest of the section.

Cross References. Section 6109 is referred to in sections 3354, 3363, 3370, 3371, 6105.2, 8510, 9010 of this title.

§ 6110. Regulation of traffic on Pennsylvania Turnpike.

(a) General rule.--The provisions of this title apply upon any turnpike or highway under the supervision and control of the Pennsylvania Turnpike Commission unless specifically modified by rules and regulations promulgated by the commission which shall become effective only upon publication in accordance with law. A copy of the rules and regulations, so long as they are effective, shall be posted at all entrances to the turnpike or highway for the inspection of persons using the turnpike or highway. This section does not authorize the establishment of a maximum speed limit greater than 55 miles per hour, except that a 65-miles-per-hour or 70-miles-per-hour maximum speed limit for all vehicles may be established where the commission has posted a 65-miles-per-hour or 70-miles-per-hour speed limit.

(a.1) Posting.--No maximum speed limit established under subsection (a) shall be effective unless posted on fixed or variable official traffic-control devices erected after each interchange on the portion of highway on which the speed limit is in effect and wherever else the commission shall determine.

(b) Penalties.--

(1) Except as otherwise provided in this subsection, any person violating any of the rules and regulations of the Pennsylvania Turnpike Commission for which no penalty has otherwise been provided by statute commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $25.

(2) (Deleted by amendment).

(3) (Deleted by amendment).

(July 10, 1981, P.L.259, No.86, eff. 60 days; Apr. 16, 1992, P.L.169, No.31, eff. 60 days; June 13, 1995, P.L.57, No.9, eff. 30 days; June 26, 2001, P.L.734, No.75, eff. 60 days; Nov. 25, 2013, P.L.974, No.89)

2013 Amendment. Act 89 amended the entire section, effective immediately as to subsecs. (a) and (a.1) and 60 days as to the remainder of the section. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1995 Amendment. See section 4 of Act 9 in the appendix to this title for special provisions relating to report on effect of increased speed limit.

§ 6110.1. Fare evasion.

(a) Penalty.--A person that violates a regulation of the Pennsylvania Turnpike Commission prohibiting fare evasion or attempted fare evasion commits a summary offense and shall, upon conviction, be sentenced to pay a fine according to the classification by the commission of the vehicle driven by that person at the time of violation as follows:

(1) Class 1 through 2: $100.

(2) Class 3 through 6: $500.

(3) Class 7 and higher: $1,000.

(b) Affirmative action.--A person that intentionally or knowingly takes an affirmative action in an attempt to evade tolls incurred for travel upon the Pennsylvania turnpike or a road under its control commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to:

(1) pay a fine of $3,000 for a first offense; and

(2) pay a fine of $6,500 or to imprisonment of not more than six months, or both, for a second or subsequent offense.

(c) Construction.--Prosecution of a violation of this section shall not preclude prosecution under section 1332 (relating to display of registration plate), 1380 (relating to suspension of registration upon unpaid tolls), 7122 (relating to altered, forged or counterfeit documents and plates) or 7124 (relating to fraudulent use or removal of registration plate).

(d) Restitution.--In addition to the fines imposed under this section, restitution shall be made to the commission in an amount equal to the full fare, for the appropriate vehicle class, from the farthest point of entry on the turnpike to the actual point of exit.

(e) Deposit of fines.--Notwithstanding the provision of any other law, the fines collected under subsections (a) and (b) shall be deposited into the Motor License Fund.

(f) Definition.--As used in this section, the term "affirmative action" includes:

(1) operating a vehicle without a license plate and valid vehicle registration;

(2) operating a vehicle without a valid electronic toll collection device and installing a mechanism which rotates, changes, blocks or otherwise mechanically alters the ability of a license plate to be read by a toll collection system;

(3) installing a device upon a vehicle which serves the sole purpose of masking, hiding or manipulating the true weight of the vehicle as it appears to a mechanical scale;

(4) conspiring with an individual or group of individuals to alter, lower or evade payment of correct tolls;

(5) unauthorized use of a Pennsylvania Turnpike private gate access or otherwise unauthorized movement entering or exiting the turnpike other than at approved tolling points; and

(6) operating a vehicle without a valid electronic toll collection device and altering, obstructing, covering,

distorting, manipulating or removing a license plate from a vehicle to impede electronic toll collection.

(Nov. 25, 2013, P.L.974, No.89, eff. 60 days; Nov. 3, 2022, P.L.1734, No.112, eff. 60 days)

2022 Amendment. Act 112 amended subsecs. (c) and (f).

2013 Amendment. Act 89 added section 6110.1. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 6111. Regulation of traffic on bridges under authority of interstate commissions.

(a) General rule.--The provisions of this title apply to any bridge under the supervision and control of the Delaware River Joint Toll Bridge Commission, the Delaware River Port Authority and the New York-Pennsylvania Joint Commission on Bridges over the Delaware River unless specifically modified by rules and regulations which shall become effective only upon publication in accordance with law. Rules and regulations, so long as they are effective, shall be posted at all entrances to the bridges.

(b) Penalty.--Any person violating any of the rules and regulations of the Delaware River Joint Toll Bridge Commission, the Delaware River Port Authority or the New York-Pennsylvania Joint Commission on Bridges over the Delaware River for which no penalty has otherwise been provided by statute is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $25.

§ 6112. Removal of traffic hazards by property owner.

(a) General rule.--It is the duty of the owner of real property to remove from the property any tree, plant, shrub or other similar obstruction, or part thereof, which by obstructing the view of any driver constitutes a traffic hazard.

(b) Notice of hazard.--When the department or any local authority determines on the basis of an engineering and traffic investigation that a traffic hazard exists, it shall notify the owner and order the hazard removed within ten days.

(c) Penalty.--The failure of the owner to remove the traffic hazard within ten days after notice under subsection (b) is a summary offense and every day the owner fails to remove it shall be a separate and distinct offense. The offense is punishable by a fine of $10.

§ 6113. Control of public travel on private property by owner.

(a) General rule.--Nothing in this title shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this title, or otherwise regulating such use as may seem best to such owner.

(b) Enforcement.--The owner of real property which is ten contiguous acres or more in size may request the local authority to enforce the observance of speed limits and traffic-control devices on his property, providing the property has been posted in accordance with departmental regulations.

(June 30, 1984, P.L.473, No.99, eff. imd.)

§ 6114. Limitation on sale, publication and disclosure of records.

(a) Offenses defined.--It is unlawful for:

(1) Any police officer, or any officer, employee or agent of any Commonwealth agency or local authority which makes or receives records or reports required to be filed

under this title to sell, publish or disclose or offer to sell, publish or disclose records or reports which relate to the driving record of any person.

(2) Any person to purchase, secure or procure or offer to purchase, secure or procure records or reports described in paragraph (1).

(b) Exceptions.--This section does not apply to records or reports:

(1) Required or authorized under this title to be sold, published or disclosed.

(2) Authorized in writing by the person who is the subject of the record or report to be sold, published or disclosed. A police officer, or officer, employee or agent of a Commonwealth agency or local authority may rely on a certification from a person requesting a record or report under this paragraph that its sale, publication or disclosure has been authorized by the person who is the subject of the record or report. In the event such sale, publication or disclosure shall not have been authorized, the person who made the false certification, rather than the police officer or officer, employee or agent of the Commonwealth agency or local authority, shall be guilty of the offense defined by this section.

(3) Required to be released by order of court.

(4) Authorized by departmental regulation to be sold, published or disclosed to any Federal, State or local governmental agency for the sole purpose of exercising a legitimate governmental function or duty. Such records or reports shall not be resold, published or disclosed by the receiving agency for any commercial purpose nor without prior departmental approval.

(4.1) Of a constituent released to a member of Congress or of the General Assembly or to an employee of a member of Congress or of the General Assembly. Under this paragraph, records or reports may not be sold, published or disclosed by the member or the employee for any commercial purpose without prior approval by the department.

(5) Purchased by a person who, in compliance with the Fair Credit Reporting Act (84 Stat. 1127-1136, 15 U.S.C. § 1601 et seq.), has filed with the department an affidavit, in form acceptable to the department, certifying the intended use of said record or reports.

(6) Obtained in any form, including computer access, by a messenger service which has filed an affidavit of intended use with the department and which maintains on file at its office of record an authorization in writing by the person who is the subject of the obtained record or report. The authorizations are subject to inspection by the department and shall be retained for a period of two years. The records or reports may not be accessed, sold, published or disclosed by the messenger service for any commercial purpose except the filed intended use without prior approval by the department.

(c) Penalty.--Any offense under this section is a summary offense punishable by a fine of not less than $500 nor more than $1,000.

(d) Additional requirement.--Notwithstanding any other provision of this section, in the case of a driver under 18 years of age, the department shall notify the parent or guardian of the minor licensee, at the address of record of the minor, of any convictions recorded against the minor's record or any action to suspend or revoke the minor's operating privilege.

Failure of the person to receive the notice shall not prevent the action taken by the department.
(Apr. 29, 1993, P.L.3, No.3, eff. imd.; June 25, 1999, P.L.164, No.23, eff. 180 days; Oct. 4, 2002, P.L.845, No.123, eff. 60 days)

2002 Amendment. Act 123 amended subsec. (c).
1999 Amendment. Act 23 added subsec. (d).
1993 Amendment. Act 3 added subsec. (b)(4.1) and (6).
Cross References. Section 6114 is referred to in section 1955 of this title; section 8619 of Title 20 (Decedents, Estates and Fiduciaries).

§ 6115. Emergency telephones along Pennsylvania Turnpike.

The Pennsylvania Turnpike Commission may provide for the installation and maintenance of an emergency telephone along every two miles on both sides of the highway along a 50-mile stretch of the Pennsylvania Turnpike between Exits 8 and 11.
(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; July 8, 2016, P.L.493, No.77, eff. 60 days)

§ 6116. Payment by credit or debit card.

Notwithstanding any other provision of this title, the department is authorized to accept payment of a fee by a credit or debit card, even though such payment may not be accompanied by the required documents if the department determines that payment by credit or debit card will improve service to the public without adversely affecting the security and accuracy of departmental records. If a payment is made by a credit or debit card, the department may, in addition to the fee prescribed, assess an additional service fee.
(Dec. 16, 1992, P.L.1250, No.166, eff. imd.)

1992 Amendment. Act 166 added section 6116.

§ 6117. Authority of qualified employees of department and Department of Revenue.

Employees of the department, the Department of Revenue and the Pennsylvania Public Utility Commission who have completed a training program approved by the respective secretaries of both departments shall be authorized to institute criminal proceedings by citation under the Pennsylvania Rules of Criminal Procedure for violations of the provisions of Chapters 13 (relating to registration of vehicles), 21 (relating to motor carriers road tax identification markers) and 96 (relating to motor carriers road tax).
(Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996)

Cross References. Section 6117 is referred to in section 1376 of this title.

§ 6118. Municipal police officer education and training.

Beginning July 1, 2014, and each year thereafter, the sum of $5,000,000 is appropriated annually to the Pennsylvania State Police from the Motor License Fund to make payments under 53 Pa.C.S. § 2170 (relating to reimbursement of expenses) consistent with the requirements of section 11 of Article VIII of the Constitution of Pennsylvania. If money is not available to make full payments, the Municipal Police Officers' Education and Training Commission shall make payments on a pro rata basis.
(Nov. 25, 2013, P.L.974, No.89, eff. 60 days)

2013 Amendment. Act 89 added section 6118. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 6119. Removal of dead deer.

(a) Duty.--It is the duty of the department to remove dead deer from the State right-of-way upon immediate notification and when the department is conducting general maintenance on the State right-of-way.

(b) Notice of hazard.--The department shall erect signs strategically informing the public of deer crossings and provide notice to the public on when deer are most active to reduce the risk of a deer-related crash.

(July 8, 2016, P.L.477, No.75, eff. 60 days)

2016 Amendment. Act 75 added section 6119.

SUBCHAPTER B

TRAFFIC-CONTROL DEVICES

Sec.

6121. Uniform system of traffic-control devices.
6122. Authority to erect traffic-control devices.
6123. Erection of traffic-control devices while working.
6123.1. Mandatory traffic-control devices in highway work zones.
6124. Erection of traffic-control devices at intersections.
6125. Display of unauthorized signs, signals or markings.
6126. Interference with devices, signs or signals.
6127. Dealing in nonconforming traffic-control devices.
6128. Dealing in official traffic-control devices or bridge parts.
6129. Maintenance of pedestrian crosswalks in school zones.

§ 6121. Uniform system of traffic-control devices.

The department shall publish a manual for a uniform system of traffic-control devices consistent with the provisions of this title for use upon highways within this Commonwealth. The uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the Manual on Uniform Traffic-Control Devices for Streets and Highways and other standards issued or endorsed by the Federal Highway Administrator, United States Department of Transportation.

§ 6122. Authority to erect traffic-control devices.

(a) General rule.--The department on State-designated highways and local authorities on any highway within their boundaries may erect official traffic-control devices, which shall be installed and maintained in conformance with the manual and regulations published by the department upon all highways as required to carry out the provisions of this title or to regulate, restrict, direct, warn, prohibit or guide traffic.

(1) Local authorities shall obtain approval of the department prior to erecting an official traffic-control device on a State-designated highway except where department regulations provide otherwise.

(2) Local authorities shall obtain approval of the department prior to erecting any traffic signal except in a municipality with a traffic engineer qualified in accordance with department regulations.

(b) Standards for department approval.--The department shall promulgate rules and regulations setting forth minimum standards and factors to be considered in determining whether approval shall be given by the department for the installation and maintenance of official traffic-control devices. The factors shall include, but not be limited to, the volume of traffic and

the number of accidents that occurred in each of the three preceding years.

(c) Agreements to waive department approval.--The department may enter into agreements with local authorities transferring to them the authority to install official traffic-control devices without specific State approval provided they conduct traffic and engineering investigations which conform with the rules and regulations promulgated by the department.

(d) Signals on municipal boundaries.--Whenever the need arises for the installation of a traffic-control signal on or near the boundary of two political subdivisions adjoining each other so as to be beneficial to both, either may petition the department for authority to install the signal. If the political subdivisions cannot amicably agree upon an allocation of the costs of installation and maintenance of the signal, either may petition the court of common pleas of the county in which the traffic-control signal is to be installed within 90 days after receiving the approval of the department and the court shall determine the proper allocation of the expenses to be incurred. The political subdivision that originated the request to the department shall install the traffic-control signal within 90 days of the date of the court order or of an amicable agreement between the political subdivisions.

§ 6123. Erection of traffic-control devices while working.

(a) General rule.--Any person performing any work on or near the roadway which may create hazards shall erect traffic-control devices in accordance with the rules and regulations of the department for the maintenance and protection of traffic. The regulations of the department shall address the control of road users through a work zone and shall be an essential part of highway construction, utility work, maintenance operations and incident management. All official traffic-control devices erected for maintenance and protection of traffic shall be removed as soon as practical when they are no longer needed. When work is suspended for short periods of time, official traffic-control devices erected for the maintenance and protection of traffic shall be removed or covered when they are no longer appropriate.

(b) Length of work zone.--To the extent practicable, the length of the work zone shall be appropriate to the work in progress so that motorists do not increase speed after passing through a long stretch with no sign of work activity.

(c) Lane restrictions to be minimized.--To the extent practical, lane restrictions in all work zones shall be minimized to prevent traffic congestion and unsafe traffic conditions.

(d) Responsibility of contractor.--If the department determines that a contractor or any subcontractor has failed to comply with specifications prescribed by the department for the control of traffic within a work zone on a highway within this Commonwealth, a sum of not less than $1,000 per day shall be assessed as liquidated damages from money due or to become due to the contractor.

(Dec. 23, 2002, P.L.1982, No.229)

2002 Amendment. Act 229 amended the entire section, effective in six months as to subsecs. (a) and (d) and 60 days as to the remainder of the section.

§ 6123.1. Mandatory traffic-control devices in highway work zones.

Each Interstate highway work zone, including a work zone on the Pennsylvania Turnpike, with a project cost exceeding

$300,000 shall be equipped with speed-monitoring devices for purposes of advising the operator of a vehicle of the vehicle's rate of speed. The speed-monitoring device shall be located at least 500 feet prior to entering the work zone. The entity responsible for performing the construction or maintenance work shall erect the speed-monitoring devices in the work zone in accordance with the department's regulations.
(Dec. 23, 2002, P.L.1982, No.229, eff. 60 days)

2002 Amendment. Act 229 added section 6123.1.

§ 6124. Erection of traffic-control devices at intersections.

The department on State-designated highways, including intersections with local highways, and local authorities on intersections of highways under their jurisdiction may erect and maintain stop signs, yield signs or other official traffic-control devices to designate through highways or to designate intersections at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection.

Cross References. Section 6124 is referred to in section 3323 of this title.

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

(a) General rule.--No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device.

(b) Commercial advertising on signs or signals.--No person shall place or maintain nor shall any public authority permit upon any highway any official traffic-control device containing any commercial advertising except for business signs included as a part of official motorist service panels or roadside area information panels approved by the department.

(c) Removal as public nuisance.--Every prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the highway may remove the same or cause it to be removed immediately at the reasonable expense of the person placing, maintaining or displaying the sign, signal or marking.

(d) Tourist-oriented directional signs.--The department on State-designated highways, including intersections with local highways, may erect and maintain or provide for the erection and maintenance of tourist-oriented directional signs. The administration of the department's program for the erection and maintenance of tourist-oriented directional signs shall be pursuant to a policy consistent with Federal Highway Administration Tourist-Oriented Directional Sign guidelines.
(July 2, 1993, P.L.408, No.58, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

1998 Amendment. Act 151 amended subsec. (d).

§ 6126. Interference with devices, signs or signals.

(a) General rule.--No person shall, without lawful authority, attempt to or in fact, alter, twist, obstruct, deface, injure, knock down, remove or interfere with the effective operation of any official traffic-control device, or any railroad sign or signal, or any inscription, shield or insignia thereon or any other part thereof. A person shall not intentionally destroy, remove, injure or deface a temporary

traffic-control device erected for the purpose of enhancing traffic safety or worker safety in a construction or maintenance workzone. For purposes of this subsection, a traffic-control device includes a cone, tubular marker, delineator, warning light, drum, barricade, sign, sign truck, arrow board or other device specified in an approved traffic-control plan or by department regulations.

(b) Penalty.--A person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $50 for each traffic-control device that was destroyed, removed, injured or defaced and to make restitution under 18 Pa.C.S. § 1106 (relating to restitution for injuries to person or property).

(July 2, 1993, P.L.408, No.58, eff. 60 days)

§ 6127. Dealing in nonconforming traffic-control devices.

(a) General rule.--It is unlawful for any person to manufacture, sell, offer for sale or to lease for use on the highway any traffic-control device unless it has been approved and is in accordance with department rules and regulations.

(b) Penalty.--Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $100 nor more than $500.

§ 6128. Dealing in official traffic-control devices or bridge parts.

(a) General rule.--A person commits a summary offense if he knowingly purchases, sells or offers for sale an official traffic-control device or an identifiable railing or other part of a public bridge.

(b) Presumption.--An official traffic-control device or an identifiable railing or other part of a public bridge found in the place of business of a person who deals in scrap metal shall be presumed to be offered for sale by the scrap metal dealer.

(c) Exception.--This section shall not apply to sales by or to:

(1) the Commonwealth or local authorities or their agents or contractors; or

(2) manufacturers or fabricators.

(d) Penalty.--A person who violates the provisions of this section shall, upon conviction, be sentenced to pay a fine of $100 for each official traffic-control device or identifiable piece of railing or other part of a public bridge he is convicted of purchasing, selling or offering for sale.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 added section 6128.

§ 6129. Maintenance of pedestrian crosswalks in school zones.

The department may paint and maintain pedestrian crosswalks located within school zones on State-designated highways.

(June 25, 2001, P.L.701, No.68, eff. 60 days)

2001 Amendment. Act 68 added section 6129.

SUBCHAPTER C
RECIPROCITY

Sec.

6141. Declaration of policy.
6142. Reciprocity agreements, arrangements and declarations authorized.
6143. Benefits, privileges and exemptions from taxes and fees.
6144. Vehicle registration and licensing.

6145. Proportional registration of fleet vehicles.
6146. Enforcement agreements.
6146.1. Multijurisdictional permit agreement.
6147. Declaration of reciprocity in absence of agreement.
6148. Applicability to leased vehicles.
6149. Automatic reciprocity.
6150. Proportional registration not exclusive.
6151. Suspension of reciprocity benefits.
6152. Form, publication and distribution of documents.
6153. Existing reciprocity agreements unaffected.
6154. Nonreciprocity of operational limitations.

Cross References. Subchapter C is referred to in section 102 of this title.

§ 6141. Declaration of policy.

It is the policy of this Commonwealth to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of reciprocal agreements, arrangements and declarations with other states, provinces, territories and countries with respect to drivers, licensed and vehicles registered in this and other states, provinces, territories and countries, thus contributing to the economic and social development and growth of this Commonwealth.

§ 6142. Reciprocity agreements, arrangements and declarations authorized.

The secretary may execute or make agreements, arrangements and declarations to carry out the provisions of this subchapter and may amend and terminate the agreements, arrangements and declarations.

§ 6143. Benefits, privileges and exemptions from taxes and fees.

The secretary may enter into an agreement or arrangement with the duly authorized representatives of other jurisdictions, granting to drivers or vehicles or owners of vehicles properly licensed or registered in those jurisdictions, and for which evidence of compliance is supplied, benefits, privileges and exemptions from the payment, wholly or partially, of any taxes, fees or other charges imposed upon the drivers, vehicles or owners with respect to the operation or ownership of the vehicles under the laws of this Commonwealth. The agreement or arrangement shall provide that drivers or vehicles properly licensed or registered in this Commonwealth, when operating upon highways of the other jurisdiction, shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as are extended to drivers or vehicles properly licensed or registered in the jurisdiction when operating in this Commonwealth. Each agreement or arrangement shall, in the judgment of the secretary, be in the best interest of this Commonwealth and the citizens thereof and shall be fair and equitable to this Commonwealth and the citizens thereof, and shall be determined on the basis and recognition of the benefits which accrue to the economy of this Commonwealth from the uninterrupted flow of commerce.

§ 6144. Vehicle registration and licensing.

An agreement or arrangement entered into, or a declaration issued, under this subchapter may contain provisions authorizing the registration or licensing in another jurisdiction of vehicles located in or operated from a base in the other jurisdiction which vehicles otherwise would be required to be registered or licensed in this Commonwealth. In such event, the exemptions, benefits and privileges extended by the agreement

or declaration shall apply to the vehicles when properly licensed or registered in the base jurisdiction.

Cross References. Section 6144 is referred to in section 1303 of this title; section 6204 of Title 27 (Environmental Resources).

§ 6145. Proportional registration of fleet vehicles.

If any jurisdiction permits or requires the licensing of fleets of vehicles in interstate or combined interstate and intrastate commerce and payment of registration fees, license taxes or other fixed fees on an apportionment basis commensurate with and determined by the miles traveled on and the use made of the jurisdiction's highways, as compared with the miles traveled on and the use made of another jurisdiction's highways or any other equitable basis of apportionment, and exempts vehicles registered in other jurisdictions under such apportionment basis from the requirements of full payment of its own registration, license or other fixed fees, then the secretary may, by agreement, adopt the exemption with respect to vehicles of such fleets, whether owned by residents or nonresidents of this Commonwealth and regardless of where based. The agreements, under such terms, conditions or restrictions as the secretary deems proper, may provide that owners of vehicles operated in interstate or combined interstate and intrastate commerce in this Commonwealth shall be permitted to pay registration, license or other fixed fees on an apportionment basis, commensurate with and determined by the miles traveled or the use made of the highways of this Commonwealth as compared with the use made of the highways of other jurisdictions or any other equitable basis of apportionment. No agreement shall authorize, or be construed as authorizing, any vehicle so registered to be operated in intrastate commerce in this Commonwealth unless the owner has been granted intrastate authority or rights by the Pennsylvania Public Utility Commission if such grant is otherwise required by law. The secretary may adopt and promulgate such rules and regulations as deemed necessary to effectuate and administer the provisions of this section, and the registration of fleet vehicles under this subchapter shall be subject to the rights, terms and conditions granted by or contained in any applicable agreement, arrangement or declaration made by the secretary.

§ 6146. Enforcement agreements.

The secretary may enter into agreements relating to enforcement of this title, including, but not limited to:

(1) the Driver License Compact and any other agreements to notify any state of violations incurred by residents of that state;

(2) agreements to suspend or revoke the operating privilege of Pennsylvania licensed drivers who are convicted in Federal court or in another state of any offense essentially similar to those enumerated in section 1532(a) and (b) (relating to revocation or suspension of operating privilege);

(3) agreements to disqualify the commercial driving privilege of Pennsylvania licensed drivers convicted in Federal court or in another state of offenses essentially similar to those resulting in disqualification under section 1611 (relating to disqualification);

(4) agreements to establish procedures for the seizure of suspended, revoked or disqualified drivers' licenses of residents of other states; and

(5) agreements to take measures to assure taking of chemical tests of breath, blood or urine and payment of fines or attendance at hearings by persons charged with these or other violations.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990)

Cross References. Section 6146 is referred to in sections 1380, 1533, 1553, 1554 of this title.

§ 6146.1. Multijurisdictional permit agreement.

(a) Multijurisdictional permit agreements authorized.--The secretary and the Pennsylvania Turnpike Commission may execute and enter into agreements on behalf of the Commonwealth with other states and countries to provide for:

(1) The issuance of permits by one signatory state or country on behalf of another for nondivisible overweight or oversize loads, vehicles and combinations which are involved in interstate commerce upon the highways of this Commonwealth and any signatory state or country.

(2) The collection and refund of permit fees and other costs from or to permittees.

(3) The collection and disbursement of permit fees and other funds by one signatory state or country on behalf of another.

(4) The audit of permittees and signatory states or countries to insure compliance with a multijurisdictional permit agreement.

(5) The enforcement of the agreement by one signatory state or country on behalf of another.

(b) Purpose.--Each agreement with another state or country entered into on behalf of the Commonwealth pursuant to this section shall, in the judgment of the secretary, be in the best interests of this Commonwealth and the citizens thereof and shall be fair and equitable to this Commonwealth and the citizens thereof and shall be determined on the basis and recognition of the benefits which accrue to the economy of the Commonwealth from the uninterrupted flow of commerce with due regard for preserving the safety of the motoring public, the orderly movement of traffic and the structural integrity of the highways.

(c) Enforcement.--The secretary and the Pennsylvania Turnpike Commission are authorized to provide for:

(1) The conduct and supervision of the movement of the overweight or oversize loads, vehicles and combinations by the department, the Pennsylvania Turnpike Commission, the Pennsylvania State Police or designated persons when the movement occurs within this Commonwealth or as authorized by the agreement.

(2) The administration and enforcement of provisions set forth in a multijurisdictional permit agreement and the conditions or provisions set forth in any permit issued pursuant to such an agreement.

(3) The suspension, revocation, rescission, cancellation or invalidation of any permittee's rights or privileges.

(d) Implementation.--The secretary and the Pennsylvania Turnpike Commission, in order to implement this section and the provisions of a multijurisdictional permit agreement, shall publish the agreement and relevant rules as a notice in the Pennsylvania Bulletin.

(Apr. 29, 1994, P.L.148, No.25, eff. imd.)

1994 Amendment. Act 25 added section 6146.1.

Cross References. Section 6146.1 is referred to in section 4907 of this title.

§ 6147. Declaration of reciprocity in absence of agreement.

In the absence of an agreement or arrangement with another jurisdiction, the secretary may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in the other jurisdiction, or to the owners of the vehicles, which shall, in the judgment of the secretary, be in the best interest of this Commonwealth and the citizens thereof, and which shall be fair and equitable to this Commonwealth and the citizens thereof, and shall be determined on the basis and recognition of the benefits which accrue to the economy of this Commonwealth from the uninterrupted flow of commerce.

§ 6148. Applicability to leased vehicles.

An agreement or arrangement entered into, or a declaration issued, under the authority of this subchapter may contain provisions under which a leased vehicle properly registered by the lessor may be entitled, subject to terms and conditions stated therein, to the exemptions, benefits and privileges extended by such agreement, arrangement or declaration.

§ 6149. Automatic reciprocity.

If no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this subchapter, any vehicle properly registered or licensed in the other jurisdiction, and for which evidence of compliance is supplied, shall receive, when operated in this Commonwealth, the same exemptions, benefits and privileges granted by the other jurisdiction to vehicles properly registered in this Commonwealth with the same type of registration.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

Cross References. Section 6149 is referred to in section 1303 of this title.

§ 6150. Proportional registration not exclusive.

Nothing contained in this subchapter relating to proportional registration of fleet vehicles shall be construed as requiring any vehicle to be proportionally registered if the vehicle is otherwise registered in this Commonwealth for the operation in which it is engaged including, but not by way of limitation, regular registration, temporary registration, or trip permit or registration.

§ 6151. Suspension of reciprocity benefits.

Agreements, arrangements or declarations made under authority of this subchapter may include provisions authorizing the department to suspend or cancel the exemptions, benefits or privileges granted to a person who violates any of the conditions or terms of such agreements, arrangements or declarations or who violates the laws or regulations of this Commonwealth related to motor vehicles.

§ 6152. Form, publication and distribution of documents.

All agreements, arrangements and declarations, and amendments thereto, shall be in writing and shall be published in compliance with Part II of Title 45 (relating to publication and effectiveness of Commonwealth documents). The department shall provide copies for public distribution upon request.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days)

§ 6153. Existing reciprocity agreements unaffected.

All reciprocity and proportional registration agreements, arrangements and declarations relating to vehicles, in force and effect at the time this subchapter becomes effective, shall

continue in full force and effect until specifically amended or revoked by the secretary.

§ 6154. Nonreciprocity of operational limitations.

(a) General rule.--If any other state with which the department has entered into a reciprocity agreement, including the International Registration Plan, imposes an operational limitation, burden or prohibition upon vehicles with a base jurisdiction of Pennsylvania but not upon vehicles with a base jurisdiction of the other state, the Commonwealth shall impose a like operational limitation, burden or prohibition upon the same class of vehicles that are operating in this Commonwealth but based in the other state. Operational limitations shall include the maximum weight, width, length or height of a vehicle.

(b) Penalty.--A person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $500 and not more than $1,000 for each violation.

(June 22, 2001, P.L.559, No.37, eff. imd.; Jan. 27, 2012, P.L.1, No.1, eff. 60 days)

CHAPTER 63
ENFORCEMENT

Subchapter

A. General Provisions
B. Records of Traffic Cases
C. Pursuit of Vehicles

Enactment. Chapter 63 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Cross References. Chapter 63 is referred to in section 5505 of Title 53 (Municipalities Generally).

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

6301. Prosecutions under local ordinances superseded by title.
6302. Time limitations.
6303. Rights and liabilities of minors.
6304. Authority to arrest without warrant.
6305. Arrest of nonresident.
6306. Costs for summary offenses.
6307. Liability for costs not paid by defendant.
6308. Investigation by police officers.
6308.1. Payment to police or sheriff's office of one-half of reinstatement fee.
6309. Impoundment for nonpayment of fines; vehicles or combinations with a gross vehicle weight rating of 17,001 pounds or more.
6309.1. Impoundment for nonpayment of fines; vehicles or combinations with a gross vehicle weight rating of 17,000 pounds or less.
6309.2. Immobilization, towing and storage of vehicle for driving without operating privileges or registration.
6310. Disposition of impounded vehicles, combinations and loads.
6311. Enforcement authority.
6312. Liquor or malt or brewed beverages.

6313. Enforcement of summary offenses in State park and forest lands.

Cross References. Subchapter A is referred to in section 6506 of this title.

§ 6301. Prosecutions under local ordinances superseded by title.

Except for parking violations, when the same conduct is proscribed under this title and a local ordinance, the charge shall be brought under this title and not under the local ordinance. Prosecutions brought under any local ordinance, rule or regulation, which are based on a violation for which there is a specific penalty provided in this title, except for parking violations, shall be deemed as having been brought under this title and the assessment and disposition of the fines and forfeitures shall be so governed. Local ordinances relating to parking shall prescribe fines for violations and may authorize the payment of penalties in lieu of fines and costs under prescribed conditions.

(Nov. 9, 1977, P.L.226, No.69, eff. imd; Apr. 28, 1978, P.L.202, No.53, eff. 60 days)

1978 Amendment. Act 53 overlooked the amendment by Act 69 of 1977, but the amendments do not conflict in substance and have both been given effect in setting forth the text of the section.

Cross References. Section 6301 is referred to in section 3354 of this title.

§ 6302. Time limitations.

A prosecution for any offense under this title must be commenced within the period limited by Chapter 55 of Title 42 (relating to limitation of time).

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days)

1978 Amendment. Act 53 repealed former section 6302 and added present section 6302.

§ 6303. Rights and liabilities of minors.

(a) General rule.--Except as provided in subsection (b), any person over the age of 16 years charged with the violation of any provisions of this title constituting a summary offense shall have all the rights of an adult and may be prosecuted under the provisions of this title in the same manner as an adult.

(b) Exception.--No person shall be sentenced to a term of imprisonment for a violation of any provisions of this title constituting a summary offense committed while the person was under the age of 18 years.

(Nov. 29, 2004, P.L.1369, No.177, eff. imd.)

Cross References. Section 6303 is referred to in section 6322 of Title 42 (Judiciary and Judicial Procedure).

§ 6304. Authority to arrest without warrant.

(a) Pennsylvania State Police.--A member of the Pennsylvania State Police who is in uniform may arrest without a warrant any person who violates any provision of this title in the presence of the police officer making the arrest.

(b) Other police officers.--Any police officer who is in uniform may arrest without a warrant any nonresident who violates any provision of this title in the presence of the police officer making the arrest.

(c) Other powers preserved.--The powers of arrest conferred by this section are in addition to any other powers of arrest conferred by law.

§ 6305. Arrest of nonresident.

(a) General rule.--Upon arrest of a nonresident for any violation of this title, a police officer shall escort the defendant to the appropriate issuing authority for a hearing, posting of bond or payment of the applicable fine and costs, unless the defendant chooses to place the amount of the applicable fine (or the maximum fine in the case of a variable fine) and costs in a stamped envelope addressed to the appropriate issuing authority and mails the envelope in the presence of the police officer.

(b) Procedure upon payment by mail.--If the defendant mails the amount of the fine prescribed in subsection (a), the defendant shall indicate on an accompanying form whether the payment constitutes a fine based on a plea of guilty or a bond for a hearing based on a plea of not guilty. If the plea is not guilty, the police officer shall notify the issuing authority by telephone and the issuing authority shall schedule a hearing for the following day (excluding Saturdays, Sundays and legal holidays), unless the defendant requests a continuance, in which case a hearing shall be scheduled to accommodate the defendant, the police officer and the issuing authority.

(c) Form of payment.--The amount of the fine and costs may be paid in cash, personal or other check, credit card or guaranteed arrest bond, except that the Administrative Office of Pennsylvania Courts may enlarge or restrict the types of payment which may be made by mail.

(d) Receipt for payment.--Except as otherwise provided or prescribed by law, the police officer shall give the defendant a receipt for the payment, a copy of which shall be mailed with the payment and a copy retained by the police officer.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days)

1978 Amendment. Act 53 amended subsecs. (c) and (d).

§ 6306. Costs for summary offenses.

(a) General rule.--Except as provided in subsection (c), costs for summary offenses shall be established by general rule pursuant to Chapter 17 of Title 42 (relating to governance of the system).

(b) Costs of removing vehicle.--(Reserved).

(c) Parking violations in first class cities.--The costs normally imposed for a summary parking violation of this title or of a parking ordinance shall be waived in the following situations:

(1) When the defendant has been issued a parking ticket and he remits the fine within eight days of the parking ticket's issuance.

(2) When the defendant, who has not been previously issued a parking ticket for the alleged parking violation, has been issued a citation and he remits the fine within eight days of the citation's issuance.

If the fine is remitted by mail, then a remittance postmarked within the eight-day period shall be considered as meeting the requirements of this subsection. The provisions of this subsection shall only be applicable to summary parking violations occurring in cities of the first class.

(Apr. 28, 1978, P.L.202, No.53, eff. 1 year; Feb. 15, 1980, P.L.12, No.8, eff. 60 days)

§ 6307. Liability for costs not paid by defendant.

In any case of prosecution under the provisions of this title in which the defendant is found not guilty or for any other reason costs are not recovered from the defendant, all costs of prosecution shall be paid as provided by Part IV of Title 42 (relating to financial matters).
(Apr. 28, 1978, P.L.202, No.53, eff. 60 days)

§ 6308. Investigation by police officers.

(a) Duty of operator or pedestrian.--The operator of any vehicle or any pedestrian reasonably believed to have violated any provision of this title shall stop upon request or signal of any police officer and shall, upon request, exhibit a registration card, driver's license and information relating to financial responsibility, or other means of identification if a pedestrian or driver of a pedalcycle, and shall write their name in the presence of the police officer if so required for the purpose of establishing identity.

(b) Authority of police officer.--Whenever a police officer is engaged in a systematic program of checking vehicles or drivers or has reasonable suspicion that a violation of this title is occurring or has occurred, he may stop a vehicle, upon request or signal, for the purpose of checking the vehicle's registration, proof of financial responsibility, vehicle identification number or engine number or the driver's license, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

(c) Inspection.--Any police officer or authorized department employee may, during business hours or at any other time in which work is being conducted or work is being performed, inspect any vehicle, or major component part for which records are required to be kept under subsection (d), in any garage or repair shop or on the premises of any dealer, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, salvor, scrap metal processor, or other public place of business which deals in the trade of vehicles or major component parts for the purpose of:

(1) locating stolen vehicles or parts of vehicles or major component parts with identification numbers, Federal certification labels, anti-theft labels or parts stickers removed, altered or falsified; or

(2) inspecting the records required to be kept under subsection (d).

The owner, operator, representative of the owner or operator of the business or other person shall permit any police officer or authorized department employee to make investigations under this subsection.

(d) Records.--

(1) Every salvor, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, scrap metal processor, garage, repair shop and dealer shall keep accurate records of the purchase, acquisition, sale and disposition of vehicles as required under sections 1103.1 (relating to application for certificate of title), 1111 (relating to transfer of ownership of vehicle), 1113 (relating to transfer to or from manufacturer or dealer), 1114 (relating to transfer of vehicle by operation of law), 1119 (relating to application for certificate of title by agent), 1161 (relating to certificate of salvage required), 1162 (relating to transfer to vehicle salvage dealer), 1163 (relating to transfer to scrap metal processor) and 1164 (relating to theft vehicles). The records shall also include a corresponding customer receipt with the vehicle

identification number, make, year and type of vehicle, from whom the vehicle was purchased or acquired, sold to or disposed of, the date, location and place purchased, acquired, sold or disposed of and the amount paid or other tender exchanged for the purchase, acquisition, sale or disposition.

(2) The records shall also include a photocopy of a government-issued form of photo identification from the person towing or selling the vehicle, driver's license number and location from where the vehicle was towed or sold and the business name, address, license number and contact number of the towing company.

(3) The records shall be available on the premises of the salvor, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, scrap metal processor, garage, repair shop and dealer and open to inspection by any police officer or authorized department employee. The records shall be maintained for three years from the date of disposition of the vehicle.

(4) If inspection under subsection (c) reveals stolen vehicles, stolen major component parts, vehicles or major component parts with identification numbers, Federal certification labels, anti-theft labels or parts stickers removed, altered or falsified, any police officer or authorized department employee may seize those vehicles or vehicle parts, records relating to the seized vehicles or vehicle parts and the business, including proof of ownership or operation of the business, as well as any instrumentalities used to facilitate criminal activity.

(d.1) Production to avoid penalty.--No person shall be convicted of failing to have in his possession a driver's license required to be exhibited under subsection (a) or (b) if the person:

(1) produces at the headquarters of the police officer who demanded to see the person's license, within 15 days of the demand, a driver's license valid in this Commonwealth at the time of the demand; or

(2) if a citation has been filed, produces at the office of the issuing authority, within 15 days of the filing of the citation, a driver's license valid in this Commonwealth on the date of the citation.

(e) Penalty.--Any person violating subsection (d) commits a misdemeanor of the third degree.

(July 22, 1983, P.L.122, No.32, eff. imd.; Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; June 19, 1985, P.L.49, No.20, eff. 60 days; Feb. 2, 1990, P.L.2, No.2, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Oct. 25, 2012, P.L.1645, No.203, eff. 60 days)

2012 Amendment. Act 203 amended subsecs. (c) and (d).

2003 Amendment. Act 24 amended subsec. (b).

Cross References. Section 6308 is referred to in sections 1162, 1163, 1786 of this title; section 7706 of Title 18 (Crimes and Offenses).

§ 6308.1. Payment to police or sheriff's office of one-half of reinstatement fee.

The police department or sheriff's office whose officers or deputies seize a suspended or revoked driver's license or vehicle registration shall, in every case where the driver's license or vehicle registration is reinstated, receive from the department one-half of the fee imposed under section 1960

(relating to reinstatement of operating privilege or vehicle registration).
(Feb. 7, 1990, P.L.11, No.6, eff. July 1, 1990)

1990 Amendment. Act 6 added section 6308.1.

§ 6309. Impoundment for nonpayment of fines; vehicles or combinations with a gross vehicle weight rating of 17,001 pounds or more.

(a) General rule.--Upon imposition of a fine in excess of $250 imposed pursuant to section 1301 (relating to registration and certificate of title required), 1371 (relating to operation following suspension of registration), 4107(b) (relating to unlawful activities) or Chapter 49 (relating to size, weight and load), the defendant shall be allowed 24 hours either to obtain the funds and pay the fine and costs of prosecution or to make arrangements with the issuing authority to pay in installments as provided by the Pennsylvania Rules of Criminal Procedure, during which time the defendant's vehicle or combination shall be rendered temporarily inoperable by such police officer, sheriff or constable as the issuing authority shall designate or, in the interest of public safety, such police officer, sheriff or constable shall direct that the vehicle or combination be towed and stored by the appropriate towing and storage agent with prompt notice to the issuing authority. If the defendant neither makes payment nor makes arrangements for payment within the 24-hour period or defaults on such payment, the issuing authority may issue an impoundment order and direct enforcement of the order by a police officer, constable or the appropriate towing and storage agent. In cities of the first class, the issuing authority shall direct enforcement of the impoundment order by the Philadelphia Parking Authority.

(b) Storage.--Upon impoundment, the issuing authority shall forthwith notify the appropriate law enforcement officer of the county in which the violation occurred, who shall store the impounded vehicle or combination. In cities of the first class, notification shall be made to the Philadelphia Parking Authority, which shall store the impounded vehicle or combination.

(c) Notice of impoundment.--Except in cities of the first class, the appropriate law enforcement officer shall give immediate notice by the most expeditious means and by certified mail, return receipt requested, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and the owner of the load and any lienholders if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation. In cities of the first class, the Philadelphia Parking Authority shall give immediate notice by first class mail, proof of mailing, of the impoundment and location of the vehicle or combination to the owner and the lienholder of the vehicle or combination using reasonably available State databases.

(d) Costs.--The costs of the police officer, constable, impoundment official, appropriate law enforcement officer or the Philadelphia Parking Authority, reasonable storage costs and all other reasonable costs incident to seizure and impounding under subsections (a) and (b) shall be recoverable in addition to costs of prosecution.

(e) Recovery of impounded vehicle.--

(1) The owner of any vehicle or combination which has been impounded under this section may obtain possession of the vehicle or combination by:

(i) furnishing proof of valid registration and financial responsibility; and

(ii) paying all fines and costs associated with the impoundment of the vehicle or making arrangements with the appropriate judicial authority to make payments of all fines and costs by installments as provided by the Pennsylvania Rules of Criminal Procedure.

(2) Any vehicle or combination not recovered under this subsection may be sold as an unclaimed vehicle, combination or load under section 6310 (relating to disposition of impounded vehicles, combinations and loads).

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Appropriate towing and storage agent." Either of the following:

(1) In cities of the first class, the Philadelphia Parking Authority or its authorized agent.

(2) In municipalities other than cities of the first class, a towing and storage agent designated by local ordinance.

"Costs." The term shall include reasonable fees.

(June 19, 1985, P.L.49, No.20, eff. 60 days; July 2, 1996, P.L.535, No.93, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. imd.; July 14, 2005, P.L.285, No.50, eff. 60 days)

2005 Amendment. Act 50 amended subsecs. (a), (c), (e)(2) and (f).

§ 6309.1. Impoundment for nonpayment of fines; vehicles or combinations with a gross vehicle weight rating of 17,000 pounds or less.

(a) Applicability.--

(1) This section shall be mandatory in cities of the first class.

(2) This section shall be applicable in municipalities other than counties, and other than cities of the first class, within which the governing body has adopted an ordinance electing to be subject to the provisions of this section.

(b) General rule.--Upon conviction of or entry of a plea of guilty or nolo contendere for one or more of the following offenses and upon imposition of a fine or fines which, separately or together with any other outstanding or unpaid fines imposed for the following offenses, total in excess of $250, the defendant shall be allowed 24 hours either to obtain the funds and pay the fine or fines and costs of prosecution or to make arrangements with the issuing authority to pay in installments as provided by the Pennsylvania Rules of Criminal Procedure, during which time the defendant's vehicle or combination may be rendered temporarily inoperable by such police officer, sheriff or constable as the issuing authority shall designate:

Section 1301 (relating to registration and certificate of title required).

Section 1332 (relating to display of registration plate).

Section 1371 (relating to operation following suspension of registration).

Section 1501 (relating to drivers required to be licensed).

Section 1543 (relating to driving while operating privilege is suspended or revoked).

Section 1786 (relating to required financial responsibility).

Section 7124 (relating to fraudulent use or removal of registration plate).

If the defendant neither makes payment nor makes arrangements for payment within the 24-hour period or defaults upon such payment, the issuing authority may issue an impoundment order for the defendant's vehicle and direct enforcement of the order by a police officer, constable or an impoundment official as authorized by the issuing authority. In cities of the first class, the issuing authority shall direct enforcement of the impoundment order by the Philadelphia Parking Authority.

(c) Storage.--Upon impoundment, the issuing authority shall forthwith notify the appropriate law enforcement officer of the county in which the violation occurred, who shall store the impounded vehicle or combination. In cities of the first class, such notification shall be made to the Philadelphia Parking Authority, which shall store the impounded vehicle or combination.

(d) Notice of impoundment.--Except in cities of the first class, the appropriate law enforcement officer shall give immediate notice by the most expeditious means and by certified mail, return receipt requested, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and any lienholder and, if applicable, any owner of the load, if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation. In cities of the first class, the Philadelphia Parking Authority shall give immediate notice by first class mail, proof of mailing, of the impoundment and location of the vehicle or combination to the owner and the lienholder of the vehicle or combination using reasonably available State databases.

(e) Costs.--The costs of the police officer, constable, impoundment official, appropriate law enforcement officer or Philadelphia Parking Authority, reasonable storage costs and all other reasonable costs incident to seizure and impounding under subsections (b) and (c) shall be recoverable in addition to costs of prosecution.

(f) Recovery of impounded vehicle.--

(1) The owner of any vehicle or combination which has been impounded under this section may obtain possession of the vehicle or combination by:

(i) furnishing proof of valid registration and financial responsibility; and

(ii) paying all fines and costs associated with the impoundment of the vehicle or making arrangements with the appropriate judicial authority to make payments of all fines and costs by installments as provided by the Pennsylvania Rules of Criminal Procedure.

(2) Any vehicle or combination not recovered under this subsection may be sold as an unclaimed vehicle, combination or load under section 6310 (relating to disposition of impounded vehicles, combinations and loads).

(g) Definition.--As used in this section, the term "costs" shall include reasonable fees.

(July 2, 1996, P.L.535, No.93, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. imd.; July 14, 2005, P.L.285, No.50, eff. 60 days)

2018 Correction. Subsec. (g) was not carried with the 2005 amendment of subsecs. (d) and (f)(2). Subsec. (g) is now carried in this publication.

2005 Amendment. Act 50 amended subsecs. (d) and (f)(2).

§ 6309.2. Immobilization, towing and storage of vehicle for driving without operating privileges or registration.

(a) General rule.--Subject to subsection (d), the following shall apply:

(1) If a person operates a motor vehicle or combination on a highway or trafficway of this Commonwealth while the person's operating privilege is suspended, revoked, canceled, recalled or disqualified or where the person is unlicensed, as verified by an appropriate law enforcement officer in cooperation with the department, the law enforcement officer shall immobilize the vehicle or combination or, in the interest of public safety, direct that the vehicle be towed and stored by the appropriate towing and storage agent pursuant to subsection (c), and the appropriate judicial authority shall be so notified.

(2) If a motor vehicle or combination for which there is no valid registration or for which the registration is suspended, as verified by an appropriate law enforcement officer, is operated on a highway or trafficway of this Commonwealth, the law enforcement officer shall immobilize the motor vehicle or combination or, in the interest of public safety, direct that the vehicle be towed and stored by the appropriate towing and storing agent pursuant to subsection (c), and the appropriate judicial authority shall be so notified.

(b) Procedure upon immobilization.--

(1) When a vehicle is immobilized pursuant to subsection (a)(1), the operator of the vehicle may appear before the appropriate judicial authority within 24 hours from the time the vehicle was immobilized. The appropriate judicial authority may issue a certificate of release upon:

(i) the furnishing of proof of registration and financial responsibility by the owner of the vehicle; and

(ii) receipt of evidence that the operator of the vehicle has complied with the pertinent provisions of Title 42 (relating to judiciary and judicial procedure) and this title.

(2) When a vehicle is immobilized pursuant to subsection (a)(2), the owner of the vehicle may appear before the appropriate judicial authority within 24 hours from the time the vehicle was immobilized. The appropriate judicial authority may issue a certificate of release upon:

(i) the furnishing of proof of registration and financial responsibility by the owner of the vehicle; and

(ii) receipt of evidence that the operator of the vehicle has complied with the pertinent provisions of Title 42 and this title.

(3) If a certification of release is not obtained within 24 hours from the time the vehicle was immobilized, the vehicle shall be towed and stored by the appropriate towing and storage agent under subsection (c).

(c) Procedure upon towing and storage.--

(1) Except as provided in paragraph (2), the following steps shall be taken:

(i) The appropriate judicial authority shall notify the appropriate law enforcement officer of the county in which the violation occurred.

(ii) The officer notified under subparagraph (i) shall notify the appropriate towing and storage agent

to tow and store the vehicle or combination and provide notice by the most expeditious means and by first class mail, proof of service, of the towing, storage and location of the vehicle or combination to the owner of the vehicle or combination and any lienholder and, if applicable, the owner of the load, if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation.

(2) In a city of the first class, the following steps shall be taken:

(i) The appropriate judicial authority or appropriate law enforcement officer shall notify the appropriate towing and storage agent.

(ii) The appropriate towing and storage agent shall tow and store the vehicle or combination and provide notice by first class mail, proof of mailing, of the towing, storage and location of the vehicle or combination to the owner and the lienholder of the vehicle or combination using a reasonably available State database.

(d) Recovery of towed and stored vehicle.--

(1) The owner or lienholder of any vehicle or combination which has been towed and stored under this section may obtain possession of the vehicle or combination by:

(i) furnishing proof of valid registration and financial responsibility; and

(ii) (A) if the towing and storage resulted from the operation of the vehicle or combination by the owner, paying all fines and costs associated with the towing and storage of the vehicle or combination and any other than outstanding fines and costs of the owner or making arrangements with the appropriate judicial authority to make payments of all other outstanding fines and costs immediately or, in the discretion of the appropriate judicial authority, by installments as provided by the Pennsylvania Rules of Criminal Procedures; or

(B) if the towing and storage resulted from the operation of the vehicle or combination by a party other than the owner, paying all costs associated with the towing and storage of the vehicle or combination and fines associated with citations issued by the law enforcement officer related to the towing and storage and any other outstanding fines and costs of the owner or making arrangements with the appropriate judicial authority to make payments of all such fines and costs or, in the discretion of the appropriate judicial authority, by installments as provided by the Pennsylvania Rules of Criminal Procedure.

(1.1) In cities of the first class, the appropriate judicial authority shall not issue an order for the release of any vehicle towed and stored pursuant to this section until provisions are made for payment of all fines and penalties associated with violations of any local parking regulation or ordinance or applicable section of this chapter or Chapter 61 (relating to powers of department and local authorities).

(2) Any vehicle not recovered under this subsection may be sold as an unclaimed vehicle, combination or load under section 6310 (relating to disposition of impounded vehicles,

combinations and loads). The proceeds of the sale shall be applied to the payment of the fines and costs associated with the towing and storage of the vehicle.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Appropriate judicial authority." In counties of the first class, the Philadelphia Traffic Court. In all other counties, the magisterial district judge in whose district the violation occurred.

"Appropriate towing and storage agent." In counties of the first class, the Philadelphia Parking Authority or its authorized agent. In other municipalities, a towing and storage agent designated by local ordinance.

"Costs." The term shall include reasonable fees.

(July 2, 1996, P.L.535, No.93; Dec. 10, 1996, P.L.925, No.149, eff. imd.; Oct. 4, 2002, P.L.845, No.123, eff. imd.; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days; July 14, 2005, P.L.285, No.50, eff. 60 days)

2005 Amendment. Act 50 amended subsecs. (a), (c)(2) and (d).

2004 Amendment. Act 207 amended the def. of "appropriate judicial authority" in subsec. (e). See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

Cross References. Section 6309.2 is referred to in section 6506 of this title.

§ 6310. Disposition of impounded vehicles, combinations and loads.

(a) Rights of owner of load.--The title to the load on an impounded vehicle or combination remains in the owner who may repossess the load at any time upon presentation of proof of ownership to the sheriff. If the load spoils during impoundment, the loss shall be on the owner subject to any right of recovery of damages that the owner may have against the owner of the vehicle or combination or against any other party, and the costs of disposition of the load shall be recoverable in addition to the costs of prosecution.

(b) Sale of unclaimed vehicle or load.--In case any impounded vehicle or combination is unredeemed, or the load is unclaimed, for a period of 60 days after notice of impoundment is given, it shall be sold at a public sale by the sheriff upon order of the issuing authority and after ten days' notice of sale to the owners, lienholders or secured parties of the vehicle or load except that, if the sheriff determines it to be necessary to preserve their value, goods which may spoil may be sold in any commercially reasonable manner prior to expiration of the 60-day period and, if impractical to do so, without giving notice to the owners, lienholders or secured parties.

(c) Disposition of proceeds of sale.--The proceeds of sale shall first be applied to the payment of all fines and costs and, secondly, to the payment of the encumbrances. The balance, if any, shall be remitted to the owner.

(d) Sale of unclaimed vehicle or load in cities of the first class.--In case any impounded vehicle or combination is unredeemed, or the load is unclaimed, for a period of 15 days after notice of impoundment is given, it shall be sold at a public sale by the Philadelphia Parking Authority upon order of the issuing authority and after ten days' notice of the sale to the owners, lienholders or secured parties of the vehicle

or load except that, if the Philadelphia Parking Authority determines it to be necessary to preserve their value, goods which may spoil may be sold in any commercially reasonable manner prior to expiration of the 15-day period and, if impractical to do so, without giving notice to the owners, lienholders or secured parties.

(e) Disposition of proceeds of sale in cities of the first class.--The proceeds of sale shall first be applied to the payment of all fines and costs and then to the owner or lienholder, whichever is the first to appear. If not claimed within one year, any remaining proceeds shall be forfeited to the appropriate towing and storage agent for purposes of funding its costs associated with this chapter.

(f) Definition.--As used in this section, the term "costs" shall include reasonable fees.

(June 19, 1985, P.L.49, No.20, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. imd.; July 14, 2005, P.L.285, No.50, eff. 60 days)

2005 Amendment. Act 50 amended subsec. (e).

Cross References. Section 6310 is referred to in sections 6309, 6309.1, 6309.2 of this title; section 3310 of Title 66 (Public Utilities).

§ 6311. Enforcement authority.

If a driver fails or refuses to comply with the requirements of a police officer or qualified Commonwealth employee given pursuant to this title, the police officer or Commonwealth employee shall have authority to take the vehicle into temporary custody for the purpose of inspecting, testing or weighing the vehicle, its equipment, documents or load. In addition to any fine or penalty attributable to the weight, inspection, test or other offense, any driver who fails or refuses to comply commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $500. Any costs incurred in weighing, testing or inspecting shall be paid by the driver to the person or agency incurring the costs or to the issuing authority for payment to the person or agency incurring the costs.

(June 19, 1985, P.L.49, No.20, eff. 60 days; Dec. 16, 1992, P.L.1250, No.166)

1992 Amendment. See section 9 of Act 166 in the appendix to this title for special provisions relating to effective date.

§ 6312. Liquor or malt or brewed beverages.

(a) General rule.--In an action or proceeding under this title or as provided in subsection (b) in which a material element of the offense is that a substance is liquor or a malt or brewed beverage, all of the following apply:

(1) Chemical analysis is not required to prove that the substance is liquor or a malt or brewed beverage.

(2) Circumstantial evidence is sufficient to prove that the substance is liquor or a malt or brewed beverage.

(b) Evidence presented by defendant.--Notwithstanding subsection (a), nothing shall prevent a defendant from presenting evidence that the substance is not liquor or a malt or brewed beverage.

(c) Applicability.--The provisions of subsection (a) shall apply to proceedings under Titles 18 (relating to crimes and offenses) and 42 (relating to judiciary and judicial procedure) and under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

1992 Amendment. Act 174 added section 6312.

§ 6313. Enforcement of summary offenses in State park and forest lands.

(a) General rule.--Notwithstanding any provision of law to the contrary, individuals appointed and commissioned by the Department of Conservation and Natural Resources to preserve order in the State park or State forest lands are specifically authorized to enforce those provisions of this title which designate violations as summary offenses while acting within the State park or State forest lands. The authority includes the power to stop vehicles suspected of summary offenses, to issue citations for summary offenses and, if a vehicle is stopped for a suspected summary offense, to make arrests where evidence appears of additional offenses designated as misdemeanors or felonies.

(b) Construction.--Nothing in this section shall be construed to limit the powers granted these individuals by law.
(June 25, 2001, P.L.701, No.68, eff. imd.)

2001 Amendment. Act 68 added section 6313.

SUBCHAPTER B
RECORDS OF TRAFFIC CASES

Sec.

6321. Records of issuing authorities.
6322. Reports by issuing authorities.
6323. Reports by courts.
6324. Failure to comply with provisions of subchapter.
6325. Department records.
6326. Traffic citation forms (Repealed).
6327. Inspection of records.
6328. Admissibility of department records.

Cross References. Subchapter B is referred to in section 7705 of this title.

§ 6321. Records of issuing authorities.

Every issuing authority shall conform to such procedures and standards with respect to records of proceedings arising under this title as may be prescribed pursuant to Title 42 (relating to judiciary and judicial procedure).
(Apr. 28, 1978, P.L.202, No.53, eff. 2 years)

1978 Amendment. Act 53 added present section 6321 and repealed former section 6321 relating to the same subject matter.

§ 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 prescribed and furnished by the department, of all fines collected, bail forfeited, sentence imposed and final disposition for all cases on violations of any provisions of this title decided by the issuing authority in the semimonthly reporting period just concluded. The statement shall be certified by the issuing authority to be true and correct and shall be forwarded to the department within the following week, with a copy sent to the police department

which filed the charge. Any fines and bail forfeited payable to the Commonwealth under Subchapter E of Chapter 35 of Title 42 (relating to fines, etc.) shall accompany the report to the department.

(2) The report shall include the identifying number of the citation, the name and residence address of the party charged, the driver's license number, the registration number of the vehicle involved, a description of the offense, the section and subsection of the statute or ordinance violated, the date of conviction, the plea, the judgment or whether bail was forfeited, the sentence or amount of forfeiture and such other information as the department may require.

(b) Use of reports by department.--Other than reports of parking convictions, the department shall promptly enter all relevant information contained in the reports in the records of the persons who were not commercial drivers at the time of the violation and shall promptly enter all information contained in the reports in the records of person who were commercial drivers at the time of the violation.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 5, 2005, P.L.100, No.37)

2005 Amendment. Act 37 amended subsec. (b). Section 10(2) of Act 37 provided that Act 37 shall take effect 90 days after publication of a notice in the Pennsylvania Bulletin. The notice was published July 16, 2005, at 35 Pa.B. 4029.

1998 Amendment. Act 151 amended subsec. (a)(2).

Suspension by Court Rule. Section 6322 was suspended by Pennsylvania Rule of Criminal Procedure No. 1101(2), adopted March 1, 2000, insofar as it is inconsistent with Rule 470.

Cross References. Section 6322 is referred to in section 1585 of this title.

§ 6323. Reports by courts.

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) The following shall apply:

(i) The clerk of any court of this Commonwealth, within ten days after final judgment of conviction or acquittal or other disposition of charges under any of the provisions of this title or under section 13 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, including an adjudication of delinquency or the granting of a consent decree, shall send to the department a record of the judgment of conviction, acquittal or other disposition.

(ii) The following shall apply:

(A) The clerk of any court of this Commonwealth shall, by January 1, 2016, send to the department each record of the following, including an adjudication of delinquency or the granting of a consent decree, that was not sent within ten days after final judgment of conviction or acquittal or other disposition:

(I) A judgment of conviction, adjudication of delinquency or a granting of a consent decree under section 13 of The Controlled Substance, Drug, Device and Cosmetic Act.

(II) A judgment of conviction, adjudication of delinquency or a granting of a consent decree under section 1532(c) (relating to suspension of

operating privilege) for a conviction of any offense involving the possession, sale, delivery, offering for sale, holding for sale or giving away of any controlled substance under the laws of the United States, this Commonwealth or any other state.

(B) A filing made under this subparagraph shall be valid for the purposes of this title.

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

(3) The fines and bail forfeited under any of the provisions of this title payable to the Commonwealth under 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.

(5) The record of judgment required to be sent to the department by paragraphs (1) and (2) shall indicate if the court ordered the defendant to a term of prison.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; June 28, 1993, P.L.137, No.33, eff. 60 days; July 2, 1993, P.L.408, No.58, eff. 60 days; Feb. 10, 1994, P.L.20, No.3, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Oct. 27, 2014, P.L.2905, No.189, eff. imd.)

2014 Amendment. Act 189 amended par. (1).

1998 Amendment. Act 151 added par. (5).

Suspension by Court Rule. Section 6323 was suspended by Pennsylvania Rule of Criminal Procedure No. 1101(2), adopted March 1, 2000, insofar as it is inconsistent with Rule 470.

Cross References. Section 6323 is referred to in sections 1553, 1585 of this title.

§ 6324. Failure to comply with provisions of subchapter.

(a) General rule.--Failure, refusal or neglect of any issuing authority or clerk of court to comply with any of the requirements of this subchapter is a summary offense punishable:

(1) For a first offense, by a fine of $100.

(2) For a subsequent offense, by a fine of not less than $200 nor more than $500.

(b) Removal from office.--Conviction shall be grounds for removal from office.

Suspension by Court Rule. Section 6324 was suspended by Pennsylvania Rule of Criminal Procedure No. 1101(2), adopted March 1, 2000, insofar as it is inconsistent with Rule 470.

§ 6325. Department records.

The department shall file all reports and records received under the provisions of this subchapter and shall maintain suitable records or facsimiles of the records.

Suspension by Court Rule. Section 6325 was suspended by Pennsylvania Rule of Criminal Procedure No. 1101(2), adopted March 1, 2000, insofar as it is inconsistent with Rule 470.

§ 6326. Traffic citation forms (Repealed).

1976 Repeal. Section 6326 was repealed December 2, 1976, P.L.1238, No.275, eff. imd.

§ 6327. Inspection of records.

The records of the issuing authority, department and each police department required under this subchapter shall be open for inspection by any police officer or authorized employee of the department, the Department of Justice, the Department of Revenue, the Auditor General and the Court Administrator of the Supreme Court.

