

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 800 Session of
1995

INTRODUCED BY STOUT, CORMAN, HART, O'PAKE AND BELAN,
MARCH 21, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 27, 1995

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, ~~further providing FOR ANNUAL HAULING PERMITS,~~ <—
3 PROVIDING FOR TERMINAL RENTAL ADJUSTMENT CLAUSES, FOR DELAY <—
4 OF SUSPENSION, REVOCATION OR DISQUALIFICATION AND FOR FUNDS;
5 FURTHER PROVIDING FOR THE POWERS AND DUTIES OF THE STATE
6 TREASURER, FOR ANNUAL HAULING PERMITS, for prohibiting use of
7 hearing impairment devices, for fines for reckless driving
8 and for permit for movement during course of manufacture; <—
9 REQUIRING THE PENNSYLVANIA TURNPIKE COMMISSION TO ISSUE AN
10 ANNUAL REPORT AND TO APPEAR BEFORE CERTAIN COMMITTEES OF THE
11 GENERAL ASSEMBLY; AND MAKING AN APPROPRIATION.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Section 102 of Title 75 of the Pennsylvania~~ <—
15 ~~Consolidated Statutes is amended by adding a definition to read:~~
16 ~~§ 102. Definitions.~~

17 ~~Subject to additional definitions contained in subsequent~~
18 ~~provisions of this title which are applicable to specific~~
19 ~~provisions of this title, the following words and phrases when~~
20 ~~used in this title shall have, unless the context clearly~~
21 ~~indicates otherwise, the meanings given to them in this section:~~

1 * * *

2 ~~"Interstate highway." A freeway on the Dwight D. Eisenhower~~
3 ~~System of Interstate and Defense Highways.~~

4 * * *

5 ~~Section 2. Sections 3314, 3326(c) and 4962(f) of Title 75~~
6 ~~are amended to read:~~

7 ~~SECTION 1. SECTIONS 1943(C), 3314, 3326(C), 4962(F) AND 4968~~ <—
8 ~~OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE~~
9 ~~AMENDED TO READ:~~

10 SECTION 1. TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED <—
11 STATUTES IS AMENDED BY ADDING SECTIONS TO READ:

12 § 1139. TERMINAL RENTAL ADJUSTMENT CLAUSES.

13 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LEASE AGREEMENT
14 WHICH PERTAINS TO THE COMMERCIAL USE OF A MOTOR VEHICLE OR
15 TRAILER AND WHICH INCLUDES A TERMINAL RENTAL ADJUSTMENT CLAUSE
16 DOES NOT CREATE A SALE OR SECURITY INTEREST MERELY BECAUSE THE
17 TERMINAL RENTAL ADJUSTMENT CLAUSE PROVIDES THAT THE RENTAL PRICE
18 IS PERMITTED OR REQUIRED TO BE ADJUSTED UNDER THE AGREEMENT
19 EITHER UPWARD OR DOWNWARD BY REFERENCE TO THE ACTUAL VALUE OF
20 THE MOTOR VEHICLE OR TRAILER UPON LEASE TERMINATION OR SALE OR
21 OTHER DISPOSITION OF THE MOTOR VEHICLE OR TRAILER. ACTUAL VALUE
22 SHALL BE DETERMINED AS AGREED UPON BY THE PARTIES. THIS SECTION
23 IS NOT APPLICABLE TO A CONSUMER LEASE AGREEMENT PERTAINING TO A
24 MOTOR VEHICLE OR TRAILER LEASED OR USED PRIMARILY FOR PERSONAL,
25 FAMILY OR HOUSEHOLD PURPOSES.

26 § 1555. DELAY OF SUSPENSION, REVOCATION OR DISQUALIFICATION.

27 (A) GENERAL RULE.--UPON RECEIVING CERTIFICATION THAT A
28 PERSON HAS FILED A TIMELY APPEAL FROM A CRIMINAL CONVICTION THAT
29 HAS CAUSED THE DEPARTMENT TO ISSUE A NOTICE OF SUSPENSION,
30 REVOCATION OR DISQUALIFICATION, THE DEPARTMENT MAY DELAY

1 COMMENCEMENT OF THE SUSPENSION, REVOCATION OR DISQUALIFICATION
2 FOR A PERIOD OF UP TO SIX MONTHS. IT SHALL BE THE RESPONSIBILITY
3 OF THE PERSON TO OBTAIN FROM THE COURT IN WHICH THE APPEAL WAS
4 FILED A STATEMENT WHICH CERTIFIES THAT THE PERSON FILED A TIMELY
5 APPEAL FROM THE CONVICTION, AND TO FORWARD THE CERTIFICATION TO
6 THE DEPARTMENT, ACCOMPANIED BY A REQUEST FOR THE SIX-MONTH DELAY
7 FROM THE DEPARTMENT.

