
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 355 Session of
1991

INTRODUCED BY GEIST, NOYE, FAIRCHILD, DEMPSEY, PESCI, HERMAN,
NAILOR, DeLUCA, BATTISTO, MARKOSEK, HALUSKA, REBER, RAYMOND,
MICOZZIE, BUNT, JOHNSON, R. C. WRIGHT, ALLEN, HESS, FARGO,
BILLOW, TRELLO, WILSON, JAMES, M. N. WRIGHT, NAHILL,
GODSHALL, E. Z. TAYLOR, HERSHEY, STABACK, ANGSTADT, SEMMEL,
SERAFINI, B. SMITH, BOYES, OLASZ, BISHOP, TELEK, MICHLOVIC,
STURLA AND DENT, FEBRUARY 11, 1991

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
NOVEMBER 17, 1992

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, adding a definition of "commercial implement of
3 husbandry" and adding amending provisions relating thereto;
4 PROVIDING FOR THE STANDARDS FOR RECOVERED THEFT VEHICLES, FOR <—
5 FLEET OWNER TRANSPORTER REGISTRATION PLATES AND FOR A WILD
6 RESOURCE CONSERVATION PLATE; MAKING UNLAWFUL CERTAIN
7 AGREEMENTS REQUIRING RETAIL MOTOR VEHICLE FUEL STATIONS TO BE
8 OPEN DURING CERTAIN HOURS; further providing for THE <—
9 DEFINITION OF "SCHOOL BUS," FOR vehicles exempt from
10 registration and for permits for certain chemical and
11 fertilizer vehicles; ~~AND~~ further providing for drivers <—
12 required to be licensed, for THE USE OF SCHOOL BUS PLATES, <—
13 FOR THE FEE FOR REGISTRATION OF A SCHOOL BUS, FOR
14 restrictions on use of handicapped parking areas, FOR USE OF <—
15 MULTIPLE-BEAM ROAD LIGHTING EQUIPMENT, FOR VISUAL AND AUDIBLE
16 SIGNALS ON EMERGENCY VEHICLES and for driving under influence
17 of alcohol or controlled substance; AND PROVIDING FOR LIQUOR <—
18 OR MALT OR BREWED BEVERAGES. ~~providing for Pennsylvania~~ <—
19 ~~Turnpike extensions and improvements; and making a repeal.~~

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 Section 1. ~~Section~~ THE DEFINITION OF "SCHOOL BUS" IN SECTION <—
23 102 of Title 75 of the Pennsylvania Consolidated Statutes is

1 amended AND THE SECTION IS AMENDED by adding a definition to <—
2 read:

3 § 102. Definitions.

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

9 * * *

10 "Commercial implement of husbandry." A self-propelled
11 vehicle used to apply nutrients, soil amendments or chemicals
12 commercially for production agriculture and only occasionally
13 operated or moved upon highways.

14 * * *

15 ~~Section 2. Sections 1106(c), 1117(a) and, 1302(11), 1501(A)~~ <—
16 ~~AND 1547(D) of Title 75 are amended to read:~~

17 "SCHOOL BUS." A MOTOR VEHICLE WHICH: <—

18 (1) IS DESIGNED [AND USED] TO CARRY 11 PASSENGERS OR
19 MORE, INCLUDING THE DRIVER; AND

20 (2) IS USED FOR THE TRANSPORTATION OF PREPRIMARY,
21 PRIMARY OR SECONDARY SCHOOL STUDENTS[, PERSONNEL OR
22 CHAPERONES] TO OR FROM PUBLIC, PRIVATE OR PAROCHIAL SCHOOLS
23 OR EVENTS RELATED TO SUCH SCHOOLS OR SCHOOL-RELATED
24 ACTIVITIES [FROM HOME, OR FROM SUCH SCHOOLS OR SCHOOL-RELATED
25 ACTIVITIES TO HOME].

26 THE TERM DOES NOT INCLUDE A MOTOR VEHICLE USED TO TRANSPORT
27 PREPRIMARY, PRIMARY OR SECONDARY SCHOOL STUDENTS TO OR FROM
28 PUBLIC, PRIVATE OR PAROCHIAL SCHOOLS OR EVENTS RELATED TO SUCH
29 SCHOOLS OR SCHOOL-RELATED ACTIVITIES, WHICH IS DESIGNED TO CARRY
30 11 TO 15 PASSENGERS, INCLUDING THE DRIVER, AND WHICH IS

1 REGISTERED IN THIS COMMONWEALTH AS A BUS PRIOR TO MARCH 1, 1993.

2 * * *

3 SECTION 2. SECTIONS 1106(C), 1117(A) AND (D) AND 1302(11) OF
4 TITLE 75 ARE AMENDED TO READ:

5 § 1106. Content and effect of certificate of title.

6 * * *

7 (c) Certificate as evidence and notice.--A certificate of
8 title issued by the department is prima facie evidence of the
9 facts appearing on the certificate. The certificate shall be
10 adequate notice to the Commonwealth, creditors, subsequent
11 lienholders and purchasers that a lien against the vehicle
12 exists. The printed name of the secretary shall constitute a
13 signature on the certificate.

14 § 1117. Vehicle destroyed, dismantled, salvaged or recycled.

15 (a) Application for certificate of salvage.--Any owner who
16 transfers a vehicle to be destroyed or dismantled, salvaged or
17 recycled shall assign the certificate of title to the person to
18 whom the vehicle is transferred. [The] Except as provided in
19 subsection (e), the transferee shall immediately present the
20 assigned certificate of title to the department or an authorized
21 agent of the department with an application for a certificate of
22 salvage upon a form furnished and prescribed by the department.
23 An insurer, as defined in section 1702 (relating to
24 definitions), to which title to a vehicle is assigned upon
25 payment to the insured of the replacement value of a vehicle,
26 shall be regarded as a transferee under this subsection. If an
27 owner retains possession of a vehicle which is damaged to the
28 extent that it is valueless except for salvage, the owner shall
29 apply for a certificate of salvage immediately. In this case, an
30 insurer shall not pay vehicle replacement value until the owner

1 produces evidence to the insurer that the certificate of salvage
2 has been issued.

3 * * *

4 (D) RECONSTRUCTED AND RECOVERED THEFT VEHICLES.--

<—

5 (1) IF A VEHICLE, OTHER THAN AN ANTIQUE OR CLASSIC
6 VEHICLE, FOR WHICH A CERTIFICATE OF SALVAGE HAS BEEN ISSUED
7 IS THEREAFTER RESTORED TO OPERATING CONDITION, IT SHALL BE
8 REGARDED AS A RECONSTRUCTED VEHICLE.

