

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 121 Session of
1989

INTRODUCED BY BATTISTO, CAPPABIANCA, GRUPPO, JAROLIN, BORTNER,
MARKOSEK, RYBAK, HASAY, STABACK, J. TAYLOR, J. L. WRIGHT,
BIRMELIN, OLASZ, S. H. SMITH, FOX, PISTELLA, YANDRISEVITS,
DeLUCA, STUBAN, DAVIES, TIGUE, LEVDANSKY, LUCYK, BLACK,
E. Z. TAYLOR, RAYMOND, VROON, VEON, DIETTERICK, FLICK,
BELARDI, KOSINSKI, LLOYD, McHALE, COLAFELLA, PRESSMANN,
ARGALL AND DISTLER, JANUARY 25, 1989

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 29, 1989

AN ACT

1 ~~Amending Title 75 (Vehicles) of the Pennsylvania Consolidated~~ <—
2 ~~Statutes, further providing for the securing of loads on~~
3 ~~vehicles hauling garbage.~~
4 AMENDING TITLES 18 (CRIMES AND OFFENSES), 42 (JUDICIARY AND <—
5 JUDICIAL PROCEDURE) AND 75 (VEHICLES) OF THE PENNSYLVANIA
6 CONSOLIDATED STATUTES, FURTHER PROVIDING FOR CORRUPT
7 ORGANIZATIONS; PROVIDING FOR INSURANCE FRAUD; PROVIDING FOR
8 CERTIFICATION OF PLEADINGS, MOTIONS AND OTHER PAPERS;
9 PROVIDING FOR SPECIAL DAMAGES; FURTHER PROVIDING FOR CHEMICAL
10 TESTING TO DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED
11 SUBSTANCES; PROVIDING FOR SUSPENSION OF DRIVERS' LICENSES FOR
12 DRIVING UNDER THE INFLUENCE OF ALCOHOL; FURTHER PROVIDING FOR
13 FINANCIAL RESPONSIBILITY AND INSURANCE RELATED TO MOTOR
14 VEHICLES; PROVIDING FOR PROOF OF INSURANCE; FURTHER PROVIDING
15 FOR REINSTATEMENT OF OPERATING PRIVILEGES OR VEHICLE
16 REGISTRATION; FURTHER PROVIDING FOR DRIVING UNDER THE
17 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCES, FOR ISSUANCE
18 OF INSPECTION CERTIFICATES AND FOR ADMINISTRATIVE DUTIES OF
19 THE DEPARTMENT OF TRANSPORTATION; FURTHER PROVIDING FOR
20 SECURING LOADS IN VEHICLES; FURTHER PROVIDING FOR THE
21 INSPECTION OF NEWLY PURCHASED VEHICLES, FOR TRANSPORTING
22 FOODSTUFFS IN VEHICLES USED TO TRANSPORT WASTE AND FOR
23 PENALTIES; CONFERRING POWERS AND DUTIES ON THE INSURANCE
24 DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION; AND MAKING
25 REPEALS.

26 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Section 4903 of Title 75 of the Pennsylvania~~ <—
3 ~~Consolidated Statutes is amended by adding subsections to read:~~

4 SECTION 1. SECTION 911(H) OF TITLE 18 OF THE PENNSYLVANIA <—
5 CONSOLIDATED STATUTES IS AMENDED TO READ:

6 § 911. CORRUPT ORGANIZATIONS.

7 * * *

8 (H) DEFINITIONS.--AS USED IN THIS SECTION:

9 (1) "RACKETEERING ACTIVITY" MEANS:

10 (I) ANY ACT WHICH IS INDICTABLE UNDER ANY OF THE
11 FOLLOWING PROVISIONS OF THIS TITLE:

12 CHAPTER 25 (RELATING TO CRIMINAL HOMICIDE)

13 SECTION 2706 (RELATING TO TERRORISTIC THREATS)

14 CHAPTER 29 (RELATING TO KIDNAPPING)

15 CHAPTER 33 (RELATING TO ARSON, ETC.)

16 CHAPTER 37 (RELATING TO ROBBERY)

17 CHAPTER 39 (RELATING TO THEFT AND RELATED
18 OFFENSES)

19 SECTION 4108 (RELATING TO COMMERCIAL BRIBERY AND
20 BREACH OF DUTY TO ACT DISINTERESTEDLY)

21 SECTION 4109 (RELATING TO RIGGING PUBLICLY
22 EXHIBITED CONTEST)

23 SECTION 4117 (RELATING TO INSURANCE FRAUD)

24 CHAPTER 47 (RELATING TO BRIBERY AND CORRUPT
25 INFLUENCE)

26 CHAPTER 49 (RELATING TO PERJURY AND OTHER
27 FALSIFICATION IN OFFICIAL MATTERS)

28 SECTION 5512 THROUGH 5514 (RELATING TO GAMBLING)

29 CHAPTER 59 (RELATING TO PUBLIC INDECENCY)

30 (II) ANY OFFENSE INDICTABLE UNDER SECTION 13 OF THE

1 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS ["]THE
2 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT["]
3 (RELATING TO THE SALE AND DISPENSING OF NARCOTIC DRUGS);

4 (III) ANY CONSPIRACY TO COMMIT ANY OF THE OFFENSES
5 SET FORTH IN SUBPARAGRAPHS (I) AND (II) OF THIS
6 PARAGRAPH; OR

7 (IV) THE COLLECTION OF ANY MONEY OR OTHER PROPERTY
8 IN FULL OR PARTIAL SATISFACTION OF A DEBT WHICH AROSE AS
9 THE RESULT OF THE LENDING OF MONEY OR OTHER PROPERTY AT A
10 RATE OF INTEREST EXCEEDING 25% PER ANNUM OR THE
11 EQUIVALENT RATE FOR A LONGER OR SHORTER PERIOD, WHERE NOT
12 OTHERWISE AUTHORIZED BY LAW.

13 ANY ACT WHICH OTHERWISE WOULD BE CONSIDERED RACKETEERING
14 ACTIVITY BY REASON OF THE APPLICATION OF THIS PARAGRAPH,
15 SHALL NOT BE EXCLUDED FROM ITS APPLICATION SOLELY BECAUSE THE
16 OPERATIVE ACTS TOOK PLACE OUTSIDE THE JURISDICTION OF THIS
17 COMMONWEALTH, IF SUCH ACTS WOULD HAVE BEEN IN VIOLATION OF
18 THE LAW OF THE JURISDICTION IN WHICH THEY OCCURRED.

19 (2) "PERSON" MEANS ANY INDIVIDUAL OR ENTITY CAPABLE OF
20 HOLDING A LEGAL OR BENEFICIAL INTEREST IN PROPERTY.

21 (3) "ENTERPRISE" MEANS ANY INDIVIDUAL, PARTNERSHIP,
22 CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY, AND ANY UNION
23 OR GROUP OF INDIVIDUALS ASSOCIATED IN FACT ALTHOUGH NOT A
24 LEGAL ENTITY, ENGAGED IN COMMERCE.

25 (4) "PATTERN OF RACKETEERING ACTIVITY" REFERS TO A
26 COURSE OF CONDUCT REQUIRING TWO OR MORE ACTS OF RACKETEERING
27 ACTIVITY ONE OF WHICH OCCURRED AFTER THE EFFECTIVE DATE OF
28 THIS SECTION.

29 (5) "RACKETEERING INVESTIGATOR" MEANS AN ATTORNEY,
30 INVESTIGATOR OR INVESTIGATIVE BODY SO DESIGNATED IN WRITING

1 BY THE ATTORNEY GENERAL AND CHARGED WITH THE DUTY OF
2 ENFORCING OR CARRYING INTO EFFECT THE PROVISIONS OF THIS
3 SECTION.

4 (6) "RACKETEERING INVESTIGATION" MEANS ANY INQUIRY
5 CONDUCTED BY ANY RACKETEERING INVESTIGATOR FOR THE PURPOSE OF
6 ASCERTAINING WHETHER ANY PERSON HAS BEEN INVOLVED IN ANY
7 VIOLATION OF THIS SECTION OR OF ANY ORDER, JUDGMENT, OR
8 DECREE OF ANY COURT DULY ENTERED IN ANY CASE OR PROCEEDING
9 ARISING UNDER THIS SECTION.

10 (7) "DOCUMENTARY MATERIAL" MEANS ANY BOOK, PAPER,
11 RECORD, RECORDING, TAPE, REPORT, MEMORANDUM, WRITTEN
12 COMMUNICATION, OR OTHER DOCUMENT RELATING TO THE BUSINESS
13 AFFAIRS OF ANY PERSON OR ENTERPRISE.

14 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:

15 § 4117. INSURANCE FRAUD.

16 (A) OFFENSE DEFINED.--A PERSON COMMITS AN OFFENSE IF HE DOES
17 ANY OF THE FOLLOWING:

18 (1) KNOWINGLY AND WITH THE INTENT TO DEFRAUD ANY INSURER
19 PRESENTS OR CAUSES TO BE PRESENTED TO ANY INSURER ANY WRITTEN
20 OR ORAL STATEMENT FORMING A PART OF, OR IN SUPPORT OF, AN
21 AUTOMOBILE INSURANCE CLAIM THAT CONTAINS ANY FALSE,
22 INCOMPLETE OR MISLEADING INFORMATION CONCERNING ANY FACT OR
23 THING MATERIAL TO THE INSURANCE CLAIM.

24 (2) KNOWINGLY AND WITH THE INTENT TO DEFRAUD ANY INSURER
25 ASSISTS, ABETS, SOLICITS OR CONSPIRES WITH ANOTHER TO PREPARE
26 OR MAKE ANY WRITTEN OR ORAL STATEMENT THAT IS INTENDED TO BE
27 PRESENTED TO ANY INSURER IN CONNECTION WITH, OR IN SUPPORT
28 OF, ANY AUTOMOBILE INSURANCE CLAIM THAT CONTAINS ANY FALSE,
29 INCOMPLETE OR MISLEADING INFORMATION CONCERNING ANY FACT OR
30 THING MATERIAL TO THE INSURANCE CLAIM.

1 (3) ENGAGES IN UNLICENSED AGENT OR BROKER ACTIVITY AS
2 DEFINED BY THE ACT OF MAY 17, 1921 (P.L.789, NO.285), KNOWN
3 AS THE INSURANCE DEPARTMENT ACT OF ONE THOUSAND NINE HUNDRED
4 AND TWENTY-ONE, KNOWINGLY AND WITH THE INTENT TO DEFRAUD AN
5 INSURER OR THE PUBLIC.

6 (4) KNOWINGLY BENEFITS, DIRECTLY OR INDIRECTLY, FROM THE
7 PROCEEDS DERIVED FROM A VIOLATION OF THIS SECTION DUE TO THE
8 ASSISTANCE, CONSPIRACY OR URGING OF ANY PERSON.

9 (5) IS THE OWNER, ADMINISTRATOR OR EMPLOYEE OF ANY
10 HEALTH CARE FACILITY, AND KNOWINGLY ALLOWS THE USE OF SUCH
11 FACILITY BY ANY PERSON IN FURTHERANCE OF A SCHEME OR
12 CONSPIRACY TO VIOLATE ANY OF THE PROVISIONS OF THIS SECTION.

13 (6) SOLICITS, OFFERS, PAYS OR RECEIVES A KICKBACK OR
14 BRIBE IN CONNECTION WITH THE FURNISHING OF GOODS OR SERVICES
15 FOR WHICH PAYMENT IS OR MAY BE MADE IN WHOLE OR IN PART BY AN
16 INSURER, OR RECEIVES A REBATE OF A FEE OR CHARGE FOR
17 REFERRING AN INDIVIDUAL TO ANOTHER PERSON FOR THE FURNISHING
18 OF BENEFITS.

19 (7) BORROWS OR USES ANOTHER PERSON'S INSURANCE
20 IDENTIFICATION OR PERMITS HIS INSURANCE IDENTIFICATION TO BE
21 USED BY ANOTHER, KNOWINGLY AND WITH INTENT TO PRESENT A
22 FRAUDULENT CLAIM FOR REIMBURSEMENT TO AN INSURER.

23 (B) ELECTRONIC CLAIMS SUBMISSION.--IF A CLAIM FOR A BENEFIT
24 IS MADE BY MEANS OF COMPUTER BILLING TAPES OR OTHER ELECTRONIC
25 MEANS, IT SHALL BE A REBUTTABLE PRESUMPTION THAT THE PERSON
26 KNOWINGLY MADE THE CLAIM IF THE PERSON HAS ADVISED THE INSURER
27 IN WRITING THAT CLAIMS FOR BENEFITS WILL BE SUBMITTED BY USE OF
28 COMPUTER BILLING TAPES OR OTHER ELECTRONIC MEANS.

29 (C) GRADING.--AN OFFENSE UNDER THIS SECTION IS A FELONY OF
30 THE THIRD DEGREE.

1 (D) RESTITUTION.--THE COURT SHALL, IN ADDITION TO ANY OTHER
2 SENTENCE AUTHORIZED BY LAW, SENTENCE A PERSON CONVICTED OF
3 VIOLATING THIS SECTION TO MAKE RESTITUTION UNDER SECTION 1106
4 (RELATING TO RESTITUTION FOR INJURIES TO PERSON OR PROPERTY).

5 (E) IMMUNITY.--AN INSURER, AND ANY AGENT, SERVANT OR
6 EMPLOYEE ACTING IN THE COURSE AND SCOPE OF HIS EMPLOYMENT, SHALL
7 BE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY ARISING FROM THE
8 SUPPLY OR RELEASE OF WRITTEN OR ORAL INFORMATION TO ANY ENTITY
9 DULY AUTHORIZED TO RECEIVE SUCH INFORMATION BY FEDERAL OR STATE
10 LAW, OR BY INSURANCE DEPARTMENT REGULATIONS, ONLY IF BOTH OF THE
11 FOLLOWING CONDITIONS EXIST:

12 (1) THE INFORMATION IS SUPPLIED TO THE AGENCY IN
13 CONNECTION WITH AN ALLEGATION OF FRAUDULENT CONDUCT ON THE
14 PART OF ANY PERSON RELATING TO THE FILING OR MAINTENANCE OF
15 AN INSURANCE CLAIM OR BODILY INJURY OR PROPERTY DAMAGE; AND

16 (2) THE INSURER, AGENT, SERVANT OR EMPLOYEE HAS PROBABLE
17 CAUSE TO BELIEVE THAT THE INFORMATION SUPPLIED IS REASONABLY
18 RELATED TO THE ALLEGATION OF FRAUD.

19 (F) CIVIL ACTION.--AN INSURER DAMAGED AS A RESULT OF A
20 VIOLATION OF THIS SECTION MAY SUE THEREFOR IN ANY COURT OF
21 COMPETENT JURISDICTION TO RECOVER COMPENSATORY DAMAGES, WHICH
22 MAY INCLUDE REASONABLE INVESTIGATION EXPENSES, COSTS OF SUIT AND
23 ATTORNEY FEES. A SUCCESSFUL CLAIMANT SHALL RECOVER TREBLE
24 DAMAGES IF THE COURT DETERMINES THAT THE DEFENDANT HAS ENGAGED
25 IN A PATTERN OF VIOLATING THIS SECTION.

26 (G) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
27 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
28 SUBSECTION:

29 "INSURANCE APPLICATION." A DOCUMENT SUBMITTED BY A
30 PROSPECTIVE INSURED WHICH REQUESTS INSURANCE COVERAGE AND WHICH

1 PROVIDES INFORMATION REQUESTED BY AN INSURER TO EVALUATE THE
2 RISK.

3 "INSURANCE CLAIM." A CLAIM FOR PAYMENT OR OTHER BENEFIT
4 PURSUANT TO AN INSURANCE POLICY.

5 "INSURANCE POLICY." A DOCUMENT SETTING FORTH THE TERMS AND
6 CONDITIONS OF A CONTRACT OF INSURANCE.

7 "INSURER." A COMPANY, ASSOCIATION OR EXCHANGE DEFINED BY
8 SECTION 101 OF THE ACT OF MAY 17, 1921 (P.L.682, NO.284), KNOWN
9 AS THE INSURANCE COMPANY LAW OF 1921; AN UNINCORPORATED
10 ASSOCIATION OF UNDERWRITING MEMBERS; A HOSPITAL PLAN
11 CORPORATION; A PROFESSIONAL HEALTH SERVICES PLAN CORPORATION; A
12 HEALTH MAINTENANCE ORGANIZATION; A FRATERNAL BENEFIT SOCIETY;
13 AND A HEALTH INSURED HEALTH CARE ENTITY UNDER THE ACT OF OCTOBER
14 15, 1975 (P.L.390, NO.111), KNOWN AS THE HEALTH CARE SERVICES
15 MALPRACTICE ACT.

16 "PERSON." AN INDIVIDUAL, CORPORATION, PARTNERSHIP,
17 ASSOCIATION, JOINT-STOCK COMPANY, TRUST OR UNINCORPORATED
18 ORGANIZATION.

