

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, NOVEMBER 18, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 46

**SENATE**

WEDNESDAY, November 18, 1998

The Senate met at 11 a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the Chair.

**PRAYER**

The Chaplain, Reverend JOSEPH S. GENTILMAN, of Emmanuel United Methodist Church, Enola, offered the following prayer:

Almighty God, we thank You for the blessings of this beautiful day. We thank You, O God, for the blessings of this great Commonwealth, our niche in Your creation. We pray Your guidance upon this body this day that what we do here will be for the benefit and the well-being of Your blessed people. We pray for Your guidance and Your direction to be in our hearts and minds that we may deliberate and negotiate and legislate with peace and justice and with in mind the welfare of the people whom we represent, Your people in this great Commonwealth.

Be with us now as this Session begins. Guide and direct these Senators in Your presence and in Your spirit. Your blessing be upon them as they are about their work, with hope of Your will. We pray all of this in the name of Almighty God, our Father. Amen.

The PRESIDENT. The Chair thanks Reverend Gentilman, who is the guest today of Senator Mowery.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 17, 1998.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with and the Journal was approved.

**HOUSE MESSAGES**

**SENATE BILLS RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate SB 508 and 1011, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

**APPOINTMENT BY  
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Mr. Burt A. Waite to the Citizens Advisory Council of the Department of Environmental Protection.

**APPOINTMENT BY MAJORITY LEADER**

The PRESIDENT. The Chair wishes to announce the Majority Leader has made the following appointment:

Senator Robert D. Robbins as a member of the Firearms Background Check Advisory Committee.

**REPORTS FROM COMMITTEE**

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

**HB 613 (Pr. No. 4166) (Rereported)**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for applications for issuance of hotel, restaurant and club liquor licenses, for license fees, for public service liquor licenses, for trade show and convention licenses, for city-owned stadia, for performing arts facilities, for recreation facilities, for seasonal outdoor cafe, for sacramental wine licenses, for liquor importers' licenses, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for stadium or arena permits, for filing of applications for distributors', importing distributors' and retail dispensers' licenses, for price changes of malt and brewed beverages, for limiting number of retail licenses to be issued in each municipality, for requirement that licensees furnish bond, for nonassignability and transfer of licenses, for applications for transfers, for expiration and renewal of licenses, for revocation and suspension of licenses, for unlawful acts relative to malt or brewed beverages and licensees, for applications, for issuance of licenses and for requirement of bonds; further providing for performing arts facilities in second class A counties, second class A cities, third class cities, boroughs and townships of the second class located in certain counties; and making a repeal.

**HB 2024 (Pr. No. 4113) (Rereported)**

An Act providing for a waiver of tuition and other fees for children of certain deceased police officers, National Guard members, firefighters and correction employees at community colleges and State-owned and State-related institutions of higher education and for additional powers and duties of the Pennsylvania Higher Education Assistance Agency and the Department of General Services.

**BILL INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bill numbered, entitled, and referred as follows, which was read by the Clerk:

November 18, 1998

Senator SALVATORE presented to the Chair SB 1591, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, further providing for powers and duties of the Department of Aging.

Which was committed to the Committee on AGING AND YOUTH, November 18, 1998.

**LEGISLATIVE LEAVE**

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I request a legislative leave for Senator Williams.

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator Williams. Without objection, that leave is granted.

**LEAVES OF ABSENCE**

Senator LOEPER asked and obtained a leave of absence for Senator PUNT, for today's Session, for personal reasons.

Senator O'PAKE asked and obtained a leave of absence for Senator TARTAGLIONE, for today's Session, for personal reasons.

**CALENDAR**

**SENATE RESOLUTION No. 244  
CALLED UP OUT OF ORDER, ADOPTED**

Senator LOEPER, without objection, called up from page 9 of the Calendar, as a Special Order of Business, Senate Resolution No. 244, entitled:

A Resolution relating to the Pennsylvania Game Commission program for wild birds.

On the question,  
Will the Senate adopt the resolution?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEA-48**

Afflerbach	Gerlach	Loeper	Slocum
Armstrong	Greenleaf	Madigan	Stapleton
Belan	Hart	Mellow	Stout
Bell	Helfrick	Mowery	Thompson
Bodack	Holl	Murphy	Tilghman
Brightbill	Hughes	Musto	Tomlinson
Conti	Jubelirer	O'Pake	Uliana
Corman	Kasunic	Piccola	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White

Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak

**NAY-0**

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

**RECESS**

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the Majority Caucus Room, with an expectation of trying to return to the floor at approximately 1 p.m.

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, we also would like to caucus immediately in the caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of Democratic and Republican caucuses to begin immediately, with the intention of returning at approximately 1 p.m., the Senate stands in recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having expired, the Senate will come to order.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet off the floor during today's Session to consider Senate Bills No. 94, 510, 512, 1193, 1200, House Bill No. 1479, and certain nominations.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR**

**NONPREFERRED APPROPRIATION BILL  
OVER IN ORDER**

SB 1314 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED LAID ON THE TABLE**

SB 1548 (Pr. No. 2282) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for findings and purpose of chapter, for information in pending complaint and unfounded report files, for disposition of unfounded reports, for release of information in confidential reports, for amendment or expunction of information, for grounds for denying employment, for cooperation of other agencies and for services for prevention and treatment of child abuse.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILLS REREPORTED FROM COMMITTEE  
AS AMENDED ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1994 (Pr. No. 4140)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the director's compensation; imposing duties upon the Executive Board; providing for commission accountability; and further providing for the use of certain Game Fund revenues, for appropriation and audit of moneys, for powers and duties of enforcement officers, for jurisdiction and penalties, for acknowledgment of guilt and receipt, for payment disposition of nonresidents, for unlawful taking or possession of game or wildlife, for buying and selling of game and wildlife, for classes of licenses, for license costs and fees, for disabled person permits and for the arrows for crossbows.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Mr. President, I rise today to go on record as being opposed to House Bill No. 1994. I have to commend our committee chairman, Senator Helfrick, and others who have gotten very involved. I believe that this piece of legislation, I believe the increase is fair. I believe that a lot of the reforms that have been put into the bill, accountability reforms, the law enforcement reforms, are fine. My concern is that they do not go far enough.

As an avid hunter myself, I understand the need for the Game Commission to be responsive to the needs of Pennsylvania's hunters, and while the accountability provisions of this bill will go a long way to improving the operations of the Game Commission, I am skeptical of the Game Commission's commitment to reform.

Over the last several months, the Members of this body have been inundated by letters from game commissioners and commission staff. We have been told about all of the commission programs that are being damaged by the lack of funding. They tell us that the hunters support the license increase. They tell us that they will do a better job if we just give them more money. More hunters are still being harassed by WCOs, wildlife conservation officers, who believe that collecting fines is more important than providing services to our hunting population.

Meanwhile, as our habitat is continuing to disappear, reforms that could have been instituted by the commission itself have to be legislated. The General Assembly is getting lip service while more and more hunters put away their rifles and shotguns forever. Fewer and fewer young people are heading into our woods to hunt. I truly hope that we can take the Game

Commission at its word and that this license increase will result in a more focused, customer-friendly commission. But at this time I have to admit that I am not convinced. The phrase, "I will believe it when I see it," comes to mind. I just hope that after this license increase is passed that we actually see the improvements that have been promised.

The commission is an independent arm of this legislature. They were created by this legislature, and I have fought over the years to allow them to be independent, but with independence comes responsibility, and I am not sure that with all of the lip support that is actually going to happen. Our Pennsylvania hunters deserve nothing less. To emphasize the need for constant scrutiny and the fact that I, for one, will be looking over their shoulders, I will be voting "no" on this proposal.

Thank you, Mr. President.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Belan, Senator LaValle, Senator Mellow, and Senator O'Pake.

The PRESIDENT. Senator Stapleton requests temporary Capitol leaves for Senator Belan, Senator LaValle, Senator Mellow, and Senator O'Pake. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Rhoades and Senator Robbins, who are attending the Senate PIAA hearing.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Rhoades and Senator Robbins. Without objection, those leaves are granted.

And the question recurring,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Northumberland, Senator Helfrick.

Senator HELFRICK. Mr. President, I agree wholeheartedly with what the gentleman from Bradford, Senator Madigan, had to say, and we have all been concerned with that problem for the past several years, although I feel very confident that with this legislation passed the Game Commission will be responsible and more responsive to legislators, as they should be. I would appreciate an affirmative vote on this, and I can assure all the Members here that if the Game Commission is not responsive to us, we will return to this issue in January when we come back here.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I rise to cautiously support the legislation and agree with my colleague, the gentleman from Northumberland, Senator Helfrick, and I believe several other speakers may have spoken in support of the Game Com-

mission taking responsibility and following through with commitments they have made to us.

We have actually drafted legislation to require the deputy game commission officers to receive more training. We are also concerned. There have been complaints that those officers may be violating the civil rights of hunters and others who hike the gamelands in the Commonwealth. Mr. President, I cautiously advise my colleagues to support the legislation, but I urge all of us to keep an eye on the Game Commission regarding this issue. They have committed to us that they will require more training for these officers, so that basically they do follow the law, so that they do not violate the civil rights of Pennsylvanians, as well as abuse the powers that they are given.

So, Mr. President, it is with caution again that I hope my colleagues will support the legislation, but I encourage all of us to make sure that they do make changes regarding the deputy game commission officers.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-42

Armstrong	Hart	Mowery	Thompson
Belan	Helfrick	Murphy	Tilghman
Bodack	Holl	Musto	Tomlinson
Brightbill	Hughes	O'Pake	Uliana
Conti	Jubelirer	Piccola	Wagner
Corman	Kasunic	Rhoades	Wenger
Delp	Kitchen	Robbins	White
Earl	Kukovich	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Mellow	Stapleton	

NAY-5

Afflerbach	Costa	Stout
Bell	Madigan	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**HB 2258 (Pr. No. 4141)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for supervision of persons paroled in other states.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I request temporary Capitol leaves for Senator Bodack, Senator Costa, and Senator Stapleton.

The PRESIDENT. Senator Fumo requests temporary Capitol leaves for Senator Bodack, Senator Costa, and Senator Stapleton. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Slocum.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Slocum. Without objection, that leave will be granted.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-48

Afflerbach	Gerlach	Loeper	Slocum
Armstrong	Greenleaf	Madigan	Stapleton
Belan	Hart	Mellow	Stout
Bell	Helfrick	Mowery	Thompson
Bodack	Holl	Murphy	Tilghman
Brightbill	Hughes	Musto	Tomlinson
Conti	Jubelirer	O'Pake	Uliana
Corman	Kasunic	Piccola	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earl	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL REREPORTED FROM COMMITTEE  
AS AMENDED, AMENDED

**HB 2261 (Pr. No. 4142)** -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring public hearings before closing State mental health or mental retardation facilities.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WHITE offered the following amendment No. A4701:

Amend Sec. 2, page 2, line 9, by striking out "25%" and inserting: 10%

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

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, I rise to support Senator White's amendment to House Bill No. 2261. This amendment returns this bill to the form in which it passed the House earlier this year, and it requires the Department of Public Welfare to hold a hearing when any mental retardation center or hospital is closed down or there is a reduction of 10 percent of capacity or 10 percent of staff. So this is a very important amendment to this legislation and to the membership of this body requiring the Department of Public Welfare to hold a public hearing.

Thank you, Mr. President.

And the question recurring,  
Will the Senate agree to the amendment?  
It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 2459 (Pr. No. 4118)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 5, 1994 (P.L.531, No.78), known as the Human Services Development Fund Act, further providing for allocations.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEA-47**

Armstrong	Greenleaf	Madigan	Stapleton
Belan	Hart	Mellow	Stout
Bell	Helfrick	Mowery	Thompson
Bodack	Holl	Murphy	Tilghman
Brightbill	Hughes	Musto	Tomlinson
Conti	Jubelirer	O'Pake	Uliana
Corman	Kasunic	Piccola	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	

**NAY-1**

Afflerbach

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**RECONSIDERATION OF HB 1994**

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED ON FINAL PASSAGE**

**HB 1994 (Pr. No. 4140)** -- Senator FUMO. Mr. President, due to some confusion during the prior roll call, I ask that we reconsider the vote by which House Bill No. 1994, Printer's No. 4140, passed finally.

The motion was agreed to.

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEA-43**

Armstrong	Hart	Mellow	Stapleton
Belan	Helfrick	Mowery	Thompson
Bodack	Holl	Murphy	Tilghman
Brightbill	Hughes	Musto	Tomlinson
Conti	Jubelirer	O'Pake	Uliana
Corman	Kasunic	Piccola	Wagner
Delp	Kitchen	Rhoades	Wenger
Earll	Kukovich	Robbins	White
Fumo	LaValle	Salvatore	Williams
Gerlach	Lemmond	Schwartz	Wozniak
Greenleaf	Loeper	Slocum	

**NAY-5**

Afflerbach	Costa	Stout
Bell	Madigan	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**LEGISLATIVE LEAVE**

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I ask for a temporary Capitol leave for Senator Hughes.

The PRESIDENT. Senator Fumo requests a temporary Capitol leave for Senator Hughes. Without objection, that leave is granted.

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL OVER IN ORDER TEMPORARILY**

**HB 433** -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 501 (Pr. No. 3990)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Senior Citizen Advisory Committee; and providing for duties of committee.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-48

Afflerbach	Gerlach	Loeper	Slocum
Armstrong	Greenleaf	Madigan	Stapleton
Belan	Hart	Mellow	Stout
Bell	Helfrick	Mowery	Thompson
Bodack	Holl	Murphy	Tilghman
Brightbill	Hughes	Musto	Tomlinson
Conti	Jubelirer	O'Pake	Uliana
Corman	Kasunic	Piccola	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER

**SB 636, HB 689 and HB 728** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

**SB 886 (Pr. No. 952)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), entitled Local Tax Collection Law, authorizing one taxing district to enter into an agreement with another taxing district for tax collection purposes under certain circumstances.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILLS OVER IN ORDER

**HB 907 and HB 1064** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS LAID ON THE TABLE

**SB 1273 (Pr. No. 1627)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled The Borough Code, further providing for borough councils' and mayors' salaries.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

**SB 1274 (Pr. No. 1628)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), entitled The First Class Township Code, further providing for compensation.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILLS OVER IN ORDER

**HB 1426 and HB 1473** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

**SB 1511 (Pr. No. 2203)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, providing for an exclusion for certain assets of and distributions to victims of Nazi persecution for personal income and inheritance tax purposes.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILLS OVER IN ORDER

**SB 1554 and HB 1636** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL AMENDED

**HB 1659 (Pr. No. 4151)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for actions that must be commenced within six months, for other offenses and for deficiency judgements; and making editorial changes and for the definition of "local agency" for purposes of governmental immunity.

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO offered the following amendment No. A4687:

Amend Title, page 1, line 2, by inserting after "for": the number of judges in the court of common pleas and the Philadelphia Municipal Court, for

Amend Bill, page 1, lines 11 and 12, by striking out all of said lines and inserting:

Section 1. Sections 911, 1121, 5522(b)(2), 5552(b) and 8103 of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 911. Courts of common pleas.

(a) General rule.—There shall be one court of common pleas for each judicial district of this Commonwealth consisting of the following number of judges:

Judicial District	Number of Judges
First	[90] 93
Second	11
Third	7
Fourth	1
Fifth	41
Sixth	8
Seventh	11
Eighth	2
Ninth	5
Tenth	11
Eleventh	9
Twelfth	8
Thirteenth	2
Fourteenth	5
Fifteenth	11
Sixteenth	3
Seventeenth	2
Eighteenth	1
Nineteenth	11
Twentieth	1
Twenty-first	5
Twenty-second	1
Twenty-third	11
Twenty-fourth	4
Twenty-fifth	2
Twenty-sixth	2
Twenty-seventh	5
Twenty-eighth	2
Twenty-ninth	5
Thirtieth	2
Thirty-first	9
Thirty-second	18
Thirty-third	2
Thirty-fourth	1
Thirty-fifth	3
Thirty-sixth	6
Thirty-seventh	1
Thirty-eighth	18
Thirty-ninth	4
Fortieth	2
Forty-first	2
Forty-second	2
Forty-third	5
Forty-fourth	1
Forty-fifth	6
Forty-sixth	2
Forty-seventh	5
Forty-eighth	1
Forty-ninth	3
Fiftieth	5
Fifty-first	3
Fifty-second	3
Fifty-third	3
Fifty-fourth	1
Fifty-fifth	1
Fifty-sixth	2
Fifty-seventh	2
Fifty-eighth	1
Fifty-ninth	1
Sixtieth	1

(b) Single county districts.—In single county judicial districts the court of common pleas of the district shall be known as the "Court of Common Pleas of (the respective) County."

(c) Multicounty districts.—In multicounty judicial districts the court of common pleas of the district shall be known as the "Court of Common Pleas of the (respective) Judicial District." There shall be a separate branch of the court in each county comprising the judicial district.

§ 1121. Philadelphia Municipal Court.

The Philadelphia Municipal Court shall consist of [25] 28 judges.

Amend Bill, page 9, by inserting between lines 19 and 20"

Section 3. The new judgeships for the first district added by the amendment of 42 Pa.C.S. § 911(a) and for the Philadelphia Municipal Court added by the amendment of 42 Pa.C.S. § 1121 shall be created on July 1, 1999, and shall be initially filled by the Governor in accordance with section 13 of Article V of the Constitution of Pennsylvania.

Amend Sec. 3, page 9, line 20, by striking out "3" and inserting:

4

Amend Sec. 4, page 9, line 23, by striking out "4" and inserting:

5

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER

HB 1715 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2005 (Pr. No. 3697) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 8, 1937 (P.L.262, No.66), known as the Consumer Discount Company Act, further defining the phrase "revolving loan account"; providing for other services and products; and further providing for maturity of loans, for service charge and for written receipt and sale of assets.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-48

Afflerbach	Gerlach	Loeper	Slocum
Armstrong	Greenleaf	Madigan	Stapleton
Belan	Hart	Mellow	Stout
Bell	Helfrick	Mowery	Thompson
Bodack	Holl	Murphy	Tilghman
Brightbill	Hughes	Musto	Tomlinson
Conti	Jubelirer	O'Pake	Uliana
Corman	Kasunic	Piccola	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

#### BILL OVER IN ORDER

**HB 2193** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 2200 (Pr. No. 4150)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, providing for the definition of "duplicate"; and further providing for collection and payment and for settlement and audits.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEA-48

Afflerbach	Gerlach	Loeper	Slocum
Armstrong	Greenleaf	Madigan	Stapleton
Belan	Hart	Mellow	Stout
Bell	Helfrick	Mowery	Thompson
Bodack	Holl	Murphy	Tilghman
Brightbill	Hughes	Musto	Tomlinson
Conti	Jubelirer	O'Pake	Uliana
Corman	Kasunic	Piccola	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak

#### NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### BILL LAID ON THE TABLE

**HB 2207 (Pr. No. 2917)** -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of April 4, 1870 (P.L.834, No.765), entitled "An act relative to contracts by county commissioners in certain counties of this commonwealth."

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### BILLS OVER IN ORDER

**HB 2225, HB 2243, HB 2410 and HB 2703** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### SECOND CONSIDERATION CALENDAR

#### BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**HB 492** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS ON SECOND CONSIDERATION

**HB 207 (Pr. No. 4146)** -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring all prison inmates to wear identifiable prison uniforms while incarcerated.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**HB 235 (Pr. No. 1910)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the crime of stalking.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 304 and HB 507** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**HB 786 (Pr. No. 3526)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for harassment by communication or address; and making an editorial change.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILLS LAID ON THE TABLE

**SB 811 (Pr. No. 867)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1931 (P.L.1379, No.348), entitled, as amended, Third Class County Assessment Board Law, further providing for assessment appeals; and providing for changes in assessment.



Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

**SB 822 (Pr. No. 887)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (PL.103, No.69), entitled, as reenacted and amended, The Second Class Township Code, further providing for vacancy election dates.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

**SB 1043 (Pr. No. 1805)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, prohibiting persons with a history of certain criminal offenses from being employed with the Statewide toll-free ChildLine.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

**BILL OVER IN ORDER**

**HB 1228** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILLS LAID ON THE TABLE**

**SB 1236 (Pr. No. 1569)** -- The Senate proceeded to consideration of the bill, entitled:

An Act empowering and authorizing the Department of Transportation to establish and administer a grant program for the establishment of a three-year pilot program to provide shared-ride public transportation service for persons with certain disabilities throughout this Commonwealth; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

**SB 1502 (Pr. No. 2170)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of Route 26 in Centre County and Huntingdon County, Pennsylvania, as the Nittany Parkway; and designating a bridge in Bethel Township, Lebanon County, as the Senator Clarence F. Manbeck Bridge.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

**RECONSIDERATION OF A4687 TO HB 1659**

**HB 1659 (Pr. No. 4151)** -- Senator LOEPER. Mr. President, if we could return to page 6 of today's Calendar, House Bill No. 1659, in which amendment No. 4687 was agreed to, I move that we reconsider the vote by which the amendment was placed into House Bill No. 1659.

The motion was agreed to.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEA-44**

Afflerbach	Gerlach	Madigan	Slocum
Armstrong	Greenleaf	Mellow	Stapleton
Belan	Helfrick	Mowery	Stout
Bell	Holl	Murphy	Thompson
Bodack	Hughes	Musto	Tilghman
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Piccola	Uliana
Corman	Kitchen	Rhoades	Wagner
Costa	Kukovich	Robbins	Wenger
Delp	LaValle	Salvatore	Williams
Fumo	Loeper	Schwartz	Wozniak

**NAY-4**

Earl	Hart	Lemmond	White
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A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. The bill will go over in its order as amended.

**BILL OVER IN ORDER**

**SB 1586** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION AND REREFERRED**

**HB 2664 (Pr. No. 4081)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for court-appointed special advocates in juvenile matters.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

**RECESS**

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, we are still having an amendment or two being drafted to House Bill No. 433, which went over temporarily.

