

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

Act of Nov. 4, 2016, P.L. 1277, No. 165

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Session of 2016

No. 2016-165

HB 2025

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in registration of vehicles, further providing for temporary registration cards, for display of registration plate and for surrender of registration plates and cards upon suspension or revocation and providing for suspension of registration upon unpaid tolls; in commercial drivers, further providing for commercial driver's license; in fees, further providing for trucks and truck tractors and for reinstatement of operating privilege or vehicle registration; in miscellaneous provisions, further providing for the offense of homicide by vehicle and for the offense of aggravated assault by vehicle; in inspection of vehicles, further providing for requirement for periodic inspection of vehicles, for limited liability of inspection station or mechanic, for suspension of certificates of appointment and for certification of mechanics; in size, weight and load, further providing for permit for movement during course of manufacture; and, in abandoned vehicles and cargos, further providing for reports by private property owners of abandoned vehicles.

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

Section 1. Paragraph (1) of the definition of "abandoned vehicle" in section 102 of the Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subparagraph 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:

"Abandoned vehicle."

(1) A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:

* * *

(v) The vehicle has remained on the private property of a salvor for 20 days.

* * *

Section 2. Sections 1310(b), 1332(b) and (c) and 1376(b.1) of Title 75 are amended to read:

§ 1310. Temporary registration cards.

* * *

(b) Duration.--Temporary registration cards shall be valid for such period as the department shall designate. **Temporary registration cards issued to a vehicle acquired in this Commonwealth for transportation to another state for**

registration or use in the other state shall be valid for 60 days from the date of issuance.

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§ 1332. Display of registration plate.

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(b) Obscuring plate.--It is unlawful to display on any vehicle a registration plate which:

(1) is so dirty as to prevent the reading of the number or letters thereon at a reasonable distance;

(2) is obscured in any manner which inhibits the proper operation of an automated red light enforcement system in place pursuant to section 3116 (relating to automated red light enforcement systems in first class cities) or 3117 (relating to automated red light enforcement systems in certain municipalities) **or any other automated enforcement system authorized by this title or an electronic toll collection system as authorized under 74 Pa.C.S. § 8117 (relating to electronic toll collection);** [or]

(3) is otherwise illegible at a reasonable distance or is obscured in any manner[.]; **or**

(4) is obscured, covered or otherwise obstructed in a manner which inhibits the visibility of the issuing jurisdiction at a reasonable distance.

(c) Penalty for obscured plate.--Any person who violates subsection (b)(2) **or (4)** commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

* * *

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

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

(1) a suspension imposed pursuant to section 1374(d)(3) or (4) (relating to suspension or revocation of vehicle business registration plates) until all fees, taxes and penalties have been paid;

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

(3) a suspension or revocation is reinstated after determination of a matter as provided in section 1377 (relating to judicial review); [or]

(4) a suspension imposed pursuant to section 1379 (relating to suspension of registration upon sixth unpaid parking violation in cities of the first class) until all fines, penalties and costs have been paid[.]; **or**

(5) a suspension imposed pursuant to section 1380 (relating to suspension of registration upon unpaid tolls) until all tolls, administrative fees and costs have been paid, dismissed, reversed on appeal or canceled or if the owner or registrant enters into an agreement with the tolling entity to make installment payments.

* * *

Section 3. Title 75 is amended by adding a section to read:
§ 1380. Suspension of registration upon unpaid tolls.

(a) General rule.--

(1) The department shall suspend the registration of a vehicle upon notification from a tolling entity that the owner or registrant of the vehicle has either:

(i) failed to pay or defaulted in the payment of six or more violations issued under 74 Pa.C.S. § 8116(a) (relating to collection and disposition of tolls and other revenue) or 8117(a)(1) (relating to electronic toll collection) or other law, regulation, ordinance or standard applicable to the toll collection or payment requirements for a tolling entity; or

(ii) incurred unpaid tolls or administrative fees or costs that collectively total a minimum of \$500, regardless of the number of violations.

