

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1470 Session of
1999

INTRODUCED BY MARSICO, BATTISTO, CLARK, GEIST, LYNCH,
MCILHINNEY, McNAUGHTON, RAMOS, SNYDER, E. Z. TAYLOR, TULLI
AND YOUNGBLOOD, MAY 6, 1999

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, AS AMENDED,
NOVEMBER 21, 2000

AN ACT

1 ~~Amending Titles 66 (Public Utilities) and 75 (Vehicles) of the~~ <—
2 ~~Pennsylvania Consolidated Statutes, further providing for~~
3 ~~motor carrier and broker violations; further providing for~~
4 ~~unlawful activities and for police and Commonwealth~~
5 ~~inspections relating to vehicle inspections; and establishing~~
6 ~~the Motor Carrier Safety Advisory Committee.~~
7 AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED <—
8 STATUTES, ADDING AND AMENDING DEFINITIONS; FURTHER PROVIDING
9 FOR CERTIFICATES OF TITLE; PROVIDING FOR SALVAGE, THEFT AND
10 RECONSTRUCTED VEHICLES; FURTHER PROVIDING FOR REGISTRATION OF
11 VEHICLES, FOR REGISTRATION PLATES, FOR REGISTRATION
12 VIOLATIONS AND SUSPENSIONS, FOR LICENSING OF DRIVERS, FOR
13 COMPREHENSIVE SYSTEM FOR DRIVER EDUCATION AND CONTROL, FOR
14 DRIVER'S LICENSE VIOLATIONS, FOR DRIVER'S LICENSE COMPACT,
15 FOR COMMERCIAL DRIVERS, FOR REQUIRED FINANCIAL
16 RESPONSIBILITY, FOR PAYMENTS TO SPECIAL FUNDS, FOR
17 REGISTRATION FEES, FOR PERMITS, FOR THE MOTOR VEHICLE
18 TRANSACTION RECOVERY FUND, FOR OBEDIENCE TO AND EFFECT OF
19 TRAFFIC LAWS, FOR TRAFFIC-CONTROL DEVICES, FOR RIGHT-OF-WAY,
20 FOR SPECIAL STOPS REQUIRED, FOR STOPPING, STANDING AND
21 PARKING, FOR SPEED RESTRICTIONS, FOR RIGHTS AND DUTIES OF
22 PEDESTRIANS, FOR DEPOSITING WASTE AND OTHER MATERIAL ON
23 HIGHWAY, PROPERTY OR WATER AND FOR ABANDONMENT AND STRIPPING
24 OF VEHICLES; PROVIDING FOR RESTITUTION OF PROPERTY OWNERS AND
25 FOR RESTRICTION ON ALCOHOLIC BEVERAGES; FURTHER PROVIDING FOR
26 ACCIDENTS INVOLVING OVERTURNED VEHICLES, FOR SERIOUS TRAFFIC
27 OFFENSES, FOR ACCIDENTS AND ACCIDENT REPORTS, FOR EQUIPMENT
28 STANDARDS, FOR LIGHTING EQUIPMENT, FOR SAFETY AND
29 ANTIPOLLUTION EQUIPMENT, FOR VEHICLES FOR TRANSPORTATION OF
30 SCHOOL CHILDREN, FOR EQUIPMENT OF AUTHORIZED AND EMERGENCY
31 VEHICLES, FOR INSPECTION REQUIREMENTS, FOR OFFICIAL

1 INSPECTION STATIONS, FOR VEHICLE SIZE, WEIGHT AND LOAD, FOR
2 POWERS OF THE DEPARTMENT OF TRANSPORTATION AND LOCAL
3 AUTHORITIES, FOR ENFORCEMENT, FOR MISUSE OF DOCUMENTS AND
4 PLATES, FOR TAMPERING WITH ODOMETERS, FOR ABANDONED VEHICLES
5 AND CARGOS, FOR MESSENGER SERVICE AND FOR SNOWMOBILES AND
6 ALL-TERRAIN VEHICLES; PROVIDING FOR MOTOR CARRIER SAFETY;
7 FURTHER PROVIDING FOR LIQUID FUELS AND FUELS TAX REFUNDS;
8 CONFERRING POWERS AND DUTIES ON THE DEPARTMENT OF HEALTH; AND
9 MAKING REPEALS.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Section 3312 of Title 66 of the Pennsylvania~~ <—
13 ~~Consolidated Statutes is amended to read:~~

14 ~~§ 3312. Evasion of motor carrier and broker laws and~~
15 ~~regulations.~~

16 ~~(a) Penalty. Any person, whether carrier, shipper,~~
17 ~~consignee, or broker, or any officer, employee, agent, or~~
18 ~~representative thereof, who shall knowingly offer, grant, or~~
19 ~~give, or solicit, accept, or receive any rebate, concession, or~~
20 ~~discrimination, in violation of any provision of this part with~~
21 ~~respect to motor carriers, or who, by means of false statements~~
22 ~~or representations or by use of false or fictitious bill, bill~~
23 ~~of lading, receipt, voucher, roll, account, claim, certificate,~~
24 ~~affidavit, deposition, lease, or bill of sale, or by any other~~
25 ~~means or device, shall knowingly and willfully, assist, suffer~~
26 ~~or permit any person or persons, natural or artificial, to~~
27 ~~obtain transportation of property by motor carrier subject to~~
28 ~~this part, for less than the applicable rate, fare or charge, or~~
29 ~~who shall knowingly and willfully, by any such means, or~~
30 ~~otherwise seek to evade or defeat regulation in this part~~
31 ~~provided for motor carriers or brokers, or requirements as~~
32 ~~provided in 75 Pa.C.S. §§ 4107 (relating to unlawful activities)~~
33 ~~and 4704 (relating to inspection by police or Commonwealth~~
34 ~~personnel), shall be guilty of a summary offense for the first~~

1 ~~offense and a misdemeanor of the third degree for subsequent~~
2 ~~offenses.~~

3 ~~(b) Administrative coordination. The commission shall~~
4 ~~coordinate with the Department of Transportation in the~~
5 ~~enforcement of subsection (a) and 75 Pa.C.S. §§ 4107(b.1) and~~
6 ~~(d).~~

7 SECTION 1. THE DEFINITIONS OF "ABANDONED VEHICLE," <—
8 "COMMERCIAL IMPLEMENT OF HUSBANDRY," "EMERGENCY VEHICLE,"
9 "ESSENTIAL PARTS," "FARM EQUIPMENT," "IMPLEMENT OF HUSBANDRY,"
10 "MOTOR-DRIVER CYCLE," "RECONSTRUCTED VEHICLE," "RECOVERED THEFT
11 VEHICLE," "SCHOOL BUS," "VALUELESS EXCEPT FOR SALVAGE" AND
12 "VEHICLE IDENTIFICATION NUMBER" IN SECTION 102 OF TITLE 75 OF
13 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED AND THE
14 SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

15 § 102. DEFINITIONS.

16 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
17 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
18 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
19 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
20 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

21 "ABANDONED VEHICLE."

22 (1) A VEHICLE (OTHER THAN A PEDALCYCLE) SHALL BE
23 PRESUMED TO BE ABANDONED UNDER ANY OF THE FOLLOWING
24 CIRCUMSTANCES, BUT THE PRESUMPTION IS REBUTTABLE BY A
25 PREPONDERANCE OF THE EVIDENCE:

26 (I) THE VEHICLE IS PHYSICALLY INOPERABLE AND IS LEFT
27 UNATTENDED ON A HIGHWAY OR OTHER PUBLIC PROPERTY FOR MORE
28 THAN 48 HOURS.

29 (II) THE VEHICLE HAS REMAINED ILLEGALLY ON A HIGHWAY
30 OR OTHER PUBLIC PROPERTY FOR A PERIOD OF MORE THAN 48

HOURS.

(III) THE VEHICLE IS LEFT UNATTENDED ON OR ALONG A HIGHWAY OR OTHER PUBLIC PROPERTY FOR MORE THAN 48 HOURS AND DOES NOT BEAR ALL OF THE FOLLOWING:

(A) A VALID REGISTRATION PLATE.

(B) A CURRENT CERTIFICATE OF INSPECTION.

(C) AN ASCERTAINABLE VEHICLE IDENTIFICATION NUMBER.

(IV) THE VEHICLE HAS REMAINED ON PRIVATE PROPERTY WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CONTROL OF THE PROPERTY FOR MORE THAN 48 HOURS.

(2) VEHICLES AND EQUIPMENT USED OR TO BE USED IN CONSTRUCTION OR IN THE OPERATION OR MAINTENANCE OF HIGHWAYS OR PUBLIC UTILITY FACILITIES, WHICH ARE LEFT IN A MANNER WHICH DOES NOT INTERFERE WITH THE NORMAL MOVEMENT OF TRAFFIC, SHALL NOT BE CONSIDERED TO BE ABANDONED.

"AGENT SERVICE." A PERSON WHO HAS BEEN AUTHORIZED BY THE DEPARTMENT TO ACT AS A CARD AGENT, FULL AGENT OR ISSUING AGENT.

* * *

"AMBULANCE." ANY VEHICLE WHICH IS SPECIFICALLY DESIGNED, CONSTRUCTED OR MODIFIED AND EQUIPPED, AND IS USED OR INTENDED TO BE USED, AND IS MAINTAINED OR OPERATED, FOR THE PURPOSE OF PROVIDING EMERGENCY MEDICAL CARE TO, AND TRANSPORTATION OF, HUMAN PATIENTS. THE TERM INCLUDES ADVANCED OR BASIC LIFE SUPPORT VEHICLES THAT MAY OR MAY NOT TRANSPORT SUCH PATIENTS.

* * *

"BLOOD DELIVERY VEHICLE." ANY VEHICLE WHICH IS USED OR INTENDED TO BE USED, AND IS MAINTAINED OR OPERATED, FOR THE PURPOSE OF TRANSPORTING BLOOD OR BLOOD PRODUCTS ON AN EMERGENCY BASIS.

* * *

"COMMERCIAL IMPLEMENT OF HUSBANDRY." [A SELF-PROPELLED VEHICLE USED COMMERCIALLY TO APPLY NUTRIENTS, SOIL AMENDMENTS OR CHEMICALS FOR PRODUCTION AGRICULTURE AND OPERATED OR MOVED UPON HIGHWAYS FOR NOT MORE THAN 180 DAYS IN A CALENDAR YEAR.] AN IMPLEMENT OF HUSBANDRY THAT:

(1) IS A SELF-PROPELLED VEHICLE.

(2) IS USED COMMERCIALLY.

(3) IS OPERATED OR MOVED UPON HIGHWAYS FOR NOT MORE THAN 180 DAYS IN A CALENDAR YEAR.

THE TERM ALSO INCLUDES ANY OTHER VEHICLE DETERMINED BY THE DEPARTMENT TO BE A COMMERCIAL IMPLEMENT OF HUSBANDRY.

* * *

"EMERGENCY VEHICLE." A FIRE DEPARTMENT VEHICLE, POLICE VEHICLE, SHERIFF VEHICLE, AMBULANCE, BLOOD-DELIVERY VEHICLE, HUMAN ORGAN DELIVERY VEHICLE, HAZARDOUS MATERIAL RESPONSE VEHICLE, ARMED FORCES EMERGENCY VEHICLE, ONE VEHICLE OPERATED BY A CORONER OR CHIEF COUNTY MEDICAL EXAMINER AND ONE VEHICLE OPERATED BY A CHIEF DEPUTY CORONER OR DEPUTY CHIEF COUNTY MEDICAL EXAMINER USED FOR ANSWERING EMERGENCY CALLS, OR ANY OTHER VEHICLE DESIGNATED BY THE STATE POLICE UNDER SECTION 6106 (RELATING TO DESIGNATION OF EMERGENCY VEHICLES BY PENNSYLVANIA STATE POLICE), OR A PRIVATELY OWNED VEHICLE USED IN ANSWERING AN EMERGENCY CALL WHEN USED BY ANY OF THE FOLLOWING:

(1) A POLICE CHIEF AND ASSISTANT CHIEF.

(2) A FIRE CHIEF, ASSISTANT CHIEF AND, WHEN A FIRE COMPANY HAS THREE OR MORE FIRE VEHICLES, A SECOND OR THIRD ASSISTANT CHIEF.

(3) A FIRE POLICE CAPTAIN AND FIRE POLICE LIEUTENANT.

(4) AN AMBULANCE CORPS COMMANDER AND ASSISTANT

1 COMMANDER.

2 (5) A RIVER RESCUE COMMANDER AND ASSISTANT COMMANDER.

3 (6) A COUNTY EMERGENCY MANAGEMENT COORDINATOR.

4 (7) A FIRE MARSHAL.

5 (8) A RESCUE SERVICE CHIEF AND ASSISTANT CHIEF.

6 * * *

7 "ESSENTIAL PARTS." ALL [INTEGRAL AND BODY PARTS] MAJOR
8 COMPONENT PARTS OF A VEHICLE OF A TYPE REQUIRED TO BE REGISTERED
9 UNDER THIS TITLE, THE REMOVAL, ALTERATION OR SUBSTITUTION OF
10 WHICH WOULD TEND TO CONCEAL THE IDENTITY OF THE VEHICLE OR
11 SUBSTANTIALLY ALTER ITS APPEARANCE, MODEL, TYPE OR MODE OF
12 OPERATION.

13 * * *

14 "FARM EQUIPMENT." [A VEHICLE DESIGNED OR USED EXCLUSIVELY
15 FOR AGRICULTURAL OPERATIONS AND ONLY INCIDENTALLY OPERATED OR
16 MOVED UPON HIGHWAYS, INCLUDING, BUT NOT LIMITED TO, FARM
17 TRACTORS, CHOPPERS AND BALERS.] A VEHICLE THAT IS SPECIFICALLY
18 DESIGNED AND MANUFACTURED FOR AND USED EXCLUSIVELY IN
19 AGRICULTURE TO PLANT, SEED, CULTIVATE, HARVEST OR APPLY SOIL
20 NUTRIENTS, FERTILIZERS OR CHEMICALS. THE TERM ALSO INCLUDES ANY
21 OTHER VEHICLE DETERMINED BY THE DEPARTMENT TO BE FARM EQUIPMENT.

22 * * *

23 "FIRE DEPARTMENT VEHICLE." A VEHICLE OWNED OR LEASED BY AN
24 ORGANIZED PAID OR VOLUNTEER FIRE DEPARTMENT.

25 * * *

26 "FLOOD VEHICLE." A MOTOR VEHICLE THAT HAS BEEN SUBMERGED IN
27 WATER TO THE POINT THAT RISING WATER HAS REACHED OVER THE DOOR
28 SILL OR HAS ENTERED THE PASSENGER OR TRUNK COMPARTMENT.

29 * * *

30 "HAZARDOUS MATERIAL RESPONSE VEHICLE." A VEHICLE OWNED OR

1 LEASED BY A HAZARDOUS MATERIAL RESPONSE TEAM CERTIFIED THROUGH
2 THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.

3 * * *

4 "HOUSE COACH." A VEHICLE WITH AN ENCLOSED AREA WHICH IS
5 DESIGNED, CONSTRUCTED OR EQUIPPED FOR USE, EITHER PERMANENTLY OR
6 TEMPORARILY, AS A DWELLING PLACE, LIVING ABODE, SLEEPING PLACE
7 OR CAMPING ACCOMMODATION. A HOUSE COACH INCLUDES MOTOR HOMES,
8 SLIDE-IN CABINS AND SLEEPING UNITS SPECIFICALLY DESIGNED FOR
9 MOUNTING ON A PICKUP TRUCK AND SLEEPING CABINS DESIGNED FOR USE
10 ON TRUCKS AND TRUCK TRACTORS OPERATED FOR HEAVY-DUTY, LONG-
11 DISTANCE HAULING.

12 * * *

13 "IGNITION INTERLOCK SYSTEM." A SYSTEM APPROVED BY THE
14 DEPARTMENT THAT PREVENTS A VEHICLE FROM BEING STARTED OR
15 OPERATED UNLESS THE OPERATOR FIRST PROVIDES A BREATH SAMPLE
16 INDICATING THAT THE OPERATOR HAS AN ALCOHOL LEVEL OF LESS THAN
17 .025%.

18 "IMPLEMENT OF HUSBANDRY." [A VEHICLE DESIGNED OR ADAPTED AND
19 DETERMINED BY THE DEPARTMENT TO BE USED EXCLUSIVELY FOR
20 AGRICULTURAL OPERATIONS AND INFREQUENTLY OPERATED OR MOVED UPON
21 HIGHWAYS.] FARM EQUIPMENT THAT MEETS ALL OF THE FOLLOWING
22 CRITERIA:

23 (1) IS EQUIPPED WITH PNEUMATIC TIRES EXCEPT IF
24 PROHIBITED BY RELIGIOUS BELIEFS.

25 (2) IS INFREQUENTLY OPERATED OR MOVED UPON HIGHWAYS.

26 (3) IS USED IN AGRICULTURE FOR ANY OF THE FOLLOWING
27 PURPOSES:

28 (I) PERFORMANCE OF AGRICULTURE PRODUCTION OR
29 HARVESTING ACTIVITIES FOR THE FARMER'S AGRICULTURAL
30 OPERATIONS; OR

(II) TRANSPORTATION OF AGRICULTURAL PRODUCTS OR
AGRICULTURAL SUPPLIES FOR THE BENEFIT OF THE FARMER'S
AGRICULTURAL OPERATIONS.

THE TERM ALSO INCLUDES EARTHMOVING EQUIPMENT AND ANY OTHER
VEHICLE DETERMINED BY THE DEPARTMENT TO BE AN IMPLEMENT OF
HUSBANDRY.

* * *

"MAJOR COMPONENT PARTS." INCLUDES ANY OF THE FOLLOWING PARTS
OF A VEHICLE: ENGINE, TRANSMISSION, FRONT-END ASSEMBLIES OR
UNIBODIES STRUCTURE WHICH MAY CONSIST OF HEADLIGHT, GRILLE,
FENDERS, BUMPERS AND HOOD; FENDERS; HOOD; ANY DOOR; ANY BUMPER;
PICKUP BOX OR CARGO BOX; AIRBAGS; COMPUTER ASSEMBLY; RADIO OR
STEREO COMPONENTS; OR TRUNK LID, DECK LID, TAILGATE OR
HATCHBACK, WHICHEVER IS PRESENT.

* * *

"MILEAGE." THE ACTUAL DISTANCE THAT A VEHICLE HAS TRAVELED.

* * *

"MODIFIED VEHICLE." A VEHICLE OF A TYPE REQUIRED TO BE
REGISTERED UNDER THIS TITLE ALTERED BY THE ADDITION, DELETION OR
MODIFICATION OF THE BODY, CHASSIS OR ESSENTIAL PARTS, NEW OR
USED. THE TERM DOES NOT INCLUDE VEHICLES THAT QUALIFY AS A
REBUILT SALVAGE VEHICLE OR VEHICLES WHERE FINAL-STAGE OR SECOND-
STAGE MANUFACTURERS PROVIDE A MANUFACTURER STATEMENT OF ORIGIN
OR A FEDERALLY REQUIRED CERTIFICATION LABEL AT THE TIME OF THE
ORIGINAL TITLE AND REGISTRATION APPLICATION.

* * *

"MOTOR-DRIVEN CYCLE." A MOTORCYCLE, INCLUDING A MOTOR
SCOOTER[,] WITH A SEAT OR SADDLE FOR USE OF THE RIDER, WITH A
MOTOR WHICH PRODUCES NOT TO EXCEED FIVE BRAKE HORSEPOWER.

* * *

1 "NONREPAIRABLE VEHICLE." AN ABANDONED VEHICLE WHICH IS
2 INCAPABLE OF SAFE OPERATION FOR USE ON ROADWAYS OR HIGHWAYS AND
3 WHICH HAS NO RESALE VALUE EXCEPT AS A SOURCE OF PARTS OR SCRAP
4 ONLY, A VEHICLE ISSUED A NONREPAIRABLE OR NONREBUILDABLE VEHICLE
5 DOCUMENT BY ANOTHER STATE, OR A VEHICLE WHICH A SALVOR OR
6 VEHICLE SALVAGE DEALER DESIGNATES AS A SOURCE FOR PARTS OR
7 SCRAP, OR WHICH THE OWNER IRREVERSIBLY DESIGNATES AS A SOURCE
8 FOR PARTS OR SCRAP. SUCH VEHICLES MAY ONLY BE TRANSFERRED TO A
9 SALVOR, VEHICLE SALVAGE DEALER OR SCRAP METAL PROCESSOR AND MAY
10 NOT BE ISSUED A CERTIFICATE OF TITLE.

11 * * *

12 ["RECONSTRUCTED VEHICLE." A VEHICLE MATERIALLY ALTERED FROM
13 ITS ORIGINAL CONSTRUCTION BY THE REMOVAL, ADDITION OR
14 SUBSTITUTION OF ESSENTIAL PARTS, NEW OR USED, OR A VEHICLE,
15 OTHER THAN AN ANTIQUE OR CLASSIC VEHICLE, FOR WHICH A
16 CERTIFICATE OF JUNK WAS ISSUED AND IS THEREAFTER RESTORED TO
17 OPERATING CONDITION.]

18 "RECONSTRUCTED VEHICLE." A VEHICLE, OTHER THAN AN ANTIQUE OR
19 CLASSIC VEHICLE, FOR WHICH A CERTIFICATE OF SALVAGE WAS ISSUED
20 AND IS THEREAFTER RESTORED TO OPERATING CONDITION AND WHICH IS
21 SUBSTANTIALLY IN CONFORMITY WITH MANUFACTURER SPECIFICATIONS AND
22 APPEARANCE.

23 "RECOVERED THEFT VEHICLE." A VEHICLE OTHER THAN AN ANTIQUE
24 OR CLASSIC VEHICLE WHICH WAS REPORTED AS STOLEN BUT SUBSEQUENTLY
25 RECOVERED [FOR WHICH A CERTIFICATE OF SALVAGE WAS ISSUED AND
26 WHICH WOULD OTHERWISE BE REGARDED AS A RECONSTRUCTED VEHICLE,
27 EXCEPT THAT THE RETAIL VALUE OF ANY REPAIRS TO RESTORE THE
28 VEHICLE TO OPERATING CONDITION DOES NOT EXCEED 50% OF THE ACTUAL
29 CASH VALUE OF THE VEHICLE AS DETERMINED BY AVERAGING THE AVERAGE
30 RETAIL VALUES LISTED IN THE OFFICIAL USED CAR GUIDE FOR DOMESTIC

1 AND IMPORTED CARS PUBLISHED BY THE NATIONAL AUTOMOBILE DEALERS
2 ASSOCIATION AND THE AUTOMOBILE RED BOOK OFFICIAL USED CAR
3 VALIDATIONS PUBLISHED BY THE MACLEAN HUNTER MARKET REPORTS,
4 INCORPORATED].

5 * * *

6 "REPLACEMENT VALUE OF A VEHICLE." THE RETAIL VALUE OF A
7 MOTOR VEHICLE AS SET FORTH IN A CURRENT EDITION OF A NATIONALLY
8 RECOGNIZED COMPILATION, INCLUDING AUTOMATED DATA BASES, OF
9 RETAIL VALUES, AS APPROVED BY THE SECRETARY OF TRANSPORTATION.

10 * * *

11 "SALVAGE VEHICLE." A VEHICLE WHICH IS INOPERABLE OR UNABLE
12 TO MEET THE VEHICLE EQUIPMENT AND INSPECTION STANDARDS UNDER
13 PART IV (RELATING TO VEHICLE CHARACTERISTICS) TO THE EXTENT THAT
14 THE COST OF REPAIRS WOULD EXCEED THE VALUE OF THE REPAIRED
15 VEHICLE. THE TERM DOES NOT INCLUDE A VEHICLE WHICH WOULD QUALIFY
16 AS AN ANTIQUE OR CLASSIC VEHICLE EXCEPT FOR ITS LACK OF
17 RESTORATION OR MAINTENANCE.

18 * * *

19 "SCHOOL BUS." A MOTOR VEHICLE [WHICH] THAT:

20 (1) IS DESIGNED TO CARRY 11 PASSENGERS OR MORE,
21 INCLUDING THE DRIVER; AND

22 (2) IS USED FOR THE TRANSPORTATION OF PREPRIMARY,
23 PRIMARY OR SECONDARY SCHOOL STUDENTS TO OR FROM PUBLIC,
24 PRIVATE OR PAROCHIAL SCHOOLS OR [EVENTS RELATED TO SUCH
25 SCHOOLS OR SCHOOL-RELATED ACTIVITIES] SCHOOL-RELATED EVENTS.

26 [THE] UNTIL JUNE 1, 2004, THE TERM DOES NOT INCLUDE A MOTOR
27 VEHICLE USED TO TRANSPORT PREPRIMARY, PRIMARY OR SECONDARY
28 SCHOOL STUDENTS TO OR FROM PUBLIC, PRIVATE OR PAROCHIAL SCHOOLS
29 OR [EVENTS RELATED TO SUCH SCHOOLS OR SCHOOL-RELATED
30 ACTIVITIES,] SCHOOL-RELATED EVENTS [WHICH] THAT IS DESIGNED TO

1 CARRY 11 TO 15 PASSENGERS, INCLUDING THE DRIVER, AND [WHICH]
2 THAT IS REGISTERED IN THIS COMMONWEALTH AS A BUS PRIOR TO MARCH
3 1, 1993, OR A MOTOR VEHICLE WHICH IS DESIGNED TO CARRY 11 TO 15
4 PASSENGERS, INCLUDING THE DRIVER, AND WHICH WAS TITLED TO ANY
5 PUBLIC, PRIVATE OR PAROCHIAL SCHOOL ON OR BEFORE MARCH 1, 1993,
6 AND WHICH IS REGISTERED TO THAT PUBLIC, PRIVATE OR PAROCHIAL
7 SCHOOL IN THIS COMMONWEALTH AS A BUS PRIOR TO SEPTEMBER 15,
8 1993.

9 * * *

10 "SECURE PRINTING PROCESS OR OTHER SECURE PROCESS." A PROCESS
11 WHICH DETERS AND DETECTS COUNTERFEITING AND/OR UNAUTHORIZED
12 REPRODUCTION AND ALLOWS ALTERATIONS TO BE VISIBLE TO THE NAKED
13 EYE OR OTHER SECURE ELECTRONIC PROCESS AUTHORIZED BY FEDERAL
14 STATUTE OR REGULATION.

15 * * *

16 "STATUS." WITH RESPECT TO AN ABANDONED VEHICLE, A
17 DETERMINATION BY POLICE AND A SALVOR AS TO THE CONDITION OR
18 VALUE OF THE ABANDONED VEHICLE. THE DETERMINATION SHALL BE ONE
19 OF THE FOLLOWING: VEHICLE WITH VALUE, SALVAGE VEHICLE OR
20 NONREPAIRABLE VEHICLE.

21 * * *

22 "THEFT VEHICLE." A VEHICLE, OTHER THAN AN ANTIQUE OR CLASSIC
23 VEHICLE, WHICH WAS REPORTED STOLEN.

24 * * *

25 "TRANSFER." TO CHANGE OWNERSHIP BY PURCHASE, GIFT OR ANY
26 OTHER MEANS.

27 "TRANSFeree." A PERSON TO WHOM OWNERSHIP OF A MOTOR VEHICLE
28 IS TRANSFERRED, BY PURCHASE, GIFT OR ANY MEANS OTHER THAN BY THE
29 CREATION OF A SECURITY INTEREST, AND ANY PERSON WHO, AS AGENT,
30 SIGNS AN ODOMETER DISCLOSURE STATEMENT FOR THE TRANSFeree.

1 "TRANSFEROR." A PERSON WHO TRANSFERS HIS OWNERSHIP OF A
2 MOTOR VEHICLE BY SALE, GIFT OR ANY MEANS OTHER THAN BY THE
3 CREATION OF A SECURITY INTEREST, AND ANY PERSON WHO, AS AGENT,
4 SIGNS AN ODOMETER DISCLOSURE STATEMENT FOR THE TRANSFEROR.

5 * * *

6 ["VALUELESS EXCEPT FOR SALVAGE." A VEHICLE WHICH IS
7 INOPERABLE OR UNABLE TO MEET THE VEHICLE EQUIPMENT AND
8 INSPECTION STANDARDS UNDER PART IV (RELATING TO VEHICLE
9 CHARACTERISTICS) TO THE EXTENT THAT THE COST OF REPAIRS WOULD
10 EXCEED THE VALUE OF THE REPAIRED VEHICLE. THE TERM DOES NOT
11 INCLUDE A VEHICLE WHICH WOULD QUALIFY AS AN ANTIQUE OR CLASSIC
12 VEHICLE EXCEPT FOR ITS LACK OF RESTORATION OR MAINTENANCE.]

13 * * *

14 "VEHICLE IDENTIFICATION NUMBER" OR "VIN." A COMBINATION OF
15 NUMERALS OR LETTERS OR BOTH WHICH THE MANUFACTURER ASSIGNS TO A
16 VEHICLE FOR IDENTIFICATION PURPOSES, OR, IN THE ABSENCE OF A
17 MANUFACTURER-ASSIGNED NUMBER, WHICH THE DEPARTMENT ASSIGNS TO A
18 VEHICLE FOR IDENTIFICATION PURPOSES.

19 * * *

20 SECTION 2. SECTIONS 1103.1(E), (G) AND (G.1), 1106(A) AND
21 (B) AND 1109 OF TITLE 75 ARE AMENDED TO READ:

22 § 1103.1. APPLICATION FOR CERTIFICATE OF TITLE.

23 * * *

24 (E) OUT-OF-STATE VEHICLES.--IF THE APPLICATION REFERS TO A
25 VEHICLE LAST PREVIOUSLY TITLED OR REGISTERED IN ANOTHER STATE OR
26 COUNTRY, THE FOLLOWING INFORMATION SHALL BE CONTAINED IN OR
27 ACCOMPANY THE APPLICATION OR BE FORWARDED IN SUPPORT OF THE
28 APPLICATION AS REQUIRED BY THE DEPARTMENT:

29 (1) ANY CERTIFICATE OF TITLE ISSUED BY THE OTHER STATE
30 OR COUNTRY.

1 [(2) A TRACING OF THE VEHICLE IDENTIFICATION NUMBER
2 TAKEN FROM THE OFFICIAL NUMBER PLATE OR, WHERE IT IS
3 IMPOSSIBLE TO SECURE A LEGIBLE TRACING, VERIFICATION THAT THE
4 VEHICLE IDENTIFICATION NUMBER OF THE VEHICLE HAS BEEN
5 INSPECTED AND FOUND TO CONFORM TO THE DESCRIPTION GIVEN IN
6 THE APPLICATION. THE DEPARTMENT SHALL PROVIDE BY REGULATION
7 THE PERSONS WHO ARE AUTHORIZED TO VERIFY VEHICLE
8 IDENTIFICATION NUMBERS UNDER THIS PARAGRAPH.]

9 (3) ANY OTHER INFORMATION AND DOCUMENTS THE DEPARTMENT
10 REASONABLY REQUIRES TO ESTABLISH THE OWNERSHIP OF THE VEHICLE
11 AND THE EXISTENCE OR NONEXISTENCE OF SECURITY INTERESTS IN
12 THE VEHICLE.

13 * * *

14 (G) SPECIALLY CONSTRUCTED [OR]_ RECONSTRUCTED OR MODIFIED
15 VEHICLES.--IF THE VEHICLE TO BE TITLED IS A SPECIALLY
16 CONSTRUCTED [OR]_ RECONSTRUCTED OR MODIFIED VEHICLE, THAT FACT
17 SHALL BE STATED IN THE APPLICATION. THE DEPARTMENT MAY
18 PROMULGATE RULES AND REGULATIONS PERTAINING TO THE TITLING OF
19 SPECIALLY CONSTRUCTED [OR]_ RECONSTRUCTED OR MODIFIED VEHICLES.

20 (G.1) VERIFICATION.--IN LIEU OF NOTARIZATION OF ANY DOCUMENT
21 REQUIRED TO BE SUBMITTED WITH THE APPLICATION FOR CERTIFICATE OF
22 TITLE, THE DEPARTMENT SHALL ACCEPT THE VERIFICATION OF A
23 PERSON'S SIGNATURE BY AN ISSUING AGENT, WHO IS LICENSED AS A
24 VEHICLE DEALER BY THE STATE BOARD OF VEHICLE MANUFACTURERS,
25 DEALERS AND SALESPERSONS, OR ITS EMPLOYEE. THE ISSUING AGENT'S
26 NAME AND IDENTIFICATION NUMBER AND THE SIGNATURE OF THE ISSUING
27 AGENT OR ITS EMPLOYEE SHALL BE WRITTEN IN THE SPACE RESERVED FOR
28 A NOTARIZATION OR VERIFICATION. IF AN ISSUING AGENT OR ITS
29 EMPLOYEE FALSELY VERIFIES A PERSON'S SIGNATURE, THE DEPARTMENT
30 SHALL SUSPEND THE ISSUING AGENT'S AUTHORITY TO ISSUE TEMPORARY

1 REGISTRATION PLATES AND CARDS FOR NOT LESS THAN 30 DAYS. WHEN
2 VERIFICATION IS USED IN LIEU OF NOTARIZATION, THE ISSUING AGENT
3 OR EMPLOYEE SHALL VERIFY A PERSON'S IDENTITY BY USING AT LEAST
4 ONE FORM OF GOVERNMENT-ISSUED PHOTO IDENTIFICATION. A COPY OF
5 THE FORM OF IDENTIFICATION USED SHALL BE MAINTAINED BY THE
6 ISSUING AGENT OR EMPLOYEE FOR A PERIOD OF THREE YEARS FROM THE
7 DATE OF THE VERIFICATION.

8 * * *

9 § 1106. CONTENT AND EFFECT OF CERTIFICATE OF TITLE.

10 (A) VEHICLE IDENTIFICATION AND ENCUMBRANCES.--A CERTIFICATE
11 OF TITLE SHALL CONTAIN SUCH DESCRIPTION AND OTHER EVIDENCE OF
12 IDENTIFICATION OF THE VEHICLE FOR WHICH IT IS ISSUED AS THE
13 DEPARTMENT MAY DEEM NECESSARY AND THE ODOMETER READING, TOGETHER
14 WITH A STATEMENT OF ANY LIENS OR ENCUMBRANCES, INCLUDING THE
15 NAMES [AND ADDRESSES] OF THE HOLDER OR HOLDERS OF THE LIENS OR
16 ENCUMBRANCES AND ANY INDICATION OF SPECIAL USE OR CONDITION SET
17 FORTH UNDER SUBSECTION (B).

18 (B) INDICATION OF SPECIAL [PRIOR] USE OR CONDITION.--NO
19 PERSON SHALL ASSIGN A CERTIFICATE OF TITLE TO ANY VEHICLE
20 [HAVING SEATING CAPACITY FOR NINE OR LESS OCCUPANTS WHICH HAS
21 BEEN USED AS A TAXICAB, FOR THE CARRYING OF PASSENGERS FOR HIRE
22 OR AS A POLICE CAR, UNLESS THE CERTIFICATE CLEARLY CONTAINS
23 NOTICE THAT THE VEHICLE HAS BEEN SO USED. INDICATION OF SUCH USE
24 SHALL BE DEEMED PART OF THE DESCRIPTION OF THE VEHICLE. ANY
25 PERSON VIOLATING THIS SUBSECTION IS GUILTY OF A SUMMARY OFFENSE
26 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$50.]
27 UNLESS THE CERTIFICATE CLEARLY CONTAINS NOTICE OF THE USE OR
28 CONDITION IF THE VEHICLE IS OR HAS BEEN:

29 (1) USED AS A POLICE CAR;

30 (2) USED AS A TAXICAB, FOR THE TRANSPORT OF PASSENGERS,

1 FOR HIRE, HAVING A SEATING CAPACITY OF NINE OR FEWER
2 PASSENGERS;

- 3 (3) AN ABANDONED VEHICLE;
4 (4) A FLOOD VEHICLE;
5 (5) A MODIFIED VEHICLE;
6 (6) A RECONSTRUCTED VEHICLE;
7 (7) A SPECIALLY CONSTRUCTED VEHICLE;
8 (8) A RECOVERED THEFT VEHICLE OR A THEFT VEHICLE;
9 (9) A VEHICLE ORIGINALLY MANUFACTURED FOR INTENDED
10 DISTRIBUTION OUTSIDE THE UNITED STATES; OR
11 (10) BEARING A VIN PLATE DIFFERING FROM ITS ORIGINAL.

12 INDICATION OF THE USE OR CONDITION SHALL BE DEEMED PART OF THE
13 DESCRIPTION OF THE VEHICLE. ANY PERSON VIOLATING THIS SUBSECTION
14 COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
15 SENTENCED TO PAY A FINE OF \$200.

16 * * *

17 § 1109. REFUSING ISSUANCE OF CERTIFICATE OF TITLE.

18 THE DEPARTMENT MAY REFUSE ISSUANCE OF A CERTIFICATE OF TITLE
19 WHEN IT HAS REASONABLE GROUNDS TO BELIEVE:

- 20 (1) THAT ANY REQUIRED FEE HAS NOT BEEN PAID.
21 (2) THAT ANY TAXES PAYABLE UNDER THE LAWS OF THIS
22 COMMONWEALTH ON OR IN CONNECTION WITH, OR RESULTING FROM, THE
23 ACQUISITION OR USE OF THE VEHICLE HAVE NOT BEEN PAID.
24 (3) THAT THE APPLICANT IS NOT THE OWNER OF THE VEHICLE.
25 (4) THAT THE APPLICATION CONTAINS A FALSE OR FRAUDULENT
26 STATEMENT.
27 (5) THAT THE APPLICANT HAS FAILED TO FURNISH REQUIRED
28 INFORMATION OR DOCUMENTS OR ANY ADDITIONAL INFORMATION THE
29 DEPARTMENT REASONABLY REQUIRES.
30 (6) THAT THE VEHICLE IS A NONREPAIRABLE VEHICLE.

SECTION 3. SECTION 1117 OF TITLE 75 IS REPEALED.

SECTION 4. SECTIONS 1118(B), 1119(A) AND 1138(A) OF TITLE 75
ARE AMENDED TO READ:

§ 1118. SUSPENSION AND CANCELLATION OF CERTIFICATE OF TITLE.

* * *

(B) VEHICLES SOLD TO NONRESIDENTS OR [JUNKED] ABANDONED,
NONREPAIRABLE OR SALVAGE.--THE DEPARTMENT MAY CANCEL
CERTIFICATES OF TITLE FOR VEHICLES SOLD TO RESIDENTS OF OTHER
STATES OR FOREIGN COUNTRIES WHEN THE VEHICLE IS TO BE REGISTERED
IN THE OTHER JURISDICTION, OR FOR AN ABANDONED [OR DESTROYED
VEHICLES AUTHORIZED TO BE JUNKED AS PROVIDED IN THIS
SUBCHAPTER.] VEHICLE PROCESSED UNDER THIS TITLE OR A
NONREPAIRABLE OR SALVAGE VEHICLE.

* * *

§ 1119. APPLICATION FOR CERTIFICATE OF TITLE BY AGENT.

(A) AUTHORIZATION TO MAKE APPLICATION.--

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), NO PERSON SHALL
MAKE APPLICATION FOR A CERTIFICATE OF TITLE WHEN ACTING FOR
ANOTHER PERSON UNLESS AUTHORIZATION TO MAKE THE APPLICATION
IS IN EFFECT AND IS VERIFIED BY OATH OR AFFIRMATION OF THE
OTHER PERSON, MADE NOT MORE THAN [30] 90 DAYS BEFORE THE
APPLICATION IS RECEIVED BY THE DEPARTMENT.

(2) THE [30-DAY] 90-DAY PROVISION CONTAINED IN PARAGRAPH
(1) SHALL NOT APPLY TO:

(I) FLEET OWNERS WHO ARE LESSEES OF VEHICLES.

(II) BLANKET POWERS OF ATTORNEY ISSUED FOR GENERAL
PURPOSES NOT LIMITED TO THE SALE, PURCHASE OR TRANSFER OF
VEHICLES.

* * *

§ 1138. DURATION OF LIEN RECORDED ON CERTIFICATE OF TITLE.

(A) GENERAL RULE.--A SECURITY INTEREST RECORDED ON A
CERTIFICATE OF TITLE IS EFFECTIVE FOR A PERIOD OF [15] 30 YEARS
IN THE CASE OF A MOBILE HOME OR EMERGENCY VEHICLE, EIGHT YEARS
IN THE CASE OF A TRUCK TRACTOR OR TRAILER WEIGHING IN EXCESS OF
10,000 POUNDS AND SIX YEARS IN ALL OTHER CASES DATING FROM THE
TIME OF PERFECTION AS PROVIDED FOR IN THIS SUBCHAPTER.

* * *

SECTION 5. CHAPTER 11 OF TITLE 75 IS AMENDED BY ADDING A
SUBCHAPTER TO READ:

SUBCHAPTER D

SALVAGE VEHICLES, THEFT VEHICLES AND RECONSTRUCTED VEHICLES
SEC.

1161. CERTIFICATE OF SALVAGE REQUIRED.

1162. TRANSFER TO VEHICLE SALVAGE DEALER.

1163. TRANSFER TO SCRAP METAL PROCESSOR.

1164. THEFT VEHICLES.

1165. RECONSTRUCTED VEHICLES.

1166. PENALTY.

§ 1161. CERTIFICATE OF SALVAGE REQUIRED.

(A) GENERAL RULE.--EXCEPT AS PROVIDED IN SECTIONS 1162
(RELATING TO TRANSFER TO VEHICLE SALVAGE DEALER) AND 1163
(RELATING TO TRANSFER TO SCRAP METAL PROCESSOR), A PERSON,
INCLUDING AN INSURER OR SELF-INSURER AS DEFINED IN SECTION 1702
(RELATING TO DEFINITIONS), WHO OWNS, POSSESSES OR TRANSFERS A
VEHICLE LOCATED OR REGISTERED IN THIS COMMONWEALTH WHICH
QUALIFIES AS A SALVAGE VEHICLE SHALL MAKE APPLICATION TO THE
DEPARTMENT FOR A CERTIFICATE OF SALVAGE FOR THAT VEHICLE.

(B) APPLICATION FOR CERTIFICATE OF SALVAGE.--AN OWNER WHO
TRANSFERS A VEHICLE TO BE DESTROYED OR DISMANTLED, SALVAGED OR
RECYCLED SHALL ASSIGN THE CERTIFICATE OF TITLE TO THE PERSON TO

1 WHOM THE VEHICLE IS TRANSFERRED. EXCEPT AS PROVIDED IN SECTION
2 1163, THE TRANSFEREE SHALL IMMEDIATELY PRESENT THE ASSIGNED
3 CERTIFICATE OF TITLE TO THE DEPARTMENT OR AN AUTHORIZED AGENT OF
4 THE DEPARTMENT WITH AN APPLICATION FOR A CERTIFICATE OF SALVAGE
5 UPON A FORM FURNISHED AND PRESCRIBED BY THE DEPARTMENT. AN
6 INSURER, AS DEFINED IN SECTION 1702, TO WHICH TITLE TO A VEHICLE
7 IS ASSIGNED UPON PAYMENT TO THE INSURED OF THE REPLACEMENT VALUE
8 OF A VEHICLE, SHALL BE REGARDED AS A TRANSFEREE UNDER THIS
9 SUBSECTION. IF AN OWNER RETAINS POSSESSION OF A VEHICLE WHICH IS
10 DAMAGED TO THE EXTENT THAT IT QUALIFIES FOR VEHICLE REPLACEMENT
11 PAYMENT, THE OWNER SHALL APPLY FOR A CERTIFICATE OF SALVAGE
12 IMMEDIATELY. IN THIS CASE, AN INSURER SHALL NOT PAY VEHICLE
13 REPLACEMENT VALUE UNTIL THE OWNER PRODUCES EVIDENCE TO THE
14 INSURER THAT THE CERTIFICATE OF SALVAGE HAS BEEN ISSUED. A SELF-
15 INSURER, AS DEFINED IN SECTION 1702, SHALL APPLY FOR A
16 CERTIFICATE OF SALVAGE WHEN A VEHICLE IS DAMAGED TO THE EXTENT
17 THAT THE COST OF REPAIRS WOULD EXCEED THE ACTUAL CASH VALUE OF
18 THE VEHICLE AS CERTIFIED BY A LICENSED PHYSICAL DAMAGE
19 APPRAISER. THE ACTUAL CASH VALUE SHALL BE DETERMINED IN
20 ACCORDANCE WITH DEPARTMENTALLY APPROVED GUIDES. A LIST OF
21 APPROVED GUIDES SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN.

22 (C) ISSUANCE AND EFFECT OF CERTIFICATE OF SALVAGE.--UPON
23 PROPER APPLICATION FOR A CERTIFICATE OF SALVAGE, THE DEPARTMENT
24 OR AGENT OF THE DEPARTMENT SHALL ISSUE TO THE TRANSFEREE A
25 CERTIFICATE OF SALVAGE WHICH SHALL AUTHORIZE THE HOLDER TO
26 POSSESS OR BY ENDORSEMENT TRANSFER OWNERSHIP IN THE SALVAGE
27 VEHICLE. A CERTIFICATE OF TITLE OR REGISTRATION SHALL NOT AGAIN
28 BE ISSUED OR RENEWED FOR THE VEHICLE EXCEPT UPON APPLICATION
29 CONTAINING THE INFORMATION THE DEPARTMENT REQUIRES, ACCOMPANIED
30 BY ANY NECESSARY DOCUMENTS REQUIRED UNDER SECTION 1165 (RELATING

1 TO RECONSTRUCTED VEHICLES).

2 (D) OUT-OF-STATE SALVAGE VEHICLES.--THE OWNER OF A SALVAGE
3 VEHICLE POSSESSING A VALID CERTIFICATE OF TITLE OR SALVAGE FROM
4 A STATE OR JURISDICTION OTHER THAN THIS COMMONWEALTH DOES NOT
5 NEED TO APPLY FOR A CERTIFICATE UNDER SUBSECTION (A). IF THE
6 OWNER WISHES TO TRANSFER THE SALVAGE VEHICLE, THE OWNER SHALL
7 MAKE APPLICATION TO THE DEPARTMENT AND ATTACH THE OUT-OF-STATE
8 CERTIFICATE OF TITLE OR SALVAGE ALONG WITH ANY OTHER INFORMATION
9 AND DOCUMENTS THE DEPARTMENT REASONABLY REQUIRES TO ESTABLISH
10 THE OWNERSHIP OF THE VEHICLE AND THE EXISTENCE OR NONEXISTENCE
11 OF SECURITY INTERESTS IN THE VEHICLE. THE PERSON IDENTIFIED ON
12 THE APPLICATION MUST BE LOCATED OR THE OWNER OR LIENHOLDER MUST
13 BE DOMICILED IN THIS COMMONWEALTH TO QUALIFY FOR ISSUANCE OF A
14 CERTIFICATE OF SALVAGE BY THE DEPARTMENT.

15 (E) REGULATED SALES.--

16 (1) AN INSURER, INCLUDING A SELF-INSURER, OR A SALVAGE
17 MOTOR VEHICLE AUCTION OR POOL OPERATOR SHALL NOT SELL,
18 TRANSFER OR RELEASE A SALVAGE VEHICLE TO A PERSON OTHER THAN:

19 (I) THE ORIGINAL OWNER RETAINING THE VEHICLE IN
20 COMPLIANCE WITH THIS SECTION.

21 (II) A VEHICLE SALVAGE DEALER AS DEFINED IN SECTION
22 1337(C)(2) (RELATING TO USE OF "MISCELLANEOUS MOTOR
23 VEHICLE BUSINESS" REGISTRATION PLATES).

24 (III) A LICENSED VEHICLE DEALER OR A DEALER LICENSED
25 BY ANY OTHER STATE OR JURISDICTION.

