

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1553 Session of  
2001

INTRODUCED BY CIVERA, T. ARMSTRONG, M. BAKER, BARLEY, BARRAR,  
BELFANTI, CALTAGIRONE, CAPPELLI, CREIGHTON, CRUZ, DALEY,  
DALLY, DERMODY, DeWEESE, FEESE, FICHTER, FLEAGLE, FORCIER,  
GEIST, GODSHALL, HARHAI, HARHART, HESS, HORSEY, HUTCHINSON,  
KELLER, KREBS, LaGROTTA, LAUGHLIN, LEH, LESCOVITZ, McCALL,  
McILHATTAN, McNAUGHTON, METCALFE, NICKOL, PALLONE, PETRARCA,  
PHILLIPS, READSHAW, ROHRER, ROONEY, ROSS, SAINATO, SANTONI,  
SATHER, SAYLOR, SHANER, S. H. SMITH, SOLOBAY, STERN,  
R. STEVENSON, T. STEVENSON, SURRA, E. Z. TAYLOR, THOMAS,  
WALKO, WANSACZ, WOJNAROSKI, YEWIC, YOUNGBLOOD, TRELLO,  
HASAY, ROBERTS, HANNA, SCHULER, PIPPY, COLEMAN, STEELMAN,  
WATERS, BENNINGHOFF AND S. MILLER, MAY 8, 2001

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 26, 2002

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for JUDICIAL REVIEW, FOR CLASSES <—  
3 OF LICENSES, FOR LEARNERS' PERMITS, FOR IDENTIFICATION CARD  
4 AND FOR NOTICE OF CHANGE OF NAME OR ADDRESS ~~AND FOR~~; <—  
5 REQUIRING COMPLIANCE WITH FEDERAL SELECTIVE SERVICE  
6 REQUIREMENTS AS PART OF APPLICATION FOR LEARNERS' PERMITS OR  
7 DRIVERS' LICENSES; FURTHER PROVIDING FOR CHEMICAL TESTING TO <—  
8 DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE, FOR  
9 footrests and ~~handlebars~~ HANDHOLD on motorcycles, FOR DRIVING <—  
10 UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AND  
11 FOR REQUIRED FINANCIAL RESPONSIBILITY; providing for lighted  
12 lamp requirements for motorcycles; and further providing for  
13 periods for requiring lighted lamps ~~and~~, for scope and <—  
14 application of provisions relating to size, weight and load  
15 AND FOR REFUNDS RELATING TO LIQUID FUELS AND FUELS TAX. <—

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 ~~Section 1. Section 3524 of Title 75 of the Pennsylvania~~ <—

1 ~~Consolidated Statutes is amended to read:~~

2 ~~SECTION 1. SECTIONS 1504(D)(4), 1505(C), 1515 AND 3524 OF~~ <—  
3 ~~TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED~~  
4 ~~TO READ:~~

5 SECTION 1. SECTIONS 1377(B), 1504(D)(4), 1505(C), 1510(B) <—  
6 AND 1515, ~~1786(D) AND (E)(2) AND 3524~~ OF TITLE 75 OF THE <—  
7 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

8 § 1377. JUDICIAL REVIEW.

9 \* \* \*

10 (B) DOCUMENTATION.--

11 (1) IN ANY PROCEEDING UNDER THIS SECTION, DOCUMENTS  
12 RECEIVED BY THE DEPARTMENT FROM A COURT OR FROM AN INSURANCE  
13 COMPANY SHALL BE ADMISSIBLE INTO EVIDENCE TO SUPPORT THE  
14 DEPARTMENT'S CASE. IN ADDITION, IF THE DEPARTMENT RECEIVES  
15 INFORMATION FROM A COURT BY MEANS OF ELECTRONIC TRANSMISSION  
16 OR FROM AN INSURANCE COMPANY WHICH IS COMPLYING WITH ITS  
17 OBLIGATION UNDER SUBCHAPTER H OF CHAPTER 17 (RELATING TO  
18 PROOF OF FINANCIAL RESPONSIBILITY) BY MEANS OF ELECTRONIC  
19 TRANSMISSION, IT MAY CERTIFY THAT IT HAS RECEIVED THE  
20 INFORMATION BY MEANS OF ELECTRONIC TRANSMISSION, AND THAT  
21 CERTIFICATION SHALL BE PRIMA FACIE PROOF OF THE ADJUDICATION  
22 AND FACTS CONTAINED IN SUCH AN ELECTRONIC TRANSMISSION.

