

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1712 Session of
1995

INTRODUCED BY PHILLIPS, MARKOSEK, STISH, LYNCH, BAKER, FICHTER,
M. N. WRIGHT, LEH, STABACK, TRUE, SAYLOR, SATHER, SERAFINI,
TRELLO, STETLER, ARMSTRONG, HENNESSEY, MERRY, MARSICO,
SEMMELE, YOUNGBLOOD, EGOLF, HESS, BROWNE AND ITKIN,
JUNE 7, 1995

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 24, 1996

AN ACT

1 Amending Title TITLES 74 (TRANSPORTATION) AND 75 (Vehicles) of <—
2 the Pennsylvania Consolidated Statutes, PROVIDING FOR THE <—
3 DESIGNATION OF CERTAIN SCENIC BYWAYS; further providing for <—
4 definitions, FOR APPLICATION FOR CERTIFICATE OF TITLE BY <—
5 AGENT, for vehicle registration periods of less than one year
6 and, FOR TEMPORARY REGISTRATION CARDS, FOR DUTIES OF AGENTS, <—
7 FOR SUSPENSION OR REVOCATION OF VEHICLE BUSINESS REGISTRATION
8 PLATES, FOR FINANCIAL RESPONSIBILITY, FOR A STEELWORKER
9 REGISTRATION PLATE, FOR CHEMICAL TESTING TO DETERMINE AMOUNT
10 OF ALCOHOL OR CONTROLLED SUBSTANCE, FOR COMMERCIAL DRIVERS'
11 LICENSES, FOR ANNUAL HAULING PERMIT, for exemptions from the
12 motorbus MOTOR CARRIERS road tax; PROVIDING FOR PROHIBITING <—
13 MINORS FROM OPERATING WITH ANY ALCOHOL IN THEIR SYSTEMS;
14 FURTHER PROVIDING FOR DRIVING UNDER INFLUENCE OF ALCOHOL OR
15 CONTROLLED SUBSTANCE, FOR HOMICIDE BY VEHICLE WHILE DRIVING
16 UNDER THE INFLUENCE, FOR ACCIDENTS INVOLVING DEATH OR
17 PERSONAL INJURY WHILE NOT PROPERLY LICENSED, FOR SEMIANNUAL
18 VEHICLE INSPECTIONS, FOR ISSUANCE OF CERTIFICATE OF
19 INSPECTION AND FOR CONDITIONS OF PERMITS AND SECURITY FOR
20 DAMAGES; PROVIDING FOR MOVEMENT OF WOODEN STRUCTURES; FURTHER
21 PROVIDING FOR AUTHORIZATION OF SALVORS; PROVIDING FOR
22 INSTALLING PILOT PROGRAMS FOR MOTOR VEHICLE LICENSE
23 TRANSACTIONS; AND MAKING A REPEAL.

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

26 Section 1. ~~The definition of "emergency vehicle" in section~~ <—

1 ~~102 of Title 75 of the Pennsylvania Consolidated Statutes is~~
2 ~~amended to read:~~

3 ~~§ 102. Definitions.~~

4 ~~Subject to additional definitions contained in subsequent~~
5 ~~provisions of this title which are applicable to specific~~
6 ~~provisions of this title, the following words and phrases when~~
7 ~~used in this title shall have, unless the context clearly~~
8 ~~indicates otherwise, the meanings given to them in this section:~~

9 ~~* * *~~

10 ~~"Emergency vehicle." A fire department vehicle, police~~
11 ~~vehicle, sheriff vehicle, ambulance, blood delivery vehicle,~~
12 ~~hazardous material response vehicle, armed forces emergency~~
13 ~~vehicle, one vehicle operated by a coroner or chief county~~
14 ~~medical examiner and one vehicle operated by a chief deputy~~
15 ~~coroner or deputy chief county medical examiner used for~~
16 ~~answering emergency calls, or any other vehicle designated by~~
17 ~~the State Police under section 6106 (relating to designation of~~
18 ~~emergency vehicles by Pennsylvania State Police), or a privately~~
19 ~~owned vehicle used in answering an emergency call when used by~~
20 ~~any of the following:~~

21 ~~(1) A police chief and assistant chief.~~

22 ~~(2) A fire chief, assistant chief and, when a fire~~
23 ~~company has three or more fire vehicles, a second or third~~
24 ~~assistant chief.~~

25 ~~(3) A fire police captain and fire police lieutenant.~~

26 ~~(4) An ambulance corps commander and assistant~~
27 ~~commander.~~

28 ~~(5) A river rescue commander and assistant commander.~~

29 ~~(6) A county emergency management coordinator.~~

30 ~~(7) A fire marshal.~~

1 ~~(8) A rescue service chief and assistant chief.~~

2 * * *

3 SECTION 1. SECTION 8301 HEADING AND (A) OF TITLE 74 OF THE <—
4 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

5 § 8301. DESIGNATION OF [STATE ROUTE 476 AS SCENIC BYWAY.

6 (A) GENERAL RULE.--BECAUSE OF ITS OUTSTANDING SCENIC,
7 HISTORIC, RECREATIONAL, CULTURAL AND ARCHEOLOGICAL
8 CHARACTERISTICS, STATE ROUTE 476, COMMONLY KNOWN AS THE BLUE
9 ROUTE, IS DESIGNATED AS A SCENIC BYWAY.] CERTAIN STATE ROUTES AS
10 SCENIC BYWAYS.

11 (A) GENERAL RULE.--BECAUSE OF THEIR OUTSTANDING SCENIC,
12 HISTORIC, NATURAL, RECREATIONAL AND ARCHEOLOGICAL
13 CHARACTERISTICS AND QUALITIES, AND BECAUSE OF OPPORTUNITIES FOR
14 ECONOMIC DEVELOPMENT AND TOURISM AND FOR CONSERVATION OF THE
15 OUTSTANDING QUALITIES, THE FOLLOWING ARE DESIGNATED AS SCENIC
16 BYWAYS:

17 (1) STATE ROUTE 476, COMMONLY KNOWN AS THE BLUE ROUTE.

18 (2) STATE ROUTE 711 FROM THE CONEMAUGH RIVER TO JONES
19 MILLS CONTINUING ALONG ROUTES 711/381 SOUTH TO NORMALVILLE
20 AND ALONG ROUTE 381 TO THE STATE LINE OF WEST VIRGINIA,
21 COMMONLY REFERRED TO AS THE LAUREL HIGHLANDS SCENIC BYWAY.

22 (3) STATE ROUTE 40 FROM THE BORDER OF PENNSYLVANIA AND
23 MARYLAND TO THE BORDER OF PENNSYLVANIA AND WEST VIRGINIA,
24 COMMONLY REFERRED TO AS THE NATIONAL ROAD.

25 * * *

26 SECTION 2. SECTION 1119(C) OF TITLE 75 IS AMENDED TO READ:

27 § 1119. APPLICATION FOR CERTIFICATE OF TITLE BY AGENT.

28 * * *

29 (C) PERSONS AUTHORIZED TO HOLD CERTIFICATE.--

30 (1) NO PERSON SHALL RECEIVE, OBTAIN OR HOLD A

1 CERTIFICATE OF TITLE RECORDED IN THE NAME OF ANOTHER PERSON
2 FOR THE OTHER PERSON WHO IS NOT IN THE REGULAR EMPLOY OF, OR
3 NOT A MEMBER OF THE FAMILY OF, THE OTHER PERSON[, UNLESS THE
4 PERSON RECEIVING, OBTAINING OR HOLDING THE CERTIFICATE OF
5 TITLE HAS A VALID UNDISCHARGED LIEN RECORDED IN THE
6 DEPARTMENT AGAINST THE VEHICLE REPRESENTED BY THE CERTIFICATE
7 OF TITLE].

8 (2) THE FOLLOWING PERSONS ARE EXEMPT FROM THE
9 LIMITATIONS OF PARAGRAPH (1):

10 (I) A LIENHOLDER WHO HAS A VALID UNDISCHARGED LIEN
11 RECORDED IN THE DEPARTMENT AGAINST THE VEHICLE
12 REPRESENTED BY THE CERTIFICATE OF TITLE.

