
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 121 Session of
1989

Report of the Committee of Conference

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 121, entitled:

~~"An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the securing of loads on vehicles hauling garbage,"~~ AMENDING TITLES 18 (CRIMES AND OFFENSES), 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER PROVIDING FOR CORRUPT ORGANIZATIONS; PROVIDING FOR INSURANCE FRAUD; PROVIDING FOR CERTIFICATION OF PLEADINGS, MOTIONS AND OTHER PAPERS; * * * FURTHER PROVIDING FOR SECURING LOADS IN VEHICLES; FURTHER PROVIDING FOR THE INSPECTION OF NEWLY PURCHASED VEHICLES, FOR TRANSPORTING FOODSTUFFS IN VEHICLES USED TO TRANSPORT WASTE AND FOR PENALTIES; CONFERRING POWERS AND DUTIES ON THE INSURANCE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION; AND MAKING REPEALS,"

respectfully submit the following bill as our report:

ROBERT W. O'DONNELL

WILLIAM C. RYBAK

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

EDWIN G. HOLL

F. JOSEPH LOEPER

(Committee on the part of the Senate.)

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AN ACT

1 Amending Titles 18 (Crimes and Offenses), 42 (Judiciary and
2 Judicial Procedure) and 75 (Vehicles) of the Pennsylvania
3 Consolidated Statutes, further providing for corrupt
4 organizations; providing for insurance fraud; providing for
5 certification of pleadings, motions and other papers;
6 providing for special damages; further providing for vehicle
7 registration; further providing for financial responsibility
8 and insurance related to motor vehicles; providing for proof
9 of insurance; further providing for reinstatement of
10 operating privileges or vehicle registration; further
11 providing for driving under the influence of alcohol or
12 controlled substances; further providing for inspection of
13 vehicles; providing for certain reductions in automobile
14 insurance premiums; conferring powers and duties on the
15 Insurance Department and the Department of Transportation;
16 and making repeals.

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

19 Section 1. Section 911(h) of Title 18 of the Pennsylvania
20 Consolidated Statutes is amended to read:

21 § 911. Corrupt organizations.

22 * * *

23 (h) Definitions.--As used in this section:

24 (1) "Racketeering activity" means:

25 (i) any act which is indictable under any of the
26 following provisions of this title:

27 Chapter 25 (relating to criminal homicide)

28 Section 2706 (relating to terroristic threats)

29 Chapter 29 (relating to kidnapping)

30 Chapter 33 (relating to arson, etc.)

31 Chapter 37 (relating to robbery)

32 Chapter 39 (relating to theft and related
33 offenses)

34 Section 4108 (relating to commercial bribery and
35 breach of duty to act disinterestedly)

36 Section 4109 (relating to rigging publicly

1 exhibited contest)

2 Section 4117 (relating to automobile insurance
3 fraud)

4 Chapter 47 (relating to bribery and corrupt
5 influence)

6 Chapter 49 (relating to perjury and other
7 falsification in official matters)

8 Section 5512 through 5514 (relating to gambling)

9 Chapter 59 (relating to public indecency)

10 (ii) any offense indictable under section 13 of the
11 act of April 14, 1972 (P.L.233, No.64), known as ["The
12 Controlled Substance, Drug, Device and Cosmetic Act["]
13 (relating to the sale and dispensing of narcotic drugs);

14 (iii) any conspiracy to commit any of the offenses
15 set forth in subparagraphs (i) and (ii) of this
16 paragraph; or

17 (iv) the collection of any money or other property
18 in full or partial satisfaction of a debt which arose as
19 the result of the lending of money or other property at a
20 rate of interest exceeding 25% per annum or the
21 equivalent rate for a longer or shorter period, where not
22 otherwise authorized by law.

23 Any act which otherwise would be considered racketeering
24 activity by reason of the application of this paragraph,
25 shall not be excluded from its application solely because the
26 operative acts took place outside the jurisdiction of this
27 Commonwealth, if such acts would have been in violation of
28 the law of the jurisdiction in which they occurred.

29 (2) "Person" means any individual or entity capable of
30 holding a legal or beneficial interest in property.

1 (3) "Enterprise" means any individual, partnership,
2 corporation, association or other legal entity, and any union
3 or group of individuals associated in fact although not a
4 legal entity, engaged in commerce.

5 (4) "Pattern of racketeering activity" refers to a
6 course of conduct requiring two or more acts of racketeering
7 activity one of which occurred after the effective date of
8 this section.

9 (5) "Racketeering investigator" means an attorney,
10 investigator or investigative body so designated in writing
11 by the Attorney General and charged with the duty of
12 enforcing or carrying into effect the provisions of this
13 section.

14 (6) "Racketeering investigation" means any inquiry
15 conducted by any racketeering investigator for the purpose of
16 ascertaining whether any person has been involved in any
17 violation of this section or of any order, judgment, or
18 decree of any court duly entered in any case or proceeding
19 arising under this section.

20 (7) "Documentary material" means any book, paper,
21 record, recording, tape, report, memorandum, written
22 communication, or other document relating to the business
23 affairs of any person or enterprise.

24 Section 2. Title 18 is amended by adding a section to read:

25 § 4117. Automobile insurance fraud.

26 (a) Offense defined.--A person commits an offense if the
27 person does any of the following:

28 (1) Knowingly and with the intent to defraud a
29 government or local agency files, presents or causes to be
30 filed with or presented to the government or local agency a

1 document that contains false, incomplete or misleading
2 information concerning any fact or thing material to the
3 agency's determination in approving or disapproving an
4 automobile insurance rate filing, an automobile insurance
5 transaction or other automobile insurance action which is
6 required or filed in response to an agency's request.

7 (2) Knowingly and with the intent to defraud any insurer
8 presents or causes to be presented to any insurer any
9 statement forming a part of, or in support of, an automobile
10 insurance claim that contains any false, incomplete or
11 misleading information concerning any fact or thing material
12 to the automobile insurance claim.

13 (3) Knowingly and with the intent to defraud any insurer
14 assists, abets, solicits or conspires with another to prepare
15 or make any statement that is intended to be presented to any
16 insurer in connection with, or in support of, an automobile
17 insurance claim that contains any false, incomplete or
18 misleading information concerning any fact or thing material
19 to the automobile insurance claim.

20 (4) Engages in unlicensed agent or broker activity as
21 defined by the act of May 17, 1921 (P.L.789, No.285), known
22 as The Insurance Department Act of one thousand nine hundred
23 and twenty-one, knowingly and with the intent to defraud an
24 automobile insurer or the public.

25 (5) Knowingly benefits, directly or indirectly, from the
26 proceeds derived from a violation of this section due to the
27 assistance, conspiracy or urging of any person.

28 (6) Is the owner, administrator or employee of any
29 health care facility, and knowingly allows the use of such
30 facility by any person in furtherance of a scheme or

1 conspiracy to violate any of the provisions of this section.

2 (7) Borrows or uses another person's financial
3 responsibility identification card or permits his financial
4 responsibility identification card to be used by another,
5 knowingly and with intent to present a fraudulent automobile
6 insurance claim for reimbursement to an insurer.

7 (b) Additional offenses defined.--

8 (1) In a claim arising out of an automobile accident, a
9 lawyer may not compensate or give anything of value to a non-
10 lawyer to recommend or secure employment by a client or as a
11 reward for having made a recommendation resulting in
12 employment by a client; except that the lawyer may pay:

13 (i) the reasonable cost of advertising or written
14 communication as permitted by the rules of professional
15 conduct; or

16 (ii) the usual charges of a not-for-profit lawyer-
17 referral service or other legal service organization.

18 Upon a conviction of an offense provided for by this
19 paragraph, the prosecutor shall certify such conviction to
20 the disciplinary board of the Supreme Court for appropriate
21 action. Such action may include a suspension or disbarment.

22 (2) With respect to a motor vehicle insurance benefit or
23 claim, a health care provider may not compensate or give
24 anything of value to a person to recommend or secure the
25 provider's service to or employment by a patient or as a
26 reward for having made a recommendation resulting in the
27 provider's service to or employment by a patient; except that
28 the provider may pay the reasonable cost of advertising or
29 written communication as permitted by rules of professional
30 conduct. Upon a conviction of an offense provided for by this

1 paragraph, the prosecutor shall certify such conviction to
2 the appropriate licensing board in the Department of State
3 which shall suspend or revoke the health care provider's
4 license.

5 (3) A person may not receive compensation, a reward or
6 anything of value in return for providing names, addresses,
7 telephone numbers or other identifying information of victims
8 involved in automobile accidents to a lawyer or health care
9 provider which results in employment of the lawyer or health
10 care provider by the victims for purposes of a motor vehicle
11 insurance claim or suit. Attempts to circumvent this
12 paragraph through use of any other person, including, but not
13 limited to, employees, agents or servants, shall also be
14 prohibited. This provision shall not prohibit a lawyer or
15 health care provider from making a referral as is permitted
16 under applicable professional rules of conduct.

17 (c) Electronic claims submission.--If a claim for a benefit
18 is made by means of computer billing tapes or other electronic
19 means, it shall be a rebuttable presumption that the person
20 knowingly made the claim if the person has advised the insurer
21 in writing that claims for benefits will be submitted by use of
22 computer billing tapes or other electronic means.

23 (d) Grading.--An offense under subsection (a)(1) through (7)
24 is a felony of the third degree. An offense under subsection (b)
25 is a misdemeanor of the first degree.

