

Legislative Journal

TUESDAY, JUNE 8, 1976

Session of 1976

160th of the General Assembly

Vol. 1, No. 139

HOUSE OF REPRESENTATIVES

The House convened at 9:30 a.m., e.d.t.

THE SPEAKER PRO TEMPORE (Max Pievsky)
IN THE CHAIR

PRAYER

REVEREND DOCTOR DAVID R. HOOVER, chaplain of the House of Representatives and pastor of St. Paul's Lutheran Church, McConnellsburg, Pennsylvania, offered the following prayer:

O God, our most gracious Father in heaven, at the beginning of this day we come to Thee to share our joys. We know that Thou art always by our side, and we beseech Thee to motivate and guide our steps in Thy way. We acknowledge Thy abiding care, and we call upon Thee to keep us in the shadow of Thy hand and free from the pitfalls which our world has to offer. We are cognizant of Thy abundant love, and we ask Thee to bestow upon each of us a full portion, especially upon these legislators here assembled. We are aware of Thy heavenly peace which passeth all understanding, and we humbly pray that Thou wilt grant to all of us Thy benediction. In Thy name and for Thy sake, we pray. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal for Monday, June 7, 1976, will be postponed until printed.

THE SPEAKER (Herbert Fineman)
IN THE CHAIR

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll.

The roll was taken and was as follows:

YEAS—200

Abraham	Garzia	McClatchy	Salvatore
Anderson, J. H.	Geesey	McCue	Scheaffer
Arthurs	Geisler	McGinnis	Schmitt
Barber	George	McIntyre	Schweder
Bellomini	Giammarco	McLane	Scirca
Bennett	Gillespie	Mebus	Seltzer
Beren	Gillette	Menhorn	Shane
Berlin	Gleeson	Milanovich	Shelhamer
Berson	Goodman	Miller, M. E.	Sheiton
Bittle	Green	Miller, M. E., Jr.	Shuman
Bonetto	Greenfield	Milliron	Shupnik
Bradley	Grieco	Miscevich	Sirianni
Brandt	Gring	Moehlmann	Smith, E.
Brunner	Halverson	Morris	Smith, L.
Burns	Hamilton, J. H.	Mullen, M. P.	Spencer

Butera	Hammock	Mullen	Stahl
Caputo	Hasay	Mrkonic	Stapleton
Cessar	Haskell	Musto	Stout
Cianciulli	Hayes, D. S.	Myers	Taddonio
Cimini	Hayes, S. E.	Novak	Taylor
Cohen	Hepford	Noye	Thomas
Cole	Hill	O'Brien	Toll
Cowell	Hopkins	O'Connell	Trello
Crawford	Hutchinson, A.	O'Donnell	Turner
Cumberland	Hutchinson, W.	O'Keefe	Ustynoski
Davies	Irvis	Oliver	Valicenti
DeMedio	Itkin	Pancoast	Vroon
Deverter	Johnson, J.	Parker, H. S.	Wagner
DeWeese	Katz	Ferri	Walsh, T. P.
Dicarlo	Kelly, A. P.	Perry	Wansacz
DiDonato	Kelly, J. B.	Petrarca	Wargo
Dietz	Kernick	Pievsky	Weidner
Dininni	Kistler	Pitts	Westerberg
Dombrowski	Klingaman	Polite	Whelan
Dorr	Knepper	Pratt	Wiggins
Doyle	Kolter	Prendergast	Williams
Dreibelbis	Kowalshyn	Pyles	Wilson
Dumas	Kusse	Rappaport	Wilt, R. W.
Eckensberger	LaMarca	Ravenstahl	Wilt, W. W.
Engelhart	Laudadio	Reed	Wojdak
Fawcett	Laughlin	Renninger	Worrilow
Fee	Lederer	Kenwick	Wright
Fischer	Lehr	Rhodes	Yohn
Fisher	Letterman	Richardson	Zearfoss
Flaherty	Levi	Rieger	Zeller
Foster, A.	Lincoln	Ritter	Zord
Foster, W.	Logue	Ross	Zwikel
Freind	Lynch	Ruggiero	
Fryer	Manderino	Ryan	Fineman,
Gallagher	Manmiller	Saloom	Speaker
Gallen	McCall		

NOT VOTING—3

Gleason McGraw Yahner

The SPEAKER. Two hundred members having indicated their presence, a master roll is established.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I have no further requests for leaves of absence.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I request a leave of absence for the gentleman, Mr. GLEASON, for the week's session.

The SPEAKER. Without objection, leave is granted.

CALENDAR

JUDICIARY BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. BERSON, the House resumed consideration on final passage of **House bill No. 2257**, printer's No. 3389, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania by providing for additional judges for the Superior Court, changing certain provisions relating to confirmation and initial terms and further providing for the president judge of the Superior Court and for the rule making powers of the Supreme Court.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, Shall the bill pass finally?

RECONSIDERATION OF VOTE ON HOUSE BILL No. 2257

Mr. SCIRICA moved that the vote by which HOUSE BILL No. 2257, printer's No. 3389, as amended, was agreed to on Thursday, June 4, 1976, be reconsidered.

Mr. BERSON seconded the motion.

On the question,
Will the House agree to the motion?
Motion was agreed to.

On the question recurring,
Will the House agree to the bill as amended on third consideration?

Mr. SCIRICA requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 1 (Sec. 13), page 3, line 4, by striking out "judges of the Superior Court and"

On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Scirica.

Mr. SCIRICA. Thank you, Mr. Speaker.

This amendment was argued last week. It changes the confirmation procedure for this constitutional resolution so that all additional judges for the Superior Court appointments will be confirmed by a two-thirds' vote instead of a majority vote of the Senate.

On the question recurring,
Will the House agree to the amendment?
Amendment was agreed to.

On the question recurring,
Will the House agree to the bill as amended on third consideration?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, Shall the bill pass finally?

Agreeable to the provision of the Constitution, the yeas and nays will now be taken.

YEAS—163

Anderson, J. H.	Gallen	Manmiller	Saloom
Arthur	Geesey	McCall	Salvatore
Barber	Geisler	McClatchy	Scheaffer
Bellomini	Giammarco	McGinnis	Schmitt
Bennett	Gillespie	McIntyre	Schweder
Beren	Goodson	McLane	Scirica
Berlin	Goodman	Mebus	Seltzer
Berson	Green	Menhorn	Shane
Bittle	Greenfield	Miller, M. E.	Shehmer
Bonetto	Grieco	Miller, M. E., Jr.	Shelton
Bradley	Grieg	Milliron	Shupnik
Brandt	Hamilton, J. H.	Moehmann	Smith, E.
Brunner	Hasay	Morris	Smith, L.
Burns	Haskell	Mullen	Spencer

Caputo	Hayes, D. S.	Mullen, M. P.	Stahl
Cassar	Hayes, S. E.	Musto	Stapleton
Cianciulli	Hepford	Myers	Stout
Cimini	Hill	Noye	Taddonio
Cohen	Hopkins	O'Brien	Taylor
Cole	Hutchinson, W.	O'Connell	Toll
Cowell	Irvia	O'Keefe	Trello
Cumberland	Itkon	Oliver	Turner
DeMedio	Johnson, J.	Pancoast	Ustynoski
Deverter	Katz	Parker, H. S.	Wansacz
DeWeese	Kelly, A. P.	Perri	Wargo
Dicarlo	Kelly, J. B.	Petrarca	Weidner
DiDonato	Kernick	Pievsky	Westerberg
Dietz	Klingaman	Pitts	Whelan
Dininni	Knepper	Polite	Wiggins
Dombrowski	Kolter	Pratt	Wilson
Dorr	Kowalshyn	Prendergast	Wilt, R. W.
Doyle	LaMarca	Pyles	Wilt, W. W.
Dynas	Laudadio	Ravenstahl	Wojdak
Eckensberger	Laughlin	Reed	Worrlow
Engelhart	Lederer	Renninger	Wright
Fawcett	Lehr	Richardson	Yohn
Fee	Levi	Rieger	Zearfoss
Fisher	Lincoln	Ritter	Zwickl
Flaherty	Logue	Ross	
Foster, W.	Lynch	Ruggiero	Fineman,
Freind	Manderino	Ryan	Speaker
Gallagher			

NAYS—20

Abraham	Garzia	Letterman	Novak
Butera	George	McCue	Renwick
Fischer	Gillette	Milanovich	Shuman
Foster, A.	Halverson	Miscevich	Zeller
Fryer	Kusse	Mrkonic	Zord

NOT VOTING—20

Crawford	Hutchinson, A.	Rappaport	Vroon
Davies	Kistler	Rhodes	Wagner
Dreibelbis	McGraw	Sirianni	Walsh, T. P.
Gleason	O'Donnell	Thomas	Williams
Hammock	Perry	Valicenti	Yahner

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

LABOR RELATIONS BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mrs. TOLL, the House resumed consideration on final passage of House bill No. 2010, printer's No. 3330, entitled:

An Act amending the "Industrial Homework Law," approved May 18, 1937 (P. L. 665, No. 176), further regulating and in certain cases prohibiting industrial homework; *** and modifying existing penalties and prescribing additional penalties.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, this is the industrial homework bill?

The SPEAKER. We are now on House bill No. 2010, printer's No. 3330, page 2.

Mr. ZELLER. The industrial homework bill, yes.

The SPEAKER. Well, the bill says "Industrial Homework Law," Mr. Zeller.

Mr. ZELLER. That is right.

Mr. Speaker, I would like to discuss this.

The SPEAKER. The gentleman may proceed.

Mr. ZELLER. Thank you, Mr. Speaker.
 Mr. Speaker, I had requested this to be reconsidered after its passage last week for the following reasons, and I just came in from Allentown and I do not have my material, but I will try to give what I can off the top of my head here.

This bill will affect your entire area for this reason: Those people, whether they are men or women, now doing work at home will not be allowed to do that unless they are physically handicapped or can prove that they are ill in such a way that they cannot go elsewhere to work.

Now we are talking about the family concept of having a mother or a parent—whereas the father would have to stay at home and the mother goes out to work, but mainly in this particular case it would be mothers—who would be at home with their children. We are talking about this family concept.

The way this bill is drawn up, this mother would, if she was physically well, have to go out and get a job if she needed money to supplement their income with the high cost of living today and leave her children to somebody else to raise.

Now I feel this is very, very discriminatory since it mainly affects the Philadelphia area. If you were to see the list of companies which are involved in this through the Department of Labor and Industry, which have to register and pay a \$200 fee per year to register to do this industrial homework, it mainly affects the city of Philadelphia.

I feel the city of Philadelphia should take its own problems under its own charter and handle them without placing this condition upon the entire state. This is where the problems lie. This is where the chief sponsor comes from, with all respect to her, and this is where the problem is. We do not have a problem with it out in our areas. No one has even raised the issue. We have women working and doing a fine job obtaining income to take care of their families, and this is going to kill that.

Now Mr. O'Connell put an amendment in that is going to exempt the shoe industry. Here is another discriminatory move. You talk about discrimination in this state and this country. Here we have direct discrimination in two areas: One, people will not be able to do work unless they are under a certain condition; and, secondly, only the shoe industry is exempt. Can you imagine, of all the different companies that are involved, the shoe industry is exempt now. I never heard of this. This is absolutely ridiculous.

So if you are going to be consistent and you want to be fair, please, let us vote this bill down.

We talk about the independence in this country, people being allowed to do things. Are you going to allow this for a few union bosses—and that is what it is—in the city of Philadelphia who want this bill? That is exactly what it is, and I will say it and I can get away with it. That is exactly what it is. I hope we can vote this bill down, please.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Pancoast.

Mr. PANCOAST. Mr. Speaker, there is very little I can add to my comments of last week against this particular bill. Over the weekend, however, I did contact

several of these employers. The employers themselves would be very happy to see this bill enacted from this point of view: It is difficult for them to deliver goods, to pick up goods, to service machinery that happens to be in the individual's home. But, by the same token, these same employers do not want this particular bill enacted because it creates for them a bad community situation. In other words, the service that they are now performing to the community is to those persons who need help, and, in providing them these jobs in their own homes, they feel that they are doing a very fine public relations job. And I think this particularly should be noted, that it is a community service that is being done by many of these employers and I think for this very reason the bill should be defeated.

On the question recurring,
 Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—111

Abraham	George	McCall	Ritter
Barber	Giammarco	McIntyre	Ross
Bellomini	Gillespie	McLane	Ruggiero
Bennett	Gillette	Menhorn	Saloom
Berlin	Gleeson	Milanovich	Schmitt
Berson	Goodman	Miller, M. E.	Schweder
Bonetto	Green	Miller, M. E., Jr.	Shane
Bradley	Greenfield	Millron	Shelton
Erunner	Halverson	Miscevich	Shupnik
Burns	Haskell	Morris	Stahl
Caputo	Hayes, D. S.	Mrkonic	Stapleton
Cianciulli	Hutchinson, A.	Mullen	Stout
Crawford	Hutchinson, W.	Musto	Taylor
DeMedio	Irvis	Myers	Toll
Deverter	Itkin	Novak	Trello
DeWeese	Johnson, J.	O'Brien	Vallcenti
Dicarlo	Kelly, A. P.	O'Connell	Wansacz
DiDonato	Kernick	O'Keefe	Wargo
Dombrowski	Klingaman	Oliver	Whelan
Doyle	Kowalyszyn	Petrarca	Wiggins
Dumas	LaMarca	Pievsky	Williams
Eckensberger	Laudadio	Pratt	Wilson
Englehart	Laughlin	Prendergast	Wilt, R. W.
Fee	Lederer	Reed	Wojdak
Fischer	Letterman	Reed	Zwikl
Flaherty	Lincoln	Renwick	
Gallagher	Logue	Richardson	Fineman, Speaker
Garzia	Manderino	Rieger	
Geisler			

NAYS—77

Anderson, J. H.	Gallen	McCue	Sirianni
Arthurs	Geesey	McGinnis	Smith, E.
Beren	Grieco	Mebus	Smith, L.
Bittle	Hamilton, J. H.	Moehlmann	Spencer
Butera	Hasay	Noye	Taddonio
Cessar	Hayes, S. E.	Pancoast	Thomas
Cimini	Hepford	Parker, H. S.	Turner
Cole	Hopkins	Perri	Ustynoski
Cowell	Katz	Pitts	Vroon
Cumberiand	Kelly, J. B.	Polite	Wagner
Davies	Kistler	Pyles	Weidner
Dietz	Knepper	Renninger	Westerberg
Dininni	Kolter	Ryan	Wilt, W. W.
Dorr	Kusse	Salvatore	Worrlow
Fawcett	Lehr	Scheaffer	Wright
Fisher	Levi	Scirica	Yohn
Foster, A.	Lynch	Seltzer	Zearfoss
Foster, W.	Manmiller	Sheihamer	Zeller
Freind	McClatchy	Shuman	Zord
Fryer			

NOT VOTING—15

Brandt	Gring	Mullen, M. P.	Rhodes
Cohen	Hammock	O'Donnell	Walsh, T. P.
Dreibelbis	Hill	Perry	Yahner
Gleason	McGraw	Rappaport	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Brandt. For what purpose does the gentleman rise?

Mr. BRANDT. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BRANDT. Mr. Speaker, had I been in my seat, I would have voted "no" on House bill No. 2010, printer's No. 3330.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

BUSINESS AND COMMERCE BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. BENNETT, the House resumed consideration on final passage of **House bill No. 1570, printer's No. 3295**, entitled:

An Act restricting the rights of a landlord to evict in retaliation for actions by a tenant; providing for certain civil actions and injunctive relief and establishing certain burdens to be met by the landlord.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, Shall the bill pass finally?

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1570

Mr. BENNETT moved that the vote by which HOUSE BILL No. 1570, printer's No. 3295, as amended was agreed to on Wednesday, May 26, 1976, be reconsidered.

Mr. FREIND seconded the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

Will the House agree to the bill as amended on third consideration?

Mr. BENNETT requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1, page 2, line 1 by striking out "TENANTS" and inserting: tenant's

Amend Sec. 1, page 2, line 5 by inserting after "AND/OR": statutes pertaining to the maintenance and/or

Amend Sec. 1, page 2, line 11 by striking out "the"

Amend Sec. 1, page 2, line 12 by striking out "of"

Amend Sec. 1, page 2, line 13 by striking out all of said line and inserting: (4) exercising any other legal right.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, the members will recall that the bill we are now discussing had been called previously to the floor. It is my understanding, Mr. Speaker, that the amendment that I have just offered is

an agreed-to amendment by both the Republican caucus and the Democratic caucus, and I offer that amendment.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, what does the amendment do? I do not have a copy of the amendment and I voted against the bill 2 weeks ago because I thought there should have been amendments.

The SPEAKER. Would the gentleman, Mr. Bennett, explain the amendments, please, on the floor?

Mr. BENNETT. Mr. Speaker, it is basically the same amendment that was offered previously to the bill. It is my understanding, however, that that amendment that had been accepted previously did not have certain language in it. This amendment that is offered today is a technical amendment that inserts that new language to the amendment.

Mr. Speaker, the new language on page 2 of House bill No. 1570 strikes the word "TENANTS" in line 1 and adds new language in line 5, "statutes pertaining to the maintenance and/or" management.

It is purely a technical amendment that, again, as I understand, has been agreed to.

Is the gentleman, Mr. Ritter, satisfied?

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, would Mr. Bennett consent to brief interrogation?

The SPEAKER. Will the gentleman, Mr. Bennett, consent to interrogation?

Mr. BENNETT. Yes.

The SPEAKER. The gentleman may proceed.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, presently in the law, is it not true—or maybe someone else could help on this—that a renter who feels that the roof is leaking or a window is out or the heat is not correct, and so forth, has a right now to appeal to the local magistrate to have this taken care of? Is that correct?

Mr. BENNETT. That is correct, Mr. Speaker, in an area or a district where there is a local code enforcement officer, the point being, Mr. Speaker, that what this bill attempts to do is to clarify that situation where no local code exists.

Mr. ZELLER. Mr. Speaker, I believe that the areas in which there would be this tremendous amount of abuse—I find that almost every community has a code enforcement, either BOCA—Building Organization Contractors Association—or some sort of code enforcement officer. It has to be pretty well isolated before it would not have one.

Mr. BENNETT. The gentleman is substantially correct, Mr. Speaker, and as has been indicated on previous occasions when we were debating this bill, that landlord who is in compliance really has no problem with this legislation. What this legislation is directed to, if I may, Mr. Speaker, is the slum landlord from whom a tenant cannot find help. It is directed to that person and that person alone, and that is the only way that I can answer the gentleman, Mr. Speaker.

Mr. ZELLER. Mr. Speaker, another question: We passed legislation about 3 years ago, if I remember correctly—it could have been 2 years ago—that stated that

an individual who has a problem may have it corrected and either bill the property owner or take it out of his rent. Am I correct in that statement? We passed that about 1973 or 1974, legislation that allows a renter to do that.

Mr. BENNETT. If the gentleman is making that statement, Mr. Speaker, I would agree with it. I would not argue with that.

Mr. ZELLER. If someone would want to correct me on this, please do; otherwise, I believe this holds true.

What I am getting at is this: I think the basic fundamental principle, and I should say a basic pride of being an American citizen, is the owning of property, and there is a tremendous responsibility, I realize, for a person who is a landlord to a tenant. However, I believe what we are doing here is that we are going to throw the baby out with the wash if we are going to allow only a few abusive people to tear up a piece of property with no responsibility at all, and then the landlord is dead. I know and I realize this, and the amendment is not helping it.

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett. For what purpose does the gentleman rise?

Mr. BENNETT. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BENNETT. Mr. Speaker, on my point of order, I just raise a question to the Chair. Is it my understanding that we are on the amendment or are we on the bill?

The SPEAKER. We are on the amendment.

Mr. BENNETT. Mr. Speaker, I will attempt to answer any question I can relative to the amendment, but the amendment that we are now debating is purely a technical amendment and I think the gentleman is going just a little bit too far in the interrogation on the amendment. I would be more than happy to stand for interrogation on the bill.

Mr. ZELLER. Mr. Speaker, I understand the amendment was agreed to and I did not know we were on the amendment. I thought the amendment was agreed to for technical changes. That is all I thought. So if we are on the amendment, I know nothing about that.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question recurring,

Will the House agree to the bill as amended on third consideration?

Bill as amended was agreed to.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Thank you, Mr. Speaker.

Because the amendment only dealt with a technical change, it had nothing to do with changing the body to where I would say this is a good bill. It still is not a good bill, and I would say that for responsibility in this country, if we want responsibility, people to be able to be accountable, we cannot allow anyone who owns property to be abused, and, likewise, the person owning property to abuse someone else. But I believe that the amount of people involved here in areas where they have—

The SPEAKER. Would the gentleman yield for just a moment?

Does the gentleman, Mr. Freind, have an amendment to offer?

Mr. FREIND. Yes, I do, Mr. Speaker.

The SPEAKER. The Chair is unable to hear the gentleman.

Mr. FREIND. Yes, I do have an amendment.

The SPEAKER. Will the gentleman, Mr. Zeller, yield for an amendment?

Mr. ZELLER. I will, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

DECISION OF CHAIR RECONSIDERED

The SPEAKER. The Chair reconsiders its decision as to this bill having been agreed to a third time and recognizes the gentleman, Mr. Freind, who offers the following amendment which the clerk will read.

Will the gentleman send the amendments to the desk, and will the gentleman make a copy of that amendment immediately available to Mr. Bennett?

Has this amendment been distributed to the members of the House?

Mr. FREIND. Yes, it was, Mr. Speaker, about a week and a half ago.

Mr. BENNETT. With the gentleman's name on it, Mr. Speaker?

We were aware of an amendment by the gentleman, Mr. Wagner. It is the only one I am aware of.

The SPEAKER. Are the members of the House agreeable to this bill now being temporarily passed over until the gentleman, Mr. Bennett, has an opportunity to examine this amendment?

Does the gentleman, Mr. Bennett, desire to have this bill temporarily passed over?

Mr. BENNETT. Well, Mr. Speaker, if I can just have a moment to see the amendment to try to understand what it does.

The SPEAKER. The House will be at ease.

BILLS PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, with the indulgence of the House, I would like to ask that the Chair pass over House bill No. 1570 as amended and House bill No. 1571, which is the next bill to be called up. We will call both of them up following the noon recess for lunch, and by that time I hope everyone who has an amendment will have it circulated and everyone who intends to vote on an amendment will have seen it. Will you declare both bills over temporarily, please, Mr. Speaker?

The SPEAKER. House bills Nos. 1570 and 1571 will be temporarily passed over.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher. For what purpose does the gentleman rise?

Mr. FISHER. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. FISHER. Mr. Speaker, on House bill No. 1858 yesterday I was out of my seat when the vote on final

passage was taken. I would like to be recorded in the negative.

The SPEAKER. The gentleman's remarks will be noted for the record.

STATE GOVERNMENT BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. BRANDT, the House resumed consideration on final passage of House bill No. 1377, printer's No. 3329, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for referendum questions, appointment of watchers, compatible offices, availability of ballots and the use and placement of sample ballots.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, Shall the bill pass finally?

Agreeable to the provision of the Constitution, the yeas and nays will now be taken.

YEAS—187

- Abraham, Anderson, J. H., Arthurs, Bennett, Beren, Berlin, Berson, Bittle, Bonetto, Bradley, Brandt, Brunner, Burns, Butera, Caputo, Cessar, Cianciulli, Cimino, Cohen, Cole, Cowell, Crawford, Cumberland, Davies, DeMedio, Deverter, DeWeese, Dicarlo, DiDonato, Dietz, Dininni, Dombrowski, Dorr, Doyle, Eckensberger, Englehart, Fawcett, Fee, Fischer, Fisher, Flaherty, Foster, A., Foster, W., Freind, Fryer, Gallagher, Gallen, Geesey, Geisler, George, Giammarco, Gillespie, Gillette, Gleason, Goodman, Green, Greenfield, Grieco, Gring, Halverson, Hamilton, J. H., Hasay, Haskell, Hayes, D. S., Hayes, S. E., Hepford, Hill, Hopkins, Hutchinson, A., Irvis, Itkin, Johnson, J., Katz, Kelly, A. P., Kelly, J. B., Kernick, Kistler, Klingaman, Knepper, Kowalyszyn, Kusse, LaMarca, Laudadio, Laughlin, Lederer, Lehr, Letterman, Levi, Lincoln, Logue, Lynch, Manderino, Manmiller, McCall, McClatchy, McCue, McGinnis, McIntyre, McLane, Mebus, Menhorn, Milanovich, Miller, M. E., Miller, M. E., Jr., Milliron, Misceovich, Moehlmann, Morris, Mrkonje, Mullen, M. P., Mullen, Musto, Novak, Noye, O'Brien, O'Connell, O'Donnell, O'Keefe, Oliver, Pancoast, Parker, H. S., Perri, Perry, Petrarca, Pievsky, Pitts, Polite, Pratt, Prendergast, Pyles, Rappaport, Ravenstahl, Reed, Renninger, Renwick, Richardson, Rieger, Ritter, Ross, Ruggiero, Ryan, Saloom, Salvatore, Scheaffer, Schmitt, Schweder, Scirica, Seltzer, Shane, Shelhamer, Shelton, Shuman, Shupnik, Sirianni, Smith, E., Smith, L., Spencer, Stahl, Stapleton, Stout, Taddonio, Taylor, Thomas, Toll, Trello, Turner, Valicenti, Vroon, Wagner, Wansacz, Wargo, Weidner, Westerberg, Whelan, Wiggins, Williams, Wilt, R. W., Wilt, W. W., Wojdak, Worrlow, Wright, Yohn, Zearfoss, Zeller, Zord, Zwikl, Fineman, Speaker

NAYS—3

- Barber, Dumas, Garza

NOT VOTING—13

- Bellomini, Dreibelbis, Gleason, Hammock, Hutchinson, W., Kolter, McGraw, Myers, Rhodes, Ustynoski, Walsh, T. P., Wilson, Yahner

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

LABOR RELATIONS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 894, printer's No. 1017, entitled:

An Act relating to the safety of workmen in the construction and maintenance of electric service ensuring that consumers will receive more adequate and reliable electric service and conferring powers and imposing duties on the Department of Labor and Industry and courts of common pleas.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

Mr. ENGLEHART moved that House bill No. 894 be recommitted to the Committee on Labor Relations. Motion was agreed to.

HOUSE BILL No. 770 RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that House bill No. 770, printer's No. 2645, be taken from the table and recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

STATE GOVERNMENT BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 2142, printer's No. 3129, entitled:

An Act amending the act of May 20, 1937 (P. L. 728, No. 193), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; ***, changing the title of the board and its members; transferring it to the Department of Justice; transferring certain additional jurisdiction to the court; ***,

On the question,

Will the House agree to the bill on third consideration?

Mr. GOODMAN requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Title, page 1, line 10 by striking out "transfering it to the Department of Justice;"

Amend Sec. 2(Sec. 1), page 2, lines 16 and 17 by striking out the bracket before "the" in line 16 and after "General" in line 17

Amend Sec. 2(Sec. 1), page 2, line 17 by striking out "Justice,"

Amend Sec. 11, page 11, line 6 by striking out "Justice" and inserting: the Auditor General

Amend Sec. 11, page 11, line 8 by striking out "Justice" and inserting: the Auditor General

Amend Sec. 11, page 11, line 11 by striking out "Justice" and inserting: the Auditor General

Amend Sec. 11, page 11, line 12 by inserting after "the": Court of Claims of the

Amend Sec. 11, page 11, lines 12 and 13 by striking out "Justice from the Department of"

Amend Sec. 11, page 11, line 14 by inserting after "the" where it appears the first time: Board of Arbitration of Claims in the

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Goodman.

Mr. GOODMAN. I believe the amendments are agreed to, Mr. Speaker.

The SPEAKER. Will the gentleman briefly explain the amendments?

Mr. GOODMAN. The amendments leave the Board of Claims under the jurisdiction of the Auditor General where it now is. The bill would have transferred this to the Department of Justice. The amendment takes out "Justice" and leaves it under the jurisdiction of the Auditor General.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question,

Will the House agree to the bill as amended on third consideration?

Mr. MANDERINO requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Title, page 1, line 14 by inserting after "for": hearing panels and for

Amend Sec. 2 (Sec. 1), page 3, by inserting between lines 21 and 22:

The Court of Claims may, in its discretion appoint three hearing panels consisting of two individuals each, one of whom shall be a registered engineer and the other of whom shall be learned in the law and shall be the chairman. These individuals shall receive actual traveling expenses and per diem compensation at the rate of one hundred fifty dollars (\$150) per day for the time actually devoted to the business of the court, but no panel member shall be paid more than ten thousand dollars (\$10,000) per diem compensation in any calendar year. The hearing panels shall be denominated the Eastern, Middle and Western District Hearing Panel, respectively, and shall have jurisdiction in areas of the Commonwealth coterminous with the three judicial districts of the United States District Courts in the Commonwealth established by section 118 of the Judicial Code and Judiciary, act of June 25, 1948, as amended June 2, 1970 (P. L. 91-272), 28 U.S.C. section 118.

Amend Sec. 6 (Sec. 6), page 6, line 27 by inserting after "answer":

When, in the opinion of the secretary of the court, a decision by the court is unlikely to be made within sixty (60) days from the date of hearing, as provided in section 8, the secretary of the court may refer the case, together with all pleadings, to one of the three hearing panels established pursuant to section 1, within its jurisdiction. The hearing panel shall list the case for hearing at the earliest available date after receipt of the case from the secretary of the court. The hearing panel shall be subject to all the requirements of this act as to procedure, hearings and opinions, as the court. The hearing panel shall forward its recommendation or recommendations to the court, within the time established pursuant to section 8.

Amend Sec. 8 (Sec. 8), page 8, line 17 by inserting after "Claims": or hearing panel

Amend Sec. 8 (Sec. 8), page 8, line 21 by inserting after "Claims": or hearing panel

Amend Sec. 8 (Sec. 8), page 8, line 26 by inserting after "hearing."

If the hearing is before a panel, such panel shall make its recommendation or recommendations to the court within thirty (30) days after the hearing,

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, the Court of Claims, as set up under Pennsylvania law, handles disputes that arise with persons in the general public, corporations and firms that have disputes with the Commonwealth in matters of contracts and other matters.

The Court of Claims in the last several years has had difficulty making their decisions within the time prescribed by law and even within reasonable times. In many cases disputes are not decided for periods of time up to 3 and 4 years, all during which time, when a favorable decision to the claimant is made, interest must be paid by the Commonwealth. The Commonwealth has paid in individual cases as high as \$82,000 in interest.

My amendment simply tries to expedite the process of arbitrating or settling the claims before the Court of Claims by allowing the Court of Claims, in cases where the decision cannot be made under the law within 60 days—or at least in the opinion of the secretary of the board—to refer the matters to a hearing panel.

My amendment sets up three separate hearing panels—one in the eastern district of the state, one in the western, and one in the central district of the state. There are two members on each panel; one is an engineer and one is an attorney. The amendment provides for their rate of pay at \$150 per day. There is a top limit that any panelist can receive in any one year of \$10,000, which makes the total cost of this particular amendment \$60,000 so far as paying the panel members is concerned. It is my opinion that much more than the \$60,000 that we will be spending to expedite procedures of the Court of Claims will be saved in the interest saved by the Commonwealth on the claims that are arbitrated or settled some four and perhaps more years after they are originally filed, and interest runs from the date of claim. I would ask and urge the House to adopt the amendment that I propose, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Perry.

Mr. PERRY. Mr. Speaker, thank you.

The SPEAKER. Is the gentleman addressing himself to the amendments?

Mr. PERRY. Yes, to the amendments.

The SPEAKER. The Chair recognizes the gentleman.

Mr. PERRY. I want the House to know that this amendment, except for the cost being \$200 a day for compensation, was part of the original bill and it was amended out of the bill in committee. We gave the reasons why—because the board does have the authority to appoint experts and investigators and so forth—and we ripped it out of the bill in committee, and I offered the amendment. I still feel strongly that these panels are not needed and I oppose the amendment.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, what Mr. Perry says is correct in part. The hearing panels as set up in the original bill were open-ended so far as compensation was concerned. The figure was \$200 per day per panel member, and we have reduced that to \$150. We have also put a top limit of \$10,000 per year. The way it appeared to the committee was that the open-endedness, allowing the \$200 a day for as many days as they may be able to schedule or want to schedule, was just taking off too much and providing too much help for the court.

I think that the amendment is greatly different, and I would again emphasize that we are only talking about a cost of \$60,000 and I would urge adoption of the amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I rise to support the concept put forth by Mr. Manderino. The important thing here is that citizens of this Commonwealth are being denied justice and in many instances they are being denied recovery of funds, and it is absolutely wrong for the government to keep the people's money, particularly when the reasons why they are being denied justice and, in some cases, recoveries are because of lack of personnel, lack of time being able to be devoted to these important claims, and I think we have every obligation to speed up this process so that the people are given justice.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, it is not often that I would agree with the leadership, but this happens to be a case where, upon checking with the Department of Labor and Industry, we have such a backlog of cases—

The SPEAKER. Try it; you might like it, Joe.

Mr. ZELLER. Thank you.

—there is a terrible injustice going on right now in regard to handling these, so I do believe that in checking, this is a good amendment.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Perry.

Mr. PERRY. Mr. Speaker, the purpose of this entire concept was to get this panel to work full time and compensate them accordingly. They are hearing cases maybe 1 or 2 days a week; 2 days at the most. With the bill giving them adequate compensation so they could serve full time, they can certainly catch up on that backlog.

The backlog of cases went from 90 in 1973 to 125 sometime in 1975. So there was a backlog of 30 cases created in the period of about 2 years. With the panel working full time, they could certainly catch up on that backlog. These panels are absolutely not needed. If they cannot catch up on full time, 35 cases that have backlogged in a little over 2 years—I would like to be on this panel. I will be through December 1. Maybe I will go to school and get a degree in engineering or law and be on this panel.

I am against this amendment. We ripped it out in committee by, well, not quite a unanimous vote, and I urge the members to vote against it.

On the question recurring,
Will the House agree to the amendments?

The yeas and nays were required by Messrs. MANDERINO and BUTERA and were as follows:

YEAS—140

Arthurs	Garzia	Lynch	Scheaffer
Bennett	Geesey	Manderino	Schmitt
Beren	Geisler	McCall	Schweder
Berlin	Giammarco	McClatchy	Scirica
Berson	Gillespie	McCue	Seltzer
Bonetto	Gillette	McLane	Shane
Bradley	Gleeson	Mebus	Shupnik
Brandt	Goodman	Menhorn	Sirianni
Brunner	Green	Milanovich	Smith, E.
Burns	Greenfield	Miller, M. E.	Smith, L.
Butera	Grieco	Miller, M. E., Jr.	Spencer
Caputo	Gring	Milliron	Stout
Cianciulli	Hamilton, J. H.	Miscevich	Taddonio
Cimini	Haskell	Moehlmann	Taylor
Cohen	Hayes, D. S.	Mullen	Toll
Cole	Hepford	Musto	Trello
Crawford	Hill	Myers	Ustynoski
Cumberland	Hopkins	Noye	Vroon
Davies	Hutchinson, A.	O'Brien	Wansacz
DeMedio	Hutchinson, W.	O'Connell	Wargo
DeWeese	Irvis	Pancoast	Weidner
DiDonato	Johnson, J.	Parker, H. S.	Westerberg
Dininni	Katz	Petrarca	Williams
Dombrowski	Kelly, A. P.	Pitts	Wilson
Dorr	Kelly, J. B.	Polite	Wojdak
Doyle	Kistler	Pratt	WorriLOW
Eckensberger	Klingaman	Rappaport	Wright
Englehart	Knepper	Ravenstahl	Yohn
Fawcett	Kolter	Reed	Zearfoss
Fee	Kowalshyn	Renninger	Zeller
Fisher	Laudadio	Richardson	Zord
Flaherty	Laughlin	Rieger	Zwikel
Foster, A.	Lederer	Ritter	
Foster, W.	Lehr	Ryan	Fineman,
Freind	Lincoln	Saloom	Speaker
Gallagher	Logue		

NAYS—47

Abraham	George	Morris	Shuman
Anderson, J. H.	Halverson	Mrkonic	Stahl
Barber	Hasay	Novak	Stapleton
Bittle	Hayes, S. E.	O'Keefe	Thomas
Cessar	Kernick	Perri	Turner
Cowell	Kusse	Perry	Valteenti
Deverter	LaMarca	Prendergast	Wagner
Dietz	Letterman	Pyles	Whelan
Dumas	Levi	Renwick	Wiggins
Fischer	Manmiller	Ross	Wilt, R. W.
Fryer	McGinnis	Salvatore	Wilt, W. W.
Gallen	McIntyre	Shelhamer	

NOT VOTING—16

Bellomini	Hammock	O'Donnell	Ruggiero
Dicarlo	Itkin	Oliver	Shelton
Dreibelbis	McGraw	Pievsky	Walsh, T. P.
Gleason	Mullen, M. P.	Rhodes	Yahner

So the question was determined in the affirmative and the amendments were agreed to.

On the question recurring,
Will the House agree to the bill as amended on third consideration?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Zearfoss.

Mr. ZEARFOSS. Mr. Speaker, I have just one question for one of the sponsors of the bill.

The SPEAKER. Will one of the sponsors of the bill consent to interrogation? Mr. Manderino?

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. ZEARFOSS. Mr. Speaker, I have read over this bill, and it indicates that jurisdiction to try certain cases is put in this Court of Claims. Does that indicate that it is exclusive jurisdiction? In other words, is any other tribunal in this Commonwealth capable of trying the same claims, or must they go before the Court of Claims?

Mr. MANDERINO. Mr. Speaker—

Mr. ZEARFOSS. The bill does not say "exclusive." That is why I am asking the question.

Mr. MANDERINO. Mr. Speaker, I am not sure of the answer to the gentleman's question. If you would want to defer final passage of this until I look at the section that he is asking about, then maybe I can answer his question.

Mr. ZEARFOSS. Mr. Speaker, I am willing to put this over temporarily, because I do think it is an important issue. It has been raised in several court cases. I do not think the bill does determine it definitively, and I think some record should be made at this time to indicate what is intended.

Mr. MANDERINO. Mr. Speaker, perhaps in answer to the gentleman—and we can dispose of this matter at this time—it is my understanding, and the persons who have looked at the bill more closely than I have indicated, that we are not changing the manner of jurisdiction that we have right now. By reference to the act we are simply saying that the court will have the same jurisdiction that the various acts give to the court at this time.

Mr. ZEARFOSS. One other question: The bill, and I guess the present law, provides that the court would have jurisdiction only of claims in excess of \$300. How are the claims against the Commonwealth under \$300 tried under the law as amended or under present law?

Mr. MANDERINO. Mr. Speaker, I am going to give you my opinion. I do not think there is a place to take claims under \$300. It may be the Board of Finance and Revenue. I know it is not the Court of Claims.

Mr. ZEARFOSS. Would it be conceivable that a claim under \$300 would be taken to a local district justice?

Mr. MANDERINO. Well, you are going to get into the question of sovereign immunity, but I imagine you can. Some people have taken claims to court in the lower courts and have had the doctrine of sovereign immunity very much modified in recent years.

Mr. ZEARFOSS. Does the doctrine of sovereign immunity, Mr. Speaker, apply to contract cases? I was under the impression that it applied only in tort situations.

Mr. MANDERINO. Mr. Speaker, I am not going to attempt to stand here and give a dissertation in the law of sovereign immunity. The Supreme Court is evolving right now, as you are well aware, Mr. Speaker, the law of sovereign immunity in this jurisdiction, and I would not hope to be an expert on the matter.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—186

Abraham	Fryer	Manderino	Scheaffer
Anderson, J. H.	Gallen	Mann Miller	Schmitt
Arthurs	Garzia	McCall	Schweder
Barber	Geesey	McClatchy	Scirica
Bellomini	Geisler	McCue	Seltzer
Bennett	George	McGinnis	Shane
Beren	Glammarco	McIntyre	Shelhamer
Berlin	Gillespie	McLane	Shelton
Berson	Gillette	Mebus	Shuman
Bittle	Gleeson	Menhorn	Shupnik
Bonetto	Goodman	Milanovich	Sirianni
Bradley	Green	Miller, M. E.	Smith, E.
Brandt	Greenfield	Milliron	Smith, L.
Brunner	Grieco	Miscevich	Spencer
Burns	Gring	Morris	Stahl
Butera	Hamilton, J. H.	Mrkonic	Stapleton
Caputo	Hasay	Mullen	Stout
Cessar	Haskell	Musto	Taddonio
Cianciulli	Hayes, D. S.	Myers	Taylor
Cimini	Hayes, S. E.	Novak	Thomas
Cohen	Hepford	Noye	Toll
Cole	Hill	O'Brien	Trello
Cowell	Hopkins	O'Connell	Turner
Crawford	Hutchinson, A.	O'Keefe	Ustynoski
Cumberland	Hutchinson, W.	Pancoast	Valicenti
Davies	Irvis	Parker, H. S.	Vroon
DeMedio	Itkin	Perri	Wansacz
Deverter	Johnson, J.	Petrarca	Wargo
DeWeese	Katz	Pievsky	Weidner
Dicarlo	Kelly, A. P.	Pitts	Westerberg
DiDonato	Kelly, J. B.	Polite	Whelan
Dietz	Kernick	Pratt	Wiggins
Dininni	Kistler	Prendergast	Williams
Dombrowski	Klingaman	Pyles	Wilson
Dorr	Knepper	Rappaport	Wilt, R. W.
Doyle	Kowalyshyn	Ravenstahl	Wilt, W. W.
Dumas	Kusse	Reed	Wojdak
Eckensberger	LaMarca	Renninger	WorriLOW
Englehart	Laudadio	Renwick	Wright
Fawcett	Laughlin	Richardson	Yohn
Fee	Lederer	Rieger	Zearfoss
Fischer	Lehr	Ritter	Zeller
Fisher	Letterman	Ross	Zord
Flaherty	Levi	Ruggiero	Zwiski
Foster, A.	Lincoln	Ryan	
Foster, W.	Logue	Saloom	Fineman,
Freind	Lynch	Salvatore	Speaker

NAYS—2

Halverson Perry

NOT VOTING—15

Dreibelbis	Kolter	Mullen, M. P.	Wagner
Gallagher	McGraw	O'Donnell	Walsh, T. P.
Gleason	Miller, M. E., Jr.	Oliver	Yahner
Hammock	Mochlmann	Rhodes	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

TRANSPORTATION BILL ON
THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 888, printer's No. 1929, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), entitled "State Highway Law," further providing for vegetation along highways.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

Mr. IRVIS moved that Senate bill No. 888 be recommended to the Committee on Transportation.

Motion was agreed to.

ANNOUNCEMENT

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Perry.

Mr. PERRY. Mr. Speaker, thank you.

There is a meeting of the State Government Committee scheduled for 10:30 this morning. That meeting is canceled, apparently because we are here.

The SPEAKER. The Chair thanks the gentleman.

HOUSE BILL No. 2448 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I think this is the bill that we are putting over until this afternoon until we have a chance to caucus on some information which is being—

Mr. IRVIS. No, Mr. Speaker, it is House bill No. 2448.

Mr. BUTERA. Well, that is the one that is on the board.

The SPEAKER. The Speaker has called up House bill No. 2448.

Mr. IRVIS. No, Mr. Speaker, that is an error.

The SPEAKER. This bill will be temporarily passed over.

Mr. IRVIS. I apologize to the minority leader. I did not get to the Speaker in time to alert him.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 2379, printer's No. 3343, entitled:

An Act establishing the Miss Pennsylvania Scholarship Fund, providing for its administration by the Secretary of Commerce and making an appropriation.

On the question,

Will the House agree to the bill on third consideration? Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally?

Agreeable to the provision of the Constitution, the yeas and nays will now be taken.

YEAS—149

- Abraham, Barber, Bennett, Beren, Berlin, Berson, Bonetto, Bradley, Brandt, Brunner, Burns, Caputo, Cianciulli, Cimint, Cohen, Cole, Cowell, Cumberland, Davies, DeMedio, DeWeese, Dicarlio, Giammarco, Gillespie, Gillette, Gleeson, Goodman, Green, Greenfield, Grieco, Hamilton, J. H., Haskell, Hayes, D. S., Hayes, S. E., Hepford, Hill, Hopkins, Irvis, Johnson, J., Kelly, A. P., Kernick, Kistler, Klingaman, Knepper, Menhorn, Milanovich, Miller, M. E., Miller, M. E., Jr., Milliron, Miscevich, Moehlmann, Morris, Mrkonic, Mullen, M. P., Mullen, Musto, Myers, Novak, O'Brien, Oliver, Pancoast, Parker, H. S., Perri, Perry, Petrarca, Plevaky, Schmitt, Schweder, Scirica, Shane, Shelhamer, Shelton, Shupnik, Smith, E., Smith, L., Spencer, Stahl, Stapleton, Stout, Taddonio, Taylor, Thomas, Toll, Trello, Ustynoski, Valcentu, Vroon, Wansacz

- DiDonato, Dietz, Dininni, Dombrowski, Doyle, Dumas, Eckensberger, Englehart, Fee, Fisher, Fryer, Gallagher, Gallen, Garzia, Geisler, George, Kowalyszyn, LaMarca, Laudadio, Laughlin, Lederer, Lehr, Lincoln, Logue, Lynch, Manderino, Manmiller, McCall, McClatchy, McCue, McIntyre, McLane, Pitts, Pratt, Prendergast, Pyles, Rappaport, Ravenstahl, Reed, Renninger, Renwick, Rieger, Ritter, Ross, Ruggiero, Ryan, Saloom, Salvatore, Whelan, Wiggins, Williams, Wilson, Wilt, R. W., Wilt, W. W., Wojdak, Worrlow, Wright, Zearios, Zeller, Zwicki, Fineman, Speaker

NAYS—45

- Anderson, J. H., Arthurs, Bittle, Butera, Cessar, Crawford, Deverter, Dorr, Fawcett, Fischer, Flaherty, Foster, A., Foster, W., Freind, Geesey, Gring, Halverson, Hasay, Hutchinson, A., Hutchinson, W., Itkin, Katz, Kelly, J. B., Kolter, Kusse, Letterman, Levi, McGinnis, Mebus, Noye, O'Connell, O'Donnell, O'Keefe, Polite, Scheaffer, Seltzer, Shuman, Sirjanni, Turner, Wagner, Wargo, Weidner, Westerberg, Yohn, Zord

NOT VOTING—9

- Bellomini, Dreibelbis, Gleason, Hammock, McGraw, Rhodes, Richardson, Walsh, T. P., Yahner

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

MILITARY AND VETERANS AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 1281, printer's No. 3140, entitled:

An Act amending the act of June 21, 1963 (P. L. 174, No. 104), entitled "An act granting and regulating exemption from payment of real estate taxes by war veterans in need thereof who are blind, paraplegic or have suffered the loss of two or more limbs as a result of military service; ***," extending the exemption to certain widows.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

Mr. IRVIS moved that House bill No. 1281 be recommended to the Committee on Appropriations for a fiscal note.

Motion was agreed to.

HEALTH AND WELFARE BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. IRVIS, the House resumed consideration on final passage of House bill No. 9, printer's No. 3141, entitled:

An Act to promote the health and welfare of the people of the Commonwealth by controlling and regulating lead paint poisoning; prescribing the powers and duties of the Department of Health and the Department of Environmental Resources; authorizing lead analyses at State laboratories; creating the Interagency Coordinating

Committee and the Advisory Committee; imposing restrictions; providing penalties and making an appropriation.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Stahl.

Mr. STAHL. Mr. Speaker, this is the bill we defeated last week. I just very quickly want to refresh the memory of the members.

This is a bill which will create more slums, more vacant housing, in the cities of Philadelphia and Pittsburgh and the smaller cities in Pennsylvania because of the provision of the Department of Environmental Resources being able to stop the sale of a house if it has any kind of lead paint in it at all. I urge the members to defeat this legislation.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, we debated this bill extensively last week, and I think we brought the information to the members that this bill is indeed a good piece of legislation. It will not cause the problems that Mr. Stahl made reference to.

The Health and Welfare Committee has worked several months on it. We have met with all individuals who did have any problems with the bill and worked out those problems. We would ask support for this piece of legislation.

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Crawford.

Mrs. CRAWFORD. Mr. Speaker, I am still opposed to this bill as I was last week. Nothing has changed in it. I still oppose it on the theory that it should be done by local ordinance instead of a statewide law; that it creates a bureaucracy in the Department of Environmental Resources and the Department of Health that we do not need and that can be done by the local boards of health and the county boards of health and the local enforcement officers. It can be done cheaper this way. The bill calls for an appropriation of approximately \$3 million that we really do not need on the state level at this point.

The other important point that I brought out last week: The way the bill is written, in areas such as central Pennsylvania, upstate Pennsylvania, any of the areas where there are auctions held of old furniture, a person could be held criminally liable if that piece of furniture was sold without the paint being stripped off.

This is why I opposed the bill, and I still do.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Kelly.

Mrs. KELLY. Mr. Speaker, I rise in favor of this piece of legislation. Over the weekend I saw a program where children were picking paint off the windowsills. They were sucking on different toys and different things, and then it went on to show the health department with these retarded children where it was proven that it was caused by lead paint.

Now this bill may not be a proper bill or a perfect bill, as I should say, but it is a bill in the right direction. We have to start someplace. We have a lot of bills that we

vote on here that are not perfect, but we try to do the right thing. I ask all of you to please give me a "yes" vote on this bill. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, may I interrogate Mr. DiCarlo?

The SPEAKER. Will the gentleman, Mr. DiCarlo, consent to interrogation?

Mr. DiCARLO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. O'DONNELL. Mr. Speaker, does this bill contain a provision that would prohibit the sale of houses that have lead paint on them?

Mr. DiCARLO. I am sorry.

Mr. O'DONNELL. Would this bill prohibit the sale of houses—let us say abandoned houses or Federally owned houses or state-owned houses or privately owned houses—if they have lead paint in them?

Mr. DiCARLO. There is no prohibition in the bill against the sale of houses. It is my understanding, though, that HUD—the Department of Housing and Urban Development—when it handles its projects, does have such a prohibition on the sale of the houses that they deal with. But there is no state prohibition in House bill No. 9.

Mr. O'DONNELL. Okay. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I would just like to address the House on the point that Mr. O'Donnell brought up. I think we are discussing a lead paint abatement problem here, and I think we faced this problem in Philadelphia and I think it is important that we look at the results of that program in Philadelphia.

First of all, I would say to you that I do not think any member would stand here on the floor today and say he is against the abatement of lead paint poisoning. We are all for that. But I think we want to look out for the results of such a program. We want to find out who is going to pay for such a program and what happens when people cannot pay for such a program.

Mr. Speaker, I would say to you in reference to what Mr. O'Donnell just talked about that if a house is for sale and its lead paint has not been abated and it happens to be in the Philadelphia area, where we have low-income or middle-income people trying to buy that house, the financing dictates that they must go to the Federal Housing Administration or Veterans' Administration financing. Now under that kind of financing, that house is not allowed to be sold unless that lead paint is abated.

Consequently, in Philadelphia we have houses not being sold; we have them sitting there abandoned. And I think that what has happened in Philadelphia is that with good intentions in trying to alleviate the lead paint problem, we are creating more and more and more slum housing and abandoned housing.

Mr. Speaker, the problem that Philadelphia faces with its degenerating neighborhoods is now going to be thrown all across this state if we pass this bill. Instead of helping the people who need to be helped, instead of trying to solve the problem here that has to be solved, I say to you sincerely that we are going to cause a greater prob-

lem than we have at the moment. I would suggest defeat of this legislation.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, just one final point in talking about the abatement problem and talking about the problem that Mr. McClatchy just brought up.

One of the reasons that we feel that House bill No. 9 should be supported is because we are dealing with that very same problem. We are giving an avenue to those people of lower income who may own the houses or may want to buy the houses. We know that in the abatement process, if they cannot afford to remove the lead paint, if they are lower income people, that burden will be picked up by the Commonwealth of Pennsylvania.

Presently, under the Philadelphia program and with the Federal regulations, the people are moving out simply because there are no moneys available to take care of the abatement process. So we feel with the language that we have in House bill No. 9, those people who are indeed landlords and those people who can indeed take care of that health hazard should be mandated to take care of the health hazard, and for those people who cannot afford to do it because of their economic circumstances, we will be aiding in helping them to make sure that that health hazard indeed is removed.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I hate to be repetitive, but the main point I am trying to make is that I think Mr. DiCarlo is wrong. On page 13, between lines 15 and 22, we talk about giving tax credits to residents who have to take care of this abatement.

My question to you, Mr. Speaker, is: If this is a method of paying for abatement, should we not then have a fiscal note on this? If this is the method by which we are going to pay for those people who cannot afford to pay for abatement, should not there be a fiscal note on this matter? The fiscal note already contained in the bill, Mr. Speaker, is only for administration. It has nothing to do with the abatement nor does it have anything to do with paying for the local tax credit.

The SPEAKER. Is the gentleman posing an inquiry?

Mr. McCLATCHY. Yes; I am.

The SPEAKER. Will the gentleman address the inquiry to the chairman of the Appropriations Committee?

Is the chairman of the Appropriations Committee available? Will the gentleman, Mr. Wojdak, respond?

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, will the gentleman, Mr. Wojdak, consent to interrogation?

The SPEAKER. Will the gentleman, Mr. Wojdak, consent to interrogation?

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. McCLATCHY. Mr. Speaker, my question on the lead paint poisoning bill or abatement bill refers to page 13, lines 15 to 22, and it reads:

In cases where the owner of any premises is required to remove or cover materials in accordance with this act, and the cost of removal or covering such material according to the speci-

fications referred to in this act would cause a financial hardship on the owner, the local taxing authority shall cause to be issued a real estate tax credit in the amount of the actual expenditures made by the owner, however, such credit shall not exceed the actual amount of the tax.

Mr. Speaker, my question is, what is this going to cost the state or the local municipality?

Mr. WOJDAK. Mr. Speaker, concerning the fiscal note that we have done on this for the administration, that Mr. McClatchy referred to earlier, in order to determine the cost that he is referring to, we need an actual inventory of what homes are involved. There is just no way of our determining that at this point. And I really would not be in a position to give you a cost factor or a fiscal note on that aspect until the program is in operation and we see what kind of inventory of homes we are talking about.

MOTION TO RECOMMIT

Mr. McCLATCHY. Mr. Speaker, I would suggest that there is a possibility for inventory of at least the number of homes in Philadelphia that present this problem. Lead paint abatement is no new problem in Philadelphia, and I think essentially we could find out, as an example, what it would cost Philadelphia to pay for this program.

Mr. Speaker, this was the question I brought up in committee and this is the question I was concerned about, and this is the question about how much funding we will need to pay for this program. Therefore, since Mr. Wojdak feels he does not have the necessary figures, I feel that we can get the necessary figures through diligent staff work and diligent hearings and I move to recommit House bill No. 9 to the Committee of Health and Welfare.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Wojdak.

Mr. WOJDAK. Mr. Speaker, I would disagree with the gentleman. I do not believe it is necessary for a fiscal note on that aspect of this bill. I do not think it would be possible for us to prepare it without actually going to Philadelphia and counting the actual homes, and I do not see the necessity and until the program is implemented, there would be no way of our doing that.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Messrs. McCLATCHY and WOJDAK and were as follows:

YEAS—88

Anderson, J. H.	Freind	Lehr	Shuman
Arthurs	Fryer	Levi	Sirianni
Beren	Gallen	Lynch	Smith, E.
Bittle	Geesey	Manmiller	Smith, L.
Bradley	Grieco	McClatchy	Spencer
Brandt	Gring	McCue	Stahl
Butera	Halverson	McGinnis	Taddonio
Cessar	Hamilton, J. H.	Mebus	Thomas
Cimini	Hasay	Moehlmann	Turner
Crawford	Haskell	O'Connell	Ustynoski
Cumberland	Hayes, D. S.	O'Donnell	Vroon
Davies	Hayes, S. E.	Pancoast	Wagner
Deverter	Hepford	Parker, H. S.	Weidner
Dietz	Hill	Perri	Westerberg
Dininni	Hutchinson, W.	Pitts	Wheelan
Dorr	Katz	Polite	Wilt, R. W.
Dreibatbis	Kelly, J. B.	Pyles	Wilt, W. W.
Fawcett	Kistler	Renninger	Worrlow
Fischer	Klingaman	Ryan	Yohn
Fisher	Knepper	Salvatore	Zearfoss
Foster, A.	Kusse	Scheaffer	Zeller
Foster, W.	Lederer	Seltzer	Zord

NAYS—107

Abraham	George	Menhorn	Ross
Barber	Giammarco	Milanovich	Ruggiero
Bellomini	Gillespie	Miller, M. E.	Saloom
Bennett	Gillette	Miller, M. E., Jr.	Schmitt
Berlin	Gleeson	Milliron	Schweider
Berson	Goodman	Miscevich	Scirica
Bonetto	Green	Morris	Shane
Brunner	Greenfield	Mrkonic	Snelhamer
Burns	Hopkins	Mullen, M. P.	Sheiton
Caputo	Hutchinson, A.	Musto	Shupnik
Cianciulli	Irvis	Myers	Stapleton
Cohen	Itkin	Novak	Stout
Cole	Johnson, J.	Noye	Taylor
Cowell	Kelly, A. P.	O'Brien	Toll
DeMedio	Kernick	O'Keefe	Trello
DeWeese	Kolter	Oliver	Valicenti
Dicario	Kowalshyn	Perry	Wansacz
DiDonato	LaMarca	Petrarca	Wargo
Dombrowski	Laudadio	Pievsky	Wiggins
Doyle	Laughlin	Pratt	Williams
Dumas	Letterman	Prendergast	Wilson
Eckensberger	Lincoln	Ravenstahl	Wojdak
Engelhart	Logue	Read	Wright
Fee	Manderino	Renwick	Zwinkl
Flaherty	McCall	Richardson	
Gallagher	McIntyre	Rieger	Fineman,
Garzia	McLane	Ritter	Speaker
Geisler			

NOT VOTING—8

Gleason	McGraw	Rappaport	Walsh, T. P.
Hammock	Mullen	Rhodes	Yahner

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Crawford.

Mrs. CRAWFORD. Mr. Speaker, I would like to speak to Mr. O'Donnell's question to Mr. DiCarlo. I disagree with Mr. DiCarlo's answer, and if Mr. O'Donnell would look at page 13 of the bill, section (f), where it says:

The owner of any premises in which there is any paint which contains dangerous levels of lead, or other toxic heavy metal, as defined in this act, shall cause said materials to be removed or covered according to the Philadelphia Department of Public Health Specifications For The Removal of Lead Paint and Safety Standards For Removal of Lead Paint.

And it goes on to say that any premises that has this is declared to be a nuisance.

Then, on page 10, we have a section on penalties which says:

Any person who violates any provision of this act or any rule of regulation or order of the Department of Health or the Department of Environmental Resources promulgated or issued pursuant to this act shall be guilty of a summary offense.

In my mind, this means that even though the bill is not really specific about the sale of premises with lead paint in them—and I am thinking about old farmhouses; I am thinking about people who go down to Philadelphia and want to buy homes and so forth that are considered historic. What this bill says here is not really clear—it could or could not prohibit the sale of a house with this condition. However, the Department of Environmental Resources or the Department of Health could promulgate such rules and regulations. This is what we are giving them the power to do.

So I think, if Mr. O'Donnell is a lawyer, he probably can be a little more specific than I was. I am not a lawyer, but this is the way I interpret this certain section.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Kelly.

Mrs. KELLY. Mr. Speaker, we are doing so much concentrating on houses and properties that we are forgetting our children.

I have a letter before me dated March 26, 1976, from the Pennsylvania Association of Retarded Citizens.

Mr. Speaker, before I go on with my letter, I would like to bring to the attention of the members of this House the terrible trauma of retarded children. Over the weekend I was a guest at one of these facilities, and it breaks your heart to see these children who need help and we seem to bypass them with a lot of silly comments from some of the members, in due respect to their intelligence.

I will not read the entire letter, but on the second page it says:

In 1972 Senator Richard Schweiker of Pennsylvania advocated an increase in the budget of the U. S. Government seven times the amount that was being spent at that time for research, prevention and treatment programs. Numerous other congressmen testified in behalf of that program indicating that lead poisoning is primarily a disease of the poor.

The Pennsylvania Bulletin, Volume 1, No. 77, Saturday, December 4, 1971 made lead poisoning a reportable disease in the Department of Health. The quote from the Pennsylvania Bulletin is as follows: "The purpose of the amendments is to make lead poisoning a reportable disease and provide information upon which to develop programs for the control of this important cause of mental and physical defects in children . . ."

The interest of the Pennsylvania Association for Retarded Citizens in House bill 9—Lead Poisoning, is that while the mortality rate for those children so afflicted is high, the morbidity or the survival outlook for those who do live is very grim. Lead poisoning causes not only mental retardation, but also cerebral palsy, convulsive seizures, blindness, optic atrophy, kidney diseases and multiple handicaps.

So I will not go on to read the rest of it, but please let us remember our children. I ask all of you for an affirmative vote on this very, very important piece of legislation. Thank you very kindly.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Stahl.

Mr. STAHL. Last week Mr. DiCarlo accused this speaker of misleading the members of the House. I believe the shoe is on the other foot.

We talked about the poor people, senior citizens, being able to afford removal of paint. Over the weekend I got a communication from some people who would know about this problem. Fifteen-hundred dollars is the estimated cost of lead paint removal by the Pennsylvania Realtors Association. I checked this figure out with

various contractors in my neighborhood and some of them said that could be even light.

There is a tax credit provision in this bill, but it says: ". . . however, such credit shall not exceed the actual amount of the tax." Therefore, if the annual tax is around \$300 to \$400 and the cost of removing the lead paint is \$1,500, the poor person is going to suffer a penalty of \$1,200.

I do not think that we should be putting this burden upon the poor people of this Commonwealth without a heck of a lot more study.

As far as Mrs. Kelly's comments, I could not agree with her more that we have to do something about lead paint poisoning, but to throw the baby out with the bath water is not the solution. I urge a negative vote on this bill.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Zearfoss.

QUESTION OF CONSTITUTIONALITY OF BILL RAISED

Mr. ZEARFOSS. Just a brief comment, Mr. Speaker. The bill properly, it seems to me, tries to take care of the situation where the homeowner cannot afford to abate the lead paint problem in this house.

I think, unfortunately, in attempting to do something about this problem, we have come up with an unconstitutional solution. It seems to me that on the question of the constitution requiring uniformity of taxation, when we allow a special tax treatment for those suffering financial hardship because they cannot abate lead paint poisoning, that does not meet the standards set forth in the constitution for special tax treatment.

Financial hardship does not necessarily equate with poverty. I think without further definition in this bill as to what is financial hardship and a definition that does make it equivalent to poverty, or it is clear that it means poverty, I do not believe that the bill is constitutional in the sense that it gives a special tax treatment. Therefore, Mr. Speaker, I would like to question and call for a vote on the constitutionality of the bill on that issue.

The SPEAKER. The gentleman, Mr. Zearfoss, has called into question the matter of the constitutionality of House bill No. 9.

The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, this was one of the problems that the committee dealt with when we talked about the issue of tax credit and especially if a tax credit were directed primarily to a municipality. However, we were informed by the Legislative Reference Bureau that by having the tax credit reimbursed from the Commonwealth of Pennsylvania, indeed it is constitutional and does not violate the Constitution of Pennsylvania. So I would ask the membership to vote against Mr. Zearfoss on this move.

The SPEAKER. Those members desiring to vote to reflect their view that this bill is constitutional will vote in the affirmative. Those members desiring to express the opinion that the bill is unconstitutional will vote in the negative.

On the question,
Will the House sustain the constitutionality of the bill?

The yeas and nays were required by Messrs. ZEARFOSS and DiCARLO and were as follows:

YEAS—122

Abraham	Garzia	Manderino	Richardson
Arthurs	Geesey	McCall	Rieger
Barber	Geisler	McIntyre	Ritter
Bennett	George	McLane	Ross
Berlin	Giammarco	Menhorn	Ruggiero
Berson	Gillespie	Miller, M. E.	Scheaffer
Bonetto	Gillette	Miller, M. E., Jr.	Schmitt
Bradley	Gleeson	Milliron	Schweder
Brunner	Goodman	Miscevich	Scirca
Burns	Green	Morris	Shelbamer
Caputo	Greenfield	Mrkoncic	Shelton
Cianciulli	Halverson	Mullen, M. P.	Shuman
Cohen	Hayes, D. S.	Musto	Shupnik
Cole	Hopkins	Myers	Stapleton
Cowell	Hutchinson, A.	Novak	Stout
DeMedio	Irvic	O'Brien	Taylor
DeWeese	Itkin	O'Donnell	Toll
Dicarlo	Johnson, J.	O'Keefe	Trelo
DiDonato	Katz	Oliver	Ustynoski
Dombrowski	Kelly, A. P.	Perri	Valcenti
Doyle	Kernick	Perry	Wansacz
Dreibelbis	Kistler	Petrarca	Wargo
Dumas	Kolter	Pievsky	Wiggins
Eckensberger	Kowalyszyn	Pitts	Williams
Englehart	LaMarca	Pratt	Wilson
Fee	Laudadio	Prendergast	Wojdak
Fisher	Laughlin	Ravenstahl	Wright
Flaherty	Lederer	Reed	Zwikel
Foster, A.	Letterman	Renninger	
Fryer	Lincoln	Renwick	Fineman,
Gallagher	Logue	Rhodes	Speaker

NAYS—70

Anderson, J. H.	Gallen	McClatchy	Spencer
Beren	Grieco	McCue	Stahl
Bittle	Gring	McGinnis	Taddonio
Brandt	Hamilton, J. H.	Mebus	Thomas
Butera	Hasay	Milanovich	Turner
Cessar	Haskell	Noye	Vroon
Cimini	Hayes, S. E.	O'Connell	Wagner
Crawford	Hepford	Pancoast	Weidner
Cumberland	Hill	Parker, H. S.	Westerberg
Davies	Hutchinson, W.	Polite	Whelan
Deverter	Kelly, J. B.	Pyles	Wilt, R. W.
Dietz	Klingaman	Ryan	Wilt, W. W.
Dininni	Knepper	Salvatore	Worrillow
Dorr	Kusse	Seltzer	Yohn
Fawcett	Lehr	Sirlanni	Zearfoss
Fischer	Levi	Smith, E.	Zeller
Foster, W.	Lynch	Smith, L.	Zord
Freind	Manmiller		

NOT-VOTING—11

Bellomini	McGraw	Rappaport	Walsh, T. P.
Cleason	Mochlmann	Saloom	Yahner
Hammock	Mullen	Shane	

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative, and the constitutionality of the bill was sustained.

On the question recurring,
Shall the bill pass finally?

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, may I have a slow roll call?

The SPEAKER. Members will proceed to vote.

Mr. RYAN. Mr. Caputo?

The SPEAKER. Is the gentleman, Mr. Caputo, in the hall of the House?

Mr. RYAN. Mr. Reed? Mr. Gleeson?

The SPEAKER. Is the gentleman, Mr. Gleeson, in the hall of the House?

The vote will be stricken if the gentleman is not there. Mr. RYAN. Mr. Johnson?

Is Mr. Rhodes here?

The SPEAKER. Is the gentleman, Mr. Rhodes, in the hall of the House?

Mr. RYAN. Mr. Laudadio?

The SPEAKER. Mr. Laudadio is in his office.

Will you call Mr. Laudadio's room and ask him to come down to the floor, please?

Mr. RYAN. Mr. Rhodes, Mr. Speaker? I am sorry.

The SPEAKER. Mr. Rhodes is present.

Mr. RYAN. Mr. Speaker, is Michael Mullen on the floor?

On the question recurring, Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—99

- | | | | |
|--------------|----------------|--------------------|-----------|
| Abraham | George | McIntyre | Ruggiero |
| Barber | Gillespie | McLane | Schnitt |
| Bennett | Gillette | Menhorn | Schweder |
| Berlin | Goodman | Milanovich | Scirica |
| Berson | Green | Miller, M. E. | Shane |
| Bonetto | Greenfield | Miller, M. E., Jr. | Shelton |
| Bradley | Hayes, D. S. | Milliron | Shupnik |
| Brunner | Hopkins | Miscevich | Stapleton |
| Burns | Hutchinson, A. | Morris | Stout |
| Cianciulli | Irvis | Moriconi | Taylor |
| Cohen | Itkin | Mullen | Toll |
| Cole | Johnson, J. | Musto | Trello |
| Cowell | Katz | Novak | Ustynoski |
| DeMedio | Kelly, A. P. | O'Brien | Valicenti |
| DeWeese | Kernick | Oliver | Wansacz |
| Dicarlo | Kistler | Perry | Wargo |
| DiDonato | Kolter | Petrarca | Wiggins |
| Dombrowski | LaMarca | Pievsky | Williams |
| Doyle | Laudadio | Pratt | Wilson |
| Eckensberger | Laughlin | Ravenstahl | Wojdak |
| Englehart | Letterman | Renwick | Wright |
| Fee | Lincoln | Rhodes | Zwilk |
| Fischer | Logue | Rieger | |
| Flaherty | Manderino | Ritter | Fineman, |
| Gallagher | McCall | Ross | Speaker |
| Garzia | | | |

NAYS—83

- | | | | |
|-----------------|-----------------|---------------|-------------|
| Anderson, J. H. | Gallen | Lynch | Shuman |
| Arthurs | Gecsey | Manmiller | Sirianni |
| Beren | Giammarco | McClatchy | Smith, E. |
| Bittle | Grieco | McCue | Smith, L. |
| Brandt | Gring | McGinnis | Spencer |
| Butera | Halverson | Mebus | Stahl |
| Cessar | Hamilton, J. H. | Moehlmann | Taddonio |
| Cimini | Hasay | Mullen, M. P. | Thomas |
| Crawford | Haskell | Noye | Turner |
| Cumberland | Hayes, S. E. | O'Connell | Vroon |
| Davies | Hepford | O'Donnell | Weidner |
| Deverter | Hill | O'Keefe | Westerberg |
| Dietz | Hutchinson, W. | Pancoast | Whelan |
| Dinianni | Kelly, J. B. | Parker, H. S. | Wilt, R. W. |
| Dorr | Klingaman | Pitts | Wilt, W. W. |
| Fawcett | Knopfer | Polite | Worrlow |
| Fisher | Kowalshyn | Pyles | Yohn |
| Foster, A. | Kusse | Renninger | Zearfoss |
| Foster, W. | Lederer | Scheaffer | Zeller |
| Freind | Lehr | Seltzer | Zord |
| Fryer | Levi | Sheibamer | |

NOT VOTING—21

- | | | | |
|------------|---------|-------------|--------------|
| Bellommi | Gleeson | Prendergast | Saloom |
| Caputo | Hammock | Rappaport | Salvatore |
| Dreibelbis | McGraw | Reed | Wagner |
| Dumas | Myers | Richardson | Walsh, T. P. |
| Geisler | Perri | Ryan | Yahner |
| Gleason | | | |

Less than the majority required by the constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PHOTOGRAPHS TO BE TAKEN

The SPEAKER. The Chair has extended permission to the Harrisburg Patriot News to take photographs of the House session today.

HOUSE BILL No. 473 TEMPORARILY PASSED OVER

The SPEAKER. Is the majority leader prepared to take up House bill No. 473 at this time?

Mr. IRVIS. I believe so, Mr. Speaker. Yes, Mr. Speaker, I am.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Pyles.

Mr. PYLES. Mr. Speaker, on House bill No. 473, I have an amendment coming down from the Reference Bureau and it is not here yet. I could not prepare that amendment until I got the proposal of Mrs. Toll, which I just received about an hour ago.

The SPEAKER. This bill will be temporarily passed over.

Mr. PYLES. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Instead of recognizing Mr. Pyles first, let us recognize Mr. Wilson and Mrs. Toll, and then perhaps by the time we get through with that debate, Mr. Pyles will be ready.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 1365

The clerk of the Senate being introduced, informed that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to Senate bill No. 1365, entitled:

An Act amending the act of July 22, 1970 (P. L. 513, No. 178), entitled "Pennsylvania Cigarette Tax Act," deleting certain provisions relating to the disposition of funds and otherwise providing for the disposition of the tax.

And has appointed Messrs. CIANFRANI, NOLAN and TILGHMAN a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

HOUSE INSISTS ON AMENDMENTS NONCONCURRED IN BY SENATE

Mr. IRVIS moved that the House insist upon its amendments nonconcurred in by the Senate on SENATE BILL No. 1365, printer's No. 1927, and that a Committee of Conference be appointed.

On the question, Will the House agree to the motion? Motion was agreed to.

**APPOINTMENT OF COMMITTEE OF CONFERENCE
ON SENATE BILL No. 1365**

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House: Messrs. WOJDAK, MANDERINO and SELTZER.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. For the benefit of the conferees, a meeting has been arranged this afternoon by the chairman of the Senate conference committee at 2:30 in Senator Cianfrani's office.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, while we are awaiting the amendments of Mr. Pyles, the gentleman from Philadelphia, Mr. Mullen, has two discharge resolutions on the calendar on page 25. He would like to have them called up.

**DISCHARGE RESOLUTION ON HOUSE
RESOLUTION No. 77 CALLED UP**

Mr. M. P. MULLEN called up for consideration, from page 25 of today's calendar, the following discharge resolution on House resolution No. 77, printer's No. 1048:

In the House of Representatives, June 2, 1976

RESOLVED, That House Resolution No. 77, Printer's No. 1048, memorializing the United States Congress to pass a constitutional amendment guaranteeing all constitutional rights to the unborn, having been referred to Committee on Rules on March 20, 1975 and the committee not having reported the same to the House for a period of over fifteen days the committee is discharged from further consideration thereof.

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen.

Mr. M. P. MULLEN. Mr. Speaker, I will be very brief. I personally do not like discharge resolutions. However, this discharge resolution has been in the Committee on Rules since March 20, 1975. That is 15 months. I cannot get it out.

I just want to tell you what it is and then you make your decision. This is the human life amendment. All the resolution does is memorialize the Congress to adopt a constitutional amendment to protect life from the moment of conception to the moment of death.

This is our greatest living asset—human life. I think we ought to have an opportunity to vote on it. Thank you.

On the question recurring,

Will the House adopt the resolution?

Agreeable to the provisions of the constitution, the yeas and nays were taken and were as follows:

YEAS—134

Abraham	Gallen	Lincoln	Ryan
Arthurs	Garzia	Logue	Saloom
Bellomini	Geesey	Lynch	Salvatore
Bennett	Geisler	Manderino	Scheaffer
Berlin	George	Manmiller	Schmitt
Bittle	Giammarco	McCall	Seltzer
Bonetto	Gillespie	McClatchy	Shuman
Bradley	Gillette	McCue	Shupnik
Brandt	Goodman	McGinnis	Sirianni
Brunner	Green	McLane	Smith, E.

Burns	Grieco	Milanovich	Smith, L.
Caputo	Gring	Milliron	Stahl
Cessar	Halverson	Morris	Stapleton
Cianciulli	Hamilton, J. H.	Mrkonic	Stout
Cimini	Hasay	Mullen, M. P.	Taddonio
Cole	Haskell	Mullen	Taylor
Cowell	Hayes, D. S.	Novak	Trello
Cumberland	Hayes, S. E.	O'Brien	Ustynoski
DeMedio	Hepford	O'Connell	Valicenti
Deverter	Hopkins	O'Keefe	Vroon
Dicarlo	Hutchinson, A.	Perri	Walsh, T. P.
DiDonato	Hutchinson, W.	Perry	Wansacz
Dietz	Katz	Petrarca	Wargo
Dininni	Kistler	Pievsky	Whelan
Dombrowski	Klingaman	Pitts	Williams
Doyle	Knepper	Polite	Wilson
Fee	Kolter	Pratt	Wilt, R. W.
Fischer	Kowalyshyn	Pyles	Wilt, W. W.
Fisher	Kusse	Ravenstahl	Wojdak
Flaherty	Laughlin	Renninger	Worrilow
Foster, A.	Lederer	Renwick	Wright
Foster, W.	Lehr	Ross	Zeller
Freind	Letterman	Ruggiero	Zord
Gallagher	Levi		

NAYS—56

Anderson, J. H.	Irvis	Noye	Shelton
Barber	Itkin	O'Donnell	Spencer
Berson	Johnson, J.	Oliver	Thomas
Butera	Kelly, A. P.	Pancoast	Toll
Cohen	Kelly, J. B.	Parker, H. S.	Turner
Crawford	Kernick	Rappaport	Weidner
Davies	LaMarca	Reed	Westerberg
Dorr	McIntyre	Rhodes	Wiggins
Dreibelbis	Mebus	Rieger	Yohn
Eckensberger	Menhorn	Ritter	Zearfoss
Englehart	Miller, M. E.	Schweder	Zwilk
Fawcett	Miller, M. E., Jr.	Scirica	
Fryer	Miscevich	Shane	Fineman,
Greenfield	Mochlmann	Shelhamer	Speaker
Hill	Myers		

NOT VOTING—13

Beren	Gleeson	McGraw	Richardson
DeWeese	Hammock	Musto	Yahner
Dumas	Laudadio	Prendergast	Wagner
Gleason			

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**DISCHARGE RESOLUTION ON HOUSE
RESOLUTION No. 107 CALLED UP**

Mr. M. P. MULLEN called up for consideration, from page 25 of today's calendar, the following discharge resolution on House resolution No. 107, printer's No. 1647:

In the House of Representatives, June 3, 1976

RESOLVED, That House Resolution No. 107, Printer's No. 1647 memorializing the United States Congress to propose a constitutional amendment to permit the several states to provide for the voluntary recitation of prayer in the public schools, having been referred to the Committee on Rules on June 9, 1975 and the committee not having reported the same to the House for a period of over 15 days the committee is discharged from further consideration thereof.

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen.

Mr. M. P. MULLEN. Mr. Speaker, this resolution has been in the Rules Committee since June 9, 1975. It is almost a year.

This resolution merely memorializes Congress to permit the states to have prayers in the school. I think it is a resolution which is worthwhile and I think that the

members of the House ought to have an opportunity to vote on it.

I ask the members to vote to discharge the resolution from committee. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Pancoast.

Mr. PANCOAST. Mr. Speaker, I think the record should note that some of us who voted against House resolution No. 77 did so because we do not believe in voting for discharge resolutions.

The same comment certainly should be made with respect to House resolution No. 107. It is not the substance of the resolution that is important here. It is the principle of the committee system in the House of Representatives as has been pointed out many times by the majority leader, Mr. Irvis.

I am voting against both of these resolutions because I believe in the committee system of the House of Representatives, not because of the substance of the resolutions.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen.

Mr. M. P. MULLEN. Mr. Speaker, in answer to the gentleman, we have it in the House rules.

What can you do when you have a resolution or a bill in committee for a year or 15 months and the committee refuses to consider the bill or votes it down? You have no alternative. This is democracy.

I am certainly never in favor of discharge resolutions. I waited for over a year, but I had no alternative. I think it is important. That is the only reason that I am doing it. I do not like to do it. I have to do it.

On the question recurring,
Will the House adopt the resolution?

Agreeable to the provisions of the constitution, the yeas and nays were taken and were as follows:

YEAS—162

Abraham	Gallagher	Logue	Saloom
Anderson, J. H.	Gallen	Lynch	Salvatore
Arthurs	Garzia	Manderino	Scheaffer
Bennett	Geesey	Manmiller	Schmitt
Berlin	Geisler	McCall	Scrica
Bittle	George	McClatchy	Seltzer
Bonetto	Giammarco	McCue	Shelhamer
Bradley	Gillespie	McIntyre	Shelton
Brandt	Gillette	McGinnis	Shuman
Brunner	Goodman	McLane	Shupnik
Burns	Green	Menhorn	Strianni
Butera	Grieco	Milanovich	Smith, E.
Caputo	Gring	Miller, M. E., Jr.	Smith, L.
Cessar	Halverson	Milliron	Spencer
Cianciulli	Hamilton, J. H.	Moehlmann	Stahl
Cimini	Hasay	Morris	Stapleton
Cole	Haskell	Mrkonic	Stout
Cowell	Hayes, D. S.	Mullen	Taddonio
Crawford	Hayes, S.E.	Mullen, M. P.	Taylor
Cumberland	Hepford	Myers	Thomas
Davies	Hill	Novak	Trello
DeMedio	Hopkins	Noye	Turner
Deverter	Hutchinson, A.	O'Brien	Ustynoski
DeWeese	Hutchinson, W.	O'Connell	Valicenti
Dicarlo	Johnson, J.	O'Keefe	Vroon
DiDonato	Katz	Perri	Walsh, T. P.
Dietz	Kernick	Perry	Wansacz
Dininni	Kistler	Petrarca	Wargo
Dombrowaki	Klingaman	Pievsky	Whelan
Dorr	Knepper	Pitts	Williams
Doyle	Kolter	Polite	Wilson
Dumas	Kowalyshyn	Pratt	Wilt, R. W.
Dreibelbis	Kusse	Pyles	Wilt, W. W.
Pee	LaMarca	Ravenstahl	Wojdak
Fischer	Laudadio	Renniger	Worrilow
Fisher	Laughlin	Renwick	Wright
Flaherty	Lederer	Rieger	Zearfoss

Foster, A.	Lehr	Ross	Zeller
Foster, W.	Letterman	Ruggiero	Zord
Freind	Levi	Ryan	Zwikl
Fryer	Lincoln		

NAYS—30

Barber	Itkin	Pancoast	Toll
Berson	Kelly, A. P.	Parker, H. S.	Weidner
Cohen	Kelly, J. B.	Rappaport	Westerberg
Eickensberger	Mebus	Reed	Wiggins
Englehart	Miller, M. E.	Rhodes	Yohn
Fawcett	Miscevich	Ritter	
Greenfield	O'Donnell	Schweder	Fineman
Irvis	Oliver	Shane	Speaker

NOT VOTING—11

Bellomini	Gleeson	Musto	Wagner
Beren	Hammock	Prendergast	Yahner
Gleason	McGraw	Richardson	

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, because it is so close to the lunchtime, we will not insist on calling up House bill No. 473. We will trust that Mr. Pyles and others will have their amendments in order this afternoon.

It is necessary, Mr. Speaker, for us to have a caucus both this afternoon and late afternoon to talk about the Volkswagen situation, and we shall be breaking at 3 p.m. for the purpose of such a caucus.

Also, Mr. Speaker, it will be necessary for both caucuses to caucus on House bill No. 2448, a transferral of funds within the chief clerk's office.

I am asking, therefore, that the Democratic members report to the caucus room at 12:30, leaving them an hour to eat lunch. Report at 12:30 so that we may caucus on the transferral of funds within the chief clerk's office and other matters which appear on our calendar, and then we shall return to the floor at 1:30.

While I have the microphone, Mr. Speaker, I would advise the members that there will be a call-up of House bill No. 1104 by Mrs. Crawford in an attempt to override a veto of the Governor. That will come this afternoon.

I would also advise the members that the generic drug bill will be called up this afternoon.

I would further advise the members, having been touched on my left elbow by Mr. Bonetto, that we will be asking the members to suspend the rules which would require that a committee of conference report be totally printed before we act, so that we may act this afternoon on the committee of conference report on the Motor Vehicle Code. That is a 400-page bill which cannot be reprinted in time for us to act today. We would ask that you discuss that in your caucuses, in the Republican caucus and in the Democratic caucus, to see if that approval can be granted.

There will be explanations of the changes made from the House version. Those explanations will be in print, but the total conference report will not be in print this afternoon.

Mr. Speaker, after you have recognized the minority leader, I would ask that the House be declared in recess until 1:30.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Mebus.

Mr. MEBUS. Mr. O'Connell first asked me to announce to the Republicans that there will be an immediate Republican caucus at the call of the recess.

If I may go on from there, Mr. Speaker, I would like to tell the members on the other side of the aisle that I have a bill which is drafted around the contents of the "sunset" law that was passed recently by the State of Colorado. Many Republicans have chosen to sign it thus far. I would like to offer it to any Democrats who would like to cosponsor it as well.

It is not an exact redraft of the Colorado "sunset" law, but it is one that we have drafted in an effort to try to accommodate it to the conditions that exist in Pennsylvania. I welcome sponsors. Thank you.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Wojdak.

Mr. WOJDAK. Mr. Speaker, there will be a meeting of the Appropriations Committee at 11:45 in the Appropriations Committee conference room.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Berson.

Mr. BERSON. Mr. Speaker, there will be a meeting of the Judiciary Committee in room 115-A at 12 o'clock today.

LIQUOR CONTROL COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Greenfield.

Mr. GREENFIELD. There will be a meeting of the Liquor Control Committee in room 401 at 12 o'clock as scheduled.

CONSUMER PROTECTION COMMITTEE MEETING CANCELED

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Schmitt.

Mr. SCHMITT. Mr. Speaker, the Consumer Protection Committee meeting which was scheduled to begin at the close of the session today is canceled until next week.

TIME OF COMMITTEE MEETING CHANGED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Wojdak.

Mr. WOJDAK. Mr. Speaker, for the members of the Appropriations Committee, rather than having that meeting at 11:45, if everyone would proceed there immediately, we will begin the meeting.

