THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 8 Special Session No. 1 of 2009-2010

INTRODUCED BY D. EVANS, SEPTEMBER 14, 2010

AS AMENDED, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, OCTOBER 6, 2010

AN ACT

Amending Titles 72 (Taxation and Fiscal Affairs), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in taxation and fiscal affairs, providing for an oil company gross profits tax; in sustainable mobility options, further providing for fund, for application and approval process and asset improvement program; providing for imposition and allocation of surcharges, for minimum qualifications for governing board members, for best practices for transit-oriented development and, for Legislative Budget and Finance Committee review and for review of State Highway Maintenance Formula; in transportation, providing for public transit strike notification; providing for public-private transportation partnership; in vehicles, further providing for various vehicle fees and for the imposition of the oil company franchise tax for highway maintenance and construction; providing for an annual adjustment to fees; and making a related repeal.

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

Section 1. Title 72 of the Pennsylvania Consolidated Statutes is amended by adding parts to read:

PART I

PRELIMINARY PROVISIONS

(Reserved)

PART II
§ 2201. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Account." The Oil Company Gross Profits Tax Account established in section 2204 (relating to restricted revenue account).

"Apportioned gross profits." The gross profits apportioned to Pennsylvania by the apportionment fraction set forth in section 2202(d) (relating to imposition of tax).


"Department." The Department of Revenue of the Commonwealth.

"Gross profits." If an oil company files an income tax return with the Federal Government, gross profits as set forth on such return. If an oil company does not file an income tax return, gross profits as set forth in the income tax return filed with the Department.
return with the Federal Government, gross profits, as defined and calculated on the applicable Federal income tax return.

Gross profits of an oil company are computed by combining the gross profits of all companies of a unitary business. All transactions among oil companies of a unitary business are eliminated in computing gross profits.

"Gross receipts." All gross receipts of a business entity.

If an oil company files an income tax return with the Federal Government, its gross receipts as set forth on such return. If an oil company does not file an income tax return with the Federal Government, gross receipts, as defined and calculated on the applicable Federal income tax return.

"Oil company." An entity that engages in the exploration, drilling, importation, refining or wholesale distribution of petroleum products.

"Petroleum products." Any fractionated product of the industrial processing of crude oil manufactured or refined or used for the generation of power in an internal combustion engine to propel motor vehicles of any kind or character or for the generation of heat. Petroleum products include, but are not limited to, gasoline, diesel fuel, kerosene, propane and any other product of crude oil used for such purpose.

"Taxable year." The taxable year which an oil company, or any consolidated group with which an oil company participates in the filing of consolidated returns, actually uses in reporting taxable income to the Federal Government. The terms "annual year," "fiscal year," "annual or fiscal year," "tax year" and "tax period" shall be the same as the oil company's taxable year as defined in this definition.

"Unitary business." A single economic enterprise that is
made up either of separate parts of a single entity or of a 
commonly controlled group of entities that are sufficiently 
interdependent, integrated and interrelated through their 
activities so as to provide a synergy and mutual benefit that 
produces a sharing or exchange of value among them and a 
significant flow of value to the separate parts. 

"Wholesale distribution." The making of one or more 
nonretail sales of petroleum products.

§ 2202. Imposition of tax.

(a) Imposition.--An oil company shall pay an excise tax on 
its apportioned gross profits for exercising, whether in its own 
name or through any person, association, business trust, 
corporation, joint venture, limited liability company, limited 
partnership, partnership or other entity, any of the following 
privileges:

(1) Doing business within this Commonwealth. 
(2) Carrying out activities within this Commonwealth. 
(3) Having capital or property employed or used in this 
    Commonwealth. 
(4) Owning property in this Commonwealth. 
(5) Engaging in or transacting any activity in this 
    Commonwealth for the purpose of financial gain or profit. 

(b) Rate.--The annual rate of tax on gross profits imposed 
by subsection (a) shall be 8% for calendar years or fiscal years 
beginning after December 31, 2010. 

(c) Tax in lieu of corporate net income tax.--The tax 
imposed by this chapter shall be in lieu of the tax imposed by 
Article IV of the code. 

(d) Apportionment fraction.--If at least one oil company of 
a unitary business that consists of oil companies transacts part
of its business outside Pennsylvania, the apportionment fraction
of an oil company is its Pennsylvania gross receipts divided by
total gross receipts of all oil companies of the unitary
business. Gross receipts from the sale of tangible personal
property are Pennsylvania gross receipts based on the sourcing
rule set forth in section 401(3)2(a)(16) of the code. All other
gross receipts are Pennsylvania gross receipts based on the
sourcing rule set forth in section 401(3)2(a)(17) of the code.
All transactions among oil companies of a unitary business are
eliminated in computing the numerator and the denominator of the
apportionment fraction of an oil company. If all oil companies
of a unitary business that consist of oil companies transact all
of their business within Pennsylvania, none of the oil companies
are entitled to apportion their gross profits.

§ 2203. Reports and payment of tax.

(a) Requirement.--Each oil company subject to tax under this
chapter is required to file a report of gross profits taxable
under this chapter and pay tax due as set forth in section 403
of the code.

(b) Option.--

(1) All oil companies of a unitary business that are
subject to tax under this chapter may elect to file a report
and pay tax on an aggregate basis.

(2) The department shall prescribe a combined report for
reporting and paying tax on an aggregate basis.

(3) The oil companies of a unitary business that are
subject to tax under this chapter and that make this election
shall designate an oil company of the unitary business that
is taxable under this chapter to act as an agent for all oil
companies of the unitary business. The agent shall file the
report permitted under this subsection under oath or affirmation and pay the total tax due under this chapter for all oil companies of a unitary business that are subject to tax under this chapter. Each oil company of a unitary business that is taxable under this chapter and makes the election permitted under this subsection remains liable for its tax due under this chapter.

§ 2204. Restricted revenue account.

(a) Establishment of account.--There is established a restricted account in the General Fund to be known as the Oil Company Gross Profits Tax Account. Except as provided in subsection (c), money paid into the account shall be appropriated annually for transportation purposes.

(b) Deposit.--The tax collected pursuant to this chapter shall be deposited and paid into the account.

(c) Transfer.--

(1) On or about April 1, 2011:

   (i) The sum of $1,000,000, or as much thereof as may be necessary, is appropriated to the Office of Attorney General for the fiscal year July 1, 2010, to June 30, 2011, from the account to carry out the provisions of section 2206(c) (relating to cost of tax and penalties).

   (ii) A payment of $17,500,000 shall be transferred from the account to the General Fund, 80% of the money remaining in the account shall be transferred to the Public Transportation Trust Fund established in 74 Pa.C.S. § 1506 (relating to fund) and the remainder to the Motor License Fund.

(2) On the first business day of July 2011, October 2011, January 2012 and each first business day of July,
October and January thereafter, 80% of the money in the account shall be transferred to the Public Transportation Trust Fund established in 74 Pa.C.S. § 1506 and the remainder to the Motor License Fund.

(3) On each first business day of April following the transfer in paragraph (1), $35,000,000 shall be transferred from the account to the General Fund, 80% of the money remaining in the account shall be transferred to the Public Transportation Trust Fund established in 74 Pa.C.S. § 1506 and the remainder to the Motor License Fund.

(d) Restriction on use of transferred funds.--Funds transferred to the Public Transportation Trust Fund established in 74 Pa.C.S. § 1506 shall not be subject to the limitations contained in 74 Pa.C.S. § 1507(c) (relating to application and approval process) but shall be used only for activities set forth under the financial waiver allowing the funds to be used for a different purpose. The regulations of the Department of Transportation shall describe circumstances under which it will consider waiver requests and shall set forth all information to be included in a waiver request. The waiver request shall include a plan of corrective action to demonstrate that the award recipient does not have an ongoing need to use financial assistance funds for activities other than those for which funds were originally awarded, and the duration of the waiver cannot exceed the duration of the plan of corrective action. The Department of Transportation shall monitor the implementation of the plan of corrective action. If the plan of corrective action is not implemented by the local transportation organization, as defined in 74 Pa.C.S. § 1503 (relating to definitions), the Department of Transportation shall rescind the waiver approval.
§ 2204.1. Appropriations.

(a) Roads and bridges.--All money transferred to the Motor License Fund under section 2204 (relating to restricted revenue account) is appropriated to the Department of Transportation to be allocated as follows:

(1) Eighty-seven percent to be used for State roads and bridges.

(2) Eleven percent for municipal roads and bridges distributed to municipalities pursuant to the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law.

(3) Two percent for county roads and bridges distributed to counties as follows:

   (i) The distribution shall be in the ratio of:

      (A) the square footage of deck area of a county's county-owned bridges; to

      (B) the total square footage of deck area of county-owned bridges throughout this Commonwealth.

   (ii) The amount of square footage under subparagraph (i) shall be that reported as part of the National Bridge Inspection Standards Program.

(b) Financial assistance.--All money transferred to the Public Transportation Trust Fund under section 2204 is appropriated to the Department of Transportation to be allocated as follows:

(1) Eighty-five and eight-tenths percent for financial assistance under 74 Pa.C.S. § 1514 (relating to asset improvement program).

(2) Fourteen and two-tenths percent for financial assistance under 74 Pa.C.S. § 1513 (relating to operating
§ 2205. Procedure; enforcement; penalties.

(a) Applicability of code.--Except as set forth in subsection (b), Parts III, IV, V, VI and VII of Article IV of the code shall apply to the tax imposed under this chapter.

(b) Inapplicability.--Section 404 of the code shall not apply to the tax imposed by this chapter.

(c) Underpayment.--In addition to any other penalty provided by law, if the amount of any estimated payment of tax due or payment of tax due is underpaid, a penalty shall be imposed in the amount of 5% of the underpayment per month for the period of the underpayment, up to a maximum of 25% of the underpayment.

(d) Failure to file.--In addition to any other penalty provided by law, if an oil company fails to file the report required by section 2203 (relating to reports and payment of tax) within 270 days of the original due date of the report, a penalty of $500 shall be imposed on the business entity.

§ 2206. Cost of tax and penalties.