13 (II) A VEHICLE AUCTION, LICENSED BY THE STATE BOARD
14 OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS, WHEN
15 OFFERING VEHICLES FOR SALE.

16 (III) A VEHICLE DEALER, LICENSED BY THE STATE BOARD
17 OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS,
18 OFFERING A VEHICLE FOR SALE PURSUANT TO A WRITTEN
19 CONSIGNMENT AGREEMENT WITH THE TRANSFEROR.

20 * * *

21 Section 2 3. Section 1307 of Title 75 is amended by adding a <—
22 subsection to read:

23 § 1307. Period of registration.

24 * * *

25 (a.1) Seasonal registration.--Upon application on a form
26 prescribed by the department, the owner or lessee of a passenger
27 car, motorcycle, truck or farm vehicle which does not have a
28 gross vehicle weight rating of more than 9,000 pounds may
29 register the vehicle with the department for a period of
30 successive months of less than one year. The applicant shall

1 specify the period of months during which the vehicle shall be
2 registered. Except when the department initially converts a
3 currently valid annual registration to a seasonal registration,
4 the annual fee prescribed for the vehicle by Chapter 19
5 (relating to fees) shall be paid in full by the applicant
6 regardless of the number of months chosen for registration by
7 the applicant. Upon receipt of the appropriate fee and the
8 properly completed form, including all information required by
9 this chapter, the department shall issue a seasonal registration
10 that shall expire on the last day of the expiration month chosen
11 by the registrant. NO INSURER OF A VEHICLE BELONGING TO ANY <—
12 OWNER OR LESSEE WHO OBTAINS A SEASONAL REGISTRATION AND WHO
13 APPLIES FOR OR RECEIVES A REDUCED AUTOMOBILE INSURANCE PREMIUM
14 ON ACCOUNT THEREOF SHALL BE REQUIRED TO PROVIDE ANY CONTRACTUAL
15 COVERAGE, WHETHER IN THE FORM OF THE PROVISION OF A DEFENSE OR
16 THE PAYMENT OF FIRST-PARTY OR THIRD-PARTY BENEFITS OR OTHERWISE,
17 TO THE OWNER OR LESSEE IN CONNECTION WITH ANY EVENT OCCURRING
18 DURING THAT PART OF THE YEAR IN WHICH THE VEHICLE IS NOT
19 REGISTERED; AND SUCH OWNER OR LESSEE SHALL BE TREATED FOR ALL
20 PURPOSES, INCLUDING, WITHOUT LIMITATION, ASCERTAINING RIGHTS TO
21 STACK COVERAGES AND TO UNINSURED AND UNDERINSURED MOTORIST
22 COVERAGE, AS A PERSON WHO DOES NOT OWN THAT VEHICLE AND HAS NO
23 DUTY TO CARRY FINANCIAL RESPONSIBILITY ON IT FOR THAT PART OF
24 THE YEAR.

25 * * *

26 SECTION 4. SECTIONS 1310(A) AND 1318 OF TITLE 75 ARE AMENDED <—
27 TO READ:

28 § 1310. TEMPORARY REGISTRATION CARDS.

29 (A) GENERAL RULE.--THE DEPARTMENT SHALL PROVIDE TEMPORARY
30 REGISTRATION CARDS FOR USE PENDING ISSUANCE OR TRANSFER OF

1 PERMANENT REGISTRATION CARDS. TEMPORARY REGISTRATION CARDS AND
2 PLATES MAY BE DELIVERED TO DESIGNATED AGENTS WHO SHALL HAVE THE
3 AUTHORITY TO ISSUE THEM IN ACCORDANCE WITH REGULATIONS
4 PROMULGATED BY THE DEPARTMENT. WHEN DETERMINING WHETHER TO
5 SUSPEND, REVOKE OR IMPOSE A MONETARY PENALTY UPON AN AGENT, THE
6 DEPARTMENT MAY CONSIDER RELEVANT MITIGATING EVENTS.

7 * * *

8 § 1318. DUTIES OF AGENTS.

9 (A) VERIFICATION OF FINANCIAL RESPONSIBILITY.--AN AGENT OF
10 THE DEPARTMENT OF TRANSPORTATION WHO IS AUTHORIZED TO ISSUE ON
11 BEHALF OF THE DEPARTMENT A VEHICLE REGISTRATION RENEWAL OR
12 TEMPORARY REGISTRATION SHALL BE REQUIRED TO VERIFY FINANCIAL
13 RESPONSIBILITY PRIOR TO ISSUANCE.

14 (B) PROOF.--PROOF OF FINANCIAL RESPONSIBILITY SHALL BE
15 VERIFIED BY EXAMINING ONE OF THE FOLLOWING DOCUMENTS:

16 (1) AN IDENTIFICATION CARD AS REQUIRED BY REGULATIONS
17 PROMULGATED BY THE INSURANCE DEPARTMENT.

18 (2) THE DECLARATION PAGE OF AN INSURANCE POLICY.

19 (3) A CERTIFICATE OF FINANCIAL RESPONSIBILITY.

20 (4) A VALID BINDER OF INSURANCE ISSUED BY AN INSURANCE
21 COMPANY LICENSED TO SELL MOTOR VEHICLE LIABILITY INSURANCE IN
22 PENNSYLVANIA.

23 (5) A LEGIBLE PHOTOCOPY, FACSIMILE OR PRINTOUT OF AN
24 ELECTRONIC TRANSMISSION OF A DOCUMENT LISTED IN PARAGRAPHS
25 (1) THROUGH (4), PROVIDED THE AGENT RECEIVES THE PHOTOCOPY,
26 FACSIMILE OR PRINTOUT DIRECTLY FROM A LICENSED INSURANCE
27 COMPANY OR LICENSED INSURANCE AGENCY. THE AGENT SHALL NOT
28 ACCEPT A PHOTOCOPY, FACSIMILE OR PRINTOUT UNLESS THE LICENSED
29 INSURANCE COMPANY OR LICENSED INSURANCE AGENCY PROVIDES IT ON
30 THE LETTERHEAD OF THE COMPANY OR THE AGENCY, OR WITH A LETTER

1 WRITTEN UPON THE COMPANY'S OR AGENCY'S LETTERHEAD, WHICH
2 SPECIFICALLY REFERENCES THE PROOF OF FINANCIAL RESPONSIBILITY
3 BY THE INSURED'S NAME AND ADDRESS AND THE MAKE, MODEL AND
4 VEHICLE IDENTIFICATION NUMBER OF THE INSURED VEHICLE. AN
5 ISSUING AGENT OF THE DEPARTMENT SHALL NOT ACCEPT A PHOTOCOPY,
6 FACSIMILE OR PRINTOUT OF AN ELECTRONIC TRANSMISSION AS PROOF
7 OF FINANCIAL RESPONSIBILITY UNDER THIS PARAGRAPH WHEN THE
8 ISSUING AGENT IS ALSO ACTING AS AN INSURANCE AGENT FOR THE
9 LICENSED INSURANCE COMPANY OR LICENSED INSURANCE AGENCY.

10 (C) HANDWRITTEN PROOF OF FINANCIAL RESPONSIBILITY.--IF
11 HANDWRITTEN PROOF OF FINANCIAL RESPONSIBILITY IS ACCEPTABLE
12 PROOF OF INSURANCE IN THE STATE WHERE THE VEHICLE IS TO BE
13 REGISTERED, THE ISSUING AGENT IS AUTHORIZED TO ACCEPT SUCH
14 HANDWRITTEN PROOF, PROVIDED THE ISSUING AGENT RECEIVES WRITTEN
15 CONFIRMATION FROM THE APPLICABLE STATE, INSURANCE COMPANY OR
16 INSURANCE AGENCY THAT HANDWRITTEN PROOF IS ACCEPTABLE IN THAT
17 STATE. THE AGENT SHALL RETAIN A COPY OF THE WRITTEN CONFIRMATION
18 ALONG WITH THE COPY OF THE DOCUMENT PROVIDED AS PROOF OF
19 FINANCIAL RESPONSIBILITY.