26 (e) Restitution.--The court may, in addition to any other
27 sentence authorized by law, sentence a person convicted of
28 violating this section to make restitution under section 1106
29 (relating to restitution for injuries to person or property).

30 (f) Immunity.--An insurer, and any agent, servant or

1 employee acting in the course and scope of his employment, shall
2 be immune from civil or criminal liability arising from the
3 supply or release of written or oral information to any entity
4 duly authorized to receive such information by Federal or State
5 law, or by Insurance Department regulations, only if both of the
6 following conditions exist:

7 (1) the information is supplied to the agency in
8 connection with an allegation of fraudulent conduct on the
9 part of any person relating to the filing or maintenance of
10 an insurance claim or bodily injury or property damage; and

11 (2) the insurer, agent, servant or employee has probable
12 cause to believe that the information supplied is reasonably
13 related to the allegation of fraud.

14 (g) Civil action.--An insurer damaged as a result of a
15 violation of this section may sue therefor in any court of
16 competent jurisdiction to recover compensatory damages, which
17 may include reasonable investigation expenses, costs of suit and
18 attorney fees. A successful claimant may recover damages if the
19 court determines that the defendant has engaged in a pattern of
20 violating this section.

21 (h) Criminal action.--

22 (1) The district attorneys of the several counties shall
23 have authority to investigate and to institute criminal
24 proceedings for any violation of this section.

25 (2) In addition to the authority conferred upon the
26 Attorney General by the act of October 15, 1980 (P.L.950,
27 No.164), known as the Commonwealth Attorneys Act, the
28 Attorney General shall have the authority to investigate and
29 to institute criminal proceedings for any violation of this
30 section or any series of such violations involving more than

1 one county of the Commonwealth or involving any county of the
2 Commonwealth and another state. No person charged with a
3 violation of this section by the Attorney General shall have
4 standing to challenge the authority of the Attorney General
5 to investigate or prosecute the case, and, if any such
6 challenge is made, the challenge shall be dismissed and no
7 relief shall be available in the courts of the Commonwealth
8 to the person making the challenge.

9 (i) Regulatory and investigative powers additional to those
10 now existing.--Nothing contained in this section shall be
11 construed to limit the regulatory or investigative authority of
12 any department or agency of the Commonwealth whose functions
13 might relate to persons, enterprises, or matters falling within
14 the scope of this section.

15 (j) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection:

18 "Insurance claim." A claim for payment or other benefit
19 pursuant to an insurance policy.

20 "Insurance policy." A document setting forth the terms and
21 conditions of a contract of insurance.

22 "Insurer." A company, association or exchange defined by
23 section 101 of the act of May 17, 1921 (P.L.682, No.284), known
24 as The Insurance Company Law of 1921; an unincorporated
25 association of underwriting members; a hospital plan
26 corporation; a professional health services plan corporation; a
27 health maintenance organization; a fraternal benefit society;
28 and a health insured health care entity under the act of October
29 15, 1975 (P.L.390, No.111), known as the Health Care Services
30 Malpractice Act.

1 "Person." Any individual, corporation, association,
2 partnership, reciprocal exchange, inter-insurer, Lloyd's
3 insurer, fraternal benefit society, beneficial association and
4 any other legal entity engaged or proposing to become engaged,
5 either directly or indirectly, in the business of insurance,
6 including agents, brokers, adjusters and health care plans as
7 defined in 40 Pa.C.S. Chs. 61 (relating to hospital plan
8 corporations), 63 (relating to professional health services plan
9 corporations), 65 (relating to fraternal benefit societies) and
10 67 (relating to beneficial societies) and the act of December
11 29, 1972 (P.L.1701, No.364), known as the Health Maintenance
12 Organization Act. For purposes of this section, health care
13 plans, fraternal benefit societies and beneficial societies
14 shall be deemed to be engaged in the business of insurance.

15 "Statement." Any oral or written presentation or other
16 evidence of loss, injury or expense, including, but not limited
17 to, any notice, statement, proof of loss, bill of lading,
18 receipt for payment, invoice, account, estimate of property
19 damages, bill for services, diagnosis, prescription, hospital or
20 doctor records, X-ray, test result or computer-generated
21 documents.

22 Section 3. Chapter 83 of Title 42 is amended by adding a
23 section and a subchapter to read:

24 § 8355. Certification of pleadings, motions and other papers.

25 Every pleading, motion and other paper of a party represented
26 by an attorney shall be signed by at least one attorney of
27 record in his individual name and his address shall be stated. A
28 party who is not represented by an attorney shall sign his
29 pleading, motion or other paper and state his address. Except
30 when otherwise specifically provided by rule or statute,

1 pleadings need not be verified or accompanied by affidavit. The
2 signature of an attorney or party constitutes a certification by
3 him that he has read the pleading, motion or other paper; that,
4 to the best of his knowledge, information and belief, it is well
5 grounded in fact and is warranted by existing law or a good-
6 faith argument for the extension, modification or reversal of
7 existing law; and that it is not interposed in bad faith or for
8 any improper purpose, such as to harass another, to maliciously
9 injure another or to cause unnecessary delay or increase in the
10 cost of litigation. If a pleading, motion or other paper is not
11 signed, it shall be stricken unless it is signed promptly after
12 the omission is called to the attention of the pleader or
13 movant. If a pleading, motion or other paper is signed in
14 violation of this section, the court shall award to the
15 successful party costs and reasonable attorney fees in addition
16 to a fine; the fine shall not exceed \$10,000. Such costs, fees
17 and fines shall be in addition to any other judgment awarded to
18 the successful party and shall be imposed upon the person who
19 signed the pleading, motion or other paper, or a represented
20 party, or both. This section is in addition to and shall not be
21 construed to limit any other remedies or sanctions provided by
22 law.

23 SUBCHAPTER G

24 SPECIAL DAMAGES

25 Sec.

26 8371. Actions on insurance policies.

27 § 8371. Actions on insurance policies.

28 In an action arising under an insurance policy, if the court
29 finds that the insurer has acted in bad faith toward the
30 insured, the court may take all of the following actions:

1 (1) Award interest on the amount of the claim from the
2 date the claim was made by the insured in an amount equal to
3 the prime rate of interest plus 3%.

4 (2) Award punitive damages against the insurer.

5 (3) Assess court costs and attorney fees against the
6 insurer.

7 Section 4. Sections 1305 and 1306 of Title 75 are amended to
8 read:

9 § 1305. Application for registration.

10 (a) General rule.--Application for the registration of a
11 vehicle shall be made to the department upon the appropriate
12 form or forms furnished by the department. The application shall
13 contain the full name and address of the owner or owners; the
14 make, model, year and vehicle identification number of the
15 vehicle; and such other information as the department may
16 require. Applicants for registration of a truck, truck tractor,
17 trailer or bus shall provide the vehicle's Gross Vehicle Weight
18 Rating (GVWR), or the Gross Combination Weight Rating (GCWR), as
19 applicable. If the manufacturer's ratings are not available, the
20 applicant shall provide sufficient information as to the
21 horsepower, braking capacity and such other data as necessary
22 for the department to determine an equivalent measure of the
23 vehicle's hauling and stopping capability. If the applicant
24 wishes to register a vehicle at a registered gross weight less
25 than the gross vehicle weight rating, the application shall
26 include information as to weight, load and any other such
27 information as the department may require. The application shall
28 be accompanied by self-certification of financial responsibility
29 and the applicable fee.

30 (b) Evidence of P.U.C. approval for buses and taxis.--Before

1 registering any bus or taxi which is required under the laws of
2 this Commonwealth to obtain a certificate of public convenience
3 from the Pennsylvania Public Utility Commission, the department
4 shall require evidence that the certificate has been issued and
5 has not been revoked or has not expired.

6 (c) Designation of lessee as registrant.--The owner as
7 lessor may designate the lessee as the registrant of the vehicle
8 and the name and address of the lessee may be substituted on the
9 registration card for the address of the lessor. The department
10 shall designate the relationship upon the card in a manner it
11 deems appropriate. This subsection is applicable only for the
12 period during which the lease remains in effect.

13 (d) Self-certification of financial responsibility.--In
14 addition to the other requirements to registration, the
15 applicant shall file a self-certification of financial
16 responsibility which shall include:

17 (1) The complete name, address and telephone number of
18 the applicant.

19 (2) The name of the insurance company which is insuring
20 the subject vehicle.

21 (3) The policy number, effective date and expiration
22 date of the policy of insurance insuring the vehicle.

23 § 1306. Grounds for refusing registration.

24 The department shall refuse registration or renewal or
25 transfer of registration when any of the following circumstances
26 exists:

27 (1) The applicant is not entitled to registration under
28 the provisions of this chapter.

29 (2) The applicant has at registration or titling
30 neglected or refused to furnish the department with the

1 information required on the appropriate official form, or any
2 reasonable additional information required by the department.

3 (3) The department has reasonable grounds to believe
4 that the application contains false or fraudulent
5 information, or that the vehicle is stolen, which fact the
6 department shall ascertain by reference to the stolen vehicle
7 file required to be maintained under section 7114 (relating
8 to records of stolen vehicles), or that the granting of
9 registration would constitute a fraud against the rightful
10 owner or other person having a valid lien upon the vehicle.

11 (4) The fees required by law have not been paid.

12 (5) The vehicle is not constructed or equipped as
13 required by this title.

14 (6) The registration of the vehicle stands suspended for
15 any reason as provided for in this title.

16 (7) Self-certification of financial responsibility, as
17 required under section 1305(d) (relating to application for
18 registration) is not filed with the registration application.

