

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1118 Session of  
1981

INTRODUCED BY SAURMAN, COCHRAN, ARTY, MERRY, JACKSON, DAIKELER,  
BOYES, CLYMER, CESSAR, NAHILL, CORNELL, MRKONIC, SHUPNIK,  
GLADECK, HAGARTY, SNYDER, CALTAGIRONE, CLARK, McMONAGLE,  
PETRONE, HORGOS, DUFFY, RIEGER, OLIVER, A. C. FOSTER, JR.  
AND WESTON, APRIL 1, 1981

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MARCH 29, 1982

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, providing for the SURRENDER OR confiscation of <—  
3 REGISTRATION PLATES, CARDS AND certain drivers' licenses AND <—  
4 FURTHER PROVIDING FOR EXEMPTION FROM FEES.

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

7 Section 1. ~~Section~~ SECTIONS 1376 AND 1540 AND CLAUSE (16) OF <—  
8 SUBSECTION (C) OF SECTION 1901 of Title 75, act of November 25,  
9 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated  
10 Statutes, ~~is~~ ARE amended to read: <—

11 § 1376. SURRENDER OF REGISTRATION PLATES AND CARDS UPON <—  
12 SUSPENSION.

13 (A) GENERAL RULE.--THE DEPARTMENT, UPON SUSPENDING ANY  
14 REGISTRATION, SHALL REQUIRE THE REGISTRATION PLATE OR PLATES AND  
15 REGISTRATION CARD TO BE SURRENDERED IMMEDIATELY TO THE  
16 DEPARTMENT AND MAY DELEGATE AUTHORITY TO ANY AUTHORIZED  
17 DEPARTMENT EMPLOYEE, ISSUING AUTHORITY, [OR] POLICE OFFICER,

1 DISTRICT CONSTABLE OR WRIT SERVER TO SEIZE THE REGISTRATION  
2 PLATE OR PLATES AND REGISTRATION CARD OR CARDS.

3 (B) ISSUING AUTHORITIES, DISTRICT CONSTABLES AND WRIT  
4 SERVICES.--WHENEVER THE SURRENDER OF REGISTRATION PLATES AND  
5 CARDS IS ACCOMPLISHED THROUGH THE USE OF ISSUING AUTHORITIES,  
6 DISTRICT CONSTABLES OR WRIT SERVICES, THE PROCEDURES FOR SUCH  
7 SURRENDER SHALL BE PRESCRIBED BY GENERAL RULE BY THE SUPREME  
8 COURT. FOR EACH CARD AND PLATE SET RECOVERED BY A DISTRICT  
9 CONSTABLE OR WRIT SERVER, THE DEPARTMENT SHALL PAY SUCH OFFICER  
10 A FEE OF \$10 WHICH SHALL INCLUDE MILEAGE.

11 (C) REIMBURSEMENT OF DEPARTMENT.--AS A CONDITION FOR THE  
12 RETURN OF A REGISTRATION PLATE AND CARD SURRENDERED TO A  
13 DISTRICT CONSTABLE OR A WRIT SERVER, A PERSON SHALL REIMBURSE  
14 THE DEPARTMENT A SERVICE FEE OF \$25.

15 [(B)] (D) PENALTY.--ANY PERSON FAILING OR REFUSING TO  
16 SURRENDER TO THE DEPARTMENT OR TO ITS AUTHORIZED EMPLOYEE,  
17 ISSUING AUTHORITY, POLICE OFFICER, DISTRICT CONSTABLE OR WRIT  
18 SERVER, UPON DEMAND, ANY REGISTRATION PLATE OR CARD WHICH HAS  
19 BEEN SUSPENDED IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON  
20 CONVICTION, BE SENTENCED TO PAY A FINE OF \$100.

21 § 1540. Surrender, ~~and confiscation~~ CONFISCATION AND  
22 SEIZURE of license.

23 (a) Conviction of offense.--Upon a conviction for any  
24 offense which calls for mandatory revocation in accordance with  
25 section 1532 (relating to revocation or suspension of operating  
26 privilege), the court or the district attorney shall require the  
27 surrender of any driver's license then held by the defendant and  
28 shall forward the driver's license together with a record of the  
29 conviction to the department.

