
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 800 Session of
1995

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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 28, 1995

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for terminal rental adjustment clauses,
3 for delay of suspension, revocation or disqualification and
4 for funds; AND further providing for the powers and duties of <—
5 the State Treasurer, for annual hauling permits, for
6 prohibiting use of hearing impairment devices, for fines for
7 reckless driving and for permit for movement during course of
8 manufacture. ~~requiring the Pennsylvania Turnpike Commission~~ <—
9 ~~to issue an annual report and to appear before certain~~
10 ~~committees of the General Assembly; and making an~~
11 ~~appropriation.~~

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

14 Section 1. Title 75 of the Pennsylvania Consolidated
15 Statutes is amended by adding sections to read:

16 § 1139. Terminal rental adjustment clauses.

17 Notwithstanding any other provision of law, a lease agreement
18 which pertains to the commercial use of a motor vehicle or
19 trailer and which includes a terminal rental adjustment clause
20 does not create a sale or security interest merely because the
21 terminal rental adjustment clause provides that the rental price

is permitted or required to be adjusted under the agreement either upward or downward by reference to the actual value of the motor vehicle or trailer upon lease termination or sale or other disposition of the motor vehicle or trailer. Actual value shall be determined as agreed upon by the parties. This section is not applicable to a consumer lease agreement pertaining to a motor vehicle or trailer leased or used primarily for personal, family or household purposes.

§ 1555. Delay of suspension, revocation or disqualification.

(a) General rule.--Upon receiving certification that a person has filed a timely appeal from a criminal conviction that has caused the department to issue a notice of suspension, revocation or disqualification, the department may delay commencement of the suspension, revocation or disqualification for a period of up to six months. It shall be the responsibility of the person to obtain from the court in which the appeal was filed a statement which certifies that the person filed a timely appeal from the conviction, and to forward the certification to the department, accompanied by a request for the six-month delay from the department.

(b) Additional delay.--A person may obtain an additional six-month delay if the person obtains and forwards to the department an additional certification from the court that the appeal is still pending before the court.

(c) Period of delay.--An initial or additional six-month period of delay shall be measured from the date on which the court certifies that the appeal is pending before it.

§ 1905. Payments to special funds.

(a) Power and duty of State Treasurer.--In accordance with the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal

Code, the State Treasurer shall administer the designated funds
of the department. Two of such funds are as follows:

~~(1) Organ Donation Awareness Trust Fund.~~

~~(2) Zoological Enhancement Fund.~~

~~(b) Organ Donation Awareness Trust Fund. Moneys received by~~
~~the department in accordance with the provisions of 20 Pa.C.S. §~~
~~8621 (relating to Organ Donation Awareness Trust Fund~~
~~contributions) shall be credited to the Organ Donation Awareness~~
~~Trust Fund.~~

~~(c)~~ (B) Zoological Enhancement Fund.--Fifteen dollars of
each fee received under section 1355 (relating to zoological
plates) shall be credited to the Zoological Enhancement Fund,
created as follows:

(1) There is hereby established a special account in the
Treasury Department which shall be known as the Zoological
Enhancement Fund. The purpose of the Zoological Enhancement
Fund is to assist Commonwealth nonprofit zoological
institutions accredited by the American Zoo and Aquarium
Association and licensed by the United States Department of
Agriculture to fulfill their conservation, education and
recreation missions to the citizens of this Commonwealth.

(2) All moneys in the Zoological Enhancement Fund are
hereby annually appropriated to the Department of Commerce
and may be expended for the purposes authorized under this
subsection.

(3) Estimates of amounts to be expended under this
subsection shall be submitted to the Governor by the
Department of Commerce for his approval.

(4) The State Treasurer shall not honor any requisition
for expenditures by the Department of Commerce in excess of

1 estimates approved by the Governor or in excess of the amount
2 available for the purposes for which the requisition was
3 made, whichever is the lesser amount.

4 Section 2. Sections 1943(c), 3314, 3326(c), 4962(f) and 4968
5 of Title 75 are amended to read:

6 § 1943. Annual hauling permits.

7 * * *

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

13 (1) Oversized movements - \$100.

14 (2) Overweight movements:

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

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

20 * * *

21 § 3314. Prohibiting use of hearing impairment devices.

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

26 (b) Exception.--This section does not prohibit the use of
27 hearing aids or other devices for improving the hearing of the
28 driver, nor does it prohibit the use of a headset in conjunction
29 with a cellular telephone that only provides sound through one
30 ear and allows surrounding sounds to be heard with the other

1 ear, nor does it prohibit the use of communication equipment by
2 the driver of [a fire] an emergency vehicle or by motorcycle
3 operators complying with section 3525 (relating to protective
4 equipment for motorcycle riders).

5 § 3326. Duty of driver in construction and maintenance areas.

