

VEHICLE CODE (75 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Dec. 23, 2002, P.L. 1982, No. 229

Cl. 75

Session of 2002

No. 2002-229

HB 2410

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for grounds for refusing registration and for renewal of registration; providing for motor carrier vehicles; further providing for operation following suspension of registration and for suspension of registration; providing for suspension of motor carrier vehicle registration; further providing for suspension of operating privilege, for schedule of convictions and points, for occupational limited license, for duty of driver in construction and maintenance areas, for special speed limitations, for availability of benefits, for trucks and truck tractors and for speed timing devices; providing for accidents involving certain vehicles; further providing for unlawful activities; providing for lighted head lamps in work zones; further providing for restraint systems, for operation of vehicle without official certificate of inspection and for inspection by police or Commonwealth personnel; providing for designation of highway safety corridors; further providing for erection of traffic-control devices while working; requiring certain traffic-control devices in highway work zones; and requiring a study by the Legislative Budget and Finance Committee.

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

Section 1. The definition of "motor carrier vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding definitions to read:

§ 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 context clearly indicates otherwise, the meanings given to them in this section:

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"Active work zone." The portion of a work zone where construction, maintenance or utility workers are located on the roadway, berm or shoulder.

* * *

["Motor carrier vehicle." A truck, truck tractor or combination having a gross weight or registered gross weight in excess of 17,000 pounds.]

"Motor carrier vehicle."

(1) A truck, truck tractor or combination having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 17,001 pounds or more.

(2) A truck, truck tractor or combination engaged in interstate commerce and having a gross vehicle weight rating,

gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 10,001 pounds or more.

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"Work zone." The area of a highway where construction, maintenance or utility work activities are being conducted which is properly signed as a work zone in accordance with regulations of the Department of Transportation.

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Section 2. Section 1306 of Title 75 is amended by adding a paragraph to read:

§ 1306. Grounds for refusing registration.

The department shall refuse registration, renewal or transfer of registration when any of the following circumstances exists:

* * *

(11) Self-certification of current safety inspection for a motor carrier vehicle, as required by section 1309 (relating to renewal of registration), is not filed with the application for renewal of registration.

Section 3. Section 1309 of Title 75 is amended to read:

§ 1309. Renewal of registration.

At least 60 days 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 self-certification of financial responsibility and the applicable fee or fees, the department shall send to the registrant a renewed registration card. **An application for renewal of registration for a motor carrier vehicle shall also be accompanied by self-certification of current safety inspection.** Failure to receive a renewal application shall not relieve a registrant from the responsibility to renew the registration.

Section 4. Title 75 is amended by adding a section to read:

§ 1319. **Duties of motor carrier vehicle owners.**

(a) **Currently valid certificate of inspection.--A motor carrier vehicle is required to have a currently valid certificate of inspection at the time that the department renews the registration of the vehicle.**

(b) **Audit.--The department shall establish an audit procedure to monitor compliance with the requirement that motor carrier vehicles have a currently valid certificate of inspection at the time of registration renewal.**

Section 5. Sections 1371(b) and 1373(b) of Title 75 are amended to read:

§ 1371. Operation following suspension of registration.

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(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. In the case of a motor carrier vehicle other than a trailer, the fine shall be double the registration fee for the maximum weight at which the vehicle could have been registered in this Commonwealth.**

§ 1373. Suspension of registration.

* * *

(b) **Suspension without hearing.--The department may suspend [any] a registration without providing an opportunity for a hearing in any of the following cases:**

(1) Upon the request or order of any court of record.

(2) The required fees have not been paid.

(3) [The vehicle is being operated under a United States Department of Transportation operating authority if an] **An** out-of-service order has been issued for the vehicle, the owner or the operator by the department or by the United States Department of Transportation.

(4) The vehicle is being operated in violation of section 4704(b)(1) (relating to inspection by police or Commonwealth personnel).

Section 6. Title 75 is amended by adding a section to read:
§ 1378. **Suspension of motor carrier vehicle registration.**

(a) **Suspension.--**The department shall suspend the registration of a motor carrier vehicle for three months if it determines that at the time the registration was renewed by the department the vehicle did not have a currently valid certificate of inspection.

