
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

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
NOVEMBER 27, 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 CARRYING AND EXHIBITING DRIVER'S LICENSE ON DEMAND <—
5 AND for notice of change of name or address; requiring
6 compliance with Federal selective service requirements as
7 part of application for learners' permits or drivers'
8 licenses; ~~further providing for chemical testing to determine~~ <—
9 ~~amount of alcohol or controlled substance~~; PROHIBITING <—
10 OPERATORS FROM USING MOBILE PHONES UNDER CERTAIN
11 CIRCUMSTANCES; FURTHER PROVIDING for footrests and handhold
12 on motorcycles, for driving under the influence of alcohol or
13 controlled substance and for required financial
14 responsibility; providing for lighted lamp requirements for
15 motorcycles; and further providing for periods for requiring
16 lighted lamps, for scope and application of provisions
17 relating to size, weight and load and for refunds relating to
18 liquid fuels and fuels tax.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

<—

Section 1. Sections 1377(b), ~~1504(d)(4)~~, 1505(c), 1510(b),
1511 and 1515 of Title 75 of the Pennsylvania Consolidated
Statutes are amended to read:

§ 1377. Judicial review.

* * *

(b) Documentation.--

(1) In any proceeding under this section, documents
received by the department from a court or from an insurance
company shall be admissible into evidence to support the
department's case. In addition, if the department receives
information from a court by means of electronic transmission
or from an insurance company which is complying with its
obligation under Subchapter H of Chapter 17 (relating to
proof of financial responsibility) by means of electronic
transmission, it may certify that it has received the
information by means of electronic transmission, and that
certification shall be prima facie proof of the adjudication
and facts contained in such an electronic transmission.

(2) In a proceeding relating to the suspension of the
registration of a motor vehicle imposed under section 1786
(relating to required financial responsibility), the
department's certification of its receipt of documents or
electronic transmission from an insurance company informing
the department that the person's coverage has lapsed, been
canceled or terminated shall also constitute prima facie
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.~~

<—

* * *

1 ~~(d) Number and description of classes. Licenses issued by~~
2 ~~the department shall be classified in the following manner:~~

3 * * *

4 ~~(4) Class M. A Class M license shall be issued to those~~
5 ~~persons who have demonstrated their qualifications to operate~~
6 ~~a motorcycle, including successful completion by persons 16~~
7 ~~or 17 years of age of the program under section 7911~~
8 ~~(relating to motorcycle safety education program).~~

9 ~~This provision may be waived when application is accompanied~~
10 ~~by a form prescribed by the department and signed and~~
11 ~~notarized from the applicant's parent or legal guardian~~
12 ~~stating that the course was not available to the applicant~~
13 ~~within a reasonable geographic location or that local courses~~
14 ~~offered had been filled for the upcoming year. A Class M~~
15 ~~license accompanied by an endorsement shall be issued to~~
16 ~~those persons who have demonstrated their qualifications to~~
17 ~~operate a motor driven cycle. If a person is qualified to~~
18 ~~operate only a motorcycle or motor driven cycle, he shall be~~
19 ~~issued only a Class M license or a Class M license with an~~
20 ~~endorsement, as applicable.~~

21 * * *

22 § 1505. Learners' permits.

23 * * *

24 (c) Operation of motorcycle.--A motorcycle learner's permit
25 entitles the person to whom it is issued to operate a motorcycle
26 only between sunrise and sunset and, except for a driver
27 licensed to drive another class of vehicle, only while under the
28 instruction and immediate supervision of a licensed motorcycle
29 operator. Motorcycle learners shall not carry any passenger
30 other than an instructor properly licensed to operate a

1 motorcycle. A motorcycle learner's permit shall not be issued to
2 a person 16 or 17 years of age who has not successfully
3 completed the program under section 7911 (relating to motorcycle
4 safety education program).

5 * * *

6 § 1510. Issuance and content of driver's license.

