

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 804 Session of  
2005

INTRODUCED BY MAITLAND, SAYLOR, HESS, CALTAGIRONE, CAPPELLI,  
CRAHALLA, GINGRICH, GODSHALL, GRUCELA, HARRIS, M. KELLER,  
KILLION, McILHATTAN, MILLARD, S. MILLER, NAILOR, NICKOL,  
PAYNE, PHILLIPS, READSHAW, SAINATO, SCAVELLO, SOLOBAY, STERN,  
E. Z. TAYLOR, WALKO, GILLESPIE AND BOYD, MARCH 14, 2005

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 27, 2006

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for ~~unattended children in motor~~ <—  
3 ~~vehicles, for fleeing or attempting to elude police officer~~ <—  
4 ~~and for restrictions on highway and bridge use. VEHICLES AND~~ <—  
5 ~~FOR FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER. AN~~ <—  
6 ELECTRONIC TITLING PROGRAM, FOR UNATTENDED CHILDREN IN MOTOR  
7 VEHICLES AND FOR FLEEING OR ATTEMPTING TO ELUDE POLICE  
8 OFFICER; PROHIBITING OPERATORS FROM USING HANDHELD MOBILE  
9 TELEPHONES; AND FURTHER PROVIDING FOR EXEMPTION FROM  
10 ADDITIONAL REQUIREMENTS FOR HIGHWAY OCCUPANCY PERMITS FOR  
11 AGRICULTURAL PURPOSES.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 ~~Section 1. Section 3701.1(b) of Title 75 of the Pennsylvania~~ <—  
15 ~~Consolidated Statutes is amended to read:~~

16 SECTION 1. SECTION 1151 OF TITLE 75 OF THE PENNSYLVANIA <—  
17 CONSOLIDATED STATUTES IS AMENDED TO READ:

18 § 1151. ELECTRONIC MEDIA SYSTEM FOR VEHICLE TITLES.

19 (A) INITIAL RESPONSIBILITIES OF DEPARTMENT.--THE DEPARTMENT  
20 IS AUTHORIZED TO FORM A TASK FORCE FOR THE PURPOSE OF DEVELOPING

1 A SYSTEM WHICH WILL PERMIT THE VOLUNTARY RECORDING OF VEHICLE  
2 TITLE INFORMATION FOR NEW, TRANSFERRED AND CORRECTED  
3 CERTIFICATES OF TITLE, INCLUDING THE PERFECTION AND RELEASE OF  
4 SECURITY INTERESTS, THROUGH ELECTRONIC MEDIA IN A COST-EFFECTIVE  
5 MANNER IN LIEU OF THE SUBMISSION AND MAINTENANCE OF PAPER  
6 DOCUMENTS OTHERWISE REQUIRED BY THIS CHAPTER. THE MEMBERS OF THE  
7 TASK FORCE SHALL BE APPOINTED BY THE SECRETARY AND SHALL INCLUDE  
8 REPRESENTATIVES FROM THE DEPARTMENT, THE COMMERCIAL BANKING  
9 INDUSTRY, SALES FINANCE COMPANIES, CREDIT UNIONS, SAVINGS  
10 INSTITUTIONS AND THE VEHICLE DEALERSHIP INDUSTRY.

11 (B) TASK FORCE RESPONSIBILITIES.--THE TASK FORCE SHALL  
12 RESEARCH METHODS WHEREBY THE DEPARTMENT, LENDING INSTITUTIONS  
13 AND SALES FINANCE COMPANIES MAY EXCHANGE AND MAINTAIN  
14 INFORMATION CONCERNING THE PERFECTION AND RELEASE OF VEHICLE  
15 SECURITY INTERESTS WITHOUT SUBMITTING OR RECEIVING THE PAPER  
16 TITLE DOCUMENT. FURTHER, THE TASK FORCE SHALL DEVELOP METHODS  
17 WHEREBY LENDING INSTITUTIONS AND SALES FINANCE COMPANIES MAY  
18 SUBMIT, THROUGH A VARIETY OF ELECTRONIC MEDIA, UPDATED  
19 INFORMATION PERTAINING TO THE TITLE RECORD, INCLUDING THE  
20 ADDITION, ASSIGNMENT OR RELEASE OF VEHICLE SECURITY INTERESTS.

21 (C) EXPIRATION.--THIS SECTION EXPIRES JANUARY 1, 2007.

22 SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

23 § 1151.1. PROGRAM.

