
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 873 Session of
2003

INTRODUCED BY GEIST, STERN, CAPPELLI, CIVERA, CREIGHTON,
FRANKEL, HARHAI, HERSHEY, HESS, HORSEY, LaGROTTA, MANN,
MARSICO, SATHER, E. Z. TAYLOR, THOMAS, WATSON, WOJNAROSKI,
MAHER, HARPER AND STABACK, MARCH 13, 2003

SENATOR MADIGAN, TRANSPORTATION, IN SENATE, AS AMENDED,
NOVEMBER 8, 2004

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for suspension of operating
3 privilege ~~and for careless driving.~~, FOR CARELESS DRIVING, <—
4 FOR POWERS OF THE DEPARTMENT AND LOCAL AUTHORITIES AND FOR
5 SURCHARGES.

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

8 Section 1. Sections 1532(b), 1535(a) and 3714 of Title 75 of
9 the Pennsylvania Consolidated Statutes are amended to read:

10 § 1532. Suspension of operating privilege.

11 * * *

12 (b) Suspension.--

13 (1) The department shall suspend the operating privilege
14 of any driver for six months upon receiving a certified
15 record of the driver's conviction of or an adjudication of
16 delinquency based on any offense under the following
17 provisions:

1 Section 3367 (relating to racing on highways).

2 Section 3714(b) (relating to careless driving).

3 Section 3734 (relating to driving without lights to
4 avoid identification or arrest).

5 Section 3736 (relating to reckless driving).

6 Section 3743 (relating to accidents involving damage
7 to attended vehicle or property).

8 (2) The department shall suspend the operating privilege
9 of any driver for six months upon receiving a certified
10 record of the driver's conviction of a subsequent offense
11 under section 1501(a) (relating to drivers required to be
12 licensed) if the prior offense occurred within five years of
13 the violation date of the subsequent offense.

14 (3) The department shall suspend the operating privilege
15 of any driver for 12 months upon receiving a certified record
16 of the driver's conviction of section 3733 (relating to
17 fleeing or attempting to elude police officer) or a
18 substantially similar offense reported to the department
19 under Article III of section 1581 (relating to Driver's
20 License Compact), or an adjudication of delinquency based on
21 section 3733. The department shall suspend the operating
22 privilege of any driver for six months upon receiving a
23 certified record of a consent decree granted under 42 Pa.C.S.
24 Ch. 63 (relating to juvenile matters) based on section 3733.

25 (4) The department shall suspend the operating privilege
26 of any driver for three months upon receiving a certified
27 record of the driver's conviction of section 1371 (relating
28 to operation following suspension of registration) or 3718
29 (relating to minor prohibited from operating with any alcohol
30 in system) or an adjudication of delinquency based on section

1 1371.

2 (5) The department shall suspend the operating privilege
3 of any driver for three months upon receiving a certified
4 record of the driver's conviction of or an adjudication of
5 delinquency based on section 3714(c).

6 * * *

7 § 1535. Schedule of convictions and points.

8 (a) General rule.--A point system for driver education and
9 control is hereby established which is related to other
10 provisions for use, suspension and revocation of the operating
11 privilege as specified under this title. Every driver licensed
12 in this Commonwealth who is convicted of any of the following
13 offenses shall be assessed points as of the date of violation in
14 accordance with the following schedule:

Section Number	Offense	Points
1512	Violation of restriction on driver's license.	2
1571	Violation concerning license.	3
3102	Failure to obey policeman or authorized person.	2
3112(a)(3)(i) or (ii)	Failure to stop for a red light.	3
3114(a)(1)	Failure to stop for a flashing red light.	3
3302	Failure to yield half of roadway to oncoming vehicle.	3
3303	Improper passing.	3
3304	Other improper passing.	3
3305	Other improper passing.	3
3306(a)(1)	Other improper passing.	4