§ 6328. Admissibility of department records.

The department may send to any authorized user by electronic transmission any certification of record or abstract of records maintained by the department. Permissible uses shall include, but not be limited to, certifications of driving records and motor vehicle records. The department may also certify electronically any documents certified to it electronically. Authorized users include State and local police, district attorneys, employees of the department and the Office of Attorney General and other persons or entities as determined by the department and listed by notice in the Pennsylvania Bulletin. In any proceeding before the courts or administrative bodies of this Commonwealth, documents certified by the department under this section and offered into evidence by an authorized user shall be admissible into evidence.
(Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

1998 Amendment. Act 151 added section 6328.

SUBCHAPTER C
PURSUIT OF VEHICLES

Sec.

6341. Definitions.
6342. Written policies required.
6343. Pursuit records.
6344. Pennsylvania State Police report.
6345. Liability.

Enactment. Subchapter C was added December 27, 1994, P.L.1337, No.154, effective in 180 days unless otherwise noted.

§ 6341. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commission." The Municipal Police Officers' Education and Training Commission established under the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law.

"Commissioner." The Commissioner of the Pennsylvania State Police.

"Motor vehicle pursuit." An active attempt by a police officer operating a motor vehicle to apprehend one or more occupants of a motor vehicle when the driver of the vehicle is resisting the apprehension by maintaining or increasing his speed or by ignoring the police officer's audible or visual signal to stop.

References in Text. The act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, referred to in the def. of "commission," was repealed by the act of December 19, 1996 (P.L.1158, No.177).

The subject matter is now contained in Subchapter D of Chapter 21 of Title 53 (Municipalities Generally).

§ 6342. Written policies required.

(a) General rule.--Each police department shall develop and implement a written emergency vehicle response policy governing the procedures under which a police officer should initiate, continue and terminate a motor vehicle pursuit. This policy may be the model policy endorsed by a national or state organization or association of police chiefs or police officers. The written policy shall incorporate the guidelines under this section.

(b) Intent of guidelines.--The guidelines under this section are solely intended to direct police departments to maintain pursuit policies and outline the content of those pursuit policies. The guidelines contained in this section are not intended to mandate the actions of individual police officers during any particular pursuit.

(c) Policy guidelines.--Each police department policy shall include, but not be limited to, the following procedural elements:

(1) Decision making criteria or principles for initiation of pursuit. These criteria or principles may include, but not be limited to:

(i) The potential for harm or immediate or potential danger to others if the fleeing individual or individuals escape.

(ii) The seriousness of the offense committed or believed to have been committed by the individual or individuals attempting to flee.

(iii) Safety factors that pose a risk to police officers, other motorists, pedestrians and other persons.

(2) Responsibilities of the pursuing officers.

(3) Responsibilities for the communications center.

(4) Responsibilities of the field supervisor.

(5) Traffic regulations during pursuit, including, but not limited to, the use of emergency equipment, audio signals and visual signals.

(6) Pursuit tactics.

(7) Roadblock usage.

(8) Communication and coordination of pursuit protocol for interjurisdictional pursuit.

(9) Decision making criteria or principles for termination of pursuit. These criteria or principles may include, but not be limited to, safety factors that pose a risk to police officers, other motorists, pedestrians and other persons.

(d) Biennial certification.--The commission shall certify every other year whether each department has a pursuit policy in force. The commission shall provide to the Pennsylvania State Police a list of those municipal police departments that have and have not notified or certified to the commission that that department has a pursuit policy. The biennial certification may be implemented simultaneously with other certifications conducted by the commission.

(e) Policy confidential.--A policy adopted under this section shall be confidential and shall not be made available to the general public.

(f) Limitations.--No police departmental policy may violate or supersede the requirements of section 3105 (relating to drivers of emergency vehicles).

Cross References. Section 6342 is referred to in section 6344 of this title.

§ 6343. Pursuit records.

(a) General rule.--All police departments shall maintain records of all motor vehicle pursuits.

(b) Procedure.--The commissioner, in consultation with the Pennsylvania Chiefs of Police Association and the Fraternal Order of Police, shall develop a reporting mechanism for which all police departments must comply and submit records of all motor vehicle pursuits. The commissioner, with the approval of the commission, shall determine the most efficient and least burdensome procedure for which this reporting requirement shall be carried out. This procedure may be incorporated at the discretion of the commissioner within existing or forthcoming uniform crime reporting functions, including a national incident-based reporting system.

(c) Content.--The report shall include, but not be limited to, the following information:

(1) Reason for pursuit.

(2) Injuries, if any, and to what persons.

(3) Property damage, if any.

(4) Deaths, if any.

(5) Suspect information, including statute violations and apprehension status of the suspect.

(6) Any other information deemed necessary by the commissioner to evaluate and improve pursuit policies.

(d) Implementation.--The commissioner may implement the reporting requirements to coincide with the timing of the implementation of a national incident-based reporting system within this Commonwealth.

Cross References. Section 6343 is referred to in section 6344 of this title.

§ 6344. Pennsylvania State Police report.

(a) Annual report.--The Pennsylvania State Police shall compile pursuit data sent to it by individual police departments on an annual basis. The Pennsylvania State Police shall make an annual report based on Statewide data to the Appropriations Committee, the Transportation Committee and the Judiciary Committee of the Senate, the Appropriations Committee, the Transportation Committee and the Judiciary Committee of the House of Representatives, the Department of Transportation, the Office of Attorney General, the Law and Justice Committee of the Senate and all police departments which contribute to the report.

(b) Contents.--The Statewide report shall include, but not be limited to, the following information:

(1) Statewide totals or averages of information collected under section 6343(b) (relating to pursuit record).

(2) The total number and percentage of pursuits involving accidents.

(3) The total number and percentage of pursuits involving injuries.

(4) The total number and percentage of pursuits involving deaths.

(5) The percentage of fleeing individuals who are charged with nonpursuit-related offenses and a numerically totaled breakdown of those nonpursuit-related charges.

(6) A list of police departments which have not notified or certified to the commission that they have a pursuit policy as required by section 6342 (relating to written policies required).

(c) Submission of annual report.--The Pennsylvania State Police shall submit the first annual report after the first full calendar year of data collection.

§ 6345. Liability.

This subchapter does not increase the liability nor decrease the protection afforded municipalities and their employees under 42 Pa.C.S. Ch. 85 Subch. C (relating to matters affecting government units).

CHAPTER 65
PENALTIES AND DISPOSITION OF FINES

Sec.

6501. Definition of conviction.
6502. Summary offenses.
6503. Subsequent convictions of certain offenses.
6503.1. Habitual offenders.
6504. Inability to pay fine and costs.
6505. Disposition of fines and forfeitures (Repealed).
6506. Surcharge.
6507. Levy and imposition of surcharge in cities of the first class.

Enactment. Chapter 65 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

§ 6501. Definition of conviction.

(a) General rule.--For the purposes of this title a conviction includes a plea of guilty, a plea of nolo contendere, a finding of guilty by a court or an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court.

(b) Payment of fine as guilty plea.--A payment by any person charged with a violation of this title of the fine prescribed for the violation is a plea of guilty.

(c) Certified record of convictions.--For the purpose of this title, a certified record of conviction includes a certified record of conviction from any Federal or state court and a certified record of administrative adjudication from any state. These records or copies of these records shall be admissible in any court of law without any need for further documentation.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990)

1990 Amendment. Act 42 added subsec. (c).

§ 6502. Summary offenses.

(a) Violations of this title.--It is a summary offense for any person to violate any of the provisions of this title unless the violation is by this title or other statute of this Commonwealth declared to be a misdemeanor or felony. Every person convicted of a summary offense for a violation of any of the provisions of this title for which another penalty is not provided shall be sentenced to pay a fine of $25.

(b) Violations of regulations.--It is a summary offense for a person to violate any provision of any regulation promulgated under the authority of this title. A person convicted of violating any provision of a regulation promulgated under the authority of this title shall pay the fine established in the section of this title on which the regulation is based or, if no fine is established in that section of this title, the fine shall be $25.

(c) Title 18 inapplicable.--Title 18 (relating to crimes and offenses), insofar as it relates to fines and imprisonment for convictions of summary offenses, is not applicable to this title.
(July 10, 1984, P.L.679, No.146, eff. 60 days)

Cross References. Section 6502 is referred to in sections 1505, 3592, 3593 of this title.

§ 6503. Subsequent convictions of certain offenses.

(a) General offenses.--Every person convicted of a second or subsequent violation of any of the following provisions shall be sentenced to pay a fine of not less than $200 nor more than $1,000 or to imprisonment for not more than six months, or both:

Section 1543(a) (relating to driving while operating privilege is suspended or revoked) except as set forth in subsection (a.1).

Section 3367 (relating to racing on highways).

Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3748 (relating to false reports).

(a.1) Certain repeat offenses.--A person convicted of a sixth or subsequent offense under section 1543(a) shall be sentenced to pay a fine of not less than $1,000 and to imprisonment for not less than 30 days but not more than six months.

(b) Driving without a license.--Every person convicted of a second or subsequent violation of section 1501(a) (relating to drivers required to be licensed) within seven years of the date of commission of the offense preceding the offense for which sentence is to be imposed shall be sentenced to pay a fine of not less than $200 nor more than $1,000 or to imprisonment for not more than six months, or both.
(July 9, 1986, P.L.544, No.96, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; July 5, 2012, P.L.914, No.93, eff. 60 days)

2012 Amendment. Act 93 amended subsec. (a).

§ 6503.1. Habitual offenders.

A habitual offender under section 1542 (relating to revocation of habitual offender's license) who drives a motor vehicle on any highway or trafficway of this Commonwealth while the habitual offender's operating privilege is suspended, revoked or canceled commits a misdemeanor of the second degree.
(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 added section 6503.1.

§ 6504. Inability to pay fine and costs.

(a) Order for installment payments.--Upon plea and proof that a person is unable to pay any fine and costs imposed under this title, a court may, in accordance with 42 Pa.C.S. § 9758 (relating to fine), order payment of the fine and costs in installments and shall fix the amounts, times and manner of payment.

(b) Imprisonment for nonpayment.--Any person who does not comply with an order entered under this section may be imprisoned for a number of days equal to one day for each $40 of the unpaid balance of the fine and costs.
(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; Oct. 5, 1980, P.L.693, No.142, eff. 60 days; Apr. 11, 1990, P.L.117, No.29, eff. 60 days)

§ 6505. Disposition of fines and forfeitures (Repealed).

1978 Repeal. Section 6505 was repealed April 28, 1978, P.L.202, No.53, effective in 60 days.

§ 6506. Surcharge.

(a) Levy and imposition.--In addition to any fines, fees or penalties levied or imposed as provided by law, under this title or any other statute, a surcharge shall be levied for disposition in accordance with subsection (b) as follows:

(1) Upon conviction for any violation of the provisions of this title or other statute of the Commonwealth, or regulations promulgated under this title, which is a traffic violation and which is not included within the provisions of paragraphs (2) through (7), exclusive of parking offenses, a surcharge of $45.

(2) Upon conviction for a violation of the following provisions of this title, a surcharge of $60:

(i) Section 3306(a)(1) (relating to limitations on driving on left side of roadway).

(ii) Section 3745 (relating to accidents involving damage to unattended vehicle or property).

(3) Upon conviction for a violation of section 3345(a) (relating to meeting or overtaking school bus), a surcharge of $75.

(4) Upon conviction for a violation of section 3362 (relating to maximum speed limits), the following applicable surcharge:

(i) $45 for exceeding the maximum speed limit by 6 to 10 miles per hour or 11 to 15 miles per hour.

(ii) $60 for exceeding the maximum speed limit by 16 to 25 miles per hour.

(iii) $75 for exceeding the maximum speed limit by at least 26 miles per hour.

(5) Upon conviction for violation of section 4902 (relating to restrictions on use of highways and bridges), Subchapter C of Chapter 49 (relating to maximum weights of vehicles) or Subchapter E of Chapter 49 (relating to measuring and adjusting vehicle size and weight), a surcharge of $225.

(6) Upon conviction for violation of Chapter 47 (relating to inspection of vehicles), by the owner or operator or driver of a vehicle which is subject to the provisions of Chapter 49 (relating to size, weight and load), a surcharge of $45.

(7) Upon conviction of offenses under section 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked), 3802 (relating to driving under influence of alcohol or controlled substance) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock), or upon admission to programs for Accelerated Rehabilitative Disposition for offenses enumerated in section 1543(b)(1.1), 3802 or 3808(a)(2), a surcharge, respectively, of:

(i) $75 for the first offense.

(ii) $150 for the second offense.

(iii) $300 for the third offense.

(iv) $450 for the fourth and subsequent offenses.

(8) Upon conviction, in a city of the first class, of any violation of this title, a surcharge of $10.

(9) Upon conviction of any violation of this title in a city of the second class, a surcharge of $10.

The provisions of this subsection shall not apply to any violation committed by the operator of a motorcycle,

motor-driven cycle, pedalcycle, motorized pedalcycle or recreational vehicle not intended for highway use.

(b) Disposition.--

(1) Notwithstanding any other statutory provision:

(i) All surcharges levied and collected under subsection (a)(1) by any division of the unified judicial system shall be remitted to the Commonwealth for deposit in the General Fund.

(ii) All surcharges levied and collected under subsections (a)(2), (3), (4), (5), (6) and (7) by any division of the unified judicial system shall be remitted to the Commonwealth for deposit in the Public Transportation Trust Fund.

(iii) All surcharges levied and collected under subsection (a)(8) and (9) by any division of the unified judicial system shall be remitted to the appropriate towing and storage agent as set forth in section 6309.2(e) (relating to immobilization, towing and storage of vehicle for driving without operating privileges or registration) for purposes of funding its costs associated with Subchapter A of Chapter 63 (relating to general provisions).

(iv) If the fines, fees or penalties are being paid in installments, the surcharge shall be remitted on each installment on a pro rata basis.

(2) (Reserved).

(c) Expiration.--(Repealed).

(July 1, 1989, P.L.115, No.24, eff. July 1, 1989; Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Mar. 20, 2002, P.L.154, No.13, eff. imd.; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Feb. 9, 2004, P.L.65, No.8, eff. 60 days; Dec. 8, 2004, P.L.1791, No.237, eff. 60 days; June 30, 2011, P.L.159, No.26, eff. imd.; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2014)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 6506 is referred to in sections 1798.4, 3111 of this title.

§ 6507. Levy and imposition of surcharge in cities of the first class.

In addition to any fines, fees or penalties levied or imposed as provided by law, under any statute or local ordinance, and upon finding or admission of liability, a surcharge shall be levied on any parking violation notice or citation issued in a city of the first class pursuant to the enforcement and administration of a system of on-street parking in the amount of $1 for disposition to an account created pursuant to 53 Pa.C.S. § 5708(a) (relating to fund) for purposes of funding costs of a parking authority of a city of the first class associated with 53 Pa.C.S. Ch. 57 (relating to taxicabs and limousines in first class cities).

(July 10, 2006, P.L.1086, No.113, eff. imd.)

2006 Amendment. Act 113 added section 6507.

CHAPTER 67

SERVICE OF PROCESS ON NONRESIDENTS

(Repealed)

1978 Repeal. Chapter 67 (§§ 6701 - 6705) was added June 17, 1976, P.L.162, No.81, and repealed April 28, 1978, P.L.202, No.53, effective in 60 days. The subject matter is now contained in Title 42 (Judiciary and Judicial Procedure).

PART VI
MISCELLANEOUS PROVISIONS

Chapter

71. Vehicle Theft and Related Provisions
72. Alternative Fuels (Repealed)
73. Abandoned Vehicles and Cargos
75. Messenger Service
77. Snowmobiles and All-Terrain Vehicles
77A. Operation of Golf Carts
78. Motor Carrier Safety
79. Motorcycles
80. Special Programs
81. Interstate Compacts and Agreements
83. Hazardous Materials Transportation
85. Highly Automated Vehicles
89. Pennsylvania Turnpike
90. Liquid Fuels and Fuels Tax
91. State Highway Maintenance
92. Transfer of State Highways
93. Supplemental Funding for Municipal Highway Maintenance
94. Liquid Fuels and Fuel Use Tax Enforcement
95. Taxes for Highway Maintenance and Construction
96. Motor Carriers Road Tax
97. Department of Transportation Productivity
98. Motorbus Road Tax Credit or Refund
99. Tax Treatment of Certain Organizations

Enactment. Unless otherwise noted, Part VI was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

CHAPTER 71
VEHICLE THEFT AND RELATED PROVISIONS

Subchapter

A. Identification Number
B. Stolen Vehicles
C. Misuse of Documents and Plates
D. Tampering with Odometers

Enactment. Chapter 71 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

SUBCHAPTER A
IDENTIFICATION NUMBER

Sec.

7101. Requirement for identification number.
7102. Removal or falsification of identification number (Repealed).
7103. Dealing in vehicles with removed or falsified numbers (Repealed).
7104. State replacement vehicle identification number plate.
7105. Seizure of vehicles with removed or falsified numbers.

§ 7101. Requirement for identification number.

Every vehicle other than a pedalcycle shall contain a vehicle identification number which shall be placed upon or incorporated into the vehicle in such manner as to be a permanent part of the vehicle.

§ 7102. Removal or falsification of identification number (Repealed).

1998 Repeal. Section 7102 was repealed December 21, 1998, P.L.1086, No.145, effective in 60 days.

§ 7103. Dealing in vehicles with removed or falsified numbers (Repealed).

1998 Repeal. Section 7103 was repealed December 21, 1998, P.L.1086, No.145, effective in 60 days.

§ 7104. State replacement vehicle identification number plate.

(a) General rule.--No vehicle on which the vehicle identification number has been removed or falsified shall be titled or registered without a special permit from the department.

(b) Application for plate.--Before a certificate of title or registration for the vehicle can be obtained, the owner shall apply to the department for a State replacement vehicle identification number plate on a form furnished by the department which shall contain the full name and address of the owner and any other information the department may deem necessary, as certified by a police officer.

(c) Designation on plate.--The State replacement vehicle identification number plate shall contain:

(1) Official department identification.

(2) The manufacturer's vehicle identification number, if known, or a number assigned by the department.

(d) Issuance and display of plate.--The department shall furnish a State replacement vehicle identification number plate which shall be immediately placed on the driver's side inside door post or as designated by the department.

(e) Reconstructed, modified or specially constructed vehicle.--The department may assign a State replacement vehicle identification number plate for a reconstructed, modified or specially constructed vehicle or theft recovery vehicle being brought into the Commonwealth from another state.

(Feb. 14, 1990, P.L.56, No.8, eff. 60 days; Dec. 1, 2004, P.L.1767, No.228, eff. Jan. 1, 2007)

2004 Amendment. Act 228 amended subsecs. (d) and (e).

§ 7105. Seizure of vehicles with removed or falsified numbers.

(a) Duty of police.--Every police officer having knowledge of a vehicle on which the vehicle identification number has been removed or falsified shall immediately seize and take possession of the vehicle and arrest or file a complaint for the arrest of the suspected owner or custodian. In all actions involving seizure or possession of such vehicles, vehicle identification information shall be transmitted to the Federal or other agencies involved in recovery of stolen vehicles.

(b) Proceedings if owner known.--The court, upon petition of the owner or of the person entitled to possession of a seized vehicle, may relinquish custody of the vehicle to the person legally entitled to the vehicle. Any vehicle in the possession or custody of a police officer shall not be released to the owner or person legally entitled to possession of a seized vehicle pursuant to this section until such time as a

replacement vehicle identification number plate has been obtained. Proof of the replacement vehicle identification number must be exhibited to the police officer at the time of release, together with the court order relinquishing custody. The provisions with regard to the securance of a replacement vehicle identification number shall not apply when the vehicle is titled in a foreign state and will be removed from this State immediately upon release. If the foreign vehicle will not be removed immediately, the exception does not apply and a replacement vehicle identification number must be obtained. Except as otherwise provided in this section, the court shall retain in custody the seized vehicle pending prosecution of the person arrested. In case the person is found guilty, the vehicle shall remain in the custody of the court until the fine and costs of prosecution are paid, except that if 90 days have elapsed after the verdict has been rendered and the fine and costs have not been paid, the court shall proceed to advertise and sell the vehicle in the manner provided by law for the sale of personal property under execution. The proceeds from the sale shall be used to pay the fine and costs of prosecution and the balance, if any, shall be forwarded to the department to be transmitted to the State Treasurer for deposit in the Motor License Fund.

(c) Proceedings if owner unknown.--If ownership of the vehicle is not established to the satisfaction of the court, the vehicle shall be confiscated by the court and sold immediately, and the proceeds shall be used to pay the costs of proceedings and the balance, if any, shall be forwarded to the department to be transmitted to the State Treasurer for deposit in the Motor License Fund.

(Feb. 14, 1990, P.L.56, No.8, eff. 60 days)

SUBCHAPTER B
STOLEN VEHICLES

Sec.

7111. Dealing in titles and plates for stolen vehicles.
7112. False report of theft or conversion of vehicle.
7113. Reporting stolen and recovered vehicles.
7114. Records of stolen vehicles.
7115. Application for certificate of title of a stolen vehicle.
7116. Fraudulent removal of vehicle from garage.

§ 7111. Dealing in titles and plates for stolen vehicles.

A person is guilty of a misdemeanor of the first degree if the person with fraudulent intent procures or attempts to procure a certificate of title or registration plate for a vehicle, or passes or attempts to pass a certificate of title or an assignment to a vehicle, knowing or having reason to believe that the vehicle has been stolen.

Cross References. Section 7111 is referred to in sections 1532, 1553 of this title.

§ 7112. False report of theft or conversion of vehicle.

A person is guilty of a misdemeanor of the third degree if the person knowingly makes a false report of the theft or conversion of a vehicle to a police officer or to the department.

§ 7113. Reporting stolen and recovered vehicles.

(a) Stolen vehicle.--Every police department or police office, having knowledge of a stolen vehicle, shall immediately furnish the State Police with full information about the stolen

vehicle. The State Police shall forward the stolen vehicle information to the department.

(b) Recovered stolen vehicle.--Within 48 hours of the recovery or receiving notice of recovery of a stolen vehicle by the department to which the theft was originally reported, the police shall notify the owner of the vehicle. If the vehicle was recovered by a department other than the department to which the theft was originally reported, the department that recovered the vehicle shall promptly notify the department to which the theft was originally reported, which department in turn shall notify the owner. If the vehicle was recovered without their knowledge, the owner shall notify the same police department to which the theft was originally reported. On recovering or receiving and verifying the report of recovery of a stolen vehicle, the police shall notify the State Police. The State Police shall notify the department of the recovery.
(June 25, 1987, P.L.30, No.13, eff. 60 days)

1987 Amendment. Act 13 amended subsec. (b).

Cross References. Section 7113 is referred to in section 7114 of this title.

§ 7114. Records of stolen vehicles.

(a) General rule.--The department shall, upon receiving a report of the theft of a vehicle, make an entry onto the vehicle's record that it has been reported as stolen, which entry shall remain until a report of recovery has been received as provided in section 7113(b) (relating to reporting stolen and recovered vehicles). If the vehicle is not reported as recovered within five years, the department may remove the record from its files.

(b) List of stolen and recovered vehicles.--The department shall prepare periodic reports listing vehicles, stolen and recovered, as disclosed by the reports submitted, to be distributed as provided in regulations promulgated by the department.

Cross References. Section 7114 is referred to in sections 1104, 1306 of this title.

§ 7115. Application for certificate of title of a stolen vehicle.

Upon receipt of an application for a certificate of title of a stolen vehicle, the department shall notify the State Police and the rightful owner and shall withhold the issuing of the certificate of title until the proper investigation is made.

§ 7116. Fraudulent removal of vehicle from garage.

No person shall remove or cause to be removed, by any false pretension or with intent to defraud, any vehicle that has been placed in a garage or automobile shop for storage, repair or garage service.

SUBCHAPTER C
MISUSE OF DOCUMENTS AND PLATES

Sec.

7121. False application for certificate of title or registration.
7122. Altered, forged or counterfeit documents and plates.
7123. Sale or purchase of certificate or other document.
7124. Fraudulent use or removal of registration plate.

§ 7121. False application for certificate of title or registration.

A person is guilty of a misdemeanor of the first degree if the person uses a false or fictitious name or address or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact in an application for a certificate of title or for registration.

Cross References. Section 7121 is referred to in sections 1532, 1553 of this title.

§ 7122. Altered, forged or counterfeit documents and plates.

A person is guilty of a misdemeanor of the first degree if the person, with fraudulent intent:

(1) alters, forges or counterfeits a certificate of title, registration card or plate, inspection certificate or proof of financial responsibility;

(2) alters or forges an assignment of a certificate of title, or an assignment or release of a security interest on a certificate of title or any other document issued or prepared for issue by the department;

(3) has possession of, sells or attempts to sell, uses or displays a certificate of title, registration card or plate, driver's license, inspection certificate proof of financial responsibility or any other document issued by the department, knowing it to have been altered, forged or counterfeited;

(4) obtains or attempts to obtain a certificate of inspection without valid proof of financial responsibility; or

(5) provides a certificate of inspection where there is no valid proof of financial responsibility.

(June 30, 1990, P.L.266, No.63, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

1998 Amendment. Act 151 amended pars. (1), (3), (4) and (5).

Cross References. Section 7122 is referred to in sections 1532, 1553, 4727, 6110.1 of this title.

§ 7123. Sale or purchase of certificate or other document.

It is unlawful to purchase or sell a certificate or any other document issued by the department. Police officers or department representatives may confiscate the documents when unlawfully possessed or used.

§ 7124. Fraudulent use or removal of registration plate.

A person who either removes a registration plate from a vehicle or affixes to a vehicle a registration plate not authorized by law for use on the vehicle, with intent to conceal or misrepresent the identity of the vehicle or its owner, is guilty of a summary offense punishable by a fine of not less than $100 nor more than $500 or imprisonment for not more than 90 days, or both.

Cross References. Section 7124 is referred to in sections 6110.1, 6309.1 of this title.

SUBCHAPTER D
TAMPERING WITH ODOMETERS

Sec.

7131. Legislative findings and definitions.
7132. Prohibited activities relating to odometers.

7133. Permissible activities relating to odometers.
7134. Odometer disclosure requirements.
7135. Odometer mileage statement retention.
7136. Conspiracy to violate odometer requirements.
7137. Violation of Unfair Trade Practices and Consumer Protection Law.
7138. Civil liability.
7139. Penalties.

Enactment. Subchapter D was added June 14, 1983, P.L.16, No.8, effective in 60 days.

§ 7131. Legislative findings and definitions.

(a) Legislative findings.--The General Assembly finds as follows:

(1) Purchasers, when buying motor vehicles, rely heavily on the odometer reading of a motor vehicle as an index of the condition and value of the motor vehicle.

(2) Purchasers are entitled to rely on the odometer reading as an accurate indication of the mileage actually traveled by the motor vehicle. An accurate indication of the true mileage traveled by the motor vehicle assists the purchaser as a guide in determining the safety, reliability and value of the motor vehicle.

(b) Definitions.--The following words and phrases when used in this subchapter shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Dealer." A person engaged in the business of buying, selling or exchanging motor vehicles.

"Motor vehicle auction." A sale transaction conducted by means of oral or written exchanges between an auctioneer and the members of the audience, which exchanges consist of a series of invitations for offers for the purchase of motor vehicles made by the auctioneer and offers to purchase made by members of the audience and culminate in the acceptance by the auctioneer of the highest or most favorable offer made by a member of the participating audience.

"Motor vehicle auction company." A person who, as a part of that person's business, arranges, manages, sponsors, advertises or carries out motor vehicle auctions.

"Odometer." An instrument for measuring and recording the actual distance a motor vehicle travels while in operation. The term does not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

"Person." A natural person, association, partnership, corporation or trust.

"Repair and replacement." To restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.

"Transfer." To change ownership by purchase, gift or any other means.

"Transferee." A person to whom the ownership in a motor vehicle is transferred by purchase, gift or any means other than by creation of a security interest.

"Transferor." A person who transfers his ownership in a motor vehicle by sale, gift or any means other than by creation of a security interest.

(Mar. 21, 1996, P.L.35, No.11, eff. 60 days)

§ 7132. Prohibited activities relating to odometers.

(a) Devices causing improper odometer reading.--No person shall advertise for sale, sell, use or install, or cause to be installed, any device which causes an odometer to register any

mileage other than the true mileage driven which is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

(b) Change of odometer reading.--No person shall disconnect, reset or alter, or cause to be disconnected, reset or altered, the odometer of any motor vehicle with intent to change the number of miles indicated on the odometer.

(c) Operation with disconnected or nonfunctional odometer.--No person shall, with intent to defraud, operate a motor vehicle on any street or highway knowing that the odometer of that vehicle is disconnected or nonfunctional.

(d) Alteration of true mileage statement.--No person shall falsely alter or cause to be falsely altered an acceptable statement of the true mileage of a motor vehicle in an attempt to conceal the true mileage of the motor vehicle. Any alteration of the true mileage of another vehicle shall, as a matter of law, be evidence of intent to defraud under this chapter.
(Mar. 21, 1996, P.L.35, No.11, eff. 60 days)

Cross References. Section 7132 is referred to in section 7136 of this title.

§ 7133. Permissible activities relating to odometers.

(a) General rule.--Nothing in this subchapter prevents the service, repair or replacement of an odometer if the mileage indicated remains the same as before the service, repair or replacement. Where the odometer is incapable of registering the same mileage as before the service, repair or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced.

(b) Prohibitions.--

(1) No person shall fail to adjust an odometer or affix a notice regarding the adjustment as required pursuant to subsection (a).

(2) No person shall, with intent to defraud, remove or alter any notice affixed to a motor vehicle pursuant to subsection (a).

Cross References. Section 7133 is referred to in section 7136 of this title.

§ 7134. Odometer disclosure requirements.

(a) Odometer mileage statement.--Prior to or simultaneously with the execution of any ownership transfer document relating to a motor vehicle, each transferor of a motor vehicle shall furnish to the transferee a statement signed by the transferor containing the following information:

(1) The odometer reading at the time of transfer.

(2) The date of transfer.

(3) The transferor's name and current address.

(4) The transferee's name and current address.

(5) The identity of the vehicle, including its make, year and body type and its complete vehicle identification number.

(6) (i) A certification by the transferor that, to the best of his knowledge, the odometer reading reflects the actual miles or kilometers the vehicle has been driven;

(ii) if the transferor knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit of 99,999 miles or

kilometers, he shall include a statement to that effect; or

(iii) if the transferor knows that the odometer reading differs from the number of miles or kilometers the vehicle has actually traveled and that the difference is greater than that caused by odometer calibration error, he shall include a statement that the odometer reading is not the actual mileage and should not be relied upon.

The transferee shall acknowledge receipt of the disclosure statement by signing it.

(b) Prohibitions.--

(1) No transferor shall violate any provision of this section or give a false statement to a transferee in making any disclosure required by this section.

(2) No transferee shall accept any disclosure required by any provision of this section if the disclosure is incomplete.

(c) Auction sales.--With regard to any motor vehicle whose ownership is transferred through a motor vehicle auction sales transaction, the motor vehicle auction company conducting the sale shall receive from the transferor a copy of the odometer mileage statement which the transferor is required by subsection (a) to provide to the transferee.

(d) Other acceptable disclosure forms.--Either an odometer mileage statement, approved by the United States Secretary of Transportation pursuant to section 1988 of the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, 15 U.S.C. § 1988), or a Pennsylvania ownership transfer document, approved by the department, which includes the odometer disclosure information as prescribed in subsection (a) shall be deemed to satisfy all the requirements for the content and form of odometer mileage statements. Nothing in this subsection shall exempt a dealer or motor vehicle auction company from the provisions of section 7135 (relating to odometer mileage statement retention).

(d.1) Secure power of attorney, licensed dealers.--The department shall permit a licensed dealer to use a secure power of attorney to transfer a vehicle when the certificate of title is encumbered with a lien, the title has been lost by the transferor and the licensed dealer is applying for a duplicate title or the manufacturer certificate of origin for a new vehicle is in possession of the lienholder. Prior to transferring the vehicle, the dealer shall obtain from the transferor a secure power of attorney authorizing the dealer to transfer to the title all information pertaining to odometers that is required to be disclosed by this title and Federal law, in lieu of the transferor providing such information on the certificate of title. In addition to any other documents required by the department, the dealer shall submit to the department the following:

(1) If the transferred vehicle is a retail sale and is to be titled in this Commonwealth, the dealer shall submit the secure power of attorney attached to the application for title, along with the certificate of title and the established fee.

(2) If the transferred vehicle is to be titled outside of this Commonwealth, the dealer shall submit to the department the secure copy of the secure power of attorney attached to a copy of the certificate of title and the established fee.

(3) If the transferred vehicle is to be transferred to another licensed dealer, the first transferor dealer shall submit to the department the secure copy of the secure power of attorney attached to a copy of the certificate of title and the established fee.

Additional transfers between licensed dealers shall be permitted in accordance with section 1113 (relating to transfer to or from manufacturer or dealer). No more than one secure power of attorney shall be utilized with the certificate of title during this authorized transfer process. Upon application for certificate of title, the secure power of attorney utilized to verify odometer information when the vehicle was encumbered with a lien shall be submitted with the certificate of title.

(d.2) Secure power of attorney, insurance companies.--The department shall permit an insurer as defined in section 1702 (relating to definitions) to use a secure power of attorney to transfer a salvage vehicle when the certificate of title is encumbered with a lien, when the title has been lost by the transferor and the insurer is applying for a duplicate title or when the manufacturer certificate of origin for a new vehicle is in possession of the lienholder. The power of attorney need not be notarized and may be signed electronically. The insurer is responsible for ensuring the power of attorney complies with the requirements of 15 U.S.C. § 7001 et seq. (relating to electronic signatures in global and national commerce), the requirements of 49 U.S.C. § 32705 (relating to disclosure requirements on transfer of motor vehicles) and any requirements imposed by the Commonwealth. The department may, at its sole discretion, permit the use of a secure power of attorney as described in this subsection for the transfer of other vehicles in addition to salvage vehicles. If the secretary of the United States Department of Transportation promulgates regulations regarding the use of a power of attorney as described in this subsection, those regulations will supersede this subsection in accordance with 49 U.S.C. § 32705(g).

(d.3) Certification.--Nothing in this section shall require the department to certify an electronic signature process or an electronic signature process vendor before accepting a power of attorney that is executed with an electronic signature.

(d.4) Electronic secure power of attorney.--The department may, at its sole discretion, permit the use of a secure power of attorney signed electronically as described in subsection (d.2) for the transfer of vehicles by licensed dealers.

(e) Exemptions.--A transfer of any of the following types of motor vehicles is exempt from the requirements of this section:

(1) A motor vehicle having a registered gross weight of more than 16,000 pounds.

(2) A motor vehicle 10 years or older.

(3) An implement of husbandry.

(4) Special mobile equipment.

(5) A commercial implement of husbandry.

(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; July 23, 2020, P.L.644, No.64, eff. 90 days)

2020 Amendment. Act 64 amended subsecs. (a), (b)(2) and (d.1) and added subsecs. (d.2), (d.3) and (d.4).

1994 Amendment. Act 115 amended subsec. (d) and added subsec. (d.1).

1992 Amendment. Act 174 amended subsec. (e).

Cross References. Section 7134 is referred to in section 7136 of this title.

§ 7135. Odometer mileage statement retention.

(a) General rule.--Each dealer or motor vehicle auction company who is required by this subchapter to execute or receive an odometer mileage statement shall retain for four years each odometer mileage statement which he receives. He shall also retain for four years a photostat, carbon or other facsimile copy of each odometer mileage statement which he issues. The dealer shall retain each odometer mileage statement at the primary place of business in an order that is appropriate to his business requirements and that permits systematic retrieval. The statement may be reproduced as long as no information or identifying marks such as signatures are lost in the reproduction.

(b) Inspection.--Each dealer or motor vehicle auction company shall make any odometer mileage statement which it has retained available for inspection and copying by law enforcement authorities, the Attorney General or his designee and any district attorney or his designee.

Cross References. Section 7135 is referred to in section 7134 of this title.

§ 7136. Conspiracy to violate odometer requirements.

No person shall conspire with any other person to violate section 7132 (relating to prohibited activities relating to odometers), 7133 (relating to permissible activities relating to odometers) or 7134 (relating to odometer disclosure requirements).

§ 7137. Violation of Unfair Trade Practices and Consumer Protection Law.

A violation of any provision of this subchapter or regulation promulgated thereunder constitutes "unfair methods of competition" and "unfair or deceptive acts or practices" within the meaning of section 2(4) of the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law.

§ 7138. Civil liability.

(a) General rule.--A person who, with intent to defraud, violates any requirement imposed under this subchapter shall be liable in an amount equal to the sum of three times the amount of actual damages sustained or $3,000, whichever is the greater, and, in the case of any successful action to enforce this liability, the costs of the action together with reasonable attorney fees as determined by the court.

(b) Statute of limitations.--An action to enforce any liability created under subsection (a) may be brought by any person within five years from the date on which the liability arises.

(Mar. 21, 1996, P.L.35, No.11, eff. 60 days)

§ 7139. Penalties.

(a) Criminal penalty.--A person who knowingly and willfully commits any act or causes to be done any act that violates any provision of this subchapter or knowingly and willfully omits to do any act or causes to be omitted any act that is required by any such provision commits a felony of the third degree.

(b) Corporate liability for penalty.--Any individual, director, officer or agent of a corporation who knowingly and willfully authorizes, orders or performs any of the acts or practices constituting in whole or in part a violation of any provision of this subchapter commits a misdemeanor of the third degree for the first offense and a misdemeanor of the first

degree for a subsequent offense under this section without regard to any penalties to which that corporation may be subject under subsection (a).
(Mar. 21, 1996, P.L.35, No.11, eff. 60 days)

CHAPTER 72
ALTERNATIVE FUELS
(Repealed)

2004 Repeal. Chapter 72 (§§ 7201 - 7205) was added December 16, 1992, P.L.1250, No.166, and repealed November 29, 2004, P.L.1376, No.178, effective immediately. The subject matter is now contained in the act of November 29, 2004 (P.L.1376, No.178), known as the Alternative Fuels Incentive Act.

CHAPTER 73
ABANDONED VEHICLES AND CARGOS

Subchapter
A. Abandoned Vehicles and Salvors
B. Watercraft Trailer Forfeiture

Enactment. Unless otherwise noted, Chapter 73 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.
Cross References. Chapter 73 is referred to in sections 3352, 3712, 3712.2 of this title.

SUBCHAPTER A
ABANDONED VEHICLES AND SALVORS

Sec.
7301. Authorization of salvors.
7302. Certificate of authorization.
7303. Suspension of authorization.
7303.1. Duty of police and salvors.
7304. Reports to department of possession of abandoned vehicles.
7304.1. Reports and removal of abandoned vehicles within the boundaries of a city of the first class or second class.
7305. Notice to owner and lienholders of abandoned vehicles.
7306. Payment of costs upon reclaiming vehicle.
7307. Authorization for disposal of unclaimed vehicles.
7308. Public sale of unclaimed vehicles with value.
7309. Processing of nonrepairable or salvage vehicles.
7310. Removal of abandoned or presumed abandoned vehicles from roadway.
7311. Reports by garage keepers of abandoned vehicles.
7311.1. Reports by private property owners of abandoned vehicles.
7311.2. Salvors to remove abandoned vehicles in good faith.
7312. Penalty for violation of chapter.

Subchapter Heading. The heading of Subchapter A was added July 7, 2006, P.L.365, No.79, effective in 120 days.

§ 7301. Authorization of salvors.

(a) General rule.--The department shall authorize and shall issue a certificate of authorization to every salvor that complies with the requirements of this chapter and regulations

adopted by the department and is a currently registered vehicle salvage dealer as defined in section 1337(c)(2) (relating to use of "Miscellaneous Motor Vehicle Business" registration plates).

(a.1) Repair or towing business.--The department may authorize and issue a certificate of authorization to a currently registered repair or towing business under section 1337(c)(1) if there is no qualified vehicle salvage dealer in a county.

(b) Unauthorized operation prohibited.--No person shall operate as a salvor unless authorized.

(c) Duty of salvor.--(Deleted by amendment).

(d) Storage facility.--(Deleted by amendment).

(July 11, 1996, P.L.660, No.115, eff. imd.; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

§ 7302. Certificate of authorization.

(a) Application and issuance.--Application for a certificate of authorization shall be made on a form prescribed by the department. The department shall investigate the qualifications and fitness of the applicant and shall issue a certificate of authorization if it determines that the applicant is capable of performing the duties of a salvor in a manner consistent with the public interest.

(b) Place of business.--Every applicant shall have and maintain an established place of business. If the applicant has or intends to have one or more places of business or branch offices, the application shall contain complete information for each location.

(c) Bonding required.--Before issuing a certificate of authorization, the department shall require the applicant to furnish and maintain a bond indemnifying the public and the department in the amount of $10,000. An individual bond for each place of business is not required, but all places of business shall be covered by the bond.

(d) Duration and renewal.--Certificates of authorization shall be issued for a period of one year and shall be subject to annual renewal, including a review of the salvor's status as a vehicle salvage dealer under section 1337(c)(2) (relating to use of "Miscellaneous Motor Vehicle Business" registration plates).

(e) Storage facility.--A salvor shall rent or own a storage facility which shall comply with the act of July 28, 1966 (3rd Sp.Sess., P.L.91, No.4), referred to as the Junkyard and Automotive Recycler Screening Law, where applicable and with regulations promulgated by the department.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

§ 7303. Suspension of authorization.

(a) General rule.--The department shall supervise salvors and, after providing an opportunity for a hearing, shall suspend the authorization of any salvor which the department finds is not properly operated or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. A suspended certificate of authorization shall be returned to the department immediately except an appeal from suspension as provided in subsection (b) shall operate as a supersedeas of any suspension by the department.

(b) Judicial review.--Any person whose certificate of authorization has been denied or suspended under this chapter shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The court shall

set the matter for hearing upon 30 days' written notice to the department and take testimony and examine into the facts of the case and determine whether the petitioner is entitled to a certificate of authorization or is subject to suspension of the certificate of authorization under the provisions of this chapter.
(Apr. 28, 1978, P.L.202, No.53, eff. 60 days)

1978 Amendment. Act 53 amended subsec. (b).
Cross References. Section 7303 is referred to in section 933 of Title 42 (Judiciary and Judicial Procedure).

§ 7303.1. Duty of police and salvors.

(a) Duty of police and authorized personnel.--Police officers or personnel designated by ordinance of a municipality shall process all vehicles presumed to be abandoned. They shall complete an abandoned vehicle information report on a form prescribed by the department on each vehicle declared abandoned. The report shall include the make, model, vehicle identification number, registration plate number, name and address of the owner or person who abandoned the vehicle, if known, and any other information the department may require. The report shall also indicate the vehicle's status as a vehicle with value, a salvage vehicle or a nonrepairable vehicle. The report shall include the name, signature and badge number of the police officer and the name of the respective police department. The report shall serve as an authorized written request for a licensed salvor to remove, possess and further process the abandoned vehicle.

(b) Duty of salvors.--Upon receipt of the written abandoned vehicle information report from any authorized person described in subsection (a), a salvor shall take possession of and remove to the storage facility of the salvor any abandoned vehicle located within 30 miles of the place of business of the salvor. The salvor shall also indicate on the abandoned vehicle information report the vehicle's status as a vehicle with value, a salvage vehicle or a nonrepairable vehicle.
(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 added section 7303.1.
Cross References. Section 7303.1 is referred to in section 7304 of this title.

§ 7304. Reports to department of possession of abandoned vehicles.

Any salvor taking possession of an abandoned vehicle pursuant to section 7303.1 (relating to duty of police and salvors) shall within 48 hours after taking possession send an abandoned vehicle information report to the department. If the report indicates the vehicle is a salvage vehicle, the salvor shall include a photograph of the vehicle to be prepared in a manner prescribed by the department. Any nonrepairable vehicle which does not display an identifiable registration plate, current certificate of inspection and ascertainable vehicle identification number shall be taken into possession and flattened or crushed immediately. There is no requirement to notify the department.
(Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

Cross References. Section 7304 is referred to in section 7309 of this title.

§ 7304.1. Reports and removal of abandoned vehicles within the boundaries of a city of the first class or second class.

(a) General rule.--Any and all vehicles reported abandoned to the police department and/or the appropriate designated municipal agency or department that handles the abandoned vehicle and cargo process shall be investigated within five business days to determine if the reported vehicle is abandoned as defined in section 102 (relating to definitions). Upon the completion of the investigation, any and all reported vehicles that satisfy the requirements of the definition of "abandoned vehicle" shall be officially declared abandoned and removed within ten business days by the police department or by an authorized salvor pursuant to police or municipality directions. Proper notification of the removal of the vehicle shall be sent pursuant to section 7305 (relating to notice to owner and lienholders of abandoned vehicles).

(b) Certain vehicles.--Any and all vehicles found to be abandoned vehicles pursuant to subsection (a) and found to have a vehicle registration and an inspection sticker, both of which are expired for a period exceeding 90 days, shall be removed immediately by the police department or by an authorized salvor pursuant to police or municipality directions. Proper notification of the removal of the vehicle shall be sent pursuant to section 7305.

(c) Applicability.--This section shall apply only to vehicles reported abandoned within the boundaries of a city of the first class or a city of the second class.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 16, 2007, P.L.106, No.33, eff. 60 days)

2007 Amendment. Act 33 amended the section heading and added subsec. (c).

1998 Amendment. Act 151 added section 7304.1.

§ 7305. Notice to owner and lienholders of abandoned vehicles.

(a) General rule.--The department upon receipt of an abandoned vehicle information report shall notify by certified mail, return receipt requested, the last known registered owner of the vehicle and all lienholders of record that the vehicle is being held as abandoned.

(b) Contents of notice.--The notice shall:

(1) Describe the make, model, title number, vehicle identification number and registration plate number of the abandoned vehicle, if known.

(1.1) State the location of the police department that processed the vehicle.

(2) State the location where the vehicle is being held.

(3) Inform the owner and any lienholders of their right to reclaim the vehicle and its contents within 30 days after the date the notice was mailed at the place where the vehicle is being held by the salvor, upon payment of all towing, storage charges, the fee authorized in section 7306 (relating to payment of costs upon reclaiming vehicle) and penalties under section 3712(d)(1) (relating to abandonment and stripping of vehicles).

(4) State that the failure of the owner or lienholder to reclaim the vehicle and its contents is deemed consent by the owner to the destruction, sale or other disposition of the abandoned vehicle and its contents and of all lienholders to dissolution of their liens.

(5) Inform the owner and any lienholders of their right, within 30 days of the mailing date of the notice, to request from the appropriate police department a copy of the abandoned vehicle information report and of their right to a hearing conforming to the requirements of 2 Pa.C.S. Ch. 5

Subch. B (relating to practice and procedure of local agencies). The hearing shall be before a civilian officer or employee of the municipality in which the vehicle was reported as abandoned. If as a result of the hearing it is determined that the vehicle was not abandoned, the owner or lienholder may retrieve the vehicle within 48 hours without payment of any of the fees and penalties under paragraph (3).

(c) Notice by publication.--If the identity of the last registered owner and of all lienholders cannot be determined with reasonable certainty, the contents of the notice set forth in subsection (b) shall be published one time in one newspaper of general circulation in the area where the vehicle was abandoned. The notice may contain multiple listings of abandoned vehicles. Notice by publication locally shall be the responsibility of the salvor. The notice shall have the same effect as notice sent by certified mail.

(Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

Cross References. Section 7305 is referred to in section 7304.1 of this title.

§ 7306. Payment of costs upon reclaiming vehicle.

In the event the owner or lienholder of an abandoned vehicle reclaims the vehicle, the reclaiming party shall pay the costs for towing and storage from the date the salvor submitted the abandoned vehicle report to the department, plus a fee of $50 of which $25 shall be transmitted to the department by the salvor.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

Cross References. Section 7306 is referred to in sections 3352, 7305, 7308 of this title.

§ 7307. Authorization for disposal of unclaimed vehicles.

The department shall, after the expiration of 30 days from the date of notice sent by certified mail to the registered owner and all lienholders of record or 30 days after publication of notice, where applicable, and upon receipt of a written statement from the holder of the vehicle that the abandoned vehicle has not been reclaimed by the owner or lienholder within the 30-day period, authorize the disposal of the abandoned vehicle in accordance with the provisions of this chapter.

§ 7308. Public sale of unclaimed vehicles with value.

(a) General rule.--If an abandoned vehicle having value has not been reclaimed as provided in this chapter, the vehicle shall be sold at a public auction.

(b) Title of purchaser.--The salvor shall give the purchaser a sales receipt and shall apply to the department for an abandoned branded title which shall be free and clear of all previous liens and claims of ownership.

(c) Disposition of proceeds.--From the proceeds of the sale of the abandoned vehicle, the salvor shall be reimbursed for the fee authorized in section 7306 (relating to payment of costs upon reclaiming vehicle) and the costs of towing, storage from the date the salvor submitted the abandoned vehicle report to the department, notice and publication costs and the expenses of auction. The remainder of the proceeds of a sale shall be paid to the department and transmitted to the State Treasurer for deposit in the Motor License Fund.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

§ 7309. Processing of nonrepairable or salvage vehicles.

(a) Application for certificate of salvage.--If an abandoned vehicle is a salvage or nonrepairable vehicle as deemed by a police officer and salvor, the salvor and the police officer shall note that fact in the report to the department required in section 7304 (relating to reports to department of possession of abandoned vehicles) and shall apply for issuance of a certificate of salvage or nonrepairable vehicle as provided for in Subchapter D of Chapter 11 (relating to salvage vehicles, theft vehicles, reconstructed vehicles and flood vehicles).

(b) Notice and issuance of certificate.--If the identity of the last registered owner cannot be determined with reasonable certainty and it is impossible to determine with reasonable certainty the identity and addresses of any lienholder, no notice shall be required. Under such circumstances, the department shall upon receipt of the report by the salvor pursuant to section 7304 issue a certificate of salvage as provided in Subchapter D of Chapter 11.

(c) Reimbursement of expenses of salvor.--Within 60 days of the department's receipt of evidence that a salvor has removed an abandoned vehicle upon the request of a police department, the department shall pay to the salvor from the Motor License Fund the sum of $15 for the expenses incurred in the removal and towing of the abandoned vehicle. No portion of the $15 payment or any separate consideration shall be reimbursed or paid to any government agency or municipality by the salvor.

(d) Rights of owners and lienholders.--Issuance by the department of a certificate of salvage, abandoned branded certificate of title or nonrepairable vehicle certificate for a vehicle processed under this section shall operate as a divestiture of all right, title and interest in the vehicle of the owner and all lienholders and any interest in the contents in the vehicle which have not been claimed by the owner.

(e) Police officers and authorized personnel.--Police officers, authorized personnel, their departments or any government agency or municipality shall not assess or accept payment, consideration of any kind or portions of fees outlined in this chapter from any salvor or person for the processing of abandoned vehicles.

(Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

§ 7310. Removal of abandoned or presumed abandoned vehicles from roadway.

(a) General rule.--Police officers may immediately remove or direct removal of any vehicle abandoned or presumed to be abandoned from any roadway, including the roadway's berm or shoulder, to the nearest point off the roadway where the vehicle will not interfere with or obstruct traffic.

(b) Storage of cargo.--(Deleted by amendment).

(c) Liability for damage or loss.--In carrying out the provisions of this section, no liability shall attach to the police officer or, absent a showing of gross negligence, to any person acting under the direction of the police officer for damage to a presumed abandoned vehicle or damage to or loss of any portion of the contents of the vehicle.

(d) Removal from Pennsylvania Turnpike System.--Notwithstanding the other provisions of this section, any vehicle on the Pennsylvania Turnpike System presumed to be abandoned as defined in section 102 (relating to definitions) shall immediately be removed by or at the direction of the Pennsylvania State Police to the contract garage providing

service for that area. In all cases, the Pennsylvania State Police shall remove or direct the removal of any such vehicle within 24 hours of the time of the vehicle's presumption of abandonment.
(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Dec. 8, 2004, P.L.1791, No.237, eff. 150 days)

§ 7311. Reports by garage keepers of abandoned vehicles.

The person in charge of any garage or repair shop in which a vehicle of unknown ownership has been left for a period of 15 consecutive days or, in the case of repair or storage, 15 consecutive days following the completion of repairs or storage agreement without being removed by the owner or any other person duly authorized to remove the vehicle shall report to the department within 24 hours of the expiration of the 15-day period giving the make, vehicle identification number, registration plate number and the name and address of the person abandoning the vehicle if known. Upon receipt of the report the department shall make a distinctive record of the report and issue a private property abandoned vehicle information report under section 7311.1 (relating to reports by private property owners of abandoned vehicles) to the garage keeper to complete and file with the police.
(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

§ 7311.1. Reports by private property owners of abandoned vehicles.

(a) Removal of abandoned vehicles.--

(1) A person on whose private property is located a vehicle which has remained on the property without the consent of the property owner or his agent for more than 24 hours may authorize the removal or processing of the vehicle.

(2) Prior to removal or processing of the vehicle, that person shall file a report, on a multipart form prescribed by the department, with the local police department declaring that an unauthorized vehicle has been left unattended and on private property for at least 24 hours. One part of such report shall be retained by that person, and the other part shall be filed with the police department.

(3) The police department shall, within five business days, process the vehicle as abandoned under this chapter and attach a copy of the report to the abandoned vehicle information report.

(b) Salvors.--

(1) An unauthorized vehicle that has been left unattended and on private property includes a vehicle towed to a salvor's property that has remained on the salvor's property for a period of 20 days.

(2) After the 20-day period, the salvor may file a report as provided under subsection (a). If the salvor elects to file a report, the salvor shall retain and process the vehicle for which the report has been filed.
(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Nov. 4, 2016, P.L.1277, No.165, eff. imd.)

Cross References. Section 7311.1 is referred to in section 7311 of this title.

§ 7311.2. Salvors to remove abandoned vehicles in good faith.

When requested to remove an abandoned vehicle, no salvor shall relocate and subsequently abandon the vehicle. The salvor shall move the vehicle to a facility for the purpose of storage of abandoned vehicles or another place as directed by the police or approved by the department.
(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 added section 7311.2.

Cross References. Section 7311.2 is referred to in section 7312 of this title.

§ 7312. Penalty for violation of chapter.

(a) Fines and imprisonment.--Any person violating any of the provisions of this chapter is guilty of a summary offense, punishable:

(1) For a first offense, by a fine of $100.

(2) For a subsequent offense, by a fine of not less than $200 nor more than $500 or imprisonment for not more than 90 days, or both.

(a.1) Specific violation.--In addition to any other criminal or civil penalties provided for in this title or in department regulations, any salvor who violates section 7311.2 (relating to salvors to remove abandoned vehicles in good faith) shall be fined not less than $1,000 nor more than $10,000, one-half to be paid to the department and the other one-half to be paid to the municipality where the vehicle was abandoned.

(b) Suspension.--For violation of any of the provisions of this chapter, the salvor shall be subject to suspension of the privilege to receive abandoned vehicles under this chapter. (Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

SUBCHAPTER B
WATERCRAFT TRAILER FORFEITURE

Sec.

7321. Scope of subchapter and legislative intent.
7322. Definitions.
7323. Liens.
7324. Notification by watercraft trailer dealer.
7325. Responsibility of department.
7326. Publication.
7327. Redemption.
7328. Forfeiture.
7329. Rights acquired by good faith purchaser.
7330. Other remedies.
7331. Construction.

Enactment. Subchapter B was added July 7, 2006, P.L.365, No.79, effective in 120 days.

Cross References. Subchapter B is referred to in section 5331 of Title 30 (Fish).

§ 7321. Scope of subchapter and legislative intent.

(a) General rule.--This subchapter covers forfeitures of watercraft trailers left in the possession of watercraft trailer dealers.

(b) Legislative intent.--It is the intent of the General Assembly that this subchapter act in concert with 30 Pa.C.S. Ch. 53 Subch. C (relating to boat and marine forfeiture).

(c) Applicability.--

(1) The provisions of this subchapter shall only apply to a watercraft trailer with a resale value based upon established industry standards equal to or less than the maximum amount set forth in this subsection.

(2) The maximum amount for the year 2006 shall be $1,000. Thereafter, the maximum amount shall be fixed annually by the department based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the

United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The maximum amount as adjusted shall be rounded to the nearest multiple of $5.

(3) The department shall give notice of the new maximum amount by publication in the Pennsylvania Bulletin in the third publication in March of each year.

§ 7322. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Customer." A person who contracts for the services of a watercraft trailer dealer concerning a boat, related equipment or a watercraft trailer.

"Terminal date." Either of the following:

(1) In the case of any repair, remanufacture, restoration, alteration, cleaning or storage, absent a written agreement to the contrary, the term means the date upon which a bill is mailed or otherwise provided to the customer for a completed repair, remanufacture, restoration, alteration, cleaning or storage for a boat, related equipment or watercraft trailer.

(2) In the case of consignment or brokerage, the term means the last date under the brokerage or consignment contract or agreement.

"Watercraft trailer." A trailer designed or used to transport watercraft.

"Watercraft trailer dealer." A person registered with the department as a watercraft trailer dealer in accordance with section 1337 (relating to use of "Miscellaneous Motor Vehicle Business" registration plates).

Cross References. Section 7322 is referred to in section 5332 of Title 30 (Fish).

§ 7323. Liens.

A watercraft trailer dealer shall have a lien, dependent upon possession, on a watercraft trailer for the balance due the watercraft trailer dealer for any repair, remanufacture, restoration, alteration, storage, cleaning, consignment or brokerage of a boat, any related equipment or a watercraft trailer. The watercraft trailer dealer may retain possession of a watercraft trailer until the charges are paid.

§ 7324. Notification by watercraft trailer dealer.

(a) General rule.--If a customer does not claim possession of a watercraft trailer within 30 days of the terminal date, a watercraft trailer dealer may initiate the forfeiture procedure by sending written notice on the same day by certified mail, return receipt requested, to the department and the customer.

(b) Notice to the customer.--Notice to the customer shall be mailed to the address designated in writing by the customer or, if not so designated, to the last known address of the customer. If a watercraft trailer dealer sends notice to the customer pursuant to 30 Pa.C.S. § 5334 (relating to notice for boats and related equipment), the watercraft trailer dealer may send the notice required by this section in the same mailing.

(c) Notice to the department.--Notice to the department shall be made on a form approved by the department.

(d) Content of notice.--The notice shall contain the following:

(1) The name and address of the watercraft trailer dealer.

(2) A description of the watercraft trailer, including any registration plate number and vehicle identification number.

(3) Notice that the watercraft trailer dealer intends to terminate the rights, title and interest of the owner and lienholder in the watercraft trailer by operation of law in accordance with this subchapter.

(4) The amount which must be paid to the watercraft trailer dealer to redeem the watercraft trailer as of the date of the notice.

(5) The telephone number of the watercraft trailer dealer.

Cross References. Section 7324 is referred to in sections 7325, 7327 of this title; sections 5334, 5335 of Title 30 (Fish).

§ 7325. Responsibility of department.

(a) General rule.--Upon receipt of the notice specified in section 7324 (relating to notification by watercraft trailer dealer), the department shall send by certified mail, return receipt requested, a notice containing the information set forth in section 7324(d)(1), (2) and (3) to the last known owner and all lienholders of record.

(b) Watercraft trailers from other states.--If the watercraft trailer displays a registration plate or other identifying indicia evidencing that the watercraft trailer is titled or registered in another state, the department shall use databases to which it has access to ascertain the name and address of the owner and lienholders of record.

(c) Notice to watercraft trailer dealers.--The department shall notify the watercraft trailer dealer:

(1) upon mailing notice to the owner and lienholders; or

(2) after conclusion of a reasonable investigation, that the department has been unable to determine the name and address of any lienholder or owner.

Cross References. Section 7325 is referred to in section 7326 of this title.

§ 7326. Publication.

(a) General rule.--At any time after the date the watercraft trailer dealer receives notice from the department pursuant to section 7325 (relating to responsibility of department), the watercraft trailer dealer shall publish a notice, once a week for two consecutive weeks, in a newspaper of general circulation published in the county where the watercraft trailer dealer is located, describing the watercraft trailer and any identifying number.

(b) Contents of notice.--The notice shall include information that all rights, title and interest in the watercraft trailer shall be transferred to a watercraft trailer dealer by operation of law unless the watercraft trailer is redeemed within 30 days of the date of the second publication. This notice may be combined with a publication of notice pursuant to 30 Pa.C.S. § 5337 (relating to publication for boats and related equipment).

Cross References. Section 7326 is referred to in sections 7327, 7328 of this title; sections 5337, 5338 of Title 30 (Fish).

§ 7327. Redemption.

(a) Notice.--Upon request of the customer, any lienholder or the owner of a watercraft trailer, the watercraft trailer dealer shall provide the amount necessary under subsection (b), at the time of the request, to redeem the watercraft trailer.

(b) Charges and expenses.--Prior to the forfeiture of a watercraft trailer under this subchapter, the customer, any lienholder or the owner of the watercraft trailer may pay the amount necessary to satisfy:

(1) All charges due the watercraft trailer dealer for the repair, remanufacture, restoration, alteration, storage, cleaning, consignment or brokerage of the watercraft trailer.

(2) Reasonable expenses associated with the mailing of notices under section 7324 (relating to notification by watercraft trailer dealer) and the publication of notice under section 7326 (relating to publication).

(c) Return of property.--Upon payment of all charges and expenses under subsection (b), the watercraft trailer dealer shall return the watercraft trailer to the customer, lienholder or owner and shall thereafter have no liability to any person with respect to the watercraft trailer dealer.

§ 7328. Forfeiture.

A watercraft trailer that is not redeemed within 30 days of the second publication under section 7326 (relating to publication) is deemed forfeited to the watercraft trailer dealer, and any prior right, title or interest in the watercraft trailer is terminated. The watercraft trailer dealer shall make application for a certificate of title to the department.

§ 7329. Rights acquired by good faith purchaser.

A purchaser in good faith of a watercraft trailer sold by a watercraft trailer dealer after forfeiture under this subchapter takes the watercraft trailer free of all liens and encumbrances despite noncompliance by the watercraft trailer dealer with the requirements of this subchapter.

§ 7330. Other remedies.

The provisions of this subchapter are in addition to any and all other remedies available to a watercraft trailer dealer. This subchapter shall not foreclose any other remedies available to a watercraft trailer dealer at law or in equity.

§ 7331. Construction.

Nothing in this subchapter shall be construed to authorize a watercraft trailer dealer to transfer any right, title or interest in a watercraft trailer in violation of section 307 of the Servicemembers Civil Relief Act (Public Law 108-89, 50 App. U.S.C. § 537) or 51 Pa.C.S. § 4105 (relating to exemption from civil process).

CHAPTER 75
MESSENGER SERVICE

Sec.

7501. Authorization of messenger and agent services.
7502. Certificate of authorization (Deleted by amendment).
7502.1. Supersession.
7503. Suspension of authorization (Deleted by amendment).
7503.1. Bond required.
7504. Place of business (Deleted by amendment).
7504.1. Agent duties and responsibilities.
7505. Transaction of business with department.
7506. Violations and penalties.
7507. Certified checks may be required.
7508. Nonperformance.

7509. Messenger and Agent Advisory Committee.

Enactment. Chapter 75 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Cross References. Chapter 75 is referred to in section 1959 of this title.

§ 7501. Authorization of messenger and agent services.

(a) General rule.--The department shall enter into contracts for messenger and agent services.

(b) Unauthorized operation prohibited.--No person shall operate a messenger or agent service without a valid contract.

(c) Penalty.--Any person operating a messenger or agent service without a valid contract is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $500.
(Dec. 9, 2002, P.L.1278, No.152)

2002 Amendment. Act 152 amended the entire section, effective in six months as to subsec. (a) and two years as to the remainder of the section.

§ 7502. Certificate of authorization (Deleted by amendment).