26 (2) A VEHICLE SALVAGE DEALER MAY AUTHORIZE NOT MORE THAN
27 TWO PERSONS TO OPERATE AS SALVAGE VEHICLE PURCHASING AGENTS
28 TO ACT IN THEIR BEHALF WHEN PURCHASING SALVAGE VEHICLES FROM
29 AN INSURER OR SALVAGE VEHICLE AUCTION OR POOL. THE AGENTS
30 SHALL SECURE A NOTARIZED AFFIDAVIT FROM THE EMPLOYING VEHICLE

1 SALVAGE DEALER OR DEALERS, WHICH SHALL BE UPDATED AND FILED
2 SEMIANNUALLY WITH EACH INSURER, AUCTION OR POOL.

3 (3) LICENSED VEHICLE DEALERS OR DEALERS LICENSED BY ANY
4 OTHER STATE OR JURISDICTION MAY PURCHASE TITLED VEHICLES AT
5 SALVAGE VEHICLE AUCTIONS UNLESS THE DEALER LICENSED BY THE
6 OTHER STATE OR JURISDICTION IS SUSPENDED IN THIS
7 COMMONWEALTH. LICENSED DEALERS REGISTERED WITH THE DEPARTMENT
8 OF STATE AND ISSUED AN IDENTIFICATION NUMBER BY THE
9 DEPARTMENT OF STATE OR LICENSED OR REGISTERED BY ANY OTHER
10 STATE OR JURISDICTION FOR A SIMILAR ACTIVITY WITHOUT BEING
11 LICENSED IN THIS COMMONWEALTH MAY BUY, SELL OR EXCHANGE
12 TITLED VEHICLES. SALVAGE VEHICLES SHALL BE SOLD, TRANSFERRED
13 OR RELEASED ONLY TO THOSE PERSONS ENUMERATED IN PARAGRAPH
14 (1).

15 (4) AN OUT-OF-STATE VEHICLE SALVAGE DEALER MAY PURCHASE
16 SALVAGE VEHICLES FROM AN INSURER OR SALVAGE VEHICLE AUCTION
17 OR POOL IF THE BUYER CAN SHOW PROOF TO THE INSURER, AUCTION
18 OR POOL OF CURRENT REGISTRATION AS A VEHICLE SALVAGE DEALER
19 FROM A STATE HAVING SIMILAR VEHICLE SALVAGE DEALER
20 REQUIREMENTS.

21 § 1162. TRANSFER TO VEHICLE SALVAGE DEALER.

22 (A) GENERAL RULE.--ANY OWNER WHO TRANSFERS A VEHICLE OR A
23 SALVAGE VEHICLE TO A VEHICLE SALVAGE DEALER, AS DEFINED IN
24 SECTION 1337(C)(2) (RELATING TO USE OF "MISCELLANEOUS MOTOR
25 VEHICLE BUSINESS" REGISTRATION PLATES) SHALL ASSIGN THE
26 CERTIFICATE OF TITLE OR SALVAGE CERTIFICATE TO THE VEHICLE
27 SALVAGE DEALER. A CERTIFICATE OF TITLE OR SALVAGE CERTIFICATE
28 FOR A VEHICLE TRANSFERRED TO A VEHICLE SALVAGE DEALER IS EXEMPT
29 FROM THE REQUIREMENTS OF NOTARIZATION AND VERIFICATION BY A
30 CORPORATE OFFICER.

(B) VEHICLE SALVAGE DEALER.--THE VEHICLE SALVAGE DEALER SHALL IMMEDIATELY SEND TO THE DEPARTMENT OR AN AUTHORIZED AGENT OF THE DEPARTMENT EITHER OF THE FOLLOWING:

(1) THE ASSIGNED CERTIFICATE OF TITLE OR SALVAGE ATTACHED TO A FORM PRESCRIBED BY THE DEPARTMENT. THE FORM SHALL INCLUDE INFORMATION REQUIRED BY THE DEPARTMENT. A COPY OF THE FORM SHALL BE RETAINED FOR RECORD IN ACCORDANCE WITH SECTION 6308(D) (RELATING TO INVESTIGATION BY POLICE OFFICERS). THE VEHICLE SHALL NOT BE REBUILT, RETITLED OR ISSUED A CERTIFICATE OF ANY KIND.

(2) THE ASSIGNED CERTIFICATE OF TITLE WITH AN APPLICATION FOR A CERTIFICATE OF SALVAGE UPON A FORM PRESCRIBED BY THE DEPARTMENT. THE CERTIFICATE OF SALVAGE, WHEN ISSUED TO THE VEHICLE SALVAGE DEALER, SHALL HAVE THE SAME EFFECT AS PROVIDED IN SECTION 1161(C) (RELATING TO CERTIFICATE OF SALVAGE REQUIRED).

(C) CERTIFICATE NOT TO BE ASSIGNED IN BLANK.--NO PERSON SHALL MAKE APPLICATION FOR, OR ASSIGN OR PHYSICALLY POSSESS, A CERTIFICATE OF SALVAGE, OR DIRECT OR ALLOW ANOTHER PERSON IN HIS EMPLOY OR CONTROL TO MAKE APPLICATION FOR, OR ASSIGN OR PHYSICALLY POSSESS, A CERTIFICATE OF SALVAGE, UNLESS THE NAME OF THE TRANSFEREE IS PLACED ON THE ASSIGNMENT OF CERTIFICATE OF SALVAGE SIMULTANEOUSLY WITH THE NAME OF THE TRANSFEROR.

(D) VEHICLES WITH DEFECTIVE OR LOST TITLE.--ANY PERSON ON WHOSE PROPERTY IS LOCATED A VEHICLE WHICH IS A SALVAGE VEHICLE AND WHICH HAS A FAULTY, LOST OR DESTROYED TITLE MAY TRANSFER THE VEHICLE TO A SALVOR OR TO A SALVAGE PROGRAM OPERATED BY A POLITICAL SUBDIVISION FOR REMOVAL TO A SUITABLE PLACE OF STORAGE OR FOR SCRAPPING, PROVIDED THE SALVOR OR SALVAGE PROGRAM COMPLIES WITH THE REQUIREMENTS OF SECTION 7309 (RELATING TO

1 SALVAGING OF VEHICLES), EXCEPT THAT THE REPORT TO THE DEPARTMENT
2 THAT THE VEHICLE IS A SALVAGE VEHICLE SHALL BE VERIFIED BY THE
3 TRANSFEROR OF THE VEHICLE INSTEAD OF THE POLICE DEPARTMENT. THE
4 TRANSFEREE SHALL RETURN THE ASSIGNED CERTIFICATE OF TITLE TO THE
5 DEPARTMENT IMMEDIATELY WITH AN APPLICATION FOR CERTIFICATE OF
6 SALVAGE UPON A FORM FURNISHED AND PRESCRIBED BY THE DEPARTMENT.
7 § 1163. TRANSFER TO SCRAP METAL PROCESSOR.

8 (A) FLATTENED VEHICLES.--WHEN A VEHICLE HAS BEEN FLATTENED,
9 CRUSHED OR PROCESSED TO THE EXTENT THAT IT IS NO LONGER
10 IDENTIFIABLE AS A VEHICLE, ITS CERTIFICATE OF TITLE, SALVAGE
11 CERTIFICATE OR NONREPAIRABLE CERTIFICATE SHALL BE ATTACHED TO A
12 FORM PRESCRIBED BY THE DEPARTMENT AND IMMEDIATELY SENT TO THE
13 DEPARTMENT. THE FORM SHALL INCLUDE SUCH INFORMATION AS THE
14 DEPARTMENT SHALL REQUIRE. A COPY OF THE FORM SHALL BE RETAINED
15 FOR RECORD IN ACCORDANCE WITH SECTION 6308(D) (RELATING TO
16 INVESTIGATION BY POLICE OFFICERS). THE VEHICLE SCRAP MATERIAL
17 SHALL NO LONGER BE CONSIDERED A VEHICLE AND SHALL NOT BE
18 RECONSTRUCTED, RETITLED OR ISSUED A CERTIFICATE OF ANY KIND.

19 (B) VEHICLES.--ANY OWNER WHO TRANSFERS A VEHICLE TO A SCRAP
20 METAL PROCESSOR SHALL ASSIGN THE CERTIFICATE OF TITLE, SALVAGE
21 CERTIFICATE OR NONREPAIRABLE CERTIFICATE TO THE PROCESSOR. THE
22 PROCESSOR SHALL ATTACH THE CERTIFICATE TO THE PROPER DEPARTMENT
23 FORM, IMMEDIATELY SEND IT TO THE DEPARTMENT AND RETAIN A COPY IN
24 ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (A).

25 § 1164. THEFT VEHICLES.

26 (A) GENERAL RULE.--AN OWNER THAT REPORTS A VEHICLE AS STOLEN
27 SHALL WITHIN 30 DAYS APPLY FOR A THEFT-BRANDED SALVAGE
28 CERTIFICATE AS PROVIDED IN SECTION 1161(B) (RELATING TO
29 CERTIFICATE OF SALVAGE REQUIRED).

30 (B) ASSESSING DAMAGE ON RECOVERED THEFT VEHICLES.--IF A

THEFT-BRANDED CERTIFICATE OF SALVAGE HAS BEEN ISSUED FOR A
VEHICLE WHICH WAS REPORTED STOLEN AND THEN RECOVERED, THE
VEHICLE SHALL IMMEDIATELY UPON RECOVERY BE ASSESSED AS TO ITS
LEVEL OF DAMAGE BY AN INSURER OR LICENSED PHYSICAL DAMAGE
APPRAISER:

(1) IF THE VEHICLE QUALIFIES AS A SALVAGE VEHICLE, THE
THEFT-BRANDED SALVAGE CERTIFICATE SHALL SERVE AS AN OWNERSHIP
DOCUMENT. IF THE VEHICLE THEREAFTER PASSES THE RECONSTRUCTED
SALVAGE VEHICLE INSPECTION REQUIREMENTS UNDER SECTION 1165
(RELATING TO RECONSTRUCTED VEHICLES), IT SHALL RECEIVE A
"RECONSTRUCTED, RECOVERED THEFT" BRANDED VEHICLE TITLE.

(2) IF THE VEHICLE DOES NOT QUALIFY AS A SALVAGE
VEHICLE, THE OWNER SHALL APPLY FOR A "RECOVERED THEFT"
BRANDED VEHICLE TITLE. A LEGIBLE COPY OF THE VEHICLE DAMAGE
APPRAISAL REPORT COMPLETED BY AN INSURER OR LICENSED PHYSICAL
DAMAGE APPRAISER MUST ACCOMPANY AN APPLICATION UNDER THIS
PARAGRAPH.

§ 1165. RECONSTRUCTED VEHICLES.

(A) GENERAL RULE.--IF A VEHICLE, OTHER THAN AN ANTIQUE OR
CLASSIC VEHICLE, FOR WHICH A CERTIFICATE OF SALVAGE HAS BEEN
ISSUED IS THEREAFTER RESTORED TO OPERATING CONDITION, IT SHALL
BE REGARDED AS A RECONSTRUCTED VEHICLE.

(B) APPLICATION FOR A RECONSTRUCTED VEHICLE CERTIFICATE OF
TITLE.--A RECONSTRUCTED VEHICLE TITLE AND REGISTRATION SHALL BE
ISSUED TO AN APPLICANT, IF THE APPLICANT PRESENTS TO THE
DEPARTMENT AN APPLICATION FOR A CERTIFICATE OF TITLE UPON A FORM
FURNISHED AND PRESCRIBED BY THE DEPARTMENT AND ANY OTHER
INFORMATION THE DEPARTMENT DEEMS APPROPRIATE.

§ 1166. PENALTY.

A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBCHAPTER

1 COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
2 SENTENCED TO PAY A FINE OF \$500 FOR EACH VIOLATION.

3 SECTION 6. SECTION 1301 OF TITLE 75 IS AMENDED BY ADDING A
4 SUBSECTION TO READ:

5 § 1301. REGISTRATION AND CERTIFICATE OF TITLE REQUIRED.

6 * * *

7 (C.1) RECONSTRUCTED SALVAGE, RECOVERED THEFT SALVAGE, FLOOD,
8 MODIFIED AND SPECIALLY CONSTRUCTED VEHICLES.--ONLY THE
9 DEPARTMENT SHALL ISSUE A TEMPORARY REGISTRATION PLATE OR CARD,
10 OR PERMIT THE TRANSFER OF A REGISTRATION PLATE, IN CONJUNCTION
11 WITH ANY APPLICATION FOR RECONSTRUCTED SALVAGE, RECOVERED THEFT
12 SALVAGE, FLOOD, MODIFIED AND SPECIALLY CONSTRUCTED VEHICLES.
13 PROOF OF FINANCIAL RESPONSIBILITY MUST ACCOMPANY THE APPLICATION
14 FOR REGISTRATION PRIOR TO THE ISSUANCE OF A REGISTRATION PLATE.

15 * * *

16 SECTION 7. SECTIONS 1304(F), 1305(A), 1306 INTRODUCTORY
17 PARAGRAPH AND (10) AND 1309 OF TITLE 75 ARE AMENDED TO READ:

18 § 1304. REGISTRATION CRITERIA.

19 * * *

20 (F) REGISTERED GROSS WEIGHT OF TRUCKS AND TRUCK TRACTORS.--
21 EVERY TRUCK SHALL HAVE ITS OWN REGISTERED GROSS WEIGHT AND [MAY]
22 SHALL ALSO BE REGISTERED AT A REGISTERED GROSS WEIGHT FOR A
23 COMBINATION WHEN TOWING A TRAILER IN EXCESS OF 10,000 POUNDS.
24 EVERY TRUCK TRACTOR SHALL BE REGISTERED AT A REGISTERED GROSS
25 WEIGHT FOR A COMBINATION.

26 * * *

27 § 1305. APPLICATION FOR REGISTRATION.

28 (A) GENERAL RULE.--APPLICATION FOR THE REGISTRATION OF A
29 VEHICLE SHALL BE MADE TO THE DEPARTMENT UPON THE APPROPRIATE
30 FORM OR FORMS FURNISHED BY THE DEPARTMENT. THE APPLICATION SHALL

1 CONTAIN THE FULL NAME AND ADDRESS OF THE OWNER OR OWNERS; THE
2 MAKE, MODEL, YEAR AND VEHICLE IDENTIFICATION NUMBER OF THE
3 VEHICLE; AND SUCH OTHER INFORMATION AS THE DEPARTMENT MAY
4 REQUIRE. APPLICANTS FOR REGISTRATION OF A TRUCK, TRUCK TRACTOR,
5 TRAILER OR BUS SHALL PROVIDE THE VEHICLE'S GROSS VEHICLE WEIGHT
6 RATING (GVWR), OR THE GROSS COMBINATION WEIGHT RATING (GCWR), AS
7 APPLICABLE. IF THE MANUFACTURER'S RATINGS ARE NOT AVAILABLE, THE
8 APPLICANT SHALL PROVIDE SUFFICIENT INFORMATION AS TO THE
9 HORSEPOWER, BRAKING CAPACITY AND SUCH OTHER DATA AS NECESSARY
10 FOR THE DEPARTMENT TO DETERMINE AN EQUIVALENT MEASURE OF THE
11 VEHICLE'S HAULING AND STOPPING CAPABILITY. IF THE APPLICANT
12 WISHES TO REGISTER A VEHICLE AT A REGISTERED GROSS WEIGHT LESS
13 THAN THE GROSS VEHICLE WEIGHT RATING, THE APPLICATION SHALL
14 INCLUDE INFORMATION AS TO WEIGHT, LOAD AND ANY OTHER [SUCH]
15 INFORMATION AS THE DEPARTMENT MAY REQUIRE. THE APPLICATION OF
16 REGISTRATION SHALL BE ACCOMPANIED BY SELF-CERTIFICATION OF
17 FINANCIAL RESPONSIBILITY AND THE APPLICABLE FEE. IF AN
18 APPLICATION OF REGISTRATION IS SUBMITTED ELECTRONICALLY, IT
19 SHALL BE TRANSMITTED TO THE DEPARTMENT IN A FORM AND MANNER
20 CONSISTENT WITH DEPARTMENTAL POLICY. UPON RECEIPT OF THE
21 APPLICATION, THE DEPARTMENT SHALL SEND TO THE REGISTRANT A
22 REGISTRATION CARD.

23 * * *

24 § 1306. GROUNDS FOR REFUSING REGISTRATION.

25 THE DEPARTMENT SHALL REFUSE REGISTRATION [OR], RENEWAL OR
26 TRANSFER OF REGISTRATION WHEN ANY OF THE FOLLOWING CIRCUMSTANCES
27 EXISTS:

28 * * *

29 (10) [THE REGISTRATION WOULD BE ISSUED FOR A VEHICLE
30 THAT WOULD BE OPERATED UNDER A UNITED STATES DEPARTMENT OF

TRANSPORTATION OPERATING AUTHORITY IF AN] AN OUT-OF-SERVICE
ORDER HAS BEEN ISSUED FOR THE VEHICLE, THE OWNER OR OPERATOR
BY THE DEPARTMENT OR THE UNITED STATES DEPARTMENT OF
TRANSPORTATION.

§ 1309. RENEWAL OF REGISTRATION.

AT LEAST 60 DAYS PRIOR TO THE EXPIRATION OF EACH
REGISTRATION, THE DEPARTMENT SHALL SEND TO THE REGISTRANT AN
APPLICATION FOR RENEWAL OF REGISTRATION. THE APPLICATION FOR
RENEWAL SHALL BE ACCOMPANIED BY SELF-CERTIFICATION OF FINANCIAL
RESPONSIBILITY AND THE APPLICABLE FEE OR FEES. IF AN APPLICATION
OF REGISTRATION IS SUBMITTED ELECTRONICALLY, IT SHALL BE
TRANSMITTED TO THE DEPARTMENT IN A FORM AND MANNER CONSISTENT
WITH DEPARTMENTAL POLICY. UPON RETURN OF THE APPLICATION,
[ACCOMPANIED BY SELF-CERTIFICATION OF FINANCIAL RESPONSIBILITY
AND THE APPLICABLE FEE OR FEES,] THE DEPARTMENT SHALL SEND TO
THE REGISTRANT A RENEWED REGISTRATION CARD. FAILURE TO RECEIVE A
RENEWAL APPLICATION SHALL NOT RELIEVE A REGISTRANT FROM THE
RESPONSIBILITY TO RENEW THE REGISTRATION.

SECTION 8. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

§ 1310.1. TEMPORARY REGISTRATION PERMITS.

(A) GENERAL RULE.--A REGISTRATION PERMIT SHALL BE ISSUED TO
THE REGISTRANT CONCURRENT WITH THE ISSUANCE OF A TEMPORARY
REGISTRATION CARD AND PLATE.

(B) CONTENT OF REGISTRATION PERMIT.--EVERY REGISTRATION
PERMIT SHALL CONTAIN THE FOLLOWING INFORMATION:

(1) THE TERM "PENNSYLVANIA" PREPRINTED ON THE PERMIT.

(2) THE TERM "TEMPORARY REGISTRATION PERMIT" PREPRINTED
ON THE PERMIT.

(3) THE STICKER ISSUED BY THE DEPARTMENT WHICH WILL
CONTAIN THE NUMBER OF THE TEMPORARY REGISTRATION PLATE AND

1 THE DEALER IDENTIFICATION NUMBER (DIN).

2 (4) THE EXPIRATION DATE (MONTH/DAY/YEAR) OF THE
3 TEMPORARY REGISTRATION PLATE HANDPRINTED ON THE PERMIT IN
4 PERMANENT BLACK MARKER.

5 (5) THE CONTROL NUMBER PREPRINTED ON THE PERMIT.

6 (C) LOCATION OF REGISTRATION PERMIT.--EXCEPT AS OTHERWISE
7 PROVIDED, A REGISTRATION PERMIT SHALL BE AFFIXED TO THE EXTREME
8 LOWER LEFT-HAND (DRIVER SIDE) INSIDE CORNER OF THE REAR WINDOW
9 OF A VEHICLE WITH THE PRINTED INFORMATION VISIBLE FROM THE
10 OUTSIDE. ON TRAILERS, MOTORCYCLES, MOPEDS, MOTOR-DRIVEN CYCLES
11 AND CONVERTIBLES, THE REGISTRATION PERMIT SHALL BE CARRIED WITH
12 THE VEHICLE AT ALL TIMES WHILE THE VEHICLE IS BEING OPERATED ON
13 THE HIGHWAY.

14 SECTION 9. SECTIONS 1317 AND 1318(A) OF TITLE 75 ARE AMENDED
15 TO READ:

16 § 1317. ACKNOWLEDGMENT OF LITTERING PROVISIONS.

17 [ON EVERY VEHICLE REGISTRATION CARD, THE FOLLOWING STATEMENT
18 SHALL BE PRINTED] THE DEPARTMENT SHALL PRINT ON EVERY VEHICLE
19 REGISTRATION CARD THE MAXIMUM FINE IMPOSED FOR LITTERING UPON A
20 HIGHWAY IMMEDIATELY ABOVE OR BELOW THE SPACE PROVIDED FOR THE
21 SIGNATURE OF THE APPLICANT[:

22 I HEREBY ACKNOWLEDGE THIS DAY THAT I HAVE RECEIVED NOTICE
23 OF THE PROVISIONS OF SECTION 3709 OF THE VEHICLE CODE.
24 ALSO PRINTED ON THE REGISTRATION CARD SHALL BE THE FOLLOWING:

25 SECTION 3709 PROVIDES FOR A FINE OF UP TO \$300 FOR
26 DROPPING, THROWING OR DEPOSITING, UPON ANY HIGHWAY, OR
27 UPON ANY OTHER PUBLIC OR PRIVATE PROPERTY WITHOUT THE
28 CONSENT OF THE OWNER THEREOF OR INTO OR ON THE WATERS OF
29 THIS COMMONWEALTH FROM A VEHICLE, ANY WASTE PAPER,
30 SWEEPINGS, ASHES, HOUSEHOLD WASTE, GLASS, METAL, REFUSE

OR RUBBISH OR ANY DANGEROUS OR DETRIMENTAL SUBSTANCE, OR
PERMITTING ANY OF THE PRECEDING WITHOUT IMMEDIATELY
REMOVING SUCH ITEMS OR CAUSING THEIR REMOVAL.
FOR ANY VIOLATION OF SECTION 3709, I MAY BE SUBJECT TO A
FINE OF UP TO \$300 UPON CONVICTION, INCLUDING ANY
VIOLATION RESULTING FROM THE CONDUCT OF ANY OTHER PERSONS
OPERATING, IN POSSESSION OF OR PRESENT WITHIN THIS
VEHICLE WITH MY PERMISSION, IF I DO NOT WITH REASONABLE
CERTAINTY IDENTIFY THE DRIVER OF THE VEHICLE AT THE TIME
THE VIOLATION OCCURRED].

§ 1318. DUTIES OF AGENTS.

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

* * *

SECTION 10. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

§ 1334.1. SEIZURE OF REGISTRATION PLATE.

A POLICE OFFICER OR AN EMPLOYEE OF THE DEPARTMENT AUTHORIZED
TO ENFORCE THE PROVISIONS OF CHAPTER 49 (RELATING TO SIZE,
WEIGHT AND LOAD) MAY SEIZE A REGISTRATION PLATE THAT APPEARS IN
DEPARTMENTAL RECORDS AS SUSPENDED, REVOKED, CANCELED, STOLEN,
INACTIVE OR ISSUED TO A VEHICLE OTHER THAN THE VEHICLE ON WHICH
IT IS DISPLAYED. THIS PROVISION SHALL NOT APPLY TO A
REGISTRATION PLATE THAT HAS BEEN LEGALLY TRANSFERRED AS PROVIDED
FOR IN SECTION 1314 (RELATING TO TRANSFER OF REGISTRATION).

SECTION 11. SECTION 1337(A)(6) OF TITLE 75 IS AMENDED TO
READ:

§ 1337. USE OF "MISCELLANEOUS MOTOR VEHICLE BUSINESS"

1 REGISTRATION PLATES.

2 (A) GENERAL RULE.--THE DEPARTMENT SHALL ISSUE TO OWNERS OF
3 MISCELLANEOUS MOTOR VEHICLE BUSINESSES WITH ESTABLISHED PLACES
4 OF BUSINESS SPECIAL REGISTRATION PLATES WHICH MAY BE DISPLAYED
5 ON VEHICLES OPERATED ON HIGHWAYS IN LIEU OF REGISTERING EACH
6 VEHICLE INDIVIDUALLY. REGISTRATION PLATES ISSUED UNDER THIS
7 SECTION MAY BE DISPLAYED UPON VEHICLES ONLY AS PROVIDED FOR EACH
8 OF THE FOLLOWING CLASSES OF MISCELLANEOUS MOTOR VEHICLE
9 BUSINESS:

10 * * *

11 (6) FOR ALL CLASSES OF MISCELLANEOUS MOTOR VEHICLE
12 BUSINESSES UPON VEHICLES DESCRIBED IN THIS SUBSECTION WHICH
13 DO NOT EXCEED A GROSS WEIGHT RATING OF 7,500 POUNDS USED FOR
14 THE PERSONAL PLEASURE OR USE OF THE OWNER OF THE
15 MISCELLANEOUS MOTOR VEHICLE BUSINESS OR MEMBERS OF THE
16 OWNER'S IMMEDIATE FAMILY, OR WHEN THE BUSINESS IS A
17 CORPORATION, UPON VEHICLES USED FOR THE PLEASURE OR USE OF
18 NOT MORE THAN THREE OFFICERS OR MEMBERS OF THE OFFICER'S
19 IMMEDIATE FAMILY OR FOR THE PERSONAL USE OF THE REGULAR
20 EMPLOYEES OF THE BUSINESS WHEN OPERATED BY THE EMPLOYEE.

21 * * *

22 SECTION 12. SECTION 1338(A) AND (C) OF TITLE 75 ARE AMENDED
23 AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

24 § 1338. PERSON WITH DISABILITY PLATE AND PLACARD.

25 (A) PERSON WITH DISABILITY PLATE.--ON THE APPLICATION OF
26 [ANY] A PERSON WHO:

27 (1) IS BLIND;

28 (2) DOES NOT HAVE FULL USE OF AN ARM OR BOTH ARMS;

29 (3) CANNOT WALK 200 FEET WITHOUT STOPPING TO REST;

30 (4) CANNOT WALK WITHOUT THE USE OF, OR ASSISTANCE FROM,

1 A BRACE, CANE, CRUTCH, ANOTHER PERSON, PROSTHETIC DEVICE,
2 WHEELCHAIR OR OTHER ASSISTIVE DEVICE;

3 (5) IS RESTRICTED BY LUNG DISEASE TO SUCH AN EXTENT THAT
4 THE PERSON'S FORCED (RESPIRATORY) EXPIRATORY VOLUME FOR ONE
5 SECOND, WHEN MEASURED BY SPIROMETRY, IS LESS THAN ONE LITER
6 OR THE ARTERIAL OXYGEN TENSION IS LESS THAN 60 MM/HG ON ROOM
7 AIR AT REST;

8 (6) USES PORTABLE OXYGEN;

9 (7) HAS A CARDIAC CONDITION TO THE EXTENT THAT THE
10 PERSON'S FUNCTIONAL LIMITATIONS ARE CLASSIFIED IN SEVERITY AS
11 CLASS III OR CLASS IV ACCORDING TO THE STANDARDS SET BY THE
12 AMERICAN HEART ASSOCIATION;

13 (8) IS SEVERELY LIMITED IN HIS OR HER ABILITY TO WALK
14 DUE TO AN ARTHRITIC, NEUROLOGICAL OR ORTHOPEDIC CONDITION; OR

15 (9) IS A PERSON IN LOCO PARENTIS OF A PERSON SPECIFIED
16 IN PARAGRAPH (1), (2), (3), (4), (5), (6), (7) OR (8);

17 THE DEPARTMENT SHALL ISSUE A SPECIAL REGISTRATION PLATE [FOR ONE
18 PASSENGER CAR OR] DESIGNATING THE VEHICLE AS A VEHICLE USED BY A
19 PERSON WITH A DISABILITY. ONLY ONE SPECIAL REGISTRATION PLATE
20 SHALL BE ISSUED TO A PERSON UNDER THIS SECTION. IT MAY BE USED
21 ON A VEHICLE THAT IS A TRUCK WITH A REGISTERED GROSS WEIGHT OF
22 NOT MORE THAN 9,000 POUNDS, [DESIGNATING THE VEHICLE SO LICENSED
23 AS BEING USED BY A PERSON WITH A DISABILITY] A PASSENGER CAR OR
24 A MOTOR HOME. SPECIAL PLATES FOR PERSONS WITH DISABILITIES MAY
25 ALSO BE ISSUED FOR VEHICLES OPERATED EXCLUSIVELY FOR THE USE AND
26 BENEFIT OF PERSONS WITH DISABILITIES. IN THE CASE OF A
27 MOTORCYCLE, THE DEPARTMENT SHALL ISSUE A DECAL CONTAINING THE
28 INTERNATIONAL SYMBOL FOR ACCESS FOR PERSONS WITH DISABILITIES
29 FOR DISPLAY ON THE REGISTRATION PLATE.

30 * * *

(C) PHYSICIAN'S STATEMENT.--

* * *

(2) [ANY] A PERSON APPLYING FOR A RENEWAL OF REGISTRATION OF A SPECIAL PLATE OR PLACARD FOR PERSONS WITH DISABILITIES [MUST] SHALL COMPLY WITH THIS SUBSECTION. ONCE A PERSON WITH A DISABILITY HAS BEEN DULY CERTIFIED BY A PHYSICIAN AS BEING DISABLED, AS PROVIDED IN SUBSECTION (A), THE APPLICANT NEED NOT SUBMIT A CERTIFICATION FOR SUBSEQUENT RENEWALS OF REGISTRATION FOR A SPECIAL PLATE OR PLACARD FOR PERSONS WITH DISABILITIES. A PERSON WHO WAS ISSUED A PERSON WITH DISABILITY PLATE UNDER THIS SECTION AND NO LONGER QUALIFIES FOR ONE SHALL NOT BE CHARGED A REPLACEMENT FEE FOR A REGULAR REGISTRATION PLATE UPON PAYMENT OF THE REGULAR REGISTRATION FEE. THE DEPARTMENT SHALL REQUEST THE RECERTIFICATION OF A PERSON'S DISABILITY BY A PHYSICIAN WHEN EITHER THE VALIDITY OF THE ORIGINAL APPLICATION OR THE CONTINUING NEED FOR THE PERSON WITH A DISABILITY PLATE OR PLACARD IS IN QUESTION.

* * *

(C.3) CONFIDENTIALITY OF STATEMENTS OF MEDICAL CONDITION.--A STATEMENT OR REPORT RECEIVED BY THE DEPARTMENT FOR THE PURPOSE OF JUSTIFYING THE ISSUANCE OF A DISABILITY PLATE OR PLACARD IS FOR THE CONFIDENTIAL USE OF THE DEPARTMENT AND SHALL NOT BE DIVULGED TO ANY PERSON OR USED AS EVIDENCE IN ANY TRIAL EXCEPT THAT THE STATEMENTS OR REPORTS MAY BE USED BY THE DEPARTMENT IN DEFENDING A REFUSAL TO ISSUE A DISABILITY PLATE OR PLACARD OR IN THE SUSPENSION OF A DISABILITY PLATE OR PLACARD.

* * *

SECTION 13. SECTIONS 1339, 1341, 1342, 1345, 1346, 1348, 1350, 1351, 1356, 1357, 1359 AND 1360 OF TITLE 75 ARE AMENDED TO

1 READ:

2 § 1339. LEGISLATIVE PLATE.

3 UPON APPLICATION BY A MEMBER OR RETIRED MEMBER OF THE GENERAL
4 ASSEMBLY OF THE COMMONWEALTH OR THE CONGRESS OF THE UNITED
5 STATES, THE DEPARTMENT [SHALL] MAY ISSUE SPECIAL REGISTRATION
6 PLATES INDICATING THAT THE VEHICLE IS OWNED BY A MEMBER OR
7 RETIRED MEMBER OF THE PENNSYLVANIA OR UNITED STATES SENATE OR
8 HOUSE OF REPRESENTATIVES, AS APPROPRIATE.

9 § 1341. [PERSONAL PLATE] SPECIAL REGISTRATION PLATES GENERALLY.

10 (A) GENERAL RULE.--UPON REQUEST BY THE APPLICANT, THE
11 DEPARTMENT MAY ISSUE REGISTRATION PLATES CONSISTING OF ANY
12 COMBINATION OF NUMBERS, LETTERS OR NUMBERS AND LETTERS. THESE
13 SPECIAL PLATES MAY BE ISSUED FOR SPECIAL GROUPS OR FOR SPECIAL
14 PURPOSES AND BEAR AN APPROPRIATE DESIGNATION. SPECIAL GROUPS MAY
15 CHARGE A FEE FOR AUTHORIZATION TO REQUEST A REGISTRATION PLATE
16 BEARING THE NAME OF THE GROUP. THEY SHALL HAVE THE SAME FORCE
17 AND EFFECT AS REGULAR REGISTRATION PLATES. THE DEPARTMENT MAY
18 REFUSE ANY COMBINATION OF LETTERS AND NUMBERS FOR CAUSE AND
19 SHALL ADOPT REASONABLE RULES AND REGULATIONS FOR THE ISSUANCE OF
20 THE PLATES AND FOR CARRYING OUT THE PROVISIONS OF THIS SECTION.
21 THE APPLICANT SHALL COMPLY WITH ALL LAWS AND REGULATIONS
22 PERTAINING TO REGISTRATION INCLUDING THE PAYMENT OF ANY
23 ADDITIONAL FEES. THE DEPARTMENT IS AUTHORIZED TO REISSUE A
24 COMBINATION OF NUMBERS OR LETTERS FOR A PERSONAL PLATE IF THE
25 DEPARTMENT RECORDS REVEAL THAT NO ACTIVITY, SUCH AS RENEWAL OR
26 TRANSFER OF THE PERSONAL REGISTRATION PLATE, HAS OCCURRED FOR A
27 PERIOD OF FIVE OR MORE CONSECUTIVE YEARS AND PROVIDED THAT THE
28 PERSONAL REGISTRATION PLATE WAS NEVER REPORTED AS LOST OR
29 STOLEN. WHENEVER THE DEPARTMENT REISSUES AN INACTIVE PERSONAL
30 PLATE, THE DEPARTMENT MAY PURGE ITS RECORDS OF ALL REFERENCES TO

1 THE PREVIOUS OWNERS OF THAT PERSONAL PLATE. THE DEPARTMENT
2 SHALL, HOWEVER, NOTE UPON ITS RECORDS THE REISSUANCE OF THE
3 PERSONAL PLATE AND TO WHOM THE PLATE WAS ISSUED.

4 (B) SPECIAL FUND REGISTRATION PLATE REQUIREMENTS.--ANY
5 SPECIAL REGISTRATION PLATE FOR WHICH A PORTION OF THE
6 REGISTRATION FEE IS DEDICATED TO A SPECIAL FUND SHALL COMPLY
7 WITH THE FOLLOWING:

8 (1) THE SPONSORING ORGANIZATION MUST SUBMIT A LETTER OF
9 REQUEST TO THE DEPARTMENT DESCRIBING THE PROPOSED PURPOSE AND
10 DETAILS CONCERNING THE RECIPIENT OF FUND MONEYS. THE LETTER
11 OF REQUEST MUST INCLUDE A PROPOSED GRAPHIC DESIGN OF THE
12 SPECIAL FUND REGISTRATION PLATE.

13 (2) THE SPONSORING ORGANIZATION MUST SIGN A MEMORANDUM
14 OF UNDERSTANDING WITH THE DEPARTMENT ASSOCIATED WITH THE
15 INITIAL PROCUREMENT OF SPECIAL FUND REGISTRATION PLATES AND
16 ANY SUBSEQUENT PROCUREMENT.

17 (3) THE SPONSORING ORGANIZATION MUST RECOGNIZE IN THE
18 MEMORANDUM OF UNDERSTANDING THAT ANY SPECIAL FUND
19 REGISTRATION PLATE PROGRAM HAS A TEN-YEAR LIFE CYCLE AND
20 AFTER TEN YEARS ALL PLATES MAY BE RECALLED OR REPLACED AT THE
21 DISCRETION OF THE DEPARTMENT.

22 (4) THE SPONSORING ORGANIZATION SHALL ACKNOWLEDGE IN
23 WRITING THAT THE PROPOSED GRAPHIC DESIGN MUST BE APPROVED BY
24 THE PENNSYLVANIA STATE POLICE AND THE SPECIAL FUND TAG
25 COMMITTEE ESTABLISHED BY THE DEPARTMENT.

26 (5) THE DEPARTMENT AT ITS DISCRETION MAY DISCONTINUE
27 ISSUING A SPECIAL FUND REGISTRATION PLATE IF WITHIN ANY
28 CALENDAR YEAR FEWER THAN 5,000 SPECIAL FUND REGISTRATION
29 PLATES ARE ISSUED.

30 (6) A SPONSORING ORGANIZATION MUST MEET THE REQUIREMENTS

1 OF THIS SUBSECTION WITHIN ONE YEAR OF ENACTMENT OF A LAW
2 AUTHORIZING THE ORGANIZATION'S SPECIAL FUND REGISTRATION
3 PLATE.

4 § 1342. VETERAN PLATES AND PLACARD.

5 (A) SEVERELY DISABLED VETERAN PLATE.--ON THE APPLICATION OF
6 A VETERAN WHOSE SERVICE-CONNECTED DISABILITY IS CERTIFIED AT
7 100% BY THE SERVICE UNIT OF THE ARMED FORCES IN WHICH THE
8 VETERAN SERVED OR BY THE UNITED STATES VETERANS' ADMINISTRATION
9 OR WHO HAS A SERVICE-CONNECTED DISABILITY OF THE TYPE ENUMERATED
10 IN SECTION 1338 (RELATING TO PERSON WITH DISABILITY PLATE AND
11 PLACARD), THE DEPARTMENT SHALL ISSUE A SPECIAL REGISTRATION
12 PLATE DESIGNATING THE VEHICLE AS BELONGING TO A SEVERELY
13 DISABLED VETERAN. THE REGISTRATION PLATE SHALL HAVE A WHITE
14 BACKGROUND, SHALL HAVE BLUE NUMBERS OR LETTERS AS THE DEPARTMENT
15 MAY DETERMINE, SHALL HAVE THE WORDS, "DISABLED VETERAN," IN AT
16 LEAST TEN-POINT BOLD TYPE, INSCRIBED IN RED AT THE BOTTOM OF THE
17 PLATE, AND SHALL INCLUDE THE INTERNATIONAL SYMBOL FOR ACCESS FOR
18 PERSONS WITH DISABILITIES. ONLY ONE SPECIAL REGISTRATION PLATE
19 SHALL BE ISSUED TO A VETERAN UNDER THIS SECTION. [IT MAY BE USED
20 ONLY ON A PASSENGER CAR OR TRUCK WITH A REGISTERED GROSS WEIGHT
21 OF NOT MORE THAN 9,000 POUNDS.] THE SPECIAL REGISTRATION MAY BE
22 USED ON A VEHICLE THAT IS A TRUCK WITH A REGISTERED GROSS WEIGHT
23 OF NOT MORE THAN 9,000 POUNDS, A PASSENGER CAR OR A MOTOR HOME.
24 IN THE CASE OF A MOTORCYCLE, THE DEPARTMENT SHALL ISSUE A DECAL
25 CONTAINING THE INTERNATIONAL SYMBOL FOR ACCESS FOR PERSONS WITH
26 DISABILITIES AND THE WORDS "DISABLED VETERAN" FOR DISPLAY ON THE
27 REGISTRATION PLATE.

28 (B) SEVERELY DISABLED VETERAN PLACARD.--ON THE APPLICATION
29 OF ANY PERSON WHO MEETS THE QUALIFICATIONS OF SUBSECTION (A),
30 THE DEPARTMENT SHALL ISSUE ONE SPECIAL PARKING PLACARD OF SUCH

1 SIZE AND DESIGN AS THE DEPARTMENT SHALL SPECIFY, DESIGNATING THE
2 VEHICLE IN WHICH IT IS DISPLAYED AS BEING USED FOR THE
3 TRANSPORTATION OF A SEVERELY DISABLED VETERAN. WHEN PARKING THE
4 DESIGNATED VEHICLE, THE SEVERELY DISABLED VETERAN PARKING
5 PLACARD SHALL BE PROMINENTLY DISPLAYED SO THAT IT MAY BE VIEWED
6 FROM THE FRONT AND REAR OF THE VEHICLE BY HANGING IT FROM THE
7 FRONT WINDSHIELD REARVIEW MIRROR OF A VEHICLE ONLY WHEN THAT
8 VEHICLE IS UTILIZING A PARKING SPACE RESERVED FOR PERSONS WITH
9 DISABILITIES. WHEN THERE IS NO REARVIEW MIRROR, OR THE PLACARD
10 IS NOT DESIGNED IN SUCH A MANNER TO ACCOMMODATE HANGING FROM A
11 REARVIEW MIRROR, THE PLACARD SHALL BE PROMINENTLY DISPLAYED ON
12 THE DASHBOARD OF THE VEHICLE WHEN IT IS IN USE FOR THE
13 TRANSPORTATION OF SUCH SEVERELY DISABLED VETERAN. PLACARDS MAY
14 ALSO BE ISSUED FOR USE IN VEHICLES WHEN OPERATED FOR THE USE AND
15 BENEFIT OF SEVERELY DISABLED VETERANS PROVIDED THAT A SEVERELY
16 DISABLED VETERAN IS BEING TRANSPORTED IN THE VEHICLE.

17 (C) DISABLED VETERAN PLATES.--ON THE APPLICATION OF ANY
18 VETERAN HAVING A DISABILITY CERTIFIED BY THE SERVICE UNIT OF THE
19 ARMED FORCES IN WHICH THE VETERAN SERVED OR BY THE UNITED STATES
20 VETERANS' ADMINISTRATION AS SERVICE-CONNECTED, THE DEPARTMENT
21 SHALL ISSUE A SPECIAL REGISTRATION PLATE DESIGNATING THE VEHICLE
22 AS BELONGING TO A DISABLED VETERAN. THE REGISTRATION PLATE SHALL
23 HAVE A WHITE BACKGROUND, SHALL HAVE NUMBERS OR LETTERS AS THE
24 DEPARTMENT MAY DETERMINE AND SHALL HAVE THE WORDS "DISABLED
25 VETERAN" IN AT LEAST TEN-POINT BOLD TYPE INSCRIBED AT THE BOTTOM
26 OF THE PLATE. ONLY ONE SPECIAL REGISTRATION PLATE SHALL BE
27 ISSUED TO A VETERAN UNDER THIS SECTION. [IT MAY BE USED ONLY ON
28 A PASSENGER CAR OR TRUCK WITH A REGISTERED GROSS WEIGHT OF NOT
29 MORE THAN 9,000 POUNDS.] THE SPECIAL REGISTRATION MAY BE USED ON
30 A VEHICLE THAT IS A TRUCK WITH A REGISTERED GROSS WEIGHT OF NOT

1 MORE THAN 9,000 POUNDS, A PASSENGER CAR OR A MOTOR HOME.

2 (D) PRISONER OF WAR PLATE.--ON THE APPLICATION OF AN EX-
3 PRISONER OF WAR WHOSE IMPRISONMENT WHILE IN THE SERVICE OF THE
4 ARMED FORCES OF THE UNITED STATES IS CERTIFIED BY THE
5 APPROPRIATE BRANCH OF THE ARMED FORCES, THE DEPARTMENT SHALL
6 ISSUE A SPECIAL REGISTRATION PLATE DESIGNATING THE VEHICLE AS
7 BELONGING TO AN EX-PRISONER OF WAR. THE REGISTRATION PLATE SHALL
8 CONTAIN THE LETTERS "POW" AND SUCH OTHER NUMBERS OR LETTERS AS
9 THE DEPARTMENT MAY DETERMINE AND SHALL HAVE THE WORDS "PRISONER
10 OF WAR" IN AT LEAST TEN-POINT BOLD TYPE INSCRIBED AT THE BOTTOM
11 OF THE PLATE. ONLY ONE SPECIAL REGISTRATION PLATE SHALL BE
12 ISSUED TO AN EX-PRISONER OF WAR UNDER THIS SUBSECTION. [THE
13 SPECIAL REGISTRATION PLATE MAY BE USED ONLY ON A PASSENGER CAR
14 OR TRUCK WITH A REGISTERED GROSS WEIGHT OF NOT MORE THAN 9,000
15 POUNDS.] THE SPECIAL REGISTRATION MAY BE USED ON A VEHICLE THAT
16 IS A TRUCK WITH A REGISTERED GROSS WEIGHT OF NOT MORE THAN 9,000
17 POUNDS, A PASSENGER CAR OR A MOTOR HOME.

18 (E) DOCUMENTATION OF ELIGIBILITY.--THE DEPARTMENT MAY
19 REQUIRE CURRENT HOLDERS OF DISABLED VETERAN REGISTRATION PLATES
20 AND PLACARDS TO PROVIDE DOCUMENTATION OF THEIR ELIGIBILITY UNDER
21 THIS SECTION WHERE CURRENT DOCUMENTATION IS NOT SUFFICIENT.

22 (F) RETURN OF PLATES AND PLACARD.--

23 (1) UPON THE DEATH OF A VETERAN TO WHOM A SEVERELY
24 DISABLED VETERAN PLATE OR PLACARD HAS BEEN ISSUED UNDER THIS
25 SECTION, THE SEVERELY DISABLED VETERAN PLATE OR PLACARD SHALL
26 BE VOID 30 DAYS AFTER DEATH AND SHALL NOT BE DISPLAYED ON ANY
27 VEHICLE. THE PERSONAL REPRESENTATIVE OF THE DECEASED SHALL
28 RETURN THE PLATE TO THE DEPARTMENT. IF THERE IS NO PERSONAL
29 REPRESENTATIVE, THE SPOUSE OR, IF THERE IS NO SPOUSE, THE
30 NEXT OF KIN OF THE DECEASED SHALL RETURN THE PLATE OR PLACARD

1 TO THE DEPARTMENT.

2 (2) UPON THE DEATH OF A VETERAN TO WHOM A PRISONER OF
3 WAR PLATE HAS BEEN ISSUED, THE VETERAN'S SPOUSE MAY CONTINUE
4 TO USE THE PLATE.

5 § 1345. SPECIAL PLATES FOR RECIPIENTS OF THE MEDAL OF HONOR.

6 UPON APPLICATION OF ANY PERSON WHO IS A RECIPIENT OR A
7 SURVIVING SPOUSE OF THE RECIPIENT OF THE MEDAL OF HONOR, THE
8 DEPARTMENT SHALL ISSUE TO SUCH PERSON A SPECIAL REGISTRATION
9 PLATE DESIGNATING THE VEHICLE SO LICENSED AS BELONGING TO A
10 PERSON WHO IS A RECIPIENT OF THE MEDAL OF HONOR. THE PLATE SHALL
11 HAVE A LIGHT BLUE BACKGROUND INTERSPERSED WITH 13 WHITE STARS.
12 THE CENTER OF THE PLATE SHALL BEAR A GOLDEN BRONZE REPLICA OF
13 THE APPROPRIATE MEDAL. THE INITIALS OF EACH RECIPIENT SHALL BE
14 EMBOSSED IN RED TO THE LEFT OF THE MEDAL AND THE LETTERS "CMH"
15 (FOR CONGRESSIONAL MEDAL OF HONOR) SHALL BE EMBOSSED IN RED TO
16 THE RIGHT OF THE MEDAL.

17 § 1346. SPECIAL PLATES FOR RECIPIENTS OF PURPLE HEART.

18 UPON APPLICATION OF ANY PERSON WHO IS A RECIPIENT OF THE
19 PURPLE HEART, THE DEPARTMENT SHALL ISSUE TO SUCH PERSON A
20 SPECIAL REGISTRATION PLATE DESIGNATING THE VEHICLE SO LICENSED
21 AS BELONGING TO A PERSON WHO IS A RECIPIENT OR A SURVIVING
22 SPOUSE OF THE RECIPIENT OF THE PURPLE HEART. ONLY ONE SPECIAL
23 REGISTRATION PLATE SHALL BE ISSUED TO A RECIPIENT OF A PURPLE
24 HEART UNDER THIS SECTION. THE SPECIAL REGISTRATION MAY BE USED
25 ON A VEHICLE THAT IS A TRUCK WITH A REGISTERED GROSS WEIGHT OF
26 NOT MORE THAN 9,000 POUNDS, A PASSENGER CAR OR A MOTOR HOME. A
27 SEVERELY DISABLED VETERAN, AS DESCRIBED IN SECTION 1342(A)
28 (RELATING TO VETERAN PLATES AND PLACARD), WHO IS QUALIFIED TO
29 RECEIVE A PLATE UNDER THIS SECTION MAY ALSO ELECT TO RECEIVE A
30 PLACARD UNDER SECTION 1342(B). [THE SPECIAL REGISTRATION PLATE

1 MAY BE USED ONLY ON A PASSENGER CAR OR TRUCK WITH A REGISTERED
2 GROSS WEIGHT OF NOT MORE THAN 9,000 POUNDS.]

3 § 1348. SPECIAL PLATES FOR PEARL HARBOR SURVIVORS.

