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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 10

Session of  
1979

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Report of the Committee of Conference

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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. 10, entitled:

"An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, CHANGING CERTAIN TRUCK AND TRUCK TRACTOR REGISTRATION FEES, PROVIDING FOR MOTOR CARRIERS ROAD TAX IDENTIFICATION MARKERS; further providing for studded tires ~~and~~; providing penalties; PROVIDING FOR ANNUAL INSPECTION OF VEHICLES; FURTHER PROVIDING FOR STATIONARY SCALES AND THE WEIGHTS OF VEHICLES, ~~AND~~ CHANGING CERTAIN PENALTIES AND MAKING CERTAIN APPROPRIATIONS."

respectfully submit the following bill as our report:

FRANCIS J. LYNCH

JAMES E. ROSS

CLARENCE F. MANBECK

(Committee on the part of the Senate.)

RUDOLPH DININNI

RICHARD A. McCLATCHY

JOSEPH P. KOLTER

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

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, changing certain fees; providing for identification  
3 markers; adding certain enforcement powers; providing for  
4 stationary scales and the weights of vehicles; changing  
5 certain penalties; providing for the distribution of certain  
6 funds; and making repeals.

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

9 Section 1. Section 102 of Title 75, act of November 25, 1970  
10 (P.L.707, No.230), known as the Pennsylvania Consolidated  
11 Statutes, is amended by adding a definition to read:

12 § 102. Definitions.

13 \* \* \*

14 "Motor carrier vehicle." A truck, truck tractor or  
15 combination having a gross weight or registered gross weight in  
16 excess of 17,000 pounds.

17 \* \* \*

18 Section 2. Sections 1916, 1920, 1928, 1952(a), 1955(a) and  
19 1958 of Title 75, section 1916 amended February 15, 1980 (No.8),  
20 are amended to read:

21 § 1916. Trucks and truck tractors.

22 (a) General rule.--The annual fee for registration of a  
23 truck or truck tractor shall be determined by its registered  
24 gross weight or combination weight in pounds according to the  
25 following table:

26	Class	Registered	Fee
27		Gross or Combination	
28		Weight	
29	1	5,000 or less	\$ 39
30	2	5,001 - 7,000	[ 52] <u>54</u>
31	3	7,001 - 9,000	[ 84] <u>102</u>

1	4	9,001 - 11,000	[108] <u>132</u>
2	5	11,001 - 14,000	[132] <u>162</u>
3	6	14,001 - 17,000	[156] <u>192</u>
4	7	17,001 - 21,000	[192] <u>237</u>
5	8	21,001 - 26,000	[216] <u>270</u>
6	9	26,001 - 30,000	[252] <u>315</u>
7	10	30,001 - 33,000	[300] <u>378</u>
8	11	33,001 - 36,000	[324] <u>414</u>
9	12	36,001 - 40,000	[342] <u>438</u>
10	13	40,001 - 44,000	[360] <u>465</u>
11	14	44,001 - 48,000	[384] <u>501</u>
12	15	48,001 - 52,000	[420] <u>552</u>
13	16	52,001 - 56,000	[444] <u>588</u>
14	17	56,001 - 60,000	[501] <u>666</u>
15	18	60,001 - 64,000	[552] <u>741</u>
16	19	64,001 - 68,000	[576] <u>777</u>
17	20	68,001 - 73,280	[606] <u>834</u>
18	<u>21</u>	<u>73,281 - 76,000</u>	<u>1065</u>
19	<u>22</u>	<u>76,001 - 78,000</u>	<u>1089</u>
20	<u>23</u>	<u>78,001 - 78,500</u>	<u>1101</u>
21	<u>24</u>	<u>78,501 - 79,000</u>	<u>1113</u>
22	<u>25</u>	<u>79,001 - 80,000</u>	<u>1125</u>

23 (b) Optional registration.--Any vehicle falling within the  
 24 range of weights for Classes 1 through 4, inclusive, shall  
 25 notwithstanding any gross vehicle weight stamped on the  
 26 manufacturer's serial plate, be registered, upon request of the  
 27 person making application for registration, at the maximum  
 28 allowable gross or combination weight for the particular weight  
 29 class within which the gross vehicle weight determined by the  
 30 manufacturer causes such vehicle to fall.

1 § 1920. Trailers.

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

5	Registered Gross	Fee
6	Weight in Pounds	
7	3,000 or less	\$ 6
8	3,001 - 10,000	12
9	10,001 or more	27

10 (b) Optional five-year registration.--A trailer may be  
11 registered for a period of five years upon payment by the  
12 registrant of the applicable fee for such period.

13 § 1928. Temporary registration plates.

