
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1239 Session of
1984

INTRODUCED BY FISHER, LINCOLN, WENGER, HELFRICK, STAPLETON,
O'CONNELL, REIBMAN, KELLEY, BRIGHTBILL AND ANDREZESKI,
FEBRUARY 6, 1984

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 27, 1984

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, defining hazardous material; providing for the
3 effect of amendments to Federal regulations; repealing the
4 penalty for violating Federal law when driving a vehicle;
5 providing for the transportation of hazardous materials;
6 ~~FURTHER PROVIDING FOR REQUIRED FINANCIAL RESPONSIBILITY~~ <—
7 PROVIDING FOR ENFORCEMENT OF TRAFFIC REGULATIONS ON PRIVATE <—
8 PROPERTY; and making a repeal.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:
11 Section 1. Section 102 of Title 75 of the Pennsylvania
12 Consolidated Statutes is amended by adding a definition to read:
13 § 102. Definitions.
14 Subject to additional definitions contained in subsequent
15 provisions of this title which are applicable to specific
16 provisions of this title, the following words and phrases when
17 used in this title shall have, unless the context clearly
18 indicates otherwise, the meanings given to them in this section:

1 * * *

2 "Hazardous material." Any explosive, blasting agent,
3 flammable liquid, combustible liquid, flammable solid, flammable
4 or nonflammable compressed gas, corrosive material, poison,
5 poison gas, irritant, oxidizer, organic peroxide, radioactive
6 material, etiologic agent, cryogenic liquid, hazardous waste,
7 hazardous substance or other material which the department by
8 procedure prescribed in Chapter 79 (relating to hazardous
9 materials transportation) declares to be a hazardous material.

10 * * *

11 ~~SECTION 2. SECTION 1781 OF TITLE 75, ADDED FEBRUARY 12, 1984 <—~~
12 ~~(P.L.26, NO.11), IS AMENDED TO READ:~~

13 ~~§ 1781. [NOTICE OF SANCTION FOR NOT EVIDENCING FINANCIAL~~
14 ~~RESPONSIBILITY.~~

15 ~~AN APPLICANT FOR REGISTRATION OF A VEHICLE SHALL ACKNOWLEDGE~~
16 ~~ON A FORM DEVELOPED BY THE DEPARTMENT OF TRANSPORTATION THAT THE~~
17 ~~APPLICANT KNOWS HE MAY LOSE HIS OPERATING PRIVILEGE OR VEHICLE~~
18 ~~REGISTRATIONS IF HE FAILS TO EVIDENCE FINANCIAL RESPONSIBILITY~~
19 ~~FOR THE PURPOSES DESCRIBED IN SECTION 1772 (RELATING TO~~
20 ~~SUSPENSION FOR NONPAYMENT OF JUDGMENTS), 1783 (RELATING TO PROOF~~
21 ~~OF FINANCIAL RESPONSIBILITY BEFORE RESTORING OPERATING PRIVILEGE~~
22 ~~OR REGISTRATION), 1784 (RELATING TO PROOF OF FINANCIAL~~
23 ~~RESPONSIBILITY FOLLOWING VIOLATION) OR 1785 (RELATING TO PROOF~~
24 ~~OF FINANCIAL RESPONSIBILITY FOLLOWING ACCIDENT)].~~

25 ~~REQUIRED FINANCIAL RESPONSIBILITY.~~

26 ~~(A) GENERAL RULE. UPON REGISTERING A MOTOR VEHICLE OR~~
27 ~~RENEWING A MOTOR VEHICLE REGISTRATION, THE OWNER OF THE MOTOR~~
28 ~~VEHICLE SHALL BE DEEMED TO HAVE GIVEN CONSENT TO PRODUCE PROOF~~
29 ~~TO THE DEPARTMENT OR A POLICE OFFICER THAT THE MOTOR VEHICLE HAS~~
30 ~~THE FINANCIAL RESPONSIBILITY COVERAGE REQUIRED BY THIS CHAPTER.~~