MR. DeMEDIO REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman, Mr. DeMedio, come to the desk for the purpose of temporarily presiding?

THE SPEAKER PRO TEMPORE (A. J. DeMedio) IN THE CHAIR

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Kernick.

LEGISLATIVE CITATIONS ADOPTED

Mrs. KERNICK, chairman of Select Committee on Legislative Citations, presented citations, which were read, considered, adopted, and forwarded to the following recipients:

Mrs. Martha N. Barnes, Box 187, East Springfield, Pennsylvania 16411.

Dr. Trevor R. Williams, 224 West High Street, Bangor, Pennsylvania 18013.

Mr. and Mrs. John Quincy Adams, West Broad Street, Williamstown, Pennsylvania 17098.

Reverend Robert A. Karlson, Trinity Lutheran Church, Box 483, R. D. 1, Coopersburg, Pennsylvania 18036.

Mr. and Mrs. Thomas Finn, 60 Chapel Street, Wilkes-Barre, Pennsylvania 18702.

Mr. and Mrs. Bernard E. Skibinski, Sr., 509 North Main Street, Wilkes-Barre, Pennsylvania 18705.

Mr. and Mrs. Joseph C. Schanne, 81 Corlear Street, Wilkes-Barre, Pennsylvania 18702.

Mr. and Mrs. Harold McPherson, Sr., 1066 Rear Ninth Avenue, Brackenridge, Pennsylvania 15014.

Mr. and Mrs. James W. Stover, 1526 Montana Avenue, Natrona Heights, Pennsylvania 15065.

William Gillette, First Avenue, Union City, Pennsylvania 16438.

J. Russell Megargee, 502 Welsh Road, Horsham, Pennsylvania 19044.

Mr. Peter J. Furek, Veterans Administration Regional Office, 1250 Sixth Street, San Diego, California 92101.

Rocco Feudale, R. D. 4, Apollo, Pennsylvania 15613.

John Kopicki, 610 Rutter Avenue, Kingston, Pennsylvania 18704.

Banatiana Society, 323 Ashbourne Road, Philadelphia, Pennsylvania 19117.

Patricia G. Cassidy, First National Bank, 717 State Street, Erie, Pennsylvania 16501.

Mr. and Mrs. John W. Deitz, R. D. 2, Red Lion, Pennsylvania 17356.

Meadville Business and Professional Women's Club, c/o Dianne Merchbaker, R. D. 6, Meadville, Pennsylvania 16335.

Upland Fire Company.

William J. Moser, Superintendent, Penn Delco School District, 95 Concord Road, Aston, Pennsylvania 19014.

Scott Gittman, Parkside Elementary School, Edgmont Avenue, Parkside, Pennsylvania 19015.

Senior Commanding Officer of the United States Army in the Commonwealth.

Mr. and Mrs. Walter Grim, R. D. 1, Boyertown, Pennsylvania 19512.

Parkette National Gymnastic Team, c/o Gerald B. Fischler, R. D. 1, Box 442, Center Valley, Pennsylvania 18034.

Mr. and Mrs. Frank Happ, 386 Calderwood Avenue, Pittsburgh, Pennsylvania 15202.

Zion Evangelical Lutheran Church, 109 North Greenwood Street, Tamaqua, Pennsylvania 18252.

Griffith A. Herold, 36 Petrolia Street, Bradford, Pennsylvania 16701.

Gene Wettstone, c/o Pennsylvania State University, State College, Pennsylvania.

Middletown Area High School, 55 West Water Street, Middletown, Pennsylvania 17057.

Mr. William F. Butler, 420 Insurance Street, Beaver, Pennsylvania 15009.

David Grise, R. D. 4, Ponderosa Drive, Erie, Pennsylvania 16509.

Mr. and Mrs. Ralph W. Porter, 207 Rice Avenue, Girard, Pennsylvania 16417.

Debra Elaine Jones, East Crane Street, Cranestown, Pennsylvania 16410.

John J. McCollough, 6447 Torresdale Avenue, Philadelphia, Pennsylvania 19135.

Union National Bank and Trust Company of Souderton, 10 West Broad Street, Souderton, Pennsylvania 18964.

Richard C. Stone, Jr., Pine Road, Mt. Holly Springs, Pennsylvania 17065

Edward B. Palmer, Sr., 913 Sheffield Avenue, Mechanicsburg, Pennsylvania 17055.

Edgar E. Wagener, 251 Marlette Drive, Mechanicsburg, Pennsylvania 17055.

Reverend John J. Foster, c/o Bishop McDevitt High School, Royal Avenue, Wyncote, Pennsylvania 19095.

Walter E. Plum, 128 West Main Street, Girard, Pennsylvania 16417.

Mr. and Mrs. Fred O. Dries, 19 North Brooke Street, Robesonia, Pennsylvania 19551.

Mr. and Mrs. Norman Becker, 734 Penn Avenue, Sinking Spring, Pennsylvania 19608.

Right Reverend Monsignor Carl B. Brady, Pastor Emeritus, St. Rose of Lima Parish, 950 West Market Street, York, Pennsylvania 17404.

St. Thomas High School Basketball Team, St. Thomas High School, Braddock, Pennsylvania 15104.

St. Thomas High School, Braddock, Pennsylvania 15104.

Souderton Perseverance Fire Company, Second Street, Souderton, Pennsylvania 18964.

Stephen D. Michielli, 2011 Mifflin Street, Philadelphia, Pennsylvania 19145.

Reverend Theodore L. Fischer, Pastor, St. Peter's Lutheran Church, North Wales, Pennsylvania 19454.

Carolyn Baxter, Pine Tree Drive, Girard, Pennsylvania 16417.

Mrs. Iris S. MacRae, 300 Meadow Lane, Lancaster, Pennsylvania 17601.

Ken Johns.
Herman A. Peters.

The Manheim Township Cross Country Team.
Carol Miller, the Hempfield Girls and Coach Bill Bowers.

RECESS

The SPEAKER pro tempore. This House is now in recess until 1:30.

AFTER RECESS

The time of recess having expired, the House was called to order.

**THE SPEAKER (Herbert Fineman)
IN THE CHAIR**

SENATE MESSAGE

TIME OF NEXT MEETING

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read:

In the Senate, June 7, 1976

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 14, 1976 and when the House of Representatives adjourns this week it reconvene on Monday, June 14, 1976.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate? Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE BILL No. 883 RECOMMENDED

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read:

In the Senate, June 7, 1976

RESOLVED, (the House of Representatives concurring), That Senate Bill 883, Printer's No. 1941 be recommended to the Committee of Conference for further study.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate? Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SENATE BILL No. 891**

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," providing that the county commissioners shall have the sole responsibility for collective bargaining negotiations for all employees paid from the county treasury.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 796

The clerk of the Senate, being introduced, informed that the Senate has adopted the report of the Committee on Conference on **HOUSE BILL No. 796**

An Act amending the act of January 19, 1968 (1967, P. L. 996, No. 443), entitled "The Land and Water Conservation and Reclamation Act," granting the Secretary of Environmental Resources the right to enter certain

premises for the purpose of conserving and reclaiming land and water resources; providing for liens upon such land; providing for the promulgation of rules and regulations; and providing for rights of recovery for abatement of emergency conditions.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 572

The clerk of the Senate, being introduced, informed that the Senate has adopted the report of the Committee of Conference on **SENATE BILL No. 572**

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," providing for annual assessments for district attorneys' associations and providing for a full time district attorney in certain instances in third and fourth class counties, setting his salary and making repeals.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 573

The clerk of the Senate, being introduced, informed that the Senate has adopted the report of the Committee of Conference on **SENATE BILL No. 573**

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," providing for annual assessments for district attorneys' associations.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HOUSE BILL No. 385**

An Act providing for the payment of death benefits to the surviving spouse or children of firemen or law enforcement officers killed in the performance of their duties.

with the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The **SPEAKER**. The bill will appear on the calendar.

SENATE MESSAGE

BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 179

An Act amending the act of March 31, 1860 (P. L. 427, No. 375), entitled "Criminal Procedure Act of 1860," permitting a joint trial of certain defendants in the discretion of the court.

Referred to Committee on Judiciary.

SENATE BILL No. 419

An Act amending the act of May 29, 1956 (1955, P. L. 1804, No. 600), entitled "An act providing for the establishment of police pension funds or pension annuities in certain boroughs, towns and townships and the regula-

tion and maintenance thereof; . . . ," providing for vesting.

Referred to Committee on Local Government.

SENATE BILL No. 519

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," changing provisions relating to certain moneys paid to county historical societies.

Referred to Committee on Local Government.

SENATE BILL No. 1144

An Act amending Title 20 (Decedents Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, making certain editorial corrections; expanding nonmandatory jurisdiction of the orphans' court division; reducing the period for making appeals from a decree of the register; making a bond discretionary with the court; providing for the effect of heir's surviving decedent for five days; adding certain adoption provisions; redefining advancements; changing certain time limitations; adding and redefining rules of interpretation; changing the bond requirement for a personal representative; extending the statute of limitation for certain debts due the estate; providing for the filing of a record of risk distributions; relieving a guardian of liability for certain distributions to a personal representative; authorizing a court having jurisdiction of an estate or trust to make a decree of death; raising the monetary limitation for termination of trusts; providing for annexation of distributed estate or trust; and making repeals.

Referred to Committee on Judiciary.

SENATE BILL No. 1469

An Act amending the act of June 12, 1973 (P. L. 56, No. 24), entitled "Capital Budget Act for Fiscal Year 1972-1973, Public Improvement Project Itemization Supplement, Emergency Life Safety Code Improvements—The General State Authority," increasing a project.

Referred to Committee on Appropriations.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

By Messrs. WHELAN, GREEN, DAVIES, COLE, PRATT, MILANOVICH, ZEARFOSS, ENGLEHART, SALVATORE and WORRILOW

HOUSE BILL No. 2489

An Act amending the "Commonwealth Documents Law," approved July 31, 1968 (P. L. 769, No. 240), providing for legislative participation in the rule-making process.

Referred to Committee on Judiciary.

By Messrs. A. C. FOSTER and ANDERSON

HOUSE BILL No. 2490

An Act amending the "Newspaper Advertising Act," approved May 16, 1929 (P. L. 1784, No. 587), further defining "newspaper" and "circulation."

Referred to Committee on Business and Commerce.

By Messrs. LaMARCA and STAHL

HOUSE BILL No. 2491

An Act making an appropriation to the Reading School District for capital improvements of a public museum.

Referred to Committee on Appropriations.

By Messrs. SHELTON, BEREN, RIEGER and OLIVER

HOUSE BILL No. 2492

An Act providing for the selection and award of contracts relating to design, feasibility and landscaping which are awarded to architects and engineers; establishing the Public Works Professional Services Board; and providing for its powers and duties; prescribing penalties; and making an appropriation.

Referred to Committee on Professional Licensure.

By Messrs. SHELTON, HEPFORD, RIEGER and OLIVER **HOUSE BILL No. 2493**

An Act amending the "Professional Engineers Registration Law," approved May 23, 1945 (P. L. 913, No. 367), further defining and adding terms; changing provisions relating to surveyors; increasing fees; and further providing for disposition thereof.

Referred to Committee on Professional Licensure.

BILL REPORTED FROM COMMITTEE

HOUSE BILL No. 2488 (Amended) By Mr. WOJDAK

An Act relating to Commonwealth budget procedures.

Reported from Committee on Appropriations.

BILLS REREPORTED

HOUSE BILL No. 249 By Mr. WOJDAK

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), creating a State Board of Marriage and Family Counselor Examiners as a departmental administrative board in the Department of State.

Rereported from Committee on Appropriations.

HOUSE BILL No. 250 By Mr. WOJDAK

An Act providing for the licensing and regulation of marriage and family counselors; making certain acts illegal and prescribing penalties.

Rereported from Committee on Appropriations.

HOUSE BILL No. 620 By Mr. WOJDAK

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), gradually increasing the maximum annual State grants to county institution districts or their successors for cost of child welfare programs.

Rereported from Committee on Appropriations.

HOUSE BILL No. 1032 By Mr. WOJDAK

An Act amending the "Real Estate Tax Sale Law," approved July 7, 1947 (P. L. 1363, No. 542), increasing certain time periods, requiring new notice provisions, establishing hearing procedures, requiring public auctions and setting minimum bid levels at public auctions.

Rereported from Committee on Appropriations.

SENATE BILL No. 667 (Amended) By Mr. WOJDAK

An Act relating to the rights, obligations, and liabilities of landlord, tenant, managing agent; and powers of local code enforcement agencies in counties of the second class.

Rereported from Committee on Appropriations.

SENATE BILL No. 800 (Amended) By Mr. WOJDAK

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the Navigation Commission for the Delaware River and its navigable tributaries and making repeals and making an appropriation.

Rereported from Committee on Appropriations.

SENATE BILL No. 935 (Amended) By Mr. BERSON

An Act amending Titles 42 (Judiciary and Judicial Procedure), 15 (Corporations and Unincorporated Associations), 18 (Crimes and Offenses) and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to judiciary and judicial procedure, including certain judicially enforceable rights, duties, immunities and liabilities and separately enacting certain related provisions of law.

Rereported from Committee on Judiciary.

CALENDAR

HEALTH AND WELFARE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 473, printer's No. 2914**, entitled:

An Act requiring the compilation of a list of interchangeable drugs; imposing duties on pharmacists; authorizing consumers to make substitutions in certain cases.

On the question,

Will the House agree to the bill on third consideration?

Mrs. TOLL requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 2, page 8, lines 20 through 23 by striking out "A DRUG LISTED BY THE FEDERAL" in line 20, and all of lines 21 through 23 and inserting: drugs having the same generic names, dosage form and labeled potency, meeting standards of the United States Pharmacopeia or National Formulary, if applicable, and not found in violation of the requirements of the United States Food and Drug Administration and the Pennsylvania Department of Health.

Amend Sec. 3, page 9, line 1, by striking out "A SIGN"

Amend Sec. 3, page 9, lines 2 and 3 by striking out "INFORMING CONSUMERS TO INQUIRE ABOUT THE LIST OF EQUIVALENT DRUGS." and inserting: easily accessible to the general public, a list of commonly used equivalent drugs containing their generic names and brand names where applicable. The secretary shall distribute periodically a list of equivalent drugs to all pharmacies in the Commonwealth in cooperation with the State Board of Pharmacy. The lists shall be updated periodically to reflect changes.

Amend Sec. 4, page 9, line 4 by inserting after "4.": (a)

Amend Sec. 4, page 9, line 7 by inserting after "NAME": or generic drug

Amend Sec. 4, page 9, line 8 by inserting after "BRAND": or generic drug

Amend Sec. 4, page 9, by inserting between lines 14 and 15:

(b) The Secretary of Health may prohibit use of certain generic drugs in a drug interchange program upon his own motion or on the petition of any interested party. Before so doing, the secretary shall request the advice in writing from the Drug, Device and Cosmetic Board whether a drug should be so prohibited. Such advice shall be rendered to the secretary within a reasonable time. After considering the available facts, the secretary shall make a finding with respect to such drug and may issue a regulation prohibiting its generic interchange for a period of one year. The status of such drugs will be reviewed annually by the secretary.

Amend Sec. 6, page 10, line 3 by striking out "STATE BOARD OF PHARMACY" and inserting: Department of Health

On the question,

Will the House agree to the amendments?

AMENDMENTS DIVIDED

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Toll.

Mrs. TOLL. Mr. Speaker, I would like to divide the first part of my amendments, which amends section 2, page 8, lines 20 to 23, by inserting Mr. Pyles' amendment, if that is agreeable with Mr. Pyles.

The SPEAKER. How far down?

Mrs. TOLL. Just that one section down to the end of the definition of generic drugs.

The SPEAKER. Does that include the words "Department of Health"?

Mrs. TOLL. Yes, down to end of "Department of Health."

The SPEAKER. And that is the only division that the lady desires?

Mrs. TOLL. Yes. That is correct.

The SPEAKER. All right.

The amendment has been divided as suggested by the lady, and the question before the House is the matter of the adoption of the first part of the amendment.

The Chair recognizes the lady from Philadelphia, Mrs. Toll.

Mrs. TOLL. I would like to have the members vote in favor of this amendment, Mr. Speaker.

The SPEAKER. Will the lady briefly explain the amendment?

Mrs. TOLL. Yes.

The point I am hoping to divide out of the amendment is referring to the definition of generic drugs. Mr. Pyles' amendment gives, I think, a more conclusive description of generic drugs and I am in favor of that.

PHOTOS TO BE TAKEN

The SPEAKER. The Chair has extended permission to the UPI to take photographs of today's session.

The Chair recognizes the gentleman from Montgomery, Mr. Pyles.

Mr. PYLES. Mr. Speaker, as I understand, what my colleague is proposing is that my amendment, that has been circulated to every member of the floor, be substituted for her definition of an equivalent drug as contained on page 8, lines 20 and 23.

The SPEAKER. Will the gentleman yield? Is the gentleman offering an amendment?

Mr. PYLES. As I understand, Mr. Speaker, my colleague, Mrs. Toll, is proposing to substitute my amendment for her first section. Is that true?

Mrs. TOLL. Yes, it is, Mr. Speaker.

The SPEAKER. I do not quite understand what the two of you are doing. The lady, Mrs. Toll, has offered an amendment and she has divided the amendment. The question before the House is on the first part of the lady's amendment. That is the only question before the House.

On the question,

Will the House agree to Part I of the Toll amendments? Amendment was agreed to.

The SPEAKER. The second question now before the House is, Will the House agree to the second part of the amendment?

The Chair recognizes the lady from Philadelphia, Mrs. Toll.

Mrs. TOLL. The second part of the amendment amends Section 3, page 9, line 1, by striking out the words "A SIGN".

It also amends section 3, page 9, lines 2 and 3, by striking out the words "INFORMING CONSUMERS TO INQUIRE ABOUT THE LIST OF EQUIVALENT DRUGS." and inserting the words "easily accessible to the general public, a list of commonly used equivalent drugs containing their generic names and brand names where applicable. The secretary shall distribute periodically a list of equivalent drugs to all pharmacists in the Commonwealth in cooperation with the State Board of Pharmacy. The list shall be updated periodically to reflect changes."

The SPEAKER. Will the lady and Mr. Pyles come to the desk, please?

Mrs. TOLL. Yes.

RECONSIDERATION OF VOTE
ON PART I OF TOLL AMENDMENTS

Mrs. TOLL moved that the vote by which Part I of her amendments was agreed to be reconsidered.

Mr. PYLES seconded the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

Will the House agree to Part I of the Toll amendments?

PART I OF TOLL AMENDMENTS WITHDRAWN

Mrs. TOLL. I now withdraw the first part of my amendment and offer the second part of the amendment.

The SPEAKER. The question recurs, Will the House agree to the amendment? We are talking about the second part of the amendment only.

The Chair recognizes the lady, Mrs. Toll, and following completion of action on that amendment, the Chair will then recognize Mr. Pyles, who will offer an amendment in lieu of the first part offered by the lady, Mrs. Toll.

Mrs. TOLL. The second part of my amendment amends section 3, page 9, lines 2 and 3, by striking out ", informing consumers to inquire about the list of equivalent drugs." and inserting the words "easily accessible to the general public, a list of commonly used equivalent drugs containing their generic names and brand names where applicable."

The SPEAKER. Are there any questions of the lady?

MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Hill.

Mr. HILL. Mr. Speaker, we are dealing with a very serious bill and a very serious amendment. And I understand there are two or three more amendments to be offered. It concerns me very much, because this bill has been around for quite some time. There were many hearings held on this bill and there was a tremendous amount of work done by many people. After looking at the amendments that I have here before me, I would hate to make a decision on any of these particular amendments at this time without having some time to

really know what we are doing. Therefore, I would like to move that House bill No. 473 be recommitted to the Committee on Health and Welfare. I would ask that anybody who has any amendments to it, to get them back to those very people who are doing the tremendous amount of work on the bill.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Toll.

Mrs. TOLL. Mr. Speaker, I object to the motion to recommit and I would appreciate a vote against recommitment.

On the question,
Will the House agree to the motion?

The yeas and nays were required by Mr. HILL and Mrs. TOLL and were as follows:

YEAS—87

Anderson, J. H.	Geesey	Manmiller	Sirianni
Beren	Grieco	McClatchy	Smith, E.
Bittle	Gring	McGinnis	Smith, L.
Bradley	Halverson	Mebus	Spencer
Brandt	Hamilton, J. H.	Miller, M. E.	Stahl
Butera	Hasay	Miller, M. E., Jr.	Taddonto
Cessar	Haskell	Moehlmann	Thomas
Cimini	Hayes, D. S.	Nove	Turner
Crawford	Hayes, S. E.	O'Connell	Ustynoski
Cumberland	Hepford	Pancoast	Vroon
Davies	Hill	Parker, H. S.	Wagner
Deverter	Hopkins	Perri	Weidner
Dietz	Hutchinson, W.	Pitts	Westerberg
Dininni	Katz	Polite	Whelan
Dorr	Kelly, J. B.	Pyles	Witt, R. W.
Fawcett	Kistler	Renninger	Witt, W. W.
Fischer	Klingaman	Ryan	Worriow
Fisher	Knepper	Salvatore	Yohn
Foster, A.	Kusse	Scheaffer	Zearfoss
Foster, W.	Lehr	Scirca	Zeller
Freind	Levi	Seltzer	Zord
Gallen	Lynch	Shupnik	

NAYS—110

Abraham	Callagher	McCall	Richardson
Arthurs	Garzia	McCue	Rieger
Barber	Geisler	McIntyre	Ritter
Bellommi	George	McLane	Ross
Bennett	Giammarco	Menhorn	Ruggiero
Berlin	Gillespie	Milanovich	Saloom
Berson	Gillette	Milliron	Schmitt
Bonetto	Gleeson	Miscevich	Schweder
Brunner	Goodman	Morris	Shelhamer
Burns	Green	Mrkonic	Shelton
Caputo	Greenfield	Mullen, M. P.	Shuman
Cianciulli	Hammock	Mullen	Stapleton
Cohen	Hutchinson, A.	Musto	Stout
Cole	Irvig	Myers	Taylor
Cowell	Itkin	Novak	Toll
DeMedio	Johnson, J.	O'Brien	Tretto
DeWeese	Kelly, A. P.	O'Donnell	Vallenti
Dicarlo	Kernick	O'Keefe	Walsh, T. P.
DiDonato	Kolter	Oliver	Wansacz
Dombrowski	Kowalshyn	Perry	Wargo
Doyle	LaMarca	Petrarca	Williams
Dreibelbis	Laudadio	Pievsky	Wilson
Dumas	Laughlin	Pratt	Wojdak
Eckensberger	Lederer	Prendergast	Wright
Engelhart	Letterman	Rappaport	Zwick
Fee	Lincoln	Ravenstahl	
Fisherty	Logue	Reed	Fineman,
Fryer	Manderino	Renwick	Speaker

NOT VOTING—6

Gleeson	Rhodes	Wiggins	Yahner
McGraw	Shane		

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Will the House agree to Part II of the Toll amendments?

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, will Mrs. Toll, the prime sponsor, consent to interrogation, please?

The SPEAKER. Will the lady, Mrs. Toll, consent to interrogation?

Mrs. TOLL. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. McCLATCHY. Mr. Speaker, I am having some trouble with this bill as to finding out who is liable if a drug happens to do something other than what the patient thinks it is going to do. Is the pharmacist liable under this bill, Mr. Speaker?

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson. For what purpose does the gentleman rise?

Mr. RICHARDSON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, are we not on the amendment of the lady? The gentleman seems to be debating the bill. Are we not on the amendment of the lady?

Mr. McCLATCHY. The gentleman, Mr. Richardson, is right. I will hold my remarks.

The SPEAKER. As I understand it, the gentleman is interrogating the lady on her amendment.

Mr. McCLATCHY. No, I am mistaken, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, and the gentleman withdraws his further interrogation.

Mrs. CRAWFORD. Mr. Speaker, I require a roll-call vote on that last bill.

The SPEAKER. We will take a roll-call vote on the amendments offered by the lady, Mrs. Toll. The members will proceed to vote.

Mrs. CRAWFORD. Before the voting commences, I would like to interrogate Mrs. Toll.

The SPEAKER. I wish the members would respond more quickly to the solicitations of the Chair. The Chair specifically asked if there were any further interrogations of the lady.

The Chair recognizes the lady from Chester, Mrs. Crawford.

Will the lady, Mrs. Toll, consent to interrogation?

Mrs. TOLL. Yes, Mr. Speaker.

The SPEAKER. The lady will proceed.

Mrs. CRAWFORD. I am sorry, Mr. Speaker.

The last part of this amendment says that the Secretary of Health may prohibit the use of certain generic drugs, but, before doing so, the secretary shall request the advice in writing from the Drug, Device and Cosmetic Board. My question is, where is the Drug, Device and Cosmetic Board going to get this information so that they can advise the Secretary of Health?

Mrs. TOLL. They are experts in their own field.

Mrs. CRAWFORD. Mr. Speaker, I have written statements that we got in the testimony that we had before us in the hearing in this bill. In that testimony it was very obvious to the members of the committee that not even the Federal Drug Administration knew some of this information that we have in this amendment, so, therefore, the Drug, Device and Cosmetic Board, a state board which is not financed as much as the Federal Drug Ad-

ministration, how can they possibly be more expert than the FDA—Federal Drug Administration—in this whole series or whole area of generic drugs? Therefore, I oppose the amendment for this reason.

On the question recurring,
Will the House agree to Part II of the Toll amendments?

The yeas and nays were required by Mrs. TOLL and Mrs. CRAWFORD and were as follows:

YEAS—113

Abraham	Garzia	McIntyre	Ritter
Arthurs	Geisler	McLane	Ross
Barber	George	Menhorn	Ruggiero
Bellomini	Giammarco	Milanovich	Saloom
Bennett	Gillespie	Milliron	Schmitt
Berlin	Gillette	Miscevich	Schweder
Berson	Gleeson	Morris	Shane
Bonetto	Goodman	Mrkonjc	Shelhamer
Bradley	Green	Mullen, M. P.	Shelton
Brunner	Greenfield	Mullen	Shuman
Caputo	Hammock	Musto	Shupnik
Cianciulli	Hayes, D. S.	Myers	Stapleton
Coben	Hutchinson, A.	Novak	Stout
Cole	Irvis	O'Brien	Taddonio
Cowell	Itkin	O'Donnell	Taylor
DeMedio	Johnson, J.	O'Keefe	Toll
DeWeese	Kelly, A. P.	Oliver	Trello
Dicarlo	Kernick	Perry	Valicenti
DiDonato	Klingaman	Petrarca	Walsh, T. P.
Dombrowski	Kolter	Pievsky	Wansacz
Doyle	Kowalyszyn	Pratt	Wargo
Dreibelbis	LaMarca	Prendergast	Wiggins
Dumas	Laudadio	Pyles	Williams
Eckensberger	Laughlin	Rappaport	Wojdak
Englehart	Lederer	Ravenstahl	Zwinkl
Fee	Letterman	Reed	
Flaherty	Logue	Renwick	Fineman,
Fryer	Manderino	Richardson	Speaker
Gallagher	McCall	Rieger	

NAYS—82

Anderson, J. H.	Grieco	McCue	Smith, L.
Beren	Gring	McGinnis	Spencer
Burns	Halverson	Mebus	Stahl
Butera	Hamilton, J. H.	Miller, M. E.	Thomas
Cessar	Hasay	Miller, M. E., Jr.	Turner
Cimini	Haskell	Moehlmann	Ustynoski
Crawford	Hayes, S. E.	Noye	Vroon
Cumberland	Hill	O'Connell	Wagner
Davies	Hopkins	Pancoast	Weldner
Deverter	Hutchinson, W.	Parker, H. S.	Westerberg
Dietz	Katz	Perri	Whelan
Dininni	Kelly, J. B.	Pitts	Wilson
Dorr	Kistler	Polite	Wilt, R. W.
Fawcett	Knepper	Renninger	Wilt, W. W.
Fischer	Kusse	Ryan	Worrilow
Fisher	Lehr	Salvatore	Wright
Foster, A.	Levi	Scheaffer	Yohn
Foster, W.	Lincoln	Scirica	Zearfoss
Freind	Lynch	Sirianni	Zeller
Gallen	Manmiller	Smith, E.	Zord
Geesey	McClatchy		

NOT VOTING—8

Bittle	Gleason	McGraw	Seltzer
Brandt	Hepford	Rhodes	Yahner

So the question was determined in the affirmative and Part II of the Toll amendments was agreed to.

On the question,
Will the House agree to the bill as amended on third consideration?

Mr. PYLES requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 2, page 8, lines 20 through 23, by striking out both of said lines and inserting:
"Equivalent drug" shall mean a drug which has documented chemical equivalency and biological or therapeutic equivalency and manufactured under an approved total quality assurance program administered by the Federal Drug Administration and so certified.

On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Stahl.

Mr. STAHL. Yes, Mr. Speaker.

I did not anticipate debating this particular amendment, however I think that the members of the House ought to have some information regarding the Toll amendment, and I have no objection to the amendment.

On the question recurring,
Will the House agree to the amendment?
Amendment was agreed to.

On the question recurring,
Will the House agree to the bill as amended on third consideration?

Mr. WILSON requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 5, page 10, line 2, by inserting after "CONSUMER.": Every prescription blank shall contain an entry permitting portability of the prescription by which the pharmacist can indicate an individual dispensing but which permits the consumer to have any of the other permissible number of refills filled at another pharmacy to suit his convenience or choice.

On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, House bill No. 473 is an endeavor to save our drug-using constituents from extreme costs, I believe. I would offer an amendment that I think would extend that savings. I am simply giving any person who receives a prescription that has with it the right to be filled more than one time, the right for it to be repeatedly filled, to go to whatever pharmacist that he seeks and wherever he wants to get this filled on subsequent refills.

In other words, this is a portability amendment that would say that with any prescription you can go to the first pharmacy, you can get it filled and, if you discern that somebody else is offering this same drug at a more reasonable price, less money, you can take that prescription for its second filling, for its third filling and ad infinitum to somebody else.

I would suggest that on page 9 of House bill No. 473, the bottom of the page, it says on line 30, "that no drug interchange shall be made unless a savings to the consumer results, and that savings is passed on to the consumer." At that point my amendment would be added on page 10, line 2, to say that simply this is an extension of that money-saving ability. We can take this prescription to whatever pharmacy we wish and, if we can get it cheaper or at less cost, we can take it to the pharmacy and get it filled. I think this is just another way, another method and another means that we can pass on to our consumer constituents a saving of money. I would suggest that the House adopt this amendment.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Toll.

Mrs. TOLL. Mr. Speaker, I feel that this amendment is not germane to a generic drug bill and I would request a "no" vote on the amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, would Mr. Wilson consent to interrogation?

The SPEAKER. Will the gentleman, Mr. Wilson, consent to interrogation?

Mr. WILSON. Certainly.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, I think I understand what you are attempting to do by this amendment, but a couple of factual situations arise in my mind and I would like an answer to them.

Many prescriptions are marked to be refilled once, twice, three times. Now, how would you control this problem?

Mr. WILSON. It simply says in the amendment, Mr. Speaker, that "Every prescription blank shall contain an entry permitting portability of the prescription by which the pharmacist can indicate an individual dispensing but which permits the consumer to have any of the other permissible numbers of refills filled at another pharmacy to suit his convenience or choice." if it is renewable. If in fact the physician prescribing this particular prescription says that you can have it once, that is it.

Mr. RYAN. I am thinking more of the situation where you would have a prescription that is permitted to be renewed 3 times, for instance. Now as I understand your amendment, you go to the first pharmacy; you give them the prescription; you have it filled; and then assuming you are going to be in Harrisburg the following month and you may want to have that prescription refilled in Harrisburg as opposed to Bucks County, you would ask the pharmacist for the actual original prescription and bring it with you to Harrisburg?

Mr. WILSON. Yes, the original pharmacy would so indicate that of the three refills permitted by your physician, they have in turn taken one of those. You are still entitled to two and you can get them in Harrisburg or Plumsteadville or wherever the price is to your advantage.

Mr. RYAN. Does your amendment provide for control so that the original pharmacy must mark on the prescription how many times it has been filled?

Mr. WILSON. That is affirmative. The original pharmacy must in fact and each successive pharmacy must so note on that prescription that they have filled it one time and there are remaining so many times to fill this prescription as prescribed by the physician. So you cannot exceed it. You cannot flaunt the law and get 10 when in fact you are only entitled to three.

Mr. RYAN. All right. The answer to the first inquiry is satisfactory to me and I am happy to hear that it has been taken care of.

My second question deals with the law-enforcement aspects of running the pharmacy. In other words, as I understand the operation—and I do not confess to having a great deal of knowledge in this area, but as I understand it—the narcotics agents or the Drug Enforcement Bureau will come into a pharmacy and check prescriptions against the drugs that have been sold. What protection does a pharmacist have who has given back the original doctor's prescription to his client?

Mr. WILSON. It is very easy. Each succeeding pharmacist who has filled this prescription to its first and

second and third time would in fact retain a record of having filled this prescription and in addition to making a record on the prescription itself. So in other words, the prescription is a record and it is portable, but each pharmacy keeps a record of having filled that prescription.

Mr. RYAN. But the problem that I see from an enforcement standpoint is, if you have a pharmacist who wants to avoid the law and sell a dangerous drug or narcotic, he could simply make a notation, Benjamin Wilson, then the dangerous drug, and that he has returned the prescription to you, and the law-enforcement people making a check of the pharmacy record would not have available the actual prescription. Now, I know that this is the way they do it; they check against actual prescriptions, not against a record that a doctor did prescribe something. They check the prescription itself. How would you overcome this problem?

Mr. WILSON. As it stands today, you go to your pharmacy, whichever you choose, you leave the prescription there. If this were to become law, you would take that prescription, the same as you do today, to the pharmacy of your choice; they would make a record of having received it and having filled it one time. They would make a record on the prescription itself, a permanent record on the prescription itself, having filled it one time of the three, as you say in your example, times that the physician prescribes that this can be filled. So that he goes to the next pharmacy and that one checks off number two; the third pharmacy, number three, and that is the end of the person's requirements.

Now as to the legality of the pharmacy's records, they have made a record of this prescription, the number of it, the physician prescribing it and the times that they have filled the prescription, the first time or in fact if it is the second time or they are number two of two. Therefore, their record is perfectly legal, perfectly in order and meets all of the drug requirements.

Mr. RYAN. Now I am looking at your amendment and as I read the amendment, it simply states that "Every prescription blank shall contain an entry permitting portability of the prescription by which the pharmacist can indicate an individual dispensing but which permits the consumer to have any of the other permissible number of refills filled at another pharmacy to suit his convenience or choice." What I do not see on your amendment is any requirement that any of these pharmacies take note of the doctor who prescribed what I am going to call a dangerous drug now or a controlled substance. I do not see any controls that would permit a law-enforcement agency who is checking out a drugstore or a pharmacy, I see nothing in here, that will aid them in determining whether or not a prescription ever did exist. There is no notation required of the doctor's name.

Mr. WILSON. I believe you will find that in current law.

Mr. RYAN. Well I understand that.

Mr. WILSON. I do not need it in the amendment, Mr. Speaker, because it is currently in law that he has to make these recordings of the physician and all of this other material that you speak of.

Mr. RYAN. But, Mr. Speaker, as I understand the law—and I would be glad to be corrected if I am wrong—the pharmacy proves it by having the prescription with the doctor's signature on it.

I have represented defendants in criminal cases where they have given a bad prescription. They have obtained drugs by using a phony prescription blank and forged the doctor's signature to it, and this is how they were proven guilty because the pharmacy had that prescription blank with the doctor's name and signature.

Now, in this case I do not see that any of these drug-stores would have this.

Mr. WILSON. Each pharmacist would make a record of the prescription being offered to him.

Mr. RYAN. But there is no requirement, is my problem.

Mr. WILSON. This is simply in the current law. That is current law. Read the current law and you will find that it is there.

Mr. RYAN. But the point I am trying to make is that, as I understand the current law, the current law requires that they keep the original prescription. Your amendment would permit that original prescription to go out of the hands of the original pharmacy, and it is at that point that the drug and narcotic agents would have no way of checking whether or not that drugstore has exceeded its rights. It would have no way of telling whether they were dispensing medicine and just making notations that they filled the prescription and that it was a portable one that they gave back to the customer.

Mr. WILSON. I assume that is a question. In answer to your point, not really your question, is that they still have to make a record according to current law, not amended by my offering here. They still have to make a record of the prescription offered and filled by that pharmacy as to the physician, time, date, number of refills, and the type of drug and the quantity thereof.

The SPEAKER. The Chair recognizes the gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I think the intent of the amendment is commendable. However, I have serious reservations that it is workable as applied to the current enforcement problems of the Commonwealth and the Federal bureaus. Mr. Speaker, again, I think the purpose of the amendment is commendable. I endorse the idea. I do not believe however that the amendment as drawn goes far enough. If it required the pharmacy to have a Xerox copy for their records and then return the original, or the doctor who is making the prescription could use a series, a set of prescriptions, perhaps that if a prescription could be renewed three times by using a set so there was an original and two or three copies, the various drug-enforcement agencies would then have available when they inspect a pharmacy, the records that they are required to look for today to make sure that there is no abuse of the existing drug laws.

Unless someone is able to point out that I am completely inaccurate on it, then I would recommend that this amendment be defeated and I would be happy to cosponsor or support any amendment that would take care of these problems that are raised in my mind.

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Fawcett.

Mrs. FAWCETT. Mr. Speaker, I am going to ask to make a comment. Then I would like to interrogate Mr. Wilson?

My comment is related and unrelated to the amendment.

The SPEAKER. Would the lady confine her remarks to the question before the House, which is the amendment offered by the gentleman, Mr. Wilson?

Mrs. FAWCETT. Well, maybe it would be helpful.

I have ridden in eighth grade schoolbuses that were more quiet than this House.

The SPEAKER. I quite agree.

Mrs. FAWCETT. And I thought that was a pretty horrendous experience.

Mr. Speaker, I would like to comment further on the remarks of Mr. Ryan on the narcotic-control problem.

It seems to me that we have sufficient problems now in managing control of dangerous drugs.

Mr. Speaker, would the gentleman, Mr. Wilson, consent to interrogation?

The SPEAKER. Would the gentleman, Mr. Wilson, consent to interrogation?

Mr. WILSON. I shall, Mr. Speaker.

The SPEAKER. The lady will proceed.

Mrs. FAWCETT. Mr. Speaker, do you believe that it would be possible for patients to spread these prescriptions about a community or several communities and obtain dangerous drugs illegally with this method?

Mr. WILSON. I assume that you are asking me a question, right?

Mrs. FAWCETT. Yes.

Mr. WILSON. Yes, just the same as they can hold up the pharmacy and steal it. If you want to be a crook, you can be a crook.

Mrs. FAWCETT. Then are you recommending that theft be easier?

Mr. WILSON. No. If they do not have bars on the pharmacy, they can rob it very easily.

Mrs. FAWCETT. I believe that it is possible for them to get on a phone and call several pharmacies and find out their cost without distributing the prescriptions all over a community. I, therefore, oppose this amendment.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Shane.

Mr. SHANE. Mr. Speaker, I would like to amplify slightly what had been said by the previous two speakers because I believe that this is an exceedingly dangerous amendment.

On the surface, the amendment appears to simply provide another step in favor of the consumer, but I think the problems of drug abuse that the amendment creates are much greater than the step it takes in favor of the consumer.

Since one of the favorite ploys in drug abuse in this nation is people going around to various drugstores and using a prescription far in excess of what the original doctor intended, including the forgery of the original prescription slip, the fact that a patient goes to one particular pharmacy can, to some extent—not perfectly, but to some extent—minimize this abuse. Forgery is a severe problem in the prescription area, particularly when you are dealing with drugs like morphine and cocaine that have those ingredients in them.

I would simply suggest as an alternative to Mr. Wilson's amendment, something from my own personal experience. I take a prescription drug and I used to buy it from a local drugstore at \$9 per hundred tablets and I

discovered that I could get them at another drugstore for \$6 per hundred tablets, and I simply went back to my doctor and he wrote a prescription to that particular pharmacy that charged the lesser price. This deals with Mr. Ryan's problem of the second drugstore thus having the original prescription slip, namely, the second slip that the doctor wrote. Therefore, the enforcement problem is dealt with as much as we can deal with it. The consumer problem raised by Mr. Wilson is also dealt with in that a customer can simply shop around via the telephone, as was suggested by Mrs. Fawcett, and find the cheaper pharmacy and then get a re-issued prescription from the doctor and thus we avoid some of the forgery problems and drug abuse problems that I sincerely believe are inherent in Mr. Wilson's amendment.

Since, I believe the amendment is malformed and dangerous, I urge the members to vote against it.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Yohn.

Mr. YOHN. Mr. Speaker, I would urge the members to read this amendment very carefully. I think that it was distributed some time ago and it was difficult on our side of the aisle at least to find a copy of the amendment. But the amendment is very short. It does not contain the protections that Mr. Wilson would like to have in it that he has stated are in it. The language of the amendment does not contain those protections. I think that those protections are absolutely necessary for us to consider this type of a proposal and, until they are in the amendment, I would suggest that the amendment be defeated. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, just a minor rebuttal to the opponents of my amendment.

I would suggest that the gentleman, Mr. Ryan, and others read the bill itself. Page 10, line 3, says and I state:

THE STATE BOARD OF PHARMACY SHALL HAVE THE POWER AND ITS DUTY SHALL BE TO:

- (1) ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ACT.
- (2) ADOPT NECESSARY REGULATIONS CONSISTENT WITH THIS ACT.

I would suggest that that would set the number of copies and who is going to have a copy and so forth and so on.

We have talked about abuse, and the gentleman, Mr. Shane, has talked about going back to his doctor, and I suppose he is going to pay the doctor another \$10 or \$15 for another prescription so that he can go out and save \$2 on the prescription itself.

Enforcement of this amendment is no more difficult than enforcement of the current law or enforcement of this particular proposal, House bill No. 473. If we care to enforce it, if we care to make the law stand and be tight and be regulated, we can do it. If we do not care to, we do not have to.

I suggest that if we are going to save the consumer some money, we can put this portability amendment in there, the problems will be taken care of and the people

can get the best prescription for the lowest dollar. That is really what it is all about. Do you really want to help these people buy their drugs cheaper? And I suggest if that is what you want to do, you would offer the choice of portability.

Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendment?

The yeas and nays were required by Mr. WILSON and Mrs. TOLL and were as follows:

YEAS—4

Hutchinson, A.	Katz	Perrl	Wilson
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NAYS—194

Abraham	Gallen	McClatchy	Salvatore
Anderson, J. H.	Garzia	McCue	Scheaffer
Arthurs	Geesey	McGinnis	Schmitt
Barber	Geisler	McIntyre	Schweder
Bellomini	George	McLane	Scitrica
Bennett	Giammarco	Mebus	Seltzer
Beran	Gillespie	Menhorn	Shane
Berlin	Gillette	Milanovich	Shelhamer
Berson	Gleeson	Miller, M. E.	Shelton
Bittle	Goodman	Miller, M. E., Jr.	Shuman
Bradley	Green	Milliron	Shupnik
Brandt	Greenfield	Miscevich	Sirianni
Brunner	Grieco	Moehlmann	Smith, E.
Burns	Gring	Morris	Smith, L.
Butera	Halverson	Mullen, M. P.	Spencer
Caputo	Hamilton, J. H.	Mullen	Stahl
Cassar	Hammock	Musto	Stapleton
Cianciulli	Hasay	Mrkonic	Stout
Cimini	Haskell	Myers	Taddonio
Cohen	Hayes, D. S.	Novak	Taylor
Cole	Hayes, S. E.	Noye	Thomas
Cowell	Hepford	O'Brien	Toll
Crawford	Hill	O'Connell	Trello
Cumberland	Hopkins	O'Donnell	Turner
Davies	Hutchinson, W.	O'Keefe	Ustynoski
DeMedio	Irvis	Oliver	Valicenti
Deverter	Itkin	Pancost	Vroon
DeWeese	Johnson, J.	Parker, H. S.	Wagner
Dicarlo	Kelly, A. P.	Perry	Walsh, T. P.
DiDonato	Kelly, J. B.	Petrarca	Wansacz
Dietz	Kernick	Plevsky	Wargo
Dinhani	Kistler	Pitts	Weldner
Dombrowski	Klingaman	Polite	Westerberg
Dorr	Knepper	Pratt	Whelan
Doyle	Kowalyshyn	Prendergast	Wiggins
Dreibelbis	Kusse	Pyles	Williams
Dumas	LaMarca	Rappaport	Wilt, R. W.
Eckensberger	Laudadio	Ravenstahl	Wilt, W. W.
Englehart	Laughlin	Reed	Wojdak
Fawcett	Lederer	Renninger	Worrilow
Fee	Lehr	Renwick	Wright
Fischer	Letterman	Rhodes	Yohn
Fisher	Levi	Richardson	Zearfoss
Flaherty	Lincoln	Rieger	Zeller
Foster, A.	Logue	Ritter	Zord
Foster, W.	Lynch	Ross	Zwickl
Freind	Manderino	Ruggiero	
Fryer	Manmiller	Ryan	Fineman, Speaker
Gallagher	McCall	Saloom	

NOT VOTING—5

Bonetto	Kolter	McGraw	Yahner
Gleason			

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill as amended on third consideration?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, Shall the bill pass finally?

The Chair recognizes the gentleman from Montgomery, Mr. Polite.

Mr. POLITE. I rise to oppose House bill No. 473. I believe that this piece of legislation which would permit pharmacists to substitute generic drugs for brand-name prescription drugs could be extremely detrimental to the people of this Commonwealth.

In the first place, I believe that the doctor after years of intensive instruction and experience, knows what drug will best aid his patient. The physician is the best judge of the patient's needs as he knows the person's medical history and how he will react to certain drugs.

My mother who lived to be 87 years old suffered from arthritis in her late years. The doctor had to try several types of medicines before he found the correct drug. I wonder if, under the proposal before the House, this type of experimentation would be able to exist.

Also, I oppose this bill due to its impact on the economy. Although some have said that House bill No. 473 will save Pennsylvanians money, I believe the individual's savings will be minimal and will cost our citizens jobs.

The health industry opposes this bill for this reason. They are saying, and I agree with them, that this proposal will pressure physicians and pharmacists into using cheap substitutes from firms, many in states other than Pennsylvania and from a board that does not invest in jobs and our state's future and whose products are produced with minimal staff and minimal standards.

Today the pharmaceutical industry employs 14,000 in our state, carries out research in the amount of \$94 million and contributes over \$24 million in tax dollars, directly and through employees' withholdings. It, therefore, makes no sense to pass legislation that will save the consumer very little, if anything, and risk the loss of jobs so desperately needed in Pennsylvania. Because of the possibility of the job loss and the detrimental effect it could have on the health of our citizens, Mr. Speaker, I oppose this bill.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Toll.

Mrs. TOLL. Mr. Speaker, today in considering the generic drug bill, we have the opportunity to join 14 other states which already have generic drug laws, by enacting one of the most progressive health-care laws of this decade.

Under the Pharmacy Code of Pennsylvania, a pharmacist must dispense a prescription as written and may not make any substitutions. This legislation would give the consumer patient a freedom of choice with the approval of his or her doctor as to whether or not to choose the lower-costing generic drug. Under the provisions of this bill, a pharmacist could substitute an equivalent drug from a list of equivalent drugs compiled by the Secretary of Health when the consumer so requests, unless the physician has indicated on the prescription blank, do not substitute.

What is a generic drug? When the drug is approved for sale by the Federal Drug Administration, it is at that time given an official name also known as a generic name. But at the same time, the new drug is also given a brand name or proprietary name by its manufacturer, and it is by this name that the drug is advertised.

New drugs and the processes by which they are manu-

factured are protected for 17 years under the United States patent law. After the 17-year period, however, any drug manufacturer is free to manufacture and market the drug but he may not use the brand name.

Until several years ago the American Medical Association favored the use of generic names instead of brand names. But when a physician has prescribed a drug by its brand name for 17 years and that drug is then manufactured by several companies at much lower prices, the physician continues to prescribe by the brand name through force of habit, and thus the patient has to pay the higher cost.

One of the most frequently used arguments in the discussion of generic versus brand-name drugs is that the public must be protected from using drugs made by so-called "schlock" manufacturers. This term is used to infer that firms manufacturing generic drugs are inferior and produce low-quality products. That just is not so.

A United States Senator has stated that as the number of drug substances increase and as expense involved in maintaining manufacturing facilities for full line of drugs rises, more and more manufacturers, large and small, generic and brand-name drug manufacturers are selling to each other and using their own labels. So that many of the higher priced brand-name drugs are manufactured by the generic manufacturers and the average person never really knows who is making his drugs.

You should have on your desks a list of manufacturer disclosure information which was supposed to have been distributed earlier today. If you look on page 1, the drug, chloral hydrate, is manufactured for nine different distributors by the one manufacturer, R. P. Scherer Manufacturing. There are many different names used. The trade name or the brand name is Noctec; the others are the generic names and, in two instances, a name which the company has designated. The price ranges from \$4.97 for a hundred down to a low of \$1.60.

I want to give you another example. If I went to my pharmacist for a prescription for Miltown—and I think many of us could use it right now—this is a widely advertised and commonly used tranquilizer and its generic name is "meprobamate," my pharmacist would have dispensed to me this container labeled Miltown. His wholesale cost for this drug would have been \$6.50 for 100. The manufacturer of Miltown is a drug manufacturer called, believe it or not, Carter Wallace. They did not get that one. Carter Wallace was the originator of meprobamate and they were able to be the only manufacturers of that particular drug for 17 years. But now that the 17 years have passed, other companies are now manufacturing it under its generic name or other name. For instance, Wyeth manufactures meprobamate under the name of Equanil. They manufacture and distribute it. The cost for that is \$7.06 per hundred. It is manufactured also by Zenith for two different distributors. One manufacturer manufactures it for a distributor by the name of Columbia for \$.79 a hundred and manufactures it also for a distributor by the name of Stayner and the price is \$2.45. An interesting thing is that an extremely well-known, reputable manufacturer, Smith-Kline & French, also manufactures meprobamate under the name of SK-Bamate, \$1.25 for 100.

Did you also know that when the President of the United States or a Senator or Congressman or any other high government official is a patient at the Bethesda Naval Hospital or Walter Reed Hospital that they are treated with generic drugs? And did you know that patients in Veterans Hospitals are treated with generic drugs? And also that the majority of hospitals treat their patients with generic drugs? Why deny others?

Statistics show that although drug companies claim they spend lots of money on research and development of new drugs, they also spend a great deal of money on advertising. Last year they spent over \$1 billion on advertising.

If Pennsylvania had a generic drug bill, millions of dollars could be saved by all of us. A recent cost analysis of just three of the drugs dispensed in one year for prescriptions which were reimbursed by the Department of Welfare shows a savings of \$728,958.00 could have been effected had generic drugs been dispensed. Add to this approximately 30 other drug entities which are involved and you have savings in the millions.

Consider also the millions of dollars that would be saved by third-party payers such as the state employes, teachers unions, and the Steel Workers Union and the public in general, if this generic drug bill becomes law.

The Action Alliance of Senior Citizens has stated that the high cost of medicine is a bitter pill to swallow. I say, let us make that pill a lot easier to swallow by passing House bill No. 473. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wright.

Mr. WRIGHT. Thank you, Mr. Speaker.

I have been interested for many hours today as to the source of this document that was placed on our desks titled, Manufacturer's Disclosure Information. I am pleased that Mrs. Toll has explained that she has placed it there. But I am somewhat concerned about the professional accuracy of the information contained thereon. I am wondering if Mrs. Toll would be so kind as to explain to us the source of the cost that shows up on these sheets. Are these wholesale costs? Are they retail costs?

Mrs. TOLL. They are wholesale costs.

Mr. WRIGHT. Are they wholesale costs to retailers? Are they wholesale costs to hospitals?

Mrs. TOLL. To anyone who uses them. In other words, I am quoting only wholesale costs.

Mr. WRIGHT. Do you mean to the local corner drugstore?

Mrs. TOLL. If he has need to purchase them.

Mr. WRIGHT. I would suggest there are probably varying prices depending upon the volume bought, depending upon the size of the drugstore, depending upon the size of the hospital which is purchasing the product.

Mrs. TOLL. I did not hear your question.

Mr. WRIGHT. The small volume drugstore is probably not paying the same fee at a wholesale level as the large volume hospital is paying?

Mrs. TOLL. This is the average wholesale cost.

Mr. WRIGHT. And would you tell me the source of your information.

Mrs. TOLL. I have had several leaflets giving me information. One of them was from the Arkansas Pharmacist. They have a generic drug law.

Mr. WRIGHT. Okay.

Changing the subject slightly, when we compare one generic with another, there is no question in my mind when you talk about chemical composition, but how about the binders and the coatings, are they equivalent too?

Mrs. TOLL. That I cannot answer. I am only going by the information I have as to the manufacturers and distributors and the cost comparison.

Mr. WRIGHT. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, would Mrs. Toll consent to interrogation?

The SPEAKER. Will the lady, Mrs. Toll, consent to further interrogation?

Mrs. TOLL. Yes, I would, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, would the lady be kind enough to explain the procedure whereby a doctor does or does not give permission to substitute the drugs?

Mrs. TOLL. Under the provisions of this bill, the prescription blank would have two notations on it: Substitution May Be Permitted. Do Not Substitute.

In addition to signing the prescription as he normally does, he would have to initial the statement which would be applicable to him.

Mr. RYAN. Would the lady advise this House what would happen if a physician neglected to initial a box?

Mrs. TOLL. The pharmacist would have to call the physician, as he now does, if there is an omission on the blank.

Mr. RYAN. Now, I believe the lady is referring to section 5, lines 15 through 19 of the bill, which describes that: "Every prescription blank shall be imprinted with the words 'substitution permissible' and 'do not substitute' . . ."

Mr. Speaker, I have finished with my interrogation. I would like to make a statement.

The SPEAKER. The gentleman is in order and may proceed.

Mr. RYAN. It may very well be, Mr. Speaker, that Mrs. Toll will want to respond to it, but I am finished with interrogation.

The part that concerns me, Mr. Speaker, is that I think once again, in the hope and in the interest of protecting the consumers' pocketbooks, we may be doing a greater disservice to the consumer by perhaps permitting their most cherished treasure, their bodies, to be violated, in a sense.

Now as I read this bill, lines 19 through 30 of page 9 and the first couple of lines on page 10, it would appear to me that if the physician does not say anything about substitution, if he fails to say that the pharmacy may substitute or if he fails to say or notate that it cannot be substituted, then the pharmacist is forced to substitute regardless of any instructions from the physician, if a substitution would result in a dollar saving—by a dollar, I mean any money saving—to the consumer. That consumer saving must be passed on.

Now that is as I read the bill. I take that from line 19, and I would ask the House to pay some attention to it because I honestly did not pay any attention to this

bill myself until a couple of minutes ago. I thought I understood it when it was explained, but when you start to read it, you start to wonder.

On line 19, it says:

Notwithstanding any other law, unless the physician or other authorized prescriber explicitly states that there shall be no substitution when transmitting an oral prescription or, in the case of a written prescription, indicates that there shall be no substitution by initialing the prescription blank next to 'Do Not Substitute,' a different brand name or a nonbrand name drug product of the same established name shall be dispensed . . .

So a doctor writes the name of a drug but he fails to state on there that it is not to be substituted or substitution permitted, and just because he fails to do it, the druggist is constrained, he is forced, to make a substitution if it represents a nickle savings.

Continuing on with the bill: ". . . shall be dispensed by a pharmacist if such different brand-name or non-brand-name drug product shall reflect a lower cost to the consumer . . ." and then it goes on.

What this bill does with regard to substitution, Mr. Speaker, is it is substituting the pharmacist for the doctor, as I read it. In other words, the doctor prescribes a name brand. He knows what he wants. If he does not mark "Do Not Substitute," and that is really all that has to be on that blank, what is the sense of putting "Substitute Permitted" because that does not mean anything? It is always permitted if it represents a saving. This druggist is forced under the terms of this act to substitute the prescribed drug, if it represents a nickle saving to the consumer. This bothers me.

I have had personal experience where a druggist, without permission, has substituted one drug for another drug. Both the doctor whom I talked to, our doctor, and the druggist agree that the drugs basically were the same. However, there was an allergy factor with one of my children and it had a bad effect on this one child of mine where basically the same drug was substituted. I am concerned that here in the interest of saving 5 cents or \$2 or \$3, or whatever the case may be, and I do not look upon that lightly, I am concerned with the language of this section that says that the pharmacist shall substitute. He shall substitute. Not that he may, but he shall substitute unless there are instructions to the contrary if it represents a 5-cent saving.

I would guess, Mr. Speaker, that most doctors, when they pick up a telephone and call in a prescription to a drugstore in an emergency-type situation, probably will not make a notation that you may or may not substitute. The druggist is not required to check back with the doctor to see if he is permitted to substitute. The druggist is forced to substitute, if the substituted drug amounts to some small saving to the consumer. Just think about what I have said. The druggist is forced to substitute for your doctor's judgment if it will mean a 5-cent saving to the consumer, unless he has explicitly marked in that box that a substitution is not permitted.

I say to you that you are going to find a good deal of this going on. You are going to find your drug companies, the very thing that I think Mrs. Toll is trying to

avoid, your marginal-type operators selling a little cheaper to the drugstores where the drugstores can make a little bit more profit by selling it a little less than the name brands because that druggist is going to have not only the right but the duty, the obligation, to force a change just to save a couple of dollars or even a couple of cents. It is for this reason, Mr. Speaker, that I oppose the bill.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Shane.

Mr. SHANE. Will the gentleman, Mr. Ryan, consent to interrogation?

The SPEAKER. Will the gentleman, Mr. Ryan, consent to interrogation?

Mr. RYAN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. SHANE. Mr. Speaker, examining the bill on page 8, line 20—

Mr. RYAN. I never read that so you had better tell me exactly where to look.

Mr. SHANE. It says:

"Equivalent Drug" shall refer to a drug listed by the Federal Food and Drug Administration or successor organization as biologically equivalent and equally biologically available to other listed drugs.

I just want to ask you if the prescription involved in your family incident, do you recall, was considered to be an equivalent drug at the time?

Mr. RYAN. The only thing I know about it, Mr. Speaker, as I explained to you earlier when we were talking off the record and I told you of this experience, is that both the doctor and the pharmacist agreed that what was substituted was what I would consider an equal substitute under this bill. Neither one of them was unduly alarmed at the substitute, except the doctor at a later date, when we realized that there was an allergy problem as a result—which we guessed was caused by this substitution. It was never really pinpointed—the doctor was very alarmed and very annoyed that the druggist on his own—and I realize that that would not be the problem under this bill—used his discretion to substitute a name-brand item that had been prescribed by my doctor for a member of my family. The druggist on his own made a substitute.

I say to you, although he did that one against the existing law, I say to you that a druggist given the right to substitute under the law can do the same thing again and again. For my money, I would rather put my trust in my doctor who told my druggist what to prescribe for my family. I am not going to leave it up to a druggist to make that decision.

Mr. SHANE. I am simply responding to the gentleman's description of his family's troubles and it appears to me that there are at the very least two factual distinctions: One, we do not know whether the drug substituted fits the definition of an equivalent drug which we have in the bill. And point number two, the pharmacist in this situation apparently used his own initiative wherein the substitution resulted and we did not even have the precautions that we have in the bill, such as they are according to your opinion. So that it was the druggist who exercised his initiative.

I thank the gentleman for responding to my interrogation.

I have a couple more points I want to make prior to asking for your affirmative vote.

The gentleman, Mr. Ryan, suggests that a consumer would go along with a substitution of a generic drug for a brand-name drug when only a few cents difference was involved. I would suggest that your ordinary reasonable consumer probably would not go along with this.

Next, the gentleman, Mr. Ryan, suggests that it is a question of the doctor's judgment. I have to confess that in many cases it is simply a matter of habit. The doctor has gotten used to a particular brand name and, when he is asked about the matter and asked about his willingness to substitute a generic term, he is most willing to approve the substitution.

Again, I would like to, if I may, relate my personal experience, because this is what convinces me of this bill's merit. I have to take a pill every day. Its brand name is Benemid and its generic name is Probenecid. Both of these tablets are manufactured by the same company. My druggist originally prescribed Benemid, the brand name for me, at \$9 per hundred tablets. Now, remember, Mr. Speaker, this is a tablet I am going to have to take every day for the rest of my life.

I discovered through some research that the pill, Probenecid, was precisely the same as the pill Benemid, and it was \$3 per hundred cheaper at another drug store.

This is a pill that I am going to have to take every day for the rest of my life.

Now I went to my doctor and he agreed that he had just been prescribing Benemid, the brand name, purely out of habit, and that he could just as easily and with total safety and precaution to my health prescribe Probenecid. So he did so. I am now getting Probenecid at \$6 a hundred, which I will probably be paying for the rest of my life with some kind of inflationary increase.

The point is that we can always cite horror stories whose statistical possibilities are always there, but I think we have to admit they are usually remote.

Mrs. Toll has already told us that the VA hospitals and the hospitals that service our Congressmen in Washington use generic drugs. I am a person who has happened to discover that there is a generic drug made by the same company, is precisely the same drug, and can save me \$3 per hundred.

Now I am a person who could obviously afford to pay that \$9 per hundred for the rest of my life, but there are lots of senior citizens out there who cannot. Why should we penalize those persons from the economic savings available in generic drugs?

The gentleman, Mr. Polite, made the point that it would be bad for business in Pennsylvania if we pass this bill. Bad for whose business? The drug companies' or the people's?

I would suspect that any consumer or senior citizen who could save \$3 per hundred on his drugs is just as likely to spend that money as SmithKline and French is about to make a corporate distribution of their net dividends. So, I do not see any damage to business by this, or at least in the state economy, by permitting our consumers to buy their prescription drugs at a more reasonable cost.

THE SPEAKER PRO TEMPORE (A. J. DeMedio) IN THE CHAIR

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, there are a couple of things that Mr. Shane said that disturb me. First, he said that he does not think that a drugstore or a pharmacist would bother to substitute a prescribed brand for another brand just to save a couple of pennies. That is not what the act says. The act says they shall do this. So it is not up to the druggist to make that decision and to give the patient what was prescribed. The patient does not have a choice and neither does the druggist. If you read the bill, unless the doctor says explicitly no substitution, the drugstore must substitute if it amounts to any savings at all to the consumer, client, patient. That is the first thing: There is no discretion; they shall substitute, as I read the second half of the bill.

Mr. SHANE. Will the gentleman yield and examine line 6 on the same page? Wherein it says, ". . . the consumer shall be entitled to direct the pharmacist to fill the prescription with the brand name selected . . . so long as the pharmacy . . ." and so forth. Do you detect disharmony?

Mr. RYAN. My only problem with that line, Mr. Speaker, are lines 19 and 20 that say, "Notwithstanding any other law . . ." I can only imagine that means the preceding section as well. It is notwithstanding any other law; they shall use a brand that is cheaper and they shall give it in substitution.

The second part, Mr. Speaker, is Mr. Shane—and I do not think he did this intentionally, but as he advocates his cause—would infer that those of us who might perhaps be against this bill are not interested in consumerism but rather are interested in the stock dividends of Smith-Kline and French. That is not the case. I have a real, real concern about the contents of this bill, the same way I had a real, real concern about the contents of Mr. Wilson's amendment. I believed in the principle of the Wilson amendment but not the way it was drafted.

This bill, I think, is equally dangerous. I do not like the bill. I think we are waving the banner of consumerism and maybe we are not helping these people. It may very well be, Mr. Speaker, that, like some other bad legislation which has passed this House under the banner of consumerism, the problem is one of educating the consumer and educating the doctor to give the consumer a break, if, in fact, one drug is as good as another and is cheaper. That is the problem. It perhaps is with the morals and the scruples of the professions involved and not with this House to legislate that morality.

I happen to believe that when a doctor gives a name brand and he prescribes it for someone in my family, that that is what he intends for that person to have and that he is not being conscious of a dollar bill, that he is doing what he thinks is best. I will have no druggist substituting his judgment for the judgment of my family pediatrician or cardiologist, in my case. I, too, take the pills every day of the week and every week of the year.

In closing, Mr. Speaker, I am curious as to who put these amendments in. If you take a look at page 10, section 7, there is a clause in there that forgives. It is an exculpatory clause that says that a druggist who conducts himself in accordance with the provisions of this

act is not liable in any law suit for his actions. That is another thing that, as an attorney representing consumers, bothers me. I am curious as to why that is put in there. For the sake of the consumer, Mr. Speaker? I have no further questions.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana, Mr. Shane.

Mr. SHANE. Just a brief point in rebuttal: If the doctor is really serious and has a good reason for not wanting a generic drug substituted for a brand-name drug that he prescribes, all he has to do is initial the appropriate column and that takes care of it.

So I say, let us vote for this bill which is going to do a lot for our consumers, particularly the senior citizens whose drug costs are the highest and their income is the lowest.

The SPEAKER pro tempore. The Chair recognizes the lady from Chester, Mrs. Crawford.

Mrs. CRAWFORD. Mr. Speaker, I will yield to the gentleman from Montgomery, Mr. McClatchy.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Thank you, Mr. Speaker.

Would Mr. Shane consent to interrogation, please?

The SPEAKER pro tempore. Will the gentleman from Indiana, Mr. Shane, consent to interrogation?

Mr. SHANE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. McCLATCHY. Mr. Speaker, I am concerned about the liability for the malpractice problem under this legislation.

Just follow me a little bit here. I see here—

Mr. SHANE. Will the gentleman yield for a second?

Mr. McCLATCHY. Yes.

Mr. SHANE. First of all, I am not a member of the Health and Welfare Committee. I am vitally interested in this bill just from a personal interest and from an interest of people whom I see spending a lot of money on prescription drugs. I was not privy to the writing on the amending of this bill. I would prefer for the moment to yield to somebody on this subject who is more knowledgeable than I.

Mr. McCLATCHY. Mr. Speaker, you are a lawyer. You have spoken for the bill. I think that your insight might be a little bit better than some of ours in the Health and Welfare Committee. It is not an interrogation that is trying to be disruptive. I sincerely am trying to get your opinion as a lawyer about the malpractice problem that might be created by this legislation. If you follow me carefully, maybe you could answer it.

Now on page 10, section 7, we have already agreed that no pharmacist, if he operates under this bill, can be held liable. Is that correct?

Mr. SHANE. Yes. It says: "No pharmacist complying with the provisions of this act shall be liable in any way for the dispensing of an equivalent drug at the consumer's direction."

I would suspect that the words "at the consumer's direction" would merely then make this sentence a restatement of tort law.

Mr. McCLATCHY. Well, I would like to go back one

step further. Suppose a doctor, as it says on page 9, checks the box that says, "Substitution Permissible"?

Mr. SHANE. But you will note that on page 10 he says the critical words, as I read the words on that page, "at the consumer's direction." I guess if I was a sharp negligence lawyer, the matter of the mandatory substitution that Mr. Ryan raised would be a situation that might not be considered "at the consumer's direction." Therefore, you would pierce the immunity that the statute purports to give. What is your judgment on that, sir?

Mr. McCLATCHY. What you are saying then is, if something goes wrong with that drug that is substituted, if it has an adverse reaction on the patient or the consumer, and he, because of his asking for the substitution, would not be able to hold anyone liable. Is that correct?

Mr. SHANE. But if there is some kind of automatic substitution, it appears to me that this waiver or this insularity in section 7 is not airtight, and a sharp negligence lawyer would pierce that with no trouble. But, again, you are getting a top-of-the-head reaction from me because I am not a member of the committee and I do not know how or what the discussion was surrounding these amendments.

Mr. McCLATCHY. There was some discussion, but I do not think we got into a very legalized argument about the real answer. No one ever really came up with the answer.

Mr. SHANE. They tell me that a good lawyer on cross-examination knows the answer to every question that he asks. Apparently you do.

Mr. McCLATCHY. I do not know the answer and that is why I asked the question.

Mr. SHANE. Are you still a member of the Health and Welfare Committee?

Mr. McCLATCHY. I am on the Health and Welfare Committee.

Mr. SHANE. Did you miss a meeting?

Mr. McCLATCHY. No, I was there. I posed the question but nobody answered it.

Mr. SHANE. Why do you not share this abundant knowledge that you apparently have on the subject for the enlightenment of your colleagues?

Mr. McCLATCHY. That is what I am trying to do. And as I understand—

Mr. SHANE. Well, why use me as a Charlie McCarthy? Why do you not just tell us?

The SPEAKER pro tempore. Will the gentleman please suspend? I suggest that the comments are not germane to the issue and that we should get back on track.

Mr. McCLATCHY. Mr. Speaker, all I am asking is, who would be liable in the case if there is a drug substitution and the doctor checks the box, "Substitution Permissible"? That is my only question. I do not know the answer, and if Mr. Shane cannot answer it, maybe Mr. Stahl can answer it.

Mr. SHANE. The hypothetical question is the doctor's initialed "Substitution Permissible" and the pharmacist substituted, and the consumer got ill and was damaged in some way and he is suing for negligence. Is that what you are suggesting?

Mr. McCLATCHY. That is exactly right. Who would he sue for negligence?

The SPEAKER pro tempore. Does the gentleman wish

to yield to Mr. DiCarlo who seems to indicate that he will answer some of these questions for us?

The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Yes, Mr. Speaker. When this issue was discussed with the Health and Welfare Committee, two points were brought up. First of all, if the drug is a bioequivalent drug and the pharmacist has the right of substitution, he will not be held for negligence, because he would be within the scope of the law. The only individuals who may be liable for suit would be perhaps the physician, because he may have written for a wrong drug that was administered to the patient, or, ultimately, the drug company itself which manufactured the drug and indeed perhaps in its research or something was not aware of any chemical reactions that could occur within a patient.

Mr. McCLATCHY. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Chester, Mrs. Crawford.

Mrs. CRAWFORD. Mr. Speaker, I have been concerned about health care ever since I came to this legislature in 1969. I am opposed to this legislation because, although the intent of it is laudable, and that is, to save money for the consumer, the patient-consumer, I contend that this can be done already without law.

I have been speaking quite forcefully about the creation of more bureaucracy, about the creation of more regulation on the individual, and this is exactly what we are doing with this bill. We already have the right to ask the doctor to substitute medicine for us, and I know doctors do this in the case of senior citizens who have a catalog from which generic drugs can be ordered and a considerable amount of money can be saved. Therefore, the bill is not necessary.

The bill creates in the Department of Health the decision of whether or not such and such a drug can be substituted. Now this moves to the area of the myth of the equivalency of drugs.

I am a member of the Health and Welfare Committee, and I heard a lot of testimony about this particular bill Arthur Osol, who is the former head of the United States Pharmacopoeia and is a professor emeritus at the Philadelphia College of Pharmacy and Science told us:

... the proposal of House Bill No. 473 to create a Drug Utilization Review Council with responsibility for preparing a list of interchangeable drug products cannot now or for some considerable time function for lack of scientific data needed to make the required decisions. In the present state of our limited knowledge not even a council of those most expert in the evaluation of bioavailability data have sufficient information to prepare such a list.

Then the Commissioner of the Federal Drug Administration, Alexander M. Schmidt, told us:

Regretfully, too many of the standards that now exist are inadequate or obsolete.

A worse problem is that for all too many drugs no standards—obsolete or otherwise—are anywhere to be found.

Without up-to-date drug standards, the FDA cannot properly do the work assigned it. More

precisely, we cannot, without good standards, communicate to the regulated drug industry the conditions that this industry must meet in order to market drugs that live up to their therapeutic expectations.

Mr. Speaker, I am getting laryngitis.

This is a very technical subject, and I understand the impatience of the members of the House, but it is also a very important one for the quality of health care as well as the protection of the consumer in the Commonwealth of Pennsylvania.

The Office of Technology Assessment, U. S. Congress, stated:

Current standards and regulatory practices do assure bioequivalence for drug products
The problem of bioequivalency—

remember, this is stated in this act—

in chemically equivalent products is a real one Documented instances constitute unequivocal evidence that neither the present standards for testing the finished product for the specifications for materials, manufacturing process and controls are adequate to insure that ostensibly equivalent drug products are, in fact, equivalent in bioavailability.

That was said on July 15, 1974.

To end this section on the problem of bioavailability testing, I would like to quote Alfred Gilman, who is professor and chairman of the Department of Pharmacology of the Albert Einstein College of Medicine, Yeshiva University. He stated that he is "convinced that there is no such thing as a generic equivalent unless proven by adequate experimental data."

We have already debated the problem that Mr. Ryan brought up, but I have, in addition to that, another problem with the bill.

We are changing the present setup—we license doctors to practice medicine; we license pharmacists to practice pharmacology—and we are stating in this bill that ". . . the consumer shall be entitled to direct the pharmacist to fill the prescription with the brand name selected"—and this is the key—"by the consumer . . ." I think this is dangerous to the health of the public.

We discussed the problem of malpractice, which really was not answered, and this did come up in our discussions in the Health and Welfare Committee hearings. Dr. Perloff, who is chairman of the Philadelphia County Medical Society, asked this question:

We physicians are all sufficiently concerned about malpractice suits these days—

and this body spend days, months, trying to come up with the solution to the problem of malpractice and the practicing physicians facing this problem—

that I believe that few of us would willingly permit substitution. Why? Because we would be turning the choice of medication over to someone else while still retaining the legal responsibility for the patient's health. If the government proposes to take the decision-making power out of the hands of the physician, it must

also relieve him of malpractice liability resulting from those decisions.

This bill does relieve the pharmacist of this liability, but it does not relieve the physician. This is discriminatory.

There was overwhelming opposition to this bill from the testimony taken at these hearings.

The intent of this legislation, as I mentioned to begin with, is to save the consumers money. I want to point out to the members of this House that when the 14 other states that Mrs. Toll mentioned passed this type or a similar form of legislation, they have found that no savings resulted to the consumer. The whole thing became a bureaucratic nightmare because technology is not yet available to assure the safety of consumers. Therefore, this legislation is premature and that is why I am opposing it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Whelan.

Mr. WHELAN. Mr. Speaker, I will be very brief. I know this has been a long debate, but I wonder if the gentleman, Mr. DiCarlo, would submit to brief interrogation?

The SPEAKER pro tempore. Would the gentleman, Mr. DiCarlo, consent to interrogation?

Mr. DiCARLO. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. WHELAN. Mr. Speaker, my concern is with page 9 of the bill where it says: "every pharmacy shall post a sign in a conspicuous place . . .", and then we inserted the second part of Mrs. Toll's amendment, which says: "easily accessible to the general public, a list of commonly used equivalent drugs containing their generic names and brand names where applicable." My question is this: When they send out this list, will it be adequate in itself for posting or will the druggist himself have to recompile a list of generic names and brand names and other substitutes? Will that list suffice?

Mr. DiCARLO. I really cannot respond to that. I would assume that the Drug, Device and Cosmetic Board, which will be monitoring this, would have an up-to-date list that would be circulated and would be hung in the premises, very much like we did when the Federal Government had the base-price costs and everything else listed during the era when there were price freezes. They had to keep the information on hand so that the people could look at it.

Mr. WHELAN. In other words, your understanding would be that the department would send out a list to be posted that would suffice rather than have the pharmacists do any work on their own?

Mr. DiCARLO. Yes, that would be my guess.

Mr. WHELAN. Okay. I have a second question concerning the refills: If a physician fills out a prescription and does not check "do not substitute" or "substitution permissible," would a pharmacist be able to refill that prescription on the same basis that he received it?

Mr. DiCARLO. Are you talking about a subsequent prescription? Could you be more specific?

Mr. WHELAN. Yes, it would be a refill. Let us say that the physician failed to mark whether a substitution or no substitution was allowed and you came back for a

second refill, would he be allowed to refill that prescription on the same basis?

Mr. DiCARLO. It would be my understanding, first of all, that the pharmacist would have an index card that would show the prescription that the patient has been taking or perhaps even his family. If the person came in for a refill, the subsequent prescription would be the same as the original prescription on the first visit to the pharmacist. If there was a doubt, I would imagine or I would assume that the pharmacist would, indeed, contact the physician.

Mr. WHELAN. He would probably have to go back to the doctor in that case, I would assume?

Mr. DiCARLO. No, he would not. It is common practice today, under the present law, that a pharmacist can call a physician, and a physician does, indeed, call the pharmacist.

Mr. WHELAN. Okay. One last question, Mr. Speaker: Presently do we send out a list from the department on equivalent drugs?

Mr. DiCARLO. No; there is no list sent out today. There is no reason we have to do that.

Mr. WHELAN. Thank you very much, Mr. Speaker.

My final question would relate to this: If we do not now send out a substitution list to the pharmacist, would we not be adding costs to the Department of Health by requiring them to send this out? Was a fiscal note considered on this matter or was it determined by the department that there was no fiscal impact? Can anyone answer the question as to whether the fiscal impact was considered?

The SPEAKER pro tempore. Does the gentleman from Erie, Mr. DiCarlo, wish to answer the gentleman's question?

Mr. DiCARLO. It is my understanding from the staff of the committee that the fiscal information secured shows that the cost will be negligible.

Mr. WHELAN. Thank you, Mr. Speaker.

I would have to say that I am against this bill, not because it would take the savings away from the individual, who certainly should get the drug at the best possible price, but I am concerned about many of the questions that were raised—the question of substitution that Mr. Ryan raised, the possibility of malpractice—and I am also gravely concerned that this would have a fiscal impact.

I do not know how the Department of Health can make up a list on a periodic basis and mail it to all the pharmacists, with something like 5,000 prescription drugs and all their substitutes, without it having a significant fiscal impact. Therefore, I would urge a "no" vote on this bill.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Chester, Mrs. Crawford.

Mrs. CRAWFORD. Mr. Speaker, maybe I missed it, but I have a question. Is there a fiscal note to this bill?

The SPEAKER pro tempore. It is my understanding that there is no fiscal note attached to this bill.

Mrs. CRAWFORD. Since it does set up some requirements for the Department of Health, should there not be a fiscal note attached to the bill?

The SPEAKER pro tempore. Would the chairman of the Appropriations Committee, Mr. Wojdak, care to comment?

MOTION TO RECOMMIT

Mrs. CRAWFORD. Mr. Speaker, I would like to make a motion that House bill No. 473 be recommitted to the Appropriations Committee for a fiscal note.

The SPEAKER pro tempore. The question before the House is to the effect that the bill be recommitted to the Appropriations Committee for a fiscal note.

The Chair recognizes the lady from Philadelphia, Mrs. Toll.

Mrs. TOLL. Mr. Speaker, I object to the motion. I understand that the Department of Health could operate under the terms of this legislation with their present budget and I, therefore, request a "no" vote on this recommittal.

On the question,
Will the House agree to the motion?

The yeas and nays were required by Mrs. CRAWFORD and Mrs. TOLL and were as follows:

YEAS—67

Anderson, J. H.	Freind	Moehlmann	Taylor
Beren	Gring	Noye	Thomas
Bittle	Halverson	O'Connell	Turner
Brandt	Hamilton, J. H.	Pancoast	Vroon
Burns	Hasay	Parker, H. S.	Wagner
Butera	Haskell	Pitts	Weidner
Cassar	Hayes, S. E.	Polite	Westerberg
Cimini	Hepford	Renninger	Whelan
Crawford	Hill	Ryan	Wilt, R. W.
Davies	Katz	Saloom	Wilt, W. W.
Dietz	Kistler	Salvatore	Worrlow
Dininni	Lynch	Scheaffer	Wright
Dorr	McClatchy	Scirica	Yohn
Fawcett	McCue	Seitzer	Zearfoss
Fischer	McGinnis	Shuman	Zeller
Foster, A.	Mebus	Smith, E.	Zord
Foster, W.	Miller, M. E., Jr.	Stahl	

NAYS—129

Abraham	Geisler	Lincoln	Richardson
Arthurs	George	Logue	Rieger
Barber	Giammarco	Manderino	Ritter
Bennett	Gillespie	Manmiller	Ross
Berlin	Gillette	McCall	Ruggiero
Berson	Gleeson	McIntyre	Schmitt
Bonetto	Goodman	McLane	Schweder
Bradley	Green	Menhorn	Shane
Brunner	Greenfield	Milanovich	Shelhamer
Caputo	Grieco	Milliron	Shelton
Cianciulli	Hammock	Miller, M. E.	Shupnik
Cohen	Hayes, D. S.	Miscevich	Strianni
Cole	Hopkins	Morris	Smith, L.
Cowell	Hutchinson, A.	Mrkonic	Spencer
DeMedio	Hutchinson, W.	Mullen, M. P.	Stapleton
Deverter	Irvic	Mullen	Stout
DeWeese	Itkin	Musto	Taddonio
Dicarlo	Johnson, J.	Myers	Toll
DiDonato	Kelly, A. P.	Novak	Trello
Dombrowaki	Kelly, J. B.	O'Brien	Ustynoski
Doyle	Kernick	O'Donnell	Valicenti
Dreibelbis	Klingaman	O'Keefe	Walsh, T. P.
Dumas	Knepper	Oliver	Wansacz
Eckensberger	Kolter	Perry	Wargo
Englehart	Kowalyszyn	Petrarca	Wiggins
Fee	Kusse	Pievsky	Williams
Fisher	LaMarca	Pratt	Wilson
Flaherty	Laudadio	Prendergast	Wojdak
Fryer	Laughlin	Pyles	Zwicki
Gallagher	Lederer	Rappaport	
Gallen	Lehr	Ravenstahl	Fineman,
Garzia	Letterman	Reed	Speaker
Geesey	Levi	Renwick	

NOT VOTING—7

Bellomini	Gleason	Perri	Yahner
Cumberland	McGraw	Rhodes	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—139

Abraham	Garzia	Lynch	Renwick
Anderson, J. H.	Geesey	Manderino	Rhodes
Arthurs	Geisler	Manmiller	Richardson
Barber	George	McCall	Rieger
Bellomini	Giammarco	McClatchy	Ritter
Bennett	Gillespie	McIntyre	Ross
Berlin	Gillette	McLane	Ruggiero
Berson	Gleeson	Menhorn	Scheaffer
Bonetto	Goodman	Milanovich	Schmitt
Bradley	Green	Miller, M. E.	Schweder
Brunner	Greenfield	Miller, M. E., Jr.	Seltzer
Burns	Grieco	Milliron	Shane
Caputo	Halverson	Miscevich	Shelhamer
Cianciulli	Hammock	Morris	Shelton
Cimini	Hasay	Mrkonic	Shupnik
Cohen	Hayes, D. S.	Mullen, M. P.	Stahl
Cole	Hepford	Mullen	Stapleton
Cowell	Hopkins	Musto	Taddonio
DeMedio	Hutchinson, A.	Myers	Taylor
Deverter	Hutchinson, W.	Novak	Toll
DeWeese	Irvic	Noye	Trello
Dicarlo	Itkin	O'Brien	Ustynoski
DiDonato	Johnson, J.	O'Connell	Valicenti
Dombrowaki	Kelly, A. P.	O'Donnell	Wargo
Dorr	Kelly, J. B.	O'Keefe	Wiggins
Doyle	Kernick	Oliver	Williams
Dreibelbis	Klingaman	Perry	Wilson
Dumas	Kolter	Petrarca	Wilt, R. W.
Eckensberger	Kowalyszyn	Pievsky	Wojdak
Englehart	Laudadio	Pratt	Wright
Fee	Laughlin	Prendergast	Yohn
Flaherty	Lederer	Pyles	Zwicki
Foster, A.	Lehr	Rappaport	
Foster, W.	Lincoln	Ravenstahl	Fineman,
Fryer	Logue	Reed	Speaker
Gallagher			

NAYS—60

Beren	Gring	Pancoast	Stout
Bittle	Hamilton, J. H.	Parker, H. S.	Thomas
Brandt	Haskell	Perri	Turner
Butera	Hayes, S. E.	Pitts	Vroon
Cassar	Hill	Polite	Wagner
Crawford	Katz	Renninger	Walsh, T. P.
Cumberland	Knepper	Ryan	Wansacz
Davies	Kusse	Saloom	Weidner
Dietz	LaMarca	Salvatore	Westerberg
Dininni	Letterman	Scirica	Whelan
Fawcett	Levi	Shuman	Wilt, W. W.
Fischer	McCue	Sirianni	Worrlow
Fisher	McGinnis	Smith, E.	Zearfoss
Freind	Mebus	Smith, L.	Zeller
Gallen	Moehlmann	Spencer	Zord

NOT VOTING—4

Gleason	Kistler	McGraw	Yahner
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

THE SPEAKER (Herbert Fineman)
IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman, Mr. DeMedio, for temporarily presiding.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the membership of the House, contrary to the advices that had been received by the membership, next week will be a voting week in the House rather than a committee week.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 883

Mr. CAPUTO presented the report of the Committee of Conference on Senate bill No. 883.

The SPEAKER. The report will be laid over for printing under the rules.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 1365

Mr. MANDERINO presented the report of the Committee of Conference on Senate bill No. 1365.

The SPEAKER. The report will be laid over for printing under the rules.

COMMITTEE REPORTS

The SPEAKER. Without objection, the Chair returns to reports of committees.

The Chair hears no objection.

