
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 48

Session of
1995

INTRODUCED BY GEIST, FARMER, HERMAN, D. R. WRIGHT, McCALL,
BATTISTO, CIVERA, TRELLO, YOUNGBLOOD, MASLAND, MILLER,
JOSEPHS, TRUE, MELIO, PRESTON, STAIRS, PETTIT, ZUG, MERRY,
STURLA, HERSHEY, STEELMAN, CAPPABIANCA, FAJT, EGOLF, NAILOR
AND MICOZZIE, FEBRUARY 7, 1995

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, DECEMBER 11, 1995

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further defining "pedalcycles"; further providing
3 for HANDICAPPED PLATE AND PLACARD, FOR VETERAN PLATES AND <—
4 PLACARD, FOR the operation of pedalcycles on Commonwealth
5 highways, for pedalcycle helmets, for the use of hearing
6 impairment devices and for hand and arm signals; repealing
7 the Pedalcycle Helmet Fund; providing for the establishment
8 of the Pennsylvania Pedalcycle and Pedestrian Advisory
9 Committee; ~~and~~ further providing for exemption from <—
10 surcharge; PROVIDING FOR AUTHORIZATION FOR THE GOVERNOR TO <—
11 TRANSFER FUNDS FROM THE CATASTROPHIC LOSS BENEFITS
12 CONTINUATION FUND AND FUNDS FROM CONTINUING APPROPRIATIONS
13 FOR HAZARDOUS WASTE CONTROL TO SATISFY LITIGATION AWARDS AND
14 ALL COSTS ASSOCIATED WITH LITIGATION INVOLVING A CENTRALIZED
15 EMISSION INSPECTION CONTRACT; AND DELETING AUTHORITY FOR
16 CENTRALIZED EMISSION INSPECTIONS.

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

19 Section 1. The definition of "pedalcycle" in section 102 of
20 Title 75 of the Pennsylvania Consolidated Statutes is amended to
21 read:

22 § 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:

* * *

"Pedalcycle." A vehicle propelled solely by human-powered pedals. The term does not mean a three-wheeled human-powered pedal-driven vehicle with a main driving wheel 20 inches in diameter or under and primarily designed for children six years of age or younger.

* * *

~~Section 2. Section 3105 of Title 75 is amended by adding a subsection to read:~~

SECTION 2. SECTION 1306(8) AND (9) OF TITLE 75 ARE REPEALED.

SECTION 3. SECTIONS 1338, 1342 AND 3105 OF TITLE 75 ARE AMENDED BY ADDING SUBSECTIONS TO READ:

§ 1338. HANDICAPPED PLATE AND PLACARD.

* * *

(C.1) RETURN OF PLATES AND PLACARD.--UPON THE DEATH OF A PERSON TO WHOM A PLATE OR PLACARD HAS BEEN ISSUED UNDER THIS SECTION, THE PLATE OR PLACARD SHALL BE VOID 30 DAYS AFTER DEATH AND SHALL NOT BE DISPLAYED ON ANY VEHICLE. THE PERSONAL REPRESENTATIVE OF THE DECEASED SHALL RETURN THE PLATE TO THE DEPARTMENT. IF THERE IS NO PERSONAL REPRESENTATIVE, THE SPOUSE, OR IF THERE IS NO SPOUSE, THE NEXT OF KIN OF THE DECEASED SHALL RETURN THE PLATE OR PLACARD TO THE DEPARTMENT.

(C.2) AUTHORIZED USE.--THIS SECTION SHALL NOT PRECLUDE THE OPERATION OF A VEHICLE WHICH BEARS A HANDICAPPED PLATE WHEN THE VEHICLE IS NOT BEING USED FOR THE BENEFIT OF THE HANDICAPPED

1 PERSON OR WHEN THE HANDICAPPED PERSON IS NOT PRESENT IN THE
2 VEHICLE, PROVIDED THE DRIVER DOES NOT USE OR ATTEMPT TO USE ANY
3 SPECIAL PRIVILEGE OR BENEFIT OTHERWISE ACCORDED TO VEHICLES
4 DISPLAYING THE PLATE.

5 * * *

6 § 1342. VETERAN PLATES AND PLACARD.