2002 Amendment. Section 7502 was deleted by amendment December 9, 2002, P.L.1278, No.152, effective in six months.

§ 7502.1. Supersession.

(a) Regulations.--Regulations pertaining to messengers and agents regarding the amount of a bond, hearings, written warnings, suspensions, revocations or fines shall not apply to messengers and agents who enter into contracts with the department to provide messenger or agent services.

(b) Previous authorization.--Any certificate of authorization previously issued to a person to provide messenger or agent services shall be invalid 30 days after the effective date of this section.

(c) Commonwealth employees ineligible.--No official or employee of the Commonwealth shall be eligible to enter into a contract with the department to own or operate a messenger or agent service nor shall a messenger or agent service employ an official or employee of the Commonwealth. Nothing in this subsection prohibits the department from entering into an agreement with another government agency to allow the agency to provide agent services for its own use.
(Dec. 9, 2002, P.L.1278, No.152)

2002 Amendment. Act 152 added section 7502.1, effective in six months as to subsecs. (a) and (c) and two years as to subsec. (b).

§ 7503. Suspension of authorization (Deleted by amendment).

2002 Amendment. Section 7503 was deleted by amendment December 9, 2002, P.L.1278, No.152, effective in two years.

§ 7503.1. Bond required.

Before entering into a contract with any person to act as a messenger or agent service, the department shall require a person to furnish and maintain a bond indemnifying the public and the department in an amount specified by the department.
(Dec. 9, 2002, P.L.1278, No.152, eff. 6 months)

2002 Amendment. Act 152 added section 7503.1.

§ 7504. Place of business (Deleted by amendment).

2002 Amendment. Section 7504 was deleted by amendment December 9, 2002, P.L.1278, No.152, effective in two years.

§ 7504.1. Agent duties and responsibilities.

(a) General rule.--An agent shall faithfully abide by and comply with all laws pertaining to the issuance of temporary registration plates and cards.

(b) Return or surrender of temporary registration cards and plates.--

(1) An agent who discontinues the business shall, within five days of discontinuance, return to the department all temporary registration cards and plates in the agent's possession. The department shall make appropriate refunds under paragraph (3).

(2) An agent whose contract has been terminated shall surrender all registration cards and plates in the agent's possession as directed by the department or its designee.

(3) The fee paid by an agent for a temporary registration plate shall be refunded to the agent upon the return of the plate if the plate is accompanied by the appropriate form provided by the department except when the contract to operate as an agent is terminated. The department shall deduct $25 from the refund to cover processing of the request for refund.

(c) Seizure of registration plates.--Designated department employees and designees of the department may seize temporary registration plates and related documents from a messenger or agent who does not have a contract with the department to provide agent services.

(d) Display of sign and certificate.--Every messenger or agent service shall display on the outside of each place of business an identifying sign conforming to regulations of the department and shall prominently display within each place of business its certificate of authorization. No person other than an authorized messenger or agent service shall display a similar identifying sign or certificate.

(Dec. 9, 2002, P.L.1278, No.152, eff. 6 months)

2002 Amendment. Act 152 added section 7504.1.

§ 7505. Transaction of business with department.

The department may designate those locations, facilities and hours of operation at which messenger or agent services may transact business with the department. Every messenger or agent service with whom a contract has been signed pursuant to this chapter shall be permitted to transact business with the department at the locations and facilities and during the hours of operation designated by the department. The department may prescribe such regulations as may be necessary for the administration of this chapter.

(Dec. 9, 2002, P.L.1278, No.152, eff. 2 years)

§ 7506. Violations and penalties.

A person violating any provision of this chapter or the rules and regulations promulgated thereunder for which a specific penalty is not provided is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $100.

(Dec. 9, 2002, P.L.1278, No.152, eff. 6 months)

§ 7507. Certified checks may be required.

The department may, in its discretion, require certified checks, postal or other money orders or cash from a messenger or agent service after a default in the payment of checks or drafts of the messenger or agent service.

(Dec. 9, 2002, P.L.1278, No.152, eff. imd.)

2002 Amendment. Act 152 added section 7507.

§ 7508. Nonperformance.

(a) Nonperformance factors.--It shall not be a breach of contract by a messenger or agent service if the department determines that the failure to timely submit an application, taxes or fees was the result of:

(1) an act of God;

(2) criminal or fraudulent action by an employee of the messenger or agent service which was unknown and could not have been prevented by the messenger or agent service unless the department determines that the messenger or agent service, or an employee of the messenger or agent service, altered the date of the purchase of a vehicle upon an application;

(3) a failure by a lienholder to forward a title as required by section 1135 (a)(1) (relating to satisfaction of security interest) provided the lienholder received prompt satisfaction; or

(4) criminal, fraudulent or negligent action by a messenger service of the department if the agent and messenger service are not controlled by the same person and the agent submitted the application, taxes or fees to the messenger service within 15 days of receipt by the agent service.

(b) Burden of proof.--A messenger or agent service has the burden to prove the existence of subsection (a)(1), (2), (3) or (4). The messenger or agent service shall also prove that its submission was in accordance with business practices requiring prompt submission of applications, taxes or fees to the department.

(Dec. 9, 2002, P.L.1278, No.152, eff. 6 months)

2002 Amendment. Act 152 added section 7508.

§ 7509. Messenger and Agent Advisory Committee.

(a) Purpose.--The Messenger and Agent Advisory Committee, consisting of 13 members, shall be created by the department to develop contract language and propose regulations governing messenger and agent services.

(b) Membership.--The advisory committee shall consist of the following members:

(1) One member appointed by the Governor from names submitted by each of the following organizations to represent the messenger and agent services industries and the needs of the motoring public:

(i) The Pennsylvania AAA Federation.

(ii) The Pennsylvania Automotive Association.

(iii) The Pennsylvania Association of Notaries.

(iv) The Pennsylvania Independent Auto Dealers Association.

(v) The Pennsylvania Association of Auto License Brokers.

(2) Two members from the general public appointed by the Governor.

(3) The Secretary of Transportation or the secretary's designee.

(4) The Commissioner of the Pennsylvania State Police or the commissioner's designee.

(5) The chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives.

(c) Meetings.--The advisory committee shall meet from time to time as necessary to resolve issues pertaining to development of contract language and proposal of regulations. The first meeting shall take place within 60 days of the effective date of this section.

(d) Termination.--The advisory committee shall terminate upon the department's issuance of proposed regulations governing messenger and agent services.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 added section 7509.

CHAPTER 77
SNOWMOBILES AND ALL-TERRAIN VEHICLES

Subchapter

A. General Provisions
B. Certificates of Title, Registration and Permits
C. Operation
D. Equipment
E. Miscellaneous Provisions

Enactment. Chapter 77 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Chapter Heading. The heading of Chapter 77 was amended July 11, 1985, P.L.220, No.56, effective in 60 days.

Transfer of Powers. Section 308(c) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise the powers and duties vested in the Department of Environmental Resources by Chapter 77.

Regulations. Section 12 of Act 68 of 2001 provided that the Department of Conservation and Natural Resources shall promulgate regulations necessary to enforce the amendment of Chapter 77.

Special Provisions in Appendix. See section 3 of Act 97 of 2016 in the appendix to this title for special provisions relating to use of accounts.

Cross References. Chapter 77 is referred to in section 1302 of this title; sections 3571, 3573 of Title 42 (Judiciary and Judicial Procedure).

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

7701. Short title of chapter.
7702. Definitions.
7703. Applicability of chapter.
7704. Rules and regulations.
7705. Records and reports.
7706. Restricted accounts.

§ 7701. Short title of chapter.

This chapter shall be known and may be cited as the Snowmobile and All-Terrain Vehicle Law.

(July 11, 1985, P.L.220, No.56, eff. 60 days)

§ 7702. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"All-terrain vehicle" or **"ATV."** A motorized off-highway vehicle which travels on three or more tires and which has:

(1) a maximum width of 50 inches and a maximum dry weight of 1,200 pounds; or

(2) a width which exceeds 50 inches or a dry weight which exceeds 1,200 pounds.

An ATV described in paragraph (1) may be referred to as a Class I ATV, and an ATV described in paragraph (2) may be referred to as a Class II ATV. This term does not include snowmobiles, trail bikes, motorboats, golf carts, aircraft, dune buggies, automobiles, construction machines, trucks or home utility machines; military, fire, emergency and law enforcement vehicles; implements of husbandry; multipurpose agricultural vehicles; vehicles used by the department; or any vehicle that is or is required to be registered under Chapter 13 (relating to registration of vehicles). In addition, this term does not include off-road motor vehicles used exclusively as utility vehicles for agricultural or business operations and incidentally operated or moved upon the highway.

"Cowling." (Deleted by amendment).

"Dealer." A person engaged in the business of selling snowmobiles or all-terrain vehicles at wholesale or retail who is registered or required to be registered under section 7711 (relating to registration of dealers).

"Department." The Department of Conservation and Natural Resources of the Commonwealth.

"Head lamp." A major lighting device used to provide general illumination ahead of a vehicle.

"Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Low-pressure tire." (Deleted by amendment).

"Snowmobile." An engine-driven vehicle which is all of the following:

(1) Is designed to travel over snow or ice.

(2) Has an endless belt track or tracks.

(3) Is steered by a ski or skis.

(4) Has an overall width of 48 inches or less.

The term does not include a farm tractor, construction equipment, military vehicle, vehicle with inflatable tires or machinery used strictly for the grooming of snowmobile trails. The term includes vintage snowmobiles.

"Street." A highway, other than an alley, within the corporate limits of a political subdivision.

"Tail lamp." A device to designate the rear of a vehicle by a warning light.

"Vintage snowmobile." A snowmobile that is at least 25 years old and is not operated in this Commonwealth except at vintage snowmobile events.

"Vintage snowmobile event." An organized ride or rally for owners and operators of vintage snowmobiles, for which a permit has been issued under section 7718(a) (relating to vintage snowmobile permits) and carried and exhibited in compliance with section 7718(b) and which meets all of the following conditions:

(1) It is open to the public and publicized as such.

(2) It takes place on a specified date or dates and within a specified start and end time.

(3) It takes place on a designated trail with a specified beginning and end point.

(July 11, 1985, P.L.220, No.56, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. imd.; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; July 5, 2012, P.L.1000, No.113, eff. 120 days; July 2, 2014, P.L.999, No.111, eff. 60 days; July 11, 2022, P.L.1596, No.92, eff. 60 days)

2022 Amendment. Act 92 amended the def. of "all-terrain vehicle" or "ATV."

2012 Amendment. Act 113 amended the def. of "snowmobile" and added the defs. of "vintage snowmobile" and "vintage snowmobile event."

Cross References. Section 7702 is referred to in section 3722 of this title.

§ 7703. Applicability of chapter.

This chapter does not apply to law enforcement officers while engaged in the performance of their official duties.

§ 7704. Rules and regulations.

The department may promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter.

§ 7705. Records and reports.

The provisions of Subchapter B of Chapter 63 (relating to records of traffic cases) relating to records and reports shall be applicable to proceedings under this chapter.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days)

1978 Amendment. Act 53 repealed former section 7705 relating to disposition of fines and penalties and added present section 7705.

§ 7706. Restricted accounts.

(a) Deposit and use of moneys.--

(1) The ATV Management Restricted Account and the Snowmobile Management Restricted Account are established in the State Treasury. The department shall deposit the following into the appropriate restricted account:

(i) all moneys received from the registration of and issuance of certificates of title for snowmobiles and ATV's and from the issuance of vintage snowmobile permits;

(ii) all revenue from the sale of any publications or services relating to snowmobiles and ATV's;

(iii) all fines, penalties, fees and costs assessed and collected as a result of enforcement activities conducted by the department's law enforcement personnel under this chapter related to violations attributed to ATV's shall be deposited in the ATV Management Restricted Account;

(iv) all fines, penalties, fees and costs assessed and collected as a result of enforcement activities conducted by the department's law enforcement personnel under this chapter related to violations attributed to snowmobiles shall be deposited in the Snowmobile Management Restricted Account; and

(v) all refunds of gas taxes generated under section 9017(d.1) (relating to refunds) shall be deposited in the two restricted accounts on a proportional basis of the activity that generated those taxes.

(2) The department shall draw moneys from the respective restricted accounts for use in performing any activities necessary to carry out the purposes of this chapter, including registration and certificate of title activities,

training, education, enforcement activities, construction and maintenance of snowmobile and ATV trails and acquisition of equipment, supplies and interests in land. All moneys deposited in these accounts shall remain in them to be used as specified in this section. With the exception of trails used by both snowmobiles and ATV's, under no circumstances shall the department expend any moneys from the accounts except for the activity that generated those accounts.

(3) The provisions of 42 Pa.C.S. § 3573(b)(2) (relating to municipal corporation portion of fines, etc.) notwithstanding, when prosecution under this chapter is the result of local police action, all fines, penalties, fees and costs assessed as a result of such prosecution shall be payable to the municipal corporation under which the local police are organized.

(b) Grant-in-aid.--The department shall, upon written application and subsequent approval, grant money from the restricted accounts:

(1) To municipalities, profit and nonprofit organizations in connection with snowmobile and ATV use on lands not owned by the Commonwealth for the following:

(i) Plans, specifications and engineering surveys.

(ii) Fees and costs related to the preparation or performance of right-of-way lease agreements.

(iii) Land acquisition.

(iv) Construction, maintenance and rehabilitation of trails and other facilities for snowmobiles and ATV's.

(2) To municipalities and profit and nonprofit organizations for equipment, training and education activities relating to snowmobile and ATV use.

(3) To profit and nonprofit organizations for the maintenance, rehabilitation and construction of snowmobile and ATV trails on land owned by the Commonwealth.

(b.1) Regulations.--No later than 60 days from the effective date of this subsection, the department shall promulgate regulations necessary to implement the provisions of subsection (b). The department shall promulgate the regulations in a manner that is separate from regulations pertaining to any other grant program administered by the department. The department's regulations shall include a semiannual approval grant process.

(c) Audit of moneys.--The restricted accounts shall be audited every two years. Copies of the audit shall be provided to the Snowmobile and ATV Advisory Committee, the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives. Copies shall also be posted and maintained on the department's publicly accessible Internet website.

(d) Annual report.--An annual report on income and expenditures from the restricted accounts shall be posted and maintained on the department's publicly accessible Internet website and provided to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.

(e) Definition.--For purposes of this section, "all-terrain vehicle" or "ATV" shall also include any self-propelled vehicle which is manufactured for sale or operation primarily on off-highway trails or off-highway competition and only incidentally operated on public highways. This term shall not include a snowmobile or other self-propelled vehicles manufactured for off-highway use exclusively designed for travel on snow or ice, steered by skis or runners and supported in

whole or in part by one or more skis, belts or cleats which utilize an endless belt tread.
(June 29, 1979, P.L.56, No.24, eff. July 1, 1979; July 11, 1985, P.L.220, No.56, eff. 60 days; Dec. 12, 1986, P.L.1562, No.170, eff. 60 days; July 10, 1990, P.L.356, No.83, eff. 60 days; Aug. 5, 1991, P.L.238, No.26, eff. imd.; June 25, 2001, P.L.701, No.68, eff. 120 days; July 5, 2012, P.L.1000, No.113, eff. 120 days; July 20, 2016, P.L.837, No.97, eff. 60 days)

2016 Amendment. See section 3 of Act 97 of 2016 in the appendix to this title for special provisions relating to use of accounts.

Cross References. Section 7706 is referred to in section 9017 of this title.

SUBCHAPTER B
CERTIFICATES OF TITLE, REGISTRATION AND PERMITS

Sec.

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7718. Vintage snowmobile permits.

Subchapter Heading. The heading of Subchapter B was amended July 5, 2012, P.L.1000, No.113, effective in 120 days.

§ 7711. Registration of dealers.

(a) General rule.--A person who is in the business of selling snowmobiles or ATV's in this Commonwealth shall register with the department as a dealer. A person who is in the business of selling snowmobiles or ATV's outside this Commonwealth may register with the department as a dealer.

(b) Issuance.--Upon receipt of an application upon a form prescribed and furnished by the department which shall contain information reasonably required by the department and which shall be accompanied by the required fee, the department shall issue to a dealer:

(1) An annual dealer registration certificate containing a dealer registration number and expiration date.

(2) Three annual dealer registration plates displaying the expiration date of the dealer registration.

(3) Three annual dealer plate registration cards displaying the expiration date of the dealer registration.

(c) Registration not transferable.--A dealer registration certificate, dealer registration plate and dealer plate registration card are not transferable.

(d) Expiration of registration.--A dealer registration certificate, dealer registration plate and dealer plate registration card expire effective the day after the expiration date displayed on them. A dealer registration certificate, dealer registration plate or dealer plate registration card that has expired is not valid.

(e) Use of dealer registration plates.--A dealer may operate or permit to be operated within this Commonwealth a snowmobile or ATV owned by or in the possession of the dealer if:

(1) A valid dealer registration certificate issued to the dealer under this section is displayed conspicuously in the dealer's place of business.

(2) The operator carries a valid dealer registration card issued to the dealer under this section.

(3) There is displayed on the snowmobile or ATV in a manner prescribed by the department a valid dealer registration plate issued to the dealer under this section.

(4) The snowmobile or ATV is operated only for the purpose of demonstration or testing in connection with the dealer's business.

(July 11, 1985, P.L.220, No.56, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. 120 days)

Cross References. Section 7711 is referred to in sections 7702, 7711.1, 7712.2, 7715.1 of this title.

§ 7711.1. Registration of snowmobile or ATV.

(a) General rule.--Except as otherwise provided in subsection (f), it is unlawful for a person to operate or for an owner to permit another person to operate a snowmobile or an ATV unless:

(1) There is carried on the snowmobile or ATV a valid registration certificate issued therefor pursuant to subsection (b).

(2) There is displayed on the snowmobile a registration decal, or on the ATV a registration plate, issued therefor pursuant to subsection (b).

(3) The display of the registration decal or plate is in the manner prescribed by the department.

(4) There is displayed on the snowmobile or ATV a valid expiration sticker issued therefor pursuant to subsection (b).

(5) The display of the expiration sticker is in the manner prescribed by the department.

(b) Issuance.--Upon receipt of an application therefor upon a form prescribed and furnished by the department which shall contain information reasonably required by the department and which shall be accompanied by the required fee, the department shall issue to the owner of a snowmobile or ATV:

(1) A biennial registration certificate containing the registration number for the snowmobile or ATV and the expiration date of the registration.

(2) A registration decal displaying the registration number for a snowmobile or a registration plate displaying the registration number for an ATV.

(3) A biennial expiration sticker displaying the expiration date of the registration.

(c) Temporary registration.--Temporary registration for a period not to exceed 45 days may be issued by a dealer as prescribed by the department. Proof of temporary registration shall be carried and displayed as prescribed by the department.

(d) Expiration of registration.--

(1) Except as provided in paragraph (2), a registration certificate and an expiration sticker shall expire effective the day after the expiration date appearing on the registration certificate and expiration sticker.

(2) Upon transfer of ownership of a snowmobile or ATV during a registration period, the registration certificate and expiration sticker shall expire. The transferor shall, within 15 days from the date of transfer, return to the department the registration certificate with the date of transfer and the name and address of the new owner endorsed on the back. If the transferor applies for registration of a different snowmobile or ATV and pays the required transfer fee, the transferor may be issued in the name of the transferor a registration certificate and expiration sticker for that snowmobile or ATV for the remainder of the registration period without payment of a registration fee. The registration decal or plate shall not be removed from a snowmobile or ATV upon transfer to the new owner and is invalid until the new owner is issued a registration certificate or limited registration certificate for the snowmobile or ATV.

(3) An expired general registration certificate and an expired expiration sticker are invalid.

(e) Suspension or revocation.--If a person violates this chapter or is convicted of any offense under this chapter, the department may suspend or revoke a registration certificate and an expiration sticker. A suspended or revoked registration certificate or expiration sticker is invalid.

(f) Exemptions from registration.--Subsection (a) does not apply if:

(1) The snowmobile or ATV is owned by or in the possession of a dealer who has been issued a dealer registration certificate, dealer registration plates and dealer plate registration cards under section 7711 (relating to registration of dealers), the dealer is in compliance with section 7711 and the snowmobile or ATV is used in accordance with section 7711.

(2) The snowmobile or ATV is owned and used by the United States or another state or a political subdivision thereof, in which case the snowmobile or ATV shall display the name of the owner in a manner prescribed by the department.

(3) The snowmobile or ATV is operated on land owned or leased by the owner or operator of the snowmobile or ATV and it is not operated elsewhere within this Commonwealth.

(4) The owner of the snowmobile or ATV is not a resident of this Commonwealth and the operator presents proof that the snowmobile or ATV has been properly registered in another jurisdiction that exempts from its registration requirements persons who have obtained proper registration under this chapter.

(5) The snowmobile is a vintage snowmobile.

(June 25, 2001, P.L.701, No.68, eff. 120 days; July 5, 2012, P.L.1000, No.113, eff. 120 days)

2012 Amendment. Act 113 added subsec. (f)(5).
2001 Amendment. Act 68 added section 7711.1.
Cross References. Section 7711.1 is referred to in sections 7711.2, 7715.2, 7752 of this title.

§ 7711.2. Limited registration of snowmobile or ATV.

(a) General rule.--It is unlawful for a person to operate or for an owner to permit another person to operate a snowmobile or ATV identified in section 7711.1(f)(3) (relating to registration of snowmobile or ATV) unless:

(1) A limited registration certificate has been issued therefor pursuant to subsection (b).

(2) There is displayed on the snowmobile a valid registration decal or on the ATV a valid registration plate issued pursuant to subsection (b).

(3) The display of the registration decal or plate is in the manner prescribed by the department.

(b) Issuance.--Upon receipt of an application therefor upon a form prescribed and furnished by the department which shall contain information reasonably required by the department, the department shall issue to the owner of a snowmobile or ATV for which limited registration is required under subsection (a):

(1) A limited registration certificate containing the registration number for the snowmobile or ATV.

(2) A registration decal displaying the registration number for a snowmobile or a registration plate displaying the registration number for an ATV.

(c) Temporary limited registration.--Temporary limited registration for a period not to exceed 45 days may be issued by a dealer as prescribed by the department. Proof of temporary limited registration shall be displayed as prescribed by the department.

(d) Transfer of ownership.--Upon transfer of ownership of a snowmobile or ATV for which a limited registration certificate has been issued, the limited registration certificate shall become invalid. The transferor shall, within 15 days from the date of transfer, return to the department the limited registration certificate with the date of transfer and the name and address of the new owner endorsed on the back. The registration decal or plate shall not be removed from the snowmobile or ATV upon transfer to the new owner and is invalid until the new owner obtains a registration certificate or limited registration certificate for the snowmobile or ATV.

(e) Suspension or revocation.--If a person violates this chapter or is convicted of any offense under this chapter, the department may suspend or revoke a limited registration certificate. A suspended or revoked limited registration certificate is invalid.

(June 25, 2001, P.L.701, No.68, eff. 120 days)

2001 Amendment. Act 68 added section 7711.2.
Cross References. Section 7711.2 is referred to in section 7752 of this title.

§ 7712. Registration of snowmobiles and registration and issuance of certificates of title for ATV's (Repealed).

2001 Repeal. Section 7712 was repealed June 25, 2001, P.L.701, No.68, effective in 120 days.

§ 7712.1. Certificate of title for snowmobile or ATV.

(a) General rule.--Except as otherwise provided in subsection (b), an owner of a snowmobile or ATV which is in

this Commonwealth and for which no certificate of title has been issued shall apply to the department for a certificate of title.

(b) Exemptions from titling.--No certificate of title is required for:

(1) A snowmobile or ATV that was registered prior to the effective date of this section.

(2) A snowmobile or ATV owned by the United States unless a general registration certificate has been issued therefor.

(3) A new snowmobile or ATV owned by a dealer before and until sale.

(4) A snowmobile or ATV owned by a nonresident of this Commonwealth and not required by law to be registered in this Commonwealth.

(5) A snowmobile or ATV owned by a resident of this Commonwealth and required by law to be registered in another state, based and used principally outside of this Commonwealth and not required by law to be registered in this Commonwealth.

(c) Contents of application.--Application for a certificate of title shall be made upon a form prescribed and furnished by the department and shall contain a full description of the snowmobile or ATV, date of purchase, the name and address of the owner, a statement of the title of applicant, together with any other information or documents the department requires to identify the snowmobile or ATV and to enable the department to determine whether the owner is entitled to a certificate of title.

(d) Signing and filing of application.--Application for a certificate of title shall be made within 15 days of the sale or transfer of a snowmobile or ATV or its entry into this Commonwealth from another jurisdiction, whichever is later. The application shall be accompanied by the required fee and any tax payable by the applicant under the laws of this Commonwealth in connection with the acquisition or use of a snowmobile or ATV or evidence to show that the tax has been paid or collected. The application shall be signed and verified by oath or affirmation by the applicant if a natural person; in the case of an association or partnership, by a member or a partner; and in the case of a corporation, by an executive officer or person specifically authorized by the corporation to sign the application.

(e) ATV's purchased from dealers or manufacturers.--(Deleted by amendment).

(f) ATV's not requiring certificate of title.--(Deleted by amendment).

(g) Registration without certificate of title prohibited.--Except as provided in subsection (b), the department shall not issue a registration certificate or limited registration certificate for a snowmobile or ATV or a vintage snowmobile permit for a vintage snowmobile unless a certificate of title has been issued by the department to the owner or an application for a certificate of title has been delivered by the owner to the department.

(h) Refusing issuance of certificate of title.--The department may refuse issuance of a certificate of title if it has reasonable grounds to believe any one of the following:

(1) A required fee has not been paid.

(2) Any taxes payable under the laws of this Commonwealth on or in connection with, or resulting from the

acquisition or use of, the snowmobile or ATV have not been paid.

(3) The applicant is not the owner of the snowmobile or ATV.

(4) The application contains a false or fraudulent statement.

(5) The applicant has failed to furnish required information or documents or any additional information the department reasonably requires.

(i) Suspension and cancellation of certificate of title.--(Deleted by amendment).

(j) Transfer of ownership of snowmobile or ATV.--

(1) Upon the sale or transfer of ownership of a snowmobile or ATV within this Commonwealth, the owner shall execute an assignment and warranty of title to the transferee in the space provided on the certificate of title or as the department prescribes, sworn to before a notary public or other officer empowered to administer oaths, and deliver the certificate to the transferee at the time of the delivery of the snowmobile or ATV.

(2) Except as otherwise provided in section 7715.1 (relating to snowmobile or ATV purchased from dealer), the transferee shall, within 15 days of the assignment of the certificate of title, apply for a new title by forwarding to the department the certificate of title executed as required by paragraph (1), a properly completed application for certificate of title, sworn to before a notary public or other officer empowered to administer oaths, and such other forms as the department may require.

(k) Penalty.--A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced:

(1) For a first offense, to pay a fine of $100 and costs of prosecution.

(2) For a subsequent offense, to pay a fine of not less than $300 nor more than $1,000 and costs of prosecution.

(Dec. 12, 1986, P.L.1562, No.170, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. 120 days; July 5, 2012, P.L.1000, No.113, eff. 120 days)

2012 Amendment . Act 113 amended subsec. (g).

Cross References. Section 7712.1 is referred to in section 7712.2 of this title.

§ 7712.2. Transfer to or from dealer.

(a) Transfer to dealer.--If a dealer acquires a snowmobile or ATV for the purpose of resale, a certificate of title need not be applied for as provided for in section 7712.1 (relating to certificate of title for snowmobile or ATV), but the dealer shall, within seven days from the date of acquisition, forward to the department, upon a form prescribed and furnished by the department, notification of the acquisition of the snowmobile or ATV.

(b) Execution and display of notice of transfer.--A dealer making notification pursuant to subsection (a) shall execute at least three copies of the notification, the original of which shall be forwarded to the department, one copy to accompany the snowmobile or ATV in any subsequent transfer and one copy to be retained by the dealer for at least one year after a subsequent transfer, to be exhibited, with the assigned certificate of title, upon request of a police officer or authorized department employee.

(c) Transfer from dealer.--Except as otherwise provided in subsection (a), if a dealer transfers the dealer's interest in a snowmobile or ATV:

(1) The dealer shall execute an assignment and warranty of title to the transferee in the space provided on the certificate of title or as the department prescribes.

(2) The transferee shall complete the application for certificate of title in the name of the transferee, sworn to before a notary public or other officer empowered to administer oaths.

(3) The dealer shall forward to the department the certificate of title executed as required by paragraph (1), a properly completed application for certificate of title and such other forms as the department may require within 15 days of the transfer.

(d) Exception for repossessed snowmobiles or ATV's.--This section does not apply to a snowmobile or ATV repossessed upon default of performance of a lease, contract of conditional sale or similar agreement.

(e) Penalty and suspension or revocation of dealer registration.--A dealer who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $50. If a dealer violates this section, the department may suspend or revoke the registration issued under section 7711 (relating to registration of dealers).

(Dec. 12, 1986, P.L.1562, No.170, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. 120 days)

§ 7712.3. Transfer of snowmobile or ATV by operation of law.

(a) General rule.--If the interest of an owner in a snowmobile or ATV passes to another other than by voluntary transfer, the transferee shall, except as otherwise provided, promptly mail or deliver to the department the last certificate of title, if available, and shall apply for a new certificate of title on a form prescribed and furnished by the department. The application shall be accompanied by such instruments or documents of authority, or certified copies thereof, as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.

(b) Transfer to surviving spouse.--Transfer of a certificate of title to a surviving spouse, or a person designated by the spouse, may be made without the necessity of filing for letters of administration, notwithstanding the fact that there are minor children surviving the decedent, if the surviving spouse files an affidavit that all debts of the decedent have been paid.

(c) Surrender of certificate.--A person holding a certificate of title, whose interest in a snowmobile or ATV has been extinguished or transferred other than by voluntary transfer, shall immediately surrender the certificate of title to the person to whom the right to possession of the snowmobile or ATV has passed. Upon request of the department, such person shall mail or deliver the certificate to the department. Delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate.

(Dec. 12, 1986, P.L.1562, No.170, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. 120 days)

§ 7712.4. Correction of certificate of title.

(a) General rule.--When a certificate of title has been issued in error to a person not entitled to it or contains incorrect information, or information has been omitted from the certificate, the department shall notify in writing the person to whom the certificate has been issued or delivered, and such

person shall return the certificate within 48 hours, together with any other information necessary for the adjustment of the department records, and upon receipt of the certificate, the department shall cancel the certificate and issue a corrected certificate.

(b) Change in material information on certificate.--If any material information on the certificate of title is changed or different from the information originally set forth, the owner shall immediately inform the department and apply for a corrected certificate. For the purposes of this subsection, a change of address is not deemed material.

(c) Seizure of certificate on conviction.--Upon summary conviction for violation of this section, the department may delegate authority to a department employee or police officer to seize the certificate of title.

(Dec. 12, 1986, P.L.1562, No.170, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. 120 days)

§ 7712.5. Issuance of new certificate following transfer.

(a) Voluntary transfer.--The department, upon receipt of a properly assigned certificate of title with an application for a new certificate of title, the required fee and any other required documents and articles, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first secured party named in the certificate or, if none, to the owner.

(b) Involuntary transfer.--The department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, on a form prescribed and furnished by the department together with proof satisfactory to the department of the transfer, the required fee and any other required documents and articles, shall issue a new certificate of title in the name of the transferee as owner.

(c) Filing and retention of surrendered certificate.--The department shall file and retain for five years a surrendered certificate of title, or a copy, in such a manner as to permit the tracing of title of the snowmobile or ATV.

(Dec. 12, 1986, P.L.1562, No.170, eff. 60 days; June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 25, 2001, P.L.701, No.68, eff. 120 days)

2001 Amendments. Act 68 overlooked the amendment by Act 18, but the amendments do not conflict in substance and have both been given effect in setting forth the text of section 7712.5.

§ 7712.6. Suspension and cancellation of certificate of title.

(a) Return of new snowmobile or ATV.--The department may cancel the certificate of title issued for a new snowmobile or ATV if it is shown by satisfactory evidence that the snowmobile or ATV has been returned to the dealer from whom obtained.

(b) Snowmobile or ATV sold to nonresidents.--The department may cancel a certificate of title for a snowmobile or ATV sold to a resident of another state or foreign country if the snowmobile or ATV is to be registered in the other jurisdiction.

(c) Surrender of Pennsylvania certificate in other jurisdiction.--The department, upon receipt of notification from another state or foreign country that a certificate of title issued by the department has been surrendered by the owner in conformity with the laws of the other state or foreign country, may cancel the certificate of title.

(d) Surrender of foreign certificate to department.--If an owner surrenders a certificate of title from another state or foreign country to the department, the department may notify the state or foreign country so that the certificate of title

may be canceled or otherwise disposed of in accordance with the law of the other jurisdiction.

(e) Conviction for misstatement of facts.--The department, upon receipt of certification from the clerk of a court showing conviction for a misstatement of facts on an application for an original or duplicate certificate of title or a transfer of a certificate of title, shall suspend the certificate of title and require that it be returned to the department within ten days of notice by the department, whereupon the department may cancel it.

(f) Nonpayment of fee.--The department may suspend or cancel a certificate of title when a check received in payment of the fee is not paid on demand or when the fee for the certificate is unpaid and owing.

(g) Security interest unaffected by suspension or cancellation.--Suspension or cancellation of a certificate of title does not, in itself, affect the validity of a security interest noted on the certificate.

(h) Surrender of certificate.--The department may request the return of a certificate of title which has been suspended or canceled. The owner or person in possession of the certificate of title shall, within ten days of the date of request by the department, mail or deliver the certificate to the department.

(Dec. 12, 1986, P.L.1562, No.170, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. 120 days)

§ 7712.7. Application for certificate of title by agent.

(a) Authorization to apply.--No person may apply for a certificate of title on behalf of another person unless authorization to do so is in effect and is verified by oath or affirmation of the other person, made, except as between lessors and fleet owners as lessees, not more than 15 days before the application is received by the department. A lessor may authorize a fleet owner to apply for a certificate of title for a leased snowmobile or ATV for a period of up to one year.

(b) Certificate not to be assigned in blank.--No person may apply for, or assign or physically possess, a certificate of title, or direct or allow another person in his employ or control to apply for, or assign or physically possess, a certificate of title, unless the name of the transferee is placed on the assignment of certificate of title simultaneously with the name of the transferor and duly notarized.

(c) Persons authorized to hold certificate.--No person may receive, obtain or hold a certificate of title recorded in the name of another person for the other person who is not in the regular employ of, or not a member of the family of, the other person, unless the person receiving, obtaining or holding the certificate of title has a valid undischarged security interest recorded in the department against the snowmobile or ATV represented by the certificate of title.

(d) Penalty.--A person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $100 and costs of prosecution.

(Dec. 12, 1986, P.L.1562, No.170, eff. 60 days; June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 25, 2001, P.L.701, No.68, eff. 120 days)

2001 Amendments. Act 68 overlooked the amendment by Act 18, but the amendments do not conflict in substance and have both been given effect in setting forth the text of section 7712.7.

§ 7712.8. Perfection of security interest in a snowmobile or ATV.

(a) Applicability of section.--Except as otherwise provided in 13 Pa.C.S. §§ 9311(d) (relating to perfection of security interests in property subject to certain statutes, regulations and treaties), 9315(c) and (d) (relating to secured party's rights on disposition of collateral and in proceeds) and 9316(d) and (e) (relating to effect of change in governing law), this section provides the exclusive method of perfecting a security interest in a snowmobile or ATV for which a certificate of title is required under this subchapter.

(b) Snowmobiles or ATV's without Pennsylvania certificate of title.--If an owner creates a security interest in a snowmobile or ATV for which a certificate of title has not been issued by the department, the owner shall, at the request of the secured party, promptly execute an application for a certificate of title on a form prescribed by the department showing the name and address of the secured party. The owner shall tender the application, the existing certificate of title, if any, and the required fee to the department. A security interest in a snowmobile or ATV is perfected at the time that such application, existing certificate of title, if any, and required fee are received by the department.

(c) Snowmobiles or ATV's with Pennsylvania certificate of title.--If an owner creates a security interest in a snowmobile or ATV for which a certificate of title has been issued by the department, the owner shall, at the request of the secured party, promptly execute an application on a form prescribed by the department showing the name and address of the secured party. The owner shall tender the certificate of title, together with the application and the required fee, to the department. A security interest in a snowmobile or ATV is perfected at the time such application, certificate of title and required fee are received by the department.

(d) Certificate of title in possession of secured party.--Upon request of the owner or a subordinate secured party, a secured party in possession of the certificate of title shall mail or deliver the certificate to the department or, upon receipt from the subordinate secured party of the application of the owner and the required fee, shall mail or deliver them to the department with the certificate of title. The delivery of the certificate to the department does not affect the rights of the first secured party under his security agreement.

(e) Indorsement and delivery of certificate of title.--Upon receipt of the application, existing certificate of title, if any, and required fee, the department shall indorse on the existing certificate of title or the new certificate that it issues the names and addresses of all secured parties and shall mail the certificate of title to the first secured party named in the certificate.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 25, 2001, P.L.701, No.68, eff. 120 days; June 27, 2013, P.L.154, No.30, eff. July 1, 2013)

2013 Amendment. Act 30 amended subsec. (a).

§ 7712.9. Satisfaction of security interest.

(a) Satisfaction of secured obligation.--Unless otherwise agreed by the owner, within 15 days of the satisfaction of the obligation secured by a security interest in a snowmobile or ATV, the secured party shall mail or deliver the certificate of title to the owner or to the department with a statement of satisfaction signed by the secured party. Upon receipt of the

certificate of title and statement of satisfaction, the department shall issue a corrected certificate of title without an indorsement of such secured party's security interest and mail the same to the holder of the first remaining security interest or, if there is no remaining security interest, the owner.

(b) Satisfaction of subordinate secured obligation.--If the certificate of title for a snowmobile or ATV is in the possession of a prior secured party, the subordinate secured party whose obligation is satisfied shall mail or deliver to the owner a signed statement of satisfaction in accordance with subsection (a). Upon request of the owner and receipt of the statement of satisfaction, the secured party in possession of the certificate of title shall mail or deliver the certificate of title, together with the statement of satisfaction, to the department. Upon receipt of the certificate of title and evidence of satisfaction, the department shall issue a corrected certificate of title without an indorsement of the satisfied security interest and mail the same to the prior secured party.

(c) Penalties.--Any person violating the provisions of this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $50.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 25, 2001, P.L.701, No.68, eff. 120 days)

Cross References. Section 7712.9 is referred to in section 7712.11 of this title.

§ 7712.10. Release of security interest.

A secured party that releases a security interest in a snowmobile or ATV shall mail or deliver the certificate of title to the owner with a statement of release signed by the secured party, or the secured party may apply to the department for a corrected certificate of title to be issued in the name of the owner. Upon receipt of the certificate of title and statement of release, the department shall issue a corrected certificate of title without an indorsement of such secured party and mail the same to the holder of the first remaining security interest or, if there is no remaining secured party, the owner.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 25, 2001, P.L.701, No.68, eff. 120 days)

Cross References. Section 7712.10 is referred to in section 7712.11 of this title.

§ 7712.11. Effectiveness of security interests.

A security interest perfected in accordance with this subchapter is perfected until the secured party provides written evidence of satisfaction in accordance with section 7712.9 (relating to satisfaction of security interest) or release in accordance with section 7712.10 (relating to release of security interest) and the indorsement of the security interest is removed by the department pursuant to section 7712.9 or 7712.10.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001)

2001 Amendment. Act 18 added section 7712.11.

§ 7712.12. Assignment by secured party of security interest.

(a) General rule.--A secured party may assign, absolutely or otherwise, his security interest in a snowmobile or ATV to a person other than the owner without affecting the interest of the owner or the validity or perfection of the security interest.

(b) Duty of assignee.--An assignee who desires to become the secured party of record shall mail or deliver to the

department the certificate of title and an assignment by the secured party named on the certificate of title on a form prescribed by the department accompanied by the required fee. Upon receipt of the certificate of title, assignment and fee, the department shall issue a corrected certificate of title naming the assignee as secured party.

(c) Division 9.--The provisions of this section are subject to 13 Pa.C.S. § 9308(e) (relating to when security interest or agricultural lien is perfected; continuity of perfection).

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 25, 2001, P.L.701, No.68, eff. 120 days)

§ 7712.13. Exemptions.

The provisions of this subchapter relating to procedures for perfecting, assigning and satisfying security interests do not apply to:

(1) a lien given by statute or rule of law to a supplier of services or materials for the snowmobile or ATV;

(2) a lien given by statute to the United States, the Commonwealth or any political subdivision of the Commonwealth;

(3) a security interest in a snowmobile or ATV described in 13 Pa.C.S. § 9311(d) (relating to perfection of security interests in property subject to certain statutes, regulations and treaties); or

(4) a snowmobile or ATV for which a certificate of title is not required under this subchapter.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 25, 2001, P.L.701, No.68, eff. 120 days)

§ 7713. Certificates of registration and decals (Repealed).

2001 Repeal. Section 7713 was repealed June 25, 2001, P.L.701, No.68, effective in 120 days.

§ 7714. Exemptions from registration (Repealed).

2001 Repeal. Section 7714 was repealed June 25, 2001, P.L.701, No.68, effective in 120 days.

§ 7715. Reciprocity (Repealed).

2001 Repeal. Section 7715 was repealed June 25, 2001, P.L.701, No.68, effective in 120 days.

§ 7715.1. Snowmobile or ATV purchased from dealer.

(a) General rule.--If a snowmobile or ATV is purchased from a dealer, the dealer shall mail or deliver to the department an application for a registration certificate or limited registration certificate, an application for certificate of title, any other required forms and the required fees within 15 days of the date of purchase.

(b) Penalty.--A dealer who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $300 and costs of prosecution or to be imprisoned for not more than 90 days, or both. In addition, if a dealer violates subsection (a), the department may suspend or revoke the registration issued under section 7711 (relating to registration of dealers).

(June 25, 2001, P.L.701, No.68, eff. 120 days)

2001 Amendment. Act 68 added section 7715.1.

Cross References. Section 7715.1 is referred to in section 7712.1 of this title.

§ 7715.2. Fees.

(a) Fees.--Except as provided in subsection (b), the department shall collect the following fees:

(1) Certificate of title, $22.50.
(2) Expiration sticker, $20.
(2.1) Vintage snowmobile permit, $20.
(3) Dealer registration, $25.
(4) Replacement, due to loss or damage, of registration certificate, limited registration certificate, registration decal, registration plate, expiration sticker or vintage snowmobile permit, $5.
(5) Transfer of registration pursuant to section 7711.1 (relating to registration of snowmobile or ATV), $5.
(6) Recording the name of a secured party on a certificate of title, $5.

(b) Exemptions from fees.--Subsection (a) does not apply to a snowmobile or ATV owned by:
(1) The Commonwealth.
(2) A political subdivision of this Commonwealth.
(3) A volunteer organization and used exclusively for emergency purposes.

(June 25, 2001, P.L.701, No.68, eff. 120 days; July 5, 2012, P.L.1000, No.113, eff. 120 days)

2012 Amendment. Act 113 amended subsec. (a).
2001 Amendment. Act 68 added section 7715.2.

§ 7716. Records.

The department shall maintain a record, which shall be made available to all enforcement agencies, of:
(1) The registration number for each snowmobile and ATV for which a registration certificate or limited registration certificate is issued.
(2) The name and address of the owner of each snowmobile and ATV for which a registration certificate or limited registration certificate is issued.
(3) The permit number for each vintage snowmobile for which a vintage snowmobile permit is issued.
(4) The name and address of the owner of each vintage snowmobile for which a vintage snowmobile permit is issued.

(July 11, 1985, P.L.220, No.56, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. 120 days; July 5, 2012, P.L.1000, No.113, eff. 120 days)

§ 7717. Snowmobile and ATV Advisory Committee.

(a) Establishment.--There is hereby established under the jurisdiction of the department a board known as the Snowmobile and ATV Advisory Committee.

(b) Composition.--The committee shall consist of 17 members. The members shall be as follows:
(1) The chairman and minority chairman of the Environmental Resources and Energy Committee of the Senate.
(2) The chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives.
(3) One member representing the Pennsylvania Game Commission.
(4) One member representing the Allegheny National Forest.
(5) One member representing the Pennsylvania State Association of Township Supervisors.
(6) One member representing the Pennsylvania State Association of Boroughs.
(7) One member representing the Pennsylvania State Association of County Commissioners.
(7.1) One member representing the Department of Community and Economic Development.

(8) Seven members of the public representing the following organizations to be appointed by the Secretary of Conservation and Natural Resources:

(i) Two members from a list of at least six representatives submitted by the Pennsylvania State Snowmobile Association.

(ii) Two members from a list of at least six representatives submitted by the Pennsylvania Off-Highway Vehicle Association.

(iii) One member from a list of at least three representatives submitted by the Pennsylvania Farm Bureau.

(iv) (Deleted by amendment).

(v) One member from a list of at least three representatives submitted by the Pennsylvania Association of Travel and Tourism.

(vi) One member from a list of at least three representatives submitted by the Pennsylvania Economic Development Association.

Each member may designate an alternate to serve in his stead. A member shall notify the chairman in writing of this designation.

(c) Terms of appointees.--The terms of all members of the committee appointed by the Secretary of Conservation and Natural Resources shall be three years. Any member of the committee may be reappointed for additional terms. A person appointed to fill a vacancy shall serve for the unexpired term and is eligible for reappointment.

(d) Officers.--The members of the committee shall annually elect a chairman, a vice chairman and a secretary from among the public members of the committee.

(e) Meetings and expenses.--

(1) The committee shall meet at least biannually.

(2) A public member, including a designee, who misses three consecutive meetings without good cause may be replaced by the Secretary of Conservation and Natural Resources upon recommendation of the chairman.

(3) The public members of the committee shall be allowed actual, necessary and reasonable per diem expenses in accordance with regulations of the Executive Board. The department shall provide appropriate staff support to enable the committee to properly carry out its functions.

(f) Powers and duties.--The powers and duties of the committee shall be to advise the Secretary of Conservation and Natural Resources on matters concerning the implementation of this chapter, including existing and proposed regulations, standards, policies, guidelines and practices; use and operation of snowmobiles and ATV's on public and private land; acquisition, construction, development and maintenance of trails; enforcement; and allocation of fees collected by the department pursuant to this chapter.

(Aug. 5, 1991, P.L.238, No.26, eff. imd.; June 11, 1992, P.L.266, No.47, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. 60 days; July 20, 2016, P.L.837, No.97, eff. 60 days)

2016 Amendment. Act 97 amended subsecs. (b), (e)(1) and (2) and (f).

§ 7718. Vintage snowmobile permits.

(a) Issuance of permits.--Upon receipt of an application upon a form prescribed and furnished by the department which shall contain information required by the department and which shall be accompanied by the required fee and any other

information the department shall require, the department shall issue to an owner of a vintage snowmobile a vintage snowmobile permit containing a permit number.

(b) Carrying and exhibiting permit.--Every permit shall, at all times while the vehicle is being operated, be in the possession of the person driving or in control of the vehicle or carried in the vehicle and shall be exhibited on demand of a police officer or authorized department employee.

(c) Not transferable.--A vintage snowmobile permit is not transferable to a successor owner or to another vehicle. On transfer of ownership of a vintage snowmobile for which a vintage snowmobile permit has been issued, the permit shall become invalid.

(d) Suspension or revocation.--The department may suspend or revoke a vintage snowmobile permit upon conviction of the holder of an offense under this chapter. A suspended or revoked vintage snowmobile permit is invalid.

(July 5, 2012, P.L.1000, No.113, eff. 120 days)

2012 Amendment. Act 113 added section 7718.

Cross References. Section 7718 is referred to in section 7702 of this title.

SUBCHAPTER C
OPERATION

Sec.

7721. Operation on streets and highways.
7722. Designation of snowmobile and ATV roads.
7723. Special snowmobile and ATV events.
7724. Operation on private or State property.
7725. Operation by persons under age sixteen.
7726. Operation in safe manner.
7727. Additional limitations on operation.
7728. Accidents and accident reports.
7729. Liability of owner for negligence.
7730. Liability insurance.

Cross References. Subchapter C is referred to in section 3722 of this title.

§ 7721. Operation on streets and highways.

(a) General rule.--Except as otherwise provided in this chapter, it is unlawful to operate a snowmobile or an ATV on any street or highway which is not designated and posted as a snowmobile or an ATV road by the governmental agency having jurisdiction.

(b) Emergency and bridge crossings.--A snowmobile or an ATV may be operated on highways and streets:

(1) During periods of emergency when so declared by a policy agency having jurisdiction.

(2) When necessary to cross a bridge or culvert.

(c) Crossing street or highway.--A snowmobile or an ATV may make a direct crossing of a street or highway upon compliance with the following requirements:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

(2) The snowmobile or ATV is brought to a complete stop before crossing the shoulder or main-traveled way of the highway.

(3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

(4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

(July 11, 1985, P.L.220, No.56, eff. 60 days)

§ 7722. Designation of snowmobile and ATV roads.

(a) General rule.--The Department of Transportation on State-designated highways and local authorities on any highway, road or street within its jurisdiction may designate any highway, road or street within its jurisdiction as a snowmobile road, an ATV road, or both, and may, in its discretion, determine whether such road shall be closed to vehicular traffic or whether snowmobiles and ATV's may share this designated road with vehicular traffic.

(b) Posting notices.--Adequate notices of such designation and determination shall be sufficiently and prominently displayed.

(c) Liability.--There shall be no liability imposed on the Department of Transportation or any other State agency or any political subdivision of this Commonwealth as a result of designating any highway, road or street as a snowmobile road or an ATV road as provided in subsection (a).

(June 23, 1978, P.L.523, No.86, eff. imd.; July 11, 1985, P.L.220, No.56, eff. 60 days)

Cross References. Section 7722 is referred to in section 7725 of this title.

§ 7723. Special snowmobile and ATV events.

(a) General rule.--Snowmobiles and ATV's may be operated on highways and streets for special snowmobile and ATV events of limited duration which are conducted according to a prearranged schedule under permit from the governmental agency having jurisdiction.

(b) Authority of local authorities.--A local authority may block off highways and streets within its jurisdiction for the purpose of allowing snowmobile and ATV races, rallies or derbies. No State trunk highway or connecting street, or part thereof, shall be blocked off by any local authority for any snowmobile or ATV race, rally or derby.

(c) Notification and duty of police.--A local authority shall notify the local police department and the county sheriff's office at least one week in advance of the time and place of any snowmobile or ATV race, rally or derby which may result in any highway or street, or part thereof, being blocked off. Upon such notice, the local police department shall take such measures as it deems appropriate to protect persons and property and to regulate traffic in the designated area and its vicinity on the day of such race, rally or derby.

(Nov. 26, 1978, P.L.1399, No.330, eff. 60 days; July 11, 1985, P.L.220, No.56, eff. 60 days)

§ 7724. Operation on private or State property.

(a) Private real property.--

(1) No person shall operate a snowmobile or an ATV on private real property without the consent of the owner thereof. Any person operating a snowmobile or an ATV upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representatives and, if requested to do so by the landowner, shall promptly remove the snowmobile or ATV from the premises.

(2) When a person operates a snowmobile or an ATV in a manner as to violate section 3717 (relating to trespass by motor vehicle), the applicable fines, penalties and suspensions provided in this title for violation of section 3717 shall apply to this subsection.

(b) State property.--

(1) No person shall operate a snowmobile or an ATV on State-owned property except on clearly marked and previously designated snowmobile or ATV routes or as expressly permitted by the Commonwealth.

(2) (i) The department may designate any road within a State Park or State Forest over which the department has jurisdiction as a snowmobile road or an ATV road, or both, and may, in its discretion, determine whether the road shall be closed to vehicular traffic or whether snowmobiles and ATV's may share the designated road with vehicular traffic. Adequate notices of such designation and determination shall be sufficiently and prominently displayed.

(ii) No person shall operate a snowmobile or ATV on State park or State forest land except as follows:

(A) A person may operate a snowmobile on a road, trail or area that is designated and marked by the department as open for snowmobile use or on which the person has been given specific written permission to operate the snowmobile.

(B) A person may operate a Class I ATV on a road, trail or area that is designated and marked by the department as open for ATV use or on which the person has been given specific written permission to operate the ATV.

(C) A person may operate a Class II ATV on a road, trail or area if the person has been given specific written permission by the department to operate a Class II ATV on the road, trail or area.

(July 11, 1985, P.L.220, No.56, eff. 60 days; July 1, 1990, P.L.312, No.70, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. imd.)

Cross References. Section 7724 is referred to in section 7725 of this title.

§ 7725. Operation by persons under age sixteen.

(a) Crossing street or highway.--No person under 16 years of age shall drive a snowmobile or an ATV across any highway or connecting street thereto unless he is under the direct supervision of a person 18 years of age or older and unless he holds a valid and appropriate safety certificate from the Commonwealth or a valid and approved certificate issued under the authority of another state or Province of Canada. The department shall determine what certificates will be approved.

(b) Operation of an ATV by persons under eight years of age.--No person under eight years of age shall operate an ATV upon State-owned land.

(b.1) ATV size restrictions.--No person shall operate an ATV bearing a certification label conforming to ANSI/SVIA 1 - 2010, or its successor standard, in violation of the age recommendation warning label affixed by the manufacturer. An ATV not bearing a certification label conforming to ANSI/SVIA 1 - 2010, or its successor standard, operated in this Commonwealth by a person eight or nine years of age shall have an engine size of 70cc or less.

(b.2) Operation of a snowmobile by persons under ten years of age.--No person under ten years of age shall operate a snowmobile upon State-owned land.

(c) Snowmobile and ATV safety certification.--No person 8 to 15 years of age shall operate an ATV and no person between 10 and 15 years of age shall operate a snowmobile in this Commonwealth unless the person satisfies one of the following conditions:

(1) Is under the direct supervision of a certified snowmobile or ATV safety instructor during a safety training course.

(2) Is on land owned or leased by a parent or legal guardian.

(3) Has received safety training as prescribed by the department and has received the appropriate safety certificate issued by the department.

(4) Holds an appropriate safety certificate issued under the authority of another state or Province of Canada and recognized by the department.

(d) Failure to exhibit certificate.--Within five days of receiving notice of a violation of this section, a youthful operator shall present the appropriate safety certificate that was valid at the time of demand at the office of the issuing authority. Upon presentation of the safety certificate, the issuing authority shall dismiss the charge.

(e) Permitting unauthorized operation.--No owner of a snowmobile or an ATV shall authorize or permit the operation thereof within this Commonwealth by any person under 16 years of age unless the person under 16 years of age is the holder of a valid and appropriate safety certificate, or except as authorized in subsections (b), (b.2) and (c).

(f) Certification of snowmobile safety instructors.--The department may certify snowmobile or ATV safety instructors to act as its agents in conducting classes and examinations and issuing snowmobile or ATV safety certificates in its name.

(g) Operation on snowmobile and ATV roads.--No person under 16 years of age may operate a snowmobile or an ATV on streets or highways designated under section 7722 (relating to designation of snowmobile and ATV roads) as open to snowmobile or ATV and vehicular traffic. A person under 16 years of age who holds the appropriate safety certificate may operate a snowmobile or an ATV on roads designated under section 7724(b) (relating to operation on private or State property) as open to snowmobile or ATV and vehicular traffic, provided he is under the direct supervision of a person 18 years of age or older.

(h) Snowmobile and ATV safety program.--The department shall implement a comprehensive snowmobile and ATV information, safety education and training program which shall include the preparation and dissemination of information and safety advice to the public and training of operators. The program shall provide for the training of youthful operators and others who wish to receive training. It shall also provide for the issuance of snowmobile or ATV safety certificates to those who successfully complete the training provided under the program.

(i) Cooperation with other organizations.--In implementing a program which is established under this section, the department shall cooperate with private organizations and associations, private and public corporations, the Department of Education and local governmental units. The department shall consult with snowmobile, ATV and environmental organizations and associations in regard to subject matter of a training

program that leads to certification of snowmobile and ATV operators.
(July 11, 1985, P.L.220, No.56, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. 120 days; July 14, 2005, P.L.285, No.50, eff. 60 days; June 29, 2006, P.L.284, No.61, eff. imd.; July 5, 2012, P.L.1000, No.113, eff. 120 days; Nov. 3, 2016, P.L.1058, No.136, eff. imd.; Oct. 24, 2018, P.L.725, No.115, eff. imd.)

2018 Amendment. Act 115 amended subsec. (b.1).
2016 Amendment. Act 136 amended subsecs. (b.1) and (d).
2012 Amendment . Act 113 amended subsec. (h).
2006 Amendment. Act 61 amended subsecs. (b), (c) and (e) and added subsec. (b.2).

§ 7726. Operation in safe manner.

(a) General rule.--No person shall operate a snowmobile or an ATV in any of the following ways:

(1) At a rate of speed that is unreasonable or improper under existing conditions or in excess of the maximum limits posted for vehicular traffic.

(2) In any careless way so as to endanger the person or property of another.

(3) While under the influence of alcohol or any controlled substance.

(b) Permitting unsafe operation.--No owner or other person having charge or control of a snowmobile or an ATV shall knowingly authorize or permit the operation of the snowmobile or ATV by any person who is incapable to do so by reason of age, physical or mental disability, or who is under the influence of alcohol or any controlled substance.

(c) Operation on highways and streets open to snowmobiles or ATV's and vehicular traffic.--No person shall operate a snowmobile or ATV in any of the following ways on highways and streets open to snowmobiles or ATV's and vehicular traffic:

(1) Upon the left side of highways or streets, except one-way streets, or as specified in paragraph (2).

(2) Ride two snowmobiles or ATV's abreast. Snowmobiles and ATV's shall be operated in single file except when overtaking another vehicle. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, until safely clear of such overtaken vehicle. Nothing in this section shall be construed to prohibit a driver overtaking the passing upon the right of another vehicle which is making or about to make a left turn. The driver of a vehicle shall not drive to the left side of the center of a highway in overtaking or passing another vehicle proceeding in the same direction, unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking or passing to be made in safety.

(3) Turn to the right or left at an intersection or stop or decrease speed at an intersection without signaling as stated in this paragraph. The driver shall extend his hand and arm from the left side of the vehicle in the following manner to indicate as stated:

(i) Left turn or other vehicle movement toward left, hand and arm extended horizontally.

(ii) Right turn or other vehicle movement toward right, left hand and arm extended outward and pointed upward from the elbow.

(iii) Stop or decrease speed, either the left or right hand and arm extended upward.

(4) Disobey any traffic signal or signs placed in accordance with this title unless otherwise directed by a peace officer.

(5) Without a securely fastened helmet on the head of an individual who operates or is a passenger on a snowmobile or ATV or who is being towed or otherwise propelled by a snowmobile. The department shall specify the types of helmets allowed through rules and regulations.

(July 11, 1985, P.L.220, No.56, eff. 60 days)

§ 7727. Additional limitations on operation.

Except as otherwise permitted under Title 34 (relating to game), no person shall:

(1) Operate or ride in any snowmobile or ATV with any bow and arrows or with any firearm in his possession unless it is unstrung or unloaded.

(2) Drive or pursue any game or wildlife with a snowmobile or an ATV.

(July 11, 1985, P.L.220, No.56, eff. 60 days; July 8, 1986, P.L.442, No.93, eff. July 1, 1987)

Cross References. Section 7727 is referred to in section 6109 of Title 18 (Crimes and Offenses).

§ 7728. Accidents and accident reports.

(a) Duty to stop and provide information.--Whenever any snowmobile or ATV is involved in an accident resulting in loss of life, personal injury or damage to property and the operator thereof has knowledge of such accident, he shall stop and give his name and address, the name and address of the owner thereof and the registration number of the snowmobile or ATV to the injured person or the person sustaining the damage or to a police officer. In case no police officer nor the person sustaining the damage is present at the place where the damage occurred, then the operator shall immediately report, as soon as he is physically able, the accident to the nearest law enforcement agency.

(b) Report of accident to department.--The operator of any snowmobile or ATV involved in any accident resulting in injuries to or death of any person or resulting in property damage to the estimated amount of $100 or more shall, within seven days after such accident, report the matter in writing to the department. If the operator is physically incapable of making the report and there is another participant in the accident not so incapacitated, the participant shall make the report within the prescribed period of time after the accident. In the event that there is no other participant and the operator is other than the owner, then the owner shall within the prescribed period of time, after learning of the facts of such accident, report the matter to the department, together with such information as may have come to his knowledge relating to such accident. Every operator or owner of a snowmobile or an ATV in an accident, or surviving participant of any such accident, shall make such other and additional reports as the department shall require.

(c) Report by law enforcement officer.--A law enforcement officer who investigates or receives information of an accident involving a snowmobile or an ATV shall make a written report of the investigation or information received, and such additional facts relating to the accident as may come to his knowledge, and mail the same within 48 hours to the department and keep a record thereof in his office.

(d) Exception.--This section does not apply when property damage is sustained in sanctioned snowmobile or ATV races, derbies and rallies.
(July 11, 1985, P.L.220, No.56, eff. 60 days)

§ 7729. Liability of owner for negligence.

(a) General rule.--Negligence in the use or operation of a snowmobile or an ATV is attributable to the owner. Every owner of a snowmobile or an ATV used or operated in this Commonwealth shall be liable and responsible for death or injury to person or damage to property resulting from negligence in the use or operation of such snowmobile or ATV by any person using or operating the snowmobile or ATV with the permission, express or implied, of such owner.

(b) Exception.--The negligence of the operator shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such injuries or death.
(July 11, 1985, P.L.220, No.56, eff. 60 days)

§ 7730. Liability insurance.

(a) Requirement.--A snowmobile or ATV for which registration is required under this chapter shall have liability insurance coverage for the snowmobile or ATV issued by an insurance carrier authorized to do business in this Commonwealth. This subsection does not apply to limited registrations.

(b) Proof of insurance.--Proof of insurance as required by this section shall be produced and displayed by the owner or operator of such snowmobile or ATV upon the request of any magistrate or any person having authority to enforce the provisions of this chapter or to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of such snowmobile or ATV. It shall be an affirmative defense to any prosecution for a violation of this section that such proof was so produced within 72 hours of receiving notice of such violation, injury or damage or the claim of such injury or damage.

(c) Owner's responsibility.--No owner of a snowmobile or ATV shall operate or permit the same to be operated without having in full force and effect liability insurance coverage required by this section. The operator of a snowmobile or ATV shall carry proof of insurance on his person or on the snowmobile or ATV when it is in operation.

(d) Penalty.--A person who violates subsection (a) or (c) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $300 and costs of prosecution and, in default of payment of the fine or costs, shall be imprisoned for not more than ten days.
(July 11, 1996, P.L.660, No.115, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. 120 days)

SUBCHAPTER D
EQUIPMENT

Sec.
7741. Head lamps and tail lamps.
7742. Brakes.
7743. Mufflers and sound control.

§ 7741. Head lamps and tail lamps.

(a) Time of operation.--Every snowmobile or ATV operated during hours of darkness shall display a lighted head lamp and tail lamp. The lights shall be in operation during the period of from one-half hour after sunset to one-half hour before

sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet ahead.

(b) Head lamp requirements.--The head lamp shall display white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of 100 feet ahead.

(1) If the snowmobile or ATV is equipped with a multiple beam head lamp, the upper beam shall meet the minimum requirements set forth in this section and the lowermost beam shall be so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 50 feet ahead.

(2) If the snowmobile or ATV is equipped with a single beam head lamp, the lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 75 feet ahead, projects higher than the level of the center of the lamp from which it comes.

(c) Tail lamp requirements.--The tail lamp shall display a red light plainly visible during darkness from a distance of 500 feet.

(July 11, 1985, P.L.220, No.56, eff. 60 days)

§ 7742. Brakes.

(a) Snowmobiles.--It is unlawful to operate a snowmobile which is not equipped with at least one brake of a design approved by the department operated either by hand or by foot, capable of bringing the snowmobile to a stop, under normal conditions, within 40 feet when traveling at a speed of 20 miles per hour with a 150 pound driver and on hard packed snow, or locking its traction belt or belts. The design shall permit simple and easy adjustment to compensate for wear.

