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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 274      Session of  
1989

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INTRODUCED BY STOUT, STAPLETON, LINCOLN AND ANDREZESKI,  
JANUARY 24, 1989

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SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 29, 1989

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, creating the Catastrophic Loss Benefits  
3 Continuation Fund for payment of certain catastrophic loss  
4 benefits; providing for surcharges for certain offenses to  
5 provide moneys for the fund; and further providing for  
6 conditions of permits.

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

9 Section 1. Section 1798.2(a) of Title 75 of the Pennsylvania  
10 Consolidated Statutes, added April 26, 1989 (P.L.13, No.4), is  
11 amended to read:

12 § 1798.2. Transition.

13 (a) Savings provision.--Notwithstanding the repeal of  
14 Subchapter F (relating to Catastrophic Loss Trust Fund) by the  
15 act of December 12, 1988 (P.L.1120, No.144), all natural persons  
16 who suffer or suffered a catastrophic loss prior to June 1,  
17 1989, or who may suffer a catastrophic loss during the  
18 registration year for which payment was made in accordance with

1 former section 1762 (relating to funding), respectively, shall  
2 continue to receive, or be eligible to receive, catastrophic  
3 loss benefits as if Subchapter F had not been repealed. To  
4 ensure the administration and delivery of catastrophic loss  
5 benefits to eligible claimants, all powers and duties previously  
6 imposed on the Catastrophic Loss Trust Fund Board under  
7 Subchapter F are hereby transferred to the Insurance  
8 Commissioner. [For the purposes of this section, the  
9 Catastrophic Loss Trust Fund shall continue to exist,  
10 notwithstanding the repeal of section 1764 (relating to  
11 Catastrophic Loss Trust Fund).]

12 \* \* \*

13 Section 2. Title 75 is amended by adding a section to read:

14 § 1798.4. Catastrophic loss benefits continuation fund.

15 (a) Creation.--The Catastrophic Loss Benefits Continuation  
16 Fund is hereby created to provide funds necessary to pay  
17 catastrophic loss benefits under section 1798.2 (relating to  
18 transition).

19 (b) Composition.--The Catastrophic Loss Benefits  
20 Continuation Fund shall be composed of funds transferred from  
21 the Catastrophic Loss Trust Fund, funds contributed pursuant to  
22 section 6506 (relating to surcharge) and funds earned by the  
23 investment and reinvestment of such funds. The funds shall be  
24 held in trust, be deposited in a separate account and be the  
25 sole and exclusive source of funds for the payment of  
26 catastrophic loss benefits under section 1798.2 and the  
27 administration of the Catastrophic Loss Benefits Continuation  
28 Fund.

29 (c) Separation from General Fund and Motor License Fund.--  
30 The fund and all income earned by it shall not become part of

1 the General Fund or Motor License Fund. No obligations or  
2 expenses of or claim against the Catastrophic Loss Trust Fund or  
3 the Catastrophic Loss Benefits Continuation Fund shall  
4 constitute a debt of the Commonwealth or a charge against the  
5 General Fund or Motor License Fund. UPON THE EXPIRATION OF <—  
6 SECTION 6506 (RELATING TO SURCHARGE), EXCESS MONEY IN THE  
7 CATASTROPHIC LOSS BENEFITS CONTINUATION FUND, BEYOND THE MONEY  
8 NEEDED TO COVER THE UNFUNDED LIABILITY OF THE CATASTROPHIC LOSS  
9 TRUST FUND IN ACCORDANCE WITH SECTION 6506, SHALL BE DEPOSITED  
10 IN THE MOTOR LICENSE FUND.

11 Section 3. Sections 1945(a) and 4962(f) of Title 75 are  
12 amended to read:

13 § 1945. Books of permits.

14 (a) General rule.--Upon request, permits for movement of  
15 oversize vehicles or loads, the dimensions of which do not  
16 exceed those specified by the department, will be issued in  
17 booklet form, containing a convenient number of permits. For  
18 each movement, one permit shall be removed from the booklet,  
19 dated, trip data entered and [securely affixed to the vehicle or  
20 load] carried in the towing vehicle.

21 \* \* \*

22 § 4962. Conditions of permits and security for damages.

23 \* \* \*

24 (f) When loads permitted.--Only vehicles and combinations  
25 permitted under the following provisions shall be authorized to  
26 carry or haul loads while operating under the permit:

27 Section 4961(a)(6) (relating to authority to issue  
28 permits).

29 Section 4965(2) (relating to single permits for multiple  
30 highway crossings).

1           Section 4969 (relating to permit for movement of vehicles  
2           with oversize wheels and tires).

3           Section 4970(b) (relating to permit for movement of  
4           construction equipment).

5           Section 4971 (relating to permit for operation of  
6           chemical and fertilizer vehicles).

7           [Section 4972 (relating to permits for migrant farm  
8           vehicles).]

9           Section 4. Title 75 is amended by adding a section to read:

10   § 6506. Surcharge.

11   (a) Levy and imposition.--In addition to any fines, fees or  
12 penalties levied or imposed as provided by law, under this title  
13 or any other statute, a surcharge shall be levied for  
14 disposition in accordance with subsection (b) as follows:

15       (1) Upon conviction for any violation of the provisions  
16 of this title or other statute of the Commonwealth, or  
17 regulations promulgated under this title, which is a traffic  
18 violation and which is not included within the provisions of  
19 paragraphs (2) through (7), exclusive of parking offenses, a  
20 surcharge of \$30.

21       (2) Upon conviction for a violation of the following  
22 provisions of this title, a surcharge of \$40:

23           (i) Section 3306(a)(1) (relating to limitations on  
24 driving on left side of roadway).