(b) **Documentation.--**In any proceeding under this section, documents obtained by the department from an official inspection station shall be admissible into evidence to support the department's case. In addition, reports received by the department from police officers, qualified Commonwealth employees or department designees shall be admissible into evidence to support the department's case. In addition, the department may treat the documents and reports as documents of the department and use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). The department may certify that it has received or obtained documents and reports from inspection stations, police officers, qualified Commonwealth employees and department designees and that certification shall be prima facie proof of the facts contained in the documents and reports.

(c) **Presumption.--**False, illegible or incomplete information on a renewal application shall create a presumption that the vehicle did not have a currently valid certificate of inspection at the time of renewal.

(d) **Restoration.--**Whenever the department suspends the registration of a vehicle under this section, the department shall not restore the registration until the registration card and registration plate have been surrendered for three months, the vehicle owner pays a \$50 restoration fee and the vehicle owner furnishes proof, satisfactory to the department, that the vehicle is covered by financial responsibility and has a currently valid certificate of inspection.

Section 7. Section 1535 of Title 75 is amended by adding a subsection to read:

§ 1535. **Schedule of convictions and points.**

* * *

(e) **Suspension of operating privilege.--**In addition to other provisions of this title relating to the suspension or revocation of operating privileges, the department shall suspend for 15 days the operating privileges of any person who for a violation in an active work zone is convicted under:

(1) section 3361 where the department has received an accident report submitted pursuant to section 3751 (relating to reports by police); or

(2) section 3362 (relating to maximum speed limits) by exceeding the posted speed limit by 11 miles per hour or more.

A conviction report received by the department which indicates that the violation of section 3361 or 3362 occurred in an active work zone shall create a presumption that the violation occurred in an active work zone.

Section 8. Section 1553(a) and (d)(11) of Title 75 are amended to read:

§ 1553. Occupational limited license.

(a) Issuance.--

(1) The department shall issue an occupational limited license under the provisions of this section to a driver whose operating privileges have been suspended and is not prohibited under any other provision in this section. If the underlying reason for the suspension was caused by violations committed while the driver was operating a commercial motor vehicle, the driver shall not be issued an occupational limited license for the purpose of operating a commercial motor vehicle. The department shall prohibit the issuance of an occupational limited license when disqualified from doing so under the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570, 49 U.S.C. App. § 2701 et seq.) **or the Motor Carrier Safety Improvement Act of 1999 (Public Law 106-159, 113 Stat. 1748).**

(2) The department shall not issue an occupational limited license to drivers whose operating privileges have been recalled, canceled or revoked.

* * *

(d) Unauthorized issuance.--The department shall prohibit issuance of an occupational limited license to:

* * *

(11) Any person whose operating privilege has been suspended or revoked as the result of a conviction of or as a result of a court order in conjunction with an adjudication of delinquency or the granting of a consent decree for any offense under the following provisions, unless the suspension or revocation has been fully served:

Section 3345(a) (relating to meeting or overtaking school bus).

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 3736 (relating to reckless driving).

Section 3742 (relating to accidents involving death or personal injury).

Section 3743 (relating to accidents involving damage to attended vehicle or property).]

Any violation of Ch. 37 Subch. B (relating to serious traffic offenses) or C (relating to accidents and accident reports).

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Section 9. Section 1554(f) of Title 75 is amended by adding paragraphs to read:

§ 1554. Probationary license.

* * *

(f) Unauthorized issuance.--The department shall not issue a probationary license to:

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(13) **A person who has been convicted of a violation of section 3742.1 (relating to accidents involving death or personal injury while not properly licensed) within the preceding seven years.**

(14) A person who has been convicted of a violation of section 3735.1 (relating to aggravated assault by vehicle while driving under the influence) within the preceding seven years.

* * *

Section 10. The definition of "serious traffic violation" in section 1603 of Title 75 is amended to read:
§ 1603. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Serious traffic violation."

(1) Excessive speeding as defined by the United States Secretary of Transportation by regulation and published by the department as a notice in the Pennsylvania Bulletin.

(2) Reckless driving.

(3) Any offense under this title relating to motor vehicle traffic control arising in connection with an accident resulting in death to any person.