7 * * *

8 (b) Identification card.--The department shall, upon payment
9 of the required fee, issue an identification card to any person,
10 ten years of age or older, who has made application therefor in
11 such manner as the department shall prescribe or whose driver's
12 license has been surrendered to the department because of a
13 suspension or revocation of an operating privilege under this or
14 any other title. The identification card shall have
15 substantially the same content as a driver's license but shall
16 clearly indicate that it is not a driver's license. Upon failure
17 of any person to pass any examination required under section
18 1514 (relating to expiration and renewal of drivers' licenses),
19 the department shall, where appropriate, issue a complimentary
20 identification card as an expression of gratitude for years of
21 safe driving. The card shall only be issued upon receipt of the
22 person's driver's license.

23 * * *

24 § 1511. CARRYING AND EXHIBITING DRIVER'S LICENSE ON DEMAND. <—

25 (A) GENERAL RULE.--EVERY LICENSEE SHALL POSSESS A DRIVER'S
26 LICENSE ISSUED TO THE LICENSEE AT ALL TIMES WHEN DRIVING A MOTOR
27 VEHICLE AND SHALL EXHIBIT THE LICENSE UPON DEMAND BY A POLICE
28 OFFICER, AND WHEN REQUESTED BY THE POLICE OFFICER THE LICENSEE
29 SHALL WRITE THE LICENSEE'S NAME IN THE PRESENCE OF THE OFFICER
30 IN ORDER TO PROVIDE IDENTITY.

(B) PRODUCTION TO AVOID PENALTY.--NO PERSON SHALL BE CONVICTED OF VIOLATING THIS SECTION OR SECTION 1501(A) (RELATING TO DRIVERS REQUIRED TO BE LICENSED) IF THE PERSON:

(1) PRODUCES AT THE HEADQUARTERS OF THE POLICE OFFICER WHO DEMANDED TO SEE THE PERSON'S LICENSE, WITHIN 15 DAYS OF THE DEMAND, A DRIVER'S LICENSE VALID IN THIS COMMONWEALTH AT THE TIME OF THE DEMAND; OR

(2) IF A CITATION HAS BEEN FILED, PRODUCES AT THE OFFICE OF THE ISSUING AUTHORITY, WITHIN 15 DAYS OF THE FILING OF THE CITATION, A DRIVER'S LICENSE VALID IN THIS COMMONWEALTH ON THE DATE OF THE CITATION.

(C) EXCEPTION.--NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, NO ENGINEER, CONDUCTOR, BRAKEMAN OR ANY OTHER MEMBER OF THE CREW OF A LOCOMOTIVE OR TRAIN BEING OPERATED UPON RAILS, INCLUDING OPERATION ON A RAILROAD CROSSING OVER A PUBLIC STREET, ROAD OR HIGHWAY, SHALL BE REQUIRED TO EXHIBIT THEIR DRIVER'S LICENSE UPON DEMAND BY A POLICE OFFICER IN CONNECTION WITH THE OPERATION OF A LOCOMOTIVE OR TRAIN WITHIN THIS COMMONWEALTH.

§ 1515. Notice of change of name or address.

(a) Driver's license.--Whenever any person after applying for or receiving a driver's license moves from the address named in the application or in the driver's license issued or when the name of a licensee is changed such person shall, within 15 days thereafter, notify the department [in writing] of the old and new addresses or of such former and new names and of the number of any license then held by the person. The department shall be notified of a change of name in writing.

(b) Identification card.--Whenever any person after applying for or receiving a department-issued identification card moves from the address named in the application or identification card

1 issued or when the name of a cardholder is changed such person
2 shall, within 15 days thereafter, notify the department of the
3 old and new addresses or of such former and new names and of the
4 number of any identification card then held by the person. The
5 department shall be notified of a change of name in writing.

6 Section 2. Title 75 is amended by adding a section to read:
7 § 1521. Compliance with Federal selective service requirements.

