
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 300 Session of
1983

Report of the Committee of Conference

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 300, entitled:

"An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "local authorities" to include airport authorities WHICH ARE NOT LOCATED WITHIN COUNTIES OF THE FIRST CLASS OR COUNTIES OF THE SECOND CLASS; PROVIDING FOR NOTICE RELATING TO CHEMICAL TESTS AND DRIVING UNDER THE INFLUENCE; AND FURTHER PROVIDING FOR EXEMPTIONS FROM THE AXLE TAX,"

respectfully submit the following bill as our report:

EDWIN G. HOLL

ROBERT C. JUBELIRER

EDWARD P. ZEMPRELLI

(Committee on the part of the Senate.)

RUSSELL KOWALYSHYN

DAVID W. SWEET

MERLE H. PHILLIPS

(Committee on the part of the House of Representatives.)

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "local authorities" to include airport authorities which are not located within counties of the first class or counties of the second class; further providing for financial responsibility; providing for notice relating to chemical tests and driving under the influence; further providing for motor carriers road tax identification markers and axle tax; and making repeals.

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

Section 1. The definition of "local authorities" 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:

* * *

"Local authorities." County, municipal and other local boards or bodies having authority to enact laws relating to traffic. The term also includes airport authorities, except where those authorities are located within counties of the first class or counties of the second class.

* * *

Section 2. Section 1547(j) of Title 75 is amended to read:
§ 1547. Chemical testing to determine amount of alcohol or controlled substance.

* * *

(j) Immunity from civil liability and reports.--No physician, nurse or technician or hospital employing such

1 physician, nurse or technician, and no other employer of such
2 physician, nurse or technician shall be civilly liable for
3 [properly] withdrawing blood or obtaining a urine sample and
4 reporting test results to the police at the request of a police
5 officer pursuant to this section. No physician, nurse or
6 technician or hospital employing such physician, nurse or
7 technician may administratively refuse to perform such tests and
8 provide the results to the police officer except as may be
9 reasonably expected from unusual circumstances that pertain at
10 the time the request is made.

11 * * *

12 Section 3. Sections 1702, 1711, 1712, 1713, 1715, 1717,
13 1718, 1719, 1720, 1721, 1722, 1723, 1731, 1752, 1753, 1754,
14 1755, 1756, 1757, 1761, 1762, 1763, 1764, 1765(a) and (f), 1766,
15 1774, 1782(a), 1784, 1785, 1787, 1791, 1792, 1794, 1795(a),
16 1796, 1797 and 1798 of Title 75, added February , 1984 (P.L. ,
17 No.), are amended or added to read:

18 § 1702. Definitions.

19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Benefits" or "first party benefits." Medical benefits,
23 income loss benefits, accidental death benefits and funeral
24 benefits.

25 "Department." The Department of Transportation or Insurance
26 Department, as applicable.

27 "Financial responsibility." The ability to respond in
28 damages for liability on account of accidents arising out of the
29 [ownership,] maintenance or use of a motor vehicle in the amount
30 of [\$20,000 prior to July 1, 1986 and \$25,000 on or after that

1 date] \$15,000 because of injury to one person in any one
2 accident, in the amount of [\$40,000 prior to July 1, 1986 and
3 \$50,000 on or after that date] \$30,000 because of injury to two
4 or more persons in any one accident and in the amount of [\$7,500
5 prior to July 1, 1986 and \$10,000 on or after that date] \$5,000
6 because of damage to property of others in any one accident. The
7 financial responsibility shall be in a form acceptable to the
8 Department of Transportation.

9 "Injury." Accidentally sustained bodily harm to an
10 individual and that individual's illness, disease or death
11 resulting therefrom.

12 "Insured." Any of the following:

13 (1) An individual identified by name as an insured in a
14 policy of motor vehicle liability insurance.

15 (2) If residing in the household of the named insured:

16 (i) a spouse or other relative of the named insured;
17 or

18 (ii) a minor in the custody of either the named
19 insured or relative of the named insured.

20 "Insurer" or "insurance company." A motor vehicle liability
21 insurer subject to the requirements of this chapter.

22 "Self-insurer." An entity providing benefits and qualified
23 in the manner set forth in section 1787 (relating to self-
24 insurance).

25 "Underinsured motor vehicle." A motor vehicle for which the
26 limits of available liability insurance and self-insurance are
27 insufficient to pay losses and damages.

28 "Uninsured motor vehicle." Any of the following:

29 (1) A motor vehicle for which there is no liability
30 insurance or self-insurance applicable at the time of the

1 accident.

2 (2) A motor vehicle for which the insurance company
3 denies coverage or the insurance company is or becomes
4 involved in insolvency proceedings in any jurisdiction.

5 (3) An unidentified motor vehicle that causes an
6 accident resulting in injury provided the accident is
7 reported to the police or proper governmental authority and
8 the claimant notifies his insurer within 30 days, or as soon
9 as practicable thereafter, that the claimant or his legal
10 representative has a legal action arising out of the
11 accident.

12 § 1711. Required [medical benefit] benefits.

13 An insurer issuing or delivering liability insurance policies
14 covering any motor vehicle of the type required to be registered
15 under this title, except recreational vehicles not intended for
16 highway use, motorcycles, motor-driven cycles or motorized
17 pedalcycles or like type vehicles, registered and operated in
18 this Commonwealth shall include coverage providing a medical
19 benefit in the amount of \$10,000, an income loss benefit up to a
20 monthly maximum of \$1,000 up to a maximum benefit of \$5,000 and
21 a funeral benefit in the amount of \$1,500, as defined in section
22 1712[(1)] (relating to availability of benefits), with respect
23 to injury arising out of the [ownership,] maintenance or use of
24 a motor vehicle[, in the amount of \$5,000. Insurance policies
25 issued in accordance with this subchapter may also provide
26 higher amounts of coverage and other types of coverage]. The
27 income loss benefit provided under this section may be expressly
28 waived by the named insured provided the name insured has no
29 expectation of actual income loss due to age, disability or lack
30 of employment history.

1 § 1712. Availability of benefits.

2 An insurer issuing or delivering liability insurance policies
3 covering any motor vehicle of the type required to be registered
4 under this title, except recreational vehicles not intended for
5 highway use, motorcycles, motor-driven cycles or motorized
6 pedalcycles or like type vehicles, registered and operated in
7 this Commonwealth shall make available for purchase first party
8 benefits with respect to injury arising out of the [ownership,]
9 maintenance or use of a motor vehicle as follows:

10 (1) Medical benefit.--[All] Coverage to provide for
11 reasonable and necessary [expenses for] medical treatment and
12 rehabilitative services, including, but not limited to,
13 hospital, dental, surgical, psychiatric, psychological,
14 osteopathic, ambulance, chiropractic, licensed physical
15 therapy, nursing services, vocational rehabilitation and
16 occupational therapy, speech pathology and audiology,
17 optometric services, medications, medical supplies and
18 prosthetic devices, all without limitation as to time,
19 provided that, within 18 months from the date of the accident
20 causing injury, it is ascertainable with reasonable medical
21 probability that further expenses may be incurred as a result
22 of the injury. Benefits under this paragraph may include any
23 nonmedical remedial care and treatment rendered in accordance
24 with a recognized religious method of healing. [Expenses for
25 hospital room charges may be limited to semiprivate
26 accommodations.]