(4) Any violation of section 3326 (relating to duty of driver in construction and maintenance areas **or on highway safety corridors**) or 3365(c) (relating to special speed limitations).

(5) Any other offenses defined by the United States Secretary of Transportation as serious traffic violations and published by the department as a notice in the Pennsylvania Bulletin.

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Section 10.1. Section 1712(1) of Title 75, amended October 4, 2002 (P.L.845, No.123), is amended to read:
§ 1712. Availability of benefits.

An insurer issuing or delivering liability insurance policies covering any motor vehicle of the type required to be registered under this title, except recreational vehicles not intended for highway use, motorcycles, motor-driven cycles or motorized pedalcycles or like type vehicles, registered and operated in this Commonwealth, shall make available for purchase first party benefits with respect to injury arising out of the maintenance or use of a motor vehicle as follows:

(1) Medical benefit.--Subject to the limitations of section 1797 (relating to customary charges for treatment), coverage to provide for reasonable and necessary medical treatment[, physical medicine] and rehabilitative services, including, but not limited to, hospital, dental, surgical, psychiatric, psychological, osteopathic, ambulance, chiropractic, licensed physical therapy, nursing services, vocational rehabilitation and occupational therapy, speech pathology and audiology, [physical therapy,] optometric services, medications, medical supplies and prosthetic devices, all without limitation as to time, provided that, within 18 months from the date of the accident causing injury, it is ascertainable with reasonable medical probability that further expenses may be incurred as a result of the injury. Benefits under this paragraph may include any nonmedical remedial care and treatment rendered in accordance with a recognized religious method of healing.

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Section 11. Sections 1916(a)(1) and 3326 of Title 75 are amended to read:

§ 1916. Trucks and truck tractors.

(a) General rule.--

(1) 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	\$ 58.50
2	5,001 - 7,000	81.00
3	7,001 - 9,000	153.00
[4	9,001 - 11,000	198.00]
4A	9,001 - 10,000	198.00
4B	10,001 - 11,000	198.00
5	11,001 - 14,000	243.00
6	14,001 - 17,000	288.00
7	17,001 - 21,000	355.50
8	21,001 - 26,000	405.00
9	26,001 - 30,000	472.50
10	30,001 - 33,000	567.00
11	33,001 - 36,000	621.00
12	36,001 - 40,000	657.00
13	40,001 - 44,000	697.50
14	44,001 - 48,000	751.50
15	48,001 - 52,000	828.00
16	52,001 - 56,000	882.00
17	56,001 - 60,000	999.00
18	60,001 - 64,000	1,111.50
19	64,001 - 68,000	1,165.50
20	68,001 - 73,280	1,251.00
21	73,281 - 76,000	1,597.50
22	76,001 - 78,000	1,633.50
23	78,001 - 78,500	1,651.50
24	78,501 - 79,000	1,669.50
25	79,001 - 80,000	1,687.50

* * *

§ 3326. Duty of driver in construction and maintenance areas
or on highway safety corridors.

(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 placed in accordance with department regulations, including advanced warning signs or a vehicle having flashing or revolving yellow lights.

(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.

(c) Fines to be doubled.--[The fine for] **For** any of the following violations, when committed in [a construction or maintenance area] **an active work zone** manned by workers acting in their official capacity[,], **or on a highway safety corridor designated under section 6105.1 (relating to designation of highway safety corridors)**, the fine shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3112 (relating to traffic-control signals).

Section 3114 (relating to flashing signals).
Section 3302 (relating to meeting vehicle proceeding in opposite direction).
Section 3303 (relating to overtaking vehicle on the left).
Section 3304 (relating to overtaking vehicle on the right).
Section 3305 (relating to limitations on overtaking on the left).
Section 3306 (relating to limitations on driving on left side of roadway).
Section 3307 (relating to no-passing zones).
Section 3309 (relating to driving on roadways laned for traffic).
Section 3310 (relating to following too closely).
Section 3323 (relating to stop signs and yield signs).
Section 3326 (relating to duty of driver in construction and maintenance areas).
Section 3361 (relating to driving vehicle at safe speed).
Section 3362 (relating to maximum speed limits).
Section 3702 (relating to limitations on backing).
Section 3714 (relating to careless driving).
Section 3715 (relating to restriction on alcoholic beverages).
Section 3731 (relating to driving under influence of alcohol or controlled substance).
Section 3736 (relating to reckless driving).