9 (2) IF A CERTIFICATE OF SALVAGE HAS BEEN ISSUED FOR A
10 VEHICLE, OTHER THAN AN ANTIQUE OR CLASSIC VEHICLE, WHICH WAS
11 REPORTED AS STOLEN AND THEN RECOVERED AND RESTORED TO
12 OPERATING CONDITION, THE VEHICLE SHALL BE REGARDED AS A
13 RECOVERED THEFT VEHICLE, BUT ONLY IF THE RETAIL VALUE OF ANY
14 REPAIRS DOES NOT EXCEED [\$1,000] 50% OF THE ACTUAL CASH VALUE
15 OF THE VEHICLE AS DETERMINED BY AVERAGING THE AVERAGE RETAIL
16 VALUES LISTED IN THE OFFICIAL USED CAR GUIDE FOR DOMESTIC AND
17 IMPORTED CARS PUBLISHED BY THE NATIONAL AUTOMOBILE DEALERS
18 ASSOCIATION AND THE AUTOMOBILE RED BOOK OFFICIAL USED CAR
19 VALIDATIONS PUBLISHED BY MACLEAN HUNTER MARKET REPORTS, INC.,
20 AS CERTIFIED BY THE INSURER OR LICENSED PHYSICAL DAMAGE
21 APPRAISER ON A FORM PRESCRIBED BY THE DEPARTMENT; OTHERWISE,
22 THE VEHICLE SHALL BE REGARDED AS A RECONSTRUCTED VEHICLE.

23 * * *

24 § 1302. Vehicles exempt from registration.

25 The following types of vehicles are exempt from registration:

26 * * *

27 (11) Any trailer or semitrailer, including but not
28 limited to non-self-propelled special mobile equipment, to be
29 used primarily for off highway use and only operated
30 incidentally upon the highway.

1 * * *

2 ~~Section 3. Sections 1501(a) and 1547(d) of Title 75 are~~ <—
3 ~~amended to read:~~

4 SECTION 3. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: <—
5 § 1337.1. FLEET OWNER TRANSPORTER REGISTRATION PLATE.

6 (A) GENERAL RULE.--THE DEPARTMENT SHALL ISSUE TO FLEET
7 OWNERS SPECIAL REGISTRATION PLATES WHICH MAY BE DISPLAYED ON
8 PASSENGER CARS, TRUCKS, TRUCK TRACTORS AND TRAILERS OWNED OR
9 LEASED BY THE FLEET OWNER IN LIEU OF REGISTERING EACH VEHICLE
10 INDIVIDUALLY.

11 (B) LIMITATIONS ON USE OF PLATES.--

12 (1) A REGISTRATION PLATE ISSUED UNDER THIS SECTION MAY
13 BE DISPLAYED ONLY ON AN UNLADEN VEHICLE.

14 (2) A REGISTRATION PLATE ISSUED UNDER THIS SECTION MAY
15 BE DISPLAYED ONLY ON A VEHICLE TYPE FOR WHICH IT WAS
16 PURCHASED, EXCEPT THAT A PLATE ISSUED FOR A TRUCK OR TRUCK
17 TRACTOR MAY BE DISPLAYED ON AN UNLADEN PASSENGER CAR OR AN
18 UNLADEN TRAILER. THE WEIGHT LIMITS FOR TRUCKS, TRUCK TRACTORS
19 AND TRAILERS MUST CONFORM TO THE WEIGHT LIMIT FOR WHICH THE
20 REGISTRATION PLATE WAS PURCHASED.

21 (3) A VEHICLE BEARING A REGISTRATION PLATE ISSUED UNDER
22 THIS SECTION MAY BE USED FOR ANY OF THE FOLLOWING:

23 (I) FOR TRANSIT OF THE VEHICLE TO OR FROM THE PLACE
24 WHERE THE VEHICLE IS OFFERED FOR SALE.

25 (II) FOR TRANSIT FROM THE PLACE WHERE THE VEHICLE
26 WAS PURCHASED.

27 (III) FOR TRANSIT TO AND FROM A LOCATION WHERE THE
28 VEHICLE IS MODIFIED, COMPLETED OR ENHANCED FOR A PERIOD
29 OF NOT MORE THAN 30 DAYS AFTER THE DATE OF PURCHASE.

30 (IV) FOR TESTING OF THE VEHICLE FOR A PERIOD OF NOT

1 MORE THAN 30 DAYS AFTER THE DATE OF PURCHASE.

2 (V) FOR REPAIR, SERVICING OR INSPECTION OF A VEHICLE

3 WHICH IS NOT NORMALLY OPERATED ON A HIGHWAY.

4 (C) RECORDS.--RECORDS SHALL BE KEPT BY THE FLEET OWNER IN A
5 MANNER PRESCRIBED BY THE DEPARTMENT INDICATING THE VEHICLES
6 WHICH DISPLAYED EACH REGISTRATION PLATE ISSUED UNDER THIS
7 SECTION. THE RECORDS SHALL BE OPEN TO INSPECTION BY DEPARTMENT
8 REPRESENTATIVES AND ANY POLICE OFFICER.

9 SECTION 4. SECTION 1343 OF TITLE 75 IS AMENDED TO READ:

10 § 1343. USE OF SCHOOL BUS OR SCHOOL VEHICLE PLATES.

11 (A) GENERAL RULE.--A MOTOR VEHICLE BEARING SCHOOL BUS OR
12 SCHOOL VEHICLE REGISTRATION PLATES SHALL BE USED EXCLUSIVELY FOR
13 THE TRANSPORTATION OF CHILDREN AND THEIR CHAPERONS TO OR FROM
14 PUBLIC, PRIVATE, PAROCHIAL OR SUNDAY SCHOOL OR IN CONNECTION
15 WITH ANY PUBLIC, PRIVATE, PAROCHIAL OR SUNDAY SCHOOL-RELATED
16 ACTIVITY. EACH SCHOOL DISTRICT SHALL ADOPT REGULATIONS REGARDING
17 THE NUMBER OF CHAPERONS TO ACCOMPANY STUDENTS IN CONNECTION WITH
18 THESE ACTIVITIES. EXCEPT WHEN TRANSPORTING CHILDREN TO AND FROM
19 PUBLIC, PRIVATE, PAROCHIAL OR SUNDAY SCHOOL OR PUBLIC, PRIVATE,
20 PAROCHIAL OR SUNDAY SCHOOL-RELATED ACTIVITIES, THE WORDS "SCHOOL
21 BUS" ON THE FRONT AND REAR OF THE VEHICLE SHALL BE CONCEALED AND
22 THE RED AND AMBER VISUAL SIGNALS SHALL NOT BE OPERABLE.

23 (B) PENALTY.--ANY PERSON VIOLATING THIS SECTION IS GUILTY OF
24 A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO
25 PAY A FINE OF \$25.

26 SECTION 5. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

27 § 1350. WILD RESOURCE CONSERVATION PLATE.

28 THE DEPARTMENT, IN CONSULTATION WITH THE WILD RESOURCE
29 CONSERVATION BOARD, SHALL DESIGN A SPECIAL WILD RESOURCE
30 CONSERVATION REGISTRATION PLATE. UPON APPLICATION OF ANY PERSON,

1 ACCOMPANIED BY A FEE OF \$35 WHICH SHALL BE IN ADDITION TO THE
2 ANNUAL REGISTRATION FEE, THE DEPARTMENT SHALL ISSUE THE PLATE
3 FOR A PASSENGER CAR OR OTHER VEHICLE WITH A REGISTERED GROSS
4 WEIGHT OF NOT MORE THAN 9,000 POUNDS. THE WILD RESOURCE
5 CONSERVATION FUND SHALL RECEIVE \$15 OF EACH ADDITIONAL FEE FOR
6 THIS PLATE.

