

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 1800

PRINTER'S NO. 4091

AMOUNT

See Analysis

FUND

Motor License Fund

DATE INTRODUCED

June 30, 2009

PRIME SPONSOR

Representative Ellis

HISTORY OF BILL

Referred to TRANSPORTATION, June 30, 2009
Reported as committed, Sept. 16, 2009
First consideration, Sept. 16, 2009
Laid on the table, Sept. 16, 2009
Removed from table, Sept. 17, 2009
Re-committed to APPROPRIATIONS, Sept. 17, 2009
Re-reported as committed, Jan. 25, 2010
(Remarks see House Journal Page 66), Jan. 25, 2010
Second consideration, Jan. 26, 2010
(Remarks see House Journal Page), Jan. 26, 2010
Third consideration and final passage, Feb. 8, 2010 (194-0)
In the Senate
Referred to TRANSPORTATION, Feb. 9, 2010
Reported as amended, June 9, 2010
First consideration, June 9, 2010
Re-referred to APPROPRIATIONS, June 30, 2010
Re-reported as amended, July 2, 2010

DESCRIPTION AND PURPOSE OF BILL

1. House Bill 1800 amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide for motor vehicle registration exemptions, a reduced "processing fee" in lieu of a registration fee for certain retired persons and general requirements for other vehicles transporting school children.
2. Further provides for automated red light enforcement system.
3. Provides for bulk hauling permits and fees for bulk oil, non-hazardous glue and waste tires.
4. Establish a "Vintage Snowmobile" permit for use under certain conditions.

Registration Provisions

FUND Motor License Fund

AMOUNT FY 2010-11 \$80,925 annual loss of revenue
FY 2011-12 \$40,462 annual loss of revenue

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

- §1302 (11) exempts from registration any trailer or semitrailer, including but not limited to non-self-propelled special mobile equipment, to be used primarily for off highway use and only operated incidentally upon the highway. This legislation clarifies that amusement rides constructed as an integral part of the trailer chassis to create a single unit are covered by this provision.
- §1901(c) exempts certain entities and individuals from paying the applicable registration fee for their vehicles. In lieu of the registration fee, these entities and individuals are charged a \$10.00 fee to cover the costs of processing the registration or renewal of registration. Retired individuals receiving social security or other pension and whose total annual income does not exceed \$19,200 are among those covered by this provision. This legislation removes from the calculation of these individuals' income a stipend received from the federal government under the American Recovery and Reinvestment Act.
- §4553 is amended to allow for the use of school-chartered buses to transport school children to school-related events, provided that they are not transported to or from their residence or designated bus stop. All school children are required to board and discharge the chartered bus only at the school site and the site of the school event.

FISCAL IMPACT:

Amending §1901(c) of Title 75 is the only part of this legislation that will have a fiscal impact on Commonwealth funds. Passage of this legislation would result in a loss of revenue to the Motor License Fund from retirees whose annual income is between \$18,951 and \$19,200 because the additional \$250 they receive from the federal government pursuant to the American Recovery and Reinvestment Act (ARRA) of 2009 will not be included as income for the purposes of calculating whether or not they would be eligible for the registration fee exemption.

According to data from the Department of Transportation, the total loss of revenue to the Motor License Fund for FY 2008-09 due to current applicants for the registration exemption/discount was \$5.1 million. It is estimated that an additional 2,500 retirees would become eligible and apply for the exemption/discount with the passage of this legislation. Therefore, it is determined that the Commonwealth would incur an estimated loss of \$80,925 to the Motor License Fund during FY 2010-11. The loss for FY 2011-12 would only be half this amount due to the fact that the income eligibility criteria for such exemptions/discounts are based on the previous calendar year.

Automated Red-Light Enforcement Systems

FUND

Motor License Fund
Automated Enforcement Fund (newly created)

AMOUNT

\$2.5 million additional annual revenue generated
\$25 million (10 year life-span of the program)

Amendment A08413 inserts into House Bill 1800 all of the provisions included in Senate Bill 1315 (Printer's No. 2066) providing for automated red-light enforcement systems in cities of first class, second class, second class A and third class. Additionally, the amendment extends the expiration date of the Philadelphia automated red light program until December 31, 2020 which is due to expire on December 31, 2011.

