

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 274 Session of  
1989

INTRODUCED BY STOUT, CORMAN, STAPLETON, PETERSON, SALVATORE,  
LINCOLN AND ANDREZESKI, JANUARY 24, 1989

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 26, 1989

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, CREATING THE CATASTROPHIC LOSS BENEFITS <—  
3 CONTINUATION FUND FOR PAYMENT OF CERTAIN CATASTROPHIC LOSS  
4 BENEFITS; PROVIDING FOR SURCHARGES FOR CERTAIN OFFENSES TO  
5 PROVIDE MONEYS FOR THE FUND; AND further providing for  
6 conditions of permits.

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

9 ~~Section 1. Sections 1945(a) and 4962(f) of Title 75 of the~~ <—  
10 ~~Pennsylvania Consolidated Statutes are amended to read:~~

11 SECTION 1. SECTION 1798.2(A) OF TITLE 75 OF THE PENNSYLVANIA <—  
12 CONSOLIDATED STATUTES, ADDED APRIL 26, 1989 (P.L.13, NO.4), IS  
13 AMENDED TO READ:

14 § 1798.2. TRANSITION.

15 (A) SAVINGS PROVISION.--NOTWITHSTANDING THE REPEAL OF  
16 SUBCHAPTER F (RELATING TO CATASTROPHIC LOSS TRUST FUND) BY THE  
17 ACT OF DECEMBER 12, 1988 (P.L.1120, NO.144), ALL NATURAL PERSONS  
18 WHO SUFFER OR SUFFERED A CATASTROPHIC LOSS PRIOR TO JUNE 1,

1 1989, OR WHO MAY SUFFER A CATASTROPHIC LOSS DURING THE  
2 REGISTRATION YEAR FOR WHICH PAYMENT WAS MADE IN ACCORDANCE WITH  
3 FORMER SECTION 1762 (RELATING TO FUNDING), RESPECTIVELY, SHALL  
4 CONTINUE TO RECEIVE, OR BE ELIGIBLE TO RECEIVE, CATASTROPHIC  
5 LOSS BENEFITS AS IF SUBCHAPTER F HAD NOT BEEN REPEALED. TO  
6 ENSURE THE ADMINISTRATION AND DELIVERY OF CATASTROPHIC LOSS  
7 BENEFITS TO ELIGIBLE CLAIMANTS, ALL POWERS AND DUTIES PREVIOUSLY  
8 IMPOSED ON THE CATASTROPHIC LOSS TRUST FUND BOARD UNDER  
9 SUBCHAPTER F ARE HEREBY TRANSFERRED TO THE INSURANCE  
10 COMMISSIONER. [FOR THE PURPOSES OF THIS SECTION, THE  
11 CATASTROPHIC LOSS TRUST FUND SHALL CONTINUE TO EXIST,  
12 NOTWITHSTANDING THE REPEAL OF SECTION 1764 (RELATING TO  
13 CATASTROPHIC LOSS TRUST FUND).]

14 \* \* \*

15 SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:  
16 § 1798.4. CATASTROPHIC LOSS BENEFITS CONTINUATION FUND.

17 (A) CREATION.--THE CATASTROPHIC LOSS BENEFITS CONTINUATION  
18 FUND IS HEREBY CREATED TO PROVIDE FUNDS NECESSARY TO PAY  
19 CATASTROPHIC LOSS BENEFITS UNDER SECTION 1798.2 (RELATING TO  
20 TRANSITION).

21 (B) COMPOSITION.--THE CATASTROPHIC LOSS BENEFITS  
22 CONTINUATION FUND SHALL BE COMPOSED OF FUNDS TRANSFERRED FROM  
23 THE CATASTROPHIC LOSS TRUST FUND, FUNDS CONTRIBUTED PURSUANT TO  
24 SECTION 6506 (RELATING TO SURCHARGE) AND FUNDS EARNED BY THE  
25 INVESTMENT AND REINVESTMENT OF SUCH FUNDS. THE FUNDS SHALL BE  
26 HELD IN TRUST, BE DEPOSITED IN A SEPARATE ACCOUNT AND BE THE  
27 SOLE AND EXCLUSIVE SOURCE OF FUNDS FOR THE PAYMENT OF  
28 CATASTROPHIC LOSS BENEFITS UNDER SECTION 1798.2 AND THE  
29 ADMINISTRATION OF THE CATASTROPHIC LOSS BENEFITS CONTINUATION  
30 FUND.

1        (C) SEPARATION FROM GENERAL FUND AND MOTOR LICENSE FUND.--  
2 THE FUND AND ALL INCOME EARNED BY IT SHALL NOT BECOME PART OF  
3 THE GENERAL FUND OR MOTOR LICENSE FUND. NO OBLIGATIONS OR  
4 EXPENSES OF OR CLAIM AGAINST THE CATASTROPHIC LOSS TRUST FUND OR  
5 THE CATASTROPHIC LOSS BENEFITS CONTINUATION FUND SHALL  
6 CONSTITUTE A DEBT OF THE COMMONWEALTH OR A CHARGE AGAINST THE  
7 GENERAL FUND OR MOTOR LICENSE FUND.