(2) Nothing in paragraph (1) shall be construed to limit a tolling entity's ability to recoup unpaid tolls or administrative fees or costs by any means available under the law.

(b) Notice.--Prior to notifying the department under subsection (c), the tolling entity shall provide the owner or registrant written notice by first class mail of its intent to seek suspension of the vehicle registration under this section and afford the owner or registrant with the opportunity to be heard during an administrative proceeding.

(c) Notice to department.--

(1) Not sooner than 30 days after mailing the notice under subsection (b), the tolling entity, provided it has entered into an agreement with the department to enforce the provisions of this section, may notify the department electronically in a format prescribed by the department whenever an owner or registrant meets the requirements for suspension under subsection (a)(1).

(2) When a tolling entity has provided notice under this subsection and all of the violations are subsequently paid, dismissed, reversed on appeal or canceled, the tolling entity shall notify the department electronically in a format prescribed by the department of the disposition of the violation and shall provide the owner or registrant with a release from the suspension.

(d) Period of suspension.--A suspension under subsection (a) shall continue until the department receives notice from the tolling entity that the violations are paid, dismissed, reversed on appeal or canceled or the owner or registrant enters into an agreement with the tolling entity to make installment payments for tolls, administrative fees and costs imposed and pays the fee prescribed in section 1960 (relating to reinstatement of operating privilege or vehicle registration), provided that the suspension may be reimposed by the department if the owner or registrant fails to make regular installment payments.

(e) Additional suspension.--The department shall impose an additional period of registration suspension if, subsequent to the issuance of a suspension under subsection (a) but prior to the restoration of the registration, the department is notified by the tolling entity that the owner or registrant has failed to pay, failed to respond or defaulted in the payment of an additional violation issued under 74 Pa.C.S. § 8117(a)(1).

(f) Violations outside Commonwealth.--

(1) The department shall suspend the registration of a vehicle upon the notification from a tolling entity that has entered into an enforcement agreement with the department as authorized under section 6146 (relating to enforcement agreements) for any toll violation of that state or an authority or for failure to pay any fine or costs imposed in accordance with the laws of the jurisdiction in which the violation occurred.

(2) An owner or registrant who provides proof satisfactory to the department that the full amount of the fine and costs has been forwarded to and received by the other state may not be regarded as having failed to pay for the purposes of this subsection.

(g) Documentation.--

(1) In any proceeding under this section, documents obtained by the department from a tolling entity or from the appropriate agency of the Commonwealth or another state shall be admissible into evidence to support the department's case.

(2) The department may treat the documents and reports as documents of the department and use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce the documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records).

(3) The department may certify that it has received or obtained documents and reports from a tolling entity, the Commonwealth or other states, and the certification shall be prima facie proof of the facts contained in the documents and reports.

(h) Three-year statute of limitations.--No suspension may be imposed based upon a violation of 74 Pa.C.S. § 8117(a)(1) or similar provision from another state more than three years after the violation is committed.

(i) Collection of out-of-State tolls.--The department or a tolling entity may collect the civil penalties and tolls imposed by an out-of-State tolling entity if the department or tolling entity has entered into a reciprocity agreement that confirms the following:

(1) The other state or tolling entity has its own effective reciprocal procedure for collecting penalties and tolls imposed by a Commonwealth tolling entity and agrees to collect penalties and tolls of the Commonwealth tolling entity by employing sanctions that include denial of an owner's or registrant's right to register or reregister a motor vehicle.

(2) The penalties, exclusive of tolls, claimed by the other state or tolling entity against an owner or registrant of a motor vehicle registered in this Commonwealth do not exceed \$100 for a first violation or \$600 for all pending violations.

(3) The other state or tolling entity provides due process and appeal protections to avoid the likelihood that a false, mistaken or unjustified claim will be pursued against an owner or registrant.

(4) An owner or registrant of a motor vehicle registered in this Commonwealth may present evidence to the other state or tolling entity by mail, telephone, electronic means or other means to invoke rights of due process without having to appear personally in the jurisdiction where the violation is alleged to have occurred.