19 "STATEMENT." ANY ORAL OR WRITTEN PRESENTATION OR OTHER
20 EVIDENCE OF LOSS, INJURY OR EXPENSE, INCLUDING, BUT NOT LIMITED
21 TO, ANY NOTICE, STATEMENT, PROOF OF LOSS, BILL OF LADING,
22 RECEIPT FOR PAYMENT, INVOICE, ACCOUNT, ESTIMATE OF PROPERTY
23 DAMAGES, BILL FOR SERVICES, DIAGNOSIS, PRESCRIPTION, HOSPITAL OR
24 DOCTOR RECORDS, X-RAY, TEST RESULT OR COMPUTER-GENERATED
25 DOCUMENTS.

26 SECTION 3. CHAPTER 83 OF TITLE 42 IS AMENDED BY ADDING A
27 SECTION AND A SUBCHAPTER TO READ:

28 § 8355. CERTIFICATION OF PLEADINGS, MOTIONS AND OTHER PAPERS.

29 EVERY PLEADING, MOTION AND OTHER PAPER OF A PARTY REPRESENTED
30 BY AN ATTORNEY SHALL BE SIGNED BY AT LEAST ONE ATTORNEY OF

1 RECORD IN HIS INDIVIDUAL NAME AND HIS ADDRESS SHALL BE STATED. A
2 PARTY WHO IS NOT REPRESENTED BY AN ATTORNEY SHALL SIGN HIS
3 PLEADING, MOTION OR OTHER PAPER AND STATE HIS ADDRESS. EXCEPT
4 WHEN OTHERWISE SPECIFICALLY PROVIDED BY RULE OR STATUTE,
5 PLEADINGS NEED NOT BE VERIFIED OR ACCOMPANIED BY AFFIDAVIT. THE
6 SIGNATURE OF AN ATTORNEY OR PARTY CONSTITUTES A CERTIFICATION BY
7 HIM THAT HE HAS READ THE PLEADING, MOTION OR OTHER PAPER; THAT,
8 TO THE BEST OF HIS KNOWLEDGE, INFORMATION AND BELIEF, IT IS WELL
9 GROUNDING IN FACT AND IS WARRANTED BY EXISTING LAW OR A GOOD-
10 FAITH ARGUMENT FOR THE EXTENSION, MODIFICATION OR REVERSAL OF
11 EXISTING LAW; AND THAT IT IS NOT INTERPOSED FOR ANY IMPROPER
12 PURPOSE, SUCH AS TO HARASS OR TO CAUSE UNNECESSARY DELAY OR
13 INCREASE IN THE COST OF LITIGATION. IF A PLEADING, MOTION OR
14 OTHER PAPER IS NOT SIGNED, IT SHALL BE STRICKEN UNLESS IT IS
15 SIGNED PROMPTLY AFTER THE OMISSION IS CALLED TO THE ATTENTION OF
16 THE PLEADER OR MOVANT. IF A PLEADING, MOTION OR OTHER PAPER IS
17 SIGNED IN VIOLATION OF THIS SECTION, THE COURT, UPON MOTION OR
18 UPON ITS OWN INITIATIVE, SHALL IMPOSE UPON THE PERSON WHO SIGNED
19 IT, A REPRESENTED PARTY, OR BOTH, AN APPROPRIATE SANCTION, WHICH
20 MAY INCLUDE AN ORDER TO PAY TO THE OTHER PARTY OR PARTIES THE
21 AMOUNT OF REASONABLE EXPENSES INCURRED BECAUSE OF THE FILING OF
22 THE PLEADING, MOTION OR OTHER PAPER, INCLUDING A REASONABLE
23 ATTORNEY FEE. THIS SECTION IS IN ADDITION TO AND SHALL NOT BE
24 CONSTRUED TO LIMIT ANY OTHER REMEDIES OR SANCTIONS PROVIDED BY
25 LAW.

26 SUBCHAPTER G

27 SPECIAL DAMAGES

28 SEC.

29 8371. ACTIONS ON INSURANCE POLICIES.

30 § 8371. ACTIONS ON INSURANCE POLICIES.

1 IN AN ACTION ARISING UNDER AN INSURANCE POLICY, IF THE COURT
2 FINDS THAT THE INSURER HAS ACTED IN BAD FAITH TOWARD THE
3 INSURED, THE COURT MAY TAKE ALL OF THE FOLLOWING ACTIONS:

4 (1) AWARD INTEREST ON THE AMOUNT OF THE CLAIM FROM THE
5 DATE THE CLAIM WAS MADE BY THE INSURED IN AN AMOUNT EQUAL TO
6 THE PRIME RATE OF INTEREST PLUS 3%.

7 (2) AWARD PUNITIVE DAMAGES AGAINST THE INSURER.

8 (3) ASSESS COURT COSTS AND ATTORNEY FEES AGAINST THE
9 INSURER.

10 SECTION 4. SECTIONS 1305, 1306 AND 1547(D)(2) AND (3) OF
11 TITLE 75 ARE AMENDED TO READ:

12 § 1305. APPLICATION FOR REGISTRATION.

13 (A) GENERAL RULE.--APPLICATION FOR THE REGISTRATION OF A
14 VEHICLE SHALL BE MADE TO THE DEPARTMENT UPON THE APPROPRIATE
15 FORM OR FORMS FURNISHED BY THE DEPARTMENT. THE APPLICATION SHALL
16 CONTAIN THE FULL NAME AND ADDRESS OF THE OWNER OR OWNERS; THE
17 MAKE, MODEL, YEAR AND VEHICLE IDENTIFICATION NUMBER OF THE
18 VEHICLE; AND SUCH OTHER INFORMATION AS THE DEPARTMENT MAY
19 REQUIRE. APPLICANTS FOR REGISTRATION OF A TRUCK, TRUCK TRACTOR,
20 TRAILER OR BUS SHALL PROVIDE THE VEHICLE'S GROSS VEHICLE WEIGHT
21 RATING (GVWR), OR THE GROSS COMBINATION WEIGHT RATING (GCWR), AS
22 APPLICABLE. IF THE MANUFACTURER'S RATINGS ARE NOT AVAILABLE, THE
23 APPLICANT SHALL PROVIDE SUFFICIENT INFORMATION AS TO THE
24 HORSEPOWER, BRAKING CAPACITY AND SUCH OTHER DATA AS NECESSARY
25 FOR THE DEPARTMENT TO DETERMINE AN EQUIVALENT MEASURE OF THE
26 VEHICLE'S HAULING AND STOPPING CAPABILITY. IF THE APPLICANT
27 WISHES TO REGISTER A VEHICLE AT A REGISTERED GROSS WEIGHT LESS
28 THAN THE GROSS VEHICLE WEIGHT RATING, THE APPLICATION SHALL
29 INCLUDE INFORMATION AS TO WEIGHT, LOAD AND ANY OTHER SUCH
30 INFORMATION AS THE DEPARTMENT MAY REQUIRE. THE APPLICATION SHALL

1 BE ACCOMPANIED BY SELF-CERTIFICATION OF FINANCIAL RESPONSIBILITY
2 AND THE APPLICABLE FEE.

3 (B) EVIDENCE OF P.U.C. APPROVAL FOR BUSES AND TAXIS.--BEFORE
4 REGISTERING ANY BUS OR TAXI WHICH IS REQUIRED UNDER THE LAWS OF
5 THIS COMMONWEALTH TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE
6 FROM THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, THE DEPARTMENT
7 SHALL REQUIRE EVIDENCE THAT THE CERTIFICATE HAS BEEN ISSUED AND
8 HAS NOT BEEN REVOKED OR HAS NOT EXPIRED.

9 (C) DESIGNATION OF LESSEE AS REGISTRANT.--THE OWNER AS
10 LESSOR MAY DESIGNATE THE LESSEE AS THE REGISTRANT OF THE VEHICLE
11 AND THE NAME AND ADDRESS OF THE LESSEE MAY BE SUBSTITUTED ON THE
12 REGISTRATION CARD FOR THE ADDRESS OF THE LESSOR. THE DEPARTMENT
13 SHALL DESIGNATE THE RELATIONSHIP UPON THE CARD IN A MANNER IT
14 DEEMS APPROPRIATE. THIS SUBSECTION IS APPLICABLE ONLY FOR THE
15 PERIOD DURING WHICH THE LEASE REMAINS IN EFFECT.

16 (D) PROOF OF INSURANCE.--IN ADDITION TO THE OTHER
17 REQUIREMENTS TO REGISTRATION, THE APPLICANT SHALL FILE A PROOF
18 OF INSURANCE WHICH SHALL INCLUDE:

19 (1) THE COMPLETE NAME, ADDRESS AND TELEPHONE NUMBER OF
20 THE APPLICANT.

21 (2) THE NAME OF THE INSURANCE COMPANY WHICH IS INSURING
22 THE SUBJECT VEHICLE.

23 (3) THE POLICY NUMBER, EFFECTIVE DATE AND EXPIRATION
24 DATE OF THE POLICY OF INSURANCE INSURING THE VEHICLE.

25 (4) THE AMOUNT OF PREMIUM PAID.

26 (5) THE AGENT OR BROKER'S COMPLETE NAME, ADDRESS AND
27 TELEPHONE NUMBER WHO SOLD OR DELIVERED THE POLICY OF
28 INSURANCE INSURING THE VEHICLE.

29 THIS PROOF OF INSURANCE SHALL BE NOTARIZED OR ACKNOWLEDGED BY A
30 PERSON AUTHORIZED BY MAKE ACKNOWLEDGMENTS.

1 § 1306. GROUNDS FOR REFUSING REGISTRATION.

2 THE DEPARTMENT SHALL REFUSE REGISTRATION OR RENEWAL OR
3 TRANSFER OF REGISTRATION WHEN ANY OF THE FOLLOWING CIRCUMSTANCES
4 EXISTS:

5 (1) THE APPLICANT IS NOT ENTITLED TO REGISTRATION UNDER
6 THE PROVISIONS OF THIS CHAPTER.

7 (2) THE APPLICANT HAS AT REGISTRATION OR TITLING
8 NEGLECTED OR REFUSED TO FURNISH THE DEPARTMENT WITH THE
9 INFORMATION REQUIRED ON THE APPROPRIATE OFFICIAL FORM, OR ANY
10 REASONABLE ADDITIONAL INFORMATION REQUIRED BY THE DEPARTMENT.

11 (3) THE DEPARTMENT HAS REASONABLE GROUNDS TO BELIEVE
12 THAT THE APPLICATION CONTAINS FALSE OR FRAUDULENT
13 INFORMATION, OR THAT THE VEHICLE IS STOLEN, WHICH FACT THE
14 DEPARTMENT SHALL ASCERTAIN BY REFERENCE TO THE STOLEN VEHICLE
15 FILE REQUIRED TO BE MAINTAINED UNDER SECTION 7114 (RELATING
16 TO RECORDS OF STOLEN VEHICLES), OR THAT THE GRANTING OF
17 REGISTRATION WOULD CONSTITUTE A FRAUD AGAINST THE RIGHTFUL
18 OWNER OR OTHER PERSON HAVING A VALID LIEN UPON THE VEHICLE.

19 (4) THE FEES REQUIRED BY LAW HAVE NOT BEEN PAID.

20 (5) THE VEHICLE IS NOT CONSTRUCTED OR EQUIPPED AS
21 REQUIRED BY THIS TITLE.

22 (6) THE REGISTRATION OF THE VEHICLE STANDS SUSPENDED FOR
23 ANY REASON AS PROVIDED FOR IN THIS TITLE.

24 (7) A PROOF OF INSURANCE, AS REQUIRED UNDER SECTION
25 1305(D) (RELATING TO PROOF OF INSURANCE) IS NOT FILED WITH
26 THE REGISTRATION APPLICATION.

27 § 1547. CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR
28 CONTROLLED SUBSTANCE.

29 * * *

30 (D) PRESUMPTIONS FROM AMOUNT OF ALCOHOL.--IF CHEMICAL

1 TESTING OF A PERSON'S BREATH, BLOOD OR URINE SHOWS:

2 * * *

3 (2) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF
4 THE PERSON TESTED IS IN EXCESS OF 0.05% BUT LESS THAN [0.10%]
5 0.08%, THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION THAT
6 THE PERSON TESTED WAS OR WAS NOT UNDER THE INFLUENCE OF
7 ALCOHOL, BUT THIS FACT MAY BE CONSIDERED WITH OTHER COMPETENT
8 EVIDENCE IN DETERMINING WHETHER THE PERSON WAS OR WAS NOT
9 UNDER THE INFLUENCE OF ALCOHOL.

10 (3) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF
11 THE PERSON TESTED IS [0.10%] 0.08% OR MORE, THIS FACT MAY BE
12 INTRODUCED INTO EVIDENCE IF THE PERSON IS CHARGED WITH
13 VIOLATING SECTION 3731.

14 * * *

15 SECTION 5. CHAPTER 15 OF TITLE 75 IS AMENDED BY ADDING A
16 SUBCHAPTER TO READ:

17 CHAPTER 15

18 LICENSING OF DRIVERS

19 * * *

20 SUBCHAPTER D

21 DUI SUSPENSIONS

22 SEC.

23 1581. DEFINITIONS.

24 1582. SUSPENSION ON ADMINISTRATIVE DETERMINATION.

25 1583. REPORT BY LAW ENFORCEMENT OFFICERS.

26 1584. NOTICE OF SUSPENSION.

27 1585. NOTICE OF SUSPENSION SERVED BY ENFORCEMENT OFFICER.

28 1586. PERIOD OF SUSPENSION.

29 1587. RESTORATION OF LICENSE.

30 1588. ADMINISTRATIVE REVIEW.

1 1589. HEARING.

2 § 1581. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
4 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 "ADMINISTRATIVE REVIEW." A DETERMINATION OF LICENSE
7 SUSPENSION BY THE DEPARTMENT BASED ON THE DOCUMENTS SUPPLIED BY
8 THE ARRESTING OFFICER AND THE ARRESTED PERSON.

9 § 1582. SUSPENSION ON ADMINISTRATIVE DETERMINATION.

10 (A) GENERAL RULE.--THE DEPARTMENT SHALL SUSPEND THE LICENSE
11 OF ANY PERSON UPON ITS DETERMINATION THAT THE PERSON DROVE OR
12 WAS IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE THE
13 AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF THAT PERSON WAS
14 0.08% OR MORE.

15 (B) DETERMINATION.--THE DEPARTMENT SHALL MAKE AN
16 ADMINISTRATIVE DETERMINATION OF THESE FACTS ON THE BASIS OF THE
17 REPORT OF A LAW ENFORCEMENT OFFICER REQUIRED IN SECTION 1583
18 (RELATING TO REPORT BY LAW ENFORCEMENT OFFICER), AND THIS
19 DETERMINATION SHALL BE FINAL UNLESS AN ADMINISTRATIVE REVIEW IS
20 REQUESTED UNDER SECTION 1588 (RELATING TO ADMINISTRATIVE REVIEW)
21 OR A HEARING IS HELD UNDER SECTION 1589 (RELATING TO HEARING).

22 (C) CRIMINAL CHARGES.--THE DETERMINATION OF THESE FACTS BY
23 THE DEPARTMENT IS INDEPENDENT OF THE DETERMINATION OF THE SAME
24 OR SIMILAR FACTS IN THE ADJUDICATION OF ANY CRIMINAL CHARGES
25 ARISING OUT OF THE SAME OCCURRENCE. THE DISPOSITION OF THOSE
26 CRIMINAL CHARGES SHALL NOT AFFECT ANY ADMINISTRATIVE SUSPENSION
27 UNDER THIS SECTION.

28 § 1583. REPORT BY LAW ENFORCEMENT OFFICERS.

29 (A) CONTENT.--A LAW ENFORCEMENT OFFICER WHO ARRESTS ANY
30 PERSON FOR A VIOLATION OF SECTION 3731 (RELATING TO DRIVING

1 UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) SHALL
2 IMMEDIATELY FORWARD TO THE DEPARTMENT A SWORN REPORT OF ALL
3 INFORMATION RELEVANT TO THE ENFORCEMENT ACTION, INCLUDING
4 INFORMATION WHICH ADEQUATELY IDENTIFIES THE ARRESTED PERSON, A
5 STATEMENT OF THE OFFICER'S GROUNDS FOR BELIEF THAT THE PERSON
6 VIOLATED SECTION 3731, A REPORT OF THE RESULTS OF ANY CHEMICAL
7 TESTS WHICH WERE CONDUCTED, A COPY OF THE CITATION AND COMPLAINT
8 FILED WITH THE COURT AND THE INDIVIDUAL'S OPERATOR'S LICENSE.

9 (B) FORMS.--THE REPORT REQUIRED BY THIS SECTION SHALL BE
10 MADE ON FORMS SUPPLIED BY THE DEPARTMENT OR IN A MANNER
11 SPECIFIED BY REGULATIONS OF THE DEPARTMENT.