24 (A) GENERAL RULE.--THE DEPARTMENT SHALL ADMINISTER AN  
25 ELECTRONIC TITLING PROGRAM THAT PERMITS THE RECORDING OF VEHICLE  
26 TITLE INFORMATION FOR NEW, TRANSFERRED AND CORRECTED  
27 CERTIFICATES OF TITLE THROUGH ELECTRONIC MEDIA IN A COST-  
28 EFFECTIVE MANNER IN LIEU OF THE SUBMISSION AND MAINTENANCE OF  
29 PAPER DOCUMENTS OTHERWISE REQUIRED BY THIS CHAPTER.

30 (B) DESCRIPTION.--THE ELECTRONIC TITLING PROGRAM SHALL

1 INCLUDE, BUT NOT BE LIMITED TO, METHODS BY WHICH VEHICLE TITLE  
2 INFORMATION, INCLUDING THE PERFECTION, RELEASE AND ASSIGNMENT OF  
3 VEHICLE SECURITY INTERESTS MAY BE SUBMITTED THROUGH ELECTRONIC  
4 MEDIA.

5 (C) MANDATORY PARTICIPATION.--EXCEPT FOR INDIVIDUALS AND  
6 LIENHOLDERS WHO ARE NOT NORMALLY ENGAGED IN THE BUSINESS OR  
7 PRACTICE OF FINANCING VEHICLES, LIENHOLDERS SHALL PARTICIPATE IN  
8 THE ELECTRONIC TITLING PROGRAM.

9 SECTION 3. SECTIONS 1152 AND 1154 OF TITLE 75 ARE AMENDED TO  
10 READ:

11 § 1152. DEVELOPMENT OF PILOT PROGRAM.

12 (A) PILOT PROGRAM DEVELOPMENT.--THE TASK FORCE APPOINTED  
13 UNDER SECTION 1151 (RELATING TO ELECTRONIC MEDIA SYSTEM FOR  
14 VEHICLE TITLES) SHALL DEVELOP A PILOT PROGRAM TO IMPLEMENT  
15 VOLUNTARY ELECTRONIC TRANSACTIONS IN LIEU OF THE PAPER DOCUMENTS  
16 REQUIRED BY THIS CHAPTER. THE DEPARTMENT MAY LIMIT THE NUMBER OF  
17 COUNTIES IN WHICH THE PILOT PROGRAM WILL BE IN EFFECT AND MAY  
18 ALSO LIMIT THE NUMBER OF LENDING INSTITUTIONS AND SALES FINANCE  
19 COMPANIES PARTICIPATING IN THE PROGRAM, BUT SHALL ENCOURAGE  
20 LENDING INSTITUTIONS AND SALES FINANCE COMPANIES OF VARIOUS  
21 SIZES TO PARTICIPATE.

22 (B) EXPIRATION.--THIS SECTION EXPIRES JANUARY 1, 2007.

23 § 1154. EXPANSION OF PILOT PROGRAM.

24 (A) PILOT PROGRAM EXPANSION.--IF, AFTER 12 MONTHS OF  
25 OPERATION, THE SECRETARY CERTIFIES IN THE PENNSYLVANIA BULLETIN  
26 THAT THE PILOT PROGRAM CREATED UNDER SECTION 1152 (RELATING TO  
27 DEVELOPMENT OF PILOT PROGRAM) HAS BEEN SUCCESSFUL, THE  
28 DEPARTMENT SHALL PROMULGATE REGULATIONS GOVERNING VOLUNTARY  
29 ELECTRONIC MEDIA TRANSACTIONS IN LIEU OF SUBMISSION AND  
30 MAINTENANCE OF PAPER DOCUMENTS OTHERWISE REQUIRED BY THIS

1 CHAPTER. UNTIL THE REGULATIONS ARE ADOPTED, THE DEPARTMENT MAY  
2 MAINTAIN AND EXPAND THE PILOT PROGRAM PROVIDED FOR IN SECTION  
3 1152.

4 (B) EXPIRATION.--THIS SECTION EXPIRES JANUARY 1, 2007.

5 SECTION 4. TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED  
6 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

7 § 3316. PROHIBITING USE OF HANDHELD MOBILE TELEPHONES.

8 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), NO  
9 DRIVER SHALL OPERATE ANY MOVING VEHICLE ON A HIGHWAY OF THIS  
10 COMMONWEALTH, WHICH SHALL INCLUDE FEDERAL, STATE AND MUNICIPAL  
11 HIGHWAYS, WHILE USING A HANDHELD MOBILE TELEPHONE. THIS  
12 SUBSECTION SHALL NOT PROHIBIT THE USE OF A HANDS-FREE MOBILE  
13 TELEPHONE WHILE OPERATING A MOTOR VEHICLE.