25           (ii) Section 3745 (relating to accidents involving  
26 damage to unattended vehicle or property).

27       (3) Upon conviction for a violation of section 3345(a)  
28 (relating to meeting or overtaking school bus), a surcharge  
29 of \$50.

30       (4) Upon conviction for a violation of section 3362

1 (relating to maximum speed limits), the following applicable  
2 surcharge:

3 (i) \$30 for exceeding the maximum speed limit by 6  
4 to 10 miles per hour or 11 to 15 miles per hour.

5 (ii) \$40 for exceeding the maximum speed limit by 16  
6 to 25 miles per hour.

7 (iii) \$50 for exceeding the maximum speed limit by  
8 at least 26 miles per hour.

9 (5) Upon conviction for violation of section 4902  
10 (relating to restrictions on use of highways and bridges),  
11 Subchapter C of Chapter 49 (relating to maximum weights of  
12 vehicles) or Subchapter E of Chapter 49 (relating to  
13 measuring and adjusting vehicle size and weight), a surcharge  
14 of \$150.

15 (6) Upon conviction for violation of Chapter 47  
16 (relating to inspection of vehicles), by the owner or  
17 operator or driver of a vehicle which is subject to the  
18 provisions of Chapter 49 (relating to size, weight and load),  
19 a surcharge of \$30.

20 (7) Upon conviction of offenses under section 3731  
21 (relating to driving under influence of alcohol or controlled  
22 substance), or upon admission to programs for Accelerated  
23 Rehabilitative Disposition for offenses enumerated in section  
24 3731, a surcharge, respectively, of:

25 (i) \$50 for the first offense.

26 (ii) \$100 for the second offense.

27 (iii) \$200 for the third offense.

28 (iv) \$300 for the fourth and subsequent offenses.

29 (b) Disposition.--Notwithstanding the provisions of 42  
30 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines,

1 etc.) and 3573 (relating to municipal corporation portion of  
2 finer, etc.), all surcharges levied and collected under  
3 subsection (a) by any division of the unified judicial system  
4 existing under section 1 of Article V of the Constitution of  
5 Pennsylvania and 42 Pa.C.S. § 301 (relating to unified judicial  
6 system) shall be remitted to the Commonwealth for deposit in the  
7 Catastrophic Loss Benefits Continuation Fund for the purpose of  
8 funding catastrophic loss benefits in accordance with section  
9 1798.2 (relating to transition). If the surcharge is being paid  
10 in installments, the surcharge shall be remitted on each  
11 installment. The surcharges levied and collected under  
12 subsection (a) shall not be deposited for the credit or use of,  
13 or otherwise allocated, directed or paid to, counties or  
14 municipalities under the provisions of 42 Pa.C.S. Ch. 35 Subch.  
15 E (relating to fines, etc.), or any other statute, the Crime  
16 Victim's Compensation Board under section 477.15(b) of the act  
17 of April 9, 1929 (P.L.177, No.175), known as The Administrative  
18 Code of 1929, the Commission on Crime and Delinquency for  
19 victim-witness services grants under section 477.15(c) of The  
20 Administrative Code of 1929, rape crisis centers, the Emergency  
21 Medical Services Operating Fund, domestic violence shelters, the  
22 Judicial Computer System Augmentation Account established under  
23 42 Pa.C.S. Ch. 37 Subch. C (relating to Judicial Computer  
24 System), or under any other statute.

25 (C) EXPIRATION.--THIS SECTION SHALL EXPIRE UPON THE <—  
26 PUBLICATION IN THE PENNSYLVANIA BULLETIN OF THE INSURANCE  
27 COMMISSIONER'S CERTIFICATION THAT THE CATASTROPHIC LOSS BENEFITS  
28 CONTINUATION FUND HAS SUFFICIENT MONEY IN IT TO COVER UNFUNDED  
29 LIABILITY OF THE CATASTROPHIC LOSS TRUST FUND EXISTING ON  
30 DECEMBER 31, 1991.

1       Section 5. All funds in the Catastrophic Loss Trust Fund  
2 repealed by the act of December 12, 1988 (P.L.1120, No.144),  
3 entitled "An act amending Title 75 (Vehicles) of the  
4 Pennsylvania Consolidated Statutes, abolishing the Catastrophic  
5 Loss Trust Fund," are hereby transferred to the Catastrophic  
6 Loss Benefits Continuation Fund created by this act.

7       SECTION 6. WHEN THE AMOUNT OF MONEY IN THE CATASTROPHIC LOSS <—  
8 BENEFITS CONTINUATION FUND IS SUFFICIENT TO COVER THE UNFUNDED  
9 LIABILITY OF THE CATASTROPHIC LOSS TRUST FUND EXISTING ON  
10 DECEMBER 31, 1991, THE INSURANCE COMMISSIONER SHALL CERTIFY THAT  
11 FACT AND PUBLISH THE CERTIFICATION IN THE PENNSYLVANIA BULLETIN.

12       SECTION 7. THE INSURANCE COMMISSIONER SHALL SUBMIT TO THE  
13 GENERAL ASSEMBLY, BY JANUARY 31 OF EACH YEAR, A REPORT ON THE  
14 STATUS OF THE CATASTROPHIC LOSS BENEFITS CONTINUATION FUND AND  
15 THE UNFUNDED LIABILITY OF THE CATASTROPHIC LOSS TRUST FUND.

16       Section ~~6~~ 8. This act shall take effect as follows: <—

17           (1) Section 3 (sections 1945 (a) and 4962(f)) shall take  
18 effect in 60 days.

19           (2) Section 4 (section 6506) shall take effect July 1,  
20 1989.

21           (3) The remainder of this act shall take effect  
22 immediately.