7 * * *

8 (F) RETURN OF PLATES AND PLACARD.--UPON THE DEATH OF A
9 VETERAN TO WHOM A SEVERELY DISABLED VETERAN PLATE OR PLACARD HAS
10 BEEN ISSUED UNDER THIS SECTION, THE SEVERELY DISABLED VETERAN
11 PLATE OR PLACARD SHALL BE VOID 30 DAYS AFTER DEATH AND SHALL NOT
12 BE DISPLAYED ON ANY VEHICLE. THE PERSONAL REPRESENTATIVE OF THE
13 DECEASED SHALL RETURN THE PLATE TO THE DEPARTMENT. IF THERE IS
14 NO PERSONAL REPRESENTATIVE, THE SPOUSE, OR IF THERE IS NO
15 SPOUSE, THE NEXT OF KIN OF THE DECEASED SHALL RETURN THE PLATE
16 OR PLACARD TO THE DEPARTMENT.

17 § 3105. Drivers of emergency vehicles.

18 * * *

19 (f) Pedalcycles.--No part of this title shall be construed
20 to restrict the operation of a pedalcycle used by a police
21 officer during the course of performing official duties.

22 ~~Section 3. Sections 3314, 3336, 3504, 3505 and 3507(a) of~~ <—
23 ~~Title 75 are amended to read:~~

24 ~~§ 3314. Prohibiting use of hearing impairment devices.~~

25 ~~(a) General rule. No [driver] person shall operate a~~
26 ~~vehicle while wearing or using one or more headphones[,] or~~
27 ~~earphones. [or any similar device which the department by~~
28 ~~regulation determines would impair the ability of the driver to~~
29 ~~hear traffic sounds.]~~

30 ~~(b) Exception. This section does not prohibit the use of~~

1 ~~hearing aids or other devices for improving the hearing of the~~
2 ~~[driver] person nor does it prohibit the use of communication~~
3 ~~equipment by the driver of [a fire vehicle] an emergency vehicle~~
4 ~~or by motorcycle operators complying with section 3525 (relating~~
5 ~~to protective equipment for motorcycle riders).~~

6 SECTION 4. SECTIONS 3336, 3504, 3505, 3507(A) AND 3510 OF
7 TITLE 75 ARE AMENDED TO READ:

8 § 3336. Method of giving hand and arm signals.

9 All signals given by hand and arm shall be given from the
10 left side of the vehicle in the following manner except as
11 indicated for pedalcycles and motorcycles and the signals shall
12 indicate as follows:

13 (1) For a left turn, the hand and arm shall be extended
14 horizontally.

15 (2) For a right turn, the left hand and arm shall be
16 extended upward[.], except that operators of motorcycles and
17 pedalcycles may also be permitted to signal a right turn by
18 extending the right hand and arm horizontally.

19 (3) To stop or decrease speed, the left hand and arm
20 shall be extended downward.

21 § 3504. Riding on pedalcycles.

22 (a) Use of seat by operator.--A person propelling a
23 pedalcycle shall not ride other than upon or astride a permanent
24 and regular seat attached to the pedalcycle.

25 (b) Number of riders.--No pedalcycle shall be used to carry
26 more persons at one time than the number for which the
27 pedalcycle is designed and equipped except that an adult rider
28 may [carry a child securely attached to the rider in a back pack
29 or sling] transport a child in a ~~restraining seat~~ PEDALCYCLE
30 CHILD CARRIER which is securely attached to the pedalcycle or in

1 a trailer which is towed by a pedalcycle.

2 § 3505. Riding on roadways and pedalcycle paths.

3 [(a) General rule.--Except as provided in subsection (b),
4 every person operating a pedalcycle upon a roadway shall ride as
5 near to the right side of the roadway as practicable, exercising
6 due care when passing a standing vehicle or one proceeding in
7 the same direction.

8 (b) One-way highways.--Any person operating a pedalcycle
9 upon a roadway of a highway, which highway carries traffic in
10 one direction only and has two or more marked traffic lanes, may
11 ride as near the left-hand curb or edge of the roadway as
12 practicable, exercising due care when passing a standing vehicle
13 or one proceeding in the same direction.

14 (c) Limitation on riding abreast.--Persons riding
15 pedalcycles upon a roadway shall not ride more than two abreast
16 except on paths or parts of roadways set aside for the exclusive
17 use of pedalcycles.

18 (d) Use of available pedalcycle paths.--Whenever a lane or
19 path for pedalcycles has been provided as part of a highway,
20 pedalcycle riders shall use the lane or path and shall not use
21 any other part of the highway. This subsection does not apply
22 when use of the pedalcycle lane or path is not possible, safe or
23 reasonable.]