1	3306(a)(2)	Other improper passing.	3
2	3306(a)(3)	Other improper passing.	3
3	3307	Other improper passing.	3
4	3310	Following too closely.	3
5	3321	Failure to yield to driver on the	
6		right at intersection.	3
7	3322	Failure to yield to oncoming	
8		driver when making left turn.	3
9	3323(b)	Failure to stop for stop sign.	3
10	3323(c)	Failure to yield at yield sign.	3
11	3324	Failure to yield when entering or	
12		crossing roadway between inter-	
13		sections.	3
14	3332	Improper turning around.	3
15	3341(a)	Failure to obey signal indicating	
16		approach of train.	2
17	3341(b)	Failure to comply with crossing	
18		gate or barrier.	4
19		(and 30 days' suspension)	
20	3342(b) or (e)	Failure to stop at railroad	
21		crossings.	4
22	3344	Failure to stop when entering from	
23		alley, driveway or building.	3
24	3345(a)	Failure to stop for school bus	
25		with flashing red lights.	5
26		(and 60 days' suspension)	
27	3361	Driving too fast for conditions.	2
28	3362	Exceeding maximum speed.--Over Limit:	
29		6-10	2
30		11-15	3

1		16-25	4
2		26-30	5
3		31-over	5
4		(and departmental hearing	
5		and sanctions provided	
6		under section 1538(d))	
7	3365(b)	Exceeding special speed limit	
8		in school zone.	3
9	3365(c)	Exceeding special speed limit	
10		for trucks on downgrades.	3
11	3542(a)	Failure to yield to pedestrian in	
12		crosswalk.	2
13	3547	Failure to yield to pedestrian on	
14		sidewalk.	3
15	3549(a)	Failure to yield to blind	
16		pedestrian.	3
17	3702	Improper backing.	3
18	[3714] <u>3714(a)</u>	Careless driving.	3
19	3745	Leaving scene of accident	
20		involving property damage only.	4

21 * * *

22 § 3714. Careless driving.

23 (a) General rule.--Any person who drives a vehicle in
24 careless disregard for the safety of persons or property is
25 guilty of careless driving, a summary offense.

26 (b) Unintentional death.--If the person who violates this
27 section unintentionally causes the death of another person as a
28 result of the violation, the person shall, upon conviction, be
29 sentenced to pay a fine of \$500.

30 (c) Serious bodily injury.--If the person who violates this

1 section unintentionally causes the serious bodily injury of
2 another person as a result of the violation, the person shall,
3 upon conviction, be sentenced to pay a fine of \$250.

4 (d) Definition.--As used in this section, "serious bodily
5 injury" means any bodily injury which creates a substantial risk
6 of death or which causes serious, permanent disfigurement or
7 protracted loss or impairment of the function of any bodily
8 member or organ.

9 SECTION 2. SECTION 6109(A)(1) AND (F) OF TITLE 75, AMENDED <—
10 FEBRUARY 9, 2004 (P.L.65, NO.8), ARE AMENDED AND THE SECTION IS
11 AMENDED BY ADDING A SUBSECTION TO READ:

12 § 6109. SPECIFIC POWERS OF DEPARTMENT AND LOCAL AUTHORITIES.

13 (A) ENUMERATION OF POLICE POWERS.--THE PROVISIONS OF THIS
14 TITLE SHALL NOT BE DEEMED TO PREVENT THE DEPARTMENT ON STATE-
15 DESIGNATED HIGHWAYS AND LOCAL AUTHORITIES ON STREETS OR HIGHWAYS
16 WITHIN THEIR PHYSICAL BOUNDARIES FROM THE REASONABLE EXERCISE OF
17 THEIR POLICE POWERS. THE FOLLOWING ARE PRESUMED TO BE REASONABLE
18 EXERCISES OF POLICE POWER:

19 (1) EXCEPT AS LIMITED BY SUBSECTION [(G)] (H),
20 REGULATING OR PROHIBITING STOPPING, STANDING OR PARKING.

21 * * *

22 (F) DELEGATION OF POWERS AUTHORIZED.--EXCEPT AS SET FORTH IN
23 SUBSECTION [(G)] (H), NOTHING CONTAINED IN THIS SECTION SHALL BE
24 DEEMED TO PREVENT LOCAL AUTHORITIES BY ORDINANCE OR RESOLUTION
25 OF THE LOCAL GOVERNING BODY FROM DELEGATING THEIR POWERS UNDER
26 SUBSECTION (A)(1) OR (22) TO A PARKING AUTHORITY ESTABLISHED
27 PURSUANT TO 53 PA.C.S. CH. 55 (RELATING TO PARKING AUTHORITIES).