23 (2) IN A PROCEEDING RELATING TO THE SUSPENSION OF THE  
24 REGISTRATION OF A MOTOR VEHICLE IMPOSED UNDER SECTION 1786  
25 (RELATING TO REQUIRED FINANCIAL RESPONSIBILITY), THE  
26 DEPARTMENT'S CERTIFICATION OF ITS RECEIPT OF DOCUMENTS OR  
27 ELECTRONIC TRANSMISSION FROM AN INSURANCE COMPANY INFORMING  
28 THE DEPARTMENT THAT THE PERSON'S COVERAGE HAS LAPSED, BEEN  
29 CANCELED OR TERMINATED SHALL ALSO CONSTITUTE PRIMA FACIE  
30 PROOF THAT THE LAPSE, CANCELLATION OR TERMINATION OF THE

POLICY OF INSURANCE DESCRIBED IN THE ELECTRONIC TRANSMISSION  
WAS EFFECTIVE UNDER THE LAWS OF THIS COMMONWEALTH.

§ 1504. CLASSES OF LICENSES.

\* \* \*

(D) NUMBER AND DESCRIPTION OF CLASSES.--LICENSES ISSUED BY  
THE DEPARTMENT SHALL BE CLASSIFIED IN THE FOLLOWING MANNER:

\* \* \*

(4) CLASS M.--A CLASS M LICENSE SHALL BE ISSUED TO THOSE  
PERSONS WHO HAVE DEMONSTRATED THEIR QUALIFICATIONS TO OPERATE  
A MOTORCYCLE, INCLUDING SUCCESSFUL COMPLETION BY PERSONS 16  
OR 17 YEARS OF AGE OF THE PROGRAM UNDER SECTION 7911  
(RELATING TO MOTORCYCLE SAFETY EDUCATION PROGRAM).

THIS PROVISION MAY BE WAIVED WHEN APPLICATION IS ACCOMPANIED <—  
BY A FORM PRESCRIBED BY THE DEPARTMENT AND SIGNED AND  
NOTARIZED FROM THE APPLICANT'S PARENT OR LEGAL GUARDIAN  
STATING THAT THE COURSE WAS NOT AVAILABLE TO THE APPLICANT  
WITHIN A REASONABLE GEOGRAPHIC LOCATION OR THAT LOCAL COURSES  
OFFERED HAD BEEN FILLED FOR THE UPCOMING YEAR. A CLASS M  
LICENSE ACCOMPANIED BY AN ENDORSEMENT SHALL BE ISSUED TO  
THOSE PERSONS WHO HAVE DEMONSTRATED THEIR QUALIFICATIONS TO  
OPERATE A MOTOR-DRIVEN CYCLE. IF A PERSON IS QUALIFIED TO  
OPERATE ONLY A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, HE SHALL BE  
ISSUED ONLY A CLASS M LICENSE OR A CLASS M LICENSE WITH AN  
ENDORSEMENT, AS APPLICABLE.

\* \* \*

§ 1505. LEARNERS' PERMITS.

\* \* \*

(C) OPERATION OF MOTORCYCLE.--A MOTORCYCLE LEARNER'S PERMIT  
ENTITLES THE PERSON TO WHOM IT IS ISSUED TO OPERATE A MOTORCYCLE  
ONLY BETWEEN SUNRISE AND SUNSET AND, EXCEPT FOR A DRIVER

1 LICENSED TO DRIVE ANOTHER CLASS OF VEHICLE, ONLY WHILE UNDER THE  
2 INSTRUCTION AND IMMEDIATE SUPERVISION OF A LICENSED MOTORCYCLE  
3 OPERATOR. MOTORCYCLE LEARNERS SHALL NOT CARRY ANY PASSENGER  
4 OTHER THAN AN INSTRUCTOR PROPERLY LICENSED TO OPERATE A  
5 MOTORCYCLE. A MOTORCYCLE LEARNER'S PERMIT SHALL NOT BE ISSUED TO  
6 A PERSON 16 OR 17 YEARS OF AGE WHO HAS NOT SUCCESSFULLY  
7 COMPLETED THE PROGRAM UNDER SECTION 7911 (RELATING TO MOTORCYCLE  
8 SAFETY EDUCATION PROGRAM).

9 \* \* \*

10 § 1510. ISSUANCE AND CONTENT OF DRIVER'S LICENSE. <—

11 \* \* \*

12 (B) IDENTIFICATION CARD.--THE DEPARTMENT SHALL, UPON PAYMENT  
13 OF THE REQUIRED FEE, ISSUE AN IDENTIFICATION CARD TO ANY PERSON, <—  
14 TEN YEARS OF AGE OR OLDER, WHO HAS MADE APPLICATION THEREFOR IN  
15 SUCH MANNER AS THE DEPARTMENT SHALL PRESCRIBE OR WHOSE DRIVER'S  
16 LICENSE HAS BEEN SURRENDERED TO THE DEPARTMENT BECAUSE OF A  
17 SUSPENSION OR REVOCATION OF AN OPERATING PRIVILEGE UNDER THIS OR  
18 ANY OTHER TITLE. ~~NO MINIMUM AGE IS REQUIRED TO QUALIFY FOR~~ <—  
19 ~~ISSUANCE OF AN IDENTIFICATION CARD.~~ THE IDENTIFICATION CARD  
20 SHALL HAVE SUBSTANTIALLY THE SAME CONTENT AS A DRIVER'S LICENSE  
21 BUT SHALL CLEARLY INDICATE THAT IT IS NOT A DRIVER'S LICENSE.  
22 UPON FAILURE OF ANY PERSON TO PASS ANY EXAMINATION REQUIRED  
23 UNDER SECTION 1514 (RELATING TO EXPIRATION AND RENEWAL OF  
24 DRIVERS' LICENSES), THE DEPARTMENT SHALL, WHERE APPROPRIATE,  
25 ISSUE A COMPLIMENTARY IDENTIFICATION CARD AS AN EXPRESSION OF  
26 GRATITUDE FOR YEARS OF SAFE DRIVING. THE CARD SHALL ONLY BE  
27 ISSUED UPON RECEIPT OF THE PERSON'S DRIVER'S LICENSE.

