

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

Act of Feb. 10, 1994, P.L. 10, No. 2

Cl. 75

Session of 1994

No. 1994-2

HB 299

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, reenacting provisions on inspection by police and Commonwealth personnel; further defining "terminal"; defining "maxi-cube vehicle" and "stinger-steered automobile" or "boat transporter"; further providing for suspension of registration for lack of financial responsibility, for the length, width, maximum number and operation of certain vehicles and for the authority to issue permits, for use of miscellaneous motor vehicle business registration plates, for emission inspection program expenditures and for weighing and measurement of vehicles; waiving certain school bus driver recertification tests; further providing for certain emission inspection; and making repeals.

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

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

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\* \* \*

**"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.

\* \* \*

**"Saddle-mount operation."** Any operation in which any truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection.

\* \* \*

**"Stinger-steered automobile" or "boat transporter."** A truck tractor-semitrailer combination of a total length not greater than 75 feet exclusive of an overhang of not more than three feet on the front and four feet on the rear of the vehicle configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

\* \* \*

"Terminal." [A facility, to or from which a combination is actually en route for loading, unloading, breaking down or storing, which has adequate off-highway parking, maneuvering and vehicle storage area to which vehicles can obtain access and egress without backing from or onto a highway, street or public alley.] **Any location where:**

**(1) freight either originates, terminates or is handled in the transportation process; or**

**(2) commercial motor carriers maintain operating facilities.**

\* \* \*

Section 2. Sections 1115(a), 1337 and 1786(d) of Title 75 are amended to read:

§ 1115. Correction of certificate of title.

(a) General rule.--When any certificate of title has been issued in error to a person not entitled to the certificate or contains incorrect information or information has been omitted from the certificate, the department shall notify in writing the person to whom the certificate has been issued or delivered that the certificate has been recalled. Unless a departmental hearing is requested pursuant to subsection [(b)] **(a.1)**, such person shall immediately return the certificate of title within ten days, together with any other information necessary for the adjustment of departmental records, and, upon receipt of the certificate, the department shall cancel the certificate and issue a corrected certificate of title.

\* \* \*

§ 1337. Use of "Miscellaneous Motor Vehicle Business" registration plates.

(a) General rule.--The department shall issue to owners of miscellaneous motor vehicle businesses [special registration plates which may be displayed on vehicles operated on highways in lieu of registering each vehicle individually. Registration plates issued under this section may be used only when the vehicle is used for any of the following purposes:

(1) In the conduct of the miscellaneous motor vehicle business.

(2) For the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of their immediate family, or when the business is a corporation, for the pleasure or use of not more than three officers or members of their immediate families, or for the personal use of the regular employees of the business when operated by the employee.] **with established places of business special registration plates which may be displayed on vehicles operated on highways in lieu of registering each vehicle individually. Registration plates issued under this section may be displayed upon vehicles only as provided for each of the following classes of miscellaneous motor vehicle business:**

(1) For a repair or towing business:

(i) upon vehicles being used in the conduct of the repair business to retrieve, tow or deliver other vehicles or parts; and

(ii) upon vehicles being repaired.

(2) For a vehicle salvage dealer business:

(i) upon vehicles being used in the conduct of the vehicle salvage dealer's business to retrieve or deliver vehicles, vehicle hulks, parts or materials; and

(ii) upon vehicles being transported on their own wheels for the purpose of being dismantled or recycled.

(3) For a transporter business upon vehicles being transported on their own wheels in the conduct of the transporter business.

(4) For a financier or collector-repossessor business:

(i) upon vehicles being used to pick up vehicles that are being repossessed; and

(ii) upon vehicles being repossessed.

(5) For a watercraft trailer business:

(i) upon trailers used for the delivery of a new boat to its purchaser;

(ii) upon trailers used for the transport of a used boat which is to be resold by the dealer; and

(iii) upon trailers used for the transport of boats by a dealer to or from another boat dealer, warehouse, storage facility, boat show or repair facility or to and from a location where a boat is to be demonstrated, tested or inspected.

(6) For all classes of miscellaneous motor vehicle businesses upon vehicles used for the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of the owner's immediate family, or when the business is a corporation, upon vehicles used for the pleasure or use of not more than three officers or members of the officer's immediate family or for the personal use of the regular employees of the business when operated by the employee.

All vehicles specified in paragraphs (1)(i), (2)(i), (4)(i) and (6) must be titled in the name of the business or family member and sales tax must be paid.

(b) Application for registration.--Application for registration in any of the "Miscellaneous Motor Vehicle Business" classes shall be made upon a form provided by the department and shall set forth the full name and business address of the applicant and such other information as the department shall require. The application shall be verified by the oath or affirmation of the applicant or, if the applicant is a partnership or a corporation, by a partner or officer.