19 Section 5. Title 75 is amended by adding a section to read:

20 § 1318. Duties of agents.

21 (a) Verification of financial responsibility.--An agent who
22 is authorized to issue on behalf of the department a vehicle
23 registration renewal or temporary registration shall be required
24 to verify financial responsibility prior to issuance.

25 (b) Proof.--Proof of financial responsibility shall be
26 verified by examining one of the following documents:

27 (1) An identification card as required by regulations
28 promulgated by the Insurance Department.

29 (2) The declaration page of an insurance policy.

30 (3) A certificate of financial responsibility.

1 (4) A valid binder of insurance issued by an insurance
2 company licensed to sell automobile liability insurance in
3 Pennsylvania.

4 Section 6. Sections 1376 and 1540(c) of Title 75 are amended
5 to read:

6 § 1376. Surrender of registration plates and cards upon
7 suspension or revocation.

8 (a) General rule.--The department, upon suspending or
9 revoking any registration, shall require the registration plate
10 or plates and registration card or cards to be surrendered
11 immediately to the department [and].

12 (b) Delegation of authority.--If within 35 days the
13 registration plates and cards are not surrendered under
14 subsection (a), the department may delegate authority to [any
15 authorized department employee, member of the Pennsylvania State
16 Police or local police officer to seize the registration plate
17 or plates and registration card or cards.] the following persons
18 to seize a registration plate and registration card which are
19 required to be surrendered under subsection (a):

20 (1) A designated department employee.

21 (2) Members of the Pennsylvania State Police.

22 (3) Local police officers.

23 (4) Sheriffs or deputy sheriffs.

24 (5) Constables or deputy constables. If constables and
25 deputy constables are delegated authority to seize
26 registration plates and registration cards under this
27 section, they shall be compensated by the department at the
28 rate of \$15 for each registration plate and card jointly
29 seized, plus mileage. The department shall pay a constable or
30 deputy constable within 30 days after a documented request

1 for payment is submitted to it.

2 (c) Regulations.--The department shall, by regulation,
3 prescribe the manner of selecting [the employees and State and
4 local police officers] those officials who are delegated
5 authority under this section to seize the registration plates
6 and registration cards.

7 [(b)] (d) Penalty.--Any person failing or refusing to
8 surrender to the department or its authorized delegate, upon
9 demand, any registration plate or card which has been suspended
10 or revoked is guilty of a summary offense and shall, upon
11 conviction, be sentenced to pay a fine of [\$100] \$300, plus
12 costs. Cost shall include a reasonable fee for official seizure
13 of the unsurrendered items.

14 § 1540. Surrender of license.

15 * * *

16 (c) Seizure of revoked and suspended licenses.--

17 (1) The department may delegate authority to [any
18 authorized department employee, member of the Pennsylvania
19 State Police or local police officer] the following persons
20 to seize the driver's license of any person [when the
21 operating privilege of that person has been revoked or
22 suspended and his] whose driver's license has been ordered to
23 be surrendered by a court or district attorney or by the
24 department[.]:

25 (i) A designated department employee.

26 (ii) Members of the Pennsylvania State Police.

27 (iii) Local police officers.

28 (iv) Sheriffs or deputy sheriffs.

29 (v) Constables or deputy constables. If constables
30 and deputy constables are delegated authority to seize

1 drivers' licenses under this subsection, they shall be
2 compensated by the department at the rate of \$15 for each
3 driver's license seized, plus mileage. The department
4 shall pay a constable or deputy constable within 30 days
5 after a documented request is submitted to it.

6 (2) The department shall, by regulation, prescribe the
7 manner of selecting [the employees and State and local police
8 officers] those officials who are delegated authority under
9 this subsection to seize the drivers' licenses.

10 Section 7. Section 1702 of Title 75 is amended by adding
11 definitions to read:

12 § 1702. Definitions.

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

16 * * *

17 "Commissioner." The Insurance Commissioner of the
18 Commonwealth.

19 * * *

20 "Necessary medical treatment and rehabilitative services."
21 Treatment, accommodations, products or services which are
22 determined to be necessary by a licensed health care provider
23 unless they shall have been found or determined to be
24 unnecessary by a State-approved Peer Review Organization (PRO).

25 "Peer Review Organization" or "PRO." Any Peer Review
26 Organization with which the Federal Health Care Financing
27 Administration or the Commonwealth contracts for medical review
28 of Medicare or medical assistance services, or any health care
29 review company, approved by the commissioner, that engages in
30 peer review for the purpose of determining that medical and

1 rehabilitation services are medically necessary and economically
2 provided. The membership of any PRO utilized in connection with
3 the act shall include representation from the profession whose
4 services are subject to the review.

5 * * *

6 Section 8. Sections 1711, 1712, 1715(a), 1718(c), 1722 and
7 1731 of Title 75 are amended to read:

8 § 1711. Required benefits.

9 (a) Medical benefit.--An insurer issuing or delivering
10 liability insurance policies covering any motor vehicle of the
11 type required to be registered under this title, except
12 recreational vehicles not intended for highway use, motorcycles,
13 motor-driven cycles or motorized pedalcycles or like type
14 vehicles, registered and operated in this Commonwealth, shall
15 include coverage providing a medical benefit in the amount of
16 [\$10,000, an income loss benefit up to a monthly maximum of
17 \$1,000 up to a maximum benefit of \$5,000 and a funeral benefit
18 in the amount of \$1,500, as defined in section 1712 (relating to
19 availability of benefits), with respect to injury arising out of
20 the maintenance or use of a motor vehicle. The income loss
21 benefit provided under this section may be expressly waived by
22 the named insured provided the named insured has no expectation
23 of actual income loss due to age, disability or lack of
24 employment history. At the election of the named insured, such
25 policy shall also include an extraordinary medical benefit as
26 described in section 1715(a)(1.1) and (d) (relating to
27 availability of adequate limits).] \$5,000.

28 (b) Minimum policy.--All insurers subject to this chapter
29 shall make available for purchase an automobile insurance policy
30 which contains only the minimum requirements of financial

1 responsibility and medical benefits as provided for in this
2 chapter.

3 § 1712. Availability of benefits.

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

13 (1) Medical benefit.--[Coverage] Subject to the
14 limitations of section 1797 (relating to customary charges
15 for treatment), coverage to provide for reasonable and
16 necessary medical treatment and rehabilitative services,
17 including, but not limited to, hospital, dental, surgical,
18 psychiatric, psychological, osteopathic, ambulance,
19 chiropractic, licensed physical therapy, nursing services,
20 vocational rehabilitation and occupational therapy, speech
21 pathology and audiology, optometric services, medications,
22 medical supplies and prosthetic devices, all without
23 limitation as to time, provided that, within 18 months from
24 the date of the accident causing injury, it is ascertainable
25 with reasonable medical probability that further expenses may
26 be incurred as a result of the injury. Benefits under this
27 paragraph may include any nonmedical remedial care and
28 treatment rendered in accordance with a recognized religious
29 method of healing.

30 (2) Income loss benefit.--Includes the following:

1 (i) Eighty percent of actual loss of gross income.

2 (ii) Reasonable expenses actually incurred for
3 hiring a substitute to perform self-employment services
4 thereby mitigating loss of gross income or for hiring
5 special help thereby enabling a person to work and
6 mitigate loss of gross income.

7 Income loss does not include loss of expected income for any
8 period following the death of an individual or expenses
9 incurred for services performed following the death of an
10 individual. Income loss shall not commence until five working
11 days have been lost after the date of the accident. The total
12 premium for all first party coverages for an insured who
13 elects not to purchase an income loss benefit shall be
14 reduced by at least 15%.

15 (3) Accidental death benefit.--A death benefit paid to
16 the personal representative of the insured, should injury
17 resulting from a motor vehicle accident cause death within 24
18 months from the date of the accident.

19 (4) Funeral benefit.--Expenses directly related to the
20 funeral, burial, cremation or other form of disposition of
21 the remains of a deceased individual, incurred as a result
22 of the death of the individual as a result of the accident
23 and within 24 months from the date of the accident. The total
24 premium for all first party coverages for an insured who
25 elects not to purchase a funeral benefit shall be reduced by
26 at least 1%.

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

30 (6) Uninsured and underinsured motorist coverage.

1 (7) Extraordinary medical benefits.--Medical benefits,
2 as defined in paragraph (1), which exceed \$100,000.

3 § 1715. Availability of adequate limits.

4 (a) General rule.--An insurer shall make available for
5 purchase first party benefits and uninsured and underinsured
6 motorist coverage as follows:

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

8 (1.1) For extraordinary medical benefits, from \$100,000
9 to \$1,100,000, which may be offered in increments of
10 \$100,000, as limited by subsection (d).

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

13 (3) For accidental death benefits, up to at least
14 \$25,000.

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

16 (5) For combination of benefits enumerated in paragraphs
17 (1) through (4) and subject to a limit on the accidental
18 death benefit of up to \$25,000 and a limit on the funeral
19 benefit of \$2,500, up to at least [~~\$277,500~~] \$177,500 of
20 benefits in the aggregate or benefits payable up to three
21 years from the date of the accident, whichever occurs first,
22 provided that nothing contained in this subsection shall be
23 construed to limit, reduce, modify or change the provisions
24 of subsection (d).

25 (6) Uninsured and underinsured motorist coverage in
26 amounts equal to or less than the motor vehicle liability
27 insurance required under this chapter.

28 * * *

29 § 1718. Exclusion from benefits.