27 (2) Income loss benefit.--Includes the following:
28 (i) Eighty percent of actual loss of gross income.
29 (ii) Reasonable expenses actually incurred for
30 hiring a substitute to perform self-employment services

1 thereby mitigating loss of gross income or for hiring
2 special help thereby enabling a person to work and
3 mitigate loss of gross income.

4 Income loss does not include loss of expected income for any
5 period following the death of an individual or expenses
6 incurred for services performed following the death of an
7 individual. Income loss shall not commence until five working
8 days have been lost after the date of the accident.

9 (3) Accidental death benefit.--A death benefit paid to
10 the personal representative of the insured, should injury
11 resulting from a motor vehicle accident cause death within 24
12 months from the date of the accident.

13 (4) Funeral benefit.--Expenses directly related to the
14 funeral, burial, cremation or other form of disposition of
15 the remains of a deceased individual, incurred as a result of
16 the death of the individual as a result of the accident and
17 within 24 months from the date of the accident.

18 (5) Combination benefit.--A combination of benefits
19 described in paragraphs (1) through (4) as an alternative to
20 the separate purchase of those benefits.

21 § 1713. Source of benefits.

22 (a) General rule.--Except as provided in section 1714
23 (relating to ineligible claimants), a person [injured in a motor
24 vehicle accident] who suffers injury arising out of the
25 maintenance or use of a motor vehicle shall recover first party
26 benefits against applicable insurance coverage in the following
27 order of priority:

28 (1) For a named insured, the policy on which he is the
29 named insured.

30 (2) For an insured, the policy covering the insured.

1 (3) For the occupants of an insured motor vehicle, the
2 policy on that motor vehicle.

3 (4) For a person who is not the occupant of a motor
4 vehicle, the policy on any motor vehicle involved in the
5 accident. For the purpose of this paragraph, a parked and
6 unoccupied motor vehicle is not a motor vehicle involved in
7 an accident unless it was parked so as to cause unreasonable
8 risk of injury.

9 (b) Multiple sources of equal priority.--The insurer against
10 whom a claim is asserted first under the priorities set forth in
11 subsection (a) shall process and pay the claim as if wholly
12 responsible. The insurer is thereafter entitled to recover
13 contribution pro rata from any other insurer for the benefits
14 paid and the costs of processing the claim. If contribution is
15 sought among insurers responsible under subsection (a)(4),
16 proration shall be based on the number of involved motor
17 vehicles.

18 § 1715. Availability of adequate limits.

19 (a) General rule.--An insurer shall make available for
20 purchase first party benefits as follows:

21 (1) For medical benefits, up to at least \$100,000.

22 (2) For income loss benefits, up to at least \$2,500 per
23 month up to a maximum benefit of at least \$50,000.

24 (3) For accidental death benefits, up to at least
25 \$25,000.

26 (4) For funeral benefits, \$2,500.

27 (5) For combination of benefits enumerated in paragraphs
28 (1) through (4) and subject to a limit on the accidental
29 death benefit of up to \$25,000 and a limit on the funeral
30 benefit of \$2,500, up to at least \$277,500 of benefits in the

1 aggregate or benefits payable up to three years from the date
2 of the accident, whichever occurs first.

3 (b) Higher or lower limits and additional benefits.--[An
4 insured may elect to purchase] Insurers may make available
5 higher or lower limits or [additional] benefits [than] in
6 addition to those enumerated in subsection (a).

7 (c) Restriction on providing first party benefits.--An
8 insurer shall not issue or deliver a policy providing first
9 party benefits in accordance with this subchapter unless the
10 policy also contains coverage for liability in amounts at least
11 equal to the limits required for financial responsibility.

12 § 1717. Stacking of benefits.

13 [An insurer may provide that first] First party benefits
14 shall not be increased by stacking the limits of coverage of:

15 (1) multiple motor vehicles covered under the same
16 policy of insurance; or

17 (2) multiple motor vehicle policies covering the
18 individual for the same loss.

19 § 1718. Exclusion from benefits.

20 (a) General rule.--An insurer [may] shall exclude from
21 benefits any insured, or his personal representative, under a
22 policy enumerated in section 1711 (relating to required [medical
23 benefit] benefits) or 1712 (relating to availability of
24 benefits), when the conduct of the insured contributed to the
25 injury sustained by the insured in any of the following ways:

26 (1) While intentionally injuring himself or another or
27 attempting to intentionally injure himself or another.

28 (2) While committing a felony.

29 (3) While seeking to elude lawful apprehension or arrest
30 by a law enforcement official.

1 (b) Conversion of vehicle.--A person who knowingly converts
2 a motor vehicle is ineligible to receive first party benefits
3 from any source other than a policy of insurance under which he
4 is an insured for any injury arising out of the maintenance or
5 use of the converted vehicle.

6 (c) Named driver exclusion.--An insurer may exclude any
7 insured or his personal representative from benefits under a
8 policy enumerated in section 1711 or 1712 when the insured is
9 excluded from coverage while operating a motor vehicle in
10 accordance with the act of June 5, 1968 (P.L.140, No.78),
11 relating to the writing, cancellation of or refusal to renew
12 policies of automobile insurance.

13 § 1719. Coordination of benefits.

14 (a) General rule.--Except for workers' compensation, a
15 policy of insurance issued or delivered pursuant to this
16 subchapter shall be primary. Any program, group contract or
17 other arrangement for payment of benefits[,] such as described
18 in section 1711 (relating to required [medical benefit]
19 benefits) [or], 1712(1) and (2) (relating to availability of
20 benefits)[,] or 1715 (relating to availability of adequate
21 limits) shall be construed to contain a provision that all
22 benefits provided therein shall be in excess of and not in
23 duplication of any valid and collectible first party benefits
24 provided in section 1711 [or], 1712 or 1715 or workers'
25 compensation.

26 (b) Definition.--As used in this section the term "program,
27 group contract or other arrangement" includes, but is not
28 limited to, benefits payable by a hospital plan corporation or a
29 professional health service corporation subject to 40 Pa.C.S.
30 Ch. 61 (relating to hospital plan corporations) or 63 (relating

1 to professional health services plan corporations).

2 § 1720. Subrogation.

3 [There] In actions arising out of the maintenance or use of a
4 motor vehicle, there shall be no right of subrogation or
5 reimbursement from a claimant's tort recovery with respect to
6 workers' compensation benefits, benefits available under section
7 1711 (relating to required [medical benefit] benefits) [or],
8 1712 (relating to availability of benefits) or 1715 (relating to
9 availability of adequate benefits) or benefits in lieu thereof
10 paid or payable under section 1719 (relating to coordination of
11 benefits).

