

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

Act of Dec. 28, 1994, P.L. 1450, No. 172

Cl. 75

Session of 1994

No. 1994-172

HB 2056

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles of nonresidents exempt from registration; providing for special registration plates for recipients of the Expeditionary Forces Medal, for veterans of World War II and for a zoological registration plate and for permit for movement of containerized cargo; further providing for availability, scope and amount of coverage, for exemption from registration fees, for mobile homes, modular housing units and modular housing undercarriages, for emission control systems and for tabulation and analysis of accident reports by the Department of Transportation; providing for permits for movement of a mobile home or a modular housing unit and modular housing undercarriage; further providing for annual hauling permits, for conditions of permits and security for damages and for permit for movement during course of manufacture; providing for adoption of Knox Township Road 830 in Jefferson County as a State highway; and providing for the takeover of certain township roads and for penalties.

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

Section 1. Section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:
§ 102. Definitions.

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

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"Containerized cargo." Manifested international freight in a sealed, seagoing container.

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Section 2. Section 1303(b) of Title 75 is amended to read:
§ 1303. Vehicles of nonresidents exempt from registration.

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(b) Transportation of persons for hire, compensation or profit.--Every owner of a foreign vehicle operated within this Commonwealth for the transportation of persons for hire, compensation or profit either regularly according to schedule or for a period exceeding 30 days in the calendar year, unless exempted from registration under the terms of a reciprocity

agreement [or pursuant to Subchapter A of Chapter 81 (relating to bus taxation proration agreement)] shall register the vehicle according to the laws of this Commonwealth.

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Section 3. Title 75 is amended by adding sections to read:

§ 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 or truck with a 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 passenger vehicle or truck with a 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 passenger vehicle or truck with a gross vehicle weight rating of not more than 9,000 pounds.

Section 4. Section 1731 of Title 75 is amended by adding a subsection to read:

§ 1731. Availability, scope and amount of coverage.

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(b.1) Limitation of rejection.--Uninsured motorist coverage cannot be rejected on motor vehicle liability insurance policies written for vehicles referred to as "common carriers by motor vehicle" as defined in 66 Pa.C.S. § 102 (relating to definitions). Uninsured motorist protection may be rejected for the driver and passengers for rental or lease vehicles which are not otherwise common carriers by motor vehicle, but such coverage may only be rejected if the rental or lease agreement is signed by the person renting or leasing the vehicle and contains the following rejection language:

REJECTION OF UNINSURED MOTORIST PROTECTION

I am rejecting uninsured motorist coverage under this rental or lease agreement, and any policy of insurance or self-insurance issued under this agreement, for myself

and all other passengers of this vehicle. Uninsured coverage protects me and other passengers in this vehicle for losses and damages suffered if injury is caused by the negligence of a driver who does not have any insurance to pay for losses and damages.

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Section 5. Section 1901(c) of Title 75 is amended by adding a paragraph to read:

§ 1901. Exemption of entities and vehicles from fees.

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(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:

* * *

(22) Nonprofit mobile aviation museum.

* * *

Section 6. Section 1943(c) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1943. Annual hauling permits.

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(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 \$50 **for oversized movements and \$400 for overweight movements** .

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(f) Containerized cargo.--The annual company fee for movement of any combination with overweight containerized cargo as provided for in section 4974 (relating to permit for movement of containerized cargo) shall be:

(1) \$100 for a motor carrier requesting permits for up to 15 truck tractors.

(2) \$150 for a motor carrier requesting permits for 16 to 50 truck tractors.

(3) \$250 for a motor carrier requesting permits for 51 to 100 truck tractors.

(4) \$350 for a motor carrier requesting permits for 101 to 150 truck tractors.

(5) \$400 for a motor carrier requesting permits for 151 or more truck tractors.

Section 7. Sections 1944, 3753(b), 4531(c), 4901(a) and 4907 of Title 75 are amended to read:

§ 1944. Mobile homes, modular housing units and modular housing undercarriages.

The fee for a special hauling permit for a mobile home, modular housing unit or modular housing [unit] undercarriage which exceeds the maximum size prescribed in this title **but which does not exceed 14 feet in body width** shall be [\$20.] \$25. The fee for a special hauling permit for a mobile home or modular housing unit, as provided for in section 4973 (relating to permits for movement of a mobile home or a modular housing unit and modular housing undercarriage), shall be \$50.

§ 3753. Department to tabulate and analyze accident reports.