14 The fee payable by a dealer or other dispensing agent for a  
15 temporary registration plate shall be [~~\$1~~] \$5. The charge of the  
16 agent for providing an applicant with a temporary plate shall  
17 not exceed a total of [~~\$5~~] \$10.

18 § 1952. Certificate of title.

19 (a) General rule.--The fee for issuance of a certificate of  
20 title shall be [~~\$5~~] \$15.

21 \* \* \*

22 § 1955. Information concerning drivers and vehicles.

23 (a) Registrations, titles and security interests.--The fee  
24 for copies of or written information relating to a registration,  
25 title or security interest shall be [~~\$2.50~~] \$5.

26 \* \* \*

27 § 1958. Certificate of inspection.

28 The department shall charge [~~25¢~~] \$1 for each certificate of  
29 inspection.

30 Section 3. Title 75 is amended by adding a section to read:

1 § 1960. Reinstatement of operating privilege.

2 The department shall charge a fee of \$25 to restore a  
3 person's operating privilege following a suspension or  
4 revocation.

5 Section 4. Title 75 is amended by adding a chapter to read:

6 CHAPTER 21

7 MOTOR CARRIERS ROAD TAX IDENTIFICATION MARKERS

8 Sec.

9 2101. Construction.

10 2102. Identification markers required.

11 2103. False statements and penalties.

12 2104. Special investigators; powers.

13 § 2101. Construction.

14 This chapter shall be construed in conjunction with the act  
15 of June 19, 1964 (P.L.7, No.1), known as the "Motor Carriers  
16 Road Tax Act" and any reference to the former section 11 thereof  
17 shall be deemed a reference to this chapter.

18 § 2102. Identification markers required.

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

21 (1) The identification marker must be affixed to the  
22 vehicle in an easily visible position.

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

27 (b) Fee.--The fee for issuance of an identification marker  
28 shall be \$25, except that for vehicles registered in this  
29 Commonwealth, the vehicle identification marker fee shall be  
30 deemed a part of and included in the vehicle registration fee.

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

7     (d) Operation without identification marker unlawful.--It  
8 shall be unlawful to operate or to cause to be operated in this  
9 Commonwealth any motor carrier vehicle unless the vehicle bears  
10 the identification marker required by this section.

11         (1) The Secretary of Revenue may by regulation exempt  
12 from the requirement to display the identification marker  
13 motor carrier vehicles which in his opinion are clearly  
14 identifiable such that effective enforcement of this chapter  
15 will not suffer thereby.

16         (2) For a period not exceeding five days as to any one  
17 motor carrier, the Secretary of Revenue by letter or telegram  
18 may authorize the operation of a motor carrier vehicle or  
19 vehicles without the identification marker required when the  
20 enforcement of this section for that period would cause undue  
21 delay and hardship in the operation of such motor carrier  
22 vehicle or vehicles:

23             (i) The fee for such permits shall be \$5 for each  
24 motor carrier vehicle.

25             (ii) Conditions for the issuance of such permits  
26 shall be set forth in regulations promulgated by the  
27 Department of Revenue.

28 § 2103. False statements and penalties.

29     (a) False statements.--Any person who willfully and  
30 knowingly makes, publishes, delivers or utters a false statement

1 orally, or in writing, or in the form of a receipt for the sale  
2 of motor fuel, for the purpose of obtaining or attempting to  
3 obtain, or to assist any person to obtain or attempt to obtain,  
4 a credit or refund or reduction of liability for taxes under  
5 this chapter or under the "Motor Carriers Road Tax Act," shall  
6 be guilty of a summary offense and, upon conviction thereof, for  
7 a first offense shall be sentenced to pay a fine of not less  
8 than \$100 nor more than \$500; and for each subsequent or  
9 additional offense, a fine of not less than \$200 nor more than  
10 \$500, or undergo imprisonment for a term not exceeding 90 days,  
11 or both.

12 (b) Other penalties.--Any person willfully violating any  
13 provision of this chapter or any provision of the "Motor  
14 Carriers Road Tax Act" not covered by any other penalty  
15 contained in this chapter, shall be guilty of a summary offense  
16 and, upon conviction thereof, for a first offense, shall be  
17 sentenced to pay a fine of not less than \$100 nor more than  
18 \$500; and, for each subsequent or additional offense, a fine of  
19 not less than \$200 nor more than \$500, or undergo imprisonment  
20 for a term not exceeding 90 days, or both. If the person  
21 convicted is a corporation, any imprisonment imposed shall be  
22 served by the responsible corporate employee.

23 § 2104. Special investigators; powers.