4 UPON APPLICATION OF ANY PERSON WHO IS A SURVIVOR OF PEARL
5 HARBOR, ACCOMPANIED BY A FEE OF \$20 WHICH SHALL BE IN ADDITION
6 TO THE ANNUAL REGISTRATION FEE AND BY SUCH DOCUMENTATION AS THE
7 DEPARTMENT SHALL REQUIRE, THE DEPARTMENT SHALL ISSUE TO SUCH
8 PERSON A SPECIAL REGISTRATION PLATE DESIGNATING THE VEHICLE SO
9 LICENSED AS BELONGING TO A PERSON WHO IS A SURVIVOR OF PEARL
10 HARBOR OR A SURVIVING SPOUSE OF THE SURVIVOR OF PEARL HARBOR.

11 [THE SPECIAL REGISTRATION PLATE MAY BE USED ONLY ON A PASSENGER
12 CAR OR TRUCK WITH A REGISTERED GROSS WEIGHT OF NOT MORE THAN
13 9,000 POUNDS.] ONLY ONE SPECIAL REGISTRATION PLATE SHALL BE
14 ISSUED TO A SURVIVOR OF PEARL HARBOR UNDER THIS SECTION. THE
15 SPECIAL REGISTRATION MAY BE USED ON A VEHICLE THAT IS A TRUCK
16 WITH A REGISTERED GROSS WEIGHT OF NOT MORE THAN 9,000 POUNDS, A
17 PASSENGER CAR OR A MOTOR HOME.

18 § 1350. SPECIAL PLATES FOR VETERANS OF KOREAN WAR.

19 UPON APPLICATION OF ANY PERSON WHO IS A VETERAN OF THE KOREAN
20 WAR, ACCOMPANIED BY A FEE OF \$20, WHICH SHALL BE IN ADDITION TO
21 THE ANNUAL REGISTRATION FEE, AND BY SUCH DOCUMENTATION AS THE
22 DEPARTMENT SHALL REQUIRE, THE DEPARTMENT SHALL ISSUE TO THE
23 PERSON A SPECIAL REGISTRATION PLATE DESIGNATING THE VEHICLE SO
24 LICENSED AS BELONGING TO A PERSON WHO IS A VETERAN OF THE KOREAN
25 WAR[.] OR A SURVIVING SPOUSE OF THE VETERAN OF THE KOREAN WAR.
26 ONLY ONE SPECIAL REGISTRATION PLATE SHALL BE ISSUED TO A VETERAN
27 UNDER THIS SECTION. THE SPECIAL REGISTRATION PLATE MAY BE USED
28 [ONLY ON A PASSENGER CAR OR TRUCK WITH A REGISTERED GROSS WEIGHT
29 OF NOT MORE THAN 9,000 POUNDS.] ON A VEHICLE THAT IS A TRUCK
30 WITH A REGISTERED GROSS WEIGHT OF NOT MORE THAN 9,000 POUNDS, A

1 PASSENGER CAR OR A MOTOR HOME.

2 § 1351. SPECIAL PLATES FOR VETERANS OF PERSIAN GULF WAR.

3 UPON APPLICATION OF ANY PERSON WHO IS A VETERAN OF THE
4 PERSIAN GULF WAR, ACCOMPANIED BY A FEE OF \$20, WHICH SHALL BE IN
5 ADDITION TO THE ANNUAL REGISTRATION FEE, AND BY SUCH
6 DOCUMENTATION AS THE DEPARTMENT SHALL REQUIRE, THE DEPARTMENT
7 SHALL ISSUE TO THE PERSON A SPECIAL REGISTRATION PLATE
8 DESIGNATING THE VEHICLE SO LICENSED AS BELONGING TO A PERSON WHO
9 IS A VETERAN OF THE PERSIAN GULF WAR[.] OR A SURVIVING SPOUSE OF
10 THE VETERAN OF THE PERSIAN GULF WAR. ONLY ONE SPECIAL
11 REGISTRATION PLATE SHALL BE ISSUED TO A VETERAN UNDER THIS
12 SECTION. THE SPECIAL REGISTRATION PLATE MAY BE USED [ONLY ON A
13 PASSENGER CAR OR TRUCK WITH A REGISTERED GROSS WEIGHT OF NOT
14 MORE THAN 9,000 POUNDS.] ON A VEHICLE THAT IS A TRUCK WITH A
15 REGISTERED GROSS WEIGHT OF NOT MORE THAN 9,000 POUNDS, A
16 PASSENGER CAR OR A MOTOR HOME.

17 § 1356. SPECIAL PLATES FOR RECIPIENTS OF EXPEDITIONARY FORCES
18 MEDAL.

19 UPON APPLICATION OF ANY PERSON WHO IS A RECIPIENT OF THE
20 EXPEDITIONARY FORCES MEDAL, ACCOMPANIED BY A FEE OF \$20 WHICH
21 SHALL BE IN ADDITION TO THE ANNUAL REGISTRATION FEE AND BY SUCH
22 DOCUMENTATION AS THE DEPARTMENT SHALL REQUIRE, THE DEPARTMENT
23 SHALL ISSUE TO SUCH PERSON A SPECIAL REGISTRATION PLATE
24 DESIGNATING THE VEHICLE SO REGISTERED AS BELONGING TO A PERSON
25 WHO IS A RECIPIENT OF THE EXPEDITIONARY FORCES MEDAL[.] OR A
26 SURVIVING SPOUSE OF THE RECIPIENT OF THE EXPEDITIONARY FORCES
27 MEDAL. ONLY ONE SPECIAL REGISTRATION PLATE SHALL BE ISSUED TO A
28 RECIPIENT OF AN EXPEDITIONARY FORCES MEDAL UNDER THIS SECTION.
29 THE SPECIAL REGISTRATION PLATE MAY BE USED [ONLY ON A PASSENGER
30 CAR OR TRUCK WITH A REGISTERED GROSS WEIGHT OF NOT MORE THAN

1 9,000 POUNDS.] ON A VEHICLE THAT IS A TRUCK WITH A REGISTERED
2 GROSS WEIGHT OF NOT MORE THAN 9,000 POUNDS, A PASSENGER CAR OR A
3 MOTOR HOME.

4 § 1357. SPECIAL PLATES FOR WORLD WAR II VETERANS.

5 UPON APPLICATION OF ANY PERSON WHO IS A VETERAN OF WORLD WAR
6 II, ACCOMPANIED BY A FEE OF \$20 WHICH SHALL BE IN ADDITION TO
7 THE ANNUAL REGISTRATION FEE AND BY SUCH DOCUMENTATION AS THE
8 DEPARTMENT SHALL REQUIRE, THE DEPARTMENT SHALL ISSUE TO SUCH
9 PERSON A SPECIAL REGISTRATION PLATE CARRYING THE SYMBOL OF A
10 RUPTURED DUCK DESIGNATING THE VEHICLE SO REGISTERED AS BELONGING
11 TO A PERSON WHO IS A VETERAN OF WORLD WAR II[.] OR A SURVIVING
12 SPOUSE OF THE VETERAN OF WORLD WAR II. ONLY ONE SPECIAL
13 REGISTRATION PLATE SHALL BE ISSUED TO A VETERAN UNDER THIS
14 SECTION. THE SPECIAL REGISTRATION PLATE MAY BE USED [ONLY ON A
15 PASSENGER CAR OR TRUCK WITH A REGISTERED GROSS WEIGHT OF NOT
16 MORE THAN 9,000 POUNDS.] ON A VEHICLE THAT IS A TRUCK WITH A
17 REGISTERED GROSS WEIGHT OF NOT MORE THAN 9,000 POUNDS, A
18 PASSENGER CAR OR A MOTOR HOME.

19 § 1359. SPECIAL PLATES FOR STEELWORKERS.

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

1 TRUCK WITH A REGISTERED GROSS WEIGHT OF NOT MORE THAN 9,000
2 POUNDS, A PASSENGER CAR OR A MOTOR HOME. THE PLATE SHALL BEAR
3 THE LIKENESS OF THE OFFICIAL EMBLEM OF THE AMERICAN IRON AND
4 STEEL INSTITUTE.

5 * * *

6 § 1360. SPECIAL PLATES FOR VETERANS OF VIETNAM CONFLICT.

7 UPON APPLICATION OF ANY PERSON WHO IS A VETERAN OF THE
8 VIETNAM CONFLICT AS THAT TERM IS DEFINED FOR THE AWARDING OF THE
9 VIETNAM SERVICE MEDAL OR THE ARMED FORCES EXPEDITIONARY MEDAL
10 FOR SERVICE IN THE VIETNAM CONFLICT, ACCOMPANIED BY A FEE OF \$20
11 IN ADDITION TO THE ANNUAL REGISTRATION FEE AND BY SUCH
12 DOCUMENTATION AS THE DEPARTMENT SHALL REQUIRE, THE DEPARTMENT
13 SHALL ISSUE TO THE PERSON A SPECIAL REGISTRATION PLATE
14 DESIGNATING THE VEHICLE SO LICENSED AS BELONGING TO A PERSON WHO
15 IS A VETERAN OF THE VIETNAM CONFLICT[.] OR A SURVIVING SPOUSE OF
16 THE VETERAN OF THE VIETNAM CONFLICT. ONLY ONE SPECIAL
17 REGISTRATION PLATE SHALL BE ISSUED TO A VETERAN UNDER THIS
18 SECTION. THE SPECIAL REGISTRATION PLATE MAY BE USED [ONLY ON A
19 PASSENGER CAR OR TRUCK WITH A REGISTERED GROSS WEIGHT OF NOT
20 MORE THAN 9,000 POUNDS.] ON A VEHICLE THAT IS A TRUCK WITH A
21 REGISTERED GROSS WEIGHT OF NOT MORE THAN 9,000 POUNDS, A
22 PASSENGER CAR OR A MOTOR HOME.

23 SECTION 14. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

24 § 1361. YOUTH HUNTER AND ANGLER EDUCATION PLATE.

25 THE DEPARTMENT, IN CONSULTATION WITH THE YOUTH HUNTER AND
26 ANGLER EDUCATION BOARD, SHALL DESIGN A SPECIAL YOUTH HUNTER AND
27 ANGLER EDUCATION PLATE. UPON APPLICATION OF ANY PERSON,
28 ACCOMPANIED BY A FEE OF \$35 WHICH SHALL BE IN ADDITION TO THE
29 ANNUAL REGISTRATION FEE, THE DEPARTMENT SHALL ISSUE THE PLATE
30 FOR A PASSENGER CAR, MOTOR HOME, TRAILER OR TRUCK WITH A GROSS

1 VEHICLE WEIGHT RATING OF NOT MORE THAN 9,000 POUNDS.

2 § 1362. ANIMAL PROTECTION PLATE.

3 THE DEPARTMENT, IN CONSULTATION WITH THE ANIMAL PROTECTION
4 BOARD, SHALL DESIGN A SPECIAL ANIMAL PROTECTION PLATE. UPON
5 APPLICATION OF ANY PERSON, ACCOMPANIED BY A FEE OF \$35 WHICH
6 SHALL BE IN ADDITION TO THE ANNUAL REGISTRATION FEE, THE
7 DEPARTMENT SHALL ISSUE THE PLATE FOR A PASSENGER CAR, MOTOR
8 HOME, TRAILER OR TRUCK WITH A GROSS VEHICLE WEIGHT RATING OF NOT
9 MORE THAN 9,000 POUNDS.

10 § 1363. PERSONAL SPECIAL REGISTRATION PLATES.

11 (A) GENERAL RULE.--SUBJECT TO THE SAME STANDARDS AND
12 RESTRICTIONS UNDER SECTION 1341 (RELATING TO PERSONAL PLATE),
13 THE DEPARTMENT MAY, UPON APPLICATION OF ANY PERSON AND UPON
14 PAYMENT OF THE ADDITIONAL FEE UNDER THIS SECTION, ISSUE A
15 PERSONAL SPECIAL REGISTRATION PLATE TO APPLICANTS FOR SPECIAL
16 PLATES UNDER THIS CHAPTER.

17 (B) ADDITIONAL FEE.--THE DEPARTMENT SHALL COLLECT AN
18 ADDITIONAL FEE OF UP TO \$300 FOR ANY PERSONAL PLATE ISSUED UNDER
19 SUBSECTION (A).

20 § 1364. CONQUER CANCER REGISTRATION PLATE.

21 (A) PLATE.--THE DEPARTMENT, IN CONSULTATION WITH THE
22 DEPARTMENT OF HEALTH, SHALL DESIGN A CONQUER CANCER REGISTRATION
23 PLATE. UPON APPLICATION OF ANY PERSON, ACCOMPANIED BY A FEE OF
24 \$35 WHICH SHALL BE IN ADDITION TO THE ANNUAL REGISTRATION FEE,
25 THE DEPARTMENT SHALL ISSUE THE PLATE FOR A PASSENGER CAR, MOTOR
26 HOME, TRAILER OR TRUCK WITH A REGISTERED GROSS WEIGHT OF NOT
27 MORE THAN 9,000 POUNDS.

28 (B) USE OF FEE.--OF EACH FEE PAID UNDER SUBSECTION (A), \$15
29 SHALL BE DEPOSITED INTO THE CONQUER CANCER FUND, ESTABLISHED IN
30 SUBSECTION (C).

1 (C) CONQUER CANCER FUND.--

2 (1) THE CONQUER CANCER FUND IS ESTABLISHED AS A SPECIAL
3 FUND IN THE STATE TREASURY.

4 (2) THE DEPARTMENT OF HEALTH SHALL ADMINISTER THE FUND
5 TO MAKE GRANTS FOR CANCER RESEARCH.

6 (3) THE MONEY IN THE CONQUER CANCER FUND IS CONTINUOUSLY
7 APPROPRIATED TO THE FUND AND SHALL NOT LAPSE AT THE END OF
8 ANY FISCAL YEAR.

9 § 1365. MADD PLATE.

10 THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE OF ATTORNEY
11 GENERAL, SHALL DESIGN A SPECIAL MOTHERS AGAINST DRUNK DRIVING
12 (MADD) REGISTRATION PLATE WHICH UTILIZES THE MADD LOGO OR SLOGAN
13 IN THE DESIGN. UPON APPLICATION OF ANY PERSON, ACCOMPANIED BY A
14 FEE OF \$35 WHICH SHALL BE IN ADDITION TO THE ANNUAL REGISTRATION
15 FEE, THE DEPARTMENT SHALL ISSUE THE PLATE FOR A PASSENGER CAR,
16 MOTOR HOME, TRAILER OR TRUCK WITH A REGISTERED GROSS WEIGHT OF
17 NOT MORE THAN 9,000 POUNDS. THE MOTHERS AGAINST DRUNK DRIVING
18 FUND SHALL RECEIVE \$15 OF EACH ADDITIONAL FEE FOR THIS PLATE.

19 § 1366. KIDS FIRST REGISTRATION PLATE.

20 (A) GENERAL RULE.--THE DEPARTMENT, IN CONSULTATION WITH THE
21 OFFICE OF CHILDREN, YOUTH AND FAMILIES WITHIN THE DEPARTMENT OF
22 PUBLIC WELFARE, SHALL DESIGN A SPECIAL KIDS FIRST REGISTRATION
23 PLATE.

24 (B) APPLICATION.--UPON APPLICATION OF ANY PERSON,
25 ACCOMPANIED BY A FEE OF \$35 WHICH SHALL BE IN ADDITION TO THE
26 ANNUAL REGISTRATION FEE, THE DEPARTMENT SHALL ISSUE THE PLATE
27 FOR A PASSENGER CAR OR OTHER VEHICLE WITH A REGISTERED GROSS
28 WEIGHT OF NOT MORE THAN 9,000 POUNDS.

29 (C) CHILDREN'S HEALTH FUND.--FIFTEEN DOLLARS OF EACH FEE
30 RECEIVED UNDER THIS SECTION SHALL BE CREDITED TO THE CHILDREN'S

1 HEALTH FUND FOR HEALTH CARE FOR INDIGENT CHILDREN ESTABLISHED IN
2 SECTION 1296 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS
3 THE TAX REFORM CODE OF 1971.

4 SECTION 15. SECTION 1373(B) OF TITLE 75 IS AMENDED TO READ:
5 § 1373. SUSPENSION OF REGISTRATION.

6 * * *

7 (B) SUSPENSION WITHOUT HEARING.--THE DEPARTMENT MAY SUSPEND
8 [ANY] A REGISTRATION WITHOUT PROVIDING AN OPPORTUNITY FOR A
9 HEARING IN ANY OF THE FOLLOWING CASES:

10 (1) UPON THE REQUEST OR ORDER OF ANY COURT OF RECORD.

11 (2) THE REQUIRED FEES HAVE NOT BEEN PAID.

12 (3) [THE VEHICLE IS BEING OPERATED UNDER A UNITED STATES
13 DEPARTMENT OF TRANSPORTATION OPERATING AUTHORITY IF AN] AN
14 OUT-OF-SERVICE ORDER HAS BEEN ISSUED FOR THE VEHICLE, THE
15 OWNER OR THE OPERATOR BY THE DEPARTMENT OR BY THE UNITED
16 STATES DEPARTMENT OF TRANSPORTATION.

17 (4) THE VEHICLE IS BEING OPERATED IN VIOLATION OF
18 SECTION 4704(B)(1) (RELATING TO INSPECTION BY POLICE OR
19 COMMONWEALTH PERSONNEL).

20 SECTION 16. SECTION 1508(A) OF TITLE 75 IS AMENDED AND THE
21 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

22 § 1508. EXAMINATION OF APPLICANT FOR DRIVER'S LICENSE.

23 (A) GENERAL RULE.--EVERY APPLICANT FOR A DRIVER'S LICENSE
24 SHALL BE EXAMINED FOR THE TYPE OR CLASS OF VEHICLES THAT THE
25 APPLICANT DESIRES TO DRIVE. THE EXAMINATION SHALL INCLUDE [A]:

26 (1) A PHYSICAL EXAMINATION[, A].

27 (2) A SCREENING TEST OF THE APPLICANT'S EYESIGHT [AND
28 A].

29 (3) A TEST OF THE APPLICANT'S ABILITY TO READ AND

30 UNDERSTAND OFFICIAL TRAFFIC-CONTROL DEVICES, KNOWLEDGE OF

SAFE DRIVING PRACTICES AND THE TRAFFIC LAWS OF THIS
COMMONWEALTH[, AND SHALL INCLUDE AN].

(4) AN ACTUAL ON-ROAD DEMONSTRATION OF ABILITY TO
EXERCISE ORDINARY AND REASONABLE CONTROL IN THE OPERATION OF
A MOTOR VEHICLE OF THE TYPE OR CLASS OF VEHICLES FOR WHICH
THE APPLICANT DESIRES A LICENSE TO DRIVE. [IF THE DEPARTMENT
FINDS IT NECESSARY TO FURTHER DETERMINE AN APPLICANT'S
FITNESS TO OPERATE A MOTOR VEHICLE SAFELY UPON THE HIGHWAYS
THE DEPARTMENT MAY REQUIRE ONE OR MORE OF THE FOLLOWING TYPES
OF EXAMINATIONS:

(1) A VISION EXAMINATION BY AN OPTOMETRIST OR
OPHTHALMOLOGIST.

(2) A PHYSICAL EXAMINATION PURSUANT TO SECTION 1508.1
(RELATING TO PHYSICAL EXAMINATIONS).

(3) A MENTAL EXAMINATION.]

(A.1) ADDITIONAL EXAMINATIONS.--IF THE DEPARTMENT FINDS IT
NECESSARY TO DETERMINE AN APPLICANT'S FITNESS TO OPERATE A MOTOR
VEHICLE SAFELY UPON THE HIGHWAYS, THE DEPARTMENT MAY REQUIRE ONE
OR MORE OF THE FOLLOWING TYPES OF EXAMINATIONS:

(1) A VISION EXAMINATION BY AN OPTOMETRIST OR
OPHTHALMOLOGIST.

(2) A PHYSICAL EXAMINATION PURSUANT TO SECTION 1508.1
(RELATING TO PHYSICAL EXAMINATIONS).

(3) A MENTAL EXAMINATION.

(A.2) TIMING OF ON-ROAD DEMONSTRATION.--THE DEPARTMENT SHALL
REQUIRE THE PASSAGE OF 30 DAYS BETWEEN THE SUCCESSFUL COMPLETION
OF THE TEST REQUIRED BY SUBSECTION (A)(3) AND THE ON-ROAD
DEMONSTRATION REQUIRED BY SUBSECTION (A)(4) FOR AN APPLICANT WHO
IS 18 YEARS OF AGE OR OLDER WHO HAS NOT BEEN PREVIOUSLY ISSUED A
DRIVER'S LICENSE IN THIS OR ANY OTHER STATE.

1 SECTION 17. SECTION 1510 OF TITLE 75 IS AMENDED BY ADDING A
2 SUBSECTION TO READ:

3 § 1510. ISSUANCE AND CONTENT OF DRIVER'S LICENSE.

4 * * *

5 (H) SALE OF PHOTOGRAPHS PROHIBITED.--NEITHER THE DEPARTMENT
6 NOR ANY PERSON UNDER CONTRACT WITH THE DEPARTMENT SHALL SELL
7 PHOTOGRAPHS OF HOLDERS OF A DRIVER'S LICENSE OR IDENTIFICATION
8 CARD FOR ANY COMMERCIAL PURPOSE.

9 SECTION 18. SECTION 1532(A) AND (B)(4) ARE AMENDED AND THE
10 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

11 § 1532. SUSPENSION OF OPERATING PRIVILEGE.

12 (A) ONE-YEAR SUSPENSION.--THE DEPARTMENT SHALL SUSPEND THE
13 OPERATING PRIVILEGE OF ANY DRIVER FOR ONE YEAR UPON RECEIVING A
14 CERTIFIED RECORD OF THE DRIVER'S CONVICTION OF OR AN
15 ADJUDICATION OF DELINQUENCY BASED ON ANY OF THE FOLLOWING
16 OFFENSES:

17 (1) ANY FELONY IN THE COMMISSION OF WHICH A COURT
18 DETERMINES THAT A VEHICLE WAS ESSENTIALLY INVOLVED.

19 [(2) ANY VIOLATION OF SECTION 3735 (RELATING TO HOMICIDE
20 BY VEHICLE WHILE DRIVING UNDER INFLUENCE).]

21 (3) ANY VIOLATION OF THE FOLLOWING PROVISIONS:

22 [SECTION 3732 (RELATING TO HOMICIDE BY VEHICLE).]

23 SECTION 3735.1 (RELATING TO AGGRAVATED ASSAULT BY
24 VEHICLE WHILE DRIVING UNDER THE INFLUENCE).

25 SECTION 3742 (RELATING TO ACCIDENTS INVOLVING DEATH
26 OR PERSONAL INJURY).

27 SECTION 3742.1 (RELATING TO ACCIDENTS INVOLVING DEATH
28 OR PERSONAL INJURY WHILE NOT PROPERLY LICENSED).

29 [SECTION 7102(B) (RELATING TO REMOVAL OR
30 FALSIFICATION OF IDENTIFICATION NUMBER).

SECTION 7103(B) (RELATING TO DEALING IN VEHICLES WITH
REMOVED OR FALSIFIED NUMBERS).]

SECTION 7111 (RELATING TO DEALING IN TITLES AND
PLATES FOR STOLEN VEHICLES).

SECTION 7121 (RELATING TO FALSE APPLICATION FOR
CERTIFICATE OF TITLE OR REGISTRATION).

SECTION 7122 (RELATING TO ALTERED, FORGED OR
COUNTERFEIT DOCUMENTS AND PLATES).

(A.1) THREE-YEAR SUSPENSION.--THE DEPARTMENT SHALL SUSPEND
THE OPERATING PRIVILEGE OF ANY DRIVER FOR THREE YEARS UPON
RECEIVING A CERTIFIED RECORD OF THE DRIVER'S CONVICTION OF OR AN
ADJUDICATION OF DELINQUENCY BASED ON A VIOLATION OF ANY OF THE
FOLLOWING OFFENSES:

(1) ANY VIOLATION OF SECTION 3732 (RELATING TO HOMICIDE
BY VEHICLE).

(2) ANY VIOLATION OF SECTION 3735 (RELATING TO HOMICIDE
BY VEHICLE WHILE DRIVING UNDER INFLUENCE).

(B) SUSPENSION.--

* * *

(4) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE
OF ANY DRIVER FOR THREE MONTHS UPON RECEIVING A CERTIFIED
RECORD OF THE DRIVER'S CONVICTION OF SECTION 1371 (RELATING
TO OPERATION FOLLOWING SUSPENSION OF REGISTRATION) OR 3718
(RELATING TO MINOR OPERATING WITH ANY ALCOHOL IN SYSTEM) OR
AN ADJUDICATION OF DELINQUENCY BASED ON SECTION 1371.

* * *

SECTION 19. SECTIONS 1541 HEADING AND (A), 1543(B) AND
1547(B)(2) AND (C) OF TITLE 75 ARE AMENDED TO READ:

§ 1541. PERIOD OF DISQUALIFICATION, REVOCATION OR SUSPENSION OF
OPERATING PRIVILEGE.

1 (A) COMMENCEMENT OF PERIOD.--THE PERIOD OF DISQUALIFICATION,
2 REVOCATION OR SUSPENSION OF THE OPERATING PRIVILEGE OR THE
3 DISQUALIFICATION OF THE COMMERCIAL OPERATING PRIVILEGE SHALL
4 COMMENCE AS PROVIDED FOR IN SECTION 1540 (RELATING TO SURRENDER
5 OF LICENSE). NO CREDIT TOWARD THE REVOCATION, SUSPENSION OR
6 DISQUALIFICATION SHALL BE EARNED UNTIL THE DRIVER'S LICENSE IS
7 SURRENDERED TO THE DEPARTMENT, [THE] A COURT OR [THE] A DISTRICT
8 ATTORNEY, AS THE CASE MAY BE. A NONRESIDENT LICENSED DRIVER OR
9 AN UNLICENSED [DRIVER] INDIVIDUAL, INCLUDING A DRIVER WHOSE
10 LICENSE HAS EXPIRED, SHALL SUBMIT AN ACKNOWLEDGMENT OF
11 SUSPENSION OR REVOCATION TO THE DEPARTMENT IN LIEU OF A DRIVER'S
12 LICENSE, EXCEPT FOR THE SUSPENSION OF THE OPERATING PRIVILEGE OF
13 AN UNLICENSED [DRIVER] INDIVIDUAL UNDER 16 YEARS OF AGE, IN
14 WHICH CASE THE SUSPENSION SHALL COMMENCE AUTOMATICALLY UPON THE
15 INDIVIDUAL'S 16TH BIRTHDAY FOR THE SPECIFIED PERIOD IF AN
16 ACKNOWLEDGMENT IS RECEIVED ANY TIME PRIOR TO THE INDIVIDUAL'S
17 16TH BIRTHDAY. IF A LICENSED DRIVER IS NOT IN POSSESSION OF HIS
18 DRIVER'S LICENSE, NO CREDIT TOWARD THE DISQUALIFICATION,
19 REVOCATION OR SUSPENSION SHALL BE EARNED UNTIL A SWORN AFFIDAVIT
20 OR A FORM PRESCRIBED BY THE DEPARTMENT IS SURRENDERED TO THE
21 DEPARTMENT SWEARING THAT THE DRIVER IS NOT IN POSSESSION OF HIS
22 DRIVER'S LICENSE. SUCH CREDIT SHALL BE RESCINDED IF IT IS LATER
23 DETERMINED THAT THE DRIVER WAS UNTRUTHFUL IN THE AFFIDAVIT.
24 CREDIT SHALL ALSO BE REVOKED IF A PERSON SURRENDERS A DUPLICATE
25 LICENSE AND IT IS LATER DETERMINED THAT THE PERSON WAS STILL IN
26 POSSESSION OF AN EARLIER ISSUED, UNEXPIRED LICENSE. THE
27 DEPARTMENT MAY, UPON REQUEST OF THE PERSON WHOSE LICENSE IS
28 SUSPENDED OR DISQUALIFIED, DELAY THE COMMENCEMENT OF THE PERIOD
29 OF SUSPENSION OR DISQUALIFICATION FOR A PERIOD NOT EXCEEDING SIX
30 MONTHS WHENEVER THE DEPARTMENT DETERMINES THAT FAILURE TO GRANT

1 THE EXTENSION WILL RESULT IN HARDSHIP TO THE PERSON WHOSE
2 LICENSE HAS BEEN SUSPENDED OR DISQUALIFIED.

3 * * *

4 § 1543. DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR
5 REVOKED.

6 * * *

7 (B) CERTAIN OFFENSES.--

8 (1) ANY PERSON WHO DRIVES A MOTOR VEHICLE ON ANY HIGHWAY
9 OR TRAFFICWAY OF THIS COMMONWEALTH AT A TIME WHEN [THEIR]
10 THAT PERSON'S OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AS
11 A CONDITION OF ACCEPTANCE OF ACCELERATED REHABILITATIVE
12 DISPOSITION FOR A VIOLATION OF SECTION 3731 (RELATING TO
13 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE)
14 OR BECAUSE OF A VIOLATION OF SECTION 1547(B)(1) (RELATING TO
15 SUSPENSION FOR REFUSAL) OR 3731 OR SUSPENDED UNDER SECTION
16 1581 (RELATING TO DRIVER'S LICENSE COMPACT) FOR AN OFFENSE
17 SUBSTANTIALLY SIMILAR TO A VIOLATION OF SECTION 3731 SHALL,
18 UPON A FIRST CONVICTION, [BE GUILTY OF] COMMITTS A SUMMARY
19 OFFENSE AND UPON CONVICTION THEREOF, SHALL BE SENTENCED TO
20 PAY A FINE OF \$1,000 AND TO UNDERGO IMPRISONMENT FOR A PERIOD
21 OF NOT LESS THAN 90 DAYS. A SECOND OR SUBSEQUENT VIOLATION OF
22 THIS SUBSECTION CONSTITUTES A MISDEMEANOR OF THE THIRD DEGREE
23 AND UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE
24 OF \$2,000 AND TO UNDERGO IMPRISONMENT FOR NOT LESS THAN SIX
25 MONTHS.

26 (2) THIS SUBSECTION SHALL APPLY TO ANY PERSON AGAINST
27 WHOM ONE OF THESE SUSPENSIONS HAS BEEN IMPOSED WHETHER THE
28 PERSON IS CURRENTLY SERVING THIS SUSPENSION OR WHETHER THE
29 EFFECTIVE DATE OF SUSPENSION HAS BEEN DEFERRED UNDER ANY OF
30 THE PROVISIONS OF SECTION 1544 (RELATING TO ADDITIONAL PERIOD

OF REVOCATION OR SUSPENSION). THIS PROVISION SHALL ALSO APPLY
UNTIL THE PERSON HAS HAD THE OPERATING PRIVILEGE RESTORED.
THIS SUBSECTION SHALL ALSO APPLY TO ANY REVOCATION IMPOSED
PURSUANT TO SECTION 1542 (RELATING TO REVOCATION OF HABITUAL
OFFENDER'S LICENSE) IF ANY OF THE ENUMERATED OFFENSES WAS FOR
A VIOLATION OF SECTION 3731 OR FOR AN OUT-OF-STATE OFFENSE
THAT IS SUBSTANTIALLY SIMILAR TO A VIOLATION OF SECTION 3731
FOR WHICH A REVOCATION IS IMPOSED UNDER SECTION 1581.

* * *

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

* * *

(B) SUSPENSION FOR REFUSAL.--

* * *

(2) [IT SHALL BE THE DUTY OF THE POLICE OFFICER TO
INFORM THE PERSON] A PERSON ARRESTED FOR A VIOLATION OF
SECTION 3731 AND REQUESTED TO SUBMIT TO CHEMICAL TESTING
SHALL BE INFORMED THAT THE PERSON'S OPERATING PRIVILEGE WILL
BE SUSPENDED UPON REFUSAL TO SUBMIT TO CHEMICAL TESTING.

* * *

(C) TEST RESULTS ADMISSIBLE IN EVIDENCE.--IN ANY SUMMARY
PROCEEDING OR CRIMINAL PROCEEDING IN WHICH THE DEFENDANT IS
CHARGED WITH A VIOLATION OF SECTION 3731 OR ANY OTHER VIOLATION
OF THIS TITLE ARISING OUT OF THE SAME ACTION, THE AMOUNT OF
ALCOHOL OR CONTROLLED SUBSTANCE IN THE DEFENDANT'S BLOOD, AS
SHOWN BY CHEMICAL TESTING OF THE PERSON'S BREATH, BLOOD OR
URINE, WHICH TESTS WERE CONDUCTED BY QUALIFIED PERSONS USING
APPROVED EQUIPMENT, SHALL BE ADMISSIBLE IN EVIDENCE.

(1) CHEMICAL TESTS OF BREATH SHALL BE PERFORMED ON
DEVICES APPROVED BY THE DEPARTMENT OF HEALTH USING PROCEDURES

1 PRESCRIBED JOINTLY BY REGULATIONS OF THE DEPARTMENTS OF
2 HEALTH AND TRANSPORTATION. DEVICES SHALL HAVE BEEN CALIBRATED
3 AND TESTED FOR ACCURACY WITHIN A PERIOD OF TIME AND IN A
4 MANNER SPECIFIED BY REGULATIONS OF THE DEPARTMENTS OF HEALTH
5 AND TRANSPORTATION. FOR PURPOSES OF BREATH TESTING, A
6 QUALIFIED PERSON MEANS A PERSON WHO HAS FULFILLED THE
7 TRAINING REQUIREMENT IN THE USE OF THE EQUIPMENT IN A
8 TRAINING PROGRAM APPROVED BY THE DEPARTMENTS OF HEALTH AND
9 TRANSPORTATION. A CERTIFICATE OR LOG SHOWING THAT A DEVICE
10 WAS CALIBRATED AND TESTED FOR ACCURACY AND THAT THE DEVICE
11 WAS ACCURATE SHALL BE PRESUMPTIVE EVIDENCE OF THOSE FACTS IN
12 EVERY PROCEEDING IN WHICH A VIOLATION OF THIS TITLE IS
13 CHARGED.

14 (2) CHEMICAL TESTS OF BLOOD OR URINE, IF CONDUCTED BY A
15 FACILITY LOCATED IN THIS COMMONWEALTH, SHALL BE PERFORMED BY
16 A CLINICAL LABORATORY LICENSED AND APPROVED BY THE DEPARTMENT
17 OF HEALTH FOR THIS PURPOSE USING PROCEDURES AND EQUIPMENT
18 PRESCRIBED BY THE DEPARTMENT OF HEALTH OR BY A PENNSYLVANIA
19 STATE POLICE CRIMINAL LABORATORY. FOR PURPOSES OF BLOOD AND
20 URINE TESTING, QUALIFIED PERSON MEANS AN INDIVIDUAL WHO IS
21 AUTHORIZED TO PERFORM THOSE CHEMICAL TESTS UNDER THE ACT OF
22 SEPTEMBER 26, 1951 (P.L.1539, NO.389), KNOWN AS THE CLINICAL
23 LABORATORY ACT.

24 (3) CHEMICAL TESTS OF BLOOD OR URINE, IF CONDUCTED BY A
25 FACILITY LOCATED OUTSIDE THIS COMMONWEALTH, SHALL BE
26 PERFORMED BY A CLINICAL LABORATORY IN ACCORDANCE WITH THE
27 REQUIREMENTS RECOGNIZED BY THE HEALTH CARE FINANCING
28 ADMINISTRATION AS CONTAINED IN THE CLINICAL LABORATORY
29 IMPROVEMENT AMENDMENTS OF 1988 (PUBLIC LAW 100-578, 102 STAT.
30 2903) AND REGULATIONS UNDER 42 CFR § 493.901 (RELATING TO

1 APPROVAL OF PROFICIENCY TESTING PROGRAMS) TO § 493.937
2 (RELATING TO TOXICOLOGY).

3 * * *

4 SECTION 20. SECTION 1548 OF TITLE 75 IS AMENDED BY ADDING A
5 SUBSECTION TO READ:

6 § 1548. REQUIREMENTS FOR DRIVING UNDER INFLUENCE OFFENDERS.

7 * * *

8 (G) IGNITION INTERLOCK SYSTEM.--

9 (1) WHERE A PERSON'S OPERATING PRIVILEGES ARE SUSPENDED
10 FOR A SECOND OR SUBSEQUENT VIOLATION OF SECTION 3731, OR A
11 SIMILAR OUT-OF-STATE OFFENSE, AND THE PERSON SEEKS A
12 RESTORATION OF OPERATING PRIVILEGES, THE COURT SHALL CERTIFY
13 TO THE DEPARTMENT THAT EACH MOTOR VEHICLE OWNED BY THE PERSON
14 HAS BEEN EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM.

15 (2) A PERSON SEEKING RESTORATION OF OPERATING PRIVILEGES
16 SHALL APPLY TO THE DEPARTMENT FOR AN IGNITION INTERLOCK
17 RESTRICTED LICENSE UNDER SECTION 1951(D) (RELATING TO
18 DRIVER'S LICENSE AND LEARNER'S PERMIT) WHICH WILL BE CLEARLY
19 MARKED TO RESTRICT THE PERSON TO OPERATING ONLY MOTOR
20 VEHICLES EQUIPPED WITH AN APPROVED INTERLOCK IGNITION SYSTEM.

21 (3) DURING THE YEAR IMMEDIATELY FOLLOWING RESTORATION OF
22 THE PERSON'S OPERATING PRIVILEGE, AND THEREAFTER UNTIL THE
23 PERSON OBTAINS AN UNRESTRICTED LICENSE, THE PERSON SHALL NOT
24 OPERATE ANY MOTOR VEHICLE ON A HIGHWAY WITHIN THIS
25 COMMONWEALTH UNLESS THE MOTOR VEHICLE IS EQUIPPED WITH AN
26 APPROVED IGNITION INTERLOCK SYSTEM.

27 (4) ONE YEAR FROM THE DATE OF ISSUANCE OF AN IGNITION
28 INTERLOCK RESTRICTED LICENSE UNDER THIS SECTION, IF OTHERWISE
29 ELIGIBLE, A PERSON MAY APPLY FOR AN ADDITIONAL REPLACEMENT
30 LICENSE UNDER SECTION 1951(D) THAT DOES NOT CONTAIN THE

1 IGNITION INTERLOCK SYSTEM RESTRICTION.

2 (5) A PERSON WHOSE OPERATING PRIVILEGE IS SUSPENDED FOR
3 A SECOND OR SUBSEQUENT VIOLATION OF SECTION 3731 OR A SIMILAR
4 OUT-OF-STATE OFFENSE, WHO DOES NOT APPLY FOR AN IGNITION
5 INTERLOCK RESTRICTED LICENSE, SHALL NOT BE ELIGIBLE TO APPLY
6 FOR THE RESTORATION OF OPERATING PRIVILEGES FOR AN ADDITIONAL
7 YEAR AFTER OTHERWISE BEING ELIGIBLE FOR RESTORATION UNDER
8 PARAGRAPH (1).

9 SECTION 21. SECTIONS 1550(A) AND (D), 1553(A), (D) AND (E)
10 AND 1554(D), (F)(2) AND (G) OF TITLE 75 ARE AMENDED TO READ:

11 § 1550. JUDICIAL REVIEW.

12 (A) GENERAL RULE.--ANY PERSON WHO HAS BEEN DENIED A DRIVER'S
13 LICENSE, WHOSE DRIVER'S LICENSE HAS BEEN CANCELED OR WHOSE
14 OPERATING PRIVILEGE HAS BEEN RECALLED, SUSPENDED, REVOKED OR
15 DISQUALIFIED BY THE DEPARTMENT SHALL HAVE THE RIGHT TO APPEAL TO
16 THE COURT VESTED WITH JURISDICTION OF SUCH APPEALS BY OR
17 PURSUANT TO TITLE 42 (RELATING TO JUDICIARY AND JUDICIAL
18 PROCEDURE). THE APPELLANT SHALL SERVE A COPY OF THE PETITION FOR
19 APPEAL, TOGETHER WITH A COPY OF THE NOTICE OF THE ACTION FROM
20 WHICH THE APPEAL HAS BEEN TAKEN, UPON THE DEPARTMENT'S LEGAL
21 OFFICE. THE APPEAL PETITION FOR APPELLANT SHALL GIVE THE
22 DEPARTMENT NOTICE OF THE CHALLENGES BEING MADE TO THE
23 DEPARTMENT'S ACTION, AND ANY CHALLENGES NOT SET FORTH IN THE
24 PETITION FOR APPEAL SHALL BE DEEMED WAIVED.

25 * * *

26 (D) DOCUMENTATION.--

27 (1) IN ANY PROCEEDING UNDER THIS SECTION, DOCUMENTS
28 RECEIVED BY THE DEPARTMENT FROM THE COURTS OR ADMINISTRATIVE
29 BODIES OF OTHER STATES OR THE FEDERAL GOVERNMENT SHALL BE
30 ADMISSIBLE INTO EVIDENCE TO SUPPORT THE DEPARTMENT'S CASE. IN

1 ADDITION, THE DEPARTMENT MAY TREAT THE RECEIVED DOCUMENTS AS
2 DOCUMENTS OF THE DEPARTMENT AND USE ANY OF THE METHODS OF
3 STORAGE PERMITTED UNDER THE PROVISIONS OF 42 PA.C.S. § 6109
4 (RELATING TO PHOTOGRAPHIC COPIES OF BUSINESS AND PUBLIC
5 RECORDS) AND MAY REPRODUCE SUCH DOCUMENTS IN ACCORDANCE WITH
6 THE PROVISIONS OF 42 PA.C.S. § 6103 (RELATING TO PROOF OF
7 OFFICIAL RECORDS). IN ADDITION, IF THE DEPARTMENT RECEIVES
8 INFORMATION FROM COURTS OR ADMINISTRATIVE BODIES OF OTHER
9 STATES OR THE FEDERAL GOVERNMENT BY MEANS OF ELECTRONIC
10 TRANSMISSION, IT MAY CERTIFY THAT IT HAS RECEIVED THE
11 INFORMATION BY MEANS OF ELECTRONIC TRANSMISSION AND THAT
12 CERTIFICATION SHALL BE PRIMA FACIE PROOF OF THE ADJUDICATION
13 AND FACTS CONTAINED IN SUCH AN ELECTRONIC TRANSMISSION.

14 [(2) IN ANY PROCEEDING UNDER THIS SECTION, DOCUMENTS
15 RECEIVED BY THE DEPARTMENT FROM ANY OTHER COURT OR FROM AN
16 INSURANCE COMPANY SHALL BE ADMISSIBLE INTO EVIDENCE TO
17 SUPPORT THE DEPARTMENT'S CASE. IN ADDITION, IF THE DEPARTMENT
18 RECEIVES INFORMATION FROM A COURT BY MEANS OF ELECTRONIC
19 TRANSMISSION OR FROM AN INSURANCE COMPANY WHICH IS COMPLYING
20 WITH ITS OBLIGATION UNDER SUBCHAPTER H OF CHAPTER 17
21 (RELATING TO PROOF OF FINANCIAL RESPONSIBILITY) BY MEANS OF
22 ELECTRONIC TRANSMISSION, IT MAY CERTIFY THAT IT HAS RECEIVED
23 THE INFORMATION BY MEANS OF ELECTRONIC TRANSMISSION, AND THAT
24 CERTIFICATION SHALL BE PRIMA FACIE PROOF OF THE ADJUDICATION
25 AND FACTS CONTAINED IN SUCH AN ELECTRONIC TRANSMISSION.]

26 (3) IN ANY PROCEEDINGS UNDER THIS SECTION, DOCUMENTS
27 RECEIVED BY THE DEPARTMENT FROM ANY OTHER COURT OR FROM AN
28 INSURANCE COMPANY SHALL BE ADMISSIBLE INTO EVIDENCE TO
29 SUPPORT THE DEPARTMENT'S CASE. IN ADDITION, IF THE DEPARTMENT
30 RECEIVES INFORMATION FROM A COURT BY MEANS OF ELECTRONIC

1 TRANSMISSION OR FROM AN INSURANCE COMPANY WHICH IS COMPLYING
2 WITH ITS OBLIGATIONS UNDER SUBCHAPTER H OF CHAPTER 17
3 (RELATING TO PROOF OF FINANCIAL RESPONSIBILITY) BY MEANS OF
4 ELECTRONIC TRANSMISSION, IT MAY CERTIFY THAT IT HAS RECEIVED
5 THE INFORMATION BY MEANS OF ELECTRONIC TRANSMISSION, AND THAT
6 CERTIFICATION SHALL BE PRIMA FACIE PROOF OF THE ADJUDICATION
7 AND FACTS CONTAINED IN SUCH AN ELECTRONIC TRANSMISSION.

8 § 1553. OCCUPATIONAL LIMITED LICENSE.

9 (A) ISSUANCE.--

10 (1) THE DEPARTMENT SHALL ISSUE AN OCCUPATIONAL LIMITED
11 LICENSE UNDER THE PROVISIONS OF THIS SECTION TO A DRIVER
12 WHOSE OPERATING PRIVILEGES HAVE BEEN SUSPENDED AND IS NOT
13 PROHIBITED UNDER ANY OTHER PROVISION IN THIS SECTION. IF THE
14 UNDERLYING REASON FOR THE SUSPENSION WAS CAUSED BY VIOLATIONS
15 COMMITTED WHILE THE DRIVER WAS OPERATING A COMMERCIAL MOTOR
16 VEHICLE, THE DRIVER SHALL NOT BE ISSUED AN OCCUPATIONAL
17 LIMITED LICENSE FOR THE PURPOSE OF OPERATING A COMMERCIAL
18 MOTOR VEHICLE. THE DEPARTMENT SHALL PROHIBIT THE ISSUANCE OF
19 AN OCCUPATIONAL LIMITED LICENSE WHEN DISQUALIFIED FROM DOING
20 SO UNDER THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986
21 (TITLE XII OF PUBLIC LAW 99-570, 49 U.S.C. APP. § 2701 ET
22 SEQ.) OR THE MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999
23 (PUBLIC LAW 106-159, 113 STAT. 1748).

24 (2) THE DEPARTMENT SHALL NOT ISSUE AN OCCUPATIONAL
25 LIMITED LICENSE TO DRIVERS WHOSE OPERATING PRIVILEGES HAVE
26 BEEN RECALLED, CANCELED OR REVOKED.

27 * * *

28 (D) UNAUTHORIZED ISSUANCE.--THE DEPARTMENT SHALL PROHIBIT
29 ISSUANCE OF AN OCCUPATIONAL LIMITED LICENSE TO:

30 (1) A DRIVER WHO IS NOT LICENSED TO DRIVE BY THIS OR ANY

1 OTHER STATE.

2 (2) ANY PERSON WHO IS REQUIRED BY THIS TITLE TO TAKE AN
3 EXAMINATION AND WHO HAS FAILED TO TAKE AND PASS SUCH AN
4 EXAMINATION.

5 (3) ANY PERSON WHO HAS AN UNSATISFIED JUDGMENT AGAINST
6 HIM AS THE RESULT OF A MOTOR VEHICLE OPERATION, UNTIL SUCH
7 JUDGMENT HAS BEEN SATISFIED UNDER THE PROVISIONS OF SECTION
8 1774 (RELATING TO PAYMENTS SUFFICIENT TO SATISFY JUDGMENTS)
9 OR AN INSTALLMENT AGREEMENT HAS BEEN ENTERED INTO TO SATISFY
10 THE JUDGMENT AS PERMITTED UNDER SECTION 1772(B) (RELATING TO
11 SUSPENSION FOR NONPAYMENT OF JUDGMENTS) OR 1775 (RELATING TO
12 INSTALLMENT PAYMENT OF JUDGMENTS) AND THE FINANCIAL
13 RESPONSIBILITY OF SUCH PERSON HAS BEEN ESTABLISHED.

