

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1232 Session of 2011

INTRODUCED BY GEIST, CARROLL, BOYD, D. COSTA, CUTLER, DALEY,  
DENLINGER, J. EVANS, EVERETT, GILLEN, GILLESPIE, GINGRICH,  
GROVE, HESS, M. K. KELLER, KIRKLAND, MARSHALL, MILLARD,  
MILLER, MOUL, MURT, SONNEY AND VULAKOVICH, MARCH 29, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 29, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for applicability and uniformity  
3 of law and for disposition and use of liquid fuels and fuels  
4 tax.

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

7 Section 1. Section 6101 of Title 75 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 6101. Applicability and uniformity of title.

10 (a) Requirement.--The provisions of this title shall be  
11 applicable and uniform throughout this Commonwealth and in all  
12 political subdivisions in this Commonwealth, and no local  
13 authority shall enact or enforce any ordinance on a matter  
14 covered by the provisions of this title unless expressly  
15 authorized.

16 (b) Sanctions.--When a court of competent jurisdiction  
17 determines that an ordinance adopted by a local authority is in  
18 violation of subsection (a), the local authority is subject to

1 the following sanctions until the local authority repeals or  
2 substantially amends the ordinance to remove the language that  
3 was found to be in violation of subsection (a):

4 (1) Suspension of capital expenditures for bridges and  
5 highways.

6 (2) Suspension of allocation under the act of June 1,  
7 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels  
8 Tax Municipal Allocation Law.

9 (3) Suspension of allocation and apportionment under  
10 section 9010(c.1) (relating to disposition and use of tax).

11 (c) Suspended funds.--Upon notification that the local  
12 authority has repealed or substantially amended the ordinance to  
13 remove the language that was found to be in violation of  
14 subsection (a), the department shall immediately end all  
15 sanctions against the local authority and return all suspended  
16 funds to the local authority.

17 Section 2. Section 9010(c) introductory paragraph of Title  
18 75 is amended and the section is amended by adding subsections  
19 to read:

20 § 9010. Disposition and use of tax.

21 \* \* \*

22 (c) Allocation of money.--[The] Except as set forth in  
23 subsection (c.1), the county commissioners may allocate and  
24 apportion money from the County Liquid Fuels Tax Fund to the  
25 political subdivisions within the county in the ratio as  
26 provided in this subsection. When the unencumbered balance in  
27 the County Liquid Fuels Tax Fund is greater than the receipts  
28 for the 12 months immediately preceding the date of either of  
29 the reports, the county commissioners shall notify the political  
30 subdivisions to make application within 90 days for

1 participation in the redistribution of the unencumbered balance.  
2 Redistribution shall be effected within 120 days of the date of  
3 either of the reports. The county commissioners may distribute  
4 the unencumbered balance in excess of 50% of the receipts for  
5 the previous 12 months to the political subdivisions making  
6 application in the following manner:

7           \* \* \*

8       (c.1) Forfeiture.--All money allocated under subsection (c)  
9 to a political subdivision which, under section 6109(a)  
10 (relating to specific powers of department and local  
11 authorities), violates section 6101(a) (relating to  
12 applicability and uniformity of title) shall be withheld by the  
13 county during the period of time in which the municipality is in  
14 violation of section 6101(a).

15       (c.2) Release funds.--Upon notification that the local  
16 authority has repealed or substantially amended the ordinance to  
17 remove the language that was found to be in violation of section  
18 6101(a), the county shall release those funds withheld by the  
19 county and due the local agency.

20           \* \* \*

21       Section 3. This act shall take effect as follows:

22           (1) The amendment or addition of 75 Pa.C.S. § 9010(c)  
23 and (c.1) shall take effect January 1, 2012.

24           (2) This section shall take effect immediately.

25           (3) The remainder of this act shall take effect in 60  
26 days.