12 § 1721. Statute of limitations.

13 (a) General rule.--If benefits have not been paid, an action
14 for first party benefits shall be commenced within four years
15 from the date of the accident giving rise to the claim. If first
16 party benefits have been paid, an action for further benefits
17 shall be commenced within four years from the date of the last
18 payment.

19 (b) Minors.--For minors entitled to [medical] benefits
20 described in section 1711 (relating to required [medical
21 benefit] benefits) or 1712[(1)] (relating to availability of
22 benefits), an action for [medical] benefits shall be commenced
23 within four years from the date on which the injured minor
24 attains 18 years of age.

25 (c) Definition.--As used in this section the term "further
26 benefits" means expenses incurred not earlier than four years
27 preceding the date an action is commenced.

28 § 1722. Preclusion of pleading [and], proving [of] and
29 recovering required [medical benefit] benefits.

30 In any action for damages against a tortfeasor arising out of

1 the [ownership,] maintenance or use of a motor vehicle, a person
2 who is eligible to receive [medical] benefits under the [minimum
3 required coverage] coverages set forth in section 1711 (relating
4 to required [medical benefit] benefits) shall be precluded from
5 pleading [or], introducing into evidence or recovering the
6 amount of [medical and rehabilitative expenses for which such]
7 benefits [were] paid or [are] payable under section 1711. This
8 preclusion applies only to the amount of [required medical]
9 benefits set forth in section 1711.

10 § 1723. Reporting requirements.

11 Beginning December 31, [1985] 1986, and each year thereafter,
12 each insurance company writing automobile insurance in this
13 Commonwealth shall file with the Insurance Department the number
14 of its insureds, the number of its insureds who have purchased
15 first party medical benefits in excess of the minimum required
16 by section 1711 (relating to required [medical benefit]
17 benefits) and the number of insureds who have purchased first
18 party medical benefits in the amount of \$100,000. The Insurance
19 Department shall furnish this information to the General
20 Assembly annually.

21 § 1731. Scope and amount of coverage.

22 (a) General rule.--No motor vehicle liability insurance
23 policy shall be delivered or issued for delivery in this
24 Commonwealth, with respect to any motor vehicle registered or
25 principally garaged in this Commonwealth, unless uninsured
26 motorist and underinsured motorist coverages are provided
27 therein or supplemental thereto in amounts equal to the bodily
28 injury liability coverage except as provided in section 1734
29 (relating to request for lower or higher limits of coverage).

30 (b) Uninsured motorist coverage.--Uninsured motorist

1 coverage shall provide protection for persons who suffer injury
2 arising out of the [ownership,] maintenance or use of a motor
3 vehicle and are legally entitled to recover damages therefor
4 from owners or operators of uninsured motor vehicles.

5 (c) Underinsured motorist coverage.--Underinsured motorist
6 coverage shall provide protection for persons who suffer injury
7 arising out of the [ownership,] maintenance or use of a motor
8 vehicle and are legally entitled to recover damages therefor
9 from owners or operators of underinsured motor vehicles.

10 (d) Limitation on recovery.--A person who recovers damages
11 under uninsured motorist coverage or coverages cannot recover
12 damages under underinsured motorist coverage or coverages for
13 the same accident.

14 § 1752. Eligible claimants.

15 (a) General rule.--A person is eligible to recover benefits
16 from the Assigned Claims Plan if the person meets the following
17 requirements:

18 (1) Is a resident of this Commonwealth.

19 (2) Is injured as the result of a motor vehicle accident
20 occurring in this Commonwealth.

21 (3) Is not an owner of a [currently registered] motor
22 vehicle [subject to this chapter] required to be registered
23 under Chapter 13 (relating to registration of vehicles).

24 (4) Is not the operator or occupant of a motor vehicle
25 owned by the Federal Government or any of its agencies,
26 departments or authorities.

27 (5) Is not the operator or occupant of a motor vehicle
28 owned by a self-insurer or by an individual or entity who or
29 which is immune from liability for, or is not required to
30 provide, benefits or uninsured and underinsured motorist

1 coverage.

2 (6) Is otherwise not entitled to receive any first party
3 benefits under section 1711 (relating to required [medical
4 benefit] benefits) or 1712 (relating to availability of
5 benefits) applicable to the injury arising from the accident.

6 (7) Is not the operator or occupant of a recreational
7 vehicle not intended for highway use, motorcycle, motor-
8 driven cycle or motorized pedalcycle or other like type
9 vehicle required to be registered under this title and
10 involved in the accident.

11 (b) Grounds for ineligibility.--A person otherwise
12 qualifying as an eligible claimant under subsection (a) shall
13 nevertheless be ineligible to recover benefits from the Assigned
14 Claims Plan if that person contributed to his own injury in any
15 of the following ways:

16 (1) While intentionally injuring himself or another or
17 attempting to intentionally injure himself or another.

18 (2) While committing a felony.

19 (3) While seeking to elude lawful apprehension or arrest
20 by a law enforcement official.

21 (4) While knowingly converting a motor vehicle.

22 § 1753. Benefits available.

23 An eligible claimant may recover medical benefits, as
24 described in section 1712(1) (relating to availability of
25 benefits), up to a maximum of \$5,000. No income loss benefit or
26 accidental death benefit shall be payable under this subchapter.
27 Funeral expenses, as described in section 1712(4), in the amount
28 of [\$2,500] \$1,500 shall be recoverable as an offset to the
29 maximum amount of medical benefits available under this section.

30 § 1754. [Uninsured motorist] Additional coverage.

1 An eligible claimant who has no other source of applicable
2 uninsured motorist coverage and is otherwise entitled to recover
3 in an action in tort against a party who has failed to comply
4 with this chapter may recover for losses or damages suffered as
5 a result of the injury up to [\$20,000 for accidents occurring
6 prior to July 1, 1986 and \$25,000 for accidents occurring on or
7 after that date,] \$15,000 subject to an aggregate limit for all
8 claims arising out of any one motor vehicle accident of [\$40,000
9 for accidents occurring prior to July 1, 1986 and \$50,000 for
10 accidents occurring on or after that date] \$30,000. If a
11 claimant recovers medical benefits under section 1753 (relating
12 to benefits available), the amount of medical benefits recovered
13 or recoverable up to \$5,000 shall be set off against any amounts
14 recoverable in this section.

15 § 1755. Coordination of benefits.

16 (a) Workers' compensation.--All benefits (less reasonably
17 incurred collection costs) that an eligible claimant receives or
18 is entitled to receive from workers' compensation and from any
19 other like source under local, state or Federal law shall be
20 subtracted from any benefits available in section 1753 (relating
21 to benefits available) unless the law authorizing or providing
22 for those benefits makes them excess or secondary to the
23 benefits in accordance with this subchapter.