Therefore, at this time I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. Senator Loeper requests a meeting of the Committee on Rules and Executive Nominations to begin immediately. For that purpose, the Senate stands in recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having expired, the Senate will come to order.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Local Government to meet in the Rules room to consider House Bill No. 2858.

### PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I appreciate being able to take the time now while we are awaiting some other action to talk about an issue that has been in the press quite a bit for the last few days and particularly again this morning, and it relates to the tobacco settlement that Pennsylvania is engaged in, and I believe we have agreed to participate in the settlement.

Some of you may know that I have been a strong advocate for control of tobacco use, particularly when it comes to minors, making sure that there is less access to tobacco products particularly for minors. There are many of us certainly who have seen the negotiations with the tobacco industry as an opportunity to move forward in a variety of ways on both controlling the use and sale of tobacco and also, of course, in being able to recoup some of the public costs of providing health services to those who have used tobacco products.

Just very briefly, by way of background, the settlement is \$206 billion. That sounds like a lot of money, but it is over 25 years, and we are looking at \$11.2 billion coming to Pennsylvania as a result of that settlement. I will get back to the money in a moment, but as part of the settlement we have seen an agreement for a ban on brand name logos going on merchandise, particularly apparel, and I think that is particularly important for young people who might be wearing T-shirts with tobacco company logos on them.

There is also an agreement to ban outdoor advertising of tobacco products, something I think many of us also thought was a good idea. We have seen a ban on payment for placement of tobacco products in movies and TV shows. Some of us have seen an increase in people using tobacco products in movies, and they of course are role models for our young people as to what looks cool, what looks sexy, what is "in." And I think all of those are very important. It also importantly does not protect the tobacco industry from future lawsuits, and again I think that is important.

The reason I just want to recognize this is that there is some criticism of the settlement. There is criticism that while those numbers sound very big to us, that it is not enough. It certainly is a much smaller amount of money than was originally looked at for the national settlement on the possibility there, and particularly since much of this is likely to be passed along to the consumer, I do not know that this will hurt the tobacco industry in any way. But again, the principal purpose here was to make sure that we reduce tobacco use and be able to have some dollars for health services. There is criticism that it does not limit the use or sale of tobacco products through vending machines, it is not as tough as it could be on restricting adver-

tising, and it does preempt the State and local lawsuits on tobacco smoke pollution. So what I would say is that there is probably more work for us to do on both the Federal level and on the State level. It does not solve all of the issues that many of us have brought up for a number of years now.

But what I really wanted to talk about and bring to the attention of my colleagues in particular is how we use the settlement proceeds, and again, we are talking about \$11.2 billion coming to Pennsylvania. We are talking about \$400 million a year for 25 years. That is for the State. So we have an opportunity of looking at, starting June of 2000, quite large sums of money coming to Pennsylvania. I want to say that this morning's paper quoted Tim Reeves as saying there already have been internal deliberations on the use of those dollars. I would like to think that we are part of that internal process, that the General Assembly and particularly those of us who have cared about this issue would be involved in having some say in what happens to the use of those dollars, that it is not decided solely by the executive branch, that it is not decided by the Attorney General's settlement, that it is not decided alone by the Governor and the administration, but that there is involvement by those of us in the General Assembly, both in the House and the Senate, both Democrats and Republicans, in a discussion about what is the best use of these dollars.

I think none of us want to see those dollars simply go into the General Fund. We want them identified. And I want to suggest that it is very, very important for us to be a part of that discussion, and it is also important for a commitment from the administration to involve the advocates from outside, the American Cancer Society, the American Lung Association, those who have worked on children's health issues, those who have taken care of friends of ours, and the general public taking care of their health issues. We want health providers and advocates and legislators all involved in that discussion about how the proceeds should be used.

And I want to suggest, while not making a commitment to any of these, several ways that we might use these proceeds that I hope are a part of this discussion. Very importantly, probably on the top of the list, of course, is tobacco use prevention, and there are ways that we know for educating our young people, particularly teenagers and young adults, not to begin to smoke. We know that 3,000 people start smoking each day and we know that means that many of them will end up with diseases as a result of tobacco use. That is, of course, both a personal tragedy and a huge public health cost as well.

One of the good uses for this money, I think, would be to enhance our enforcement activity. We have begun some of that on a State level, particularly compliance with some of the regulations about the sale of tobacco to minors, and we should be able to use some of those dollars for local activity on both education and sales compliance. So tobacco use prevention geared toward both young people and the general public is extremely, extremely important.

Secondly, and I think this has been, I hope, suggested by others as well, I have over the years suggested that we continue to use tobacco sales tax dollars for our Children's Health Insurance Program, a very, very important program in the State

for which we can take some credit I think for having started the movement toward health insurance coverage for children. The model of using public dollars to help working families pay for private insurance for their children was modeled in Pennsylvania. It is now a national program. We are receiving national dollars that will help increase the number of children in this program. We were at about 50,000 to 60,000 children in CHIP through State funding. We are now looking to add 100,000 more.

But, Mr. President, that is about half of the uninsured children in this Commonwealth. I think it would be very important to consider use of the tobacco settlement dollars to take care of all of the children so that we do not have to put any children on a waiting list. We could actually stand up in Pennsylvania and say we are prepared to be able to help every family in Pennsylvania have access to health insurance for their children. These dollars are available through the settlement. I believe it should be a top priority for use of those dollars.

In addition, as intended, the settlement and the reason for the lawsuit really was to also provide health coverage for adults who had diseases as a result of the use of tobacco. So clearly when we are looking at about one million Pennsylvanians who do not have health insurance on an ongoing basis, one million Pennsylvanians, we should strongly consider being able to use some of these dollars to cover uninsured adults, help them have access to health insurance as well. We could either do that through expanded Medicaid coverage or we could do that by helping them, as we do with CHIP, to be able to purchase private insurance. So that would be important. There are ways we could do that. Certainly we should look at the population over 55, but before they are eligible for Medicare that would be very, very important.

Next, I would list the issue of uncompensated care, and there may be some overlap here with the uninsured adults, but we know from many of our hospitals with which we have had this discussion that there is a great deal of uncompensated care. Our hospitals are being asked to pick up the costs of uncompensated care for adults. Personally, I voted against that, but we did cut off about 250,000 adults, working adults, from coverage under the Medicaid system. Some of those adults, most of them had health problems. They show up at hospitals without health insurance, and we ought to be able to help them purchase health insurance as well.

So on the whole, the last thing I would mention is the issue of access to health care in some of our underserved areas, particularly in the rural parts of Pennsylvania where access to health care is difficult. We have some State health centers that exist in those communities. We also might be able to extend the incentive programs to help health providers work in underserved areas that exist at the Federal level, exist in some State programs, so both underserved urban areas and underserved rural areas are areas where we might want to look at use of some of these settlement dollars.

So I put out those ideas because I think they are important health issues we have not gotten to in this State. We have an extraordinary opportunity, Mr. President, to make use of these settlement dollars, and we are looking at \$11.2 billion in ongo-

ing funds for the next 25 years to tackle some of the very important health needs of Pennsylvanians, both children and adults. We could use it to prevent health problems in the future and we could use it to make sure that health needs are being met today and into the future. So I look forward to being a part of this debate, I look forward to the General Assembly being a part of this debate, and to our being able to make use of these dollars in very important ways for the health of Pennsylvanians.

Thank you, Mr. President.

### THIRD CONSIDERATION CALENDAR RESUMED

#### HB 433 CALLED UP

**HB 433 (Pr. No. 4114)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

#### BILL AMENDED

**HB 433 (Pr. No. 4114)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for title applications, for vehicle ownership transfer, for transfer of vehicles to manufacturers or dealers, for title agents, for liens against title, for title registrations and certificates, for registration exemptions, for registration applications, for refusing registration, for duties of agents, for issuing registration plates, for registration renewal validation stickers, for returning registration plates, for dealer registration plates, for disability plates and placards, for veterans' plates and placards and for various special plates and placards; providing for a Conquer Cancer registration plate; establishing the Conquer Cancer Fund; conferring powers on the Department of Health; providing for a Cruiser Olympia registration plate; establishing the Cruiser Olympia Fund; further providing for suspension of registration, for suspension of business registration plates, for surrender of registration plates and cards, for licensing ineligibility, for driver's license examinations, for carrying driver's license, for driver's license expiration, for Department of Transportation records, for the Medical Advisory Board, for suspension of operating privilege, for schedule of points, for removal of points, for surrender of license, for revocation of habitual offender's license, for driving without valid license, for chemical testing, for notice, for occupational limited license, for probationary license and for cancellation of license, for stacking of uninsured and underinsured benefits and option to waive; providing for administrative functions and for additional annual fees for certain registrations; further providing for fee exemption, for temporary and electronically issued registration plates and for duplicate registration cards; providing for reissuance; further providing for special hauling permits, for annual hauling permits, for special escort movements, for construction trucks, for driver and vehicle information, for the Motor Vehicle Transaction Recovery Fund, for disbursements, for scope, for traffic control signals, for stop signs and yield signs, for restrictions on use of limited access highways, for train signals, for railroad crossings and for school bus passing; providing for emergency vehicles accessing official garages; further providing for speed limits, for altering speed limits, for pedalcycles, for pedalcycle equipment, for warning signals, for the Pedalcycle and Pedestrian Advisory Committee, for protective equipment for motorcycle riders, for driving on sidewalks, for serious accidents while unlicensed, for accident reports, for unlawful activities, for lighting requirements and for multiple-beam lights; providing for pedalcycle carrying devices; further providing for school bus requirements, for inspection, for inspection station liability, for inspec-

tion sticker violations, for inspection records, for highway and bridge restrictions, for fire apparatus, for vehicle widths, for maximum gross weight, for registered gross weight, for maximum axle weight, for permit authority, conditions and security, for construction vehicle exemptions, for quarry equipment permits, for permits for movement during manufacture and for construction equipment movement permits; providing for live domestic animal permits; further providing for wooden structure movement permits; providing for building structural component movement permits, for furniture assembly component movement permits, for bulk refined oil movement permits, and for waste coal and combustion ash movement permits; further providing for gubernatorial emergency powers, for administrative and local functions and for display of unauthorized signs; providing for dealing in traffic-control devices or bridge parts; further providing for automatic reciprocity, for police investigation and for issuing authority reports; providing for admissibility of records; further providing for subsequent convictions of certain offenses; providing for habitual offenders; further providing for fraudulent documents and plates; providing for a security wall pilot project; further providing for liquid fuel permits, bonds, deposits, refunds and violations; further providing for highway restoration and for motor fuel tax credits; and providing for corporate tax exemptions and for the transfer of certain funds.

On the question,

Will the Senate agree to the bill on third consideration?

**MOTION TO REVERT TO PRIOR PRINTER'S  
No. 2621 ON HB 433**

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I move to revert to prior Printer's No. 2621 on House Bill No. 433.

The PRESIDENT. Senator Corman moves that we revert to prior Printer's No. 2621 on House Bill No. 433.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, if I could ask the distinguished gentleman from Centre, in moving to prior Printer's No. 2621, what are we taking out of the existing legislation?

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, we are taking out everything in the existing legislation and reinserting a whole host of Title 75 pieces of legislation that have been bottled up all year that are believed to be noncontroversial, issues that many of us have introduced independently throughout the year but yet for a variety of reasons could not be addressed on the floor of this Senate, so they are being inserted in House Bill No. 433 as a compromise piece of legislation that has been worked on by the chairmen of the Committees on Transportation of all four Caucuses.

Senator WAGNER. Mr. President, are we specifically taking out the requirement for seatbelts on school buses?

Senator CORMAN. Yes, Mr. President, we are.

Senator WAGNER. Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative.

The Senate now has before it House Bill No. 433, Printer's No. 2621.

On the question,

Will the Senate agree to the bill on third consideration?

**CORMAN AMENDMENT A4713**

Senator CORMAN offered the following amendment No. A4713:

Amend Title, page 1, lines 2 through 25, by striking out "further providing for THE DEFINITION OF "VEHICLE,"" in line 2, all of lines 3 through 25, and inserting: further providing for definitions, for title applications, for vehicle ownership transfer, for transfer of vehicles to manufacturers or dealers, for title agents, for liens against title, for title registrations and certificates, for registration exemptions, for registration applications, for refusing registration, for issuing registration plates, for returning registration plates, for dealer registration plates, for disability plates and placards, for veterans' plates and placards, for various special plates and placards, for suspension of registration, for suspension of business registration plates, for surrender of registration plates and cards, for licensing ineligibility, for driver's license examinations, for carrying driver's license, for driver's license expiration, for Department of Transportation records, for the Medical Advisory Board, for suspension of operating privilege, for schedule of points, for removal of points, for surrender of license, for revocation of habitual offender's license, for driving without valid license, for chemical testing, for notice, for occupational limited license, for probationary license and for cancellation of license; providing for administrative functions; providing additional annual fees for certain registrations; further providing for fee exemption, for temporary and electronically issued registration plates and for duplicate registration cards; providing for reissuance; further providing for special hauling permits, for annual hauling permits, for special escort movements, for construction trucks, for driver and vehicle information, for the Motor Vehicle Transaction Recovery Fund, for disbursements, for scope, for traffic control signals, for stop signs and yield signs, for train signals, for railroad crossings and for school bus passing; providing for emergency vehicles accessing official garages; further providing for speed limits, for altering speed limits, for pedalcycles, for pedalcycle equipment, for warning signals, for the Pedalcycle and Pedestrian Advisory Committee, for driving on sidewalks, for serious accidents while unlicensed, for accident reports, for unlawful activities, for lighting requirements and for multiple-beam lights; providing for passengers in open trucks and for pedalcycle carrying devices; further providing for school bus requirements, for inspection, for inspection station liability, for inspection sticker violations, for inspection records, for highway and bridge restrictions, for fire apparatus, for vehicle widths, for maximum gross weight, for registered gross weight, for maximum axle weight, for permit authority, conditions and security, for construction vehicle exemptions, for quarry equipment permits, for permits for movement during manufacture and for construction equipment movement permits; providing for live domestic animal permits; further providing for wooden structure movement permits; providing for building structural component movement permits, for furniture assembly component movement permits, for bulk refined oil movement permits, and for waste coal and combustion ash movement permits; further providing for gubernatorial emergency powers, for administrative and local functions and for display of unauthorized signs; providing for dealing in traffic-control devices or bridge parts; further providing for automatic reciprocity, for police investigation and for issuing authority reports; providing for admissibility of records; further providing for subsequent convictions of certain offenses; providing for habitual offenders; further providing for fraudulent documents and plates; providing for a security wall pilot project; further providing for

liquid fuel permits, bonds, deposits, refunds and violations; further providing for highway restoration and for motor fuel tax credits; and providing for corporate tax exemptions, for an appropriation and for the transfer of certain funds.

Amend Bill, page 2, lines 4 through 30; pages 3 through 30, lines 1 through 30, by striking out all of said lines on said pages and inserting:

Section 1. The definitions of "maxi-cube vehicle," "modular housing unit," "motorized pedalcycle," "passenger car," "registered gross weight," "salvor," special mobile equipment," "truck" and "vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes are 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:

\*\*\*

"Cancel." To void or terminate by formal action of the department any license, registration or privilege issued or granted by the department to which the individual is no longer entitled.

\*\*\*

"Manufactured construction unit." A building manufactured in sections in a production plant, transported to a site and set on a foundation to form a complete commercial or institutional noncombustible building.

\*\*\*

"Maxi-cube vehicle." [A truck tractor combined with a semitrailer and a separable cargo-carrying unit which is designed to be loaded and unloaded through the semitrailer except that the entire combination shall not exceed 65 feet in length and the separable cargo-carrying unit shall not exceed 34 feet in length.] A combination. The truck may have either a detachable or permanently attached cargo box. The cargo box on the trailer shall be designed such that the truck may be loaded and unloaded through the trailer. Neither cargo box shall exceed 34 feet in length and the overall length of the combination shall not exceed 65 feet.

\*\*\*

"Modular housing unit." A unit transported on a removable or nonremovable frame designed for residential [or commercial] purposes which is wholly or in substantial part fabricated, formed or assembled in manufacturing facilities for assembly and installation on the building site.

\*\*\*

"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 or an electric motor-driven cycle equipped with operable pedals and an automatic transmission powered by an electric battery or battery-pack-powered electric motor with a maximum design speed of no more than 25 miles per hour.

\*\*\*

"Numbered traffic route." A highway which has been assigned an interstate, United States or Pennsylvania route number, consisting of three or fewer digits, to aid motorists in their travels.

\*\*\*

"Passenger car." A motor vehicle, except a motorcycle, designed primarily for the transportation of persons and designed for carrying no more than 15 passengers, including the driver, and primarily used for the transportation of persons. The term includes motor vehicles which are designed with seats that may be readily removed and reinstalled, but does not include such vehicles if used [or maintained] primarily for the transportation of property.

\*\*\*

"Registered gross weight."

(1) The maximum gross weight at which a vehicle or combination is registered in this Commonwealth to operate upon a highway, which shall include the weight at which a vehicle or combination is registered for operation in this Commonwealth under any system of proportional registration pursuant to Subchapter C of Chapter 61 (relating to reciprocity).

(2) For the purposes of Chapter 49 (relating to size, weight and load)[, Chapter 99 (relating to axle tax for highway bridge improvement)] and the definition of "motor carrier vehicle," if there is no registered gross weight as defined in paragraph (1), then the term shall mean the maximum gross weight at which a vehicle or combination registered in another state is registered or otherwise authorized to operate by such state.

\*\*\*

"Salvor." A person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, [junking,] recycling, selling, rebuilding or exchanging the vehicles or parts thereof.

\*\*\*

"Special mobile equipment."

(1) Vehicles not designed or used primarily for the transportation of persons or property, except for tools and parts necessary for the use and maintenance of the vehicle, and only incidentally operated or moved over a highway[, including but not limited to:].

(2) Vehicles which have machinery permanently attached shall not carry a load, except for tools and parts necessary for the use and maintenance of the permanently attached machinery and are only incidentally operated or moved over a highway.

The term includes, but is 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 carryalls, 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; or truck-mounted transit mixers, cranes or shovels; or other vehicles designed for the transportation of persons or property to which machinery has been attached].

\*\*\*

"Truck." A motor vehicle designed[, used or maintained] primarily for the transportation of property. The term includes motor vehicles designed with seats that may be readily removed and reinstalled if those vehicles are primarily used for the transportation of property.

\*\*\*

"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. The term does not include a self-propelled wheel chair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

\*\*\*

Section 2. Section 1103.1(h) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1103.1. Application for certificate of title.

\*\*\*

(g.1) Verification.—In lieu of notarization of any document required to be submitted with the application for certificate of title, the department shall accept the verification of a person's signature by an issuing agent who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee. The issuing agent's name and identification number and the signature of the issuing agent or its employee shall be written in the space reserved for a notarization or verification. If an issuing agent or its employee falsely verifies a person's signature, the department shall suspend the issuing agent's authority to issue temporary registration plates and cards for not less than 30 days.

(h) Penalties.—Any person who falsely verifies a signature under subsection (g.1) or a vehicle identification number under subsection (e)(2) or who verifies a vehicle identification number without being

authorized as provided in subsection (e)(2) commits a summary offense punishable by a fine of \$300.

Section 3. Sections 1111, 1113(a), (b) and (c), 1119(c)(2)(ii) and (iii) and 1138(a) of Title 75 are amended to read:

§ 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, or verified by an issuing agent who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee, and deliver the certificate to the transferee at the time of the delivery of the vehicle.

(a.1) Exception for dealers.—When a certificate of title for a vehicle acquired by a licensed dealer for the purpose of resale is encumbered by a lien, delivery of the certificate of title by the dealer as a transferor at the time of delivery of the vehicle upon resale shall not be required for a vehicle being titled in this Commonwealth if, prior to delivery of the vehicle, the dealer obtains the applicable powers of attorney to properly execute transfer of the title and the dealer requests and receives the departmental verification of any lienholders, ownership, odometer information, title brands and any other information that the department deems necessary to be verified. Upon payment of the established fee, the department shall provide the dealer or authorized messenger service with verification of the required information. The department may supply the verified information by either written or electronic means. The application and a properly assigned certificate of title shall be delivered to the department within the time period prescribed by section 1103.1 (relating to application for certificate of title). If a dealer sells a vehicle after verification of the required information for a certificate of title encumbered by a lien, but fails to satisfy the lien or deliver an assignment and warranty of title to the dealer's transferee within 90 days of the date of purchase, and this failure is the result of an act or omission by the dealer, the dealer shall accept return of the vehicle from the transferee and shall refund the purchase price less actual depreciation of the vehicle while it was within the possession of the transferee. In refunding the purchase price, the price shall include the listed dollar value of any trade-in vehicle as stated in the sales transaction document in lieu of returning the transferee's trade-in vehicle.

(a.2) Exception for sales at licensed wholesale auctions.— In the event of the offering for sale or transfer of a vehicle between automobile dealers licensed by this Commonwealth or another state at a wholesale vehicle auction which is licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, as a wholesale vehicle auction, the licensed dealer need not execute an assignment and warranty of title to the transferee at the time of the offering of the vehicle for sale if, prior to the offering of the sale of the vehicle, it is noted that the title is not present. The transferor shall deliver a properly assigned and warranted title to that transferee within ten days of the date that the vehicle was offered for sale, and the sale shall not be consummated until the transferor has delivered the title to the transferee.

(b) Duty of transferee.—Except as otherwise provided in section 1113 (relating to transfer to or from manufacturer or dealer), the transferee shall, within ten 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, or verified before an issuing agent who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee, and accompanied by such forms as the department may require.

(b.1) Transfers relating to the RESET program.—A motor vehicle transferred to the Commonwealth or a political subdivision for use in the RESET Program administered under section 405.1 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, shall not be subject to sales or use tax under Article II of the act of

March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, upon the removal of the vehicle from inventory by any:

(1) motor vehicle dealer, importer or wholesaler, or

(2) "broker," "dealer" or "distributor," as defined in section 2 of the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.