12 § 1584. NOTICE OF SUSPENSION.

13 (A) ISSUANCE.--UPON RECEIPT OF THE REPORT OF THE LAW
14 ENFORCEMENT OFFICER, THE DEPARTMENT SHALL MAKE THE DETERMINATION
15 DESCRIBED IN SECTION 1582 (RELATING TO SUSPENSION ON
16 ADMINISTRATIVE DETERMINATION). IF THE DEPARTMENT DETERMINES THAT
17 THE PERSON IS SUBJECT TO LICENSE SUSPENSION AND IF NOTICE OF
18 SUSPENSION HAS NOT ALREADY BEEN SERVED UPON THE PERSON BY THE
19 ENFORCEMENT OFFICER AS REQUIRED IN SECTION 1585 (RELATING TO
20 NOTICE OF SUSPENSION SERVED BY ENFORCEMENT OFFICER), THE
21 DEPARTMENT SHALL ISSUE A NOTICE OF SUSPENSION.

22 (B) ADDRESS AND RECEIPT OF NOTICE.--THE NOTICE OF SUSPENSION
23 SHALL BE MAILED BY THE DEPARTMENT TO THE PERSON AT THE LAST
24 KNOWN ADDRESS SHOWN ON THE DEPARTMENT'S RECORDS, AND TO THE
25 ADDRESS PROVIDED BY THE ENFORCEMENT OFFICER'S REPORT IF THAT
26 ADDRESS DIFFERS FROM THE ADDRESS OF RECORD. THE NOTICE IS DEEMED
27 RECEIVED THREE DAYS AFTER MAILING.

28 (C) CONTENT.--

29 (1) THE NOTICE OF SUSPENSION SHALL CLEARLY SPECIFY THE
30 REASON AND STATUTORY GROUNDS FOR THE ADMINISTRATIVE

1 SUSPENSION, THE EFFECTIVE DATE OF THE SUSPENSION, THE RIGHT
2 OF THE PERSON TO REQUEST AN ADMINISTRATIVE REVIEW AND A
3 HEARING, THE PROCEDURE FOR REQUESTING AN ADMINISTRATIVE
4 REVIEW AND A HEARING, AND THE DATE BY WHICH A REQUEST FOR AN
5 ADMINISTRATIVE REVIEW MUST BE MADE IN ORDER TO RECEIVE A
6 DETERMINATION PRIOR TO THE EFFECTIVE DATE OF THE SUSPENSION.

7 (2) IF THE DEPARTMENT DETERMINES THAT THE PERSON IS NOT
8 SUBJECT TO LICENSE SUSPENSION, THE DEPARTMENT SHALL NOTIFY
9 THE PERSON OF ITS DETERMINATION AND SHALL RESCIND ANY ORDER
10 OF SUSPENSION SERVED UPON THE PERSON BY THE ENFORCEMENT
11 OFFICER.

12 § 1585. NOTICE OF SUSPENSION SERVED BY ENFORCEMENT OFFICER.

13 (A) PERSONAL SERVICE.--WHENEVER THE CHEMICAL TEST RESULTS
14 FOR A PERSON WHO IS BEING CHARGED WITH A VIOLATION OF SECTION
15 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR
16 CONTROLLED SUBSTANCE) SHOW AN ALCOHOL CONCENTRATION OF 0.08% OR
17 MORE, THE OFFICER, ACTING ON BEHALF OF THE DEPARTMENT, SHALL
18 SERVE THE NOTICE OF SUSPENSION PERSONALLY ON THE ARRESTED
19 PERSON.

20 (B) POSSESSION OF LICENSE.--

21 (1) WHEN THE LAW ENFORCEMENT OFFICER SERVES THE NOTICE
22 OF SUSPENSION, THE OFFICER SHALL TAKE POSSESSION OF ANY
23 DRIVER'S LICENSE ISSUED BY THE COMMONWEALTH WHICH IS HELD BY
24 THE PERSON. WHEN THE OFFICER TAKES POSSESSION OF A VALID
25 DRIVER'S LICENSE ISSUED BY THE COMMONWEALTH, THE OFFICER,
26 ACTING ON BEHALF OF THE DEPARTMENT, SHALL ISSUE A TEMPORARY
27 PERMIT WHICH IS VALID FOR 15 DAYS AFTER ITS DATE OF ISSUANCE
28 AND SHALL PROVIDE NOTICE OF AN IDENTIFICATION CARD MADE
29 AVAILABLE BY THE DEPARTMENT.

30 (2) A COPY OF THE COMPLETED NOTICE OF SUSPENSION FORM, A

1 COPY OF ANY COMPLETED TEMPORARY PERMIT FORM AND ANY DRIVER'S
2 LICENSE TAKEN INTO POSSESSION UNDER THIS SECTION SHALL BE
3 FORWARDED IMMEDIATELY TO THE DEPARTMENT BY THE OFFICER.

4 (C) FORMS.--THE DEPARTMENT SHALL PROVIDE FORMS FOR NOTICE OF
5 SUSPENSION AND IDENTIFICATION CARDS AND TEMPORARY PERMITS TO LAW
6 ENFORCEMENT AGENCIES.

7 § 1586. PERIOD OF SUSPENSION.

8 (A) GENERAL RULE.--THE LICENSE SUSPENSION SHALL BECOME
9 EFFECTIVE 15 DAYS AFTER THE SUBJECT PERSON HAS RECEIVED THE
10 NOTICE OF SUSPENSION AS PROVIDED IN SECTION 1585 (RELATING TO
11 NOTICE OF SUSPENSION SERVED BY ENFORCEMENT OFFICER) OR IS DEEMED
12 TO HAVE RECEIVED THE NOTICE OF SUSPENSION BY MAIL AS PROVIDED IN
13 SECTION 1584 (RELATING TO NOTICE OF SUSPENSION).

14 (B) PERIOD.--THE PERIOD OF LICENSE SUSPENSION UNDER THIS
15 SECTION SHALL BE AS FOLLOWS:

16 (1) THE PERIOD SHALL BE THREE MONTHS IF THE PERSON'S
17 DRIVING RECORD SHOWS NO PRIOR ALCOHOL-RELATED OR DRUG-RELATED
18 ENFORCEMENT CONTACTS DURING THE IMMEDIATELY PRECEDING FIVE
19 YEARS.

20 (2) THE PERIOD SHALL BE ONE YEAR IF THE PERSON'S DRIVING
21 RECORD SHOWS ONE OR MORE PRIOR ALCOHOL-RELATED OR DRUG-
22 RELATED ENFORCEMENT CONTACTS DURING THE IMMEDIATELY PRECEDING
23 FIVE YEARS.

24 (C) CONCURRENT SUSPENSIONS.--WHERE A LICENSE IS SUSPENDED
25 UNDER THIS SECTION AND THE PERSON IS ALSO CONVICTED ON CRIMINAL
26 CHARGES ARISING OUT OF THE SAME OCCURRENCE FOR A VIOLATION OF
27 SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR
28 CONTROLLED SUBSTANCE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE
29 WHILE DRIVING UNDER INFLUENCE), BOTH THE SUSPENSION UNDER THIS
30 SECTION AND THE REVOCATION OR SUSPENSION UNDER SECTION 1532

1 (RELATING TO REVOCATION OR SUSPENSION OF OPERATING PRIVILEGE)
2 SHALL BE IMPOSED, BUT THE PERIODS OF REVOCATION OR SUSPENSION
3 SHALL RUN CONCURRENTLY AND THE TOTAL PERIOD OF SUSPENSION SHALL
4 NOT EXCEED THE LONGER OF THE TWO REVOCATION OR SUSPENSION
5 PERIODS.

6 (D) DEFINITION.--FOR PURPOSES OF THIS SECTION, "ALCOHOL-
7 RELATED OR DRUG-RELATED ENFORCEMENT CONTACTS" SHALL INCLUDE ANY
8 ADMINISTRATIVE SUSPENSION UNDER THIS TITLE, ANY SUSPENSION OR
9 REVOCATION ENTERED IN THIS OR ANY OTHER STATE FOR A REFUSAL TO
10 SUBMIT TO CHEMICAL TESTING UNDER AN IMPLIED CONSENT LAW AND ANY
11 CONVICTION IN THIS OR ANY OTHER STATE FOR A VIOLATION WHICH
12 INVOLVES DRIVING A VEHICLE WHILE HAVING AN UNLAWFUL ALCOHOL
13 CONCENTRATION, OR WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS
14 OR ALCOHOL AND DRUGS.

15 § 1587. RESTORATION OF LICENSE.

16 THE PERIODS OF SUSPENSION SPECIFIED BY SECTION 1586 (RELATING
17 TO PERIOD OF SUSPENSION) ARE INTENDED TO BE MINIMUM PERIODS OF
18 SUSPENSION FOR THE DESCRIBED CONDUCT. NO LICENSE SHALL BE
19 RESTORED UNDER ANY CIRCUMSTANCES, AND NO RESTRICTED OR HARDSHIP
20 PERMIT SHALL BE ISSUED DURING THE SUSPENSION PERIOD. NO DRIVING
21 PRIVILEGE MAY BE RESTORED UNTIL ALL APPLICABLE REINSTATEMENT
22 FEES HAVE BEEN PAID.

23 § 1588. ADMINISTRATIVE REVIEW.

24 (A) GENERAL RULE.--ANY PERSON WHO HAS RECEIVED A NOTICE OF
25 SUSPENSION UNDER THIS SUBCHAPTER MAY REQUEST AN ADMINISTRATIVE
26 REVIEW. THE REQUEST MAY BE ACCOMPANIED BY A SWORN STATEMENT OR
27 STATEMENTS AND ANY OTHER RELEVANT EVIDENCE WHICH THE PERSON
28 WANTS THE DEPARTMENT TO CONSIDER IN REVIEWING THE DETERMINATION
29 MADE PURSUANT TO SECTION 1582 (RELATING TO SUSPENSION ON
30 ADMINISTRATIVE DETERMINATION).

1 (B) EVIDENCE.--WHEN A REQUEST FOR ADMINISTRATIVE REVIEW IS
2 MADE, THE DEPARTMENT SHALL REVIEW THE DETERMINATION MADE
3 PURSUANT TO SECTION 1582. IN THE REVIEW, THE DEPARTMENT SHALL
4 GIVE CONSIDERATION TO ANY RELEVANT SWORN STATEMENT OR OTHER
5 EVIDENCE ACCOMPANYING THE REQUEST FOR THE REVIEW, AND TO THE
6 SWORN STATEMENT OF THE LAW ENFORCEMENT OFFICER REQUIRED BY
7 SECTION 1583 (RELATING TO REPORT BY LAW ENFORCEMENT OFFICERS).
8 IF THE DEPARTMENT DETERMINES, BY THE PREPONDERANCE OF THE
9 EVIDENCE, THAT THE PERSON DROVE OR WAS IN ACTUAL PHYSICAL
10 CONTROL OF A MOTOR VEHICLE WHILE THE AMOUNT OF ALCOHOL BY WEIGHT
11 IN THE BLOOD OF THAT PERSON WAS 0.08% OR MORE, THE DEPARTMENT
12 SHALL SUSTAIN THE ORDER OF SUSPENSION. IF THE EVIDENCE DOES NOT
13 SUPPORT SUCH A DETERMINATION, THE DEPARTMENT SHALL RESCIND THE
14 ORDER OF SUSPENSION. THE DETERMINATION OF THE DEPARTMENT UPON
15 ADMINISTRATIVE REVIEW IS FINAL UNLESS A HEARING IS REQUESTED
16 UNDER SECTION 1589 (RELATING TO HEARING).

17 (C) TIME.--THE DEPARTMENT SHALL MAKE A DETERMINATION UPON
18 ADMINISTRATIVE REVIEW PRIOR TO THE EFFECTIVE DATE OF THE
19 SUSPENSION ORDER IF THE REQUEST FOR THE REVIEW IS RECEIVED BY
20 THE DEPARTMENT WITHIN EIGHT DAYS FOLLOWING SERVICE OF THE NOTICE
21 OF SUSPENSION. WHERE THE REQUEST FOR ADMINISTRATIVE REVIEW IS
22 RECEIVED BY THE DEPARTMENT MORE THAN EIGHT DAYS FOLLOWING
23 SERVICE OF THE NOTICE OF SUSPENSION, THE DEPARTMENT SHALL MAKE
24 ITS DETERMINATION WITHIN SEVEN DAYS FOLLOWING THE RECEIPT OF THE
25 REQUEST FOR REVIEW.

26 (D) EFFECT OF REQUEST.--A REQUEST FOR ADMINISTRATIVE REVIEW
27 SHALL NOT STAY THE LICENSE SUSPENSION. IF THE DEPARTMENT IS
28 UNABLE TO MAKE A DETERMINATION WITHIN THE TIME LIMITS SPECIFIED
29 IN SUBSECTION (C), IT SHALL STAY THE SUSPENSION PENDING THAT
30 DETERMINATION.

1 (E) FORMS.--THE REQUEST FOR ADMINISTRATIVE REVIEW MAY BE
2 MADE BY MAIL OR IN PERSON AT ANY OFFICE OF THE DEPARTMENT. THE
3 DEPARTMENT SHALL PROVIDE FORMS WHICH THE PERSON MAY USE TO
4 REQUEST AN ADMINISTRATIVE REVIEW AND TO SUBMIT A SWORN
5 STATEMENT, BUT USE OF THE FORMS IS NOT REQUIRED.

6 (F) HEARING.--A PERSON MAY REQUEST AND BE GRANTED A HEARING
7 UNDER SECTION 1589 WITHOUT FIRST REQUESTING ADMINISTRATIVE
8 REVIEW UNDER THIS SECTION. ADMINISTRATIVE REVIEW IS NOT
9 AVAILABLE AFTER A HEARING IS HELD.

10 § 1589. HEARING.

11 (A) GENERAL RULE.--ANY PERSON WHO HAS RECEIVED A NOTICE OF
12 SUSPENSION MAY MAKE A WRITTEN REQUEST FOR A HEARING. THE REQUEST
13 MAY BE MADE ON A FORM AVAILABLE AT EACH OFFICE OF THE
14 DEPARTMENT. IF THE PERSON'S DRIVER'S LICENSE HAS NOT BEEN
15 PREVIOUSLY SURRENDERED, IT SHALL BE SURRENDERED AT THE TIME THE
16 REQUEST FOR A HEARING IS MADE. A REQUEST FOR A HEARING SHALL NOT
17 STAY THE LICENSE SUSPENSION.

18 (B) NOTICE.--THE HEARING SHALL BE SCHEDULED TO BE HELD AS
19 QUICKLY AS PRACTICABLE WITHIN 30 DAYS OF THE FILING OF THE
20 REQUEST FOR A HEARING. THE HEARING SHALL BE HELD AT A PLACE
21 DESIGNATED BY THE DEPARTMENT AS CLOSE AS PRACTICABLE TO THE
22 PLACE WHERE THE ARREST OCCURRED, UNLESS THE PARTIES AGREE TO A
23 DIFFERENT LOCATION. THE DEPARTMENT SHALL PROVIDE A WRITTEN
24 NOTICE OF THE TIME AND PLACE OF THE HEARING TO THE PARTY
25 REQUESTING THE HEARING AT LEAST TEN DAYS PRIOR TO THE SCHEDULED
26 HEARING, UNLESS THE PARTIES AGREE TO WAIVE THIS REQUIREMENT.

27 (C) HEARING OFFICER.--THE HEARING OFFICER SHALL BE
28 DESIGNATED BY THE SECRETARY. THE HEARING OFFICER SHALL HAVE
29 AUTHORITY TO ADMINISTER OATHS AND AFFIRMATIONS; TO EXAMINE
30 WITNESSES AND TAKE TESTIMONY; TO RECEIVE RELEVANT EVIDENCE; TO

1 ISSUE SUBPOENAS, TAKE DEPOSITIONS, OR CAUSE DEPOSITIONS OR
2 INTERROGATORIES TO BE TAKEN; TO REGULATE THE COURSE AND CONDUCT
3 OF THE HEARING; AND TO MAKE A FINAL RULING ON THE ISSUE.

4 (D) EVIDENCE.--THE SOLE ISSUE AT THE HEARING SHALL BE
5 WHETHER BY A PREPONDERANCE OF THE EVIDENCE THE PERSON DROVE OR
6 WAS IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE THE
7 AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF THAT PERSON WAS
8 0.08% OR MORE. IF THE HEARING OFFICER FINDS THE AFFIRMATIVE OF
9 THIS ISSUE, THE SUSPENSION ORDER SHALL BE SUSTAINED. IF THE
10 HEARING OFFICER FINDS THE NEGATIVE OF THE ISSUE, THE SUSPENSION
11 ORDER SHALL BE RESCINDED.