24 (b) Accident and health benefits.--All benefits an eligible
25 claimant receives or is entitled to receive as a result of
26 injury from any available source of accident and health benefits
27 shall be subtracted from those benefits available in section
28 1753.

29 § 1756. Subrogation.

30 The Assigned Claims Plan or its assignee is entitled to

1 recover, in accordance with the tort liability law of this
2 Commonwealth, reimbursement for benefits or coverages paid, loss
3 adjustment costs and any other sums paid to an eligible claimant
4 under this subchapter.

5 § 1757. Statute of limitations.

6 (a) General rule.--An action by an eligible claimant to
7 recover benefits or coverages from the Assigned Claims Plan
8 shall be commenced within [three] four years from the date of
9 the accident.

10 (b) Minors.--For minors entitled to benefits described in
11 section 1753 (relating to benefits available) or 1754 (relating
12 to [uninsured motorist] additional coverage), an action to
13 recover these benefits or coverages shall be commenced within
14 [three] four years from the date on which the injured minor
15 attains 18 years of age.

16 § 1761. Definitions.

17 The following words and phrases when used in this subchapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 "Administrator." The administrator designated by the
21 Catastrophic Loss Trust Fund Board.

22 "Board." The Catastrophic Loss Trust Fund Board.

23 "Catastrophic loss." An injury, arising out of the
24 [ownership,] maintenance or use of a motor vehicle, for which
25 the reasonable and necessary expenses for medical treatment and
26 rehabilitative services, as described in section 1712(1)
27 (relating to availability of benefits), exceed \$100,000.

28 "Catastrophic loss benefit." Payments by the Catastrophic
29 Loss Trust Fund for those reasonable and necessary expenses only
30 for medical treatment and rehabilitative services which, as

1 described in section 1712(1), exceed \$100,000, subject to the
2 limitations provided in section 1766 (relating to benefits).
3 Catastrophic loss benefits shall not duplicate any other
4 payments for medical treatment and rehabilitative services.

5 "Eligible claimant." Except as provided in the definition of
6 ineligible claimant, eligible claimant includes a resident of
7 this Commonwealth who suffers injury on or after the effective
8 date of this subchapter arising out of the [ownership,]
9 maintenance [and] or use of a motor vehicle in the United
10 States, its territories or possessions and Canada. The estate of
11 an eligible claimant shall be entitled to receive catastrophic
12 loss benefits pursuant to section 1766 to the extent that
13 financial obligations for reasonable and necessary medical
14 treatment and rehabilitative services were incurred by the
15 eligible claimant prior to the death of that person. Otherwise
16 eligible claimants shall not be disqualified from participating
17 in or receiving benefits from the Catastrophic Loss Trust Fund
18 for injuries suffered after the effective date of this
19 subchapter but prior to their first registration renewal after
20 the effective date of this subchapter.

21 "Executive director." The executive director of the
22 Catastrophic Loss Trust Fund Board.

23 "Fund." The Catastrophic Loss Trust Fund.

24 "Fund charge." The fund charge established under this
25 subchapter.

26 "Ineligible claimant." Any of the following:

27 (1) A person who is the owner of a motor vehicle who has
28 not complied with the registration requirements of Chapter 13
29 (relating to registration of vehicles) [and is injured while
30 driving or occupying the vehicle].

1 (2) A person who is the driver or occupant of a
2 recreational vehicle not intended for highway use, a
3 motorcycle, a motorized pedalcycle, a motor-driven cycle or
4 like type vehicle required to be registered under this title
5 but not subject to the charge levied in section 1762
6 (relating to funding).

7 "Manager." The manager designated by the Catastrophic Loss
8 Trust Fund Board.

9 § 1762. Funding.

10 The Catastrophic Loss Trust Fund shall be funded by levying
11 an initial charge of \$5 upon all motor vehicles required to be
12 registered under Chapter 13 (relating to registration of
13 vehicles) except trailers, recreational vehicles not intended
14 for highway use, motorcycles, motor-driven cycles, motorized
15 pedalcycles or like type vehicles. This charge shall be remitted
16 to [the] an insurance company [at the same time as the payment
17 of the premium] or other party as may be designated by the
18 Insurance Department. Upon receipt of the charge, the insurance
19 company or other designated party shall remit it to the
20 Insurance Department for deposit in the trust fund. The
21 Catastrophic Loss Trust Fund Board shall by regulation determine
22 by January 1 of each calendar year the amount of the fund charge
23 for each registration year subsequent to the initial
24 registration year and shall notify the Insurance Department
25 which shall notify the insurance companies or other designated
26 parties to collect the charge. [There shall be no change in the
27 fund charge for three years after the effective date of this
28 subchapter. The Insurance Department shall publish notice of the
29 fund charge to be levied in each registration year at least 30
30 days prior to the initiation of the charge.]

1 § 1763. Enforcement.

2 The Department of Transportation shall refuse registration or
3 renewal or transfer of registration to the owner or owners of
4 any motor vehicle for which registration is required under this
5 subchapter until there is proof that the amount levied under
6 this subchapter was paid. [A person required to pay the fund
7 charge required by section 1762 (relating to funding) who fails
8 to comply with this requirement shall be ineligible to
9 participate in or receive any catastrophic loss benefits from
10 the fund.]

11 § 1764. Catastrophic Loss Trust Fund.

12 (a) Establishment.--A Catastrophic Loss Trust Fund shall be
13 established to provide funds necessary to pay catastrophic loss
14 benefits.

15 (b) Composition.--The fund shall be composed of moneys
16 contributed pursuant to section 1762 (relating to funding) and
17 funds earned by the investment and reinvestment of such moneys.
18 The fund shall be held in trust, be deposited in a separate
19 account and be the sole and exclusive source of funding for the
20 payment of catastrophic loss benefits and the administration of
21 the fund.

22 (c) Separation from General Fund and Motor License Fund.--
23 The fund and all income earned by it shall not become part of
24 the General Fund or Motor License Fund and no obligations or
25 expense of or claim against the fund shall constitute a debt of
26 the Commonwealth or a charge against the General Fund or Motor
27 License Fund.

28 (d) Expenses in collecting fund charge.--Any expense
29 incurred by the Commonwealth in the collection of the fund
30 charge shall be paid by the fund. The Insurance Department may

1 determine a formula to provide for the reimbursement by the fund
2 for expenses incurred by insurance companies or others in
3 collecting the fund charge.

4 § 1765. Catastrophic Loss Trust Fund Board.

5 (a) Composition.--The fund shall be under the general
6 supervision of a board of directors, which board shall be [an
7 independent] a departmental administrative board in the
8 Insurance Department and which board shall be comprised of nine
9 persons as follows:

10 (1) Four members of the General Assembly appointed for
11 two years as follows:

12 (i) One appointed by the [President pro tempore]
13 Majority Leader of the Senate.