6 * * *

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

11 Section 3102 (relating to obedience to authorized
12 persons directing traffic).

13 Section 3111 (relating to obedience to traffic-
14 control devices).

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

16 Section 3114 (relating to flashing signals).

17 Section 3302 (relating to meeting vehicle proceeding
18 in opposite direction).

19 Section 3303 (relating to overtaking vehicle on the
20 left).

21 Section 3304 (relating to overtaking vehicle on the
22 right).

23 Section 3305 (relating to limitations on overtaking
24 on the left).

25 Section 3306 (relating to limitations on driving on
26 left side of roadway).

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

28 Section 3309 (relating to driving on roadways laned
29 for traffic).

30 Section 3310 (relating to following too closely).

1 Section 3323 (relating to stop signs and yield
2 signs).

3 Section 3326 (relating to duty of driver in
4 construction and maintenance areas).

5 Section 3361 (relating to driving vehicle at safe
6 speed).

7 Section 3362 (relating to maximum speed limits).

8 Section 3702 (relating to limitations on backing).

9 Section 3714 (relating to [reckless] careless
10 driving).

11 Section 3715 (relating to restriction on alcoholic
12 beverages).

13 Section 3731 (relating to driving under influence of
14 alcohol or controlled substance).

15 Section 3736 (relating to reckless driving).

16 * * *

17 § 4962. Conditions of permits and security for damages.

18 * * *

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

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

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

26 Section 4968 (relating to permit for movement during
27 course of manufacture).

28 Section 4970(b) (relating to permit for movement of
29 construction equipment).

30 Section 4974 (relating to permit for movement of

1 containerized cargo).

2 * * *

3 § 4968. Permit for movement during course of manufacture.

4 (a) Annual permit.--An annual permit may be issued
5 authorizing movement on highways of boats, trailers, mobile
6 homes, modular housing units and undercarriages, helicopters,
7 hot ingots, railway equipment and rails or other articles,
8 vehicles or combinations which exceed the maximum height, width
9 or length specified in Subchapter B (relating to width, height
10 and length) or combinations carrying raw milk or flat-rolled
11 steel coils or hot ingots which exceed the maximum weight
12 specified in Subchapter C (relating to maximum weights of
13 vehicles) while they are in the course of manufacture and
14 entirely within the control of the manufacturer, subject to the
15 following provisions:

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

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

26 (3) A combination of vehicles which is hauling flat-
27 rolled steel coils may be permitted by the department and
28 local authorities to move upon specified [State] highways
29 within their respective jurisdiction a distance not exceeding
30 [ten] 25 miles[, provided, however, that] if the gross weight

1 [shall] does not exceed 100,000 pounds [nor shall] and the
2 weight of any nonsteering axle does not exceed 21,000 pounds.
3 No permit may be issued for this type of movement upon [a
4 freeway] an interstate highway.

5 (3.1) A combination of vehicles which is hauling raw
6 milk to a manufacturer in this Commonwealth may be permitted
7 by the department and local authorities to move upon
8 specified highways within their respective jurisdiction, if
9 the gross weight does not exceed 95,000 pounds and if the
10 weight of any nonsteering axle does not exceed 21,000 pounds.
11 No permit may be issued for this type of movement upon an
12 interstate highway.

13 (3.2) A combination of vehicles which is hauling a hot
14 ingot may be permitted by the department and local
15 authorities to move upon specified highways within their
16 respective jurisdiction a distance not exceeding 25 miles if
17 the gross weight does not exceed 150,000 pounds and the
18 weight of any nonsteering axle does not exceed 21,000 pounds.

19 (4) A permit may be denied or revoked in order to
20 preserve the safety of highway users or to protect the
21 structural integrity of highways or bridges or as otherwise
22 authorized by department regulations.

23 (b) Definition.--As used in this section, the term "raw
24 milk" shall have the meaning given to it in the act of July 2,
25 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law.

26 ~~Section 3. Section 9502 of Title 75 is amended by adding a~~ <—
27 ~~subsection to read:~~

28 ~~§ 9502. Imposition of tax.~~

29 ~~* * *~~

30 ~~(1) Accountability.~~

~~(1) The Pennsylvania Turnpike Commission shall annually transmit to the Governor and the General Assembly, and make available to the public, a report on certain matters pertaining to the Pennsylvania Turnpike Commission. The report shall include, but not be limited to, a summary of significant issues which the Pennsylvania Turnpike Commission resolved during the reporting period, a summary of significant decisions of the Pennsylvania Turnpike Commission and the courts of this Commonwealth during the reporting period relating to the Pennsylvania Turnpike, a summary of significant anticipated issues and a status report of any Pennsylvania Turnpike Commission action regarding these issues. In the annual report and at such other times as the Pennsylvania Turnpike Commission determines, the Pennsylvania Turnpike Commission shall make recommendations to the Governor and the General Assembly which the Pennsylvania Turnpike Commission believes to be necessary or desirable to protect the public interest.~~

~~(2) The Pennsylvania Turnpike Commission shall annually appear before the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.~~

~~Section 4. The sum of \$300,000, or as much thereof as may be necessary, is hereby appropriated to the Organ Donation Awareness Trust Fund for the fiscal year July 1, 1995, to June 30, 1996, to administer the organ donor card program established under 20 Pa.C.S. § 8621.~~

Section 5 3. This act shall take effect in 60 days.

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