

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 279 Session of
2003

INTRODUCED BY ROBBINS, WOZNIAK, TOMLINSON, KITCHEN, FUMO,
ERICKSON, MUSTO, WENGER, LOGAN, PILEGGI, C. WILLIAMS, ORIE,
COSTA, LEMMOND, KASUNIC, RAFFERTY, SCARNATI, SCHWARTZ, STOUT,
TARTAGLIONE, THOMPSON, STACK AND BOSCOLA, FEBRUARY 12, 2003

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 2, 2003

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, FURTHER PROVIDING FOR DISPLAY OF REGISTRATION <—
3 PLATE; providing for a special motorcycle registration plate
4 for veterans; FURTHER PROVIDING FOR AUTOMATED RED LIGHT <—
5 ENFORCEMENT SYSTEMS IN FIRST CLASS CITIES, FOR ENUMERATION OF
6 POLICE POWERS AND FOR CERTAIN SURCHARGES; AND PRESCRIBING A
7 PENALTY.

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

10 ~~Section 1. Title 75 of the Pennsylvania Consolidated~~ <—
11 ~~Statutes is amended by adding a section to read:~~

12 SECTION 1. SECTION 1332(B) OF TITLE 75 OF THE PENNSYLVANIA <—
13 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY
14 ADDING A SUBSECTION TO READ:

15 § 1332. DISPLAY OF REGISTRATION PLATE.

16 * * *

17 (B) OBSCURING PLATE.--IT IS UNLAWFUL TO DISPLAY ON ANY
18 VEHICLE A REGISTRATION PLATE WHICH:

1 (1) IS SO DIRTY AS TO PREVENT THE READING OF THE NUMBER
2 OR LETTERS THEREON AT A REASONABLE DISTANCE [OR];

3 (2) IS OBSCURED IN ANY MANNER WHICH INHIBITS THE PROPER
4 OPERATION OF AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM IN
5 PLACE PURSUANT TO SECTION 3116 (RELATING TO AUTOMATED RED
6 LIGHT ENFORCEMENT SYSTEM IN FIRST CLASS CITIES); OR

7 (3) IS OTHERWISE ILLEGIBLE AT A REASONABLE DISTANCE OR
8 IS OBSCURED IN ANY MANNER.

9 (C) PENALTY.--ANY PERSON WHO VIOLATES THIS SECTION COMMITS A
10 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
11 A FINE OF \$100 FOR THE FIRST OFFENSE AND \$200 FOR EACH
12 SUBSEQUENT OFFENSE.

13 SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
14 § 1361. Special motorcycle plates for veterans.

15 Upon application of any person who is an honorably discharged
16 veteran of the armed forces of the United States, or a reserve
17 component of the armed forces as defined in 51 Pa.C.S. § 7301
18 (relating to definitions), accompanied by a fee of \$20 which
19 shall be in addition to the annual registration fee and by such
20 documentation as the department shall require, the department
21 shall issue to the person a special registration plate
22 designating the vehicle as belonging to a person who is a
23 veteran. The special registration plate may be used only on a
24 motorcycle.

25 SECTION 3. SECTION 3116(L)(2) AND (Q) OF TITLE 75 ARE
26 AMENDED TO READ:

27 § 3116. AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS
28 CITIES.

29 * * *

30 (L) PAYMENT OF FINE.--

1 * * *

2 (2) PAYMENT MUST BE MADE PERSONALLY, THROUGH AN
3 AUTHORIZED AGENT OR BY MAILING BOTH PAYMENT AND THE NOTICE OF
4 VIOLATION TO THE SYSTEM ADMINISTRATOR. PAYMENT BY MAIL MUST
5 BE MADE ONLY BY MONEY ORDER, CREDIT CARD OR CHECK MADE
6 PAYABLE TO THE SYSTEM ADMINISTRATOR. THE SYSTEM ADMINISTRATOR
7 SHALL REMIT THE FINE, LESS THE SYSTEM ADMINISTRATOR'S
8 OPERATION AND MAINTENANCE COSTS NECESSITATED BY THIS SECTION,
9 TO THE DEPARTMENT FOR DEPOSIT INTO THE MOTOR LICENSE FUND.
10 FINES DEPOSITED IN THE FUND UNDER THIS PARAGRAPH SHALL BE
11 USED BY THE DEPARTMENT [AS FOLLOWS:

12 (I) TO REIMBURSE THE SYSTEM ADMINISTRATOR FOR COSTS
13 ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. THIS
14 SUBPARAGRAPH INCLUDES COSTS FOR OPERATION AND
15 MAINTENANCE.