20 SECTION 5. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
21 § 1359. SPECIAL PLATES FOR STEELWORKERS.

22 (A) GENERAL RULE.--UPON APPLICATION OF ANY PERSON WHO IS A
23 STEELWORKER, ACCOMPANIED BY A FEE OF \$20 WHICH SHALL BE IN
24 ADDITION TO THE ANNUAL REGISTRATION FEE AND BY SUCH
25 DOCUMENTATION AS THE DEPARTMENT SHALL REQUIRE BY REGULATION, THE
26 DEPARTMENT SHALL ISSUE TO SUCH PERSON A SPECIAL REGISTRATION
27 PLATE DESIGNATING THE VEHICLE SO LICENSED AS BELONGING TO A
28 PERSON WHO IS A STEELWORKER. THE SPECIAL REGISTRATION PLATE MAY
29 BE USED ONLY ON A PASSENGER CAR OR A TRUCK WITH A GROSS VEHICLE
30 WEIGHT RATING OF NOT MORE THAN 9,000 POUNDS. THE PLATE SHALL

1 BEAR THE LIKENESS OF THE OFFICIAL EMBLEM OF THE AMERICAN IRON
2 AND STEEL INSTITUTE.

3 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM
4 "STEELWORKER" MEANS A PERSON CURRENTLY OR FORMERLY EMPLOYED IN
5 THE MANUFACTURE OF STEEL OR A SURVIVING MEMBER OF THE
6 STEELWORKER'S FAMILY.

7 SECTION 6. SECTION 1374(D) OF TITLE 75 IS AMENDED TO READ:
8 § 1374. SUSPENSION OR REVOCATION OF VEHICLE BUSINESS
9 REGISTRATION PLATES.

10 * * *

11 (D) SCHEDULE OF SANCTIONS.--THE DEPARTMENT SHALL IMPOSE THE
12 FOLLOWING SANCTIONS FOR VIOLATIONS:

13 (1) IF THE DEPARTMENT FINDS THAT THE REGISTRANT HAS
14 VIOLATED SUBSECTION (A)(5) OR (7) AS A SECOND OFFENSE, THE
15 REGISTRANT MAY BE SANCTIONED WITH A MONETARY PENALTY OF NOT
16 LESS THAN \$50 AND NOT MORE THAN \$100 PER VIOLATION.

17 (2) IF THE DEPARTMENT FINDS THAT THE REGISTRANT HAS
18 VIOLATED SUBSECTION (A)(5) OR (7) AS A THIRD OFFENSE, THE
19 REGISTRANT MAY BE SANCTIONED WITH A MONETARY PENALTY OF NOT
20 LESS THAN \$100 AND NOT MORE THAN \$200 PER VIOLATION.

21 (2.1) IF THE DEPARTMENT FINDS THAT THE REGISTRANT HAS
22 VIOLATED SUBSECTION (A)(5) AS A FOURTH OR SUBSEQUENT OFFENSE,
23 THE DEPARTMENT MAY SUSPEND FOR NOT LESS THAN THREE MONTHS OR
24 REVOKE THE REGISTRATION PLATES AND CARDS OF THE REGISTRANT.

25 (3) A MONETARY PENALTY IMPOSED FOR A VIOLATION OF
26 SUBSECTION (A)(5) SHALL BE IN ADDITION TO THE REQUIREMENT
27 THAT THE REGISTRANT DELIVER A PROPERLY ASSIGNED CERTIFICATE
28 OF TITLE. [IF] UNLESS EXTENDED BY THE DEPARTMENT, IF THE
29 REGISTRANT FAILS TO PAY THE MONETARY PENALTY OR TO DELIVER
30 THE CERTIFICATE OF TITLE WITHIN 45 DAYS AFTER NOTICE WAS SENT

1 BY THE DEPARTMENT, EXCEPT AS OTHERWISE PROVIDED BY SECTION
2 1377 (RELATING TO JUDICIAL REVIEW), THE DEPARTMENT SHALL
3 SUSPEND THE REGISTRANT'S REGISTRATION PLATES UNTIL THE
4 MONETARY PENALTY HAS BEEN PAID AND THE TITLE DELIVERED.

5 (4) A MONETARY PENALTY IMPOSED FOR A VIOLATION OF
6 SUBSECTION (A)(7) SHALL BE IN ADDITION TO PAYMENT OF THE
7 ORIGINAL AMOUNT DUE FOR TAXES AND FEES AND ANY OTHER PENALTY
8 PROVIDED BY LAW FOR SUBMISSION OF AN UNCOLLECTIBLE OR
9 DISHONORED CHECK. [IF] UNLESS EXTENDED BY THE DEPARTMENT, IF
10 THE REGISTRANT FAILS TO PAY THE MONETARY PENALTY, THE
11 ORIGINAL AMOUNT DUE OR ANY OTHER PENALTY WITHIN 45 DAYS AFTER
12 NOTICE WAS SENT BY THE DEPARTMENT, EXCEPT AS OTHERWISE
13 PROVIDED BY SECTION 1377, THE DEPARTMENT SHALL SUSPEND THE
14 REGISTRANT'S REGISTRATION PLATES UNTIL ALL FEES, TAXES AND
15 PENALTIES HAVE BEEN PAID.

16 (5) A VIOLATION OF SUBSECTION (A)(5) SHALL REMAIN ON THE
17 REGISTRANT'S RECORD FOR A PERIOD OF 18 MONTHS FROM THE DATE
18 THAT THE VIOLATION WAS SANCTIONED BY THE DEPARTMENT. IF THE
19 REGISTRANT DOES NOT COMMIT ANOTHER VIOLATION OF SUBSECTION
20 (A)(5) WITHIN THAT 18-MONTH PERIOD, THE DEPARTMENT SHALL
21 RESCIND FROM THE REGISTRANT'S RECORD THE PRIOR SANCTION THAT
22 WAS IMPOSED. AFTER RESCISSION OF THE PRIOR SANCTION, IF THE
23 REGISTRANT THEREAFTER COMMITS A SUBSEQUENT VIOLATION OF
24 SUBSECTION (A)(5), THAT VIOLATION SHALL BE CONSIDERED THE
25 SAME DEGREE OF OFFENSE AS WAS PREVIOUSLY IMPOSED, UNLESS MORE
26 THAN THREE YEARS HAVE ELAPSED SINCE THE LAST DATE THAT THE
27 REGISTRANT WAS SANCTIONED FOR A VIOLATION OF SUBSECTION
28 (A)(5), IN WHICH CASE SAID SUBSEQUENT VIOLATION SHALL BE
29 DEEMED A FIRST OFFENSE.

30 (6) IF THE DEPARTMENT HAS PREVIOUSLY GIVEN NOTICE OF,

1 AND CONSIDERED AT A DEPARTMENTAL HEARING, VIOLATIONS OF
2 SUBSECTION (A)(5), NO SANCTION SHALL BE IMPOSED FOR AN
3 ALLEGED VIOLATION OF SUBSECTION (A)(5) WHICH WAS NOT INCLUDED
4 WITHIN SAID NOTICE IF SAID VIOLATION OCCURRED PRIOR TO THE
5 DATE OF THE NOTICE, THE DEPARTMENT'S RECORDS REFLECTED THAT
6 THE VIOLATION EXISTED AND THE VIOLATION COULD HAVE BEEN
7 INCLUDED IN THE NOTICE AS AN ADDITIONAL SUBJECT OF THE
8 DEPARTMENTAL HEARING.

