

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2095 Session of
1984

INTRODUCED BY LIVENGOD, HUTCHINSON, PHILLIPS AND LETTERMAN,
APRIL 25, 1984

SENATOR KUSSE, TRANSPORTATION, IN SENATE, AS AMENDED,
SEPTEMBER 25, 1984

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, FURTHER DEFINING THE TERM "BUS"; EXEMPTING <—
3 ADDITIONAL VEHICLES FROM CERTIFICATES OF TITLE AND
4 REGISTRATION; FURTHER PROVIDING FOR SUSPENSIONS OR
5 REVOCATIONS; CHANGING CERTAIN POINT DETERMINATIONS, THE
6 REMOVAL THEREOF AND SUSPENSIONS AND LICENSE SURRENDER;
7 FURTHER PROVIDING FOR NO-PASSING ZONES; FURTHER PROVIDING
8 THAT CERTAIN VEHICLES CARRYING HAZARDOUS MATERIALS STOP AT
9 ALL RAILROAD CROSSINGS; FURTHER PROVIDING FOR CERTAIN
10 INSPECTIONS, FOR RESTRICTIONS ON THE USE OF HIGHWAYS AND
11 BRIDGES; FURTHER PROVIDING FOR THE REFUND OF CERTAIN TAXES
12 AND THE UTILIZATION OF TAX REFUNDS FOR SNOWMOBILES; changing
13 the methods of determining noise violations; PROVIDING FOR <—
14 JUDICIAL REVIEW AND NOTICES; ADDING VIOLATIONS RELATING TO
15 DRIVERS' LICENSES; AND FURTHER PROVIDING FOR CERTAIN
16 PENALTIES.

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

19 ~~Section 1. Section 4523(a) of Title 75 of the Pennsylvania~~ <—
20 ~~Consolidated Statutes is amended to read:~~

21 SECTION 1. THE DEFINITION OF "BUS" IN SECTION 102 OF TITLE <—
22 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES, AMENDED JULY 10,
23 1984 (P.L.679, NO.146), IS AMENDED TO READ:

1 § 102. DEFINITIONS.

2 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
3 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
4 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
5 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
6 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

7 * * *

8 "BUS."

9 (1) AT ALL TIMES PRIOR TO JULY 1, 1985, A MOTOR VEHICLE
10 DESIGNED FOR CARRYING MORE THAN TEN PASSENGERS, EXCLUSIVE OF
11 THE DRIVER, AND USED FOR THE TRANSPORTATION OF PERSONS AND A
12 MOTOR VEHICLE, OTHER THAN A TAXICAB, DESIGNED AND USED FOR
13 THE TRANSPORTATION OF PERSONS FOR COMPENSATION.

14 [A] (2) ON AND AFTER JULY 1, 1985, A MOTOR VEHICLE
15 DESIGNED FOR CARRYING MORE THAN TEN PERSONS, INCLUDING THE
16 DRIVER, AND USED FOR THE TRANSPORTATION OF PERSONS AND A
17 MOTOR VEHICLE, OTHER THAN A TAXICAB, DESIGNED AND USED FOR
18 THE TRANSPORTATION OF PERSONS FOR COMPENSATION. THE TERM DOES
19 NOT INCLUDE A VEHICLE OWNED BY A NATURAL PERSON WHICH IS USED
20 SOLELY FOR NONCOMMERCIAL PURPOSES, OR A VEHICLE USED IN A
21 RIDESHARING ARRANGEMENT, AS DEFINED IN THE ACT OF DECEMBER
22 14, 1982 (P.L.1211, NO.279), ENTITLED "AN ACT PROVIDING FOR
23 RIDESHARING ARRANGEMENTS AND PROVIDING THAT CERTAIN LAWS
24 SHALL BE INAPPLICABLE TO RIDESHARING ARRANGEMENTS."

25 * * *

26 SECTION 2. SECTION 1102 OF TITLE 75 IS AMENDED TO READ:

27 § 1102. VEHICLES NOT REQUIRING CERTIFICATE OF TITLE.

28 NO CERTIFICATE OF TITLE IS REQUIRED FOR:

29 (1) A VEHICLE OWNED BY THE UNITED STATES UNLESS IT IS
30 REGISTERED IN THIS COMMONWEALTH.

(2) A GOLF CART, MOTOR-DRIVEN CYCLE, GO-CART OR OTHER
SIMILAR VEHICLE UNLESS IT IS REGISTERED IN THIS COMMONWEALTH.

(3) A NEW VEHICLE OWNED BY A MANUFACTURER OR REGISTERED
DEALER BEFORE AND UNTIL SALE.

(4) A VEHICLE OWNED BY A NONRESIDENT OF THIS
COMMONWEALTH AND NOT REQUIRED BY LAW TO BE REGISTERED IN THIS
COMMONWEALTH.

(5) A VEHICLE OWNED BY A RESIDENT LEGALLY REQUIRED TO BE
REGISTERED IN ANOTHER STATE, BASED AND USED PRINCIPALLY
OUTSIDE OF THIS COMMONWEALTH, AND NOT REQUIRED BY LAW TO BE
REGISTERED IN THIS COMMONWEALTH.

(6) A VEHICLE REGULARLY ENGAGED IN THE INTERSTATE
TRANSPORTATION OF PERSONS OR PROPERTY FOR WHICH A CURRENTLY
EFFECTIVE CERTIFICATE OF TITLE HAS BEEN ISSUED IN ANOTHER
STATE.

(7) A VEHICLE MOVED SOLELY BY HUMAN OR ANIMAL POWER.

(8) AN IMPLEMENT OF HUSBANDRY UNLESS REQUIRED TO BE
REGISTERED.

(9) SPECIAL MOBILE EQUIPMENT UNLESS REQUIRED TO BE
REGISTERED.

(10) (DELETED BY AMENDMENT).

(11) ANY TOW DOLLY.

SECTION 3. SECTION 1302 OF TITLE 75, AMENDED JULY 10, 1984
(P.L.679, NO.146), IS AMENDED TO READ:

§ 1302. VEHICLES EXEMPT FROM REGISTRATION.

THE FOLLOWING TYPES OF VEHICLES ARE EXEMPT FROM REGISTRATION:

(1) ANY VEHICLE USED IN CONFORMANCE WITH THE PROVISIONS
OF THIS CHAPTER RELATING TO DEALERS, PERSONS REGISTERED UNDER
ANY OF THE MISCELLANEOUS MOTOR VEHICLE BUSINESS CLASSES OR
NONRESIDENTS.

1 (2) ANY IMPLEMENT OF HUSBANDRY OR TRAILER DETERMINED BY
2 THE DEPARTMENT TO BE USED EXCLUSIVELY FOR AGRICULTURAL
3 OPERATIONS AND ONLY INCIDENTALLY OPERATED UPON HIGHWAYS.
4 VEHICLES EXEMPT FROM REGISTRATION UNDER THIS PARAGRAPH SHALL
5 BE USED EXCLUSIVELY UPON A FARM OR FARMS OWNED OR OPERATED BY
6 THE OWNER OF THE VEHICLE OR UPON HIGHWAYS BETWEEN:

7 (I) PARTS OF ONE SUCH FARM.

8 (II) SUCH FARMS LOCATED NOT MORE THAN 25 MILES
9 APART.

10 (III) SUCH FARM OR FARMS AND A PLACE OF BUSINESS
11 LOCATED WITHIN A RADIUS OF 25 MILES FROM THE FARM FOR THE
12 PURPOSE OF BUYING OR SELLING AGRICULTURAL COMMODITIES OR
13 SUPPLIES OR FOR DELIVERY, REPAIR OR SERVICING OF THE
14 VEHICLE.

15 (3) ANY SELF-PROPELLED GOLF CART USED FOR THE
16 TRANSPORTATION OF PERSONS ENGAGED IN THE GAME OF GOLF WHILE
17 CROSSING ANY PUBLIC HIGHWAY DURING ANY GAME OF GOLF.

18 (4) ANY VEHICLE MOVED BY SPECIAL PERMIT AS PROVIDED FOR
19 IN SECTIONS 4965 (RELATING TO SINGLE PERMITS FOR MULTIPLE
20 HIGHWAY CROSSINGS), 4966 (RELATING TO PERMIT FOR MOVEMENT OF
21 QUARRY EQUIPMENT), AND 4970(A) (RELATING TO PERMIT FOR
22 MOVEMENT OF CONSTRUCTION EQUIPMENT).

23 (5) ANY VEHICLE REGISTERED AND DISPLAYING PLATES ISSUED
24 IN A FOREIGN COUNTRY BY THE ARMED FORCES OF THE UNITED STATES
25 FOR A PERIOD OF 45 DAYS FROM THE DATE OF THE RETURN OF THE
26 OWNER TO THE UNITED STATES.

27 (6) ANY VEHICLE OWNED BY A RESIDENT LEGALLY REQUIRED TO
28 BE REGISTERED IN ANOTHER STATE BASED AND USED PRINCIPALLY
29 OUTSIDE OF THIS COMMONWEALTH.

30 (7) ANY VEHICLE MOVED SOLELY BY HUMAN OR ANIMAL POWER.

1 (8) ANY SELF-PROPELLED INVALID WHEEL CHAIR OR INVALID
2 MOTORIZED PEDALCYCLE.

3 (9) ANY MOBILE HOME OR MODULAR HOUSING UNIT.

4 (10) ANY FARM TRUCK USED EXCLUSIVELY UPON A FARM OR
5 FARMS OWNED OR OPERATED BY THE OWNER OF THE VEHICLE.

6 (I) SUCH A FARM TRUCK MAY BE DRIVEN UPON HIGHWAYS
7 ONLY FROM SUNRISE TO SUNSET AND BETWEEN:

8 (A) PARTS OF ONE SUCH FARM.

9 (B) SUCH FARMS LOCATED NOT MORE THAN TEN MILES
10 APART.

11 (C) SUCH FARM OR FARMS AND A PLACE OF BUSINESS
12 LOCATED WITHIN A RADIUS OF TEN MILES FROM THE FARM OR
13 FARMS FOR THE PURPOSE OF BUYING OR SELLING
14 AGRICULTURAL COMMODITIES OR SUPPLIES.

15 (D) SUCH FARM OR FARMS AND A PLACE OF BUSINESS
16 LOCATED WITHIN A RADIUS OF 25 MILES FROM SUCH FARM OR
17 FARMS FOR THE PURPOSE OF REPAIR OR SERVICING OF THE
18 FARM TRUCK.

19 (II) A BIENNIAL CERTIFICATE OF EXEMPTION SHALL BE
20 REQUIRED FOR SUCH A FARM TRUCK.

21 (11) ANY TRAILER, INCLUDING BUT NOT LIMITED TO NON-SELF-
22 PROPELLED SPECIAL MOBILE EQUIPMENT, TO BE USED PRIMARILY FOR
23 OFF HIGHWAY USE AND ONLY OPERATED INCIDENTALLY UPON THE
24 HIGHWAY.

25 (12) ANY MILITARY VEHICLE USED FOR TRAINING BY A
26 PRIVATE, NONPROFIT, TAX EXEMPT MILITARY EDUCATIONAL
27 INSTITUTION WHEN SUCH VEHICLE DOES NOT TRAVEL ON PUBLIC ROADS
28 IN EXCESS OF ONE MILE AND THE PROPERTY ON BOTH SIDES OF THE
29 PUBLIC ROAD IS OWNED BY THE INSTITUTION.

30 (13) ANY OVERSIZED OR OVERWEIGHT VEHICLES EXCLUSIVE OF

1 LOAD AND ONLY MOVED OR OPERATED UNDER A PERMIT ISSUED
2 PURSUANT TO SECTION 4961(A) (RELATING TO AUTHORITY TO ISSUE
3 PERMITS).

