

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1822

Session of
1987

INTRODUCED BY KENNEY, FOX, E. Z. TAYLOR, RAYMOND, PITTS, ARGALL,
FLICK, JAROLIN, ANGSTADT, S. H. SMITH, JOHNSON, NOYE,
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KOSINSKI, CIVERA, BARLEY AND SIRIANNI, OCTOBER 7, 1987

REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 7, 1987

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes, further
3 providing for financial responsibility; and providing for
4 payment to the Commonwealth of fines assessed for violations
5 of financial responsibility provisions.

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

8 Section 1. Section 3571(b) of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 3571. Commonwealth portion of fines, etc.

11 * * *

12 (b) Vehicle offenses.--

13 (1) All fines forfeited, recognizances and other
14 forfeitures imposed, lost or forfeited in connection with
15 matters arising under Chapter 77 of Title 75 (relating to
16 snowmobiles) shall be payable to the Commonwealth.

17 (2) Except as provided in paragraph (4), when
18 prosecution under any other provision of Title 75 (relating

1 to vehicles) is the result of State Police action, all fines
2 forfeited, recognizances and other forfeitures imposed, lost
3 or forfeited shall be payable to the Commonwealth, for credit
4 to the Motor License Fund. [One-half] Except as provided in
5 paragraph (5), one-half of the revenue shall be paid to
6 municipalities in the same ratio provided in section 4 of the
7 act of June 1, 1956 (1955 P.L.1944, No.655), [relating to
8 partial allocation of liquid fuels and fuel use tax proceeds]
9 referred to as the Liquid Fuels Tax Municipal Allocation Law.

10 (3) Except as provided in section 3573 (relating to
11 municipal corporation portion of fines, etc.), when
12 prosecution under any other provision of Title 75 is the
13 result of local police action, one-half of all fines
14 forfeited, recognizances and other forfeitures imposed, lost
15 or forfeited shall be payable to the Commonwealth, for credit
16 to the Motor License Fund.

17 (4) When prosecution under 75 Pa.C.S. § 3731 (relating
18 to driving under influence of alcohol or controlled
19 substance) is the result of State Police action, 50% of all
20 fines forfeited, recognizances and other forfeitures imposed,
21 lost or forfeited shall be payable to the Commonwealth, for
22 credit to the Motor License Fund, and 50% shall be payable to
23 the county which shall be further divided as follows:

24 (i) Fifty percent of the moneys received shall be
25 allocated to the appropriate county authority which
26 implements the county drug and alcohol program to be used
27 solely for the purposes of aiding programs promoting
28 alcoholism prevention, education, treatment and research.

29 (ii) Fifty percent of the moneys received shall be
30 used for expenditures incurred for county jails, prisons,

workhouses and detention centers.

(5) All fines forfeited, recognizances and other forfeitures imposed, lost or forfeited with respect to prosecutions under 75 Pa.C.S. § 1788(b) (relating to failure to provide financial responsibility) shall be payable to the Commonwealth for credit to the Motor License Fund.

* * *

Section 2. Section 1377 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1377. Judicial review of denial or suspension of registration.

Any person whose registration has been denied or suspended by the department shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). [The] Except for appeals from denials and suspensions of registrations for failure to provide financial security, the filing of the appeal shall act as a supersedeas and the suspension of registration shall not be imposed until determination of the matter as provided in this section. The court shall set the matter down for hearing upon 30 days written notice to the department, and thereupon take testimony and examine into the facts of the case and determine whether the petitioner is entitled to registration or subject to suspension of registration under the provisions of this title.

Section 3. Section 1535(a) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1535. Schedule of convictions and points.

(a) General rule.--A point system for driver education and control is hereby established which is related to other

1 provisions for use, suspension and revocation of the operating
 2 privilege as specified under this title. Every driver licensed
 3 in this Commonwealth who is convicted of any of the following
 4 offenses shall be assessed points as of the date of violation in
 5 accordance with the following schedule:

6	Section Number	Offense	Points
7	1512	Violation of restriction on	
8		driver's license.	2
9	1571	Violation concerning license.	3
10	<u>1788(b)</u>	<u>Failure to provide financial</u>	
11		<u>responsibility.</u>	<u>6</u>
12	3102	Failure to obey policeman or	
13		authorized person.	2
14	3112(a)(3)(i)	Failure to stop for a red light.	3
15	3114(a)(1)	Failure to stop for a flashing	
16		red light.	3
17	3302	Failure to yield half of roadway	
18		to oncoming vehicle.	3
19	3303	Improper passing.	3
20	3304	Other improper passing.	3
21	3305	Other improper passing.	3
22	3306(a)(1)	Other improper passing.	4
23	3306(a)(2)	Other improper passing.	3
24	3306(a)(3)	Other improper passing.	3
25	3307	Other improper passing.	3
26	3310	Following too closely.	3
27	3321	Failure to yield to driver on the	
28		right at intersection.	3
29	3322	Failure to yield to oncoming	
30		driver when making left turn.	3

1	3323(b)	Failure to stop for stop sign.	3
2	3323(c)	Failure to yield at yield sign.	3
3	3324	Failure to yield when entering or	
4		crossing roadway between inter-	
5		sections.	3
6	3332	Improper turning around.	3
7	3341	Failure to stop for flashing red	
8		lights or gate at railroad	
9		crossing.	3
10	3344	Failure to stop when entering from	
11		alley, driveway or building.	3
12	3345(a)	Failure to stop for school bus	
13		with flashing red lights.	5
14		(and 60 days suspension)	
15	3361	Driving too fast for conditions.	2
16	3362	Exceeding maximum speed.--Over Limit:	
17		6-10	2
18		11-15	3
19		16-25	4
20		26-30	5
21		31-over	5
22		(and departmental hearing	
23		and sanctions provided	
24		under section 1538(d))	
25	3365(b)	Exceeding special speed limit	
26		in school zone.	3
27	3365(c)	Exceeding special speed limit	
28		for trucks on downgrades.	3
29	3542(a)	Failure to yield to pedestrian in	
30		crosswalk.	2

1	3547	Failure to yield to pedestrian on	
2		sidewalk.	3
3	3549(a)	Failure to yield to blind	
4		pedestrian.	3
5	3702	Improper backing.	3
6	3714	Reckless driving.	3
7	3745	Leaving scene of accident	
8		involving property damage only.	4
9	* * *		

10 (f) Failure to provide financial responsibility.--Six points
11 shall be assessed under this section against any person whose
12 operating privilege is suspended under section 1788(a) (relating
13 to failure to provide financial responsibility).

14 Section 4. Title 75 is amended by adding a section to read:
15 § 1788. Failure to provide financial responsibility.

16 (a) Notification by insurer.--

17 (1) Each insurer shall notify the department of every
18 cancellation or lapse of automobile insurance which occurs
19 within the first six months of the term of a policy which it
20 believes or has reason to believe was purchased for the
21 purpose of providing financial responsibility, in accordance
22 with regulations of the department.

23 (2) The department shall notify the insured that, unless
24 proof of financial responsibility is provided within 30 days,
25 the insured's operating privilege will be suspended.

26 (3) The department shall suspend the operating privilege
27 after 30 days unless proof of financial responsibility is
28 provided.

29 (b) Carrying and exhibiting proof of financial
30 responsibility.--

1 (1) Proof of financial responsibility shall, at all
2 times while the vehicle is being operated upon a highway, be
3 in the possession of the person driving or in control of the
4 vehicle, or carried in the vehicle, and shall be exhibited
5 upon demand of any police officer, except that no person
6 shall be convicted of violating this section if the person
7 produces, at the office of the issuing authority or at the
8 office of the arresting police officer within five days of
9 the violation, proof of financial responsibility valid in
10 this Commonwealth at the time of the arrest.

11 (2) The department shall suspend the operating privilege
12 of the registrant upon receiving notification of a conviction
13 under this subsection.

14 (c) Sanctions.--

15 (1) A person convicted under subsection (b) shall pay a
16 fine of \$250 and shall have his vehicle impounded until he
17 furnishes proof to the department that insurance satisfying
18 the financial responsibility requirements of this chapter and
19 department regulations has been purchased and the premium
20 paid for at least six months. Towing charges of not more than
21 \$50 and daily storage charges of not more than \$5 per day
22 shall be assessable against the registrant.

23 (2) A person whose operating privilege is suspended
24 under subsection (a) or under section 1784 (relating to proof
25 of financial responsibility following violation) or 1785
26 (relating to proof of financial responsibility following
27 accident) shall be subject to all of the sanctions prescribed
28 in paragraph (1), except that, in lieu of the fine, payment
29 of \$250 shall be made to the department to be used to defray
30 the costs of the financial responsibility program.

1 Section 5. This act shall take effect in 60 days.