12 (E) DECISION.--THE HEARING SHALL BE RECORDED. THE DECISION
13 OF THE HEARING OFFICER SHALL BE RENDERED IN WRITING, AND A COPY
14 WILL BE PROVIDED TO THE PERSON WHO REQUESTED THE HEARING.

15 (F) FAILURE TO APPEAR.--IF THE PERSON WHO REQUESTED THE
16 HEARING FAILS TO APPEAR WITHOUT JUST CAUSE, THE RIGHT TO A
17 HEARING SHALL BE WAIVED, AND THE DEPARTMENT'S DETERMINATION
18 SHALL BE FINAL.

19 (G) APPEALS.--AN APPEAL FROM A DECISION OF A HEARING OFFICER
20 MAY BE TAKEN IN THE MANNER PROVIDED IN TITLE 2 (RELATING TO
21 ADMINISTRATIVE LAW AND PROCEDURE). NOTWITHSTANDING SECTION
22 1550(B) (RELATING TO JUDICIAL REVIEW), NO APPEAL UNDER THIS
23 SECTION SHALL ACT AS A SUPERSEDEAS.

24 SECTION 6. THE DEFINITION OF "INSURED" IN SECTION 1702 OF
25 TITLE 75 IS AMENDED AND THE SECTION IS AMENDED BY ADDING
26 DEFINITIONS TO READ:

27 § 1702. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 * * *

2 "COMMISSIONER." THE INSURANCE COMMISSIONER OF THE
3 COMMONWEALTH.

4 * * *

5 "INSURED." ANY OF THE FOLLOWING:

6 (1) AN INDIVIDUAL IDENTIFIED BY NAME AS AN INSURED IN A
7 POLICY OF MOTOR VEHICLE LIABILITY INSURANCE.

8 (2) IF RESIDING IN THE HOUSEHOLD OF THE NAMED INSURED[:

9 (I)]_ A SPOUSE OR OTHER RELATIVE OF THE NAMED
10 INSURED[;]_ OR

11 [(II)] A MINOR IN THE CUSTODY OF EITHER THE NAMED
12 INSURED OR RELATIVE OF THE NAMED INSURED, UNLESS SUCH
13 SPOUSE, RELATIVE OR MINOR HAS BEEN EXCLUDED FROM COVERAGE
14 AND IS INSURED ON ANOTHER POLICY OF MOTOR VEHICLE
15 LIABILITY INSURANCE.

16 * * *

17 "NECESSARY MEDICAL TREATMENT AND REHABILITATIVE SERVICES."

18 TREATMENT, ACCOMMODATIONS, PRODUCTS OR SERVICES WHICH ARE
19 DETERMINED TO BE NECESSARY BY A LICENSED HEALTH CARE PROVIDER
20 UNLESS THEY SHALL HAVE BEEN FOUND OR DETERMINED TO BE
21 UNNECESSARY BY A STATE-APPROVED PEER REVIEW ORGANIZATION (PRO).

22 "PEER REVIEW ORGANIZATION" OR "PRO." ANY PEER REVIEW
23 ORGANIZATION WITH WHICH THE FEDERAL HEALTH CARE FINANCING
24 ADMINISTRATION OR THE COMMONWEALTH CONTRACTS FOR MEDICAL REVIEW
25 OF MEDICARE OR MEDICAL ASSISTANCE SERVICES, OR ANY HEALTH CARE
26 REVIEW COMPANY, APPROVED BY THE COMMISSIONER, THAT ENGAGES IN
27 PEER REVIEW FOR THE PURPOSE OF DETERMINING THAT MEDICAL AND
28 REHABILITATION SERVICES ARE MEDICALLY NECESSARY AND ECONOMICALLY
29 PROVIDED. THE MEMBERSHIP OF ANY PRO UTILIZED IN CONNECTION WITH
30 THE ACT SHALL INCLUDE REPRESENTATION FROM THE PROFESSION WHOSE

1 SERVICES ARE SUBJECT TO THE REVIEW.

2 * * *

3 SECTION 7. SECTION 1711 OF TITLE 75, AMENDED APRIL 26, 1989
4 (P.L.13, NO.4), IS AMENDED TO READ:

5 § 1711. REQUIRED BENEFITS.

6 [AN] (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION
7 (B), AN INSURER ISSUING OR DELIVERING LIABILITY INSURANCE
8 POLICIES COVERING ANY MOTOR VEHICLE OF THE TYPE REQUIRED TO BE
9 REGISTERED UNDER THIS TITLE, EXCEPT RECREATIONAL VEHICLES NOT
10 INTENDED FOR HIGHWAY USE, MOTORCYCLES, MOTOR-DRIVEN CYCLES OR
11 MOTORIZED PEDALCYCLES OR LIKE TYPE VEHICLES, REGISTERED AND
12 OPERATED IN THIS COMMONWEALTH, SHALL INCLUDE COVERAGE PROVIDING
13 A MEDICAL BENEFIT IN THE AMOUNT OF \$10,000. [, AN INCOME LOSS
14 BENEFIT UP TO A MONTHLY MAXIMUM OF \$1,000 UP TO A MAXIMUM
15 BENEFIT OF \$5,000 AND A FUNERAL BENEFIT IN THE AMOUNT OF \$1,500,
16 AS DEFINED IN SECTION 1712 (RELATING TO AVAILABILITY OF
17 BENEFITS), WITH RESPECT TO INJURY ARISING OUT OF THE MAINTENANCE
18 OR USE OF A MOTOR VEHICLE. THE INCOME LOSS BENEFIT PROVIDED
19 UNDER THIS SECTION MAY BE EXPRESSLY WAIVED BY THE NAMED INSURED
20 PROVIDED THE NAMED INSURED HAS NO EXPECTATION OF ACTUAL INCOME
21 LOSS DUE TO AGE, DISABILITY OR LACK OF EMPLOYMENT HISTORY. AT
22 THE ELECTION OF THE NAMED INSURED, SUCH POLICY SHALL ALSO
23 INCLUDE AN EXTRAORDINARY MEDICAL BENEFIT AS DESCRIBED IN SECTION
24 1715(A)(1.1) AND (D) (RELATING TO AVAILABILITY OF ADEQUATE
25 LIMITS).]

26 (B) ALTERNATIVE MEDICAL COVERAGE OPTION.--AT THE ELECTION OF
27 THE NAMED INSURED, THE FIRST PARTY MEDICAL BENEFIT REQUIRED
28 UNDER SUBSECTION (A) MAY BE PROVIDED IN THE AMOUNT OF \$5,000 IF
29 THE NAMED INSURED HAS ALTERNATE MEDICAL COVERAGE IN AN AMOUNT OF
30 AT LEAST \$5,000. THE NAMED INSURED MUST PROVIDE TO THE INSURER

1 PROOF OF ALTERNATE MEDICAL COVERAGES. THE TOTAL PREMIUM FOR ALL
2 FIRST PARTY COVERAGES FOR AN INSURED WHO PURCHASES THIS LEVEL OF
3 COVERAGE SHALL BE REDUCED BY AT LEAST 10%.

4 SECTION 8. SECTION 1712 OF TITLE 75 IS AMENDED TO READ:
5 § 1712. AVAILABILITY OF BENEFITS.

6 AN INSURER ISSUING OR DELIVERING LIABILITY INSURANCE POLICIES
7 COVERING ANY MOTOR VEHICLE OF THE TYPE REQUIRED TO BE REGISTERED
8 UNDER THIS TITLE, EXCEPT RECREATIONAL VEHICLES NOT INTENDED FOR
9 HIGHWAY USE, MOTORCYCLES, MOTOR-DRIVEN CYCLES OR MOTORIZED
10 PEDALCYCLES OR LIKE TYPE VEHICLES, REGISTERED AND OPERATED IN
11 THIS COMMONWEALTH, SHALL MAKE AVAILABLE FOR PURCHASE FIRST PARTY
12 BENEFITS AND UNINSURED AND UNDERINSURED MOTORIST COVERAGE WITH
13 RESPECT TO INJURY ARISING OUT OF THE MAINTENANCE OR USE OF A
14 MOTOR VEHICLE AS FOLLOWS:

15 (1) MEDICAL BENEFIT.--[COVERAGE] SUBJECT TO THE
16 LIMITATIONS OF SECTION 1797 (RELATING TO CUSTOMARY CHARGES
17 FOR TREATMENT), COVERAGE TO PROVIDE FOR REASONABLE AND
18 NECESSARY MEDICAL TREATMENT AND REHABILITATIVE SERVICES,
19 INCLUDING, BUT NOT LIMITED TO, HOSPITAL, DENTAL, SURGICAL,
20 PSYCHIATRIC, PSYCHOLOGICAL, OSTEOPATHIC, AMBULANCE,
21 CHIROPRACTIC, LICENSED PHYSICAL THERAPY, NURSING SERVICES,
22 VOCATIONAL REHABILITATION AND OCCUPATIONAL THERAPY, SPEECH
23 PATHOLOGY AND AUDIOLOGY, OPTOMETRIC SERVICES, MEDICATIONS,
24 MEDICAL SUPPLIES AND PROSTHETIC DEVICES, ALL WITHOUT
25 LIMITATION AS TO TIME, PROVIDED THAT, WITHIN 18 MONTHS FROM
26 THE DATE OF THE ACCIDENT CAUSING INJURY, IT IS ASCERTAINABLE
27 WITH REASONABLE MEDICAL PROBABILITY THAT FURTHER EXPENSES MAY
28 BE INCURRED AS A RESULT OF THE INJURY. BENEFITS UNDER THIS
29 PARAGRAPH MAY INCLUDE ANY NONMEDICAL REMEDIAL CARE AND
30 TREATMENT RENDERED IN ACCORDANCE WITH A RECOGNIZED RELIGIOUS

1 METHOD OF HEALING.

2 (2) INCOME LOSS BENEFIT.--INCLUDES THE FOLLOWING:

3 (I) EIGHTY PERCENT OF ACTUAL LOSS OF GROSS INCOME.

4 (II) REASONABLE EXPENSES ACTUALLY INCURRED FOR
5 HIRING A SUBSTITUTE TO PERFORM SELF-EMPLOYMENT SERVICES
6 THEREBY MITIGATING LOSS OF GROSS INCOME OR FOR HIRING
7 SPECIAL HELP THEREBY ENABLING A PERSON TO WORK AND
8 MITIGATE LOSS OF GROSS INCOME.

9 INCOME LOSS DOES NOT INCLUDE LOSS OF EXPECTED INCOME FOR ANY
10 PERIOD FOLLOWING THE DEATH OF AN INDIVIDUAL OR EXPENSES
11 INCURRED FOR SERVICES PERFORMED FOLLOWING THE DEATH OF AN
12 INDIVIDUAL. INCOME LOSS SHALL NOT COMMENCE UNTIL FIVE WORKING
13 DAYS HAVE BEEN LOST AFTER THE DATE OF THE ACCIDENT. THE TOTAL
14 PREMIUM FOR ALL FIRST PARTY COVERAGES FOR AN INSURED WHO
15 ELECTS NOT TO PURCHASE AN INCOME LOSS BENEFIT SHALL BE
16 REDUCED BY AT LEAST 15%.

17 (3) ACCIDENTAL DEATH BENEFIT.--A DEATH BENEFIT PAID TO
18 THE PERSONAL REPRESENTATIVE OF THE INSURED, SHOULD INJURY
19 RESULTING FROM A MOTOR VEHICLE ACCIDENT CAUSE DEATH WITHIN 24
20 MONTHS FROM THE DATE OF THE ACCIDENT.

21 (4) FUNERAL BENEFIT.--EXPENSES DIRECTLY RELATED TO THE
22 FUNERAL, BURIAL, CREMATION OR OTHER FORM OF DISPOSITION OF
23 THE REMAINS OF A DECEASED INDIVIDUAL, INCURRED AS A RESULT OF
24 THE DEATH OF THE INDIVIDUAL AS A RESULT OF THE ACCIDENT AND
25 WITHIN 24 MONTHS FROM THE DATE OF THE ACCIDENT. THE TOTAL
26 PREMIUM FOR ALL FIRST PARTY COVERAGES FOR AN INSURED WHO
27 ELECTS NOT TO PURCHASE A FUNERAL BENEFIT SHALL BE REDUCED BY
28 AT LEAST 1%.

29 (5) COMBINATION BENEFIT.--A COMBINATION OF BENEFITS
30 DESCRIBED IN PARAGRAPHS (1) THROUGH (4) AS AN ALTERNATIVE TO

1 THE SEPARATE PURCHASE OF THOSE BENEFITS.

2 (6) UNINSURED AND UNDERINSURED MOTORIST COVERAGE.

3 (7) EXTRAORDINARY MEDICAL BENEFITS.--MEDICAL BENEFITS,
4 AS DEFINED IN PARAGRAPH (1), WHICH EXCEED \$100,000.

5 SECTION 9. SECTIONS 1715(A) AND 1722 OF TITLE 75, AMENDED
6 APRIL 26, 1989 (P.L.13, NO.4), ARE AMENDED TO READ:

7 § 1715. AVAILABILITY OF ADEQUATE LIMITS.

8 (A) GENERAL RULE.--AN INSURER SHALL MAKE AVAILABLE FOR
9 PURCHASE FIRST PARTY BENEFITS AND UNINSURED AND UNDERINSURED
10 MOTORIST COVERAGE AS FOLLOWS:

11 (1) FOR MEDICAL BENEFITS, UP TO AT LEAST \$100,000.

12 (1.1) FOR EXTRAORDINARY MEDICAL BENEFITS, FROM \$100,000
13 TO \$1,100,000, WHICH [MAY] SHALL BE OFFERED IN [INCREMENTS]
14 AMOUNTS OF \$100,000, \$250,000, \$500,000, \$750,000 AND
15 \$1,100,000, AS LIMITED BY SUBSECTION (D).

16 (2) FOR INCOME LOSS BENEFITS, UP TO AT LEAST \$2,500 PER
17 MONTH UP TO A MAXIMUM BENEFIT OF AT LEAST \$50,000.

18 (3) FOR ACCIDENTAL DEATH BENEFITS, UP TO AT LEAST
19 \$25,000.

20 (4) FOR FUNERAL BENEFITS, \$2,500.

21 (5) FOR COMBINATION OF BENEFITS ENUMERATED IN PARAGRAPHS
22 (1) THROUGH (4) AND SUBJECT TO A LIMIT ON THE ACCIDENTAL
23 DEATH BENEFIT OF UP TO \$25,000 AND A LIMIT ON THE FUNERAL
24 BENEFIT OF \$2,500, UP TO AT LEAST [\$277,500] \$177,500 OF
25 BENEFITS IN THE AGGREGATE OR BENEFITS PAYABLE UP TO THREE
26 YEARS FROM THE DATE OF THE ACCIDENT, WHICHEVER OCCURS FIRST,
27 PROVIDED THAT NOTHING CONTAINED IN THIS SUBSECTION SHALL BE
28 CONSTRUED TO LIMIT, REDUCE, MODIFY OR CHANGE THE PROVISIONS
29 OF SUBSECTION (D).

30 (6) UNINSURED AND UNDERINSURED MOTORIST COVERAGE IN

1 AMOUNTS EQUAL TO OR LESS THAN THE MOTOR VEHICLE LIABILITY
2 INSURANCE REQUIRED UNDER THIS CHAPTER.

3 * * *

4 § 1722. PRECLUSION OF PLEADING, PROVING AND RECOVERING REQUIRED
5 BENEFITS.

6 IN ANY ACTION FOR DAMAGES AGAINST A TORTFEASOR ARISING OUT OF
7 THE MAINTENANCE OR USE OF A MOTOR VEHICLE, A PERSON WHO IS
8 ELIGIBLE TO RECEIVE BENEFITS UNDER THE COVERAGES SET FORTH IN
9 [SECTION 1711 (RELATING TO REQUIRED BENEFITS) OR THE COVERAGE
10 SET FORTH IN SECTION 1715(A)(1.1) (RELATING TO AVAILABILITY OF
11 ADEQUATE LIMITS)] THIS SUBCHAPTER SHALL BE PRECLUDED FROM
12 PLEADING, INTRODUCING INTO EVIDENCE OR RECOVERING THE AMOUNT OF
13 BENEFITS PAID OR PAYABLE UNDER [SECTION 1711 OR 1715(A)(1.1)].
14 THIS PRECLUSION APPLIES ONLY TO THE AMOUNT OF BENEFITS SET FORTH
15 IN SECTIONS 1711 AND 1715(A)(1.1)] THIS SUBCHAPTER.

16 SECTION 10. SECTION 1731 OF TITLE 75 IS AMENDED TO READ:

17 § 1731. [SCOPE] AVAILABILITY, SCOPE AND AMOUNT OF COVERAGE.