14 (4) ANY PERSON APPLYING FOR AN OCCUPATIONAL LIMITED
15 LICENSE TO OPERATE A COMMERCIAL MOTOR VEHICLE WHOSE
16 COMMERCIAL DRIVER'S LICENSE PRIVILEGE IS DISQUALIFIED UNDER
17 THE PROVISIONS OF SECTION 1611 (RELATING TO
18 DISQUALIFICATION).

19 (5) ANY PERSON WHO, AT THE TIME HE APPLIES FOR AN
20 OCCUPATIONAL LIMITED LICENSE, HAS PREVIOUSLY BEEN GRANTED
21 SUCH A PRIVILEGE WITHIN THE PERIOD OF FIVE YEARS NEXT
22 PRECEDING SUCH APPLICATION.

23 (6) ANY PERSON WHO HAS BEEN ADJUDICATED DELINQUENT OR
24 CONVICTED OF DRIVING UNDER THE INFLUENCE OF ALCOHOL OR
25 CONTROLLED SUBSTANCE UNLESS THE SUSPENSION OR REVOCATION
26 IMPOSED FOR THAT CONVICTION HAS BEEN FULLY SERVED.

27 (7) ANY PERSON WHOSE OPERATING PRIVILEGE HAS BEEN
28 SUSPENDED FOR REFUSAL TO SUBMIT TO CHEMICAL TESTING TO
29 DETERMINE THE AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE
30 UNLESS THAT SUSPENSION HAS BEEN FULLY SERVED.

1 (8) ANY PERSON WHO HAS BEEN GRANTED A CONSENT DECREE OR
2 ACCELERATED REHABILITATIVE DISPOSITION FOR DRIVING UNDER THE
3 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AND WHOSE
4 LICENSE HAS BEEN SUSPENDED BY THE DEPARTMENT UNLESS THE
5 SUSPENSION IMPOSED HAS BEEN FULLY SERVED.

6 (9) ANY PERSON WHOSE OPERATING PRIVILEGE HAS BEEN
7 SUSPENDED FOR A VIOLATION OF 18 PA.C.S. § 6308 (RELATING TO
8 PURCHASE, CONSUMPTION, POSSESSION OR TRANSPORTATION OF LIQUOR
9 OR MALT OR BREWED BEVERAGES) OR 75 PA.C.S. § 3718 (RELATING
10 TO MINOR PROHIBITION FROM OPERATING WITH ANY ALCOHOL IN
11 SYSTEM) UNLESS THE SUSPENSION IMPOSED HAS BEEN FULLY SERVED.

12 (10) ANY PERSON WHOSE OPERATING PRIVILEGE HAS BEEN
13 SUSPENDED PURSUANT TO EITHER SECTION 13(M) OF THE ACT OF
14 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
15 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR SECTION 1532(C)
16 (RELATING TO REVOCATION OR SUSPENSION OF OPERATING PRIVILEGE)
17 UNLESS THE SUSPENSION IMPOSED HAS BEEN FULLY SERVED.

18 (11) ANY PERSON WHOSE OPERATING PRIVILEGE HAS BEEN
19 SUSPENDED OR REVOKED AS THE RESULT OF A CONVICTION OF OR AS A
20 RESULT OF A COURT ORDER IN CONJUNCTION WITH AN ADJUDICATION
21 OF DELINQUENCY OR THE GRANTING OF A CONSENT DECREE FOR ANY
22 OFFENSE UNDER THE FOLLOWING PROVISIONS, UNLESS THE SUSPENSION
23 OR REVOCATION HAS BEEN FULLY SERVED:

24 SECTION 3345(A) (RELATING TO MEETING OR OVERTAKING
25 SCHOOL BUS).

26 SECTION 3367 (RELATING TO RACING ON HIGHWAYS).

27 SECTION 3732 (RELATING TO HOMICIDE BY VEHICLE).

28 SECTION 3733 (RELATING TO FLEEING OR ATTEMPTING TO
29 ELUDE POLICE OFFICER).

30 SECTION 3734 (RELATING TO DRIVING WITHOUT LIGHTS TO

1 AVOID IDENTIFICATION OR ARREST).

2 SECTION 3735 (RELATING TO HOMICIDE BY VEHICLE WHILE
3 DRIVING UNDER INFLUENCE).

4 SECTION 3735.1 (RELATING TO AGGRAVATED ASSAULT BY
5 VEHICLE WHILE DRIVING UNDER THE INFLUENCE).

6 SECTION 3736 (RELATING TO RECKLESS DRIVING).

7 SECTION 3742 (RELATING TO ACCIDENTS INVOLVING DEATH
8 OR PERSONAL INJURY).

9 SECTION 3742.1 (RELATING TO ACCIDENTS INVOLVING DEATH
10 OR PERSONAL INJURY WHILE NOT PROPERLY LICENSED).

11 SECTION 3743 (RELATING TO ACCIDENTS INVOLVING DAMAGE
12 TO ATTENDED VEHICLE OR PROPERTY).

13 ANY FELONY THAT A COURT DETERMINES A VEHICLE WAS
14 ESSENTIALLY INVOLVED IN THE COMMISSION.

15 (12) ANY PERSON WHOSE OPERATING PRIVILEGE IS CURRENTLY
16 SUSPENDED FOR FAILURE TO RESPOND TO A CITATION PURSUANT TO
17 SECTION 1533 OR 6146.

18 (13) ANY PERSON WHOSE OPERATING PRIVILEGE IS CURRENTLY
19 SUSPENDED PURSUANT TO SECTION 1784 (RELATING TO PROOF OF
20 FINANCIAL RESPONSIBILITY FOLLOWING VIOLATION), 1785 (RELATING
21 TO PROOF OF FINANCIAL RESPONSIBILITY FOLLOWING ACCIDENT) OR
22 1786 (RELATING TO REQUIRED FINANCIAL RESPONSIBILITY).

23 (14) ANY PERSON WHOSE OPERATING PRIVILEGE IS CURRENTLY
24 SUSPENDED FOR FAILURE TO ATTEND AND SATISFACTORILY COMPLETE A
25 DRIVER IMPROVEMENT COURSE OR FAILURE TO ATTEND A HEARING
26 REQUIRED UNDER SECTION 1538.

27 (15) ANY PERSON WHOSE OPERATING PRIVILEGE HAS BEEN
28 SUSPENDED FOR A CONVICTION OF SECTION 1543 UNLESS DEPARTMENT
29 RECORDS SHOW THAT THE SUSPENSION FOR A CONVICTION OF SECTION
30 1543 OCCURRED ONLY AS A RESULT OF:

1 (I) A SUSPENSION FOR FAILURE TO RESPOND TO A
2 CITATION IMPOSED UNDER THE AUTHORITY OF SECTION 1533 OR
3 6146;

4 (II) A SUSPENSION FOR FAILURE TO UNDERGO A SPECIAL
5 EXAMINATION IMPOSED UNDER THE AUTHORITY OF SECTION
6 1538(A); OR

7 (III) A SUSPENSION FOR FAILURE TO ATTEND A
8 DEPARTMENTAL HEARING IMPOSED UNDER THE AUTHORITY OF
9 SECTION 1538(B).

10 (16) ANY PERSON WHOSE OPERATING PRIVILEGE HAS BEEN
11 SUSPENDED UNDER AN INTERJURISDICTIONAL AGREEMENT AS PROVIDED
12 FOR IN SECTION 6146 AS THE RESULT OF A CONVICTION OR
13 ADJUDICATION IF THE CONVICTION OR ADJUDICATION FOR AN
14 EQUIVALENT OFFENSE IN THIS COMMONWEALTH WOULD HAVE PROHIBITED
15 THE ISSUANCE OF AN OCCUPATIONAL LIMITED LICENSE.

16 (17) ANY PERSON WHOSE OPERATING PRIVILEGE HAS BEEN
17 SUSPENDED AS THE RESULT OF A CONVICTION OF A VIOLATION OF
18 SECTION 7102(B) (RELATING TO REMOVAL OR FALSIFICATION OF
19 IDENTIFICATION NUMBER), 7103(B) (RELATING TO DEALING IN
20 VEHICLES WITH REMOVED OR FALSIFIED NUMBERS), 7111 (RELATING
21 TO DEALING IN TITLES AND PLATES FOR STOLEN VEHICLES), 7121
22 (RELATING TO FALSE APPLICATION FOR CERTIFICATE OF TITLE OR
23 REGISTRATION) OR 7122 (RELATING TO ALTERED, FORGED OR
24 COUNTERFEIT DOCUMENTS AND PLATES) UNLESS THE SUSPENSION HAS
25 BEEN FULLY SERVED.

26 (18) ANY PERSON WHOSE OPERATING PRIVILEGE IS CURRENTLY
27 SUSPENDED AS A RESULT OF THE PROVISIONS CONTAINED IN SECTION
28 1538(E).

29 (19) ANY PERSON WHOSE OPERATING PRIVILEGE IS CURRENTLY
30 SUSPENDED AS A RESULT OF THE PROVISIONS CONTAINED IN SECTION

1 1519(C) (RELATING TO DETERMINATION OF INCOMPETENCY).

2 (E) OFFENSES AND VIOLATIONS COMMITTED DURING A PERIOD FOR
3 WHICH AN OCCUPATIONAL LIMITED LICENSE HAS BEEN ISSUED.--ANY
4 DRIVER WHO HAS BEEN ISSUED AN OCCUPATIONAL LIMITED LICENSE AND
5 AS TO WHOM THE DEPARTMENT RECEIVES A REPORT OF CONVICTION OF AN
6 OFFENSE FOR WHICH THE PENALTY IS A CANCELLATION,
7 DISQUALIFICATION, RECALL, SUSPENSION OR REVOCATION OF OPERATING
8 PRIVILEGES, OR A REPORT THAT THE DRIVER HAS REFUSED TO SUBMIT TO
9 CHEMICAL TESTING AS REQUIRED BY SECTION 1547 (RELATING TO
10 CHEMICAL TESTING TO DETERMINE PRESENCE OF ALCOHOL OR CONTROLLED
11 SUBSTANCE) OR A REPORT THAT A DRIVER HAS BEEN GRANTED A CONSENT
12 DECREE OR ACCELERATED REHABILITATIVE DISPOSITION, SHALL HAVE THE
13 OCCUPATIONAL LIMITED LICENSE RECALLED, AND THE DRIVER SHALL
14 SURRENDER THE LIMITED LICENSE TO THE DEPARTMENT OR ITS AGENTS
15 DESIGNATED UNDER THE AUTHORITY OF SECTION 1540.

16 § 1554. PROBATIONARY LICENSE.

17 * * *

18 (D) INITIAL ISSUANCE.--

19 (1) PRIOR TO ISSUANCE OF A PROBATIONARY LICENSE, THE
20 PETITIONER MUST BE INTERVIEWED AT A DEPARTMENTAL REVIEW
21 SESSION.

22 (2) THE DEPARTMENT MAY REQUIRE THE PETITIONER TO
23 SATISFACTORILY COMPLETE ONE OR MORE OF THE FOLLOWING:

24 (I) A DRIVER IMPROVEMENT PROGRAM, THE COST OF THE
25 PROGRAM TO BE BORNE BY THE PETITIONER.

26 (II) ANY EXAMINATION AS PROVIDED FOR IN SECTION 1508
27 (RELATING TO EXAMINATION OF APPLICANT FOR DRIVER'S
28 LICENSE).

29 (III) A SPECIAL EXAMINATION THAT ADDRESSES KNOWLEDGE
30 OF SAFE DRIVING PRACTICES, DEPARTMENTAL SANCTIONS AND

1 RELATED SAFETY ISSUES.

2 (3) THE PROBATIONARY LICENSE SHALL BE ISSUED ONLY UPON
3 RECOMMENDATION OF THE DEPARTMENT.

4 (4) IF THE APPLICANT RECOMMENDED FOR A PROBATIONARY
5 LICENSE IS NOT LICENSED TO DRIVE IN THIS OR ANY OTHER STATE,
6 THE LICENSEE SHALL NOT IMMEDIATELY BE ISSUED A PROBATIONARY
7 LICENSE. THE APPLICANT SHALL BE PERMITTED TO APPLY FOR A
8 CLASS C LEARNER'S PERMIT UNDER THE PROVISIONS OF SECTION
9 1505(A) (RELATING TO LEARNER'S PERMITS). THIRTY DAYS AFTER
10 THE ISSUANCE OF THE LEARNER'S PERMIT, THE APPLICANT SHALL BE
11 ELIGIBLE TO TEST FOR A DRIVER'S LICENSE UNDER THE PROVISIONS
12 OF SECTION 1508(A). IF THE APPLICANT SUCCESSFULLY PASSES ALL
13 THE REQUIRED EXAMINATIONS, THE DEPARTMENT THEN MAY ISSUE A
14 PROBATIONARY LICENSE TO THE APPLICANT.

15 * * *

16 (F) UNAUTHORIZED ISSUANCE.--THE DEPARTMENT SHALL NOT ISSUE A
17 PROBATIONARY LICENSE TO:

18 * * *

19 (2) [A] EXCEPT AS PROVIDED IN SUBSECTION (D)(4), A
20 PERSON WHO IS NOT LICENSED TO DRIVE BY THIS OR ANY OTHER
21 STATE.

22 * * *

23 (G) OFFENSES OR VIOLATIONS COMMITTED DURING A PERIOD FOR
24 WHICH A PROBATIONARY LICENSE HAS BEEN ISSUED.--

25 (1) IF A PERSON WHO HAS BEEN ISSUED A PROBATIONARY
26 LICENSE IS CONVICTED OF ANY OF THE OFFENSES ENUMERATED IN
27 SECTION 1535 (RELATING TO SCHEDULE OF CONVICTIONS AND
28 POINTS), THE PROBATIONARY LICENSE SHALL BE RECALLED FOR 30
29 DAYS FOR EACH POINT ACCUMULATED, AND THE PERSON SHALL
30 SURRENDER THE PROBATIONARY LICENSE TO THE DEPARTMENT OR ITS

1 AGENTS DESIGNATED UNDER THE AUTHORITY OF SECTION 1540
2 (RELATING TO SURRENDER OF LICENSE).

3 (2) IF A PERSON WHO HAS BEEN ISSUED A PROBATIONARY
4 LICENSE IS CONVICTED, ADJUDICATED DELINQUENT OR ADMITTED TO
5 ANY PREADJUDICATION PROGRAM FOR AN OFFENSE FOR WHICH THE
6 PENALTY IS SUSPENSION, CANCELLATION, DISQUALIFICATION OR
7 REVOCATION OF THE OPERATING PRIVILEGE, OR IF THE DEPARTMENT
8 RECEIVES A REPORT THAT THE PERSON HAS REFUSED TO SUBMIT TO
9 CHEMICAL TESTING AS REQUIRED BY SECTION 1547 (RELATING TO
10 CHEMICAL TESTING TO DETERMINE PRESENCE OF ALCOHOL OR
11 CONTROLLED SUBSTANCE), OR A REPORT THAT THE DRIVER HAS BEEN
12 GRANTED A CONSENT DECREE OR ACCELERATED REHABILITATIVE
13 DISPOSITION, THE PROBATIONARY LICENSE SHALL BE CANCELED, AND
14 THE PERSON SHALL SURRENDER THE PROBATIONARY LICENSE TO THE
15 DEPARTMENT OR ITS AGENTS DESIGNATED UNDER THE AUTHORITY OF
16 SECTION 1540.

17 * * *

18 SECTION 22. SECTIONS 1584 AND 1586 OF TITLE 75 ARE AMENDED
19 TO READ:

20 § 1584. [FURNISHING OF INFORMATION TO] EXCHANGE OF INFORMATION
21 WITH OTHER STATES.

22 (A) FURNISHING OF INFORMATION TO OTHER STATES.--THE
23 DEPARTMENT OF TRANSPORTATION OF THE COMMONWEALTH SHALL FURNISH
24 TO THE APPROPRIATE AUTHORITIES OF ANY OTHER PARTY STATE ANY
25 INFORMATION OR DOCUMENTS REASONABLY NECESSARY TO FACILITATE THE
26 ADMINISTRATION OF ARTICLES III, IV AND V OF THE COMPACT.

27 [THE] (B) INFORMATION RECEIVED FROM OTHER STATES.--PROVIDED
28 THE DEPARTMENT OF TRANSPORTATION HAS RECEIVED SUFFICIENT
29 INFORMATION TO IDENTIFY THE DRIVER INVOLVED AND THE OUT-OF-STATE
30 OFFENSE OF WHICH THE DRIVER WAS CONVICTED, THE OMISSION FROM ANY

1 REPORT RECEIVED BY THE DEPARTMENT FROM A PARTY STATE OF ANY
2 INFORMATION REQUIRED BY ARTICLE III OF THE COMPACT SHALL NOT
3 EXCUSE OR PREVENT THE DEPARTMENT FROM COMPLYING WITH ITS DUTIES
4 UNDER ARTICLES IV AND V OF THE COMPACT. IF THE LICENSING
5 AUTHORITY OF ANY PARTY STATE UTILIZES A COURT ABSTRACT OR REPORT
6 AS ITS REPORT OF CONVICTION, THE DEPARTMENT MAY CERTIFY,
7 PURSUANT TO THE PROVISIONS OF 42 PA.C.S. § 6103 (RELATING TO
8 PROOF OF OFFICIAL RECORDS), THAT IT RECEIVED THE COURT ABSTRACT
9 OR REPORT FROM THE LICENSING AUTHORITY OF THE PARTY STATE. THE
10 CERTIFIED COURT ABSTRACT OR REPORT SHALL BE ADMISSIBLE IN ANY
11 COURT OR ADMINISTRATIVE PROCEEDING TO SUPPORT THE DEPARTMENT'S
12 CASE AND SHALL CONSTITUTE PRIMA FACIE EVIDENCE THAT THE COURT
13 ABSTRACT OR REPORT WAS RECEIVED BY THE DEPARTMENT FROM THE
14 LICENSING AUTHORITY OF THE PARTY STATE.

15 § 1586. DUTIES OF DEPARTMENT.

16 THE DEPARTMENT SHALL, FOR PURPOSES OF IMPOSING A SUSPENSION
17 OR REVOCATION UNDER ARTICLE IV OF THE COMPACT, TREAT REPORTS OF
18 CONVICTIONS RECEIVED FROM PARTY STATES THAT RELATE TO DRIVING,
19 OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF A VEHICLE WHILE
20 IMPAIRED BY OR UNDER THE INFLUENCE OF ALCOHOL, INTOXICATING
21 LIQUOR, DRUGS, NARCOTICS, CONTROLLED SUBSTANCES OR OTHER
22 IMPAIRING OR INTOXICATING SUBSTANCE AS BEING SUBSTANTIALLY
23 SIMILAR TO SECTION 3731 (RELATING TO DRIVING UNDER THE INFLUENCE
24 OF ALCOHOL OR CONTROLLED SUBSTANCE) OR ARTICLE IV(A)(2) OF THE
25 COMPACT. THE FACT THAT THE OFFENSE REPORTED TO THE DEPARTMENT BY
26 A PARTY STATE MAY REQUIRE A DIFFERENT DEGREE OF IMPAIRMENT OF A
27 PERSON'S ABILITY TO OPERATE, DRIVE OR CONTROL A VEHICLE THAN
28 THAT REQUIRED TO SUPPORT A CONVICTION FOR A VIOLATION OF SECTION
29 3731 SHALL NOT BE A BASIS FOR DETERMINING THAT THE PARTY STATE'S
30 OFFENSE IS NOT SUBSTANTIALLY SIMILAR TO SECTION 3731 OR ARTICLE

1 IV(A)(2) OF THE COMPACT FOR PURPOSES OF SUSPENDING OR REVOKING
2 THE OPERATING PRIVILEGE UNDER ARTICLE IV OF THE COMPACT.

3 SECTION 23. SECTION 1610 OF TITLE 75 IS AMENDED BY ADDING A
4 SUBSECTION TO READ:

5 § 1610. COMMERCIAL DRIVER'S LICENSE.

6 * * *

7 (F) SALE OF PHOTOGRAPHS PROHIBITED.--NEITHER THE DEPARTMENT
8 NOR ANY PERSON UNDER CONTRACT WITH THE DEPARTMENT SHALL SELL
9 PHOTOGRAPHS OF HOLDERS OF A COMMERCIAL DRIVER'S LICENSE FOR ANY
10 COMMERCIAL PURPOSE.

11 SECTION 24. SECTION 1786(B) AND (H)(2) OF TITLE 75 ARE
12 AMENDED AND SUBSECTION (D) IS AMENDED BY ADDING A PARAGRAPH TO
13 READ:

14 § 1786. REQUIRED FINANCIAL RESPONSIBILITY.

15 * * *

16 (B) SELF-CERTIFICATION.--THE DEPARTMENT OF TRANSPORTATION
17 SHALL REQUIRE THAT EACH MOTOR VEHICLE REGISTRANT CERTIFY THAT
18 THE REGISTRANT IS FINANCIALLY RESPONSIBLE AT THE TIME OF
19 REGISTRATION OR RENEWAL [THEREOF]. THE DEPARTMENT SHALL REFUSE
20 TO REGISTER OR RENEW THE REGISTRATION OF A VEHICLE FOR FAILURE
21 TO COMPLY WITH [THIS] THE CERTIFICATION REQUIREMENT OR FOR
22 FALSIFICATION OF SELF-CERTIFICATION. IF AN APPLICATION FOR
23 REGISTRATION OR A RENEWAL OF REGISTRATION IS SUBMITTED
24 ELECTRONICALLY AND CONTAINS THE INSURANCE INFORMATION REQUIRED
25 BY SECTIONS 1305 (RELATING TO APPLICATION FOR REGISTRATION) AND
26 1309 (RELATING TO RENEWAL OF REGISTRATION), THE CERTIFICATION
27 REQUIREMENTS OF SECTIONS 1305 AND 1309 AND THIS SECTION SHALL BE
28 DEEMED SATISFIED.

29 * * *

30 (D) SUSPENSION OF REGISTRATION AND OPERATING PRIVILEGE.--THE

1 DEPARTMENT OF TRANSPORTATION SHALL SUSPEND THE REGISTRATION OF A
2 VEHICLE FOR A PERIOD OF THREE MONTHS IF IT DETERMINES THE
3 REQUIRED FINANCIAL RESPONSIBILITY WAS NOT SECURED AS REQUIRED BY
4 THIS CHAPTER AND SHALL SUSPEND THE OPERATING PRIVILEGE OF THE
5 OWNER OR REGISTRANT FOR A PERIOD OF THREE MONTHS IF THE
6 DEPARTMENT DETERMINES THAT THE OWNER OR REGISTRANT HAS OPERATED
7 OR PERMITTED THE OPERATION OF THE VEHICLE WITHOUT THE REQUIRED
8 FINANCIAL RESPONSIBILITY. THE OPERATING PRIVILEGE SHALL NOT BE
9 RESTORED UNTIL THE RESTORATION FEE FOR OPERATING PRIVILEGE
10 PROVIDED BY SECTION 1960 (RELATING TO REINSTATEMENT OF OPERATING
11 PRIVILEGE OR VEHICLE REGISTRATION) IS PAID. WHENEVER THE
12 DEPARTMENT REVOKES OR SUSPENDS THE REGISTRATION OF ANY VEHICLE
13 UNDER THIS CHAPTER, THE DEPARTMENT SHALL NOT RESTORE THE
14 REGISTRATION UNTIL THE VEHICLE OWNER FURNISHES PROOF OF
15 FINANCIAL RESPONSIBILITY IN A MANNER DETERMINED BY THE
16 DEPARTMENT AND SUBMITS AN APPLICATION FOR REGISTRATION TO THE
17 DEPARTMENT, ACCOMPANIED BY THE FEE FOR RESTORATION OF
18 REGISTRATION PROVIDED BY SECTION 1960. THIS SUBSECTION SHALL NOT
19 APPLY IN THE FOLLOWING CIRCUMSTANCES:

20 * * *

21 (4) THE OWNER OR REGISTRANT PROVES TO THE SATISFACTION
22 OF THE DEPARTMENT THAT THE OWNER OR REGISTRANT WAS RECEIVING
23 INPATIENT CARE AT THE TIME OF THE LAPSE IN FINANCIAL
24 RESPONSIBILITY, OBTAINED FINANCIAL RESPONSIBILITY WITHIN 31
25 DAYS OF DISCHARGE FROM INPATIENT CARE, AND THAT THE VEHICLE
26 WAS NOT DRIVEN DURING THE PERIOD OF THE LAPSE IN FINANCIAL
27 RESPONSIBILITY.

28 * * *

29 (H) REINSTATEMENT OF VOLUNTARILY SURRENDERED REGISTRATION
30 PLATE AND CARD.--

1 * * *

2 (2) ANY REGISTRATION PLATE ISSUED UNDER SECTIONS 1340
3 (RELATING TO ANTIQUE AND CLASSIC PLATES) AND 1341 (RELATING
4 TO [PERSONAL PLATE] SPECIAL REGISTRATION PLATES GENERALLY)
5 SHALL BE RETURNED BY THE DEPARTMENT TO THE OWNER OF THE MOTOR
6 VEHICLE UPON RECEIPT OF PROOF OF FINANCIAL RESPONSIBILITY.

7 * * *

8 SECTION 25. SECTION 1905 OF TITLE 75 IS AMENDED BY ADDING
9 SUBSECTIONS TO READ:

10 § 1905. PAYMENTS TO SPECIAL FUNDS.

11 * * *

12 (D) YOUTH HUNTER AND ANGLER EDUCATION FUND.--

13 (1) FIFTEEN DOLLARS OF EACH FEE RECEIVED UNDER SECTION
14 1361 (RELATING TO YOUTH HUNTER AND ANGLER EDUCATION PLATE)
15 SHALL BE CREDITED TO THE YOUTH HUNTER AND ANGLER EDUCATION
16 FUND.

17 (2) THERE IS ESTABLISHED A SPECIAL ACCOUNT IN THE
18 TREASURY DEPARTMENT WHICH SHALL BE KNOWN AS THE YOUTH HUNTER
19 AND ANGLER EDUCATION FUND. THE PURPOSE OF THE YOUTH HUNTER
20 AND ANGLER EDUCATION FUND IS TO ASSIST THIS COMMONWEALTH'S
21 NONPROFIT SPORTSMEN'S CLUBS, COMMONWEALTH NATURAL RESOURCE
22 AGENCIES AND OTHER ORGANIZATIONS IN CONDUCTING YOUTH FIELD
23 DAYS, CONSERVATION SCHOOLS AND OTHER RELATED HUNTER OR
24 TRAPPER OR ANGLER YOUTH EDUCATION PROGRAMS WHICH ARE APPROVED
25 BY THE YOUTH HUNTER AND ANGLER EDUCATION BOARD.

26 (3) ALL MONEYS IN THE HUNTER AND ANGLER YOUTH EDUCATION
27 FUND ARE ANNUALLY APPROPRIATED, SUBJECT TO THE APPROVAL OF
28 THE GOVERNOR, TO THE DEPARTMENT OF CONSERVATION AND NATURAL
29 RESOURCES AND SHALL BE EXPENDED FOR THE PURPOSES AUTHORIZED
30 UNDER THIS SUBSECTION.

1 (4) THE STATE TREASURER SHALL NOT HONOR ANY REQUISITION
2 FOR EXPENDITURES BY THE DEPARTMENT OF CONSERVATION AND
3 NATURAL RESOURCES IN EXCESS OF ESTIMATES APPROVED BY THE
4 GOVERNOR OR IN EXCESS OF THE AMOUNT AVAILABLE FOR THE
5 PURPOSES FOR WHICH THE REQUISITION WAS MADE, WHICHEVER IS THE
6 LESSER AMOUNT.

7 (5) (I) A 15-MEMBER YOUTH HUNTER AND ANGLER EDUCATION
8 BOARD MUST APPROVE ALL EDUCATION PROGRAMS AND PROJECTS.

9 (II) THE BOARD MEMBERS ARE AS FOLLOWS:

10 (A) THE SECRETARY OF CONSERVATION AND NATURAL
11 RESOURCES.

12 (B) THE EXECUTIVE DIRECTOR OF THE PENNSYLVANIA
13 FISH AND BOAT COMMISSION.

14 (C) THE EXECUTIVE DIRECTOR OF THE PENNSYLVANIA
15 GAME COMMISSION.

16 (D) THE CHAIRMAN AND THE MINORITY CHAIRMAN OF
17 THE GAME AND FISHERIES COMMITTEE OF THE SENATE AND
18 THE CHAIRMAN AND THE MINORITY CHAIRMAN OF THE GAME
19 AND FISHERIES COMMITTEE OF THE HOUSE OF
20 REPRESENTATIVES.

21 (E) ONE DESIGNEE OF THE GOVERNOR.

22 (F) ONE REPRESENTATIVE FOR EACH OF THE FOLLOWING
23 ORGANIZATIONS APPOINTED BY THE GOVERNOR:

24 (I) THE UNIFIED SPORTSMEN OF PENNSYLVANIA.

25 (II) THE UNITED BOWHUNTERS OF PENNSYLVANIA.

26 (III) THE NATIONAL RIFLE ASSOCIATION.

27 (IV) THE PENNSYLVANIA CHAPTER OF THE
28 NATIONAL WILD TURKEY FEDERATION.

29 (V) THE PENNSYLVANIA CHAPTER OF TROUT
30 UNLIMITED.

1 (VI) THE PENNSYLVANIA SPORTSMEN FOR YOUTH.

2 (VII) THE PENNSYLVANIA FEDERATION OF
3 SPORTSMEN'S CLUBS.

4 (III) THE CHAIRMANSHIP OF THE BOARD WILL ROTATE ON
5 AN ANNUAL BASIS AMONG THE MEMBERS.

6 (IV) ALL MEMBERS OF THE BOARD MAY APPOINT A DESIGNEE
7 TO SERVE IN THEIR ABSENCE.

8 (E) ANIMAL PROTECTION FUND.--

9 (1) FIFTEEN DOLLARS OF EACH FEE RECEIVED UNDER SECTION
10 1362 (RELATING TO ANIMAL PROTECTION PLATE) SHALL BE CREDITED
11 TO THE ANIMAL PROTECTION FUND.

12 (2) THERE IS ESTABLISHED A SPECIAL ACCOUNT IN THE
13 TREASURY DEPARTMENT WHICH SHALL BE KNOWN AS THE ANIMAL
14 PROTECTION FUND. THE PURPOSE OF THE ANIMAL PROTECTION FUND IS
15 TO ASSIST THIS COMMONWEALTH'S NONPROFIT ORGANIZATIONS THAT
16 PROVIDE LOW-COST DOG OR CAT SPAYING OR NEUTERING SERVICES,
17 NONPROFIT ORGANIZATIONS THAT MAINTAIN A SHELTER FOR UNWANTED,
18 STRAY OR RELINQUISHED ANIMALS, ORGANIZATIONS THAT PROVIDE
19 EMERGENCY CARE FOR UNWANTED, STRAY OR RELINQUISHED ANIMALS,
20 AND NONPROFIT ORGANIZATIONS THAT ENFORCE PENNSYLVANIA'S
21 CRUELTY TO ANIMALS LAW UNDER 18 PA.C.S. § 5511 (RELATING TO
22 CRUELTY TO ANIMALS).

23 (3) ALL MONEYS IN THE ANIMAL PROTECTION FUND ARE
24 APPROPRIATED, SUBJECT TO THE APPROVAL OF THE GOVERNOR, TO THE
25 DEPARTMENT OF AGRICULTURE AND SHALL BE EXPENDED FOR THE
26 PURPOSES AUTHORIZED UNDER THIS SUBSECTION.

27 (4) THE STATE TREASURER SHALL NOT HONOR ANY REQUISITION
28 FOR EXPENDITURES BY THE DEPARTMENT OF AGRICULTURE IN EXCESS
29 OF ESTIMATES APPROVED BY THE GOVERNOR OR IN EXCESS OF THE
30 AMOUNT AVAILABLE FOR THE PURPOSES FOR WHICH THE REQUISITION

1 WAS MADE, WHICHEVER IS THE LESSER AMOUNT.

2 (5) (I) A NINE-MEMBER ANIMAL PROTECTION BOARD MUST
3 APPROVE ALL PROGRAMS AND PROJECTS.

4 (II) THE BOARD MEMBERS SHALL BE APPOINTED BY THE
5 GOVERNOR AND SHALL INCLUDE:

6 (A) THE SECRETARY OF AGRICULTURE.

7 (B) A PENNSYLVANIA RESIDENT WITH AN INTEREST IN
8 ANIMAL PROTECTION.

9 (C) ONE DESIGNEE REPRESENTING THE PENNSYLVANIA
10 LEGISLATIVE ANIMAL NETWORK.

11 (D) TWO DESIGNEES REPRESENTING THE FEDERATED
12 HUMANE SOCIETIES OF PENNSYLVANIA.

13 (E) ONE DESIGNEE REPRESENTING THE ANIMAL LEGAL
14 DEFENSE FUND.

15 (F) ONE VETERINARIAN REPRESENTING THE
16 PENNSYLVANIA VETERINARIAN MEDICAL ASSOCIATION.

17 (G) ONE DESIGNEE REPRESENTING THE PENNSYLVANIA
18 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.

19 (H) ONE DESIGNEE REPRESENTING THE ALL BREED
20 RESCUE ALLIANCE.

21 (III) THE CHAIRMANSHIP OF THE BOARD WILL ROTATE ON
22 AN ANNUAL BASIS AMONG THE MEMBERS.

23 (IV) ALL MEMBERS OF THE BOARD MAY APPOINT A DESIGNEE
24 TO SERVE IN THEIR ABSENCE.

25 (F) MOTHERS AGAINST DRUNK DRIVING FUND.--FIFTEEN DOLLARS OF
26 EACH FEE RECEIVED UNDER SECTION 1365 (RELATING TO MADD PLATE)
27 SHALL BE CREDITED TO THE MOTHERS AGAINST DRUNK DRIVING (MADD)
28 FUND, ESTABLISHED AS FOLLOWS:

29 (1) THERE IS HEREBY ESTABLISHED A SPECIAL ACCOUNT IN THE
30 STATE TREASURY WHICH SHALL BE KNOWN AS THE MADD FUND. THE

1 PURPOSE OF THE MADD FUND IS TO PROVIDE MONEYS FOR AN ONGOING
2 EDUCATIONAL CAMPAIGN AGAINST DRUNK DRIVING.

3 (2) ALL MONEYS IN THE MADD FUND ARE HEREBY ANNUALLY
4 APPROPRIATED TO THE OFFICE OF ATTORNEY GENERAL AND MAY BE
5 EXPENDED FOR THE PURPOSES AUTHORIZED UNDER THIS SUBSECTION.

6 (3) ESTIMATES OF AMOUNTS TO BE EXPENDED UNDER THIS
7 SUBSECTION SHALL BE SUBMITTED TO THE GOVERNOR BY THE OFFICE
8 OF ATTORNEY GENERAL FOR HIS APPROVAL.

9 (4) THE STATE TREASURER SHALL NOT HONOR ANY REQUISITION
10 FOR EXPENDITURES BY THE OFFICE OF ATTORNEY GENERAL IN EXCESS
11 OF ESTIMATES APPROVED BY THE GOVERNOR OR IN EXCESS OF THE
12 AMOUNT AVAILABLE FOR THE PURPOSES FOR WHICH THE REQUISITION
13 WAS MADE, WHICHEVER IS THE LESSER AMOUNT.

14 SECTION 26. SECTION 1929 OF TITLE 75 IS AMENDED TO READ:

15 § 1929. REPLACEMENT REGISTRATION PLATES.

16 THE FEE FOR A REPLACEMENT REGISTRATION PLATE OTHER THAN A
17 LEGISLATIVE OR PERSONAL PLATE SHALL BE \$7.50. THIS FEE MAY BE
18 WAIVED BY THE DEPARTMENT IF THE DEPARTMENT DETERMINES THAT A
19 PLATE WAS DEFACED BY THE THEFT OF A RENEWAL STICKER AND AN
20 APPLICATION FOR A REPLACEMENT REGISTRATION PLATE IS SUBMITTED TO
21 THE DEPARTMENT WITHIN 90 DAYS OF THE THEFT.

22 SECTION 27. SECTION 1943(C) AND (I) OF TITLE 75 IS AMENDED
23 AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

24 § 1943. ANNUAL HAULING PERMITS.

25 * * *

26 (C) [EQUIPMENT BEING MANUFACTURED] COURSE OF MANUFACTURE.--
27 THE ANNUAL FEE FOR OPERATION OR MOVEMENT OF [EQUIPMENT BEING
28 MANUFACTURED] LOADS OR VEHICLES, AS PROVIDED FOR IN SECTION 4968
29 (RELATING TO PERMIT FOR MOVEMENT DURING COURSE OF MANUFACTURE),
30 SHALL BE AS FOLLOWS:

(1) OVERSIZED MOVEMENTS [- \$100.]:

(I) MOVEMENTS LIMITED TO DAYLIGHT HOURS ONLY - \$100.

(II) MOVEMENTS THAT CAN BE CONDUCTED 24 HOURS PER DAY - \$1,000.

(2) OVERWEIGHT MOVEMENTS:

(I) MOVEMENTS NOT EXCEEDING 100,000 POUNDS GROSS WEIGHT:

(A) NOT MORE THAN ONE MILE IN DISTANCE - \$50.

(B) MORE THAN ONE MILE IN DISTANCE - \$400.

(II) MOVEMENTS IN EXCESS OF 100,000 POUNDS GROSS WEIGHT - \$500, PLUS \$100 FOR EACH MILE OF HIGHWAY AUTHORIZED UNDER THE PERMIT.

* * *

(I) LIVE DOMESTIC ANIMALS.--THE ANNUAL PERMIT FEE FOR EACH TRUCK TRACTOR AUTHORIZED TO TRANSPORT LIVE DOMESTIC ANIMALS, AS PROVIDED IN SECTION 4976.1 (RELATING TO PERMIT FOR MOVEMENT OF LIVE DOMESTIC ANIMALS), SHALL BE [\$800] \$400.

* * *

(Q) CONSTRUCTION EQUIPMENT.--THE ANNUAL FEE FOR THE MOVEMENT OF CONSTRUCTION EQUIPMENT SHALL BE \$400.

SECTION 28. THE DEFINITION OF "MEMBER" IN SECTION 2301 OF TITLE 75 IS AMENDED TO READ:

§ 2301. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

* * *

"MEMBER." EVERY HOLDER OF MOTOR VEHICLE DEALER REGISTRATION PLATES AND EVERY PERSON AUTHORIZED TO ACT AS A MESSENGER SERVICE OR AN AGENT OF THE DEPARTMENT WITH RESPECT TO VEHICLE TITLING

1 AND REGISTRATION.

2 SECTION 29. SECTIONS 2302(B), 2306, 3102, 3105, 3107(C),
3 3111(A), 3313(D) AND 3325 OF TITLE 75 ARE AMENDED TO READ:

4 § 2302. ESTABLISHMENT AND MAINTENANCE OF FUND.

5 * * *

6 (B) ASSESSMENTS.--EVERY APPLICANT FOR MOTOR VEHICLE DEALER
7 REGISTRATION PLATES OR FOR THE AUTHORITY TO ACT AS A MESSENGER
8 SERVICE OR AN AGENT FOR THE DEPARTMENT WITH RESPECT TO VEHICLE
9 TITLING AND REGISTRATION SHALL PAY, IN ADDITION TO ANY OTHER
10 LICENSE FEES AND BONDS, AN ASSESSMENT OF \$60 TO THE FUND.

11 * * *

12 § 2306. EXEMPTIONS.

13 NO PERSON WHO ACTS SOLELY AS [EITHER] A NOTARY [OR MESSENGER]
14 FOR MOTOR VEHICLE FORMS OR A FARM EQUIPMENT DEALER, MOBILE HOME
15 DEALER AND MANUFACTURER OR MODULAR HOUSING MANUFACTURER SHALL BE
16 BOUND BY THE PROVISIONS OF THIS CHAPTER.

17 § 3102. OBEDIENCE TO AUTHORIZED PERSONS DIRECTING TRAFFIC.

18 NO PERSON SHALL WILLFULLY FAIL OR REFUSE TO COMPLY WITH ANY
19 LAWFUL ORDER OR DIRECTION OF ANY UNIFORMED POLICE OFFICER,
20 SHERIFF OR CONSTABLE OR, IN AN EMERGENCY, A RAILROAD OR STREET
21 RAILWAY POLICE OFFICER; OR ANY APPROPRIATELY ATTIRED PERSON,
22 INCLUDING AN AGENT OR EMPLOYEE OF THE FUNERAL DIRECTOR DURING A
23 FUNERAL, AUTHORIZED TO DIRECT, CONTROL OR REGULATE TRAFFIC OR AN
24 EMPLOYEE WHO HAS BEEN TRAINED IN TRAFFIC CONTROL BY A LICENSED
25 AND INSURED PRIVATE SECURITY COMPANY AND WHO IS ACTING IN THE
26 SCOPE OF EMPLOYMENT.

27 § 3105. DRIVERS OF EMERGENCY VEHICLES.

28 (A) GENERAL RULE.--THE DRIVER OF AN EMERGENCY VEHICLE, WHEN
29 RESPONDING TO AN EMERGENCY CALL OR WHEN IN THE PURSUIT OF AN
30 ACTUAL OR SUSPECTED VIOLATOR OF THE LAW OR WHEN RESPONDING TO

1 BUT NOT UPON RETURNING FROM A FIRE ALARM OR OTHER EMERGENCY
2 CALL, MAY EXERCISE THE PRIVILEGES SET FORTH IN THIS SECTION, BUT
3 SUBJECT TO THE CONDITIONS STATED IN THIS SECTION.

4 (B) EXERCISE OF SPECIAL PRIVILEGES.--THE DRIVER OF AN
5 EMERGENCY VEHICLE MAY:

6 (1) PARK OR STAND, IRRESPECTIVE OF THE PROVISIONS OF
7 THIS PART.

8 (2) PROCEED PAST A RED SIGNAL INDICATION OR STOP SIGN,
9 BUT ONLY AFTER SLOWING DOWN AS MAY BE NECESSARY FOR SAFE
10 OPERATION, EXCEPT AS PROVIDED IN SUBSECTION (D).

11 (3) EXCEED THE MAXIMUM SPEED LIMITS SO LONG AS THE
12 DRIVER DOES NOT ENDANGER LIFE OR PROPERTY, EXCEPT AS PROVIDED
13 IN SUBSECTION (D).

14 (4) DISREGARD REGULATIONS GOVERNING DIRECTION OF
15 MOVEMENT, OVERTAKING VEHICLES OR TURNING IN SPECIFIED
16 DIRECTIONS.

17 (C) AUDIBLE AND VISUAL SIGNALS REQUIRED.--THE PRIVILEGES
18 GRANTED IN THIS SECTION TO AN EMERGENCY VEHICLE SHALL APPLY ONLY
19 WHEN THE VEHICLE IS MAKING USE OF AN AUDIBLE SIGNAL AND VISUAL
20 SIGNALS MEETING THE REQUIREMENTS AND STANDARDS SET FORTH IN
21 REGULATIONS ADOPTED BY THE DEPARTMENT[, EXCEPT THAT AN EMERGENCY
22 VEHICLE OPERATED AS A POLICE VEHICLE NEED NOT BE EQUIPPED WITH
23 OR DISPLAY THE VISUAL SIGNALS. AN AMBULANCE WHICH IS
24 TRANSPORTING A PATIENT MAY USE EITHER THE LIGHTS OR THE AUDIBLE
25 WARNING SYSTEM, OR BOTH, AS DETERMINED BY THE DRIVER OF THE
26 AMBULANCE].

27 (D) AMBULANCES [AND BLOOD-DELIVERY], BLOOD DELIVERY VEHICLES
28 AND HUMAN ORGAN DELIVERY VEHICLES.--THE DRIVER OF AN AMBULANCE
29 [OR BLOOD-DELIVERY], BLOOD DELIVERY VEHICLE OR HUMAN ORGAN
30 DELIVERY VEHICLE SHALL COMPLY WITH MAXIMUM SPEED LIMITS, RED

1 SIGNAL INDICATIONS AND STOP SIGNS. AFTER ASCERTAINING THAT THE
2 AMBULANCE [OR BLOOD-DELIVERY], BLOOD DELIVERY VEHICLE OR HUMAN
3 ORGAN DELIVERY VEHICLE WILL BE GIVEN THE RIGHT-OF-WAY, THE
4 DRIVER MAY PROCEED THROUGH A RED SIGNAL INDICATION OR STOP SIGN.

5 (E) EXERCISE OF CARE.--THIS SECTION DOES NOT RELIEVE THE
6 DRIVER OF AN EMERGENCY VEHICLE FROM THE DUTY TO DRIVE WITH DUE
7 REGARD FOR THE SAFETY OF ALL PERSONS.

8 (F) PEDALCYCLES.--NO PART OF THIS [TITLE] SECTION SHALL BE
9 CONSTRUED TO RESTRICT THE OPERATION OF A PEDALCYCLE USED BY A
10 POLICE OFFICER DURING THE COURSE OF PERFORMING OFFICIAL DUTIES.

11 (G) EMERGENCY VEHICLE PREEMPTION DEVICES.--

12 (1) THE DEPARTMENT MAY PROMULGATE REGULATIONS FOR THE
13 OPERATION AND USE OF PREEMPTIVE TRAFFIC DEVICES BY EMERGENCY
14 VEHICLES.

15 (2) AN INDIVIDUAL OTHER THAN AUTHORIZED EMERGENCY
16 PERSONNEL WHO OPERATES OR USES A PREEMPTIVE TRAFFIC DEVICE
17 COMMITTS A MISDEMEANOR OF THE THIRD DEGREE.

18 (3) THE POSSESSION OF A PREEMPTIVE TRAFFIC DEVICE BY AN
19 INDIVIDUAL WHO IS NOT AN AUTHORIZED USER OF THE DEVICE IS
20 PROHIBITED. THE DEVICE IF IN THE POSSESSION OF A
21 NONAUTHORIZED USER SHALL BE DEEMED CONTRABAND AND SHALL BE
22 SEIZED BY A LAW ENFORCEMENT OFFICER.

23 § 3107. DRIVERS IN FUNERAL PROCESSIONS.

24 * * *

25 (C) RIGHT-OF-WAY TO EMERGENCY VEHICLES.--THIS SECTION DOES
26 NOT RELIEVE THE DRIVER OF A VEHICLE WHICH IS BEING DRIVEN IN A
27 FUNERAL PROCESSION FROM YIELDING THE RIGHT-OF-WAY TO AN
28 EMERGENCY VEHICLE MAKING USE OF AUDIBLE [OR] AND VISUAL SIGNALS,
29 NOR FROM THE DUTY TO DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL
30 PERSONS.

1 § 3111. OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

2 (A) GENERAL RULE.--UNLESS OTHERWISE DIRECTED BY A UNIFORMED
3 POLICE OFFICER OR ANY APPROPRIATELY ATTIRED PERSON AUTHORIZED TO
4 DIRECT, CONTROL OR REGULATE TRAFFIC, THE DRIVER OF ANY VEHICLE
5 SHALL OBEY THE INSTRUCTIONS OF ANY APPLICABLE OFFICIAL TRAFFIC-
6 CONTROL DEVICE PLACED OR HELD IN ACCORDANCE WITH THE PROVISIONS
7 OF THIS TITLE, SUBJECT TO THE PRIVILEGES GRANTED THE DRIVER OF
8 AN [AUTHORIZED] EMERGENCY VEHICLE IN THIS TITLE.

9 * * *

10 § 3313. RESTRICTIONS ON USE OF LIMITED ACCESS HIGHWAYS.

11 * * *

12 (D) DRIVING IN RIGHT LANE.--[VEHICLES SHALL BE DRIVEN IN THE
13 LANE NEAREST THE RIGHT-HAND EDGE OF THE ROADWAY, EXCEPT WHEN
14 OVERTAKING ANOTHER VEHICLE, OR FOR A DISTANCE OF UP TO TWO MILES
15 IN PREPARATION FOR A LEFT TURN, OR AS DIRECTED BY OFFICIAL
16 TRAFFIC CONTROL DEVICES, POLICE OFFICERS OR APPROPRIATELY
17 ATTIRED PERSONS AUTHORIZED TO DIVERT, CONTROL OR REGULATE
18 TRAFFIC.]

