

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 589 Session of  
2001

INTRODUCED BY NICKOL, GODSHALL, M. BAKER, BASTIAN, BELFANTI,  
CAPPABIANCA, CAWLEY, CIVERA, CLARK, M. COHEN, COLAFELLA,  
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B. SMITH, STEIL, STERN, E. Z. TAYLOR, TIGUE, WILT AND  
WOJNAROSKI, FEBRUARY 8, 2001

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 30, 2001

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for SUSPENSION OF OPERATING <—  
3 PRIVILEGE AND FOR maximum gross weight of vehicles; providing  
4 for nonreciprocity of operational limitations; and further  
5 providing for refunds.

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

8 Section 1. ~~Section~~ SECTIONS 1532(A) AND 4941(a) and (c) of <—  
9 Title 75 of the Pennsylvania Consolidated Statutes are amended  
10 to read:

11 § 1532. SUSPENSION OF OPERATING PRIVILEGE. <—

12 (A) ONE-YEAR SUSPENSION.--THE DEPARTMENT SHALL SUSPEND THE  
13 OPERATING PRIVILEGE OF ANY DRIVER FOR ONE YEAR UPON RECEIVING A  
14 CERTIFIED RECORD OF THE DRIVER'S CONVICTION OF OR AN  
15 ADJUDICATION OF DELINQUENCY BASED ON ANY OF THE FOLLOWING  
16 OFFENSES:

17 (1) ANY FELONY IN THE COMMISSION OF WHICH A COURT

1 DETERMINES THAT A VEHICLE WAS ESSENTIALLY INVOLVED.

2 (2) ANY VIOLATION OF SECTION 3735 (RELATING TO HOMICIDE  
3 BY VEHICLE WHILE DRIVING UNDER INFLUENCE).

4 (3) ANY VIOLATION OF THE FOLLOWING PROVISIONS:

5 SECTION 3732 (RELATING TO HOMICIDE BY VEHICLE).

6 SECTION 3735.1 (RELATING TO AGGRAVATED ASSAULT BY  
7 VEHICLE WHILE DRIVING UNDER THE INFLUENCE).

8 SECTION 3742 (RELATING TO ACCIDENTS INVOLVING DEATH  
9 OR PERSONAL INJURY).

10 SECTION 3742.1 (RELATING TO ACCIDENTS INVOLVING DEATH  
11 OR PERSONAL INJURY WHILE NOT PROPERLY LICENSED).

12 [SECTION 7102(B) (RELATING TO REMOVAL OR  
13 FALSIFICATION OF IDENTIFICATION NUMBER).

14 SECTION 7103(B) (RELATING TO DEALING IN VEHICLES WITH  
15 REMOVED OR FALSIFIED NUMBERS).]

16 SECTION 7111 (RELATING TO DEALING IN TITLES AND  
17 PLATES FOR STOLEN VEHICLES).

18 SECTION 7121 (RELATING TO FALSE APPLICATION FOR  
19 CERTIFICATE OF TITLE OR REGISTRATION).

20 SECTION 7122 (RELATING TO ALTERED, FORGED OR  
21 COUNTERFEIT DOCUMENTS AND PLATES).

22 \* \* \*

23 § 4941. Maximum gross weight of vehicles.

24 (a) General rule.--No vehicle shall, when operated upon a  
25 highway, have a gross weight exceeding [73,280] 80,000 pounds,  
26 and no combination driven upon a highway shall have a gross  
27 weight exceeding 80,000 pounds, or the applicable weight as set  
28 forth in subsection (b) or (c), whichever is less.

29 \* \* \*

30 (c) Motor vehicles.--No motor vehicle when operated upon a

highway shall have a gross weight exceeding the following  
specified maximum gross weight for the following described motor  
vehicles:

	Maximum Gross Weight In Pounds
Motor Vehicle	
Two-axle motor vehicle	38,000
Three-axle motor vehicle	58,400
Four-axle motor vehicle	73,280
<u>Five-axle motor vehicle</u>	<u>73,280</u>
<u>Six-axle motor vehicle</u>	<u>77,000</u>
<u>Seven-axle motor vehicle</u>	<u>80,000</u>

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

§ 6154. Nonreciprocity of operational limitations.

If any other state with which the department has entered into  
a reciprocity agreement, including the International  
Registration Plan, imposes an operational limitation, burden or  
prohibition upon vehicles with a base jurisdiction of  
Pennsylvania, but not upon vehicles with a base jurisdiction of  
the other state, the Commonwealth shall impose a like  
operational limitation, burden or prohibition upon the same  
class of vehicles that are operating in this Commonwealth but  
based in the other state. Operational limitations shall include  
the maximum weight, width, length or height of a vehicle.

Section 3. Section 9017(e.1) of Title 75 is amended and the  
section is amended by adding a subsection to read:

§ 9017. Refunds.

\* \* \*

(e.1) Truck refrigeration units.--

(1) [During the transition to the use of dyed diesel

1 fuel in truck refrigeration units, a] A program shall be  
2 implemented to provide reimbursement for tax paid on undyed  
3 diesel fuel used in truck refrigeration units.

4 (2) [During the transition, a] A person shall be  
5 reimbursed the amount of tax paid pursuant to section 9004 on  
6 any purchase of undyed diesel fuel which is not more than  
7 [100] 75 gallons per purchase and is delivered into a fuel  
8 tank which is designed to supply only an internal combustion  
9 engine mounted on a registered vehicle used exclusively for  
10 truck refrigeration.