(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.

§ 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 in lieu of applying for a certificate of title 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. Notwithstanding the foregoing, a transferee of a motor vehicle shall apply for a certificate of title no later than six months from the date of the assignment.

(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] two 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] shall be retained by the manufacturer or dealer for at least one year after a subsequent transfer, to be exhibited, with a copy of the assigned certificate of title, upon request of any police officer or authorized department employee.

(c) Transfer from manufacturer or dealer.—Except as otherwise provided in this section when the transferee is another manufacturer or dealer:

(1) The manufacturer or dealer, upon transferring their interest in the vehicle, shall execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes.

(2) The transferee shall complete the application for certificate of title in the name of the transferee.

(3) The manufacturer or dealer shall forward the certificate of title and any other required forms to the department within [ten] 20 days of the transfer.

\* \* \*

§ 1119. Application for certificate of title by agent.

\* \* \*

(c) Persons authorized to hold certificate.—

\* \* \*

(2) The following persons are exempt from the limitations of paragraph (1):

\* \* \*

(ii) A vehicle auction, licensed [by the State Board of Vehicle Manufacturers, Dealers and Salespersons] pursuant to the Board of Vehicles Act, when offering vehicles for sale.

(iii) A vehicle dealer, licensed [by the State Board of Vehicle Manufacturers, Dealers and Salespersons] pursuant to the Board of Vehicles Act, offering a vehicle for sale pursuant to a written consignment agreement with the transferor.

\* \* \*

§ 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 15 years in the case of a mobile home or emergency vehicle, eight years in the case of a truck tractor or trailer weighing in excess of 10,000 pounds and six years in all other

cases dating from the time of perfection as provided for in this subchapter.

\* \* \*

Section 4. Subchapter C heading of Chapter 11 of Title 75 is amended to read:

SUBCHAPTER C

ELECTRONIC [LIEN] TITLING PROGRAM

Section 5. Sections 1301(a) and (d), 1302(8) and (18) and 1305(c) of Title 75 are amended to read:

§ 1301. Registration and certificate of title required.

(a) Driving unregistered vehicle prohibited.—No person shall drive or move and no owner or motor carrier shall knowingly permit to be driven or moved upon any highway any vehicle which is not registered in this Commonwealth unless the vehicle is exempt from registration.

\* \* \*

(d) Penalty.—Any person violating the provisions of subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75 or double the registration fee, whichever is greater, except when the vehicle was previously registered in this Commonwealth within 60 days of the commission of the offense whereupon the fine shall be \$25. In the case of a motor carrier vehicle other than a trailer, the fine shall be \$50 if the motor carrier vehicle was previously registered in this Commonwealth within 60 days of the commission of the offense or, if the registration occurs outside the 60-day period, the fine shall be double the registration fee for the maximum weight at which the vehicle could have been registered in this Commonwealth.

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

\* \* \*

[(8) Any self-propelled invalid wheel chair or invalid motorized pedalcycle.]

\* \* \*

(18) Any farm and garden vehicle under [16] 20 horsepower driven incidentally upon a highway, as determined by the department.

\* \* \*

§ 1305. Application for registration:

\* \* \*

(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. However, even if the lessor does not designate the lessee as the registrant of the vehicle, the lessor shall still provide the department with the name and address of the lessee. 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.

\* \* \*

Section 6. Section 1306 of Title 75 is amended by adding a paragraph to read:

§ 1306. Grounds for refusing registration.

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

\* \* \*

(10) The registration would be issued for a vehicle that would be operated under a United States Department of Transportation operating authority if an out-of-service order has been issued for the vehicle, the owner or operator by the department or the United States Department of Transportation.

Section 7. The heading of section 1331 of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1331. Issuance and reissuance of registration plates.

\* \* \*

(f) Periodic reissuance of registration plates.—The department shall develop, implement and administer a program to provide for the reissuance of all current registration plates previously issued under this section. The program to be established under this subsection shall address all of the following criteria:

(1) Other than the annual registration fee required under section 1305 (relating to application for registration), section 1309 (relating to renewal of registration) and Subchapter B of Chapter 19 (relating to registration fees), the reissued registration plate shall be issued under section 1934 (relating to general reissuance).

(2) The program shall provide that all current registration plates issued under this section be replaced. The program may provide that the department provide for reissuance of registration plates on a staggered basis which will replace all registration plates issued under this section.

(3) The program may provide for the return of and the recycling of the older registration plates.

(4) The program shall provide that at the end of a ten-year cycle no registration plate issued under this section be older than 10 years.

(5) The program shall require annual reports to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives on the issue of registration avoidance.

(6) The program may contain any other conditions, limitations, contractual arrangements or other factors which the department deems necessary to implement this subsection.

Section 8. Section 1334(a)(4) of Title 75 is amended to read:

§ 1334. Return of registration plate.

(a) General rule.—Registration plates shall be returned to the department under the following circumstances:

\* \* \*

(4) A [handicapped] person with a disability registration plate shall be returned if the person to whom it was issued no longer qualifies under section 1338 (relating to [handicapped] person with disability plate and placard).

\* \* \*

Section 9. Section 1336(a)(2) and (7), (b) introductory paragraph and (e) of Title 75 are amended and subsection (a) is amended by adding paragraphs to read:

§ 1336. Use of dealer registration plates.

(a) General rule.—Dealer registration plates may be displayed on any vehicle which is owned or in the possession of a dealer or manufacturer and such a vehicle may be operated upon the highway, but only if the vehicle is being held for sale and is being used for any of the following purposes:

\* \* \*

(2) For testing [or inspection of], for safety inspection, repairing or transporting to or from a repair facility vehicles in the possession of the dealer within a radius of 25 miles of the place of business of the dealer. Vehicles in the possession of the manufacturer may be tested within a radius of 50 miles of the place of business of the manufacturer.

\* \* \*

(7) For transit to or from a dealer, show, exhibit or auction where the vehicle is purchased by the dealer or offered for sale to prospective purchasers.

(8) For delivery to or from a second stage manufacturer for or upon completion. Vehicles operated pursuant to this paragraph must be unladen.

(9) For transit to or from a prospective purchaser or customer for the purpose of demonstrating or loaning as permitted by subsection (a).

(10) For use in the conduct of the dealer's administrative functions, such as attending meetings or events, transporting department-required paperwork, or transporting financial paperwork.

(b) Personal use.—A vehicle displaying dealer registration plates which is owned by a dealer or manufacturer, is held for sale and does not exceed a gross vehicle weight rating of [7,000] 7,500 pounds may be operated upon the highways of this Commonwealth for the personal use of the following:

\* \* \*

(c) Records.—Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as permitted by subsection (a)(1), (4), (5) and (6). The records shall indicate the name of the person to whom the vehicle was loaned.

If the vehicle was loaned to a business or an organization with more than one driver, it is sufficient to list only the name of the business or organization. The records shall be open to inspection by representatives of the department and police officers.

\* \* \*

Section 10. Sections 1338 heading, (a), (b), (c)(1) and (2) and (c.2), 1342(a), (b), (c) and (d), 1346, 1348, 1350, 1351, 1352, 1353, 1355, 1356, 1357, 1358 and 1359(a) of Title 75 are amended to read: § 1338. [Handicapped] Person with disability plate and placard.

(a) [Handicapped] Person with disability plate.—On the application of any person who:

- (1) is blind;
- (2) does not have full use of an arm or both arms;
- (3) cannot walk 200 feet without stopping to rest;
- (4) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;

(5) is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;

(6) uses portable oxygen;

(7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association;

(8) is severely limited in his or her ability to walk due to an arthritic, neurological or orthopedic condition; or

(9) is a person in loco parentis of a person specified in paragraph (1), (2), (3), (4), (5), (6), (7) or (8);

the department shall issue a special registration plate for one passenger car or [other vehicle] truck with a registered gross weight of not more than 9,000 pounds, designating the vehicle so licensed as being used by a [handicapped] person with a disability. Special plates for [handicapped] persons with disabilities may also be issued for vehicles operated exclusively for the use and benefit of [handicapped] persons with disabilities. In the case of a motorcycle, the department shall issue a decal containing the international symbol for [handicapped] access for persons with disabilities for display on the registration plate.

(b) [Handicapped] Person with disability parking placard.—On the initial application or renewal application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of [a handicapped person] persons with disabilities. When parking the designated vehicle, the [handicapped] person with disability parking placard shall be prominently displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be displayed on the dashboard. Placards may also be issued for use in vehicles when operated for the use and benefit of [handicapped] persons with disabilities provided that a person with a disability is being transported in the vehicle. Organizations [which] that transport persons [in vehicles operated for the use and benefit of handicapped persons] with disabilities shall, upon application, be issued not more than eight placards in the organization's name. These placards may be used in a vehicle of the organization or the personal vehicle of an employee or volunteer of the organization when the employee or volunteer operates the vehicle for the benefit and use of persons with disabilities provided that a person with a disability is being transported in the vehicle.

(c) Physician's statement.—

(1) Any person applying for a special plate or parking placard for [handicapped] persons with disabilities must present a statement, certified by a physician licensed to practice in this Commonwealth or

in a contiguous state, that the [handicapped] person with a disability is [handicapped] disabled as provided in subsection (a).

(2) Any person applying for a renewal of registration of a special plate for [handicapped] persons with disabilities must comply with this subsection. Once a [handicapped] person with a disability has been duly certified by a physician as being [handicapped] disabled, as provided in subsection (a), the applicant need not submit a certification for subsequent renewals of registration for a special plate for [handicapped] persons with disabilities. A person who was issued a [handicapped] person with disability plate under this section and no longer qualifies for one shall not be charged a replacement fee for a regular registration plate upon payment of the regular registration fee.

\* \* \*

(c.2) Authorized use.—This section shall not preclude the operation of a vehicle which bears a [handicapped] person with disability plate when the vehicle is not being used for the benefit of the [handicapped] person with a disability or when the [handicapped] person with a disability is not present in the vehicle, provided the driver does not use or attempt to use any special privilege or benefit otherwise accorded to vehicles displaying the plate.

\* \* \*

§ 1342. Veteran plates and placard.

(a) Severely disabled veteran plate.—On the application of a veteran whose service-connected disability is certified at 100% by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration or who has a service-connected disability of the type enumerated in section 1338 (relating to [handicapped] person with disability plate and placard), the department shall issue a special registration plate designating the vehicle as belonging to a severely disabled veteran. The registration plate shall have a white background, shall have blue numbers or letters as the department may determine, shall have the words, "disabled veteran," in at least ten-point bold type, inscribed in red at the bottom of the plate, and shall include the international symbol for [handicapped] access for persons with disabilities. Only one special registration plate shall be issued to a veteran under this section. It may be used only on [one] a passenger [vehicle or one other vehicle] car or truck with a registered gross weight of not more than 9,000 pounds. In the case of a motorcycle, the department shall issue a decal containing the international symbol for [handicapped] access for persons with disabilities and the words "disabled veteran" for display on the registration plate.

(b) Severely disabled veteran placard.—On the application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of a severely disabled veteran. [Such]

When parking the designated vehicle, the severely disabled veteran parking placard shall be prominently displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be prominently displayed on the [right front dash] dashboard of the vehicle when it is in use for the transportation of such severely disabled veteran. Placards may also be issued for use in vehicles when operated for the use and benefit of severely disabled veterans provided that a severely disabled veteran is being transported in the vehicle.

(c) Disabled veteran plates.—On the application of any veteran having a disability certified by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration as service-connected, the department shall issue a special registration plate designating the vehicle as belonging to a disabled veteran. The registration plate shall have a white background, shall have numbers or letters as the department may determine and shall have the words "disabled veteran" in at least ten-point bold type inscribed at the bottom of the plate. Only one special registration plate shall be



issued to a veteran under this section. It may be used only on [one] a passenger [vehicle or one other vehicle] car or truck with a registered gross weight of not more than 9,000 pounds.

(d) Prisoner of war plate.—On the application of an ex-prisoner of war whose imprisonment while in the service of the armed forces of the United States is certified by the appropriate branch of the armed forces, the department shall issue a special registration plate designating the vehicle as belonging to an ex-prisoner of war. The registration plate shall contain the letters "POW" and such other numbers or letters as the department may determine and shall have the words "prisoner of war" in at least ten-point bold type inscribed at the bottom of the plate. Only one special registration plate shall be issued to an ex-prisoner of war under this subsection. The special registration plate may be used only on [one] a passenger [vehicle or one other vehicle] car or truck with a registered gross weight of not more than 9,000 pounds.

\* \* \*

§ 1346. Special plates for recipients of Purple Heart.

Upon application of any person who is a recipient of the Purple Heart, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Purple Heart. A severely disabled veteran, as described in section 1342(a) (relating to veteran plates and placard), who is qualified to receive a plate under this section may also elect to receive a placard under section 1342(b). The special registration plate may be used only on [one] a passenger [vehicle or one other vehicle] car or truck with a registered gross weight of not more than 9,000 pounds.

§ 1348. Special plates for Pearl Harbor survivors.

Upon application of any person who is a survivor of Pearl Harbor, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require [by regulation], the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a survivor of Pearl Harbor. The special registration plate may be used only on [one] a passenger [vehicle or one other vehicle] car or truck with a registered gross weight of not more than 9,000 pounds.

§ 1350. Special plates for veterans of Korean War.

Upon application of any person who is a veteran of the Korean War, accompanied by a fee of \$20, which shall be in addition to the annual registration fee, and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Korean War. The special registration plate may be used only on [one] a passenger [vehicle or one other vehicle] car or truck with a registered gross weight of not more than 9,000 pounds.

§ 1351. Special plates for veterans of Persian Gulf War.

Upon application of any person who is a veteran of the Persian Gulf War, accompanied by a fee of \$20, which shall be in addition to the annual registration fee, and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Persian Gulf War. The special registration plate may be used only on [one] a passenger [vehicle or one other vehicle] car or truck with a registered gross weight of not more than 9,000 pounds.

§ 1352. Wild resource conservation plate.

The department, in consultation with the Wild Resource Conservation Board, shall design a special wild resource conservation registration plate. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross [vehicle] weight [rating] of not more than 9,000 pounds. The Wild Resource Conservation Fund shall receive \$15 of each additional fee for this plate.

§ 1353. Preserve our heritage registration plate.

The department, in consultation with the Pennsylvania Historical and Museum Commission, shall design a special preserve our heritage registration plate. Upon receipt of an application, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross [vehicle] weight [rating] of not more than 9,000 pounds. The Historical Preservation Fund shall receive \$15 of each additional fee for this plate.

§ 1355. Zoological plate.

The department, in consultation with the Pennsylvania Zoological Council, shall design a special zoological registration plate. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross [vehicle] weight [rating] of not more than 9,000 pounds. The Zoological Enhancement Fund shall receive \$15 of the fee paid by the applicant for the plate.

§ 1356. Special plates for recipients of Expeditionary Forces Medal.

Upon application of any person who is a recipient of the Expeditionary Forces Medal, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate designating the vehicle so registered as belonging to a person who is a recipient of the Expeditionary Forces Medal. The special registration plate may be used only on [one] a passenger [vehicle] car or truck with a registered gross [vehicle] weight [rating] of not more than 9,000 pounds.

§ 1357. Special plates for World War II veterans.

Upon application of any person who is a veteran of World War II, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate carrying the symbol of a ruptured duck designating the vehicle so registered as belonging to a person who is a veteran of World War II. The special registration plate may be used only on [one] a passenger [vehicle] car or truck with a registered gross [vehicle] weight [rating] of not more than 9,000 pounds.

§ 1358. DARE plate.

The department, in consultation with the Pennsylvania Commission on Crime and Delinquency, shall design a special drug abuse resistance education (DARE) registration plate which utilizes the DARE logo or slogan in the design. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross [vehicle] weight [rating] of not more than 9,000 pounds. The Drug Abuse Resistance Education Program shall receive \$15 of each additional fee for this plate.

§ 1359. Special plates for steelworkers.

(a) General rule.—Upon application of any person who is a steelworker, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require [by regulation], the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a steelworker. The special registration plate may be used only on a passenger car or a truck with a registered gross [vehicle] weight [rating] of not more than 9,000 pounds. The plate shall bear the likeness of the official emblem of the American Iron and Steel Institute.

\* \* \*

Section 11. Title 75 is amended by adding a section to read:

§ 1360. Special plates for veterans of Vietnam Conflict.

Upon application of any person who is a veteran of the Vietnam Conflict, as that term is defined for the awarding of the Vietnam Service Medal, accompanied by a fee of \$20 in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Vietnam Conflict. The special registration plate

may be used only on a passenger car or truck with a registered gross weight of not more than 9,000 pounds.

Section 12. Section 1373(b) of Title 75 is amended by adding a paragraph to read:

§ 1373. Suspension of registration.

\*\*\*

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

\*\*\*

(3) The vehicle is being operated under a United States Department of Transportation operating authority if 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.

Section 13. Sections 1374(d)(5) and (e), 1376(b.1)(2) and (c), 1503(a) introductory paragraph and (1) and (2), 1508(b), 1511(b), 1514(a), 1516(b) and (c) and 1517(b) of Title 75 are amended to read: § 1374. Suspension or revocation of vehicle business registration plates.

\*\*\*

(d) Schedule of sanctions.—The department shall impose the following sanctions for violations:

\*\*\*

(5) A violation of subsection [(a)(5)] (a)(2) or (5) shall remain on the registrant's record for a period of 18 months from the date that the violation was sanctioned by the department. If the registrant does not commit another violation of subsection [(a)(5)] (a)(2) or (5) within that 18-month period, the department shall rescind from the registrant's record the prior sanction that was imposed. After rescission of the prior sanction, if the registrant thereafter commits a subsequent violation of subsection [(a)(5)] (a)(2) or (5), that violation shall be considered the same degree of offense as was previously imposed, unless more than three years have elapsed since the last date that the registrant was sanctioned for a violation of subsection [(a)(5)] (a)(2) or (5), in which case said subsequent violation shall be deemed a first offense.

\*\*\*

(e) Hearing.—Until regulations are prescribed by the department as authorized by subsection (b), the hearing shall include the consideration of relevant mitigating events for a violation of subsection [(a)(5)] (a)(2), (5) or (7).

\*\*\*

§ 1376. Surrender of registration plates and cards upon suspension or revocation.

\*\*\*

(b.1) Immediate seizure of registration plates and cards.—The department may delegate authority to the persons described in this section to immediately seize registration plates and cards upon imposition of the following:

\*\*\*

(2) a suspension or revocation imposed pursuant to section 1373(b)(3) (relating to suspension of registration) or 1374(g); or

\*\*\*

(c) Regulations.—The department shall, by regulation, prescribe the manner of selecting those persons who are delegated authority under this section to seize the registration plates and registration cards. This requirement does not apply to persons described in this section who have been trained pursuant to the provisions of section 6117 (relating to authority of qualified employees of department and Department of Revenue).

\*\*\*

§ 1503. Persons ineligible for licensing.

(a) General rule.—The department shall not issue [any] a 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.]

\*\*\*

§ 1508. Examination of applicant for driver's license.

\*\*\*

(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 either a valid driver's license issued by another state or a license issued by another state which has expired within six months of the date of application under a law of that state 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] visual fitness. 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.

\*\*\*

§ 1511. Carrying and exhibiting driver's license on demand.

\*\*\*

(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 15 days a driver's license valid in this Commonwealth at the time of the arrest]:

(1) produces at the headquarters of the police officer who demanded to see the person's license, within 15 days of the demand, a driver's license valid in this Commonwealth at the time of the demand; or

(2) if a citation has been filed, produces at the office of the issuing authority, within 15 days of the filing of the citation, a driver's license valid in this Commonwealth on the date of the citation.

§ 1514. Expiration and renewal of drivers' licenses.

(a) General rule.—Every driver's license shall expire [in the month of] on the day after 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.

\*\*\*

§ 1516. Department records.

\*\*\*

(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. Court abstracts and certifications of conviction and accident reports submitted to the department under the laws of this Commonwealth shall be considered as records of the department and the department may store such documents in accordance with the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may enter into evidence copies of such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). Such copies shall be admissible into evidence to support the department's case in an appeal of a department action taken under Chapter 13 (relating to registration of vehicles), 15 (relating to licensing of drivers), 16 (relating to commercial drivers) or 17 (relating to financial responsibility) of this title, and the certification shall constitute prima facie proof of the facts and information contained in the court abstract or certification of conviction or accident report. 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 where there have been no prior convictions by any court of competent jurisdiction, no record of the charge and dismissal shall be included in the driving record of the person. If the person has been previously

convicted of the charge and suspension was imposed by the department, which suspension was either partially or fully served, the department may keep a record of the offense for the purpose of showing the suspension was imposed against the person. In addition, the department may keep records of charges that have been filed with the courts, in order to determine a person's eligibility for a probationary license under the provisions of section 1554(b)(3) (relating to probationary license).

\* \* \*

§ 1517. Medical Advisory Board.

\* \* \*

(b) [Formulation of regulations] Duties.—The board [shall formulate rules and regulations for adoption by the department on] may advise the department and review regulations proposed by the department concerning physical and mental criteria including vision standards relating to the licensing of drivers under the provisions of this chapter.

Section 14. Section 1532 heading and (a) introductory paragraph and (3) and (b)(3) of Title 75 are amended to read:

§ 1532. [Revocation or suspension] Suspension of operating privilege.

(a) [Revocation] One-year suspension.—The department shall [revoke] suspend the operating privilege of any driver for one year upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on any of the following offenses:

\* \* \*

(3) Any violation of the following provisions:  
 Section 3732 (relating to homicide by vehicle).  
Section 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

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

Section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

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.—

\* \* \*

(3) The department shall suspend the operating privilege of any driver for 12 months upon receiving a certified record of the driver's conviction of section 3731 (relating to driving under influence of alcohol or controlled substance) or 3733 (relating to fleeing or attempting to elude police officer), or substantially similar offenses reported to the department under Article III of section 1581 (relating to Driver's License Compact), or an adjudication of delinquency based on section 3731 or 3733. The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of a consent decree granted under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) based on section 3731 or 3733.

