

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 10

Session of

INTRODUCED BY HUTCHINSON, HASAY, TIGUE, COSLETT, JAROLIN,
CAWLEY, LLOYD, STUBAN, DAVIES, LEHR, NOYE, LETTERMAN, DALEY
PRESTON, BATTISTO, ALDERETTE, MCHALE, FREEMAN, COY,
CALTIGIRONE AND GEIST JANUARY 24, 1983

SENATOR KUSSE, TRANSPORTATION, IN SENATE, AS AMENDED, JULY 18,
1983

AN ACT

1 ~~Amending the act of May 26, 1982 (P.L.435, No.129), entitled "An~~ <—
2 ~~act amending Title 75 (Vehicles) of the Pennsylvania~~
3 ~~Consolidated Statutes, further providing for the registration~~
4 ~~and inspection of vehicles and the appointment and~~
5 ~~certification of inspection stations and mechanics,"~~
6 ~~regulating certification of auto inspection mechanics.~~
7 AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED <—
8 STATUTES, FURTHER DEFINING "RESIDENT"; PROVIDING FOR THE
9 BURDEN OF PROOF OF RESIDENCY IN PROCEEDINGS REGARDING DRIVING
10 AN UNREGISTERED VEHICLE; AND FURTHER PROVIDING FOR
11 INVESTIGATIONS BY POLICE OFFICERS.

12 THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA

13 HEREBY ENACTS AS FOLLOWS:

14 ~~SECTION 1. SECTION 11 OF THE ACT OF MAY 26, 1982 (P.L.435,~~ <—
15 ~~NO.129), ENTITLED "AN ACT AMENDING TITLE 75 (VEHICLES) OF THE~~
16 ~~PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER PROVIDING FOR THE~~
17 ~~REGISTRATION AND INSPECTION OF VEHICLES AND THE APPOINTMENT AND~~
18 ~~CERTIFICATION OF INSPECTION STATIONS AND MECHANICS," IS AMENDED~~
19 ~~BY ADDING A SUBSECTION TO READ:-~~

20 ~~SECTION 11. * * *~~

~~(C) 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.~~

SECTION 1. THE DEFINITION OF "RESIDENT" IN SECTION 102 OF
TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED 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:

* * *

"RESIDENT." A PERSON DWELLING PERMANENTLY OR CONTINUOUSLY
FOR A PERIOD EXCEEDING [30] 60 CONSECUTIVE DAYS WITHIN THIS
COMMONWEALTH, EXCEPT THAT A PERSON WHO REGULARLY DWELLS IN TWO
OR MORE STATES SHALL DECLARE RESIDENCE TO BE IN ANY ONE OF THE
STATES.

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SECTION 2. SECTIONS 1301 AND 6308(B) OF TITLE 75 ARE AMENDED
TO READ:

§ 1301. DRIVING UNREGISTERED VEHICLE PROHIBITED.

(A) GENERAL RULE.--IT IS A SUMMARY OFFENSE FOR ANY PERSON TO
DRIVE OR FOR AN OWNER KNOWINGLY TO PERMIT TO BE DRIVEN UPON ANY
HIGHWAY ANY VEHICLE OF A TYPE REQUIRED TO BE REGISTERED UNDER
THIS CHAPTER WHICH IS NOT REGISTERED OR FOR WHICH THE
APPROPRIATE FEE HAS NOT BEEN PAID WHEN AND AS REQUIRED IN THIS
TITLE.

1 (B) PROOF OF RESIDENCY.--A PERSON CHARGED UNDER THIS SECTION
2 HAS THE BURDEN OF PROVING THAT HE IS A NONRESIDENT WHENEVER HE
3 ASSERTS A DEFENSE BASED ON SECTION 1303 (RELATING TO VEHICLES OF
4 NONRESIDENTS EXEMPT FROM REGISTRATION). IF HE PRODUCES AT THE
5 OFFICE OF THE ISSUING AUTHORITY SATISFACTORY PROOF THAT HE IS A
6 NONRESIDENT WITHIN FIVE DAYS AFTER BEING CHARGED WITH A
7 VIOLATION OF THIS SECTION, THE ISSUING AUTHORITY SHALL DISMISS
8 THE CHARGE.

9 (C) PENALTY.--ANY PERSON VIOLATING THIS SECTION COMMITS A
10 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
11 A FINE OF \$75.

12 § 6308. INVESTIGATION BY POLICE OFFICERS.

13 * * *

14 (B) AUTHORITY OF POLICE OFFICER.--[ANY] WHENEVER A POLICE
15 OFFICER HAS ARTICULABLE AND REASONABLE GROUNDS TO SUSPECT A
16 VIOLATION OF THIS TITLE, HE MAY STOP A VEHICLE, UPON REQUEST OR
17 SIGNAL, FOR THE PURPOSE OF INSPECTING THE VEHICLE AS TO ITS
18 EQUIPMENT AND OPERATION, OR VEHICLE IDENTIFICATION NUMBER OR
19 ENGINE NUMBER, OR TO SECURE SUCH OTHER INFORMATION AS THE
20 OFFICER MAY REASONABLY BELIEVE TO BE NECESSARY TO ENFORCE THE
21 PROVISIONS OF THIS TITLE.

22 * * *

23 Section ~~2~~ 3. This act shall take effect immediately.

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