14 (B) EXCEPTION.--THIS SECTION SHALL NOT APPLY TO LAW  
15 ENFORCEMENT OFFICERS AND OPERATORS OF EMERGENCY VEHICLES WHEN ON  
16 DUTY AND ACTING IN THEIR OFFICIAL CAPACITIES.

17 (C) DEFENSE.--IT SHALL BE A DEFENSE TO A PROSECUTION BROUGHT  
18 FOR A VIOLATION OF THIS SECTION THAT THE DRIVER HAD REASON TO  
19 FEAR FOR THE DRIVER'S SAFETY, WAS REPORTING A TRAFFIC ACCIDENT  
20 OR WAS MAKING A "911" EMERGENCY CALL.

21 (D) PENALTY.--A PERSON WHO VIOLATES THIS SECTION COMMITS A  
22 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY  
23 A FINE OF \$250.

24 (E) SECONDARY OFFENSE.--NO PERSON SHALL BE CONVICTED OF A  
25 VIOLATION OF SUBSECTION (A) UNLESS THE PERSON IS ALSO CONVICTED  
26 OF ANOTHER VIOLATION OF THIS TITLE WHICH OCCURRED AT THE SAME  
27 TIME.

28 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
29 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
30 SUBSECTION:

1       "ENGAGE IN A CALL." TALKING INTO OR LISTENING ON A HAND-HELD  
2       MOBILE TELEPHONE. THIS TERM SHALL NOT INCLUDE HOLDING A MOBILE  
3       TELEPHONE TO ACTIVATE, DEACTIVATE OR INITIATE A FUNCTION OF SUCH  
4       TELEPHONE.

5       "HANDHELD MOBILE TELEPHONE." A MOBILE TELEPHONE OTHER THAN A  
6       HANDS-FREE MOBILE TELEPHONE WITH WHICH A USER ENGAGES IN A CALL  
7       USING AT LEAST ONE HAND.

8       "HANDS-FREE MOBILE TELEPHONE." A MOBILE TELEPHONE THAT HAS  
9       AN INTERNAL FEATURE OR FUNCTION, OR THAT IS EQUIPPED WITH AN  
10      ATTACHMENT OR ADDITION, WHETHER OR NOT PERMANENTLY PART OF SUCH  
11      MOBILE TELEPHONE, BY WHICH A USER ENGAGES IN A CALL WITHOUT THE  
12      USE OF EITHER HAND, WHETHER OR NOT THE USE OF EITHER HAND IS  
13      NECESSARY TO ACTIVATE, DEACTIVATE OR INITIATE A FUNCTION OF SUCH  
14      TELEPHONE.

15      "IMMEDIATE PROXIMITY." THE DISTANCE PERMITTING THE OPERATOR  
16      OF A MOBILE TELEPHONE TO HEAR TELECOMMUNICATIONS TRANSMITTED  
17      OVER THE MOBILE TELEPHONE, BUT WITHOUT REQUIRING PHYSICAL  
18      CONTACT OF THE MOBILE TELEPHONE WITH THE OPERATOR'S EAR.

19      "MOBILE TELEPHONE." THE DEVICE USED BY SUBSCRIBERS AND OTHER  
20      USERS OF WIRELESS TELEPHONE SERVICE TO ACCESS SUCH SERVICE.

21      "USING." HOLDING A MOBILE TELEPHONE TO, OR IN THE IMMEDIATE  
22      PROXIMITY OF, THE USER'S EAR.

23      "WIRELESS TELEPHONE SERVICE." THE TWO-WAY REAL TIME VOICE  
24      TELECOMMUNICATIONS SERVICE THAT IS INTERCONNECTED TO A PUBLIC  
25      SWITCHED TELEPHONE NETWORK AND IS PROVIDED BY A COMMERCIAL  
26      MOBILE RADIO SERVICE, AS DEFINED BY 47 CFR § 20.3.

27      SECTION 5. SECTION 3701.1(B) OF TITLE 75 IS AMENDED TO READ:  
28      § 3701.1. Leaving an unattended child in a motor vehicle.

29      \* \* \*

30      (b) Penalty.--A person who violates this section commits a

1 summary offense. It is a separate offense for each child left  
2 unattended.

