

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

Act of Oct. 19, 2010, P.L. 557, No. 81

Cl. 75

Session of 2010

No. 2010-81

HB 2246

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for vehicles exempt from registration, for annual hauling permits, for permit for movement during course of manufacture, for duty of driver in emergency response areas, for careless driving, for snow and ice dislodged or falling from moving vehicle and for sentencing for homicide by vehicle; providing for the offense of aggravated assault by vehicle; further providing for aggravated assault by vehicle while driving under the influence, for accidents involving death or injury, for accidents involving death or personal injury while not properly licensed, for accident scene clearance, for general requirement for other vehicles transporting school children, for conditions of permits and security for damages and for permit for movement of bulk refined oil; providing for permit for movement of nonhazardous liquid glue and for permit for movement of waste tires; further providing for weighing and measurement of vehicles and for promulgation of rules and regulations by department and imposing penalties.

RESOLVED, That this act may be referred to as the Sgt. Michael C. Weigand Law.

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 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:

\* \* \*

**"Emergency service responder." An individual acting in an official capacity as any of the following:**

- (1) A police officer.
- (2) A sheriff or deputy sheriff.
- (3) A coroner or deputy coroner.
- (4) A firefighter.
- (5) Fire police.
- (6) A fire marshal.
- (7) A medical examiner or deputy medical examiner.
- (8) Rescue personnel.
- (9) Ambulance personnel.
- (10) Towing and recovery personnel.
- (11) Highway maintenance and construction personnel.
- (12) Hazardous material response team member.
- (13) Emergency medical services personnel.

\* \* \*

**"Serious bodily injury." 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.**

\* \* \*

Section 2. Section 1302(11) of Title 75 is amended to read:  
§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

\* \* \*

(11) Any trailer or semitrailer, including but not limited to non-self-propelled special mobile equipment **and amusement rides constructed as an integral part of the trailer chassis to create a single unit**, to be used primarily for off highway use and only operated incidentally upon the highway.

\* \* \*

Section 3. Section 1943(m) of Title 75 is amended and the section is amended by adding subsections to read:  
§ 1943. Annual hauling permits.

\* \* \*

(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 refined oil), shall be [\$800.]:

(1) **\$800 for a distance up to 50 miles.**

(2) **\$1,600 for a distance of more than 50 miles up to 125 miles.**

\* \* \*

(q.1) **Nonhazardous liquid glue.--The annual fee for the movement of nonhazardous liquid glue, as provided for in section 4979.5 (relating to permit for movement of nonhazardous liquid glue), shall be \$800.**

(q.2) **Waste tires.--The annual fee for the movement of waste tires under section 4979.6 (relating to permit for movement of waste tires) shall be \$800.**

\* \* \*

Section 4. Sections 3327(b.1) and (f), 3714(d), 3720 and 3732(b) of Title 75 are amended to read:  
§ 3327. Duty of driver in emergency response areas.

\* \* \*

(b.1) Suspension of operating privilege.--The department shall suspend the operating privilege of any person for 90 days upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into a preadjudication program for a violation of subsection (a), if the certified conviction indicates the violation resulted in serious **bodily** injury to another person. The license shall be surrendered in accordance with section 1540 (relating to surrender of license).

\* \* \*

(f) [Definitions] **Definition.**--As used in this section, [the following words and phrases shall have the meanings given to them in this subsection:

**"Emergency response area." The] the term "emergency response area" means the area in which emergency service responders render emergency assistance to individuals on or near a roadway or a police officer is conducting a traffic stop or systematic check of vehicles or controlling or directing traffic as long as the emergency vehicle is making use of visual signals meeting the requirements of Subchapter D of Chapter 45.**

**["Emergency service responder." An individual acting in an official capacity as police officer, sheriff, deputy sheriff, coroner, deputy coroner, firefighter, fire police, fire marshal, medical examiner, deputy medical examiner, rescue personnel,**

ambulance personnel, towing and recovery personnel, highway maintenance and construction personnel, hazardous material response team member or emergency medical service personnel.

"Serious injury." A personal injury resulting in death, serious impairment of body function or permanent serious disfigurement.]

§ 3714. Careless driving.

\* \* \*

[(d) Definition.--As used in this section, "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.]

§ 3720. Snow and ice dislodged or falling from moving vehicle.

