

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 279 Session of
1997

INTRODUCED BY STOUT, COSTA AND BELAN, JANUARY 29, 1997

SENATE AMENDMENTS TO HOUSE AMENDMENTS, OCTOBER 21, 1997

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing FOR DUTIES OF AGENTS, for <—
3 protective equipment for motorcycle riders AND FOR THE USE OF <—
4 SUN SCREENING; ~~and~~ designating a highway AND A BRIDGE; AND <—
5 DESIGNATING S.R. 981 IN UNITY TOWNSHIP, WESTMORELAND COUNTY,
6 AS TECHNOLOGY WAY.

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

9 ~~Section 1. Section 3525 of Title 75 of the Pennsylvania~~ <—
10 ~~Consolidated Statutes is amended to read:~~

11 SECTION 1. SECTIONS 1318(D) AND (E), 3525 AND 4524(E) OF <—
12 TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED
13 TO READ:

14 § 1318. DUTIES OF AGENTS.

15 * * *

16 [(D) VERIFICATION OF INFORMATION ON APPLICATION.--IN
17 ADDITION TO ANY OTHER DUTY PRESCRIBED BY THIS TITLE OR
18 DEPARTMENTAL REGULATIONS, AN AGENT SHALL VERIFY THAT THE
19 PURCHASE PRICE STATED ON THE APPLICATION APPROXIMATES THE FAIR

1 MARKET VALUE OF THE VEHICLE IN A MANNER PRESCRIBED BY THE
2 DEPARTMENT AS SET FORTH IN A NOTICE PUBLISHED IN THE
3 PENNSYLVANIA BULLETIN.

4 (E)] (D) PENALTY.--ANY PERSON WHO VIOLATES THIS SECTION, IN
5 ADDITION TO ANY PENALTY, SUSPENSION OR REVOCATION IMPOSED BY THE
6 DEPARTMENT, COMMITS A SUMMARY OFFENSE AND SHALL, UPON
7 CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$100 NOR
8 MORE THAN \$500 AND FOR EACH SUBSEQUENT OR ADDITIONAL OFFENSE, A
9 FINE OF NOT LESS THAN \$200 NOR MORE THAN \$500, OR TO
10 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.

11 § 3525. Protective equipment for motorcycle riders.

12 (a) Protective headgear.--Except as provided in subsection
13 (d), no person shall operate or ride upon a motorcycle or a
14 motor-driven cycle (other than a motorized pedalcycle) unless he
15 is wearing protective headgear which complies with standards
16 established by the department.

17 (b) Eye-protective devices.--Except as provided in
18 subsection (d), no person shall operate or ride upon a
19 motorcycle (other than a motorized pedalcycle) unless he is
20 wearing an eye-protective device of a type approved by the
21 department.

22 (c) Approval of equipment.--The department may approve or
23 disapprove protective headgear and eye-protective devices
24 required under this section and may issue and enforce
25 regulations establishing standards and specifications for the
26 approval of the headgear and devices. The department shall
27 publish lists of all protective headgear and eye-protective
28 devices by name and type which have been approved.

29 (d) Exception.--The provisions of subsections (a) and (b)
30 shall not apply to the following:

1 (1) The operator or any occupant of a three-wheeled
2 motorcycle equipped with an enclosed cab.

3 (2) A person 21 years of age or older who has been
4 licensed to operate a motorcycle for not less than two full
5 calendar years.

6 (3) A person 21 years of age or older who has completed
7 a motorcycle rider safety course approved by the department
8 or the Motorcycle Safety Foundation.

9 (4) The passenger of a person exempt under this
10 subsection, if the passenger is 21 years of age or older.