28 \* \* \*

29 § 1515. NOTICE OF CHANGE OF NAME OR ADDRESS.

30 (A) DRIVER'S LICENSE.--WHENEVER ANY PERSON AFTER APPLYING

1 FOR OR RECEIVING A DRIVER'S LICENSE MOVES FROM THE ADDRESS NAMED  
2 IN THE APPLICATION OR IN THE DRIVER'S LICENSE ISSUED OR WHEN THE  
3 NAME OF A LICENSEE IS CHANGED SUCH PERSON SHALL, WITHIN 15 DAYS  
4 THEREAFTER, NOTIFY THE DEPARTMENT [IN WRITING] OF THE OLD AND  
5 NEW ADDRESSES OR OF SUCH FORMER AND NEW NAMES AND OF THE NUMBER  
6 OF ANY LICENSE THEN HELD BY THE PERSON. THE DEPARTMENT SHALL BE  
7 NOTIFIED OF A CHANGE OF NAME IN WRITING.

8 (B) IDENTIFICATION CARD.--WHENEVER ANY PERSON AFTER APPLYING  
9 FOR OR RECEIVING A DEPARTMENT-ISSUED IDENTIFICATION CARD MOVES  
10 FROM THE ADDRESS NAMED IN THE APPLICATION OR IDENTIFICATION CARD  
11 ISSUED OR WHEN THE NAME OF A CARDHOLDER IS CHANGED SUCH PERSON  
12 SHALL, WITHIN 15 DAYS THEREAFTER, NOTIFY THE DEPARTMENT OF THE  
13 OLD AND NEW ADDRESSES OR OF SUCH FORMER AND NEW NAMES AND OF THE  
14 NUMBER OF ANY IDENTIFICATION CARD THEN HELD BY THE PERSON. THE  
15 DEPARTMENT SHALL BE NOTIFIED OF A CHANGE OF NAME IN WRITING.

16 SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:  
17 § 1521. COMPLIANCE WITH FEDERAL SELECTIVE SERVICE REQUIREMENTS.

18 (A) GENERAL RULE.--ANY UNITED STATES CITIZEN OR IMMIGRANT  
19 WHO IS MALE, APPLIES FOR A LEARNER'S PERMIT, IDENTIFICATION  
20 CARD, OR DRIVER'S LICENSE OR A RENEWAL OF ANY SUCH PERMIT, CARD,  
21 OR LICENSE AND WHO IS AT LEAST 18 YEARS OF AGE, BUT LESS THAN 26  
22 YEARS OF AGE, MUST BE REGISTERED IN COMPLIANCE WITH THE  
23 REQUIREMENTS OF SECTION 3 OF THE MILITARY SELECTIVE SERVICE ACT  
24 (62 STAT. 604, 50 U.S.C. APP. § 451 ET SEQ.).

25 (B) EFFECT OF APPLICANT'S SIGNATURE.--THE APPLICANT'S  
26 SIGNATURE ON THE APPLICATION SHALL SERVE AS AN INDICATION THAT  
27 THE APPLICANT EITHER HAS ALREADY REGISTERED WITH THE SELECTIVE  
28 SERVICE SYSTEM OR THAT THE APPLICANT AUTHORIZES THE DEPARTMENT  
29 TO FORWARD THE NECESSARY PERSONAL INFORMATION TO THE SELECTIVE  
30 SERVICE SYSTEM.

1     (C) NOTIFICATION TO APPLICANT.--THE DEPARTMENT SHALL NOTIFY  
2 THE APPLICANT AT THE TIME OF APPLICATION THAT THE APPLICANT'S  
3 SIGNATURE CONSTITUTES AUTHORIZATION FOR THE DEPARTMENT TO SUBMIT  
4 THE NECESSARY PERSONAL INFORMATION OF THE APPLICANT FOR  
5 REGISTRATION WITH THE SELECTIVE SERVICE SYSTEM, IF THE APPLICANT  
6 HAS NOT ALREADY SO REGISTERED.