When snow or ice is dislodged or falls from a moving vehicle and strikes another vehicle or pedestrian causing death or serious bodily injury [as defined in section 3742 (relating to accidents involving death or personal injury)], the operator of the vehicle from which the snow or ice is dislodged or falls shall be subject to a fine of not less than \$200 nor more than \$1,000 for each offense.

§ 3732. Homicide by vehicle.

\* \* \*

(b) Sentencing.--

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

**(1.1) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) as the result of a violation of section 3325 (relating to duty of driver on approach of emergency vehicle) or 3327 (relating to duty of driver in emergency response areas) and who is convicted of violating section 3325 or 3327 may be sentenced to an additional term not to exceed five years' confinement when the violation resulted in death.**

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

(3) The Pennsylvania Commission on Sentencing, pursuant to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section when the violation occurred in an active work zone [as defined in section 102] **or was the result of a violation of section 3325 or 3327.**

Section 5. Title 75 is amended by adding a section to read:

§ 3732.1. **Aggravated assault by vehicle.**

**(a) Offense.--Any person who recklessly or with gross negligence causes serious bodily injury to another person while engaged in the violation of any law of this Commonwealth or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic, except section 3802 (relating to driving under influence of alcohol or controlled substance), is guilty of aggravated assault by vehicle, a felony of the third degree when the violation is the cause of the injury.**

**(b) Sentencing.--**

**(1) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) may be sentenced to an additional term not to exceed two years'**

confinement if at trial the prosecution proves beyond a reasonable doubt that the offense occurred in an active work zone .

(2) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) as the result of a violation of section 3325 (relating to duty of driver on approach of emergency vehicle) or 3327 (relating to duty of driver in emergency response areas) and who is convicted of violating section 3325 or 3327 may be sentenced to an additional term not to exceed two years' confinement when the violation resulted in serious bodily injury.

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

(4) The Pennsylvania Commission on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section when the violation occurred in an active work zone or was the result of a violation of section 3325 or 3327 .

Section 6. Sections 3735.1(b), 3742(d), 3742.1(c), 3745.1(a), 4553(b) and 4962(f) of Title 75 are amended to read:  
§ 3735.1. Aggravated assault by vehicle while driving under the influence.

\* \* \*

[(b) Definition.--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.]

§ 3742. Accidents involving death or personal injury.

\* \* \*

[(d) 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.]

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

\* \* \*

[(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.]

§ 3745.1. Accident scene clearance.

(a) General rule.--Notwithstanding any other provision of law to the contrary, the driver of any vehicle in an accident that does not result in apparent serious **bodily** injury or death shall immediately remove the vehicle from the roadway to a safe refuge on the shoulder, emergency lane or median or to a place otherwise removed from the roadway whenever, in the judgment of the driver:

(1) The motor vehicle does not require towing and can be normally and safely driven under its own power in its customary manner without further damage or hazard to the motor vehicle, traffic elements or the roadway.

(2) The motor vehicle can be moved safely.

\* \* \*

§ 4553. General requirements for other vehicles transporting school children.

\* \* \*

(b) School-chartered bus.--In addition to school buses, school-chartered buses, which are designed to transport 16 or more passengers, including the driver, and which are operated by a person holding a certificate of the Pennsylvania Public Utility Commission or the Interstate Commerce Commission, may be used under a short-term contract with a school which has acquired the exclusive use of the vehicle at a fixed charge to [provide transportation of] **transport** school children to a [special] school-related event, **provided that the vehicle is not used to transport school children to or from their residences or designated bus stops.** A school-chartered vehicle may be used without restriction for the transportation of school children with special needs as may be necessary to make reasonable accommodations pursuant to the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

\* \* \*

§ 4962. Conditions of permits and security for damages.

\* \* \*

(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 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).

Section 4979.3 (relating to permit for movement of float glass or flat glass for use in construction and other end uses).

Section 4979.4 (relating to permit for movement of self-propelled cranes).

**Section 4979.5 (relating to permit for movement of nonhazardous liquid glue).**

**Section 4979.6 (relating to permit for movement of waste tires).**

\* \* \*

Section 7. Section 4968(a) of Title 75 is amended and the section is amended by adding subsections 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, a hot box, 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, raw coal, flat-rolled steel coils, steel slabs, hot ingots, a hot box, pulpwood and wood chips or raw water which exceed the maximum weight specified in Subchapter C (relating to maximum weights of vehicles) while they are in the course of manufacture and under contract with or under the direct 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) Overwidth articles and vehicles:

(i) Articles and vehicles not wider than 102 inches may be moved any distance on a permit.