\* \* \*

Section 15. Sections 1535(a), 1537(a) and 1540(a) of Title 75 are amended to read:

§ 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:

Section Number	Offense	Points
1512	Violation of restriction on driver's license.	2
1571	Violation concerning license.	3
3102	Failure to obey policeman or authorized person.	2
3112(a)(3)(i) or (ii)	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 sign.	3
3323(c)	Failure to yield at yield sign.	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]
3341(a)	<u>Failure to obey signal indicating approach of train.</u>	<u>2</u>
3341(b)	<u>Failure to comply with crossing gate or barrier.</u>	<u>4</u>
	(and 30 days suspension)	
3342(b) or (e)	<u>Failure to stop at railroad crossings.</u>	<u>4</u>
3344	Failure to stop when entering from alley, driveway or building.	3
3345(a)	Failure to stop for school bus with flashing red lights.	5
	(and 60 days suspension)	
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 zone.	3
3365(c)	Exceeding special speed limit for trucks on downgrades.	3
3542(a)	Failure to yield to pedestrian 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	Careless driving.	3
3745	Leaving scene of accident involving property damage only.	4

\* \* \*

## § 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 is not under suspension or revocation or 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.]

\* \* \*

## § 1540. Surrender of license.

(a) Conviction of offense.—Upon a conviction by a court of competent jurisdiction for any offense which calls for mandatory suspension 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. The suspension [or revocation] shall be effective upon a date determined by the court or district attorney or upon the date of surrender of the license to the court or district attorney, whichever shall first occur.

\* \* \*

Section 16. Section 1542(b) of Title 75 is amended by adding a paragraph to read:

## § 1542. Revocation of habitual offender's license.

\* \* \*

(b) Offenses enumerated.—Three convictions arising from separate acts of any one or more of the following offenses committed by any person shall result in such person being designated as a habitual offender:

\* \* \*

(3.1) Any violation of section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

\* \* \*

Section 17. Sections 1543(b), 1547(c)(2) and 1551 of Title 75 are amended to read:

## § 1543. Driving while operating privilege is suspended or revoked.

\* \* \*

(b) Certain offenses.—

(1) Any person who drives a motor vehicle on any highway or trafficway of this Commonwealth at a time when their operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) or because of a violation of section 1547(b)(1) (relating to suspension for refusal), [or] section 3731 or suspended under section 1581 (relating to Driver License Compact) for an offense substantially similar to a violation of section 3731 shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay a fine of \$1,000 and to undergo imprisonment for a period of not less than 90 days.

(2) This subsection shall apply to any person against whom one of these suspensions has been imposed whether the person is currently serving this suspension or whether the effective date of suspension has been deferred under any of the provisions of any of the provisions of section 1544 (relating to additional period of revocation or suspension). This provision shall also apply until the person has had the operating privilege restored. This subsection shall also apply to any revocation imposed pursuant to section 1542 (relating to revocation of habitual offender's license) if any of the enumerated offenses was for a violation of section 3731 or for an out-of-State offense that is substantially similar to a violation of section 3731 for which a revocation is imposed under section 1581 (relating to Driver License Compact).

\* \* \*

## § 1547. Chemical testing to determine amount of alcohol or controlled substance.

\* \* \*

(c) Test results admissible in evidence.—In any summary proceeding or criminal proceeding in which the defendant is charged with a violation of section 3731 or any other violation of this title

arising out of the same action, the amount of alcohol or controlled substance in the defendant's blood, as shown by chemical testing of the person's breath, blood or urine, which tests were conducted by qualified persons using approved equipment, shall be admissible in evidence.

\* \* \*

(2) Chemical tests of blood or urine shall be performed by a clinical laboratory licensed and approved by the Department of Health for this purpose using procedures and equipment prescribed by the Department of Health or by a Pennsylvania State Police criminal laboratory. For purposes of blood and urine testing, qualified person means an individual who is authorized to perform those chemical tests under the act of September 26, 1951 (P.L.1539, No.389), known as ["The Clinical Laboratory Act.["]

\* \* \*

## § 1551. Notice of department action.

The department shall promptly [notify] mail a notice to each person whose license [or permit] is suspended as a result of the accumulation of points under section 1539 (relating to suspension of operating privilege on accumulation of points). The [notification that the license or permit is suspended] notice shall be [made] mailed to the address of record 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] mail notice of suspension as required by this section shall prohibit the department from suspending the license [or permit] of such person. This section shall not apply to any suspension which would have been imposed as the result of points which have been assigned to a person's record after the person has filed an appeal under section 1550 (relating to judicial review) until the appeal has been finally determined and for six months after the department is notified of the determination. This section shall not apply to a suspension imposed as the result of the determination of the appeal, whether it be the reimposition of the suspension originally ordered or the imposition of a different suspension required because the department must recalculate the record due to a court order.

Section 18. Section 1553(d) of Title 75 is amended by adding a paragraph to read:

## § 1553. Occupational limited license.

\* \* \*

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

\* \* \*

(17) Any person whose operating privilege has been suspended as the result of a conviction of a violation of section 7102(b) (relating to removal or falsification of identification number), 7103(b) (relating to dealing in vehicles with removed or falsified numbers), 7111 (relating to dealing in titles and plates for stolen vehicles), 7121 (relating to false application for certificate of title or registration) or section 7122 (relating to altered, forged or counterfeit documents and plates), unless the suspension has been fully served.

\* \* \*

Section 19. Sections 1554(f)(4), 1572(b) and 1584 of Title 75 are amended to read:

## § 1554. Probationary license.

\* \* \*

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

\* \* \*

(4) A person [whose operating privilege is currently suspended for failure to attend and] who has not satisfactorily [complete] completed a driver improvement course or special examination or [failure to attend] who has not attended a hearing required under section 1538 (relating to school, examination or hearing on accumulation of points or excessive speeding).

\* \* \*

## § 1572. Cancellation of driver's license.

\* \* \*

(b) Other states.—The department shall cancel a driver's license issued [during the period of another state's suspension or revocation following an offense which resulted in an out-of-State suspension or revocation if the offense would result in suspension or revocation under this title.] to an individual who has applied for a Pennsylvania driver's license after the commission of an offense in another state which later resulted in suspension, revocation or disqualification in the other state if the offense would have resulted in the suspension, revocation or disqualification under this title or where the offense was substantially similar to offenses which in this State would have caused a suspension, revocation or disqualification.

§ 1584. Furnishing of information to other states.

The Department of Transportation of the Commonwealth shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact. The omission from any report received by the department from a party state of any information required by Article III of the compact shall not excuse or prevent the department from complying with its duties under Articles IV and V of the compact.

Section 20. Title 75 is amended by adding a section to read:  
§ 1586. Duties of department.

The department shall, for purposes of imposing a suspension or revocation under Article IV of the compact, treat reports of convictions received from party states that relate to driving, operating or being in actual physical control of a vehicle while impaired by or under the influence of alcohol, intoxicating liquor, drugs, narcotics, controlled substances or other impairing or intoxicating substance as being substantially similar to section 3731 (relating to driving under the influence of alcohol or controlled substance). The fact that the offense reported to the department by a party state may require a different degree of impairment of a person's ability to operate, drive or control a vehicle than that required to support a conviction for a violation of section 3731 shall not be a basis for determining that the party state's offense is not substantially similar to section 3731 for purposes of Article IV of the compact.

Section 21. Section 1901 heading, (c)(16) and (d)(2) of Title 75 are amended and subsection (c) is amended by adding a paragraph to read:

§ 1901. Exemption of persons, entities and vehicles from fees.

\* \* \*

(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:

\* \* \*

(16) Any person who is retired and receiving social security or other pension and whose total annual income does not exceed [\$14,999 per year] \$19,200. 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.

\* \* \*

(23) Nonprofit corporations that provide ambulance or emergency medical services.

(d) Limitations.—

\* \* \*

(2) Only one passenger [vehicle or one other vehicle] car or truck 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), (17), (18) and (19).

\* \* \*

Section 22. Section 1902(5) of Title 75 is amended to read:

§ 1902. Exemptions from other fees.

No fee shall be charged under this title for or to any of the following:

\* \* \*

(5) A special hauling permit issued to any person:

(i) hauling equipment or materials for use on a Federal or State emergency relief project[.]; or

(ii) hauling a holiday tree for a governmental entity at no charge.

\* \* \*

Section 23. Title 75 is amended by adding a section to read:  
§ 1926.3. Additional annual fee for certain registrations.

(a) Annual retention fee.—The annual retention fee for a registration plate under sections 1352 (relating to wild resource conservation plate), 1353 (relating to preserve our heritage registration plate), 1354 (relating to Flagship Niagara commemorative registration plate), 1355 (relating to zoological plate) and 1358 (relating to DARE plate) shall be \$10. The annual retention fee shall be in addition to the annual registration fee. Nine dollars of each retention fee remitted in accordance with this section shall be paid to the fund, account or program for which the registration plate was established. For any special fund plate issued prior to October 1, 1999, the registrant may elect to have the department issue a free standard issue replacement plate in lieu of payment of the annual retention fee. The free replacement is valid only for the first renewal period after the effective date of this section.

(b) Administrative costs.—On December 1, 2000, the Wild Resource Conservation Fund, the Historical Preservation Fund, the Flagship Niagara Account, the Zoological Enhancement Fund and the Drug Abuse Resistance Education Program shall reimburse the department for the initial costs incurred in the implementation of subsection (a). Each fund, account or program shall reimburse the department in proportion to the number of registration plate renewals they receive under this subsection for the period October 1, 1999, through October 1, 2000.

Section 24. Sections 1928 and 1932 of Title 75 are amended to read:

§ 1928. Temporary and electronically issued registration plates.

The fee payable by a dealer or other dispensing agent for a temporary registration plate or for a registration plate to be issued for new registration processed electronically with the department shall be \$5. The charge of the agent for providing an applicant with a [temporary] plate under this section shall not exceed a total of \$10.

§ 1932. Duplicate registration cards.

The fee for each duplicate registration card, when ordered at the time of vehicle registration [or, the transfer or renewal of registration or the replacement of a registration plate] shall be \$1.50. The fee for each duplicate registration card issued at any other time shall be \$4.50.

Section 25. Title 75 is amended by adding a section to read:

§ 1934. General reissuance.

No fee shall be charged under this title for any registration plate issued as a result of the department's order of a general reissuance of registration plates provided the registration plate is issued at the time designated by the department. This section shall supersede any other provision in this title which prescribes a fee for the issuance of a registration plate.

Section 26. Section 1942 of Title 75 is amended to read:

§ 1942. Special hauling permits as to weight and size.

(a) Fee schedule.—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.] as follows:

(1) Oversize vehicle or load, or both, having a width up to 14 feet and not exceeding legal weight limit, \$25.

(2) Oversize vehicle or load, or both, having a width exceeding 14 feet and not exceeding any legal weight limit, \$50.

(3) Vehicle and load weighing in excess of legal weight limit, 3[ per mile per ton by which the gross weight exceeds the registered gross weight.

(b) Cumulative fees.—Fees under subsection (a) are cumulative, so that a vehicle and load which are both oversize and overweight

would be subject to a fee under subsection (a)(1) or (2) and subsection (a)(3).

Section 27. Section 1943(a), (c)(2)(i) and (d) of Title 75 are amended and the section is amended by adding subsections to read: § 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] \$500.

\* \* \*

(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 during course of manufacture), shall be as follows:

\* \* \*

(2) Overweight movements:

(i) Movements not exceeding 100,000 pounds gross weight:

(A) Not more than one mile in distance - \$50.

(B) More than one mile in distance - \$400.

\* \* \*

(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] \$300.

\* \* \*

(i) Live domestic animals.—The annual permit fee for each truck tractor authorized to transport live domestic animals, as provided in section 4976.1 (relating to permit for movement of live domestic animals), shall be \$800.

(j) Building structural components.—The permit fee for each truck tractor authorized to transport building structural components, as provided in section 4978 (relating to permit for movement of building structural components), shall be \$100 for each month the permit is valid.

(k) Utility construction equipment.—The permit fee for utility construction equipment, as provided for in section 4970(a) (relating to permit for movement of construction equipment), shall be \$100 for each month the permit is valid.

(l) Particleboard or fiberboard.—The annual fee for movement of particleboard or fiberboard, as provided for in section 4979 (relating to permit for movement of particleboard or fiberboard used for the manufacture of ready-to-assemble furniture), shall be \$800.

(m) Bulk refined oil.—The annual fee for movement of bulk refined oil, as provided for in section 4979.1 (relating to permit for movement of bulk oil), shall be \$800.

(n) Waste coal and beneficial combustion ash.—The annual fee for the movement of waste coal and beneficial combustion ash, as provided for in section 4979.2 (relating to permit for movement of waste coal and beneficial combustion ash), shall be \$400.

Section 28. Sections 1946, 1949, 1955(a), 2302(b), 2303(a), 3101(b), 3112(a)(3) and 3323(b) of Title 75 are amended to read: § 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] paid by the permittee. The department, the Pennsylvania State Police and local authorities may establish schedules of fees for escort costs based on mileage or otherwise.

[§ 1949. Construction trucks.

The fee for movement of construction trucks in section 4970(b) (relating to permit for movement of construction equipment) shall be \$50.]

§ 1955. Information concerning drivers and vehicles.

(a) [Registrations,] Drivers, registrations, titles and security interests.—The fee for [copies] a copy of written or electronic information relating to a driver, registration, title or security interest shall be \$5.

\* \* \*

§ 2302. Establishment and maintenance of fund.

\* \* \*

(b) Assessments.— [(1)] Every applicant for motor vehicle dealer registration plates or for the authority to act as an agent for the department with respect to vehicle titling and registration shall pay, in addition to any other license fees and bonds, an assessment of \$60 to the fund.

[(2)] No current holder of motor vehicle dealer registration plates or person having the authority to act as an agent of the department may continue to operate without paying the assessment within 120 days of the effective date of this act.]

\* \* \*

§ 2303. Disbursements.

(a) Authorization.—The secretary, or his designee, may, in his discretion, authorize a disbursement from the fund to cover the amount of any fees and taxes pertaining to an application for titling or registration of a vehicle which a member failed to forward to the department or the department's contracted agent or third-party representative. The disbursement may not exceed the amount paid to the member for the fees and taxes associated with the titling and registration.

\* \* \*

§ 3101. Application of part.

\* \* \*

(b) Serious traffic offenses.—The provisions of section 3345 (relating to meeting or overtaking school bus) and Subchapter B of Chapter 37 (relating to serious traffic offenses) shall apply upon highways and trafficways throughout this Commonwealth.

§ 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:

\* \* \*

(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] signing 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] highway onto a one-way [roadway] highway 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.

\* \* \*

§ 3323. Stop signs and yield signs.

\* \* \*

(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,] no stop line is present, before entering a crosswalk on the near side of the intersection or, if [none,] no crosswalk is present, then at the point nearest the intersecting roadway where the driver has a clear view of approaching traffic on the intersecting roadway before entering. [After having stopped,] If, after stopping at a crosswalk or clearly marked stop line, a driver does not have a clear view of approaching traffic, the driver shall, after yielding the right-of-way to any pedestrian in the crosswalk, slowly pull forward from the stopped position to a point where the driver has a clear view of approaching traffic. [the] 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[,] and enter the intersection when it is safe to do so.

\* \* \*

Section 29. Section 3341 of Title 75 is amended by adding a subsection to read:

§ 3341. Obedience to signal indicating approach of train.

\* \* \*

(c) Penalties.—A violation of subsection (a) constitutes a summary offense punishable by a fine of from \$50 to \$200. A violation of subsection (b) constitutes a summary offense punishable by a fine of from \$200 to \$500.

Section 30. Sections 3342 and 3345(a), (c), (f.1), (g), (h) and (i) of Title 75 are amended to read:

§ 3342. Vehicles required to stop at railroad crossings.

(a) General rule.—Except as provided in subsection (c), the driver of any vehicle described in [regulations issued pursuant to subsection (d) or described in] subsection [(e)] (b), 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 crossing 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]. When it is safe to do so, the driver of the vehicle shall [cross] drive the vehicle across the tracks only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing the crossing [and the]. The driver shall not manually shift gears while crossing the track or tracks.

[(b) School buses.—A school bus, whether or not carrying passengers, shall stop at all railroad crossings designated by appropriate signs, signals or markers except those crossings at which traffic is controlled by a police officer or flagman and those crossings located on a limited access highway.]

(b) Vehicles subject to stopping requirement.—This section shall apply to the following vehicles:

(1) Any vehicle designated by the department in accordance with the provisions of subsection (d).

(2) A school bus, whether or not carrying passengers.

(3) Every truck and tractor combination which carries gasoline, diesel fuel, fuel oil, explosives or radioactive materials.

(c) Exceptions.—[Except as provided in subsection (b), this] 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 functioning highway traffic-control signal transmitting a green indication for the direction of travel of the vehicle.

(3) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(4) Any abandoned railroad grade crossing which is marked by the former rail operator with a sign prescribed by the department indicating that the rail line is abandoned.

(5) An industrial or spur line railroad grade crossing marked with a sign reading "exempt." Such a sign shall be erected only by or with the consent of the Pennsylvania Public Utility Commission.

(d) [Regulations defining] Notice of vehicles subject to section.—The department shall [adopt such regulations as may be necessary] publish in the Pennsylvania Bulletin a notice describing the vehicles which must comply with the stopping requirements of this section. In [formulating the regulations] developing the list of vehicles, the department shall give consideration to the hazardous nature of any substance carried by the vehicle as determined by the department 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] This list of vehicles shall correlate with and so far as possible

conform to the [current] regulations of the United States Department of Transportation as amended from time to time.

(e) [Mandatory requirement to stop.—Every truck and truck tractor combination which carries gasoline, diesel fuel, fuel oil, explosives or radioactive materials designated in department regulations shall stop at every railroad crossing as required by this section. The driver of the truck and truck tractor combination] Use of vehicle hazard lights.—The driver of any vehicle mentioned in subsection (b)(2) and (3) shall activate the vehicle hazard lights when stopping at the railroad crossing.

(f) Penalty.—A violation of this section constitutes a summary offense punishable by a fine of from [50] \$100 to [100] \$150, except that a violation of subsection (b) or (e) shall be punishable by a fine of from [100] \$200 to [300] \$500.

§ 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] a highway or trafficway shall stop at least ten feet before reaching the school bus when the red signal lights on the school bus are flashing and the side stop signal arms are activated under section 4552(b.1) (relating to general requirements for school buses). 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.

\* \* \*

(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] a highway or trafficway 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.

\* \* \*

(f.1) Use of school buses for transportation of disabled persons.—Whenever a school bus is being used upon [the highway] a highway or trafficway for the transportation of disabled persons exclusively and the school bus is equipped with red signal lights, the driver of the school bus may actuate the signal lights in the same manner as set forth in this section regarding the transportation of school children. The driver of a vehicle approaching the school bus shall have the same duties regarding stopping, passing and overtaking as he does with respect to a school bus carrying school children.

(g) Exceptions from stopping requirements.—The driver of a vehicle upon a highway or trafficway 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 and trafficways 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 or trafficway, 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.

\* \* \*

Section 31. Title 75 is amended by adding a section to read: § 3346. Emergency vehicles entering or leaving official garage.

If an emergency vehicle is leaving or returning to its garage and the emergency lights of the emergency vehicle are engaged, the driver of an approaching vehicle shall stop and give the emergency vehicle the right-of-way to leave or enter the garage and may not proceed until the emergency vehicle is safely out of the driver's path.

Section 32. Section 3362(b)(1) of Title 75 is amended and subsection (a) is amended by adding a paragraph to read:

§ 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 section 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:

\*\*\*

(1.2) 25 miles per hour in a residence district, if the highway:

(i) is not a numbered traffic route; and

(ii) is functionally classified by the department as a local highway.

\*\*\*

(b) Posting of speed limit.—

(1) No maximum speed limit established under subsection (a)(1), (1.2) 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 one-half mile.

\*\*\*

Section 33. Sections 3363, 3505(b) and (f) and 3507(a) of Title 75 are amended to read:

§ 3363. Alteration of maximum limits.

[The department or local authorities on] On highways under their respective jurisdictions, [upon the basis of an engineering and traffic investigation,] local authorities, subject to section 6109(e) (relating to specific powers of department and local authorities), or the department, 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 except on highways listed in section 3362(a)(1.1) (relating to maximum speed limits), where the maximum speed for all vehicles shall not be greater than 65 miles per hour.

§ 3505. Riding on roadways and pedalcycle paths.

\*\*\*

(b) Operation on shoulder.—A pedalcycle may be operated on the shoulder of a highway and shall be operated in the same direction as required of vehicles operated on the roadway. All turns shall be made in accordance with section 3331 (relating to required position and method of turning).

\*\*\*

[(f) Mandatory use of available pedalcycle path.—Whenever a lane or path for pedalcycles has been provided as a part of a highway and mandatory use of the lane or path has been indicated by official traffic-control devices, 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.]

§ 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 beam of white light intended to illuminate the pedalcycle operator's path and visible from a distance of at least 500 feet to the front, a red reflector facing to the rear which shall be visible at least 500 feet to the rear, and an amber reflector on each side. Operators of pedalcycles may supplement the required front lamp with a white flashing lamp, light-emitting diode or similar device to enhance their visibility to other traffic and with a [red reflector on the rear which shall be visible from all distances from 500 feet to the rear and with an amber reflector on each side. A] lamp emitting a red flashing lamp, light-emitting diode or similar device visible from a distance of

500 feet to the rear [may be used in addition to the red reflector]. A lamp or lamps worn by the operator of a pedalcycle shall comply with the requirements of this subsection if the lamp or lamps can be seen at the distances specified.

\*\*\*

Section 34. Section 3551 of Title 75 is amended by adding a subsection to read:

§ 3551. Compliance with bridge and railroad warning signals.