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(b) Central accident analysis system.--The department shall provide accident data for analysis in selecting [accident] **crash** prevention programs and in evaluating the effectiveness of those programs implemented. The system shall provide[:

(1) An] **an annual report to the General Assembly [comparing] assessing traffic safety in Pennsylvania [and other states which have a point system with traffic safety in states which do not have a point system], including, but not limited to, [the number and percentage of accidents, serious accidents and total accidents caused by point and nonpoint violations.] an analysis of accident characteristics and mitigation strategies to reduce the potential for future accidents. In addition, the system shall be capable of providing:**

[(2)] (1) An annual statistical summary of motor vehicle accidents including multidimensional distribution for such factors as type, time and location of accident, road and weather conditions, type of traffic control, and condition and actions of operators and type and condition of the vehicles.

[(3) Identification of hazardous road] (2) **Accident frequency histories for special highway** locations.

[(4) Information on which police duty assignment may be more effective in order to prevent accidents] (3) **Comparative site-specific and route-specific accident data, including, but not limited to, accident rates, capsule summary listings, engineering extracts, location priority reports, cluster reports and maps depicting accident rates or frequencies for use in conducting in-depth accident investigations or safety studies .**

[(5)] (4) Evaluation of speed [regulations or other] , **driving under the influence, safety belts and other safety** provisions of this title to aid the department and the General Assembly in determining when changes are desirable.

[(6)] (5) Statistical analyses of the relationship between [nonaccident traffic violations of operators] **driver characteristics and behavior** and accident involvement. These analyses shall include [such factors as the type, location, and severity of violations, the type, location, and severity of the accidents and the responsibility of the operators involved] **frequency and severity of crashes by drivers grouped by major violation category and frequency .**

[(7)] (6) An evaluation of legal or departmental actions as related to driver improvement and accident reduction.

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§ 4531. Emission control systems.

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(c) Limitation on sale and operation of vehicles with altered systems.--No person shall **knowingly** sell or operate a vehicle whose emission control system has been disabled, changed or altered from its original design specifications, except for in-kind replacement of system components and added components which are designed to improve emissions.

§ 4901. Scope and application of chapter.

(a) General rule.--[It is unlawful for any person to drive or move, or for the owner to cause or permit to be driven or moved, on any highway any] **No vehicle [or vehicles of] , combination or load which has** a size or weight exceeding the limitations provided in this chapter [or any] **and no vehicle [or vehicles] , combination or load** which [are] **is** not so constructed or equipped as required in this title or the regulations of the department[.] **shall be operated or moved upon any highway of this Commonwealth, unless permitted as provided in this title by the department or local authority with respect to highways and bridges under their respective jurisdictions. Failure to obtain a permit prior to the operation or movement of such a vehicle, combination or load shall subject the owner, lessee and operator of such a vehicle or combination to the institution of summary criminal proceedings by citation for any violations of this part.**

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§ 4907. Penalty for violation of chapter.

(a) General rule.-- Any person violating any provision of this chapter for which a penalty is not otherwise provided is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [not less than \$50 nor more than \$100.] **\$300 for each violation.**

(b) Penalty for violation of permit.--Any person whose vehicle, combination or load is in violation of or not in compliance with any condition of a permit and any person who violates or fails to comply with any condition of a permit while operating or transporting a vehicle, combination or load, in addition to any other violation prohibited by this chapter, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500 for each violation.

(c) Penalty for violation of multijurisdictional permit.-- Any person who violates or fails to comply with any provision of a permit issued under section 6146.1 (relating to multijurisdictional permit agreement), in addition to any other violation prohibited by this title, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500 for each violation.

(d) Penalty for operation with an invalid permit.--Any person who operates or moves an oversize or overweight vehicle, combination or load with an expired, void or invalidated permit, in addition to any other violation prohibited by this chapter, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000 for each violation.

Section 8. Section 4962(c) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 4962. Conditions of permits and security for damages.

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(c) Revocation of permit.--A permit shall be revocable for cause[.] **and shall be subject to summary confiscation or invalidation as provided by departmental regulations.**

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(g) Penalty.--Any person who operates or moves or attempts to operate or move an oversize or overweight vehicle, combination or load under an altered, forged or counterfeited

permit, in addition to any other violation prohibited by this title, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$5,000 for each violation.

Section 9. Section 4968 of Title 75 is amended to read:

§ 4968. Permit for movement during course of manufacture.

An annual permit may be issued authorizing movement on highways of boats, trailers, mobile homes, modular housing units and undercarriages, helicopters, railway equipment and rails or other articles, vehicles or combinations [thereof] which exceed the maximum height, width or length specified in Subchapter B (relating to width, height and length) **or combinations carrying steel coils 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 control of the manufacturer, subject to the following provisions:

(1) Except for articles and vehicles not exceeding 102 inches in width, no permit shall be issued under this section for movement of articles or vehicles while they are in transit from the manufacturer to a purchaser or dealer or for the movement of articles or vehicles upon a freeway.

