

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 279 Session of 1997

INTRODUCED BY STOUT, COSTA AND BELAN, JANUARY 29, 1997

SENATE AMENDMENTS TO HOUSE AMENDMENTS, OCTOBER 21, 1997

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing FOR DUTIES OF AGENTS, for <—
3 protective equipment for motorcycle riders AND FOR THE USE OF <—
4 SUN SCREENING; and designating a highway AND A BRIDGE; AND <—
5 DESIGNATING S.R. 981 IN UNITY TOWNSHIP, WESTMORELAND COUNTY,
6 AS TECHNOLOGY WAY.

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

9 Section 1. Section 3525 of Title 75 of the Pennsylvania <—
10 Consolidated Statutes is amended to read:

11 SECTION 1. SECTIONS 1318(D) AND (E), 3525 AND 4524(E) OF <—
12 TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED
13 TO READ:

14 § 1318. DUTIES OF AGENTS.

15 \* \* \*

16 [(D) VERIFICATION OF INFORMATION ON APPLICATION.--IN
17 ADDITION TO ANY OTHER DUTY PRESCRIBED BY THIS TITLE OR
18 DEPARTMENTAL REGULATIONS, AN AGENT SHALL VERIFY THAT THE
19 PURCHASE PRICE STATED ON THE APPLICATION APPROXIMATES THE FAIR

1 MARKET VALUE OF THE VEHICLE IN A MANNER PRESCRIBED BY THE  
2 DEPARTMENT AS SET FORTH IN A NOTICE PUBLISHED IN THE  
3 PENNSYLVANIA BULLETIN.

4 (E)] (D) PENALTY.--ANY PERSON WHO VIOLATES THIS SECTION, IN  
5 ADDITION TO ANY PENALTY, SUSPENSION OR REVOCATION IMPOSED BY THE  
6 DEPARTMENT, COMMITS A SUMMARY OFFENSE AND SHALL, UPON  
7 CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$100 NOR  
8 MORE THAN \$500 AND FOR EACH SUBSEQUENT OR ADDITIONAL OFFENSE, A  
9 FINE OF NOT LESS THAN \$200 NOR MORE THAN \$500, OR TO  
10 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.

11 § 3525. Protective equipment for motorcycle riders.

12 (a) Protective headgear.--Except as provided in subsection  
13 (d), no person shall operate or ride upon a motorcycle or a  
14 motor-driven cycle (other than a motorized pedalcycle) unless he  
15 is wearing protective headgear which complies with standards  
16 established by the department.

17 (b) Eye-protective devices.--Except as provided in  
18 subsection (d), no person shall operate or ride upon a  
19 motorcycle (other than a motorized pedalcycle) unless he is  
20 wearing an eye-protective device of a type approved by the  
21 department.

22 (c) Approval of equipment.--The department may approve or  
23 disapprove protective headgear and eye-protective devices  
24 required under this section and may issue and enforce  
25 regulations establishing standards and specifications for the  
26 approval of the headgear and devices. The department shall  
27 publish lists of all protective headgear and eye-protective  
28 devices by name and type which have been approved.

29 (d) Exception.--The provisions of subsections (a) and (b)  
30 shall not apply to the following:

1           (1) The operator or any occupant of a three-wheeled  
2           motorcycle equipped with an enclosed cab.

3           (2) A person 21 years of age or older who has been  
4           licensed to operate a motorcycle for not less than two full  
5           calendar years.

6           (3) A person 21 years of age or older who has completed  
7           a motorcycle rider safety course approved by the department  
8           or the Motorcycle Safety Foundation.

9           (4) The passenger of a person exempt under this  
10          subsection, if the passenger is 21 years of age or older.