\*\*\*

(c) Penalty.—A violation of this section constitutes a summary offense punishable by a fine of not less than \$50 nor more than \$150.

Section 35. Sections 3571(b) and 3703(b) of Title 75 are amended to read:

§ 3571. Pedalcycle and Pedestrian Advisory Committee.

\*\*\*

(b) Composition.—The committee shall consist of [12] 14 members. The members shall be as follows:

(1) The Secretary of Transportation, ex officio.

(2) The Secretary of Conservation and Natural Resources, ex officio.

(3) The chairman and minority chairman of the Transportation Committee of the Senate.

(4) The chairman and minority chairman of the Transportation Committee of the House of Representatives.

(5) Six members of the public representing areas of concern specified who shall have extensive experience and knowledge of bicycle, pedalcycle, pedestrian and human power issues throughout this Commonwealth, to be appointed by the Governor as follows:

(i) One member from a list of at least three representatives submitted by the Bicycling Federation of Pennsylvania.

(ii) One member from a list of at least three representatives submitted by the League of American Bicyclists.

(iii) One member from a list of at least three representatives submitted by the United States Cycling Federation.

(iv) One member from a list of at least three representatives submitted by the Pennsylvania Chapter of the Rails-to-Trails Conservancy.

(v) One member from a list of at least three representatives submitted by the Eastern Paralyzed Veterans Association.

(vi) One member from the general public.

(vii) One member from a list of three representatives submitted by the Western Pennsylvania Wheelmen.

(viii) One member from a list of three representatives submitted by the Bicycle Coalition of the Delaware Valley.

Each member may designate an alternate to serve in his stead. A member shall notify the chairman in writing of this designation.

\*\*\*

§ 3703. Driving upon sidewalk.

\*\*\*

(b) Certain [handicapped vehicles] mobility-related devices for persons with disabilities.—Any municipality may permit the operation of a self-propelled wheel chair or an electrical mobility [devices] device on a sidewalk or sidewalk area for the specific purpose of giving [physically handicapped] persons with mobility-related disabilities the capability of transporting themselves. The municipality may impose such restrictions as are necessary to protect the interests of pedestrians and others using the sidewalk or sidewalk area.

Section 36. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 3719. Passengers in open trucks.

(a) General rule.—An open-bed pickup truck or open flatbed truck may not be driven at a speed of more than 35 miles per hour if any person is occupying the bed of the truck.

(b) Children.—

(1) Such a truck may not be driven at any speed if a child less than 18 years of age is occupying the bed of the truck or trailer.

(2) This subsection shall not apply to:



(i) a child of a farmer who is being transported between parts of a farm or farms owned or operated by the farmer in order to perform work on the farm or farms;

(ii) a child possessing a valid hunting license who is being transported between a hunting camp and a hunting site or between hunting sites during hunting season;

(iii) a child who is a participant in an officially sanctioned parade, only during the course of the parade; or

(iv) a child employed to perform farm labor who is being transported between parts of a farm or farms owned or operated by the child's employer or employers.

Section 37. Sections 3742.1 and 3753 heading and (a) of Title 75 are amended to read:

§ 3742.1. Accidents involving death or personal injury while not properly licensed.

(a) Offense defined.—A person whose operating privilege was canceled, recalled, revoked or suspended and not restored or who does not hold a valid driver's license commits an offense under this section if the person was the driver of any vehicle and caused an accident resulting in injury or death of any person [and whose operating privilege at the time of the accident is canceled, recalled, revoked or suspended and not restored or who at the time of the accident had not been issued a valid driver's license].

(b) Penalties.—

(1) Except as otherwise provided in this section, any person violating subsection (a) commits a misdemeanor of the second degree, [if at the time of the accident the person's operating privilege is canceled, recalled, revoked or suspended and not restored. If the person had not been issued a valid driver's license, the offense is a misdemeanor of the third degree.]

(2) If the victim suffers serious bodily injury or death, any person violating subsection (a) commits a felony of the third degree, [if at the time of the accident the person's operating privilege is canceled, recalled, revoked or suspended and not restored. If the person had not been issued a valid driver's license, the offense is a misdemeanor of the first degree.]

(3) Any motor vehicle, as defined in section 102 (relating to definitions), used in the commission of an offense under this section may be deemed contraband and forfeited in accordance with the provisions set forth in 18 Pa.C.S. § 6501(d) (relating to scattering rubbish) [if the driver's operating privilege is canceled, recalled, revoked or suspended and not restored at the time of the accident].

(c) Definitions.—As used in this section, the term "serious bodily injury" means any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. § 3753. Department to compile, 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. Accident reports submitted to the department under this subchapter shall be considered as records of the department and the department may 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). Such reports shall be admissible into evidence to support the department's case in an appeal of a department action that a licensee or registrant has taken under section 1377 (relating to judicial review) or section 1550 (relating to judicial review) and the certification shall constitute prima facie proof of the facts and information contained in the accident report.

\*\*\*

Section 38. Section 4107 of Title 75 is amended by adding a subsection to read:

§ 4107. Unlawful activities.

\*\*\*

(e) Exception for certain frozen dessert trucks.—Any frozen dessert truck which is equipped with a side stop signal arm and flashing or revolving red or amber lights may be operated within this Commonwealth without violating the provisions of this part and sections 4552 (relating to general requirements for school buses), 4571 (relating to visual and audible signals on emergency vehicles) and 4572 (relating to visual signals on authorized vehicles) so long as the side stop signal arm and the flashing or revolving red or amber lights are not utilized or activated within this Commonwealth.

Section 39. Sections 4303(a) and 4306(c) of Title 75 are amended to read:

§ 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. The regulations shall not prohibit a bus from being equipped with devices used to carry pedalcycles on the front of the bus.

\*\*\*

§ 4306. Use of multiple-beam road lighting equipment.

\*\*\*

(c) Exception.—

(1) A police or sheriff vehicle which is equipped with a flashing headlamp system that conforms to regulations promulgated by the department shall be exempt from the provisions of this section only when the vehicle is being used pursuant to the provisions of section 4571(e) (relating to visual and audible signals on emergency vehicles).

(2) Nothing in this section shall limit drivers from flashing high beams at oncoming vehicles as a warning of roadway emergencies or other dangerous or hazardous conditions ahead.

Section 40. Title 75 is amended by adding a section to read:

§ 4537. Device used to carry pedalcycles.

Notwithstanding any other provision of this title to the contrary, a bus used for public transportation shall be permitted to operate with a device used to carry pedalcycles mounted on the front of the bus if the device, including the pedalcycles, does not extend more than 36 inches.

Section 41. Section 4552 of Title 75 is amended by adding subsections to read:

§ 4552. General requirements for school buses.

\*\*\*

(b.2) Use of front crossing control arm.—Every school bus shall be equipped with a crossing control arm on the front of the vehicle. The crossing control arm shall be automatically activated whenever the bus is stopped with the red visual signals in use. The crossing control arm is mandated according to the following schedule:

(1) School buses may be equipped with and use a crossing control arm on January 1, 1999.

(2) Every school bus purchased and manufactured after July 1, 1999, shall be equipped with a crossing control arm.

(3) By July 1, 2001, every school bus shall be equipped with a crossing control arm.

(b.3) Strobe light.—School buses may be equipped with a bright white strobe light affixed to the roof.

\*\*\*

Section 42. Sections 4702(b)(2) and (5) and 4702.1(a) of Title 75 are amended to read:

§ 4702. Requirement for periodic inspection of vehicles.

\*\*\*

(b) Semiannual safety inspection of certain vehicles.—The following vehicles shall be subject to semiannual safety inspection:

\*\*\*

(2) [Passenger vans] Vehicles which are:

(i) under contract with or owned by a school district or private or parochial school, including vehicles having chartered group and party rights under the Pennsylvania Public Utility Commission; and

(ii) used to transport school students.

\*\*\*

[(5) Construction trucks for which annual permits are issued pursuant to section 4970(b) (relating to permit for movement of construction equipment).]

\*\*\*

§ 4702.1. Limited liability of inspection station or mechanic.

(a) General rule.—An inspection conducted pursuant to section 4702(a) (relating to annual inspection) shall not be construed as a guaranty of the safety of any vehicle and neither the official inspection station issuing the certificate of inspection nor the official inspection mechanic performing the inspection shall be liable to the owner or occupants of any inspected vehicle for any damages caused by the failure or malfunction of that vehicle or to the owner or occupants of any vehicle involved in an accident with that inspected vehicle or to any pedestrian injured in the accident unless it can be shown by a preponderance of the evidence that the failure was caused by the negligence of the inspection station or mechanic. An official inspection mechanic, in the course of his duties relating to the road test portion of an official vehicle safety inspection, shall not be cited by law enforcement personnel for any violation relating to vehicle equipment. This provision does not preclude an official inspection mechanic from being cited by law enforcement personnel for moving violations committed during the road test portion of an official vehicle safety inspection.

\*\*\*

Section 43. Section 4703(b)(10) and (f) of Title 75 are amended and subsection (b) is amended by adding a paragraph to read:

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

\*\*\*

(b) Exceptions.—Subsection (a) does not apply to:

\*\*\*

(10) [Antique vehicles.] A motor vehicle registered as an antique pursuant to section 1340 (relating to antique, classic and collectible plates).

\*\*\*

(13) New vehicles in the possession of a second-stage manufacturer which are in transit:

(i) from a dealer or distributor for completion; or

(ii) to a dealer or distributor upon completion.

\*\*\*

(f) Authority of police.—Any police officer may stop any motor vehicle, mass transit vehicle or trailer and require the owner or operator to display an official certificate of inspection for the vehicle being operated. A police officer may summarily remove an unauthorized, expired or unlawfully issued certificate of inspection from any vehicle or mass transit vehicle. For the purposes of administering the requirements of regulations promulgated by the department, a qualified Commonwealth employee or an authorized department representative may remove an unauthorized, expired or unlawfully issued certificate of inspection from any vehicle.

\*\*\*

Section 44. Sections 4731, 4902(e), 4906, 4921(b)(2)(ii), 4941(c), 4942(c) and 4943(b)(3), (4) and (6) and (d) of Title 75 are amended to read:

§ 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 or any designee of the department.

§ 4902. Restrictions on use of highways and bridges.

\*\*\*

(e) Erection of signs.—The Commonwealth and local authorities shall erect or cause to be erected and maintained restriction signs designating the restrictions [at] within 25 feet of each end of a bridge or portion of highway restricted as provided in subsection (a) or (b). In the case of a restriction on a bridge or on a highway which does

not begin or end at an intersection with an unrestricted highway, the Commonwealth or local authorities shall also place an advance informational sign at the intersection nearest each end of the restricted bridge or portion of highway which would allow drivers to avoid the restricted bridge or portion of highway. No person shall be convicted of violating subsection (a) or (b) unless the restriction sign designating the restricted bridge or portion of highway to traffic moving in the direction the person was driving was posted as required in this subsection. However, failure to post the restriction sign designating the restricted bridge or portion of highway to traffic moving in the opposite direction or failure to post any advance informational sign shall not constitute a defense to a violation of this section.

\*\*\*

§ 4906. Fire apparatus.

This chapter does not apply to fire apparatus being operated on the highway unless specifically provided otherwise.

§ 4921. Width of vehicles.

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(b) Special vehicles.—

\*\*\*

(2) Any implement of husbandry not exceeding 14 feet 6 inches in width may be driven, hauled or towed between sunrise and sunset on highways other than freeways between:

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(ii) Farms owned or operated by the owner of the implement of husbandry located not more than [25] 50 miles apart.

\*\*\*

§ 4941. Maximum gross weight of vehicles.

\*\*\*

(c) [Trucks] Motor vehicles.—No [truck] motor vehicle when operated upon a highway shall have a gross weight exceeding the following:

Maximum  
Gross Weight  
In Pounds

Two-axle [truck] <u>motor vehicle</u>	38,000
Three-axle [truck] <u>motor vehicle</u>	58,400
Four-axle [truck] <u>motor vehicle</u>	73,280
§ 4942. Registered gross weight.	

\*\*\*

(c) Combination.—No combination containing a trailer having a gross weight or 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.

\*\*\*

(b) Exceptions and special applications.—

\*\*\*

(3) No trucks registered in Classes 17 and 20 shall have an overall gross weight in excess of 21,400 pounds on any tandem axle. In addition, a group of three tandem axles shall not have an overall gross weight in excess of 60,000 pounds. This paragraph shall not be applicable to interstate highways except for a highway added to the interstate system under the National Highway System Designation Act of 1995 (Public Law 104-59, 109 Stat. 568).

(4) [Except on interstate highways, subsection] Subsection (a)(1) and (2) [does] do not apply to a vehicle or combination operating under the terms of an agreement established under section 4902(c) (relating to restrictions on use of highways and bridges). This paragraph shall not be applicable to interstate highways except for a highway added to the interstate system under the National Highway System Designation Act of 1995.

\*\*\*

[(6) Paragraph (3) and the exception in paragraph (4) shall not apply on a highway added to the interstate system under the National Highway System Designation Act of 1995 (Public Law 104-59, 109 Stat. 568).]

\*\*\*

[(d) Location of front axle of semitrailer.—No semitrailer, originally in this Commonwealth on or after September 1, 1963, 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.]

\* \* \*

Section 45. Section 4961(a)(5) and (6) of Title 75 are amended and the subsection is amended by adding a paragraph to read: § 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:

\* \* \*

(5) A modular housing or manufactured construction unit which exceeds the maximum size prescribed in this title.

(5.1) A manufactured construction unit which exceeds the maximum size and weight prescribed in this title.

(6) A modular housing or manufactured construction unit undercarriage which exceeds the maximum size prescribed in this title.

\* \* \*

Section 46. Sections 4962(d), (f) and (f.1), 4963 and 4966 of Title 75 are amended to read: § 4962. Conditions of permits and security for damages.

\* \* \*

(d) Special escort services.—The department or local authorities shall specify what movements require special escort services of the Pennsylvania State Police, local police or department personnel.

\* \* \*

(f) When loads permitted.—Only vehicles and combinations permitted under the following provisions shall be authorized to carry or haul loads while operating under the permit:

Section 4961(a)(2), (3) and (6) (relating to authority to issue permits).

Section 4965 (relating to single permits for multiple highway crossings).

Section 4968 (relating to permit for movement during course of manufacture).

[Section 4970(b) (relating to permit for movement of construction equipment).]

Section 4974 (relating to permit for movement of containerized cargo).

Section 4975 (relating to permit for movement of special mobile equipment).

Section 4976 (relating to permit for movement of domestic animal feed).

Section 4976.1 (relating to permit for movement of live domestic animals).

Section 4977 (relating to permit for movement of wooden structures).

Section 4978 (relating to permit for movement of building structural components).

Section 4979 (relating to permit for movement of particleboard or fiberboard used in the manufacture of ready-to-assemble furniture).

Section 4979.1 (relating to permit for movement of bulk refined oil).

Section 4979.2 (relating to permit for movement of waste coal and beneficial combustion ash).

(f.1) Authorized travel periods.—A permitted vehicle, combination or load which does not exceed [100,000] 107,000 pounds gross weight and which does not exceed a size limitation under Subchapter B (relating to width, height and length) may be driven, hauled or towed 24 hours a day, seven days a week, if the vehicle or combination is operated at prevailing speeds. Movement under this subsection is not authorized during any of the following:

(1) A holiday period specified in department regulations or in the permit.

(2) Inclement weather, as defined in department regulations.

\* \* \*

§ 4963. Exemptions for vehicles used in State highway construction or maintenance.

[No special] When operating within the established construction or maintenance project limits, no permit shall be required for movement across, upon or along [State or State-aid highways for] any highway, of oversize or overweight vehicles of the department or a contractor [used for the] or other person currently involved in the authorized construction or [improvement of such highways.] maintenance of the highway. Movement under this section is not authorized upon a bridge posted under section 4902 (relating to restrictions on use of highways and bridges) unless the posted bridge is currently being reconstructed or maintained.

§ 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 other than a freeway from one part of a quarry to another, or upon the highways other than freeways 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] one mile.

Section 47. Section 4968(a) introductory paragraph, (3), (3.1), (3.2) and (3.3) of Title 75 are amended and the subsection is amended by adding paragraphs to read:

§ 4968. Permit for movement during course of manufacture.

(a) Annual permit.—An annual permit may be issued authorizing movement on specified highways of boats, trailers, mobile homes, modular housing units and undercarriages, helicopters, hot ingots, raw coal, basic oxygen furnace lances, railway equipment and rails or other articles, vehicles or combinations which exceed the maximum height, width or length specified in Subchapter B (relating to width, height and length) or self-propelled cranes or combinations carrying raw milk or flat-rolled steel coils or hot ingots which exceed the maximum weight specified in Subchapter C (relating to maximum weights of vehicles) while they are in the course of manufacture and [entirely within the] under contract with or under the direct control of the manufacturer, subject to the following provisions:

\* \* \*

(3) A combination of vehicles which is hauling flat-rolled steel coils may be permitted by the department and local authorities to move upon [specified] highways within their respective jurisdiction a distance not exceeding [25] 50 miles if the gross weight does not exceed 100,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(3.1) A combination of vehicles which is hauling raw milk to or from a manufacturer may be permitted by the department and local authorities to move upon [specified] highways within their respective jurisdiction 24 hours a day, seven days a week, except during inclement weather as defined in department regulations, if the gross weight does not exceed 95,000 pounds and if the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(3.2) A combination of vehicles which is hauling a hot ingot may be permitted by the department and local authorities to move upon [specified] highways within their respective jurisdiction a distance not exceeding 25 miles if the gross weight does not exceed 150,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds.

(3.3) A combination of vehicles which is hauling basic oxygen furnace lances may be permitted by the department and local authorities to move upon [specified] highways within their respective jurisdictions if the overall length does not exceed 90 feet. A vehicle operating under a permit authorized under this section may be driven 24 hours a day, seven days a week, if the vehicle or combination is operated at prevailing speeds. Movement under this paragraph is not authorized during any of the following:

(i) A holiday period specified in department regulations or in the permit.

(ii) Inclement weather, as defined in department regulations.

(3.4) A self-propelled crane which is being road tested may be permitted by the department and local authorities to move upon highways within their respective jurisdictions a distance not exceeding 15 miles if the gross weight does not exceed 150,000 pounds and the weight on any axle does not exceed 27,000 pounds.

(3.5) A combination of vehicles which is hauling raw coal from a mine to a processing or preparation facility may be permitted by the department and local authorities to move upon highways within their respective jurisdictions a distance not exceeding 30 miles if the gross weight does not exceed 95,000 pounds and if the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

\*\*\*

Section 48. Section 4970(b) and (b.1) of Title 75 are amended to read:

§ 4970. Permit for movement of construction equipment.

\*\*\*

(b) Construction trucks.—An annual permit may be issued for a construction truck to exceed the registered gross weight permitted in section 4941(c) (relating to maximum gross weight of vehicles) and the maximum allowable axle weight permitted in section 4943(a) (relating to maximum axle weight of vehicles) on highways and bridges designated by the department. This subsection shall:

(1) only apply to trucks registered at the time of enactment of this subsection; and

(2) expire on May 31, 1998.

(b.1) Construction trucks.—An annual permit may be issued for a construction truck to exceed the registered gross weight permitted in section 4941(c) and the maximum allowable axle weight permitted in section 4943(a) on highways and bridges designated by the department. This subsection shall:

(1) only apply to trucks registered prior to October 10, 1980; and

(2) expire on May 31, 1998.]

Section 49. Title 75 is amended by adding a section to read:

§ 4976.1. Permit for movement of live domestic animals.

(a) Authorization.—An annual permit may be issued authorizing the movement on highways of live domestic animals which exceeds the maximum gross weight specified in Subchapter C (relating to maximum weights of vehicles). The weight of any combination permitted under this section shall not exceed 95,000 pounds gross weight and the weight on any nonsteering axle shall not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(b) Definition.—As used in this section, the term "domestic animal" shall have the meaning given to it in 3 Pa.C.S. Ch. 23 (relating to domestic animals).

Section 50. Section 4977 of Title 75 is amended to read:

§ 4977. Permit for movement of wooden structures.

An annual permit may be issued for the movement on highways of certain wooden structures which exceed the maximum length [and, width and height specified in Subchapter B (relating to width, height and length)], subject to the following conditions:

(1) The overall width, including all appurtenances and overhangs, may not exceed 13 feet.

(2) The overall length may not exceed 90 feet.

(2.1) The overall height may not exceed 13 feet 10 inches.

(3) The wooden structure or structures must be transported on a trailer designed solely for the transportation of such structures and not used for the transportation of any other type of load.

(4) Movement under this section is limited to [roof trusses,] wooden utility sheds, gazebos, garages and play equipment.

Section 51. Title 75 is amended by adding sections to read:

§ 4978. Permit for movement of building structural components.

A permit may be issued for the duration of a single building construction project, but not exceeding one year, authorizing the movement upon specified highways of nondivisible building structural

components, such as precast concrete, roof trusses or wall panels, which exceed the maximum width, height or length specified in Subchapter B (relating to width, height and length). Combinations permitted under this section may not exceed 90 feet in length, 13 feet in width or 14 feet 6 inches in height.

§ 4979. Permit for movement of particleboard or fiberboard used in the manufacture of ready to assemble furniture.

An annual permit may be issued authorizing the movement on specified highways of particleboard or fiberboard for use in the manufacture of ready-to-assemble household or office furniture which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles). Permits issued under this section shall not exceed a distance of 50 miles. The weight of any vehicle permitted under this section may not exceed 107,000 pounds overall gross weight and shall have the following maximum axle weight limits for all nonsteering axles:

Single axle	21,000 pounds
Tandem axles	42,000 pounds
Tridem axles	53,000 pounds
Quad axles	63,000 pounds

No permit may be issued for this type of movement upon an interstate highway.

§ 4979.1. Permit for movement of bulk refined oil.

