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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1171 Session of  
1977

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Report of the Committee of Conference

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To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 1171, entitled:  
"An act amending Titles 75 (Vehicles) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding and changing provisions relating to vehicles and pedestrians."

respectfully submit the following bill as our report:

JOSEPH P. KOLTER

JOSEPH A. PETRARCA

RUDOLPH DININNI

(Committee on the part of the House of Representatives.)

FRANCIS J. LYNCH

EUGENE F. SCANLON

CLARENCE F. MANBECK

(Committee on the part of the Senate.)

AN ACT

1 Amending Titles 75 (Vehicles) and 42 (Judiciary and Judicial  
2 Procedure) of the Pennsylvania Consolidated Statutes, adding  
3 and changing provisions relating to vehicles and pedestrians.

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

6 Section 1. The definitions of "abandoned vehicle,"  
7 "authorized vehicle," "bus," "classic motor vehicle," "driver's  
8 license," "emergency vehicle," "farm truck," "manufacturer's  
9 shipping weight," "mobile home," "motorized pedalcycle,"  
10 "passenger car," "reconstructed vehicle," "roadway," "salvor,"  
11 "school bus," "taxi," "through highway," "urban district,"  
12 "valueless except for junk" and "vehicle" in section 102,  
13 sections 1102, 1103(a), (c), (d) and (e), 1108, 1111(a), 1112,  
14 1113(a) and (c), 1114(b), 1117, 1118(a), (b) and (f), 1119,  
15 1138, 1301, 1302, 1303(a) and (e), 1304(d), 1305, 1306, 1307(c)  
16 and (e), 1309, 1310, 1311, 1312, 1313(c), 1315, 1331(e), 1333(b)  
17 and (c), 1334(a), 1335, 1336, 1337(a) and (c), 1338, 1339, 1340,  
18 1342, 1343, 1344, 1371, 1373, 1374, 1375, 1501(c) and (d),  
19 1502(3), 1503, 1504(c), (d) and (e), 1505(b) and (c), 1507(d),  
20 1508, 1509(a), 1511, 1513(a), 1514, 1515, 1517, 1518, 1519,  
21 1532, 1533, 1534, 1535, 1537, 1538, 1539(c), 1540, 1541(a) and  
22 (c), 1542(b) and (c), 1543, 1544(a), 1545, 1547(a), (b), (c) and  
23 (d), 1549, 1550, 1551, 1571, 1572, 1573, 1704, 1741, 1746,  
24 1747(a), 1901(a), (b) and (c), 1902, 1915, 1916, 1917, 1919,  
25 1923, 1925, 1926, 1928, 1929, 1942, 1943(a) and (b), 1944, 1945,  
26 1951, 1952, 1953, 1955, 1956, 1957, 3101, 3102, 3105(b), (c) and  
27 (d), 3112, 3113, 3115, 3307, 3314, 3321, 3323(b) and (c),  
28 3331(b), 3332, 3334(b), 3335, 3342(b) and (c), 3345, 3351, 3352,

1 3353, 3354(d), 3363, 3364(c), 3365(a), (b) and (c), 3367(b),  
2 3368(c) and (d), 3502, 3504, 3507, 3508, 3522(a), 3523, 3525(b),  
3 3541, 3543, 3549, 3550, 3706, 3709, 3711(b), 3731(a) and (d),  
4 3732, 3733(a), 3734, 3741, 3746(c), 3749(b) and (c), 3751(b),  
5 3752, 4103, 4107(a), 4303(c) and (e), 4307, 4502, 4523(b), 4524,  
6 4530, 4531, 4534, 4535, 4552(e), 4571, 4572(b) and (d), 4702,  
7 4703, 4704(a), 4721, 4722(c), 4723, 4724, 4725(c), 4726,  
8 4727(a), 4729, 4730, 4901(c), 4902, 4903(c), 4904(c) and (d),  
9 4907, 4921, 4923, 4924(a), 4941(b), 4942, 4943, 4944, 4945(a),  
10 4946(a), 4961, 4962(b) and (d), 4963, 4965, 4966, 4967, 4968,  
11 4970, 4981, 4982(c), 4983, 6104(a), 6105, 6106, 6109(a), (b),  
12 (c) and (e), 6112, 6122, 6124, 6301, 6304, 6305, 6306, 6308,  
13 6322(a), 6323, 6327, 6501, 6503, 6504, 7102, 7103, 7105,  
14 7113(a), 7116, 7121, 7122, 7123, 7301, 7302, 7304, 7305, 7306,  
15 7308, 7309, 7312, 7502(c), (d) and (e) and 7505, the heading of  
16 Chapter 77 and sections 7701, 7703, 7706, 7711, 7712, 7713,  
17 7714, 7715, 7716, 7721, 7722, 7723, 7724, 7725, 7726, 7727,  
18 7728, 7729, 7741, 7742, 7743, 7751 and 7752 of Title 75, act of  
19 November 25, 1970 (P.L.707, No.230), known as the Pennsylvania  
20 Consolidated Statutes, added June 17, 1976 (P.L.162, No.81), are  
21 amended, and the definitions of "historic motor vehicle," "play  
22 highway," "public property," "pushcart," "recreational vehicle,"  
23 "street," "tower" and "traffic signal" in section 102, sections  
24 1120, 1121, 1331(f), 1345, 1504(f) and (g), 1505(e), 1547(k),  
25 1552, 1933, 1934, 1948, 1960, 1961, 3111(e), 3342(d), 3346,  
26 3355, 3356, 3368(e), 3505(e), 3544(e), 4305(d), 4552(i),  
27 4572(c), 4971, 4972, 6309 and the definition of "off-road  
28 vehicle" in section 7702 are added to read:

29 § 102. Definitions.

30 Subject to additional definitions contained in subsequent

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

5 "Abandoned vehicle."

6 (1) A vehicle (other than a pedalcycle):

7 (i) that is inoperable and is left unattended on  
8 public property for more than 48 hours;

9 (ii) that has remained illegally on public property  
10 for a period of more than 48 hours;

11 (iii) [without] which does not have both a valid  
12 registration plate [or] and certificate of inspection [or  
13 title] and which is left unattended on [or along] a  
14 highway; or

15 (iv) [that has remained on private property without  
16 the consent of the owner or person in control of the  
17 property for more than 48 hours] that has remained  
18 unclaimed at a storage facility of a salvor or tower for  
19 more than 30 days.

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

25 \* \* \*

26 "Authorized vehicle." A vehicle or type of vehicle, other  
27 than an emergency vehicle, for which special operating or  
28 equipment privileges are given by law or regulation of the  
29 department based on [design and utility for work within a  
30 highway] its use on the highway or in the performance of public

1 service or governmental functions.

2 "Bus." A motor vehicle designed for carrying more than ten  
3 passengers, exclusive of the driver, and used for the  
4 transportation of persons and [a] any other motor vehicle [,  
5 other than a taxicab, designed and] used for the transportation  
6 of persons for compensation. The term does not include a taxicab  
7 or a vehicle used in a carpool as defined in department  
8 regulations.

9 \* \* \*

10 ["Classic motor vehicle." A self-propelled vehicle, but not  
11 a reproduction thereof, manufactured more than ten years prior  
12 to the current year and, because of discontinued production and  
13 limited availability, determined by the department to be a model  
14 or make of significant value to collectors or exhibitors and  
15 which has been maintained in or restored to a condition which is  
16 substantially in conformity with manufacturer specifications and  
17 appearance.]

18 \* \* \*

19 "Driver's license." A license or permit to drive a motor  
20 vehicle issued under this title or under the applicable laws of  
21 another jurisdiction.

22 \* \* \*

23 "Emergency vehicle." A fire [department] vehicle, police  
24 vehicle, ambulance, blood-delivery vehicle, armed forces  
25 emergency vehicle, one private vehicle of a fire or police chief  
26 or assistant chief or when a fire company has three or more fire  
27 vehicles, a second assistant chief, or ambulance corps commander  
28 or assistant commander or of a river rescue commander or coroner  
29 or deputy coroner or civil defense director used for answering  
30 emergency calls [or other vehicle designated by the State Police

1 under section 6106 (relating to designation of emergency  
2 vehicles by Pennsylvania State Police)].

3 \* \* \*

4 "Farm truck." A truck or bus determined by the department to  
5 be used exclusively for agricultural purposes.

6 \* \* \*

7 "Historic motor vehicle." A self-propelled vehicle, but not  
8 a reproduction thereof, manufactured more than ten years prior  
9 to the current year and, because of discontinued production and  
10 limited availability, determined by the department to be a model  
11 or make of significant value to collectors or exhibitors and  
12 which has been maintained in or restored to a condition which is  
13 substantially in conformity with manufacturer specifications and  
14 appearance.

15 \* \* \*

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

20 \* \* \*

21 "Mobile home." A trailer designed and used exclusively for  
22 living quarters or commercial, industrial, educational,  
23 religious or similar purposes which exceeds the maximum size  
24 limitations prescribed by this title for operation on a highway  
25 and is only incidentally operated on a highway, including a unit  
26 transported on a removable or nonremovable frame designed so as  
27 to be assembled together with another unit or units into a  
28 structure which is used exclusively for living quarters,  
29 commonly known as a "modular unit."

30 \* \* \*

1 "Motorized pedalcycle." A motor-driven cycle [equipped with  
2 operable pedals, a motor rated no more than 1.5 brake  
3 horsepower, a cylinder capacity not exceeding 50 cubic  
4 centimeters, an automatic transmission, and a maximum design  
5 speed of no more than 25 miles per hour.] with a maximum design  
6 speed of 30 miles per hour equipped with operable pedals, an  
7 engine which produces not more than 2 brake horsepower and, if  
8 it has an internal combustion engine, a cylinder capacity not  
9 exceeding 50 cubic centimeters and an automatic transmission. A  
10 motorized pedalcycle is commonly referred to as a "moped."

11 \* \* \*

12 "Passenger car." A motor vehicle, except a motorcycle or  
13 taxicab, designed primarily for carrying ten passengers or less,  
14 and primarily used for the transportation of persons.

15 \* \* \*

16 "Play highway." A portion of a highway or roadway barred  
17 from unauthorized use by motor vehicles, on a temporary or  
18 regular daily basis, and reserved for play or recreational  
19 activities.

20 \* \* \*

21 "Public property." Real property, improved or unimproved,  
22 including land or buildings, owned or controlled by the United  
23 States, the Commonwealth, any political subdivision, or any  
24 agency of any of them, or a municipal authority or parking  
25 authority. "Public property" shall include a street or highway  
26 as defined in this section unless it is specifically stated that  
27 streets and highways are not to be included.

28 "Pushcart." A vehicle, other than a pedalcycle, propelled  
29 solely by human power, and used or intended for use for the  
30 display, transport, exhibit or sale of goods, wares or

1 merchandise.

2 \* \* \*

3 "Reconstructed vehicle." A vehicle materially altered from  
4 its original construction by the removal, addition or  
5 substitution of essential parts, new or used, or a vehicle,  
6 other than an antique or [classic] historic motor vehicle, for  
7 which [a certificate of junk] authorization to salvage the  
8 vehicle was issued and is thereafter restored to operating  
9 condition.

10 \* \* \*

11 "Recreational vehicle." A vehicle designed as temporary  
12 living quarters for recreation, camping or travel use.

13 \* \* \*

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

21 \* \* \*

22 "Salvor." A person [engaged in the business of acquiring  
23 abandoned vehicles] authorized by the department to remove  
24 vehicles from public or private property or to acquire abandoned  
25 vehicles for the purpose of taking apart, [junking] salvaging,  
26 selling, rebuilding or exchanging the vehicles or parts thereof.

27 ["School bus." A motor vehicle which complies with the color  
28 and lighting identification requirements of section 4552  
29 (relating to general requirements for school buses).]

30 \* \* \*

1       "Street." A highway.

2       \* \* \*

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

7       "Through highway." A limited access highway or any other  
8 highway or portion of a highway on which vehicular traffic is  
9 given preferential right-of-way[, and at the entrances to which  
10 vehicular traffic from intersecting highways is required by law  
11 to yield the right-of-way to vehicles on the through highway in  
12 obedience to a stop sign, yield sign or other official traffic-  
13 control device when the signs or devices are erected as provided  
14 in this title].

15       \* \* \*

16       "Tower." A person authorized by the department to remove  
17 vehicles from public or private property.

18       \* \* \*

19       "Traffic signal." Any power-operated traffic-control device,  
20 except a sign, barricade, warning light, flashing arrow board or  
21 steady burn electric lamp, by which traffic is warned or  
22 directed to take some specific action. These devices include  
23 traffic-control signals, pedestrian signals, beacons, lane-use-  
24 control signals, drawbridge signals, emergency traffic signals,  
25 firehouse warning devices and ramp metering signals.

26       \* \* \*

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

1 more. The right-of-way of intersecting highways shall not be  
2 counted in measuring distances between structures.

3 \* \* \*

4 "Valueless except for [junk] salvage." A vehicle which is  
5 inoperable or unable to meet the vehicle equipment and  
6 inspection standards under Part IV (relating to vehicle  
7 characteristics) to the extent that the cost of repairs would  
8 exceed the value of the repaired vehicle. The term does not  
9 include a vehicle which would qualify as an antique or [classic]  
10 historic motor vehicle except for its lack of restoration or  
11 maintenance.

12 "Vehicle." Every device [in, upon or by] which [any person  
13 or property] is or may be [transported] moved or drawn upon a  
14 highway, except devices used exclusively upon rails or tracks.

15 \* \* \*

16 § 1102. Vehicles not requiring certificate of title.

17 No certificate of title [shall be issued] is required for:

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

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

22 (3) A new vehicle owned by a manufacturer or  
23 [registered] dealer before and until the first sale to a  
24 consumer.

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

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

1 registered in this Commonwealth.

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

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

7 (8) An implement of husbandry unless required to be  
8 registered.

9 (9) Special mobile equipment unless required to be  
10 registered.

11 (10) A [mobile home] riding lawnmower or snowplow with  
12 an engine not exceeding 16 horsepower or such higher  
13 horsepower rating as determined by the department.

14 § 1103. Application for certificate of title.

15 (a) Contents of application.--Application for a certificate  
16 of title shall be made upon a form prescribed and furnished by  
17 the department and shall contain a full description of the  
18 vehicle, the vehicle identification number, date of purchase,  
19 the actual or bona fide name and address of the owner, a  
20 statement of the title of applicant, together with any other  
21 information or documents the department requires to identify the  
22 vehicle and to enable the department to determine whether the  
23 owner is entitled to a certificate of title and the [amount and]  
24 description of any security interests in the vehicle.

25 \* \* \*

26 (c) Manufacturer's [Statement] Certificate of Origin for new  
27 vehicles.--If the application refers to a new vehicle, it shall  
28 be accompanied by the Manufacturer's [Statement] Certificate of  
29 Origin [for the vehicle]. A tracing or photograph of the vehicle  
30 identification number shall not be required for passenger cars

1 or motorcycles.

2 (d) Vehicles purchased from dealers.--If the application  
3 refers to a vehicle purchased from a dealer, the dealer shall  
4 mail or deliver the application to the department within ten  
5 days of the date of purchase. The application shall [contain the  
6 names and addresses of any lienholders in order of priority, the  
7 amounts and the dates of the security agreements, and] be  
8 assigned by the dealer to the owner and signed by the owner. The  
9 application shall also be signed and verified by the dealer by  
10 oath or affirmation as required by subsection (b). Any dealer  
11 violating this subsection is guilty of a summary offense and  
12 shall, upon conviction, be sentenced to pay a fine of \$50 for  
13 each violation. The requirement that the dealer mail or deliver  
14 the application to the department does not apply to vehicles  
15 purchased by fleet owners or governmental or quasi-governmental  
16 agencies.

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

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

24 (2) [A tracing of the vehicle identification number  
25 taken from the official number plate or, where it is  
26 impossible to secure a legible tracing the] The verification  
27 of a person authorized by the department that the vehicle  
28 identification number of the vehicle has been inspected and  
29 found to conform to the description given in the application.

30 (3) Any other information and documents the department

1 reasonably requires to establish the ownership of the vehicle  
2 and the existence or nonexistence of security interests in  
3 the vehicle.

4 \* \* \*

5 § 1108. Registration without certificate of title.

6 If the department is not satisfied as to the ownership of the  
7 vehicle or that there are no undisclosed security interests in  
8 the vehicle, or if the holder of a security interest refuses to  
9 submit a foreign title to the department for registration of the  
10 vehicle in this Commonwealth, the department may register the  
11 vehicle but shall withhold issuance of a certificate of title  
12 until the applicant presents documents reasonably sufficient to  
13 satisfy the department as to the ownership by the applicant of  
14 the vehicle and that there are no undisclosed or outstanding  
15 security interests in the vehicle.

16 § 1111. Transfer of ownership of vehicle.

17 (a) Duty of transferor.--In the event of the sale or  
18 transfer of the ownership of a vehicle within this Commonwealth,  
19 the owner shall execute an assignment and warranty of title to  
20 the transferee in the space provided on the certificate or as  
21 the department prescribes, sworn to before a notary public or  
22 other officer empowered to administer oaths, and deliver the  
23 certificate to the transferee [at the time of the delivery of  
24 the vehicle] immediately.

25 \* \* \*

26 § 1112. Disclosure of odometer reading and tampering with  
27 odometer.

28 (a) Statement by transferor of odometer reading.--Each  
29 transferor of a motor vehicle shall furnish to the transferee at  
30 the time of transfer a written statement disclosing the odometer

1 reading of the vehicle at the time of transfer and the date of  
2 the transfer. The statement shall be signed by the transferor on  
3 such form as the department may prescribe.

4 (b) Statement when actual mileage unknown.--If the  
5 transferor knows that the odometer reading differs from the  
6 number of miles the vehicle has actually traveled, and that the  
7 difference is greater than that caused by odometer calibration  
8 error, the transferor shall include a statement that the actual  
9 vehicle mileage is unknown.

10 (c) Tampering with odometer.--Except for purposes of repair  
11 or replacement, it is unlawful for any person to disconnect,  
12 turn back, tamper with or reset an odometer of any motor  
13 vehicle.

14 (d) Exceptions.--The transferor [of the following types of  
15 motor vehicles] need not disclose the odometer reading of [the  
16 vehicle]:

17 (1) A motor vehicle having a registered gross weight of  
18 more than 17,000 pounds.

19 (2) A motor vehicle 25 years or older.

20 (3) A motor vehicle transferred between dealers prior to  
21 first retail sale.

22 (4) A motor vehicle not originally equipped with an  
23 odometer.

24 (e) Penalties.--Any person violating subsection (a) or (b)  
25 is guilty of a summary offense and shall, upon conviction, be  
26 sentenced to pay a fine of \$100. Any person violating subsection  
27 (c) is guilty of a summary offense and shall, upon conviction,  
28 be sentenced to pay a fine of \$300.

29 § 1113. Transfer to or from manufacturer or dealer.

30 (a) Transfer to manufacturer or dealer.--When the purchaser

1 or transferee of a vehicle is a manufacturer or [registered]  
2 dealer who holds the vehicle for resale, a certificate of title  
3 need not be applied for as provided for in section 1111  
4 (relating to transfer of ownership of vehicle) but the  
5 transferee shall, within [seven] ten days from the date of  
6 assignment of the certificate of title to the manufacturer or  
7 dealer, forward to the department, upon a form prescribed and  
8 furnished by the department, notification of the acquisition of  
9 the vehicle. Notification as authorized in this section may not  
10 be used in excess of three consecutive transactions after which  
11 time an application shall be made for a certificate of title.

12 \* \* \*

13 (c) Transfer from manufacturer or dealer.--[The manufacturer  
14 or dealer, upon transferring his interest in the vehicle, shall,  
15 except] Except as otherwise provided in this section, when the  
16 transferee is another manufacturer or dealer:

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

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

23 [The] (3) The manufacturer or dealer shall forward the  
24 certificate of title and any other required forms shall be  
25 forwarded by the dealer or manufacturer to the department  
26 within [five] ten days of the transfer.

27 \* \* \*

28 § 1114. Transfer of vehicle by operation of law.

29 \* \* \*

30 (b) Transfer to surviving spouse.--Transfer of a certificate

1 of title to a surviving spouse, or any person designated by the  
2 spouse, may be made without the necessity of filing for letters  
3 of administration notwithstanding the fact that there are  
4 [minor] children or other heirs surviving the decedent provided  
5 the surviving spouse files an affidavit that all the debts of  
6 the decedent have been paid. The provisions of this subsection  
7 do not supersede the bequest of a vehicle to another person.

8 \* \* \*

9 § 1117. Vehicle destroyed or [junked] salvaged.

10 (a) Application for [certificate of junk] vehicle salvage  
11 authorization.--[Any owner who transfers a vehicle as scrap, or  
12 to be destroyed or junked, shall assign the certificate of title  
13 to the person to whom the vehicle is transferred. The transferee  
14 shall return the assigned certificate of title to the department  
15 immediately with an application for a certificate of junk upon a  
16 form furnished and prescribed by the department. An insurer, as  
17 defined in the act of July 19, 1974 (P.L.489, No.176), known as  
18 the "Pennsylvania No-fault Motor Vehicle Insurance Act," to  
19 which title to a vehicle is assigned upon payment to the insured  
20 of the replacement value of the vehicle, shall be regarded as a  
21 transferee under this subsection.]

22 (1) No person shall scrap, dismantle or destroy a  
23 vehicle or remove a vehicle from this Commonwealth for the  
24 purpose of scrapping, dismantling or destroying the vehicle  
25 unless the certificate of title has been endorsed with  
26 authorization to salvage the vehicle. Upon receipt of the  
27 certificate of title and application for authorization to  
28 salvage a vehicle, the department will issue to the applicant  
29 or their designee a certificate of title endorsed with  
30 authorization to salvage the vehicle. A person who purchases

1 a vehicle to be scrapped, dismantled or destroyed shall apply  
2 for authorization to salvage the vehicle within ten days.

3 (2) An owner who receives the replacement value of a  
4 wrecked vehicle from an insurer as defined in the act of July  
5 19, 1974 (P.L.489, No.176), known as the "Pennsylvania No-  
6 fault Motor Vehicle Insurance Act," or the insurer or other  
7 transferee, if title to the vehicle is transferred, shall  
8 apply for authorization to salvage the vehicle within ten  
9 days.

10 (3) Any person who purchases in another state a wrecked  
11 vehicle whose owner received its replacement value from an  
12 insurer shall apply for authorization to salvage the vehicle  
13 within ten days of entry of the vehicle into this  
14 Commonwealth.

15 (4) No fee shall be payable for issuance of a  
16 certificate of title endorsed with authorization to salvage.  
17 However, if the applicant wishes the title to be issued in  
18 the name of a salvor, scrap metal processor or other person,  
19 the applicable title fee shall be payable. Any subsequent  
20 assignment of the title shall also require payment of the  
21 applicable fee.

22 [(b) Issuance and effect of certificate of junk.--Upon  
23 proper application for a certificate of junk, the department  
24 shall issue to the transferee a certificate of junk which shall  
25 authorize the holder to possess, transport, or by endorsement,  
26 transfer ownership in the junked vehicle, and a certificate of  
27 title shall not again be issued for the vehicle except upon  
28 application containing the information the department requires,  
29 accompanied by any necessary documents or articles.]

30 [(c)] (b) Vehicles with defective or lost title.--Any person

1 on whose property is located a vehicle which is valueless except  
2 for [junk] salvage and which has a faulty, lost or destroyed  
3 title may transfer the vehicle to a salvor or to a salvage  
4 program operated by a political subdivision for removal to a  
5 suitable place of storage or for scrapping, provided the salvor  
6 or salvage program complies with the requirements of section  
7 7309 (relating to junking of vehicles valueless except for  
8 [junk] salvage), except that the report to the department that  
9 the vehicle is valueless except for [junk] salvage shall be  
10 verified by the transferor of the vehicle instead of the police  
11 department. The transferee shall return the assigned certificate  
12 of title, if any to the department immediately with an  
13 application for [certificate of junk] vehicle salvage  
14 authorization upon a form furnished and prescribed by the  
15 department.

16 [(d)] (c) Reconstructed vehicle.--If the title to a vehicle,  
17 other than an antique or [classic] historic motor vehicle, [for  
18 which a certificate of junk has been issued is thereafter  
19 restored to operating condition, it shall be regarded as a  
20 reconstructed vehicle] has been endorsed with authorization to  
21 salvage the vehicle and the vehicle is thereafter restored to  
22 operating condition, the salvage authorization endorsement may  
23 be removed in favor of an endorsement as a reconstructed vehicle  
24 upon payment of the applicable fee.

25 [(e)] (d) Transfer to scrap metal processor.--

26 (1) When a scrap metal processor obtains a [destroyed or  
27 junked] salvaged vehicle from a licensed salvor, it shall be  
28 the duty of the salvor to obtain [a certificate of junk] the  
29 salvage authorization endorsement therefor. When a scrap  
30 metal processor purchases a [destroyed or junked] salvaged

1 vehicle from a person other than a salvor, it shall be the  
2 duty of the scrap metal processor to obtain the [certificate  
3 of junk] salvage authorization endorsement unless the  
4 transferor has previously obtained the salvage authorization  
5 endorsement.

6 (2) When a vehicle, which has been destroyed, is  
7 transferred to a scrap metal processor no assignment of a  
8 title endorsed with an authorization to salvage the vehicle  
9 shall be required. As used in this paragraph, "destroyed"  
10 means that the vehicle has been crushed, compressed, shredded  
11 or otherwise irreversibly rendered unusable as a vehicle.

12 [(f)] (e) Penalty.--Any person violating the provisions of  
13 [subsections] subsection (a) or [(e)] (d) is guilty of a summary  
14 offense and shall, upon conviction, be sentenced to pay a fine  
15 of \$200 for each violation.

16 § 1118. Suspension and cancellation of certificate of title.

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

22 (b) Vehicles sold to nonresidents or [junked] salvaged.--The  
23 department may cancel certificates of title for vehicles sold to  
24 residents of other states or foreign countries when the vehicle  
25 is to be registered in the other jurisdiction, or for abandoned  
26 or destroyed vehicles authorized to be [junked] salvaged as  
27 provided in this subchapter.

28 \* \* \*

29 (f) Nonpayment of fee.--The department may suspend a  
30 certificate of title when a check received in payment of [the]

1 any fee for title or registration of the vehicle is not paid on  
2 demand or when the fee [for the certificate] is unpaid and  
3 owing. The suspension shall remain in effect until the required  
4 fee and penalty have been paid.

5 \* \* \*

6 § 1119. Application for or assignment of certificate of  
7 title by agent.

8 (a) [Authorization to make application.--No] General rule.--  
9 Except as provided in subsection (b), no person shall make  
10 application for or assign a certificate of title when acting for  
11 another person unless authorization to make the application or  
12 assignment is in effect and is verified by oath or affirmation  
13 of the other person. [, made, excepting as between lessors and  
14 fleet owners as lessees, not more than 15 days before the  
15 application is received by the department. Lessors may authorize  
16 fleet owners to make application for certificates of title for  
17 leased vehicles for periods of up to one year.]

18 (b) [Certificate not to be assigned in blank.--No person  
19 shall make application for, or assign or physically possess, a  
20 certificate of title, or direct or allow another person in his  
21 employ or control to make application for, or assign or  
22 physically possess, a certificate of title, unless the name of  
23 the transferee is placed on the assignment of certificate of  
24 title simultaneously with the name of the transferor and duly  
25 notarized.] Exception.--Executive officers of corporations and  
26 associations and partners or sole proprietors of unincorporated  
27 businesses are not required to have written authorization from  
28 the corporation, association or unincorporated business.

29 [(c) Persons authorized to hold certificate.--No person  
30 shall receive, obtain or hold a certificate of title recorded in

1 the name of another person for the other person who is not in  
2 the regular employ of, or not a member of the family of, the  
3 other person, unless the person receiving, obtaining or holding  
4 the certificate of title has a valid undischarged lien recorded  
5 in the department against the vehicle represented by the  
6 certificate of title.]

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

10 § 1120. Certificate of title to contain name of transferee.

11 (a) General rule.--No person shall make application for, or  
12 assign or physically possess, a certificate of title, or direct  
13 or allow another person in his employ or control to make  
14 application for, or assign or physically possess, a certificate  
15 of title, unless the name of the transferee is placed on the  
16 assignment of certificate of title simultaneously with the name  
17 of the transferor and the transaction is duly notarized.

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

21 § 1121. Persons authorized to possess certificate of title.

22 (a) General rule.--No person shall receive, obtain or hold a  
23 certificate of title recorded in the name of another person for  
24 the other person who is not in the regular employ of, or not a  
25 member of the family of, the other person, unless the person  
26 receiving, obtaining or holding the certificate of title has a  
27 valid undischarged lien recorded in the department against the  
28 vehicle represented by the certificate of title.

29 (b) Exception.--This section shall not apply to a person who  
30 is in the actual process of obtaining a document from or

1 delivering a document to the department on behalf of the owner  
2 or registrant.

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

6 § 1138. Duration of lien recorded on certificate of title.

7 (a) General rule.--A security interest recorded on a  
8 certificate of title is effective for a period of [five] 15  
9 years in the case of a mobile home and in all other cases six  
10 years dating from the time of perfection as provided for in this  
11 subchapter.

12 (b) Renewal of lien.--The effectiveness of a lien recorded  
13 on the certificate of title lapses on the expiration of the  
14 periods specified in subsection (a) unless a continuation  
15 statement is filed within the six months immediately preceding  
16 expiration. The lien may be renewed for as many one-year periods  
17 as may be necessary by the holder of the security interest upon  
18 a form furnished by the department, signed by the secured party  
19 and accompanied by the fee provided in this title.

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

25 § 1301. [Driving unregistered vehicle prohibited.]

26 Registration and certificate of title required.

27 (a) Driving unregistered vehicle prohibited.--No person  
28 shall drive and no owner shall knowingly [It is a summary  
29 offense for any person to drive or for an owner knowingly to]  
30 permit to be driven upon any highway any vehicle [of a type

1 required to be registered under this chapter] not exempt from  
2 registration which is not registered or for which the  
3 appropriate fee has not been paid when and as required in this  
4 title.

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

9 (c) Penalty.--Any person violating the provisions of  
10 subsection (a) is guilty of a summary offense and shall, upon  
11 conviction, be sentenced to pay a fine of double the fee for the  
12 maximum weight at which the vehicle would have been registered.

13 § 1302. Vehicles [subject to] exempt from registration.

14 [(a) General rule.--No vehicle shall be operated upon any  
15 highway in this Commonwealth until the vehicle is properly  
16 registered with the department as provided in this chapter.

17 (b) Exceptions.--Subsection (a) does not apply to the  
18 following:]

19 (a) General rule.--The following types of vehicles are  
20 exempt from registration:

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

25 (2) Any implement of husbandry or trailer determined by  
26 the department to be used exclusively for agricultural  
27 operations and only incidentally operated upon highways.

28 [(i) A certificate of exemption shall be required  
29 for trailers.

30 (ii)] Vehicles exempt from registration under this

paragraph shall be used exclusively upon a farm or farms owned or operated by the owner of the vehicle or upon highways between:

[(A)] (i) Parts of one such farm.

[(B)] (ii) [Farms] Such farms located not more than 25 miles apart.

[(C)] (iii) [A farm] Such farm or farms and a place of business located within a radius of 25 miles from the farm for the purpose of buying or selling agricultural commodities or supplies or for [the inspection] delivery, repair or servicing of the vehicle.

(3) Any self-propelled golf cart used for the transportation of persons engaged in the game of golf while crossing any public highway during any game of golf.

(4) Any oversized vehicle which can only be moved by special permit as provided for in sections 4961(a)(1) (relating to authority to issue permits), 4965 (relating to single permits for multiple highway crossings), 4966 (relating to permit for movement of quarry or mining equipment) and 4970 (relating to permit for movement of [utility] construction equipment) or which is exempt from the requirement for a special permit under section 4963 (relating to exemptions for vehicles used in State highway construction).

(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] entry of the vehicle into this Commonwealth.

(6) Any vehicle owned by a resident legally required to

1 be registered in another state based and used principally  
2 outside of this Commonwealth.

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

4 (8) Any self-propelled invalid wheel chair or any device  
5 other than a passenger car, truck, trailer or similar vehicle  
6 designed and used exclusively for the transporting an invalid  
7 on a wheel chair.

8 (9) Any mobile home.

9 (10) Any riding lawnmower or snowplow with an engine not  
10 exceeding 16 horsepower or such higher horsepower rating as  
11 determined by the department.

12 (11) Any trailer, including but not limited to non-self-  
13 propelled special mobile equipment, to be used exclusively  
14 for construction operations and only incidentally operated  
15 upon the highway.

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

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

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

23 (13) Any vehicle owned by the United States government.

24 (14) Any vehicle for which a permit has been issued  
25 pursuant to section 4971 (relating to permit for operation of  
26 chemical and fertilizer vehicles).

27 [(c) Certificate of title required.--No vehicle shall be  
28 registered unless a certificate of title has been obtained, if  
29 one is required by Chapter 11 (relating to certificate of title  
30 and security interests).]

1     (b) Registration by certain residents in another state.--

2         (1) No person who is a resident of this Commonwealth or  
3     who is a resident of more than one state, including this  
4     Commonwealth, and has declared himself to be a Commonwealth  
5     resident, shall register a passenger vehicle in another state  
6     and subsequently operate such passenger vehicle in this  
7     Commonwealth on a regular basis.

8         (2) Any person violating the provisions of this  
9     subsection shall be guilty of a summary offense and shall pay  
10    a mandatory fine of \$500.

11 § 1303. Vehicles of nonresidents exempt from registration.

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

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

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

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

29         (4) [special mobile equipment if not also required to be  
30     and actually registered under the laws of the place of

residence of the owner.] used by a resident of this  
Commonwealth for more than 30 consecutive days.

\* \* \*

[(e) Trailer as part of registered combination.--Any motor vehicle registered as a combination in this Commonwealth may tow a trailer registered in another state provided:

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

(2) the towing vehicle is being operated under a permanent lease to a person meeting the requirements of paragraph (1).]

§ 1304. Registration criteria.

\* \* \*

(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] may 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

1 established by regulations of the department. The limitations of  
2 this subsection do not apply to motor vehicles registered prior  
3 to July 1, 1977 or if the Manufacturer's Statement of Origin  
4 indicates that the vehicle is a 1977 model year or earlier.

5 \* \* \*

6 § 1305. Application for registration.

7 (a) General rule.--Application for the registration of a  
8 vehicle shall be made to the department upon the appropriate  
9 form or forms furnished by the department. The application shall  
10 contain the full name and address of the owner or owners; the  
11 make, [model,] year and vehicle identification number of the  
12 vehicle; and such other information as the department may  
13 require including information pertaining to insurance.

14 Applicants for registration of a truck, truck tractor, trailer  
15 or bus shall provide the vehicle's Gross Vehicle Weight Rating  
16 (GVWR), or the Gross Combination Weight Rating (GCWR), as  
17 applicable. If the manufacturer's ratings are not available, the  
18 applicant shall provide sufficient information as to the  
19 horsepower, braking capacity and such other data as necessary  
20 for the department to determine an equivalent measure of the  
21 vehicle's hauling and stopping capability. If the applicant  
22 wishes to register a vehicle at a registered gross weight less  
23 than the gross vehicle weight rating, the application shall  
24 include information as to weight, load and any other such  
25 information as the department may require. The application shall  
26 be accompanied by [proof of insurance and] the applicable fee.

27 (b) Evidence of P.U.C. approval for buses and [taxis]  
28 taxicabs.--Before registering any bus or [taxi] taxicab which is  
29 required under the laws of this Commonwealth to obtain a  
30 certificate of public convenience from the Pennsylvania Public

1 Utility Commission, the department shall require evidence that  
2 the certificate has been issued and has not been revoked or has  
3 not expired.

4 (c) Designation of lessee as registrant.--The owner as  
5 lessor may designate the lessee as the registrant of the vehicle  
6 and the name and address of the lessee may be substituted on the  
7 registration card for the address of the lessor. The department  
8 shall designate the relationship upon the card in a manner it  
9 deems appropriate. This subsection is applicable only for the  
10 period during which the lease remains in effect.

11 § 1306. Grounds for refusing registration.

12 The department shall refuse registration [and] or renewal or  
13 transfer of registration when any of the following circumstances  
14 exists:

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

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

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

29 (4) [The fees required by law] Any fees required by this  
30 title have not been paid.

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

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

5   § 1307. Period of registration.

6       \* \* \*

7       (c) Renewal of registration.--A renewed registration shall  
8       be effective on issuance by the department of a renewed  
9       registration card except that the department, by regulation, may  
10      establish a renewal system coordinated with the periodic  
11      inspection of vehicles as provided in section 4702 (relating to  
12      [requirement for] periodic inspection of vehicles).

13      \* \* \*

14      (e) Antique and [classic] historic vehicles.--Antique and  
15      [classic] historic motor vehicle registrations shall expire upon  
16      the junking, scrapping or transfer of ownership of the vehicle,  
17      except that if the transfer is between spouses or between parent  
18      and child the registration may be transferred upon payment of a  
19      transfer fee.

20   § 1309. Renewal of registration.

21      Prior to the expiration of each registration, the department  
22      shall send to the registrant an application for renewal of  
23      registration. The application shall contain the full name and  
24      address of the owner or owners; the make and vehicle  
25      identification number of the vehicle; and such other information  
26      as the department may require including information pertaining  
27      to insurance. Upon return of the application, accompanied by  
28      [proof of insurance and] the applicable fee, the department  
29      shall send to the registrant a renewed registration card.  
30      Failure to receive a renewal application shall not relieve a

1 registrant from the responsibility to renew the registration.

2 § 1310. Temporary registration cards.