24 Such employees of the Department of Revenue as are designated  
25 as special investigators, and who carry identification  
26 indicating such capacity, are hereby declared to be peace  
27 officers of the Commonwealth, are hereby given police power and  
28 authority throughout the Commonwealth to arrest on view without  
29 warrant any driver of a motor carrier vehicle engaged in any  
30 operations in violation of any provision of this chapter or of

1 the "Motor Carriers Road Tax Act" and shall have the power and  
2 authority upon probable cause that any such violation may have  
3 occurred to search and seize without warrant or process any  
4 motor vehicle so operated.

5 Section 5. Sections 4703(a), 4704, 4724, 4726, 4727(a),  
6 4902, 4923, 4941(a), 4943, 4944, 4945(a), 4981 and 4983 of Title  
7 75 are amended to read:

8 § 4703. Operation of vehicle without official certificate of  
9 inspection.

10 (a) [General rule.--No registered] General rules.--

11 (1) Except as otherwise provided in this section, no  
12 motor vehicle required to bear registration plates issued by  
13 this Commonwealth shall be driven and no [registered] trailer  
14 required to bear registration plates issued by this  
15 Commonwealth shall be moved on a highway unless the vehicle  
16 displays a currently valid certificate of inspection [and  
17 approval] issued under this chapter.

18 (2) No motor carrier vehicle shall be operated on a  
19 highway unless it displays a currently valid certificate of  
20 inspection issued under this chapter or by another state.

21 \* \* \*

22 § 4704. [Notice by police officers of violation.] Inspection  
23 by police or department personnel.

24 (a) [General rule.] Inspection in conjunction with vehicle  
25 weighing.-- Any police officer or department employee engaged in  
26 weighing vehicles as provided in Subchapter E of Chapter 49  
27 (relating to measuring and adjusting vehicle size and weights)  
28 is authorized to inspect any items of a vehicle's equipment to  
29 determine whether they meet the standards established in  
30 department regulations.



1     (b) Inspection by police officer.--Any police officer having  
2 probable cause to believe that any vehicle, regardless of  
3 whether it is being operated, is unsafe or not equipped as  
4 required by law may at any time submit a written notice of the  
5 condition to the driver of the vehicle or to the owner, or if  
6 neither is present, to an adult occupant of the vehicle, or if  
7 the vehicle is unoccupied, the notice shall be attached to the  
8 vehicle in a conspicuous place.

9           (1) If an item of equipment is broken or missing, the  
10 notice shall specify the particulars of the condition and  
11 require that the equipment be adjusted or repaired. Within  
12 five days evidence must be submitted to the police that the  
13 requirements for repair have been satisfied.

14          (2) If the police officer has probable cause to believe  
15 that a vehicle is unsafe or not in proper repair, he may  
16 require in the written notice that the car be inspected. The  
17 owner or driver shall submit to the police within five days  
18 of the date of notification certification from an official  
19 inspection station that the vehicle has been restored to safe  
20 operating condition in relation to the particulars specified  
21 on the notice.

22          (3) After the expiration of the five-day period  
23 specified in paragraphs (1) and (2), the vehicle shall not be  
24 operated upon the highways of this Commonwealth until the  
25 owner or driver has submitted to the police evidence of  
26 compliance with the requirements of paragraph (1) or (2),  
27 whichever is applicable.

28     ~~[(b)]~~ (c) Operation prohibited if hazardous.--In the event a  
29 vehicle, in the reasonable judgment of the officer, is in such  
30 condition that further operation would be hazardous, the officer

1 may require that the vehicle not be operated under its own power  
2 and may so stipulate in the notice given under subsection [(a)]  
3 (b).

4 § 4724. Suspension of certificates of appointment.

5 (a) General rule.--The department shall supervise and  
6 inspect official inspection stations and [shall] may suspend the  
7 certificate of appointment issued to a station which it finds is  
8 not properly equipped or conducted or which has violated or  
9 failed to comply with any of the provisions of this chapter or  
10 regulations adopted by the department. The department shall  
11 maintain a list of all stations holding certificates of  
12 appointment and of those whose certificates of appointment have  
13 been suspended. Any suspended certificate of appointment and all  
14 unused certificates of inspection shall be returned immediately  
15 to the department.

16 (b) Judicial review.--Any person whose certificate of  
17 appointment has been denied or suspended under this chapter  
18 shall have the right to appeal to the court vested with  
19 jurisdiction of such appeals by or pursuant to Title 42  
20 (relating to judiciary and judicial procedure). The court shall  
21 set the matter for hearing upon [30] 60 days' written notice to  
22 the department and take testimony and examine into the facts of  
23 the case and determine whether the petitioner is entitled to a  
24 certificate of appointment or is subject to suspension of the  
25 certificate of appointment under the provisions of this chapter.