24 (a) General rule.--Except as provided in subsections (b) and
25 (c), every person operating a pedalcycle upon a highway shall
26 obey the applicable rules of the road as contained in this
27 title.

28 (b) Operation on shoulder.--A pedalcycle may be operated on
29 the shoulder of a highway and shall be operated in the same
30 direction as required of vehicles operated on the roadway.

1 (c) Slower than prevailing speeds.--A pedalcycle operated at
2 slower than prevailing speed shall be operated in accordance
3 with the provisions of section 3301(b), unless it is unsafe to
4 do so.

5 (d) One-way roadways.--Any person operating a pedalcycle
6 upon a roadway, which carries traffic in one direction only and
7 has two or more marked traffic lanes, may ride as near the left-
8 hand curb or edge of the roadway as practicable, exercising due
9 care when passing a standing vehicle or one proceeding in the
10 same direction.

11 ~~(e) Two way roadways. On two way roadways, any pedalcycle~~ <—
12 ~~shall be driven in the right hand lane then available for~~
13 ~~traffic and as close as practicable to the right hand curb or~~
14 ~~edge of the roadway. This subsection shall not apply to an~~
15 ~~operator who must necessarily drive away from the right hand~~
16 ~~curb or edge of the roadway for reasons of safety.~~

17 ~~(f)~~ (E) Limitation on riding abreast.--Persons riding <—
18 pedalcycles upon a roadway shall not ride more than two abreast
19 except on paths or parts of roadways set aside for the exclusive
20 use of pedalcycles.

21 (F) MANDATORY USE OF AVAILABLE PEDALCYCLE PATH.--WHENEVER A <—
22 LANE OR PATH FOR PEDALCYCLES HAS BEEN PROVIDED AS A PART OF A
23 HIGHWAY, AND MANDATORY USE OF THE LANE OR PATH HAS BEEN
24 INDICATED BY OFFICIAL TRAFFIC CONTROL DEVICES, PEDALCYCLE RIDERS
25 SHALL USE THE LANE OR PATH AND SHALL NOT USE ANY OTHER PART OF
26 THE HIGHWAY. THIS SUBSECTION DOES NOT APPLY WHEN USE OF THE
27 PEDALCYCLE LANE OR PATH IS NOT POSSIBLE, SAFE OR REASONABLE.

28 § 3507. Lamps and other equipment on pedalcycles.

29 (a) Lamps and reflectors.--Every pedalcycle when in use
30 between sunset and sunrise shall be equipped on the front with a

1 lamp which emits a beam of white light intended to illuminate
2 the pedalcycle operator's path and visible from a distance of at
3 least 500 feet to the front. Operators of pedalcycles may
4 supplement the required front lamp with a white flashing lamp,
5 light-emitting diode or similar device to enhance their
6 visibility to other traffic and with a red reflector on the rear
7 [of a type approved by the department] which shall be visible
8 from all distances from [100 feet to 600] 500 feet to the rear
9 and with an amber reflector on each side. A lamp emitting a red
10 [light] flashing lamp, light-emitting diode or similar device
11 visible from a distance of 500 feet to the rear may be used in
12 addition to the red reflector. A lamp worn by the operator of a
13 pedalcycle shall comply with the requirements of this subsection
14 if the lamp can be seen at the distances specified. [All lamps
15 and reflectors shall be of a type approved by the department.]

16 * * *

17 ~~Section 4. Section 3510 of Title 75, amended December 28,~~ <—
18 ~~1994 (P.L.1445, No.170), is amended to read:~~

19 § 3510. Pedalcycle helmets for certain persons.

20 (a) General rule.--A person under 12 years of age shall not
21 operate a pedalcycle or ride as a passenger on a pedalcycle
22 unless the person is wearing a pedalcycle helmet meeting the
23 standards of the American National Standards Institute [or of],
24 the American Society for Testing and Materials, the Snell
25 Memorial Foundation's Standards for Protective Headgear for Use
26 in Bicycling or any other nationally recognized standard for
27 pedalcycle helmet approval. This subsection shall also apply to
28 a person who rides:

29 (1) upon a pedalcycle while in a restraining seat
30 attached to a pedalcycle; or

1 (2) in a trailer towed by a pedalcycle.