BILLS REPORTED FROM COMMITTEES

HOUSE BILL No. 1959 (Amended) By Mr. BENNETT

An Act amending the "Credit Union Act," approved September 20, 1961 (P. L. 1548, No. 658), providing additional powers for credit unions; changing membership on the board of directors; providing additional powers for directors and officers; expanding withdrawal rights; requiring annual audits and further regulating joint accounts.

Reported from Committee on Business and Commerce.

HOUSE BILL No. 2377 (Amended)

By Mr. GREENFIELD

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), removing retail dispenser from the provision on interlocking business and permitting licensees to have commercial offices on certain premises.

Reported from Committee on Liquor Control.

SENATE BILL No. 516 By Mr. GREENFIELD

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," authorizing special occasion permits for certain sportsmen's clubs.

Reported from Committee on Liquor Control.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. HEPFORD. For what purpose does the gentleman rise?

Mr. HEPFORD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPFORD. You stated that the House may be in a voting session next week. Did the Chair intend to include Monday, the holiday, as I understand, for the state?

The SPEAKER. We are going to be waving the flags on the floor of the House.

Mr. HEPFORD. Was that the motion that was unanimously agreed to on the adjournment?

The SPEAKER. No, that was the scheduling, not a motion.

The resolution adopted which has been sent over to us by the Senate called for a return to the floor on Monday.

Mr. HEPFORD. Thank you, Mr. Speaker.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 153

Mr. IRVIS called up the following report of the Committee of Conference on House bill No. 153, which was read:

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 153, entitled:

"An act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled 'An act concerning elections, including general, municipal special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections,' requiring election districts to be contiguous in regions of CERTAIN school districts, [PROVIDING FOR ELECTION AT LARGE OF ALL SCHOOL DIRECTORS BEGINNING IN 1977] FURTHER PROVIDING FOR CONTRIBUTIONS BY CORPORATIONS, UNINCORPORATED ASSOCIATIONS OR UNIONS and providing an exception for police officers to be within a certain distance of a polling place.

respectfully submit the following bill as our report:

NORMAN S. BERSON
PETER E. PERRY
FRANK J. O'CONNELL, Jr.

(Committee on the part of the House of Representatives.)

THOMAS M. NOLAN
JOSEPH F. SMITH
FREDERICK H. HOBBS

(Committee on the part of the Senate.)

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," requiring election districts to be contiguous in regions of certain school districts, further providing for certain activities by corporations and unincorporated associations, providing for an accounting exception for small contributions and providing an exception for police officers to be within a certain distance of a polling place.

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

Section 1. Section 502, act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," reenacted April 4, 1945 (P. L. 143, No. 64) and amended September 2, 1961 (P. L. 1228, No. 537), is amended to read:

Section 502. Court to Create New Election Districts.—Subject to the provisions of section 501 of this act, the court of quarter sessions of the county in which the same are located, may form or create new election districts by dividing or redividing any borough, township, ward or election district into two or more election districts of compact and contiguous territory, or alter the bounds of any election district, or form an election district out of two or more adjacent districts or parts of districts, or

consolidate adjoining election districts, so as to suit the convenience of the electors and to promote the public interests. Election districts so formed shall contain between six hundred (600) and eight hundred (800) registered electors as nearly as may be. No election district shall be formed that shall contain less than one hundred (100) registered electors. When a school district crosses county lines, the regions of the school district shall be composed of contiguous election districts.

Section 2. Section 1207 of the act, amended June 19, 1974 (No. 122), is amended to read:

Section 1207. Peace Officers; No Police Officer to Be Within One Hundred Feet of Polling Place; Exceptions; Presence of Soldiers Prohibited.—The constable of each borough township or ward, or his deputy shall be present at the polling place in each election district of such borough, township or ward at each primary and election during the continuance thereof, and while the votes are being counted, for the purpose of preserving the peace, and shall serve at all elections for which services the said constable and each of such deputies performing such services shall receive the same compensation payable to inspectors and clerks under section 412 (a) of this act which shall be paid by the county. Such sum shall include pay for serving notices in writing to persons elected at such election. The election officers, or any three qualified electors of any election district, may call upon any mayor, chief burgess, sheriff, deputy sheriff, constable, deputy, constable, or police officer, to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from approaching, or to maintain order and quell any disturbance, if such arises. No police officer in commission, whether in uniform or in citizen's clothes, shall be within one hundred feet of a polling place during the conduct of any primary or election, unless in the exercise of his privilege of voting, or for the purpose of serving warrants, or unless called upon to preserve the peace, as provided by this act: Provided, however, That such prohibition shall not apply to such police officers assigned to a police station or headquarters located in a building or on the premises where the polling place is located and such police officers must be within one hundred (100) feet of the polling place to enter and exit such police station or headquarters: And provided further, That in no event may any police officer unlawfully use or practice any intimidation, threats, force or violence nor, in any manner, unduly influence or overawe any elector or prevent him from voting or restrain his freedom of choice, nor may any such police officer electioneer or directly or indirectly attempt to influence the election or electors while within one hundred (100) feet of a polling place as herein set forth: And provided further, That where polling places are located in buildings or on premises where a police station or headquarters are located, the polling place shall be located in a separate room. No body of troops in the Army of the United States or of this Commonwealth shall be present, either armed or unarmed, at any place of election within this Commonwealth during the time of any primary or election: Provided, however, That no officer or soldier shall be prevented from exercising the right of suffrage in the election district in which he resides, if otherwise qualified.

Section 3. Section 1605 of the act is amended by adding a subsection to read:

Section 1605. Contributions for Election Expenses to Be Made to Candidates or Treasurers; Contributions by Corporations and Unincorporated Associations Prohibited.—

* * *

(c) Neither the provisions of this section, nor the provisions of section 1604(a) nor any other provisions of the laws of this Commonwealth shall be deemed to prohibit direct private communications by a corporation to its stockholders and their families or by an unincorporated association to its members and their families on any subject; non-partisan registration and get-out-the vote campaigns by a corporation aimed at its stockholders and their families or by an unincorporated association aimed at its members and their families; and the establishment, and administration by a corporation or an unincorporated

association of a separate segregated fund which fund is to be created by voluntary individual contributions and to be utilized for political purposes, provided that any such separate segregated fund shall be deemed to be a political committee for the purposes of section 1607 of this act.

Section 4. Subsection (a) of section 1607 of the act, amended July 17, 1963 (P. L. 266, No. 141), is amended to read:

Section 1607. Expense Accounts to Be Filed.—

(a) Every candidate for nomination or election, and every treasurer of a political committee, or person acting as such treasurer, shall, within thirty days after every primary and election at which such candidate was voted for or with which such political committee was concerned, if the amount received or expended or liabilities incurred shall exceed the sum of one hundred fifty dollars, file a full, true and detailed account, subscribed and sworn to by him, setting forth each and every sum of money received, contributed or disbursed by him for primary or election expenses, the date of each receipt, contribution and disbursement, the name of the person from whom received or to whom paid, and the specific object or purpose for which the same was disbursed. Such account shall also set forth the unpaid debts and liabilities of any such candidate or committee for primary or election expenses, with the nature and amount of each, and to whom owing. In the case of the treasurer of a political committee, the account shall include any unexpended balance of contributions or other receipts appearing from the last previous account filed by him, and shall also include a complete listing of all receipts and disbursements made by such committee for any purpose, including all receipts and disbursements from the publication and sale of all publications, and from the time of the last account or from the time of the formation of the political committee if no prior account has been filed. In the case of candidates for election who have previously filed accounts of their primary expenses as candidates for nomination, the accounts shall only include receipts, contributions and disbursements subsequent to the date of such prior accounts.

Notwithstanding the foregoing paragraph, where any amount received or contributed is not more than fifty (\$50) dollars, such amounts may be aggregated according to the date of receipt or contribution. In such cases, the name of the person from whom received or contributed need not be set forth. However, where the candidate for nomination or election, treasurer of a political committee, or person acting as a treasurer, knows or has reason to know what a person has, through multiple contributions, contributed more than a total of fifty (\$50) dollars, he must make a full, true and detailed account and report of what he knows or has reason to know.

* * *

Section 5. Section 1820 of the act is amended to read:

Section 1820. Police Officers at Polling Places.—Any police officer in commission, whether in uniform or in citizen's clothes, who shall be within one hundred (100) feet of a polling place during the conduct of any primary or election, except in the exercise of his privilege of voting or for the purpose of serving warrants, or in accordance with the provisions of the exception set forth in section 1207 of this act where the police station or headquarters is located in the same building or on the premises where the polling place is located or unless called upon to preserve the peace, as provided by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 6. Any school district which crosses county lines and in which regions are composed of non-contiguous election districts shall be reapportioned. If a school district is not reapportioned within six months after enactment hereof, the court of common pleas of the county in which the largest part in land area of the school district is located shall form new regions in the manner provided for the formation of election districts. School directors elected in 1975 and incumbent school directors shall serve the terms for which they were

elected; their successors shall be elected in accordance with the reapportioned regions.

Section 7. This act shall take effect immediately.

On the question,

Will the House adopt the Report of the Committee of Conference?

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, on House bill No. 153, printer's No. 3267, I ask that the House do adopt the Report of the Committee of Conference.

On the question recurring,

Will the House adopt the Report of the Committee of Conference?

Agreeable to the provisions of the constitution, the yeas and nays were taken and were as follows:

YEAS—191

Abraham	George	McClatchy	Saloom
Anderson, J. H.	Giammarco	McCue	Salvatore
Arthurs	Gillespie	McGinnis	Scheaffer
Bellomini	Gillette	McIntyre	Schmitt
Bennett	Gleeson	McLane	Schweder
Beren	Goodman	Mebus	Seltzer
Berlin	Green	Menhorn	Shane
Bittie	Greenfield	Milanovich	Shelhamer
Bonetto	Grieco	Miller, M. E.	Shelton
Bradley	Gring	Miller, M. E., Jr.	Shuman
Brandt	Halverson	Milliron	Shupnik
Brunner	Hamilton, J. H.	Miscevich	Sirianni
Burns	Hammock	Moehlmann	Smith, E.
Caputo	Hasay	Morris	Smith, L.
Cessar	Haskell	Mrkonje	Spencer
Cianciulli	Hayes, D. S.	Mullen	Stahl
Cimini	Hayes, S. E.	Musto	Stapleton
Cohen	Hepford	Myers	Stout
Cole	Hill	Novak	Taylor
Cowell	Hopkins	Noye	Thomas
Crawford	Hutchinson, A.	O'Brien	Tou
Cumberland	Hutchinson, W.	O'Connell	Trello
Davies	Irvic	O'Donnell	Turner
DeMedio	Itkin	O'Keefe	Ustynoski
Deverter	Johnson, J.	Oliver	Valicenti
DeWeese	Katz	Pancoast	Vroon
Dicarlo	Kelly, A. P.	Parker, H. S.	Wagner
DiDonato	Kelly, J. B.	Perri	Walsh, T. P.
Dietz	Kernick	Perry	Wansacz
Dininni	Kistler	Petrarca	Wargo
Dombrowski	Klingaman	Plevsky	Weidner
Dorr	Knepper	Pitts	Westerberg
Doyle	Kolter	Polite	Whelan
Dreibelbis	Kowalshyn	Pratt	Wiggins
Dumas	Kusse	Prendergast	Wilson
Eckensberger	LaMarca	Pyles	Wilt, R. W.
Fawcett	Laudadio	Rappaport	Wilt, W. W.
Fee	Laughlin	Ravenstahl	Wojdak
Fischer	Lederer	Reed	WorriLOW
Flaherty	Lehr	Renninger	Wright
Foster, A.	Letterman	Renwick	Yohn
Foster, W.	Levi	Rhodes	Zearfoss
Freind	Lincoln	Richardson	Zeller
Fryer	Logue	Rieger	Zord
Gallagher	Lynch	Ritter	Zwinkl
Gallen	Manderino	Ross	Fineman, Speaker
Garzia	Manmiller	Ruggiero	
Geesey	McCall	Ryan	
Gelsler			

NAYS—3

Fisher	Scirica	Taddonio
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NOT VOTING—9

Barber	Englehart	McGraw	Williams
Berson	Gleason	Mullen, M. P.	Yahner
Butera			

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1817

Mr. IRVIS called up the following report of the Committee of Conference on House bill No. 1817, which was read:

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 1817, entitled:

"An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to vehicles and pedestrians."

respectfully submit the following bill as our report:

JOSEPH F. BONETTO
J. BARRY STOUT
DANIEL E. BEREN

(Committee on the part of the House of Representatives.)

FRANCIS J. LYNCH
JOSEPH F. SMITH
CLARENCE F. MANBECK

(Committee on the part of the Senate.)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to vehicles and pedestrians.

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

Section 1. Title 75, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended by adding parts to read:

TITLE 75

VEHICLES

Part

- I. Preliminary Provisions
 II. Title, Registration and Licensing
 III. Operation of Vehicles
 IV. Vehicle Characteristics
 V. Administration and Enforcement
 VI. Miscellaneous Provisions

PART I

PRELIMINARY PROVISIONS

Chapter 1

1. General Provisions

CHAPTER 1

GENERAL PROVISIONS

Sec.

101. Short title of title.
 102. Definitions.
 103. Uniformity of interpretation.
 104. Continuation of existing law.

§ 101. Short title of title.

This title shall be known and may be cited as the "Vehicle Code."

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the content clearly indicates otherwise, the meanings given to them in this section:

"Abandoned vehicle."

(1) A vehicle (other than a pedalcycle):

(i) that is inoperable and is left unattended on public property for more than 48 hours;

(ii) that has remained illegally on public property for a period of more than 48 hours;

(iii) without a valid registration plate or certificate of inspection or title left unattended on or along a highway; or

(iv) that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

(2) Vehicles and equipment used or to be used in construction or in the operation or maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

"Alley." A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

"Antique motor vehicle." A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufactured specifications.

"Authorized vehicle." A vehicle or type of vehicle, other than an emergency vehicle, for which special operating or equipment privileges are given by law or regulation of the department based on design and utility for work within a highway.

"Bus." A motor vehicle designed for carrying more than ten passengers, exclusive of the driver, and used for the transportation of persons and a motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

"Business district." The territory contiguous to and including a highway when within any 600 feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

"Classic motor vehicle." A self-propelled vehicle, but not a reproduction thereof, manufactured more than ten years prior to the current year and, because of discontinued production and limited availability, determined by the department to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance.

"Combination." Two or more vehicles physically interconnected in tandem.

"Crosswalk."

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and, in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Dealer." A person engaged in the business of buying, selling or exchanging vehicles.

"Department." The Department of Transportation of the Commonwealth.

"Divided highway." A highway divided into two or more roadways and so constructed as to impede vehicular traffic between the roadways by providing an intervening space, physical barrier or clearly indicated dividing section.

"Driveaway-towaway operation." Any operation in which any motor vehicle, trailer or semi-trailer, singly or in combination, constitutes the commodity being transported, when one set or more of wheels of the vehicle are on the highway during the course of transportation, whether or not the vehicle furnished the motive power.

"Driver." A person who drives or is in actual physical control of a vehicle.

"Driver's license." A license or permit to drive a motor vehicle issued under this title.

"Emergency vehicle." A fire department vehicle, police vehicle, ambulance, blood-delivery vehicle, armed forces emergency vehicle, one private vehicle of a fire or police chief or assistant chief or ambulance corps commander or assistant commander or of a river rescue commander used for answering emergency calls or other vehicle designated by the State Police under section 6106 (relating to designation of emergency vehicles by Pennsylvania State Police).

"Engineering and traffic study." An orderly examination or analysis of physical features and traffic conditions conducted in accordance with regulations of the department and conforming to generally accepted engineering standards and practices for the purpose of ascertaining the need or lack of need for a particular action by the department or local authorities.

"Essential parts." All integral and body parts of a vehicle of a type required to be registered under this title, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

"Established place of business." The place actually occupied either continuously or at regular periods by a dealer, manufacturer or other vehicle-related business where the books and records are kept and a large share of the business is transacted.

"Exhibit." Surrender of a document into the temporary possession of a person for the purpose of examining the document.

"Farm truck." A truck determined by the department to be used exclusively for agricultural purposes.

"Fleet owner." A person, Federal, State or local government agency or authority owning or leasing 15 or more vehicles who or which provides servicing and repair of the vehicles.

"Foreign vehicle." A vehicle of a type required to be registered under this title brought into this Commonwealth from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this Commonwealth.

"Freeway." A limited-access highway to which the only means of ingress and egress is by interchange ramps.

"Full trailer." A trailer so constructed that no part of its weight rests upon the towing vehicle. A semi-trailer attached to a towing vehicle by means of an auxiliary front axle or dolly shall be deemed to be a full trailer.

"Gross combination weight rating (GCWR)." The value specified by the manufacturer as the loaded weight of a combination.

"Gross vehicle weight rating (GVWR)." The value specified on the Federal weight certification label by the manufacturer as the loaded weight of a single vehicle.

"Gross weight." The combined weight of a vehicle or combination of vehicles and its load and driver.

"Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historical park.

"House trailer."

(1) A trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways.

(2) A trailer containing a chassis and exterior shell designed and constructed for use as a house trailer, as defined in paragraph (1), but which is used permanently or temporarily for advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property.

"Implement of husbandry." A vehicle designed or adapted and determined by the department to be used exclusively for agricultural operations and only incidentally operated or moved upon highways.

"Intersection."

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the

lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.

"Issuing authority." A public official having the power and authority of a justice of the peace, magistrate or district justice.

"Laned highway." A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

"Learner's permit." A permit issued for the purpose of learning to operate a motor vehicle.

"Lienholder." A person holding a security interest in a vehicle.

"Limited access highway." A highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access except at points and in the manner determined by the authority having jurisdiction over the highway.

"Local authorities." County, municipal and other local boards or bodies having authority to enact laws relating to traffic.

"Manufacturer." A person engaged in the business of constructing or assembling vehicles or motors or bodies of vehicles.

"Manufacturer's shipping weight." The weight of a vehicle including all installed options as delivered for retail sale by the final stage manufacturer and as indicated on the manufacturer's certificate of origin.

"Messenger service." A person who, for a fee, advertises, offers or provides to the public the service of obtaining from the department vehicle titles, registrations, drivers' licenses and similar documents. A dealer who obtains documents only for purchasers of vehicles from the dealer is not a messenger service.

"Mobile home." A trailer designed and used exclusively for living quarters or commercial purposes which exceeds the maximum size limitations prescribed by this title for operation on a highway and is only incidentally operated on a highway, including a unit transported on a removable or non-removable frame designed so as to be assembled together with another unit or units into a structure which is used exclusively for living quarters, commonly known as a "modular unit."

"Motor home." A motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck camper.

"Motor vehicle." A vehicle which is self-propelled except one which is propelled solely by human power or by electric power obtained from overhead trolley wires, but not operated upon rails.

"Motorcycle." A motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

"Motor-driven cycle." A motorcycle, including a motor scooter, with a motor which produces not to exceed five brake horsepower, and every pedalcycle with motor attached.

"Motorized pedalcycle." A motor-driven cycle equipped with operable pedals, a motor rated no more than 1.5 brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission, and a maximum design speed of no more than 25 miles per hour.

"Nondivisible." Incapable of being divided into parts or dismembered without substantially damaging its usefulness or value.

"Nonresident." A person who is not a resident of this Commonwealth.

"Number." When used in the context of identification means a series of numerals or letters or both, with or without a prefix or suffix.

"Official traffic-control devices." Signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official hav-

ing jurisdiction, for the purpose of regulating, warning or guiding traffic.

"Operating privilege." The privilege to apply for and obtain a license to use as well as the privilege to use a vehicle on a highway as authorized in this title, but not a contract, property right or civil right.

"Overtime parking." The continuous parking of a vehicle for a period of time exceeding the maximum period established by law.

"Owner." A person, other than a lienholder, having the property right in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

"Park" or "parking."

(1) When permitted, means the temporary storing of a vehicle, whether occupied or not, off the roadway.

(2) When prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

"Passenger car." A motor vehicle, except a motorcycle, designed for carrying ten passengers or less, and primarily used for the transportation of persons.

"Pedalcycle." A vehicle propelled solely by human-powered pedals.

"Pedestrian." A natural person afoot.

"Pennsylvania Turnpike." The highway system owned and operated by the Pennsylvania Turnpike Commission.

"Person." A natural person, firm, copartnership, association or corporation.

"Police officer." A natural person authorized by law to make arrests for violations of law.

"Private road or driveway." A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Proof of insurance." A card issued by an insurance carrier in compliance with regulations of the Insurance Commissioner evidencing that the vehicle is covered by the insurance required in section 104(a) of the act of July 19, 1974 (P. L. 489, No. 176), known as the "Pennsylvania No-fault Motor Vehicle Insurance Act" and regulations issued thereunder, or a card evidencing that the vehicle is self-insured in compliance with that act and regulations.

"Railroad grade crossing." One or more railroad tracks, but not streetcar tracks, which intersect or cross a highway at the same level or grade.

"Railroad sign or signal." A sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

"Recall." To withdraw by formal action of the department for an indefinite period the operating privilege of a person for reasons of incompetency.

"Reconstructed vehicle." A vehicle materially altered from its original construction by the removal, addition or substitution of essential parts, new or used, or a vehicle, other than an antique or classic vehicle, for which a certificate of junk was issued and is thereafter restored to operating condition.

"Recreational trailer." A trailer designed or adapted and used exclusively for recreational purposes.

"Registered gross weight." The maximum gross weight at which a vehicle or combination is registered in this Commonwealth to operate upon a highway.

"Registration." The authority for a vehicle to operate on a highway as evidenced by the issuance of an identifying card and plate or plates.

"Residence district." The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

"Resident." A person dwelling permanently or continuously for a period exceeding 30 consecutive days within this Commonwealth, except that a person who regularly dwells in two or more states shall declare residence to be in any one of the states.

"Revoke." To terminate by formal action of the de-

partment any license, registration or privilege issued or granted by the department. Following a period of revocation, the license, registration or privilege may not be restored except upon submission and acceptance of a new application.

"Right-of-way." The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger or collision unless one grants precedence to the other.

"Roadway." That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by pedalcycles. In the event a highway includes two or more separate roadways the term "roadway" refers to each roadway separately but not to all such roadways collectively.

"Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians.

"Salver." A person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, junking, selling, rebuilding or exchanging the vehicles or parts thereof.

"School bus." A motor vehicle which complies with the color and lighting identification requirements of section 4552 (relating to general requirements for school buses).

"Scrap metal processor." A person whose principal business is the operation of an establishment having facilities for processing iron, steel or non-ferrous scrap metals, and whose principal product is scrap iron, scrap steel or non-ferrous scrap for resale for remelting purposes only.

"Secretary." The Secretary of Transportation of the Commonwealth.

"Security interest." An interest in a vehicle reserved or created by agreement which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is perfected when it is valid against third parties generally, subject only to specific statutory exceptions.

"Semi-trailer." A trailer so constructed that some part of its weight rests upon or is carried by the towing vehicle.

"Shall." Indicates that an action is required or prohibited.

"Should." Indicates that an action is advisable but not required.

"Sidewalk." That portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Special mobile equipment." Vehicles not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus; earth moving and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, finishing machines, road rollers, scarifiers, earth moving carry-alls, scrapers, power shovels and drag lines; and self-propelled cranes and tractors, other than truck tractors. The term does not include house trailers; dump trucks; truck-mounted transit mixers, cranes or shovels; or other vehicles designed for the transportation of persons or property to which machinery has been attached.

"Specially constructed vehicle." A vehicle not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles.

"Stand" or "standing." When prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

"State." A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.

"State designated highway." A highway or bridge on the system of highways and bridges over which the de-

partment has assumed or has been legislatively given jurisdiction.

"Stop" or "stopping."

(1) When required, means complete cessation from movement.

(2) When prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

"Streetcar." A car other than a railroad train for transporting persons or property and operated upon rails.

"Suspend." To withdraw temporarily by formal action of the department any license, registration or privilege issued or granted by the department. Following a period of suspension, the department shall restore the license, registration or privilege.

"Taxi." A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, on a call and demand service, and used for the transportation of persons for compensation.

"Through highway." A highway or portion of a highway on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on the through highway in obedience to a stop sign, yield sign or other official traffic-control device when the signs or devices are erected as provided in this title.

"Tire width." The linear distance between the exteriors of the sidewalls of an uninflated tire, excluding elevations due to labeling, decoration or protective sidebands.

"Traffic." Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, whether singly or together, using any highway for purposes of travel.

"Traffic-control signal." A device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

"Trafficway." The entire width between property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.

"Trailer." A vehicle designed to be towed by a motor vehicle.

"Truck." A motor vehicle designed, used or maintained primarily for the transportation of property.

"Truck-camper." A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

"Truck tractor." A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Urban district." The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

"Urban mass transportation system." A person holding a certificate of the Public Utility Commission or a municipality authority, port authority or transportation authority established under the laws of this Commonwealth that transports persons on schedule over fixed routes and derives over 80% of their intrastate scheduled revenue from scheduled operations within the county in which they have their principal place of business, or contiguous counties.

"Valueless except for junk." A vehicle which is inoperable or unable to meet the vehicle equipment and inspection standards under Part IV (relating to vehicle characteristics) to the extent that the cost of repairs would exceed the value of the repaired vehicle. The term does not include a vehicle which would qualify as an antique or classic vehicle except for its lack of restoration or maintenance.

"Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

"Vehicle identification number." A combination of numerals or letters or both which the manufacturer as-

signs to a vehicle for identification purposes, or, in the absence of a manufacturer-assigned number, which the department assigns to a vehicle for identification purposes.

"Wrecker." A motor vehicle designed or constructed and used for the towing of abandoned or disabled vehicles.

§ 103. Uniformity of interpretation.

This title shall be so interpreted and construed as to effectuate its general purpose to make uniform the law throughout this Commonwealth and all political subdivisions.

§ 104. Continuation of existing law.

The provisions of this title, so far as they are the same as those of existing law, are intended as a continuation of such laws and not as new enactments.

PART II

TITLE, REGISTRATION AND LICENSING

Chapter

11. Certificate of Title and Security Interests
13. Registration of Vehicles
15. Licensing of Drivers
17. Financial Responsibility
19. Fees

CHAPTER 11

CERTIFICATE OF TITLE AND SECURITY INTERESTS

Subchapter

- A. Certificate of Title
- B. Security Interests

SUBCHAPTER A

CERTIFICATE OF TITLE

Sec.

1101. Certificate of title required.
1102. Vehicles not requiring certificate of title.
1103. Application for certificate of title.
1104. Examination of records upon receipt of application.
1105. Issuance of certificate of title.
1106. Content and effect of certificate of title.
1107. Delivery of certificate of title.
1108. Registration without certificate of title.
1109. Refusing issuance of certificate of title.
1110. Duplicate certificate of title to replace original.
1111. Transfer of ownership of vehicle.
1112. Disclosure of odometer reading and tampering with odometer.
1113. Transfer to or from manufacturer or dealer.
1114. Transfer of vehicle by operation of law.
1115. Correction of certificate of title.
1116. Issuance of new certificate following transfer.
1117. Vehicle destroyed or junked.
1118. Suspension and cancellation of certificate of title.
1119. Application for certificate of title by agent.

§ 1101. Certificate of title required.

(a) General rule.—Except as provided in section 1102 (relating to vehicles not requiring certificate of title), every owner of a vehicle which is in this Commonwealth and for which no certificate of title has been issued by the department shall make application to the department for a certificate of title of the vehicle.

(b) Registration without certificate prohibited.—The department shall not register or renew the registration of a vehicle unless a certificate of title has been issued by the department to the owner or an application for a certificate of title has been delivered by the owner to the department.

(c) Penalty.—Failure to obtain a certificate of title as required by law is a summary offense.

§ 1102. Vehicles not requiring certificate of title.

No certificate of title shall be issued for:

(1) A vehicle owned by the United States unless it is registered in this Commonwealth.

(2) A golf cart, motor-driven cycle, go-cart or other similar vehicle unless it is registered in this Commonwealth.

(3) A new vehicle owned by a manufacturer or registered dealer before and until sale.

(4) A vehicle owned by a nonresident of this Commonwealth and not required by law to be registered in this Commonwealth.

(5) A vehicle owned by a resident legally required to be registered in another state, based and used principally outside of this Commonwealth, and not required by law to be registered in this Commonwealth.

(6) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state.

(7) A vehicle moved solely by human or animal power.

(8) An implement of husbandry unless required to be registered.

(9) Special mobile equipment unless required to be registered.

(10) A mobile home.

§ 1103. Application for certificate of title.

(a) Contents of application.—Application for a certificate of title shall be made upon a form prescribed and furnished by the department and shall contain a full description of the vehicle, the vehicle identification number, date of purchase, the actual or bona fide name and address of the owner, a statement of the title of applicant, together with any other information or documents the department requires to identify the vehicle and to enable the department to determine whether the owner is entitled to a certificate of title and the amount and description of any security interests in the vehicle.

(b) Signing and filing of application.—Application for a certificate of title shall be made within ten days of the sale or transfer of a vehicle or its entry into this Commonwealth from another jurisdiction, whichever is later. The application shall be accompanied by the fee prescribed in this title, and any tax payable by the applicant under the laws of this Commonwealth in connection with the acquisition or use of a vehicle or evidence to show that the tax has been collected. The application shall be signed and verified by oath or affirmation by the applicant if a natural person; in the case of an association or partnership, by a member or a partner; and in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application.

(c) Manufacturer's Statement of Origin for new vehicles.—If the application refers to a new vehicle, it shall be accompanied by the Manufacturer's Statement of Origin for the vehicle.

(d) Vehicles purchased from dealers.—If the application refers to a vehicle purchased from a dealer, the dealer shall mail or deliver the application to the department within ten days of the date of purchase. The application shall contain the names and addresses of any lienholders in order of priority, the amounts and the dates of the security agreements, and be assigned by the dealer to the owner and signed by the owner. Any dealer violating this subsection is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 for each violation. The requirement that the dealer mail or deliver the application to the department does not apply to vehicles purchased by fleet owners or governmental or quasi-governmental agencies.

(e) Out-of-state vehicles.—If the application refers to a vehicle last previously titled or registered in another state or country, the following information shall be contained in or accompany the application or be forwarded in support of the application as required by the department:

(1) Any certificate of title issued by the other state or country.

(2) A tracing of the vehicle identification number taken from the official number plate or, where it is impossible to secure a legible tracing, the verification of a person authorized by the department that the vehicle identification number of the vehicle has been inspected

and found to conform to the description given in the application.

(3) Any other information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or non-existence of security interests in the vehicle.

(f) Foreign vehicles owned by military personnel.—If the application refers to a vehicle last previously registered in another country by a person on active duty in the armed forces of the United States, the department may accept a complete form issued by the United States Department of Defense as evidence of ownership.

(g) Specially constructed or reconstructed vehicles.—If the vehicle to be titled is a specially constructed or reconstructed vehicle, that fact shall be stated in the application. The department may promulgate rules and regulations pertaining to the titling of specially constructed or reconstructed vehicles.

§ 1104. Examination of records upon receipt of application.

The department, upon receiving an application for a certificate of title, shall check the vehicle identification number shown in the application against the records of vehicles required to be maintained under section 1105 (relating to issuance of certificate of title) and against the record of stolen vehicles required to be maintained under section 7114 (relating to records of stolen vehicles). If the record indicates that the vehicle is stolen, the application and accompanying documents may be retained by the department pending investigation.

§ 1105. Issuance of certificate of title.

(a) General rule.—The department shall file each application received and, when satisfied as to the genuineness and regularity of the application and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title for the vehicle. The department shall use reasonable diligence in ascertaining whether or not the facts stated in the application are true.

(b) Maintenance of records.—The department shall maintain a record of all certificates of title issued by the department as follows:

- (1) Under a distinctive title number assigned to the vehicle.
- (2) Under the vehicle identification number.
- (3) Alphabetically, under the name of the owner.
- (4) In the discretion of the department, by any other method determined by the department.

§ 1106. Content and effect of certificate of title.

(a) Vehicle identification and encumbrances.—A certificate of title shall contain such description and other evidence of identification of the vehicle for which it is issued as the department may deem necessary, together with a statement of any liens or encumbrances including the names and addresses of the holder or holders of the liens or encumbrances.

(b) Indication of special prior use.—No person shall assign a certificate of title to any vehicle having seating capacity for nine or less occupants which has been used as a taxicab, for the carrying of passengers for hire or as a police car, unless the certificate clearly contains notice that the vehicle has been so used. Indication of such use shall be deemed part of the description of the vehicle. Any person violating this subsection is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

(c) Certificate as evidence and notice.—A certificate of title issued by the department is prima facie evidence of the facts appearing on the certificate. The certificate shall be adequate notice to the Commonwealth, creditors, subsequent lienholders and purchasers that a lien against the vehicle exists.

§ 1107. Delivery of certificate of title.

The certificate of title shall be mailed to the first lienholder or encumbrancer named in the certificate or, if there is no lienholder or encumbrance, the title shall be mailed or delivered to the owner in accordance with the department regulations.

§ 1108. Registration without certificate of title.

If the department is not satisfied as to the ownership

of the vehicle or that there are no undisclosed security interests in the vehicle, the department may register the vehicle but shall withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the ownership by the applicant of the vehicle and that there are no undisclosed security interests in the vehicle.

§ 1109. Refusing issuance of certificate of title.

The department may refuse issuance of a certificate of title when it has reasonable grounds to believe:

- (1) That any required fee has not been paid.
- (2) That any taxes payable under the laws of this Commonwealth on or in connection with, or resulting from, the acquisition or use of the vehicle have not been paid.
- (3) That the applicant is not the owner of the vehicle.
- (4) That the application contains a false or fraudulent statement.
- (5) That the applicant has failed to furnish required information or documents or any additional information the department reasonably requires.

§ 1110. Duplicate certificate of title to replace original.

(a) Application for duplicate.—In the event of a lost, destroyed, defaced, stolen or illegible certificate of title, application for a duplicate may be made by furnishing information satisfactory to the department upon a form prescribed and furnished by the department. The form shall be signed by the first lienholder or, if none, the owner or legal representative of the owner, verified by oath or affirmation of the applicant, accompanied by the fee provided in this title.

(b) Status of original and duplicate.—If the original certificate of title is found after the duplicate is issued, the original title shall be returned to the department with an explanation. Only the duplicate title is valid once issued. Subsequent transfer of ownership can be made only on the duplicate.

§ 1111. Transfer of ownership of vehicle.

(a) Duty of transferor.—In the event of the sale or transfer of the ownership of a vehicle within this Commonwealth, the owner shall execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes, sworn to before a notary public or other officer empowered to administer oaths, and deliver the certificate to the transferee at the time of the delivery of the vehicle.

(b) Duty of transferee.—Except as otherwise provided in section 1113 (relating to transfer to or from manufacturer or dealer), the transferee shall, within five days of the assignment or reassignment of the certificate of title, apply for a new title by presenting to the department the properly completed certificate of title, sworn to before a notary public or other officer empowered to administer oaths, and accompanied by such forms as the department may require.

(c) Penalty.—Any person violating subsection (a) shall be guilty of a summary offense and shall, upon conviction, be sentenced:

- (1) For a first offense, to pay a fine of \$100.
- (2) For a subsequent offense, to pay a fine of not less than \$300 nor more than \$1,000.

§ 1112. Disclosure of odometer reading and tampering with odometer.

(a) Statement by transferor of odometer reading.—Each transferor of a motor vehicle shall furnish to the transferee at the time of transfer a written statement disclosing the odometer reading of the vehicle at the time of transfer and the date of the transfer. The statement shall be signed by the transferor on such form as the department may prescribe.

(b) Statement when actual mileage unknown.—If the transferor knows that the odometer reading differs from the number of miles the vehicle has actually traveled, and that the difference is greater than that caused by odometer calibration error, the transferor shall include a statement that the actual vehicle mileage is unknown.

(c) Tampering with odometer.—Except for purposes of repair or replacement, it is unlawful for any person to disconnect, turn back, tamper with or reset an odometer of any motor vehicle.

(d) **Exceptions.**—The transferor of the following types of motor vehicles need not disclose the odometer reading of the vehicle:

(1) A motor vehicle having a registered gross weight of more than 17,000 pounds.

(2) A motor vehicle 25 years or older.

(3) A motor vehicle transferred between dealers prior to first retail sale.

(e) **Penalties.**—Any person violating subsection (a) or (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. Any person violating subsection (c) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300.

§ 1113. **Transfer to or from manufacturer or dealer.**

(a) **Transfer to manufacturer or dealer.**—When the purchaser or transferee of a vehicle is a manufacturer or registered dealer who holds the vehicle for resale, a certificate of title need not be applied for as provided for in section 1111 (relating to transfer of ownership of vehicle) but the transferee shall, within seven days from the date of assignment of the certificate of title to the manufacturer or dealer, forward to the department, upon a form prescribed and furnished by the department, notification of the acquisition of the vehicle. Notification as authorized in this section may not be used in excess of three consecutive transactions after which time an application shall be made for a certificate of title.

(b) **Execution and display of notice of transfer.**—The manufacturer or dealer making notification as to any vehicle acquired pursuant to subsection (a) shall execute at least three copies, the original of which shall be forwarded to the department, one copy to accompany the vehicle on any subsequent transfer and one copy to be retained by the manufacturer or dealer for at least one year after a subsequent transfer, to be exhibited, with the assigned certificate of title, upon request of any police officer or authorized department employee.

(c) **Transfer from manufacturer or dealer.**—The manufacturer or dealer, upon transferring his interest in the vehicle, shall, except as otherwise provided in this section when the transferee is another manufacturer or dealer, execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes. The transferee shall complete the application for certificate of title in the name of the transferee. The certificate of title and any other required forms shall be forwarded by the dealer or manufacturer to the department within five days of the transfer.

(d) **Exception for repossessed vehicles.**—This section does not apply to a vehicle repossessed upon default of performance of a lease, contract of conditional sale or similar agreement.

(e) **Penalty.**—Any manufacturer or dealer violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 for each violation.

§ 1114. **Transfer of vehicle by operation of law.**

(a) **General rule.**—If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as otherwise provided, promptly mail or deliver to the department the last certificate of title, if available, and shall apply for a new certificate of title on a form prescribed and furnished by the department. The application shall be accompanied by such instruments or documents of authority, or certified copies thereof, as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.

(b) **Transfer to surviving spouse.**—Transfer of a certificate of title to a surviving spouse, or any person designated by the spouse, may be made without the necessity of filing for letters of administration notwithstanding the fact that there are minor children surviving the decedent provided the surviving spouse files an affidavit that all the debts of the decedent have been paid.

(c) **Surrender of certificate.**—A person holding a certificate of title whose interest in a vehicle has been extinguished or transferred other than by voluntary transfer shall immediately surrender the certificate of title

to the person to whom the right to possession of the vehicle has passed. Upon request of the department, such person shall mail or deliver the certificate to the department. Delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate.

§ 1115. **Correction of certificate of title.**

(a) **General rule.**—When any certificate of title has been issued in error to a person not entitled to the certificate or contains incorrect information or information has been omitted from the certificate, the department shall notify in writing the person to whom the certificate has been issued or delivered and such person shall immediately return the certificate of title within 48 hours, together with any other information necessary for the adjustment of the department records, and, upon receipt of the certificate, the department shall cancel the certificate and issue a corrected certificate of title.

(b) **Change in material information on certificate.**—If any material information on the certificate of title is changed or different from the information originally set forth, the owner shall immediately inform the department and apply for a corrected certificate of title. For the purposes of this subsection, a change of address shall not be deemed material.

(c) **Seizure of certificate on conviction.**—Upon summary conviction for violation of the provisions of this section the department may delegate authority to any department employee or police officer to seize the certificate of title.

§ 1116. **Issuance of new certificate following transfer.**

(a) **Voluntary transfer.**—The department, upon receipt of a properly assigned certificate of title with an application for a new certificate of title, the required fee and any other required documents and articles, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in the certificate or, if none, to the owner.

(b) **Involuntary transfer.**—The department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, on a form prescribed and furnished by the department together with proper proof satisfactory to the department of the transfer, the required fee and any other required documents and articles, shall issue a new certificate of title in the name of the transferee as owner.

(c) **Filing and retention of surrendered certificate.**—The department shall file and retain for five years every surrendered certificate of title, or a copy, in such a manner as to permit the tracing of title of the vehicle.

§ 1117. **Vehicle destroyed or junked.**

(a) **Application for certificate of junk.**—Any owner who transfers a vehicle as scrap, or to be destroyed or junked, shall assign the certificate of title to the person to whom the vehicle is transferred. The transferee shall return the assigned certificate of title to the department immediately with an application for a certificate of junk upon a form furnished and prescribed by the department. An insurer, as defined in the act of July 19, 1974 (P. L. 489, No. 176), known as the "Pennsylvania No-fault Motor Vehicle Insurance Act," to which title to a vehicle is assigned upon payment to the insured of the replacement value of the vehicle, shall be regarded as a transferee under this subsection.

(b) **Issuance and effect of certificate of junk.**—Upon proper application for a certificate of junk, the department shall issue to the transferee a certificate of junk which shall authorize the holder to possess, transport, or by endorsement, transfer ownership in the junked vehicle, and a certificate of title shall not again be issued for the vehicle except upon application containing the information the department requires, accompanied by any necessary documents or articles.

(c) **Vehicles with defective or lost title.**—Any person on whose property is located a vehicle which is valueless except for junk and which has a faulty, lost or destroyed title may transfer the vehicle to a salvor or to a salvage program operated by a political subdivision for removal to a suitable place of storage or for scrapping, provided the salvor or salvage program complies with

the requirements of section 7309 (relating to junking of vehicles valueless except for junk), except that the report to the department that the vehicle is valueless except for junk shall be verified by the transferor of the vehicle instead of the police department. The transferee shall return the assigned certificate of title to the department immediately with an application for certificate of junk upon a form furnished and prescribed by the department.

(d) Reconstructed vehicle.—If a vehicle, other than an antique or classic vehicle, for which a certificate of junk has been issued is thereafter restored to operating condition, it shall be regarded as a reconstructed vehicle.

(e) Transfer to scrap metal processor.—When a scrap metal processor obtains a destroyed or junked vehicle from a licensed salvor, it shall be the duty of the salvor to obtain a certificate of junk therefor. When a scrap metal processor purchases a destroyed or junked vehicle from a person other than a salvor, it shall be the duty of the scrap metal processor to obtain the certificate of junk.

(f) Penalty.—Any person violating the provisions of subsections (a) or (e) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200 for each violation.

§ 1118. Suspension and cancellation of certificate of title.

(a) Return of new vehicle.—The department may cancel the certificate of title issued for a new vehicle when it is shown by satisfactory evidence that the vehicle has been returned within the time specified in the department regulations to the manufacturer or dealer from whom obtained.

(b) Vehicle sold to nonresidents or junked.—The department may cancel certificates of title for vehicles sold to residents of other states or foreign countries when the vehicle is to be registered in the other jurisdiction, or for abandoned or destroyed vehicles authorized to be junked as provided in this subchapter.

(c) Surrender of Pennsylvania certificate in other jurisdiction.—The department, upon receipt of notification from another state or foreign country that a certificate of title issued by the department has been surrendered by the owner in conformity with the laws of the other state or foreign country, may cancel the certificate of title.

(d) Surrender of foreign certificate to department.—When an owner surrenders a certificate of title from another state or foreign country to the department, the department may notify the state or foreign country in order that the certificate of title may be cancelled or otherwise disposed of in accordance with the law of the other jurisdiction.

(e) Conviction for misstatement of facts.—The department, upon receipt of certification from the clerk of any court showing conviction for a misstatement of facts on any application for an original or duplicate certificate of title or any transfer of a certificate of title, shall suspend the certificate of title and require that the certificate be returned immediately to the department, whereupon the department may cancel the certificate.

(f) Nonpayment of fee.—The department may suspend a certificate of title when a check received in payment of the fee is not paid on demand or when the fee for the certificate is unpaid and owing.

(g) Security interest unaffected by suspension or cancellation.—Suspension or cancellation of a certificate of title does not, in itself, affect the validity of a security interest noted on the certificate.

(h) Surrender of certificate.—The department may request the return of certificates of title which have been suspended or cancelled. The owner or person in possession of the certification of title shall immediately mail or deliver the certificate to the department.

§ 1119. Application for certificate of title by agent.

(a) Authorization to make application.—No person shall make application for a certificate of title when acting for another person unless authorization to make the application is in effect and is verified by oath or affirmation of the other person, made, excepting as between lessors and fleet owners as lessees, not more than 15 days before the application is received by the department.

Lessors may authorize fleet owners to make application for certificates of title for leased vehicles for periods of up to one year.

(b) Certificate not to be assigned in blank.—No person shall make application for, or assign or physically possess, a certificate of title, or direct or allow another person in his employ or control to make application for, or assign or physically possess, a certificate of title, unless the name of the transferee is placed on the assignment of certificate of title simultaneously with the name of the transferor and duly notarized.

(c) Persons authorized to hold certificate.—No person shall receive, obtain or hold a certificate of title recorded in the name of another person for the other person who is not in the regular employ of, or not a member of the family of, the other person, unless the person receiving, obtaining or holding the certificate of title has a valid undischarged lien recorded in the department against the vehicle represented by the certificate of title.

(d) Penalty.—Any person violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

SUBCHAPTER B

SECURITY INTERESTS

Sec.

- 1131. Applicability of subchapter.
- 1132. Perfection of security interest.
- 1133. Creation of security interest for titled vehicle.
- 1134. Assignment by lienholder of security interest.
- 1135. Satisfaction of security interest.
- 1136. Duty of lienholder to disclose pertinent information.
- 1137. Subchapter exclusive for perfecting security interest.
- 1138. Duration of lien recorded on certificate of title.

§ 1131. Applicability of subchapter.

This subchapter does not apply to or affect:

- (1) A lien given by statute or rule of law to a supplier of services or materials for the vehicle.
- (2) A lien given by statute to the United States, the Commonwealth or any political subdivision.
- (3) A security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale.
- (4) Any vehicle for which a certificate of title is not required under this chapter.

§ 1132. Perfection of security interest.

(a) Validity of unperfected interest.—Unless perfected as provided in this subchapter or excepted by section 1131 (relating to applicability of subchapter), a security interest in a vehicle of a type for which a certificate of title is required is not valid against any person as to whose rights an unperfected security interest is subordinate under the provisions of the Pennsylvania Uniform Commercial Code.

(b) Method of perfection.—A security interest is perfected by notation thereof by the department on the certificate of title for the vehicle. In order to obtain such notation the lienholder shall deliver to the department the existing certificate of title, if any; an application for a certificate of title upon a form prescribed by the department containing the name and address of the lienholder; and any other information regarding the security interest as may be reasonably required and the required fee.

(c) Prior security interest in vehicle from another jurisdiction.—If a vehicle is subject to a security interest when brought into this Commonwealth, the validity of the security interest is determined by the law of the jurisdiction where the vehicle was located when the security interest attached subject to the following:

- (1) If the parties understood at the time the security interest attached that the vehicle would be kept in this Commonwealth and it was brought into this Commonwealth within 30 days thereafter for purposes other than transportation through this Commonwealth, the validity of the security interest in this Commonwealth is determined by the law of this Commonwealth.

(2) If the security interest was perfected under the law of the jurisdiction where the vehicle was located when the security interest attached, the following rules apply:

(i) If the name of the lienholder is shown on an existing certificate of title issued by the jurisdiction, the security interest continues perfected in this Commonwealth.

(ii) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this Commonwealth for four months after a first certificate of title of the vehicle is issued in this Commonwealth, and, thereafter if, within the four-month period, it is perfected in this Commonwealth. The security interest may also be perfected in this Commonwealth after the expiration of the four-month period in which case perfection dates from the time of perfection in this Commonwealth.

(3) If the security interest was not perfected under the law of the jurisdiction where the vehicle was located when the security interest attached, it may be perfected in this Commonwealth in which case perfection dates from the time of perfection in this Commonwealth.

(4) A security interest may be perfected under paragraph (2)(i) or paragraph (3) either as provided in subsection (b) or by the lienholder delivering to the department a notice of security interest in the form the department prescribes together with the required fee.

§ 1133. Creation of security interest for titled vehicle.

(a) Application by owner.—If an owner creates a security interest in a vehicle for which a certificate of title has been issued by the Commonwealth, the owner shall immediately execute an application on a form prescribed by the department, naming the lienholder on the certificate, showing the name and address of the lienholder and the date of the security agreement. The certificate of title, together with the application and the required fee, shall be mailed or delivered to the department.

(b) Where certificate is in possession of lienholder.—Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall mail or deliver the certificate to the department or, upon receipt from the subordinate lienholder of the application of the owner and the required fee, mail or deliver them to the department with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement.

(c) Endorsement and delivery of certificate.—Upon receipt of the certificate of title, application and the required fees, the department shall endorse on the existing certificate of title, or on a new certificate which it then issues, the name and address of all secured parties and shall mail the certificate of title to the first lienholder named in the certificate.

§ 1134. Assignment by lienholder of security interest

(a) General rule.—A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate.

(b) Duty of assignee.—The assignee shall deliver to the department the certificate of title and an assignment by the lienholder named in the certificate of title on a form prescribed and furnished by the department and accompanied by the required fee.

§ 1135. Satisfaction of security interest.

(a) Absence of subsequent liens.—Where there are no subsequent liens upon a vehicle, the following rules apply upon the satisfaction of a security interest in the vehicle:

(1) The outstanding certificate of title shall be mailed or delivered immediately to the owner of the vehicle with proper evidence of satisfaction and release or the lienholder may apply for corrected title to be issued in the name of the owner.

(2) The owner may mail or deliver the certificate of title with proper evidence of satisfaction of the security interest to the department which shall issue a corrected certificate of title without a statement of liens or encumbrances. The corrected certificate of title may also be issued when the outstanding certificate cannot be returned and proper evidence is produced that all recorded security interests have been satisfied.

(b) Prior or subsequent liens.—Where there are subsequent liens upon a vehicle or the lien to be released is not a first lien, the following rules apply upon the satisfaction of a security interest in the vehicle:

(1) If the lienholder whose security interest is satisfied has possession of the certificate of title, the lienholder shall mail or deliver the certificate of title, immediately upon satisfaction, to the department with proper evidence of satisfaction and release of the security interest. A corrected certificate of title, containing a statement of the remaining security interests on record, shall be mailed by the department to the person holding the next lien upon the vehicle.

(2) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall, immediately upon satisfaction, mail or deliver to the owner proper evidence of the satisfaction and release of the security interest. Upon request of the owner and receipt of the release, the lienholder in possession of the certificate of title shall mail or deliver the certificate of title together with the release to the department. The department shall issue a corrected certificate of title which shall be mailed to the first lienholder.

(c) Penalties.—

(1) Any person failing to deliver upon demand a satisfied certificate of title as required by subsection (a)(1) is guilty of a summary offense and shall, upon conviction, for a first offense be sentenced to pay a fine of \$50 and for a subsequent offense be sentenced to pay a fine of \$100.

(2) Any person failing to return to the department a certificate of title where there are other liens, for correction and delivery, as required by subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

(3) No person shall be deemed guilty of a violation of this section if the person delivers the certificate of title to the department within five days of the satisfaction of the lien.

§ 1136. Duty of lienholder to disclose pertinent information.

A lienholder named in a certificate of title shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to the security agreement and the indebtedness secured by the agreement.

§ 1137. Subchapter exclusive for perfecting security interest.

The method provided in this subchapter for perfecting and giving notice of security interests is exclusive.

§ 1138. Duration of lien recorded on certificate of title.

(a) General rule.—A security interest recorded on a certificate of title is effective for a period of five years dating from the time of perfection as provided for in this subchapter.

(b) Renewal of lien.—The effectiveness of a lien recorded on the certificate of title lapses on the expiration of the periods specified in subsection (a) unless a continuation statement is filed within the six months immediately preceding expiration. The lien may be renewed for as many one-year periods as may be necessary by the holder of the security interest upon a form furnished by the department, signed by the secured party and accompanied by the fee provided in this title.

(c) Corrected certificate when lien expires.—A corrected certificate of title without a statement of liens or encumbrances shall be issued by the department, upon the request of the owner, when the security interests recorded on the certificate of title have expired.

CHAPTER 13

REGISTRATION OF VEHICLES

Subchapter

- A. General Provisions
- B. Registration Plates
- C. Violations and Suspensions

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

- 1301. Driving unregistered vehicle prohibited.
- 1302. Vehicles subject to registration.
- 1303. Vehicles of nonresidents exempt from registration.
- 1304. Registration criteria.
- 1305. Application for registration.
- 1306. Grounds for refusing registration.
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- 1308. Issuance of registration card.
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- 1311. Registration card to be signed and exhibited on demand.
- 1312. Notice of change of name or address.
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- 1315. Operation of vehicle following death of owner.
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§ 1301. Driving unregistered vehicle prohibited.

It is a summary offense for any person to drive or for an owner knowingly to permit to be driven upon any highway any vehicle of a type required to be registered under this chapter which is not registered or for which the appropriate fee has not been paid when and as required in this title.

§ 1302. Vehicles subject to registration.

(a) General rule.—No vehicle shall be operated upon any highway in this Commonwealth until the vehicle is properly registered with the department as provided in this chapter.

(b) Exceptions.—Subsection (a) does not apply to the following:

(1) Any vehicle in conformance with the provisions of this chapter relating to dealers, persons registered under any of the miscellaneous motor vehicle business classes or nonresidents.

(2) Any implement of husbandry or trailer determined by the department to be used exclusively for agricultural operations and only incidentally operated upon highways.

(i) A certificate of exemption shall be required for trailers.

(ii) Vehicles exempt from registration under this paragraph shall be used exclusively upon a farm or farms owned or operated by the owner of the vehicle or upon highways between:

(A) Parts of one farm.

(B) Farms located not more than 25 miles apart.

(C) A farm and a place of business located within a radius of 25 miles from the farm for the purpose of buying or selling agricultural commodities or supplies or for the inspection, repair or servicing of the vehicle.

(3) Any self-propelled golf cart used for the transportation of persons engaged in the game of golf while crossing any public highway during any game of golf.

(4) Any vehicle moved by special permit as provided for in sections 4965 (relating to single permits for multiple highway crossings), 4966 (relating to permit for movement of quarry equipment), and 4970 (relating to permit for movement of utility construction equipment).

(5) Any vehicle registered and displaying plates issued in a foreign country by the armed forces of the United States for a period of 45 days from the date of the return of the owner to the United States.

(6) Any vehicle owned by a resident legally required to be registered in another state based and used principally outside of this Commonwealth.

(7) Any vehicle moved solely by human or animal power.

(8) Any self-propelled invalid wheel chair.

(9) Any mobile home.

(c) Certificate of title required.—No vehicle shall be registered unless a certificate of title has been obtained, if one is required by Chapter 11 (relating to certificate of title and security interests).

§ 1303. Vehicles of nonresidents exempt from registration.

(a) General rule.—A nonresident owner of any foreign vehicle may operate or permit the operation of the vehicle within this Commonwealth without registering the vehicle in this Commonwealth or paying any fees to the Commonwealth, provided the vehicle at all times when operated in this Commonwealth is duly registered and in full compliance with the registration requirements of the place of residence of the owner and further provided the vehicle is not:

(1) used for the transportation of persons for hire, compensation or profit;

(2) regularly operated in carrying on business within this Commonwealth;

(3) designed, used or maintained primarily for the transportation of property for hire, compensation or profit and not subject to reciprocity under section 6144 (relating to vehicle registration and licensing) or 6149 (relating to automatic reciprocity); or

(4) special mobile equipment if not also required to be, and actually, registered under the laws of the place of residence of the owner.

(b) Transportation of persons for hire, compensation or profit.—Every owner of a foreign vehicle operated within this Commonwealth for the transportation of persons for hire, compensation or profit either regularly according to schedule or for a period exceeding 30 days in the calendar year, unless exempted from registration under the terms of a reciprocity agreement or pursuant to the act of August 1, 1963 (P. L. 479, No. 250), relating to Bus Taxation Proration Agreement, shall register the vehicle according to the laws of this Commonwealth.

(c) Carrying on business in this Commonwealth.—Every nonresident, including any foreign corporation, carrying on business within this Commonwealth and operating in the business any vehicle within this Commonwealth, unless exempted from registration under the terms of a reciprocity agreement, shall be required to register each such vehicle according to the laws of this Commonwealth.

(d) Members of armed forces.—A member of the armed forces of the United States who is serving on active duty in this Commonwealth need not register a personal passenger vehicle in this Commonwealth if the vehicle is registered in the state of his residence.

(e) Trailer as part of registered combination.—Any motor vehicle registered as a combination in this Commonwealth may tow a trailer registered in another state provided:

(1) the owner has as many trailers registered in this Commonwealth as combinations so registered; or

(2) the towing vehicle is being operated under a permanent lease to a person meeting the requirements of paragraph (1).

§ 1304. Registration criteria.

(a) General rule.—Except as otherwise provided in this section, vehicles shall be registered for a flat fee.

(b) Classification of vehicles.—The department may identify vehicles by type as to weight, design, loading, use, ownership or other significant characteristics for purposes of registration.

(c) Trucks, truck-tractors and trailers.—The department shall register trucks, truck-tractors and trailers at the gross weight requested by the applicant, provided that the weight is not greater than allowed in subsection (d) or less than allowed in subsection (e).

(d) Maximum registered gross weight.—No truck, truck-tractor or trailer shall be registered at a gross weight in excess of the lowest of:

(1) the limiting weights established on the basis of axle

load, tire load, horse power or gross weight by type of vehicles;

(2) the gross vehicle weight rating assigned by the manufacturer; or

(3) a combination weight greater than the gross combination weight rating.

In the case of a vehicle in which no gross vehicle weight rating or gross combination weight rating is assigned by the manufacturer or where the vehicle has been altered subsequent to manufacture to change its weight bearing capacity, an equivalent rating shall be determined by the department on the basis of the vehicle's horsepower, braking ability, axle limitations and such other factors related to safe operation as may be established by regulations of the department.

(e) Minimum registered gross weight.—No truck, truck-tractor or trailer shall be registered at less than the total of the weight of the unladen vehicle, the maximum weight of the proposed load, the equivalent weight of the fuel capacity, 150 pounds times the seating capacity, and the weight of any permanently or temporarily attached appurtenances.

(f) Registered gross weight of trucks and truck-tractors.—Every truck shall have its own registered gross weight and may also be registered at a registered gross weight for a combination. Every truck-tractor shall be registered at a registered gross weight for a combination.

(g) Buses other than school buses.—The department shall register buses, other than school buses, on the basis of passenger seating capacity.

§ 1305. Application for registration.

(a) Application for registration.—Application for the registration of a vehicle shall be made to the department upon the appropriate form or forms furnished by the department. The application shall contain the full name and address of the owner or owners; the make, model, year and vehicle identification number of the vehicle; and such other information as the department may require. Applicants for registration of a truck, truck-tractor, trailer or bus shall provide the vehicle's Gross Vehicle Weight Rating (GVWR), or the Gross Combination Weight Rating (GCWR), as applicable. If the manufacturer's ratings are not available, the applicant shall provide sufficient information as to the horsepower, braking capacity and such other data as necessary for the department to determine an equivalent measure of the vehicle's hauling and stopping capability. If the applicant wishes to register a vehicle at a registered gross weight less than the gross vehicle weight rating, the application shall include information as to weight, load and any other such information as the department may require. The application shall be accompanied by proof of insurance and the applicable fee.

(b) Evidence of P.U.C. approval for buses and taxis.—Before registering any bus or taxi which is required under the laws of this Commonwealth to obtain a certificate of public convenience from the Pennsylvania Public Utility Commission, the department shall require evidence that the certificate has been issued and has not been revoked or has not expired.

(c) Designation of lessee as registrant.—The owner as lessor may designate the lessee as the registrant of the vehicle and the name and address of the lessee may be substituted on the registration card for the address of the lessor. The department shall designate the relationship upon the card in a manner it deems appropriate. This subsection is applicable only for the period during which the lease remains in effect.

§ 1306 Grounds for refusing registration.

The department shall refuse registration and transfer of registration when any of the following circumstances exists:

(1) The applicant is not entitled to registration under the provisions of this chapter.

(2) The applicant has at registration or titling neglected or refused to furnish the department with the information required on the appropriate official form, or any reasonable additional information required by the department.

(3) The department has reasonable grounds to believe

that the application contains false or fraudulent information, or that the vehicle is stolen, which fact the department shall ascertain by reference to the stolen vehicle file required to be maintained under section 7114 (relating to records of stolen vehicles), or that the granting of registration would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle.

(4) The fees required by law have not been paid.

(5) The vehicle is not constructed or equipped as required by this title.

(6) The registration of the vehicle stands suspended for any reason as provided for in this title.

§ 1307. Period of registration.

(a) Staggered renewal system to be established.—The department shall establish a system of staggered registration renewal in a manner that some registrations will expire every month throughout the year. In order to implement and maintain the staggered registration system, the department may prorate annual registration fees over registration periods of from 6 to 18 months.

(b) New registration.—A new registration is effective on the date of issuance of a registration card by the department or the date of issuance of a temporary registration card by an authorized agent of the department under section 1310 (relating to temporary registration cards).

(c) Renewal of registration.—A renewed registration shall be effective on issuance by the department of a renewed registration card except that the department, by regulation, may establish a renewal system coordinated with the periodic inspection of vehicles as provided in section 4702 (relating to requirement for periodic inspection of vehicles).

(d) Expiration of registration.—A registration shall expire on the last day of the month designated on the registration card.

(e) Antique and classic vehicles.—Antique and classic motor vehicle registrations shall expire upon the junking, scrapping or transfer of ownership of the vehicle, except that if the transfer is between spouses or between parent and child the registration may be transferred upon payment of a transfer fee.

§ 1308. Issuance of registration card.

(a) General rule.—The department, upon registering a vehicle, shall issue to the registrant a registration card which shall contain the registration number assigned to the vehicle, the name and address of the registrant and the name of the owner, if other than the registrant, a description of the vehicle including the vehicle identification number, the expiration date and such other information as may be determined by the department.

(b) Trucks.—The registration card for a truck shall indicate the registered gross weight of the truck, and the registered gross weight of the combination, if the truck is so registered, in addition to other information required.

(c) Truck-tractors.—The registration card for a truck-tractor shall indicate the registered gross weight of the combination in addition to other information required.

(d) Trailers.—The registration card for a trailer shall indicate the registered gross weight of the trailer in addition to other information required.

(e) Buses.—The registration card for a bus shall indicate the passenger seating capacity of the bus.

§ 1309. Renewal of registration.

Prior to the expiration of each registration, the department shall send to the registrant an application for renewal of registration. Upon return of the application, accompanied by proof of insurance and the applicable fee, the department shall send to the registrant a renewed registration card. Failure to receive a renewed application shall not relieve a registrant from the responsibility to renew the registration.

§ 1310. Temporary registration cards.

(a) General rule.—The department shall provide temporary registration cards for use pending issuance or transfer of permanent registration cards. Temporary registration cards may be delivered to designated agents

who shall have the authority to issue them in accordance with regulations promulgated by the department.

(b) Duration.—Temporary registration cards shall be valid for such period as the department shall designate.

(c) Charges by designated agent.—A designated agent may not charge any fee for issuing a temporary registration card other than notary fees.

§ 1311. Registration card to be signed and exhibited on demand.

(a) Signing card.—Upon receiving the registration card or any duplicate, the registrant shall sign his name in the space provided.

(b) Carrying and exhibiting card.—Every registration card shall, at all times while the vehicle is being operated upon a highway, be in the possession of the person driving or in control of the vehicle or carried in the vehicle and shall be exhibited upon demand of any police officer.

(c) Production to avoid penalty.—No person shall be convicted of violating this section or section 1302 (relating to vehicles subject to registration) if the person produces at the office of the issuing authority or at the office of the arresting police officer within five days of the violation, a registration card valid in this Commonwealth at the time of the arrest.

§ 1312. Notice of change of name or address.

Any person whose address is changed from the address named in the application for registration or on the registration card or whose name is changed shall, within 15 days, notify the department in writing of the old and new address, or of such former and new names, and of the operator's number on any registration card then held by the person.

§ 1313. Duplicate registration cards.

(a) Additional cards upon request.—The department shall, if so requested, issue to the registrant of any vehicle whose registration is not under suspension a duplicate registration card, or as many duplicate registration cards as requested, upon payment of the fee provided in this title for each card.

(b) Replacement of lost or illegible card.—In the event of a lost, stolen, destroyed or illegible registration card, the registrant shall apply to the department for a duplicate within 48 hours of discovery of the loss or defacement of such registration card, upon a form furnished by the department, and accompanied by the fee provided in this title.

(c) Affidavit to avoid penalty.—No owner or operator of a vehicle shall be subject to a fine for failure to have the registration card if the owner or operator makes affidavit that the card was lost or stolen within the period of 20 days preceding and that application for new registration card was made within 48 hours as required in this section.

§ 1314. Transfer of Registration.

(a) General rule.—Registration and registration plates may be transferred to another vehicle owned or leased by the registrant, or to a vehicle owned or leased by the spouse, parent or child of the registrant.

(b) Procedure for transfer.—In order to transfer registration and registration plates, the transferee shall apply for a temporary registration card in accordance with section 1310 (relating to temporary registration cards) and simultaneously apply for transfer of registration under this section.

(c) Same vehicle type.—If the transfer is within the same vehicle type, the transferee shall retain the registration plate previously issued, unless lost or destroyed. A new registration card shall be issued by the department.

(d) Different vehicle type.—If the transfer is to another vehicle type, a new registration plate and card shall be issued to the transferee. The previously issued plate shall be returned to the department for cancellation immediately upon receipt of the new registration plate, unless lost or destroyed. In addition to the transfer fee, the transferee shall pay the difference in registration fees when transferring registration to a type or class of vehicle requiring a higher fee. No refund shall be payable

on the transferring to a type or class of vehicle requiring a lower fee.

§ 1315. Operation of vehicle following death of owner.

When the owner of a vehicle is deceased, the vehicle may be operated by or for any heir or personal representative of the decedent for the remainder of the current registration period and throughout the next following registration period, provided that the registration is renewed in the name of the decedent's estate as otherwise required by this chapter. Registration may continue to be renewed thereafter in the name of the decedent's estate by any person entitled to the family exemption until the final account is approved by the court.

§ 1316. Department records.

The department shall maintain suitable records in a manner permitting identification of vehicles and owners, including:

(1) All registrations and transfers of registrations issued.

(2) All registrations and transfers of registrations denied and reasons for denial. Registrations and transfers returned for correction of errors or omissions need not be recorded.

SUBCHAPTER B REGISTRATION PLATES

Sec.	
1331.	Issuance of registration plates.
1332.	Display of registration plate.
1333.	Lost, stolen, damaged or illegible registration plate.
1334.	Return of registration plate.
1335.	Registration plates for manufacturers and dealers.
1336.	Use of dealer registration plates.
1337.	Use of "Miscellaneous Motor Vehicle Business" registration plates.
1338.	Handicapped plate.
1339.	Legislative plate.
1340.	Antique and classic plates.
1341.	Personal plate.
1342.	Plate for totally disabled veteran.
1343.	Use of school bus plates.
1344.	Use of farm truck plates.

§ 1331. Issuance of registration plates.

(a) Department to provide plates.—Registration plates shall be provided by the department.

(b) Information on plate.—Every registration plate shall have displayed upon it the identifying numbers or letters assigned to the vehicle, the name of the Commonwealth, which may be abbreviated, and any other data the department may deem necessary.

(c) Temporary registration plates.—The department shall provide temporary registration plates for use on vehicles which are to be removed from this Commonwealth or for use as necessary pending issuance of permanent registration plates.

(d) Reflectorizing material on plate.—All registration plates, except temporary plates, shall be treated with reflectorizing material in accordance with standards approved by the department.

(e) Issuance of plates by agents.—The department may deliver registration plates, other than special plates, to designated agents, who shall have the authority to issue them in conjunction with the issuance of temporary registration cards.

§ 1332. Display of registration plate.

(a) General rule.—Every registration plate shall, at all times, be securely fastened to the vehicle to which it is assigned or on which its use is authorized in accordance with regulations promulgated by the department.

(b) Obscuring plate.—It is unlawful to display on any vehicle a registration plate which is so dirty as to prevent the reading of the number or letters thereon at a reasonable distance or is otherwise illegible at a reasonable distance or is obscured in any manner.

§ 1333. Lost, stolen, damaged or illegible registration plate.

(a) Application for new plate.—The registrant of the vehicle shall within 48 hours of discovering the loss, theft or defacement apply to the department for a new plate and report the loss or theft of a plate to the police.

(b) Substitute registration.—Where the registration plate has been lost or stolen and in any other case in which the department may deem it advisable, the original registration shall be cancelled and substitute registration issued under a new registration number other than that originally issued. Upon receipt of substitute registration, it shall be the duty of the registrant to return the old registration plates and card to the department, unless lost or destroyed.

(c) Affidavit to avoid penalty.—No owner or operator of a vehicle shall be subject to a fine for the reason that the registration plate is missing if they have in their possession an affidavit that the plate was lost or stolen and that application for new plate or plates was made within 48 hours as required in this section.

§ 1334. Return of registration plate.

(a) General rule.—Registration plates shall be returned to the department under the following circumstances:

(1) A registration plate shall be returned if the registrant no longer has a vehicle titled in this Commonwealth.

(2) A legislative registration plate shall be returned on the expiration or termination of the term of office of the legislative member.

(3) A dealer or "Miscellaneous Motor Vehicle Business" registration plate shall be returned if the business is discontinued.

(4) A handicapped registration plate shall be returned if the person to whom it was issued no longer qualifies under section 1338 (relating to handicapped plate).

(b) Time for return of plate.—Each registration plate required to be returned under this section shall be returned to the department within five days of the occurrence requiring its return.

(c) Statement accompanying returned plate.—Each returned registration plate shall be accompanied by a statement of the reason for the return of the plate and the date of the occurrence requiring its return.

§ 1335. Registration plates for manufacturers and dealers.

(a) General rule.—The department shall issue to dealers and manufacturers licensed by the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen of the Department of State special registration plates which may be displayed on vehicles operating on highways in lieu of registering each vehicle individually in accordance with the requirements of section 1302(a) (relating to vehicles subject to registration).

(b) Application for plates.—Application for dealer registration plates shall be made by the dealer or manufacturer on a form provided by the department together with a copy of his license from the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen.

(c) Exemption from individual registration.—Vehicles displaying dealer registration plates may be operated on the highway without registering each vehicle individually, provided that the plates are used in accordance with the limitations of section 1336 (relating to use of dealer registration plates).

§ 1336. Use of dealer registration plates.

(a) General rule.—Dealer registration plates may be used on any vehicle owned or in possession of a dealer or manufacturer and operated by the dealer or manufacturer or their employees only when the vehicle is used for any of the following purposes:

(1) In the business of the registrant as a dealer or manufacturer.

(2) For the personal pleasure or use of the dealer or members of his immediate family, or when the dealer is a corporation, for the personal pleasure or use of the officers or members of their immediate families, or for the personal use of the regular employees of the dealer.

(3) For teaching students enrolled in an approved driver education course how to operate a vehicle and for the new driver to take an examination for a driver's license.

(4) For testing vehicles in the possession of the dealer or manufacturer.

(5) For demonstrating vehicles in the possession of the dealer or manufacturer.

(6) For loaning to customers whose vehicles are being repaired.

(7) For loaning to prospective purchasers for a period not exceeding five days for the purpose of demonstrating vehicles.

(b) Records.—Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as provided in subsection (a) (3) (6) and (7). The records shall be open to inspection by representatives of the department and police officers.

§ 1337. Use of "Miscellaneous Motor Vehicle Business" registration plates.

(a) General rule.—The department shall issue to owners of miscellaneous motor vehicle businesses special registration plates which may be displayed on vehicles operated on highways in lieu of registering each vehicle individually in accordance with the requirements of section 1302(a) (relating to vehicles subject to registration). Registration plates issued under this section may be used only when the vehicle is used for any of the following purposes:

(1) In the conduct of the miscellaneous motor vehicle business.

(2) For the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of their immediate family, or when the business is a corporation, for the pleasure or use of not more than three officers or members of their immediate families, or for the personal use of the regular employees of the business when operated by the employee.

(b) Application for registration.—Application for registration in any of the "Miscellaneous Motor Vehicle Business" classes shall be made upon a form provided by the department and shall set forth the full name and business address of the applicant and such other information as the department shall require. The application shall be verified by the oath or affirmation of the applicant or, if the applicant is a partnership or a corporation, by a partner or officer.

(c) Classes of "Miscellaneous Motor Vehicle Business".—

(1) Repair, service and towing.—Any person engaged in the repair, service or towing of motor vehicles.

(2) Vehicle salvage dealer.—Any person who maintains an established place of business and who is engaged in the business of buying, selling or exchanging used, wrecked or abandoned vehicles and junkers for the purpose of remodeling, taking apart, or rebuilding the same, or buying or selling of parts.

(3) Transporter.—A person regularly engaged in the business of transporting new vehicles or new and used trailers on their own wheels, owned by or in possession of a registered dealer.

(4) Financer or collector-repossessor.—A person who is duly authorized to do business in this Commonwealth as a financer or collector-repossessor and who is regularly engaged in the business of financing sales, making loans on the security of vehicles or repossessing vehicles which are the subject of installment sales contracts as an independent contractor.

§ 1338. Handicapped plate.

On the application of any person who:

(1) does not have full use of a leg or both legs or an arm or both arms;

(2) is blind; or

(3) is in loco parentis of a person specified in paragraph (1) or (2);

the department shall issue a special registration plate for one passenger car or other vehicle with a registered gross weight of not more than 9,000 pounds, designating the vehicle so licensed as being used by a handicapped person. Special plates for handicapped persons may also be issued for vehicles operated exclusively for the use and benefit of handicapped persons.

§ 1339. Legislative plate.

Upon application by a member of the General Assembly of the Commonwealth or the Congress of the United States, the department shall issue special registration plates indicating that the vehicle is owned by a member of the Pennsylvania or United States Senate or House of Representatives, as appropriate.

§ 1340. Antique and classic plates.

(a) General rule.—Upon submission by a vehicle owner of information satisfactory to the department that a motor vehicle is an antique motor vehicle or classic motor vehicle, accompanied by the appropriate fee, the department may issue special plates for the vehicle. No annual registration fee may be charged for antique or classic motor vehicles.

(u) Use of plates.—It is unlawful for any person to operate a vehicle with antique or classic registration plates for general daily transportation. Permitted use shall be limited to participation in club activities, exhibits, tours, parades, occasional transportation and similar uses.

§ 1341. Personal plate.

Upon request by the applicant, the department may issue registration plates consisting of any combination of numbers, letters or numbers and letters. These special plates may be issued for special groups or for special purposes and bear an appropriate designation. They shall have the same force and effect as regular registration plates. The department may refuse any combination of letters and numbers for cause and shall adopt reasonable rules and regulations for the issuance of the plates and for carrying out the provisions of this section. The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees.

§ 1342. Plate for totally disabled veteran.

On the application of a totally disabled veteran, whose disability is certified by the United States Veterans' Administration as service-connected, the department shall issue a special registration plate designating the vehicle as belonging to a totally disabled veteran. The registration plate shall have a white background, shall have blue numbers or letters as the department may determine, and shall have the words, "disabled veteran," in at least ten-point bold type, inscribed in red at the bottom of the plate. The special registration plate may be used only on one passenger vehicle or one other vehicle with a registered gross weight of not more than 9,000 pounds.

§ 1343. Use of school bus plates.

(a) General rule.—A motor vehicle bearing school bus registration plates shall be used exclusively for the transportation of children and no more than five chaperons to or from public, private, parochial or Sunday school or in connection with any public, private, parochial or Sunday school-related activity. Except when transporting children to and from public, private, parochial or Sunday school or public, private, parochial or Sunday school-related activities, the words "school bus" on the front and rear of the vehicle shall be concealed and the red and amber visual signals shall not be operable.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25.

§ 1344. Use of farm truck plates.

(a) General rule.—A truck bearing farm truck registration plates shall be used exclusively upon a farm or farms owned or operated by the registrant of the vehicle or upon highways between:

- (1) Parts of one farm.
- (2) Farms located not more than 25 miles apart.
- (3) A farm and a place of business located within a radius of 50 miles from the farm or farms for the purpose of buying or selling agricultural commodities or supplies or for the inspection, repair or servicing of the vehicle.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25.

SUBCHAPTER C

VIOLATIONS AND SUSPENSIONS

Sec.

1371. Operation following suspension of registration.
 1372. Unauthorized transfer or use of registration.
 1373. Suspension of registration.
 1374. Suspension of vehicle business registration plates.
 1375. Suspension of registration of unapproved carriers.
 1376. Surrender of registration plates and cards upon suspension.
 1377. Judicial review of denial or suspension of registration.

§ 1371. Operation following suspension of registration.

(a) General rule.—No person shall operate and no owner shall permit to be operated upon any highway a vehicle the registration of which has been suspended.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$500.

§ 1372. Unauthorized transfer or use of registration.

No person shall:

- (1) allow a registration card or plate or permit to be used by any person not authorized to use it or on any vehicle other than the vehicle for which it was issued;
- (2) use any registration card or plate or permit unless authorized to do so; or
- (3) display a registration card or plate in, on or in connection with any vehicle other than the vehicle for which it was issued.

§ 1373. Suspension of registration.

The department may suspend any registration after providing opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

- (1) The vehicle is unsafe or unfit for operation or is not equipped as required by this title.
- (2) The owner or registrant has made, or permitted to be made, any unlawful use of the vehicle or registration plate or plates, or registration card, or permitted the use by a person not entitled thereto.
- (3) The owner or registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in any application or form required to be filed by this title.
- (4) Upon the request or order of any court of record.
- (5) The required fee has not been paid.
- (6) The registrant or any agent or employee has repeatedly violated any of the provisions of this chapter or Chapter 11 (relating to certificate of title and security interests).

§ 1374. Suspension of vehicle business registration plates.

(a) General rule.—The department may suspend registration plates for dealers, manufacturers or members of the "Miscellaneous Motor Vehicle Business" class after providing opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

- (1) The registrant is no longer entitled to licensing as a dealer or manufacturer or to registration in the "Miscellaneous Motor Vehicle Business" class.
- (2) The registrant has made or permitted to be made any unlawful use of the vehicle or registration plate or plates or registration card or permitted the use by a person not entitled thereto.
- (3) The registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in any application.
- (4) The registrant has failed to give notice of transfer of ownership or of the destruction or junking of any vehicle when and as required by this title.
- (5) The registrant has failed to deliver to a transferee lawfully entitled thereto or to the department, when and as required by this title, a properly assigned certificate of title.
- (6) The registrant has repeatedly violated any of the provisions of this title.

(7) Any fee payable to the Commonwealth in connection with the operation of the business of the registrant has not been paid.

(b) Recommended action by State licensing board.—The department may also audit and investigate dealers and manufacturers registered by the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen to determine whether any dealer or manufacturer has violated any provision of this title pertaining to dealers or manufacturers or any regulation promulgated by the department. The department may recommend that the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen suspend the license of any dealer or manufacturer which it finds has committed a violation and the board shall take prompt action on any such recommendations under the act of September 9, 1965 (P. L. 499, No. 254), known as the "Motor Vehicle Manufacturer's Dealers and Salesmen's License Act."

§ 1375. Suspension of registration of unapproved carriers.

(a) General rule.—The department shall suspend the registration of any vehicle upon the presentation to the department of a certificate of the Pennsylvania Public Utility Commission setting forth, after hearing and investigation, that the commission has found and determined that the vehicle has been operated as a common carrier or contract carrier by motor vehicle within this Commonwealth without the approval of the commission and either that no appeal was filed from such determination in the manner and within the time provided by law or that the determination was affirmed on appeal.

(b) Rescission of suspension.—Any suspension of registration under this section may be rescinded by the department upon the petition of the owner of such vehicle or of the lessee provided the petition is accompanied by a certificate of the Pennsylvania Public Utility Commission setting forth that the commission does not object to the rescission.

§ 1376. Surrender of registration plates and cards upon suspension.

(a) General rule.—The department, upon suspending any registration, shall require the registration plate or plates and registration card to be surrendered immediately to the department and may delegate authority to any authorized department employee or police officer to seize the registration plate or plates and registration card or cards.

(b) Penalty.—Any person failing or refusing to surrender to the department, upon demand, any registration plate or card which has been suspended is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

§ 1377. Judicial review of denial or suspension of registration.

Any person whose registration has been denied suspended by the department shall have the right to appeal by filing a petition within 30 days from the date notice is mailed for a hearing in the court of common pleas in the county in which the individual resides. The filing of the petition shall act as a supersedeas and the suspension of registration shall not be imposed until determination of the matter as provided in this section. The court is hereby vested with jurisdiction, and it shall be the duty of the court to set the matter down forthwith for hearing upon 30 days written notice to the department, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to registration or subject to suspension of registration under the provisions of this title.

CHAPTER 15

LICENSING OF DRIVERS

Subchapter

- A. General Provisions
- B. Comprehensive System For Driver Education and Control
- C. Violations

SUBCHAPTER A

GENERAL PROVISIONS

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§ 1501. Drivers required to be licensed.

(a) General rule.—No person, except those expressly exempted, shall drive any motor vehicle upon a highway in this Commonwealth unless the person has a driver's license valid under the provisions of this chapter.

(b) Persons in towed vehicles.—No person, except those expressly exempted, shall steer or, while within the passenger compartment of the vehicle, exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway in this Commonwealth unless the person has a valid driver's license under the provisions of this chapter for the type or class of vehicle being towed.

(c) Limitation on number of licenses.—No person shall receive a driver's license unless and until the person surrenders to the department all valid licenses in the person's possession issued by this or any other state. All surrendered licenses issued by another state shall be returned to that state, together with information that the person is licensed in this Commonwealth. No person shall be permitted to have more than one valid driver's license at any time.

(d) Penalty.—Any person violating subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200, except that, if the person charged furnishes satisfactory proof of having held a valid driver's license issued during the preceding driver's license period and no more than 30 days have elapsed from the last date for renewal, the fine shall be \$25. No person charged with violating subsections (a) or (b) shall be convicted if the person produces at the office of the issuing authority or the arresting police officer within five days a driver's license valid in this Commonwealth at the time of the arrest.

§ 1502. Persons exempt from licensing.

The following persons are not required to obtain a driver's license under this chapter:

(1) Any employee of the Federal Government while operating a motor vehicle owned by or leased to the Federal Government and being operated on official business unless the employee is required by the Federal Government or any agency thereof to have a state driver's license.

(2) Any person in the service of the armed forces of the United States, including the reserve components, when furnished with a valid military driver's license and operating an official vehicle on official business.

(3) Any nonresident who is at least 16 years of age and who has in possession a valid driver's license issued in the person's home state or country except that a person who has been issued a valid driver's license in a country other than the United States or Canada shall be exempt

only upon showing a satisfactory understanding of official traffic-control devices. A nonresident may only drive the class or classes of vehicles in this Commonwealth for which the person is licensed to drive in the person's home state or country subject to all restrictions contained on the license.

(4) Any person on active duty in the armed forces of the United States who has in their immediate possession a valid driver's license issued in a foreign country by the armed forces of the United States may operate a motor vehicle in this Commonwealth for a period of not more than 45 days from the date of the person's return to the United States.

(5) Any person 14 years of age or older operating an implement of husbandry. Persons 14 or 15 years of age are restricted to the operation of implements of husbandry on one and two lane highways which bisect or immediately adjoin the premises upon which such person resides.

§ 1503. Persons ineligible for licensing.

(a) General rule.—The department shall not issue any driver's license to, or renew the driver's license of, any person:

(1) Whose operating privilege is suspended or revoked in this or any other state except as otherwise provided in this title.

(2) Whose operating privilege is suspended or revoked in any other state upon grounds which would authorize the suspension or revocation of the operating privilege under this title.

(3) Who is a user of alcohol or any controlled substance to a degree rendering the user incapable of safely driving a motor vehicle. This paragraph does not apply to any person who is enrolled or otherwise participating in a methadone or other controlled substance treatment program approved by the Governor's Council on Drug and Alcohol Abuse provided that the person is certified to be competent to drive by a physician designated by the Governor's Council on Drug and Alcohol Abuse.

(4) Who has been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law.

(5) Whose name has been submitted under the provisions of section 1518 (relating to reports on mental or physical disabilities or disorders).

(6) Who is required by the department to take an examination until the person has successfully passed the examination.

(7) Who is under 18 years of age except in accordance with subsections (b) and (c).

(8) Who has repeatedly violated any of the provisions of this chapter. The department shall provide an opportunity for a hearing upon invoking this paragraph.

(b) Minors completing training course.—The department shall issue a driver's license to a person 17 years of age who:

(1) has successfully completed a driver's training course approved by the department; and

(2) has not been involved in an accident for which they are partially or fully responsible in the opinion of the department or is convicted of any violation of this title.

(c) Junior driver's license.—The department may issue a junior driver's license to a person 16 or 17 years of age under rules and regulations adopted by the department and subject to the provisions of this section. A junior driver's license shall automatically become a regular driver's license when the licensee attains 18 years of age.

(1) Except as provided in paragraph (2), no licensed junior driver shall drive a vehicle upon a public highway between 12 midnight and 5 a.m. unless accompanied by a spouse 18 years of age or older, a parent or a person in loco parentis.