8 (a) General rule.--Any United States citizen or immigrant
9 who is male, applies for a learner's permit, identification
10 card, or driver's license or a renewal of any such permit, card,
11 or license and who is at least 18 years of age, but less than 26
12 years of age, must be registered in compliance with the
13 requirements of section 3 of the Military Selective Service Act
14 (62 Stat. 604, 50 U.S.C. App. § 451 et seq.).

15 (b) Effect of applicant's signature.--The applicant's
16 signature on the application shall serve as an indication that
17 the applicant either has already registered with the selective
18 service system or that the applicant authorizes the department
19 to forward the necessary personal information to the selective
20 service system.

21 (c) Notification to applicant.--The department shall notify
22 the applicant at the time of application that the applicant's
23 signature constitutes authorization for the department to submit
24 the necessary personal information of the applicant for
25 registration with the selective service system, if the applicant
26 has not already so registered.

27 (d) Reporting of information.--The department shall forward
28 to the selective service system, in an electronic format
29 acceptable to the selective service system, the necessary
30 personal information of the applicants required to comply with

1 subsection (a).

2 (E) COSTS.--THE DEPARTMENT SHALL SEEK REIMBURSEMENT OF COSTS <—
3 IT INCURS UNDER THIS SECTION FROM THE SELECTIVE SERVICE SYSTEM.

4 ~~Section 3. Sections 1547(d), 1786(d) and (e)(2) and 3524 of~~ <—

5 SECTION 3. SECTION 1786(D) AND (E)(2) OF Title 75 are IS <—

6 amended to read:

7 ~~§ 1547. Chemical testing to determine amount of alcohol or~~ <—

8 ~~controlled substance.~~

9 ~~* * *~~

10 ~~(d) Presumptions from amount of alcohol. If chemical~~

11 ~~testing of a person's breath, blood or urine shows:~~

12 ~~(1) That the amount of alcohol by weight in the blood of~~
13 ~~an adult is 0.05% or less, it shall be presumed that the~~
14 ~~adult was not under the influence of alcohol and the adult~~
15 ~~shall not be charged with any violation under section~~
16 ~~3731(a)(1), (4) or (5) (relating to driving under influence~~
17 ~~of alcohol or controlled substance), or, if the adult was so~~
18 ~~charged prior to the test, the charge shall be void ab~~
19 ~~initio. This fact shall not give rise to any presumption~~
20 ~~concerning a violation of section 3731(a)(2) or (3) or (i).~~

21 ~~(2) That the amount of alcohol by weight in the blood of~~
22 ~~an adult is in excess of 0.05% but less than [0.10%] 0.08%,~~
23 ~~this fact shall not give rise to any presumption that the~~
24 ~~adult was or was not under the influence of alcohol, but this~~
25 ~~fact may be considered with other competent evidence in~~
26 ~~determining whether the adult was or was not under the~~
27 ~~influence of alcohol. This provision shall not negate the~~
28 ~~provisions of section 3731(i).~~

29 ~~(3) That the amount of alcohol by weight in the blood~~
30 ~~of:~~

1 ~~(i) an adult is [0.10%] 0.08% or more; or~~

2 ~~(ii) a minor is 0.02% or more,~~

3 ~~this fact may be introduced into evidence if the person is~~
4 ~~charged with violating section 3731.~~

5 ~~* * *~~

6 § 1786. Required financial responsibility.

7 * * *

8 (d) Suspension of registration and operating privilege.--

9 (1) The Department of Transportation shall suspend the
10 registration of a vehicle for a period of three months if it
11 determines the required financial responsibility was not
12 secured as required by this chapter and shall suspend the
13 operating privilege of the owner or registrant for a period
14 of three months if the department determines that the owner
15 or registrant has operated or permitted the operation of the
16 vehicle without the required financial responsibility. The
17 operating privilege shall not be restored until the
18 restoration fee for operating privilege provided by section
19 1960 (relating to reinstatement of operating privilege or
20 vehicle registration) is paid.