4 (14) ANY VEHICLE USED FOR GOLF COURSE OR RESORT
5 MAINTENANCE WHEN SUCH VEHICLE DOES NOT TRAVEL ON PUBLIC ROADS
6 IN EXCESS OF ONE MILE AND THE PROPERTY ON BOTH SIDES OF THE
7 PUBLIC ROAD IS OWNED BY SAID GOLF COURSE OR RESORT.

8 (15) ANY MOTOR VEHICLE BEING TOWED.

9 (16) ANY TRAILER REGISTERED IN ANOTHER STATE TOWED BY A
10 MOTOR VEHICLE REGISTERED IN THIS COMMONWEALTH PROVIDED:

11 (I) THE OWNER HAS AS MANY TRAILERS REGISTERED IN
12 THIS COMMONWEALTH AS COMBINATIONS SO REGISTERED; OR

13 (II) THE TOWING VEHICLE IS BEING OPERATED UNDER A
14 PERMANENT LEASE TO A PERSON MEETING THE REQUIREMENTS OF
15 SUBPARAGRAPH (I).

16 (17) ANY TOW DOLLY.

17 SECTION 4. SECTION 1501 OF TITLE 75 IS AMENDED BY ADDING A
18 SUBSECTION TO READ:

19 § 1501. DRIVERS REQUIRED TO BE LICENSED.

20 * * *

21 (E) LIMITATION.--NO PROSECUTION SHALL BE BROUGHT UNDER THIS
22 SECTION FOR A VIOLATION OF SECTION 1504(A) (RELATING TO CLASSES
23 OF LICENSES).

24 SECTION 5. SECTIONS 1514(B), 1517 AND 1519 OF TITLE 75 ARE
25 AMENDED TO READ:

26 § 1514. EXPIRATION AND RENEWAL OF DRIVERS' LICENSES.

27 * * *

28 (B) EXAMINATION OF APPLICANTS FOR RENEWAL.--[THE] PRIOR TO
29 RENEWING A DRIVER'S LICENSE, THE DEPARTMENT MAY REQUIRE [PERSONS
30 APPLYING FOR RENEWAL OF A DRIVER'S LICENSE] THE DRIVER TO TAKE

1 AND SUCCESSFULLY PASS [A PHYSICAL EXAMINATION OR A VISION
2 EXAMINATION BY AN OPTOMETRIST OR OPHTHALMOLOGIST, OR BOTH
3 EXAMINATIONS, IF THE DEPARTMENT HAS REASON TO BELIEVE, EITHER
4 BASED ON KNOWLEDGE OF THE PERSON OR ON STATISTICAL INFERENCE,
5 THAT THE PERSON MAY BE A TRAFFIC SAFETY HAZARD. THE DEPARTMENT
6 MAY REQUIRE THE APPLICANT TO TAKE AND SUCCESSFULLY PASS SUCH
7 ADDITIONAL TESTS AS THE DEPARTMENT MAY FIND REASONABLY NECESSARY
8 TO DETERMINE THE APPLICANT'S QUALIFICATION ACCORDING TO THE TYPE
9 OR GENERAL CLASS OF LICENSE APPLIED FOR AND SUCH EXAMINATION MAY
10 INCLUDE ANY OR ALL OF THE OTHER TESTS REQUIRED OR AUTHORIZED
11 UPON ORIGINAL APPLICATION BY SECTION 1508 (RELATING TO
12 EXAMINATION OF APPLICANT FOR DRIVER'S LICENSE). UPON REFUSAL OR
13 NEGLECT OF THE PERSON TO SUBMIT TO THE EXAMINATION, THE] ONE OR
14 MORE OF THE EXAMINATIONS AUTHORIZED UNDER THIS SUBCHAPTER. THE
15 DRIVER'S LICENSE SHALL NOT BE RENEWED UNTIL SUCH TIME AS THE
16 [EXAMINATION IS] EXAMINATIONS ARE SUCCESSFULLY COMPLETED.

17 * * *

18 § 1517. MEDICAL ADVISORY BOARD.

19 (A) MEMBERSHIP.--THERE SHALL BE A MEDICAL ADVISORY BOARD
20 CONSISTING OF 13 MEMBERS APPOINTED BY THE SECRETARY. THE BOARD
21 SHALL BE COMPOSED OF AN AUTHORIZED REPRESENTATIVE FROM THE
22 DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF JUSTICE, GOVERNOR'S
23 COUNCIL ON DRUG AND ALCOHOL ABUSE, DEPARTMENT OF HEALTH,
24 PENNSYLVANIA STATE POLICE AND PROFESSIONALS AS FOLLOWS: ONE
25 NEUROLOGIST, ONE DOCTOR OF CARDIOVASCULAR DISEASE, ONE DOCTOR OF
26 INTERNAL MEDICINE, ONE GENERAL PRACTITIONER, ONE
27 OPHTHALMOLOGIST, ONE PSYCHIATRIST, ONE ORTHOPEDIC SURGEON AND
28 ONE OPTOMETRIST.

29 (B) [FORMULATION OF REGULATIONS] DUTIES.--THE BOARD SHALL
30 [FORMULATE RULES AND REGULATIONS FOR ADOPTION BY THE DEPARTMENT

ON] ADVISE THE DEPARTMENT AND REVIEW REGULATIONS PROPOSED BY THE
DEPARTMENT CONCERNING PHYSICAL AND MENTAL CRITERIA INCLUDING
VISION STANDARDS RELATING TO THE LICENSING OF DRIVERS UNDER THE
PROVISIONS OF THIS CHAPTER.

§ 1519. DETERMINATION OF INCOMPETENCY.

(A) GENERAL RULE.--THE DEPARTMENT, HAVING CAUSE TO BELIEVE
THAT A LICENSED DRIVER OR APPLICANT MAY NOT BE PHYSICALLY OR
MENTALLY QUALIFIED TO BE LICENSED, MAY [OBTAIN THE ADVICE OF A
PHYSICIAN WHO SHALL CAUSE AN EXAMINATION TO BE MADE OR WHO SHALL
DESIGNATE ANY OTHER QUALIFIED PHYSICIAN. THE LICENSED DRIVER OR
APPLICANT MAY CAUSE A WRITTEN REPORT TO BE FORWARDED TO THE
DEPARTMENT BY A PHYSICIAN OF THE DRIVER'S OR APPLICANT'S CHOICE.
VISION QUALIFICATIONS SHALL BE DETERMINED BY AN OPTOMETRIST OR
OPHTHALMOLOGIST. THE DEPARTMENT SHALL APPOINT ONE OR MORE
QUALIFIED PERSONS WHO SHALL CONSIDER ALL MEDICAL REPORTS AND
TESTIMONY AND DETERMINE THE COMPETENCY OF THE DRIVER OR THE
APPLICANT TO DRIVE] REQUIRE THE APPLICANT OR DRIVER TO UNDERGO
ONE OR MORE OF THE EXAMINATIONS AUTHORIZED UNDER THIS SUBCHAPTER
IN ORDER TO DETERMINE THE COMPETENCY OF THE DRIVER OR APPLICANT
TO DRIVE.

(B) CONFIDENTIALITY OF REPORTS AND EVIDENCE.--REPORTS
RECEIVED BY THE DEPARTMENT FOR THE PURPOSE OF ASSISTING THE
DEPARTMENT IN DETERMINING WHETHER A PERSON IS QUALIFIED TO BE
LICENSED AND REPORTS OF EXAMINATIONS AUTHORIZED UNDER THIS
SUBCHAPTER ARE FOR THE CONFIDENTIAL USE OF THE DEPARTMENT AND
MAY NOT BE DIVULGED TO ANY PERSON OR USED AS EVIDENCE IN ANY
TRIAL EXCEPT THAT THE REPORTS [MAY], STATISTICS AND EVALUATIONS
USED BY THE DEPARTMENT IN DETERMINING WHETHER A PERSON SHOULD BE
REQUIRED TO BE EXAMINED UNDER THIS SUBCHAPTER SHALL BE ADMITTED
IN PROCEEDINGS UNDER [SUBSECTION (C) AND ANY PHYSICIAN OR

1 OPTOMETRIST CONDUCTING AN EXAMINATION PURSUANT TO SUBSECTION (A)
2 MAY BE COMPELLED TO TESTIFY CONCERNING OBSERVATIONS AND FINDINGS
3 IN SUCH PROCEEDINGS. THE PARTY CALLING THE PHYSICIAN OR
4 OPTOMETRIST AS AN EXPERT WITNESS SHALL BE OBLIGED TO PAY THE
5 REASONABLE FEE FOR SUCH TESTIMONY] SECTION 1550 (RELATING TO
6 JUDICIAL REVIEW).

7 (C) RECALL OR SUSPENSION OF OPERATING PRIVILEGE.--THE
8 DEPARTMENT SHALL RECALL THE OPERATING PRIVILEGE OF ANY PERSON
9 WHOSE INCOMPETENCY HAS BEEN ESTABLISHED UNDER THE PROVISIONS OF
10 THIS CHAPTER. THE RECALL SHALL BE FOR AN INDEFINITE PERIOD UNTIL
11 SATISFACTORY EVIDENCE IS PRESENTED TO THE DEPARTMENT IN
12 ACCORDANCE WITH REGULATIONS TO ESTABLISH THAT SUCH PERSON IS
13 COMPETENT TO DRIVE A MOTOR VEHICLE. [ANY PERSON AGGRIEVED BY
14 RECALL OF THE OPERATING PRIVILEGE MAY APPEAL IN THE MANNER
15 PROVIDED IN SECTION 1550 (RELATING TO JUDICIAL REVIEW).] THE
16 DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE OF ANY PERSON
17 WHO REFUSES OR FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS
18 SECTION UNTIL SUCH TIME AS THE PERSON DOES COMPLY AND THE
19 PERSON'S COMPETENCY TO DRIVE IS ESTABLISHED.

20 SECTION 6. SECTIONS 1532 AND 1533 OF TITLE 75 ARE AMENDED TO
21 READ:

22 § 1532. [REVOCATION OR SUSPENSION] SUSPENSION OR REVOCATION
23 OF OPERATING PRIVILEGE.

24 (A) [REVOCATION] ONE-YEAR SUSPENSION.--THE DEPARTMENT SHALL
25 [REVOKE] SUSPEND THE OPERATING PRIVILEGE OF ANY DRIVER FOR ONE
26 YEAR UPON RECEIVING A CERTIFIED RECORD OF THE DRIVER'S
27 CONVICTION OF ANY OF THE FOLLOWING [OFFENSES]:

28 (1) ANY FELONY IN THE COMMISSION OF WHICH A COURT
29 DETERMINES THAT A MOTOR VEHICLE WAS ESSENTIALLY INVOLVED.