30 * * *

1 (c) Named driver exclusion.--An insurer or the first named
2 insured may exclude any [insured] person or his personal
3 representative from benefits under a policy enumerated in
4 section 1711 or 1712 when [the insured] any of the following
5 apply:

6 (1) The person is excluded from coverage while operating
7 a motor vehicle in accordance with the act of June 5, 1968
8 (P.L.140, No.78), relating to the writing, cancellation of or
9 refusal to renew policies of automobile insurance.

10 (2) The first named insured has requested that the
11 person be excluded from coverage while operating a motor
12 vehicle. This paragraph shall only apply if the excluded
13 person is insured on another policy of motor vehicle
14 liability insurance.

15 § 1722. Preclusion of pleading, proving and recovering required
16 benefits.

17 In any action for damages against a tortfeasor arising out of
18 the maintenance or use of a motor vehicle, a person who is
19 eligible to receive benefits under the coverages set forth in
20 [section 1711 (relating to required benefits) or the coverage
21 set forth in section 1715(a)(1.1) (relating to availability of
22 adequate limits)] this subchapter shall be precluded from
23 pleading, introducing into evidence or recovering the amount of
24 benefits paid or payable under [section 1711 or 1715(a)(1.1).
25 This preclusion applies only to the amount of benefits set forth
26 in sections 1711 and 1715(a)(1.1)] this subchapter.

27 § 1731. [Scope] Availability, scope and amount of coverage.

28 (a) [General rule] Mandatory availability.--No motor vehicle
29 liability insurance policy shall be delivered or issued for
30 delivery in this Commonwealth, with respect to any motor vehicle

1 registered or principally garaged in this Commonwealth, unless
2 uninsured motorist and underinsured motorist coverages are
3 [provided] made available therein or supplemental thereto in
4 amounts equal to the bodily injury liability coverage except as
5 provided in section 1734 (relating to request for lower [or
6 higher] limits of coverage). Purchase of uninsured motorist and
7 underinsured motorist coverages is optional, provided that the
8 total premium for all first party coverages for an insured who
9 elects not to purchase uninsured and underinsured motorist
10 coverage benefit shall be reduced by at least 35%.

11 (b) Uninsured motorist coverage.--Uninsured motorist
12 coverage shall provide protection for persons who suffer injury
13 arising out of the maintenance or use of a motor vehicle and are
14 legally entitled to recover damages therefor from owners or
15 operators of uninsured motor vehicles. The insured may reject
16 uninsured motorist coverage by signing the following written
17 rejection form.

18 REJECTION OF UNINSURED MOTORIST PROTECTION

19 By signing this waiver I am rejecting uninsured motorist
20 coverage under this policy, for myself and all relatives
21 residing in my household. Uninsured coverage protects me and
22 relatives living in my household for losses and damages suffered
23 if injury is caused by the negligence of a driver who does not
24 have any insurance to pay for losses and damages. I knowingly
25 and voluntarily reject this coverage.

26

27 Signature of First Named Insured

28

29 Date

30 (c) Underinsured motorist coverage.--Underinsured motorist

1 coverage shall provide protection for persons who suffer injury
2 arising out of the maintenance or use of a motor vehicle and are
3 legally entitled to recover damages therefor from owners or
4 operators of underinsured motor vehicles. The insured may reject
5 underinsured motorist coverage by signing the following written
6 rejection form.

7 REJECTION OF UNDERINSURED MOTORIST PROTECTION

8 By signing this waiver I am rejecting underinsured motorist
9 coverage under this policy, for myself and all relatives
10 residing in my household. Underinsured coverage protects me and
11 relatives living in my household for losses and damages suffered
12 if injury is caused by the negligence of a driver who does not
13 have enough insurance to pay for all losses and damages. I
14 knowingly and voluntarily reject this coverage.

15

16 Signature of First Named Insured

17

18 Date

19 (c.1) Form of waiver.--Insurers shall print the rejection
20 forms required by subsections (b) and (c) on separate sheets in
21 prominent type and location. The forms must be signed by the
22 first named insured and dated to be valid. The signatures on the
23 forms may be witnessed by an insurance agent or broker. Any
24 rejection form that does not specifically comply with this
25 section is void. If the insurer fails to produce a valid
26 rejection form, uninsured or underinsured coverage, or both, as
27 the case may be, under that policy shall be equal to the bodily
28 injury liability limits. On policies in which either uninsured
29 or underinsured coverage has been rejected, the policy renewals
30 must contain notice in prominent type that the policy does not

1 provide protection against damages caused by uninsured or
2 underinsured motorists.

3 (d) Limitation on recovery.--A person who recovers damages
4 under uninsured motorist coverage or coverages cannot recover
5 damages under underinsured motorist coverage or coverages for
6 the same accident.

7 Section 9. Section 1732 of Title 75 is repealed.

8 Section 10. Sections 1733 and 1734 of Title 75 are amended
9 to read:

10 § 1733. Priority of recovery.

11 (a) General rule.--Where multiple policies apply, payment
12 shall be made in the following order of priority:

13 (1) A policy covering a motor vehicle occupied by the
14 injured person at the time of the accident.

15 (2) A policy covering a motor vehicle not involved in
16 the accident with respect to which the injured person is an
17 insured.

18 (b) Multiple sources of equal priority.--The insurer against
19 whom a claim is asserted first under the priorities set forth in
20 subsection (a) shall process and pay the claim as if wholly
21 responsible. The insurer is thereafter entitled to recover
22 contribution pro rata from any other insurer for the benefits
23 paid and the costs of processing the claim.

24 § 1734. Request for lower [or higher] limits of coverage.

25 A named insured may request in writing the issuance of
26 coverages under section 1731 (relating to availability, scope
27 and amount of coverage) in amounts equal to or less than the
28 limits of liability for bodily injury. [but in no event less
29 than the amounts required by this chapter for bodily injury. If
30 the named insured has selected uninsured and underinsured

1 motorist coverage in connection with a policy previously issued
2 to him by the same insurer under section 1731, the coverages
3 offered need not be provided in excess of the limits of
4 liability previously issued for uninsured and underinsured
5 motorist coverage unless the named insured requests in writing
6 higher limits of liability for those coverages.]

7 Section 11. Title 75 is amended by adding sections to read:

8 § 1737. Rights to payment.

9 (a) Subrogation.--In claims arising out of the maintenance
10 or use of an underinsured motor vehicle, there shall be no right
11 of subrogation by an insurer with respect to the payment of
12 underinsured motorist benefits.

13 (b) Condition to payment.--No policy of insurance shall
14 require, as a condition to the payment of underinsured motorist
15 benefits, the prior consent of the insurer to the settlement of
16 a bodily injury claim with any person.

17 § 1738. Stacking of uninsured and underinsured benefits.

18 When multiple vehicles are insured under one or more policies
19 of insurance, the stated limit shall apply separately to each
20 vehicle. The limits of coverage available under this subchapter
21 for an insured shall be the sum of the limits for each motor
22 vehicle as to which the injured person is an insured.

23 Section 12. Section 1753 of Title 75 is amended to read:

24 § 1753. Benefits available.

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

1 maximum amount of medical benefits available under this
2 section.]

3 Section 13. Section 1782 of Title 75 is amended by adding a
4 subsection to read:

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

6 * * *

7 (d) Financial responsibility identification cards.--Insurers
8 shall provide financial responsibility identification cards to
9 insureds which shall be valid only for the period for which
10 coverage has been paid by the insured. Financial responsibility
11 identification cards shall disclose the period for which
12 coverage has been paid by the insured and shall contain such
13 other information as required by the Insurance Department. In
14 such instance where the insured has financed premiums through a
15 premium finance company or where the insured is on an insurer-
16 sponsored or agency-sponsored payment plan, financial
17 responsibility identification cards may be issued for periods of
18 six months even though such payment by the insured may be for a
19 period of less than six months. Nothing in this paragraph shall
20 be construed to require the immediate issuance of financial
21 responsibility identification cards where an insured replaces an
22 insured vehicle, adds a vehicle, or increases coverages under an
23 existing policy for which a premium adjustment is required.

24 Section 14. Sections 1786 and 1791 of Title 75 are amended
25 to read:

26 § 1786. [Self-certification of] Required financial
27 responsibility.

28 (a) Self-certification.--The Department of Transportation
29 shall require that each motor vehicle registrant certify that
30 the registrant is financially responsible at the time of

1 registration or renewal thereof. The department shall refuse to
2 register or renew the registration of a vehicle for failure to
3 comply with this requirement or falsification of self-
4 certification.

5 (b) Consent to produce proof of financial responsibility.--
6 Upon registering a motor vehicle or renewing a motor vehicle
7 registration, the owner of the motor vehicle shall be deemed to
8 have given consent to produce proof, upon request, to the
9 Department of Transportation or a police officer that the
10 vehicle registrant has the financial responsibility required by
11 this chapter.

12 (c) Suspension of registration and operating privilege.--The
13 Department of Transportation shall suspend or revoke the
14 registration of a vehicle if it determines the required
15 financial responsibility has not been secured as required by
16 this chapter and shall suspend the operating privilege of the
17 registrant. The operating privilege shall not be restored until
18 proof of financial responsibility is submitted, together with
19 the restoration fee for operating privilege provided by section
20 1960 (relating to reinstatement of operating privilege or
21 vehicle registration). Whenever the department revokes or
22 suspends the registration of any vehicle under this chapter, the
23 department shall not restore the registration until the vehicle
24 owner furnishes proof of financial responsibility in a manner
25 determined by the department and submits an application for
26 registration to the department, accompanied by the fee for
27 restoration of registration provided by section 1960.