19 (1) NO DRIVER SHALL DRIVE CONTINUOUSLY IN THE LEFT LANE
20 OF A LIMITED ACCESS HIGHWAY SO AS TO IMPEDE THE FLOW OF OTHER
21 TRAFFIC.

22 (2) UPON ALL LIMITED ACCESS HIGHWAYS HAVING TWO OR MORE
23 LANES FOR TRAFFIC MOVING IN THE SAME DIRECTION, ALL VEHICLES
24 SHALL BE DRIVEN IN THE RIGHT-HAND LANE WHEN AVAILABLE FOR
25 TRAFFIC, EXCEPT:

26 (I) WHEN OVERTAKING AND PASSING ANOTHER VEHICLE
27 PROCEEDING IN THE SAME DIRECTION;

28 (II) WHEN TRAVELING AT A SPEED GREATER THAN THE
29 TRAFFIC FLOW;

30 (III) WHEN MOVING LEFT TO ALLOW TRAFFIC TO MERGE; OR

1 (IV) WHEN PREPARING FOR A LEFT TURN AT AN
2 INTERSECTION, EXIT OR INTO A PRIVATE ROAD OR DRIVEWAY
3 WHEN SUCH LEFT TURN IS LEGALLY PERMITTED.

4 (3) UNLESS OTHERWISE POSTED, NO VEHICLE TOWING A TRAILER
5 AND NO VEHICLE OR COMBINATION OVER 10,000 POUNDS MAY BE
6 DRIVEN IN THE LEFT-HAND LANE OF A LIMITED ACCESS HIGHWAY
7 HAVING THREE OR MORE LANES FOR TRAFFIC MOVING IN THE SAME
8 DIRECTION EXCEPT WHEN PREPARING FOR A LEFT TURN AT AN
9 INTERSECTION, EXIT OR INTO A PRIVATE ROAD OR DRIVEWAY WHEN
10 SUCH LEFT TURN IS LEGALLY PERMITTED.

11 (4) THIS SUBSECTION SHALL NOT APPLY TO A VEHICLE USING A
12 VEHICLE LANE DESIGNATED FOR MULTIOCCUPANT VEHICLES OR CAR
13 POOLS.

14 § 3325. DUTY OF DRIVER ON APPROACH OF EMERGENCY VEHICLE.

15 (A) GENERAL RULE.--UPON THE IMMEDIATE APPROACH OF AN
16 EMERGENCY VEHICLE MAKING USE OF AN AUDIBLE SIGNAL AND VISUAL
17 SIGNALS MEETING THE REQUIREMENTS AND STANDARDS SET FORTH IN
18 REGULATIONS ADOPTED BY THE DEPARTMENT, [OR OF A POLICE VEHICLE
19 PROPERLY AND LAWFULLY MAKING USE OF AN AUDIBLE SIGNAL ONLY,] THE
20 DRIVER OF EVERY OTHER VEHICLE SHALL YIELD THE RIGHT-OF-WAY AND
21 SHALL IMMEDIATELY DRIVE TO A POSITION PARALLEL TO, AND AS CLOSE
22 AS POSSIBLE TO, THE RIGHT-HAND EDGE OR CURB OF THE ROADWAY CLEAR
23 OF ANY INTERSECTION AND SHALL STOP AND REMAIN IN THAT POSITION
24 UNTIL THE EMERGENCY VEHICLE HAS PASSED, EXCEPT WHEN OTHERWISE
25 DIRECTED BY A POLICE OFFICER OR AN APPROPRIATELY ATTIRED PERSON
26 AUTHORIZED TO DIRECT, CONTROL OR REGULATE TRAFFIC. ON ONE-WAY
27 ROADWAYS A DRIVER MAY COMPLY BY DRIVING TO THE EDGE OR CURB
28 WHICH IS NEAREST TO THE LANE IN WHICH HE IS TRAVELING.

29 (B) DUTY OF OPERATOR OF STREETCAR.--UPON THE APPROACH OF AN
30 EMERGENCY VEHICLE, THE OPERATOR OF EVERY STREETCAR SHALL

1 IMMEDIATELY STOP THE STREETCAR CLEAR OF ANY INTERSECTION AND
2 REMAIN IN THAT POSITION UNTIL THE EMERGENCY VEHICLE HAS PASSED,
3 EXCEPT WHEN OTHERWISE DIRECTED BY A POLICE OFFICER[.] OR AN
4 APPROPRIATELY ATTIRED PERSON AUTHORIZED TO DIRECT, CONTROL OR
5 REGULATE TRAFFIC.

6 (C) DEFENSE.--IT IS A DEFENSE TO PROSECUTION UNDER THIS
7 SECTION IF THE DEFENDANT CAN SHOW BY A PREPONDERANCE OF THE
8 EVIDENCE THAT THE FAILURE TO STOP IMMEDIATELY FOR A POLICE
9 OFFICER WAS BASED ON A GOOD FAITH CONCERN FOR PERSONAL SAFETY.
10 IN DETERMINING WHETHER THE DEFENDANT HAS MET THIS BURDEN, THE
11 COURT MAY CONSIDER THE FOLLOWING FACTORS:

12 (1) THE TIME AND LOCATION OF THE EVENT.

13 (2) THE TYPE OF VEHICLE USED BY THE POLICE OFFICER.

14 (3) THE DEFENDANT'S CONDUCT WHILE BEING FOLLOWED BY THE
15 POLICE OFFICER.

16 (4) WHETHER THE DEFENDANT STOPPED AT THE FIRST AVAILABLE
17 REASONABLY LIGHTED OR POPULATED AREA.

18 (5) ANY OTHER FACTOR CONSIDERED RELEVANT BY THE COURT.

19 SECTION 30. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:
20 § 3327. DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS.

21 (A) GENERAL RULE.--WHEN APPROACHING OR PASSING AN EMERGENCY
22 RESPONSE AREA, NO PERSON SHALL DRIVE A VEHICLE:

23 (1) AT A SPEED GREATER THAN IS REASONABLE AND PRUDENT
24 UNDER THE CONDITIONS, HAVING REGARD TO THE ACTUAL AND
25 POTENTIAL HAZARDS THEN EXISTING; OR

26 (2) IN DISOBEDIENCE OF INSTRUCTIONS OR INDICATIONS
27 RELATING TO TRAFFIC FLOW WHICH ARE MADE, EITHER VERBALLY OR
28 THROUGH THE USE OF SIGNS, FLARES, SIGNALS, LIGHTS OR OTHER
29 TRAFFIC CONTROL DEVICES, BY LAW ENFORCEMENT PERSONNEL OR
30 EMERGENCY SERVICE RESPONDERS.

1 (B) PENALTY.--ANY PERSON VIOLATING SUBSECTION (A) COMMITS A
2 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, PAY A FINE OF \$85.

3 (C) MARKING.--AN EMERGENCY RESPONSE AREA SHALL BE CLEARLY
4 MARKED WITH EITHER ROAD FLARES, CAUTION SIGNS OR ANY OTHER
5 TRAFFIC-CONTROL DEVICE WHICH LAW ENFORCEMENT OFFICIALS MAY HAVE
6 AT THEIR IMMEDIATE DISPOSAL.

7 (D) REPORTS BY EMERGENCY SERVICE RESPONDERS.--

8 (1) AN EMERGENCY SERVICE RESPONDER OBSERVING A VIOLATION
9 OF SUBSECTION (A) MAY PREPARE A WRITTEN, SIGNED REPORT WHICH
10 INDICATES THAT A VIOLATION HAS OCCURRED. TO THE EXTENT
11 POSSIBLE, THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

12 (I) INFORMATION PERTAINING TO THE IDENTITY OF THE
13 ALLEGED VIOLATOR.

14 (II) THE LICENSE NUMBER AND COLOR OF THE VEHICLE
15 INVOLVED IN THE VIOLATION.

16 (III) THE TIME AND APPROXIMATE LOCATION AT WHICH THE
17 VIOLATION OCCURRED.

18 (IV) IDENTIFICATION OF THE VEHICLE AS AN AUTOMOBILE,
19 STATION WAGON, MOTOR TRUCK, MOTOR BUS, MOTORCYCLE OR
20 OTHER TYPE OF VEHICLE.

21 (2) WITHIN 48 HOURS AFTER THE VIOLATION OCCURS, THE
22 EMERGENCY SERVICE RESPONDER SHALL DELIVER A COPY OF THE
23 REPORT TO A POLICE OFFICER HAVING AUTHORITY TO EXERCISE
24 POLICE POWER IN THE AREA WHERE THE VIOLATION OCCURRED. IF THE
25 POLICE OFFICER BELIEVES THAT THE REPORT ESTABLISHED A
26 SUFFICIENT BASIS FOR THE ISSUANCE OF A CITATION, THE OFFICER
27 SHALL FILE A CITATION AND A COPY OF THE REPORT WITH THE
28 ISSUING AUTHORITY. IF THE ISSUING AUTHORITY DETERMINES THAT
29 THE REPORT AND CITATION ESTABLISH A SUFFICIENT BASIS FOR THE
30 ISSUANCE OF A SUMMONS, A SUMMONS SHALL BE ISSUED IN

1 ACCORDANCE WITH GENERAL RULES GOVERNING THE INSTITUTION OF
2 PROCEEDINGS IN SUMMARY TRAFFIC OFFENSE CASES. THE ISSUING
3 AUTHORITY SHALL SEND THE DEFENDANT A COPY OF THE CITATION,
4 TOGETHER WITH A STATEMENT THAT IT WAS FILED BY THE POLICE
5 OFFICER NAMED IN THE CITATION ON THE BASIS OF INFORMATION
6 RECEIVED.

7 (3) A PERSON MAY INSTITUTE A PROCEEDING PURSUANT TO THIS
8 SUBSECTION OR IN ACCORDANCE WITH ANY MEANS AUTHORIZED BY THE
9 PENNSYLVANIA RULES OF CRIMINAL PROCEDURE.

10 (E) FINES TO BE DOUBLED.--IN ADDITION TO ANY PENALTY AS
11 PROVIDED IN SUBSECTION (B), THE FINE FOR ANY OF THE FOLLOWING
12 VIOLATIONS WHEN COMMITTED IN AN EMERGENCY RESPONSE AREA MANNED
13 BY EMERGENCY SERVICE RESPONDERS SHALL BE DOUBLE THE USUAL
14 AMOUNT:

15 SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED PERSONS
16 DIRECTING TRAFFIC)).

17 SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC-CONTROL
18 DEVICES)).

19 SECTION 3114 (RELATING TO FLASHING SIGNALS)).

20 SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING IN
21 OPPOSITE DIRECTION)).

22 SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE
23 LEFT)).

24 SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE
25 RIGHT)).

26 SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING ON
27 THE LEFT)).

28 SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON LEFT
29 SIDE OF ROADWAY)).

30 SECTION 3307 (RELATING TO NO-PASSING ZONES)).

1 SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY).

2 SECTION 3312 (RELATING TO LIMITED ACCESS HIGHWAY
3 ENTRANCES AND EXITS).

4 SECTION 3323 (RELATING TO STOP SIGNS AND YIELD SIGNS).

5 SECTION 3325 (RELATING TO DUTY OF DRIVER ON APPROACH OF
6 EMERGENCY VEHICLE).

7 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED).

8 SECTION 3707 (RELATING TO DRIVING OR STOPPING CLOSE TO
9 FIRE APPARATUS).

10 SECTION 3710 (RELATING TO STOPPING AT INTERSECTION OR
11 CROSSING TO PREVENT OBSTRUCTION).

12 SECTION 3714 (RELATING TO CARELESS DRIVING).

13 SECTION 3715 (RELATING TO RESTRICTION ON ALCOHOLIC
14 BEVERAGES).

15 SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE OF
16 ALCOHOL OR CONTROLLED SUBSTANCE).

17 SECTION 3736 (RELATING TO RECKLESS DRIVING).

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

21 "EMERGENCY RESPONSE AREA." THE AREA IN WHICH EMERGENCY
22 SERVICE RESPONDERS RENDER EMERGENCY ASSISTANCE TO INDIVIDUALS ON
23 OR NEAR A ROADWAY.

24 "EMERGENCY SERVICE RESPONDER." AN INDIVIDUAL ACTING IN AN
25 OFFICIAL CAPACITY AS POLICE OFFICER, SHERIFF, DEPUTY SHERIFF,
26 CORONER, DEPUTY CORONER, FIREFIGHTER, FIRE POLICE, FIRE MARSHAL,
27 MEDICAL EXAMINER, DEPUTY MEDICAL EXAMINER, RESCUE PERSONNEL,
28 AMBULANCE PERSONNEL, HAZARDOUS MATERIAL RESPONSE TEAM MEMBER OR
29 EMERGENCY MEDICAL SERVICE PERSONNEL.

30 § 3328. UNMARKED POLICE VEHICLES.

1 (A) GENERAL RULE.--THE PENNSYLVANIA STATE POLICE, IN
2 CONSULTATION WITH THE DEPARTMENT, SHALL PROMULGATE REGULATIONS
3 FOR THE USE OF UNMARKED VEHICLES BY POLICE OFFICERS. THE
4 REGULATIONS SHALL:

5 (1) ESTABLISH THE PROCEDURE TO BE USED BY A POLICE
6 OFFICER IN AN UNMARKED VEHICLE WHEN STOPPING A MOTORIST;

7 (2) REQUIRE THE USE OF AUDIBLE AND VISUAL SIGNALS WHICH
8 MEET THE REQUIREMENTS AND STANDARDS SET FORTH IN THIS TITLE
9 AND IN REGULATIONS ADOPTED BY THE DEPARTMENT; AND

10 (3) ESTABLISH REQUIREMENTS FOR THE WEARING OF AN
11 OFFICIAL POLICE UNIFORM AND THE DISPLAY OF OFFICIAL POLICE
12 IDENTIFICATION.

13 (B) PUBLIC AWARENESS.--THE PENNSYLVANIA STATE POLICE AND THE
14 DEPARTMENT SHALL PROVIDE FOR THE DISSEMINATION OF INFORMATION TO
15 THE PUBLIC REGARDING THE USE OF UNMARKED VEHICLES. SUCH
16 INFORMATION SHALL ACCOMPANY ANNUAL VEHICLE REGISTRATION OR
17 VEHICLE REGISTRATION RENEWAL FORMS DISTRIBUTED BY THE
18 DEPARTMENT.

19 SECTION 31. SECTIONS 3345(J), 3352(C) AND (D) AND 3353(C) OF
20 TITLE 75 ARE AMENDED TO READ:

21 § 3345. MEETING OR OVERTAKING SCHOOL BUS.

22 * * *

23 (J) PENALTY.--[ANY PERSON VIOLATING] A PERSON WHO VIOLATES
24 SUBSECTION (A) OR (F.1) [IS GUILTY OF] COMMITTS A SUMMARY OFFENSE
25 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF [\$100]
26 \$250.

27 § 3352. REMOVAL OF VEHICLE BY OR AT DIRECTION OF POLICE.

28 * * *

29 (C) REMOVAL TO GARAGE OR PLACE OF SAFETY.--ANY POLICE
30 OFFICER MAY REMOVE OR CAUSE TO BE REMOVED TO THE PLACE OF

1 BUSINESS OF THE OPERATOR OF A WRECKER OR TO A NEARBY GARAGE OR
2 OTHER PLACE OF SAFETY ANY VEHICLE FOUND UPON A HIGHWAY UNDER ANY
3 OF THE FOLLOWING CIRCUMSTANCES:

4 (1) REPORT HAS BEEN MADE THAT THE VEHICLE HAS BEEN
5 STOLEN OR TAKEN WITHOUT THE CONSENT OF ITS OWNER.

6 (2) THE PERSON OR PERSONS IN CHARGE OF THE VEHICLE ARE
7 PHYSICALLY UNABLE TO PROVIDE FOR THE CUSTODY OR REMOVAL OF
8 THE VEHICLE.

9 (3) THE PERSON DRIVING OR IN CONTROL OF THE VEHICLE IS
10 ARRESTED FOR AN ALLEGED OFFENSE FOR WHICH THE OFFICER IS
11 REQUIRED BY LAW TO TAKE THE PERSON ARRESTED BEFORE AN ISSUING
12 AUTHORITY WITHOUT UNNECESSARY DELAY.

13 (4) THE VEHICLE IS IN VIOLATION OF SECTION 3353
14 (RELATING TO PROHIBITIONS IN SPECIFIED PLACES) EXCEPT FOR
15 OVERTIME PARKING.

16 (5) THE VEHICLE HAS BEEN ABANDONED AS DEFINED IN THIS
17 TITLE. THE OFFICER SHALL COMPLY WITH THE PROVISIONS OF
18 [SUBSECTION (D) AND] CHAPTER 73 (RELATING TO ABANDONED
19 VEHICLES AND CARGOS).

20 (D) NOTICE TO OWNER PRIOR TO REMOVAL.--

21 (1) PRIOR TO REMOVAL OF AN ABANDONED VEHICLE BEARING A
22 REGISTRATION PLATE, CURRENT CERTIFICATE OF INSPECTION OR
23 VEHICLE IDENTIFICATION NUMBER PLATE BY WHICH THE LAST
24 REGISTERED OWNER OF THE VEHICLE CAN BE DETERMINED, THE POLICE
25 DEPARTMENT SHALL SEND A NOTICE BY CERTIFIED MAIL TO THE LAST
26 REGISTERED OWNER OF THE VEHICLE INFORMING THE OWNER THAT
27 UNLESS THE VEHICLE IS MOVED TO A SUITABLE LOCATION WITHIN
28 SEVEN DAYS OF THE DATE NOTICE IS MAILED, THE VEHICLE WILL BE
29 REMOVED UNDER THIS SECTION AND HELD AT A SUITABLE FACILITY
30 WHERE IT MAY BE RECLAIMED BY THE OWNER IN ACCORDANCE WITH THE

1 PROVISIONS OF SECTION 7306 (RELATING TO PAYMENT OF COSTS UPON
2 RECLAIMING VEHICLE). IF THE ABANDONED MOTOR VEHICLE DOES NOT
3 BEAR AN IDENTIFIABLE REGISTRATION PLATE, CURRENT CERTIFICATE
4 OF INSPECTION OR VEHICLE IDENTIFICATION NUMBER PLATE, THE
5 NOTICE MAY BE SECURED TO THE VEHICLE.

6 (2) IF, WITHIN THE SEVEN-DAY PERIOD, THE OWNER SO
7 REQUESTS, THE OWNER SHALL BE GIVEN AN OPPORTUNITY TO EXPLAIN
8 TO THE POLICE OFFICER OR DEPARTMENT WHY THE OWNER BELIEVES
9 THE VEHICLE SHOULD NOT BE REMOVED. IF THE POLICE OFFICER OR
10 DEPARTMENT DETERMINES THAT THE VEHICLE SHALL, NONETHELESS, BE
11 REMOVED, THE OWNER SHALL BE GIVEN AN ADDITIONAL 48 HOURS TO
12 REMOVE THE VEHICLE, HAVE IT REMOVED OR DEMAND A HEARING,
13 WHICH SHALL CONFORM TO THE REQUIREMENTS OF 2 PA.C.S. CH. 5
14 SUBCH. B (RELATING TO PRACTICE AND PROCEDURE OF LOCAL
15 AGENCIES). THE POLICE OFFICER OR DEPARTMENT SHALL INFORM THE
16 OWNER OF THE RIGHT TO A HEARING BY DELIVERING TO THE OWNER A
17 NOTICE WARNING THE OWNER THAT, UNLESS THE VEHICLE IS REMOVED
18 OR A HEARING IS DEMANDED, THE OWNER SHALL BE SUBJECT TO THE
19 PROVISIONS OF SECTION 7306. IF, AS A RESULT OF THE HEARING,
20 IT IS DETERMINED THAT THE VEHICLE WILL BE REMOVED, THE OWNER
21 SHALL BE GIVEN AN ADDITIONAL 48 HOURS TO REMOVE THE VEHICLE
22 OR HAVE IT REMOVED. THE HEARING SHALL BE BEFORE A CIVILIAN
23 OFFICER OR EMPLOYEE OF THE MUNICIPALITY IN WHICH THE VEHICLE
24 IS LOCATED.

25 (3) THE PROVISION FOR NOTICE SET FORTH IN THIS
26 SUBSECTION IS APPLICABLE ONLY IF THE VEHICLE IS ABANDONED
27 UPON A HIGHWAY AND IS NOT IN VIOLATION OF SUBSECTION (B) OR
28 SECTION 3351(A) OR 3353. NOTICE UNDER THIS SUBSECTION IS IN
29 ADDITION TO ANY OTHER NOTICE REQUIREMENTS PROVIDED IN CHAPTER
30 73.

1 (4) THIS SUBSECTION DOES NOT APPLY TO NONREPAIRABLE
2 VEHICLES.

3 § 3353. PROHIBITIONS IN SPECIFIED PLACES.

4 * * *

5 (C) PROPERTY OWNER MAY REMOVE VEHICLE.--THE OWNER OR OTHER
6 PERSON IN CHARGE OR POSSESSION OF ANY PROPERTY ON WHICH A
7 VEHICLE IS PARKED OR LEFT UNATTENDED IN VIOLATION OF THE
8 PROVISIONS OF SUBSECTION (B) MAY REMOVE OR HAVE REMOVED THE
9 VEHICLE AT THE REASONABLE EXPENSE OF THE OWNER OF THE VEHICLE.
10 SUCH PERSON WHO REMOVES OR HAS REMOVED A VEHICLE LEFT PARKED OR
11 UNATTENDED IN VIOLATION OF THE PROVISIONS OF SUBSECTION (B)
12 SHALL HAVE A LIEN AGAINST THE OWNER OF THE VEHICLE, IN THE
13 AMOUNT OF THE REASONABLE VALUE OF THE COSTS OF REMOVING THE
14 VEHICLE PLUS THE COSTS OF STORAGE. ANY CITY, BOROUGH,
15 INCORPORATED TOWN OR TOWNSHIP MAY, BY ORDINANCE, PROVIDE FOR
16 RATES TO BE CHARGED FOR REMOVAL OF VEHICLES AND FOR MUNICIPAL
17 REGULATION OF AUTHORIZED TOWING SERVICES. IF STORAGE CHARGES ARE
18 NOT SET BY THE MUNICIPALITY, A MAXIMUM OF \$25 PER DAY MAY BE
19 CHARGED FOR STORAGE.

20 * * *

21 SECTION 32. SECTION 3354(D), (E), (F) AND (G) OF TITLE 75
22 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
23 READ:

24 § 3354. ADDITIONAL PARKING REGULATIONS.

25 * * *

26 (D) [HANDICAPPED PERSONS] PERSON WITH A DISABILITY AND
27 DISABLED VETERANS.--

28 (1) WHEN A MOTOR VEHICLE BEARING A [HANDICAPPED] PERSON
29 WITH A DISABILITY OR SEVERELY DISABLED VETERAN PLATE OR
30 DISPLAYING A [HANDICAPPED] PERSON WITH A DISABILITY OR

1 SEVERELY DISABLED VETERAN PARKING PLACARD AS PRESCRIBED IN
2 THIS TITLE IS BEING OPERATED BY OR FOR THE TRANSPORTATION OF
3 THE [HANDICAPPED] PERSON WITH A DISABILITY OR SEVERELY
4 DISABLED VETERAN, THE DRIVER SHALL BE RELIEVED OF ANY
5 LIABILITY FOR PARKING FOR A PERIOD OF 60 MINUTES IN EXCESS OF
6 THE LEGAL PARKING PERIOD PERMITTED BY LOCAL AUTHORITIES
7 EXCEPT WHERE LOCAL ORDINANCES OR POLICE REGULATIONS PROVIDE
8 FOR THE ACCOMMODATION OF HEAVY TRAFFIC DURING MORNING,
9 AFTERNOON OR EVENING HOURS.

10 (2) AT THE REQUEST OF [ANY HANDICAPPED PERSON] A PERSON
11 WITH A DISABILITY OR SEVERELY DISABLED VETERAN, LOCAL
12 AUTHORITIES MAY ERECT ON THE HIGHWAY AS CLOSE AS POSSIBLE TO
13 [THEIR] THE PERSON'S OR VETERAN'S PLACE OF RESIDENCE [A SIGN
14 OR SIGNS INDICATING THAT] AN OFFICIAL TRAFFIC CONTROL DEVICE
15 DISPLAYING THE INTERNATIONAL SYMBOL FOR ACCESSIBILITY WHICH
16 SHALL INDICATE THAT PLACE IS RESERVED FOR [THE HANDICAPPED
17 PERSON] A PERSON WITH A DISABILITY OR SEVERELY DISABLED
18 VETERAN, THAT NO PARKING IS ALLOWED THERE BY OTHERS, AND THAT
19 ANY UNAUTHORIZED PERSON PARKING THERE SHALL BE SUBJECT TO A
20 FINE AND TOWING.

21 (3) (1) EXCEPT FOR PERSONS PARKING VEHICLES LAWFULLY
22 BEARING A [HANDICAPPED] PERSON WITH A DISABILITY OR
23 SEVERELY DISABLED VETERAN REGISTRATION PLATE OR
24 DISPLAYING A [HANDICAPPED] PERSON WITH A DISABILITY OR
25 SEVERELY DISABLED VETERAN PARKING PLACARD WHEN SUCH
26 VEHICLES ARE BEING OPERATED BY OR FOR THE TRANSPORTATION
27 OF A [HANDICAPPED] PERSON WITH A DISABILITY OR A SEVERELY
28 DISABLED VETERAN, NO PERSON SHALL PARK A VEHICLE ON
29 PUBLIC OR PRIVATE PROPERTY RESERVED FOR A [HANDICAPPED]
30 PERSON WITH A DISABILITY OR SEVERELY DISABLED VETERAN

1 WHICH PROPERTY HAS BEEN SO POSTED IN ACCORDANCE WITH
2 DEPARTMENTAL REGULATIONS [WHICH SHALL REQUIRE A SIGN
3 STATING THE PENALTY AMOUNT INDICATED IN SUBSECTION (F), A
4 SIGN INDICATING THAT VEHICLES IN VIOLATION OF THE
5 SUBSECTION MAY BE TOWED AND REQUIRE THAT SIGNS]. AN
6 OFFICIAL TRAFFIC CONTROL DEVICE SHOWING THE INTERNATIONAL
7 SYMBOL OF ACCESSIBILITY SHALL BE INSTALLED TO DESIGNATE A
8 RESERVED PARKING SPACE FOR A PERSON WITH A DISABILITY OR
9 SEVERELY DISABLED VETERAN. VEHICLES IN VIOLATION OF THIS
10 SUBSECTION WILL BE FINED A PENALTY AMOUNT AS INDICATED IN
11 SUBSECTION (F) AND MAY BE TOWED. SIGNS SHALL BE REPLACED
12 WHEN THEY BECOME EITHER OBSOLETE OR MISSING WITH ALL
13 COSTS TO REPLACE THE NECESSARY SIGNS TO BE BORNE BY THE
14 PERSONS RESPONSIBLE FOR SIGNING THE PARTICULAR LOCATION.
15 [ANY] A VEHICLE WHICH IS UNLAWFULLY PARKED IN A
16 DESIGNATED [HANDICAPPED] PERSON WITH A DISABILITY PARKING
17 AREA MAY BE REMOVED FROM THAT AREA BY TOWING AND MAY BE
18 RECLAIMED BY THE VEHICLE OWNER UPON PAYMENT OF THE TOWING
19 COSTS.

20 (II) LOCAL AUTHORITIES SHALL HAVE THE POWER AND MAY,
21 BY ORDINANCE OR RESOLUTION, AUTHORIZE [HANDICAPPED
22 PERSONS] A PERSON WITH A DISABILITY AND SEVERELY DISABLED
23 VETERANS TO ISSUE STATEMENTS TO VIOLATORS OR VIOLATING
24 VEHICLES FOR VIOLATION OF SUBPARAGRAPH (I). THE FORM OF
25 THE STATEMENT SHALL BE AS PRESCRIBED BY THE LOCAL
26 AUTHORITIES.

27 (E) UNAUTHORIZED USE.--AN OPERATOR OF A VEHICLE BEARING A
28 [HANDICAPPED] PERSON WITH A DISABILITY OR SEVERELY DISABLED
29 VETERAN PLATE OR DISPLAYING A [HANDICAPPED] PERSON WITH A
30 DISABILITY OR SEVERELY DISABLED VETERAN PARKING PLACARD SHALL

1 NOT MAKE USE OF THE PARKING PRIVILEGES ACCORDED TO [HANDICAPPED
2 PERSONS] A PERSON WITH A DISABILITY AND SEVERELY DISABLED
3 VETERANS UNDER SUBSECTION (D)(3) UNLESS THE OPERATOR IS
4 [HANDICAPPED] A PERSON WITH A DISABILITY OR A SEVERELY DISABLED
5 VETERAN OR UNLESS THE VEHICLE IS BEING OPERATED FOR THE
6 TRANSPORTATION OF A [HANDICAPPED] PERSON WITH A DISABILITY OR
7 SEVERELY DISABLED VETERAN.

8 (E.1) MOTORCYCLE PARKING.--NOTWITHSTANDING THE PROVISIONS OF
9 SECTION 6301 (RELATING TO PROSECUTIONS UNDER LOCAL ORDINANCES
10 SUPERSEDED BY TITLE) REGARDING PARKING VIOLATIONS, A LOCAL
11 ORDINANCE MAY NOT PROHIBIT NOR CITE AS A VIOLATION THE PARALLEL
12 OR ANGLE OCCUPANCY BY ONE OR MORE MOTORCYCLES IN ANY PARKING
13 SPACE ON ANY HIGHWAY OTHERWISE AVAILABLE FOR PARKING FOR OTHER
14 INDIVIDUAL VEHICLES, PROVIDED THAT THE SPACE OCCUPIED BY ONE OR
15 MORE MOTORCYCLES DOES NOT EXCEED THE SPACE WITHIN WHICH A SINGLE
16 VEHICLE MUST PARK. IN THE INSTANCE OF A VIOLATION APPLICABLE TO
17 ANY SINGLE VEHICLE, EACH MOTORCYCLE SO PARKED SHALL BE
18 INDIVIDUALLY LIABLE FOR ANY VIOLATION AS IF THE MOTORCYCLE WERE
19 THE SOLE OCCUPANT OF THE PARKING SPACE.

20 (F) PENALTY.--[ANY] A PERSON VIOLATING SUBSECTION (A), (B)
21 OR (D)(1) IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON
22 CONVICTION, BE SENTENCED TO PAY A FINE OF NOT MORE THAN \$15.
23 [ANY] A PERSON VIOLATING SUBSECTION (D)(2) OR (3) OR (E) IS
24 GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
25 SENTENCED TO PAY A FINE OF NOT LESS THAN \$50 NOR MORE THAN \$200.

26 (G) SPECIAL PENALTY; DISPOSITION.--

27 (1) IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS
28 SECTION, [ANY] A PERSON WHO IS CONVICTED OF VIOLATING
29 SUBSECTION (D)(2) OR (3) SHALL BE SENTENCED TO PAY A FINE OF
30 \$50.

(2) ALL FINES COLLECTED UNDER THIS SUBSECTION SHALL BE
DISPOSED OF AS FOLLOWS:

(I) NINETY-FIVE PERCENT SHALL BE PAID TO THE
DEPARTMENT OF REVENUE, TRANSMITTED TO THE TREASURY
DEPARTMENT AND CREDITED TO THE DEPARTMENT OF PUBLIC
WELFARE FOR USE FOR THE ATTENDANT CARE PROGRAM.

(II) FIVE PERCENT SHALL BE PAID TO THE MUNICIPALITY
IN WHICH THE OFFENSE OCCURRED.

SECTION 33. SECTIONS 3362(A)(1.1), 3548, 3709(D)(1) AND 3712
OF TITLE 75 ARE AMENDED TO READ:

§ 3362. MAXIMUM SPEED LIMITS.

(A) GENERAL RULE.--EXCEPT WHEN A SPECIAL HAZARD EXISTS THAT
REQUIRES LOWER SPEED FOR COMPLIANCE WITH SECTION 3361 (RELATING
TO DRIVING VEHICLE AT SAFE SPEED), THE LIMITS SPECIFIED IN THIS
SECTION OR ESTABLISHED UNDER THIS SUBCHAPTER SHALL BE MAXIMUM
LAWFUL SPEEDS AND NO PERSON SHALL DRIVE A VEHICLE AT A SPEED IN
EXCESS OF THE FOLLOWING MAXIMUM LIMITS:

* * *

(1.1) 65 MILES PER HOUR FOR ALL VEHICLES[:

(I) ON INTERSTATE HIGHWAYS OUTSIDE OF URBANIZED
AREAS OF POPULATION OF 50,000 OR MORE; AND

(II)] ON [OTHER] FREEWAYS WHERE THE DEPARTMENT HAS
POSTED A 65-MILES-PER-HOUR SPEED LIMIT [IN ACCORDANCE
WITH THE PROVISIONS OF 23 U.S.C. (RELATING TO HIGHWAYS)].

* * *

§ 3548. PEDESTRIANS TO YIELD TO [AUTHORIZED] EMERGENCY
VEHICLES.

(A) GENERAL RULE.--UPON THE IMMEDIATE APPROACH OF AN
[AUTHORIZED] EMERGENCY VEHICLE MAKING USE OF AUDIBLE AND VISUAL
SIGNALS MEETING THE REQUIREMENTS OF THIS TITLE, [OR OF A POLICE

1 VEHICLE PROPERLY AND LAWFULLY MAKING USE OF AN AUDIBLE SIGNAL
2 ONLY,] EVERY PEDESTRIAN SHALL YIELD THE RIGHT-OF-WAY TO THE
3 [AUTHORIZED] EMERGENCY VEHICLE.

4 (B) EXERCISE OF CARE BY DRIVER.--THIS SECTION DOES NOT
5 RELIEVE THE DRIVER OF AN [AUTHORIZED] EMERGENCY VEHICLE FROM THE
6 DUTY TO DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS
7 USING THE HIGHWAY NOR FROM THE DUTY TO EXERCISE DUE CARE TO
8 AVOID COLLIDING WITH ANY PEDESTRIAN.

9 § 3709. DEPOSITING WASTE AND OTHER MATERIAL ON HIGHWAY,
10 PROPERTY OR WATERS.

11 * * *

12 (D) PENALTY.--ANY PERSON VIOLATING ANY OF THE PROVISIONS OF
13 SUBSECTION (A) OR (B) [IS GUILTY OF] COMMITTS A SUMMARY OFFENSE
14 AND SHALL, UPON CONVICTION, BE SENTENCED TO EITHER OR BOTH OF
15 THE FOLLOWING:

16 (1) TO PAY A FINE OF NOT MORE THAN [\$300.]:

17 (I) \$900 FOR A VIOLATION WHICH OCCURS IN AN EASEMENT
18 PURCHASED UNDER THE PROGRAM ESTABLISHED BY SECTION 14.1
19 OF THE ACT OF JUNE 30, 1981 (P.L.128, NO.43), KNOWN AS
20 THE AGRICULTURAL AREA SECURITY LAW;

21 (II) \$600 FOR A VIOLATION WHICH OCCURS IN AN
22 AGRICULTURAL SECURITY AREA, AS DEFINED IN SECTION 3 OF
23 THE AGRICULTURAL AREA SECURITY LAW; OR

24 (III) \$300 FOR A VIOLATION WHICH OCCURS ANYWHERE
25 ELSE.

26 * * *

27 § 3712. ABANDONMENT [AND STRIPPING] OF VEHICLES.

28 (A) ABANDONMENT ON HIGHWAY.--NO PERSON SHALL ABANDON A
29 VEHICLE UPON ANY HIGHWAY.

30 (B) ABANDONMENT ON PUBLIC OR PRIVATE PROPERTY.--NO PERSON

1 SHALL ABANDON A VEHICLE UPON ANY PUBLIC OR PRIVATE PROPERTY
2 WITHOUT THE EXPRESS OR IMPLIED CONSENT OF THE OWNER OR PERSON IN
3 LAWFUL POSSESSION OR CONTROL OF THE PROPERTY.

4 [(C) STRIPPING ABANDONED VEHICLE.--IT IS UNLAWFUL FOR ANY
5 PERSON, EXCEPT THE OWNER OR HIS AGENT OR AS OTHERWISE PROVIDED
6 IN THIS TITLE, TO REMOVE ANY PART OF AN ABANDONED VEHICLE.]

7 (D) PENALTIES.--

8 [(1) ANY PERSON VIOLATING SUBSECTION (A) OR (B) IS
9 GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
10 SENTENCED TO PAY A FINE OF \$50 PLUS ALL COSTS OF DISPOSING OF
11 THE VEHICLE UNDER THE PROVISIONS OF CHAPTER 73 (RELATING TO
12 ABANDONED VEHICLES AND CARGOS).

13 (2) ANY PERSON VIOLATING SUBSECTION (C):

14 (I) FOR A FIRST OFFENSE, IS GUILTY OF A SUMMARY
15 OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN \$100 NOR
16 MORE THAN \$500.

17 (II) FOR A SUBSEQUENT OFFENSE, IS GUILTY OF A
18 MISDEMEANOR OF THE THIRD DEGREE.]

19 (1) ANY PERSON VIOLATING SUBSECTION (A) OR (B):

20 (I) FOR A FIRST OFFENSE, IS GUILTY OF A SUMMARY
21 OFFENSE PUNISHABLE BY A FINE OF \$500 PLUS ALL COSTS OF
22 DISPOSING OF THE VEHICLE UNDER THE PROVISIONS OF CHAPTER
23 73.

24 (II) FOR A SECOND OFFENSE, IS GUILTY OF A SUMMARY
25 OFFENSE PUNISHABLE BY A FINE OF \$1,000 PLUS ALL COSTS OF
26 DISPOSING OF THE VEHICLE UNDER THE PROVISIONS OF CHAPTER
27 73.

28 (III) FOR A THIRD OR SUBSEQUENT OFFENSE, IS GUILTY
29 OF A MISDEMEANOR OF THE THIRD DEGREE AND SHALL BE ORDERED
30 TO PAY ALL COSTS OF DISPOSING OF THE VEHICLE UNDER THE

PROVISIONS OF CHAPTER 73.

(2) IN A CASE INVOLVING A VIOLATION OF THIS SECTION, THE
MUNICIPALITY IN WHICH THE VEHICLE IS LOCATED MAY FILE THE
COMPLAINT WITH THE APPROPRIATE ISSUING AUTHORITY.

SECTION 34. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

§ 3712.1. RESTITUTION OF PROPERTY OWNERS.

ANY PERSON WHO ABANDONS A VEHICLE ON PRIVATE PROPERTY MAY BE
ORDERED TO PAY RESTITUTION FOR ANY DAMAGES SUSTAINED BY THE
OWNER OF THE REAL PROPERTY WHERE THE VEHICLE WAS ABANDONED.

§ 3712.2. STRIPPING ABANDONED VEHICLES.

(A) OFFENSE DEFINED.--

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A PERSON
COMMITTS THE OFFENSE OF STRIPPING AN ABANDONED VEHICLE IF THE
PERSON INTENTIONALLY REMOVES ANY PART OF AN ABANDONED
VEHICLE.

(2) PARAGRAPH (1) DOES NOT APPLY IF THE PERSON:

(I) IS THE OWNER OF THE VEHICLE OR THE OWNER'S
AGENT; OR

(II) IS AUTHORIZED TO MAKE THE REMOVAL UNDER CHAPTER
73 (RELATING TO ABANDONED VEHICLES AND CARGOS).

(B) PENALTIES.--ANY PERSON VIOLATING SUBSECTION (A):

(1) FOR A FIRST OFFENSE, COMMITTS A MISDEMEANOR OF THE
THIRD DEGREE.

(2) FOR A SUBSEQUENT OFFENSE, COMMITTS A FELONY OF THE
THIRD DEGREE.

(C) COMPLAINTS.--IN A CASE INVOLVING A VIOLATION OF THIS
SECTION, THE MUNICIPALITY IN WHICH THE VEHICLE IS LOCATED MAY
FILE THE COMPLAINT WITH THE APPROPRIATE ISSUING AUTHORITY.

§ 3715.1. RESTRICTION ON ALCOHOLIC BEVERAGES.

(A) GENERAL RULE.--IT IS UNLAWFUL FOR ANY PERSON WHO IS AN

1 OPERATOR OR AN OCCUPANT IN ANY MOTOR VEHICLE TO BE IN POSSESSION
2 OF AN OPEN ALCOHOLIC BEVERAGE CONTAINER, OR TO CONSUME ANY
3 ALCOHOLIC BEVERAGE OR CONTROLLED SUBSTANCE, AS DEFINED IN THE
4 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
5 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, IN A MOTOR VEHICLE
6 WHILE THE MOTOR VEHICLE IS LOCATED ON ANY HIGHWAY IN THIS
7 COMMONWEALTH.

8 (B) EXCEPTION.--THIS SECTION DOES NOT PROHIBIT POSSESSION OR
9 CONSUMPTION BY PASSENGERS IN THE PASSENGER AREAS OF A MOTOR
10 VEHICLE DESIGNED, MAINTAINED OR USED PRIMARILY FOR THE LAWFUL
11 TRANSPORTATION OF PERSONS FOR COMPENSATION, INCLUDING BUSES,
12 TAXIS AND LIMOUSINES, OR PERSONS IN THE LIVING QUARTERS OF A
13 HOUSE COACH OR HOUSE TRAILER.

14 (C) PENALTY.--A PERSON WHO VIOLATES THIS SECTION COMMITS A
15 SUMMARY OFFENSE.

16 SECTION 35. SECTION 3716(A) OF TITLE 75 IS AMENDED TO READ:

17 § 3716. ACCIDENTS INVOLVING OVERTURNED VEHICLES.

18 (A) SPEEDING, CARELESS DRIVING, ETC.--IF A COMMERCIAL MOTOR
19 VEHICLE OVERTURNS IN AN ACCIDENT RESULTING FROM A VIOLATION OF
20 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED), 3362
21 (RELATING TO MAXIMUM SPEED LIMITS), 3714 (RELATING TO CARELESS
22 DRIVING) OR 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL
23 OR CONTROLLED SUBSTANCE), THE OPERATOR OF THE VEHICLE SHALL,
24 UPON CONVICTION OF ANY OF THE AFOREMENTIONED OFFENSES, BE
25 SENTENCED TO PAY A FINE OF [NOT LESS THAN \$500 NOR MORE THAN
26 \$1,500] \$2,000, IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY
27 LAW.

28 * * *

29 SECTION 36. SECTION 3731(E) OF TITLE 75 IS AMENDED BY ADDING
30 PARAGRAPHS TO READ:

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

* * *

(E) PENALTY.--

* * *

(9) (I) IN ADDITION TO ANY OTHER REQUIREMENTS IMPOSED
BY THE COURT, WHERE A PERSON HAS BEEN CONVICTED FOR A
FIRST OFFENSE UNDER THIS SECTION, THE COURT MAY ORDER THE
INSTALLATION OF AN APPROVED IGNITION INTERLOCK SYSTEM ON
EACH MOTOR VEHICLE OWNED BY THE PERSON TO BE EFFECTIVE
UPON THE RESTORATION OF OPERATING PRIVILEGES BY THE
DEPARTMENT. A RECORD SHALL BE SUBMITTED TO THE DEPARTMENT
WHEN THE COURT HAS ORDERED THE INSTALLATION OF AN
APPROVED INTERLOCK IGNITION DEVICE. BEFORE THE DEPARTMENT
MAY RESTORE SUCH PERSON'S OPERATING PRIVILEGE, THE
DEPARTMENT MUST RECEIVE A CERTIFICATION FROM THE COURT
THAT THE IGNITION INTERLOCK SYSTEM HAS BEEN INSTALLED.

(II) IN ADDITION TO ANY OTHER REQUIREMENTS IMPOSED
BY THE COURT, WHERE A PERSON HAS BEEN CONVICTED OF A
SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION, THE COURT
SHALL ORDER THE INSTALLATION OF AN APPROVED IGNITION
INTERLOCK DEVICE ON EACH MOTOR VEHICLE OWNED BY THE
PERSON TO BE EFFECTIVE UPON THE RESTORATION OF OPERATING
PRIVILEGES BY THE DEPARTMENT. A RECORD SHALL BE SUBMITTED
TO THE DEPARTMENT WHEN THE COURT HAS ORDERED THE
INSTALLATION OF AN APPROVED INTERLOCK IGNITION DEVICE.
BEFORE THE DEPARTMENT MAY RESTORE SUCH PERSON'S OPERATING
PRIVILEGE, THE DEPARTMENT MUST RECEIVE A CERTIFICATION
FROM THE COURT THAT THE IGNITION INTERLOCK SYSTEM HAS
BEEN INSTALLED.

1 (III) FOR THE PURPOSE OF THIS SECTION, ACCEPTANCE OF
2 ACCELERATED REHABILITATIVE DISPOSITION, AN ADJUDICATION
3 OF DELINQUENCY OR A CONSENT DECREE UNDER 42 PA.C.S. CH.
4 63 (RELATING TO JUVENILE MATTERS), OR ANY OTHER FORM OF
5 PRELIMINARY DISPOSITION OF ANY CHARGE BROUGHT UNDER THIS
6 SECTION, SHALL BE CONSIDERED A FIRST CONVICTION.

7 (IV) AN IGNITION INTERLOCK SYSTEM REQUIRED TO BE
8 INSTALLED UNDER THIS SECTION MUST BE A SYSTEM WHICH HAS
9 BEEN APPROVED BY THE DEPARTMENT. THE DEPARTMENT'S
10 APPROVAL OF IGNITION INTERLOCK SYSTEMS SHALL BE PUBLISHED
11 IN THE PENNSYLVANIA BULLETIN.

12 (V) A PERSON REQUIRED TO OPERATE ONLY MOTOR VEHICLES
13 EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM
14 PURSUANT TO THIS SECTION WHO OPERATES A MOTOR VEHICLE ON
15 THE HIGHWAYS OF THIS COMMONWEALTH WITHOUT SUCH A SYSTEM
16 COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
17 SENTENCED TO PAY A FINE OF NOT LESS THAN \$200 AND NOT
18 MORE THAN \$1,000 AND TO IMPRISONMENT FOR NOT MORE THAN 30
19 DAYS.

20 (10) A PERSON WHO TAMPERS WITH AN IGNITION INTERLOCK
21 SYSTEM REQUIRED BY LAW COMMITTS A SUMMARY OFFENSE AND SHALL,
22 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS THAN
23 \$100.

24 (11) UPON RECEIVING A CERTIFIED RECORD OF THE CONVICTION
25 OF ANY PERSON UNDER PARAGRAPH (9) OR (10), THE DEPARTMENT
26 SHALL REVOKE THE PERSON'S OPERATING PRIVILEGE FOR A PERIOD OF
27 ONE YEAR.

28 * * *

29 SECTION 37. SECTIONS 3733(A) AND (C) AND 3754 OF TITLE 75
30 ARE AMENDED TO READ:

§ 3733. FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER.

(A) OFFENSE DEFINED.--ANY DRIVER OF A MOTOR VEHICLE WHO WILLFULLY FAILS OR REFUSES TO BRING HIS VEHICLE TO A STOP, OR WHO OTHERWISE FLEES OR ATTEMPTS TO ELUDE A PURSUING POLICE OFFICER, WHEN GIVEN A VISUAL [OR] AND AUDIBLE SIGNAL TO BRING THE VEHICLE TO A STOP, COMMITS A MISDEMEANOR OF THE SECOND DEGREE. ANY DRIVER UPON CONVICTION SHALL PAY AN ADDITIONAL FINE OF \$500. THIS FINE SHALL BE IN ADDITION TO AND NOT IN LIEU OF ALL OTHER FINES, COURT EXPENSES, JAIL SENTENCES OR PENALTIES.

* * *

(C) DEFENSES.--

(1) IT IS A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE PURSUING POLICE OFFICER'S VEHICLE WAS NOT CLEARLY IDENTIFIABLE BY ITS MARKINGS OR, IF UNMARKED, WAS NOT OCCUPIED BY A POLICE OFFICER WHO WAS IN UNIFORM AND DISPLAYING A BADGE OR OTHER SIGN OF AUTHORITY.