~~(B) OBLIGATIONS UPON TERMINATION OF FINANCIAL RESPONSIBILITY. AN OWNER OF A MOTOR VEHICLE WHO CEASES TO MAINTAIN FINANCIAL RESPONSIBILITY SHALL IMMEDIATELY SURRENDER THE REGISTRATION CERTIFICATE AND LICENSE PLATES FOR THE VEHICLE TO THE DEPARTMENT AND MAY NOT OPERATE OR PERMIT OPERATION OF THE VEHICLE IN THIS COMMONWEALTH UNTIL PROOF OF FINANCIAL RESPONSIBILITY HAS BEEN PROVIDED TO THE DEPARTMENT. A PERSON OTHER THAN THE OWNER OF A VEHICLE WHO CEASES TO MAINTAIN SUCH FINANCIAL RESPONSIBILITY SHALL IMMEDIATELY NOTIFY THE OWNER AND THE DEPARTMENT, AND SUCH PERSON MAY NOT OPERATE OR PERMIT OPERATION OF THE VEHICLE UNTIL PROOF OF FINANCIAL RESPONSIBILITY HAS BEEN PROVIDED TO THE DEPARTMENT. AN INSURER WHO HAS ISSUED A CONTRACT OF INSURANCE AND KNOWS OR HAS REASON TO BELIEVE THE CONTRACT IS FOR THE PURPOSE OF PROVIDING FINANCIAL RESPONSIBILITY SHALL IMMEDIATELY GIVE NOTICE TO THE DEPARTMENT OF THE TERMINATION OF THE INSURANCE. THESE REQUIREMENTS MAY BE MODIFIED OR WAIVED BY THE DEPARTMENT.~~

~~(C) OPERATION OF MOTOR VEHICLE WITHOUT REQUIRED FINANCIAL RESPONSIBILITY COVERAGE. ANY OWNER OF A MOTOR VEHICLE FOR WHICH THE EXISTENCE OF FINANCIAL RESPONSIBILITY IS A REQUIREMENT FOR ITS LEGAL OPERATION SHALL NOT OPERATE THE MOTOR VEHICLE OR PERMIT IT TO BE OPERATED UPON A HIGHWAY OF THIS COMMONWEALTH WITHOUT HAVING IN FULL FORCE AND EFFECT FINANCIAL RESPONSIBILITY COMPLYING WITH THE PROVISIONS OF THIS CHAPTER. ANY PERSON VIOLATING THIS SUBSECTION IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$200.~~

~~(D) OPERATOR RESPONSIBILITY. ANY PERSON WHO OPERATES A MOTOR VEHICLE IN THIS COMMONWEALTH SHALL PRODUCE PROOF THAT THE REQUIRED FINANCIAL RESPONSIBILITY COVERAGE IS IN FULL FORCE AND EFFECT. ANY PERSON VIOLATING THIS SUBSECTION IS GUILTY OF A~~

~~SUMMARY OFFENSE.~~

~~(E) OWNER RESPONSIBILITY. ANY PERSON WHO REGISTERS A MOTOR
VEHICLE IN THIS COMMONWEALTH SHALL PRODUCE PROOF THAT THE
REQUIRED FINANCIAL RESPONSIBILITY COVERAGE IS IN FULL FORCE AND
EFFECT. ANY PERSON VIOLATING THIS SUBSECTION IS GUILTY OF A
SUMMARY OFFENSE.~~

~~(F) PRODUCTION TO AVOID PENALTY. NO PERSON SHALL BE
CONVICTED OF VIOLATING THIS SECTION IF THE PERSON PRODUCES AT
THE OFFICE OF THE ISSUING AUTHORITY, WITHIN FIVE DAYS, PROOF OF
FINANCIAL RESPONSIBILITY VALID IN THIS COMMONWEALTH AT THE TIME
OF THE VIOLATION.~~

SECTION 2. SECTION 3731(E) OF TITLE 75 IS AMENDED BY ADDING
A PARAGRAPH AND A SUBSECTION IS ADDED TO READ:

§ 3731. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
SUBSTANCE.

* * *

(E) PENALTY.--

* * *

(7.1) IN ADDITION TO THE CONDITIONS SET FORTH IN
PARAGRAPH (7) FOR ACCELERATED REHABILITATIVE DISPOSITION OF
ANY CHARGE BROUGHT UNDER THIS SECTION, THE JUDGE MAY IMPOSE,
AND THE PERSON SHALL ACCEPT, THE CONDITION THAT THE PERSON
ENGAGE IN A PROGRAM OF COLLECTING LITTER FROM PUBLIC AND
PRIVATE PROPERTY, ESPECIALLY PROPERTY WHICH IS LITTERED WITH
ALCOHOLIC BEVERAGE CONTAINERS. THE DURATION OF THE PERSON'S
PARTICIPATION IN A LITTER COLLECTION PROGRAM SHALL NOT EXCEED
THE DURATION OF THE PROBATIONARY PERIOD IMPOSED ON THE PERSON
UNDER ACCELERATED REHABILITATIVE DISPOSITION.

