

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

Act of Jul. 6, 1995, P.L. 246, No. 30

Cl. 75

Session of 1995

No. 1995-30

HB 511

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for vehicles exempt from registration, for multipurpose dealer registration plates, for regulating handicapped plate and placard, for surrender of license and for availability, scope and amount of insurance coverage; and further providing for farm vehicles, for periodic inspection of vehicles and for operation of vehicles without inspection certificates.

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:

\* \* \*

**"Second-stage manufacturer." A person engaged in performing manufacturing operations on an incomplete vehicle produced by a manufacturer.**

\* \* \*

Section 2. Sections 1302(10), 1336.1, 1338(b) and 1540(b) of Title 75 are amended to read:

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

\* \* \*

(10) Any farm vehicle used exclusively upon a farm or farms owned or operated by the owner of the vehicle.

(i) **Type I**--Such a farm vehicle which does not qualify as a motor carrier vehicle may be driven upon highways only from sunrise to sunset. However, a farm vehicle which qualifies as a motor carrier vehicle and displays a currently valid certificate of inspection may be driven upon highways without any restriction as to time.

[(ii) Such] **Such** a farm vehicle may only be driven on highways between:

(A) Parts of one such farm.

(B) Such farms located not more than 25 miles apart.

(C) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 50 miles from such farm

or farms for the purpose of repair or servicing of the farm vehicle.

(ii) **Type II--Such a farm vehicle which does qualify as a motor carrier vehicle and which does not display a currently valid certificate of inspection may be driven upon highways only from sunrise to sunset and between:**

(A) **Parts of one such farm.**

(B) **Such farms located not more than ten miles apart.**

(C) **Such farm or farms and a place of business located within a radius of ten miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies.**

(D) **Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of repair or servicing of the farm vehicle.**

(iii) A biennial certificate of exemption shall be required for such a farm vehicle.

(iv) The owner of the farm vehicle shall maintain such minimum levels of liability insurance coverage on the vehicle as are required to be maintained under Chapter 17 (relating to financial responsibility) by owners of registered motor vehicles. The owner shall satisfy the requirements of this subparagraph if the minimum amounts of liability insurance coverage for the farm vehicle have been provided under farm liability insurance coverage maintained generally by the owner. Coverage prescribed in Subchapter B of Chapter 17 shall not be required to be maintained or provided for the farm vehicle.

\* \* \*

§ 1336.1. Use of multipurpose dealer registration plates.

(a) **General rule.--**Subject to the requirement that the vehicles on which multipurpose dealer registration plates are used, conform to or are lower than the weight limits for which the plates were purchased, the multipurpose dealer registration plates may be used on vehicles owned by or in possession of a dealer or manufacturer. All vehicles utilizing the multipurpose dealer registration plate shall be titled in the name of the business or family member, and sales and use tax must be paid.

(b) **Exception for second-stage manufacturers.--**A title in the name of the business or family member and payment of sales and use tax are not required for a vehicle which has never been titled as long as the vehicle:

(1) **is in possession of a second-stage manufacturer and is being transported from a dealer or distributor for completion or delivered to a dealer or distributor upon completion; or**

(2) **is owned or in possession of a dealer and is being delivered to the second-stage manufacturer for completion or is being transported back to the dealer upon completion.**

§ 1338. Handicapped plate and placard.

\* \* \*

(b) **Handicapped 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. When parking the designated vehicle, the

handicapped 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. **Organizations which transport persons in vehicles operated for the use and benefit of handicapped persons shall be issued not more than eight placards in the organization's name.**

\* \* \*

§ 1540. Surrender of license.

\* \* \*

(b) Suspension, revocation or disqualification of operating privilege.--

(1) Upon the suspension or revocation of the operating privilege or the disqualification of the commercial operating privilege of any person by the department, the department shall forthwith notify the person in writing at the address of record to surrender his driver's license to the department for the term of suspension, revocation or disqualification.