9 (7) IF A REGISTRANT IS SANCTIONED PURSUANT TO SUBSECTION
10 (C), OR PARAGRAPH (1) OR (2) OR THE CORRESPONDING PROVISIONS
11 OF DEPARTMENTAL REGULATIONS, 67 PA. CODE CH. 53 (RELATING TO
12 MANUFACTURERS, DEALERS AND MISCELLANEOUS MOTOR VEHICLE
13 BUSINESSES REGISTRATION PLATES), AND THE DEPARTMENT ALSO
14 SANCTIONS THE REGISTRANT FOR CORRESPONDING VIOLATIONS AS AN
15 ISSUING AGENT PURSUANT TO DEPARTMENTAL REGULATIONS, 67 PA.
16 CODE CH. 43 (RELATING TO TEMPORARY REGISTRATION CARDS AND
17 PLATES), THE DEPARTMENT SHALL ONLY IMPOSE THE SANCTION
18 PRESCRIBED BY THIS SECTION OR THE CORRESPONDING SECTION OF 67
19 PA. CODE CH. 53. NOTWITHSTANDING, THE DEPARTMENT SHALL NOTE
20 THE OFFENSE PERTAINING TO THE REGISTRANT AND THE OFFENSE
21 PERTAINING TO THE ISSUING AGENT UPON EACH RECORD, AND THE
22 DEPARTMENT SHALL CONSIDER EACH RECORD WHEN CALCULATING
23 SECOND, THIRD OR SUBSEQUENT OFFENSES BY THE REGISTRANT AND
24 THE ISSUING AGENT.

25 * * *

26 SECTION 7. SECTION 1547(D) OF TITLE 75 IS AMENDED AND THE
27 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

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

30 * * *

(D) PRESUMPTIONS FROM AMOUNT OF ALCOHOL.--IF CHEMICAL
TESTING OF A PERSON'S BREATH, BLOOD OR URINE SHOWS:

(1) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF
[THE PERSON TESTED] AN ADULT IS 0.05% OR LESS, IT SHALL BE
PRESUMED THAT THE [PERSON TESTED] ADULT WAS NOT UNDER THE
INFLUENCE OF ALCOHOL AND THE [PERSON] ADULT SHALL NOT BE
CHARGED WITH ANY VIOLATION UNDER SECTION 3731(A)(1), (4) OR
(5) (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR
CONTROLLED SUBSTANCE), OR, IF THE [PERSON] ADULT WAS SO
CHARGED PRIOR TO THE TEST, THE CHARGE SHALL BE VOID AB
INITIO. THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION
CONCERNING A VIOLATION OF SECTION 3731(A)(2) OR (3) OR (I).

(2) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF
[THE PERSON TESTED] AN ADULT IS IN EXCESS OF 0.05% BUT LESS
THAN 0.10%, THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION
THAT THE [PERSON TESTED] ADULT WAS OR WAS NOT UNDER THE
INFLUENCE OF ALCOHOL, BUT THIS FACT MAY BE CONSIDERED WITH
OTHER COMPETENT EVIDENCE IN DETERMINING WHETHER THE [PERSON]
ADULT WAS OR WAS NOT UNDER THE INFLUENCE OF ALCOHOL. THIS
PROVISION SHALL NOT NEGATE THE PROVISIONS OF SECTION 3731(I).

(3) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD
[OF THE PERSON TESTED IS 0.10% OR MORE]:

(I) OF AN ADULT IS 0.10% OR MORE; OR

(II) OF A MINOR IS 0.02% OR MORE,

THIS FACT MAY BE INTRODUCED INTO EVIDENCE IF THE PERSON IS
CHARGED WITH VIOLATING SECTION 3731.

* * *

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

1 "ADULT." A PERSON 21 YEARS OF AGE OR OLDER.

2 "MINOR." A PERSON UNDER 21 YEARS OF AGE.

3 SECTION 8. SECTION 1607(A) OF TITLE 75 IS AMENDED TO READ:

4 § 1607. COMMERCIAL DRIVER'S LICENSE QUALIFICATION STANDARDS.

5 (A) TESTING.--

6 (1) THE COMMONWEALTH SHALL OFFER ONE KNOWLEDGE TEST TO
7 ALL COMMERCIAL DRIVER'S LICENSE HOLDERS UNTIL APRIL 1, 1992,
8 FOR EACH CLASS AND FOR EACH ENDORSEMENT FOR DRIVING A
9 COMMERCIAL MOTOR VEHICLE WHICH COMPLIES WITH MINIMUM
10 STANDARDS ESTABLISHED BY FEDERAL REGULATION AND ALL OTHER
11 REQUIREMENTS OF THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF
12 1986 (PUBLIC LAW 99-570, 49 U.S.C. APP. § 2701 ET SEQ.). THIS
13 SUBSECTION SHALL NOT APPLY TO AN APPLICANT FOR A COMMERCIAL
14 DRIVER LEARNER'S PERMIT.

15 (2) NO PERSON SHALL BE ISSUED A COMMERCIAL DRIVER'S
16 LICENSE UNLESS THE PERSON IS A RESIDENT OF THIS COMMONWEALTH
17 AND HAS PASSED A KNOWLEDGE AND SKILLS TEST FOR DRIVING A
18 COMMERCIAL MOTOR VEHICLE WHICH COMPLIES WITH MINIMUM
19 STANDARDS ESTABLISHED BY FEDERAL REGULATION, ALL OTHER
20 REQUIREMENTS OF THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF
21 1986 AND OTHER REQUIREMENTS IMPOSED UNDER FEDERAL REGULATION
22 WHICH ARE PUBLISHED BY THE DEPARTMENT AS A NOTICE IN THE
23 PENNSYLVANIA BULLETIN[, AS WELL AS ALL REQUIREMENTS OF THIS
24 TITLE OR STATE REGULATION]. THE DEPARTMENT SHALL PUBLISH THE
25 CONTENT OF THE DRIVING EXAMINATION FOR THE COMMERCIAL
26 DRIVER'S LICENSE AS A NOTICE IN THE PENNSYLVANIA BULLETIN.
27 THE TESTS SHALL BE OFFERED BY THE DEPARTMENT OR ITS AGENTS.

28 (3) THE DEPARTMENT MAY AUTHORIZE A PERSON, INCLUDING AN
29 AGENCY OF THIS OR ANOTHER STATE, AN EMPLOYER, A PRIVATE
30 INSTITUTION, ASSOCIATION OR DRIVER TRAINING SCHOOL, OR A

1 DEPARTMENT, AGENCY OR INSTRUMENTALITY OF LOCAL GOVERNMENT TO
2 ADMINISTER THE SKILLS TEST SPECIFIED BY THIS SECTION,
3 PROVIDED:

4 (I) THE TEST IS THE SAME AS THAT WHICH WOULD
5 OTHERWISE BE ADMINISTERED BY THE DEPARTMENT.

6 (II) THE THIRD PARTY HAS ENTERED INTO AN AGREEMENT
7 WITH THE DEPARTMENT.

8 (4) (REPEALED).

9 (5) AS A RESULT OF THIS SECTION, NO LAYOFFS SHALL OCCUR
10 IN THE CLASSIFICATION KNOWN AS DRIVER'S LICENSE EXAMINER.

11 (6) THE DEPARTMENT SHALL PROVIDE APPLICANTS FOR
12 COMMERCIAL DRIVER'S LICENSES WITH THE CHOICE OF SELECTING A
13 KNOWLEDGE TEST ADMINISTERED IN EITHER A WRITTEN OR AN ORAL
14 FORMAT:

15 (I) THE DEPARTMENT SHALL ADMINISTER THE KNOWLEDGE
16 TESTS IN BOTH THE ENGLISH AND SPANISH LANGUAGES.

17 (II) AN APPLICANT REQUESTING THE ORAL OR SPANISH
18 VERSION OF THE KNOWLEDGE TEST MUST SCHEDULE FOR THE
19 EXAMINATION AT A TESTING SITE AUTHORIZED BY THE
20 DEPARTMENT.

21 (III) THE DEPARTMENT SHALL OFFER ALTERNATE TESTING
22 FORMATS TO AVOID DISCRIMINATION AGAINST DRIVERS WITH
23 LIMITED LITERACY OR VERBAL COMPREHENSION SKILLS.