30 (2) ANY VIOLATION OF SECTION 3735 (RELATING TO HOMICIDE

1 BY VEHICLE WHILE DRIVING UNDER INFLUENCE).

2 (3) ANY VIOLATION OF THE FOLLOWING PROVISIONS:

3 SECTION 3732 (RELATING TO HOMICIDE BY VEHICLE).

4 SECTION 3742 (RELATING TO ACCIDENTS INVOLVING DEATH
5 OR PERSONAL INJURY).

6 SECTION 7102(B) (RELATING TO REMOVAL OR FALSIFICATION
7 OF IDENTIFICATION NUMBER).

8 SECTION 7103(B) (RELATING TO DEALING IN VEHICLES WITH
9 REMOVED OR FALSIFIED NUMBERS).

10 SECTION 7111 (RELATING TO DEALING IN TITLES AND
11 PLATES FOR STOLEN VEHICLES).

12 SECTION 7121 (RELATING TO FALSE APPLICATION FOR
13 CERTIFICATE OF TITLE OR REGISTRATION).

14 SECTION 7122 (RELATING TO ALTERED, FORGED OR
15 COUNTERFEIT DOCUMENTS AND PLATES).

16 (B) [SUSPENSION] SIX-MONTH SUSPENSION.--

17 (1) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE
18 OF ANY DRIVER FOR SIX MONTHS UPON RECEIVING A CERTIFIED
19 RECORD OF THE DRIVER'S CONVICTION OF ANY [OFFENSE UNDER] OF
20 THE FOLLOWING [PROVISIONS]:

21 SECTION 1573 (RELATING TO DRIVING UNDER FOREIGN
22 LICENSE DURING SUSPENSION OR REVOCATION).

23 SECTION 3367 (RELATING TO RACING ON HIGHWAYS).

24 SECTION 3733 (RELATING TO FLEEING OR ATTEMPTING TO
25 ELUDE POLICE OFFICER).

26 SECTION 3734 (RELATING TO DRIVING WITHOUT LIGHTS TO
27 AVOID IDENTIFICATION OR ARREST).

28 SECTION 3743 (RELATING TO ACCIDENTS INVOLVING DAMAGE
29 TO ATTENDED VEHICLE OR PROPERTY).

30 ANY MISDEMEANOR IN THE COMMISSION OF WHICH A COURT

1 DETERMINES THAT A MOTOR VEHICLE WAS ESSENTIALLY INVOLVED,
2 EXCEPT THAT NO PERSON SHALL BE SUSPENDED FOR VIOLATING A
3 REGULATION OF THE HAZARDOUS SUBSTANCES TRANSPORTATION
4 BOARD UNLESS THE BOARD RECOMMENDS THE SUSPENSION.

5 (2) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE
6 OF ANY DRIVER FOR SIX MONTHS UPON RECEIVING A CERTIFIED
7 RECORD OF THE DRIVER'S CONVICTION OF A SUBSEQUENT OFFENSE
8 UNDER [THE FOLLOWING PROVISIONS:

9 SECTION] SECTION 1501(A) (RELATING TO DRIVERS
10 REQUIRED TO BE LICENSED).

11 [SECTION 1543 (RELATING TO DRIVING WHILE OPERATING
12 PRIVILEGE IS SUSPENDED OR REVOKED).]

13 (3) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE
14 OF ANY DRIVER FOR 12 MONTHS UPON RECEIVING A CERTIFIED RECORD
15 OF THE DRIVER'S CONVICTION OF SECTION 3731 (RELATING TO
16 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE)
17 OR AN ADJUDICATION OF DELINQUENCY BASED ON SECTION 3731.

18 [(4) THIS SUBSECTION DOES NOT EFFECT AN ADDITIONAL
19 PERIOD OF REVOCATION OF THE OPERATING PRIVILEGES OF A DRIVER
20 WHO RECEIVES AN ADDITIONAL PERIOD OF REVOCATION FOR A SECOND
21 OR SUBSEQUENT VIOLATION OF SECTION 1543.]

22 (C) ORDER OF COURT.--THE DEPARTMENT SHALL SUSPEND OR REVOKE
23 THE OPERATING PRIVILEGE OF ANY PERSON UPON ORDER OF ANY COURT OF
24 RECORD.

25 § 1533. SUSPENSION OF OPERATING PRIVILEGE FOR FAILURE TO
26 RESPOND TO CITATION.

27 (A) VIOLATIONS WITHIN COMMONWEALTH.--THE DEPARTMENT SHALL
28 SUSPEND THE OPERATING PRIVILEGE OF ANY PERSON WHO HAS FAILED TO
29 RESPOND TO A CITATION OR SUMMONS TO APPEAR BEFORE A COURT OF
30 COMPETENT JURISDICTION OF THIS COMMONWEALTH [OR OF ANY STATE]

1 FOR ANY VIOLATION OF THIS TITLE, OTHER THAN PARKING, OR WHO HAS
2 FAILED TO PAY ANY FINE OR COSTS IMPOSED BY THAT COURT FOR ANY
3 VIOLATION OF THIS TITLE, OTHER THAN PARKING, UPON BEING DULY
4 NOTIFIED [IN ACCORDANCE WITH GENERAL RULES. THERE SHALL BE] BY A
5 COURT OF THIS COMMONWEALTH.

6 (B) VIOLATIONS OUTSIDE COMMONWEALTH.--THE DEPARTMENT SHALL
7 SUSPEND THE OPERATING PRIVILEGE OF ANY PERSON WHO HAS FAILED TO
8 RESPOND TO A CITATION, SUMMONS OR SIMILAR WRIT TO APPEAR BEFORE
9 A COURT OF COMPETENT JURISDICTION OF ANY STATE OR OF THE UNITED
10 STATES WHICH HAS ENTERED INTO AN ENFORCEMENT AGREEMENT WITH THE
11 DEPARTMENT AS AUTHORIZED BY SECTION 6146 (RELATING TO
12 ENFORCEMENT AGREEMENTS) FOR ANY VIOLATION OF THE MOTOR VEHICLE
13 LAWS OF THAT STATE, OTHER THAN PARKING, OR WHO HAS FAILED TO PAY
14 ANY FINE OR COSTS IMPOSED BY THAT COURT, OTHER THAN PARKING,
15 UPON BEING DULY NOTIFIED IN ACCORDANCE WITH THE LAWS OF THE
16 JURISDICTION IN WHICH THE VIOLATION OCCURRED.

17 (C) RESPONDING TO NOTICE.--BEFORE THE OPERATING PRIVILEGE OF
18 ANY PERSON IS SUSPENDED UNDER THIS SECTION, THE PERSON SHALL
19 HAVE 15 DAYS TO RESPOND TO [SUCH] THE COURT'S NOTIFICATION
20 [BEFORE SUSPENSION IS IMPOSED].

21 (D) PERIOD OF SUSPENSION.--THE SUSPENSION SHALL [BE FOR AN
22 INDEFINITE PERIOD] CONTINUE UNTIL SUCH PERSON SHALL RESPOND TO
23 THE CITATION, SUMMONS OR WRIT, AS THE CASE MAY BE, AND PAY [ANY]
24 ALL FINES AND PENALTIES IMPOSED[. SUCH] OR ENTER INTO AN
25 AGREEMENT TO MAKE INSTALLMENT PAYMENTS FOR THE FINES AND
26 PENALTIES IMPOSED PROVIDED THAT THE SUSPENSION MAY BE REIMPOSED
27 BY THE DEPARTMENT IF THE DEFENDANT FAILS TO MAKE REGULAR
28 INSTALLMENT PAYMENTS.

29 (E) REMEDY CUMULATIVE.--A SUSPENSION UNDER THIS SECTION
30 SHALL BE IN ADDITION TO THE REQUIREMENT OF WITHHOLDING RENEWAL

1 OR REINSTATEMENT OF A VIOLATOR'S DRIVER'S LICENSE AS PRESCRIBED
2 IN SECTION [1503(C)] 1503(A) (RELATING TO PERSONS INELIGIBLE FOR
3 LICENSING).

4 SECTION 7. SECTION 1535 OF TITLE 75, AMENDED MARCH 29, 1984
5 (P.L.155, NO.30), IS AMENDED TO READ:

6 § 1535. SCHEDULE OF CONVICTIONS AND POINTS.

7 (A) GENERAL RULE.--A POINT SYSTEM FOR DRIVER EDUCATION AND
8 CONTROL IS HEREBY ESTABLISHED WHICH IS RELATED TO OTHER
9 PROVISIONS FOR USE, SUSPENSION AND REVOCATION OF THE OPERATING
10 PRIVILEGE AS SPECIFIED UNDER THIS TITLE. EVERY DRIVER LICENSED
11 IN THIS COMMONWEALTH WHO IS CONVICTED OF ANY OF THE FOLLOWING
12 OFFENSES SHALL BE ASSESSED POINTS AS OF THE DATE OF VIOLATION IN
13 ACCORDANCE WITH THE FOLLOWING SCHEDULE:

14	SECTION NUMBER	OFFENSE	POINTS
15	<u>1504</u>	<u>DRIVING WITHOUT PROPER</u>	
16		<u>CLASS OF LICENSE.</u>	<u>2</u>
17	1512	VIOLATION OF RESTRICTION ON	
18		DRIVER'S LICENSE.	2
19	1571	[VIOLATIONS] <u>VIOLATIONS</u>	
20		CONCERNING [LICENSES] <u>LICENSE.</u>	3
21	3102	FAILURE TO OBEY POLICEMAN OR	
22		AUTHORIZED PERSON.	2
23	<u>3111(A)</u>	<u>DISOBEDIENCE TO</u>	
24		<u>TRAFFIC-CONTROL DEVICE.</u>	<u>3</u>
25	3112(A)(3)(I)	FAILURE TO STOP FOR A RED LIGHT.	3
26	3114(A)(1)	FAILURE TO STOP FOR A FLASHING	
27		RED LIGHT.	3
28	3302	FAILURE TO YIELD HALF OF ROADWAY	

1		TO ONCOMING VEHICLE.	3
2	3303	IMPROPER PASSING.	3
3	3304	OTHER IMPROPER PASSING.	3
4	3305	OTHER IMPROPER PASSING.	3
5	3306(A)(1)	OTHER IMPROPER PASSING.	4
6	3306(A)(2)	OTHER IMPROPER PASSING.	3
7	3306(A)(3)	OTHER IMPROPER PASSING.	3
8	3307	OTHER IMPROPER PASSING.	3
9	3310	FOLLOWING TOO CLOSELY.	3
10	3321	FAILURE TO YIELD TO DRIVER ON THE	
11		RIGHT AT INTERSECTION.	3
12	3322	FAILURE TO YIELD TO ONCOMING	
13		DRIVER WHEN MAKING LEFT TURN.	3
14	3323(B)	FAILURE TO STOP FOR STOP [SIGNS]	
15		<u>SIGN.</u>	3
16	<u>3323(C)</u>	<u>FAILURE TO YIELD AT YIELD</u>	
17		<u>SIGN.</u>	<u>3</u>
18	3324	FAILURE TO YIELD WHEN ENTERING OR	
19		CROSSING ROADWAY BETWEEN INTER-	
20		SECTIONS.	3
21	3332	IMPROPER TURNING AROUND.	3
22	3341	FAILURE TO STOP FOR FLASHING RED	
23		LIGHTS OR GATE AT RAILROAD	
24		CROSSING.	3
25	3344	FAILURE TO STOP WHEN ENTERING FROM	
26		ALLEY, DRIVEWAY OR BUILDING.	3
27	3345(A)	FAILURE TO STOP FOR SCHOOL BUS	
28		WITH FLASHING RED LIGHTS.	5
29		(AND 60 DAYS SUSPENSION)	
30	3361	DRIVING TOO FAST FOR CONDITIONS.	2

1	3362	EXCEEDING MAXIMUM SPEED.--OVER LIMIT:	
2		6-10	2
3		11-15	3
4		16-25	4
5		26-30	5
6		31-OVER	5
7		(AND DEPARTMENTAL HEARING	
8		AND SANCTIONS PROVIDED	
9		UNDER SECTION 1538(D))	
10	[3365(B)	EXCEEDING SPECIAL SPEED LIMIT	
11		IN SCHOOL ZONES.	3
12	3365(C)	EXCEEDING SPECIAL SPEED LIMIT	
13		FOR TRUCKS ON DOWNGRADES.	3]
14	3542(A)	FAILURE TO YIELD TO [PEDESTRIANS]	
15		<u>PEDESTRIAN</u> IN CROSSWALK.	2
16	3547	FAILURE TO YIELD TO PEDESTRIAN ON	
17		SIDEWALK.	3
18	3549(A)	FAILURE TO YIELD TO BLIND	
19		PEDESTRIAN.	3
20	3702	IMPROPER BACKING.	3
21	3714	RECKLESS DRIVING.	3
22	3745	LEAVING SCENE OF ACCIDENT	
23		INVOLVING PROPERTY DAMAGE ONLY.	4
24	<u>4902(B)(1)</u>	<u>VIOLATION OF PROHIBITION OR</u>	
25		<u>RESTRICTION PERTAINING TO A</u>	
26		<u>DESIGNATED GRADE.</u>	<u>3</u>
27	(B)	MULTIPLE OFFENSES FROM SAME ACT.--IF A DRIVER IS	
28		CONVICTED OF TWO OR MORE OFFENSES AS A RESULT OF THE SAME ACT,	
29		POINTS SHALL BE ASSESSED ONLY FOR THE OFFENSE FOR WHICH THE	
30		GREATEST NUMBER OF POINTS MAY BE ASSESSED.	