(b) ATV's.--It is unlawful to operate an ATV which is not equipped with a braking system which may be operated by hand or foot, capable of producing deceleration of 14 feet per second on level ground at a speed of 20 miles per hour, and the design must permit simple and easy adjustment to compensate for wear.

(July 11, 1985, P.L.220, No.56, eff. 60 days)

§ 7743. Mufflers and sound control.

(a) General rule.--It is unlawful to operate a snowmobile or an ATV which is not equipped at all times with a muffler in good working order which blends the exhaust sound into the overall snowmobile or ATV sound and is in constant operation to prevent excessive or unusual sound. The exhaust system shall not emit or produce a sharp popping or crackling sound. The sound intensity produced by a snowmobile shall not exceed 82dbA when measured in accordance with SAE Recommended Practice J 192 Exterior Sound Level for Snowmobiles, as amended. The department may by regulation adopt more stringent sound requirements for snowmobiles. The department shall by regulation adopt sound requirements for in-use operation of ATV's using measurement procedures in accordance with SAE Recommended Practice J 1287 July 1998, Measurement of Exhaust Level of Stationary Motorcycles. The sound level intensity produced by an ATV manufactured before January 1, 1998, shall not exceed 99dbA, or decibels, when measured at 20 inches. The sound level intensity produced by an ATV manufactured on or after January 1, 1998, shall not exceed 96dbA, or decibels, when measured at 20 inches.

(b) Modified mufflers prohibited.--It is unlawful to modify a muffler or to operate a snowmobile or an ATV with a modified muffler so as to increase the sound level of the snowmobile or ATV above the level allowed by this section.

(c) Exception.--This section does not apply to organized races or similar competitive events.
(July 11, 1985, P.L.220, No.56, eff. 60 days; Nov. 3, 2016, P.L.1058, No.136, eff. imd.; Oct. 24, 2018, P.L.725, No.115, eff. imd.)

2018 Amendment. Act 115 amended subsec. (a).
2016 Amendment. Act 136 amended the section heading and subsec. (a).

SUBCHAPTER E
MISCELLANEOUS PROVISIONS

Sec.
7751. Enforcement personnel and procedures.
7752. Penalties for violation of chapter.
7753. Actions for collection of penalties.

§ 7751. Enforcement personnel and procedures.

(a) Duty of enforcement.--Every law enforcement officer in this Commonwealth and designated officers and employees of the department shall enforce the provisions of this chapter.

(b) Forms and procedures.--The department may prescribe the form of summons or complaint, or both, in all cases involving a violation of any provision of this chapter or of any ordinance, rule or regulation relating to snowmobiles or ATV's, or of any class or category of such cases, and may establish procedures for proper administrative controls over the disposition thereof.

(c) Records and reports.--The chief executive officer of each local police force, sheriffs and the Commissioner of the Pennsylvania State Police shall prepare or cause to be prepared such records and reports as may be prescribed under this section.

(d) Rules and regulations.--The department may promulgate such rules and regulations as may be deemed necessary to accomplish the purposes and enforce the provisions of this section including requirements for reporting by trial courts having jurisdiction over snowmobile and ATV violations.
(July 11, 1985, P.L.220, No.56, eff. 60 days)

§ 7752. Penalties for violation of chapter.

(a) General rule.--Except as provided in subsections (c) and (d) and unless otherwise provided in this chapter, a person who violates this chapter commits a summary offense and shall, upon conviction:

(1) For a first offense, be sentenced to pay a fine of not less than $50 nor more than $200 and costs of prosecution and, in default of the payment of the fine or costs, shall be imprisoned for not more than ten days.

(2) For a subsequent offense, be sentenced to pay a fine of not less than $100 nor more than $300 and costs of prosecution and, in default of the payment of the fine or costs, shall be imprisoned for not more than 30 days.

(b) Failure to obtain liability insurance.--(Deleted by amendment).

(c) Unauthorized disposition of forms.--A person who disposes of a summons or complaint issued pursuant to this chapter in a manner other than that prescribed by law, rule or regulation commits a misdemeanor of the third degree.

(d) Registration.--

(1) A person who violates section 7711.1 (relating to registration of snowmobile or ATV) or 7711.2 (relating to

limited registration of snowmobile or ATV) by failing to obtain the required registration certificate or limited registration certificate commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $300 or to be imprisoned for 90 days, or both, and costs of prosecution. Proceedings for a summary offense under this paragraph must be commenced within 60 days after commission of the alleged offense or within 60 days after discovery of the commission of the offense or the identity of the offender, whichever is later.

(2) A person who violates section 7711.1 or 7711.2 by failing to properly display the required registration decal or plate commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $50 and costs of prosecution.

(3) A person who violates section 7711.1 by failing to properly display the required expiration sticker or by failing to carry the required registration certificate commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $50 and costs of prosecution.

(July 11, 1985, P.L.220, No.56, eff. 60 days; July 2, 1993, P.L.408, No.58, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. 60 days; June 25, 2001, P.L.701, No.68, eff. 120 days)

§ 7753. Actions for collection of penalties.

(a) General rule.--An action to recover any penalty imposed under the provisions of this chapter may be brought in any court of competent jurisdiction in this Commonwealth on order of the department and in the name of the Commonwealth. In any such action all penalties incurred up to the time of commencing the action may be sued for and recovered therein and the commencement of an action to recover any such penalty shall not be, or be held to be, a waiver of the right to recover any other penalty. In case of recovery of any amount in an action brought to recover any such penalty the Commonwealth shall be entitled to recover full costs and at the rates provided for civil actions.

(b) Duty and liability of witnesses.--No person shall be excused from testifying or producing any books, papers or other documents in any civil action to recover any such penalty, upon the ground that his testimony might tend to convict him of an offense or subject him to a penalty or forfeiture. No person shall be prosecuted, punished or subjected to any penalty of forfeiture for or on account of any such act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. This subsection is not intended to give, and shall not be construed as in any manner giving, unto any corporation immunity of any kind.

(c) Plea of guilty.--A defendant charged with a violation of any provision of this chapter may himself plead guilty to the charge in open court. He may also submit to the judge having jurisdiction, in person, by duly authorized agent, or by registered mail, a statement setting forth the following:

(1) That he waives arraignment in open court and the aid of counsel.

(2) That he pleads guilty to the offense as charged.

(3) That he elects and requests that the charge be disposed of and the fine or penalty fixed by the court.

(4) Any explanation that he desires to make concerning the offense charged.

(5) That he makes all statements under penalty of perjury.

Thereupon the judge may proceed as though the defendant had been convicted upon a plea of guilty in open court. Any imposition of fine or penalty under this section shall be deemed tentative until the fine or penalty has been paid and discharged in full. If, upon receipt of the aforesaid statement, the judge shall deny the same, he shall thereupon notify the defendant of this fact and that he is required to appear before the said judge at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.

(d) Statement of disposition of case.--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), the court before whom any person shall be tried shall, at the termination of the trial or proceeding, forthwith mail or deliver to the department at Harrisburg a certified statement of the disposition of the case or proceeding giving the date thereof, the name of the defendant, the date and place of the violation, the name of each witness sworn in support of the charges and the amount of the fine or penalty paid.

(e) Section not exclusive.--This section:

(1) Does not prohibit the prosecution of violations of this chapter in any court of competent jurisdiction in the same manner as other offenses.

(2) Is subject to any inconsistent general rules relating to actions for the collection of fines and penalties.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days)

1978 Amendment. Act 53 amended subsecs. (d) and (e).

CHAPTER 77A
OPERATION OF GOLF CARTS

Sec.

77A01. Operation on highways.
77A02. Designation of golf cart crossings.
77A03. Operation by persons under 16 years of age.

Enactment. Chapter 77A was added November 29, 2017, P.L.1184, No.57, effective in 60 days.

§ 77A01. Operation on highways.

(a) General rule.--Except as described under section 1302(3) or (14) (relating to vehicles exempt from registration) or otherwise provided under this chapter, it is unlawful to operate a golf cart on any highway.

(b) Crossing highway.--A golf cart may make a direct crossing of a highway upon compliance with the following requirements:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

(2) The golf cart is brought to a complete stop before crossing the shoulder or main-traveled way of the highway.

(3) The driver yields the right-of-way to all oncoming traffic.

§ 77A02. Designation of golf cart crossings.

(a) General rule.--The department on State-designated highways and a local authority on highways within the local authority's jurisdiction may designate a crossing within the jurisdiction as a golf cart crossing with official traffic-control devices for the crossings.

(b) Posting notices.--Adequate notice of golf cart crossing designations shall be sufficiently and prominently displayed.

(c) Golf cart crossing costs.--If a golf cart crossing is beneficial to residents of a homeowners association, a private college or other private entity, the homeowners association, private college or other private entity shall be responsible for costs incurred by the department or political subdivision.

(d) Liability.--Liability may not be imposed on the department or any other State agency or any political subdivision of this Commonwealth as a result of designating any crossing over any highway as a golf cart crossing as provided under subsection (a).

§ 77A03. Operation by persons under 16 years of age.

A person under 12 years of age may not operate a golf cart. A person between 12 and 16 years of age may not drive a golf cart across any highway unless the person is under the direct supervision of a person 18 years of age or older.

CHAPTER 78
MOTOR CARRIER SAFETY

Sec.

7801. Short title of chapter.
7802. Findings and declaration of policy (Repealed).
7803. Definitions.
7804. Motor Carrier Safety Advisory Committee.

Enactment. Chapter 78 was added June 19, 2001, P.L.281, No.21, effective immediately.

§ 7801. Short title of chapter.

This chapter shall be known and may be cited as the Motor Carrier Safety Advisory Committee Act.

§ 7802. Findings and declaration of policy (Repealed).

2022 Repeal. Section 7802 was repealed July 11, 2022, P.L.1585, No.90, effective in 60 days.

§ 7803. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Committee." The Motor Carrier Safety Advisory Committee created by this chapter.

"Motor carrier safety." The safe movement of an individual or goods on highways that are transported by commercial motor vehicles as defined in section 1603 (relating to definitions). (July 11, 2022, P.L.1585, No.90, eff. 60 days)

2022 Amendment. Act 90 added the def. of "motor carrier safety."

§ 7804. Motor Carrier Safety Advisory Committee.

(a) Creation.--There is hereby created a Motor Carrier Safety Advisory Committee which shall consist of the following 31 members:

(1) The Secretary of Transportation.

(2) The Chairman of the Pennsylvania Public Utility Commission.

(3) The Chairman of the Pennsylvania Turnpike Commission.

(4) The Commissioner of the Pennsylvania State Police.

(5) The Chairman and Minority Chairman of the Transportation Committee of the Senate.

(6) The Chairman and Minority Chairman of the Transportation Committee of the House of Representatives.

(7) Twenty-three members of the public representing the areas of concern specified who shall have extensive experience and knowledge of motor carrier transportation and safety activities throughout this Commonwealth, to be appointed by the Governor as follows:

(i) One representative from the Pennsylvania Chamber of Business and Industry.

(ii) One representative from the Pennsylvania Chiefs of Police Association.

(iii) One representative from the Special Court Judges Association of Pennsylvania.

(iv) Two persons representing the interests of independent truckers.

(v) Two representatives from the Pennsylvania Motor Truck Association.

(vi) One representative from the Pennsylvania Manufactured Housing Association.

(vii) One representative from the Pennsylvania AAA Federation.

(viii) One representative from the Pennsylvania Public Transportation Association.

(ix) One representative from the Pennsylvania Bus Association.

(x) One representative from the Pennsylvania School Bus Association.

(xi) One representative from the Pennsylvania Forest Products Association.

(xii) One person representing the interests of motor carrier drivers.

(xiii) (Deleted by amendment).

(xiv) (Deleted by amendment).

(xv) (Deleted by amendment).

(xvi) One representative from the railroad industry in Pennsylvania.

(xvii) One person representing the interests of local government.

(xviii) One person representing the interests of the motor carrier manufacturing industry.

(xix) Six representatives from the transport industry, each representing one of the following areas:

(A) Bulk products.

(B) Moving and storage.

(C) Petroleum.

(D) Natural gas.

(E) Coal.

(F) Construction material transportation.

(a.1) Specific vacancy.--If a position or vacancy under subsection (a)(7) is not filled by the appointing authority within 120 days of the opening or vacancy, the appointment shall be made by the President pro tempore of the Senate.

(b) Officers.--The members of the committee shall annually elect a chairperson, vice chairperson and secretary from among the public members appointed to the committee.

(c) Designees.--Each member appointed under subsection (a)(1), (2), (3), (4), (5) and (6) may designate a representative to serve in his or her stead. A member who designates a representative shall notify the chairperson in writing of the designation.

(d) Terms of appointees.--The terms of all members of the committee appointed by the Governor shall be for three years. Any member of the committee may be reappointed for an additional term or terms. Each member shall serve until the appointment of a successor.

(e) Meetings and expenses.--

(1) The committee shall meet at least four times every 12 months but may hold such additional meetings as are called by the chairperson or by petition of at least six committee members.

(1.1) The chairperson shall provide notice at least 14 days in advance for regular meetings and shall provide a minimum of three days' notice for special meetings.

(1.2) A majority of the members shall constitute a quorum for the conduct of business. The secretary shall maintain a record of meeting attendance by members and shall provide written notice to appointed members who miss three consecutive meetings. Four consecutive committee meeting absences by an appointed member shall be grounds for removal if affirmed by a majority vote of the committee.

(2) Minutes of meetings shall be prepared by the secretary and filed with the committee and distributed to all members. All records shall be a matter of public record.

(3) The public members of the committee shall be allowed actual, necessary and reasonable per diem expenses in accordance with regulations of the Executive Board. The department shall provide appropriate staff support to enable the committee to properly carry out its function.

(f) Powers and duties.--The committee shall have the power and duty to assess, evaluate and recommend standards for the safe operation of motor carriers in this Commonwealth, including, but not limited to, the following objectives:

(1) (Deleted by amendment).

(2) (Deleted by amendment).

(3) (Deleted by amendment).

(4) (Deleted by amendment).

(5) (Deleted by amendment).

(6) (Deleted by amendment).

(7) (Deleted by amendment).

(8) Study the feasibility of improving highway safety and freight transportation on highways and develop a policy periodically on the most pressing issues facing motor carrier safety.

(9) Examine and recommend motor carrier safety initiatives for strategic plans of the department, the Pennsylvania Public Utility Commission and the Pennsylvania State Police.

(10) Advise and comment on all phases of motor carrier safety activities being undertaken or financially assisted by the department and agencies of the Commonwealth.

(11) With assistance from the department, provide advice and recommendations to businesses, manufacturers, educational institutions, technology developers, the motor carrier industry, labor communities and local governments related to motor carrier safety.

(12) Develop and maintain a forum for the exchange of ideas, needs, objectives, plans and accomplishments related to motor carrier safety.

(g) Reports.--The committee shall submit annual reports of its deliberations, conclusions and recommendations to the Governor, the Secretary of Transportation and members of the General Assembly.

(July 11, 2022, P.L.1585, No.90, eff. 60 days)

CHAPTER 79
MOTORCYCLES

Subchapter

A. General Provisions
B. Motorcycle Safety Education

Enactment. Chapter 79 was added March 29, 1984, P.L.159, No.31, effective in 90 days.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

7901. Short title of chapter.
7902. Definitions.
7903. Waiver of examination.
7904. Fees.
7905. Restricted receipts account.

§ 7901. Short title of chapter.

This chapter shall be known and may be cited as the Motorcycle Safety Law.

§ 7902. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Approved motorcycle safety course." A course of motorcycle safety education approved by the department and offered by public schools or other organizations which meet instructional, course and teacher certification requirements of this Commonwealth.

"Motorcycle Safety Education Account." A restricted receipts account established from fees assessed by this chapter.

§ 7903. Waiver of examination.

Applicants who have successfully completed an approved motorcycle safety course shall be deemed to have met the requirements of the motorcycle operator's license examination administered by the department and the examination shall be waived.

§ 7904. Fees.

Fees relating to motorcycle licenses for motorcycle operators to be collected by the department under this chapter shall be in addition to any other fees imposed under the provisions of this title and are as follows:

(1) An additional fee of $5 shall be assessed and collected for each original motorcycle operator's license.

(2) An additional fee of $5 shall be assessed and collected for each annual renewal of a motorcycle operator's license.

(3) An additional fee of $5 shall be assessed and collected for each motorcycle learner's permit.

(4) An additional fee of $5 shall be assessed and collected for each replacement motorcycle operator's license.
(Oct. 2, 2002, P.L.801, No.114, eff. 6 months)

§ 7905. Restricted receipts account.

The department shall deposit all moneys received from the additional fees collected under this chapter in a restricted receipts fund, which shall be known as the Motorcycle Safety Education Account, and such moneys shall be applied to the costs incurred in administering and conducting motorcycle safety education programs.

SUBCHAPTER B
MOTORCYCLE SAFETY EDUCATION

Sec.

7911. Motorcycle safety education program.

§ 7911. Motorcycle safety education program.

(a) General rule.--The department shall establish a motorcycle safety education program throughout this Commonwealth. It shall approve and conduct an annual review of course material for authorized schools. It shall certify all instructors and shall include a uniform curriculum for the course of instruction and training requirements for instructors. The department shall be responsible for certifying schools to conduct approved motorcycle safety courses and shall adopt such necessary rules and regulations to govern the administration of motorcycle education within this Commonwealth.

(b) Exemption from liability.--The owner of land who authorizes his property to be used for the purposes of an approved motorcycle safety education program as provided in subsection (a) shall not be held civilly liable for any injury or death to persons or damage to property that may occur during the course of instruction or training, except for willful or malicious failure to warn against a dangerous condition, use, structure or activity.
(Nov. 22, 2011, P.L.416, No.103, eff. 60 days)

CHAPTER 80
SPECIAL PROGRAMS

Subchapter

A. Persons with Disabilities Shared-Ride Pilot Program

Enactment. Chapter 80 was added June 26, 2001, P.L.734, No.75, effective in 60 days.

SUBCHAPTER A
PERSONS WITH DISABILITIES SHARED-RIDE PILOT PROGRAM

Sec.

8001. Persons with disabilities shared-ride pilot program.

§ 8001. Persons with disabilities shared-ride pilot program.

The department shall establish or administer a shared-ride pilot program for persons with disabilities, authorizing grants to eligible applicants as determined by the department. The department is further authorized to take any action that will facilitate the gathering or analyzing of information developed by the pilot program.

CHAPTER 81
INTERSTATE COMPACTS AND AGREEMENTS

Subchapter

A. Bus Taxation Proration Agreement (Repealed)
B. Vehicle Equipment Safety Compact (Repealed)

Enactment. Chapter 81 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

SUBCHAPTER A
BUS TAXATION PRORATION AGREEMENT
(Repealed)

1992 Repeal. Subchapter A (§§ 8101 - 8105) was added June 17, 1976, P.L.162, No.81, and repealed June 11, 1992, P.L.266, No.47, effective in 60 days. Section 14 of Act 47 provided that the repeal of Subchapter A shall apply on the first day of the first quarter beginning at least three months after the effective date of the repeal.

SUBCHAPTER B
VEHICLE EQUIPMENT SAFETY COMPACT
(Repealed)

1982 Repeal. Subchapter B (§§ 8111 - 8122) was added June 17, 1976, P.L.162, No.81, and repealed February 11, 1982, P.L.32, No.20, effective immediately.

CHAPTER 83
HAZARDOUS MATERIALS TRANSPORTATION

Sec.

8301. Legislative findings.
8302. Powers and duties of department.
8303. Correspondence with Federal regulations.
8304. Right of entry.
8305. Injunctions and other remedies.
8306. Penalties.
8307. Hazardous Materials Transportation Advisory Committee.
8308. Report to the General Assembly.

Enactment. Chapter 83 was added June 30, 1984, P.L.473, No.99, effective immediately.

Special Provisions in Appendix. See section 5 of Act 99 of 1984 in the appendix to this title for special provisions relating to status of existing rules and regulations.

Cross References. Chapter 83 is referred to in sections 102, 4704, 6103 of this title; section 3302 of Title 18 (Crimes and Offenses).

§ 8301. Legislative findings.

(a) Essential nature.--It is hereby found as a fact that hazardous materials are essential for various industrial, commercial and other purposes, that their transportation is a necessary incident of their use and, therefore, that such transportation is required for the employment and economic prosperity of the people. It is also found as a fact that the transportation of hazardous materials may involve risk of injury

to persons and damage to property and that the degree of the risk can and should be kept at a minimum consistent with technical feasibility and economic reasonableness.

(b) Balance of interests.--The purpose of this chapter and the primary standard by which it shall be administered is to so regulate the transportation of hazardous materials and assure compliance with the regulations promulgated pursuant to this chapter that there is established and maintained a reasonable balance between the interests of the people in the safety of themselves and their property, on the one hand, and the interests of the people and their employment and economic prosperity on the other.

§ 8302. Powers and duties of department.

The department shall have the following powers and duties:

(1) Administer the hazardous materials transportation program pursuant to this chapter.

(2) Classify hazardous materials according to the nature and degree of risk involved in their transportation and apply separate regulations to each class.

(3) Adopt regulations pertaining to methods of packing, loading and unloading hazardous materials; to the specifications, marking, inspection, condition and equipment of vehicles transporting such substances; to qualification of drivers and other matters relating to operation of such vehicles; to routing and parking of such vehicles, except that such regulations may not supersede ordinances of local authorities and all other factors which affect the nature or degree of risk involved in transportation of hazardous materials.

(4) Declare any material to be a hazardous material and thereby subject its transportation to this chapter.

(5) Issue permits and specify the terms and conditions thereof, exempting cargo tanks used solely for intrastate transportation and trucks used solely for the transportation of combustible liquids from Federal design specifications. The permits shall be issued upon meeting testing requirements established by department regulation and shall be valid for a period of two years.

(6) Inspect vehicles and investigate all other matters relating to the safe transportation of hazardous materials on any highway in this Commonwealth including the Pennsylvania Turnpike.

(7) Delegate enforcement of all or parts of these regulations to one or more of the several departments and commissions represented on the Hazardous Materials Transportation Advisory Committee who meet training criteria specified by department regulation. Delegation shall be accomplished through cooperative agreements and become effective upon publication in the Pennsylvania Bulletin.

(8) Enter into cooperative agreements with the Federal Government relating to the regulation of the highway transportation of hazardous materials.

Cross References. Section 8302 is referred to in sections 4102, 8304 of this title; section 4150 of Title 3 (Agriculture).

§ 8303. Correspondence with Federal regulations.

In the case of any person who is subject to Federal regulations pertaining to the transportation of hazardous materials, the department's regulations shall, and in any other case may, as far as practicable, correspond with such Federal regulations. It is the purpose of this section to avoid, as far as practicable, the imposition of conflicting regulations upon

persons who operate vehicles subject to Federal regulations, pertaining to the transportation of hazardous materials. It is also the purpose of this section to empower, but not require, the department to prescribe, for persons not subject to the Federal regulations, regulations identical with or similar to those Federal regulations pertaining to the transportation of hazardous materials.

§ 8304. Right of entry.

Every motor carrier shall allow any department field investigator, member of the Pennsylvania State Police or other person delegated enforcement authority in accordance with section 8302(7) (relating to powers and duties of department) to enter upon and inspect the business premises of the motor carrier, including vehicles and other equipment located thereon, at all reasonable times for the purpose of determining whether the motor carrier is in compliance with this chapter and pertinent regulations, and shall make available to such person for inspection and copying all accounts, books, records, memoranda, correspondence and other documents which may reasonably relate to such determination.

§ 8305. Injunctions and other remedies.

(a) Restraining orders.--The Attorney General, upon request of the department or upon his own motion, may proceed in the name of the Commonwealth, by injunction, mandamus, quo warranto or other appropriate remedy at law or in equity, criminal or civil, to restrain violations of the department's hazardous materials regulations or orders or to enforce obedience thereto.

(b) Long arm provision.--Whenever the Attorney General shall have reason to believe that a person has violated any regulation or order of the department but is outside the jurisdiction of this Commonwealth, the Attorney General may petition the court for an order authorizing the seizure and confiscation of such person's vehicles or hazardous materials wherever and whenever they may be found in this Commonwealth.

§ 8306. Penalties.

(a) Offenses defined.--Any person who violates any provision of this chapter, any rule or regulation of the department, any order of the department or any condition of any permit issued pursuant to this chapter commits a summary offense and, upon conviction, the person shall be subject to a fine of not less than $50 nor more than $1,000 for each separate offense, and, in default of the payment of the fine, shall be imprisoned for a period of 90 days.

(b) Willful violations.--Any person who willfully violates any provision of this chapter, any rule or regulation of the department, any order of the department or any condition of any permit issued pursuant to this chapter commits a misdemeanor of the third degree and, upon conviction, shall be subject to a fine of not less than $1,000 nor more than $25,000 for each separate offense or to imprisonment in the county jail for a period of not more than one year, or both.

(c) Subsequent willful violations.--Any person who, after a conviction of a misdemeanor for any violation within two years as provided in this section, willfully violates any provision of this chapter, any rule or regulation of the department, any order of the department or any condition of any permit issued pursuant to this chapter commits a misdemeanor of the second degree and, upon conviction, shall be subject to a fine of not less than $2,500 nor more than $50,000 for each separate offense or to imprisonment for a period of not more than two years, or both.

(d) Continuing violations.--Each day of continued violation of any provision of this chapter, any rule or regulation of the department, any condition of any permit or order of the department issued pursuant to this chapter shall constitute a separate offense.

(e) Jurisdiction.--All summary proceedings under the provisions of this chapter may be brought before any magisterial district judge of the county where the offense occurred or in the county where the public is affected, and to that end jurisdiction is hereby conferred upon the magisterial district judges, subject to appeal by either party in the manner provided by law for appeals from summary convictions. It shall be the duty of the district attorney of the county to represent the interests of the Commonwealth.

(f) Shipping documents.--A properly prepared shipping document shall be prima facie evidence of the contents of a vehicle carrying hazardous materials.

(June 19, 1985, P.L.49, No.20, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (e). See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

1985 Amendment. Act 20 added subsec. (f).

§ 8307. Hazardous Materials Transportation Advisory Committee.

(a) Membership.--There shall be a Hazardous Materials Transportation Advisory Committee appointed by the secretary. The committee shall be composed of an authorized representative from the Department of Transportation, who shall chair the committee, the Office of Attorney General, the Department of Health, the Department of Environmental Resources, the Pennsylvania State Police, the Pennsylvania Emergency Management Agency and the Pennsylvania Public Utility Commission and representatives of the hazardous materials industry and the public as follows:

(1) A manufacturer or shipper.
(2) A consignee or user.
(3) A common carrier.
(4) A private carrier.
(5) A representative of the fire services.
(6) A representative of the emergency medical services.
(7) A representative with highway safety experience.
(8) A member from the general public.
(9) Others deemed appropriate by the secretary.

(b) Duties.--The committee may review all regulations and advise the department on all matters concerning the highway transportation of hazardous materials.

References in Text. The Department of Environmental Resources, referred to in subsec. (a), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

§ 8308. Report to the General Assembly.

Within one year of the effective date of this chapter, the secretary shall cause to be filed in the offices of the Secretary of the Senate and the Chief Clerk of the House of Representatives a report explaining the department's efforts to:

(1) Appoint all members of the Hazardous Materials Transportation Advisory Committee representing private interests and the public.

(2) Conduct terminal inspections and road checks in a uniform manner across this Commonwealth.
(3) Utilize Federal funds to the fullest extent practicable.
(4) Coordinate inspections with the United States Office of Motor Carrier Safety.

CHAPTER 85
HIGHLY AUTOMATED VEHICLES

Subchapter
A. Preliminary Provisions
B. Highly Automated Vehicles
C. Personal Delivery Devices

Enactment. Chapter 85 was added October 24, 2018, P.L.729, No.117, effective in 180 days.

SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.
8501. Definitions.

Subchapter Heading. The heading of Subchapter A was added November 1, 2020, P.L.1064, No.106, effective in 90 days.

§ 8501. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Advisory committee." The Highly Automated Vehicle Advisory Committee established in section 8503 (relating to Highly Automated Vehicle Advisory Committee).

"Certificate of compliance." A certificate authorizing the operation of a highly automated vehicle in accordance with Subchapter B (relating to highly automated vehicles).

"DDT fallback." A response by a highly automated vehicle driver or ADS to either perform a DDT or achieve a minimal-risk condition after occurrence of a DDT performance-relevant system failure or upon an operational design domain exit.

"Dynamic driving task" or **"DDT."** Real-time operational and tactical functions required to operate a motor vehicle on a highway, excluding strategic functions such as trip scheduling and selection of destinations and waypoints, and including, without limitation:
(1) Lateral vehicle motion control via steering.
(2) Longitudinal motion control via acceleration and deceleration.
(3) Monitoring the driving environment via object and event detection, recognition, classification and response preparation.
(4) Object and event response execution.
(5) Maneuver planning.
(6) Enhancing conspicuity via lighting, signaling and gesturing.

"Highly automated work zone vehicle." A motor vehicle used in an active work zone as implemented by the department or the Pennsylvania Turnpike Commission, as applicable, for purposes related to the active work zone that is:
(1) equipped with an automated driving system; or

(2) connected by wireless communication or other technology to another vehicle allowing for coordinated or controlled movement.

"Minimal risk condition." A stable, stopped condition to which an individual, a highly automated vehicle driver or ADS may bring a highly automated vehicle after performing a DDT fallback in order to reduce the risk of a crash when a given trip cannot or should not be continued.

"Operational design domain" or **"ODD."** Operating conditions under which a given ADS is specifically designed to function, including, but not limited to, environmental, geographical and time-of-day restrictions and the requisite presence or absence of certain traffic or highway characteristics.

"Platoon." A group of buses, military vehicles or motor carrier vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without the coordination. The term does not include a school bus or a school vehicle.
(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added the defs. of "certificate of compliance," "DDT fallback," "dynamic driving task" or "DDT," "highly automated workzone vehicle," "minimal risk condition," "operational design domain" or "ODD" and "platoon."

SUBCHAPTER B
HIGHLY AUTOMATED VEHICLES

Sec.
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Subchapter Heading. The heading of Subchapter B was added November 1, 2020, P.L.1064, No.106, effective in 90 days.

Cross References. Subchapter B is referred to in sections 102, 8501 of this title.

§ 8502. Highly automated vehicles.

The department shall be the lead Commonwealth agency on highly automated vehicles.

(a) General rule.--(Deleted by amendment).

(b) Highly automated work zone vehicles.--(Deleted by amendment).
(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

§ 8503. Highly Automated Vehicle Advisory Committee.

(a) Establishment.--The Highly Automated Vehicle Advisory Committee is established within the department.

(b) Composition.--The advisory committee shall consist of the following members:

(1) The secretary, who shall serve as the chairperson of the advisory committee.
(2) The Secretary of Community and Economic Development.
(3) The Insurance Commissioner.
(4) The Secretary of Labor and Industry.
(5) The Commissioner of Pennsylvania State Police.
(6) The Chief Executive Officer of the Pennsylvania Turnpike Commission.
(6.1) The chairperson of the Pennsylvania Public Utility Commission.
(7) The chairperson and minority chairperson of the Transportation Committee of the Senate.
(8) The chairperson and minority chairperson of the Transportation Committee of the House of Representatives.
(9) The following members to be appointed by the Governor:
(i) One member representing a transit authority located in this Commonwealth.
(ii) One member representing an educational or research institution located in this Commonwealth engaged in developing highly automated vehicles.
(iii) One member representing a technology company engaged in developing highly automated vehicles.
(iv) One member representing a vehicle manufacturer engaged in developing highly automated vehicles.
(v) One member representing bicyclists, pedestrians or motorcyclists in this Commonwealth.
(vi) One member representing drivers or consumers in this Commonwealth.
(vii) One member representing a municipality of this Commonwealth.
(viii) One member representing platoon operations.
(ix) One member representing an insurance company, association or exchange who is authorized to transact the business of motor vehicle insurance in this Commonwealth.
(x) Two members representing different labor organizations in this Commonwealth.
(xi) One member representing Pennsylvanians with disabilities.
(xii) One member representing a company engaged in the development of highly automated motor carrier vehicles.

(c) Vacancies.--If a position under subsection (b)(9) has been vacant for 120 days, an appointment shall be made on a rotating basis by the President pro tempore of the Senate and the Speaker of the House of Representatives to fill the vacancy.

(d) Alternates.--An advisory committee member under subsection (b)(2), (3), (4), (5), (6), (7) or (8) may designate an alternate to serve in the member's absence. The advisory committee member shall notify the chairperson of the advisory committee in writing of the designation.

(e) Alternate for secretary.--The secretary may designate an alternate under subsection (b)(1) who must be a deputy secretary.

(f) Terms.--An advisory committee member may be reappointed for additional terms. The terms of advisory committee members appointed by the Governor under subsection (b)(9) shall be three years. An individual appointed to fill a vacancy on the advisory committee under subsection (b) shall serve for the unexpired term and shall be eligible for reappointment.

(g) Meetings and expenses.--The following shall apply:

(1) The advisory committee shall meet at least three times annually but may hold additional meetings as are called by the chairperson of the advisory committee. The chairperson shall provide notice at least 14 days in advance for regular meetings and shall provide a minimum of three days' notice for special meetings.

(2) A record of meeting attendance shall be maintained, and appointed members shall receive written notice if two consecutive meetings are missed. An appointed member under subsection (b)(9) who misses three consecutive meetings without good cause acceptable to the chairperson of the advisory committee may be replaced by the Governor.

(3) Minutes of the meetings shall be prepared and filed with the advisory committee and distributed to each member. Each record shall be a matter of public record.

(4) An appointed member under subsection (b)(9) may not receive per diem expenses.

(5) The department shall provide appropriate staff support to enable the advisory committee to properly carry out the advisory committee's functions.

(h) Powers.--The advisory committee shall have the power to advise and consult the secretary on each aspect of highly automated vehicles and platooning in this Commonwealth and may undertake any of the following:

(1) Developing technical guidance.

(2) Evaluating best practices.

(3) Reviewing existing laws, regulations and guidelines.

(4) Engaging in continued research and evaluation of connected and automated systems technology necessary to ensure safe testing, deployment and continued innovation in this Commonwealth.

(5) Evaluating accidents, based on summaries prepared by the department, if the certificate holder or highly automated vehicle driver was determined to be at fault.

(6) Evaluating workforce impacts, based on summaries prepared by the department in consultation with the Department of Labor and Industry, and how the Federal Government and the Commonwealth are supporting the workforce as a result of automation.

(i) Annual report.--The department shall provide an annual report of the activities of the advisory committee under subsection (h) on the department's publicly accessible Internet website.

(j) Special reports.--Beginning as soon as practicable, but no later than 18 months after the effective date of this subsection, the advisory committee shall submit an annual report that evaluates the impact of highly automated vehicles authorized by this chapter on this Commonwealth. The report shall be submitted to the chairperson and minority chairperson of the Transportation Committee of the Senate and the chairperson and minority chairperson of the Transportation Committee of the House of Representatives and posted on the department's publicly accessible Internet website. The report shall evaluate the following with respect to highly automated vehicles authorized by this chapter:

(1) Benefits and implications to this Commonwealth's workforce.

(2) Economic benefits and implications to this Commonwealth.

(3) Improvements to accessibility and mobility for persons with disabilities.

(4) Improvements to mobility options for the general public.

(5) Suggested changes to the laws of this Commonwealth.

(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 amended subsecs. (b) and (h) and added subsec. (j).

Cross References. Section 8503 is referred to in section 8501 of this title.

§ 8504. Certificate of compliance required.

(a) Prohibition.--Except as provided in subsection (b), no person may operate on a highway in this Commonwealth a highly automated vehicle, unless:

(1) the firm, copartnership, association, corporation or educational or research institution is a certificate holder or is a highly automated vehicle driver approved by a certificate holder to operate a highly automated vehicle on behalf of the certificate holder; and

(2) the highly automated vehicle is operated in accordance with this title.

(b) Applicability.--Subsection (a) shall not apply to:

(1) A highly automated work zone vehicle operated in accordance with section 8531 (relating to highly automated work zone vehicles).

(2) A platoon operated in accordance with section 8532 (relating to platooning).

(3) A highly automated vehicle registered in another state operating in this Commonwealth under an interstate agreement in accordance with section 8510.5 (relating to interstate agreements).

(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added section 8504.

Cross References. Section 8504 is referred to in section 8510.1 of this title.

§ 8505. Powers of department.

(a) General powers.--To ensure the safety of motorists and the general public, except as permitted under section 8509 (relating to commercial operation), the department has sole regulatory authority over the operation of highly automated vehicles on highways within this Commonwealth consistent with this title and Federal law or regulation.

(b) Specific powers and duties.--Except as provided for in subsection (c), the department has the following specific powers and duties:

(1) By order of the secretary, to prohibit the use of a highly automated vehicle on a highway where the secretary determines that the operation of the highly automated vehicle would constitute a hazard.

(2) To require a certificate holder to self-report to the department an accident in this Commonwealth involving the certificate holder's highly automated vehicle if the accident resulted in bodily injury, serious bodily injury, death or damage to property. The department shall establish the time frame in which to self-report an accident to the department, provided that the time frame is no less than six hours from the occurrence of the accident.

(3) To display on the department's publicly accessible Internet website, the following:

(i) A list of certificate holders, including:

(A) Location information where the highly automated vehicle is expected to operate.

(B) The name and contact information for accident claims, including the registered agent for service of process.

(ii) Orders issued by the secretary under paragraph (1).

(iii) Policies, regulations or guidelines issued by the department under this subchapter.

(4) By order of the secretary, to collect the following information on a periodic basis:

(i) The process an emergency service responder should follow when a highly automated vehicle without a highly automated vehicle driver on board is disabled or involved in an accident.

(ii) If applicable, the highly automated vehicle driver information, including name, driver's license number, state or country issued and a summary of any training received to operate the highly automated vehicle.

(iii) A description of whether the highly automated vehicle will transport passengers or goods. If the highly automated vehicle will not be transporting passengers or goods, a description of the service or function being provided by the highly automated vehicle.

(iv) Location information, including a list of municipalities where the highly automated vehicle is expected to operate.

(5) To establish policies, regulations or guidelines reasonably necessary to implement this subchapter.

(c) Restriction.--Notwithstanding subsection (b), the department is prohibited from establishing a policy, regulation or guideline under this subchapter that:

(1) requires a highly automated vehicle driver to obtain another additional license, approval or similar authorization, other than the appropriate driver's license and endorsement, according to the type and class of motor vehicle equipped with an automated driving system that the highly automated vehicle driver operates;

(2) is inconsistent with Federal law, regulation or guidance relating to highly automated vehicles;

(3) prohibits or restricts a highly automated vehicle driver from operating a certificate holder's highly automated vehicle to control all or part of the DDT unless the highly automated vehicle driver has been convicted of one or more moving violations within the past 365 days; or

(4) prohibits or restricts a certificate holder's highly automated vehicle from operating without a highly automated vehicle driver in a manner that is inconsistent with the provisions of section 8508(b) and (e) (relating to operation requirements) and section 8510.1(b) (relating to enforcement and penalties).

(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added section 8505.

§ 8506. Self-certification.

(a) Form.--A self-certification for a certificate of compliance shall be submitted on a form and in a manner determined by the department. The form shall be consistent with this subchapter and may not impose any additional requirements upon the operation of a highly automated vehicle that are inconsistent with this title or Federal law or regulation.

(b) Contents of form.--A self-certification form submitted to the department under subsection (a) shall include the following:

(1) The name, address and contact information of the applicant, including a principal point-of-contact for the applicant's accident claims and registered agent for service of process.

(2) Vehicle identification information, proof of current registration and any other information ordered by the secretary.

(3) Proof of insurance as required under section 8508(f) (relating to operation requirements).

(4) A safety management plan that describes the safety elements in the development and management of the highly automated vehicle, including the safety elements of the highly automated vehicle's operational design domain, ADS and, if applicable, the highly automated vehicle driver.

(5) Nonproprietary documentation submitted to the National Highway Traffic Safety Administration for the highly automated vehicle and ADS, including any exemptions received from the National Highway Traffic Safety Administration.

(6) Consent to the following:

(i) The highly automated vehicle shall operate in compliance with this title and Federal law or regulation.

(ii) The jurisdiction of courts of this Commonwealth for actions arising out of or resulting from any accident involving the highly automated vehicle in this Commonwealth.

(7) Any information or records deemed reasonably necessary to aid the department's review of the submitted application and for the administration and enforcement of and ongoing compliance with this title.

(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added section 8506.

Cross References. Section 8506 is referred to in sections 8507, 8510.1, 8510.3 of this title.

§ 8507. Self-certification review.

(a) Review and issuance.--The department shall review a self-certification form submitted under section 8506 (relating to self-certification). If a self-certification form is not rejected by the department within 30 days of the date of receipt by the department, the self-certification form shall be considered complete and a certificate of compliance shall be issued to the applicant. The department may only reject a self-certification form for any of the following reasons:

(1) The form is incomplete.

(2) The information contained in the form does not certify that that the applicant's highly automated vehicle or the automated driving system installed in the highly automated vehicle, as applicable, meets the requirements of this title.

(3) The form contains materially inaccurate information and the applicant is not responsive to clarifying questions.

(b) Effective period.--

(1) The department may not require renewal of a certificate of compliance issued under this subchapter.

(2) An applicant for a certificate of compliance who, prior to the effective date of this section, operated a highly automated vehicle in accordance with automated vehicle testing guidance established by the department prior to the effective date of this section may continue to operate the

highly automated vehicle without a certificate of compliance on highways pending the review of a self-certification form if the following criteria are met:

(i) The applicant has submitted a self-certification form for a certificate of compliance to the department.

(ii) The department has not denied the self-certification form.

(iii) The department has not issued a notice, in writing, to the applicant prohibiting continued HAV operation while the department reviews the self-certification form.

(iv) The highly automated vehicle is operated in accordance with this subchapter.

(c) Duty of certificate holders.--A certificate holder shall continue to provide information or records that may be required by the department and reasonably necessary for the administration and enforcement of this subchapter. By order of the secretary, a certificate holder shall provide information or records if there is a specific safety concern.

(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added section 8507.

§ 8508. Operation requirements.

(a) General rule.--A certificate holder may operate, subject to the operation requirements of this section, a highly automated vehicle with or without a highly automated vehicle driver on a highway in this Commonwealth.

(b) Driverless operation.--A highly automated vehicle may operate on a highway without a highly automated vehicle driver, subject to the following:

(1) The ADS must be engaged.

(2) The HAV must be capable of operating in compliance with applicable traffic and motor vehicle safety provisions of this title, unless the exemption has been granted by the department.

(3) If a failure of an ADS occurs which renders the ADS unable to perform the entire DDT within the intended ODD, the highly automated vehicle must achieve a minimal risk condition.

(c) Operation with driver.--A highly automated vehicle may operate on a highway with a highly automated vehicle driver, subject to the following:

(1) A highly automated vehicle driver may control all or part of a highly automated vehicle's DDT.

(2) If a failure of an ADS renders the ADS unable to perform the entire DDT within the intended ODD, the highly automated vehicle or the highly automated vehicle driver must achieve a minimal risk condition.

(d) Vehicle markings.--The following shall apply:

(1) When required under Federal law or regulation, a highly automated vehicle shall bear any required manufacturer's certification labels indicating that the highly automated vehicle has been certified to be in compliance with all applicable Federal motor vehicle safety standards, including reference to any exemption granted by the National Highway Traffic Safety Administration.

(2) In consultation with the State Police, the department shall establish standards for an external-facing visual identifier for a certificate holder's highly automated vehicle that provides owner, vehicle and financial responsibility information for reportable and nonreportable accidents.

(e) HAV drivers.--A highly automated vehicle driver shall be properly licensed under this title to operate the appropriate type and class of motor vehicle.

(f) Insurance and liability.--The following shall apply:

(1) A certificate holder of a highly automated vehicle shall maintain the ability to respond in damages for liability on account of accidents arising out of the maintenance or use of a highly automated vehicle and in the minimum amount of $1,000,000 per accident for death, bodily injury and property damage to a third party. The financial responsibility required under this subsection shall be evidenced by insurance placed with either an insurer that has obtained a certificate of authority under section 208 of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, or a surplus lines insurer eligible under section 1605 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, or through any other form, including self-insurance, acceptable to and approved by the department, in consultation with the Insurance Department. Financial responsibility satisfying the requirements of this subsection shall be deemed to satisfy the financial responsibility requirements for a motor vehicle under Chapter 17 (relating to financial responsibility).

(2) The financial responsibility under this subsection shall be in addition to any financial responsibility requirements under 66 Pa.C.S. Ch. 26 (relating to transportation network service) or 53 Pa.C.S. Ch. 57A (relating to transportation network companies) if a highly automated vehicle provides a transportation network service.

(g) Low-speed HAVs.--

(1) A low-speed HAV may not be operated on a highway with a posted speed limit greater than 35 miles per hour, except when:

(i) the low-speed HAV is engaged in a legal crossing of the highway; or

(ii) the low-speed HAV is permitted, by order of the secretary, to be operated on the highway.

(2) A low-speed HAV may not be operated on a freeway.

(3) As used in this subsection, the term "low-speed HAV" shall mean a highly automated vehicle that is in compliance with the Federal safety standards established in 49 CFR 571.500 (relating to Standard No. 500; Low-speed vehicles), including any exemptions by the National Highway Traffic Safety Administration, and designed to be operated without an occupant and used to transport goods. The term does not include a neighborhood electric vehicle and shall be considered by the department as a passenger car or truck for the purposes of title and registration, in accordance with section 1106 (relating to content and effect of certificate of title).

(h) HAV title required.--A highly automated vehicle may not operate on a highway in this Commonwealth unless the vehicle is titled as a highly automated vehicle in accordance with section 1106 or under the laws or regulations of another jurisdiction of the United States.

(i) Notice.--A certificate holder shall notify in writing the governing body of the municipality of the intent to operate a highly automated vehicle within the boundaries of the municipality at least 10 days prior to commencing operations.

(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added section 8508.

Cross References. Section 8508 is referred to in sections 8505, 8506 of this title.

§ 8509. Commercial operation.

(a) Motor carriers.--A highly automated vehicle that is also a motor carrier vehicle that requires a commercial driver's license under section 1606 (relating to requirement for commercial driver's license) may operate on highways as a motor carrier with or without a highly automated vehicle driver. A highly automated vehicle operated without a highly automated vehicle driver shall operate under Federal and State law or regulation governing the operation of commercial vehicles and drivers, except provisions that by their nature reasonably apply only to a driver shall not apply to a highly automated vehicle.

(b) Applicability of Public Utility Code.--

(1) The provisions of 66 Pa.C.S. (relating to public utilities) shall apply to a certificate holder and the certificate holder's highly automated vehicles, except for provisions that by their nature reasonably apply only to a driver shall not apply to a highly automated vehicle.

(2) Except as provided for in paragraph (3), nothing contained in this subchapter shall be construed to prohibit the Pennsylvania Public Utility Commission from requiring an authorization, license or approval from a certificate holder for the operation of a highly automated vehicle if the authorization, license or approval requirement is consistent with 66 Pa.C.S. and does not discriminate against a highly automated vehicle.

(3) Notwithstanding paragraph (2), the Pennsylvania Public Utility Commission may not require an authorization, license or approval from a certificate holder if the certificate holder:

(i) is not directly providing a commercial service regulated by the Pennsylvania Public Utility Commission; and

(ii) is only providing a highly automated vehicle to another person that holds an authorization, license or approval from the Pennsylvania Public Utility Commission for use in a commercial service regulated by the Pennsylvania Public Utility Commission.

(4) Except as provided for in subsection (c), a transportation network company licensed by the Pennsylvania Public Utility Commission may utilize a certificate holder's highly automated vehicle to provide transportation network services under 66 Pa.C.S. Ch. 26 (relating to transportation network service).

(c) Cities of the first class.--

(1) A transportation network company licensed by a parking authority of a city of the first class may utilize a certificate holder's highly automated vehicle to provide transportation network services under 53 Pa.C.S. Ch. 57A (relating to transportation network companies).

(2) The provisions of 53 Pa.C.S. Ch. 57A shall apply to a highly automated vehicle as described in paragraph (1), except for provisions that by their nature do not apply to a driver of a highly automated vehicle when the highly automated vehicle is operated without a highly automated vehicle driver.

(d) Limitation.--The Pennsylvania Public Utility Commission under subsection (b) and a parking authority of a city of the first class under subsection (c) may not require, including as a requirement of an authorization, license or approval:

(1) A highly automated vehicle to be operated with a highly automated vehicle driver.

(2) Additional testing requirements for a highly automated vehicle.

(3) Operational standards for a highly automated vehicle that are substantially dissimilar to operational standards for a motor vehicle operating without an automated driving system.

(4) Compliance with additional standards related to a highly automated vehicle's automated driving system, ODD, DDT or DDT fallback.

(e) Commercial restrictions.--A highly automated vehicle may not:

(1) be operated as a school bus or school vehicle; or

(2) carry hazardous materials as defined in section 102 (relating to definitions) provided, however, that this prohibition does not apply to transporting articles and substances prepared in accordance with 49 CFR 172.315 (relating to limited quantities) or that otherwise do not require placarding pursuant to the Federal Hazardous Materials Regulations (49 C.F.R. Part 100 et seq.), unless the certificate holder receives certification from the department following the promulgation of regulations.

(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added section 8509.

Cross References. Section 8509 is referred to in section 8505 of this title.

§ 8510. Local governance.

(a) Local preemption.--This subchapter preempts and supersedes all ordinances, policies and rules of a local authority relating to highly automated vehicles.

(b) Construction.--

(1) Nothing in subsection (a) shall be construed to prohibit local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers specified in section 6109 (relating to specific powers of department and local authorities), provided that the exercise of the police powers does not specifically burden or discriminate against highly automated vehicles.

(2) An ordinance, policy or rule that affects the operation of the highly automated vehicle as a member of a type or class of vehicle, motor vehicle or traffic shall not be a violation of subsection (a).

(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added section 8510.

§ 8510.1. Enforcement and penalties.

(a) Enforcement of title.--

(1) The certificate holder is considered a driver of a highly automated vehicle for the purpose of assessing compliance under any provision of this title relating to a driver of a vehicle or motor vehicle, subject to the following:

(i) If a police officer charges for a violation of this title, the police officer shall charge the certificate holder for any applicable offense.

(ii) If there is no HAV driver on board, the requirements of this title relating to exhibiting a driver's license and registration card are satisfied if a vehicle registration card is in the highly automated

vehicle and physically or electronically available for inspection by a police officer.

(2) (Reserved).

(b) Enforcement by department.--

(1) The department may only suspend or limit a certificate of compliance for the following reasons:

(i) The certificate holder's highly automated vehicle or automated driving system does not meet the applicable requirements of this subchapter.

(ii) The certificate holder submitted materially false information on the self-certification form submitted to the department under section 8506 (relating to self-certification).

(2) The department may only revoke a certificate of compliance for the following reasons:

(i) The certificate holder knowingly operated a highly automated vehicle during a time period when the certificate holder's certificate of compliance was suspended under paragraph (1).

(ii) The certificate holder knowingly operated a highly automated vehicle in a manner that violated a certificate of compliance limitation established by the department under paragraph (1).

(iii) The certificate holder was convicted of any of the following violations with respect to a violation of this title by the certificate holder's highly automated vehicle when the ADS was engaged and no highly automated vehicle driver was on board or in a remote location:

(A) Section 3732 (relating to homicide by vehicle).

(B) Section 3732.1 (relating to aggravated assault by vehicle).

(3) Nothing contained in this subchapter shall be construed to allow the department to suspend, limit or revoke a certificate of compliance except for the instances specifically authorized in paragraphs (1) and (2).

(4) The department shall provide a notice and an opportunity for an administrative hearing to a certificate holder whose certificate of compliance is suspended, limited or revoked under paragraphs (1) and (2).

(c) Penalties.--

(1) Except as provided for in paragraphs (2) and (3), a certificate holder that violates a provision of this subchapter shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $25 and not more than $1,000.

(2) Except as provided for in paragraph (3), a person that violates section 8504 (relating to certificate of compliance required) shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $500.

(3) A person that knowingly violates section 8504 and whose certificate of compliance was suspended or revoked by the department shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $1,000.

(4) A certificate holder that violates a provision of this title in which the penalty is a misdemeanor or felony shall be subject to 18 Pa.C.S. § 307 (relating to liability of organizations and certain related persons).

(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added section 8510.1.

Cross References. Section 8510.1 is referred to in section 8505 of this title.

§ 8510.2. Regulations and guidelines.

(a) General rule.--In order to facilitate the prompt implementation of this subchapter, the department shall promulgate regulations or publish guidelines that are consistent with:

(1) This title.

(2) Federal law or regulations relating to highly automated vehicles.

(b) Temporary regulations.--Notwithstanding any other provision of law, and subject to subsection (d), regulations promulgated by the department under this subchapter during the two years following the effective date of this section shall be deemed temporary regulations, which shall expire no later than three years following the effective date of this section or upon promulgation of final regulations. The temporary regulations shall not be subject to:

(1) Section 612 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(2) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(3) Sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(4) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(c) Publication.--The department shall transmit temporary regulations promulgated under subsection (b) to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(d) Consultation and public comment.--Prior to promulgating regulations, temporary regulations or publishing guidelines and policies under this subchapter, the department shall consult with the advisory committee in a public meeting. The department shall conduct a 10-day public comment period before promulgating temporary regulations or publishing guidelines, and the department shall adhere to the public comment period under the Regulatory Review Act before promulgating regulations.
(Nov. 3, 2022, P.L.1946, No.130, eff. imd.)

2022 Amendment. Act 130 added section 8510.2.

§ 8510.3. Confidential records.

(a) General rule.--Information, data or records obtained by the department under this chapter shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, if:

(1) The information, data or records constitute or reveal a trade secret or confidential proprietary information.

(2) Disclosure of the information, data or records could affect the safe operation of highly automated vehicles.

(b) Disclosure.--Except for information, data or records not subject to disclosure under the Right-to-Know Law or under subsection (a), the department shall provide the information in the certificate of compliance, accident information consistent with section 3746 (relating to immediate notice of accident to police department) or the data and information collected under section 8506(b) (relating to self-certification)

to any requesting municipality where a highly automated vehicle is operating.
(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added section 8510.3.

§ 8510.4. Appeals.

A certificate holder may appeal an action taken by the department under this subchapter in accordance with 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).
(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added section 8510.4.

§ 8510.5. Interstate agreements.

(a) Agreements authorized.--The department may negotiate one or more interstate agreements on behalf of the Commonwealth with regulatory agencies of other states for the interstate operation of highly automated vehicles and platoons approved for operation in the Commonwealth under this chapter and for highly automated vehicles and platoons approved for operation in states that are parties to the agreement.

(b) Approval required.--An interstate agreement negotiated by the department under subsection (a) shall become effective upon approval by the Governor.

(c) Regulations.--The department may promulgate regulations governing the interstate operation of highly automated vehicles and platoons consistent with this chapter and the interstate agreement.

(d) Limitation.--The following shall apply:

(1) An interstate agreement shall only be approved by the Governor if permitted under Federal law or regulation and shall be consistent with Federal law or regulation.

(2) An interstate agreement shall ensure that every highly automated vehicle operated within this Commonwealth under the agreement is insured or self-insured in the minimum amount as required by this subchapter.

(Nov. 3, 2022, P.L.1946, No.130, eff. 240 days)

2022 Amendment. Act 130 added section 8510.5.

Cross References. Section 8510.5 is referred to in section 8504 of this title.

SUBCHAPTER C
PERSONAL DELIVERY DEVICES

Sec.

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8519. Insurance and liability.
8520. Enforcement.
8521. Criminal penalties.
8522. Application of title.

Enactment. Subchapter C was added November 1, 2020, P.L.1064, No.106, effective in 90 days.

§ 8511. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Authorized entity." A person or an educational institution holding a PDD authorization.

"Municipality." The term does not include a county.

"Operational phase." Phase 1 or phase 2.

"PDD authorization." An authorization issued by the department under section 8515 (relating to authorization issuance and renewal) permitting the operation of a personal delivery device in accordance with this subchapter.

"PDD operator." An employee of an authorized entity permitted by the authorized entity to remotely control, monitor or otherwise operate a personal delivery device on behalf of the authorized entity as provided under this subchapter. The term does not include an individual who requests a delivery or service provided by the personal delivery device or dispatches the personal delivery device.

"Pedestrian area." A sidewalk, crosswalk, safety zone, pedestrian tunnel, overhead pedestrian crossing or similar area for pedestrians.

"Phase 1." The operation of a personal delivery device through a driving system that allows remote or autonomous operation by an authorized entity where the device is controlled remotely and a PDD operator is within 30 feet of the PDD and within the line of sight of the PDD.

"Phase 2." The operation of a personal delivery device through a driving system that allows remote or autonomous operation by an authorized entity where the device is monitored remotely by a PDD operator and the driving system is capable of being controlled and overridden remotely by the PDD operator.

§ 8512. General prohibition.

No person may operate a personal delivery device on a roadway, or shoulder or berm of a roadway, or in a pedestrian area unless:

(1) the person holds a PDD authorization from the department or is a PDD operator; and

(2) the personal delivery device is operated in accordance with this subchapter.

Cross References. Section 8512 is referred to in section 8521 of this title.

§ 8513. Powers of department.

(a) General powers.--Except as permitted under section 8517 (relating to local regulation), the department shall have general and sole regulatory authority over the operation of personal delivery devices and authorized entities as described in this subchapter to ensure the safe operation of personal delivery devices on roadways, or shoulders or berms of roadways, and in pedestrian areas.

(b) Specific powers and duties.--The department shall have the following specific powers and duties:

(1) To issue, approve, renew, revoke, suspend, condition or deny issuance or renewal of PDD authorizations.

(2) By order of the secretary, to prohibit the use of a personal delivery device on any roadway, or shoulder or berm of a roadway, under the jurisdiction of the department where the secretary determines that the operation of the personal delivery device would constitute a hazard.

(3) To display, on the department's publicly accessible Internet website, the following:

(i) a list of authorized entities that includes the authorized operational phase of each authorized entity.

(ii) any order issued by the secretary under this subchapter.

(iii) policies or guidelines issued by the department consistent with this subchapter.

(4) To require an authorized entity to self-report to the department and the law enforcement agency of the municipality governing the right-of-way containing the pedestrian area or roadway, or shoulder or berm of the roadway, an accident involving any of the authorized entity's personal delivery devices that resulted in bodily injury, death or damage to property within 24 hours of the accident.

(5) To establish policies or guidelines consistent with this subchapter.

Cross References. Section 8513 is referred to in sections 8515, 8520 of this title.

§ 8514. Application.

(a) Application.--An application for a PDD authorization or renewal application for a PDD authorization shall be on a form and submitted in a manner as determined by the department.

(b) Contents of application.--An application submitted to the department under subsection (a) shall include the following:

(1) Name, address and contact information of the applicant.

(2) A general operational plan that includes, but is not limited to, the following:

(i) The municipalities in which the applicant intends to operate personal delivery devices.

(ii) The anticipated highways and pedestrian areas that the applicant's personal delivery devices will be utilized to transport goods and cargo.

(iii) A description of the training procedures for PDD operators.

(iv) The manufacturer and model of personal delivery devices the applicant intends to deploy.

(v) A description of how a police officer or other emergency responder may stop or disable a PDD operated by the applicant.

(vi) A description of the cargo or goods the applicant intends to transport.

(vii) A proposed schedule for safety and maintenance inspections of PDDs.

(viii) Information regarding the operational phases in which the applicant's personal delivery devices are capable of operating.

(3) Any information or records deemed reasonably necessary to aid the department's review of the submitted application and for the administration, enforcement and ongoing compliance with this subchapter.

(4) Proof of insurance as required under section 8519 (relating to insurance and liability).

(5) An attestation that the applicant will temporarily cease or restrict the operation of PDDs due to a weather emergency or other hazardous event identified by the department or a municipality.

(6) The details of an educational campaign to be employed by the applicant to educate and bring awareness of PDDs to municipalities, motorists and the general public.

(7) Information regarding the applicant's accident procedure in the event of an accident involving injury to a person or damage to property or an accident causing damage to the personal delivery device. The procedure shall include:

(i) duties of the applicant and its PDD operators with respect to removing the PDD or accident debris from roadways, or shoulders or berms of a roadway, and pedestrian areas of the personal delivery device so as not to impede traffic or pedestrians in the event that the personal delivery device is rendered inoperable or damaged to the extent it cannot be safely operated;

(ii) the process where the applicant will exchange, if necessary, insurance information to all parties involved in the accident within 24 hours of the accident; and

(iii) the safety inspection and maintenance protocols for personal delivery devices damaged in an accident.

(8) A list of unique identification numbers assigned to each of the applicant's personal delivery devices, which shall be updated prior to an authorized entity operating a PDD not listed in the application.

(9) if the application is a renewal application, the following information:

(i) the total number of trips each personal delivery device performed within the previous 12 months; and

(ii) a list of accidents resulting in personal injury or property damage and any violations of this subchapter issued to the authorized entity for a personal delivery device operated by the authorized entity within this Commonwealth in the previous 12 months.

Cross References. Section 8514 is referred to in sections 8515, 8518 of this title.

§ 8515. Authorization issuance and renewal.

(a) Review of applications and issuance.--The department shall review all applications for a PDD authorization and applications for the renewal of a PDD authorization and may issue an authorization to or renew the authorization of any applicant that:

(1) has submitted a completed application;

(2) has the ability to comply with the provisions of this subchapter; and

(3) has not knowingly made a false statement of material fact in the application or has not deliberately failed to disclose any information requested by the department.

(b) Authorization period and renewal.--

(1) A PDD authorization issued under this subchapter shall be valid for a period of one year.

(2) If the PDD application is not approved by the department within 30 days after receipt of the application, the application shall be deemed approved.

(3) An application for the renewal of a PDD authorization shall be submitted at least 45 days prior to the expiration of the PDD authorization and include an update of the information contained in the initial application for the PDD authorization. A PDD authorization for which a completed renewal application has been received by the department shall continue in effect unless the department sends a written notification to the authorized entity that the department has denied the renewal of the PDD authorization.

(c) Duty of authorized entities.--An authorized entity shall have an ongoing duty to provide any information or records that may be required by the department and is reasonably necessary for the administration and enforcement of this subchapter.

(d) Applicability.--Except as provided in subsection (e), the following shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law:

(1) Information contained in an application for a PDD authorization or renewal application submitted to the department by an applicant under this section or section 8514 (relating to application).

(2) Additional information requested by the department and submitted by an applicant as part of the review of the applicant's application for a PDD authorization or renewal application under this section or section 8514.

(3) Information and records submitted by an authorized entity to the department under this section or section 8514.

(e) Applicability exception.--Subsection (d) shall not apply to the following:

(1) Information or records submitted to the department under section 8514(b)(2)(i), (ii) or (iv), (4), (8) or (9)(ii).

(2) Information or records required to be posted on the department's publicly accessible Internet website under section 8513(b)(3)(ii) (relating to powers of department).

Cross References. Section 8515 is referred to in section 8511 of this title.

§ 8516. Operation.

(a) Operational phases.--The following shall apply:

(1) Except as permitted under subparagraph (iii), upon the initial issuance of a PDD authorization, an authorized entity shall be limited to phase 1 operation to demonstrate safe operation of personal delivery devices by the authorized entity and its PDD operators, subject to the following:

(i) Except as permitted under subparagraph (ii), The department may not limit an authorized entity to phase 1 operation for less than 90 days and not more than 180 days from the date the PDD authorization was issued, or less than 90 days and not more than 180 days from the date the authorized entity's phase 2 operation was revoked by the department, whichever is applicable.