14 (ii) One appointed by the Minority Leader of the
15 Senate.

16 (iii) One appointed by the [Speaker] Majority Leader
17 of the House of Representatives.

18 (iv) One appointed by the Minority Leader of the
19 House of Representatives.

20 (2) Four public members appointed by the [General
21 Assembly] Governor for two years [as follows:

22 (i) One appointed by the President pro tempore of
23 the Senate.

24 (ii) One appointed by the Minority Leader of the
25 Senate.

26 (iii) One appointed by the Speaker of the House of
27 Representatives.

28 (iv) One appointed by the Minority Leader of the
29 House of Representatives].

30 (3) The Insurance Commissioner who shall serve as

1 chairman.

2 * * *

3 (f) Duties of manager.--

4 (1) The manager shall accept [the moneys of] all moneys
5 collected for the fund [collected by the Department of
6 Transportation].

7 (2) The manager may invest and reinvest the moneys of
8 the fund in the type of investments and in a manner as
9 determined by the Insurance Department based upon investments
10 allowed by law and investment policies for similar
11 fiduciaries.

12 § 1766. Benefits.

13 (a) General rule.--Subject to the limitations set forth in
14 subsection (b), the Catastrophic Loss Trust Fund shall provide
15 catastrophic loss benefits to eligible claimants only for the
16 payment of expenses for medical treatment and rehabilitative
17 services in excess of \$100,000. No payment shall be made by the
18 fund for the first \$100,000 of expense for medical treatment and
19 rehabilitative services incurred by an eligible claimant.

20 (b) Maximum benefit.--The maximum catastrophic loss benefit
21 which shall be paid by the fund on behalf of any one eligible
22 claimant shall be \$50,000 per year and \$1,000,000 lifetime
23 aggregate[, unless said expenses for medical treatment are
24 incurred and paid within one calendar year]. During the first 18
25 months of eligibility, the administrator may approve payments on
26 behalf of a claimant without regard to the \$50,000 per year
27 limit but subject to the \$1,000,000 [limit] lifetime aggregate.

28 (c) Effect of other benefits.--Except for workers'
29 compensation, catastrophic loss benefits paid or payable by the
30 fund shall be primary to any other available source of accident

1 or health benefits including any program, group contract or
2 other private or public source of benefits unless the law
3 authorizing or providing those benefits makes the benefits
4 primary to the benefits provided under this subchapter.

5 (d) Structured settlements.--The administrator may enter
6 into structured settlements to pay benefits under this
7 subchapter. Where it appears the settlement will be both cost
8 effective to the fund and in the best interest of the claimant,
9 the restrictions in subsection (b) shall not apply to this
10 subsection, but in no event shall the cost of the structured
11 settlement exceed the [aggregate maximum of \$1,000,000] present
12 value of the future annual payments up to the maximum lifetime
13 aggregate benefit remaining calculated at 6% simple interest.

14 (e) Preclusion of pleading, [and] proving and recovering
15 benefits.--In any action for damages against a tortfeasor
16 arising out of the [ownership,] maintenance or use of a motor
17 vehicle, a person who is eligible to receive catastrophic loss
18 benefits shall be precluded from pleading, [or] introducing into
19 evidence or recovering the amount of medical and rehabilitative
20 expenses for which [such] catastrophic loss benefits were paid
21 or are payable. This preclusion applies only to catastrophic
22 loss benefits.

23 (f) Subrogation.--There shall be no subrogation or
24 reimbursement from a claimant's tort recovery with respect to
25 catastrophic loss benefits.

26 § 1774. Payments sufficient to satisfy judgments.

27 (a) General rule.--For the purpose of this chapter only,
28 judgments shall be deemed satisfied upon the occurrence of one
29 of the following:

30 (1) When [\$25,000] \$15,000 has been credited upon any

1 judgment or judgments rendered in excess of that amount
2 because of injury to one person as the result of any one
3 accident. [Prior to July 1, 1986, the amount required to be
4 credited shall be \$20,000.]

5 (2) When [\$50,000] \$30,000 has been credited upon any
6 judgment or judgments rendered in excess of that amount
7 because of injury to two or more persons as the result of any
8 one accident. [Prior to July 1, 1986, the amount required to
9 be credited shall be \$40,000.]

10 (3) When [\$10,000] \$5,000 has been credited upon any
11 judgment or judgments rendered in excess of that amount
12 because of damage to property of others as the result of any
13 one accident. [Prior to July 1, 1986, the amount required to
14 be credited shall be \$7,500.]

15 (b) Credit for payment under settlement.--Payments made in
16 settlement of any claims because of bodily injury or property
17 damage arising from a motor vehicle accident shall be credited
18 in reduction of the amounts provided for in this section.

19 (c) Escrow deposit by judgment debtor.--When the judgment
20 creditor cannot be found, the judgment debtor may deposit in
21 escrow with the prothonotary of the court where the judgment was
22 entered an amount equal to the amount of the judgment, subject
23 to the limits set forth in subsection (a), interest to date and
24 record costs, whereupon the prothonotary shall notify the
25 department and the judgment shall be deemed satisfied. The
26 amount deposited shall be retained by the prothonotary for a
27 period of five years from the date of the deposit, after which,
28 if it has not been claimed by the judgment creditor, it shall be
29 returned to the judgment debtor. When the deposit is made, the
30 prothonotary shall notify the judgment creditor and his counsel,

1 if any, by certified or registered mail at his last known
2 address. No interest shall run on any judgment with respect to
3 the amount deposited with the prothonotary under the terms of
4 this subsection.

5 § 1782. Manner of providing proof of financial responsibility.

6 (a) General rule.--Proof of financial responsibility may be
7 furnished by filing evidence satisfactory to the department that
8 all motor vehicles registered in a person's name are covered by
9 motor vehicle liability insurance or by a program of self-
10 insurance as provided by section 1787 (relating to self-
11 insurance) or other reliable financial arrangements, deposits,
12 resources or commitments [equal to that afforded by a contract
13 of insurance complying with this chapter] acceptable to the
14 department.

15 * * *

16 § 1784. Proof of financial responsibility following violation.

17 A defendant who is convicted of a traffic offense, other than
18 a parking offense, that requires a court appearance shall be
19 required to show proof of financial responsibility covering the
20 operation of the vehicle at the time of the offense. If the
21 defendant fails to show proof of financial responsibility, the
22 court shall notify the department of that fact. Upon receipt of
23 the notice, the department shall revoke the registration of the
24 vehicle. If the defendant is the owner of the vehicle, the
25 department shall also [revoke] suspend the operating privilege
26 of the defendant.

27 § 1785. Proof of financial responsibility following accident.

28 If the department determines that the owner of a motor
29 vehicle involved in an accident [required to file an accident
30 report] requiring notice to a police department pursuant to

section 3746 (relating to immediate notice of accident to police department) did not maintain financial responsibility on the motor vehicle at the time of the accident, the department shall suspend the operating privilege of the [person required to file the report] owner, where applicable, and the department shall revoke the registration of the vehicle.