7     (D) REPORTING OF INFORMATION.--THE DEPARTMENT SHALL FORWARD  
8 TO THE SELECTIVE SERVICE SYSTEM, IN AN ELECTRONIC FORMAT  
9 ACCEPTABLE TO THE SELECTIVE SERVICE SYSTEM, THE NECESSARY  
10 PERSONAL INFORMATION OF THE APPLICANTS REQUIRED TO COMPLY WITH  
11 SUBSECTION (A).

12     SECTION 3. SECTIONS 1547(D), 1786(D) AND (E)(2) AND 3524 OF  
13 TITLE 75 ARE AMENDED TO READ:

14     § 1547. CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR  
15             CONTROLLED SUBSTANCE.

16     \* \* \*

17     (D) PRESUMPTIONS FROM AMOUNT OF ALCOHOL.--IF CHEMICAL  
18 TESTING OF A PERSON'S BREATH, BLOOD OR URINE SHOWS:

19             (1) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF  
20 AN ADULT IS 0.05% OR LESS, IT SHALL BE PRESUMED THAT THE  
21 ADULT WAS NOT UNDER THE INFLUENCE OF ALCOHOL AND THE ADULT  
22 SHALL NOT BE CHARGED WITH ANY VIOLATION UNDER SECTION  
23 3731(A)(1), (4) OR (5) (RELATING TO DRIVING UNDER INFLUENCE  
24 OF ALCOHOL OR CONTROLLED SUBSTANCE), OR, IF THE ADULT WAS SO  
25 CHARGED PRIOR TO THE TEST, THE CHARGE SHALL BE VOID AB  
26 INITIO. THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION  
27 CONCERNING A VIOLATION OF SECTION 3731(A)(2) OR (3) OR (I).

28             (2) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF  
29 AN ADULT IS IN EXCESS OF 0.05% BUT LESS THAN [0.10%] 0.08%,  
30 THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION THAT THE

1 ADULT WAS OR WAS NOT UNDER THE INFLUENCE OF ALCOHOL, BUT THIS  
2 FACT MAY BE CONSIDERED WITH OTHER COMPETENT EVIDENCE IN  
3 DETERMINING WHETHER THE ADULT WAS OR WAS NOT UNDER THE  
4 INFLUENCE OF ALCOHOL. THIS PROVISION SHALL NOT NEGATE THE  
5 PROVISIONS OF SECTION 3731(I).

6 (3) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD  
7 OF:

8 (I) AN ADULT IS [0.10%] 0.08% OR MORE; OR

9 (II) A MINOR IS 0.02% OR MORE,

10 THIS FACT MAY BE INTRODUCED INTO EVIDENCE IF THE PERSON IS  
11 CHARGED WITH VIOLATING SECTION 3731.

12 \* \* \*

13 § 1786. REQUIRED FINANCIAL RESPONSIBILITY.

<—

14 \* \* \*

15 (D) SUSPENSION OF REGISTRATION AND OPERATING PRIVILEGE.--

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

28 (2) WHENEVER THE DEPARTMENT REVOKES OR SUSPENDS THE  
29 REGISTRATION OF ANY VEHICLE UNDER THIS CHAPTER, THE  
30 DEPARTMENT SHALL NOT RESTORE THE REGISTRATION UNTIL THE

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

7 [(1)] (I) THE OWNER OR REGISTRANT PROVES TO THE  
8 SATISFACTION OF THE DEPARTMENT THAT THE LAPSE IN FINANCIAL  
9 RESPONSIBILITY COVERAGE WAS FOR A PERIOD OF LESS THAN 31 DAYS  
10 AND THAT THE OWNER OR REGISTRANT DID NOT OPERATE OR PERMIT  
11 THE OPERATION OF THE VEHICLE DURING THE PERIOD OF LAPSE IN  
12 FINANCIAL RESPONSIBILITY.

13 [(2)] (II) THE OWNER OR REGISTRANT IS A MEMBER OF THE  
14 ARMED SERVICES OF THE UNITED STATES, THE OWNER OR REGISTRANT  
15 HAS PREVIOUSLY HAD THE FINANCIAL RESPONSIBILITY REQUIRED BY  
16 THIS CHAPTER, FINANCIAL RESPONSIBILITY HAD LAPSED WHILE THE  
17 OWNER OR REGISTRANT WAS ON TEMPORARY, EMERGENCY DUTY AND THE  
18 VEHICLE WAS NOT OPERATED DURING THE PERIOD OF LAPSE IN  
19 FINANCIAL RESPONSIBILITY. THE EXEMPTION GRANTED BY THIS  
20 PARAGRAPH SHALL CONTINUE FOR 30 DAYS AFTER THE OWNER OR  
21 REGISTRANT RETURNS FROM DUTY AS LONG AS THE VEHICLE IS NOT  
22 OPERATED UNTIL THE REQUIRED FINANCIAL RESPONSIBILITY HAS BEEN  
23 ESTABLISHED.