7 SECTION 6. SECTIONS 1501(A), 1547(D), 1801, 1812 AND 1817 OF
8 TITLE 75 ARE AMENDED TO READ:

9 § 1501. Drivers required to be licensed.

10 (a) General rule.--No person, except those expressly
11 exempted, shall drive any motor vehicle upon a highway or public
12 property in this Commonwealth unless the person has a driver's
13 license valid under the provisions of this chapter. As used in
14 this subsection, the term "public property" includes, but is not
15 limited to, driveways and parking lots owned or leased by the
16 Commonwealth, a political subdivision or an agency or
17 instrumentality of either.

18 * * *

19 § 1547. Chemical testing to determine amount of alcohol or
20 controlled substance.

21 * * *

22 (d) Presumptions from amount of alcohol.--If chemical
23 testing of a person's breath, blood or urine shows:

24 (1) That the amount of alcohol by weight in the blood of
25 the person tested is 0.05% or less, it shall be presumed that
26 the person tested was not under influence of alcohol and the
27 person shall not be charged with any violation under section
28 3731(a)(1) [or (4)], (4) or (5) (relating to driving under
29 influence of alcohol or controlled substance), or, if the
30 person was so charged prior to the test, the charge shall be

1 void ab initio. This fact shall not give rise to any
2 presumption concerning a violation of section 3731(a)(2) or
3 (3) or (i).

4 (2) That the amount of alcohol by weight in the blood of
5 the person tested is in excess of 0.05% but less than 0.10%,
6 this fact shall not give rise to any presumption that the
7 person tested was or was not under the influence of alcohol,
8 but this fact may be considered with other competent evidence
9 in determining whether the person was or was not under the
10 influence of alcohol. This provision shall not negate the
11 provisions of section 3731(i).

12 (3) That the amount of alcohol by weight in the blood of
13 the person tested is 0.10% or more, this fact may be
14 introduced into evidence if the person is charged with
15 violating section 3731.

16 * * *

17 § 1801. DEFINITIONS. ←

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
19 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
20 CONTEXT CLEARLY INDICATES OTHERWISE:

21 ["BUREAU" OR "INDEX BUREAU." THE MOTOR VEHICLE INSURANCE
22 FRAUD INDEX BUREAU.]

23 "COMMISSIONER." THE INSURANCE COMMISSIONER OF THE
24 COMMONWEALTH.

25 "COMPREHENSIVE DATABASE SYSTEM." A CENTRALIZED ORGANIZATION
26 OR ENTITY DESIGNED TO COLLECT AND DISSEMINATE INSURANCE CLAIMS
27 INFORMATION AND DATA FROM AND AMONG ITS MEMBERS OR SUBSCRIBERS
28 FOR, BUT NOT LIMITED TO, THE PREVENTION AND SUPPRESSION OF
29 FRAUD.

30 "DEPARTMENT." THE INSURANCE DEPARTMENT OF THE COMMONWEALTH.

1 "MOTOR VEHICLE INSURER" OR "INSURER." AN ENTITY LICENSED TO
2 WRITE MOTOR VEHICLE INSURANCE IN THE COMMONWEALTH.

3 § 1812. CONTENT OF PLANS.

4 THE ANTIFRAUD PLANS OF EACH INSURER SHALL ESTABLISH SPECIFIC
5 PROCEDURES:

6 (1) TO PREVENT INSURANCE FRAUD, INCLUDING INTERNAL FRAUD
7 INVOLVING EMPLOYEES OR COMPANY REPRESENTATIVES, FRAUD
8 RESULTING FROM MISREPRESENTATION ON APPLICATIONS FOR
9 INSURANCE COVERAGE, AND CLAIMS FRAUD.

10 (2) TO REVIEW CLAIMS IN ORDER TO DETECT EVIDENCE OF
11 POSSIBLE INSURANCE FRAUD AND TO INVESTIGATE CLAIMS WHERE
12 FRAUD IS SUSPECTED.

13 (3) TO REPORT FRAUD TO APPROPRIATE LAW ENFORCEMENT
14 AGENCIES AND TO COOPERATE WITH SUCH AGENCIES IN THEIR
15 PROSECUTION OF FRAUD CASES.

16 (4) TO UNDERTAKE CIVIL ACTIONS AGAINST PERSONS WHO HAVE
17 ENGAGED IN FRAUDULENT ACTIVITIES.

18 (5) TO REPORT FRAUD-RELATED DATA TO [THE INDEX BUREAU] A
19 COMPREHENSIVE DATABASE SYSTEM.

20 (6) TO ENSURE THAT COSTS INCURRED AS A RESULT OF
21 [DETECTED] INSURANCE FRAUD ARE NOT INCLUDED IN ANY RATE BASE
22 AFFECTING THE PREMIUMS OF MOTOR VEHICLE INSURANCE CONSUMERS.

23 § 1817. REPORTING OF INSURANCE FRAUD.

24 EVERY INSURER LICENSED TO DO BUSINESS IN THIS COMMONWEALTH,
25 AND ITS EMPLOYEES, AGENTS, BROKERS, MOTOR VEHICLE PHYSICAL
26 DAMAGE APPRAISERS AND PUBLIC ADJUSTERS, OR PUBLIC ADJUSTER
27 SOLICITORS, WHO HAS A REASONABLE BASIS TO BELIEVE INSURANCE
28 FRAUD HAS OCCURRED SHALL BE REQUIRED TO REPORT THE INCIDENCE OF
29 SUSPECTED INSURANCE FRAUD TO FEDERAL, STATE OR LOCAL CRIMINAL
30 LAW ENFORCEMENT AUTHORITIES. LICENSED INSURANCE AGENTS AND

1 PHYSICAL DAMAGE APPRAISERS MAY ELECT TO REPORT SUSPECTED FRAUD
2 THROUGH THE AFFECTED INSURER WITH WHICH THEY HAVE A CONTRACTUAL
3 RELATIONSHIP. ALL REPORTS OF INSURANCE FRAUD TO LAW ENFORCEMENT
4 AUTHORITIES SHALL BE MADE IN WRITING[, AND COPIES OF THE REPORT
5 SHALL BE SENT SIMULTANEOUSLY TO THE INDEX BUREAU]. WHERE
6 INSURANCE FRAUD INVOLVES AGENTS, BROKERS, MOTOR VEHICLE PHYSICAL
7 DAMAGE APPRAISERS, PUBLIC ADJUSTERS OR PUBLIC ADJUSTER
8 SOLICITORS, A COPY OF THE REPORT SHALL ALSO BE SENT TO THE
9 DEPARTMENT.

10 SECTION 7. SUBCHAPTER C OF CHAPTER 18 OF TITLE 75 IS AMENDED
11 TO READ:

12 SUBCHAPTER C
13 [MOTOR VEHICLE INSURANCE FRAUD
14 INDEX BUREAU]

15 COMPREHENSIVE DATABASE SYSTEM

16 [§ 1821. DESIGNATION.