11 (e) Report to General Assembly.--One year after the
12 effective date of this section the Legislative Budget and
13 Finance Committee shall commence a study to determine:

14 (1) what, if any, increased injuries and fatalities may
15 be attributed to the exceptions hereunder provided;

16 (2) the extent to which persons incurring such injuries
17 or fatalities have maintained insurance coverage for medical
18 costs associated with such injuries or fatalities; and

19 (3) the resulting need, if any, for the imposition of
20 mandates on insurers to provide affordable medical insurance
21 coverage for such persons for medical expenses that may be
22 attributed to the exceptions hereunder provided and on such
23 persons to maintain coverage to the extent that it is
24 available and reasonably affordable. This study shall be
25 filed with the Transportation Committee of the Senate and the
26 Transportation Committee of the House of Representatives
27 within nine months of its commencement.

28 § 4524. WINDSHIELD OBSTRUCTIONS AND WIPERS.

29 * * *

30 (E) SUN SCREENING AND OTHER MATERIALS PROHIBITED.--

1 [(1) NO PERSON SHALL DRIVE ANY MOTOR VEHICLE WITH ANY
2 SUN SCREENING DEVICE OR OTHER MATERIAL WHICH DOES NOT PERMIT
3 A PERSON TO SEE OR VIEW THE INSIDE OF THE VEHICLE THROUGH THE
4 WINDSHIELD, SIDE WING OR SIDE WINDOW OF THE VEHICLE.

5 (2) THIS SUBSECTION DOES NOT APPLY TO:

6 (I) A VEHICLE WHICH IS EQUIPPED WITH TINTED WINDOWS
7 OF THE TYPE AND SPECIFICATION THAT WERE INSTALLED BY THE
8 MANUFACTURER OF THE VEHICLE OR TO ANY HEARSE, AMBULANCE,
9 GOVERNMENT VEHICLE OR ANY OTHER VEHICLE FOR WHICH A CURRENTLY
10 VALID CERTIFICATE OF EXEMPTION HAS BEEN ISSUED IN ACCORDANCE
11 WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

12 (II) A VEHICLE WHICH IS EQUIPPED WITH TINTED
13 WINDOWS, SUN SCREENING DEVICES OR OTHER MATERIALS WHICH
14 COMPLY WITH ALL APPLICABLE FEDERAL REGULATIONS AND FOR
15 WHICH A CURRENTLY VALID CERTIFICATE OF EXEMPTION FOR
16 MEDICAL REASONS HAS BEEN ISSUED IN ACCORDANCE WITH
17 REGULATIONS ADOPTED BY THE DEPARTMENT.

18 (3) A CERTIFICATE OF EXEMPTION SHALL BE ISSUED BY THE
19 DEPARTMENT FOR A VEHICLE WHICH IS:

20 (I) REGISTERED IN THIS COMMONWEALTH ON THE EFFECTIVE
21 DATE OF THIS SUBSECTION AND IS EQUIPPED WITH A SUN
22 SCREENING DEVICE OR OTHER MATERIAL PROHIBITED UNDER
23 PARAGRAPH (1) ON THE EFFECTIVE DATE.

24 (II) EQUIPPED WITH TINTED WINDOWS, SUN SCREENING
25 DEVICES OR OTHER MATERIALS FOR A PHYSICAL CONDITION THAT
26 MAKES IT NECESSARY TO EQUIP THE MOTOR VEHICLE WITH SUN
27 SCREENING MATERIAL WHICH WOULD BE OF A LIGHT
28 TRANSMITTANCE OR LUMINOUS REFLECTANCE IN VIOLATION OF
29 THIS SECTION.

30 (A) A CERTIFICATE OF EXEMPTION FOR MEDICAL

1 REASONS SHALL BE ISSUED ONLY IF THE OWNER OR
2 REGISTRANT OF THE VEHICLE, OR A PERSON RESIDING IN
3 THE HOUSEHOLD OF THE OWNER OR REGISTRANT WHO
4 REGULARLY DRIVES OR IS DRIVEN IN THE VEHICLE, SUFFERS
5 FROM A PHYSICAL CONDITION DETERMINED BY THE
6 DEPARTMENT, IN CONSULTATION WITH THE MEDICAL ADVISORY
7 BOARD, TO JUSTIFY THE EXEMPTION.