8 (B) ADDITIONAL DELAY.--A PERSON MAY OBTAIN AN ADDITIONAL
9 SIX-MONTH DELAY IF THE PERSON OBTAINS AND FORWARDS TO THE
10 DEPARTMENT AN ADDITIONAL CERTIFICATION FROM THE COURT THAT THE
11 APPEAL IS STILL PENDING BEFORE THE COURT.

12 (C) PERIOD OF DELAY.--AN INITIAL OR ADDITIONAL SIX-MONTH
13 PERIOD OF DELAY SHALL BE MEASURED FROM THE DATE ON WHICH THE
14 COURT CERTIFIES THAT THE APPEAL IS PENDING BEFORE IT.

15 § 1905. PAYMENTS TO SPECIAL FUNDS.

16 (A) POWER AND DUTY OF STATE TREASURER.--IN ACCORDANCE WITH
17 THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL
18 CODE, THE STATE TREASURER SHALL ADMINISTER THE DESIGNATED FUNDS
19 OF THE DEPARTMENT. TWO OF SUCH FUNDS ARE AS FOLLOWS:

20 (1) ORGAN DONATION AWARENESS TRUST FUND.

21 (2) ZOOLOGICAL ENHANCEMENT FUND.

22 (B) ORGAN DONATION AWARENESS TRUST FUND.--MONEYS RECEIVED BY
23 THE DEPARTMENT IN ACCORDANCE WITH THE PROVISIONS OF 20 PA.C.S. §
24 8621 (RELATING TO ORGAN DONATION AWARENESS TRUST FUND
25 CONTRIBUTIONS) SHALL BE CREDITED TO THE ORGAN DONATION AWARENESS
26 TRUST FUND.

27 (C) ZOOLOGICAL ENHANCEMENT FUND.--FIFTEEN DOLLARS OF EACH
28 FEE RECEIVED UNDER SECTION 1355 (RELATING TO ZOOLOGICAL PLATES)
29 SHALL BE CREDITED TO THE ZOOLOGICAL ENHANCEMENT FUND, CREATED AS
30 FOLLOWS:

1 (1) THERE IS HEREBY ESTABLISHED A SPECIAL ACCOUNT IN THE
2 TREASURY DEPARTMENT WHICH SHALL BE KNOWN AS THE ZOOLOGICAL
3 ENHANCEMENT FUND. THE PURPOSE OF THE ZOOLOGICAL ENHANCEMENT
4 FUND IS TO ASSIST COMMONWEALTH NONPROFIT ZOOLOGICAL
5 INSTITUTIONS ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM
6 ASSOCIATION AND LICENSED BY THE UNITED STATES DEPARTMENT OF
7 AGRICULTURE TO FULFILL THEIR CONSERVATION, EDUCATION AND
8 RECREATION MISSIONS TO THE CITIZENS OF THIS COMMONWEALTH.

9 (2) ALL MONEYS IN THE ZOOLOGICAL ENHANCEMENT FUND ARE
10 HEREBY ANNUALLY APPROPRIATED TO THE DEPARTMENT OF COMMERCE
11 AND MAY BE EXPENDED FOR THE PURPOSES AUTHORIZED UNDER THIS
12 SUBSECTION.

13 (3) ESTIMATES OF AMOUNTS TO BE EXPENDED UNDER THIS
14 SUBSECTION SHALL BE SUBMITTED TO THE GOVERNOR BY THE
15 DEPARTMENT OF COMMERCE FOR HIS APPROVAL.

16 (4) THE STATE TREASURER SHALL NOT HONOR ANY REQUISITION
17 FOR EXPENDITURES BY THE DEPARTMENT OF COMMERCE IN EXCESS OF
18 ESTIMATES APPROVED BY THE GOVERNOR OR IN EXCESS OF THE AMOUNT
19 AVAILABLE FOR THE PURPOSES FOR WHICH THE REQUISITION WAS
20 MADE, WHICHEVER IS THE LESSER AMOUNT.

21 SECTION 2. SECTIONS 1943(C), 3314, 3326(C), 4962(F) AND 4968
22 OF TITLE 75 ARE AMENDED TO READ:

23 § 1943. Annual hauling permits.

24 * * *

25 (c) Equipment being manufactured.--The annual fee for
26 operation or movement of equipment being manufactured, as
27 provided for in section 4968 (relating to permit for movement
28 during course of manufacture), shall be [\$50 for oversized
29 movements and \$400 for overweight movements.] as follows:

30 (1) Oversized movements - \$100.

1 (2) Overweight movements:

2 (i) Movements not exceeding 100,000 pounds gross
3 weight - \$400.