(a) Cost.--The cost of the tax imposed in section 2202 (relating to imposition of tax), or any portion of the tax, shall not be added to, separately stated with or included in the purchase price charged to a purchaser of petroleum products.

(b) Penalties.--An individual who willfully violates subsection (a) commits a misdemeanor of the third degree. In addition, the seller of the petroleum products shall be required to pay a penalty equal to the amount added to, separately stated with or included with the purchase price charged to the purchaser.

(c) Attorney General.--In addition to the authority conferred upon the Attorney General by the act of October 15,
1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and to institute criminal proceedings for any violation of this section. No persons charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case. If a challenge is made, the challenge shall be dismissed and no relief shall be made available in the courts of this Commonwealth to the person making the challenge.

§ 2207. Administration.

(a) Separate nature.--Tax under this chapter shall be separately reported, determined and treated.

(b) Estimation.--A taxpayer under this chapter shall estimate the amount of the tax under section 2202 (relating to imposition of tax).

(c) Payment.--

(1) A taxpayer shall pay the estimated tax in a single installment by the 15th day of the third month of the taxable year.

(2) After payment under paragraph (1), the remaining portion of the tax due under this chapter shall be paid on the date the report under section 2203 (relating to reports and payment of tax) is required to be filed, without reference to an extension of time for filing.

SECTION 1.1. TITLE 74 IS AMENDED BY ADDING A SECTION TO READ:

§ 105. STATEMENT OF POLICY.

IN THE INTEREST OF PROTECTING EXISTING TRANSPORTATION INFRASTRUCTURE AND PRESERVING LAND AS A RESOURCE, THE DEPARTMENT OF TRANSPORTATION SHALL GIVE HIGHER CONSIDERATION TO
MAINTENANCE, REPAIR AND IMPROVEMENT TO EXISTING TRANSPORTATION INFRASTRUCTURE BEFORE CONSIDERATION OF CAPITAL PROJECTS THAT EXPAND THE SIZE AND SCOPE OF THE INFRASTRUCTURE.

Section 1.1. Section 1506 of Title 74 is amended by adding a subsection to read:

§ 1506. Fund.

* * *

(f) Availability of funds.--Funds not expended under this section in the fiscal year in which they were made available shall not lapse and shall be available for use pursuant to this section in the next four succeeding fiscal years.

Section 1.2. Section 1507(a) and 1514(e) of Title 74 are amended by adding paragraphs to read:

§ 1507. Application and approval process.

(a) Application.--An eligible applicant that wishes to receive financial assistance under this chapter shall submit a written application to the department on a form developed by the department, which shall include the following:

* * *

(6.1) A statement of policy outlining basic principles for adjustment in fare revenue growth to meet the rate of inflation.

* * *

§ 1514. Asset improvement program.

* * *

(e) Priorities.--The award of financial assistance under this section shall be subject to the following set of priorities in descending order of significance unless a compelling return on investment analysis for a project in a lower category is provided to and approved by the department:
* * *

(4) Request for funds to support local transportation organizations merger and consolidation incentives. Capital projects that are needed to support local transportation organizations that have agreed to merge and consolidate operations and administration to achieve cost and service efficiencies. The efficiencies must be identified in a merger and consolidation plan, and must include the expected dollar savings that will result from the merger and consolidation.

Section 1.4. Title 74 is amended by adding sections to read:

§ 1521. Imposition and allocation of surcharges.

(a) Surcharge.--The following surcharges are hereby imposed, the proceeds of which shall be deposited in the Public Transportation Trust Fund established under section 1506 (relating to fund) and are hereby appropriated for the program specified in section 1514 (relating to asset improvement program):

(1) In addition to the fee established by 75 Pa.C.S. § 1951(c) (relating to driver's license and learner's permit), a surcharge of $13 is imposed on all issuances of an identification card. In addition to the fee established by 75 Pa.C.S. § 1951(d), a surcharge of $2 is imposed on all issuances of a replacement identification card.

(2) In addition to the fee established by 75 Pa.C.S. § 1952 (relating to certificate of title), a surcharge of $8.50 is imposed on all issuances of certificate of title.

(3) In addition to the fee established by 75 Pa.C.S. § 1953 (relating to security interest), a surcharge of $9.00 is imposed on all recordings or changes to the amount of a
security interest.

(4) In addition to the fee established by 75 Pa.C.S. § 1955(a) (relating to information concerning drivers and vehicles), a surcharge of $13 is imposed on copies of written or electronic information relating to driver, registration, title or security interest.

(5) In addition to the fee established by 75 Pa.C.S. § 1956 (relating to certified copies of records), a surcharge of $31 is imposed on all certified copies of records.

(6) In addition to the fee established by 75 Pa.C.S. § 1958 (relating to certificate of inspection), a surcharge of $3 is imposed on all annual certificates of inspection and $2 on semiannual certificates of inspection.

(b) Increase.--For calendar year 2012 and each calendar year thereafter, the department shall increase the surcharges under subsection (a) by the lesser of the following:

(1) The rate of inflation calculated using the Consumer Price Index for the most recent available data over a 12-month period.

(2) One and one-half percent.

(c) Publication.--The department shall publish notice of the surcharge under subsection (b) and of the new total cost at least 90 days prior to the beginning of each calendar year.

§ 1522. Minimum qualifications for governing board members.

Minimum qualifications for governing board members for a local transportation organization may include the following:

(1) Being a reputable citizen of this Commonwealth, of mature judgment and broad experience.

(2) Having professional background expertise or substantial experience in one or more of the following areas:
(i) Transportation.
(ii) Finance.
(iii) Law.
(iv) Land use and public planning.
(v) Human services.

(3) Demonstrating an interest in public transportation through support of the organization's mission, values and vision.

§ 1523. Best practices for transit oriented development.
The department shall develop a manual on the best practices for transit oriented development and make the manual available to local transportation organizations and local governments.

§ 1524. Legislative Budget and Finance Committee review.
The Legislative Budget and Finance Committee shall do all of the following:

(1) Review the specific findings and recommendations of the Human Service Transportation Coordination Study of 2009.
(2) Evaluate potential strategies for a unified human services transportation program management that may include use of memorandums of understanding among agencies, joint program offices or other strategies that promote consolidation.
(3) Review the potential for consolidation, specifically considering matters relating to agency administration, personnel, customer service, unified human service transportation planning, cost implications and any other factors deemed significant.
(4) Determine whether department or agency consolidation is a feasible solution to improve the coordination of Commonwealth human services transportation management and
identify the specific legislative and policy actions, if necessary, required to implement such a plan.

(5) Report all findings, conclusions and recommendations to the Senate and the House of Representatives within one year of the effective date of this section.

§ 1525. REVIEW OF EXISTING TRANSPORTATION ENTITIES.

THE FOLLOWING SHALL APPLY:

(1) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL UNDERTAKE A REVIEW OF THE EXISTING TRANSPORTATION ENTITIES IN THIS COMMONWEALTH WHICH SHALL INCLUDE CONSULTATION WITH REPRESENTATIVES FROM TRANSPORTATION ENTITIES IN THIS COMMONWEALTH.

(2) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL IDENTIFY STATES FOR COMPARISON WITH THIS COMMONWEALTH, WHICH MAY INCLUDE THE REGIONAL TRANSPORTATION AUTHORITIES IN THE STATES OF CALIFORNIA, COLORADO, FLORIDA, GEORGIA, OREGON AND TEXAS, FOR THE PURPOSE OF REVIEWING EXISTING PRACTICES AND FUNCTIONS AND THEIR APPLICABILITY TO PENNSYLVANIA.

(3) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL IDENTIFY STATES FOR COMPARISON WITH THIS COMMONWEALTH, WHICH MAY INCLUDE THE STATES OF ARKANSAS, CALIFORNIA, GEORGIA AND WASHINGTON, FOR THE PURPOSE OF REVIEWING REGIONAL TRANSPORTATION AUTHORITIES THAT HAVE ENABLED A TAXING AUTHORITY, OR PROPOSED TO DO SO, FOR THE PURPOSE OF GENERATING REVENUE FOR TRANSIT AND LOCAL TRANSPORTATION FUNDING.

(4) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL COMPLETE A STUDY AND COST ANALYSIS OF THE IMPLEMENTATION AND CONTINUED ADMINISTRATION OF REGIONAL MULTIMODAL TRANSPORTATION AUTHORITIES IN THIS COMMONWEALTH.
(5) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL IDENTIFY AND APPLY FOR GOVERNMENT GRANTS OR PRIVATE FUNDING, OR BOTH, FOR A STUDY GERMANE TO THIS ISSUE.

(6) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL DO ALL OF THE FOLLOWING:

(I) EVALUATE THE POWERS AND DUTIES OF EACH INDIVIDUAL AUTHORITY, INCLUDING LIMITATIONS OF THE INDIVIDUAL AUTHORITY TO PLAN, DESIGN, FINANCE, CONSTRUCT, OPERATE AND MAINTAIN EXISTING TRANSPORTATION FACILITIES AND TO PROVIDE A SAFE, ADEQUATE AND EFFICIENT SURFACE TRANSPORTATION NETWORK FOR THIS COMMONWEALTH;

(II) ADDRESS AGENCY REVENUE SOURCES, GOVERNANCE, COORDINATION OF WORK PLANS AND COORDINATION WITH LOCAL COMPREHENSIVE PLANS FOR ALL TRANSPORTATION FACILITIES AND INFRASTRUCTURE DEVELOPMENT WITHIN THIS COMMONWEALTH;

(III) RECOMMEND AN IMPLEMENTATION PLAN, WHICH MAY INCLUDE THE FORMATION OF ONE OR SEVERAL REGIONAL TRANSPORTATION NETWORKS, OR OTHER IMPLEMENTATION APPROACHES TO PROVIDE A COMPREHENSIVE MULTIMODAL REGIONAL TRANSPORTATION NETWORK; AND

(IV) RECOMMEND AND ITEMIZE ANY LEGISLATIVE ACTION, IF NECESSARY, TO IMPLEMENT SUCH REGIONAL MULTIMODAL TRANSPORTATION AUTHORITIES IN THIS COMMONWEALTH.

