

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.

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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:

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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:

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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5 LOSS BENEFITS AS IF SUBCHAPTER F HAD NOT BEEN REPEALED.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.