17 THE DEPARTMENT SHALL, AFTER CONSULTATION WITH INSURERS
18 LICENSED TO WRITE MOTOR VEHICLE INSURANCE IN THIS COMMONWEALTH,
19 DESIGNATE A MOTOR VEHICLE INSURANCE FRAUD INDEX BUREAU. THE
20 BUREAU SHALL, WITHIN 180 DAYS OF ITS DESIGNATION, FILE WITH THE
21 DEPARTMENT A PLAN OF OPERATION CONSISTENT WITH THE PROVISIONS OF
22 THIS SUBCHAPTER. THE PLAN OF OPERATION SHALL INCLUDE, BUT NOT BE
23 LIMITED TO, THE FOLLOWING:

24 (1) A DESCRIPTION OF THE BUREAU'S ORGANIZATIONAL MAKEUP,
25 MEMBERSHIP, STAFF COMPLEMENT, PHYSICAL LOCATION AND SELF-
26 FUNDING METHODOLOGY.

27 (2) DETAILED PROCEDURES FOR ALL MEMBERS TO REGULARLY
28 REPORT FRAUD-RELATED DATA TO THE BUREAU.

29 (3) POLICIES AND PROCEDURES GOVERNING INSURER AND LAW
30 ENFORCEMENT AGENCY ACCESS TO BUREAU DATA, INFORMATION AND

1 REPORTS.

2 (4) A DETAILED ACCOUNTING OF HOW INFORMATION ON
3 INSURANCE FRAUD FILED BY INSURERS WILL BE ORGANIZED AND
4 MAINTAINED.

5 (5) ANY OTHER INFORMATION, DATA, PROCEDURE OR PROGRAM
6 RELATING TO INSURANCE FRAUD AS MAY BE REQUIRED BY THE
7 DEPARTMENT OR DETERMINED NECESSARY TO FACILITATE THE
8 REPORTING AND USE OF INFORMATION AND DATA.

9 § 1822. REPORTS.

10 (A) REQUIREMENT.--EACH INSURER LICENSED TO WRITE MOTOR
11 VEHICLE INSURANCE IN THIS COMMONWEALTH SHALL, AS A CONDITION OF
12 AUTHORITY TO TRANSACT THE BUSINESS OF INSURANCE IN THIS
13 COMMONWEALTH, REPORT INFORMATION ON SUSPECTED FRAUDULENT CLAIMS
14 AND APPLICATIONS FOR BENEFITS ARISING OUT OF THE MAINTENANCE AND
15 USE OF A MOTOR VEHICLE IN THIS COMMONWEALTH WITH THE BUREAU
16 WITHIN 45 DAYS OF RECEIPT OF SUCH CLAIM.

17 (B) CONTENT.--THE INFORMATION FILED BY INSURERS PURSUANT TO
18 SUBSECTION (A) SHALL INCLUDE, BUT NOT BE LIMITED TO:

19 (1) IDENTIFICATION OF CLAIMANTS.

20 (2) IDENTIFICATION OF MEDICAL PROVIDERS.

21 (3) IDENTIFICATION OF REPAIR SHOPS.

22 (4) IDENTIFICATION OF INSURANCE ADJUSTERS.

23 (5) IDENTIFICATION OF ATTORNEYS REPRESENTING CLAIMANTS.

24 (6) DESCRIPTION OF CLAIMS.

25 (7) OTHER INFORMATION DEEMED RELEVANT BY THE SUBMITTING
26 INSURER OR BUREAU.

27 (8) OTHER INFORMATION REQUIRED BY THE INSURANCE
28 COMMISSIONER.

29 § 1823. MEMBERSHIP IN BUREAU.

30 EACH INSURER LICENSED TO WRITE MOTOR VEHICLE INSURANCE IN

1 THIS COMMONWEALTH SHALL BECOME MEMBERS OF THE BUREAU. SUCH
2 INSURERS SHALL REPORT TO THE BUREAU ALL RELEVANT INFORMATION ON
3 SUSPECTED FRAUDULENT CLAIMS AS PROVIDED FOR IN SECTION 1822
4 (RELATING TO REPORTS).

5 § 1824. ORGANIZATION, REPORTS AND FEES.

6 THE BUREAU SHALL FILE WITH THE INSURANCE DEPARTMENT AN ANNUAL
7 REPORT LISTING ALL INSURANCE COMPANIES WHICH ARE MEMBERS OF THE
8 BUREAU FOR PURPOSES OF COMPLYING WITH THIS SUBCHAPTER. THE
9 BUREAU SHALL BE ORGANIZED, MAINTAINED AND FUNDED BY MEMBER
10 INSURERS. INFORMATION REPORTED TO THE BUREAU SHALL BE MADE
11 AVAILABLE TO LAW ENFORCEMENT OFFICIALS, ANY INSURER LICENSED TO
12 WRITE MOTOR VEHICLE INSURANCE IN THIS COMMONWEALTH, THE
13 INSURANCE DEPARTMENT AND ANY SIMILAR BUREAU UPON REQUEST,
14 PROVIDED THAT AN APPROPRIATE FEE MAY BE CHARGED IF THE REQUEST
15 FOR SUCH INFORMATION IS MADE BY AN INSURER THAT IS NOT A MEMBER
16 OF THE BUREAU OR THE REQUEST IS MADE BY ANOTHER INDEX BUREAU.

17 § 1825. USE OF INFORMATION.

18 INFORMATION COLLECTED PURSUANT TO THIS CHAPTER SHALL ONLY BE
19 USED BY INSURERS AND LAW ENFORCEMENT OFFICIALS FOR THE DETECTION
20 AND PROSECUTION OF FRAUD OR ABUSE, AND INSURERS MAY NOT USE THIS
21 INFORMATION FOR UNDERWRITING PURPOSES.

22 § 1826. ANNUAL REPORTS.

23 ON OR BEFORE JULY 1, 1991, AND ON OR BEFORE JULY 1 OF EACH
24 YEAR THEREAFTER, THE BUREAU, ON BEHALF OF MEMBER INSURERS, SHALL
25 FILE WITH THE COMMISSIONER AN ANNUAL REPORT ON THE NATURE AND
26 EFFECT OF MOTOR VEHICLE INSURANCE FRAUD IN THIS COMMONWEALTH.
27 THE REPORT SHALL PRESENT STATISTICAL DATA ON FRAUD IN THIS
28 COMMONWEALTH. THE COMMISSIONER MAY PRESCRIBE BY REGULATION THE
29 CONTENT OF THE REPORT.]

30 § 1821. MEMBERSHIP IN SYSTEM.

1 (A) GENERAL RULE.--EACH MOTOR VEHICLE INSURER SHALL, AS A
2 CONDITION OF AUTHORITY TO TRANSACT THE BUSINESS OF INSURANCE IN
3 THIS COMMONWEALTH, OBTAIN AND MAINTAIN MEMBERSHIP IN ONE OR MORE
4 COMPREHENSIVE DATABASE SYSTEM FOR THE PURPOSE OF REPORTING AND
5 ACCESSING MOTOR VEHICLE INSURANCE CLAIMS DATA AND INFORMATION.