11          (e) Report to General Assembly.--One year after the  
12          effective date of this section the Legislative Budget and  
13          Finance Committee shall commence a study to determine:

14           (1) what, if any, increased injuries and fatalities may  
15           be attributed to the exceptions hereunder provided;

16           (2) the extent to which persons incurring such injuries  
17           or fatalities have maintained insurance coverage for medical  
18           costs associated with such injuries or fatalities; and

19           (3) the resulting need, if any, for the imposition of  
20           mandates on insurers to provide affordable medical insurance  
21           coverage for such persons for medical expenses that may be  
22           attributed to the exceptions hereunder provided and on such  
23           persons to maintain coverage to the extent that it is  
24           available and reasonably affordable. This study shall be  
25           filed with the Transportation Committee of the Senate and the  
26           Transportation Committee of the House of Representatives  
27           within nine months of its commencement.

28 § 4524. WINDSHIELD OBSTRUCTIONS AND WIPERS. ←

29 \* \* \*

30 (E) SUN SCREENING AND OTHER MATERIALS PROHIBITED.--

1            [(1) NO PERSON SHALL DRIVE ANY MOTOR VEHICLE WITH ANY  
2            SUN SCREENING DEVICE OR OTHER MATERIAL WHICH DOES NOT PERMIT  
3            A PERSON TO SEE OR VIEW THE INSIDE OF THE VEHICLE THROUGH THE  
4            WINDSHIELD, SIDE WING OR SIDE WINDOW OF THE VEHICLE.

5            (2) THIS SUBSECTION DOES NOT APPLY TO:

6            (I) A VEHICLE WHICH IS EQUIPPED WITH TINTED WINDOWS  
7            OF THE TYPE AND SPECIFICATION THAT WERE INSTALLED BY THE  
8            MANUFACTURER OF THE VEHICLE OR TO ANY HEARSE, AMBULANCE,  
9            GOVERNMENT VEHICLE OR ANY OTHER VEHICLE FOR WHICH A CURRENTLY  
10            VALID CERTIFICATE OF EXEMPTION HAS BEEN ISSUED IN ACCORDANCE  
11            WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

12            (II) A VEHICLE WHICH IS EQUIPPED WITH TINTED  
13            WINDOWS, SUN SCREENING DEVICES OR OTHER MATERIALS WHICH  
14            COMPLY WITH ALL APPLICABLE FEDERAL REGULATIONS AND FOR  
15            WHICH A CURRENTLY VALID CERTIFICATE OF EXEMPTION FOR  
16            MEDICAL REASONS HAS BEEN ISSUED IN ACCORDANCE WITH  
17            REGULATIONS ADOPTED BY THE DEPARTMENT.

18            (3) A CERTIFICATE OF EXEMPTION SHALL BE ISSUED BY THE  
19            DEPARTMENT FOR A VEHICLE WHICH IS:

20            (I) REGISTERED IN THIS COMMONWEALTH ON THE EFFECTIVE  
21            DATE OF THIS SUBSECTION AND IS EQUIPPED WITH A SUN  
22            SCREENING DEVICE OR OTHER MATERIAL PROHIBITED UNDER  
23            PARAGRAPH (1) ON THE EFFECTIVE DATE.

24            (II) EQUIPPED WITH TINTED WINDOWS, SUN SCREENING  
25            DEVICES OR OTHER MATERIALS FOR A PHYSICAL CONDITION THAT  
26            MAKES IT NECESSARY TO EQUIP THE MOTOR VEHICLE WITH SUN  
27            SCREENING MATERIAL WHICH WOULD BE OF A LIGHT  
28            TRANSMITTANCE OR LUMINOUS REFLECTANCE IN VIOLATION OF  
29            THIS SECTION.

30            (A) A CERTIFICATE OF EXEMPTION FOR MEDICAL

1 REASONS SHALL BE ISSUED ONLY IF THE OWNER OR  
2 REGISTRANT OF THE VEHICLE, OR A PERSON RESIDING IN  
3 THE HOUSEHOLD OF THE OWNER OR REGISTRANT WHO  
4 REGULARLY DRIVES OR IS DRIVEN IN THE VEHICLE, SUFFERS  
5 FROM A PHYSICAL CONDITION DETERMINED BY THE  
6 DEPARTMENT, IN CONSULTATION WITH THE MEDICAL ADVISORY  
7 BOARD, TO JUSTIFY THE EXEMPTION.