(2) A licensed junior driver conforming to the requirements of § 1507 (relating to application for driver's license or learner's permit) may drive a vehicle upon a public highway between 12 midnight and 5 a.m. between their home and their activity or employment or in the course of their activity or employment if they are a

member of a volunteer fire company authorized by the fire chief to engage in fighting fires, engaged in public or charitable service or employed and they are carrying an affidavit signed by their fire chief, supervisor or employer indicating the probable schedule of their activities. Upon termination of the junior driver's activity or employment, the junior licensee shall surrender the affidavit to the fire chief, supervisor or employer. If the junior licensee shall fail to surrender the affidavit, the employer, fire chief or supervisor shall immediately notify the Pennsylvania State Police.

(3) In addition to the other provisions of this title relating to the suspension or revocation of operating privileges, in the event that a licensed junior driver is involved in an accident for which they are partially or fully responsible in the opinion of the department or is convicted of any violation of this title, the department may suspend the operating privileges of such person until the person attains 18 years of age or for a period of time not exceeding 90 days.

(4) Any junior licensee or other person violating any provision of this subsection is guilty of a summary offense.

§ 1504. Classes of licenses.

(a) Proper class of license required.—No person shall drive any motor vehicle upon a highway in this Commonwealth unless the person has a valid driver's license for the type or class of vehicle being driven.

(b) Notation of class on license.—The department upon issuing a driver's license shall indicate on the license the type or general class or classes of vehicle or vehicles the licensee may operate in accordance with the provisions of subsection (c).

(c) Qualifications of applicants.—The department shall establish by regulation the qualifications necessary for the safe operation of the various types, sizes or combinations of vehicles and the manner of examining applicants to determine their qualifications for the type or general class of license applied for.

(d) Number and description of classes.—Licenses issued by the department shall be classified in the following manner:

(1) Class 1.—A Class 1 license shall be issued to those persons who have demonstrated their qualifications to operate a single vehicle not in excess of 30,000 pounds registered gross weight or any such vehicle towing a trailer not in excess of 10,000 pounds gross weight. The holder of a Class 1 license shall not be deemed qualified to operate buses, school buses or motorcycles unless the license is endorsed as provided in this section.

(2) Class 2.—A Class 2 license shall be issued to those persons over 18 years of age who have demonstrated their qualifications to operate a single vehicle of over 30,000 pounds registered gross weight or any bus or any such vehicle towing a trailer not in excess of 10,000 pounds gross weight. The holder of a Class 2 license shall be deemed qualified to operate those vehicles for which a Class 1 license is issued, but not school buses or motorcycles unless the license is endorsed as provided in this section.

(3) Class 3.—A Class 3 license shall be issued to those persons over 18 years of age who have demonstrated their qualifications to operate a vehicle while in combination with or towing a trailer in excess of 10,000 pounds gross weight. The holder of a Class 3 license shall be deemed qualified to operate those vehicles for which a Class 1 or Class 2 license is issued, but not school buses or motorcycles unless the license is endorsed as provided in this section.

(4) Class 4.—Persons who have qualified to operate school buses in accordance with this title and the rules and regulations promulgated and adopted by the department shall have the qualification endorsed on the license as provided in this section.

(5) Class 5.—Those persons who have demonstrated their qualifications to operate a motorcycle, shall have that qualification endorsed on one of the basic classes of license described in this section. If a person is qualified only to operate a motorcycle he shall be issued a

license with only that qualification endorsed on the license.

(6) Class 6.—Those persons who have demonstrated their qualifications to operate a motor-driven cycle or motorized pedalcycle shall have that qualification endorsed on one of the basic classes of license described in this section. If a person is qualified only to operate a motor-driven cycle or motorized pedalcycle he shall be issued a license with only that qualification endorsed on the license.

(e) Removal of class from license.—A person with a license endorsed for a class may, upon request, have the endorsement removed by the department without prejudice.

§ 1505. Learners' permits.

(a) General rule.—A person who desires to obtain a driver's license or who desires to be licensed in a class for which the person is not already licensed shall apply to the department for the class or classes of license in which the person desires to be licensed. The department shall issue to each applicant a learner's permit which shall clearly identify the class of license applied for as provided in section 1504 (relating to classes of licenses).

(b) Learner must be accompanied.—A learner's permit entitles the person to whom it was issued to drive vehicles and combinations of vehicles of the class or classes specified, but only while the holder of the learner's permit is accompanied by and under the immediate supervision of a person who:

(1) is licensed in this Commonwealth to drive vehicles of the class then being driven by the holder of the learner's permit; and

(2) is actually occupying a seat beside the holder of the learner's permit unless the vehicle is a motorcycle.

(c) Operation of motorcycle.—A motorcycle learner's permit entitles the person to whom it is issued to operate a motorcycle only between sunrise and sunset and, except for a driver licensed to drive another class of vehicle, only while under the instruction and immediate supervision of a licensed motorcycle operator. Motorcycle learners shall not carry any passengers other than an instructor properly licensed to operate a motorcycle.

(d) Duration of permit.—A learner's permit shall be valid for a period of 120 days after date of issue, or until the holder of the permit has failed the examination as authorized in section 1508 (relating to examination of applicant for driver's license) three times within the 120-day period.

§ 1506. Application for driver's license or learner's permit.

(a) Form and content.—Every application for a learner's permit or driver's license shall be made upon a form furnished by the department and shall contain such information as the department may require to determine the applicant's identity, competency and eligibility. The form may also provide for inclusion of personal medical information and other information of use in an emergency.

(b) Signature and certification.—The application shall be signed by the applicant who shall certify that the statements made are true and correct.

§ 1507. Application for driver's license or learner's permit by minor.

(a) Signature of parent or guardian.—The application of any person under the age of 18 years for a learner's permit or driver's license shall also be signed by the father, mother, guardian or person in loco parentis which signature shall be verified before a person authorized to administer oaths or before an authorized department employee.

(b) Signature of spouse of married minor.—The application of any married person under the age of 18 years may be signed by the spouse, if the spouse is at least 18 years of age, and verified before a person authorized to administer oaths.

(c) Certification of person signing.—Any person signing the application shall certify that the statements made thereon are true and correct to the best of the applicant's knowledge, information and belief and that the person

consents to the issuance of the driver's license or learner's permit.

(d) Withdrawal of consent.—Any person who has signed the application of a person under the age of 18 years for a driver's license or learner's permit may thereafter file with the department a verified written request that the driver's license or learner's permit of the person be cancelled and the department shall cancel the driver's license or learner's permit.

§ 1508. Examination of applicant for driver's license.

(a) General rule.—Every applicant for a driver's license shall be examined for the type or class of vehicles that the applicant desires to drive. The examination shall include a physical examination, a screening test of the applicant's eyesight and a test of the applicant's ability to read and understand official traffic-control devices, knowledge of safe driving practices and the traffic laws of this Commonwealth, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicles for which the applicant desires a license to drive. If the department finds it necessary to further determine an applicant's fitness to operate a motor vehicle safely upon the highways the department may require one or more of the following types of examinations:

(1) A vision examination by an optometrist or ophthalmologist.

(2) A physical examination.

(3) A mental examination.

(b) Issuance of license to licensed nonresident.—A driver's license may be issued to a person who has not had a learner's permit but who at the time of application is of sufficient age and has a valid driver's license issued by another state under a law requiring the examination and licensing of drivers, providing that the applicant demonstrates knowledge and understanding of rules of the road and official traffic-control devices and is visually, physically and mentally fit. Also, the department must be satisfied that the applicant's experience in driving vehicles which may be driven by holders of the classes of licenses sought by the applicant is sufficient to justify the issuance of the license without further behind-the-wheel training.

§ 1509. Qualifications for Class 4 license.

(a) School bus driver requirements.—No person shall be issued a Class 4 license unless the person:

(1) has successfully completed a course of instruction as provided in subsection (c);

(2) has satisfactorily passed an annual physical examination to be given by the physician for the school district by which the person is employed; and

(3) is 18 years of age or older.

(b) Proof of annual physical and vision examination.—Every school bus driver shall carry a certificate issued by an examining physician indicating that the person has passed the prescribed physical examination, including an examination of the eyes, within the preceding 12 months. The vision examination may be made by an optometrist or ophthalmologist.

(c) School bus driver training program.—The department shall establish standards for a basic course and a refresher course for school bus drivers. The courses shall be conducted by school districts or groups of school districts or any State or Federal transportation association of school bus operators designated by the school district on a continuing basis, with the costs and responsibility for completion of the training to be borne by the school district or private or parochial school for which the drivers operate.

§ 1510. Issuance and content of driver's license.

(a) General rule.—The department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or general class of vehicles the licensee is authorized to drive, which license shall contain a distinguishing number identifying the licensee, the actual name, date of birth, residence address, a color photograph of the licensee, such other information as may be required by the department, and either a facsimile of the signature of the licensee or a

space upon which the licensee shall write his usual signature with pen and ink. Personal medical data and other information for use in an emergency may be included as a part of the license. Information other than that required to identify the licensee, the distinguishing number and the class of license issued may be included in micro-data form. No driver's license shall be valid until it has been signed by the licensee.

(b) Identification card.—The department shall, upon payment of the required fee, issue an identification card to any person who has made application therefor in such manner as the department shall prescribe. The identification card shall have substantially the same content as a driver's license but shall clearly indicate that it is not a driver's license. Upon failure of any person to pass any examination required under section 1514 (relating to expiration and renewal of driver's licenses), the department shall, where appropriate, issue a complimentary identification card as an expression of gratitude for years of safe driving. The card shall only be issued upon receipt of the person's driver's license.

(c) Anatomical donors.—Any person who is registered as an anatomical organ donor and who has in his possession a card issued by the recipient organization may attach the card to the reverse side of his driver's license or identification card in such a way as to permit the removal of this card should the person no longer desire to be designated as an anatomical donor. Information concerning registered donor status may be included as a part of the person's personal medical data.

(d) Medical history record.—Any person may attach to the reverse side of his driver's license or identification card information relating to his personal medical history.

§ 1511. Carrying and exhibiting driver's license on demand.

(a) General rule.—Every licensee shall possess a driver's license issued to the licensee at all times when driving a motor vehicle and shall exhibit the license upon demand by a police officer, and when requested by the police officer the licensee shall write the licensee's name in the presence of the officer in order to provide identity.

(b) Production to avoid penalty.—No person shall be convicted of violating this section or section 1501(a) (relating to drivers required to be licensed) if the person produces at the office of the issuing authority or the arresting officer within five days a driver's license valid in this Commonwealth at the time of the arrest.

§ 1512. Restrictions on drivers' licenses.

(a) General rule.—The department upon issuing a driver's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) Compliance with restrictions.—No person shall operate a motor vehicle in any manner in violation of the restrictions imposed.

§ 1513. Duplicate and substitute drivers' licenses and learners' permits.

(a) General rule.—If a learner's permit or driver's license issued under the provisions of this chapter is mutilated, lost, stolen, destroyed or becomes illegible, the person to whom it was issued, upon furnishing proof satisfactory to the department that the license or permit has been mutilated, lost, stolen, destroyed, or has become illegible, shall obtain a duplicate or substitute license or permit upon payment of the required fee.

(b) Return of original.—If a duplicate or substitute learner's permit or driver's license has been issued, any person who finds or otherwise obtains possession of the original shall return the original to the department.

§ 1514. Expiration and renewal of drivers' licenses.

(a) General rule.—Every driver's license shall expire in the month of the licensee's birthdate at intervals of not more than four years as may be determined by the

department. Every license shall be renewable on or before its expiration upon application, payment of the required fee, and satisfactory completion of any examination required or authorized by this chapter.

(b) Examination of applicants for renewal.—The department may require persons applying for renewal of a driver's license to take and successfully pass a physical examination or a vision examination by an optometrist or ophthalmologist, or both examinations, if the department has reason to believe, either based on knowledge of the person or on statistical inference, that the person may be a traffic safety hazard. The department may require the applicant to take and successfully pass such additional tests as the department may find reasonably necessary to determine the applicant's qualification according to the type or general class of license applied for and such examination may include any or all of the other tests required or authorized upon original application by section 1508 (relating to examination of applicant for driver's license). Upon refusal or neglect of the person to submit to the examination, the driver's license shall not be renewed until such time as the examination is successfully completed.

(c) Reexamination requested by court.—The department shall reexamine any person when requested to do so by a court. Upon the conclusion of such examination, the department may take any of the actions described in subsection (b) and shall report its findings and action to the court if such report is requested.

(d) Military personnel and dependents.—Notwithstanding subsection (a), a driver's license held by any person who enters or is on active service in the armed forces of the United States or the spouse or dependent child of the member of the armed forces who resides with such person shall continue in full force and effect so long as the active service continues and the person is absent from this Commonwealth, and for a further period of 45 days following the date of the person's discharge or separation from active service or return to this Commonwealth, unless the driver's license is sooner suspended, cancelled or revoked for cause according to law. A driver's license which otherwise would have expired under subsection (a) shall be valid only if the licensee has in immediate possession, together with the driver's license, papers indicating actual service outside this Commonwealth, or discharge or separation, as the case may be, or proof thereof if a spouse or child.

§ 1515. Notice of change of name or address.

Whenever any person after applying for or receiving a driver's license moves from the address named in the application or in the driver's license issued or when the name of a licensee is changed such person shall, within 15 days thereafter, notify the department in writing of the old and new addresses or of such former and new names and of the number of any license then held by the person.

§ 1516. Department records.

(a) Applications, suspensions and revocations.—The department shall file every application for a license received by it and shall maintain suitable records containing:

- (1) All applications denied and the reasons for denial.
- (2) All applications granted.

(3) The name of every licensee whose license has been suspended or revoked by the department and the reasons for such action.

(b) Accidents and convictions.—The department shall file all accident reports and abstracts of court records of convictions received by it under the laws of this Commonwealth and maintain actual or facsimile records or make suitable notations in order that the records of each licensee showing convictions of the licensee, any departmental action initiated against the licensee regarding a reportable accident in which the licensee was involved, and the traffic accidents shall be available for official use. These records shall also be made available to the courts for sentencing purposes.

(c) Dismissal of charges for violations.—If a charge for violation of any of the provisions of this title against any person is dismissed by any court of competent juris-

diction, no record of the charge and dismissal shall be included in the driving record of the person.

(d) Updating driving record.—Drivers wishing to have their record reviewed by the department may make such a request in order that the record be brought up to date.

§ 1517. Medical advisory board.

(a) Membership.—There shall be a medical advisory board consisting of 13 members appointed by the secretary. The board shall be composed of an authorized representative from the Department of Transportation, Department of Justice, Governor's Council on Drug and Alcohol Abuse, Department of Health, Pennsylvania State Police and professionals as follows: One neurologist, one doctor of cardiovascular disease, one doctor of internal medicine, one general practitioner, one ophthalmologist, one psychiatrist, one orthopedic surgeon and one optometrist.

(b) Formulation of regulations.—The board shall formulate rules and regulations for adoption by the department on physical and mental criteria including vision standards relating to the licensing of drivers under the provisions of this chapter.

§ 1518. Reports on mental or physical disabilities or disorders.

(a) Definition of disorders and disabilities.—The medical advisory board shall define disorders characterized by lapses of consciousness or other mental or physical disabilities affecting the ability of a person to drive safely for the purpose of the reports required by this section.

(b) Reports by medical personnel.—All physicians and other persons authorized to diagnose or treat disorders and disabilities defined by the medical advisory board shall report to the department, in writing, the full name, date of birth and address of every person over 15 years of age diagnosed as having any specified disorder or disability within ten days.

(c) Responsibility of institution heads.—The person in charge of every mental hospital, institution or clinic, or any alcohol or drug treatment facility, shall be responsible to assure that reports are filed in accordance with subsection (b).

(d) Confidentiality of reports.—The reports required by this section shall be confidential and shall be used solely for the purpose of determining the qualifications of any person to drive a motor vehicle on the highways of this Commonwealth.

(e) Use of report as evidence.—No report forwarded under the provisions of this section shall be used as evidence in any civil or criminal trial except in any proceeding under section 1519(c) (relating to determination of incompetency).

(f) Immunity from civil and criminal liability.—No civil or criminal action may be brought against any person or agency for providing the information required under this system.

§ 1519. Determination of incompetency.

(a) General rule.—The department, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may obtain the advice of a physician who shall cause an examination to be made or who shall designate any other qualified physician. The licensed driver or applicant may cause a written report to be forwarded to the department by a physician of the driver's or applicant's choice. Vision qualifications shall be determined by an optometrist or ophthalmologist. The department shall appoint one or more qualified persons who shall consider all medical reports and testimony and determine the competency of the driver or the applicant to drive.

(b) Confidentiality of reports and evidence.—Reports received by the department for the purpose of assisting the department in determining whether a person is qualified to be licensed are for the confidential use of the department and may not be divulged to any person or used as evidence in any trial except that the reports may be admitted in proceedings under subsection (c) and any physician or optometrist conducting an examination pursuant to subsection (a) may be compelled to testify concerning observations and findings in such proceedings.

The party calling the physician or optometrist as an expert witness shall be obliged to pay the reasonable fee for such testimony.

(c) Recall of operating privilege.—The department shall recall the operating privilege of any person whose incompetency has been established under the provisions of this chapter. The recall shall be for an indefinite period until satisfactory evidence is presented to the department in accordance with regulations to establish that such person is competent to drive a motor vehicle. Any person aggrieved by recall of the operating privilege may appeal to the court of common pleas in the manner provided in section 1550 (relating to judicial review).

SUBCHAPTER B

COMPREHENSIVE SYSTEM FOR DRIVER EDUCATION AND CONTROL

Sec.	
1531.	Administration of system by department.
1532.	Revocation or suspension of operating privilege.
1533.	Suspension of operating privilege for failure to respond to citation.
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1548.	Post conviction examination for driving under influence.
1549.	Establishment of schools.
1550.	Judicial review.
1551.	Notice of suspension of licenses or permits.

§ 1531. Administration of system by department.

The department shall administer an integrated system limited to the authority granted to the department in this title for revocation and suspension of operating privileges and for driver education, testing and control and for this purpose shall maintain a record as to every driver of convictions of offenses set forth in this title and such other convictions and offenses as are punishable by suspension or revocation under this title.

§ 1532. Revocation or suspension of operating privilege.

(a) Revocation.—The department shall revoke the operating privilege of any driver for one year upon receiving a certified record of the driver's conviction of any of the following offenses:

(1) Any felony in the commission of which a court determines that a vehicle was essentially involved.

(2) Any subsequent violation of section 3731 (relating to driving under influence of alcohol or controlled substance) within three years of a prior violation.

(3) Any violation of the following provisions:

Section 3732 (relating to homicide by vehicle).

Section 3742 (relating to accidents involving death or personal injury).

Section 7102(b) (relating to removal or falsification of identification number).

Section 7103(b) (relating to dealing in vehicles with removed or falsified numbers).

Section 7111 (relating to dealing in titles and plates for stolen vehicles).

Section 7121 (relating to false application for certificate of title or registration).

Section 7122 (relating to altered, forged or counterfeit documents and plates).

(b) Suspension.—

(1) The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of the driver's conviction of any offense under the following provisions:

Section 3367 (relating to racing on highways).

Section 3731 (relating to driving under influence of alcohol or controlled substance).

Section 3733 (relating to fleeing or attempting to elude police officer).

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

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

(2) The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of the driver's conviction of a subsequent offense under the following provisions:

Section 1501(a) (relating to drivers required to be licensed).

Section 1543 (relating to driving while operating privilege is suspended or revoked).

(3) This subsection does not effect an additional period of revocation of the operating privileges of a driver who receives an additional period of revocation for a second or subsequent violation of section 1543.

§ 1533. Suspension of operating privilege for failure to respond to citation.

The department shall suspend the operating privilege of any person who has failed to respond to a citation to appear before a court of competent jurisdiction of this Commonwealth or of any state for violation of this title, other than parking, upon being duly notified in accordance with the Pennsylvania Rules of Civil and Criminal Procedure. There shall be 15 days to respond to such notification before suspension is imposed. The suspension shall be for an indefinite period until such person shall respond and pay any fines and penalties imposed. Such suspension shall be in addition to the requirement of withholding renewal or reinstatement of a violator's driver's license as prescribed in section 1503(c) (relating to persons ineligible for licensing).

§ 1534. Notice of acceptance of Accelerative Rehabilitative Disposition.

If a person is arrested for any offense enumerated in section 1532 (relating to revocation or suspension of operating privilege) and is offered and accepts Accelerative Rehabilitative Disposition under the Pennsylvania Rules of Criminal Procedure, the court shall promptly notify the department.

§ 1535. Schedule of convictions and points.

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

Sec. No.	Offense	Points
1512	Violation of restriction on driver's license.	2
1571	Violations concerning licenses.	3
3102	Failure to obey policeman or authorized person.	2
3112(a)(3)(i)	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
3306(a)(2)	Other improper passing.	3
3306(a)(3)	Other improper passing.	3
3307	Other improper passing.	3
3310	Following too closely.	3
3321	Failure to yield to driver on the right at intersection.	3
3322	Failure to yield to oncoming driver when making left turn.	3
3323(b)	Failure to stop for stop signs.	3
3324	Failure to yield when entering or crossing roadway between intersections.	3
3332	Improper turning around.	3
3341	Failure to stop for flashing red lights or gate at railroad crossing.	3
3344	Failure to stop when entering from alley, driveway or building.	3
3345(a)	Failure to stop for school bus with flashing red lights. (and 30 days suspension)	5
3361	Driving too fast for conditions.	2
3362	Exceeding maximum speed.—Over Limit:	
	6-10	2
	11-15	3
	16-25	4
	26-30	5
	31-over	5
	(and departmental hearing and sanctions provided under section 1538(d))	
3365(b)	Exceeding special speed limit in school zones.	3
3365(c)	Exceeding special speed limit for trucks on downgrades.	3
3542(a)	Failure to yield to pedestrians in crosswalk.	2
3547	Failure to yield to pedestrian on sidewalk	3
3549(a)	Failure to yield to blind pedestrian.	3
3702	Improper backing.	3
3714	Reckless driving.	3
3745	Leaving scene of accident involving property damage only.	4

(b) Multiple offenses from same act.—If a driver is convicted of two or more offenses as a result of the same act, points shall be assessed only for the offense for which the greatest number of points may be assessed.

(c) No points after six months.—The department shall assign points to the record of any person within six months from the date of a conviction. Any points assigned after such six-month period shall be null and void.

§ 1536. Notice of assignment of points.

Whenever points are assigned to a driver's record, the department shall send to that person at his last known address a letter of notice pointing out the fact and emphasizing the nature and effects of the point system. Failure to receive such letter shall not prevent the suspension of the operating privilege pursuant to this subchapter.

§ 1537. Removal of points.

(a) General rule.—Points recorded against any person shall be removed at the rate of three points for each 12 consecutive months in which such person has not committed any violation which results in the assignment of points or in suspension or revocation under this chapter. Removal of points is governed by the date of violation.

(b) Subsequent accumulation of points.—When a driver's record is reduced to zero points and is maintained at zero points for 12 consecutive months, any accumulation of points thereafter shall be regarded as an initial accumulation of points.

§ 1538. School, examination or hearing on accumulation of points or excessive speeding.

(a) Initial accumulation of six points.—When any person's record for the first time shows as many as six points, the department shall require the person to attend an approved driver improvement school or undergo a special examination and shall so notify the person in writing. Upon satisfactory attendance and completion of the course or upon passing the special examination, two points shall be removed from the person's record. Failure to attend and satisfactorily complete the requirements of driver improvement school shall result in the suspension of such person's operating privilege for 60 days. Failure to pass the examination shall result in the suspension of the operating privilege until the examination has been satisfactorily completed.

(b) Second accumulation of six points.—

(1) When any person's record has been reduced below six points and for the second time shows as many as six points, the department shall require the person to attend a departmental hearing. The hearing examiner may recommend one or more of the following:

(i) That the person be required to attend a driver improvement school.

(ii) That the person undergo an examination as provided for in section 1508 (relating to examination of applicant for driver's license).

(iii) That the person's driver's license be suspended for a period not exceeding 15 days.

(2) The department may effect or modify the recommendations of the hearing examiner but may not impose any sanction not recommended by the hearing examiner.

(3) Upon completion of the sanction or sanctions imposed by the department, two points shall be removed from the person's record.

(4) Failure to attend the hearing or to attend and satisfactorily complete the requirements of a driver improvement school shall result in the suspension of such person's operating privilege for 60 days. Failure to pass an examination shall result in the suspension of such person's operating privilege until the examination has been satisfactorily completed.

(c) Subsequent accumulations of six points.—When any person's record has been reduced below six points and for the third or subsequent time shows as many as six points, the department shall require the driver to attend a departmental hearing to determine whether the person's operating privilege should be suspended for a period not to exceed 30 days. Failure to attend the hearing or to comply with the requirements of the findings of the department shall result in the suspension of the operating privilege until the person has complied.

(d) Conviction for excessive speeding.—

(1) When any person is convicted of driving 31 miles per hour or more in excess of the speed limit, the department shall require the person to attend a departmental hearing. The hearing examiner may recommend one or more of the following:

(i) That the person be required to attend a driver improvement school.

(ii) That the person undergo an examination as provided for in section 1508 (relating to examination of applicant for driver's license).

(iii) That the person have his driver's license suspended for a period not exceeding 15 days.

(2) The department shall effect at least one of the sanctions but may not increase any suspension beyond 15 days.

(3) Failure to attend the hearing or to attend and satisfactorily complete the requirements of a driver improvement school shall result in the suspension of such person's operating privilege for 60 days. Failure to pass an examination shall result in the suspension of such person's operating privilege until the examination has been satisfactorily completed.

§ 1539. Suspension of operating privilege on accumulation of points.

(a) General rule.—When any person's record shows an accumulation of 11 points or more, the department shall suspend the operating privilege of the person as provided in subsection (b).

(b) Duration of suspension.—The first suspension shall be for a period of 5 days for each point, the second suspension shall be for a period of 10 days for each point, the third suspension shall be for a period of 15 days for each point and any subsequent suspension shall be for a period of one year.

(c) Determination of subsequent suspensions.—Every suspension and revocation under any provision of this subchapter shall be counted in determining whether a suspension is a second, third or subsequent suspension. Acceptance of Accelerative Rehabilitative Disposition for an offense enumerated in section 1532 (relating to revocation or suspension of operating privilege) shall be considered a suspension in making such determination.

(d) Section not exclusive.—Suspension under this section is in addition to any suspension mandated under section 1535 (relating to schedule of convictions and points).

§ 1540. Surrender of license.

(a) Surrender to court.—Upon a conviction for any offense which calls for mandatory revocation in accordance with section 1532 (relating to revocation or suspension of operating privilege), the court or the district attorney shall require the surrender of any driver's license then held by the defendant and shall forward the driver's license together with a record of the conviction to the department.

(b) Surrender to department.—Upon the suspension of the operating privilege of any person by the department, the department shall forthwith notify the person in writing to surrender his driver's license to the department for the term of suspension.

§ 1541. Period of revocation or suspension of operating privilege.

(a) Commencement of period.—The period of revocation or suspension of the operating privilege shall commence on the date on which the driver's license was surrendered to and received by the court or the department, as the case may be. The period of revocation or suspension of a nonresident licensed driver or an unlicensed driver shall commence on the date of conviction, or in the case of a revocation or suspension without a conviction, on a date determined by the department in accordance with its regulations. The department may, upon request of the person whose license is suspended, delay the commencement of the period of suspension for a period not exceeding six months whenever the department determines that failure to grant the extension will result in hardship to the person whose license has been suspended.

(b) Eligibility for restoration of operating privilege.—Any person whose operating privilege has been revoked or suspended shall not be eligible for the restoration of the operating privilege until the expiration of the period of revocation or suspension.

(c) Restoration of revoked operating privilege.—Any person whose operating privilege has been revoked is not entitled to automatic restoration of the operating privilege. Such person may apply for a license if permitted under the provisions of this chapter and shall be issued a learner's permit under section 1505 (relating to learners' permits) upon expiration of the revocation.

§ 1542. Revocation of habitual offender's license.

(a) Powers of revocation.—The department shall revoke the operating privilege of any person found to be a habitual offender pursuant to the provisions of this sec-

tion. A "habitual offender" shall be any person whose driving record, as maintained in the department, shows that such person has accumulated the requisite number of convictions for the separate and distinct offenses described and enumerated in subsection (b) committed after the effective date of this title and within any period of five years thereafter.

(b) Offenses enumerated.—Three convictions arising from separate acts of any one or more of the following offenses committed either singularly or in combination by any person shall result in such person being designated as a habitual offender:

(1) Any offense set forth in section 1532 (relating to revocation or suspension of operating privilege).

(2) Operation following suspension of registration as defined in section 1371 (relating to operation following suspension of registration).

(3) Making use of or operating any vehicle without the knowledge or consent of the owner or custodian thereof.

(4) Utilizing a vehicle in the unlawful transportation or unlawful sale of alcohol or any controlled substance.

(5) Any felony in the commission of which a court determines that a vehicle was essentially involved.

(c) Accelerative Rehabilitative Disposition as an offense.—Acceptance of Accelerative Rehabilitative Disposition for any offense enumerated in subsection (b) shall be considered an offense for the purposes of this section.

(d) Period of revocation.—The operating privilege of any person found to be a habitual offender under the provisions of this section shall be revoked by the department for a period of five years.

(e) Additional offenses.—Any additional offense committed within a period of five years shall result in a revocation for an additional period of two years.

§ 1543. Driving while operating privilege is suspended or revoked.

(a) Offense defined.—Any person who drives a motor vehicle on any highway of this Commonwealth at a time when the operating privilege is suspended, revoked or recalled is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

(b) Extending existing suspension or revocation.—The department, upon receiving a certified record of the conviction of any person under this section upon a charge of driving a vehicle while the operating privilege was suspended, shall revoke such privilege for an additional period of six months. If the conviction was upon a charge of driving while the operating privilege was revoked, the department shall revoke the operating privilege for an additional period of one year.

§ 1544. Additional period of revocation or suspension.

(a) Additional point accumulation.—When any person's record shows an accumulation of additional points during a period of suspension or revocation, the department shall extend the existing period of suspension or revocation at the rate of five days for each additional point and the person shall be so notified in writing.

(b) Additional suspension.—When any person's record shows an additional suspension of the operating privilege assessed during a period of suspension or revocation, the department shall extend the existing period of suspension or revocation for the appropriate period and the person shall be so notified in writing.

(c) Revocation during suspension.—When any person's record shows an additional conviction calling for revocation of the operating privilege during a period of suspension, the department shall add the appropriate revocation onto the period of suspension and the person shall be so notified in writing.

(d) Revocation during revocation.—When any person's record shows a conviction calling for revocation of the operating privilege during a period of revocation, the department shall extend the existing period of revocation for the appropriate period and the person shall be so notified in writing.

§ 1545. Restoration of operating privilege.

Upon the restoration of any person's operating privilege which has been suspended or revoked pursuant to this subchapter, such person's record shall show five points, except that any additional points assessed against the per-

son since the date of the last violation resulting in the suspension or revocation shall be added to such five points unless the person has served an additional period of suspension or revocation pursuant to section 1544(a) (relating to additional period of revocation or suspension).

§ 1546. Suspension or revocation of nonresident's operating privilege.

(a) General rule.—The privilege of driving a motor vehicle on the highways of this Commonwealth given to a nonresident shall be subject to suspension or revocation by the department in like manner and for like cause as a resident's operating privilege.

(b) Transmitting department action to state of residence.—When a nonresident's operating privilege is suspended or revoked, the department shall forward a certified copy of the record of such action to the motor vehicle administrator in the state wherein such person resides if there is a reciprocity agreement with the other state.

§ 1547. Chemical test to determine amount of alcohol.

(a) General rule.—Any person who operates a motor vehicle in this Commonwealth shall be deemed to have given consent to a chemical test of breath or blood for the purpose of determining the alcoholic content of blood if a police officer shall have reasonable grounds to believe the person to have been driving a motor vehicle while under the influence of alcohol. The test shall be administered by qualified personnel and with equipment approved by the department. Qualified personnel means a physician or a technician acting under the physician's direction or a police officer who has fulfilled the training requirements in the use of such equipment in a training program approved by the department.

(b) Suspension for refusal.—

(1) If any person placed under arrest for driving under the influence of alcohol is requested to submit to a chemical test and refuses to do so, the test shall not be given but upon notice by the police officer, the department shall:

(i) suspend the operating privilege of the person for a period of six months; or

(ii) revoke the operating privilege of the person for a period of one year for a second or subsequent refusal within a period of three years.

(2) It shall be the duty of the police officer to inform the person that the person's operating privilege will be suspended or revoked upon refusal to submit to a chemical test.

(3) Any person whose operating privilege is suspended under the provisions of this section shall have the same right of appeal as provided for in cases of suspension or revocation for other reasons.

(c) Test results admissible in evidence.—In any summary proceeding or criminal proceeding in which the defendant is charged with driving a motor vehicle while under the influence of alcohol, the amount of alcohol in the defendant's blood, as shown by a chemical analysis of his breath or blood, which analysis was conducted with equipment of a type approved by the Department of Health and operated by qualified personnel, shall be admissible in evidence.

(d) Presumptions from amount of alcohol.—If chemical analysis of a person's breath or blood shows:

(1) That the amount of alcohol by weight in the blood of the person tested is 0.05% or less, it shall be presumed that the person tested was not under influence of alcohol and the person shall not be charged with any violation under section 3732(a)(1) or (2) (relating to driving under influence of alcohol or controlled substance), or if the person was so charged prior to the test, the charge shall be void ab initio.

(2) That the amount of alcohol by weight in the blood of the person tested is in excess of 0.05% but less than 0.10%, this fact shall not give rise to any presumption that the person tested was or was not under the influence of alcohol, but this fact may be considered with other competent evidence in determining whether the person was or was not under the influence of alcohol.

(3) That the amount of alcohol by weight in the blood of the person tested is 0.10% or more, it shall be presumed that the defendant was under the influence of alcohol.

(e) Other evidence admissible.—Subsections (a) through (d) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of alcohol.

(f) Test results available to defendant.—Upon the request of the person tested, the results of any chemical test shall be made available to him or his attorney.

(g) Blood test in lieu of breath test.—If for any reason a person is physically unable to supply enough breath to complete a chemical test, a physician or nurse or a technician acting under a physician's direction may withdraw blood for the purpose of determining its alcoholic content. The chemical analysis of the blood taken under these circumstances shall be admissible in evidence in the same manner as are the results of the breath chemical test. The operating privilege of any person who refuses to allow a blood test under the above circumstances shall be suspended pursuant to subsection (b).

(h) Test by personal physician.—The person tested shall be permitted to have a physician of his own choosing administer an additional breath or blood chemical test and the results of the test shall also be admissible in evidence. The chemical test given at the direction of the police officer shall not be delayed by a person's attempt to obtain an additional test.

(i) Request by driver for test.—Any person involved in an accident or placed under arrest for driving a motor vehicle while under the influence of alcohol may request that he be given a chemical test of his breath. Such requests shall be honored when it is reasonably practicable to do so.

(j) Immunity from civil liability and reports.—No physician, nurse or technician or hospital employing such physician, nurse or technician, and no other employer of such physician, nurse or technician shall be civilly liable for the withdrawing of blood and reporting of test results to the police at the request of a police officer pursuant to this section.

§ 1548. Post conviction examination for driving under influence.

(a) Pre-sentencing examination.—Before sentencing any person convicted for a second or subsequent offense of violating section 3732 (relating to driving under influence of alcohol or controlled substance), committed within five years of a prior offense of section 3732, the court shall conduct or order an appropriate examination or examinations under the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), known as the "Mental Health and Mental Retardation Act of 1966," to determine whether the person needs or would benefit from treatment for alcohol or drug abuse.

(b) Order for treatment.—After the examination, the court may, upon a hearing and determination that the person is a chronic abuser of alcohol or drugs, order supervised treatment on an outpatient basis, or upon additional determinations that the person is a severely debilitated drug or alcohol abuser who represents a demonstrated and serious public threat and that adequate treatment facilities are available, the court may order him committed for treatment at a facility or institution approved by the Governor's Council on Drug and Alcohol Abuse.

(c) Examination by own physician.—Any person subject to this section may be examined by a physician of his own choosing and the results of the examination shall be considered by the court.

(d) Review of order.—Upon motion duly made by the convicted person, an attorney, a relative or an attending physician, the court at any time after an order of commitment shall review the order. After determining the progress of treatment, the court may order its continuation, the person's release or supervised treatment on an outpatient basis.

§ 1549. Establishment of schools.

(a) Driver improvement schools.—The department is authorized to establish and maintain driver improvement schools throughout this Commonwealth. The department may approve and conduct an annual review of the course material for the schools. The curriculum to be presented must be uniform throughout this Common-

wealth. All instructors shall be properly certified by the department after the completion of a course of instruction approved by the department.

(b) Course of instruction on alcohol and driving.—The department in conjunction with the Governor's Council on Drug and Alcohol Abuse shall establish and maintain a course of instruction on the problems of alcohol and driving. The curriculum of the course of instruction established by the department and the Governor's Council on Drug and Alcohol Abuse shall be uniform throughout this Commonwealth and shall be reviewed by the department and the Governor's Council on Drug and Alcohol Abuse on an annual basis.

§ 1550. Judicial review.

(a) General rule.—Any person denied a driver's license or whose operating privilege has been recalled, canceled, suspended or revoked by the department shall have the right to appeal by filing a petition within 30 days from the date notice is mailed for a hearing in the court of common pleas of the county in which the driver resides or, in the case of cancellation, suspension or revocation of a nonresident's operating privilege, in the county in which the offense giving rise to the recall, cancellation, suspension or revocation occurred.

(b) Supersedeas.—The filing of the petition shall operate as a supersedeas and no recall, suspension, cancellation or revocation shall be imposed against such person until final determination of the matter.

(c) Jurisdiction and proceedings of court.—The court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing forthwith upon 30 days written notice to the department and to determine whether the petitioner is in fact the person whose operating privilege is subject to the recall, suspension, cancellation or revocation.

§ 1551. Notice of suspension of licenses or permits.

The department shall promptly notify each person whose license or permit is suspended as a result of the accumulation of points. The notification that the license or permit is suspended shall be made within six months following the conviction of a violation of this title that resulted in the addition of sufficient points to cause the suspension. Failure of the department to give prompt notice of suspension as required by this section shall prohibit the department from suspending the license or permit of such person.

SUBCHAPTER C VIOLATIONS

Sec.

- 1571. Violations concerning licenses.
- 1572. Cancellation of driver's license.
- 1573. Driving under foreign license during suspension or revocation.
- 1574. Permitting unauthorized person to drive.
- 1575. Permitting violation of title.
- 1576. Local authorities liable for negligence of their employees.

§ 1571. Violations concerning licenses.

- (a) Offenses defined.—It is unlawful for any person:
- (1) To exhibit or cause or permit to be exhibited or have in possession any recalled, canceled, suspended, revoked, fictitious or fraudulently altered driver's license.
 - (2) To lend a driver's license to any other person or permit the use thereof by another.
 - (3) To exhibit or represent as one's own any driver's license not issued to the person.
 - (4) To fail or refuse to surrender to the department upon lawful demand a recalled, canceled, suspended, revoked, fictitious or fraudulently altered driver's license.
- (b) Penalty.—Any person violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

§ 1572. Cancellation of driver's license.

The department may cancel any driver's license upon determining that the licensee was not entitled to the issuance or that the person failed to give the required or

correct information or committed fraud in making the application or in obtaining the license or the fee has not been paid. Upon the cancellation, the licensee shall immediately surrender the canceled license to the department.

§ 1573. Driving under foreign license during suspension or revocation.

Any resident or nonresident whose operating privilege to drive a motor vehicle in this Commonwealth has been recalled, cancelled, suspended or revoked as provided in this title shall not drive a motor vehicle in this Commonwealth under a license or permit issued by any other jurisdiction or otherwise during the suspension or after the recall, cancellation or revocation until a new driver's license is obtained when and as permitted under this chapter.

§ 1574. Permitting unauthorized person to drive.

(a) General rule.—No person shall authorize or permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under this chapter or who is not licensed for the type or class of vehicle to be driven.

(b) Penalty.—Any person violating the provisions of subsection (a) is guilty of a summary offense and shall be jointly and severally liable with the driver for any damages caused by the negligence of such driver in operating the vehicle.

§ 1575. Permitting violation of title.

(a) General rule.—No person shall authorize or permit a motor vehicle owned by him or under his control to be driven in violation of any of the provisions of this title.

(b) Penalty.—Any person violating the provisions of subsection (a) is guilty of the same offense as the driver of such vehicle and subject to the same penalties including any suspension or revocation of the operating privilege or the assessment of points.

§ 1576. Local authorities liable for negligence of their employees.

Every local authority within this Commonwealth shall be jointly and severally liable with any employee for damages caused by the negligence of the employee while operating a motor vehicle or fire department equipment upon a highway in the course of his employment. Every local authority shall also be jointly and severally liable with any member of a volunteer fire company for any damage caused by the negligence of the member while operating a motor vehicle or fire department equipment used by or belonging to the volunteer fire company while going to, attending or returning from a fire or while engaged in any other proper use of the motor vehicle or fire department equipment for the volunteer fire company.

CHAPTER 17

FINANCIAL RESPONSIBILITY

Subchapter

- A. General Provisions
- B. Proof of Future Responsibility

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

- 1701. Application of chapter.
- 1702. Administration of chapter.
- 1703. Availability of other remedies.
- 1704. Transfer of suspended registration to evade chapter.

§ 1701. Application of chapter.

This chapter does not apply with respect to any motor vehicle owned by the United States, the Commonwealth or any political subdivision.

§ 1702. Administration of chapter.

The department shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for the administration of this chapter.

§ 1703. Availability of other remedies.

This chapter shall not be construed as preventing the plaintiff in any action at law from relying for relief upon other remedies provided by law.

§ 1704. Transfer of suspended registration to evade chapter.

(a) General rule.—If the registrations of any vehicles are suspended under this chapter, the registrations shall not be transferred, nor the vehicles registered in any other name, until the department is satisfied that the transfer of registrations is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this chapter.

(b) Sale of repossessed vehicle.—This section does not apply to or affect the registration of any motor vehicle sold by a person who, pursuant to the terms or conditions of any written instrument giving a right of repossession, has exercised such right and has repossessed the motor vehicle from a person whose registration has been suspended under the provisions of this chapter.

(c) Rights of lienholders and lessors.—This chapter does not in any way affect the rights of any conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another person who becomes subject to the provisions of this chapter.

SUBCHAPTER B

NONPAYMENT OF JUDGMENTS

Sec.

- 1741. Court reports on nonpayment of judgments.
- 1742. Suspension for nonpayment of judgments.
- 1743. Continuation of suspension until judgments paid and proof given.
- 1744. Payments sufficient to satisfy judgments.
- 1745. Installment payment of judgments.
- 1746. Proof of financial responsibility after suspension or revocation.
- 1747. Providing financial responsibility.

§ 1741. Court reports on nonpayment of judgments.

(a) General rule.—Whenever any person fails within 60 days to satisfy any judgment arising from a motor vehicle accident, the judgment creditor may forward to the department a certified copy of the judgment.

(b) Notice to state of nonresident defendant.—If the defendant named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

§ 1742. Suspension for nonpayment of judgments.

(a) General rule.—The department, upon receipt of a certified copy of a judgment, shall suspend the operating privilege of each driver and registration of each owner against whom the judgment was rendered except as otherwise provided in this section and in section 1745 (relating to installment payment of judgments).

(b) Nonsuspension with consent of judgment creditor.—If the judgment creditor consents in writing in such form as the department may prescribe, that the judgment debtor's operating privilege and registrations be retained or restored, the department shall not suspend or shall restore until the consent is revoked in writing, notwithstanding default in the payment of the judgment, or of any installment thereof prescribed in section 1745, provided the judgment debtor furnishes proof of financial responsibility.

(c) Insurance in effect at time of accident.—Any person whose operating privilege or registrations have been suspended, or are about to be suspended or become subject to suspension, under the provisions of this chapter, shall be relieved from the effect of the judgment as

prescribed in this chapter if the person files evidence satisfactory to the department that the insurance required by section 104(a) of the "Pennsylvania No-fault Motor Vehicle Insurance Act," was in force and effect at the time of the accident resulting in the judgment and is or should be available for the satisfaction of the judgment. If the required insurance is not available because the insurance company has gone into receivership or bankruptcy, the person shall only be required to present to or file with the department proper evidence that an insurance policy was in force and effect at the time of the accident.

§ 1743. Continuation of suspension until judgments paid and proof given.

A person's operating privilege and all registrations shall remain suspended and shall not be renewed nor shall any registration be thereafter issued in the name of such person unless and until every such judgment is stayed, satisfied in full or to the extent provided in this subchapter, and until the person furnishes proof of financial responsibility as required.

§ 1744. Payments sufficient to satisfy judgments.

(a) General rule.—Judgments shall for the purpose of this chapter only be deemed satisfied upon occurrence of one of the following:

(1) When \$15,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident.

(2) When \$30,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident.

(3) When \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as the result of any one accident.

(b) Credit for payment under settlement.—Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

(c) Escrow deposit by judgment creditor.—When the judgment creditor cannot be found, the judgment debtor may deposit in escrow with the prothonotary of the court where the judgment was entered an amount equal to the amount of the judgment, subject to the limits set forth in subsection (a), interest to date and record costs, whereupon the prothonotary shall notify the department and the judgment shall be deemed satisfied. The amount deposited shall be retained by the prothonotary for a period of five years from the date of the deposit, after which, if it has not been claimed by the judgment creditor, it shall be returned to the judgment debtor. When the deposit is made, the prothonotary shall notify the judgment creditor and his counsel, if any, by certified or registered mail at his last known address. No interest shall run on any judgment with respect to the amount deposited with the prothonotary under the terms of this subsection.

§ 1745. Installment payment of judgments.

(a) Order authorizing installment payment.—A judgment debtor, upon due notice to the judgment creditor, may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) Suspension prohibited during compliance with order.—The department shall not suspend a driver's operating privilege or registrations and shall restore any operating privilege or registration suspended following nonpayment of a judgment when the judgment debtor obtains an order permitting payment of the judgment in installments and while the payment of any installment is not in default, provided that the judgment debtor furnishes proof of financial responsibility.

(c) Suspension for default in payment.—In the event the judgment debtor fails to pay any installment as specified by the order, then, upon notice of the default, the department shall suspend the operating privilege and all registrations of the judgment debtor until the judgment is satisfied as provided in this chapter.

§ 1746. Proof of financial responsibility after suspension or revocation.

Whenever the department suspends or revokes the operating privilege of any person upon receiving record of a conviction or forfeiture of bail, the department shall not restore the operating privilege until the person furnishes proof of financial responsibility.

§ 1747. Providing financial responsibility.

(a) General rule.—Proof of financial responsibility may be furnished by filing evidence satisfactory to the department that all motor vehicles registered in a person's name are covered by the insurance required in section 104 of the act of July 18, 1974 (P. L. 489, No. 176), known as the "Pennsylvania No-fault Motor Vehicle Insurance Act"; or, if the person has no motor vehicle, that the person is covered by a non-owner's policy having the same limits of liability as are required in section 104 of that act.

(b) Nonresident.—The nonresident owner of a motor vehicle not registered in this Commonwealth may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in the certificate is registered or, if the nonresident does not own a motor vehicle, then in the state in which the insured resides, provided the certificate otherwise conforms to the provisions of this chapter, and the department shall accept the certificate upon condition that the insurance carrier complies with the following provisions with respect to the policies so certified:

(1) The insurance carrier shall execute a power of attorney authorizing the department to accept service on its behalf or process in any action arising out of a motor vehicle accident in this Commonwealth.

(2) The insurance carrier shall agree in writing that the policies shall be deemed to conform with the laws of this Commonwealth relating to the terms of motor vehicle liability policies issued in this Commonwealth.

(c) Default by foreign insurance carrier.—If any insurance carrier not authorized to transact business in this Commonwealth, which has qualified to furnish proof of financial responsibility, defaults in any undertakings or agreements, the department shall not thereafter accept as proof any certificate of the carrier whether theretofore filed or thereafter tendered as proof as long as the default continues.

CHAPTER 19

FEEES

Subchapter

- A. General Provisions
- B. Registration Fees
- C. Permits
- D. Miscellaneous Fees

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

- 1901. Exemption of entities and vehicles from fees.
- 1902. Exemptions from other fees.
- 1903. Limitation on local license fees and taxes.
- 1904. Collection and disposition of fees and moneys.

§ 1901. Exemption of entities and vehicles from fees.

(a) Governmental and quasi-governmental entities.—Except as otherwise specifically provided in this title, no fees shall be charged under this title to any of the following:

- (1) The Commonwealth.
- (2) Political subdivisions.

(3) State and local authorities.

(4) The Federal Government.

(5) Other states.

(b) Title and registration fees.—No fee shall be charged for titling or registration of any of the following:

(1) Buses registered by urban mass transportation systems except that this paragraph shall cover only the number of buses which the department determines are required to provide scheduled service within the county in which they have their principal place of business or contiguous counties.

(2) Vehicles registered by volunteer fire, rescue and ambulance associations.

(3) Vehicles registered by foreign nationals with the rank of vice consul or higher assigned to a consulate in this Commonwealth provided that citizens of the United States are granted reciprocal exemptions.

(4) Vehicles of totally disabled veterans whose disability is certified by the United States Veterans' Administration as service-connected.

(c) Processing fee in lieu of registration fee.—No registration fee shall be charged for vehicles registered by any of the following but the department shall charge a fee of \$10 to cover the costs of processing for issuing or renewing the registration:

(1) Hospital.

(2) Humane society.

(3) Nonprofit youth center.

(4) American Red Cross.

(5) Church.

(6) Girl Scouts of America.

(7) Boys Scouts of America.

(8) Salvation Army.

(9) Duly chartered posts of national veterans' organizations.

(10) Young Men's Christian Association.

(11) Young Men's Hebrew Association.

(12) Young Women's Christian Association.

(13) Young Women's Hebrew Association.

(14) Jewish Community Center.

(15) Nonprofit corporations of musical marching groups of youths.

(16) Any person who is retired and receiving social security or other pension and whose total income does not exceed \$7,500 per year. Unless the retired person is physically or mentally incapable of driving the vehicle, the retired person shall be the principal driver of the vehicle but may from time to time authorize another person to drive the vehicle in his or her stead.

(17) Any veteran who lost a limb or eye or who became partially paralyzed while serving in the armed forces of the United States.

(d) Limitations.—

(1) Vehicles titled and registered under the provisions of this section shall be operated and used exclusively for the purpose for which the vehicles were entitled to the exemptions from fees.

(2) Only one passenger vehicle or one other vehicle with a gross weight or registered gross weight of not more than 9,000 pounds may be registered to any person under the provisions of subsection (b)(4) and subsection (c)(16) and (17).

(e) Penalty.—Any person violating the provisions of this section is guilty of a summary offense.

§ 1902. Exemptions from other fees.

No fee shall be charged under this title for or to any of the following:

(1) A certificate of title returned to the department for cancellation.

(2) The replacement of a registration card or plate, driver's license, learner's permit or certificate of title lost in the mail if the applicant files an affidavit of non-receipt within 45 days of the date of original issuance.

(3) A certificate of junk.

(4) A certificate of rejection.

(5) A special hauling permit issued to any person hauling equipment or materials for use on a Federal or State emergency relief project.

(6) A manufacturer, jobber or dealer for a certificate of title to a motor vehicle, trailer or semi-trailer when

assignment of certificate of title accompanies the application for certificate of title, and when the dealer, manufacturer or jobber is possessed of current manufacturer's, dealer's or jobber's registration plates.

§ 1903. Limitation on local license fees and taxes.

No municipality shall require or collect any registration or license fee or tax for any vehicle or driver's license from any person.

§ 1904. Collection and disposition of fees and moneys.

The department shall collect all fees payable under this title and all other moneys received in connection with the administration of this title and transmit them to the State Treasurer for deposit in the Motor License Fund. Moneys paid in error may be refunded by the department.

SUBCHAPTER B

REGISTRATION FEES

Sec.

1911. Annual registration fees.

1912. Passenger cars.

1913. Motor homes.

1914. Motorcycles.

1915. Motor-driven cycles.

1916. Trucks and truck-tractors.

1917. Motor buses.

1918. School buses.

1919. Electric vehicles.

1920. Trailers.

1921. Special mobile equipment.

1922. Implements of husbandry.

1923. Antique and classic vehicles.

1924. Farm trucks.

1925. Ambulances, taxis and hearses.

1926. Dealers and miscellaneous motor vehicle business.

1927. Transfer of registration.

1928. Temporary registration plates.

1929. Replacement registration plates.

1930. Legislative registration plates.

1931. Personal registration plates.

1932. Duplicate registration cards.

§ 1911. Annual registration fees.

(a) General rule.—An annual fee for the registration of vehicles as provided in Chapter 13 (relating to the registration of vehicles) shall be charged by the department as provided in this title.

(b) Department to establish certain fees.—If a vehicle to be registered is of a type not specifically provided for by this title and is otherwise eligible for registration, the department shall determine the most appropriate fee or fee schedule for the vehicle or type of vehicle based on such factors as design and intended use.

§ 1912. Passenger cars.

The annual fee for registration of a passenger car shall be \$24.

§ 1913. Motor homes.

The annual fee for registration of a motor home shall be determined by its registered gross weight in pounds according to the following table:

Class	Registered Gross Weight in Pounds	Fee
1	8,000 or less	\$30
2	8,001—11,000	42
3	11,001 or more	54

§ 1914. Motorcycles.

The annual fee for registration of a motorcycle other than a motor-driven cycle shall be \$12.

§ 1915. Motor-driven cycles.

The annual fee for registration of a motor-driven cycle shall be \$6.

§ 1916. Trucks and truck-tractors.

The annual fee for registration of a truck or truck-

tractor shall be determined by its registered gross weight or combination weight in pounds according to the following table:

Class	Registered Gross or Combination Weight in Pounds	Fee
1	5,000 or less	\$ 39
2	5,001—7,000	52
3	7,001—9,000	84
4	9,001—11,000	108
5	11,001—14,000	132
6	14,001—17,000	156
7	17,001—21,000	192
8	21,001—26,000	216
9	26,001—30,000	252
10	30,001—33,000	300
11	33,001—36,000	324
12	36,001—40,000	342
13	40,001—44,000	360
14	44,001—48,000	384
15	48,001—52,000	420
16	52,001—56,000	444
17	56,001—60,000	501
18	60,001—64,000	552
19	64,001—68,000	576
20	68,001—73,280	606

§ 1917. Motor buses.

The annual fee for registration of a motor bus shall be determined by its seating capacity according to the following table:

Seating Capacity	Fee
26 or less	\$ 6 per seat
27—51	\$156 plus \$7.50 per seat in excess of 26
52 or more	\$360

§ 1918. School buses.

The annual fee for registration of a school bus shall be \$24.

§ 1919. Electric vehicles.

The annual fee for registration of a vehicle which is propelled by electric power shall be \$12.

§ 1920. Trailers.

The annual fee for registration of a trailer shall be determined by its registered gross weight according to the following table:

Registered Gross Weight in Pounds	Fee
3,000 or less	\$ 6
3,001—10,000	12
10,001 or more	27

§ 1921. Special mobile equipment.

The annual fee for registration of special mobile equipment shall be \$24.

§ 1922. Implements of husbandry.

The annual fee for registration of an implement of husbandry not exempt from registration under this title shall be \$12.

§ 1923. Antique and classic vehicles.

The fee for registration of an antique or classic motor vehicle shall be \$50.

§ 1924. Farm trucks.

The annual fee for registration of a farm truck shall be \$27.

§ 1925. Ambulances, taxis and hearses.

The annual fee for registration of an ambulance, taxi or hearse shall be \$36.

§ 1926. Dealers and miscellaneous motor vehicle business.

(a) General rule.—The annual fee for a dealer registration plate or miscellaneous motor vehicle business plate shall be \$24.

(b) Motorcycle dealers.—The annual fee for each dealer registration plate issued to a motorcycle dealer other than a motor-driven cycle dealer shall be \$12.

(c) Motor-driven cycle dealers.—The annual fee for each dealer registration plate issued to a motor-driven cycle dealer shall be \$6.

§ 1927. Transfer of registration.

The fee for transfer of registration shall be \$4.

§ 1928. Temporary registration plates.

The fee payable by a dealer or other dispensing agent for a temporary registration plate shall be \$1. The charge of the agent for providing an applicant with a temporary plate shall not exceed a total of \$5.

§ 1929. Replacement registration plates.

The fee for a replacement registration plate other than a legislative or personal plate shall be \$5.

§ 1930. Legislative registration plates.

The fee for issuance of a legislative registration plate shall be \$20 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each legislative registration plate issued or replaced.

§ 1931. Personal registration plates.

The fee for issuance of a personal registration plate shall be \$20 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each personal registration issued or replaced.

§ 1932. Duplicate registration cards.

The fee for each duplicate registration card when ordered at the time of vehicle registration or transfer or renewal of registration shall be \$1. The fee for each duplicate registration card issued at any other time shall be \$3.

SUBCHAPTER C

PERMITS

Sec.

- 1941. Scope of subchapter.
- 1942. Special hauling permits as to weight and size.
- 1943. Annual hauling permits.
- 1944. Mobile homes and similar trailers.
- 1945. Books of permits.
- 1946. Movements requiring special escort.
- 1947. Refund of certain fees.

§ 1941. Scope of subchapter.

This subchapter prescribes fees payable to the department for permits covering movements on State highways and does not limit the right of local authorities to prescribe fees for permits for movements on streets and highways under their jurisdiction.

§ 1942. Special hauling permits as to weight and size.

The fee for a special hauling permit for each movement of an overweight or oversize vehicle or load, or both, shall be \$15. An overweight vehicle shall be charged an additional 3¢ per ton-mile for the number of tons by which the gross weight exceeds the registered gross weight.

§ 1943. Annual hauling permits.

(a) Quarry equipment and machinery.—The annual fee for operation or movement of each piece of heavy quarry equipment or machinery, as provided for in section 4966 (relating to permit for movement of quarry equipment), shall be \$25.

(b) Implements of husbandry.—The annual fee for operation or movement of oversize self-propelled implements of husbandry, as provided for in section 4967 (relating to permit for movement of implements of husbandry), shall be \$20 for the first implement and \$5 for each additional implement.

(c) Equipment being manufactured.—The annual fee for operation or movement of equipment being manufactured, as provided for in section 4968 (relating to

permit for movement of equipment being manufactured), shall be \$50.

(d) Multiple highway crossings.—The annual fee for a single permit for multiple highway crossings, as provided for in section 4965 (relating to single permits for multiple highway crossings), shall be \$25.

(e) Vehicles with oversize tires.—The annual fee for movement of a vehicle with oversize tires, as provided for in section 4969 (relating to vehicles with oversize tires) shall be \$50.

§ 1944. Mobile homes and similar trailers.

The fee for a special hauling permit for a mobile home or similar trailer which exceeds the maximum size prescribed in this title shall be \$20.

§ 1945. Books of permits.

(a) General rule.—Upon request, permits for movement of oversize vehicles or loads, the dimensions of which do not exceed those specified by the department, will be issued in booklet form, containing a convenient number of permits. For each movement, one permit shall be removed from the booklet, dated, trip data entered and securely affixed to the vehicle or load.

(b) Penalty.—Any person violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500.

§ 1946. Movements requiring special escort.

When a special escort is required, as provided for in section 4962 (relating to conditions of permits and security for damages), the cost of the escort shall be added to the permit fee. The department, the Pennsylvania State Police and local authorities may establish schedules of fees for escort costs based on mileage or otherwise.

§ 1947. Refund of certain fees.

The portion of the fee of an unused overweight permit based on ton-miles or the fee for an unused escort, or both, may be refunded upon payment of a processing fee of \$10.

SUBCHAPTER D MISCELLANEOUS FEES

Sec.

- 1951. Driver's license and learner's permit.
- 1952. Certificate of title.
- 1953. Security interest.
- 1954. Approval of vehicle equipment and testing devices.
- 1955. Information concerning drivers and vehicles.
- 1956. Certified copies of records.
- 1957. Uncollectible checks.
- 1958. Certificate of inspection.
- 1959. Messenger service.

§ 1951. Driver's license and learner's permit.

(a) Driver's license.—The annual fee for a driver's license shall be \$5 plus the cost of the photograph required in section 1510(a) (relating to issuance and content of driver's license).

(b) Learner's permit.—The fee for a learner's permit shall be \$5.

(c) Identification card.—The fee for an identification card shall be \$5.

(d) Replacement license or card.—The fee for a replacement driver's license or identification card shall be \$5.

§ 1952. Certificate of title.

(a) General rule.—The fee for a certificate of title shall be \$5.

(b) Duplicate certificate.—The fee for a duplicate certificate of title shall be \$5.

(c) Manufacturer's or dealer's notification.—The fee for a manufacturer's or dealer's notification of acquisition of a vehicle from another manufacturer or dealer for resale pursuant to section 1113 (relating to transfer to or from manufacturer or dealer) shall be \$2.

§ 1953. Security interest.

The fee for recording or changing the amount of security interest on a certificate of title shall be \$5.

§ 1954. Approval of vehicle equipment and testing devices.

The department is authorized to charge reasonable fees for the approval of vehicle equipment and testing devices under the provisions of section 4104 (relating to testing and approval of equipment) except that:

(1) fees for other testing shall be based on the cost of operating the department equipment approval program and shall not exceed similar fees charged by the American Association of Motor Vehicle Administrators; and

(2) no fee shall be charged for approval based on certifications of the American Association of Motor Vehicle Administrators.

§ 1955. Information concerning drivers and vehicles.

(a) Registrations, titles and security interests.—The fee for copies of or information relating to a registration, title or security interest shall be \$2.50.

(b) Other data and information.—The department may charge to any person or governmental or quasi-governmental entity a reasonable fee based on the cost to the department of compiling data and statistical information upon request.

§ 1956. Certified copies of records.

(a) Department records.—The fee for a certified copy of any department record which the department is authorized by law to furnish to the public shall be \$5 for each form or supporting document comprising such record.

(b) State police reports.—The fee for a certified Pennsylvania State Police record of investigation of a vehicle accident which the Pennsylvania State Police are authorized by this title to furnish to the public shall be \$5 for each copy of the Pennsylvania State Police full report of investigation.

§ 1957. Uncollectible checks.

Whenever any check issued in payment of any fee or for any other purpose is returned to the department as uncollectible, the department or municipality shall charge a fee of \$10 for each driver's license, registration, replacement of tags, transfer of registration, certificate of title, whether original or duplicate, special hauling permit and each other unit of issue by the department or municipality, plus all protest fees, to the person presenting the check, to cover the cost of collection.

§ 1958. Certificate of inspection.

The department shall charge 25¢ for each certificate of inspection.

§ 1959. Messenger service.

(a) Annual registration.—The annual fee for registration of a messenger service as provided for in Chapter 75 (relating to messenger service) shall be \$50.

(b) Additional places of business.—The annual fee for registration of additional place of business or branch office from which a messenger service may transact business shall be \$25.

(c) Transfer of location.—The fee for the transfer of location of a registered place of business or branch office of a messenger service during a period of registration shall be \$5.

PART III OPERATION OF VEHICLES

Chapter

- 31. General Provisions
- 33. Rules of the Road in General
- 35. Special Vehicles and Pedestrians
- 37. Miscellaneous Provisions.

CHAPTER 31

GENERAL PROVISIONS

Subchapter

- A. Obedience To and Effect of Traffic Laws
- B. Traffic-control Devices

SUBCHAPTER A

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

Sec.

3101. Application of part.
 3102. Obedience to authorized persons directing traffic.
 3103. Persons riding animals or driving animal-drawn vehicles.
 3104. Persons working on highways.
 3105. Drivers of emergency vehicles.
 3106. Operators of streetcars.

§ 3101. Application of part.

(a) General rule.—Except as provided in subsection (b), the provisions of this part relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a particular provision.

(b) Serious traffic offenses.—The provisions of Subchapter B of Chapter 37 (relating to serious traffic offenses) shall apply upon highways and traffic ways throughout this Commonwealth.

§ 3102. Obedience to authorized persons directing traffic.

No person shall willfully fail or refuse to comply with any lawful order or direction of any uniformed police officer, sheriff or constable or any appropriately attired person authorized to direct, control or regulate traffic.

§ 3103. Persons riding animals or driving animal-drawn vehicles.

(a) General rule.—Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this part, except those provisions of this part which by their very nature can have no application or where specifically provided otherwise.

(b) Limited-access highways.—No person shall ride an animal or drive any animal-drawn vehicle upon a limited-access highway.

§ 3104. Persons working on highways.

Unless specifically made applicable, the provisions of this part, except those contained in Subchapter B of Chapter 37 (relating to serious traffic offenses), shall not apply to persons, motor vehicles, and equipment while actually engaged in work upon a highway but shall apply to such persons and vehicles when traveling to or from such work.

§ 3105. Drivers of emergency vehicles.

(a) General rule.—The driver of an emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

(b) Exercise of special privileges.—The driver of an emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this part.

(2) Proceed past a red signal indication or stop sign, but only after slowing down as may be necessary for safe operation, except as provided in subsection (d).

(3) Exceed the maximum speed limits so long as the driver does not endanger life or property, except as provided in subsection (d).

(4) Disregard regulations governing direction of movement or turning in specified directions.

(c) Audible and visual signals required.—The privileges granted in this section to an emergency vehicle shall apply only when the vehicle is making use of an audible signal and visual signals meeting the requirements and standards set forth in regulations adopted by the department, except that an emergency vehicle operated as a police vehicle need not be equipped with or display the visual signals.

(d) Ambulances and blood-delivery vehicles.—The driver of an ambulance or blood-delivery vehicle shall comply with maximum speed limits, red signal indica-

tions and stop signs. After ascertaining that the ambulance or blood-delivery vehicle will be given the right-of-way, the driver may proceed through a red signal indication or stop sign.

(e) Exercise of care.—This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

§ 3106. Operators of streetcars.

Every operator of a streetcar upon any roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title except those provisions which by their nature can have no application.

SUBCHAPTER B

TRAFFIC-CONTROL DEVICES

Sec.

3111. Obedience to traffic-control devices.
 3112. Traffic-control signals.
 3113. Pedestrian-control signals.
 3114. Flashing signals.
 3115. Lane-direction-control signals.

§ 3111. Obedience to traffic-control devices.

(a) General rule.—Unless otherwise directed by a uniformed police officer or any appropriately attired person authorized to direct, control or regulate traffic, the driver of any vehicle shall obey the instructions of any applicable official traffic-control device placed or held in accordance with the provisions of this title, subject to the privileges granted the driver of an authorized emergency vehicle in this title.

(b) Proper position and legibility of device.—No provision of this title for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, the section shall be effective even though no devices are erected or in place.

(c) Presumption of authorized placement.—Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this title, the devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Presumption of proper devices.—Any official traffic-control device placed or held pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary shall be established by competent evidence.

§ 3112. Traffic-control signals.

(a) General rule.—Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication.—

(i) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn except that vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield

the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113 (relating to pedestrian-control signals), pedestrians facing any green signal may proceed across the roadway within a crosswalk.

(2) Steady yellow indication.—

(i) Vehicular traffic facing a steady yellow signal is thereby warned that the related green indication is being terminated or that a red indication will be exhibited immediately thereafter.

(ii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113, pedestrians facing a steady yellow signal are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication.—

(i) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, or if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subparagraph (ii).

(ii) Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may enter the intersection to turn right, or to turn left from a one-way roadway onto a one-way roadway after stopping as required by subparagraph (i). Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113, pedestrians facing a steady red signal alone shall not enter the roadway.

(b) Places other than intersections.—In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(c) Inoperable or malfunctioning signal.—If a traffic control signal is out of operation or is not functioning properly, vehicular traffic facing a:

(1) Green or yellow signal may proceed with caution as indicated in subsection (a)(1) and (2).

(2) Red or completely unlighted signal shall stop in the same manner as at a stop sign, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign as provided in section 3323 (relating to stop signs and yield signs).

§ 3113. Pedestrian-control signals.

(a) General rule.—Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place, the signals shall indicate as follows:

(1) "Walk".—Pedestrians facing the signal should proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) "Don't Walk".—Pedestrians should not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.

(3) Flashing "Walk".—Whenever the "Walk" indication is flashing, pedestrians facing the signal are cautioned that there is possible hazard from turning vehicles, but pedestrians may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.

(4) Flashing "Don't Walk".—Whenever the "Don't Walk" indication is flashing, pedestrians should not start to cross the roadway in the direction of the indication,

but any pedestrian who has partly completed crossing during the "Walk" indication should proceed to a sidewalk or safety zone, and all drivers of vehicles shall yield to the pedestrian.

(b) Local regulation.—This section does not prohibit a municipality from establishing a summary offense for violation of subsection (a)(2) or (4).

§ 3114. Flashing signals.

(a) General rule.—Whenever a flashing red or yellow signal is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:

(1) Flashing red.—When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop in the same manner as at a stop sign, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign as provided in section 3323 (relating to stop signs and yield signs).

(2) Flashing yellow.—When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) Railroad grade crossings.—This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 3341 (relating to obedience to signal indicating approach of train).

§ 3115. Lane-direction-control signals.

When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

CHAPTER 33

RULES OF THE ROAD IN GENERAL

Subchapter

- A. General Provisions
- B. Right-of-way
- C. Turning, Starting and Signals
- D. Special Stops Required
- E. Stopping, Standing and Parking
- F. Speed Restrictions

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

- 3301. Driving on right side of roadway.
- 3302. Meeting vehicle proceeding in opposite direction.
- 3303. Overtaking vehicle on the left.
- 3304. Overtaking vehicle on the right.
- 3305. Limitations on overtaking on the left.
- 3306. Limitations on driving on left side of roadway.
- 3307. No-passing zones.
- 3308. One-way roadways and rotary traffic islands.
- 3309. Driving on roadways laned for traffic.
- 3310. Following too closely.
- 3311. Driving on divided highways.
- 3312. Limited-access highway entrances and exits.
- 3313. Restrictions on use of limited-access highways.
- 3314. Prohibiting use of hearing impairment devices.

§ 3301. Driving on right side of roadway.

(a) General rule.—Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction where permitted by the rules governing such movement.

(2) When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided the driver yields the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute a hazard.

(3) When and where official traffic-control devices are in place designating a lane or lanes to the left side of

the center of the roadway for the movement indicated by the devices.

(4) Upon a roadway restricted to one-way traffic.

(5) When making a left turn as provided in sections 3322 (relating to vehicle turning left) and 3331 (relating to required position and method of turning).

(b) Vehicle proceeding at less than normal speed.—Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into an alley, private road or driveway. This subsection does not apply to a driver who must necessarily drive in a lane other than the right-hand lane to continue on his intended route.

§ 3302. Meeting vehicle proceeding in opposite direction.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

§ 3303. Overtaking vehicle on the left.

(a) General rule.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions and special rules stated in this chapter:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and shall stay to the left of the other vehicle until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle and shall give way to the right in favor of the overtaking vehicle on suitable signal.

(b) Suitable signal defined.—Suitable signal for purposes of subsection (a)(2) shall be as follows:

(1) At all times when head lamps are required to be lighted according to section 4302 (relating to the period for requiring lighted lamps), an audible signal or the intermittent flashing of low and high beams except that the use of high beams shall not be permitted when a vehicle is approaching from the opposite direction within 500 feet.

(2) At all other times, an audible signal.

§ 3304. Overtaking vehicle on the right.

(a) General rule.—The driver of a vehicle may overtake and pass upon the right of another vehicle only under one of the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn, except that such movement shall not be made by driving off the berm or shoulder of the highway.

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaken vehicle, except that such movement shall not be made by driving off the roadway.

(b) Limitation.—No passing movement under this section shall be made unless the movement can be made in safety.

§ 3305. Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center or marked center line of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made within interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves

the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

§ 3306. Limitations on driving on left side of roadway.

(a) General rule.—No vehicle shall be driven on the left side of the roadway under any of the following conditions:

(1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing, unless otherwise indicated by official traffic-control devices.

(3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) Application of section.—This section does not apply under the conditions described in section 3301(a)(2), (3), (4) and (5) (relating to driving on right side of roadway).

§ 3307. No-passing zones.

(a) Establishment and marking.—The department and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and shall by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when the signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions of the signs or markings. Signs shall be placed to indicate the beginning and end of each no passing zone.

(b) Compliance by drivers.—Where signs and markings are in place to define a no-passing zone as set forth in subsection (a), no driver shall at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark a no-passing zone throughout its length.

(c) Application of section.—This section does not apply under the conditions described in section 3301(a)(2) and (5) (relating to driving on right side of roadway).

§ 3308. One-way roadways and rotary traffic islands.

(a) Establishment and marking.—The department and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.

(b) Driving on one-way roadway.—Upon a roadway designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

(c) Driving around rotary traffic island.—A vehicle passing around a rotary traffic island shall be driven only to the right of the island.

§ 3309. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others not inconsistent therewith shall apply:

(1) Driving within single lane.—A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety.

(2) Three lane roadways.—Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when the center lane is clear of traffic within a safe distance, or in preparation for making a left turn, or where the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and the allocation is designated by official traffic-control devices.

(3) Lanes limited to specific use.—Official traffic-control devices may be erected to restrict the use of specified lanes to specified classes or types of traffic or vehicles, including multi-occupant vehicles or car pools, and drivers of vehicles shall obey the directions of every such device.

(4) Prohibitions against changing lanes.—Official traffic-control devices may be installed prohibiting the changing of lanes on a section of roadway and drivers of vehicles shall obey the directions of every such device.

§ 3310. Following too closely.

(a) General rule.—The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

(b) Combinations of vehicles and trucks.—The driver of any motor vehicle drawing another vehicle or of any truck when traveling upon a roadway outside of an urban district and following a motor vehicle drawing another vehicle or following a truck shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space without danger, except that this subsection does not prevent a motor vehicle drawing another vehicle or prevent a truck from overtaking and passing any vehicle or combination of vehicles.

(c) Caravans and motorcades.—Upon any roadway outside of an urban district motor vehicles being driven in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy space without danger. This subsection does not apply to funeral processions.

§ 3311. Driving on divided highways.

(a) General rule.—Whenever any highway has been divided into two or more roadways by leaving an intervening space, physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices, police officers or appropriately attired persons authorized to direct, control or regulate traffic. No vehicle shall be driven over, across or within any such dividing space, barrier or section except through an opening in the physical barrier or dividing section or space or at a crossover or intersection as established.

(b) Traffic-control devices regulating turns.—Whenever necessary for the protection and safety of traffic, official traffic-control devices may be installed at an opening in the physical barrier or dividing section or space or at a crossover or intersection prohibiting or regulating a turn or turns as may be necessary pursuant to the authority of this title.

§ 3312. Limited-access highway entrances and exits.

No person shall drive a vehicle onto or from any limited-access highway except at such entrances and exits as are established by public authority.

§ 3313. Restrictions on use of limited-access highways.

(a) General rule.—The department may regulate or prohibit the use of any limited-access highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) Traffic-control devices at entrances.—The department, when adopting any prohibition under this section, shall erect and maintain official traffic-control devices at the entrances to the limited-access highway on which the prohibitions are applicable and when in place no person shall disobey the restrictions stated on the devices.

§ 3314. Prohibiting use of hearing impairment devices.

(a) General rule.—No driver shall operate a vehicle while wearing or using one or more headphones, ear-phones or any similar device which the department by regulation determines would impair the ability of the driver to hear traffic sounds.

(b) Exception.—This section does not prohibit the use of hearing aids or other devices for improving the hearing of the driver.

SUBCHAPTER B

RIGHT-OF-WAY

Sec.

3321. Vehicle approaching or entering intersection.

3322. Vehicle turning left.

3323. Stop signs and yield signs.

3324. Vehicle entering or crossing roadway.

3325. Duty of driver on approach of emergency vehicle.

3326. Duty of driver in construction and maintenance areas.

§ 3321. Vehicle approaching or entering intersection.

(a) General rule.—When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) Exception.—The right-of-way rule declared in subsection (a) is modified at through highways and otherwise as stated in this part.

§ 3322. Vehicle turning left.

The driver of a vehicle intending to turn left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute a hazard.

§ 3323. Stop signs and yield signs.

(a) Intersections controlled by signs.—Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in section 6124 (relating to erection of traffic-control devices at intersections).

(b) Duties at stop signs.—Except when directed to proceed by a police officer or appropriately attired persons authorized to direct, control or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line or, if none, before entering a crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering. After having stopped, the driver shall yield the right-of-way to any pedestrian in a crosswalk or to any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time when the driver is moving across or within the intersection or junction of roadways.

(c) Duties at yield signs.—The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop before entering a crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering. After slowing down or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time the driver is moving across or within the intersection of roadways. If a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign, the collision shall be deemed prima facie evidence of failure of the driver to yield the right-of-way.

§ 3324. Vehicle entering or crossing roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

§ 3325. Duty of driver on approach of emergency vehicle.

(a) General rule.—Upon the immediate approach of an emergency vehicle making use of an audible signal and visual signals meeting the requirements and standards set forth in regulations adopted by the depart-

ment, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer. On one-way roadways a driver may comply by driving to the edge or curb which is nearest to the lane in which he is traveling.

(b) Duty of operator of streetcar.—Upon the approach of an emergency vehicle, the operator of every streetcar shall immediately stop the streetcar clear of any intersection and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer.

§ 3326. Duty of driver in construction and maintenance areas.

(a) Areas indicated by traffic-control devices.—The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway or utility construction or maintenance area indicated by official traffic-control devices.

(b) Work vehicles displaying flashing lights.—The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever the vehicle displays flashing lights meeting the requirements and regulations promulgated by the department.

SUBCHAPTER C

TURNING, STARTING AND SIGNALS

Sec.

3331. Required position and method of turning.

3332. Limitations on turning around.

3333. Moving stopped or parked vehicle.

3334. Turning movements and required signals.

3335. Signals by hand and arm or signal lamps.

3336. Method of giving hand and arm signals.

§ 3331. Required position and method of turning.

(a) Right turn.—The driver of a vehicle intending to turn right shall approach the turn and make the turn as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turn.—The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(c) Compliance with traffic-control devices.—The department and local authorities on highways under their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when the devices are so placed no driver shall turn a vehicle other than as directed and required by the devices.

(d) Two-way left turn lanes.—Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

(1) A left turn shall not be made from any other lane.

(2) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U turn when otherwise permitted by law.

§ 3332. Limitations on turning around.

(a) General rule.—The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made in safety and without interfering with other traffic.

(b) Turns on curves or grades.—No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

§ 3333. Moving stopped or parked vehicle.

No person shall move a vehicle which is stopped, standing or parked unless and until the movement can be made with safety.

§ 3334. Turning movements and required signals.

(a) General rule.—Upon a roadway no person shall turn a vehicle or move from one traffic lane to another or enter the traffic stream from a parked position unless and until the movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided in this section.

(b) Signals on turning and starting.—At speeds of less than 35 miles per hour, an appropriate signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. The signal shall be given during not less than the last 300 feet at speeds in excess of 35 miles per hour. The signal shall also be given prior to entry of the vehicle into the traffic stream from a parked position.

(c) Limitations on use of certain signals.—The signals required on vehicles by section 3335(b) (relating to signals by hand and arm or signal lamps) shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(d) Discontinuing turn signal.—Turn signals shall be discontinued immediately after completing the turn or movement from one traffic lane to another traffic lane.

§ 3335. Signals by hand and arm or signal lamps.

(a) General rule.—Any stop or turn signal shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (b).

(b) Required signals by signal lamps.—Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load exceeds 14 feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

(c) Exception.—This section does not apply to a motor vehicle registered as an antique or classic vehicle which was not originally equipped with signal lamps.

§ 3336. Method of giving hand and arm signals.

All signals given by hand and arm shall be given from the left side of the vehicle in the following manner and the signals shall indicate as follows:

(1) For a left turn, the hand and arm shall be extended horizontally.

(2) For a right turn, the hand and arm shall be extended upward.

(3) To stop or decrease speed, the hand and arm shall be extended downward.

SUBCHAPTER D

SPECIAL STOPS REQUIRED

Sec.

3341. Obedience to signal indicating approach of train.

3342. Vehicles required to stop at railroad crossings.

3343. Moving heavy equipment at railroad grade crossings.

3344. Emerging from alley, driveway or building.

3345. Meeting or overtaking school bus.

§ 3341. Obedience to signal indicating approach of train.

(a) General rule.—Whenever any person driving a ve-

hicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until it can be done safely. The foregoing requirements shall apply upon the occurrence of any of the following circumstances:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.

(2) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train.

(3) A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from that distance and the railroad train, by reason of its speed or nearness to the crossing, is a hazard.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(b) Compliance with crossing gate or barrier.--

(1) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed.

(2) No person shall start to drive a vehicle through, around or under a gate or barrier at the entrance to a railroad crossing while the gate or barrier is being opened or closed.

§ 3342. Vehicles required to stop at railroad crossings.

(a) General rule.—Except as provided in subsection (b), the driver of any vehicle described in regulations issued pursuant to subsection (c), before crossing at grade any track or tracks of a railroad, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until it can be done safely. After stopping and upon proceeding when it is safe to do so the driver of the vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing the crossing and the driver shall not manually shift gears while crossing the track or tracks.

(b) Exceptions.—This section does not apply at any of the following:

(1) Any railroad grade crossing at which traffic is controlled by a police officer or flagman.

(2) Any railroad grade crossing at which traffic is regulated by a traffic control signal.

(3) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train.

(4) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(c) Regulations defining vehicles subject to section.—The department shall adopt such regulations as may be necessary describing the vehicles which must comply with the stopping requirements of this section. In formulating the regulations, the department shall give consideration to the hazardous nature of any substance carried by the vehicle as determined by the Hazardous Substances Transportation Board and to the number of passengers carried by the vehicle in determining whether the vehicle shall be required to stop. These regulations shall be developed in conjunction with the Pennsylvania Public Utility Commission and the Urban Mass Transportation Authority and shall correlate with and so far as possible conform to the current regulations of the United States Department of Transportation.

§ 3343. Moving heavy equipment at railroad grade crossings.

(a) General rule.—No person shall operate or move any crawler-type tractor, power shovel, derrick, roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches measured above the level surface

of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of intended crossing.—Notice of any intended crossing shall be given to an authorized representative of the railroad and a reasonable time be given to the railroad to provide proper protection at the crossing.

(c) Stopping at crossing.—Before making any crossing, the person operating or moving the vehicle or equipment shall first stop the vehicle or equipment not less than 15 feet nor more than 50 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) Movement over crossing.—No crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. Movement over a crossing shall be under the direction of any flagman provided by the railroad.

§ 3344. Emerging from alley, driveway or building.

Unless otherwise directed by official traffic-control devices erected in accordance with provisions of Subchapter B of Chapter 31 (relating to traffic-control devices), the driver of a vehicle emerging from an alley, building, private road or driveway within an urban district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, private road or driveway or, in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic.

§ 3345. Meeting or overtaking school bus.

(a) Duty of approaching driver when red signals are flashing.—Except as provided in subsection (g), the driver of a vehicle meeting or overtaking any school bus stopped on the highway shall stop at least ten feet before reaching the school bus when the red signal lights on the school bus are flashing. The driver shall not proceed until the flashing red signal lights are no longer actuated. In no event shall a driver of a vehicle resume motion of the vehicle until the school children who may have alighted from the school bus have reached a place of safety.

(b) Duty of approaching driver when amber signals are flashing.—The driver of a vehicle meeting or overtaking any school bus shall proceed past the school bus with caution and shall be prepared to stop when the amber signal lights are flashing.

(c) Use of red signals.—The red visual signals shall be actuated by the driver of every school bus whenever the vehicle is stopped on the highway for the purpose of receiving or discharging school children, except as provided in subsections (e) and (f). The signals shall not be terminated until the school children who may have alighted from the school bus have reached a place of safety or until boarding school children have completed boarding the bus.

(d) Use of amber signals.—The amber visual signals shall be actuated by the driver of every school bus not more than 300 feet nor less than 150 feet prior to making a stop for the purpose of receiving or discharging school children and shall remain in operation until the red visual signals are actuated. Amber signals shall not be used unless the red visual signals are to be actuated immediately following.

(e) Limitations on use of signals.—The visual signals required in the regulations shall not be actuated on streets in urban districts designated by the department or local authorities, at intersections or other places where traffic is controlled by uniformed police officers or appropriately attired persons authorized to direct, control or regulate traffic, or in school bus loading areas designated by the department or local authorities when the bus is entirely off the roadway.

(f) Operation for nonschool purposes.—When a school bus is being operated upon a highway for purposes other than the actual transportation of school children to or from school or in connection with school activities, all

markings indicating "SCHOOL BUS" shall be covered or concealed. During such operation, the flashing visual signals shall not be actuated.

(g) Exceptions from stopping requirements.—The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus with actuated red signal lights which is on a different roadway.

(h) Loading zones for school children.—Every school district transporting school children by school bus shall establish and maintain school bus loading zones at or near all schools to or from which school children are transported and shall establish school bus loading zones along the highways traversed by school buses in accordance with regulations promulgated by the department.