Specifically, this amendment amends Title 75 (Vehicles) accordingly:

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

- Provides that it is unlawful to obscure a registration plate which in any manner inhibits the proper operation of an automated red light enforcement system in second class, second class A, and third class cities.
- Provides that payment of fines from automated red light enforcement systems in first class cities shall be deposited into the Automated Enforcement Fund.
- Authorizes automated red-light enforcement systems in second class, second class A, and third class cities.
- Provides that enforcement systems may be installed at intersections designated by the system administrator in consultation with the secretary.
- Provides that the owner of the vehicles shall be liable for the penalty imposed.
- Provides that a certificate or a facsimile of a certificate shall be prima facie evidence of the facts contained in it.
- Requires the city to include written documentation that enforcement system was operating correctly at the time of the alleged violation.
- Provides that a recorded image evidencing a violation shall be admissible in any judicial or administrative proceeding.
- Provides for penalties. Provides for a \$100 fine per violation unless a lesser amount is set by ordinance.
- Provides that fines are not authorized:
 1. during the first 120 days of operation of the automated systems at the initial intersection; and
 2. during the first 60 days for each additional intersection.
- Permits warning to be issued during period in which a fine is not authorized.
- Provides that a penalty hereunder is not a criminal conviction and shall not be considered in ratings for car insurance.
- Requires destruction of images obtained through the use of automated red light enforcement systems deployed as a means of promoting traffic safety within one year of the final deposition of the case.
- Provides that it shall be a defense to an alleged violation if the person named in the notice of violation was not operating the vehicle at the time of violation. Provides a defense to an alleged violation if the vehicle is reported stolen during the time of the alleged violation.
- Provides that the city or its designee shall serve as the system administrator of the enforcement system. Provides that the system administrator shall process fines.
- Requires notice of violations within 30 days of the alleged violation or the determination of the identity of the owner of the vehicle.
- Requires the system administrator to remit the fines, less the system administrator's operation and maintenance costs, to the department for deposit into the Automated Enforcement Fund.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

- Establishes the Automated Enforcement Fund. Transfers money deposited in the Motor License Fund from automated enforcement systems in first class cities into the Automated Enforcement Fund.
- Provides that no more than 50% of the transferred money shall be appropriated to the Pennsylvania State Police. Provides that no more than 50% of future revenue from automated enforcement systems in first class, second class A, second class and third class cities shall be appropriated from the Automated Enforcement Fund to Pennsylvania State Police for reimbursement of costs in those cities. Provides that the remainder of future revenue shall be appropriated to first class, second class A and third class cities, which establish red light enforcement systems, for transportation enhancement grants for intersection signaling and safety; and second class cities, which establish red light enforcement systems, for the cities' municipal pension system funds.
- Provides for hearings to contest the liability alleged in the notice. Provides a right of appeal to the magisterial district judge.
- Requires that the compensation paid by a city to a vendor or manufacturer shall not be based upon the number of traffic citations issued or a portion or percentage of the fine generated by the citations. Requires compensation to be based upon the value of the equipment and services provided.
- Provides that no city shall collect an amount equal to or greater than 5% of its annual budget from the collection of revenue from issuance and payment of violations.
- Establishes an expiration date of December 31, 2020 and extends the expiration date of the Philadelphia automated red light program until December 31, 2020 as well, which is due to expire on December 31, 2011.

FISCAL IMPACT:

Act 123 of 2002 allowed for an Automated Red Light Enforcement pilot program in cities of the first-class (Philadelphia). Although the Act authorizing such program limited the number of intersections at which it could place cameras in Philadelphia, this legislation does not limit the number of intersections/cameras in cities of the second class, second class-A and third class. But, for purposes of estimating a fiscal impact this legislation will have on Commonwealth funds, it is assumed that these newly authorized cities will establish traffic light cameras at the same proportion to population that Philadelphia did. Philadelphia is authorized, and has established, automated red light cameras at 13 intersections within the city.