(2) Articles and vehicles not wider than 102 inches may be moved any distance on a permit. Articles and vehicles wider than 102 inches but not in excess of ten feet in width may be moved up to 50 miles on a permit. Wider articles and vehicles may be moved no farther than ten miles on a permit.

(3) **A combination of vehicles which is hauling steel coils may be permitted by the department to move upon specified State highways a distance not exceeding ten miles, provided, however, that the gross weight shall not exceed 100,000 pounds nor shall the weight of any axle exceed 21,000 pounds. No permit may be issued for this type of movement upon a freeway.**

(4) A permit may be denied in order to preserve the safety of highway users or to protect the structural integrity of highways or bridges or as otherwise authorized by department regulations.

Section 10. Title 75 is amended by adding sections to read:

§ 4973. **Permits for movement of a mobile home or a modular housing unit and modular housing undercarriage.**

(a) General rule.--A permit may be issued under this section for movement of a mobile home or a modular housing unit that exceeds 14 feet in body width but which does not exceed 16 feet in width.

(b) Conditions.--A vehicle, combination or load permitted under this section shall be operated under such conditions as specified by the department pursuant to section 4962 (relating to conditions of permits and security for damages). A mobile home or modular housing unit which exceeds 14 feet in body width may not exceed 80 feet, including hitch, in home unit length or 14 feet 6 inches in height.

(c) Equipment.--In addition to the requirements of this title and departmental regulations, a mobile home that is wider than 14 feet in body width or a modular housing undercarriage which is carrying a modular housing unit that is wider than 14

feet in body width shall be equipped as follows:

- (1) the mobile home or modular housing undercarriage shall have at least four axles;
- (2) each wheel on a mobile home or modular housing undercarriage shall be equipped with operable brakes; and
- (3) the tires on a mobile home or modular housing undercarriage may not carry a weight in excess of the tire manufacturer's rating as marked on the sidewall of the tire.

(d) Pilot cars.--In addition to the conditions of this title and departmental regulations, a vehicle, combination or load permitted under this section that is wider than 14 feet in body width shall be accompanied by two pilot cars on all highways, with one pilot car leading the permitted motor vehicle and one pilot car following the permitted vehicle or combination.

(e) Restricted travel periods.--A vehicle, combination or load permitted under this section that is wider than 14 feet in body width shall be moved only from 9 a.m. to sunset on Monday, Tuesday, Wednesday and Thursday and from 9 a.m. to 12 noon on Friday. Movement under this section is not authorized at any time on Saturday or Sunday or during any holiday period specified in departmental regulations or the permit.

§ 4974. Permit for movement of containerized cargo.

An annual permit may be issued authorizing the movement on highways of containerized cargo which exceeds the maximum vehicle gross or maximum axle weights specified in Subchapter C (relating to maximum weights of vehicles). The weight of any vehicle permitted under this section shall not exceed 90,000 pounds overall gross weight and 21,000 pounds on any axle.

Section 11. (a) Township Road 830 in Knox Township, Jefferson County, known as Five Mile Run Road, consisting of 5.7 miles of improved highway, including two bridges, is hereby adopted as a State highway.

(b) Knox Township is hereby relieved of all responsibility for maintenance of Township Road 830.

Section 12. The following township roads are hereby adopted as State highways:

(1) Route 18011. Beginning at the end of State Route 664, T-511, running from Station 0+00 at Veterans Bridge to Station 222+06 at the boundary with Colebrook Township, having a total length of 4.2057 miles and an existing right-of-way width of 33 feet in Woodward Township, Clinton County.

(2) Route 18012. Beginning at State Route 364 (Legislative Route 359) from Segment 0006 Offset 0000 (Station 0+00), excluding the 146-foot span bridge starting at Segment 0006 Offset 0000, center line of bridge Station 0+00, BMSID#18/0364/0006/0000, the 40-foot span bridge starting at Segment 0050 Offset 0530, center line of bridge Station 104+40, BMSID#18/0364/0050/0530 and the 27-foot span bridge starting at Segment 0050 Offset 1699, center line of bridge Station 116+05, BMSID#18/0364/0050/1699 to Segment 0050 Offset 1730 (Station 116+40), having a total length of 2.1616 miles, Beech Creek Township, Clinton County.

(3) Route 18013. Beginning at Legislative Route 18040, Station 215+00 to Station 367+32, measuring approximately 2.8825 miles in length, Grugan Township, Clinton County.

Section 13. This act shall take effect in 60 days.

APPROVED--The 28th day of December, A. D. 1994.

ROBERT P. CASEY