18 (A) [GENERAL RULE] MANDATORY AVAILABILITY.--NO MOTOR VEHICLE
19 LIABILITY INSURANCE POLICY SHALL BE DELIVERED OR ISSUED FOR
20 DELIVERY IN THIS COMMONWEALTH, WITH RESPECT TO ANY MOTOR VEHICLE
21 REGISTERED OR PRINCIPALLY GARAGED IN THIS COMMONWEALTH, UNLESS
22 UNINSURED MOTORIST AND UNDERINSURED MOTORIST COVERAGES ARE
23 [PROVIDED] MADE AVAILABLE THEREIN OR SUPPLEMENTAL THERETO IN
24 AMOUNTS EQUAL TO THE BODILY INJURY LIABILITY COVERAGE EXCEPT AS
25 PROVIDED IN SECTION 1734 (RELATING TO REQUEST FOR LOWER [OR
26 HIGHER] LIMITS OF COVERAGE). PURCHASE OF UNINSURED MOTORIST AND
27 UNDERINSURED MOTORIST COVERAGES IS OPTIONAL, PROVIDED THAT THE
28 TOTAL PREMIUM FOR ALL FIRST PARTY COVERAGES FOR AN INSURED WHO
29 ELECTS NOT TO PURCHASE UNINSURED AND UNDERINSURED MOTORIST
30 COVERAGE BENEFIT SHALL BE REDUCED BY AT LEAST 35%.

1 (B) UNINSURED MOTORIST COVERAGE.--UNINSURED MOTORIST
2 COVERAGE SHALL PROVIDE PROTECTION FOR PERSONS WHO SUFFER INJURY
3 ARISING OUT OF THE MAINTENANCE OR USE OF A MOTOR VEHICLE AND ARE
4 LEGALLY ENTITLED TO RECOVER DAMAGES THEREFOR FROM OWNERS OR
5 OPERATORS OF UNINSURED MOTOR VEHICLES. THE INSURED MAY REJECT
6 UNINSURED MOTORIST COVERAGE BY SIGNING THE FOLLOWING WRITTEN
7 REJECTION FORM.

8 REJECTION OF UNINSURED MOTORIST PROTECTION

9 BY SIGNING THIS WAIVER I AM REJECTING UNINSURED MOTORIST
10 COVERAGE UNDER THIS POLICY, FOR MYSELF AND ALL RELATIVES
11 RESIDING IN MY HOUSEHOLD. UNINSURED COVERAGE PROTECTS ME AND
12 RELATIVES LIVING IN MY HOUSEHOLD FOR LOSSES AND DAMAGES SUFFERED
13 IF INJURY IS CAUSED BY THE NEGLIGENCE OF A DRIVER WHO DOES NOT
14 HAVE ANY INSURANCE TO PAY FOR LOSSES AND DAMAGES. I KNOWINGLY
15 AND VOLUNTARILY REJECT THIS COVERAGE.

16 _____
17 SIGNATURE OF INSURED
18 _____

19 DATE

20 (C) UNDERINSURED MOTORIST COVERAGE.--UNDERINSURED MOTORIST
21 COVERAGE SHALL PROVIDE PROTECTION FOR PERSONS WHO SUFFER INJURY
22 ARISING OUT OF THE MAINTENANCE OR USE OF A MOTOR VEHICLE AND ARE
23 LEGALLY ENTITLED TO RECOVER DAMAGES THEREFOR FROM OWNERS OR
24 OPERATORS OF UNDERINSURED MOTOR VEHICLES. THE INSURED MAY REJECT
25 UNDERINSURED MOTORIST COVERAGE BY SIGNING THE FOLLOWING WRITTEN
26 REJECTION FORM.

27 REJECTION OF UNDERINSURED MOTORIST PROTECTION

28 BY SIGNING THIS WAIVER I AM REJECTING UNDERINSURED MOTORIST
29 COVERAGE UNDER THIS POLICY, FOR MYSELF AND ALL RELATIVES
30 RESIDING IN MY HOUSEHOLD. UNDERINSURED COVERAGE PROTECTS ME AND

1 RELATIVES LIVING IN MY HOUSEHOLD FOR LOSSES AND DAMAGES SUFFERED
2 IF INJURY IS CAUSED BY THE NEGLIGENCE OF A DRIVER WHO DOES NOT
3 HAVE ENOUGH INSURANCE TO PAY FOR ALL LOSSES AND DAMAGES. I
4 KNOWINGLY AND VOLUNTARILY REJECT THIS COVERAGE.

5 _____
6 SIGNATURE OF INSURED
7 _____

8 DATE

9 (C.1) FORM OF WAIVER.--INSURERS SHALL PRINT THE REJECTION
10 FORMS REQUIRED BY SUBSECTIONS (B) AND (C) ON SEPARATE SHEETS IN
11 PROMINENT TYPE AND LOCATION. THE FORM MUST BE SIGNED BY THE
12 NAMED INSURED AND DATED TO BE VALID. THE SIGNATURES ON THE FORMS
13 MAY BE WITNESSED BY AN INSURANCE AGENT OR BROKER. ANY REJECTION
14 FORM THAT DOES NOT SPECIFICALLY COMPLY WITH THIS SECTION IS
15 VOID. IF THE INSURER FAILS TO PRODUCE A VALID REJECTION FORM,
16 UNINSURED OR UNDERINSURED COVERAGE, OR BOTH, AS THE CASE MAY BE,
17 UNDER THAT POLICY SHALL BE EQUAL TO THE BODILY INJURY LIABILITY
18 LIMITS. ON POLICIES IN WHICH EITHER UNINSURED OR UNDERINSURED
19 COVERAGE HAS BEEN REJECTED, THE POLICY RENEWALS MUST CONTAIN
20 NOTICE IN PROMINENT TYPE THAT THE POLICY DOES NOT PROVIDE
21 PROTECTION AGAINST DAMAGES CAUSED BY UNINSURED OR UNDERINSURED
22 MOTORISTS.

23 (D) LIMITATION ON RECOVERY.--A PERSON WHO RECOVERS DAMAGES
24 UNDER UNINSURED MOTORIST COVERAGE OR COVERAGES CANNOT RECOVER
25 DAMAGES UNDER UNINSURED MOTORIST COVERAGE OR COVERAGES FOR THE
26 SAME ACCIDENT.

27 SECTION 11. SECTION 1732 OF TITLE 75 IS REPEALED.

28 SECTION 12. SECTIONS 1733 AND 1734 OF TITLE 75 ARE AMENDED
29 TO READ:

30 § 1733. PRIORITY OF RECOVERY.

1 (A) GENERAL RULE.--WHERE MULTIPLE POLICIES APPLY, PAYMENT
2 SHALL BE MADE IN THE FOLLOWING ORDER OF PRIORITY:

3 (1) A POLICY COVERING A MOTOR VEHICLE OCCUPIED BY THE
4 INJURED PERSON AT THE TIME OF THE ACCIDENT.

5 (2) A POLICY COVERING A MOTOR VEHICLE NOT INVOLVED IN
6 THE ACCIDENT WITH RESPECT TO WHICH THE INJURED PERSON IS AN
7 INSURED.

8 (B) MULTIPLE SOURCES OF EQUAL PRIORITY.--THE INSURER AGAINST
9 WHOM A CLAIM IS ASSERTED FIRST UNDER THE PRIORITIES SET FORTH IN
10 SUBSECTION (A) SHALL PROCESS AND PAY THE CLAIM AS IF WHOLLY
11 RESPONSIBLE. THE INSURER IS THEREAFTER ENTITLED TO RECOVER
12 CONTRIBUTION PRO RATA FROM ANY OTHER INSURER FOR THE BENEFITS
13 PAID AND THE COSTS OF PROCESSING THE CLAIM.

14 § 1734. REQUEST FOR LOWER [OR HIGHER] LIMITS OF COVERAGE.

15 A NAMED INSURED MAY REQUEST IN WRITING THE ISSUANCE OF
16 COVERAGES UNDER SECTION 1731 (RELATING TO SCOPE AND AMOUNT OF
17 COVERAGE) IN AMOUNTS EQUAL TO OR LESS THAN THE LIMITS OF
18 LIABILITY FOR BODILY INJURY. [BUT IN NO EVENT LESS THAN THE
19 AMOUNTS REQUIRED BY THIS CHAPTER FOR BODILY INJURY. IF THE NAMED
20 INSURED HAS SELECTED UNINSURED AND UNDERINSURED MOTORIST
21 COVERAGE IN CONNECTION WITH A POLICY PREVIOUSLY ISSUED TO HIM BY
22 THE SAME INSURER UNDER SECTION 1731, THE COVERAGES OFFERED NEED
23 NOT BE PROVIDED IN EXCESS OF THE LIMITS OF LIABILITY PREVIOUSLY
24 ISSUED FOR UNINSURED AND UNDERINSURED MOTORIST COVERAGE UNLESS
25 THE NAMED INSURED REQUESTS IN WRITING HIGHER LIMITS OF LIABILITY
26 FOR THOSE COVERAGES.]

27 SECTION 13. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

28 § 1737. RIGHTS TO PAYMENT.

29 (A) SUBROGATION.--IN CLAIMS ARISING OUT OF THE MAINTENANCE
30 OR USE OF AN UNDERINSURED MOTOR VEHICLE, THERE SHALL BE NO RIGHT

1 OF SUBROGATION BY AN INSURER WITH RESPECT TO THE PAYMENT OF
2 UNDERINSURED MOTORIST BENEFITS.

3 (B) CONDITION TO PAYMENT.--NO POLICY OF INSURANCE SHALL
4 REQUIRE, AS A CONDITION TO THE PAYMENT OF UNDERINSURED MOTORIST
5 BENEFITS, THE PRIOR CONSENT OF THE INSURER TO THE SETTLEMENT OF
6 A BODILY INJURY CLAIM WITH ANY PERSON.

7 § 1738. STACKING OF UNINSURED AND UNDERINSURED BENEFITS.

8 WHEN MULTIPLE VEHICLES ARE INSURED UNDER ONE OR MORE
9 POLICIES, THE STATED LIMIT SHALL APPLY SEPARATELY TO EACH
10 VEHICLE. THE LIMITS OF COVERAGE AVAILABLE UNDER THIS SUBCHAPTER
11 FOR AN INSURED SHALL BE THE SUM OF THE LIMITS FOR EACH INSURED
12 VEHICLE UNDER ALL APPLICABLE POLICIES.

13 SECTION 14. SECTION 1753 OF TITLE 75 IS AMENDED TO READ:

14 § 1753. BENEFITS AVAILABLE.

15 AN ELIGIBLE CLAIMANT MAY RECOVER MEDICAL BENEFITS, AS
16 DESCRIBED IN SECTION 1712(1) (RELATING TO AVAILABILITY OF
17 BENEFITS), UP TO A MAXIMUM OF \$5,000. NO INCOME LOSS BENEFIT OR
18 ACCIDENTAL DEATH BENEFIT SHALL BE PAYABLE UNDER THIS SUBCHAPTER.
19 [FUNERAL EXPENSES, AS DESCRIBED IN SECTION 1712(4), IN THE
20 AMOUNT OF \$1,500 SHALL BE RECOVERABLE AS AN OFFSET TO THE
21 MAXIMUM AMOUNT OF MEDICAL BENEFITS AVAILABLE UNDER THIS
22 SECTION.]

23 SECTION 15. SECTION 1782 OF TITLE 75 IS AMENDED BY ADDING A
24 SUBSECTION TO READ:

25 § 1782. MANNER OF PROVIDING PROOF OF FINANCIAL RESPONSIBILITY.

26 * * *

27 (D) FINANCIAL RESPONSIBILITY IDENTIFICATION CARDS.--INSURERS
28 SHALL PROVIDE FINANCIAL RESPONSIBILITY IDENTIFICATION CARDS TO
29 INSUREDS WHICH SHALL BE VALID ONLY FOR THE PERIOD FOR WHICH
30 COVERAGE HAS BEEN PAID BY THE INSURED. FINANCIAL RESPONSIBILITY

1 IDENTIFICATION CARDS SHALL DISCLOSE THE PERIOD FOR WHICH
2 COVERAGE HAS BEEN PAID BY THE INSURED AND SHALL CONTAIN SUCH
3 OTHER INFORMATION AS REQUIRED BY THE INSURANCE DEPARTMENT. IN
4 SUCH INSTANCE WHERE THE INSURED HAS FINANCED PREMIUMS THROUGH A
5 PREMIUM FINANCE COMPANY OR WHERE THE INSURED IS ON AN INSURER-
6 SPONSORED OR AGENCY-SPONSORED PAYMENT PLAN, FINANCIAL
7 RESPONSIBILITY IDENTIFICATION CARDS MAY BE ISSUED FOR PERIODS OF
8 SIX MONTHS EVEN THOUGH SUCH PAYMENT BY THE INSURED MAY BE FOR A
9 PERIOD OF LESS THAN SIX MONTHS. NOTHING IN THIS PARAGRAPH SHALL
10 BE CONSTRUED TO REQUIRE THE IMMEDIATE ISSUANCE OF FINANCIAL
11 RESPONSIBILITY IDENTIFICATION CARDS WHERE AN INSURED REPLACES AN
12 INSURED VEHICLE, ADDS A VEHICLE, OR INCREASES COVERAGES UNDER AN
13 EXISTING POLICY FOR WHICH A PREMIUM ADJUSTMENT IS REQUIRED.

14 SECTION 16. SECTION 1786 OF TITLE 75 IS AMENDED TO READ:

15 § 1786. [SELF-CERTIFICATION OF] REQUIRED FINANCIAL
16 RESPONSIBILITY.

17 (A) SELF-CERTIFICATION.--THE DEPARTMENT OF TRANSPORTATION
18 SHALL REQUIRE THAT EACH MOTOR VEHICLE REGISTRANT CERTIFY THAT
19 THE REGISTRANT IS FINANCIALLY RESPONSIBLE AT THE TIME OF
20 REGISTRATION OR RENEWAL THEREOF. THE DEPARTMENT SHALL REFUSE TO
21 REGISTER OR RENEW THE REGISTRATION OF A VEHICLE FOR FAILURE TO
22 COMPLY WITH THIS REQUIREMENT OR FALSIFICATION OF SELF-
23 CERTIFICATION.

24 (B) CONSENT TO PRODUCE PROOF OF FINANCIAL RESPONSIBILITY.--
25 UPON REGISTERING A MOTOR VEHICLE OR RENEWING A MOTOR VEHICLE
26 REGISTRATION, THE OWNER OF THE MOTOR VEHICLE SHALL BE DEEMED TO
27 HAVE GIVEN CONSENT TO PRODUCE PROOF TO THE DEPARTMENT OF
28 TRANSPORTATION OR A POLICE OFFICER THAT THE VEHICLE REGISTRANT
29 HAS THE FINANCIAL RESPONSIBILITY REQUIRED BY THIS CHAPTER.
30 FAILURE TO PRODUCE PROOF OF FINANCIAL RESPONSIBILITY TO A POLICE

1 OFFICER UPON REQUEST CONSTITUTES A SUMMARY OFFENSE.

2 (C) SUSPENSION OF REGISTRATION AND OPERATING PRIVILEGE.--THE
3 DEPARTMENT OF TRANSPORTATION SHALL SUSPEND THE REGISTRATION OF A
4 VEHICLE IF IT DETERMINES THE REQUIRED FINANCIAL RESPONSIBILITY
5 HAS NOT BEEN SECURED AS REQUIRED BY THIS CHAPTER AND MAY SUSPEND
6 THE OPERATING PRIVILEGE OF THE REGISTRANT. THE OPERATING
7 PRIVILEGE SHALL NOT BE RESTORED UNTIL PROOF OF FINANCIAL
8 RESPONSIBILITY IS SUBMITTED, TOGETHER WITH THE RESTORATION FEE
9 FOR OPERATING PRIVILEGE PROVIDED BY SECTION 1960 (RELATING TO
10 REINSTATEMENT OF OPERATING PRIVILEGE OR VEHICLE REGISTRATION).
11 WHENEVER THE DEPARTMENT REVOKES OR SUSPENDS THE REGISTRATION OF
12 ANY VEHICLE UNDER THIS CHAPTER, THE DEPARTMENT SHALL NOT RESTORE
13 THE REGISTRATION UNTIL THE VEHICLE OWNER FURNISHES PROOF OF
14 FINANCIAL RESPONSIBILITY IN A MANNER DETERMINED BY THE
15 DEPARTMENT AND SUBMITS AN APPLICATION FOR REGISTRATION TO THE
16 DEPARTMENT, ACCOMPANIED BY THE FEE FOR RESTORATION OF
17 REGISTRATION PROVIDED BY SECTION 1960.

18 (D) OBLIGATIONS UPON TERMINATION OF FINANCIAL
19 RESPONSIBILITY.--

20 (1) AN OWNER OF A MOTOR VEHICLE WHO CEASES TO MAINTAIN
21 FINANCIAL RESPONSIBILITY ON A REGISTERED VEHICLE SHALL NOT
22 OPERATE OR PERMIT OPERATION OF THE VEHICLE IN THIS
23 COMMONWEALTH UNTIL PROOF OF THE REQUIRED FINANCIAL
24 RESPONSIBILITY HAS BEEN PROVIDED TO THE DEPARTMENT OF
25 TRANSPORTATION.