26 § 4726. Certification of mechanics.

27 (a) General rule.--No mechanic shall conduct motor vehicle  
28 inspections at an official inspection station unless certified  
29 as to training, qualifications and competence by the department  
30 according to department regulations. The provisions of this

1 title or regulations adopted thereunder shall not be construed  
2 or applied in a manner which would preclude or impair the right  
3 of a person who is a resident of another state, and who is in  
4 possession of a valid driver's license issued by such state, to  
5 be certified to conduct motor vehicle inspections at an official  
6 inspection station in this Commonwealth. No official inspection  
7 station appointment shall be issued or renewed unless a  
8 certified official inspection mechanic is there employed.

9 (b) Supervision and suspension.--The department shall  
10 supervise mechanics certified under this section and may suspend  
11 the certification issued to a mechanic if it finds that the  
12 mechanic has improperly conducted inspections or has violated or  
13 failed to comply with any of the provisions of this chapter or  
14 regulations adopted by the department. The department shall  
15 maintain a list of all certified mechanics and of those whose  
16 certification has been suspended. Any suspended certificate  
17 shall be returned immediately to the department.

18 (c) Judicial review.--Any mechanic whose certificate has  
19 been denied or suspended under this chapter shall have the right  
20 to appeal to the court vested with jurisdiction of such appeals  
21 by or pursuant to Title 42 (relating to judiciary and judicial  
22 procedure). The court shall set the matter for hearing upon 60  
23 days' written notice to the department and take testimony and  
24 examine into the facts of the case and determine whether the  
25 petitioner is entitled to certification or is subject to  
26 suspension of the certification under the provisions of this  
27 chapter.

28 § 4727. Issuance of certificate of inspection.

29 (a) Requirements prior to inspection.--No vehicle except a  
30 vehicle owned by a dealer or manufacturer shall be inspected

1 unless it is duly registered or titled in this Commonwealth or  
2 in any other jurisdiction. The owner or operator or an employee  
3 of the official inspection station shall examine the  
4 registration card or title in order to ascertain that the  
5 vehicle is registered or titled.

6 \* \* \*

7 § 4902. Restrictions on use of highways and bridges.

8 (a) [General rule.--The department] Restrictions based on  
9 condition of highway or bridge.--The Commonwealth and local  
10 authorities with respect to highways and bridges under their  
11 jurisdictions may prohibit the operation of vehicles and may  
12 impose restrictions as to the weight or size of vehicles  
13 operated upon a highway or bridge whenever they determine that  
14 the highway or bridge[, by reason of deterioration or rain, snow  
15 or other climatic conditions,] may be damaged or destroyed  
16 unless [the] use [of] by vehicles is prohibited or the  
17 permissible [weights] size or weight of vehicles is reduced.  
18 School buses, emergency vehicles and vehicles making local  
19 deliveries or pickups may be exempted from restrictions on the  
20 use of highways imposed under this subsection.

21 [(b) Permit with bond.--The department and local authorities  
22 may issue permits for movement of vehicles of size and weight in  
23 excess of the restrictions promulgated under subsection (a) with  
24 respect to highways and bridges under their jurisdiction,  
25 conditioned upon the execution of a surety bond by the user in  
26 favor of the department or local authorities to cover the cost  
27 of repairs necessitated by the movement.

28 (c)] (b) Restrictions [from] based on traffic conditions.--  
29 The [department] Commonwealth and local authorities with respect  
30 to highways and bridges under their jurisdictions may prohibit

1 the operation of vehicles and may impose restrictions as to the  
2 weight or size of vehicles operated upon a highway or bridge [by  
3 reason of] whenever they determine that hazardous traffic  
4 conditions or other safety factors require such a prohibition or  
5 restriction. School buses, emergency vehicles and vehicles  
6 making local deliveries or pickups may be exempted from  
7 restrictions on the use of highways imposed under this  
8 subsection.

9 (c) Permits and security.--The Commonwealth and local  
10 authorities may issue permits for movement of vehicles of size  
11 and weight in excess of restrictions promulgated under  
12 subsections (a) and (b) with respect to highways and bridges  
13 under their jurisdiction and may require such undertaking or  
14 security as they deem necessary to cover the cost of repairs and  
15 restoration necessitated by the permitted movement of vehicles.

16 (d) Designation of alternate routes.--In conjunction with  
17 the exercise of the powers set forth in subsections (a) and (b),  
18 the Commonwealth may designate alternate routes for vehicles in  
19 excess of specified weights or sizes. Such alternate routes may  
20 utilize portions of the Pennsylvania Turnpike.