[(c) Classes of "Miscellaneous Motor Vehicle Business".--

(1) Repair, service and towing.--Any person engaged in the repair, service or towing of motor vehicles.

(2) Vehicle salvage dealer.--Any person who maintains an established place of business and who is engaged in the business of buying, selling or exchanging used, wrecked or abandoned vehicles and junkers for the purpose of remodeling, taking apart, or rebuilding the same, or buying or selling of parts.

(3) Transporter.--A person regularly engaged in the business of transporting new vehicles or new and used trailers on their own wheels, owned by or in possession of a registered dealer.

(4) Financier or collector-repossessor.--A person who is duly authorized to do business in this Commonwealth as a financier or collector-repossessor and who is regularly engaged in the business of financing sales, making loans on the security of vehicles or repossessing vehicles which are the subject of installment sales contracts as an independent contractor.]

(c) Classes of "Miscellaneous Motor Vehicle Business".--

(1) Repair or towing.--Any person regularly engaged in the business of mechanical or body repairs or towing for

direct compensation of motor vehicles owned and operated by other persons.

(2) **Vehicle salvage dealer.**--Any person regularly engaged in the business of acquiring and dismantling used, wrecked, damaged, abandoned or salvage vehicles for the purpose of selling the usable parts and selling the remaining vehicle hulk materials for recycling or processing.

(3) **Transporter.**--Any person regularly engaged in the business of transporting new or used vehicles on their own wheels, owned by or in possession of a manufacturer or dealer.

(4) **Financier or collector-repossessor.**--Any person who is duly authorized by the Department of Banking to do business in this Commonwealth as a financier or collector-repossessor and who is regularly engaged in the business of financing sales, making loans on the security of vehicles or repossessing vehicles which are the subject of installment sales contracts as an independent contractor.

(5) **Watercraft trailer dealer.**--Any person regularly engaged in the business of selling watercraft and trailers used exclusively for the transport of the watercraft.

§ 1786. Required financial responsibility.

\* \* \*

(d) **Suspension of registration and operating privilege.**--The Department of Transportation shall suspend the registration of a vehicle **for a period of three months** if it determines the required financial responsibility was not secured as required by this chapter and shall suspend the operating privilege of the owner or registrant for a period of three months if the department determines that the owner or registrant has operated or permitted the operation of the vehicle without the required financial responsibility. The operating privilege shall not be restored until the restoration fee for operating privilege provided by section 1960 (relating to reinstatement of operating privilege or vehicle registration) is paid. Whenever the department revokes or suspends the registration of any vehicle under this chapter, the department shall not restore the registration until the vehicle owner furnishes proof of financial responsibility in a manner determined by the department and submits an application for registration to the department, accompanied by the fee for restoration of registration provided by section 1960. This subsection shall not apply in the following circumstances:

(1) The owner or registrant proves to the satisfaction of the department that the lapse in financial responsibility coverage was for a period of less than 31 days and that the owner or registrant did not operate or permit the operation of the vehicle during the period of lapse in financial responsibility.

(2) The owner or registrant is a member of the armed services of the United States, the owner or registrant has previously had the financial responsibility required by this chapter, financial responsibility had lapsed while the owner or registrant was on temporary, emergency duty and the vehicle was not operated during the period of lapse in financial responsibility. The exemption granted by this paragraph shall continue for 30 days after the owner or registrant returns from duty as long as the vehicle is not operated until the required financial responsibility has been established.

\* \* \*

Section 3. Section 4704(e) of Title 75 is reenacted to read:  
§ 4704. Inspection by police or Commonwealth personnel.

\* \* \*

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

\* \* \*

Section 4. Section 4706(c)(1) of Title 75 is amended and the section is amended by adding a subsection to read:  
§ 4706. Prohibition on expenditures for emission inspection program.

\* \* \*

(c) Evidence of emission inspection.--

(1) The department shall issue evidence of emission inspection through an official emission inspection station or an authorized agent of the department, valid until the next scheduled emission inspection, for a subject motor vehicle which meets the following criteria:

(i) The subject vehicle has passed an inspection or a reinspection performed by the emission inspection station[, including an antitampering check,] and all required emission control devices are installed[, except as noted in subparagraph (ii)].

(ii) [For two years from the commencement of the enhanced emission inspection program, a subject vehicle that passes the tailpipe emissions portion of the test but fails the antitampering check portion shall be issued a tampering warning in lieu of a test failure. At the expiration of this time period, the subject vehicle shall meet the requirements of subparagraph (i) or shall be considered to have failed the entire test.

(iii)] The subject vehicle is exempt pursuant to the provisions of section 4702(g) (relating to requirement for periodic inspection of vehicles).