8 (B) ANY PERSON REQUESTING AN EXEMPTION FOR
9 MEDICAL REASONS SHALL HAVE HIS PHYSICAL CONDITION
10 CERTIFIED TO THE DEPARTMENT BY A LICENSED PHYSICIAN
11 OR OPTOMETRIST.

12 (4) A CERTIFICATE OF EXEMPTION ISSUED UNDER THIS
13 SUBSECTION SHALL BE CARRIED IN THE VEHICLE AND DISPLAYED ON
14 REQUEST OF A POLICE OFFICER.

15 (5) UPON THE SALE OR TRANSFER OF THE VEHICLE TO ANY
16 PERSON WHO DOES NOT QUALIFY UNDER PARAGRAPH (2)(II), THE
17 EXEMPTION SHALL BE NULL AND VOID. PRIOR TO THE SALE OR
18 TRANSFER OF AN EXEMPT VEHICLE, IT SHALL BE THE SOLE
19 RESPONSIBILITY OF THE OWNER OR SELLER OF A FORMERLY EXEMPT
20 VEHICLE TO REMOVE ALL SUN SCREENING OR OTHER MATERIALS FROM
21 THE VEHICLE. AT THE TIME OF THE SALE OR TRANSFER OF A
22 FORMERLY EXEMPT VEHICLE, THE OWNER SHALL REMOVE AND DESTROY
23 THE CERTIFICATE OF EXEMPTION FOR PHYSICAL REASONS AND PROVIDE
24 THE PURCHASER WITH A NOTARIZED STATEMENT SETTING FORTH THE
25 NAME AND ADDRESS OF THE OWNER OR SELLER, THE VEHICLE
26 IDENTIFICATION NUMBER, YEAR AND MODEL, AND THE BUSINESS
27 ENTITY AND PROCESS USED TO REMOVE THE SUN SCREENING OR OTHER
28 MATERIAL.]

29 (1) NO PERSON MAY OPERATE ON ANY PUBLIC HIGHWAY, ROAD OR
30 STREET A MOTOR VEHICLE THAT IS REGISTERED OR REQUIRED TO BE

1 REGISTERED IN THIS COMMONWEALTH THAT HAS A SUN SCREENING
2 DEVICE ON THE WINDSHIELD, THE FRONT SIDE WINGS AND SIDE
3 WINDOWS ADJACENT TO THE RIGHT AND LEFT OF THE DRIVER AND
4 WINDOWS ADJACENT TO THE REAR OF THE DRIVER THAT DOES NOT MEET
5 THE REQUIREMENTS OF THIS SUBSECTION.

6 (2) NOTHING IN THIS SECTION SHALL PROHIBIT THE USE OF
7 ANY PRODUCT OR MATERIALS ALONG THE TOP EDGE OF THE WINDSHIELD
8 SO LONG AS SUCH PRODUCT AND MATERIALS ARE TRANSPARENT AND DO
9 NOT ENCROACH UPON THE AS-1 PORTION OF THE WINDSHIELD.

10 (3) A SUN SCREENING DEVICE WHEN USED IN CONJUNCTION WITH
11 THE AUTOMOTIVE SAFETY GLAZING MATERIALS OF THE SIDE WINGS OR
12 SIDE WINDOWS LOCATED AT THE IMMEDIATE RIGHT AND LEFT OF THE
13 DRIVER SHALL BE A NONREFLECTIVE TYPE WITH REFLECTIVITY OF NOT
14 MORE THAN 15% AND HAVE A LIGHT TRANSMISSION OF NOT LESS THAN
15 35%. A SUN SCREENING DEVICE WHEN USED IN CONJUNCTION WITH THE
16 AUTOMOTIVE SAFETY GLAZING MATERIALS ON THE REAR SIDE WINDOWS
17 AND THE REARMOST WINDOWS SHALL BE A NONREFLECTIVE TYPE WITH
18 REFLECTIVITY OF NOT MORE THAN 15% AND HAVE A LIGHT
19 TRANSMISSION OF NOT LESS THAN 35%. IF A SUN SCREENING DEVICE
20 IS USED ON GLAZING BEHIND THE DRIVER, ONE RIGHT AND ONE LEFT
21 OUTSIDE REARVIEW MIRROR IS REQUIRED.