24 (IV) THE ALTERNATIVE OF AN ORAL VERSION OF THE
25 KNOWLEDGE TEST SHALL NOT BE AVAILABLE TO PERSONS SEEKING
26 A HAZARDOUS MATERIALS ENDORSEMENT ON A COMMERCIAL
27 DRIVER'S LICENSE.

28 * * *

29 Section 3 9. Section 1786(g)(2) of Title 75 is amended and
30 subsection (d) is amended by adding a paragraph to read:

<—

1 § 1786. Required financial responsibility.

2 * * *

3 (d) Suspension of registration and operating privilege.--The
4 Department of Transportation shall suspend the registration of a
5 vehicle for a period of three months if it determines the
6 required financial responsibility was not secured as required by
7 this chapter and shall suspend the operating privilege of the
8 owner or registrant for a period of three months if the
9 department determines that the owner or registrant has operated
10 or permitted the operation of the vehicle without the required
11 financial responsibility. The operating privilege shall not be
12 restored until the restoration fee for operating privilege
13 provided by section 1960 (relating to reinstatement of operating
14 privilege or vehicle registration) is paid. Whenever the
15 department revokes or suspends the registration of any vehicle
16 under this chapter, the department shall not restore the
17 registration until the vehicle owner furnishes proof of
18 financial responsibility in a manner determined by the
19 department and submits an application for registration to the
20 department, accompanied by the fee for restoration of
21 registration provided by section 1960. This subsection shall not
22 apply in the following circumstances:

23 * * *

24 (3) The insurance coverage has terminated or financial
25 responsibility has lapsed simultaneously with, or subsequent
26 to, expiration of a seasonal registration, as provided in
27 section 1307(a.1) (relating to period of registration).

28 * * *

29 (g) Defenses.--

30 * * *

(2) No person shall be penalized for maintaining a registered motor vehicle without financial responsibility under subsection (d) if, at the time insurance coverage terminated or financial responsibility lapsed, the registration plate and card were voluntarily surrendered to the department, a full agent designated by the department to accept voluntarily surrendered registration plates and cards pursuant to regulations promulgated by the department or a decentralized service agent appointed by the department. If a seasonal registration, as provided in section 1307(a.1), has been issued for the vehicle, return of the registration plate and card shall be required only if the insurance coverage terminates or financial responsibility lapses prior to the expiration of the seasonal registration. The department, a full agent or the decentralized service agent, as the case may be, shall issue a receipt showing the date that the registration plate and card were received. The designated full agent or the decentralized service agent shall return the registration plate and card to the department accompanied by a copy of the receipt.

* * *

~~Section 4. Section 9804 of Title 75 is amended by adding a paragraph to read:~~

~~§ 9804. Exemptions.~~

~~The requirements of this chapter do not apply to the following motorbuses:~~

~~* * *~~

~~(4) A motorbus owned and registered to:~~

~~(i) A nonprofit youth center, youth camp or nonpublic school.~~

~~(ii) The American Red Cross.~~
~~(iii) A church.~~
~~(iv) The Girl Scouts of America.~~
~~(v) The Boy Scouts of America.~~
~~(vi) The Salvation Army.~~
~~(vii) A duly chartered post of national veterans' organizations.~~
~~(viii) The Young Men's Christian Association.~~
~~(ix) The Young Men's Hebrew Association.~~
~~(x) The Young Women's Christian Association.~~
~~(xi) The Young Women's Hebrew Association.~~
~~(xii) A Jewish community center.~~
~~(xiii) A nonprofit corporation of musical marching groups of youths.~~
~~(xiv) A nonprofit organization which cares for or otherwise provides services for the elderly or the infirm.~~
~~(xv) A nonprofit organization which principally serves persons with a mental or physical handicap or disability.~~

~~Section 5. The amendment of 75 Pa.C.S. § 9804 shall be retroactive to August 10, 1992.~~

SECTION 10. SECTION 1943 OF TITLE 75 IS AMENDED BY ADDING SUBSECTIONS TO READ:

§ 1943. ANNUAL HAULING PERMITS.

* * *

(G) DOMESTIC ANIMAL FEED.--THE ANNUAL FEE FOR MOVEMENT OF EACH VEHICLE HAULING DOMESTIC ANIMAL FEED, IN BULK, AS PROVIDED FOR IN SECTION 4976 (RELATING TO PERMIT FOR MOVEMENT OF DOMESTIC ANIMAL FEED), SHALL BE \$400.

1 (H) MOVEMENT OF WOODEN STRUCTURES.--THE ANNUAL FEE FOR
2 MOVEMENT OF WOODEN STRUCTURES, AS PROVIDED FOR IN SECTION 4977
3 (RELATING TO PERMIT FOR MOVEMENT OF WOODEN STRUCTURES), SHALL BE
4 \$1,000.

5 SECTION 11. SECTION 2105(A) OF TITLE 75, AMENDED DECEMBER
6 20, 1995 (P.L.669, NO.75), IS AMENDED BY ADDING A PARAGRAPH TO
7 READ:

8 § 2105. EXEMPTIONS.

9 (A) GENERAL RULE.--THE REQUIREMENTS OF THIS CHAPTER AND
10 CHAPTER 96 (RELATING TO MOTOR CARRIERS ROAD TAX) DO NOT APPLY TO
11 THE FOLLOWING VEHICLES:

12 * * *

13 (5.1) A MOTORBUS OWNED BY AND REGISTERED TO A CHURCH.

14 * * *

15 SECTION 12. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
16 § 3718. MINOR PROHIBITED FROM OPERATING WITH ANY ALCOHOL IN
17 SYSTEM.

18 (A) OFFENSE DEFINED.--NOTWITHSTANDING ANY OTHER PROVISION OF
19 THIS TITLE, A MINOR SHALL NOT DRIVE, OPERATE OR BE IN PHYSICAL
20 CONTROL OF A MOTOR VEHICLE WHILE HAVING ANY ALCOHOL IN HIS
21 SYSTEM.

22 (B) PENALTY.-- A PERSON WHO VIOLATES SUBSECTION (A) COMMITS
23 A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO
24 PAY A FINE OF \$100.

25 (C) DEFINITION.--AS USED IN THIS SECTION, THE TERM "MINOR"
26 MEANS A PERSON UNDER 21 YEARS OF AGE.

27 SECTION 13. SECTION 3731(A) AND (A.1) ARE AMENDED AND THE
28 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

29 § 3731. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
30 SUBSTANCE.

(A) OFFENSE DEFINED.--A PERSON SHALL NOT DRIVE, OPERATE OR
BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF [ANY] A VEHICLE
IN ANY OF THE FOLLOWING CIRCUMSTANCES:

(1) [WHILE] WHILE UNDER THE INFLUENCE OF ALCOHOL TO A
DEGREE WHICH RENDERES THE PERSON INCAPABLE OF SAFE DRIVING[;]_.

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

(3) [WHILE] WHILE UNDER THE COMBINED INFLUENCE OF
ALCOHOL AND ANY CONTROLLED SUBSTANCE TO A DEGREE WHICH
RENDERES THE PERSON INCAPABLE OF SAFE DRIVING[;]_.

(4) [WHILE] WHILE THE AMOUNT OF ALCOHOL BY WEIGHT IN THE
BLOOD [OF THE PERSON IS 0.10% OR GREATER; OR]:

(I) OF AN ADULT IS 0.10% OR GREATER; OR

(II) OF A MINOR IS 0.02% OR MORE.