(7) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL REPORT ALL FINDINGS, CONCLUSIONS AND RECOMMENDATIONS TO THE HOUSE OF REPRESENTATIVES WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION.

§ 1526. REVIEW OF STATE HIGHWAY MAINTENANCE FORMULA.

THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL REVIEW THE STATE HIGHWAY MAINTENANCE FORMULA SET FORTH IN 75 PA.C.S. CH. 91.
RELATING TO STATE HIGHWAY MAINTENANCE) AND EVALUATE HOW WELL,
AND THE FAIRNESS BY WHICH, THE FORMULA ALLOCATES RESOURCES AMONG
THE COUNTY OFFICES OF THE DEPARTMENT IN COMPARISON TO THE STATE
HIGHWAY MAINTENANCE NEEDS OF THOSE COUNTIES. THE COMMITTEE SHALL
REPORT ITS FINDINGS, CONCLUSIONS AND RECOMMENDATIONS TO THE
SENATE AND THE HOUSE OF REPRESENTATIVES WITHIN ONE YEAR OF THE
EFFECTIVE DATE OF THIS SECTION.

Section 1.4. Title 74 is amended by adding a chapter to

CHAPTER 19
MANAGEMENT AND LABOR PROVISIONS

Subchapter
A. Public Transit Strike Notification

PUBLIC TRANSIT STRIKE NOTIFICATION

This subchapter relates to public transit strike notification.

The General Assembly finds and declares as follows:

(1) Mass transit is a critical component of the
transportation infrastructure throughout this Commonwealth.

(2) State and local taxpayers significantly subsidize
the operation and capital costs of local transportation
organizations.
(3) Disruption of transit services not only inconveniences riders but also has an adverse impact on regional economies.

(4) Past strikes called by bargaining unit leaders have not given transit riders sufficient time to find alternative means of transportation and have left passengers stranded waiting for rides.

(5) Transit riders, the public at large and local governments deserve to have ample notice prior to a work stoppage by transit workers.

§ 1903. Definitions.

The following words and phrases as used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Collective bargaining unit." A group of employees represented by a labor union or other group engaged in collective bargaining with a local transportation organization.

"Local transportation organization." As defined in section 1503 (relating to definitions).

"Notification to the general public." All of the following:

(1) Holding a press conference which is attended by representatives of the major newspapers, television stations and news radio stations in the region served by the local transportation organization employing the members of the collective bargaining unit.

(2) Unambiguously announcing a work stoppage.

"Transit worker." An employee of a local transportation organization.

"Union leader." An officer of a labor union or collective bargaining unit of a labor union.
"Union member." A member of a labor union other than a union leader.

"Work stoppage." Ceasing or refusing to attend or perform any work or to remain in any relation of employment.

§ 1904. Strike notification requirements.

(a) Union leaders. Notwithstanding any other provision of law, a union leader of a collective bargaining unit representing transit workers may not call for or order a work stoppage disrupting the operations of a local transportation organization unless:

  (1) notification is provided to the general public; and
  (2) the work stoppage begins or is called to begin no sooner than 72 hours after compliance with paragraph (1).

(b) Union members. A union member may not participate in a work stoppage which has been called or ordered in violation of any provision of subsection (a).

(c) Penalties.

  (1) A violation of subsection (a) constitutes a summary offense punishable by a fine, payable to the county, of $500 for each hour during which a work stoppage occurs in violation of this subchapter. Upon failure to timely pay the fine, an offender shall be sentenced to undergo a term of imprisonment of up to 120 days.

  (2) A violation of subsection (b) constitutes a summary offense punishable by a fine, payable to the county, of $50 for each hour of participation in a work stoppage called, or occurring, in violation of this section. Upon failure to timely pay the fine, an offender shall be sentenced to a term of imprisonment of up to 12 days.

Section 1.5. Title 74 is amended by adding a part to read:
PART V
TRANSPORTATION INFRASTRUCTURE

CHAPTER 91
PUBLIC-PRIVATE TRANSPORTATION PARTNERSHIP

Sec.
9101. Scope of chapter.
9102. Findings and declaration of policy.
9103. Definitions.
9104. Regulations.
9105. Project delivery methods.
9106. Approval.
9107. Public-private transportation partnership agreement.
9108. Police powers and violations of law.
9109. Environmental and other authorizations.
9110. Taxation of authorized development entity or entities.
9111. Power of eminent domain.
9112. Sovereign immunity.
9113. Amounts payable by proprietary public entities and specific performance.
9114. Design-build development and Separations Act.
9115. Additional procurement provisions.
9116. Adverse interest.
9117. Application of chapter.
9118. Federal, Commonwealth, local and private assistance.
9119. Public-Private Transportation Account.
9120. Public-Private Transportation Partnership Board.
9121. Duties and powers of board.
9122. Role of department in operation of board.
§ 9101. Scope of chapter.
This chapter relates to public-private transportation partnerships.

§ 9102. Findings and declaration of policy.
(a) Legislative findings and declarations.--The General Assembly finds, determines and declares as follows:

(1) There is urgent public need to reduce congestion, increase capacity, improve safety and enhance economic efficiency of transportation facilities throughout this Commonwealth.

(2) The Commonwealth has limited resources to fund the maintenance and expansion of its transportation facilities.

(3) To ensure the needs of the public are adequately addressed, alternative funding mechanisms and strategies must be developed to supplement existing public revenue sources.

(4) The imposition of user fees establishes an additional funding source for transportation infrastructure needs that spreads the costs across those who most benefit from the Commonwealth's system of roads, highways and bridges.

(5) The imposition of user fees and the development, operation, maintenance, construction and improvement of toll roads is a proprietary function which may be delegated to a private entity consistent with section 31 of Article 3 of the Constitution of Pennsylvania.

(6) Authorizing public entities to enter into transportation development agreements with private entities and other public entities for the development, operation and financing of transportation facilities can result in greater
availability of transportation facilities to the public in a
timely, efficient and less costly fashion, thereby serving
the public safety and welfare.

(7) Assuring that qualifying transportation projects are
developed, operated and financed in a cost-effective manner
is an important factor in promoting the health, safety and
welfare of the citizens of this Commonwealth.

(b) Intent.--It is the intent of this chapter:

(1) To encourage private entities to invest in this
Commonwealth by participating in the development, operation
and/or financing of transportation facilities.

(2) To accomplish the goals under subsection (a) and
paragraph (1), and to provide the policies set forth in this
chapter to provide public entities and private entities with
the flexibility in contracting with each other for and in
providing of the public services that are the subject of this
title.

(3) To accomplish the goals under subsection (a) and
paragraph (1), and provide the policies set forth in this
chapter to make clear that public entities are authorized and
empowered to contract with private entities for and in
providing the public services which are the subject of this
title.

(4) To establish a board with the authority to authorize
the charging of user fees consistent with the goals under
subsection (a) and paragraph (1).

§ 9103. Definitions.
The following words and phrases when used in this chapter
shall have the meanings given to them in this section unless the
context clearly indicates otherwise:

"Board." The Public-Private Transportation Partnership Board.

"Department." The Department of Transportation of the Commonwealth.

"Development entity." Any of the following:

(1) A private entity.

(2) A public entity, other than the proprietary public entity.

(3) A partnership of entities proposing, bidding or responding to a solicitation by the department or a proprietary public entity.

"Electronic toll." A system of collecting tolls or charges that is capable of charging an account holder for the prescribed toll by electronic transmission of information, including E-Z Pass, open road tolling, video tolling or other similar structural or technological enhancements pertaining to tolling.

"Private entity." A person, entity or organization that is not the Federal Government, a state, a political subdivision of this Commonwealth or a unit of government.

"Proprietary public entity." A public entity that owns the eligible transportation facility that is subject to a public-private transportation partnership agreement.

"Public entity." The Commonwealth or any of its departments, commissions, authorities, agencies or a unit of government. The term includes the department and the Pennsylvania Turnpike Commission. The term does not include the General Assembly and its members, officers or agencies or any court or other office or agency of the Pennsylvania judicial system.

"Public-private transportation partnership agreement." A
binding agreement for a public-private transportation project transferring rights for the use or control, in whole or in part, of a transportation facility by the department or a proprietary public entity to a development entity for a definite term during which the development entity will provide transportation-related services in return for the right to receive all or a portion of the revenue of the transportation facility, or other payment, such as the following transportation-related services:

1. Operations and maintenance.
2. Revenue collection.
3. User fee collection or enforcement.
4. Design.
5. Construction.
6. Development and other activities with respect to existing or new transportation facilities that enhance traffic throughput, reduce congestion, improve safety or otherwise manage or improve a transportation facility.

"Public-private transportation project." A project for the safe transport of people or goods via one or more modes of transport.

"Right-to-Know Law." The act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

"Solicitation." The process by which the department or a proprietary public entity may elect to procure services under section 9106(b) (relating to approval).

"State Adverse Interest Act." The act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.

"Transportation facility." A proposed or existing road, bridge, tunnel, overpass, ferry, busway, guideway, public transportation facility, vehicle parking facility, port.
facility, multimodal transportation facility, airport, station, hub, terminal or similar facility used or to be used for the transportation of persons, animals or goods, together with any buildings, structures, parking areas, appurtenances and other property needed to operate the transportation facility. The term includes any improvements or substantial enhancements or modifications to an existing transportation facility.

"Unit of government." Any of the following:

(1) An agency, office or department of the Commonwealth.

(2) A city, county, district, commission, authority, entity, port or other public corporation organized and existing under statutory law, voter-approved charter or initiative.

(3) An intergovernmental entity.

§ 9104. Regulations.

(a) Promulgation.--In order to facilitate the implementation of this chapter, the department may promulgate regulations or publish guidelines that include any of the following:

(1) The process for review of request for solicitations or responses to requests for solicitations issued by the department or a proprietary public entity.

(2) The process for receipt and review of and response to competing responses to requests for solicitations.

(3) The type and amount of information that is necessary for adequate review of and response to each state of review of a solicitation.