28 (H) DELEGATION OF POWERS IN CITIES OF THE SECOND CLASS.--

29 (1) NOTWITHSTANDING ANY CONTRARY PROVISION OF 53 PA.C.S.
30 CH. 55 OR THIS TITLE, BEGINNING ON JANUARY 1, 2005, THE

1 PARKING AUTHORITY OF A CITY OF THE SECOND CLASS SHALL ENFORCE
2 AND ADMINISTER ALL ORDINANCES AND RESOLUTIONS ENACTED OR
3 ADOPTED BY THE CITY OF THE SECOND CLASS PURSUANT TO THE
4 POWERS SPECIFIED UNDER SUBSECTION (A)(1) AND THOSE CERTAIN
5 STOPPING, STANDING AND PARKING PROVISIONS PROVIDED IN
6 SECTIONS 3351 (RELATING TO STOPPING, STANDING AND PARKING
7 OUTSIDE OF BUSINESS AND RESIDENCE DISTRICTS), 3353 (RELATING
8 TO PROHIBITIONS IN SPECIFIED PLACES) AND 3354 (RELATING TO
9 ADDITIONAL PARKING REGULATIONS).

10 (2) BEGINNING ON MARCH 1, 2005, THE PARKING AUTHORITY OF
11 A CITY OF THE SECOND CLASS SHALL ENTER INTO AN AGREEMENT WITH
12 THE CITY OF THE SECOND CLASS FOR THE TRANSFER OF A PORTION OF
13 THE FINES, PENALTIES AND COSTS COLLECTED PURSUANT TO THIS
14 SUBSECTION, WHICH THE PARKING AUTHORITY BOARD DEEMS
15 REASONABLE, TO THE CITY OF THE SECOND CLASS.

16 (3) AS USED IN THIS SUBSECTION, THE FOLLOWING WORDS AND
17 PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
18 PARAGRAPH:

19 "ADMINISTER." TO PROVIDE ANY SERVICES OR MATERIALS
20 NECESSARY TO ENFORCE ANY ORDINANCE OR RESOLUTION ENACTED IN
21 ORDER TO REGULATE OR PROHIBIT THE STOPPING, STANDING OR
22 PARKING OF MOTOR VEHICLES IN A CITY OF THE SECOND CLASS OR
23 THOSE CERTAIN STOPPING, STANDING AND PARKING PROVISIONS
24 PROVIDED IN SECTIONS 3351, 3353 AND 3354 INCLUDING, BUT NOT
25 LIMITED TO:

26 (I) THE INSTALLATION AND MAINTENANCE OF ALL
27 EQUIPMENT, INCLUDING PARKING METERS, ON AND ALONG
28 HIGHWAYS, STREETS AND ROADWAYS.

29 (II) THE INSTALLATION AND MAINTENANCE OF ALL
30 SIGNAGE, INCLUDING SIGNAGE FOR HANDICAPPED PARKING,

1 RESIDENTIAL PERMIT PARKING AND LOADING AREAS, ON AND
2 ALONG HIGHWAYS, STREETS AND ROADWAYS.

3 (III) THE OPERATION AND MANAGEMENT OF ANY
4 HANDICAPPED PARKING, RESIDENTIAL PARKING AND LOADING AREA
5 PERMIT PROGRAMS.

6 (IV) THE ADJUDICATION OF ALL DISPUTED PARKING
7 VIOLATION NOTICES OR CITATIONS ISSUED THROUGH ENFORCEMENT
8 BY THE PARKING AUTHORITY IN A CITY OF THE SECOND CLASS.

9 "ENFORCE." THE ISSUANCE OF PARKING VIOLATION NOTICES OR
10 CITATIONS, THE IMMOBILIZATION, TOWING AND IMPOUNDMENT OF
11 MOTOR VEHICLES AND THE COLLECTION OF FINES, PENALTIES AND
12 COSTS, INCLUDING INDEPENDENT COLLECTION AGENCY FEES, FOR
13 VIOLATIONS OF ANY ORDINANCE OR RESOLUTION ENACTED IN ORDER TO
14 REGULATE OR PROHIBIT THE STOPPING, STANDING OR PARKING OF
15 MOTOR VEHICLES IN A CITY OF THE SECOND CLASS AND THOSE
16 CERTAIN STOPPING, STANDING AND PARKING PROVISIONS PROVIDED IN
17 SECTIONS 3351, 3353 AND 3354.

18 SECTION 3. SECTION 6506 OF TITLE 75, AMENDED FEBRUARY 9,
19 2004 (P.L.65, NO.8), IS AMENDED TO READ:

20 § 6506. SURCHARGE.