(ii) Articles and vehicles wider than 102 inches but not wider than 108 inches may be moved up to seven miles on a permit 24 hours per day, seven days a week.

(iii) Articles and vehicles wider than 102 inches but not in excess of 12 feet in width may be moved up to 50 miles on a permit.

(iv) Wider articles and vehicles may be moved no farther than ten miles on a permit.

(3) A combination of vehicles which is hauling flat-rolled steel coils or steel slabs may be permitted by the department and local authorities to move upon highways within their respective jurisdiction a distance not exceeding 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 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 or a hot box may be permitted by the department and local authorities to move upon 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. No permit may be issued for this type of movement upon an interstate highway.

(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 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.

(3.6) A combination of vehicles which is hauling raw water from a spring to a bottling facility may be permitted by the department and local authorities to move upon specified highways within their respective jurisdictions subject to the following conditions:

(i) The vehicle must be a six axle combination - three axle truck tractor.

(ii) Gross vehicular weight must not exceed 96,900 pounds.

(iii) Maximum weight on steering axles shall be 11,000 pounds.

(iv) Maximum weight on the truck-tractor tandem (axles two and three) shall be 38,000 pounds, with a maximum of 19,500 pounds on either axle in the group.

(v) Maximum weight on the semitrailer tridem (axles four, five and six) shall be 47,700 pounds, with a maximum of 16,400 pounds on any axle in the group.

(vi) Minimum spacing between axle one and axle two shall be 12 feet 11 inches.

(vii) The center-to-center distance between the last drive axle of the truck tractor (axle three) and the first axle of semitrailer (axle 4) must be a minimum of 26 feet 7 inches.

(viii) Minimum spacing between tandem and tridem axles shall be 4 feet 1 inch.

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

(3.7) A combination of vehicles which is hauling pulpwood or wood chips from a specified source to a pulp mill may be permitted by the department and local authorities to move upon specified highways within their respective jurisdictions subject to the following conditions:

(i) The vehicle must be a five axle combination - three axle truck tractor meeting the following characteristics:

(A) Gross vehicular weight must not exceed 95,000 pounds.

(B) Maximum weight on steering axles shall be 11,000 pounds.

(C) Maximum weight on the truck-trailer tandem (axles two and three) shall be 42,000 pounds, with a maximum of 21,000 pounds on either axle in the group.

(D) Maximum weight on the semitrailer tridem (axles four and five) shall be 42,000 pounds, with a maximum of 21,000 pounds on any axle in the group.

(E) Minimum spacing between axle one and axle two shall be 12 feet 6 inches.

(F) The center-to-center distance between the last drive axle of the truck tractor (axle three) and the first axle of the semitrailer (axle four) must be a minimum of 28 feet 0 inch.

(G) Minimum spacing between tandem and tridem axles shall be 4 feet 0 inch.

(ii) The vehicle must be a six axle combination - three axle truck tractor meeting the following characteristics:

(A) Gross vehicular weight must not exceed 107,000 pounds.

(B) Maximum weight on steering axles shall be 12,000 pounds.

(C) Maximum weight on the truck-tractor tandem (axles two and three) shall be 42,000 pounds, with a maximum of 21,000 pounds on either axle in the group.

(D) Maximum weight on the semitrailer tridem (axles four, five and six) shall be 53,000 pounds, with a maximum of 17,670 pounds on any axle in the group.

(E) Minimum spacing between axle one and axle two shall be 12 feet 6 inches.

(F) The center-to-center distance between the last drive axle of the truck tractor (axle three) and the first axle of the semitrailer (axle four) must be a minimum of 45 feet 0 inch.

(G) Minimum spacing between tandem and tridem axles shall be 4 feet 0 inch.

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

(4) A permit may be denied or revoked 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.]

**(a.1) General rule.--An annual permit may be issued authorizing movement on specified highways of:**

**(1) boats, trailers, mobile homes, modular housing units and undercarriages, helicopters, hot ingots, a hot box, 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) while they are in the course of manufacture and under contract with or under the direct control of the manufacturer, provided that they do not exceed the maximum weight specified in Subchapter C (relating to maximum weights of vehicles) unless they also qualify under paragraph (3);**

**(2) self-propelled cranes while they are in the course of manufacture and under contract with or under the direct control of the manufacturer; or**

**(3) aircraft refueling vehicles or vehicles and combinations carrying raw milk, raw coal, flat-rolled steel coils, steel slabs, hot ingots, a hot box, pulpwood and wood chips or raw water which exceed the maximum weight specified in Subchapter C while they are in the course of manufacture and under contract with or under the direct control of the**



manufacturer, provided that they do not exceed the maximum height, width or length specified in Subchapter B unless they also qualify under paragraph (1), subject to the provisions in subsection (a.2).