8 (B) ANY PERSON REQUESTING AN EXEMPTION FOR  
9 MEDICAL REASONS SHALL HAVE HIS PHYSICAL CONDITION  
10 CERTIFIED TO THE DEPARTMENT BY A LICENSED PHYSICIAN  
11 OR OPTOMETRIST.

12 (4) A CERTIFICATE OF EXEMPTION ISSUED UNDER THIS  
13 SUBSECTION SHALL BE CARRIED IN THE VEHICLE AND DISPLAYED ON  
14 REQUEST OF A POLICE OFFICER.

15 (5) UPON THE SALE OR TRANSFER OF THE VEHICLE TO ANY  
16 PERSON WHO DOES NOT QUALIFY UNDER PARAGRAPH (2)(II), THE  
17 EXEMPTION SHALL BE NULL AND VOID. PRIOR TO THE SALE OR  
18 TRANSFER OF AN EXEMPT VEHICLE, IT SHALL BE THE SOLE  
19 RESPONSIBILITY OF THE OWNER OR SELLER OF A FORMERLY EXEMPT  
20 VEHICLE TO REMOVE ALL SUN SCREENING OR OTHER MATERIALS FROM  
21 THE VEHICLE. AT THE TIME OF THE SALE OR TRANSFER OF A  
22 FORMERLY EXEMPT VEHICLE, THE OWNER SHALL REMOVE AND DESTROY  
23 THE CERTIFICATE OF EXEMPTION FOR PHYSICAL REASONS AND PROVIDE  
24 THE PURCHASER WITH A NOTARIZED STATEMENT SETTING FORTH THE  
25 NAME AND ADDRESS OF THE OWNER OR SELLER, THE VEHICLE  
26 IDENTIFICATION NUMBER, YEAR AND MODEL, AND THE BUSINESS  
27 ENTITY AND PROCESS USED TO REMOVE THE SUN SCREENING OR OTHER  
28 MATERIAL.]

29 (1) NO PERSON MAY OPERATE ON ANY PUBLIC HIGHWAY, ROAD OR  
30 STREET A MOTOR VEHICLE THAT IS REGISTERED OR REQUIRED TO BE

1 REGISTERED IN THIS COMMONWEALTH THAT HAS A SUN SCREENING  
2 DEVICE ON THE WINDSHIELD, THE FRONT SIDE WINGS AND SIDE  
3 WINDOWS ADJACENT TO THE RIGHT AND LEFT OF THE DRIVER AND  
4 WINDOWS ADJACENT TO THE REAR OF THE DRIVER THAT DOES NOT MEET  
5 THE REQUIREMENTS OF THIS SUBSECTION.

6 (2) NOTHING IN THIS SECTION SHALL PROHIBIT THE USE OF  
7 ANY PRODUCT OR MATERIALS ALONG THE TOP EDGE OF THE WINDSHIELD  
8 SO LONG AS SUCH PRODUCT AND MATERIALS ARE TRANSPARENT AND DO  
9 NOT ENCROACH UPON THE AS-1 PORTION OF THE WINDSHIELD.

10 (3) A SUN SCREENING DEVICE WHEN USED IN CONJUNCTION WITH  
11 THE AUTOMOTIVE SAFETY GLAZING MATERIALS OF THE SIDE WINGS OR  
12 SIDE WINDOWS LOCATED AT THE IMMEDIATE RIGHT AND LEFT OF THE  
13 DRIVER SHALL BE A NONREFLECTIVE TYPE WITH REFLECTIVITY OF NOT  
14 MORE THAN 15% AND HAVE A LIGHT TRANSMISSION OF NOT LESS THAN  
15 35%. A SUN SCREENING DEVICE WHEN USED IN CONJUNCTION WITH THE  
16 AUTOMOTIVE SAFETY GLAZING MATERIALS ON THE REAR SIDE WINDOWS  
17 AND THE REARMOST WINDOWS SHALL BE A NONREFLECTIVE TYPE WITH  
18 REFLECTIVITY OF NOT MORE THAN 15% AND HAVE A LIGHT  
19 TRANSMISSION OF NOT LESS THAN 35%. IF A SUN SCREENING DEVICE  
20 IS USED ON GLAZING BEHIND THE DRIVER, ONE RIGHT AND ONE LEFT  
21 OUTSIDE REARVIEW MIRROR IS REQUIRED.