(4) The process for submission and review of requests to the department and the board by public entities for approval of a public-private transportation project under this chapter.
(5) Any other provisions which are required under this chapter or which the department determines are appropriate for implementation of this chapter.

(b) Temporary regulations.--Notwithstanding any other provision of law and in order to facilitate the prompt implementation of this chapter, any regulation promulgated by the department under this chapter during the two years following the effective date of this section shall be deemed temporary regulations which shall expire no later than three years following the effective date of this section or upon promulgation of final regulations. The temporary regulations shall not be subject to any of the following:

(1) Sections 201, 202, 203 and 204 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.


§ 9105. Project delivery methods.

The department shall provide for the development or operation of eligible facilities using a variety of project delivery methods and forms of agreement. The methods may include:

(1) Predevelopment agreements leading to other implementing agreements.

(2) A design-build agreement.

(3) A design-build-maintain agreement.

(4) A design-build-finance-operate agreement.

(5) A design-build-operate-maintain agreement.

(6) A design-build-finance-operate-maintain agreement.

(7) A concession providing for the private entity to design, build, operate, maintain, manage or lease an eligible
transportation facility.

(8) Any other project delivery method or agreement or combination of methods or agreements that the department determines will serve the public interest.

§ 9106. Approval.

(a) Authorization.--The department or a proprietary public entity, upon approval by the board, is authorized to enter into an agreement with a development entity for the purpose of forming a public-private transportation partnership in accordance with this chapter.

(b) Solicitation.--The department or a proprietary public entity may procure services under this chapter using any or all of the following:

(1) Request for project proposals in which is described a class of transportation facilities or a geographic area in which development entities are invited to submit proposals to develop transportation facilities.

(2) Solicitations using requests for qualifications, short-listing of qualified proposers, requests for proposals, negotiations, best and final offers or other procurement procedures.

(3) Procurements seeking development and finance plans most suitable for the project.

(4) Best value selection procurements based on price, financial proposals, or both, or other factors determined to be relevant to a decision that is in the best interest of the Commonwealth or the proprietary public entity.

(5) Other procedures that the department determines may further the implementation of this chapter.

(6) Unsolicited proposals as recommended by the board if
the board, in consultation with the department, determines there is sufficient merit to pursue the proposal, a reasonable opportunity for other entities to submit competing proposals for consideration and a possible contract award.

(c) Notice.--The department or a proprietary public entity must give adequate public notice of any request for qualifications, request for proposal or other solicitation in a reasonable amount of time prior to any deadline date for submission. The solicitation shall generally set forth the factors that will be evaluated and the manner in which responses will be evaluated.

(d) Costs.--

(1) The department and a proprietary public entity and their respective advisers shall not be responsible for any costs or damages incurred by a private party in connection with any requests for qualifications, requests for proposals or other solicitations.

(2) The department or a proprietary public entity may, in their discretion, elect to pay a stipend to unsuccessful offerors who have submitted responsive proposals, bids and other materials in response to a request for proposals or other solicitation. Stipends may be made available solely to defray the costs of proposal or response preparation. The availability of a stipend and the conditions necessary to qualify for payment shall be included in the request for proposals or other solicitation.

(3) The department or a proprietary public entity may charge and retain an administrative fee for the evaluation of a public-private transportation partnership proposal as recommended by the board.
(e) Modification and termination rights.--

(1) The department or a proprietary public entity may modify a solicitation request if it determines the modification to be in the best interest of the Commonwealth or proprietary public entity.

(2) A solicitation request may be canceled at any time prior to the time a public-private transportation partnership agreement is executed, if the department or the proprietary public entity determines, on a case-by-case basis, that the action is in the best interest of the Commonwealth or the proprietary public entity. The reasons for cancellation shall be made a part of the file.

(3) A submission and offer made in response to the solicitation request may be rejected at any time prior to the time a public-private transportation partnership agreement is executed, if the department or the proprietary public entity determines, on a case-by-case basis, that the action is in the best interest of the Commonwealth or the proprietary public entity. The reasons for rejection shall be made part of the file.

(4) A decision to modify, cancel or reject any request for solicitation shall be final and unreviewable.

(5) The issuance for a request for solicitation in no way shall obligate the department or a proprietary public entity to enter into a public-private transportation partnership agreement or a contract of any kind with a party.

(f) Selection criteria, evaluation and award by the department or a proprietary public entity.--

(1) In evaluating proposals, the department or a proprietary public entity shall obtain the best value for the
Commonwealth or the proprietary public entity and may accord
relative weight to factors such as cost, financial
commitment, innovative financing, technical, scientific,
technological or socioeconomic merit, financial strength and
viability and other factors as deemed appropriate.

(2) The department or a proprietary public entity may
conduct discussions with development entities to assure
understanding of and responsiveness to the requirements of a
request for qualifications.

(3) The department or a proprietary public entity shall
conduct a public and competitive process to award a public-
private transportation partnership agreement.

(4) The department or a proprietary public entity shall
accept for contract negotiation the responsive and
responsible development entity whose proposal is determined
in writing to be the most advantageous to the Commonwealth or
the proprietary public entity, taking into consideration
price and all evaluation factors.

(5) The department or a proprietary public entity may
require that any bid or proposal submitted to enter into a
public-private transportation partnership agreement be
accompanied by security in the form of cash, letters of
credit or other financial security acceptable to the
department or the proprietary public entity.

(6) The department or a proprietary public entity may
retain financial, technical, legal and other consultants and
experts to assist in the evaluation, negotiation and
development of eligible facilities under this chapter.

(g) Use of intellectual property.--Unless otherwise agreed
and except to the extent not transferable by law, the department
or a proprietary public entity shall have the right to use all
or a portion of a response to a solicitation, including the
technologies, techniques, methods, processes and information
contained in the response. Notice of nontransferability by law
shall be given to the department in response to the request for
qualifications.

(h) Records of solicitation requests.--Notwithstanding the
Right-to-Know Law, the following shall apply:

(1) Upon the selection of a development entity to be a
party to a public-private transportation partnership
agreement, the identity of the development entity selected,
the contents of the response of the development entity to the
request for qualifications, the final bid or proposal
submitted by the development entity and the form of the
public-private transportation agreement shall be made public.
Any financial information of a development entity that was
requested in a request for qualifications or a solicitation
to demonstrate the economic capability of a development
entity to fully perform the requirements of the public-
private transportation partnership agreement and which is
contained in a response to a request for qualifications shall
not be subject to public inspection.

(2) The department or a proprietary public entity may,
in its discretion, make public any information described
under paragraph (1) that would not otherwise be subject to
public inspection.

(3) If the department or a proprietary public entity
terminates a public-private transportation partnership
agreement for default, rejects a development entity or a
person on the grounds that the development entity is not
responsible or suspends or debars a development entity or a person, the development entity or person shall, upon written request, be provided with a copy of the information contained in the file of the development entity or person maintained by the department, the Office of the Budget and the Department of General Services or a proprietary public entity under a contractor responsibility program.

(4) A record, material or data received, prepared, used or retained by the department or a proprietary public entity or their employees, consultants or agents in connection with the evaluation of requests for qualifications shall not constitute a public record subject to public inspection under the Right-to-Know Law if, in the reasonable judgment of the department or the proprietary public entity, the inspection would cause substantial competitive harm to the entity or person from whom the information was received.

(i) Diversity.--

(1) It is the intent and goal of the General Assembly that the department and proprietary public entities promote and ensure diversity in all aspects of development and operation of a public-private transportation project authorized under this chapter. The department and proprietary public entities shall work to enhance the representation of diverse groups in the development and operation by private entities of any public-private transportation project through the participation of business enterprises utilized by development entities and through the provision of goods and services utilized by development entities in the development and operation of any public-private transportation project authorized under this chapter.
(2) The department is authorized to investigate and conduct periodic studies to ascertain whether effective and meaningful action has been taken or will be taken to enhance the representation of diverse groups in the development and operation by development entities of any public-private transportation project in this Commonwealth through the participation of business enterprises utilized by development entities in the development and operating of any public-private transportation project under this chapter and through the provision of goods and services utilized by development entities in the development and operation of any public-private transportation project and through employment opportunities.

§ 9107. Public-private transportation partnership agreement.

(a) Agreement provisions.—A public-private transportation partnership agreement shall include the following provisions:

(1) A description of any planning, development, design, leasing, acquisition or interest in, financing, installation, construction, reconstruction, replacement, expansion, operation, maintenance, improvement, equipping, modification, expansion, enlargement, management, running, control and operation of the transportation facility.

(2) The term of the public-private transportation partnership agreement.

(3) The type of property interest or other relationship the development entity will have in or with respect to the project, including acquisition of rights-of-way and other property interests that may be required.

(4) Authorization for the department and the proprietary public entity, or their authorized representatives, to
inspect all assets and properties of the transportation facility and all books and records of the development entity relating to the eligible transportation facility to review the development entity's performance under the public-private transportation partnership agreement.

(5) Grounds for termination of the public-private transportation partnership agreement by the parties.

(6) Procedures for amendment of the public-private transportation partnership agreement.

(7) The rights and remedies available in the event of breach, default or delay.

(8) Requirements for a private development entity to provide performance and payment bonds, parent company guarantees, letters of credit or other acceptable forms of security in an amount acceptable to the proprietary public entity.

(9) A requirement that the transportation facility acquired or constructed is public property that is leased to the development entity and belongs to the proprietary public entity.

(10) Standards for construction, maintenance and operation of the transportation facility if the activities are to be performed by the development entity.

(11) Standards for capital improvement or modification of the transportation facility if they are to be made by the development entity.

(12) Standards relating to how payments, if any, are to be made by the proprietary public entity to the development entity, including availability payments, performance-based payment and payments of money and revenue-sharing with the
development entity.

(13) Standards relating to how the parties will allocate and share management of the risks of the project.

(14) Standards relating to how the parties will allocate costs of development of the project, including any cost overruns.

(15) Standards relating to damages to be assessed for nonperformance, specifying remedies available to the parties and dispute resolution procedures.

(16) Standards relating to performance criteria and incentives.