30 (b) Suspension of operating privilege.--Upon the suspension

1 of the operating privilege of any person by the department, the  
2 department shall forthwith notify the person in writing to  
3 surrender his driver's license to the department for the term of  
4 suspension.

5 (c) Confiscation of license.--

6 (1) In addition to any other authorized method by which  
7 the department may reacquire cancelled, revoked or suspended  
8 driver's licenses, a police officer who has lawfully  
9 requested the exhibition of a driver's license pursuant to  
10 section 1511 (relating to carrying and exhibiting driver's  
11 license on demand) shall, upon verifying with the department  
12 that the license has been cancelled, revoked or suspended,  
13 confiscate the license and forward it directly to the  
14 department.

15 (2) The department shall by regulation establish  
16 procedures for police officers to verify the status of  
17 drivers' licenses and shall not authorize the confiscation of  
18 any license unless all the procedural requirements for  
19 cancellation, revocation or suspension have been satisfied.

20 (D) SEIZURE OF LICENSE.--

<—

21 (1) IF A LICENSE, REQUIRED BY THIS SUBCHAPTER TO BE  
22 SURRENDERED UPON NOTICE OF THE SUSPENSION OR REVOCATION OF  
23 OPERATING PRIVILEGES, IS NOT RECEIVED BY THE DEPARTMENT  
24 WITHIN A REASONABLE TIME, THE DEPARTMENT MAY DELEGATE  
25 AUTHORITY TO ANY AUTHORIZED DEPARTMENT EMPLOYEE, ISSUING  
26 AUTHORITY, POLICE OFFICER, DISTRICT CONSTABLE OR WRIT SERVER  
27 TO SEIZE THE LICENSE.

28 (2) WHENEVER THE SURRENDER OF A LICENSE IS ACCOMPLISHED  
29 THROUGH THE USE OF ISSUING AUTHORITIES, DISTRICT CONSTABLES  
30 OR WRIT SERVERS, THE PROCEDURES FOR SUCH SURRENDER SHALL BE

1     PRESCRIBED BY GENERAL RULE BY THE SUPREME COURT. FOR EACH  
2     LICENSE RECOVERED BY A DISTRICT CONSTABLE OR WRIT SERVER, THE  
3     DEPARTMENT SHALL PAY SUCH OFFICER A FEE OF \$10 WHICH SHALL  
4     INCLUDE MILEAGE.

5     (E) REIMBURSEMENT OF DEPARTMENT.--AS A CONDITION FOR THE  
6     RETURN OF A LICENSE SURRENDERED TO A CONSTABLE OR WRIT SERVER, A  
7     PERSON SHALL REIMBURSE THE DEPARTMENT A SERVICE FEE OF \$25.

8     (F) PENALTY.--ANY PERSON FAILING OR REFUSING TO SURRENDER TO  
9     THE DEPARTMENT OR TO ITS AUTHORIZED EMPLOYEE, ISSUING AUTHORITY,  
10    POLICE OFFICER, DISTRICT CONSTABLE OR WRIT SERVER, UPON DEMAND,  
11    ANY LICENSE WHICH HAS BEEN SUSPENDED IS GUILTY OF A SUMMARY  
12    OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE  
13    OF \$100.

14    § 1901. EXEMPTION OF ENTITIES AND VEHICLES FROM FEES.

15     \* \* \*

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     \* \* \*

22     (16) ANY PERSON [WHO IS RETIRED AND RECEIVING SOCIAL     <—  
23    SECURITY OR OTHER PENSION AND] WHOSE TOTAL INCOME DOES NOT     <—  
24    EXCEED [\$7,500] \$12,000 PER YEAR. UNLESS THE [RETIRED] PERSON     <—  
25    IS PHYSICALLY OR MENTALLY INCAPABLE OF DRIVING THE VEHICLE,  
26    THE [RETIRED] PERSON SHALL BE THE PRINCIPAL DRIVER OF THE     <—  
27    VEHICLE BUT MAY FROM TIME TO TIME AUTHORIZE ANOTHER PERSON TO  
28    DRIVE THE VEHICLE IN HIS OR HER STEAD.

29     \* \* \*

30    Section 2. This act shall take effect in 60 days.