
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 804 Session of
2005

INTRODUCED BY MAITLAND, SAYLOR, HESS, CALTAGIRONE, CAPPELLI,
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PAYNE, PHILLIPS, READSHAW, SAINATO, SCAVELLO, SOLOBAY, STERN,
E. Z. TAYLOR, WALKO, GILLESPIE AND BOYD, MARCH 14, 2005

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
JUNE 29, 2006

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for an electronic titling
3 program, for unattended children in motor vehicles and for
4 fleeing or attempting to elude police officer; ~~prohibiting~~ <—
5 ~~operators from using handheld mobile telephones;~~ and further
6 providing for exemption from additional requirements for
7 highway occupancy permits for agricultural purposes.

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

10 Section 1. Section 1151 of Title 75 of the Pennsylvania
11 Consolidated Statutes is amended to read:

12 § 1151. Electronic media system for vehicle titles.

13 (a) Initial responsibilities of department.--The department
14 is authorized to form a task force for the purpose of developing
15 a system which will permit the voluntary recording of vehicle
16 title information for new, transferred and corrected
17 certificates of title, including the perfection and release of
18 security interests, through electronic media in a cost-effective

manner in lieu of the submission and maintenance of paper documents otherwise required by this chapter. The members of the task force shall be appointed by the secretary and shall include representatives from the department, the commercial banking industry, sales finance companies, credit unions, savings institutions and the vehicle dealership industry.

(b) Task force responsibilities.--The task force shall research methods whereby the department, lending institutions and sales finance companies may exchange and maintain information concerning the perfection and release of vehicle security interests without submitting or receiving the paper title document. Further, the task force shall develop methods whereby lending institutions and sales finance companies may submit, through a variety of electronic media, updated information pertaining to the title record, including the addition, assignment or release of vehicle security interests.

(c) Expiration.--This section expires January 1, 2007.

Section 2. Title 75 is amended by adding a section to read:

§ 1151.1. Program.

(a) General rule.--The department shall administer an electronic titling program that permits the recording of vehicle title information for new, transferred and corrected certificates of title through electronic media in a cost-effective manner in lieu of the submission and maintenance of paper documents otherwise required by this chapter.

(b) Description.--The electronic titling program shall include, but not be limited to, methods by which vehicle title information, including the perfection, release and assignment of vehicle security interests may be submitted through electronic media.

1 (c) Mandatory participation.--Except for individuals and
2 lienholders who are not normally engaged in the business or
3 practice of financing vehicles, lienholders shall participate in
4 the electronic titling program.

5 Section 3. Sections 1152 ~~and 1154~~, 1154 AND 3701.1(B) of
6 Title 75 are amended to read:

7 § 1152. Development of pilot program.

8 (a) Pilot program development.--The task force appointed
9 under section 1151 (relating to electronic media system for
10 vehicle titles) shall develop a pilot program to implement
11 voluntary electronic transactions in lieu of the paper documents
12 required by this chapter. The department may limit the number of
13 counties in which the pilot program will be in effect and may
14 also limit the number of lending institutions and sales finance
15 companies participating in the program, but shall encourage
16 lending institutions and sales finance companies of various
17 sizes to participate.

18 (b) Expiration.--This section expires January 1, 2007.

19 § 1154. Expansion of pilot program.

20 (a) Pilot program expansion.--If, after 12 months of
21 operation, the secretary certifies in the Pennsylvania Bulletin
22 that the pilot program created under section 1152 (relating to
23 development of pilot program) has been successful, the
24 department shall promulgate regulations governing voluntary
25 electronic media transactions in lieu of submission and
26 maintenance of paper documents otherwise required by this
27 chapter. Until the regulations are adopted, the department may
28 maintain and expand the pilot program provided for in section
29 1152.

30 (b) Expiration.--This section expires January 1, 2007.

~~Section 4. Title 75 of the Pennsylvania Consolidated~~

~~Statutes is amended by adding a section to read:~~

~~§ 3316. Prohibiting use of handheld mobile telephones.~~

~~(a) General rule. Except as provided in subsection (b), no driver shall operate any moving vehicle on a highway of this Commonwealth, which shall include Federal, State and municipal highways, while using a handheld mobile telephone. This subsection shall not prohibit the use of a hands free mobile telephone while operating a motor vehicle.~~

~~(b) Exception. This section shall not apply to law enforcement officers and operators of emergency vehicles when on duty and acting in their official capacities.~~

~~(c) Defense. It shall be a defense to a prosecution brought for a violation of this section that the driver had reason to fear for the driver's safety, was reporting a traffic accident or was making a "911" emergency call.~~

~~(d) Penalty. A person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$250.~~

~~(e) Secondary offense. No person shall be convicted of a violation of subsection (a) unless the person is also convicted of another violation of this title which occurred at the same time.~~

~~(f) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection:~~

~~"Engage in a call." Talking into or listening on a hand held mobile telephone. This term shall not include holding a mobile telephone to activate, deactivate or initiate a function of such telephone.~~

~~"Handheld mobile telephone." A mobile telephone other than a hands free mobile telephone with which a user engages in a call using at least one hand.~~

~~"Hands free mobile telephone." A mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or initiate a function of such telephone.~~

~~"Immediate proximity." The distance permitting the operator of a mobile telephone to hear telecommunications transmitted over the mobile telephone, but without requiring physical contact of the mobile telephone with the operator's car.~~

~~"Mobile telephone." The device used by subscribers and other users of wireless telephone service to access such service.~~

~~"Using." Holding a mobile telephone to, or in the immediate proximity of, the user's car.~~

~~"Wireless telephone service." The two way real time voice telecommunications service that is interconnected to a public switched telephone network and is provided by a commercial mobile radio service, as defined by 47 CFR § 20.3.~~

~~Section 5. Section 3701.1(b) of Title 75 is amended to read:~~
~~§ 3701.1. Leaving an unattended child in a motor vehicle.~~

~~* * *~~

~~(b) Penalty.--A person who violates this section commits a summary offense. It is a separate offense for each child left unattended.~~

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

1 § 3733. Fleeing or attempting to elude police officer.

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

11 * * *

12 (a.2) Grading.--

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

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

21 (i) commits a violation of section 3802 (relating to
22 driving under influence of alcohol or controlled
23 substance);

24 (ii) crosses a State line; or

25 (iii) endangers a law enforcement officer or member
26 of the general public due to the driver engaging in a
27 high-speed chase.

28 * * *

29 Section 7 5. Section 6103.1 of Title 75 is amended to read: <—

30 § 6103.1. Exemption from additional requirements for highway

1 occupancy permits for agricultural purposes.

2 The department shall waive all additional requirements for a
3 highway occupancy permit in a fifth through eighth class county
4 when all of the following conditions exist:

5 (1) The State highway has an overall width of at least
6 33 feet.

7 (2) Not more than [five] 25 combination vehicles per
8 week will access the highway.

9 (3) The lack of sufficient land is not the result of a
10 subdivision within ten years by the applicant.

11 (4) The waiver is necessary for the expansion or
12 creation of an agricultural operation which lacks other
13 highway access points that could be permitted without waiver.

14 (5) The applicant does not hold fee simple title to land
15 necessary to provide access without this waiver.

16 (6) The State highway has an average daily travel of
17 less than 6,500 vehicles per day.

18 (7) The highway access point has a sight distance of at
19 least 500 feet.

20 Section 6. This act shall take effect as follows:

<—

21 (1) The addition of 75 Pa.C.S. § 1151.1(c) shall take
22 effect in two years.

23 (2) The remainder of this act shall take effect in 60
24 days.