2 (b) Helmet to be labeled.--Any helmet sold or offered for
3 sale for use by operators and passengers of pedalcycles shall be
4 [conspicuously] labeled in accordance with the standard
5 described in subsection (a), which shall constitute the
6 manufacturer's certification that the helmet conforms to the
7 applicable safety standards.

8 (b.1) Sale of helmet.--No person shall sell or offer for
9 sale for use by an operator or passenger of a pedalcycle a
10 helmet which is not of a type meeting the requirements
11 established by this section.

12 (b.2) Waiver of fine.--If a person receives a citation
13 issued by the proper authority for violation of subsection (a),
14 a district justice, magistrate or judge shall dismiss the
15 charges if the person prior to or at his hearing displays
16 evidence of acquisition of a helmet meeting the standards
17 prescribed in subsection (a) to such district justice,
18 magistrate or judge. Sufficient evidence shall include a receipt
19 mailed to the appropriate court officer which evidences purchase
20 or transfer of such a helmet from another helmet owner,
21 evidenced by a notarized letter.

22 (b.3) Exemption.--This section shall not apply to a child
23 under 12 years of age who can produce a statement from the
24 family's church authorities attesting that it is against the
25 tenets of the family's religion to wear a helmet.

26 (c) Civil actions.--In no event shall a violation or alleged
27 violation of subsection (a) be used as evidence in a trial of
28 any civil action; nor shall any jury in a civil action be
29 instructed that any conduct did constitute or could be
30 interpreted by them to constitute a violation of subsection (a);

1 nor shall failure to use a pedalcycle helmet be considered as
2 contributory negligence nor shall failure to use a pedalcycle
3 helmet be admissible as evidence in the trial of any civil
4 action.

5 (d) Penalty.--Notwithstanding any other provisions of law,
6 any violation of subsection (a) is punishable by a fine,
7 including all penalties, assessments and court costs imposed on
8 the convicted person not to exceed \$25. [The court imposing and
9 collecting any such fines shall transfer the fines thus
10 collected to the State Treasurer for deposit in the Pedalcycle
11 Helmet Fund, pursuant to section 3512 (relating to Pedalcycle
12 Helmet Fund).] The parent or legal guardian having control or
13 custody of a person under 12 years of age whose conduct violates
14 this section shall be jointly and severally liable with the
15 person for the amount of the fine imposed.

16 (e) Definitions.--As used in this section, the term "wearing
17 a pedalcycle helmet" means having a pedalcycle helmet of good
18 fit fastened securely upon the head with the helmet straps.

19 Section 5. Section 3511 of Title 75 is amended by adding a
20 subsection to read:

21 § 3511. Pedalcycles prohibited on freeways.

22 * * *

23 (d) Operation on shoulder.--If the department authorizes
24 pedalcycle access to a freeway, the pedalcycle shall be operated
25 upon the shoulder of that freeway whenever practicable.

26 Section 6. Section 3512 of Title 75 is repealed.

27 Section 7. Chapter 35 of Title 75 is amended by adding a
28 subchapter to read:

29 CHAPTER 35

30 SPECIAL VEHICLES AND PEDESTRIANS

SUBCHAPTER D

PEDALCYCLE AND PEDESTRIAN ADVISORY COMMITTEE

Sec.

3571. Pedalcycle and Pedestrian Advisory Committee.

§ 3571. Pedalcycle and Pedestrian Advisory Committee.

(a) Establishment.--There is hereby established under the jurisdiction of the Department of Transportation ~~a board known~~ as the Pennsylvania Pedalcycle and Pedestrian Advisory Committee.

(b) Composition.--The committee shall consist of ~~23~~ 12 members. The members shall be as follows:

(1) The Secretary of Transportation, ex officio.

~~(2) The Secretary of Commerce, ex officio.~~

~~(3) The Secretary of Health, ex officio.~~

~~(4)~~ (2) The Secretary of Environmental Resources, ex officio.

~~(5) The Commissioner of the Pennsylvania State Police, ex officio.~~

~~(6) The Secretary of Education, ex officio.~~

~~(7) The Secretary of Community Affairs, ex officio.~~

~~(8)~~ (3) The chairman and minority chairman of the Transportation Committee of the Senate.

~~(9)~~ (4) The chairman and minority chairman of the Transportation Committee of the House of Representatives.