(c.1) Applicability of subsection (c).--Fines under subsection (c) shall be doubled only if the active work zone or highway safety corridor where the violation occurred is posted with an official sign in accordance with this section.

(d) Notice.--[Whenever practical, signs designed in compliance with regulations of the department]

(1) Official traffic-control devices shall be appropriately placed to notify motorists that increased penalties apply for moving violations in [construction or maintenance areas.] **active work zones signed in compliance with this subsection and subsection (e).**

(2) Official traffic control devices shall be appropriately placed to notify motorists that increased penalties apply for moving violations in highway safety corridors.

(e) Posting.--Official traffic-control devices shall be erected at the beginning of an active work zone with a white strobe light or other unique, illuminated light or device. The light or device shall indicate that workers are present in the active work zone. The light or device shall be turned off if no workers are present. An official traffic-control device shall be erected immediately at the end of the active work zone indicating that workers are no longer present.

Section 12. Section 3365(b) of Title 75 is amended and the section is amended by adding a subsection to read:
§ 3365. Special speed limitations.

* * *

(b) School zones.--When passing **through** a school zone as defined and established under regulations of the department, no person shall drive a vehicle at a speed greater than 15 miles per hour. 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 and hours of operation, shall be approved by the department.

* * *

(c.1) **Active work zones.**--When passing through an active work zone, no person shall drive a vehicle at a speed greater than the posted limit. An official traffic-control device shall indicate the beginning and end of each active work zone to traffic approaching in each direction.

* * *

Section 13. Sections 3368(c)(4) and 3732 of Title 75 are amended to read:

§ 3368. Speed timing devices.

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(c) Mechanical, electrical and electronic devices authorized.--

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(4) No person may be convicted upon evidence obtained through the use of devices authorized by paragraphs (2) and (3) unless the speed recorded is six or more miles per hour in excess of the legal speed limit. Furthermore, no person may be convicted upon evidence obtained through the use of devices authorized by paragraph (3) in an area where the legal speed limit is less than 55 miles per hour if the speed recorded is less than ten miles per hour in excess of the legal speed limit. This paragraph shall not apply to evidence obtained through the use of devices authorized by paragraph (2) or (3) within a school zone or an active work zone.

* * *

§ 3732. Homicide by vehicle.

(a) **Offense.**--Any person who recklessly or with gross negligence 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 except section 3731 (relating to driving under influence of alcohol or controlled substance) is guilty of homicide by vehicle, a felony of the third degree, when the violation is the cause of death.

(b) **Sentencing.**--

(1) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) may be sentenced to an additional term not to exceed five years' confinement if at trial the prosecution proves beyond a reasonable doubt that the offense occurred in an active work zone as defined in section 102 (relating to definitions).

(2) The prosecution must indicate intent to proceed under this section in the indictment or information which commences the prosecution.

(3) The Pennsylvania Commission on Sentencing, pursuant to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section when the violation occurred in an active work zone as defined in section 102.

Section 14. Title 75 is amended by adding a section to read:
§ 3756. Accidents involving certain vehicles.

(a) **Testing requirement.**--A police officer investigating an accident involving a motor carrier vehicle, bus, school bus or a vehicle transporting hazardous materials required to be placarded by department regulations and required to be investigated under this subchapter shall request that the driver of the vehicle submit to testing for alcohol and controlled substances. Costs for testing under this section shall be borne by the driver's employer.

(b) **Penalty.**--A driver who refuses to submit to alcohol or controlled substances testing under this section commits a

summary offense and shall, upon conviction, be sentenced to pay a fine of up to \$200.

Section 15. Section 4107(b) and (d) of Title 75 are amended to read:

§ 4107. Unlawful activities.