3 (a) General rule.--The department shall provide temporary  
4 registration cards for use pending issuance or transfer of  
5 permanent registration cards. Temporary registration cards may  
6 be delivered to [designated] agents who shall have the authority  
7 to issue them in accordance with regulations promulgated by the  
8 department. The department shall appoint messenger services as  
9 agents and authorize them to issue temporary registration cards  
10 and plates at their main and branch offices. Any agent appointed  
11 by the department to issue temporary registration cards and  
12 plates shall secure a certificate of authorization as a  
13 messenger service pursuant to section 7502 (relating to  
14 certificate of authorization), except that dealers, local  
15 officials, Commonwealth officers and employees shall be exempt  
16 from such requirement.

17 (b) Duration.--Temporary registration cards shall be valid  
18 for such period as the department shall designate.

19 (c) Charges by [designated] agent.--[A designated agent may  
20 not charge any fee for issuing a temporary registration card  
21 other than notary fees.] For issuing a temporary registration  
22 card, an agent may not charge any fee except a notary fee.

23 (d) Penalty.--Any agent issuing temporary registration cards  
24 in violation of department regulations is guilty of a summary  
25 offense and shall, upon conviction, be sentenced to pay a fine  
26 of \$300.

27 § 1311. Registration card to be signed and [exhibited on  
28 demand] in possession of driver.

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

1 provided.

2 (b) [Carrying and exhibiting card] Driver to possess card.--

3 Every registration card shall, at all times while the vehicle is  
4 being operated upon a highway, be in the possession of the  
5 person driving or in control of the vehicle or carried in the  
6 vehicle. [and shall be exhibited upon demand of any police  
7 officer.]

8 (c) Production to avoid penalty.--No person shall be  
9 convicted of violating this section or section [1302 (relating  
10 to vehicles subject to registration)] 1301 (relating to  
11 registration and certificate of title required) if the person  
12 produces at the office of the issuing authority [or at the  
13 office of the arresting police officer] within five days of the  
14 violation[, a registration card valid in this Commonwealth at  
15 the time of the arrest.]:

16 (1) a registration card valid in this Commonwealth at  
17 the time of the violation; or

18 (2) if the registration card is lost, stolen, destroyed  
19 or illegible, evidence that the vehicle was registered at the  
20 time of the violation.

21 § 1312. Notice of change of name or address.

22 Any person whose address is changed from the address named in  
23 the application for registration or on the registration card or  
24 whose name is changed shall, within 15 days, notify the  
25 department [in writing] on a department form of the old and new  
26 address, or of such former and new names, and of the  
27 [operator's] registration number on any registration card then  
28 held by the person.

29 § 1313. Duplicate registration cards.

30 \* \* \*

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

7 § 1315. Operation of vehicle following death of owner.

8 When the owner of a vehicle is deceased, the vehicle may be  
9 operated by or for any heir or personal representative of the  
10 decedent for the remainder of the current registration period  
11 and, if the registration is renewed in the name of the  
12 decedent's estate as otherwise required by this chapter,  
13 throughout the next following registration period[, provided  
14 that the registration is renewed in the name of the decedent's  
15 estate as otherwise required by this chapter]. Registration may  
16 continue to be renewed thereafter in the name of the decedent's  
17 estate by any person entitled to the family exemption until the  
18 final account is approved by the court.

19 § 1331. Issuance of registration plates.

20 \* \* \*

21 (e) Issuance of plates by agents.--The department may  
22 deliver registration plates, other than special plates, to  
23 designated agents, who shall have the authority to issue them in  
24 conjunction with the issuance of temporary registration cards.  
25 Any agent issuing registration plates in violation of department  
26 regulations is guilty of a summary offense and shall, upon  
27 conviction, be sentenced to pay a fine of \$300.

28 (f) Registration plates for trucks and truck tractors.--The  
29 department shall establish and implement a system to insure that  
30 all trucks and truck tractors of Class 11 or higher registered

1 pursuant to this title and subject to the fees established for  
2 such classes by section 1916 (relating to trucks and truck  
3 tractors) receive, at each annual registration, a new  
4 registration plate which is clearly distinguishable from the  
5 registration plates issued for the prior two years.

6 § 1333. Lost, stolen, damaged or illegible registration plate.

7 \* \* \*

8 (b) Substitute registration.--Where the registration plate  
9 has been lost or stolen and in any other case in which the  
10 department may deem it advisable, the original registration  
11 shall be cancelled and substitute registration issued under a  
12 new registration number other than that originally issued.

13 However, the same registration number may be reused for special  
14 plates for which an additional fee was paid. Upon receipt of  
15 substitute registration, it shall be the duty of the registrant  
16 to return the old registration plates and card to the  
17 department, unless lost or destroyed.

18 (c) [Affidavit] Proof of application to avoid penalty.--No  
19 owner or operator of a vehicle shall be subject to a fine for  
20 the reason that the registration plate is missing if they have  
21 in their possession [an affidavit that the plate was lost or  
22 stolen and that] evidence of an application for new plate or  
23 plates [was made within 48 hours] made as required in this  
24 section.

25 § 1334. Return of registration plate.

26 (a) General rule.--Registration plates shall be returned to  
27 the department under the following circumstances:

28 (1) A registration plate shall be returned if the  
29 [registrant no longer has a vehicle titled in this

30 Commonwealth.] ownership of the vehicle is transferred unless

1     the registration plate is transferred with the vehicle or to  
2     another vehicle as provided in section 1314 (relating to  
3     transfer of registration).

4           (2) A legislative registration plate shall be returned  
5     on the expiration or termination of the term of office of the  
6     legislative member.

7           (3) A dealer or "Miscellaneous Motor Vehicle Business"  
8     registration plate shall be returned if the business is  
9     discontinued.

10          (4) A handicapped registration plate shall be returned  
11     if the person to whom it was issued no longer qualifies under  
12     section 1338 (relating to handicapped plate).

13     \* \* \*

14   § 1335. Registration plates for manufacturers and dealers.

15     (a) General rule.--The department shall issue to dealers and  
16     manufacturers licensed by the State Board of Motor Vehicle  
17     Manufacturers, Dealers and Salesmen of the Department of State  
18     special registration plates which may be displayed on vehicles  
19     operating on highways in lieu of registering each vehicle  
20     individually [in accordance with the requirements of section  
21     1302(a) (relating to vehicles subject to registration)].

22     (b) Application for plates.--Application for dealer or  
23     manufacturer registration plates shall be made by the dealer or  
24     manufacturer on a form provided by the department together with  
25     a copy of his license from the State Board of Motor Vehicle  
26     Manufacturers, Dealers and Salesmen.

27     (c) Exemption from individual registration.--Vehicles  
28     displaying dealer or manufacturer registration plates may be  
29     operated on the highway without registering each vehicle  
30     individually, provided that the plates are used in accordance

1 with the limitations of section 1336 (relating to use of dealer  
2 or manufacturer registration plates).

3 (d) Dealer authorized to purchase other plates.--Any dealer  
4 may purchase dealer registration plates for all types of  
5 vehicles.

6 § 1336. Use of dealer or manufacturer registration plates.

7 (a) General rule.--Dealer or manufacturer registration  
8 plates may be used on any vehicle owned or in possession of a  
9 dealer or manufacturer and operated by the dealer or  
10 manufacturer or their employees only when the vehicle is used  
11 for any of the following purposes:

12 (1) In the business of the registrant as a dealer or  
13 manufacturer.

14 (2) For the personal pleasure or use of the dealer or  
15 members of his immediate family, or when the dealer is a  
16 corporation, for the personal pleasure or use of the officers  
17 or members of their immediate families, or for the personal  
18 use of the regular employees of the dealer.

19 (3) For teaching students enrolled in an approved driver  
20 education course how to operate a vehicle and for the new  
21 driver to take an examination for a driver's license.

22 (4) For testing vehicles in the possession of the dealer  
23 or manufacturer.

24 (5) For demonstrating vehicles in the possession of the  
25 dealer or manufacturer.

26 (6) For loaning without charge to customers whose  
27 vehicles are being repaired.

28 (7) For loaning without charge to prospective purchasers  
29 for a period not exceeding five days for the purpose of  
30 demonstrating vehicles.

1 (b) Records.--Records shall be kept by the dealer or  
2 manufacturer in a manner prescribed by the department indicating  
3 which vehicles have been used as provided in subsection (a)(3),  
4 (6) and (7). The records shall be open to inspection by  
5 representatives of the department and police officers.

6 (c) Motorcycle, motor-driven cycle, motorized pedalcycle and  
7 trailer dealer plates.--Motorcycle, motor-driven cycle,  
8 motorized pedalcycle and trailer dealer or manufacturer plates  
9 used as provided in subsection (a)(1) may only be used on  
10 motorcycles, motor-driven cycles, motorized pedalcycles and  
11 trailers, as the case may be.

12 § 1337. [Use of] "Miscellaneous Motor Vehicle Business"  
13 registration plates.

14 (a) General rule.--The department shall issue to owners of  
15 miscellaneous motor vehicle businesses special registration  
16 plates which may be displayed on vehicles operated on highways  
17 in lieu of registering each vehicle individually [in accordance  
18 with the requirements of section 1302(a) (relating to vehicles  
19 subject to registration)]. Registration plates issued under this  
20 section may be used only when the vehicle is used for [any of]  
21 the following purposes:

22 (1) In the conduct of the miscellaneous motor vehicle  
23 business.

24 (2) For the personal pleasure or use of the owner of the  
25 miscellaneous motor vehicle business or members of their  
26 immediate family, or when the business is a corporation, for  
27 the pleasure or use of not more than three officers or  
28 members of their immediate families, or for the personal use  
29 of the regular employees of the business when operated by the  
30 employee.

1       (3) For loaning without charge to customers whose  
2       vehicles are being repaired.

3       (4) In the case of a fleet owner, for pickup or delivery  
4       of their vehicles.

5       \* \* \*

6       (c) Classes of "Miscellaneous Motor Vehicle Business".--

7       (1) Repair[, service and towing] or service.--Any person  
8       engaged in the repair[, service or towing] or service of  
9       motor vehicles.

10      (2) Vehicle salvage dealer.--Any person who maintains an  
11      established place of business and who is engaged in the  
12      business of buying, selling or exchanging used, wrecked or  
13      abandoned vehicles and junkers for the purpose of remodeling,  
14      taking apart, or rebuilding the same, or buying or selling of  
15      parts.

16      (3) Transporter.--A person regularly engaged in the  
17      business of transporting new or used vehicles [or new and  
18      used trailers] on their own wheels, owned by or in possession  
19      of a registered dealer.

20      (4) [Financier] Financer or collector-repossessor.--A  
21      person who is [duly] authorized by the Department of Banking  
22      to do business in this Commonwealth as a [financier] financer  
23      or collector-repossessor and who is regularly engaged in the  
24      business of financing sales, making loans on the security of  
25      vehicles or repossessing vehicles which are the subject of  
26      installment sales contracts as an independent contractor.

27      (5) Fleet owner.--A person or entity defined in this  
28      title as a fleet owner.

29   § 1338. Handicapped plate.

30      (a) Issuance.--On the application of any person who:

1 (1) does not have full use of a leg or both legs or an  
2 arm or both arms or both hands;

3 (2) is blind; [or]

4 (3) is [in loco parentis of a person specified in  
5 paragraph (1) or (2)] unable to move without the aid of a  
6 mechanical device;

7 (4) suffers from lung disease to such an extent that his  
8 forced (respiratory) expiratory volume for one second when  
9 measured by spirometry is less than one liter or his  
10 artificial oxygen tension (Po2) is less than 60MM/hg on room  
11 air at rest; or

12 (5) is a spouse or parent or a person in loco parentis  
13 of a person specified in paragraph (1), (2), (3) or (4);

14 the department shall issue a special registration plate for [one  
15 passenger car or other vehicle] passenger cars or other vehicles  
16 with a registered gross weight of not more than 9,000 pounds,  
17 designating the vehicle so licensed as being used by a  
18 handicapped person. Special plates for handicapped persons may  
19 also be issued for vehicles operated exclusively for the  
20 noncommercial use and benefit of handicapped persons.

21 (b) Form of plate.--The department shall issue at the option  
22 of the applicant a handicapped plate bearing either the standard  
23 wheelchair logo or the letters HP.

24 § 1339. Legislative plate.

25 Upon application by a member of the General Assembly of the  
26 Commonwealth or the Congress of the United States, or by a  
27 member of such legislator's immediate family, the department  
28 shall issue special registration plates for not more than three  
29 vehicles indicating that the vehicle is owned, leased or rented  
30 by a member of the Pennsylvania or United States Senate or House

1 of Representatives, as appropriate.

2 § 1340. Antique and [classic] historic plates.

3 (a) General rule.--Upon submission by a vehicle owner of  
4 information satisfactory to the department that a motor vehicle  
5 is an antique motor vehicle or [classic] historic motor vehicle,  
6 accompanied by the appropriate fee, the department may issue  
7 special plates for the vehicle. No annual registration fee may  
8 be charged for antique or [classic] historic motor vehicles.

9 (b) Use of plates.--It is unlawful for any person to operate  
10 a vehicle with antique or [classic] historic registration plates  
11 for general daily transportation. Permitted use shall be limited  
12 to participation in club activities, exhibits, tours, parades,  
13 occasional transportation and similar uses.

14 § 1342. [Disabled veteran plate.] Veteran plates.

15 (a) Veteran plate.--Upon the application of a veteran, whose  
16 status is certified by the United States Veterans  
17 Administration, the department shall issue a special  
18 registration plate designating the vehicle as belonging to a  
19 veteran. The registration plate shall have the word "veteran" in  
20 at least ten-point bold type, inscribed on the bottom of the  
21 plate. The veteran plate shall have the same force and effect as  
22 regular registration plates. The applicant shall comply with all  
23 the provisions of this title pertaining to registration  
24 including the payment of the fee specified in section 1934  
25 (relating to veteran registration plates).

26 (b) Disabled veteran plate.--On the application of a  
27 [totally] disabled veteran, whose disability is certified by the  
28 United States Veterans' Administration as service-connected, the  
29 department shall issue a special registration plate designating  
30 the vehicle as belonging to a [totally] disabled veteran. The

1 registration plate shall have a white background, shall have  
2 blue numbers or letters as the department may determine, and  
3 shall have the words, "disabled veteran," in at least ten-point  
4 bold type, inscribed in red at the bottom of the plate. The  
5 special registration plate may be used only on one passenger  
6 [vehicle] car or one other vehicle with a registered gross  
7 weight of not more than 9,000 pounds.

8 § 1343. Amateur radio operator plates.

9 Upon request by an applicant who holds a valid Federal  
10 Communications Commission amateur radio station license, the  
11 department shall issue a registration plate which shall carry  
12 the call letters of the amateur radio station. The amateur radio  
13 registration plates shall have the same force and effect as  
14 regular registration plates. The applicant shall comply with all  
15 provisions of this title pertaining to registration including  
16 the payment of the fee specified in section 1933 (relating to  
17 amateur radio operator plates).

18 § [1343.] 1344. Use of school bus plates.

19 (a) General rule.--A motor vehicle bearing school bus  
20 registration plates shall be used exclusively for the  
21 transportation of children and [no more than five] chaperons to  
22 or from public, private, parochial or Sunday school or in  
23 connection with any public, private, parochial or Sunday school-  
24 related activity. [Except when transporting children to and from  
25 public, private, parochial or Sunday school or public, private,  
26 parochial or Sunday school-related activities, the words "school  
27 bus" on the front and rear of the vehicle shall be concealed and  
28 the red and amber visual signals shall not be operable.]

29 (b) Signs and signals.--

30 (1) When transporting children to and from public,

1 private, parochial or Sunday school or public, private,  
2 parochial or Sunday school-related activities as provided in  
3 subsection (a), the words "school bus" shall be clearly  
4 visible as provided by department regulations and the red and  
5 amber visual signals shall be used as provided in section  
6 3345 (relating to meeting or overtaking school bus).

7 (2) When operated other than as authorized in subsection  
8 (a), a motor vehicle bearing school bus registration plates  
9 shall have the words "school bus" on the vehicle covered or  
10 concealed and the red and amber visual signals shall not be  
11 actuated.

12 [(b)] (c) Penalty.--Any person violating this section is  
13 guilty of a summary offense and shall, upon conviction, be  
14 sentenced to pay a fine of \$25.

15 § [1344.] 1345. Use of farm truck plates.

16 (a) General rule.--A truck bearing farm truck registration  
17 plates shall be used exclusively upon a farm or farms owned or  
18 operated by the registrant of the vehicle or upon highways  
19 between:

20 (1) Parts of one such farm.

21 (2) [Farms] Such farms located not more than 25 miles  
22 apart.

23 (3) [A] Such a farm or farms and a place of business  
24 located within a radius of 50 miles from the farm or farms  
25 for the purpose of buying or selling agricultural commodities  
26 or supplies or for the inspection, repair or servicing of the  
27 vehicle.

28 (b) Penalty.--Any person violating this section is guilty of  
29 a summary offense and shall, upon conviction, be sentenced to  
30 pay a fine of \$25 and shall, upon conviction for a second or

1 subsequent offense, be sentenced to pay a fine of \$200.

2 § 1371. Operation following suspension of registration.

3 (a) General rule.--No person shall operate and no owner  
4 shall permit to be operated upon any highway a vehicle the  
5 registration of which has been suspended.

6 (b) Registration outside Commonwealth prohibited.--No  
7 resident of this Commonwealth shall register in another state a  
8 vehicle for which the registration is under suspension in this  
9 Commonwealth.

10 [(b)] (c) Penalty.--Any person violating this section is  
11 guilty of a summary offense and shall, upon conviction, be  
12 sentenced to pay a fine of not less than \$100 nor more than  
13 \$500.

14 § 1373. Suspension of registration.

15 The department may suspend any registration [after providing  
16 opportunity for a hearing] in any of the following cases when  
17 the department finds upon sufficient evidence that:

18 (1) The vehicle is unsafe or unfit for operation or is  
19 not equipped as required by this title.

20 (2) The owner or registrant has made, or permitted to be  
21 made, any unlawful use of the vehicle or registration plate  
22 or plates, or registration card, or permitted the use by a  
23 person not entitled thereto.

24 (3) The owner or registrant has knowingly made a false  
25 statement or knowingly concealed a material fact or otherwise  
26 committed a fraud in any application or form required to be  
27 filed by this title.

28 (4) [Upon the request or order of any] A court of record  
29 requested or ordered the suspension.

30 (5) [The required fee has not been paid.] A check

1 received in payment of any fee for title or registration of  
2 the vehicle is not paid on demand or when the fee is unpaid  
3 and owing. This suspension shall remain in effect until the  
4 required fee and penalty have been paid.

5 (6) The registrant or any agent or employee has  
6 repeatedly violated any of the provisions of this chapter or  
7 Chapter 11 (relating to certificate of title and security  
8 interests).

9 § 1374. Suspension of vehicle business registration plates.

10 (a) General rule.--The department may suspend registration  
11 plates for dealers, manufacturers or members of the  
12 "Miscellaneous Motor Vehicle Business" class after providing  
13 opportunity for a hearing in any of the following cases when the  
14 department finds upon sufficient evidence that:

15 (1) The registrant is no longer entitled to licensing as  
16 a dealer or manufacturer or to registration in the  
17 "Miscellaneous Motor Vehicle Business" class.

18 (2) The registrant has made or permitted to be made any  
19 unlawful use of the vehicle or registration plate or plates  
20 or registration card or permitted the use by a person not  
21 entitled thereto.

22 (3) The registrant has knowingly made a false statement  
23 or knowingly concealed a material fact or otherwise committed  
24 a fraud in any application.

25 (4) The registrant has failed to give notice of transfer  
26 of ownership or of the destruction or [junking] salvaging of  
27 any vehicle when and as required by this title.

28 (5) The registrant has failed to deliver to a transferee  
29 lawfully entitled thereto or to the department, when and as  
30 required by this title, a properly assigned certificate of

1 title.

2 (6) The registrant has repeatedly violated any of the  
3 provisions of this title or of department regulations.

4 (7) [Any fee payable to the Commonwealth in connection  
5 with the operation of the business of the registrant has not  
6 been paid.] A check received payable to the Commonwealth in  
7 connection with the operation of the business of the  
8 registrant is not paid on demand or any fee is unpaid and  
9 owing. This suspension shall remain in effect until the  
10 required fee and penalty have been paid.

11 (b) [Recommended action by State licensing board] Audits and  
12 investigations.--The department and the Pennsylvania State  
13 Police may [also] audit and investigate dealers and  
14 manufacturers [registered by the State Board of Motor Vehicle  
15 Manufacturers, Dealers and Salesmen] to determine whether any  
16 dealer or manufacturer has violated any provision of this title  
17 pertaining to dealers or manufacturers or any regulation  
18 promulgated by the department.

19 (c) Recommending action by State licensing board.--The  
20 department may recommend that the State Board of Motor Vehicle  
21 Manufacturers, Dealers and Salesmen suspend the license of any  
22 dealer or manufacturer which it finds has committed a violation  
23 and the board shall take prompt action on any such  
24 recommendations under the act of September 9, 1965 (P.L.499,  
25 No.154), known as the "Motor Vehicle Manufacturer's, Dealer's  
26 and Salesmen's License Act."

27 § 1375. Suspension of registration of unapproved carriers.

28 (a) General rule.--The department shall suspend the  
29 registration of any vehicle upon the presentation to the  
30 department of a certificate of the Pennsylvania Public Utility

1 Commission setting forth, after hearing and investigation, that  
2 the commission has found and determined that the vehicle has  
3 been operated as a common carrier or contract carrier by motor  
4 vehicle within this Commonwealth without the approval of the  
5 commission where required and either that no appeal was filed  
6 from such determination in the manner and within the time  
7 provided by law or that the determination was affirmed on  
8 appeal.

9 (b) Rescission of suspension.--Any suspension of  
10 registration under this section may be rescinded by the  
11 department upon the petition of the owner of such vehicle or of  
12 the lessee provided the petition is accompanied by a certificate  
13 of the Pennsylvania Public Utility Commission setting forth that  
14 the commission does not object to the rescission.

15 § 1501. Drivers required to be licensed.

16 \* \* \*

17 (c) Limitation on number of licenses.--No person shall  
18 receive a driver's license issued under this title unless and  
19 until the person surrenders to the department all valid driver's  
20 licenses in the person's possession issued by this or any other  
21 state. All surrendered licenses issued by another state shall be  
22 returned to that state, together with information that the  
23 person is licensed in this Commonwealth. No person shall be  
24 permitted to have more than one valid driver's license at any  
25 time. This section shall not prevent issuance of a permit for  
26 another class of license nor the issuance of a Class 4 license  
27 to a licensed nonresident who satisfies the requirements of  
28 section 1509 (relating to qualifications for school bus driver's  
29 license).

30 (d) Penalty.--Any person violating subsection (a) is guilty

1 of a summary offense and shall, upon conviction, be sentenced to  
2 pay a fine [of] not to exceed \$200, except that, if the person  
3 charged furnishes satisfactory proof of having held a valid  
4 driver's license issued during the preceding driver's license  
5 period [and no more than 30 days have elapsed from the last date  
6 for renewal,] the fine shall be \$25. No person charged with  
7 violating [subsections] subsection (a) or (b) shall be convicted  
8 if the person produces at the office of the issuing authority  
9 [or the arresting police officer] within five days [a driver's  
10 license valid in this Commonwealth at the time of the arrest.]  
11 of the violation:

12 (1) a driver's license valid in this Commonwealth at the  
13 time of the violation; or

14 (2) if the driver's license is lost, stolen, destroyed  
15 or illegible, evidence that the driver was licensed at the  
16 time of the violation.

17 § 1502. Persons exempt from licensing.

18 The following persons are not required to obtain a driver's  
19 license under this chapter:

20 \* \* \*

21 (3) Any nonresident who is at least 16 years of age and  
22 who has in possession a valid driver's license issued in the  
23 person's home state or country except that a person who has  
24 been issued a valid driver's license in a country other than  
25 the United States or Canada shall be exempt only upon showing  
26 a satisfactory understanding of official traffic-control  
27 devices. A nonresident [may only] shall drive only the class  
28 or classes of vehicles in this Commonwealth [for] which the  
29 person is licensed to drive in the person's home state or  
30 country subject to all restrictions contained on the license,

1 except that a nonresident shall not be authorized to drive a  
2 school bus unless they have satisfied the requirements of  
3 section 1509 (relating to qualifications for school bus  
4 driver's license).

5 \* \* \*

6 § 1503. Persons ineligible for licensing.

7 (a) General rule.--The department shall not issue a driver's  
8 license to any person whose operating privilege is suspended or  
9 revoked in any other state upon grounds which would authorize  
10 suspension or revocation of their operating privilege under this  
11 title and shall not issue [any] a driver's license to, or renew  
12 the driver's license of, any person:

13 (1) Whose operating privilege is suspended or revoked in  
14 this [or any other state] Commonwealth [except as otherwise  
15 provided in this title].

16 [(2) Whose operating privilege is suspended or revoked  
17 in any other state upon grounds which would authorize the  
18 suspension or revocation of the operating privilege under  
19 this title.]

20 [(3)] (2) Who is a user of alcohol or any controlled  
21 substance to a degree rendering the user incapable of safely  
22 driving a motor vehicle. This paragraph does not apply to any  
23 person who is enrolled or otherwise participating in a  
24 methadone or other controlled substance treatment program  
25 approved by the Governor's Council on Drug and Alcohol Abuse  
26 provided that the person is certified to be competent to  
27 drive by a physician designated by the Governor's Council on  
28 Drug and Alcohol Abuse.

29 [(4)] (3) Who has been adjudged to be afflicted with or  
30 suffering from any mental disability or disease and who has

1 not at the time of application been restored to competency by  
2 the methods provided by law.

3 [(5) Whose name has been submitted under the provisions  
4 of section 1518 (relating to reports on mental or physical  
5 disabilities or disorders).]

6 [(6)] (4) Who is required by the department to take an  
7 examination until the person has successfully passed the  
8 examination.

9 [(7)] (5) Who is under 18 years of age except in  
10 accordance with subsections (b) and (c).

11 [(8) Who has repeatedly violated any of the provisions  
12 of this chapter. The department shall provide an opportunity  
13 for a hearing upon invoking this paragraph.]

14 (b) Minors completing training course.--The department shall  
15 issue a driver's license to a person 17 years of age who:

16 (1) has successfully completed a driver's training  
17 course approved by the [department] Department of Education;  
18 and

19 (2) has not been [involved in an accident for which they  
20 are partially or fully responsible in the opinion of the  
21 department or is] convicted of any violation of this title.

22 (c) Junior driver's license.--The department may issue a  
23 junior driver's license to a person 16 or 17 years of age under  
24 rules and regulations adopted by the department and subject to  
25 the provisions of this section. A junior driver's license shall  
26 automatically become a regular driver's license when the  
27 licensee attains 18 years of age.

28 (1) Except as provided in paragraph (2), no licensed  
29 junior driver shall drive a vehicle upon a [public] highway  
30 between 12 midnight and 5 a.m. unless accompanied by a spouse

1 18 years of age or older, a parent or a person in loco  
2 parentis.

3 (2) [A licensed junior driver conforming to the  
4 requirements of section 1507 (relating to application for  
5 driver's license or learner's permit by minor) may drive a  
6 vehicle upon a public highway between 12 midnight and 5 a.m.  
7 between their home and their activity or employment or in the  
8 course of their activity or employment if they are a member  
9 of a volunteer fire company authorized by the fire chief to  
10 engage in fighting fires, engaged in public or charitable  
11 service or employed and they are carrying] The restrictions  
12 contained in paragraph (1) do not apply to any licensed  
13 junior driver while engaged in or commuting to or from their  
14 place of employment or public or charitable service, or to  
15 any licensed junior driver who is a member of a volunteer  
16 fire company while actually engaged in or commuting to or  
17 from a fire. Such junior driver must carry and exhibit upon  
18 demand to any police officer or authorized person an  
19 affidavit signed by their fire chief, supervisor or employer  
20 indicating the probable schedule of their activities. Upon  
21 termination of the junior driver's activity or employment,  
22 the junior licensee shall surrender the affidavit to the fire  
23 chief, supervisor or employer. If the junior licensee shall  
24 fail to surrender the affidavit, the employer, fire chief or  
25 supervisor shall immediately notify the [Pennsylvania State  
26 Police] police.

27 (3) In addition to the other provisions of this title  
28 relating to the suspension or revocation of operating  
29 privileges, in the event that a licensed junior driver is  
30 [involved in an accident for which they are partially or

1 fully responsible in the opinion of the department or is]  
2 convicted of any violation of this title, the department may  
3 suspend the operating privileges of such person until the  
4 person attains 18 years of age or for a period of time not  
5 exceeding 90 days.

6 (4) Any junior licensee or other person violating any  
7 provision of this subsection is guilty of a summary offense.

8 § 1504. Classes of licenses.

9 \* \* \*

10 (c) Qualifications of applicants.--The department in  
11 conjunction with the Pennsylvania State Police shall establish  
12 [by regulation] the qualifications necessary for the safe  
13 operation of the various types, sizes or combinations of  
14 vehicles and the manner of examining applicants to determine  
15 their qualifications for the type or general class of license  
16 applied for. Municipalities, municipality authorities and public  
17 utilities operating 15 or more vehicles of the types described  
18 by subsection (d)(2) and (3), relating to Class 2 and Class 3  
19 licenses, shall be authorized to employ, pursuant to such  
20 appropriate qualifications, course of instruction and related  
21 standards as shall be prescribed by the department in  
22 conjunction with the Pennsylvania State Police, qualified  
23 persons to train and examine employees whose employment entails  
24 operations of such vehicles, to determine their qualifications  
25 for such classes of licenses.

26 (d) Number and description of classes.--Licenses issued by  
27 the department, other than junior drivers' licenses, shall be  
28 classified in the following manner:

29 (1) Class 1.--A Class 1 license shall be issued to those  
30 persons who have demonstrated their qualifications to operate

1 a single vehicle not in excess of 30,000 pounds registered  
2 gross weight or any such vehicle towing a trailer not in  
3 excess of 10,000 pounds gross weight. The holder of a Class 1  
4 license shall be authorized to drive a motorized pedalcycle.  
5 Any fireman who is the holder of a Class 1 license and who  
6 has a certificate of authorization from his fire chief shall  
7 be authorized to operate any vehicle registered to the fire  
8 department regardless of the other requirements of this  
9 section as to the class of license required. The holder of a  
10 Class 1 license shall not be deemed qualified to operate  
11 buses, school buses or motorcycles unless the license is  
12 endorsed as provided in this section.

13 (2) Class 2.--A Class 2 license shall be issued to those  
14 persons [over] 18 years of age or older who have demonstrated  
15 their qualifications to operate a single vehicle of over  
16 30,000 pounds registered gross weight or any bus or any such  
17 vehicle towing a trailer not in excess of 10,000 pounds gross  
18 weight. The holder of a Class 2 license shall be deemed  
19 qualified to operate those vehicles for which a Class 1  
20 license is issued, but not school buses or motorcycles unless  
21 the license is endorsed as provided in this section.

22 (3) Class 3.--A Class 3 license shall be issued to those  
23 persons [over] 18 years of age or older who have demonstrated  
24 their qualifications to operate a vehicle while in  
25 combination with or towing a trailer in excess of 10,000  
26 pounds gross weight. The holder of a Class 3 license shall be  
27 deemed qualified to operate those vehicles for which a Class  
28 1 or Class 2 license is issued, but not school buses or  
29 motorcycles unless the license is endorsed as provided in  
30 this section.

1           (4) Class 4.--Persons who have qualified to operate  
2 school buses in accordance with this title and the rules and  
3 regulations promulgated and adopted by the department shall  
4 have the qualification endorsed on the license as provided in  
5 this section.

6           (5) Class 5.--Those persons who have demonstrated their  
7 qualifications to operate a motorcycle, shall have that  
8 qualification endorsed on one of the basic classes of license  
9 described in this section. [If a] A person [is] qualified  
10 only to operate a motorcycle [he] shall be issued a license  
11 with only that qualification endorsed on the license.

12           (6) Class 6.--Those persons who have demonstrated their  
13 qualifications to operate a motor-driven cycle or motorized  
14 pedalcycle shall have that qualification endorsed on one of  
15 the basic classes of license described in this section. If a  
16 person is qualified only to operate a motor-driven cycle or  
17 motorized pedalcycle he shall be issued a license with only  
18 that qualification endorsed on the license.

19 (e) Removal of class from license.--

20           (1) The department, having cause to believe that a  
21 person is no longer qualified for one or more of the types or  
22 classes of licenses enumerated in subsection (a)(2) through  
23 (5), may remove the endorsement after 30 days written notice  
24 of the removal to the licensee. Any person aggrieved by  
25 removal of an endorsement shall have the right of appeal  
26 provided in section 1550 (relating to judicial review).

27           (2) A person with a license endorsed for a class may,  
28 upon request, have the endorsement removed by the department  
29 without prejudice.

30 (f) Penalty.--Any person violating the provisions of this

section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

(g) Production to avoid prosecution.--No person shall be charged with violating this section if the person produces at the office of the investigating officer within five days of the violation:

(1) a driver's license endorsed as required and valid in this Commonwealth at the time of the arrest; 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 to drive the class of vehicle.

§ 1505. Learners' permits.

\* \* \*

(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 licensed [in this Commonwealth] to drive vehicles of the class then being driven by the holder of the learner's permit; and

(2) is actually occupying a seat beside the holder of the learner's permit, unless the vehicle is a motorcycle, bus or school bus.

(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

1 other than [an instructor properly] a person licensed to operate  
2 a motorcycle.

3 \* \* \*

4 (e) Learners under 18 years of age.--A learner under the age  
5 of 18 years shall not drive a vehicle upon a highway between 12  
6 midnight and 5 a.m. unless accompanied by a spouse 18 years of  
7 age or older, a parent or a person in loco parentis.

8 § 1507. Application for driver's license or learner's permit  
9 by minor.

10 \* \* \*

11 (d) Withdrawal of consent.--Any person who has signed the  
12 application of a person under the age of 18 years for a driver's  
13 license or learner's permit may thereafter file with the  
14 department a verified written request that the driver's license  
15 or learner's permit of the person be cancelled and the  
16 department shall cancel the driver's license or learner's  
17 permit. A person who has passed the examination authorized in  
18 section 1508 (relating to examination of applicant for driver's  
19 license) shall not be required to undergo a reexamination upon  
20 reapplication for a license within two years of the  
21 cancellation.

22 § 1508. Examination of applicant for driver's license.

23 (a) General rule.--Every applicant for a driver's license  
24 shall be examined for the type or class of vehicles that the  
25 applicant desires to drive. The examination shall include [a  
26 physical examination,] a screening test of the applicant's  
27 eyesight and a test of the applicant's ability to read and  
28 understand official traffic-control devices, knowledge of safe  
29 driving practices and the traffic laws of this Commonwealth, and  
30 shall include an actual demonstration of ability to exercise

1 ordinary and reasonable control in the operation of a motor  
2 vehicle of the type or class of vehicles for which the applicant  
3 desires a license to drive. If the department finds it necessary  
4 to further determine an applicant's fitness to operate a motor  
5 vehicle safely upon the highways the department may require one  
6 or more of the following types of examinations:

7 (1) A vision examination by an optometrist or  
8 ophthalmologist.

9 (2) A physical examination.

10 (3) A mental examination.

11 (b) Issuance of license to licensed nonresident.--A driver's  
12 license [may] shall be issued to a person who has not had a  
13 learner's permit but who at the time of application is of  
14 sufficient age and has a valid driver's license issued by  
15 another state under a law requiring the examination and  
16 licensing of drivers, providing that the applicant demonstrates  
17 knowledge and understanding of rules of the road and official  
18 traffic-control devices and [is visually, physically and  
19 mentally fit] has no apparent visual, physical or mental  
20 disorder. Also, the department must be satisfied that the  
21 applicant's experience in driving vehicles which may be driven  
22 by holders of the classes of licenses sought by the applicant  
23 other than a Class 1 license is sufficient to justify the  
24 issuance of the license without further behind-the-wheel  
25 training.

26 § 1509. Qualifications for [Class 4] school bus driver's  
27 license.

28 (a) [School bus driver requirements] General rule.--No  
29 person shall be issued a Class 4 license unless the person:

30 (1) has [successfully completed] enrolled in a course of

instruction as provided in subsection (c) and has  
successfully completed such portion of the course as the  
department shall require;

(2) has satisfactorily passed an annual physical  
examination [to be] given by [the] a physician [for the  
school district by which the person is employed]; and

(3) is 18 years of age or older.

\* \* \*

§ 1511. [Carrying and exhibiting] Driver to possess  
driver's license. [on demand.]

(a) General rule.--Every licensee shall possess [a] their  
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 produces at  
the office of the issuing authority [or the arresting officer]  
within five days [a driver's license valid in this Commonwealth  
at the time of the arrest.] 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.

§ 1513. Duplicate and substitute drivers' licenses and  
learners' permits.

(a) General rule.--If a learner's permit or driver's license

1 issued under the provisions of this chapter is [mutilated,]  
2 lost, stolen, destroyed or becomes illegible, the person to whom  
3 it was issued, upon furnishing proof satisfactory to the  
4 department that the license or permit has been [mutilated,]  
5 lost, stolen, destroyed, or has become illegible, shall obtain a  
6 duplicate or substitute license or permit upon payment of the  
7 required fee.

8 \* \* \*

9 § 1514. Expiration and renewal of drivers' licenses.

10 (a) General rule.--Every driver's license shall expire in  
11 the month of the licensee's birthdate at intervals of not more  
12 than four years as may be determined by the department. Every  
13 license shall be renewable on or before its expiration upon  
14 application, payment of the required fee, and satisfactory  
15 completion of any examination required or authorized by this  
16 chapter.