(i) Mandatory use of loading zones.—Whenever school bus loading zones have been established at or near a school or along a highway, it is unlawful for a school bus operator to stop the bus to pick up or discharge school children at any location other than at the loading zones. A list of approved loading zones for the route of the bus shall be carried by the operator.

(j) Penalty.—Any person violating subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

SUBCHAPTER E

STOPPING, STANDING AND PARKING

Sec.

3351. Stopping, standing and parking outside business and residence districts.
 3352. Removal of vehicle by or at direction of police.
 3353. Prohibitions in specified places.
 3354. Additional parking regulations.

§ 3351. Stopping, standing and parking outside business and residence districts.

(a) General rule.—Outside a business or residence district, no person shall stop, park or stand any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or stand the vehicle off the roadway. In the event it is necessary to stop, park or stand the vehicle on the roadway or any part of the roadway, an unobstructed width of the highway opposite the vehicle shall be left for the free passage of other vehicles and the vehicle shall be visible from a distance of 500 feet in each direction upon the highway.

(b) Exception for disabled vehicles.—This section and sections 3353 (relating to prohibitions in specified places) and 3354 (relating to additional parking regulations) do not apply to the driver of any vehicle which is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position.

§ 3352. Removal of vehicle by or at direction of police.

(a) Outside business and residence districts.—Whenever any police officer finds a vehicle in violation of any of the provisions of section 3351 (relating to stopping, standing and parking outside business and residence districts), the officer may move the vehicle, or cause the vehicle to be moved, or require the driver or other person in charge of the vehicle to move the vehicle, to a position off the roadway where the vehicle will not interfere unduly with the normal movement of traffic or constitute a safety hazard.

(b) Unattended vehicle obstructing traffic.—Any police officer may remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel, in such position or under such circumstances as to interfere unduly with the normal movement of traffic or constitute a safety hazard.

(c) Removal to garage or place of safety.—Any police officer may remove or cause to be removed to a nearby garage or other place of safety any vehicle found upon a highway under any of the following circumstances:

(1) Report has been made that the vehicle has been stolen or taken without the consent of its owner.

(2) The person or persons in charge of the vehicle are physically unable to provide for the custody or removal of the vehicle.

(3) The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before an issuing authority without unnecessary delay.

(4) The vehicle is in violation of section 3353 (relating to prohibitions in specified places) except for overtime parking.

(5) The vehicle has been abandoned as defined in this title. The officer shall comply with the provisions of subsection (d) and Chapter 73 (relating to abandoned vehicles and cargos).

(d) Notice to owner prior to removal.—

(1) Prior to removal of an abandoned vehicle bearing a registration plate by which the last registered owner of the vehicle can be determined, notice shall be sent by certified mail to the last registered owner of the vehicle informing the owner that unless the vehicle is moved to a suitable location within five days of the date notice is mailed, the vehicle will be removed under this section and held at a suitable facility where it may be reclaimed by the owner in accordance with the provisions of section 7306 (relating to payment of costs upon reclaiming vehicle). If the abandoned motor vehicle does not bear an identifiable registration plate, the notice may be secured to the vehicle.

(2) If, within the five-day period, the owner so requests, the owner shall be given an opportunity to explain to the police officer or department why the owner believes the vehicle should not be moved. If the police officer or department determines that the vehicle shall, nonetheless, be moved, the owner shall be given an additional 48 hours to move the vehicle or have it moved.

(3) The provision for notice set forth in this subsection is in addition to any other notice requirements provided in Chapter 73.

§ 3353. Prohibitions in specified places.

(a) General rule.—Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(1) Stop, stand or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street except that a pedalcycle may be parked as provided in section 3509(b)(2) (relating to parking).

(ii) On a sidewalk except that a pedalcycle may be parked as provided in section 3509(b)(2).

(iii) Within an intersection.

(iv) On a crosswalk.

(v) Between a safety zone and the adjacent curb within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official traffic-control devices.

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(viii) On any railroad tracks.

(ix) In the area between roadways of a divided highway, including crossovers.

(x) At any place where official signs prohibit stopping.

(2) Stand or park a vehicle:

(i) In front of a public or private driveway.

(ii) Within 15 feet of a fire hydrant.

(iii) Within 20 feet of a crosswalk at an intersection.

(iv) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the site of a roadway.

(v) Within 20 feet of the driveway entrance to any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within 75 feet of the entrance.

(vi) Where the vehicle would prevent the free movement of a streetcar.

(vii) On a limited-access highway unless authorized by official traffic-control devices.

(viii) At any place where official signs prohibit standing.

(3) Park a vehicle:

(i) Within 50 feet of the nearest rail of a railroad crossing.

(ii) At any place where official signs prohibit parking.

(b) Unattended vehicle on private property.—No person shall park or leave unattended a vehicle on private property without the consent of the owner or other person in control or possession of the property except in the case of emergency or disablement of the vehicle, in which case the operator shall arrange for the removal of the vehicle as soon as possible.

(c) Property owner may remove vehicle.—The owner or other person in charge or possession of any property on which a vehicle is parked or left unattended in violation of the provisions of subsection (b) may remove or have removed the vehicle at the reasonable expense of the owner of the vehicle.

(d) Restrictions by appropriate authorities.—The department on State-designated highways and local authorities on any highway within their boundaries may by erection of official traffic-control devices prohibit, limit or restrict stopping, standing or parking of vehicles on any highway where engineering and traffic studies indicate that stopping, standing or parking would constitute a safety hazard or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic.

(e) Penalty.—Any person violating any provision of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$15.

§ 3354. Additional parking regulations.

(a) Two-way highways.—Except as otherwise provided in this section, every vehicle standing or parked upon a two-way highway shall be positioned parallel to and with the right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder.

(b) One-way highways.—Except as otherwise provided in this section, every vehicle standing or parked upon a one-way highway shall be positioned parallel to the curb or edge of the highway in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or, in the absence of a curb, as close as practicable to the left edge of the left-shoulder.

(c) Angle parking.—Local authorities may permit angle parking on any highway after an engineering and traffic study has determined that the highway is of sufficient width to permit angle parking without interfering with the free movement of traffic, except that on a State-designated highway prior approval of the department shall also be obtained.

(d) Handicapped persons and disabled veterans.—

(1) When a motor vehicle bearing registration plates issued to handicapped persons or disabled veterans as prescribed in this title is being operated by or for the transportation of the handicapped person or disabled veteran, the driver shall be relieved of any liability for parking for a period of 60 minutes in excess of the legal parking period permitted by local authorities except where local ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours.

(2) At the request of any handicapped person or disabled veteran, local authorities may erect on the highway as close as possible to their place of residence a sign or signs indicating that that place is reserved for a handicapped person or disabled veteran, that no parking is allowed there by others, and that any unauthorized person parking there shall be subject to a fine.

(e) Penalty.—Any person violating subsection (a), (b) or (d) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$15.

SUBCHAPTER F

SPEED RESTRICTIONS

Sec.

3361. Driving vehicle at safe speed.

3362. Maximum speed limits.

3363. Alteration of maximum limits.

3364. Minimum speed regulation.

3365. Special speed limitations.

3366. Charging speed violations.

3367. Racing on highways.

3368. Speed timing devices.

§ 3361. Driving vehicle at safe speed.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

§ 3362. Maximum speed limits.

(a) General rule.—Except when a special hazard exists that requires lower speed for compliance with section 3361 (relating to driving vehicle at safe speed), the limits specified in this subsection or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:

(1) 35 miles per hour in any urban district.

(2) 55 miles per hour in other locations.

(3) Any other maximum speed limit established under this subchapter.

(b) Posting of speed limit.—No maximum speed limit established under subsection (a)(1) or (3) shall be effective unless posted on fixed or variable official traffic-control devices erected in accordance with regulations adopted by the department which regulations shall require posting at the beginning and end of each speed zone and at intervals not greater than ½ mile.

(c) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 3363. Alteration of maximum limits.

The department or local authorities on highways under their respective jurisdictions, upon the basis of an engineering and traffic investigation, may determine that the maximum speed permitted under this subchapter is greater or less than is reasonable and safe under the conditions found to exist upon any such highway or part thereof and establish a reasonable and safe maximum limit. The maximum speed limit may be made effective at all times or at times indicated and may vary for different weather conditions and other factors bearing on safe speeds. No maximum speed greater than 55 miles per hour shall be established under this section.

§ 3364. Minimum speed regulation.

(a) Impeding movement of traffic prohibited.—Except when reduced speed is necessary for safe operation or in compliance with law, no person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.

(b) Slow moving vehicle to drive off roadway.—Except when reduced speed is necessary for safe operation or

in compliance with law, whenever any person drives a vehicle upon a roadway having width for not more than one lane of traffic in each direction at less than the maximum posted speed and at such a slow speed as to impede the normal and reasonable movement of traffic, the driver shall, at the first opportunity when and where it is reasonable and safe to do so and after giving appropriate signal, drive completely off the roadway and onto the berm or shoulder of the highway. The driver may return to the roadway after giving appropriate signal only when the movement can be made in safety and so as not to impede the normal and reasonable movement of traffic.

(c) Establishment of minimum speed limits.—At any other time when the department or local authorities under their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. The minimum limit shall be effective when posted upon appropriate fixed or variable signs.

§ 3365. Special speed limitations.

(a) Bridges and elevated structures.—

(1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure when the structure is posted with signs as provided in this subsection.

(2) The department and local authorities on highways under their respective jurisdictions may conduct a traffic and engineering investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that the structure cannot safely withstand vehicles traveling at the speed otherwise permissible under this title, the department or local authority shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit official traffic-control devices stating the maximum speed to be erected and maintained before each end of the structure.

(3) Upon the trial of any person charged with a violation of this subsection, proof of the determination of the maximum speed by the department and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

(b) School zones.—When passing a school zone as defined and established under regulations of the department, no person shall drive a vehicle at a speed greater than that established for the particular school zone. An official traffic-control device shall indicate the beginning and end of each school zone to traffic approaching in each direction. Establishment of a school zone, including its location, hours of operation and speed limit, shall be approved by the department.

(c) Hazardous grades.—The department and local authorities on highways under their respective jurisdictions may conduct traffic and engineering investigations on grades which are considered hazardous. If the grade is determined to be hazardous, vehicles having a gross weight in excess of a determined safe weight may be further limited as to maximum speed and may be required to stop before proceeding downhill. The restrictions shall be indicated by official traffic-control devices erected and maintained according to regulations established by the department.

(d) Penalty.—Any person violating any provision of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding a maximum speed limit established under this section by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour in excess of the maximum speed limit.

§ 3366. Charging speed violations.

In every charge of violation of a speed provision in this subchapter, except for a violation of section 3361 (relating to driving vehicle at safe speed), the citation or complaint shall specify the speed at which the defendant is alleged to have driven and the applicable speed limit.

§ 3367. Racing on highways.

(a) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Drag race.” The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles within a certain distance or time limit.

“Race.” The use of one or more vehicles in an attempt to outgain, outdistance or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(b) General rule.—No person shall drive a vehicle on a highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

(c) Permits for special activities.—The department or local authorities within their jurisdiction may issue permits for special activities which would otherwise be prohibited by this section.

(d) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

§ 3368. Speed timing devices.

(a) Speedometers authorized.—The rate of speed of any vehicle may be timed on any highway by a police officer using a motor vehicle equipped with a speedometer. In ascertaining the speed of a vehicle by the use of a speedometer, the speed shall be timed for a distance of not less than three-tenths of a mile.

(b) Testing of speedometers.—The department may appoint stations for testing speedometers and may prescribe regulations as to the manner in which the test shall be made. Speedometers shall have been tested for accuracy within a period of 60 days prior to the alleged violation. A certificate from the station showing that the test was made, the date of the test and the degree of accuracy of the speedometer shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

(c) Mechanical, electrical and electronic devices authorized.—

(1) The rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device.

(2) Electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used only by members of the Pennsylvania State Police. No person may be convicted upon evidence obtained through the use of such devices unless the speed recorded is six or more miles per hour in excess of the legal speed limit.

(d) Approval and testing of mechanical, electrical and electronic devices.—All mechanical, electrical or electronic devices shall be of a type approved by the department, which shall appoint stations for calibrating and testing the devices and may prescribe regulations as to the manner in which calibrations and tests shall be made. The devices shall have been tested for accuracy within a period of 60 days prior to the alleged violation. A certificate from the station showing that the calibration and test were made within the required period, and that the device was accurate, shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

CHAPTER 35

SPECIAL VEHICLES AND PEDESTRIANS

Subchapter

- A. Operation of Pedalcycles
- B. Special Rules for Motorcycles
- C. Rights and Duties of Pedestrians

SUBCHAPTER A

OPERATION OF PEDALCYCLES

Sec.

- 3501. Applicability of traffic laws to pedalcycles.
- 3502. Penalty for violation of subchapter.
- 3503. Responsibility of parent or guardian.
- 3504. Riding on pedalcycles.
- 3505. Riding on roadways and pedalcycle paths.
- 3506. Articles carried by operator.
- 3507. Lamps and other equipment on pedalcycles.
- 3508. Pedalcycles on sidewalks and pedalcycle paths.
- 3509. Parking.

§ 3501. Applicability of traffic laws to pedalcycles.

(a) General rule.—Every person riding a pedalcycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special provisions in this subchapter and except as to those provisions of this title which by their nature can have no application.

(b) Application of subchapter.—The provisions of this subchapter apply whenever a pedalcycle is operated upon any highway or upon any path set aside for the exclusive use of pedalcycles subject to the exceptions stated in subsection (a).

§ 3502. Penalty for violation of subchapter.

Any person violating any provision of this subchapter is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10.

§ 3503. Responsibility of parent or guardian.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of this title relating to the operation of pedalcycles.

§ 3504. Riding on pedalcycles.

(a) Use of seat by operator.—A person propelling a pedalcycle shall not ride other than upon or astride a permanent and regular seat attached to the pedalcycle.

(b) Number of riders.—No pedalcycle shall be used to carry more persons at one time than the number for which the pedalcycle is designed and equipped except that an adult rider may carry a child securely attached to the rider in a back pack or sling.

§ 3505. Riding on roadways and pedalcycle paths.

(a) General rule.—Except as provided in subsection (b), every person operating a pedalcycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) One-way highways.—Any person operating a pedalcycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(c) Limitation on riding abreast.—Persons riding pedalcycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of pedalcycles.

(d) Use of available pedalcycle paths.—Whenever a lane or path for pedalcycles has been provided as part of a highway, pedalcycle riders shall use the lane or path and shall not use any other part of the highway. This subsection does not apply when use of the pedalcycle lane or path is not possible, safe or reasonable.

§ 3506. Articles carried by operator.

No person operating a pedalcycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

§ 3507. Lamps and other equipment on pedalcycles.

(a) Lamps and reflectors.—Every pedalcycle when in use between sunset and sunrise shall be equipped on the front with a lamp which emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from 100 feet to 600 feet to the rear and with an amber reflector on each side. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. A lamp worn by the operator of a pedalcycle shall comply with the requirements of this subsection if the lamp can be seen at the distances specified. All lamps and reflectors shall be of a type approved by the department.

(b) Audible signal devices.—A pedalcycle may be equipped with a device capable of giving a signal audible for a distance of at least 100 feet except that a pedalcycle shall not be equipped with nor shall any person use upon a pedalcycle any siren.

(c) Brakes.—Every pedalcycle shall be equipped with a braking system which will stop the pedalcycle in 15 feet from an initial speed of 15 miles per hour on a dry, level and clean pavement.

§ 3508. Pedalcycles on sidewalks and pedalcycle paths.

(a) Right-of-way to pedestrians.—A person riding a pedalcycle upon a sidewalk or pedalcycle path used by pedestrians shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing a pedestrian.

(b) Business districts.—A person shall not ride a pedalcycle upon a sidewalk in a business district unless permitted by official traffic-control devices, nor when a usable pedalcycle-only lane has been provided adjacent to the sidewalk.

§ 3509. Parking.

(a) Sidewalk.—

(1) A person may park a pedalcycle on a sidewalk unless prohibited or restricted by an official traffic-control device.

(2) A pedalcycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(b) Roadways.—

(1) A pedalcycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

(2) A pedalcycle may be parked on the roadway abreast of another pedalcycle or pedalcycles near the side of the roadway at any location where parking is allowed.

(3) A person shall not park a pedalcycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

(4) In all other respects, pedalcycles parked anywhere on a highway shall conform with the provisions of Subchapter E of Chapter 33 (relating to stopping, standing and parking).

SUBCHAPTER B

SPECIAL RULES FOR MOTORCYCLES

Sec.

- 3521. Applicability of traffic laws to motorcycles.
- 3522. Riding on motorcycles.
- 3523. Operating motorcycles on roadways laned for traffic.
- 3524. Footrests and handlebars.
- 3525. Protective equipment for motorcycle riders.

§ 3521. Applicability of traffic laws to motorcycles.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special provisions in this subchapter

and except as to those provisions of this title which by their nature can have no application.

§ 3522. Riding on motorcycles.

(a) Use of seat by operator and passengers.—A person operating a motorcycle shall ride only upon the permanent and regular seat attached to the motorcycle, and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator. In no event shall a passenger sit in front of the operator of the motorcycle.

(b) Method of seating.—Unless in a sidecar, a person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) Articles carried by operator.—No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

(d) Interference with operation.—No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

§ 3523. Operating motorcycles on roadways laned for traffic.

(a) Right to use of lane.—All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane.

(b) Overtaking and passing.—The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) Operation between lanes or vehicles.—No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Limitation on operating abreast.—Motorcycles shall not be operated more than two abreast in a single lane.

(e) Limited access highways.—No motorized pedalcycle shall be operated on any limited access highway.

(f) Exception for police officers.—Subsections (b) and (c) do not apply to police officers in the performance of their official duties.

§ 3524. Footrests and handlebars.

(a) Passengers.—Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests and handhold for the passenger.

(b) Height of handlebars.—No person shall operate any motorcycle with handlebars above shoulder-height of the operator while properly seated upon the motorcycle.

§ 3525. Protective equipment for motorcycle riders.

(a) Protective headgear.—No person shall operate or ride upon a motorcycle or a motor-driven cycle (other than a motorized pedalcycle) unless he is wearing protective headgear which complies with standards established by the department.

(b) Eye-protective devices.—No person shall operate or ride upon a motorcycle unless he is wearing an eye-protective device of a type approved by the department.

(c) Approval of equipment.—The department may approve or disapprove protective headgear and eye-protective devices required under this section and may issue and enforce regulations establishing standards and specifications for the approval of the headgear and devices. The department shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved.

SUBCHAPTER C

RIGHTS AND DUTIES OF PEDESTRIANS

Sec.

3541. Obedience of pedestrians to traffic-control devices and regulations.

3542. Right-of-way of pedestrians in crosswalks.

3543. Pedestrians crossing at other than crosswalks.

3544. Pedestrians walking along or on highway.

3545. Pedestrians soliciting rides or business.

3546. Driving through or around safety zone.

3547. Right-of-way of pedestrians on sidewalks.

3548. Pedestrians to yield to authorized emergency vehicles.

3549. Blind pedestrians.

3550. Pedestrians under influence of alcohol or controlled substance.

3551. Compliance with bridge and railroad warning signals.

3552. Penalty for violation of subchapter.

§ 3541. Obedience of pedestrians to traffic-control devices and regulations.

(a) Traffic-control devices.—A pedestrian shall obey the instructions of a police officer or other appropriately attired person authorized to direct, control or regulate traffic.

(b) Traffic and pedestrian-control signals.—Local authorities by ordinance may require pedestrians to obey traffic and pedestrian-control signals as provided in sections 3112 (relating to traffic-control signals) and 3113 (relating to pedestrian-control signals).

§ 3542. Right-of-way of pedestrians in crosswalks.

(a) General rule.—When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(b) Exercise of care by pedestrian.—No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute a hazard.

(c) Limitation on vehicles passing.—Whenever any vehicle is stopped at any crosswalk at an intersection or at any marked crosswalk to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(d) Application of section.—Subsection (a) does not apply under the conditions stated in section 3543(b) (relating to pedestrians crossing at other than crosswalks).

§ 3543. Pedestrians crossing at other than crosswalks.

(a) General rule.—Every pedestrian crossing a roadway at any point other than within a crosswalk at an intersection or any marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.

(b) At pedestrian tunnel or overhead crossing.—Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between controlled intersections in urban district.—Between adjacent intersections in urban districts at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) Crossing intersection diagonally.—No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices or at the direction of a police officer or other appropriately attired person authorized to direct, control or regulate traffic. When authorized to cross diagonally, pedestrians shall cross only in accordance with the signal pertaining to the crossing movements.

§ 3544. Pedestrians walking along or on highway.

(a) Mandatory use of available sidewalk.—Where a sidewalk is provided and its use is practicable, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Absence of sidewalk.—Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder as far as practicable from the edge of the roadway.

(c) Absence of sidewalk and shoulder.—Where neither a sidewalk nor a shoulder is available, any pedestrian

walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Right-of-way to vehicles.—Except as otherwise provided in this subchapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

§ 3545. Pedestrians soliciting rides or business.

No person shall:

(1) Stand on a roadway for the purpose of soliciting a ride.

(2) Stand on a roadway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(3) Stand on or in proximity to a highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

§ 3546. Driving through or around safety zone.

(a) Through zones.—No vehicle shall at any time be driven through or within a safety zone.

(b) Around zones.—Traffic may move on either side of a safety zone unless prohibited from driving to the left of the zone by the installation of an official traffic-control device as provided in this title.

§ 3547. Right-of-way of pedestrians on sidewalks.

The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across the alley, building entrance, road or driveway.

§ 3548. Pedestrians to yield to authorized emergency vehicles.

(a) General rule.—Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this title, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.

(b) Exercise of care by driver.—This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

§ 3549. Blind pedestrians.

(a) General rule.—The driver of a vehicle shall yield the right-of-way to any totally or partially blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog and shall take such precautions as may be necessary to avoid injuring or endangering the pedestrian and, if necessary, shall stop the vehicle in order to prevent injury or danger to the pedestrian.

(b) Effect of absence of cane or dog.—This section shall not be construed to deprive a totally or partially blind pedestrian not carrying a cane or not being guided by a dog of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of a totally or partially blind pedestrian to carry a cane or to be guided by a guide dog upon the streets, highways or sidewalks of this Commonwealth be held to constitute contributory negligence in and of itself.

§ 3550. Pedestrians under influence of alcohol or controlled substance.

A pedestrian who is under the influence of alcohol or any controlled substance to a degree which renders the pedestrian a hazard shall not walk or be upon a highway except on a sidewalk.

§ 3551. Compliance with bridge and railroad warning signals.

(a) Bridges.—No pedestrian shall enter or remain upon any bridge or approach to any bridge beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) Railroad crossings.—No pedestrian shall pass through, around, over or under any crossing gate or bar-

rier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

§ 3552. Penalty for violation of subchapter.

Any pedestrian violating any provision of this subchapter is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$5.

CHAPTER 37

MISCELLANEOUS PROVISIONS

Subchapter

- A. Offenses in General
- B. Serious Traffic Offenses
- C. Accidents and Accident Reports

SUBCHAPTER A

OFFENSES IN GENERAL

Sec.

- 3701. Unattended motor vehicle.
- 3702. Limitations on backing.
- 3703. Driving upon sidewalk.
- 3704. Obstruction to driving view or mechanism.
- 3705. Opening and closing vehicle doors.
- 3706. Riding in house trailers, mobile homes or boats on trailers.
- 3707. Driving or stopping close to fire apparatus.
- 3708. Unauthorized driving over fire hose.
- 3709. Depositing waste and other material on highway.
- 3710. Stopping at intersection or crossing to prevent obstruction.
- 3711. Unauthorized persons and devices hanging on vehicles.
- 3712. Abandonment and stripping of vehicles.
- 3713. Railroad trains not to block crossings.
- 3714. Reckless driving.

§ 3701. Unattended motor vehicle.

(a) General rule.—No person driving or in charge of a motor vehicle shall permit the vehicle to stand unattended without placing the gear shift lever in a position which under the circumstances impedes the movement of the vehicle, stopping the engine, locking the ignition in vehicles so equipped, removing the key from the ignition and, when standing upon any grade, turning the front wheels to the curb or side of the highway and effectively setting the brake.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$5.

§ 3702. Limitations on backing.

(a) General rule.—No driver shall back a vehicle unless the movement can be made with safety and without interfering with other traffic and then only after yielding the right-of-way to moving traffic and pedestrians.

(b) Limited-access highways.—No driver shall back a vehicle upon any shoulder or roadway of any limited-access highway.

§ 3703. Driving upon sidewalk.

No person shall drive any vehicle except a human-powered vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

§ 3704. Obstruction to driving view or mechanism.

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle or whenever any person in the front seat is not seated.

§ 3705. Opening and closing vehicle doors.

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side

of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

§ 3706. Riding in house trailers, mobile homes or boats on trailers.

(a) General rule.—No person or persons shall occupy a house trailer, mobile home or boat on a trailer while it is being moved upon a highway.

(b) Towing prohibited.—No person shall tow on a highway a house trailer, mobile home or boat on a trailer occupied by a passenger or passengers.

(c) Exception for certain semi-trailers.—A semi-trailer which is attached to a truck in an articulating manner by means of a fifth wheel semi-trailer coupling device attached to the carrying compartment of the truck may be occupied by a passenger or passengers. The coupling device shall have a two-inch or larger kingpin. All windows shall have safety glass. Some means of electrical or electronic communications approved by the department is required between the cab of the truck and the semi-trailer.

§ 3707. Driving or stopping close to fire apparatus.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop the vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm.

§ 3708. Unauthorized driving over fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any highway, private road or driveway, for use at any fire or alarm of fire, without the consent of a fire department officer, a police officer or other appropriately attired person authorized to direct, control or regulate traffic at the scene.

§ 3709. Depositing waste and other material on highway.

(a) General rule.—No person shall throw or deposit upon any highway any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance.

(b) Removal of deposited material.—Any person who drops, or permits to be dropped or thrown, upon any highway any waste paper, sweeping, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance shall immediately remove the same or cause it to be removed.

(c) Removal of material following accident.—Any person removing a wrecked, damaged or disabled vehicle from a highway shall remove from the highway or neutralize any glass, oil or other injurious substance resulting from the accident or disablement.

(d) Penalty.—Any person violating any of the provisions of subsection (a) or (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$300.

§ 3710. Stopping at intersection or crossing to prevent obstruction.

No driver shall enter an intersection or a crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle operated without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed.

§ 3711. Unauthorized persons and devices hanging on vehicles.

(a) General rule.—No person shall hang onto or ride on the outside or the rear end of any vehicle and no person on a pedalcycle, motorcycle, roller skates, sled or any similar device, shall hold fast to or attach the device to any moving vehicle or streetcar, and no operator of a vehicle or streetcar shall knowingly permit any person to hang onto or ride on the outside or rear end of the vehicle or streetcar operated, or allow any person on a pedalcycle, motorcycle, roller skates, sled or any similar device to hold fast to or attach the device to the vehicle or streetcar operated on any highway.

(b) Exceptions.—This section is not applicable to firemen or garbage collectors or operators of fire trucks or

garbage trucks or employees of public utility companies acting pursuant to and during the course of their duties or to other persons exempted by department regulations from the application of this section. This section does not prohibit attaching a trailer or semi-trailer to a pedalcycle.

§ 3712. Abandonment and stripping of vehicles.

(a) Abandonment on highway.—No person shall abandon a vehicle upon any highway.

(b) Abandonment on public or private property.—No person shall abandon a vehicle upon any public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(c) Stripping abandoned vehicle.—It is unlawful for any person, except the owner or his agent or as otherwise provided in this title, to remove any part of an abandoned vehicle.

(d) Penalties.—

(1) Any person violating subsection (a) or (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 plus all costs of disposing of the vehicle under the provisions of Chapter 73 (relating to abandoned vehicles and cargos).

(2) Any person violating subsection (c):

(i) For a first offense, is guilty of a summary offense punishable by a fine of not less than \$100 nor more than \$500.

(ii) For a subsequent offense, is guilty of a misdemeanor of the third degree.

§ 3713. Railroad trains not to block crossings.

No person or government agency shall operate any train in such a manner as to prevent vehicular use of any roadway for a period of time in excess of five consecutive minutes except under any of the following circumstances:

(1) When necessary to comply with signals affecting the safety of the movement of trains.

(2) When necessary to avoid striking any object or person on the track.

(3) When the train is disabled.

(4) When the train is in motion except while engaged in switching operations.

(5) When there is no vehicular traffic waiting to use the crossings.

(6) When necessary to comply with a governmental safety regulation.

§ 3714. Reckless driving.

Any person who drives a vehicle in careless disregard for the safety of persons or property is guilty of reckless driving, a summary offense.

SUBCHAPTER B

SERIOUS TRAFFIC OFFENSES

Sec.

3731. Driving under influence of alcohol or controlled substance.

3732. Homicide by vehicle.

3733. Fleeing or attempting to elude police officer.

3734. Driving without lights to avoid identification or arrest.

§ 3731. Driving under influence of alcohol or controlled substance.

(a) Offense defined.—A person shall not drive any vehicle while:

(1) under the influence of alcohol to a degree which renders the person incapable of safe driving;

(2) under the influence of any controlled substance, as defined in the act of April 14, 1972 (P. L. 223, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," to a degree which renders the person incapable of safe driving; or

(3) under the combined influence of alcohol and a controlled substance to a degree which renders the person incapable of safe driving.

(b) Authorized use not a defense.—The fact that any

person charged with violating this section is or has been legally entitled to use alcohol or controlled substances is not a defense to any charge of violating this section.

(c) Certain arrests authorized.—In addition to any other powers of arrest, a police officer is hereby authorized to arrest without a warrant any person who the officer has probable cause to believe has violated the provisions of this section, regardless of whether the alleged violation was committed in the presence of such officer.

(d) Penalty.—Any person violating any of the provisions of this section is guilty of a misdemeanor of the third degree.

§ 3732. Homicide by vehicle.

Any person who unintentionally causes the death of another person while engaged in the violation of any law of this Commonwealth or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic is guilty of homicide by vehicle, a misdemeanor of the first degree, when the violation is the cause of death.

§ 3733. Fleeing or attempting to elude police officer.

(a) Offense defined.—Any driver of a motor vehicle who wilfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

(b) Signal by police officer.—The signal given by the police officer may be by hand, voice, emergency lights or siren.

(c) Defenses.—It is a defense to a prosecution under this section that the pursuing police vehicle was not clearly identifiable by its markings or, if unmarked, was not occupied by a police officer who was in uniform and displaying a badge or other sign of authority.

§ 3734. Driving without lights to avoid identification or arrest.

Any person who drives without lights or turns off any or all the lights on a motor vehicle for the purpose of avoiding identification or arrest is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

SUBCHAPTER C

ACCIDENTS AND ACCIDENT REPORTS

Sec.	
3741.	Application of subchapter.
3742.	Accidents involving death or personal injury.
3743.	Accidents involving damage to attended vehicle or property.
3744.	Duty to give information and render aid.
3745.	Accidents involving damage to unattended vehicle or property.
3746.	Immediate notice of accident to police department.
3747.	Written report of accident by driver or owner.
3748.	False reports.
3749.	Reports by coroners and medical examiners.
3750.	Reports by garages.
3751.	Reports by police.
3752.	Accident report forms.
3753.	Department to tabulate and analyze accident reports.
3754.	Accident prevention investigations.

§ 3741. Application of subchapter.

The provisions of this subchapter shall apply upon highways and traffic ways throughout this Commonwealth.

§ 3742. Accidents involving death or personal injury.

(a) General rule.—The driver of any vehicle involved in an accident resulting in injury or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the re-

quirements of section 3744 (relating to duty to give information and render aid). Every stop shall be made without obstructing traffic more than is necessary.

(b) Penalty.—Any person violating this section is guilty of a misdemeanor of the third degree.

§ 3743. Accidents involving damage to attended vehicle or property.

(a) General rule.—The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744 (relating to duty to give information and render aid). Every stop shall be made without obstructing traffic more than is necessary.

(b) Penalty.—Any person violating this section is guilty of a summary offense, punishable by a fine of \$300 or imprisonment for not more than 90 days, or both.

§ 3744. Duty to give information and render aid.

(a) General rule.—The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving, and shall upon request exhibit his driver's license and proof of insurance to any person injured in the accident or to the driver or occupant of or person attending any vehicle or other property damaged in the accident and shall give the information and upon request exhibit the license and proof of insurance to any police officer at the scene of the accident or who is investigating the accident and shall render to any person injured in the accident reasonable assistance, including the making of arrangements for the carrying of the injured person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if requested by the injured person.

(b) Report of accident to police.—In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (a) and no police officer is present, the driver of any vehicle involved in the accident after fulfilling all other requirements of section 3742 (relating to accidents involving death or personal injury) and subsection (a), in so far as possible on his part to be performed, shall forthwith report the accident to the nearest office of a duly authorized police department and submit to the police department the information specified in subsection (a).

(c) Duty of occupants if driver disabled.—Whenever the driver of a vehicle is physically unable to give the information or assistance required in this section and there are other occupants in the vehicle at the time of the accident who are physically able to give the information or assistance required in this section, each of the other occupants shall fully reveal the identity of himself and the identity of the driver of the vehicle and of the owner of the vehicle of which they are occupants and shall otherwise perform the duties of the driver as set forth in subsection (a).

§ 3745. Accidents involving damage to unattended vehicle or property.

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to the other vehicle or property shall immediately stop the vehicle at the scene of the accident or as close thereto as possible and shall then and there either locate and notify the operator or owner of the damaged vehicle or other property of his name, address, information relating to the certificate of insurance and the registration number of the vehicle being driven or shall attach securely in a conspicuous place in or on the damaged vehicle or other property a written notice giving his name, address, information relating to the certificate of insurance and the registration number of the vehicle being driven and shall without unnecessary delay notify the nearest office of a

duly authorized police department. Every stop shall be made without obstructing traffic more than is necessary.

§ 3746. Immediate notice of accident to police department.

(a) General rule.—The driver of a vehicle involved in an accident shall immediately by the quickest means of communication give notice to the nearest office of a duly authorized police department if the accident involves:

(1) injury to or death of any person; or

(2) damage to any vehicle involved to the extent that it cannot be driven under its own power in its customary manner without further damage or hazard to the vehicle, other traffic elements, or the roadway, and therefore requires towing.

(b) Duty of occupant when driver disabled.—Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there is another occupant in the vehicle at the time of the accident capable of doing so, the occupant shall make or cause to be given the notice not given by the driver.

(c) Investigation by police officer.—Every accident reported to a police department required in this section shall be investigated by a police officer who shall provide each driver a signed statement that the accident was reported.

§ 3747. Written report of accident by driver or owner.

(a) General rule.—If a police officer does not investigate an accident required to be investigated by section 3746 (relating to immediate notice of accident to police department), the driver of a vehicle which is in any manner involved in the accident shall, within five days of the accident, forward a written report of the accident to the department.

(b) Supplemental reports.—The department may require any driver of a vehicle involved in an accident of which written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department.

(c) Exception for disabled persons.—A written accident report is not required under this subchapter from any person who is physically incapable of making a report during the period of incapacity.

(d) Duty of owner if driver disabled.—Whenever the driver is physically incapable of making a written report of an accident as required in this section and the driver is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall, within five days after the accident, make the report not made by the driver.

(e) Confidentiality of reports.—All written reports required in this section to be forwarded to the department by drivers or owners of vehicles involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or any other governmental agency or their representatives having use for the records for accident prevention purposes, except that the department shall disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies his presence at the accident and shall disclose whether any person or vehicle was covered by a vehicle insurance policy and the name of the insurer.

(f) Use of reports as evidence.—No accident reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the department shall furnish upon demand of any party to the trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with the law and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers and the owners of the vehicles involved. The reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of section 3748 (relating to false reports).

(g) Compliance with other laws required.—This section

does not affect the duty of filing accident reports required by any other statute or regulations made thereunder.

§ 3748. False reports.

Any person who gives information in oral or written reports required by this subchapter knowing or having reason to believe that the information is false is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

§ 3749. Reports by coroners and medical examiners.

(a) General rule.—Every coroner or medical examiner in this Commonwealth shall report in writing to the department within five days of certification the death of any person resulting from a vehicle accident, giving the time and place of accident and the circumstances relating thereto. These reports shall be made on forms prepared by the department. Every coroner or medical examiner shall retain a copy of the reports in his office for a period of two years.

(b) Blood and urine samples.—The coroners or medical examiners of each county in this Commonwealth shall take blood or urine samples or both from the bodies of all drivers and of all pedestrians over 15 years of age who die within four hours following an accident and shall, within ten days of the accident, transmit the samples to the Governor's Council on Drug and Alcohol Abuse. This subsection shall be applicable to all occupants over 15 years of age if the driver of the vehicle cannot be determined.

(c) Regulations for testing samples.—The Governor's Council on Drug and Alcohol Abuse shall establish and promulgate rules and regulations for the testing of the blood and urine samples authorized to be taken from dead bodies under this section.

§ 3750. Reports by garages.

The person in charge of any garage or repair shop to which is brought a vehicle which shows evidence of having been struck by any bullet shall report to the nearest office of a duly authorized police department within 24 hours after the vehicle is received by the garage or repair shop, giving the year, make and model name of the vehicle, the vehicle identification number, the registration plate number and address of the owner or driver of the vehicle.

§ 3751. Reports by police.

(a) General rule.—Every police department that investigates a vehicle accident for which a report must be made as required in this subchapter, or otherwise prepares a written report as a result of an investigation either at the time and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall promptly forward a written report of the accident to the department.

(b) Furnishing copies of report.—Police departments shall, upon request, furnish at a cost not to exceed \$5 a certified copy of the full report of the police investigation of any vehicle accident to any person involved in the accident, his attorney or insurer, and to the Federal Government, branches of the military service, Commonwealth agencies, and to officials of political subdivisions and to agencies of other states and nations and their political subdivisions. The copy of the report shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident. Police departments may refuse to furnish the complete copy of investigation of the vehicle accident whenever there are criminal charges pending against any persons involved in the vehicle accident unless the Pennsylvania Rules of Criminal Procedure require the production of the documents.

§ 3752. Accident report forms.

(a) Form and content.—The department shall prepare and upon request supply to all law enforcement agencies and other appropriate agencies or individuals, forms for written accident reports as required in this subchapter suitable with respect to the persons required to make the reports and the purposes to be served. The written report forms shall call for sufficiently detailed information

to disclose with reference to a vehicle accident the cause, conditions then existing and the persons and vehicles involved. Reports for use by the drivers and owners shall also provide for information relating to financial responsibility.

(b) Use.—Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all the information required therein unless not available.

§ 3753. Department to tabulate and analyze accident reports.

(a) Central accident records agency.—The department shall establish a central accident records agency which shall be the repository for all reportable traffic accidents as defined in this subchapter. The agency will have primary responsibility for the administration and supervision of storing, processing and providing the informational needs to all official agencies having responsibility in the highway transportation system.

(b) Central accident analysis system.—The department shall provide accident data for analysis in selecting accident prevention programs and in evaluating the effectiveness of those programs implemented. The system shall provide:

(1) An annual report to the General Assembly comparing traffic safety in Pennsylvania and other states which have a point system with traffic safety in states which do not have a point system, including, but not limited to, the number and percentage of accidents, serious accidents and total accidents caused by point and non-point violations.

(2) An annual statistical summary of motor vehicle accidents including multi-dimensional distribution for such factors as type, time and location of accident, road and weather conditions, type of traffic control, and condition and actions of operators and type and condition of the vehicles.

(3) Identification of hazardous road locations.

(4) Information on which police duty assignment may be more effective in order to prevent accidents.

(5) Evaluation of speed regulations or other provisions of this title to aid the department and the General Assembly in determining when changes are desirable.

(6) Statistical analyses of the relationship between non-accident traffic violations of operators and accident involvement. These analyses shall include such factors as the type, location, and severity of violations, the type, location, and severity of the accidents and the responsibility of the operators involved.

(7) An evaluation of legal or departmental actions as related to driver improvement and accident reduction.

(c) Highway safety statistics.—The department may compile such other statistics for such purposes as it might deem helpful in advancing highway safety.

§ 3754. Accident prevention investigations.

(a) General rule.—The department, in association with the Pennsylvania State Police, may conduct in-depth accident investigations into the human, vehicle and environmental aspects of traffic accidents for the purpose of determining the causes of traffic accidents and factors which may help prevent similar types of accidents.

(b) Confidentiality of reports.—Information, records and reports associated with in-depth accident investigations shall not be admissible as evidence in any legal action or other proceeding, nor shall officers or employees or the agencies charged with the procurement or custody of in-depth accident investigation records and reports be required to give evidence pertaining to anything contained in such in-depth accident investigation records or reports in any legal action or other proceeding.

PART IV

VEHICLE CHARACTERISTICS

Chapter

41. Equipment Standards

43. Lighting Equipment

45. Other Required Equipment

- 47. Inspection of Vehicles
- 49. Size, Weight and Load

CHAPTER 41

EQUIPMENT STANDARDS

Sec.

4101. Purpose of part.

4102. Definitions.

4103. Promulgation of vehicle equipment standards.

4104. Testing and approval of equipment.

4105. Revocation and renewal of certificates of approval.

4106. Market surveillance program.

4107. Unlawful activities.

4108. Injunctive relief.

§ 4101. Purpose of part.

The purpose of this chapter and Chapters 43 (relating to lighting equipment) and 45 (relating to other required equipment) is to establish minimum standards for vehicle equipment the performance of which is related to vehicle safety, noise control and air quality and to make unlawful the sale and use of items which do not comply with the requirements of this part or with the standards and regulations promulgated by the department.

§ 4102. Definitions.

The following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

"Federal standard". A minimum standard of vehicle or vehicle equipment performance issued under the National Traffic and Motor Vehicle Safety Act (80 Stat. 718, 15 U.S.C. §1381), the Motor Vehicle Information and Cost Savings Act (86 Stat. 947, 15 U.S.C. §1901) or the Clean Air Act (81 Stat. 485, 42 U. S. C. §1857).

"Vehicle equipment standard." A minimum standard for vehicle performance or vehicle equipment performance which meets the needs of vehicle safety, noise control or air quality control, which is practicable and which provides objective criteria.

§ 4103. Promulgation of vehicle equipment standards.

(a) General rule.—The department shall promulgate vehicle equipment standards for vehicles, equipment and devices required under this part. To the maximum extent possible, consistent with safety, the standards shall be expressed in terms of minimum acceptable performance levels, measured against objective testing parameters.

(b) Applicability of Federal standards.—Federal standards promulgated with respect to the performance of any vehicle or item of equipment shall have the same force and effect as if promulgated by the department under subsection (a) and shall supersede any Commonwealth standard applicable to the same aspect of performance for the vehicle or item of equipment.

(c) Incorporation of standards by reference.—Subject to the provisions of subsections (a) and (b), applicable standards or recommended practices issued by the National Highway Traffic Safety Administration, U. S. Department of Transportation, the Vehicle Equipment Safety Commission, the American National Standards Institute, the Society of Automotive Engineers or any other generally recognized standards setting body may be adopted by reference, provided that copies of the standards are incorporated in the notice of proposed rule making.

(d) Applicability to certain vehicles.—Vehicle equipment standards contained in this part or promulgated by the department under the authority given in this part shall not apply to a motor vehicle registered as an antique or classic vehicle containing equipment which meets the original manufacturer's specifications.

(e) Extension of standards prohibited.—Vehicle equipment standards promulgated by the department shall not be extended to any vehicle which, because of its date of manufacture, is not required by Federal standards to have the equipment.

§ 4104. Testing and approval of equipment.

(a) Authority of department.—The department may re-

quire new vehicles and equipment to be tested and approved for compliance with the requirements of this part or any vehicle equipment standard adopted pursuant to section 4103(a) (relating to promulgation of vehicle equipment standards).

(b) Basis of approval.—Approvals may be based on certification furnished to the department by the American Association of Motor Vehicle Administrators, or if the American Association of Motor Vehicle Administrators certification program does not cover the type of vehicle or equipment, the department shall determine approval on test reports prepared by such testing laboratories as the department may designate.

(c) Procedure for approval.—The department shall establish by regulation the procedure to be followed when request for approval of any item of equipment is submitted under this section. The department shall not unreasonably withhold designation of any laboratory which meets the minimum criteria established by the department as an approved laboratory for equipment testing. Where a regulated manufacturer has its own in-house testing facilities which meet the minimum criteria, the department may accept test reports from the manufacturer for the purpose of granting equipment approvals.

(d) Markings on approved equipment.—Each item of equipment requiring approval by the department shall bear the trademark, name or code symbol under which it is approved. If practicable, the markings shall be legible after installation. For the purposes of this subsection, code symbol means one assigned and approved by the department in the absence of a name or trademark.

(e) Lists of approved equipment.—The department shall maintain lists of all items of equipment which have been approved under authority of this part. Copies of the lists or portions of the lists shall be made available at cost upon request.

§ 4105. Revocation and renewal of certificates of approval.

(a) Hearing to review approved devices.—When the department has reason to believe that an approved device being sold commercially does not comply with the requirements of this part, it may, after giving 30 days' notice to the person holding the certificate of approval for the device, conduct a hearing upon the question of compliance of the approved device. After the hearing, the department shall determine whether the approved device meets the requirements of this part and shall notify the person holding the certificate of approval of the determination.

(b) Devices determined to be in violation.—If the department determines as a result of the hearing that the device does not meet the requirements of this part, the person holding the certificate of approval shall have a period of 90 days to resubmit a request for approval. In the event the device is determined to be hazardous, the department may take immediate action through injunctive relief pursuant to section 4108 (relating to injunctive relief). If the person holding the certificate of approval fails to satisfy the department that the resubmitted device as thereafter to be sold meets the requirements of this part, the department shall revoke the approval issued unless the device is resubmitted to and retested by an authorized testing laboratory and is found to meet the requirements of this part. The department may require that all devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this part.

(c) Expiration of certificate.—Certificates of approval issued for items of equipment required to be approved under this part will not expire except as provided by regulation or until revoked by the department.

(d) Renewal of certificate.—Certificates of approval which expire pursuant to regulation shall be void after the period stated from the date of issue unless application is made for renewal of the certificates in accordance with the procedure established by the department, together with the applicable fee, and a new certificate of approval is issued.

(e) Promulgation of regulations.—The department shall promulgate rules and regulations to effectuate the provisions of this section.

§ 4106. Market surveillance program.

(a) General rule.—The department shall maintain a continuing program of market surveillance to insure that any items of vehicle equipment offered for sale in this Commonwealth and for which approvals are required are in compliance with the law.

(b) Purchase and testing of samples.—The department may undertake at State expense random retail purchase and compliance testing of samples of equipment which is covered by a valid certificate of approval or which has been certified by its manufacturer as being in compliance with an applicable Federal motor vehicle safety standard. If the samples, upon testing, fail to meet the applicable performance requirements, the department may commence revocation proceedings pursuant to section 4105 (relating to revocation and renewal of certificates of approval).

(c) Notice of violations.—If the market surveillance program reveals instances of items of equipment being offered for sale which have not been submitted for approval as required by State law or regulation or have been disapproved or have not been certified as being in compliance with an applicable Federal standard, immediate written notice of that fact shall be furnished the dealer, distributor, wholesaler or manufacturer. The dealer shall not thereafter sell the equipment and the distributor, wholesaler or manufacturer shall recall all the equipment from all dealers.

§ 4107. Unlawful activities.

(a) Violation of vehicle equipment standards.—

(1) It is unlawful for any person to sell, offer for sale, lease, install or replace, either separately or as part of the equipment of a vehicle, any item of vehicle equipment affecting the operation of the vehicle which does not comply with this title or regulations promulgated thereunder, or which does not comply with an applicable Federal motor vehicle safety standard adopted by regulation by the department.

(2) Any person convicted of violating this subsection shall be subject to a civil penalty of not more than \$100 for each violation. Each violation of the provisions of this subsection shall constitute a separate violation with respect to each motor vehicle or item of motor vehicle equipment or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty shall not exceed \$10,000 for any related series of violations.

(b) Other violations.—It is unlawful for any person to do any of the following:

(1) Wilfully or intentionally remove (other than for purposes of repair and replacement) or render inoperative, in whole or in part, any item of vehicle equipment which was required to be installed at the time of manufacture or thereafter upon any vehicle, by any law, rule, regulation or requirement of any officer or agency of the United States or of the Commonwealth, if it is intended that the vehicle be operated upon the highways of this Commonwealth unless the removal or alteration is specifically permitted by this title or by regulations promulgated by the department.

(2) Operate, or cause or permit another person to operate, on any highway in this Commonwealth any vehicle or combination which is not equipped as required under this part or which is otherwise in an unsafe condition.

(3) Do any act forbidden by this part or fail to perform any act required under this part.

(c) Use of certain equipment unaffected.—This part shall not be construed to:

(1) Prohibit the use of parts or equipment required by the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718, 15 U.S.C. §1381) or the use of any other parts or accessories on any vehicle not inconsistent with the provisions of this title or regulations promulgated thereunder.

(2) Limit the use of independent after market repair

and service parts in the repair of vehicles and items of vehicle equipment unless in violation of the provisions of this title or regulations promulgated thereunder.

§ 4108. Injunctive relief.

(a) General rule.—Upon petition by the department, the Commonwealth Court shall have jurisdiction, for cause shown, to restrain violations of this part or to restrain the sale, offer for sale or use of any item of vehicle equipment which is determined to be in violation of this part or regulations promulgated pursuant thereto.

(b) Notice of contemplated action.—Whenever practicable, the department shall give notice to any person against whom an action for injunctive relief is contemplated and afford an opportunity to present views and, except in the case of a knowing and wilful violation, shall afford reasonable opportunity to achieve compliance. The failure to give notice and afford such opportunity shall not preclude the granting of appropriate relief.

(c) Non-jury criminal contempt proceedings.—In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, the court shall sit without intervention of a jury.

CHAPTER 43

LIGHTING EQUIPMENT

Sec.

- 4301. Promulgation of regulations by department.
- 4302. Period for requiring lighted lamps.
- 4303. General lighting requirements.
- 4304. Obstructed lights not required.
- 4305. Vehicular hazard signal lamps.
- 4306. Use of multiple-beam road lighting equipment.
- 4307. Use and display of illuminated signs.

§ 4301. Promulgation of regulations by department.

The department shall promulgate regulations governing the number, visibility, color, size, type, construction, location and use of lamps, other lighting equipment and any retroreflective surfaces on vehicles.

§ 4302. Period for requiring lighted lamps.

Every vehicle upon a highway at any time between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmosphere conditions, persons and vehicles on the highway are not clearly discernible from a distance of 1000 feet ahead shall display lighted head and other lamps and illuminating devices as required under this chapter for different classes of vehicles, subject to exceptions with respect to parked vehicles. Stop lights, turn signals and other signaling devices shall be lighted as prescribed in this title.

§ 4303. General lighting requirements.

(a) Head lamps.—Every vehicle, except trailers, operated on a highway shall be equipped with a head lamp system in conformance with regulations of the department.

(b) Rear lighting.—Every vehicle operated on a highway shall be equipped with a rear lighting system including, but not limited to, rear lamps, rear reflectors, stop lamps and license plate light, in conformance with regulations of the department.

(c) Turn signals and hazard warning lights.—Every motor vehicle, except motorcycles and pedalcycles, and every trailer operated on a highway shall be equipped with a system of turn signal lights and hazard warning lights in conformance with regulations of the department.

(d) Identification, clearance and side marker lights.—Every motor vehicle, trailer and combination operated on a highway shall be equipped with a system of lights which may include retroreflective reflectors, identification, clearance and side marker lights in conformance with regulations of the department.

(e) Equipment exempted by regulation.—Antique motor vehicles, animal-drawn vehicles, implements of husbandry and special mobile equipment, if operated exclusively between the hours of sunrise and sunset and

not during periods of reduced visibility or insufficient illumination, may be exempted from certain lighting equipment requirements of this part by regulations of the department.

§ 4304. Obstructed lights not required.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except a tail lamp) need not be lighted which, by reason of its location on a vehicle of the combination, is obscured by another vehicle of the combination, but this does not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

§ 4305. Vehicular hazard signal lamps.

(a) General rule.—Simultaneous flashing of the two front and two rear signal lamps shall indicate a vehicular traffic hazard. The driver of a motor vehicle equipped with simultaneous flashing signals shall use the signals when the vehicle is stopped or disabled on a highway, except when the vehicle is stopped in compliance with a traffic-control device or when legally parked. Drivers of other vehicles shall exercise extraordinary care in approaching, overtaking and passing a vehicle displaying vehicular hazard warning signals.

(b) Use outside business and residence districts.—Outside of a business or residence district:

(1) The driver of a vehicle equipped with simultaneous flashing signals shall use the signals when the vehicle is unable to maintain a speed of at least 25 miles per hour because of weather, grade or other similar factors or is unable to maintain a speed consistent with the normal flow of traffic.

(2) The driver of a bus equipped with simultaneous flashing signals shall use the signals when the bus is stopped with one or more wheels on the roadway between dusk and dawn for the purpose of receiving or discharging passengers.

(c) Use below minimum speed limit.—The driver of a vehicle equipped with simultaneous flashing signals shall use the signals when the vehicle is not maintaining at least the minimum speed established in accordance with the provisions of section 3364 (relating to minimum speed regulation).

§ 4306. Use of multiple-beam road lighting equipment.

(a) Approaching an oncoming vehicle.—Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use the low beam of light.

(b) Approaching a vehicle from rear.—Whenever the driver of a vehicle approaches another vehicle from the rear within 300 feet, the driver shall use the low beam of light.

§ 4307. Use and display of illuminated signs.

(a) General rule.—Except as otherwise provided in this section, no vehicle shall bear or display any illuminated signs, letters, numerals or figures of any kind whatsoever.

(b) Buses.—A bus or school bus may bear an illuminated sign stating its use or destination.

(c) Taxicabs.—A taxicab may carry on the rear or the top of the vehicle illuminated signs placed so as not to interfere with the vision of the driver through the rear window of the vehicle. The size and placement of the sign must receive approval of the department or be a type approved by the department prior to use on the vehicle.

CHAPTER 45

OTHER REQUIRED EQUIPMENT

Subchapter

- A. Brake Equipment
- B. Safety and Anti-pollution Equipment
- C. Vehicles for Transportation of School Children
- D. Equipment of Authorized and Emergency Vehicles

SUBCHAPTER A
BRAKE EQUIPMENT

Sec.

4501. Promulgation of regulations by department.
4502. General requirements for braking systems.

§ 4501. Promulgation of regulations by department.

The department shall promulgate regulations governing the type, size, construction, location and use of brake equipment taking into consideration different requirements for different classes or types of vehicles. The authority granted in this section includes the power to regulate the performance of the brake system on a vehicle.

§ 4502. General requirements for braking systems.

(a) Parking brakes.—Every vehicle or combination, except a motorcycle, operated on a highway shall be equipped with a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated, under all conditions of loading, on a surface free of ice or snow. The system shall not be designed to require a continuous or intermittent source of energy for full effectiveness after initial application.

(b) Service brakes.—Every vehicle and combination operated on a highway shall be equipped with a service brake system adequate to control the movement of and to stop and hold the vehicle or combination on any grade on which it is operated, under all conditions of loading, and adequate to meet the braking performance standards established by regulation of the department.

(c) Breakaway systems.—Every combination operated on a highway, the towed vehicle of which is equipped with brakes or which has a gross weight in excess of 3,000 pounds, shall be so equipped that, upon breakaway of the towed vehicle, the towed vehicle shall be stopped and held automatically, and the towing vehicle shall be capable of being stopped and held by use of its own service braking system.

(d) Exceptions.—This section does not apply to towed instruments of husbandry and such items or types of special mobile equipment as are specifically exempted from compliance by regulations promulgated by the department.

SUBCHAPTER B

SAFETY AND ANTI-POLLUTION EQUIPMENT

Sec.

4521. Promulgation of regulations by department.
4522. Violation of Federal statute or regulation.
4523. Exhaust systems, mufflers and noise control.
4524. Windshield obstructions and wipers.
4525. Tire equipment and traction surfaces.
4526. Safety glass.
4527. Television equipment.
4528. Fire extinguishers.
4529. Slow moving vehicle emblem.
4530. Portable emergency warning devices.
4531. Emission control systems.
4532. Smoke control for diesel-powered motor vehicles.
4533. Rear wheel shields.
4534. Rear-view mirrors.
4535. Audible warning devices.
4536. Bumpers.

§ 4521. Promulgation of regulations by department.

The department shall promulgate regulations governing the number, size, color, type, construction, location and use of other equipment on vehicles consistent with but not limited by the provisions of this subchapter and taking into consideration different requirements for different classes or types of vehicles.

§ 4522. Violation of Federal statute or regulation.

(a) General rule.—No person shall drive a vehicle on any highway in violation of any provision of a Federal statute or regulation relating to any type of equipment or documents used in the vehicle while engaged in interstate commerce.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

§ 4523. Exhaust systems, mufflers and noise control.

(a) Compliance with established sound levels.—Every motor vehicle operated on a highway shall be constructed, equipped, maintained and operated so as not to exceed the sound level for the vehicle as prescribed in regulations promulgated by the department. The test procedures and instrumentation to be utilized shall also be established by regulation.

(b) Compliance with exhaust requirements.—In addition to any requirements established under sections 4531 (relating to emission control systems) and 4532 (relating to smoke control for diesel-powered motor vehicles), every motor vehicle shall be constructed, equipped, maintained and operated so as to prevent engine exhaust gases from penetrating and collecting in any part of the vehicle occupied by the driver or passengers.

(c) Mufflers and related equipment.—Every motor vehicle shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation and no muffler or exhaust system shall be equipped with a cutout, bypass or similar device.

(d) Unauthorized modification of equipment.—No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of the vehicle above the maximum levels permitted under subsection (a) or violate the provisions of subsection (b). Headers and side exhausts are permitted provided the vehicle meets all the requirements of this section.

(e) Fire equipment and racing vehicles.—This section does not apply to fire equipment or to racing vehicles being operated in an organized racing or competitive event conducted under a permit issued by local authorities.

§ 4524. Windshield obstructions and wipers.

(a) Obstruction on front windshield.—No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield except an inspection certificate, sticker identification sign on a mass transit vehicle or other officially required sticker and no person shall drive any motor vehicle with any ice or snow on the front windshield which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.

(b) Obstruction on side and rear windows.—No person shall drive any motor vehicle with any sign, poster or other nontransparent material, including ice or snow, upon the side wings or side or rear windows of the vehicle which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.

(c) Other obstruction.—No person shall drive any motor vehicle with any object or material hung from the inside rear view mirror or otherwise hung, placed or attached in such a position as to materially obstruct, obscure or impair the driver's vision through the front windshield or any manner as to constitute a safety hazard.

(d) Windshield wiper systems.—The windshield on every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with a wiper system capable of cleaning rain, snow or other moisture from the windshield, and so constructed as to be controlled or operated by the driver of the vehicle.

§ 4525. Tire equipment and traction surfaces.

(a) General rule.—No vehicle shall be operated on the highway unless the vehicle is equipped with tires of a type, size and construction approved by the department for the vehicle and unless the tires are in a safe operating condition as determined in accordance with regulations of the department.

(b) Vehicles not equipped with pneumatic tires.—It is unlawful for any person to operate or move, or cause or permit to be moved, in contact with any highway any vehicle equipped with traction or road contact surfaces other than pneumatic tires unless of a type, size

and construction permitted by regulations of the department and unless the movement is made under specific conditions allowed by regulations of the department.

(c) Tire studs.—No vehicle having tires containing studs shall be driven on any highway.

(d) Tire chains.—Tire chains may be temporarily used on vehicles during periods of snow and ice emergency if they are in conformance with regulations promulgated by the department.

§ 4526. Safety glass.

(a) Safety glass required.—It is unlawful to sell or to operate on any highway in this Commonwealth any vehicle manufactured or assembled after January 1, 1934, and registered in this Commonwealth unless the vehicle is equipped with safety glass or similar material, which is in compliance with regulations promulgated by the department, wherever transparent or translucent material is used in the vehicle in doors, windows, windshields and wings.

(b) Replacement of glass.—It is unlawful for the owner of any vehicle to have safety glass, broken or otherwise, in the windshields, doors, windows or wings of the vehicle replaced with any glass other than safety glass. It is unlawful for any person to install in the windshields, doors, windows or wings of any vehicle any glass other than safety glass.

(c) Violation by common carrier or public utility.—In case of any violation of any provision of this section by any common carrier or person operating under a certificate of authority issued by the Pennsylvania Public Utility Commission, the certificate shall either be revoked or, in the discretion of the commission, suspended until the provision or provisions are complied with to the satisfaction of the commission.

(d) Exception.—This section does not apply to house trailers.

§ 4527. Television equipment.

No motor vehicle operated on a highway shall be equipped with television-type receiving equipment forward of the back of the driver's seat or otherwise visible to the driver. This section does not prevent the use of television-type receiving equipment in a vehicle used exclusively for safety or law enforcement purposes as approved by the Pennsylvania State Police.

§ 4528. Fire extinguishers.

Every vehicle towing a house trailer, every motor home and every motor vehicle with a mounted truck-camper shall be equipped with at least one fire extinguisher of a type and size approved by the department.

§ 4529. Slow moving vehicle emblem.

(a) General rule.—All implements of husbandry and special mobile equipment designed to operate at 25 miles per hour or less and all animal-drawn vehicles shall when traveling on a highway, display on the rear of the vehicle a reflective slow moving vehicle emblem as specified in regulations of the department. The use of the slow moving vehicle emblem shall be in addition to any other lighting devices or equipment required by this title.

(b) Limitations on use or display.—No person shall use or display the slow moving vehicle emblem except as provided in this section nor shall any person display the emblem on a vehicle traveling at a speed in excess of 25 miles per hour.

(c) Towed vehicles.—The emblem shall be required to be displayed on a slow moving vehicle which is being towed on a highway unless the towing vehicle displays the emblem in such a manner as to be clearly visible from the rear.

§ 4530. Portable emergency warning devices.

(a) General rule.—Every truck, truck-tractor and bus and any motor vehicle towing a trailer shall carry at least three portable emergency warning devices of a type specified by regulations promulgated by the department. The regulations shall be consistent with Motor Carrier Safety Regulations, Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, section 393.95.

(b) When display required.—Whenever any vehicle of a type referred to in subsection (a) is disabled or stopped for more than ten minutes upon a roadway or shoulder outside of an urban district, or upon any divided highway, the driver of the vehicle shall display the portable warning devices of the type required under subsection (a) in such manner as the department shall direct by regulations.

§ 4531. Emission control systems.

(a) Compliance with established maximum levels.—No vehicle manufactured in compliance with the requirements of the Clean Air Act (77 Stat. 392, 42 U.S.C. §1857), or any amendments or supplements thereto, shall have emissions exceeding the maximum permissible levels prescribed by law.

(b) Limitation or alteration of system.—No person shall change or alter the emission control system of a vehicle in such a manner that it fails to comply with the prescribed emissions criteria. It is unlawful for the vehicle to be operated under its own power until a reinspection at an official inspection station establishes its full compliance.

§ 4532. Smoke control for diesel-powered motor vehicles.

(a) Standards and inspection.—The department shall promulgate regulations for the control of smoke from diesel-powered motor vehicles prescribing standards, inspection procedures and inspection equipment.

(b) Compliance with standards.—No person shall operate a diesel-powered motor vehicle on a highway in such a manner that the smoke emitted exceeds the standards established under this section. Each day of operation in violation shall constitute a separate offense under this subsection.

(c) Correction to avoid prosecution.—Any person arrested in violation of this section shall, upon written notice, be given the opportunity to correct the violation within 48 hours. If sufficient proof of correction is furnished to the arresting officer or his representative within 48 hours of the delivery of the written notice, no prosecution of the violation shall be brought.

(d) Limitation on alteration of system.—No person shall intentionally change or alter a factory installed smoke control system on any diesel-powered vehicle or its fuel system so as to limit the ability of the system to control smoke, and no person shall remove the smoke control system except for repair or installation of a proper replacement.

§ 4533. Rear wheel shields.

Every truck, trailer and truck-tractor (without a semi-trailer) driven on a highway shall be so constructed or equipped as to bar water or other road surface substances thrown from the rear wheels of such vehicle or combination at tangents exceeding 22½ degrees, measured from the road surface, from passing in a straight line to the rear of such vehicle or combination.

§ 4534. Rear-view mirrors.

No person shall operate a motor vehicle or combination on a highway unless the vehicle or combination is equipped with at least one mirror, or similar device, which provides the driver an unobstructed view of the highway to the rear of the vehicle or combination.

§ 4535. Audible warning devices.

(a) General rule.—Every motor vehicle operated on a highway shall be equipped with a horn or other audible warning device of a type approved in regulations of the department.

(b) Certain sound devices prohibited.—Except as specifically provided in this part or by regulations of the department, no vehicle operated on a highway shall be equipped with a siren, bell, whistle or any device emitting a similar sound or any unreasonably loud or harsh sound.

§ 4536. Bumpers.

No person shall operate any vehicle upon a highway without bumpers of a type specified by regulations of the department in both the front and rear unless the

vehicle was originally designed and manufactured to be used without bumpers.

SUBCHAPTER C

VEHICLES FOR TRANSPORTATION OF SCHOOL CHILDREN

Sec.

4551. Safety regulations.
4552. General requirements for school buses.
4553. General requirements for other vehicles transporting school children.

§ 4551. Safety regulations.

(a) General rule.—All school buses and all other vehicles used in the transportation of school children, owned by or under contract with any school district or parochial or private school, shall conform to standards prescribed by the department. Regulations shall be promulgated by the department governing the safe design, construction, equipment and operation of vehicles engaged in the transportation of school children.

(b) Violation and penalty.—No person shall operate or permit the operation of a vehicle of a type specified in this subchapter which is not in compliance with the requirements of this subchapter or applicable regulations issued under this subchapter. Violation of this section constitutes a summary offense punishable by a fine of not less than \$50 nor more than \$100.

§ 4552. General requirements for school buses.

(a) Color and identification.—Every school bus shall be of a uniform color scheme and labeled "School Bus" on both front and rear as provided by regulation. Exterior labels and markings other than those specifically required or permitted by law or regulation shall be prohibited.

(b) Visual signals.—In addition to the applicable lighting requirements of Chapter 43 (relating to lighting equipment) every school bus shall be equipped with a uniform front and rear system of red and amber visual signals for the warning and control of traffic during route operations as provided in section 3345 (relating to meeting or overtaking school bus) and in regulations of the department.

(c) Body construction.—Every school bus shall be designed and constructed to provide a single, closed metal body with adequate ventilation and an entrance door of adequate clearance and safe design visible to and controlled only by the driver. At least one emergency exit door of safe design and construction and adequate labeling shall be located in or near the rear of the school bus. All side windows shall be of a safe design which will provide emergency egress for passengers.

(d) Seating.—Adequate seating space of safe design and construction shall be provided for each passenger and no passenger shall be carried for which adequate seating space is not available and used.

(e) Visibility.—Every school bus shall be designed and equipped so as to provide the driver with an unobstructed view of any pedestrian in proximity to the vehicle.

(f) Emergency equipment.—Every school bus shall carry, in good and usable condition, at least one fire extinguisher of adequate size and type and such other emergency equipment as regulations may prescribe.

(g) Emergency drills.—Each school district and the administration of every private school within this Commonwealth shall ensure, through adequate instruction and a minimum of two actual drills each year, that every student is familiar with school bus emergency procedures and equipment and safe loading and unloading operations.

(h) Duty of department.—The department shall by regulation adopt specific requirements implementing this section and any additional requirements, not inconsistent with this section, which will ensure the maximum safety of school children furnished transportation. Unless required by Federal law or regulation, the regulations established by the department shall not require vehicles which pick up and discharge school children only at

locations off the highway to be of any particular color or to display flashing red and amber lights.

§ 4553. General requirements for other vehicles transporting school children.

(a) Buses operated by urban mass transportation systems.—Buses, other than school buses, operated by urban mass transportation systems for the exclusive transportation of school children shall comply with Federal safety standards and such other safety regulations as the Pennsylvania Public Utility Commission and the department shall provide for such buses.

(b) Other vehicles.—A motor vehicle used to transport children to or from school or in connection with school activities, which is not a school bus because of its limited seating capacity, shall comply with regulations established by the department for such vehicles. Unless required by Federal law or regulation, the regulations established by the department shall not require vehicles which pick up and discharge school children only at locations off the highway to be of any particular color or to display flashing red and amber lights.

SUBSECTION D

EQUIPMENT OF AUTHORIZED AND EMERGENCY VEHICLES

Sec.

4571. Visual and audible signals on emergency vehicles.
4572. Visual signals on authorized vehicles.

§ 4571. Visual and audible signals on emergency vehicles.

(a) General rule.—Every emergency vehicle shall be equipped with one or more revolving or flashing red lights and an audible warning system.

(b) Police and fire vehicles.—

(1) Police vehicles may in addition to the requirements of subsection (a) be equipped with revolving or flashing blue lights. The combination of red and blue lights may be used only on police vehicles.

(2) Spotlights with adjustable sockets may be attached to or mounted on police vehicles.

(3) Unmarked police vehicles, used as emergency vehicles and equipped with audible warning systems, may be equipped with the lights described in this section.

(4) Police and fire vehicles may be equipped with a mounted rack containing one or more emergency warning lights or side mounted adjustable floodlights, or both.

(c) Game Commission vehicles.—Vehicles owned and operated by the Pennsylvania Game Commission may be equipped with revolving or flashing red lights in accordance with subsection (a).

(d) Vehicles prohibited from using signals.—Except as otherwise specifically provided in this part, no vehicle other than an emergency vehicle may be equipped with lights or audible warning systems identical or similar to those specified in subsections (a) and (b).

(e) Authorized period of use.—The lights and warning systems specified by this section may be used only during an emergency or in the interest of public safety and by police officers in enforcement of the law.

(f) Conformity with department regulations.—All equipment authorized or required by this section shall conform to department regulations.

§ 4572. Visual signals on authorized vehicles.

(a) Flashing or revolving blue lights.—Ambulance personnel, volunteer firefighters and owners and handlers of dogs used in tracking humans may each equip one motor vehicle with no more than two flashing or revolving blue lights.

(1) In order to be eligible to display lights on their vehicles under this subsection, the names of the ambulance personnel and volunteer firefighters shall be submitted to the nearest station of the Pennsylvania State Police on a list signed by the chief of the ambulance or fire department or company and each dog owner and handler shall register at the nearest Pennsylvania State Police station.

(2) The manner in which the lights are displayed and

their intensity shall be determined by regulation of the department.

(3) The lights shall be operable by the driver from inside the vehicle.

(4) The lights may be used only while enroute to or at the scene of a fire or emergency call.

(5) The lights shall be removed from the vehicle within ten days of receipt of notice from the chief of the ambulance or fire department or company to remove the lights upon termination of the person's status as an active volunteer firefighter or ambulance person or upon termination of the person's active status as a dog owner or handler, or when the vehicle is no longer used in connection with the person's duties as a volunteer firefighter or ambulance person or dog owner or handler.

(6) This subsection does not relieve the driver from the duty to drive with due regard for the safety of all persons nor exempt the driver from complying with all provisions of this title.

(b) Flashing or revolving yellow lights.—Vehicles authorized pursuant to the provisions of section 6107 (relating to designation of authorized vehicles by department) may be equipped with no more than two flashing or revolving yellow lights. The manner in which the light shall be displayed and the intensity shall be determined by regulation of the department.

(c) Vehicles prohibited from using lights.—No vehicle other than a duly authorized vehicle may be equipped with lights identical or similar to those specified in subsections (a) and (b).

CHAPTER 47

INSPECTION OF VEHICLES

Subchapter

- A. Inspection Requirements
- B. Official Inspection Stations

SUBCHAPTER A

INSPECTION REQUIREMENTS

Sec.

- 4701. Duty to comply with inspection laws.
- 4702. Requirement for periodic inspection of vehicles.
- 4703. Operation of vehicle without official certificate of inspection.
- 4704. Notice by police officers of violation.
- 4705. Inspection of vehicles for transportation of school children.

§ 4701. Duty to comply with inspection laws.

No owner or driver shall refuse to submit a vehicle to any inspection and test that is authorized or required by the provisions of this chapter.

§ 4702. Requirement for periodic inspection of vehicles.

(a) General rule.—The department shall establish a system of semi-annual inspection of vehicles registered in this Commonwealth.

(b) Annual inspection of certain vehicles.—Recreational trailers, vehicles registered as antique and classic vehicles, fire fighting vehicles and motorcycles shall be subject to annual inspection.

(c) Inspection of vehicles reentering this Commonwealth.—Owners of Pennsylvania registered vehicles which have been outside of this Commonwealth continuously for 30 days or more and which at the time of reentering this Commonwealth do not bear a currently valid certificate of inspection and approval shall, within five days of reentering this Commonwealth, proceed to an official inspection station for an inspection of the vehicle.

(d) Extension of inspection period.—The department may, by regulation, extend the time for any of the inspections required by this chapter for not more than 30 days due to weather conditions or other causes which render compliance with the provisions of this chapter within the prescribed time difficult or impossible.

§ 4703. Operation of vehicle without official certificate of inspection.

(a) General rule.—No registered motor vehicle shall be driven and no registered trailer shall be moved on a highway unless the vehicle displays a currently valid certificate of inspection and approval.

(b) Exceptions.—Subsection (a) does not apply to:

(1) Special mobile equipment.

(2) Implements of husbandry.

(3) Motor vehicles being towed.

(4) Motor vehicles being operated or trailers being towed by an official inspection station owner or employee for the purpose of inspection.

(c) Display of unauthorized certificate of inspection.—No certificate of inspection and approval shall be displayed unless an official inspection has been made and the vehicle is in conformance with the provisions of this chapter.

(d) Authority of police.—Any police officer may stop any motor vehicle or trailer and require the owner or operator to display an official certificate of inspection and approval for the vehicle being operated. A police officer may summarily remove an unlawfully issued certificate of inspection from any vehicle.

§ 4704. Notice by police officers of violation.

(a) General rule.—Any police officer having probable cause to believe that any vehicle, regardless of whether it is being operated, is unsafe or not equipped as required by law may at any time submit a written notice of the condition to the driver of the vehicle or to the owner, or if neither is present, to an adult occupant of the vehicle, or if the vehicle is unoccupied, the notice shall be attached to the vehicle in a conspicuous place.

(1) If an item of equipment is broken or missing, the notice shall specify the particulars of the condition and require that the equipment be adjusted or repaired. Within five days evidence must be submitted to the police that the requirements for repair have been satisfied.

(2) If the police officer has probable cause to believe that a vehicle is unsafe or not in proper repair, he may require in the written notice that the car be inspected. The owner or driver shall submit to the police within five days of the date of notification certification from an official inspection station that the vehicle has been restored to safe operating condition in relation to the particulars specified on the notice.

(3) After the expiration of the five-day period specified in paragraphs (1) and (2), the vehicle shall not be operated upon the highways of this Commonwealth until the owner or driver has submitted to the police evidence of compliance with the requirements of paragraph (1) or (2), whichever is applicable.

(b) Operation prohibited if hazardous.—In the event a vehicle, in the reasonable judgment of the officer, is in such condition that further operation would be hazardous, the officer may require that the vehicle not be operated under its own power and may so stipulate in the notice given under subsection (a).

§ 4705. Inspection of vehicles for transportation of school children.

(a) State Police inspection.—The owner of every school bus shall, in addition to any other inspection required by this chapter, submit the vehicle to the Pennsylvania State Police annually prior to operating the vehicle for the transportation of school children during the school year, to determine whether the vehicle conforms with the provisions of this chapter including regulations promulgated by the department. If the vehicle is in conformance, a certificate of inspection and approval shall be issued by the Pennsylvania State Police.

(b) Display of certificate.—No vehicle requiring a certificate of inspection under the provisions of this section shall be operated without prominently displaying the certificate, in the manner directed by the department, in addition to any other certificate required by law, on any of the highways of this Commonwealth.

SUBCHAPTER B
OFFICIAL INSPECTION STATIONS

Sec.

4721. Appointment of official inspection stations.
 4722. Certificate of appointment.
 4723. Certificate of appointment for inspecting fleet vehicles.
 4724. Suspension of certificates of appointment.
 4725. Use of certificate of appointment at official inspection stations.
 4726. Certification of mechanics.
 4727. Issuance of certificate of inspection.
 4728. Display of certificate of inspection.
 4729. Removal of certificate of inspection.
 4730. Violations of use of certificate of inspection.
 4731. Records of inspections and certificates issued.
 4732. Inspection Advisory Board.

§ 4721. Appointment of official inspection stations.
 For the purpose of establishing a system of official inspection stations, the department shall issue certificates of appointment to privately owned facilities within this Commonwealth that comply with the requirements of this chapter and regulations adopted by the department. The department shall issue instructions and all necessary forms to such facilities. Official inspection stations are authorized to inspect vehicles and issue official certificates of inspection.

§ 4722. Certificate of appointment.

(a) Application and issuance.—Application for a certificate of appointment shall be made upon an official form. The certificate of appointment shall be issued only when the department is satisfied that the station is equipped properly and has competent personnel to make inspections and adjustments and that inspections will be conducted properly. Only those stations fulfilling department requirements and complying with department regulations shall be issued a certificate of appointment.

(b) Separate application for each place of business.—If the applicant has or intends to have more than one place of business within this Commonwealth, a separate application shall be made for each place of business.

(c) Bond or proof of insurance.—Before issuing a certificate of appointment the department shall require a bond or proof of insurance to provide compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of the applicant or its employees in such amount as is deemed adequate by the department pursuant to department regulations.

§ 4723. Certificate of appointment for inspecting fleet vehicles.

The department may issue a certificate of appointment under the provisions of this chapter to any person who owns or leases 15 or more vehicles and who meets the requirements of this chapter and regulations adopted by the department. The certificate of appointment may authorize inspection of only those vehicles owned or leased by such person.

§ 4724. Suspension of certificates of appointment.

(a) General rule.—The department shall supervise and inspect official inspection stations and shall suspend the certificate of appointment issued to a station which it finds is not properly equipped or conducted or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. The department shall maintain a list of all stations holding certificates of appointment and of those whose certificates of appointment have been suspended. Any suspended certificate of appointment and all unused certificates of inspection shall be returned immediately to the department.

(b) Judicial review.—Any person whose certificate of appointment has been denied or suspended under this chapter shall have the right to file a petition within 30 days for a hearing on the matter in the court of common pleas of the county in which the inspection station is located. The court is hereby vested with jurisdiction and

it shall be its duty to set the matter for hearing upon 30 days' written notice to the department and to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a certificate of appointment or is subject to suspension of the certificate of appointment under the provisions of this chapter.

§ 4725. Use of certificate of appointment at official inspection stations.

(a) General rule.—No person shall in any manner represent any place as an official inspection station unless the station is operating under a valid certificate of appointment issued by the department.

(b) Transfer, use and posting.—No certificate of appointment for any official inspection station shall be assigned or transferred or used at any location other than the one designated in the certificate. The certificate of appointment shall be posted in a conspicuous place at such location.

(c) Penalty.—Any person violating this section is guilty of a summary offense punishable:

- (1) For a first offense, by a fine of \$100.
- (2) For a subsequent offense, by a fine of not less than \$200 nor more than \$500 or imprisonment for not more than 90 days, or both.

§ 4726. Certification of mechanics.

No mechanic shall conduct motor vehicle inspections at an official inspection station unless certified as to training, qualifications and competence by the department according to department regulations. The provisions of this title or regulations adopted thereunder shall not be construed or applied in a manner which would preclude or impair the right of a person who is a resident of another state, and who is in possession of a valid driver's license issued by such state, to be certified to conduct motor vehicle inspections at an official inspection station in this Commonwealth. No official inspection station appointment shall be issued or renewed unless a certified official inspection mechanic is there employed.

§ 4727. Issuance of certificate of inspection.

(a) Requirements prior to inspection.—No vehicle shall be inspected unless it is duly registered. The owner or operator or an employee of the official inspection station shall examine the registration card in order to ascertain that the vehicle is registered.

(b) Requirements for issuance of certificate.—An official certificate of inspection shall not be issued unless the vehicle is inspected and found to be in compliance with the provisions of this chapter including any regulations promulgated by the department. Notation of the odometer reading shall be included on the certificate of inspection.

§ 4728. Display of certificate of inspection.

The appropriate certificate of inspection shall be affixed to the vehicle as specified in regulations adopted by the department.

§ 4729. Removal of certificate of inspection.

No certificate of inspection shall be removed from a vehicle for which the certificate was issued except to replace it with a new certificate of inspection issued in accordance with the provisions of this chapter or as follows:

(1) The police officer may remove a certificate of inspection in accordance with the provisions of section 4703(d) (relating to operation of vehicle without official certificate of inspection).

(2) A person replacing a windshield or repairing a windshield in such a manner as to require removal of a certificate of inspection shall at the option of the registrant of the vehicle cut out the portion of the windshield containing the certificate and deliver it to the registrant of the vehicle or destroy the certificate. The vehicle may be driven for up to five days if it displays the portion of the old windshield containing the certificate as prescribed in department regulations. Within the five day period an official inspection station may affix to the vehicle another certificate of inspection for the same in-

spection period without reinspecting the vehicle in exchange for the portion of the old windshield containing the certificate of inspection. A fee of no more than \$1 may be charged for the exchanged certificate of inspection.

(3) A salvor shall remove and destroy the certificate of inspection on every vehicle in his possession except vehicles used in the operation of the business of the salvor.

§ 4730. Violations of use of certificate of inspection.

(a) General rule.—No person shall:

(1) make, issue, transfer or possess any imitation or counterfeit of an official certificate of inspection; or

(2) display or cause to be displayed on any vehicle or have in possession any certificate of inspection knowing the same to be fictitious or stolen or issued for another vehicle or issued without an inspection having been made.

(b) Unauthorized use by official inspection station.—No official inspection station shall furnish, loan, give or sell certificates of inspection and approval to any other official inspection station or any other person except upon an inspection made in accordance with the requirements of this chapter.

(c) Penalty.—A violation of the provisions of this section constitutes a summary offense punishable:

(1) For a first offense, by a fine of \$100.

(2) For a subsequent offense, by a fine of not less than \$200 nor more than \$500 or imprisonment for not more than 90 days, or both.

§ 4731. Records of inspections and certificates issued.

A record shall be made of every inspection and every certificate issued and the record shall be forwarded to the department in the manner and at the time the department shall specify by regulation. An official inspection station and its records shall be open for inspection by any police officer or authorized department employee.

§ 4732. Inspection Advisory Board.

(a) Membership.—There shall be an Inspection Advisory Board consisting of 11 members appointed by the secretary. The board shall be composed of an authorized representative of the department and of the Pennsylvania State Police and representatives of the automotive industry and the public, as follows: a new car dealer, a used car dealer, a fleet owner, a certified mechanic, a service station operator, a parts and equipment wholesaler, an independent repair shop operator and two members of the general public who are licensed drivers.

(b) Duties.—The board shall advise the department and review regulations proposed by the department concerning inspection requirements and operation of official inspection stations.

CHAPTER 49

SIZE, WEIGHT AND LOAD

Subchapter

- A. General Provisions
- B. Width, Height and Length
- C. Maximum Weights of Vehicles
- D. Special Permits for Excessive Size and Weight
- E. Measuring and Adjusting Vehicle Size and Weight

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

- 4901. Scope and application of chapter.
- 4902. Restrictions on use of highways and bridges.
- 4903. Securing loads in vehicles.
- 4904. Limits on number of towed vehicles.
- 4905. Safety requirements for towed vehicles.
- 4906. Fire apparatus.
- 4907. Penalty for violation of chapter.

§ 4901. Scope and application of chapter.

(a) General rule.—It is unlawful for any person to drive or move, or for the owner to cause or permit to be driven or moved, on any highway any vehicle or vehicles of a size or weight exceeding the limitations provided in this chapter or any vehicle or vehicles which

are not so constructed or equipped as required in this title or the regulations of the department.

(b) Limitations on local regulation.—The maximum size and weight of vehicles specified in this chapter shall govern throughout this Commonwealth and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in this title.

(c) Permit authorizing prohibited movement.—If an overweight or oversize movement cannot be made in any other feasible manner, the permit may authorize the movement to be made in contravention to any provision of this title provided that:

(1) the department or local authority determines that the movement is in the public interest; and

(2) the movement is escorted by the Pennsylvania State Police or department personnel while any provision of this title is being contravened.

§ 4902. Restrictions on use of highways and bridges.

(a) General rule.—The department and local authorities with respect to highways and bridges under their jurisdictions may prohibit the operation of vehicles and may impose restrictions as to the weight or size of vehicles operated upon a highway or bridge whenever the highway or bridge, by reason of deterioration or rain, snow or other climatic conditions, may be damaged or destroyed unless the use of vehicles is prohibited or the permissible weights reduced.

(b) Permit with bond.—The department and local authorities may issue permits for movement of vehicles of size and weight in excess of the restrictions promulgated under subsection (a) with respect to highways and bridges under their jurisdiction, conditioned upon the execution of a surety bond by the user in favor of the department or local authorities to cover the cost of repairs necessitated by the movement.