28 (d) Obligations upon termination of financial
29 responsibility.--

30 (1) An owner of a motor vehicle who ceases to maintain

1 financial responsibility on a registered vehicle shall not
2 operate or permit operation of the vehicle in this
3 Commonwealth until proof of the required financial
4 responsibility has been provided to the Department of
5 Transportation.

6 (2) An insurer who has issued a contract of motor
7 vehicle liability insurance, or any approved self-insurance
8 entity, shall notify the department in a timely manner and in
9 a method prescribed by the department's regulations.

10 (3) An insurer who has issued a contract of motor
11 vehicle liability insurance and knows or has reason to
12 believe that the contract is only for the purpose of
13 providing proof of financial responsibility shall notify the
14 department if the insurance has been canceled or terminated
15 by the insured or by the insurer. The insurer shall notify
16 the department not later than ten days following the
17 effective date of the cancellation or termination.

18 (4) A person who, after maintaining financial
19 responsibility on the vehicle of another person, ceases to
20 maintain such financial responsibility shall immediately
21 notify the vehicle's owner, who shall not operate, or permit
22 operation of, the vehicle in this Commonwealth.

23 (5) In the case of a person who leases any motor vehicle
24 from a person engaged in the business of leasing motor
25 vehicles, the lessee shall sign a statement indicating that
26 the required financial responsibility has been provided
27 through the lessor or through the lessee's motor vehicle
28 liability insurance policy coverage. The lessee shall submit
29 the statement to the lessor.

30 (e) Operation of a motor vehicle without required financial

1 responsibility.--Any owner of a motor vehicle for which the
2 existence of financial responsibility is a requirement for its
3 legal operation shall not operate the motor vehicle or permit it
4 to be operated upon a highway of this Commonwealth without the
5 financial responsibility required by this chapter. Any person
6 who fails to comply with this subsection commits a summary
7 offense and shall, upon conviction, be sentenced to pay a fine
8 of \$300; and the department shall suspend the operating
9 privilege of the person for 30 days and shall revoke the vehicle
10 registration until proof of financial responsibility is provided
11 under subsection (c).

12 (f) Defenses.--

13 (1) No person shall be convicted of failing to produce
14 proof of financial responsibility under this section or
15 section 3743 (relating to accidents involving damage to
16 attended vehicle or property) or 6308 (relating to
17 investigation by police officers), if the person produces, at
18 the office of the issuing authority within five days of the
19 date of the violation, proof that he possessed the required
20 financial responsibility at the time of the violation.

21 (2) No person shall be penalized for maintaining a
22 registered motor vehicle without financial responsibility
23 under subsection (c) if the registration and license plates
24 were surrendered to the Department of Transportation at the
25 time insurance coverage terminated or financial
26 responsibility lapsed.

27 (g) Lack of knowledge.--No person, other than a registrant,
28 who proves that he was authorized to drive the vehicle and that
29 he did not know and had no reason to believe that the required
30 financial responsibility had not been provided shall be

1 convicted of failing to produce proof of financial
2 responsibility as required under this section. In such case,
3 however, the registrant may be charged with a violation.

4 § 1791. Notice of available benefits and limits.

5 It shall be presumed that the insured has been advised of the
6 benefits and limits available under this chapter provided the
7 following notice in bold print of at least ten-point type is
8 given to the applicant at the time of application for original
9 coverage [or at the time of the first renewal after October 1,
10 1984], and no other notice or rejection shall be required:

11 **IMPORTANT NOTICE**

12 Insurance companies operating in the Commonwealth of
13 Pennsylvania are required by law to make available for
14 purchase the following benefits for you, your spouse or
15 other relatives or minors in your custody or in the
16 custody of your relatives, residing in your household,
17 occupants of your motor vehicle or persons struck by your
18 motor vehicle:

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

20 (1.1) Extraordinary medical benefits, from \$100,000
21 to \$1,100,000 which may be offered in increments of
22 \$100,000.

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

25 (3) Accidental death benefits, up to at least
26 \$25,000.

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

28 (5) As an alternative to paragraphs (1) through (4),
29 a combination benefit, up to at least [\$277,500] \$177,500
30 of benefits in the aggregate or benefits payable up to

1 three years from the date of the accident, whichever
2 occurs first, subject to a limit on accidental death
3 benefit of up to \$25,000 and a limit on funeral benefit
4 of \$2,500, provided that nothing contained in this
5 subsection shall be construed to limit, reduce, modify or
6 change the provisions of section 1715(d) (relating to
7 availability of adequate limits).

8 (6) Uninsured, underinsured and bodily injury
9 liability coverage up to at least \$100,000 because of
10 injury to one person in any one accident and up to at
11 least \$300,000 because of injury to two or more persons
12 in any one accident or, at the option of the insurer, up
13 to at least \$300,000 in a single limit for these
14 coverages, except for policies issued under the Assigned
15 Risk Plan. Also, at least \$5,000 for damage to property
16 of others in any one accident.

17 Additionally, insurers may offer higher benefit levels
18 than those enumerated above as well as additional
19 benefits. However, an insured may elect to purchase lower
20 benefit levels than those enumerated above.

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

26 If you have any questions or you do not understand all of
27 the various options available to you, contact your agent
28 or company.

29 If you do not understand any of the provisions contained
30 in this notice, contact your agent or company before you

1 sign.

2 Section 15. Title 75 is amended by adding a section to read:

3 § 1791.1. Disclosure of premium charges.

4 (a) Invoice.--At the time of application for original
5 coverage and every renewal thereafter, an insurer must provide
6 to an insured an itemized invoice listing the minimum automobile
7 insurance coverage levels mandated by the Commonwealth and the
8 premium charge for the insured to purchase the minimum mandated
9 coverages. The invoice must contain the following notice in
10 print of no less than ten-point type:

11 The laws of the Commonwealth of Pennsylvania, as enacted
12 by the General Assembly, require that you purchase only
13 liability and medical benefit coverages to comply with
14 Pennsylvania law. Any additional coverages or coverages
15 in excess of the limits required by law are provided only
16 at your request as enhancements to basic coverages.

17 The insurer shall provide the itemized invoice to the insured in
18 conjunction with the declaration of coverage limits and premiums
19 for the insured's existing coverages.

20 (b) Cost information.--Upon an oral or written request, an
21 insurer subject to this chapter shall provide to the requestor
22 information on the requestor's cost to purchase from the insurer
23 the minimum automobile insurance coverages required under this
24 chapter. This requirement shall include the request for and
25 provision of information by telephone.

26 Section 16. Sections 1792 and 1797 of Title 75 are amended
27 to read:

28 § 1792. Availability of uninsured, underinsured, bodily injury
29 liability and property damage coverages and mandatory
30 deductibles.

1 (a) Availability of coverages.--Except for policies issued
2 under Subchapter D (relating to Assigned Risk Plan), an insurer
3 issuing a policy of bodily injury liability coverage pursuant to
4 this chapter shall make available for purchase higher limits of
5 uninsured, underinsured and bodily injury liability coverages up
6 to at least \$100,000 because of injury to one person in any one
7 accident and up to at least \$300,000 because of injury to two or
8 more persons in any one accident or, at the option of the
9 insurer, up to at least \$300,000 in a single limit for these
10 coverages. Additionally, an insurer shall make available for
11 purchase at least \$5,000 because of damage to property of others
12 in any one accident. However, the exclusion of availability
13 relating to the Assigned Risk Plan shall not apply to damage to
14 property of others in any one accident.

15 (b) Mandatory deductibles.--

16 (1) Every private passenger automobile insurance policy
17 providing collision coverage issued or renewed on or after
18 the effective date of this subsection, shall provide a
19 deductible in an amount of \$500 for collision coverage,
20 unless the named insured signs a statement indicating the
21 insured is aware that the purchase of a lower deductible is
22 permissible and that there is an additional cost of
23 purchasing a lower deductible, and the insured agrees to
24 accept it.

25 (2) Under no circumstances may a private passenger
26 automobile insurance policy provide a collision deductible in
27 an amount less than \$100.

28 (3) Any person or entity providing financing to the
29 purchaser of a motor vehicle or otherwise holding a security
30 interest in a motor vehicle shall not be permitted to require

1 the purchase of a deductible for less than \$500 for collision
2 and comprehensive coverages. Any financial institution,
3 insurer, agent or other person or entity found to have
4 violated this provision shall be required to reimburse the
5 policyholder in an amount equal to the difference and, in
6 addition, shall be required to pay a civil penalty of \$500 to
7 the Department of Transportation for each violation.

8 (4) With the purchase of a \$500 or greater deductible,
9 there shall be an immediate commensurate reduction in rate
10 for collision and comprehensive coverages. The reduction in
11 rate shall be based on the insured's existing deductible
12 level. Should the insured elect to purchase a deductible in
13 an amount equal to or exceeding \$100, there shall be an
14 immediate commensurate reduction in rate for collision and
15 comprehensive coverages, but only as it relates to the
16 insured's existing deductible rate.

17 § 1797. Customary charges for treatment.