(a.2) Specifications.--

(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) Overwidth articles and vehicles:

(i) Articles and vehicles not wider than 102 inches may be moved any distance on a permit.

(ii) Articles and vehicles wider than 102 inches but not wider than 108 inches may be moved up to seven miles on a permit 24 hours per day, seven days a week.

(iii) Articles and vehicles wider than 102 inches but not in excess of 12 feet in width may be moved up to 50 miles on a permit.

(iv) Wider articles and vehicles may be moved no farther than ten miles on a permit.

(3) A combination of vehicles which is hauling flat-rolled steel coils or steel slabs may be permitted by the department and local authorities to move upon highways within their respective jurisdictions a distance not exceeding 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.

(4) 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 highways within their respective jurisdictions 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 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.

(5) A combination of vehicles which is hauling a hot ingot or a hot box may be permitted by the department and local authorities to move upon highways within their respective jurisdictions 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. No permit may be issued for this type of movement upon an interstate highway.

(6) A combination of vehicles which is hauling basic oxygen furnace lances may be permitted by the department and local authorities to move upon 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.

(7) 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.

(8) 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 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.

(9) A combination of vehicles which is hauling raw water from a spring to a bottling facility may be permitted by the department and local authorities to move upon specified highways within their respective jurisdictions subject to the following conditions:

(i) The vehicle must be a six-axle combination - three axle truck tractor.

(ii) Gross vehicular weight must not exceed 96,900 pounds.

(iii) Maximum weight on steering axles shall be 11,000 pounds.

(iv) Maximum weight on the truck-tractor tandem (axles two and three) shall be 38,000 pounds, with a maximum of 19,500 pounds on either axle in the group.

(v) Maximum weight on the semitrailer tridem (axles four, five and six) shall be 47,700 pounds, with a maximum of 16,400 pounds on any axle in the group.

(vi) Minimum spacing between axle one and axle two shall be 12 feet 11 inches.

(vii) The center-to-center distance between the last drive axle of the truck tractor (axle three) and the first axle of semitrailer (axle four) must be a minimum of 26 feet 7 inches.

(viii) Minimum spacing between tandem and tridem axles shall be 4 feet 1 inch.

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

(10) A combination of vehicles which is hauling pulpwood or wood chips from a specified source to a pulp mill may be permitted by the department and local authorities to move upon specified highways within their respective jurisdictions subject to the following conditions:

(i) The vehicle must be a five-axle combination - three-axle truck tractor meeting the following characteristics:

(A) Gross vehicular weight must not exceed 95,000 pounds.

(B) Maximum weight on steering axles shall be 11,000 pounds.

(C) Maximum weight on the truck-trailer tandem (axles two and three) shall be 42,000 pounds, with a maximum of 21,000 pounds on either axle in the group.

(D) Maximum weight on the semitrailer tridem (axles four and five) shall be 42,000 pounds, with a maximum of 21,000 pounds on any axle in the group.

(E) Minimum spacing between axle one and axle two shall be 12 feet 6 inches.

(F) The center-to-center distance between the last drive axle of the truck tractor (axle three)

and the first axle of the semitrailer (axle four) must be a minimum of 28 feet 0 inch.

(G) Minimum spacing between tandem and tridem axles shall be 4 feet 0 inch.

(ii) The vehicle must be a six-axle combination - three-axle truck tractor meeting the following characteristics:

(A) Gross vehicular weight must not exceed 107,000 pounds.

(B) Maximum weight on steering axles shall be 12,000 pounds.

(C) Maximum weight on the truck-tractor tandem (axles two and three) shall be 42,000 pounds, with a maximum of 21,000 pounds on either axle in the group.

(D) Maximum weight on the semitrailer tridem (axles four, five and six) shall be 53,000 pounds, with a maximum of 17,670 pounds on any axle in the group.

(E) Minimum spacing between axle one and axle two shall be 12 feet 6 inches.

(F) The center-to-center distance between the last drive axle of the truck tractor (axle three) and the first axle of the semitrailer (axle four) must be a minimum of 45 feet 0 inch.

(G) Minimum spacing between tandem and tridem axles shall be 4 feet 0 inch.