17 (b) Examination of applicants for renewal.--The department  
18 may require persons applying for renewal of a driver's license  
19 to take and successfully pass [a physical examination or a  
20 vision examination by an optometrist or ophthalmologist, or both  
21 examinations,] one or more of the examinations and tests  
22 authorized under this subchapter if the department has reason to  
23 believe, either based on knowledge of the person or on  
24 statistical inference, that the person may be a traffic safety  
25 hazard. [The department may require the applicant to take and  
26 successfully pass such additional tests as the department may  
27 find reasonably necessary to determine the applicant's  
28 qualification according to the type or general class of license  
29 applied for and such examination may include any or all of the  
30 other tests required or authorized upon original application by

1 section 1508 (relating to examination of applicant for driver's  
2 license)]

3 (1) A vision examination may be administered by an  
4 optometrist or by an ophthalmologist, or may be administered  
5 at an official examination station.

6 (2) Upon refusal or neglect of the person to submit to  
7 [the] any examination, the [driver's license shall not be  
8 renewed] operating privilege shall be suspended until such  
9 time as the examination is successfully completed.

10 (3) For the purposes of this section, renewal shall  
11 include application for a driver's license after a lapse of  
12 not more than four years.

13 (c) Reexamination requested by court.--The department shall  
14 reexamine any person when requested to do so by a court. Upon  
15 the conclusion of such examination, the department may take any  
16 of the actions described in subsection (b) and shall report its  
17 findings and action to the court if such report is requested.

18 (d) Military personnel and dependents.--Notwithstanding  
19 subsection (a), a driver's license held by any person who enters  
20 or is on active service in the armed forces of the United States  
21 or the spouse or dependent child of the member of the armed  
22 forces who resides with such person shall continue in full force  
23 and effect so long as the active service continues and the  
24 person is absent from this Commonwealth, and for a further  
25 period of 45 days following the date of the person's discharge  
26 or separation from active service or return to this  
27 Commonwealth, unless the driver's license is sooner suspended,  
28 cancelled or revoked for cause according to law. A driver's  
29 license which otherwise would have expired under subsection (a)  
30 shall be valid only if the licensee has in immediate possession,

1 together with the driver's license, papers indicating actual  
2 service outside this Commonwealth, or discharge or separation,  
3 as the case may be, or proof thereof if a spouse or child.

4 (e) Learner's permit upon examination failure.--Any driver  
5 or applicant who fails any driving examination required or  
6 authorized under subsection (b) or (c) may be issued a special  
7 learner's permit authorizing such person to drive only a motor  
8 vehicle equipped with dual operating controls or devices while  
9 being accompanied by an instructor of an approved driver  
10 training program. Upon successful completion of an approved  
11 driver training program, the driver or applicant shall be  
12 afforded a special examination by such agencies as the  
13 department may direct, and upon successful completion of such  
14 examination the operating privilege shall be restored.

15 § 1515. Notice of change of name or address.

16 (a) General rule.--Whenever any person after applying for or  
17 receiving a driver's license moves from the address named in the  
18 application or in the driver's license issued or when the name  
19 of a licensee is changed such person shall, within 15 days  
20 thereafter, notify the department [in writing] on a department  
21 form of the [old and new addresses] new address or of such  
22 former and new names and of the number of any license then held  
23 by the person.

24 (b) Students.--A person who lives at an address other than  
25 the one shown on their driver's license for the purpose of  
26 attending a college or other school shall not be required to  
27 notify the department under this section unless the person has  
28 registered to vote at the latter address.

29 (c) Employment.--A person who lives at an address other than  
30 the one shown on their driver's license as the result of

conditions arising from their profession or employment shall not be required to notify the department under this section unless the person has registered to vote at the latter address.

§ 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) Formulation of [regulations] criteria.--The board shall formulate [rules and regulations] for adoption by the department [on] physical and mental criteria including vision standards relating to the licensing of drivers under the provisions of this chapter.

§ 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 medical personnel.--All physicians and other persons authorized to diagnose or treat disorders and disabilities defined by the Medical Advisory Board at every mental hospital, institution or clinic or alcohol or drug

1 treatment facility shall report to the department, in writing,  
2 the full name, date of birth and address of every person over 15  
3 years of age diagnosed as having any specified disorder or  
4 disability within ten days.

5 (c) Responsibility of institution heads.--The person in  
6 charge of every mental hospital, institution or clinic[,] or  
7 [any] alcohol or drug treatment facility, shall be responsible  
8 to assure that reports are filed in accordance with subsection  
9 (b).

10 (d) Confidentiality of reports.--The reports required by  
11 this section shall be confidential and shall be used solely for  
12 the purpose of determining the qualifications of any person to  
13 drive a motor vehicle on the highways of this Commonwealth.

14 (e) Use of report as evidence.--No report forwarded under  
15 the provisions of this section shall be used as evidence in any  
16 civil or criminal trial except in any proceeding under section  
17 1519(c) (relating to determination of incompetency).

18 (f) Immunity from civil and criminal liability.--No civil or  
19 criminal action may be brought against any person or agency for  
20 providing the information required under this system.

21 § 1519. Determination of incompetency.

22 (a) General rule.--The department, having cause to believe  
23 that a licensed driver or applicant may not be physically or  
24 mentally qualified to be licensed, may [obtain the advice of a  
25 physician who shall cause an examination to be made or who shall  
26 designate any other qualified physician. The licensed driver or  
27 applicant may cause a written report to be forwarded to the  
28 department by a physician of the driver's or applicant's  
29 choice.] require an examination to be given by a qualified  
30 physician of the driver's or applicant's choice and such

1 additional examinations and tests as the department may find  
2 necessary. Vision qualifications shall be determined by an  
3 optometrist or ophthalmologist. [The department shall appoint  
4 one or more qualified persons who shall consider all medical  
5 reports and testimony and determine the competency of the driver  
6 or the applicant to drive.]

7 (b) Review of medical data.--The department shall appoint  
8 one or more qualified persons who shall consider all medical  
9 reports and testimony.

10 (c) Supplemental driver's test.--The department may also  
11 require a supplemental driver's test in order to determine the  
12 driving competency of the applicant or driver.

13 (d) Suspension upon refusal.--The department shall suspend  
14 the operating privilege of any driver or applicant who refuses  
15 to comply with the requirements of this section until such time  
16 as the driver or applicant does comply.

17 ~~[(b)]~~ (e) Confidentiality of reports and evidence.--Reports  
18 received by the department for the purpose of assisting the  
19 department in determining whether a person is qualified to be  
20 licensed are for the confidential use of the department and may  
21 not be divulged to any person or used as evidence in any trial  
22 except that the reports may be admitted in proceedings under  
23 [subsection (c)] section 1550 (relating to judicial review) and  
24 any physician or optometrist conducting an examination pursuant  
25 to subsection (a) may be compelled to testify concerning  
26 observations and findings in such proceedings. The party calling  
27 the physician or optometrist as an expert witness shall be  
28 obliged to pay the reasonable fee for such testimony.

29 ~~[(c) Recall]~~ (f) Suspension of operating privilege.--The  
30 department shall ~~[recall]~~ suspend the operating privilege of any

1 person whose incompetency has been established under the  
2 provisions of this chapter. The [recall] suspension shall be for  
3 an indefinite period until satisfactory evidence is presented to  
4 the department in accordance with regulations to establish that  
5 such person is competent to drive a motor vehicle. [Any person  
6 aggrieved by recall of the operating privilege may appeal in the  
7 manner provided in section 1550 (relating to judicial review).]

8 § 1532. [Revocation or suspension] Suspension or  
9 revocation of operating privilege.

10 (a) [Revocation] One-year suspension.--The department shall  
11 [revoke] suspend the operating privilege of any [driver] person  
12 for one year upon receiving a certified record of the [driver's]  
13 person's conviction of any of the following [offenses]:

14 (1) Any felony in the commission of which [a court] the  
15 judge determines that a motor vehicle was essentially  
16 involved.

17 (2) Any subsequent violation of section 3731 (relating  
18 to driving under influence of alcohol or controlled  
19 substance) within three years of a prior violation.

20 (3) Any violation of the following provisions:

21 Section 3732 (relating to homicide by vehicle).

22 Section 3742 (relating to accidents involving death  
23 or personal injury).

24 Section 7102(b) (relating to removal or falsification  
25 of identification number).

26 Section 7103(b) (relating to dealing in vehicles with  
27 removed or falsified numbers).

28 Section 7111 (relating to dealing in titles and  
29 plates for stolen vehicles).

30 Section 7121 (relating to false application for

1 certificate of title or registration).

2 Section 7122 (relating to altered, forged or  
3 counterfeit documents and plates).

4 (b) [Suspension] Six-month suspension.--

5 (1) The department shall suspend the operating privilege  
6 of any [driver] person for six months upon receiving a  
7 certified record of the [driver's] person's conviction of any  
8 [offense under] of the following [provisions]:

9 Section 3367 (relating to racing on highways).

10 Section 3731 (relating to driving under influence of  
11 alcohol or controlled substance).

12 Section 3733 (relating to fleeing or attempting to  
13 elude police officer).

14 Section 3734 (relating to driving without lights to  
15 avoid identification or arrest).

16 Section 3743 (relating to accidents involving damage  
17 to attended vehicle or property).

18 Any misdemeanor in the commission of which the judge  
19 determines that a motor vehicle was essentially involved  
20 except that no person shall be suspended for violating a  
21 regulation of the Hazardous Substances Transportation  
22 Board unless the board recommends the suspension.

23 (2) The department shall suspend the operating privilege  
24 of any [driver] person for six months upon receiving a  
25 certified record of the [driver's] person's conviction of a  
26 subsequent [offense under the following provisions]:

27 Section 1501(a) (relating to drivers required to be  
28 licensed).

29 Section 1543 (relating to driving while operating  
30 privilege is suspended or revoked)] violation of section

1           1501(a) (relating to drivers required to be licensed).

2           [(3) This subsection does not effect an additional  
3       period of revocation of the operating privileges of a driver  
4       who receives an additional period of revocation for a second  
5       or subsequent violation of section 1543.]

6       (c) Order of court.--The department shall suspend or revoke  
7 the operating privilege of any driver upon order of any court of  
8 record.

9       (d) Exceptions.--This section does not apply to a person who  
10 was operating a pedalcycle or an animal-drawn vehicle.

11 § 1533. Suspension of operating privilege for failure to  
12       respond to [citation] process.

13       (a) Violations within Commonwealth.--The department shall  
14 suspend the operating privilege of any person who has failed to  
15 respond to a citation or summons to appear before a court of  
16 competent jurisdiction of this Commonwealth [or of any state]  
17 for any violation of this title, other than parking, or who has  
18 failed to pay any fine or costs imposed by such court for any  
19 violation of this title, upon being duly notified in accordance  
20 with general rules.

21       (b) Violations outside Commonwealth.--The department shall  
22 suspend, after a departmental hearing, the operating privilege  
23 of any person who has failed to respond to a citation, summons  
24 or similar writ to appear before a court of competent  
25 jurisdiction of any state which has entered into an enforcement  
26 agreement with the department as authorized in section 6146  
27 (relating to enforcement agreements) for any violation of the  
28 motor vehicle laws of such state, other than parking, or who has  
29 failed to pay any fine or costs imposed by such court, upon  
30 being duly notified in accordance with the laws of the

1 jurisdiction in which the violation occurred.

2 (c) Responding to suspension notice.--[There shall be]  
3 Before any person is suspended under this section they shall  
4 have 15 days to respond to [such] the notification [before  
5 suspension is imposed].

6 (d) Period of suspension.--The suspension shall [be for an  
7 indefinite period] continue until such person shall respond to  
8 the citation, summons or writ, as the case may be, and pay any  
9 fines and penalties imposed.

10 (e) Remedy cumulative.--[Such] A suspension under this  
11 section shall be in addition to the requirement of withholding  
12 renewal or reinstatement of a violator's driver's license as  
13 prescribed in section [1503(c)] 1503(a) (relating to persons  
14 ineligible for licensing).

15 [§ 1534. Notice of acceptance of Accelerated Rehabilitative  
16 Disposition.

17 If a person is arrested for any offense enumerated in section  
18 1532 (relating to revocation or suspension of operating  
19 privilege) and is offered and accepts Accelerated Rehabilitative  
20 Disposition under general rules, the court shall promptly notify  
21 the department.]

22 § 1535. Schedule of convictions and points.

23 (a) General rule.--A point system [for driver education and  
24 control] is hereby established which is related to other  
25 provisions for use, suspension and revocation of the operating  
26 privilege as specified under this title. Every driver licensed  
27 in this Commonwealth who is convicted of any of the following  
28 offenses shall be assessed points as of the date of violation in  
29 accordance with the following schedule:

30	Section Number	Offense	Points
----	----------------	---------	--------

1	<u>1504</u>	<u>Driving without proper class</u>	
2		<u>of license.</u>	<u>2</u>
3	1512	Violation of restriction on	
4		driver's license.	2
5	1571	[Violations] <u>Violation</u> concerning	
6		[licenses] <u>license.</u>	3
7	3102	Failure to obey policeman or	
8		authorized person.	2
9	<u>3111(a)</u>	<u>Disobedience to traffic-control</u>	
10		<u>device.</u>	<u>3</u>
11	3112(a)(3)(i)	Failure to stop for a red light.	3
12	3114(a)(1)	Failure to stop for a flashing	
13		red light.	3
14	3302	Failure to yield half of roadway	
15		to oncoming vehicle.	3
16	3303	Improper passing.	3
17	3304	Other improper passing.	3
18	3305	Other improper passing.	3
19	3306(a)(1)	Other improper passing.	4
20	3306(a)(2)	Other improper passing.	3
21	3306(a)(3)	Other improper passing.	3
22	3307	Other improper passing.	3
23	3310	Following too closely.	3
24	3321	Failure to yield to driver on the	
25		right at intersection.	3
26	3322	Failure to yield to oncoming	
27		driver when making left turn.	3
28	3323(b)	Failure to stop for stop [signs]	
29		<u>sign.</u>	3
30	<u>3323(c)</u>	<u>Failure to yield at yield sign.</u>	<u>3</u>

1	3324	Failure to yield when entering or	
2		crossing roadway between inter-	
3		sections.	3
4	3332	Improper turning around.	3
5	3341	Failure to stop for flashing red	
6		lights or gate at railroad	
7		crossing.	3
8	3344	Failure to stop when entering from	
9		alley, driveway or building.	3
10	3345(a)	Failure to stop for school bus	
11		with flashing red lights.	5
12		(and 30 days suspension)	
13	3361	Driving too fast for conditions.	2
14	3362	Exceeding maximum speed.--Over Limit:	
15		6-10	2
16		11-15	3
17		16-25	4
18		26-30	5
19		31-over	5
20		(and departmental	
21		hearing and sanctions	
22		provided under section	
23		1538(d))	
24	3365(b)	Exceeding special speed limit	
25		in school [zones]	
26		<u>zone</u> .	3
27	3365(c)	Exceeding special speed limit	
28		for trucks on [downgrades]	
29		<u>downgrade</u> .	3
30	3542(a)	Failure to yield to [pedestrians]	

1		<u>pedestrian</u> in crosswalk.	2
2	3547	Failure to yield to pedestrian on	
3		sidewalk.	3
4	3549(a)	Failure to yield to blind	
5		pedestrian.	3
6	3702	Improper backing.	3
7	3714	Reckless driving.	3
8	3745	Leaving scene of accident	
9		involving property damage only.	4

10 (b) Multiple offense from same act.--If a driver is  
 11 convicted of two or more offenses as a result of the same act,  
 12 points shall be assessed only for the offense for which the  
 13 greatest number of points may be assessed.

14 (c) No points after six months.--The department shall assign  
 15 points to the record of any person within six months from the  
 16 date of a conviction. Any points assigned after such six-month  
 17 period shall be null and void.

18 (d) Exceptions.--This section does not apply to a person who  
 19 was operating a pedalcycle or an animal-drawn vehicle.

20 § 1537. Removal of points.

21 (a) General rule.--Points recorded against any person shall  
 22 be removed at the rate of three points for each 12 consecutive  
 23 months in which such person [has not committed] is not under  
 24 suspension or revocation and does not commit any violation which  
 25 results in the assignment of points or in suspension or  
 26 revocation under this [chapter. Removal of points is governed by  
 27 the date of violation.] subchapter.

28 (b) Subsequent accumulation of points.--When a driver's  
 29 record is reduced to zero points [and is maintained at zero  
 30 points for 12 consecutive months], any accumulation of points

1 thereafter shall be regarded as an initial accumulation of  
2 points.

3 § 1538. School, examination or hearing on accumulation  
4 of points or excessive speeding.

5 (a) Initial accumulation of six points.--When any person's  
6 record for the first time shows as many as six points, the  
7 department shall require the person to attend an approved driver  
8 improvement school or undergo a special examination and shall so  
9 notify the person in writing. Upon satisfactory attendance and  
10 completion of the course or upon passing the special  
11 examination, two points shall be removed from the person's  
12 record. Failure to attend and satisfactorily complete the  
13 requirements of driver improvement school shall result in the  
14 suspension of such person's operating privilege for 60 days.  
15 Failure to pass the examination shall result in the suspension  
16 of the operating privilege until the examination has been  
17 satisfactorily completed.

18 (b) Second accumulation of six points.--

19 (1) When any person's record has been reduced below six  
20 points and for the second time shows as many as six points,  
21 the department shall require the person to attend a  
22 departmental hearing. The hearing examiner may recommend one  
23 or more of the following:

24 (i) That the person be required to attend a driver  
25 improvement school.

26 (ii) That the person undergo [an] a special  
27 examination [as provided for in section 1508 (relating to  
28 examination of applicant for driver's license)].

29 (iii) That the person's [driver's license] operating  
30 privilege be suspended for a period not exceeding 15

1 days.

2 (2) The department may effect or modify the  
3 recommendations of the hearing examiner but may not impose  
4 any sanction not recommended by the hearing examiner.

5 (3) Upon completion of the sanction or sanctions imposed  
6 by the department, two points shall be removed from the  
7 person's record.

8 (4) Failure to attend the hearing or to attend and  
9 satisfactorily complete the requirements of a driver  
10 improvement school shall result in the suspension of such  
11 person's operating privilege for 60 days. Failure to pass an  
12 examination shall result in the suspension of such person's  
13 operating privilege until the examination has been  
14 satisfactorily completed.

15 (c) Subsequent accumulations of six points.--When any  
16 person's record has been reduced below six points and for the  
17 third or subsequent time shows as many as six points, the  
18 department shall require the driver to attend a departmental  
19 hearing to determine whether the person's operating privilege  
20 should be suspended for a period not to exceed 30 days. Failure  
21 to attend the hearing or to comply with the requirements of the  
22 findings of the department shall result in the suspension of the  
23 operating privilege until the person has complied.

24 (d) Conviction for excessive speeding.--

25 (1) When any person is convicted of driving 31 miles per  
26 hour or more in excess of the speed limit, the department  
27 shall require the person to attend a departmental hearing.  
28 The hearing examiner may recommend one or more of the  
29 following:

30 (i) That the person be required to attend a driver

1 improvement school.

2 (ii) That the person undergo an examination as  
3 provided for in section 1508.

4 (iii) That the person have his driver's license  
5 suspended for a period not exceeding 15 days.

6 (2) The department shall effect at least one of the  
7 sanctions but may not increase any suspension beyond 15 days.

8 (3) Failure to attend the hearing or to attend and  
9 satisfactorily complete the requirements of a driver  
10 improvement school shall result in the suspension of such  
11 person's operating privilege for 60 days. Failure to pass an  
12 examination shall result in the suspension of such person's  
13 operating privilege until the examination has been  
14 satisfactorily completed.

15 (e) Application.--The provisions of this section relating to  
16 the removal of points shall be executed prior to the addition of  
17 any further points to the driver's record.

18 § 1539. Suspension of operating privilege on accumulation of  
19 points.

20 \* \* \*

21 (c) Determination of subsequent suspensions.--Every  
22 suspension under this section and [revocation] every suspension  
23 under [any provision of this subchapter] section 1532 (relating  
24 to suspension or revocation of operating privilege) within three  
25 years shall be counted in determining whether a suspension is a  
26 second, third or subsequent suspension. [Acceptance of  
27 Accelerative Rehabilitative Disposition for an offense  
28 enumerated in section 1532 (relating to revocation or suspension  
29 of operating privilege) shall be considered a suspension in  
30 making such determination.]

1       \* \* \*

2   § 1540. Surrender of license.

3       (a) Conviction of offense.--Upon a conviction by a court of  
4 record for any offense which calls for mandatory [revocation]  
5 suspension in accordance with section 1532 (relating to  
6 [revocation or] suspension or revocation of operating  
7 privilege), the court or the district attorney shall require the  
8 surrender of any driver's license then held by the defendant and  
9 shall forward the driver's license together with a record of the  
10 conviction to the department. The suspension or revocation shall  
11 be effective upon a date determined by the court or district  
12 attorney, or upon the date of surrender of the license,  
13 whichever shall first occur.

14       (b) Suspension or revocation of operating privilege.--Upon  
15 the suspension or revocation of the operating privilege of any  
16 person by the department, the department shall [forthwith]  
17 notify the person in writing to surrender [his] their driver's  
18 license to the department for the term of suspension or  
19 revocation. The suspension or revocation shall be effective upon  
20 a date determined by the department or upon the date of  
21 surrender of the license to the department, whichever shall  
22 first occur, except that the license shall not be surrendered to  
23 the department prior to the notice provided in this subsection.

24   § 1541. Period of revocation or suspension of operating  
25           privilege.

26       (a) Commencement of period.--[The] For the purpose of  
27 determining the length of a revocation or suspension, credit  
28 toward the period of revocation or suspension of the operating  
29 privilege shall commence on the date on which the driver's  
30 license [was surrendered to and] is received by the court or

1 ordered by the department, as the case may be. The period of  
2 revocation or suspension of a nonresident licensed driver or an  
3 unlicensed driver shall commence [on the date of conviction, or  
4 in the case of a revocation or suspension without a conviction,  
5 in accordance with its regulations] on a date determined by the  
6 department. The department may, upon request of the person whose  
7 license is suspended, delay the commencement of the period of  
8 suspension for a period not exceeding six months whenever the  
9 department determines that failure to grant the extension will  
10 result in hardship to the person whose license has been  
11 suspended.

12 \* \* \*

13 (c) Restoration of revoked operating privilege.--Any person  
14 whose operating privilege has been revoked pursuant to section  
15 1532(c) (relating to suspension or revocation of operating  
16 privilege) or section 1542 (relating to revocation of habitual  
17 offender's license) is not entitled to automatic restoration of  
18 the operating privilege. Such person may apply for a license if  
19 permitted under the provisions of this chapter and shall be  
20 issued a learner's permit under section 1505 (relating to  
21 learners' permits) upon expiration of the revocation.

22 § 1542. Revocation of habitual offender's license.

23 \* \* \*

24 (b) Offenses enumerated.--Three convictions arising from  
25 separate acts of any one or more of the following offenses  
26 committed either singularly or in combination by any person  
27 shall result in such person being designated as a habitual  
28 offender:

29 (1) Any offense set forth in section 1532(a) or (b)  
30 (relating to [revocation or] suspension or revocation of

operating privilege).

(2) Operation following suspension of registration as defined in section 1371 (relating to operation following suspension of registration).

(3) Making use of or operating any vehicle without the knowledge or consent of the owner or custodian thereof.

(4) [Utilizing a vehicle in the unlawful transportation or unlawful sale of alcohol or any controlled substance.] Any misdemeanor in the commission of which a court determines that a vehicle was essentially involved.

(5) Any felony in the commission of which a court determines that a vehicle was essentially involved.

(6) Driving under suspension or revocation as defined in section 1543 (relating to driving while operating privilege is suspended or revoked).

[(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.]

\* \* \*

§ 1543. Driving while operating privilege is suspended or revoked.

(a) Offense defined.--Any person who drives a motor vehicle on any highway of this Commonwealth at a time when the operating privilege is suspended or revoked [or recalled] is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

(b) [Extending existing suspension] Suspension or revocation of operating privilege.--

(1) The department, upon receiving a certified record of

1 the conviction of any person under this section [upon a  
2 charge of driving a vehicle while the operating privilege was  
3 suspended] shall [revoke] suspend such privilege for an  
4 additional period of six months if the arrest was made during  
5 a period of suspension of six months or less.

6 (2) If the conviction resulted from driving while the  
7 operating privilege was suspended for more than six months,  
8 the department shall suspend such privilege for an additional  
9 period of one year.

10 (3) If the conviction [was upon a charge of] resulted  
11 from driving while the operating privilege was revoked, the  
12 department shall revoke the operating privilege for an  
13 additional period of [one year] two years.

14 § 1544. Additional period of revocation or suspension.

15 (a) Additional point accumulation.--When any person's record  
16 shows an accumulation of additional points during a period of  
17 suspension [or revocation] pursuant to section 1539 (relating to  
18 suspension of operating privilege on accumulation of points),  
19 the department shall when practicable extend the existing period  
20 of suspension [or revocation at the rate of five days for each  
21 additional point] in accordance with section 1539(b) and the  
22 person shall be so notified in writing.

23 \* \* \*

24 § 1545. Restoration of operating privilege.

25 Upon the restoration of any person's operating privilege  
26 which has been suspended [or revoked pursuant to this  
27 subchapter,] pursuant to section 1539 (relating to suspension of  
28 operating privilege on accumulation of points), such person's  
29 record shall show five points, except that any additional points  
30 assessed against the person since the date of the last violation

1 resulting in the suspension [or revocation] shall be added to  
2 such five points unless the person has served an additional  
3 period of suspension [or revocation] pursuant to section 1544(a)  
4 (relating to additional period of revocation or suspension).

5 § 1547. Chemical test to determine amount of alcohol.

6 (a) General rule.--[Any person who operates] Every driver of  
7 a motor vehicle in this Commonwealth shall be deemed to have  
8 given consent to a chemical test of breath or blood for the  
9 purpose of determining the alcoholic content of blood if a  
10 police officer shall have reasonable grounds to believe the  
11 person to have been driving a motor vehicle while under the  
12 influence of alcohol. [The] A breath test shall be administered  
13 [by qualified personnel and] with equipment approved by the  
14 [department. Qualified personnel means] National Highway and  
15 Traffic Safety Administration as evidenced by publication in the  
16 Federal Register or the Code of Federal Regulations by a  
17 physician or a technician acting under [the] a physician's  
18 direction or a police officer who has fulfilled the training  
19 requirements in the use of such equipment in a training program  
20 approved by the department. A test shall be performed upon a  
21 blood sample taken from the driver by a physician or a  
22 technician acting under a physician's direction or by any other  
23 duly licensed or authorized person. The blood sample shall be  
24 analyzed for alcohol content by a clinical laboratory licensed  
25 and approved to perform such test under the act of September 26,  
26 1951 (P.L.1539, No.389), known as "The Clinical Laboratory Act."

27 (b) Suspension for refusal.--

28 (1) If any person placed under arrest for driving under  
29 the influence of alcohol is requested to submit to a chemical  
30 test and refuses to do so, the test shall not be given but

1 upon notice by the police officer, the department shall:

2 (i) suspend the operating privilege of the person  
3 for a period of six months; or

4 (ii) [revoke] suspend the operating privilege of the  
5 person for a period of one year for a second or  
6 subsequent refusal within a period of three years.

7 (2) It shall be the duty of the police officer to inform  
8 the person that the person's operating privilege will be  
9 suspended [or revoked] upon refusal to submit to a chemical  
10 test.

11 (3) Any person whose operating privilege is suspended  
12 under the provisions of this section shall have the same  
13 right of appeal as provided for in cases of suspension [or  
14 revocation] for other reasons.

15 (c) Test results or refusal admissible in evidence.--In any  
16 summary proceeding or criminal proceeding in which the defendant  
17 is charged with driving a motor vehicle while under the  
18 influence of alcohol, the amount of alcohol in the defendant's  
19 blood, as shown by a chemical analysis of his breath or blood[,  
20 which analysis was conducted with equipment of a type approved  
21 by the Department of Health and operated by qualified  
22 personnell], administered as provided in subsection (a), shall be  
23 admissible in evidence. The refusal to submit to a chemical test  
24 may be admitted into evidence as a factor to be considered in  
25 determining innocence or guilt.

26 (d) Presumptions from amount of alcohol.--If chemical  
27 analysis of a person's breath or blood shows:

28 (1) That the amount of alcohol by weight in the blood of  
29 the person tested is 0.05% or less, it shall be presumed that  
30 the person tested was not under influence of alcohol to a

1 degree which renders the person incapable of safe driving and  
2 the person shall not be charged with any violation under  
3 section 3731(a)(1) (relating to driving under influence of  
4 alcohol or controlled substance), or if the person was so  
5 charged prior to the test, the charge shall be void ab  
6 initio.

7 (2) That the amount of alcohol by weight in the blood of  
8 the person tested is in excess of 0.05% but less than 0.10%,  
9 this fact shall not give rise to any presumption that the  
10 person tested was or was not under the influence of alcohol  
11 to a degree which renders the person incapable of safe  
12 driving, but this fact may be considered with other competent  
13 evidence in determining whether the person was or was not  
14 under the influence of alcohol to a degree which renders the  
15 person incapable of safe driving.

16 (3) That the amount of alcohol by weight in the blood of  
17 the person tested is 0.10% or more, it shall be presumed that  
18 the defendant was under the influence of alcohol to a degree  
19 which renders the person incapable of safe driving.

20 \* \* \*

21 (k) Transporting to hospital for treatment.--After  
22 administration of a chemical test wherein the reading is 0.25%  
23 or higher, the arresting officer may transport the person tested  
24 to a hospital for possible further treatment. Payment for all  
25 treatment costs incurred shall be the responsibility of the  
26 person receiving treatment.

27 § 1549. [Establishment of schools.] Course of instruction on  
28 alcohol and driving.

29 [(a) Driver improvement schools.--The department is  
30 authorized to establish and maintain driver improvement schools

1 throughout this Commonwealth. The department may approve and  
2 conduct an annual review of the course material for the schools.  
3 The curriculum to be presented must be uniform throughout this  
4 Commonwealth. All instructors shall be properly certified by the  
5 department after the completion of a course of instruction  
6 approved by the department.

7 (b) Course of instruction on alcohol and driving.--]The  
8 [department in conjunction with the] Governor's Council on Drug  
9 and Alcohol Abuse shall establish and maintain a course of  
10 instruction on the problems of alcohol and driving. The  
11 curriculum of the course of instruction [established by the  
12 department and the Governor's Council on Drug and Alcohol Abuse]  
13 shall be uniform throughout this Commonwealth and shall be  
14 reviewed by [the department and] the Governor's Council on Drug  
15 and Alcohol Abuse on an annual basis.

16 § 1550. Judicial review.

17 (a) General rule.--Any person who has been denied a driver's  
18 license, whose driver's license has been cancelled or whose  
19 operating privilege has been [recalled, canceled,] suspended or  
20 revoked by the department shall have the right to appeal to the  
21 court vested with original jurisdiction of such appeals by or  
22 pursuant to Title 42 (relating to judiciary and judicial  
23 procedure). A copy of the petition for appeal, together with a  
24 copy of the notice of the action from which the appeal has been  
25 taken, shall be served upon one of the department's legal  
26 offices.

27 (b) Supersedeas.--[The filing] Filing and service of [the] a  
28 petition for appeal from a suspension or revocation shall  
29 operate as a supersedeas [and no recall, suspension,  
30 cancellation or revocation shall be imposed against such person]

1 until final determination of the matter by the court vested with  
2 original jurisdiction of such appeals. Filing and service of a  
3 petition for appeal from denial or cancellation of a driver's  
4 license under section 1503 (relating to persons ineligible for  
5 licensing), 1504 (relating to classes of licenses) or 1572(a)  
6 (relating to cancellation and suspension of operating privilege)  
7 shall not act as a supersedeas unless ordered by the court after  
8 a hearing attended by the petitioner. Further review by another  
9 court shall not operate as a supersedeas unless the court of  
10 original or subsequent jurisdiction determines otherwise.

11 (c) Proceedings of court.--The court shall set the matter  
12 for hearing upon [30] 60 days written notice to the department  
13 and determine whether the [petitioner is in fact the person  
14 whose] petitioner's driver's license should be denied or  
15 cancelled, the petitioner's operating privilege [is subject to  
16 the recall, suspension, cancellation or revocation] suspended or  
17 revoked, or the petitioner's endorsement removed.

18 § 1551. Notice of department action.

19 (a) General rule.--The department shall [promptly] notify  
20 each person whose license or permit is suspended as a result of  
21 the accumulation of points. [The notification that the license  
22 or permit is suspended shall be made] Notification shall be  
23 mailed within six months [following] of receipt by the  
24 department of notice of the conviction [of a violation of this  
25 title] that resulted in the addition of sufficient points to  
26 cause the suspension. Failure of the department to give [prompt]  
27 notice of suspension as required by this section shall prohibit  
28 the department from suspending the license or permit of such  
29 person.

30 (b) Hearing.--Notwithstanding any other provisions of this

title to the contrary, before the operating privilege of any driver is suspended or revoked, the driver shall be given the opportunity to have a departmental hearing, if he so requests, before the suspension or revocation becomes effective.

§ 1552. Identification of driver.

(a) Agreement to reveal identity of driver.--Any person to whom a motor vehicle is titled or registered in this Commonwealth is deemed to have agreed:

(1) To reveal the identity of the driver of the vehicle, if known, to any police officer who shall have reasonable grounds to believe the vehicle was involved in an accident or any violation of the law.

(2) To accept responsibility for any parking violation in which the vehicle is involved and make payment of any fine levied for such violation. This paragraph does not apply to persons engaged in the business of leasing or renting vehicles to persons responsible for parking violations.

(b) Suspension for refusal.--

(1) If any person to whom a motor vehicle is titled or registered in this Commonwealth shall refuse to reveal the identity of the driver of the vehicle as provided in subsection (a)(1), the department shall:

(i) suspend the registration of the vehicle or the operating privilege of the person for a period of six months; or

(ii) suspend the registration of the vehicle or the operating privilege of the person for a period of one year for a second or subsequent refusal within a period of three years.

(2) It shall be the duty of the police officer to inform

1 the person that the person's operating privilege or vehicle  
2 registration will be suspended upon refusal to reveal the  
3 identity of the driver of the vehicle.

4 (3) Any person whose operating privilege or vehicle  
5 registration is suspended under the provisions of this  
6 section shall have the same right to appeal as provided for  
7 in cases of suspension for other reasons.

8 § 1571. Violations concerning licenses.

9 (a) Offenses defined.--It is unlawful for any person:

10 (1) To exhibit or cause or permit to be exhibited or  
11 have in possession any [recalled,] canceled, suspended,  
12 revoked[, fictitious] or fraudulently altered driver's  
13 license.

14 (2) To give, sell or lend a driver's license to any  
15 other person or permit the use thereof by another.

16 (3) To purchase, exhibit or represent as one's own any  
17 driver's license not issued to the person.

18 (4) To fail or refuse to surrender to the department  
19 upon lawful demand a [recalled,] canceled, suspended,  
20 revoked[, fictitious] or fraudulently altered driver's  
21 license.

22 (5) To use a false or fictitious name, or give a false  
23 or fictitious address, in any application or form required  
24 under the provisions of this chapter, or make a false  
25 statement, or conceal a material fact, or otherwise commit a  
26 fraud in any such application.

27 (6) To possess or sell any counterfeit driver's license  
28 or to fail or refuse to surrender to the department upon  
29 lawful demand a counterfeit driver's license.

30 (b) Penalty.--

1           (1) Any person violating any of the provisions of [this  
2           section] subsection (a)(1),(2),(3),(4) or (5) is guilty of a  
3           summary offense and shall, upon conviction, be sentenced to  
4           pay a fine of \$100.

5           (2) Any person violating the provisions of subsection  
6           (a)(6) is guilty of a misdemeanor of the second degree.

7   § 1572. Cancellation and suspension of [driver's  
8           license] operating privilege.

9           (a) Ineligibility for licensing.--The department [may cancel  
10          any] shall cancel a person's driver's license upon determining  
11          that the licensee was not entitled to [the] issuance of the  
12          driver's license or that the person failed to give the required  
13          or correct information or committed fraud in making the  
14          application or in obtaining the license [or the fee has not been  
15          paid. Upon the cancellation, the licensee shall immediately  
16          surrender the canceled license to the department]. If a person  
17          whose license has been cancelled under this subsection becomes  
18          entitled to issuance of a driver's license, the department may  
19          suspend the person's operating privilege for a period of six  
20          months.

21          (b) Nonpayment of fee.--The department shall suspend a  
22          person's operating privilege upon determining that the fee for  
23          the driver's license is not paid. The suspension shall remain in  
24          effect until the required fee and penalty have been paid.

25   § 1573. Driving under foreign license during suspension or  
26          revocation.

27          (a) General rule.--Any resident or nonresident whose  
28          operating privilege to drive a motor vehicle in this  
29          Commonwealth has been [recalled,] canceled, suspended or revoked  
30          as provided in this title shall not drive a motor vehicle in

1 this Commonwealth under a license or permit issued by any other  
2 jurisdiction or otherwise during the suspension or after the  
3 [recall,] cancellation or revocation until a new driver's  
4 license is obtained when and as permitted under this chapter.

5 (b) Penalty.--Any person violating this section is guilty of  
6 a summary offense and shall, upon conviction, be sentenced to  
7 pay a fine of \$200.

8 § 1704. Transfer of [suspended] title or registration  
9 to evade chapter.

10 (a) General rule.--If the [registrations] registration of  
11 any [vehicles are] vehicle is suspended under this chapter,  
12 neither the title nor the [registrations] registration shall  
13 [not] be transferred, nor shall the [vehicles] vehicle be titled  
14 or registered in any other name, until the department is  
15 satisfied that the transfer [of registrations] is proposed in  
16 good faith and not for the purpose or with the effect of  
17 defeating the purposes of this chapter.