1 (C) NO POINTS AFTER SIX MONTHS.--THE DEPARTMENT SHALL ASSIGN
2 POINTS TO THE RECORD OF ANY PERSON WITHIN SIX MONTHS FROM THE
3 DATE OF RECEIPT BY THE DEPARTMENT OF NOTICE OF A CONVICTION. ANY
4 POINTS ASSIGNED AFTER SUCH SIX-MONTH PERIOD SHALL BE NULL AND
5 VOID.

6 (D) EXCEPTION.--THIS SECTION DOES NOT APPLY TO A PERSON WHO
7 WAS OPERATING A PEDALCYCLE OR AN ANIMAL DRAWN VEHICLE.

8 SECTION 8. SECTIONS 1537, 1538(C), 1539(C) AND (D), 1540 AND
9 1541 OF TITLE 75 ARE AMENDED TO READ:

10 § 1537. REMOVAL OF POINTS.

11 (A) GENERAL RULE.--POINTS RECORDED AGAINST ANY PERSON SHALL
12 BE REMOVED AT THE RATE OF THREE POINTS FOR EACH 12 CONSECUTIVE
13 MONTHS IN WHICH SUCH PERSON HAS NOT COMMITTED ANY VIOLATION
14 WHICH RESULTS IN THE ASSIGNMENT OF POINTS OR IN SUSPENSION OR
15 REVOCATION UNDER THIS [CHAPTER. REMOVAL OF POINTS IS GOVERNED BY
16 THE DATE OF VIOLATION] SUBCHAPTER.

17 (B) SUBSEQUENT ACCUMULATION OF POINTS.--WHEN A DRIVER'S
18 RECORD IS REDUCED TO ZERO POINTS AND IS MAINTAINED AT ZERO
19 POINTS FOR 12 CONSECUTIVE MONTHS, ANY ACCUMULATION OF POINTS
20 THEREAFTER SHALL BE REGARDED AS AN INITIAL ACCUMULATION OF
21 POINTS.

22 § 1538. SCHOOL, EXAMINATION OR HEARING ON ACCUMULATION OF
23 POINTS OR EXCESSIVE SPEEDING.

24 * * *

25 (C) SUBSEQUENT ACCUMULATIONS OF SIX POINTS.--WHEN ANY
26 PERSON'S RECORD HAS BEEN REDUCED BELOW SIX POINTS AND FOR THE
27 THIRD OR SUBSEQUENT TIME SHOWS AS MANY AS SIX POINTS, THE
28 DEPARTMENT SHALL REQUIRE THE DRIVER TO ATTEND A DEPARTMENTAL
29 HEARING TO DETERMINE WHETHER THE PERSON'S OPERATING PRIVILEGE
30 SHOULD BE SUSPENDED FOR A PERIOD NOT TO EXCEED 30 DAYS. UPON

1 COMPLETION OF THE SUSPENSION, TWO POINTS SHALL BE REMOVED FROM
2 THE PERSON'S RECORD. FAILURE TO ATTEND THE HEARING OR TO COMPLY
3 WITH THE REQUIREMENTS OF THE FINDINGS OF THE DEPARTMENT SHALL
4 RESULT IN THE SUSPENSION OF THE OPERATING PRIVILEGE UNTIL THE
5 PERSON HAS COMPLIED.

6 * * *

7 § 1539. SUSPENSION OF OPERATING PRIVILEGE ON ACCUMULATION OF
8 POINTS.

9 * * *

10 (C) [DETERMINATION OF SUBSEQUENT SUSPENSIONS.--EVERY
11 SUSPENSION AND REVOCATION UNDER ANY PROVISION OF THIS SUBCHAPTER
12 SHALL BE COUNTED IN DETERMINING WHETHER A SUSPENSION IS A
13 SECOND, THIRD OR SUBSEQUENT SUSPENSION. ACCEPTANCE OF
14 ACCELERATIVE REHABILITATIVE DISPOSITION FOR AN OFFENSE
15 ENUMERATED IN SECTION 1532 (RELATING TO REVOCATION OR SUSPENSION
16 OF OPERATING PRIVILEGE) SHALL BE CONSIDERED A SUSPENSION IN
17 MAKING SUCH DETERMINATION.

18 (D)] SECTION NOT EXCLUSIVE.--SUSPENSION UNDER THIS SECTION
19 IS IN ADDITION TO ANY SUSPENSION MANDATED UNDER SECTION 1535
20 (RELATING TO SCHEDULE OF CONVICTIONS AND POINTS).

21 § 1540. SURRENDER OF LICENSE.

22 (A) [CONVICTION OF OFFENSE] SURRENDER TO COURT.--UPON A
23 CONVICTION BY A COURT OF RECORD FOR ANY OFFENSE WHICH CALLS FOR
24 MANDATORY [REVOCATION] SUSPENSION IN ACCORDANCE WITH SECTION
25 1532 (RELATING TO [REVOCATION OR] SUSPENSION OR REVOCATION OF
26 OPERATING PRIVILEGE), THE COURT OR THE DISTRICT ATTORNEY SHALL
27 REQUIRE THE SURRENDER OF ANY DRIVER'S LICENSE THEN HELD BY THE
28 DEFENDANT AND SHALL FORWARD THE DRIVER'S LICENSE TOGETHER WITH A
29 RECORD OF THE CONVICTION TO THE DEPARTMENT. THE SUSPENSION OR
30 REVOCATION SHALL BE EFFECTIVE UPON A DATE DETERMINED BY THE

1 COURT OR DISTRICT ATTORNEY OR UPON THE DATE OF SURRENDER OF THE
2 LICENSE TO THE COURT OR DISTRICT ATTORNEY, WHICHEVER OCCURS
3 FIRST.

4 (B) SUSPENSION OR REVOCATION OF OPERATING PRIVILEGE.--UPON
5 THE SUSPENSION OR REVOCATION OF THE OPERATING PRIVILEGE OF ANY
6 PERSON BY THE DEPARTMENT, THE DEPARTMENT SHALL FORTHWITH NOTIFY
7 THE PERSON IN WRITING AT THE ADDRESS OF RECORD TO SURRENDER
8 [HIS] THEIR DRIVER'S LICENSE TO THE DEPARTMENT FOR THE TERM OF
9 SUSPENSION OR REVOCATION. THE SUSPENSION OR REVOCATION SHALL BE
10 EFFECTIVE UPON A DATE DETERMINED BY THE DEPARTMENT OR UPON THE
11 DATE OF SURRENDER OF THE LICENSE TO THE DEPARTMENT, WHICHEVER
12 OCCURS FIRST. UPON SURRENDER OF THE LICENSE, THE DEPARTMENT
13 SHALL ISSUE A RECEIPT SHOWING THE DATE IT RECEIVED THE LICENSE.

14 § 1541. PERIOD OF REVOCATION OR SUSPENSION OF OPERATING
15 PRIVILEGE.

16 (A) COMMENCEMENT OF PERIOD.--[THE PERIOD OF REVOCATION OR
17 SUSPENSION OF THE OPERATING PRIVILEGE SHALL COMMENCE ON THE DATE
18 ON WHICH THE DRIVER'S LICENSE WAS SURRENDERED TO AND RECEIVED BY
19 THE COURT OR THE DEPARTMENT, AS THE CASE MAY BE. THE PERIOD OF
20 REVOCATION OR SUSPENSION OF A NONRESIDENT LICENSED DRIVER OR AN
21 UNLICENSED DRIVER SHALL COMMENCE ON THE DATE OF CONVICTION, OR
22 IN THE CASE OF A REVOCATION OR SUSPENSION WITHOUT A CONVICTION,
23 ON A DATE DETERMINED BY THE DEPARTMENT IN ACCORDANCE WITH ITS
24 REGULATIONS. THE DEPARTMENT MAY, UPON REQUEST OF THE PERSON
25 WHOSE LICENSE IS SUSPENDED, DELAY THE COMMENCEMENT OF THE PERIOD
26 OF SUSPENSION FOR A PERIOD NOT EXCEEDING SIX MONTHS WHENEVER THE
27 DEPARTMENT DETERMINES THAT FAILURE TO GRANT THE EXTENSION WILL
28 RESULT IN HARDSHIP TO THE PERSON WHOSE LICENSE HAS BEEN
29 SUSPENDED.] THE PERIOD OF REVOCATION OR SUSPENSION OF THE
30 OPERATING PRIVILEGE SHALL COMMENCE AS PROVIDED IN SECTION 1540

1 (RELATING TO SURRENDER OF LICENSE) BUT NO CREDIT TOWARD THE
2 REVOCATION OR SUSPENSION SHALL BE EARNED UNTIL THE DRIVER'S
3 LICENSE IS SURRENDERED TO THE DEPARTMENT, THE COURT OR THE
4 DISTRICT ATTORNEY, AS THE CASE MAY BE. A NONRESIDENT LICENSED
5 DRIVER OR AN UNLICENSED DRIVER SHALL SUBMIT AN ACKNOWLEDGMENT OF
6 SUSPENSION TO THE DEPARTMENT IN LIEU OF A DRIVER'S LICENSE. THE
7 DEPARTMENT MAY, UPON REQUEST OF THE PERSON WHOSE LICENSE IS
8 SUSPENDED, DELAY THE COMMENCEMENT OF THE PERIOD OF SUSPENSION
9 FOR A PERIOD NOT EXCEEDING SIX MONTHS WHENEVER THE DEPARTMENT
10 DETERMINES THAT FAILURE TO GRANT THE EXTENSION WILL RESULT IN
11 SEVERE HARDSHIP TO THE PERSON WHOSE LICENSE HAS BEEN SUSPENDED.
12 THE DEPARTMENT MAY PROMULGATE ADDITIONAL REGULATIONS CONCERNING
13 THE SURRENDER OF LICENSES.

14 (B) ELIGIBILITY FOR RESTORATION OF OPERATING PRIVILEGE.--ANY
15 PERSON WHOSE OPERATING PRIVILEGE HAS BEEN REVOKED OR SUSPENDED
16 SHALL NOT BE ELIGIBLE FOR THE RESTORATION OF THE OPERATING
17 PRIVILEGE UNTIL THE EXPIRATION OF THE PERIOD OF REVOCATION OR
18 SUSPENSION.

19 (C) RESTORATION OF REVOKED OPERATING PRIVILEGE.--ANY PERSON
20 WHOSE OPERATING PRIVILEGE HAS BEEN REVOKED PURSUANT TO SECTION
21 1542 (RELATING TO REVOCATION OF HABITUAL OFFENDER'S LICENSE) OR
22 1543 (RELATING TO DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED
23 OR REVOKED) IS NOT ENTITLED TO AUTOMATIC RESTORATION OF THE
24 OPERATING PRIVILEGE. SUCH PERSON MAY APPLY FOR A [LICENSE]
25 LEARNER'S PERMIT, IF PERMITTED UNDER THE PROVISIONS OF THIS
26 CHAPTER [AND SHALL BE ISSUED A LEARNER'S PERMIT UNDER SECTION
27 1505 (RELATING TO LEARNERS' PERMITS)]], UPON EXPIRATION OF THE
28 REVOCATION.