\* \* \*

(f) Scope.--The vehicle emission inspection and maintenance program provided for in this section shall be a centralized test-only enhanced emission inspection program as provided for in the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.) and regulations promulgated by the Environmental Protection Agency. However, if the performance standard requirements under section 183(c) of the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7511b(c)) and regulations promulgated by the Environmental Protection Agency are changed to permit the consideration and approval of either an enhanced or a basic decentralized emission inspection program for the Commonwealth, the department shall petition the Environmental Protection Agency for allowance to revise its submission under the Clean Air Act, so as to study and pursue the implementation of either an enhanced or basic decentralized vehicle emission inspection and maintenance program which meets revised minimum Federal

requirements established by a Federal statute, an order of a Federal or State court of competent jurisdiction or an administrative action by the Environmental Protection Agency not exceeding the mandates of the act of November 15, 1990 (Public Law 101-549, 104 Stat. 2399). Any modification of the performance standard requirements, either by Congress or the Environmental Protection Agency, or the modification of any submission by the department under section 110 of the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7410) shall not affect any pending or existing request for proposals, bids for contracts, negotiations, awards for contracts, contracts or programs for enhanced vehicle emission inspection in designated areas of this Commonwealth.

Section 5. Sections 4904(d), 4908(a) and (c) and 4921(a) of Title 75 are amended to read:

§ 4904. Limits on number of towed vehicles.

\* \* \*

(d) [Driveaway-towaway] **Saddle-mount** operations.--Not more than three truck tractors, empty trucks or chassis therefor, may be towed by a truck tractor, truck or the chassis thereof, provided that only the rear wheels of the drawn vehicles shall touch the road surface **and the overall length of the combination does not exceed 75 feet.**

\* \* \*

§ 4908. Operation of certain combinations on interstate and certain primary highways.

(a) General rule.--Combinations authorized by section 4904(e) (relating to limits on number of towed vehicles) to have two trailers, or by section 4923(b)(6) **or (7)** (relating to length of vehicles) to exceed the length limitation for combinations, may be driven only on the types of highways and under the limitations set forth below:

(1) On a designated network consisting of all interstate highways and portions of Federal aid primary highways having at least a 48-foot-wide roadway or two 24-foot-wide roadways and designated by the department as capable of safely accommodating such vehicles.

(2) Between the designated network and either of the following:

(i) A terminal or a facility for food, fuel, repair or rest having an entrance within [two-tenths of a mile] **the access limitation prescribed by Federal Highway Administration regulation** of the nearest ramp or intersection, but only on highways having lanes at least [12] **ten** feet wide. [and only if the facility meets the criteria for off-street parking, maneuvering and vehicle storage area for terminals.]

(ii) A terminal which can safely and reasonably be accessed using highways approved under subsection (d).

\* \* \*

(c) Nearby terminals and facilities.--Where one or more terminals or facilities for food, fuel, repair or rest along a highway having lanes at least [12] **ten** feet wide are in close proximity to a terminal or facility which is within [two-tenths of a mile] **the distance from the designated network described in subsection (a)(2)(i)** of the designated network, all of such terminals and facilities shall be deemed to be within [two-tenths of a mile] **the prescribed distance** of the designated network.

\* \* \*

§ 4921. Width of vehicles.

(a) General rule.--The total outside width of a vehicle, including any load, shall not exceed eight feet except as otherwise provided in this section. [While] **With regard to stinger-steered automobile or boat transporters or vehicles** operating as provided in section 4908 (relating to operation of certain combinations on interstate and certain primary highways), the total width of a vehicle, **including any load**, shall not exceed eight and one-half feet, except as otherwise provided in this [section] **chapter**.

\* \* \*

Section 6. Section 4923(b)(5) and (6) of Title 75 are amended and the subsection is amended by adding paragraphs to read:

§ 4923. Length of vehicles.

\* \* \*

(b) Exceptions.--The limitations of (a) do not apply to the following:

\* \* \*

(5) A combination **other than a stinger-steered automobile or boat transporter** designed and used exclusively for carrying motor vehicles if the overall length of the combination and load does not exceed 65 feet. When driven as described in section 4908 (relating to operation of certain combinations on interstate and certain primary highways), the load may extend beyond the 65-foot limit of such a combination by no more than three feet in the front and no more than four feet to the rear. [Both saddle-mount] **Saddle-mount, including those combinations not in excess of 75 feet in length as described in section 4904(d) (relating to limits on number of towed vehicles)**, and full-mount mechanisms shall qualify under this exception.

(6) Any combination consisting of a truck tractor and one or two trailers, when driven as described in section 4908 [(relating to operation of certain combinations on interstate and certain primary highways)]. Except when being operated as a part of a combination of a tractor and single trailer not exceeding an overall length of 60 feet, the length of a single trailer shall not exceed 48 feet and the length of each double trailer shall not exceed 28 1/2 feet. A single trailer [not wider than eight feet], when driven as described in section 4908, may have an overall length [not exceeding 53 feet.] **greater than 48 feet but not greater than 53 feet, provided the distance between the kingpin of the trailer and the center line of the rear axle or rear axle group does not exceed 41 feet.**

(7) Any maxi-cube vehicle when driven as described in section 4908.