18 (b) Sale of repossessed vehicle.--This section does not  
19 apply to or affect the title or registration of any motor  
20 vehicle sold by a person who, pursuant to the terms or  
21 conditions of any written instrument giving a right of  
22 repossession, has exercised such right and has repossessed the  
23 motor vehicle from a person whose registration has been  
24 suspended under the provisions of this chapter.

25 (c) Rights of lienholders and lessors.--This chapter does  
26 not in any way affect the rights of any conditional vendor,  
27 chattel mortgagee or lessor of a motor vehicle registered in the  
28 name of another person who becomes subject to the provisions of  
29 this chapter.

30 § 1741. [Court reports] Reports on nonpayment of judgments.

1 (a) General rule.--Whenever any person fails within 60 days  
2 to satisfy any judgment arising from a motor vehicle accident,  
3 the [judgment creditor may] prothonotary or clerk of courts  
4 shall, and the holder of a foreign judgment may, forward to the  
5 department on a form prescribed by the department a certified  
6 copy of the judgment. The judgment shall be treated as a  
7 security interest under Subchapter B of Chapter 11 (relating to  
8 security interests).

9 (b) Notice to state of nonresident defendant.--If the  
10 defendant named in any certified copy of a judgment reported to  
11 the department is a nonresident, the department shall transmit a  
12 certified copy of the judgment to the official in charge of the  
13 issuance of licenses and registration certificates of the state  
14 of which the defendant is a resident.

15 (c) Perfecting security interest.--The department by  
16 regulation shall:

17 (1) Provide an opportunity for the judgment creditor to  
18 recommend to the department which vehicle or vehicles of the  
19 defendant shall have the judgment noted on their certificates  
20 of title as a security interest.

21 (2) Require the judgment creditor to pay the applicable  
22 fee or fees for recording each judgment as a security  
23 interest all of which fees shall be recoverable by the  
24 judgment creditor as costs from the defendant.

25 (3) Require the defendant or the first lienholder to  
26 return all applicable titles to the department so that the  
27 judgment can be noted thereon.

28 § 1746. Proof of financial responsibility after suspension or  
29 revocation.

30 Whenever the department suspends or revokes the operating

1 privilege of any person [upon receiving record of a conviction  
2 or forfeiture of bail] pursuant to sections 1532(a) or (b)  
3 (relating to suspension or revocation of operating privilege),  
4 1542 (relating to revocation of habitual offender's license) or  
5 1742 (relating to suspension for nonpayment of judgments), the  
6 department shall not restore the operating privilege until the  
7 person furnishes proof of financial responsibility.

8 § 1747. Providing financial responsibility.

9 (a) General rule.--Proof of financial responsibility may be  
10 furnished by filing evidence satisfactory to the department that  
11 all motor vehicles registered in a person's name are covered by  
12 the insurance required in section 104 of the act of July 19,  
13 1974 (P.L.489, No.176), known as the "Pennsylvania No-fault  
14 Motor Vehicle Insurance Act," or[, if the person has no motor  
15 vehicle, that the person is covered by a nonowner's policy  
16 having the same limits of liability as are required in section  
17 104 of that act] that a person does not own a motor vehicle.

18 \* \* \*

19 § 1901. Exemption of entities and vehicles from fees.

20 (a) Governmental and quasi-governmental entities.--Except as  
21 otherwise specifically provided in this title, no fees shall be  
22 charged under this title to any of the following:

- 23 (1) The Commonwealth.
- 24 (2) Political subdivisions of this Commonwealth.
- 25 (3) [State and local authorities.] Governmental  
26 authorities organized under the laws of this Commonwealth.
- 27 (4) The Federal Government.
- 28 (5) Other states.

29 (b) Title and registration fees.--No fee shall be charged  
30 for titling or registration of any of the following:

1           (1) Buses registered by urban mass transportation  
2           systems [except that this paragraph shall cover only the  
3           number of buses which the department determines are required  
4           to provide scheduled service within the county in which they  
5           have their principal place of business or contiguous  
6           counties].

7           (2) Vehicles registered by volunteer fire, rescue and  
8           ambulance associations.

9           (3) Vehicles registered by foreign nationals with the  
10          rank of vice consul or higher assigned to a consulate in this  
11          Commonwealth provided that citizens of the United States are  
12          granted reciprocal exemptions.

13          (4) Vehicles of totally disabled veterans whose  
14          disability is certified by the United States Veterans'  
15          Administration as service-connected.

16          (c) Processing fee in lieu of registration fee.--No  
17          registration fee shall be charged for vehicles registered by any  
18          of the following but the department shall charge a fee of \$10 to  
19          cover the costs of processing for issuing or renewing the  
20          registration:

21               (1) Hospital.

22               (2) Humane society.

23               (3) Nonprofit youth center.

24               (4) American Red Cross.

25               (5) Church.

26               (6) Girl Scouts of America.

27               (7) Boy Scouts of America.

28               (8) Salvation Army.

29               (9) Duly chartered posts of national veterans'  
30          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 income does not exceed \$7,500 per year. 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] who is not totally disabled but who lost one or more limbs or eyes or is partially paralyzed and whose disability is certified by the United States Veterans' Administration as service-connected.

(18) Nonprofit corporations for the benefit of senior citizens.

(19) Any nonprofit school of secondary education for vehicles used in State approved drivers' education programs.

(20) Pennsylvania public television stations.

(21) Camp Fire Girls of America, Inc.

\* \* \*

§ 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 except as provided in section 1952(d) (relating to certificate of title).

(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 45 days of the date of original issuance.

(3) [A certificate of junk.] An authorization to salvage a vehicle.

(4) A certificate of rejection.

(5) A special hauling permit issued to any person hauling equipment or materials for use on a Federal or State emergency relief project.

(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.

§ 1915. Motor-driven cycles.

The annual fee for registration of a [motor-driven cycle] motorized pedalcycle shall be \$6 and for any other motor-driven cycle shall be \$9.

§ 1916. Trucks and truck tractors.

[The] Except as otherwise provided in this chapter, 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	Registered	Fee
	Gross or Combination	

1		Weight in Pounds	
2	1	5,000 or less	\$ 39
3	2	5,001 - 7,000	[52]
4			<u>51</u>
5	3	7,001 - 9,000	84
6	4	9,001 - 11,000	108
7	5	11,001 - 14,000	132
8	6	14,001 - 17,000	156
9	7	17,001 - 21,000	192
10	8	21,001 - 26,000	216
11	9	26,001 - 30,000	252
12	10	30,001 - 33,000	300
13	11	33,001 - 36,000	324
14	12	36,001 - 40,000	342
15	13	40,001 - 44,000	360
16	14	44,001 - 48,000	384
17	15	48,001 - 52,000	420
18	16	52,001 - 56,000	444
19	17	56,001 - 60,000	501
20	18	60,001 - 64,000	552
21	19	64,001 - 68,000	576
22	20	68,001 - 73,280	606

23 § 1917. [Motor buses.] Buses.

24 The annual fee for registration of a [motor] bus other than a  
25 school bus shall be determined by its seating capacity according  
26 to the following table:

27	Seating Capacity	Fee
28	26 or less	\$6 per seat
29	27 - 51	156 plus \$7.50 per seat
30		in excess of 26

2 § 1919. Electric vehicles.

3 The annual fee for registration of a vehicle which is  
4 propelled by electric power shall be \$12 unless the vehicle  
5 qualifies for a lesser fee under another provision of this  
6 subchapter.

7 § 1923. Antique and [classic] historic vehicles.

8 The fee for registration of an antique or [classic] historic  
9 motor vehicle shall be \$50.

10 § 1925. Ambulances, [taxis] taxicabs and hearses.

11 The annual fee for registration of an ambulance, [taxi]  
12 taxicab or hearse shall be \$36.

13 § 1926. Dealers and miscellaneous motor vehicle business.

14 (a) General rule.--The annual fee for a dealer or  
15 manufacturer registration plate or miscellaneous motor vehicle  
16 business plate shall be \$24.

17 (b) Motorcycle dealers.--The annual fee for each dealer  
18 registration plate issued to a motorcycle dealer other than a  
19 motor-driven cycle dealer shall be \$12.

20 (c) Motor-driven cycle dealers.--The annual fee for each  
21 dealer registration plate issued to a motor-driven cycle dealer  
22 shall be [\$6.] \$9.

23 (d) Motorized pedalcycle dealers.--The annual fee for each  
24 dealer registration plate issued to a motorized pedalcycle  
25 dealer shall be \$6.

26 § 1928. Temporary registration plates.

27 (a) General rule.--The fee payable by a dealer or other  
28 dispensing agent for a temporary registration plate shall be \$1.  
29 [The charge of the agent for providing an applicant with a  
30 temporary plate shall not exceed a total of \$5.]

1     (b) Designation as issuing agent.--The annual fee for  
2     designation by the department of a person other than a dealer or  
3     manufacturer as an issuing agent of temporary registration  
4     plates shall be \$25.

5     § 1929. Replacement registration plates.

6     The fee for a replacement registration plate and accompanying  
7     registration card other than a legislative or personal plate  
8     shall be \$5. In no case shall any additional fee be charged for  
9     the accompanying card.

10    § 1933. Amateur radio operator plates.

11    The fee for issuance of an amateur radio operator plate shall  
12    be \$20 which shall be in addition to the annual registration  
13    fee. Only one payment of the issuance fee shall be charged for  
14    each amateur radio plate issued or replaced.

15    § 1934. Veteran registration plates.

16    The fee for issuance of a veteran registration plate as  
17    authorized by section 1342(a) (relating to veteran plates) shall  
18    be \$20 which shall be in addition to the annual registration  
19    fee. Only one payment of the issuance fee shall be charged for  
20    each personal registration plate issued or replaced. No such fee  
21    shall be payable for disabled veteran plates as authorized by  
22    section 1342(b).

23    § 1942. Special hauling permits as to weight and size.

24    The fee for a special hauling permit for each movement of an  
25    overnight or oversize vehicle or load, or both, shall be \$15. An  
26    overweight vehicle shall be charged an additional 3¢ per ton-  
27    mile for the number of tons by which the gross weight exceeds  
28    the registered gross weight. The provisions of this section  
29    shall not apply to permits issued by the department or local  
30    authorities pursuant to section 4902(b) (relating to

1 restrictions on use of highways and bridges).

2 § 1943. Annual hauling permits.

3 (a) Quarry equipment and machinery.--The annual fee for  
4 operation or movement of each piece of heavy quarry equipment or  
5 machinery, as provided for in section 4966 (relating to permit  
6 for movement of quarry or mining equipment), shall be \$25.

7 (b) Implements of husbandry.--The annual fee for operation  
8 or movement of oversize [self-propelled] implements of  
9 husbandry, as provided for in section 4967 (relating to permit  
10 for movement of implements of husbandry), shall be \$20 for the  
11 first implement and \$5 for each additional implement.

12 \* \* \*

13 § 1944. [Mobile homes and similar trailers] Permits for  
14 other vehicles and equipment.

15 (a) Mobile homes.--The fee for a special hauling permit for  
16 a mobile home [or similar trailer which exceeds the maximum size  
17 prescribed in this title] shall be \$20.

18 (b) Construction equipment.--The fee for a permit for each  
19 item of oversized or overweight construction equipment, as  
20 provided for in section 4970 (relating to permit for movement of  
21 construction equipment), shall be \$50.

22 § 1945. Books of permits.

23 (a) General rule.--Upon request, permits for movement of  
24 mobile homes up to 14 ft. wide and other oversize vehicles or  
25 loads, the dimensions of which do not exceed those specified by  
26 the department, [will] shall be issued in booklet form,  
27 containing a convenient number of permits. For each movement,  
28 one permit shall be removed from the booklet, dated, trip data  
29 entered and securely affixed to the vehicle or load.

30 (b) Penalty.--Any person violating any of the provisions of

1 this section is guilty of a summary offense and shall, upon  
2 conviction, be sentenced to pay a fine of \$500.

3 § 1948. Chemical and fertilizer vehicle permits.

4 The fee for a 30-day permit for the operation of chemical and  
5 fertilizer vehicles registered in another state as provided in  
6 section 4971 (relating to permit of an operation of chemical and  
7 fertilizer vehicles) shall be \$50.

8 § 1951. Driver's license and learner's permit.

9 (a) Driver's license.--The annual fee for a driver's license  
10 shall be \$5 [plus the cost of the photograph required in section  
11 1510(a) (relating to issuance and content of driver's license)].

12 (b) Learner's permit.--The fee for a learner's permit shall  
13 be \$5.

14 (c) Identification card.--The fee for an identification card  
15 shall be \$5.

16 (d) Replacement license or card.--The fee for a replacement  
17 driver's license or identification card shall be \$5.

18 (e) Photograph.--In addition to the fees set forth in this  
19 section, the department shall charge the cost of the photograph  
20 required by section 1510 (relating to issuance and content of  
21 driver's license).

22 § 1952. Certificate of title.

23 (a) General rule.--The fee for issuing a certificate of  
24 title for a mobile home shall be \$15 and for any other vehicle  
25 shall be \$5.

26 (b) Duplicate certificate.--The fee for a duplicate  
27 certificate of title shall be \$5.

28 (c) Manufacturer's or dealer's notification.--The fee for a  
29 manufacturer's or dealer's notification of acquisition of a  
30 vehicle from another manufacturer or dealer for resale pursuant

1 to section 1113 (relating to transfer to or from manufacturer or  
2 dealer) shall be \$2.

3 (d) Cancellation of mobile home title.--The fee for  
4 cancellation of a mobile home certificate of title shall be \$5.

5 (e) Removal of salvage authorization endorsement.--The fee  
6 for removal of a salvage authorization endorsement from a  
7 certificate of title shall be \$5 unless the endorsement is  
8 removed in conjunction with the transfer of title to the  
9 vehicle.

10 § 1953. Security interest.

11 The fee for recording or changing [the amount of] a security  
12 interest on a certificate of title shall be \$5 except that no  
13 fee shall be charged pursuant to this section when a fee is also  
14 charged pursuant to section 1952 (relating to certificate of  
15 title).

16 § 1955. Information concerning drivers [and], vehicles  
17 and accidents.

18 (a) [Registrations, titles and security interests] Driver  
19 and vehicle information.--The fee for [copies of or] information  
20 or a copy of a file or portion of a file relating to [a  
21 registration, title or security interest] specific drivers or  
22 vehicles shall be \$2.50 except that the department may charge a  
23 fee to a governmental or quasi-governmental entity under this  
24 subsection based on the cost to the department of supplying the  
25 requested copies and information.

26 (b) Accident information.--

27 (1) The fee for a copy of a police accident report shall  
28 not exceed \$10.

29 (2) The fee for a driver's accident report requested by  
30 the driver who submitted it shall be \$2.50.

1           (3) The fee for providing information pertaining to an  
2           accident report, as authorized in this title, shall be \$2.50.

3           [(b) Other data and] (c) Compilations of data and  
4           statistical information.--The department may charge to any  
5           person or governmental or quasi-governmental entity a reasonable  
6           fee based on the cost to the department of compiling and  
7           analyzing requested data and statistical information [upon  
8           request]. The department may also establish a minimum fee for  
9           such data and information.

10          § 1956. Certified copies of records.

11           (a) Department records.--The fee for a certified copy [of  
12           any] or for certifying a department record which the department  
13           is authorized by law to [furnish to the public] provide shall be  
14           \$5 [for each form or supporting document comprising such  
15           record].

16           (b) State Police reports.--The fee for a certified  
17           Pennsylvania State Police record of investigation of a vehicle  
18           accident which the Pennsylvania State Police are authorized by  
19           this title to furnish to the public shall be \$5 for each copy of  
20           the Pennsylvania State Police full report of investigation.

21          § 1957. Uncollectible checks.

22           Whenever any check issued in payment of any fee or for any  
23           other purpose is returned to the department as uncollectible,  
24           the department or municipality shall charge a fee of \$10 for  
25           each driver's license, registration, replacement of tags,  
26           transfer of registration, certificate of title, whether original  
27           or duplicate, special hauling permit and each other unit of  
28           issue by the department or municipality, plus all protest fees,  
29           to the person [presenting] drawing the check, to cover the cost  
30           of collection.

1   § 1960. Department hearing and special examination.

2       The fee for attending a department hearing or undergoing a  
3   special examination, as provided for in section 1538 (relating  
4   to school, examination or hearing on accumulation of points or  
5   excessive speeding), shall be \$10.

6   § 1961. Charges by notaries.

7       A notary shall not charge an applicant any fee other than  
8   notary fees for providing and preparing any applications or  
9   other documents required or authorized by this title.

10   § 3101. Application of part.

11       (a) General rule.--Except as provided in subsection (b), the  
12 provisions of this part relating to the operation of vehicles  
13 refer exclusively to the operation of vehicles upon highways  
14 except where a different place is specifically referred to in a  
15 particular provision.

16       (b) [Serious traffic] Traffic offenses and accidents.--The  
17 provisions of [subchapter] Subchapters B (relating to serious  
18 traffic offenses) and C (relating to accidents and accident  
19 reports) of Chapter 37 [(relating to serious traffic offenses)]  
20 shall apply [upon highways and trafficways] upon all public and  
21 private property throughout this Commonwealth. The provisions of  
22 section 3714 (relating to reckless driving) shall apply upon  
23 highways, trafficways and private property generally open to the  
24 public throughout this Commonwealth.

25   § 3102. Obedience to authorized persons directing traffic.

26       No person shall willfully fail or refuse to comply with any  
27 lawful order or direction of any uniformed police officer,  
28 sheriff or constable or any appropriately attired or equipped  
29 person authorized to direct, control or regulate traffic.

30   § 3105. Drivers of emergency vehicles.

1       \* \* \*

2       (b) Exercise of special privileges.--The driver of an  
3 emergency vehicle may:

4           (1) Park or stand, irrespective of the provisions of  
5 this part.

6           (2) Proceed past a red signal indication or stop sign,  
7 but only after slowing down as may be necessary for safe  
8 operation[, except as provided in subsection (d)].

9           (3) Exceed the maximum speed limits so long as the  
10 driver does not endanger life or property[, except as  
11 provided in subsection (d)].

12          (4) Disregard regulations governing direction of  
13 movement or turning in specified directions.

14       (c) Audible and visual signals required.--The privileges  
15 granted in this section to an emergency vehicle shall apply only  
16 when the vehicle is making use of an audible signal and visual  
17 signals meeting the requirements and standards set forth in  
18 regulations adopted by the department, except that an emergency  
19 vehicle operated as a police vehicle [need]:

20           (1) Need not be equipped with or display the visual  
21 signals.

22           (2) Need not use an audible signal when attempting to  
23 time the rate of speed of a vehicle except when exercising  
24 the special privileges granted under subsection (b)(2) or  
25 (4).

26       [(d) Ambulance and blood-delivery vehicles.--The driver of  
27 an ambulance or blood-delivery vehicle shall comply with maximum  
28 speed limits, red signal indications and stop signs. After  
29 ascertaining that the ambulance or blood-delivery vehicle will  
30 be given the right-of-way, the driver may proceed through a red

1 signal indication or stop sign.]

2 \* \* \*

3 § 3111. Obedience to traffic-control devices.

4 \* \* \*

5 (e) Evasion of traffic-control devices.--The driver of a  
6 motor vehicle shall not evade or attempt to evade a traffic-  
7 control device by driving off the roadway and shoulder of the  
8 highway.

9 § 3112. Traffic-control signals.

10 (a) General rule.--Whenever traffic is controlled by  
11 traffic-control signals exhibiting different colored lights, or  
12 colored lighted arrows, successively one at a time or in  
13 combination, only the colors green, red and yellow shall be  
14 used, except for special pedestrian signals carrying a word  
15 legend, and the lights shall indicate and apply to drivers of  
16 vehicles and pedestrians as follows:

17 (1) Green indication.--

18 (i) Vehicular traffic facing a circular green signal  
19 may proceed straight through or turn right or left unless  
20 a sign at such place prohibits either such turn except  
21 that vehicular traffic, including vehicles turning right  
22 or left, shall yield the right-of-way to other vehicles  
23 and to pedestrians lawfully within the intersection or an  
24 adjacent crosswalk at the time the signal is exhibited.

25 (ii) Vehicular traffic facing a green arrow signal,  
26 shown alone or in combination with another indication,  
27 may enter the intersection only to make the movement  
28 indicated by the arrow, or such other movement as is  
29 permitted by other indications shown at the same time.

30 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] should 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 a sign 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 [roadway] highway onto a one-way [roadway]

1        highway after stopping as required by subparagraph (i).

2        Such vehicular traffic shall yield the right-of-way to  
3        pedestrians lawfully within an adjacent crosswalk and to  
4        other traffic lawfully using the intersection.

5            (iii) Unless otherwise directed by a pedestrian[-  
6        control] signal as provided in section 3113, pedestrians  
7        facing a steady red signal alone [shall] should not enter  
8        the roadway.

9        (b) Places other than intersections.--In the event an  
10       official traffic-control signal is erected and maintained at a  
11       place other than an intersection, the provisions of this section  
12       shall be applicable except as to those provisions which by their  
13       nature can have no application. Any stop required shall be made  
14       at a sign or marking on the pavement indicating where the stop  
15       shall be made, but in the absence of any such sign or marking  
16       the stop shall be made at the signal.

17       (c) Inoperable or malfunctioning traffic-control signal.--If  
18       a traffic-control signal is out of operation or is not  
19       functioning properly, vehicular traffic facing a:

20            (1) Green or yellow signal may proceed with caution as  
21        indicated in subsection (a)(1) and (2).

22            (2) Red or completely unlighted signal shall stop in the  
23        same manner as at a stop sign, and the right to proceed shall  
24        be subject to the rules applicable after making a stop at a  
25        stop sign as provided in section 3323 (relating to stop signs  
26        and yield signs).

27        (d) Local regulation.--This section does not prohibit a  
28        municipality from establishing a summary offense for violation  
29        of subsection (a)(2)(ii) or (3)(iii).

30        § 3113. Pedestrian[-control] signals.

(a) General rule.--Whenever special pedestrian[-control] signals exhibiting the words "Walk" or "Don't Walk" are in place, the signals shall indicate as follows:

(1) "Walk".--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) "Don't Walk".--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".--Whenever the "Walk" indication is flashing, 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 indication and shall be given the right-of-way by the drivers of all vehicles.

(4) Flashing "Don't Walk".--Whenever the "Don't Walk" indication is flashing, pedestrians should not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the "Walk" indication 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).

§ 3115. Lane[-direction]-use-control signals.

When lane[-direction]-use-control signals are placed over the

1 individual lanes of a street or highway, vehicular traffic may  
2 travel in any lane over which a green signal is shown, but shall  
3 not enter or travel in any lane over which a red signal is  
4 shown.

5 § 3307. No-passing zones.

6 (a) Establishment and marking.--The department and local  
7 authorities may determine those portions of any highway under  
8 their respective jurisdictions where overtaking and passing or  
9 driving on the left side of the roadway would be especially  
10 hazardous and shall by appropriate signs or markings on the  
11 roadway indicate [the beginning and end of] such zones [and when  
12 the signs or markings are in place and clearly visible to an  
13 ordinarily observant person every driver of a vehicle shall obey  
14 the directions of the signs or markings]. [Signs] Except in  
15 urban districts one mile in length or longer, signs shall be  
16 placed to indicate the beginning and end of each no-passing  
17 zone.

18 (b) Compliance by drivers.--Where required signs [and] or  
19 markings or both are in place to define a no-passing zone as set  
20 forth in subsection (a) and are clearly visible to an ordinarily  
21 observant person, no driver shall at any time drive on the left  
22 side of the roadway within the no-passing zone or on the left  
23 side of any pavement striping designed to mark a no-passing zone  
24 throughout its length. This subsection does not prohibit passing  
25 a pedalcycle or motorized pedalcycle if the requirements of  
26 section 3305 (relating to limitations on overtaking on the left)  
27 are satisfied.

28 (c) Application of section.--This section does not apply  
29 under the conditions described in section 3301(a)(2) and (5)  
30 (relating to driving on right side of roadway).

1 § 3314. Prohibiting use of hearing impairment devices.

2 (a) General rule.--No driver shall operate a vehicle while  
3 wearing or using one or more headphones, earphones or any  
4 similar device which the department by regulation determines  
5 would impair the ability of the driver to hear traffic sounds.

6 (b) Exception.--This section does not prohibit the use of  
7 hearing aids or other devices for improving the hearing of the  
8 driver or devices used by police.

9 § 3321. Vehicle approaching or entering intersection.

10 (a) General rule.--When two vehicles approach or enter an  
11 intersection from different highways at approximately the same  
12 time, the driver of the vehicle on the left shall yield the  
13 right-of-way to the vehicle on the right.

14 (b) [Exception] Exceptions.--The right-of-way rule declared  
15 in subsection (a) is modified [at through highways] as follows  
16 and otherwise as stated in this part:

17 (1) The driver of a vehicle approaching a through  
18 highway shall yield the right-of-way to all approaching  
19 vehicles from either direction on the through highway.

20 (2) The driver of a vehicle on the stem of a "T"  
21 intersection shall yield the right-of-way to all approaching  
22 vehicles from either direction on the intersecting highway.

23 § 3323. Stop signs and yield signs.

24 \* \* \*

25 (b) Duties at stop signs.--

26 (1) Except [when directed to proceed by a police officer  
27 or appropriately attired persons authorized to direct,  
28 control, or regulate traffic] as provided in paragraph (2),  
29 every driver of a vehicle approaching a stop sign shall stop  
30 at a clearly marked stop line or, if none, before entering a

1 crosswalk on the near side of the intersection or, if none,  
2 then at the point nearest the intersecting roadway where the  
3 driver has a view of approaching traffic on the intersecting  
4 roadway before entering the intersection. After having  
5 stopped, the driver shall yield the right-of-way to any  
6 pedestrian in a crosswalk or to any pedestrian in a crosswalk  
7 or to any vehicle in the intersection or approaching on  
8 another roadway so closely as to constitute a hazard during  
9 the time when the driver is moving across or within the  
10 intersection or junction of roadways.

11 (2) This subsection does not require a driver to stop at  
12 a stop sign when directed to proceed by a police officer or  
13 appropriately attired person authorized to direct, control or  
14 regulate traffic, or when turning right at a location where a  
15 stop sign is supplemented with another sign indicating that  
16 it is not necessary to stop when making a turn.

17 (c) Duties at yield signs.--The driver of a vehicle  
18 approaching a yield sign shall in obedience to the sign slow  
19 down to a speed reasonable for the existing conditions and, if  
20 required for safety to stop, shall stop before entering a  
21 crosswalk on the near side of the intersection or, if none, then  
22 at the point nearest the intersecting roadway where the driver  
23 has a view of approaching traffic on the intersecting roadway  
24 before entering. After slowing down or stopping, the driver  
25 shall yield the right-of-way to any vehicle in the intersection  
26 or approaching on another roadway so closely as to constitute a  
27 hazard during the time the driver is moving across or within the  
28 intersection of roadways. If a driver is involved in a collision  
29 with a vehicle in the intersection [or junction] of roadways  
30 after driving past a yield sign, the collision shall be deemed

1 prima facie evidence of failure of the driver to yield the  
2 right-of-way.

3 § 3331. Required position and method of turning.

4 \* \* \*

5 (b) Left turn.--The driver of a vehicle intending to turn  
6 left shall approach the turn in the extreme left-hand lane  
7 lawfully available to traffic moving in the direction of travel  
8 of the vehicle. Whenever practicable, the left turn shall be  
9 made to the left of the center of the intersection and so as to  
10 [leave the intersection or location in] enter the extreme left-  
11 hand lane lawfully available to traffic moving in the same  
12 direction as the vehicle on the roadway being entered.

13 \* \* \*

14 § 3332. Limitations on turning around.

15 (a) General rule.--The driver of any vehicle shall not turn  
16 the vehicle so as to proceed in the opposite direction unless  
17 the movement can be made in safety and without interfering with  
18 other traffic.

19 (b) Turns on curves or grades.--No vehicle shall be turned  
20 so as to proceed in the opposite direction upon any curve, or  
21 upon the approach to or near the crest of a grade, where the  
22 vehicle cannot be seen by the driver of any other vehicle  
23 approaching from either direction within 500 feet.

24 (c) Turns prohibited by traffic-control devices.--No vehicle  
25 shall be turned so as to proceed in the opposite direction where  
26 such turns are prohibited by an official traffic-control device.

27 § 3334. Turning movements and required signals.

28 \* \* \*

29 (b) Signals on turning and starting.--At speeds of [less  
30 than] 35 miles per hour or less, an appropriate signal of

1 intention to turn right or left shall be given continuously  
2 during not less than the last 100 feet traveled by the vehicle  
3 before turning. The signal shall be given during not less than  
4 the last 300 feet at speeds in excess of 35 miles per hour. The  
5 signal shall also be given prior to entry of the vehicle into  
6 the traffic stream from a parked position.

7 \* \* \*

8 § 3335. Signals by hand and arm or signal lamps.

9 (a) General rule.--Any stop or turn signal shall be given  
10 either by means of the hand and arm or by signal lamps, except  
11 as otherwise provided in subsection (b).

12 (b) Required signals by signal lamps.--Any motor vehicle in  
13 use on a highway shall be equipped with, and required signal  
14 shall be given by, signal lamps when the distance from the  
15 center of the top of the steering post to the left outside limit  
16 of the body, cab or load of the motor vehicle exceeds 24 inches,  
17 or when the distance from the center of the top of the steering  
18 post to the rear limit of the body or load exceeds 14 feet. The  
19 latter measurement shall apply to any single vehicle and to any  
20 combination of vehicles.

21 (c) Exception.--This section does not apply to a motor  
22 vehicle registered as an antique or [classic] historic motor  
23 vehicle which was not originally equipped with signal lamps.

24 § 3342. Vehicles required to stop at railroad crossings.

25 \* \* \*

26 (b) Exceptions.--This section does not apply at any of the  
27 following:

28 (1) Any railroad grade crossing at which traffic is  
29 controlled by a police officer or flagman.

30 (2) Any railroad grade crossing at which traffic is

regulated by a traffic control signal.

(3) [Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train.

(4)] Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(c) Regulations defining vehicles subject to section.--The department shall adopt such regulations as may be necessary describing the vehicles which must comply with the stopping requirements of this section. In formulating the regulations, the department shall give consideration to the hazardous nature of any substance carried by the vehicle as determined by the Hazardous Substances Transportation Board and to the number of passengers carried by the vehicle in determining whether the vehicle shall be required to stop. These regulations shall be developed in conjunction with the Pennsylvania Public Utility Commission [and the Urban Mass Transportation Authority] and shall correlate with and so far as possible conform to the current regulations of the United States Department of Transportation.

(d) Prosecution under other laws.--All prosecutions for violations of this section by drivers of vehicles:

(1) Carrying hazardous substances as determined by the Hazardous Substances Transportation Board shall be brought under the act of November 9, 1965 (P.L.657, No.323), known as the "Hazardous Substances Transportation Act," and regulations promulgated thereunder.

(2) Regulated by the Public Utility Commission shall be brought under Title 66 (relating to public utilities) and

1       regulations promulgated thereunder.

2       § 3345. Meeting or overtaking school bus.

3       (a) Duty of approaching driver when red signals are  
4 flashing.--Except as provided in subsection (g), the driver of a  
5 vehicle meeting or overtaking any school bus stopped on the  
6 highway shall stop at least ten feet before reaching the school  
7 bus when the red signal lights on the school bus are flashing.  
8 The driver shall not proceed until the flashing red signal  
9 lights are no longer actuated. In no event shall a driver of a  
10 vehicle resume motion of the vehicle until the school children  
11 who may have alighted from the school bus have reached a place  
12 of safety.

13       (b) Duty of approaching driver when amber signals are  
14 flashing.--The driver of a vehicle meeting or overtaking any  
15 school bus shall proceed past the school bus with caution and  
16 shall be prepared to stop when the amber signal lights are  
17 flashing.

18       (c) Use of red signals.--The red visual signals shall be  
19 actuated by the driver of every school bus whenever the vehicle  
20 is stopped on the highway for the purpose of receiving or  
21 discharging school children, except as provided in subsections  
22 (e) and (f). The signals shall not be terminated until the  
23 school children who may have alighted from the school bus have  
24 reached a place of safety or until boarding school children have  
25 completed boarding the bus.

26       (d) Use of amber signals.--The amber visual signals shall be  
27 actuated by the driver of every school bus not more than 300  
28 feet nor less than 150 feet prior to making a stop for the  
29 purpose of receiving or discharging school children and shall  
30 remain in operation until the red visual signals are actuated.

1 Amber signals shall not be used unless the red visual signals  
2 are to be actuated immediately following.

3 (e) Limitations on use of signals.--The visual signals  
4 required in the regulations shall not be actuated [on]:

5 (1) On streets in urban districts designated by the  
6 department or local authorities[, at].

7 (2) At intersections or other places where traffic is  
8 controlled by uniformed police officers or appropriately  
9 attired or equipped persons authorized to direct, control or  
10 regulate traffic[, or in].

11 (3) In school bus loading [areas designated by the  
12 department or local authorities when the bus is entirely off  
13 the roadway.] zones located:

14 (i) so that the school bus is entirely off the  
15 roadway and shoulder; or

16 (ii) adjacent to a school and off the roadway.

17 (f) Operation for nonschool purposes.--When a school bus is  
18 being operated upon a highway for purposes other than the actual  
19 transportation of school children to or from school or in  
20 connection with school activities, all markings indicating  
21 "SCHOOL BUS" shall be covered or concealed. During such  
22 operation, the flashing visual signals shall not be actuated.

23 (g) Exceptions from stopping requirements.--The driver of a  
24 vehicle upon [a highway with separate roadways] a divided  
25 highway need not stop upon meeting or passing a school bus with  
26 actuated red signal lights which is on [a different roadway] the  
27 opposite side of the divided highway.

28 (h) Loading zones for school children.--Every school  
29 district transporting school children by school bus shall  
30 establish and maintain school bus loading zones at or near all

1 schools to or from which school children are transported and  
2 [shall establish school bus loading zones] along the highways  
3 traversed by school buses in accordance with regulations  
4 promulgated by the department.

5 (i) Mandatory use of loading zones.--Whenever school bus  
6 loading zones have been established at or near a school or along  
7 a highway, it is unlawful for a driver of a school bus  
8 [operator] to stop the bus to pick up or discharge school  
9 children at any location other than at the loading zones. A list  
10 or map of approved loading zones for the route of the bus shall  
11 be carried by the [operator] driver.

12 (j) School bus defined.--As used in this section "school  
13 bus" includes buses operated by urban mass transportation  
14 systems for the exclusive use of school children in compliance  
15 with Federal safety standards and safety regulations of the  
16 Public Utility Commission and the department and other motor  
17 vehicles which, in compliance with Federal safety standards and  
18 Public Utility Commission or department regulations, meet the  
19 color, identification and visual signal requirements of section  
20 4552(a) and (b) (relating to general requirements for school  
21 buses).

22 [(j)] (k) Penalty.--Any person violating subsection (a) is  
23 guilty of a summary offense and shall, upon conviction, be  
24 sentenced to pay a fine of \$100.

25 § 3346. Meeting or overtaking streetcar.

26 Except where a safety zone has been established, the driver  
27 of a vehicle meeting or overtaking any streetcar stopped on the  
28 highway for the purpose of taking on or discharging passengers  
29 shall not pass the streetcar on the side on which passengers are  
30 being taken on or discharged until the streetcar has started and

1 any passengers who may have alighted have reached a place of  
2 safety.

3 § 3351. Stopping, standing and parking [outside business and  
4 residence districts] on roadways.

5 (a) General rule.--[Outside a business or residence  
6 district, no] No person shall stop, park or stand any vehicle,  
7 whether attended or unattended, upon the roadway when it is  
8 practicable to stop, park or stand the vehicle off the roadway.  
9 In the event it is necessary to stop, park or stand the vehicle  
10 on the roadway or any part of the roadway, an unobstructed width  
11 of the highway opposite the vehicle shall be left for the free  
12 passage of other vehicles [and the]. The vehicle shall be  
13 visible from a distance of 500 feet in each direction upon the  
14 highway, except that in a business district the vehicle need  
15 only be visible from a distance of 300 feet in each direction  
16 upon the highway.

17 (b) [Exception for disabled vehicles] Exceptions.--

18 (1) [This] No person shall be penalized under this  
19 section [and sections] or section 3353 (relating to  
20 prohibitions in specified places) [and] or section 3354  
21 (relating to additional parking regulations) [do not apply to  
22 the driver of any] if the vehicle [which] is disabled in such  
23 a manner and to such an extent that it is impossible to avoid  
24 stopping and temporarily leaving the vehicle in that  
25 position.

26 (2) This section does not apply to mail delivery  
27 vehicles making pickups or deliveries.

28 § 3352. Removal of vehicle by or at direction of police.

29 (a) Outside business and residence districts.--Whenever any  
30 police officer finds a vehicle in violation of any of the

1 provisions of section 3351 (relating to stopping, standing and  
2 parking [outside business and residence districts] on roadways),  
3 the officer may move the vehicle, or cause the vehicle to be  
4 moved, or require the driver or other person in charge of the  
5 vehicle to move the vehicle, to a position off the roadway where  
6 the vehicle will not interfere unduly with the normal movement  
7 of traffic or constitute a safety hazard.

8 (b) Unattended vehicle obstructing traffic.--Any police  
9 officer may remove or cause to be removed to a nearby garage or  
10 other nearby place of safety any unattended vehicle illegally  
11 left standing upon any highway, bridge, causeway or in any  
12 tunnel, in such position or under such circumstances as to  
13 interfere unduly with the normal movement of traffic or  
14 constitute a safety hazard.

15 (c) Removal to garage or place of safety.--Any police  
16 officer may remove or cause to be removed to a nearby garage or  
17 other nearby place of safety any vehicle [found upon a highway]  
18 under any of the following circumstances:

19 (1) Report has been made that the vehicle has been  
20 stolen or taken without the consent of its owner.