21 (A) LEVY AND IMPOSITION.--IN ADDITION TO ANY FINES, FEES OR
22 PENALTIES LEVIED OR IMPOSED AS PROVIDED BY LAW, UNDER THIS TITLE
23 OR ANY OTHER STATUTE, A SURCHARGE SHALL BE LEVIED FOR
24 DISPOSITION IN ACCORDANCE WITH SUBSECTION (B) AS FOLLOWS:

25 (1) UPON CONVICTION FOR ANY VIOLATION OF THE PROVISIONS
26 OF THIS TITLE OR OTHER STATUTE OF THE COMMONWEALTH, OR
27 REGULATIONS PROMULGATED UNDER THIS TITLE, WHICH IS A TRAFFIC
28 VIOLATION AND WHICH IS NOT INCLUDED WITHIN THE PROVISIONS OF
29 PARAGRAPHS (2) THROUGH (7), EXCLUSIVE OF PARKING OFFENSES, A
30 SURCHARGE OF \$30.

1 (2) UPON CONVICTION FOR A VIOLATION OF THE FOLLOWING
2 PROVISIONS OF THIS TITLE, A SURCHARGE OF \$40:

3 (I) SECTION 3306(A)(1) (RELATING TO LIMITATIONS ON
4 DRIVING ON LEFT SIDE OF ROADWAY).

5 (II) SECTION 3745 (RELATING TO ACCIDENTS INVOLVING
6 DAMAGE TO UNATTENDED VEHICLE OR PROPERTY).

7 (3) UPON CONVICTION FOR A VIOLATION OF SECTION 3345(A)
8 (RELATING TO MEETING OR OVERTAKING SCHOOL BUS), A SURCHARGE
9 OF \$50.

10 (4) UPON CONVICTION FOR A VIOLATION OF SECTION 3362
11 (RELATING TO MAXIMUM SPEED LIMITS), THE FOLLOWING APPLICABLE
12 SURCHARGE:

13 (I) \$30 FOR EXCEEDING THE MAXIMUM SPEED LIMIT BY 6
14 TO 10 MILES PER HOUR OR 11 TO 15 MILES PER HOUR.

15 (II) \$40 FOR EXCEEDING THE MAXIMUM SPEED LIMIT BY 16
16 TO 25 MILES PER HOUR.

17 (III) \$50 FOR EXCEEDING THE MAXIMUM SPEED LIMIT BY
18 AT LEAST 26 MILES PER HOUR.

19 (5) UPON CONVICTION FOR VIOLATION OF SECTION 4902
20 (RELATING TO RESTRICTIONS ON USE OF HIGHWAYS AND BRIDGES),
21 SUBCHAPTER C OF CHAPTER 49 (RELATING TO MAXIMUM WEIGHTS OF
22 VEHICLES) OR SUBCHAPTER E OF CHAPTER 49 (RELATING TO
23 MEASURING AND ADJUSTING VEHICLE SIZE AND WEIGHT), A SURCHARGE
24 OF \$150.

25 (6) UPON CONVICTION FOR VIOLATION OF CHAPTER 47
26 (RELATING TO INSPECTION OF VEHICLES), BY THE OWNER OR
27 OPERATOR OR DRIVER OF A VEHICLE WHICH IS SUBJECT TO THE
28 PROVISIONS OF CHAPTER 49 (RELATING TO SIZE, WEIGHT AND LOAD),
29 A SURCHARGE OF \$30.

30 (7) UPON CONVICTION OF OFFENSES UNDER SECTION

1 1543(B)(1.1) (RELATING TO DRIVING WHILE OPERATING PRIVILEGE
2 IS SUSPENDED OR REVOKED), 3802 (RELATING TO DRIVING UNDER
3 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) OR 3808(A)(2)
4 (RELATING TO ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED
5 WITH IGNITION INTERLOCK), OR UPON ADMISSION TO PROGRAMS FOR
6 ACCELERATED REHABILITATIVE DISPOSITION FOR OFFENSES
7 ENUMERATED IN SECTION 1543(B)(1.1), 3802 OR 3808(A)(2), A
8 SURCHARGE, RESPECTIVELY, OF:

9 (I) \$50 FOR THE FIRST OFFENSE.

10 (II) \$100 FOR THE SECOND OFFENSE.

11 (III) \$200 FOR THE THIRD OFFENSE.