* * *

(H) WORK RELEASE.--IN ANY CASE IN WHICH A PERSON IS

1 SENTENCED TO A PERIOD OF IMPRISONMENT AS A RESULT OF A
2 CONVICTION FOR VIOLATING ANY PROVISION OF THIS SECTION, THE
3 JUDICIAL OFFICER IMPOSING THAT SENTENCE SHALL CONSIDER ASSIGNING
4 THAT PERSON TO A DAYTIME WORK RELEASE PROGRAM PURSUANT TO WHICH
5 THE PERSON WOULD BE REQUIRED TO COLLECT LITTER FROM PUBLIC AND
6 PRIVATE PROPERTY, ESPECIALLY PROPERTY WHICH IS LITTERED WITH
7 ALCOHOLIC BEVERAGE CONTAINERS.

8 Section ~~2~~ 3. ~~Section 4522~~ SECTIONS 4522 AND 6113 of Title 75 <—
9 ~~is~~ ARE amended to read: <—

10 § 4522. [Violation of Federal statute or regulation.]

11 Effect of amendments to Federal regulations.

12 [(a) General rule.--No person shall drive a vehicle on any
13 highway in violation of any provision of a Federal statute or
14 regulation relating to any type of equipment or documents used
15 in the vehicle while engaged in interstate commerce.

16 (b) Penalty.--Any person violating this section is guilty of
17 a summary offense and shall, upon conviction, be sentenced to
18 pay a fine of \$100.]

19 If any Federal regulations adopted by the department are
20 amended or modified by the Federal agency, the amendment or
21 modification may also be adopted by the department if the
22 secretary determines that the amendment or modification is in
23 the best interests of this Commonwealth and promulgates the
24 amendments or modifications as provided in the act of July 31,
25 1968 (P.L.769, No.240), referred to as the Commonwealth
26 Documents Law, and submits the amendments or modifications to
27 the Independent Regulatory Review Commission and the designated
28 standing committees of the General Assembly for review pursuant
29 to the act of June 25, 1982 (P.L.633, No.181), known as the
30 Regulatory Review Act.

1 § 6113. CONTROL OF PUBLIC TRAVEL ON PRIVATE PROPERTY BY OWNER. <—

2 (A) GENERAL RULE.--NOTHING IN THIS TITLE SHALL BE CONSTRUED
3 TO PREVENT THE OWNER OF REAL PROPERTY USED BY THE PUBLIC FOR
4 PURPOSES OF VEHICULAR TRAVEL BY PERMISSION OF THE OWNER, AND NOT
5 AS A MATTER OF RIGHT, FROM PROHIBITING SUCH USE, OR FROM
6 REQUIRING OTHER OR DIFFERENT OR ADDITIONAL CONDITIONS THAN THOSE
7 SPECIFIED IN THIS TITLE, OR OTHERWISE REGULATING SUCH USE AS MAY
8 SEEM BEST TO SUCH OWNER.

9 (B) ENFORCEMENT.--THE OWNER OF REAL PROPERTY WHICH IS TEN
10 CONTIGUOUS ACRES OR MORE IN SIZE MAY REQUEST THE LOCAL AUTHORITY
11 TO ENFORCE THE OBSERVANCE OF SPEED LIMITS AND TRAFFIC-CONTROL
12 DEVICES ON HIS PROPERTY, PROVIDING THE PROPERTY HAS BEEN POSTED
13 IN ACCORDANCE WITH DEPARTMENTAL REGULATIONS.

14 Section 3 4. Title 75 is amended by adding a chapter to <—
15 read:

16 CHAPTER 79

17 HAZARDOUS MATERIALS TRANSPORTATION

18 Sec.

19 7901. Legislative findings.

20 7902. Powers and duties of department.

21 7903. Correspondence with Federal regulations.

22 7904. Right of entry.

23 7905. Injunctions and other remedies.

24 7906. Penalties.

25 7907. Hazardous Materials Transportation Advisory Committee.

26 7908. Report to the General Assembly.

27 § 7901. Legislative findings.

28 (a) Essential nature.--It is hereby found as a fact that
29 hazardous materials are essential for various industrial,
30 commercial and other purposes, that their transportation is a

1 necessary incident of their use and, therefore, that such
2 transportation is required for the employment and economic
3 prosperity of the people. It is also found as a fact that the
4 transportation of hazardous materials may involve risk of injury
5 to persons and damage to property and that the degree of the
6 risk can and should be kept at a minimum consistent with
7 technical feasibility and economic reasonableness.