~~(10) Twelve~~ (5) SIX members of the public representing areas of concern specified who shall have extensive experience and knowledge of bicycle, pedalcycle, pedestrian and human power issues throughout this Commonwealth, to be appointed by the Governor as follows:

1 (i) ~~Two members~~ ONE MEMBER from a list of at least <—
2 ~~six~~ THREE representatives submitted by the Bicycling <—
3 Federation of Pennsylvania.

4 (ii) One member from a list of at least three
5 representatives submitted by the League of American
6 Bicyclists.

7 (iii) One member from a list of at least three
8 representatives submitted by the United States Cycling
9 Federation.

10 (iv) One member from a list of at least three
11 representatives submitted by the Pennsylvania Chapter of
12 the Rails-to-Trails Conservancy.

13 (v) One member from a list of at least three
14 representatives submitted by the Eastern Paralyzed
15 Veterans Association.

16 ~~(vi) One member from a list of at least three <—~~
17 ~~representatives submitted by the American Association of~~
18 ~~Retired Persons.~~

19 ~~(vii) One member from a list of at least three~~
20 ~~representatives submitted by the Bicycle Coalition of~~
21 ~~Delaware Valley.~~

22 ~~(viii) One member from a list of at least three~~
23 ~~representatives submitted by the Lehigh Valley Bicycle~~
24 ~~Riders Alliance.~~

25 ~~(ix) One member from a list of at least three~~
26 ~~representatives submitted by the Pittsburgh Area Cycling~~
27 ~~Coalition.~~

28 ~~(x) Two members~~ (VI) ONE MEMBER from the general <—
29 public.

30 Each member may designate an alternate to serve in his stead. A

1 member shall notify the chairman in writing of this designation.

2 (c) Terms of appointees.--The terms of all members of the
3 committee appointed by the Governor shall be for three years.
4 Any member of the committee may be reappointed for additional
5 terms. An individual appointed to fill a vacancy shall serve for
6 the unexpired term and shall be eligible for reappointment.

7 (d) Officers.--The members of the committee shall annually
8 elect a chairman, a vice chairman and a secretary from among the
9 public members of the committee.

10 (e) Meetings and expenses.--

11 (1) The committee shall meet at least ~~four times every~~ <—
12 ~~12 months, but may hold additional meetings as are called by~~
13 ~~the chairman or by petition of at least five members of the~~
14 ~~committee.~~ ANNUALLY. <—

15 (2) A public member, including a designee, who misses
16 three consecutive meetings without good cause acceptable to
17 the chairman ~~shall~~ MAY be replaced ~~by the chairman, who shall~~ <—
18 ~~have the power to make a temporary appointment pending~~
19 ~~approval or replacement~~ by the Governor.

20 (3) The public members of the committee shall be allowed
21 ACTUAL, NECESSARY AND REASONABLE per diem expenses ~~to be set~~ <—
22 ~~by the committee, but not to exceed Internal Revenue Service~~
23 ~~guidelines.~~ IN ACCORDANCE WITH REGULATIONS OF THE EXECUTIVE <—
24 BOARD. The department shall provide appropriate staff support
25 to enable the committee to properly carry out its functions.

26 (f) Powers and duties.--The powers and duties of the
27 committee shall be to advise and comment on all phases of
28 cycling and pedestrian program activities being undertaken or
29 financially assisted by the department and agencies of State
30 government. ~~and to propose methods, strategies or technologies~~ <—

1 ~~for improving these program activity services, systems or~~
2 ~~facilities within this Commonwealth. The committee shall~~
3 ~~annually submit reports of its general deliberations and~~
4 ~~conclusions, as well as any specific issue reports completed at~~
5 ~~the committee's discretion, to the Governor, members of the~~
6 ~~General Assembly and the State Transportation Commission.~~

7 SECTION 8. SECTION 4706(B.3), (B.4), (B.7) AND (F) OF TITLE <—
8 75 ARE REPEALED.

9 SECTION 9. SECTION 4706(G)(3) OF TITLE 75 IS AMENDED TO
10 READ:

11 § 4706. PROHIBITION ON EXPENDITURES FOR EMISSION INSPECTION
12 PROGRAM.