6 (B) REQUIREMENTS FOR SELECTION.--ANY COMPREHENSIVE DATABASE
7 SYSTEM SELECTED FOR MEMBERSHIP BY A MOTOR VEHICLE INSURER SHALL
8 MEET THE FOLLOWING MINIMUM QUALIFICATIONS:

9 (1) HAVE AND MAINTAIN A COMPUTERIZED DATABASE.

10 (2) HAVE AND MAINTAIN THE CAPACITY TO INTERACT WITH
11 OTHER COMPREHENSIVE DATABASE SYSTEMS OR HAVE AND MAINTAIN A
12 SUBSTANTIAL INSURER MEMBERSHIP.

13 (3) HAVE THE ABILITY TO SERVICE THE INSURANCE INDUSTRY,
14 INSURANCE REGULATORS OR LAW ENFORCEMENT AUTHORITIES ON AN
15 INTERSTATE BASIS.

16 (C) CLAIMS INFORMATION.--EACH MOTOR VEHICLE INSURER SHALL
17 REPORT AND ACCESS DATA AND INFORMATION RELATING TO MOTOR VEHICLE
18 INSURANCE CLAIMS TO ITS COMPREHENSIVE DATABASE SYSTEMS IN
19 ACCORDANCE WITH THE SYSTEMS' REPORTING PROCEDURES.

20 (D) AVAILABILITY TO LAW ENFORCEMENT OFFICIALS.--ANY DATA AND
21 INFORMATION REPORTED TO A COMPREHENSIVE DATABASE SYSTEM MAY BE
22 MADE AVAILABLE TO LAW ENFORCEMENT OFFICIALS.

23 (E) PAYMENT OF EXPENSES.--EACH MOTOR VEHICLE INSURER SHALL
24 BE LIABLE FOR ITS SHARE OF EXPENSES INCURRED BY ANY
25 PENNSYLVANIA-SPECIFIC DATA INDEX OF WHICH THE INSURER WAS A
26 MEMBER PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

27 [§ 1827] § 1822. WARNING NOTICE ON APPLICATION FOR INSURANCE
28 AND CLAIM FORMS.

29 NOT LATER THAN MAY 1, 1990, ALL APPLICATIONS FOR INSURANCE,
30 RENEWALS AND CLAIM FORMS SHALL CONTAIN A STATEMENT THAT CLEARLY

1 STATES IN SUBSTANCE THE FOLLOWING:

2 ANY PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE OR
3 DEFRAUD ANY INSURER FILES AN APPLICATION OR CLAIM
4 CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING
5 INFORMATION SHALL, UPON CONVICTION, BE SUBJECT TO
6 IMPRISONMENT FOR UP TO SEVEN YEARS AND PAYMENT OF A FINE
7 OF UP TO \$15,000.

8 [§ 1828] § 1823. RULES AND REGULATIONS.

9 THE DEPARTMENT MAY PROMULGATE SUCH RULES AND REGULATIONS AS
10 MAY BE NECESSARY TO CARRY OUT THIS CHAPTER.

11 [§ 1829] § 1824. CIVIL IMMUNITY.

12 NO PERSON SHALL BE SUBJECT TO CIVIL LIABILITY FOR LIBEL,
13 VIOLATION OF PRIVACY OR OTHERWISE BY VIRTUE OF THE FILING OF
14 REPORTS OR FURNISHING OF OTHER INFORMATION IN GOOD FAITH AND
15 WITHOUT MALICE REQUIRED BY THIS SUBCHAPTER.

16 SECTION 8. SECTION 1918 OF TITLE 75 IS AMENDED TO READ:

17 § 1918. SCHOOL BUSES AND SCHOOL VEHICLES.

18 THE ANNUAL FEE FOR REGISTRATION OF A SCHOOL BUS OR SCHOOL
19 VEHICLE SHALL BE \$24.

20 Section 4 ~~3~~ 9. Title 75 is amended by adding a ~~section~~ <—

21 SECTIONS to read: <—

22 § 1926.2. FLEET OWNER TRANSPORTER PLATE. <—

23 THE ANNUAL FEE FOR A FLEET OWNER TRANSPORTER PLATE SHALL BE
24 THE APPROPRIATE FEE SPECIFIED IN SECTION 1912 (RELATING TO
25 PASSENGER CARS), 1916 (RELATING TO TRUCKS AND TRUCK TRACTORS) OR
26 1920(A) (RELATING TO TRAILERS).

27 § 1933. Commercial implements of husbandry.

28 The annual fee for registration of a commercial implement of
29 husbandry shall be \$51 or one-half of the regular fee, whichever
30 is greater.

1 Section ~~5 4~~ 10. Section 2105(a) of Title 75 is amended by <—
2 adding a paragraph to read:

3 § 2105. Exemptions.

4 (a) General rule.--The requirements of this chapter and
5 Chapter 96 (relating to motor carriers road tax) do not apply to
6 the following vehicles:

7 * * *

8 (10) A commercial implement of husbandry.

9 * * *

10 ~~Section 6 5. Sections 3354(d)(3), 3731(a), 4303(e), 4502(d),~~ <—
11 ~~4529(a), 4534, 4535(c) and 4536 of Title 75 are amended to read:~~

12 SECTION 11. SECTION 3354(D)(3) OF TITLE 75 IS AMENDED TO <—
13 READ:

14 § 3354. ADDITIONAL PARKING REGULATIONS.

15 * * *

16 (D) HANDICAPPED PERSONS AND DISABLED VETERANS.--

17 * * *

18 (3) (I) EXCEPT FOR PERSONS PARKING VEHICLES LAWFULLY
19 BEARING A HANDICAPPED OR SEVERELY DISABLED VETERAN
20 REGISTRATION PLATE OR DISPLAYING A HANDICAPPED OR
21 SEVERELY DISABLED VETERAN PARKING PLACARD WHEN SUCH
22 VEHICLES ARE BEING OPERATED BY OR FOR THE TRANSPORTATION
23 OF A HANDICAPPED PERSON OR A SEVERELY DISABLED VETERAN,
24 NO PERSON SHALL PARK A VEHICLE ON PUBLIC OR PRIVATE
25 PROPERTY RESERVED FOR A HANDICAPPED PERSON OR SEVERELY
26 DISABLED VETERAN WHICH PROPERTY HAS BEEN SO POSTED IN
27 ACCORDANCE WITH DEPARTMENTAL REGULATIONS[.] WHICH SHALL
28 REQUIRE A SIGN STATING THE PENALTY AMOUNT INDICATED IN
29 SUBSECTION (F), A SIGN INDICATING THAT VEHICLES IN
30 VIOLATION OF THE SUBSECTION MAY BE TOWED AND REQUIRE THAT

1 SIGNS BE REPLACED WHEN THEY BECOME EITHER OBSOLETE OR
2 MISSING WITH ALL COSTS TO REPLACE THE NECESSARY SIGNS TO
3 BE BORNE BY THE PERSONS RESPONSIBLE FOR SIGNING THE
4 PARTICULAR LOCATION. ANY VEHICLE WHICH IS UNLAWFULLY
5 PARKED IN A DESIGNATED HANDICAPPED PARKING AREA MAY BE
6 REMOVED FROM THAT AREA BY TOWING AND MAY BE RECLAIMED BY
7 THE VEHICLE OWNER UPON PAYMENT OF THE TOWING COSTS.