* * *

(b) Other violations.--It is unlawful for any person to do any of the following:

(1) Willfully 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 under department regulations or [which] **when the driver is in violation of department regulations or the vehicle or combination is otherwise in an unsafe condition or in violation of department regulations.**

(2.1) Operate a motor carrier vehicle, bus or school bus the brake system of which is in such condition that further operation would be hazardous under section 4704(c) (1) (relating to inspection by police or Commonwealth personnel).

(3) Do any act forbidden by this part or fail to perform any act required under this part.

* * *

(d) Penalty.--

(1) [A] **(i) Except as provided in subparagraph (ii), a person who operates a motor carrier vehicle or a bus in violation of subsection (b)(2) commits a summary offense and, upon conviction, shall be sentenced to pay a fine of \$25 per violation, except that the minimum fine for a violation not related to driver's hours of service which causes the driver or the vehicle to be placed out of service under section 4704(c) (relating to inspection by police or Commonwealth personnel) shall be \$50 per violation. The maximum fine which may be levied on the basis of multiple charges filed together shall be \$500.**

(ii) A person who operates a motor carrier vehicle, bus or school bus in violation of subsection (b)(2.1) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$150, except that, if multiple charges are filed together, the fine shall be \$300 per violation.

(2) [A] **(i) Except as provided in subparagraph (ii), a person who causes, permits, requires or otherwise allows another person to operate a motor carrier vehicle or a bus in violation of subsection (b)(2) commits a summary offense and, upon conviction, shall be sentenced to pay a fine of \$50 per violation, except that the minimum fine for a violation not related to driver's hours of service which causes the driver or the vehicle to be placed out of service under section 4704(c) shall be \$100 per violation. The maximum fine which may be levied on the basis of multiple charges filed together shall be \$1,000.**

(ii) A person who causes, permits, requires or otherwise allows another person to operate a motor carrier vehicle, bus or school bus in violation of subsection (b) (2.1) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300, except that, if multiple charges are filed together, the fine shall be \$600 per violation.

(3) Any person who violates subsection (b.1) as it relates to driver's hours of service commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500 per violation.

(4) The department shall coordinate with the commission in the enforcement of this subsection and 66 Pa.C.S. § 3312(a).

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Section 16. Title 75 is amended by adding a section to read:
§ 4309. Lighted head lamps in work zones.

(a) Lighted head lamps required.--Head lamps shall be lighted on every vehicle driving through a signed work zone. The department, local authorities or utilities, as the case may be, shall post or require its contractor to post, in advance of every work zone, an official sign warning drivers to light their vehicles' head lamps for an upcoming work zone.

(b) Penalty.--A person who fails to comply with the requirements of subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25. No person shall be convicted of a violation of subsection (a) unless the person is also convicted of another violation of this title which occurred at the same time. No costs as described in 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for summary conviction of subsection (a). Conviction under this subsection shall not constitute a moving violation.

Section 17. Sections 4581, 4703(h) and 4704(a) , (c), (e) and (g) of Title 75 are amended to read:
§ 4581. Restraint systems.

(a) Occupant protection.--

(1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child under four years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a child passenger restraint system, as defined in subsection (d). This subsection shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts.

(1.1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child four years of age or older but under eight years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a fastened safety seat belt system and in an appropriately fitting child booster seat, as defined in subsection (d). This paragraph shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts. A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary

action when a driver of a motor vehicle has been convicted of violating any other provision of this title.

(2) Except for children under [four] **eight** years of age and except as provided in [paragraph (1)] **paragraphs (1) and (1.1)**, each driver and front seat occupant of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system. A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been convicted of any other provision of this title. The driver of a passenger automobile shall secure or cause to be secured in a properly adjusted and fastened safety seat belt system any occupant [in the front seat] who is [four] **eight** years of age or older and less than 18 years of age. This paragraph shall not apply to:

(i) A driver or front seat occupant of any vehicle manufactured before July 1, 1966.

(ii) A driver or front seat occupant who possesses a written verification from a physician that he is unable to wear a safety seat belt system for physical or medical reasons, or from a psychiatrist or other specialist qualified to make an informed judgment that he is unable to wear a safety seat belt system for psychological reasons.

(iii) A rural letter carrier while operating any motor vehicle during the performance of his duties as a United States postal service rural letter carrier only between the first and last delivery points.