(c) Restrictions from traffic conditions.—The department and local authorities with respect to highways and bridges under their jurisdiction may prohibit the operation of vehicles and may impose restrictions as to the weight or size of vehicles operated upon a highway or bridge by reason of hazardous traffic conditions or other safety factors.

(d) Erection of signs.—The department and the local authorities shall erect or cause to be erected and maintained signs designating the restrictions at each end of that portion of any highway or bridge restricted as provided in subsections (a) and (c). The restrictions shall not be effective unless signs are erected and maintained in accordance with this subsection.

(e) Penalty.—Any person operating a vehicle or combination upon a highway or bridge in violation of a prohibition or restriction imposed under subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

§ 4903. Securing loads in vehicles.

(a) General rule.—No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping.

(b) Fastening load.—Every load on a vehicle shall be fastened so as to prevent the load or covering from becoming loose, detached or in any manner a hazard to other users of the highway.

(c) Load of logs.—Every load of logs on a vehicle shall be securely fastened with at least three binders, chains or straps and, in the case of an open-body or stake-body vehicle, trailer or semi-trailer there shall be a sufficient number of vertical metal stakes or posts securely attached on each side of the vehicle, trailer or semi-trailer at least as high as the top of the load to secure such load in the event of a failure of the binders, chains or straps.

(d) Establishment of standards for fastening devices.—The department may promulgate regulations establishing minimum standards governing types and numbers of devices to be used in securing loads to prevent spillage and leakage of a load while in transit.

(e) Exceptions.—This section does not prohibit:

(1) the necessary spreading of any substance in highway maintenance or construction operations; or

(2) the shedding or dropping of feathers or other matter from vehicles hauling live or slaughtered birds or animals.

§ 4904. Limits on number of towed vehicles.

(a) General rule.—No motor vehicle shall be operated upon a highway towing more than one other vehicle except as otherwise provided in this section.

(b) Farm tractors.—Farm tractors may tow no more than two other vehicles when engaged in agricultural operations.

(c) Towing vehicles requiring service.—A dolly not exceeding ten feet in length may be towed by a motor vehicle for the purpose of towing another vehicle requiring service.

(d) Driveaway-towaway operations.—Not more than three truck-tractors, empty trucks or chassis therefor, may be towed by a truck-tractor, truck or the chassis thereof, provided that only the rear wheels of the drawn vehicles shall touch the road surface.

§ 4905. Safety requirements for towed vehicles.

(a) Connecting devices and distances.—When one vehicle is towing another, the connection shall be of sufficient strength to pull all weight towed. The distance between the vehicles shall not exceed 15 feet except between any two vehicles transporting poles, pipes, machinery or other objects of a structural nature such that they cannot readily be dismembered.

(b) Red flags and lights.—If the distance between the vehicles exceeds five feet, a red flag or cloth not less than 12 inches square shall be displayed upon the connection centered between the vehicles. During hours of darkness a red light shall be displayed at the same position in lieu of the flag or cloth.

(c) Deflection of trailer wheels.—Every trailer shall be attached to the vehicle drawing it so as to prevent the wheels of the trailer from deflecting more than six inches from the path of the drawing vehicle's wheels.

(d) Safety chains.—Whenever two vehicles are connected by a ball-and-socket type hitch, or pintle hook without a locking device, they shall also be connected by two safety chains of equal length, each safety chain having an ultimate strength at least equal to the gross weight of the towed vehicles. The safety chains shall be crossed and connected to the towed and towing vehicles and to the tow bar so as to prevent the tow bar from dropping to the ground in the event the tow bar fails or becomes disconnected. The safety chains shall have no more slack than is necessary to permit proper turning.

(e) Obstructed lighting equipment.—Whenever the rear running lights, stop lights, turn signals or hazard warning lights required by the provisions of Chapter 43 (relating to lighting equipment) are obstructed by the load on a vehicle or by a towed vehicle or its load, lighting equipment shall be displayed on the rear of the towed vehicle or load equivalent to the obstructed lights or signals.

§ 4906. Fire apparatus.

This chapter does not apply to fire apparatus unless specifically provided otherwise.

§ 4907. Penalty for violation of chapter.

Any person violating any provision of this chapter for which a penalty is not otherwise provided is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$100.

SUBCHAPTER B

WIDTH, HEIGHT AND LENGTH

Sec.

- 4921. Width of vehicles.
- 4922. Height of vehicles.
- 4923. Length of vehicles.
- 4924. Limitations on length of projecting loads.
- 4925. Width of projecting loads on passenger vehicles.

§ 4921. Width of vehicles.

(a) General rule.—The total outside width of a vehicle,

including any load, shall not exceed eight feet except as otherwise provided in this section.

(b) Farm vehicles.—Any implement of husbandry or vehicle loaded with vegetable produce or forage crops and not exceeding ten feet in width may operate between sunrise and sunset on highways other than freeways.

(c) Buses.—Any bus operated wholly within a municipality, where permitted by the municipality, or in more than one municipality, where approved by the Public Utility Commission, may have a total outside width not to exceed eight feet six inches when operated upon a highway having traffic-lane widths of not less than ten feet.

(d) Nondivisible loads.—Vehicles carrying nondivisible loads not exceeding eight feet six inches in width may operate on any highway having a roadway width of 20 feet or more. This subsection does not apply on the National System of Interstate and Defense Highways.

(e) Mirrors and sunshades.—Mirrors and sunshades may extend beyond the maximum width of a vehicle as follows:

(1) Mirrors may extend on each side a maximum of six inches beyond the width of the vehicle, trailer or load, whichever is greater.

(2) Sunshades may extend a maximum of six inches on each side of the vehicle.

(f) Exceptions.—The provisions of this subchapter governing the width of vehicles do not apply to street sweepers and snow removal equipment.

§ 4922. Height of vehicles.

(a) General rule.—No vehicle, including any load, shall exceed a height of 13 feet 6 inches. This provision shall not be construed to require public authorities to provide sufficient vertical clearance to permit the operation of such vehicles.

(b) Buses.—Any bus operated wholly within a municipality, where permitted by the municipality, or in more than one municipality, where approved by the Public Utility Commission, may be of a total height, including load, not to exceed 14 feet 6 inches.

(c) Exceptions.—The provisions of this subchapter governing the height of vehicles do not apply to fire apparatus or to vehicles used exclusively to repair overhead lights and wires.

§ 4923. Length of vehicles.

(a) General rule.—No motor vehicle, including any load and bumpers, shall exceed an overall length of 40 feet, and no combination, including any load and bumpers, shall exceed an overall length of 55 feet.

(b) Exceptions.—The limitations of (a) do not apply to the following:

(1) Any motor vehicle equipped with a boom or boom-like device if the vehicle does not exceed 55 feet.

(2) The load on a combination designed exclusively for carrying motor vehicles if the overall length of the combination and load does not exceed 60 feet.

(3) Any combination transporting articles which do not exceed 70 feet in length and are nondivisible as to length.

§ 4924. Limitations on length of projecting loads.

(a) General rule.—Subject to the provisions of this subchapter limiting the length of vehicles and loads, the load upon any vehicle or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load, other than a non-divisible load, upon the rear vehicle of a combination shall not extend more than six feet beyond the rear of the bed or body of such vehicle.

(b) Red flags and lights.—If the load on any vehicle extends more than four feet beyond the rear of the vehicle, a red flag or cloth not less than 12 inches square shall be displayed at the end of the load. During hours of darkness, a red light shall be displayed in the same position in lieu of the flag or cloth.

(c) Compliance with maximum length limitations.—Subsection (a) does not permit loads to exceed the maximum limits set forth in section 4923 (relating to length of vehicles).

§ 4925. Width of projecting loads on passenger vehicles.
 (a) General rule.—No passenger-type vehicle shall be operated on any highway with a load extending beyond the left side of the vehicle nor extending more than 12 inches beyond the right side of the vehicle.

(b) Exception.—This section does not apply to emergency vehicles.

SUBCHAPTER C

MAXIMUM WEIGHTS OF VEHICLES

- Sec.
- 4941. Maximum gross weight of vehicles.
- 4942. Registered gross weight.
- 4943. Maximum axle weight of vehicles.
- 4944. Maximum wheel load.
- 4945. Penalties for exceeding maximum weights.
- 4946. Impoundment of vehicles for nonpayment of overweight fines.
- 4947. Disposition of impounded vehicles and loads.
- 4948. Maximum weight and seating capacity of buses.

§ 4941. Maximum gross weight of vehicles.
 (a) General rule.—No vehicle or combination shall, when operated upon a highway, have a gross weight exceeding 73,280 pounds.
 (b) Combination of vehicles.—No combination shall, when operated upon a highway, have a gross weight exceeding the following:

Combination of vehicles	Maximum Gross Weight In Pounds
Two-axle truck-tractor & single-axle semitrailer	50,000
Two-axle truck-tractor & two-axle semitrailer	60,000
Three-axle truck-tractor & single-axle semitrailer	60,000
Two-axle truck & two-axle trailer	62,000

§ 4942. Registered gross weight.
 (a) Single vehicle limits.—No vehicle registered as a truck, a combination or a trailer shall be operated with a gross weight in excess of its registered gross weight.
 (b) Truck towing trailer.—No vehicle registered as a truck shall be operated with a gross weight, exclusive of any trailer being towed, in excess of its registered gross weight as a truck.
 (c) Combination.—No combination containing a trailer having a registered gross weight in excess of 10,000 pounds shall be operated with a gross weight in excess of the registered gross weight of the truck or truck-tractor for a combination.

§ 4943. Maximum axle weight of vehicles.
 (a) General rule.—No motor vehicle or combination shall, when operated upon a highway, have a weight upon each of two adjacent axles in excess of the following:

If the Center-to-Center Distance Between Two Adjacent Axles is:	Maximum Axle Weight in Pounds Upon:	
	One of Two Adjacent Axles	Other of Two Adjacent Axles
Under 6 feet	18,000	18,000
6 to 8 feet	18,000	22,400
Over 8 feet	22,400	22,400

(b) Location of front axle of semitrailer.—No semitrailer, originally in this Commonwealth on or after September 1, 1973, and having two or more axles, shall be operated upon a highway unless the foremost axle of the semitrailer is at least 12 feet from the rearmost axle of the towing vehicle.

§ 4944. Maximum wheel load.
 No motor vehicle or combination shall, when operated upon a highway, have a weight upon any one wheel in excess of 800 pounds for each nominal inch of width on the wheel.

§ 4945. Penalties for exceeding maximum weights.
 (a) Gross weight violations.—Any person operating a

vehicle or combination upon a highway exceeding the maximum gross weight allowed by section 4941 (relating to maximum gross weight of vehicles) or the registered gross weight allowed by section 4942 (relating to registered gross weight), whichever is less, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75 plus \$75 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum or registered gross weight allowed. If the gross weight of any vehicle or combination exceeds 73,280 pounds, the fine shall be double the amount for other weight violations.

(b) Axle weight violation.—Subject to the provisions of section 4982(c) (relating to reducing or readjusting loads of vehicles), any person operating a vehicle or combination with a weight on an axle or pair of axles exceeding the maximum axle weights allowed by section 4943 (relating to maximum axle weight of vehicles) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100 plus \$100 for each 500 pounds, or part thereof, in excess of 2,000 pounds over the maximum axle weight allowed.

(c) Wheel weight violation.—Any person operating a vehicle or combination upon a highway exceeding the maximum wheel weight allowed by section 4944 (relating to maximum wheel load) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100 plus \$100 for each 200 pounds, or part thereof, in excess of 200 pounds over the maximum wheel weight allowed.

(d) Concurrent violations.—In any case in which there are concurrent violations of more than one of the sections or subsections of this subchapter prescribing maximum weights, the only penalty imposed shall be for violation of that section or subsection which produces the greatest fine.

§ 4946. Impoundment of vehicles for nonpayment of overweight fines.

(a) General rule.—Upon imposition of any fine and costs of prosecution imposed pursuant to section 4945 (relating to penalties for exceeding maximum weights), the driver shall be allowed 24 hours to obtain the funds and pay the fine and costs of prosecution, during which time the vehicle or combination shall be rendered temporarily inoperative by such police officer as the issuing authority shall designate. On default of payment within the 24-hour period, the issuing authority shall impound the vehicle or combination and order a police officer to seize them.

(b) Storage.—Upon impoundment, the issuing authority shall forthwith notify the sheriff of the county in which the violation occurred, who shall store the impounded vehicle or combination.

(c) Notice of impoundment.—The sheriff shall give immediate notice by the most expeditious means and by certified mail, return receipt requested, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and to the owner of the load if the names and addresses of the owner are known or can be ascertained by the sheriff.

(d) Costs.—The police officer's and sheriff's costs, reasonable storage costs and all other reasonable costs incident to seizure and impounding under subsections (a) and (b) shall be recoverable in addition to costs of prosecution.

§ 4947. Disposition of impounded vehicles and loads.

(a) Rights of owner of load.—The title to the load on an impounded vehicle or combination remains in the owner who may repossess the load at any time upon presentation of proof of ownership to the sheriff. If the load spoils during impoundment the loss shall be on the owner subject to any right of recovery of damages that the owner may have against the owner of the vehicle or combination or against any other party, and the costs of disposition of the load shall be recoverable in addition to the costs of prosecution.

(b) Sale of unclaimed vehicle or load.—In case any impounded vehicle or combination is unredeemed, or the load is unclaimed, for a period of 60 days after notice of impoundment is given, it shall be sold at a public sale by the sheriff upon order of the issuing authority and after ten days notice of sale to the owners, lienholders or

secured parties of the vehicle or load except that if the sheriff determines it to be necessary to preserve their value, goods which may spoil may be sold in any commercially reasonable manner prior to expiration of the 60 day period and, if impractical to do so, without giving notice to the owners, lienholders or secured parties.

(c) Disposition of proceeds of sale.—The proceeds of sale shall first be applied to the payment of the fine and costs, and secondly, to the payment of the encumbrances. The balance shall be remitted to the owner.

§ 4948. Maximum weight and seating capacity of buses.

(a) Gross, axle and wheel weights.—No bus shall be operated upon any highway with a gross weight in excess of 40,000 pounds, or in excess of 20,000 pounds on any axle, or in excess of 800 pounds on any one wheel for each nominal inch of width of tire on the wheel.

(b) Seating capacity load.—A bus shall not be operated on a highway with a load exceeding by more than 25% its registered seating capacity except when operated within a business or residence district. A child under the age of six years shall not be counted when computing the load on the bus.

(c) Penalties.—Any person owning or operating a bus with a gross weight or with weight on any axle or wheel exceeding by more than 5% the maximum allowed in subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. If the excess weight is more than 10% above the maximum weight allowed, the fine shall be \$300. Any person in violation of subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$100.

SUBCHAPTER D

SPECIAL PERMITS FOR EXCESSIVE SIZE AND WEIGHT

Sec.

4961. Authority to issue permits.
 4962. Conditions of permits and security for damages.
 4963. Exemptions for vehicles used in State highway construction.
 4964. Oral authorization following emergency or accident.
 4965. Single permits for multiple highway crossings.
 4966. Permit for movement of quarry equipment.
 4967. Permit for movement of implements of husbandry.
 4968. Permit for movement of equipment being manufactured.
 4969. Permit for movement of vehicles with oversize wheels and tires.
 4970. Permit for movement of utility construction equipment.

§ 4961. Authority to issue permits.

(a) General rule.—The department and local authorities with respect to highways under their respective jurisdictions may, upon application in writing showing good cause, issue special permits in writing authorizing the applicant to operate or move on specified highways any of the following:

(1) A vehicle which when unloaded exceeds the maximum size specified in Subchapter B (relating to width, height and length) or the maximum weights specified in Subchapter C (relating to maximum weights of vehicles).

(2) A combination carrying a nondivisible load and exceeding the maximum size specified in Subchapter B or the maximum weights specified in Subchapter C.

(3) A vehicle containing a nondivisible load which exceeds the maximum width specified in section 4921(a) (relating to width of vehicles).

(4) A mobile home.

(b) Limitation for truck-tractors.—Permits to exceed the maximum weight limit shall be issued only for truck-tractors registered at the maximum weight permitted under section 4941 (relating to maximum gross weight of vehicles).

(c) County offices for issuing permits.—The department shall empower an authorized representative or employee in each county to issue permits as provided in subsection (a) and shall provide a place within each county where the permits may be issued.

§ 4962. Conditions of permits and security for damages.

(a) General rule.—Permits may be conditioned by limiting the number of trips or by establishing seasonal or other time limitations or geographic limitations including limitations as to prescribed highways or by otherwise limiting or prescribing conditions of operation under the permit as the department or local authorities shall deem necessary to protect the safety of highway users, to promote the efficient movement of traffic or to protect the highways. The department or local authorities may require such undertaking or security as they deem necessary to compensate for any damage to any highway or structure or appurtenance.

(b) Display of permit.—Every permit shall be carried in the towing vehicle and shall be open to inspection by any police officer or authorized agent of the issuing agency or any person having an accident involving a permitted vehicle or combination.

(c) Revocation of Permit.—A permit shall be revocable for cause.

(d) Special escort services.—The department or local authorities shall specify what movements require special escort services of the Pennsylvania State Police or department personnel.

(e) Liability of permittee for damage.—The permittee shall be liable for all damage to any highway structure or appurtenance sustained as a result of operating or moving under the permit.

§ 4963. Exemptions for vehicles used in State highway construction.

No special permit shall be required for movement across, upon or along State or State-aid highways for oversize or overweight vehicles of a contractor used for the construction or improvement of such highways.

§ 4964. Oral authorization following emergency or accident.

In the event of an emergency or accident affecting the public safety or convenience, the department and local authorities may orally authorize the operation or movement of a vehicle or combination which exceeds the maximum size or weight specified in this chapter provided a permit is applied for within 72 hours of the operation or movement.

§ 4965. Single permits for multiple highway crossings.

A single permit may be issued for a number of movements across the highway at specified locations within a fixed period of time of vehicles or combinations:

(1) exceeding the maximum size or weight specified in this chapter; or

(2) used to cross a highway to get from one commercial industrial facility to another commercial industrial facility under the same operation.

Whenever a permit is issued for crossing the highway, it is unlawful to move the vehicles along the highway.

§ 4966. Permit for movement of quarry equipment.

An annual permit may be issued for the movement of a piece of quarry equipment or machinery exceeding the maximum size or weight specified in this chapter across any highway from one part of a quarry to another, or upon the highways connecting by the most direct route any quarries or portions of quarries under single ownership or operation, but no permit shall be issued for the movement of equipment or machinery for a distance greater than one-half mile.

§ 4967. Permit for movement of implements of husbandry.

An annual permit may be issued for the operation or movement between sunrise and sunset of one or more oversized implements of husbandry which do not exceed 14 feet 6 inches in width if the movement is limited to a radius of 25 miles from the dealer's place of business or owner's home or farm. No permit shall be issued for the movement of any implement of husbandry with a width in excess of eight feet upon a freeway.

§ 4968. Permit for movement of equipment being manufactured.

An annual permit may be issued authorizing the manufacturer of boats, mobile homes, helicopters, railway equip-

ment and rails or other articles or combinations not normally used on highways to move articles which exceed the maximum height, width or length specified in Subchapter B (relating to width, height and length) while they are in the course of manufacture and while they are entirely within the control of the manufacturer and not in transit from the manufacturer to a purchaser or dealer. A permit shall not be issued for the movement of articles upon a freeway. Articles not in excess of ten feet in width may be moved up to 50 miles on a permit. Larger articles may be moved no farther than ten miles on a permit.

§ 4969. Permit for movement of vehicles with oversize wheels and tires.

An annual permit may be issued for the operation or movement between sunrise and sunset of a vehicle containing wheels and tires extending beyond the maximum width allowed in section 4921(a) (relating to width of vehicles) if the department determines that such wheels and tires are essential to the function for which the vehicle is designed or adapted and used. The overall width of any vehicle permitted under this section, including wheels and tires, shall not exceed ten feet.

§ 4970. Permit for movement of utility construction equipment.

A permit may be issued for the duration of a single construction project, but not exceeding one year, authorizing a public utility or its contractors or subcontractors to move oversized or overweight construction equipment across or upon highways immediately adjacent to the construction site and between the construction site and the base of operations of the utility company, contractor or subcontractor.

SUBCHAPTER E

MEASURING AND ADJUSTING VEHICLE SIZE AND WEIGHT

Sec.

4981. Weighing and measurement of vehicles.
4982. Reducing or readjusting loads of vehicles.
4983. Penalty for violation of subchapter.

§ 4981. Weighing and measurement of vehicles.

(a) Authority of police officer.—Any police officer is authorized to require the driver of any vehicle or combination to stop and submit the vehicle or combination to be measured and weighed. Weighing may be done by using either portable or stationary scales. The measurement and weighing shall be conducted by qualified personnel who have been trained in the use of weighing and measuring equipment in a training program approved by the Department of Agriculture. A police officer may require that a vehicle or combination be driven to the nearest stationary scales if the scales are within two miles.

(b) Stationary scales on freeways.—The Department of Transportation, in cooperation with the Pennsylvania State Police, shall maintain on freeways at points which it deems necessary stationary scales and other equipment for detecting violations of the size and weight limitations prescribed by this chapter. The department may also contract with local authorities to use their stationary scales.

(c) Weighing of wheels or axles.—If a vehicle is weighed in multiple drafts, or if only a single wheel or axle or pair of axles is weighed, a tolerance of 1% shall be allowed.

(d) Re-weighing at request of driver or owner.—Whenever scales operated by other than the department indicate that a vehicle, wheel, axle or pair of axles is overweight, the driver or owner may elect to have the vehicle re-weighed on the nearest available official scales which have been sealed by the Department of Agriculture. The lower reading of the two scales shall determine whether charges shall be filed under this section.

§ 4982. Reducing or readjusting loads of vehicles.

(a) Violation of weight limitations.—If the gross weight or the weight upon any wheel, tire, axle or group of axles

of a vehicle or combination exceeds the maximum allowed, the driver shall reduce or readjust the load so that the gross weight and the weight upon each wheel, tire, axle or group of axles will not exceed the maximum weights permitted under this chapter.

(b) Violation of size limitations.—If the load upon any vehicle or combination is such that the size limitations of this chapter are exceeded, the driver shall reduce or reposition the load so that it does not exceed the size limitations.

(c) Load adjustment to avoid prosecution.—If the gross weight of the vehicle or combination does not exceed the maximum allowable gross weight and the weight upon any axle or group of axles is not more than 3% in excess of the maximum allowable axle weight, the operator shall be allowed four hours to adjust the position of the load so that the weight upon all wheels, tires, axles and groups of axles does not exceed the maximum allowable weights. If the load is so rearranged no arrest shall be made or prosecution brought for violation of Subchapter C (relating to maximum weights of vehicles).

(d) Load incapable of reduction.—If the load on any vehicle or combination is such that it is incapable of reduction or dismemberment and is otherwise eligible to move under permit as provided in Subchapter D (relating to special permits for excessive size and weight), a valid permit shall be obtained before any further movement of a vehicle or combination in violation of the limitations of this chapter.

(e) Responsibility of owner or driver.—All material unloaded and any vehicle or combination parked awaiting a permit shall be cared for by the owner or driver at the risk of the owner or driver.

§ 4983. Penalty for violation of subchapter.

Any driver who fails or refuses to comply with the requirements of a police officer given pursuant to this subchapter is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

PART V

ADMINISTRATION AND ENFORCEMENT

Chapter

61. Powers of Department and Local Authorities.
63. Enforcement.
65. Penalties and Disposition of Fines
67. Service of Process on Nonresidents

CHAPTER 61

POWERS OF DEPARTMENT AND LOCAL AUTHORITIES

Subchapter

- A. General Provisions
B. Traffic-control Devices
C. Reciprocity

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

6101. Applicability and uniformity of title.
6102. Powers and duties of department and local authorities.
6103. Promulgation of rules and regulations by department.
6104. Administrative duties of department.
6105. Department to prescribe traffic and engineering investigations.
6106. Designation of emergency vehicles by Pennsylvania State Police.
6107. Designation of authorized vehicles by department.
6108. Power of Governor during emergency.
6109. Specific powers of department and local authorities.
6110. Regulation of traffic on Pennsylvania Turnpike.
6111. Regulation of traffic on bridges under authority of interstate commissions.

6112. Removal of traffic hazards by property owner.
 6113. Control of public travel on private property by owner.
 6114. Limitation on sale, publication and disclosure of records.

§ 6101. Applicability and uniformity of title.

The provisions of this title shall be applicable and uniform throughout this Commonwealth and in all political subdivisions in this Commonwealth, and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of this title unless expressly authorized.

§ 6102. Powers and duties of department and local authorities.

(a) Department.—The department is charged with the duty of administering the provisions of this title and of all laws the administration of which is now or hereafter vested in the department.

(b) Local authorities.—Local authorities may exercise the powers granted in this chapter only by duly enacted ordinances of their governing bodies.

§ 6103. Promulgation of rules and regulations by department.

In addition to the specific powers granted to the department by this title to promulgate rules and regulations, the department shall have the power in accordance with the provisions of the act of July 31, 1968 (P. L. 769, No. 240), known as the "Commonwealth Documents Law," to promulgate, consistent with and in furtherance of this title, rules and regulations in accordance with which the department shall carry out its responsibilities and duties under this title.

§ 6104. Administrative duties of department.

(a) Forms.—The department shall prescribe and provide suitable forms of applications, certificates of title, registration cards, drivers' licenses and all other forms requisite or deemed necessary to carry out the provisions of this title and any other laws the administration of which is vested in the department.

(b) Review of applications.—The department shall examine and determine the genuineness, regularity and legality of every application for registration of a vehicle, for a certificate of title, and for a driver's license and of any other application lawfully made to the department, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any application if not satisfied of the genuineness, regularity or legality of the application or the truth of any statement contained in the application, or for any other reason when authorized by law.

(c) Investigations.—The department may make necessary and reasonable investigations to procure information required to enforce the provisions of this title and department regulations.

(d) Retention of records.—The department shall promulgate rules setting forth the minimum amount of time that must elapse before the department may destroy records acquired, established or maintained under this title.

(e) Furnishing documents and information.—The department may supply copies of and information concerning registrations, titles and security interests of vehicles and such statistical data as it may deem to be in the public interest.

§ 6105. Department to prescribe traffic and engineering investigations.

The department may establish by regulation the manner in which traffic and engineering investigations shall be carried out. The department may specify particular actions which require traffic and engineering investigations. No action shall become effective until the investigation has been properly completed.

§ 6106. Designation of emergency vehicles by Pennsylvania State Police.

(a) General rule.—The Pennsylvania State Police may designate any vehicle or group of vehicles as emergency vehicles upon a finding that the designation is necessary

to the preservation of life or property or to the execution of emergency governmental functions.

(b) Manner and carrying of designation.—The designation shall be in writing and the written designation shall be carried in the vehicle at all times, but failure to carry the written designation shall not affect the status of the vehicle as an emergency vehicle.

§ 6107. Designation of authorized vehicles by department.

The department may designate any vehicle or group of vehicles as authorized vehicles upon a finding that the vehicle is used in the performance of public service or governmental functions. Duly authorized vehicles shall be exempted from certain provisions of this title as specified in regulations promulgated by the department.

§ 6108. Power of Governor during emergency.

In the event of a declared National, State or local emergency when the Governor of this Commonwealth has made a specific determination that modification of any of the provisions of this title will aid in the alleviation of the stated emergency conditions, the Governor shall have the power to so modify the provisions on any or all highways in this Commonwealth to be effective at any or all hours of the day or night with respect to any or all types or classes of vehicles. Such modifications shall expire at the end of the emergency period.

§ 6109. Specific powers of department and local authorities.

(a) Enumeration of police powers.—The provisions of this title shall not be deemed to prevent the department on State-designated highways and local authorities on streets or highways 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 or prohibiting stopping, standing or parking.

(2) Regulating traffic by means of police officers or official traffic-control devices.

(3) Regulating or prohibiting processions or assemblages on highways.

(4) Designating particular highways or roadways for use by traffic moving in one direction as authorized in section 3308 (relating to one-way roadways and rotary traffic islands).

(5) Establishing speed limits for vehicles in public parks.

(6) Designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction.

(7) Prohibiting or restricting the use of highways at particular places or by particular classes of vehicles whenever the highway or portion of the highway may be seriously damaged by the use or the movement of the vehicles would constitute a safety hazard.

(8) Regulating the operation of bicycles and requiring their registration and inspection, and the payment of a reasonable registration fee.

(9) Regulating or prohibiting the turning of vehicles or specified types of vehicles as authorized in section 3331 (relating to required position and method of turning).

(10) Altering or establishing speed limits as authorized in Subchapter F of Chapter 33 (relating to speed restrictions).

(11) Enforcement of speed restrictions authorized under Subchapter F of Chapter 33, except that speed restrictions may be enforced by local police on a limited access or divided highway only if it is patrolled by the local police force under the terms of an agreement with the Pennsylvania State Police.

(12) Designating no-passing zones as authorized in section 3307 (relating to no-passing zones).

(13) Prohibiting or regulating the use of designated streets by any class or kind of traffic.

(14) Establishing minimum speed limits as authorized in section 3364 (relating to minimum speed regulation).

(15) Regulating and temporarily prohibiting traffic on streets closed or restricted for construction, maintenance or special events.

(16) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk.

(17) Restricting pedestrian crossings at unmarked crosswalks.

(18) Regulating persons propelling push carts.

(19) Regulating persons upon skates, coasters, sleds and other toy vehicles.

(20) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.

(21) Regulating the operation of streetcars, the passing of streetcars by other vehicles and the driving upon streetcar tracks by other vehicles.

(22) Providing for and establishing procedures governing the removal and impounding of any vehicle parked on the highways or public property of the local authority in violation of any local ordinance adopted pursuant to the authority of this title or of any of the provisions of this title.

(23) Adopting such other traffic regulations as are specifically authorized by this title.

(b) Action by local authorities.—Action taken by local authorities under this section shall be:

(1) by ordinance of the local governing body; or

(2) by a commission or public official authorized to act on specified matters.

(c) When traffic-control devices required.—No regulation or ordinance enacted under subsection (a)(1), (4), (5), (6), (7), (9), (10), (11), (12), (13), (14), (15), (16) or (21) shall be effective until official traffic-control devices giving notice of the traffic regulations or ordinances are erected upon or at the entrances to the highway or part thereof affected as may be most appropriate.

(d) Prior approval by department.—Notwithstanding the provisions of subsection (a), the department may require local authorities to obtain department approval in advance of regulating traffic on State-designated highways within their physical boundaries.

(e) Engineering and traffic investigation required.—Action by local authorities under this section shall be taken only after completing an engineering and traffic investigation when and in such manner as required by regulations promulgated by the department.

§ 6110. Regulation of traffic on Pennsylvania Turnpike.

(a) General rule.—The provisions of this title apply upon any turnpike or highway under the supervision and control of the Pennsylvania Turnpike Commission unless specifically modified by rules and regulations promulgated by the commission which shall become effective only upon publication in accordance with law. A copy of the rules and regulations, so long as they are effective, shall be posted at all entrances to the turnpike or highway for the inspection of persons using the turnpike or highway. This section does not authorize the establishment of a maximum speed limit greater than 55 miles per hour.

(b) Penalty.—Any person violating any of the rules and regulations of the Pennsylvania Turnpike Commission for which no penalty has otherwise been provided by statute is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25.

§ 6111. Regulation of traffic on bridges under authority of interstate commissions.

(a) General rule.—The provisions of this title apply to any bridge under the supervision and control of the Delaware River Joint Toll Bridge Commission, the Delaware River Port Authority and the New York-Pennsylvania Joint Commission on Bridges over the Delaware River unless specifically modified by rules and regulations which shall become effective only upon publication in accordance with law. Rules and regulations, so long as they are effective, shall be posted at all entrances to the bridges.

(b) Penalty.—Any person violating any of the rules and regulations of the Delaware River Joint Toll Bridge Commission, the Delaware River Port Authority or the New York-Pennsylvania Joint Commission on Bridges over the Delaware River for which no penalty has otherwise been provided by statute is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25.

§ 6112. Removal of traffic hazards by property owner.

(a) General rule.—It is the duty of the owner of real property to remove from the property any tree, plant, shrub or other similar obstruction, or part thereof, which by obstructing the view of any driver constitutes a traffic hazard.

(b) Notice of hazard.—When the department or any local authority determines on the basis of an engineering and traffic investigation that a traffic hazard exists, it shall notify the owner and order the hazard removed within ten days.

(c) Penalty.—The failure of the owner to remove the traffic hazard within ten days after notice under subsection (b) is a summary offense and every day the owner fails to remove it shall be a separate and distinct offense. The offense is punishable by a fine of \$10.

§ 6113. Control of public travel on private property by owner.

Nothing in this title shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this title, or otherwise regulating such use as may seem best to such owner.

§ 6114. Limitation on sale, publication and disclosure of records.

(a) Offenses defined.—It is unlawful for:

(1) Any police officer, or any officer, employee or agent of any Commonwealth agency or local authority which makes or receives records or reports required to be filed under this title to sell, publish or disclose or offer to sell, publish or disclose records or reports which relate to the driving record of any person.

(2) Any person to purchase, secure or procure or offer to purchase, secure or procure records or reports described in paragraph (1).

(b) Exceptions.—This section does not apply to records or reports:

(1) Required or authorized under this title to be sold, published or disclosed.

(2) Authorized in writing by the person who is the subject of the record or report to be sold, published or disclosed. A police officer, or officer, employee or agent of a Commonwealth agency or local authority may rely on a certification from a person requesting a record or report under this paragraph that its sale, publication or disclosure has been authorized by the person who is the subject of the record or report. In the event such sale, publication or disclosure shall not have been authorized, the person who made the false certification, rather than the police officer or officer, employee or agent of the Commonwealth agency or local authority, shall be guilty of the offense defined by this section.

(3) Required to be released by order of court.

(4) Authorized by departmental regulation to be sold, published or disclosed to any Federal, State or local governmental agency for the sole purpose of exercising a legitimate governmental function or duty. Such records or reports shall not be resold, published or disclosed by the receiving agency for any commercial purpose nor without prior departmental approval.

(5) Purchased by a person who, in compliance with the Fair Credit Reporting Act (84 Stat. 1127-1136, 15 U.S.C. §1601 et seq.), has filed with the department an affidavit, in form acceptable to the department, certifying the intended use of said record or reports.

(c) Penalty.—Any offense under this section is a summary offense punishable by a fine of \$100.

SUBCHAPTER B

TRAFFIC-CONTROL DEVICES

Sec.

- 6121. Uniform system of traffic-control devices.
- 6122. Authority to erect traffic-control devices.
- 6123. Erection of traffic-control devices while working.
- 6124. Erection of traffic-control devices at intersections.
- 6125. Display of unauthorized signs, signals or markings.
- 6126. Interference with devices, signs or signals.

6127. Dealing in nonconforming traffic-control devices.

§ 6121. Uniform system of traffic-control devices.

The department shall publish a manual for a uniform system of traffic-control devices consistent with the provisions of this title for use upon highways within this Commonwealth. The uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and other standards issued or endorsed by the Federal Highway Administrator, United States Department of Transportation.

§ 6122. Authority to erect traffic-control devices.

(a) General rule.—The department on State-designated highways and local authorities on any highway within their boundaries may erect official traffic-control devices, which shall be installed and maintained in conformance with the manual and regulations published by the department upon all highways as required to carry out the provisions of this title or to regulate, restrict, direct, warn, prohibit or guide traffic.

(1) Local authorities shall obtain approval of the department prior to erecting an official traffic-control device on a State-designated highway except where department regulations provide otherwise.

(2) Local authorities shall obtain approval of the department prior to erecting any traffic signal except in a municipality with a traffic engineer qualified in accordance with department regulations.

(b) Standards for department approval.—The department shall promulgate rules and regulations setting forth minimum standards and factors to be considered in determining whether approval shall be given by the department for the installation and maintenance of official traffic-control devices. The factors shall include, but not be limited to, the volume of traffic and the number of accidents that occurred in each of the three preceding years.

(c) Agreements to waive department approval.—The department may enter into agreements with local authorities transferring to them the authority to install official traffic-control devices without specific State approval provided they conduct traffic and engineering investigations which conform with the rules and regulations promulgated by the department.

(d) Signals on municipal boundaries.—Whenever the need arises for the installation of a traffic-control signal on or near the boundary of two political subdivisions adjoining each other so as to be beneficial to both, either may petition the department for authority to install the signal. If the political subdivisions cannot amicably agree upon an allocation of the costs of installation and maintenance of the signal, either may petition the court of common pleas of the county in which the traffic-control signal is to be installed within 90 days after receiving the approval of the department and the court shall determine the proper allocation of the expenses to be incurred. The political subdivision that originated the request to the department shall install the traffic-control signal within 90 days of the date of the court order or of an amicable agreement between the political subdivisions.

§ 6123. Erection of traffic-control devices while working.

Any person performing any work on or near the roadway which may create hazards shall erect traffic-control devices in accordance with the rules and regulations of the department for the maintenance and protection of traffic.

§ 6124. Erection of traffic-control devices at intersections.

The department on State-designated highways, including intersections with local highways, and local authorities on intersections of highways under their jurisdiction may erect and maintain stop signs, yield signs or other official traffic-control devices to designate through highways or to designate intersections at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection.

§ 6125. Display of unauthorized signs, signals or markings.

(a) General rule.—No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device.

(b) Commercial advertising on signs or signals.—No person shall place or maintain nor shall any public authority permit upon any highway any official traffic-control device containing any commercial advertising except for business signs included as a part of official motorist service panels or roadside area information panels approved by the department.

(c) Removal as public nuisance.—Every prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the highway may remove the same or cause it to be removed immediately at the reasonable expense of the person placing, maintaining or displaying the sign, signal or marking.

§ 6126. Interference with devices, signs or signals.

No person shall, without lawful authority, attempt to or in fact, alter, twist, obstruct, deface, injure, knock down, remove or interfere with the effective operation of any official traffic-control device, or any railroad sign or signal, or any inscription, shield or insignia thereon or any other part thereof.

§ 6127. Dealing in nonconforming traffic-control devices.

(a) General rule.—It is unlawful for any person to manufacture, sell, offer for sale or to lease for use on the highway any traffic-control device unless it has been approved and is in accordance with department rules and regulations.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$500.

SUBCHAPTER C RECIPROCITY

Sec.

- 6141. Declaration of policy.
- 6142. Reciprocity agreements, arrangements and declarations authorized.
- 6143. Benefits, privileges and exemptions from taxes and fees.
- 6144. Vehicle registration and licensing.
- 6145. Proportional registration of fleet vehicles.
- 6146. Enforcement agreements.
- 6147. Declaration of reciprocity in absence of agreement.
- 6148. Applicability to leased vehicles.
- 6149. Automatic reciprocity.
- 6150. Proportional registration not exclusive.
- 6151. Suspension of reciprocity benefits.
- 6152. Form, publication and distribution of documents.
- 6153. Existing reciprocity agreements unaffected.

§ 6141. Declaration of policy.

It is the policy of this Commonwealth to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of reciprocal agreements, arrangements and declarations with other states, provinces, territories and countries with respect to drivers, licensed and vehicles registered in this and other states, provinces, territories and countries, thus contributing to the economic and social development and growth of this Commonwealth.

§ 6142. Reciprocity agreements, arrangements and declarations authorized.

The secretary may execute or make agreements, arrangements and declarations to carry out the provisions of this section and may amend and terminate the agreements, arrangements and declarations.

§ 6143. Benefits, privileges and exemptions from taxes and fees.

The secretary may enter into an agreement or arrangement with the duly authorized representatives of other jurisdictions, granting to drivers or vehicles or owners of vehicles properly licensed or registered in those jurisdictions, and for which evidence of compliance is supplied, benefits, privileges and exemptions from the payment, wholly or partially, of any taxes, fees or other charges imposed upon the drivers, vehicles or owners with respect to the operation or ownership of the vehicles under the laws of this Commonwealth. The agreement or arrangement shall provide that drivers or vehicles properly licensed or registered in this Commonwealth, when operating upon highways of the other jurisdiction, shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as are extended to drivers or vehicles properly licensed or registered in the jurisdiction when operating in this Commonwealth. Each agreement or arrangement shall, in the judgment of the secretary, be in the best interest of this Commonwealth and the citizens thereof and shall be fair and equitable to this Commonwealth and the citizens thereof, and shall be determined on the basis and recognition of the benefits which accrue to the economy of this Commonwealth from the uninterrupted flow of commerce.

§ 6144. Vehicle registration and licensing.

An agreement or arrangement entered into, or a declaration issued, under this subchapter may contain provisions authorizing the registration or licensing in another jurisdiction of vehicles located in or operated from a base in the other jurisdiction which vehicles otherwise would be required to be registered or licensed in this Commonwealth. In such event, the exemptions, benefits and privileges extended by the agreement or declaration shall apply to the vehicles when properly licensed or registered in the base jurisdiction.

§ 6145. Proportional registration of fleet vehicles.

If any jurisdiction permits or requires the licensing of fleets of vehicles in interstate or combined interstate and intrastate commerce and payment of registration fees, license taxes or other fixed fees on an apportionment basis commensurate with and determined by the miles traveled on and the use made of the jurisdiction's highways, as compared with the miles traveled on and the use made of another jurisdiction's highways or any other equitable basis of apportionment, and exempts vehicles registered in other jurisdictions under such apportionment basis from the requirements of full payment of its own registration, license or other fixed fees, then the secretary may, by agreement, adopt the exemption with respect to vehicles of such fleets, whether owned by residents or nonresidents of this Commonwealth and regardless of where based. The agreements, under such terms, conditions or restrictions as the secretary deems proper, may provide that owners of vehicles operated in interstate or combined interstate and intrastate commerce in this Commonwealth shall be permitted to pay registration, license or other fixed fees on an apportionment basis, commensurate with and determined by the miles traveled or the use made of the highways of this Commonwealth as compared with the use made of the highways of other jurisdictions or any other equitable basis of apportionment. No agreement shall authorize, or be construed as authorizing, any vehicle so registered to be operated in intrastate commerce in this Commonwealth unless the owner has been granted intrastate authority or rights by the Pennsylvania Public Utility Commission if such grant is otherwise required by law. The secretary may adopt and promulgate such rules and regulations as deemed necessary to effectuate and administer the provisions of this section, and the registration of fleet vehicles under this subchapter shall be subject to the rights, terms and conditions granted by or contained in any applicable agreement, arrangement or declaration made by the secretary.

§ 6146. Enforcement agreements.

The secretary may enter into agreements relating to

enforcement of this title including, but not limited to, agreements to notify any state of violations incurred by residents of that state and to take measures to assure payment of fines or attendance at hearings by persons charged with violations.

§ 6147. Declaration of reciprocity in absence of agreement.

In the absence of an agreement or arrangement with another jurisdiction, the secretary may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in the other jurisdiction, or to the owners of the vehicles, which shall, in the judgment of the secretary, be in the best interest of this Commonwealth and the citizens thereof, and which shall be fair and equitable to this Commonwealth and the citizens thereof, and shall be determined on the basis and recognition of the benefits which accrue to the economy of this Commonwealth from the uninterrupted flow of commerce.

§ 6148. Applicability to leased vehicles.

An agreement or arrangement entered into, or a declaration issued, under the authority of this subchapter may contain provisions under which a leased vehicle properly registered by the lessor may be entitled, subject to terms and conditions stated therein, to the exemptions, benefits and privileges extended by such agreement, arrangement or declaration.

§ 6149. Automatic reciprocity.

If no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this subchapter, any vehicle properly registered or licensed in the other jurisdiction, and for which evidence of compliance is supplied, shall receive, when operated in this Commonwealth, the same exemptions, benefits and privileges granted by the other jurisdiction to vehicles properly registered in this Commonwealth.

§ 6150. Proportional registration not exclusive.

Nothing contained in this subchapter relating to proportional registration of fleet vehicles shall be construed as requiring any vehicle to be proportionally registered if the vehicle is otherwise registered in this Commonwealth for the operation in which it is engaged including, but not by way of limitation, regular registration, temporary registration, or trip permit or registration.

§ 6151. Suspension of reciprocity benefits.

Agreements, arrangements or declarations made under authority of this subchapter may include provisions authorizing the department to suspend or cancel the exemptions, benefits or privileges granted to a person who violates any of the conditions or terms of such agreements, arrangements or declarations or who violates the laws or regulations of this Commonwealth related to motor vehicles.

§ 6152. Form, publication and distribution of documents.

All agreements, arrangements and declarations, and amendments thereto, shall be in writing and shall be published in compliance with the act of July 31, 1968 (P. L. 769, No. 240), known as the "Commonwealth Documents Law." The department shall provide copies for public distribution upon request.

§ 6153. Existing reciprocity agreements unaffected.

All reciprocity and proportional registration agreements, arrangements and declarations relating to vehicles, in force and effect at the time this subchapter becomes effective, shall continue in full force and effect until specifically amended or revoked by the secretary.

CHAPTER 63
ENFORCEMENT

Subchapter

- A. General Provisions
- B. Records of Traffic Cases
- C. Evidentiary Matters

SUBCHAPTER A

GENERAL PROVISIONS

- Sec.
 6301. Prosecutions under local ordinances superseded by title.
 6302. Limitation of actions for summary offenses.
 6303. Rights and liabilities of minors.
 6304. Authority to arrest without warrant.
 6305. Arrest of nonresident.
 6306. Costs for summary offenses.
 6307. Liability for costs not paid by defendant.
 6308. Investigation by police officers.

§ 6301. Prosecutions under local ordinances superseded by title.

When the same conduct is prescribed under this title and a local ordinance, the charge shall be brought under this title and not under the local ordinance. Prosecutions brought under any local ordinance, rule or regulation, which are based on a violation for which there is a specific penalty provided in this title, except for overtime parking, shall be deemed as having been brought under this title and the assessment disposition of the fines and forfeitures shall be so governed. Local ordinances regulating overtime parking shall prescribe fines for violations.

§ 6302. Limitation of actions for summary offenses.

(a) General rule.—Except as provided in subsection (b) or (c), proceedings for summary offenses under this title shall be instituted within 30 days after the commission of the alleged offense or within 30 days after the discovery of the commission of the offense or the identity of the offender, whichever is later, and not thereafter.

(b) Minor offenses.—Except as provided in subsection (c), proceedings for summary offenses under the following provisions shall be instituted within 15 days after the commission of the alleged offense or within 15 days after the discovery of the commission of the offense or the identity of the offender, whichever is later, and not thereafter:

Chapter 31 (relating to general provisions)

Chapter 33 (relating to rules of the road in general)

Chapter 35 (relating to special vehicles and pedestrians)

Subchapters A and C of Chapter 37 (relating to miscellaneous provisions)

(c) Exception.—Where proceedings are timely instituted against a person reasonably believed to have committed the offense charged and it subsequently appears that a person other than the person charged is the offender, proceedings may be instituted against the other person within 30 or 15 days, whichever is applicable, after the identity of the person is discovered and not thereafter.

(d) Local ordinances on overtime parking.—Local ordinances pertaining to overtime parking shall be subject to the provisions of this section.

(e) Disposition of proceedings within two years.—In no event shall any proceedings be held or action taken pursuant to a summary offense under this title subsequent to two years after the commission of the offense.

§ 6303. Rights and liabilities of minors.

Any person over the age of 16 years charged with the violation of any provisions of this title constituting a summary offense shall have all the rights of an adult and may be prosecuted under the provisions of this title in the same manner as an adult.

§ 6304. Authority to arrest without warrant.

(a) Pennsylvania State Police.—A member of the Pennsylvania State Police who is in uniform may arrest without a warrant any person who violates any provision of this title in the presence of the police officer making the arrest.

(b) Other police officers.—Any police officer who is in uniform may arrest without a warrant any nonresident who violates any provision of this title in the presence of the police officer making the arrest.

(c) Other powers preserved.—The powers of arrest conferred by this section are in addition to any other powers of arrest conferred by law.

§ 6305. Arrest of nonresident.

(a) General rule.—Upon arrest of a nonresident for any violation of this title, a police officer shall escort the defendant to the appropriate issuing authority for a hearing, posting of bond or payment of the applicable fine and costs, unless the defendant chooses to place the amount of the applicable fine (or the maximum fine in the case of a variable fine) and costs in a stamped envelope addressed to the appropriate issuing authority and mails the envelope in the presence of the police officer.

(b) Procedure upon payment by mail.—If the defendant mails the amount of the fine prescribed in subsection (a), the defendant shall indicate on an accompanying form whether the payment constitutes a fine based on a plea of guilty or a bond for a hearing based on a plea of not guilty. If the plea is not guilty, the police officer shall notify the issuing authority by telephone and the issuing authority shall schedule a hearing for the following day (excluding Saturdays, Sundays and legal holidays), unless the defendant requests a continuance, in which case a hearing shall be scheduled to accommodate the defendant, the police officer and the issuing authority.

(c) Form of payment.—The amount of the fine and costs may be paid in cash, personal or other check, credit card or guaranteed arrest bond, except that the Court Administrator of Pennsylvania may enlarge or restrict the types of payment which may be made by mail.

(d) Receipt for payment.—The police officer shall give the defendant a receipt for the payment, a copy of which shall be mailed with the payment and a copy retained by the police officer.

§ 6306. Costs for summary offenses.

(a) General rule.—Except as provided in subsection (b), any person convicted of a summary offense under this title shall, in addition to the fine imposed, be sentenced to pay \$10 as costs of the issuing authority which costs shall include all charges including, when called for, the costs of postage and registered or certified mail and the costs of giving a transcript to the prosecutor or defendant, or both, if requested.

(b) Conviction after hearing.—Where the person charged with a summary offense under this title demands a hearing, the costs of the issuing authority shall be \$15, which costs shall include all charges including the charges specified in subsection (a).

§ 6307. Liability for costs not paid by defendant.

In any case of prosecution under the provisions of this title in which the defendant is found not guilty or for any other reason costs are not recovered from the defendant, all costs of prosecution shall be paid by the county.

§ 6308. Investigation by police officers.

(a) Duty of operator or pedestrian.—The operator of any vehicle or any pedestrian reasonably believed to have violated any provision of this title shall stop upon request or signal of any police officer and shall, upon request, exhibit a registration card, driver's license and proof of insurance, or other means of identification if a pedestrian or driver of a bicycle, and shall write their name in the presence of the police officer if so required for the purpose of establishing identity.

(b) Authority of police officer.—Any police officer may stop a vehicle, upon request or signal, for the purpose of inspecting the vehicle as to its equipment and operation, or vehicle identification number or engine number, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

(c) Inspection of garages and dealer premises.—Any police officer or authorized department employee may inspect any vehicle in any public garage or repair shop or on the premises of any dealer, salvor, scrap metal processor, or other public place of business for the purpose of locating stolen vehicles or parts. The owner of the garage or repair shop or the dealer or other person shall permit any police officer or authorized department employee to make investigations under this subsection.

SUBCHAPTER B
RECORDS OF TRAFFIC CASES

Sec.

6321. Records of issuing authorities.
6322. Reports by issuing authorities.
6323. Reports by courts of record.
6324. Failure to comply with provisions of subchapter.
6325. Department records.
6326. Traffic citation forms.
6327. Inspection of records.

§ 6321. Records of issuing authorities.

(a) General rule.—Every issuing authority shall keep or cause to be kept for a period of three years a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to the issuing authority.

(b) Contents of record.—The record of the issuing authority shall include, but not be limited to, an exact record of the proceedings, the section and subsection violated, the conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every traffic complaint or citation deposited with or presented to the issuing authority.

(c) Receipt for payment of fine.—The issuing authority shall deliver, without charge, to the defendant a receipt showing in detail the section and subsection violated and the amount of fine and costs imposed and paid.

§ 6322. Reports by issuing authorities.

(a) General rule.—Following the fifteenth and last days of each month, every issuing authority shall prepare a statement, upon forms prescribed and furnished by the department, of all fines collected, bail forfeited, sentence imposed and final disposition for all cases on violations of any provisions of this title decided by the issuing authority in the semi-monthly reporting period just concluded. The statement shall be certified by the issuing authority to be true and correct and shall be forwarded to the department within the following week, with a copy sent to the police department which filed the charge. The fines and bail forfeited shall accompany the report to the department.

(b) Contents of report.—The report shall include the identifying number of the citation, the name and residence address of the party charged, the driver's license number, the registration number of the vehicle involved, a description of the offense, the section and subsection of the statute or ordinance violated, the date of hearing, the plea, the judgment or whether bail was forfeited, clear and concise reasons supporting the adjudication, the sentence or amount of forfeiture and such other information as the department may require.

(c) Use of reports by department.—The department shall promptly enter the information contained in the reports in the records of the persons involved in order to effect swift execution of the provisions of Subchapter B of Chapter 15 (relating to a comprehensive system for driver education and control).

§ 6323. Reports by courts of record.

The clerk of any court of record of this Commonwealth, within ten days after final judgment of conviction or acquittal or other disposition of charges under any of the provisions of this title, shall send to the department a record of the judgment of conviction, acquittal or other disposition. A record of the judgment shall also be forwarded to the department upon conviction or acquittal of a person of a felony in the commission of which the judge determines that a motor vehicle was essentially involved. The fines and bail forfeited shall accompany the record sent to the department.

§ 6324. Failure to comply with provisions of subchapter.

(a) General rule.—Failure, refusal or neglect of any issuing authority or clerk of court to comply with any of the requirements of this subchapter is a summary offense punishable:

- (1) For a first offense, by a fine of \$100.

(2) For a subsequent offense, by a fine of not less than \$200 nor more than \$500.

(b) Removal from office.—Conviction shall be grounds for removal from office.

§ 6325. Department records.

The department shall file all reports and records received under the provisions of this subchapter and shall maintain suitable records or facsimiles of the records.

§ 6326. Traffic citation forms.

(a) Issuance by department.—The department shall be responsible for the issuance of traffic citation forms in conformance with the Pennsylvania Rules of Criminal Procedure. The citation form shall indicate, as additional information the number of points, if any, to be assessed by the department upon a plea of guilty or conviction. Failure of any person to provide and complete such additional information shall not affect the validity of the citation or a prosecution commenced thereby. The department shall maintain a record of all citations issued and shall require and retain a receipt.

(b) Use of department forms mandatory.—All traffic citations issued in this Commonwealth, except for overtime parking, shall be upon forms issued by the department under subsection (a). The department shall provide the forms to local police departments at cost.

(c) Accounting for forms.—The chief administrative officer of every police department or traffic enforcement agency shall require the return of a copy of every traffic citation issued by every officer under their supervision to an alleged violator and of all copies spoiled.

§ 6327. Inspection of records.

The records of the issuing authority, department and each police department required under this subchapter shall be open for inspection by any police officer or authorized employee of the department, the Department of Justice, the Department of Revenue, the Auditor General and the Court Administrator of the Supreme Court.

SUBCHAPTER C

EVIDENTIARY MATTERS

Sec.

6341. Admissibility of copies of records as evidence.
6342. Registration number as prima facie evidence of operation.

§ 6341. Admissibility of copies of records as evidence.

All copies, including photostatic copies and microfilm reproductions, of records, books, papers, documents and rulings of the department, when certified under and bearing the seal of the department by its duly authorized agent, shall be acceptable as evidence in the courts of this Commonwealth with the same force and effect as the originals in all cases where the original records, books, papers, documents and ruling would be admitted in evidence.

§ 6342. Registration number as prima facie evidence of operation.

(a) General rule.—In any proceeding for a violation of the provisions of this title or any local ordinance, rule or regulation, the registration plate displayed on a vehicle shall be prima facie evidence that the owner of the vehicle was then operating the vehicle.

(b) Burden shifted by testimony of owner.—If at any hearing or proceeding the owner testifies under oath or affirmation that the owner was not operating the vehicle at the time of the alleged violation and submits to an examination as to who at the time was operating the vehicle and reveals the name of the person, if known, then the prima facie evidence arising from the registration plate shall be overcome and removed and the burden of proof shifted.

(c) Burden shifted by affidavit of owner.—If the information is made in a county other than that of the owner's own residence and an affidavit setting forth these facts is forwarded to the issuing authority, the prima facie evidence arising from the registration plate shall be overcome and the burden of proof shifted.

CHAPTER 65

PENALTIES AND DISPOSITION OF FINES

Sec.

6501. Definition of conviction.
 6502. Summary offenses.
 6503. Subsequent convictions of certain offenses.
 6504. Inability to pay fine and costs.
 6505. Disposition of fines and forfeitures.

§ 6501. Definition of conviction.

(a) General rule.—For the purposes of this title a conviction includes a plea of guilty, a plea of nolo contendere, a finding of guilty by a court or an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court.

(b) Payment of fine as guilty plea.—A payment by any person charged with a violation of this title of the fine prescribed for the violation is a plea of guilty.

§ 6502. Summary offenses.

(a) Designation.—It is a summary offense for any person to violate any of the provisions of this title unless the violation is by this title or other statute of this Commonwealth declared to be a misdemeanor or felony.

(b) Penalty.—Every person convicted of a summary offense for a violation of any of the provisions of this title for which another penalty is not provided shall be sentenced to pay a fine of \$25.

(c) Title 18 inapplicable.—Title 18 (relating to crimes and offenses), in so far as it relates to fines and imprisonment for convictions of summary offenses, is not applicable to this title.

§ 6503. Subsequent convictions of certain offenses.

Every person convicted of a second or subsequent violation of any of the following provisions shall be sentenced to pay a fine of not less than \$200 nor more than \$1,000 or to imprisonment for not more than one year, or both:

Section 1501(a) (relating to drivers required to be licensed).

Section 1543 (relating to driving while operating privilege is suspended or revoked).

Section 3367 (relating to racing on highways).

Section 3733 (relating to fleeing or attempting to elude police officer).

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

Section 3748 (relating to false reports).

§ 6504. Inability to pay fine and costs.

(a) Order for installment payments.—Upon plea and proof that a person is unable to pay any fine and costs imposed under this title, a court may, in accordance with the Pennsylvania Rules of Criminal Procedure, order payment of the fine and costs in installments and shall fix the amounts, times and manner of payment.

(b) Imprisonment for nonpayment.—Any person who does not comply with an order entered under this section may be imprisoned for a number of days equal to one day for each \$10 of the unpaid balance of the fine and costs.

§ 6505. Disposition of fines and forfeitures.

(a) State Police enforcement.—When prosecution under the provisions of this title is the result of State Police action, all fines and penalties and all bail forfeited shall be paid to the Department of Revenue, transmitted to the State Treasury and credited to the Motor License Fund. One-half of the revenue shall be paid to municipalities in the same ratio provided in section 4 of the act of June 1, 1956 (P. L. 1944, No. 655), relating to partial allocation of fuels and liquid fuels tax proceeds.

(b) Local police enforcement in general.—When prosecution under the provisions of this title, except for parking, is the result of local police action, one-half of all fines and penalties and all bail forfeited shall be paid to the political subdivision under which the local police are organized and one-half to the Department of Revenue, transmitted to the State Treasury and credited to the Motor License Fund.

(c) Local police enforcement of parking.—When prosecution under the provisions of this title for parking

is the result of local police action, all fines and penalties and all bail forfeited shall be paid to the political subdivision under which the local police are organized.

CHAPTER 67

SERVICE OF PROCESS ON NONRESIDENTS

Sec.

6701. Service of process on nonresident.
 6702. Residents who depart Commonwealth or whose whereabouts are unknown.
 6703. Personal representatives of nonresidents.
 6704. Manner of service of process.
 6705. Record of service of process.

§ 6701. Service of process on nonresident.

(a) Secretary of Commonwealth as agent.—The acceptance by a nonresident of any right or privilege conferred upon him by the laws of this Commonwealth to title, register or operate a motor vehicle within this Commonwealth, or the titling, registration or operation by a nonresident or duly authorized agent or employee of a motor vehicle within this Commonwealth, or in the event the nonresident is the owner of a motor vehicle, then also the titling, registration or operation of the vehicle within this Commonwealth by any person with the express or implied permission of the owner, shall be deemed equivalent to an appointment by the nonresident of the Secretary of the Commonwealth to be the true and lawful attorney upon whom may be served all lawful process in any action or proceeding against the nonresident growing out of any accident or collision resulting from the operation of a motor vehicle upon any highway or elsewhere throughout this Commonwealth.

(b) Implied consent of nonresident.—The titling, registration or operation of a motor vehicle within this Commonwealth shall be deemed consent by a nonresident that any process served in the manner provided in this chapter shall be of the same legal force and validity as if served personally on the nonresident.

§ 6702. Residents who depart Commonwealth or whose whereabouts are unknown.

The provisions of this chapter apply to any resident who departs from this Commonwealth subsequent to an accident or collision or to any resident whose whereabouts are unknown.

§ 6703. Personal representatives of nonresidents.

The appointment of the Secretary of the Commonwealth as the attorney for service of process on nonresidents is irrevocable and binding upon the personal representative, executor or administrator of the nonresident, and the provisions of this chapter shall apply in an action or proceeding against the personal representative, executor or administrator of a nonresident when the action or proceeding arises out of any accident or collision in which the nonresident may have been involved.

§ 6704. Manner of service of process.

Service of process shall be made in compliance with the applicable Pennsylvania Rules of Civil and Criminal Procedure. When service upon the Secretary of the Commonwealth is required, a true and attested copy of the process shall be sent to the Secretary of the Commonwealth by registered mail at least 15 days before the return day of the process.

§ 6705. Record of service of process.

The Secretary of the Commonwealth shall keep a record of each process served and the day and hour of the service.

PART VI

MISCELLANEOUS PROVISIONS

Chapter

71. Vehicle Theft and Related Provisions
 73. Abandoned Vehicles and Cargoes
 75. Messenger Service
 77. Snowmobiles
 81. Interstate Compacts and Agreements

CHAPTER 71

VEHICLE THEFT AND RELATED PROVISIONS

Subchapter

- A. Identification Number
- B. Stolen Vehicles
- C. Misuse of Documents and Plates

SUBCHAPTER A

IDENTIFICATION NUMBER

Sec.

- 7101. Requirement for identification number.
- 7102. Removal or falsification of identification number.
- 7103. Dealing in vehicles with removed or falsified numbers.
- 7104. State replacement vehicle identification number plate.
- 7105. Seizure of vehicles with removed or falsified numbers.

§ 7101. Requirement for identification number.

Every vehicle other than a pedalcycle shall contain a vehicle identification number which shall be placed upon or incorporated into the vehicle in such manner as to be a permanent part of the vehicle.

§ 7102. Removal or falsification of identification number.

(a) **Offense defined.**—A person who wilfully removes or falsifies an identification number of a vehicle, engine or transmission is guilty of a misdemeanor of the third degree.

(b) **Fraudulent intent.**—A person who wilfully and with intent to conceal or misrepresent the identity of a vehicle, engine or transmission, removes or falsifies an identification number thereof, is guilty of a misdemeanor of the first degree.

(c) **Exception.**—This section does not apply to the removal of an identification number from a vehicle for which a certificate of junk has been obtained in accordance with section 1117 (relating to vehicle destroyed or junked).

§ 7103. Dealing in vehicles with removed or falsified numbers.

(a) **Offense defined.**—A person who buys, receives, possesses, sells or disposes of a vehicle, engine or transmission, knowing that an identification number has been removed or falsified, is guilty of a misdemeanor of the third degree.

(b) **Knowledge of fraudulent intent.**—A person who buys, receives, possesses, sells or disposes of a vehicle, engine or transmission with knowledge that an identification number has been removed or falsified with intent to conceal or misrepresent the identity thereof, is guilty of a felony of the third degree.

(c) **Exception.**—This section does not apply to the removal of an identification number from a vehicle for which a certificate of junk has been obtained in accordance with section 1117 (relating to vehicle destroyed or junked).

§ 7104. State replacement vehicle identification number plate.

(a) **General rule.**—No vehicle on which the vehicle identification number has been removed or falsified shall be titled or registered without a special permit from the department.

(b) **Application for plate.**—Before a certificate of title or registration for the vehicle can be obtained, the owner shall apply to the department for a State replacement vehicle identification number plate on a form furnished by the department which shall contain the full name and address of the owner and any other information the department may deem necessary, sworn to before an official empowered to administer oaths.

(c) **Designation on plate.**—The State replacement vehicle identification number plate shall contain:

- (1) Official department identification.
- (2) The manufacturer's vehicle identification number, if known, or a number assigned by the department.

(d) **Issuance and display of plate.**—The department shall furnish a State replacement vehicle identification

number plate which shall be immediately placed in a uniform manner as designated by the department on the vehicle.

(e) **Reconstructed or specially-constructed vehicle.**—The department may assign a State replacement vehicle identification number plate for a reconstructed or specially-constructed vehicle.

§ 7105. Seizure of vehicles with removed or falsified numbers.

(a) **Duty of police.**—Every police officer having knowledge of a vehicle on which the vehicle identification number has been removed or falsified shall immediately seize and take possession of the vehicle and arrest or file a complaint for the arrest of the suspected owner or custodian. In all actions involving seizure or possession of such vehicles, vehicle identification information shall be transmitted to the Federal or other agencies involved in recovery of stolen vehicles.

(b) **Proceedings if owner known.**—The court, upon petition of the owner or of the person entitled to possession of a seized vehicle, may relinquish custody of the vehicle to the person legally entitled to the vehicle upon presentation of proof that a State replacement vehicle identification number plate has been issued by the department under section 7104 (relating to State replacement vehicle identification number plate). Except as otherwise provided in this section, the court shall retain in custody the seized vehicle pending prosecution of the person arrested. In case the person is found guilty, the vehicle shall remain in the custody of the court until the fine and costs of prosecution are paid, except that if 90 days have elapsed after the verdict has been rendered and the fine and costs have not been paid, the court shall proceed to advertise and sell the vehicle in the manner provided by law for the sale of personal property under execution. The proceeds from the sale shall be used to pay the fine and costs of prosecution and the balance, if any, shall be forwarded to the department to be transmitted to the State Treasurer for deposit in the Motor License Fund.

(c) **Proceedings if owner unknown.**—If ownership of the vehicle is not established to the satisfaction of the court, the vehicle shall be confiscated by the court and sold immediately, and the proceeds shall be used to pay the costs of proceedings and the balance, if any, shall be forwarded to the department to be transmitted to the State Treasurer for deposit in the Motor License Fund.

SUBCHAPTER B

STOLEN VEHICLES

Sec.

- 7111. Dealing in titles and plates for stolen vehicles.
- 7112. False report of theft or conversion of vehicle.
- 7113. Reporting stolen and recovered vehicles.
- 7114. Records of stolen vehicles.
- 7115. Application for certificate of title of a stolen vehicle.
- 7116. Fraudulent removal of vehicle from garage.

§ 7111. Dealing in titles and plates for stolen vehicles.

A person is guilty of a misdemeanor of the first degree if the person with fraudulent intent procures or attempts to procure a certificate of title or registration plate for a vehicle, or passes or attempts to pass a certificate of title or an assignment to a vehicle, knowing or having reason to believe that the vehicle has been stolen.

§ 7112. False report of theft or conversion of vehicle.

A person is guilty of a misdemeanor of the third degree if the person knowingly makes a false report of the theft or conversion of a vehicle to a police officer or to the department.

§ 7113. Reporting stolen and recovered vehicles.

(a) **Stolen vehicle.**—Every police department or police office, having knowledge of a stolen vehicle, shall immediately furnish the State Police with full information about the stolen vehicle. The State Police shall forward the stolen vehicle information to the department.

(b) **Recovered stolen vehicle.**—Within 48 hours of the recovery of a stolen vehicle, the police shall notify the

owner of the vehicle. If the vehicle was recovered without their knowledge, the owner shall notify the same police department to which the theft was originally reported. On recovering or receiving and verifying the report of recovery of a stolen vehicle, the police shall notify the State Police. The State Police shall notify the department of the recovery.

§ 7114. Records of stolen vehicles.

(a) General rule.—The department shall, upon receiving a report of the theft of a vehicle, make an entry onto the vehicle's record that it has been reported as stolen, which entry shall remain until a report of recovery has been received as provided in section 7113 (b) (relating to reporting stolen and recovered vehicles). If the vehicle is not reported as recovered within five years, the department may remove the record from its files.

(b) List of stolen and recovered vehicles.—The department shall prepare periodic reports listing vehicles, stolen and recovered, as disclosed by the reports submitted, to be distributed as provided in regulations promulgated by the department.

§ 7115. Application for certificate of title of a stolen vehicle.

Upon receipt of an application for a certificate of title of a stolen vehicle, the department shall notify the State Police and the rightful owner and shall withhold the issuing of the certificate of title until the proper investigation is made.

§ 7116. Fraudulent removal of vehicle from garage.

No person shall remove or cause to be removed, by any false pretension or with intent to defraud, any vehicle that has been placed in a garage or automobile shop for storage, repair or garage service.

SUBCHAPTER C

MISUSE OF DOCUMENTS AND PLATES

Sec.

7121. False application for certificate of title or registration.

7122. Altered, forged or counterfeit documents and plates.

7123. Sale or purchase of certificate or other document.

7124. Fraudulent use or removal of registration plate.

§ 7121. False application for certificate of title or registration.

A person is guilty of a misdemeanor of the first degree if the person uses a false or fictitious name or address or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact in an application for a certificate of title or for registration.

§ 7122. Altered, forged or counterfeit documents and plates.

A person is guilty of a misdemeanor of the first degree if the person, with fraudulent intent:

(1) alters, forges or counterfeits a certificate of title, registration card or plate, inspection certificate or proof of insurance;

(2) alters or forges an assignment of a certificate of title, or an assignment or release of a security interest on a certificate of title or any other document issued or prepared for issue by the department; or

(3) has possession of, sells or attempts to sell, uses or displays a certificate of title, registration card or plate, driver's license, inspection certificate proof of insurance or any other document issued by the department, knowing it to have been altered, forged or counterfeited.

§ 7123. Sale or purchase of certificate or other document.

It is unlawful to purchase or sell a certificate or any other document issued by the department. Police officers or department representatives may confiscate the documents when unlawfully possessed or used.

§ 7124. Fraudulent use or removal of registration plate.

A person who either removes a registration plate from a vehicle or affixes to a vehicle a registration plate not

authorized by law for use on the vehicle, with intent to conceal or misrepresent the identity of the vehicle or its owner, is guilty of a summary offense punishable by a fine of not less than \$100 nor more than \$500 or imprisonment for not more than 90 days, or both.

CHAPTER 73

ABANDONED VEHICLES AND CARGOS

Sec.

7301. Authorization of salvors.

7302. Certificate of authorization.

7303. Suspension of authorization.

7304. Reports to department of possession of abandoned vehicles.

7305. Notice to owner and lienholders of abandoned vehicles.

7306. Payment of costs upon reclaiming vehicle.

7307. Authorization for disposal of unclaimed vehicles.

7308. Public sale of unclaimed vehicles with value.

7309. Junking of vehicles valueless except for junk.

7310. Removal of vehicles and spilled cargo from roadway.

7311. Reports by garage keepers of abandoned vehicles.

7312. Penalty for violation of chapter.

§ 7301. Authorization of salvors.

(a) General rule.—The department shall authorize and shall issue a certificate of authorization to every salvor that complies with the requirements of this chapter and regulations adopted by the department and is a vehicle salvage dealer as defined in section 1337(c)(2) (relating to use of "Miscellaneous Motor Vehicle Business" registration plates).

(b) Unauthorized operation prohibited.—No person shall operate as a salvor unless authorized.

(c) Duty of salvor.—Upon written request of a police department, a salvor shall take possession of and remove to the storage facility of the salvor any abandoned vehicle located within 30 miles of the place of business of the salvor.

(d) Storage facility.—A salvor may rent or own a storage facility, which shall comply with the act of December 15, 1971 (P. L. 596, No. 160), known as the "Outdoor Advertising Control Act of 1971," where applicable, and with regulations promulgated by the department.

§ 7302. Certificate of authorization.

(a) Application and issuance.—Application for a certificate of authorization shall be made on a form prescribed by the department. The department shall investigate the qualifications and fitness of the applicant and shall issue a certificate of authorization if it determines that the applicant is capable of performing the duties of a salvor in a manner consistent with the public interest.

(b) Place of business.—Every applicant shall have and maintain an established place of business. If the applicant has or intends to have one or more places of business or branch offices, the application shall contain complete information for each location.

(c) Bonding required.—Before issuing a certificate of authorization, the department shall require the applicant to furnish and maintain a bond indemnifying the public and the department in the amount of \$10,000. An individual bond for each place of business is not required, but all places of business shall be covered by the bond.

(d) Duration and renewal.—Certificates of authorization shall be issued for a period of one year and shall be subject to annual renewal.

§ 7303. Suspension of authorization.

(a) General rule.—The department shall supervise salvors and, after providing an opportunity for a hearing, shall suspend the authorization of any salvor which the department finds is not properly operated or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. A suspended certificate of authorization shall be returned to the department immediately except an appeal from suspension as provided in subsection (b) shall operate as a supersedeas of any suspension by the department.

(b) Judicial review.—Any person whose certificate of authorization has been denied or suspended under this chapter shall have the right to file a petition within 30 days thereafter for a hearing on the matter in the court of common pleas of the county in which the principal place of business of the salvor is located. The court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 30 days' written notice to the department and to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a certificate of authorization or is subject to suspension of the certificate of authorization under the provisions of this chapter.

§ 7304. Reports to department of possession of abandoned vehicles.

Any salvor taking possession of an abandoned vehicle pursuant to section 7301(c) (relating to authorization of salvors) shall within 48 hours after taking possession report to the department the make, model, vehicle identification number and registration plate number of the abandoned vehicle, and the name and address of the owner or person who abandoned the vehicle, if known, together with any other information or documents which the department may by regulation require. The report shall include a statement whether the vehicle is valueless except for junk. Where the report indicates the vehicle is valueless except for junk, the salvor shall include a photograph of the vehicle to be prepared in a manner prescribed by the department. A report by a salvor that a vehicle is valueless except for junk shall be verified by the police department which authorized transfer of the vehicle to the salvor.

§ 7305. Notice to owner and lienholders of abandoned vehicles.

(a) General rule.—Except as provided in section 7309 (relating to junking of vehicles valueless except for junk), the department, upon receipt of notice that an abandoned vehicle has been taken into possession pursuant to this chapter, shall notify by certified mail, return receipt requested, the last known registered owner of the vehicle and all lienholders of record that the vehicle is abandoned.

(b) Contents of notice.—The notice shall:

(1) Describe the make, model, title number, vehicle identification number and registration plate number of the abandoned vehicle, if known.

(2) State the location where the vehicle is being held.

(3) Inform the owner and any lienholders of their right to reclaim the vehicle within 30 days after the date of the notice at the place where the vehicle is being held by the salvor, upon payment of all towing and storage charges and the fee authorized in section 7306 (relating to payment of costs upon reclaiming vehicle).

(4) State that the failure of the owner or lienholder to reclaim the vehicle is deemed consent by the owner to the destruction, sale or other disposition of the abandoned vehicle and of all lienholders to dissolution of their liens.

(c) Notice by publication.—If the identity of the last registered owner and of all lienholders cannot be determined with reasonable certainty, the contents of the notice set forth in subsection (b) shall be published one time in one newspaper of general circulation in the area where the vehicle was abandoned. The notice may contain multiple listings of abandoned vehicles. Notice by publication locally shall be the responsibility of the salvor. The notice shall have the same effect as notice sent by certified mail.

§ 7306. Payment of costs upon reclaiming vehicle.

In the event the owner or lienholder of an abandoned vehicle reclaims the vehicle, the reclaiming party shall pay the costs for towing and storage, plus a fee of \$25 of which \$10 shall be transmitted to the department by the salvor.

§ 7307. Authorization for disposal of unclaimed vehicles.

The department shall, after the expiration of 30 days from the date of notice sent by certified mail to the registered owner and all lienholders of record or 30 days after publication of notice, where applicable, and upon receipt of a written statement from the holder of the

vehicle that the abandoned vehicle has not been reclaimed by the owner or lienholder within the 30-day period, authorize the disposal of the abandoned vehicle in accordance with the provisions of this chapter.

§ 7308. Public sale of unclaimed vehicles with value.

(a) General rule.—If an abandoned vehicle having value has not been reclaimed as provided in this chapter, the vehicle shall be sold at a public auction.

(b) Title of purchaser.—The salvor shall give the purchaser a sales receipt and shall apply to the department for a title which shall be free and clear of all previous liens and claims of ownership.

(c) Disposition of proceeds.—From the proceeds of the sale of the abandoned vehicle, the salvor shall be reimbursed for the costs of towing, storage, notice and publication costs and expenses of auction. The remainder of the proceeds of a sale shall be held for the owner of the vehicle or record lienholder for 60 days from the date of sale and if not properly claimed shall then be paid to the department and transmitted to the State Treasurer for deposit in the Motor License Fund.

§ 7309. Junking of vehicles valueless except for junk.

(a) Application for certificate of junk.—If an abandoned vehicle is valueless except for junk, the salvor shall note that fact in the report to the department required in section 7304 (relating to reports to department of possession of abandoned vehicles) and shall apply for issuance of a certificate of junk as provided for in section 1117 (relating to vehicle destroyed or junked).

(b) Notice and issuance of certificate.—If the identity of the last registered owner cannot be determined with reasonable certainty and it is impossible to determine with reasonable certainty the identity and addresses of any lienholder, no notice shall be required. Under such circumstances, the department shall upon receipt of the report by the salvor pursuant to section 7304 issue a certificate of junk as provided in section 1117.

(c) Reimbursement of expenses of salvor.—Upon receipt within six months of evidence that a salvor has removed an abandoned vehicle upon the request of a police department, the department shall pay to the salvor from the Motor License Fund the sum of \$15 for the expenses incurred in the removal and towing of the abandoned vehicle. No portion of \$15 payment or any separate consideration shall be reimbursed or paid to any government agency or municipality by the salvor.

(d) Rights of owners and lienholders.—Issuance by the department of a certificate of junk for a vehicle junked under this section shall operate as a divestiture of all right, title and interest in the vehicle of the owner and all lienholders.

§ 7310. Removal of vehicles and spilled cargo from roadway.

(a) General rule.—Police officers may remove or direct removal of abandoned or wrecked vehicles and spilled cargo from any roadway to the nearest point off the roadway where the vehicle or spilled cargo will not interfere with or obstruct traffic. Immediately following an accident, the wrecked vehicle or spilled cargo shall be removed or directed to be removed from the roadway by a police officer if the owner or operator cannot remove the wrecked vehicle or refuses or fails to have the vehicle removed within a reasonable time.

(b) Storage of cargo.—When, in the opinion of a police officer, it is deemed necessary for the protection of the contents or load of a wrecked vehicle or spilled cargo from the elements, spoilage or theft, the police officer may remove or direct to be removed and have stored at the expense of the owner the contents or load or spilled cargo at the nearest practical place of storage.

(c) Liability for damages.—In carrying out the provisions of this section, no liability shall attach to the police officer or, absent a showing of gross negligence, to any person acting under the direction of the police officer for damage to a vehicle or damage to or loss of any portion of the contents or load or spilled cargo.

§ 7311. Reports by garage keepers of abandoned vehicles.

The person in charge of any garage or repair shop in which a vehicle of unknown ownership has been left

for a period of 15 consecutive days without being removed by the owner or any other person duly authorized to remove the vehicle shall report to the department within 24 hours of the expiration of the 15-day period giving the make, engine number, vehicle identification number, registration plate number and the name and address of the person abandoning the vehicle if known. Upon receipt of the report the department shall make a distinctive record of the report and file the report in the manner provided in section 7114 (relating to records of stolen vehicles).

§ 7312. Penalty for violation of chapter.

(a) Fines.—Any person violating any of the provisions of this chapter is guilty of a summary offense, punishable:

(1) For a first offense, by a fine of \$100.

(2) For a subsequent offense, by a fine of not less than \$200 nor more than \$500 or imprisonment for not more than 90 days, or both.

(b) Suspension.—For violation of any of the provisions of this chapter, the salvor shall be subject to suspension of the privilege to receive abandoned vehicles under this chapter.

CHAPTER 75

MESSENGER SERVICE

Sec.

7501. Authorization of messenger service.

7502. Certificate of authorization.

7503. Suspension of authorization.

7504. Place of business.

7505. Transaction of business with department.

7506. Violations and penalties.

§ 7501. Authorization of messenger service.

(a) General rule.—The department shall authorize and shall issue a certificate of authorization to every messenger service that complies with the requirements of this chapter and regulations adopted by the department.

(b) Unauthorized operation prohibited.—No person shall operate a messenger service unless authorized.

(c) Penalty.—Any person operating a messenger service without authorization is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$200.

§ 7502. Certificate of authorization.

(a) Application and issuance.—Application for a certificate of authorization shall be made on a form prescribed by the department, accompanied by the applicable fee. The department shall investigate the qualifications and fitness of the applicant and shall issue a certificate of authorization if it determines that the applicant is capable of performing the duties of a messenger service in a manner consistent with the public interest and the applicable fees are paid.

(b) Place of business.—Every applicant shall have and maintain an established place of business. If the applicant has or intends to have one or more places of business or branch offices, the application shall contain complete information for each location.

(c) Bond required.—Before issuing a certificate of authorization, the department shall require the applicant to furnish and maintain a bond indemnifying the public and the department in the amount of \$50,000. An individual bond for each place of business is not required, but all places of business shall be covered by the bond.

(d) Commonwealth employees ineligible.—No official or employee of the Commonwealth shall be given authorization to operate as a messenger service, nor own, nor be employed by, a messenger service.

(e) Duration and renewal.—Certificates of authorization shall be given for a period of one year and may be renewed annually.

§ 7503. Suspension of authorization.

(a) General rule.—The department shall supervise messenger services and, after providing an opportunity for a hearing, shall suspend the authorization of any messenger service which it finds is not properly operated or which has violated or failed to comply with any

of the provisions of this chapter or regulations adopted by the department. Any suspended certificate of authorization shall be returned to the department immediately. A suspended certificate may be restored on such terms and conditions, including the posting of additional bond, as the department shall deem advisable.

(b) Judicial review.—Any person whose certificate of authorization has been denied or suspended under this chapter shall have the right to file a petition within 30 days thereafter for a hearing on the matter in the court of common pleas of the county in which the principal place of business of the person is located. The court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 30 days' written notice to the department and to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a certificate of authorization or is subject to suspension of the certificate of authorization under the provisions of this chapter.

§ 7504. Place of business.

(a) Operation with other business.—A messenger service may be operated in conjunction with a closely allied business in accordance with regulations of the department.

(b) Change of location.—Upon notification in writing to the department that the location of place of business or branch will be changed and upon payment of the applicable transfer fee, the department shall issue a certificate of authorization for the new location for the unexpired period of authorization if the department determines that the new location conforms to department regulations.

(c) Failure to report change of location.—A change of location or addition of a place of business or branch of office without notification to the department shall result in suspension of the certificate of authorization.

(d) Display of sign and certificate.—Every messenger service shall display on the outside of each place of business an identifying sign conforming to regulations of the department and shall prominently display within each place of business its certificate of authorization. No person other than an authorized messenger service shall display a similar identifying sign or certificate.

§ 7505. Transaction of business with department.

The department may designate those locations, facilities and hours of operation at which messenger services may transact business with the department. Every messenger service to whom a certificate of authorization has been issued pursuant to this chapter shall be permitted to transact business with the department at the locations and facilities and during the hours of operation designated by the department. The department may prescribe such regulations as may be necessary for the administration of this chapter.

§ 7506. Violations and penalties.

Any person violating any provision of this chapter or the rules and regulations promulgated thereunder for which a specific penalty is not provided is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100.

CHAPTER 77

SNOWMOBILES

Subchapter

- A. General Provisions
- B. Registration
- C. Operation
- D. Equipment
- E. Miscellaneous Provisions

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

7701. Short title of chapter.

7702. Definitions.

7703. Applicability of chapter.

7704. Rules and regulations.

7705. Disposition of fines and penalties.

7706. Restricted receipts fund.

§ 7701. Short title of chapter.

This chapter shall be known and may be cited as the "Snowmobile Law."

§ 7702. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Cowling." The forward portion of the snowmobile, usually of fiberglass or similar material, surrounding the motor and clutch assembly.

"Dealer." A person engaged in the business of selling snowmobiles at wholesale or retail.

"Department." The Department of Environmental Resources of the Commonwealth.

"Head lamp." A major lighting device used to provide general illumination ahead of a vehicle.

"Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Snowmobile." An engine-driven vehicle of a type which utilizes sled type runners, or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated. The term does not include any farm tractor, highway or other construction equipment, or any military or law enforcement vehicle.

"Street." A highway, other than an alley, within the corporate limits of a political subdivision.

"Tail lamp." A device to designate the rear of a vehicle by a warning light.

§ 7703. Applicability of chapter.

This chapter does not apply to law enforcement officers while engaged in the performance of their official duties.

§ 7704. Rules and regulations.

The department may promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter.

§ 7705. Disposition of fines and penalties.

On the first day of each month or within ten days thereafter, all fines and penalties collected for violations of this chapter shall be paid over to the department, accompanied by a statement setting forth the action or proceeding in which the moneys were collected, the name and residence of the defendant, the nature of the offense and the fines and penalties imposed.