An annual permit may be issued authorizing the movement on specified highways of refined oil in bulk between a refinery and a distribution facility which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles). Permits issued under this section shall not exceed a distance of 50 miles. The weight of any vehicle permitted under this section may not exceed 107,000 pounds overall gross weight and shall have the following maximum axle weight limits for all nonsteering axles:

Single axle	21,000 pounds
Tandem axles	42,000 pounds
Tridem axles	53,000 pounds
Quad axles	63,000 pounds

No permit may be issued for this type of movement upon an interstate highway.

§ 4979.2. Permit for movement of waste coal and beneficial combustion ash.

An annual permit may be issued for the movement on specified highways of waste coal from a refuse pile to a preparation or power production facility or beneficial combustion ash from a power production facility to a reclamation area which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles). The weight of any vehicle permitted under this section may not exceed 95,000 pounds overall gross weight and the weight on any nonsteering axle may not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

Section 52. Sections 6108, 6109(e) and 6125(d) of Title 75 are amended to read:

§ 6108. Power of Governor during emergency.

(a) General rule.—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. No person, unless specifically exempted by the terms of the declaration of emergency or by other provisions of the statute or other laws, shall violate any of the terms, conditions, provisions and modifications set forth by the Governor.

(b) Penalty.—Any person violating the provisions of this section, other than violations of section 3362(a)(3) (relating to maximum speed limits), commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300. This penalty shall be in addition to any other penalties imposed under this title.

§ 6109. Specific powers of department and local authorities.

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(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. No engineering and traffic investigation is required to establish a speed limit under section 3362(a)(1.2) (relating to maximum speed limits).

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§ 6125. Display of unauthorized signs, signals or markings.

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(d) Tourist-oriented directional signs.—The department on State-designated highways, including intersections with local highways, may erect and maintain or provide for the erection and maintenance of tourist-oriented directional signs. [Prior to the promulgation of regulations, the] The administration of the department's program for the erection and maintenance of tourist-oriented directional signs shall be pursuant to a policy consistent with Federal Highway Administration Tourist-Oriented Directional Sign guidelines.

Section 53. Title 75 is amended by adding a section to read:

§ 6128. Dealing in official traffic-control devices or bridge parts.

(a) General rule.—A person commits a summary offense if he knowingly purchases, sells or offers for sale an official traffic-control device or an identifiable railing or other part of a public bridge.

(b) Presumption.—An official traffic-control device or an identifiable railing or other part of a public bridge found in the place of business of a person who deals in scrap metal shall be presumed to be offered for sale by the scrap metal dealer.

(c) Exception.—This section shall not apply to sales by or to:

(1) the Commonwealth or local authorities or their agents or contractors; or

(2) manufacturers or fabricators.

(d) Penalty.—A person who violates the provisions of this section shall, upon conviction, be sentenced to pay a fine of \$100 for each official traffic-control device or identifiable piece of railing or other part of a public bridge he is convicted of purchasing, selling or offering for sale.

Section 54. Sections 6149, 6308 and 6322(a)(1) of Title 75 are amended to read:

§ 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 with the same type of registration.

§ 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 information relating to financial responsibility, or other means of identification if a pedestrian or driver of a pedalcycle, 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.—Whenever a police officer is engaged in a systematic program of checking vehicles or drivers or has articulable and reasonable grounds to suspect a violation of this title, he may stop a vehicle, upon request or signal, for the purpose of checking the vehicle's registration, proof of financial responsibility, vehicle identification number or engine number or the driver's license, 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 garage or repair shop or on the premises of any dealer, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, salvor, scrap metal processor, or other public place of busi-

ness for the purpose of locating stolen vehicles or parts or vehicles or vehicle parts with identification numbers removed or falsified. 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.

(d) Records.—Every salvor, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, scrap metal processor and dealer shall keep accurate records of motor vehicle sales and dispositions. The records shall include the make, year and type of vehicle, from whom purchased or acquired and date, vehicle identification number and date of sale or disposition of vehicle. The records shall be available on the premises of the salvor, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, scrap metal processor and dealer and open to inspection by any police officer or authorized department employee. The records shall be maintained for three years from the date of disposition of the vehicle.

(d.1) Production to avoid penalty.—No person shall be convicted of failing to have in his possession a driver's license required to be exhibited under subsection (a) or (b) if the person:

(1) produces at the headquarters of the police officer who demanded to see the person's license, within 15 days of the demand, a driver's license valid in this Commonwealth at the time of the demand; or

(2) if a citation has been filed, produces at the office of the issuing authority, within 15 days of the filing of the citation, a driver's license valid in this Commonwealth on the date of the citation.

(e) Penalty.—Any person violating subsection (d) commits a misdemeanor of the third degree.

§ 6322. Reports by issuing authorities.

(a) General rule.—Subject to any inconsistent procedures and standards relating to reports and transmission of funds prescribed pursuant to Title 42 (relating to judiciary and judicial procedure):

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(2) 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] conviction, 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.

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Section 55. Title 75 is amended by adding a section to read:

§ 6328. Admissibility of department records.

The department may send to any authorized user, by electronic transmission, any certification of record or abstract of records maintained by the department. Permissible uses shall include, but not be limited to, certifications of driving records and motor vehicle records. The department may also certify electronically any documents certified to it electronically. Authorized users include State and local police, district attorneys, employees of the department and the Office of Attorney General and other persons or entities as determined by the department and listed by notice in the Pennsylvania Bulletin. In any proceeding before the courts or administrative bodies of this Commonwealth, documents certified by the department under this section and offered into evidence by an authorized user shall be admissible into evidence.

Section 56. Section 6503 of Title 75 is amended to read:

§ 6503. Subsequent convictions of certain offenses.

(a) General 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 six months, 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).

(b) Driving without a license.—Every person convicted of a second or subsequent violation of Section 1501(a) (relating to drivers required to be licensed) within seven years of the date of commission of the offense preceding the offense for which sentence is to be imposed shall be sentenced to pay a fine of not less than \$200 nor more than \$1,000 or to imprisonment for not more than six months, or both.

Section 57. Title 75 is amended by adding a section to read:  
§ 6503.1. Habitual offenders.

A habitual offender under section 1542 (relating to revocation of habitual offender's license) who drives a motor vehicle on any highway or trafficway of this Commonwealth while the habitual offender's operating privilege is suspended, revoked or canceled commits a misdemeanor of the second degree.

Section 58. Section 7122(1), (3), (4) and (5) of Title 75 are amended to read:

§ 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] financial responsibility;

\* \* \*

(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] financial responsibility or any other document issued by the department, knowing it to have been altered, forged or counterfeited;

(4) obtains or attempts to obtain a certificate of inspection without valid proof of [insurance] financial responsibility; or

(5) provides a certificate of inspection where there is no valid proof of [insurance] financial responsibility.

Section 59. Title 75 is amended by adding a section to read:

§ 8914.1. Security wall pilot project.

The commission shall construct, maintain and assess the long-term effectiveness of a security wall pilot project from a point at or near milepost 1.8 on the Northeast Extension of the Pennsylvania Turnpike to a point at or near milepost 2.6. Such pilot project shall encompass the southbound lanes of the Northeast Extension between said mileposts. The commission shall commence the design and construction of the security wall pilot project authorized by this section immediately upon transfer of funds by the department.

Section 60. Section 9003 of Title 75 is amended by adding a subsection to read:

§ 9003. Liquid fuels and fuels permits; bond or deposit of securities.

\* \* \*

(d.1) Waiver of surety bond.—

(1) The department shall waive the bond required by subsection (d) with respect to retail sales of kerosene sold for private household use.

(2) The department may waive the bond required by subsection (d) with respect to a class of distributors if the department finds that the cost of bonding to that class is excessive when compared to the risk of loss to the Commonwealth.

\* \* \*

Section 61. Section 9017 of Title 75 is reenacted and amended to read:

§ 9017. Refunds.

(a) Federal Government; errors.—The Board of Finance and Revenue may refund to distributors taxes, penalties and interest paid by them on liquid fuels and fuels delivered to the Federal Government or paid as the result of an error of law or of fact. Claims for refunds must be made under the procedure prescribed by the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.]

(a) Department of Revenue.—Except as provided in subsection (a.1), the Department of Revenue may refund taxes, penalties, interest, fines, additions and other money collected pursuant to this chapter in accordance with section 3003.1 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(a.1) Board of Finance and Revenue.—The Board of Finance and Revenue may make reimbursements and refunds of tax imposed and collected upon liquid fuels or fuels as provided under subsections (b), (c) or (e). In addition, the board may refund on an annual basis any tax imposed by this chapter and collected by the department upon liquid fuels or fuels delivered to any entity exempt from tax under section 9004(e) (relating to imposition of tax, exemptions and deductions) which has not been claimed as exempt by the distributor or otherwise refunded. The board may adopt regulations relating to procedures for the administration of its duties under this subsection.

(b) Farm tractors and volunteer fire rescue and ambulance services.—A person shall be reimbursed the full amount of the tax imposed by this chapter if the person uses or buys liquid fuels [and] or fuels on which the tax imposed by this chapter has been paid and consumes them:

(1) in the operation of any nonlicensed farm tractor or licensed farm tractor when used off the highways for agricultural purposes relating to the actual production of farm products; or

(2) in the operation of a vehicle of a volunteer fire company, volunteer ambulance service or volunteer rescue squad.

(c) Motorboats and watercraft.—

(1) When the tax imposed by this chapter has been paid and the fuel on which the tax has been imposed has been consumed in the operation of motorboats or watercraft upon the waters of this Commonwealth, including waterways bordering on this Commonwealth, the full amount of the tax shall be refunded to the Boat Fund on petition to the board in accordance with prescribed procedures.

(2) In accordance with such procedures, the Pennsylvania Fish and Boat Commission shall biannually calculate the amount of liquid fuels consumed by the motorcraft and furnish the information relating to its calculations and data as required by the board. The board shall review the petition and motorboat fuel consumption calculations of the commission, determine the amount of liquid fuels tax paid and certify to the State Treasurer to refund annually to the Boat Fund the amount so determined. The department shall be accorded the right to appear at the proceedings and make its views known.

(3) This money shall be used by the commission acting by itself or by agreement with other Federal and State agencies only for the improvement of the waters of this Commonwealth on which motorboats are permitted to operate and may be used for the development and construction of motorboat areas; the dredging and clearing of water areas where motorboats can be used; the placement and replacement of navigational aids; the purchase, development and maintenance of public access sites and facilities to and on waters where motorboating is permitted; the patrolling of motorboating waters; the publishing of nautical charts in those areas of this Commonwealth not covered by nautical charts published by the United States Coast and Geodetic Survey or the United States Army Engineers and the administrative expenses arising out of such activities; and other similar purposes.

(d) Off-highway recreational vehicles.—

(1) When the tax imposed by this chapter has been paid on fuel used in off-highway recreational vehicles within this Commonwealth, an amount equal to the revenue generated by the tax, but not derived therefrom, may be appropriated through the General Fund to the Department of Conservation and Natural Resources. It is the intent of this chapter that all proceeds from the tax paid on fuel used in off-highway recreational vehicles within this Commonwealth be paid without diminution of the Motor License Fund.

(2) The Department of Conservation and Natural Resources shall biennially calculate the amount of liquid fuel consumed by off-highway recreational vehicles and furnish information relating to its calculations and data as may be required by the Appropriations Commit-

tee of the Senate and the Appropriations Committee of the House of Representatives.

(3) The General Assembly shall review the fuel consumption calculations of the Department of Conservation and Natural Resources to determine the amount of liquid fuels tax paid on liquid fuels consumed in the propulsion of off-highway recreational vehicles in this Commonwealth and may annually appropriate to the Department of Conservation and Natural Resources the amount so determined.

(4) Money appropriated under paragraph (3) shall be used for the benefit of motorized and nonmotorized recreational trails by the Department of Conservation and Natural Resources as provided in the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 1914).

(e) Aircraft.—A person shall be reimbursed in the amount of the excess if a person uses liquid fuel on which a tax imposed by this chapter in excess of 1 1/2¢ per gallon has been paid in:

- (1) a propeller-driven aircraft or aircraft engines; or
- (2) a jet or turbojet-propelled aircraft or aircraft engines.

(e.1) Truck refrigeration units.—

(1) During the transition to the use of dyed diesel fuel in truck refrigeration units, a program shall be implemented to provide reimbursement for tax paid on undyed diesel fuel used in truck refrigeration units.

(2) During the transition, a person shall be reimbursed the amount of tax paid pursuant to section 9004 on any purchase of undyed diesel fuel which is not more than 100 gallons per purchase and is delivered into a fuel tank which is designed to supply only an internal combustion engine mounted on a registered vehicle used exclusively for truck refrigeration.

(3) For the period of October 1, 1997, through September 30, 1998, claims for reimbursement of taxes paid shall be filed by March 1, 1999, with the Department of Revenue. For the period of October 1, 1998, through September 30, 1999, claims for reimbursement under this subsection shall be filed by October 31, 1999, with the department. For the period from October 1, 1999, through September 30, 2000, inclusive, claims for reimbursement under this subsection shall be filed with the department by October 31, 2000.

(4) The department may require a claimant to satisfy any sales or use tax liability on the undyed diesel fuel for which the reimbursement is claimed.

(5) A claim for reimbursement must be supported by sales receipts with the word "reefer" noted on the claim and the date of purchase, seller's name and address, number of gallons purchased, fuel type, price per gallon or total amount of sale, unit numbers and the purchaser's name. The department may specify other documentation which it will accept in lieu of sales receipts. In the case of withdrawals from claimant-owned tax-paid bulk storage, the claim must be supported by detailed records of the date of withdrawal, number of gallons, fuel type, unit number and purchase and inventory records to substantiate that the tax was paid on all bulk purchases. Notwithstanding the provisions of section 9009 (relating to retention of records by distributors and dealers), all required documentation shall be retained for a period of three years following the filing date of the claim for reimbursement under this subsection. If the claimant fails to retain documentation as required by this paragraph, the department may deny the reimbursement or issue an assessment for any refund granted plus interest under section 9007 (relating to determination and redetermination of tax, penalties and interest due).

(6) For purposes of this subsection, the term "transition" means the period of time between October 1, 1997, through September 30, 2000.

(f) Claims, forms, contents, penalties.—A claim for reimbursement or refund under subsection (b), (c) or (e) shall be made upon a form to be furnished by the board and must include, in addition to such other information as the board may by regulation prescribe, the name and address of the claimant; the period of time and the number of gallons of liquid fuels used for which reimbursement is claimed; a description of the farm machinery, aircraft or aircraft engine in which liquid fuels have been used; the purposes for which the ma-

chinery, aircraft or aircraft engine has been used; and the size of the farm and part in cultivation on which such liquid fuels have been used. A claim must contain statements that the liquid fuels for which reimbursement is claimed have been used only for purposes for which reimbursements are permitted; that records of the amounts of such fuels used in each piece of farm machinery, aircraft or aircraft engine have been kept; and that no part of the claim has been paid except as stated. A claim must contain a declaration that it and accompanying receipts are true and correct to the best of the claimant's knowledge and must be signed by the claimant or the person claiming on the claimant's behalf. A claim must be accompanied by receipts indicating that the liquid fuels tax was paid on the liquid fuels or that the excess liquid fuels tax was paid on the liquid fuels for which reimbursement is claimed. Records of purchases of liquid fuels and use in each tractor or powered machinery, aircraft or aircraft engine shall be kept for a period of two years. A claim must be made annually for the preceding year ending on June 30. A claim must be submitted to the board by September 30. The board shall refuse to consider any claim received or postmarked later than that date. The claimant must satisfy the board that the tax has been paid and that the liquid fuels have been consumed by the claimant for purposes for which reimbursements are permitted under this section. The action of the board in granting or refusing reimbursement shall be final. The board shall deduct the sum of \$1.50, which shall be considered a filing fee, from every claim for reimbursement granted. Filing fees are specifically appropriated to the board and to the department for expenses incurred in the administration of the reimbursement provisions of this chapter. The board has the power to refer to the department for investigation any claim for reimbursement filed under the provisions of this chapter. The department shall investigate the application and report to the board. A person making any false or fraudulent statement for the purpose of obtaining reimbursement commits a misdemeanor of the third degree.

(g) Fund sources.—Refunds and reimbursements of money allowed under this section shall be paid from the Motor License Fund and the Liquid Fuels Tax Fund in amounts equal to the original distribution and payment of such money into those funds. Reimbursement for taxes paid on liquid fuels consumed in the operation of tractors and powered machinery for purposes relating to the actual production of farm products and reimbursement for taxes paid on liquid fuels used in aircraft or aircraft engines shall be paid out of the Motor License Fund.

(h) Appropriations; approval by Governor.—As much of the money in the Motor License Fund and the Liquid Fuels Tax Fund as may be necessary is appropriated to the board for the purpose of making refunds and reimbursements as authorized in this section. Estimates of the amounts to be expended from these funds for refunds and reimbursements by the board must be submitted to the Governor for approval or disapproval as in the case of other appropriations to administrative departments, boards and commissions. It is unlawful to honor any requisition of the board for the expenditure of money under this section in excess of the estimates approved by the Governor.

Section 62. Sections 9018(a)(1)(iii), 9207(b) and 9805 of Title 75 are amended to read:

§ 9018. Violations.

(a) Failure to report and pay; examinations; unlawful acts.—

(1) A person commits a misdemeanor of the third degree if the person does any of the following:

\* \* \*

(iii) Makes any incomplete, false or fraudulent report or claim.

\* \* \*

§ 9207. Restoration of highways.

\* \* \*

(b) Funding.—All restoration work shall be paid from the State Highway Transfer Restoration Restricted Account within the Motor License Fund, provided, however, that the department may, in its discretion, pay for any or all such work to be performed by the department or its contractors from funds made available to the county

maintenance districts under section 9102 (relating to distribution of State highway maintenance funds). No funds shall be allocated to municipalities for the maintenance of highways transferred under this chapter out of section 4 of the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, nor shall highways transferred under the provisions of this chapter be used to compute or determine the allocations of municipalities under that section.

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§ 9805. [Credit or refund for additional] Bus company reimbursement for motor fuel tax [payment].

Every bus company shall be [entitled to a credit or refund] reimbursed in an amount determined by the department to be equivalent to the additional tax [of 6¢ per gallon] imposed by section [9603(a)] 9502(a)(4) (relating to imposition of tax) and paid directly or indirectly by the bus company on [all gasoline or other motor] fuel consumed by the bus company in its operations of motorbuses within this Commonwealth. The bus company [shall] must, under regulations of the department, submit an application for [credit or refund of additional tax] reimbursement to the department on or before the last day of the month immediately following the close of each quarter. [For purposes of] The reimbursements authorized by this section shall not include nor be subject to the payment of interest [on refunds under section 806.1 of the act of April 9, 1929 (P.L.343, No.176), known as the Fiscal Code, the amount of the refund shall be considered an overpayment of tax made with the report on which credit is claimed] by the Commonwealth.

Section 63. Title 75 is amended by adding a chapter to read:

#### CHAPTER 99

#### TAX TREATMENT OF CERTAIN ORGANIZATIONS

Sec.

9901. Corporate tax treatment of certain corporations.

§ 9901. Corporate tax treatment of certain corporations.

(a) Corporate net income tax.—The term "taxable income" as used in Article IV of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall not include the Federal taxable income of an automobile club derived from automobile club activities.

(b) Capital stock franchise tax.—The term "capital stock value" as used in Article VI of the Tax Reform Code of 1971 shall not include the capital stock value of an automobile club attributed to automobile club activities.

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Automobile club." A nonprofit corporation, trust or other entity whose membership is open to the general public that conducts all of the activities and services listed in paragraph (2).

"Automobile club activities." The following activities and services conducted by an automobile club:

(1) Promoting the development and provision of safe and convenient motor vehicle travel conditions, services and facilities.

(2) Promoting the construction, maintenance and use of efficient, adequate and safe highway systems.

(3) Informing and educating motorists and the traveling public in the principles of traffic and motor vehicle safety and related matters.

(4) Providing motor vehicle registration, title transfer and license application and renewal services to its members.

(5) Providing motor vehicle travel assistance, including road maps, trip itineraries, tour guides and emergency roadside assistance to its members.

Section 64. (a) The sum of \$2,000,000 is hereby appropriated to the Department of Transportation from the Motor License Fund for the fiscal year July 1, 1998, to June 30, 1999, for security wall pilot projects. This appropriation is in addition to the sum appropriated for security wall pilot projects in section 801 of the act of April 22, 1998 (P.L. , No.6A), known as the General Appropriation Act of 1998.

(b) The Department of Transportation shall transfer the sum of \$2,000,000 of the amount appropriated for security wall pilot projects

in section 801 of the act of April 22, 1998 (P.L. , No.6A), known as the General Appropriation Act of 1998, to the Pennsylvania Turnpike Commission to finance the security wall pilot project authorized under 75 Pa.C.S. § 8914.1. The transfer shall be made within 30 days of the effective date of this section.

Section 65. All acts and parts of acts are repealed insofar as they are inconsistent with the addition of 75 Pa.C.S. § 1111(b.1).

Section 66. This act shall apply as follows:

(1) The addition of 75 Pa.C.S. § 1111(b.1) shall apply retroactively to June 1, 1998.

(2) Except as provided in paragraph (3), the reenactment and amendment of 75 Pa.C.S. § 9017 shall apply retroactively to January 1, 1997.

(3) The addition of 75 Pa.C.S. § 9017(e.1) shall apply retroactively to October 1, 1997.

(4) The amendment of 75 Pa.C.S. § 9805 shall apply to tax on fuel consumed in operations of motorbuses on the highways of this Commonwealth after December 31, 1998.

(5) The addition of 75 Pa.C.S. § 9901 shall apply to taxable years beginning after December 31, 1997.

Section 67. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) The amendment or addition of 75 Pa.C.S. §§ 102, 1119(c)(2)(ii) and (iii), 1334(a)(4), 1516(b) and (c), 1517(b), 1532(b)(3), 1543(b), 1547(c)(2), 1572(b), 1584, 1586, 1902(5), 1946, 1949, 1955(a), 3752(a), 4107(e), 4306(c), 4552(b.2) and (b.3), 4702(b)(5), 4703(e), 4731, 4970(b) and (b.1), 4975, 6110(a)(2), 6125(d), 6328, 7122(1), (3), (4) and (5), 8914.1, 9017, 9207(a) and 9901.