(ii) The department may limit an authorized entity to phase 1 operation for less than 90 days or more than 180 days from the date the PDD authorization was issued, or less than 90 days and not more than 180 days from the date the authorized entity's phase 2 operation was revoked by the department, whichever is applicable, if agreed to by the authorized entity.

(iii) The department may exempt an authorized entity from phase 1 operations upon initial issuance of a PDD authorization if the authorized entity can certify, to the department's satisfaction, safe PDD operations in the Commonwealth or other jurisdictions.

(2) The department may authorize, in writing, an authorized entity to operate personal delivery devices under phase 2 if the authorized entity and its PDD operators have demonstrated the safe operation of personal delivery devices under phase 1 and the department has determined the authorized entity's personal delivery devices can be operated safely under phase 2 and in accordance with this subchapter.

(3) Following notice and an opportunity for an administrative hearing, the department may revoke, in writing, an authorized entity's phase 2 authorization and change the authorized entity's authorized operational phase if the department determines the revocation and change is necessary to ensure public safety and compliance with this subchapter.

(b) General operation requirement.--Except as to special operation requirements in subsection (c), An authorized entity and its PDD operators shall operate personal delivery devices in accordance with the provisions of Chapter 35 (relating to special vehicles and pedestrians) applicable to pedestrians.

(c) Additional operation requirements.--An authorized entity and its PDD operators when operating a personal delivery device shall:

(1) only operate a personal delivery device according to the operational phase for which the authorized entity has been authorized by the department;

(2) utilize a pedestrian area when crossing a roadway and, if a pedestrian area is not available or not practicable, only cross the roadway according to policies or guidelines established by the department;

(3) be prohibited from making a left turn across one or more lanes of oncoming traffic on a roadway until or unless guidelines or policies are established by the department;

(4) utilize the shoulder or berm of a roadway as far as practicable from the edge of the roadway whenever a shoulder or berm is available and its use is practicable;

(5) where a shoulder or berm of a roadway is not available or its use is not practicable, utilize a pedestrian area, if available;

(6) where neither a pedestrian area nor a shoulder or berm of a roadway is available, operate the personal delivery device as near as practicable to the outside edge of the roadway;

(7) yield the right-of-way, or safely navigate around, to all pedestrians and pedalcyclists in a pedestrian area;

(8) not transport hazardous materials regulated under 49 U.S.C. § 5103 (relating to general regulatory authority) and required to be placarded under 49 CFR Pt. 172 Subpt. F (relating to placarding);

(9) when traveling on a roadway, or shoulder or berm of a roadway, operate the personal delivery device in the same direction as required of other vehicles operated on the roadway;

(10) not exceed speed limits contained in subsection (d);

(11) not operate on a roadway, or shoulder or berm of a roadway, under the jurisdiction of the department where the secretary, by order, has determined the operation to be hazardous;

(12) not operate on a roadway, or shoulder or berm of a roadway, under the jurisdiction of the department where the posted speed limit is greater than 25 miles per hour, except as permitted in subsection (e);

(13) not operate on a local roadway, or shoulder or berm of a local roadway, under the jurisdiction of a municipality where the posted speed limit is greater than 25 miles per hour, except as permitted in section 8517 (relating to local regulation);

(14) not operate on an interstate highway or freeway;

(15) comply with ordinances or resolutions adopted by local authorities under section 8517;

(16) only operate personal delivery devices that comply with equipment standards established under section 8518 (relating to equipment); and

(17) comply with any other policies or guidelines established by the department consistent with this subchapter.

(d) Speed limit.--A personal delivery device may not exceed 12 miles per hour in a pedestrian area and may not exceed 25 miles per hour on a roadway, or shoulder or berm of a roadway.

(e) Exception.--The department may, by order of the secretary, permit the use of a personal delivery device upon a roadway, or shoulder or berm of a roadway, under the jurisdiction of the department where the posted speed limit is greater than 25 miles per hour but not greater than 35 miles per hour.

(f) PDD operator requirement.--No PDD operator may operate a personal delivery device on behalf of an authorized entity unless the individual possesses a valid driver's license from a licensing authority in the United States. The department may not impose any additional licensing requirements or additional authorization requirements on a PDD operator.

Cross References. Section 8516 is referred to in section 8517 of this title.

§ 8517. Local regulation.

(a) Authorization.--A municipality may, by ordinance or resolution, do the following:

(1) Permit the use of a personal delivery device on a roadway, or shoulder or berm of a roadway, under the jurisdiction of the municipality where the posted speed limit is greater than 25 miles per hour but not greater than 35 miles per hour.

(2) Prohibit the use of a personal delivery device on any roadway, or shoulder or berm of a roadway, or pedestrian area under the jurisdiction of the municipality where the municipality, after consultation with the authorized entity, determines that the operation of the personal delivery device would constitute a hazard.

(b) Prohibition.--Except as provided in subsection (a), a municipality may not regulate the operation of a personal delivery device operated in a pedestrian area, roadway, or shoulder or berm of a roadway, under the jurisdiction of the municipality.

(c) Construction.--

(1) Nothing in this section may be construed to affect the ability of a municipality to enforce any law, rule or regulation as it relates to the operation of a personal delivery device in this Commonwealth.

(2) Nothing in subsection (a) may be construed to permit a municipality to authorize the use of a personal delivery device on a roadway, or shoulder or berm of a roadway, under the jurisdiction of the municipality in a manner that conflicts with the operation requirements contained in section 8516 (relating to operation).

(d) Notice required.--An authorized entity shall notify the governing body of the municipality of the authorized entity's intent to operate personal delivery devices within the municipality no less than 30 days prior to the date on which the authorized entity commences PDD operations within the municipality.

Cross References. Section 8517 is referred to in sections 8513, 8516, 8522 of this title.

§ 8518. Equipment.

(a) Prohibition.--No authorized entity may operate a personal delivery device on a roadway, or shoulder or berm of a roadway, or pedestrian area that does not meet the requirements of this section.

(b) Minimum equipment standards.--A PDD operated by an authorized entity shall:

(1) Have a maximum width of 32 inches.

(2) Have a maximum length of 42 inches.

(3) Have a maximum height of 72 inches.

(4) Be equipped with a braking system that brings the PDD to a complete stop from an initial speed of 25 miles an hour or less.

(5) Be equipped with a lamp that emits a beam of white light intended to illuminate the personal delivery device's path and is visible from a distance of at least 500 feet to the front and a lamp emitting a red flashing light, light-emitting diode or device visible from a distance of 500 feet to the rear. An authorized entity may supplement the required front lamp with a white flashing lamp, light-emitting diode or similar device to enhance its visibility to other traffic.

(6) Be equipped with software, equipment or technologies to comply with section 8514(b)(2)(v) (relating to application).

(c) Identifying markings.--A personal delivery device shall prominently display, in a size and manner determined by the department, the following information:

(1) The name of the authorized entity.

(2) The unique identification number assigned to the PDD and submitted to the department under section 8514(b)(8).

(3) A telephone number of the authorized entity to report a violation of this title, an accident or an insurance claim.

Cross References. Section 8518 is referred to in section 8516 of this title.

§ 8519. Insurance and liability.

(a) Required coverage.--An authorized entity shall maintain an insurance policy that includes general liability coverage of not less than $100,000 per incident for damages arising from the operation of the personal delivery device.

(b) Sovereign immunity and governmental immunity.--Commonwealth agencies and municipalities shall have no duty to make streets, highways or real estate safe for use by personal delivery devices. Commonwealth agencies and municipalities shall be immune from suit by authorized entities and owners of cargo and other items carried on or within a personal delivery device for property damages.

Cross References. Section 8519 is referred to in section 8514 of this title.

§ 8520. Enforcement.

(a) Revocation of authorization.--Following notice and an opportunity for an administrative hearing, the department may revoke a PDD authorization where a knowing and willful violation of this subchapter occurred that resulted in death, serious bodily injury or property damage or when the authorized entity

has demonstrated an inability to operate safely in accordance with this subchapter.

(b) Appeal.--An authorized entity shall have the right to appeal PDD authorization suspensions or revocations in accordance with 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

(c) Prohibition.--The department may not suspend or revoke the PDD authorization of an authorized entity that self-reports an accident involving the authorized entity's personal delivery devices as required by section 8513(b)(4) (relating to powers of department) where the accident was not the fault of the authorized entity or the authorized entity's PDD operator.

§ 8521. Criminal penalties.

(a) Penalty.--Except as provided for in subsections (b) and (c), an authorized entity that violates a provision of this subchapter shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $25 and no more than $1,000.

(b) Unauthorized operation.--Except as provided for in subsection (c), a person that violates section 8512 (relating to general prohibition) shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $500.

(c) Suspended or revoked authorization.--A person that knowingly violates section 8512 and whose authorization was suspended or revoked by the department shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $1,000.

§ 8522. Application of title.

(a) Applicability.--The regulation of personal delivery devices and authorized entities shall be governed exclusively by this subchapter or an ordinance or resolution adopted by a municipality under section 8517 (relating to local regulation).

(b) Exemption.--A personal delivery device shall not be considered a vehicle or a motor vehicle under section 102 (relating to definitions).

SUBCHAPTER D
OTHER AUTOMATED VEHICLES

Sec.

8531. Highly automated work zone vehicles.
8532. Platooning.

Enactment. Subchapter D was added November 3, 2022, P.L.1946, No.130, effective in 240 days.

§ 8531. Highly automated work zone vehicles.

The department or the Pennsylvania Turnpike Commission, as applicable, shall authorize locations in this Commonwealth on a periodic basis where a highly automated work zone vehicle may be deployed. A driver may be required in a highly automated work zone vehicle when used in an active work zone.

Cross References. Section 8531 is referred to in section 8504 of this title.

§ 8532. Platooning.

(a) General rule.--The department shall be the lead Commonwealth agency on platooning.

(b) Exception.--Nonlead vehicles in a platoon shall not be subject to section 3310 (relating to following too closely).

(c) Visual identifier.--Each vehicle in a platoon shall be marked with a visual identifier on the power unit. The department, after consultation with the Pennsylvania State Police and the Pennsylvania Turnpike Commission, shall establish the criteria and placement of the visual identifier.

(d) Restrictions.--A platoon shall observe the following restrictions:

(1) A maximum of three vehicles shall be in a platoon.

(2) Vehicles in a platoon shall travel only on limited-access highways or interstate highways, unless otherwise permitted by the department or the Pennsylvania Turnpike Commission, as applicable.

(3) The department or the Pennsylvania Turnpike Commission, as applicable under paragraph (2), may restrict vehicle movement under this section for operational or safety reasons, including emergency conditions.

(4) Except as provided under paragraph (5), a driver shall be in each vehicle of a platoon.

(5) Consistent with applicable Federal or State law and regulations, the lead vehicle may operate with a driver and one nonlead vehicle may operate with an ADS engaged with or without a driver.

(e) Plan for general platoon operations.--

(1) A person may operate a platoon on a highway of this Commonwealth if the person files a plan for general platoon operations with the department, in consultation with the Pennsylvania State Police and the Pennsylvania Turnpike Commission, as applicable.

(2) If the plan is not approved, rejected or additional information requested by the department within 30 days after receipt of the plan, the plan shall be deemed approved and the person may operate the platoon.

Cross References. Section 8532 is referred to in section 8504 of this title.

CHAPTER 89
PENNSYLVANIA TURNPIKE

Subchapter

A. Preliminary Provisions
B. Turnpike Extensions and Improvements

Enactment. Chapter 89 was added November 24, 1992, P.L.725, No.109, effective in 60 days.

Cross References. Chapter 89 is referred to in sections 1506, 8102, 8116, 9202 of Title 74 (Transportation).

SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.

8901. Definitions.

§ 8901. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Annual additional payments." As follows:

(1) During the conversion period and after the conversion date, an amount equal to the scheduled annual commission contribution, minus the sum of:

(i) $200,000,000 paid as annual base payments;

(ii) any Interstate 80 savings for that fiscal year.

(2) If the conversion period has expired and a conversion notice has not been received by the secretary, in each subsequent fiscal year until the end of the term of the lease agreement, the annual additional payments shall be $250,000,000. No annual additional payments shall be due after fiscal year 2021-2022.

"Annual base payments." An amount equal to the sum of the following:

(1) Annual debt service on outstanding bonds issued under section 9511.2 (relating to special revenue bonds) payable as required pursuant to the bonds.

(2) Two hundred million dollars payable annually through fiscal year 2021-2022 in four equal installments each due the last business day of each July, October, January and April.

(3) For fiscal year 2022-2023 and each fiscal year thereafter, the amount shall be $50,000,000 payable annually from then-current revenue.

"Annual surplus payments." An amount equal to the general reserve fund surplus payable for each fiscal year until the end of the term of the lease agreement.

"Auditor General's certificate." The certificate issued by the Auditor General within 180 days after the end of each fiscal year of the Pennsylvania Turnpike Commission certifying all of the following:

(1) The amount of the general reserve fund surplus for the fiscal year.

(2) After review of the commission's current ten-year capital plan, that the transfer of the general reserve fund surplus under section 8915.3 (relating to lease of Interstate 80; related agreements) shall not impair the ability of the commission to meet its obligations under the lease agreement or the commission's ten-year capital plan.

"Commission." The Pennsylvania Turnpike Commission.

"Conversion date." The date set forth in the conversion notice when the Pennsylvania Turnpike Commission intends to exercise its option to convert Interstate 80 to a toll road.

"Conversion notice." Written notice to the Secretary of Transportation from the Pennsylvania Turnpike Commission providing notice of its intent to exercise its options to convert Interstate 80 under section 8915.3(3) (relating to lease of Interstate 80; related agreements).

"Conversion period." A period of three years:

(1) which begins on the date of execution of the lease agreement; and

(2) during which the Pennsylvania Turnpike Commission may give the Department of Transportation conversion notice or notice that the commission has exercised its option to extend the conversion period pursuant to section 8915.3(2) (relating to lease of Interstate 80; related agreements).

"Fiscal year." The fiscal year of the Commonwealth.

"General reserve fund surplus." The amount which:

(1) is certified by the Auditor General in the Auditor General's certificate as existing in the Pennsylvania Turnpike Commission's general reserve fund on the last day of the fiscal year of the commission; and

(2) is not required to be retained in the general reserve fund pursuant to any financial documents, financial covenants, insurance policies, liquidity policies or agreements in effect at the commission.

"Interstate 80 savings." An amount equal to the following:

(1) Prior to the conversion date, the amount shall be zero.

(2) In the first fiscal year, including the conversion date, the amount shall be a pro rata share of $116,985,856 calculated using the number of calendar days in the year after the conversion date divided by 365 days.

(3) In the fiscal year succeeding the year, including the conversion date, the amount shall be $121,665,290.

(4) In subsequent fiscal years, the amount shall be the amount calculated for the previous year increased by 4%.

"Lease agreement." A lease agreement between the Department of Transportation and the Pennsylvania Turnpike Commission which shall include provisions setting forth the terms of the conversion of Interstate 80 to a toll road.

"Scheduled annual commission contribution." The following amounts:

(1) $750,000,000 in fiscal year 2007-2008.

(2) $850,000,000 in fiscal year 2008-2009.

(3) $900,000,000 in fiscal year 2009-2010.

(4) For fiscal year 2010-2011 through fiscal year 2021-2022, the amount shall be the amount calculated for the previous year increased by 2.5%, except that the amount shall be equal to the annual base payments plus $250,000,000 if the conversion notice is not received by the secretary prior to the expiration of the conversion period. For fiscal year 2014-2015 and each fiscal year thereafter through fiscal year 2021-2022, at least $30,000,000 of this amount shall be paid from then-current revenue.

(5) For fiscal year 2022-2023 and each fiscal year thereafter, the amount shall be $50,000,000 payable annually from then-current revenue.

(July 18, 2007, P.L.169, No.44, eff. imd.; Nov. 25, 2013, P.L.974, No.89, July 1, 2014)

2013 Amendment. Act 89 amended the defs. of "annual additional payments," "annual base payments" and "scheduled annual commission contribution." See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 8901 is referred to in section 9501 of this title.

SUBCHAPTER B
TURNPIKE EXTENSIONS AND IMPROVEMENTS

Sec.

8911. Improvement and extension authorizations.
8912. Subsequent extension authorizations.
8913. Additional subsequent extension authorizations.
8914. Further subsequent authorizations.
8914.1. Security wall pilot project.
8915. Conversion to toll roads.
8915.1. Conversion of Interstate 80.
8915.2. Application to United States Department of Transportation.
8915.3. Lease of Interstate 80; related agreements.

8915.4. Initial payment.
8915.5. Other interstate highways.
8915.6. Deposit and distribution of funds.
8915.7. Impact on associated highways and local roads.
8916. Turnpike system.
8917. Financial plan.
8918. Failure to perform.

§ 8911. Improvement and extension authorizations.

In order to facilitate vehicular traffic within and across this Commonwealth, the commission is hereby authorized and empowered to construct, operate and maintain turnpike extensions and turnpike improvements at such specific locations and according to such schedule as shall be deemed feasible and approved by the commission, together with connecting roads, storm water management systems, interchanges, slip ramps, tunnels and bridges, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

(1) Widen turnpike to six lanes between the Northeast Extension and the Delaware River Interchange.

(2) Construct turnpike interchange with Interstate Route 95 in Bucks County.

(3) Construct turnpike interchange with Interstate Route 476 in Montgomery County.

(4) Construct turnpike interchange with Keyser Avenue in Lackawanna County.

(5) Construct extensions to the existing turnpike from a point westerly of existing Interchange 2 extending northerly to a connection with the existing interchange between U.S. Route 422 and proposed State Route 60 in Lawrence County and extending southerly to a connection with existing State Route 60 in Beaver County at or near State Route 51.

(6) Construct an extension to the turnpike from a point at or near Interchange 8 in Westmoreland County extending northerly to an interchange with State Route 66 northwest of Greensburg and continuing northerly to an interchange with U.S. Route 22 south of Delmont.

(7) Construct an additional Lehigh Tunnel on the Northeast Extension of the turnpike.

(8) Construct a private turnpike interchange directly connected to the New Cumberland Army Depot. The commission may commence construction of the private turnpike interchange notwithstanding the construction schedule established by this section.

(9) Construct an interchange on the Northeast Extension with State Route 903 in Carbon County. The commission may commence construction of this interchange notwithstanding the construction schedule established by this section.

(10) Other slip ramps and interchanges as the commission may determine.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 amended the intro. par. and added par. (10).

Cross References. Section 8911 is referred to in sections 8913, 8914, 8915 of this title.

§ 8912. Subsequent extension authorizations.

The commission is also hereby authorized and empowered to construct, operate and maintain further extensions and improvements of the turnpike at such specific locations and according to such schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver

of the Federal toll prohibition provisions where applicable, as follows:

(1) From an interchange with Interstate Route 70 between existing interchanges at Lover and Speers extending northerly to an interchange with Interstate Route 376 in Pittsburgh extending northwesterly toward the Midfield Terminal, Greater Pittsburgh Airport, Southern Beltway, Extension of the Findlay Connector along Interstate 79 and also extending southerly connecting with the existing interchange between U.S. Route 40 and the Mon Valley Expressway (L.R.1125).

(2) From a point at or near the existing interchange between U.S. Route 40 and the Mon Valley Expressway (L.R.1125) in Fayette County southeasterly along U.S. Route 40 to Uniontown and continuing southerly along Pa. Route 857 to the West Virginia border.

(3) From an interchange with the turnpike at or near Interchange 10 extending northerly generally following and coincident where feasible with existing U.S. Route 219 to an interchange with Interstate Route 80 at or near Interchange 16.

(4) Construction of an interchange for access to the International Distribution Center at the Wilkes-Barre-Scranton International Airport in Luzerne County on the Northeast Extension of the Pennsylvania Turnpike System.

(5) From a point at or near Turnpike Interchange 10 southerly generally along U.S. Route 219 to the Maryland border.

(6) From a point at or near Interstate Route 80 Interchange 16 northerly generally along U.S. Route 219 to a connection with the existing U.S. Route 219 Expressway south of Bradford in McKean County.

Cross References. Section 8912 is referred to in sections 8913, 8914, 8915 of this title.

§ 8913. Additional subsequent extension authorizations.

Upon substantial completion of the turnpike extensions and improvements set forth in sections 8911 (relating to improvement and extension authorizations) and 8912 (relating to subsequent extension authorizations), the commission is hereby authorized and empowered to construct, operate and maintain further extensions and improvements of the turnpike at such specific locations and according to such schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows: construct from a point at or near Interstate Route 80 Interchange 23 at Milesburg southwesterly generally along U.S. Route 220 to a connection with the existing U.S. Route 220 Expressway south of Bald Eagle.

Cross References. Section 8913 is referred to in sections 8914, 8915 of this title.

§ 8914. Further subsequent authorizations.

Upon completion of the turnpike extensions and improvements set forth in sections 8911 (relating to improvement and extension authorizations), 8912 (relating to subsequent extension authorizations) and 8913 (relating to additional subsequent extension authorizations), the commission is hereby authorized and empowered to construct, operate and maintain further extensions and improvements of the turnpike at such specific locations and according to such schedules as shall be deemed feasible and which shall be approved by the commission,

subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

(1) From a point at or near the intersection of State Route 65 and Crows Run Road in Beaver County, in a southeasterly direction to a point at or near the Perry Highway Interchange of the Pennsylvania Turnpike.

(2) From a point at or near Exit 5 of the turnpike northerly to Brookville, Jefferson County, to a point at the intersection with Interstate Route 80.

(3) From a point at or near the Pennsylvania Turnpike System into various areas of Berks County in order to complete the construction of the inner loop system and outer loop system of highways surrounding the City of Reading and to complete the missing links on Routes 222 to 422 to 1035.

(4) From a point at or near the intersections of Interstate Route 70, Interstate Route 76 and T.R.119 in the Borough of Youngwood, Westmoreland County, in a northerly direction along T.R.119 and T.R.66 to the intersection of T.R.22 with a bypass around the City of Greensburg, Westmoreland County; thence north on T.R.66 to T.R.356; thence north on T.R.356 to the intersection with T.R.28.

(5) From a point at or near the intersection of T.R.66 and T.R.22 in Salem Township, Westmoreland County; thence in a westerly direction paralleling T.R.22 to Exit 6 of Interstate 76.

Cross References. Section 8914 is referred to in section 8915 of this title.

§ 8914.1. Security wall pilot project.

The commission shall construct, maintain and assess the long-term effectiveness of a security wall pilot project from a point at or near milepost 1.0 on the Northeast Extension of the Pennsylvania Turnpike to a point at or near milepost 1.8. Such pilot project shall encompass the southbound lanes of the Northeast Extension between said mileposts. The commission shall commence the design and construction of the security wall pilot project authorized by this section immediately upon transfer of funds by the department.

(Dec. 21, 1998, P.L.1126, No.151, eff. imd.; June 25, 1999, P.L.164, No.23, eff. 180 days)

§ 8915. Conversion to toll roads.

In order to facilitate vehicular traffic within and across this Commonwealth, and to facilitate the completion of the turnpike extensions and improvements authorized in section 8911 (relating to improvement and extension authorizations), and subject to prior legislative approval by the General Assembly and the United States Congress, the commission is hereby authorized and empowered to convert to toll roads such portions of Pennsylvania's interstate highway system as may facilitate the completion of the turnpike extensions and improvements authorized in sections 8912 (relating to subsequent extension authorizations), 8913 (relating to additional subsequent extension authorizations) and 8914 (relating to further subsequent authorizations) and to operate and maintain such converted interstates as toll roads upon the approval by the Congress of the United States of America and the General Assembly of this Commonwealth of legislation expressly permitting the conversion of such interstates to toll roads. Such conversions shall take place at a time and manner set forth in the plan for the conversion prepared by the commission with the cooperation of the department. The provisions authorizing

the commission to construct, operate and maintain the turnpike routes in sections 8911, 8912 and 8913 shall be subject to:

(1) the prior passage by the Congress of the United States and the General Assembly of this Commonwealth of legislation permitting the conversion of certain interstates to toll roads; or

(2) the availability of such other funds as might become available in amounts that would be sufficient to fund to completion any of the individual turnpike extensions and improvements set forth in sections 8912, 8913 and 8914 so long as no turnpike extension or improvement authorized by section 8914 is undertaken until after all the turnpike extensions authorized by section 8913 are completed and no turnpike extension authorized by section 8913 is undertaken until after all the turnpike extensions and improvements authorized by section 8912 are completed. The commission is authorized to use Federal funds which may be available for toll roads only pursuant to the approval of the Secretary of Transportation and only pursuant to the authority granted in section 19 of the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 amended the intro. par.

References in Text. The act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, was repealed by the act of July 18, 2007 (P.L.169, No.44).

§ 8915.1. Conversion of Interstate 80.

In order to facilitate vehicular traffic across this Commonwealth, the commission is authorized and empowered to do all of the following:

(1) Convert Interstate 80 to a toll road and maintain and operate it as a toll road.

(2) Construct, reconstruct, widen, expand, extend, maintain and operate Interstate 80 from a point at or near the Ohio border to a point at or near the New Jersey border, together with connecting roads, interchanges, slip ramps, tunnels and bridges.

(3) Issue turnpike revenue bonds, notes or other obligations, payable solely from revenues of the commission, including tolls, or from funds as may be available to the commission for that purpose, to pay the cost of constructing, reconstructing, widening, expanding or extending Interstate 80 or any other costs of Interstate 80 and the Pennsylvania Turnpike.

(4) Provide quarterly reports and periodic updates regarding significant developments with respect to the conversion of Interstate 80 to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives. These reports shall include, at a minimum, the status of outstanding discussions with the United States Department of Transportation regarding Interstate 80, the location and construction of tolling-related equipment for Interstate 80, planned capital improvements for Interstate 80 and other information important to implementation of this section.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 8915.1.

§ 8915.2. Application to United States Department of Transportation.

(a) Application.--The commission, in consultation with the department and at its own expense, is authorized to prepare and submit an application to the United States Department of Transportation for the conversion of Interstate 80 to a toll road. The secretary shall ensure that all information required for the application is made available to the commission as soon as practicable after the effective date of this section.

(b) Open system.--A toll system shall consist of what is commonly referred to as an open system with no more than ten toll collection points.

(c) Other agreements.--The commission and the department may enter into any other agreements as may be necessary to effectuate the execution of the application filed under this section.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 8915.2.

§ 8915.3. Lease of Interstate 80; related agreements.

The department and the commission shall enter into a lease agreement relating to Interstate 80 prior to October 15, 2007. The lease agreement shall include provisions setting forth the terms and conditions of the conversion of Interstate 80 to a toll road. The lease agreement and any related agreement, at a minimum, shall include the following:

(1) A provision that the term of the lease agreement shall be 50 years, unless extended upon mutual agreement of the parties to the lease agreement and upon approval of the General Assembly.

(2) A provision establishing the conversion period and authorizing extension of the conversion period at the sole option of the commission for three one-year extension periods after consultation with the secretary. The commission shall notify the secretary of its intent to extend the conversion period not less than 90 days before the scheduled expiration of the conversion period. During the conversion period, all legal, financial and operational responsibility for Interstate 80 shall remain with the department. All operations and programmed rehabilitation shall be maintained at levels no less favorable than those set forth in the department's 12-year plan at the time of the execution of the lease, with modifications as are approved in writing by the chairman of the commission.

(3) A provision permitting the commission to exercise its option to convert Interstate 80 to a toll road prior to the expiration of the conversion period by providing the conversion notice to the secretary. Beginning on the conversion date, all legal, financial and operational responsibility for Interstate 80, as well as all toll revenues subsequently collected with respect to its use, shall automatically transfer to the commission. The secretary, within five business days after receiving the conversion notice, shall forward notice of the conversion date to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. Any revenues collected prior to the conversion date shall be retained by the department. The commission may contract with the department for any portion of the maintenance of Interstate 80 at cost levels agreed to by the department and the commission.

(4) A provision requiring the commission to pay annual base payments to the department during the term of the lease agreement.

(5) A provision requiring the commission to pay annual additional payments to the department. The annual additional payments shall be payable in four equal installments on the last business day of each July, October, January and April of each year during the term of the lease agreement.

(6) A provision requiring the commission to pay, commencing in the fiscal year including the conversion date, annual surplus payments to the department. The annual surplus payments shall be payable by the commission within 30 days of receipt by the commission of the Auditor General's certificate.

(7) A provision stating that the obligation of the commission to pay the annual base payments, the annual additional payments and annual surplus payments shall be a subordinate obligation of the commission payable from amounts in the general reserve fund of the commission only as permitted by any financing documents, financial covenants, liquidity policies or agreements in effect at the commission.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 8915.3.

Cross References. Section 8915.3 is referred to in sections 8901, 9511.4 of this title; sections 1506, 8116 of Title 74 (Transportation).

§ 8915.4. Initial payment.

(a) Commission payment required.--Within 20 days after the effective date of this section, the commission shall pay to the department an amount equal to $62,500,000, which shall be deposited into the Public Transportation Trust Fund. The amount paid shall represent 25% of the amount the department is required to deposit into the Public Transportation Trust Fund under 74 Pa.C.S. § 1506(b)(1)(i)(A) (relating to fund) and is payable by the commission under the lease agreement.

(b) Use of payment.--The department shall allocate the funds received under subsection (a) pursuant to 74 Pa.C.S. Ch. 15 (relating to sustainable mobility options).

(c) Credits.--The payment made by the commission under this section shall be credited against the total amount payable by the commission under the lease agreement for the 2007-2008 fiscal year.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 8915.4.

§ 8915.5. Other interstate highways.

In order to facilitate vehicular traffic across this Commonwealth and pursuant to the authority granted under this chapter, the commission is hereby authorized and empowered to:

(1) at its own expense and in consultation with the department, prepare a consulting civil engineer report and financial analysis with respect to the feasibility of converting any interstate highway or interstate highway segment to a toll road or adding to said interstates additional capacity projects financed by tolls; and

(2) at its own expense and in consultation with the department and with approval of the General Assembly, prepare and submit an application to the United States Department of Transportation for the conversion of any interstate or interstate segment determined to be eligible for conversion to a toll road under any applicable Federal program.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 8915.5.

§ 8915.6. Deposit and distribution of funds.

(a) Deposits.--Upon receipt by the department, the following amounts from the scheduled annual commission contribution shall be deposited in the Motor License Fund:

(1) For fiscal year 2007-2008, $450,000,000.

(2) For fiscal year 2008-2009, $500,000,000.

(3) For fiscal year 2009-2010, $500,000,000.

(4) For fiscal year 2010-2011 through fiscal year 2013-2014, the amount calculated for the previous year increased by 2.5%.

(5) For fiscal year 2014-2015 and each fiscal year thereafter, $0.

(b) Distribution.--The following shall apply:

(1) Annually, 15% of the amount deposited in any fiscal year under subsection (a) shall be distributed at the discretion of the secretary.

(2) Annually, $5,000,000 of the amount deposited in any fiscal year under subsection (a) shall be distributed to counties.

(i) The distribution shall be in the ratio of:

(A) the square footage of deck area of a county's county-owned bridges; to

(B) the total square footage of deck area of county-owned bridges throughout this Commonwealth.

(ii) The amount of square footage under subparagraph (i) shall be that reported as part of the National Bridge Inspection Standards Program.

(3) Annually, $30,000,000 of the amount deposited in any fiscal year under subsection (a) shall be distributed to municipalities pursuant to the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law.

(4) Any funds deposited under subsection (a) but not distributed under paragraphs (1), (2) and (3) shall be distributed in accordance with needs-based formulas that are developed and subject to periodic revision based on consultation and collaboration among metropolitan planning organizations, rural planning organizations and the department.

(c) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Metropolitan planning organization." The policy board of an organization created and designated to carry out the metropolitan transportation planning process.

"Rural planning organization." The organization of counties with populations of less than 50,000 created and designated as local development districts and which carry out the rural transportation planning process.

(July 18, 2007, P.L.169, No.44, eff. imd.; Nov. 25, 2013, P.L.974, No.89, eff. imd.)

2013 Amendment. Act 89 amended subsec. (a). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2007 Amendment. Act 44 added section 8915.6.

§ 8915.7. Impact on associated highways and local roads.

Prior to the conversion date and within one year following the conversion date, the commission, in collaboration with the

department, shall conduct traffic studies to determine the average daily traffic on associated roads and highways. The purpose of these studies will be to quantify any diversion of traffic from Interstate 80 to other roadways as a result of the conversion. This section shall not require duplication of traffic studies undertaken by the commission as a part of the conversion process or undertaken by the department as a normal course of the department's operations.
(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 8915.7.

§ 8916. Turnpike system.

The turnpikes and the future toll road conversions authorized by this chapter are hereby or shall be made part of the Pennsylvania Turnpike System, as provided in the act of August 14, 1951 (P.L.1232, No.282), referred to as the Pennsylvania Turnpike System Financing Act.

§ 8917. Financial plan.

(a) Submission.--

(1) No later than June 1 of each year, the commission shall prepare and provide to the Secretary of the Budget a financial plan for the ensuing fiscal year of the commission that describes the commission's proposed:

(i) operating and capital expenditures;

(ii) borrowings;

(iii) liquidity and other financial management covenants and policies;

(iv) estimated toll rates; and

(v) all other revenues and expenditures.

(2) The financial plan shall demonstrate that the operation of the commission in accordance with the plan can reasonably be anticipated to result in the commission having unencumbered funds during the ensuing and future fiscal years of the commission sufficient to make the payments due to the department under this chapter and the lease agreement for the ensuing and future fiscal years after all other obligations of the commission have been met. Financial plans prepared after June 1, 2008, shall also describe any deviations that occurred from the financial plan for the prior fiscal year of the commission and the reasons for the deviations.

(b) Receipt.--If the Secretary of the Budget receives the financial plan by the date required under subsection (a), the commission shall be authorized to conduct its operations in accordance with the plan. The financial plan may not be amended by the commission unless the commission notifies the secretary in writing of the amendment.

(c) Cooperation.--The commission shall provide to the Secretary of the Budget all information requested in connection with review of a financial plan, including materials used to prepare the plan. The information shall be provided as soon as practicable after the request.

(d) Effect of provisions.--Nothing in this section shall be deemed to prevent the commission from conducting its normal course of business or prevent the commission from complying with any covenants made to current bondholders, debt holders or creditors.

(e) Lease agreement.--The provisions of this section and section 8918 (relating to failure to perform) shall be included in the lease agreement.
(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 8917.

Cross References. Section 8917 is referred to in section 8918 of this title.

§ 8918. Failure to perform.

(a) Notice.--The Secretary of the Budget shall send written notice to the commission and to the Governor of the failure of the commission to do any of the following:

(1) Make a payment to the department under this chapter or the lease agreement.

(2) Deliver a financial plan to the Secretary of the Budget within the time prescribed under section 8917 (relating to financial plan).

(b) Unanimous vote required.--

(1) Except as provided under paragraph (1.1), upon the receipt by the commission of the notice under subsection (a) and notwithstanding any other provision of law, action of the commission taken by vote of the commissioners shall require a unanimous vote of all commissioners. Violation of this paragraph shall render the action invalid.

(1.1) A unanimous vote shall not be required if it would prevent the commission from complying with any covenants made to current bondholders, debt holders or creditors.

(2) The requirement of paragraph (1) shall continue until:

(i) the required payments have been made to the department or the required financial plan has been delivered; and

(ii) the Secretary of the Budget has notified the commission and the Governor of that fact.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 8918.

Cross References. Section 8918 is referred to in section 8917 of this title.

CHAPTER 90
LIQUID FUELS AND FUELS TAX

Sec.

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9019. Diesel fuel importers and transporters; prohibiting use of dyed diesel fuel on highways; violations and penalties.
9020. Disposition of fees, fines and forfeitures.
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9023. Application of Prevailing Wage Act to locally funded highway and bridge projects.

Enactment. Chapter 90 was added April 17, 1997, P.L.6, No.3, effective October 1, 1997.

Special Provisions in Appendix. See section 21 of Act 3 of 1997 in the appendix to this title for special provisions relating to legislative intent.

Cross References. Chapter 90 is referred to in sections 9402, 9403, 9404, 9502 of this title.

§ 9001. Short title of chapter.

This chapter shall be known and may be cited as the Liquid Fuels and Fuels Tax Act.

§ 9002. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Alternative fuels." Natural gas, compressed natural gas (CNG), liquified natural gas (LNG), liquid propane gas and liquified petroleum gas (LPG), alcohols, gasoline-alcohol mixtures containing at least 85% alcohol by volume, hydrogen, hythane, electricity and any other fuel used to propel motor vehicles on the public highways which is not taxable as fuels or liquid fuels under this chapter.

"Alternative fuel dealer-user." Any person who delivers or places alternative fuels into the fuel supply tank or other device of a vehicle for use on the public highways.

"Association." A partnership, limited partnership or any other form of unincorporated enterprise owned by two or more persons.

"Average wholesale price." The average wholesale price of all taxable liquid fuels and fuels, excluding the Federal excise tax and all liquid fuels taxes, shall be as follows:

(1) After December 31, 2013, and before January 1, 2015, the average wholesale price shall be $1.87 per gallon.

(2) After December 31, 2014, and before January 1, 2017, the average wholesale price shall be $2.49 per gallon.

(3) After December 31, 2016, the average wholesale price shall be as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than $2.99 per gallon.

"Cents-per-gallon equivalent basis." The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning every January 1 and shall be published as a notice in the Pennsylvania Bulletin no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

"Corporation." A corporation or joint stock association organized under the laws of this Commonwealth, the United States or any other state, territory or foreign country or dependency.

"Dealer." Any person engaged in the retail sale of liquid fuels or fuels.

"Department." The Department of Revenue of the Commonwealth.

"Diesel fuel." Any liquid, other than liquid fuels, which is suitable for use as a fuel in a diesel-powered highway vehicle. The term includes kerosene.

"Distributor." Any person that:

(1) Produces, refines, prepares, blends, distills, manufactures or compounds liquid fuels or fuels in this Commonwealth for the person's use or for sale and delivery in this Commonwealth.

(2) Imports or causes to be imported from any other state or territory of the United States or from a foreign country liquid fuels or fuels for the person's use in this Commonwealth or for sale and delivery in and after reaching this Commonwealth, other than in the original package, receptacle or container.

(3) Imports or causes to be imported from any other state or territory of the United States liquid fuels or fuels for the person's use in this Commonwealth or for sale and delivery in this Commonwealth after they have come to rest or storage in the other state or territory, whether or not in the original package, receptacle or container.

(4) Purchases or receives liquid fuels or fuels in the original package, receptacle or container in this Commonwealth for the person's use or for sale and delivery in this Commonwealth from any person who has imported them from a foreign country.

(5) Purchases or receives liquid fuels or fuels in the original package, receptacle or container in this Commonwealth for the person's use in this Commonwealth or for sale and delivery in this Commonwealth from any person who has imported them from any other state or territory of the United States if the liquid fuels or fuels have not, prior to purchase or receipt, come to rest or storage in this Commonwealth.

(6) Receives and uses or distributes liquid fuels or fuels in this Commonwealth on which the tax provided for in this chapter has not been previously paid.

(7) Owns or operates aircraft, aircraft engines or facilities for delivery of liquid fuels to aircraft or aircraft engines and elects, with the permission of the Secretary of Revenue, to qualify and obtain a permit as a distributor.

(8) Exports liquid fuels or fuels other than in the fuel supply tanks of motor vehicles.

"Dyed diesel fuel." Any liquid, other than liquid fuels, which is suitable for use as a fuel in a diesel-powered highway vehicle and which is dyed pursuant to Federal regulations issued under section 4082 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 4082) or which is a dyed fuel for purposes of section 6715 of the Internal Revenue Code of 1986 (26 U.S.C. § 6715).

"Export." Accountable liquid fuels or fuels delivered out of State by or for the seller constitutes an export by the seller. Accountable liquid fuels or fuels delivered out of State by or for the purchaser constitutes an export by the purchaser.

"Fuels." Includes diesel fuel and all combustible gases and liquids used for the generation of power in aircraft or aircraft

engines or used in an internal combustion engine for the generation of power to propel vehicles on the public highways. The term does not include liquid fuels or dyed diesel fuel.

"Gallon equivalent basis." The amount of any alternative fuel as determined by the department to contain 114,500 BTU's. The rate of tax on the amount of each alternative fuel as determined by the department under the previous sentence shall be the current liquid fuels tax and oil company franchise tax applicable to one gallon of gasoline.

"Highway." Every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel.

"Import." Accountable liquid fuels or fuels delivered into this Commonwealth from out of State by or for the seller constitutes an import by the seller. Accountable liquid fuels or fuels delivered into this Commonwealth from out of State by or for the purchaser constitutes an import by the purchaser.

"Liquid fuels." All products derived from petroleum, natural gas, coal, coal tar, vegetable ferments and other oils. The term includes gasoline, naphtha, benzol, benzine or alcohols, either alone or when blended or compounded, which are practically and commercially suitable for use in internal combustion engines for the generation of power or which are prepared, advertised, offered for sale or sold for use for that purpose. The term does not include kerosene, fuel oil, gas oil, diesel fuel, tractor fuel by whatever trade name or technical name known having an initial boiling point of not less than 200 degrees fahrenheit and of which not more than 95% has been recovered at 464 degrees fahrenheit (ASTM method D-86), liquified gases which would not exist as liquids at a temperature of 60 degrees fahrenheit and pressure of 14.7 pounds per square inch absolute or naphthas and benzols and solvents sold for use for industrial purposes.

"Magistrate." An officer of the minor judiciary. The term includes a magisterial district judge.

"Mass transportation systems." Persons subject to the jurisdiction of the Pennsylvania Public Utility Commission and municipality authorities that transport persons on schedule over fixed routes and derive 90% of their intrastate scheduled revenue from scheduled operations within the county in which they have their principal place of business or with contiguous counties.

"Permit." A liquid fuels permit or a fuels permit.

"Person." Every natural person, association or corporation. Whenever used in any provision prescribing and imposing a fine or imprisonment, the term as applied to associations means the partners or members and as applied to corporations means the officers thereof.

"Sale" and "sale and delivery." Includes the invoicing or billing of liquid fuels or fuels free of tax as provided in section 9005 (relating to taxpayer) from one distributor to another regardless of whether the purchasing distributor is an accommodation party for purposes of taking title or takes actual physical possession of the liquid fuels or fuels.

"Secretary." The Secretary of Revenue of the Commonwealth. (Nov. 30, 2004, P.L.1618, No.207, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. imd.)

2013 Amendment. Act 89 amended the def. of "average wholesale price." See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2004 Amendment. Act 207 amended the def. of "magistrate." See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

Special Provisions in Appendix. See section 21(d) of Act 3 of 1997 in the appendix to this title for special provisions relating to computation of "cents-per-gallon equivalent basis."

Cross References. Section 9002 is referred to in section 9602 of this title.

§ 9003. Liquid fuels and fuels permits; bond or deposit of securities.

(a) Permit required; violation.--A distributor may not engage in the use or sale and delivery of liquid fuels within this Commonwealth without a liquid fuels permit or engage in the use or sale and delivery of fuels within this Commonwealth without a fuels permit. Each day in which a distributor engages in the use or sale and delivery of liquid fuels within this Commonwealth without a liquid fuels permit or fuels without a fuels permit shall constitute a separate offense. For each such offense, the distributor commits a misdemeanor of the third degree.

(b) Application.--A person desiring to operate as a distributor shall file an application for a liquid fuels permit or a fuels permit, or both, with the department. The application for a permit must be made upon a form prescribed by the department and must set forth the name under which the applicant transacts or intends to transact business, the location of the place of business within this Commonwealth and such other information as the department may require. If the applicant has or intends to have more than one place of business within this Commonwealth, the application shall state the location of each place of business. If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association. If the applicant is a corporation, the application shall set forth the names and addresses of the principal officers of the corporation and any other information prescribed by the department for purposes of identification. The application shall be signed and verified by oath or affirmation by:

(1) the owner, if the applicant is an individual;

(2) a member or partner, if the applicant is an association; or

(3) an officer or an individual authorized in a writing attached to the application, if the applicant is a corporation.

(c) Permit issuance.--Upon approval of the application and the bond required in subsection (d), the department shall grant and issue to each distributor a permit for each place of business within this Commonwealth set forth in the application. Permits shall not be assignable and shall be valid only for the distributors in whose names they are issued. Permits shall be valid only for the transaction of business at the places designated. Permits shall be conspicuously displayed at the places for which they are issued. A permit shall expire on the May 31 next succeeding the date upon which it was issued.

(d) Surety bond.--A permit shall not be granted until the applicant has filed with the department a surety bond payable to the Commonwealth in an amount fixed by the department of at least $2,500. Every bond must have as surety an authorized surety company approved by the department. The bond must state that the distributor will faithfully comply with the provisions of this chapter during the effective period of his permit. The department may require any distributor to furnish such

additional, acceptable corporate surety bond as necessary to secure at all times the payment to the Commonwealth of all taxes, penalties and interest due under the provisions of this chapter and section 9502 (relating to imposition of tax). If a distributor fails to file the additional bond within ten days after written notice from the department, the department may suspend or revoke the permit and collect all taxes, penalties and interest due. For the purpose of determining whether an existing bond is sufficient, the department may by written notice require a distributor to furnish a financial statement in such form as it may prescribe. Upon failure of any distributor to furnish a financial statement within 30 days of written notice, the department may suspend or revoke the permit and shall collect all taxes, penalties and interest due by him.

(d.1) Waiver of surety bond.--

(1) The department shall waive the bond required by subsection (d) with respect to retail sales of kerosene sold for private household use.

(2) The department may waive the bond required by subsection (d) with respect to a class of distributors if the department finds that the cost of bonding to that class is excessive when compared to the risk of loss to the Commonwealth.

(e) Surety discharge.--A surety on a bond furnished by a distributor as provided in this section shall be released and discharged from liability to the Commonwealth accruing on the bond after the expiration of 60 days from the date upon which such surety shall have lodged with the department a written request to be released and discharged. This provision shall not operate to relieve, release or discharge the surety from liability already accrued or which shall accrue before the expiration of the 60-day period. The department shall, upon receiving any such request, notify the distributor who furnished the bond. Unless the distributor, on or before the expiration of the 60-day period, files with the department a new bond, with corporate surety approved by and acceptable to the department, the department shall cancel the distributor's permit or permits. If a new bond is furnished by a distributor, the department shall cancel and surrender the old bond of the distributor as soon as it and the Office of Attorney General are satisfied that all liability under the old bond has been fully discharged.

(f) Renewal.--Permits issued under the provisions of this chapter may be renewed annually, before June 1, upon an application being made to the department. No permit shall be renewed until the applicant files with the department a new surety bond in an amount fixed by the department and conditioned that the distributor will faithfully comply with the provisions of this chapter and section 9502.

(g) Interstate or foreign commerce.--Nothing contained in this chapter shall require the filing of any application or bond or the possession and display of a liquid fuels permit for the use or sale and delivery of liquid fuels in interstate or foreign commerce not within the taxing power of the Commonwealth or for the use of liquid fuels by the Federal Government.

(h) Financial guarantees.--Any person required by the provisions of this section to file a surety bond may, in lieu of the bond, deposit with the State Treasurer bonds of the United States or of the Commonwealth, the par value of which is the amount of the surety bond required of such person, or present to the State Treasurer satisfactory evidence of financial guarantees in the form of an irrevocable letter of

credit from a financial institution authorized to do business in this Commonwealth. The treasurer shall issue to the person a certificate of such deposit or financial guarantee. The person shall file the certificate with the department. Its securities or letter of credit deposited with the State Treasurer shall be held as a guarantee that the holder of the permit shall faithfully comply with the provisions of this chapter and section 9502 during the effective period of the permit. The securities or letter of credit shall be retained by the State Treasurer for a period of 60 days after the termination of the permit, and such securities or letter of credit shall not be released from any liability to the Commonwealth already accrued or which shall accrue before the expiration of the 60-day period. At the end of the 60-day period, the securities or letter of credit shall be returned to their owner only if all claims of the Commonwealth guaranteed by the deposit have been fully satisfied.

(i) Penalties.--Any person that assigns a permit or fails to display conspicuously a permit at the place for which it is issued commits a summary offense.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 added subsec. (d.1).

Cross References. Section 9003 is referred to in section 9405 of this title.

§ 9004. Imposition of tax, exemptions and deductions.

(a) (Reserved).

(b) Oil company franchise tax for highway maintenance and construction.--The tax imposed by Chapter 95 (relating to taxes for highway maintenance and construction) shall be imposed and collected on liquid fuels and fuels, on a cents-per-gallon equivalent basis, upon all gallons of liquid fuels and fuels used or sold and delivered by distributors within this Commonwealth.

(c) Aviation gasoline tax.--In lieu of the taxes under subsection (b):

(1) A State tax of 1 1/2¢ a gallon or fractional part thereof is imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines.

(2) A State tax of 1 1/2¢ a gallon or fractional part thereof is imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet or jet- driven aircraft or aircraft engines.

(d) Alternative fuels tax.--

(1) A tax is hereby imposed upon alternative fuels used to propel vehicles of any kind or character on the public highways. The rate of tax applicable to each alternative fuel shall be computed by the department on a gallon equivalent basis and shall be published as necessary by notice in the Pennsylvania Bulletin.

(2) The tax imposed in this section upon alternative fuels shall be reported and paid to the department by each alternative fuel dealer-user rather than by distributors under this chapter similar to the manner in which distributors are required to report and pay the tax on liquid fuels and fuels, and the licensing and bonding provisions of this chapter shall be applicable to alternative fuel dealer-users. The department may permit alternative fuel dealer-users to report the tax due for reporting periods

greater than one month up to an annual basis provided the tax is prepaid on the estimated amount of alternative fuel to be used in such extended period. The bonding requirements may be waived by the department where the tax has been prepaid.

(e) Exceptions.--The tax imposed under subsections (b), (c) and (d) shall not apply to liquid fuels, fuels or alternative fuels:

(1) Delivered to the Federal Government on presentation of an authorized Federal Government exemption certificate or other evidence satisfactory to the department.

(2) Used or sold and delivered which are not within the taxing power of the Commonwealth under the Commerce Clause of the Constitution of the United States.

(3) Used as fuel in aircraft or aircraft engines, except for the tax imposed under subsection (c).

(4) Delivered to this Commonwealth, a political subdivision, a volunteer fire company, a volunteer ambulance service, a volunteer rescue squad, a second class county port authority or a nonpublic school not operated for profit on presentation of evidence satisfactory to the department.

(f) Single payment.--The tax imposed and assessed under this subsection shall be collected by and paid to the Commonwealth only once in respect to any liquid fuels, fuels and alternative fuels.

(g) Distributors to pay tax.--Distributors shall be liable to the Commonwealth for the collection and payment of the tax imposed by this chapter. The tax imposed by this chapter shall be collected by the distributor at the time the liquid fuels and fuels are used or sold and delivered by the distributor and shall be borne by the consumer.

(h) Losses to be allowed.--The department shall allow for handling and storage losses of liquid fuels and fuels that are substantiated to the satisfaction of the department.

(Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2014)

2013 Amendment. Act 89 amended subsecs. (a), (b), (c) intro. par. and (e) intro. par. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Special Provisions in Appendix. See section 21(d) of Act 3 of 1997 in the appendix to this title for special provisions relating to computation of "cents-per-gallon equivalent basis."

Cross References. Section 9004 is referred to in sections 9004.1, 9006, 9017, 9502, 9511.11, 9603 of this title.

§ 9004.1. Political subdivision and volunteer service use of tax-free motor fuels.

(a) Limitations.--An exempt entity:

(1) May not be a distributor.

(2) May use tax-free motor fuels only for its own official business purposes.

(3) May not sell or deliver tax-free motor fuels to any other person or exempt entity.

(4) May purchase and take delivery of tax-free motor fuels only from a distributor.

(5) Shall cooperate with the department during an investigation or audit related to the use, sale or delivery of tax-free motor fuels provided for in this chapter.

(b) Penalty.--An exempt entity that improperly uses, sells or delivers tax-free motor fuels shall:

(1) Pay the tax imposed under section 9004(b) (relating to imposition of tax, exemptions and deductions).

(2) Pay an additional penalty equal to 100% of the tax imposed under section 9004(b).

(3) Be subject to any other penalty, summary offense or misdemeanor that may be imposed upon distributors who violate the provisions of this chapter.

(c) Exempt entity use of commingled tax-free motor fuels.--An exempt entity may withdraw tax-free motor fuels from a bulk storage tank containing only commingled tax-free motor fuels if the following apply:

(1) The bulk storage tank is located on property owned by one of the exempt entities that owns tax-free motor fuels placed into the tank and the exempt entity owning the property is the owner of the bulk storage tank.

(2) Each exempt entity commingling tax-free motor fuels in the bulk storage tank contracts separately with a distributor for purchase and delivery of tax-free motor fuels placed into the tank.

(3) Each exempt entity owning tax-free motor fuels in the bulk storage tank enters into an agreement with the exempt entity that owns the bulk storage tank and the agreement includes provisions pertaining to:

(i) purchase from distributors of tax-free motor fuels placed into the bulk storage tank;

(ii) method of delivery of tax-free motor fuels into the bulk storage tank;

(iii) controls and security procedures for the removal of tax-free motor fuels from the bulk storage tank by the volunteer service;

(iv) storage of tax-free motor fuels in the bulk storage tank;

(v) removal of tax-free motor fuels from the bulk storage tank;

(vi) compliance with all of the recordkeeping requirements for liquid fuels and fuels as provided under this chapter; and

(vii) acknowledgment of joint and several liability for loss, misuse or undocumented withdrawals of tax-free motor fuels from the bulk storage tank.

(4) The exempt entity does not withdraw from the bulk storage tank any amount of commingled tax-free motor fuels for which the exempt entity has not previously paid a distributor to deliver into the tank, except as provided for volunteer services under subsection (d).

(5) Tax-paid motor fuels are not placed into a bulk storage tank containing commingled tax-free motor fuels.

(6) Only exempt entities may own tax-free motor fuels placed into or removed from the bulk storage tank containing commingled tax-free motor fuels.

(7) All of the recordkeeping compliance provisions of this chapter are satisfied by each entity owning commingled tax-free motor fuels in the bulk storage tank.

(d) Conditions on use of motor fuels transferred to volunteer services from political subdivisions.--A volunteer service may use tax-free motor fuels transferred to the volunteer service from a political subdivision if the following apply:

(1) The political subdivision's bulk storage tank from which the volunteer service removes tax-free motor fuels contains only tax-free motor fuels that are either owned exclusively by the political subdivision or owned by both the political subdivision and one or more volunteer services

pursuant to a valid commingling agreement as provided for under subsection (c)(3).

(2) The volunteer service provides services to the political subdivision and the residents of the political subdivision.

(3) The volunteer service takes delivery of the motor fuel directly from a bulk storage tank owned by the political subdivision.

(4) Tax-free motor fuels withdrawn from the political subdivision's bulk storage tank by a volunteer service must be placed directly into the vehicle propulsion tank of a vehicle owned and operated by the volunteer service.

(e) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Exempt entity." A political subdivision or volunteer service in accordance with section 9004(e).

"Motor fuels." Liquid fuels or fuels. The term does not include alternative fuels.

"Political subdivision." A county, city, borough, incorporated town, township, school district, vocational school district or county institution district.

"Tax-free motor fuels." Motor fuels upon which the oil company franchise tax under 9004(b) has not been imposed.

"Volunteer service." A volunteer fire company, volunteer ambulance service or volunteer rescue squad.

(Nov. 25, 2020, P.L.1242, No.129, eff. imd.)

2020 Amendment. Act 129 added section 9004.1.

§ 9005. Taxpayer.

(a) Duty of distributor.--Every distributor using or delivering liquid fuels and fuels upon which a tax is imposed by this chapter shall pay the tax into the State Treasury through the department.

(b) Delivery between distributors.--

(1) Whenever liquid fuels and fuels are delivered within this Commonwealth by one distributor to another distributor holding a permit under this chapter, the distributor receiving the liquid fuels and fuels shall separately show, in that distributor's monthly reports to the department, all such deliveries from each distributor and shall pay the liquid fuels and fuels tax provided for by this chapter upon all such liquid fuels and fuels used or sold and delivered within this Commonwealth.

(2) The distributor making deliveries under paragraph (1) shall separately show those deliveries in that distributor's monthly reports to the department and shall then be exempt from the payment of the tax which would otherwise be imposed upon the liquid fuels and fuels so delivered.

(3) The distributor shall furnish to the department such information concerning such deliveries as the department may require.

(4) The department shall furnish to any distributor, upon request, a list of distributors holding permits under this chapter and their addresses.

(c) Recovery of tax payment.--Distributors may add the amount of the tax to the price of liquid fuels and fuels sold by them and shall state the rate of the tax separately from the price of the liquid fuels and fuels on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of liquid fuels and fuels.

(d) Penalty.--A person who violates this section commits a summary offense.

Cross References. Section 9005 is referred to in section 9002 of this title.

§ 9006. Distributor's report and payment of tax.

(a) Monthly report.--For the purpose of ascertaining the amount of tax payable under this chapter, the distributor, on or before the 20th day of each month, shall transmit to the department on a form prescribed by the department a report, under oath or affirmation, of the liquid fuels and fuels used or delivered by that distributor within this Commonwealth during the preceding month. The report shall show the number of gallons of liquid fuels and fuels used or delivered within this Commonwealth during the period for which that report is made and any further information that the department prescribes. A distributor having more than one place of business within this Commonwealth shall combine in each report the use or delivery of liquid fuels and fuels at all such separate places of business.

(b) Computation and payment of tax.--

(1) The distributor, at the time of making the report under subsection (a), shall compute and pay to the department the tax due to the Commonwealth on liquid fuels and fuels used or sold and delivered by that distributor during the preceding month, less a discount, if the report is filed and the tax paid on time, computed as follows:

(i) 2%, if the tax amounts to $50,000 or less;

(ii) 1.5%, on tax in excess of $50,000 and not exceeding $75,000;

(iii) 1%, on tax in excess $75,000 and not exceeding $100,000; and

(iv) .5%, on tax in excess of $100,000.

(2) The discount under paragraph (1) shall not be computed on any tax imposed and remitted with respect to the oil company franchise tax imposed under sections 9004(b) (relating to imposition of tax, exemptions and deductions) and 9502 (relating to imposition of tax), except with respect to the oil company franchise tax imposed under section 9502(a)(5).

(c) Due dates.--The amount of all taxes imposed under the provisions of this chapter for each month shall be due and payable on the 20th day of the next succeeding month. Taxes due shall bear interest at the rate of 1% per month or fractional part of a month from the date they are due and payable until paid.

(d) Additional penalty.--If a distributor neglects or refuses to make any report and payment as required, an additional 10% of the amount of the tax due shall be added by the department and collected as provided. In addition to the added penalty, the permit of the distributor may be suspended or revoked by the department.

(Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2014)

2013 Amendment. Act 89 amended subsec. (b)(2). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 9007. Determination and redetermination of tax, penalties and interest due.

(a) Determination.--If the department is not satisfied with the report and payment of tax made by any distributor under the provisions of this chapter, it is authorized to make a

determination of the tax due by the distributor based upon the facts contained in the report or upon any information within its possession.

(b) Notice.--Promptly after the date of determination, the department shall send by registered mail a copy to the distributor. Within 90 days after the date upon which the copy of the determination was mailed, the distributor may file with the department a petition for redetermination of such tax. A petition for redetermination must state specifically the reasons which the petitioner believes allow the redetermination and must be supported by affidavit that it is not made for the purpose of delay and that the facts set forth are true. The department shall, within six months after the date of a determination, dispose of a petition for redetermination. Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department.

(c) Administrative appeal.--Within 60 days after the date of mailing of notice by the department of the action taken on any petition for redetermination filed with it, the distributor against whom the determination was made may by petition request the Board of Finance and Revenue to review the action. A petition for review must state specifically the reason upon which the petitioner relies or must incorporate by reference the petition for redetermination in which the reasons have been stated. The petition must be supported by affidavit that it is not made for the purpose of delay and that the facts set forth are true. If the petitioner is a corporation or association, the affidavit must be made by one of its principal officers. A petition for review may be amended by the petitioner at any time prior to the hearing. The board shall act finally in disposition of petitions filed with it within six months after they have been received. In the event of the failure to dispose of a petition within six months, the action taken by the department upon the petition for redetermination shall be deemed sustained. The board may sustain the action taken on the petition for redetermination or it may redetermine the tax due upon such basis as it deems according to law and equity. Notice of the action of the board shall be given to the department and to the petitioner.

(d) Sanctions.--If a distributor neglects or refuses to make a report and payment of tax required by this chapter, the department shall estimate the tax due by such distributor and determine the amount due for taxes, penalties and interest. There shall be no right of review or appeal from this determination. Upon neglect or refusal, permits issued to the distributor may be suspended or revoked by the department and required to be surrendered to the department.

Cross References. Section 9007 is referred to in section 9017 of this title.

§ 9008. Examination of records and equipment.

(a) General rule.--The department or any agent appointed in writing by the department is authorized to examine the books, papers, records, storage tanks and any other equipment of any distributor, dealer or any other person pertaining to the use or sale and delivery of liquid fuels and fuels taxable under this chapter to verify the accuracy of any report or payment made under the provisions of this chapter or to ascertain whether or not the tax imposed by this chapter has been paid. Any information gained by the department as the result of the

reports, investigations or verifications required to be made shall be confidential.

(b) Penalty.--A person divulging confidential information under subsection (a) commits a misdemeanor of the third degree.

(c) Consumer protection.--Notwithstanding subsection (a) or (b) or section 731 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, incorrect liquid fuel, fuel or alternative fuel composition information, including octane values, discovered by the department upon examination of storage tank contents or related records may be disclosed to an appropriate enforcement authority for investigation.

(d) Public safety.--Notwithstanding subsection (a) or (b) or section 731 of The Fiscal Code, any suspected violation that could pose a threat to public safety discovered by the department during an examination authorized by this section may be disclosed to an appropriate enforcement authority for investigation.

(Nov. 25, 2020, P.L.1242, No.129, eff. imd.)

2020 Amendment. Act 129 added subsecs. (c) and (d).

§ 9009. Retention of records by distributors and dealers.

(a) Record retention period.--

(1) The distributor and dealer shall maintain and keep for a period of two years a record of liquid fuels and fuels used or sold and delivered within this Commonwealth by the distributor, together with invoices, bills of lading and other pertinent papers as required by the department.

(2) A person purchasing liquid fuels and fuels taxable under this chapter from a distributor for the purpose of resale shall maintain for a period of two years a record of liquid fuels and fuels received, the amount of tax paid to the distributor as part of the purchase price, delivery tickets, invoices and bills of lading and such other records as the department requires.

(3) Additional records include:

(i) A distributor shall keep a record showing the number of gallons of:

(A) all diesel fuel inventories on hand at the first of each month;

(B) all diesel fuel refined, compounded or blended;

(C) all diesel fuel purchased or received, showing the name of the seller and the date of each purchase or receipt;

(D) all diesel fuel sold, distributed or used, showing the name of the purchaser and the date of sale, distribution or use; and

(E) all diesel fuel lost by fire or other accident.

(ii) A dealer shall keep a record showing the number of gallons of:

(A) all diesel fuel inventories on hand at the first of each month;

(B) all diesel fuel purchased or received, showing the name of the seller, the date of each purchase or receipt;

(C) all diesel fuel sold, distributed or used; and

(D) all diesel fuel lost by fire or other accident.

(b) Penalty.--Any person violating any of the provisions of this section commits a misdemeanor of the third degree.

Cross References. Section 9009 is referred to in sections 9017, 9404 of this title.

§ 9010. Disposition and use of tax.

(a) (Reserved).

(b) Payment to counties.--

(1) The money paid into the Liquid Fuels Tax Fund under section 9502(a)(5)(i) (relating to imposition of tax), except that which is refunded, shall be paid to the respective counties of this Commonwealth on June 1 and December 1 of each year in the ratio that the average amount returned to each county during the three preceding years bears to the average amount returned to all counties during the three preceding years.