21 (2) The person or persons in charge of the vehicle are  
22 physically unable to provide for the custody or removal of  
23 the vehicle.

24 (3) The person driving or in control of the vehicle is  
25 arrested for an alleged offense for which the officer is  
26 required by law to take the person arrested before an issuing  
27 authority without unnecessary delay.

28 (4) The vehicle is in violation of section 3353  
29 (relating to prohibitions in specified places) except for  
30 overtime parking.

1           (5) The vehicle has been abandoned as defined in this  
2 title. The officer shall comply with the provisions of  
3 subsection (d) and Chapter 73 (relating to abandoned vehicles  
4 and cargos).

5       (d) Notice to owner prior to removal.--

6           (1) Prior to removal under subsection (c)(5) of [an  
7 abandoned] a vehicle which is abandoned upon a highway and is  
8 not in violation of subsection (b), or section 3351(a)  
9 (relating to stopping, standing and parking on roadways) or  
10 section 3353 (relating to prohibitions in specified places)  
11 bearing a registration plate by which the last registered  
12 owner of the vehicle can be determined, notice shall be sent  
13 by certified mail to the last registered owner of the vehicle  
14 informing the owner that unless the vehicle is moved to a  
15 suitable location within five days of the date notice is  
16 mailed, the vehicle will be removed under this section and  
17 held at a suitable facility where it may be reclaimed by the  
18 owner in accordance with the provisions of section 7306  
19 (relating to payment of costs upon reclaiming vehicle). If  
20 the abandoned motor vehicle does not bear an identifiable  
21 registration plate, the notice may be secured to the vehicle.

22           (2) If, within the five-day period, the owner so  
23 requests, the owner shall be given an opportunity to explain  
24 to the police officer or department why the owner believes  
25 the vehicle should not be moved. If the police officer or  
26 department determines that the vehicle shall, nonetheless, be  
27 moved, the owner shall be given an additional 48 hours to  
28 move the vehicle or have it moved.

29           (3) The provision for notice set forth in this  
30 subsection is in addition to any other notice requirements

provided in Chapter 73.

(e) Payment of removal costs.--Any costs incurred in removing a vehicle under this section shall be paid by the driver or owner to the person incurring the costs or to the issuing authority as costs of prosecution for payment to the person incurring the costs.

§ 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 pedalcycle may be parked as provided in section 3509(b)(2) (relating to parking)]:

(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

1 the ends of a safety zone, unless a different length is  
2 indicated by official traffic-control devices.

3 (vi) Alongside or opposite any street excavation or  
4 obstruction when stopping, standing or parking would  
5 obstruct traffic.

6 (vii) Upon any bridge or other elevated structure  
7 upon a highway or within a highway tunnel.

8 (viii) On any railroad tracks.

9 (ix) In the area between roadways of a divided  
10 highway, including crossovers.

11 (x) At any place where official [signs] traffic-  
12 control devices prohibit stopping.

13 (2) Stand or park a vehicle:

14 (i) In front of a public or private driveway.

15 (ii) Within 15 feet of a fire hydrant.

16 (iii) Within 20 feet of a crosswalk at an  
17 intersection.

18 (iv) Within 30 feet [upon] of the approach to any  
19 flashing signal, stop sign, yield sign or traffic-control  
20 signal located at the [site] side of a roadway.

21 (v) Within 20 feet of the driveway entrance to any  
22 fire station or, when [properly sign posted, on the side  
23 of a street opposite the entrance to any fire station  
24 within 75 feet of the entrance.] signs are duly posted on  
25 the opposite side of the street, within 75 feet of the  
26 points immediately opposite the intersections of the  
27 sides of the driveway entrance with the curb line.

28 (vi) Where the vehicle would prevent the free  
29 movement of a streetcar.

30 (vii) On a limited access highway unless authorized

by official traffic-control devices.

(viii) At any place where official [signs] traffic-control devices prohibit standing.

(3) Park a vehicle:

(i) Within 50 feet of the nearest rail of a railroad crossing.

(ii) At any place where official [signs] traffic-control devices prohibit parking.

(b) Unattended vehicle on public or private property.--No person shall park or leave unattended a vehicle on public or 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. For the purposes of this subsection, "public property" shall not include any street or highway.

(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.]

(1) 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 have a salvor or towor remove the vehicle at the reasonable expense of the owner or registrant of the vehicle if the property is:

(i) Private and used for parking exclusively in connection with a dwelling or dwellings or not open to use by motor vehicles.

(ii) Open to the public or used for parking without

1 charge and posted in accordance with department  
2 regulations.

3 (iii) Used for parking with charge and posted in  
4 accordance with department regulations and the vehicle  
5 has remained on the property for more than 12 hours. Any  
6 vehicle parked or left unattended on such property may be  
7 assessed a penalty in addition to towing charges, if any,  
8 of not more than the regular charge for parking 12 hours  
9 or \$15, whichever is less.

10 (2) Any salvor or tower removing a vehicle pursuant to  
11 paragraph (1) shall immediately notify the police having  
12 jurisdiction of the place where the vehicle was found of the  
13 new location of the vehicle.

14 (3) No storage costs shall be assessed pursuant to  
15 paragraph (1) for the first 24 hours of possession of a  
16 vehicle.

17 (d) Restrictions by appropriate authorities.--The department  
18 on State-designated highways and local authorities on any  
19 highway within their boundaries may by erection of official  
20 traffic-control devices prohibit, limit or restrict stopping,  
21 standing or parking of vehicles on any highway [where  
22 engineering and traffic studies indicate that stopping, standing  
23 or parking would constitute a safety hazard or where the  
24 stopping, standing or parking of vehicles would unduly interfere  
25 with the free movement of traffic]:

26 (1) where engineering and traffic studies indicate that  
27 stopping, standing or parking would constitute a safety  
28 hazard or would unduly interfere with the free movement of  
29 traffic; or

30 (2) where special conditions make it necessary to keep a

1 highway free of parked vehicles for public activities such as  
2 street cleaning or snow removal or to insure reasonable  
3 availability of on-street parking facilities.

4 (e) Penalty.--

5 (1) Any person violating any provision of this section  
6 is guilty of a summary offense and shall, upon conviction, be  
7 sentenced to pay a fine of not more than \$15.

8 (2) The owner or operator of a garage or other area  
9 provided for parking who removes a vehicle contrary to the  
10 provisions of this section is guilty of a summary offense and  
11 shall, upon conviction, be sentenced to pay a fine of \$25  
12 plus the costs incurred by the owner in recovering their  
13 vehicle.

14 (3) Any costs incurred in removing a vehicle under this  
15 section shall be paid by the driver or owner to the person  
16 incurring the costs or to the issuing authority as costs of  
17 prosecution for payment to the person incurring the costs.

18 § 3354. Additional parking regulations.

19 \* \* \*

20 (d) Handicapped persons and disabled veterans.--

21 (1) [When a motor vehicle bearing registration plates  
22 issued to handicapped persons or disabled veterans as  
23 prescribed in this title is being operated by or for the  
24 transportation of the handicapped person or disabled veteran,  
25 the driver shall be relieved of any liability for parking for  
26 a period of 60 minutes in excess of the legal parking period  
27 permitted by local authorities except where local ordinances  
28 or police regulations provide for the accommodation of heavy  
29 traffic during morning, afternoon or evenings hours.] Any  
30 person whose vehicle bears a registration plate issued under

1 section 1338 (relating to handicapped plate) shall be allowed  
2 to park in any public metered space without paying a meter  
3 fee and shall be exempt from any time restriction in any  
4 public parking zone in which parking time is normally limited  
5 subject to the following:

6 (i) The vehicle shall not remain in the same parking  
7 space for more than 24 hours.

8 (ii) Upon request of the appropriate authorities,  
9 the vehicle shall be moved to facilitate safety or  
10 repairs and maintenance (except cleaning) to the parking  
11 area.

12 (2) At the request of any handicapped person or disabled  
13 veteran, local authorities may erect on the highway as close  
14 as possible to their place of residence a sign or signs  
15 indicating that that place is reserved for a handicapped  
16 person or disabled veteran, that no parking is allowed there  
17 by others, and that any unauthorized person parking there  
18 shall be subject to a fine.

19 (3) No person except a handicapped person shall park a  
20 motor vehicle on private or public property in any parking  
21 space reserved for a handicapped person so designated by  
22 posting a sign approved by the department. Except for parking  
23 spaces on public streets, parking spaces reserved for  
24 handicapped persons situated on public or private property  
25 shall:

26 (i) Be 12 feet wide.

27 (ii) Be located in such a manner that wheelchair  
28 users will not be endangered by parking or moving motor  
29 vehicles.

30 (iii) Not be placed on a gradient so as to cause

1       loading or unloading difficulties for wheelchair users.

2       (iv) Be in close proximity to building ramps and  
3       entrances.

4       (v) Be marked by upright signs easily visible from  
5       the seat of a motor vehicle.

6       (4) The sign or signs indicating that parking space is  
7       reserved for a handicapped person shall conform to department  
8       standards.

9       \* \* \*

10   § 3355. Consent or direction to move vehicle.

11       (a) General rule.--No person shall move a vehicle without  
12       the consent of the owner or registrant or a person authorized by  
13       the owner or registrant unless directed by a police officer in  
14       accordance with section 3352 (relating to removal of vehicle by  
15       or at direction of police) except that a salvor or tower may  
16       remove a vehicle from private property in accordance with  
17       section 3353(c) (relating to prohibitions in specified places)  
18       without the direction of a police officer. A tower shall not  
19       move an abandoned vehicle unless a salvor is not available.

20       (b) Implied consent.--Every driver, owner and registrant of  
21       a vehicle in this Commonwealth shall be deemed to have given  
22       consent to have the vehicle removed at their reasonable expense  
23       and detained to insure payment if the vehicle is removed under  
24       the provisions of section 3352(a), (b) or (c) or section  
25       3353(c).

26   § 3356. Authorization of towers.

27       (a) General rule.--The department shall authorize and issue  
28       a certificate of authorization to every tower that complies with  
29       regulations adopted by the department.

30       (b) Place of business.--Every tower shall have and maintain

1 an established place of business.

2 (c) Bond required.--

3 (1) Each tower shall furnish and maintain a bond  
4 indemnifying the public and the department in the amount of  
5 \$5,000.

6 (2) A tower who has filed a bond with the Commonwealth  
7 is not required to file a separate bond under this section if  
8 the bond already on file with the Commonwealth is comparable  
9 in amount and coverage to the bond required under this  
10 section.

11 (d) Supervision and suspension.--The department shall  
12 supervise towers and, after providing an opportunity for a  
13 hearing, shall suspend the authorization of any tower which the  
14 department finds is not properly operated or which has violated  
15 or failed to comply with any of the provisions of this title or  
16 regulations adopted by the department. A suspended certificate  
17 of authorization shall be returned to the department immediately  
18 except an appeal from suspension as provided in subsection (e)  
19 shall operate as a supersedeas of any suspension by the  
20 department.

21 (e) Judicial review.--Any tower whose authorization has been  
22 denied or suspended under this section shall have the right to  
23 appeal to the court vested with jurisdiction of such appeals by  
24 or pursuant to Title 42 (relating to judiciary and judicial  
25 procedure). The court shall set the matter for hearing upon 30  
26 days' written notice to the department and take testimony and  
27 examine into the facts of the case and determine whether the  
28 petitioner is entitled to authorization or is subject to  
29 suspension of the authorization under the provisions of this  
30 section.

1 § 3363. Alteration of maximum limits.

2 The department or local authorities on highways under their  
3 respective jurisdictions, upon the basis of an engineering and  
4 traffic [investigation] study, may determine that the maximum  
5 speed permitted under this subchapter is greater or less than is  
6 reasonable and safe under the conditions found to exist upon any  
7 such highway or part thereof and establish a reasonable and safe  
8 maximum limit. The maximum speed limit may be made effective at  
9 all times or at times indicated and may vary [for different  
10 weather] according to conditions [and other factors] bearing on  
11 safe speeds. No maximum speed greater than 55 miles per hour  
12 shall be established under this section.

13 § 3364. Minimum speed regulation.

14 \* \* \*

15 (c) Establishment of minimum speed limits.--At any other  
16 time when the department or local authorities under their  
17 respective jurisdictions determine on the basis of an  
18 engineering and traffic [investigation] study that slow speeds  
19 on any highway or part of a highway impede the normal and  
20 reasonable movement of traffic, the department or such local  
21 authority may determine and declare a minimum speed limit below  
22 which no person shall drive a vehicle except when necessary for  
23 safe operation or in compliance with law. The minimum limit  
24 shall be effective when posted upon appropriate fixed or  
25 variable signs.

26 § 3365. Special speed limitations.

27 (a) Bridges and elevated structures.--

28 (1) No person shall drive a vehicle over any bridge or  
29 other elevated structure constituting a part of a highway at  
30 a speed which is greater than the maximum speed which can be

1 maintained with safety to the bridge or structure when the  
2 structure is posted with signs as provided in this  
3 subsection.

4 (2) The department and local authorities on highways  
5 under their respective jurisdictions may conduct [a traffic  
6 and engineering investigation] an engineering and traffic  
7 study of any bridge or other elevated structure constituting  
8 a part of a highway, and if it shall thereupon find that the  
9 structure cannot safely withstand vehicles traveling at the  
10 speed otherwise permissible under this title, the department  
11 or local authority shall determine and declare the maximum  
12 speed of vehicles which the structure can safely withstand,  
13 and shall cause or permit official traffic-control devices  
14 stating the maximum speed to be erected and maintained before  
15 each end of the structure.

16 (3) Upon the trial of any person charged with a  
17 violation of this subsection, proof of the determination of  
18 the maximum speed by the department and the existence of the  
19 signs shall constitute conclusive evidence of the maximum  
20 speed which can be maintained with safety to the bridge or  
21 structure.

22 (b) School zones and construction or maintenance areas.--

23 (1) When passing a school zone as defined and  
24 established under regulations of the department, no person  
25 shall drive a vehicle at a speed greater than [that  
26 established for the particular school zone] 15 miles per  
27 hour. An official traffic-control device shall indicate the  
28 beginning and end of each school zone to traffic approaching  
29 in each direction. Traffic-control devices requiring  
30 operation shall not be operated on days when school is not in

1 session. Traffic-control devices not requiring operation  
2 shall not be effective on days when school is not in session.  
3 Establishment of a school zone on a State highway, including  
4 its location[,]  
5 and hours of operation [and speed limit],  
6 shall be approved by the department.

7 (2) No person shall drive a vehicle within a highway or  
8 utility construction or maintenance area at a speed in excess  
9 of the speed limit established for such area in accordance  
10 with department regulations.

11 (c) Hazardous grades.--The department and local authorities  
12 on highways under their respective jurisdictions may conduct  
13 [traffic and engineering investigations] engineering and traffic  
14 studies on grades which are considered hazardous. If the grade  
15 is determined to be hazardous, vehicles having a gross weight in  
16 excess of a determined safe weight may be further limited as to  
17 maximum speed and may be required to stop before proceeding  
18 downhill. The restrictions shall be indicated by official  
19 traffic-control devices erected and maintained according to  
20 regulations established by the department.

21 \* \* \*

22 § 3367. Racing on highways.

23 \* \* \*

24 (b) General rule.--[No person shall drive a vehicle on a  
25 highway in any race, speed competition or contest, drag race or  
26 acceleration contest, test of physical endurance, exhibition of  
27 speed or acceleration, or for the purpose of making a speed  
28 record, and no person shall in any manner participate in any  
29 such race, competition, contest, test or exhibition] No person  
30 shall drive a motor vehicle or in any other manner participate  
in any race, drag race, speed competition, speed contest or

1 speed exhibition on a highway. Nothing contained in this section  
2 shall be construed to prohibit road rallies or other speed  
3 competitions which do not involve violations of this title.

4 \* \* \*

5 § 3368. Speed timing devices.

6 \* \* \*

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

9 (1) The rate of speed of any vehicle may be timed on any  
10 highway by a police officer using a mechanical or electrical  
11 speed timing device.

12 (2) [Electronic devices such as radio-microwave devices  
13 (commonly referred to as electronic speed meters or radar)]  
14 Electronic speed timing and computing devices (such as  
15 vascar) and radio-microwave devices (such as radar) may be  
16 used only by members of the Pennsylvania State Police. No  
17 person may be convicted upon evidence obtained through the  
18 use of such devices unless the speed recorded is six or more  
19 miles per hour in excess of the legal speed limit.

20 (d) Approval and testing of mechanical, electrical and  
21 electronic devices.--

22 (1) All mechanical[, electrical or electronic] devices  
23 shall be of a type approved by the [department,] Department  
24 of Agriculture which shall appoint stations for calibrating  
25 and testing the devices and may prescribe regulations as to  
26 the manner in which calibrations and tests shall be made.

27 (2) All electrical or electronic devices shall be of a  
28 type approved by the Department of Transportation which shall  
29 appoint stations for calibrating and testing the devices and  
30 may prescribe regulations as to the manner in which

1     calibrations and tests shall be made.

2           (3) The devices shall have been tested for accuracy  
3     within a period of 60 days prior to the alleged violation. A  
4     certificate from the station showing that the calibration and  
5     test were made within the required period, and that the  
6     device was accurate, shall be competent and prima facie  
7     evidence of those facts in every proceeding in which a  
8     violation of this title is charged.

9     (e) Measured portion of highway.--The rate of speed of any  
10  vehicle may be timed on a measured portion of any highway at  
11  least one tenth of a mile in length. The restriction on the  
12  length of highway required shall not apply to the devices  
13  described in subsection (c)(2).

14  § 3502. Penalty for violation [of subchapter] involving  
15           pedalcycle.

16     Any person [violating any provision of this subchapter]  
17  operating a pedalcycle in violation of this title is guilty of a  
18  summary offense and shall, upon conviction, be sentenced to pay  
19  a fine of \$10.

20  § 3504. Riding on pedalcycles.

21     (a) Use of seat by operator.--A person propelling a  
22  pedalcycle shall not ride other than upon or astride a permanent  
23  and regular seat attached to the pedalcycle.

24     (b) Number of riders.--No pedalcycle shall be used to carry  
25  more persons at one time than the number for which the  
26  pedalcycle is designed [and] or equipped except that an adult  
27  rider may carry a child securely attached to the rider in a back  
28  pack or sling.

29  § 3505. Riding on roadways and pedalcycle paths.

30     \* \* \*

1     (e) Limited access highways.--No pedalcycle shall be  
2     operated on any limited access highway unless a pedalcycle path  
3     has been provided as part of the highway.

4     § 3507. Lamps and other equipment on pedalcycles.

5     (a) Lamps and reflectors.--Every pedalcycle when in use  
6     between sunset and sunrise shall be equipped on the front with a  
7     lamp which emits a white light visible from a distance of at  
8     least 500 feet to the front and with a red reflector on the rear  
9     of a type approved by the department which shall be visible  
10    [from all distances from 100 feet to] for 600 feet to the rear  
11    and with [an amber] a reflector [on] visible from each side or  
12    retroreflective tire sidewalls. A lamp emitting a red light  
13    visible from a distance of 500 feet to the rear may be used in  
14    addition to the red reflector. A lamp worn by the operator of a  
15    pedalcycle shall comply with the requirements of this subsection  
16    if the lamp can be seen at the distances specified. All lamps  
17    and reflectors shall be of a type approved by the department.

18    (b) Audible signal devices.--A pedalcycle may be equipped  
19    with a device, other than a siren or whistle, capable of giving  
20    [a signal audible for a distance of at least 100 feet except  
21    that a pedalcycle shall not be equipped with nor shall any  
22    person use upon a pedalcycle any siren] an audible signal.

23    (c) Brakes.--Every pedalcycle shall be equipped with a  
24    braking system which will stop the pedalcycle in 15 feet from an  
25    initial speed of 15 miles per hour on a dry, level and clean  
26    pavement.

27    § 3508. Pedalcycles on sidewalks and pedalcycle paths.

28    (a) Right-of-way to pedestrians.--A person riding a  
29    pedalcycle upon a sidewalk or pedalcycle path used by  
30    pedestrians shall yield the right-of-way to any pedestrian and

1 shall give an audible signal, which may be a vocal signal,  
2 before overtaking and passing a pedestrian.

3 (b) Business districts.--A person shall not ride a  
4 pedalcycle upon a sidewalk in a business district unless  
5 permitted by official traffic-control devices, nor when a usable  
6 pedalcycle-only lane has been provided adjacent to the sidewalk.  
7 § 3522. Riding on motorcycles.

8 (a) Use of seat by operator and passengers.--A person  
9 operating a motorcycle shall ride only upon the permanent and  
10 regular seat attached to the motorcycle, and the operator shall  
11 not carry any other person nor shall any other person ride on a  
12 motorcycle unless the motorcycle is designed or adapted to carry  
13 more than one person, in which event a passenger may ride upon  
14 the permanent and regular seat if designed for two persons, or  
15 upon another seat firmly attached to the motorcycle at the rear  
16 or side of the operator. In no event shall a passenger sit in  
17 front of the operator of the motorcycle.

18 \* \* \*

19 § 3523. Operating motorcycles on roadways laned for traffic.

20 (a) Right to use of lane.--All motorcycles are entitled to  
21 full use of a lane and no motor vehicle shall be driven in such  
22 a manner as to deprive any motorcycle of the full use of a lane.

23 (b) Overtaking and passing.--The operator of a motorcycle  
24 shall not overtake and pass in the same lane occupied by the  
25 vehicle being overtaken.

26 (c) Operation between lanes or vehicles.--No person shall  
27 operate a motorcycle between lanes of traffic or between  
28 adjacent lines or rows of vehicles.

29 (d) Limitation on operating abreast.--Motorcycles shall not  
30 be operated more than two abreast in a single lane.

1 (e) [Limited access] Exclusion from certain highways.--No  
2 motorized pedalcycle shall be operated on any limited access  
3 highway or on any highway where there is a posted minimum speed.

4 (f) Exception for police officers.--Subsections (b) and (c)  
5 do not apply to police officers in the performance of their  
6 official duties.

7 § 3525. Protective equipment for motorcycle riders.

8 \* \* \*

9 (b) Eye-protective devices.--No person shall operate or ride  
10 upon a motorcycle (other than a motorized pedalcycle) unless he  
11 is wearing an eye-protective device of a type approved by the  
12 department.

13 \* \* \*

14 § 3541. Obedience of pedestrians to traffic-control [devices  
15 and regulations] personnel and signals.

16 (a) [Traffic-control devices] Persons directing traffic.--A  
17 pedestrian shall obey the instructions of a police officer or  
18 other appropriately attired or equipped person authorized to  
19 direct, control or regulate traffic.

20 (b) Traffic and pedestrian[-control] signals.--Local  
21 authorities by ordinance may require pedestrians to obey traffic  
22 and pedestrian[-control] signals as provided in sections 3112  
23 (relating to traffic-control signals) and 3113 (relating to  
24 pedestrian[-control] signals).

25 § 3543. Pedestrians crossing at other than crosswalks.

26 (a) General rule.--Every pedestrian crossing a roadway at  
27 any point other than within a crosswalk at an intersection or  
28 any marked crosswalk [shall] should yield the right-of-way to  
29 all vehicles upon the roadway.

30 (b) At pedestrian tunnel or overhead crossing.--Any

1 pedestrian crossing a roadway at a point where a pedestrian  
2 tunnel or overhead pedestrian crossing has been provided [shall]  
3 should yield the right-of-way to all vehicles upon the roadway.

4 (c) Between controlled intersections in urban district.--  
5 Between adjacent intersections in urban districts at which  
6 traffic-control signals are in operation pedestrians [shall]  
7 should not cross at any place except in a marked crosswalk.

8 (d) Crossing intersection diagonally.--No pedestrian [shall]  
9 should cross a roadway intersection diagonally unless authorized  
10 by official traffic-control devices or at the direction of a  
11 police officer or other appropriately attired person authorized  
12 to direct, control or regulate traffic. When authorized to cross  
13 diagonally, pedestrians shall cross only in accordance with the  
14 signal pertaining to the crossing movements.

15 (e) Local regulation.--This section does not prohibit a  
16 municipality from establishing a summary offense for violation  
17 of this section.

18 § 3544. Pedestrians walking along or on highways.

19 \* \* \*

20 (e) Limited access highways.--Except in emergency  
21 situations, pedestrians are prohibited from the right-of-way of  
22 a limited access highway.

23 § 3549. Blind pedestrians.

24 (a) General rule.--The driver of a vehicle shall yield the  
25 right-of-way to any totally or partially blind pedestrian  
26 carrying a clearly visible white cane or accompanied by a  
27 [guide] dog guide and shall take such precautions as may be  
28 necessary to avoid injuring or endangering the pedestrian and,  
29 if necessary, shall stop the vehicle in order to prevent injury  
30 or danger to the pedestrian.

1 (b) Effect of absence of cane or dog.--This section shall  
2 not be construed to deprive a totally or partially blind  
3 pedestrian not carrying a cane or not being guided by a dog of  
4 the rights and privileges conferred by law upon pedestrians  
5 crossing streets or highways, nor shall the failure of a totally  
6 or partially blind pedestrian to carry a cane or to be guided by  
7 a [guide] dog guide upon the streets, highways or sidewalks of  
8 this Commonwealth be held to constitute contributory negligence  
9 in and of itself.

10 § 3550. Pedestrians under influence of alcohol or controlled  
11 substance.

12 A pedestrian who is under the influence of alcohol or any  
13 controlled substance to a degree which renders the pedestrian a  
14 hazard shall not walk or be upon a highway except on a sidewalk  
15 or except to cross a highway within a crosswalk at an  
16 intersection or within a marked crosswalk.

17 § 3706. Riding in [house] certain trailers, mobile homes or  
18 boats on trailers.

19 (a) General rule.--No person or persons shall occupy a house  
20 trailer, recreational trailer, mobile home or boat on a trailer  
21 while it is being moved upon a highway.

22 (b) Towing prohibited.--No person shall tow on a highway a  
23 house trailer, recreational trailer, mobile home or boat on a  
24 trailer occupied by a passenger or passengers.

25 (c) [Exception for certain semitrailers] Exceptions.--A  
26 semitrailer which is attached to a [truck] towing vehicle in an  
27 articulating manner by means of a fifth wheel semitrailer  
28 coupling device attached to the carrying compartment of the  
29 [truck] towing vehicle may be occupied by a passenger or  
30 passengers. The coupling device shall have a two-inch or larger

1 kingpin. All windows shall have safety glass. Some means of  
2 electrical or electronic communications approved by the  
3 department is required between the [cab of the truck] towing  
4 vehicle and the semitrailer. This subsection applies only to  
5 house trailers and recreational trailers.

6 § 3709. Depositing waste and other material on highway.

7 (a) General rule.--No person shall throw or deposit upon any  
8 highway any waste paper, sweepings, ashes, household waste,  
9 glass, metal, refuse or rubbish, or any dangerous or detrimental  
10 object or substance.

11 (b) Removal of deposited material.--Any person who [drops]  
12 throws or deposits, or permits to be [dropped or] thrown or  
13 deposited, upon any highway any waste paper, sweepings, ashes,  
14 household waste, glass, metal, refuse or rubbish, or any  
15 dangerous or detrimental object or substance shall immediately  
16 remove the same or cause it to be removed.

17 (c) Removal of material following accident.--Any person  
18 removing a wrecked, damaged or disabled vehicle from a highway  
19 shall remove from the highway or neutralize any glass, metal,  
20 oil or other [injurious] dangerous or detrimental object or  
21 substance resulting from the accident or disablement.

22 (d) Penalty.--Any person violating any of the provisions of  
23 subsection (a) or (b) is guilty of a summary offense and shall,  
24 upon conviction, be sentenced to pay a fine of not more than  
25 \$300.

26 § 3711. Unauthorized persons and devices hanging on vehicles.

27 \* \* \*

28 (b) Exceptions.--This section is not applicable to firemen  
29 or garbage collectors or operators of fire trucks or garbage  
30 trucks or employees of public utility companies acting pursuant

1 to and during the course of their duties or to other persons  
2 exempted by the department regulations from the application of  
3 this section. This section does not prohibit attaching a trailer  
4 or semitrailer to a pedalcycle or riding in or on the bed of a  
5 truck or other vehicle as long as no part of any person's body  
6 extends beyond the bed of the truck or other vehicle.

7 § 3731. Driving under influence of alcohol or controlled  
8 substance.

9 (a) Offense defined.--A person shall not drive any motor  
10 vehicle while:

11 (1) under the influence of alcohol to a degree which  
12 renders the person incapable of safe driving;

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

18 (3) under the combined influence of alcohol and a  
19 controlled substance to a degree which renders the person  
20 incapable of safe driving.

21 \* \* \*

22 (d) Penalty.--Any person violating any of the provisions of  
23 this section is guilty of a misdemeanor of the third degree and  
24 upon conviction shall be sentenced subject to a fine not to  
25 exceed \$300 or imprisonment for not more than one year, or both.  
26 In addition, any such person convicted shall be subject to the  
27 provisions of section 1532 (relating to suspension or revocation  
28 of operating privilege).

29 § 3732. Homicide by vehicle.

30 Any person who unintentionally causes the death of another

1 person while engaged in the violation of any law of this  
2 Commonwealth or municipal ordinance applying to the operation or  
3 use of a vehicle or to the regulation of traffic is guilty of  
4 homicide by vehicle, a misdemeanor of the first degree, when the  
5 violation is the cause of death. In addition to any other  
6 penalties provided, any person convicted under this section  
7 shall be subject to the provisions of section 1532 (relating to  
8 suspension or revocation of operating privilege).

9 § 3733. Fleeing or attempting to elude police officer.

10 (a) Offense defined.--Any driver of a motor vehicle who  
11 willfully fails or refuses to bring his vehicle to a stop, or  
12 who otherwise flees or attempts to elude a pursuing police  
13 vehicle, when given visual or audible signal to bring the  
14 vehicle to a stop, is guilty of a summary offense and shall,  
15 upon conviction, be sentenced to pay a fine of \$200. In  
16 addition, any such driver convicted shall be subject to the  
17 provisions of section 1532 (relating to suspension or revocation  
18 of operating privilege).

19 \* \* \*

20 § 3734. Driving without lights to avoid identification or  
21 arrest.

22 Any person who drives without lights or turns off any or all  
23 the lights on a motor vehicle for the purpose of avoiding  
24 identification or arrest is guilty of a summary offense and  
25 shall, upon conviction, be sentenced to pay a fine of \$200. In  
26 addition, any such driver convicted shall be subject to the  
27 provisions of section 1532 (relating to suspension or revocation  
28 of operating privilege).

29 § 3741. Application of subchapter.

30 The provisions of this subchapter requiring reports to the

1 department shall apply only upon highways and trafficways  
2 throughout this Commonwealth.

3 § 3746. Immediate notice of accident to police department.

4 \* \* \*

5 (c) Investigation by police officer.--Every accident  
6 reported to a police department as required in this section  
7 shall be investigated by a police officer who shall provide each  
8 driver a signed statement, on a form provided by the police  
9 department, that the accident was reported.

10 § 3749. Reports by coroners and medical examiners.

11 \* \* \*

12 (b) Blood and urine samples.--The coroners or medical  
13 examiners of each county in this Commonwealth shall take blood  
14 or urine samples or both from the bodies of [all drivers and of]  
15 all pedestrians over 15 years of age and all drivers who die  
16 within four hours following an accident and shall, within ten  
17 days of the accident, transmit the samples to the [Governor's  
18 Council on Drug and Alcohol Abuse] Department of Health. This  
19 subsection shall be applicable to all occupants over 15 years of  
20 age if the driver of the vehicle cannot be determined.

21 (c) Regulations for testing samples.--The [Governor's  
22 Council on Drug and Alcohol Abuse] Department of Health shall  
23 establish and promulgate rules and regulations for the testing  
24 of the blood and urine samples authorized to be taken from dead  
25 bodies under this section.

26 § 3751. Reports by police.

27 \* \* \*

28 (b) Furnishing copies of report.--Police departments shall,  
29 upon request, furnish at [a cost not to exceed \$5] the amount  
30 specified in section 1955(b) (relating to information concerning

1 drivers, vehicles and accidents) a certified copy of the full  
2 report of the police investigation of any vehicle accident to  
3 any person involved in the accident, his attorney or insurer,  
4 and to the Federal Government, branches of the military service,  
5 Commonwealth agencies, and to officials of political  
6 subdivisions and to agencies of other states and nations and  
7 their political subdivisions. The copy of the report shall not  
8 be admissible as evidence in any action for damages or criminal  
9 proceedings arising out of a motor vehicle accident. Police  
10 departments may refuse to furnish the complete copy of  
11 investigation of the vehicle accident whenever there are  
12 criminal charges pending against any persons involved in the  
13 vehicle accident unless [the Pennsylvania Rules of Criminal  
14 Procedure] general rules require the production of the  
15 documents.

16 § 3752. Accident report forms.

17 (a) Form and content.--The department shall prepare and upon  
18 request supply to all law enforcement agencies and other  
19 appropriate agencies or individuals, forms for written accident  
20 reports as required in this subchapter suitable with respect to  
21 the persons required to make the reports and the purposes to be  
22 served. The written report forms shall call for sufficiently  
23 detailed information to disclose with reference to a vehicle  
24 accident the cause, conditions then existing and the persons and  
25 vehicles involved. Reports [for use by the drivers and owners]  
26 shall also [provide for information relating to financial  
27 responsibility] indicate whether the vehicle is covered by the  
28 insurance required in section 104(a) of the act of July 19, 1974  
29 (P.L.489, No.176), known as the "Pennsylvania No-fault Motor  
30 Vehicle Insurance Act," and the name of the carrier, if any.

(b) [Use] Preparation.--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.

§ 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]\_.  
Copies of standards other than standards of the United States Department of Transportation shall be incorporated in the notice of proposed rule making.

(d) Applicability to certain vehicles.--Vehicle equipment standards contained in this part or promulgated by the

1 department under the authority given in this part shall not  
2 apply to [a]:

3       (1) A motor vehicle registered as an antique or  
4       [classic] historic motor vehicle containing equipment which  
5       meets the original manufacturer's specifications.

6       (2) A vehicle owned by the United States Government  
7       unless it is registered in this Commonwealth.

8       (e) Extension of standards prohibited.--Vehicle equipment  
9       standards promulgated by the department shall not be extended to  
10      any vehicle which, because of its date of manufacture, is not  
11      required by Federal standards to have the equipment.

12   § 4107. Unlawful activities.

13      (a) Violation of vehicle equipment standards.--

14           (1) It is unlawful for any person to sell, offer for  
15      sale, lease, install or replace, either separately or as part  
16      of the equipment of a vehicle, any item of vehicle equipment  
17      affecting the operation of the vehicle which does not comply  
18      with this title or regulations promulgated thereunder, or  
19      which does not comply with an applicable Federal motor  
20      vehicle safety standard [adopted by regulation by the  
21      department].

22           (2) Any person convicted of violating this subsection  
23      shall be subject to a civil penalty of not more than \$100 for  
24      each violation. Each violation of the provisions of this  
25      subsection shall constitute a separate violation with respect  
26      to each motor vehicle or item of motor vehicle equipment or  
27      with respect to each failure or refusal to allow or perform  
28      an act required thereby, except that the maximum civil  
29      penalty shall not exceed \$10,000 for any related series of  
30      violations.

1       \* \* \*

2   § 4303. General lighting requirements.

3       \* \* \*

4       (c) Turn signals and hazard warning lights.--Every motor  
5 vehicle, except motorcycles [and pedalcycles] not required to be  
6 so equipped at the time of manufacture, and every trailer  
7 operated on a highway shall be equipped with a system of turn  
8 signal lights and hazard warning lights in conformance with  
9 regulations of the department.

10       \* \* \*

11       (e) [Equipment exempted by regulation.--]Exemptions.--  
12 Antique motor vehicles, historic motor vehicles, animal-drawn  
13 vehicles, implements of husbandry and special mobile equipment,  
14 if operated exclusively between the hours of sunrise and sunset  
15 and not during periods of reduced visibility or insufficient  
16 illumination, may be exempted from certain lighting equipment  
17 requirements of this part by regulations of the department.  
18 Lighting requirements for motorized pedalcycles and motor-driven  
19 cycles may be modified by regulations of the department.

20   § 4305. Vehicular hazard signal lamps.

21       \* \* \*

22       (d) Use at other times prohibited.--Vehicular hazard signal  
23 lamps shall not be used except as provided in this section.

24   § 4307. Use and display of illuminated signs.

25       (a) General rule.--Except as otherwise provided in this  
26 section or in department regulations, no vehicle shall bear or  
27 display any illuminated signs, letters, numerals or figures of  
28 any kind [whatsoever].

29       [(b) Buses.--A bus or school bus may bear an illuminated  
30 sign stating its use or destination.

1 (c) Taxicabs.--A taxicab may carry on the rear or the top of  
2 the vehicle illuminated signs placed so as not to interfere with  
3 the vision of the driver through the rear window of the  
4 vehicle.]

5 (b) Exceptions.--The following types of vehicles may bear  
6 illuminated signs placed so as not to interfere with the vision  
7 of the driver through the rear window of the vehicle and subject  
8 to the restrictions imposed pursuant to subsection (c):

9 (1) Buses or school buses.

10 (2) Taxicabs.

11 (c) Size, manner of lighting and placement.--The size,  
12 manner of lighting and placement of the [sign must receive  
13 approval of the department or be a type approved by the  
14 department prior to use on the vehicle.] signs shall conform to  
15 department regulations.

16 § 4502. General requirements for braking systems.

17 (a) Parking brakes.--Every motor vehicle or combination,  
18 except a motorcycle, operated on a highway shall be equipped  
19 with a parking brake system adequate to hold the vehicle or  
20 combination on any grade on which it is operated, under all  
21 conditions of loading, on a surface free of ice or snow. The  
22 system shall not be designed to require a continuous or  
23 intermittent source of energy for full effectiveness after  
24 initial application.