(5) The reciprocal collection agreement between the department or a tolling entity and the other state or tolling entity provides that each party may charge the other a fee sufficient to cover the costs of collection services, including costs incurred by the agency that registers motor vehicles.

(j) Definition.--As used in this section, the term "tolling entity" means any of the following:

(1) The Pennsylvania Turnpike Commission.

(2) An entity authorized to impose and collect tolls in accordance with any of the following:

(i) The laws of this Commonwealth.

(ii) The laws of another state.

(iii) The terms of an interstate compact or agreement.

(3) An authorized agent of an entity under paragraph (2).

Section 4. Section 1610(b) of Title 75 is amended by adding a paragraph to read:

§ 1610. Commercial driver's license.

* * *

(b) Classifications, endorsements and restrictions.--

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(4) A hazardous materials (code H) endorsement shall not be required for a driver with a Class A commercial driver's license who is operating a commercial motor vehicle in accordance with 49 CFR § 383.3(i) (relating to applicability).

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Section 5. Section 1916(a) of Title 75 is amended by adding paragraphs to read:

§ 1916. Trucks and truck tractors.

(a) General rule.--

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(3) A registration fee for a motor carrier vehicle in excess of 17,000 pounds shall be refunded if the vehicle is stolen or demolished and the vehicle has a nonrepairable certificate or certificate of salvage. The refund shall be prorated based on the number of months the vehicle was operational.

(4) In the case of apportioned registrations, only the fees paid for the Commonwealth portion of the fees shall be eligible for a refund.

* * *

Section 6. Sections 1960, 3732(b)(1.1) and (3), 3732.1(b)(2) and (4), 4702(b)(7), 4702.1(b), 4724(a) and (b) and 4726(b) and (c) of Title 75 are amended to read:

§ 1960. Reinstatement of operating privilege or vehicle registration.

The department shall charge a fee of \$70 or, if section 1379 (relating to suspension of registration upon sixth unpaid parking violation in cities of the first class), **1380 (relating to suspension of registration upon unpaid tolls)** or 1786(d) (relating to required financial responsibility) applies, a fee of \$88 to restore a person's operating privilege or the registration of a vehicle following a suspension or revocation.

§ 3732. Homicide by vehicle.

* * *

(b) Sentencing.--

* * *

(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 **3316 (relating to prohibiting text-based communications)**, 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 **3316**, 3325 or 3327 may be sentenced to an additional term not to exceed five years' confinement when the violation resulted in death.

* * *

(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 or was the result of a violation of section **3316**, 3325 or 3327.

§ 3732.1. Aggravated assault by vehicle.

* * *

(b) Sentencing.--

* * *

(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 **3316 (relating to prohibiting text-based communications)**, 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 **3316**, 3325 or 3327 may be sentenced to an additional term not to exceed two years' confinement when the violation resulted in serious bodily injury.

* * *

(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 **3316**, 3325 or 3327.

§ 4702. Requirement for periodic inspection of vehicles.

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

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[(7) Motor carrier vehicles with a registered gross weight in excess of 17,000 pounds, other than farm vehicles for which a biennial certificate of exemption has been issued.]

* * *

§ 4702.1. Limited liability of inspection station or mechanic.

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[(b) Prior certification.--Inspection mechanics certified as to training, qualifications and competence, prior to January 1, 1983, shall be deemed to have complied with departmental regulations and shall be authorized to conduct motor vehicle inspections without reapplication for certification.]

§ 4724. Suspension of certificates of appointment.

(a) General rule.--The department shall supervise and inspect official inspection stations and may suspend the certificate of appointment issued to a station **or may impose a monetary penalty or may issue a warning against the station** which it finds is not properly equipped or conducted or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. **A schedule of all penalties, points and suspension may be established by the department by publishing a notice in the Pennsylvania Bulletin until the regulations governing these penalties are promulgated by the department.** The department shall maintain a list of all stations holding certificates of appointment and of those whose certificates of appointment have been suspended. Any suspended certificate of appointment and all unused certificates of inspection shall be returned immediately to the department.