21 [(d)] (e) Erection of signs.--The [department] Commonwealth  
22 and [the] local authorities shall erect or cause to be erected  
23 and maintained restriction signs designating the restrictions at  
24 each end of [that portion of any highway or] a bridge or portion  
25 of highway restricted as provided in subsections (a) [and (c).  
26 The restrictions shall not be effective unless signs are erected  
27 and maintained in accordance with this subsection.] or (b). In  
28 the case of a restriction on a bridge or on a highway which does  
29 not begin or end at an intersection with an unrestricted  
30 highway, the Commonwealth or local authorities shall also place

1 an advance informational sign at the intersection nearest each  
2 end of the restricted bridge or portion of highway which would  
3 allow drivers to avoid the restricted bridge or portion of  
4 highway. No person shall be convicted of violating subsections  
5 (a) or (b) unless the restriction sign designating the  
6 restricted bridge or portion of highway to traffic moving in the  
7 direction the person was driving was posted as required in this  
8 subsection. However, failure to post the restriction sign  
9 designating the restricted bridge or portion of highway to  
10 traffic moving in the opposite direction or failure to post any  
11 advance informational sign shall not constitute a defense to a  
12 violation of this section.

13 (f) Actions to be in accordance with department  
14 regulations.--All actions taken under authority of this section  
15 shall be taken in accordance with department regulations.

16 [(e)] (g) Penalty.--

17 (1) Any person operating a vehicle or combination upon a  
18 highway or bridge in violation of a prohibition or  
19 restriction imposed under subsection (a) is guilty of a  
20 summary offense and shall, upon conviction, be sentenced to  
21 pay a fine of \$75, except that any person convicted of  
22 operating a vehicle with a gross weight in excess of a posted  
23 weight shall, upon conviction, be sentenced to pay a fine of  
24 \$150 plus \$150 for each 500 pounds, or part thereof, in  
25 excess of 3,000 pounds over the maximum allowable weight.

26 (2) Any person operating a vehicle or combination in  
27 violation of a prohibition or restriction imposed under  
28 subsection (b) is guilty of a summary offense and shall, upon  
29 conviction, be sentenced to pay a fine of not less than \$25  
30 and not more than \$100.

1 § 4923. Length of vehicles.

2 (a) General rule.--No motor vehicle, including any load and  
3 bumpers, shall exceed an overall length of 40 feet, and no  
4 combination, including any load and bumpers, shall exceed an  
5 overall length of [55] 60 feet.

6 (b) Exceptions.--The limitations of (a) do not apply to the  
7 following:

8 (1) Any motor vehicle equipped with a boom or boom-like  
9 device if the vehicle does not exceed 55 feet.

10 [(2) The load on a combination designed exclusively for  
11 carrying motor vehicles if the overall length of the  
12 combination and load does not exceed 60 feet.

13 (3)] (2) Any combination transporting articles which do  
14 not exceed 70 feet in length and are nondivisible as to  
15 length.

16 [(4)] (3) Any bus of an articulated design which does  
17 not exceed 60 feet.

18 § 4941. Maximum gross weight of vehicles.

19 (a) General rule.--No vehicle [or combination] shall, when  
20 operated upon a highway, have a gross weight exceeding 73,280  
21 pounds, and no combination driven upon a highway shall have a  
22 gross weight exceeding the lesser of 80,000 pounds, including  
23 all enforcement tolerances, or the applicable weight set forth  
24 in subsection (b).

25 \* \* \*

26 § 4943. Maximum axle weight of vehicles.

27 (a) General rule.--[No motor] Except as provided in  
28 subsection (b), no vehicle or combination [shall, when operated]  
29 driven upon a highway[, ] shall have a weight upon [each of two  
30 adjacent axles] any axle in excess of the lesser of the

1 manufacturer's rated axle capacity or the following applicable  
2 weight:

3 Maximum Axle Weight in Pounds Upon:

4 If the Center-to Center  
5 Distance Between [Two]

6 <u>the Nearest</u>	One of Two	Other of Two
7 Adjacent Axles is:	Adjacent Axles	Adjacent Axles
8 Under 6 feet	18,000	18,000
9 6 to 8 feet	18,000	22,400
10 Over 8 feet	22,400	22,400

11 (b) Vehicles and combinations with five or more axles.--No  
12 vehicle or combination with five or more axles driven on a  
13 highway shall have a weight upon any axle in excess of the  
14 manufacturer's rated axle capacity, nor shall the overall gross  
15 weight on any group of two or more consecutive axles on  
16 combinations with an overall gross weight in excess of 73,280  
17 pounds exceed that produced by application of the following  
18 formula:

$$\begin{array}{rcl} 19 & & LN \\ 20 & W = 500 & \text{---} + (12N + 36) \\ 21 & & N-1 \\ 22 & & \text{-----} \end{array}$$