22 (4) EACH MANUFACTURER SHALL:

23 (I) CERTIFY TO THE DEPARTMENT THAT A SUN SCREENING
24 DEVICE USED BY IT IS IN COMPLIANCE WITH THE REFLECTIVITY
25 AND TRANSMITTANCE REQUIREMENTS OF THIS SUBSECTION.

26 (II) PROVIDE A LABEL NOT TO EXCEED ONE AND ONE-HALF
27 SQUARE INCHES IN SIZE, WITH A MEANS FOR THE PERMANENT AND
28 LEGIBLE INSTALLATIONS BETWEEN THE SUN SCREENING MATERIAL
29 AND EACH GLAZING SURFACE TO WHICH IT IS APPLIED THAT
30 CONTAINS THE MANUFACTURER'S NAME AND ITS PERCENTAGE OF

1 LIGHT TRANSMISSION.

2 (III) INCLUDE INSTRUCTIONS WITH THE PRODUCT OR
3 MATERIAL FOR PROPER INSTALLATION, INCLUDING THE AFFIXING
4 OF THE LABEL SPECIFIED IN THIS SUBSECTION. THE LABELING
5 OR MARKING MUST BE PLACED IN THE LEFT LOWER CORNER OF
6 EACH GLAZING SURFACE WHEN FACING THE VEHICLE FROM THE
7 OUTSIDE.

8 (5) NO PERSON MAY:

9 (I) OFFER FOR SALE OR FOR USE ANY SUN SCREENING
10 PRODUCT OR MATERIAL FOR MOTOR VEHICLE USE NOT IN
11 COMPLIANCE WITH THIS SUBSECTION.

12 (II) INSTALL ANY SUN SCREENING PRODUCT OR MATERIAL
13 ON VEHICLES INTENDED FOR USE ON PUBLIC ROADS WITHOUT
14 PERMANENTLY AFFIXING THE LABEL SPECIFIED IN THIS
15 SUBSECTION.

16 (6) THIS SUBSECTION DOES NOT APPLY TO A VEHICLE WHICH IS
17 EQUIPPED WITH TINTED WINDOWS OF THE TYPE AND SPECIFICATION
18 THAT WERE INSTALLED BY THE MANUFACTURER OF THE VEHICLE OR TO
19 ANY HEARSE, AMBULANCE OR GOVERNMENT VEHICLE. THE LIGHT
20 TRANSMITTANCE REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY
21 TO WINDOWS BEHIND THE DRIVER ON TRUCKS, BUSES, TRAILERS,
22 MOTOR HOMES AND MULTIPURPOSE PASSENGER VEHICLES WHICH ARE
23 CONSTRUCTED ON A TRUCK CHASSIS OR EQUIPPED BY THE
24 MANUFACTURER WITH SPECIAL FEATURES FOR OCCASIONAL OFF-ROAD
25 OPERATIONS.

26 (7) A PERSON WHO VIOLATES THE PROVISIONS OF THIS
27 SUBSECTION COMMITS A SUMMARY OFFENSE.

28 (8) THE DEPARTMENT SHALL APPROVE DEVICES WHICH POLICE
29 OFFICERS MAY USE TO MEASURE THE DEGREE OF TINTING OF WINDOWS
30 FOR THE PURPOSE OF ENFORCING COMPLIANCE WITH THIS SUBSECTION.

1 (9) AS USED IN THIS SUBSECTION:

2 "BUS." A MOTOR VEHICLE WITH MOTIVE POWER, EXCEPT A
3 TRAILER, DESIGNED FOR CARRYING MORE THAN TEN PERSONS.