26 (2) AN INSURER WHO HAS ISSUED A CONTRACT OF MOTOR
27 VEHICLE LIABILITY INSURANCE, OR ANY APPROVED SELF-INSURANCE
28 ENTITY, SHALL NOTIFY THE DEPARTMENT IN A TIMELY MANNER AND IN
29 A METHOD PRESCRIBED BY THE DEPARTMENT'S REGULATIONS.

30 (3) A PERSON WHO, AFTER MAINTAINING FINANCIAL

1 RESPONSIBILITY ON THE VEHICLE OF ANOTHER PERSON, CEASES TO
2 MAINTAIN SUCH FINANCIAL RESPONSIBILITY SHALL IMMEDIATELY
3 NOTIFY THE VEHICLE'S OWNER, WHO SHALL NOT OPERATE, OR PERMIT
4 OPERATION OF, THE VEHICLE IN THIS COMMONWEALTH.

5 (4) IN THE CASE OF A PERSON WHO LEASES ANY MOTOR VEHICLE
6 FROM A PERSON ENGAGED IN THE BUSINESS OF LEASING MOTOR
7 VEHICLES, THE LESSEE SHALL SIGN A STATEMENT INDICATING THAT
8 THE REQUIRED FINANCIAL RESPONSIBILITY HAS BEEN PROVIDED
9 THROUGH THE LESSOR OR THROUGH THE LESSEE'S MOTOR VEHICLE
10 LIABILITY INSURANCE POLICY COVERAGE. THE LESSEE SHALL SUBMIT
11 THE STATEMENT TO THE LESSOR.

12 (E) OPERATION OF A MOTOR VEHICLE WITHOUT REQUIRED FINANCIAL
13 RESPONSIBILITY.--ANY OWNER OF A MOTOR VEHICLE FOR WHICH THE
14 EXISTENCE OF FINANCIAL RESPONSIBILITY IS A REQUIREMENT FOR ITS
15 LEGAL OPERATION SHALL NOT OPERATE THE MOTOR VEHICLE OR PERMIT IT
16 TO BE OPERATED UPON A HIGHWAY OF THIS COMMONWEALTH WITHOUT THE
17 FINANCIAL RESPONSIBILITY REQUIRED BY THIS CHAPTER AND SHALL,
18 UPON REQUEST OF THE DEPARTMENT OF TRANSPORTATION, PRODUCE PROOF
19 OF FINANCIAL RESPONSIBILITY ON A FORM PROVIDED BY THE
20 DEPARTMENT. ANY PERSON WHO FAILS TO COMPLY WITH THIS SUBSECTION
21 IS SUBJECT TO A CIVIL PENALTY OF \$100 PLUS \$100 FOR EACH MONTH
22 OR PART OF A MONTH OF THE REGISTRATION PERIOD FOR WHICH
23 FINANCIAL RESPONSIBILITY WAS NOT OBTAINED.

24 (F) TIME LIMIT TO PRODUCE PROOF.--FAILURE OF A REGISTERED
25 VEHICLE OWNER TO PROVIDE PROOF OF FINANCIAL RESPONSIBILITY IN A
26 FORM AUTHORIZED BY INSURANCE DEPARTMENT REGULATION WITHIN 15
27 DAYS OF A REQUEST BY THE DEPARTMENT OF TRANSPORTATION FOR THE
28 PROOF PROVIDED FOR IN SUBSECTION (E) SHALL SUBJECT THE OWNER TO
29 AN ADDITIONAL CIVIL PENALTY OF \$200 AND TO A THREE-MONTH
30 REVOCAION OF VEHICLE REGISTRATION.

1 (G) DEFENSES.--

2 (1) NO PERSON SHALL BE CONVICTED OF FAILING TO PRODUCE
3 PROOF OF FINANCIAL RESPONSIBILITY UNDER ANY PROVISION OF THIS
4 SECTION OR UNDER SECTION 3743 (RELATING TO ACCIDENTS
5 INVOLVING DAMAGE TO ATTENDED VEHICLE OR PROPERTY) OR 6308
6 (RELATING TO INVESTIGATION BY POLICE OFFICERS), IF THE PERSON
7 PRODUCES, AT THE OFFICE OF THE ISSUING AUTHORITY WITHIN FIVE
8 DAYS OF THE DATE OF THE VIOLATION, PROOF THAT HE POSSESSED
9 THE REQUIRED FINANCIAL RESPONSIBILITY AT THE TIME OF THE
10 VIOLATION.

11 (2) NO PERSON SHALL BE PENALIZED FOR MAINTAINING A
12 REGISTERED MOTOR VEHICLE WITHOUT FINANCIAL RESPONSIBILITY
13 UNDER SUBSECTION (C) IF THE REGISTRATION AND LICENSE PLATES
14 WERE SURRENDERED TO THE DEPARTMENT OF TRANSPORTATION AT THE
15 TIME INSURANCE COVERAGE TERMINATED OR FINANCIAL
16 RESPONSIBILITY LAPSED.

17 (H) LACK OF KNOWLEDGE.--NO PERSON, OTHER THAN A REGISTRANT,
18 WHO PROVES THAT HE WAS AUTHORIZED TO DRIVE THE VEHICLE AND THAT
19 HE DID NOT KNOW AND HAD NO REASON TO BELIEVE THAT THE REQUIRED
20 FINANCIAL RESPONSIBILITY HAD NOT BEEN PROVIDED SHALL BE
21 CONVICTED OF FAILING TO PRODUCE PROOF OF FINANCIAL
22 RESPONSIBILITY AS REQUIRED UNDER THIS SECTION. IN SUCH CASE,
23 HOWEVER, THE REGISTRANT MAY BE CHARGED WITH A VIOLATION.

24 SECTION 17. SECTION 1791 OF TITLE 75, AMENDED APRIL 26, 1989
25 (P.L.13, NO.4), IS AMENDED TO READ:

26 § 1791. NOTICE OF AVAILABLE BENEFITS AND LIMITS.

27 IT SHALL BE PRESUMED THAT THE INSURED HAS BEEN ADVISED OF THE
28 BENEFITS AND LIMITS AVAILABLE UNDER THIS CHAPTER PROVIDED THE
29 FOLLOWING NOTICE IN BOLD PRINT OF AT LEAST TEN-POINT TYPE IS
30 GIVEN TO THE APPLICANT AT THE TIME OF APPLICATION FOR ORIGINAL

1 COVERAGE [OR AT THE TIME OF THE FIRST RENEWAL AFTER OCTOBER 1,
2 1984], AND NO OTHER NOTICE OR REJECTION SHALL BE REQUIRED:

3 IMPORTANT NOTICE

4 INSURANCE COMPANIES OPERATING IN THE COMMONWEALTH OF
5 PENNSYLVANIA ARE REQUIRED BY LAW TO MAKE AVAILABLE FOR
6 PURCHASE THE FOLLOWING BENEFITS FOR YOU, YOUR SPOUSE OR
7 OTHER RELATIVES OR MINORS IN YOUR CUSTODY OR IN THE
8 CUSTODY OF YOUR RELATIVES, RESIDING IN YOUR HOUSEHOLD,
9 OCCUPANTS OF YOUR MOTOR VEHICLE OR PERSONS STRUCK BY YOUR
10 MOTOR VEHICLE:

11 (1) MEDICAL BENEFITS, UP TO AT LEAST \$100,000.

12 (1.1) EXTRAORDINARY MEDICAL BENEFITS, FROM \$100,000
13 TO \$1,100,000 WHICH [MAY] SHALL BE OFFERED IN
14 [INCREMENTS] AMOUNTS OF \$100,000, \$250,000, \$500,000,
15 \$750,000 AND \$1,100,000.

16 (2) INCOME LOSS BENEFITS, UP TO AT LEAST \$2,500 PER
17 MONTH UP TO A MAXIMUM BENEFIT OF AT LEAST \$50,000.

18 (3) ACCIDENTAL DEATH BENEFITS, UP TO AT LEAST
19 \$25,000.

20 (4) FUNERAL BENEFITS, \$2,500.

21 (5) AS AN ALTERNATIVE TO PARAGRAPHS (1) THROUGH (4),
22 A COMBINATION BENEFIT, UP TO AT LEAST [\$277,500] \$177,500
23 OF BENEFITS IN THE AGGREGATE OR BENEFITS PAYABLE UP TO
24 THREE YEARS FROM THE DATE OF THE ACCIDENT, WHICHEVER
25 OCCURS FIRST, SUBJECT TO A LIMIT ON ACCIDENTAL DEATH
26 BENEFIT OF UP TO \$25,000 AND A LIMIT ON FUNERAL BENEFIT
27 OF \$2,500, PROVIDED THAT NOTHING CONTAINED IN THIS
28 SUBSECTION SHALL BE CONSTRUED TO LIMIT, REDUCE, MODIFY OR
29 CHANGE THE PROVISIONS OF SECTION 1715(D) (RELATING TO
30 AVAILABILITY OF ADEQUATE LIMITS).

1 (6) UNINSURED, UNDERINSURED AND BODILY INJURY
2 LIABILITY COVERAGE UP TO AT LEAST \$100,000 BECAUSE OF
3 INJURY TO ONE PERSON IN ANY ONE ACCIDENT AND UP TO AT
4 LEAST \$300,000 BECAUSE OF INJURY TO TWO OR MORE PERSONS
5 IN ANY ONE ACCIDENT OR, AT THE OPTION OF THE INSURER, UP
6 TO AT LEAST \$300,000 IN A SINGLE LIMIT FOR THESE
7 COVERAGES, EXCEPT FOR POLICIES ISSUED UNDER THE ASSIGNED
8 RISK PLAN. ALSO, AT LEAST \$5,000 FOR DAMAGE TO PROPERTY
9 OF OTHERS IN ANY ONE ACCIDENT.

10 ADDITIONALLY, INSURERS MAY OFFER HIGHER BENEFIT LEVELS
11 THAN THOSE ENUMERATED ABOVE AS WELL AS ADDITIONAL
12 BENEFITS. HOWEVER, AN INSURED MAY ELECT TO PURCHASE LOWER
13 BENEFIT LEVELS THAN THOSE ENUMERATED ABOVE.

14 YOUR SIGNATURE ON THIS NOTICE OR YOUR PAYMENT OF ANY
15 RENEWAL PREMIUM EVIDENCES YOUR ACTUAL KNOWLEDGE AND
16 UNDERSTANDING OF THE AVAILABILITY OF THESE BENEFITS AND
17 LIMITS AS WELL AS THE BENEFITS AND LIMITS YOU HAVE
18 SELECTED.

19 IF YOU HAVE ANY QUESTIONS OR YOU DO NOT UNDERSTAND ALL OF
20 THE VARIOUS OPTIONS AVAILABLE TO YOU, CONTACT YOUR AGENT
21 OR COMPANY.

22 IF YOU DO NOT UNDERSTAND ANY OF THE PROVISIONS CONTAINED
23 IN THIS NOTICE, CONTACT YOUR AGENT OR COMPANY BEFORE YOU
24 SIGN.

25 SECTION 18. SECTIONS 1792 AND 1797 OF TITLE 75 ARE AMENDED
26 TO READ:

27 § 1792. AVAILABILITY OF UNINSURED, UNDERINSURED, BODILY INJURY
28 LIABILITY AND PROPERTY DAMAGE COVERAGES AND MANDATORY
29 DEDUCTIBLES.

30 (A) AVAILABILITY OF COVERAGES.--EXCEPT FOR POLICIES ISSUED

1 UNDER SUBCHAPTER D (RELATING TO ASSIGNED RISK PLAN), AN INSURER
2 ISSUING A POLICY OF BODILY INJURY LIABILITY COVERAGE PURSUANT TO
3 THIS CHAPTER SHALL MAKE AVAILABLE FOR PURCHASE HIGHER LIMITS OF
4 UNINSURED, UNDERINSURED AND BODILY INJURY LIABILITY COVERAGES UP
5 TO AT LEAST \$100,000 BECAUSE OF INJURY TO ONE PERSON IN ANY ONE
6 ACCIDENT AND UP TO AT LEAST \$300,000 BECAUSE OF INJURY TO TWO OR
7 MORE PERSONS IN ANY ONE ACCIDENT OR, AT THE OPTION OF THE
8 INSURER, UP TO AT LEAST \$300,000 IN A SINGLE LIMIT FOR THESE
9 COVERAGES. ADDITIONALLY, AN INSURER SHALL MAKE AVAILABLE FOR
10 PURCHASE AT LEAST \$5,000 BECAUSE OF DAMAGE TO PROPERTY OF OTHERS
11 IN ANY ONE ACCIDENT. HOWEVER, THE EXCLUSION OF AVAILABILITY
12 RELATING TO THE ASSIGNED RISK PLAN SHALL NOT APPLY TO DAMAGE TO
13 PROPERTY OF OTHERS IN ANY ONE ACCIDENT.

14 (B) MANDATORY DEDUCTIBLES.--

15 (1) EVERY PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICY
16 PROVIDING COLLISION COVERAGE ISSUED OR RENEWED ON OR AFTER
17 THE EFFECTIVE DATE OF THIS SUBSECTION, SHALL PROVIDE A
18 DEDUCTIBLE IN AN AMOUNT OF \$500 FOR COLLISION COVERAGE,
19 UNLESS THE NAMED INSURED SIGNS A STATEMENT INDICATING THE
20 INSURED IS AWARE THAT THE PURCHASE OF A LOWER DEDUCTIBLE IS
21 PERMISSIBLE AND THAT THERE IS AN ADDITIONAL COST OF
22 PURCHASING A LOWER DEDUCTIBLE, AND THE INSURED AGREES TO
23 ACCEPT IT.

24 (2) UNDER NO CIRCUMSTANCES MAY A PRIVATE PASSENGER
25 AUTOMOBILE INSURANCE POLICY PROVIDE A COLLISION DEDUCTIBLE IN
26 AN AMOUNT LESS THAN \$100.

27 (3) ANY PERSON OR ENTITY PROVIDING FINANCING TO THE
28 PURCHASER OF A MOTOR VEHICLE OR OTHERWISE HOLDING A SECURITY
29 INTEREST IN A MOTOR VEHICLE SHALL NOT BE PERMITTED TO REQUIRE
30 THE PURCHASE OF A DEDUCTIBLE FOR LESS THAN \$500 FOR COLLISION

1 AND COMPREHENSIVE COVERAGES. ANY FINANCIAL INSTITUTION,
2 INSURER, AGENT OR OTHER PERSON OR ENTITY FOUND TO HAVE
3 VIOLATED THIS PROVISION SHALL BE REQUIRED TO REIMBURSE THE
4 POLICYHOLDER IN AN AMOUNT EQUAL TO THE DIFFERENCE AND, IN
5 ADDITION, SHALL BE REQUIRED TO PAY A CIVIL PENALTY OF \$500 TO
6 THE DEPARTMENT OF TRANSPORTATION FOR EACH VIOLATION.

7 (4) WITH THE PURCHASE OF A \$500 OR GREATER DEDUCTIBLE,
8 THERE SHALL BE AN IMMEDIATE COMMENSURATE REDUCTION IN RATE
9 FOR COLLISION AND COMPREHENSIVE COVERAGES. THE REDUCTION IN
10 RATE SHALL BE BASED ON THE INSURED'S EXISTING DEDUCTIBLE
11 LEVEL. SHOULD THE INSURED ELECT TO PURCHASE A DEDUCTIBLE IN
12 AN AMOUNT EQUAL TO OR EXCEEDING \$100, THERE SHALL BE AN
13 IMMEDIATE COMMENSURATE REDUCTION IN RATE FOR COLLISION AND
14 COMPREHENSIVE COVERAGES, BUT ONLY AS IT RELATES TO THE
15 INSURED'S EXISTING DEDUCTIBLE RATE.

16 § 1797. CUSTOMARY CHARGES FOR TREATMENT.