23 Where W = overall gross weight on any group of two or more  
24 consecutive axles to the nearest 500 pounds, L = distance in  
25 feet between the extreme of any group of two or more consecutive  
26 axles and N = number of axles in group under consideration,  
27 except that two consecutive pairs of axles may carry a gross  
28 load of 34,000 pounds each, provided the overall distance  
29 between the first and last axles of such consecutive pairs of  
30 axles is 36 feet or more.



1     (c) Gross weight.--No vehicle or combination shall be driven  
2 with a gross weight in excess of the sum of the allowable axle  
3 weights as set forth in this section, nor shall any vehicle or  
4 combination be driven with a gross weight in excess of the sum  
5 of the manufacturer's rates axle capacities.

6     ~~[(b)]~~ (d) Location of front axle of semitrailer.--No  
7 semitrailer, originally in this Commonwealth on or after  
8 September 1, [1973] 1963, and having two or more axles, shall be  
9 operated upon a highway unless the foremost axle of the  
10 semitrailer is at least 12 feet from the rearmost axle of the  
11 towing vehicle.

12 § 4944. Maximum wheel load.

13 No motor vehicle or combination shall, when operated upon a  
14 highway, have a weight upon any one wheel in excess of 800  
15 pounds for each nominal inch of width of tire on the wheel.

16 § 4945. Penalties for exceeding maximum weights.

17 (a) Gross weight violations.--

18     (1) Any person [operating] driving a vehicle or  
19 combination upon a highway exceeding the maximum gross weight  
20 allowed by section 4941 (relating to maximum gross weight of  
21 vehicles) or the registered gross weight allowed by section  
22 4942 (relating to registered gross weight), whichever is  
23 less, is guilty of a summary offense and shall, upon  
24 conviction, be sentenced to pay a fine of \$75 plus \$75 for  
25 each 500 pounds, or part thereof, in excess of 3,000 pounds  
26 over the maximum [or] gross weight or the registered gross  
27 weight [allowed].

28     (2) If the gross weight of any vehicle or combination  
29 exceeds [73,280 pounds] the applicable gross weight allowed  
30 under section 4941(a), the fine imposed under this

1     subsection, shall be [double the amount for other weight  
2     violations] doubled.

3     \* \* \*

4     § 4981. Weighing and measurement of vehicles.

5     (a) Authority of police officer.--Any police officer is  
6     authorized to require the driver of any vehicle or combination  
7     to stop and submit the vehicle or combination to be measured and  
8     weighed. Weighing may be done by using either portable or  
9     stationary scales. The [measurement and] weighing shall be  
10    conducted by qualified personnel who have been trained in the  
11    use of weighing [and measuring] equipment in a training program  
12    approved by the Department of Agriculture. A police officer may  
13    require that a vehicle or combination be driven to the nearest  
14    stationary scales if the scales are within two miles.

15    (b) [Stationary scales] Scales on freeways.--The Department  
16    of Transportation, in cooperation with the Pennsylvania State  
17    Police, shall [maintain] operate on freeways at points which it  
18    deems necessary [stationary] scales and other equipment for  
19    detecting violations of the size and weight limitations  
20    prescribed by this chapter. The department may also contract  
21    with persons or local authorities to use their [stationary]  
22    scales.

23    (c) Weighing of wheels or axles.--If a vehicle is weighed in  
24    multiple drafts, or if only a single wheel or axle or pair of  
25    axles is weighed, a tolerance of [1%] 3% shall be allowed.

26    (d) Reweighing at request of driver or owner.--Whenever  
27    scales operated by other than the department indicate that a  
28    vehicle, wheel, axle or pair of axles is overweight, the driver  
29    or owner may elect to have the vehicle reweighed on the nearest  
30    available [official] scales which have been [sealed] certified

1 by the Department of Agriculture. The lower reading of the two  
2 scales shall determine whether charges shall be filed under this  
3 section.

4 § 4983. Penalty for [violation of subchapter] failure to obey  
5 police officer.

