

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 611

Session of
1979

INTRODUCED BY MR. DININNI, MARCH 7, 1979

AS RE-REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 14, 1979

AN ACT

1 Amending the act of June 1, 1956 (1955 P.L.1944, No.655),
2 entitled "An act providing a permanent allocation of a part
3 of the fuels and liquids fuels tax proceeds to cities,
4 boroughs, incorporated towns and townships, for their road,
5 street and bridge purposes; conferring powers and imposing
6 duties on local officers and the Department of Highways; and
7 making an appropriation out of the Motor License Fund; and
8 repealing existing legislation," further providing for
9 distribution of tax proceeds to municipalities FOR THE USE OF <—
10 THE TAX FOR DRAINAGE PURPOSES.

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

13 Section 1. Section 3, act of June 1, 1956 (1955 P.L.1944,
14 No.655), entitled "An act providing a permanent allocation of a
15 part of the fuels and liquids fuels tax proceeds to cities,
16 boroughs, incorporated towns and townships, for their road,
17 street and bridge purposes; conferring powers and imposing
18 duties on local officers and the Department of Highways; and
19 making an appropriation out of the Motor License Fund; and
20 repealing existing legislation," amended March 3, 1970 (P.L.107,
21 No.40), is amended to read:

22 Section 3. (a) (1) An amount equal to twenty per centum of

1 five and one-half cents (5-1/2¢) of all taxes collected on each
2 gallon of liquid fuel under ~~section 4(1)~~ SECTION 4(A) of "The <—
3 Liquid Fuels Tax Act" of May twenty-one, one thousand nine
4 hundred thirty-one (Pamphlet Laws 149), and its amendments, and
5 on each gallon of fuel under ~~section 4(1)~~ of the "Fuel Use Tax
6 Act" of January fourteen, one thousand nine hundred fifty-two
7 (Pamphlet Laws 1965), and its amendments, is appropriated out of
8 the Motor License Fund to the municipalities of the Commonwealth
9 on the basis and subject to the provisions hereinafter set
10 forth.

11 (2) In addition to the above appropriation, an amount equal
12 to fifty per centum of that portion of the tax which exceeds
13 seven cents (7¢) per gallon but which does not exceed eight
14 cents (8¢) per gallon is appropriated out of the Motor License
15 Fund to the municipalities of the Commonwealth on the same basis
16 and condition as provided above.

17 (b) An amount equal to eighteen and eighty-two one
18 hundredths per centum of all taxes collected on:

19 (1) liquid fuels under ~~section 4(2)~~ SECTION 4(B) of "The <—
20 Liquid Fuels Tax Act"; and

21 (2) fuels under section 4(2) of the "Fuel Use Tax Act"; less
22 any refunds, is hereby authorized to be distributed to the
23 municipalities of the Commonwealth on the basis and subject to
24 the provisions hereinafter set forth.

25 SECTION 2. SECTION 4 OF THE ACT, AMENDED AUGUST 11, 1959 <—
26 (P.L.663, NO.215), AUGUST 10, 1965 (P.L.325, NO.174), OCTOBER
27 13, 1965 (P.L.588, NO.305) AND AUGUST 4, 1971 (P.L.277, NO.70),
28 IS AMENDED TO READ:

29 SECTION 4. THE MONEY HEREBY APPROPRIATED TO MUNICIPALITIES
30 SHALL BE PAID TO THE MUNICIPALITIES IN ACCORDANCE WITH THE

1 FOLLOWING FORMULA AND SUBJECT TO THE PROVISIONS OF THIS ACT:

2 (1) THE MONEY HEREBY ALLOCATED SHALL BE PAID TO THE CITIES,
3 BOROUGH, TOWNS AND TOWNSHIPS IN ACCORDANCE WITH THE FOLLOWING
4 FORMULA:

5 FIVE-TENTHS OF THIS THE NUMBER OF MILES
6 ALLOCATION DIVIDED MULTIPLIED IN THE PARTICULAR
7 BY THE TOTAL MILES BY MUNICIPALITY.
8 OF PUBLIC ROADS AND
9 STREETS WHICH ARE
10 MAINTAINED BY
11 MUNICIPALITIES.

12 PLUS
13 FIVE-TENTHS OF THIS THE OFFICIAL
14 ALLOCATION DIVIDED MULTIPLIED POPULATION OF THE
15 BY THE TOTAL OFFICIAL BY PARTICULAR
16 POPULATION OF THE MUNICIPALITY AS OF
17 MUNICIPALITIES AS OF JANUARY FIRST OF SAID
18 JANUARY FIRST OF THE YEAR.
19 YEAR IN WHICH THE
20 MONEY IS TO BE PAID
21 TO THE MUNICIPALITIES.

22
23 _____
24 (AMOUNT DUE THE
PARTICULAR MUNICIPALITY)

25 TO BE EXPENDED BY THE AUTHORITIES OF THE RESPECTIVE
26 MUNICIPALITIES (I) FOR THE MAINTENANCE, REPAIR, CONSTRUCTION OR
27 RECONSTRUCTION OF SUCH PUBLIC ROADS OR STREETS, INCLUDING
28 BRIDGES, CULVERTS AND DRAINAGE STRUCTURES FOR WHICH THEY ARE
29 LEGALLY RESPONSIBLE AND INCLUDING THE LINING OF STREAMS
30 INCIDENTAL TO THE DRAINAGE OF HIGHWAYS; AND (II) FOR THE