(ii) Section 64 of this act.

(iii) Section 66 of this act.

(iv) This section.

(2) The amendment of 75 Pa.C.S. § 9805 shall take effect January 1, 1999.

(3) The amendment or addition of 75 Pa.C.S. §§ 1331(f), 1535(a), 1537(a), 1551, 1554, 1901(c)(16) and (23), 1934 and 4702(b)(2) shall take effect July 1, 1999.

(4) The addition of 75 Pa.C.S. § 1926.3 shall take effect October 1, 1999.

(5) The amendment of 75 Pa.C.S. § 1514(a) shall take effect in one year.

of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

#### KITCHEN AMENDMENT A3946

Senator FUMO, on behalf of Senator KITCHEN, offered the following amendment No. A3946:

Amend Title, page 1, line 23, by striking out "AND" where it appears the first time and inserting: ; providing for reports and removal of abandoned vehicles within the boundaries of a city of the first class; further providing

Amend Bill, page 24, by inserting between lines 28 and 29:

Section 18. Title 75 is amended by adding a section to read: § 7304.1. Reports and removal of abandoned vehicles within the boundaries of a city of the first class.

(a) General rule.—Any and all vehicles reported abandoned to the police department and/or the appropriate designated municipal agency or department that handles the abandoned vehicle and cargo process shall be investigated within five business days to determine if the reported vehicle is abandoned as defined in section 102 (relating to



definitions). Upon the completion of the investigation, any and all reported vehicles that satisfy the requirements of the definition of "abandoned vehicle" shall be officially declared abandoned and removed within ten business days by the police department or by an authorized salvor pursuant to police or municipality directions. Proper notification of the removal of the vehicle shall be sent pursuant to section 7305 (relating to notice to owner and lienholders of abandoned vehicles).

(b) Certain vehicles.—Any and all vehicles found to be abandoned vehicles pursuant to subsection (a) and found to have a vehicle registration and an inspection sticker both of which are expired for a period exceeding 90 days shall be removed immediately by the police department or by an authorized salvor pursuant to police or municipality directions. Proper notification of the removal of the vehicle shall be sent pursuant to section 7305.

Amend Sec. 18, page 24, line 29, by striking out "18" and inserting: 19

Amend Sec. 19, page 30, line 20, by striking out "19" and inserting: 20

Amend Sec. 20, page 30, line 25, by striking out "20" and inserting: 21

Amend Sec. 20, page 30, lines 27 and 28, by striking out "JULY 1, 1998, OR IMMEDIATELY, WHICHEVER IS" in line 27, all of line 28 and inserting: immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### WAGNER AMENDMENT A4733

Senator WAGNER offered the following amendment No. A4733:

Amend Title, page 1, line 20, by inserting after "BUSES": , for restraint systems

Amend Sec. 15, page 20, line 14, by striking out "SECTION" where it appears the second time and inserting: Sections 4581(a) and (b) and

Amend Sec. 15, page 20, line 14, by striking out "IS" and inserting: are

Amend Sec. 15, page 20, by inserting between lines 14 and 15: § 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.

(2) Except for children under four years of age and except as provided in paragraph (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 years of age or older and less than 18 years of age] the vehicle. 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).

(b) Offense.—Anyone who fails to comply with the provisions of subsection (a)(1) and (2) shall be guilty of a summary offense with a maximum fine of \$25. 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) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10. No persons 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). Conviction under this subsection shall not constitute a moving violation.] No other fee, fine or court costs shall be imposed for a violation of this section.

\* \* \*

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, I rise to offer this amendment which I consider to be a very important amendment related to safety in vehicles in the Commonwealth of Pennsylvania. As many of you know, presently we have a seatbelt law in Pennsylvania that is a secondary offense. In other words, a person cannot be cited for not wearing their seatbelt unless they are cited for something else or pulled over for another reason. That fine is \$10 if they are cited for not wearing a seatbelt, and presently the only mandatory seatbelt primary offense law we have is for people 4 years of age and younger.

What I am suggesting in this legislation, Mr. President, is to make our seatbelt law a primary offense for all passengers in the vehicle. As I indicated, presently, the secondary law is a \$10 fine with \$142 in court costs. So if today someone were pulled over for going through a stop sign and they were not wearing their seatbelt and they were fined for not wearing their seatbelt, in addition to going through the stop sign, they would get a \$10 fine and have \$142 in court costs. In the change that I am proposing, it would be a flat \$25 fine.

The reason, Mr. President, I am offering this amendment and the reason I believe it is so darn important is that there are

too many Pennsylvanians dying on our highways, and the numbers truly have become staggering, especially for young people. And, Mr. President, I would just like to indicate to the body some of the most recent statistics that we have available. Teenage deaths have increased 45 percent in Pennsylvania in the last 3 years. Mr. President, 546 people under the age of 26 were killed in auto crashes in 1997 alone, 546 Pennsylvanians who were under the age of 26, and 70 percent of them were not wearing a seatbelt.

Some other glaring statistics: States like California have a primary law. They have reduced highway fatalities by 35 percent with enforcement of a \$25 fine, as I am suggesting, and they have 90 percent compliance of the seatbelt law. Presently in Pennsylvania it is anywhere from 50 to 60 percent compliance of the seatbelt law.

There is some other glaring information, Mr. President, that I think needs to be brought out and brought into consideration in terms of voting on this amendment. If a driver is not wearing his safety belt, there is only a 30-percent chance that a child will be buckled up in that vehicle. I repeat, if a driver is not wearing a seatbelt, there is only a 30-percent chance that the child will be wearing a seatbelt. That is one of the reasons why so many young people are dying in Pennsylvania. Conversely, belted drivers in an automobile with children, there is a 90-percent compliance rate with the children wearing a seatbelt. A drastic difference. So if you have a mandatory seatbelt law, there is a greater likelihood that children, who are dying the most, will be wearing their seatbelts also. Pennsylvania deaths have increased and seatbelt compliance has dropped to about 60 percent, as I indicated.

Mr. President, PennDOT reported that there were 1,562 highway fatalities last year, while Pennsylvania police reported total murders in Pennsylvania at 689, so we more than doubled the murder rate on our highways in terms of fatalities in comparison to homicides in other ways in Pennsylvania. Mr. President, we can reduce that with mandatory seatbelt use by at least 20 percent, maybe 30 percent, and that is basically what this amendment is all about.

What does that mean? What that means is with 1,562 highway fatalities, we can reduce the highway fatalities in Pennsylvania by at least 300, maybe 400 people in one year. One year. We can save a life a day if we have mandatory seatbelt use in Pennsylvania. There are obviously some very important financial reasons related to doing this also. We will receive more T-21 money if we have this legislation in Pennsylvania, as other States are receiving those dollars. We will reduce the medical costs related to automobile accidents significantly in Pennsylvania if we have fewer people seriously injured and killed.

And remember, the statistics I am stating right now relate to fatalities, Mr. President. They do not relate to what is more common than the fatalities, which is serious injuries to the driver and all occupants of vehicles presently today in Pennsylvania. Presently today, Mr. President, a 5-year-old can get in the back seat of a car and not use a seatbelt and it is legal, and is that right? No. We need to protect the children of Pennsylvania. We need to make sure that we are doing everything and

we are sending the right message from State government to reduce the loss of life, particularly with young people.

And I will suggest to anyone, Mr. President, when you leave the Senate today and you are driving home, when you come to an intersection and you see young people in a vehicle, the 16-, 17-, 18-, 19-, 20-year-olds coming home from high school or going out in the evening, I will bet you that there is a greater than 50/50 chance that they are not wearing their seatbelts. Check it out yourself. It is going on every day. We are not getting the message out. Education is not enough. What really needs to be done, I believe, is for State government to send a very strong message, and that is what this amendment is all about.

Mr. President, I know there are those out there who feel that government is infringing on their lives, but let us keep in mind that seatbelts have been required in vehicles by the Federal government for over 20 years. And in many instances, especially with young people, they are not being utilized, and it is about time they are utilized because it will save lives. It will save in terms of financial costs, it will reduce the price of insurance also in Pennsylvania. Mr. President, for commonsense reasons, I ask my colleagues to please consider adoption of this amendment. It is primarily in the best interests of children in Pennsylvania.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I rise to oppose this amendment being offered by the gentleman from Allegheny County. I, too, would like to hope that we could come up with ideas that would save lives in the Commonwealth of Pennsylvania, but somehow each of us, in trying to look at what the numbers are in determining what needs to be done, has come up with different numbers. I checked with the Department of Transportation to find out what Pennsylvania's current seatbelt usage rate is, and they advised me it is 71 percent in Pennsylvania with our current law. That is as of last September. And I found that there were 37 other States with a secondary enforcement law very similar to ours.

I have also found that during the past decade highway fatalities and injuries have declined on Pennsylvania's highways. In fact, I have been told by PennDOT that our fatalities are the lowest since World War II. In fact, on another issue, when we talk about States that have a primary offense such as Texas, we find that their usage rate is 71 percent, exactly as Pennsylvania's is at 71 percent.

I suggest to the gentleman that what we need to do is spend more time on education, more time on public service announcements about the importance of seatbelts, maybe more billboards talking about seatbelts and trying to get people to use seatbelts.

I am a strong, firm believer in seatbelts and wish everyone would wear one, but I am very much opposed to having it as a primary offense and having our policemen stand on their tiptoes trying to peek in everyone's car going down the road, trying to find out if they are wearing their seatbelt, and if they do not, pull them over and issue them a fine.

Now the gentleman spoke about young people particularly having accidents, and I believe the facts are there that young people are in fact having more accidents, and maybe we ought to not look at seatbelts by saying, let us save them from the injuries they will sustain by putting a mandatory seatbelt law in place, but let us maybe talk about seeking out a graduated license. Maybe they ought not to get their license at an early age and allow them to drive at night or anyplace they want to go. Maybe at age 16 there ought to be one set of rules, at age 17 another, and at age 18 another. Maybe you gradually get into using that piece of equipment that weighs a whole lot, travels at a very high speed, and maybe young people at the ages of 16 and 17 do not yet realize what they can cause, what damage can be caused when they are speeding down the highway. Maybe we need to spend more time addressing that than saying we are going to save lives by saying we are going to give you a fine as a primary offense if you do not have your seatbelt attached.

As I said, in Pennsylvania, according to the Department of Transportation, our usage is 71 percent. In Texas, where it is a primary seatbelt offense, same as Pennsylvania, 71 percent.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, just a final response, and I appreciate my colleague's comments and I agree with him with regard to the education. It really is something that we need to do a better job at here in Pennsylvania, that obviously other States are doing a better job, to educate as best as we can in high schools, throughout the Commonwealth, through the media, et cetera. It takes dollars to educate, and we need more money devoted towards education, whether that be through the school system, whether that be through the Department of Transportation, however.

But I just want to state that in California, where they have a primary seatbelt law, they received \$16 million in additional incentive bonuses in 1997 from the Federal government because they have a primary law. Now, we are not as big as California, but, Mr. President, it is our estimate that we will receive an additional \$8 million bonus through T-21. I would suggest here that if we pass this legislation, we could take that \$8 million and directly put it into education of our young people in the use of seatbelts, and I think by doing both, we would see a significant reduction or decline in the number of lives lost, especially with young people.

Mr. President, just one other statistic here. During the past 5 years, Pennsylvania highway fatalities have claimed 2,420 lives of young people under the age of 26, and I really believe that is where this emphasis needs to go. Again, if adults are driving and not wearing a seatbelt, chances are the children are not wearing their seatbelt. But we do know that seatbelts work. And that is the issue. Seatbelts work. They are not being utilized to the percent in which they should be.

Again, the Senator indicated that our use is 70 percent. My numbers say 60 percent. Let us meet in the middle and say it is 65 percent. In California, it is 90 percent, and that is the reason why California is saving lives.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, just a final comment of debate here with my fellow graduate of IUP, my colleague from Allegheny County, that he might be interested to know that the State of California, in July of this year, passed a graduated license arrangement for young people, and he may want to consider that for next year. I think it would do a lot more in trying to avoid injuries and deaths of young people on our highways.

And I would finally point out that I am not guessing at numbers, I have asked PennDOT for the number. They told me there is 71 percent usage. I have to assume that is right and not negotiate it down, which is the same as California, which is primary. Finally, our accidents, our fatalities, are the lowest since World War II, so we have to be doing something right. I do not think there is a need for this legislation. I would encourage a "no" vote.

And the question recurring,  
Will the Senate agree to the amendment?

The yeas and nays were required by Senator WAGNER and were as follows, viz:

YEA-2			
Jubelirer	Wagner		
NAY-46			
Afflerbach	Gerlach	Madigan	Stapleton
Armstrong	Greenleaf	Mellow	Stout
Belan	Hart	Mowery	Thompson
Bell	Helfrick	Murphy	Tilghman
Bodack	Holl	Musto	Tomlinson
Brightbill	Hughes	O'Pake	Uliana
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Rhoades	White
Costa	Kukovich	Robbins	Williams
Delp	LaValle	Salvatore	Wozniak
Earll	Lemmond	Schwartz	
Fumo	Loeper	Slocum	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

WAGNER AMENDMENT A4773

Senator WAGNER offered the following amendment No. A4773:

Amend Sec. 3, page 3, line 13, by striking out "AND 1535(A)" and inserting: , 1532, 1535(a) and 1540(a)

Amend Sec. 3, page 8, by inserting between lines 24 and 25 § 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 or an adjudication of delinquency based on any of the following offenses:

(1) Any felony in the commission of which a court determines that a vehicle was essentially involved.

(2) Any violation of section 3735 (relating to homicide by vehicle while driving under influence).

(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 or an adjudication of delinquency based on any offense under the following provisions:

Section 3367 (relating to racing on highways).

Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3736 (relating to reckless driving).

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 section 1501(a) (relating to drivers required to be licensed) if the prior offense occurred within five years of the violation date of the subsequent offense.

(3) The department shall suspend the operating privilege of any driver for 12 months upon receiving a certified record of the driver's conviction of section 3731 (relating to driving under influence of alcohol or controlled substance) or 3733 (relating to fleeing or attempting to elude police officer) or an adjudication of delinquency based on section 3731 or 3733. The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of a consent decree granted under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) based on section 3731 or 3733.

(4) The department shall suspend the operating privilege of any driver for three months upon receiving a certified record of the driver's conviction of section 1371 (relating to operation following suspension of registration) or an adjudication of delinquency based on section 1371.

(c) Suspension.—The department shall suspend the operating privilege of any person upon receiving a certified record of the person's conviction of any offense involving the possession, sale, delivery, offering for sale, holding for sale or giving away of any controlled substance under the laws of the United States, this Commonwealth or any other state.

(1) The period of suspension shall be as follows:

(i) For a first offense, a period of six months from the date of the suspension.

(ii) For a second offense, a period of one year from the date of the suspension.

(iii) For a third and any subsequent offense thereafter, a period of two years from the date of the suspension.

(2) For the purposes of this subsection, the term "conviction" shall include any conviction or adjudication of delinquency for any of the offenses listed in paragraph (1), whether in this Commonwealth or any other Federal or state court.

(d) Additional suspension.—The department shall suspend the operating privilege of any person upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into a preadjudication program for a violation under 18 Pa.C.S. § 6307

(relating to misrepresentation of age to secure liquor or malt or brewed beverages), 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) or 6310.3 (relating to carrying a false identification card). The duration of the suspension shall be as follows:

(1) For a first offense, the department shall impose a suspension for a period of 90 days.

(2) For a second offense, the department shall impose a suspension for a period of one year.

(3) For a third and subsequent offense, the department shall impose a suspension for a period of two years. Any multiple suspensions imposed shall be served consecutively.

Courts may certify the conviction, adjudication of delinquency or admission into the preadjudication program on the same form used to submit the order of suspension required under the provisions of 18 Pa.C.S. § 6310.4 (relating to restriction of operating privileges). Wherever practicable, the suspension imposed under this section shall be made concurrent with the suspension imposed under the provisions of 18 Pa.C.S. § 6310.4. All offenses committed on or after May 23, 1988, shall be included in considering whether an offense is a first, second, third or subsequent offense.

(e) Commencement of suspension for certain violations.—

(1) The period of suspension provided in this section shall commence upon the date of the person's release from imprisonment imposed for a conviction, adjudication of delinquency or consent decree granted under 42 Pa.C.S. Ch.63 for a violation of any of the following offenses:

(i) Section 3731.

(ii) Section 3732.

(iii) Section 3735.

(iv) Section 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

(2) When providing the certified record of a conviction, adjudication

of delinquency or consent decree granted under 42 Pa.C.S. Ch.63 to the department, the sentencing court shall include in the certified record the date upon which the person is to be released from imprisonment. In the event the person is sentenced to an indeterminate period of imprisonment, the court shall provide the department the commencement date of any parole upon receiving notice of such date from the Pennsylvania Board of Probation and Parole.

Amend Sec. 3, page 11, by inserting

between lines 11 and 12:

§ 1540. Surrender of license.

(a) Conviction of offense.—Upon a conviction by a court of competent jurisdiction for any offense which calls for mandatory suspension 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. [The] Except as provided in section 1532(e), the suspension or revocation shall be effective upon a date determined by the court or district attorney or upon the date of surrender of the license to the court or district attorney, whichever shall first occur.

\* \* \*

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, what this amendment does is if someone is convicted of a violation and is incarcerated, presently under Pennsylvania law the suspension of their license and the time met to eradicate suspension of their license goes on while they are incarcerated, and what this amendment does is change that. The suspension begins the day

amendment does is change that. The suspension begins the day they are no longer incarcerated.

And the question recurring,  
Will the Senate agree to the amendment?

The yeas and nays were required by Senator WAGNER and were as follows, viz:

YEA-42

Afflerbach	Greenleaf	Mellow	Stout
Armstrong	Hart	Mowery	Thompson
Belan	Helfrick	Murphy	Tilghman
Bell	Holl	Musto	Tomlinson
Bodack	Jubelirer	O'Pake	Uliana
Brightbill	Kasunic	Piccola	Wagner
Conti	Kukovich	Rhoades	Wenger
Corman	LaValle	Robbins	White
Costa	Lemmond	Schwartz	Wozniak
Delp	Loeper	Slocum	
Gerlach	Madigan	Stapleton	

NAY-6

Earll	Hughes	Salvatore
Fumo	Kitchen	Williams

A majority of the Senators having voted "aye," the question was determined in the affirmative.

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

WAGNER AMENDMENT A4764

Senator WAGNER offered the following amendment No. A4764:

Amend Title, page 1, line 12, by inserting after "CROSSINGS":  
, for meeting or overtaking school bus

Amend Sec. 8, page 13, line 21, by striking out all of said line and inserting:

Section 8. Sections 3342 and 3345(a), (c), (f.1), (g), (h) and (i) of Title 75 are amended to read:

Amend Sec. 8, page 16, by inserting between lines 7 and 8:  
§ 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] a highway or trafficway shall stop at least ten feet before reaching the school bus when the red signal lights on the school bus are flashing and the side stop signal arms are activated under section 4552(b.1) (relating to general requirements for school buses). 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. The driver of a vehicle approaching an intersection at which a school bus is stopped shall stop his vehicle at that intersection until the flashing red signal lights are no longer actuated.

\* \* \*

(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] a highway or trafficway 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.

\* \* \*

(f.1) Use of school buses for transportation of disabled persons.—Whenever a school bus is being used upon [the highway] a highway or trafficway for the transportation of disabled persons exclusively and the school bus is equipped with red signal lights, the driver of the school bus may actuate the signal lights in the same manner as set forth in this section regarding the transportation of school children. The driver of a vehicle approaching the school bus shall have the same duties regarding stopping, passing and overtaking as he does with respect to a school bus carrying school children.

(g) Exceptions from stopping requirements.—The driver of a vehicle upon a highway or trafficway 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 and trafficways 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 or trafficway, 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.

\* \* \*

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

The PRESIDING OFFICER (Joseph M. Uliana) in the Chair.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, a short explanation of this amendment, which I believe is agreed to also. The bill requires all vehicles at intersections to stop for school buses with flashing red lights and remain stopped until the flashing red lights are no longer activated. In other words, Mr. President, all activity at an intersection, a typical four-way intersection, must stop in terms of vehicular movement when a school bus with flashing lights is stopped discharging or loading children at that intersection. Presently, traffic coming in the opposite direction can continue to make right turns, and complaints have come to my office from constituents and from school guards suggesting this amendment.

Thank you.

And the question recurring,  
Will the Senate agree to the amendment?  
It was agreed to.

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

DEL P AMENDMENT A4768

Senator DELP offered the following amendment No. A4768:

Amend Title, page 1, line 4, by inserting after "VEHICLE,": for surrendered out-of-State licenses,

Amend Sec. 3, page 3, line 12, by inserting after "1302(8),": 1501(c),

Amend Sec. 3, page 4, by inserting between lines 23 and 24: § 1501. Drivers required to be licensed.

\* \* \*

(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] The department shall either return surrendered licenses issued by another state [shall be returned] to that state or submit a list of the surrendered licenses to the 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 issued by this or any other state at any time. A nonresident who holds a nonresident commercial driver's license issued by the Commonwealth under Chapter 16 (relating to commercial drivers) shall be permitted to have a regular driver's license issued by the country of his residence.

\* \* \*

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Delp.

Senator DELP. Mr. President, very briefly, I first want to apologize to both Caucuses for not having this amendment ready for discussion within their caucuses. It came to my attention just late this afternoon that there was some desire to insert this amendment into the Title 75 bill before us.

