
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 457 Session of
1981

Report of the Committee of Conference

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 457, entitled:

"An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exceptions to vehicle registration and inspection requirements, PROVIDING FOR THE ADMISSIBILITY OF BREATH OR BLOOD TEST REFUSAL AND CHANGING THE PERIOD ALLOWED FOR TEMPORARY PERMITS,"

respectfully submit the following bill as our report:

RICHARD A. TILGHMAN

CLARENCE F. MANBECK

(Committee on the part of the Senate.)

RUDOLPH DININNI

FRED C. NOYE

(Committee on the part of the House of Representatives.)

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, deleting a provision prohibiting the deduction of oil company franchise tax in calculating other taxes imposed by the Commonwealth and for the payment of credits, reducing the fee for the issuance of identification markers, providing for the imposition of a new axle tax on certain vehicles and further providing for windshield obstructions.

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

Section 1. Sections 1916, 2102, 2104 and 4524 of Title 75, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, are amended to read:

§ 1916. Trucks and truck tractors.

(a) General rule.--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:

Registered			
Gross or Combination			
Class	Weight in Pounds		Fee
1	5,000 or less		\$ 39
2	5,001 - 7,000		54
3	7,001 - 9,000		102
4	9,001 - 11,000		132
5	11,001 - 14,000		162
6	14,001 - 17,000		192
7	17,001 - 21,000		237
8	21,001 - 26,000		270
9	26,001 - 30,000		[315] <u>243</u>
10	30,001 - 33,000		[378] <u>306</u>
11	33,001 - 36,000		[414] <u>342</u>

1	12	36,001 - 40,000	[438]	<u>366</u>
2	13	40,001 - 44,000	[465]	<u>357</u>
3	14	44,001 - 48,000	[501]	<u>393</u>
4	15	48,001 - 52,000	[552]	<u>444</u>
5	16	52,001 - 56,000	[588]	<u>480</u>
6	17	56,001 - 60,000	[666]	<u>558</u>
7	18	60,001 - 64,000	[741]	<u>597</u>
8	19	64,001 - 68,000	[777]	<u>633</u>
9	20	68,001 - 73,280	[834]	<u>690</u>
10	21	73,281 - 76,000	[1065]	<u>885</u>
11	22	76,001 - 78,000	[1089]	<u>909</u>
12	23	78,001 - 78,500	[1101]	<u>921</u>
13	24	78,501 - 79,000	[1113]	<u>933</u>
14	25	79,001 - 80,000	[1125]	<u>945</u>

15 (b) Optional registration.--Any vehicle falling within the
 16 range of weights for Classes 1 through 4, inclusive, shall
 17 notwithstanding any gross vehicle weight stamped on the
 18 manufacturer's serial plate, be registered, upon request of the
 19 person making application for registration, at the maximum
 20 allowable gross or combination weight for the particular weight
 21 class within which the gross vehicle weight determined by the
 22 manufacturer causes such vehicle to fall.

23 § 2102. Identification markers required.

24 (a) General rule.--The Secretary of Revenue shall provide an
 25 identification marker for every motor carrier vehicle.

26 (1) All motor vehicles required to display the
 27 identification marker shall permanently affix such
 28 identification marker on the top one-half of the outside door
 29 panel on the driver's left-hand side and shall follow the
 30 directions as indicated on the reverse side of the

1 identification marker.

2 (2) The identification marker shall remain the property
3 of the Commonwealth and may be recalled for any violation of
4 the provisions of this chapter, the "Motor Carriers Road Tax
5 Act" or the regulations promulgated thereunder.

6 (b) Fee.--The fee for issuance of an identification marker
7 prior to and including March 31, 1983 shall be \$25[, except that
8 for] and thereafter the fee shall be \$5. For vehicles registered
9 in this Commonwealth, the vehicle identification marker fee
10 shall be deemed a part of and included in the vehicle
11 registration fee. Payment of the fee notwithstanding, no marker,
12 permit or registration card shall be issued unless the tax
13 imposed by section 9902 (relating to imposition of axle tax) has
14 been paid.

15 (c) Issuance of markers.--Identification markers shall be
16 issued on a 12-month basis, effective April 1 of each year, and
17 shall be valid through the next succeeding March 31; however,
18 enforcement of this section shall not become effective until
19 April 15 of each year as to motor carrier vehicles displaying
20 the previous year's identification marker.

21 (d) Operation without identification marker unlawful.--It
22 shall be unlawful to operate or to cause to be operated in this
23 Commonwealth any motor carrier vehicle unless the vehicle bears
24 the identification marker required by this section.

25 (1) The Secretary of Revenue may by regulation exempt
26 from the requirement to display the identification marker
27 motor carrier vehicles which in his opinion are clearly
28 identifiable such that effective enforcement of this chapter
29 will not suffer thereby.