6 [Any driver who fails or refuses to comply with the  
7 requirements of a police officer given pursuant to this  
8 subchapter is guilty of a summary offense and shall, upon  
9 conviction, be sentenced to pay a fine of \$100.] If a driver  
10 shall fail or refuse to comply with the requirements of a police  
11 officer given pursuant to this subchapter, the police officer  
12 shall have authority to take the vehicle into temporary custody  
13 and have the vehicle weighed. In addition to any fine or penalty  
14 assessable for being overweight, any driver who fails or refuses  
15 to comply as aforesaid shall be guilty of a summary offense and  
16 shall upon conviction be sentenced to pay a fine of \$500. Any  
17 costs incurred in weighing the vehicle shall be paid by the  
18 driver to the person incurring the costs or to the issuing  
19 authority for payment to the person incurring the costs.

20 Section 6. Title 75 is amended by adding chapters to read:

21 CHAPTER 91

22 STATE HIGHWAY MAINTENANCE

23 Sec.

24 9101. Definitions.

25 9102. Distribution of State highway maintenance funds.

26 9103. Transfers for emergency or equipment needs.

27 9104. Standards and methodology for data collection.

28 9105. Nonlapse of allocated funds for advertised projects.

29 § 9101. Definitions.

30 The following words and phrases when used in this chapter

1 shall have, unless the context clearly indicates otherwise, the  
2 meanings given to them in this section:

3 "ASHMA." One hundred percent of all additional State highway  
4 maintenance appropriations and executive authorizations in  
5 excess of 95% of the total of all counties' base allocations.

6 "Base allocation." The total highway maintenance  
7 appropriations and executive authorizations received by a county  
8 maintenance district for either fiscal year 1978-1979 or, based  
9 on the best current information available to the department and  
10 certified by the Governor as of May 21, 1980, fiscal year 1979-  
11 1980, whichever is greater.

12 "BD." The number of square feet of State highway bridge deck  
13 in each county as a proportion of the total amount of square  
14 feet of State highway bridge deck in this Commonwealth.

15 "c." When used alone or in conjunction with any formula  
16 part, any given county.

17 "Highway maintenance." A program to preserve, repair and  
18 restore a system of existing State roadways with its elements to  
19 its designed or accepted configuration. System elements include  
20 but are not limited to travelway surfaces, shoulders, roadsides,  
21 drainage facilities, bridges, tunnels, signs, markings, lighting  
22 and fixtures. Included in the program are such traffic services  
23 as lighting and signal operation, snow and ice removal and  
24 operation of roadside rest areas. Highway maintenance programs  
25 are developed to offset the effects of weather, organic growth,  
26 deterioration, traffic wear, damage and vandalism. Deterioration  
27 would include effects of aging, material failures and design and  
28 construction faults to existing State highways.

29 "LM." The number of actual State highway lane miles in each  
30 county as a proportion of the total number of State highway lane

1 miles in this Commonwealth.

2 "RPO." The Relative Pavement Quality Index which shall be  
3 based upon a Road Quality Report which entails the use of  
4 trained professionals to physically evaluate the conditions of  
5 the highways in each county on a periodic basis. The criteria  
6 for determining any road deficiencies shall include but not be  
7 limited to road surface, foundation, drainage, shoulders and  
8 other safety features such as road striping, guardrails, median  
9 barriers and signs. The index shall provide a reasonable  
10 comparison of highway quality and conditions between all  
11 counties. The report shall be submitted annually to the  
12 Transportation Committees of the Senate and House of  
13 Representatives for their review.

14 "SI." The snow index for each county is the product of an  
15 average of the immediately preceding four calendar years snow  
16 days for each county times the number of State highway lane  
17 miles in each county as a proportion of the sum of the products  
18 (snow days times lane miles) for every county in this  
19 Commonwealth.

20 "Snow day." Any day in which the snow fall reached or  
21 exceeded one inch in depth.

22 "Vehicle miles." The total number of miles traveled by all  
23 vehicles on State maintained roads within a county as determined  
24 by the department.

25 "VM." The number of vehicle miles traveled in each county as  
26 a proportion of the total vehicle miles traveled in this  
27 Commonwealth.

28 § 9102. Distribution of State highway maintenance funds.

29 (a) General rule.--The department shall distribute all  
30 highway appropriations and executive authorizations for State

highway maintenance in the various county maintenance districts  
in the following manner:

(1) For any fiscal year in which the total highway  
maintenance appropriations and executive authorizations are  
equal to the combined total base allocations for all the  
county maintenance districts, each maintenance district shall  
receive its base allocation.

(2) For any fiscal year in which the total highway  
maintenance appropriations and executive authorizations are  
less than the combined total base allocations of all the  
county maintenance districts, each maintenance district's  
share shall be reduced, to the extent necessary to bring the  
total allocation within the funding limits, in the same  
proportion that each county's base allocations bears to the  
combined total of all counties' base allocations.