§ 7706. Restricted receipts fund.

(a) Deposit and use of moneys.—The department shall deposit all moneys received from the registration of snowmobiles, the sale of snowmobile registration information, snowmobile publications and other services provided by the department, all fines and penalties resulting from violations of this chapter, and all fees collected under this chapter in a restricted receipts fund, from which the department shall draw moneys for use in carrying out the registration, safety education and enforcement requirements of this chapter as well as the establishment, construction and maintenance of trails and any equipment and supplies necessary to carry out the purposes of this chapter.

(b) Audit and lapse of moneys.—The restricted receipts fund shall be audited every two years with any residue appearing in the fund at the end of each auditing period to be deposited in the General Fund.

SUBCHAPTER B
REGISTRATION

Sec.

7711. Registration of dealers.
7712. Registration of snowmobiles.
7713. Certificates of registration and decals.
7714. Exemptions from registration.
7715. Reciprocity.
7716. Central registration file.

§ 7711. Registration of dealers.

Any person who is in the business of selling snowmo-

biles shall register as a dealer. The department, upon receipt of application and the required fee, shall assign a distinguishing dealer registration number to the registrant and issue appropriate registration certificate to him. Dealer registrations are not transferable.

§ 7712. Registration of snowmobiles.

(a) General rule.—Upon application therefor upon a form prescribed and furnished by the department which shall contain a full description of the snowmobile, the actual and bona fide name and address of the owner, proof of ownership and any other information the department may reasonably require, and which shall be accompanied by the required fee, the department shall issue a certificate of registration of a snowmobile and a decal showing the expiration date to the owner.

(b) Temporary registration.—Temporary registration for a period not to exceed 45 days may be issued by a registered dealer pursuant to rules and regulations promulgated by the department.

(c) Fees.—Fees for registration of snowmobiles to be collected by the department under this chapter are as follows:

- (1) Each individual resident registration for two years, \$10.
- (2) Each individual nonresident registration for two years, \$10.
- (3) Each dealer registration for one year, \$25.
- (4) Replacement of a lost, mutilated or destroyed certificate or decal, \$1.

(d) Exemptions from fees.—No fee is required for the registration of snowmobiles owned by:

- (1) The Commonwealth.
- (2) Political subdivisions.
- (3) Volunteer organizations and used exclusively for emergency purposes.

§ 7713. Certificates of registration and decals.

(a) General rule.—Except as otherwise provided in this chapter, it is unlawful to operate a snowmobile unless a certificate of registration has been issued therefor and unless there is displayed thereon the permanent or temporary registration number and a valid decal.

(b) Registration number requirements.—Numbers corresponding to the permanent registration number of the snowmobile, shown on the certificate of registration, shall be obtained by the applicant and affixed to the snowmobile. The permanent registration number displayed on the snowmobile shall be of a color which will contrast with the surface to which applied, shall be reflective and shall be at least three inches high.

(c) Display of number and decal.—The decal and the permanent registration number shall be displayed on both sides of the cowling of the snowmobile for which issued. No number other than the number assigned to a snowmobile by the department or the identification number of the registration in another state shall be attached to or displayed on the cowling.

(d) Expiration on transfer.—The certificate of registration issued for a snowmobile shall expire and the decal shall become invalid when title to the snowmobile is transferred.

(e) Suspension or revocation.—The department may suspend or revoke the certification of registration for a snowmobile upon conviction of the owner of any offense under this chapter.

§ 7714. Exemptions from registration.

No certificate of registration or decal shall be required for a snowmobile:

- (1) Owned and used by the United States or another state, or a political subdivision thereof, but such snowmobile shall display the name of the owner on the cowling thereof.
- (2) Covered by a valid registration or license of another state, province or country.
- (3) Owned and operated on lands owned by the owner or operator of the snowmobile or on lands to which he has a contractual right other than as a member of a club or association, provided the snowmobile is not operated elsewhere within this Commonwealth.

§ 7715. Reciprocity.

The provisions of this chapter relating to certificates of registration and decals shall not apply to nonresident owners who have complied with the registration and licensing laws of the state, province, district or country of residence, provided that the snowmobile is appropriately identified in accordance with the laws of the state of residence.

§ 7716. Central registration file.

The department shall maintain a central file of the certificate of registration number, name and address of the owner of each snowmobile for which a certificate of registration is issued and such information shall be made available to all enforcement agencies.

SUBCHAPTER C
OPERATION

Sec.

- 7721. Operation on streets and highways.
- 7722. Designation of snowmobile roads.
- 7723. Special snowmobile events.
- 7724. Operation on private or State property.
- 7725. Operation by persons under age sixteen.
- 7726. Operation in safe manner.
- 7727. Additional limitations on operation.
- 7728. Accidents and accident reports.
- 7729. Liability of owner for negligence.

§ 7721. Operation on streets and highways.

(a) General rule.—Except as otherwise provided in this chapter, it is unlawful to operate a snowmobile on any street or highway which is not designated and posted as a snowmobile road by the governmental agency having jurisdiction.

(b) Emergency and bridge crossings.—A snowmobile may be operated on highways and streets:

- (1) During periods of emergency when so declared by a policy agency having jurisdiction.
 - (2) When necessary to cross a bridge or culvert.
- (c) Crossing street or highway.—A snowmobile may make a direct crossing of a street or two-lane highway upon compliance with the following requirements:
- (1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
 - (2) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
 - (3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
 - (4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

§ 7722. Designation of snowmobile roads.

(a) General rule.—The Department of Transportation on state-designated highways and local authorities on any highway, road or street within its jurisdiction may designate any highway, road or street within its jurisdiction as a snowmobile road and may, in its discretion, determine whether such road shall be closed to vehicular traffic or whether snowmobiles may share this designated road with vehicular traffic.

(b) Posting notices.—Adequate notices of such designation and determination shall be sufficiently and prominently displayed.

§ 7723. Special snowmobile events.

(a) General rule.—Snowmobiles may be operated on highways and streets for special snowmobile events of limited duration which are conducted according to a pre-arranged schedule under permit from the governmental agency having jurisdiction.

(b) Authority of local authorities.—A local authority may block off highways and streets within its jurisdiction for the purpose of allowing snowmobile races, rallies or derbies. No State trunk highway or connecting street, or part thereof, shall be blocked off by any local authority for any snowmobile race, rally or derby.

(c) Notification and duty of police.—A local authority shall notify the local police department and the county sheriff's office at least one week in advance of the time and place of any snowmobile race, rally or derby which may result in any highway or street, or part thereof, being blocked off. Upon such notice, the local police department shall take such measures as it deems appropriate to protect persons and property and to regulate traffic in the designated area and its vicinity on the day of such race, rally or derby.

(d) Liability of local authorities.—A local authority shall not be responsible for any injury suffered by anyone in connection with, or arising out of, any snowmobile race, rally or derby unless the injury is caused by the negligence of the local authority.

§ 7724. Operation on private or State property.

(a) Private property.—No person shall operate a snowmobile on private property without the consent of the owner or of lessor thereof. Any person operating a snowmobile upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representatives and, if requested to do so by the landowner, shall promptly remove the snowmobile from the premises.

(b) State property.—No person shall operate a snowmobile on State-owned property except on clearly marked and previously designated snowmobile routes. The department may designate any road within a State Park or State Forest over which the department has jurisdiction as snowmobile road and may, in its discretion, determine whether the road shall be closed to vehicular traffic or whether snowmobiles may share the designated road with vehicular traffic. Adequate notices of such designation and determination shall be sufficiently and prominently displayed.

§ 7725. Operation by persons under age sixteen.

(a) Snowmobile safety certification.—Except as otherwise provided in this section, no person ten years of age and over who has not reached 16 years of age shall operate a snowmobile in this Commonwealth, except upon lands of his parent or guardian, unless and until he has received safety training as prescribed by the department and has received the appropriate snowmobile safety certificate issued by the department. The department may authorize sanctioned snowmobile clubs to act as agents in conducting classes and examinations and issuing snowmobile safety certificates in the name of the department.

(b) Failure to exhibit certificate.—The failure of an operator to exhibit a snowmobile safety certificate upon demand to any police officer having authority to enforce the provisions of this chapter shall be presumptive evidence that such person is not the holder of such certificate.

(c) Permitting unauthorized operation.—No owner of a snowmobile shall authorize or permit the operation thereof within this Commonwealth by any person under the age of 16 years unless the operator is the holder of a valid snowmobile safety certificate or except as authorized by subsection (a).

(d) Limitations on operation.—No person:

- (1) Under the age of 16 years shall drive a snowmobile across any highway or connecting street thereto.
- (2) Under the age of ten years shall operate a snowmobile without the knowledge and express consent of the landowner unless he is accompanied by a person over 18 years of age or a person over 14 years of age who holds a snowmobile safety certificate.

§ 7726. Operation in safe manner.

(a) General rule.—No person shall operate a snowmobile in any of the following ways:

- (1) At a rate of speed that is unreasonable or improper under existing conditions.
- (2) In any careless way so as to endanger the person or property of another.
- (3) While under the influence of alcohol or any controlled substance.

(b) Permitting unsafe operation.—No owner or other person having charge or control of a snowmobile shall knowingly authorize or permit the operation of the snowmobile by any person who is incapable to do so by rea-

son of age, physical or mental disability, or who is under the influence of alcohol or any controlled substance.

§ 7727. Additional limitations on operation.

Except as otherwise permitted under the act of June 3, 1937 (P. L. 1225, No. 316), known as "The Game Law," no person shall:

(1) Operate or ride in any snowmobile with any bow and arrows or with any firearm in his possession unless it is unloaded.

(2) Drive or pursue any wildlife with a snowmobile.

§ 7728. Accidents and accident reports.

(a) Duty to stop and provide information.—Whenever any snowmobile is involved in an accident resulting in loss of life, personal injury or damage to property and the operator thereof has knowledge of such accident, he shall stop and give his name and address, the name and address of the owner thereof and the registration number of the snowmobile to the injured person or the person sustaining the damage or to a police officer. In case no police officer nor the person sustaining the damage is present at the place where the damage occurred, then the operator shall immediately report, as soon as he is physically able, the accident to the nearest law enforcement agency.

(b) Report of accident to department.—The operator of any snowmobile involved in any accident resulting in injuries to or death of any person or resulting in property damage to the estimated amount of \$100 or more shall, within seven days after such accident, report the matter in writing to the department. If the operator is physically incapable of making the report and there is another participant in the accident not so incapacitated, the participant shall make the report within the prescribed period of time after the accident. In the event that there is no other participant and the operator is other than the owner, then the owner shall within the prescribed period of time, after learning of the facts of such accident, report the matter to the department, together with such information as may have come to his knowledge relating to such accident. Every operator or owner of a snowmobile in an accident, or surviving participant of any such accident, shall make such other and additional reports as the department shall require.

(c) Report by law enforcement officer.—A law enforcement officer who investigates or receives information of an accident involving a snowmobile shall make a written report of the investigation or information received, and such additional facts relating to the accident as may come to his knowledge, and mail the same within 48 hours to the department and keep a record thereof in his office.

(d) Exception.—This section does not apply when property damage is sustained in sanctioned snowmobile races, derbies and rallies.

§ 7729. Liability of owner for negligence.

(a) General rule.—Negligence in the use or operation of a snowmobile is attributable to the owner. Every owner of a snowmobile used or operated in this Commonwealth shall be liable and responsible for death or injury to person or damage to property resulting from negligence in the use or operation of such snowmobile by any person using or operating the snowmobile with the permission, express or implied, of such owner.

(b) Exception.—The negligence of the operator shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such injuries or death.

SUBCHAPTER D

EQUIPMENT

Sec.

7741. Head lamps and tail lamps.

7742. Brakes.

7743. Mufflers and noise control.

§ 7741. Head lamps and tail lamps.

(a) Time of operation.—Every snowmobile operated during hours of darkness shall display a lighted head lamp and tail lamp. The lights shall be in operation during the period of from one-half hour after sunset to one-

half hour before sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet ahead.

(b) Head lamp requirements.—The head lamp shall display white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of 100 feet ahead.

(1) If the snowmobile is equipped with a multiple beam head lamp, the upper beam shall meet the minimum requirements set forth in this section and the lower-most beam shall be so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 50 feet ahead.

(2) If the snowmobile is equipped with a single beam head lamp, the lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 75 feet ahead, projects higher than the level of the center of the lamp from which it comes.

(c) Tail lamp requirements.—The tail lamp shall display a red light plainly visible during darkness from a distance of 300 feet.

§ 7742. Brakes.

It is unlawful to operate a snowmobile which is not equipped with at least one brake of a design approved by the department operated either by hand or by foot, capable of bringing the snowmobile to a stop, under normal conditions, within 40 feet when traveling at a speed of 20 miles per hour with a 150 pound driver and on hard packed snow, or locking its traction belt or belts. The design shall permit simple and easy adjustment to compensate for wear.

§ 7743. Mufflers and noise control.

(a) General rule.—It is unlawful to operate a snowmobile which is not equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. The sound intensity produced by a snowmobile shall not exceed 82dbA when measured in accordance with SAE Recommended Practice J 192 Exterior Sound Level for Snowmobiles, as amended. The department may by regulation adopt more stringent noise requirements.

(b) Modified mufflers prohibited.—It is unlawful to modify a muffler or to operate a snowmobile with a modified muffler.

(c) Exception.—This section does not apply to organized races or similar competitive events.

SUBCHAPTER E

MISCELLANEOUS PROVISIONS

Sec.

7751. Enforcement personnel and procedures.

7752. Penalties for violation of chapter.

7753. Actions for collection of penalties.

§ 7751. Enforcement personnel and procedures.

(a) Duty of enforcement.—Every law enforcement officer in this Commonwealth and designated officers and employees of the department shall enforce the provisions of this chapter.

(b) Forms and procedures.—The department may prescribe the form of summons or complaint, or both, in all cases involving a violation of any provision of this chapter or of any ordinance, rule or regulation relating to snowmobiles, or of any class or category of such cases, and may establish procedures for proper administrative controls over the disposition thereof.

(c) Records and reports.—The chief executive officer of each local police force, sheriffs and the Commissioner of the Pennsylvania State Police shall prepare or cause to be prepared such records and reports as may be prescribed under this section.

(d) Rules and regulations.—The department may promulgate such rules and regulations as may be deemed necessary to accomplish the purposes and enforce the

provisions of this section including requirements for reporting by trial courts having jurisdiction over snowmobile violations.

§ 7752. Penalties for violation of chapter.

(a) General rule.—Except as provided in subsection (b), any person violating any of the provisions of this chapter is guilty of a summary offense and shall, upon conviction:

(1) For a first offense, be sentenced to pay a fine of not less than \$10 nor more than \$50 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than ten days.

(2) For a second offense, be sentenced to pay a fine of not less than \$25 nor more than \$100 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than 30 days.

(b) Unauthorized disposition of forms.—Any person who disposes of any uniform snowmobile summons or complaint in any other manner than that prescribed by law, rule or regulation is guilty of a misdemeanor of the third degree.

§ 7753. Actions for collection of penalties.

(a) General rule.—An action to recover any penalty imposed under the provisions of this chapter may be brought in any court of competent jurisdiction in this Commonwealth on order of the department and in the name of the Commonwealth. In any such action all penalties incurred up to the time of commencing the action may be sued for and recovered therein and the commencement of an action to recover any such penalty shall not be, or be held to be, a waiver of the right to recover any other penalty. In case of recovery of any amount in an action brought to recover any such penalty the Commonwealth shall be entitled to recover full costs and at the rates provided for civil actions.

(b) Duty and liability of witnesses.—No person shall be excused from testifying or producing any books, papers or other documents in any civil action to recover any such penalty, upon the ground that his testimony might tend to convict him of an offense or subject him to a penalty or forfeiture. No person shall be prosecuted, punished or subjected to any penalty of forfeiture for or on account of any such act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. This subsection is not intended to give, and shall not be considered as in any manner giving, unto any corporation immunity of any kind.

(c) Plea of guilty.—A defendant charged with a violation of any provision of this chapter may himself plead guilty to the charge in open court. He may also submit to the judge having jurisdiction, in person, by duly authorized agent, or by registered mail, a statement setting forth the following:

(1) That he waives arraignment in open court and the aid of counsel.

(2) That he pleads guilty to the offense as charged.

(3) That he elects and requests that the charge be disposed of and the fine or penalty fixed by the court.

(4) Any explanation that he desires to make concerning the offense charged.

(5) That he makes all statements under penalty of perjury.

Thereupon the judge may proceed as though the defendant had been convicted upon a plea of guilty in open court. Any imposition of fine or penalty under this section shall be deemed tentative until the fine or penalty has been paid and discharged in full. If, upon receipt of the aforesaid statement, the judge shall deny the same, he shall thereupon notify the defendant of this fact and that he is required to appear before the said judge at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.

(d) Statement of disposition of case.—The court or justice of the peace before whom any person shall be tried, or the clerk of the court, shall, at the termination of the

trial or proceeding, forthwith mail or deliver to the department at Harrisburg a certified statement of the disposition of the case or proceeding giving the date thereof, the name of the defendant, the date and place of the violation, the name of each witness sworn in support of the charges and the amount of the fine or penalty paid.

(e) Section not exclusive.—This section does not prohibit the prosecution of violations of this chapter in any court of competent jurisdiction in the same manner as other offenses.

CHAPTER 81

INTERSTATE COMPACTS AND AGREEMENTS

Subchapter

- A. Bus Taxation Proration Agreement
- B. Vehicle Equipment Safety Compact

SUBCHAPTER A

BUS TAXATION PRORATION AGREEMENT

Sec.

- 8101. Bus taxation proration agreement enacted.
- 8102. Secretary of Transportation to be administrator.
- 8103. Exemptions from agreement and changes in reporting.
- 8104. Governor to give notice of withdrawal from agreement.
- 8105. Applicability of other provisions of title.

§ 8101. Bus taxation proration agreement enacted.

The Bus Taxation Proration Agreement is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

Article I

Purposes and Principles

Section 1. Purposes of Agreement.—It is the purpose of this agreement to set up a system whereby any contracting State may permit owners of fleets of buses operating in two or more States to prorate the registration of the buses in such fleets in each State in which the fleets operate on the basis of the proportion of miles operated within such State to total fleet miles, as defined herein.

Section 2. Principle of Proration of Registration.—It is hereby declared that in making this agreement the contracting States adhere to the principle that each State should have the freedom to develop the kind of highway user tax structure that it determines to be most appropriate to itself, that the method of taxation of interstate buses should not be a determining factor in developing its user tax structure, and that annual taxes or other taxes of the fixed fee type upon buses which are not imposed on a basis that reflects the amount of highway use should be apportioned among the States, within the limits of practicality, on the basis of vehicle miles traveled within each of the States.

Article II

Definitions

(a) State.—State shall include the States of the United States, the District of Columbia, the territories of the United States, the Provinces of Canada, and the States, Territories and Federal District of Mexico.

(b) Contracting State.—Contracting State shall mean a State which is a party to this agreement.

(c) Administrator.—Administrator shall mean the official or agency of a State administering the fee involved, or, in the case of proration of registration, the official or agency of a State administering the proration of registration in that State.

(d) Person.—Person shall include any individual, firm, copartnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

(e) Base State.—Base State shall mean the State from

or in which the bus is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled, or also in the case of a fleet bus the State to which it is allocated for registration under statutory requirements. In order that this section may not be used for the purpose of evasion of registration fees, the administrators of the contracting States may make the final decision as to the proper base State, in accordance with Article III (h) hereof, to prevent, or avoid such evasion.

(f) **Bus.**—Bus shall mean any motor vehicle of a bus type engaged in the interstate transportation of passengers and subject to the jurisdiction of the Interstate Commerce Commission or any agency successor thereto, or one or more State regulatory agencies concerned with the regulation of passenger transport.

(g) **Fleet.**—As to each contracting State, fleet shall include only those buses which actually travel a portion of their total miles in such State. A fleet must include three (3) or more buses.

(h) **Registration.**—Registration shall mean the registration of a bus and the payment of annual fees and taxes as set forth in or pursuant to the laws of the respective contracting States.

(i) **Proration of Registration.**—Proration of registration shall mean registration of fleets of buses in accordance with Article IV of this agreement.

(j) **Reciprocity.**—Reciprocity shall mean that each contracting State, to the extent provided in this agreement, exempts a bus from registration and registration fees.

Article III

General Provisions

(a) **Effect on Other Agreements, Arrangements and Understandings.**—On and after its effective date, this agreement shall supersede any reciprocal or other agreement, arrangement, or understanding between any two or more of the contracting States covering, in whole or in part, any of the matters covered by this agreement; but this agreement shall not affect any reciprocal or other agreement, arrangement, or understanding between a contracting State and a State or States not a party to this agreement.

(b) **Applicability to Exempt Vehicles.**—This agreement shall not require registration in a contracting State of any vehicles which are in whole or part exempt from registration under the laws or regulations of such State without respect to this agreement.

(c) **Inapplicability of Caravanned Vehicle.**—The benefits and privileges of this agreement shall not be extended to a vehicle operated on its own wheels, or in tow of a motor vehicle, transported for the purpose of selling or offering the same for sale to or by any agent, dealer, purchaser, or prospective purchaser.

(d) **Other Fees and Taxes.**—This agreement does not waive any fees or taxes charged or levied by any State in connection with the ownership or operation of vehicles other than registration fees as defined herein. All other fees and taxes shall be paid to each State in accordance with the laws thereof.

(e) **Statutory Vehicle Regulations.**—This agreement shall not authorize the operation of a vehicle in any contracting State contrary to the laws or regulations thereof, except those pertaining to registration and payment of fees; and with respect to such laws or regulations only to the extent provided in this agreement.

(f) **Violations.**—Each contracting State reserves the right to withdraw, by order of the administrator thereof, all or any part of the benefits or privileges granted pursuant to this agreement from the owner of any vehicle or fleet of vehicles operated in violation of any provision of this agreement. The administrator shall immediately give notice of any such violation and withdrawal of any such benefits or privileges to the administrator of each other contracting State in which vehicles of such owner are operated.

(g) **Cooperation.**—The administrator of each of the contracting States shall cooperate with the administrators of the others and each contracting State hereby agrees to furnish such aid and assistance to each other within its

statutory authority as will aid in the proper enforcement of this agreement.

(h) **Interpretation.**—In any dispute between or among contracting States arising under this agreement, the final decision regarding interpretation of questions at issue relating to this agreement shall be reached by joint action of the contracting States, acting through the administrator thereof, and shall upon determination be placed in writing.

(i) **Effect of Hearings.**—Article and section heading contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or part hereof.

(j) **Entry into Force.**—This agreement shall enter into force and become binding between and among the contracting States when enacted or otherwise entered into by any two States. Thereafter, it shall enter into force and become binding with respect to any State when enacted into law by such State. If the statutes of any State so authorize or provide, such State may become party to this agreement upon the execution thereof by an executive or administrative official thereof acting on behalf of and for such State.

Article IV

Proration of Registration

(a) **Applicability.**—Any owner of a fleet may register the buses of said fleet in any contracting State by paying to said State total registration fees in an amount equal to that obtained by applying the proportion of in-state fleet miles divided by the total fleet miles, to the total fees which would otherwise be required for regular registration of each and all of such vehicles in such contracting State.

All fleet pro-rata registration fees shall be based upon the mileage proportions of the fleet during the period of twelve months ending on August 31 next preceding the commencement of the registration year for which registration is sought; Except, that mileage proportions for a fleet not operated during such period in the State where application for registration is made will be determined by the administrator upon the sworn application of the applicant showing the operations during such period in other States and the estimated operations during the registration year for which registration is sought, in the State in which application is being made; or if no operations were conducted during such period, a full statement of the proposed method of operation.

If any buses operate in two or more States which permit the proration of registration on the basis of a fleet of buses consisting of a lesser number of vehicles than provided in Article II (g), such fleet may be prorated as to registration in such States, in which event the buses in such fleet shall not be required to register in any other contracting States if each such vehicle is registered in some contracting State, except to the extent it is exempt from registration as provided in Article III (b).

If the administrator of any State determines, based on his method of the operation thereof, that the inclusion of a bus or buses as a part of a fleet would adversely affect the proper fleet fee which should be paid to his State, having due regard for fairness and equity, he may refuse to permit any or all of such buses to be included in his State as a part of such fleet.

(b) **Total Fleet Miles.**—Total fleet miles, with respect to each contracting State, shall mean the total miles operated by the fleet (1) in such State, (2) in all other contracting States, (3) in other States having proportional registration provisions, (4) in States with which such contracting State has reciprocity, and (5) in such other States as the administrator determines should be included under the circumstances in order to protect or promote the interest of his State; except that in States having laws requiring proration on the bases of a different determination of total fleet miles, total fleet miles shall be determined on such basis.

(c) **Leased Vehicles.**—If a bus is operated by a person other than the owner as a part of a fleet which is subject to the provisions of this article, then the operator of such fleet shall be deemed to be the owner of said bus for the purposes of this article.

(d) Extent of Privileges.—Upon the registration of a fleet in a contracting State pursuant to this article, each bus in the fleet may be operated in both interstate and intrastate operations in such State, except as provided in Article III (e).

(e) Application for Proration.—The application for proration of registration shall be made in each contracting State upon substantially the application forms and supplements authorized by joint action of the administrators of the contracting States.

(f) Issuance of Identification.—Upon registration of a fleet, the State which is the base State of a particular bus of the fleet, shall issue the required license plates and registration card for such bus and each contracting State in which the fleet of which such bus is a part, operates shall issue a special identification identifying such bus as a part of a fleet which has fully complied with the registration requirements of such State. The required license plates, registration cards and identification shall be appropriately displayed in the manner required by or pursuant to the laws of each respective State.

(g) Additions to Fleet.—If any bus is added to a prorated fleet after the filing of the original application, the owner shall file a supplemental application. The owner shall register such bus in each contracting State in like manner as provided for buses listed in an original application and the registration fee payable shall be determined on the mileage proportion used to determine the registration fees payable for buses registered under the original application.

(h) Withdrawals from Fleet.—If any bus is withdrawn from a prorated fleet during the period for which it is registered or identified, the owner shall notify the administrator of each State in which it is registered or identified of such withdrawal and shall return the plates, and registration card or identification as may be required by or pursuant to the laws of the respective States.

(i) Audits.—The administrator of each contracting State shall, within the statutory authority of such administrator, make any information obtained upon an audit of records of any applicant for proration of registration available to the administrators of the other contracting States.

(j) Errors in Registration.—If it is determined by the administrator of a contracting State, as a result of such audits or otherwise, that an improper fee has been paid his State, or errors in registration found, the administrator may require the fleet owner to make the necessary corrections in the registration of his fleet and payment of fees.

Article V
Reciprocity

(a) Grant of Reciprocity.—Each of the contracting States grants reciprocity as provided in this article.

(b) Applicability.—The provisions of this agreement with respect to reciprocity shall apply only to a bus properly registered in the base State of the bus, which State must be a contracting State.

(c) Non-applicability to Fleet Buses.—The reciprocity granted pursuant to this article shall not apply to a bus which is entitled to be registered or identified as part of a prorated fleet.

(d) Extent of Reciprocity.—The reciprocity granted pursuant to this article shall permit the interstate operation of a bus and intrastate operation which is incidental to a trip of such bus involving interstate operation.

(e) Other Agreements.—Nothing in this agreement shall be construed to prohibit any of the contracting States from entering into separate agreements with each other for the granting of temporary permits for the intrastate operation of vehicles registered in the other State; nor to prevent any of the contracting States from entering into agreements to grant reciprocity for intrastate operation within any zone or zones agreed upon by the States.

Article VI
Withdrawal or Revocation

Any contracting State may withdraw from this agreement upon thirty (30) days written notice to each other

contracting State, which notice shall be given only after the repeal of this agreement by the legislature of such State, if adoption was by legislative act, or after renunciation by the appropriate administrative official of such contracting State if the laws thereof empower him so to renounce.

Article VII
Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the Constitution of any State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the Constitution of any State participating herein, the Compact shall remain in full force and effect as to the remaining party States and in full force and effect as to the State affected as to all severable matters.

§ 8102. Secretary of Transportation to be administrator. As used in the agreement with reference to this State, the term "administrator" shall mean the Secretary of Transportation.

§ 8103. Exemptions from agreement and changes in reporting.

(a) General rule.—The Secretary of Transportation shall have the power to make such exemptions from the coverage of the agreement as may be appropriate and to make such changes in methods for the reporting of any information required to be furnished to this State pursuant to the agreement as, in his judgement, shall be suitable.

(b) Limitations.—Any such exemptions or changes shall not be contrary to the purposes set forth in Article I of the agreement and shall be made in order to permit the continuance of uniformity of practice among the contracting states with respect to buses.

(c) Authority exercised by rule or regulation.—Any such exemptions or charges shall be made by rule or regulation and shall not be effective unless made in accordance with the act of July 31, 1968 (P. L. 769, No. 240), known as the "Commonwealth Documents Law".

§ 8104. Governor to give notice of withdrawal from agreement.

Unless otherwise provided in any statute withdrawing this State from participation in the agreement, the Governor shall be the officer to give notice of withdrawal therefrom.

§ 8105. Applicability of other provisions of title.

The other provisions of this title shall, to the extent that they are inconsistent with the Compact, be inapplicable to the registration of buses as the term is defined in the Compact.

SUBCHAPTER B
VEHICLE EQUIPMENT SAFETY COMPACT

Sec.

- 8111. Vehicle equipment safety compact enacted.
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§ 8111. Vehicle equipment safety compact enacted.

The Vehicle Equipment Safety Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article 1

Findings and Purposes

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this Article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

Article II

Definitions

As used in this compact:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which effects the safety of operation of such vehicle or the safety of the occupants.

Article III

The Commission

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the commission. The commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission.

(b) The commissioners shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission may appoint an Executive Director and fix his duties and compensation. Such Executive Director shall serve at the pleasure of the commission, and together with the treasurer shall be bonded in such amount as the commission shall determine. The Executive Director also shall serve as secretary. If there be no Executive Director, the commission shall elect a secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director with the approval of the commission, or the commission if there be no Executive Director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

(f) The commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full time employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize, and dispose of the same.

(i) The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(j) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The commission annually shall make the Governor and Legislature of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable.

Article IV

Research and Testing

The commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contact for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the commission: Provided, That such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or

policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

Article V

Vehicular Equipment

(a) In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this Article. No less than sixty days after the publication of a report containing the results of such study, the commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this Article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this Article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the Legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any commission rule, regulation or code to the Legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this Article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the commission pursuant to this Article, if such agency specifically finds after public hearing on due notice, that a variation from the commission's rule, regulation or code is necessary to the public safety and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

Article VI

Finance

(a) The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the Legislature thereof.

(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the

party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of this compact: Provided, That the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under Article III (h) hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

Article VII

Conflict of Interest

(a) The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the commission and contractors with the commission to the end that no member or employe or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the commission or on its behalf for testing, conduct of investigation or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a commission rule or regulation adopted pursuant to this Article shall require the immediate discharge of any violating employe and the immediate vacating of membership, or relinquishing of status as a member on the commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the commission subject to cancellation by the commission.

(b) Nothing contained in this Article shall be deemed to prevent a contractor for the commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

Article VIII

Advisory and Technical Committees

The commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such

committees and the organizations which the members represent in furthering any of its activities.

Article IX

Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article X

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

§ 8112. Legislative findings.

The General Assembly finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction except to the extent that specific and compelling evidence supports variation.

(3) The Department of Transportation, acting upon recommendations of the Vehicle Equipment Safety Commission and pursuant to the Vehicle Equipment Safety Compact, provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this subchapter.

§ 8113. Applicability of other provisions of title.

Any other provision of this title shall continue to be of force and effect only until superseded by a rule, regulation or code adopted by the Department of Transportation pursuant to the Vehicle Equipment Safety Compact. Any such rule, regulation or code shall specify the provision or provisions of existing statute being superseded in accordance with and as required by this subchapter. Any such provision or provisions are hereby repealed, effective on the date when the rule, regulation or code superseding such provision or provisions becomes effective pursuant to the Vehicle Equipment Safety Compact, but any violations occurring before the said date shall be prosecuted under the other provisions of this title.

§ 8114. Statutory approval of commission rule, regulation or code.

Pursuant to Article V (e) of the Vehicle Equipment Safety Compact, it is the intention of the General Assembly and it is hereby provided that no rule, regulation or code issued by the Vehicle Equipment Safety Commission in accordance with Article V of the compact shall take effect until approved by statute.

§ 8115. Secretary of Transportation to be commissioner.

(a) General rule.—The commissioner of this State on the Vehicle Equipment Safety Commission shall be the

Secretary of Transportation who shall serve during his continuance as the secretary.

(b) Appointment and authority of alternate.—The commissioner of this State appointed pursuant to this section may designate an alternate from among the officers and employees of the department to serve in his place and stead on the Vehicle Equipment Safety Commission. Subject to the provisions of the compact and bylaws of the Vehicle Equipment Safety Commission, the authority and responsibilities of such alternate shall be as determined by the commissioner designating such alternate.

§ 8116. State employees retirement coverage for commission employees.

The State Employees' Retirement System may make an agreement with the Vehicle Equipment Safety Commission for the coverage of the commission's employees pursuant to Article III (f) of the compact. Any such agreement, as nearly as may be, shall provide for arrangements similar to those available to the employees of this State and shall be subject to amendment or termination in accordance with its terms.

§ 8117. Cooperation of State agencies with commission.

Within appropriations available therefor, the departments, agencies and officers of the government of this State may cooperate with and assist the Vehicle Equipment Safety Commission within the scope contemplated by Article III (h) of the compact. The departments, agencies and officers of the government of this State are authorized generally to cooperate with said commission.

§ 8118. Document filings and notices under bylaws.

Filing of documents as required by Article III (i) of the compact shall be with the Department of Transportation. Any and all notices required by commission bylaws to be given pursuant to Article III (i) of the compact shall be given to the commissioner of this State or his alternate, if any.

§ 8119. Submission of commission budgets.

Pursuant to Article VI (a) of the compact, the Vehicle Equipment Safety Commission shall submit its budgets to the Department of Transportation.

§ 8120. Inspection of commission accounts by Auditor General.

Pursuant to Article VI (e) of the compact, the Auditor General is hereby empowered and authorized to inspect the accounts of the Vehicle Equipment Safety Commission.

§ 8121. Governor as executive head.

The term "executive head" as used in Article IX (b) of the compact shall, with reference to this State, mean the Governor.

§ 8122. Penalty for violation of compact.

Any person violating the provisions of Article VII of the compact and rules made pursuant thereto is guilty of a misdemeanor of the third degree.

Section 2. Transition Provisions.

(a) Suspensions.—All suspensions ordered by the Secretary of Transportation under former section 618(b)(2) of the act of April 29, 1959 (P. L. 58, No. 32), known as "The Vehicle Code," are rescinded as of the effective date of the point system as set forth in section 7 of this act and the secretary shall not order any further suspensions under former section 618(b)(2) for violations committed prior to such effective date.

(b) Points.—All points assigned to the records of licensed persons under former section 619.1 of "The Vehicle Code," shall be deleted from the records of the licensees and thereafter may not be used as a basis for suspension of operating privileges and no points shall be added to the records of any licensees on account of any violations committed prior to the effective date of the point system as set forth in section 7 of this act.

(c) Return of suspended licenses.—The department shall return the licenses of all drivers who are serving suspensions under former sections 618(b)(2) or 619.1 of "The Vehicle Code." Such drivers shall not drive until they have received their licenses.

(d) Purge of records.—

(1) All suspensions and convictions under former sections 618(b)(2) and 619.1 of "The Vehicle Code" which occurred prior to July 1, 1973, shall be purged from the records of licensees on June 30, 1976.

(2) All other suspensions and convictions under former section 618(b)(2) and 619.1 of "The Vehicle Code" shall be purged from the records of licensees on June 30, 1979.

(3) No suspensions and convictions under former sections 618(b)(2) and 619.1 of "The Vehicle Code" shall constitute prior suspensions for the purpose of determining the length of suspensions under 75 Pa.C.S. § 1539 (relating to suspension of operating privilege or accumulation of points).

(e) Implementing regulations—Immediately upon the final enactment of this act, the Department of Transportation shall promulgate regulations to implement the provisions of 75 Pa.C.S. §§ 1535 (relating to schedule of convictions and points) through 1539 (relating to suspension of operating privilege or accumulation of points) by assigning points as prescribed in 75 Pa.C.S. § 1535(a) for similar violations occurring prior to the effective date of this act under the act of April 29, 1959 (P. L. 58, No. 32) known as "The Vehicle Code." The regulations may be promulgated without compliance with statutory requirements relating to notice of proposed rule making and public hearings, may be made effective immediately upon publication in the Pennsylvania Bulletin and may be made retroactive to the date of final enactment of this act.

(f) Staggered registration renewal system.—The system of staggered registration renewal provided for in 75 Pa.C.S. § 1307 (relating to period of registration) as added by this act shall be implemented no later than July 1, 1979 in coordination with the expiration of registration periods for various types of vehicles under existing law.

(g) Colored photo on driver's license.—The requirement for a color photograph on a driver's license provided for in 75 Pa.C.S. § 1510 (relating to issuance and content of driver's license) as added by this act shall be implemented no later than July 1, 1978.

(h) Exemption of existing drivers from examination.—At the time of the first renewal following the effective date of this act, a driver holding a valid driver's license issued by the department may have the renewed driver's license endorsed with one or more classes of vehicles based on experience in driving the classes of vehicles without undergoing an examination.

Section 3. Fines and Penalties under Vehicle Code of 1959.

(a) Grading of offenses and amount of fines—

(1) Any person convicted of violating section 1022 (unattended motor vehicle) of the act of April 29, 1959 (P. L. 58, No. 32), known as "The Vehicle Code," shall be sentenced to pay a fine of \$5.

(2) Any person convicted of violating section 1021 (parking in prohibited places) or 1021.1 (parking on private property) of "The Vehicle Code" shall be sentenced to pay a fine of \$15.

(3) Any person convicted of violating any of the following sections of "The Vehicle Code" shall be sentenced to pay a fine of \$25:

Section	Subject
1001	Reckless driving
1003	Obedience railroad warning signs
1004	Driving on right side of highway
1005	Intersection and railway grade crossings
1006	Meeting of vehicles
1007	Overtaking a vehicle
1008	Limitations on overtaking and passing
1009	Giving way to overtaking vehicle
1010	Following too closely
1010.1	Motorcycles abreast of each other
1011	Turning at intersection
1012	Signals for certain movements
1013	Right-of-way
1014	Exceptions to right-of-way rule
1015	Actions on approach of emergency vehicles
1016	Stopping at highways and intersections
1016.1	Yielding right-of-way
1017	Passing schoolcars
1018	Passing school buses
1019	Safety zone and medial strip violations

1020	Stopping on highway
1024	Tampering with vehicles
1027(c)	Duty to stop in event of accident
1027(d)	Duty to stop in event of accident
1028	Traffic signal interpretations
1029	Stopping at railway grade crossings
1030	Driving over fire hose
1031	Speed on bridges
1032	Soliciting business along highway
1033	Pedestrians soliciting rides
1024	Multiple beam road lighting equipment
1036	Driving on Pennsylvania Turnpike
1039	Protection of blind pedestrians
1040	Passengers in trailers

(4) Any person convicted of violating section 1002 (restrictions as to speed) of "The Vehicle Code" shall be sentenced to pay a fine of \$35 and, if convicted of exceeding the maximum speed limit by more than five miles per hour, an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(5) Any person convicted of violating section 1043(a) (abandonment of motor vehicle) of "The Vehicle Code" shall be sentenced to pay a fine of \$50 and costs of disposing of the vehicle under sections 1222 through 1222.6.

(6) Any person convicted of violating section 1018 (passing school buses) of "The Vehicle Code" shall be sentenced to pay a fine of \$100.

(7) Any person violating section 1038 (driving without lights to avoid identification or arrest), 1041 (speed contests and drag races) or 1043(b) (stripping of motor vehicle) of "The Vehicle Code" is guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of \$200.

(8) Any person convicted of violating section 1025 (throwing or dumping material from vehicle) of "The Vehicle Code" shall be sentenced to pay a fine not exceeding \$300.

(9) Any person violating sections 1027(a), (b) or (c) (duty to stop in event of accident) or 1037 (driving under influence of liquor or drugs) of "The Vehicle Code" is guilty of a misdemeanor of the third degree and subject to the penalties prescribed by law.

(b) Disposition of fines, penalties and forfeitures.—

(1) State Police enforcement.—When prosecution under the provisions of "The Vehicle Code" is the result of State Police action, all fines and penalties and all bail forfeited shall be paid to the Department of Revenue, transmitted to the State Treasury and credited to the Motor License Fund. One-half of the revenue shall be paid to municipalities in the same ratio provided in section 4 of the act of June 1, 1956 (P. L. 1944, No. 655), relating to partial allocation of liquid fuels and fuel use tax proceeds.

(2) Local police enforcement except for parking.—When prosecution under the provisions of "The Vehicle Code" except for parking, is the result of local police action, one-half of all fines and penalties and all bail forfeited shall be paid to the political subdivision under which the local police are organized and one-half to the Department of Revenue, transmitted to the State Treasury and credited to the Motor License Fund.

(3) Local police enforcement of parking.—When prosecution under the provisions of "The Vehicle Code" for parking is the result of local police action, all fines and penalties and all bail forfeited shall be paid to the political subdivision under which the local police are organized.

(c) Costs.—

(1) Except as provided in paragraph (2), any person convicted of a summary offense under "The Vehicle Code" shall, in addition to the fine imposed, be sentenced to pay \$10 as costs of the issuing authority which costs shall include all charges including, when called for, the costs of postage and registered or certified mail and the costs of giving a transcript to the prosecutor or defendant, or both, if requested.

(2) Where the person charged with a summary offense under "The Vehicle Code" demands a hearing, the costs of the issuing authority shall be \$15, which costs shall include all charges including the charges specified in paragraph (1).

(d) Expiration of section.—This section shall expire

upon the effective date of this act as set forth in section 8(a) of this act.

Section 4. Saving Provision.—The provisions of Title 75 of the Pennsylvania Consolidated Statutes as added by this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty, or punish any offense, under the authority of any statute repealed by this act.

Section 5. Severability.—If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 6. Applicability of Statutory Construction Act.—The provisions of 1 Pa.C.S. §§ 1952 (relating to effect of separate amendments on code provisions enacted by same General Assembly) and 1974 (relating to effect of separate repeals on code provisions by same General Assembly) shall not be applicable to any provisions of Title 75 of the Pennsylvania Consolidated Statutes as added by this act or any act repealed by this act.

Section 7. Repeals.

(a) Specific repeals.—The following acts are repealed: Act of April 23, 1889 (P. L. 44, No. 43), entitled "An act defining the rights and regulating the use of bicycles and tricycles."

Act of April 1, 1925 (P. L. 100, No. 71), entitled "An act making it unlawful to drive over certain inter-state bridges with loads of excessive weight; and inflicting penalties."

Act of May 14, 1929 (P. L. 1721, No. 563), entitled, as amended, "An act providing for the service of process in civil suits on nonresident operators, nonresident owners or nonresident persons in whose behalf a motor vehicle or motor boat is being operated or motor vehicles or motor boats operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle or motor boat on the public highways or on inland or tidal waters of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of the Commonwealth of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit."

Act of May 10, 1951 (P. L. 275, No. 48), entitled "An act authorizing, in certain cases, the renewal of motor vehicle operators' licenses for persons honorably discharged from the armed forces of the United States or from any women's organization officially connected therewith, without a learner's permit, examination or additional fee; and while in such service, the operation of motor vehicles without renewal of operator's license; and the temporary suspension of existing laws requiring the same."

Act of April 29, 1959 (P. L. 58, No. 32), known as "The Vehicle Code."

Act of August 1, 1963 (P. L. 479, No. 250), entitled "An act providing for a system of registration of motor buses and omnibuses on a proration basis among States adopting the same procedure."

Act of August 6, 1963 (P. L. 536, No. 286), entitled "An act providing for the entry of the Commonwealth into a compact with other states relating to vehicle safety equipment and imposing powers and duties on the Department of Revenue, the Auditor General and the Governor in relation thereto."

Act of August 12, 1971 (P. L. 299, No. 75), entitled "An act regulating snowmobiles, providing for registrations and fees, and providing penalties."

(b) General repeal.—All other acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 8. Effective Date.

(a) General rule.—Except as otherwise provided in this section, this act shall take effect July 1, 1977.

(b) Point system.—Sections 1535 (relating to schedule of convictions and points) through 1539 (relating to suspension of operating privilege on accumulation of points) and section 1541 (relating to period of revocation or suspension of operating privilege) through 1545 (relating to

restoration of operating privilege) of Title 75 as added by this act shall take effect immediately.

(c) Removal of vehicles.—Section 3352 of Title 75 (relating to removal of vehicle by or at direction of police) as added by this act shall take effect immediately.

(d) Tire studs.—Section 4525(c) of Title 75 (relating to studs) as added by this act shall take effect May 1, 1978.

(e) Sale, publication and disclosure of records.—Section 6114 of Title 75 (relating to limitation on sale, publication and disclosure of records) as added by this act shall take effect immediately.

(f) Fines and penalties under Vehicle Code of 1959.—Section 3 of this act shall take effect July 1, 1976, or immediately, whichever is later.

On the question,

Will the House adopt the report of the Committee of Conference?

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVING. Mr. Speaker, on House bill No. 1817, printer's No. 3406, I ask that the House do adopt the committee of conference report.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Greenfield.

Mr. GREENFIELD. Could I ask Mr. Bonetto a question on the conference report?

The SPEAKER. Will the gentleman, Mr. Bonetto, respond to interrogation?

Mr. BONETTO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. GREENFIELD. With regard to amnesty, Mr. Speaker, if anyone has compiled a number of points that would have given him a suspension within the previous 3 years, would that be included in the amnesty arrangement?

Mr. BONETTO. Would you repeat the question, please?

Mr. GREENFIELD. If someone has accumulated sufficient points, within the previous 3 years, to warrant a suspension currently, would he be included in this amnesty agreement?

Mr. BONETTO. Any person who has accumulated points on a moving violation prior to the effective date of this act will be granted amnesty upon the passage of this act.

Mr. GREENFIELD. As I understand it, anyone with current suspensions will be given amnesty.

Mr. BONETTO. On a moving violation, yes. Now this does not include any revocation by the courts for reckless driving. We cannot touch that. But amnesty is granted to those, upon the effective date of the act, for moving violations.

The SPEAKER. For what purpose does the gentleman, Mr. Mebus, rise?

Mr. MEBUS. Mr. Speaker, may I make a statement for the record after the vote is taken?

The SPEAKER. The Chair will recognize the gentleman.

On the question recurring,

Will the House adopt the Report of the Committee of Conference?

Agreeable to the provisions of the constitution, the yeas and nays were taken and were as follows:

YEAS—157

Abraham	Geisler	McCue	Saloom
Anderson, J. H.	George	McGinnis	Salvatore
Arthurs	Giammarco	McIntyre	Scheaffer
Barber	Gleeson	McLane	Schmitt
Bellomini	Goodman	Menhorn	Setrca
Bennett	Green	Miljanovich	Seltzer
Beren	Greenfield	Miller, M. E.	Shane
Berlin	Grieco	Miller, M. E., Jr.	Shelhamer
Berson	Gring	Miliron	Shelton
Bittle	Halversen	Miscevich	Sirianni
Bonetto	Hamilton, J. H.	Moebmann	Smith, E.
Brandt	Hasay	Morris	Smith, L.
Brunner	Haskell	Mrkonic	Spencer
Burns	Hayes, D. S.	Mullen, M. P.	Stapleton
Butera	Hepford	Mullen	Stout
Caputo	Hill	Myers	Taddonio
Cessar	Hutchinson, A.	Novak	Taylor
Cimini	Hutchinson, W.	Noye	Tob
Cohen	Irvia	O'Brien	Thomas
Cole	Johnson, J.	O'Connell	Trelio
Cowell	Katz	O'Donnell	Turner
Crawford	Kelly, A. P.	O'Keefe	Ustynoski
Cumberland	Kelly, J. B.	Oliver	Valicenti
DeMedio	Kernick	Pancoast	Vroon
Deverter	Kistler	Parker, H. S.	Walsh, T. P.
DiDonato	Kingaman	Perri	Wansacz
Dombrowski	Knopper	Ptraraca	Westerberg
Dorr	Kolter	Pievsky	Whelan
Doyle	Kowalshyn	Pitts	Wiggins
Dreibelbis	Kuase	Pratt	Wilson
Dumas	LaMarca	Prendergast	Wilt, W. W.
Engelhart	Lederer	Pyies	Wojdak
Fawcett	Lehr	Rappaport	Worrilow
Fee	Letterman	Ravenstahl	Wright
Fisher	Levi	Renninger	Yohn
Flaherty	Lincoln	Rhodes	Zord
Foster, A.	Logue	Rieger	
Foster, W.	Lynch	Ross	Fineman.
Gallagher	Manderino	Ruggiero	Speaker
Garzia	McCall	Ryan	

NAYS—38

Bradley	Geesey	Mebus	Shupnik
DeWeese	Gillespie	Musto	Stahl
Dicario	Gillette	Perry	Wagner
Dietz	Hayes, S. E.	Polite	Wargo
Dininni	Hopkins	Reed	Weidner
Eckensberger	Itkin	Renwick	Wilt, R. W.
Fischer	Laudadio	Ritter	Zearfoss
Freind	Laughlin	Schweder	Zeller
Fryer	Manmiller	Shuman	Zwilk
Gallen	McClatchy		

NOT VOTING—8

Cianciulli	Gleason	McGraw	Williams
Davies	Hammock	Richardson	Yabner

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

STATEMENT

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Mebus.

Mr. MEBUS. Mr. Speaker, I do not wish to show disrespect to Mr. Bonetto or the people who worked so hard on this bill, including the six conferees, but the report, as far as I am concerned, was completely unacceptable if it did not have a provision in it for the use of radar for local communities. To me, that was just too critically important to be ignored, though I know that there was nothing that they could do about it. They did the best they could with what they had.

I just wanted to explain why my vote was what it was. I recognize that several of the conferees felt on that issue

as I did, but that does not alter the fact that this was an opportunity to get something which is badly needed, if we are talking about traffic safety, and yet it was not provided in the bill.

Thank you.

QUESTIONS OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Philadelphia. Mr. Richardson. For what purpose does the gentleman rise?

Mr. RICHARDSON. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, I would like to be recorded in the affirmative on the Conference Report on House bill No. 1817, please.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Berks, Mr. Davies. For what purpose does the gentleman rise?

Mr. DAVIES. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. DAVIES. Mr. Speaker, on the Conference Report on House bill No. 1817, I failed to vote. I want to be recorded in the negative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Philadelphia, Mr. Cianciulli. For what purpose does the gentleman rise?

Mr. CIANCIULLI. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. CIANCIULLI. Mr. Speaker, I would like to be recorded as voting in the affirmative on the Conference Committee Report on House bill No. 1817.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 572

Mr. IRVIS called up the following Report of the Committee of Conference on Senate bill No. 572, which was read:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 572, entitled:

"An act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled 'An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto,' [providing for annual assessments for district attorneys' associations.] INCREASING CERTAIN ASSESSMENTS AND PROVIDING FOR A FULL TIME DISTRICT ATTORNEY IN CERTAIN INSTANCES IN THIRD, FOURTH, FIFTH, SIXTH, SEVENTH AND EIGHTH CLASS COUNTIES, SETTING HIS SALARY AND MAKING REPEALS."

respectfully submit the following bill as our report:

W. LOUIS COPPERSMITH
H. CRAIG LEWIS
JOHN STAUFFER

(Committee on the part of the Senate.)

JOSEPH TED DOYLE
WILLIAM H. ECKENBERGER, JR.
D. MICHAEL FISHER

(Committee on the part of the House of Representatives.)

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," providing for annual assessments for district attorneys' associations and providing for a full time district attorney in certain instances in third and fourth class counties, setting his salary and making repeals.

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

Section 1. Section 445, act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," is amended by adding a subsection to read:

Section 445. Annual Assessments for County Commissioners, Etc.—* * *

(a.1) In addition to the expenses hereinbefore authorized, the necessary expenses of the association of district attorneys shall be apportioned among the counties holding membership in the association in amounts provided for by the rules and regulations of the association but shall not total per annum more than:

(1) Three hundred dollars (\$300) for any county of the third class;

(2) Two hundred fifty dollars (\$250) for any county of the fourth class;

(3) Two hundred dollars (\$200) for any county of the fifth class;

(4) One hundred fifty dollars (\$150) for any county of the sixth class;

(5) One hundred dollars (\$100) for any county of the seventh class; or

(6) Fifty dollars (\$50) for any county of the eighth class.

* * *

Section 2. The heading of section 1401 of the act is amended and a subsection is added to read:

Section 1401. District Attorney; Qualifications; Eligibility; Compensation.—* * *

(g) The commissioners of any county of the third or fourth class may by ordinance fix the services of the district attorney at full time. Such determination may be made at any time, provided that the determination shall not be made between the first day for the circulation of nominating petitions for the office of district attorney and January of the subsequent year. The president judge of the court of common pleas of the judicial district and the district attorney may make recommendations at any time to the county commissioners on the advisability of full-time service by the district attorney, but the same shall not be binding on them.

When the determination by the county commissioners to require a full time district attorney becomes effective and operative, he shall be compensated at one thousand dollars (\$1,000) lower than the compensation paid to a judge of the court of common pleas in the respective judicial district. It is the legislative intent that all provisions of this subsection requiring full-time service shall be unenforceable until such time as the accompanying salary provisions take effect.

Once the determination for a full time district attorney is made, it shall not thereafter be changed except by referendum of the electorate of the said county. Such referendum may be instituted by the county commissioners or on petition by five per cent of the electors voting for the office of Governor in the last gubernatorial general election. Such referendum may be held at any election preceding the year in which the district attorney shall be elected. Such district attorney shall devote full time to the office. The district attorney while in office, shall not derive any other income as a result of the necessary legal education and background, from any source including but not limited to income derived from legal publications or other publications dealing with matters related to the office of district attorney, lectures,

honorariums, profit shares or divisions of income from any firm with which the district attorney was associated prior to election. This limitation shall not be construed, however, to preclude payment of fees earned for legal work done prior to, but not concluded until after his election as district attorney. In addition the district attorney shall not engage in any private practice and must be completely disassociated with any firm with which the district attorney was affiliated prior to election, nor shall the district attorney-elect accept any civil or criminal cases after being elected to the office. Furthermore, the district attorney shall be subject to the canons of ethics as applied to judges in the courts of common pleas of this Commonwealth in so far as such canons apply to salaries, full-time duties and conflicts of interest.

Any complaint by a citizen of the county that a full time district attorney may be in violation of this section shall be made to the Disciplinary Board of the Supreme Court of Pennsylvania, for determination as to the merit of the complaint. If any substantive basis is found, the board shall proceed forthwith in the manner prescribed by the rules of the Supreme Court and make such recommendation for disciplinary action as it deems advisable, provided, however, that if the Supreme Court deems the violation so grave as to warrant removal from office, the prothonotary of the said court shall transmit its findings to the Speaker of the House of Representatives for such action as the House deems advisable under Article VI of the Constitution of the Commonwealth of Pennsylvania.

Where no such determination to require a full time district attorney is made, the district attorney shall be permitted to have an outside practice, and his salary shall be as set forth in the act of November 1, 1971 (P. L. 495, No. 113).

Section 3. (a) Section 5 of the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," is repealed in so far as inconsistent with the provisions of this act.

(b) Any other act or part of an act inconsistent with the provisions of this act are repealed to the extent of the inconsistency.

Section 4. This act shall take effect immediately.

On the question,

Will the House adopt the Report of the Committee of Conference?

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, on the question of whether or not the House should adopt the Committee of Conference Report on Senate bill No. 572, printer's No. 1932, I ask that the House do adopt it.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeable to the provisions of the constitution, the yeas and nays were taken and were as follows:

YEAS—177

Abraham	Gallen	McClatchy	Saloom
Anderson, J. H.	Garzia	McCue	Salvatore
Arthur	Geesey	McGinnis	Scheaffer
Barber	Geisler	McIntyre	Schmitt
Bellomini	George	McLane	Seitza
Bennett	Giammarco	Menhorn	Seltzer
Buren	Gillette	Milanovich	Shelhamer
Berlin	Gleason	Miller, M. E.	Shelton
Berson	Goodman	Miller, M. E., Jr.	Shupnik
Bittle	Green	Milliron	Sirianni
Bonatto	Greenfield	Miscevich	Smith, E.
Bradley	Grieco	Mochlmann	Smith, L.
Brandt	Gring	Morris	Spencer
Brunner	Hamilton, J. H.	Mrkonic	Stahl
Burns	Hammock	Mullen	Stapleton
Butera	Haskell	Mullen, M. P.	Stout

Caputo	Hayes, D. S.	Musto	Taddonio
Cessar	Hepford	Myers	Thomas
Cianciulli	Hill	Novak	Toll
Cimini	Hopkins	Noye	Trelle
Cohen	Hutchinson, A.	O'Brien	Turner
Cole	Hutchinson, W.	O'Connell	Ustynoski
Cowell	Irvia	O'Donnell	Valicenti
Crawford	Johnson, J.	Oliver	Vroont
Davies	Katz	Pancoast	Walsh, T. P.
DeMedio	Kelly, A. P.	Parker, H. S.	Wansacz
DeWeese	Kelly, J. B.	Perri	Wargo
Dicarlo	Kistler	Petry	Weidner
DiDonato	Klingeman	Petrarca	Whelan
Dininni	Knopper	Pievsky	Wiggins
Dombrowski	Kolter	Pitts	Williams
Dorr	Kowalyszyn	Polite	Wilson
Doyle	Kusse	Pratt	Wilt, W. W.
Dreibelbis	LaMarca	Prendergast	Wojdak
Dumas	Laudadio	Pyles	Worrilow
Eckensberger	Laughlin	Rappaport	Wright
Englehart	Lederer	Ravenstahl	Yann
Fawcett	Lehr	Reed	Zearfoss
Fee	Letterman	Reminger	Zeller
Fisher	Lincoln	Rhodes	Zord
Flaherty	Logue	Richardson	Zwinkl
Foster, W.	Lynch	Rieger	
Freind	Manderino	Ross	Fineman.
Fryer	Manniller	Ruggiero	Speaker
Gallagher	McCall	Ryan	

NAYS—19

Cumberland	Gillespie	Kernick	Shuman
Dewenter	Hulkerson	Levi	Taylor
Dietz	Hayes	O'Keefe	Westerberg
Fischer	Hayes, S. E.	Renwick	Wilt, R. W.
Foster, A.	Idola	Ritter	

NOT VOTING—7

Gleason	Melius	Shane	Yahner
McGraw	Schweder	Wagner	

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George. For what purpose does the gentleman rise?

Mr. GEORGE. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. GEORGE. Mr. Speaker, on the previous vote on the Conference Report on Senate bill No. 572, I reflected my vote in error. I would like to be voted in the negative.

The SPEAKER. The gentleman's remarks will be noted for the record.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 573

Mr. IRVIA called up the following report of the Committee of Conference on Senate bill No. 573, which was read:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 573, entitled:

"An act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, 'An act relating to counties of the second class and second class A; amending, revising, consolidating and changing the laws relating thereto,' providing for annual assessments for district attorneys'

associations, PROVIDING FOR A FULL TIME DISTRICT ATTORNEY IN CERTAIN INSTANCES, SETTING HIS SALARY AND MAKING REPEALS."

respectfully submit the following bill as our report:

AUSTIN J. MURPHY
JAMES E. ROSS
JOHN STAUFFER

(Committee on the part of the Senate.)

JOSEPH TED DOYLE
WILLIAM H. ECKENSBERGER, JR.
D. MICHAEL FISHER

(Committee on the part of the House of Representatives.)

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "An act relating to counties of the second class and second class A; amending, revising, consolidating and changing the laws relating thereto," providing for annual assessments for district attorneys' associations, providing for a full time district attorney in certain instances, setting his salary and making repeals.

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

Section 1. Section 437, act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," is amended by adding a subsection to read:

Section 437. Annual Assessments for County Commissioners, Etc.—* * *

(a.1) In addition to the expenses hereinbefore authorized, the necessary expenses of the association of district attorneys shall be apportioned among the counties holding membership in the association in amounts provided for by the rules and regulations of the association but shall not total per annum more than four hundred dollars (\$400) for counties of the second class or second class A.

* * *

Section 2. The heading of section 1401 of the act is amended and a subsection is added to read:

Section 1401. District Attorney; Qualifications; Eligibility; Compensation.—* * *

(d) The commissioners of any county of the second class or second class A may by ordinance fix the services of the district attorney at full time. Such determination may be made at any time, provided that the determination shall not be made between the first day for the circulation of nominating petitions for the office of district attorney and January of the subsequent year. The president judge of the court of common pleas of the judicial district and the district attorney may make recommendations at any time to the county commissioners on the advisability of full-time service by the district attorney, but the same shall not be binding on them.

When the determination by the county commissioners to require a full-time district attorney becomes effective and operative, he shall be compensated at one thousand dollars (\$1,000) lower than the compensation paid to a judge of the court of common pleas in the respective judicial district. It is the legislative intent that all provisions of this subsection requiring full-time service shall be unenforceable until such time as the accompanying salary provisions take effect.

Once the determination for a full time district attorney is made, it shall not thereafter be changed except by referendum of the electorate of the said county. Such referendum may be instituted by the county commissioners or on petition by five per cent of the electors voting for the office of Governor in the last gubernatorial general election. Such referendum may be held at any election preceding the year in which the district attorney shall be elected. Such district attorney shall devote full time to the office. The district attorney while in office, shall not derive any other income as a result of the necessary legal education and background, from any source including but not limited to income derived from legal publications or other publications dealing with matters related to the office of district attorney, lectures, honorar-

iums, profit shares or divisions of income from any firm with which the district attorney was associated prior to election. This limitation shall not be construed, however, to preclude payment of fees earned for legal work done prior to, but not concluded until after his election as district attorney. In addition the district attorney shall not engage in any private practice and must be completely disassociated with any firm with which the district attorney was affiliated prior to election, nor shall the district attorney-elect accept any civil or criminal cases after being elected to the office. Furthermore, the district attorney shall be subject to the canons of ethics as applied to judges in the courts of common pleas of this Commonwealth in so far as such canons apply to salaries, full-time duties and conflicts of interest.

Any complaint by a citizen of the county that a full-time district attorney may be in violation of this section shall be made to the Disciplinary Board of the Supreme Court of Pennsylvania, for determination as to the merit of the complaint. If any substantive basis is found, the board shall proceed forthwith in the manner prescribed by the rules of the Supreme Court and make such recommendation for disciplinary action as it deems advisable, provided, however, that if the Supreme Court deems the violation so grave as to warrant removal from office, the prothonotary of the said court shall transmit its findings to the Speaker of the House of Representatives for such action as the House deems advisable under Article VI of the Constitution of the Commonwealth of Pennsylvania.

Where no such determination to require a full-time district attorney is made, the district attorney shall be permitted to have an outside practice, and his salary shall be as set forth in the act of November 1, 1971 (P. L. 495, No. 113).

Section 3. (a) Section 5 of the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," is repealed in so far as inconsistent with the provisions of this act.

(b) Any other act or part of an act inconsistent with the provisions of this act are repealed to the extent of the inconsistency.

Section 4. This act shall take effect immediately.

On the question,

Will the House adopt the Report of the Committee of Conference?

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, on the question of whether or not the House should adopt the Report of the Committee of Conference on Senate bill No. 573, printer's No. 1944, I ask that the House do adopt the report.

On the question recurring,

Will the House adopt the Report of the Committee of Conference?

Agreeable to the provisions of the constitution, the yeas and nays were taken and were as follows:

YEAS—177

Abraham	Gallen	McGinnis	Scheaffer
Anderson, J. H.	Garzia	McIntyre	Schmitt
Arthurs	Geesey	McLane	Schweder
Barber	Geisler	Mebus	Scirica
Bellomini	Giammarco	Menhorn	Seltzer
Bennett	Gillette	Milanovich	Shane
Beren	Gleason	Miller, M. E.	Shelhamer
Berlin	Goodman	Miller, M. E., Jr.	Shelton
Berson	Green	Milliron	Shupnik
Bittle	Greenfield	Miscevich	Strianni
Sonetto	Grieco	Moehlmann	Smith, E.
Bradley	Gring	Morris	Smith, L.
Brandt	Hamilton, J. H.	Mrkonje	Spencer
Brunner	Haskeli	Mullen, M. P.	Stahl
Burns	Hayes, D. S.	Mullen	Stapleton
Butera	Hepford	Musto	Stout

Caputo	Hill	Novak	Taddonio
Cesar	Hopkins	Noye	Thomas
Chabell	Hutchinson, A.	O'Brien	Toll
Cimint	Hutchinson, W.	O'Connell	Trelle
Cohen	Irvis	O'Donnell	Turner
Cole	Itkin	Olivier	Ustynoski
Cowell	Johnson, J.	Pancoast	Valicenti
Crawford	Katz	Parker, H. S.	Vroon
Davies	Kelly, A. P.	Perti	Wagner
DeMedio	Kelly, J. B.	Perry	Walsh, T. P.
DeWeese	Kistler	Petrarca	Wansacz
DiCarlo	Klingaman	Pievsky	Wargo
DiDonato	Knepper	Pitts	Weldner
Dinjunt	Kolter	Polite	Westerberg
Dombrowski	Kowalyszyn	Fratt	Whelan
Dorr	Kusse	Prendergast	Wiggins
Doyle	LaMarca	Pyles	Wilson
Dreibelbis	Laudadio	Rappaport	Wojcik
Dumas	Laughlin	Ravenstahl	Worrlow
Eckensberger	Lederer	Reed	Wright
Engelhart	Lehr	Renninger	Yohn
Fawcett	Letterman	Rhodes	Zearfoss
Fee	Lincoln	Richardson	Zeller
Fisher	Logue	Rieger	Zord
Flaherty	Lynch	Ross	Zwikel
Foster, A.	Manderino	Ruggiero	
Foster, W.	Manmiller	Ryan	Fineman,
Freind	McCall	Saloom	Speaker
Gallagher	McClatchy	Salvatore	

NAYS—20

Cumberland	George	Kernick	Ritter
Deverter	Gillespie	Levi	Shuman
Dietz	Halverson	McCue	Taylor
Fischer	Hasay	O'Keefe	Wilt, R. W.
Fryer	Hayes, S. E.	Renwick	Wilt, W. W.

NOT VOTING—6

Gleason	McGraw	Williams	Yahner
Hammock	Myers		

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

CONSIDERATION OF HOUSE BILL No. 1570 RESUMED

The House resumed consideration of House bill No. 1570, printer's No. 3295, entitled:

An Act restricting the rights of a landlord to evict in retaliation for actions by a tenant; providing for certain civil actions and injunctive relief and establishing certain burdens to be met by the landlord.

On the question,

Will the House agree to the bill as amended on third consideration?

Mr. FREIND requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Title, page 1, line 4 by striking out "landlord" and inserting: tenant

Amend Sec. 2, page 2, lines 26 and 27 by striking out "owner, landlord, agent or other person operating or managing the premises" and inserting: tenant

Amend Sec. 2, page 2, line 28 by striking out "not"

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. What this amendment does, Mr. Speaker, is to merely shift the burden of proof from the landlord to the tenant. The bill presently provides that a landlord may not amend a lease, raise rent, or terminate a

lease as a reprisal against a tenant lodging a complaint against the landlord.

The bill provides that the tenant may sue in court for damages and injunctive relief. However, the bill as it stands now states that once the tenant sues or makes an allegation, the burden of proof is on the landlord to prove that such termination was not as a reprisal. What it, in fact, does is to make the landlord guilty until proven innocent. It places the landlord in the position of proving a negative, which is totally foreign to our system of law.

I feel that this amendment which merely shifts the burden of proof to where it belongs, on the part of the individual making the allegation, in this case, the tenant, reflects what I feel is a necessary balance between the rights of the tenant and the rights of the landlord. I think it is important to always remember that the landlords also have rights. Therefore, I would urge the adoption of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, we have been up at this microphone now several times on House bill No. 1570 and House bill No. 1571. At this point, in the long and arduous trip that these two bills have had, I rise to oppose the amendments offered by my colleague, Mr. Freind. What the gentleman is asking this body to do is to accept an amendment requiring, as he indicates, that the burden of proof be placed on the tenant. Mr. Speaker, logically it does not belong there. Logically, the landlord, the slum landlord, is the one who is in possession of the facts. The landlord knows why he wants to terminate the lease. He would be the logical person to present the pertinent information and he should be able to show why his action is not in retaliation.

I would say to the members of this House of Representatives that there are presently 27 states that have similar legislation to that which we are proposing; 27 states have already enacted it into law. Of those 27 states, 16 of those states require that the burden of proof be placed on the landlord. Otherwise, no judge or court could ever get to the merits of the case.

Mr. Speaker, I would ask that we oppose the amendment offered by the gentleman. I am sure that he feels that it is required, in his opinion. However, I respectfully suggest to the members of this House that I differ with his opinion.

At this time, Mr. Speaker, if it is in order, I would like to yield to Mr. Rappaport.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

I thank the chairman of the Business and Commerce Committee.

Mr. Speaker, this bill is not being proposed to protect the average tenant in Pennsylvania. The person who is living in a \$300-a-month apartment can well afford to take care of his own problems in dealing with his landlord.

We are trying to protect the tenant who, because of his economic circumstances, is forced to live in marginal housing, in housing that just barely meets code requirements, if it does at all. We are talking about the tenant, who cannot afford to move, either because there is no

alternative housing for him or because it would just cost him too much to move. We are trying to help that tenant.

An honorable landlord—and 90 percent of them are—provides the services that he can, considering the rent. There are others, aided and abetted by our tax system, who want to do nothing but milk properties, and they milk them.

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind. For what purpose does the gentleman rise?

Mr. FREIND. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FREIND. I respectfully submit that my colleague, Mr. Rappaport, is not discussing the amendment but is discussing the bill.

The SPEAKER. The Chair thinks the gentleman is in order. The gentleman may proceed.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

These tenants, the ones we are trying to protect, are the ones who have to complain to the city officials and township officials and borough officials about code violations. They do not have the choice of saying to the landlord, well, if you do not fix up my apartment, the heck with you, I will move. They have to stay where they are.

Then, if the water does not work or the heater breaks down and they complain to the proper building official and they come out and inspect and they issue a violation notice, the landlord says, the heck with this, I am going to get rid of that troublemaker of a tenant, and the landlord serves notice.

The tenant is ill-equipped to come into court. He is frequently unrepresented and is faced with a landlord who has all the economic power on his side. We are trying to redress that balance to some small degree.

This is a very subtle amendment. It is an amendment that will gut this bill and kill it; it is an amendment that I would have expected to come. This amendment must be defeated if we are to protect the rights and the living standards and what little the poor people have whom we purport to represent. Mr. Speaker, I urge the defeat of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, I was under the impression that this bill related to all landlords and all tenants. Nowhere in this bill do I see any language saying that this bill only relates to the 10 percent of dishonorable landlords. Nowhere in this bill do I see any language saying that this relates to low-income housing.

If that is the intention of the legislation, it should have been so drafted. The legislation as it stands now relates to all landlords and all tenants. And if, in fact, I even accept Mr. Rappaport's proposition that 10 percent of the landlords are not honorable, I think it is unfair to penalize 90 percent of the landlords for the actions of 10 percent.

In addition, I think it should also be noted that in those low-income areas, as a matter of fact, those individuals who reside in those apartment houses frequently have more of an opportunity for legal redress than middle- to high-income individuals. They have legal aid societies; they have the vehicle to proceed into court at no expense to themselves.

I think my amendment, Mr. Speaker, I repeat, presents a desirable balance between the rights of the tenant and the rights of the landlord. Tenants have rights, but so do landlords, and all this amendment would do would be to place in the hands of the tenant the burden of proof. In every other piece of our judicial system, the burden of proof is on the individual making the allegations. It should be no different in this piece of legislation.

The SPEAKER. Does the gentleman, Mr. Shane, desire to be recognized?

Mr. SHANE. I yield to the gentleman, Mr. Rappaport.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

Very briefly, the argument presented by my good friend from Delaware County is of a piece. Yes, the laws against murder apply to everyone equally in this Commonwealth. Only very few people, thank God, have to worry about that. I forget who said it, but it is equally forbidden to the rich and to the poor to sleep underneath the bridges of Paris.

This bill is obviously designed to protect those who cannot protect themselves. That is what our society is all about. Those people who can protect themselves do not need our help.

The gentleman was not a member of this House when we passed the mortgage-interest law last session, wherein we exempted all transactions over \$50,000 from the usury laws. We felt that anyone who can afford to borrow \$50,000—and get somebody to lend it to him—does not need the protection of the usury laws. I would suggest that the same applies here. Those who can afford to move and protect themselves do not need our help in a bill such as this. This bill is to protect those who are put upon by that 10 percent of landlords.

I would yield back to the gentleman, Mr. Shane.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Renninger.

Mr. RENNINGER. Does Mr. Shane want the mike?

Mr. Speaker, I support this amendment. I think we are being a little bit emotional.

It is a very rare instance in the law—and I speak as a lawyer now who has tried cases—where the burden of proof is placed on any party in an action to prove a negative, a negative fact. And the negative fact in this case would be that he is not retaliating in raising the rent.

Now you are not talking about just a certain class of landlords who deal with a certain class of people. You are talking about all landlords in Pennsylvania today where you have a tremendous housing shortage and where moving around is not too easy.

Only within the past few weeks you have watched the battles that we have tried to carry on here to get some relief to our local school districts, but those taxes go up. Triers of fact choose the facts they want to listen to. Putting the burden of proof on somebody is, in most cases, the end of the case.

Now those of you in this House who have tried cases can go back to your own experience, and you must understand what you are doing here. I think you have to be realistic. The bill provisions can be effective where you have a case that speaks very loudly of retaliation, but the tenant has to carry the ball there. He can be represented.

But I think to put the burden on the other side is just

very irresponsible, I repeat, and I am making this clear for the record so the judges will look at this, because they will tell you what you have done in some cases, because I think the will of the House may very well be not to accept this amendment. But I strongly urge you to accept it. I think this would be in the best interest of both the tenants and the landlords, because if you do not have landlords, the tenants are not going to have any place to live. You are just driving another wedge in private housing. If you really want to get into public housing, this is one way to get there and I think it is not very sound.

Mr. Speaker, I respectfully request your support of this amendment which I can assure you is quite sound and quite fair to all parties involved.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Shane.

Mr. SHANE. Mr. Speaker, I have not had the extensive trial experience of the gentleman from Bucks County nor have I had the extensive experience as an accuser of the gentleman from Delaware County, but I, nevertheless, have some technical points I would like to make on this amendment which I consider seriously imbalanced.

First, by requiring the landlord to come forward with some evidence justifying the eviction, the landlord is really not inconvenienced at all. There can be a lot of legitimate reasons for evicting a tenant—higher costs, taxes, negligence by the tenant, destroying the property, making too much noise in the nighttime in response to constant complaints by the neighbors. There are all kinds of abuse and negligence that are perfectly adequate reasons for evicting a tenant. All this would say is that the landlord must come forward with one of those substantial reasons.

Second, proving a retaliatory eviction means that the tenant must produce evidence of the landlord's motive. That means going into some guy's head and trying to figure out why he is acting. Well, that is pretty tough business, figuring out why you, yourself, act let alone figuring out why some other guy acts, particularly a landlord in an eviction case. So all that is being asked is that the landlord come forward with some credible, substantial reason for an eviction, which I do not think is asking too much. If you have a negligent tenant, I am sure the evidence is abundant.

Thirdly, if the tenant argues that the eviction notice was given in retaliation because the tenant reported some housing code violation, under this gentleman's amendment, the landlord is not required to really respond or rebut that statement. He just sits there, moves for summary judgment, and the tenant is out of court. And I do not think that is just, frankly.

Now we have heard some technical expertise being used here to say that there are no negative burdens of proof in the law. May I cite you a few?

Recently we have had, by the way, Pennsylvania Supreme Court decisions in the criminal area that say all burdens of proof in criminal matters are on the prosecution.

In the past, we have said that the defendant had certain burdens of proof in certain issues, and the prosecution had certain burdens of proof in other issues.

I think it is in consonance with a United States Supreme Court opinion that we had a Pennsylvania Su-

preme Court decision that says all these burdens of proof in criminal matters are on the prosecution. Some of those burdens are negative. For example, if a defendant raises the entrapment issue, it is up to the prosecution now, under the recent Pennsylvania cases, to prove no entrapment. That is a negative burden of proof. Under the recent Pennsylvania Supreme Court decision, also, if the defendant raises insanity, it is now—in contrast to prior practice—incumbent upon the prosecution to prove no insanity, a negative burden of proof.

Thirdly, in the civil area, when we sue a doctor for malpractice and we allege that there is a sponge inside the patient's stomach, it is up to the defendant, the doctor in that case, to prove no negligence—a negative burden of proof.

In view of the clear evidence of negative burdens of proof in our law, in view of the fact that it is pretty hard for a tenant to figure out what is going on inside a landlord's head, it is pretty hard to figure out his motives for eviction, and I feel that this amendment is really quite unfair and unjust. I feel that there is nothing wrong with requiring a landlord to at least state some substantial reason for evicting a tenant and that it is not really proper or fair for a landlord to get away with evicting a tenant simply because the tenant reported some housing code violation to the appropriate authorities, seeking his remedy under the law just like any other citizen. And for these reasons I urge a "no" vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Under the bill as it presently stands, all the negligent tenant or a willfully malicious tenant would have to do to insure that his lease will not be broken is to make sure that during that lease he file a complaint against the landlord. This would insure that his lease would be continued for the term of the lease.

Mr. Shane has alluded to the fact, how can a tenant know what is in the mind of the landlord? Why, the very fact that he sues in court and sues the landlord for terminating the lease is a reprisal; he is alleging he knows what goes on in the mind of the landlord.

Again, I urge that this amendment be adopted and that the burden of proof be where it belongs, on the tenant rather than on the landlord.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. I oppose the amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. FREIND and RAPPAPORT and were as follows:

YEAS—114

Abraham	Grieco	Miller, M. E.	Smith, L.
Anderson, J. H.	Grung	Miller, M. E., Jr.	Spencer
Beren	Halverson	Moehlmann	Stahl
Bittle	Hamilton, J. H.	Mrkonic	Stapleton
Bradley	Hasay	Noye	Taddonio
Brandt	Haskell	O'Brien	Taylor
Burns	Hayes, D. S.	O'Connell	Thomas
Butera	Hayes, S. E.	O'Donnell	Trello
Cessar	Hepford	O'Keefe	Turner
Cimini	Hill	Pancoast	Ustynoski
Crawford	Hopkins	Parker, H. S.	Vroon
Cumberland	Hutchinson, W.	Perri	Wagner
Davies	Katz	Pitts	Waish, T. P.

Deverter	Kelly, J. B.	Polite	Wansacz
Dietz	Kernick	Prendergast	Weidner
Dininni	Kistler	Pyles	Westerberg
Dorr	Klingaman	Ravenstahl	Whelan
Doyle	Knepper	Renninger	Wilson
Dreibelbis	Kowalyszyn	Ruggiero	Wilt, R. W.
Fawcett	Kusse	Ryan	Wilt, W. W.
Fischer	LaMarca	Salvatore	Worrillow
Fisher	Lehr	Scheaffer	Wright
Foster, A.	Levi	Schweder	Yohn
Foster, W.	Lynch	Scirca	Zearfoss
Freind	Manmiller	Seltzer	Zeller
Fryer	McClatchy	Shelhamer	Zord
Gallen	McCue	Shuman	
Geesey	McGinnis	Sirianni	Fineman,
Goodman	Mobus	Smith, E.	Speaker

NAYS—84

Arthurs	Flaherty	Letterman	Rappaport
Barber	Gallagher	Lincoln	Reed
Bellomini	Garzia	Logue	Renwick
Bennett	Geisler	Manderino	Rhodes
Berlin	George	McCall	Richardson
Berson	Giammarco	McIntyre	Rieger
Bonetto	Gillespie	McLane	Ritter
Brunner	Gillette	Menhorn	Ross
Caputo	Gieson	Milanovich	Saloom
Cianciullo	Green	Milliron	Schmitt
Cohen	Greenfield	Miscevich	Shane
Cole	Hammock	Morris	Shelton
Cowell	Hutchinson, A.	Mullen, M. P.	Shupnik
DeWeese	Irvis	Mullen	Stout
Dicarlo	Itkin	Musto	Toll
DiDonato	Johnson, J.	Myers	Valcenti
Dombrowski	Kelly, A. P.	Novak	Wargo
Dumas	Kolter	Oliver	Wiggins
Eckensberger	Laudadio	Petrarca	Williams
Englehart	Laughlin	Pievsyky	Wojdak
Fee	Lederer	Pratt	Zwickl

NOT VOTING—5

DeMedio	McGraw	Perry	Yahner
Gleason			

So the question was determined in the affirmative and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill as amended on third consideration?

Mr. WAGNER requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Title, page 1, line 2, by removing the semicolon after "tenant" and inserting a period

Amend Title, page 1, lines 2 through 4, by striking out "providing for certain civil actions and" in line 2, all of lines 3 and 4

Amend Sec. 1, page 1, line 7, by striking out "(a) It shall be unlawful for any" and inserting: No

Amend Sec. 1, page 1, line 8, by striking out "to" and inserting: shall

Amend Sec. 1, page 2, line 10, by inserting after "provisions;" or

Amend Sec. 1, page 2, line 12, by striking out "; or" and inserting a period

Amend Bill, page 2, lines 13 through 30; page 3, lines 1 through 4, by striking out all of said lines

Amend Sec. 4, page 3, line 5, by striking out "4." and inserting: 2.

Amend Sec. 5, page 3, line 11, by striking out "5." and inserting: 3.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Thank you, Mr. Speaker.

Mr. Speaker, if I understand the purpose of the bill, it is to prevent retaliatory evictions, and I agree with that. What my amendment seeks to do is to keep the first part of the bill in.

The SPEAKER. Will the gentleman, Mr. Wagner, yield for a moment?

Mr. WAGNER. Yes.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, if the gentleman is successful in having his amendment adopted, it would appear to me on the surface that he would wipe out the previous amendment that was just adopted. Will the gentleman disagree or agree with that statement?

Mr. WAGNER. Well, we would wipe the whole paragraph, everything dealing with injunctive relief and court procedures.

Mr. BENNETT. It would then reverse the decision of this House who just voted in the previous amendment? It would wipe that amendment out? Am I correct?

Mr. WAGNER. No, it would not.

Mr. BENNETT. Well, it is my interpretation that it would, but you can proceed.

Mr. WAGNER. Okay. Thank you.

At any rate, my amendment would keep the first part of the bill in which would prohibit retaliatory evictions, but it would strike the last part of the bill which deals with civil actions, burdens of proof, injunctive relief, and so on, punitive actions.

I do not know why anytime we want to prohibit anything of a civil nature we have to penalize everybody, penalize people who are trying to follow the laws, allow the courts to come in and award injunctive relief.

The tenant is protected by just saying you shall not evict a tenant if he exercises certain rights. If he is going to complain about the nonenforcement or the non-compliance with building codes, the tenant is protected. If it is the fifth month of a 12-month lease and the landlord says, I do not like you complaining about it; you are out, all he has to do is say, I am sorry, I am staying here. And what does the landlord do? He may not forcefully evict the person; he may not send the sheriff there. He would have to start eviction proceedings. So he is going to come in and start eviction proceedings, and the tenant will be able to waive House bill No. 1570 or the act number and say, I am sorry, you may not terminate the lease because of this. He is protected.

I do not know why we have to penalize everybody by allowing the court to award 3 months' periodic rents and damages and injunctive relief, which is wide open there.

I ask support of this amendment. I think it will accomplish exactly what Mr. Bennett wants to accomplish.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, I respectfully request that the House be at ease for just a moment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, we accept Mr. Wagner's amendment as agreed to.

The SPEAKER. For what purpose does the gentleman from Delaware, Mr. Freind, rise?

Mr. FREIND. To oppose the amendment.