25 (b) Service brakes.--Every vehicle and combination operated  
26 on a highway shall be equipped with a service brake system  
27 adequate to control the movement of and to stop and hold the  
28 vehicle or combination on any grade on which it is operated,  
29 under all conditions of loading, and adequate to meet the  
30 braking performance standards established by regulation of the

1 department. This subsection does not apply to trailers which  
2 have a gross weight not exceeding 3,000 pounds.

3 (c) Breakaway systems.--Every combination operated on a  
4 highway, the towed vehicle of which is equipped with brakes or  
5 which has a gross weight in excess of 3,000 pounds, shall be so  
6 equipped that, upon breakaway of the towed vehicle, the towed  
7 vehicle shall be stopped and held automatically, and the towing  
8 vehicle shall be capable of being stopped and held by use of its  
9 own service braking system. This subsection does not apply to a  
10 combination in which the towed vehicle is a motor vehicle.

11 (d) Exceptions.--This section does not apply to towed  
12 [instruments] implements of husbandry [and], such items or types  
13 of special mobile equipment as are specifically exempted from  
14 compliance by regulations promulgated by the department or to  
15 trailers registered prior to July 1, 1977 or whose  
16 Manufacturer's Certificate of Origin indicates that the trailer  
17 is a 1977 model year or earlier.

18 § 4523. Exhaust systems, mufflers and noise control.

19 \* \* \*

20 (b) Compliance with exhaust requirements.--In addition to  
21 any requirements established under sections 4531 (relating to  
22 emission control [systems] devices) and 4532 (relating to smoke  
23 control for diesel-powered motor vehicles), every motor vehicle  
24 shall be constructed, equipped, maintained and operated so as to  
25 prevent engine exhaust gases from penetrating and collecting in  
26 any part of the vehicle occupied by the driver or passengers.

27 \* \* \*

28 § 4524. Windshield obstructions and wipers.

29 (a) Obstruction on front windshield.--No person shall drive  
30 any motor vehicle with any sign, poster or other nontransparent

1 material upon the front windshield except an inspection  
2 certificate, [sticker] identification sign on a mass transit  
3 vehicle or other officially required sticker and no person shall  
4 drive any motor vehicle with any ice or snow on the front  
5 windshield which materially obstructs, obscures or impairs the  
6 driver's clear view of the highway or any intersecting highway.

7 (b) Obstruction on side and rear windows.--No person shall  
8 drive any motor vehicle with any sign, poster or other  
9 nontransparent material, including ice or snow, upon the side  
10 wings or side or rear windows of the vehicle which materially  
11 obstructs, obscures or impairs the driver's clear view of the  
12 highway or any intersecting highway.

13 (c) Other obstruction.--No person shall drive any motor  
14 vehicle with any object or material hung from the inside  
15 rearview mirror or otherwise hung, placed or attached in such a  
16 position as to materially obstruct, obscure or impair the  
17 driver's vision through the front windshield or in any manner as  
18 to constitute a safety hazard.

19 (d) Windshield wiper systems.--The windshield on every motor  
20 vehicle other than a motorcycle [or motor-driven cycle] or  
21 special mobile equipment shall be equipped with a wiper system  
22 capable of cleaning rain, snow or other moisture from the  
23 windshield, and so constructed as to be controlled or operated  
24 by the driver of the vehicle.

25 § 4530. Portable emergency warning devices.

26 (a) General rule.--Every truck, truck tractor, motor home  
27 and bus, except for motor vehicles with a gross vehicle weight  
28 rating of 10,000 pounds or less and any motor vehicle, except an  
29 implement of husbandry, towing a trailer shall carry at least  
30 three portable emergency warning devices of a type specified by

1 regulations promulgated by the department. The regulations shall  
2 be consistent with Motor Carrier Safety Regulations, Department  
3 of Transportation, Federal Highway Administration, Bureau of  
4 Motor Carrier Safety, section 393.95.

5 (b) When display required.--Whenever any vehicle of a type  
6 referred to in subsection (a) is disabled or stopped for more  
7 than ten minutes upon a roadway or shoulder outside of an urban  
8 district, or upon any divided highway, the driver of the vehicle  
9 shall display the portable warning devices of the type required  
10 under subsection (a) in such manner as the department shall  
11 direct by regulations.

12 § 4531. Emission control [systems] devices.

13 [(a) Compliance with established maximum levels.--No vehicle  
14 manufactured in compliance with the requirements of the Clean  
15 Air Act (77 Stat. 392, 42 U.S.C. § 1857), or any amendments or  
16 supplements thereto, shall have emissions exceeding the maximum  
17 permissible levels prescribed by law.

18 (b) Limitation on alteration of system.--No person shall  
19 change or alter the emission control system of a vehicle in such  
20 a manner that it fails to comply with the prescribed emissions  
21 criteria. It is unlawful for the vehicle to be operated under  
22 its own power until a reinspection at an official inspection  
23 station establishes its full compliance.]

24 (a) Removal or rendering inoperative.--It is unlawful for  
25 any person to remove or render inoperative, except for  
26 reinstallation or repair, or to advertise or otherwise offer to  
27 do so, any device or element of design installed on or in a  
28 motor vehicle or motor vehicle engine manufactured in compliance  
29 with the Clean Air Act (77 Stat. 392, 42 U.S.C. § 1857) and any  
30 amendments and supplements thereto.

1     (b) Penalty.--Any person violating any of the provisions of  
2 this section is guilty of a summary offense and shall, upon  
3 conviction, be sentenced to pay a fine of \$100 for each  
4 violation. Each violation of the provisions of this section  
5 shall constitute a separate violation with respect to each motor  
6 vehicle, device, element of design, offer or advertisement.

7     (c) Injunctive relief.--In addition to any fine imposed  
8 under subsection (b), a court of record shall have jurisdiction  
9 to restrain any violation of the provisions of this section.

10  § 4534. Rearview mirrors.

11     No person shall operate [a motor vehicle or] any combination  
12 or a motor vehicle, except a motorized pedalcycle or an  
13 implement of husbandry, on a highway unless the vehicle or  
14 combination is equipped with at least one mirror, or similar  
15 device, which provides the driver an unobstructed view of the  
16 highway to the rear of the vehicle or combination.

17  § 4535. Audible warning devices.

18     (a) General rule.--Every motor vehicle operated on a  
19 highway, except an implement of husbandry, shall be equipped  
20 with a horn or other audible warning device of a type approved  
21 in regulations of the department.

22     (b) Certain sound devices prohibited.--Except as  
23 specifically provided in this part or by regulations of the  
24 department, no vehicle operated on a highway shall be equipped  
25 with a siren, bell, whistle or any device emitting a similar  
26 sound or any unreasonably loud or harsh sound.

27  § 4552. General requirements for school buses.

28     \* \* \*

29     (e) Visibility.--Every school bus shall be designed and  
30 equipped with mirrors so as to provide the driver with an

1 unobstructed view of any pedestrian in proximity to the vehicle.

2 \* \* \*

3 (i) Vehicles no longer used as school buses.--Labels,  
4 markings and visual signals required by this section shall be  
5 removed from any motor vehicle no longer in use as a school bus.  
6 The exterior of the former school bus shall be repainted so as  
7 not to resemble a school bus if it is driven on any highway.  
8 However, this repainting requirement shall not be construed to  
9 prevent the movement of a former school bus that has not been  
10 repainted pursuant to this subsection from the property of the  
11 owner to the purchaser's property or to a paint shop.

12 § 4571. Visual and audible signals on emergency vehicles.

13 (a) General rule.--Every emergency vehicle shall be equipped  
14 with one or more revolving or flashing red lights and an audible  
15 warning system. Spotlights with adjustable sockets may be  
16 attached to or mounted on emergency vehicles.

17 (b) Police and fire vehicles.--

18 (1) Police vehicles may in addition to the requirements  
19 of subsection (a) be equipped with revolving or flashing blue  
20 lights. The combination of red and blue lights may be used  
21 only on police vehicles.

22 (2) [Spotlights with adjustable sockets may be attached  
23 to or mounted on police vehicles.

24 (3)] Unmarked police vehicles, used as emergency  
25 vehicles and equipped with audible warning systems, may be  
26 equipped with the lights described in this section.

27 [(4)] (3) Police and fire vehicles may be equipped with  
28 a mounted rack containing one or more emergency warning  
29 lights or side mounted [adjustable] floodlights[, or both] or  
30 alley lights or all such lights.

1       [(c) Game Commission vehicles.-- Vehicles owned and operated  
2 by the Pennsylvania Game Commission may be equipped with  
3 revolving or flashing red lights in accordance with subsection  
4 (a).]

5       (c) Other authorized vehicles.--Vehicles owned and operated  
6 by the following agencies or individuals may be equipped with  
7 revolving or flashing red lights of a type approved by the  
8 department:

9           (1) Pennsylvania Game Commission.

10          (2) Coroners and chief deputy coroners.

11       (d) Vehicles prohibited from using signals.--Except as  
12 otherwise specifically provided in this part, no vehicle other  
13 than an emergency vehicle may be equipped with lights or audible  
14 warning systems identical or similar to those specified in  
15 subsections (a) and (b).

16       (e) Authorized period of use.--The lights and warning  
17 systems specified by this section may be used only during an  
18 emergency or in the interest of public safety and by police  
19 officers in enforcement of the law.

20       (f) Conformity with department regulations.--All equipment  
21 authorized or required by this section shall conform to  
22 department regulations.

23   § 4572. Visual signals on authorized vehicles.

24       \* \* \*

25       (b) Flashing or revolving yellow lights.--Vehicles  
26 authorized pursuant to the provisions of section 6107 (relating  
27 to designation of authorized vehicles by department) may be  
28 equipped with [no more than two] flashing or revolving yellow  
29 lights in addition to the vehicular hazard signal lamps  
30 authorized in section 4305 (relating to vehicular hazard signal

1 lamps). The number of lights, the manner in which the [light]  
2 lights shall be displayed and the intensity shall be determined  
3 by regulation of the department.

4 (c) Spotlights.--Spotlights with adjustable sockets may be  
5 attached to or mounted on authorized vehicles.

6 ~~[(c)]~~ (d) Vehicles prohibited from using lights.--No vehicle  
7 other than a duly authorized vehicle may be equipped with lights  
8 identical or similar to those specified in subsections (a) and  
9 (b).

10 § 4702. [Requirement for periodic] Periodic inspection  
11 of vehicles.

12 (a) [General rule] Semiannual inspection system.--The  
13 department shall establish a system of semiannual inspection of  
14 vehicles. [registered in this Commonwealth.

15 (b) Annual inspection of certain vehicles.--Recreational  
16 trailers, vehicles registered as antique and classic vehicles,  
17 firefighting vehicles and motorcycles shall be subject to annual  
18 inspection.]

19 (b) Annual inspections.--The following types of vehicles  
20 shall be subject to annual inspection:

21 (1) Recreational trailers having a registered gross  
22 weight in excess of 3,000 pounds.

23 (2) Vehicles registered as antique and historic motor  
24 vehicles.

25 (3) Firefighting vehicles.

26 (4) Motorcycles other than motorized pedalcycles.

27 (5) Motor homes.

28 (c) [Inspection of vehicles reentering this Commonwealth.--  
29 Owners of Pennsylvania registered vehicles which have been  
30 outside of this Commonwealth continuously for 30 days or more

1 and which at the time of reentering this Commonwealth do not  
2 bear a currently valid certificate of inspection and approval  
3 shall, within five days of reentering this Commonwealth, proceed  
4 to an official inspection station for an inspection of the  
5 vehicle.

6 (d)] Extension of inspection period.--The department may, by  
7 regulation, extend the time for any of the inspections required  
8 by this chapter for not more than 30 days due to weather  
9 conditions or other causes which render compliance with the  
10 provisions of this chapter within the prescribed time difficult  
11 or impossible.

12 § 4703. Operation of vehicle without official certificate of  
13 inspection.

14 (a) General rule.--No [registered] motor vehicle required to  
15 be registered in this Commonwealth shall be driven and no  
16 [registered] trailer required to be registered in this  
17 Commonwealth shall be moved on a highway unless the vehicle  
18 displays a currently valid certificate of inspection [and  
19 approval].

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

21 (1) Special mobile equipment.

22 (2) Implements of husbandry.

23 (3) Motor vehicles being towed.

24 (4) Motor vehicles being operated or trailers being  
25 towed by an official inspection station owner or employee for  
26 the purpose of inspection.

27 (5) Trailers having a registered gross weight of 3,000  
28 pounds or less.

29 (6) Motorized pedalcycles.

30 (7) Vehicles being repossessed by a financier or

1 collector-repossessor through the use of miscellaneous motor  
2 vehicle business registration plates.

3 (8) New vehicles while they are in the process of  
4 manufacture, including testing, and not in transit from the  
5 manufacturer to a purchaser or dealer.

6 (c) Inspection of vehicles reentering this Commonwealth.--  
7 Vehicles subject to inspection which have been outside this  
8 Commonwealth continuously for 30 days or more and which, at the  
9 time of reentering this Commonwealth, do not bear a currently  
10 valid certificate of inspection shall be inspected within five  
11 days of reentering this Commonwealth.

12 (d) Newly-purchased vehicles.--Newly-purchased vehicles may  
13 be driven without being inspected for five days after purchase  
14 or entry into this Commonwealth, whichever occurs later.

15 [(c)] (e) Display of unauthorized certificate of  
16 inspection.--No certificate of inspection [and approval] shall  
17 be displayed unless an official inspection has been made and the  
18 vehicle is in conformance with the provisions of this chapter.

19 [(d)] (f) Authority of police.--Any police officer may stop  
20 any motor vehicle or trailer and require the owner or operator  
21 to display an official certificate of inspection [and approval]  
22 for the vehicle being operated. A police officer may summarily  
23 remove an unauthorized, expired or unlawfully issued certificate  
24 of inspection from any vehicle.

25 (g) Limitation on prosecution.--A motor vehicle shall be the  
26 subject of only one arrest under subsection (a) in any 24-hour  
27 period.

28 (h) Penalty.--Any person violating this section is guilty of  
29 a summary offense and shall, upon conviction, be sentenced to  
30 pay a fine of up to \$25.

1 § 4704. Notice by police officers of violation.

2 (a) General rule.--Any police officer having probable cause  
3 to believe that any vehicle, regardless of whether it is being  
4 operated, is unsafe or not equipped as required by law may at  
5 any time submit a written notice of the condition to the driver  
6 of the vehicle or to the owner, or if neither is present, to an  
7 adult occupant of the vehicle, or if the vehicle is unoccupied,  
8 the notice shall be attached to the vehicle in a conspicuous  
9 place.

10 (1) If an item of equipment is broken or missing, the  
11 notice shall specify the particulars of the condition and  
12 require that the equipment be adjusted or repaired. Within  
13 five days evidence must be submitted to the police that the  
14 requirements for repair have been satisfied.

15 (2) If the police officer has probable cause to believe  
16 that a vehicle is unsafe or not in proper repair, he may  
17 require in the written notice that the [car] vehicle be  
18 inspected. The owner or driver shall submit to the police  
19 within five days of the date of notification certification  
20 from an official inspection station that the vehicle has been  
21 restored to safe operating condition in relation to the  
22 particulars specified on the notice.

23 (3) After the expiration of the five-day period  
24 specified in paragraphs (1) and (2), the vehicle shall not be  
25 operated upon the highways of this Commonwealth until the  
26 owner or driver has submitted to the police evidence of  
27 compliance with the requirements of paragraph (1) or (2),  
28 whichever is applicable.

29 \* \* \*

30 § 4721. Appointment of official inspection stations.

1       (a) General rule.--For the purpose of establishing a system  
2 of official inspection stations, the department shall issue  
3 certificates of appointment to privately owned facilities within  
4 this Commonwealth that comply with the requirements of this  
5 chapter and regulations adopted by the department. The  
6 department shall issue instructions and all necessary forms to  
7 such facilities. Official inspection stations are authorized to  
8 inspect vehicles and issue official certificates of inspection.

9       (b) Stations limited to trailer inspections.--For the  
10 purpose of authorizing official inspection stations limited to  
11 the inspection of trailers not exceeding a registered gross  
12 weight of 10,000 pounds, the department shall issue certificates  
13 of appointment to privately owned facilities within this  
14 Commonwealth that comply with the requirements of this chapter  
15 and regulations adopted by the department. The department shall  
16 issue instructions and all necessary forms to such facilities.  
17 The stations are authorized to inspect and issue official  
18 certificates of inspection for only trailers not exceeding a  
19 registered gross weight of 10,000 pounds.

20 § 4722. Certificate of appointment.

21       \* \* \*

22       (c) Bond or proof of insurance.--[Before issuing a  
23 certificate of appointment the department shall require] Every  
24 station shall provide and maintain a bond or proof of insurance  
25 to [provide] guarantee compensation for any damage to a vehicle  
26 during an inspection or adjustment due to negligence on the part  
27 of the applicant or its employees in such amount as is deemed  
28 adequate by the department pursuant to department regulations.

29 § 4723. Certificate of appointment for inspecting fleet  
30 vehicles.

1       The department may issue a certificate of appointment under  
2       the provisions of this chapter to any person who [owns or  
3       leases] registers 15 or more vehicles and who meets the  
4       requirements of this chapter and regulations adopted by the  
5       department. The certificate of appointment may authorize  
6       inspection of only those vehicles [owned or leased] registered  
7       by such person.

8       § 4724. Suspension of certificates of appointment.

9       (a) General rule.--The department shall supervise and  
10      inspect official inspection stations and [shall] may suspend the  
11      certificate of appointment issued to a station which it finds is  
12      not properly equipped or conducted or which has violated or  
13      failed to comply with any of the provisions of this chapter or  
14      regulations adopted by the department. The department shall  
15      maintain a list of all stations holding certificates of  
16      appointment and of those whose certificates of appointment have  
17      been suspended. Any suspended certificate of appointment and all  
18      unused certificates of inspection shall be returned immediately  
19      to the department.

20      (b) Judicial review.--Any person whose certificate of  
21      appointment has been denied or suspended under this chapter  
22      shall have the right to appeal to the court vested with  
23      jurisdiction of such appeals by or pursuant to Title 42  
24      (relating to judiciary and judicial procedure). The court shall  
25      set the matter for hearing upon [30] 60 days' written notice to  
26      the department and take testimony and examine into the facts of  
27      the case and determine whether the petitioner is entitled to a  
28      certificate of appointment or is subject to suspension of the  
29      certificate of appointment under the provisions of this chapter.

30      § 4725. Use of certificate of appointment at official

1 inspection stations.

2 \* \* \*

3 (c) Penalty.--Any person violating this section is guilty of  
4 a summary offense punishable:

5 (1) For a first offense, by a fine of not more than  
6 \$100.

7 (2) For a subsequent offense, by a fine of not less than  
8 \$200 nor more than \$500 or imprisonment for not more than 90  
9 days, or both.

10 § 4726. Certification of mechanics.

11 (a) General rule.--No mechanic shall conduct motor vehicle  
12 inspections at an official inspection station unless certified  
13 as to training, qualifications and competence by the department  
14 according to department regulations. A person who is in  
15 possession of a driver's license, other than a motorcycle  
16 driver's license, shall not be required to have a school bus  
17 driver's license as a prerequisite to being certified to inspect  
18 school buses. The provisions of this title or regulations  
19 adopted thereunder shall not be construed or applied in a manner  
20 which would preclude or impair the right of a person who is a  
21 resident of another state, and who is in possession of a valid  
22 driver's license issued by such state, to be certified to  
23 conduct motor vehicle inspections at an official inspection  
24 station in this Commonwealth. No official inspection station  
25 appointment shall be issued or renewed unless a certified  
26 official inspection mechanic is there employed.

27 (b) Supervision and suspension.--The department shall  
28 supervise mechanics certified under this section and may suspend  
29 the certification issued to a mechanic if it finds that the  
30 mechanic has improperly conducted inspections or has violated or

1 failed to comply with any of the provisions of this chapter or  
2 regulations adopted by the department. The department shall  
3 maintain a list of all certified mechanics and of those whose  
4 certification has been suspended. Any suspended certificate  
5 shall be returned immediately to the department.

6 (c) Judicial review.--Any mechanic whose certificate has  
7 been denied or suspended under this chapter shall have the right  
8 to appeal to the court vested with jurisdiction of such appeals  
9 by or pursuant to Title 42 (relating to judiciary and judicial  
10 procedure). The court shall set the matter for hearing upon 60  
11 days' written notice to the department and take testimony and  
12 examine into the facts of the case and determine whether the  
13 petitioner is entitled to certification or is subject to  
14 suspension of the certification under the provisions of this  
15 chapter.

16 § 4727. Issuance of certificate of inspection.

17 (a) Requirements prior to inspection.--No vehicle except a  
18 vehicle owned by a dealer or manufacturer shall be inspected  
19 unless it is [duly registered] titled. The owner or operator or  
20 an employee of the official inspection station shall examine the  
21 registration card or title in order to ascertain that the  
22 vehicle is [registered] titled.

23 \* \* \*

24 § 4729. Removal of certificate of inspection.

25 No certificate of inspection shall be removed from a vehicle  
26 for which the certificate was issued except to replace it with a  
27 new certificate of inspection issued in accordance with the  
28 provisions of this chapter or as follows:

29 (1) The police officer may remove a certificate of  
30 inspection in accordance with the provisions of section

1 4703(d) (relating to operation of vehicle without official  
2 certificate of inspection).

3 (2) A person replacing a windshield or repairing a  
4 windshield in such a manner as to require removal of a  
5 certificate of inspection shall at the option of the  
6 registrant of the vehicle cut out the portion of the  
7 windshield containing the certificate and deliver it to the  
8 registrant of the vehicle or destroy the certificate. The  
9 vehicle may be driven for up to five days if it displays the  
10 portion of the old windshield containing the certificate as  
11 prescribed in department regulations. Within the five day  
12 period an official inspection station may affix to the  
13 vehicle another certificate of inspection for the same  
14 inspection period without reinspecting the vehicle in  
15 exchange for the portion of the old windshield containing the  
16 certificate of inspection. A fee of no more than \$1 may be  
17 charged for the exchanged certificate of inspection.

18 (3) [A salvor] Every applicant for a vehicle salvage  
19 authorization pursuant to section 1117(a) (relating to  
20 vehicle destroyed or salvaged) shall remove and destroy the  
21 certificate of inspection on [every vehicle in his possession  
22 except vehicles used in the operation of the business of the  
23 salvor] the vehicle.

24 § 4730. Violations of use of certificate of inspection.

25 (a) General rule.--No person shall:

26 (1) make, issue, transfer or possess any imitation [or  
27 counterfeit] of an official certificate of inspection; [or]

28 (2) display or cause to be displayed on any vehicle or  
29 have in possession any certificate of inspection knowing the  
30 same to be fictitious or stolen or issued for another vehicle

or issued without an inspection having been made; or

(3) knowingly possess or sell any counterfeit  
certificate of inspection.

(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.--

(1) A violation of the provisions of this section except subsection (a)(3) constitutes a summary offense punishable:

[(1)] (i) For a first offense, by a fine of not more than \$100.

[(2)] (ii) 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.

(2) A violation of subsection (a)(3) constitutes a summary offense punishable by a fine of \$500 and a three-month suspension of the driver's license and all vehicle registrations of the violator.

§ 4901. Scope and application of chapter.

\* \* \*

(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 [the Pennsylvania State

Police] police or department personnel while any provision of this title is being contravened.

§ 4902. Restrictions on use of highways and bridges.

(a) General rule.--The department 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 the highway or bridge, by reason of design capacity, deterioration or [rain, snow or other] climatic conditions, may be damaged or destroyed unless the use of vehicles is prohibited or the permissible weights reduced. School buses, emergency vehicles and vehicles making local deliveries or pickups may be exempted from restrictions on highways but not bridges imposed under this subsection.

[(b) Permit with bond.--The department and local authorities may issue permits for movement of vehicles of size and weight in excess of the restrictions promulgated under subsection (a) with respect to highways and bridges under their jurisdiction, conditioned upon the execution of a surety bond by the user in favor of the department or local authorities to cover the cost of repairs necessitated by the movement.]

(b) Permits.--The department and local authorities shall provide a system of permits, individual and annual, that shall ensure that all necessary transport of excess weight vehicles under subsection (a) over posted secondary roads will be allowed pursuant to permit. The permit system shall include variable rates as determined by the department or the local authorities and all moneys collected will be spent on that portion of highway covered by the permits so as to cover the cost of repairs resulting from the overweight movements.

1 (c) Restrictions from traffic conditions.--The department  
2 and local authorities with respect to highways and bridges under  
3 their jurisdictions may prohibit the operation of vehicles and  
4 may impose restrictions as to the weight or size of vehicles  
5 operated upon a highway or bridge by reason of hazardous traffic  
6 conditions or other safety factors. School buses, emergency  
7 vehicles and vehicles making local deliveries or pickups may be  
8 exempted from restrictions imposed under this subsection.

9 (d) Designation of alternate routes.--In conjunction with  
10 the exercise of the powers set forth in subsection (a) or (c),  
11 the department may designate vehicles in excess of specified  
12 weights or sizes to utilize a portion of the Pennsylvania  
13 Turnpike as an alternate route to any highway or bridge from  
14 which those vehicles have been prohibited or restricted.

15 [(d)] (e) Erection of signs.--The department and the local  
16 authorities shall erect or cause to be erected and maintained  
17 signs designating the restrictions at each end of that portion  
18 of any highway or bridge restricted as provided in subsections  
19 (a) and (c) and at the nearest intersection in each direction of  
20 the restricted highway or of the highway leading to the  
21 restricted bridge with the highway on which the restricted  
22 vehicles may be operated. The restrictions shall not be  
23 effective unless signs are erected and maintained in accordance  
24 with this subsection.

25 [(e)] (f) Penalty.--

26 (1) Any person operating a vehicle or combination upon a  
27 highway or bridge in violation of a prohibition or  
28 restriction imposed under subsection (a) is guilty of a  
29 summary offense and shall, upon conviction, be sentenced to  
30 pay a fine of \$75. In addition, any person operating a

1 vehicle with a gross weight in excess of the posted weight  
2 shall be sentenced to pay a fine of \$75 for each 500 pounds,  
3 or part thereof, in excess of 3,000 pounds over the maximum  
4 allowable weight.

5 (2) Any person operating a vehicle or combination in  
6 violation of a prohibition or restriction imposed under  
7 subsection (c) is guilty of a summary offense and shall, upon  
8 conviction, be sentenced to pay a fine of not less than \$25  
9 nor more than \$100.

10 § 4903. Securing loads in vehicles.

11 \* \* \*

12 (c) Load of logs.--Every load of logs on a vehicle shall be  
13 securely fastened with at least three binders, chains or straps  
14 and, in the case of an open-body or stake-body vehicle, trailer  
15 or semitrailer there shall be a sufficient number of vertical  
16 metal stakes or posts securely attached [on each side of] to the  
17 vehicle, trailer or semitrailer at least as high as the top of  
18 the load to secure such load in the event of a failure of the  
19 binders, chains or straps.

20 \* \* \*

21 § 4904. Limits on number of towed vehicles.

22 \* \* \*

23 (c) Towing vehicles requiring service.--

24 (1) A dolly not exceeding ten feet in length may be  
25 towed by a motor vehicle for the purpose of towing another  
26 vehicle requiring service.

27 (2) A combination requiring emergency service may be  
28 towed to a nearby garage or other place of safety.

29 (d) Driveaway-towaway operations.--Not more than [three]  
30 four truck tractors, empty trucks or chassis therefor, may be

1 towed by a truck tractor, truck or the chassis thereof, provided  
2 that only the [rear wheels of the drawn vehicles] wheels of a  
3 single axle of each drawn vehicle shall touch the road surface.

4 § 4907. Penalty for violation of chapter.

5 (a) General rule.--Any person violating any provisions of  
6 this chapter for which a penalty is not otherwise provided is  
7 guilty of a summary offense and shall, upon conviction, be  
8 sentenced to pay a fine of not less than \$50 nor more than \$100.

9 (b) Evidence.--In any proceeding for a violation of the  
10 provisions of this title relating to maximum weights of  
11 vehicles, records, papers, books and documents, including  
12 shipping receipts or bills of lading, which are carried on the  
13 vehicle and which show weight shall be prima facie evidence in  
14 establishing a violation.

15 § 4921. Width of vehicles.

16 (a) General rule.--The total outside width of a vehicle,  
17 including any load, shall not exceed eight feet except as  
18 otherwise provided in this section.

19 (b) [Farm] Special vehicles.--[Any implement of husbandry or  
20 vehicle loaded with vegetable produce or forage crops and not  
21 exceeding ten feet in width may operate between sunrise and  
22 sunset on highways other than freeways.]

23 (1) Any implement of husbandry or vehicle loaded with  
24 vegetable produce or forage crops and not exceeding ten feet  
25 in width may be driven, hauled or towed between sunrise and  
26 sunset on highways other than freeways.

27 (2) Any implement of husbandry not exceeding 14 feet 6  
28 inches in width may be driven, hauled or towed between  
29 sunrise and sunset on highways other than freeways between:

30 (i) Parts of one farm owned or operated by the owner

1       of the implement of husbandry.

2           (ii) Farms owned or operated by the owner of the  
3       implement of husbandry located not more than 25 miles  
4       apart.

5           (iii) (A) farms; or  
6               (B) a farm and a place of business of a mechanic  
7       or dealer in implements of husbandry;  
8       located not more than 25 miles apart for the purpose of  
9       buying, selling, trading, leveling, demonstrating,  
10       repairing or servicing the implement of husbandry.

11       (3) Special mobile equipment not exceeding nine feet two  
12       inches in width may be driven, hauled or towed between  
13       sunrise and sunset on highways other than freeways.

14       (4) The department may regulate the operation of special  
15       vehicles subject to this subsection which regulations may  
16       prohibit the operation of special vehicles on certain days or  
17       during certain hours.

18       (c) Buses.--

19       (1) Any bus [operated wholly within a municipality,  
20       where permitted by the municipality; or in more than one  
21       municipality, where approved by the Public Utility Commission  
22       may have] having a total outside width not [to exceed]  
23       exceeding eight feet six inches [when operated upon a highway  
24       having] may be driven upon State highways designated by the  
25       department and upon local highways designated by local  
26       authorities which have traffic-lane widths of not less than  
27       ten feet.

28       (2) The width limitations of this section do not apply  
29       to trolley buses being operated on routes which were  
30       established prior to July 1, 1977.

1 (d) Nondivisible loads.--Vehicles carrying nondivisible  
2 loads not exceeding eight feet six inches in width may operate  
3 on any highway having a roadway width of 20 feet or more. This  
4 subsection does not apply on the National System of Interstate  
5 and Defense Highways.

6 (e) Mirrors and sunshades.--Mirrors and sunshades may extend  
7 beyond the maximum width of a vehicle as follows:

8 (1) Mirrors may extend on each side a maximum of six  
9 inches beyond the width of the vehicle, trailer or load,  
10 [whichever is greater.] or, in the case of a truck or truck  
11 tractor, beyond the maximum allowable width, whichever is  
12 greater.

13 (2) Sunshades may extend a maximum of six inches on each  
14 side of the vehicle.

15 (f) Exceptions.--The provisions of this subchapter governing  
16 the width of vehicles do not apply to street sweepers and snow  
17 removal equipment.

18 § 4923. Length of vehicles.

19 (a) General rule.--No motor vehicle, including any load and  
20 bumpers, shall exceed an overall length of 40 feet, and no  
21 combination, including any load and bumpers, shall exceed an  
22 overall length of 55 feet.

23 (b) Exceptions.--The limitations of (a) do not apply to the  
24 following:

25 (1) Any motor vehicle equipped with a boom or boom-like  
26 device if the vehicle does not exceed 55 feet.

27 (2) The load on a combination designed exclusively for  
28 carrying motor vehicles if the overall length of the  
29 combination and load does not exceed 60 feet and driveaway-  
30 towaway operations which do not exceed 60 feet.

1           (3) Any combination transporting articles which do not  
2       exceed 70 feet in length and are nondivisible as to length.

3   § 4924. Limitations on length of projecting loads.

4       (a) General rule.--Subject to the provisions of this  
5       subchapter limiting the length of vehicles and loads, the load  
6       upon any vehicle operated alone or the load upon the front  
7       vehicle of a combination [of vehicles] shall not extend more  
8       than three feet beyond the foremost part of the vehicle, and the  
9       load upon any vehicle operated alone or the load, other than a  
10      nondivisible load, upon the rear vehicle of a combination shall  
11      not extend more than six feet beyond the rear of the bed or body  
12      of such vehicle.

13       \* \* \*

14   § 4941. Maximum gross weight of vehicles.

15       \* \* \*

16       (b) Combination of vehicles.--No combination shall, when  
17      operated upon a highway, have a gross weight exceeding the  
18      following:

19	Combination of Vehicles	Maximum
20		Gross Weight
21		In Pounds
22	Two-axle truck tractor & single-axle semitrailer	50,000
23	Two-axle truck tractor & two-axle semitrailer	60,000
24	Three-axle truck tractor & single-axle semitrailer	60,000
25	Two-axle truck & two-axle <u>full</u> trailer	62,000

26   § 4942. Registered gross weight.

27       (a) Single vehicle [limits].--No vehicle registered as a  
28      truck[, a combination] or [a] trailer shall be operated with a  
29      gross weight in excess of its registered gross weight.

30       [(b) Truck towing trailer.--No vehicle registered as a truck

1 shall be operated with a gross weight, exclusive of any trailer  
2 being towed, in excess of its registered gross weight as a  
3 truck.

4 (c)] (b) Combination.--No combination containing a trailer  
5 having a gross weight or registered gross weight in excess of  
6 10,000 pounds shall be operated with a gross weight in excess of  
7 the registered gross weight of the truck or truck tractor for a  
8 combination, or in the case of truck or truck tractor registered  
9 in a jurisdiction which does not register trucks or truck  
10 tractors for a combination, a gross weight in excess of the sum  
11 of the registered gross weight of the truck or truck tractor and  
12 the registered gross weight of the trailer.

13 § 4943. Maximum axle weight of vehicles.

14 (a) General rule.--No motor vehicle or combination shall,  
15 when operated upon a highway, have a weight upon [each] either  
16 of two adjacent axles in excess of the following:

Maximum Axle Weight in Pounds Upon:		
If the Center-to Center		
Distance Between Two	One of Two	Other of Two
Adjacent Axles is:	Adjacent Axles	Adjacent Axles
Under 6 feet	18,000	18,000
6 to 8 feet	18,000	22,400
Over 8 feet	22,400	22,400

24 (b) Gross weight.--No motor vehicle shall be driven with a  
25 gross weight in excess of the sum of the allowable axle weights  
26 as set forth in this section.

27 [(b)] (c) Location of front axle of semitrailer.--No  
28 semitrailer, originally in this Commonwealth on or after  
29 September 1, [1973] 1963, and having two or more axles, shall be  
30 operated upon a highway unless the foremost axle of the

1 semitrailer is at least 12 feet from the rearmost axle of the  
2 towing vehicle.

3 (d) Exceptions.--The limitations of this section do not  
4 apply to special mobile equipment or garbage trucks operated on  
5 highways other than the National System of Interstate and  
6 Defense Highways.

7 § 4944. Maximum wheel load.

8 No motor vehicle or combination shall, when operated upon a  
9 highway, have a weight upon any one wheel in excess of 800  
10 pounds for each nominal inch of width of tire on the wheel.

11 § 4945. Penalties for exceeding maximum weights.

12 (a) Gross weight violations.--

13 (1) Any person [operating] driving a vehicle or  
14 combination upon a highway exceeding the maximum gross weight  
15 allowed by section 4941 (relating to maximum gross weight of  
16 vehicles) or the registered gross weight allowed by section  
17 4942 (relating to registered gross weight) or a gross weight  
18 in excess of the sum of the axle weights allowed by section  
19 4943 (relating to maximum axle weight of vehicles), whichever  
20 is less, is guilty of a summary offense and shall, upon  
21 conviction, be sentenced to pay a fine of \$75 plus \$75 for  
22 each 500 pounds, or part thereof, in excess of 3,000 pounds  
23 over the maximum [or] gross weight, the registered gross  
24 weight [allowed] or the sum of the allowable axle weights.

25 (2) If the gross weight of any vehicle or combination  
26 exceeds 73,280 pounds, the fine imposed under this subsection  
27 shall be [double the amount for other weight violations]  
28 doubled.

29 (3) If the truck or truck tractor is required to be  
30 registered in this Commonwealth and is not so registered, the

1 entire load of the truck or combination shall be considered  
2 to be in excess of the registered gross weight. The fine  
3 imposed under this paragraph shall be in addition to the fine  
4 provided in section 1301 (relating to registration and  
5 certificate of title required).

6 \* \* \*

7 § 4946. Impoundment of out of state vehicles for  
8 nonpayment of overweight fines.

9 (a) General rule.--Upon imposition of any fine and costs of  
10 prosecution imposed pursuant to section 4902 (relating to  
11 restrictions on use of highways and bridges) or section 4945  
12 (relating to penalties for exceeding maximum weights), the  
13 driver of a vehicle registered outside this Commonwealth shall  
14 be allowed [24] 12 hours to obtain the funds and pay the fine  
15 and costs of prosecution, during which time the vehicle or  
16 combination shall be rendered temporarily inoperative by such  
17 police officer, sheriff or constable as the issuing authority  
18 shall designate. On default of payment within the [24-hour] 12-  
19 hour period, the issuing authority shall impound the vehicle or  
20 combination and order a police officer to seize them.

21 \* \* \*

22 § 4961. Authority to issue permits.

