

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 140 Session of  
1995

INTRODUCED BY HOLL, JANUARY 17, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
FEBRUARY 5, 1996

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, PROVIDING FOR VEHICLE REGISTRATION PERIODS OF LESS <—  
3 THAN ONE YEAR; AND further providing for accidents involving  
4 death or personal injury.

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

7 ~~Section 1. Section 3742(b), (c) AND (D) of Title 75 of the~~ <—  
8 ~~Pennsylvania Consolidated Statutes is ARE amended to read:~~ <—

9 SECTION 1. SECTION 1307 OF TITLE 75 OF THE PENNSYLVANIA <—  
10 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:  
11 § 1307. PERIOD OF REGISTRATION.

12 \* \* \*

13 (A.1) SEASONAL REGISTRATION.--UPON APPLICATION ON A FORM  
14 PRESCRIBED BY THE DEPARTMENT, THE OWNER OR LESSEE OF A PASSENGER  
15 CAR, MOTORCYCLE, TRUCK OR FARM VEHICLE WHICH DOES NOT HAVE A  
16 GROSS VEHICLE WEIGHT RATING OF MORE THAN 9,000 POUNDS MAY  
17 REGISTER THE VEHICLE WITH THE DEPARTMENT FOR A PERIOD OF

1 SUCCESSIVE MONTHS OF LESS THAN ONE YEAR. THE APPLICANT SHALL  
2 SPECIFY THE PERIOD OF MONTHS DURING WHICH THE VEHICLE SHALL BE  
3 REGISTERED. EXCEPT WHEN THE DEPARTMENT INITIALLY CONVERTS A  
4 CURRENTLY VALID ANNUAL REGISTRATION TO A SEASONAL REGISTRATION,  
5 THE ANNUAL FEE PRESCRIBED FOR THE VEHICLE BY CHAPTER 19  
6 (RELATING TO FEES) SHALL BE PAID IN FULL BY THE APPLICANT  
7 REGARDLESS OF THE NUMBER OF MONTHS CHOSEN FOR REGISTRATION BY  
8 THE APPLICANT. UPON RECEIPT OF THE APPROPRIATE FEE AND THE  
9 PROPERLY COMPLETED FORM, INCLUDING ALL INFORMATION REQUIRED BY  
10 THIS CHAPTER, THE DEPARTMENT SHALL ISSUE A SEASONAL REGISTRATION  
11 THAT SHALL EXPIRE ON THE LAST DAY OF THE EXPIRATION MONTH CHOSEN  
12 BY THE REGISTRANT.

13 \* \* \*

14 SECTION 2. SECTION 1786(G)(2) OF TITLE 75 IS AMENDED AND  
15 SUBSECTION (D) IS AMENDED BY ADDING A PARAGRAPH TO READ:  
16 § 1786. REQUIRED FINANCIAL RESPONSIBILITY.

17 \* \* \*

18 (D) SUSPENSION OF REGISTRATION AND OPERATING PRIVILEGE.--THE  
19 DEPARTMENT OF TRANSPORTATION SHALL SUSPEND THE REGISTRATION OF A  
20 VEHICLE FOR A PERIOD OF THREE MONTHS IF IT DETERMINES THE  
21 REQUIRED FINANCIAL RESPONSIBILITY WAS NOT SECURED AS REQUIRED BY  
22 THIS CHAPTER AND SHALL SUSPEND THE OPERATING PRIVILEGE OF THE  
23 OWNER OR REGISTRANT FOR A PERIOD OF THREE MONTHS IF THE  
24 DEPARTMENT DETERMINES THAT THE OWNER OR REGISTRANT HAS OPERATED  
25 OR PERMITTED THE OPERATION OF THE VEHICLE WITHOUT THE REQUIRED  
26 FINANCIAL RESPONSIBILITY. THE OPERATING PRIVILEGE SHALL NOT BE  
27 RESTORED UNTIL THE RESTORATION FEE FOR OPERATING PRIVILEGE  
28 PROVIDED BY SECTION 1960 (RELATING TO REINSTATEMENT OF OPERATING  
29 PRIVILEGE OR VEHICLE REGISTRATION) IS PAID. WHENEVER THE  
30 DEPARTMENT REVOKES OR SUSPENDS THE REGISTRATION OF ANY VEHICLE