(2) All money received by the counties under paragraph (1) shall be deposited and maintained in a special fund designated as the County Liquid Fuels Tax Fund. No other money shall be deposited and commingled into the County Liquid Fuels Tax Fund, except in a county which does not have sufficient money in such special fund to provide for payments designated in the current annual budget.

(i) Payment from that special fund shall be for the following purposes:

(A) Construction, reconstruction, maintenance and repair of roads, highways, bridges and curb ramps from a road or highway to provide for access by individuals with disabilities consistent with Federal and State law.

(B) Property damages and compensation of viewers for services in eminent domain proceedings involving roads, highways and bridges.

(C) Construction, reconstruction, operation and maintenance of publicly owned ferryboat operations.

(D) Interest and principal payments on road, bridge or publicly owned ferryboat operation bonds or sinking fund charges for such bonds becoming due within the current calendar year.

(E) Acquisition, maintenance, repair and operation of traffic signs and traffic signals.

(F) Erection and maintenance of stop and go signal lights, blinkers and other like traffic control devices.

(G) Indirect costs, including benefit costs, overhead and other administrative charges for those county employees directly engaged in eligible projects. Expenditures under this clause may not exceed 10% of the yearly allocation to the county.

(H) Individual vehicle liability insurance for equipment purchased under the fund. Expenditures under this clause may not exceed 10% of the yearly allocation to the county.

(ii) The county for the purpose of payments under subparagraph (i) may borrow and place in the special fund money not in excess of the liquid fuels tax funds to be received during the current calendar year. Loans shall be repaid from the special fund before the expiration of the current calendar year and not thereafter. Money so received and deposited shall be used only for the following purposes:

(A) Construction, reconstruction, maintenance and repair of roads, highways, bridges and curb ramps from a road or highway to provide for access by

individuals with disabilities consistent with Federal and State law.

(B) Payment of property damage and compensation of viewers for services in eminent domain proceedings involving roads, highways and bridges occasioned by the relocation or construction of highways and bridges.

(C) Construction, reconstruction, operation and maintenance of publicly owned ferryboat operations.

(D) Payment of interest and sinking fund charges on bonds issued or used for highways and bridge purposes and publicly owned ferryboat operations.

(E) Acquisition, maintenance, repair and operation of traffic signs and traffic signals.

(iii) No expenditures from the special fund shall be made by the county commissioners for new construction on roads, bridges, curb ramps or publicly owned ferryboat operations without the approval of the plans for construction by the department.

(iv) The county commissioners shall not allocate money from the special fund to any political subdivision within the county until the application and the contracts or plans for the proposed expenditures have been made on a form prescribed by the department.

(v) The county commissioners of each county shall make to the department, by January 15 for the period ending December 31, on a form prescribed by the department a report showing the receipts and expenditures of the money received by the county from the Commonwealth under this section. Copies of the report shall be transmitted to the department and to the Department of the Auditor General for audit.

(vi) Upon the failure of the county commissioners to file the report or to make any payments, allocations or expenditures in compliance with this section, the department shall withhold further payments to the county out of the Liquid Fuels Tax Fund until the delinquent report is filed, the money is allocated or the expenditures for the prior 12 months are approved by the department.

(c) Allocation of money.--Except as set forth in subsection (c.1), the county commissioners may allocate and apportion money from the County Liquid Fuels Tax Fund to the political subdivisions within the county in the ratio as provided in this subsection. When the unencumbered balance in the County Liquid Fuels Tax Fund is greater than the receipts for the 12 months immediately preceding the date of either of the reports, the county commissioners shall notify the political subdivisions to make application within 90 days for participation in the redistribution of the unencumbered balance. Redistribution shall be effected within 120 days of the date of either of the reports. The county commissioners may distribute the unencumbered balance in excess of 50% of the receipts for the previous 12 months to the political subdivisions making application in the following manner:

(1) Fifty percent of the money shall be allocated and apportioned among the political subdivisions within the county in the ratio which the total mileage of all roads and streets maintained by each political subdivision making application bears to the total mileage of all the roads and streets maintained by all political subdivisions making

application in the county as of January 1 of the year in which an allocation is made.

(2) The remaining 50% of the money shall be allocated and apportioned among the same political subdivisions on a population basis in the ratio which the population in each political division making an application bears to the total population of all political subdivisions making application.

(3) In the case of an emergency and upon approval of the Department of Transportation, the county commissioners may enter into contracts and obligations for the expenditure of the estimated liquid fuels tax receipts for a period not exceeding two years and receive a credit for expenditures against subsequent receipts. No county may carry over any credit balance against future fuel tax receipts from year to year.

(c.1) Forfeiture.--All money allocated under subsection (c) to a political subdivision which, under section 6109(a) (relating to specific powers of department and local authorities), violates section 6101(a) (relating to applicability and uniformity of title) shall be withheld by the county during the period of time in which the municipality is in violation of section 6101(a).

(c.2) Release funds.--Upon notification that the local authority has repealed or substantially amended the ordinance to remove the language that was found to be in violation of section 6101(a), the county shall release those funds withheld by the county and due the local agency.

(d) Copies of laws.--The Department of Transportation shall annually issue to the county commissioners and to the corporate authorities of the political subdivisions in the counties copies of the laws with special reference to pertinent provisions and regulations relating to the receipts and expenditures of any funds authorized to be apportioned, allocated or expended.

(e) Appropriation.--

(1) Notwithstanding the provisions of this subsection and notwithstanding the provisions of section 3 of the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, the entire revenues from 1¢ of the tax imposed by this chapter are hereby appropriated to the Department of Transportation.

(2) The following apply insofar as consistent with section 9102 (relating to distribution of State highway maintenance funds):

(i) Except as provided in subparagraph (ii), the department shall use the revenues appropriated to it under this subsection for the maintenance and resurfacing of secondary roads.

(ii) The revenues shall be apportioned by the department for expenditure in the several counties of this Commonwealth in the ratio that the total mileage of State highways in any county bears to the total mileage of State highways in this Commonwealth.

(3) The tax of 1 1/2¢ a gallon imposed and assessed on liquid fuels used or sold and delivered for use as a fuel in propeller-driven aircraft or aircraft engines, the tax of 1 1/2¢ a gallon on liquid fuels used or sold and delivered for use as a fuel in jet or turbojet-propelled aircraft or aircraft engines in lieu of other taxes, all penalties and interests and all interest earned on deposits of the Liquid Fuels Tax Fund shall be paid into the Motor License Fund. This money is specifically appropriated for the same purposes

for which money in the Motor License Fund is appropriated by law.

(Oct. 24, 2012, P.L.1473, No.187, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2014)

2013 Amendment. Act 89 amended subsecs. (a), (b)(1) and (e)(3). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2012 Amendment. Act 187 amended subsec. (c) intro. par. and added subsecs. (c.1) and (c.2).

Cross References. Section 9010 is referred to in sections 1935, 6101, 9023, 9502, 9511.11 of this title.

§ 9011. Discontinuance or transfer of business.

(a) Notice to department.--If a distributor engaged in the use or sale and delivery of liquid fuels or fuels ceases to be a distributor by reason of the discontinuance, sale or transfer of the distributor's business, the distributor shall notify the department in writing within ten days after the discontinuance, sale or transfer takes effect. The notice shall give the date of discontinuance and, in the event of a sale or transfer of the business, the name and address of the purchaser or transferee of the business. The distributor, within ten days after the discontinuance, sale or transfer takes effect, shall make a report and pay all taxes, interest and penalties due and shall surrender the permit to the department.

(b) Penalty.--A person violating any of the provisions of subsection (a) commits a misdemeanor of the third degree.

§ 9012. Suspension or revocation of permits.

(a) Notice and hearings.--If the department finds that the holder of a permit has failed to comply with the provisions of this chapter, the department shall notify the permit holder and afford the permit holder a hearing on five days' written notice.

(b) Action by department.--After a hearing, the department may revoke or suspend the permit. Upon suspending or revoking a permit, the department shall request the holder of the permit to surrender to it immediately all permits or duplicates issued to the holder.

(c) Surrender of permits.--The holder shall surrender promptly all permits to the department as requested.

(d) Penalty.--A person who refuses to surrender a permit suspended or revoked by the department commits a summary offense.

§ 9013. Lien of taxes, penalties and interest.

(a) General rule.--All unpaid taxes imposed by this chapter and section 9502 (relating to imposition of tax) and penalties and interest due shall be a lien upon the franchises and property of the taxpayer after the lien has been entered and docketed of record by the prothonotary or similar officer of the county where the property is situated.

(b) Priority of lien.--The lien under subsection (a) shall have priority from the date of its entry of record and shall be fully paid and satisfied out of the proceeds of a judicial sale of property subject to the lien before any other obligation, judgment, claim, lien or estate to which the property may subsequently become subject, except costs of the sale and of the writ upon which the sale was made and real estate taxes and municipal claims against the property. The lien under subsection (a) shall be subordinate to mortgages and other liens existing and recorded or entered of record prior to the recording of the tax lien.

(c) Discharge of lien.--In the case of a judicial sale of property subject to a lien imposed under this section, the sale shall discharge the lien imposed under this section to the extent only that the proceeds are applied to its payment, and the lien shall continue in full force and effect as to the balance remaining unpaid.

(d) Procedure.--

(1) Statements of all taxes imposed under this chapter and section 9502, together with penalties and interest, certified by the secretary, may be transmitted to the prothonotaries or similar officers of the respective counties of this Commonwealth to be entered of record and indexed as judgments are now indexed.

(2) A writ of execution may directly issue upon the lien without the issuance and prosecution to judgment of a writ of scire facias.

(3) Not less than ten days before issuance of execution on a lien, notice of the filing and the effect of the lien shall be sent by registered mail to the taxpayer at the taxpayer's last known post office address.

(4) A prothonotary or similar officer may not require, as a condition precedent to the entry of a lien under this section, the payment of costs incident to entry of the lien.

(5) A lien under this section shall continue for five years from the date of entry and may be revived and continued under the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(e) Statement to department.--A sheriff, receiver, trustee, assignee, master or other officer may not sell the property or franchises of a distributor without first filing with the department a statement containing all of the following information:

(1) Name or names of the plaintiff or party at whose instance or upon whose account the sale is made.

(2) Name of the person whose property or franchise is to be sold.

(3) The time and place of sale.

(4) The nature and location of the property.

(f) Notice concerning lien.--The department, after receiving notice under subsection (e), shall furnish to the sheriff, receiver, trustee, assignee, master or other officer having charge of the sale a certified copy or copies of all liquid fuels tax, fuels tax and oil company franchise tax penalties and interest on file in the department as liens against the person or, if there are no such liens, a certificate showing that fact. The certified copy or copies or certificate shall be publicly read by the officer in charge of the sale at and immediately before the sale of the property or franchise of the person.

(g) Lien certificate.--The department shall furnish to a person making application, upon payment of the prescribed fee, a certificate showing the amount of all liens for liquid fuels tax, fuels tax or oil company franchise tax, penalties and interest under the provisions of this chapter on record in the department against any person.

Cross References. Section 9013 is referred to in section 9014 of this title.

§ 9014. Collection of unpaid taxes.

(a) When collection commences.--

(1) The department shall call upon the Office of Attorney General to collect taxes, penalties or interest

imposed by this chapter or section 9502 (relating to imposition of tax) at the following times:

(i) When payment is not made within 30 days of determination unless a petition for redetermination has been filed.

(ii) When payment is not made within 30 days of the date of redetermination unless a petition for review has been filed.

(iii) When payment is not made within 90 days from the date of the decision of the Board of Finance and Revenue upon a petition for review.

(iv) When payment is not made by the expiration of the board's time for acting upon a petition if no appeal has been made.

(2) The department shall call upon the Office of Attorney General to collect taxes, penalties or interest imposed by this chapter or section 9502 if there is a judicial sale of property subject to lien under section 9013 (relating to lien of taxes, penalties and interest).

(b) Commission.--On all claims for taxes, penalties and interest which are collected after the institution of suit by the Office of Attorney General, the distributor shall pay an Attorney General's commission of 5% upon the amount of recovery not exceeding $10,000 and of 3% upon the amount of recovery in excess of $10,000. Payment of the Attorney General's commission shall not affect liability for any penalty or interest payable under this chapter. The Attorney General's commission shall be paid into the State Treasury through the department for credit to the General Fund. The amount of the Attorney General's commission shall be added to the amount of the claim against the distributor and shall be a lien against the distributor's property in like manner as the amount of the claim.

(c) Trust fund for certain taxes.--

(1) All taxes collected by a taxpayer from a purchaser under this chapter or Chapter 95 (relating to taxes for highway maintenance and construction) which have not been properly refunded to the purchaser shall constitute a trust fund for the Commonwealth.

(2) Subject to the provisions of paragraph (3), the trust shall be enforceable against the taxpayer and any person, other than a purchaser to whom a refund has been properly made, receiving any part of the fund without consideration or knowing that the taxpayer is committing a breach of trust.

(3) A person receiving payment of a lawful obligation of the taxpayer from the fund shall be presumed to have received the payment in good faith and without any knowledge of the breach of trust.

(4) Unpaid taxes, penalties and interest due for which a trust may be enforced against the partners or members of an association or the officers of a corporation under this section shall also be a lien upon franchises and property of a partner, member or officer under section 9013.

§ 9015. Reports from common carriers.

(a) Duty.--A person transporting liquid fuels either in interstate or intrastate commerce to a point within this Commonwealth from a point within or without this Commonwealth shall report under oath or affirmation to the department on or before the last day of each month for the preceding month all deliveries of liquid fuels made to points within this Commonwealth.

(b) Forms.--The report shall be on a form prescribed by the department and shall state the names and addresses of the consignor and consignee, the number of gallons of liquid fuels transported and any other information which the department may require.

(c) Penalty.--Any person violating any of the provisions of this section commits a misdemeanor of the third degree.

§ 9016. Reward for detection of violations.

The secretary is authorized to pay a reward, out of money appropriated from the Motor License Fund for the purpose, to any person, other than a State officer or employee, who reports a distributor who has failed to file the reports required and pay the tax imposed by this chapter. The reward shall be in an amount the secretary deems proper, not exceeding 10% of the amount of the tax, penalty and interest due. A reward shall not be paid unless collection of the delinquent tax has been made or the distributor has been convicted for violating this chapter.

§ 9017. Refunds.

(a) Department of Revenue.--Except as provided in subsection (a.1), the Department of Revenue may refund taxes, penalties, interest, fines, additions and other money collected pursuant to this chapter in accordance with section 3003.1 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(a.1) Board of Finance and Revenue.--The Board of Finance and Revenue may make reimbursements and refunds of tax imposed and collected upon liquid fuels or fuels as provided under subsections (b), (c) or (e). In addition, the board may refund on an annual basis any tax imposed by this chapter and collected by the department upon liquid fuels or fuels delivered to any entity exempt from tax under section 9004(e) (relating to imposition of tax, exemptions and deductions) which has not been claimed as exempt by the distributor or otherwise refunded. The board may adopt regulations relating to procedures for the administration of its duties under this subsection.

(b) Farm tractors and volunteer fire rescue and ambulance services.--A person shall be reimbursed the full amount of the tax imposed by this chapter if the person uses or buys liquid fuels or fuels on which the tax imposed by this chapter has been paid and consumes them:

(1) in the operation of any nonlicensed farm tractor or licensed farm tractor when used off the highways for agricultural purposes relating to the actual production of farm products; or

(2) in the operation of a vehicle of a volunteer fire company, volunteer ambulance service or volunteer rescue squad.

(c) Motorboats and watercraft.--

(1) When the tax imposed by this chapter and section 9502(a)(5) (relating to imposition of tax) has been paid and the fuel on which the tax has been imposed has been consumed in the operation of motorboats or watercraft upon the waters of this Commonwealth, including waterways bordering on this Commonwealth, the full amount of the tax shall be refunded to the Boat Fund on petition to the board in accordance with prescribed procedures.

(2) In accordance with such procedures, the Pennsylvania Fish and Boat Commission shall biannually calculate the amount of liquid fuels consumed by the motorcraft and furnish the information relating to its calculations and data as required by the board. The board shall review the petition

and motorboat fuel consumption calculations of the commission, determine the amount of liquid fuels tax paid and certify to the State Treasurer to refund annually to the Boat Fund the amount so determined. The department shall be accorded the right to appear at the proceedings and make its views known.

(3) This money shall be used by the commission acting by itself or by agreement with other Federal and State agencies only for the improvement of the waters of this Commonwealth on which motorboats are permitted to operate and may be used for the development and construction of motorboat areas; the dredging and clearing of water areas where motorboats can be used; the placement and replacement of navigational aids; the purchase, development and maintenance of public access sites and facilities to and on waters where motorboating is permitted; the patrolling of motorboating waters; the publishing of nautical charts in those areas of this Commonwealth not covered by nautical charts published by the United States Coast and Geodetic Survey or the United States Army Engineers and the administrative expenses arising out of such activities; and other similar purposes.

(d) Off-highway recreational vehicles.--(Deleted by amendment).

(d.1) Motorized recreational vehicles.--

(1) When the tax imposed by this chapter has been paid and the fuel on which the tax has been imposed has been consumed in the operation of motorized recreational vehicles on designated roads and bridges of this Commonwealth, including roads and bridges bordering on this Commonwealth, annually up to a maximum of $1,000,000 of the full amount of such taxes shall be refunded to the restricted accounts established in section 7706 (relating to restricted accounts) upon petition to the Board of Finance and Revenue.

(2) In accordance with prescribed procedures, the Department of Conservation and Natural Resources shall biennially calculate the amount of liquid fuels consumed by motorized recreational vehicles and furnish such information relating to its calculations and data to the Board of Finance and Revenue. The board shall review the petition and motorized recreational vehicle fuel consumption calculations of the Department of Conservation and Natural Resources to determine the full amount of taxes paid and shall certify to the State Treasurer to refund annually up to a maximum of $1,000,000 of the full amount of such taxes to the restricted account established in section 7706.

(3) This money shall be used by the Department of Conservation and Natural Resources for the improvement of public roadways, highways and bridges of this Commonwealth, including roads and bridges bordering on this Commonwealth, that are also used by motorized recreational vehicles required to be registered under this title. For the purpose of this section, improvement includes, but is not limited to, grooming for snowmobile use and safety.

(4) For the purposes of this subsection, motorized recreational vehicles are snowmobiles, all-terrain vehicles, motorcycles and four-wheel-drive vehicles.

(e) Aircraft.--A person shall be reimbursed in the amount of the excess if a person uses liquid fuel on which a tax imposed by this chapter in excess of 1 1/2¢ per gallon has been paid in:

(1) a propeller-driven aircraft or aircraft engines; or

(2) a jet or turbojet-propelled aircraft or aircraft engines.

(e.1) Truck refrigeration units.--

(1) A program shall be implemented to provide reimbursement for tax paid on undyed diesel fuel used in truck refrigeration units.

(2) A person shall be reimbursed the amount of tax paid pursuant to section 9004 on any purchase of undyed diesel fuel which is not more than 75 gallons per purchase and is delivered into a fuel tank which is designed to supply only an internal combustion engine mounted on a registered vehicle used exclusively for truck refrigeration.

(3) For the period of October 1, 1997, through September 30, 1998, claims for reimbursement of taxes paid shall be filed by March 1, 1999, with the Department of Revenue. For the period of October 1, 1998, through September 30, 1999, claims for reimbursement under this subsection shall be filed by October 31, 1999, with the department. For the period from October 1, 1999, through September 30, 2000, inclusive, claims for reimbursement under this subsection shall be filed with the department by October 31, 2000. For the quarter beginning October 1, 2000, and each quarter thereafter, claims for reimbursement shall be filed with the department on a quarterly basis and must be filed within 60 days following the end of the quarter for which reimbursement is being claimed.

(4) The department may require a claimant to satisfy any sales or use tax liability on the undyed diesel fuel for which the reimbursement is claimed.

(5) A claim for reimbursement must be supported by sales receipts with the word "reefer" noted on the claim and the date of purchase, seller's name and address, number of gallons purchased, fuel type, price per gallon or total amount of sale, unit numbers and the purchaser's name. The department may specify other documentation which it will accept in lieu of sales receipts. In the case of withdrawals from claimant-owned tax-paid bulk storage, the claim must be supported by detailed records of the date of withdrawal, number of gallons, fuel type, unit number and purchase and inventory records to substantiate that the tax was paid on all bulk purchases. Notwithstanding the provisions of section 9009 (relating to retention of records by distributors and dealers), all required documentation shall be retained for a period of three years following the filing date of the claim for reimbursement under this subsection. If the claimant fails to retain documentation as required by this paragraph, the department may deny the reimbursement or issue an assessment for any refund granted plus interest under section 9007 (relating to determination and redetermination of tax, penalties and interest due).

(6) (Deleted by amendment).

(e.2) Agricultural power takeoff.--A person shall be reimbursed the full amount of the tax imposed by this chapter if the person uses or buys liquid fuels or fuels on which the tax imposed by this chapter has been paid and consumes them to load for delivery or to unload at a farm feed, feed products, lime or limestone products for agricultural use from a vehicle by means of a power takeoff, provided the fuel usage is documented only by an electronic monitoring device used in conjunction with an electronically controlled engine.

Reimbursements shall be documented only as provided in this subsection, and no reimbursement shall be based upon any form of alternative documentation. Claims for reimbursement shall be filed with the department on a quarterly basis and must be filed within 60 days following the end of the quarter for which reimbursement is being claimed. The provisions of subsection (f) except for the filing fee provision shall apply to claims for reimbursement under this subsection to the extent they are not inconsistent with this subsection.

(f) Claims, forms, contents, penalties.--A claim for reimbursement or refund under subsection (b), (c) or (e) shall be made upon a form to be furnished by the board and must include, in addition to such other information as the board may by regulation prescribe, the name and address of the claimant; the period of time and the number of gallons of liquid fuels used for which reimbursement is claimed; a description of the farm machinery, aircraft or aircraft engine in which liquid fuels have been used; the purposes for which the machinery, aircraft or aircraft engine has been used; and the size of the farm and part in cultivation on which such liquid fuels have been used. A claim must contain statements that the liquid fuels for which reimbursement is claimed have been used only for purposes for which reimbursements are permitted; that records of the amounts of such fuels used in each piece of farm machinery, aircraft or aircraft engine have been kept; and that no part of the claim has been paid except as stated. A claim must contain a declaration that it and accompanying receipts are true and correct to the best of the claimant's knowledge and must be signed by the claimant or the person claiming on the claimant's behalf. A claim must be accompanied by receipts indicating that the liquid fuels tax was paid on the liquid fuels or that the excess liquid fuels tax was paid on the liquid fuels for which reimbursement is claimed. Records of purchases of liquid fuels and use in each tractor or powered machinery, aircraft or aircraft engine shall be kept for a period of two years. A claim must be made annually for the preceding year ending on June 30. A claim must be submitted to the board by September 30. The board shall refuse to consider any claim received or postmarked later than that date. The claimant must satisfy the board that the tax has been paid and that the liquid fuels have been consumed by the claimant for purposes for which reimbursements are permitted under this section. The action of the board in granting or refusing reimbursement shall be final. The board shall deduct the sum of $1.50, which shall be considered a filing fee, from every claim for reimbursement granted. Filing fees are specifically appropriated to the board and to the department for expenses incurred in the administration of the reimbursement provisions of this chapter. The board has the power to refer to the department for investigation any claim for reimbursement filed under the provisions of this chapter. The department shall investigate the application and report to the board. A person making any false or fraudulent statement for the purpose of obtaining reimbursement commits a misdemeanor of the third degree.

(g) Fund sources.--Refunds and reimbursements of money allowed under this section shall be paid from the Motor License Fund and the Liquid Fuels Tax Fund in amounts equal to the original distribution and payment of such money into those funds. Reimbursement for taxes paid on liquid fuels consumed in the operation of tractors and powered machinery for purposes relating to the actual production of farm products and

reimbursement for taxes paid on liquid fuels used in aircraft or aircraft engines shall be paid out of the Motor License Fund.

(h) Appropriations; approval by Governor.--As much of the money in the Motor License Fund and the Liquid Fuels Tax Fund as may be necessary is appropriated to the board for the purpose of making refunds and reimbursements as authorized in this section. Estimates of the amounts to be expended from these funds for refunds and reimbursements by the board must be submitted to the Governor for approval or disapproval as in the case of other appropriations to administrative departments, boards and commissions. It is unlawful to honor any requisition of the board for the expenditure of money under this section in excess of the estimates approved by the Governor.

(Dec. 21, 1998, P.L.1126, No.151, eff. imd.; June 22, 2001, P.L.411, No.33, eff. 60 days; June 22, 2001, P.L.559, No.37, eff. imd.; July 14, 2005, P.L.285, No.50, eff. imd.; Nov. 25, 2013, P.L.974, No.89, eff. Jan. 1, 2014; July 20, 2016, P.L.837, No.97, eff. 60 days)

2016 Amendment. Act 97 amended subsec. (d.1)(1).

2013 Amendment. Act 89 amended subsec. (c)(1). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2005 Amendment. Act 50 deleted subsec. (d) and added subsec. (d.1).

2001 Amendments. Act 33 added subsec. (e.2) and Act 37 amended subsec. (e.1).

1998 Amendment. Act 151 reenacted and amended the entire section, retroactive to October 1, 1997, as to subsec. (e.1) and January 1, 1997, as to the remainder of the section.

1997 Partial Repeal. Section 35.1(c) of Act 7 of 1997 provided that section 9017 is repealed insofar as it relates to refunds.

Cross References. Section 9017 is referred to in section 7706 of this title.

§ 9018. Violations.

(a) Failure to report and pay; examinations; unlawful acts.--

(1) A person commits a misdemeanor of the third degree if the person does any of the following:

(i) Fails, neglects or refuses to make the report and pay the tax, penalties and interest imposed by this chapter.

(ii) Refuses to permit the department or any agent appointed by it in writing to examine books, records, papers, storage tanks or other equipment pertaining to the use or sale and delivery of liquid fuels within this Commonwealth.

(iii) Makes any incomplete, false or fraudulent report or claim.

(iv) Attempts to do anything to avoid a full disclosure of the amount of liquid fuels used or sold and delivered or to avoid the payment of the tax, penalties and interest due.

(2) Any partner or member of an association and any officer of a corporation whose duty it was to make the report required by this chapter shall be subject to imprisonment under paragraph (1) for failing to make the report required and attend to the payment of the tax imposed by this chapter.

(3) The fine under paragraph (1) shall be in addition to any penalty imposed by any other section or subsection of this chapter.

(4) Upon conviction under paragraph (1), all of the convicted distributor's permits shall be revoked.

(b) Unlawful acts.--A person may not do any of the following:

(1) Knowingly display or knowingly possess a fictitious, suspended, canceled, revoked or altered permit.

(2) Knowingly permit the use of a permit by a person not entitled to the permit.

(3) Display or represent as one's own any permit not issued to the person displaying it.

(4) Use a false or fictitious name or give a false or fictitious address in any application or form required under this chapter.

(5) Commit a fraud in any application, record or report.

(c) Penalty.--A person who violates any of the provisions of this section commits a misdemeanor of the third degree. The fine shall be in addition to any penalty imposed by any other section or subsection of this chapter. Upon conviction, all of the convicted person's permits shall be revoked.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (a)(1)(iii).

§ 9019. Diesel fuel importers and transporters; prohibiting use of dyed diesel fuel on highways; violations and penalties.

(a) Diesel fuel transporters.--

(1) A person must obtain a diesel fuel transporter's permit in order to import, export or transport within this Commonwealth diesel fuel, other than dyed diesel fuel, via a pipeline or by means of a tank-truck vehicle, railroad tank car or vessel with a capacity of 2,000 gallons or more. The permit application must be filed with the department upon a form prescribed by the department.

(2) A fee of $5 shall be charged by the department for the issuance of a permit.

(3) Every person required to obtain a permit under paragraph (1) shall report under oath or affirmation to the department on or before the last day of each month for the preceding month all deliveries of diesel fuel, other than dyed diesel fuel, and retail deliveries of kerosene in quantities of less than 300 gallons per delivery to any point within this Commonwealth, including any interstate or intrastate movements of diesel fuel and any exports. The form shall be prescribed by the department and may require any of the following:

(i) The names and addresses of the cosigner and cosignee, the seller or other party from whom the diesel fuel was received, the buyer or other party to whom the diesel fuel was delivered and points to and from which the diesel fuel was shipped or delivered.

(ii) The method of shipment or delivery.

(iii) The number of gallons.

(4) All shipments of diesel fuel, including dyed diesel fuel, shall be accompanied by sales delivery tickets or bills of lading. Shipments for which the required documentation does not accompany the shipment or for which the notice required with respect to dyed diesel fuel does not comply with the requirements of subsection (b) shall be presumed to not be shipments of dyed diesel fuel.

(b) Notices with respect to dyed diesel fuel.--

(1) A notice, stating: DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE, shall be:

(i) Provided by the terminal operator to any person that receives dyed diesel fuel at a terminal rack of that operator.

(ii) Provided by the seller of dyed diesel fuel to its buyer if the fuel is located outside the bulk transfer or terminal system and is not sold from a retail pump posted in accordance with the requirements of subparagraph (iii).

(iii) Posted by a seller on any retail pump where it sells dyed diesel fuel for use by its buyer.

(2) The notice required under paragraph (1)(i) or (ii) shall be provided by the time of the removal or sale and shall appear on shipping papers, bills of lading and invoices accompanying the sale or removal of the fuel.

(3) The department may designate any Federal notice provision which is substantially similar to a provision of this subsection as satisfying any notice requirement of this subsection.

(c) Dyed diesel fuel not to be used on public highways.--

(1) A person may not operate a motor vehicle on the public highways of this Commonwealth if the fuel supply tanks of the vehicle contain dyed diesel fuel unless permitted to do so under a Federal law or regulation relating to the use of dyed diesel fuel on the highways.

(2) A person may not sell or deliver any dyed diesel fuel knowing or having reason to know that the fuel will be consumed in a highway use. A person who dispenses dyed diesel fuel from a retail pump that is not properly labeled with the notice required by subsection (b) or who knowingly delivers dyed diesel fuel into the storage tank of such a pump shall be presumed to know the fuel will be consumed on the highway.

(d) Violations.--A person may not do any of the following:

(1) Import, export or transport within this Commonwealth diesel fuel, other than dyed diesel fuel, without the permit required under subsection (a)(1).

(2) Transport diesel fuel in this Commonwealth without the permit required under subsection (a)(1).

(3) Operate a motor vehicle on the public highways of this Commonwealth with dyed diesel fuel in the fuel supply tank except as provided in subsection (c)(1).

(4) Sell or deliver dyed diesel fuel from a retail pump unless the pump is properly labeled as required under subsection (b).

(e) Criminal penalty.--A person who violates any provision of subsection (d) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $100 nor more than $2,000 or to imprisonment for not more than 90 days, or both.

(f) Civil penalty.--In addition to any penalty provided in subsection (d), a person who violates subsection (c)(1) or (2) shall be assessed a penalty of $1,000 or $10 per gallon of dyed diesel fuel involved in the sale, delivery or consumption, whichever amount is more. This amount shall be multiplied by the number of prior penalties imposed on the violator under this subsection. The resulting product shall be the penalty to be imposed.

(g) Enforcement.--

(1) Any revenue enforcement agent or other person authorized by the department may enter any place where fuels are produced or stored and may physically inspect any tank, reservoir or other container that can be used for the

production, storage or transportation of diesel fuel, diesel fuel dyes or diesel fuel markers. Inspection may also be made of any equipment used for or in connection with the production, storage or transportation of diesel fuel, diesel fuel dyes or diesel fuel markers. This includes any equipment used for the dyeing or marking of diesel fuel. Books, records and other documents may be inspected to determine tax liability. An agent may detain a vehicle, vessel or railroad tank car placed on a customer's siding for use or storage for the purpose of inspecting fuel tanks or fuel storage tanks as necessary to determine the amount and composition of the fuel. An agent may take and remove samples of diesel fuel in reasonable quantities necessary to determine the composition of the fuel.

(2) A person that refuses to allow an inspection as provided in this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $1,000 nor more than $2,000 for each refusal.

§ 9020. Disposition of fees, fines and forfeitures.

Except as otherwise provided in this chapter, fees, fines, penalties and bail forfeited, collected under this chapter, shall be paid into the State Treasury, through the department, and credited to the Motor License Fund.

§ 9021. Certified copies of records.

The fee for a certified copy or certified photostatic copy of any department record shall be $1. Fees shall not be charged for certified copies or certified photostatic copies of any department record furnished to Federal, State, county or municipal authorities.

§ 9022. Uncollectible checks.

If a check issued in payment of tax, penalty or interest imposed by this chapter is returned to the department as uncollectible, the department shall charge a fee of $5 per hundred dollars or fractional part thereof, plus all protest fees, to the person presenting the check to the department.

§ 9023. Application of Prevailing Wage Act to locally funded highway and bridge projects.

(a) Public work.--For locally funded highway and bridge projects, the term "public work" as used in the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, shall mean construction, reconstruction, demolition, alteration and repair work, other than maintenance work, done under contract and paid for in whole or in part out of the funds of a public body if the estimated cost of the total project is in excess of $100,000. The term shall not include work performed under a rehabilitation or manpower training program.

(b) Applicability.--This section shall apply to a contract entered on or after the effective date of this section.

(c) Definition.--As used in this section, the term "locally funded" means a highway or bridge project that is funded entirely by funds:

(1) paid to counties under section 9010(b) (relating to disposition and use of tax), including borrowed funds under section 9010(b)(2)(ii), whether expended by the county or allocated or apportioned to political subdivisions;

(2) allocated or appropriated to municipalities under the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law;

(3) made available to municipalities from the Highway Bridge Improvement Restricted Account within the Motor License Fund for expenditure on bridge rehabilitation, replacement and removal projects pursuant to the act of

December 8, 1982 (P.L.848, No.235), known as the Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983, and its supplements;

(4) awarded to municipalities as transportation enhancement grants under section 3116 (relating to automated red light enforcement systems in first class cities) or 3117 (relating to automated red light enforcement systems in certain municipalities);

(5) allocated from municipal budgetary sources using revenues derived through municipal taxes or fees; or

(6) allocated to municipalities under 58 Pa.C.S. (relating to oil and gas).

(Nov. 25, 2013, P.L.974, No.89, eff. January 1, 2014)

2013 Amendment. Act 89 added section 9023. Section 43(4) of Act 89 provided section 9023 shall apply to contracts entered into on or after January 1, 2014. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

CHAPTER 91
STATE HIGHWAY MAINTENANCE

Sec.

9101. Definitions.
9102. Distribution of State highway maintenance funds.
9103. Transfers for emergency or equipment needs.
9104. Standards and methodology for data collection.
9105. Nonlapse of allocated funds for advertised projects.
9106. Dirt, gravel and low-volume road maintenance.

Enactment. Chapter 91 was added June 18, 1980, P.L.229, No.68, effective immediately.

§ 9101. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"ASHMA." All additional State funds from the highway maintenance appropriation, the secondary roads, maintenance and resurfacing executive authorization and supplemental distributions pursuant to section 9502(a)(2)(i) and (3)(ii) (relating to imposition of tax) in excess of all counties' base allocations.

"Base allocation." The annual expenditure for routine maintenance operations by a county maintenance district averaged over the immediately preceding five years.

"BMD." The Bridge Maintenance Deficiency index based upon bridge safety inspections conducted by certified professionals who have physically evaluated the condition of all State highway bridges greater than or equal to eight feet in length on a periodic basis in accordance with the National Bridge Inspection Standards. The criteria for determining any State highway bridge maintenance deficiencies shall include, but not be limited to, the priority and urgency of maintenance needs and the bridge deck area of all bridges greater than or equal to eight feet in length.

"c." When used alone or in conjunction with any formula part, any given county.

"Highway maintenance." A program to preserve, repair and restore a system of existing State roadways with its elements to its designed or accepted configuration. System elements

include but are not limited to travelway surfaces, shoulders, roadsides, drainage facilities, bridges, tunnels, signs, markings, lighting and fixtures. Included in the program are such traffic services as lighting and signal operation, snow and ice removal and operation of roadside rest areas. Highway maintenance programs are developed to offset the effects of weather, organic growth, deterioration, traffic wear, damage and vandalism. Deterioration would include effects of aging, material failures and design and construction faults to existing State highways.

"LM." The number of actual State highway lane miles in each county as a proportion of the total number of State highway lane miles in this Commonwealth.

"Routine maintenance operations." Highway maintenance activities including traffic, roadside and winter services performed by a county maintenance district and also including costs incurred for personnel services, operational expenses and fixed assets. The term shall not include the costs of roadway repair and restoration.

"RPQ." The Relative Pavement Quality Index which shall be based upon a Road Quality Report which entails the evaluation of the conditions of the highways in each county on a periodic basis. The criteria for determining any road deficiencies shall include but not be limited to road surface, foundation, drainage, shoulders and other safety features such as road striping, guardrails, median barriers and signs. The index shall provide a reasonable comparison of highway quality and conditions between all counties. The report indicating methodology utilized and the resulting data shall be submitted annually to the Transportation Committees of the Senate and House of Representatives for their review.

"Vehicle miles." The total number of miles traveled by all vehicles on State maintained roads within a county as determined by the department.

"VM." The number of vehicle miles traveled in each county as a proportion of the total vehicle miles traveled in this Commonwealth.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997)

§ 9102. Distribution of State highway maintenance funds.

(a) General rule.--The department shall distribute highway appropriations and executive authorizations for State highway maintenance in the various county maintenance districts in the following manner:

(1) For any fiscal year in which the total highway maintenance appropriations and executive authorizations are equal to the combined total base allocations for all the county maintenance districts, each maintenance district shall receive its base allocation.

(2) For any fiscal year in which the total highway maintenance appropriations and executive authorizations are less than the combined total base allocations of all the county maintenance districts, each maintenance district's share shall be reduced, to the extent necessary to bring the total allocation within the funding limits, in the same proportion that each county's base allocations bears to the combined total of all counties' base allocations.

(3) For any fiscal year in which the total highway maintenance appropriations and executive authorizations are greater than the combined total base allocations of all the county maintenance districts, the funds shall be distributed based upon the formula in subsection (b), but notwithstanding

the formula calculation for any particular county, no county shall receive less than its base allocation in any year.

(b) Formula for distribution.--The department shall distribute to each county maintenance district:

(1) an amount equal to the county's base allocation; plus

(2) an amount based on the following incremental formula in which each county shall receive a portion of State highway maintenance appropriations and executive authorizations in excess of the total of all counties' base allocations, expressed in the following manner:

ASHMA (40% RPQc + 15% BMDc + 30% LMc + 15% VMc).

(c) Establishment of applicable data.--The applicable data for all counties corresponding to each individual factor in the incremental formula in subsection (b) shall be established and certified by the Governor by May 1 of each year based on the best information available at that time for the immediately preceding five-year period with the exception of BMD. The submission of data relative to BMD shall only include the immediately preceding 12-month period beginning with fiscal year 1997-1998. In each subsequent fiscal year, an additional year of data relative to BMD shall be added until such time as data from a five-year period has been accumulated.

(d) Effect of insufficient funds.--In the event sufficient funds are not available to fully fund all county maintenance districts under the formula in subsection (b) due to the hold harmless provision in subsection (a), each county maintenance district receiving an increase above its base allocation shall have its share reduced in the proportion that the increase over its base allocation bears to the total increases over the base allocation of all counties entitled to an increase, to the extent necessary to bring the total allocations within the funding limit.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997)

Cross References. Section 9102 is referred to in sections 9010, 9207, 9502 of this title.

§ 9103. Transfers for emergency or equipment needs.

(a) General rule.--If the need arises for transfers to counties because of emergency or equipment needs, the department shall draw from the allocations of all counties in a manner such that the proportion of the transfer for any given county equals the proportion of the total allocation for that county to the total highway maintenance appropriations and executive authorizations.

(b) Effect on subsequent allocation.--Expenditures from transfers made to or from any county for emergency or equipment needs shall not become a part of the computation for such county for the subsequent years' maintenance allocation.

§ 9104. Standards and methodology for data collection.

The department shall initially determine the standards and methodology for data collection and shall, within ten days of the effective date of this chapter, publish them in the Pennsylvania Bulletin as a basis for making such determinations in subsequent years.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997)

§ 9105. Nonlapse of allocated funds for advertised projects.

Where bids have been advertised for projects that would use funds allocated to any county maintenance district for a particular fiscal year but because of the bidding process the contract or contracts were not awarded before the close of that fiscal year, the county's allocation for that fiscal year shall

not lapse but may be allocated to the particular contract that was not awarded because of the incompleteness of the bidding process. Any additional allocation remaining after all such contracts are let shall lapse as of the date of the awarding of the last of the contracts.

§ 9106. Dirt, gravel and low-volume road maintenance.

(a) Statement of purpose.--It is the intent and purpose of this section:

(1) To fund safe, efficient and environmentally sound maintenance of sections of dirt and gravel roads which have been identified as sources of dust and sediment pollution.

(2) To establish a dedicated and earmarked funding mechanism that provides streamlined appropriation to the county level and enables local officials to establish fiscal and environmental controls.

(3) To fund safe, efficient and environmentally sound maintenance of sections of low-volume roads that are sealed or paved with an average daily traffic count of 500 vehicles or less.

(b) General rule.--Of the funds available under section 9502(a)(1) (relating to imposition of tax), $7,000,000 shall be annually distributed to the Department of Conservation and Natural Resources for the maintenance and mitigation of dust and sediment pollution from parks and forestry roads. Funds in the amount of $28,000,000 shall be appropriated annually to the State Conservation Commission and administered in a nonlapsing, nontransferable account restricted to maintenance and improvement of dirt, gravel and low-volume State and municipal roads. The State Conservation Commission shall apportion the funds based on written criteria it develops to establish priorities based on preventing dust and sediment pollution. In the first fiscal year, top priority shall be given to specific trouble spot locations already mapped by the Task Force on Dirt and Gravel Roads and available from the department. A minimum of $8,000,000 of the total appropriated annually shall be for maintenance and improvement of low-volume roads.

(c) Apportionment criteria.--The apportionment criteria shall:

(1) Be based on verified need to correct pollution problems related to the road.

(2) Consider the total miles of dirt and gravel roads maintained by local municipalities or State agencies that are open to the public during any period of the year.

(3) Consider total miles of dirt and gravel roads within watersheds protected as of November 1996 as exceptional value or high quality waters of this Commonwealth.

(4) Consider allowances for the local costs of limestone aggregate.

(5) Consider the commitments of grant applicants to comply with the nonpollution requirements established.

(d) State Conservation Commission.--The State Conservation Commission shall:

(1) Adopt performance standards.

(2) Provide for a system of audit.

(3) Annually assess the program and annually report to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives on its acceptance and effectiveness.

The State Conservation Commission shall be entitled to withhold and expend the costs of the audit and report preparation up to the maximum limit of 2% of the funds administered.

(e) Quality assurance boards.--Apportioned funds are to be dispersed to county conservation districts which apply for them and are to be used by State agencies and local municipalities that maintain roads within the county and fulfill certain requirements specified under subsection (g). Within the conservation district a quality assurance board shall be impaneled to establish and administer the grant program. The four-member quality assurance board is to be comprised of a nonvoting chairman appointed by the conservation district directors and one local representative appointed by each of the following entities:

(1) The Federal Natural Resources Conservation Service.

(2) The Pennsylvania Fish and Boat Commission.

(3) The county conservation district.

If circumstances require, the chairman may vote to decide a tie vote.

(f) Administration.--The quality assurance board's administration of funding shall include:

(1) Adoption of written criteria to assure equal access for all eligible applicants within specified funding categories.

(2) Provision of documentation that application has been made for all required permits.

(3) Adoption of procedures that assure a minimal amount of procedural paperwork.

(4) Adoption of written criteria to specify priorities.

(5) Adoption of funding categories to provide for separate budgeting for:

(i) Department of Conservation and Natural Resources, Bureau of Forestry roads.

(ii) Municipal government roads.

(iii) Road demonstration projects.

(iv) Training grants restricted to 15% of funding.

(v) Administrative costs, limited to actual documented costs and restricted to a maximum of 10%.

(6) Adoption of incentives for training road managers and equipment operators.

(7) Adoption of standards that prohibit use of materials or practices which are environmentally harmful.

(8) Adoption of site inspection requirements to verify completion of work.

(g) Grant applications.--Each grant application shall:

(1) Be specific to one work location or one type of work except that all State forest roads within one county and within one forest district may be authorized on a single grant.

(2) Expedite the approval process by allowing the quality assurance board to insert additional requirements that complete and qualify the grant for approval and which when accepted by the applicant become a binding obligation on the applicant.

(3) Require minimal handwritten information such as location, problem being solved, basis of cost estimate, project work schedule, basis of successful completion and type and amount of pollution reduced.

The grant application shall not exceed one page with reference to published standards being acceptable.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Nov. 25, 2013, P.L.974, No.89, eff. Apr. 1, 2014)

2013 Amendment. Act 89 amended the section heading and subsecs. (a) and (b). See the preamble to Act 89 in the appendix

to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. Act 3 added section 9106.

CHAPTER 92
TRANSFER OF STATE HIGHWAYS

Sec.
9201. Definitions.
9202. Application of chapter.
9203. Description of functionally-local highways.
9204. Notice to municipalities.
9205. Mutual agreement.
9206. Publication of list of highways transferred.
9207. Restoration of highways.
9208. Periodic review by General Assembly (Deleted by amendment).

Enactment. Chapter 92 was added July 22, 1983, P.L.122, No.32, effective immediately.

Cross References. Chapter 92 is referred to in section 9511 of this title.

§ 9201. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Functionally-local highways." Highways and roads designated by the department for transfer to municipal responsibility.

"Municipality." A county, city, borough, incorporated town or township.

§ 9202. Application of chapter.

This chapter applies to all State highways designated by the department as functionally-local highways.

§ 9203. Description of functionally-local highways.

Within six months of the effective date of this chapter, the department shall list and describe all functionally-local highways in this Commonwealth. Also, within six months of the effective date of this chapter and annually thereafter, the department shall list the proposed functionally-local highways to be transferred, giving priority to highways located in counties in which State highways are in the poorest condition, as indicated in the road quality reports prepared in accordance with Chapter 453 of department regulations. The list and description shall be categorized by municipality and shall include a map showing location, length and type of roadway and right-of-way.

Cross References. Section 9203 is referred to in section 9204 of this title.

§ 9204. Notice to municipalities.

Upon preparation of the list and description provided for in section 9203 (relating to description of functionally-local highways), the department shall notify each municipality of the department's readiness to transfer to it all functionally-local highways located in the municipality. The notice shall include a copy of the department's highway description and map.

§ 9205. Mutual agreement.

No highway transfer shall occur between the department and an affected municipality unless the municipality agrees to the transfer of the described highway.

§ 9206. Publication of list of highways transferred.

The department shall, from time to time, certify to the Legislative Reference Bureau a list of highways transferred and the bureau shall cause the list to be published in the Pennsylvania Bulletin as a notice under 45 Pa.C.S. § 725(a)(3) (relating to additional contents of Pennsylvania Bulletin). The list shall also be certified to the office of recorder of deeds of the county in which the participating municipalities are located.

§ 9207. Restoration of highways.

(a) General rule.--The department and the affected municipality shall jointly determine whether any rehabilitative work is required to put the highway or road in a satisfactory condition. The rehabilitative work may be done by department or municipal forces, or by contract, as the parties shall agree. If the work is to be performed by the department or its contractors, the highway or road transfer shall not be effective until all agreed upon rehabilitative work has been completed.

(b) Funding.--All restoration work shall be paid from the State Highway Transfer Restoration Restricted Account within the Motor License Fund, provided, however, that the department may in its discretion pay for any or all such work to be performed by the department or its contractors from funds made available to the county maintenance districts under section 9102 (relating to distribution of State highway maintenance funds). No funds shall be allocated to municipalities for the maintenance of highways transferred under this chapter out of section 4 of the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, nor shall highways transferred under the provisions of this chapter be used to compute or determine the allocations of municipalities under that section.

(c) Public liability.--Upon transfer of any highway, the municipality shall assume the same public liability for the transferred highway as it assumes for other highways under municipal jurisdiction.

(Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

1998 Amendment. Act 151 amended subsec. (b).

Special Provisions in Appendix. See section 4 of Act 3 of 1983 in the appendix to this title for special provisions relating to performance bond exemption for small highway construction contracts.

See section 8 of Act 19 of 1983 in the appendix to this title for special provisions relating to performance bond exemption for small highway construction contracts.

§ 9208. Periodic review by General Assembly (Deleted by amendment).

2006 Amendment. Section 9208 was deleted by amendment July 7, 2006, P.L.341, No.70, effective in 60 days.

CHAPTER 93
SUPPLEMENTAL FUNDING FOR MUNICIPAL HIGHWAY MAINTENANCE

Sec.

9301. Supplemental funding for municipal highway maintenance.

Enactment. Chapter 93 was added June 18, 1980, P.L.229, No.68, effective July 1, 1980.

§ 9301. Supplemental funding for municipal highway maintenance.

(a) Annual appropriation.--The General Assembly shall annually appropriate, beginning with the 1980-1981 fiscal year, the sum of $5,000,000 for supplemental payments to municipalities to assist in the maintenance and construction costs of municipal roads. The moneys appropriated by authority of this section shall be distributed to municipalities in accordance with the provisions of the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law.

(b) County allocation supplement.--Commencing July 1, 2014, the amount of $5,000,000 is appropriated out of the Motor License Fund to counties annually. The following shall apply:

(1) The distribution shall be in the ratio of:

(i) the square footage of deck area of a county's county-owned bridges; to

(ii) the total square footage of deck area of county-owned bridges throughout this Commonwealth.

(2) The amount of square footage under paragraph (1)(i) shall be the amount reported as part of the National Bridge Inspection Standards Program.

(c) Additional allocation to municipalities.--Commencing July 1, 2014, an amount of $30,000,000 is appropriated out of the Motor License Fund and shall be distributed to municipalities pursuant to the Liquid Fuels Tax Municipal Allocation Law.

(Nov. 25, 2013, P.L.974, No.89, eff. 60 days)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

CHAPTER 94
LIQUID FUELS AND FUEL USE TAX ENFORCEMENT

Sec.

9401. Short title of chapter.
9402. Construction of chapter.
9403. Revenue agents; powers.
9404. Violations and penalties.
9405. Forfeitures; process and procedures.
9406. Disposition of fines and forfeitures.

Enactment. Chapter 94 was added June 11, 1992, P.L.266, No.47, effective in 60 days.

§ 9401. Short title of chapter.

This chapter shall be known and may be cited as the Liquid Fuels and Fuels Tax Enforcement Act.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997)

§ 9402. Construction of chapter.

This chapter shall be construed in conjunction with Chapter 90 (relating to liquid fuels and fuels tax), and any terms defined therein shall have the same meanings when used in this chapter.

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997)

§ 9403. Revenue agents; powers.

(a) Revenue agents.--Employees of the Department of Revenue who are designated by the Secretary of Revenue as revenue agents and who carry identification indicating such capacity are hereby declared to be police officers of this Commonwealth and are hereby given police power and authority throughout this Commonwealth.

(b) Powers.--Revenue agents shall have the power to:

(1) Enforce the provisions of this chapter and Chapter 90 (relating to liquid fuels and fuels tax) and to arrest, with or without a warrant, any person violating such provisions.

(2) Stop a vehicle, upon request or signal, for the purpose of inspection for compliance with the provisions of this chapter and Chapter 90.

(3) Seize and take possession, with the assistance of the Pennsylvania State Police, of any property subject to forfeiture under section 9405 (relating to forfeitures; process and procedures).

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997)

1997 Amendment. Act 3 amended subsec. (b)(1) and (2).

§ 9404. Violations and penalties.

(a) Violations.--On and after the effective date of this chapter, it shall be made unlawful for:

(1) A person, other than a common or contract carrier, to import or cause to be imported liquid fuels or fuels into this Commonwealth unless the person possesses a valid liquid fuels or fuels permit.

(2) A common or contract carrier to knowingly transport liquid fuels or fuels into this Commonwealth on behalf of any person who does not possess a valid liquid fuels or fuels permit.

(3) A distributor to continue to engage in or to begin to engage in the use or sale and delivery of liquid fuels and fuels within this Commonwealth unless a liquid fuels permit or permits or fuels permit or permits shall have been issued to him as prescribed in Chapter 90 (relating to liquid fuels and fuels tax). Each day in which any distributor shall engage in the use or sale and delivery of liquid fuels or fuels within this Commonwealth without a liquid fuels permit or permits or fuels permit or permits, as required by law, shall constitute a separate offense.

(4) (Deleted by amendment).

(5) A distributor, dealer or any other person who is required by law to maintain and keep records to fail to maintain and keep the records required by section 9 of The Liquid Fuels Tax Act or section 9009 (relating to retention of records by distributors and dealers).

(6) A person to assign or attempt to assign a liquid fuels or fuels permit.

(7) A person to fail to display conspicuously his liquid fuels permit or fuels permit as required by Chapter 90.

(8) A person to refuse, neglect or fail to surrender a liquid fuels permit or fuels permit as required by Chapter 90.

(b) Penalties.--Any person who violates any provision of subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of:

(1) not less than $500 nor more than $2,000 or to imprisonment for not more than 90 days, or both, if the violation is of subsection (a)(1) or (2);

(2) not less than $100 nor more than $2,000 or to imprisonment for not more than 90 days, or both, if the violation is of subsection (a)(3), (4) or (5); or

(3) not less than $50 nor more than $200 if the violation is of subsection (a)(6), (7) or (8).

(c) Restraining prohibited acts.--Upon the occurrence of two or more violations of subsection (a)(3) or (4) within a

30-day period, the Department of Revenue may institute a civil action in the court of common pleas of the judicial district in which a violation occurs for injunctive relief to restrain the violation and for such other relief as the court shall deem proper. Neither the institution of such an action nor any of the proceedings therein shall relieve any party to the proceedings from other fines or penalties prescribed for the violation of this chapter or Chapter 90.

(d) Sealing of fuel pump or dispensing unit.--Upon the occurrence of a violation of subsection (a)(5), the Department of Revenue may place a security seal on the totalizer portion of the fuel pump or other dispensing device in such a manner that the totalizer cannot be removed, disconnected or adjusted once the security seal is in place. The seal may remain in place until such time as the Department of Revenue determines that adequate records are being kept and maintained. In the event a security seal is removed or broken without the permission of the Department of Revenue, the department may seek injunctive relief as provided in subsection (c).

(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997)

1997 Amendment. Act 3 amended subsecs. (a) and (c). See section 21(c) and (d) of Act 3 of 1997 in the appendix to this title for special provisions relating to liability of dealer-users and computation of "cents-per-gallon equivalent basis."

References in Text. The act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, referred to in subsec. (a)(5), was repealed by the act of April 17, 1997 (P.L.6, No.3). The subject matter is now contained in Chapter 90 of this title.

§ 9405. Forfeitures; process and procedures.

(a) Subjects of forfeiture.--The following are subject to forfeiture to the Commonwealth and no property right shall exist in them:

(1) Any liquid fuels or fuels produced in or imported into this Commonwealth by any distributor who does not possess a valid liquid fuels tax permit or fuels permit as required by section 9003 (relating to liquid fuels and fuels permits; bond or deposit of securities), except liquid fuels or fuels imported in barrels, drums or similar containers with a capacity of not more than 55 gallons in each barrel, drum or container.

(2) All conveyances, including vehicles or vessels, used to transport liquid fuels or fuels as described in paragraph (1). Forfeiture of such conveyances shall be conducted in accordance with 42 Pa.C.S. §§ 5803 (relating to asset forfeiture), 5805 (relating to forfeiture procedure), 5806 (relating to motion for return of property), 5807 (relating to restrictions on use), 5807.1 (relating to prohibition on adoptive seizures) and 5808 (relating to exceptions).

(i) (Deleted by amendment).

(ii) (Deleted by amendment).

(b) Method of seizure.--Liquid fuels or fuels subject to forfeiture under this section may be seized by the Department of Revenue upon process issued by any court of common pleas having jurisdiction over the property.

(c) Limit on return of property.--(Deleted by amendment).

(d) In rem proceedings.--(Deleted by amendment).

(e) Contents of petition.--(Deleted by amendment).

(f) Service of process.--(Deleted by amendment).

(g) Advertisement.--(Deleted by amendment).
(h) Hearing date.--(Deleted by amendment).
(i) Standard of proof.--(Deleted by amendment).
(j) Encumbered motor vehicle.--(Deleted by amendment).
(Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; June 29, 2017, P.L.247, No.13, eff. July 1, 2017)

1997 Amendment. Act 3 amended subsecs. (a)(1) and (2)(i), (b), (c)(2), (d) and (i).
Cross References. Section 9405 is referred to in section 9403 of this title; section 5803 of Title 42 (Judiciary and Judicial Procedure).

§ 9406. Disposition of fines and forfeitures.
All fines imposed under this chapter and the net proceeds received from the sale of forfeited liquid fuels or fuels shall be payable to the Commonwealth and credited to the Motor License Fund.
(June 29, 2017, P.L.247, No.13, eff. July 1, 2017)

CHAPTER 95
TAXES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION

Sec.
9501. Definitions.
9502. Imposition of tax.
9503. Reports and payment of tax (Repealed).
9504. Timely mailing treated as timely filing and payment (Repealed).
9505. Extension of time to file reports (Repealed).
9506. Administration and enforcement (Repealed).
9507. Interstate cooperation in collecting tax (Repealed).
9508. Assessment and appeals (Repealed).
9509. Retention of records (Repealed).
9510. Penalties (Repealed).
9511. Allocation of proceeds.
9511.1. Imposition of additional tax (Repealed).
9511.2. Special revenue bonds.
9511.3. Expenses.
9511.4. Special revenue bonds and preliminary or interim financing.
9511.5. Application of proceeds of obligations, lien of holders of obligations, design-build requirement and projects approved by General Assembly.
9511.6. Trust indenture, protection of holders of obligations and depositories.
9511.7. Exemption from Commonwealth taxation.
9511.8. Costs related to Federal income tax matters.
9511.9. Special revenue refunding bonds.
9511.10. Remedies of trustees and of holders of obligations.
9511.11. Pledged revenues.
9511.12. (Reserved).
9511.13. Supplement to other laws and liberal construction.
9512. Severability of provisions.

Enactment. Chapter 95 was added June 23, 1981, P.L.98, No.35, effective immediately.
Chapter Heading. The heading of Chapter 95 was amended July 22, 1983, P.L.122, No.32, effective in 15 days.

Cross References. Chapter 95 is referred to in sections 9004, 9014 of this title; section 9202 of Title 74 (Transportation).

§ 9501. Definitions.

The following words and terms when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Act 3." The act of April 17, 1997 (P.L.6, No.3), entitled, "An act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for annual appropriation and computation of subsidy and for distribution of funding; providing for distribution of supplemental funding; further providing for use of funds distributed; providing for public transportation grants management accountability, for competitive procurement and for the Public Transportation Assistance Fund; further providing for period of registration, for duties of agents, for registration and other fees, for requirements for periodic inspection of vehicles, for limits on number of towed vehicles, for operation of certain combinations on interstate and other highways and for width and length of vehicles; providing for liquid fuels and fuels permits and bond or deposit of securities, for imposition of liquid fuels and fuels tax, for taxpayer, for distributor's report and payment of tax, for determination of tax, penalties and interest, for examination of records and equipment, for retention of records by distributors and dealers, for disposition and use of tax, for discontinuance or transfer of business, for suspension or revocation of permits, for lien of taxes, penalties and interest, for collection of unpaid taxes, for reports from common carriers, for violations and reward for detection of violations, for refunds, for diesel fuel importers and transporters, for prohibiting use of dyed diesel fuel, for disposition of fees, fines and forfeitures, for certified copies of records and for uncollectible checks; further providing for distribution of State highway maintenance funds and for standards and methodology for data collection; providing for dirt and gravel road maintenance; further providing for imposition of tax and additional tax; providing for tax on alternative fuels; further providing for disposition of tax revenue; making an appropriation; and making repeals."

"Annual debt service payments." The annual debt service payments on the bonds issued under section 9511.2 (relating to special revenue bonds) and payable by the commission to the department as part of annual base payments as defined under section 8901 (relating to definitions).

"Bond-related expenses." The term shall include all of the following:

(1) Printing, publication or advertising expenses with respect to the sale and issuance of bonds.

(2) Fees, expenses and costs of registrars.

(3) Fees, expenses and costs of attorneys, accountants, feasibility consultants, computer programmers or other experts employed to aid in the sale and issuance of the bonds.

(4) Other costs, fees and expenses incurred or reasonably related to the issuance and sale of the bonds including the funding of a debt service reserve fund.

"Bond-related obligation." An agreement or contractual relationship between the Pennsylvania Turnpike Commission and:

(1) a bank, trust company, insurance company, surety bonding company, pension fund or other financial institution

providing increased credit on or security for the bonds or liquidity for secondary market transactions; or

(2) the counter party to a swap agreement.

"Commission." The Pennsylvania Turnpike Commission or any successor organization.

"Cost of the department." The term includes the costs of all of the following:

(1) Constructing, reconstructing, widening, expanding or extending the State highway and rural State highway system and connecting roads, tunnels and bridges.

(2) Systems of public passenger transportation or portions of the systems, the placing of the systems in operation and the condemnation of property necessary for construction and operation of the systems.

(3) Lands, property rights, rights-of-way, easements and franchises acquired, which are deemed necessary or convenient for the construction, reconstruction, widening, expanding or extending under paragraph (1) or (2).

(4) Machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction.

(5) Any of the following:

(i) Traffic estimates, engineering and legal expenses, plans, specifications, surveys and estimates of cost and of revenues.

(ii) Other expenses necessary or incident to determining the feasibility or practicability of the enterprise. This subparagraph includes administrative and legal expenses.

(iii) Other expenses as may be necessary or incident to the financing authorized under this chapter, the construction, reconstruction, widening, expanding or extending of the State highway and the rural State highway system and connecting roads, tunnels and bridges.

(6) Any obligation or expense contracted for by the department, or with the United States or an agency of the United States, for traffic surveys, preparation of plans and specifications, supervision of construction and other engineering, administrative and legal services and expenses in connection with the construction, reconstruction, widening, expanding or extending of the State highway and rural State highway system or any of the connecting roads, tunnels and bridges or the costs of the systems of public passenger transportation or portions of the systems.

(7) Payment of any notes or other obligations if the notes or other obligations were issued for the payment of a cost of the department.

"Design-build arrangement." A procurement or project delivery arrangement whereby a single entity, which may be a single contractor or a consortium comprised of multiple contractors, engineers and other subconsultants, is responsible for both the design and construction of a transportation project with a guaranteed completion date and guaranteed maximum price.

"Pledged revenues." Annual debt service payments and revenues described in section 9511.11(b)(2) (relating to pledged revenues).

"Regularly scheduled debt service." The scheduled payments due for principal and interest on bonds, without regard to any acceleration of the due date of such principal or interest by reason of mandatory or optional redemption or acceleration resulting from default or otherwise, other than an advancement of payment resulting from a mandatory sinking fund payment.

"Rural State highway system." All roads and highways taken over by the Commonwealth as State highways under the provisions of the act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law, and all other roads and highways specifically designated by the Secretary of Transportation as Rural State Highways.

"State highway." All roads and highways taken over by the Commonwealth as State highways under the provisions of any statute other than the act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law. Unless clearly intended, the term shall not include any street in any city, borough or incorporated town, even though the same may have been taken over as a State highway.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9501.

§ 9502. Imposition of tax.

(a) General rule.--

(1) An "oil company franchise tax for highway maintenance and construction" which shall be an excise tax of 60 mills is hereby imposed upon all liquid fuels and fuels as defined and provided in Chapter 90 (relating to liquid fuels and fuels tax), and such tax shall be collected as provided in section 9004(b) (relating to imposition of tax, exemptions and deductions). Of the amount collected in fiscal year 2015-2016, and each fiscal year thereafter, $35,000,000 shall be deposited in the Multimodal Transportation Fund established under 74 Pa.C.S. § 2102 (relating to Multimodal Transportation Fund), to be expended in accordance with section 11 of Article VIII of the Constitution of Pennsylvania.