22 (4) EACH MANUFACTURER SHALL:

23 (I) CERTIFY TO THE DEPARTMENT THAT A SUN SCREENING  
24 DEVICE USED BY IT IS IN COMPLIANCE WITH THE REFLECTIVITY  
25 AND TRANSMITTANCE REQUIREMENTS OF THIS SUBSECTION.

26 (II) PROVIDE A LABEL NOT TO EXCEED ONE AND ONE-HALF  
27 SQUARE INCHES IN SIZE, WITH A MEANS FOR THE PERMANENT AND  
28 LEGIBLE INSTALLATIONS BETWEEN THE SUN SCREENING MATERIAL  
29 AND EACH GLAZING SURFACE TO WHICH IT IS APPLIED THAT  
30 CONTAINS THE MANUFACTURER'S NAME AND ITS PERCENTAGE OF

1           LIGHT TRANSMISSION.

2           (III) INCLUDE INSTRUCTIONS WITH THE PRODUCT OR  
3           MATERIAL FOR PROPER INSTALLATION, INCLUDING THE AFFIXING  
4           OF THE LABEL SPECIFIED IN THIS SUBSECTION. THE LABELING  
5           OR MARKING MUST BE PLACED IN THE LEFT LOWER CORNER OF  
6           EACH GLAZING SURFACE WHEN FACING THE VEHICLE FROM THE  
7           OUTSIDE.

8           (5) NO PERSON MAY:

9           (I) OFFER FOR SALE OR FOR USE ANY SUN SCREENING  
10          PRODUCT OR MATERIAL FOR MOTOR VEHICLE USE NOT IN  
11          COMPLIANCE WITH THIS SUBSECTION.

12          (II) INSTALL ANY SUN SCREENING PRODUCT OR MATERIAL  
13          ON VEHICLES INTENDED FOR USE ON PUBLIC ROADS WITHOUT  
14          PERMANENTLY AFFIXING THE LABEL SPECIFIED IN THIS  
15          SUBSECTION.

16          (6) THIS SUBSECTION DOES NOT APPLY TO A VEHICLE WHICH IS  
17          EQUIPPED WITH TINTED WINDOWS OF THE TYPE AND SPECIFICATION  
18          THAT WERE INSTALLED BY THE MANUFACTURER OF THE VEHICLE OR TO  
19          ANY HEARSE, AMBULANCE OR GOVERNMENT VEHICLE. THE LIGHT  
20          TRANSMITTANCE REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY  
21          TO WINDOWS BEHIND THE DRIVER ON TRUCKS, BUSES, TRAILERS,  
22          MOTOR HOMES AND MULTIPURPOSE PASSENGER VEHICLES WHICH ARE  
23          CONSTRUCTED ON A TRUCK CHASSIS OR EQUIPPED BY THE  
24          MANUFACTURER WITH SPECIAL FEATURES FOR OCCASIONAL OFF-ROAD  
25          OPERATIONS.

26          (7) A PERSON WHO VIOLATES THE PROVISIONS OF THIS  
27          SUBSECTION COMMITS A SUMMARY OFFENSE.

28          (8) THE DEPARTMENT SHALL APPROVE DEVICES WHICH POLICE  
29          OFFICERS MAY USE TO MEASURE THE DEGREE OF TINTING OF WINDOWS  
30          FOR THE PURPOSE OF ENFORCING COMPLIANCE WITH THIS SUBSECTION.

1           (9) AS USED IN THIS SUBSECTION:

2           "BUS." A MOTOR VEHICLE WITH MOTIVE POWER, EXCEPT A  
3 TRAILER, DESIGNED FOR CARRYING MORE THAN TEN PERSONS.