(2) IT IS A DEFENSE TO PROSECUTION UNDER THIS SECTION IF THE DEFENDANT CAN SHOW BY A PREPONDERANCE OF THE EVIDENCE THAT THE FAILURE TO STOP IMMEDIATELY FOR A POLICE OFFICER VEHICLE WAS BASED UPON A GOOD FAITH CONCERN FOR PERSONAL SAFETY. IN DETERMINING WHETHER THE DEFENDANT HAS MET THIS BURDEN, THE COURT MAY CONSIDER THE FOLLOWING FACTORS:

(I) THE TIME AND LOCATION OF THE EVENT.

(II) THE TYPE OF POLICE VEHICLE USED BY THE POLICE OFFICER.

(III) THE DEFENDANT'S CONDUCT WHILE BEING FOLLOWED BY THE POLICE OFFICER.

(IV) WHETHER THE DEFENDANT STOPPED AT THE FIRST AVAILABLE REASONABLY LIGHTED OR POPULATED AREA.

(V) ANY OTHER FACTOR CONSIDERED RELEVANT BY THE

1 COURT.

2 § 3754. ACCIDENT PREVENTION INVESTIGATIONS AND TRAFFIC
3 ENGINEERING STUDIES.

4 (A) GENERAL RULE.--THE DEPARTMENT[, IN ASSOCIATION WITH THE
5 PENNSYLVANIA STATE POLICE,] MAY CONDUCT [IN-DEPTH] ACCIDENT
6 INVESTIGATIONS, STATISTICAL ACCIDENT DATA AND ANALYSES AND
7 TRAFFIC ENGINEERING AND SAFETY STUDIES OF THE HUMAN, VEHICLE AND
8 ENVIRONMENTAL ASPECTS OF TRAFFIC ACCIDENTS FOR THE PURPOSE OF
9 DETERMINING THE CAUSES OF TRAFFIC ACCIDENTS AND THE IMPROVEMENTS
10 WHICH MAY HELP PREVENT OR REDUCE THE OCCURRENCE OF SIMILAR TYPES
11 OF ACCIDENTS OR INCREASE THE OVERALL SAFETY OF ROADWAYS,
12 RAILWAY-HIGHWAY CROSSINGS AND BRIDGES.

13 (B) CONFIDENTIALITY OF REPORTS AND STUDIES.--[IN-DEPTH]
14 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ACCIDENT
15 INVESTIGATIONS, STATISTICAL ACCIDENT DATA ANALYSES AND TRAFFIC
16 ENGINEERING SAFETY STUDIES [AND], INCLUDING ANY INFORMATION,
17 RECORDS [AND], REPORTS, SURVEYS, SCHEDULES, LISTS, COMPUTER
18 PRINTOUTS OR DATA USED, COMPILED OR COLLECTED IN THEIR
19 PREPARATION FOR THE PURPOSE OF IDENTIFYING, EVALUATING OR
20 PLANNING THE SAFETY ENHANCEMENT OF POTENTIAL ACCIDENT SITES,
21 HAZARDOUS ROADWAY CONDITIONS, RAILWAY-HIGHWAY CROSSING OR
22 BRIDGES, OR THE ELIMINATION OR REDUCTION OF ACCIDENTS, SHALL NOT
23 BE DISCOVERABLE NOR ADMISSIBLE AS EVIDENCE IN ANY LEGAL ACTION
24 OR OTHER PROCEEDING, NOR SHALL OFFICERS OR EMPLOYEES OR THE
25 AGENCIES CHARGED WITH THE DEVELOPMENT, PROCUREMENT OR CUSTODY OF
26 [IN-DEPTH] ACCIDENT INVESTIGATIONS [AND], STATISTICAL ACCIDENT
27 DATA ANALYSES OR TRAFFIC ENGINEERING SAFETY STUDY RECORDS [AND]
28 OR REPORTS BE REQUIRED TO GIVE DEPOSITIONS, TRIAL TESTIMONY OR
29 EVIDENCE PERTAINING TO ANYTHING CONTAINED IN [SUCH IN-DEPTH] THE
30 ACCIDENT INVESTIGATIONS, STATISTICAL ACCIDENT DATA ANALYSES OR

1 TRAFFIC ENGINEERING SAFETY STUDY RECORDS OR REPORTS IN ANY LEGAL
2 ACTION OR OTHER PROCEEDING. THIS PROVISION APPLIES TO ACCIDENT
3 INVESTIGATIONS, STATISTICAL ACCIDENT DATA ANALYSES AND TRAFFIC
4 ENGINEERING STUDIES PERFORMED BY CONTRACTORS OR OTHER AGENCIES
5 RETAINED BY OR FOR THE DEPARTMENT AND TO OTHER PERSONS, GROUPS,
6 ENTITIES OR AGENCIES TO WHOM THE DEPARTMENT HAS PROVIDED THE
7 INFORMATION, RECORDS, REPORTS OR RESULTS THEREOF, REGARDLESS OF
8 THE PURPOSE OF THAT DISCLOSURE.

9 Section ~~2~~ 38. Section 4107(d) of Title 75 is amended and the <—
10 section is amended by adding a subsection to read:

11 § 4107. Unlawful activities.

12 * * *

13 (b.1) Out-of-service criteria.--

14 (1) No person shall operate a motor carrier vehicle or
15 cause, permit, require or otherwise allow any other person to
16 operate a motor carrier vehicle in violation of regulations
17 under paragraph (2). The department shall coordinate with the
18 Pennsylvania Public Utility Commission in the enforcement of
19 this subsection and 66 Pa.C.S. § 3312(a) (relating to evasion
20 of motor carrier and broker laws and regulations).

21 (2) The department shall promulgate regulations adopting
22 the provisions of the North American Uniform Out-of-Service
23 Criteria (1994), published by the Commercial Vehicle Safety
24 Alliance; and the department may amend the regulations from
25 time to time as necessary. Regulations under this paragraph
26 shall not be subject to the act of June 25, 1982 (P.L.633,
27 No.181), known as the Regulatory Review Act.

28 * * *

29 (d) Penalty.--

30 (1) A person who operates a motor carrier vehicle or a

1 bus in violation of subsection (b)(2) commits a summary
2 offense and, upon conviction, shall be sentenced to pay a
3 fine of \$25 per violation, except that the minimum fine for a
4 violation not related to driver's hours of service which
5 causes the driver or the vehicle to be placed out of service
6 under section 4704(c) (relating to inspection by police or
7 Commonwealth personnel) shall be \$50 per violation. The
8 maximum fine which may be levied on the basis of multiple
9 charges filed together shall be \$500.

10 (2) A person who causes [or], permits, requires or
11 otherwise allows another person to operate a motor carrier
12 vehicle or a bus in violation of subsection (b)(2) commits a
13 summary offense and, upon conviction, shall be sentenced to
14 pay a fine of \$50 per violation, except that the minimum fine
15 for a violation not related to driver's hours of service
16 which causes the driver or the vehicle to be placed out of
17 service under section 4704(c) shall be \$100 per violation.
18 The maximum fine which may be levied on the basis of multiple
19 charges filed together shall be \$1,000.

20 (3) Any person who violates subsection (b.1), as it
21 relates to driver's hours of service, commits a summary
22 offense and shall, upon conviction, be sentenced to pay a
23 fine of \$500 per violation.

24 (4) The department shall coordinate with the commission
25 in the enforcement of this subsection and 66 Pa.C.S. §
26 3312(a).

27 * * *

28 SECTION 39. SECTIONS 4306, 4524(B) AND 4533 OF TITLE 75 ARE <—
29 AMENDED TO READ:

30 § 4306. USE OF MULTIPLE-BEAM ROAD LIGHTING EQUIPMENT.

1 (A) APPROACHING AN ONCOMING VEHICLE.--WHENEVER THE DRIVER OF
2 A VEHICLE APPROACHES AN ONCOMING VEHICLE WITHIN 500 FEET, THE
3 DRIVER SHALL USE THE LOW BEAM OF LIGHT.

4 (B) APPROACHING A VEHICLE FROM REAR.--WHENEVER THE DRIVER OF
5 A VEHICLE APPROACHES ANOTHER VEHICLE FROM THE REAR WITHIN 300
6 FEET, THE DRIVER SHALL USE THE LOW BEAM OF LIGHT.

7 (C) EXCEPTION.--

8 (1) [A POLICE OR SHERIFF VEHICLE] AN EMERGENCY VEHICLE
9 WHICH IS EQUIPPED WITH A FLASHING HEADLAMP SYSTEM THAT
10 CONFORMS TO REGULATIONS PROMULGATED BY THE DEPARTMENT SHALL
11 BE EXEMPT FROM THE PROVISIONS OF THIS SECTION ONLY WHEN THE
12 VEHICLE IS BEING USED PURSUANT TO THE PROVISIONS OF SECTION
13 4571(E) (RELATING TO VISUAL AND AUDIBLE SIGNALS ON EMERGENCY
14 VEHICLES).

15 (2) NOTHING IN THIS SECTION SHALL LIMIT DRIVERS FROM
16 FLASHING HIGH BEAMS AT ONCOMING VEHICLES AS A WARNING OF
17 ROADWAY EMERGENCIES OR OTHER DANGEROUS OR HAZARDOUS
18 CONDITIONS AHEAD.

19 § 4524. WINDSHIELD OBSTRUCTIONS AND WIPERS.

20 * * *

21 (B) OBSTRUCTION ON SIDE AND REAR WINDOWS.--NO PERSON SHALL
22 DRIVE [ANY] A MOTOR VEHICLE WITH ANY SIGN, POSTER OR OTHER
23 NONTRANSPARENT MATERIAL, INCLUDING ICE OR SNOW, UPON THE SIDE
24 WINGS OR SIDE OR REAR WINDOWS OF THE VEHICLE WHICH MATERIALLY
25 OBSTRUCTS, OBSCURES OR IMPAIRS THE DRIVER'S CLEAR VIEW OF THE
26 HIGHWAY OR ANY INTERSECTING HIGHWAY. THE PLACEMENT OF A
27 REGISTRATION PERMIT UPON THE SIDE OR REAR WINDOW OF A VEHICLE
28 SHALL NOT BE CONSIDERED A MATERIAL OBSTRUCTION.

29 * * *

30 § 4533. REAR WHEEL SHIELDS.

1 EVERY TRUCK, TRAILER AND TRUCK TRACTOR (WITHOUT A
2 SEMITRAILER) WITH A REGISTERED GROSS VEHICLE WEIGHT OR
3 COMBINATION WEIGHT OF 9,001 POUNDS OR MORE DRIVEN ON A HIGHWAY
4 SHALL BE SO CONSTRUCTED OR EQUIPPED AS TO BAR WATER OR OTHER
5 ROAD SURFACE SUBSTANCES THROWN FROM THE REAR WHEELS OF SUCH
6 VEHICLE OR COMBINATION AT TANGENTS EXCEEDING 22 1/2 DEGREES,
7 MEASURED FROM THE ROAD SURFACE, FROM PASSING IN A STRAIGHT LINE
8 TO THE REAR OF SUCH VEHICLE OR COMBINATION.

9 SECTION 40. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
10 § 4538. SEAT OR SADDLE.

11 EVERY MOTOR VEHICLE DRIVEN ON A HIGHWAY SHALL HAVE A SEAT OR
12 SADDLE DESIGNED FOR THE USE OF THE DRIVER.

13 SECTION 41. SECTION 4551(B) OF TITLE 75 IS AMENDED AND THE
14 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

15 § 4551. SAFETY REGULATIONS.

16 * * *

17 (A.1) BUSES MANUFACTURED PRIOR TO APRIL 1, 1977.--EFFECTIVE
18 JUNE 1, 2004, ANY VEHICLE MANUFACTURED PRIOR TO APRIL 1, 1977,
19 ORIGINALLY DESIGNED AS A SCHOOL BUS AND NOT IN COMPLIANCE WITH
20 THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS, IS PROHIBITED FROM
21 BEING USED AS A SCHOOL BUS.

22 (B) VIOLATION AND PENALTY.--NO PERSON SHALL OPERATE OR
23 PERMIT THE OPERATION OF A VEHICLE OF A TYPE SPECIFIED IN THIS
24 SUBCHAPTER WHICH IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF
25 THIS SUBCHAPTER OR APPLICABLE REGULATIONS ISSUED UNDER THIS
26 SUBCHAPTER. VIOLATION OF THIS SECTION CONSTITUTES A SUMMARY
27 OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN [\$50] \$200 NOR
28 MORE THAN [\$100] \$500.

29 SECTION 42. SECTIONS 4571, 4572, 4702(B)(7) AND 4703(B) AND
30 (F) OF TITLE 75 ARE AMENDED TO READ:

§ 4571. VISUAL AND AUDIBLE SIGNALS ON EMERGENCY VEHICLES.

(A) GENERAL RULE.--EVERY EMERGENCY VEHICLE SHALL BE EQUIPPED WITH ONE OR MORE REVOLVING OR FLASHING RED LIGHTS AND AN AUDIBLE WARNING SYSTEM. SPOTLIGHTS WITH ADJUSTABLE SOCKETS MAY BE ATTACHED TO OR MOUNTED ON EMERGENCY VEHICLES.

(B) POLICE, SHERIFF, FIRE AND CORONER OR MEDICAL EXAMINER VEHICLES.--

(1) POLICE, SHERIFF, CORONER, MEDICAL EXAMINER OR FIRE POLICE VEHICLES MAY IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (A) BE EQUIPPED WITH ONE OR MORE REVOLVING OR FLASHING BLUE LIGHTS. THE COMBINATION OF RED AND BLUE LIGHTS MAY BE USED ONLY ON POLICE, SHERIFF, CORONER, MEDICAL EXAMINER OR FIRE POLICE VEHICLES.

(2) UNMARKED POLICE VEHICLES, USED AS EMERGENCY VEHICLES AND EQUIPPED WITH AUDIBLE WARNING SYSTEMS, [MAY] SHALL BE EQUIPPED WITH THE LIGHTS DESCRIBED IN THIS [SECTION] SUBSECTION.

(B.1) MOUNTED LIGHTS; ADDITIONAL EQUIPMENT.--

[3] (1) POLICE, SHERIFF AND FIRE VEHICLES MAY BE EQUIPPED WITH A MOUNTED RACK CONTAINING ONE OR MORE EMERGENCY WARNING LIGHTS OR SIDE MOUNTED FLOODLIGHTS OR ALLEY LIGHTS OR ALL SUCH LIGHTS[.], IN CONFORMANCE WITH DEPARTMENT REGULATIONS.

(2) ADDITIONAL VISUAL OR AUDIBLE WARNING SIGNAL EQUIPMENT, INCLUDING, BUT NOT LIMITED TO, FLASHING HEADLAMP SYSTEM, FLASHING OR REVOLVING WHITE OR CLEAR LIGHTS, STEADY BURNING LIGHTS, TRAFFIC-CONTROL EMERGENCY DIRECTIONAL LIGHT ASSEMBLY, AMBER LIGHTS AND INTERSECTION LIGHTS, MAY BE UTILIZED ON EMERGENCY VEHICLES IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT.

1 (C.1) PUBLIC UTILITY COMMISSION VEHICLES.--VEHICLES OWNED OR
2 OPERATED BY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION AND USED
3 IN THE ENFORCEMENT OF 66 PA.C.S. CHS. 23 (RELATING TO COMMON
4 CARRIERS) AND 25 (RELATING TO CONTRACT CARRIER BY MOTOR VEHICLE
5 AND BROKER) MAY BE EQUIPPED WITH REVOLVING OR FLASHING RED
6 LIGHTS IN ACCORDANCE WITH SUBSECTION (A).

7 (D) VEHICLES PROHIBITED FROM USING SIGNALS.--EXCEPT AS
8 OTHERWISE SPECIFICALLY PROVIDED IN THIS [PART] SECTION, NO
9 VEHICLE OTHER THAN AN EMERGENCY VEHICLE MAY BE EQUIPPED WITH
10 REVOLVING OR FLASHING LIGHTS OR AUDIBLE WARNING SYSTEMS
11 IDENTICAL OR SIMILAR TO THOSE SPECIFIED IN SUBSECTIONS (A) AND
12 (B). A PERSON WHO EQUIPS OR USES A VEHICLE WITH VISUAL OR
13 AUDIBLE WARNING SYSTEMS IN VIOLATION OF THIS SECTION COMMITS A
14 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
15 A FINE OF NOT LESS THAN \$500 NOR MORE THAN \$1,000.

16 (E) AUTHORIZED PERIOD OF USE.--THE LIGHTS AND WARNING
17 SYSTEMS SPECIFIED BY THIS SECTION MAY BE USED ONLY DURING AN
18 EMERGENCY, OR IN THE INTEREST OF PUBLIC SAFETY [AND], OR BY
19 POLICE OFFICERS, SHERIFFS AND DEPUTY SHERIFFS IN ENFORCEMENT OF
20 THE LAW. [AN AMBULANCE WHICH IS TRANSPORTING A PATIENT MAY USE
21 EITHER THE LIGHTS OR THE AUDIBLE WARNING SYSTEM, OR BOTH, AS
22 DETERMINED BY THE DRIVER OF THE AMBULANCE.] UNAUTHORIZED USE OF
23 THE LIGHTS AND WARNING SYSTEMS SPECIFIED BY THIS SECTION SHALL
24 BE A SUMMARY OFFENSE, PUNISHABLE BY A FINE OF NOT LESS THAN \$500
25 NOR MORE THAN \$1,000.

26 (F) CONFORMITY WITH DEPARTMENT REGULATIONS.--ALL EQUIPMENT
27 AUTHORIZED OR REQUIRED BY THIS SECTION SHALL CONFORM TO
28 DEPARTMENT REGULATIONS.

29 § 4572. VISUAL SIGNALS ON AUTHORIZED VEHICLES.

30 (A) FLASHING OR REVOLVING BLUE LIGHTS.--AMBULANCE PERSONNEL,

1 VOLUNTEER FIREFIGHTERS AND OWNERS AND HANDLERS OF DOGS USED IN
2 TRACKING HUMANS MAY EACH EQUIP ONE MOTOR VEHICLE WITH NO MORE
3 THAN TWO FLASHING OR REVOLVING BLUE LIGHTS.

4 (1) IN ORDER TO BE ELIGIBLE TO DISPLAY LIGHTS ON THEIR
5 VEHICLES UNDER THIS SUBSECTION, THE NAMES OF THE AMBULANCE
6 PERSONNEL AND VOLUNTEER FIREFIGHTERS SHALL BE SUBMITTED TO
7 THE NEAREST STATION OF THE PENNSYLVANIA STATE POLICE ON A
8 LIST SIGNED BY THE CHIEF OF THE AMBULANCE OR FIRE DEPARTMENT
9 OR COMPANY AND EACH DOG OWNER AND HANDLER SHALL REGISTER AT
10 THE NEAREST PENNSYLVANIA STATE POLICE STATION.

11 (2) THE MANNER IN WHICH THE LIGHTS ARE DISPLAYED AND
12 THEIR INTENSITY SHALL BE DETERMINED BY REGULATION OF THE
13 DEPARTMENT.

14 (3) THE LIGHTS SHALL BE OPERABLE BY THE DRIVER FROM
15 INSIDE THE VEHICLE.

16 (4) THE LIGHTS MAY BE USED ONLY WHILE EN ROUTE TO OR AT
17 THE SCENE OF A FIRE OR EMERGENCY CALL.

18 (5) THE LIGHTS SHALL BE REMOVED FROM THE VEHICLE [WITHIN
19 TEN DAYS OF] IMMEDIATELY UPON RECEIPT OF NOTICE FROM THE
20 CHIEF OF THE AMBULANCE OR FIRE DEPARTMENT OR COMPANY TO
21 REMOVE THE LIGHTS UPON TERMINATION OF THE PERSON'S STATUS AS
22 AN ACTIVE VOLUNTEER FIREFIGHTER OR AMBULANCE PERSON OR UPON
23 TERMINATION OF THE PERSON'S ACTIVE STATUS AS A DOG OWNER OR
24 HANDLER, OR WHEN THE VEHICLE IS NO LONGER USED IN CONNECTION
25 WITH THE PERSON'S DUTIES AS A VOLUNTEER FIREFIGHTER OR
26 AMBULANCE PERSON OR DOG OWNER OR HANDLER.

27 (6) THIS SUBSECTION DOES NOT RELIEVE THE DRIVER FROM THE
28 DUTY TO DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS
29 NOR EXEMPT THE DRIVER FROM COMPLYING WITH ALL PROVISIONS OF
30 THIS TITLE.

(B) FLASHING OR REVOLVING YELLOW LIGHTS.--VEHICLES
AUTHORIZED PURSUANT TO THE PROVISIONS OF SECTIONS 6106 (RELATING
TO DESIGNATION OF EMERGENCY VEHICLES BY PENNSYLVANIA STATE
POLICE) AND 6107 (RELATING TO DESIGNATION OF AUTHORIZED VEHICLES
BY DEPARTMENT), TOW TRUCKS AND VEHICLES USED FOR SNOW REMOVAL
MAY BE EQUIPPED WITH [NO MORE THAN TWO] ONE OR MORE FLASHING OR
REVOLVING YELLOW LIGHTS. THE MANNER IN WHICH THE LIGHT OR LIGHTS
SHALL BE DISPLAYED AND THE INTENSITY SHALL BE DETERMINED BY
REGULATION OF THE DEPARTMENT.

(C) VEHICLES PROHIBITED FROM USING LIGHTS.--NO VEHICLE OTHER
THAN A DULY AUTHORIZED VEHICLE MAY BE EQUIPPED WITH LIGHTS
IDENTICAL OR SIMILAR TO THOSE SPECIFIED IN SUBSECTIONS (A) AND
(B). A PERSON WHO EQUIPS OR USES A VEHICLE WITH VISUAL SYSTEMS
IN VIOLATION OF THIS SECTION COMMITS A SUMMARY OFFENSE AND
SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS
THAN \$100 NOR MORE THAN \$500.

§ 4702. REQUIREMENT FOR PERIODIC INSPECTION OF VEHICLES.

* * *

(B) SEMIANNUAL SAFETY INSPECTION OF CERTAIN VEHICLES.--THE
FOLLOWING VEHICLES SHALL BE SUBJECT TO SEMIANNUAL SAFETY
INSPECTIONS:

* * *

(7) MOTOR CARRIER VEHICLES WITH A REGISTERED GROSS
WEIGHT IN EXCESS OF 17,000 POUNDS OTHER THAN FARM VEHICLES
FOR WHICH A BIENNIAL CERTIFICATE OF EXEMPTION HAS BEEN
ISSUED.

* * *

§ 4703. OPERATION OF VEHICLE WITHOUT OFFICIAL CERTIFICATE OF
INSPECTION.

* * *

(B) EXCEPTIONS.--SUBSECTION (A) DOES NOT APPLY TO:

(1) SPECIAL MOBILE EQUIPMENT.

(2) IMPLEMENTS OF HUSBANDRY.

(2.1) REGISTERED COMMERCIAL IMPLEMENT OF HUSBANDRY WITH
AN IMPLEMENT OF HUSBANDRY BODY-TYPE.

(3) MOTOR VEHICLES BEING TOWED.

(4) MOTOR VEHICLES BEING OPERATED OR TRAILERS BEING
TOWED BY AN OFFICIAL INSPECTION STATION OWNER OR EMPLOYEE FOR
THE PURPOSE OF INSPECTION.

(5) TRAILERS HAVING A REGISTERED GROSS WEIGHT OF 3,000
POUNDS OR LESS.

(6) MOTORIZED PEDALCYCLES.

(7) VEHICLES BEING REPOSSESSED BY A [FINANCER] FINANCIER
OR COLLECTOR-REPOSSESSOR [THROUGH THE USE OF] BUSINESS OR
VEHICLES ENROUTE TO A WHOLESALE VEHICLE AUCTION BY A
TRANSPORTER BUSINESS USING THE APPROPRIATE MISCELLANEOUS
MOTOR VEHICLE BUSINESS REGISTRATION PLATES.

(8) NEW VEHICLES WHILE THEY ARE IN THE PROCESS OF
MANUFACTURE, INCLUDING TESTING, AND NOT IN TRANSIT FROM THE
MANUFACTURER TO A PURCHASER OR DEALER.

(9) ANY MILITARY VEHICLE USED FOR TRAINING BY A PRIVATE,
NONPROFIT, TAX EXEMPT MILITARY EDUCATIONAL INSTITUTION WHEN
SUCH VEHICLE DOES NOT TRAVEL ON PUBLIC ROADS IN EXCESS OF ONE
MILE AND THE PROPERTY ON BOTH SIDES OF THE PUBLIC ROAD IS
OWNED BY THE INSTITUTION.

(10) A MOTOR VEHICLE REGISTERED AS AN ANTIQUE PURSUANT
TO SECTION 1340 (RELATING TO ANTIQUE, CLASSIC AND COLLECTIBLE
PLATES).

(11) A MOTOR VEHICLE BEING OPERATED BY THE VEHICLE OWNER
WHILE ENROUTE TO AN INSPECTION STATION WHERE AN APPOINTMENT

FOR INSPECTION HAS BEEN SCHEDULED, PROVIDED THAT SUCH
OPERATION OCCURS NO LATER THAN TEN DAYS AFTER THE EXPIRATION
OF A VALID CERTIFICATE OF INSPECTION ISSUED UNDER THIS
CHAPTER.

(13) NEW VEHICLES IN THE POSSESSION OF A SECOND-STAGE
MANUFACTURER WHICH ARE IN TRANSIT:

(I) FROM A DEALER OR DISTRIBUTOR FOR COMPLETION; OR

(II) TO A DEALER OR DISTRIBUTOR UPON COMPLETION.

* * *

(F) AUTHORITY OF POLICE.--[ANY] A POLICE OFFICER MAY STOP
ANY MOTOR VEHICLE, MASS TRANSIT VEHICLE OR TRAILER AND REQUIRE
THE OWNER OR OPERATOR TO DISPLAY AN OFFICIAL CERTIFICATE OF
INSPECTION FOR THE VEHICLE BEING OPERATED. A POLICE OFFICER MAY
SUMMARILY REMOVE AN UNAUTHORIZED, EXPIRED OR UNLAWFULLY ISSUED
CERTIFICATE OF INSPECTION FROM ANY VEHICLE OR MASS TRANSIT
VEHICLE. FOR THE PURPOSES OF ADMINISTERING THE REQUIREMENTS OF
REGULATIONS PROMULGATED BY THE DEPARTMENT, A QUALIFIED
COMMONWEALTH EMPLOYEE OR AN AUTHORIZED DEPARTMENT REPRESENTATIVE
MAY REMOVE FROM ANY VEHICLE AN UNAUTHORIZED, EXPIRED OR
UNLAWFULLY ISSUED CERTIFICATE OF INSPECTION [FROM ANY VEHICLE]
OR A CERTIFICATE OF INSPECTION ISSUED TO A VEHICLE FOR THE SOLE
PURPOSE OF CONDUCTING A COVERT AUDIT.

* * *

Section ~~2-3~~ 43. Section 4704(c) of Title 75 is amended and
the section is amended by adding a subsection to read:

§ 4704. Inspection by police or Commonwealth personnel.

* * *

(c) Operation prohibited if hazardous.--

(1) In the event a vehicle or a mass transit vehicle, or
its equipment, load or driver, in the reasonable judgment of

1 the officer or qualified Commonwealth employee, is in such
2 condition that further operation would be hazardous, the
3 officer or qualified Commonwealth employee may require that
4 the vehicle or the mass transit vehicle not be operated under
5 its own power or that the driver discontinue driving, or
6 both, and may so stipulate in the notice given under
7 subsection (b). In the case of motor carrier vehicles or
8 their drivers, all such determinations shall be based on out-
9 of-service criteria established in department regulations.

10 (2) In the event a motor carrier vehicle or mass transit
11 vehicle is involved in an accident that causes the death of
12 the vehicle operator or another person, the motor carrier
13 vehicle or mass transit vehicle shall be inspected by a
14 qualified Commonwealth employee, as designated by the
15 department in accordance with the provisions of subsection
16 (f), before the vehicle or driver will be allowed to continue
17 operation.

18 * * *

19 (h) Administrative coordination.--The department shall
20 coordinate with the Pennsylvania Public Utility Commission in
21 the enforcement of this section and 66 Pa.C.S. § 3312(a)
22 (relating to evasion of motor carrier and broker laws and
23 regulations).

24 SECTION 44. SECTIONS 4706 AND 4722 OF TITLE 75 ARE AMENDED <—
25 BY ADDING SUBSECTIONS TO READ:

26 § 4706. PROHIBITION ON EXPENDITURES FOR EMISSION INSPECTION
27 PROGRAM.

28 * * *

29 (C.1) EXCHANGE OF EVIDENCE OF EMISSION INSPECTION.--A PERSON
30 REPLACING A WINDSHIELD OR REPAIRING A WINDSHIELD IN SUCH A

1 MANNER AS TO REQUIRE REMOVAL OF EVIDENCE OF EMISSION INSPECTION
2 SHALL AT THE OPTION OF THE REGISTRANT OF THE VEHICLE OR THE
3 OWNER OF A MASS TRANSIT VEHICLE CUT OUT THE PORTION OF THE
4 WINDSHIELD CONTAINING THE EVIDENCE OF EMISSION INSPECTION AND
5 DELIVER IT TO THE REGISTRANT OF THE VEHICLE OR THE OWNER OF THE
6 MASS TRANSIT VEHICLE OR DESTROY THE EVIDENCE OF EMISSION
7 INSPECTION. THE VEHICLE OR THE MASS TRANSIT VEHICLE MAY BE
8 DRIVEN FOR UP TO FIVE DAYS IF IT DISPLAYS THE PORTION OF THE OLD
9 WINDSHIELD CONTAINING THE EVIDENCE OF EMISSION INSPECTION AS
10 PRESCRIBED IN DEPARTMENT REGULATIONS. WITHIN THE FIVE-DAY PERIOD
11 AN OFFICIAL EMISSION INSPECTION STATION MAY AFFIX TO THE VEHICLE
12 OR MASS TRANSIT VEHICLE ANOTHER EVIDENCE OF EMISSION INSPECTION
13 FOR THE SAME INSPECTION PERIOD WITHOUT REINSPECTING THE VEHICLE
14 OR MASS TRANSIT VEHICLE IN EXCHANGE FOR THE PORTION OF THE OLD
15 WINDSHIELD CONTAINING THE EVIDENCE OF EMISSION INSPECTION. A FEE
16 OF NO MORE THAN \$2 PLUS THE FEE PAID TO ACCESS THE DEPARTMENT'S
17 COMPUTER TO ENTER THE EVIDENCE OF EMISSION INSPECTION INTO THE
18 SYSTEM MAY BE CHARGED FOR EXCHANGING EVIDENCE OF EMISSION
19 INSPECTION.

20 * * *

21 § 4722. CERTIFICATE OF APPOINTMENT.

22 * * *

23 (D) WAIVER.--THE DEPARTMENT SHALL PROMULGATE REGULATIONS TO
24 PROVIDE A WAIVER OF THE 40-HOUR REQUIREMENT THAT AN INSPECTION
25 STATION MUST BE OPEN FOR BUSINESS. THE REGULATIONS SHALL
26 ESTABLISH THE MINIMUM REQUIREMENTS TO BE ELIGIBLE FOR THE WAIVER
27 AND SHALL REQUIRE, AT A MINIMUM, THAT THE INSPECTION STATION BE
28 OPEN FOR BUSINESS AT LEAST TEN BUSINESS HOURS DURING THE NORMAL
29 WORKWEEK (MONDAY THROUGH FRIDAY) BETWEEN 7:00 A.M. AND 8:00 P.M.

30 SECTION 45. SECTIONS 4724(A), 4726(B), 4727(B) AND 4729 OF

1 TITLE 75 ARE AMENDED TO READ:

2 § 4724. SUSPENSION OF CERTIFICATES OF APPOINTMENT.

3 (A) GENERAL RULE.--THE DEPARTMENT SHALL SUPERVISE AND
4 INSPECT OFFICIAL INSPECTION STATIONS AND MAY SUSPEND THE
5 CERTIFICATE OF APPOINTMENT ISSUED TO A STATION WHICH IT FINDS IS
6 NOT PROPERLY EQUIPPED OR CONDUCTED OR WHICH HAS VIOLATED OR
7 FAILED TO COMPLY WITH ANY OF THE PROVISIONS OF THIS CHAPTER OR
8 REGULATIONS ADOPTED BY THE DEPARTMENT. THE DEPARTMENT SHALL
9 MAINTAIN A LIST OF ALL STATIONS HOLDING CERTIFICATES OF
10 APPOINTMENT AND OF THOSE WHOSE CERTIFICATES OF APPOINTMENT HAVE
11 BEEN SUSPENDED. ANY SUSPENDED CERTIFICATE OF APPOINTMENT AND ALL
12 UNUSED CERTIFICATES OF INSPECTION SHALL BE RETURNED IMMEDIATELY
13 TO THE DEPARTMENT. THE DEPARTMENT OR ITS DESIGNEE MAY CONDUCT A
14 MEETING OR INFORMAL HEARING TO GATHER INFORMATION AND REVIEW
15 ALLEGATIONS MADE AGAINST AN OFFICIAL INSPECTION STATION.

16 * * *

17 § 4726. CERTIFICATION OF MECHANICS.

18 * * *

19 (B) SUPERVISION AND SUSPENSION.--THE DEPARTMENT SHALL
20 SUPERVISE MECHANICS CERTIFIED UNDER THIS SECTION AND MAY SUSPEND
21 THE CERTIFICATION ISSUED TO A MECHANIC IF IT FINDS THAT THE
22 MECHANIC HAS IMPROPERLY CONDUCTED INSPECTIONS OR HAS VIOLATED OR
23 FAILED TO COMPLY WITH ANY OF THE PROVISIONS OF THIS CHAPTER OR
24 REGULATIONS ADOPTED BY THE DEPARTMENT. THE DEPARTMENT SHALL
25 MAINTAIN A LIST OF ALL CERTIFIED MECHANICS AND OF THOSE WHOSE
26 CERTIFICATION HAS BEEN SUSPENDED. ANY SUSPENDED CERTIFICATE
27 SHALL BE RETURNED IMMEDIATELY TO THE DEPARTMENT. THE DEPARTMENT
28 OR ITS DESIGNEE MAY CONDUCT A MEETING OR INFORMAL HEARING TO
29 GATHER INFORMATION AND REVIEW ALLEGATIONS MADE AGAINST AN
30 OFFICIAL INSPECTION MECHANIC.

1 * * *

2 § 4727. ISSUANCE OF CERTIFICATE OF INSPECTION.

3 * * *

4 (B) REQUIREMENTS FOR ISSUANCE OF CERTIFICATE.--AN OFFICIAL
5 CERTIFICATE OF INSPECTION SHALL NOT BE ISSUED UNLESS THE VEHICLE
6 OR MASS TRANSIT VEHICLE IS INSPECTED AND FOUND TO BE IN
7 COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER INCLUDING ANY
8 REGULATIONS PROMULGATED BY THE DEPARTMENT. NOTATION OF THE
9 ODOMETER READING SHALL BE INCLUDED ON ANY CERTIFICATE OF
10 INSPECTION OR OTHER DOCUMENT AS SPECIFIED IN DEPARTMENT
11 REGULATIONS. NOTHING IN THIS SECTION SHALL PROHIBIT THE
12 DEPARTMENT OR ITS DESIGNEE FROM ISSUING A CERTIFICATE OF
13 INSPECTION TO A VEHICLE NOT IN COMPLIANCE WITH THE EQUIPMENT AND
14 INSPECTION STANDARDS IF THAT VEHICLE IS BEING USED TO CONDUCT
15 COVERT AUDITS OF OFFICIAL INSPECTION STATIONS AND MECHANICS.

16 * * *

17 § 4729. REMOVAL OF CERTIFICATE OF INSPECTION.

18 NO CERTIFICATE OF INSPECTION SHALL BE REMOVED FROM A VEHICLE
19 OR A MASS TRANSIT VEHICLE FOR WHICH THE CERTIFICATE WAS ISSUED
20 EXCEPT TO REPLACE IT WITH A NEW CERTIFICATE OF INSPECTION ISSUED
21 IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER OR AS FOLLOWS:

22 (1) THE POLICE OFFICER MAY REMOVE A CERTIFICATE OF
23 INSPECTION IN ACCORDANCE WITH THE PROVISIONS OF SECTION
24 4703(F) (RELATING TO OPERATION OF VEHICLE WITHOUT OFFICIAL
25 CERTIFICATE OF INSPECTION).

26 (2) A PERSON REPLACING A WINDSHIELD OR REPAIRING A
27 WINDSHIELD IN SUCH A MANNER AS TO REQUIRE REMOVAL OF A
28 CERTIFICATE OF INSPECTION SHALL AT THE OPTION OF THE
29 REGISTRANT OF THE VEHICLE OR THE OWNER OF A MASS TRANSIT
30 VEHICLE CUT OUT THE PORTION OF THE WINDSHIELD CONTAINING THE

1 CERTIFICATE AND DELIVER IT TO THE REGISTRANT OF THE VEHICLE
2 OR THE OWNER OF THE MASS TRANSIT VEHICLE OR DESTROY THE
3 CERTIFICATE. THE VEHICLE OR THE MASS TRANSIT VEHICLE MAY BE
4 DRIVEN FOR UP TO FIVE DAYS IF IT DISPLAYS THE PORTION OF THE
5 OLD WINDSHIELD CONTAINING THE CERTIFICATE AS PRESCRIBED IN
6 DEPARTMENT REGULATIONS. WITHIN THE FIVE DAY PERIOD AN
7 OFFICIAL INSPECTION STATION MAY AFFIX TO THE VEHICLE OR MASS
8 TRANSIT VEHICLE ANOTHER CERTIFICATE OF INSPECTION FOR THE
9 SAME INSPECTION PERIOD WITHOUT REINSPECTING THE VEHICLE OR
10 MASS TRANSIT VEHICLE IN EXCHANGE FOR THE PORTION OF THE OLD
11 WINDSHIELD CONTAINING THE CERTIFICATE OF INSPECTION. A FEE OF
12 NO MORE THAN \$2 PLUS THE FEE PAID TO THE DEPARTMENT MAY BE
13 CHARGED FOR EXCHANGING THE CERTIFICATE OF INSPECTION.

14 (3) A SALVOR SHALL REMOVE AND DESTROY THE CURRENT
15 CERTIFICATE OF INSPECTION ON EVERY VEHICLE [OR MASS TRANSIT
16 VEHICLE IN HIS POSSESSION EXCEPT VEHICLES] PROCESSED AS
17 ABANDONED IN THE SALVOR'S POSSESSION EXCEPT VEHICLES OWNED BY
18 THE SALVOR OR USED IN THE OPERATION OF THE BUSINESS OF THE
19 SALVOR.

20 (4) EVERY APPLICANT FOR A CERTIFICATE OF SALVAGE OR
21 NONREPAIRABLE CERTIFICATE PURSUANT TO [SECTION 1117(A)
22 (RELATING TO VEHICLE DESTROYED, DISMANTLED, SALVAGED OR
23 RECYCLED)] SUBCHAPTER D OF CHAPTER 11 (RELATING TO SALVAGE
24 VEHICLES, THEFT VEHICLES AND RECONSTRUCTED VEHICLES) SHALL
25 REMOVE AND DESTROY THE [VALID] CURRENT CERTIFICATE OF
26 INSPECTION.

27 (5) FOR THE PURPOSES OF ADMINISTERING THE REQUIREMENTS
28 OF REGULATIONS PROMULGATED BY THE DEPARTMENT, A QUALIFIED
29 COMMONWEALTH EMPLOYEE OR AN AUTHORIZED DEPARTMENT
30 REPRESENTATIVE MAY REMOVE AN UNAUTHORIZED, EXPIRED OR

1 UNLAWFULLY ISSUED CERTIFICATE OF INSPECTION OR A CERTIFICATE
2 OF INSPECTION ISSUED FOR A COVERT AUDIT.

3 SECTION 46. SECTION 4901 OF TITLE 75 IS AMENDED BY ADDING A
4 SUBSECTION TO READ:

5 § 4901. SCOPE AND APPLICATION OF CHAPTER.

6 * * *

7 (D) RESPONSIBILITY OF LOCAL AUTHORITIES.--LOCAL AUTHORITIES
8 HAVE THE BURDEN AND RESPONSIBILITY TO PROPERLY ADMINISTER,
9 ADHERE TO AND ENFORCE COMPLIANCE WITH THE REQUIREMENTS OF THIS
10 CHAPTER AND THE REGULATIONS OF THE DEPARTMENT. FAILURE OF A
11 LOCAL AUTHORITY TO PROPERLY ADMINISTER, ADHERE TO OR ENFORCE THE
12 SUBSTANTIVE REQUIREMENTS OF THIS CHAPTER AND THE DEPARTMENT'S
13 REGULATIONS SHALL SUBJECT THE LOCAL AUTHORITY TO PENALTIES SET
14 FORTH UNDER SECTION 4907 (RELATING TO PENALTY FOR VIOLATION OF
15 CHAPTER).

16 SECTION 47. SECTION 4902 OF TITLE 75 IS AMENDED TO READ:

17 § 4902. RESTRICTIONS ON USE OF HIGHWAYS AND BRIDGES.

18 (A) RESTRICTIONS BASED ON CONDITION OF HIGHWAY OR BRIDGE.--
19 THE COMMONWEALTH AND LOCAL AUTHORITIES WITH RESPECT TO HIGHWAYS
20 AND BRIDGES UNDER THEIR JURISDICTIONS MAY PROHIBIT THE OPERATION
21 OF VEHICLES AND MAY IMPOSE RESTRICTIONS AS TO THE WEIGHT OR SIZE
22 OF VEHICLES OPERATED UPON A HIGHWAY OR BRIDGE [WHENEVER] ONLY
23 WHEN THEY DETERMINE BY CONDUCTING AN ENGINEERING AND TRAFFIC
24 STUDY AS PROVIDED FOR IN DEPARTMENT REGULATIONS THAT THE HIGHWAY
25 OR BRIDGE MAY BE DAMAGED OR DESTROYED UNLESS USE BY VEHICLES IS
26 PROHIBITED OR THE PERMISSIBLE SIZE OR WEIGHT OF VEHICLES IS
27 REDUCED. SCHOOL BUSES, EMERGENCY VEHICLES AND VEHICLES MAKING
28 LOCAL DELIVERIES OR PICKUPS MAY BE EXEMPTED FROM RESTRICTIONS ON
29 THE USE OF HIGHWAYS IMPOSED UNDER THIS SUBSECTION.

30 (B) RESTRICTIONS BASED ON TRAFFIC CONDITIONS.--THE

1 COMMONWEALTH AND LOCAL AUTHORITIES WITH RESPECT TO HIGHWAYS AND
2 BRIDGES UNDER THEIR JURISDICTIONS MAY PROHIBIT THE OPERATION OF
3 VEHICLES AND MAY IMPOSE RESTRICTIONS AS TO THE WEIGHT OR SIZE OF
4 VEHICLES OPERATED UPON A HIGHWAY OR BRIDGE WHENEVER THEY
5 DETERMINE THAT HAZARDOUS TRAFFIC CONDITIONS OR OTHER SAFETY
6 FACTORS REQUIRE SUCH A PROHIBITION OR RESTRICTION. SCHOOL BUSES,
7 EMERGENCY VEHICLES AND VEHICLES MAKING LOCAL DELIVERIES OR
8 PICKUPS MAY BE EXEMPTED FROM RESTRICTIONS ON THE USE OF HIGHWAYS
9 IMPOSED UNDER THIS SUBSECTION.

10 (C) PERMITS AND SECURITY.--THE COMMONWEALTH AND LOCAL
11 AUTHORITIES MAY ISSUE PERMITS FOR MOVEMENT OF VEHICLES OF SIZE
12 AND WEIGHT IN EXCESS OF RESTRICTIONS PROMULGATED UNDER
13 SUBSECTIONS (A) AND (B) WITH RESPECT TO HIGHWAYS AND BRIDGES
14 UNDER THEIR JURISDICTION AND MAY REQUIRE SUCH UNDERTAKING OR
15 SECURITY AS THEY DEEM NECESSARY TO COVER THE COST OF REPAIRS AND
16 RESTORATION NECESSITATED BY THE PERMITTED MOVEMENT OF VEHICLES.
17 IN REFERENCE TO SUBSECTION (A), THE COMMONWEALTH AND LOCAL
18 AUTHORITIES SHALL NOT REFUSE TO ISSUE A PERMIT WITH RESPECT TO A
19 HIGHWAY UNDER THEIR JURISDICTION IF THERE IS NO REASONABLE
20 ALTERNATE ROUTE AVAILABLE. FOR PURPOSE OF THIS SECTION
21 "REASONABLE ALTERNATE ROUTE" SHALL MEAN A ROUTE MEETING THE
22 CRITERIA SET FORTH IN DEPARTMENT REGULATIONS RELATING TO TRAFFIC
23 AND ENGINEERING STUDIES.

24 (D) DESIGNATION OF ALTERNATE ROUTES.--

25 (1) IN CONJUNCTION WITH THE EXERCISE OF THE POWERS SET
26 FORTH IN SUBSECTIONS (A) AND (B), THE COMMONWEALTH MAY
27 DESIGNATE ALTERNATE ROUTES FOR VEHICLES IN EXCESS OF
28 SPECIFIED WEIGHTS OR SIZES. SUCH ALTERNATE ROUTES MAY UTILIZE
29 PORTIONS OF THE PENNSYLVANIA TURNPIKE.

30 (2) IN CONJUNCTION WITH THE EXERCISE OF THE POWERS SET

1 FORTH IN SUBSECTION (C), WHEN REFUSING TO ISSUE A PERMIT WITH
2 RESPECT TO A HIGHWAY UNDER THEIR JURISDICTION, THE
3 COMMONWEALTH AND LOCAL AUTHORITIES MAY CONDUCT OR CAUSE TO BE
4 CONDUCTED AN ALTERNATE ROUTE STUDY. THE ELEMENTS OF AN
5 ENGINEERING AND TRAFFIC STUDY CONDUCTED TO DESIGNATE AN
6 ALTERNATE ROUTE PURSUANT TO THIS SECTION SHALL CONSIST OF THE
7 SAME ELEMENTS FOUND IN DEPARTMENT REGULATIONS.

8 (E) ERECTION OF SIGNS.--THE COMMONWEALTH AND LOCAL
9 AUTHORITIES SHALL ERECT OR CAUSE TO BE ERECTED AND MAINTAINED
10 RESTRICTION SIGNS DESIGNATING THE RESTRICTIONS WITHIN 25 FEET OF
11 EACH END OF A BRIDGE OR PORTION OF HIGHWAY RESTRICTED AS
12 PROVIDED IN SUBSECTION (A) OR (B). IN THE CASE OF A RESTRICTION
13 ON A BRIDGE OR ON A HIGHWAY WHICH DOES NOT BEGIN OR END AT AN
14 INTERSECTION WITH AN UNRESTRICTED HIGHWAY, THE COMMONWEALTH OR
15 LOCAL AUTHORITIES SHALL ALSO PLACE AN ADVANCE INFORMATIONAL SIGN
16 AT THE INTERSECTION NEAREST EACH END OF THE RESTRICTED BRIDGE OR
17 PORTION OF HIGHWAY WHICH WOULD ALLOW DRIVERS TO AVOID THE
18 RESTRICTED BRIDGE OR PORTION OF HIGHWAY. NO PERSON SHALL BE
19 CONVICTED OF VIOLATING SUBSECTION (A) OR (B) UNLESS THE
20 RESTRICTION SIGN DESIGNATING THE RESTRICTED BRIDGE OR PORTION OF
21 HIGHWAY TO TRAFFIC MOVING IN THE DIRECTION THE PERSON WAS
22 DRIVING WAS POSTED AS REQUIRED IN THIS SUBSECTION. HOWEVER,
23 FAILURE TO POST THE RESTRICTION SIGN DESIGNATING THE RESTRICTED
24 BRIDGE OR PORTION OF HIGHWAY TO TRAFFIC MOVING IN THE OPPOSITE
25 DIRECTION OR FAILURE TO POST ANY ADVANCE INFORMATIONAL SIGN
26 SHALL NOT CONSTITUTE A DEFENSE TO A VIOLATION OF THIS SECTION.