§ 1787. Self-insurance.

(a) General rule.--Self-insurance is effected by filing with the Department of Transportation in satisfactory form evidence that reliable financial arrangements, deposits, resources or commitments exist such as will satisfy the department that the self-insurer will:

(1) Provide the benefits required by section 1711 (relating to required benefits), subject to the provisions of Subchapter B (relating to motor vehicle liability insurance first party benefits), except the additional benefits and limits provided in sections 1712 (relating to availability of benefits) and 1715 (relating to availability of adequate limits).

(2) Make payments sufficient to satisfy judgments as required by section 1774 (relating to payments sufficient to satisfy judgments).

(3) Provide uninsured motorist coverage up to the limits set forth in section 1774.

(b) Stacking limits prohibited.--Any recovery of uninsured motorist benefits under this section only shall not be increased by stacking the limits provided in section 1774, in consideration of the ownership or operation of multiple vehicles or otherwise.

(c) Assigned Risk and Assigned Claims Plans.--Self-insurers

1 shall not be required to accept assigned risks pursuant to
2 Subchapter D (relating to Assigned Risk Plan) or contribute to
3 the Assigned Claims Plan pursuant to Subchapter E (relating to
4 Assigned Claims Plan).

5 (d) Catastrophic Loss Trust Fund.--Self-insurers shall
6 contribute to the Catastrophic Loss Trust Fund in the manner
7 provided in Subchapter F (relating to Catastrophic Loss Trust
8 Fund).

9 (e) Promulgation of regulations, etc.--The Department of
10 Transportation may, jointly with the Insurance Department,
11 promulgate rules, regulations, guidelines, procedures or
12 standards for reviewing and establishing the financial
13 eligibility of self-insurers.

14 § 1791. Notice of available benefits and limits.

15 It shall be presumed that the insured has been advised of the
16 benefits and limits available under this chapter provided the
17 following notice in bold print of at least ten-point type is
18 given to the applicant at the time of application for original
19 coverage or at the time of the first renewal after [July]
20 October 1, 1984 and no other notice or rejection shall be
21 required:

22 IMPORTANT NOTICE

23 Insurance companies operating in the Commonwealth of
24 Pennsylvania are required by law to make available for
25 purchase the following benefits for you, your spouse or
26 other relatives or minors in your custody or in the
27 custody of your relatives, residing in your household,
28 occupants of your motor vehicle or persons struck by your
29 motor vehicle:

30 (1) Medical benefits, up to at least \$100,000.

(2) Income loss benefits, up to at least \$2,500 per month up to a maximum benefit of at least \$50,000.

(3) Accidental death benefits, up to at least \$25,000.

(4) Funeral benefits, \$2,500.

(5) As an alternative to paragraphs (1) through (4), a combination benefit, up to at least \$277,500 of benefits in the aggregate or benefits payable up to three years from the date of the accident, whichever occurs first, subject to a limit on accidental death benefit of up to \$25,000 and a limit on funeral benefit of \$2,500.

(6) Uninsured, underinsured and bodily injury liability coverage up to at least \$100,000 because of injury to one person in any one accident and up to at least \$300,000 because of injury to two or more persons in any one accident or, at the option of the insurer, up to at least \$300,000 in a single limit for these coverages, except for policies issued under the Assigned Risk Plan. Also, at least [\$7,500 prior to July 1, 1986 and at least \$10,000 on or after that date] \$5,000 for damage to property of others in any one accident. Additionally, insurers may offer higher benefit levels than those enumerated above as well as additional benefits. However, an insured may elect to purchase lower benefit levels than those enumerated above.

Your signature on this notice or your payment of any renewal premium evidences your actual knowledge and understanding of the availability of these benefits and limits as well as the benefits and limits you have selected.

§ 1792. Availability of uninsured, underinsured, bodily injury liability and property damage coverages.

Except for policies issued under Subchapter D (relating to Assigned Risk Plan), an insurer issuing a policy of bodily injury liability coverage pursuant to this chapter shall make available for purchase higher limits of uninsured, underinsured and bodily injury liability coverages up to at least \$100,000 because of injury to one person in any one accident and up to at least \$300,000 because of injury to two or more persons in any one accident or, at the option of the insurer, up to at least \$300,000 in a single limit for these coverages. Additionally, an insurer shall make available for purchase at least [\$7,500 prior to July 1, 1986 and at least \$10,000 on or after that date] \$5,000 because of damage to property of others in any one accident. However, the exclusion of availability relating to the Assigned Risk Plan shall not apply to damage to property of others in any one accident.

§ 1794. Compulsory judicial arbitration jurisdiction.

Beginning [July 1, 1986] January 1, 1987, the monetary limit in 42 Pa.C.S. § 7361(b)(2)(i) (relating to compulsory arbitration) for the submission of matters to judicial arbitration in judicial districts embracing first and second class counties shall be \$25,000 for actions arising from the [ownership,] maintenance or use of a motor vehicle.

§ 1795. Insurance fraud reporting immunity.

(a) General rule.--An insurance company, and any agent, servant or employee acting in the course and scope of his employment, shall be immune from civil or criminal liability arising from the supply or release of written or oral information to any duly authorized Federal or State law

enforcement agency, including the Insurance Department, upon compliance with the following:

(1) The information is supplied to the agency in connection with an allegation of fraudulent conduct on the part of any person relating to the filing or maintenance of a motor vehicle [liability] insurance claim for bodily injury or property damage.

(2) The insurance company, agent, servant or employee has probable cause to believe that the information supplied is reasonably related to the allegation of fraud.

* * *

§ 1796. Mental or physical examination of person.

(a) General rule.--Whenever the mental or physical condition of a person is material to any claim for medical, income loss or catastrophic loss benefits, a court of competent jurisdiction or the administrator of the Catastrophic Loss Trust Fund for catastrophic loss claims may order the person to submit to a mental or physical examination by a physician. The order may only be made upon motion for good cause shown. The order shall give the person to be examined adequate notice of the time and date of the examination and shall state the manner, conditions and scope of the examination and the physician by whom it is to be performed. If a person fails to comply with an order to be examined, the court or the administrator may order that the person be denied benefits until compliance.

(b) Report of examination.--If requested by the person examined, a party causing an examination to be made shall promptly deliver to the person examined a copy of every written report concerning the examination at least one of which must set forth the physician's findings and conclusions in detail. Upon

failure to promptly provide copies of these reports, the court or the administrator shall prohibit the testimony of the examining physician in any proceeding to recover benefits.

§ 1797. Customary charges for treatment.

A person or institution providing treatment, accommodations, products or services to an injured person for an injury covered by medical or catastrophic loss benefits shall not make a charge for the treatment, accommodations, products or services in excess of the amount the person or institution customarily charges for like treatment, accommodations, products and services in cases involving no insurance.