(iv) A driver who makes frequent stops and is traveling less than 15 miles per hour for the purpose of delivering goods or services while in the performance of his duties and only between the first and last delivery points.

A violation of this paragraph shall not be subject to the assessment of any points under section 1535 (relating to schedule of convictions and points).

(3) A driver who is under 18 years of age may not operate a motor vehicle in which the number of passengers exceeds the number of available safety seat belts in the vehicle.

(b) Offense.--Anyone who fails to comply with the provisions of subsection (a)(1) **or (1.1)** shall be guilty of a summary offense with a maximum fine of [\$25] **\$100**. The court imposing and collecting any such fines shall transfer the fines thus collected to the State Treasurer for deposit in the Child Passenger Restraint Fund, pursuant to section 4582 (relating to Child Passenger Restraint Fund). Anyone who violates subsection (a)(2) or (3) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10. No person shall be convicted of a violation of subsection (a)(2) unless the person is also convicted of another violation of this title which occurred at the same time. No costs as described in 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for summary conviction of subsection (a)(2) or (3). Conviction under this subsection shall not constitute a moving violation.

(c) Waiver of fine.--If a person receives a citation issued by the proper authority for violation of subsection (a)(1) **or (1.1)**, a district justice, magistrate or judge shall dismiss the charges if the person prior to or at his hearing displays evidence of acquisition of a child passenger restraint system **or child booster seat** to such district justice, magistrate or

judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase, rental, transferal from another child seat owner (evidenced by notarized letter) or bailment from a bona fide loaner program of a child passenger restraint system **or child booster seat**.

(d) Standards.--

(1) A child passenger restraint system shall be used as designated by the manufacturer of the system in motor vehicles equipped with seat safety belts and shall meet the Federal Motor Vehicle Safety Standard (49 C.F.R. § 571.213).

(2) **A child booster seat shall be used as designated by the manufacturer of the system in motor vehicles equipped with seat safety belts and shall meet the Federal Motor Vehicle Safety Standard (49 CFR § 571.213) that is designed to elevate a child to properly sit in a federally approved safety seat belt system.**

(e) Civil actions.--In no event shall a violation or alleged violation of this subchapter be used as evidence in a trial of any civil action; nor shall any jury in a civil action be instructed that any conduct did constitute or could be interpreted by them to constitute a violation of this subchapter; nor shall failure to use a child passenger restraint system, **child booster seat** or safety seat belt system be considered as contributory negligence nor shall failure to use such a system be admissible as evidence in the trial of any civil action; nor shall this subchapter impose any legal obligation upon or impute any civil liability whatsoever to an owner, employer, manufacturer, dealer or person engaged in the business of renting or leasing vehicles to the public to equip a vehicle with a child passenger restraint system **or child booster seat** or to have such child passenger restraint system **or child booster seat** available whenever their vehicle may be used to transport a child.

(f) Criminal proceedings.--The requirements of this subchapter or evidence of a violation of this subchapter are not admissible as evidence in a criminal proceeding except in a proceeding for a violation of this subchapter. No criminal proceeding for the crime of homicide by vehicle shall be brought on the basis of noncompliance with this subchapter.

(g) Exemptions.--Exemptions will be allowed if it is determined, according to the rules and regulations of the department, that the use of a child passenger restraint system **or child booster seat** would be impractical for physical reasons including, but not limited to, medical reasons or size of the child.

(h) Insurance.--An insurer may not charge an insured who has been convicted of a violation of this section a higher premium for a policy of insurance in whole or in part by reason of that conviction.

§ 4703. Operation of vehicle without official certificate of inspection.

* * *

(h) Penalty.--[Any]

(1) **Except as provided in paragraph (2), a person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of up to \$25.**

(2) **Where the subject vehicle is a motor carrier vehicle, bus or school bus, the police officer or qualified Commonwealth employee shall place the vehicle out of service and require that the vehicle not be operated under its own power until such time as the vehicle is issued a valid**

official certificate of inspection. In addition, the person violating this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$500.

§ 4704. Inspection by police or Commonwealth personnel.