29 SECTION 9. SECTIONS 1542(B), 1543, 1544(A), 1545, 1550 AND
30 1551 OF TITLE 75 ARE AMENDED TO READ:

§ 1542. REVOCATION OF HABITUAL OFFENDER'S LICENSE.

* * *

(B) OFFENSES ENUMERATED.--THREE CONVICTIONS ARISING FROM SEPARATE AND DISTINCT ACTS OF ANY ONE OR MORE OF THE FOLLOWING OFFENSES COMMITTED [EITHER SINGULARLY OR IN COMBINATION] BY ANY PERSON SHALL RESULT IN SUCH PERSON BEING DESIGNATED AS A HABITUAL OFFENDER:

(1) ANY OFFENSE SET FORTH IN SECTION 1532(A) OR (B) (RELATING TO [REVOCATION OR] SUSPENSION OR REVOCATION OF OPERATING PRIVILEGE).

(2) OPERATION FOLLOWING SUSPENSION OF REGISTRATION AS DEFINED IN SECTION 1371 (RELATING TO OPERATION FOLLOWING SUSPENSION OF REGISTRATION).

(3) [MAKING USE OF OR OPERATING ANY VEHICLE WITHOUT THE KNOWLEDGE OR CONSENT OF THE OWNER OR CUSTODIAN THEREOF.

(4) UTILIZING A VEHICLE IN THE UNLAWFUL TRANSPORTATION OR UNLAWFUL SALE OF ALCOHOL OR ANY CONTROLLED SUBSTANCE.

(5) ANY FELONY IN THE COMMISSION OF WHICH A COURT DETERMINES THAT A VEHICLE WAS ESSENTIALLY INVOLVED.] DRIVING UNDER SUSPENSION OR REVOCATION AS DEFINED IN SECTION 1543 (RELATING TO DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR REVOKED.)

* * *

§ 1543. DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR REVOKED.

(A) OFFENSE DEFINED.--EXCEPT AS PROVIDED IN SUBSECTION (B), ANY PERSON WHO DRIVES A MOTOR VEHICLE ON ANY HIGHWAY OR TRAFFICWAY OF THIS COMMONWEALTH [AT A TIME WHEN THEIR OPERATING PRIVILEGE IS SUSPENDED, REVOKED OR RECALLED] AFTER THE COMMENCEMENT OF A SUSPENSION, REVOCATION OR CANCELLATION OF THE

1 OPERATING PRIVILEGE AND BEFORE THE OPERATING PRIVILEGE HAS BEEN
2 RESTORED IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON
3 CONVICTION, BE SENTENCED TO PAY A FINE OF \$200.

4 (B) CERTAIN OFFENSES.--ANY PERSON WHO DRIVES A MOTOR VEHICLE
5 ON ANY HIGHWAY OR TRAFFICWAY OF THIS COMMONWEALTH AT A TIME WHEN
6 THEIR OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AS A CONDITION
7 OF ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION FOR A
8 VIOLATION OF SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE
9 OF ALCOHOL OR CONTROLLED SUBSTANCE) OR BECAUSE OF A VIOLATION OF
10 SECTION 1547(B)(1) (RELATING TO SUSPENSION FOR REFUSAL) OR 3731
11 SHALL, UPON CONVICTION, BE GUILTY OF A SUMMARY OFFENSE AND SHALL
12 BE SENTENCED TO PAY A FINE OF \$1,000 AND TO UNDERGO IMPRISONMENT
13 FOR A PERIOD OF NOT LESS THAN 90 DAYS.

14 (C) [EXTENDING EXISTING SUSPENSION OR REVOCATION.--THE
15 DEPARTMENT, UPON RECEIVING A CERTIFIED RECORD OF THE CONVICTION
16 OF ANY PERSON UNDER THIS SECTION UPON A CHARGE OF DRIVING A
17 VEHICLE WHILE THE OPERATING PRIVILEGE WAS SUSPENDED, SHALL
18 REVOKE SUCH PRIVILEGE FOR AN ADDITIONAL PERIOD OF SIX MONTHS. IF
19 THE CONVICTION WAS UPON A CHARGE OF DRIVING WHILE THE OPERATING
20 PRIVILEGE WAS REVOKED, THE DEPARTMENT SHALL REVOKE THE OPERATING
21 PRIVILEGE FOR AN ADDITIONAL PERIOD OF ONE YEAR.] SUSPENSION OR
22 REVOCATION OF OPERATING PRIVILEGE.--UPON RECEIVING A CERTIFIED
23 RECORD OF THE CONVICTION OF ANY PERSON UNDER THIS SECTION, THE
24 DEPARTMENT SHALL SUSPEND OR REVOKE THAT PERSON'S OPERATING
25 PRIVILEGE AS FOLLOWS:

26 (1) IF THE DEPARTMENT'S RECORDS SHOW THAT THE PERSON WAS
27 UNDER SUSPENSION, RECALL OR CANCELLATION ON THE DATE OF
28 VIOLATION, THE DEPARTMENT SHALL SUSPEND THE PERSON'S
29 OPERATING PRIVILEGE FOR AN ADDITIONAL ONE-YEAR PERIOD.

30 (2) IF THE DEPARTMENT'S RECORDS SHOW THAT THE PERSON WAS

1 UNDER REVOCATION ON THE DATE OF VIOLATION, THE DEPARTMENT
2 SHALL REVOKE THE PERSON'S OPERATING PRIVILEGE FOR AN
3 ADDITIONAL TWO-YEAR PERIOD.

4 § 1544. ADDITIONAL PERIOD OF [REVOCATION OR] SUSPENSION.

5 (A) ADDITIONAL POINT ACCUMULATION.--WHEN ANY PERSON'S RECORD
6 SHOWS AN ACCUMULATION OF ADDITIONAL POINTS DURING A PERIOD OF
7 SUSPENSION [OR REVOCATION] PURSUANT TO SECTION 1539 (RELATING TO
8 SUSPENSION OF OPERATING PRIVILEGE ON ACCUMULATION OF POINTS),
9 THE DEPARTMENT SHALL EXTEND THE EXISTING PERIOD OF SUSPENSION OR
10 REVOCATION AT THE RATE OF FIVE DAYS FOR EACH ADDITIONAL POINT
11 AND THE PERSON SHALL BE SO NOTIFIED IN WRITING.

12 * * *

13 § 1545. RESTORATION OF OPERATING PRIVILEGE.

14 UPON THE RESTORATION OF ANY PERSON'S OPERATING PRIVILEGE
15 WHICH HAS BEEN SUSPENDED [OR REVOKED PURSUANT TO THIS
16 SUBCHAPTER,] PURSUANT TO SECTION 1539 (RELATING TO SUSPENSION OF
17 OPERATING PRIVILEGE ON ACCUMULATION OF POINTS), SUCH PERSON'S
18 RECORD SHALL SHOW FIVE POINTS, EXCEPT THAT ANY ADDITIONAL POINTS
19 [ASSESSED AGAINST THE PERSON] ASSIGNED TO THE PERSON'S RECORD
20 SINCE THE DATE OF THE LAST VIOLATION RESULTING IN THE SUSPENSION
21 [OR REVOCATION] SHALL BE ADDED TO SUCH FIVE POINTS UNLESS THE
22 PERSON HAS SERVED AN ADDITIONAL PERIOD OF SUSPENSION [OR
23 REVOCATION] PURSUANT TO SECTION 1544(A) (RELATING TO ADDITIONAL
24 PERIOD OF [REVOCATION OR] SUSPENSION). [THIS SECTION SHALL NOT
25 APPLY TO SECTION 1533 (RELATING TO SUSPENSION OF OPERATING
26 PRIVILEGE FOR FAILURE TO RESPOND TO CITATION).]

27 § 1550. JUDICIAL REVIEW.

28 (A) GENERAL RULE.--ANY PERSON WHO HAS BEEN DENIED A DRIVER'S
29 LICENSE, WHOSE DRIVER'S LICENSE HAS BEEN CANCELED OR WHOSE
30 OPERATING PRIVILEGE HAS BEEN RECALLED, [CANCELED,] SUSPENDED OR

1 REVOKED BY THE DEPARTMENT SHALL HAVE THE RIGHT TO APPEAL TO THE
2 COURT VESTED WITH ORIGINAL JURISDICTION OF SUCH APPEALS BY OR
3 PURSUANT TO TITLE 42 (RELATING TO JUDICIARY AND JUDICIAL
4 PROCEDURE). THE APPELLANT SHALL SERVE A COPY OF THE PETITION FOR
5 APPEAL, TOGETHER WITH A COPY OF THE NOTICE OF THE ACTION FROM
6 WHICH THE APPEAL HAS BEEN TAKEN, UPON THE DEPARTMENT'S LEGAL
7 OFFICE. SERVICE MAY BE MADE BY FIRST CLASS MAIL.

8 (B) SUPERSEDEAS.--[THE FILING] FILING AND SERVICE OF [THE] A
9 PETITION FOR APPEAL FROM A SUSPENSION OR REVOCATION SHALL
10 OPERATE AS A SUPERSEDEAS [AND NO RECALL, SUSPENSION,
11 CANCELLATION OR REVOCATION SHALL BE IMPOSED AGAINST SUCH PERSON]
12 UNTIL FINAL DETERMINATION OF THE MATTER BY THE COURT VESTED WITH
13 ORIGINAL JURISDICTION OF SUCH APPEALS, EXCEPT THAT FILING AND
14 SERVICE OF A PETITION FOR APPEAL FROM DENIAL OR CANCELLATION OF
15 A DRIVER'S LICENSE UNDER SECTION 1503 (RELATING TO PERSONS
16 INELIGIBLE FOR LICENSING), 1504 (RELATING TO CLASSES OF
17 LICENSES), 1509 (RELATING TO QUALIFICATIONS FOR CLASS 4
18 LICENSE), 1514 (RELATING TO EXPIRATION AND RENEWAL OF DRIVERS'
19 LICENSES), 1519 (RELATING TO DETERMINATION OF INCOMPETENCY) OR
20 1572 (RELATING TO CANCELLATION OF DRIVER'S LICENSE) SHALL NOT
21 ACT AS A SUPERSEDEAS UNLESS ORDERED BY THE COURT AFTER A HEARING
22 ATTENDED BY THE PETITIONER. FURTHER REVIEW BY ANOTHER COURT
23 SHALL NOT OPERATE AS A SUPERSEDEAS UNLESS THE COURT OF ORIGINAL
24 OR SUBSEQUENT JURISDICTION DETERMINES OTHERWISE.

25 (C) PROCEEDINGS OF COURT.--THE COURT SHALL SET THE MATTER
26 FOR HEARING UPON [30] 60 DAYS WRITTEN NOTICE TO THE DEPARTMENT
27 AND DETERMINE WHETHER THE [PETITIONER IS IN FACT THE PERSON
28 WHOSE] PETITIONER'S DRIVER'S LICENSE SHOULD BE DENIED OR
29 CANCELED, THE PETITIONER'S OPERATING PRIVILEGE [IS SUBJECT TO
30 THE RECALL, SUSPENSION, CANCELLATION OR REVOCATION] SHOULD BE

1 SUSPENDED, REVOKED OR RECALLED OR THE PETITIONER'S ENDORSEMENT
2 SHOULD BE REMOVED.

3 § 1551. NOTICE OF DEPARTMENT ACTION.