8        SECTION 3. SECTIONS 1945(A) AND 4962(F) OF TITLE 75 ARE  
9 AMENDED TO READ:

10 § 1945. Books of permits.

11        (a) General rule.--Upon request, permits for movement of  
12 oversize vehicles or loads, the dimensions of which do not  
13 exceed those specified by the department, will be issued in  
14 booklet form, containing a convenient number of permits. For  
15 each movement, one permit shall be removed from the booklet,  
16 dated, trip data entered and [securely affixed to the vehicle or  
17 load] carried in the towing vehicle.

18        \* \* \*

19 § 4962. Conditions of permits and security for damages.

20        \* \* \*

21        (f) When loads permitted.--Only vehicles and combinations  
22 permitted under the following provisions shall be authorized to  
23 carry or haul loads while operating under the permit:

24            Section 4961(a)(6) (relating to authority to issue  
25 permits).

26            Section 4965(2) (relating to single permits for multiple  
27 highway crossings).

28            Section 4969 (relating to permit for movement of vehicles  
29 with oversize wheels and tires).

30            Section 4970(b) (relating to permit for movement of

1 construction equipment).

2 Section 4971 (relating to permit for operation of  
3 chemical and fertilizer vehicles).

4 [Section 4972 (relating to permits for migrant farm  
5 vehicles).]

6 ~~Section 2. This act shall take effect in 60 days.~~ <—

7 SECTION 4. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: <—

8 § 6506. SURCHARGE.

9 (A) LEVY AND IMPOSITION.--IN ADDITION TO ANY FINES, FEES OR  
10 PENALTIES LEVIED OR IMPOSED AS PROVIDED BY LAW, UNDER THIS TITLE  
11 OR ANY OTHER STATUTE, A SURCHARGE SHALL BE LEVIED FOR  
12 DISPOSITION IN ACCORDANCE WITH SUBSECTION (B) AS FOLLOWS:

13 (1) UPON CONVICTION FOR ANY VIOLATION OF THE PROVISIONS  
14 OF THIS TITLE OR OTHER STATUTE OF THE COMMONWEALTH, OR  
15 REGULATIONS PROMULGATED UNDER THIS TITLE, WHICH IS A TRAFFIC  
16 VIOLATION AND WHICH IS NOT INCLUDED WITHIN THE PROVISIONS OF  
17 PARAGRAPHS (2) THROUGH (7), EXCLUSIVE OF PARKING OFFENSES, A  
18 SURCHARGE OF \$30.

19 (2) UPON CONVICTION FOR A VIOLATION OF THE FOLLOWING  
20 PROVISIONS OF THIS TITLE, A SURCHARGE OF \$40:

21 (I) SECTION 3306(A)(1) (RELATING TO LIMITATIONS ON  
22 DRIVING ON LEFT SIDE OF ROADWAY)).

23 (II) SECTION 3745 (RELATING TO ACCIDENTS INVOLVING  
24 DAMAGE TO UNATTENDED VEHICLE OR PROPERTY)).

25 (3) UPON CONVICTION FOR A VIOLATION OF SECTION 3345(A)  
26 (RELATING TO MEETING OR OVERTAKING SCHOOL BUS), A SURCHARGE  
27 OF \$50.

28 (4) UPON CONVICTION FOR A VIOLATION OF SECTION 3362  
29 (RELATING TO MAXIMUM SPEED LIMITS), THE FOLLOWING APPLICABLE  
30 SURCHARGE:

1           (I) \$30 FOR EXCEEDING THE MAXIMUM SPEED LIMIT BY 6  
2           TO 10 MILES PER HOUR OR 11 TO 15 MILES PER HOUR.

3           (II) \$40 FOR EXCEEDING THE MAXIMUM SPEED LIMIT BY 16  
4           TO 25 MILES PER HOUR.

5           (III) \$50 FOR EXCEEDING THE MAXIMUM SPEED LIMIT BY  
6           AT LEAST 26 MILES PER HOUR.

7           (5) UPON CONVICTION FOR VIOLATION OF SECTION 4902  
8           (RELATING TO RESTRICTIONS ON USE OF HIGHWAYS AND BRIDGES),  
9           SUBCHAPTER C OF CHAPTER 49 (RELATING TO MAXIMUM WEIGHTS OF  
10           VEHICLES) OR SUBCHAPTER E OF CHAPTER 49 (RELATING TO  
11           MEASURING AND ADJUSTING VEHICLE SIZE AND WEIGHT), A SURCHARGE  
12           OF \$150.