(a) Authority to inspect.--

(1) Inspection in conjunction with vehicle weighing.--[Any police officer or Commonwealth employee engaged in weighing vehicles as provided in Subchapter E of Chapter 49 (relating to measuring and adjusting vehicle size and weights) is authorized to inspect any items of a vehicle's equipment to determine whether they meet the standards established in department regulations.]

(i) **Any Pennsylvania State Police officer or qualified Commonwealth employee engaged in weighing vehicles as provided in Ch. 49 Subch. E (relating to measuring and adjusting vehicle size and weight) is authorized to inspect any item of the vehicle's equipment and its load, driver and documents to determine whether they meet standards established in department regulations.**

(ii) **Any police officer or Commonwealth employee engaged in weighing vehicles as provided in Ch. 49 Subch. E is authorized to inspect any items of a vehicle's equipment to determine whether they meet the standards established in department regulations.**

(2) Systematic vehicle inspection programs.--Any Pennsylvania State Police officer or qualified Commonwealth employee engaged in a systematic vehicle inspection program may inspect any vehicle, driver, documents, equipment and load to determine whether they meet standards established in department regulations.

(3) Probable cause.--

(i) Any State Police officer or qualified Commonwealth employee having probable cause to believe that a vehicle, driver, documents, equipment or load are unsafe, not equipped as required or otherwise not in compliance with the law or regulations may inspect the vehicle, driver, documents, equipment or load.

(ii) Any police officer having probable cause to believe that a vehicle or its equipment is unsafe, not equipped as required or otherwise not in compliance with the law or regulations may inspect the vehicle or its equipment.

(4) Testing in conjunction with vehicle emissions.--When testing for vehicle emissions, testing may include remote sensing devices or systematic roadside checks with tailpipe tests, emission control device checks and a check of the subject vehicle's emission control system including all of the components to determine if any part of the system has been disabled, changed or altered. The systematic testing may be conducted by police officers or qualified Commonwealth employees.

(5) **Inspection of a vehicle involved in an accident.--Any Pennsylvania State Police officer or qualified Commonwealth employee is authorized to inspect any item of equipment and the load, driver and documents of any vehicle involved in an accident to determine whether they meet standards established in department regulations.**

* * *

(c) Operation prohibited if hazardous.--

(1) In the event a vehicle or a mass transit vehicle, or its equipment, load or driver, in the reasonable judgment of the officer or qualified Commonwealth employee, is in such condition that further operation would be hazardous, the officer or qualified Commonwealth employee may require that the vehicle or the mass transit vehicle not be operated under its own power or that the driver discontinue driving, or both, and may so stipulate in the notice given under subsection (b). In the case of motor carrier vehicles or their drivers, all such determinations shall be based on out-of-service criteria established in department regulations.

(2) In the event a motor carrier vehicle or mass transit vehicle is involved in an accident that causes the death of the vehicle operator or another person, the motor carrier vehicle or mass transit vehicle **and its equipment, load, driver and documents** shall be inspected by a qualified Commonwealth employee as designated by the department in accordance with subsection (f) before the vehicle or driver will be allowed to continue operation.

* * *

(e) Limitation of authority of qualified Commonwealth employees.--The authority granted to qualified Commonwealth employees under this section shall be exercised only when the employee is in uniform and shall apply only to [vehicles subject to emission inspection,] motor carrier vehicles, buses and all vehicles and combinations carrying hazardous materials in an amount and type which require the vehicle to be placarded under Chapter 83 (relating to hazardous materials transportation) and to the drivers of all such vehicles. Qualified Commonwealth employees who are not police officers shall be regarded as police officers under this part for the purpose of instituting criminal proceedings by citation under Chapter 50 of the Pennsylvania Rules of Criminal Procedure.

* * *

(g) Limitations.--Farm trucks not required to be registered, implements of husbandry [and], special mobile equipment **and trucks and truck tractors registered in class 4A or lower** shall not be subject to the systematic vehicle inspections authorized under subsection (a).

* * *

Section 18. Title 75 is amended by adding a section to read:
§ 6105.1. Designation of highway safety corridors.

The department, based upon a traffic and engineering investigation, shall have the power to designate a segment of a highway as a highway safety corridor.

Section 19. Section 6123 of Title 75 is amended to read:
§ 6123. Erection of traffic-control devices while working.