4 THE DEPARTMENT SHALL PROMPTLY [NOTIFY] MAIL A NOTICE TO EACH
5 PERSON WHOSE LICENSE OR PERMIT IS SUSPENDED AS A RESULT OF THE
6 ACCUMULATION OF POINTS. [THE NOTIFICATION THAT THE LICENSE OR
7 PERMIT IS SUSPENDED SHALL BE MADE] THE NOTICE SHALL BE MAILED TO
8 THE ADDRESS OF RECORD WITHIN [SIX MONTHS FOLLOWING] THREE MONTHS
9 OF RECEIPT BY THE DEPARTMENT OF NOTICE OF THE [CONVICTION] FINAL
10 DISPOSITION OF A VIOLATION OF THIS TITLE THAT RESULTED IN THE
11 ADDITION OF SUFFICIENT POINTS TO CAUSE THE SUSPENSION. FAILURE
12 OF THE DEPARTMENT TO [GIVE PROMPT] MAIL A NOTICE OF SUSPENSION
13 AS REQUIRED BY THIS SECTION SHALL PROHIBIT THE DEPARTMENT FROM
14 SUSPENDING THE LICENSE OR PERMIT OF SUCH PERSON.

15 SECTION 10. SECTIONS 1571, 1573 AND 1575 OF TITLE 75 ARE
16 AMENDED TO READ:

17 § 1571. VIOLATIONS CONCERNING LICENSES.

18 (A) OFFENSES DEFINED.--IT IS UNLAWFUL FOR ANY PERSON:

19 (1) TO EXHIBIT OR CAUSE OR PERMIT TO BE EXHIBITED OR
20 HAVE IN POSSESSION ANY RECALLED, CANCELED, SUSPENDED,
21 REVOKED[, FICTITIOUS] OR [FRAUDULENTLY] MATERIALLY ALTERED
22 DRIVER'S LICENSE.

23 (2) TO GIVE, SELL OR LEND A DRIVER'S LICENSE TO ANY
24 OTHER PERSON OR PERMIT THE USE THEREOF BY ANOTHER.

25 (3) TO PURCHASE, EXHIBIT OR REPRESENT AS ONE'S OWN ANY
26 DRIVER'S LICENSE NOT ISSUED TO THE PERSON.

27 (4) TO FAIL OR REFUSE TO SURRENDER TO THE DEPARTMENT OR
28 TO A POLICE OFFICER UPON LAWFUL DEMAND A RECALLED, CANCELED,
29 SUSPENDED, REVOKED[, FICTITIOUS] OR [FRAUDULENTLY] MATERIALLY
30 ALTERED DRIVER'S LICENSE.

1 (5) TO USE A FALSE OR FICTITIOUS NAME OR GIVE A FALSE OR
2 FICTITIOUS ADDRESS IN ANY APPLICATION OR FORM REQUIRED UNDER
3 THE PROVISIONS OF THIS CHAPTER OR MAKE A FALSE STATEMENT,
4 CONCEAL A MATERIAL FACT OR OTHERWISE COMMIT A FRAUD IN ANY
5 SUCH APPLICATION.

6 (6) TO POSSESS, SELL OR ATTEMPT TO SELL ANY COUNTERFEIT
7 DRIVER'S LICENSE OR TO FAIL OR REFUSE TO SURRENDER TO THE
8 DEPARTMENT UPON LAWFUL DEMAND A COUNTERFEIT LICENSE.

9 (B) PENALTY.--

10 (1) ANY PERSON VIOLATING ANY OF THE PROVISIONS OF [THIS
11 SECTION] SUBSECTION (A)(1), (2), (3) OR (4) IS GUILTY OF A
12 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO
13 PAY A FINE OF [\$100] \$200 FOR A FIRST OFFENSE.

14 (2) ANY PERSON VIOLATING ANY OF THE PROVISIONS OF
15 SUBSECTION (A)(5) IS GUILTY OF A SUMMARY OFFENSE AND SHALL,
16 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$300 FOR A
17 FIRST OFFENSE.

18 (3) ANY PERSON VIOLATING THE PROVISIONS OF SUBSECTION
19 (A)(6) IS GUILTY OF A MISDEMEANOR OF THE SECOND DEGREE.

20 § 1573. DRIVING UNDER FOREIGN LICENSE DURING SUSPENSION OR
21 REVOCATION.

22 (A) GENERAL RULE.--ANY RESIDENT OR NONRESIDENT WHOSE
23 OPERATING PRIVILEGE TO DRIVE A MOTOR VEHICLE IN THIS
24 COMMONWEALTH HAS BEEN RECALLED, CANCELED, SUSPENDED OR REVOKED
25 AS PROVIDED IN THIS TITLE SHALL NOT DRIVE A MOTOR VEHICLE IN
26 THIS COMMONWEALTH UNDER A LICENSE OR PERMIT ISSUED BY ANY OTHER
27 JURISDICTION OR OTHERWISE DURING THE SUSPENSION OR AFTER THE
28 RECALL, CANCELLATION OR REVOCATION UNTIL A NEW DRIVER'S LICENSE
29 IS OBTAINED WHEN AND AS PERMITTED UNDER THIS CHAPTER.

30 (B) PENALTY.--ANY PERSON VIOLATING THIS SECTION IS GUILTY OF

1 A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO
2 PAY A FINE OF \$200 FOR A FIRST OFFENSE.

3 § 1575. PERMITTING VIOLATION OF TITLE.

4 (A) GENERAL RULE.--NO PERSON SHALL AUTHORIZE OR KNOWINGLY
5 PERMIT A MOTOR VEHICLE OWNED BY HIM OR UNDER HIS CONTROL TO BE
6 DRIVEN IN VIOLATION OF ANY OF THE PROVISIONS OF THIS TITLE.

7 (B) PENALTY.--ANY PERSON VIOLATING THE PROVISIONS OF
8 SUBSECTION (A) IS GUILTY OF [THE SAME] A SUMMARY OFFENSE [AS THE
9 DRIVER OF SUCH VEHICLE] AND IS SUBJECT TO THE SAME [PENALTIES
10 INCLUDING ANY SUSPENSION OR REVOCATION OF THE OPERATING
11 PRIVILEGE OR THE ASSESSMENT OF POINTS] FINE AS THE DRIVER OF THE
12 VEHICLE. IF THE DRIVER IS CONVICTED UNDER SECTION 3731 (RELATING
13 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE),
14 THE PERSON VIOLATING SUBSECTION (A) SHALL ALSO BE SUBJECT TO
15 SUSPENSION UNDER SECTIONS 1532 (RELATING TO SUSPENSION OR
16 REVOCATION OF OPERATING PRIVILEGE) AND 1542 (RELATING TO
17 REVOCATION OF HABITUAL OFFENDER'S LICENSE).

18 SECTION 11. SECTIONS 3307 AND 3342 OF TITLE 75 ARE AMENDED
19 TO READ:

20 § 3307. NO-PASSING ZONES.

21 (A) ESTABLISHMENT AND MARKING.--THE DEPARTMENT AND LOCAL
22 AUTHORITIES MAY DETERMINE THOSE PORTIONS OF ANY HIGHWAY UNDER
23 THEIR RESPECTIVE JURISDICTIONS WHERE OVERTAKING AND PASSING OR
24 DRIVING ON THE LEFT SIDE OF THE ROADWAY WOULD BE ESPECIALLY
25 HAZARDOUS AND SHALL BY APPROPRIATE SIGNS OR MARKINGS ON THE
26 ROADWAY INDICATE THE BEGINNING AND END OF SUCH ZONES AND WHEN
27 THE SIGNS OR MARKINGS ARE IN PLACE AND CLEARLY VISIBLE TO AN
28 ORDINARILY OBSERVANT PERSON EVERY DRIVER OF A VEHICLE SHALL OBEY
29 THE DIRECTIONS OF THE SIGNS OR MARKINGS. [SIGNS SHALL BE PLACED
30 TO INDICATE THE BEGINNING AND END OF EACH NO-PASSING ZONE.]

1 (B) COMPLIANCE BY DRIVERS.--WHERE SIGNS [AND] OR MARKINGS
2 ARE IN PLACE TO DEFINE A NO-PASSING ZONE AS SET FORTH IN
3 SUBSECTION (A), NO DRIVER SHALL AT ANY TIME DRIVE ON THE LEFT
4 SIDE OF THE ROADWAY WITHIN THE NO-PASSING ZONE OR ON THE LEFT
5 SIDE OF ANY PAVEMENT STRIPING DESIGNED TO MARK A NO-PASSING ZONE
6 THROUGHOUT ITS LENGTH.

7 (C) APPLICATION OF SECTION.--THIS SECTION DOES NOT APPLY
8 UNDER THE CONDITIONS DESCRIBED IN SECTION 3301(A)(2) AND (5)
9 (RELATING TO DRIVING ON RIGHT SIDE OF ROADWAY). THIS SECTION
10 DOES NOT APPLY TO ANY DRIVER WHO IS OVERTAKING A SLOW MOVING
11 VEHICLE IN ACCORDANCE WITH SECTION 3305 (RELATING TO LIMITATIONS
12 ON OVERTAKING ON THE LEFT).

13 § 3342. VEHICLES REQUIRED TO STOP AT RAILROAD CROSSINGS.

14 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), THE
15 DRIVER OF ANY VEHICLE DESCRIBED IN REGULATIONS ISSUED PURSUANT
16 TO SUBSECTION (C) OR DESCRIBED IN SUBSECTION (D), BEFORE
17 CROSSING AT GRADE ANY TRACK OR TRACKS OF A RAILROAD, SHALL STOP
18 THE VEHICLE WITHIN 50 FEET BUT NOT LESS THAN 15 FEET FROM THE
19 NEAREST RAIL OF THE RAILROAD AND WHILE SO STOPPED SHALL LISTEN
20 AND LOOK IN BOTH DIRECTIONS ALONG THE TRACK FOR ANY APPROACHING
21 TRAIN, AND FOR SIGNALS INDICATING THE APPROACH OF A TRAIN, AND
22 SHALL NOT PROCEED UNTIL IT CAN BE DONE SAFELY. AFTER STOPPING
23 AND UPON PROCEEDING WHEN IT IS SAFE TO DO SO THE DRIVER OF THE
24 VEHICLE SHALL CROSS ONLY IN SUCH GEAR OF THE VEHICLE THAT THERE
25 WILL BE NO NECESSITY FOR MANUALLY CHANGING GEARS WHILE
26 TRAVERSING THE CROSSING AND THE DRIVER SHALL NOT MANUALLY SHIFT
27 GEARS WHILE CROSSING THE TRACK OR TRACKS.

28 (B) EXCEPTIONS.--THIS SECTION DOES NOT APPLY TO ANY OF THE
29 FOLLOWING:

30 (1) ANY RAILROAD GRADE CROSSING AT WHICH TRAFFIC IS

1 CONTROLLED BY A POLICE OFFICER OR FLAGMAN.

2 (2) ANY RAILROAD GRADE CROSSING AT WHICH TRAFFIC IS
3 REGULATED BY A TRAFFIC-CONTROL SIGNAL.

4 (3) [ANY RAILROAD GRADE CROSSING PROTECTED BY CROSSING
5 GATES OR AN ALTERNATELY FLASHING LIGHT SIGNAL INTENDED TO
6 GIVE WARNING OF THE APPROACH OF A RAILROAD TRAIN.

7 (4)] ANY RAILROAD GRADE CROSSING AT WHICH AN OFFICIAL
8 TRAFFIC-CONTROL DEVICE GIVES NOTICE THAT THE STOPPING
9 REQUIREMENT IMPOSED BY THIS SECTION DOES NOT APPLY.