(2) **The department shall include with the written notice of suspension, revocation or disqualification a form for acknowledging the suspension, revocation or disqualification, which form shall be filed with the department if the person has no license to surrender.**

(3) The suspension, revocation or disqualification shall be effective upon **the earlier of:**

(i) a date determined by the department; or

(ii) the date of [surrender] **filing or mailing** of the license **or acknowledgment** to the department, if that date is subsequent to the department's notice to surrender the license[, whichever occurs first].

(4) Upon surrender of the license **or acknowledgment**, the department shall issue a receipt showing the date that it received the license **or acknowledgment**.

\* \* \*

Section 3. Section 1731(b.1) of Title 75 is amended and the section is amended by adding subsections to read:

§ 1731. Availability, scope and amount of coverage.

\* \* \*

(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.

**(b.2) Rejection language change.--The rejection language of subsection (b.1) may only be changed grammatically to reflect a difference in tense in the rental agreement or lease agreement.**

**(b.3) Vehicle rental services.--The requirements of subsection (b.1) may be met in connection with an expedited vehicle rental service, which service by agreement of the renter does not require the renter's signature for each rental, if a master enrollment or rental agreement contains the rejection language of subsection (b.1) and such agreement is signed by the renter.**

\* \* \*

Section 4. Sections 1924, 4702(a) and 4703(a) of Title 75 are amended to read:

§ 1924. Farm vehicles.

(a) General rule.--The annual fee for registration of a farm vehicle shall be \$51 or one-third of the regular fee, whichever is greater.

(b) Certificate of exemption.--The biennial processing fee for a certificate of exemption issued in lieu of registration of a farm vehicle [with a gross weight or gross vehicle weight rating of 17,000 pounds or less shall be \$24.

(c) Certificate of exemption for farm vehicle qualifying as a motor carrier vehicle.--The biennial processing fee for a certificate of exemption issued in lieu of registration of a farm vehicle with a gross weight or gross vehicle weight rating greater than 17,000 pounds shall be \$100.] **shall be determined by the type of certificate issued and the gross weight or combination weight or weight rating according to the following table:**

Certificate type	Weight in pounds	Fee
Type I	17,000 or less	\$24
Type II	greater than 17,000	50
Type I	greater than 17,000	100

§ 4702. Requirement for periodic inspection of vehicles.

(a) Annual safety inspection.--Except as provided in subsection (b), the department shall establish a system of annual safety inspection of vehicles, including emergency vehicles, farm vehicles with a gross weight or gross vehicle weight rating of greater than 17,000 pounds for which a **Type I** biennial certificate of exemption has been issued and private noncommercial vehicles used to transport students.

\* \* \*

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

(a) General rule.--Except as otherwise provided in this section, no motor vehicle required to bear current registration plates issued by this Commonwealth and no farm vehicle with a gross weight or gross vehicle weight rating of greater than 17,000 pounds for which a **Type I** biennial certificate of exemption has been issued shall be driven and no trailer required to bear current registration plates issued by this Commonwealth shall be moved on a highway and no mass transit vehicle shall be operated unless the vehicle displays a currently valid certificate of inspection issued under this chapter.

\* \* \*

Section 5. The Department of Transportation may establish the equipment standards and inspection criteria required for

applicable farm vehicles with a gross weight or gross vehicle weight rating of greater than 17,000 pounds for which a Type I biennial certificate of exemption has been issued by publishing a notice in the Pennsylvania Bulletin until the regulations governing these equipment standards and inspection criteria are promulgated by the Department of Transportation.

Section 6. The amendment of 75 Pa.C.S. § 1731(b.1) shall be retroactive to December 28, 1994.

Section 7. This act shall take effect as follows:

(1) The amendment of 75 Pa.C.S. §§ 1302, 1924, 4702(a) and 4703(a) shall take effect immediately.

(2) Section 5 and this section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

APPROVED--The 6th day of July, A. D. 1995.

THOMAS J. RIDGE