1 ACQUISITION, MAINTENANCE, REPAIR AND OPERATION OF STREET SIGNS,
2 TRAFFIC SIGNS AND TRAFFIC SIGNAL CONTROL SYSTEMS. WHERE ROAD OR
3 BRIDGE WORK IS PERFORMED BY THE POLITICAL SUBDIVISION THE MONEYS
4 HEREIN ALLOCATED MAY BE USED ONLY FOR LABOR, HIRING OF
5 EQUIPMENT, PAYROLLS, PURCHASE OF MATERIAL, INCLUDING REPAIR
6 PARTS NECESSARY FOR THE MAINTENANCE OF EQUIPMENT, SMALL TOOLS,
7 ROAD DRAGS AND SNOW FENCES AND, IN ADDITION, AN AMOUNT NOT TO
8 EXCEED TWENTY PER CENTUM OF THE TOTAL ANNUAL ALLOCATION RECEIVED
9 BY EACH MUNICIPALITY, MAY BE USED FOR THE PURCHASE OF ROAD
10 MACHINERY AND ROAD EQUIPMENT.

11 NO MUNICIPALITY SHALL RECEIVE LESS THAN THE AMOUNT ALLOCATED
12 TO SUCH MUNICIPALITY DURING THE FISCAL YEAR ENDING JUNE 30,
13 1969. SO MUCH AS IS NECESSARY OF THE TAXES COLLECTED ON EACH
14 GALLON OF LIQUID FUEL UNDER "THE LIQUID FUEL TAX ACT" AND ON
15 EACH GALLON OF FUEL UNDER THE "FUEL USE TAX ACT" IS HEREBY
16 APPROPRIATED OUT OF THE MOTOR LICENSE FUND TO MUNICIPALITIES OF
17 THE COMMONWEALTH FOR THE PURPOSE OF MAKING ANY ADDITIONAL
18 PAYMENTS REQUIRED UNDER THE PROVISIONS HEREOF. FUNDS HEREBY
19 APPROPRIATED SHALL BE IN ADDITION TO FUNDS APPROPRIATED UNDER
20 THE PROVISIONS OF SECTION 3 OF THIS ACT.

21 (2) TWENTY-FIVE PER CENTUM OF ALL MONEY ALLOCATED TO EACH
22 MUNICIPALITY SHALL BE USED FOR CONSTRUCTION, RECONSTRUCTION OR
23 WIDENING OF ROADS AND STREETS, BRIDGES AND DRAINAGE STRUCTURES.
24 EXCEPT AS PROVIDED HEREIN, WHEN ALL ROADS AND STREETS OF A
25 MUNICIPALITY ARE CLASSIFIED AS IMPROVED ACCORDING TO THE
26 STANDARDS OF THE DEPARTMENT, THE TWENTY-FIVE PER CENTUM REQUIRED
27 TO BE USED FOR ROAD AND STREET IMPROVEMENT MAY BE USED FOR
28 MAINTENANCE AND REPAIR OF ROADS AND STREETS. WHEN ALL ROADS AND
29 STREETS OF ANY IMPORTANCE AS DETERMINED BY THE TOWNSHIP
30 SUPERVISORS AND THE DEPARTMENT ARE CLASSIFIED AS IMPROVED IN ANY

1 TOWNSHIP OF THE SECOND CLASS, THE TWENTY-FIVE PER CENTUM MAY BE
2 USED FOR MAINTENANCE OF ROADS AND BRIDGES IN THE TOWNSHIP.

3 (2.1) NOTWITHSTANDING ANY LIMITATIONS HEREINBEFORE SET
4 FORTH, ANY MUNICIPALITY WHICH ISSUES BONDS OR OBLIGATIONS IN
5 ACCORDANCE WITH ARTICLE VII-A OF THE ACT OF JUNE 25, 1941
6 (P.L.159), KNOWN AS THE "MUNICIPAL BORROWING LAW," EXCLUSIVELY
7 FOR ROAD OR STREET IMPROVEMENT PURPOSES MAY EXPEND ALL OR ANY
8 PORTION OF THE ALLOCATED MONEY FOR INTEREST AND PRINCIPAL
9 PAYMENTS AND SINKING FUND CHARGES BECOMING DUE ON SUCH BONDS OR
10 OBLIGATIONS.

11 (3) THE MONEYS ALLOCATED IN CLAUSE (1) SHALL BE PAID OVER,
12 IN THE MANNER PROVIDED BY LAW, BY THE DEPARTMENT OF HIGHWAYS TO
13 THE RESPECTIVE CITIES, BOROUGHES, TOWNS AND TOWNSHIPS, ON THE
14 FIRST DAYS OF JULY AND DECEMBER, 1956, AND THE FIRST DAY OF
15 APRIL OF EACH SUBSEQUENT YEAR.

16 Section ~~2~~ 3. Section 9 of the act, amended February 9, 1961 <—
17 (P.L.11, No.8), is amended to read:

18 Section 9. (a) The amount allocated hereby to be paid
19 during any calendar year under subsection (a) of section three
20 of this act shall be determined by the amount received by the
21 Commonwealth during the immediate preceding fiscal year from the
22 first four and one-half cents (4-1/2¢) of the taxes and the
23 portion of the taxes exceeding six cents (6¢) on each gallon.

24 (b) The amount authorized to be distributed under subsection
25 (b) of section 3 shall be paid quarterly to municipalities based
26 upon tax revenues received during the preceding quarter.

27 Section ~~3~~ 4. Nothing contained in this act shall be <—
28 construed to repeal or effect the provisions of the act of July
29 12, 1974 (P.L.458, No.161), referred to as the Liquid Fuels
30 Additional Tax Act.

1 Section 4 5. This act shall take effect ~~on the first day of~~ <—
2 ~~the next month beginning 25 days or more after final enactment~~
3 ~~of this act~~ IMMEDIATELY. <—