30 (2) For a period not exceeding five days as to any one

1 motor carrier, the Secretary of Revenue by letter or telegram
2 may authorize the operation of a motor carrier vehicle or
3 vehicles without the identification marker required or the
4 payment of the axle tax when the enforcement of this section
5 or section 9902 for that period would cause undue delay and
6 hardship in the operation of such motor carrier vehicle or
7 vehicles:

8 (i) The fee for such permits shall be [\$5] \$25 for
9 each motor carrier vehicle which shall be deposited in
10 the Highway Bridge Improvement Restricted Account within
11 the Motor License Fund.

12 (ii) Conditions for the issuance of such permits
13 shall be set forth in regulations promulgated by the
14 Department of Revenue.

15 § 2104. Special investigators; powers.

16 Such employees of the Department of Revenue as are designated
17 as special investigators, and who carry identification
18 indicating such capacity, are hereby declared to be peace
19 officers of the Commonwealth, are hereby given police power and
20 authority throughout the Commonwealth to arrest on view without
21 warrant any driver of a motor carrier vehicle engaged in any
22 operations in violation of any provision of this chapter,
23 Chapter 99 (relating to axle tax for highway bridge
24 improvement), or [of] the "Motor Carriers Road Tax Act" and
25 shall have the power and authority upon probable cause that any
26 such violation may have occurred to search and seize without
27 warrant or process any motor vehicle so operated.

28 § 4524. Windshield obstructions and wipers.

29 (a) Obstruction on front windshield.--No person shall drive
30 any motor vehicle with any sign, poster or other nontransparent

1 material upon the front windshield which materially obstructs,
2 obscures or impairs the driver's clear view of the highway or
3 any intersecting highway except an inspection certificate,
4 sticker identification sign on a mass transit vehicle or other
5 officially required sticker and no person shall drive any motor
6 vehicle with any ice or snow on the front windshield which
7 materially obstructs, obscures or impairs the driver's clear
8 view of the highway or any intersecting highway.

9 (b) Obstruction on side and rear windows.--No person shall
10 drive any motor vehicle with any sign, poster or other
11 nontransparent material, including ice or snow, upon the side
12 wings or side or rear windows of the vehicle which materially
13 obstructs, obscures or impairs the driver's clear view of the
14 highway or any intersecting highway.

15 (c) Other obstruction.--No person shall drive any motor
16 vehicle with any object or material hung from the inside
17 rearview mirror or otherwise hung, placed or attached in such a
18 position as to materially obstruct, obscure or impair the
19 driver's vision through the front windshield or any manner as to
20 constitute a safety hazard.

21 (d) Windshield wiper systems.--The windshield on every motor
22 vehicle other than a motorcycle or special mobile equipment
23 shall be equipped with a wiper system capable of cleaning rain,
24 snow or other moisture from the windshield, and so constructed
25 as to be controlled or operated by the driver of the vehicle.

26 Section 2. Section 9502(b) and (g) of Title 75 is amended to
27 read:

28 § 9502. Imposition of tax.

29 * * *

30 (b) Other taxes unaffected.--The tax imposed by this chapter

1 is in addition to all other taxes imposed by this chapter or any
2 other statute [and shall not be permitted as a deduction in
3 calculating any other tax imposed by the Commonwealth].

4 * * *

5 (g) Credit in absence of proof of nontaxable purpose.--The
6 department may provide, in any case in which the purchaser is
7 unable to provide documentation proving that petroleum products
8 are used for a nontaxable purpose, for the payment of a credit
9 to the exempt purchaser based on the average wholesale price of
10 petroleum products determined pursuant to regulations adopted by
11 the department. For purposes of calculating credits, the exempt
12 purchaser of petroleum products upon which the tax imposed by
13 this chapter has previously been paid shall be deemed to have
14 paid the tax and be eligible to receive a credit for any exempt
15 purchase or use.

16 * * *

17 Section 3. Title 75 is amended by adding a chapter to read:

18 CHAPTER 99

19 AXLE TAX FOR HIGHWAY BRIDGE IMPROVEMENT

20 Sec.

21 9901. Definitions.

22 9902. Imposition of axle tax.

23 9903. Report and payment of tax.

24 9904. Evidence of payment.

25 9905. Rebate in case of incidental travel.

26 9906. Penalties.

27 9907. Deposit of proceeds and purpose of tax.

28 9908. Appropriation.

29 9909. Administration and enforcement.

30 § 9901. Definitions.

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

4 "Department." The Department of Revenue.

5 "Motor carrier." Every person who operates or causes to be
6 operated any motor vehicle on any highway in this Commonwealth.
7 § 9902. Imposition of axle tax.