(3) For any fiscal year in which the total highway  
maintenance appropriations and executive authorizations are  
greater than the combined total base allocations of all the  
county maintenance districts, the funds shall be distributed  
based upon the formula in subsection (b), but notwithstanding  
the formula calculation for any particular county, no county  
shall receive less than its base allocation in any year.

(b) Formula for distribution.--The department shall  
distribute to each county maintenance district:

(1) an amount equal to 95% of the county's base  
allocation; plus

(2) an amount based on the following incremented formula  
in which each county shall receive a portion of 100% of all  
State highway maintenance appropriations and executive  
authorizations in excess of 95% of the total of all counties'

base allocations, expressed in the following manner:

ASHMA (40% RPQc + 15% BDc + 15% LMc + 15% VMc + 15%SIc)

(c) Establishment of applicable data.--The applicable data for all counties corresponding to each individual factor in the incremental formula in subsection (b) shall be established and certified by the Governor based on the best current information available as of May 21, 1980, and such data shall be updated and recertified on May 1 of each year thereafter based on the best information available at that time for the immediately preceding 12-month period.

(d) Effect of insufficient funds.--In the event sufficient funds are not available to fully fund all county maintenance districts under formula in subsection (b) due to the hold harmless provision in subsection (a), each county maintenance district receiving an increase above its base allocation shall have its share reduced in the proportion that the increase over its base allocation bears to the total increases over the base allocation of all counties entitled to an increase, to the extent necessary to bring the total allocations within the funding limit.

§ 9103. Transfers for emergency or equipment needs.

(a) General rule.--If the need arises for transfers to counties because of emergency or equipment needs, the department shall draw from the allocations of all counties in a manner such that the proportion of the transfer for any given county equals the proportion of the total allocation for that county to the total highway maintenance appropriations and executive authorizations.

(b) Effect on subsequent allocation.--Expenditures from transfers made to or from any county for emergency or equipment

needs shall not become a part of the computation for such county for the subsequent years' maintenance allocation.

§ 9104. Standards and methodology for data collection.

The department shall initially determine the standards and methodology for data collection and shall, within ten days of the effective date of this chapter, promulgate them in the form of regulations and publish them in the Pennsylvania Bulletin as a basis for making such determinations in subsequent years.

§ 9105. Nonlapse of allocated funds for advertised projects.

Where bids have been advertised for projects that would use funds allocated to any county maintenance district for a particular fiscal year but because of the bidding process the contract or contracts were not awarded before the close of that fiscal year, the county's allocation for that fiscal year shall not lapse but may be allocated to the particular contract that was not awarded because of the incompleteness of the bidding process. Any additional allocation remaining after all such contracts are let shall lapse as of the date of the awarding of the last of the contracts.

CHAPTER 93

SUPPLEMENTAL FUNDING FOR

MUNICIPAL HIGHWAY MAINTENANCE

Sec.

9301. Supplemental funding for municipal highway maintenance.

§ 9301. Supplemental funding for municipal highway maintenance.

The General Assembly shall annually appropriate, beginning with the 1980-1981 fiscal year, the sum of \$5,000,000 for supplemental payments to municipalities to assist in the maintenance and construction costs of municipal roads. The



1 moneys appropriated by authority of this section shall be  
2 distributed to municipalities in accordance with the provisions  
3 of the act of June 1, 1956 (1955 P.L.1444, No.655), entitled "An  
4 act providing a permanent allocation of a part of the fuels and  
5 liquids fuels tax proceeds to cities, boroughs, incorporated  
6 towns and townships, for their road, street and bridge purposes;  
7 conferring powers and imposing duties on local officers and the  
8 Department of Highways; and making an appropriation out of the  
9 Motor License Fund; and repealing existing legislation."

10 Section 7. Sections 11, 13, 15, 21 and 25, act of June 19,  
11 1964 (P.L.7, No.1), known as the "Motor Carriers Road Tax Act,"  
12 are repealed.

13 Section 8. This act shall take effect as follows:

14 (1) The provisions of 75 Pa.C.S. Ch. 91 (relating to State  
15 highway maintenance) shall take effect immediately.

16 (2) The provisions of 75 Pa.C.S. Ch. 93 (relating to  
17 supplemental funding for municipal highway maintenance) shall  
18 take effect July 1, 1980.

19 (3) The remaining provisions of this act shall take effect  
20 in 60 days. However, the provisions of 75 Pa.C.S. § 2102  
21 (relating to identification markers required) insofar as it  
22 provides an increase in the annual fee for identification  
23 markers shall be applicable only to those markers acquired after  
24 the effective date of this act and shall not affect any valid  
25 current identification markers for the remainder of the period  
26 for which they were issued.