24 [(3)] (III) THE INSURANCE COVERAGE HAS TERMINATED OR  
25 FINANCIAL RESPONSIBILITY HAS LAPSED SIMULTANEOUSLY WITH OR  
26 SUBSEQUENT TO EXPIRATION OF A SEASONAL REGISTRATION, AS  
27 PROVIDED IN SECTION 1307(A.1) (RELATING TO PERIOD OF  
28 REGISTRATION).

29 (3) AN OWNER WHOSE VEHICLE REGISTRATION HAS BEEN  
30 SUSPENDED UNDER THIS SUBSECTION SHALL HAVE THE SAME RIGHT OF



1 APPEAL UNDER SECTION 1377 (RELATING TO JUDICIAL REVIEW) AS  
2 PROVIDED FOR IN CASES OF THE SUSPENSION OF VEHICLE  
3 REGISTRATION FOR OTHER PURPOSES. THE FILING OF THE APPEAL  
4 SHALL ACT AS A SUPERSEDEAS, AND THE SUSPENSION SHALL NOT BE  
5 IMPOSED UNTIL DETERMINATION OF THE MATTER AS PROVIDED IN  
6 SECTION 1377. THE COURT'S SCOPE OF REVIEW IN AN APPEAL FROM A  
7 VEHICLE REGISTRATION SUSPENSION SHALL BE LIMITED TO  
8 DETERMINING WHETHER:

9 (I) THE VEHICLE IS REGISTERED OR OF A TYPE THAT IS  
10 REQUIRED TO BE REGISTERED UNDER THIS TITLE; AND

11 (II) THERE HAS BEEN EITHER NOTICE TO THE DEPARTMENT  
12 OF A LAPSE, TERMINATION OR CANCELLATION IN THE FINANCIAL  
13 RESPONSIBILITY COVERAGE AS REQUIRED BY LAW FOR THAT  
14 VEHICLE OR THAT THE OWNER, REGISTRANT OR DRIVER WAS  
15 REQUESTED TO PROVIDE PROOF OF FINANCIAL RESPONSIBILITY TO  
16 THE DEPARTMENT, A POLICE OFFICER OR ANOTHER DRIVER AND  
17 FAILED TO DO SO. NOTICE TO THE DEPARTMENT OF THE LAPSE,  
18 TERMINATION OR CANCELLATION OR THE FAILURE TO PROVIDE THE  
19 REQUESTED PROOF OF FINANCIAL RESPONSIBILITY SHALL CREATE  
20 A PRESUMPTION THAT THE VEHICLE LACKED THE REQUISITE  
21 FINANCIAL RESPONSIBILITY. THIS PRESUMPTION MAY BE  
22 OVERCOME BY PRODUCING CLEAR AND CONVINCING EVIDENCE THAT  
23 THE VEHICLE WAS INSURED AT ALL RELEVANT TIMES.

24 (4) WHERE AN OWNER OR REGISTRANT'S OPERATING PRIVILEGE  
25 HAS BEEN SUSPENDED UNDER THIS SUBSECTION, THE OWNER OR  
26 REGISTRANT SHALL HAVE THE SAME RIGHT OF APPEAL UNDER SECTION  
27 1550 (RELATING TO JUDICIAL REVIEW) AS PROVIDED FOR IN CASES  
28 OF SUSPENSION FOR OTHER REASON. THE COURT'S SCOPE OF REVIEW  
29 IN AN APPEAL FROM AN OPERATING PRIVILEGE SUSPENSION SHALL BE  
30 LIMITED TO DETERMINING WHETHER:

1           (I) THE VEHICLE WAS REGISTERED OR OF A TYPE REQUIRED  
2           TO BE REGISTERED UNDER THIS TITLE; AND

3           (II) THE OWNER OR REGISTRANT OPERATED OR PERMITTED  
4           THE OPERATION OF THE SAME VEHICLE WHEN IT WAS NOT COVERED  
5           BY FINANCIAL RESPONSIBILITY. THE FACT THAT AN OWNER,  
6           REGISTRANT OR OPERATOR OF THE MOTOR VEHICLE FAILED TO  
7           PROVIDE COMPETENT EVIDENCE OF INSURANCE, OR THE FACT THAT  
8           THE DEPARTMENT RECEIVED NOTICE OF A LAPSE, TERMINATION OR  
9           CANCELLATION OF INSURANCE FOR THE VEHICLE, SHALL CREATE A  
10           PRESUMPTION THAT THE VEHICLE LACKED THE REQUISITE  
11           FINANCIAL RESPONSIBILITY. THIS PRESUMPTION MAY BE  
12           OVERCOME BY PRODUCING CLEAR AND CONVINCING EVIDENCE THAT  
13           THE VEHICLE WAS INSURED AT THE TIME THAT IT WAS DRIVEN.