(17) A requirement that upon termination of the public-private transportation partnership agreement, the transportation facility must be in a state of proper maintenance and repair and shall be returned to the proprietary public entity in satisfactory condition at no further cost to the proprietary public entity.

(18) Provisions for law enforcement of the public transportation facility.

(19) An obligation of the private entity to offer employment to any employee of the department or proprietary public entity who would lose employment due to the execution of the public-private partnership agreement and who is in good standing at the time of execution of the partnership agreement, including salary, retirement, health and welfare, and benefits which are substantially identical to the benefits received by the employees immediately prior to execution of the partnership agreement. THE FOLLOWING:

(I) SALARY, RETIREMENT, HEALTH AND WELFARE AND BENEFITS WHICH ARE SUBSTANTIALLY IDENTICAL TO THE
BENEFITS RECEIVED BY THE EMPLOYEES IMMEDIATELY PRIOR TO
THE EXECUTION OF THE PARTNERSHIP AGREEMENT.

(II) MEASURES TO PROTECT INDIVIDUAL EMPLOYEES TO THE
GREATEST DEGREE POSSIBLE AGAINST A WORSENING OF THEIR
POSITIONS RELATED TO EMPLOYMENT.

(III) ASSURANCES OF PRIORITY OF REEMPLOYMENT OF
EMPLOYEES.

(IV) PAID TRAINING OR RETRAINING PROGRAMS.

(20) Other terms and provisions as required under this
chapter.

(21) Other terms and conditions as may be agreed between
the private entity and the department or the proprietary
public entity.

(b) Term.--The department or a proprietary public entity may
enter into a public-private transportation partnership agreement
with any development entity that includes the provisions under
subsection (a) for a term not to exceed 99 years.

(c) Public partner.--Nothing in this chapter shall prohibit
the department from entering into a partnership agreement with
another Commonwealth agency for purposes of forming a
transportation partnership in accordance with this chapter.

(d) Propriety public entity.--Nothing in this chapter shall
prohibit any propriety public entity from entering into a
public-private transportation partnership agreement with one or
more public entities for purposes of forming a transportation
partnership in accordance with this chapter.

(e) Environmental costs.--

(1) The department or any other proprietary public
entity may provide in a public-private transportation
partnership agreement that it will pay or reimburse, on terms
that it deems appropriate, the development entity for actual
costs associated with necessary remediation, including
investigation activities, for existing environmental
contaminants if any are on, under or emanating from the real
property associated with a transportation facility as of the
date the development entity assumes responsibility for the
transportation facility. If provision is made under this
paragraph, the public-private transportation partnership
agreement shall require that the proprietary public entity be
given:

   (i) Prompt notice of any claim against the third
   party pertaining to the contaminants.

   (ii) The right to elect to undertake the necessary
   remediation.

   (iii) The right to participate in the defense of or
   response to any claim.

   (iv) The right of prior approval before the
   development entity may settle any claim.

(2) No payment by the department or any other
proprietary public entity under this section may be for
anything other than, or extend beyond, actual losses,
liabilities, damages, penalties, charges, costs and expenses
incurred by a private entity to remediate the environmental
contamination on, under or emanating from the real property
associated with the transportation facility as of the date
the development entity assumes responsibility for the
transportation facility.

(f) User fees.--A provision establishing whether user fees
will be collected for use of the transportation facility and the
basis by which any user fees shall be determined in the public-
private transportation partnership agreement. If a user fee is proposed as part of the public-private transportation partnership project, the department or a proprietary public entity shall include provisions in the agreement that authorize the collection of user fees, tolls, fares or similar charges, including provisions that:

1. Specify technology to be used in the transportation facility.
2. Establish circumstances under which the department or the proprietary public entity may receive a share of revenues from the charges.
3. Govern the enforcement of electronic tolls, including provisions for use of available technology.
4. Establish payment collection standards, including provisions for enforcement of nonpayment and penalties.
5. In the event an operator of a vehicle fails to pay the prescribed toll or user fee at any location on a transportation facility where tolls or user fees are collected by means of an electronic or other automated or remote form of collection, the collection provisions of section 8117 (relating to electronic toll collection) shall apply except that the private entity shall possess all of the rights, roles, limitations and responsibilities of the Pennsylvania Turnpike Commission.

The net proceeds received by the department or the proprietary public entity under a public-private transportation partnership agreement shall be available exclusively to provide funding for transportation needs in this Commonwealth. The use of the proceeds or other revenues from the...
transportation facility shall comply with Federal or State law
restricting or limiting the use of revenue from the
transportation facility based on its public funding.
§ 9108. Police powers and violations of law.

(a) Enforcement of traffic laws.--To the extent the public-
private transportation facility is a highway, bridge, tunnel
overpass or similar transportation facility for motor vehicles,
the traffic and motor vehicle laws of this Commonwealth or, if
applicable, any local jurisdiction shall be the same as those
applying to conduct on similar transportation facilities in this
Commonwealth or the local jurisdiction. Punishment for offenses
shall be prescribed by law for conduct occurring on similar
transportation facilities in this Commonwealth or the local
jurisdiction.

(b) Arrest powers.--All officers authorized by law to make
arrests for violations of law in this Commonwealth shall have
the same powers, duties and jurisdiction within the limits of a
public-private transportation project as they have in their
respective areas of jurisdiction. The grant of authority under
this section shall not extend to the private offices, buildings,
garages and other improvements of a private entity to any
greater degree than the police power extends to any other
private offices, buildings, garages and other improvements.

§ 9109. Environmental and other authorizations.

(a) No submission of plan under The Administrative Code of
1929.--Notwithstanding any other provision of law, neither
soliciting nor approving a request for qualification, nor
executing a public-private transportation partnership agreement
under this chapter shall constitute the submission of a
preliminary plan or design to the department under section
2002(b) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(b) Environmental authorizations.--A public-private transportation partnership agreement may require that prior to commencing any construction in connection with the development, operation or financing of any eligible transportation facility if the agreement requires environmental authorizations are obtained, the development entity shall do any of the following:

(1) Secure all necessary environmental permits and authorizations and, if specified under the act of May 19, 1995 (P.L.4, No.2), known as the Land Recycling and Environmental Remediation Standards Act, obtain the approval of the Department of Environmental Protection.

(2) Complete environmental remediation of the site on which the eligible transportation facility is or is to be located, including acts required under any agreement entered into with the Department of Environmental Protection for remediation of the site under the Land Recycling and Environmental Remediation Standards Act.

§ 9110. Taxation of authorized development entity or entities.

(a) General rule.--To the extent that revenues or user fees received by a development entity or entities pursuant to a public-private transportation partnership agreement are subject to a tax imposed by a political subdivision prior to the effective date of this section, the revenues or user fees shall continue to be subject to the tax and to future increases in the rate of the tax.

(b) New taxation barred.--After the effective date of this section, no new tax shall be imposed by a political subdivision or the Commonwealth on the revenues or user fees received by a
development entity or entities pursuant to a public-private
transportation partnership agreement.

(c) Realty transfer tax.—No public-private transportation
partnership agreement, lease, concession, franchise or other
contract involving real property of a public-private
transportation project shall be subject to a Commonwealth or
local realty transfer tax imposed under the act of December 31,
1965 (P.L.1257, No.511), known as The Local Tax Enabling Act,
the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
Code of 1971, or a successor statute.

(d) Property.—Property used in connection with a public-
private transportation project shall be considered public
property and shall be exempt from ad valorem property taxes and
special assessments levied against property by the Commonwealth
or any political subdivision.

§ 9111. Power of eminent domain.

The exercise of the power of eminent domain by any condemnor
to acquire property for transportation facility purposes under a
public-private transportation partnership agreement shall be
considered a taking for a public purpose and not for a private
purpose or for private enterprise.

§ 9112. Sovereign immunity.

(a) General rule.—The General Assembly, under section 11 of
Article I of the Constitution of Pennsylvania, reaffirms
sovereign immunity and, except as otherwise provided under
subsection (b), no provision of this chapter shall constitute a
waiver of sovereign immunity for the purpose of 1 Pa.C.S. § 2310
(relating to sovereign immunity reaffirmed; specific waiver) or
otherwise.

(b) Exemption.—The General Assembly, under section 11 of
Article I of the Constitution of Pennsylvania, waives sovereign immunity as a bar to claims against the department and any other department, commission, authority or agency of the Commonwealth or any authority or political subdivision brought in accordance with sections 9107(e) (relating to public-private transportation partnership agreement) and 9113 (relating to amounts payable by proprietary public entities and specific performance), but only to the extent set forth under this chapter.

§ 9113. Amounts payable by proprietary public entities and specific performance.

(a) Authorization for payments.--The department or any other proprietary public entity is authorized to agree to make payments to a development entity pursuant to a public-private transportation partnership agreement under any of the following:

(1) Upon a breach by the proprietary public entity of its representations, covenants, warranties or other obligations under the public-private transportation partnership agreement.

(2) If the proprietary public entity takes adverse actions against the development entity in violation of the terms of the public-private transportation partnership agreement.

(3) Upon the occurrence of force majeure or other events that have a material adverse effect on the ability of the development entity to perform its obligations under the public-private transportation partnership agreement or to obtain the benefits of the public-private transportation partnership agreement.

(b) Reason for payments.--The payments made by a proprietary public entity pursuant to a public-private transportation
partnership agreement may be for:

(1) Losses, liabilities, damages, penalties, costs and expenses of the development entity.

(2) Amounts necessary to restore the development entity to the same after-tax economic position it would have been in had the event in question not occurred.

(3) Amounts necessary to pay the fair market value of the interest, benefits and rights of the development entity and the rights and obligations of the development entity created and made under the public-private transportation partnership agreement.

(c) Specific performance.--A proprietary public entity is authorized to agree that specific performance shall be available to a development entity as a remedy for a breach by the proprietary public entity of its representations, covenants, warranties or other obligations under the public-private transportation partnership agreement to the extent set forth in the public-private transportation partnership agreement.