16 (II) TO DEVELOP, BY REGULATION, A TRANSPORTATION
17 ENHANCEMENTS GRANT PROGRAM.] TO DEVELOP, BY REGULATION, A
18 TRANSPORTATION ENHANCEMENTS GRANT PROGRAM.

19 * * *

20 (Q) EXPIRATION.--THIS SECTION SHALL EXPIRE DECEMBER 31,
21 [2006] 2007.

22 SECTION 4. SECTION 6109(A)(1) AND (F) OF TITLE 75 ARE
23 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
24 READ:

25 § 6109. SPECIFIC POWERS OF DEPARTMENT AND LOCAL AUTHORITIES.

26 (A) ENUMERATION OF POLICE POWERS.--THE PROVISIONS OF THIS
27 TITLE SHALL NOT BE DEEMED TO PREVENT THE DEPARTMENT ON STATE-
28 DESIGNATED HIGHWAYS AND LOCAL AUTHORITIES ON STREETS OR HIGHWAYS
29 WITHIN THEIR PHYSICAL BOUNDARIES FROM THE REASONABLE EXERCISE OF
30 THEIR POLICE POWERS. THE FOLLOWING ARE PRESUMED TO BE REASONABLE

EXERCISES OF POLICE POWER:

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

* * *

(F) DELEGATION OF POWERS AUTHORIZED.--[NOTHING] EXCEPT AS
SET FORTH IN SUBSECTION (G), NOTHING CONTAINED IN THIS SECTION
SHALL BE DEEMED TO PREVENT LOCAL AUTHORITIES BY ORDINANCE OR
RESOLUTION OF THE LOCAL GOVERNING BODY FROM DELEGATING THEIR
POWERS UNDER SUBSECTION (A)(1) OR (22) TO A PARKING AUTHORITY
ESTABLISHED PURSUANT TO [THE ACT OF JUNE 5, 1947 (P.L.458,
NO.208), KNOWN AS THE "PARKING AUTHORITY LAW."] 53 PA.C.S. CH.
55 (RELATING TO PARKING AUTHORITIES).

(G) DELEGATION OF POWERS IN CITIES OF THE FIRST CLASS.--

(1) NOTWITHSTANDING ANY CONTRARY PROVISION OF 53 PA.C.S.
CH. 55 OR THIS TITLE, THE PARKING AUTHORITY OF A CITY OF THE
FIRST CLASS SHALL ENFORCE AND ADMINISTER ALL ORDINANCES AND
RESOLUTIONS ENACTED OR ADOPTED BY THE CITY OF THE FIRST CLASS
PURSUANT TO THE POWERS SPECIFIED UNDER SUBSECTION (A)(1).

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

"ADMINISTER." TO PROVIDE ANY SERVICES OR MATERIALS
NECESSARY TO ENFORCE ANY ORDINANCE OR RESOLUTION ENACTED IN
ORDER TO REGULATE OR PROHIBIT THE STOPPING, STANDING OR
PARKING OF MOTOR VEHICLES IN A CITY OF THE FIRST CLASS,
INCLUDING, BUT NOT LIMITED TO:

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

(II) THE INSTALLATION AND MAINTENANCE OF ALL

1 SIGNAGE, INCLUDING SIGNAGE FOR HANDICAPPED PARKING,
2 RESIDENTIAL PERMIT PARKING AND LOADING AREAS, ON AND
3 ALONG HIGHWAYS, STREETS AND ROADWAYS.

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

7 (IV) THE ADJUDICATION OF ALL DISPUTED PARKING
8 VIOLATION NOTICES OR CITATIONS ISSUED THROUGH ENFORCEMENT
9 BY THE PARKING AUTHORITY IN A CITY OF THE FIRST CLASS OR
10 THE POLICE DEPARTMENT WITH JURISDICTION OVER THE CITY OF
11 THE FIRST CLASS.