Utilizing data from reports submitted to the Pennsylvania Department of Transportation (Department) from the Philadelphia Parking Authority during the previous 5 years and 2000 census data from the United States Census Bureau, it is estimated that these newly authorized red light enforcement cameras within the above mentioned cities, would generate \$2.5 million annually to be deposited into the new created Automated Enforcement Fund.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

Currently, there remains an unexpended balance of approximately \$10 million in the Motor License Fund, generated since the enactment of Act 123-2002 from the pilot program in Philadelphia, due to the Department's failure to develop, by regulation, a Transportation Enhancements Grant Program, which these funds were specifically restricted for in the Act. These funds will be transferred into the newly created Automated Enforcement Fund to be used for the Pennsylvania State Police and appropriations to the cities, which establish red light enforcement systems, for transportation enhancement grants for intersection signaling and safety, except for cities of the second class, which shall utilize only 25% of their share of the funds for these purposes and the remaining 75% will be use for the cities' municipal pension system funds.

Bulk Hauling Permits

FUND Motor License Fund

AMOUNT Minimal Fiscal Impact

Amendment A08391 to House Bill 1800 amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes with regard to hauling permits for bulk refined oil and nonhazardous liquid glue. Specifically, this amendment extends the current allowable hauling distance for refined oil from 50 miles to 125 miles. The current annual fee for this permit will remain unchanged, at \$800, for hauling permits up to 50 miles, but it will be \$1,600 for permits allowing for hauling refined oil in excess of 50 miles and up to 125 miles. Hauling refined oil in excess of 125 miles would not be permissible.

Further, this amendment creates a new annual hauling permit for transporting nonhazardous liquid glue for distances not to exceed 75 miles. The annual fee for this type of permit would be \$800.

Finally, this amendment would allow for the issuance of hauling permits for the movement of waste tires.

FISCAL IMPACT:

Expanding the distance for the hauling of bulk refined oil and the addition of the annual hauling permit for nonhazardous liquid glue is not expected to have a significant impact on the Pennsylvania Department of Transportation's (Department) permit approval process. Therefore, the administrative costs to implement the specifics of this amendment would be negligible.

There is the potential for the Department to generate additional revenue by way of collecting \$1,600 per annual hauling permit issued for transporting bulk refined oil in excess of 50 miles and \$800 for the newly created annual hauling permit for nonhazardous liquid glue. Estimating the additional revenue generated by passage of this amendment is difficult due to the lack of historical data available from the Department on the issuance of annual hauling permits. According to the data that is available, it is estimated that the additional revenue generated would be minimal and would be offset by the costs of repairs to damages caused to the roadways along the routes traveled during such transports.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

Vintage Snowmobiles

FUND ATV and Snowmobile Restricted Account

AMOUNT Minimal Fiscal Impact

Specifically, this amendment would authorize the Department of Conservation and Natural Resources (DCNR) to issue "vintage snowmobile" permits for use only while participating in a "vintage snowmobile event" as defined in the legislation. The legislation defines a "vintage snowmobile" as a snowmobile that is at least 25 years old and is not operated in the Commonwealth except at vintage snowmobile events. A "vintage snowmobile event" is defined as a ride or rally intended for vintage snowmobiles which has a specifically designated trail, on a specific date, and has specific beginning and end points.

Such permits would be assessed a one-time fee of \$10.00 and a replacement fee, due to loss or damage, of \$5.00

FISCAL IMPACT:

Currently, owners of what would be defined as vintage snowmobiles pay a biennial registration fee of \$20.00. This legislation would allow for such owners to purchase a "vintage snowmobile" permit for a one-time fee of \$10.00. The number of snowmobile owners that would be eligible for a vintage snowmobile permit and apply for such a permit cannot be quantified at this time, however, DCNR estimates the loss of revenue to the ATV and snowmobile restricted account, due to the enactment of this legislation, to be very minimal.