14           (5) AN ALLEGED LAPSE, CANCELLATION OR TERMINATION OF A  
15           POLICY OF INSURANCE BY AN INSURER MAY ONLY BE CHALLENGED BY  
16           REQUESTING REVIEW BY THE INSURANCE COMMISSIONER PURSUANT TO  
17           ARTICLE XX OF THE ACT OF MAY 17, 1921 (P.L.682, NO.284),  
18           KNOWN AS THE INSURANCE COMPANY LAW OF 1921. PROOF THAT A  
19           TIMELY REQUEST HAS BEEN MADE TO THE INSURANCE COMMISSIONER  
20           FOR SUCH A REVIEW SHALL ACT AS A SUPERSEDEAS, STAYING THE  
21           SUSPENSION OF REGISTRATION OR OPERATING PRIVILEGE UNDER THIS  
22           SECTION PENDING A DETERMINATION PURSUANT TO SECTION 2009(A)  
23           OF THE INSURANCE COMPANY LAW OF 1921, OR, IN THE EVENT THAT  
24           FURTHER REVIEW AT A HEARING IS REQUESTED BY EITHER PARTY, A  
25           FINAL ORDER PURSUANT TO SECTION 2009(I) OF THE INSURANCE  
26           COMPANY LAW OF 1921.

27           (E) OBLIGATIONS UPON LAPSE, TERMINATION OR CANCELLATION OF  
28           FINANCIAL RESPONSIBILITY.--

29           \* \* \*

30           (2) AN INSURER WHO HAS ISSUED A CONTRACT OF MOTOR

1 VEHICLE LIABILITY INSURANCE, OR ANY APPROVED SELF-INSURANCE  
2 ENTITY, SHALL NOTIFY THE DEPARTMENT IN A TIMELY MANNER AND IN  
3 A METHOD PRESCRIBED BY THE DEPARTMENT'S REGULATIONS. UPON  
4 REQUEST OF AN OWNER OR REGISTRANT IN THE CASE OF AN APPEAL  
5 BROUGHT BY AN OWNER OR REGISTRANT FOR SUSPENSION UNDER THIS  
6 SECTION, AN INSURER SHALL PROVIDE A COPY OF THE NOTICE OF  
7 CANCELLATION OR A COPY OF THE INSURER'S FILING PROCEDURES  
8 WITH PROOF THAT THE NOTICE WAS WRITTEN IN THE NORMAL COURSE  
9 OF BUSINESS AND PLACED IN THE NORMAL COURSE OF MAILING. THE  
10 DEPARTMENT SHALL NOT BE REQUIRED TO PRODUCE SUCH COPY OR ANY  
11 OTHER PROOF THAT NOTICE OF TERMINATION, LAPSE OR CANCELLATION  
12 WAS PROVIDED TO THE OWNER OR REGISTRANT IN ORDER TO SATISFY  
13 THE BURDEN OF PROOF IN A PROCEEDING UNDER THIS SECTION.

14 \* \* \*

15 § 3524. Footrests and [handlebars] handhold.

16 [(a) Passengers.--]Any motorcycle carrying a passenger,  
17 other than in a sidecar or enclosed cab, shall be equipped with  
18 footrests and handhold for the passenger.

19 [(b) Height of handlebars.--No person shall operate any  
20 motorcycle with handlebars above shoulder-height of the operator  
21 while properly seated upon the motorcycle.]

22 Section ~~2~~ 4. Title 75 is amended by adding a section to <—  
23 read:

24 § 3526. Lighted lamp requirements for motorcycles.

25 Notwithstanding the provisions of section 4302 (relating to  
26 periods for requiring lighted lamps), the operator of a  
27 motorcycle, manufactured during or after 1973, upon a highway  
28 shall display the lighted head lamps and other lamps and  
29 illuminating devices required under Chapter 43 (relating to  
30 lighting equipment) at all times.

SECTION 5. SECTION 3731(A) AND (A.1) OF TITLE 75 ARE AMENDED <—  
TO READ:

§ 3731. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
SUBSTANCE.

(A) OFFENSE DEFINED.--A PERSON SHALL NOT DRIVE, OPERATE OR  
BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A VEHICLE IN  
ANY OF THE FOLLOWING CIRCUMSTANCES:

(1) WHILE UNDER THE INFLUENCE OF ALCOHOL TO A DEGREE  
WHICH RENDERS THE PERSON INCAPABLE OF SAFE DRIVING.

(2) WHILE UNDER THE INFLUENCE OF ANY CONTROLLED  
SUBSTANCE, AS DEFINED IN THE ACT OF APRIL 14, 1972 (P.L.233,  
NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND  
COSMETIC ACT, TO A DEGREE WHICH RENDERS THE PERSON INCAPABLE  
OF SAFE DRIVING.

(3) WHILE UNDER THE COMBINED INFLUENCE OF ALCOHOL AND  
ANY CONTROLLED SUBSTANCE TO A DEGREE WHICH RENDERS THE PERSON  
INCAPABLE OF SAFE DRIVING.

(4) WHILE THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD  
OF:

(I) AN ADULT IS [0.10%] 0.08% OR GREATER; OR

(II) A MINOR IS 0.02% OR GREATER.