18 (a) General rule.--A person or institution providing
19 treatment, accommodations, products or services to an injured
20 person for an injury covered by [medical or catastrophic loss
21 benefits] liability or first party medical benefits, including
22 extraordinary medical benefits, for a motor vehicle described in
23 Subchapter B (relating to motor vehicle liability insurance
24 first party benefits), shall not [make a charge] require,
25 request or accept payment for the treatment, accommodations,
26 products or services in excess of [the amount the person or
27 institution customarily charges for like treatment,
28 accommodations, products and services in cases involving no
29 insurance.] 110% of the prevailing charge at the 75th
30 percentile; 110% of the applicable fee schedule, the recommended

1 fee or the inflation index charge; or 110% of the diagnostic
2 related groups (DRG) payment; whichever pertains to the
3 specialty service involved, determined to be applicable in this
4 Commonwealth under the Medicare program for comparable services
5 at the time the services were rendered, or the provider's usual
6 and customary charge, whichever is less. If a prevailing charge,
7 fee schedule, recommended fee, inflation index charge or DRG
8 payment has not been calculated under the Medicare program for a
9 particular treatment, accommodation, product or service, the
10 amount of the payment may not exceed 80% of the provider's usual
11 and customary charge. If acute care is provided in an acute care
12 facility to a patient with an immediately life-threatening or
13 urgent injury by a Level I or Level II trauma center accredited
14 by the Pennsylvania Trauma Systems Foundation under the act of
15 July 3, 1985 (P.L.164, No.45), known as the Emergency Medical
16 Services Act, or to a major burn injury patient by a burn
17 facility which meets all the service standards of the American
18 Burn Association, the amount of payment may not exceed the usual
19 and customary charge. Providers subject to this section may not
20 bill the insured directly but must bill the insurer for a
21 determination of the amount payable. The provider shall not bill
22 or otherwise attempt to collect from the insured the difference
23 between the provider's full charge and the amount paid by the
24 insurer.

25 (b) Peer review plan for challenges to reasonableness and
26 necessity of treatment.--

27 (1) Peer review plan.--Insurers shall contract jointly
28 or separately with any peer review organization established
29 for the purpose of evaluating treatment, health care
30 services, products or accommodations provided to any injured

1 person. Such evaluation shall be for the purpose of
2 confirming that such treatment, products, services or
3 accommodations conform to the professional standards of
4 performance and are medically necessary. An insurer's
5 challenge must be made to a PRO within 90 days of the
6 insurer's receipt of the provider's bill for treatment or
7 services or may be made at any time for continuing treatment
8 or services.

9 (2) PRO reconsideration.--An insurer, provider or
10 insured may request a reconsideration by the PRO of the PRO's
11 initial determination. Such a request for reconsideration
12 must be made within 30 days of the PRO's initial
13 determination. If reconsideration is requested for the
14 services of a physician or other licensed health care
15 professional, then the reviewing individual must be, or the
16 reviewing panel must include, an individual in the same
17 specialty as the individual subject to review.

18 (3) Pending determinations by PRO.--If the insurer
19 challenges within 30 days of receipt of a bill for medical
20 treatment or rehabilitative services, the insurer need not
21 pay the provider subject to the challenge until a
22 determination has been made by the PRO. The insured may not
23 be billed for any treatment, accommodations, products or
24 services during the peer review process.

25 (4) Appeal to court.--A provider of medical treatment or
26 rehabilitative services or merchandise or an insured may
27 challenge before a court an insurer's refusal to pay for past
28 or future medical treatment or rehabilitative services or
29 merchandise, the reasonableness or necessity of which the
30 insurer has not challenged before a PRO. Conduct considered

1 to be "wanton" shall be subject to a payment of treble
2 damages to the injured party.

3 (5) PRO determination in favor of provider or insured.--
4 If a PRO determines that medical treatment or rehabilitative
5 services or merchandise were medically necessary, the insurer
6 must pay to the provider the outstanding amount plus interest
7 at 12% per year on any amount withheld by the insurer pending
8 PRO review.

9 (6) Court determination in favor of provider or
10 insured.--If pursuant to paragraph (4) a court determines
11 that medical treatment or rehabilitative services or
12 merchandise were medically necessary, the insurer must pay to
13 the provider the outstanding amount plus interest at 12%, as
14 well as the costs of the challenge and all attorney fees.

15 (7) Determination in favor of insurer.--If it is
16 determined by a PRO or court that a provider has provided
17 unnecessary medical treatment or rehabilitative services or
18 merchandise or that future provision of such treatment,
19 services or merchandise will be unnecessary, or both, the
20 provider may not collect payment for the medically
21 unnecessary treatment, services or merchandise. If the
22 provider has collected such payment, it must return the
23 amount paid plus interest at 12% per year within 30 days. In
24 no case does the failure of the provider to return the said
25 payment obligate the insured to assume responsibility for
26 payment for the treatment, services or merchandise.

27 (c) Review authorized.--By December 1, 1991, the Legislative
28 Budget and Finance Committee shall commence a review of the
29 impact of this section. Such review may be conducted biennially.

30 Section 17. Title 75 is amended by adding sections to read:

1 § 1799.1. Restraint system.

2 (a) General rule.--All insurance companies authorized to
3 write private passenger automobile insurance within this
4 Commonwealth shall reduce the premiums for first party coverages
5 as defined in section 1712 (relating to availability of
6 benefits) for any insured vehicle equipped with a passive
7 restraint system for front seat passengers: 15% for passive seat
8 belts, 20% for one air bag on the driver's side of the vehicle
9 or 30% for two air bags.

10 (b) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 section unless the context clearly indicates otherwise:

13 "Passive restraint." Any frontal automobile crash protection
14 system which requires no action of the vehicle occupants and
15 complies with standard 751.208 of the National Traffic Safety
16 Administration or its successor.

17 § 1799.2. Antitheft devices.

18 (a) General rule.--All insurance companies authorized to
19 write private passenger automobile insurance within this
20 Commonwealth shall reduce by 10% the premiums for comprehensive
21 coverage for all insured vehicles equipped with passive
22 antitheft devices.

23 (b) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 section unless the context clearly indicates otherwise:

26 "Passive antitheft device." Any item or system installed in
27 an automobile which is activated automatically when the operator
28 turns the ignition key to the off position and which is designed
29 to prevent unauthorized use, as prescribed by regulations of the
30 department. The term does not include an ignition interlock

1 provided as a standard antitheft device by the original
2 automobile manufacturer.

3 § 1799.3. Driver improvement course discounts.

4 (a) Motor vehicle driver improvement course.--Every insurer
5 which writes a policy of automobile insurance in this
6 Commonwealth shall reduce by 5% the total premium charged for
7 each vehicle for those insureds 55 years of age and older for a
8 three-year period after they successfully complete a motor
9 vehicle driver improvement course meeting the standards of the
10 department.

11 (b) Completion of course.--Upon successfully completing the
12 approved course, each participant shall be issued, by the
13 course's sponsoring agency, a certificate which shall be the
14 basis of qualification for the discount on insurance.

15 (c) Continuing eligibility.--Each participant shall take an
16 approved course every three years to continue to be eligible for
17 the discount on insurance. Each insurer may require, as a
18 condition of providing and maintaining the discount, that the
19 insured for a three-year period after course completion:

20 (1) not be involved in an accident for which the insured
21 is chargeable; and

22 (2) not have any accumulation of points for a traffic
23 violation.

24 (d) Nonapplicability.--This section shall not apply in the
25 event the approved course is specified by a court or other
26 governmental entity resulting from a moving traffic violation.

27 § 1799.4. Good driver discount.

28 Every insurer which writes a policy of automobile insurance
29 in this Commonwealth shall reduce by 10% the total premium
30 charged for each vehicle as to which no at-fault claim has been

1 filed for five consecutive years immediately preceding the
2 period for which the policy is written if none of the drivers
3 named in the policy has committed a moving violation during the
4 five-year period which resulted in a conviction or which remains
5 unresolved.

6 (1) If a violation which is unresolved at the time the
7 policy is written results in an acquittal, the discount shall
8 be allowed either as a refund or as a credit on a subsequent
9 policy.

10 (2) For the purpose of this section, the term
11 "conviction" includes a plea of guilty, a plea of nolo
12 contendere, a finding of guilty by a court, an unvacated
13 forfeiture of bail or collateral deposited to secure a
14 defendant's appearance in court, and a payment by any person
15 charged with a violation of the fine prescribed for the
16 violation.

17 § 1799.5. Limit on surcharges, late penalties and point
18 assignments.

19 (a) Property damage claims.--No surcharge, rate penalty or
20 driver record point assignment shall be made if the aggregate
21 cost to the insurer of repair or replacement of property damaged
22 or bodily injury liability is determined to be less than \$650 in
23 excess of any self-insured retention or deductible applicable to
24 the named insured.

25 (b) First party medical claims.--No surcharge, rate penalty
26 or driver record point assignment shall be made as a result of
27 an insurer paying a first party medical claim.

28 (c) Notice to insured.--If an insurer makes a determination
29 to impose a surcharge, rate penalty or driver record point
30 assignment, the insurer shall inform the named insured of the

1 determination and shall specify the manner in which the
2 surcharge, rate penalty or driver record point assignment was
3 made and clearly identify the amount of the surcharge or rate
4 penalty on the premium notice for as long as the surcharge or
5 rate penalty is in effect.

6 (d) Adjustment of cap.--The Insurance Department, at least
7 once every three years, shall adjust the \$650 cap or limit on
8 the property damage or bodily injury liability surcharge, rate
9 penalty or driver record point assignment scheme relative to
10 changes in the components of the Consumer Price Index (Urban) to
11 measure seasonally adjusted changes in medical care and
12 automobile maintenance and repair costs and shall make such
13 adjustments to the cap or limit as shall be necessary to
14 maintain the same rate of change in the cap or limit as has
15 occurred in the Consumer Price Index (Urban). Such adjustments
16 may be rounded off to the nearest \$50 figure.