4 (ii) Movements in excess of 100,000 pounds gross
5 weight - \$500, plus \$100 for each mile of highway
6 authorized under the permit.

7 * * *

8 § 3314. Prohibiting use of hearing impairment devices.

9 (a) General rule.--No driver shall operate a vehicle while
10 wearing or using one or more headphones[,] or earphones [or any
11 similar device which the department by regulation determines
12 would impair the ability of the driver to hear traffic sounds].

13 (b) Exception.--This section does not prohibit the use of
14 hearing aids or other devices for improving the hearing of the
15 driver, nor does it prohibit the use of a headset in conjunction
16 with a cellular telephone that only provides sound through one
17 ear and allows surrounding sounds to be heard with the other
18 ear, nor does it prohibit the use of communication equipment by
19 the driver of [a fire] an emergency vehicle or by motorcycle
20 operators complying with section 3525 (relating to protective
21 equipment for motorcycle riders).

22 § 3326. Duty of driver in construction and maintenance areas.

23 * * *

24 (c) Fines to be doubled.--The fine for any of the following
25 violations, when committed in a construction or maintenance area
26 manned by workers acting in their official capacity, shall be
27 double the usual amount:

28 Section 3102 (relating to obedience to authorized
29 persons directing traffic).

30 Section 3111 (relating to obedience to traffic-

1 control devices).

2 Section 3112 (relating to traffic-control signals).

3 Section 3114 (relating to flashing signals).

4 Section 3302 (relating to meeting vehicle proceeding

5 in opposite direction).

6 Section 3303 (relating to overtaking vehicle on the

7 left).

8 Section 3304 (relating to overtaking vehicle on the

9 right).

10 Section 3305 (relating to limitations on overtaking

11 on the left).

12 Section 3306 (relating to limitations on driving on

13 left side of roadway).

14 Section 3307 (relating to no-passing zones).

15 Section 3309 (relating to driving on roadways laned

16 for traffic).

17 Section 3310 (relating to following too closely).

18 Section 3323 (relating to stop signs and yield

19 signs).

20 Section 3326 (relating to duty of driver in

21 construction and maintenance areas).

22 Section 3361 (relating to driving vehicle at safe

23 speed).

24 Section 3362 (relating to maximum speed limits).

25 Section 3702 (relating to limitations on backing).

26 Section 3714 (relating to [reckless] careless

27 driving).

28 Section 3715 (relating to restriction on alcoholic

29 beverages).

30 Section 3731 (relating to driving under influence of

1 alcohol or controlled substance).

2 Section 3736 (relating to reckless driving).

3 * * *

4 § 4962. Conditions of permits and security for damages.

5 * * *

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

9 Section [4961(a)(6)] 4961(a)(2), (3) and (6) (relating to
10 authority to issue permits).

11 Section [4965(2)] 4965 (relating to single permits for
12 multiple highway crossings).

13 Section 4968 (relating to permit for movement during
14 course of manufacture).

15 Section 4970(b) (relating to permit for movement of
16 construction equipment).

17 Section 4974 (relating to permit for movement of
18 containerized cargo).

19 * * *

20 ~~Section 3. Section 4968 of Title 75, amended December 28,~~ <—
21 ~~1994 (P.L.1450, No.172), is amended to read:~~

22 § 4968. Permit for movement during course of manufacture.

23 (A) ANNUAL PERMIT.--An annual permit may be issued <—
24 authorizing movement on highways of boats, trailers, mobile
25 homes, modular housing units and undercarriages, helicopters,
26 HOT INGOTS, railway equipment and rails or other articles, <—
27 vehicles or combinations which exceed the maximum height, width
28 or length specified in Subchapter B (relating to width, height
29 and length) or combinations carrying RAW MILK OR FLAT-ROLLED <—
30 steel coils OR HOT INGOTS which exceed the maximum weight <—

specified in Subchapter C (relating to maximum weights of vehicles) while they are in the course of manufacture and entirely within the control of the manufacturer, subject to the following provisions:

(1) Except for articles and vehicles not exceeding 102 inches in width, no permit shall be issued under this section for movement of articles or vehicles while they are in transit from the manufacturer to a purchaser or dealer or for the movement of articles or vehicles upon a freeway.

(2) Articles and vehicles not wider than 102 inches may be moved any distance on a permit. Articles and vehicles wider than 102 inches but not in excess of ten feet in width may be moved up to 50 miles on a permit. Wider articles and vehicles may be moved no farther than ten miles on a permit.

(3) A combination of vehicles which is hauling flat-rolled steel coils may be permitted ~~by the department~~ AND LOCAL AUTHORITIES to move upon specified [State] highways WITHIN THEIR RESPECTIVE JURISDICTION a distance not exceeding [ten] 25 miles[, provided, however, that] IF the gross weight [shall] DOES not exceed 100,000 pounds [nor shall] AND the weight of any nonsteering axle DOES NOT exceed 21,000 pounds. No permit may be issued for this type of movement upon [a freeway] an interstate highway.