(A.1) PRIMA FACIE EVIDENCE.--

(1) IT IS PRIMA FACIE EVIDENCE THAT:

(I) AN ADULT HAD [0.10%] 0.08% OR MORE BY WEIGHT OF  
ALCOHOL IN HIS OR HER BLOOD AT THE TIME OF DRIVING,  
OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF THE  
MOVEMENT OF ANY VEHICLE IF THE AMOUNT OF ALCOHOL BY  
WEIGHT IN THE BLOOD OF THE PERSON IS EQUAL TO OR GREATER  
THAN [0.10%] 0.08% AT THE TIME A CHEMICAL TEST IS  
PERFORMED ON A SAMPLE OF THE PERSON'S BREATH, BLOOD OR

1 URINE;

2 (II) A MINOR HAD 0.02% OR MORE BY WEIGHT OF ALCOHOL  
3 IN HIS OR HER BLOOD AT THE TIME OF DRIVING, OPERATING OR  
4 BEING IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF ANY  
5 VEHICLE IF THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD  
6 OF THE MINOR IS EQUAL TO OR GREATER THAN 0.02% AT THE  
7 TIME A CHEMICAL TEST IS PERFORMED ON A SAMPLE OF THE  
8 PERSON'S BREATH, BLOOD OR URINE; AND

9 (III) A PERSON OPERATING A COMMERCIAL VEHICLE HAD  
10 0.04% OR MORE BY WEIGHT OF ALCOHOL IN HIS OR HER BLOOD AT  
11 THE TIME OF DRIVING, OPERATING OR BEING IN ACTUAL  
12 PHYSICAL CONTROL OF THE MOVEMENT OF THE COMMERCIAL  
13 VEHICLE IF THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD  
14 OF A PERSON OPERATING A COMMERCIAL VEHICLE IS EQUAL TO OR  
15 GREATER THAN 0.04% AT THE TIME A CHEMICAL TEST IS  
16 PERFORMED ON A SAMPLE OF THE PERSON'S BREATH, BLOOD OR  
17 URINE.

18 (2) FOR THE PURPOSES OF THIS SECTION, THE CHEMICAL TEST  
19 OF THE SAMPLE OF THE PERSON'S BREATH, BLOOD OR URINE SHALL BE  
20 FROM A SAMPLE OBTAINED WITHIN THREE HOURS AFTER THE PERSON  
21 DROVE, OPERATED OR WAS IN ACTUAL PHYSICAL CONTROL OF THE  
22 VEHICLE.

23 \* \* \*

24 Section 3 6. Section 4302 of Title 75 is amended by adding a <—  
25 subsection to read:

26 § 4302. Periods for requiring lighted lamps.

27 \* \* \*

28 (c) Applicability.--This section shall not apply to  
29 motorcycles.

30 Section 4 7. Section 4901(c) of Title 75 is amended and the <—

1 section is amended by adding a subsection to read:

2 § 4901. Scope and application of chapter.

3 \* \* \*

4 (c) Permit authorizing prohibited movement.--If an  
5 overweight or oversize movement cannot be made in any other  
6 feasible manner, the permit may authorize the movement to be  
7 made in contravention to any provision of this title provided  
8 that:

9 (1) the department or local authority determines that  
10 the movement is in the public interest; and

11 (2) the movement is escorted by the Pennsylvania State  
12 Police, extra-duty Pennsylvania State Police or department  
13 personnel [while any provision of this title is being  
14 contravened]. If WHEN the movement is escorted by extra-duty <—  
15 Pennsylvania State Police or department personnel, the  
16 following shall apply:

17 (i) Approval must be obtained from the Pennsylvania  
18 State Police OR THE DEPARTMENT FOR THE USE OF THEIR <—  
19 RESPECTIVE PERSONNEL.

20 (ii) The permittee shall bear the expense TOTAL <—  
21 COSTS of escorting the movement.

22 ~~(iii) Extra duty Pennsylvania State Police and~~ <—  
23 ~~department personnel shall be immune from civil or~~  
24 ~~criminal liability arising from escorting a movement in~~  
25 ~~accordance with this paragraph.~~

26 \* \* \*

27 (e) Definition.--As used in this section, the term "extra-  
28 duty Pennsylvania State Police" means sworn members of the  
29 Pennsylvania State Police assigned, on a voluntary basis, to <—  
30 perform work PERFORMING ESCORT DUTY outside of their regularly <—

~~scheduled shift on an overtime basis., to a detail that is the~~  
~~exclusive activity to be performed during the shift assignment.~~

SECTION 8. SECTION 9017(D) OF TITLE 75 IS AMENDED AND THE  
SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

§ 9017. REFUNDS.