12 (IV) \$300 FOR THE FOURTH AND SUBSEQUENT OFFENSES.

13 (8) UPON CONVICTION, IN A CITY OF THE FIRST CLASS, OF
14 ANY VIOLATION OF THIS TITLE, A SURCHARGE OF \$10.

15 (9) UPON CONVICTION OF ANY VIOLATION OF THIS TITLE IN A
16 CITY OF THE SECOND CLASS, A SURCHARGE OF \$10.

17 THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO ANY
18 VIOLATION COMMITTED BY THE OPERATOR OF A MOTORCYCLE, MOTOR-
19 DRIVEN CYCLE, PEDALCYCLE, MOTORIZED PEDALCYCLE OR RECREATIONAL
20 VEHICLE NOT INTENDED FOR HIGHWAY USE.

21 (B) DISPOSITION.--

22 (1) NOTWITHSTANDING THE PROVISIONS OF 42 PA.C.S. §§ 3571
23 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) AND 3573
24 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.):

25 (I) ALL SURCHARGES LEVIED AND COLLECTED UNDER
26 SUBSECTION (A)(1) THROUGH (7) BY ANY DIVISION OF THE
27 UNIFIED JUDICIAL SYSTEM EXISTING UNDER SECTION 1 OF
28 ARTICLE V OF THE CONSTITUTION OF PENNSYLVANIA AND 42
29 PA.C.S. § 301 (RELATING TO UNIFIED JUDICIAL SYSTEM) SHALL
30 BE REMITTED TO THE COMMONWEALTH FOR DEPOSIT IN THE

1 CATASTROPHIC LOSS BENEFITS CONTINUATION FUND FOR THE
2 PURPOSE OF FUNDING CATASTROPHIC LOSS BENEFITS IN
3 ACCORDANCE WITH SECTION 1798.2 (RELATING TO TRANSITION).

4 (II) ALL SURCHARGES LEVIED AND COLLECTED UNDER
5 SUBSECTION (A)(8) AND (9) BY SUCH DIVISION OF THE UNIFIED
6 JUDICIAL SYSTEM SHALL BE REMITTED TO THE APPROPRIATE
7 TOWING AND STORAGE AGENT AS SET FORTH IN SECTION
8 6309.2(E) (RELATING TO IMMOBILIZATION, TOWING AND STORAGE
9 OF VEHICLE FOR DRIVING WITHOUT OPERATING PRIVILEGES OR
10 REGISTRATION) FOR PURPOSES OF FUNDING ITS COSTS
11 ASSOCIATED WITH SUBCHAPTER A OF CHAPTER 63 (RELATING TO
12 GENERAL PROVISIONS).

13 (III) IF THE SURCHARGE IS BEING PAID IN
14 INSTALLMENTS, THE SURCHARGE SHALL BE REMITTED ON EACH
15 INSTALLMENT.

16 (2) THE SURCHARGES LEVIED AND COLLECTED UNDER SUBSECTION
17 [(A)] (A)(8) AND (9) SHALL NOT BE DEPOSITED FOR THE CREDIT OR
18 USE OF, OR OTHERWISE ALLOCATED, DIRECTED OR PAID TO, COUNTIES
19 OR MUNICIPALITIES UNDER THE PROVISIONS OF 42 PA.C.S. CH. 35
20 SUBCH. E (RELATING TO FINES, ETC.), OR ANY OTHER STATUTE, THE
21 CRIME VICTIM'S COMPENSATION BOARD UNDER SECTION 477.15(B) OF
22 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE
23 ADMINISTRATIVE CODE OF 1929, THE COMMISSION ON CRIME AND
24 DELINQUENCY FOR VICTIM-WITNESS SERVICES GRANTS UNDER SECTION
25 477.15(C) OF THE ADMINISTRATIVE CODE OF 1929, RAPE CRISIS
26 CENTERS, THE EMERGENCY MEDICAL SERVICES OPERATING FUND,
27 DOMESTIC VIOLENCE SHELTERS, THE JUDICIAL COMPUTER SYSTEM
28 AUGMENTATION ACCOUNT ESTABLISHED UNDER 42 PA.C.S. CH. 37
29 SUBCH. C (RELATING TO JUDICIAL COMPUTER SYSTEM) OR UNDER ANY
30 OTHER STATUTE.

1 Section ~~2~~ 4. This act shall take effect in ~~60~~ 150 days.

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