§ 1798. Attorney fees and costs.

(a) Basis for reasonable fee.--No attorney's fee for representing a claimant in connection with a claim for first party benefits provided under Subchapter B (relating to motor vehicle liability insurance first party benefits) or a claim for catastrophic loss benefits under Subchapter F (relating to Catastrophic Loss Trust Fund) shall be calculated, determined or paid on a contingent fee basis, nor shall any attorney's fees be deducted from the benefits enumerated in this subsection which are otherwise due such claimant. An attorney may charge a claimant a reasonable fee based upon actual time expended.

(b) Unreasonable refusal to pay benefits.--In the event an insurer is found to have acted with no reasonable foundation in refusing to pay the benefits enumerated in subsection (a) when due, the insurer shall pay, in addition to the benefits owed and the interest thereon, a reasonable attorney fee based upon actual time expended.

(c) Payment by fund.--The Catastrophic Loss Trust Fund may award the claimant's attorney a reasonable fee based upon actual

1 time expended because a claimant is unable to otherwise pay the
2 fees and costs.

3 (d) Fraudulent or excessive claims.--If, in any action by a
4 claimant to recover benefits under this chapter, the court
5 determines that the claim, or a significant part thereof, is
6 fraudulent or so excessive as to have no reasonable foundation,
7 the court may award the insurer's attorney a reasonable fee
8 based upon actual time expended. The court, in such case, may
9 direct that the fee shall be paid by the claimant or that the
10 fee may be treated in whole or in part as an offset against any
11 benefits due or to become due the claimant.

12 Section 4. Title 75 is amended by adding a section to read:
13 § 2105. Exemptions.

14 (a) General rule.--The requirements of this chapter and of
15 the act of June 19, 1964 (P.L.7, No.1), known as the Motor
16 Carriers Road Tax Act, do not apply to the following vehicles:

17 (1) A motor carrier vehicle bearing a Pennsylvania farm
18 truck registration plate and operated in accordance with the
19 restrictions of section 1344 (relating to use of farm truck
20 plates) or a motor carrier vehicle registered and operated
21 under provisions of another jurisdiction determined by the
22 Department of Revenue and the Department of Transportation to
23 be similar to those restrictions.

24 (2) A motor carrier vehicle exempt from registration as
25 a farm truck and operated in accordance with the restrictions
26 of section 1302(a)(10) (relating to vehicles exempt from
27 registration) or a motor carrier vehicle operated under
28 provisions of another jurisdiction determined by the
29 Department of Revenue and the Department of Transportation to
30 be similar to those restrictions.

1 (3) An emergency vehicle as defined by section 102
2 (relating to definitions).

3 (4) A motor carrier vehicle operated by or on behalf of
4 any department, board or commission of the Commonwealth, or
5 any political subdivision thereof, or any quasi-governmental
6 authority of which this Commonwealth is a participating
7 member, or any agency of the Federal Government or the
8 District of Columbia, or of any state or any political
9 subdivision thereof which grants similar exemptions to
10 publicly owned vehicles registered in this Commonwealth.

11 (5) A bus operated under the act of August 1, 1963
12 (P.L.476, No.249), relating to taxation of motor fuels
13 consumed by interstate buses, or any school bus operated by
14 or on behalf of any private or privately operated school.

15 (6) An implement of husbandry as defined by section 102.

16 (7) Special mobile equipment as defined by section 102.

17 (8) An unladen or towed motor vehicle or unladen trailer
18 which enters this Commonwealth solely for the purpose of
19 securing repairs or reconditioning. The repair facility shall
20 furnish to the motor carrier a certificate to be carried by
21 the motor carrier vehicle operator while the vehicle is in
22 this Commonwealth for the purposes of this paragraph.

23 (9) A motor carrier vehicle needing emergency repairs
24 which secures authorization from the Pennsylvania State
25 Police to enter this Commonwealth under this section.

26 (b) Regulations.--The Department of Revenue may promulgate
27 regulations to implement this section.

28 Section 5. Section 3731 of Title 75 is amended by adding a
29 subsection to read:

30 § 3731. Driving under influence of alcohol or controlled

1 substance.

2 * * *

3 (g) Notice by department.--The department shall prepare a
4 notice which shall contain a clear statement of the penalties
5 prescribed by law for driving under the influence in violation
6 of this section, for homicide by vehicle while driving under
7 influence in violation of section 3735 (relating to homicide by
8 vehicle while driving under influence), for refusal to take a
9 chemical test provided for in section 1547 (relating to chemical
10 testing to determine amount of alcohol or controlled substance)
11 and for consuming alcohol or a controlled substance in a vehicle
12 while the vehicle is in operation on any highway in violation of
13 section 3715 (relating to restriction on alcoholic beverages).
14 The notice shall include a statement that the length of any
15 suspension of operating privileges resulting from a refusal to
16 take a chemical test shall be in addition to the length of any
17 suspension imposed as a result of a conviction for driving under
18 the influence notwithstanding the fact that both suspensions
19 were imposed in connection with the same incident. The notice
20 shall also include a statement advising that it is possible that
21 these penalties could be revised, in whole or in part, by the
22 General Assembly prior to their receipt of a subsequent notice.
23 Failure to receive the notice shall not be a defense in any
24 criminal, license suspension or license revocation proceeding
25 brought pursuant to this title or in any other action whether or
26 not the failure is due to an error or omission on the part of
27 the department. The department shall provide the notice to
28 operators of motor vehicles in the same mailing that it utilizes
29 for the issuance of learners' permits and for the issuance and
30 renewal of drivers' licenses or at the time of issuance of a

1 photo driver's license.

2 Section 6. Section 3755(b) of Title 75 is amended to read:

3 § 3755. Reports by emergency room personnel.

4 * * *

5 (b) Immunity from civil or criminal liability.--No
6 physician, nurse or technician or hospital employing such
7 physician, nurse or technician and no other employer of such
8 physician, nurse or technician shall be civilly or criminally
9 liable for [properly] withdrawing blood or obtaining a urine
10 sample and reporting test results to the police pursuant to this
11 section or for performing any other duty imposed by this
12 section. No physician, nurse or technician or hospital employing
13 such physician, nurse or technician may administratively refuse
14 to perform such tests and provide the results to the police
15 officer except as may be reasonably expected from unusual
16 circumstances that pertain at the time of admission.

17 Section 7. Title 75 is amended by adding a section to read:

18 § 9910. Exemptions from tax.

19 (a) General rule.--The tax imposed by this chapter does not
20 apply to the following vehicles:

21 (1) A motor carrier vehicle bearing a Pennsylvania farm
22 truck registration plate and operated in accordance with the
23 restrictions of section 1344 (relating to use of farm truck
24 plates) or a motor carrier vehicle registered and operated
25 under provisions of another jurisdiction determined by the
26 Department of Revenue and the Department of Transportation to
27 be similar to those restrictions.