(2) An additional 55 mills is hereby imposed on all liquid fuels and fuels as defined and provided in Chapter 90 and such tax shall also be collected as provided in section 9004(b), the proceeds of which shall be distributed as follows:

(i) Forty-five percent to county maintenance districts for highway maintenance for fiscal year 2013-2014, 29% for fiscal year 2014-2015, 25% for fiscal year 2015-2016 and 19% for fiscal year 2016-2017 and each year thereafter. This allocation shall be made according to the formula provided in section 9102(b)(2) (relating to distribution of State highway maintenance funds). This allocation shall be made in addition to and not a replacement for amounts normally distributed to county maintenance districts under section 9102.

(ii) Fourteen percent for highway capital projects for fiscal year 2013-2014, 30% for fiscal year 2014-2015, 34% for fiscal year 2015-2016 and 40% for fiscal year 2016-2017 and each year thereafter. Annually, until fiscal year 2023-2024, an amount equal to 15% of all appropriations to the department for highway and bridge capital programs shall be distributed at the discretion of the secretary from the amount distributed under this subparagraph.

(iii) Thirteen percent for bridges.

(iv) Two percent for bridges identified as county or forestry bridges. Distribution under this subparagraph shall be in the ratio of:

(A) the square footage of deck areas, as reported as part of the National Bridge Inspection

Standards Program, of a county's county-owned bridges; to

(B) the total square footage of deck area, as reported as part of the National Bridge Inspection Standards Program, of all county-owned bridges in this Commonwealth.

(v) Twelve percent for local roads pursuant to section 9511(c) (relating to basic allocation to municipalities).

(vi) Fourteen percent for toll roads designated pursuant to the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, to be appropriated under section 9511(h).

(3) An additional 38.5 mills is hereby imposed upon all liquid fuels and fuels as defined and provided in Chapter 90, and such tax shall also be collected as provided in section 9004(b), the proceeds of which shall be deposited in The Motor License Fund and distributed as follows:

(i) Twelve percent to municipalities on the basis of and subject to the provisions of the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, is appropriated.

(ii) Sixty-eight percent to the department for distribution in accordance with section 9102(b)(2) for fiscal year 2013-2014; 49% for fiscal year 2014-2015 and 40% for each fiscal year thereafter.

(iii) Twenty percent to the department for expanded highway and bridge maintenance for fiscal year 2013-2014; 39% for fiscal year 2014-2015 and 48% for each fiscal year thereafter to be distributed as follows:

(A) Annually, 15% of the amount deposited in a fiscal year shall be distributed at the discretion of the secretary.

(B) Any funds deposited but not distributed under clause (A) shall be distributed in accordance with the formula under section 9102(b)(2).

(C) Temporary transfers of funds may be made between counties if required for project cash flow.

(4) An additional 55 mills is hereby imposed upon all fuels as defined and provided in chapter 90 and such tax shall also be collected as provided in section 9004(b) upon such fuels, the proceeds of which shall be deposited in The Highway Bridge Improvement Restricted Account within the Motor License Fund and is hereby appropriated.

(5) An additional 64 mills in calendar year 2014, 49 mills in calendar year 2015, 48 mills in calendar year 2016, 41 mills in calendar year 2017 and 39 mills in each calendar year thereafter, is imposed upon all liquid fuels and fuels as defined and provided in Chapter 90; and the tax shall also be collected as provided in section 9004(b) upon such fuels. The proceeds of the tax shall be deposited and distributed as follows:

(i) Four and seventeen hundredths percent to the Liquid Fuels Tax Fund of the State Treasury. The money paid into that fund is specifically appropriated for the purposes set forth in section 9010 (relating to disposition and use of tax).

(ii) Ninety-five and eighty-three hundredths percent to the Motor License Fund. This money is specifically appropriated for the same purposes for which money in the Motor License Fund is appropriated by law. Twenty

percent of the money under this subparagraph shall be allocated to municipalities in accordance with section 9511(d).

(b) Other taxes unaffected.--The tax imposed by this chapter is in addition to all other taxes imposed by this chapter or any other statute.

(c) Preemption of local taxes.--The tax imposed by this chapter shall automatically preempt any like tax or any tax on the privilege of processing or refining any petroleum product taxable under this chapter or any other refined product of crude oil imposed by any political subdivision of this Commonwealth. This preemption shall not extend to any local, personal or real property tax of general application or to any tax imposed by the Commonwealth.

(d) Proof of use for nontaxable purpose.--(Deleted by amendment).

(e) Absence of proof of use for nontaxable purpose.--(Deleted by amendment).

(f) Change to use for taxable purpose.--(Deleted by amendment).

(g) Credit in absence of proof of nontaxable purpose.--(Deleted by amendment).

(h) False information concerning product use.--(Deleted by amendment).

(i) Election to be taxed as oil company.--(Deleted by amendment).

(j) Limitation on collection of tax.--(Deleted by amendment).

(k) Motor carriers road tax.--(Deleted by amendment).

(Dec. 7, 1982, P.L.820, No.229, eff. imd.; Dec. 8, 1982, P.L.842, No.234, eff. imd.; July 22, 1983, P.L.122, No.32, eff. 15 days; July 13, 1987, P.L.303, No.56, eff. imd.; Aug. 5, 1991, P.L.238, No.26; Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Apr. 17, 1997, P.L.6, No.3; Nov. 25, 2013, P.L.974, No.89)

2013 Amendment. Act 89 amended subsec. (a), effective immediately as to subsec. (a)(1), (2)(i) and (ii), (3), (4) and (5), and July 1, 2014, as to subsec. (a)(2)(iv). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1997 Amendment. Act 3 amended subsec. (a) and deleted subsecs. (d), (e), (f), (g), (h), (i), (j) and (k), effective May 1, 1997, as to subsec. (a)(3), October 1, 1997, as to subsec. (a)(4) and July 1, 1997, as to the remainder of subsec. (a) and subsecs. (d), (e), (f), (g), (h), (i), (j) and (k).

1982 Amendments. Acts 229 and 234 amended subsecs. (b) and (g), retroactive to July 1, 1981. The amendments by Acts 229 and 234 are identical and therefore have been merged.

References in Text. The act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, was repealed by the act of July 18, 2007 (P.L.169, No.44).

Cross References. Section 9502 is referred to in sections 9002, 9003, 9006, 9010, 9013, 9014, 9017, 9101, 9106, 9511, 9511.11, 9805 of this title; section 2104 of Title 74 (Transportation).

§ 9503. Reports and payment of tax (Repealed).

1997 Repeal. Section 9503 was repealed April 17, 1997, P.L.6, No.3, effective July 1, 1997.

§ 9504. Timely mailing treated as timely filing and payment (Repealed).

1997 Repeal. Section 9504 was repealed April 17, 1997, P.L.6, No.3, effective July 1, 1997.

§ 9505. Extension of time to file reports (Repealed).

1997 Repeal. Section 9505 was repealed April 17, 1997, P.L.6, No.3, effective July 1, 1997.

§ 9506. Administration and enforcement (Repealed).

1997 Repeal. Section 9506 was repealed April 17, 1997, P.L.6, No.3, effective July 1, 1997.

§ 9507. Interstate cooperation in collecting tax (Repealed).

1997 Repeal. Section 9507 was repealed April 17, 1997, P.L.6, No.3, effective July 1, 1997.

§ 9508. Assessment and appeals (Repealed).

1997 Repeal. Section 9508 was repealed April 17, 1997, P.L.6, No.3, effective July 1, 1997.

§ 9509. Retention of records (Repealed).

1997 Repeal. Section 9509 was repealed April 17, 1997, P.L.6, No.3, effective July 1, 1997.

§ 9510. Penalties (Repealed).

1997 Repeal. Section 9510 was repealed April 17, 1997, P.L.6, No.3, effective July 1, 1997.

§ 9511. Allocation of proceeds.

(a) Deposit in Motor License Fund.--Unless otherwise provided in this title, all taxes, interest and penalties imposed by this chapter shall be deposited in the Motor License Fund.

(b) State Highway Transfer Restoration Restricted Account and local bridges.--

(1) The amount of the proceeds deposited in the Motor License Fund pursuant to this chapter which is attributable to three mills of the tax imposed under section 9502(a) (relating to imposition of tax) shall be deposited as follows:

(i) For fiscal year 2013-2014 through fiscal year 2016-2017, as follows:

(A) Twenty-seven million dollars shall be deposited in the State Highway Transfer Restoration Restricted Account within the Motor License Fund. The funds deposited in the State Highway Transfer Restoration Restricted Account shall be appropriated annually for expenditure as provided under subsection (g).

(B) All funds not deposited in accordance with clause (A) shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund for local bridges, notwithstanding if the project is administered by a county, municipality or the department.

(ii) For fiscal year 2017-2018 and each fiscal year thereafter, as follows:

(A) One and one-half mill shall be deposited in the State Highway Transfer Restoration Restricted Account within the Motor License Fund, which account

is hereby created. The funds deposited in the State Highway Transfer Restoration Restricted Account are hereby annually appropriated out of the account upon authorization by the Governor for expenditure as provided in subsection (g).

(B) One and one-half mill shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund for local bridges, notwithstanding if the project is administered by a county, municipality or the department.

(2) If funds are available to make payments under subsection (g)(1), the department may transfer funds deposited under paragraph (1)(i) and (ii) between the State Highway Transfer Restoration Restricted Account and the Highway Bridge Improvement Restricted Account at the discretion of the secretary.

(c) Basic allocation to municipalities.--An amount equal to 20% of the proceeds deposited in the Motor License Fund pursuant to the "oil company franchise tax for highway maintenance and construction" which is attributable to 35 mills of the tax imposed under section 9502(a) is hereby appropriated out of the Motor License Fund to municipalities of this Commonwealth on the basis of and subject to the provisions of the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law.

(d) Additional allocation to municipalities.--In addition, an amount is hereby appropriated out of the Motor License Fund to municipalities of this Commonwealth on the basis of and subject to the provisions of the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, equal to the amount that would be necessary to increase the portion of the liquid fuels and fuel use taxes distributed by such act to 20% of that which is deposited in the Motor License Fund from all liquid fuels and fuel use taxes.

(e) Allocation to cities of the first class.--In addition, an amount is hereby appropriated annually out of the Motor License Fund to cities of the first class equal to the difference between the increased amounts allocated to cities of the first class resulting from subsections (c) and (d) and 2% of oil company wholesale revenues from sales of gasoline delivered to retail outlets in cities of the first class, as determined by the Pennsylvania Secretary of Revenue in developing the official revenue estimate for the "oil company franchise tax for highway maintenance and construction." Such funds shall be used exclusively for maintenance, construction or reconstruction of highways and bridges within cities of the first class.

(e.1) Allocation for traffic signals.--In addition, up to $10,000,000 for fiscal year 2014-2015, up to $25,000,000 for fiscal year 2015-2016 and up to $40,000,000 for fiscal year 2016-2017 and each fiscal year thereafter, is appropriated out of the Motor License Fund to replace, synchronize, time, operate and maintain traffic signals within traffic corridors consistent with 74 Pa.C.S. Ch. 92 (relating to traffic signals). The funds shall be used for municipal and department-managed signals and allocated in accordance with the following:

(1) During fiscal year 2014-2015, up to $10,000,000 is allocated to municipalities for upgrading traffic signals to light-emitting diode technology and for performing regional operations such as retiming, developing special event plans and monitoring traffic signals.

(2) During fiscal year 2015-2016, up to $25,000,000 shall be allocated to municipalities for upgrading traffic signals to light-emitting diode technology, performing regional operations such as retiming, developing special event plans and monitoring traffic signals and for maintaining and operating traffic signals.

(3) During fiscal year 2016-2017 and each fiscal year thereafter, up to $40,000,000 shall be allocated for upgrading traffic signals to light-emitting diode technology and intelligent transportation system applications, such as autonomous and connected vehicle-related technology, performing regional operations such as retiming, developing special event plans and monitoring traffic signals and for maintaining and operating traffic signals.

(4) Financial assistance under this section shall be matched by funding in an amount not less than 20% of the amount of the financial assistance being provided. Except for transportation improvement program funds, the match may consist of any combination of Federal, State, regional, local and private funds, including in-kind contributions such as an exchange of services between the department and municipality. Any grant made under this subsection shall be allocated for two consecutive fiscal years and shall not lapse at the end of the fiscal year when the grant was awarded.

(5) The department shall establish guidelines for applications and approval of applications from municipalities or metropolitan or rural planning organizations for the financial assistance being provided. Applicants must enter into agreements provided for under 74 Pa.C.S. Ch. 92. Priority will be given to multimunicipal improvements.

(f) Basic allocation to highway maintenance.--An amount equal to the proceeds of 23 mills of the "oil company franchise tax for highway maintenance and construction" for the fiscal year 1983-1984 shall be dedicated to the maintenance of any State highways and shall be in addition to any funds currently dedicated to the maintenance of any State highways. For fiscal year 1984-1985 and thereafter, an amount equal to the proceeds of 22 mills of the "oil company franchise tax for highway maintenance and construction" shall be dedicated to the maintenance of any State highway and shall be in addition to any funds currently dedicated to the maintenance of any State highways.

(g) Use of funds in the State Highway Transfer Restoration Restricted Account.--The funds appropriated in subsection (b) for deposit in the State Highway Transfer Restoration Restricted Account shall be used to pay for the costs of restoration of such highways as provided in Chapter 92 (relating to transfer of State highways) and annual payments to the municipalities for highway maintenance in accordance with the following:

(1) Annual maintenance payments shall be at the rate of $4,000 per mile for each highway or portion of highway transferred under Chapter 92, section 222 of the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, or any statute enacted in 1981.

(2) Annual maintenance payments shall be paid at the same time as funds appropriated under the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, except that no maintenance payment shall be paid for a highway until after the year following its transfer to the municipality.

(3) Annual maintenance payments under this subsection shall be in lieu of annual payments under the Liquid Fuels Tax Municipal Allocation Law.

(4) Annual maintenance payments under this subsection shall be deposited into the municipality's liquid fuels tax account and may be used on any streets and highways in the municipality in the same manner and subject to the same restrictions as liquid fuels tax funds paid under the Liquid Fuels Tax Municipal Allocation Law or, in the case of a county, under section 10 of the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act.

(h) Allocation to Pennsylvania Turnpike Commission.--An amount equal to 14% of the proceeds deposited in the Motor License Fund pursuant to the "oil company franchise tax for highway maintenance and construction" imposed under section 9502(a)(2), which amount is to be distributed under section 9502(a)(2)(vi) for toll roads designated under the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, is hereby appropriated monthly to the Pennsylvania Turnpike Commission. The Commonwealth does hereby pledge to and agree with any person, firm or corporation acquiring any bonds to be issued by the Pennsylvania Turnpike Commission and secured in whole or in part by a pledge of the portion of the tax known as the "oil company franchise tax for highway maintenance and construction" which is imposed by section 9502(a)(2) and distributed in the manner indicated in that section, including 14% for toll roads designated under the Turnpike Organization, Extension and Toll Road Conversion Act, that the Commonwealth will not limit or alter the rights vested in the Pennsylvania Turnpike Commission to the appropriation and distribution of such tax revenues.

(i) Refund to Pennsylvania Fish and Boat Commission.--

(1) When the tax imposed by section 9502(a)(1), (2), (3) and (4) has been paid and the fuel on which the tax has been imposed has been consumed in the operation of motorboats or watercraft upon the waters of this Commonwealth, including waterways bordering this Commonwealth, the full amount of the tax shall be refunded to the Boat Fund on petition to the Board of Finance and Revenue in accordance with prescribed procedures.

(2) In accordance with the procedures, the Pennsylvania Fish and Boat Commission shall biannually calculate the amount of liquid fuels consumed by the motorcraft and furnish the information relating to its calculations and data as required by the Board of Finance and Revenue. The Board of Finance and Revenue shall review the petition and motorboat fuel consumption calculations of the commission, determine the amount of the oil company franchise tax paid and certify to the State Treasurer to refund annually to the Boat Fund the amount so determined. The department shall be accorded the right to appear at the proceedings and make its views known.

(3) For the fiscal years commencing July 1, 2013, July 1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the money under paragraph (2) shall be used by the commission acting by itself or by agreement with other Federal and State agencies only for the improvement of hazardous dams impounding waters of this Commonwealth on which boating is permitted, including the development and construction of boating areas and the dredging and clearing of water areas where boats can be used. The commission shall present its

plan no later than September 30 of each year through September 30, 2017, to the chairman and minority chairman of the Transportation Committee and the chairman and minority chairman of the Game and Fisheries Committee of the Senate and the chairman and minority chairman of the Transportation Committee and the chairman and minority chairman of the Game and Fisheries Committee of the House of Representatives regarding the use of the funds. For the fiscal year commencing July 1, 2018, and for each fiscal year thereafter, this money shall be used by the commission acting by itself or by agreement with other Federal and State agencies only for the improvement of the waters of this Commonwealth on which motorboats are permitted to operate and may be used for the development and construction of motorboat areas; the dredging and clearing of water areas where motorboats can be used; the placement and replacement of navigational aids; the purchase, development and maintenance of public access sites and facilities to and on waters where motorboating is permitted; the patrolling of motorboating waters; the publishing of nautical charts in those areas of this Commonwealth not covered by nautical charts published by the United States Coast and Geodetic Survey or the United States Army Corps of Engineers and the administrative expenses arising out of the activities; and other similar purposes.

(July 22, 1983, P.L.122, No.32, eff. 15 days; July 10, 1984, P.L.704, No.148, eff. imd.; Apr. 16, 1992, P.L.169, No.31, eff. 60 days; July 2, 1993, P.L.408, No.58, eff. imd.; Feb. 10, 1994, P.L.20, No.3, eff. 60 days; July 7, 2006, P.L.341, No.70, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. 60 days; July 20, 2016, P.L.861, No.101, eff. 60 days)

2016 Amendment. Act 101 amended subsec. (e.1).

2013 Amendment. Act 89 amended subsecs. (b) and (g) and added subsecs (e.1) and (i). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

1994 Amendment. Act 3 amended subsec. (h). The amendment by Act 3 is identical to the amendment by Act 58 of 1993 and therefore the text has been merged.

1993 Amendment. See section 10 of Act 58 in the appendix to this title for special provisions relating to use of Motor License Fund appropriations.

1992 Amendment. Act 31 amended subsec. (a) and added subsec. (h).

1983 Amendment. Act 32 amended and relettered former subsec. (b) to subsec. (c), relettered former subsec. (c) to subsec. (d), amended and relettered former subsec. (d) to subsec. (e) and added present subsec. (b) and subsecs. (f) and (g).

References in Text. The act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, referred to in subsec. (g), was repealed by the act of April 17, 1997 (P.L.6, No.3). The subject matter is now contained in Chapter 90 of this title.

The act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, was repealed by the act of July 18, 2007 (P.L.169, No.44).

Cross References. Section 9511 is referred to in sections 9502, 9511.11 of this title.

§ 9511.1. Imposition of additional tax (Repealed).

1997 Repeal. Section 9511.1 was repealed April 17, 1997, P.L.6, No.3, effective July 1, 1997.

§ 9511.2. Special revenue bonds.

(a) Payment source.--A special revenue bond, note or other obligation issued under this chapter:

(1) shall not be deemed to be a debt or liability of the Commonwealth;

(2) shall not create or constitute any indebtedness, liability or obligation of the Commonwealth; and

(3) shall be payable solely from pledged revenues.

(b) Statement.--A special revenue bond, note or other obligation issued under this chapter must contain a statement on its face that:

(1) the Commonwealth is not obligated to pay the bond, note or obligation or the interest on it except from pledged revenues; and

(2) neither the faith and credit, nor the taxing power of the Commonwealth is pledged to the payment of the principal or interest of the bond, note or obligation.

(c) Taxation.--The issuance of a special revenue bond, note or other obligation under this chapter shall not directly, indirectly or contingently obligate the Commonwealth to levy a tax or to make an appropriation for payment.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9511.2.

Cross References. Section 9511.2 is referred to in sections 8901, 9501, 9511.11 of this title.

§ 9511.3. Expenses.

(a) Reimbursement.--The commission shall be reimbursed from bond proceeds for the necessary and documented reasonable expenses incurred in the performance of the duties performed under the provisions of this chapter.

(b) Source.--All expenses incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter, and sufficient funds shall be provided under the authority of this chapter to meet any liability or obligation incurred in carrying out the provisions of this chapter.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9511.3.

§ 9511.4. Special revenue bonds and preliminary or interim financing.

(a) Authorization.--The commission is authorized to provide, by resolution, for the issuance of special revenue bonds of the commission up to an aggregate principal amount not exceeding $5,000,000,000, exclusive of original issue discount, for the purpose of paying the cost of the department and bond-related expenses. The resolution must recite an estimate of the cost of the department. No more than $600,000,000 in aggregate principal amount of special revenue bonds, exclusive of original issue discount, may be issued in any calendar year. No bond may be issued and outstanding under this section unless the lease agreement authorized under section 8915.3 (relating to lease of Interstate 80; related agreements) is in effect as of the date of issuance. No bond may be outstanding beyond the term of the lease. Special revenue refunding bonds as set forth in section 9511.9 (relating to special revenue refunding bonds) shall not be deemed to count against the total or annual maximum issuance volume. The principal and interest of the bond shall be payable solely from pledged revenues.

(b) Form.--

(1) A bond may be issued in registered form.

(2) A bond:

(i) must be dated;

(ii) must bear interest at a rate not exceeding the rate permitted under applicable law;

(iii) must be payable semiannually or at other times as set forth in the resolution of the commission authorizing the issuance of the bonds;

(iv) must mature, as determined by the commission, no later than 40 years from the date of the bond; and

(v) may be made redeemable before maturity, at the option of the commission, at a price and under terms and conditions fixed by the commission prior to the issuance of the bonds.

(c) Issuance.--

(1) The commission may sell bonds at public or private sale and for a price it determines to be in the best interest of the Commonwealth.

(2) Bonds may be issued in series with varying provisions as to all of the following:

(i) Rates of interest, which may be fixed or variable.

(ii) Other provisions not inconsistent with this chapter.

(d) (Reserved).

(e) Payment.--

(1) The principal and interest of the bonds may be made payable in any lawful medium.

(2) The commission shall:

(i) determine the form of bonds; and

(ii) fix:

(A) the denomination of the bond; and

(B) the place of payment of principal and interest of the bond, which may be at any bank or trust company within or without this Commonwealth.

(f) Signature.--The bond must bear the manual or facsimile signature of the Governor and of the chairman of the commission. The official seal of the commission or a facsimile of the official seal shall be affixed to or printed on the bond and attested by the secretary and treasurer of the commission. If an officer whose signature or facsimile of a signature appears on a bond ceases to be an officer before the delivery of the bond, the signature or facsimile shall nevertheless be valid and sufficient for all purposes as if the officer remained in office until delivery.

(g) Negotiability.--A special revenue bond issued under this chapter shall have all the qualities and incidents of a negotiable instrument under 13 Pa.C.S. Div. 3 (relating to negotiable instruments).

(h) Proceeds.--The proceeds of a bond shall be used solely for the following:

(1) Payment of the cost of the department.

(2) Bond-related expenses.

(i) Temporary bonds.--Prior to the preparation of definitive bonds, the commission may, under similar provisions as those applicable to the definitive bonds, issue temporary bonds, exchangeable for definitive bonds upon the issuance of definitive bonds.

(j) (Reserved).

(k) Status as securities.--

(1) A bond is made a security in which any of the following may properly and legally invest funds, including capital, belonging to them or within their control:

(i) Commonwealth and municipal officers.

(ii) Commonwealth agencies.

(iii) Banks, bankers, savings banks, trust companies, saving and loan associations, investment companies and other persons carrying on a banking business.

(iv) Insurance companies, insurance associations and other persons carrying on an insurance business.

(v) Fiduciaries.

(vi) Other persons that are authorized to invest in bonds or other obligations of the Commonwealth.

(2) A bond is made a security which may properly and legally be deposited with and received by a Commonwealth or municipal officer or a Commonwealth agency for any purpose for which the deposit of bonds or other obligations of the Commonwealth is authorized by law.

(l) Borrowing.--The following shall apply:

(1) The commission is authorized to do all of the following:

(i) Borrow money at an interest rate not exceeding the rate permitted by law.

(ii) Provide for preliminary or interim financing up to, but not exceeding, the estimated total cost of the department and bond-related expenses and to evidence the borrowing by the issuance of special revenue notes and, in its discretion, to pledge as collateral for the note or other obligation a special revenue bond issued under the provisions of this chapter. The commission may renew the note or obligation, and the payment or retirement of the note or obligation shall be considered to be payment of the cost of the project.

(2) A note or obligation issued under this subsection must contain a statement on its face that:

(i) the Commonwealth is not obligated to pay the note or obligation or interest on it, except from pledged revenues; and

(ii) neither the faith and credit nor the taxing power of the Commonwealth is pledged to the payment of its principal or interest.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9511.4.

§ 9511.5. Application of proceeds of obligations, lien of holders of obligations, design-build requirement and projects approved by General Assembly.

(a) Application.--The following shall apply:

(1) All proceeds received from any bonds, notes or other obligations issued under this chapter shall be applied solely to the payment of:

(i) the cost of the department; and

(ii) bond-related expenses.

(2) The commission may provide by resolution that until proceeds received from any bonds, notes or other obligations issued under this chapter is applied under paragraph (1), a lien shall exist upon the proceeds in favor of holders of the bonds, notes or other obligations or a trustee provided for in respect to the bonds, notes or other obligations.

(b) Design-build arrangements.--

(1) To facilitate the timely completion of projects to be financed by the department with bond proceeds, the department may utilize design-build arrangements for each

project to be financed with bond proceeds if the project value is estimated by the department to exceed $100,000,000.

(2) Notwithstanding the provisions of any other law, the department may utilize design-build arrangements for the following:

(i) projects to be financed by the department with bond proceeds for projects estimated by the department to have a value of $100,000,000 or less; and

(ii) all other construction projects of the department not included under subparagraph (i) or paragraph (1).

(3) The selection of the party for a design-build arrangement under this subsection must be conducted in a manner consistent with the procurement and public bidding laws applicable to the department.

(c) Capital projects.--All projects financed by the department with bond proceeds shall be included in any submission the department is already required to make to the General Assembly with respect to the expenditure of funds for highway projects.

(d) Investment.--Pending the application of proceeds to cost of the department and bond-related expenses, the commission may invest the funds in permitted investments as defined under any trust indenture.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9511.5.

§ 9511.6. Trust indenture, protection of holders of obligations and depositories.

(a) Indenture.--In the discretion of the commission, a bond, note or other obligation may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company, within or without this Commonwealth.

(b) Pledge or assignment.--A trust indenture under subsection (a) may pledge or assign the pledged revenues but shall not convey or mortgage the turnpike or any part of the turnpike.

(c) Rights and remedies.--The resolution providing for the issuance of the bond, note or other obligation of the trust indenture may contain provisions for protecting and enforcing the rights and remedies of the bondholders or holders of notes or other obligations as may be reasonable and proper and not in violation of law.

(d) Depository.--It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bond, note or other obligation or revenue, to furnish indemnity bonds or to pledge securities as may be required by the commission.

(e) Indenture.--The trust indenture may set forth the rights and remedies of the bondholders or holders of notes or other obligations and of the trustee and may restrict the individual right of action of bondholders or holders of notes or other obligations as is customary in trust indentures securing bonds, debentures of corporations, notes or other obligations. The trust indenture may contain other provisions as the commission may deem reasonable and proper for the security of bondholders or holders of notes or other obligations.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9511.6.

§ 9511.7. Exemption from Commonwealth taxation.

The effectuation of the purposes of this chapter is for the benefit of the citizens of this Commonwealth and for the improvement of their commerce and prosperity. Since the commission will be performing essential government functions in effectuating these purposes, the commission shall not be required to pay any tax or assessment on any property acquired or used by it for the purposes provided under this chapter. A bond, note or other obligation issued by the commission, its transfer and the income from its issuance and transfer, including any profits made on the sale of the bond, note or other obligation, shall be free from taxation within the Commonwealth.
(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9511.7.

§ 9511.8. Costs related to Federal income tax matters.

Tax matter costs incurred by the commission in connection with any proceeding of or filing with the Internal Revenue Service concerning the use of proceeds of bonds issued under this chapter shall be paid or reimbursed from available funds in the motor license fund. Tax matter costs shall include all of the following:

(1) Fees of tax counsel or arbitrage rebate calculation providers.

(2) Arbitrage rebate payments to the extent not properly payable from funds held under the bond indenture.

(3) Settlement payments to the Internal Revenue Service, either in relation to an examination initiated by the Internal Revenue Service or a closing agreement requested by the commission.

(4) Payments to bondholders as a result of claims based on pending, threatened or actual assessments of tax, interest or penalties by the Internal Revenue Service.

(5) Any other cost reasonably related to a proceeding by or filing with the Internal Revenue Service concerning the use of proceeds of the bonds.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9511.8.

§ 9511.9. Special revenue refunding bonds.

The commission is authorized to provide, by resolution, for the issuance of special revenue refunding bonds of the commission for the purpose of refunding any special revenue bonds, notes or other obligations issued under the provisions of this chapter and then outstanding. The issuance of the special revenue refunding bonds, the maturities and other details of the bonds, the rights of the holders of the bonds and the duties of the department and of the commission with respect to the bonds shall be governed by the provisions of this chapter.
(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9511.9.

Cross References. Section 9511.9 is referred to in section 9511.4 of this title.

§ 9511.10. Remedies of trustees and of holders of obligations.

(a) Grant of rights.--A holder of a bond, note or other obligation issued under this chapter and the trustee under the trust indenture may, either at law or in equity, by suit, action, mandamus or other proceeding, do all of the following:

(1) Protect and enforce any right granted under this chapter or under the resolution or trust indenture.

(2) Enforce and compel performance of all duties required under this chapter or by resolution or trust indenture to be performed by the commission or any of its officers, including the collection of the pledged revenues.

(b) Exception.--Rights given under this chapter may be restricted by resolution passed before the issuance of the bonds, notes or other obligations or by the trust indenture. (July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9511.10.

§ 9511.11. Pledged revenues.

(a) Annual debt service payments.--Upon receipt by the department of the annual debt service payments, the department shall pay them to the trustee for the holders of the bonds issued under section 9511.2 (relating to special revenue bonds).

(b) Payment default.--

(1) The department shall notify the State Treasurer if the department receives a notice from the trustee which:

(i) indicates that a default in the payment by the commission on its regularly scheduled deposits with respect to debt service on the bonds has occurred; and

(ii) indicates the amount required to remedy the default.

(2) Upon notice under paragraph (1), the State Treasurer shall do all of the following:

(i) Notwithstanding section 9010 (relating to disposition and use of tax), transfer to the trustee from funds in the Motor License Fund as a result of the imposition of the tax under section 9004(a) (relating to imposition of tax, exemptions and deductions) the amount necessary to remedy the default under paragraph (1)(ii).

(ii) If funds in the Motor License Fund as a result of the imposition of the tax under section 9004(a) are not sufficient to remedy the default under paragraph (1)(ii) and notwithstanding section 9511 (relating to allocation of proceeds), transfer to the trustee from funds in the Motor License Fund as a result of the imposition of the tax under section 9502(a)(1), (2)(i), (ii), (iii) and (iv) and (3)(ii) (relating to imposition of tax), an amount necessary, when combined with any funds transferred under subparagraph (i), to remedy the default.

(iii) If funds in the Motor License Fund as a result of the imposition of the tax under sections 9004(a) and 9502(a)(1), (2)(i), (ii), (iii) and (iv) and (3)(ii) are not sufficient to remedy the default under paragraph (1)(ii) and notwithstanding the provisions of section 20 of Act 3, transfer to the trustee from funds in the Motor License Fund as a result of the imposition of fees specified under sections 1912 (relating to passenger cars), 1913 (relating to motor homes), 1914 (relating to motorcycles), 1915 (relating to motor-driven cycles), 1916 (relating to trucks and truck tractors), 1917 (relating to motor buses and limousines), 1921 (relating to special mobile equipment), 1922 (relating to implements of husbandry), 1923 (relating to antique, classic and collectible vehicles), 1924 (relating to farm vehicles), 1925 (relating to ambulances, taxis and hearses), 1926 (relating to dealers and miscellaneous motor vehicle business), 1926.1 (relating to farm equipment vehicle dealers), 1927 (relating to transfer

of registration), 1929 (relating to replacement registration plates), 1932 (relating to duplicate registration cards), 1933 (relating to commercial implements of husbandry) and 1952 (relating to certificate of title), net of amounts appropriated to the commission under section 20 of Act 3, an amount necessary, when combined with funds transferred under subparagraphs (i) and (ii), to remedy the default.

(c) Commonwealth pledge.--This subsection shall operate as a pledge by the Commonwealth to an individual or entity that acquires a bond issued by the commission under section 9511.2:

(1) to secure the portion of the money described under this section and distributed under this section; and

(2) to not limit or alter the rights vested in the commission or the trustee for the bonds to the appropriation and distribution of money set forth under this section.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9511.11.

Cross References. Section 9511.11 is referred to in section 9501 of this title.

§ 9511.12. (Reserved).

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9511.12 (Reserved).

§ 9511.13. Supplement to other laws and liberal construction.

This chapter shall be regarded as supplemental and additional to powers conferred by other statutes and shall not be regarded as in derogation of any powers existing on the effective date of this section. The provisions of this chapter, being necessary for the welfare of the Commonwealth and its citizens, shall be liberally construed to effect the purposes of this chapter.

(July 18, 2007, P.L.169, No.44, eff. imd.)

2007 Amendment. Act 44 added section 9511.13.

§ 9512. Severability of provisions.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

CHAPTER 96
MOTOR CARRIERS ROAD TAX

Sec.

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Enactment. Chapter 96 was added July 13, 1987, P.L.303, No.56, effective immediately and retroactive to July 1, 1987.

Special Provisions in Appendix. See sections 4, 5, 7 and 8 of Act 56 of 1987 in the appendix to this title for special provisions relating to display of identification markers, continuation of prior tax, applicability and retroactivity.

Cross References. Chapter 96 is referred to in sections 2101, 2101.1, 2102, 2103, 2104, 2105, 6117 of this title.

§ 9601. Short title of chapter.

This chapter shall be known and may be cited as the Motor Carriers Road Tax Act.

§ 9602. Definitions.

The following words and phrases when used in this chapter and in Chapter 21 (relating to motor carriers road tax identification markers) shall have the meanings given to them in this section and in section 2101.1 (relating to definitions) unless the context clearly indicates otherwise:

"Department." The Department of Revenue of the Commonwealth.

"Highway." The Pennsylvania Turnpike and every way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel. The term does not include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.

"Motor carrier." Every person who operates or causes to be operated any qualified motor vehicle on any highway in this Commonwealth.

"Motor fuel." Includes "fuels," "liquid fuels" and "alternative fuels" as defined in section 9002 (relating to definitions).

"Operations." Operations of all qualified motor vehicles, whether loaded or empty, whether operated singly or in combination with trailers or semitrailers, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

"Qualified motor vehicle." As defined in section 2101.1 (relating to definitions).

"Recreational vehicle." Vehicles such as motor homes, pickup trucks with attached campers and buses when used exclusively for personal pleasure by individuals. In order to qualify as a recreational vehicle, the vehicle shall not be used in connection with any business endeavor.

"Secretary." The Secretary of Revenue of the Commonwealth. (Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996; Apr. 17, 1997, P.L.6, No.3, eff. Oct. 1, 1997)

1997 Amendment. Act 3 amended the def. of "motor fuel."

1995 Amendment. Act 75 amended the intro. par. and the defs. of "motor carrier" and "operations," added the defs. of "qualified motor vehicle" and "recreational vehicle" and deleted the def. of "motor vehicle."

Cross References. Section 9602 is referred to in section 9802 of this title.

§ 9603. Imposition of tax.

(a) General rule.--Every motor carrier shall pay a road tax equivalent to the rate per gallon currently in effect on Pennsylvania liquid fuels, fuels or other alternative fuels as provided in section 9004(a), (b), (c) and (d) (relating to imposition of tax, exemptions and deductions), calculated on the amount of motor fuel used in its operations on highways within this Commonwealth.

(b) Other taxes unaffected.--The taxes imposed on motor carriers by this chapter are in addition to any taxes of whatever character imposed on such carriers by any other statute.

(Apr. 17, 1997, P.L.6, No.3, eff. Oct. 1, 1997)

§ 9604. Credit for motor fuel tax payment.

(a) General rule.--Every motor carrier subject to the tax imposed under this chapter shall be entitled to a credit on the tax, equivalent to the rate per gallon of the Pennsylvania tax which is currently in effect, on all gasoline or other motor fuel purchased by the carrier within this Commonwealth for use in its operation either within or without this Commonwealth and upon which gasoline or other motor fuel the tax imposed by the laws of this Commonwealth has been paid by such carrier. Evidence of the payment of the tax in such form as may be required by, or is satisfactory to, the department shall be furnished by each carrier claiming the credit. When the amount of the credit to which any motor carrier is entitled for any quarter exceeds the amount of the tax for which the carrier is liable for the same quarter, such excess shall, upon application and under regulations of the department, be allowed as a credit on the tax for which the carrier would be otherwise liable for any of the eight succeeding quarters; or, upon application to the department within the time that records are required to be maintained from the end of any quarter, duly verified and presented, in accordance with regulations promulgated by the department and supported by such evidence as may be satisfactory to the department, such excess shall be refunded if it shall appear that the applicant has paid to another state under a lawful requirement of such state a tax, similar in effect to the tax provided in this chapter, on the use or consumption in that state of gasoline or other motor fuel purchased in this Commonwealth.

(b) Refund procedure.--If the department shall refuse to allow a refund in the amount claimed by the applicant, the applicant may within 30 days of the mailing date of the notice of such refusal request a formal hearing on the application for a refund. The hearing shall be held after written notice to the applicant of not less than 20 days. Whenever any refund is ordered, it shall be paid out of the Motor License Fund. As much of the moneys received as payment of the tax, interest and penalties under this chapter as shall be necessary for the payment of the refunds provided for in this chapter is hereby appropriated for the payment of such refunds. No tax, interest, penalty or fee received or derived from any other tax imposed by the laws of this Commonwealth shall be used to pay any refund or credit due and payable under the provisions of this chapter.

(Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996)

Cross References. Section 9604 is referred to in section 9611 of this title.

§ 9605. Tax due date.

The tax imposed under this chapter shall be paid by each motor carrier quarterly to the department on or before the last day of April, July, October and January of each year and calculated upon the amount of motor fuel used in its operations on highways within this Commonwealth by each carrier during the quarter ending with the last day of the preceding month.

§ 9606. Tax revenue to Motor License Fund.

All taxes, fees, penalties and interest paid under this chapter shall be credited to and are hereby appropriated to the Motor License Fund as provided for by section 11 of Article VIII of the Constitution of Pennsylvania.

(Apr. 17, 1997, P.L.6, No.3, eff. Oct. 1, 1997)

§ 9607. Calculation of amount of fuel used in Commonwealth.

The amount of gasoline or other motor fuel used in the operations of any motor carrier on highways within this Commonwealth shall be such proportion of the total amount of the gasoline or other motor fuel used in its entire operations within and without this Commonwealth as the total number of miles traveled on highways within this Commonwealth bears to the total number of miles traveled within and without this Commonwealth.

§ 9608. Report requirements.

Every motor carrier subject to the tax imposed by this chapter shall, on or before the last day of April, July, October and January of every year, make to the department such reports of its operations during the quarter ending the last day of the preceding month as the department may require and such other reports from time to time as the department may deem necessary. The department may by regulation permit motor carriers whose estimated annual liability under this chapter is $250 or less to file its report on an annual basis.

§ 9609. Average consumption.

In the absence of adequate records or other evidence satisfactory to the department showing the number of miles operated by a motor carrier's qualified motor vehicles per gallon of motor fuel, any such qualified motor vehicle shall be deemed to have consumed one gallon of motor fuel for each four miles operated.

(June 11, 1992, P.L.266, No.47, eff. 60 days; Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996)

§ 9610. Records.

Every motor carrier shall keep such records, in such form as the department reasonably may prescribe, as will enable the carrier to report and enable the department to determine the total number of miles traveled by its entire fleet of qualified motor vehicles, the total number of miles traveled in this Commonwealth by the entire fleet, the total number of gallons of motor fuel used by the entire fleet and the total number of gallons of motor fuel purchased in this Commonwealth for the entire fleet. All such records shall be safely preserved for a period of four years in such manner as to insure their security and availability for inspection by the secretary or any authorized employee engaged in the administration of this chapter. Upon application in writing, stating the reasons therefor, the department may, in its discretion, consent to the destruction of any such records at any time within that period if the records pertain to a period which has been audited by the department. Every taxpayer shall retain records required by this chapter at a place within this Commonwealth, but a taxpayer who elects to retain records outside of this Commonwealth shall assume reasonable out-of-State audit expenses.

(Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996)

§ 9611. Surety bond for payment of taxes.

A motor carrier may give a surety company bond in an amount deemed necessary by the department to protect the revenues of the Commonwealth, payable to the Commonwealth of Pennsylvania and conditioned that the carrier will pay all taxes due and to become due under this chapter from the date of the bond to the date when either the carrier or the bonding company notifies the department that the bond has been canceled. The surety shall be a corporation authorized to write surety bonds in this Commonwealth. As long as the bond remains in force, the Board of Finance and Revenue may order refunds to the motor carrier in the amounts appearing to be due on applications duly filed by the motor carrier under section 9604 (relating to credit for motor fuel tax payment), without first auditing the records of the carrier. The bond shall cover taxes and interest due thereon even though the assessment is made after cancellation of the bond, but only for taxes due and payable while the bond was in force and penalties and interest on such taxes.

1994 Partial Repeal. Section 42(b) of Act 48 of 1994 provided that section 9611 is repealed insofar as it is inconsistent with the provisions of Act 48 for filing with the Board of Finance and Revenue of petitions for the refund of taxes and other moneys collected by the Department of Revenue.

§ 9612. Arbitrary assessment to prevent tax avoidance.

If the department ascertains that a person designs quickly to depart from this Commonwealth, or to remove therefrom his property or any property used by him in operations subject to this chapter, or to discontinue business, or to do any other act tending to prejudice or render wholly or partly ineffectual proceedings to assess or collect such tax, whereby it becomes important that such proceedings be brought without delay, the department may immediately make an arbitrary assessment of the amount of tax due, whether or not any report is then due by law, and may proceed under such arbitrary assessment to collect the tax, or compel security for the tax, and thereafter shall cause notice of such finding to be given to the motor carrier, together with a demand for an immediate report and immediate payment of the tax.

Cross References. Section 9612 is referred to in section 9614 of this title.

§ 9613. Penalty and interest for failure to report or pay tax.

When any motor carrier fails to file a report and pay the tax within the time prescribed by this chapter for the filing and payment thereof, he shall pay as a penalty for each failure to file or to pay on or before the prescribed date a sum equivalent to 10% of the tax or $50, whichever is greater. In addition to this penalty, any unpaid tax shall bear interest at the rate of 1% per month or fraction thereof until the tax is paid. The penalties and interest charges imposed shall be paid to the department in addition to the tax due.
(Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996)

Cross References. Section 9613 is referred to in section 9614 of this title.

§ 9614. Time for payment of taxes, penalties and interest.

All taxes, penalties and interest assessed under this chapter, unless earlier payment is provided in this chapter, shall be paid within 15 days after notice and demand have been mailed to the motor carrier by the department. If the taxes,

penalties and interest assessed pursuant to this section and sections 9612 (relating to arbitrary assessment to prevent tax avoidance) and 9613 (relating to penalty and interest for failure to report or pay tax) are not paid within 15 days, there shall be added to the amount of assessment, in addition to interest as already provided and any other penalties provided by law, a sum equivalent to 5% of the tax.

§ 9615. Manner of payment and recovery of taxes, penalties and interest.

(a) General rule.--All penalties and interest when imposed under this chapter shall be payable to and recoverable by the department in the same manner as if they were part of the tax imposed.

(b) Imposition of lien.--The taxes, fees, interest and penalties imposed under this chapter, from the time they are due, shall be a debt of a motor carrier who does not maintain premises for the transaction of business within this Commonwealth, recoverable in an action of assumpsit in the name of the Commonwealth. This debt, whether sued upon or not, shall be a lien on all the property of the debtor, except as against an innocent purchaser for value without notice thereof, and shall have priority both in lien and distribution of the assets of the motor carrier, whether in bankruptcy, insolvency or otherwise. The proceeds of any judgment or order obtained under this section shall be paid to the department.

(c) Recording of lien and execution.--Any tax determined to be due from any person who maintains premises for the conduct of business in this Commonwealth and remaining unpaid after demand for the tax, and all penalties and interest thereon, shall be a lien in favor of the Commonwealth upon the real and personal property of the person but only after the lien has been entered and docketed of record by the prothonotary of the county where the property is situated. The department may at any time transmit to the prothonotaries of the respective counties certified copies of all liens for such taxes, penalties and interest, and it shall be the duty of each prothonotary receiving the lien to enter and docket the lien of record in his office, which lien shall be indexed as judgments are now indexed. A writ of execution may directly issue upon such lien without the issuance and prosecution to judgment of a writ of scire facias. Not less than ten days before issuance of any execution on the lien, notice of the filing and the effect of the lien shall be sent by registered mail to the taxpayer at his last known post office address.

(d) Priority of lien.--The lien imposed under this section shall have priority from the date of its recording and shall be fully paid and satisfied out of the proceeds of any judicial sale of property subject thereto, before any other obligation, judgment, claim, lien or estate to which the property may subsequently become subject, except costs of the sale and of the writ upon which the sale was made, and real estate taxes and municipal claims against the property, but shall be subordinate to mortgages and other liens existing and duly recorded or entered of record prior to the recording of the tax lien. In the case of a judicial sale of property subject to a lien imposed under this section upon a lien or claim over which the lien imposed under this section has priority, the sale shall discharge the lien imposed under this section to the extent only that the proceeds are applied to its payment, and the lien shall continue in full force and effect as to the balance remaining unpaid.

(e) Renewal of lien.--The lien imposed under this section shall continue for five years from the date of its entry of record and may be renewed and continued in the manner provided for the renewal of judgments.

§ 9615.1. Examination of records.

The department or any agent appointed by it, including the auditors of any member jurisdiction as provided in the IFTA, may examine books and records and make determinations of any tax due in accordance with the provisions of section 2915-A of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996)

1995 Amendment. Act 75 added section 9615.1.

References in Text. Section 2915-A of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, was deleted by the act of October 9, 2009 (P.L.451, No.48).

§ 9616. Determination, redetermination and review.

(a) Failure to pay tax.--If any person fails to pay any tax imposed by this chapter for which he is liable, the department may make a determination of additional tax and interest due by such person based upon any information within its possession or that shall come into its possession. All determinations shall be made so that notice thereof shall reach the parties against whom made within five years after the due date of the tax. Any assessment may be made at any time during that period notwithstanding that the department may have made one or more previous assessments against the taxpayer for the year in question or for any part of that year. In any case, no credit shall be given for any penalty previously assessed or paid.

(b) Failure to file report.--Where no report is filed, the amount of the tax due may be assessed and collected at any time as to taxable transactions not reported.

(c) False or fraudulent report.--Where the taxpayer willfully files a false or fraudulent report with intent to evade the tax imposed by this chapter, the amount of tax due may be assessed and collected at any time.

(d) Extension of period for assessment.--Notwithstanding any of the other provisions of this chapter, where, before the expiration of the period prescribed therein for the assessment of a tax, a taxpayer has consented in writing that the period be extended, the amount of tax due may be assessed at any time within the extended period. The period so extended may be extended further by subsequent consent in writing made before the expiration of the extended period.

(e) Petition for redetermination.--Promptly after the date of the determination, the department shall send, by first class mail, a copy thereof to the person against whom it was made. Within 90 days after the date upon which the copy of any such determination was mailed, such person may file with the department a petition for redetermination of the taxes. The petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to the redetermination, and it shall be supported by affirmation that it is not made for the purpose of delay and that the facts set forth therein are true. It shall be the duty of the department, within six months after the date of any determination, to dispose of any petition for redetermination. Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department.

(f) Review and appeal.--Any person shall have the right to review by the Board of Finance and Revenue and appeal in the same manner and within the same time as provided by law in the case of capital stock and franchise taxes imposed upon corporations.

§ 9617. Timely mailing treated as timely filing and payment.

With respect to all reports, claims, statements and other documents required to be filed and all payments required to be made under this chapter, any such report, claim, statement and other document or payment of tax withheld shall be considered as timely filed if the report, claim, statement or other document or payment which has been received by the department is postmarked by the United States Postal Service on or prior to the final day on which payment is to be received. For the purposes of this chapter, the presentation of a receipt indicating that the report, claim, statement or other document or payment was mailed by registered or certified mail on or before the due date shall be prima facie evidence of timely filing of the report, claim, statement or other document or payment.

§ 9618. Availability of records of other agencies.

The records of any other Commonwealth agency, to the extent that they may be pertinent to the administration and enforcement of this chapter and the determination of liability thereunder, shall be available to the department.

§ 9619. Highway Bridge Improvement Restricted Account.

The Highway Bridge Improvement Restricted Account within the Motor License Fund is hereby continued. It is the declared policy of the Commonwealth that the money raised by the taxes deposited into this account be used, to the greatest extent possible, to provide for the creation of jobs and the rehiring of the unemployed in this Commonwealth. In order to reach this goal, firms with Pennsylvania-based facilities shall be actively solicited to make bids on contracts to furnish products and materials, including, but not limited to, steel and steel products, to be used in the projects funded through the Highway Bridge Improvement Restricted Account.

§ 9620. Appropriation and allocation of proceeds.

The funds deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund are hereby annually appropriated out of the account upon authorization by the Governor, for expenditure on bridge rehabilitation, replacement and removal projects pursuant to the act of December 8, 1982 (P.L.848, No.235), known as the Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983, in accordance with the following priorities:

(1) The first priority is to the Treasury Department for deposit into the Capital Debt Fund for the payment of debt service on general obligation bonds of the Commonwealth which may be issued from time to time to fund any project described in the Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983.

(2) The second priority is to the Department of Transportation in the event excess funds are available after the annual debt service requirements have been satisfied for:

(i) The non-Federal share of bridge rehabilitation, replacement and removal projects on State-owned bridges and bridges of undetermined ownership on State highways.

(ii) Grants to counties or municipalities to fund up to 80% of the non-Federal share of bridge rehabilitation, replacement and removal projects on

county-owned or municipal-owned bridges, and bridges of undetermined ownership on county or municipal highways. The balance of the costs for these bridge projects shall be funded by the respective county or municipality or by private funds.

§ 9621. Regulations.

The department shall from time to time promulgate such regulations as may be necessary for the effective enforcement of this chapter.

§ 9622. Reciprocal agreements.

(a) General rule.--The Secretary of Revenue may enter into, modify or terminate agreements with other states relating to the collection of motor carriers road taxes, such as the International Fuel Tax Agreement, Regional Fuel Tax Agreement or similar agreements.

(b) Provisions.--Such agreements may provide for the cooperation and assistance among member states in the administration, collection and enforcement of the motor carriers road tax and similar taxes of other states and may include, but not be limited to:

(1) Base-state jurisdiction over tax reporting, licensing and collections.

(2) Auditing of motor carriers on a joint or cooperative basis.

(3) Provisions for the transfer of funds collected to other jurisdictions as required by the agreement.

(4) Assessment and collection by the base state of tax, penalties and interest owed to other member jurisdictions.

(5) The exchange of information among member jurisdictions and with any repository of the agreement.

(6) Enforcement of sanctions against any carrier whose license has been revoked by any member jurisdiction.

(7) Filing of bonds to protect the interests of member jurisdictions.

(8) Suspension or revocation of the license of a motor carrier for failure to comply with all applicable provisions of the agreement.

(9) Issuance of refunds or credits.

(10) Such other provisions as will facilitate the administration of the agreement.

(c) Exchange of information.--Notwithstanding section 731 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, any information relating to taxes collected pursuant to any agreement authorized by this section, including any information concerning motor fuel taxes relating to such taxes collected, may be exchanged or shared with any agency, department or instrumentality of any member jurisdiction with authority under the laws of that jurisdiction to administer or enforce motor vehicle or taxation laws or with any instrumentality or repository of any agreement.

(d) Uniform penalties and interest.--Such agreement may specify uniform provisions relating to penalties and interest for late reporting or payment, appeal periods and other matters relating to administration and procedure under the agreement, and the uniform provisions may be adopted notwithstanding any law to the contrary upon a finding by the secretary that adoption of these uniform provisions is necessary for compliance with any Federal mandates pertaining to the collection of road use taxes or reasonably necessary to facilitate uniformity; however, the rate of motor carriers road tax and the definition of a "qualified motor vehicle" subject to tax may not be affected by any such agreement or amendment thereto.

(e) Appropriation.--So much of the funds collected pursuant to any such agreement, including, but not limited to, any taxes, fees, penalties or interest imposed by this chapter, as shall be necessary for the payment of refunds under this chapter or any such agreement, including, but not limited to, any amounts required to be paid to other states pursuant to such agreement, are hereby appropriated to the Department of Revenue for such purposes.

(f) Foreign countries.--For purposes of this section, the words "state" and "jurisdiction" shall include a foreign country and any state, province or other similar subdivision thereof. (June 11, 1992, P.L.266, No.47, eff. 60 days; Dec. 20, 1995, P.L.669, No.75, eff. imd.)

CHAPTER 97
DEPARTMENT OF TRANSPORTATION PRODUCTIVITY

Sec.

9701. Legislative oversight.

Enactment. Chapter 97 was added June 23, 1981, P.L.98, No.35, effective immediately.

§ 9701. Legislative oversight.

(a) Findings.--The General Assembly hereby finds that imposition of a tax on oil company revenues should provide the Department of Transportation with an annual growth in revenues which offsets the growth in highway maintenance and construction costs more effectively than the annual changes in revenues produced by the flat-rate tax on the retail price of gasoline and by the various other taxes and fees levied on behalf of the department. As a result of such a tax on oil company revenues, the Department of Transportation should have sufficient revenues to carry out necessary maintenance and construction activities with less frequent increases in highway taxes and fees than the General Assembly has enacted in recent years. One effect of less frequent requests for highway tax and fee increases could be a significant decrease in the ability of the General Assembly to oversee the activities of the Department of Transportation. Accordingly, the General Assembly finds that responsible legislative oversight requires ongoing monitoring of the department's activities and periodic indepth evaluations of its performance.

(b) Annual reports.--No later than 30 days after the effective date of this section, the department shall, upon request, provide to any member of the House of Representatives and to any member of the Senate a brief outline of the maintenance and construction program planned for that member's district during the 1981-1982 fiscal year. No later than 30 days before the beginning of the 1982-1983 fiscal year and each subsequent fiscal year, the department shall, upon request, provide to any member of the House of Representatives and to any member of the Senate a brief outline of the maintenance and construction program planned for that member's district during the upcoming fiscal year. No later than 30 days after the end of the 1981-1982 fiscal year and each subsequent fiscal year, the department shall, upon request, provide to any member of the House of Representatives and to any member of the Senate a brief outline of the reasons for any major deviations from the maintenance and construction program which had been planned for that member's district during that fiscal year.

(c) Performance audits.--During the 1983-1984 fiscal year, the Legislative Budget and Finance Committee shall conduct, or cause to be conducted, a performance audit of the department carried out in accordance with the standards for performance and financial compliance auditing developed by the United States General Accounting Office. The performance audit shall determine whether the department is conducting authorized activities or programs in a manner consistent with accomplishing the objectives intended by the General Assembly and is conducting programs or activities and expending available funds in a faithful, efficient, economical and effective manner. The Legislative Budget and Finance Committee shall make a written report of the findings of the performance audit and shall submit a copy of that report to each member of the House of Representatives and each member of the Senate prior to enactment of a maintenance and construction budget for the department for the 1984-1985 fiscal year. During the 1989-1990 fiscal year and every six years thereafter, the Legislative Budget and Finance Committee shall conduct, or cause to be conducted, a performance audit of the department similar to the performance audit required by this subsection to be conducted during the 1983-1984 fiscal year.

CHAPTER 98
MOTORBUS ROAD TAX CREDIT OR REFUND

Sec.

9801. Short title of chapter (Repealed).
9802. Definitions.
9803. Imposition of tax (Repealed).
9804. Exemptions (Repealed).
9805. Bus company reimbursement for motor fuel tax.
9806. Tax due date (Repealed).
9807. Tax revenue to Motor License Fund (Repealed).
9808. Calculation of amount of fuel used in Commonwealth (Repealed).
9809. Report requirements (Repealed).
9810. Identification markers required (Repealed).
9811. Average consumption (Repealed).
9812. Records (Repealed).
9813. Penalty and interest for failure to report or pay tax (Repealed).
9814. Time for payment of taxes, penalties and interest (Repealed).
9815. Manner of payment and recovery of taxes, penalties and interest (Repealed).
9816. Determination, redetermination and review (Repealed).
9817. Timely mailing treated as timely filing and payment (Repealed).
9818. Availability of records of other agencies (Repealed).
9819. False statements and penalties (Repealed).
9820. Special investigators; powers (Repealed).
9821. Regulations (Repealed).

Enactment. Chapter 98 was added June 11, 1992, P.L.266, No.47, effective in 60 days.

Chapter Heading. The heading of Chapter 98 was amended December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9801. Short title of chapter (Repealed).

1995 Repeal. Section 9801 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9802. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Bus company." Every person who operates or causes to be operated any motorbus on any highway in this Commonwealth.

"Department." The Department of Revenue of the Commonwealth.

"Highway." The Pennsylvania Turnpike and every way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel. The term does not include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.

"Motor fuel." Includes "fuels" as defined in the act of January 14, 1952 (1951 P.L.1965, No.550), known as the Fuel Use Tax Act, and "liquid fuels" as defined in the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act.

"Motorbus." A qualified motor vehicle under section 9602 (relating to definitions) with a seating capacity of 20 or more passengers, excluding the driver, except a school bus.

"Operations." Operations of all motorbuses, whether loaded or empty, whether for compensation or not for compensation and whether owned by or leased to the bus company which operates them or causes them to be operated.

"Qualified motor vehicle." A qualified motor vehicle as defined in section 9602 (relating to definitions).

"Secretary." The Secretary of Revenue of the Commonwealth.
(Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996)

1995 Amendment. Act 75 amended the def. of "motorbus" and added the def. of "qualified motor vehicle."

References in Text. The act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, and the act of January 14, 1952 (1951 P.L.1965, No.550), known as the Fuel Use Tax Act, referred to in the def. of "motor fuel," were repealed by the act of April 17, 1997 (P.L.6, No.3). The subject matter is now contained in Chapter 90 of this title.

§ 9803. Imposition of tax (Repealed).

1995 Repeal. Section 9803 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9804. Exemptions (Repealed).

1995 Repeal. Section 9804 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9805. Bus company reimbursement for motor fuel tax.

Every bus company shall be reimbursed in an amount determined by the department to be equivalent to the additional tax imposed by section 9502(a)(4) (relating to imposition of tax) and paid directly or indirectly by the bus company on fuel consumed by the bus company in its operations of motorbuses within this Commonwealth. The bus company must, under regulations of the department, submit an application for reimbursement to the department on or before the last day of the month immediately following the close of each quarter. The reimbursements authorized by this section shall not include nor be subject to the payment of interest by the Commonwealth.
(Dec. 20, 1995, P.L.669, No.75, eff. Jan. 1, 1996; Dec. 21, 1998, P.L.1126, No.151, eff. Jan. 1, 1999)

§ 9806. Tax due date (Repealed).

1995 Repeal. Section 9806 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9807. Tax revenue to Motor License Fund (Repealed).

1995 Repeal. Section 9807 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9808. Calculation of amount of fuel used in Commonwealth (Repealed).

1995 Repeal. Section 9808 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9809. Report requirements (Repealed).

1995 Repeal. Section 9809 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9810. Identification markers required (Repealed).

1995 Repeal. Section 9810 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9811. Average consumption (Repealed).

1995 Repeal. Section 9811 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9812. Records (Repealed).

1995 Repeal. Section 9812 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9813. Penalty and interest for failure to report or pay tax (Repealed).

1995 Repeal. Section 9813 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9814. Time for payment of taxes, penalties and interest (Repealed).

1995 Repeal. Section 9814 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9815. Manner of payment and recovery of taxes, penalties and interest (Repealed).

1995 Repeal. Section 9815 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9816. Determination, redetermination and review (Repealed).

1995 Repeal. Section 9816 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9817. Timely mailing treated as timely filing and payment (Repealed).

1995 Repeal. Section 9817 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9818. Availability of records of other agencies (Repealed).

1995 Repeal. Section 9818 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9819. False statements and penalties (Repealed).

1995 Repeal. Section 9819 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9820. Special investigators; powers (Repealed).

1995 Repeal. Section 9820 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

§ 9821. Regulations (Repealed).

1995 Repeal. Section 9821 was repealed December 20, 1995, P.L.669, No.75, effective January 1, 1996.

CHAPTER 99
TAX TREATMENT OF CERTAIN ORGANIZATIONS

Sec.
9901. Corporate tax treatment of certain corporations (Repealed).

Enactment. Chapter 99 was added December 21, 1998, P.L.1126, No.151, effective in 60 days unless otherwise noted.

Prior Provisions. Former Chapter 99, which related to axle tax for highway bridge improvement, was added December 8, 1982, P.L.842, No.234, and repealed July 13, 1987, P.L.303, No.56, effective immediately and retroactive to July 1, 1987.

§ 9901. Corporate tax treatment of certain corporations (Repealed).

1999 Repeal. Section 9901 was repealed May 12, 1999, P.L.26, No.4, effective immediately.

APPENDIX TO TITLE 75
VEHICLES

Supplementary Provisions of Amendatory Statutes

1976, JUNE 17, P.L.162, NO.81

§ 2. Transition provisions.

(a) Suspensions.--All suspensions ordered by the Secretary of Transportation under former section 618(b)(2) of the act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle Code," are rescinded as of the effective date of the point system as set forth in section 8 of this act and the secretary shall not order any further suspensions under former section 618(b)(2) for violations committed prior to such effective date.

(b) Points.--All points assigned to the records of licensed persons under former section 619.1 of "The Vehicle Code" shall be deleted from the records of the licensees and thereafter may not be used as a basis for suspension of operating privileges and no points shall be added to the records of any licensees on account of any violations committed prior to the effective date of the point system as set forth in section 8 of this act.

(c) Return of suspended licenses.--The department shall return the licenses of all drivers who are serving suspensions under former sections 618(b)(2) or 619.1 of "The Vehicle Code." Such drivers shall not drive until they have received their licenses.

(d) Purge of records.--

(1) All suspensions and convictions under former sections 618(b)(2) and 619.1 of "The Vehicle Code" which occurred prior to July 1, 1973, shall be purged from the records of licensees on June 30, 1976.

(2) All other suspensions and convictions under former sections 618(b)(2) and 619.1 of "The Vehicle Code" shall be purged from the records of licensees on June 30, 1979.

(3) No suspensions and convictions under former sections 618(b)(2) and 619.1 of "The Vehicle Code" shall constitute prior suspensions for the purpose of determining the length of suspensions under 75 Pa.C.S. § 1539 (relating to suspension of operating privilege on accumulation of points).

(e) Implementing regulations.--Immediately upon the final enactment of this act, the Department of Transportation shall promulgate regulations to implement the provisions of 75 Pa.C.S. §§ 1535 (relating to schedule of convictions and points) through 1539 (relating to suspension of operating privilege on accumulation of points) by assigning points as prescribed in 75 Pa.C.S. § 1535(a) for similar violations occurring prior to the effective date of this act under the act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle Code." The regulations may be promulgated without compliance with statutory requirements relating to notice of proposed rule making and public hearings, may be made effective immediately upon publication in the Pennsylvania Bulletin and may be made retroactive to the date of final enactment of this act.