21 (2) Whenever the department revokes or suspends the
22 registration of any vehicle under this chapter, the
23 department shall not restore the registration until the
24 vehicle owner furnishes proof of financial responsibility in
25 a manner determined by the department and submits an
26 application for registration to the department, accompanied
27 by the fee for restoration of registration provided by
28 section 1960. This subsection shall not apply in the
29 following circumstances:

30 [(1)] (i) The owner or registrant proves to the

1 satisfaction of the department that the lapse in financial
2 responsibility coverage was for a period of less than 31 days
3 and that the owner or registrant did not operate or permit
4 the operation of the vehicle during the period of lapse in
5 financial responsibility.

6 [(2)] (ii) The owner or registrant is a member of the
7 armed services of the United States, the owner or registrant
8 has previously had the financial responsibility required by
9 this chapter, financial responsibility had lapsed while the
10 owner or registrant was on temporary, emergency duty and the
11 vehicle was not operated during the period of lapse in
12 financial responsibility. The exemption granted by this
13 paragraph shall continue for 30 days after the owner or
14 registrant returns from duty as long as the vehicle is not
15 operated until the required financial responsibility has been
16 established.

17 [(3)] (iii) The insurance coverage has terminated or
18 financial responsibility has lapsed simultaneously with or
19 subsequent to expiration of a seasonal registration, as
20 provided in section 1307(a.1) (relating to period of
21 registration).

22 (3) An owner whose vehicle registration has been
23 suspended under this subsection shall have the same right of
24 appeal under section 1377 (relating to judicial review) as
25 provided for in cases of the suspension of vehicle
26 registration for other purposes. The filing of the appeal
27 shall act as a supersedeas, and the suspension shall not be
28 imposed until determination of the matter as provided in
29 section 1377. The court's scope of review in an appeal from a
30 vehicle registration suspension shall be limited to

1 determining whether:

2 (i) the vehicle is registered or of a type that is
3 required to be registered under this title; and

4 (ii) there has been either notice to the department
5 of a lapse, termination or cancellation in the financial
6 responsibility coverage as required by law for that
7 vehicle or that the owner, registrant or driver was
8 requested to provide proof of financial responsibility to
9 the department, a police officer or another driver and
10 failed to do so. Notice to the department of the lapse,
11 termination or cancellation or the failure to provide the
12 requested proof of financial responsibility shall create
13 a presumption that the vehicle lacked the requisite
14 financial responsibility. This presumption may be
15 overcome by producing clear and convincing evidence that
16 the vehicle was insured at all relevant times.

17 (4) Where an owner or registrant's operating privilege
18 has been suspended under this subsection, the owner or
19 registrant shall have the same right of appeal under section
20 1550 (relating to judicial review) as provided for in cases
21 of suspension for other reason. The court's scope of review
22 in an appeal from an operating privilege suspension shall be
23 limited to determining whether:

24 (i) the vehicle was registered or of a type required
25 to be registered under this title; and

26 (ii) the owner or registrant operated or permitted
27 the operation of the same vehicle when it was not covered
28 by financial responsibility. The fact that an owner,
29 registrant or operator of the motor vehicle failed to
30 provide competent evidence of insurance, or the fact that

1 the department received notice of a lapse, termination or
2 cancellation of insurance for the vehicle, shall create a
3 presumption that the vehicle lacked the requisite
4 financial responsibility. This presumption may be
5 overcome by producing clear and convincing evidence that
6 the vehicle was insured at the time that it was driven.

7 (5) An alleged lapse, cancellation or termination of a
8 policy of insurance by an insurer may only be challenged by
9 requesting review by the Insurance Commissioner pursuant to
10 Article XX of the act of May 17, 1921 (P.L.682, No.284),
11 known as The Insurance Company Law of 1921. Proof that a
12 timely request has been made to the Insurance Commissioner
13 for such a review shall act as a supersedeas, staying the
14 suspension of registration or operating privilege under this
15 section pending a determination pursuant to section 2009(a)
16 of The Insurance Company Law of 1921, or, in the event that
17 further review at a hearing is requested by either party, a
18 final order pursuant to section 2009(i) of The Insurance
19 Company Law of 1921.

