

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 AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JULY 7, 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 PENALTY <—
10 FOR OBSCURED PLATE.--ANY PERSON WHO VIOLATES SUBSECTION (B)(2)
11 COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
12 SENTENCED TO PAY A FINE OF \$100. FOR THE FIRST OFFENSE AND \$200 <—
13 FOR EACH SUBSEQUENT OFFENSE.

14 SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
15 § 1361. Special motorcycle plates for veterans.

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

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

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

30 * * *

1 (L) PAYMENT OF FINE.--

2 * * *

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

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

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

20 * * *

21 (Q) EXPIRATION.--THIS SECTION SHALL EXPIRE DECEMBER 31,
22 [2006] 2007.

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

26 § 6109. SPECIFIC POWERS OF DEPARTMENT AND LOCAL AUTHORITIES.

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

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) BEGINNING IN 2004, UPON THE CONCLUSION OF EACH OF <—
ITS FISCAL YEARS THE PARKING AUTHORITY SHALL TRANSFER THE
MAXIMUM PORTION OF THE FINES, PENALTIES AND COSTS COLLECTED
PURSUANT TO THIS SUBSECTION THAT ITS BOARD DEEMS AVAILABLE
FOR SUCH PURPOSES TO THE GENERAL FUND OF A SCHOOL DISTRICT OF
THE FIRST CLASS COTERMINOUS WITH THE PARENT MUNICIPALITY.

~~(2)~~ (3) 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

1 ORDER TO REGULATE OR PROHIBIT THE STOPPING, STANDING OR
2 PARKING OF MOTOR VEHICLES IN A CITY OF THE FIRST CLASS,
3 INCLUDING, BUT NOT LIMITED TO:

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

7 (II) THE INSTALLATION AND MAINTENANCE OF ALL
8 SIGNAGE, INCLUDING SIGNAGE FOR HANDICAPPED PARKING,
9 RESIDENTIAL PERMIT PARKING AND LOADING AREAS, ON AND
10 ALONG HIGHWAYS, STREETS AND ROADWAYS.

11 (III) THE OPERATION AND MANAGEMENT OF ANY
12 HANDICAPPED PARKING, RESIDENTIAL PARKING AND LOADING AREA
13 PERMIT PROGRAMS.

14 (IV) THE ADJUDICATION OF ALL DISPUTED PARKING
15 VIOLATION NOTICES OR CITATIONS ISSUED THROUGH ENFORCEMENT
16 BY THE PARKING AUTHORITY IN A CITY OF THE FIRST CLASS OR
17 THE POLICE DEPARTMENT WITH JURISDICTION OVER THE CITY OF
18 THE FIRST CLASS.

19 "ENFORCE." THE ISSUANCE OF PARKING VIOLATION NOTICES OR
20 CITATIONS, THE IMMOBILIZATION, TOWING AND IMPOUNDMENT OF
21 MOTOR VEHICLES AND THE COLLECTION OF FINES, PENALTIES AND
22 COSTS FOR VIOLATIONS OF ANY ORDINANCE OR RESOLUTION ENACTED
23 IN ORDER TO REGULATE OR PROHIBIT THE STOPPING, STANDING OR
24 PARKING OF MOTOR VEHICLES IN A CITY OF THE FIRST CLASS.

25 SECTION 5. SECTION 6506(B) OF TITLE 75 IS AMENDED AND
26 SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH TO READ:

27 § 6506. SURCHARGE.

28 (A) LEVY AND IMPOSITION.--IN ADDITION TO ANY FINES, FEES OR
29 PENALTIES LEVIED OR IMPOSED AS PROVIDED BY LAW, UNDER THIS TITLE
30 OR ANY OTHER STATUTE, A SURCHARGE SHALL BE LEVIED FOR

DISPOSITION IN ACCORDANCE WITH SUBSECTION (B) AS FOLLOWS:

* * *

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

* * *

(B) DISPOSITION.--

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

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

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

(III) IF THE SURCHARGE IS BEING PAID IN INSTALLMENTS, THE SURCHARGE SHALL BE REMITTED ON EACH

1 INSTALLMENT.

2 (2) THE SURCHARGES LEVIED AND COLLECTED UNDER SUBSECTION
3 (A) SHALL NOT BE DEPOSITED FOR THE CREDIT OR USE OF, OR
4 OTHERWISE ALLOCATED, DIRECTED OR PAID TO, COUNTIES OR
5 MUNICIPALITIES UNDER THE PROVISIONS OF 42 PA.C.S. CH. 35
6 SUBCH. E (RELATING TO FINES, ETC.), OR ANY OTHER STATUTE, THE
7 CRIME VICTIM'S COMPENSATION BOARD UNDER SECTION 477.15(B) OF
8 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE
9 ADMINISTRATIVE CODE OF 1929, THE COMMISSION ON CRIME AND
10 DELINQUENCY FOR VICTIM-WITNESS SERVICES GRANTS UNDER SECTION
11 477.15(C) OF THE ADMINISTRATIVE CODE OF 1929, RAPE CRISIS
12 CENTERS, THE EMERGENCY MEDICAL SERVICES OPERATING FUND,
13 DOMESTIC VIOLENCE SHELTERS, THE JUDICIAL COMPUTER SYSTEM
14 AUGMENTATION ACCOUNT ESTABLISHED UNDER 42 PA.C.S. CH. 37
15 SUBCH. C (RELATING TO JUDICIAL COMPUTER SYSTEM) OR UNDER ANY
16 OTHER STATUTE.

17 * * *

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

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