1 UNDER THIS CHAPTER, THE DEPARTMENT SHALL NOT RESTORE THE  
2 REGISTRATION UNTIL THE VEHICLE OWNER FURNISHES PROOF OF  
3 FINANCIAL RESPONSIBILITY IN A MANNER DETERMINED BY THE  
4 DEPARTMENT AND SUBMITS AN APPLICATION FOR REGISTRATION TO THE  
5 DEPARTMENT, ACCOMPANIED BY THE FEE FOR RESTORATION OF  
6 REGISTRATION PROVIDED BY SECTION 1960. THIS SUBSECTION SHALL NOT  
7 APPLY IN THE FOLLOWING CIRCUMSTANCES:

8 \* \* \*

9 (3) INSURANCE COVERAGE WHICH HAS TERMINATED OR FINANCIAL  
10 RESPONSIBILITY WHICH HAS LAPSED SIMULTANEOUSLY WITH, OR  
11 SUBSEQUENT TO, EXPIRATION OF A SEASONAL REGISTRATION, AS  
12 PROVIDED IN SECTION 1307(A.1) (RELATING TO PERIOD OF  
13 REGISTRATION).

14 \* \* \*

15 (G) DEFENSES.--

16 \* \* \*

17 (2) NO PERSON SHALL BE PENALIZED FOR MAINTAINING A  
18 REGISTERED MOTOR VEHICLE WITHOUT FINANCIAL RESPONSIBILITY  
19 UNDER SUBSECTION (D) IF, AT THE TIME INSURANCE COVERAGE  
20 TERMINATED OR FINANCIAL RESPONSIBILITY LAPSED, THE  
21 REGISTRATION PLATE AND CARD WERE VOLUNTARILY SURRENDERED TO  
22 THE DEPARTMENT, A FULL AGENT DESIGNATED BY THE DEPARTMENT TO  
23 ACCEPT VOLUNTARILY SURRENDERED REGISTRATION PLATES AND CARDS  
24 PURSUANT TO REGULATIONS PROMULGATED BY THE DEPARTMENT OR A  
25 DECENTRALIZED SERVICE AGENT APPOINTED BY THE DEPARTMENT. IF A  
26 SEASONAL REGISTRATION, AS PROVIDED IN SECTION 1307(A.1), HAS  
27 BEEN ISSUED FOR THE VEHICLE, RETURN OF THE REGISTRATION PLATE  
28 AND CARD SHALL BE REQUIRED ONLY IF THE INSURANCE COVERAGE  
29 TERMINATES OR FINANCIAL RESPONSIBILITY LAPSES PRIOR TO THE  
30 EXPIRATION OF THE SEASONAL REGISTRATION. THE DEPARTMENT, A

1 FULL AGENT OR THE DECENTRALIZED SERVICE AGENT, AS THE CASE  
2 MAY BE, SHALL ISSUE A RECEIPT SHOWING THE DATE THAT THE  
3 REGISTRATION PLATE AND CARD WERE RECEIVED. THE DESIGNATED  
4 FULL AGENT OR THE DECENTRALIZED SERVICE AGENT SHALL RETURN  
5 THE REGISTRATION PLATE AND CARD TO THE DEPARTMENT ACCOMPANIED  
6 BY A COPY OF THE RECEIPT.

7 \* \* \*

8 SECTION 3. SECTION 3742(B), (C) AND (D) OF TITLE 75 ARE  
9 AMENDED TO READ:

10 § 3742. Accidents involving death or personal injury.

11 \* \* \*

12 (b) Penalties.--

13 (1) Except as otherwise provided in this section, any  
14 person violating this section commits a misdemeanor of the  
15 [third] first degree.