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

(11) An aircraft refueling vehicle manufactured for the United States Department of Defense which is being road tested and carrying a load required under contract with the Department of Defense as part of the road test procedure may be permitted by the department and local authorities to move upon highways within their respective jurisdictions a distance not exceeding 35 miles if, for a three-axle vehicle, the gross weight does not exceed 70,000 pounds and the weight on any axle does not exceed 26,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(12) A permit may be denied or revoked 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 8. Section 4979.1 of Title 75 is amended to read: § 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] 125 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.

Section 9 . Title 75 is amended by adding sections to read:

**§ 4979.5. Permit for movement of nonhazardous liquid glue.**

An annual permit may be issued authorizing the movement on specified highways of nonhazardous liquid glue in bulk between a chemical plant and a particleboard or fiberboard manufacturing 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 75 miles. The weight of any vehicle permitted under this section may not exceed 105,000 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.

**§ 4979.6. Permit for movement of waste tires.**

An annual permit may be issued for the movement on specified highways of waste tires and tire derived-fuel, chipped tires, from a refuse pile to a preparation or power production facility 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 10. Sections 4981(e) and 6103(c) of Title 75 are amended to read:

**§ 4981. Weighing and measurement of vehicles.**

\* \* \*

(e) Certification of accuracy of portable scales.--

(1) Portable scales shall be calibrated [every 90 days] for the purpose of certification of accuracy by the Department of 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.

(2) Portable scales shall be calibrated as follows:

(i) Annually.

(ii) Following any event that could affect the accuracy of the portable scale or following repairs or failures. If a portable scale is calibrated under this subparagraph, the portable scale shall not need to be calibrated for a period of one year.

\* \* \*

**§ 6103. Promulgation of rules and regulations by department.**

\* \* \*

(c) Adoption of Federal statute, regulation, standard or criteria.--The department shall be authorized to adopt by reference any Federal statute, regulation, standard or criteria or provision thereof relating to vehicles or drivers, including, but not limited to, minimum driver qualifications, maximum hours of service, loading, unloading, hazardous materials, operation, equipment, records and inspection.

(1) The department shall be authorized to extend the coverage of any Federal statute, regulation, standard or criteria adopted under this subsection to vehicles and

drivers operating only in intrastate commerce, except as follows:

[(ii) No Federal statute, regulation, standard or criteria pertaining to drivers, including, but not limited to, minimum driver qualifications, maximum hours of service or driver records, shall be extended to cover farm trucks, except farm trucks carrying hazardous materials in an amount and type which require the vehicle to be placarded under Chapter 83 (relating to hazardous materials transportation).]

(iii) No Federal statute, regulation, standard or criteria shall be extended to cover farm tractors or drivers of farm tractors, regardless of whether the farm tractor is operated as a combination.

(iv) No Federal statute, regulation, standard or criteria shall be extended to cover implements of husbandry other than farm tractors, farm vehicles or drivers of these vehicles, regardless of whether the vehicle is operated as a combination, provided that:

(A) the vehicle's or combination's gross weight, gross vehicle weight rating or gross combination weight rating does not equal or exceed 26,001 pounds;

(B) the vehicle or combination is not carrying hazardous materials in an amount that requires the towing or towed vehicle to be placarded under Chapter 83 (relating to hazardous materials transportation); and

(C) the vehicle or combination is not designed or used to transport 16 or more people, including the driver.

(v) For purposes of this paragraph, the term "farm tractors" includes tractors designed for off-road agricultural use, combines, crop pickers, crop and forage harvesters, threshers, plows, tillers, planters, seeders, field sprayers, forage cutters, balers and similar vehicles that are infrequently operated or moved upon highways and that are used by a farmer in agricultural production.

(2) The regulations promulgated by the department under paragraph (1) may be modified, but shall, to the maximum extent possible, be consistent with safety and correspond to Federal regulations, standards or criteria.

(3) The regulations promulgated by the department under paragraph (1) shall not cause the forfeiture or withholding of Federal funding. If a regulation promulgated under paragraph (1) results in a forfeiture or withholding of Federal funding, the regulation shall be void, and the department shall publish notice of the voided regulation in the Pennsylvania Bulletin.

\* \* \*

Section 11. This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) The amendment of 75 Pa.C.S. § 4981(e) shall take effect in 90 days.

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

APPROVED--The 19th day of October, A.D. 2010.

EDWARD G. RENDELL