10 (C) REGULATIONS DEFINING VEHICLES SUBJECT TO SECTION.--THE
11 DEPARTMENT SHALL ADOPT SUCH REGULATIONS AS MAY BE NECESSARY
12 DESCRIBING THE VEHICLES WHICH MUST COMPLY WITH THE STOPPING
13 REQUIREMENTS OF THIS SECTION. IN FORMULATING THE REGULATIONS,
14 THE DEPARTMENT SHALL GIVE CONSIDERATION TO THE HAZARDOUS NATURE
15 OF ANY SUBSTANCE CARRIED BY THE VEHICLE AS DETERMINED BY THE
16 HAZARDOUS SUBSTANCES TRANSPORTATION BOARD AND TO THE NUMBER OF
17 PASSENGERS CARRIED BY THE VEHICLE IN DETERMINING WHETHER THE
18 VEHICLE SHALL BE REQUIRED TO STOP. THESE REGULATIONS SHALL BE
19 DEVELOPED IN CONJUNCTION WITH THE PENNSYLVANIA PUBLIC UTILITY
20 COMMISSION AND THE URBAN MASS TRANSPORTATION AUTHORITY AND SHALL
21 CORRELATE WITH AND SO FAR AS POSSIBLE CONFORM TO THE CURRENT
22 REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION.

23 (D) MANDATORY REQUIREMENT TO STOP.--EVERY TRUCK AND TRUCK
24 TRACTOR COMBINATION WHICH CARRIES GASOLINE, FUEL OIL, EXPLOSIVES
25 OR OTHER HAZARDOUS MATERIALS DESIGNATED IN DEPARTMENT
26 REGULATIONS SHALL STOP AT EVERY RAILROAD CROSSING AS REQUIRED BY
27 THIS SECTION. THE DRIVER OF THE TRUCK AND TRUCK TRACTOR
28 COMBINATION SHALL ACTIVATE THE VEHICLE HAZARD LIGHTS WHEN
29 STOPPING AT THE RAILROAD CROSSING.

30 (E) PENALTY.--VIOLATION OF THIS SECTION SHALL CONSTITUTE A

1 SUMMARY OFFENSE PUNISHABLE BY A FINE OF FROM \$50 TO \$100, EXCEPT
2 THAT A VIOLATION OF SUBSECTION (D) SHALL BE PUNISHABLE BY A FINE
3 OF FROM \$100 TO \$300.

4 SECTION 12. SECTION 3365 OF TITLE 75 IS REPEALED.

5 SECTION 13. SECTION 4523(A) OF TITLE 75 IS AMENDED TO READ:

6 § 4523. Exhaust systems, mufflers and noise control.

7 (a) Compliance with established sound levels.--Every motor
8 vehicle operated on a highway shall be constructed, equipped,
9 maintained and operated so as not to exceed the sound level for
10 the vehicle as prescribed in regulations promulgated by the
11 department. Violations of this section may be proven by the
12 testimony of two police officers who were on the scene and who
13 testify that the noise was, in their opinion, excessive.
14 Violations may also be proven by means or methods prescribed by
15 the department to enforce this section. The test procedures and
16 instrumentation to be utilized shall also be established by
17 regulation.

18 * * *

19 ~~Section 2. This act shall take effect in 60 days.~~ <—

20 SECTION 14. SECTION 4704(A) AND (B) OF TITLE 75 ARE AMENDED <—
21 AND A SUBSECTION IS ADDED TO READ:

22 § 4704. INSPECTION BY POLICE OR DEPARTMENT PERSONNEL. <—

23 (A) INSPECTION IN CONJUNCTION WITH VEHICLE WEIGHING.--ANY
24 POLICE OFFICER OR QUALIFIED DEPARTMENT EMPLOYEE ENGAGED IN
25 WEIGHING VEHICLES AS PROVIDED IN SUBCHAPTER E OF CHAPTER 49
26 (RELATING TO MEASURING AND ADJUSTING VEHICLE SIZE AND WEIGHTS)
27 OR AS PART OF A SYSTEMATIC VEHICLE INSPECTION PROGRAM IS
28 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 OR MASS TRANSIT
3 VEHICLE, REGARDLESS OF WHETHER IT IS BEING OPERATED, IS UNSAFE
4 OR NOT EQUIPPED AS REQUIRED BY LAW MAY AT ANY TIME SUBMIT A
5 WRITTEN NOTICE OF THE CONDITION TO THE DRIVER OF THE VEHICLE OR
6 THE MASS TRANSIT VEHICLE OR TO THE OWNER, OR IF NEITHER IS
7 PRESENT, TO AN ADULT OCCUPANT OF THE VEHICLE OR THE MASS TRANSIT
8 VEHICLE, OR IF THE VEHICLE OR THE MASS TRANSIT VEHICLE IS
9 UNOCCUPIED, THE NOTICE SHALL BE ATTACHED TO THE VEHICLE OR THE
10 MASS TRANSIT VEHICLE IN A CONSPICUOUS PLACE.

11 (1) IF AN ITEM OF EQUIPMENT IS BROKEN OR MISSING, THE
12 NOTICE SHALL SPECIFY THE PARTICULARS OF THE CONDITION AND
13 REQUIRE THAT THE EQUIPMENT BE ADJUSTED OR REPAIRED. WITHIN
14 FIVE DAYS EVIDENCE MUST BE SUBMITTED TO THE POLICE THAT THE
15 REQUIREMENTS FOR REPAIR HAVE BEEN SATISFIED.

16 (2) IF THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE
17 THAT A VEHICLE OR MASS TRANSIT VEHICLE IS UNSAFE OR NOT IN
18 PROPER REPAIR, HE MAY REQUIRE IN THE WRITTEN NOTICE THAT THE
19 [CAR] VEHICLE OR MASS TRANSIT VEHICLE BE INSPECTED. THE OWNER
20 OR DRIVER SHALL SUBMIT TO THE POLICE WITHIN FIVE DAYS OF THE
21 DATE OF NOTIFICATION CERTIFICATION FROM AN OFFICIAL
22 INSPECTION STATION THAT THE VEHICLE OR THE MASS TRANSIT
23 VEHICLE HAS BEEN RESTORED TO SAFE OPERATING CONDITION IN
24 RELATION TO THE PARTICULARS SPECIFIED ON THE NOTICE.

25 (3) AFTER THE EXPIRATION OF THE FIVE-DAY PERIOD
26 SPECIFIED IN PARAGRAPHS (1) AND (2), THE VEHICLE SHALL NOT BE
27 OPERATED UPON THE HIGHWAYS OF THIS COMMONWEALTH AND A MASS
28 TRANSIT VEHICLE SHALL NOT BE OPERATED UNTIL THE OWNER OR
29 DRIVER HAS SUBMITTED TO THE POLICE EVIDENCE OF COMPLIANCE
30 WITH THE REQUIREMENTS OF PARAGRAPH (1) OR (2), WHICHEVER IS

1 APPLICABLE.

2 * * *

3 (D) PENALTY.--ANY PERSON VIOLATING SUBSECTION (B)(3) OR THE
4 PROVISIONS OF A NOTICE GIVEN UNDER SUBSECTION (C) COMMITS A
5 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
6 A FINE OF \$300.

7 SECTION 15. SECTIONS 4902(B) AND (G) AND 4961(C) OF TITLE 75 <—
8 ARE AMENDED TO READ:

9 § 4902. RESTRICTIONS ON USE OF HIGHWAYS AND BRIDGES.

10 * * *

11 (B) RESTRICTIONS BASED ON TRAFFIC CONDITIONS.--THE
12 COMMONWEALTH AND LOCAL AUTHORITIES WITH RESPECT TO HIGHWAYS AND
13 BRIDGES UNDER THEIR JURISDICTIONS MAY PROHIBIT THE OPERATION OF
14 VEHICLES AND MAY IMPOSE RESTRICTIONS AS TO THE WEIGHT OR SIZE OF
15 VEHICLES OPERATED UPON A HIGHWAY OR BRIDGE WHENEVER THEY
16 DETERMINE THAT HAZARDOUS TRAFFIC CONDITIONS OR OTHER SAFETY
17 FACTORS REQUIRE SUCH A PROHIBITION OR RESTRICTION.

18 (1) VEHICLES AND COMBINATIONS OF SPECIFIED SIZES,
19 WEIGHTS, TYPES OR CLASSES MAY BE PROHIBITED FROM DESIGNATED
20 GRADES, MAY BE REQUIRED TO STOP, REDUCE GEAR, OR BOTH, BEFORE
21 PROCEEDING DOWN THE GRADES AND MAY BE LIMITED TO REDUCED
22 SPEEDS ON THE GRADES.

23 (2) SCHOOL BUSES, EMERGENCY VEHICLES AND VEHICLES MAKING
24 LOCAL DELIVERIES OR PICKUPS MAY BE EXEMPTED FROM RESTRICTIONS
25 ON THE USE OF HIGHWAYS IMPOSED UNDER THIS SUBSECTION.

26 * * *

27 (G) PENALTY.--

28 (1) ANY PERSON OPERATING A VEHICLE OR COMBINATION UPON A
29 HIGHWAY OR BRIDGE IN VIOLATION OF A PROHIBITION OR
30 RESTRICTION IMPOSED UNDER SUBSECTION (A) IS GUILTY OF

1 VIOLATING SUBSECTION (A), A SUMMARY OFFENSE, AND SHALL, UPON
2 CONVICTION, BE SENTENCED TO PAY A FINE OF \$75, EXCEPT THAT
3 ANY PERSON CONVICTED OF OPERATING A VEHICLE WITH A GROSS
4 WEIGHT IN EXCESS OF A POSTED WEIGHT SHALL, UPON CONVICTION,
5 BE SENTENCED TO PAY A FINE OF \$150 PLUS \$150 FOR EACH 500
6 POUNDS, OR PART THEREOF, IN EXCESS OF 3,000 POUNDS OVER THE
7 MAXIMUM ALLOWABLE WEIGHT.

8 (2) ANY PERSON OPERATING A VEHICLE OR COMBINATION IN
9 VIOLATION OF A PROHIBITION OR RESTRICTION IMPOSED UNDER
10 SUBSECTION (B) IS GUILTY OF VIOLATING SUBSECTION (B), A
11 SUMMARY OFFENSE, AND SHALL, UPON CONVICTION, BE SENTENCED TO
12 PAY A FINE OF NOT LESS THAN \$25 AND NOT MORE THAN \$100,
13 EXCEPT THAT FOR A VIOLATION OF A PROHIBITION OR RESTRICTION
14 PERTAINING TO A GRADE DESIGNATED UNDER SUBSECTION (B)(1) THE
15 FINE SHALL BE \$300.

16 § 4961. AUTHORITY TO ISSUE PERMITS.

17 * * *

18 (C) COUNTY OFFICES FOR ISSUING PERMITS.--THE DEPARTMENT
19 SHALL EMPOWER AN AUTHORIZED REPRESENTATIVE OR EMPLOYEE [IN EACH
20 COUNTY] TO ISSUE PERMITS AS PROVIDED IN SUBSECTION (A) AND
21 [SHALL] MAY PROVIDE A PLACE [WITHIN EACH COUNTY] WHERE THE
22 PERMITS MAY BE ISSUED.

23 SECTION 17. SECTIONS 6146, 6501, 6503, 7122 AND 7706 OF
24 TITLE 75 ARE AMENDED TO READ:

25 § 6146. ENFORCEMENT AGREEMENTS.