\* \* \*

[(D) OFF-HIGHWAY RECREATIONAL VEHICLES.--

(1) WHEN THE TAX IMPOSED BY THIS CHAPTER HAS BEEN PAID  
ON FUEL USED IN OFF-HIGHWAY RECREATIONAL VEHICLES WITHIN THIS  
COMMONWEALTH, AN AMOUNT EQUAL TO THE REVENUE GENERATED BY THE  
TAX, BUT NOT DERIVED THEREFROM, MAY BE APPROPRIATED THROUGH  
THE GENERAL FUND TO THE DEPARTMENT OF CONSERVATION AND  
NATURAL RESOURCES. IT IS THE INTENT OF THIS CHAPTER THAT ALL  
PROCEEDS FROM THE TAX PAID ON FUEL USED IN OFF-HIGHWAY  
RECREATIONAL VEHICLES WITHIN THIS COMMONWEALTH BE PAID  
WITHOUT DIMINUTION OF THE MOTOR LICENSE FUND.

(2) THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
SHALL BIENNIALLY CALCULATE THE AMOUNT OF LIQUID FUEL CONSUMED  
BY OFF-HIGHWAY RECREATIONAL VEHICLES AND FURNISH INFORMATION  
RELATING TO ITS CALCULATIONS AND DATA AS MAY BE REQUIRED BY  
THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE  
APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

(3) THE GENERAL ASSEMBLY SHALL REVIEW THE FUEL  
CONSUMPTION CALCULATIONS OF THE DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES TO DETERMINE THE AMOUNT OF LIQUID FUELS  
TAX PAID ON LIQUID FUELS CONSUMED IN THE PROPULSION OF OFF-  
HIGHWAY RECREATIONAL VEHICLES IN THIS COMMONWEALTH AND MAY  
ANNUALLY APPROPRIATE TO THE DEPARTMENT OF CONSERVATION AND  
NATURAL RESOURCES THE AMOUNT SO DETERMINED.

(4) MONEY APPROPRIATED UNDER PARAGRAPH (3) SHALL BE USED

FOR THE BENEFIT OF MOTORIZED AND NONMOTORIZED RECREATIONAL TRAILS BY THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES AS PROVIDED IN THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991 (PUBLIC LAW 102-240, 105 STAT. 1914).]

(D.1) MOTORIZED RECREATIONAL VEHICLES.--AN AMOUNT EQUAL TO 50% OF THE TAX IMPOSED BY SECTION 9004(A) (RELATING TO IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS) ON FUEL CONSUMED IN THE OPERATION OF MOTORIZED RECREATIONAL VEHICLES WITHIN THIS COMMONWEALTH, BUT NOT TO EXCEED \$1,000,000, SHALL BE REFUNDED OUT OF THE LIQUID FUELS TAX FUND TO THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES IN THE FOLLOWING MANNER:

(1) THERE IS HEREBY ESTABLISHED A SPECIAL NONLAPSING RESTRICTED RECEIPTS ACCOUNT IN THE STATE TREASURY TO BE KNOWN AS THE RECREATIONAL TRAILS TRUST FUND.

(2) ONE-HALF OF THE TAX REVENUES, NOT TO EXCEED \$1,000,000, GENERATED BY THE TAX IMPOSED BY SECTION 9004(A) ON FUEL USED IN MOTORIZED RECREATIONAL VEHICLES USED WITHIN THIS COMMONWEALTH, AS DETERMINED BY THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, SHALL BE ANNUALLY REFUNDED TO THE DEPARTMENT THROUGH THE RECREATIONAL TRAILS TRUST FUND.

(3) ALL MONEYS IN THE FUND ARE HEREBY APPROPRIATED ON A CONTINUING NONLAPSING BASIS TO THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR THE ACTIVITIES REFERRED TO IN PARAGRAPH (5).

(4) ALL INTEREST EARNED BY THE FUND AND REFUNDS OR REPAYMENTS SHALL BE CREDITED TO THE FUND AND ARE HEREBY APPROPRIATED IN THE SAME MANNER AS PARAGRAPH (3).

(5) ALL MONEY IN THE FUND SHALL BE USED BY THE



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES IN  
ACCORDANCE WITH THE RECOMMENDATIONS OF THE SNOWMOBILE AND ATV  
ADVISORY COMMITTEE FOR THE ACQUISITION, CREATION AND  
MAINTENANCE OF TRAILS USED BY MOTORIZED RECREATIONAL VEHICLES  
AND FOR ENFORCEMENT IN STATE FORESTS AND STATE PARKS.

\* \* \*

Section ~~5~~ 9. This act shall take effect ~~in 60 days.~~

AS FOLLOWS:

(1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

(2) THE AMENDMENT OF 75 PA.C.S. § 1504(D)(4) SHALL TAKE  
EFFECT IN 180 DAYS.

(3) THE AMENDMENT OF 75 PA.C.S. §§ 1547(D) AND 3731(A)  
AND (A.1) SHALL TAKE EFFECT SEPTEMBER 30, 2003.

~~(3)~~ (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN  
60 DAYS.