20 (e) Obligations upon lapse, termination or cancellation of
21 financial responsibility.--

22 * * *

23 (2) An insurer who has issued a contract of motor
24 vehicle liability insurance, or any approved self-insurance
25 entity, shall notify the department in a timely manner and in
26 a method prescribed by the department's regulations. Upon
27 request of an owner or registrant in the case of an appeal
28 brought by an owner or registrant for suspension under this
29 section, an insurer shall provide a copy of the notice of
30 cancellation or a copy of the insurer's filing procedures

1 with proof that the notice was written in the normal course
2 of business and placed in the normal course of mailing. The
3 department shall not be required to produce such copy or any
4 other proof that notice of termination, lapse or cancellation
5 was provided to the owner or registrant in order to satisfy
6 the burden of proof in a proceeding under this section.

7 * * *

8 SECTION 3.1. TITLE 75 IS AMENDED BY ADDING A SECTION TO
9 READ:

10 § 3315. PROHIBITING USE OF MOBILE PHONES.

11 (A) DRIVERS SUBJECT TO RESTRICTIONS.--NO DRIVER WITH A
12 LEARNER'S PERMIT SHALL DRIVE A MOTOR VEHICLE ON A HIGHWAY IN
13 THIS COMMONWEALTH, WHICH SHALL INCLUDE FEDERAL, STATE AND
14 MUNICIPAL HIGHWAYS, WHILE USING A MOBILE PHONE.

15 (B) EXCEPTION.--THIS SECTION SHALL NOT APPLY TO PERSONS WHO
16 USE A MOBILE PHONE FOR THE SOLE PURPOSE OF REPORTING AN ACCIDENT
17 OR EMERGENCY.

18 (C) SEIZURE.--THE PROVISIONS OF THIS SECTION SHALL NOT BE
19 CONSTRUED AS AUTHORIZING THE SEIZURE OR FORFEITURE OF A MOBILE
20 PHONE, UNLESS OTHERWISE PROVIDED BY LAW.

21 (D) PENALTY.--A PERSON WHO VIOLATES SUBSECTION (A) COMMITS A
22 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
23 A FINE OF NOT LESS THAN \$1 NOR MORE THAN \$300 OR TO A PERIOD OF
24 COMMUNITY SERVICE TO BE DETERMINED BY THE SENTENCING AUTHORITY.

25 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
26 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
27 SUBSECTION:

28 "MOBILE HANDS-FREE PHONE." A TELECOMMUNICATIONS DEVICE THAT
29 RECEIVES AN ANALOG SIGNAL OR DIGITAL SIGNAL, OR BOTH, AND IS
30 DESIGNED FOR USE WITHOUT BEING HELD BY A PERSON'S HAND WHILE

1 SPEAKING INTO THE DEVICE.

2 "MOBILE PHONE." A TELECOMMUNICATIONS DEVICE THAT RECEIVES AN
3 ANALOG SIGNAL OR DIGITAL SIGNAL, OR BOTH, AND THAT IS DESIGNED
4 FOR HANDHELD USE. THE TERM INCLUDES A MOBILE HANDS-FREE PHONE.

5 SECTION 3.2. SECTION 3524 OF TITLE 75 IS AMENDED TO READ:

6 § 3524. Footrests and [handlebars] handhold.

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

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

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

14 § 3526. Lighted lamp requirements for motorcycles.

15 Notwithstanding the provisions of section 4302 (relating to
16 periods for requiring lighted lamps), the operator of a
17 motorcycle, manufactured during or after 1973, upon a highway
18 shall display the lighted head lamps and other lamps and
19 illuminating devices required under Chapter 43 (relating to
20 lighting equipment) at all times.