(5) [IF] (I) IF THE AMOUNT OF ALCOHOL BY WEIGHT IN THE
BLOOD [OF THE PERSON IS 0.10% OR GREATER]:

(A) OF AN ADULT IS 0.10% OR GREATER; OR

(B) OF A MINOR IS 0.02% OR GREATER, AT THE TIME

OF A CHEMICAL TEST OF A SAMPLE OF THE PERSON'S

BREATH, BLOOD OR URINE[, WHICH] ; AND

(II) THE SAMPLE IS:

[(I)] (A) OBTAINED WITHIN THREE HOURS AFTER THE
PERSON DROVE, OPERATED OR WAS IN ACTUAL PHYSICAL
CONTROL OF THE VEHICLE; OR

[(II)] (B) IF THE CIRCUMSTANCES OF THE INCIDENT
PREVENT COLLECTING THE SAMPLE WITHIN THREE HOURS,
OBTAINED WITHIN A REASONABLE ADDITIONAL TIME AFTER

1 THE PERSON DROVE, OPERATED OR WAS IN ACTUAL PHYSICAL
2 CONTROL OF THE VEHICLE.

3 (A.1) DEFENSE.--IT SHALL BE A DEFENSE TO A PROSECUTION UNDER
4 SUBSECTION (A)(5) IF THE PERSON PROVES BY A PREPONDERANCE OF
5 EVIDENCE THAT THE PERSON CONSUMED ALCOHOL AFTER THE LAST
6 INSTANCE IN WHICH HE DROVE, OPERATED OR WAS IN ACTUAL PHYSICAL
7 CONTROL OF THE VEHICLE, AND THAT THE AMOUNT OF ALCOHOL BY WEIGHT
8 [IN HIS]:

9 (1) IN AN ADULT'S BLOOD WOULD NOT HAVE EXCEEDED 0.10%;
10 OR

11 (2) IN A MINOR'S BLOOD WOULD NOT HAVE EXCEEDED 0.02%,
12 AT THE TIME OF THE TEST BUT FOR SUCH CONSUMPTION.

13 * * *

14 (J) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
15 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
16 SUBSECTION:

17 "ADULT." A PERSON 21 YEARS OF AGE OR OLDER.

18 "MINOR." A PERSON UNDER 21 YEARS OF AGE.

19 SECTION 14. SECTION 3735 OF TITLE 75 IS AMENDED TO READ:

20 § 3735. HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE.

21 (A) OFFENSE DEFINED.--ANY PERSON WHO UNINTENTIONALLY CAUSES
22 THE DEATH OF ANOTHER PERSON AS THE DIRECT RESULT OF A VIOLATION
23 OF SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL
24 OR CONTROLLED SUBSTANCE) AND WHO IS CONVICTED OF VIOLATING
25 SECTION 3731 IS GUILTY OF A FELONY OF THE THIRD DEGREE WHEN THE
26 VIOLATION IS THE CAUSE OF DEATH AND THE SENTENCING COURT SHALL
27 ORDER THE PERSON TO SERVE A MINIMUM TERM OF IMPRISONMENT OF NOT
28 LESS THAN THREE YEARS. A SEPARATE THREE-YEAR TERM OF
29 IMPRISONMENT SHALL BE IMPOSED FOR EACH VICTIM WHOSE DEATH IS THE
30 DIRECT RESULT OF THE VIOLATION OF SECTION 3731.

(B) APPLICABILITY OF SENTENCING GUIDELINES.--THE SENTENCING GUIDELINES PROMULGATED BY THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE THE MANDATORY PENALTY OF THIS SECTION.

SECTION 15. SECTION 3742.1 OF TITLE 75, ADDED FEBRUARY 23, 1996 (P.L.21, NO.8), IS AMENDED TO READ:

§ 3742.1. ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY WHILE NOT PROPERLY LICENSED.

(A) OFFENSE DEFINED.--A PERSON COMMITS AN OFFENSE UNDER THIS SECTION IF THE PERSON WAS THE DRIVER OF ANY VEHICLE AND CAUSED AN ACCIDENT RESULTING IN INJURY OR DEATH OF ANY PERSON AND WHOSE OPERATING PRIVILEGE AT THE TIME OF THE ACCIDENT IS CANCELED, RECALLED, REVOKED OR SUSPENDED [PURSUANT TO SECTION 1532 (RELATING TO REVOCATION OR SUSPENSION OF OPERATING PRIVILEGE)] AND NOT RESTORED OR WHO AT THE TIME OF THE ACCIDENT HAD NOT BEEN ISSUED A VALID DRIVER'S LICENSE.

(B) PENALTIES.--

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ANY PERSON VIOLATING SUBSECTION (A) COMMITS A MISDEMEANOR OF THE SECOND DEGREE IF AT THE TIME OF THE ACCIDENT THE PERSON'S OPERATING PRIVILEGE IS CANCELED, RECALLED, REVOKED OR SUSPENDED [PURSUANT TO SECTION 1532] AND NOT RESTORED. IF THE PERSON HAD NOT BEEN ISSUED A VALID DRIVER'S LICENSE, THE OFFENSE IS A MISDEMEANOR OF THE THIRD DEGREE.

(2) IF THE VICTIM SUFFERS SERIOUS BODILY INJURY OR DEATH, ANY PERSON VIOLATING SUBSECTION (A) COMMITS A FELONY OF THE THIRD DEGREE IF AT THE TIME OF THE ACCIDENT THE PERSON'S OPERATING PRIVILEGE IS CANCELED, RECALLED, REVOKED OR SUSPENDED [PURSUANT TO SECTION 1532] AND NOT RESTORED. IF THE PERSON HAD NOT BEEN ISSUED A VALID DRIVER'S LICENSE, THE

1 OFFENSE IS A MISDEMEANOR OF THE FIRST DEGREE.

2 (3) ANY MOTOR VEHICLE, AS DEFINED IN SECTION 102
3 (RELATING TO DEFINITIONS), USED IN THE COMMISSION OF AN
4 OFFENSE UNDER THIS SECTION MAY BE DEEMED CONTRABAND AND
5 FORFEITED IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN 18
6 PA.C.S. § 6501(D) (RELATING TO SCATTERING RUBBISH) IF THE
7 DRIVER'S OPERATING PRIVILEGE IS CANCELED, RECALLED, REVOKED
8 OR SUSPENDED [PURSUANT TO SECTION 1532] AND NOT RESTORED AT
9 THE TIME OF THE ACCIDENT.

10 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM "SERIOUS
11 BODILY INJURY" MEANS ANY BODILY INJURY WHICH CREATES A
12 SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS, PERMANENT
13 DISFIGUREMENT OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION
14 OF ANY BODILY MEMBER OR ORGAN.

15 SECTION 16. SECTIONS 4702(B) AND 4727(D) OF TITLE 75 ARE
16 AMENDED TO READ:

17 § 4702. REQUIREMENT FOR PERIODIC INSPECTION OF VEHICLES.

18 * * *

19 (B) SEMIANNUAL SAFETY INSPECTION OF CERTAIN VEHICLES.--
20 [SCHOOL BUSES, PASSENGER VANS UNDER CONTRACT WITH OR OWNED BY A
21 SCHOOL DISTRICT OR PRIVATE OR PAROCHIAL SCHOOL, INCLUDING
22 VEHICLES HAVING CHARTERED, GROUP AND PARTY RIGHTS UNDER THE
23 PUBLIC UTILITY COMMISSION AND USED TO TRANSPORT SCHOOL STUDENTS,
24 PASSENGER VANS USED TO TRANSPORT PERSONS FOR HIRE OR OWNED BY A
25 COMMERCIAL ENTERPRISE AND USED FOR THE TRANSPORTATION OF
26 EMPLOYEES TO OR FROM THEIR PLACE OF EMPLOYMENT, TRAILERS HAVING
27 A REGISTERED GROSS WEIGHT IN EXCESS OF 10,000 POUNDS,
28 CONSTRUCTION TRUCKS FOR WHICH ANNUAL PERMITS ARE ISSUED PURSUANT
29 TO SECTION 4970(B) (RELATING TO PERMIT FOR MOVEMENT OF
30 CONSTRUCTION EQUIPMENT), MASS TRANSIT VEHICLES AND MOTOR CARRIER

VEHICLES, OTHER THAN FARM VEHICLES FOR WHICH A BIENNIAL
CERTIFICATE OF EXEMPTION HAS BEEN ISSUED,] THE FOLLOWING
VEHICLES SHALL BE SUBJECT TO SEMIANNUAL SAFETY INSPECTION[.]:

(1) SCHOOL BUSES.