§ 9114. Design-build development and Separations Act. Notwithstanding any other provision of law:

(1) Any public-private transportation partnership project undertaken under this chapter may provide design-build, design-build-operate, design-build-operate-maintain, and operate-maintain procurements and other innovative or nontraditional competitive procurement methods for transportation-related infrastructure development.

(2) A development entity or entities shall be subject to the requirements of the act of May 1, 1913 (P.L.155, No.104), referred to as the Separations Act, in connection with the development or operation of a public-private transportation project.
§ 9115. Additional procurement provisions.

To the extent applicable to the proprietary public entity, the following provisions shall apply to a contract entered into between the department or a proprietary public entity and an authorized development entity related to the development, operation or financing of a public-private transportation project under this chapter:


(2) The act of July 23, 1968 (P.L.686, No.226), entitled, "An act equalizing trade practices in public works procurement; authorizing the purchase by the Commonwealth, its political subdivisions, and all public agencies, of aluminum and steel products produced in a foreign country, provided the foreign country does not prohibit or discriminate against the importation to, sale or use in the foreign country of supplies, material or equipment manufactured in this Commonwealth; establishing procedures for determining whether foreign countries discriminate against supplies, materials or equipment manufactured in this Commonwealth; and imposing penalties and providing for relief for violation of this act."


(4) 62 Pa.C.S. § 107 (relating to reciprocal limitations).

(5) 62 Pa.C.S. § 531 (relating to debarment or suspension).

(6) 62 Pa.C.S. § 541 (relating to approval of accounting
§ 9116. Adverse interest.

(a) Private entity adverse interests.--The following shall apply:

(1) Except as provided under paragraph (2), a private entity which submits a response to a request for solicitation under section 9106(b) (relating to approval) or an unsolicited proposal and which is also a State adviser or a State consultant for the department or the Pennsylvania Turnpike Commission shall not be deemed to be in violation of the State Adverse Interest Act while engaging in any of the following activities:

   (i) Preparing or submitting a response to a request for qualifications.

   (ii) Participating in any activity with the department related to a request for solicitation.

   (iii) Negotiating and entering into any contract lease or public-private transportation partnership agreement which results from a request for solicitation.

   (iv) Engaging in any other action taken in furtherance of the purposes of this chapter.

(2) A private entity which submits a response to a request for solicitation or acts as a consultant or an adviser to a private entity which submits a response to a request for solicitation or acts as a consultant or an adviser to a private entity which submits a response to a request for solicitation shall not be deemed to be in violation of the State Adverse Interest Act while engaging in any of the following activities:

   (i) Preparing or submitting a response to a request for qualifications.

   (ii) Participating in any activity with the department related to a request for solicitation.

   (iii) Negotiating and entering into any contract lease or public-private transportation partnership agreement which results from a request for solicitation.

   (iv) Engaging in any other action taken in furtherance of the purposes of this chapter.
request for solicitation to the department shall be prohibited from consulting or providing advice to the department on the review or approval of the response to the request for solicitations as submitted.

(3) A private entity which submits a response to a request for solicitation or acts as a consultant or an adviser to a private entity which submits a response to a request for solicitation to the board shall be prohibited from consulting or providing advice to the department on the review or approval of the response to the request for solicitations so submitted.

(b) (Reserved).

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"State adviser." As the term "State advisor" is defined in the State Adverse Interest Act.

"State consultant." As defined in the State Adverse Interest Act.

§ 9117. Application of chapter.

(a) Applicability.--This chapter shall apply to public-private transportation partnership agreements between proprietary public entities, other public entities and development parties for public-private transportation projects and shall satisfy any applicable procurement laws unless otherwise or to the extent provided for under this chapter.

(b) Nonapplicability.--This chapter shall not apply to agreements entered into exclusively under 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code) or any other Commonwealth law relating to the expenditure or receipt of funds.
by a public entity under contract for construction or services.

(c) Prohibition.--Nothing in this chapter shall prohibit a proprietary public entity from entering into a public-private transportation partnership agreement in the capacity of a proprietary public entity pursuant to powers granted exclusively under other Commonwealth statutes.

(d) Agreements.--If an agreement is entered into under this chapter, the public-private transportation partnership agreement shall be subject to the provisions of this chapter.

§ 9118. Federal, Commonwealth, local and private assistance.

(a) Federal assistance.--The following shall apply:

(1) The department or a proprietary public entity may accept from the United States, or any of its agencies, funds that are available to the Commonwealth for carrying out this chapter, whether the funds are made available by grant, loan, loan guarantee or otherwise.

(2) The department or a proprietary public entity is authorized to assent to any Federal requirements, conditions or terms of any Federal funding accepted by the department under this section.

(3) The department or a proprietary public entity may enter into agreements or other arrangements with the United States, or any of its agencies, as may be necessary for carrying out the purposes of this chapter.

(b) Acceptance of grants and donations.--The department or a proprietary public entity may accept from any source any grant, donation, gift or other form of conveyance of land, money or other real, personal or mixed property or other item of value for carrying out the purpose of this chapter.

(c) Contributions.--Subject to acceptance and agreement
between the private entity and the department or a proprietary public entity, any eligible transportation facility may be financed, in whole or in part, by contribution of any funds or property made by the department or a proprietary public entity, a private entity, a proprietary public entity or an affected jurisdiction.

(d) Combination of funds.--The department or proprietary public entity may combine Federal, State, local and private funds to finance an eligible transportation facility under this chapter.

§ 9119. Public-Private Transportation Account.

(a) Establishment.--

(1) There is established within the Motor License Fund a separate account to be known as the Public-Private Transportation Account.

(2) Money in the account shall be used only for the purposes enumerated under subsection (c).

(b) Deposits to account.--The following shall apply:

(1) The department shall deposit in the account the following:

(i) All money received pursuant to the terms of a public-private transportation partnership agreement.

(ii) Repayment of any loans from the account made under this chapter.

(iii) Subject to the provisions of any public-private transportation partnership agreement, monetary damages and other amounts for failure by a development entity to comply with the terms of the public-private transportation partnership agreement.

(iv) Subject to the provisions of any public private
transportation partnership agreement, payments made from any insurance proceeds or reserve funds or performance or payment bonds in connection with a transportation facility.

(v) Earnings from the investment of the money in the account.

(2) The Secretary of the Budget shall establish any restricted accounts within the account as the secretary deems necessary for the proper administration of the account.

(c) Appropriation.--The funds in the account are hereby continuously appropriated to the department for the following purposes:

(1) Paying the amounts as the department may be required to repay the Federal Highway Administration.

(2) Paying all amounts designated by the department as required for repayment or defeasance of outstanding bonds.

(3) Paying costs of maintenance, operating and financing of transportation facilities in this Commonwealth which are available for use by the public, including the costs of insurance or reserves against risks of contingencies.

(4) Paying expenses incurred under or in connection with any public-private transportation partnership agreement by the department, including professional fees and expenses.

(5) Paying the costs of the department relating to performing and administering duties under this chapter.

(6) Paying all expenses approved by the board for its costs incurred to perform its duties, including paying professional fees and expenses.

(7) Paying costs of any purpose authorized under this chapter.
(d) Amounts received under a public-private transportation partnership agreement.—The net proceeds received under a public-private transportation partnership agreement shall be available exclusively to provide funding for transportation needs in this Commonwealth. The use of the proceeds or other revenues from the transportation facility shall be in accord with Federal or State law restricting or limiting the use of revenue from the transportation facility based on its public funding.

§ 9120. Public-Private Transportation Partnership Board.

(a) Establishment.—There is established a Public-Private Transportation Partnership Board.

(b) Composition.—The board shall be composed of the following members:

(1) The Secretary of Transportation, who shall be the chairperson of the board as an ex officio member.

(2) The Secretary of the Budget, or a designee as an ex officio member.

(3) The Deputy Secretary of Planning of the department, or a designee as an ex officio member.

(4) Four members appointed by the General Assembly under subsection (c).

(5) One member appointed by the Governor under subsection (d).

(c) Legislative appointments.—

(1) Appointments by members of the General Assembly shall be made as follows:

(i) One individual appointed by the President pro tempore of the Senate.

(ii) One individual appointed by the Minority Leader
of the Senate.

(iii) One individual appointed by the Speaker of the House of Representatives.

(iv) One individual appointed by the Minority Leader of the House of Representatives.

(2) Legislative appointees shall serve at the pleasure of the appointing authority.

(3) Legislative appointees shall:

(i) Be reputable citizens of this Commonwealth, of mature judgment and broad experience.

(ii) Not be a member of the General Assembly or staff of a member of the General Assembly.

(iii) Have professional background expertise or substantial experience in one or more of the following areas:

(A) Transportation.

(B) Finance.

(C) Law.

(D) Land use and public planning.

(E) LABOR REPRESENTATION.

(d) Gubernatorial appointment.—Appointments under subsection (b)(5) shall be made by the Governor. The member shall:

(1) Be a reputable citizen of this Commonwealth, of mature judgment and broad business experience.

(2) Not hold any other position as an employee of the Commonwealth.

(3) Have professional background expertise or substantial experience in one or more of the following areas:

(i) Transportation.
(ii) Finance.

(iii) Law.

(iv) Land use and public planning.

(V) LABOR REPRESENTATION.

(4) Serve at the pleasure of the Governor.

(e) Quorum.--Five members of the board shall constitute a quorum.

(f) Compensation.--The members of the board shall be entitled to no compensation for their services as members of the board but shall be entitled to reimbursement by the department for all necessary and reasonable expenses incurred in connection with the performance of their duties as members of the board.

(g) Initial appointment and vacancy.--Appointing authorities shall appoint initial board members within 30 days of the effective date of this section. Whenever a vacancy occurs on the board, the appointing authority shall appoint a successor member within 30 days of the vacancy.

(h) Financial interests.--No member of the board, during his term of office shall directly or indirectly own, have any significant financial interest in, be associated with or receive any fee, commission, compensation or anything of value from any public entity or private entity seeking to engage in a transportation development agreement.

(i) Applicability.--The following acts shall apply to the board:

(1) The Right-to-Know Law.

(2) The State Adverse Interest Act.