21 Section 5. Section 3731(a) and (a.1) of Title 75 are amended
22 to read:

23 § 3731. Driving under influence of alcohol or controlled
24 substance.

25 (a) Offense defined.--A person shall not drive, operate or
26 be in actual physical control of the movement of a vehicle in
27 any of the following circumstances:

28 (1) While under the influence of alcohol to a degree
29 which renders the person incapable of safe driving.

30 (2) While under the influence of any controlled

1 substance, as defined in the act of April 14, 1972 (P.L.233,
2 No.64), known as The Controlled Substance, Drug, Device and
3 Cosmetic Act, to a degree which renders the person incapable
4 of safe driving.

5 (3) While under the combined influence of alcohol and
6 any controlled substance to a degree which renders the person
7 incapable of safe driving.

8 (4) While the amount of alcohol by weight in the blood
9 of:

10 (i) an adult is ~~†0.10%†~~ 0.08% or greater; or <—

11 (ii) a minor is 0.02% or greater.

12 (a.1) Prima facie evidence.--

13 (1) It is prima facie evidence that:

14 (i) an adult had ~~†0.10%†~~ 0.08% or more by weight of <—
15 alcohol in his or her blood at the time of driving,
16 operating or being in actual physical control of the
17 movement of any vehicle if the amount of alcohol by
18 weight in the blood of the person is equal to or greater
19 than ~~†0.10%†~~ 0.08% at the time a chemical test is <—
20 performed on a sample of the person's breath, blood or
21 urine;

22 (ii) a minor had 0.02% or more by weight of alcohol
23 in his or her blood at the time of driving, operating or
24 being in actual physical control of the movement of any
25 vehicle if the amount of alcohol by weight in the blood
26 of the minor is equal to or greater than 0.02% at the
27 time a chemical test is performed on a sample of the
28 person's breath, blood or urine; and

29 (iii) a person operating a commercial vehicle had
30 0.04% or more by weight of alcohol in his or her blood at

1 the time of driving, operating or being in actual
2 physical control of the movement of the commercial
3 vehicle if the amount of alcohol by weight in the blood
4 of a person operating a commercial vehicle is equal to or
5 greater than 0.04% at the time a chemical test is
6 performed on a sample of the person's breath, blood or
7 urine.

8 (2) For the purposes of this section, the chemical test
9 of the sample of the person's breath, blood or urine shall be
10 from a sample obtained within three hours after the person
11 drove, operated or was in actual physical control of the
12 vehicle.

13 * * *

14 Section 6. Section 4302 of Title 75 is amended by adding a
15 subsection to read:

16 § 4302. Periods for requiring lighted lamps.

17 * * *

18 (c) Applicability.--This section shall not apply to
19 motorcycles.

20 Section 7. Section 4901(c) of Title 75 is amended and the
21 section is amended by adding a subsection to read:

22 § 4901. Scope and application of chapter.

23 * * *

24 (c) Permit authorizing prohibited movement.--If an
25 overweight or oversize movement cannot be made in any other
26 feasible manner, the permit may authorize the movement to be
27 made in contravention to any provision of this title provided
28 that:

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

1 (2) the movement is escorted by the Pennsylvania State
2 Police, extra-duty Pennsylvania State Police or department
3 personnel [while any provision of this title is being
4 contravened]. When the movement is escorted by extra-duty
5 Pennsylvania State Police or department personnel, the
6 following shall apply:

7 (i) Approval must be obtained from the Pennsylvania
8 State Police or the department for the use of their
9 respective personnel.

10 (ii) The permittee shall bear the total costs of
11 escorting the movement.

12 * * *

13 (e) Definition.--As used in this section, the term "extra-
14 duty Pennsylvania State Police" means sworn members of the
15 Pennsylvania State Police performing escort duty outside of
16 their regularly scheduled shift on an overtime basis.