17 (A) GENERAL RULE.--A PERSON OR INSTITUTION PROVIDING
18 TREATMENT, ACCOMMODATIONS, PRODUCTS OR SERVICES TO AN INJURED
19 PERSON FOR AN INJURY COVERED BY [MEDICAL OR CATASTROPHIC LOSS
20 BENEFITS] LIABILITY OR FIRST PARTY MEDICAL BENEFITS FOR A MOTOR
21 VEHICLE DESCRIBED IN SUBCHAPTER B (RELATING TO MOTOR VEHICLE
22 LIABILITY INSURANCE FIRST PARTY BENEFITS), SHALL NOT [MAKE A
23 CHARGE] REQUIRE, REQUEST OR ACCEPT PAYMENT FOR THE TREATMENT,
24 ACCOMMODATIONS, PRODUCTS OR SERVICES IN EXCESS OF [THE AMOUNT
25 THE PERSON OR INSTITUTION CUSTOMARILY CHARGES FOR LIKE
26 TREATMENT, ACCOMMODATIONS, PRODUCTS AND SERVICES IN CASES
27 INVOLVING NO INSURANCE.] 110% OF THE PREVAILING CHARGE AT THE
28 75TH PERCENTILE; 110% OF THE APPLICABLE FEE SCHEDULE, THE
29 RECOMMENDED FEE OR THE INFLATION INDEX CHARGE; OR THE DIAGNOSTIC
30 RELATED GROUPS PAYMENT; WHICHEVER PERTAINS TO THE SPECIALTY

1 SERVICE INVOLVED, DETERMINED TO BE APPLICABLE IN THIS
2 COMMONWEALTH UNDER THE MEDICARE PROGRAM FOR COMPARABLE SERVICES
3 AT THE TIME THE SERVICES WERE RENDERED, OR THE PROVIDER'S USUAL
4 AND CUSTOMARY CHARGE, WHICHEVER IS LESS. IF A PREVAILING CHARGE
5 HAS NOT BEEN CALCULATED UNDER THE MEDICARE PROGRAM FOR A
6 PARTICULAR SERVICE, THE AMOUNT OF THE PAYMENT MAY NOT EXCEED 80%
7 OF THE PROVIDER'S USUAL AND CUSTOMARY CHARGE. PROVIDERS SUBJECT
8 TO THIS SECTION MAY NOT BILL THE INSURED DIRECTLY BUT MUST BILL
9 THE INSURER FOR A DETERMINATION OF THE AMOUNT PAYABLE. THE
10 PROVIDER SHALL NOT BILL OR OTHERWISE ATTEMPT TO COLLECT FROM THE
11 INSURED THE DIFFERENCE BETWEEN THE PROVIDER'S FULL CHARGE AND
12 THE AMOUNT PAID BY THE INSURER.

13 (B) PEER REVIEW PLAN FOR CHALLENGES TO REASONABLENESS AND
14 NECESSITY OF TREATMENT.--

15 (1) PEER REVIEW PLAN.--INSURERS SHALL CONTRACT JOINTLY
16 OR SEPARATELY WITH ANY PEER REVIEW ORGANIZATION ESTABLISHED
17 FOR THE PURPOSE OF EVALUATING TREATMENT, HEALTH CARE
18 SERVICES, PRODUCTS OR ACCOMMODATIONS PROVIDED TO ANY INJURED
19 PERSON. SUCH EVALUATION SHALL BE FOR THE PURPOSE OF
20 CONFIRMING THAT SUCH TREATMENT, PRODUCTS, SERVICES OR
21 ACCOMMODATIONS CONFORM TO THE PROFESSIONAL STANDARDS OF
22 PERFORMANCE AND ARE MEDICALLY NECESSARY. AN INSURER'S
23 CHALLENGE MUST BE MADE TO A PRO WITHIN 90 DAYS OF THE
24 INSURER'S RECEIPT OF THE PROVIDER'S BILL FOR TREATMENT OR
25 SERVICES OR MAY BE MADE AT ANY TIME FOR CONTINUING TREATMENT
26 OR SERVICES.

27 (2) PRO RECONSIDERATION.--AN INSURER, PROVIDER OR
28 INSURED MAY REQUEST A RECONSIDERATION BY THE PRO OF THE PRO'S
29 INITIAL DETERMINATION. SUCH A REQUEST FOR RECONSIDERATION
30 MUST BE MADE WITHIN 30 DAYS OF THE PRO'S INITIAL

1 DETERMINATION. IF RECONSIDERATION IS REQUESTED FOR THE
2 SERVICES OF A PHYSICIAN OR OTHER LICENSED HEALTH CARE
3 PROFESSIONAL, THEN THE REVIEWING INDIVIDUAL MUST BE, OR THE
4 REVIEWING PANEL MUST INCLUDE, AN INDIVIDUAL IN THE SAME
5 SPECIALTY AS THE INDIVIDUAL SUBJECT TO REVIEW.

6 (3) PENDING DETERMINATIONS BY PRO.--IF THE INSURER
7 CHALLENGES WITHIN 30 DAYS OF RECEIPT OF A BILL FOR MEDICAL
8 TREATMENT OR REHABILITATIVE SERVICES, THE INSURER NEED NOT
9 PAY THE PROVIDER SUBJECT TO THE CHALLENGE UNTIL A
10 DETERMINATION HAS BEEN MADE BY THE PRO. THE INSURED MAY NOT
11 BE BILLED FOR ANY TREATMENT, ACCOMMODATIONS, PRODUCTS OR
12 SERVICES DURING THE PEER REVIEW PROCESS.

13 (4) APPEAL TO COURT.--A PROVIDER OF MEDICAL TREATMENT OR
14 REHABILITATIVE SERVICES OR MERCHANDISE OR AN INSURED MAY
15 CHALLENGE BEFORE A COURT AN INSURER'S REFUSAL TO PAY FOR PAST
16 OR FUTURE MEDICAL TREATMENT OR REHABILITATIVE SERVICES OR
17 MERCHANDISE, THE REASONABLENESS OR NECESSITY OF WHICH THE
18 INSURER HAS NOT CHALLENGED BEFORE A PRO. CONDUCT CONSIDERED
19 TO BE "WANTON" SHALL BE SUBJECT TO A PAYMENT OF TREBLE
20 DAMAGES TO THE INJURED PARTY.

21 (5) PRO DETERMINATION IN FAVOR OF PROVIDER OR INSURED.--
22 IF A PRO DETERMINES THAT MEDICAL TREATMENT OR REHABILITATIVE
23 SERVICES OR MERCHANDISE WERE MEDICALLY NECESSARY, THE INSURER
24 MUST PAY TO THE PROVIDER THE OUTSTANDING AMOUNT PLUS INTEREST
25 AT 12% PER YEAR OR ANY AMOUNT WITHHELD BY THE INSURER PENDING
26 PRO REVIEW.

27 (6) COURT DETERMINATION IN FAVOR OF PROVIDER OR
28 INSURED.--IF PURSUANT TO PARAGRAPH (4) A COURT DETERMINES
29 THAT MEDICAL TREATMENT OR REHABILITATIVE SERVICES OR
30 MERCHANDISE WERE MEDICALLY NECESSARY, THE INSURER MUST PAY TO

1 THE PROVIDER THE OUTSTANDING AMOUNT PLUS INTEREST AT 12%, AS
2 WELL AS THE COSTS OF THE CHALLENGE AND ALL ATTORNEY FEES.

3 (7) DETERMINATION IN FAVOR OF INSURER.--IF IT IS
4 DETERMINED BY A PRO OR COURT THAT A PROVIDER HAS PROVIDED
5 UNNECESSARY MEDICAL TREATMENT OR REHABILITATIVE SERVICES OR
6 MERCHANDISE OR THAT FUTURE PROVISION OF SUCH TREATMENT,
7 SERVICES OR MERCHANDISE WILL BE UNNECESSARY, OR BOTH, THE
8 PROVIDER MAY NOT COLLECT PAYMENT FOR THE MEDICALLY
9 UNNECESSARY TREATMENT, SERVICES OR MERCHANDISE. IF THE
10 PROVIDER HAS COLLECTED SUCH PAYMENT, IT MUST RETURN THE
11 AMOUNT PAID PLUS INTEREST AT 12% PER YEAR WITHIN 30 DAYS. IN
12 NO CASE DOES THE FAILURE OF THE PROVIDER TO RETURN THE SAID
13 PAYMENT OBLIGATE THE INSURED TO ASSUME RESPONSIBILITY FOR
14 PAYMENT FOR THE TREATMENT, SERVICES OR MERCHANDISE.

15 (C) PREMIUM REDUCTION.--THE PREMIUM TO BE PAID BY AN INSURED
16 FOR ALL MEDICAL BENEFITS SHALL BE REDUCED BY AT LEAST 7%.

17 SECTION 19. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

18 § 1799. OBLIGATION OF INSURER UPON TERMINATION OF INSURANCE.

19 AN INSURER WHO HAS ISSUED A CONTRACT OF MOTOR VEHICLE
20 LIABILITY INSURANCE AND KNOWS OR HAS REASON TO BELIEVE THAT THE
21 CONTRACT IS FOR THE PURPOSE OF PROVIDING FINANCIAL
22 RESPONSIBILITY SHALL NOTIFY THE DEPARTMENT IF THE INSURANCE HAS
23 BEEN CANCELED OR TERMINATED BY THE INSURED OR BY THE INSURER.
24 THE INSURER SHALL NOTIFY THE DEPARTMENT NOT LATER THAN TEN DAYS
25 FOLLOWING THE EFFECTIVE DATE OF THE CANCELLATION OR TERMINATION.

26 § 1799.1. RESTRAINT SYSTEM.

27 (A) GENERAL RULE.--ALL INSURANCE COMPANIES AUTHORIZED TO
28 WRITE PRIVATE PASSENGER AUTOMOBILE INSURANCE WITHIN THIS
29 COMMONWEALTH SHALL REDUCE BY 11% THE PREMIUMS FOR FIRST PARTY
30 BENEFITS AS DEFINED IN SECTION 1712 (RELATING TO AVAILABILITY OF

1 BENEFITS) FOR ANY INSURED VEHICLE EQUIPPED WITH A PASSIVE
2 RESTRAINT SYSTEM FOR FRONT SEAT PASSENGERS.

3 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
4 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
5 SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

6 "PASSIVE RESTRAINT." ANY FRONTAL AUTOMOBILE CRASH PROTECTION
7 SYSTEM WHICH REQUIRES NO ACTION OF THE VEHICLE OCCUPANTS AND
8 COMPLIES WITH STANDARD 751.208 OF THE NATIONAL TRAFFIC SAFETY
9 ADMINISTRATION OR ITS SUCCESSOR.

10 § 1799.2. ANTITHEFT DEVICES.

11 (A) GENERAL RULE.--ALL INSURANCE COMPANIES AUTHORIZED TO
12 WRITE PRIVATE PASSENGER AUTOMOBILE INSURANCE WITHIN THIS
13 COMMONWEALTH SHALL REDUCE THE PREMIUMS FOR COMPREHENSIVE
14 COVERAGE FOR ALL INSURED VEHICLES EQUIPPED WITH PASSIVE
15 ANTITHEFT DEVICES.

16 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
17 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
18 SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

19 "PASSIVE ANTITHEFT DEVICE." ANY ITEM OR SYSTEM INSTALLED IN
20 AN AUTOMOBILE WHICH IS ACTIVATED AUTOMATICALLY WHEN THE OPERATOR
21 URNS THE IGNITION KEY TO THE OFF POSITION AND WHICH IS DESIGNED
22 TO PREVENT UNAUTHORIZED USE, AS PRESCRIBED BY REGULATIONS OF THE
23 DEPARTMENT. THE TERM DOES NOT INCLUDE AN IGNITION INTERLOCK
24 PROVIDED AS A STANDARD ANTITHEFT DEVICE BY THE ORIGINAL
25 AUTOMOBILE MANUFACTURER.

26 § 1799.3. MOTOR VEHICLE REPLACEMENT PARTS.

27 (A) GENERAL RULE.--NOTHING IN THIS CHAPTER SHALL PROHIBIT
28 THE USE OF NON-OEM AFTERMARKET CRASH PARTS IN THE COVERED REPAIR
29 OF AN INSURED'S VEHICLE. IF SUCH PARTS ARE TO BE USED, THE
30 INSURED MUST BE GIVEN PRIOR NOTICE OF SUCH USE AS PROVIDED IN

1 SUBSECTION (B). THE REPAIRS INVOICE SHALL CLEARLY STATE THAT
2 NON-OEM CRASH PARTS HAVE BEEN USED TO REPAIR AN INSURED'S
3 VEHICLE.

4 (B) PREMIUM REDUCTIONS.--INSUREDS WHO CONSENT TO INCLUDE THE
5 USE OF NON-OEM AFTERMARKET CRASH PARTS, WHENEVER AVAILABLE, AT
6 THE TIME OF INITIAL PURCHASE OR RENEWAL OF THEIR MOTOR VEHICLE
7 LIABILITY INSURANCE POLICY COVERAGE, SHALL BE PROVIDED
8 REDUCTIONS IN PREMIUMS BASED ON THE NEGOTIATED REDUCTION IN
9 COSTS RESULTING FORM THE USAGE OF NON-OEM CRASH PARTS.

10 (C) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
11 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
12 SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

13 "AFTERMARKET CRASH PART." A MOTOR VEHICLE REPLACEMENT PART
14 MADE OF SHEET METAL, PLASTIC OR OTHER MATERIAL AND WHICH
15 CONSTITUTES AN EXTERIOR PORTION OF A VEHICLE, INCLUDING AN INNER
16 OR OUTER PANEL, AND IS GENERALLY REPAIRED OR REPLACED AS THE
17 RESULT OF A COLLISION.

18 "NON-ORIGINAL EQUIPMENT MANUFACTURER AFTERMARKET CRASH PART
19 (NON-OEM)." AFTERMARKET CRASH PARTS NOT MADE FOR OR BY THE
20 MANUFACTURER OF THE MOTOR VEHICLE.

21 § 1799.4. GOOD DRIVER DISCOUNT.

22 EVERY INSURER WHICH WRITES A POLICY OF AUTOMOBILE INSURANCE
23 IN THIS COMMONWEALTH SHALL REDUCE THE TOTAL PREMIUM CHARGED FOR
24 EACH VEHICLE AS TO WHICH NO AT-FAULT CLAIM HAS BEEN FILED FOR
25 FIVE CONSECUTIVE YEARS IMMEDIATELY PRECEDING THE PERIOD FOR
26 WHICH THE POLICY IS WRITTEN IF NONE OF THE DRIVERS NAMED IN THE
27 POLICY HAS COMMITTED A MOVING VIOLATION DURING THE FIVE-YEAR
28 PERIOD WHICH RESULTED IN A CONVICTION OR WHICH REMAINS
29 UNRESOLVED.

30 (1) IF A VIOLATION WHICH IS UNRESOLVED AT THE TIME THE

1 POLICY IS WRITTEN RESULTS IN AN ACQUITTAL, THE DISCOUNT SHALL
2 BE ALLOWED EITHER AS A REFUND OR AS A CREDIT ON A SUBSEQUENT
3 POLICY.

4 (2) FOR THE PURPOSE OF THIS SECTION, THE TERM
5 "CONVICTION" INCLUDES A PLEA OF GUILTY, A PLEA OF NOLO
6 CONTENDERE, A FINDING OF GUILTY BY A COURT, AN UNVACATED
7 FORFEITURE OF BAIL OR COLLATERAL DEPOSITED TO SECURE A
8 DEFENDANT'S APPEARANCE IN COURT, AND A PAYMENT BY ANY PERSON
9 CHARGED WITH A VIOLATION OF THE FINE PRESCRIBED FOR THE
10 VIOLATION.

11 § 1799.5. LIMIT ON SURCHARGES, LATE PENALTIES AND POINT
12 ASSIGNMENTS.

13 (A) PROPERTY DAMAGE CLAIMS.--NO SURCHARGE, RATE PENALTY OR
14 DRIVER RECORD POINT ASSIGNMENT SHALL BE MADE IF THE AGGREGATE
15 COST TO THE INSURER OF REPAIR OR REPLACEMENT OF PROPERTY DAMAGED
16 OR BODILY INJURY LIABILITY IS DETERMINED TO BE LESS THAN \$650 IN
17 EXCESS OF ANY SELF-INSURED RETENTION OR DEDUCTIBLE APPLICABLE TO
18 THE NAMED INSURED.

19 (B) FIRST PARTY MEDICAL CLAIMS.--NO SURCHARGE, RATE PENALTY
20 OR DRIVER RECORD POINT ASSIGNMENT SHALL BE MADE AS A RESULT OF
21 AN INSURER PAYING A FIRST PARTY MEDICAL CLAIM.

22 (C) NOTICE TO INSURED.--IF AN INSURER MAKES A DETERMINATION
23 TO IMPOSE A SURCHARGE, RATE PENALTY OR DRIVER RECORD POINT
24 ASSIGNMENT, THE INSURER SHALL INFORM THE NAMED INSURED OF THE
25 DETERMINATION AND SHALL SPECIFY THE MANNER IN WHICH THE
26 SURCHARGE, RATE PENALTY OR DRIVER RECORD POINT ASSIGNMENT WAS
27 MADE AND CLEARLY IDENTIFY THE AMOUNT OF THE SURCHARGE OR RATE
28 PENALTY ON THE PREMIUM NOTICE FOR AS LONG AS THE SURCHARGE OR
29 RATE PENALTY IS IN EFFECT.