(b) Judicial review.--Any person whose **mechanic certificate issued under section 4726 (relating to certification of mechanics)** or certificate of appointment has been denied or suspended **or who has received a monetary penalty** under this chapter shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The court shall set the matter for hearing upon 60 days' written notice to the department and take testimony and examine into the facts of the case and determine whether the petitioner is entitled to a **mechanic certificate or** certificate of appointment or is subject to suspension [of the certificate of appointment] **or monetary penalty** under the provisions of this chapter.

* * *

§ 4726. Certification of mechanics.

* * *

(b) Supervision and suspension.--The department shall supervise mechanics certified under this section and may suspend the certification issued to a mechanic **or may impose a monetary penalty** if it finds that the mechanic has improperly conducted inspections or has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. The department shall maintain a list of all certified mechanics and of those whose certification has been suspended. Any suspended certificate shall be returned immediately to the department.

[(c) Judicial review.--Any mechanic whose certificate has been denied or suspended under this chapter shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The court shall set the matter for hearing upon 60 days' written notice to the department and take testimony and examine into the facts of the case and determine whether the petitioner is entitled to certification or is subject to suspension of the certification under the provisions of this chapter.]

Section 7. Section 4968(a.1)(3) of Title 75 is amended, subsection (a.2) is amended by adding a paragraph and subsection (b) is amended by adding a definition to read:

§ 4968. Permit for movement during course of manufacture.

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

* * *

(3) aircraft refueling vehicles or vehicles and combinations carrying milk, raw coal, flat-rolled steel coils, steel slabs, hot ingots, a hot box, pulpwood and wood chips, raw water or cryogenic liquid **or sugar** 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.--

* * *

(14) A combination vehicle hauling sugar may be permitted by the department and local authorities to move upon specified highways within their respective jurisdictions a distance not exceeding five 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.

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

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"Sugar." The term shall refer to granulated raw, semi-refined or refined sugar derived from the processing of sugar cane or sugar beets, requiring further processing and not intended for direct consumption or retail sale.

Section 8. Section 7311.1 of Title 75 is amended to read:
§ 7311.1. Reports by private property owners of abandoned vehicles.

(a) Removal of abandoned vehicles.--

(1) A person on whose private property is located a vehicle which has remained on the property without the consent of the property owner or his agent for more than 24 hours may authorize the removal or processing of the vehicle.

(2) Prior to removal or processing of the vehicle, that person shall file a report, on a multipart form prescribed by the department, with the local police department declaring that an unauthorized vehicle has been left unattended and on private property for at least 24 hours. One part of such report shall be retained by that person, and the other part shall be filed with the police department.

(3) The police department shall, within five business days, process the vehicle as abandoned under this chapter and attach a copy of the report to the abandoned vehicle information report.

(b) Salvors.--

(1) **An unauthorized vehicle that has been left unattended and on private property includes a vehicle towed to a salvor's property that has remained on the salvor's property for a period of 20 days.**

(2) **After the 20-day period, the salvor may file a report as provided under subsection (a). If the salvor elects to file a report, the salvor shall retain and process the vehicle for which the report has been filed.**

Section 9. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

- (i) This section.
- (ii) The amendment of 75 Pa.C.S. § 102.
- (iii) The addition of 75 Pa.C.S. § 1610(b)(4).
- (iv) The amendment of 75 Pa.C.S. § 7311.1.

(2) The following provisions shall take effect in nine months:

- (i) The amendment of 75 Pa.C.S. § 1332(b) and (c).
- (ii) The amendment of 75 Pa.C.S. § 1376(b.1).
- (iii) The addition of 75 Pa.C.S. § 1380.

(3) The following provisions shall take effect in 90 days:

- (i) The addition of 75 Pa.C.S. § 1916(a)(3).
- (ii) The amendment of 75 Pa.C.S. § 4702(b)(7).

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

APPROVED--The 4th day of November, A.D. 2016.

TOM WOLF