(3) The provisions of 65 Pa.C.S. Chs. 7 (relating to open meetings) and 11 (relating to ethics standards and financial disclosure).
§ 9121. Duties and powers of board.

(a) Duties.--The board shall do all of the following:

(1) Meet as often as necessary but at least annually.

(2) Adopt guidelines establishing the procedure by which a public entity or private entity may submit a request for evaluation of a solicited or unsolicited proposal to the board, including guidelines necessary for initial project approval and final project approval.

(3) Consult with persons affected by proposed public-private transportation partnership projects.

(4) Evaluate and approve or deny requests by the department and proprietary public entities to undertake transportation partnership projects and make recommendations to the department and proprietary public entities in the form of a resolution.

(5) Take all action by resolution. The affirmative vote of the majority of the members shall be necessary for the adoption of a resolution.

(6) Submit an annual report to the General Assembly detailing all transportation partnership projects evaluated and resolutions adopted.

(b) Powers.--The board may do all of the following:

(1) In evaluating proposals, accord relative weight to factors such as cost, financial commitment, innovative financing, technical, scientific, technological or socioeconomic merit and other factors as the board deems appropriate to obtain the best value for the Commonwealth.

(2) Conduct discussions with private entities to assure understanding of and responsiveness to a request for evaluation.
(3) Seek technical assistance necessary to assist the board in carrying out its duties and powers, at the expense of the department.

(c) Actions.--Actions by the board are a determination of public policy and public interest and shall not be considered adjudications under 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action) and shall not be appealable to the department or a court of law.

§ 9122. Role of department in operation of board.

(a) Technical assistance.--The department shall supply all necessary assistance to assist the board in carrying out its duties and responsibilities, including retention of legal, financial and technical consultants to assist with this role.

(b) Analysis.--Upon initial board approval of a public-private transportation project, the department shall develop a detailed analysis of the proposal prior to the final approval by the board.

(c) Oversight.--Upon final approval by the board of a transportation partnership project, the department shall retain oversight and monitor the project, including periodic reports to the board, as necessary.

§ 9123. PROHIBITION.

(A) GENERAL RULE.--EXCEPT AS PROVIDED UNDER SUBSECTION (B), THE PENNSYLVANIA TURNPIKE COMMISSION MAY NOT ENTER INTO A PUBLIC-PRIVATE TRANSPORTATION PARTNERSHIP AGREEMENT IN THE CAPACITY OF A PROPRIETARY PUBLIC ENTITY WITH RESPECT TO GRANTING SUBSTANTIAL OVERSIGHT AND CONTROL OVER THE TURNPIKE MAINLINE TO ANOTHER ENTITY UNLESS SPECIFIC AUTHORITY IS GRANTED BY STATUTE.

(B) EXCEPTION.--SUBSECTION (A) SHALL NOT RESTRICT THE
PENNSYLVANIA TURNPIKE COMMISSION FROM ENTERING INTO A PUBLIC-
PRIVATE TRANSPORTATION PARTNERSHIP AGREEMENT UNDER THIS CHAPTER
OR ANOTHER STATUTE WHICH DOES NOT INVOLVE GRANTING SUBSTANTIAL
OVERSIGHT AND CONTROL OVER THE TURNPIKE MAINLINE TO ANOTHER
ENTITY.

Section 2. Sections 1553(c), 1617(1), (2) and (4) of Title
75 are amended to read:

§ 1553. Occupational limited license.

* * *

(c) Fee.--The fee for applying for an occupational limited
license shall be [$50] $60. This fee shall be nonrefundable and
no other fee shall be required.

* * *

§ 1617. Fees.

Fees relating to commercial drivers' licenses to be collected
by the department under this chapter shall be in addition to any
other fees imposed under the provisions of this title and are as
follows:

(1) The annual fee for a commercial driver's license
designation shall be [$10] $17.

(2) In addition to any other restoration fee required by
this title, an additional restoration fee of [$50] $84 shall
be assessed and collected before reinstating a commercial
driver's operating privilege following a suspension or
revocation under this title or disqualification under this
chapter.

* * *

(4) An additional fee of [$10] $17 shall be imposed for
the initial issuance or renewal of a commercial driver's
license with an "H" or "X" endorsement, in addition to the
cost of a criminal history background check as required by
the USA Patriot Act of 2001 (Public Law 107-56, 115 Stat.
272).

Section 2.1. Title 75 is amended by adding a section to
read:

§ 1906. Annual adjustment to fees.

(a) Increase.--For calendar year 2012 and each calendar year
thereafter, the department shall increase the fees under the
following provisions by the rate of inflation calculated using
the Consumer Price Index for the most recent available data over
a 12-month period or 1.5%, whichever is the lesser, multiplied
by the difference between the fee amount on October 1 of the
previous calendar year and October 1, 2010:

Section 1553(c) (relating to occupational limited
license).

Section 1617(1), (2) and (4) (relating to fees).

Section 1912 (relating to passenger cars).

Section 1913 (relating to motor homes).

Section 1914 (relating to motorcycles).

Section 1915 (relating to motor-driven cycles).

Section 1916(a)(1) (relating to trucks and truck
tractors).

Section 1917 (relating to motor buses and limousines).

Section 1918 (relating to school buses and school
vehicles).

Section 1920(a) and (c) (relating to trailers).

Section 1921 (relating to special mobile equipment).

Section 1922 (relating to implements of husbandry).

Section 1923 (relating to antique, classic and
collectible vehicles).
Section 1924 (relating to farm vehicles).
Section 1925 (relating to ambulances, taxis and hearses).
Section 1926(a), (b) and (c) (relating to dealers and miscellaneous motor vehicle business).
Section 1926.1 (relating to farm equipment vehicle dealers).
Section 1927 (relating to transfer of registration).
Section 1928 (relating to temporary and electronically issued registration plates).
Section 1929 (relating to replacement registration plates).
Section 1930 (relating to legislative registration plates).
Section 1931 (relating to personal registration plates).
Section 1931.1 (relating to street rod registration plates).
Section 1932 (relating to duplicate registration cards).
Section 1933 (relating to commercial implements of husbandry).
Section 1951(a), (b) and (d) (relating to driver's license and learner's permit) insofar as subsection (d) relates to replacement for a driver's license.
Section 1957 (relating to uncollectible checks).
Section 1959 (relating to messenger service).
Section 1960 (relating to reinstatement of operating privilege or vehicle registration).

(b) Publication.--The department shall publish notice of the new fee under subsection (a) at least 90 days prior to the beginning of each calendar year.
1917, 1918, 1920(a) and (c), 1921, 1922, 1923, 1924, 1925, 1926(a), (b) and (c), 1926.1, 1927, 1928, 1929, 1930, 1931, 1931.1, 1932, 1933, 1951, 1957, 1959 and 1960 of Title 75 are amended to read:

§ 1912. Passenger cars.

The annual fee for registration of a passenger car shall be \[$36\] \$49.

§ 1913. Motor homes.

The annual fee for registration of a motor home shall be determined by its registered gross weight in pounds according to the following table:

<table>
<thead>
<tr>
<th>Registered Gross</th>
<th>Weight in Pounds</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>8,000 or less</td>
<td>[$45] $61</td>
</tr>
<tr>
<td>2</td>
<td>8,001 - 11,000</td>
<td>[63] 86</td>
</tr>
<tr>
<td>3</td>
<td>11,001 or more</td>
<td>[81] 110</td>
</tr>
</tbody>
</table>

§ 1914. Motorcycles.

The annual fee for registration of a motorcycle other than a motor-driven cycle shall be \[$18\] \$25.


The annual fee for registration of a motor-driven cycle shall be \[$9\] \$13.

§ 1916. Trucks and truck tractors.

(a) General rule.--

(1) 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:

<table>
<thead>
<tr>
<th>Registered Gross</th>
<th>Gross or Combination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Class</td>
<td>Weight in Pounds</td>
</tr>
<tr>
<td>-------</td>
<td>------------------</td>
</tr>
<tr>
<td>1</td>
<td>5,000 or less</td>
</tr>
<tr>
<td>2</td>
<td>5,001 - 7,000</td>
</tr>
<tr>
<td>3</td>
<td>7,001 - 9,000</td>
</tr>
<tr>
<td>4</td>
<td>9,001 - 10,000</td>
</tr>
<tr>
<td>5</td>
<td>10,001 - 11,000</td>
</tr>
<tr>
<td>6</td>
<td>11,001 - 14,000</td>
</tr>
<tr>
<td>7</td>
<td>14,001 - 17,000</td>
</tr>
<tr>
<td>8</td>
<td>17,001 - 21,000</td>
</tr>
<tr>
<td>9</td>
<td>21,001 - 26,000</td>
</tr>
<tr>
<td>10</td>
<td>26,001 - 30,000</td>
</tr>
<tr>
<td>11</td>
<td>30,001 - 33,000</td>
</tr>
<tr>
<td>12</td>
<td>33,001 - 36,000</td>
</tr>
<tr>
<td>13</td>
<td>36,001 - 40,000</td>
</tr>
<tr>
<td>14</td>
<td>40,001 - 44,000</td>
</tr>
<tr>
<td>15</td>
<td>44,001 - 48,000</td>
</tr>
<tr>
<td>16</td>
<td>48,001 - 52,000</td>
</tr>
<tr>
<td>17</td>
<td>52,001 - 56,000</td>
</tr>
<tr>
<td>18</td>
<td>56,001 - 60,000</td>
</tr>
<tr>
<td>19</td>
<td>60,001 - 64,000</td>
</tr>
<tr>
<td>20</td>
<td>64,001 - 68,000</td>
</tr>
<tr>
<td>21</td>
<td>68,001 - 73,280</td>
</tr>
<tr>
<td>22</td>
<td>73,281 - 76,000</td>
</tr>
<tr>
<td>23</td>
<td>76,001 - 78,000</td>
</tr>
<tr>
<td>24</td>
<td>78,001 - 78,500</td>
</tr>
<tr>
<td>25</td>
<td>78,501 - 79,000</td>
</tr>
<tr>
<td>26</td>
<td>79,001 - 80,000</td>
</tr>
</tbody>
</table>

* * *

§ 1917. Motor buses and limousines.