8 In addition to any other tax imposed by law, all motor
9 carriers shall pay an annual tax in the amount of \$36 per axle
10 on every truck, truck tractor or combination having a gross
11 weight or registered gross weight in excess of 26,000 pounds
12 operated on the highways of this Commonwealth.

13 § 9903. Report and payment of tax.

14 The tax shall be paid to the department at the time a motor
15 carrier applies for vehicle registration or for the issuance of
16 an identification marker or permit pursuant to section 2102
17 (relating to identification markers required). No registration
18 card or identification marker or permit shall be issued unless
19 the tax imposed by section 9902 (relating to imposition of axle
20 tax) has been paid.

21 § 9904. Evidence of payment.

22 The issuance of a registration card or vehicle identification
23 marker or permit shall be prima facie evidence that any tax
24 imposed by section 9902 (relating to imposition of axle tax) has
25 been paid.

26 § 9905. Rebate in case of incidental travel.

27 The full axle tax applies to vehicles which travel at least
28 2,000 miles annually in this Commonwealth. Vehicles travelling
29 less than 2,000 miles annually may file with the department for
30 an axle tax rebate which shall be supported by such data as may

1 be required by the department by regulation. The rebate will be
2 calculated in accordance with the following formula:

$$\begin{array}{rcl} 3 & 2,000 - \text{actual miles travelled} & \\ 4 & \text{-----} & \times \text{ axle tax paid} = \text{rebate} \\ 5 & 2,000 & \end{array}$$

6 § 9906. Penalties.

7 In addition to any penalties which may be imposed for the
8 failure to register a vehicle or obtain and display an
9 identification marker or special permit, any person who
10 willfully fails to pay the tax imposed by this chapter when due
11 commits a summary offense and, upon conviction shall be
12 sentenced, for a first offense, to pay a fine of not less than
13 \$100 nor more than \$500 and, for each subsequent or additional
14 offense, to pay a fine of not less than \$200 nor more than \$500
15 or to undergo imprisonment for a term not exceeding 90 days or
16 both.

17 § 9907. Deposit of proceeds and purpose of tax.

18 (a) General rule.--Proceeds from all taxes and penalties
19 imposed by this chapter shall be deposited in the Highway Bridge
20 Improvement Restricted Account within the Motor License Fund,
21 which account is hereby created.

22 (b) Purpose of tax.--It is the declared policy of the
23 Commonwealth that the money raised by the tax imposed by this
24 chapter be used, to the greatest extent possible, to provide for
25 the creation of jobs and the rehiring of the unemployed in this
26 Commonwealth. In order to reach this goal, firms with
27 Pennsylvania-based facilities shall be actively solicited to
28 make bids on contracts to furnish products and materials,
29 including, but not limited to, steel and steel products, to be
30 used in the projects funded through the Highway Bridge

1 Improvement Restricted Account.

2 § 9908. Appropriation.

3 The funds deposited in the Highway Bridge Improvement
4 Restricted Account within the Motor License Fund are hereby
5 annually appropriated out of the account upon authorization by
6 the Governor, for expenditure on bridge rehabilitation,
7 replacement and removal projects pursuant to the act of
8 , (P.L., No.), known as the "Highway Bridge Capital
9 Budget Act of 1982-1983," in accordance with the following
10 priorities:

11 (1) The first priority is to the Treasury Department for
12 deposit into the Capital Debt Fund for the payment of debt
13 service on general obligation bonds of the Commonwealth which
14 may be issued from time to time to fund any project described
15 in the "Highway Bridge Capital Budget Act of 1982-1983."

16 (2) The second priority is to the Department of
17 Transportation in the event excess funds are available after
18 the annual debt service requirements have been satisfied for:

19 (i) The non-Federal share of bridge rehabilitation,
20 replacement and removal projects on State-owned bridges
21 and bridges of undetermined ownership on State highways.

22 (ii) Grants to counties or municipalities to fund up
23 to 80% of the non-Federal share of bridge rehabilitation,
24 replacement and removal projects on county-owned or
25 municipal-owned bridges, and bridges of undetermined
26 ownership on county or municipal highways. The balance of
27 the costs for these bridge projects shall be funded by
28 the respective county or municipality or by private
29 funds.

30 § 9909. Administration and enforcement.

1 (a) General rule.--The Departments of Revenue and
2 Transportation shall jointly promulgate any regulations
3 necessary for the proper administration and enforcement of this
4 chapter.

5 (b) Appeal procedures.--The procedures for appeals relating
6 to the tax imposed by this chapter shall be consistent with
7 those contained in Chapter 95 (relating to oil company franchise
8 tax for highway maintenance and construction).

9 Section 4. Section 2 shall be retroactive to July 1, 1981.

10 Section 5. (a) Sections 1 and 3 shall take effect April 1,
11 1983.

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