8 (b) Balance of interests.--The purpose of this chapter and
9 the primary standard by which it shall be administered is to so
10 regulate the transportation of hazardous materials and assure
11 compliance with the regulations promulgated pursuant to this
12 chapter that there is established and maintained a reasonable
13 balance between the interests of the people in the safety of
14 themselves and their property, on the one hand, and the
15 interests of the people and their employment and economic
16 prosperity on the other.

17 § 7902. Powers and duties of department.

18 The department shall have the following powers and duties:

19 (1) Administer the hazardous materials transportation
20 program pursuant to this chapter.

21 (2) Classify hazardous materials according to the nature
22 and degree of risk involved in their transportation and apply
23 separate regulations to each class.

24 (3) Adopt regulations pertaining to methods of packing,
25 loading and unloading hazardous materials; to the
26 specifications, marking, inspection, condition and equipment
27 of vehicles transporting such substances; to qualification of
28 drivers and other matters relating to operation of such
29 vehicles; to routing and parking of such vehicles, except
30 that such regulations may not supersede ordinances of local

1 authorities and all other factors which affect the nature or
2 degree of risk involved in transportation of hazardous
3 materials.

4 (4) Declare any material to be a hazardous material and
5 thereby subject its transportation to this chapter.

6 (5) Issue permits and specify the terms and conditions
7 thereof, exempting cargo tanks used solely for intrastate
8 transportation and trucks used solely for the transportation
9 of combustible liquids from Federal design specifications.

10 The permits shall be issued upon meeting testing requirements
11 established by department regulation and shall be valid for a
12 period of two years.

13 (6) Inspect vehicles and investigate all other matters
14 relating to the safe transportation of hazardous materials on
15 any highway in this Commonwealth including the Pennsylvania
16 Turnpike.

17 (7) Delegate enforcement of all or parts of these
18 regulations to one or more of the several departments and
19 commissions represented on the Hazardous Materials
20 Transportation Advisory Committee ~~or to local police officers~~ <—
21 who meet training criteria specified by department
22 regulation. Delegation shall be accomplished through
23 cooperative agreements and become effective upon publication
24 in the Pennsylvania Bulletin.

25 (8) Enter into cooperative agreements with the Federal
26 Government relating to the regulation of the highway
27 transportation of hazardous materials.

28 § 7903. Correspondence with Federal regulations.

29 In the case of any person who is subject to Federal
30 regulations pertaining to the transportation of hazardous

1 materials, the department's regulations shall, and in any other
2 case may, as far as practicable, correspond with such Federal
3 regulations. It is the purpose of this section to avoid, as far
4 as practicable, the imposition of conflicting regulations upon
5 persons who operate vehicles subject to Federal regulations,
6 pertaining to the transportation of hazardous materials. It is
7 also the purpose of this section to empower, but not require,
8 the department to prescribe, for persons not subject to the
9 Federal regulations, regulations identical with or similar to
10 those Federal regulations pertaining to the transportation of
11 hazardous materials.

12 § 7904. Right of entry.

13 Every motor carrier shall allow any department field
14 investigator, member of the Pennsylvania State Police or other
15 person delegated enforcement authority in accordance with
16 section 7902(7) (relating to powers and duties of department) to
17 enter upon and inspect the business premises of the motor
18 carrier, including vehicles and other equipment located thereon,
19 at all reasonable times for the purpose of determining whether
20 the motor carrier is in compliance with this chapter and
21 pertinent regulations, and shall make available to such person
22 for inspection and copying all accounts, books, records,
23 memoranda, correspondence and other documents which may
24 reasonably relate to such determination.

25 § 7905. Injunctions and other remedies.

26 (a) Restraining orders.--The Attorney General, upon request
27 of the department or upon his own motion, may proceed in the
28 name of the Commonwealth, by injunction, mandamus, quo warranto
29 or other appropriate remedy at law or in equity, criminal or
30 civil, to restrain violations of the department's hazardous

1 materials regulations or orders or to enforce obedience thereto.

2 (b) Long arm provision.--Whenever the Attorney General shall
3 have reason to believe that a person has violated any regulation
4 or order of the department but is outside the jurisdiction of
5 this Commonwealth, the Attorney General may petition the court
6 for an order authorizing the seizure and confiscation of such
7 person's vehicles or hazardous materials wherever and whenever
8 they may be found in this Commonwealth.

9 § 7906. Penalties.