8 (II) LOCAL AUTHORITIES SHALL HAVE THE POWER AND MAY,
9 BY ORDINANCE OR RESOLUTION, AUTHORIZE HANDICAPPED PERSONS
10 AND SEVERELY DISABLED VETERANS TO ISSUE STATEMENTS TO
11 VIOLATORS OR VIOLATING VEHICLES FOR VIOLATION OF
12 SUBPARAGRAPH (I). THE FORM OF THE STATEMENT SHALL BE AS
13 PRESCRIBED BY THE LOCAL AUTHORITIES.

14 * * *

15 SECTION 12. SECTION 3731(A) OF TITLE 75 IS AMENDED AND THE
16 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

17 § 3731. Driving under influence of alcohol or controlled
18 substance.

19 (a) Offense defined.--A person shall not drive, operate or
20 be in actual physical control of the movement of any vehicle
21 [while]:

22 (1) while under the influence of alcohol to a degree
23 which renders the person incapable of safe driving;

24 (2) while under the influence of any controlled
25 substance, as defined in the act of April 14, 1972 (P.L.233,
26 No.64), known as "The Controlled Substance, Drug, Device and
27 Cosmetic Act," to a degree which renders the person incapable
28 of safe driving;

29 (3) while under the combined influence of alcohol and
30 any controlled substance to a degree which renders the person

incapable of safe driving; [or]

(4) while the amount of alcohol by weight in the blood of the person is 0.10% or greater[.]; or

(5) if the amount of alcohol by weight in the blood of the person is 0.10% or greater at the time of a chemical test of a sample of the person's breath, blood or urine, which sample is:

(i) obtained within three hours after the person drove, operated or was in actual physical control of the vehicle; or

(ii) if the circumstances of the incident prevent testing COLLECTING THE SAMPLE within three hours, obtained within a reasonable additional time after the person drove, operated or was in actual physical control of the vehicle.

* * *

(A.1) DEFENSE.--IT SHALL BE A DEFENSE TO A PROSECUTION UNDER SUBSECTION (A)(5) IF THE PERSON PROVES BY A PREPONDERANCE OF EVIDENCE THAT THE PERSON CONSUMED ALCOHOL AFTER THE LAST INSTANCE IN WHICH HE DROVE, OPERATED OR WAS IN ACTUAL PHYSICAL CONTROL OF THE VEHICLE, AND THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN HIS BLOOD WOULD NOT HAVE EXCEEDED 0.10% AT THE TIME OF THE TEST BUT FOR SUCH CONSUMPTION.

* * *

SECTION 13. SECTIONS 4303(E), 4306, 4502(D), 4529(A), 4534, 4535(C), 4536 AND 4571(B) AND (E) OF TITLE 75 ARE AMENDED TO READ:

§ 4303. General lighting requirements.

* * *

(e) Equipment exempted by regulation.--Antique motor

1 vehicles, animal-drawn vehicles, implements of husbandry,
2 commercial implements of husbandry and special mobile equipment,
3 if operated exclusively between the hours of sunrise and sunset
4 and not during periods of reduced visibility or insufficient
5 illumination, may be exempted from certain lighting equipment
6 requirements of this part by regulations of the department.

7 § 4306. USE OF MULTIPLE-BEAM ROAD LIGHTING EQUIPMENT. <—

8 (A) APPROACHING AN ONCOMING VEHICLE.--WHENEVER THE DRIVER OF
9 A VEHICLE APPROACHES AN ONCOMING VEHICLE WITHIN 500 FEET, THE
10 DRIVER SHALL USE THE LOW BEAM OF LIGHT.

11 (B) APPROACHING A VEHICLE FROM REAR.--WHENEVER THE DRIVER OF
12 A VEHICLE APPROACHES ANOTHER VEHICLE FROM THE REAR WITHIN 300
13 FEET, THE DRIVER SHALL USE THE LOW BEAM OF LIGHT.

14 (C) EXCEPTION.--A POLICE OR SHERIFF VEHICLE WHICH IS
15 EQUIPPED WITH A FLASHING HEADLAMP SYSTEM THAT CONFORMS TO
16 REGULATIONS PROMULGATED BY THE DEPARTMENT SHALL BE EXEMPT FROM
17 THE PROVISIONS OF THIS SECTION ONLY WHEN THE VEHICLE IS BEING
18 USED PURSUANT TO THE PROVISIONS OF SECTION 4571(E) (RELATING TO
19 VISUAL AND AUDIBLE SIGNALS ON EMERGENCY VEHICLES).

20 § 4502. General requirements for braking systems.

21 * * *

22 (d) Exceptions.--This section does not apply to towed
23 instruments of husbandry and such items or types of special
24 mobile equipment or commercial implements of husbandry as are
25 specifically exempted from compliance by regulations promulgated
26 by the department.

27 § 4529. Slow moving vehicle emblem.

28 (a) General rule.--All implements of husbandry, commercial
29 implements of husbandry and special mobile equipment designed to
30 operate at 25 miles per hour or less and all animal-drawn

1 vehicles shall, when traveling on a highway, display on the rear
2 of the vehicle a reflective slow moving vehicle emblem as
3 specified in regulations of the department. The use of the slow
4 moving vehicle emblem shall be in addition to any other lighting
5 devices or equipment required by this title.

6 * * *

7 § 4534. Rearview mirrors.

8 No person shall operate a motor vehicle or combination on a
9 highway unless the vehicle or combination is equipped with at
10 least one mirror, or similar device, which provides the driver
11 an unobstructed view of the highway to the rear of the vehicle
12 or combination. This section shall not apply to any special
13 mobile equipment, commercial implement of husbandry or implement
14 of husbandry that is not so equipped by the original
15 manufacturer.

16 § 4535. Audible warning devices.

17 * * *

18 (c) Exceptions.--This section shall not apply to any special
19 mobile equipment, commercial implement of husbandry or implement
20 of husbandry that is not so equipped by the original
21 manufacturer.

22 § 4536. Bumpers.

23 No person shall operate any vehicle upon a highway without
24 bumpers of a type specified by regulations of the department in
25 both the front and rear unless the vehicle was originally
26 designed and manufactured to be used without bumpers. This
27 section shall not apply to any special mobile equipment,
28 commercial implement of husbandry or implement of husbandry that
29 is not so equipped by the original manufacturer.

30 § 4571. VISUAL AND AUDIBLE SIGNALS ON EMERGENCY VEHICLES.

<—

1 * * *

2 (B) POLICE, SHERIFF, FIRE AND CORONER OR MEDICAL EXAMINER
3 VEHICLES.--

4 (1) POLICE, SHERIFF, CORONER, MEDICAL EXAMINER OR FIRE
5 POLICE VEHICLES MAY IN ADDITION TO THE REQUIREMENTS OF
6 SUBSECTION (A) BE EQUIPPED WITH REVOLVING OR FLASHING BLUE
7 LIGHTS. THE COMBINATION OF RED AND BLUE LIGHTS MAY BE USED
8 ONLY ON POLICE, SHERIFF, CORONER, MEDICAL EXAMINER OR FIRE
9 POLICE VEHICLES.