16 ~~(2) If the victim suffers serious bodily injury or~~ <—  
17 ~~death, any person violating subsection (a) commits a~~  
18 ~~[misdemeanor of the first] felony of the third degree.~~

19 ~~(3) If the violation of subsection (a) materially~~  
20 ~~contributes to any serious bodily injury suffered by the~~  
21 ~~victim, any person violating subsection (a) [commits a~~  
22 ~~misdemeanor of the first degree and] shall, upon conviction,~~  
23 ~~be sentenced to [pay a fine of not more than \$10,000 and to~~  
24 ~~imprisonment for not less than 90 days nor more than five~~  
25 ~~years.] a mandatory minimum term of imprisonment of one year~~  
26 ~~and a mandatory minimum fine of \$1,000, notwithstanding any~~  
27 ~~other provision of law.~~

28 ~~(4) If the violation of subsection (a) materially~~  
29 ~~contributes to the death of the victim, any person violating~~  
30 ~~subsection (a) [commits a felony of the third degree and]~~

1 ~~shall, upon conviction, be sentenced to [pay a fine of not~~  
2 ~~more than \$15,000 and to imprisonment for not less than one~~  
3 ~~year nor more than seven years.] a mandatory minimum term of~~  
4 ~~imprisonment of two years and a mandatory minimum fine of~~  
5 ~~\$2,500, notwithstanding any other provision of law.~~

6 \* \* \*

7 (2) IF THE VICTIM SUFFERS SERIOUS BODILY INJURY [OR <—  
8 DEATH], ANY PERSON VIOLATING SUBSECTION (A) COMMITS A  
9 [MISDEMEANOR OF THE FIRST DEGREE.] FELONY OF THE THIRD DEGREE  
10 AND THE SENTENCING COURT SHALL ORDER THE PERSON TO SERVE A  
11 MINIMUM TERM OF IMPRISONMENT OF NOT LESS THAN 90 DAYS AND A  
12 MANDATORY MINIMUM FINE OF \$1,000, NOTWITHSTANDING ANY OTHER  
13 PROVISION OF LAW.

14 (3) [IF THE VIOLATION OF SUBSECTION (A) MATERIALLY  
15 CONTRIBUTES TO ANY SERIOUS BODILY INJURY SUFFERED BY THE  
16 VICTIM, ANY PERSON VIOLATING SUBSECTION (A) COMMITS A  
17 MISDEMEANOR OF THE FIRST DEGREE AND SHALL, UPON CONVICTION,  
18 BE SENTENCED TO PAY A FINE OF NOT MORE THAN \$10,000 AND TO  
19 IMPRISONMENT FOR NOT LESS THAN 90 DAYS NOR MORE THAN FIVE  
20 YEARS.] IF THE VICTIM DIES, ANY PERSON VIOLATING SUBSECTION  
21 (A) COMMITS A FELONY OF THE THIRD DEGREE AND THE SENTENCING  
22 COURT SHALL ORDER THE PERSON TO SERVE A MINIMUM TERM OF  
23 IMPRISONMENT OF NOT LESS THAN ONE YEAR AND A MANDATORY  
24 MINIMUM FINE OF \$2,500, NOTWITHSTANDING ANY OTHER PROVISION  
25 OF LAW.

26 [(4) IF THE VIOLATION OF SUBSECTION (A) MATERIALLY  
27 CONTRIBUTES TO THE DEATH OF THE VICTIM, ANY PERSON VIOLATING  
28 SUBSECTION (A) COMMITS A FELONY OF THE THIRD DEGREE AND  
29 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT  
30 MORE THAN \$15,000 AND TO IMPRISONMENT FOR NOT LESS THAN ONE

1 YEAR NOR MORE THAN SEVEN YEARS.]

2 (C) AUTHORITY OF SENTENCING COURT.--THERE SHALL BE NO  
3 AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS  
4 SECTION IS APPLICABLE ANY LESSER SENTENCE THAN PROVIDED FOR IN  
5 SUBSECTION [(B)(3) OR (4)] (B)(2) OR (3) OR TO PLACE SUCH  
6 OFFENDER ON PROBATION OR TO SUSPEND SENTENCE. SENTENCING  
7 GUIDELINES PROMULGATED BY THE PENNSYLVANIA COMMISSION ON  
8 SENTENCING SHALL NOT SUPERSEDE THE MANDATORY SENTENCES PROVIDED  
9 IN THIS SECTION.

10 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM "SERIOUS  
11 BODILY INJURY" MEANS ANY BODILY INJURY WHICH CREATES A  
12 SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS, PERMANENT  
13 DISFIGUREMENT OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION  
14 OF ANY BODILY MEMBER OR ORGAN.

15 Section ~~2~~ 4. This act shall take effect in 60 days.

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