10 (a) Offenses defined.--Any person who violates any provision
11 of this chapter, any rule or regulation of the department, any
12 order of the department or any condition of any permit issued
13 pursuant to this chapter commits a summary offense and, upon
14 conviction, the person shall be subject to a fine of not less
15 than \$50 nor more than ~~\$5,000~~ \$1,000 for each separate offense, <—
16 and, in default of the payment of the fine, shall be imprisoned
17 for a period of 90 days.

18 (b) Willful violations.--Any person who willfully violates
19 any provision of this chapter, any rule or regulation of the
20 department, any order of the department or any condition of any
21 permit issued pursuant to this chapter commits a misdemeanor of
22 the third degree and, upon conviction, shall be subject to a
23 fine of not less than \$1,000 nor more than \$25,000 for each
24 separate offense or to imprisonment in the county jail for a
25 period of not more than one year, or both.

26 (c) Subsequent willful violations.--Any person who, after a
27 conviction of a misdemeanor for any violation within two years
28 as provided in this section, willfully violates any provision of
29 this chapter, any rule or regulation of the department, any
30 order of the department or any condition of any permit issued

1 pursuant to this chapter commits a misdemeanor of the second
2 degree and, upon conviction, shall be subject to a fine of not
3 less than \$2,500 nor more than \$50,000 for each separate offense
4 or to imprisonment for a period of not more than two years, or
5 both.

6 (d) Continuing violations.--Each day of continued violation
7 of any provision of this chapter, any rule or regulation of the
8 department, any condition of any permit or order of the
9 department issued pursuant to this chapter shall constitute a
10 separate offense.

11 (e) Jurisdiction.--All summary proceedings under the
12 provisions of this chapter may be brought before any district
13 justice of the county where the offense occurred or in the
14 county where the public is affected, and to that end
15 jurisdiction is hereby conferred upon the district justices,
16 subject to appeal by either party in the manner provided by law
17 for appeals from summary convictions. It shall be the duty of
18 the district attorney of the county to represent the interests
19 of the Commonwealth.

20 § 7907. Hazardous Materials Transportation Advisory Committee.

21 (a) Membership.--There shall be a Hazardous Materials
22 Transportation Advisory Committee appointed by the secretary.
23 The committee shall be composed of an authorized representative
24 from the Department of Transportation, who shall chair the
25 committee, the Office of Attorney General, the Department of
26 Health, the Department of Environmental Resources, the
27 Pennsylvania State Police, the Pennsylvania Emergency Management
28 Agency and the Pennsylvania Public Utility Commission and
29 representatives of the hazardous materials industry and the
30 public as follows:

- 1 (1) A manufacturer or shipper.
- 2 (2) A consignee or user.
- 3 (3) A common carrier.
- 4 (4) A private carrier.
- 5 (5) A representative of the fire services.
- 6 ~~(6) A representative of the local police.~~ <—
- 7 ~~(7)~~ (6) A representative of the emergency medical
8 services.
- 9 ~~(8)~~ (7) A representative with highway safety experience. <—
- 10 ~~(9)~~ (8) A member from the general public. <—
- 11 ~~(10)~~ (9) Others deemed appropriate by the secretary. <—
- 12 (b) Duties.--The committee may review all regulations and
13 advise the department on all matters concerning the highway
14 transportation of hazardous materials.
- 15 § 7908. Report to the General Assembly.
- 16 Within one year of the effective date of this chapter, the
17 secretary shall cause to be filed in the offices of the
18 Secretary of the Senate and the Chief Clerk of the House of
19 Representatives a report explaining the department's efforts to:
- 20 (1) Appoint all members of the Hazardous Materials
21 Transportation Advisory Committee representing private
22 interests and the public.
- 23 (2) Conduct terminal inspections and road checks in a
24 uniform manner across this Commonwealth.
- 25 (3) Utilize Federal funds to the fullest extent
26 practicable.
- 27 (4) Coordinate inspections with the United States Office
28 of Motor Carrier Safety.
- 29 ~~(5) Train and use local police to enforce hazardous~~ <—
30 ~~materials transportation regulations.~~

1 Section ~~4~~ 5. All rules and regulations promulgated by the <—
2 Hazardous Substance Transportation Board heretofore shall remain
3 in full force and effect until amended or repealed by the
4 Secretary of Transportation.

5 Section ~~5~~ 6. The act of November 9, 1965 (P.L.657, No.323), <—
6 known as the Hazardous Substances Transportation Act, is
7 repealed.

8 Section ~~6~~ 7. This act shall take effect immediately. <—