Very quickly, what this amendment does, under current law in the Commonwealth of Pennsylvania when people move into the Commonwealth from out of State, they have to obtain an in-State driver's license, and when they do, they surrender their out-of-State driver's license to the Department of Transportation. Under current law, the department must send that driver's license to the State of origin. This amendment would allow them to simply send a list of the drivers' licenses that they have collected. This will make it easier for the department, and they will be able to save some money, so they will not have to send every individual license to the State of origin.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

#### RECONSIDERATION OF A4773 TO HB 433

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I move that we reconsider the vote by which the Senate adopted amendment No. 4773, which was the amendment offered by Senator Wagner concerning suspensions of licenses after people served their time in jail for DUIs.

The PRESIDING OFFICER. Senator Fumo moves to reconsider the vote by which amendment No. 4773 was passed.

The motion was agreed to.

The Senate proceeded to consideration of amendment No. 4773:

Amend Title, page 1, lines 2 through 25, by striking out "THE DEFINITION OF "VEHICLE,"" in line 2, all of lines 3 through 25 and inserting: time of license suspension or revocation, for probationary licenses and for reports of judgments.

Amend Bill, page 2, lines 4 through 30; pages 3 through 30, lines 1 through 30, by striking out all of said lines on said pages and inserting:

Section 1. Section 1541 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read: § 1541. Period of revocation or suspension of operating privilege.

\* \* \*

(a.1) Credit toward serving period of suspension for certain violations.—Credit toward serving the period of suspension or revocation imposed for sections 3731 (relating to driving under influence of alcohol or controlled substance), 3732 (relating to homicide by vehicle), 3735 (relating to homicide by vehicle while driving under influence) and 3735.1 (relating to aggravated assault by vehicle while driving under the influence) shall not commence until the date of the person's release from prison.

\* \* \*

Section 2. Section 1554(a) of Title 75 is amended to read: § 1554. Probationary license.

(a) Issuance.—Unless otherwise prohibited under any other provision in this section, the department may issue a probationary license under this section to:

(1) a person who has been designated as a habitual offender under section 1542 (relating to revocation of habitual offender's license) and whose operating privilege has been revoked [or to];

(2) a person whose operating privilege has been suspended and who has been released from prison after serving a term of imprisonment for any offense enumerated in section 1541(a.1) (relating to period of revocation or suspension of operating privilege) for the period of the suspension which extends more than one year from the date of surrender of the license pursuant to section 1541(a); or

(3) a person with an accumulation of suspensions or revocations wherein the cumulative term of suspension or revocation is five or more years.

The department may issue a probationary license for the operation of only a Class C noncommercial motor vehicle.

\* \* \*

Section 3. Section 6323 of Title 75 is amended by adding a paragraph to read:

§ 6323. Reports by courts.

Subject to any inconsistent procedures and standards relating to reports and transmission of funds prescribed pursuant to Title 42 (relating to judiciary and judicial procedure):

\* \* \*

(5) The record of judgment required to be sent to the department by paragraphs (1) and (2) shall indicate if the court ordered the defendant to a term of prison.

Section 4. This act shall take effect as follows:

(1) The amendment or addition of 75 Pa.C.S. §§ 1541(a.1), 1554(a) and 6323(5) shall take effect in one year.

(2) The remainder of this act shall take effect immediately.

And the question recurring,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, there was a technical problem with the amendment which has now been straightened out, which allows for individuals after this time rather than not being able to get their licenses back for one year, they would be allowed to get a so-called bread-and-butter license, which

would allow them to get back and forth to work. That was somehow missing when we looked at it. It is now in there, and I urge an affirmative vote, even though I voted "no" last time.

And the question recurring,  
Will the Senate agree to the amendment?  
It was agreed to.

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

#### FUMO AMENDMENT A4775

Senator FUMO offered the following amendment No. 4775:

Amend Title, page 1, lines 1 through 25, by striking out all of said lines and inserting:

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for investigations by police officers; and providing for certain investigations of motor vehicle establishments in cities of the first class.

Amend Bill, pages 2 through 30, lines 1 through 30, by striking out all of said lines on said pages and inserting:

Section 1. Section 6308 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 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 information relating to financial responsibility, or other means of identification if a pedestrian or driver of a pedalcycle, 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.—Whenever a police officer is engaged in a systematic program of checking vehicles or drivers or has articulable and reasonable grounds to suspect a violation of this title, he may stop a vehicle, upon request or signal, for the purpose of checking the vehicle's registration, proof of financial responsibility, vehicle identification number or engine number or the driver's license, 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] Except as provided in section 6308.05 (relating to investigation of certain motor vehicle establishments in cities of the first class), any police officer or authorized department employee may inspect any vehicle in any garage or repair shop or on the premises of any dealer, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, salvor, scrap metal processor, or other public place of business for the purpose of locating stolen vehicles or parts or vehicles or vehicle parts with identification numbers removed or falsified. 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.

(d) Records.—[Every] Except as provided in section 6308.05, every salvor, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, scrap metal processor and dealer shall keep accurate records of motor vehicle sales and dispositions. The records shall include the make, year and type of vehicle, from whom purchased or acquired and date, vehicle identification number and date of sale or disposition of vehicle. The records shall be available on the premises of the salvor, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, scrap metal processor and dealer and open to inspection by any police officer or authorized department employee. The records shall be maintained for three years from the date of disposition of the vehicle.

(e) Penalty.—Any person violating subsection (d) commits a misdemeanor of the third degree.

Section 2. Title 75 is amended by adding a section to read:  
§ 6308.05. Investigation of certain motor vehicle establishments in cities of the first class.

(a) Inspection.—Any police officer or authorized department employee may during regular business or usual business hours or at any time business is being conducted or work is being performed, inspect any vehicle or part for which records are required to be kept under subsection (b) in any garage, repair shop, on the premises of any dealer, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, salvor, scrap metal processor, motor vehicle parts business, or in any area used to store vehicles, vehicle parts, tools used in the business and business records thereof or other public place of business for the purpose of:

(1) locating stolen vehicles, parts of vehicles or vehicle parts with identification numbers, Federal certification labels, anti-theft labels or parts stickers removed, altered or falsified; or

(2) inspecting the records required to be kept under subsection (b).

The owner, operator or representative of the owner or operator of the business or other person shall permit any police officer or authorized department employee to make investigations under this subsection.

(b) Records.—Every salvor, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, scrap metal processor, motor vehicle parts business, garage, repair shop and dealer shall keep accurate records of the purchase, acquisition, sale and disposition of motor vehicles and motor vehicle parts. The records shall include the make, year and type of vehicle or vehicle part, from whom purchased or acquired, sold to or disposed of, the date, location and place purchased, acquired, sold or disposed of, the amount paid or other tender exchanged for the purchase, acquisition, sale or disposition, and the vehicle identification number or other serial numbers or manufacturer's identification numbers. The records shall be available on the premises of the salvor, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, scrap metal processor, motor vehicle parts business, garage, repair shop and dealer and open to inspection by any police officer or authorized department employee. The records shall be maintained for three years from the date of disposition of the vehicle or the vehicle parts.

(c) Seizure.—If inspection under subsection (a) reveals stolen vehicles, stolen vehicle parts or vehicle or vehicle parts with identification numbers, Federal certification labels, anti-theft labels or parts stickers removed, altered or falsified, any police officer or authorized department employee may seize those vehicles or vehicle parts, records relating to the seized vehicles or vehicle parts and the business, including proof of the ownership or operation of the business, as well as any instrumentalities used to facilitate criminal activity.

(d) Penalty.—Any person violating subsection (b) commits a misdemeanor of the third degree.

(e) Applicability.—The applicability of this section shall be limited to cities of the first class.

Section 3. This act shall take effect in 60 days.

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, amendment No. 4775 has been reworked. This is the amendment on chop shops, which now will apply only to those chop shops located in the cities of the first class.

And the question recurring,  
Will the Senate agree to the amendment?  
It was agreed to.

RECONSIDERATION OF A4773 TO HB 433

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I have been advised on this side that with the technical correction that we just did on the Wagner amendment that there may be some Members on this side of the aisle who would wish to change their vote on the adoption of that amendment. And the difference, so the Members know exactly what we are voting on, is that the Wagner amendment indicated that after a period of incarceration for a DUI offense, that then immediately after that the license suspension would begin. The technical correction, Mr. President, as I understand it, indicated that after that period of incarceration that individual would be eligible for a bread-and-butter license in order that they could have employment once their period of time had been served, and that was the technical correction that was made in the amendment.

The PRESIDING OFFICER. Senator Loeper moves that the Senate reconsider the vote by which amendment No. 4773 was agreed to.

The motion was agreed to.

And the question recurring, Will the Senate agree to the amendment?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

YEA-43

Afflerbach	Greenleaf	Mowery	Stout
Armstrong	Holl	Murphy	Thompson
Belan	Jubelirer	Musto	Tilghman
Bell	Kasunic	O'Pake	Tomlinson
Bodack	Kitchen	Piccola	Uliana
Brightbill	Kukovich	Rhoades	Wagner
Conti	LaValle	Robbins	Wenger
Corman	Lemmond	Salvatore	White
Costa	Loeper	Schwartz	Williams
Delp	Madigan	Slocum	Wozniak
Fumo	Mellow	Stapleton	

NAY-5

Earll	Hart	Hughes
Gerlach	Helfrick	

A majority of the Senators having voted "aye," the question was determined in the affirmative.

And the question recurring, Will the Senate agree to the bill on third consideration, as amended?

FUMO-MELLOW AMENDMENT A4771

Senator FUMO, on behalf of Senator MELLOW and himself, offered the following amendment No. A4771:

Amend Title, page 1, lines 2 through 25, by striking out all of said lines and inserting: for homicide by vehicle while under the influence,

Amend Bill, page 2, lines 4 through 30; pages 3 through 30, lines 1 through 30, by striking out all of said lines on said pages and inserting:

Section 1. Section 3735(a) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read: § 3735. Homicide by vehicle while driving under influence.

(a) Offense defined.—Any person who unintentionally causes the death of another person as the result of a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) and who is convicted of violating section 3731 is guilty of a felony of the second degree when the violation is the cause of death and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than three years. A [separate] consecutive three-year term of imprisonment shall be imposed for each victim whose death is the [direct] result of the violation of section 3731.

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Section 2. This act shall take effect in 60 days.

On the question, Will the Senate agree to the amendment? It was agreed to.

And the question recurring, Will the Senate agree to the bill on third consideration, as amended?

FUMO-MELLOW AMENDMENT A4772

Senator FUMO, on behalf of himself and Senator MELLOW, offered the following amendment No. A4772:

Amend Title, page 1, line 6, by removing the comma after "TITLE" and inserting: and

Amend Title, page 1, line 7, by removing the comma after "TITLE" and inserting: ; providing for Cruiser Olympia Registration Plate; further providing

Amend Title, page 1, line 9, by removing the comma after "FEES" and inserting: and

Amend Title, page 1, line 10, by removing the comma after "FEES" and inserting: ; providing for additional annual fee for certain registrations; further providing

Amend Sec. 3, page 3, lines 12 and 13, by striking out ", 1302(8), 1511(B), 1514(A) AND 1535(A)" and inserting: and 1302(8)

Amend Bill, page 4, by inserting between lines 23 and 24:

Section 3.1. Title 75 is amended by adding a section to read: § 1360. Cruiser Olympia registration plate.

(a) Plate.—The department shall design a Cruiser Olympia registration plate. Upon application of any person, accompanied by a fee of \$35, which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 9,000 pounds.

(b) Use of fee.—Of each fee paid under subsection (a), \$15 shall be deposited into the Cruiser Olympia Fund, established in subsection (c).

(c) Cruiser Olympia Fund.—

(1) The Cruiser Olympia Fund is established as a special fund in the State Treasury.

(2) The department shall administer the fund to support the Cruiser Olympia.

(3) The money in the Cruiser Olympia Fund is continuously appropriated to the fund and shall not lapse at the end of any fiscal year.

Section 3.2. Sections 1511(b), 1514(a) and 1535(a) of Title 75 are amended to read:

Amend Bill, page 12, by inserting between lines 10 and 11:

Section 5.1. Title 75 is amended by adding a section to read: § 1926.3. Additional annual fee for certain registrations.



(a) Annual retention fee.—The annual retention fee for a registration plate under sections 1352 (relating to wild resource conservation plate), 1353 (relating to preserve our heritage registration plate), 1354 (relating to Flagship Niagara commemorative registration plate), 1355 (relating to zoological plate), 1358 (relating to DARE plate) and 1360 (relating to Cruiser Olympia registration plate) shall be \$10. The annual retention fee shall be in addition to the annual registration fee. Nine dollars of each retention fee remitted in accordance with this section shall be paid to the fund, account or program for which the registration plate was established. For any special fund plate issued prior to October 1, 1999, the registrant may elect to have the department issue a free standard issue replacement plate in lieu of payment of the annual retention fee. The free replacement is valid only for the first renewal period after the effective date of this section.

(b) Administrative costs.—On December 1, 2000, the Wild Resource Conservation Fund, the Historical Preservation Fund, the Flagship Niagara Account, the Zoological Enhancement Fund and the Drug Abuse Resistance Education Program shall reimburse the department for the initial costs incurred in the implementation of subsection (a). Each fund, account or program shall reimburse the department in proportion to the number of registration plate renewals they receive under this subsection for the period October 1, 1999, through October 1, 2000.

Amend Sec. 19, page 30, by inserting between lines 28 and 29:

(2) The addition of 75 Pa. C.S. §1760 shall take effect October 1, 1999.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

**RECONSIDERATION OF HB 2005**

**BILL ON FINAL PASSAGE**

**HB 2005 (Pr. No. 3697)** -- Senator LOEPER. Mr. President, I request reconsideration of the vote by which House Bill No. 2005 passed finally.

The PRESIDING OFFICER. Senator Loeper moves to reconsider the vote by which House Bill No. 2005 was passed.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEA-46**

Afflerbach	Greenleaf	Mellow	Stout
Armstrong	Hart	Mowery	Thompson
Belan	Helfrick	Murphy	Tilghman
Bell	Holl	Musto	Tomlinson
Brightbill	Hughes	O'Pake	Uliana
Conti	Jubelirer	Piccola	Wagner
Corman	Kasunic	Rhoades	Wenger
Costa	Kitchen	Robbins	White
Delp	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	

**NAY-2**

Bodack

Kukovich

A constitutional majority of all the Senators having voted "yea," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with the information that the Senate has passed the same without amendments.

**UNFINISHED BUSINESS  
SENATE RESOLUTION ADOPTED**

Senators MURPHY, WAGNER, STOUT, LAVALLE, CONTI, KUKOVICH, COSTA, TOMLINSON, KASUNIC, BELAN, MELLOW, ULIANA, STAPLETON, BODACK, ROBBINS, O'PAKE, EARLL, WHITE, GERLACH, THOMPSON, BRIGHTBILL, WOZNIAK, by unanimous consent, offered **Senate Resolution No. 251**, entitled:

Resolution further calling on the President of the United States and the Federal Government to take all necessary and appropriate action to respond to the surge of specialty steel imports resulting from the economic and financial crises in Asia, Russia and other foreign nations.

Which was read, considered and adopted.

**REPORTS FROM COMMITTEES**

Senator GERLACH, from the Committee on Local Government, reported the following bill:

**HB 2858 (Pr. No. 4145)**

An act establishing Neighborhood Improvement Districts; conferring powers and duties on municipal corporations and neighborhood improvement districts; providing for annual audits; and making repeals.

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bills:

**SB 94 (Pr. No. 2252) (Rereported) (Concurrence)**

An act amending the act of December 22, 1989 (P.L.687, No.90), entitled Mortgage Bankers and Brokers Act, further providing for definitions, for loan correspondents, for limited mortgage broker, for wholesale table funders, for license applications, requirements, exemptions, duration, fees, limitations, suspensions or revocations and for enforcement and penalties.

**SB 510 (Pr. No. 2194) (Rereported) (Concurrence)**

An act amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, Real Estate Tax Sale Law, defining "delinquent" taxes; further providing for discharge of tax claims; and requiring successful bidders of property subject to sale to provide certification that they do not have delinquent real estate taxes or municipal utility bills that are more than one year outstanding.

**SB 512 (Pr. No. 2300) (Amended) (Rereported) (Concurrence)**

An act amending the act of May 28, 1937 (P.L.955, No.265), entitled, as amended, Housing Authorities Law, providing for the payment of taxes and municipal utility bills.

**SB 1193 (Pr. No. 2301) (Amended) (Rereported) (Concurrence)**

An act designating a section of Allegheny Avenue (SR 1013) in Philadelphia County, Pennsylvania, as Roxanne H. Jones Avenue; designating Route 78 in Lebanon County as the 78th Division Highway; designating a section of State Route 222 as the Prisoner of War/Missing in Action Highway; and designating the Arthur F. Detisch Memorial Bridge in Erie County.

**SB 1200 (Pr. No. 2259) (Rereported) (Concurrence)**

An Act designating Route 581 in Cumberland County, Pennsylvania, as the American Ex-Prisoners of War Highway; designating a section of the Bay Front Parkway in Erie County, Pennsylvania, as the Bernard (Benny) J. Dombrowski Memorial Highway; designating a section of Route 26 in Centre County, Pennsylvania, as the Nittany Parkway; designating a bridge in Bethel Township, Lebanon County, as the Senator Clarence F. Manbeck Bridge; designating the Mount Union Bypass in Huntingdon County as the James DiCosimo Bypass; designating a portion of Route 26 in Huntingdon County as the Standing Stone Parkway; designating a portion of State Route 0094 in York and Cumberland Counties as the 94th Infantry Division Memorial Highway; and designating a bridge in Chester County as the Ben Weaver Bridge.

**HB 1479 (Pr. No. 4112) (Rereported) (Concurrence)**

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for trademark fees and for purposes of limited liability companies.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

November 10, 1998

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joy C. Leonard, 3030 Clayton Street, Easton 18045, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Christopher J. Cerski, Wilkes-Barre, whose term expired.

THOMAS J. RIDGE  
Governor

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

October 29, 1998

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Dolan (Public Member), First Commonwealth Financial Corporation, 22 North Sixth Street, P.O. Box 200, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until June 4, 2000 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Austin R. Morris, Huntingdon, resigned.

THOMAS J. RIDGE  
Governor

#### MEMBER OF THE ENVIRONMENTAL HEARING BOARD

November 2, 1998

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bernard A. Labuskes, Jr., 1711 Lincoln Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified, vice Robert D. Myers, Camp Hill, resigned.

THOMAS J. RIDGE  
Governor

#### NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDING OFFICER. The nominations will be laid on the table.

#### CONGRATULATORY RESOLUTIONS

The PRESIDING OFFICER laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Louis DeFidelto and to Michael Williamson by Senator Bell.

Congratulations of the Senate were extended to Timothy Koide, Jason Yufer and to David Scherba by Senator Corman.

Congratulations of the Senate were extended to Mark David Frankel by Senator Delp.

Congratulations of the Senate were extended to Laurence M. Biddle, Dr. Barbara Bristow Ott, James R. Doherty, Sr., Walter Grummun, Maria Iwachiw and to Stephen Paul Sharkey by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Maurice Buirge by Senator Hart.

Congratulations of the Senate were extended to Reverend John H. White by Senator Hughes.

Congratulations of the Senate were extended to Mary Scilio by Senator Loeper.

Congratulations of the Senate were extended to LeRoy S. Zimmerman by Senators Mowery and Piccola.

Congratulations of the Senate were extended to Michael McCabe by Senator Musto.

Congratulations of the Senate were extended to Daniel Cipko and to Ralph Cipko by Senator O'Pake.

Congratulations of the Senate were extended to the Wilson High School Water Polo Team of West Lawn by Senators O'Pake and Brightbill.

Congratulations of the Senate were extended to Mervin Uriah Lyter and to Lawnton Post 998 of the American Legion by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Frank R. Sabol by Senator Rhoades.

Congratulations of the Senate were extended to Linesville High School Football Team by Senator Robbins.

Congratulations of the Senate were extended to Gus A. Pedicone and to the Honorable Gerald J. Luongo by Senator Salvatore.

Congratulations of the Senate were extended to Matthew Bailley, Isaiah Smith, Edward Hyler, Lee Musolino, Michael Lee Mangel, John Paul Richards and to Bernie Smith by Senator Slocum.

Congratulations of the Senate were extended to Mr. and Mrs. Clifford McAdoo by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Turing by Senator Tartaglione.

Congratulations of the Senate were extended to Charles G. Roach by Senator Thompson.

Congratulations of the Senate were extended to Bertha Bozewicz, Dorothy Scandone, Mary Royer, Esther Perry, Sarah Botak, Dolores Monastero, Clara Baker, Marie Minier, Eldora Smith, Vickie Vernacchio and to Mary Horisk by Senator Tilghman.

Congratulations of the Senate were extended to the Easter Seals Society of Philadelphia, Bucks, Chester, Delaware, and Montgomery Counties by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Clyde Allio, Mr. and Mrs. Frederick Burford, Mr. and Mrs. Donald McMunn and to Mr. and Mrs. Donald Dittman by Senator White.

#### **BILL ON FIRST CONSIDERATION AND REREFERRED**

Senator LOEPER. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

#### **HB 2858.**

And said bill having been considered for the first time.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

#### **COMMUNICATION FROM THE GOVERNOR**

##### **NOMINATION REFERRED TO COMMITTEE**

The PRESIDING OFFICER laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows

and referred to the Committee on Rules and Executive Nominations:

#### **MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING**

November 18, 1998

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George R. Gunn, Jr., Box 89, 1505 Valley View Drive, Gwynedd Valley 19437, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2000 and until his successor is appointed and qualified, vice Dr. Carl F. Odhner, Bethlehem, deceased.

THOMAS J. RIDGE  
Governor

#### **ANNOUNCEMENT BY THE SECRETARY**

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETING

THURSDAY, NOVEMBER 19, 1998

9:30 .M.

SENATE SPECIAL COMMITTEE Room 8E-B  
ON INTERSCHOLASTIC ATHLETICS East Wing  
(public hearing)

#### **ADJOURNMENT**

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, November 23, 1998, at 1 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 4:39 p.m., Eastern Standard Time.