(f) Staggered registration renewal system.--The system of staggered registration renewal provided for in 75 Pa.C.S. § 1307 (relating to period of registration) as added by this act shall be implemented no later than July 1, 1978, in coordination with the expiration of registration periods for various types of vehicles under existing law.

(g) Colored photo on driver's license.--The requirement for a color photograph on a driver's license provided for in 75 Pa.C.S. § 1510 (relating to issuance and content of driver's license) as added by this act shall be implemented no later than July 1, 1978.

(h) Exemption of existing drivers from examination.--At the time of the first renewal following the effective date of this act, a driver holding a valid driver's license issued by the department may have the renewed driver's license endorsed with one or more classes of vehicles based on experience in driving the classes of vehicles without undergoing an examination.

§ 3. Fines and penalties under Vehicle Code of 1959 (Expired).

1977 Expiration. Section 3 expired July 1, 1977. See Act 81 of 1976.

§ 4. Saving provision.

The provisions of Title 75 of the Pennsylvania Consolidated Statutes as added by this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty, or punish any offense, under the authority of any statute repealed by this act.

§ 5. Severability.

If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or

application, and to this end the provisions of this act are declared to be severable.

§ 6. Applicability of Statutory Construction Act.

The provisions of 1 Pa.C.S. §§ 1952 (relating to effect of separate amendments on code provisions enacted by same General Assembly) and 1974 (relating to effect of separate repeals on code provisions by same General Assembly) shall not be applicable to any provisions of Title 75 of the Pennsylvania Consolidated Statutes as added by this act or any act repealed by this act.

§ 8. Effective date.

(a) General rule.--Except as otherwise provided in this section, this act shall take effect July 1, 1977.

(b) Point system.--Sections 1535 (relating to schedule of convictions and points) through 1539 (relating to suspension of operating privilege on accumulation of points) and sections 1541 (relating to period of revocation or suspension of operating privilege) through 1545 (relating to restoration of operating privilege) of Title 75 as added by this act shall take effect immediately.

(c) Removal of vehicles.--Section 3352 of Title 75 (relating to removal of vehicle by or at direction of police) as added by this act shall take effect immediately.

(d) Tire studs.--Section 4525(c) of Title 75 (relating to tire studs) as added by this act shall take effect May 1, 1978.

(e) Sale, publication and disclosure of records.--Section 6114 of Title 75 (relating to limitation on sale, publication and disclosure of records) as added by this act shall take effect immediately.

(f) Fines and penalties under Vehicle Code of 1959.--Section 3 of this act shall take effect July 1, 1976, or immediately, whichever is later.

(g) Miscellaneous provisions.--

(1) Sections 1504(d)(6) (relating to number and description of classes) insofar as a Class 6 license is required for the operation of motorized pedalcycles, 3525(b) (relating to protective equipment for motorcycle riders) insofar as pedalcycle operators are required to wear eye protection devices and 4571(b)(2) (relating to police and fire vehicles), Chapters 13 (relating to registration of vehicles), 41 (relating to equipment standards), 43 (relating to lighting equipment) and 45 (relating to other required equipment) insofar as said chapters relate to special mobile equipment and any trailer to be used exclusively for construction operation and any incidentally operated on the highway as determined by the department, shall take effect on January 1, 1980.

(2) Section 1307(a) (relating to staggered renewal system to be established) and section 1510 (relating to issuance and content of driver's license) insofar as a color photograph is required on a driver's license, shall take effect January 1, 1980.

(3) The enforcement of Chapter 47 (relating to inspection of vehicles) insofar as the inspection of motorized pedalcycles and trailers with a gross weight of 3,000 pounds or less is required is suspended until such time as the General Assembly by law revises said provisions and repeals the suspension herein imposed.

(Apr. 6, 1979, P.L.2, No.2, eff. imd.; July 5, 1979, P.L.83, No.33, eff. imd.)

1979 Amendments. Act 2 added subsec. (g), retroactive to July 1, 1977, and Act 33 amended subsec. (g)(1), retroactive to July 1, 1977.

1982, MAY 26, P.L.435, NO.129

§ 10. Implementation of annual inspection program.

(a) Time limit for initial inspection.--All vehicles subject to annual inspection pursuant to section 4702 (relating to requirement for periodic inspection of vehicles) shall be inspected at least once in the 12 months immediately following the first day of the month following enactment.

(b) Varied inspection interval.--During the initial phase-in of the annual inspection program all vehicles shall be subject to a varied inspection interval not to exceed 15 months.

Explanatory Note. Act 129 amended or added sections 1306, 1307, 1309, 1373, 1958, 4702, 4702.1, 4703, 4726, 4727 and 4729 of Title 75.

§ 11. Promulgation of regulations on inspections.

(a) General rule.--The Department of Transportation shall promulgate regulations which will initiate the implementation of this act no later than one year after enactment.

(b) Status of existing regulations.--The regulations of the department currently in effect relating to inspections shall continue to be effective until such time as new regulations are adopted to supersede such regulations.

§ 12. Automobile emission program.

Nothing in this amendatory act shall be construed as requiring an automobile emission program.

1983, MAY 4, P.L.4, NO.3

§ 2. When vehicle emission inspection program not required.

Whenever any geographical area where periodic inspection of emissions or emission systems of motor vehicles is required under 75 Pa.C.S. § 4706 (relating to prohibition on expenditures for emission inspection program) comes into compliance with the State implementation plan under the Federal Clean Air Act, the implementation of a vehicle emission inspection program shall not be required in that geographical area, nor shall any vehicle emission inspection program as authorized under section 4706 be established or administered in any county of the fifth, sixth, seventh or eighth class or any other area for which such program is not required under the State implementation plan or revisions thereto approved by the Environmental Protection Agency under the Federal Clean Air Act.

Explanatory Note. Act 3 added sections 4706 and 4707 of Title 75.

§ 3. Creation and maintenance of monitoring program.

The Secretary of Transportation and the Secretary of Environmental Resources shall create and maintain a program for the purpose of monitoring and assessing, on behalf of the citizens of the Commonwealth, the implementation of the vehicle emission program as called for by 42 U.S.C. § 1857 et seq. and

any amendments thereto and any regulations, guidelines and court orders promulgated under the authority of this Federal act, for the purpose of determining the adequacy, effectiveness and relative accuracy of existing or proposed technologies and methodologies intended to measure or analyze air quality for the purpose of determining levels of attainment or nonattainment with the Federal law, and when appropriate, shall seek relief in part or in whole from the requirement to continue to implement vehicle emissions inspection. The Secretary of Transportation and the Secretary of Environmental Resources will report to the General Assembly on this matter at least once a year by December 15 of each year.

§ 4. Performance bond exemption for small highway construction contracts.

No bond shall be required pursuant to the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, or any other law for contracts in an amount of $25,000 or less between a prime contractor and the Department of Transportation for construction, reconstruction, alteration, repair or maintenance of highways.

§ 5. Severability.

If any provision of this amendatory act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction or disapproved by a court of the United States, such invalidity or disapproval shall not affect other provisions or applications of the act which can be given effect without the invalid or disapproved provision or application, and to this end the provisions of this act are declared to be severable.

§ 6. Repeals.

* * *

(b) Rescission of existing regulations.--Any regulations issued by the department heretofore relating to motor vehicle emission inspections which are inconsistent with the provisions of this act or any order of a court of the United States are hereby rescinded to the extent of the inconsistency.

§ 7. Effective date.

This act shall take effect immediately except that the provisions of 75 Pa.C.S. § 4706(c) (relating to certificate of emission inspection) shall take effect upon the certification of the Secretary of Transportation that the provisions of section 4706(c) have been approved or have not been disapproved by the Environmental Protection Agency of the United States or the courts of the United States, and except that the provisions of 75 Pa.C.S. § 4706(d) (relating to charge for inspection) shall take effect upon the certification of the Secretary of Transportation that the provisions of section 4706(d) have been approved or have not been disapproved by the courts of the United States.

1983, JULY 7, P.L.32, NO.19

§ 7. Expiration of amendments authorizing two trailers and long combinations.

The provisions of sections 1, 3, 4, 5 and 6 insofar as it relates to section 4923 of this amendatory act shall be effective only as long as Federal law or the Federal Highway

Administration shall require this Commonwealth to allow combinations consisting of a truck tractor and two trailers and combinations in excess of 60 feet in length to be driven on its highways. Notice of a change in the Federal mandate shall be published in the Pennsylvania Bulletin by the Secretary of Transportation and the provisions of this act shall be void 30 days thereafter.

Explanatory Note. Sections 1, 3, 4, 5 and 6, insofar as section 6 relates to section 4923, of Act 19 added or amended sections 102, 4904, 4908, 4921 and 4923 of Title 75.

§ 8. Performance bond exemption for small highway construction contracts.

No bond shall be required pursuant to the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, or any other law for contracts in an amount of $25,000 or less between a prime contractor and the Department of Transportation for construction, reconstruction, alteration, repair or maintenance of highways.

1983, NOVEMBER 1, P.L.195, NO.53

Preamble

Recognizing that child passenger restraint systems decrease injuries due to motor vehicle accidents, it is the intent of the General Assembly that use of child passenger restraint systems by Commonwealth motorists be encouraged.

Explanatory Note. Act 53 added Subchapter E of Chapter 45 of Title 75.

1984, FEBRUARY 12, P.L.26, NO.11

§ 6. References to Pennsylvania No-Fault Motor Vehicle Insurance Act.

A reference in a statute to the act of July 19, 1974 (P.L.489, No.176), known as the Pennsylvania No-fault Motor Vehicle Insurance Act, shall be deemed a reference to 75 Pa.C.S. Ch. 17 (relating to financial responsibility).

Explanatory Note. Act 11 amended sections 102, 1117(a), 1305(a), 1306, 1309 and 1373, repealed and added Chapter 17 and amended sections 3744(a), 3745 and 6308(a) of Title 75.

§ 7. Severability.

(a) General rule.--Except as provided in subsection (b), the provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

(b) Nonseverability.--The provisions of 75 Pa.C.S. Ch. 17, Subch. F (relating to Catastrophic Loss Trust Fund) are nonseverable. If any provision of that subchapter or its application to any person or circumstances is held invalid, the remaining provisions or applications of that subchapter are void.

§ 9. Applicability.

This act applies to insurance policies issued or renewed on or after the effective date of this act.

1984, FEBRUARY 12, P.L.53, NO.12

§ 8. Competitive ratemaking required (Expired).

1985 Expiration. Section 8 expired October 1, 1985. See Act 12 of 1984.

Explanatory Note. Act 12 amended or added sections 102, 1547, 1702, 1711, 1712, 1713, 1715, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1731, 1752, 1753, 1754, 1755, 1756, 1757, 1761, 1762, 1763, 1764, 1765, 1766, 1774, 1782, 1784, 1785, 1787, 1791, 1792, 1794, 1795, 1796, 1797, 1798, 2105, 3731, 3755 and 9910 of Title 75.

§ 9. Savings provision.

Notwithstanding the repeal of the act of July 19, 1974 (P.L.489, No.176), known as the Pennsylvania No-fault Motor Vehicle Insurance Act, the requirement to fund the payment of assigned claims under section 108 of that act remains unaffected.

§ 11. Applicability.

This act applies to insurance policies issued or renewed on or after the effective date of this act.

1984, JUNE 30, P.L.473, NO.99

§ 5. Status of existing rules and regulations.

All rules and regulations promulgated by the Hazardous Substance Transportation Board heretofore shall remain in full force and effect until amended or repealed by the Secretary of Transportation.

Explanatory Note. Act 99 amended or added sections 102, 3731, 4522 and 6113 and Chapter 83 of Title 75.

1987, JULY 13, P.L.303, NO.56

§ 4. Display of identification markers.

Motor carrier vehicles registered in this Commonwealth are required to display the identification marker as provided by 75 Pa.C.S. § 2102 (relating to identification markers required), but this requirement shall not be enforced until 90 days after the effective date of this act.

Explanatory Note. Act 56 amended sections 1916, 2101, 2102, 2103, 2104, 2105, 3703 and 9502, added Chapter 96 and repealed Chapter 99 of Title 75.

§ 5. Continuation of prior tax.

Except for the additional tax of 6¢ per gallon imposed under 75 Pa.C.S. § 9603 (relating to imposition of tax), the tax imposed under 75 Pa.C.S. Ch. 96 (relating to motor carriers road tax) is a continuation of the tax imposed under the act of June 19, 1964 (P.L.7, No.1), known as the Motor Carriers Road Tax Act.

§ 7. Applicability.
This act shall apply to the tax quarter beginning July 1, 1987, and all quarters thereafter.

§ 8. Retroactivity.
This act shall be retroactive to July 1, 1987, if enacted after that date.

1987, NOVEMBER 23, P.L.399, NO.82

§ 8. Compatibility with Federal safety standards.
It is the policy of this Commonwealth that enactment of the mandatory safety seat belt system usage provision contained in 75 Pa.C.S. § 4581 (relating to restraint systems) is intended to be compatible with support for Federal safety standards requiring automatic crash protection and shall not be used in any manner to rescind Federal automatic crash protection system requirements. The provisions of 75 Pa.C.S. § 4581(a)(2) shall become inoperative immediately upon the date that the Secretary of the United States Department of Transportation, or his or her delegate, determines to rescind the portion of the Federal Motor Vehicle Safety Standard 208 (49 C.F.R. § 571.208), which requires the installation of automatic restraints in new private passenger motor vehicles; provided, however, that section 4581(a)(2) shall not become inoperative if the secretary's decision to rescind Standard 208 is not based in any respect on the enactment or continued operation of section 4581(a)(2).

Explanatory Note. Act 82 amended or added sections 102, 1344, 1543, 1548, 1549, 4303, 4581, 4586 and 4924 of Title 75.

§ 9. Seat belt educational program.
The department shall initiate an educational program to begin immediately, to alert the public to the provisions of this act and the requirements and penalties specified in this act. The program shall also encourage the use of safety seat belt systems as a means of reducing the risk of harm to their users as well as to others. The department shall submit to the General Assembly a report on the effects of 75 Pa.C.S. § 4581(a)(2) (relating to restraint systems) by August 31, 1989.

§ 10. Seat belt oral hazard warnings.
For a period of 120 days after enactment, oral hazard warnings shall be given by the Pennsylvania State Police or local enforcement officers to motor vehicle drivers and front seat passengers who are not wearing safety seat belts as required by 75 Pa.C.S. § 4581 (relating to restraint systems), but no citation shall be issued for such violation during said 120-day period.

1989, JULY 1, P.L.115, NO.24

§ 5. Transfer of Catastrophic Loss Trust Fund moneys.
All funds in the Catastrophic Loss Trust Fund repealed by the act of December 12, 1988 (P.L.1120, No.144), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, abolishing the Catastrophic Loss Trust Fund," are hereby transferred to the Catastrophic Loss Benefits Continuation Fund created by this act.

Explanatory Note. Act 24 amended or added sections 1798.2, 1798.4, 1945, 4962 and 6506 of Title 75.

§ 6. Certification by Insurance Commissioner.

When the amount of money in the Catastrophic Loss Benefits Continuation Fund is sufficient to cover the unfunded liability of the Catastrophic Loss Trust Fund existing on December 31, 1991, the Insurance Commissioner shall certify that fact and publish the certification in the Pennsylvania Bulletin.

§ 7. Reports to General Assembly.

The Insurance Commissioner shall submit to the General Assembly, by January 31 of each year, a report on the status of the Catastrophic Loss Benefits Continuation Fund and the unfunded liability of the Catastrophic Loss Trust Fund.

1990, FEBRUARY 7, P.L.11, NO.6

§ 28. Promulgation of regulations.

The Insurance Department and the Department of Transportation shall promulgate regulations to the extent necessary to carry out the provisions of this act.

Explanatory Note. Act 6 amended, added or repealed sections 911 and 4117 of Title 18; sections 8355 and Subchapter G of Chapter 83 of Title 42; and sections 1305, 1306, 1318, 1376 and 1540, 1702, 1705, 1711, 1712, 1715, 1718, 1720, 1722, 1731, 1732, 1733, 1734, 1737, 1738, 1742, 1753, 1781, 1782, 1786, 1791, 1791.1, 1792, 1797, 1799, 1799.1, 1799.2, 1799.3, 1799.4, 1799.5, 1799.6 and 1799.7, Chapter 18, section 1960, Chapter 20 and sections 3731.1, 4703, 4727, 6104 and 6308.1 of Title 75.

§ 29. Insurance policy requirements in cities of first class.

The Joint State Government Commission shall, in relation to motorists in cities of the first class, make a study to assess the feasibility and impact of mandating that, upon application for or renewal of an operator's license, a driver remit moneys for the purchase of a basic automobile insurance policy. This policy would provide minimum levels of mandated coverages for bodily injury and property damage liability and for medical benefits. The assessment shall also include an analysis of the administrative cost and premium cost to the individual.

§ 30. Single carrier vehicle insurance program in cities of first class.

(a) Study.--The Insurance Department shall commence a study of the use of a single carrier for private passenger motor vehicle insurance in cities of the first class. The term "single carrier" includes a private insurance company or a public authority or agency specifically created for the implementation of this section. Upon completion, the study shall be delivered to the Majority and Minority Leaders of the Senate and the House of Representatives. The study shall include, at a minimum, the following components:

(1) An assessment of the number of uninsured vehicles in cities of the first class.

(2) An assessment of the number of insured vehicles in cities of the first class.

(3) An analysis of sources of private passenger motor vehicle insurance, by company, for vehicles in cities of the

first class. The analysis shall include a determination of the number of vehicles insured in cities of the first class in both the voluntary market and the Assigned Risk Plan by each insurance carrier licensed to provide private passenger motor vehicle insurance in this Commonwealth.

(4) An analysis of the costs to motorists to insure a vehicle in cities of the first class in the voluntary market and through the Assigned Risk Plan.

(5) An assessment of the impact of "take-out" provisions on the voluntary market place in cities of the first class.

(6) A determination as to the number of lawsuits filed for bodily injury claims; the amount and type of damages requested in such lawsuits; the percentage of claims settled before court and the amount of settlement; the percentage of lawsuits decided by the court and the amount of damages awarded; and the fees charged by lawyers for representing claims.

(7) An assessment of the frequency, type and amount of physical damage claims and first party medical payments.

(8) A determination as to whether the use of a single carrier in cities of the first class would have a positive financial impact on all motorists in such cities and in this Commonwealth. Such determination shall include an analysis of the use of a public authority or agency as the single carrier and of its potential for providing lower rates when compared to use of a private insurance company as a single carrier. In addition, the determination shall include an analysis of the single carrier program when voluntary participation in the program is permitted in comparison to the benefits of mandatory participation.

(9) A legal opinion as to whether the use of a single carrier in cities of the first class is permissible under the Constitution and laws of the Commonwealth.

(b) Cooperation by insurance companies.--Insurance companies licensed in this Commonwealth to write policies of private passenger motor vehicle insurance coverage shall cooperate with the Insurance Department study as described in subsection (a). Cooperation shall include, but not be limited to, the provision of information by insurance companies within reasonable time frames as requested by the department, if the information is available, to be used to address the various components of the study described in subsection (a). Such information may be used by the department only for purposes of this study.

(c) Recommendations and implementation.--If the Insurance Commissioner concludes after the completion of the study that a single carrier in cities of the first class will improve the availability and affordability of private passenger motor vehicle insurance in such cities and in this Commonwealth, the Insurance Department may recommend implementing legislation to the General Assembly. If the General Assembly enacts legislation to implement a Single Carrier Insurance Program, the department shall publish a request for proposals to operate the program. The request for proposal process shall include a procedure for the prequalification of bidders based on financial ability to administer the program. Any contract signed by the department must include the following provisions:

(1) Participation in the program is voluntary by motorists living in cities of the first class unless legislation has been enacted subsequent to this act specifically providing for mandatory participation.

(2) All drivers, except those determined to be ineligible as defined in subsection (d), shall be afforded

the opportunity to purchase private passenger motor vehicle insurance coverage through the program.

(3) Preferred provider arrangements or a fee schedule may be developed in the program with service providers for medical benefits; such arrangements shall be accessible to the insureds.

(4) For physical damage repair or replacement, the program may provide for a fee schedule or other method to contain costs, as well as a minimum deductible higher than that provided for in 75 Pa.C.S. Ch. 17 (relating to financial responsibility), but in no case may the minimum deductible be greater than $1,000.

(5) Antifraud mechanisms may be established, including the inspection of physical damage claims, investigation of suspicious claims and case management for selected medical services.

(6) A cancellation clause permitting the single carrier to cancel the contract should enrollment in the program be inadequate.

(7) Rates charged in the program shall be lower than rates available in the voluntary market and shall be included in the contract and shall be valid for a period of not less than two years. Rate increases after this period shall be subject to approval as provided in the act of June 11, 1947 (P.L.538, No.246), known as The Casualty and Surety Rate Regulatory Act.

(d) Definition of "ineligible driver".--For purposes of subsection (c), the term "ineligible driver" shall mean a person who meets at least one of the following criteria:

(1) The person has, within five years of the date of application for insurance, been convicted of a violation of:

(i) 75 Pa.C.S. § 3731 (relating to driving under the influence of alcohol or a controlled substance);

(ii) 18 Pa.C.S. § 4117 (relating to motor vehicle insurance fraud); or

(iii) any felony involving the use of a motor vehicle.

(2) The person has previously been insured under a motor vehicle insurance policy and has made more than one claim under an insurance policy, within 36 months of the date of application for insurance under this section, arising out of an accident where the insured was found to be substantially at fault, that is, more than 50%, and where a payment was made by the insurer that exceeded 50% of the annual premium for the policy of insurance.

(3) The person's operating privilege has been suspended or revoked within the preceding 36-month period.

(4) The person's driving record shows six or more points assessed under 75 Pa.C.S. § 1535 (relating to schedule of convictions and points) for violations that occurred within 36 months of the date of application for insurance under this section.

(e) Protection of insureds.--Insureds covered by the single carrier shall be afforded all protections relating to policy cancellations, nonrenewals and refusals to write, as provided by law.

1990, MARCH 13, P.L.69, NO.14

§ 6. Construction of act.

This act shall be construed in pari materia with the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, the act of July 13, 1988 (P.L.525, No.93), referred to as the Infectious and Chemotherapeutic Waste Law, and the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act. Nothing in this act shall be construed to repeal the provisions of those acts or the regulations promulgated thereunder.

Explanatory Note. Act 14 amended or added sections 102, 4552, 4571, 4903 and 4909 of Title 75.

1990, MAY 30, P.L.173, NO.42

§ 20. Transition to commercial drivers' licenses.

(a) Redesignation of Class 2, 3 or 4 drivers' licenses.--For purposes of 75 Pa.C.S. § 1606(a) (relating to requirement for commercial driver's license), a driver with a valid driver's license endorsed with Class 2, 3 or 4 shall be considered a commercial driver until such time as established by regulation.

(b) Class 2, 3 or 4 learner's permit examinations.--The Department of Transportation shall require applicants with valid Class 2, 3 or 4 learners' permits issued prior to the effective date of this act to take the examinations required by this act.

(c) Class 2, 3 or 4 licenses expiring before April 1, 1992.--The department shall send to a driver holding a valid Class 2, 3 or 4 license issued by the department which expires before April 1, 1992, an application for a commercial driver's license with his license renewal so that he may obtain a commercial driver's license under this act upon successfully meeting the requirements of 75 Pa.C.S. § 1607 (relating to commercial driver's license qualification standards) and payment of the required fees. A driver with a valid Class 3 license issued by the department shall be eligible to make application for a Class A, B or C commercial driver's license. Except as provided elsewhere in this section, a driver with a valid Class 2 or 4 license issued by the department shall be eligible to make application for a Class B or C commercial driver's license. If a driver has not passed the commercial driver's license test by the date established by the department, his Class 2, 3 or 4 license shall be valid only as a Class C noncommercial license as defined in 75 Pa.C.S. § 1504(d)(3) (relating to classes of licenses).

(d) Class 2, 3 or 4 licenses expiring after April 1, 1992.--The department shall send to a driver holding a valid Class 2, 3 or 4 driver's license issued by the department which expires after April 1, 1992, an application for a commercial driver's license which shall indicate that his Class 2, 3 or 4 license shall expire on a date established by the department. A driver with a valid Class 3 license issued by the department shall be eligible to make application for a Class A, B or C commercial driver's license. A driver with a valid Class 2 or 4 license issued by the department shall be eligible to make application for a Class B or C commercial driver's license. Except as provided elsewhere in this section, if a driver has not passed the commercial driver's license test by the date established by the department, his Class 2, 3 or 4 license shall be valid only as a Class C noncommercial license as defined in 75 Pa.C.S. § 1504(d)(3). Upon meeting the requirements of 75

Pa.C.S. § 1607 and payment of the appropriate fees, the driver shall be issued a commercial driver's license.

(e) Failure to pass driving skills test.--A driver with a valid Class 2, 3 or 4 license issued by the department, who fails three times, or does not pass by the date established by the department, the driving skills tests required for a commercial driver's license under 75 Pa.C.S. § 1607, must make an application for a commercial learner's permit in order to obtain a commercial driver's license; and the Class 2, 3 or 4 license shall be valid only as a Class C noncommercial license as defined in 75 Pa.C.S. § 1504(d)(3).

(f) Failure to pass knowledge test.--A driver with a valid Class 2, 3 or 4 license issued by the department who is not required by the department to take, or passes by the date established by the department, the driving skills test required for a commercial driver's license under 75 Pa.C.S. § 1607 and who has taken the knowledge tests under 75 Pa.C.S. § 1607 three times but for the third time fails to pass the knowledge tests by the date established by the department shall be permitted to extend the opportunity to take the commercial driver's license knowledge tests for additional testing periods of 120 days or until March 31, 1992, whichever occurs first, upon payment of a $15 test extension fee for each additional extension. The driver's Class 2, 3 or 4 license shall remain valid for the test-extension period. If the driver fails to request an extension under this subsection or fails to pass the knowledge test by March 31, 1992, the Class 2, 3 or 4 license shall be valid only as a Class C noncommercial license as defined in 75 Pa.C.S. § 1504(d)(3).

(g) Redesignation of Class 1 drivers' licenses.--A driver holding a valid Class 1 driver's license issued by the department which expires after November 1, 1990, shall be considered to be a Class C noncommercial driver until expiration of the license.

(h) Redesignation of Class 5 and 6 drivers' licenses.--A driver holding a valid Class 5 or 6 driver's license issued by the department which expires after November 1, 1990, shall be considered to be a Class M driver until the expiration of the license.

(i) Waiver of school bus driver recertification test.--The department shall waive the school bus driver recertification driving test required by department regulations until December 31, 1992.

(j) Expiration of limitation to one knowledge test.--The limitation to one knowledge test for each class and for each endorsement for driving a commercial motor vehicle, contained in section 8 (section 1607(a)(1)) shall expire on April 1, 1992.

Explanatory Note. Act 42 added, amended or repealed sections 102, 1103, 1340, 1501, 1502, 1504, 1509, 1510, 1511, 1532, 1535, 1540, 1547, 1550, 1553, 1571, 1573 and 1575, Chapter 16 and sections 1917, 1925.1, 2102, 2103, 3714, 3716, 3731, 3731.1, 3736, 6146, 6323 and 6501 of Title 75.

§ 21. Refusal to operate unsafe commercial motor vehicles (Repealed).

1990 Repeal. Section 21 was repealed July 10, 1990, P.L.356, No.83, effective in 60 days.

§ 5. Continuation of existing emission inspection programs.

Until implementation of an enhanced emission inspection program under 75 Pa.C.S. § 4706(b.1), the Department of Transportation may continue to utilize any emission inspection program developed under 75 Pa.C.S. § 4706(b).

Explanatory Note. Act 166 amended or added sections 1306, 4102, 4531, 4702, 4704, 4706, 4709, 4710, 6116 and 6311 and Chapter 72 of Title 75.

§ 6. Enhanced emission inspections (Repealed).

1994 Repeal. Section 6 was repealed February 10, 1994, P.L.10, No.2, effective immediately.

§ 7. "Cash for Clunkers" program (Repealed).

1995 Repeal. Section 7 was repealed December 20, 1995, P.L.669, No.75, effective in 120 days.

§ 8. Decentralized vehicle and driver license transaction services.

(a) Initial responsibilities of department.--The Department of Transportation shall:

(1) Within 18 months of enactment of this act, investigate the methods by which other states provide decentralized vehicle and driver license transaction services.

(2) Within 18 months of enactment of this act, investigate opportunities available to provide decentralized motor vehicle and driver license transaction services through private entities.

(3) Within 18 months of enactment of this act, investigate available technological means by which citizens may routinely obtain motor vehicle and driver license transaction services through self-service terminals, direct or indirect telephone linkage to departmental computers or similar systems.

(4) (Repealed).

(5) (Repealed).

(b) Electronic transactions.--In pursuing the directives of subsection (a), the department is authorized to do the following:

(1) (Repealed).

(2) Conduct transactions by electronic means through real time access if the department determines that electronic transactions will improve service to the public without adversely affecting the security and accuracy of departmental records.

(3) Implement procedures to certify the accuracy of electronic transactions.

(c) Certification.--Notwithstanding any other provision of law, a written or printed report of an electronic transaction permitted under this section if certified as true and correct by the department may serve as evidence of any signature, acknowledgment or information which was provided to the department by electronic means, and such certification shall be admissible in any legal proceeding as evidence of the facts stated within the certification.

(d) Expansion of pilot program.--After submitting the written report to the Transportation Committee of the Senate

and the Transportation Committee of the House of Representatives as required under subsection (a)(5), the department shall be authorized to and may take the necessary steps to expand the pilot program required under subsection (a)(4) on a permanent Statewide basis, unless otherwise directed to terminate the program through a concurrent resolution enacted by the General Assembly.

(e) Nonseverability.--If subsection (c) or its application to any person or circumstance is held invalid, the remaining provisions or applications of this section are void.
(Dec. 7, 1994, P.L.820, No.115, eff. imd.; July 11, 1996, P.L.660, No.115, eff. 60 days)

1996 Repeal. Act 115 repealed subsec. (a)(4).
1994 Repeal. Act 115 repealed subsecs. (a)(5) and (b)(1).

§ 9. Effective date.

This act shall take effect as follows:

(1) The amendment or addition of 75 Pa.C.S. §§ 4706(b.1) and (e), 4710 and 6116 and section 8 of this act shall take effect immediately.

(2) The addition of 75 Pa.C.S. Ch. 72 shall take effect July 1, 1993.

(3) The remainder of this act shall take effect 60 days after the Department of Transportation certifies by notice in the Pennsylvania Bulletin that an enhanced emission inspection program will commence.

1994 Partial Repeal. Section 10 of Act 2 of 1994 provided that par. (3) is repealed insofar as it is inconsistent with the effective date of the reenactment of 75 Pa.C.S. § 4704(e) under Act 2.

1993, JUNE 28, P.L.137, NO.33

§ 8. Savings provision.

The provisions of 75 Pa.C.S. §§ 1532(c) and 1550(d) and the repeal of the provisions of section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, by this act shall not affect any act done, liability incurred or right accrued or vested or affect any suit or prosecution pending or be instituted to enforce any right or penalty or to punish any offense under the authority of any statute repealed by this act.

Explanatory Note. Act 33 amended or added sections 102, 1374, 1377, 1510, 1532, 1550, 1798.4, 1902, 4726, 6323, 7714 and 7715 of Title 75.

1993, JULY 2, P.L.408, NO.58

§ 10. Use of Motor License Fund appropriations.

Of those total funds appropriated to the Department of Transportation from Motor License Fund appropriations by section 901 of the act of May 28, 1993 (P.L.589, No.1A), known as the General Appropriation Act of 1993, for the administration and operation of the highway and safety improvement and maintenance programs for State roads, bridges, tunnels and structures, at least $3,000,000 shall be used for the installation of raised reflective markers between lanes of traffic on interstate

highways and State highways at locations determined by the Department of Transportation. The $15,000,000 earmarked for survey and upgrade of signing may be drawn from both the highway and safety improvement and the maintenance appropriations.

Explanatory Note. Act 58 amended sections 102, 1115, 1532, 1550, 1786, 3701.1, 4726, 4921, 6125, 6126, 6323, 7714, 7715, 7752 and 9511 of Title 75 and added Chapter 83 of Title 74.

§ 12. Savings provision.

The provisions of 75 Pa.C.S. §§ 1532(c) and 1550(d) and the repeal of the provisions of section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, by the act shall not affect any act done, liability incurred or right accrued or vested or affect any suit or prosecution pending or be instituted to enforce any right or penalty or to punish any offense under the authority of any statute repealed by this act.

1994, FEBRUARY 10, P.L.10, NO.2

§ 9. Schedule for emission testing.

For the last year of emission testing in those areas previously designated by the Department of Transportation as requiring emission inspection, the department shall permit one-half of all subject vehicles required to undergo the emission inspection to receive an emission certificate that will expire in a period not to exceed 27 months. Those vehicles selected for a biennial inspection shall be required to undergo a complete enhanced emission inspection before the expiration of the biennial certificate of inspection as provided under this act. The remaining subject vehicles shall undergo a complete basic emission inspection for the last year of the current emission inspection program and, in accordance with the provisions of this act, shall undergo an enhanced emission inspection thereafter. In those areas not previously designated by the department as requiring emission inspection, the department shall require one-half of all subject vehicles to undergo a complete enhanced emission inspection as provided under this act. The remaining subject vehicles shall undergo a complete enhanced emission inspection the following year in accordance with the provisions of this act.

Explanatory Note. Act 2 amended or reenacted sections 102, 1115, 1337, 1786, 4704, 4706, 4904, 4908, 4921, 4923, 4961 and 4981 of Title 75.

§ 11. Waiver of school bus driver recertification driving test.

The Department of Transportation shall waive the school bus driver recertification driving test required by department regulations until November 30, 1994.

1994, FEBRUARY 10, P.L.20, NO.3

§ 8. Savings provision.

The provisions of 75 Pa.C.S. §§ 1532(c) and 1550(d) and the repeal of the provisions of section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, by this act shall not affect any act done, liability incurred or right accrued or vested or

affect any suit or prosecution pending or be instituted to enforce any right or penalty or to punish any offense under the authority of any statute repealed by this act.

Explanatory Note. Act 3 amended, added or repealed sections 1311, 1312 and 1313 and Chapters 15 and 17 of Title 74 and sections 1532, 1550, 6323 and 9511 of Title 75.

1994, DECEMBER 7, P.L.820, NO.115

§ 12. Contracts with private entities.

In pursuing the directives of section 8(a) of the act of December 16, 1992 (P.L.1250, No.166), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the implementation and administration of an enhanced vehicle emission inspection program; further providing for administrative duties of the Department of Transportation for certain services and the Department of Environmental Resources; providing for an alternative fuels grant program; establishing the Alternative Fuels Incentive Grant Fund; and making an appropriation," the Department of Transportation is authorized to contract with private entities for the purpose of development, administration and operation of a system which will permit electronic transactions, payment by credit or debit card and electronic funds transfer. Contracted private entities shall be permitted to charge a reasonable fee to customers for providing these services. A third party operating a secured-host computer system interfacing with the computer system of the Department of Transportation must be bonded in an amount specified by the Department of Transportation and shall maintain transaction audit trails for a period of time specified by the Department of Transportation. The Department of Transportation shall provide a written report of its activities relating to decentralized motor vehicle and driver's license transaction services to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives by January 10, 1995.

Explanatory Note. Act 115 amended or added sections 102, 1103.1, 1302, 1335, 1336, 1352, 1376, 1510, 1533, 1535, 1541, 1542, 1553, 1786, 1924, 1944, 1951, 1955, 1961, 4702, 4703, 4901, 4907, 4921, 4962, 4973, 6117 and 7134 of Title 75.

1994, DECEMBER 12, P.L.1048, NO.143

§ 4. Habitual offenders.

(a) Designation under section 1501 or 1543.--For drivers who were designated as habitual offenders prior to the effective date of this amendatory act solely as a result of convictions of 75 Pa.C.S. § 1501 or 1543 and for whom departmental records show that the suspensions for convictions of 75 Pa.C.S. § 1543 occurred only as a result of a suspension imposed under the authority of 75 Pa.C.S. § 1533, 1538(a) or (b) or 6146, the Department of Transportation may remove these drivers from habitual offender status and require only that they complete the other sanctions associated with the 75 Pa.C.S. § 1543 convictions. Such persons may petition the department for removal from habitual offender status and, if they are eligible for removal, shall no longer be designated as habitual offenders.

(b) Other designations.--For drivers who were designated as habitual offenders prior to the effective date of this amendatory act and who would no longer be designated as habitual offenders under the provisions of this act, the department may remove these drivers from habitual offender status and require only that they complete the other sanctions associated with those convictions. Such persons may petition the department for removal from habitual offender status and, if they are eligible for removal, shall no longer be designated as habitual offenders.

Explanatory Note. Act 143 amended or added sections 1532, 1541, 1542, 1543, 1553 and 1554 of Title 75.

1994, DECEMBER 27, P.L.1337, NO.154

§ 5. Appropriation of fines.

The first $200,000 of the fines collected under 75 Pa.C.S. § 3733 which are not the subject of distribution to municipalities under 42 Pa.C.S. § 3571(b)(2) or (3) are hereby appropriated from the Motor License Fund to the Pennsylvania State Police for the implementation of 75 Pa.C.S. § 6343.

Explanatory Note. Act 154 amended or added sections 3571, 3572, 3573 and 6801 of Title 42 and sections 1508, 1532 and 3733 and Subchapter C of Chapter 63 of Title 75.

§ 6. Effective date.

This act shall take effect as follows:

* * *

(2) The amendment of 75 Pa.C.S. § 1508(d) shall take effect upon the date of notice published in the Pennsylvania Bulletin by the Department of Transportation that the Pennsylvania Driver's Manual has been reprinted for distribution to the general public. If this notice is not published on or before the date occurring one year from the date of final enactment of this act, section 1508(d) shall take effect one year from the date of final enactment of this act.

* * *

1995, JUNE 13, P.L.57, NO.9

§ 4. Report on effect of increased speed limit.

The designation of a speed limit in excess of 55 miles per hour authorized upon any interstate highway or turnpike shall require the Department of Transportation and the Pennsylvania Turnpike Commission to issue a report to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives on the effect of the increased speed limit. The report shall be submitted within a reasonable time after the increased speed limit has been in effect for at least one year.

Explanatory Note. Act 9 amended sections 102, 3362, 3363 and 6110 of Title 75.

1995, JULY 6, P.L.246, NO.30

§ 5. Equipment standards and inspection criteria.

The Department of Transportation may establish the equipment standards and inspection criteria required for applicable farm vehicles with a gross weight or gross vehicle weight rating of greater than 17,000 pounds for which a Type I biennial certificate of exemption has been issued by publishing a notice in the Pennsylvania Bulletin until the regulations governing these equipment standards and inspection criteria are promulgated by the Department of Transportation.

Explanatory Note. Act 30 amended sections 102, 1302, 1336.1, 1338, 1540, 1731, 1924, 4702 and 4703 of Title 75.

1996, JULY 11, P.L.660, NO.115

§ 25. Pilot programs for decentralized services for motor vehicle and driver license transactions.

The Department of Transportation shall install at least three pilot programs of private sector, decentralized services for motor vehicle and driver license transactions, including, but not limited to, at least three vehicle dealerships, decentralized agents or other private business entities who, notwithstanding any other provision of 75 Pa.C.S. or departmental regulations, shall be temporarily authorized to obtain real time or on-line access to the department's data bases to read motor vehicle records and information and driver license records after first obtaining the written consent of the person who is the subject of the record as provided under 75 Pa.C.S. § 6114. Computerized and electronically recorded data may be submitted to the department for the purpose of updating records. The department shall permit temporarily authorized dealerships, decentralized agents or business entities to issue accountable documents which, as determined by the department, may include certificates of title, certificates of salvage, registration plates, cards and stickers and driver licenses. The temporarily authorized dealerships, decentralized agents or private business entities shall not have been previously sanctioned by the department for violations of 75 Pa.C.S. or departmental regulations within the past three years. Temporarily authorized dealerships, decentralized agents or private business entities shall be permitted to charge a reasonable fee to customers for providing these services.

Explanatory Note. Act 115 amended section 8301 of Title 74 and amended or added sections 102, 1119, 1307, 1310, 1318, 1359, 1374, 1547, 1607, 1786, 1943, 2105, 3718, 3731, 3735, 3742.1, 4702, 4727, 4903, 4921, 4962, 4974, 4977, 7301, 7730 and 7752 of Title 75.

§ 27. Repeal of Pa. Code provisions.

The provisions of 67 Pa. Code §§ 75.25, 75.26, 75.27 and 75.28 are repealed upon the publication of testing procedures as set forth in 75 Pa.C.S. § 1607(a) in the Pennsylvania Bulletin.

1997, APRIL 17, P.L.6, NO.3

§ 20. Additional revenue from fee increases.

The additional revenue derived from increases in fees specified under 75 Pa.C.S. §§ 1912, 1913, 1914, 1915, 1916,

1917, 1921, 1922, 1923, 1924, 1925, 1926, 1926.1, 1927, 1929, 1932, 1933 and 1952 shall be deposited in the Motor License Fund and is hereby appropriated for the use of the Department of Transportation for new highway capital projects. Of this amount $28,000,000 of the proceeds deposited in the Motor License Fund pursuant to this section is hereby appropriated to the Pennsylvania Turnpike Commission annually, to be distributed in the monthly amount of $2,333,333.33, for toll roads designated under the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act. This section shall operate as a pledge, by the Commonwealth to an individual or entity that acquires a bond issued by the commission, to:

(1) secure the portion of the money described in this section and distributed under this section; and

(2) not limit or alter the rights vested in the commission to the appropriation and distribution of the money set forth in this section.

Explanatory Note. Act 3 amended, added or repealed sections 1303, 1310, 1310.1, 1311 and 1315 of Title 74 and sections 1307, 1318, 1912, 1913, 1914, 1915, 1916, 1917, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1926.1, 1927, 1929, 1932, 1933, 1952, 4702, 4904, 4908, 4921 and 4923, Chapter 90 and sections 9101, 9102, 9104, 9106, 9401, 9402, 9403, 9404, 9405, 9501, 9502, 9503, 9504, 9505, 9506, 9507, 9508, 9509, 9510, 9511.1, 9602, 9603 and 9606 of Title 75.

§ 21. Legislative intent.

(a) Liquid fuels tax collection points.--It is the intent of this act to move the collection point of both the fuel use tax and oil company franchise tax to the distributor level currently used for the collection of liquid fuels tax. It is also the intent of this act that no fuels or liquid fuels will be subject to double taxation as a result of the movement of the point of collection. The Department of Revenue is authorized to take reasonable and necessary steps to prevent such double taxation.

(b) Codification of The Liquid Fuels Tax Act and the Fuel Use Tax Act.--The addition of 75 Pa.C.S. Ch. 90 is a codification of the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, and the act of January 14, 1952 (1951 P.L.1965, No.550), known as the Fuel Use Tax Act, and is intended as a continuation of those acts.

(c) Liability of dealer-users.--Notwithstanding the repeal of the Fuel Use Tax Act and the movement of the point of taxation for fuels to the distributor level, it is the intent of this act that dealer-users shall, after the effective date of the change in the point of taxation, remain liable for and continue to report and pay the fuel use tax on the use of any fuels upon which the tax imposed by 75 Pa.C.S. § 9004 has not been previously imposed and paid. The department is authorized to prescribe by published notice reasonable measures for such reporting and payment.

(d) Computation of "cents-per-gallon equivalent basis".--For purposes of the "cents-per-gallon equivalent basis" computation provided in 75 Pa.C.S. §§ 9002 and 9004 for the period from the effective date of such provisions to the following January 1, the department shall employ an average wholesale price of 90¢, and no determination or notice of that price is required.

1999, JUNE 25, P.L.164, NO.23

§ 14. Task force on driver's education programs (Expired).

2000 Expiration. Section 14 expired June 25, 2000. See Act 23 of 1999.

Explanatory Note. Act 23 amended or added sections 1503, 1504, 1505, 1532, 1533, 1538, 1548, 1550, 1943, 3313, 4581, 4962, 4968, 4977, 4979.3, 4979.4, 6114 and 8914.1 of Title 75.

§ 15. Joint study on registration validation stickers.

The Pennsylvania State Police and the Department of Transportation shall jointly study the issue of the problems involving registration validation stickers and present a report with findings and recommendations to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives no later than September 1, 1999.

2002, OCTOBER 2, P.L.801, NO.114

§ 2. Petition for removal of suspensions or revocations.

Drivers whose operating privileges were suspended or revoked prior to the effective date of this section may petition the Department of Transportation to remove from the record the suspensions which had previously been imposed for violations of 75 Pa.C.S. §§ 7102(b) and 7103(b). Upon receipt of the petition, the department shall examine the driving record of the petitioner and shall remove from the record suspensions or revocations caused by convictions of violations of 75 Pa.C.S. § 7102(b) or 7103(b). If there are other offenses on the record, if the driver is entitled to credit, credit shall be given for the other offenses for the periods of times where the driver's operating privileges were suspended or revoked for violations of 75 Pa.C.S. §§ 7102(b) and 7103(b). If the driver was properly serving the suspension, then the driver is entitled to credit. If, after recalculating the record, the driver is eligible for restoration of privileges, the department shall so inform the driver and permit the driver's operating privileges to be restored so long as the driver meets all the other requirements for restoration.

Explanatory Note. Act 114 amended sections 1532, 1571 and 7904 of Title 75.

2002, OCTOBER 4, P.L.845, NO.123

§ 11. Petition for removal of suspensions or revocations.

Drivers whose operating privileges were suspended or revoked prior to the effective date of this section may petition the Department of Transportation to remove from the record the suspensions which had previously been imposed for violations of 75 Pa.C.S. §§ 7102(b) and 7103(b). Upon receipt of the petition, the department shall examine the driving record of the petitioner and shall remove from the record suspensions or revocations caused by convictions of violations of 75 Pa.C.S. § 7102(b) or 7103(b). If there are other offenses on the record, if the driver is entitled to credit, credit shall be given for the other offenses for the periods of times where the driver's operating privileges were suspended or revoked for violations of 75 Pa.C.S. §§ 7102(b) and 7103(b). If the driver was properly

serving the suspension, then the driver is entitled to credit. If, after recalculating the record, the driver is eligible for restoration of privileges, the department shall so inform the driver and permit the driver's operating privileges to be restored so long as the driver meets all the other requirements for restoration.

Explanatory Note. Act 123 amended or added sections 102, 1532, 1541, 1543, 1547, 1553, 1554, 1612, 1712, 3116, 3345, 3354, 3549, 3552, 3731, 4908.1, 4923, 4977, 6114, 6309, 6309.1, 6309.2, 6310 and 6503 of Title 75.

2002, DECEMBER 9, P.L.1278, NO.152

§ 24. Waiver of hour requirements for official inspection stations.

Pending promulgations of the regulations required by 75 Pa.C.S. § 4722, the Department of Transportation is authorized to issue and revoke waivers of the hour requirements for official inspection stations as follows:

(1) A request for a waiver of business hours shall be submitted to the Bureau of Motor Vehicles of the Department of Transportation on a form provided by the department. The form shall require the following information:

(i) All relevant station and ownership information.

(ii) The reason for the request.

(iii) A listing of requested days/hours of operation. An inspection station shall be open a minimum of 20 hours per week, and a minimum of ten of those hours shall be during Monday through Friday between 7 a.m. and 8 p.m.

(iv) A detailed explanation of security measures relating to inspection stickers and inspection records which will be in place during the requested hours of operation.

(v) An estimate of the number and type of inspections to be performed.

(vi) If applicable, a copy of any contract or arrangement made with other business concerns for which inspections will be performed documenting the need for the waiver of hours.

(vii) Any other documentation or information requested by the department.

(2) A waiver of hours may be denied or revoked for any of the following reasons:

(i) If a violation of the inspection regulations was committed by the inspection station owner, manager, certified inspector or other employee at the station within three years immediately preceding a request for waiver of hours.

(ii) If the station owner, manager, a certified inspector or other employee at an inspection station that has been granted a waiver of hours commits a violation of the inspection regulations after the waiver has been granted.

(iii) If any station personnel currently employed or hired have been or are currently suspended for inspection violations.

(iv) If the department or its designee is unable on two attempts on two different business days to perform

any official visit, including a periodic records audit, during the hours specified in the approved waiver.

(v) If a station fails to be in operation during the hours specified in the waiver.

(vi) If a station fails to comply with any of the provisions of this section.

Explanatory Note. Act 152 amended, added, deleted or repealed sections 102, 1103.1, 1106, 1109, 1117, 1118 and 1119, Subchapter D of Chapter 11, sections 1301, 1377, 1503, 1506, 1510, 1514, 1515, 1607, 1610, 1611, 1612, 1617, 1786, 1943, 1951, 3116, 3352, 3353, 3511, 3524, 3526, 3712, 3712.1, 3712.2, 3731, 4302, 4533, 4706, 4722, 4729, 4901, 4949, 4961, 4979.2, 7301, 7302, 7303.1, 7304, 7305, 7306, 7308, 7309, 7310, 7311, 7311.1, 7311.2, 7312, 7501, 7502, 7502.1, 7503, 7503.1, 7504, 7504.1, 7505, 7506, 7507, 7508 and 7509 of Title 75.

2003, SEPTEMBER 30, P.L.120, NO.24

§ 18. Applicability of sections 3814 and 3815.

The addition of 75 Pa.C.S. §§ 3814 and 3815 shall apply as follows:

(1) Except as set forth in paragraph (2) or (3), after June 30, 2009, for an offender sentenced under this chapter.

(2) On and after the effective date of this section for an offender sentenced for a misdemeanor of the first degree.

(3) After June 30, 2006, for an offender sentenced pursuant to section 3804(a)(3), (b)(2) and (c)(1).

Explanatory Note. Act 24 amended, added or repealed sections 6105, 7508.1, 7513 and 7514 of Title 18; sections 933, 1515, 1725.3, 3571 and 3573, Chapter 70 and 7002, 7003, 9763 and 9804 of Title 42; sections 1516, 1532, 1534, 1539, 1541, 1542, 1543, 1545, 1547, 1548, 1549, 1552, 1553, 1554, 1575, 1586, 1611, 3101, 3326, 3327, 3716, 3731, 3732, 3735, 3735.1 and 3755, Chapter 38 and sections 6308 and 6506 of Title 75.

§ 19. Initial contracts by department.

Notwithstanding any other provision of law to the contrary and in order to facilitate the prompt implementation of this act, initial contracts entered into by the Department of Transportation necessary to carry out any of the provisions of this act, including the procurement of any necessary computer hardware, software, licenses or related services, shall not be subject to the provisions of 62 Pa.C.S. The department shall solicit multiple bids and shall provide written justification for the selection of successful vendors. Contracts made pursuant to the provisions of this section shall not exceed two years.

§ 20. Duties of department.

The Department of Transportation has the following duties:

(1) In order to implement the amendment or addition of 75 Pa.C.S. §§ 1553(b)(1), (c), (d)(6), (8) and (9), (d.1), (d.2), (d.3), (e) and (f) and 3805, the following shall apply:

(i) The department shall adopt and use guidelines, which shall be published in the Pennsylvania Bulletin. The guidelines shall not be subject to review under section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law,

and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(ii) By September 30, 2004, the department shall, in accordance with law, promulgate regulations to replace the guidelines under subparagraph (i).

(iii) The guidelines under subparagraph (i) shall:

(A) take effect February 1, 2004, or immediately, whichever is later; and

(B) expire on the earlier of:

(I) the effective date of regulations under subparagraph (ii); or

(II) September 30, 2005.

(2) By October 1, 2004, the department shall promulgate regulations to implement 75 Pa.C.S. § 1549(b).

(3) Enlist the cooperation of all individuals and entities who are authorized to physically seize a person's driver's license and report back to the General Assembly about what policies are in place to ensure that the department is notified and that the term of suspension begins upon seizure of the person's driver's license. The report shall include information about the number and nature of complaints regarding this system and efforts undertaken by the various agencies to improve this process. The report shall be issued within 180 days of the effective date of this section.

§ 21. Applicability.

The following shall apply:

(1) The repeal of 18 Pa.C.S. § 7513 shall not affect offenses committed prior to February 1, 2004.

(2) The repeal of 18 Pa.C.S. § 7514 and 75 Pa.C.S. § 3731 shall not affect offenses committed prior to February 1, 2004, or civil and administrative penalties imposed as a result of those offenses.

(3) An individual sentenced under 18 Pa.C.S. § 7514 or 75 Pa.C.S. § 3731 shall be subject to administrative and civil sanctions in effect on January 31, 2004.

(4) An individual sentenced under 75 Pa.C.S. Ch. 38 shall be subject to administrative and civil sanctions under this act.

(5) The following apply to offenses committed before February 1, 2004:

(i) Except as set forth in subparagraph (ii) or (iii), this act shall not affect an offense committed before February 1, 2004, or any criminal, civil and administrative penalty assessed as a result of that offense.

(ii) Subparagraph (i) does not apply if a provision added or amended by this act specifies application to an offense committed before February 1, 2004, or to any criminal, civil or administrative penalty assessed as a result of that offense.

(iii) Subparagraph (i) does not apply to the following provisions:

(A) The amendment of 42 Pa.C.S. § 7003(5) in section 3 of this act.

(B) The amendment of 75 Pa.C.S. § 1516(c) and (d).

(C) The amendment of 75 Pa.C.S. § 1534(b).

(D) The amendment of 75 Pa.C.S. § 1547(d) in section 9.1 of this act.

(E) The amendment of 75 Pa.C.S. § 3731(a)(4)(i) and (a.1)(1)(i) in section 13 of this act.

2004, NOVEMBER 30, P.L.1618, NO.207

§ 28. Applicability.

This act shall apply as follows:

(1) Except as otherwise provided in paragraph (2), any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

(2) Paragraph (1) shall not apply to the provisions of 71 Pa.C.S.

Explanatory Note. Act 207 amended sections 102, 1619, 3510, 3582, 4581, 4907, 6309.2, 8306 and 9002 of Title 75.

§ 29. Construction of law.

Nothing in this act shall be construed or deemed to provide magisterial district judges with retirement benefits or rights that are different from those available to district justices or justices of the peace immediately prior to the effective date of this act. Nothing in this act shall be construed or deemed to provide senior magisterial district judges with retirement benefits or rights that are different from those available to senior district justices immediately prior to the effective date of this act.

2005, JULY 14, P.L.285, NO.50

§ 11. Agreement.

The Department of Transportation and the Philadelphia Parking Authority shall enter into an agreement to enforce the provisions of 75 Pa.C.S. § 1379.

Explanatory Note. Act 50 amended or added sections 102, 1103.1, 1111, 1119, 1362, 1363, 1364, 1375, 1376, 1379, 1791.2, 1960, 3116, 4703, 4962, 4974, 6309, 6309.1, 6309.2, 6310, 7725 and 9017 of Title 75.

§ 12. Publication in Pennsylvania Bulletin.

The Department of Transportation shall publish in the Pennsylvania Bulletin notice of the execution of the agreement required under section 11 of this act within 14 days of its execution.

2006, MAY 11, P.L.155, NO.36

Preamble

The General Assembly finds and declares as follows:

(1) Driving under the influence of alcohol or a controlled substance is a crime with thousands of victims in this Commonwealth.

(2) Evidence exists that victim impact panels are effective in reducing offender recidivism and restoring balance to victims' lives in driving under the influence cases.

(3) The purpose of this act is to recognize the value of victim impact panels at reducing offender recidivism and

addressing victims' issues, to encourage counties to implement the panels and to establish a coordinating committee to provide standardized guidance for the panels.

Explanatory Note. Act 36 amended section 7508.1 of Title 18 and sections 3802 and 3804 of Title 75.

2013, NOVEMBER 25, P.L.974, NO.89

Preamble

The General Assembly finds and declares as follows:

(1) It is the purpose of this act to ensure that a safe and reliable system of transportation is available to the residents of this Commonwealth.

(2) The Commonwealth's transportation system includes nearly 40,000 miles of roads and 25,000 bridges owned by the Commonwealth, nearly 77,000 miles of roads and 12,000 bridges owned by counties and municipal governments, 36 fixed-route public transportation agencies, 67 railroads, 133 public-use airports, the Ports of Erie, Philadelphia and Pittsburgh and numerous bicycle and pedestrian facilities.

(3) The Commonwealth's transportation system provides for access to employment, educational services, medical care and other life-sustaining services for all residents of this Commonwealth, including senior citizens and people with disabilities.

(4) The Department of Transportation of the Commonwealth has indicated that 9,000 miles of roads owned by the Commonwealth are in poor condition and that 4,400 bridges owned by the Commonwealth are rated structurally deficient. The State Transportation Advisory Committee has indicated that 2,189 bridges exceeding 20 feet in length owned by counties and municipalities are rated structurally deficient.

(5) There is urgent public need to reduce congestion, increase capacity, improve safety and promote economic efficiency of transportation facilities throughout this Commonwealth.

(6) The Commonwealth has limited resources to fund the maintenance and expansion of its transportation facilities.

(7) The State Transportation Advisory Committee reported in 2010 that the Commonwealth's transportation system is underfunded by $3,500,000,000 and projected that amount will grow to $6,700,000,000 by 2020 without additional financial investment by the Commonwealth.

(8) To ensure the needs of the public are adequately addressed, funding mechanisms must be enhanced to sustain the Commonwealth's transportation system in the future.

(9) The utilization of user fees establishes a funding source for transportation needs that spreads the costs across those who benefit from the Commonwealth's transportation system.

(10) Pursuant to section 11 of Article VIII of the Constitution of Pennsylvania, all highway and bridge user fees must be used solely for construction, reconstruction, maintenance and repair of and safety on public highways and bridges and costs and expenses incident thereto.

(11) In order to ensure a safe and reliable system of public transportation, aviation, ports, rail and bicycle and pedestrian facilities, other transportation-related user fees must be deposited in the Public Transportation Trust Fund and the Multimodal Transportation Fund.

(12) In furtherance of the Commonwealth's energy policy, which includes becoming independent from overreliance on foreign energy sources, programs must be established to promote reliance on or conversion to alternative energy sources, including the vast natural gas supply of this Commonwealth.

(13) The Department of Transportation is responsible for the operation of the Commonwealth's transportation system, including administration, driver and vehicle services, highway administration, multimodal transportation and planning. To this end, the department is charged with the registration of vehicles, including the issuance and proper mounting of license plates and special registration plates and assessing those costs and financial impact and ensuring road safety and movement by the posting of maximum speed limits on highways.

(14) Recognition and furtherance of all these elements is essential to promoting the health, safety and welfare of the citizens of this Commonwealth.

Explanatory Note. Act 89 amended, added, reenacted or repealed Chapter 2, sections 303, 1503, 1504, 1506, 1507, 1511, 1512, 1514, 1516, 1517 and 1517.1, Chapter 21, Subchapter C of Chapter 59, sections 8105, 8121, 8204 and 9119 and Chapters 92, 93, 94, 95 and 96 of Title 74 and sections 1307, 1332, 1353, 1354, 1355, 1370, 1550, 1553, 1554, 1617, 1786, 1903, 1904, 1911, 1913, 1916, 1917, 1918, 1920, 1921, 1922, 1924, 1925, 1926, 1926.1, 1927, 1928, 1929, 1930, 1931, 1931.1, 1932, 1933, 1935, 1942, 1943, 1944, 1945, 1947, 1951, 1952, 1953, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 2102, 3111, 3362, 3363, 4902, 4962, 4968, 6110, 6110.1, 6118, 6506, 8901, 8915.6, 9002, 9004, 9006, 9010, 9017, 9301, 9023, 9106 and 9511 of Title 75.

§ 44. Movement of raw milk.

The General Assembly declares that the amendment of 75 Pa.C.S. § 4968(a.2)(4) shall not affect requirements of the Department of Transportaion regarding the permit for the movement of raw milk found at 50A on pages 83 and 84 of Publication 31 of the Department of Transportation.

§ 46. Maximum principal amount of additional debt.

The maximum principal amount of additional debt to be incurred under this act for capital projects specifically itemized in a capital project itemization act pursuant to section 7(a)(4) of Article VIII of the Constitution of Pennsylvania shall be $500,000,000. Debt shall be incurred in accordance with the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, and the Motor License Fund shall be charged with the repayment of the debt. The net proceeds from the sale of obligations authorized in this section are appropriated to the Department of Transportation to be used exclusively to defray financial costs of capital projects specifically itemized in accordance with the Capital Facilities Debt Enabling Act. The money necessary to pay debt service or to pay arbitrage rebates required under section 148 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 148) due on the obligations under this section in fiscal year 2013-2014 is appropriated to the State Treasurer from the Motor License Fund.

§ 47. Costs incurred by department.

The sum of $1,000,000 is appropriated to the Department of Transportation from the Multimodal Transportation Fund for costs incurred by the department in the administration of the programs under 74 Pa.C.S. § 2104(a)(1).

2014, OCTOBER 27, P.L.2905, NO.189

§ 3. Retroactivity.

The amendment of 75 Pa.C.S. § 1553(d)(10)(ii) shall be applied retroactively to January 1, 2004, in cases where the record of a judgment of conviction, adjudication of delinquency or a granting of a consent decree was sent to the Department of Transportation prior to the effective date of this section but not within the time period required under 75 Pa.C.S. § 6323(1).

Explanatory Note. Act 189 amended sections 1553, 3803, 3806, 6323 of Title 75.

2016, JUNE 13, P.L.336, NO.43

§ 3. Duties of law enforcement officials.

Notwithstanding the provisions of 75 Pa.C.S. § 4581(b), a law enforcement official authorized to issue citations for a violation of 75 Pa.C.S. § 4581(a)(1)(ii) shall, during the first year following the effective date of this section, only issue verbal warnings to individuals who are in violation of 75 Pa.C.S. § 4581(a)(1)(ii).

Explanatory Note. Act 43 amended the heading of Subchapter E of Chapter 45 and section 4581 of Title 75.

2016, JULY 20, P.L.837, NO.97

§ 3. Use of accounts.

All money in the restricted accounts established under 75 Pa.C.S. § 7706 that exists on the effective date of this section shall be used in performing any activities necessary to carry out the purposes of 75 Pa.C.S. Ch. 77, including registration and certificate of title activities, training, education, enforcement activities, construction and maintenance of snowmobile and ATV trails and acquisition of equipment, supplies and interests in land.

Explanatory Note. Act 97 amended sections 7706, 7717 and 9017 of Title 75.

2018, OCTOBER 19, P.L.563, NO.86

§ 4. Notice.

The Secretary of Transportation and the Chief Executive Officer of the Pennsylvania Turnpike Commission shall transmit a notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin when the automated speed enforcement system is operational along the designated highway work zones under 75 Pa.C.S. § 3369.

Explanatory Note. Act 86 amended or added sections 102, 3368, 3369 and 3370 of Title 75.

§ 5. Notice.

The Secretary of Transportation shall transmit a notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin when the automated speed enforcement system is operational along the designated highway under 75 Pa.C.S. § 3370.

§ 6. Effective date.

This act shall take effect as follows:

(1) Except as set forth in paragraph (2), the addition of 75 Pa.C.S. § 3369 shall take effect in 120 days.

(2) The addition of 75 Pa.C.S. § 3369(c) shall take effect 60 days after publication in the Pennsylvania Bulletin of the notice under section 4.

(3) Except as set forth in paragraph (4), the addition of 75 Pa.C.S. § 3370 shall take effect in 60 days.

(4) The addition of 75 Pa.C.S. § 3370(e) shall take effect 60 days after publication in the Pennsylvania Bulletin of the notice under section 5.

(5) The following provisions shall take effect immediately:

(i) This section.

(ii) The remainder of this act.