13 * * *

14 (G) ALTERNATIVE ENHANCED EMISSION INSPECTION PROGRAM.--
15 NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (F), THE DEPARTMENT
16 SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

17 * * *

18 (3) [NO LATER THAN MARCH 1, 1995, THE] THE DEPARTMENT
19 SHALL DEVELOP AND SUBMIT TO THE ENVIRONMENTAL PROTECTION
20 AGENCY AN ALTERNATIVE ENHANCED VEHICLE EMISSION INSPECTION
21 PROGRAM FOR APPROVAL WHICH MEETS THE REQUIREMENTS OF FEDERAL
22 LAW AND CONSISTS OF A DECENTRALIZED TEST AND REPAIR PROGRAM
23 OR A HYBRID PROGRAM WHICH COMBINES BOTH DECENTRALIZED TEST
24 AND REPAIR AND TEST-ONLY COMPONENTS. THE DECENTRALIZED TEST
25 PROGRAM MAY CONTAIN AN ADDITIONAL COMPONENT WHICH WILL TEST
26 AND REPAIR ONLY THOSE COMPONENTS NECESSARY TO ACHIEVE
27 COMPLIANCE WITH FEDERAL CLEAN AIR STANDARDS. AS PART OF THIS
28 DECENTRALIZED TEST PROGRAM, THE DEPARTMENT SHALL UTILIZE THE
29 NEWEST AND MOST EFFICIENT TECHNOLOGIES, INCLUDING, BUT NOT
30 LIMITED TO, REMOTE ROADSIDE TESTING, IDENTIFICATION AND

TARGETING OF GROSS POLLUTING VEHICLES AND ALTERNATIVE
EQUIPMENT TO EXISTING INSPECTION TECHNOLOGY. THE DEPARTMENT
MAY INCORPORATE PILOT PROGRAMS AND DEMONSTRATION PROJECTS
WHICH ACHIEVE AND ENHANCE VEHICLE EMISSIONS REDUCTIONS.

* * *

SECTION 10. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

§ 4706.1. CENTRALIZED EMISSION INSPECTION LITIGATION
SETTLEMENT.

(A) AUTHORIZATION.--NOTWITHSTANDING ANY CONTRARY PROVISION
OF LAW, THE GOVERNOR IS HEREBY AUTHORIZED TO TRANSFER FUNDS FROM
THE SPECIFIC FUNDS AND CONTINUING APPROPRIATIONS SET FORTH IN
SUBSECTION (B) FOR THE SOLE PURPOSE OF PAYING ALL SETTLEMENTS
AND COURT ORDERS ARISING FROM LEGAL ACTION RELATED TO ANY
CONTRACT WITH THE DEPARTMENT FOR THE CONDUCT OF A PROGRAM OF
CENTRALIZED EMISSIONS INSPECTIONS ENTERED INTO PRIOR TO NOVEMBER
16, 1994, PURSUANT TO THE ACT OF DECEMBER 16, 1992 (P.L.1250,
NO.166).

(B) SOURCES OF TRANSFERABLE FUNDS.--THE FUNDS AND CONTINUING
APPROPRIATIONS SUBJECT TO THE AUTHORIZATION UNDER SUBSECTION (A)
ARE AS FOLLOWS:

(1) THE CATASTROPHIC LOSS BENEFITS CONTINUATION FUND
ESTABLISHED UNDER § 1798.4 (RELATING TO CATASTROPHIC LOSS
BENEFITS CONTINUATION FUND).

(2) ANY FUNDS REMAINING UNEXPENDED, UNENCUMBERED OR
UNCOMMITTED FROM THE CONTINUING APPROPRIATIONS FOR THE
HAZARDOUS WASTE CONTROL PROGRAM CONTAINED IN:

(I) SECTION 211 OF THE ACT OF JUNE 29, 1984
(P.L.1360, NO.7A), KNOWN AS THE GENERAL APPROPRIATION ACT
OF 1984.

(II) SECTION 212 OF THE ACT OF JUNE 30, 1985

1 (P.L.592, NO.5A), KNOWN AS THE GENERAL APPROPRIATION ACT
2 OF 1985.

3 (III) SECTION 212 OF THE ACT OF JULY 1, 1986
4 (P.L.1776, NO.5A), KNOWN AS THE GENERAL APPROPRIATION ACT
5 OF 1986.

6 (IV) SECTION 213 OF THE ACT OF JULY 3, 1987
7 (P.L.459, NO.9A), KNOWN AS THE GENERAL APPROPRIATION ACT
8 OF 1987.