(a) General rule.--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. The regulations of the department shall address the control of road users through a work zone and shall be an essential part of highway construction, utility work, maintenance operations and incident management. All official traffic-control devices erected for maintenance and protection of traffic shall be removed as soon as practical when they are no longer needed. When work is suspended for short periods of time, official traffic-control devices erected for the

maintenance and protection of traffic shall be removed or covered when they are no longer appropriate.

(b) Length of work zone.--To the extent practicable, the length of the work zone shall be appropriate to the work in progress so that motorists do not increase speed after passing through a long stretch with no sign of work activity.

(c) Lane restrictions to be minimized.--To the extent practical, lane restrictions in all work zones shall be minimized to prevent traffic congestion and unsafe traffic conditions.

(d) Responsibility of contractor.--If the department determines that a contractor or any subcontractor has failed to comply with specifications prescribed by the department for the control of traffic within a work zone on a highway within this Commonwealth, a sum of not less than \$1,000 per day shall be assessed as liquidated damages from money due or to become due to the contractor.

Section 20. Title 75 is amended by adding a section to read:
§ 6123.1. Mandatory traffic-control devices in highway work zones.

Each Interstate highway work zone, including a work zone on the Pennsylvania Turnpike, with a project cost exceeding \$300,000 shall be equipped with speed-monitoring devices for purposes of advising the operator of a vehicle of the vehicle's rate of speed. The speed-monitoring device shall be located at least 500 feet prior to entering the work zone. The entity responsible for performing the construction or maintenance work shall erect the speed-monitoring devices in the work zone in accordance with the department's regulations.

Section 21. In order to facilitate the speedy implementation of this act, the Department of Transportation shall have the power and authority to promulgate, adopt and use guidelines which shall be published in the Pennsylvania Bulletin. The guidelines shall not be subject to review pursuant to section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, and shall be effective for a period not to exceed two years from the effective date of this act. After the expiration of the two-year period, the guidelines shall expire and be replaced by regulations which shall be promulgated, adopted and published as provided by law.

Section 22. (a) The Legislative Budget and Finance Committee shall review accidents where a fire resulted that involved a truck and occurred in this Commonwealth within the preceding ten years.

(b) The Legislative Budget and Finance Committee shall issue a report of its findings and recommendations for preventing such accidents to the General Assembly not later than six months following the date of enactment of this act. The committee may use the resources of and information available from the National Transportation Safety Board, the United States Department of Transportation, the Department of Transportation or other government agencies in preparing its report.

Section 23. (a) An amount totaling at least one half of 1% of the total dollar amount of projects let annually by the Department of Transportation shall be allocated for the purposes of management and oversight of work zones in order to enhance work zone safety.

(b) An amount totaling at least one half of 1% of the dollar amount allocated by the Pennsylvania Turnpike Commission for

projects shall be allocated for the purposes of management and oversight of work zones in order to enhance work zone safety.

Section 24. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) The addition of the definitions of "active work zone" and "work zone" in 75 Pa.C.S. § 102.

(ii) The amendment of 75 Pa.C.S. § 1371(b).

(iii) Section 21 of this act.

(iv) Section 22 of this act.

(v) Section 23 of this act.

(vi) This section.

(1.1) The amendment of section 1712(1) shall take effect December 3, 2002.

(2) The following provisions shall take effect in 60 days:

(i) The amendment of 75 Pa.C.S. § 1553(a) and

(d)(11).

(ii) The amendment of 75 Pa.C.S. § 1554(f).

(iii) The amendment of 75 Pa.C.S. § 3365(b).

(iv) The addition of 75 Pa.C.S. § 3756.

(v) The addition of 75 Pa.C.S. § 4309.

(vi) The amendment of 75 Pa.C.S. § 4704(a) and (c).

(vii) The amendment of 75 Pa.C.S. § 4581.

(viii) The addition of 75 Pa.C.S. § 6123(b) and

(c).

(ix) The addition of 75 Pa.C.S. § 6123.1.

(3) The remainder of this act shall take effect in six months.

APPROVED--The 23rd day of December, A. D. 2002.

MARK S. SCHWEIKER