17 Section 8. Section 9017(d) of Title 75 is amended and the
18 section is amended by adding a subsection to read:

19 § 9017. Refunds.

20 * * *

21 [(d) Off-highway recreational vehicles.--

22 (1) When the tax imposed by this chapter has been paid
23 on fuel used in off-highway recreational vehicles within this
24 Commonwealth, an amount equal to the revenue generated by the
25 tax, but not derived therefrom, may be appropriated through
26 the General Fund to the Department of Conservation and
27 Natural Resources. It is the intent of this chapter that all
28 proceeds from the tax paid on fuel used in off-highway
29 recreational vehicles within this Commonwealth be paid
30 without diminution of the Motor License Fund.

1 (2) The Department of Conservation and Natural Resources
2 shall biennially calculate the amount of liquid fuel consumed
3 by off-highway recreational vehicles and furnish information
4 relating to its calculations and data as may be required by
5 the Appropriations Committee of the Senate and the
6 Appropriations Committee of the House of Representatives.

7 (3) The General Assembly shall review the fuel
8 consumption calculations of the Department of Conservation
9 and Natural Resources to determine the amount of liquid fuels
10 tax paid on liquid fuels consumed in the propulsion of off-
11 highway recreational vehicles in this Commonwealth and may
12 annually appropriate to the Department of Conservation and
13 Natural Resources the amount so determined.

14 (4) Money appropriated under paragraph (3) shall be used
15 for the benefit of motorized and nonmotorized recreational
16 trails by the Department of Conservation and Natural
17 Resources as provided in the Intermodal Surface
18 Transportation Efficiency Act of 1991 (Public Law 102-240,
19 105 Stat. 1914).]

20 (d.1) Motorized recreational vehicles.--An amount equal to
21 50% of the tax imposed by section 9004(a) (relating to
22 imposition of tax, exemptions and deductions) on fuel consumed
23 in the operation of motorized recreational vehicles within this
24 Commonwealth, but not to exceed \$1,000,000, shall be refunded
25 out of the Liquid Fuels Tax Fund to the Department of
26 Conservation and Natural Resources in the following manner:

27 (1) There is hereby established a special nonlapsing
28 restricted receipts account in the State Treasury to be known
29 as the Recreational Trails Trust Fund.

30 (2) One-half of the tax revenues, not to exceed

1 \$1,000,000, generated by the tax imposed by section 9004(a)
2 on fuel used in motorized recreational vehicles used within
3 this Commonwealth, as determined by the Department of
4 Conservation and Natural Resources, shall be annually
5 refunded to the department through the Recreational Trails
6 Trust Fund.

7 (3) All moneys in the fund are hereby appropriated on a
8 continuing nonlapsing basis to the Department of Conservation
9 and Natural Resources for the activities referred to in
10 paragraph (5).

11 (4) All interest earned by the fund and refunds or
12 repayments shall be credited to the fund and are hereby
13 appropriated in the same manner as paragraph (3).

14 (5) All money in the fund shall be used by the
15 Department of Conservation and Natural Resources in
16 accordance with the recommendations of the Snowmobile and ATV
17 Advisory Committee for the acquisition, creation and
18 maintenance of trails used by motorized recreational vehicles
19 and for enforcement in State forests and State parks.

20 * * *

21 Section 9. This act shall take effect as follows:

22 (1) This section shall take effect immediately.

23 ~~(2) The amendment of 75 Pa.C.S. § 1504(d)(4) shall take~~ <—
24 ~~effect in 180 days.~~

25 ~~(3) The amendment of 75 Pa.C.S. §§ 1547(d) and 3731(a)~~

26 (2) THE AMENDMENT OF 75 PA.C.S. § 3731(A) and (a.1) <—
27 shall take effect September 30, 2003.

28 ~~(4) (3) The remainder of this act shall take effect in~~ <—
29 60 days.