

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1576

 Session of 1997

INTRODUCED BY MARSICO, LYNCH, D. W. SNYDER, CLARK, TULLI,
BATTISTO, YOUNGBLOOD, E. Z. TAYLOR, RAMOS, PRESTON STEELMAN
AND McNAUGHTON, JUNE 4, 1997

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 20, 1998

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, ~~providing for fraudulent duty log books; further~~ <—
3 ~~providing for penalties; and increasing certain penalties for~~
4 ~~offenses which result in vehicles being placed out of~~
5 ~~service.~~ FURTHER PROVIDING FOR UNLAWFUL ACTIVITIES AND FOR <—
6 POLICE AND COMMONWEALTH INSPECTIONS RELATING TO VEHICLE
7 INSPECTIONS.

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

10 ~~Section 1. Sections 4107(b) and (d) and 4704(c) of Title 75~~ <—
11 ~~of the Pennsylvania Consolidated Statutes are amended to read:~~
12 ~~§ 4107. Unlawful activities.~~

13 * * *

14 ~~(b) Other violations. It is unlawful for any person to do~~
15 ~~any of the following:~~

16 ~~(1) Willfully or intentionally remove (other than for~~
17 ~~purposes of repair and replacement) or render inoperative, in~~
18 ~~whole or in part, any item of vehicle equipment which was~~
19 ~~required to be installed at the time of manufacture or~~

1 ~~thereafter upon any vehicle, by any law, rule, regulation or~~
2 ~~requirement of any officer or agency of the United States or~~
3 ~~of the Commonwealth, if it is intended that the vehicle be~~
4 ~~operated upon the highways of this Commonwealth unless the~~
5 ~~removal or alteration is specifically permitted by this title~~
6 ~~or by regulations promulgated by the department.~~

7 ~~(2) Operate, or cause or permit another person to~~
8 ~~operate, on any highway in this Commonwealth any vehicle or~~
9 ~~combination which is not equipped as required under this part~~
10 ~~or under department regulations or which is otherwise in an~~
11 ~~unsafe condition or in violation of department regulations.~~

12 ~~(2.1) (i) Keep or maintain any fraudulent duty log,~~
13 ~~consisting of, but not limited to, false or misleading~~
14 ~~entries, forged entries or multiple logs.~~

15 ~~(ii) As used in this paragraph, "duty log" means a~~
16 ~~driver's record of duty status for each 24 hour period in~~
17 ~~accordance with 49 C.F.R. § 395.8 (relating to driver's~~
18 ~~record of duty status).~~

19 ~~(3) Do any act forbidden by this part or fail to perform~~
20 ~~any act required under this part.~~

21 ~~* * *~~

22 ~~(d) Penalty.—~~

23 ~~(1) A person who operates a motor carrier vehicle or a~~
24 ~~bus in violation of subsection (b)(2) commits a summary~~
25 ~~offense and, upon conviction, shall be sentenced to pay a~~
26 ~~fine of \$25 per violation, except that the fine for a~~
27 ~~violation which causes the vehicle to be placed out of~~
28 ~~service under section 4704(c) (relating to inspection by~~
29 ~~police or Commonwealth personnel) shall be [\$50] \$100 per~~
30 ~~violation. The maximum fine which may be levied on the basis~~

1 ~~of multiple charges filed together shall be \$500.~~

2 ~~(2) A person who causes or permits another person to~~
3 ~~operate a motor carrier vehicle or a bus in violation of~~
4 ~~subsection (b)(2) commits a summary offense and, upon~~
5 ~~conviction, shall be sentenced to pay a fine of \$50 per~~
6 ~~violation, except that the minimum fine for a violation which~~
7 ~~causes the vehicle to be placed out of service under section~~
8 ~~4704(c) shall be [\$100] \$200 per violation. The maximum fine~~
9 ~~which may be levied on the basis of multiple charges filed~~
10 ~~together shall be \$1,000.~~

11 ~~(3) (i) Any operator of a vehicle who violates~~
12 ~~subsection (b)(2.1) commits a summary offense and shall,~~
13 ~~upon conviction, be sentenced to pay a fine of \$1,000 per~~
14 ~~violation.~~

15 ~~(ii) Any owner of a vehicle who violates subsection~~
16 ~~(b)(2.1) commits a summary offense and shall, upon~~
17 ~~conviction, be sentenced to pay a fine of \$1,500 per~~
18 ~~violation.~~

19 SECTION 1. SECTION 4107(D) OF TITLE 75 OF THE PENNSYLVANIA <—
20 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY
21 ADDING A SUBSECTION TO READ:

22 § 4107. UNLAWFUL ACTIVITIES.