(2) PASSENGER VANS UNDER CONTRACT WITH OR OWNED BY A
SCHOOL DISTRICT OR PRIVATE OR PAROCHIAL SCHOOL, INCLUDING
VEHICLES HAVING CHARTERED GROUP AND PARTY RIGHTS UNDER THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION AND USED TO TRANSPORT
SCHOOL STUDENTS.

(3) PASSENGER VANS USED TO TRANSPORT PERSONS FOR HIRE OR
OWNED BY A COMMERCIAL ENTERPRISE AND USED FOR THE
TRANSPORTATION OF EMPLOYEES TO OR FROM THEIR PLACE OF
EMPLOYMENT.

(4) TRAILERS, OTHER THAN RECREATIONAL TRAILERS, HAVING A
REGISTERED GROSS WEIGHT IN EXCESS OF 10,000 POUNDS.
RECREATIONAL TRAILERS SHALL BE SUBJECT TO ANNUAL SAFETY
INSPECTION.

(5) CONSTRUCTION TRUCKS FOR WHICH ANNUAL PERMITS ARE
ISSUED PURSUANT TO SECTION 4970(B) (RELATING TO PERMIT FOR
MOVEMENT OF CONSTRUCTION EQUIPMENT).

(6) MASS TRANSIT VEHICLES.

(7) MOTOR CARRIER VEHICLES, OTHER THAN FARM VEHICLES FOR
WHICH A BIENNIAL CERTIFICATE OF EXEMPTION HAS BEEN ISSUED.

* * *

§ 4727. ISSUANCE OF CERTIFICATE OF INSPECTION.

* * *

(D) PROOF OF INSURANCE.--

(1) NO CERTIFICATE OF INSPECTION SHALL BE ISSUED UNLESS
PROOF OF FINANCIAL RESPONSIBILITY IS SUBMITTED TO THE
INSPECTION OFFICIAL, WHO SHALL, ON THE OFFICIAL STATE

1 INSPECTION RECORD PROVIDED BY THE DEPARTMENT, RECORD THE NAME
2 OF THE INSURED, THE VEHICLE TAG NUMBER, THE ISSUING COMPANY,
3 THE POLICY NUMBER AND THE EXPIRATION DATE. THE REQUIREMENT
4 THAT THE INSPECTION OFFICIAL RECORD FINANCIAL RESPONSIBILITY
5 INFORMATION SHALL NOT BE CONSTRUED TO REQUIRE THE INSPECTION
6 OFFICIAL TO VERIFY THE INFORMATION SUBMITTED.

7 (2) IN THOSE CASES WHERE THE INSURED FAILS TO PRESENT
8 PROOF OF FINANCIAL RESPONSIBILITY TO THE INSPECTION OFFICIAL,
9 THE INSPECTION OFFICIAL, IN ADDITION TO DENYING A CERTIFICATE
10 OF INSPECTION, MAY PROVIDE NOTIFICATION TO THE DEPARTMENT, ON
11 THE FORM PROVIDED BY THE DEPARTMENT, WITHIN 30 DAYS OF THE
12 INSURED'S FAILURE TO PRESENT PROOF OF FINANCIAL
13 RESPONSIBILITY. FAILURE OF THE INSPECTION OFFICIAL TO MAKE
14 NOTIFICATION UNDER THIS SUBSECTION SHALL NOT IMPOSE ANY DUTY
15 OR LIABILITY ON THE MECHANIC OR STATION OWNER.

16 (3) FINANCIAL RESPONSIBILITY MAY BE PROVEN BY SHOWING
17 ONE OF THE FOLLOWING DOCUMENTS:

18 (I) AN IDENTIFICATION CARD AS REQUIRED BY
19 REGULATIONS PROMULGATED BY THE INSURANCE DEPARTMENT.

20 (II) THE DECLARATION PAGE OF AN INSURANCE POLICY.

21 (III) A CERTIFICATE OF FINANCIAL RESPONSIBILITY.

22 (IV) A VALID BINDER OF INSURANCE ISSUED BY AN
23 INSURANCE COMPANY LICENSED TO SELL MOTOR VEHICLE
24 LIABILITY INSURANCE IN PENNSYLVANIA.

25 (V) A LEGIBLE PHOTOCOPY, FACSIMILE OR PRINTOUT OF AN
26 ELECTRONIC TRANSMISSION OF A DOCUMENT LISTED IN
27 SUBPARAGRAPHS (I) THROUGH (IV), PROVIDED THE CERTIFIED
28 INSPECTION MECHANIC RECEIVES THE PHOTOCOPY, FACSIMILE OR
29 PRINTOUT DIRECTLY FROM A LICENSED INSURANCE COMPANY OR
30 LICENSED INSURANCE AGENCY. THE CERTIFIED INSPECTION

1 MECHANIC SHALL NOT ACCEPT A PHOTOCOPY, FACSIMILE OR
2 PRINTOUT UNLESS IT IS PROVIDED ON THE LETTERHEAD OF THE
3 LICENSED INSURANCE COMPANY OR LICENSED INSURANCE AGENCY,
4 OR IS PROVIDED WITH A LETTER WRITTEN UPON THE COMPANY'S
5 OR AGENCY'S LETTERHEAD, WHICH SPECIFICALLY REFERENCES THE
6 DOCUMENT PROVIDED AS PROOF OF FINANCIAL RESPONSIBILITY BY
7 DESCRIBING THE INSURED'S NAME AND ADDRESS AND THE MAKE,
8 MODEL AND VEHICLE IDENTIFICATION NUMBER OF THE INSURED
9 VEHICLE.

10 (4) IF HANDWRITTEN PROOF OF FINANCIAL RESPONSIBILITY IS
11 ACCEPTABLE PROOF OF INSURANCE IN THE STATE WHERE THE VEHICLE
12 IS REGISTERED, THE CERTIFIED INSPECTION MECHANIC MAY ACCEPT
13 SUCH HANDWRITTEN PROOF, PROVIDED THE CERTIFIED INSPECTION
14 MECHANIC RECEIVES WRITTEN CONFIRMATION FROM THE APPLICABLE
15 STATE, INSURANCE COMPANY OR INSURANCE AGENCY THAT HANDWRITTEN
16 PROOF IS ACCEPTABLE IN THAT STATE. THIS PARAGRAPH IS
17 APPLICABLE ONLY TO VEHICLES REGISTERED IN A STATE OTHER THAN
18 THIS COMMONWEALTH.

19 * * *

20 SECTION 17. SECTION 4962(F) OF TITLE 75, AMENDED DECEMBER
21 20, 1995 (P.L.669, NO.75), IS AMENDED TO READ:

22 § 4962. CONDITIONS OF PERMITS AND SECURITY FOR DAMAGES.

23 * * *

24 (F) WHEN LOADS PERMITTED.--ONLY VEHICLES AND COMBINATIONS
25 PERMITTED UNDER THE FOLLOWING PROVISIONS SHALL BE AUTHORIZED TO
26 CARRY OR HAUL LOADS WHILE OPERATING UNDER THE PERMIT:

27 SECTION 4961(A)(2), (3) AND (6) (RELATING TO AUTHORITY TO
28 ISSUE PERMITS).

29 SECTION 4965 (RELATING TO SINGLE PERMITS FOR MULTIPLE
30 HIGHWAY CROSSINGS).

SECTION 4968 (RELATING TO PERMIT FOR MOVEMENT DURING
COURSE OF MANUFACTURE).

SECTION 4970(B) (RELATING TO PERMIT FOR MOVEMENT OF
CONSTRUCTION EQUIPMENT).

SECTION 4974 (RELATING TO PERMIT FOR MOVEMENT OF
CONTAINERIZED CARGO).

SECTION 4975 (RELATING TO PERMIT FOR MOVEMENT OF SPECIAL
MOBILE EQUIPMENT).