12 "ENFORCE." THE ISSUANCE OF PARKING VIOLATION NOTICES OR
13 CITATIONS, THE IMMOBILIZATION, TOWING AND IMPOUNDMENT OF
14 MOTOR VEHICLES AND THE COLLECTION OF FINES, PENALTIES AND
15 COSTS FOR VIOLATIONS OF ANY ORDINANCE OR RESOLUTION ENACTED
16 IN ORDER TO REGULATE OR PROHIBIT THE STOPPING, STANDING OR
17 PARKING OF MOTOR VEHICLES IN A CITY OF THE FIRST CLASS.

18 SECTION 5. SECTION 6506(B) OF TITLE 75 IS AMENDED AND
19 SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH 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 * * *

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

28 * * *

29 (B) DISPOSITION.--

30 (1) NOTWITHSTANDING THE PROVISIONS OF 42 PA.C.S. §§ 3571

1 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) AND 3573
2 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.)[,
3 ALL]:

4 (I) ALL SURCHARGES LEVIED AND COLLECTED UNDER
5 SUBSECTION (A)(1) THROUGH (7) BY ANY DIVISION OF THE
6 UNIFIED JUDICIAL SYSTEM EXISTING UNDER SECTION 1 OF
7 ARTICLE V OF THE CONSTITUTION OF PENNSYLVANIA AND 42
8 PA.C.S. § 301 (RELATING TO UNIFIED JUDICIAL SYSTEM) SHALL
9 BE REMITTED TO THE COMMONWEALTH FOR DEPOSIT IN THE
10 CATASTROPHIC LOSS BENEFITS CONTINUATION FUND FOR THE
11 PURPOSE OF FUNDING CATASTROPHIC LOSS BENEFITS IN
12 ACCORDANCE WITH SECTION 1798.2 (RELATING TO TRANSITION).

13 (II) ALL SURCHARGES LEVIED AND COLLECTED UNDER
14 SUBSECTION (A)(8) BY SUCH DIVISION OF THE UNIFIED
15 JUDICIAL SYSTEM SHALL BE REMITTED TO THE APPROPRIATE
16 TOWING AND STORAGE AGENT AS SET FORTH IN 75 PA.C.S. §
17 6309.2(E) (RELATING TO IMMOBILIZATION, TOWING AND STORAGE
18 OF VEHICLE FOR DRIVING WITHOUT OPERATING PRIVILEGES OR
19 REGISTRATION) FOR PURPOSES OF FUNDING ITS COSTS
20 ASSOCIATED WITH 75 PA.C.S. CH. 63 SUBCH. A (RELATING TO
21 GENERAL PROVISIONS).

22 (III) IF THE SURCHARGE IS BEING PAID IN
23 INSTALLMENTS, THE SURCHARGE SHALL BE REMITTED ON EACH
24 INSTALLMENT.

25 (2) THE SURCHARGES LEVIED AND COLLECTED UNDER SUBSECTION
26 (A) SHALL NOT BE DEPOSITED FOR THE CREDIT OR USE OF, OR
27 OTHERWISE ALLOCATED, DIRECTED OR PAID TO, COUNTIES OR
28 MUNICIPALITIES UNDER THE PROVISIONS OF 42 PA.C.S. CH. 35
29 SUBCH. E (RELATING TO FINES, ETC.), OR ANY OTHER STATUTE, THE
30 CRIME VICTIM'S COMPENSATION BOARD UNDER SECTION 477.15(B) OF

1 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE
2 ADMINISTRATIVE CODE OF 1929, THE COMMISSION ON CRIME AND
3 DELINQUENCY FOR VICTIM-WITNESS SERVICES GRANTS UNDER SECTION
4 477.15(C) OF THE ADMINISTRATIVE CODE OF 1929, RAPE CRISIS
5 CENTERS, THE EMERGENCY MEDICAL SERVICES OPERATING FUND,
6 DOMESTIC VIOLENCE SHELTERS, THE JUDICIAL COMPUTER SYSTEM
7 AUGMENTATION ACCOUNT ESTABLISHED UNDER 42 PA.C.S. CH. 37
8 SUBCH. C (RELATING TO JUDICIAL COMPUTER SYSTEM) OR UNDER ANY
9 OTHER STATUTE.

10 * * *

11 Section ~~2~~ 6. This act shall take effect in 60 days.

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