4           "LIGHT TRANSMISSION." THE RATIO OF THE AMOUNT OF TOTAL  
5 LIGHT TO PASS THROUGH A PRODUCT OR MATERIAL TO THE AMOUNT OF  
6 THE TOTAL LIGHT FALLING ON THE PRODUCT OR MATERIAL. A 7%  
7 TOLERANCE SHALL BE ALLOWED WHEN CHECKING THE LIGHT  
8 TRANSMISSION FOR ENFORCEMENT PURPOSES.

9           "MANUFACTURER." ANY PERSON ENGAGED IN THE MANUFACTURING  
10 OR ASSEMBLING OF SUN SCREENING PRODUCTS OR MATERIALS DESIGNED  
11 TO BE USED IN CONJUNCTION WITH VEHICLE GLAZING MATERIALS FOR  
12 THE PURPOSE OF REDUCING THE EFFECTS OF THE SUN.

13           "MOTOR HOMES." VEHICULAR UNITS DESIGNED TO PROVIDE  
14 TEMPORARY LIVING QUARTERS BUILT INTO AND AN INTEGRAL PART OF  
15 OR PERMANENTLY ATTACHED TO A SELF-PROPELLED MOTOR VEHICLE  
16 CHASSIS.

17           "MULTIPURPOSE PASSENGER VEHICLE." A MOTOR VEHICLE WITH  
18 MOTIVE POWER, EXCEPT A TRAILER, DESIGNED TO CARRY TEN PERSONS  
19 OR LESS WHICH IS CONSTRUCTED EITHER ON A TRUCK CHASSIS OR  
20 WITH SPECIAL FEATURES FOR OCCASIONAL OFF-ROAD OPERATION.

21           "NONREFLECTIVE." A PRODUCT OR MATERIAL DESIGNED TO  
22 ABSORB LIGHT RATHER THAN TO REFLECT IT.

23           "SUN SCREENING DEVICE." FILM MATERIAL OR DEVICE THAT IS  
24 DESIGNED TO BE USED IN CONJUNCTION WITH MOTOR VEHICLE SAFETY  
25 GLAZING MATERIALS FOR REDUCING THE EFFECT OF THE SUN.

26       Section 2. (a) That section of Route 3013 in Westmoreland  
27 County, beginning on Interstate 70 and ending at the Donora-  
28 Monessen Bridge, is hereby designated and shall be known as the  
29 C. Vance DeiCas Memorial Highway.

30       (b) The Department of Transportation shall erect and

1 maintain road signs, which shall display the name of C. Vance  
2 DeiCas Memorial Highway, at the beginning and the end of the  
3 section of the highway designated.

4 SECTION 3. (A) THE BRIDGE CARRYING STATE ROUTE 103 OVER THE ←  
5 JUNIATA RIVER BETWEEN LEWISTOWN AND GRANVILLE IN MIFFLIN COUNTY  
6 IS DESIGNATED AS THE MIFFLIN COUNTY VETERANS MEMORIAL BRIDGE.

7 (B) THE DEPARTMENT OF TRANSPORTATION SHALL ERECT AT EACH  
8 SIDE OF THE DESIGNATED BRIDGE A SIGN STATING THE DESIGNATION.

9 SECTION 4. (A) THE PORTION OF S.R. 981 IN UNITY TOWNSHIP,  
10 WESTMORELAND COUNTY, FROM THE INTERSECTION WITH U.S. ROUTE 30 TO  
11 THE INTERSECTION WITH GRAVEL HILL ROAD (T-705) IS HEREBY  
12 DESIGNATED AS TECHNOLOGY WAY.

13 (B) THE DEPARTMENT SHALL ERECT AND MAINTAIN ROAD SIGNS WHICH  
14 SHALL DISPLAY THE NAME OF TECHNOLOGY WAY AT THE BEGINNING AND  
15 THE END OF THE HIGHWAY DESIGNATED IN SUBSECTION (A).

16 Section 3 5. This act shall take effect in 60 days. ←