SECTION 4976 (RELATING TO PERMIT FOR MOVEMENT OF DOMESTIC
ANIMAL FEED).

SECTION 4977 (RELATING TO PERMIT FOR MOVEMENT OF WOODEN
STRUCTURES).

* * *

SECTION 18. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

§ 4977. PERMIT FOR MOVEMENT OF WOODEN STRUCTURES.

AN ANNUAL PERMIT MAY BE ISSUED FOR THE MOVEMENT OF CERTAIN
WOODEN STRUCTURES WHICH EXCEED THE MAXIMUM LENGTH AND WIDTH
SPECIFIED IN SUBCHAPTER B (RELATING TO WIDTH, HEIGHT AND
LENGTH), SUBJECT TO THE FOLLOWING CONDITIONS:

(1) THE OVERALL WIDTH, INCLUDING ALL APPURTENANCES AND
OVERHANGS, MAY NOT EXCEED 13 FEET.

(2) THE OVERALL LENGTH MAY NOT EXCEED 90 FEET.

(3) THE WOODEN STRUCTURE OR STRUCTURES MUST BE
TRANSPORTED ON A TRAILER DESIGNED SOLELY FOR THE
TRANSPORTATION OF SUCH STRUCTURES AND NOT USED FOR THE
TRANSPORTATION OF ANY OTHER TYPE OF LOAD.

(4) MOVEMENT UNDER THIS SECTION IS LIMITED TO WOODEN
UTILITY SHEDS, GAZEBOS, GARAGES AND PLAY EQUIPMENT.

SECTION 19. SECTION 7301(D) OF TITLE 75 IS AMENDED TO READ:

§ 7301. AUTHORIZATION OF SALVORS.

1 * * *

2 (D) STORAGE FACILITY.--A SALVOR MAY RENT OR OWN A STORAGE
3 FACILITY, WHICH SHALL COMPLY WITH THE ACT OF [DECEMBER 15, 1971
4 (P.L.596, NO.160), KNOWN AS THE "OUTDOOR ADVERTISING CONTROL ACT
5 OF 1971,"] JULY 28, 1966 (3RD SP.SESS., P.L.91, NO.4), REFERRED
6 TO AS THE JUNKYARD AND AUTOMOTIVE RECYCLER SCREENING LAW, WHERE
7 APPLICABLE, AND WITH REGULATIONS PROMULGATED BY THE DEPARTMENT.

8 SECTION 20. THE DEPARTMENT OF TRANSPORTATION SHALL INSTALL
9 AT LEAST THREE PILOT PROGRAMS OF PRIVATE SECTOR, DECENTRALIZED
10 SERVICES FOR MOTOR VEHICLE AND DRIVER LICENSE TRANSACTIONS,
11 INCLUDING, BUT NOT LIMITED TO, AT LEAST THREE VEHICLE
12 DEALERSHIPS, DECENTRALIZED AGENTS OR OTHER PRIVATE BUSINESS
13 ENTITIES WHO, NOTWITHSTANDING ANY OTHER PROVISION OF 75 PA.C.S.
14 OR DEPARTMENTAL REGULATIONS, SHALL BE TEMPORARILY AUTHORIZED TO
15 OBTAIN REAL TIME OR ON-LINE ACCESS TO THE DEPARTMENT'S DATA
16 BASES TO READ MOTOR VEHICLE RECORDS AND INFORMATION AND DRIVER
17 LICENSE RECORDS AFTER FIRST OBTAINING THE WRITTEN CONSENT OF THE
18 PERSON WHO IS THE SUBJECT OF THE RECORD AS PROVIDED UNDER 75
19 PA.C.S. § 6114. COMPUTERIZED AND ELECTRONICALLY RECORDED DATA
20 MAY BE SUBMITTED TO THE DEPARTMENT FOR THE PURPOSE OF UPDATING
21 RECORDS. THE DEPARTMENT SHALL PERMIT TEMPORARILY AUTHORIZED
22 DEALERSHIPS, DECENTRALIZED AGENTS OR BUSINESS ENTITIES TO ISSUE
23 ACCOUNTABLE DOCUMENTS WHICH, AS DETERMINED BY THE DEPARTMENT,
24 MAY INCLUDE CERTIFICATES OF TITLE, CERTIFICATES OF SALVAGE,
25 REGISTRATION PLATES, CARDS AND STICKERS AND DRIVER LICENSES. THE
26 TEMPORARILY AUTHORIZED DEALERSHIPS, DECENTRALIZED AGENTS OR
27 PRIVATE BUSINESS ENTITIES SHALL NOT HAVE BEEN PREVIOUSLY
28 SANCTIONED BY THE DEPARTMENT FOR VIOLATIONS OF 75 PA.C.S. OR
29 DEPARTMENTAL REGULATIONS WITHIN THE PAST THREE YEARS.

30 TEMPORARILY AUTHORIZED DEALERSHIPS, DECENTRALIZED AGENTS OR

1 PRIVATE BUSINESS ENTITIES SHALL BE PERMITTED TO CHARGE A
2 REASONABLE FEE TO CUSTOMERS FOR PROVIDING THESE SERVICES.

3 SECTION 21. SECTION 8(A)(4) OF THE ACT OF DECEMBER 16, 1992
4 (P.L.1250, NO.166), ENTITLED "AN ACT AMENDING TITLE 75
5 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, PROVIDING
6 FOR THE IMPLEMENTATION AND ADMINISTRATION OF AN ENHANCED VEHICLE
7 EMISSION INSPECTION PROGRAM; FURTHER PROVIDING FOR
8 ADMINISTRATIVE DUTIES OF THE DEPARTMENT OF TRANSPORTATION FOR
9 CERTAIN SERVICES AND THE DEPARTMENT OF ENVIRONMENTAL RESOURCES;
10 PROVIDING FOR AN ALTERNATIVE FUELS GRANT PROGRAM; ESTABLISHING
11 THE ALTERNATIVE FUELS INCENTIVE GRANT FUND; AND MAKING AN
12 APPROPRIATION," IS REPEALED.

13 SECTION 22. THE PROVISIONS OF 67 PA. CODE §§ 75.25, 75.26,
14 75.27 AND 75.28 ARE REPEALED UPON THE PUBLICATION OF TESTING
15 PROCEDURES AS SET FORTH IN 75 PA.C.S. § 1607(A) IN THE
16 PENNSYLVANIA BULLETIN.

17 SECTION 23. (A) THE AMENDMENT OF 74 PA.C.S. § 8301 SHALL BE
18 RETROACTIVE TO JANUARY 1, 1996.

19 (B) THE AMENDMENT OF 75 PA.C.S. § 2105 SHALL BE RETROACTIVE
20 TO AUGUST 10, 1992.

21 Section ~~6~~ 24. This act shall take effect as follows: <—

22 ~~(1) The amendment of the definition of "emergency~~ <—
23 ~~vehicle" in 75 Pa.C.S. § 102 shall take effect in 120 days.~~

24 (1) THE AMENDMENT OR ADDITION OF 75 PA.C.S. §§ 1547, <—
25 3718 AND 3731 SHALL TAKE EFFECT JULY 30, 1996, OR IN 30 DAYS,
26 WHICHEVER OCCURS LATER.

27 (2) THE AMENDMENT OR ADDITION OF 75 PA.C.S. §§ 1943(G),
28 3742.1, 4962(F) (WHICH ADDS § 4976) AND 7301(D) SHALL TAKE
29 EFFECT IMMEDIATELY.

30 (3) THE AMENDMENT OR ADDITION OF 75 PA.C.S. §§ 1943(H),

1 4962(F) (WHICH ADDS § 4977) AND 4977 SHALL TAKE EFFECT IN 60
2 DAYS.

3 ~~(2)~~ (4) The amendment of 75 Pa.C.S. ~~§ 9804~~ § 2105 shall <—
4 take effect immediately.

5 ~~(3)~~ (5) This section shall take effect immediately. <—

6 ~~(4)~~ (6) The remainder of this act shall take effect in <—
7 60 days.