27 (F) ACTIONS TO BE IN ACCORDANCE WITH DEPARTMENT
28 REGULATIONS.--ALL ACTIONS TAKEN UNDER AUTHORITY OF THIS SECTION
29 SHALL BE TAKEN IN ACCORDANCE WITH DEPARTMENT REGULATIONS.

30 (F.1) LOCAL ORDINANCES SUPERSEDED.--NOTWITHSTANDING ANY

1 OTHER PROVISION OF LAW, LOCAL AUTHORITIES ARE PROHIBITED FROM
2 ENACTING OR ENFORCING ANY ORDINANCE ON A MATTER COVERED BY THIS
3 SECTION.

4 (G) PENALTY.--

5 (1) ANY PERSON OPERATING A VEHICLE OR COMBINATION UPON A
6 HIGHWAY OR BRIDGE IN VIOLATION OF A PROHIBITION OR
7 RESTRICTION IMPOSED UNDER SUBSECTION (A) IS GUILTY OF A
8 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO
9 PAY A FINE OF \$75, EXCEPT THAT ANY PERSON CONVICTED OF
10 OPERATING A VEHICLE WITH A GROSS WEIGHT IN EXCESS OF A POSTED
11 WEIGHT SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF
12 \$150 PLUS \$150 FOR EACH 500 POUNDS, OR PART THEREOF, IN
13 EXCESS OF 3,000 POUNDS OVER THE MAXIMUM ALLOWABLE WEIGHT.

14 (2) ANY PERSON OPERATING A VEHICLE OR COMBINATION IN
15 VIOLATION OF A PROHIBITION OR RESTRICTION IMPOSED UNDER
16 SUBSECTION (B) IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON
17 CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$25
18 AND NOT MORE THAN \$100.

19 SECTION 48. SECTION 4907 OF TITLE 75 IS AMENDED BY ADDING A
20 SUBSECTION TO READ:

21 § 4907. PENALTY FOR VIOLATION OF CHAPTER.

22 * * *

23 (E) FAILURE TO PROPERLY ADMINISTER, ADHERE TO AND ENFORCE
24 THE REQUIREMENTS OF THIS CHAPTER.--WHEN IT IS DETERMINED IN A
25 SUMMARY PROCEEDING THAT A LOCAL AUTHORITY FAILED TO COMPLY WITH
26 ANY OF THE REQUIREMENTS OF THIS CHAPTER OR THE DEPARTMENT'S
27 CONCOMITANT REGULATIONS, THE FOLLOWING SHALL OCCUR:

28 (1) THE LOCAL AUTHORITY SHALL BE LIABLE FOR THE COSTS
29 FOR SCHEDULING AND CONDUCTING THE PROCEEDING AND FOR THE
30 COSTS INCURRED TO RESPOND TO AND DEFEND AGAINST THE CHARGES.

1 THE COSTS SHALL BE ASSESSED BY THE DISTRICT JUSTICE AND
2 PAYABLE WITHIN 30 DAYS OF ASSESSMENT.

3 (2) THE LOCAL AUTHORITY SHALL FORFEIT ANY RIGHT OF
4 RECOVERY FOR THE COST OF ANY REPAIRS AND RESTORATION
5 NECESSITATED BY THE MOVEMENT OF VEHICLES UPON HIGHWAYS OR
6 BRIDGES.

7 SECTION 49. SECTIONS 4921(B), 4923, 4941(A) AND (C), 4963
8 AND 4968(A)(2) AND (3) OF TITLE 75 ARE AMENDED TO READ:

9 § 4921. WIDTH OF VEHICLES.

10 * * *

11 (B) SPECIAL VEHICLES.--

12 (1) ANY IMPLEMENT OF HUSBANDRY OR VEHICLE LOADED WITH
13 VEGETABLE PRODUCE OR FORAGE CROPS AND NOT EXCEEDING TEN FEET
14 IN WIDTH MAY BE DRIVEN, HAULED OR TOWED BETWEEN SUNRISE AND
15 SUNSET ON HIGHWAYS OTHER THAN FREEWAYS.

16 (2) ANY IMPLEMENT OF HUSBANDRY NOT EXCEEDING 14 FEET 6
17 INCHES IN WIDTH MAY BE DRIVEN, HAULED OR TOWED BETWEEN
18 SUNRISE AND SUNSET ON HIGHWAYS OTHER THAN FREEWAYS BETWEEN:

19 (I) PARTS OF ONE FARM OWNED OR OPERATED BY THE OWNER
20 OF THE IMPLEMENT OF HUSBANDRY.

21 (II) FARMS OWNED OR OPERATED BY THE OWNER OF THE
22 IMPLEMENT OF HUSBANDRY LOCATED NOT MORE THAN 50 MILES
23 APART.

24 (III) (A) FARMS; [OR]

25 (B) A FARM; OR

26 (C) A FARM OWNED OR OPERATED BY A FARMER AND A

27 PLACE OF BUSINESS OF A MECHANIC OR DEALER IN

28 IMPLEMENTS OF HUSBANDRY;

29 LOCATED NOT MORE THAN [100] 150 MILES AWAY FOR THE

30 PURPOSE OF BUYING, SELLING, TRADING, LOANING AND LEASING,

1 DEMONSTRATING, REPAIRING OR SERVICING THE IMPLEMENT OF
2 HUSBANDRY.

3 (3) SPECIAL MOBILE EQUIPMENT NOT EXCEEDING NINE FEET TWO
4 INCHES IN WIDTH MAY BE DRIVEN, HAULED OR TOWED BETWEEN
5 SUNRISE AND SUNSET ON HIGHWAYS OTHER THAN FREEWAYS.

6 (4) THE DEPARTMENT MAY REGULATE THE OPERATION OF SPECIAL
7 VEHICLES SUBJECT TO THIS SUBSECTION WHICH REGULATIONS MAY
8 PROHIBIT THE OPERATION OF SPECIAL VEHICLES ON CERTAIN DAYS OR
9 DURING CERTAIN HOURS.

10 (5) AN IMPLEMENT OF HUSBANDRY OR VEHICLE USED
11 EXCLUSIVELY FOR HIGHLY PERISHABLE CROPS FOR PROCESSING AND
12 NOT EXCEEDING 14 FEET 6 INCHES IN WIDTH MAY BE OPERATED ON
13 HIGHWAYS OTHER THAN FREEWAYS BETWEEN SUNSET AND SUNRISE ONLY
14 DURING THE PERIOD OF MAY 20 TO OCTOBER 15. THE IMPLEMENT OR
15 VEHICLE, WHEN USED AT THIS TIME, SHALL HAVE TWO ROTATING
16 YELLOW BEACONS AND VEHICULAR HAZARD SIGNAL LAMPS OPERATING.

17 (6) COMMERCIAL IMPLEMENTS OF HUSBANDRY NOT EXCEEDING 12
18 FEET IN WIDTH, INCLUDING WHEELS AND TIRES, MAY BE DRIVEN,
19 HAULED OR TOWED BETWEEN SUNRISE AND SUNSET ON HIGHWAYS OTHER
20 THAN FREEWAYS.

21 * * *

22 § 4923. LENGTH OF VEHICLES.

23 (A) [GENERAL RULE] MOTOR VEHICLES.--

24 (1) EXCEPT AS PROVIDED IN [SUBSECTION (B)] PARAGRAPH
25 (2), NO MOTOR VEHICLE, INCLUDING ANY LOAD AND BUMPERS, SHALL
26 EXCEED AN OVERALL LENGTH OF 40 FEET.

27 [(B) EXCEPTIONS.--THE LIMITATIONS OF (A) DO NOT APPLY TO THE
28 FOLLOWING:

29 (1) ANY MOTOR VEHICLE EQUIPPED WITH A BOOM OR BOOM-LIKE
30 DEVICE IF THE VEHICLE DOES NOT EXCEED 55 FEET.

1 (2) ANY COMBINATION TRANSPORTING ARTICLES WHICH DO NOT
2 EXCEED 70 FEET IN LENGTH AND ARE NONDIVISIBLE AS TO LENGTH.

3 (3) ANY BUS OF AN ARTICULATED DESIGN WHICH DOES NOT
4 EXCEED 60 FEET.

5 (4) ANY MOTOR VEHICLE TOWING A DISABLED MOTOR VEHICLE TO
6 A LOCATION FOR REPAIR OR TO SOME OTHER PLACE OF SAFETY.

7 (5) A COMBINATION OTHER THAN A STINGER-STEERED
8 AUTOMOBILE OR BOAT TRANSPORTER DESIGNED AND USED EXCLUSIVELY
9 FOR CARRYING MOTOR VEHICLES IF THE OVERALL LENGTH OF THE
10 COMBINATION AND LOAD DOES NOT EXCEED 65 FEET. WHEN DRIVEN AS
11 DESCRIBED IN SECTION 4908 (RELATING TO OPERATION OF CERTAIN
12 COMBINATIONS ON INTERSTATE AND CERTAIN OTHER HIGHWAYS), THE
13 LOAD MAY EXTEND BEYOND THE 65-FOOT LIMIT OF SUCH A
14 COMBINATION BY NO MORE THAN THREE FEET IN THE FRONT AND NO
15 MORE THAN FOUR FEET TO THE REAR. SADDLE-MOUNT, INCLUDING
16 THOSE COMBINATIONS NOT IN EXCESS OF 75 FEET IN LENGTH AS
17 DESCRIBED IN SECTION 4904(D) (RELATING TO LIMITS ON NUMBER OF
18 TOWED VEHICLES), AND FULL-MOUNT MECHANISMS SHALL QUALIFY
19 UNDER THIS EXCEPTION.

20 (6) ANY COMBINATION CONSISTING OF A TRUCK TRACTOR AND
21 ONE OR TWO TRAILERS. THE LENGTH OF A SINGLE TRAILER SHALL NOT
22 EXCEED 53 FEET, PROVIDED THE DISTANCE BETWEEN THE KINGPIN OF
23 THE TRAILER AND THE CENTER LINE OF THE REAR AXLE OR REAR AXLE
24 GROUP DOES NOT EXCEED 41 FEET OR, IN THE CASE OF A TRAILER
25 USED EXCLUSIVELY OR PRIMARILY TO TRANSPORT VEHICLES IN
26 CONNECTION WITH MOTOR SPORTS COMPETITION EVENTS, DOES NOT
27 EXCEED 46 FEET; AND THE LENGTH OF EACH DOUBLE TRAILER SHALL
28 NOT EXCEED 28 1/2 FEET.

29 (7) ANY MAXI-CUBE VEHICLE WHEN DRIVEN AS DESCRIBED IN
30 SECTION 4908.

(8) ANY STINGER-STEERED AUTOMOBILE OR BOAT TRANSPORTER.]

(2) PARAGRAPH (1) DOES NOT APPLY TO THE FOLLOWING:

(I) A MOTOR VEHICLE EQUIPPED WITH A BOOM OR BOOM-LIKE DEVICE IF THE VEHICLE DOES NOT EXCEED 55 FEET.

(II) A BUS WHICH DOES NOT EXCEED 45 FEET.

(III) AN ARTICULATED BUS WHICH DOES NOT EXCEED 60 FEET.

(B.1) COMBINATIONS.--

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE OVERALL LENGTH OF A COMBINATION, INCLUDING ANY LOAD AND BUMPERS, CONSISTING OF A SINGLE TRAILER BEING TOWED BY A MOTOR VEHICLE SHALL NOT EXCEED 60 FEET.

(2) PARAGRAPH (1) DOES NOT APPLY TO THE FOLLOWING:

(I) A SINGLE TRAILER. THE LENGTH OF A SINGLE TRAILER BEING TOWED BY A TRUCK TRACTOR SHALL NOT EXCEED 53 FEET PROVIDED THE DISTANCE BETWEEN THE KINGPIN AND THE CENTER LINE OF THE REAR AXLE OR REAR AXLE GROUP DOES NOT EXCEED 41 FEET OR, IN THE CASE OF A TRAILER USED EXCLUSIVELY OR PRIMARILY TO TRANSPORT VEHICLES IN CONNECTION WITH MOTOR SPORTS COMPETITION EVENTS, DOES NOT EXCEED 46 FEET.

(II) A DOUBLE TRAILER. THE LENGTH OF EACH TRAILER BEING TOWED IN COMBINATION BY A TRUCK TRACTOR SHALL NOT EXCEED 28 1/2 FEET.

(III) AN AUTO OR BOAT TRANSPORTER. THE OVERALL LENGTH OF THE COMBINATION OF A TRUCK TRACTOR WITH A CONVENTIONAL FIFTH WHEEL AND AN AUTO OR BOAT TRANSPORTER SHALL NOT EXCEED 65 FEET, EXCLUSIVE OF AN OVERHANG OF NOT MORE THAN THREE FEET ON THE FRONT AND FOUR FEET ON THE REAR OF THE COMBINATION.

(IV) A STINGER-STEERED AUTO OR BOAT TRANSPORTER. THE

1 OVERALL LENGTH OF A STINGER-STEERED AUTO OR BOAT
2 TRANSPORTER COMBINATION SHALL NOT EXCEED 75 FEET,
3 EXCLUSIVE OF AN OVERHANG OF NOT MORE THAN THREE FEET ON
4 THE FRONT AND FOUR FEET ON THE REAR OF THE COMBINATION.

5 (V) A SADDLE-MOUNT COMBINATION. THE OVERALL LENGTH
6 OF A SADDLE-MOUNT COMBINATION SHALL NOT EXCEED 75 FEET.

7 (VI) MAXI-CUBE COMBINATION. THE OVERALL LENGTH OF A
8 MAXI-CUBE COMBINATION SHALL NOT EXCEED 65 FEET.

9 (VII) A DISABLED VEHICLE. A COMBINATION CONSISTING
10 OF ANY TOW TRUCK TOWING A DISABLED MOTOR VEHICLE TO A
11 PLACE OF REPAIRS OR OTHER PLACE OF SAFETY.

12 (VIII) A NONDIVISIBLE LOAD. A COMBINATION
13 TRANSPORTING ARTICLES THAT, THEMSELVES, DO NOT EXCEED 70
14 FEET IN LENGTH AND ARE NONDIVISIBLE AS TO LENGTH.

15 § 4941. MAXIMUM GROSS WEIGHT OF VEHICLES.

16 (A) GENERAL RULE.--NO VEHICLE SHALL, WHEN OPERATED UPON A
17 HIGHWAY, HAVE A GROSS WEIGHT EXCEEDING [73,280] 80,000 POUNDS,
18 AND NO COMBINATION DRIVEN UPON A HIGHWAY SHALL HAVE A GROSS
19 WEIGHT EXCEEDING 80,000 POUNDS, OR THE APPLICABLE WEIGHT AS SET
20 FORTH IN SUBSECTION (B) OR (C), WHICHEVER IS LESS.

21 * * *

22 (C) MOTOR VEHICLES.--NO MOTOR VEHICLE WHEN OPERATED UPON A
23 HIGHWAY SHALL HAVE A GROSS WEIGHT EXCEEDING THE FOLLOWING
24 SPECIFIED MAXIMUM GROSS WEIGHT FOR THE FOLLOWING DESCRIBED MOTOR
25 VEHICLES:

| | MAXIMUM |
|--------------------------|--------------|
| MOTOR VEHICLE | GROSS WEIGHT |
| | IN POUNDS |
| TWO-AXLE MOTOR VEHICLE | 38,000 |
| THREE-AXLE MOTOR VEHICLE | 58,400 |

| | | |
|---|---------------------------------|---------------|
| 1 | FOUR-AXLE MOTOR VEHICLE | 73,280 |
| 2 | <u>FIVE-AXLE MOTOR VEHICLE</u> | <u>73,280</u> |
| 3 | <u>SIX-AXLE MOTOR VEHICLE</u> | <u>77,000</u> |
| 4 | <u>SEVEN-AXLE MOTOR VEHICLE</u> | <u>80,000</u> |

5 § 4963. EXEMPTIONS FOR VEHICLES USED IN STATE HIGHWAY
6 CONSTRUCTION OR MAINTENANCE.

7 WHEN OPERATING WITHIN THE ESTABLISHED CONSTRUCTION OR
8 MAINTENANCE PROJECT LIMITS AS SPECIFIED IN THE HIGHWAY
9 CONSTRUCTION PLANS OR CONTRACT DOCUMENTS, NO PERMIT SHALL BE
10 REQUIRED FOR MOVEMENT ACROSS, UPON OR ALONG ANY HIGHWAY OF
11 OVERSIZE OR OVERWEIGHT VEHICLES OF THE DEPARTMENT OR A
12 CONTRACTOR OR OTHER PERSON CURRENTLY INVOLVED IN THE AUTHORIZED
13 CONSTRUCTION OR MAINTENANCE OF THE HIGHWAY. MOVEMENT UNDER THIS
14 SECTION IS NOT AUTHORIZED UPON A BRIDGE POSTED UNDER SECTION
15 4902 (RELATING TO RESTRICTIONS ON USE OF HIGHWAYS AND BRIDGES)
16 UNLESS THE POSTED BRIDGE IS CURRENTLY BEING RECONSTRUCTED OR
17 MAINTAINED.

18 § 4968. PERMIT FOR MOVEMENT DURING COURSE OF MANUFACTURE.

19 (A) ANNUAL PERMIT.--AN ANNUAL PERMIT MAY BE ISSUED
20 AUTHORIZING MOVEMENT ON SPECIFIED HIGHWAYS OF BOATS, TRAILERS,
21 MOBILE HOMES, MODULAR HOUSING UNITS AND UNDERCARRIAGES,
22 HELICOPTERS, HOT INGOTS, [RAW COAL,] BASIC OXYGEN FURNACE
23 LANCES, RAILWAY EQUIPMENT AND RAILS OR OTHER ARTICLES, VEHICLES
24 OR COMBINATIONS WHICH EXCEED THE MAXIMUM HEIGHT, WIDTH OR LENGTH
25 SPECIFIED IN SUBCHAPTER B (RELATING TO WIDTH, HEIGHT AND LENGTH)
26 OR SELF-PROPELLED CRANES OR COMBINATIONS CARRYING RAW MILK [OR],
27 RAW COAL, FLAT-ROLLED STEEL COILS, STEEL SLABS, HOT INGOTS,
28 PULPWOOD AND WOOD CHIPS FOR PAPER MANUFACTURE OR RAW WATER WHICH
29 EXCEED THE MAXIMUM WEIGHT SPECIFIED IN SUBCHAPTER C (RELATING TO
30 MAXIMUM WEIGHTS OF VEHICLES) WHILE THEY ARE IN THE COURSE OF

1 MANUFACTURE AND UNDER CONTRACT WITH OR UNDER THE DIRECT CONTROL
2 OF THE MANUFACTURER, SUBJECT TO THE FOLLOWING PROVISIONS:

3 * * *

4 (2) OVERWIDTH ARTICLES AND VEHICLES:

5 (I) ARTICLES AND VEHICLES NOT WIDER THAN 102 INCHES
6 MAY BE MOVED ANY DISTANCE ON A PERMIT.

7 (II) ARTICLES AND VEHICLES WIDER THAN 102 INCHES BUT
8 NOT WIDER THAN 108 INCHES MAY BE MOVED UP TO SEVEN MILES
9 ON A PERMIT 24 HOURS PER DAY, SEVEN DAYS A WEEK.

10 (III) ARTICLES AND VEHICLES WIDER THAN [102] 108
11 INCHES BUT NOT IN EXCESS OF [TEN] 12 FEET IN WIDTH MAY BE
12 MOVED UP TO 50 MILES ON A PERMIT.

13 (IV) WIDER ARTICLES AND VEHICLES MAY BE MOVED NO
14 FARTHER THAN TEN MILES ON A PERMIT.

15 (3) A COMBINATION OF VEHICLES WHICH IS HAULING FLAT-
16 ROLLED STEEL COILS OR STEEL SLABS MAY BE PERMITTED BY THE
17 DEPARTMENT AND LOCAL AUTHORITIES TO MOVE UPON HIGHWAYS WITHIN
18 THEIR RESPECTIVE JURISDICTION A DISTANCE NOT EXCEEDING 50
19 MILES IF THE GROSS WEIGHT DOES NOT EXCEED 100,000 POUNDS AND
20 THE WEIGHT OF ANY NONSTEERING AXLE DOES NOT EXCEED 21,000
21 POUNDS. NO PERMIT MAY BE ISSUED FOR THIS TYPE OF MOVEMENT
22 UPON AN INTERSTATE HIGHWAY.

23 * * *

24 SECTION 50. SECTION 4970 OF TITLE 75 IS AMENDED BY ADDING
25 SUBSECTIONS TO READ:

26 § 4970. PERMIT FOR MOVEMENT OF CONSTRUCTION EQUIPMENT.

27 * * *

28 (C) COMBINATIONS.--A COMBINATION TRANSPORTING CONSTRUCTION
29 EQUIPMENT UNDER A SINGLE TRIP PERMIT MAY BE DRIVEN 24 HOURS PER
30 DAY, SEVEN DAYS A WEEK OUTSIDE OF THE DESIGNATED URBANIZED AREAS

1 SUBJECT TO THE FOLLOWING CONDITIONS:

2 (1) THE EQUIPMENT BEING TRANSPORTED IS USED EXCLUSIVELY
3 FOR HIGHWAY CONSTRUCTION.

4 (2) THE MAXIMUM WIDTH OF THE LOAD AND VEHICLE DOES NOT
5 EXCEED TEN FEET.

6 (3) THE MAXIMUM GROSS WEIGHT OF THE VEHICLE AND LOAD
7 DOES NOT EXCEED 135,000 POUNDS.

8 (4) THE VEHICLE WITH LOAD MUST BE CAPABLE OF OPERATING
9 AT PREVAILING SPEEDS.

10 (5) THE OUTERMOST LIMITS OF THE LOAD MUST BE MARKED WITH
11 LIGHTS AS SPECIFIED BY THE DEPARTMENT.

12 (6) THE PERMITTED VEHICLE MUST BE FOLLOWED BY A PILOT
13 CAR IN ACCORDANCE WITH DEPARTMENT REGULATIONS.

14 (7) MOVEMENT UNDER THIS SUBSECTION IS NOT AUTHORIZED
15 DURING ANY OF THE FOLLOWING:

16 (I) A HOLIDAY PERIOD SPECIFIED IN DEPARTMENT
17 REGULATIONS OR IN THE PERMIT.

18 (II) INCLEMENT WEATHER, AS DEFINED IN DEPARTMENT
19 REGULATIONS.

20 (D) CONSTRUCTION EQUIPMENT.--AN ANNUAL PERMIT MAY BE ISSUED
21 FOR THE MOVEMENT OF CERTAIN TYPES OF CONSTRUCTION EQUIPMENT
22 WHICH EXCEED THE MAXIMUM WIDTH SPECIFIED IN SUBCHAPTER B
23 (RELATING TO WIDTH, HEIGHT AND LENGTH), SUBJECT TO THE FOLLOWING
24 CONDITIONS:

25 (1) THE EQUIPMENT BEING TRANSPORTED IS USED FOR
26 EXCAVATING, LAND CLEARING, PAVING OR ROADBUILDING ACTIVITIES.

27 (2) THE MAXIMUM WIDTH OF THE LOAD AND THE VEHICLE DOES
28 NOT EXCEED 11 FEET.

29 (3) THE MAXIMUM TRAVEL DISTANCE DOES NOT EXCEED 125
30 MILES FROM THE PLACE OF ORIGIN AS SHOWN ON THE PERMIT.

1 SECTION 51. SECTIONS 4978, 4979, 4979.3, 4979.4, 4981(A) AND
2 (E), 6106, 6110(A) AND 6114(C) OF TITLE 75 ARE AMENDED TO READ:
3 § 4978. PERMIT FOR MOVEMENT OF BUILDING STRUCTURAL COMPONENTS.

4 A PERMIT MAY BE ISSUED FOR THE DURATION OF A SINGLE BUILDING
5 CONSTRUCTION PROJECT, BUT NOT EXCEEDING ONE YEAR, AUTHORIZING
6 THE MOVEMENT UPON SPECIFIED HIGHWAYS OF NONDIVISIBLE BUILDING
7 STRUCTURAL COMPONENTS, SUCH AS PRECAST CONCRETE, ROOF TRUSSES OR
8 WALL PANELS, WHICH EXCEED THE MAXIMUM WIDTH, HEIGHT OR LENGTH
9 SPECIFIED IN SUBCHAPTER B (RELATING TO WIDTH, HEIGHT AND LENGTH)
10 OR THE MAXIMUM GROSS WEIGHT SPECIFIED IN SUBCHAPTER C (RELATING
11 TO MAXIMUM WEIGHTS OF VEHICLES). COMBINATIONS PERMITTED UNDER
12 THIS SECTION MAY NOT EXCEED 90 FEET IN LENGTH, 13 FEET IN WIDTH
13 [OR], 14 FEET 6 INCHES IN HEIGHT, OR 116,000 POUNDS GROSS
14 VEHICLE WEIGHT.

15 § 4979. PERMIT FOR MOVEMENT OF PARTICLEBOARD OR FIBERBOARD USED
16 IN THE MANUFACTURE OF READY-TO-ASSEMBLE FURNITURE.

17 AN ANNUAL PERMIT MAY BE ISSUED AUTHORIZING THE MOVEMENT ON
18 SPECIFIED HIGHWAYS OF PARTICLEBOARD OR FIBERBOARD FOR USE IN THE
19 MANUFACTURE OF READY-TO-ASSEMBLE HOUSEHOLD OR OFFICE FURNITURE
20 WHICH EXCEEDS THE MAXIMUM VEHICLE GROSS WEIGHT SPECIFIED IN
21 SUBCHAPTER C (RELATING TO MAXIMUM WEIGHTS OF VEHICLES). PERMITS
22 ISSUED UNDER THIS SECTION SHALL NOT EXCEED A DISTANCE OF [50] 70
23 MILES. THE WEIGHT OF ANY VEHICLE PERMITTED UNDER THIS SECTION
24 MAY NOT EXCEED 107,000 POUNDS OVERALL GROSS WEIGHT AND SHALL
25 HAVE THE FOLLOWING MAXIMUM AXLE WEIGHT LIMITS FOR ALL
26 NONSTEERING AXLES:

| | | |
|----|--------------|---------------|
| 27 | SINGLE AXLE | 21,000 POUNDS |
| 28 | TANDEM AXLES | 42,000 POUNDS |
| 29 | TRIDEM AXLES | 53,000 POUNDS |
| 30 | QUAD AXLES | 63,000 POUNDS |

1 NO PERMIT MAY BE ISSUED FOR THIS TYPE OF MOVEMENT UPON AN
2 INTERSTATE HIGHWAY.

3 § 4979.3. PERMIT FOR MOVEMENT OF FLOAT GLASS OR FLAT GLASS FOR
4 USE IN CONSTRUCTION AND OTHER END USES.

5 * * *

6 (B) SPECIFICATIONS.--

7 (1) THE WEIGHT OF ANY VEHICLE PERMITTED UNDER THIS
8 SECTION MAY NOT EXCEED [99,500] 100,000 POUNDS OVERALL GROSS
9 WEIGHT, SHALL BE A FIVE AXLE COMBINATION - THREE AXLE TRUCK
10 TRACTOR AND SHALL HAVE THE FOLLOWING MAXIMUM AXLE WEIGHT
11 LIMITS FOR ALL AXLES:

| | | |
|----|----------------------------|------------------------|
| 12 | STEERING AXLES | [9,000] <u>12,000</u> |
| 13 | | POUNDS |
| 14 | TRUCK TRACTOR TANDEM AXLES | 44,000 POUNDS |
| 15 | | WITH A MAXIMUM OF |
| 16 | | 22,500 POUNDS ON |
| 17 | | EITHER AXLE IN THE |
| 18 | | GROUP |
| 19 | SEMITRAILER TANDEM AXLES | [46,500] <u>44,000</u> |
| 20 | | POUNDS |
| 21 | | WITH A MAXIMUM OF |
| 22 | | [23,750] <u>22,500</u> |
| 23 | | POUNDS ON EITHER |
| 24 | | AXLE IN THE GROUP |

25 (2) THE SPACING BETWEEN AXLE 1 AND AXLE 2 MUST BE A
26 MINIMUM OF [14] 15 FEET.

27 (3) THE CENTER-TO-CENTER DISTANCE BETWEEN THE LAST DRIVE
28 AXLE OF THE TRUCK TRACTOR [(AXLE 3)] AND THE FIRST AXLE OF
29 THE SEMITRAILER [(AXLE 4)] MUST BE A MINIMUM OF 31 FEET 6
30 INCHES.

(4) THE SPACING BETWEEN TANDEM AXLES MUST BE A MINIMUM
OF 4 FEET 4 INCHES FOR THE TRUCK TRACTOR AND 5 FEET 2 INCHES
FOR THE SEMITRAILER.

* * *

§ 4979.4. PERMIT FOR MOVEMENT OF SELF-PROPELLED CRANES.

AN ANNUAL PERMIT MAY BE ISSUED AUTHORIZING THE MOVEMENT ON
SPECIFIED HIGHWAYS OF SELF-PROPELLED CRANES WHICH EXCEED THE
MAXIMUM WIDTH, HEIGHT OR LENGTH SPECIFIED IN SUBCHAPTER B
(RELATING TO WIDTH, HEIGHT AND LENGTH) OR THE MAXIMUM VEHICLE
GROSS OR MAXIMUM AXLE WEIGHTS SPECIFIED IN SUBCHAPTER C
(RELATING TO MAXIMUM WEIGHTS OF VEHICLES).

§ 4981. WEIGHING AND MEASUREMENT OF VEHICLES.

(A) AUTHORITY OF POLICE OFFICERS AND QUALIFIED DEPARTMENT
EMPLOYEES.--[ANY] A POLICE OFFICER OR QUALIFIED DEPARTMENT
EMPLOYEE IS AUTHORIZED TO REQUIRE THE DRIVER OF [ANY] A VEHICLE
OR COMBINATION TO STOP AND SUBMIT THE VEHICLE OR COMBINATION TO
BE MEASURED AND WEIGHED. WEIGHING MAY BE DONE BY USING EITHER
PORTABLE OR STATIONARY SCALES, PROVIDED THAT WHEN PORTABLE
SCALES MORE THAN ONE INCH IN HEIGHT ARE USED, SUFFICIENT RAMP
BLOCKS SHALL BE MADE AVAILABLE TO ALLOW THE VEHICLE OR
COMBINATION TO MOUNT THE SCALES SAFELY. THE WEIGHING SHALL BE
CONDUCTED BY QUALIFIED PERSONNEL WHO HAVE BEEN TRAINED IN THE
USE OF WEIGHING EQUIPMENT IN A TRAINING PROGRAM APPROVED BY AN
AGENCY OF THE COMMONWEALTH. THE PERSONNEL PERFORMING THE
WEIGHING ON ALL HIGHWAYS AND INTERSTATES IN THIS COMMONWEALTH
SHALL INFORM THE DRIVERS OF THE VEHICLE OF THE RIGHT TO READJUST
OR REARRANGE THE LOAD UNDER SECTION 4982(C) (RELATING TO
REDUCING OR READJUSTING LOADS OF VEHICLES). THE DRIVER OR OWNER,
IF PRESENT, OF [ANY] A VEHICLE OR COMBINATION MAY, AT THE TIME
OF WEIGHING, WITNESS IN AN ORDERLY FASHION THE WEIGHING

1 PROCEDURE. IF THE DRIVER WISHES TO WITNESS THE PROCEDURE FROM
2 OUTSIDE THE CAB OF THE VEHICLE, HE SHALL BE REQUIRED TO TURN OFF
3 THE ENGINE, PUT THE TRANSMISSION IN GEAR AND SET THE EMERGENCY
4 BRAKE BEFORE LEAVING THE CAB. A POLICE OFFICER OR QUALIFIED
5 DEPARTMENT EMPLOYEE MAY REQUIRE THAT A VEHICLE OR COMBINATION BE
6 DRIVEN TO THE NEAREST STATIONARY SCALES IF THE SCALES ARE WITHIN
7 TWO MILES.

8 * * *

9 (E) CERTIFICATION OF ACCURACY OF PORTABLE SCALES.--PORTABLE
10 SCALES SHALL BE CALIBRATED EVERY [30] 90 DAYS FOR THE PURPOSE OF
11 CERTIFICATION OF ACCURACY BY THE DEPARTMENT OF GENERAL SERVICES.
12 A CERTIFICATE FROM THE DEPARTMENT OF GENERAL SERVICES SHOWING
13 THAT PORTABLE SCALES WERE CALIBRATED AND FOUND TO BE ACCURATE
14 SHALL BE COMPETENT AND PRIMA FACIE EVIDENCE OF THOSE FACTS IN
15 EVERY PROCEEDING IN WHICH A VIOLATION OF THIS CHAPTER IS
16 CHARGED.

17 * * *

18 § 6106. DESIGNATION OF EMERGENCY VEHICLES BY PENNSYLVANIA STATE
19 POLICE.

20 (A) GENERAL RULE.--THE PENNSYLVANIA STATE POLICE MAY
21 DESIGNATE ANY VEHICLE OR GROUP OF VEHICLES AS EMERGENCY VEHICLES
22 UPON A FINDING THAT THE DESIGNATION IS NECESSARY TO THE
23 PRESERVATION OF LIFE OR PROPERTY OR TO THE EXECUTION OF
24 EMERGENCY GOVERNMENTAL FUNCTIONS.

25 (A.1) EXCEPTION.--VEHICLES DESIGNATED AS EMERGENCY VEHICLES
26 UNDER THIS SECTION SHALL NOT DISPLAY OR BE EQUIPPED WITH A
27 COMBINATION OF RED AND BLUE LIGHTS.

28 (B) MANNER AND CARRYING OF DESIGNATION.--THE DESIGNATION
29 SHALL BE IN WRITING AND THE WRITTEN DESIGNATION SHALL BE CARRIED
30 IN THE VEHICLE AT ALL TIMES[, BUT FAILURE TO CARRY THE WRITTEN

1 DESIGNATION SHALL NOT AFFECT THE STATUS OF THE VEHICLE AS AN
2 EMERGENCY VEHICLE].

3 § 6110. REGULATION OF TRAFFIC ON PENNSYLVANIA TURNPIKE.

4 (A) GENERAL RULE.--THE PROVISIONS OF THIS TITLE APPLY UPON
5 ANY TURNPIKE OR HIGHWAY UNDER THE SUPERVISION AND CONTROL OF THE
6 PENNSYLVANIA TURNPIKE COMMISSION UNLESS SPECIFICALLY MODIFIED BY
7 RULES AND REGULATIONS PROMULGATED BY THE COMMISSION WHICH SHALL
8 BECOME EFFECTIVE ONLY UPON PUBLICATION IN ACCORDANCE WITH LAW. A
9 COPY OF THE RULES AND REGULATIONS, SO LONG AS THEY ARE
10 EFFECTIVE, SHALL BE POSTED AT ALL ENTRANCES TO THE TURNPIKE OR
11 HIGHWAY FOR THE INSPECTION OF PERSONS USING THE TURNPIKE OR
12 HIGHWAY. THIS SECTION DOES NOT AUTHORIZE THE ESTABLISHMENT OF A
13 MAXIMUM SPEED LIMIT GREATER THAN 55 MILES PER HOUR, EXCEPT THAT
14 A 65-MILES-PER-HOUR MAXIMUM SPEED LIMIT FOR ALL VEHICLES MAY BE
15 ESTABLISHED[:

16 (1) ON INTERSTATE HIGHWAYS OUTSIDE OF URBANIZED AREAS OF
17 POPULATION OF 50,000 OR MORE; AND

18 (2) ON OTHER FREEWAYS] WHERE THE COMMISSION HAS POSTED A
19 65-MILES-PER-HOUR SPEED LIMIT [IN ACCORDANCE WITH THE
20 PROVISIONS OF 23 UNITED STATES CODE (RELATING TO HIGHWAYS)].

21 * * *

22 § 6114. LIMITATION ON SALE, PUBLICATION AND DISCLOSURE OF
23 RECORDS.

24 * * *

25 (C) PENALTY.--ANY OFFENSE UNDER THIS SECTION IS A SUMMARY
26 OFFENSE PUNISHABLE BY A FINE OF [\$100] NOT LESS THAN \$500 NOR
27 MORE THAN \$1,000.

28 * * *

29 SECTION 52. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

30 § 6129. MAINTENANCE OF PEDESTRIAN CROSSWALKS IN SCHOOL ZONES.

1 THE DEPARTMENT MAY PAINT AND MAINTAIN PEDESTRIAN CROSSWALKS
2 LOCATED WITHIN SCHOOL ZONES ON STATE-DESIGNATED HIGHWAYS.

3 § 6154. NONRECIPROCITY OF OPERATIONAL LIMITATIONS.

4 IF ANY OTHER STATE WITH WHICH THE DEPARTMENT HAS ENTERED INTO
5 A RECIPROCITY AGREEMENT, INCLUDING THE INTERNATIONAL
6 REGISTRATION PLAN, IMPOSES AN OPERATIONAL LIMITATION, BURDEN OR
7 PROHIBITION UPON VEHICLES WITH A BASE JURISDICTION OF
8 PENNSYLVANIA, BUT NOT UPON VEHICLES WITH A BASE JURISDICTION OF
9 THE OTHER STATE, THE COMMONWEALTH SHALL IMPOSE A LIKE
10 OPERATIONAL LIMITATION, BURDEN OR PROHIBITION UPON THE SAME
11 CLASS OF VEHICLES THAT ARE OPERATING IN THIS COMMONWEALTH BUT
12 BASED IN THE OTHER STATE. OPERATIONAL LIMITATIONS SHALL INCLUDE
13 THE MAXIMUM WEIGHT, WIDTH, LENGTH OR HEIGHT OF A VEHICLE.

14 § 6313. ENFORCEMENT OF SUMMARY OFFENSES IN STATE PARK AND
15 FOREST LANDS.

16 (A) GENERAL RULE.--NOTWITHSTANDING ANY PROVISION OF LAW TO
17 THE CONTRARY, INDIVIDUALS APPOINTED AND COMMISSIONED BY THE
18 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES TO PRESERVE
19 ORDER IN THE STATE PARK OR STATE FOREST LANDS ARE SPECIFICALLY
20 AUTHORIZED TO ENFORCE THOSE PROVISIONS OF THIS TITLE WHICH
21 DESIGNATE VIOLATIONS AS SUMMARY OFFENSES, WHILE ACTING WITHIN
22 THE STATE PARK OR STATE FOREST LANDS. THE AUTHORITY INCLUDES THE
23 POWER TO STOP VEHICLES SUSPECTED OF SUMMARY OFFENSES, TO ISSUE
24 CITATIONS FOR SUMMARY OFFENSES AND, IF A VEHICLE IS STOPPED FOR
25 A SUSPECTED SUMMARY OFFENSE, TO MAKE ARRESTS WHERE EVIDENCE
26 APPEARS OF ADDITIONAL OFFENSES DESIGNATED AS MISDEMEANORS OR
27 FELONIES.

28 (B) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
29 CONSTRUED TO LIMIT THE POWERS GRANTED THESE INDIVIDUALS BY LAW.

30 SECTION 53. SECTION 7122 OF TITLE 75 IS AMENDED TO READ:

§ 7122. ALTERED, FORGED OR COUNTERFEIT DOCUMENTS AND PLATES.

A PERSON IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE IF
THE PERSON, WITH FRAUDULENT INTENT:

(1) ALTERS, FORGES OR COUNTERFEITS A CERTIFICATE OF
TITLE, REGISTRATION CARD OR PLATE, INSPECTION CERTIFICATE OR
PROOF OF FINANCIAL [RESPONSIBILITY] RESPONSIBILITY;

(2) ALTERS OR FORGES AN ASSIGNMENT OF A CERTIFICATE OF
TITLE, OR AN ASSIGNMENT OR RELEASE OF A SECURITY INTEREST ON
A CERTIFICATE OF TITLE OR ANY OTHER DOCUMENT ISSUED OR
PREPARED FOR ISSUE BY THE DEPARTMENT;

(3) HAS POSSESSION OF, SELLS OR ATTEMPTS TO SELL, USES
OR DISPLAYS A CERTIFICATE OF TITLE, REGISTRATION CARD OR
PLATE, DRIVER'S LICENSE, INSPECTION CERTIFICATE PROOF OF
FINANCIAL RESPONSIBILITY OR ANY OTHER DOCUMENT ISSUED BY THE
DEPARTMENT, KNOWING IT TO HAVE BEEN ALTERED, FORGED OR
COUNTERFEITED;

(4) OBTAINS OR ATTEMPTS TO OBTAIN A CERTIFICATE OF
INSPECTION WITHOUT VALID PROOF OF FINANCIAL RESPONSIBILITY;
[OR]

(5) PROVIDES A CERTIFICATE OF INSPECTION WHERE THERE IS
NO VALID PROOF OF FINANCIAL RESPONSIBILITY[.]; OR

(6) SIGNS DOCUMENTATION WHICH RESULTS IN THE ISSUANCE OF
A LEARNER'S PERMIT OR DRIVER'S LICENSE BY THE DEPARTMENT
WITHOUT THE APPLICANT PROPERLY COMPLETING THE TESTING
REQUIREMENTS FOR THE LEARNER'S PERMIT OR DRIVER'S LICENSE.

SECTION 54. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

§ 7125. OPERATION OF MOTOR VEHICLE DISPLAYING STOLEN OR
FRAUDULENT REGISTRATION STICKER OR PLATE.

(A) OFFENSE DEFINED.--IT IS UNLAWFUL FOR ANY PERSON TO
OPERATE A MOTOR VEHICLE DISPLAYING A STOLEN OR FRAUDULENT

1 REGISTRATION VALIDATING STICKER OR REGISTRATION PLATE.

2 (B) AFFIRMATIVE DEFENSE.--IT SHALL BE AN AFFIRMATIVE DEFENSE
3 TO THE OFFENSE IF A PERSON PROVES BOTH OF THE FOLLOWING:

4 (1) THE PERSON WAS NOT THE OWNER OF THE VEHICLE.

5 (2) THE PERSON DID NOT KNOW OR HAVE REASON TO KNOW THAT
6 THE REGISTRATION VALIDATING STICKER OR REGISTRATION PLATE WAS
7 STOLEN OR FRAUDULENT.

8 (C) PENALTY.--A PERSON VIOLATING THIS SECTION COMMITS A
9 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
10 A FINE OF \$1,000.

11 § 7126. EXHIBITION OR POSSESSION OF STOLEN OR FRAUDULENT
12 REGISTRATION STICKER OR PLATE.

13 (A) OFFENSE DEFINED.--IT IS UNLAWFUL FOR ANY PERSON TO
14 EXHIBIT, CAUSE OR PERMIT TO BE EXHIBITED OR HAVE IN POSSESSION A
15 STOLEN OR FRAUDULENT REGISTRATION VALIDATING STICKER OR
16 REGISTRATION PLATE.

17 (B) AFFIRMATIVE DEFENSE.--IT SHALL BE AN AFFIRMATIVE DEFENSE
18 TO THE OFFENSE IF A PERSON PROVES BOTH OF THE FOLLOWING:

19 (1) THE PERSON WAS NOT THE OWNER OF THE VEHICLE.

20 (2) THE PERSON DID NOT KNOW OR HAVE REASON TO KNOW THAT
21 THE REGISTRATION VALIDATING STICKER OR REGISTRATION PLATE WAS
22 STOLEN OR FRAUDULENT.

23 (C) PENALTY.--A PERSON VIOLATING THIS SECTION COMMITS A
24 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
25 A FINE OF \$1,000.

26 SECTION 55. THE DEFINITIONS OF "ODOMETER," "TRANSFER,"
27 "TRANSFeree" AND "TRANSFEROR" IN SECTION 7131(B) OF TITLE 75 ARE
28 AMENDED AND THE SECTION IS AMENDED BY ADDING DEFINITIONS TO
29 READ:

30 § 7131. LEGISLATIVE FINDINGS AND DEFINITIONS.

1 * * *

2 (B) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
3 IN THIS SUBCHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
4 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

5 * * *

6 "LESSEE." A PERSON OR AN AGENT FOR A PERSON TO WHOM A MOTOR
7 VEHICLE HAS BEEN LEASED FOR A TERM OF AT LEAST FOUR MONTHS.

8 "LESSOR." A PERSON OR AN AGENT FOR A PERSON WHO HAS LEASED
9 FIVE OR MORE MOTOR VEHICLES IN THE PAST 12 MONTHS.

10 * * *

11 "ODOMETER." AN INSTRUMENT FOR MEASURING AND RECORDING THE
12 ACTUAL DISTANCE A MOTOR VEHICLE TRAVELS [WHILE IN OPERATION].
13 THE TERM DOES NOT INCLUDE ANY AUXILIARY ODOMETER DESIGNED TO BE
14 RESET BY THE OPERATOR OF THE MOTOR VEHICLE FOR THE PURPOSE OF
15 RECORDING MILEAGE ON TRIPS.

16 * * *

17 ["TRANSFER." TO CHANGE OWNERSHIP BY PURCHASE, GIFT OR ANY
18 OTHER MEANS.

19 "TRANSFeree." A PERSON TO WHOM THE OWNERSHIP IN A MOTOR
20 VEHICLE IS TRANSFERRED BY PURCHASE, GIFT OR ANY MEANS OTHER THAN
21 BY CREATION OF A SECURITY INTEREST.

22 "TRANSFEROR." A PERSON WHO TRANSFERS HIS OWNERSHIP IN A
23 MOTOR VEHICLE BY SALE, GIFT OR ANY MEANS OTHER THAN BY CREATION
24 OF A SECURITY INTEREST.]

25 SECTION 56. SECTIONS 7133(A) AND 7134 OF TITLE 75 ARE
26 AMENDED TO READ:

27 § 7133. PERMISSIBLE ACTIVITIES RELATING TO ODOMETERS.

28 (A) GENERAL RULE.--NOTHING IN THIS SUBCHAPTER PREVENTS THE
29 SERVICE, REPAIR OR REPLACEMENT OF AN ODOMETER IF THE MILEAGE
30 INDICATED REMAINS THE SAME AS BEFORE THE SERVICE, REPAIR OR

1 REPLACEMENT. WHERE THE ODOMETER IS INCAPABLE OF REGISTERING THE
2 SAME MILEAGE AS BEFORE THE SERVICE, REPAIR OR REPLACEMENT, THE
3 ODOMETER SHALL BE ADJUSTED TO READ ZERO AND A NOTICE IN WRITING
4 SHALL BE [ATTACHED] SECURED TO THE LEFT DOOR FRAME OF THE
5 VEHICLE BY THE OWNER OR HIS AGENT SPECIFYING THE MILEAGE
6 INDICATED PRIOR TO REPAIR OR REPLACEMENT OF THE ODOMETER, THE
7 NAME AND ADDRESS OF THE PERSON WHO PERFORMED THE REPAIR OR
8 REPLACEMENT, AND THE DATE ON WHICH IT WAS REPAIRED OR REPLACED.
9 THE NOTICE SHALL BE LEGIBLE AND COMPLETELY SECURED TO THE DOOR
10 FRAME BY A TRANSPARENT ADHESIVE MEDIUM.

11 * * *

12 [§ 7134. ODOMETER DISCLOSURE REQUIREMENTS.

13 (A) ODOMETER MILEAGE STATEMENT.--PRIOR TO OR SIMULTANEOUSLY
14 WITH THE EXECUTION OF ANY OWNERSHIP TRANSFER DOCUMENT RELATING
15 TO A MOTOR VEHICLE, EACH TRANSFEROR OF A MOTOR VEHICLE SHALL
16 FURNISH TO THE TRANSFEREE A WRITTEN STATEMENT SIGNED BY THE
17 TRANSFEROR CONTAINING THE FOLLOWING INFORMATION:

18 (1) THE ODOMETER READING AT THE TIME OF TRANSFER.

19 (2) THE DATE OF TRANSFER.

20 (3) THE TRANSFEROR'S NAME AND CURRENT ADDRESS.

21 (4) THE TRANSFEREE'S NAME AND CURRENT ADDRESS.

22 (5) THE IDENTITY OF THE VEHICLE, INCLUDING ITS MAKE,
23 YEAR AND BODY TYPE AND ITS COMPLETE VEHICLE IDENTIFICATION
24 NUMBER.