23 (a) General rule.--The department and local authorities with  
24 respect to highways under their respective jurisdictions may,  
25 upon application in writing showing good cause, issue special  
26 permits in writing authorizing the applicant to operate or move  
27 on specified highways any of the following:

28 (1) A vehicle which when unloaded exceeds the maximum  
29 size specified in Subchapter B (relating to width, height and  
30 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)] size specified in Subchapter B.

(4) A mobile home.

(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 (relating to maximum gross weight of vehicles).

(c) County offices for issuing permits.--The department shall empower an authorized representative or employee in each county to issue permits as provided in subsection (a) and shall provide a place within each county where the permits may be issued.

§ 4962. Conditions of permits and security for damages.

\* \* \*

(b) [Display of permit] Driver to exhibit permit.--Every permit shall be carried in the towing vehicle and shall be [open to inspection by] exhibited to any police officer or authorized agent of the issuing agency or any person having an accident involving a permitted vehicle or combination.

\* \* \*

(d) Special escort services.--The department or local authorities shall specify [what] which movements require special escort services of [the Pennsylvania State Police] police or department personnel.

1       \* \* \*

2   § 4963. Exemptions for vehicles used in State highway  
3       construction.

4       No special permit shall be required for movement across, upon  
5   or along [State or State-aid highways for] any highway in a  
6   State highway construction or improvement project of oversize or  
7   overweight vehicles of [a] the department or its contractor used  
8   [for the construction or improvement of such highways.] in the  
9   project.

10  § 4965. Single permits for multiple highway crossings.

11       (a) General rule.--A single permit may be issued for [a  
12   number of] movements across the highway at specified locations  
13   within a fixed period of time [of vehicles or combinations]:

14           (1) of vehicles, combinations or loads thereon exceeding  
15       the maximum size or weight specified in this chapter; or

16           (2) of unregistered vehicles or combinations used to  
17       cross a highway to get from one commercial or industrial  
18       facility to another commercial or industrial facility under  
19       the same operation.

20       (b) Movement along highway prohibited.--Whenever a permit is  
21   issued for crossing the highway, it is unlawful to move the  
22   vehicles along the highway.

23  § 4966. Permit for movement of quarry or mining equipment.

24       An annual permit may be issued for the movement of a piece of  
25   quarry or mining equipment or machinery exceeding the maximum  
26   size or weight specified in this chapter across any highway from  
27   one part of a quarry or mine to another, or upon the highways  
28   connecting by the most direct route any quarries or portions of  
29   quarries, or mines or portions of mines, under single ownership  
30   or operation, but no permit shall be issued for the movement of

1 equipment or machinery for a distance greater than [one-half  
2 mile] five miles.

3 § 4967. Permit for movement of implements of husbandry.

4 An annual permit may be issued for the operation or movement  
5 between sunrise and sunset of one or more oversized implements  
6 of husbandry which do not exceed 14 feet 6 inches in width if  
7 the movement is limited to a radius of 25 miles from the  
8 [dealer's] owner's place of business [or owner's], home or farm.  
9 No permit shall be issued for the movement of any implement of  
10 husbandry with a width in excess of eight feet upon a freeway.

11 § 4968. Permit for movement of equipment being manufactured.

12 An annual permit may be issued authorizing the manufacturer  
13 of boats, mobile homes, cranes, helicopters, railway equipment  
14 and rails or other articles or combinations not normally used on  
15 highways to move articles which exceed the maximum height, width  
16 or length specified in Subchapter B (relating to width, height  
17 and length) or the maximum weight specified in Subchapter C  
18 (relating to maximum weights of vehicles) while they are in the  
19 course of manufacture and while they are entirely within the  
20 control of the manufacturer and not in transit from the  
21 manufacturer to a purchaser or dealer. A permit shall not be  
22 issued for the movement of articles upon a freeway. Articles not  
23 in excess of ten feet in width may be moved up to 50 miles on a  
24 permit. Larger articles may be moved no farther than ten miles  
25 on a permit.

26 § 4970. Permit for movement of [utility] construction  
27 equipment.

28 [A permit] Permits may be issued for the duration of a single  
29 construction project, but not exceeding one year, authorizing a  
30 government agency or authority or public utility or [its] their

1 contractors or subcontractors to move oversized or overweight  
2 construction equipment across or upon highways immediately  
3 adjacent to the construction site and between the construction  
4 site and the base of operations of the agency, authority,  
5 utility company, contractor or subcontractor.

6 § 4971. Permit for operation of chemical and fertilizer  
7 vehicles.

8 A permit may be issued for a period of 30 consecutive days  
9 authorizing the operation in the Commonwealth of any vehicle  
10 registered in another state which is used for the transportation  
11 and application of chemicals and fertilizer.

12 § 4972. Penalty for violation of subchapter.

13 Any person violating the provisions of this subchapter is  
14 guilty of a summary offense and shall, upon conviction, be  
15 sentenced to pay a fine of \$150. The penalty imposed under this  
16 section shall be in addition to any other penalty imposed under  
17 this title.

18 § 4981. Weighing and measurement of vehicles.

19 (a) Authority of police officer.--Any police officer is  
20 authorized to require the driver of any vehicle or combination  
21 to stop and submit the vehicle or combination to be measured and  
22 weighed. Weighing may be done by using either portable or  
23 stationary scales. The [measurement and] weighing shall be  
24 conducted by qualified personnel who have been trained in the  
25 use of weighing [and measuring] equipment in a training program  
26 approved by the Department of Agriculture. A police officer may  
27 require that a vehicle or combination be driven to the nearest  
28 stationary scales if the scales are within two miles.

29 (b) Stationary scales on freeways.--The Department of  
30 Transportation, in cooperation with the Pennsylvania State

1 Police, shall maintain on freeways at points which it deems  
2 necessary stationary scales and other equipment for detecting  
3 violations of the size and weight limitations prescribed by this  
4 chapter. The department may also contract with local authorities  
5 to use their stationary scales.

6 (c) Weighing of wheels or axles.--If a vehicle is weighed in  
7 multiple drafts, or if only a single wheel or axle or pair of  
8 axles is weighed, a tolerance of [1%] 3% shall be allowed.

9 [(d) Reweighing at request of driver or owner.--Whenever  
10 scales operated by other than the department indicate that a  
11 vehicle, wheel, axle or pair of axles is overweight, the driver  
12 or owner may elect to have the vehicle reweighed on the nearest  
13 available official scales which have been sealed by the  
14 Department of Agriculture. The lower reading of the two scales  
15 shall determine whether charges shall be filed under this  
16 section.]

17 (d) Reweighing at request of driver or owner.--

18 (1) Whenever a scale indicates that a vehicle, wheel,  
19 axle or pair of axles is overweight, the driver or owner may  
20 elect to have the vehicle reweighed on the nearest available  
21 stationary scales certified by the Department of Agriculture.  
22 The lower reading of the two scales shall determine whether  
23 charges shall be filed under this section.

24 (2) Where the driver or owner elects to be reweighed,  
25 pursuant to paragraph (1) and the reweighing indicates a  
26 weight that would result in a fine the same as or greater  
27 than that indicated by the original weighing, an additional  
28 fine of \$100, or \$5 per mile to the public weighmaster's  
29 scale, whichever is greater, shall be assessed.

30 (e) Noncompliance by driver.--Upon refusal of a driver to

1 submit a vehicle to weighing under this section, the police  
2 officer shall be authorized to take such measures as may be  
3 necessary to have the vehicle weighed. Any costs incurred in  
4 weighing the vehicle shall be paid by the driver to the person  
5 incurring the costs or to the issuing authority for payment to  
6 the person incurring the costs.

7 § 4982. Reducing or readjusting loads of vehicles.

8 \* \* \*

9 (c) Load adjustment to avoid prosecution.--If the gross  
10 weight of the vehicle or combination does not exceed the maximum  
11 allowable gross weight and the weight upon any axle or group of  
12 axles is not more than [3%] 5% in excess of the maximum  
13 allowable axle weight, the operator shall be allowed four hours  
14 to adjust the position of the load so that the weight upon all  
15 wheels, tires, axles and groups of axles does not exceed the  
16 maximum allowable weights. If the load is so rearranged no  
17 arrest shall be made or prosecution brought for violation of  
18 Subchapter C (relating to maximum weights of vehicles).

19 \* \* \*

20 § 4983. Penalty for violation of subchapter.

21 Any driver who fails or refuses to comply with the  
22 requirements of a police officer given pursuant to this  
23 subchapter is guilty of a summary offense and shall, upon  
24 conviction, be sentenced to pay a fine of [\$100] \$1,000.

25 § 6104. Administrative duties of department.

26 (a) Forms.--The department shall prescribe and provide  
27 suitable forms of applications, certificates of title,  
28 registration cards, drivers' licenses and all other forms  
29 requisite or deemed necessary to carry out the provisions of  
30 this title, except Chapter 77 (relating to snowmobiles and off-

1 road vehicles), and any other laws the administration of which  
2 is vested in the department.

3 \* \* \*

4 § 6105. Department to prescribe [traffic and] engineering  
5 [investigations] and traffic studies.

6 The department may establish by regulation the manner in  
7 which [traffic and] engineering [investigations] and traffic  
8 studies shall be carried out. The department may specify  
9 particular actions which require [traffic and] engineering  
10 [investigations] and traffic studies. No action shall become  
11 effective until the [investigation] study has been properly  
12 completed.

13 [§ 6106. Designation of emergency vehicles by Pennsylvania State  
14 Police.

15 (a) General rule.--The Pennsylvania State Police may  
16 designate any vehicle or group of vehicles as emergency vehicles  
17 upon a finding that the designation is necessary to the  
18 preservation of life or property or to the execution of  
19 emergency governmental functions.

20 (b) Manner and carrying of designation.--The designation  
21 shall be in writing and the written designation shall be carried  
22 in the vehicle at all times, but failure to carry the written  
23 designation shall not affect the status of the vehicle as an  
24 emergency vehicle.]

25 § 6109. Specify powers of department and local authorities.

26 (a) Enumeration of police powers.--The provisions of this  
27 title shall not be deemed to prevent the department on State-  
28 designated highways and local authorities on streets or highways  
29 within their physical boundaries from the reasonable exercise of  
30 their police powers in any manner not inconsistent with the

provisions of this title. The following are presumed to be  
reasonable exercises of police power:

(1) Regulating or prohibiting stopping, standing or  
parking.

(2) Regulating traffic by means of police officers or  
official traffic-control devices.

(3) Regulating or prohibiting processions 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

1 restrictions).

2 (11) Enforcement of speed restrictions authorized under  
3 Subchapter F of Chapter 33, except that speed restrictions  
4 may be enforced by local police on a limited access [or  
5 divided] highway only if it is patrolled by the local police  
6 force under the terms of an agreement with the Pennsylvania  
7 State Police.

8 (12) Designating no-passing zones as authorized in  
9 section 3307 (relating to no-passing zones).

10 (13) Prohibiting or regulating the use of designated  
11 streets by any class or kind of traffic.

12 (14) Establishing minimum speed limits as authorized in  
13 section 3364 (relating to minimum speed regulation).

14 (15) Regulating and temporarily prohibiting traffic on  
15 streets closed or restricted for use as play highways or for  
16 construction, maintenance or special events.

17 (16) Prohibiting pedestrians from crossing a roadway in  
18 a business district or any designated highway except in a  
19 crosswalk.

20 (17) Restricting pedestrian crossings at unmarked  
21 crosswalks.

22 (18) Regulating persons propelling push carts.

23 (19) Regulating persons upon skates, coasters, sleds and  
24 other toy vehicles.

25 (20) Adopting and enforcing such [temporary or]  
26 experimental regulations on a seasonal or limited time basis,  
27 and temporary regulations as [may be] necessary [to cover] in  
28 case of emergencies or special conditions.

29 (21) Regulating the operation of streetcars, the passing  
30 of streetcars by other vehicles and the driving upon

1 streetcar tracks by other vehicles.

2 (22) Providing for and establishing procedures governing  
3 the removal and impounding of any vehicle parked on the  
4 highways within the boundaries of the local authority or  
5 public property of the local authority in violation of any  
6 local ordinance adopted pursuant to the authority of this  
7 title or of any of the provisions of this title. However, any  
8 procedures adopted under this paragraph shall not be  
9 inconsistent with those established by this title.

10 (23) Adopting such other traffic regulations as are  
11 specifically authorized by this title.

12 (b) Action by local authorities.--

13 (1) Action taken by local authorities under this section  
14 shall be:

15 [(1)] (i) by ordinance of the local governing body;

16 or

17 [(2)] (ii) by order of a commission or public  
18 official authorized by charter or ordinance to act on  
19 specified matters.

20 (2) The specific locations of traffic-control devices  
21 need not be set out in an ordinance or order where specific  
22 locations of their placement or removal are authorized by  
23 action of the local governing body, commission or public  
24 official and an indexed or alphabetical listing of all such  
25 locations, with date of official action, is maintained as an  
26 official record of the local authority.

27 (3) This subsection does not apply to temporary  
28 regulations adopted under subsection (a)(20) for emergencies  
29 or special conditions.

30 (c) When traffic-control devices required.--No regulation or

1 ordinance enacted under subsection (a)(1), (4), (5), (6), (7),  
2 (9), (10), (11), (12), (13), (14), (15) or (16) [or (21)] shall  
3 be effective until official traffic-control devices giving  
4 notice of the traffic regulations or ordinances are erected upon  
5 or at the entrances to the highway or part thereof affected as  
6 may be most appropriate.

7 \* \* \*

8 (e) Engineering and traffic [investigation] study  
9 required.--Action by local authorities under this section shall  
10 be taken only after completing an engineering and traffic  
11 [investigation] study when and in such manner as required by  
12 regulations promulgated by the department.

13 § 6112. [Removal of traffic] Traffic hazards [by property  
14 owner] on private property.

15 (a) General rule.--No person shall place any lighting device  
16 or plant or place any tree, plant, shrub or other obstruction  
17 which, by obstructing the view of any driver or in any other  
18 manner, constitutes a traffic hazard.

19 [(a) General rule] (b) Removal of hazard.--It is the duty  
20 of the owner of real property to remove from the property any  
21 lighting device or tree, plant, shrub or other [similar]  
22 obstruction, or part thereof, which, by obstructing the view of  
23 any driver or in any other manner, constitutes a traffic hazard.

24 [(b)] (c) Notice of hazard.--When the department or any  
25 local authority determines on the basis of an engineering and  
26 traffic [investigation] study that a traffic hazard exists, it  
27 shall [notify], by certified mail, order the owner [and order]  
28 to remove the hazard [removed] within ten days.

29 [(c)] (d) Penalty.--The failure of the owner to remove the  
30 traffic hazard within ten days after notice under subsection

1 [(b)] (c) is a summary offense and every day the owner fails to  
2 remove it shall be a separate and distinct offense. The offense  
3 is punishable by a fine of \$10.

4 § 6122. Authority to erect traffic-control devices.

5 (a) General rule.--The department on State-designated  
6 highways and local authorities on any highway within their  
7 boundaries may erect official traffic-control devices, which  
8 shall be installed and maintained in conformance with the manual  
9 and regulations published by the department upon all highways as  
10 required to carry out the provisions of this title or to  
11 regulate, restrict, direct, warn, prohibit or guide traffic.

12 (1) Local authorities shall obtain approval of the  
13 [department]:

14 (i) Department prior to erecting [an] any official  
15 traffic-control device on a State-designated highway  
16 except where department regulations provide otherwise.

17 (ii) County prior to erecting any official traffic-  
18 control device on a county highway.

19 (2) Local authorities shall obtain approval of the  
20 department prior to erecting any traffic signal on a local  
21 highway except in a municipality with a traffic engineer  
22 qualified in accordance with department regulations.

23 (b) Standards for department approval.--The department shall  
24 promulgate rules and regulations setting forth minimum standards  
25 and factors to be considered in determining whether approval  
26 shall be given by the department for the installation and  
27 maintenance of official traffic--control devices. [The factors  
28 shall include, but not be limited to, the volume of traffic and  
29 the number of accidents that occurred in each of the three  
30 preceding years.]

1 (c) Agreements to waive department approval.--The department  
2 may enter into agreements with local authorities transferring to  
3 them the authority to install official traffic-control devices  
4 without specific State approval provided they conduct traffic  
5 and engineering investigations which conform with the rules and  
6 regulations promulgated by the department.

7 (d) Signals on municipal boundaries.--Whenever the need  
8 arises for the installation of a traffic[-control] signal on or  
9 near the boundary of two political subdivisions adjoining each  
10 other so as to be beneficial to both, either may petition the  
11 department for authority to install the signal. If the political  
12 subdivisions cannot amicably agree upon an allocation of the  
13 costs of installation and maintenance of the signal, either may  
14 petition the court of common pleas of the county in which the  
15 traffic[-control] signal is to be installed within 90 days after  
16 receiving the approval of the department and the court shall  
17 determine the proper allocation of the expenses to be incurred.  
18 The political subdivision that originated the request to the  
19 department shall install the traffic[-control] signal within 90  
20 days of the date of the court order or of an amicable agreement  
21 between the political subdivisions.

22 § 6124. Erection of traffic-control devices at intersections.

23 The department on State-designated highways, including  
24 intersections with local highways and private roadways, and  
25 local authorities on [intersections of] highways under their  
26 jurisdiction, including intersections with private roadways, may  
27 erect and maintain stop signs, yield signs or other official  
28 traffic-control devices to designate through highways or to  
29 designate intersections at which vehicular traffic on one or  
30 more of the roadways should yield or stop and yield before

1 entering the intersection.

2 § 6301. Prosecutions under local ordinances superseded by  
3 title.

4 Except for parking violations, when the same conduct is  
5 proscribed under this title and a local ordinance, the charge  
6 shall be brought under this title and not under the local  
7 ordinance. Prosecutions brought under any local ordinance, rule  
8 or regulation, which are based on a violation for which there is  
9 a specific penalty provided in this title, except for parking  
10 violations, shall be deemed as having been brought under this  
11 title and the assessment and disposition of the fines and  
12 forfeitures shall be so governed. Local ordinances relating to  
13 parking shall prescribe fines for violations and may authorize  
14 the payment of penalties in lieu of fines and costs under  
15 prescribed conditions except that the fine or penalty shall not  
16 exceed \$15 for each violation.

17 § 6304. Authority to arrest without warrant.

18 (a) Pennsylvania State Police.--A member of the Pennsylvania  
19 State Police who is in uniform may arrest without a warrant any  
20 person who violates any provision of this title in the presence  
21 of the police officer making the arrest.

22 (b) Other police officers.--Any police officer who is in  
23 uniform may arrest without a warrant for a violation committed  
24 in the presence of the police officer any nonresident who  
25 violates any provision of this title [in the presence of the  
26 police officer making the arrest.] or any other person who  
27 violates any of the following provisions of this title:

28 Section 1117 (relating to vehicle destroyed or salvaged)

29 Section 1371 (relating to operation following suspension  
30 of registration)

1       Section 1376 (relating to surrender of registration  
2       plates and cards upon suspension)

3       Section 1543 (relating to driving while operating  
4       privilege is suspended or revoked)

5       Section 1571 (relating to violations concerning licenses)

6       Section 1573 (relating to driving under foreign license  
7       during suspension or revocation)

8       Section 1945 (relating to books of permits)

9       Section 3345 (relating to meeting or overtaking school  
10      bus)

11      Subchapter B of Chapter 37 (relating to serious traffic  
12      offenses)

13      Section 3743 (relating to accidents involving damage to  
14      attended vehicle or property)

15      Section 4551 (relating to safety regulations)

16      Section 4730 (relating to violations of use of  
17      certificate of inspection)

18      Chapter 49 (relating to size, weight and load)

19      Section 6503 (relating to subsequent convictions of  
20      certain offenses)

21      Section 7124 (relating to fraudulent use or removal of  
22      registration plate)

23      (c) Other powers preserved.--The powers of arrest conferred  
24 by this section are in addition to any other powers of arrest  
25 conferred by law.

26      § 6305. Arrest of nonresident.

27      (a) General rule.--Upon arrest of a nonresident for any  
28 violation of this title, a police officer shall escort the  
29 defendant to the appropriate issuing authority for a hearing,  
30 posting of bond or payment of the applicable fine and costs

1 unless the defendant chooses to place the amount of the  
2 applicable fine (or the maximum fine in the case of a variable  
3 fine) and costs in a stamped envelope addressed to the  
4 appropriate issuing authority and mails the envelope in the  
5 presence of the police officer.

6 (b) Procedure upon payment by mail.--If the defendant mails  
7 the amount of the fine prescribed in subsection (a), the  
8 defendant shall indicate on an accompanying form whether the  
9 payment constitutes a fine based on a plea of guilty or a bond  
10 for a hearing based on a plea of not guilty. If the plea is not  
11 guilty, the police officer shall notify the issuing authority by  
12 telephone and the issuing authority shall schedule a hearing for  
13 the following day (excluding Saturdays, Sundays and legal  
14 holidays), unless the defendant requests a continuance, in which  
15 case a hearing shall be scheduled to accommodate the defendant,  
16 the police officer and the issuing authority.

17 (c) Form of payment.--The amount of the fine and costs may  
18 be paid in cash, personal or other check, credit card or  
19 guaranteed arrest bond, except that the Administrative Office of  
20 Pennsylvania Courts may enlarge or restrict the types of payment  
21 which may be made by mail. The Administrative Office of  
22 Pennsylvania Courts shall specify what additional costs shall be  
23 assessed the defendant if the defendant elects to pay by credit  
24 card.

25 (d) Receipt for payment.--Except as otherwise provided or  
26 prescribed by law, the police officer shall give the defendant a  
27 receipt for the payment, a copy of which shall be mailed with  
28 the payment and a copy retained by the police officer.

29 (e) Exception.--This section does not apply to a nonresident  
30 who is covered by a reciprocity agreement between the

1 Commonwealth and their resident state as authorized in  
2 Subchapter C of Chapter 61 (relating to reciprocity).

3 § 6306. Costs for summary offenses.

4 [(a) General rule.--] Costs for summary offenses shall be  
5 established by general rule pursuant to chapter 17 of Title 42  
6 (relating to governance of the system).

7 [(b) Costs of removing vehicle.--(Reserved).]

8 § 6308. Investigation by police [officers] and department  
9 employees.

10 (a) Duty of operator or pedestrian.--The operator of any  
11 vehicle or any pedestrian [reasonably believed to have violated  
12 any provision of this title] shall stop upon request or signal  
13 of any uniformed police officer and shall[, upon request,]:

14 (1) exhibit a registration card, driver's license and  
15 proof of insurance, or other means of identification if a  
16 pedestrian or driver of a pedalcycle; and [shall write]

17 (2) write their name in the presence of the police  
18 officer if so required for the purpose of establishing  
19 identity.

20 (b) [Authority of police officer] Examination of vehicles.--  
21 Any uniformed police officer may stop a vehicle, upon request or  
22 signal, for the purpose of inspecting the vehicle as to its  
23 equipment and operation, or vehicle identification number or  
24 engine number, or to secure such other information as the  
25 officer may reasonably believe to be necessary to enforce the  
26 provisions of this title. A uniformed police officer may examine  
27 a vehicle's load and any related documents in order to determine  
28 whether violations of weight restrictions have occurred.

29 (c) Inspection of garages and dealer premises.--Any police  
30 officer or authorized department employee may inspect any

1 vehicle in any public garage or repair shop or on the premises  
2 of any dealer, tower, salvor, scrap metal processor, insurer, or  
3 other public place of business for the purpose of locating  
4 stolen vehicles or parts. The owner of the garage or repair shop  
5 or the dealer or other person shall permit any police officer or  
6 authorized department employee to make investigations under this  
7 subsection.

8 (d) Investigation and audit of issuing agents.--Any police  
9 officer or authorized department employee may audit and  
10 investigate any dealer, manufacturer or other issuing agent of  
11 temporary registration cards or plates to determine whether any  
12 such person has violated any provision of this title or any  
13 regulation promulgated by the department.

14 (e) Production to avoid penalty.--No person charged with  
15 failure to exhibit proof of insurance as required by subsection  
16 (a)(1) shall be convicted if the person produces proof of  
17 insurance valid on the date of the request at the office of the  
18 issuing authority within five days of the violation.

19 § 6309. Costs for warrants executed by State Police.

20 Whenever a member of the Pennsylvania State Police executes a  
21 warrant in connection with an alleged violation of this title,  
22 additional costs shall be assessed in an amount equal to the  
23 amount a constable would have received had he executed the  
24 warrant. Such additional costs collected for the execution of  
25 warrants by members of the Pennsylvania State Police shall be  
26 transmitted to the State Treasury and shall be credited to the  
27 Motor License Fund.

28 § 6322. Reports by issuing authorities.

29 (a) General rule.--Subject to any inconsistent procedures  
30 and standards relating to reports and transmission of funds

1 prescribed pursuant to Title 42 (relating to judiciary and  
2 judicial procedure):

3 (1) Following the [fifteenth and last days] last day of  
4 each month, every issuing authority shall prepare a  
5 statement, upon forms prescribed and furnished by the  
6 [department] Commonwealth, of all fines collected, bail  
7 forfeited[, ] and sentence imposed [and final disposition] for  
8 all [cases on violations] convictions of any provisions of  
9 this title decided by the issuing authority in the  
10 [semimonthly] monthly reporting period just concluded:

11 (i) Cases which have been appealed shall not be  
12 included in the report.

13 (ii) Cases which are appealable shall not be  
14 included in the report until the appeal period expires.

15 (iii) The statement shall be certified by the  
16 issuing authority to be true and correct and shall be  
17 forwarded in such number of copies as the Commonwealth  
18 determines to the [department] Department of Revenue  
19 within [the following week] 15 days, with a copy sent to  
20 the police department which filed the charge.

21 (iv) Any fines and bail forfeited payable to the  
22 Commonwealth under Subchapter E of Chapter 35 of Title 42  
23 (relating to fines, etc.) and copies of the citations or  
24 summonses shall accompany the report to the [department.]  
25 Department of Revenue which shall transmit the copies of  
26 the citations or summonses and a copy of the report to  
27 the department.

28 (2) The report shall include the identifying number of  
29 the citation, the name and residence address of the party  
30 charged, the driver's license number, the registration number

1 of the vehicle involved, a description of the offense, the  
2 section and subsection of the statute or ordinance violated,  
3 the date of hearing, the plea, the judgment or whether bail  
4 was forfeited, [clear and concise reasons supporting the  
5 adjudication,] the sentence or amount of forfeiture and such  
6 other information as the department may require.

7 \* \* \*

8 § 6323. Reports by courts.

9 Subject to any inconsistent procedures and standards relating  
10 to reports and transmission of funds prescribed pursuant to  
11 Title 42 (relating to judiciary and judicial procedure):

12 (1) [The] Within ten days following the last day of each  
13 month, every clerk of [any] a court of this Commonwealth[,  
14 within ten days after] shall send to the Department of  
15 Revenue a record of all final [judgment] judgments of  
16 conviction or acquittal or other disposition of charges under  
17 any of the provisions of this title[, shall send to the  
18 department a record of the judgment of conviction, acquittal  
19 or other disposition] for the monthly reporting period just  
20 concluded. The form and number of copies of the record shall  
21 be prescribed by the Commonwealth.

22 (2) A record of the judgment shall also be forwarded to  
23 the [department] Department of Revenue upon conviction [or  
24 acquittal] of a person of a misdemeanor or felony in the  
25 commission of which the judge determines that a motor vehicle  
26 was essentially involved.

27 (3) The fines and bail forfeited under any of the  
28 provisions of this title payable to the Commonwealth under  
29 Subchapter E of Chapter 35 of Title 42 (relating to fines,  
30 etc.) shall accompany the record sent to the [department]

Department of Revenue which shall transmit a copy of the  
record to the department

§ 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] Administrative Office of Pennsylvania Courts.

§ 6501. Definition of violation and conviction.

(a) General rule.--For the purposes of this title [a]:

(1) A violation of a provision of this title includes a  
violation of a rule or regulation adopted by the department  
to implement that particular provision of this title.

(2) 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.

§ 6503. Subsequent convictions of certain offenses.

[Every person convicted of a] A second or subsequent  
violation within three years of any of the following provisions  
shall [be sentenced to pay] constitute a misdemeanor of the  
third degree punishable by a fine of not less than [\$200] \$500  
nor more than \$1,000 or [to] imprisonment for not more than one  
year, or both:

Section 1501(a) (relating to drivers required to be  
licensed).

1           Section 1543 (relating to driving while operating  
2   privilege is suspended or revoked).

3           Section 1573 (relating to driving under foreign license  
4   during suspension or revocation).

5           Section 3367 (relating to racing on highways).

6           Section 3733 (relating to fleeing or attempting to elude  
7   police officer).

8           Section 3734 (relating to driving without lights to avoid  
9   identification or arrest).

10          Section 3748 (relating to false reports).

11   § 6504. [Inability to pay] Payment of fine and costs.

12       (a) Order for installment payments.--Upon plea and proof  
13   that a person is unable to pay any fine and costs imposed under  
14   this title, a court may, in accordance with 18 Pa.C.S. § 1358  
15   (relating to fine), order payment of the fine and costs in  
16   installments and shall fix the amounts, times and manner of  
17   payment.

18       (b) Imprisonment for nonpayment.--Any person who does not  
19   pay any fine or costs assessed for a summary conviction under  
20   this title which has not been appealed or who does not comply  
21   with an order entered under [this section] subsection (a) may be  
22   imprisoned for a number of days equal to one day for each \$10 of  
23   the unpaid balance of the fine and costs.

24   § 7102. Removal or falsification of identification number.

25       (a) Offense defined.--A person who willfully removes or  
26   falsifies an identification number of a vehicle, engine,  
27   differential or transmission is guilty of a misdemeanor of the  
28   [third] second degree.

29       (b) Fraudulent intent.--A person who willfully and with  
30   intent to conceal or misrepresent the identity of a vehicle,

1 engine, differential or transmission, removes or falsifies an  
2 identification number thereof, is guilty of a misdemeanor of the  
3 first degree.

4 [(c) Exception.--This section does not apply to the removal  
5 of an identification number from a vehicle for which a  
6 certificate of junk has been obtained in accordance with section  
7 1117 (relating to vehicle destroyed or junked).]

8 § 7103. Dealing in vehicles with removed or falsified  
9 numbers.

10 (a) Offense defined.--A person who buys, receives,  
11 possesses, sells or disposes of a vehicle, engine, differential  
12 or transmission, knowing that an identification number has been  
13 removed or falsified, is guilty of a misdemeanor of the third  
14 degree.

15 (b) Knowledge of fraudulent intent.--A person who buys,  
16 receives, possesses, sells or disposes of a vehicle, engine,  
17 differential or transmission with knowledge that an  
18 identification number has been removed or falsified with intent  
19 to conceal or misrepresent the identity thereof, is guilty of a  
20 [felony of the third degree] misdemeanor of the first degree.

21 (c) Exception.--This section does not apply to the removal  
22 of [an] a vehicle identification number plate from a vehicle  
23 [for which a certificate of junk has been obtained] in  
24 accordance with the requirements of section 1117(a) (relating to  
25 vehicle destroyed or [junked] salvaged).

26 § 7105. Seizure of vehicles with removed or falsified  
27 numbers.

28 (a) Duty of police.--Every police officer having knowledge  
29 of a vehicle on which the [vehicle] identification number of the  
30 vehicle, engine, differential or transmission has been removed

1 or falsified shall immediately seize and take possession of the  
2 vehicle, engine, differential or transmission and arrest or file  
3 a complaint for the arrest of the suspected owner or custodian.  
4 In all actions involving seizure or possession of such vehicles,  
5 [vehicle] engines, differentials or transmissions identification  
6 information shall be transmitted to the Federal or other  
7 agencies involved in recovery of stolen vehicles, engines,  
8 differential or transmissions.

9 [(b) Proceedings if owner known.--The court, upon petition  
10 of the owner or of the person entitled to possession of a seized  
11 vehicle may relinquish custody of the vehicle to the person  
12 legally entitled to the vehicle upon presentation of proof that  
13 a State replacement vehicle identification number plate has been  
14 issued by the department under section 7104 (relating to State  
15 replacement vehicle identification number plate). Except as  
16 otherwise provided in this section, the court shall retain in  
17 custody the seized vehicle pending prosecution of the person  
18 arrested. In case the person is found guilty, the vehicle shall  
19 remain in the custody of the court until the fine and costs of  
20 prosecution are paid, except that if 90 days have elapsed after  
21 the verdict has been rendered and the fine and costs have not  
22 been paid, the court shall proceed to advertise and sell the  
23 vehicle in the manner provided by law for the sale of personal  
24 property under execution. The proceeds from the sale shall be  
25 used to pay the fine and costs of prosecution and the balance,  
26 if any, shall be forwarded to the department to be transmitted  
27 to the State Treasurer for deposit in the Motor License Fund.]

28 (b) Proceedings if owner known.--

29 (1) Except as provided in paragraph (2), the court shall  
30 retain in custody the seized vehicle, engine, differential or

1 transmission pending prosecution of the person arrested. If  
2 the person is found guilty, the vehicle shall remain in the  
3 custody of the court until the fine and costs of prosecution  
4 are paid, except that if 90 days have elapsed after the  
5 verdict has been rendered and the fine and costs have not  
6 been paid, the court shall advertise and sell the vehicle,  
7 engine, differential or transmission in the manner provided  
8 by law for the sale of personal property under execution. The  
9 proceeds from the sale shall be used to pay the fine and  
10 costs of prosecution and the balance, if any, shall be  
11 forwarded to the department to be transmitted to the State  
12 Treasurer for deposit in the Motor License Fund.

13 (2) The court may relinquish custody of such:

14 (i) a vehicle to a person to whom a State  
15 replacement vehicle identification number plate has been  
16 issued in accordance with section 7104 (relating to State  
17 replacement vehicle identification number plate); or

18 (ii) an engine, differential or transmission to the  
19 owner or person entitled thereto.

20 (c) Proceedings if owner unknown.--If ownership of the  
21 vehicle, engine, differential or transmission is not established  
22 to the satisfaction of the court, the vehicle, engine,  
23 differential or transmission shall be confiscated by the court  
24 and sold immediately, and the proceeds shall be used to pay the  
25 costs of proceedings and the balance, if any, shall be forwarded  
26 to the department to be transmitted to the State Treasurer for  
27 deposit in the Motor License Fund.

28 § 7113. Reporting stolen and recovered vehicles.

29 (a) Stolen vehicle.--Every police department or police  
30 [office] officer, having knowledge of a stolen vehicle, shall

1 immediately furnish the State Police with full information about  
2 the stolen vehicle. The State Police shall forward the stolen  
3 vehicle information to the department.

4 \* \* \*

5 [§ 7116. Fraudulent removal of vehicle from garage.

6 No person shall remove or cause to be removed, by any false  
7 pretension or with intent to defraud, any vehicle that has been  
8 placed in a garage or automobile shop for storage, repair or  
9 garage service.]

10 § 7121. False application for certificate of title or  
11 registration.

12 A person is guilty of a misdemeanor of the [first] second  
13 degree if the person uses a false or fictitious name or address  
14 or makes a material false statement, or fails to disclose a  
15 security interest, or conceals any other material fact in an  
16 application for a certificate of title or for registration.

17 § 7122. Altered, forged or counterfeit documents and plates.

18 A person is guilty of a misdemeanor of the [first] second  
19 degree if the person, with fraudulent intent:

20 (1) alters, forges or counterfeits a certificate of  
21 title, registration card or plate[, inspection certificate]  
22 or proof of insurance;

23 (2) alters or forges an assignment of a certificate of  
24 title, or an assignment or release of a security interest on  
25 a certificate of title or any other document issued or  
26 prepared for issue by the department; or

27 (3) has possession of, sells or attempts to sell, uses  
28 or displays a certificate of title, registration card or  
29 plate, [driver's license, inspection certificate] proof of  
30 insurance or any other document issued by the department,

1 knowing it to have been altered, forged or counterfeited.

2 § 7123. Sale or purchase of certificate or other document.

3 [It is unlawful to purchase or sell] A person is guilty of a  
4 misdemeanor of the second degree if such person purchases or  
5 sells, except as authorized in this title, a certificate or any  
6 other document issued by the department. Police officers or  
7 department representatives may confiscate the documents when  
8 unlawfully possessed or used.

9 § 7301. Authorization of salvors.

10 (a) General rule.--The department shall authorize and shall  
11 issue a certificate of authorization to every salvor that  
12 complies with the requirements of this chapter and regulations  
13 adopted by the department [and is a vehicle salvage dealer as  
14 defined in section 1337(c)(2) (relating to use of "Miscellaneous  
15 Motor Vehicle Business" registration plates)].

16 (b) Unauthorized operation prohibited.--No person shall  
17 operate as a salvor unless authorized.

18 (c) Duty of salvor.--Upon written request of a police  
19 department, a salvor shall take possession of and remove to the  
20 storage facility of the salvor any abandoned vehicle located  
21 within 30 miles of the place of business of the salvor:

22 (1) on private property if the vehicle has value other  
23 than for salvage; or

24 (2) on public property.

25 (d) Storage facility.--A salvor may rent or own a storage  
26 facility, which shall comply with the act of [December 15, 1971  
27 (P.L.596, No.160), known as the "Outdoor Advertising Control Act  
28 of 1971," where applicable, and with regulations promulgated by  
29 the department.] July 28, 1966 (3rd Sp.Sess., P.L.91, No.4),  
30 referred to as the Junkyard and Automotive Recycler Screening

1 Law.

2 § 7302. Certificate of authorization.

3 (a) Application and issuance.--Application for a certificate  
4 of authorization shall be made on a form prescribed by the  
5 department. The department shall investigate the qualifications  
6 and fitness of the applicant and shall issue a certificate of  
7 authorization if it determines that the applicant is capable of  
8 performing the duties of a salvor in a manner consistent with  
9 the public interest.