The annual fee for registration of a motor bus or a limousine
shall be determined by its seating capacity according to the following table:

<table>
<thead>
<tr>
<th>Seating Capacity</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 or less</td>
<td>[$ 9] $13 per seat</td>
</tr>
<tr>
<td>52 or more</td>
<td>[540] 732</td>
</tr>
</tbody>
</table>

§ 1918. School buses and school vehicles.

The annual fee for registration of a school bus or school vehicle shall be [24] $33.

§ 1920. Trailers.

(a) General rule.--The annual fee for registration of a trailer shall be determined by its registered gross weight according to the following table:

<table>
<thead>
<tr>
<th>Registered Gross Weight in Pounds</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,000 or less</td>
<td>[$ 6] $16</td>
</tr>
<tr>
<td>3,001 - 10,000</td>
<td>[12] 32</td>
</tr>
<tr>
<td>10,001 or more</td>
<td>[27] 71</td>
</tr>
</tbody>
</table>

* * *

(c) Optional permanent registration.--A trailer with a registered gross weight of 10,001 or more pounds may be registered for a one-time fee of [$135] $350 in lieu of the annual fee at the option of the registrant.

§ 1921. Special mobile equipment.

The annual fee for registration of special mobile equipment shall be [36] $49.

§ 1922. Implements of husbandry.

The annual fee for registration of an implement of husbandry
§ 1923. Antique, classic and collectible vehicles.
The fee for registration of an antique, classic or collectible motor vehicle shall be [$75] $102.

§ 1924. Farm vehicles.
(a) General rule.--The annual fee for registration of a farm vehicle shall be [$76.50] $104 or one-third of the regular fee, whichever is greater.
(b) Certificate of exemption.--The biennial processing fee for a certificate of exemption issued in lieu of registration of a farm vehicle shall be determined by the type of certificate issued and the gross weight or combination weight or weight rating according to the following table:

<table>
<thead>
<tr>
<th>Certificate type</th>
<th>Weight in pounds</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I</td>
<td>17,000 or less</td>
<td>[$24] $33</td>
</tr>
<tr>
<td>Type II</td>
<td>greater than 17,000</td>
<td>[50] 68</td>
</tr>
<tr>
<td>Type I</td>
<td>greater than 17,000</td>
<td>[100] 136</td>
</tr>
</tbody>
</table>

§ 1925. Ambulances, taxis and hearse.
The annual fee for registration of an ambulance, taxi or hearse shall be [$54] $74.

§ 1926. Dealers and miscellaneous motor vehicle business.
(a) General rule.--The annual fee for a dealer registration plate or miscellaneous motor vehicle business plate shall be [$36] $49.
(b) Motorcycle dealers.--The annual fee for each dealer registration plate issued to a motorcycle dealer other than a motor-driven cycle dealer shall be [$18] $25.
(c) Motor-driven cycle dealers.--The annual fee for each dealer registration plate issued to a motor-driven cycle dealer

§ 1926.1. Farm equipment vehicle dealers.

The annual fee for registration of a farm equipment dealer truck or truck tractor shall be one-half of the regular fee or [$243] $330, whichever is greater.

§ 1927. Transfer of registration.


§ 1928. Temporary and electronically issued registration plates.

The fee payable by a dealer or other dispensing agent for a temporary registration plate or for a registration plate to be issued for new registration processed electronically with the department shall be [$5] $14. The charge of the agent for providing an applicant with a plate under this section shall not exceed a total of [$10] $28.

§ 1929. Replacement registration plates.

The fee for a replacement registration plate other than a legislative or personal plate shall be [$7.50] $11.

§ 1930. Legislative registration plates.

The fee for issuance of a legislative registration plate shall be [$20] $51 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each legislative registration plate issued or replaced.

§ 1931. Personal registration plates.

The fee for issuance of a personal registration plate shall be [$20] $51 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each personal registration issued or replaced.
§ 1931.1. Street rod registration plates.

The fee for the issuance of a street rod registration plate shall be [$20] $51 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each street rod registration plate issued or replaced.

§ 1932. Duplicate registration cards.

The fee for each duplicate registration card when ordered at the time of vehicle registration, the transfer or renewal of registration or the replacement of a registration plate shall be [$1.50] $3. The fee for each duplicate registration card issued at any other time shall be [$4.50] $7.

§ 1933. Commercial implements of husbandry.

The annual fee for registration of a commercial implement of husbandry shall be [$76.50] $104 or one-half of the regular fee, whichever is greater.

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

(a) Driver's license.--The driver's license fee for each year or partial year shall be [$5.25] $6.25 plus the cost of the photograph required in section 1510(a) (relating to issuance and content of driver's license).

(b) Learner's permit.--The fee for a learner's permit shall be [$5] $18.

(c) Identification card.--The fee for an identification card shall be $5 plus the cost of the photograph.

(d) Replacement license or card.--The fee for a replacement [driver's license or identification card shall be $5 plus the cost of the photograph.] license or card shall be the cost of the photograph plus the following:

(1) For a driver's license, $7.
(2) For an identification card, $5.

$ 1957. Uncollectible checks.

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

$ 1959. Messenger service.

(a) Annual registration.--The annual fee for registration of a messenger service as provided for in Chapter 75 (relating to messenger service) shall be $180.

(b) Additional places of business.--The annual fee for registration of additional place of business or branch office from which a messenger service may transact business shall be $90.

(c) Transfer of location.--The fee for the transfer of location of a registered place of business or branch office of a messenger service during a period of registration shall be $18.

$ 1960. Reinstatement of operating privilege or vehicle registration.

The department shall charge a fee of $36 or, if section 1379 (relating to suspension of registration upon sixth unpaid parking violation in cities of the first class) or 1786(d) (relating to required financial responsibility) applies, a fee of $72 to restore a person's operating privilege or the
registration of a vehicle following a suspension or revocation.

Section 3. Section 9502(a) of Title 75 is amended by adding a paragraph to read:

§ 9502. Imposition of tax.

(a) General rule.--

* * *

(5) The following apply:

(i) For fiscal year 2010-2011, an additional 52 mills is hereby imposed upon all fuels as defined and provided in Chapter 90, and such tax shall also be collected as provided in section 9004(b).

(ii) The Department of Revenue shall determine and publish in the Pennsylvania Bulletin the average wholesale price to be applied to fiscal year 2010-2011 or portion of the fiscal year thereof.

(iii) The amount of the tax imposed under this paragraph shall increase annually by the rate of inflation calculated using the Consumer Price Index for the most recent available data over a 12-month period or by 1.5%, whichever is less, rounded up to the nearest tenth of a mill, as determined by the Department of Revenue, by July 1 of each year. The Department of Revenue shall publish a notice in the Pennsylvania Bulletin at least five weeks prior to July 1 of each year giving notice of the revised tax.

(iv) The proceeds of the tax imposed under this paragraph shall be appropriated to the department to be allocated as follows:

 (A) Eighty-seven percent to be used for State roads and bridges.
(B) Eleven percent for municipal roads and bridges distributed to municipalities pursuant to the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law.

(C) Two percent for county roads and bridges distributed to counties as follows:

(I) The distribution shall be in the ratio of:

(a) the square footage of deck area of a county's county-owned bridges; to

(b) the total square footage of deck area of county-owned bridges throughout this Commonwealth.

(II) The amount of square footage under subclause (I) shall be that reported as part of the National Bridge Inspection Standards Program.

* * *

Section 4. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of 74 Pa.C.S. Ch. 91.

(2) Section 3 of the act of May 29, 1945 (P.L.1108, No.402), referred to as the Limited Access Highway Law, is repealed insofar as it is inconsistent with the addition of 74 Pa.C.S. Ch. 91.

Section 5. The addition of 72 Pa.C.S. Ch. 22 shall apply to taxable years beginning after December 31, 2010.
NONSEVERABLE AND THAT IN THE EVENT A COURT OF COMPETENT
JURISDICTION RULES FINALLY THAT ANY PROVISION MANDATED IN
THIS ACT IS LEGALLY OR CONSTITUTIONALLY IMPERMISSIBLE, THIS
ENTIRE ACT SHALL BE VOID.

(2) IF ANY OF THE PROVISIONS OF 72 PA.C.S. § 2206 ARE
HELD TO BE INVALID BY ANY COURT, THE ENTIRE SECTION SHALL BE
DEEMED VOID AND SEVERABLE FROM THE REMAINING CHAPTER AND ACT.

SECTION 5.2. THE PENNSYLVANIA SUPREME COURT SHALL HAVE
EXCLUSIVE JURISDICTION TO HEAR ANY CHALLENGE TO OR TO RENDER A
DECLARATORY JUDGMENT CONCERNING THE CONSTITUTIONALITY OF THIS
PART. THE SUPREME COURT IS AUTHORIZED TO TAKE SUCH ACTION AS IT
DEEMS APPROPRIATE, CONSISTENT WITH THE SUPREME COURT RETAINING
JURISDICTION OVER SUCH A MATTER, TO FIND FACTS OR TO EXPEDITE A
FINAL JUDGMENT IN CONNECTION WITH SUCH A CHALLENGE OR REQUEST
FOR DECLARATORY RELIEF.

Section 6. This act shall take effect as follows:

(1) The amendment or addition of 74 Pa.C.S. § 1521 and
75 Pa.C.S. §§ 1553(c), 1617(1), (2) and (4), 1912, 1913,
1914, 1915, 1916(a)(1), 1917, 1918, 1920(a) and (c), 1921,
1922, 1923, 1924, 1925, 1926(a), (b) and (c), 1926.1, 1927,
and 1960 shall take effect in 180 days.

(2) The addition of 75 Pa.C.S. § 9502(a)(5)(iii) shall
take effect 30 days after publication of the notice under 75

(3) The addition of 74 Pa.C.S §§ 9101, 9102, 9103, 9105,
9106, 9107, 9108, 9109, 9110, 9111, 9112, 9113, 9114, 9115,
9116, 9117, 9118, 9119, 9121 and 9122 shall take effect in 60
days.

(4) The remainder of this act shall take effect
immediately.