4 "LIGHT TRANSMISSION." THE RATIO OF THE AMOUNT OF TOTAL
5 LIGHT TO PASS THROUGH A PRODUCT OR MATERIAL TO THE AMOUNT OF
6 THE TOTAL LIGHT FALLING ON THE PRODUCT OR MATERIAL. A 7%
7 TOLERANCE SHALL BE ALLOWED WHEN CHECKING THE LIGHT
8 TRANSMISSION FOR ENFORCEMENT PURPOSES.

9 "MANUFACTURER." ANY PERSON ENGAGED IN THE MANUFACTURING
10 OR ASSEMBLING OF SUN SCREENING PRODUCTS OR MATERIALS DESIGNED
11 TO BE USED IN CONJUNCTION WITH VEHICLE GLAZING MATERIALS FOR
12 THE PURPOSE OF REDUCING THE EFFECTS OF THE SUN.

13 "MOTOR HOMES." VEHICULAR UNITS DESIGNED TO PROVIDE
14 TEMPORARY LIVING QUARTERS BUILT INTO AND AN INTEGRAL PART OF
15 OR PERMANENTLY ATTACHED TO A SELF-PROPELLED MOTOR VEHICLE
16 CHASSIS.

17 "MULTIPURPOSE PASSENGER VEHICLE." A MOTOR VEHICLE WITH
18 MOTIVE POWER, EXCEPT A TRAILER, DESIGNED TO CARRY TEN PERSONS
19 OR LESS WHICH IS CONSTRUCTED EITHER ON A TRUCK CHASSIS OR
20 WITH SPECIAL FEATURES FOR OCCASIONAL OFF-ROAD OPERATION.

21 "NONREFLECTIVE." A PRODUCT OR MATERIAL DESIGNED TO
22 ABSORB LIGHT RATHER THAN TO REFLECT IT.

23 "SUN SCREENING DEVICE." FILM MATERIAL OR DEVICE THAT IS
24 DESIGNED TO BE USED IN CONJUNCTION WITH MOTOR VEHICLE SAFETY
25 GLAZING MATERIALS FOR REDUCING THE EFFECT OF THE SUN.

26 Section 2. (a) That section of Route 3013 in Westmoreland
27 County, beginning on Interstate 70 and ending at the Donora-
28 Monessen Bridge, is hereby designated and shall be known as the
29 C. Vance DeiCas Memorial Highway.

30 (b) The Department of Transportation shall erect and

1 maintain road signs, which shall display the name of C. Vance
2 DeiCas Memorial Highway, at the beginning and the end of the
3 section of the highway designated.

4 SECTION 3. (A) THE BRIDGE CARRYING STATE ROUTE 103 OVER THE <—
5 JUNIATA RIVER BETWEEN LEWISTOWN AND GRANVILLE IN MIFFLIN COUNTY
6 IS DESIGNATED AS THE MIFFLIN COUNTY VETERANS MEMORIAL BRIDGE.

7 (B) THE DEPARTMENT OF TRANSPORTATION SHALL ERECT AT EACH
8 SIDE OF THE DESIGNATED BRIDGE A SIGN STATING THE DESIGNATION.

9 SECTION 4. (A) THE PORTION OF S.R. 981 IN UNITY TOWNSHIP,
10 WESTMORELAND COUNTY, FROM THE INTERSECTION WITH U.S. ROUTE 30 TO
11 THE INTERSECTION WITH GRAVEL HILL ROAD (T-705) IS HEREBY
12 DESIGNATED AS TECHNOLOGY WAY.

13 (B) THE DEPARTMENT SHALL ERECT AND MAINTAIN ROAD SIGNS WHICH
14 SHALL DISPLAY THE NAME OF TECHNOLOGY WAY AT THE BEGINNING AND
15 THE END OF THE HIGHWAY DESIGNATED IN SUBSECTION (A).

16 Section 3 5. This act shall take effect in 60 days. <—