28 (2) A motor carrier vehicle exempt from registration as
29 a farm truck and operated in accordance with the restrictions
30 of section 1302(a)(10) (relating to vehicles exempt from

1 registration) or a motor carrier vehicle operated under
2 provisions of another jurisdiction determined by the
3 Department of Revenue and the Department of Transportation to
4 be similar to those restrictions.

5 (3) An emergency vehicle as defined by section 102
6 (relating to definitions).

7 (4) A motor carrier vehicle operated by or on behalf of
8 any department, board or commission of the Commonwealth, or
9 any political subdivision thereof, or any quasi-governmental
10 authority of which this Commonwealth is a participating
11 member, or any agency of the Federal Government or the
12 District of Columbia, or of any state or any political
13 subdivision thereof which grants similar exemptions to
14 publicly owned vehicles registered in this Commonwealth.

15 (5) A new or used motor carrier vehicle operated with a
16 dealer registration plate or a similar plate of another
17 jurisdiction for the purposes of delivery, testing,
18 demonstration or operation by a prospective purchaser under a
19 loan not to exceed five days for the purpose of
20 demonstration.

21 (6) A motor carrier vehicle bearing a miscellaneous
22 motor vehicle business plate or a similar plate of another
23 jurisdiction for the purpose of repair of the vehicle,
24 transportation on its own wheels of a new vehicle owned by or
25 in possession of a registered dealer or for repossession by a
26 financier or collector-repossessor.

27 (7) A bus.

28 (8) An implement of husbandry as defined by section 102.

29 (9) Special mobile equipment as defined by section 102.

30 (10) An unladen or towed motor vehicle or unladen

1 trailer which enters this Commonwealth solely for the purpose
2 of securing repairs or reconditioning. The repair facility
3 shall furnish to the motor carrier a certificate to be
4 carried by the motor carrier vehicle operator while the
5 vehicle is in this Commonwealth for the purposes of this
6 paragraph.

7 (11) A motor carrier vehicle needing emergency repairs
8 which secures authorization from the Pennsylvania State
9 Police to enter this Commonwealth under this section.

10 (b) Regulations.--The Department of Revenue and the
11 Department of Transportation may promulgate regulations to
12 implement this section.

13 Section 8. Competitive ratemaking required.--(a) Any filing
14 under section 4 of the act of June 11, 1947 (P.L.538, No.246),
15 known as The Casualty and Surety Rate Regulatory Act, made by an
16 insurer under this act and subject to 75 Pa.C.S. Ch. 17
17 (relating to financial responsibility), with an effective date
18 on or after October 1, 1984, shall become effective
19 automatically 45 days after filing and is deemed to comply with
20 that act unless disapproved by the Insurance Commissioner in
21 accordance with the procedures set forth in section 5 of that
22 act. This section is limited to two filings per coverage.

23 (b) This section supersedes the prior approval requirements
24 of The Casualty and Surety Rate Regulatory Act and rules and
25 regulations promulgated thereunder insofar as they are
26 inconsistent with this act.

27 (c) After notice and a hearing in accordance with the
28 procedures established in The Casualty and Surety Rate
29 Regulatory Act, the Insurance Commissioner shall have the right
30 at any time to order the disapproval of any rate in use by an

1 insurance company pursuant to subsection (a) if he finds that
2 rate to be excessive, inadequate or unfairly discriminatory. The
3 burden of proof that a rate is not excessive, inadequate or
4 unfairly discriminatory shall be on the insurance company.

5 (d) After notice and a hearing in accordance with the
6 procedures established in The Casualty and Surety Rate
7 Regulatory Act, the Insurance Commissioner shall have the right
8 to rescind subsection (a) at any time if he finds that the
9 insurance market is not competitive.

10 (e) This section expires October 1, 1985.

11 Section 9. Savings provision.--Notwithstanding the repeal of
12 the act of July 19, 1974 (P.L.489, No.176), known as the
13 Pennsylvania No-fault Motor Vehicle Insurance Act, the
14 requirement to fund the payment of assigned claims under section
15 108 of that act remains unaffected.

16 Section 10. Repeals.--(a) Section 24 of the act of June 19,
17 1964 (P.L.7, No.1), known as the Motor Carriers Road Tax Act, is
18 repealed.

19 (b) Section 5 of the act of February , 1984 (P.L. , No.),
20 entitled "An act amending Title 75 (Vehicles) of the
21 Pennsylvania Consolidated Statutes, further providing for
22 financial responsibility; providing for motor vehicle insurance
23 first party benefits; providing for uninsured and underinsured
24 motorist coverage; providing for an Assigned Risk Plan and
25 Assigned Claims Plan; providing for a Catastrophic Loss Trust
26 Fund; providing for insurance premiums; providing for fraud
27 reporting immunity; providing for judicial arbitration limits;
28 and making repeals," is repealed.

29 (c) Section 10 of the act of February , 1984 (P.L. , No.),
30 entitled "An act amending Title 75 (Vehicles) of the

1 Pennsylvania Consolidated Statutes, further providing for
2 financial responsibility; providing for motor vehicle insurance
3 first party benefits; providing for uninsured and underinsured
4 motorist coverage; providing for an Assigned Risk Plan and
5 Assigned Claims Plan; providing for a Catastrophic Loss Trust
6 Fund; providing for insurance premiums; providing for fraud
7 reporting immunity; providing for judicial arbitration limits;
8 and making repeals," is repealed insofar as it provides an
9 effective date inconsistent with the effective date provided in
10 this act.

11 Section 11. Applicability.--This act applies to insurance
12 policies issued or renewed on or after the effective date of
13 this act.

14 Section 12. Effective dates.--(a) The act of February ,
15 1984 (P.L. , No.), entitled "An act amending Title 75
16 (Vehicles) of the Pennsylvania Consolidated Statutes, further
17 providing for financial responsibility; providing for motor
18 vehicle insurance first party benefits; providing for uninsured
19 and underinsured motorist coverage; providing for an Assigned
20 Risk Plan and Assigned Claims Plan; providing for a Catastrophic
21 Loss Trust Fund; providing for insurance premiums; providing for
22 fraud reporting immunity; providing for judicial arbitration
23 limits; and making repeals," shall take effect October 1, 1984.

24 (b) Sections 1 (Section 102) and 8 (competitive ratemaking
25 required) of this act shall take effect immediately.

26 (c) Section 2 (section 1547) of this act shall take effect
27 immediately and shall be retroactive to January 14, 1983.

28 (d) Section 5 (section 3731) of this act shall take effect
29 in 120 days and shall expire four years from its effective date.

30 (e) Sections 4 (section 2105), 6 (section 3755), 7 (section

1 9910) and 10(a) (repeal of section 24 of Motor Carriers Road Tax
2 Act) of this act shall take effect in 60 days.

3 (f) The remaining provisions of this act shall take effect
4 October 1, 1984.

5 (g) This section shall take effect immediately.