11 (3) For the period of October 1, 1997, through September  
12 30, 1998, claims for reimbursement of taxes paid shall be  
13 filed by March 1, 1999, with the Department of Revenue. For  
14 the period of October 1, 1998, through September 30, 1999,  
15 claims for reimbursement under this subsection shall be filed  
16 by October 31, 1999, with the department. For the period from  
17 October 1, 1999, through September 30, 2000, inclusive,  
18 claims for reimbursement under this subsection shall be filed  
19 with the department by October 31, 2000. For the quarter  
20 beginning October 1, 2000, and each quarter thereafter,  
21 claims for reimbursements shall be filed with the department  
22 on a quarterly basis and must be filed within 60 days  
23 following the end of the quarter for which reimbursement is  
24 being claimed.

25 (4) The department may require a claimant to satisfy any  
26 sales or use tax liability on the undyed diesel fuel for  
27 which the reimbursement is claimed.

28 (5) A claim for reimbursement must be supported by sales  
29 receipts with the word "reefer" noted on the claim and the  
30 date of purchase, seller's name and address, number of

1 gallons purchased, fuel type, price per gallon or total  
2 amount of sale, unit numbers and the purchaser's name. The  
3 department may specify other documentation which it will  
4 accept in lieu of sales receipts. In the case of withdrawals  
5 from claimant-owned tax-paid bulk storage, the claim must be  
6 supported by detailed records of the date of withdrawal,  
7 number of gallons, fuel type, unit number and purchase and  
8 inventory records to substantiate that the tax was paid on  
9 all bulk purchases. Notwithstanding the provisions of section  
10 9009 (relating to retention of records by distributors and  
11 dealers), all required documentation shall be retained for a  
12 period of three years following the filing date of the claim  
13 for reimbursement under this subsection. If the claimant  
14 fails to retain documentation as required by this paragraph,  
15 the department may deny the reimbursement or issue an  
16 assessment for any refund granted plus interest under section  
17 9007 (relating to determination and redetermination of tax,  
18 penalties and interest due).

19 [(6) For purposes of this subsection, the term  
20 "transition" means the period of time between October 1,  
21 1997, through September 30, 2000.]

22 (e.2) Agricultural power takeoff.--A person shall be  
23 reimbursed the full amount of the tax imposed by this chapter if  
24 the person uses or buys liquid fuels or fuels on which the tax  
25 imposed by this chapter has been paid and consumes them to load  
26 for delivery or to unload at a farm feed, feed products, lime or  
27 limestone products for agricultural use from a vehicle by means  
28 of a power takeoff, provided the fuel usage is documented only  
29 by an electronic monitoring device used in conjunction with an  
30 electronically controlled engine. Reimbursements shall be

documented only as provided in this subsection and no reimbursement shall be based upon any form of alternative documentation. Claims for reimbursement shall be filed with the department on a quarterly basis and must be filed within 60 days following the end of the quarter for which reimbursement is being claimed. The provisions of subsection (f), except for the filing fee provision, shall apply to claims for reimbursement under this subsection to the extent they are not inconsistent with this subsection.

\* \* \*

SECTION 4. DRIVERS WHOSE OPERATING PRIVILEGES WERE SUSPENDED OR REVOKED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION MAY PETITION THE DEPARTMENT OF TRANSPORTATION TO REMOVE FROM THE RECORD THE SUSPENSIONS WHICH HAD PREVIOUSLY BEEN IMPOSED FOR VIOLATIONS OF 75 PA.C.S. §§ 7102(B) AND 7103(B). UPON RECEIPT OF THE PETITION, THE DEPARTMENT SHALL EXAMINE THE DRIVING RECORD OF THE PETITIONER AND SHALL REMOVE FROM THE RECORD SUSPENSIONS OR REVOCATIONS CAUSED BY CONVICTIONS OF VIOLATIONS OF 75 PA.C.S. § 7102(B) OR 7103(B). IF THERE ARE OTHER OFFENSES ON THE RECORD, IF THE DRIVER IS ENTITLED TO CREDIT, CREDIT SHALL BE GIVEN FOR THE OTHER OFFENSES FOR THE PERIODS OF TIMES WHERE THE DRIVER'S OPERATING PRIVILEGES WERE SUSPENDED OR REVOKED FOR VIOLATIONS OF 75 PA.C.S. §§ 7102(B) AND 7103(B). IF THE DRIVER WAS PROPERLY SERVING THE SUSPENSION, THEN THE DRIVER IS ENTITLED TO CREDIT. IF, AFTER RECALCULATING THE RECORD, THE DRIVER IS ELIGIBLE FOR RESTORATION OF PRIVILEGES, THE DEPARTMENT SHALL SO INFORM THE DRIVER AND PERMIT THE DRIVER'S OPERATING PRIVILEGES TO BE RESTORED SO LONG AS THE DRIVER MEETS ALL THE OTHER REQUIREMENTS FOR RESTORATION.

Section 4 5. The amendment of 75 Pa.C.S. § 9017 shall apply

1 to reimbursements of fuel taxes paid on fuel delivered into the  
2 fuel tanks of truck refrigeration units on or after October 1,  
3 2000.

4 Section ~~5~~ 6. This act shall take effect as follows: <—

5 (1) The amendment of 75 Pa.C.S. § 4941 shall take effect  
6 in 60 days.

7 (2) The remainder of this act shall take effect  
8 immediately.