9 (V) SECTION 213 OF THE ACT OF JULY 1, 1988
10 (P.L.1956, NO.5A), KNOWN AS THE GENERAL APPROPRIATION ACT
11 OF 1988.

12 FUNDS FROM THIS FUND AND THESE APPROPRIATIONS MAY BE TRANSFERRED
13 UPON APPROVAL OF THE GOVERNOR TO A RESTRICTED ACCOUNT AND ARE
14 HEREBY APPROPRIATED FOR THE PAYMENT OF ANY SETTLEMENTS AND
15 COURT ORDERS ARISING FROM LEGAL ACTION RELATED TO ANY CONTRACT
16 WITH THE DEPARTMENT FOR THE CONDUCT OF A PROGRAM OF CENTRALIZED
17 EMISSION INSPECTIONS ENTERED INTO BEFORE NOVEMBER 16, 1994.

18 (C) TRANSFER MECHANISM.--THE TRANSFERS SHALL BE UPON WARRANT
19 OF THE STATE TREASURER UPON REQUISITION OF THE GOVERNOR AND
20 SHALL BE FOR THE SOLE PURPOSE OF SETTLING THE LEGAL ACTION UNDER
21 THIS SECTION. A STATEMENT OF THE ACTUAL AMOUNT OF EACH TRANSFER
22 SHALL BE REPORTED TO THE GENERAL ASSEMBLY WITHIN 14 DAYS OF THE
23 REQUISITION.

24 (D) EXPIRATION.--THIS SECTION SHALL EXPIRE DECEMBER 31,
25 1998.

26 Section 8 11. Section 6506(a) of Title 75 is amended to
27 read:

28 § 6506. Surcharge.

29 (a) Levy and imposition.--In addition to any fines, fees or
30 penalties levied or imposed as provided by law, under this title

1 or any other statute, a surcharge shall be levied for
2 disposition in accordance with subsection (b) as follows:

3 (1) Upon conviction for any violation of the provisions
4 of this title or other statute of the Commonwealth, or
5 regulations promulgated under this title, which is a traffic
6 violation and which is not included within the provisions of
7 paragraphs (2) through (7), exclusive of parking offenses, a
8 surcharge of \$30.

9 (2) Upon conviction for a violation of the following
10 provisions of this title, a surcharge of \$40:

11 (i) Section 3306(a)(1) (relating to limitations on
12 driving on left side of roadway).

13 (ii) Section 3745 (relating to accidents involving
14 damage to unattended vehicle or property).

15 (3) Upon conviction for a violation of section 3345(a)
16 (relating to meeting or overtaking school bus), a surcharge
17 of \$50.

18 (4) Upon conviction for a violation of section 3362
19 (relating to maximum speed limits), the following applicable
20 surcharge:

21 (i) \$30 for exceeding the maximum speed limit by 6
22 to 10 miles per hour or 11 to 15 miles per hour.

23 (ii) \$40 for exceeding the maximum speed limit by 16
24 to 25 miles per hour.

25 (iii) \$50 for exceeding the maximum speed limit by
26 at least 26 miles per hour.

27 (5) Upon conviction for violation of section 4902
28 (relating to restrictions on use of highways and bridges),
29 Subchapter C of Chapter 49 (relating to maximum weights of
30 vehicles) or Subchapter E of Chapter 49 (relating to

measuring and adjusting vehicle size and weight), a surcharge of \$150.

(6) Upon conviction for violation of Chapter 47 (relating to inspection of vehicles), by the owner or operator or driver of a vehicle which is subject to the provisions of Chapter 49 (relating to size, weight and load), a surcharge of \$30.

(7) Upon conviction of offenses under section 3731 (relating to driving under influence of alcohol or controlled substance), or upon admission to programs for Accelerated Rehabilitative Disposition for offenses enumerated in section 3731, a surcharge, respectively, of:

(i) \$50 for the first offense.

(ii) \$100 for the second offense.

(iii) \$200 for the third offense.

(iv) \$300 for the fourth and subsequent offenses.

The provisions of this subsection shall not apply to any violation committed by the operator of a motorcycle, motor-driven cycle, pedalcycle, motorized pedalcycle or recreational vehicle not intended for highway use.

* * *

SECTION ~~9~~ 12. THE ADDITION OF 75 PA.C.S. CH. 35 SUBCH. D SHALL EXPIRE DECEMBER 31, 2000.

Section ~~9-10~~ 13. This act shall take effect in 60 days.

<—

<—