(3.1) A COMBINATION OF VEHICLES WHICH IS HAULING RAW MILK TO A MANUFACTURER IN THIS COMMONWEALTH MAY BE PERMITTED BY THE DEPARTMENT AND LOCAL AUTHORITIES TO MOVE UPON SPECIFIED HIGHWAYS WITHIN THEIR RESPECTIVE JURISDICTION, IF THE GROSS WEIGHT DOES NOT EXCEED 95,000 POUNDS AND IF THE WEIGHT OF ANY NONSTEERING AXLE DOES NOT EXCEED 21,000 POUNDS. NO PERMIT MAY BE ISSUED FOR THIS TYPE OF MOVEMENT UPON AN

1 INTERSTATE HIGHWAY.

2 (3.2) A COMBINATION OF VEHICLES WHICH IS HAULING A HOT
3 INGOT MAY BE PERMITTED BY THE DEPARTMENT AND LOCAL
4 AUTHORITIES TO MOVE UPON SPECIFIED HIGHWAYS WITHIN THEIR
5 RESPECTIVE JURISDICTION A DISTANCE NOT EXCEEDING 25 MILES IF
6 THE GROSS WEIGHT DOES NOT EXCEED 150,000 POUNDS AND THE
7 WEIGHT OF ANY NONSTEERING AXLE DOES NOT EXCEED 21,000 POUNDS.

8 (4) A permit may be denied OR REVOKED in order to <—
9 preserve the safety of highway users or to protect the
10 structural integrity of highways or bridges or as otherwise
11 authorized by department regulations.

12 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "RAW <—
13 MILK" SHALL HAVE THE MEANING GIVEN TO IT IN THE ACT OF JULY 2,
14 1935 (P.L.589, NO.210), REFERRED TO AS THE MILK SANITATION LAW.

15 SECTION 3. SECTION 9502 OF TITLE 75 IS AMENDED BY ADDING A
16 SUBSECTION TO READ:

17 § 9502. IMPOSITION OF TAX.

18 * * *

19 (L) ACCOUNTABILITY.--

20 (1) THE PENNSYLVANIA TURNPIKE COMMISSION SHALL ANNUALLY
21 TRANSMIT TO THE GOVERNOR AND THE GENERAL ASSEMBLY, AND MAKE
22 AVAILABLE TO THE PUBLIC, A REPORT ON CERTAIN MATTERS
23 PERTAINING TO THE PENNSYLVANIA TURNPIKE COMMISSION. THE
24 REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, A SUMMARY OF
25 SIGNIFICANT ISSUES WHICH THE PENNSYLVANIA TURNPIKE COMMISSION
26 RESOLVED DURING THE REPORTING PERIOD, A SUMMARY OF
27 SIGNIFICANT DECISIONS OF THE PENNSYLVANIA TURNPIKE COMMISSION
28 AND THE COURTS OF THIS COMMONWEALTH DURING THE REPORTING
29 PERIOD RELATING TO THE PENNSYLVANIA TURNPIKE, A SUMMARY OF
30 SIGNIFICANT ANTICIPATED ISSUES AND A STATUS REPORT OF ANY

1 PENNSYLVANIA TURNPIKE COMMISSION ACTION REGARDING THESE
2 ISSUES. IN THE ANNUAL REPORT AND AT SUCH OTHER TIMES AS THE
3 PENNSYLVANIA TURNPIKE COMMISSION DETERMINES, THE PENNSYLVANIA
4 TURNPIKE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE
5 GOVERNOR AND THE GENERAL ASSEMBLY WHICH THE PENNSYLVANIA
6 TURNPIKE COMMISSION BELIEVES TO BE NECESSARY OR DESIRABLE TO
7 PROTECT THE PUBLIC INTEREST.

8 (2) THE PENNSYLVANIA TURNPIKE COMMISSION SHALL ANNUALLY
9 APPEAR BEFORE THE APPROPRIATIONS COMMITTEE OF THE SENATE AND
10 THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

11 SECTION 4. THE SUM OF \$300,000, OR AS MUCH THEREOF AS MAY BE
12 NECESSARY, IS HEREBY APPROPRIATED TO THE ORGAN DONATION
13 AWARENESS TRUST FUND FOR THE FISCAL YEAR JULY 1, 1995, TO JUNE
14 30, 1996, TO ADMINISTER THE ORGAN DONOR CARD PROGRAM ESTABLISHED
15 UNDER 20 PA.C.S. § 8621.

16 Section ~~4-2~~ 5. This act shall take effect in 60 days.

<—