10 (2) UNMARKED POLICE AND SHERIFF VEHICLES, USED AS
11 EMERGENCY VEHICLES AND EQUIPPED WITH AUDIBLE WARNING SYSTEMS,
12 MAY BE EQUIPPED WITH THE LIGHTS DESCRIBED IN THIS SECTION.

13 (3) POLICE, SHERIFF AND FIRE VEHICLES MAY BE EQUIPPED
14 WITH A MOUNTED RACK CONTAINING ONE OR MORE EMERGENCY WARNING
15 LIGHTS OR SIDE MOUNTED FLOODLIGHTS OR ALLEY LIGHTS OR ALL
16 SUCH LIGHTS.

17 * * *

18 (E) AUTHORIZED PERIOD OF USE.--THE LIGHTS AND WARNING
19 SYSTEMS SPECIFIED BY THIS SECTION MAY BE USED ONLY DURING AN
20 EMERGENCY OR IN THE INTEREST OF PUBLIC SAFETY AND BY POLICE
21 OFFICERS, SHERIFFS AND DEPUTY SHERIFFS IN ENFORCEMENT OF THE
22 LAW. AN AMBULANCE WHICH IS TRANSPORTING A PATIENT MAY USE EITHER
23 THE LIGHTS OR THE AUDIBLE WARNING SYSTEM, OR BOTH, AS DETERMINED
24 BY THE DRIVER OF THE AMBULANCE.

25 * * *

26 Section 7 & 14. Section 4703(b) of Title 75 is amended by
27 adding a paragraph to read:

28 § 4703. Operation of vehicle without official certificate of
29 inspection.

30 * * *

(b) Exceptions.--Subsection (a) does not apply to:

* * *

~~(11)~~ (12) Commercial implements of husbandry.

* * *

~~Section 8 7. Sections 4704(g) and 4905(e) of Title 75 are~~

SECTION 15. SECTION 4704(G) OF TITLE 75 IS amended to read:

§ 4704. Inspection by police or Commonwealth personnel.

* * *

(g) Limitations.--Farm trucks not required to be registered, implements of husbandry, commercial implements of husbandry and special mobile equipment shall not be subject to the systematic vehicle inspections authorized under subsection (a).

SECTION 16. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

§ 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.

1 "REFINER." A MANUFACTURER OF MOTOR VEHICLE FUEL.

2 "RETAIL MOTOR VEHICLE FUEL STATION." A PLACE OF BUSINESS

3 WHERE MOTOR VEHICLE FUEL IS SOLD AND DISPENSED INTO THE TANKS OF

4 MOTOR VEHICLES, EITHER BY MEANS OF A SELF-SERVICE OR FULL-

5 SERVICE PUMP.

6 SECTION 17. SECTION 4905(E) OF TITLE 75 IS AMENDED TO READ:

7 § 4905. Safety requirements for towed vehicles.

8 * * *

9 (e) Obstructed lighting equipment.--Whenever the rear
10 running lights, stop lights, turn signals or hazard warning
11 lights required by the provisions of Chapter 43 (relating to
12 lighting equipment) are obstructed by the load on a vehicle or
13 by a towed vehicle or its load, lighting equipment shall be
14 displayed on the rear of the towed vehicle or load equivalent to
15 the obstructed lights or signals, except in the case of
16 implements of husbandry or commercial implements of husbandry
17 displaying the slow-moving vehicle emblem and operating between
18 sunrise and sunset.

19 Section ~~9~~ 8 18. Section 4921(b) of Title 75 is amended by <—
20 adding a paragraph to read:

21 § 4921. Width of vehicles.

22 * * *

23 (b) Special vehicles.--

24 * * *

25 (6) Commercial implements of husbandry not exceeding 10
26 feet 8 inches in width may be driven, hauled or towed between
27 sunrise and sunset on highways other than freeways.

28 * * *

29 ~~Section 10 9. Sections 4971, 7134(e) and 7309(a) of Title 75~~ <—
30 ~~are amended to read:~~

1 SECTION 19. SECTION 4971 OF TITLE 75 IS AMENDED TO READ: <—

2 [§ 4971. Permit for operation of chemical and fertilizer
3 vehicles.

4 A permit may be issued for a period of 45 consecutive days
5 authorizing the operation in the Commonwealth of any vehicle
6 registered in another state which is used for the transportation
7 and application of chemicals and fertilizer.]

8 SECTION 20. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: <—

9 § 6312. LIQUOR OR MALT OR BREWED BEVERAGES.

10 (A) GENERAL RULE.--IN AN ACTION OR PROCEEDING UNDER THIS
11 TITLE OR AS PROVIDED IN SUBSECTION (B) IN WHICH A MATERIAL
12 ELEMENT OF THE OFFENSE IS THAT A SUBSTANCE IS LIQUOR OR A MALT
13 OR BREWED BEVERAGE, ALL OF THE FOLLOWING APPLY:

14 (1) CHEMICAL ANALYSIS IS NOT REQUIRED TO PROVE THAT THE
15 SUBSTANCE IS LIQUOR OR A MALT OR BREWED BEVERAGE.

16 (2) CIRCUMSTANTIAL EVIDENCE IS SUFFICIENT TO PROVE THAT
17 THE SUBSTANCE IS LIQUOR OR A MALT OR BREWED BEVERAGE.

18 (B) EVIDENCE PRESENTED BY DEFENDANT.--NOTWITHSTANDING
19 SUBSECTION (A), NOTHING SHALL PREVENT A DEFENDANT FROM
20 PRESENTING EVIDENCE THAT THE SUBSTANCE IS NOT LIQUOR OR A MALT
21 OR BREWED BEVERAGE.

22 (C) APPLICABILITY.--THE PROVISIONS OF SUBSECTION (A) SHALL
23 APPLY TO PROCEEDINGS UNDER TITLES 18 (RELATING TO CRIMES AND
24 OFFENSES) AND 42 (RELATING TO JUDICIARY AND JUDICIAL PROCEDURE)
25 AND UNDER THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS
26 THE LIQUOR CODE.

27 SECTION 21. SECTIONS 7134(E) AND 7309(A) OF TITLE 75 ARE
28 AMENDED TO READ:

29 § 7134. Odometer disclosure requirements.

30 * * *

(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 [25] 10 years or older.

(3) An implement of husbandry.

(4) Special mobile equipment.

(5) A commercial implement of husbandry.

§ 7309. Salvaging of vehicles valueless except for salvage.

(a) Application for certificate of salvage.--If an abandoned vehicle is valueless except for salvage, the salvor 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 [junk] salvage as provided for in section 1117 (relating to vehicle destroyed, dismantled, salvaged or recycled).