30 (D) ADJUSTMENT OF CAP.--THE INSURANCE DEPARTMENT, AT LEAST

1 ONCE EVERY THREE YEARS, SHALL ADJUST THE \$650 CAP OR LIMIT ON
2 THE PROPERTY DAMAGE OR BODILY INJURY LIABILITY SURCHARGE, RATE
3 PENALTY OR DRIVER RECORD POINT ASSIGNMENT SCHEME RELATIVE TO
4 CHANGES IN THE COMPONENTS OF THE CONSUMER PRICE INDEX (URBAN) TO
5 MEASURE SEASONALLY ADJUSTED CHANGES IN MEDICAL CARE AND
6 AUTOMOBILE MAINTENANCE AND REPAIR COSTS AND SHALL MAKE SUCH
7 ADJUSTMENTS TO THE CAP OR LIMIT AS SHALL BE NECESSARY TO
8 MAINTAIN THE SAME RATE OF CHANGE IN THE CAP OR LIMIT AS HAS
9 OCCURRED IN THE CONSUMER PRICE INDEX (URBAN). SUCH ADJUSTMENTS
10 MAY BE ROUNDED OFF TO THE NEAREST \$50 FIGURE.

11 § 1799.6. EXAMINATION OF VEHICLE REPAIRS.

12 UPON REQUEST OF THE INSURER, AN INSURANCE ADJUSTER SHALL BE
13 AFFORDED A REASONABLE OPPORTUNITY TO ENTER A REPAIR FACILITY AND
14 EXAMINE COVERED REPAIRS BEING MADE TO A SPECIFIC INSURED'S
15 VEHICLE AT A MUTUALLY ARRANGED TIME DURING REGULAR BUSINESS
16 HOURS.

17 § 1799.7. RATES.

18 ALL INSURERS MUST FILE FOR NEW RATES WITHIN 30 DAYS OF THE
19 EFFECTIVE DATE OF THIS SECTION. THESE RATES SHALL APPLY TO ALL
20 POLICIES ISSUED AND RENEWED ON AND AFTER DECEMBER 1, 1989.

21 SECTION 20. SECTION 1960 OF TITLE 75 IS AMENDED TO READ:

22 § 1960. REINSTATEMENT OF OPERATING PRIVILEGE OR VEHICLE
23 REGISTRATION.

24 THE DEPARTMENT SHALL CHARGE A FEE OF \$25 OR, IF SECTION
25 1786(C) (RELATING TO REQUIRED FINANCIAL RESPONSIBILITY) APPLIES,
26 A FEE OF \$50 TO RESTORE A PERSON'S OPERATING PRIVILEGE OR THE
27 REGISTRATION OF A VEHICLE FOLLOWING A SUSPENSION OR REVOCATION.

28 SECTION 21. SECTION 3731(A) OF TITLE 75 IS AMENDED AND THE
29 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

30 § 3731. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED

1 SUBSTANCE.

2 (A) OFFENSE DEFINED.--A PERSON SHALL NOT DRIVE, OPERATE OR
3 BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF ANY VEHICLE
4 WHILE:

5 (1) UNDER THE INFLUENCE OF ALCOHOL TO A DEGREE WHICH
6 RENDERS THE PERSON INCAPABLE OF SAFE DRIVING;

7 (2) UNDER THE INFLUENCE OF ANY CONTROLLED SUBSTANCE, AS
8 DEFINED IN THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN
9 AS ["]THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC
10 ACT,["] TO A DEGREE WHICH RENDERS THE PERSON INCAPABLE OF
11 SAFE DRIVING;

12 (3) UNDER THE COMBINED INFLUENCE OF ALCOHOL AND ANY
13 CONTROLLED SUBSTANCE TO A DEGREE WHICH RENDERS THE PERSON
14 INCAPABLE OF SAFE DRIVING; OR

15 (4) EXCEPT AS PROVIDED IN SUBSECTION (A.1), THE AMOUNT
16 OF ALCOHOL BY WEIGHT IN THE BLOOD OF THE PERSON IS [0.10%]
17 0.08% OR GREATER.

18 (A.1) OPERATORS OF COMMERCIAL VEHICLES.--

19 (1) IF THE PERSON WAS DRIVING, OPERATING OR IN ACTUAL
20 PHYSICAL CONTROL OF THE MOVEMENT OF A COMMERCIAL VEHICLE AS
21 DEFINED IN PARAGRAPH (2), THE MAXIMUM ALLOWABLE AMOUNT OF
22 ALCOHOL BY WEIGHT IN THE BLOOD OF THE PERSON UNDER SUBSECTION
23 (A)(4) IS 0.04%.

24 (2) AS USED IN THIS SUBSECTION, "COMMERCIAL VEHICLE"
25 MEANS ANY OF THE FOLLOWING:

26 (I) A VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF
27 26,001 OR MORE POUNDS.

28 (II) A COMBINATION OF VEHICLES WITH A GROSS
29 COMBINATION WEIGHT RATING OF 26,001 OR MORE POUNDS,
30 INCLUDING THE GROSS VEHICLE WEIGHT RATING OF THE TOWED

1 UNIT OR UNITS.

2 (III) A VEHICLE WHICH IS DESIGNED TO TRANSPORT 16 OR
3 MORE PASSENGERS, INCLUDING THE DRIVER.

4 (IV) A VEHICLE WHICH IS REQUIRED TO BE PLACARDED FOR
5 HAZARDOUS MATERIALS.

6 * * *

7 SECTION 22. SECTION 4703(D) OF TITLE 75 IS AMENDED TO READ:

8 § 4703. OPERATION OF VEHICLE WITHOUT OFFICIAL CERTIFICATE OF
9 INSPECTION.

10 * * *

11 (D) NEWLY-PURCHASED VEHICLES.--NEWLY-PURCHASED VEHICLES MAY
12 BE DRIVEN WITHOUT A CURRENT INSPECTION CERTIFICATE FOR [FIVE]
13 TEN DAYS AFTER SALE OR RESALE OR ENTRY INTO THIS COMMONWEALTH,
14 WHICHEVER OCCURS LATER.

15 * * *

16 SECTION 23. SECTIONS 4727 AND 4903 OF TITLE 75 ARE AMENDED
17 BY ADDING SUBSECTIONS TO READ:

18 § 4727. ISSUANCE OF CERTIFICATE OF INSPECTION.

19 * * *

20 (D) PROOF OF INSURANCE.--NO CERTIFICATE OF INSPECTION SHALL
21 BE ISSUED UNLESS A FINANCIAL RESPONSIBILITY IDENTIFICATION CARD
22 INDICATING PROPER PROOF OF THE INSURANCE AS REQUIRED BY LAW IS
23 SUBMITTED TO THE INSPECTION OFFICIAL, WHO SHALL, ON A FORM
24 PROVIDED BY THE DEPARTMENT, KEEP A RECORD OF THE NAME OF THE
25 INSURED, THE VEHICLE TAG NUMBER, THE ISSUING COMPANY, THE POLICY
26 NUMBER, AND THE EXPIRATION DATE. IN THOSE CASES WHERE THE
27 INSURED FAILS TO PRESENT PROOF OF INSURANCE TO THE INSPECTION
28 OFFICIAL, THE INSPECTION OFFICIAL, IN ADDITION TO DENYING A
29 CERTIFICATE OF INSPECTION, MAY PROVIDE NOTIFICATION TO THE
30 DEPARTMENT ON THE FORM PROVIDED BY THE DEPARTMENT WITHIN 30 DAYS

1 OF THE INSURED'S FAILURE TO PRESENT PROOF OF INSURANCE.

2 § 4903. Securing loads in vehicles.

3 * * *

4 (c.1) Load of loose garbage.--Every load of loose, nonbaled
5 garbage, waste, refuse or rubbish being transported through or
6 within this Commonwealth shall be transported in a vehicle with
7 four solid sides and with a cover or top of a type to prevent
8 any of the load from escaping. The cover or top shall remain in
9 place both going to and coming from a disposal site. The load
10 shall be no higher than the solid sides of the vehicle. No
11 truck, trailer or semitrailer with an open body or stake body
12 shall be used for such purposes. This subsection shall not apply
13 to vehicles engaged in the systematic collection of garbage or
14 refuse and which are designed to be open in the rear for the
15 loading of garbage or refuse.

16 (c.2) Load of baled garbage.--Garbage, waste, refuse or
17 rubbish in a tightly compacted and baled form being transported
18 through or within this Commonwealth shall be securely fastened
19 to the vehicle and covered over all exposed areas with a canvas
20 cover or cover of a comparable type which shall be securely
21 attached to the underside of all sides of the truck, trailer or
22 semitrailer to prevent any of the material from the bales from
23 escaping. No part of any bale shall be uncovered at any time
24 during transportation within or through this Commonwealth until
25 arrival at the disposal site.

26 * * *

27 (f) Penalty.--A person who owns or who operates a vehicle in
28 violation of subsection (c.1) or (c.2) commits a summary offense
29 and shall, upon conviction, be sentenced to pay a fine of not
30 less than \$300 nor more than \$1,000. Notwithstanding the

1 provisions of 42 Pa.C.S. §§ 3571 (relating to Commonwealth
2 portion of fines, etc.) and 3573 (relating to municipal
3 corporation portion of fines, etc.), 50% DISPOSITION of any fine <—
4 collected for a violation of subsection (c.1) or (c.2) shall be
5 payable to the Commonwealth for use by the Department of <—
6 Transportation for litter control, and 50% shall be payable to
7 the municipal corporation in which the offense was committed for
8 use by the municipal corporation for litter control. AS FOLLOWS: <—

9 (1) UNLESS PARAGRAPH (2) APPLIES, THE FINE COLLECTED
10 SHALL BE PAID TO THE COMMONWEALTH FOR DEPOSIT INTO THE MOTOR
11 LICENSE FUND.

12 (2) IF THE COUNTY WHERE THE OFFENSE WAS COMMITTED HAS A
13 LITTER CONTROL PROGRAM APPROVED BY THE DEPARTMENT, 50% OF THE
14 FINE COLLECTED SHALL BE PAID TO THE COUNTY FOR EXPENDITURE IN
15 THE APPROVED LITTER CONTROL PROGRAM; AND 50% OF THE FINE
16 COLLECTED SHALL BE PAID TO THE COMMONWEALTH FOR DEPOSIT INTO
17 THE MOTOR LICENSE FUND.

18 ~~Section 2. This act shall take effect immediately.~~ <—

19 SECTION 24. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: <—
20 § 4909. TRANSPORTING FOODSTUFFS IN VEHICLES USED TO TRANSPORT
21 WASTE.

22 (A) OFFENSE DEFINED.--A PERSON COMMITS A SUMMARY OFFENSE IF
23 HE TRANSPORTS ANY FOOD PRODUCT OR PRODUCE INTENDED FOR HUMAN
24 CONSUMPTION, IN A VEHICLE WHICH HAS BEEN USED TO TRANSPORT ANY
25 MUNICIPAL, RESIDUAL OR HAZARDOUS WASTE.

26 (B) VEHICLE FORFEITURE.--ANY VEHICLE OR CONVEYANCE USED IN
27 THE COMMISSION OF AN OFFENSE UNDER THIS SECTION SHALL BE DEEMED
28 CONTRABAND AND FORFEITED TO THE DEPARTMENT OF ENVIRONMENTAL
29 RESOURCES. THE PROVISIONS OF LAW RELATING TO THE SEIZURE,
30 SUMMARY AND JUDICIAL FORFEITURE, AND CONDEMNATION OF

1 INTOXICATING LIQUOR SHALL APPLY TO SEIZURES AND FORFEITURES
2 UNDER THIS SECTION. PROCEEDS FROM THE SALE OF FORFEITED VEHICLES
3 OR CONVEYANCES SHALL BE DEPOSITED IN THE SOLID WASTE ABATEMENT
4 FUND.

5 (C) RESPONSIBILITY FOR COST.--THE OPERATOR OF ANY VEHICLE OR
6 CONVEYANCE FORFEITED UNDER SUBSECTION (B) SHALL BE RESPONSIBLE
7 FOR ANY COSTS INCURRED IN PROPERLY DISPOSING OF WASTE IN THE
8 VEHICLE OR CONVEYANCE.

9 (D) DEPARTMENT OF ENVIRONMENTAL RESOURCES.--THE DEPARTMENT
10 OF ENVIRONMENTAL RESOURCES SHALL PROMULGATE REGULATIONS
11 NECESSARY FOR THE ENFORCEMENT OF THIS SECTION.

12 SECTION 25. SECTION 6104 OF TITLE 75 IS AMENDED BY ADDING A
13 SUBSECTION TO READ:

14 § 6104. ADMINISTRATIVE DUTIES OF DEPARTMENT.

15 * * *

16 (F) FURNISHING INFORMATION TO MUNICIPAL POLICE DEPARTMENTS
17 AND SHERIFFS' OFFICES.--THE DEPARTMENT SHALL REGULARLY TRANSMIT
18 TO EACH MUNICIPAL POLICE DEPARTMENT AND SHERIFF'S OFFICE A LIST
19 OF THE NAMES OF PERSONS RESIDING WITHIN ITS JURISDICTION WHOSE
20 OPERATING PRIVILEGE OR REGISTRATION HAS BEEN SUSPENDED OR
21 REVOKED.

22 SECTION 26. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

23 § 6308.1. PAYMENT TO POLICE OR SHERIFF'S OFFICE OF ONE-HALF OF
24 REINSTATEMENT FEE.

25 THE POLICE DEPARTMENT OR SHERIFF'S OFFICE WHOSE OFFICERS OR
26 DEPUTIES SEIZE A SUSPENDED OR REVOKED DRIVER'S LICENSE OR
27 VEHICLE REGISTRATION SHALL, IN EVERY CASE WHERE THE DRIVER'S
28 LICENSE OR VEHICLE REGISTRATION IS REINSTATED, RECEIVE FROM THE
29 DEPARTMENT ONE-HALF OF THE FEE IMPOSED UNDER SECTION 1960
30 (RELATING TO REINSTATEMENT OF OPERATING PRIVILEGE OR VEHICLE

1 REGISTRATION).

2 SECTION 27. BASED ON THE PREMIUM REDUCTION REQUIREMENTS
3 CONTAINED IN SECTION 7 (75 PA.C.S. § 1711), SECTION 8 (75
4 PA.C.S. § 1712), SECTION 9 (75 PA.C.S. § 1722), SECTION 18 (75
5 PA.C.S. §§ 1792 AND 1797) AND SECTION 19 (75 PA.C.S. §§ 1799.1,
6 1799.2 AND 1799.3), THE PREMIUMS CHARGED BY INSURERS SHALL BE
7 REDUCED BY A TOTAL OF AT LEAST 30% FOR INSUREDS WHO ELECT TO
8 PURCHASE COVERAGES AS SPECIFIED IN THOSE SECTIONS.

9 SECTION 28. THE INSURANCE DEPARTMENT AND THE DEPARTMENT OF
10 TRANSPORTATION SHALL PROMULGATE REGULATIONS TO THE EXTENT
11 NECESSARY TO CARRY OUT THE PROVISIONS OF SECTION 1 (18 PA.C.S. §
12 911(H)) AND 2 (18 PA.C.S. § 4117).

13 SECTION 29. THE FOLLOWING ACT AND PARTS OF ACTS ARE
14 REPEALED:

15 SECTION 349 OF THE ACT OF MAY 17, 1921 (P.L.682, NO.284),
16 KNOWN AS THE INSURANCE COMPANY LAW OF 1921.

17 SECTIONS 604 AND 623 OF THE ACT OF MAY 17, 1921 (P.L.789,
18 NO.285), KNOWN AS THE INSURANCE DEPARTMENT ACT OF ONE THOUSAND
19 NINE HUNDRED AND TWENTY-ONE.

20 SECTION 30. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

21 (1) SECTION 23 (75 PA.C.S. § 4903(C.1), (C.2) AND (F)),
22 SECTION 28 AND THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

23 (2) THE FOLLOWING SECTIONS SHALL TAKE EFFECT IN 60 DAYS:

24 (I) SECTION 1 (18 PA.C.S. § 911(H)).

25 (II) SECTION 2 (18 PA.C.S. § 4117).

26 (III) SECTION 3 (42 PA.C.S. § 8355).

27 (IV) SECTION 15 (75 PA.C.S. § 1782(D)).

28 (V) SECTION 16 (75 PA.C.S. § 1786).

29 (VI) SECTION 21 (75 PA.C.S. § 3731(A)).

30 (VII) SECTION 22 (75 PA.C.S. § 4703(D)).

1 (VIII) SECTION 29.

2 (3) SECTION 5 (75 PA.C.S. CH.15, SUBCH.D) SHALL TAKE
3 EFFECT IN 90 DAYS.

4 (4) SECTION 19 (75 PA.C.S. § 1799.7) SHALL TAKE EFFECT
5 SEPTEMBER 1, 1989, OR IMMEDIATELY, WHICHEVER IS LATER.

6 (5) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT DECEMBER
7 1, 1989, OR IMMEDIATELY, WHICHEVER IS LATER.