10 (b) Place of business.--Every applicant shall have and  
11 maintain an established place of business. If the applicant has  
12 or intends to have one or more places of business or branch  
13 offices, the application shall contain complete information for  
14 each location.

15 (c) Bonding required.--

16 (1) Before issuing a certificate of authorization, the  
17 department shall require the applicant to furnish and  
18 maintain a bond indemnifying the public and the department in  
19 the amount of \$10,000.

20 (2) An individual bond for each place of business is not  
21 required, but all places of business shall be covered by the  
22 bond.

23 (d) Duration and renewal.--Certificates of authorization  
24 shall be issued for a period of one year and shall be subject to  
25 annual renewal.

26 § 7304. Reports to department of possession of abandoned  
27 vehicles.

28 [Any] (a) General rule.--A salvor [taking] or tower in  
29 possession of an abandoned vehicle [pursuant to section 7301(c)  
30 (relating to authorization of salvors)] shall within 48 hours

1 [after taking possession] report to the department the make,  
2 model, vehicle identification number and registration plate  
3 number of the abandoned vehicle, and the name and address of the  
4 owner or person who abandoned the vehicle, if known, together  
5 with any other information or documents which the department may  
6 by regulation require. The report shall include a statement  
7 whether the vehicle is valueless except for [junk] salvage.  
8 Where the report indicates the vehicle is valueless except for  
9 [junk] salvage, the salvor shall include a photograph of the  
10 vehicle to be prepared in a manner prescribed by the department.  
11 A report by a salvor that a vehicle is valueless except for  
12 [junk] salvage shall be verified by the police department which  
13 authorized transfer of the vehicle to the salvor.

14 (b) Exception.--If the owner or registrant of an abandoned  
15 vehicle reveals their identity to the salvor or tower within the  
16 48-hour period, the salvor or tower shall not be required to  
17 comply with the provisions of subsection (a).

18 § 7305. Notice to owner and lienholders of abandoned vehicles.

19 (a) General rule.--Except as provided in section 7309  
20 (relating to junking of vehicles valueless except for [junk]  
21 salvage), the department, upon receipt of notice that an  
22 abandoned vehicle has been taken into possession pursuant to  
23 this chapter, shall notify by certified mail, return receipt  
24 requested, the last known registered owner of the vehicle and  
25 all lienholders of record that the vehicle is abandoned.

26 (b) Contents of notice.--The notice shall:

27 (1) Describe the make, model, title number, vehicle  
28 identification number and registration plate number of the  
29 abandoned vehicle, if known.

30 (2) State the location where the vehicle is being held.

1           (3) Inform the owner and any lienholders of their right  
2       to reclaim the vehicle within 30 days after the date of the  
3       notice at the place where the vehicle is being held by the  
4       salvor or tower, upon payment of all towing and storage  
5       charges and the fee authorized in section 7306 (relating to  
6       payment of costs upon reclaiming vehicle).

7           (4) State that the failure of the owner or lienholder to  
8       reclaim the vehicle is deemed consent by the owner to the  
9       destruction, sale or other disposition of the abandoned  
10      vehicle and of all lienholders to dissolution of their liens.

11      (c) Notice by publication.--If the identity of the last  
12      registered owner and of all lienholders cannot be determined  
13      with reasonable certainty, the contents of the notice set forth  
14      in subsection (b) shall be published one time in one newspaper  
15      of general circulation in the area where the vehicle was  
16      abandoned. The notice may contain multiple listings of abandoned  
17      vehicles. Notice by publication locally shall be the  
18      responsibility of the salvor. The notice shall have the same  
19      effect as notice sent by certified mail.

20      § 7306. Payment of costs upon reclaiming vehicle.

21      In the event the owner or lienholder of an abandoned vehicle  
22      reclaims the vehicle, the reclaiming party shall pay the costs  
23      for towing and storage, plus a fee of [\$25 of which \$10] \$15  
24      which shall be transmitted to the department by the salvor or  
25      tower.

26      § 7308. Public sale of unclaimed vehicles with value.

27      (a) General rule.--If an abandoned vehicle having value has  
28      not been reclaimed as provided in this chapter, the vehicle  
29      shall be sold at a public auction.

30      (b) Title of purchaser.--The salvor or tower shall give the

1 purchaser a sales receipt and the purchaser shall apply to the  
2 department for a title which shall be free and clear of all  
3 previous liens and claims of ownership.

4 (c) Disposition of proceeds.--From the proceeds of the sale  
5 of the abandoned vehicle, the salvor or tower shall be  
6 reimbursed for the costs of towing, storage, notice and  
7 publication costs and expenses of auction. The remainder of the  
8 proceeds of a sale shall be held for the owner of the vehicle or  
9 record lienholder for 60 days from the date of sale and if not  
10 properly claimed shall then be paid to the department and  
11 transmitted to the State Treasurer for deposit in the Motor  
12 License Fund.

13 § 7309. Junking of vehicles valueless except for junk  
14 salvage.

15 (a) Application for [certificate of junk] vehicle salvage  
16 authorization.--If an abandoned vehicle is valueless except for  
17 [junk] salvage, the salvor shall note that fact in the report to  
18 the department required in section 7304 (relating to reports to  
19 department of possession of abandoned vehicles) and shall apply  
20 for issuance of a [certificate of junk] vehicle salvage  
21 authorization as provided for in section 1117 (relating to  
22 vehicle destroyed or [junked] salvaged).

23 (b) Notice and issuance of certificate.--If the identity of  
24 the last registered owner cannot be determined with reasonable  
25 certainty and it is impossible to determine with reasonable  
26 certainty the identity and addresses of any lienholder, no  
27 notice shall be required. Under such circumstances, the  
28 department shall upon receipt of the report by the salvor  
29 pursuant to section 7304 issue a [certificate of junk] vehicle  
30 salvage authorization as provided in section 1117.

1 (c) Reimbursement of expenses of salvor or tower.--Upon  
2 receipt within six months of evidence that a salvor or tower has  
3 removed an abandoned vehicle which is valueless except for  
4 salvage upon the request of a police department and applied for  
5 authorization to salvage the vehicle, the department shall pay  
6 to the salvor or tower from the Motor License Fund the sum of  
7 \$15 for the expenses incurred in the removal and towing of the  
8 abandoned vehicle. No portion of the \$15 payment or any separate  
9 consideration shall be reimbursed or paid to any government  
10 agency or municipalities by the salvor or tower.

11 (d) Rights of owners and lienholders.--Issuance by the  
12 department of a [certificate of junk] vehicle salvage  
13 authorization for a vehicle [junked] salvaged under this section  
14 shall operate as a divestiture of all right, title and interest  
15 in the vehicle of the owner and all lienholders.

16 § 7312. Penalty for violation of chapter.

17 (a) Fines and imprisonment.--Any person violating any of the  
18 provisions of this chapter is guilty of a summary offense,  
19 punishable:

20 (1) For a first offense, by a fine of \$100.

21 (2) For a subsequent offense, by a fine of not less than  
22 \$200 nor more than \$500 or imprisonment for not more than 90  
23 days, or both.

24 (b) Suspension.--For violation of any of the provisions of  
25 this chapter, the salvor or tower shall be subject to suspension  
26 of the privilege to receive abandoned vehicles under this  
27 chapter.

28 § 7502. Certificate of authorization.

29 \* \* \*

30 (c) Bond required.--[Before issuing a certificate of

1 authorization, the department shall require the applicant to  
2 furnish] Every messenger service shall provide and maintain a  
3 bond indemnifying the public and the department in the amount of  
4 \$50,000. An individual bond for each place of business is not  
5 required, but all places of business shall be covered by the  
6 bond.

7 (d) [Commonwealth] Certain officials and employees  
8 ineligible.--No Commonwealth or local official or employee of  
9 the Commonwealth shall be given authorization to operate as a  
10 messenger service, nor own, nor be employed by, a messenger  
11 service.

12 (e) Duration and renewal.--Certificates of authorization  
13 shall be [given] issued for a period of one year and may be  
14 renewed annually.

15 § 7505. Transaction of business with department.

16 The department [may] shall designate those locations in  
17 Harrisburg, Pittsburgh and Philadelphia and those facilities and  
18 hours of operation at which messenger services [may] shall be  
19 authorized to transact business with the department. Every  
20 messenger service to whom a certificate of authorization has  
21 been issued pursuant to this chapter shall be permitted to  
22 transact business with the department at the locations and  
23 facilities and during the hours of operation designated by the  
24 department. The department may prescribe such regulations as may  
25 be necessary for the administration of this chapter.

26 CHAPTER 77

27 SNOWMOBILES AND OFF-ROAD VEHICLES

28 \* \* \*

29 § 7701. Short title of chapter.

30 This chapter shall be known and may be cited as the

1 "Snowmobile and Off-road Vehicle Law."

2 § 7702. Definitions.

3 The following words and phrases when used in this chapter  
4 shall have, unless the context clearly indicates otherwise, the  
5 meanings given to them in this section:

6 \* \* \*

7 "Off-road vehicle."

8 (1) A motor vehicle designed for or capable of cross-  
9 country travel on or immediately over land, water, sand,  
10 snow, ice, marsh, swampland or other natural terrain,  
11 including, but not limited to, multiaxle drive vehicles, low  
12 pressure tired vehicles, vehicles using an endless belt tread  
13 or treads, vehicles using a combination of tread and low  
14 pressure tires, amphibious vehicles and ground effect or air  
15 cushion vehicles.

16 (2) The term does not include:

17 (i) A snowmobile.

18 (ii) A military, fire, emergency or law enforcement  
19 vehicle when used for emergency purposes.

20 (iii) A vehicle owned and operated by the  
21 department.

22 (iv) A motorcycle, motor-driven cycle or motorized  
23 pedalcycle.

24 \* \* \*

25 § 7703. Applicability of chapter.

26 (a) Vehicle regulation generally.--Unless the context  
27 clearly indicates otherwise, the other provisions of this title  
28 do not apply to this chapter.

29 (b) Law enforcement officers.--This chapter does not apply  
30 to law enforcement officers while engaged in the performance of

1 their official duties.

2 § 7706. Restricted receipts fund.

3 (a) Deposit and use of moneys.--The department shall deposit  
4 all moneys received from the registration of snowmobiles or off-  
5 road vehicles, the sale of snowmobile or off-road vehicle  
6 registration information, snowmobile or off-road vehicle  
7 publications and other services provided by the department, all  
8 fines and penalties resulting from violations of this chapter,  
9 and all fees collected under this chapter in a restricted  
10 receipts fund, from which the department shall draw moneys for  
11 use in carrying out the registration, safety education and  
12 enforcement requirements of this chapter as well as the  
13 establishment, construction and maintenance of trails and any  
14 equipment and supplies necessary to carry out the purposes of  
15 this chapter.

16 (b) Audit and lapse of moneys.--The restricted receipts fund  
17 shall be audited every two years with any residue appearing in  
18 the fund at the end of each auditing period to be deposited in  
19 the General Fund.

20 § 7711. Registration of dealers.

21 Any person who is in the business of selling snowmobiles or  
22 off-road vehicles shall register as a dealer. The department,  
23 upon receipt of application and the required fee, shall assign a  
24 distinguishing dealer registration number to the registrant and  
25 issue appropriate registration certificate to him. Dealer  
26 registrations are not transferable.

27 § 7712. Registration of snowmobiles or off-road vehicles.

28 (a) General rule.--Upon application therefor upon a form  
29 prescribed and furnished by the department which shall contain a  
30 full description of the snowmobile or the off-road vehicle, the

1 actual and bona fide name and address of the owner, proof of  
2 ownership and any other information the department may  
3 reasonably require, and which shall be accompanied by the  
4 required fee, the department shall issue a certificate of  
5 registration of a snowmobile or an off-road vehicle and a decal  
6 showing the expiration date to the owner.

7 (b) Temporary registration.--Temporary registration for a  
8 period not to exceed 45 days may be issued by a registered  
9 dealer pursuant to rules and regulations promulgated by the  
10 department.

11 (c) Fees.--Fees for registration of snowmobiles or off-road  
12 vehicles to be collected by the department under this chapter  
13 are as follows:

14 (1) Each individual resident registration for two years,  
15 \$10.

16 (2) Each individual nonresident registration for two  
17 years, \$10.

18 (3) Each dealer registration for one year, \$25.

19 (4) Replacement of a lost, mutilated or destroyed  
20 certificate or decal, \$1.

21 (d) Exemptions from fees.--No fee is required for the  
22 registration of snowmobiles or off-road vehicles owned by:

23 (1) The Commonwealth.

24 (2) Political subdivisions.

25 (3) Volunteer organizations and used exclusively for  
26 emergency purposes.

27 § 7713. Certificates of registration and decals.

28 (a) General rule.--Except as otherwise provided in this  
29 chapter, it is unlawful to operate a snowmobile or an off-road  
30 vehicle unless a certificate of registration has been issued

therefor and unless there is displayed thereon the permanent or temporary registration number and a valid decal.

(b) Registration number requirements.--Numbers corresponding to the permanent registration number of the snowmobile or the off-road vehicle, shown on the certificate of registration, shall be obtained by the applicant and affixed to the snowmobile or the off-road vehicle. The permanent registration number displayed on the snowmobile or the off-road vehicle shall be of a color which will contrast with the surface to which applied, shall be reflective and shall be at least three inches high.

(c) Display of number and decal.--The decal and the permanent registration number shall be displayed on both sides of the cowling of the snowmobile for which issued. No number other than the number assigned to a snowmobile by the department or the identification number of the registration in another state shall be attached to or displayed on the cowling. The location of the decal and the display of the permanent registration number for any off-road vehicle shall be determined by regulation of the department.

(d) Expiration on transfer.--The certificate of registration issued for a snowmobile or an off-road vehicle shall expire and the decal shall become invalid when title to the snowmobile or an off-road vehicle is transferred.

(e) Suspension or revocation.--The department may suspend or revoke the certification of registration for a snowmobile or an off-road vehicle upon conviction of the owner of any offense under this chapter.

§ 7714. Exemptions from registration.

No certificate of registration or decal shall be required for a snowmobile or an off-road vehicle:

1           (1) Owned and used by the United States or another  
2       state, or a political subdivision thereof, but such  
3       snowmobile shall display the name of the owner on the cowl  
4       thereof or on a highly visible part of the off-road vehicle.

5           (2) Covered by a valid registration or license of  
6       another state, province or country.

7           (3) Owned and operated on lands owned by the owner or  
8       operator of the snowmobile or off-road vehicle or on lands to  
9       which he has a contractual right other than as a member of a  
10      club or association, provided the snowmobile or off-road  
11      vehicle is not operated elsewhere within this Commonwealth.

12 § 7715. Reciprocity.

13       The provisions of this chapter relating to certificates of  
14      registration and decals shall not apply to nonresident owners  
15      who have complied with the registration and licensing laws of  
16      the state, province, district or country of residence, provided  
17      that the snowmobile or off-road vehicle is appropriately  
18      identified in accordance with the laws of the state of  
19      residence.

20 § 7716. Central registration file.

21       The department shall maintain a central file of the  
22      certificate of registration number, name and address of the  
23      owner of each snowmobile or off-road vehicle for which a  
24      certificate of registration is issued and such information shall  
25      be made available to all enforcement agencies.

26 § 7721. Operation on streets and highways.

27       (a) General rule.--Except as otherwise provided in this  
28      chapter, it is unlawful to operate a snowmobile or an off-road  
29      vehicle on any street or highway which is not designated and  
30      posted as a snowmobile or an off-road vehicle road by the

1 governmental agency having jurisdiction.

2 (b) Emergency and bridge crossings.--A snowmobile or an off-  
3 road vehicle may be operated on highways and streets:

4 (1) During periods of emergency when so declared by a  
5 policy agency having jurisdiction.

6 (2) When necessary to cross a bridge or culvert.

7 (c) Crossing street or highway.--A snowmobile or an off-road  
8 vehicle may make a direct crossing of a street or two-lane  
9 highway upon compliance with the following requirements:

10 (1) The crossing is made at an angle of approximately 90  
11 degrees to the direction of the highway and at a place where  
12 no obstruction prevents a quick and safe crossing.

13 (2) The snowmobile or off-road vehicle is brought to a  
14 complete stop before crossing the shoulder or main-traveled  
15 way of the highway.

16 (3) The driver yields the right-of-way to all oncoming  
17 traffic which constitutes an immediate hazard.

18 (4) In crossing a divided highway, the crossing is made  
19 only at an intersection of such highway with another public  
20 street or highway.

21 § 7722. Designation of snowmobile or off-road vehicle roads.

22 (a) General rule.--The Department of Transportation on  
23 State-designated highways and local authorities on any highway,  
24 road or street within its jurisdiction may designate any  
25 highway, road or street within its jurisdiction as a snowmobile  
26 or an off-road vehicle road and may, in its discretion,  
27 determine whether such road shall be closed to vehicular traffic  
28 or whether snowmobiles or off-road vehicles may share this  
29 designated road with vehicular traffic.

30 (b) Posting notices.--Adequate notices of such designation

1 and determination shall be sufficiently and prominently  
2 displayed.

3 § 7723. Special snowmobile or off-road vehicle events.

4 (a) General rule.--Snowmobiles or off-road vehicles may be  
5 operated on highways and streets for special snowmobile or off-  
6 road vehicle events of limited duration which are conducted  
7 according to a prearranged schedule under permit from the  
8 governmental agency having jurisdiction.

9 (b) Authority of local authorities.--A local authority may  
10 block off highways and streets within its jurisdiction for the  
11 purpose of allowing snowmobile or off-road vehicle races,  
12 rallies or derbies. No State trunk highway or connecting street,  
13 or part thereof, shall be blocked off by any local authority for  
14 any snowmobile or off-road vehicle race, rally or derby.

15 (c) Notification and duty of police.--A local authority  
16 shall notify the local police department and the county  
17 sheriff's office at least one week in advance of the time and  
18 place of any snowmobile or off-road vehicle race, rally or derby  
19 which may result in any highway or street, or part thereof,  
20 being blocked off. Upon such notice, the local police department  
21 shall take such measures as it deems appropriate to protect  
22 persons and property and to regulate traffic in the designated  
23 area and its vicinity on the day of such race, rally or derby.

24 (d) Liability of local authorities.--A local authority shall  
25 not be responsible for any injury suffered by anyone in  
26 connection with, or arising out of, any snowmobile or off-road  
27 vehicle race, rally or derby unless the injury is caused by the  
28 negligence of the local authority.

29 § 7724. Operation on private or State property.

30 (a) Private property.--No person shall operate a snowmobile

1 or an off-road vehicle on private property without the consent  
2 of the owner of or lessor thereof. Any person operating a  
3 snowmobile or an off-road vehicle upon lands of another shall  
4 stop and identify himself upon the request of the landowner or  
5 his duly authorized representatives and, if requested to do so  
6 by the landowner, shall promptly remove the snowmobile or the  
7 off-road vehicle from the premises.

8 (b) State property.--No person shall operate a snowmobile or  
9 an off-road vehicle on State-owned property except on clearly  
10 marked and previously designated snowmobile or off-road vehicle  
11 routes. The department may designate any road within a State  
12 Park or State Forest over which the department has jurisdiction  
13 as a snowmobile or off-road vehicle road and may, in its  
14 discretion, determine whether the road shall be closed to  
15 vehicular traffic or whether snowmobiles or off-road vehicles  
16 may share the designated road with vehicular traffic. Adequate  
17 notices of such designation and determination shall be  
18 sufficiently and prominently displayed.

19 § 7725. Operation by persons under age sixteen.

20 (a) Snowmobile or off-road vehicle safety certification.--  
21 Except as otherwise provided in this section, no person ten  
22 years of age and over who has not reached 16 years of age shall  
23 operate a snowmobile or an off-road vehicle in this  
24 Commonwealth, except upon lands of his parent or guardian,  
25 unless and until he has received safety training as prescribed  
26 by the department and has received the appropriate snowmobile or  
27 off-road vehicle safety certificate issued by the department.  
28 The department may authorize sanctioned snowmobile or off-road  
29 vehicle clubs to act as agents in conducting classes and  
30 examinations and issuing snowmobile or off-road vehicle safety

1 certificates in the name of the department.

2 (b) Failure to exhibit certificate.--The failure of an  
3 operator to exhibit a snowmobile or off-road vehicle safety  
4 certificate upon demand to any police officer having authority  
5 to enforce the provisions of this chapter shall be presumptive  
6 evidence that such person is not the holder of such certificate.

7 (c) Permitting unauthorized operation.--No owner of a  
8 snowmobile or off-road vehicle shall authorize or permit the  
9 operation thereof within this Commonwealth by any person under  
10 the age of 16 years unless the operator is the holder of a valid  
11 snowmobile or off-road vehicle safety certificate or except as  
12 authorized by subsection (a).

13 (d) Limitations on operation.--No person:

14 (1) Under the age of 16 years shall drive a snowmobile  
15 or off-road vehicle across any highway or connecting street  
16 thereto.

17 (2) Under the age of ten years shall operate a  
18 snowmobile or an off-road vehicle without the knowledge and  
19 express consent of the landowner unless he is accompanied by  
20 a person over 18 years of age or a person over 14 years of  
21 age who holds a snowmobile or an off-road vehicle safety  
22 certificate.

23 § 7726. Operation in safe manner.

24 (a) General rule.--No person shall operate a snowmobile or  
25 an off-road vehicle in any of the following ways:

26 (1) At a rate of speed that is unreasonable or improper  
27 under existing conditions.

28 (2) In any careless way so as to endanger the person or  
29 property of another.

30 (3) While under the influence of alcohol or any

1 controlled substance.

2 (b) Permitting unsafe operation.--No owner or other person  
3 having charge or control of a snowmobile or an off-road vehicle  
4 shall knowingly authorize or permit the operation of the  
5 snowmobile or the off-road vehicle by any person who is  
6 incapable to do so by reason of age, physical or mental  
7 disability, or who is under the influence of alcohol or any  
8 controlled substance.

9 § 7727. Additional limitations on operation.

10 Except as otherwise permitted under the act of June 3, 1937  
11 (P.L.1225, No.316), known as "The Game Law," no person shall:

12 (1) Operate or ride in any snowmobile or any off-road  
13 vehicle with any bow and arrows or with any firearm in his  
14 possession unless it is unloaded.

15 (2) Drive or pursue any wildlife with a snowmobile or an  
16 off-road vehicle.

17 § 7728. Accidents and accident reports.

18 (a) Duty to stop and provide information.--Whenever any  
19 snowmobile or any off-road vehicle is involved in an accident  
20 resulting in loss of life, personal injury or damage to property  
21 and the operator thereof has knowledge of such accident, he  
22 shall stop and give his name and address, the name and address  
23 of the owner thereof and the registration number of the  
24 snowmobile or the off-road vehicle to the injured person or the  
25 person sustaining the damage or to a police officer. In case no  
26 police officer nor the person sustaining the damage is present  
27 at the place where the damage occurred, then the operator shall  
28 immediately report, as soon as he is physically able, the  
29 accident to the nearest law enforcement agency.

30 (b) Report of accident to department.--The operator of any

1 snowmobile or any off-road vehicle involved in any accident  
2 resulting in injuries to or death of any person or resulting in  
3 property damage to the estimated amount of \$100 or more shall,  
4 within seven days after such accident, report the matter in  
5 writing to the department. If the operator is physically  
6 incapable of making the report and there is another participant  
7 in the accident not so incapacitated, the participant shall make  
8 the report within the prescribed period of time after the  
9 accident. In the event that there is no other participant and  
10 the operator is other than the owner, then the owner shall  
11 within the prescribed period of time, after learning of the  
12 facts of such accident, report the matter to the department,  
13 together with such information as may have come to his knowledge  
14 relating to such accident. Every operator or owner of a  
15 snowmobile or an off-road vehicle in an accident, or surviving  
16 participant of any such accident, shall make such other and  
17 additional reports as the department shall require.

18 (c) Report by law enforcement officer.--A law enforcement  
19 officer who investigates or receives information of an accident  
20 involving a snowmobile or an off-road vehicle shall make a  
21 written report of the investigation or information received, and  
22 such additional facts relating to the accident as may come to  
23 his knowledge, and mail the same within 48 hours to the  
24 department and keep a record thereof in his office.

25 (d) Exception.--This section does not apply when property  
26 damage is sustained in sanctioned snowmobile or off-road vehicle  
27 races, derbies and rallies.

28 § 7729. Liability of owner for negligence.

29 (a) General rule.--Negligence in the use or operation of a  
30 snowmobile or an off-road vehicle is attributable to the owner.

1 Every owner of a snowmobile or an off-road vehicle used or  
2 operated in this Commonwealth shall be liable and responsible  
3 for death or injury to person or damage to property resulting  
4 from negligence in the use or operation of such snowmobile or  
5 off-road vehicle by any person using or operating the snowmobile  
6 or the off-road vehicle with the permission, express or implied,  
7 of such owner.

8 (b) Exception.--The negligence of the operator shall not be  
9 attributed to the owner as to any claim or cause of action  
10 accruing to the operator or his legal representative for such  
11 injuries or death.

12 § 7741. Head lamps and tail lamps.

13 (a) Time of operation.--Every snowmobile or off-road vehicle  
14 operated during hours of darkness shall display a lighted head  
15 lamp and tail lamp. The lights shall be in operation during the  
16 period of from one-half hour after sunset to one-half hour  
17 before sunrise and at any time when, due to insufficient light  
18 or unfavorable atmospheric conditions caused by fog or  
19 otherwise, other persons, vehicles and other objects are not  
20 clearly discernible for a distance of 500 feet ahead.

21 (b) Head lamp requirements.--The head lamp shall display  
22 white light of sufficient illuminating power to reveal any  
23 person, vehicle or substantial object at a distance of 100 feet  
24 ahead.

25 (1) If the snowmobile or the off-road vehicle is  
26 equipped with a multiple beam head lamp, the upper beam shall  
27 meet the minimum requirements set forth in this section and  
28 the lowermost beam shall be so aimed and of sufficient  
29 intensity to reveal persons and vehicles at a distance of at  
30 least 50 feet ahead.

(2) If the snowmobile or the off-road vehicle 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.

§ 7742. Brakes.

It is unlawful to operate a snowmobile or an off-road vehicle which is not equipped with at least one brake of a design approved by the department operated either by hand or by foot. Snowmobile brakes shall be 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.

§ 7743. Mufflers and noise control.

(a) General rule.--It is unlawful to operate a snowmobile or an off-road vehicle which is not equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile or off-road vehicle noise and is in constant operation to prevent excessive or unusual noise. 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

1 stringent noise requirements.

2 (b) Modified mufflers prohibited.--It is unlawful to modify  
3 a muffler or to operate a snowmobile or an off-road vehicle with  
4 a modified muffler.

5 (c) Exception.--This section does not apply to organized  
6 races or similar competitive events.

7 § 7751. Enforcement personnel and procedures.

8 (a) Duty of enforcement.--Every law enforcement officer in  
9 this Commonwealth and designated officers and employees of the  
10 department shall enforce the provisions of this chapter.

11 (b) Forms and procedures.--The department may prescribe the  
12 form of summons or complaint, or both, in all cases involving a  
13 violation of any provision of this chapter or of any ordinance,  
14 rule or regulation relating to snowmobiles or to off-road  
15 vehicles, or of any class or category of such cases, and may  
16 establish procedures for proper administrative controls over the  
17 disposition thereof.

18 (c) Records and reports.--The chief executive officer of  
19 each local police force, sheriffs and the Commissioner of the  
20 Pennsylvania State Police shall prepare or cause to be prepared  
21 such records and reports as may be prescribed under this  
22 section.

23 (d) Rules and regulations.--The department may promulgate  
24 such rules and regulations as may be deemed necessary to  
25 accomplish the purposes and enforce the provisions of this  
26 section including requirements for reporting by trial courts  
27 having jurisdiction over snowmobile or off-road vehicle  
28 violations.

29 § 7752. Penalties for violation of chapter.

30 (a) General rule.--Except as provided in subsection (b), any

1 person violating any of the provisions of this chapter is guilty  
2 of a summary offense and shall, upon conviction:

3 (1) For a first offense, be sentenced to pay a fine of  
4 not less than \$10 nor more than \$50 and costs of prosecution  
5 and, in default of the payment thereof, shall undergo  
6 imprisonment for not more than ten days.

7 (2) For a second offense, be sentenced to pay a fine of  
8 not less than \$25 nor more than \$100 and costs of prosecution  
9 and, in default of the payment thereof, shall undergo  
10 imprisonment for not more than 30 days.

11 (b) Unauthorized disposition of forms.--Any person who  
12 disposes of any uniform snowmobile or off-road vehicle summons  
13 or complaint in any other manner than that prescribed by law,  
14 rule or regulation is guilty of a misdemeanor of the third  
15 degree.

16 Section 2. Sections 3571(b), 3573(b) and 5553(e) of Title 42  
17 are amended to read:

18 § 3571. Commonwealth portion of fines, etc.

19 \* \* \*

20 (b) Vehicle offenses.--

21 (1) All fines forfeited, recognizances and other  
22 forfeitures imposed, lost or forfeited in connection with  
23 matters arising under Chapter 77 of Title 75 (relating to  
24 snowmobiles and off-road vehicles) shall be payable to the  
25 Commonwealth.

26 (2) When prosecution under any other provision of Title  
27 75 (relating to vehicles) is the result of State Police  
28 action, all fines forfeited, recognizances and other  
29 forfeitures imposed, lost or forfeited shall be payable to  
30 the Commonwealth, for credit to the Motor License Fund. One-

half of the revenue shall be paid to municipalities in the same ratio provided in section 4 of the act of June 1, 1956 (P.L.1944, No.655), relating to partial allocation of liquid fuels and fuel use tax proceeds.

(3) [When] Except as otherwise provided in section 3573(b)(1) (relating to municipal corporation portion of fines, etc.), when prosecution under any other provision of Title 75 is the result of local police action, one-half of all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund.

(c) Costs in district justice proceedings.--Costs collected by a district justice shall be payable to the Commonwealth in the following amounts:

(1) Summary conviction <u>(other than those under Title 75)</u> .....	\$ 5.00
(2) Misdemeanor .....	\$ 7.00
(3) Felony .....	\$ 8.00
(4) Assumpsit or trespass involving:	
(i) \$100 or less .....	\$ 2.50
(ii) More than \$100 but not more than \$300 .	\$ 5.00
(iii) More than \$300 but not more than \$500 .....	\$ 7.50
(iv) More than \$500 .....	\$10.00
(5) Landlord-tenant proceeding .....	\$10.00
(6) Order of execution .....	\$10.00
(7) Issuing a search warrant .....	\$ 7.00

\* \* \*

§ 3573. Municipal corporation portion of fines, etc.

\* \* \*

(b) Vehicle offenses.--

(1) When prosecution under the provisions of Title 75 (relating to vehicles) for parking is the result of local police action, all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited shall be payable to the municipal corporation under which the local police are organized.

(2) When prosecution under any other provision of Title 75 (except Chapter 77 (relating to snowmobiles and off-road vehicles)) is the result of local police action, one-half of all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited shall be payable to the municipal corporation under which the local police are organized.

\* \* \*

§ 5553. Summary offenses involving vehicles.

\* \* \*

(e) Disposition of proceedings within two years.--No proceedings shall be held or action taken by the district justice pursuant to a summary offense under Title 75 subsequent to two years after the commission of the offense. Any such summary offense not concluded by a plea or finding within such two-year period from the commission of the offense shall be vacated and no further action taken thereon.

Section 3. Transition provisions.

(a) Engineering and traffic studies.--Engineering and traffic studies under the pertinent provisions of Title 75 of the Pennsylvania Consolidated Statutes (relating to vehicles) will not be required for traffic restrictions in effect and duly posted or erected on the effective date of this act if the Department of Transportation or local authorities have on file

1 evidence that the traffic restrictions were so posted or  
2 erected, except that engineering and traffic studies will be  
3 required within five years of the effective date of this act in  
4 order to validate the following types of traffic restrictions on  
5 State-designated highways:

6         No-passing zones as provided for in section 3307  
7         (relating to no-passing zones) on two lane, two-way highways.

8         Angle parking as provided for in section 3354(c)  
9         (relating to additional parking regulations).

10         Any maximum speed as provided for in section 3363  
11         (relating to alteration of maximum limits) of less than 35  
12         miles per hour.

13         (b) Registration of vehicles.--

14             (1) Staggered registration renewal system.--The  
15             requirement for a system of staggered registration renewal  
16             provided for in 75 Pa.C.S. § 1307 (relating to period of  
17             registration) as added by the act of July 17, 1976 (P.L.162,  
18             No.81) shall be implemented no later than July 1, 1980.

19             (2) Proration of registration fees.--

20                 (i) When registration of a vehicle is applied for  
21                 after the beginning of the seventh month of the  
22                 registration year but before the beginning of the tenth  
23                 month of the registration year, the fee for registration  
24                 of a vehicle shall be one-half the annual fee.

25                 (ii) When the registration is applied for after the  
26                 beginning of the tenth month of the registration year,  
27                 the fee for registration of a vehicle shall be one-fourth  
28                 the annual fee.

29                 (iii) When registration of a vehicle for a full year  
30                 is applied for during the 15 days preceding the beginning

1 of the registration year, no additional charge shall be  
2 made for registering the vehicle for the balance of the  
3 preceding year.

4 (iv) The provisions of this paragraph shall expire  
5 when the Department of Transportation implements a  
6 staggered registration system.

7 (3) Vehicles first required to be registered.--Vehicles  
8 of a type required for the first time to be registered under  
9 Title 75 of the Pennsylvania Consolidated Statutes shall not  
10 be required to be registered until the next registration  
11 year.

12 (c) Drivers' licenses.--

13 (1) Exemption from examination.--At the time of the  
14 first renewal after July 1, 1977, a driver holding a valid  
15 driver's license issued by the Department of Transportation  
16 may have the renewed driver's license endorsed for Class 2 or  
17 3 vehicles based on self certification of experience in  
18 driving such vehicles without undergoing an examination.

19 (2) Color photograph.--The requirement for a color  
20 photograph on an identification card and driver's license  
21 provided for in 75 Pa.C.S. § 1510 (relating to issuance and  
22 content of driver's license) as added by the act of June 17,  
23 1976 (P.L.162, No.81), shall be implemented no later than  
24 July 1, 1980.

25 (3) Revocations and suspensions.--

26 (i) A person whose driver's license was revoked for  
27 violation of the former provisions of section 1037  
28 (relating to driving under the influence of liquor or  
29 drugs) of the act of April 29, 1959 (P.L.58, No.32),  
30 known as "The Vehicle Code," upon notifying the

1 Department of Transportation of such revocation, shall be  
2 entitled to a reinstatement of the revoked driver's  
3 license upon the expiration of six months from the  
4 commencement of the period of revocation and upon  
5 compliance with requirements applicable to the  
6 reinstatement of revoked licenses.

7 (ii) Notwithstanding the provisions of 75 Pa.C.S. §  
8 1543(b)(3) (relating to extending existing suspension or  
9 revocation), the department, upon receiving a certified  
10 record of the conviction of any person upon a charge of  
11 driving a vehicle while the operating privilege was  
12 revoked for one year under the former provisions of  
13 section 616(a) (relating to revocation of operating  
14 privilege) of "The Vehicle Code" of 1959 or revoked for  
15 six months or one year under Title 75 of the Pennsylvania  
16 Consolidated Statutes prior to the effective date of this  
17 act, shall suspend such operating privilege for an  
18 additional like period.

19 (d) Studded tires.--Notwithstanding the provisions of 75  
20 Pa.C.S. § 4525(c) (relating to tire equipment and traction  
21 surfaces), tires in which ice grips or tire studs of wear  
22 resisting material have been installed which provide resiliency  
23 upon contact with the road and which have projections not  
24 exceeding two thirty-seconds of one inch beyond the tread of the  
25 traction surface of the tire shall be permitted between the date  
26 of final enactment of this act and April 30, 1979. This  
27 subsection shall take effect immediately.

28 Section 4. Validation of prior actions.

29 Any person required to take or prohibited from taking any  
30 action under the provisions of Title 75 of the Pennsylvania

1 Consolidated Statutes (relating to vehicles) between July 1,  
2 1977 and the effective date of this act shall be deemed to have  
3 complied with the law if the action taken or not taken is in  
4 conformity with the applicable provisions as changed or added by  
5 this act.

6 Section 5. Repeals.

7 Section 2(f), (g) and (h), act of June 17, 1976 (P.L.162,  
8 No.81), entitled "An act amending Title 75 (Vehicles) of the  
9 Pennsylvania Consolidated Statutes, adding revised, compiled and  
10 codified provisions relating to vehicles and pedestrians," is  
11 hereby repealed.

12 The act of July 25, 1977 (P.L.95, No.35), known as the  
13 "Mobile Home Titling Act," is hereby repealed insofar as  
14 inconsistent with this act.

15 Section 6. Effective date.

16 (a) General rule.--Except as provided in subsection (b),  
17 this act shall take effect in 60 days.

18 (b) Effective in 90 days.--The following provisions of Title  
19 75 of the Pennsylvania Consolidated Statutes (relating to  
20 vehicles), insofar as affected by this act, shall take effect in  
21 90 days:

22 Section 1514 (relating to expiration and renewal of  
23 drivers' licenses).

24 Section 1519 (relating to determination of incompetency).

25 Section 1532 (relating to suspension or revocation of  
26 operating privilege).

27 Section 1535 (relating to schedule of convictions and  
28 points).

29 Section 1538 (relating to school, examination or hearing  
30 on accumulation of points or excessive speeding).

1           Section 1539 (relating to suspension of operating  
2   privilege on accumulation of points).

3           Section 1542 (relating to revocation of habitual  
4   offender's license).

5           Section 1543 (relating to driving while operating  
6   privilege is suspended or revoked).

7           Section 1545 (relating to restoration of operating  
8   privilege).

9           Section 1551 (relating to notice of department action).

10          Section 1572 (relating to cancellation and suspension of  
11   operating privilege).