3 Section ~~2~~ 6. Section 3733(a) of Title 75 is amended and the <—  
4 section is amended by adding a subsection to read:

5 § 3733. Fleeing or attempting to elude police officer.

6 (a) Offense defined.--Any driver of a motor vehicle who  
7 willfully fails or refuses to bring his vehicle to a stop, or  
8 who otherwise flees or attempts to elude a pursuing police  
9 officer, when given visual or audible signal to bring the  
10 vehicle to a stop, commits [a misdemeanor of the second degree.  
11 Any driver upon conviction shall pay an additional fine of \$500.  
12 This fine shall be in addition to and not in lieu of all other  
13 fines, court expenses, jail sentences or penalties] an offense  
14 as graded in subsection (a.2).

15 \* \* \*

16 (a.2) Grading.--

17 (1) Except as provided in paragraph (2), an offense  
18 under subsection (a) constitutes a misdemeanor of the second  
19 degree. Any driver upon conviction shall pay an additional  
20 fine of \$500. This fine shall be in addition to and not in  
21 lieu of all other fines, court expenses, jail sentences or  
22 penalties.

23 (2) An offense under subsection (a) constitutes a felony  
24 of the third degree if the driver, simultaneously:

25 (i) commits a violation of section 3802 (relating to  
26 driving under influence of alcohol or controlled  
27 substance); ~~or~~ <—

28 (ii) crosses a State line; OR <—

29 (III) ENDANGERS A LAW ENFORCEMENT OFFICER OR MEMBER  
30 OF THE GENERAL PUBLIC DUE TO THE DRIVER ENGAGING IN A

1           HIGH-SPEED CHASE.

2           \* \* \*

3           ~~Section 3. Section 4902(g)(2) of Title 75 is amended to~~           <—  
4 read:

5   ~~§ 4902. Restrictions on use of highways and bridges.~~

6           \* \* \*

7           ~~(g) Penalty.—~~

8           \* \* \*

9           ~~(2) Any person operating a vehicle or combination in~~  
10 ~~violation of a prohibition or restriction imposed under~~  
11 ~~subsection (b) is guilty of a summary offense and shall, upon~~  
12 ~~conviction, be sentenced to pay a fine of [not less than \$25~~  
13 ~~and] not more than [\$100] \$500.~~

14   ~~Section 4 3. This act shall take effect in 60 days.~~           <—

15   SECTION 7. SECTION 6103.1 OF TITLE 75 IS AMENDED TO READ:           <—

16   § 6103.1. EXEMPTION FROM ADDITIONAL REQUIREMENTS FOR HIGHWAY  
17 OCCUPANCY PERMITS FOR AGRICULTURAL PURPOSES.

18 THE DEPARTMENT SHALL WAIVE ALL ADDITIONAL REQUIREMENTS FOR A  
19 HIGHWAY OCCUPANCY PERMIT IN A FIFTH THROUGH EIGHTH CLASS COUNTY  
20 WHEN ALL OF THE FOLLOWING CONDITIONS EXIST:

21           (1) THE STATE HIGHWAY HAS AN OVERALL WIDTH OF AT LEAST  
22 33 FEET.

23           (2) NOT MORE THAN [FIVE] 25 COMBINATION VEHICLES PER  
24 WEEK WILL ACCESS THE HIGHWAY.

25           (3) THE LACK OF SUFFICIENT LAND IS NOT THE RESULT OF A  
26 SUBDIVISION WITHIN TEN YEARS BY THE APPLICANT.

27           (4) THE WAIVER IS NECESSARY FOR THE EXPANSION OR  
28 CREATION OF AN AGRICULTURAL OPERATION WHICH LACKS OTHER  
29 HIGHWAY ACCESS POINTS THAT COULD BE PERMITTED WITHOUT WAIVER.

30           (5) THE APPLICANT DOES NOT HOLD FEE SIMPLE TITLE TO LAND

1       NECESSARY TO PROVIDE ACCESS WITHOUT THIS WAIVER.

2           (6)   THE STATE HIGHWAY HAS AN AVERAGE DAILY TRAVEL OF  
3       LESS THAN 6,500 VEHICLES PER DAY.

4           (7)   THE HIGHWAY ACCESS POINT HAS A SIGHT DISTANCE OF AT  
5       LEAST 500 FEET.

6       SECTION 8.   THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

7           (1)   THE ADDITION OF 75 PA.C.S. § 1151.1(C) SHALL TAKE  
8       EFFECT IN TWO YEARS.

9           (2)   THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
10      DAYS.