* * *

~~Section 11. Title 75 is amended by adding a chapter to read: <—~~

~~CHAPTER 89~~

~~PENNSYLVANIA TURNPIKE~~

~~Subchapter~~

~~A. Preliminary Provisions~~

~~B. Turnpike Extensions and Improvements~~

~~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:~~

~~"Commission." The Pennsylvania Turnpike Commission.~~

~~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.~~

~~8915. Conversion to toll roads.~~

~~8916. Turnpike system.~~

~~§ 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, 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.~~

~~§ 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 ~~(1) From an interchange with Interstate Route 70 between~~
2 ~~existing interchanges at Lover and Speers extending northerly~~
3 ~~to an interchange with Interstate Route 376 in Pittsburgh~~
4 ~~extending northwesterly toward the Midfield Terminal, Greater~~
5 ~~Pittsburgh Airport, Southern Beltway, Extension of the~~
6 ~~Findlay Connector along Interstate 79, and also extending~~
7 ~~southerly connecting with the existing interchange between~~
8 ~~U.S. Route 40 and the Mon Valley Expressway (L.R.1125).~~

9 ~~(2) From a point at or near the existing interchange~~
10 ~~between U.S. Route 40 and the Mon Valley Expressway~~
11 ~~(L.R.1125) in Fayette County southeasterly along U.S. Route~~
12 ~~40 to Uniontown and continuing southerly along Pa. Route 857~~
13 ~~to the West Virginia border.~~

14 ~~(3) From an interchange with the turnpike at or near~~
15 ~~Interchange 10 extending northerly generally following and~~
16 ~~coincident where feasible with existing U.S. Route 219 to an~~
17 ~~interchange with Interstate Route 80 at or near Interchange~~
18 ~~16.~~

19 ~~(4) Construction of an interchange for access to the~~
20 ~~International Distribution Center at the Wilkes Barre-~~
21 ~~Seranton International Airport in Luzerne County on the~~
22 ~~Northeast Extension of the Pennsylvania Turnpike System.~~

23 ~~(5) From a point at or near Turnpike Interchange 10~~
24 ~~southerly generally along U.S. Route 219 to the Maryland~~
25 ~~border.~~

26 ~~§ 8913. Additional subsequent extension authorizations.~~

27 ~~Upon substantial completion of the turnpike extensions and~~
28 ~~improvements set forth in sections 8911 (relating to improvement~~
29 ~~and extension authorizations) and 8912 (relating to subsequent~~
30 ~~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 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.~~

~~(2) 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.~~

~~§ 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.~~

1 ~~(2) From a point at or near Exit 5 of the turnpike~~
2 ~~northerly to Brookville, Jefferson County, to a point at the~~
3 ~~intersection with Interstate Route 80.~~

4 ~~(3) From a point at or near the Pennsylvania Turnpike~~
5 ~~System into various areas of Berks County in order to~~
6 ~~complete the construction of the inner loop system and outer~~
7 ~~loop system of highways surrounding the City of Reading and~~
8 ~~to complete the missing links on Routes 222 to 422 to 1035.~~

9 ~~(4) From a point at or near the intersections of~~
10 ~~Interstate Route 70, Interstate Route 76 and T.R.119 in the~~
11 ~~Borough of Youngwood, Westmoreland County, in a northerly~~
12 ~~direction along T.R.119 and T.R.66 to the intersection of~~
13 ~~T.R.22 with a bypass around the City of Greensburg,~~
14 ~~Westmoreland County; thence north on T.R.66 to T.R.356;~~
15 ~~thence north on T.R.356 to the intersection with T.R.28.~~

16 ~~(5) From a point at or near the intersection of T.R.66~~
17 ~~and T.R.22 in Salem Township, Westmoreland County; thence in~~
18 ~~a westerly direction paralleling T.R.22 to Exit 6 of~~
19 ~~Interstate 76.~~

20 ~~§ 8915. Conversion to toll roads.~~

21 ~~In order to facilitate vehicular traffic within and across~~
22 ~~this Commonwealth, and after completion of the turnpike~~
23 ~~extensions and improvements authorized in section 8911 (relating~~
24 ~~to improvement and extension authorizations), and subject to~~
25 ~~prior legislative approval by the General Assembly and the~~
26 ~~United States Congress, the commission is hereby authorized and~~
27 ~~empowered to convert to toll roads such portions of~~
28 ~~Pennsylvania's interstate highway system as may be required in~~
29 ~~order to facilitate the completion of the turnpike extensions~~
30 ~~and improvements authorized in sections 8912 (relating to~~

1 ~~subsequent extension authorizations), 8913 (relating to~~
2 ~~additional subsequent extension authorizations) and 8914~~
3 ~~(relating to further subsequent authorizations) and to operate~~
4 ~~and maintain such converted interstates as toll roads upon the~~
5 ~~approval by the Congress of the United States of America and the~~
6 ~~General Assembly of this Commonwealth of legislation expressly~~
7 ~~permitting the conversion of such interstates to toll roads.~~
8 ~~Such conversions shall take place at a time and manner set forth~~
9 ~~in the plan for the conversion prepared by the department. The~~
10 ~~provisions authorizing the commission to construct, operate and~~
11 ~~maintain the turnpike routes in sections 8911, 8912 and 8913~~
12 ~~shall be subject to:~~

13 ~~(1) the prior passage by the Congress of the United~~
14 ~~States and the General Assembly of this Commonwealth of~~
15 ~~legislation permitting the conversion of certain interstates~~
16 ~~to toll roads; or~~

17 ~~(2) the availability of such other funds as might become~~
18 ~~available in amounts that would be sufficient to fund to~~
19 ~~completion any of the individual turnpike extensions and~~
20 ~~improvements set forth in sections 8912, 8913 and 8914 so~~
21 ~~long as no turnpike extension or improvement authorized by~~
22 ~~section 8914 is undertaken until after all the turnpike~~
23 ~~extensions authorized by section 8913 are completed and no~~
24 ~~turnpike extension authorized by section 8913 is undertaken~~
25 ~~until after all the turnpike extensions and improvements~~
26 ~~authorized by section 8912 are completed. The commission is~~
27 ~~authorized to use Federal funds which may be available for~~
28 ~~toll roads only pursuant to the approval of the Secretary of~~
29 ~~Transportation and only pursuant to the authority granted in~~
30 ~~section 19 of the act of September 30, 1985 (P.L.240, No.61),~~

1 ~~known as the Turnpike Organization, Extension and Toll Road~~
2 ~~Conversion Act.~~

3 ~~§ 8916. Turnpike system.~~

4 ~~The turnpikes and the future toll road conversions authorized~~
5 ~~by this chapter are hereby or shall be made part of the~~
6 ~~Pennsylvania Turnpike System, as provided in the act of August~~
7 ~~14, 1951 (P.L.1232, No.282), referred to as the Pennsylvania~~
8 ~~Turnpike System Financing Act.~~

9 ~~Section 12. The provisions of 74 Pa.C.S. Ch. 81 are repealed.~~

10 ~~Section 13 10. This act shall take effect in 60 days.~~

11 SECTION 22. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

12 (1) THE AMENDMENT OR ADDITION OF SECTIONS 1801, 1812,
13 1817, 1821, 1822, 1823, 1824, 1825, 1826 AND 1933 OF THE ACT
14 SHALL TAKE EFFECT IMMEDIATELY.

15 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
16 DAYS.