17 § 1799.6. Examination of vehicle repairs.

18 Upon request of the insurer, an insurance adjuster shall be
19 afforded a reasonable opportunity to enter a repair facility and
20 examine covered repairs being made to a specific insured's
21 vehicle at a mutually arranged time during regular business
22 hours.

23 § 1799.7. Conduct of market study.

24 (a) Duty of Insurance Department.--The Insurance Department
25 may authorize a market conduct study of private passenger
26 automobile insurers.

27 (b) Purposes of study.--The purposes of the study shall be
28 to:

29 (1) Determine extent of insurer competition.

30 (2) Determine the number of uninsured motorists.

1 (3) Determine extent of insurer profits and losses.

2 (4) Determine if all rate filings are reasonable in
3 terms of statutory and regulatory requirements.

4 (5) Determine the validity of existing rating
5 territories and if rate differentials between or among rating
6 territories is justified by the losses.

7 (6) Determine if the various policies for automobile
8 insurance written in this Commonwealth are available equally
9 to each resident.

10 § 1799.8. Conduct of random field surveys.

11 (a) Authority.--In furtherance of the purposes and goals of
12 section 1799.7 (relating to conduct of market study), the
13 Insurance Department may conduct field surveys in this
14 Commonwealth. The field survey shall:

15 (1) Determine the geographical area to be surveyed.

16 (2) Establish a list of insurance producers in the
17 surveyed area or its immediate neighborhood.

18 (3) Construct hypothetical risk examples and obtain
19 premium quotations.

20 (4) Develop a tentative list of questions for the
21 agents.

22 (5) Interview agents at their offices and obtain premium
23 quotations from the agent for each company represented by
24 that agent.

25 (6) Sort and categorize information.

26 (7) Construct a table displaying quotations by insurer,
27 area and risk.

28 (8) Write a report of the findings.

29 (b) Conjunctive analysis of market study and field survey.--

30 The department may analyze information collected from insurance

1 companies under section 1799.7 in conjunction with information
2 collected from field surveys. This analysis may be ongoing.
3 § 1799.9. Insurance in cities of the first class.

4 (a) Study by the Insurance Department.--On or after the
5 effective date of this section, the Insurance Department shall
6 commence a study of the use of a single carrier for automobile
7 insurance in cities of the first class. The term "single
8 carrier" includes a private insurance company or a public
9 authority or agency specifically created for the implementation
10 of this section. Upon completion, the study shall be delivered
11 to the Majority and Minority Leaders of the Senate and the House
12 of Representatives. The study shall include, at a minimum, the
13 following components:

14 (1) An assessment of the number of uninsured vehicles in
15 cities of the first class.

16 (2) An assessment of the number of insured vehicles in
17 cities of the first class.

18 (3) An analysis of sources of automobile insurance, by
19 company, of vehicles in cities of the first class. The
20 analysis shall include a determination of the number of
21 vehicles insured in cities of the first class in both the
22 voluntary market and the Assigned Risk Plan by each insurance
23 carrier licensed to provide automobile insurance in this
24 Commonwealth.

25 (4) An analysis of the costs to motorists to insure a
26 vehicle in cities of the first class in the voluntary market
27 and through the Assigned Risk Plan.

28 (5) An assessment of the impact of "take-out" provisions
29 on the voluntary market place in cities of the first class.

30 (6) A determination as to the number of lawsuits filed

1 for bodily injury claims; the amount and type of damages
2 requested in such lawsuits; the percentage of claims settled
3 before court and the amount of settlement; the percentage of
4 lawsuits decided by the court and the amount of damages
5 awarded; and the fees charged by lawyers for representing
6 claims.

7 (7) An assessment of the frequency, type and amount of
8 physical damage claims and first party medical payments.

9 (8) A determination as to whether the use of a single
10 carrier in cities of the first class would have a positive
11 financial impact on all motorists in such cities and in this
12 Commonwealth. Such determination shall include an analysis of
13 the use of a public authority or agency as the single carrier
14 and of its potential for providing lower rates when compared
15 to use of a private insurance company as a single carrier. In
16 addition, the determination shall include an analysis of the
17 single carrier program when voluntary participation in the
18 program is permitted in comparison to the benefits of
19 mandatory participation.

20 (9) A legal opinion as to whether the use of a single
21 carrier in cities of the first class is permissible under the
22 Constitution and laws of the Commonwealth.

23 (b) Duties of insurance companies.--Insurance companies
24 licensed in this Commonwealth to write policies of automobile
25 insurance coverage shall cooperate with the Insurance Department
26 study as described in subsection (a). Cooperation shall include,
27 but not be limited to, the provision of information by insurance
28 companies within reasonable time frames as requested by the
29 department, if the information is available, to be used to
30 address the various components of the study described in

1 subsection (a). Such information may be used by the department
2 only for purposes of this study.

3 (c) Implementation of Single Carrier Insurance Program in
4 cities of the first class.--If a study undertaken under
5 subsection (a), section 1799.7 (relating to conduct of market
6 study) or section 1799.8 (relating to conduct of random field
7 surveys) provides information supporting a conclusion that a
8 single carrier in cities of the first class will improve the
9 availability and affordability of automobile insurance in such
10 cities and in this Commonwealth, the Insurance Department may
11 implement the program. If the program is implemented, the
12 Insurance Department shall develop regulations detailing the
13 components and operation of a Single Carrier Insurance Program
14 for cities of the first class and shall contract with a single
15 carrier to implement such a program. The contract must be
16 secured following the request for proposal process used by the
17 Commonwealth to secure goods and services. The request for
18 proposal process shall include a procedure for the
19 prequalification of bidders based on financial ability to
20 administer the program. Any contract signed by the department
21 must include the following provisions:

22 (1) Participation in the program is voluntary by
23 motorists living in cities of the first class unless
24 legislation has been enacted subsequent to this act
25 specifically providing for mandatory participation.

26 (2) All drivers, except those determined to be
27 ineligible as defined in subsection (d), shall be afforded
28 the opportunity to purchase automobile insurance coverage
29 through the program.

30 (3) Preferred provider arrangements or a fee schedule

1 may be developed in the program with service providers for
2 medical benefits; such arrangements shall be accessible to
3 the insureds.

4 (4) For physical damage repair or replacement, the
5 program may provide for a fee schedule or other method to
6 contain costs, as well as a minimum deductible higher than
7 that provided for in this subchapter, but in no case may the
8 minimum deductible be greater than \$1,000.

9 (5) Antifraud mechanisms may be established, including
10 the inspection of physical damage claims, investigation of
11 suspicious claims, and case management for selected medical
12 services.

13 (6) A cancellation clause permitting the single carrier
14 to cancel the contract with 90 days' notice should enrollment
15 in the program fall below a percentage of the vehicles
16 registered in cities of the first class. The percentage shall
17 be established in the contract.

18 (7) The contract shall be valid for a period of not less
19 than five years unless a shorter contract period is proposed
20 by the single carrier.

21 (8) Rates charged in the program shall be lower than
22 rates available in the voluntary market and shall be included
23 in the contract and shall be valid for a period of not less
24 than two years. Rate increases after this period shall be
25 subject to approval as provided in the act of June 11, 1947
26 (P.L.538, No.246), known as The Casualty and Surety Rate
27 Regulatory Act.

28 (d) Ineligible driver.--For purposes of subsection(c), the
29 term "ineligible driver" shall mean a person who meets at least
30 one of the following criteria:

1 (1) The person has, within five years of the date of
2 application for insurance, been convicted of a violation of:

3 (i) section 3731 (relating to driving under the
4 influence of alcohol or a controlled substance);

5 (ii) 18 Pa.C.S. § 4117 (relating to automobile
6 insurance fraud); or

7 (iii) any felony involving the use of a motor
8 vehicle.

9 (2) The person has previously been insured under a motor
10 vehicle insurance policy and has made more than one claim
11 under an insurance policy, within 36 months of the date of
12 application for insurance under this section, arising out of
13 an accident where the insured was found to be substantially
14 at fault, that is, more than 50%, and where a payment was
15 made by the insurer that exceeded 50% of the annual premium
16 for the policy of insurance.

17 (3) The person's operating privilege has been suspended
18 or revoked within the preceding 36-month period.

19 (4) The person's driving record shows six or more points
20 assessed under section 1535 (relating to schedule of
21 convictions and points) for violations that occurred within
22 36 months of the date of application for insurance under this
23 section.

24 Section 18. Section 1960 of Title 75 is amended to read:

25 § 1960. Reinstatement of operating privilege or vehicle
26 registration.

27 The department shall charge a fee of \$25 or, if section
28 1786(c) (relating to required financial responsibility) applies,
29 a fee of \$50 to restore a person's operating privilege or the
30 registration of a vehicle following a suspension or revocation.

1 Section 19. Title 75 is amended is amended by adding a
2 section to read:

3 § 3731.1. Operators of commercial vehicles.

4 (a) Additional offense defined.--A person may not drive,
5 operate or be in actual physical control of the movement of a
6 commercial vehicle when the amount of alcohol by weight in the
7 blood of the person is 0.04% or greater.

8 (b) Disqualification.--Upon receipt of a certified copy of a
9 conviction of a violation of this section, the department shall
10 disqualify the person from driving a commercial motor vehicle
11 for a period of one year. Two or more convictions of a violation
12 of this section shall result in the department disqualifying the
13 person from driving a commercial motor vehicle, as provided in
14 49 C.F.R. § 383.51 (relating to disqualification of drivers).

