

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2104 Session of  
1988

INTRODUCED BY PITTS, HUTCHINSON, GEIST, DININNI, JOHNSON, VROON,  
KENNEY, FOX, HERSHEY, MORRIS, NAHILL, FLICK, GRUPPO, SEMMEL,  
J. L. WRIGHT, DISTLER, MERRY, TRELLO, JACKSON, DeLUCA AND  
SAURMAN, JANUARY 25, 1988

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 25, 1988

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for civil penalties for  
3 improperly meeting or overtaking a school bus.

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

6 Section 1. Section 3345(j) of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended and the section is amended by  
8 adding a subsection to read:

9 § 3345. Meeting or overtaking school bus.

10 \* \* \*

11 (j) [Penalty] Criminal penalty.--Any person violating  
12 subsection (a) or (f.1) is guilty of a summary offense and  
13 shall, upon conviction, be sentenced to pay a fine of \$100.

14 (k) Civil penalty.--

15 (1) The driving privilege of a registered owner who  
16 violates subsection (a) or (f.1) shall be suspended for 30  
17 days after a hearing as provided in this subsection. A

1 suspension under this subsection shall not include the  
2 assessment of any points under section 1535 (relating to  
3 schedule of convictions and points).

4 (2) When any person, including a police officer,  
5 believes there is sufficient basis for imposing a civil  
6 penalty for a violation of subsection (a) or (f.1), the  
7 person may institute a civil action under the Rules of Civil  
8 Procedure for District Justices.

9 (3) Civil proceedings under this subsection shall be  
10 before a district justice in the magisterial district where  
11 the violation occurred. Notice of a hearing shall be mailed  
12 to each registered owner of the vehicle.

13 (4) Each registered owner may appear personally or by  
14 representative and may present evidence at the hearing.

15 (5) The district justice shall determine whether a  
16 preponderance of the evidence establishes that the registered  
17 owner violated subsection (a) or (f.1). The provisions of 42  
18 Pa.C.S. § 6143 (relating to registration number as evidence  
19 of operation of vehicle) shall apply to civil cases under  
20 this subsection.

21 (6) If the district justice finds that the registered  
22 owner violated subsection (a) or (f.1), the district justice  
23 shall forward a copy of a court order to the department  
24 specifying that the owner's operating privilege is to be  
25 suspended. No court order shall be forwarded to the  
26 department until the appeal period provided for in paragraph  
27 (8) has expired.

28 (7) Upon receiving a certified court order from a  
29 district justice, the department shall suspend the driving  
30 privilege of any such person. If such person is serving or

1 has served a 60-day suspension under the provisions of  
2 section 1535 resulting from a conviction of subsection (a) or  
3 (f.1) arising out of the same incident, no suspension under  
4 this subsection shall be imposed.

5 (8) A party aggrieved by the decision of the district  
6 justice may, within 30 days, appeal to the court of common  
7 pleas for the judicial district in which the magisterial  
8 district is located. The filing of the appeal shall act as a  
9 supersedeas, and no suspension shall be imposed against the  
10 person until final determination of the matter. The court  
11 shall set the matter down for hearing, upon 30 days written  
12 notice to the complainant. The district attorney of the  
13 county where the violation occurred may represent the  
14 complainant. The court shall conduct a trial de novo. If the  
15 court finds that the registered owner violated subsection (a)  
16 or (f.1), the court shall forward a copy of an order to the  
17 department specifying that the owner's operating privilege is  
18 to be suspended.

19 Section 2. The Supreme Court may adopt additional rules  
20 governing the procedure set forth in section 1 (section  
21 3345(k)).

22 Section 3. This act shall take effect in 60 days.