(8) Any stinger-steered automobile or boat transporter.

Section 7. Section 4961(c) of Title 75 is amended to read:  
§ 4961. Authority to issue permits.

\* \* \*

(c) County offices for issuing permits.--The department shall empower an authorized representative or employee [in each county] to issue permits as provided in subsection (a) and [shall] **may** provide a place within each county where the permits may be issued.

Section 8. Section 4981(a) and (e) of Title 75 are amended and the section is amended by adding a subsection to read:  
§ 4981. Weighing and measurement of vehicles.

(a) Authority of police officers and qualified department employees.--Any police officer or qualified department employee

is authorized to require the driver of any vehicle or combination to stop and submit the vehicle or combination to be measured and weighed. Weighing may be done by using either portable or stationary scales, provided that when portable scales more than one inch in height are used, sufficient ramp blocks shall be made available to allow the vehicle or combination to mount the scales safely. The weighing shall be conducted by qualified personnel who have been trained in the use of weighing equipment in a training program approved by [the Department of Agriculture] **an agency of the Commonwealth.** The personnel performing the weighing on all highways and interstates in this Commonwealth shall inform the drivers of the vehicle of the right to readjust or rearrange the load under section 4982(c) (relating to reducing or readjusting loads of vehicles). The driver or owner, if present, of any vehicle or combination may, at the time of weighing, witness in an orderly fashion the weighing procedure. If the driver wishes to witness the procedure from outside the cab of the vehicle, he shall be required to turn off the engine, put the transmission in gear and set the emergency brake before leaving the cab. A police officer or qualified department employee may require that a vehicle or combination be driven to the nearest stationary scales if the scales are within two miles.

\* \* \*

(e) [Calibration] **Certification of accuracy** of portable scales.--Portable scales shall be calibrated every 30 days for the purpose of certification [and] **of accuracy** by the Department of [Agriculture.] **General Services. A certificate from the Department of General Services showing that portable scales were calibrated and found to be accurate shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this chapter is charged.**

(f) **Certification of qualified personnel.**--The competency of a witness to testify concerning the weighing of a vehicle may be established by a certificate from an agency of the Commonwealth showing that the person was trained in the use of weighing equipment in a training program approved by a Commonwealth agency. This certification shall be admissible as competent and prima facie evidence that the person is qualified and trained in the use of weighing equipment in such a training program.

Section 9. For the last year of emission testing in those areas previously designated by the Department of Transportation as requiring emission inspection, the department shall permit one-half of all subject vehicles required to undergo the emission inspection to receive an emission certificate that will expire in a period not to exceed 27 months. Those vehicles selected for a biennial inspection shall be required to undergo a complete enhanced emission inspection before the expiration of the biennial certificate of inspection as provided under this act. The remaining subject vehicles shall undergo a complete basic emission inspection for the last year of the current emission inspection program and, in accordance with the provisions of this act, shall undergo an enhanced emission inspection thereafter. In those areas not previously designated by the department as requiring emission inspection, the department shall require one-half of all subject vehicles to undergo a complete enhanced emission inspection as provided under this act. The remaining subject vehicles shall undergo a complete enhanced emission inspection the following year in accordance with the provisions of this act.



Section 10. (a) The following acts and parts of acts are repealed:

Section 6 of the act of December 16, 1992 (P.L.1250, No.166), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the implementation and administration of an enhanced vehicle emission inspection program; further providing for administrative duties of the Department of Transportation for certain services and the Department of Environmental Resources; providing for an alternative fuels grant program; establishing the Alternative Fuels Incentive Grant Fund; and making an appropriation."

(b) The following acts and parts of acts are repealed to the extent specified:

Section 9(3) of the act of December 16, 1992 (P.L.1250, No.166), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the implementation and administration of an enhanced vehicle emission inspection program; further providing for administrative duties of the Department of Transportation for certain services and the Department of Environmental Resources; providing for an alternative fuels grant program; establishing the Alternative Fuels Incentive Grant Fund; and making an appropriation," is repealed insofar as it is inconsistent with the effective date of the reenactment of 75 Pa.C.S. § 4704(e) under this act.

Section 11. The Department of Transportation shall waive the school bus driver recertification driving test required by department regulations until November 30, 1994.

Section 12. This act shall take effect as follows:

(1) The amendment of 75 Pa.C.S. §§ 1337 and 4961(c) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED--The 10th day of February, A. D. 1994.

ROBERT P. CASEY