15 (c) Definitions.--As used in this section, "commercial
16 vehicle" means any of the following:

17 (1) A vehicle with a gross vehicle weight rating of
18 26,001 or more pounds.

19 (2) A combination of vehicles with a gross combination
20 weight rating of 26,001 or more pounds, including the gross
21 vehicle weight rating of the towed unit or units.

22 (3) A vehicle which is designed to transport 16 or more
23 passengers, including the driver.

24 (4) A vehicle which is transporting hazardous material
25 and which is required to be placarded for hazardous
26 materials.

27 Section 20. Section 4703(d) of Title 75 is amended to read:
28 § 4703. Operation of vehicle without official certificate of
29 inspection.

30 * * *

1 (d) Newly-purchased vehicles.--Newly-purchased vehicles may
2 be driven without a current inspection certificate for [five]
3 ten days after sale or resale or entry into this Commonwealth,
4 whichever occurs later.

5 * * *

6 Section 21. Section 4727 of Title 75 is amended by adding a
7 subsection to read:

8 § 4727. Issuance of certificate of inspection.

9 * * *

10 (d) Proof of insurance.--No certificate of inspection shall
11 be issued unless a financial responsibility identification card
12 indicating proper proof of financial responsibility as required
13 by law is submitted to the inspection official, who shall, on a
14 form provided by the department, keep a record of the name of
15 the insured, the vehicle tag number, the issuing company, the
16 policy number, and the expiration date. In those cases where the
17 insured fails to present proof of financial responsibility to
18 the inspection official, the inspection official, in addition to
19 denying a certificate of inspection, may provide notification to
20 the department on the form provided by the department within 30
21 days of the insured's failure to present proof of financial
22 responsibility.

23 Section 22. Section 6104 of Title 75 is amended by adding a
24 subsection to read:

25 § 6104. Administrative duties of department.

26 * * *

27 (f) Furnishing information to municipal police departments
28 and sheriffs' offices.--The department shall regularly transmit
29 to each municipal police department and sheriff's office a list
30 of the names of persons residing within its jurisdiction whose

1 operating privilege or registration has been suspended or
2 revoked.

3 Section 23. Title 75 is amended by adding a section to read:
4 § 6308.1. Payment to police or sheriff's office of one-half of
5 reinstatement fee.

6 The police department or sheriff's office whose officers or
7 deputies seize a suspended or revoked driver's license or
8 vehicle registration shall, in every case where the driver's
9 license or vehicle registration is reinstated, receive from the
10 department one-half of the fee imposed under section 1960
11 (relating to reinstatement of operating privilege or vehicle
12 registration).

13 Section 24. (a) Rate freeze.--In order to provide stability
14 during the period of transition leading up to the effective date
15 of the amendments to 75 Pa.C.S. Ch. 17 (relating to financial
16 responsibility) and to assure fair and equitable treatment of
17 insurer and insurers, it is in the best interest of the
18 Commonwealth to temporarily suspend the adoption of new rates.
19 Notwithstanding any provisions to the contrary, all rates
20 approved prior to December 1, 1989, and in effect as of that
21 date may not be changed until June 1, 1990. Any rate requests
22 filed with the Insurance Department and not approved as of
23 December 1, 1989, shall be disapproved as being in conflict with
24 this act.

25 (b) Rate filing.--All insurers subject to 75 Pa.C.S. Ch. 17
26 shall file for new rates in compliance with subsections (c) and
27 (d) by May 15, 1990. The rates shall be effective for one year,
28 beginning June 1, 1990. A filing with an effective date after
29 May 31, 1990, but before May 31, 1991, under section 4 of the
30 act of June 11, 1947 (P.L.538, No.246), known as The Casualty

1 and Surety Rate Regulatory Act, shall become effective
2 immediately upon its filing and is deemed to comply with that
3 act unless disapproved by the Insurance Commissioner under the
4 procedures described in section 5 of that act. This subsection
5 is limited to two filings per coverage. This subsection
6 supersedes the prior approval requirements of The Casualty and
7 Surety Rate Regulatory Act and regulations promulgated under
8 that act insofar as they are inconsistent with this act.

9 (c) Rate rollback.--Total premiums charged by any insurer
10 for an insured during the first 12-month period following the
11 effective date of this act shall be reduced from the rates in
12 effect on December 1, 1989, by 20% for a good driver as defined
13 in 75 Pa.C.S. § 1799.4 (relating to good driver discount). Total
14 premiums for an insured who does not meet the conditions of 75
15 Pa.C.S. § 1799.4 shall be reduced by 10%.

16 (d) Additional premium reductions.--Notwithstanding any
17 other provisions of this act to the contrary, in addition to
18 reductions provided in subsection (c) based on the premium
19 reduction requirements contained in section 8 (75 Pa.C.S. §§
20 1711, 1712 and 1731), section 16 (75 Pa.C.S. § 1792) and section
21 17 (75 Pa.C.S. §§ 1799.1, 1799.2 and 1799.3), the premiums for
22 an insured shall be reduced up to a total of at least 30%. An
23 insured who elects to purchase coverages as specified in those
24 sections shall receive a reduction commensurate with the
25 election.

26 (e) Rate increase justification.--Total premiums charged by
27 an insurer for an insured during the second 12-month period
28 following the effective date of this act may not be increased
29 over the rates in effect on May 31, 1991, by an amount greater
30 than that indicated by an increase in the Consumer Price Index,

1 the cost of medical care services, the cost of automobile
2 repairs or other cost increases affecting automobile insurance.
3 By March 1, 1991, the Insurance Commissioner shall promulgate
4 regulations containing the criteria which shall be used by
5 insurers to justify any rate increases during that time period.

6 (f) Provision for insolvency.--The Insurance Commissioner,
7 after due notice and hearing, shall permit rate reductions
8 lesser than those indicated in this section upon demonstration
9 by an insurer that the rate reductions provided for in this
10 section will result in insolvency of the insurer.

11 Section 25. (a) Insurers shall provide the following notice
12 all policyholders no later than June 1, 1990:

13 IMPORTANT NOTICE

14 CHANGES IN REQUIRED INSURANCE BENEFITS

15 As a result of the Pennsylvania General Assembly's recent
16 amendment to the Motor Vehicle Financial Responsibility
17 Law, as of June 1, 1990, a number of automobile insurance
18 coverages which you previously were required to purchase
19 are now optional. These optional coverages are wage loss
20 coverage, accidental death coverage, funeral expense
21 benefits and uninsured/underinsured motorist coverage. In
22 addition, the required medical benefit has been reduced
23 to \$5,000. The recent amendment also provides discounts
24 for policyholders who have vehicles with certain passive
25 restraint systems and antitheft devices. Please contact
26 your agent for additional information.

27 (b) Insurers shall provide a notice to all policyholders
28 upon application or renewal stating that discounts are available
29 for drivers who meet the requirements of 75 Pa.C.S. §§ 1799.1
30 (relating to restraint system), 1799.2 (relating to antitheft

1 devices), 1799.3 (relating to driver improvement course
2 discounts) and 1799.4 (relating to good driver discount).

3 Section 26. The Insurance Department and the Department of
4 Transportation shall promulgate regulations to the extent
5 necessary to carry out the provisions of sections 1 (18 Pa.C.S.
6 § 911(h)), 2 (18 Pa.C.S. § 4117), 4 (75 Pa.C.S. §§ 1305 and
7 1306), 6 (75 Pa.C.S. §§ 1376 and 1540) and 14 (75 Pa.C.S. §
8 1786).

9 Section 27. (a) Section 349 of the act of May 17, 1921
10 (P.L.682, No.284), known as The Insurance Company Law of 1921 is
11 repealed insofar as it is inconsistent with this act.

12 (b) Sections 604 and 623 of the act of May 17, 1921
13 (P.L.789, No.285), known as The Insurance Department Act of one
14 thousand nine hundred and twenty-one are repealed.

15 Section 28. This act shall take effect as follows:

16 (1) Sections 24, 25, 26 and this section shall take
17 effect immediately.

18 (2) Section 17 (75 Pa.C.S. §§ 1799.7, 1799.8 and 1799.9)
19 shall take effect in 60 days. June 1, 1990, or immediately,
20 whichever is later.

21 (3) Section 16 (75 Pa.C.S. § 1797) shall take effect
22 April 1, 1990, or immediately, whichever is later.

23 (4) Section 19 (75 Pa.C.S. § 3731.1) shall take effect
24 April 1, 1992.

25 (5) The following sections shall take effect March 1,
26 1990:

27 (i) Section 1 (18 Pa.C.S. § 911(h)).

28 (ii) Section 2 (18 Pa.C.S. § 4117).

29 (iii) Section 3 (42 Pa.C.S. § 8355).

30 (iv) Section 4 (75 Pa.C.S. §§ 1305 and 1306).

- 1 (v) Section 5 (75 Pa.C.S. § 1318).
- 2 (vi) Section 6 (75 Pa.C.S. §§ 1376 and 1540(c)).
- 3 (vii) Section 13 (75 Pa.C.S. § 1782).
- 4 (viii) Section 14 (75 Pa.C.S. § 1786).
- 5 (ix) Section 18 (75 Pa.C.S. § 1960).
- 6 (x) Section 21 (75 Pa.C.S. § 4727).
- 7 (xi) Section 22 (75 Pa.C.S. § 6104).
- 8 (xii) Section 23 (75 Pa.C.S. § 6308.1).
- 9 (6) The remainder of this act shall take effect June 1,
- 10 1990, or immediately, whichever is later.