26 THE SECRETARY MAY ENTER INTO AGREEMENTS RELATING TO
27 ENFORCEMENT OF THIS TITLE INCLUDING, BUT NOT LIMITED TO,
28 AGREEMENTS TO NOTIFY ANY STATE OF VIOLATIONS INCURRED BY
29 RESIDENTS OF THAT STATE, TO SUSPEND OR REVOKE THE OPERATING
30 PRIVILEGE OF PENNSYLVANIA LICENSED DRIVERS WHO ARE CONVICTED IN

1 ANOTHER STATE OR IN A FEDERAL COURT OF ANY OFFENSE ESSENTIALLY
2 SIMILAR TO THOSE ENUMERATED IN SUBCHAPTER B OF CHAPTER 37
3 (RELATING TO SERIOUS TRAFFIC OFFENSES) AND TO TAKE MEASURES TO
4 ASSURE PAYMENT OF FINES [OR], ATTENDANCE AT HEARINGS AND TAKING
5 OF CHEMICAL TESTS OF BREATH, BLOOD OR URINE BY PERSONS CHARGED
6 WITH THESE OR OTHER VIOLATIONS.

7 § 6501. DEFINITION OF CONVICTION.

8 (A) GENERAL RULE.--FOR THE PURPOSES OF THIS TITLE A
9 CONVICTION INCLUDES A PLEA OF GUILTY, A PLEA OF NOLO CONTENDERE,
10 A FINDING OF GUILTY OR AN ADJUDICATION OF DELINQUENCY BY A COURT
11 OR AN UNVACATED FORFEITURE OF BAIL OR COLLATERAL DEPOSITED TO
12 SECURE A DEFENDANT'S APPEARANCE IN COURT.

13 (B) PAYMENT OF FINE AS GUILTY PLEA.--A PAYMENT BY ANY PERSON
14 CHARGED WITH A VIOLATION OF THIS TITLE OF THE FINE PRESCRIBED
15 FOR THE VIOLATION IS A PLEA OF GUILTY.

16 § 6503. SUBSEQUENT CONVICTIONS OF CERTAIN OFFENSES.

17 EVERY PERSON CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF
18 ANY OF THE FOLLOWING PROVISIONS SHALL BE SENTENCED TO PAY A FINE
19 OF NOT LESS THAN \$200 NOR MORE THAN \$1,000 OR TO IMPRISONMENT
20 FOR NOT MORE THAN ONE YEAR, OR BOTH:

21 SECTION 1501(A) (RELATING TO DRIVERS REQUIRED TO BE
22 LICENSED).

23 SECTION 1543 (RELATING TO DRIVING WHILE OPERATING
24 PRIVILEGE IS SUSPENDED OR REVOKED).

25 SECTION 1571(A)(1) THROUGH (5) (RELATING TO VIOLATIONS
26 CONCERNING LICENSES).

27 SECTION 1573 (RELATING TO DRIVING UNDER FOREIGN LICENSE
28 DURING SUSPENSION OR REVOCATION).

29 SECTION 3367 (RELATING TO RACING ON HIGHWAYS).

30 SECTION 3733 (RELATING TO FLEEING OR ATTEMPTING TO ELUDE

POLICE OFFICER).

SECTION 3734 (RELATING TO DRIVING WITHOUT LIGHTS TO AVOID IDENTIFICATION OR ARREST).

SECTION 3748 (RELATING TO FALSE REPORTS).

§ 7122. ALTERED, FORGED OR COUNTERFEIT DOCUMENTS AND PLATES.

A PERSON IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE IF THE PERSON, WITH FRAUDULENT INTENT:

(1) ALTERS, FORGES OR COUNTERFEITS A CERTIFICATE OF TITLE, REGISTRATION CARD OR PLATE, INSPECTION CERTIFICATE OR PROOF OF INSURANCE;

(2) ALTERS OR FORGES AN ASSIGNMENT OF A CERTIFICATE OF TITLE, OR AN ASSIGNMENT OR RELEASE OF A SECURITY INTEREST ON A CERTIFICATE OF TITLE OR ANY OTHER DOCUMENT ISSUED OR PREPARED FOR ISSUE BY THE DEPARTMENT; OR

(3) HAS POSSESSION OF, SELLS OR ATTEMPTS TO SELL, USES OR DISPLAYS A CERTIFICATE OF TITLE, REGISTRATION CARD OR PLATE, [DRIVER'S LICENSE,] INSPECTION CERTIFICATE, PROOF OF INSURANCE OR ANY OTHER DOCUMENT ISSUED BY THE DEPARTMENT, KNOWING IT TO HAVE BEEN ALTERED, FORGED OR COUNTERFEITED.

§ 7706. RESTRICTED RECEIPTS FUND.

(A) DEPOSIT AND USE OF MONEYS.--THE DEPARTMENT SHALL DEPOSIT ALL MONEYS RECEIVED FROM THE REGISTRATION OF SNOWMOBILES, THE SALE OF SNOWMOBILE REGISTRATION INFORMATION, SNOWMOBILE PUBLICATIONS AND OTHER SERVICES PROVIDED BY THE DEPARTMENT, ALL FINES AND PENALTIES RESULTING FROM VIOLATIONS OF THIS CHAPTER, REVENUES FROM THE TAXES ON LIQUID FUELS CONSUMED BY SNOWMOBILES AND ALL FEES COLLECTED UNDER THIS CHAPTER IN A RESTRICTED RECEIPTS FUND, FROM WHICH THE DEPARTMENT SHALL DRAW MONEYS FOR USE IN CARRYING OUT THE REGISTRATION, SAFETY EDUCATION AND ENFORCEMENT REQUIREMENTS OF THIS CHAPTER AS WELL AS THE

1 ESTABLISHMENT, CONSTRUCTION AND MAINTENANCE OF TRAILS AND ANY
2 EQUIPMENT AND SUPPLIES NECESSARY TO CARRY OUT THE PURPOSES OF
3 THIS CHAPTER. IN ADDITION, THE REVENUES RECEIVED FROM THE TAXES
4 ON LIQUID FUELS CONSUMED BY SNOWMOBILES SHALL BE USED SOLELY TO
5 PROVIDE GRANTS FOR ESTABLISHING AND MAINTAINING PUBLIC
6 SNOWMOBILE TRAILS ON PRIVATE AND PUBLIC LANDS. ALL MONEYS IN
7 SAID FUND NOT HERETOFORE PAID INTO THE GENERAL FUND SHALL REMAIN
8 IN SAID RESTRICTED RECEIPTS FUND TO BE USED AS SPECIFIED IN THIS
9 CHAPTER.

10 (B) AUDIT OF MONEYS.--THE RESTRICTED RECEIPTS FUND SHALL BE
11 AUDITED EVERY TWO YEARS.

12 (C) REFUNDS.--WHEN THE TAXES IMPOSED BY THIS TITLE AND BY
13 THE ACT OF MAY 21, 1931 (P.L.149, NO.105), KNOWN AS THE LIQUID
14 FUELS TAX ACT, HAVE BEEN PAID, AND THE FUEL ON WHICH SUCH TAX
15 HAS BEEN IMPOSED SHALL HAVE BEEN CONSUMED IN THE OPERATION OF
16 SNOWMOBILES WITHIN THIS COMMONWEALTH, THE FULL AMOUNT OF SUCH
17 TAX SHALL BE REFUNDED TO THE RESTRICTED RECEIPTS FUND ON
18 PETITION TO THE BOARD OF FINANCE AND REVENUE IN ACCORDANCE WITH
19 PRESCRIBED PROCEDURES.

20 (D) CALCULATION OF TAXES.--IN ACCORDANCE WITH SUCH
21 PROCEDURES, THE DEPARTMENT SHALL BIANNUALLY CALCULATE THE AMOUNT
22 OF TAXES ON LIQUID FUELS CONSUMED BY SAID SNOWMOBILES AND
23 FURNISH SUCH INFORMATION RELATING TO ITS CALCULATIONS AND DATA
24 AS MAY BE PRESCRIBED OR REQUIRED BY THE BOARD OF FINANCE AND
25 REVENUE. THIS BOARD SHALL REVIEW THE PETITION AND SNOWMOBILE
26 FUEL CONSUMPTION CALCULATIONS OF THE DEPARTMENT AND THEN
27 DETERMINE THE AMOUNT OF TAX PAID ON LIQUID FUELS CONSUMED BY
28 SNOWMOBILES WITHIN THIS COMMONWEALTH, AND SHALL CERTIFY TO THE
29 STATE TREASURER TO REFUND ANNUALLY TO THE RESTRICTED RECEIPTS
30 FUND THE AMOUNT SO DETERMINED. THE DEPARTMENT OF TRANSPORTATION

1 SHALL HAVE THE RIGHT TO APPEAR AT SUCH PROCEEDINGS AND MAKE ITS
2 VIEWS KNOWN.

3 SECTION 17. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
4 § 7707. GRANTS.

5 (A) AUTHORIZATION.--THE DEPARTMENT SHALL AWARD GRANTS TO
6 POLITICAL SUBDIVISIONS OR SNOWMOBILE ORGANIZATIONS FOR
7 ESTABLISHING, DEVELOPING OR MAINTAINING SNOWMOBILE TRAILS FOR
8 PUBLIC USE ON PRIVATE OR PUBLIC LANDS. THESE GRANTS SHALL
9 CONSIST ONLY OF FUNDS OBTAINED THROUGH THE REFUND OF TAXES ON
10 LIQUID FUELS CONSUMED BY SNOWMOBILES WITHIN THE COMMONWEALTH.

11 (B) USE.--FUNDS GRANTED BY THE DEPARTMENT FOR THE PURPOSE OF
12 ESTABLISHING, DEVELOPING OR MAINTAINING SUCH SNOWMOBILE TRAILS
13 MAY BE USED FOR THE FOLLOWING PURPOSES:

14 (1) THE PURCHASE OR LEASE OF REAL ESTATE.

15 (2) THE ACQUISITION OF EASEMENTS.

16 (3) THE CONSTRUCTION, WIDENING, IMPROVEMENT, PLANNING OR
17 MAINTENANCE OF SNOWMOBILE TRAILS.

18 (4) THE MARKING OF SNOWMOBILE TRAILS WITH SIGNS OR OTHER
19 MARKERS IN CONFORMITY WITH DEPARTMENTAL REGULATIONS.

20 (5) THE PURCHASE OF SUPPLIES AND PURCHASE OR MAINTENANCE
21 OF EQUIPMENT NECESSARY TO CARRY OUT THE PROVISIONS OF THIS
22 SECTION.

23 (6) ADMINISTRATIVE EXPENSES OF THE GRANT PROGRAM
24 INCURRED BY THE DEPARTMENT, SUCH EXPENSES NOT TO EXCEED 5% OF
25 THE AMOUNT OF ANNUAL REVENUES DEPOSITED IN THE RESTRICTED
26 RECEIPTS FUND.

27 (C) LOCAL SHARE.--GRANTS AWARDED TO SNOWMOBILE ORGANIZATIONS
28 SHALL REPRESENT NO MORE THAN 90% OF THE COST OF THE PROJECT
29 WHICH IS RECEIVING FUNDING. GRANTS AWARDED TO POLITICAL
30 SUBDIVISIONS SHALL REPRESENT NO MORE THAN 75% OF THE COST OF THE

1 PROJECT WHICH IS RECEIVING FUNDING.

2 (D) REGULATORY AUTHORITY.--THE DEPARTMENT SHALL PROMULGATE
3 REGULATIONS REGARDING THE ADMINISTRATION OF THE GRANT PROGRAM.

4 SECTION 18. SECTION 1 (RELATING TO THE DEFINITION OF "BUS"
5 IN SECTION 102) SHALL BE RETROACTIVE TO JULY 10, 1984.

6 SECTION 19. EXCEPT FOR SECTIONS 16 AND 17 (RELATING TO
7 SECTIONS 7706 AND 7707) WHICH SHALL TAKE EFFECT JULY 1, 1985,
8 THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60 DAYS.