13           (6) UPON CONVICTION FOR VIOLATION OF CHAPTER 47  
14           (RELATING TO INSPECTION OF VEHICLES), BY THE OWNER OR  
15           OPERATOR OR DRIVER OF A VEHICLE WHICH IS SUBJECT TO THE  
16           PROVISIONS OF CHAPTER 49 (RELATING TO SIZE, WEIGHT AND LOAD),  
17           A SURCHARGE OF \$30.

18           (7) UPON CONVICTION OF OFFENSES UNDER SECTION 3731  
19           (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
20           SUBSTANCE), OR UPON ADMISSION TO PROGRAMS FOR ACCELERATED  
21           REHABILITATIVE DISPOSITION FOR OFFENSES ENUMERATED IN SECTION  
22           3731, A SURCHARGE, RESPECTIVELY, OF:

23           (I) \$50 FOR THE FIRST OFFENSE.

24           (II) \$100 FOR THE SECOND OFFENSE.

25           (III) \$200 FOR THE THIRD OFFENSE.

26           (IV) \$300 FOR THE FOURTH AND SUBSEQUENT OFFENSES.

27           (B) DISPOSITION.--NOTWITHSTANDING THE PROVISIONS OF 42  
28           PA.C.S. §§ 3571 (RELATING TO COMMONWEALTH PORTION OF FINES,  
29           ETC.) AND 3573 (RELATING TO MUNICIPAL CORPORATION PORTION OF  
30           FINES, ETC.), ALL SURCHARGES LEVIED AND COLLECTED UNDER

1 SUBSECTION (A) BY ANY DIVISION OF THE UNIFIED JUDICIAL SYSTEM  
2 EXISTING UNDER SECTION 1 OF ARTICLE V OF THE CONSTITUTION OF  
3 PENNSYLVANIA AND 42 PA.C.S. § 301 (RELATING TO UNIFIED JUDICIAL  
4 SYSTEM) SHALL BE REMITTED TO THE COMMONWEALTH FOR DEPOSIT IN THE  
5 CATASTROPHIC LOSS BENEFITS CONTINUATION FUND FOR THE PURPOSE OF  
6 FUNDING CATASTROPHIC LOSS BENEFITS IN ACCORDANCE WITH SECTION  
7 1798.2 (RELATING TO TRANSITION). IF THE SURCHARGE IS BEING PAID  
8 IN INSTALLMENTS, THE SURCHARGE SHALL BE REMITTED ON EACH  
9 INSTALLMENT. THE SURCHARGES LEVIED AND COLLECTED UNDER  
10 SUBSECTION (A) SHALL NOT BE DEPOSITED FOR THE CREDIT OR USE OF,  
11 OR OTHERWISE ALLOCATED, DIRECTED OR PAID TO, COUNTIES OR  
12 MUNICIPALITIES UNDER THE PROVISIONS OF 42 PA.C.S. CH. 35 SUBCH.  
13 E (RELATING TO FINES, ETC.), OR ANY OTHER STATUTE, THE CRIME  
14 VICTIM'S COMPENSATION BOARD UNDER SECTION 477.15(B) OF THE ACT  
15 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE  
16 CODE OF 1929, THE COMMISSION ON CRIME AND DELINQUENCY FOR  
17 VICTIM-WITNESS SERVICES GRANTS UNDER SECTION 477.15(C) OF THE  
18 ADMINISTRATIVE CODE OF 1929, RAPE CRISIS CENTERS, THE EMERGENCY  
19 MEDICAL SERVICES OPERATING FUND, DOMESTIC VIOLENCE SHELTERS, THE  
20 JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT ESTABLISHED UNDER  
21 42 PA.C.S. CH. 37 SUBCH. C (RELATING TO JUDICIAL COMPUTER  
22 SYSTEM), OR UNDER ANY OTHER STATUTE.

23       SECTION 5. ALL FUNDS IN THE CATASTROPHIC LOSS TRUST FUND  
24 REPEALED BY THE ACT OF DECEMBER 12, 1988 (P.L.1120, NO.144),  
25 ENTITLED "AN ACT AMENDING TITLE 75 (VEHICLES) OF THE  
26 PENNSYLVANIA CONSOLIDATED STATUTES, ABOLISHING THE CATASTROPHIC  
27 LOSS TRUST FUND," ARE HEREBY TRANSFERRED TO THE CATASTROPHIC  
28 LOSS BENEFITS CONTINUATION FUND CREATED BY THIS ACT.

29       SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

30           (1) SECTION 3 (SECTIONS 1945 (A) AND 4962(F)) SHALL TAKE

1       EFFECT IN 60 DAYS.

2           (2)   SECTION 4 (SECTION 6506) SHALL TAKE EFFECT JULY 1,  
3   1989.

4           (3)   THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
5   IMMEDIATELY.