The SPEAKER. The gentleman, Mr. Freind, desires to

have a roll-call vote on the amendment offered by the gentleman, Mr. Wagner, and he opposes the amendment.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I ask that the members on this side of the aisle vote in the affirmative for the amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. WAGNER and BENNETT and were as follows:

YEAS—133

Abraham	Gallagher	Manderino	Ross
Arthurs	Garzia	McCall	Ruggiero
Barber	Geisler	McIntyre	Saloom
Bellomini	George	McLane	Schmitt
Bennett	Giammarco	Menhorn	Schweder
Berlin	Gillespie	Milanovich	Shane
Berson	Gillette	Miller, M. E.	Shelton
Bonetto	Gleeson	Miller, M. E., Jr.	Shupnik
Bradley	Goodman	Milliron	Smith, E.
Brunner	Green	Miscevich	Spencer
Burns	Greenfield	Morris	Stapleton
Caputo	Halverson	Mrkonje	Stout
Cianciulli	Hammock	Mullen, M. P.	Taddomo
Cohen	Haskell	Mullen	Taylor
Cole	Hayes, D. S.	Musto	Toil
Cowell	Hepford	Myers	Trello
Crawford	Hutchinson, A.	Novak	Turner
DeMedio	Irvis	O'Brien	Valicenti
Deverter	Itkin	O'Donnell	Wagner
DeWeese	Johnson, J.	O'Keefe	Walsh, T. P.
Dicarlo	Kelly, A. P.	Oliver	Wansacz
DiDonato	Kelly, J. B.	Parker, H. S.	Wargo
Dietz	Kernick	Perry	Weidner
Dombrowski	Knepper	Petrarca	Whelan
Dorr	Kolter	Pievsky	Wiggins
Doyle	Kowalyszyn	Pratt	Williams
Dreibelbis	LaMarca	Prendergast	Wilt, R. W.
Dumas	Laudadio	Rappaport	Wojdak
Eckensberger	Laughlin	Ravenstahl	Wright
Englehart	Lederer	Reed	Zwinkl
Fee	Lehr	Renwick	
Flaherty	Letterman	Richardson	Fineman,
Foster, A.	Lincoln	Rieger	Speaker
Fryer	Logue	Ritter	

NAYS—64

Anderson, J. H.	Geesey	McClatchy	Scirca
Beren	Grieco	McCue	Seltzer
Bittle	Gring	McGinnis	Shuman
Brandt	Hamilton, J. H.	Mebus	Sirianni
Butera	Hasay	Moehlmann	Smith, L.
Cessar	Hayes, S. E.	Noye	Stahl
Cimini	Hill	O'Connell	Thomas
Cumberland	Hopkins	Pancoast	Ustynoski
Davies	Hutchinson, W.	Perri	Vroon
Dininni	Katz	Pitts	Westerberg
Fawcett	Kistler	Polite	Wilson
Fischer	Klingaman	Pyles	Wilt, W. W.
Fisher	Kusse	Renninger	Worriow
Foster, W.	Levi	Ryan	Yohn
Freind	Lynch	Salvatore	Zearfoss
Gallen	Manmiller	Scheaffer	Zeller

NOT VOTING—6

Gleason	Rhodes	Yahner	Zord
McGraw	Shelhamer		

So the question was determined in the affirmative and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill as amended on third consideration?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, Shall the bill pass finally?

(Members proceeded to vote)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Is Mr. Hammock present?

The SPEAKER. Is Mr. Hammock in the hall of the House?

Please remove Mr. Hammock's vote from the board if the gentleman is not present.

Mr. RYAN. Mr. Myers?

The SPEAKER. Mr. Hammock is present.

Is Mr. Myers in the hall of the House? Mr. Myers is present.

Mr. RYAN. Mr. Laudadio?

The SPEAKER. Is Mr. Laudadio present? The gentleman was present. He is in his office. Mr. Laudadio is present.

Will someone phone Mr. Laudadio's office and tell him this is where we vote, not up in his office?

Mr. RYAN. Mr. Bonetto?

Mr. RAPPAPORT. Mr. Speaker, is Mr. O'Connell on the floor of the House?

Mr. RYAN. Wait a moment, Mr. Speaker. Wait, I am still challenging, Mr. Speaker. I asked if you would wait a moment.

The SPEAKER. Name the members whose presence you are challenging, Mr. Ryan.

Mr. RYAN. Mr. Bonetto.

The SPEAKER. Is Mr. Bonetto in the hall of the House? His vote will be stricken.

Who else are you challenging?

Mr. RYAN. Mr. DiDonato.

The SPEAKER. Is Mr. DiDonato in the hall of the House?

The gentleman's vote will be stricken.

Mr. RYAN. Mr. Milanovich.

The SPEAKER. Is Mr. Milanovich in the hall of the House?

Mr. RYAN. There is no vote on the board, Mr. Speaker. Shall we start over again?

The SPEAKER. No.

Mr. RYAN. Why not?

The SPEAKER. Because the vote has been taken and those votes—

Mr. RYAN. Now wait a minute. Wait, Mr. Speaker, you—

The SPEAKER. If you can, Mr. Ryan, if you will point out to the Chair the name of any member who is recorded but is not present, we will strike that vote.

Mr. RYAN. Mr. Speaker, I request that you keep the vote open. You, in fact, said, name your names, and that is when I named Mr. Bonetto.

The SPEAKER. I have given you a full opportunity, Mr. Ryan, to check your rollcall.

Mr. RYAN. I do not have a rollcall to check. What can I look at? I do not know who is recorded and who is not recorded.

I am saying to you that I think Mr. Bonetto was recorded. I cannot tell by looking at that now.

The SPEAKER. Mr. Bonetto was recorded and his vote is being knocked off.

Mr. RYAN. How about Mr. Laudadio?

The SPEAKER. Mr. DiDonato?

On the question recurring,
Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—105

Barber	George	Miller, M. E.	Sedrica
Bennett	Giammarco	Miller, M. E., Jr.	Shane
Berlin	Gillespie	Milliron	Shelhamer
Berson	Gillette	Morris	Shelton
Bonetto	Gleeson	Mullen	Shupnik
Brunner	Greenfield	Musto	Stout
Burns	Hammock	Myers	Taddonio
Caputo	Hutchinson, A.	Novak	Taylor
Cianciulli	Irvis	O'Donnell	Toll
Cohen	Itkin	Oliver	Trello
Cole	Johnson, J.	Perry	Valicenti
Cowell	Kelly, A. P.	Petrarca	Walsh, T. P.
DeMedio	Knepper	Pievsky	Wansacz
DeWeese	Kolter	Pratt	Wargo
Dicarlo	Kowalyszyn	Prendergast	Whelan
DiDonato	Laughlin	Rappaport	Wiggins
Dombrowski	Lederer	Reed	Williams
Dumas	Lehr	Renninger	Wilson
Eckensberger	Letterman	Renwick	Wojdak
Englehart	Lincoln	Rhodes	Wright
Fee	Logue	Richardson	Zearfoss
Fischer	Manderino	Rieger	Zord
Fisher	McClatchy	Ritter	Zwikel
Flaherty	McIntyre	Ross	
Gallagher	McLane	Ruggiero	Fineman,
Garzia	Menhorn	Saloom	Speaker
Geisler	Milanovich	Schmitt	

NAYS—90

Abraham	Freind	LaMarca	Scheaffer
Anderson, J. H.	Fryer	Levi	Schweder
Arthurs	Gallen	Lynch	Seltzer
Bellomint	Geesey	Manmiller	Shuman
Beren	Goodman	McCall	Sirianni
Bittle	Green	McCue	Smith, E.
Bradley	Grieco	Mebus	Smith, L.
Brandt	Gring	Miscevich	Spencer
Butera	Halverson	Moehlmann	Stahl
Cessar	Hasay	Mrkonic	Stapleton
Cimint	Haskell	Mullen, M. P.	Thomas
Crawford	Hayes, D. S.	Noye	Turner
Cumberland	Hayes, S. E.	O'Brien	Ustynoski
Davies	Hepford	O'Keefe	Vroon
Deverter	Hill	Pancoast	Wagner
Dretz	Hopkins	Parker, H. S.	Weidner
Dininni	Hutchinson, W.	Pitts	Westerberg
Dorr	Katz	Polte	Witt, R. W.
Doyle	Kelly, J. B.	Pyles	Witt, W. W.
Dreibeibis	Kernick	Ravenstahl	Worrlow
Fawcett	Kistler	Ryan	Yohn
Foster, A.	Klingaman	Salvatore	Zeller
Foster, W.	Kusse		

NOT VOTING—8

Gleason	Laudadio	McGraw	Perri
Hamilton, J. H.	McGinnis	O'Connell	Yahner

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALEN. Mr. Speaker, there were a number of members who felt, when you said, "The clerk will record the vote," that there were sufficient votes, more than 102, and they then voted in the affirmative. Those votes would have probably remained in the negative if you had not said that. There were not in fact 102 legitimate votes of people in their seats at that point.

The SPEAKER. Let us not waste the time of the House.

The members will proceed to vote again.

Now, only those members who are physically present in the hall of the House.

Is the gentleman, Mr. Milanovich, present? Will someone please strike his vote from the board?

VOTES CHALLENGED

Mr. RYAN. Do you want to close it now, Mr. Speaker?
The SPEAKER. Take your time, Mr. Ryan, and check the balance of the rollcall.

Mr. RYAN. I am satisfied, if you will close it quickly. This should not be necessary, Mr. Speaker.

The SPEAKER. I quite agree.

Mr. RYAN. I know that you do. I mean, we just had a discussion off the record that this is a disgrace. We were at 95 a moment ago and now we are at 98, and I cannot keep up with these people coming in and out.

Is Mr. Dumas on the floor of the House, Mr. Speaker?

The SPEAKER. Is Mr. Dumas present?

Strike Mr. Dumas's vote, please?

Will all members who are present, please cast a vote?

There are some members who are sitting in their seats who are not recorded. Under the rules of the House, all members must be recorded.

Mr. RYAN. Are Mr. Englehart and Mr. Perry on the floor of the House, Mr. Speaker?

The SPEAKER. Mr. Englehart is present. Mr. Perry is present.

Mr. RYAN. Is Mr. Shelhamer on the floor of the House?

The SPEAKER. Mr. Shelhamer was present on the floor.

Mr. RYAN. At the time of this vote?

The SPEAKER. At the time of the vote.

Mr. RYAN. It is my understanding that when he was here, he was voting "no."

The SPEAKER. Pardon?

Mr. RYAN. I said, someone told me that when Mr. Shelhamer was here, he was voting "no."

Mr. BENNETT. Matt, are you done challenging?

The SPEAKER. The clerk will record the vote.

On the question recurring,

Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—103

Abraham	Gillespie	Milliron	Schmitt
Barber	Gillette	Morris	Scirica
Bellomini	Gleeson	Mullen	Shane
Bennett	Greenfield	Musto	Shelhamer
Berlin	Hammock	Myers	Shelton
Berson	Hutchinson, A.	Novak	Shupnik
Brunner	Irvis	O'Donnell	Stout
Burns	Itkin	Oliver	Taddonio
Canuto	Johnson, J.	Parker, H. S.	Taylor
Cianciulli	Kelly, A. P.	Perry	Toll
Cohen	Kelly, J. B.	Petrarca	Trello
Cole	Knepper	Pievsky	Valicenti
Cowell	Kolter	Pratt	Walsh, T. P.
DeMedio	Kowalyshyn	Prendergast	Wansacz
DeWeese	Laughlin	Rappaport	Wargo
Dicarlo	Lederer	Ravenstahl	Whelan
Dombrowski	Letterman	Reed	Wiggins
Eckensberger	Lincoln	Renninger	Williams
Englehart	Logue	Renwick	Wilson
Fee	Manderino	Rhodes	Wojdak
Fisher	McClatchy	Richardson	Wright
Flaherty	McIntyre	Rieger	Zord
Gallagher	McLane	Ritter	Zwinkl
Garzia	Menhorn	Ross	
Geisler	Miller, M. E.	Ruggiero	
George	Miller, M. E., Jr.	Saloom	
Giammarco			Fineman, Speaker

NAYS—86

Anderson, J. H.	Freind	LaMarca	Scheaffer
Arthurs	Fryer	Lehr	Schweder
Beren	Gallen	Levi	Seltzer
Bittle	Geesey	Lynch	Shuman

Bradley	Goodman	Manmiller	Sirianni
Brandt	Green	McCall	Smith, E.
Butera	Grieco	McCue	Smith, L.
Cessar	Gring	Mebus	Spencer
Cimini	Halverson	Miscevich	Stahl
Crawford	Hasay	Moehlmann	Stapleton
Cumberland	Haskell	Mrkonie	Thomas
Davies	Hayes, D. S.	Mullen, M. P.	Turner
Deverter	Hayes, S. E.	Noye	Vron
Dietz	Hepford	O'Brien	Wagner
Dininni	Hill	O'Keefe	Weidner
Dorr	Hopkins	Pancoast	Westerberg
Doyle	Hutchinson, W.	Pitts	Wilt, R. W.
Dreibelbis	Katz	Polite	Wilt, W. W.
Fawcett	Kernick	Pyles	Worriow
Fischer	Kistler	Ryan	Yohn
Foster, A.	Klingaman	Salvatore	Zeller
Foster, W.	Kusse		

NOT VOTING—14

Bonetto	Hamilton, J. H.	Milanovich	Ustynoski
DiDonato	Laudadio	O'Connell	Yahner
Dumas	McGinnis	Perri	Zearfoss
Gleason	McGraw		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, I move that the vote by which House bill No. 1570 was passed be reconsidered.

The SPEAKER. The gentleman will have to send a reconsideration motion to the desk.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, according to my calendar, and Mr. Freind is probably not aware of this, this bill has been considered twice by the House and has twice failed, twice failed.

No, I think that it failed the second time. This is the third vote on this bill, and I think it fell twice before.

Mr. RYAN. Mr. Speaker, the fact that the bill was amended, I think, changes the whole ball game. It is an exception to the rules, as I understand it.

Mr. IRVIS. Well, we will submit that question to the Parliamentarian. I thought that Mr. Freind might not be aware of the history of the bill.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I have been informed that I am incorrect. The bill failed one time and passed one time.

The SPEAKER. The gentleman's motion for reconsideration is in order.

Mr. IRVIS. Therefore, the gentleman may file his motion and we will give him the papers, if he wishes.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1570

Mr. FREIND moved that the vote by which HOUSE BILL No. 1570, printer's No. 3295, was agreed to on final passage on this day be reconsidered.

Mr. YOHN seconded the motion.

On the question,
Will the House agree to the motion?
Motion was agreed to.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. I have sent out a letter to all of the House members today, soliciting the views of the House members on this matter of reconsideration.

You will recall that we have been allowing reconsideration motions as a matter of courtesy. As a consequence, we have found that some members have abused the courtesy right and that the House has been subjected to repeated voting on the same subject matter after having debated at length on the original time around. We ought to give some consideration to the question as to whether or not we want to consider the continuation of the courtesy rule or perhaps subject the reconsideration motion to an actual voting test. I would ask that you respond to that letter and we will make a decision, but until that decision is made, the House will continue to abide by the past practice, which is to allow a reconsideration as a matter of courtesy.

The question recurs, Shall the bill pass finally? That is the question before the House.

The Chair recognizes the minority whip, Mr. Ryan.

Mr. RYAN. Mr. Speaker, do I understand that your intention now is to immediately reconsider and revote this bill?

The SPEAKER. That is correct.

Mr. RYAN. I wonder, Mr. Speaker, if I could just make a few comments that are not really relevant to the bill but relevant to the procedure that we are discussing?

The SPEAKER. The gentleman may proceed.

Mr. RYAN. With respect to what is going on in the House now and has gone on for too long a period of time to suit really any of us, I think, I do not like the job, Mr. Speaker, of standing here and calling out the names of my friends, and I consider the members on the Democratic side as well as the Republican side my friends. I do not like it one little bit. I am reluctant to do it. Many times I send a note over to one of the leaders to please get someone off, so I do not have to embarrass them. I hope that it will not be necessary again on this vote, Mr. Speaker.

The SPEAKER. I quite agree with your point of view, Mr. Ryan. First of all, it is terribly unfair to the members who are here—and they could be busily engaged elsewhere if they wanted to. It is unfair to them—to have members not present being voted while other members are voted who are present. I see some objection, however, to the situation where a member is present but he returns to his office to attend to a piece of business and everybody knows that he is present. It would be a matter of calling his office and bringing him down to the floor. I think in that situation, we perhaps could be more tolerant and considerate of that man's presence. But if a member is not present and he is being recorded, then it is somebody's responsibility to point out to the Chair that the man is indeed absent from Harrisburg and should not be recorded.

Mr. RYAN. Mr. Speaker, on that point, the problem that we have had is even when we quietly name names so as not to embarrass anyone, the member who has voted the absent member persists in leaving the name on the board. It is a constant battle with the Chair, to constantly remind the Chair that they have not removed the name, and I know that it embarrasses the Chair as well. This is not my purpose. I want a straight count, that is all.

The SPEAKER. The gentleman is absolutely correct.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Mr. Speaker, I would like to reiterate the remarks that Mr. Ryan just made. We in the press, in the past 2 weeks, have endured quite a bit of criticism in terms of proposed pay raises and early adjournments, and I do not think that it befits the members of this House to conduct themselves in this way and subject themselves to further abuse.

Mr. Speaker, I have, on other occasions, asked that, when we know there is a controversial vote coming, we simply take a manual rollcall, a standing rollcall. Believe me, Mr. Speaker—if your argument is that the time consumed is that valuable, we have consumed approximately 20 minutes on the last rollcall. We would save time by this approach.

I would offer to suspend the rules for the purpose of so doing, Mr. Speaker, and to keep us from going through this degrading spectacle once again. I am addressing this as much to my Republican colleagues as to my colleagues on the Democratic side of the aisle. If necessary, I will name Republican names.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. I do not know if you will take kindly to this suggestion, but I wonder if we might not, for the next 2 or 3 weeks while we are here, go back to the system that we had last term where we have four monitors sitting under the Speaker's nose and they make the head count and you lock these machines, and the member stands up and has his machine opened if he comes in late, because we as a body, we the General Assembly, are encouraging additional scorn from the press and public by letting this continue. I am suggesting that the Chair adopt that procedure just to see if it would work.

The SPEAKER. Well, the Chair is amenable to any procedure that will preserve the integrity of the voting process of this House.

The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. You mentioned the fact of why we were reconsidering bills. As a matter of fact, you find that the bills that we reconsidered are usually ones that are not only controversial, but have probably went through in this last vote.

These are the reason we bring it up. When there are smooth operations, we may lose a bill, and I have lost many of them, we do not ask for reconsideration. It is only when there are controversial issues and people voting one another. That is the time they are reconsidered.

The SPEAKER. I think it is about time we return now to the business of the legislation in front of us.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Warren, Mr. Kusse. For what purpose does the gentleman rise?

Mr. KUSSE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KUSSE. Concerning House bill No. 1570, as I understood it, just prior to all of this debate, you had called the bill up again. May I ask a question concerning the status of the bill?

The SPEAKER. The question is, Shall the bill pass finally? That is the question before the House.

Mr. KUSSE. Yes, Mr. Speaker.

Now my inquiry is this, Mr. Speaker: Earlier we passed an amendment sponsored by Mr. Freind. Following that, we passed an amendment sponsored by Mr. Wagner which partly had the effect of negating the effect of Mr. Freind's amendment. Therefore, is it now possible—I believe at that time there were a number of us who were quite confused as to the exact status of the bill in view of those two amendments—to ask that the vote by which the Wagner amendment was approved be reconsidered?

The SPEAKER. Such a motion has already been submitted to the desk.

Mr. KUSSE. Thank you.

The SPEAKER. The gentleman, Mr. Gallen, has submitted such a reconsideration motion to the desk.

Mr. KUSSE. I was not aware of it.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1570

Mr. GALLEN moved that the vote by which House bill No. 1570, printer's No. 3295, as amended was agreed to on this day be reconsidered.

Mr. STAHL seconded the motion.

On the question,
Will the House agree to the motion?
Motion was agreed to.

On the question recurring,
Will the House agree to the bill as amended on third consideration?

RECONSIDERATION OF VOTE ON WAGNER AMENDMENTS TO HOUSE BILL No. 1570

Mr. GALLEN moved that the vote by which the Wagner amendments to HOUSE BILL No. 1570 were agreed to on this day be reconsidered.

Mr. STAHL seconded the motion.

On the question,
Will the House agree to the motion?
Motion was agreed to.

On the question recurring,
Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Does the gentleman reoffer his amendment?

Mr. WAGNER. I get the feeling here somebody is crying, please do not throw me in the brier patch with this thing. I still think that my side is better off with it.

If we could just pass over this a second, I would like to consult with someone else on this matter. Could you be at ease?

The SPEAKER. The House will be at ease.

Will the gentleman, Mr. Gallen, come up to the desk and properly fill out his reconsideration motion? A second signature is required.

The Chair recognizes the gentleman from Dauphin, Mr. Dininni.

Mr. DININNI. Would it be possible to go over this bill for today so we could see it in print as to what that amendment really did?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind. For what purpose does the gentleman rise?

Mr. FREIND. Mr. Speaker, to oppose the amendment.

Mr. Speaker, one of the problems that we have with this amendment right now is that if it is passed, I do not think anyone in this hall knows what it means. It is open to interpretation, and I think that is one of the worst things you can do with a piece of legislation, to have it wide open to interpretation. I would urge that this amendment be defeated and the amendment which I originally proposed, which clearly puts the burden of proof on the tenant as opposed to the landlord, be passed in the amended version.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I sympathize with the gentleman's problem in not understanding the amendment. It is very complex. It merely strikes out two paragraphs in the bill. It strikes out on page 2, lines 13 to 30, and lines 1 to 4 on page 3, and, of course, it amends the title to the bill in conformity therewith.

Mr. Speaker, I realize that it is frequently more difficult to understand what is taken away than what is given to one. However, this is not 20 pages of technical amendments, that we have on occasion, and it is not a long list of renumbering of paragraphs. It is a mere deletion. It cuts out two paragraphs that many landlord advocates were very much upset with, giving rights to tenants who bring civil actions for unlawful eviction or improper eviction. It also reinstates to the landlords the right to refuse to rent an apartment to a tenant who has been an activist in organizing against slumlords.

Mr. Speaker, I understand this amendment and I do not claim to be the smartest man in the House. I do not see why anybody else does not understand this. I think it is very simple. It simplifies the bill and it makes it, many people would think, a much better bill.

Mr. Speaker, I intend to vote for this amendment, although I think it weakens the bill, but I think it makes it possible for us to pass the bill. Thank you, Mr. Speaker.

MOTION TO PLACE ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I think the problem is that nobody really understands what effect the interaction of the Wagner and Freind amendments have. I do not, and I think this is very important legislation. I think that we should understand it. I think that what has happened in the House on this piece of legislation and indeed what has happened today throughout the day in the House brings disrepute upon all of us. I regret that. And in an effort to make sure that this important piece of legislation is properly considered, the interaction of the amendment understood, I would like to make a motion, if I am in order, that House bill No. 1570 be placed upon the final passage postponed calendar and printed.

The SPEAKER. Is the gentleman making that motion prior to the disposition of the Wagner amendment?

Mr. W. D. HUTCHINSON. Yes.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, another tactic; another delay. I oppose the motion.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Messrs. W. D. HUTCHINSON and BENNETT and were as follows:

YEAS—92

Anderson, J. H.	Geesey	Levi	Scirica
Beren	Grieco	Lynch	Seltzer
Bittle	Gring	Manmiller	Shuman
Brandt	Halverson	McClatchy	Sirianni
Burns	Hamilton, J. H.	McCue	Smith, E.
Butera	Hasay	Mebus	Smith, L.
Cimini	Haskell	Miller, M. E.	Spencer
Crawford	Hayes, D. S.	Miller, M. E., Jr.	Stahl
Cumberland	Hayes, S. E.	Moehimann	Taddonto
Davies	Hepford	Mrkonic	Thomas
Deverter	Hill	Noye	Turner
Dietz	Hopkins	O'Connell	Vroon
Dininni	Hutchinson, W.	Pancoast	Wagner
Dorr	Katz	Parker, H. S.	Weidner
Dreibelbis	Kelly, J. B.	Perri	Westerberg
Fawcett	Kernick	Pitts	Whelan
Fischer	Kistler	Polite	Wilt, R. W.
Fisher	Klingaman	Pyles	Wilt, W. W.
Foster, A.	Knepper	Renninger	WorriLOW
Foster, W.	Kowalshyn	Ruggiero	Wright
Freind	Kusse	Ryan	Yohn
Fryer	LaMarca	Salvatore	Zeller
Gallen	Lehr	Scheaffer	Zord

NAYS—98

Abraham	Gallagher	McLane	Richardson
Arthurs	Garza	Menhorn	Rieger
Barber	Geisler	Milanovich	Ritter
Bellomini	George	Milliron	Ross
Bennett	Giammarco	Miscevich	Saloom
Berlin	Gillespie	Morris	Schmitt
Berson	Gillette	Mullen	Schweder
Bradley	Gleeson	Mullen, M. P.	Snane
Brunner	Goodman	Musto	Shelton
Caputo	Green	Myers	Shupnik
Cianciulli	Greenfield	Novak	Stapleton
Cohen	Hammock	O'Brien	Stout
Cole	Irvis	O'Donnell	Taylor
Cowell	Itkin	O'Keefe	Toll
DeMedio	Johnson, J.	Oliver	Trello
DeWeese	Kelly, A. P.	Perry	Vaicenti
Dicarlo	Laudadio	Petrarca	Wansacz
DiDonato	Laughlin	Pjevsky	Wargo
Dombrowski	Lederer	Pratt	Wiggins
Doyle	Letterman	Prendergast	Williams
Dumas	Lincoln	Rappaport	Wojdak
Eckensberger	Logue	Ravenstahl	Zwinkl
Englehart	Manderino	Reed	
Fee	McCall	Renwick	Fineman,
Flaherty	McIntyre	Rhodes	Speaker

NOT VOTING—13

Bonetto	Kolter	Shelhamer	Wilson
Cessar	McGinnis	Ustynoski	Yahner
Gleason	McGraw	Walsh, T. P.	Zearfoss
Hutchinson, A.			

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. I wonder if either Mr. Bennett or Mr. Rappaport would consent to a brief interrogation?

The SPEAKER. Will the gentleman, Mr. Bennett, consent to interrogation?

Mr. BENNETT. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. FREIND. Mr. Speaker, if you will bear with me for a minute, I would appreciate knowing, in the opinion of Mr. Bennett, precisely what the Wagner amendment does?

Mr. BENNETT. Well, Mr. Speaker, it has been stated several times and, if the gentleman will look at the Wagner amendment, I can only repeat what the previous speaker, Mr. Rappaport, has indicated to the members of this House: It strikes out "... providing for certain civil actions and" injunctive relief and establishes certain burdens to be met by the landlord. That is one thing it does. It also strikes out, "It shall be unlawful or any" owner and it inserts "No".

In line 8, on page 1, and Mr. Speaker, I am not being facetious. I know of no other way to explain to the gentleman what the Wagner amendment does. It is clearly spelled out. If he wants me to continue, I would be more than happy, but it is a burden to the House, I am sure.

Mr. FREIND. I would appreciate it. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. LaMarca.

Mr. LaMARCA. Mr. Speaker, may I interrogate the gentleman, Mr. Bennett.

The SPEAKER. Will the gentleman, Mr. Bennett, consent to interrogation?

Mr. BENNETT. Yes, Mr. Speaker.

Mr. LaMARCA. Mr. Speaker, will the effect of the amendment that is presently before this House obviate the wishes expressed previously by passing the first amendment or will it not?

Mr. BENNETT. It would be my opinion that it would.

Mr. LaMARCA. Then what you are saying is, the reason you are supporting the amendment before the House is that it will override what the House supported in the amendment that was first introduced in this bill? Is that correct?

Mr. BENNETT. Very correct.

Mr. LaMARCA. Very good. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Yes, I would like for Mr. Bennett to continue. I found it very enlightening.

The SPEAKER. Will the gentleman, Mr. Bennett, continue his interrogation?

Mr. BENNETT. I would be happy to, as far as I can.

The SPEAKER. The gentleman will proceed.

Mr. BENNETT. I am sorry. Did the gentleman pose another question?

Mr. FREIND. Mr. Speaker, I would appreciate knowing Mr. Bennett's opinion as to if the Wagner amendment is passed, where the burden of proof is. Is it on the landlord or the tenant?

Mr. BENNETT. I am sorry. The question again.

The SPEAKER. The gentleman asked, if the Wagner amendment is adopted what effect will that have on establishing the burden of proof. Will the burden be on the landlord or the tenant?

Mr. BENNETT. I am advised by my colleagues that the bill would not speak to that point.

Mr. FREIND. Would the amendment, if the bill as amended by the Wagner amendment passes, provide any avenue by which a tenant might go into a court to seek either injunctive relief or damages?

Mr. BENNETT. It would be my opinion that there would be no provision to do that.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Hepford.

Mr. HEPFORD. Mr. Speaker, in answer to the question from the Chair, as I understand it, if this legislation was passed in this form, the burden of proof would be on the person making the allegation, whether it be the landlord or whether it be the tenant.

Mr. BENNETT. Mr. Speaker, you are getting pretty technical. I am going to yield to my good friend, Sam Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I believe that the summary of this amendment was well expressed by my colleague from Berks, Mr. LaMarca. Mr. Freind's amendment went into section 2 on page 2. Mr. Wagner's amendment yanks out that entire paragraph.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Ryan. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, I wonder if the gentleman would yield for a point of parliamentary inquiry that may shortcut this whole discussion.

Mr. RAPPAPORT. It shall be my pleasure.

The SPEAKER. The gentleman will state it.

Mr. RYAN. Let us say if we yank both the Wagner amendment and the Freind amendment, start over again by putting Wagner's in first and then Freind's in, do we not end up with Wagner's and we also end up with the burden of proof changing? I notice the Parliamentarian is nodding his head. I will not say which direction.

The SPEAKER. Mr. Ryan, the House has already acted on the amendment offered by the gentleman, Mr. Freind, and that is fait accompli. The matter before the House now is on the matter of the amendment offered by the gentleman, Mr. Wagner.

Mr. RYAN. I was suggesting that it be reconsidered and then just introduced in a different order.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I appreciate the effort of the gentleman from Delaware, but the problem is that the entire paragraph that Mr. Freind attempted to amend is taken out of the bill by the Wagner amendment. If we follow the procedures suggested by the gentleman from Delaware, we have an amendment that is amending nothing. You have to have something for an amendment to hang on to.

The SPEAKER. The question before the House is on the adoption of the amendment offered by the gentleman, Mr. Wagner. Will all speakers please address themselves to that question?

The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, if I could briefly inter-rogate Mr. Rappaport?

The SPEAKER. Will the gentleman, Mr. Rappaport, consent to interrogation?

Mr. RAPPAPORT. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. FREIND. Am I correct in assuming that if the

Wagner amendment is passed, all that this bill will then say is that no landlord may terminate a lease as a reprisal, but the tenant would have absolutely no means of obtaining relief of any form?

Mr. RAPPAPORT. The gentleman is not correct, Mr. Speaker. The tenant would be able to prevent an eviction of himself as a means of retaliation. That is the principle that this bill would establish.

Mr. FREIND. Would the bill provide any procedure by which the tenant could obtain relief, or would it go back to the common law?

Mr. RAPPAPORT. Mr. Speaker, I am afraid I do not understand the gentleman. I have to confess that my experience has totally been with the civil law, and to me relief is being able to prevent somebody else from doing something to you. And this bill, as amended by Mr. Wagner, would prevent landlords from making retaliatory evictions. Now that to me is relief.

Mr. FREIND. I believe by the common law, the law that now is, the burden of proof is on the tenant. Is that correct?

Mr. RAPPAPORT. Mr. Speaker, I think perhaps the gentleman is a little bit confused. There are burdens of proof and there are burdens of coming forward with the evidence. I realize the distinctions do not exist in very many places within the criminal law, but it is a vital one here. I think, yes, the tenant, of course would have the burden of coming forward with the evidence and of presenting some evidence to show that this might very well be a retaliatory eviction. But, naturally, since it is the landlord who is trying to get rid of the tenant, the landlord must show what a nasty person the tenant is before he can get rid of him before the end of the lease term.

On the question recurring,
Will the House agree to the amendments?

The yeas and nays were required by Messrs. WAGNER and FREIND and were as follows:

YEAS—161

Abraham	Gallagher	Manderino	Saloom
Anderson, J. H.	Gallen	McClatney	Salvatore
Arthurs	Garzia	McIntyre	Scheaffer
Barber	Geesey	McLane	Schmitt
Bellomini	Geisler	Mebus	Schweder
Bennett	George	Menhorn	Scirica
Beren	Giammarco	Milanovich	Seltzer
Berlin	Gillespie	Miller, M. E.	Snane
Berson	Gillette	Miller, M. E., Jr.	Shelton
Bittle	Gleeson	Millron	Shupnik
Brandt	Greenfield	Miscevich	Sirjanni
Brunner	Grleco	Moehlmann	Smith, E.
Burns	Gring	Morris	Smith, L.
Butera	Hamilton, J. H.	Mullen	Stahl
Caputo	Hammock	Musto	Stout
Cessar	Hasay	Myers	Taddonio
Cianciulli	Haskell	Novak	Taylor
Cimint	Hayes, D. S.	Noye	Thomas
Cohen	Hayes, S. E.	O'Connell	Toll
Cole	Hepford	O'Donnell	Trello
Cowell	Hill	O'Keefe	Turner
Davies	Hopkins	Oliver	Valicenti
DeMedio	Hutchinson, W.	Parker, H. S.	Wagner
Deverter	Iris	Perri	Wansacz
DeWeese	Itkin	Perry	Wargo
Dicarlo	Johnson, J.	Petrarca	Weidner
DiDonato	Katz	Pievsky	Westerberg
Dietz	Kelly, A. P.	Pratt	Wiggins
Dininni	Kistler	Prendergast	Williams
Dombrowski	Knepper	Pyles	Wilt, R. W.
Dorr	Kolter	Rappaport	Wilt, W. W.
Doyle	Kusse	Ravenstahl	Wojdak
Dreibelbis	Laudadio	Reed	Worrlow
Dumas	Laughlin	Renninger	Wright
Eckensberger	Lederer	Renwick	Yohn

Englehart	Lehr	Rhodes	Zord
Fee	Letterman	Richardson	Zwilk
Fischer	Levi	Rieger	
Flaherty	Lincoln	Ritter	Fineman,
Foster, W.	Logue	Ross	Speaker
Freind	Lynch	Ryan	

NAYS—27

Cumberland	Halverson	McCue	Shuman
Bradley	Kernick	Mrkonic	Spencer
Fisher	Klingaman	O'Brien	Stapleton
Foster, A.	Kowalyshyn	Pancoast	Vroon
Fryer	LaMarca	Pitts	Whelan
Goodman	Manmiller	Polite	Zeller
Green	McCall	Ruggiero	

NOT VOTING—15

Bonetto	Hutchinson, A.	Mullen, M. P.	Wilson
Crawford	Kelly, J. B.	Shelhamer	Yahner
Fawcett	McGinnis	Ustynoski	Zearfoss
Gleason	McGraw	Walsh, T. P.	

So the question was determined in the affirmative and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill as amended on third consideration?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, just one short question and then an interrogation of Mr. Rappaport, please.

The SPEAKER. Will the gentleman, Mr. Rappaport, consent to interrogation?

Mr. RAPPAPORT. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. McCLATCHY. The question is, if I own a rental apartment or rental house and I am found in violation of standards, codes, regulations or ordinances and, after that violation, I determine that it is too expensive to continue to rent that apartment or that house, under this legislation would I be able to terminate the lease and terminate the rental of that unit?

Mr. RAPPAPORT. In my opinion, Mr. Speaker, a landlord would be able to do so. However, to be honest with the gentleman, I would have to say that if I were representing a landlord, I would bring evidence into court showing the economic facts that the gentleman referred to.

Mr. McCLATCHY. What you are saying then is that I would have to go to court to go out of the business of renting this unit?

Mr. RAPPAPORT. To evict a tenant before the end of a lease term, you always have to go to court.

Mr. McCLATCHY. Suppose it is a 30-day lease and at the end of that 30 days, because of the standards or codes or regulations that I violated or cannot live up to, could I then go out of the business of renting that unit?

Mr. RAPPAPORT. Yes, Mr. Speaker. I think that the gentleman very well could. I think that the problem with this bill is the retaliatory eviction that is made before the end of a lease term. Unless the gentleman sees some language in the bill that I do not see, I am fairly sure that this bill permits a landlord to terminate a lease at the end of its lease term and just say goodbye.

Mr. McCLATCHY. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

(Members proceeded to vote)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. DiDonato?

The SPEAKER. Is Mr. DiDonato in the hall of the House?

Mr. RYAN. Mr. Dumas?

The SPEAKER. Mr. Dumas, is the gentleman here? Someone strike his vote.

Mr. RYAN. I do not get paid by your side to check this side.

Is Mr. Rieger in the hall of the House? Yes, he is here.

The SPEAKER. Will the gentleman, Mr. Myers, please get recorded.

Mr. RYAN. Is Mr. Shelhamer here? I get conflicting reports on that, Mr. Speaker.

The SPEAKER. Is Mr. Shelhamer in the hall of the House? Where is the gentleman?

On the question recurring,

Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—102

Barber	Gillespie	Miller, M. E., Jr.	Ruggiero
Bellomini	Gillette	Milliron	Saloom
Bennett	Gleeson	Morris	Schmitt
Berlin	Greenfield	Mullen	Scirica
Berson	Hammock	Musto	Shane
Brunner	Haskell	Myers	Shelhamer
Burns	Hutchinson, A.	Novak	Shelton
Caputo	Irvin	O'Donnell	Shupnik
Cianciulli	Itkin	Oliver	Stout
Cohen	Johnson, J.	Parker, H. S.	Taddonio
Cole	Kelly, A. P.	Perry	Taylor
Cowell	Knepper	Petrarca	Toll
DeMedio	Kolter	Pievsky	Trello
DeWeese	Kowalyshyn	Pratt	Valicenti
Dicarlo	Laughlin	Prendergast	Wansacz
Dombrowski	Lederer	Pyles	Wargo
Eckensberger	Letterman	Rappaport	Whelan
Englehart	Lincoln	Ravenstahl	Wiegins
Fee	Logue	Reed	Williams
Fisher	Manderino	Renninger	Wojdak
Flaherty	McClatchy	Renwick	Wright
Gallagher	McIntyre	Rhodes	Zord
Garzia	McLane	Richardson	Zwilk
Geisler	Menhorn	Rieger	
George	Milanovich	Ritter	Fineman,
Giammarco	Miller, M. E.	Ross	Speaker

NAYS—85

Abraham	Freind	Kusse	Salvatore
Anderson, J. H.	Fryer	LaMarca	Scheaffer
Arthurs	Gallen	Lehr	Schweder
Beren	Geesey	Levi	Seltzer
Bittle	Goodman	Lynch	Shuman
Bradley	Green	Manmiller	Sirianni
Brandt	Grieco	McCall	Smith, E.
Butera	Gring	McCue	Smith, L.
Cimini	Halverson	Mebus	Spencer
Crawford	Hamilton, J. H.	Miscevich	Stapleton
Cumberland	Hasay	Moehlmann	Thomas
Davies	Hayes, D. S.	Mrkonic	Turner
Deverter	Hayes, S. E.	Mullen, M. P.	Vroon
Dietz	Hepford	Noye	Wagner
Dininni	Hill	O'Brien	Weidner
Dorr	Hopkins	O'Connell	Westerberg
Doyle	Hutchinson, W.	O'Keefe	Wilt, R. W.
Dreibelbis	Katz	Pancoast	Wilt, W. W.
Fawcett	Kernick	Pitts	Worrilow
Fischer	Kistler	Polite	Yohn
Foster, A.	Klingaman	Ryan	Zeller
Foster, W.			

NOT VOTING—16

Bonetto	Gleason	McGraw	Walsh, T. P.
Cessar	Kelly, J. B.	Perri	Wilson
DiDonato	Laudadio	Stahl	Yahner
Dumas	McGinnis	Ustynoski	Zearfoss

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

COMPOSITION SUBMITTED FOR RECORD

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Gleeson.

Mr. GLEESON. Mr. Speaker, I have a composition written by a constituent of mine, a prize-winning composition celebrating the Bicentennial year, which I would like to enter into the record.

The SPEAKER. The gentleman will send the composition to the desk.

Mr. GLEESON presented the following composition for the Legislative Journal:

**PRIZE WINNING COMPOSITION ON
BICENTENNIAL**

by Natalie Tryciecky

Graduating June, 1976, from the 8th Grade Class of St. Josaphat's Ukranian Catholic School Longshore and Ditman Streets Philadelphia, Pennsylvania

This year we are celebrating the birthday of something very important to all of us in the United States; the birthday of our Country. Two hundred years ago on July 4, 1776, the colonists finally put an end to their years of struggling and rebellion. These long years of fighting, not only against the British, French and Spanish, but also against their own lack of individual freedom, personal hardships and unlawful taxation were finally brought to an end by the signing of the most memorable document in the history of the United States—the Declaration of Independence. In this document the colonists proclaimed themselves free from all British rule, sending them toward their long climb for recognition and supremacy.

This final goal of Independence was gained because of the strength and determination exhibited by the colonists. The only thought on their minds was religious and political freedom. They were willing to risk anything and everything. Only through their bravery did we become the great country we are today.

The last few months have been spent in grave preparation for this celebration. Much money, time and labor are being spent to reestablish or restore the historical sites and landmarks. The Liberty Bell has been moved into a glass pavillion in Independence Mall. The Philadelphia Art Museum was closed for the winter months and completely renovated. Patriot Days are taking place, at much expense, in many of the home

towns of America's heroes. Philadelphia will celebrate Kite Day to commemorate Ben Franklin. Carnivals and fairs will feature folk dancing, many ethnic dishes and cultural exhibits. Special concerts are being planned along with Bicentennial plays and movies.

Many schools are joining together to learn more about the Bicentennial. Classes are engaging in many different projects. Children are learning how to make various foreign dishes.

The United States also has some of the best schools and universities of higher learning. Many of the world's greatest medical schools and laboratories are centered in the United States. These two hundred years have been filled with many great scientific discoveries.

The Bicentennial means something different to every person. To some people it may mean big celebrations with parades and marching bands. Some people think of the Bicentennial as the summation of many years of struggling and fighting for self-preservation. Look around you at the trees, the birds, the plants, but most of all, the people. To me these things are the Bicentennial!

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. IRVIS, the House resumed consideration on final passage of **House bill No. 1571, printer's No. 2918**, entitled:

An Act amending "The Landlord and Tenant Act of 1951," approved April 6, 1951 (P. L. 69, No. 20), providing for a warranty of habitability to be deemed a part of every written or parol license, lease or rental agreement and establishing standards for minimum living conditions to be provided by licensors and landlords.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, Shall the bill pass finally?

**RECONSIDERATION OF VOTE ON
HOUSE BILL No. 1571**

Mr. FREIND moved that the vote by which HOUSE BILL No. 1571, printer's No. 2918, was agreed to on third consideration on Wednesday, May 26, 1976, be reconsidered.

Mr. ZEARFOSS seconded the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. FREIND requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 2 (Sec. 205), page 4, lines 9 through 11 by striking out all of said lines and inserting:

(d) This section may be waived by a tenant or licensee by a written agreement signed by the landlord or his agent and the tenant or licensee.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FRIEND. Mr. Speaker, all my amendment does is to allow a waiver of the provisions of this bill if that waiver is signed by both the tenant and the landlord. It should be noted that this bill relates to all landlords. It even relates to an individual who owns a home and rents it for a year or for whatever period of time.

Now it could very well be that there are cases where a landlord does not wish to make repairs and it is part of the rent agreement. He rents his home with the provision that the tenant will make those repairs. This allows a landlord to do that if the agreement is signed by both the tenant and the landlord. It just provides an opportunity that the provisions of this bill are not ironclad if there is an agreement on both sides.

I think, again, this strikes a balance between the rights of the tenant and the landlord and I would urge its passage.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, obviously I rise to oppose the amendment offered by Mr. Freund. I do it for a very, very simple reason: It guts the bill. And I say to the members of this body that it is high time that we understand what is going on.

This amendment, if allowed to go in, allows a person to waive his rights, as the attached amendment proposes. You can darn well rest assured that every printed lease that is ever printed will have that waiver clause included. You know it and you can bet on it.

Now, obviously this amendment will particularly affect those very, very same persons whom we are trying to give some relief to. Again, the honest and sincere landlord has nothing to worry about in this. It is the slumlandlord we are after. Do you not understand that? Someone does not understand it. Is that not amazing? Those who should, Mr. Speaker, are the ones who are saying they do not. There is no reason why any member of this body should not understand what is being attempted here. Mr. Speaker, I oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freund.

Mr. FREIND. I do not want to belabor the point, Mr. Speaker, but you know it is one thing to provide the people with some kind of relief and it is another thing to do all their thinking for them.

Now, again, this bill was not designed just for slumlandlords. The way this bill is written, it affects all landlords. Whereas I think that tenants have rights, I think they also have the right to make decisions on their own. I do not think that this body should be big brother and should do all their thinking for them.

Now, I do not think that it is inconceivable where an individual wants to go away for a year, is taking a trip and wants to rent his home and wants to have the individual to whom he rents to do the repairs. Under this bill that could not be done, because, even if there was a signed agreement, the tenant could renege on that agreement at any time and force the landlord to make the repairs.

I think we still, even though we are trying to give people relief, have to give them their basic right, and that is, their freedom of choice. Again, I urge passage of this amendment.

On the question recurring,
Will the House agree to the amendment?

The yeas and nays were required by Messrs. FREIND and BENNETT and were as follows:

YEAS—90

Abraham	Gallen	Levi	Scirica
Anderson, J. H.	Geesey	Lynch	Seltzer
Beren	Grieco	Manmiller	Shuman
Bittle	Gring	McClatchy	Sirianni
Brandt	Halverson	McCue	Smith, E.
Hutera	Hamilton, J. H.	Mebus	Smith, L.
Cessar	Haskell	Moehmann	Spencer
Cimini	Hayes, D. S.	Mrkonic	Stahl
Crawford	Hayes, S. E.	Noye	Taddonio
Cumberland	Hepford	O'Brien	Thomas
Davies	Hill	O'Connell	Turner
Deverter	Hopkins	Pancoast	Vroon
Dietz	Hutchinson, W.	Parker, H. S.	Wagner
Dininni	Katz	Perrl	Westerberg
Dorr	Kernick	Pfitts	Whelan
Dreibelbis	Kistler	Polite	Wilson
Fawcett	Klingaman	Pyles	Wilt, R. W.
Fischer	Knepper	Renninger	Wilt, W. W.
Fisher	Kowalshyn	Ruggiero	Worrlow
Foster, A.	Kusse	Ryan	Wright
Foster, W.	LaMarca	Salvatore	Zeller
Freind	Lehr	Scheaffer	Zord
Fryer	Letterman		

NAYS—100

Arthurs	George	Milanovich	Rieger
Barber	Giammarco	Miller, M. E.	Ritter
Bellomint	Gillespie	Miller, M. E., Jr.	Ross
Bennett	Gillette	Miscevich	Saloom
Berlin	Gleeson	Milliron	Schmitt
Berson	Goodman	Morris	Schweder
Bradley	Green	Mullen, M. P.	Shane
Brunner	Greenfield	Mullen	Shelton
Burns	Hammock	Musto	Shupnik
Caputo	Hasay	Myers	Stapleton
Cianciulli	Hutchinson, A.	Novak	Stout
Cohen	Irvis	O'Donnell	Taylor
Cole	Itkin	O'Keefe	Toll
Cowell	Johnson, J.	Oliver	Trello
DeMedio	Kelly, A. P.	Perry	Valicenti
DeWeese	Kolter	Petrarca	Wargo
Dicarlo	Laudadio	Pievsky	Weidner
Dombrowski	Laughlin	Pratt	Wiggins
Doyle	Lederer	Prendergast	Williams
Eckensberger	Lincoln	Rappaport	Wojdak
Englehart	Logue	Ravenstahl	Yohn
Fee	Manderino	Reed	Zwikel
Flaherty	McCall	Renwick	
Gallagher	McIntyre	Rhodes	Fineman, Speaker
Garzia	McLane	Richardson	
Geisler	Menhorn		

NOT VOTING—13

Bonetto	Kelly, J. B.	Shelhamer	Wansacz
DiDonato	McGinnis	Ustynoski	Yahner
Dumas	McGraw	Walsh, T. P.	Zearfoss
Gleason			

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration?

Mr. ZEARFOSS requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 2 (Sec. 205), page 4, line 3, by removing the period after "LICENSOR" and inserting: if the tenant or licensee has given written notice of such material non-compliance to the landlord or licensor as provided in section 206 at least thirty days prior to the institution of an action at law or in equity and the landlord or licensee has failed to bring the premises into compliance with this section during such thirty day period.

On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freund.

Mr. FREIND. Mr. Speaker, Mr. Zearfoss requested that I briefly speak with respect to his amendment, which has been sent up to the desk.

The SPEAKER. The gentleman is offering the amendment on behalf of Mr. Zearfoss.

The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. All this amendment would do, Mr. Speaker, is require a tenant, before he proceeds into court against the landlord, to provide at least a 30-day written notice to the landlord that a repair is needed.

It would seem to me that this does not gut the bill, this does not force people to sleep underneath the bridge in Paris. All that it does is add a commonsense touch to this bill. Before an individual is sued, he would at least be apprised that repairs should be made. I would urge passage of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, I would only ask that the members bear with us? We have just recently received the amendments and we want to make sure what they do. Just be kind enough to bear with us.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, again I rise to oppose the amendments offered by Mr. Zearfoss or Mr. Freind. I rise to oppose the amendments offered by the gentleman. It is subterfuge. There is nothing in here, if this amendment is adopted, that would allow relief to a person in a situation, and I give you a hypothetical that is very, very possible: In the dead of winter, the furnace goes out, a water heater breaks, whatever, and they sit down and they write a letter and 30 days later they come and turn the heat on. I oppose the amendment.

On the question recurring, Will the House agree to the amendment?

The yeas and nays were required by Messrs. ZEARFOSS and BENNETT and were as follows:

YEAS—100

- Abraham, Anderson, J. H., Arthurs, Beren, Bittle, Bradley, Brandt, Burns, Caputo, Cianciulli, Cohen, Cole, Cowell, DeMedio, DeWeese, Dombrowski, Englehart, Fee, Flaherty, Gallagher, Garzia, Gallen, Geesey, Grieco, Gring, Halverson, Hamilton, J. H., Hasay, Haskell, Hayes, D. S., Hayes, S. E., Hepford, Hill, Hopkins, Hutchinson, W., Katz, Kelly, A. P., Kernick, Kistler, Klingaman, Knepper, Kowalyshyn, Kusse, LaMarca, Laughlin, Lehr, Levi, Lynch, Manmiller, McClatchy, McCue, McLane, Mebus, Miller, M. E., Jr., Misceovich, Moehlmann, Mrkonic, Noye, O'Connell, Pancoast, Parker, H. S., Perri, Pitts, Polite, Pyles, Renninger, Ruggiero, Ryan, Salvatore, Scheaffer, Schweder, Scirica, Seltzer, Shuman, Sirlanni, Smith, E., Smith, L., Spencer, Stahl, Taddonio, Thomas, Turner, Vroon, Wagner, Wansacz, Weidner, Westerberg, Whelan, Wilt, R. W., Wilt, W. W., Worrlow, Wright, Yohn, Zeller, Zord

NAYS—91

- Barber, Bellomini, Bennett, Berlin, Geisler, George, Giammarco, Gillespie, Milanovich, Miller, M. E., Milliron, Morris, Rieger, Ritter, Ross, Saloom

- Berson, Brunner, Caputo, Cianciulli, Cohen, Cole, Cowell, DeMedio, DeWeese, Dicarlio, Dombrowski, Doyle, Dumas, Eckensberger, Englehart, Fee, Fischer, Flaherty, Gallagher, Garzia, Gillette, Gleeson, Goodman, Green, Greenfield, Hammock, Hutchinson, A., Irvis, Itkin, Johnson, J., Kolter, Lederer, Letterman, Lincoln, Logue, Manderino, McCall, McIntyre, Menhorn, Mullen, Musto, Myers, Novak, O'Brien, O'Donnell, O'Keefe, Oliver, Perry, Petrarca, Plevsky, Pratt, Prendergast, Rappaport, Ravenstahl, Reed, Renwick, Rhodes, Richardson, Schmitt, Shane, Shelhamer, Shelton, Shupnik, Stapleton, Stout, Taylor, Tou, Trello, Valicenti, Wargo, Wiggins, Williams, Wojdak, Zwinkl, Fineman, Speaker

NOT VOTING—12

- Bonetto, DiDonato, Gleason, Kelly, J. B., Laudadio, McGraw, McGinnis, Mullen, M. P., Ustynoski, Walsh, T. P., Yahner, Zearfoss

So the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill as amended on third consideration?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, Shall the bill pass finally?

(Members proceeded to vote)

On the question recurring, Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—93

- Barber, Bellomini, Bennett, Berlin, Berson, Brunner, Burns, Caputo, Cianciulli, Cohen, Cole, Cowell, DeMedio, DeWeese, Dombrowski, Eckensberger, Englehart, Fee, Flaherty, Gallagher, Garzia, Geisler, George, Giammarco, Gillespie, Gillette, Miller, M. E., Jr., Gleeson, Greenfield, Hammock, Hayes, D. S., Hutchinson, A., Irvis, Itkin, Johnson, J., Kelly, A. P., Knepper, Kolter, Kowalyshyn, Laughlin, Lederer, Letterman, Lincoln, Logue, Manderino, McIntyre, McLane, Menhorn, Milanovich, Miller, M. E., Morris, Milliron, Mullen, Musto, Myers, Novak, O'Donnell, Oliver, Perry, Petrarca, Plevsky, Pratt, Prendergast, Rappaport, Reed, Renwick, Rhodes, Richardson, Rieger, Ritter, Ross, Ruggiero, Saloom, Schmitt, Shane, Shelhamer, Shelton, Shupnik, Taddonio, Taylor, Toll, Trello, Valicenti, Wargo, Whelan, Wiggins, Williams, Wojdak, Wright, Zwinkl, Fineman, Speaker

NAYS—96

- Abraham, Anderson, J. H., Arthurs, Beren, Bittle, Bradley, Brandt, Butera, Cimini, Crawford, Cumberland, Davies, Deverter, Fryer, Gallen, Geesey, Goodman, Green, Grieco, Gring, Halverson, Hasay, Haskell, Hayes, S. E., Hepford, Hill, Lynch, Manmiller, McCall, McClatchy, McCue, Mebus, Misceovich, Moehlmann, Mrkonic, Mullen, M. P., Noye, O'Brien, O'Connell, Schweder, Scirica, Seltzer, Shuman, Sirlanni, Smith, E., Smith, L., Spencer, Stahl, Stapleton, Stout, Thomas, Turner

Diets	Hopkins	O'Keefe	Vroon
Dininni	Hutchinson, W.	Pancoast	Wagner
Dorr	Katz	Parker, H. S.	Wansacz
Doyle	Kelly, J. B.	Pitts	Weidner
Dreibelbis	Kernick	Polite	Westerberg
Fawcett	Kistler	Pyles	Wilt, R. W.
Fischer	Klingaman	Ravenstahl	Wilt, W. W.
Fisher	Kusse	Renninger	Worrlow
Foster, A.	LaMarca	Ryan	Yohn
Foster, W.	Lehr	Salvatore	Zeller
Freind	Levi	Scheaffer	Zord

NOT VOTING—14

Bonetto	Gleason	McGraw	Walsh, T. P.
Cessar	Hamilton, J. H.	Perri	Yahner
DiDonato	Laudadio	Ustynoski	Zearfoss
Dumas	McGinnis		

Less than the majority required by the constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I report from the Rules Committee House bill No. 861, printer's No. 3394, and I move that the rules be suspended to allow this bill to be read on second consideration today.

On the question,
Will the House agree to the motion?

The yeas and nays were required by Messrs. IRVIS and MANDERINO and were as follows:

YEAS—188

Abraham	Garzia	Manntler	Ryan
Anderson, J. H.	Geisler	McCall	Saloom
Arthurs	George	McClatchy	Salvatore
Barber	Giommarco	McGinnis	Scheaffer
Bellomini	Gillespie	McIntyre	Schmitt
Bennett	Gillette	McLane	Schweder
Beren	Gleason	Mebus	Scirica
Berlin	Goodman	Menhorn	Seltzer
Berson	Green	Miller, M. E.	Shane
Bittle	Greenfield	Miller, M. E., Jr.	Shelhamer
Bradley	Grieco	Milliron	Shelton
Brandt	Gring	Miscevich	Shuman
Brunner	Halverson	Moehlmann	Shupnik
Burns	Hamilton, J. H.	Morris	Sirianni
Butera	Hammock	Mrkonc	Smith, E.
Caputo	Hassy	Mullen, M. P.	Smith, L.
Cessar	Haskell	Mullen	Spencer
Cianciulli	Hayes, D. S.	Musto	Stahl
Cimini	Hayes, S. E.	Novak	Stapleton
Cohen	Hepford	Nove	Stout
Cole	Hill	O'Brien	Taddonio
Cowell	Hopkins	O'Connell	Taylor
Crawford	Hutchinson, A.	O'Donnell	Thomas
Cumberland	Hutchinson, W.	O'Keefe	Toil
Davies	Irvis	Oliver	Trello
DeMedio	Itkin	Pancoast	Turner
Deverter	Johnson, J.	Parker, H. S.	Ustynoski
DeWeese	Katz	Perri	Valicenti
Dicarlo	Kelly, A. P.	Perry	Vroon
Diets	Kelly, J. B.	Petrarca	Wagner
Dininni	Kernick	Plevasky	Wargo
Dombrowaki	Kistler	Pitts	Weidner
Dorr	Klingaman	Polite	Westerberg
Doyle	Knepper	Pratt	Whelan
Dreibelbis	Kolter	Prendergast	Wiggins
Eckensberger	Kowalshyn	Pyles	Williams
Englehart	Kusse	Rappaport	Wilt, R. W.
Fawcett	LaMarca	Ravenstahl	Wilt, W. W.
Fee	Laudadio	Reed	Wojdak
Fischer	Laughlin	Renninger	Worrlow
Fisher	Lederer	Renwick	Wright
Flaherty	Lehr	Rhodes	Yohn
Foster, A.	Letterman	Richardson	Zord
Foster, W.	Levi	Rieger	Zwick
Freind	Lincoln	Ritter	
Fryer	Logue	Ross	Fineman,
Gallagher	Lynch	Ruggiero	Speaker
Gallen	Manderino		

NAYS—5

Geesey	Milanovich	Wilson	Zeller
McCue			

NOT VOTING—10

Bonetto	Gleason	Walsh, T. P.	Yahner
DiDonato	McGraw	Wansacz	Zearfoss
Dumas	Myers		

So the question was determined in the affirmative and the motion was agreed to.

Agreeable to order,
The House proceeded to second consideration of House bill No. 861, printer's No. 3394, entitled:

An Act amending the "State Harness Racing Law," approved December 22, 1959 (P. L. 1978, No. 728), increasing the number of racing days; changing a penalty; changing the rate of tax; providing for exotic wagers and further providing for its disposition.

On the question,
Will the House agree to the bill on second consideration?
Bill was agreed to.

BILL RECOMMITTED

Mr. IRVIS moved that House bill No. 861 be recommitted to the Committee on Appropriations.

On the question,
Will the House agree to the motion?
Motion was agreed to.

MOTION TO REMOVE SENATE BILL No. 113 FROM TABLE

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. GALLAGHER.

Mr. GALLAGHER. Mr. Speaker, I move that Senate bill No. 113, printer's No. 113, be removed from the table and read for the second time, so that it can be considered tomorrow on third reading for amendments and passage.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I oppose the motion and ask that a negative vote be cast.

On the question,
Will the House agree to the motion?

The yeas and nays were required by Messrs. GALLAGHER and IRVIS and were as follows:

YEAS—58

Anderson, J. H.	George	Moehlmann	Shane
Bellomini	Gillespie	Noye	Sirianni
Beren	Grieco	O'Keefe	Stahl
Berlin	Gring	Pancoast	Stapleton
Bittle	Halverson	Parker, H. S.	Taddonio
Burns	Hayes, D. S.	Polite	Taylor
Cessar	Kistler	Reed	Ustynoski
Cimini	Knepper	Renninger	Weidner
Davies	Kusse	Renwick	Westerberg
Fischer	Lehr	Richardson	Whelan
Fisher	Lincoln	Ryan	Wilson
Foster, W.	Lynch	Scheaffer	Worrlow
Gallagher	McCue	Scirica	Wright
Garzia	McGinnis	Seltzer	Yohn
Geesey	Milanovich		

NAYS—133

Abraham	Fryer	Manderino	Ross
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Arthurs	Gallen	Manmiller	Ruggiero
Barber	Geisler	McCall	Saloom
Bennett	Giammarco	McClatchy	Salvatore
Berson	Gillette	McLane	Schmitt
Bradley	Gleeson	McIntyre	Schweder
Brandt	Goodman	Mebus	Shelhamer
Brunner	Green	Menhorn	Shelton
Butera	Greenfield	Miller, M. E.	Shuman
Caputo	Hamilton, J. H.	Miller, M. E., Jr.	Shupnik
Cianciulli	Hammock	Milliron	Smith, E.
Cohen	Hasay	Miscevich	Smith, L.
Cole	Haskell	Morris	Spencer
Cowell	Hayes, S. E.	Mrkonje	Stout
Crawford	Hill	Mullen	Toll
Cumberland	Hopkins	Musto	Thomas
DeMedio	Hutchinson, A.	Myers	Trello
Deverter	Hutchinson, W.	Novak	Turner
DeWeese	Irvia	O'Brien	Valcenti
Dicarlo	Itkin	O'Connell	Vroon
Dietz	Johnson, J.	Oliver	Wansacz
Dininni	Katz	Perri	Wargo
Dombrowski	Kelly, A. P.	Perry	Wiggins
Dorr	Kelly, J. B.	Petrarca	Williams
Doyle	Kernick	Pievsky	Wilt, R. W.
Dreibelbis	Klingaman	Pitts	Wilt, W. W.
Dunas	Kowalyszyn	Pratt	Wojdak
Eckensberger	LaMarca	Prendergast	Zeller
Engelhart	Laudadio	Pyles	Zord
Fawcett	Laughlin	Rappaport	Zwick
Fee	Lederer	Ravenstahl	
Fiaherly	Letterman	Rhodes	Fineman.
Foster, A.	Levi	Rieger	Speaker
Freind	Logue	Ritter	

NOT VOTING—12

Bonetto	Henford	Mullen, M. P.	Walsh, T. P.
DiDonato	Kolter	O'Donnell	Yahner
Gleason	McGraw	Wagner	Zearfoss

So the question was determined in the negative and the motion was not agreed to.

APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 2448, printer's No. 3326, entitled:

An Act transferring part of an appropriation account of the House of Representatives to another house account for the fiscal year 1975-1976.

On the question,

Will the House agree to the bill on third consideration? Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, Shall the bill pass finally?

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I rise to support House bill No. 2448 and make just a few remarks on this bill which were stated in our caucus earlier.

This is the bill which seeks to transfer moneys from one of the accounts in the chief clerk's office to the printing account or line item, whatever you call it, so that we can meet our commitments in this present fiscal year in that account.

The reason I am rising is, this is the same account which was deficient in January of 1975, which we had to supplement at that time. If you recall, at the beginning of this session, there were bills outstanding in this account which made it very apparent that the amount that we had appropriated would not be sufficient to see the House through this fiscal year. I tried to explain at that time the areas in which the accounts were outstanding and

why there were not sufficient funds to pay that amount. I further suggested that we take money from the same account we are taking money from in this bill and transfer it to the printing account so that we could pay our bills. That entire transaction got involved in a good deal of partisanship, which I frowned upon and would similarly frown upon the partisanship now that this same issue has raised itself for the second time in this session.

If you analyze the account which the majority Appropriations Committee has prepared, the facts are that there are legitimate expenditures which are made from this particular account for all members of this House, both sides, which exceed the amounts which we have been appropriating to the account.

I suggest to the House that we take a look at the expenditures which we are making in the printing account and provide adequately so that we can be serviced for the increased amount of printing costs which we have experienced during the past 3 years.

Secondly, I suggest that the House very seriously consider a better system of advising us when these kinds of events happen. It was not right in 1974-1975 that we learned midway through the year that we had a deficiency and it is not right now that we learn, toward the end of the year, that we are going to have a deficiency.

The expenditures, I think, are proper. The procedures by which we are running this particular account are not adequate. I think we had better soon come to some joint conclusion of running the internal affairs of the chief clerk's office which prevent these kinds of occurrences. Nobody has spent money improperly and no one is suggesting that they have. But I am suggesting that the management of this particular area of our expenditure could be better and I am suggesting that it could be better under the terms of the last administration as well as this administration, and we ought to seize this opportunity to do some joint thinking on a realignment of the methods by which we advise the members of the status of their accounts in the chief clerk's office.

On the question recurring,
Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—188

Abraham	Garzia	McCue	Saloom
Anderson, J. H.	Geisler	McGinnis	Salvatore
Arthurs	George	McIntyre	Scheaffer
Barber	Giammarco	McLane	Schmitt
Bellomini	Gillespie	Mebus	Schweder
Bennett	Gillette	Menhorn	Scitica
Beren	Gleeson	Milanovich	Seltzer
Berlin	Goodman	Miller, M. E.	Shane
Berson	Green	Miller, M. E., Jr.	Shelton
Bittle	Greenfield	Milliron	Shelton
Bonetto	Grieco	Miscevich	Shuman
Bradley	Gring	Moehlmann	Shupnik
Brandt	Hamilton, J. H.	Morris	Sirtanni
Brunner	Hammock	Mrkonje	Smith, E.
Burns	Haskell	Mullen	Smith, L.
Butera	Hayes, D. S.	Musto	Spencer
Caputo	Hayes, S. E.	Mvers	Stapleton
Cesar	Hepford	Novak	Stout
Cianciulli	Hill	Noye	Taddonio
Cimint	Hopkins	O'Brien	Taylor
Cohen	Hutchinson, A.	O'Connell	Thomas
Cole	Hutchinson, W.	O'Donnell	Toll
Cowell	Irvia	O'Keefe	Trello
Crawford	Itkin	Oliver	Turner
Cumberland	Johnson, J.	Pancoat	Valcenti
Davies	Katz	Parker, H. S.	Vroon
DeMedio	Kelly, A. P.	Perri	Wagner
Deverter	Kelly, J. B.	Perry	Wansacz

DeWeese	Kernick	Petrarca	Wargo
Dicarlo	Kistler	Pievsky	Weidner
Dietz	Klingsaman	Pitts	Westerberg
Dininni	Knepper	Polite	Whelan
Dombrowski	Kowalyszyn	Pratt	Wiggins
Dorr	Kusse	Prendergast	Williams
Doyle	LaMarca	Pyles	Wilson
Dreibelbis	Laudadio	Rappaport	Wilt, R. W.
Dumas	Laughlin	Ravenstahl	Wilt, W. W.
Eckensberger	Lederer	Reed	Wojdak
Englehart	Lehr	Renninger	Worrlow
Fawcett	Letterman	Renwick	Wright
Fee	Levi	Rhodes	Yohn
Fischer	Lincoln	Richardson	Zeller
Fisher	Logue	Rieger	Zord
Flaherty	Lynch	Ritter	Zwilk
Foster, A.	Manderino	Ross	
Foster, W.	Manmiller	Ruggiero	Fineman,
Fryer	McCall	Ryan	Speaker
Gallagher	McClatchy		

NAYS—6

Freind	Geesey	Hasay	Stahl
Gallen	Halverson		

NOT VOTING—9

DiDonato	McGraw	Ustynoski	Yahner
Gleason	Mullen, M. P.	Walsh, T. P.	Zearfoss
Kolter			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

LABOR RELATIONS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 1268, printer's No. 1690**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for appointed members of the Workmen's Compensation Appeal Board.

On the question,

Will the House agree to the bill on third consideration?

Mr. MORRIS requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Title, page 1, line 21, by removing the period after "Board" and inserting: and providing for certain police powers in the Historical and Museum Commission.

Amend Bill, page 2, by inserting after line 21:

Section 2. Section 2801-A of the act is amended by adding a clause to read:

Section 2801-A. Pennsylvania Historical and Museum Commission.—Subject to any inconsistent provisions in this act contained, the Pennsylvania Historical and Museum Commission shall have the power and its duties shall be:

* * *

(g.1) To employ such police as are necessary to enforce the law at Washington Crossing Park and Valley Forge Park. Such police shall have full power to make arrests, with or without warrant, for all violations of law which they may witness upon any part of the premises of the parks at which they are employed and to serve and execute warrants issued by proper authorities for any violation of law committed thereon.

* * *

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Mr. Speaker, I would hope that this

amendment could be agreed to. It represents an attempt to cure an unfortunate situation. By inserting this amendment into the Senate bill, we can have quick action.

The situation is this, sometime in the past—and I am not just sure when now—the administration of Valley Forge Park and Washington Crossing Park was transferred from the Department of Forest and Waters to the Historical and Museum Commission and somebody goofed at that time and did not transfer the police power with it. Consequently, some eager beaver has found that the police in these two parks apparently do not have the power to make arrests. This was just brought to light, and we are facing a crisis situation in the parks with thousands and thousands of visitors, and more and more coming all the time, and there is no way to control the traffic or the parking or anything else. This amendment takes care of that situation and, as I said, I hope it can be agreed to.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question,

Will the House agree to the bill as amended on third consideration?

Bill as amended was agreed to.

Ordered, That the bill as amended be prepared for final passage.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, House bill No. 9, having failed twice, may now not be called up as a matter of routine for a third vote, but it is within the power of the House of Representatives to suspend its rules. I move now, Mr. Speaker, that the rules be suspended by the House so that House bill No. 9, printer's No. 3141, may be returned to the calendar.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Messrs. IRVIS and MANDERINO and were as follows:

YEAS—106

Abraham	Garzia	McCall	Rieger
Arthur	Gelsler	McIntyre	Ritter
Barber	George	McLane	Ross
Bellomini	Giammarco	Menhorn	Ruggiero
Bennett	Gillespie	Milanovich	Saloom
Berlin	Gillette	Miller, M. E.	Schmitt
Berson	Gleason	Miller, M. E., Jr.	Schweder
Bradley	Goodman	Milliron	Shane
Brunner	Green	Morris	Shelhamer
Caputo	Greenfield	Mrkonjic	Shelton
Cianciulli	Hammock	Mullen	Shuman
Cohen	Hopkins	Musto	Shupnik
Cole	Hutchinson, A.	Myers	Stapleton
Cowell	Irvis	Novak	Stout
DeMedio	Itkin	O'Brien	Taylor
DeWeese	Johnson, J.	Oliver	Toll
Dicarlo	Kelly, A. P.	Perry	Trello
Dombrowski	Kernick	Petrarca	Valicenti
Doyle	Kolter	Pievsky	Wansacz
Dreibelbis	Kowalyszyn	Pratt	Wargo
Dumas	LaMarca	Prendergast	Wiggins
Eckensberger	Laudadio	Rappaport	Williams
Englehart	Laughlin	Ravenstahl	Wojdak
Fee	Letterman	Reed	Zwilk
Flaherty	Lincoln	Renwick	
Fryer	Logue	Rhodes	Fineman,
Gallagher	Manderino	Richardson	Speaker

NAYS—84

Anderson, J. H.	Gallen	Levi	Scheaffer
Beren	Geesey	Lynch	Scirica
Bittle	Grieco	Manmiller	Strianni
Brandt	Gring	McClatchy	Smith, E.
Burns	Halverson	McCue	Smith, L.
Butera	Hamilton, J. H.	Mebus	Spencer
Cessar	Hasay	Miscevich	Stahl
Cimini	Haskell	Moehlmann	Taddonio
Crawford	Hayes, D. E.	Noye	Thomas
Cumberland	Hayes, S. E.	O'Connell	Turner
Davies	Hepford	O'Donnell	Vroon
Deverter	Hill	O'Keefe	Wagner
Dietz	Hutchinson, W.	Pancoast	Weidner
Diminni	Katz	Parker, H. S.	Westerberg
Dorr	Kelly, J. B.	Perri	Whelan
Fawcett	Kistler	Pitts	Wilt, R. W.
Fischer	Klingaman	Polite	Wilt, W. W.
Fisher	Knepper	Pyles	Worrlow
Foster, A.	Kusse	Renninger	Wright
Foster, W.	Lederer	Ryan	Yohn
Freind	Lehr	Salvatore	Zeller

NOT VOTING—13

Bonetto	McGraw	Ustynoski	Yahner
DiDonato	Mullen, M. P.	Walsh, T. P.	Zearfoss
Gleason	Seltzer	Wilson	Zord
McGinnis			

So the question was determined in the affirmative and the motion was agreed to.

HEALTH AND WELFARE BILL
ON FINAL PASSAGE

The Rules of the House having been suspended, the House returned to consideration on final passage of House bill No. 9, printer's No. 3141, entitled:

An Act to promote the health and welfare of the people of the Commonwealth by controlling and regulating lead paint poisoning; prescribing the powers and duties of the Department of Health and the Department of Environmental Resources; authorizing lead analyses at State laboratories; creating the Interagency Coordinating Committee and the Advisory Committee; imposing restrictions; providing penalties and making an appropriation.

On the question recurring,
Shall the bill pass finally?

(Members proceeded to vote)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Are Messrs. Bonetto, Dumas and Laudadio present?

The SPEAKER. Will someone strike Mr. Dumas's vote from the board?

Mr. RYAN. Is Mr. Hammock here?

Is Mr. Hammock here, Mr. Speaker?

The SPEAKER. The gentleman has been here, Mr. Ryan.

Do you want us to call him up from his office?

On the question recurring,
Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—106

Abraham	George	Manderino	Richardson
Arthurs	Giammarco	McCall	Rieger
Barber	Gillespie	McIntyre	Ritter
Bellomini	Gillette	McLane	Ross
Bennett	Gleason	Menhorn	Ruggiero
Berlin	Goodman	Millanovich	Saloom

Berson	Green	Miller, M. E.	Schmitt
Bradley	Greenfield	Miller, M. E., Jr.	Schweder
Brunner	Hammock	Milliron	Scirica
Burns	Haskell	Miscevich	Shane
Caputo	Hayes, D. S.	Morris	Shelton
Ciancifulli	Hopkins	Mrkonc	Shupnik
Cohen	Hutchinson, A.	Mullen	Stapleton
Cole	Irvis	Musto	Stout
Cowell	Itkin	Novak	Taylor
DeMedio	Johnson, J.	O'Brien	Toit
DeWeese	Kelly, A. P.	Oliver	Trello
Dicarlo	Kernick	Perry	Valicenti
Dombrowski	Kistler	Petrarca	Wansacz
Doyle	Kolter	Plevsky	Wargo
Eckensberger	Kowalyszyn	Pratt	Wiggins
Engelhart	LaMarca	Prendergast	Williams
Fee	Laughlin	Rappaport	Wojdak
Flaherty	Lederer	Ravenstahl	Zwikel
Gallagher	Letterman	Reed	
Garzia	Lincoln	Renwick	Fineman,
Geisler	Logue	Rhodes	Speaker

NAYS—79

Anderson, J. H.	Fryer	McCue	Strianni
Beren	Gallen	Mebus	Smith, E.
Bittle	Geesey	Moehlmann	Smith, L.
Brandt	Grieco	Mullen, M. P.	Spencer
Butera	Gring	Noye	Stahl
Cimini	Halverson	O'Connell	Taddonio
Crawford	Hasay	O'Donnell	Thomas
Cumberland	Hayes, S. E.	O'Keefe	Turner
Davies	Hepford	Pancoast	Vroon
Deverter	Hill	Parker, H. S.	Wagner
Dietz	Hutchinson, W.	Pitts	Weidner
Diminni	Katz	Polite	Westerberg
Dorr	Klingaman	Pyles	Whelan
Dreibelbis	Knepper	Renninger	Wilt, R. W.
Fawcett	Kusse	Ryan	Wilt, W. W.
Fischer	Lehr	Salvatore	Worrlow
Fisher	Levi	Scheaffer	Wright
Foster, A.	Lynch	Seltzer	Yohn
Foster, W.	Manmiller	Shelhamer	Zeller
Freind	McClatchy	Shuman	

NOT VOTING—18

Bonetto	Hamilton, J. H.	Myers	Wilson
Cessar	Kelly, J. B.	Perrin	Yahner
DiDonato	Laudadio	Ustynoski	Zearfoss
Dumas	McGinnis	Walsh, T. P.	Zord
Gleason	McGraw		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Zord. For what purpose does the gentleman rise?

Mr. ZORD. I rise to a question of personal privilege. The SPEAKER. The gentleman will state it.

Mr. ZORD. Mr. Speaker, I would like to be recorded as voting "no" on House bill No. 9.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, all of us, I think, are aware of the fact that in Erie they are enjoying a renaissance in boxing and wrestling and it is necessary for us to amend the professional boxing and wrestling code or the Athletic Code.

There is a time problem on this particular bill. Therefore, Mr. Speaker, I move that Senate bill No. 1472, printer's No. 1837, be taken from the table, and I ask that the House suspend the rules so that this bill may be read at this session for the second time and be on third reading and prepared for a vote tomorrow.

On the question,
Will the House agree to the motion?

The yeas and nays were required by Messrs. IRVIS and MANDERINO and were as follows:

YEAS—164

Abraham	Garzia	McGinnis	Ritter
Arthurs	Gelsler	McIntyre	Ross
Barber	George	McLane	Ruggiero
Bellomini	Giammarco	Mebus	Ryan
Bennett	Gillespie	Menhorn	Salvatore
Beren	Gillette	Milanovich	Scheaffer
Berlin	Gleeson	Miller, M. E.	Schmitt
Berson	Goodman	Miller, M. E., Jr.	Schweder
Bittle	Green	Milliron	Scirica
Bradley	Greenfield	Miscevich	Seltzer
Brandt	Grieco	Moehlmann	Shane
Brunner	Hamilton, J. H.	Morris	Shelhamer
Burns	Hammock	Mrkonjc	Shelton
Butera	Hasay	Mullen, M. P.	Shupnik
Caputo	Haskell	Mullen	Sirianni
Cesar	Hayes, D. S.	Musto	Smith, E.
Cjanciuilli	Hill	Myers	Spencer
Cimini	Hopkins	Novak	Stout
Cohen	Hutchinson, A.	O'Brien	Stapleton
Cole	Irvis	O'Connell	Taddonio
Cowell	Itkin	O'Donnell	Taylor
Cumberland	Johnson, J.	O'Keefe	Toll
Davies	Katz	Oliver	Trallo
DeMedio	Kelly, A. P.	Pancoast	Turner
Devartar	Kelly, J. B.	Parker, H. S.	Valicenti
DeWeese	Kernick	Perri	Wagner
Dicarlo	Kistler	Perry	Wanaszcz
Dininni	Kolter	Petrarca	Wargo
Dombrowski	Kowalshyn	Pievsky	Wiggins
Doyle	LaMarca	Polite	Williams
Dreibelbis	Laudadio	Pratt	Wilson
Eckensberger	Laughlin	Prendergast	Wilt, R. W.
Engelhart	Lederer	Pyles	Wojdak
Fawcett	Lehr	Rappaport	Worrilow
Fee	Letterman	Ravenstahl	Wright
Fisher	Lincoln	Reed	Yohn
Flaherty	Logue	Renninger	Zeller
Foster, A.	Lynch	Reswick	Zwinkl
Freind	Manderino	Rhodes	
Fryer	Manmiller	Richardson	
Gallagher	McCall	Rieger	Fineman,
Gallen	McClatchy		Speaker

NAYS—27

Anderson, J. H.	Hayes, S. E.	Noye	Vroon
Dietz	Hutchinson, W.	Pitts	Weidner
Dorr	Klingaman	Saloom	Westerberg
Fischer	Knepper	Shuman	Whelan
Geesey	Kusse	Smith, L.	Wilt, W. W.
Gring	Levi	Stahl	Zord
Halverson	McCue	Thomas	

NOT VOTING—12

Bonetto	Dumas	Hepford	Walsh, T. P.
Crawford	Foster, W.	McGraw	Yahner
DiDonato	Gleason	Ustynoski	Zearfos

So the question was determined in the affirmative and the motion was agreed to.

Agreeable to order,

The House proceeded to second consideration of Senate bill No. 1472, printer's No. 1837, entitled:

An Act amending the act of August 31, 1955 (P. L. 531, No. 131), entitled "Pennsylvania Athletic Code," authorizing amateur and professional boxing and wrestling contests and exhibitions on Sunday and making a repeal.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

THE SPEAKER PRO TEMPORE
(A. J. DeMedio) IN THE CHAIR

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Myers. For what purpose does the gentleman rise?

Mr. MYERS. I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MYERS. Mr. Speaker, on House bill No. 9, I was out of my seat and I would like the record to show if I had been there, I would have voted "yes."

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

HOUSE BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the title was read:

HOUSE BILL No. 796

An Act amending the act of January 19, 1968 (1967 P. L. 996, No. 443), entitled "The Land and Water Conservation and Reclamation Act," granting the Secretary of Environmental Resources the right to enter certain premises for the purpose of conserving and reclaiming land and water resources; providing for liens upon such land; providing for the promulgation of rules and regulations; and providing for rights of recovery for abatement of emergency conditions.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the title was read:

SENATE BILL No. 891

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," providing that the county commissioners shall have the sole responsibility for collective bargaining negotiations for all employes paid from the county treasury.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

CAUCUSES CANCELED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, we will have to cancel the caucuses to deal with the question of the Volkswagen factory and we will have to call the caucuses from the floor tomorrow. We shall be meeting at 9:30 and, if Mr. Butera and I agree on the time—and I am going to suggest that by 10:30 we be in caucus—we will be in recess by 10:30.

There will be votes taken between 9:30 and 10:30 tomorrow morning. There are no further votes today.
Thank you, Mr. Speaker.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY THE HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments non-concurred in by the House of Representatives to **HOUSE BILL No. 175**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the Office of Consumer Advocate in the Department of Justice for a limited period; and imposing powers and duties.

And has appointed Messrs. KURY, SWEENEY and EWING a committee to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

HOUSE INSISTS ON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. IRVIS moved that the House insist upon its non-concurrence in amendments made by the Senate to **HOUSE BILL No. 175**, printer's No. 3114, and that a Committee of Conference be appointed.

On the question,
Will the House agree to the motion?
Motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 175

The SPEAKER pro tempore. The Chair appoints the following members as a Committee of Conference on the part of the House: Mr. SCHMITT, Mrs. TOLL and Mr. GEESEY.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to

SENATE BILL No. 1276

An Act authorizing the supervisors of Franklin Township, Westmoreland County, to transfer certain Project 70 lands in Westmoreland County to the Department of Transportation for a highway project under certain conditions.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1473

An Act amending the act of May 21, 1943 (P. L. 571, No.

254), entitled, as amended, "The Fourth to Eighth Class County Assessment Law," further providing for the levying of taxes following a county-wide reassessment of real property.

HOUSE BILL No. 1818

An Act amending Title 20 (Decedents Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for the acknowledgment by testator and affidavits of witnesses to wills and their effect.

With information that the Senate has passed the same without amendment.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY THE HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments non-concurred in by the House of Representatives to **HOUSE BILL No. 314**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further defining "dividends" and "compensation" and providing for taxation as personal income on installment payments of real and personal property and further providing for tax returns.

And has appointed Messrs. KELLEY, MYERS and ANDREWS a committee to confer with a similar committee of the House of Representatives, (already appointed), on the subject of the differences between the two Houses in relation to said bill.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 361

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," providing for the levying of taxes following a countywide reassessment of real property.

HOUSE BILL No. 460

An Act amending the act of June 30, 1975 (No. 8-A), entitled "An act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1975 to June 30, 1976 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1975," changing appropriations to the Departments of Treasury, Community Affairs, Health and Justice and to the Philadelphia Traffic Court and making an appropriation to the Department of Health for Tay-Sachs disease.

HOUSE BILL No. 567

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for special occasion permits and providing for the renewal of special permits under certain circumstances.

HOUSE BILL No. 1690

An Act amending the act of July 27, 1955 (P. L. 288, No. 104), entitled, as amended, "City Property Sale Regulation Law," making the act available to cities of the second class A, boroughs, towns and townships.

HOUSE BILL No. 1893

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Military Affairs, to transfer a portion of the Fort Indian-town Gap to the United States of America.

with the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The bills will appear on the calendar.

**BILLS AND DISCHARGE RESOLUTION
NOT CALLED UP**

The SPEAKER pro tempore. Remaining bills and discharge resolution on today's calendar are not called up.

FAMILY OF MR. WOJDAK WELCOMED

The SPEAKER pro tempore. The Chair is very pleased to welcome Mr. and Mrs. Stephen Wojdak, who are Representative Wojdak's mother and father, and Mr. and Mrs. Carichner, who are Steve's aunt and uncle.

They are the guests of the Lackawanna County delegation.

WELCOMES

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House today Dr. Carl Chlud of Vienna, Austria. Dr. Chlud is visiting relatives in Pennsylvania. He is the guest of the gentleman from Westmoreland, Mr. Laudadio.

Dr. Chlud brought his father to the United States for a reunion with his sister, Mrs. Helen Broker, who has not seen her brother for some 66 years.

The Chair is pleased to welcome a group of ninth grade students from Red Land High School, including the daughter of Mr. Geesey, Beth Geesey. All of these students are here as the guests of the gentleman, Mr. Geesey.

The Chair is pleased to welcome to the hall of the House Mrs. Margo Geyer and her son John from Monroeville. They are the guests of the gentleman from Westmoreland, Mr. Taddonio.

ADJOURNMENT

Mr. MILLIRON moved that this House do now adjourn until Wednesday, June 9, 1976, at 9:30 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 5:41 p.m., e.d.t.) the House adjourned.