23 * * *

24 (B.1) OUT-OF-SERVICE CRITERIA.--

25 (1) NO PERSON SHALL OPERATE A MOTOR CARRIER VEHICLE OR
26 CAUSE, PERMIT, REQUIRE OR OTHERWISE ALLOW ANY OTHER PERSON TO
27 OPERATE A MOTOR CARRIER VEHICLE IN VIOLATION OF THE STANDARDS
28 SET FORTH IN THE NORTH AMERICAN UNIFORM OUT-OF-SERVICE
29 CRITERIA, AS AMENDED, AND PUBLISHED BY THE COMMERCIAL VEHICLE
30 SAFETY ALLIANCE, WHICH IS HEREBY ADOPTED AS COMMONWEALTH

1 STANDARDS.

2 (2) THE DEPARTMENT SHALL PROMULGATE THE PROVISIONS OF
3 THE NORTH AMERICAN UNIFORM OUT-OF-SERVICE CRITERIA, AS
4 AMENDED, AS REGULATIONS. REGULATIONS UNDER THIS PARAGRAPH
5 SHALL NOT BE SUBJECT TO THE ACT OF JULY 25, 1982 (P.L.633,
6 NO.181), KNOWN AS THE REGULATORY REVIEW ACT.

7 * * *

8 (D) PENALTY.--

9 (1) A PERSON WHO OPERATES A MOTOR CARRIER VEHICLE OR A
10 BUS IN VIOLATION OF SUBSECTION (B)(2) COMMITS A SUMMARY
11 OFFENSE AND, UPON CONVICTION, SHALL BE SENTENCED TO PAY A
12 FINE OF \$25 PER VIOLATION, EXCEPT THAT THE MINIMUM FINE FOR A
13 VIOLATION NOT RELATED TO DRIVER'S HOURS OF SERVICE WHICH
14 CAUSES THE DRIVER OR THE VEHICLE TO BE PLACED OUT OF SERVICE
15 UNDER SECTION 4704(C) (RELATING TO INSPECTION BY POLICE OR
16 COMMONWEALTH PERSONNEL) SHALL BE \$50 PER VIOLATION. THE
17 MAXIMUM FINE WHICH MAY BE LEVIED ON THE BASIS OF MULTIPLE
18 CHARGES FILED TOGETHER SHALL BE \$500.

19 (2) A PERSON WHO CAUSES [OR], PERMITS, REQUIRES OR
20 OTHERWISE ALLOWS ANOTHER PERSON TO OPERATE A MOTOR CARRIER
21 VEHICLE OR A BUS IN VIOLATION OF SUBSECTION (B)(2) COMMITS A
22 SUMMARY OFFENSE AND, UPON CONVICTION, SHALL BE SENTENCED TO
23 PAY A FINE OF \$50 PER VIOLATION, EXCEPT THAT THE MINIMUM FINE
24 FOR A VIOLATION NOT RELATED TO DRIVER'S HOURS OF SERVICE
25 WHICH CAUSES THE DRIVER OR THE VEHICLE TO BE PLACED OUT OF
26 SERVICE UNDER SECTION 4704(C) SHALL BE \$100 PER VIOLATION.
27 THE MAXIMUM FINE WHICH MAY BE LEVIED ON THE BASIS OF MULTIPLE
28 CHARGES FILED TOGETHER SHALL BE \$1,000.

29 (3) ANY PERSON WHO VIOLATES SUBSECTION (B.1), AS IT
30 RELATES TO DRIVER'S HOURS OF SERVICE, COMMITS A SUMMARY

1 OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A
2 FINE OF \$500 PER VIOLATION.

3 SECTION 2. SECTION 4704(C) OF TITLE 75 IS AMENDED TO READ:

4 § 4704. Inspection by police or Commonwealth personnel.

5 * * *

6 (c) Operation prohibited if hazardous.--

7 (1) In the event a vehicle or a mass transit vehicle, or
8 its equipment, load or driver, in the reasonable judgment of
9 the officer or qualified Commonwealth employee, is in such
10 condition that further operation would be hazardous, the
11 officer or qualified Commonwealth employee may require that
12 the vehicle or the mass transit vehicle not be operated under
13 its own power or that the driver discontinue driving, or
14 both, and may so stipulate in the notice given under
15 subsection (b). In the case of motor carrier vehicles or
16 their drivers, all such determinations shall be based on out-
17 of-service criteria established in department regulations.

18 ~~(2) In the event a commercial vehicle or mass transit~~ <—
19 ~~vehicle is involved in an accident that causes the death of~~
20 ~~the vehicle operator or another person, the vehicle and the~~
21 ~~operator of that vehicle shall be placed under a minimum 24-~~
22 ~~hour out of service order.~~

23 (2) IN THE EVENT A MOTOR CARRIER VEHICLE OR MASS TRANSIT <—
24 VEHICLE IS INVOLVED IN AN ACCIDENT THAT CAUSES THE DEATH OF
25 THE VEHICLE OPERATOR OR ANOTHER PERSON, THE MOTOR CARRIER
26 VEHICLE OR MASS TRANSIT VEHICLE SHALL BE INSPECTED BY A
27 QUALIFIED COMMONWEALTH EMPLOYEE, AS DESIGNATED BY THE
28 DEPARTMENT IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION
29 (F), BEFORE THE VEHICLE OR DRIVER WILL BE ALLOWED TO CONTINUE
30 OPERATION.

1 * * *

2 Section ~~2~~ 3. This act shall take effect in 60 days.

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