25 (6) (I) A CERTIFICATION BY THE TRANSFEROR THAT, TO THE
26 BEST OF HIS KNOWLEDGE, THE ODOMETER READING REFLECTS THE
27 ACTUAL MILES OR KILOMETERS THE VEHICLE HAS BEEN DRIVEN;

28 (II) IF THE TRANSFEROR KNOWS THAT THE ODOMETER
29 READING REFLECTS THE AMOUNT OF MILEAGE IN EXCESS OF THE
30 DESIGNED MECHANICAL ODOMETER LIMIT OF 99,999 MILES OR

1 KILOMETERS, HE SHALL INCLUDE A STATEMENT TO THAT EFFECT;
2 OR

3 (III) IF THE TRANSFEROR KNOWS THAT THE ODOMETER
4 READING DIFFERS FROM THE NUMBER OF MILES OR KILOMETERS
5 THE VEHICLE HAS ACTUALLY TRAVELED AND THAT THE DIFFERENCE
6 IS GREATER THAN THAT CAUSED BY ODOMETER CALIBRATION
7 ERROR, HE SHALL INCLUDE A STATEMENT THAT THE ODOMETER
8 READING IS NOT THE ACTUAL MILEAGE AND SHOULD NOT BE
9 RELIED UPON.

10 THE TRANSFEREE SHALL ACKNOWLEDGE RECEIPT OF THE DISCLOSURE
11 STATEMENT BY SIGNING IT.

12 (B) PROHIBITIONS.--

13 (1) NO TRANSFEROR SHALL VIOLATE ANY PROVISION OF THIS
14 SECTION OR GIVE A FALSE STATEMENT TO A TRANSFEREE IN MAKING
15 ANY DISCLOSURE REQUIRED BY THIS SECTION.

16 (2) NO TRANSFEREE SHALL ACCEPT ANY WRITTEN DISCLOSURE
17 REQUIRED BY ANY PROVISION OF THIS SECTION IF THE DISCLOSURE
18 IS INCOMPLETE.

19 (C) AUCTION SALES.--WITH REGARD TO ANY MOTOR VEHICLE WHOSE
20 OWNERSHIP IS TRANSFERRED THROUGH A MOTOR VEHICLE AUCTION SALES
21 TRANSACTION, THE MOTOR VEHICLE AUCTION COMPANY CONDUCTING THE
22 SALE SHALL RECEIVE FROM THE TRANSFEROR A COPY OF THE ODOMETER
23 MILEAGE STATEMENT WHICH THE TRANSFEROR IS REQUIRED BY SUBSECTION
24 (A) TO PROVIDE TO THE TRANSFEREE.

25 (D) OTHER ACCEPTABLE DISCLOSURE FORMS.--EITHER AN ODOMETER
26 MILEAGE STATEMENT, APPROVED BY THE UNITED STATES SECRETARY OF
27 TRANSPORTATION PURSUANT TO SECTION 1988 OF THE MOTOR VEHICLE
28 INFORMATION AND COST SAVINGS ACT (PUBLIC LAW 92-513, 15 U.S.C. §
29 1988), OR A PENNSYLVANIA OWNERSHIP TRANSFER DOCUMENT, APPROVED
30 BY THE DEPARTMENT, WHICH INCLUDES THE ODOMETER DISCLOSURE

1 INFORMATION AS PRESCRIBED IN SUBSECTION (A) SHALL BE DEEMED TO
2 SATISFY ALL THE REQUIREMENTS FOR THE CONTENT AND FORM OF
3 ODOMETER MILEAGE STATEMENTS. NOTHING IN THIS SUBSECTION SHALL
4 EXEMPT A DEALER OR MOTOR VEHICLE AUCTION COMPANY FROM THE
5 PROVISIONS OF SECTION 7135 (RELATING TO ODOMETER MILEAGE
6 STATEMENT RETENTION).

7 (D.1) SECURE POWER OF ATTORNEY.--THE DEPARTMENT SHALL PERMIT
8 A LICENSED DEALER TO USE A SECURE POWER OF ATTORNEY TO TRANSFER
9 A VEHICLE WHEN THE CERTIFICATE OF TITLE IS ENCUMBERED WITH A
10 LIEN. PRIOR TO TRANSFERRING THE VEHICLE, THE DEALER SHALL OBTAIN
11 FROM THE TRANSFEROR A SECURE POWER OF ATTORNEY AUTHORIZING THE
12 DEALER TO TRANSFER TO THE TITLE ALL INFORMATION PERTAINING TO
13 ODOMETERS THAT IS REQUIRED TO BE DISCLOSED BY THIS TITLE AND
14 FEDERAL LAW, IN LIEU OF THE TRANSFEROR PROVIDING SUCH
15 INFORMATION ON THE CERTIFICATE OF TITLE. IN ADDITION TO ANY
16 OTHER DOCUMENTS REQUIRED BY THE DEPARTMENT, THE DEALER SHALL
17 SUBMIT TO THE DEPARTMENT THE FOLLOWING:

18 (1) IF THE TRANSFERRED VEHICLE IS A RETAIL SALE AND IS
19 TO BE TITLED IN THIS COMMONWEALTH, THE DEALER SHALL SUBMIT
20 THE SECURE POWER OF ATTORNEY ATTACHED TO THE APPLICATION FOR
21 TITLE, ALONG WITH THE CERTIFICATE OF TITLE AND THE
22 ESTABLISHED FEE.

23 (2) IF THE TRANSFERRED VEHICLE IS TO BE TITLED OUTSIDE
24 OF THIS COMMONWEALTH, THE DEALER SHALL SUBMIT TO THE
25 DEPARTMENT THE SECURE COPY OF THE SECURE POWER OF ATTORNEY
26 ATTACHED TO A COPY OF THE CERTIFICATE OF TITLE AND THE
27 ESTABLISHED FEE.

28 (3) IF THE TRANSFERRED VEHICLE IS TO BE TRANSFERRED TO
29 ANOTHER LICENSED DEALER, THE FIRST TRANSFEROR DEALER SHALL
30 SUBMIT TO THE DEPARTMENT THE SECURE COPY OF THE SECURE POWER

OF ATTORNEY ATTACHED TO A COPY OF THE CERTIFICATE OF TITLE
AND THE ESTABLISHED FEE.

ADDITIONAL TRANSFERS BETWEEN LICENSED DEALERS SHALL BE PERMITTED
IN ACCORDANCE WITH SECTION 1113 (RELATING TO TRANSFER TO OR FROM
MANUFACTURER OR DEALER). NO MORE THAN ONE SECURE POWER OF
ATTORNEY SHALL BE UTILIZED WITH THE CERTIFICATE OF TITLE DURING
THIS AUTHORIZED TRANSFER PROCESS. UPON APPLICATION FOR
CERTIFICATE OF TITLE, THE SECURE POWER OF ATTORNEY UTILIZED TO
VERIFY ODOMETER INFORMATION WHEN THE VEHICLE WAS ENCUMBERED WITH
A LIEN SHALL BE SUBMITTED WITH THE CERTIFICATE OF TITLE.

(E) EXEMPTIONS.--A TRANSFER OF ANY OF THE FOLLOWING TYPES OF
MOTOR VEHICLES IS EXEMPT FROM THE REQUIREMENTS OF THIS SECTION:

(1) A MOTOR VEHICLE HAVING A REGISTERED GROSS WEIGHT OF
MORE THAN 16,000 POUNDS.

(2) A MOTOR VEHICLE 10 YEARS OR OLDER.

(3) AN IMPLEMENT OF HUSBANDRY.

(4) SPECIAL MOBILE EQUIPMENT.

(5) A COMMERCIAL IMPLEMENT OF HUSBANDRY.]

SECTION 57. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

§ 7134.1. ODOMETER DISCLOSURE REQUIREMENTS.

(A) GENERAL RULE.--EACH TITLE, AT THE TIME IT IS ISSUED TO
THE TRANSFEREE, MUST CONTAIN THE MILEAGE DISCLOSED BY THE
TRANSFEROR WHEN OWNERSHIP OF THE VEHICLE WAS TRANSFERRED AND
CONTAIN A SPACE FOR THE INFORMATION REQUIRED TO BE DISCLOSED
UNDER SUBSECTIONS (B), (C), (D) AND (E) AT THE TIME OF FUTURE
TRANSFER. DOCUMENTS THAT ARE USED TO REASSIGN A TITLE SHALL
CONTAIN A SPACE FOR THE INFORMATION REQUIRED TO BE DISCLOSED
UNDER SUBSECTIONS (B), (C), (D) AND (E) AT THE TIME OF TRANSFER
OF OWNERSHIP.

(B) ODOMETER DISCLOSURE STATEMENT.--PRIOR TO OR

SIMULTANEOUSLY WITH THE EXECUTION OF ANY OWNERSHIP TRANSFER
DOCUMENT RELATING TO A MOTOR VEHICLE, EACH TRANSFEROR OF A MOTOR
VEHICLE SHALL DISCLOSE THE MILEAGE TO THE TRANSFEREE IN WRITING
IN THE SPACE RESERVED ON THE CERTIFICATE OF TITLE OR, EXCEPT AS
NOTED IN SUBSECTION (H), THE DOCUMENT USED TO REASSIGN THE
TITLE. IN THE CASE OF A TRANSFEROR IN WHOSE NAME THE VEHICLE IS
TITLED, THE TRANSFEROR SHALL DISCLOSE THE MILEAGE ON THE TITLE
OR THE SECURE POWER OF ATTORNEY AND NOT ON THE REASSIGNMENT
DOCUMENT. THE WRITTEN DISCLOSURE SHALL BE SIGNED BY THE
TRANSFEROR, INCLUDING THE PRINTED NAME. IN CONNECTION WITH THE
TRANSFER OF OWNERSHIP OF A MOTOR VEHICLE IN WHICH MORE THAN ONE
PERSON IS A TRANSFEROR, ONLY ONE TRANSFEROR NEED SIGN THE
WRITTEN DISCLOSURE. IN ADDITION TO THE SIGNATURE AND THE PRINTED
NAME OF THE TRANSFEROR, THE WRITTEN DISCLOSURE SHALL CONTAIN THE
FOLLOWING INFORMATION:

(1) THE ODOMETER READING AT THE TIME OF TRANSFER, NOT TO
INCLUDE TENTHS OF MILES.

(2) THE DATE OF TRANSFER.

(3) THE TRANSFEROR'S NAME AND CURRENT ADDRESS.

(4) THE TRANSFEREE'S NAME AND CURRENT ADDRESS.

(5) THE IDENTITY OF THE VEHICLE, INCLUDING ITS MAKE,
YEAR AND BODY TYPE AND ITS COMPLETE VEHICLE IDENTIFICATION
NUMBER.

(6) (I) THE TRANSFEROR SHALL CERTIFY THAT, TO THE BEST
OF THE TRANSFEROR'S KNOWLEDGE, THE ODOMETER READING
REFLECTS THE ACTUAL MILEAGE;

(II) IF THE TRANSFEROR KNOWS THAT THE ODOMETER
READING REFLECTS THE AMOUNT OF MILEAGE IN EXCESS OF THE
DESIGNED MECHANICAL ODOMETER LIMIT OF 99,999 MILES, THE
TRANSFEROR SHALL INCLUDE A STATEMENT TO THAT EFFECT; OR

1 (III) IF THE TRANSFEROR KNOWS THAT THE ODOMETER
2 READING DIFFERS FROM THE MILEAGE AND THAT THE DIFFERENCE
3 IS GREATER THAN THAT CAUSED BY ODOMETER CALIBRATION
4 ERROR, THE TRANSFEROR SHALL INCLUDE A STATEMENT THAT THE
5 ODOMETER READING IS NOT THE ACTUAL MILEAGE AND SHOULD NOT
6 BE RELIED UPON. THIS STATEMENT SHALL ALSO INCLUDE A
7 WARNING NOTICE TO ALERT THE TRANSFEREE THAT A DISCREPANCY
8 EXISTS BETWEEN THE ODOMETER READING AND THE ACTUAL
9 MILEAGE.

10 (C) DUTY OF TRANSFEREE.--THE TRANSFEREE SHALL SIGN THE
11 DISCLOSURE STATEMENT, PRINT THE TRANSFEREE'S NAME AND RETURN A
12 COPY TO THE TRANSFEROR.

13 (D) DISCLOSURE UNAVAILABLE ON TITLE.--IF THE VEHICLE HAS NOT
14 BEEN TITLED OR IF THE TITLE DOES NOT CONTAIN A SPACE FOR THE
15 INFORMATION REQUIRED, THE WRITTEN DISCLOSURE SHALL BE EXECUTED
16 AS A SEPARATE DOCUMENT.

17 (E) PERSON SIGNING AS BOTH TRANSFEROR AND TRANSFEREE.--NO
18 PERSON SHALL SIGN AN ODOMETER DISCLOSURE STATEMENT AS BOTH THE
19 TRANSFEROR AND TRANSFEREE IN THE SAME TRANSACTION, EXCEPT AS
20 OTHERWISE PERMITTED BY 49 CFR §§ 580.13 (RELATING TO DISCLOSURE
21 OF ODOMETER INFORMATION BY POWER OF ATTORNEY) AND 580.14
22 (RELATING TO POWER OF ATTORNEY TO REVIEW TITLE DOCUMENTS AND
23 ACKNOWLEDGE DISCLOSURE).

24 (F) PROHIBITIONS.--

25 (1) NO TRANSFEROR SHALL VIOLATE ANY PROVISION OF THIS
26 SECTION OR GIVE A FALSE STATEMENT TO A TRANSFEREE IN MAKING
27 ANY DISCLOSURE REQUIRED BY THIS SECTION.

28 (2) NO TRANSFEREE SHALL ACCEPT ANY WRITTEN DISCLOSURE
29 REQUIRED BY ANY PROVISION OF THIS SECTION IF THE DISCLOSURE
30 IS INCOMPLETE.

1 (G) AUCTION SALES.--WITH REGARD TO ANY MOTOR VEHICLE WHOSE
2 OWNERSHIP IS TRANSFERRED THROUGH A MOTOR VEHICLE AUCTION SALES
3 TRANSACTION, THE MOTOR VEHICLE AUCTION COMPANY CONDUCTING THE
4 SALE SHALL RECEIVE FROM THE TRANSFEROR A COPY OF THE ODOMETER
5 DISCLOSURE STATEMENT WHICH THE TRANSFEROR IS REQUIRED BY
6 SUBSECTION (B) TO PROVIDE TO THE TRANSFEREE.

7 (H) DISCLOSURE OF ODOMETER INFORMATION BY SECURE POWER OF
8 ATTORNEY.--THE DEPARTMENT SHALL PERMIT A LICENSED DEALER OR AN
9 INSURANCE COMPANY APPROVED BY THE DEPARTMENT TO USE A SECURE
10 POWER OF ATTORNEY TO TRANSFER A VEHICLE, IF THE CERTIFICATE OF
11 TITLE IS ENCUMBERED WITH A LIEN OR IF THE TRANSFEROR HAS LOST
12 THE TITLE AND THE TRANSFEREE OBTAINS A DUPLICATE TITLE ON BEHALF
13 OF THE TRANSFEROR. PRIOR TO TRANSFERRING THE VEHICLE, THE DEALER
14 SHALL OBTAIN FROM THE TRANSFEROR A SECURE POWER OF ATTORNEY
15 AUTHORIZING THE DEALER TO TRANSFER TO THE TITLE ALL INFORMATION
16 PERTAINING TO ODOMETERS THAT IS REQUIRED TO BE DISCLOSED BY THIS
17 TITLE AND FEDERAL LAW, IN LIEU OF THE TRANSFEROR PROVIDING SUCH
18 INFORMATION ON THE CERTIFICATE OF TITLE. IN ADDITION TO ANY
19 OTHER DOCUMENTS REQUIRED BY THE DEPARTMENT, THE DEALER SHALL
20 SUBMIT TO THE DEPARTMENT THE FOLLOWING:

21 (1) IF THE TRANSFERRED VEHICLE IS A RETAIL SALE AND IS
22 TO BE TITLED IN THIS COMMONWEALTH, THE DEALER SHALL SUBMIT
23 THE SECURE POWER OF ATTORNEY AND THE SECURE COPY OF THE
24 SECURE POWER OF ATTORNEY ATTACHED TO THE APPLICATION FOR
25 TITLE, ALONG WITH THE CERTIFICATE OF TITLE AND THE
26 ESTABLISHED FEE.

27 (2) IF THE TRANSFERRED VEHICLE IS TO BE TITLED OUTSIDE
28 OF THIS COMMONWEALTH, THE DEALER SHALL SUBMIT TO THE
29 DEPARTMENT THE SECURE COPY OF THE SECURE POWER OF ATTORNEY
30 ATTACHED TO A COPY OF THE CERTIFICATE OF TITLE AND THE

1 ESTABLISHED FEE.

2 (3) IF THE TRANSFERRED VEHICLE IS TO BE TRANSFERRED TO
3 ANOTHER LICENSED DEALER, THE FIRST TRANSFEROR DEALER SHALL
4 SUBMIT TO THE DEPARTMENT THE SECURE COPY OF THE SECURE POWER
5 OF ATTORNEY ATTACHED TO A COPY OF THE CERTIFICATE OF TITLE
6 AND THE ESTABLISHED FEE.

7 ADDITIONAL TRANSFERS BETWEEN LICENSED DEALERS SHALL BE PERMITTED
8 IN ACCORDANCE WITH SECTION 1113 (RELATING TO TRANSFER TO OR FROM
9 MANUFACTURER OR DEALER). NO MORE THAN ONE SECURE POWER OF
10 ATTORNEY SHALL BE UTILIZED WITH THE CERTIFICATE OF TITLE DURING
11 THIS AUTHORIZED TRANSFER PROCESS. UPON APPLICATION FOR
12 CERTIFICATE OF TITLE, THE SECURE POWER OF ATTORNEY UTILIZED TO
13 VERIFY ODOMETER INFORMATION WHEN THE VEHICLE WAS ENCUMBERED WITH
14 A LIEN SHALL BE SUBMITTED WITH THE CERTIFICATE OF TITLE.

15 (I) EXEMPTIONS.--A TRANSFEROR OR A LESSEE OF ANY OF THE
16 FOLLOWING TYPES OF MOTOR VEHICLES NEED NOT DISCLOSE THE
17 VEHICLE'S ODOMETER MILEAGE:

18 (1) A MOTOR VEHICLE HAVING A REGISTERED GROSS WEIGHT OF
19 MORE THAN 16,000 POUNDS.

20 (2) A MOTOR VEHICLE THAT WAS MANUFACTURED IN A MODEL
21 YEAR BEGINNING AT LEAST TEN YEARS BEFORE JANUARY 1 OF THE
22 CALENDAR YEAR IN WHICH THE TRANSFER OCCURS.

23 (3) A NEW VEHICLE PRIOR TO ITS FIRST TRANSFER FOR
24 PURPOSES OTHER THAN RESALE.

25 (4) A VEHICLE LISTED IN PARAGRAPH (1), (2) OR (3) WHEN
26 LEASED.

27 § 7134.2. DISCLOSURE OF ODOMETER INFORMATION FOR LEASED MOTOR
28 VEHICLES.

29 (A) GENERAL RULE.--BEFORE EXECUTING TRANSFER OF OWNERSHIP
30 DOCUMENTS, EACH LESSOR OF A LEASED MOTOR VEHICLE SHALL NOTIFY

1 THE LESSEE IN WRITING THAT THE LESSEE IS REQUIRED TO PROVIDE A
2 WRITTEN DISCLOSURE TO THE LESSOR REGARDING THE MILEAGE. THIS
3 NOTICE SHALL CONTAIN A REFERENCE TO THE APPLICABLE FEDERAL AND
4 STATE LAW AND SHALL STATE THAT FAILURE TO COMPLETE OR PROVIDING
5 FALSE INFORMATION MAY RESULT IN FINES OR IMPRISONMENT, OR BOTH.

6 (B) ODOMETER DISCLOSURE STATEMENT.--IN CONNECTION WITH THE
7 TRANSFER OF OWNERSHIP OF THE LEASED MOTOR VEHICLE, A LESSEE
8 SHALL FURNISH TO THE LESSOR A WRITTEN STATEMENT REGARDING THE
9 MILEAGE OF THE VEHICLE. THIS STATEMENT SHALL BE SIGNED BY THE
10 LESSEE AND CONTAIN THE FOLLOWING INFORMATION:

11 (1) THE PRINTED NAME OF THE PERSON MAKING THE
12 DISCLOSURE.

13 (2) THE CURRENT ODOMETER READING, NOT TO INCLUDE TENTHS
14 OF MILES.

15 (3) THE DATE OF THE STATEMENT.

16 (4) THE LESSEE'S NAME AND CURRENT ADDRESS.

17 (5) THE LESSOR'S NAME AND CURRENT ADDRESS.

18 (6) THE IDENTITY OF THE VEHICLE, INCLUDING ITS MAKE,
19 YEAR, BODY TYPE AND ITS VEHICLE IDENTIFICATION NUMBER.

20 (7) THE DATE THAT THE LESSOR NOTIFIED THE LESSEE OF
21 DISCLOSURE REQUIREMENTS.

22 (8) THE DATE THAT THE COMPLETED DISCLOSURE STATEMENT WAS
23 RECEIVED BY THE LESSOR.

24 (9) THE SIGNATURE OF THE LESSOR.

25 (C) DUTY OF LESSEE.--IN ADDITION TO PROVIDING THE
26 INFORMATION REQUIRED UNDER SUBSECTIONS (A) AND (B), A LESSEE
27 SHALL, TO THE BEST OF HIS KNOWLEDGE, PROVIDE ONE OF THE
28 FOLLOWING:

29 (1) A WRITTEN STATEMENT THAT THE ODOMETER READING
30 REFLECTS THE ACTUAL MILEAGE OF THE VEHICLE;

1 (2) A WRITTEN STATEMENT THAT THE ODOMETER READING
2 REFLECTS THE AMOUNT OF MILEAGE IN EXCESS OF THE DESIGNED
3 MECHANICAL ODOMETER LIMIT IF THE LESSEE KNOWS THAT THE
4 ODOMETER READING REFLECTS THE AMOUNT OF MILEAGE IN EXCESS OF
5 THE DESIGNED MECHANICAL ODOMETER LIMIT; OR

6 (3) A WRITTEN STATEMENT THAT THE ODOMETER READING IS NOT
7 THE ACTUAL MILEAGE AND SHOULD NOT BE RELIED UPON IF THE
8 LESSEE KNOWS THAT THE ODOMETER READING DIFFERS FROM THE
9 MILEAGE AND THAT THE DIFFERENCE IS GREATER THAN THAT CAUSED
10 BY AN ODOMETER CALIBRATION ERROR.

11 (D) TRANSFER BY LESSOR WITHOUT POSSESSION.--IF THE LESSOR
12 TRANSFERS THE LEASED VEHICLE WITHOUT OBTAINING POSSESSION OF IT,
13 THE LESSOR MAY INDICATE ON THE TITLE THE MILEAGE DISCLOSED BY
14 THE LESSEE UNDER SUBSECTIONS (B) AND (C), UNLESS THE LESSOR HAS
15 REASON TO BELIEVE THAT THE DISCLOSURE BY THE LESSEE DOES NOT
16 REFLECT THE ACTUAL MILEAGE OF THE VEHICLE.

17 SECTION 58. SECTION 7135 OF TITLE 75 IS AMENDED TO READ:

18 [§ 7135. ODOMETER MILEAGE STATEMENT RETENTION.

19 (A) GENERAL RULE.--EACH DEALER OR MOTOR VEHICLE AUCTION
20 COMPANY WHO IS REQUIRED BY THIS SUBCHAPTER TO EXECUTE OR RECEIVE
21 AN ODOMETER MILEAGE STATEMENT SHALL RETAIN FOR FOUR YEARS EACH
22 ODOMETER MILEAGE STATEMENT WHICH HE RECEIVES. HE SHALL ALSO
23 RETAIN FOR FOUR YEARS A PHOTOSTAT, CARBON OR OTHER FACSIMILE
24 COPY OF EACH ODOMETER MILEAGE STATEMENT WHICH HE ISSUES. THE
25 DEALER SHALL RETAIN EACH ODOMETER MILEAGE STATEMENT AT THE
26 PRIMARY PLACE OF BUSINESS IN AN ORDER THAT IS APPROPRIATE TO HIS
27 BUSINESS REQUIREMENTS AND THAT PERMITS SYSTEMATIC RETRIEVAL. THE
28 STATEMENT MAY BE REPRODUCED AS LONG AS NO INFORMATION OR
29 IDENTIFYING MARKS SUCH AS SIGNATURES ARE LOST IN THE
30 REPRODUCTION.

(B) INSPECTION.--EACH DEALER OR MOTOR VEHICLE AUCTION COMPANY SHALL MAKE ANY ODOMETER MILEAGE STATEMENT WHICH IT HAS RETAINED AVAILABLE FOR INSPECTION AND COPYING BY LAW ENFORCEMENT AUTHORITIES, THE ATTORNEY GENERAL OR HIS DESIGNEE AND ANY DISTRICT ATTORNEY OR HIS DESIGNEE.]

SECTION 59. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
§ 7135.1. ODOMETER DISCLOSURE STATEMENT RETENTION.

(A) DEALER OR DISTRIBUTOR.--A DEALER OR DISTRIBUTOR OF MOTOR VEHICLES WHO IS REQUIRED BY THIS CHAPTER TO EXECUTE AN ODOMETER DISCLOSURE STATEMENT SHALL RETAIN A COPY OF EACH ODOMETER MILEAGE STATEMENT WHICH THEY ISSUE AND RECEIVE FOR FIVE YEARS. ODOMETER DISCLOSURE STATEMENTS SHALL BE RETAINED AT THE DEALER'S OR DISTRIBUTOR'S PRIMARY PLACE OF BUSINESS IN A MANNER THAT PERMITS SYSTEMATIC RETRIEVAL.

(B) LESSOR.--A LESSOR SHALL RETAIN EACH ODOMETER DISCLOSURE STATEMENT WHICH THEY RECEIVE FROM A LESSEE FOR FIVE YEARS FOLLOWING THE DATE THE LESSOR TRANSFERS OWNERSHIP OF THE LEASED VEHICLE. ODOMETER DISCLOSURE STATEMENTS SHALL BE RETAINED AT THE LESSOR'S PRIMARY PLACE OF BUSINESS IN A MANNER THAT PERMITS SYSTEMATIC RETRIEVAL.

(C) SECURE POWER OF ATTORNEY.--A DEALER OR DISTRIBUTOR OF MOTOR VEHICLES WHO IS GRANTED A SECURE POWER OF ATTORNEY BY EITHER A TRANSFEROR OR TRANSFEREE UNDER SECTION 7134.1(H) (RELATING TO ODOMETER DISCLOSURE REQUIREMENTS) SHALL RETAIN A COPY OF EACH POWER OF ATTORNEY THAT THEY RECEIVE FOR FIVE YEARS. POWERS OF ATTORNEY SHALL BE RETAINED AT THE DEALER'S OR DISTRIBUTOR'S PRIMARY PLACE OF BUSINESS IN A MANNER THAT PERMITS SYSTEMATIC RETRIEVAL.

(D) AUCTION COMPANY.--AN AUCTION COMPANY SHALL ESTABLISH AND RETAIN SALE RECORDS FOR FIVE YEARS FOLLOWING THE DATE OF SALE OF

EACH MOTOR VEHICLE. SALE RECORDS SHALL BE RETAINED AT THE
AUCTION COMPANY'S PRIMARY PLACE OF BUSINESS IN A MANNER THAT
PERMITS SYSTEMATIC RETRIEVAL. EACH SALE RECORD SHALL INCLUDE THE
FOLLOWING:

(1) THE NAME OF THE MOST RECENT OWNER, OTHER THAN THE
AUCTION COMPANY.

(2) THE NAME OF THE BUYER.

(3) THE VEHICLE IDENTIFICATION NUMBER.

(4) THE ODOMETER READING ON THE DATE WHICH THE AUCTION
COMPANY TOOK POSSESSION OF THE MOTOR VEHICLE.

(E) INSPECTION.--EACH DEALER OR MOTOR VEHICLE AUCTION
COMPANY SHALL MAKE ANY ODOMETER MILEAGE STATEMENT THAT IT HAS
RETAINED AVAILABLE FOR INSPECTION AND COPYING BY THE DEPARTMENT,
ITS DESIGNEE, LAW ENFORCEMENT AUTHORITIES, THE ATTORNEY GENERAL
OR HIS DESIGNEE AND ANY DISTRICT ATTORNEY OR HIS DESIGNEE.

SECTION 60. SECTIONS 7136, 7301 AND 7302 OF TITLE 75 ARE
AMENDED TO READ:

§ 7136. CONSPIRACY TO VIOLATE ODOMETER REQUIREMENTS.

NO PERSON SHALL CONSPIRE WITH ANY OTHER PERSON TO VIOLATE
SECTION 7132 (RELATING TO PROHIBITED ACTIVITIES RELATING TO
ODOMETERS), 7133 (RELATING TO PERMISSIBLE ACTIVITIES RELATING TO
ODOMETERS) [OR 7134], 7134.1, (RELATING TO ODOMETER DISCLOSURE
REQUIREMENTS) OR 7134.2 (RELATING TO DISCLOSURE OF ODOMETER
INFORMATION FOR LEASED MOTOR VEHICLES).

§ 7301. AUTHORIZATION OF SALVORS.

(A) GENERAL RULE.--THE DEPARTMENT SHALL AUTHORIZE AND SHALL
ISSUE A CERTIFICATE OF AUTHORIZATION TO EVERY SALVOR THAT
COMPLIES WITH THE REQUIREMENTS OF THIS CHAPTER AND REGULATIONS
ADOPTED BY THE DEPARTMENT AND IS A CURRENTLY REGISTERED VEHICLE
SALVAGE DEALER AS DEFINED IN SECTION 1337(C)(2) (RELATING TO USE

1 OF "MISCELLANEOUS MOTOR VEHICLE BUSINESS" REGISTRATION PLATES).

2 (A.1) REPAIR OR TOWING BUSINESS.--THE DEPARTMENT MAY
3 AUTHORIZE AND ISSUE A CERTIFICATE OF AUTHORIZATION TO A
4 CURRENTLY REGISTERED REPAIR OR TOWING BUSINESS UNDER SECTION
5 1337(C)(1) IF THERE IS NO QUALIFIED VEHICLE SALVAGE DEALER IN A
6 COUNTY.

7 (B) UNAUTHORIZED OPERATION PROHIBITED.--NO PERSON SHALL
8 OPERATE AS A SALVOR UNLESS AUTHORIZED.

9 [(C) DUTY OF SALVOR.--UPON WRITTEN REQUEST OF A POLICE
10 DEPARTMENT, A SALVOR SHALL TAKE POSSESSION OF AND REMOVE TO THE
11 STORAGE FACILITY OF THE SALVOR ANY ABANDONED VEHICLE LOCATED
12 WITHIN 30 MILES OF THE PLACE OF BUSINESS OF THE SALVOR.

13 (D) STORAGE FACILITY.--A SALVOR MAY RENT OR OWN A STORAGE
14 FACILITY, WHICH SHALL COMPLY WITH THE ACT OF JULY 28, 1966 (3RD
15 SP.SESS., P.L.91, NO.4), REFERRED TO AS THE JUNKYARD AND
16 AUTOMOTIVE RECYCLER SCREENING LAW, WHERE APPLICABLE, AND WITH
17 REGULATIONS PROMULGATED BY THE DEPARTMENT.]

18 § 7302. CERTIFICATE OF AUTHORIZATION.

19 (A) APPLICATION AND ISSUANCE.--APPLICATION FOR A CERTIFICATE
20 OF AUTHORIZATION SHALL BE MADE ON A FORM PRESCRIBED BY THE
21 DEPARTMENT. THE DEPARTMENT SHALL INVESTIGATE THE QUALIFICATIONS
22 AND FITNESS OF THE APPLICANT AND SHALL ISSUE A CERTIFICATE OF
23 AUTHORIZATION IF IT DETERMINES THAT THE APPLICANT IS CAPABLE OF
24 PERFORMING THE DUTIES OF A SALVOR IN A MANNER CONSISTENT WITH
25 THE PUBLIC INTEREST.

26 (B) PLACE OF BUSINESS.--EVERY APPLICANT SHALL HAVE AND
27 MAINTAIN AN ESTABLISHED PLACE OF BUSINESS. IF THE APPLICANT HAS
28 OR INTENDS TO HAVE ONE OR MORE PLACES OF BUSINESS OR BRANCH
29 OFFICES, THE APPLICATION SHALL CONTAIN COMPLETE INFORMATION FOR
30 EACH LOCATION.

1 (C) BONDING REQUIRED.--BEFORE ISSUING A CERTIFICATE OF
2 AUTHORIZATION, THE DEPARTMENT SHALL REQUIRE THE APPLICANT TO
3 FURNISH AND MAINTAIN A BOND INDEMNIFYING THE PUBLIC AND THE
4 DEPARTMENT IN THE AMOUNT OF \$10,000. AN INDIVIDUAL BOND FOR EACH
5 PLACE OF BUSINESS IS NOT REQUIRED, BUT ALL PLACES OF BUSINESS
6 SHALL BE COVERED BY THE BOND.

7 (D) DURATION AND RENEWAL.--CERTIFICATES OF AUTHORIZATION
8 SHALL BE ISSUED FOR A PERIOD OF ONE YEAR AND SHALL BE SUBJECT TO
9 ANNUAL RENEWAL[.], INCLUDING A REVIEW OF THE SALVOR'S STATUS AS
10 A VEHICLE SALVAGE DEALER UNDER SECTION 1337(C)(2) (RELATING TO
11 USE OF "MISCELLANEOUS MOTOR VEHICLE BUSINESS" REGISTRATION
12 PLATES).

13 (E) STORAGE FACILITY.--A SALVOR SHALL RENT OR OWN A STORAGE
14 FACILITY, WHICH SHALL COMPLY WITH THE ACT OF JULY 28, 1966 (3RD
15 SP.SESS., P.L.91, NO.4), REFERRED TO AS THE JUNKYARD AND
16 AUTOMOTIVE RECYCLER SCREENING LAW, WHERE APPLICABLE, AND WITH
17 REGULATIONS PROMULGATED BY THE DEPARTMENT.

18 SECTION 61. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
19 § 7303.1. DUTY OF POLICE AND SALVORS.

20 (A) DUTY OF POLICE AND AUTHORIZED PERSONNEL.--POLICE
21 OFFICERS OR PERSONNEL DESIGNATED BY ORDINANCE OF A MUNICIPALITY
22 SHALL PROCESS ALL VEHICLES PRESUMED TO BE ABANDONED. THEY SHALL
23 COMPLETE AN ABANDONED VEHICLE INFORMATION REPORT ON A FORM,
24 PRESCRIBED BY THE DEPARTMENT, ON EACH VEHICLE DECLARED
25 ABANDONED. THE REPORT SHALL INCLUDE THE MAKE, MODEL, VEHICLE
26 IDENTIFICATION NUMBER, REGISTRATION PLATE NUMBER, NAME AND
27 ADDRESS OF THE OWNER OR PERSON WHO ABANDONED THE VEHICLE, IF
28 KNOWN, AND ANY OTHER INFORMATION THE DEPARTMENT MAY REQUIRE. THE
29 REPORT SHALL ALSO INDICATE THE VEHICLE'S STATUS AS A VEHICLE
30 WITH VALUE, A SALVAGE VEHICLE OR A NONREPAIRABLE VEHICLE. THE

1 REPORT SHALL INCLUDE THE NAME, SIGNATURE AND BADGE NUMBER OF THE
2 POLICE OFFICER AND THE NAME OF THE RESPECTIVE POLICE DEPARTMENT.
3 THE REPORT SHALL SERVE AS AN AUTHORIZED WRITTEN REQUEST FOR A
4 LICENSED SALVOR TO REMOVE, POSSESS AND FURTHER PROCESS THE
5 ABANDONED VEHICLE.

6 (B) DUTY OF SALVORS.--UPON RECEIPT OF THE WRITTEN ABANDONED
7 VEHICLE INFORMATION REPORT FROM ANY AUTHORIZED PERSON DESCRIBED
8 IN SUBSECTION (A), A SALVOR SHALL TAKE POSSESSION OF AND REMOVE
9 TO THE STORAGE FACILITY OF THE SALVOR ANY ABANDONED VEHICLE
10 LOCATED WITHIN 30 MILES OF THE PLACE OF BUSINESS OF THE SALVOR.
11 THE SALVOR SHALL ALSO INDICATE ON THE ABANDONED VEHICLE
12 INFORMATION REPORT THE VEHICLE'S STATUS AS A VEHICLE WITH VALUE,
13 A SALVAGE VEHICLE OR A NONREPAIRABLE VEHICLE.

14 SECTION 62. SECTIONS 7304, 7305, 7306, 7308 AND 7309 OF
15 TITLE 75 ARE AMENDED TO READ:

16 § 7304. REPORTS TO DEPARTMENT OF POSSESSION OF ABANDONED
17 VEHICLES.

18 ANY SALVOR TAKING POSSESSION OF AN ABANDONED VEHICLE PURSUANT
19 TO SECTION [7301(C) (RELATING TO AUTHORIZATION OF SALVORS)]
20 7303.1 (RELATING TO DUTY OF POLICE AND SALVORS) SHALL WITHIN 48
21 HOURS AFTER TAKING POSSESSION SEND AN ABANDONED VEHICLE
22 INFORMATION REPORT TO THE DEPARTMENT. [THE MAKE, MODEL, VEHICLE
23 IDENTIFICATION NUMBER AND REGISTRATION PLATE NUMBER OF THE
24 ABANDONED VEHICLE, AND THE NAME AND ADDRESS OF THE OWNER OR
25 PERSON WHO ABANDONED THE VEHICLE, IF KNOWN, TOGETHER WITH ANY
26 OTHER INFORMATION OR DOCUMENTS WHICH THE DEPARTMENT MAY BY
27 REGULATION REQUIRE. THE REPORT SHALL INCLUDE A STATEMENT WHETHER
28 THE VEHICLE IS VALUELESS EXCEPT FOR SALVAGE. WHERE] IF THE
29 REPORT INDICATES THE VEHICLE IS [VALUELESS EXCEPT FOR] A SALVAGE
30 VEHICLE, THE SALVOR SHALL INCLUDE A PHOTOGRAPH OF THE VEHICLE TO

1 BE PREPARED IN A MANNER PRESCRIBED BY THE DEPARTMENT. [A REPORT
2 BY A SALVOR THAT A VEHICLE IS VALUELESS EXCEPT FOR SALVAGE SHALL
3 BE VERIFIED BY THE POLICE DEPARTMENT WHICH AUTHORIZED TRANSFER
4 OF THE VEHICLE TO THE SALVOR.] ANY NONREPAIRABLE VEHICLE WHICH
5 DOES NOT DISPLAY AN IDENTIFIABLE REGISTRATION, CURRENT
6 CERTIFICATE OF INSPECTION OR VEHICLE IDENTIFICATION NUMBER SHALL
7 BE TAKEN INTO POSSESSION AND FLATTENED OR CRUSHED IMMEDIATELY.
8 THERE IS NO REQUIREMENT TO NOTIFY THE DEPARTMENT.

9 § 7305. NOTICE TO OWNER AND LIENHOLDERS OF ABANDONED VEHICLES.

10 (A) GENERAL RULE.--[EXCEPT AS PROVIDED IN SECTION 7309
11 (RELATING TO SALVAGING OF VEHICLES VALUELESS EXCEPT FOR
12 SALVAGE), THE] THE DEPARTMENT[,] UPON RECEIPT OF [NOTICE THAT AN
13 ABANDONED VEHICLE HAS BEEN TAKEN INTO POSSESSION PURSUANT TO
14 THIS CHAPTER,] AN ABANDONED VEHICLE INFORMATION REPORT SHALL
15 NOTIFY BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THE LAST
16 KNOWN REGISTERED OWNER OF THE VEHICLE AND ALL LIENHOLDERS OF
17 RECORD THAT THE VEHICLE IS BEING HELD AS ABANDONED.

18 (B) CONTENTS OF NOTICE.--THE NOTICE SHALL:

19 (1) DESCRIBE THE MAKE, MODEL, TITLE NUMBER, VEHICLE
20 IDENTIFICATION NUMBER AND REGISTRATION PLATE NUMBER OF THE
21 ABANDONED VEHICLE, IF KNOWN.

22 (1.1) STATE THE LOCATION OF THE POLICE DEPARTMENT THAT
23 PROCESSED THE VEHICLE.

24 (2) STATE THE LOCATION WHERE THE VEHICLE IS BEING HELD.

25 (3) INFORM THE OWNER AND ANY LIENHOLDERS OF THEIR RIGHT
26 TO RECLAIM THE VEHICLE AND ITS CONTENTS WITHIN 30 DAYS AFTER
27 THE DATE [OF] THE NOTICE WAS MAILED AT THE PLACE WHERE THE
28 VEHICLE IS BEING HELD BY THE SALVOR, UPON PAYMENT OF ALL
29 TOWING [AND], STORAGE CHARGES [AND], THE FEE AUTHORIZED IN
30 SECTION 7306 (RELATING TO PAYMENT OF COSTS UPON RECLAIMING

1 VEHICLE)[.] AND PENALTIES UNDER SECTION 3712(D)(1) (RELATING
2 TO ABANDONMENT AND STRIPPING OF VEHICLES).

3 (4) STATE THAT THE FAILURE OF THE OWNER OR LIENHOLDER TO
4 RECLAIM THE VEHICLE AND ITS CONTENTS IS DEEMED CONSENT BY THE
5 OWNER TO THE DESTRUCTION, SALE OR OTHER DISPOSITION OF THE
6 ABANDONED VEHICLE AND ITS CONTENTS AND OF ALL LIENHOLDERS TO
7 DISSOLUTION OF THEIR LIENS.

8 (5) INFORM THE OWNER AND ANY LIENHOLDERS OF THEIR RIGHT,
9 WITHIN 30 DAYS OF THE MAILING DATE OF THE NOTICE, TO REQUEST
10 FROM THE APPROPRIATE POLICE DEPARTMENT A COPY OF THE
11 ABANDONED VEHICLE INFORMATION REPORT AND OF THEIR RIGHT TO A
12 HEARING CONFORMING TO THE REQUIREMENTS OF 2 PA.C.S. CH. 5
13 SUBCH. B (RELATING TO PRACTICE AND PROCEDURE OF LOCAL
14 AGENCIES). THE HEARING SHALL BE BEFORE A CIVILIAN OFFICER OR
15 EMPLOYEE OF THE MUNICIPALITY IN WHICH THE VEHICLE WAS
16 REPORTED AS ABANDONED. IF AS A RESULT OF THE HEARING IT IS
17 DETERMINED THAT THE VEHICLE WAS NOT ABANDONED, THE OWNER OR
18 LIENHOLDER MAY RETRIEVE THE VEHICLE WITHIN 48 HOURS WITHOUT
19 PAYMENT OF ANY OF THE FEES UNDER PARAGRAPH (3).

20 (C) NOTICE BY PUBLICATION.--IF THE IDENTITY OF THE LAST
21 REGISTERED OWNER AND OF ALL LIENHOLDERS CANNOT BE DETERMINED
22 WITH REASONABLE CERTAINTY, THE CONTENTS OF THE NOTICE SET FORTH
23 IN SUBSECTION (B) SHALL BE PUBLISHED ONE TIME IN ONE NEWSPAPER
24 OF GENERAL CIRCULATION IN THE AREA WHERE THE VEHICLE WAS
25 ABANDONED. THE NOTICE MAY CONTAIN MULTIPLE LISTINGS OF ABANDONED
26 VEHICLES. NOTICE BY PUBLICATION LOCALLY SHALL BE THE
27 RESPONSIBILITY OF THE SALVOR. THE NOTICE SHALL HAVE THE SAME
28 EFFECT AS NOTICE SENT BY CERTIFIED MAIL.

29 § 7306. PAYMENT OF COSTS UPON RECLAIMING VEHICLE.

30 IN THE EVENT THE OWNER OR LIENHOLDER OF AN ABANDONED VEHICLE

1 RECLAIMS THE VEHICLE, THE RECLAIMING PARTY SHALL PAY THE COSTS
2 FOR TOWING [AND] STORAGE AND PENALTIES, PLUS A FEE OF [\$25] \$50
3 OF WHICH [\$10] \$25 AND THE PENALTIES SHALL BE TRANSMITTED TO THE
4 DEPARTMENT BY THE SALVOR.

5 § 7308. PUBLIC SALE OF UNCLAIMED VEHICLES WITH VALUE.

6 (A) GENERAL RULE.--IF AN ABANDONED VEHICLE HAVING VALUE HAS
7 NOT BEEN RECLAIMED AS PROVIDED IN THIS CHAPTER, THE VEHICLE
8 SHALL BE SOLD AT A PUBLIC AUCTION.

9 (B) TITLE OF PURCHASER.--THE SALVOR SHALL GIVE THE PURCHASER
10 A SALES RECEIPT AND SHALL APPLY TO THE DEPARTMENT FOR [A] AN
11 ABANDONED BRANDED TITLE WHICH SHALL BE FREE AND CLEAR OF ALL
12 PREVIOUS LIENS AND CLAIMS OF OWNERSHIP.

13 (C) DISPOSITION OF PROCEEDS.--FROM THE PROCEEDS OF THE SALE
14 OF THE ABANDONED VEHICLE, THE SALVOR SHALL BE REIMBURSED FOR THE
15 FEE AUTHORIZED IN SECTION 7306 (RELATING TO PAYMENT OF COSTS
16 UPON RECLAIMING VEHICLE) AND THE COSTS OF TOWING, STORAGE,
17 NOTICE AND PUBLICATION COSTS AND THE EXPENSES OF AUCTION. THE
18 REMAINDER OF THE PROCEEDS OF A SALE SHALL BE [HELD FOR THE OWNER
19 OF THE VEHICLE OR RECORD LIENHOLDER FOR 60 DAYS FROM THE DATE OF
20 SALE AND IF NOT PROPERLY CLAIMED SHALL THEN BE] PAID TO THE
21 DEPARTMENT AND TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN
22 THE MOTOR LICENSE FUND.

23 § 7309. SALVAGING OF VEHICLES [VALUELESS EXCEPT FOR SALVAGE].

24 (A) APPLICATION FOR CERTIFICATE OF SALVAGE.--IF AN ABANDONED
25 VEHICLE IS [VALUELESS EXCEPT FOR SALVAGE,] A SALVAGE VEHICLE AS
26 DEEMED BY A POLICE OFFICER AND SALVOR, THE SALVOR AND THE POLICE
27 OFFICER SHALL NOTE THAT FACT IN THE REPORT TO THE DEPARTMENT
28 REQUIRED IN SECTION 7304 (RELATING TO REPORTS TO DEPARTMENT OF
29 POSSESSION OF ABANDONED VEHICLES) AND SHALL APPLY FOR ISSUANCE
30 OF A CERTIFICATE OF SALVAGE AS PROVIDED FOR IN [SECTION 1117

1 (RELATING TO VEHICLE DESTROYED, DISMANTLED, SALVAGED OR
2 RECYCLED)] SUBCHAPTER D OF CHAPTER 11 (RELATING TO SALVAGE,
3 THEFT AND RECONSTRUCTED VEHICLES).

4 (B) NOTICE AND ISSUANCE OF CERTIFICATE.--IF THE IDENTITY OF
5 THE LAST REGISTERED OWNER CANNOT BE DETERMINED WITH REASONABLE
6 CERTAINTY AND IT IS IMPOSSIBLE TO DETERMINE WITH REASONABLE
7 CERTAINTY THE IDENTITY AND ADDRESSES OF ANY LIENHOLDER, NO
8 NOTICE SHALL BE REQUIRED. UNDER SUCH CIRCUMSTANCES, THE
9 DEPARTMENT SHALL UPON RECEIPT OF THE REPORT BY THE SALVOR
10 PURSUANT TO SECTION 7304 ISSUE A CERTIFICATE OF SALVAGE AS
11 PROVIDED IN [SECTION 1117] SUBCHAPTER D OF CHAPTER 11.

12 (B.1) ISSUANCE OF CERTIFICATE.--UPON RECEIPT OF AN
13 APPLICATION FOR CERTIFICATE OF SALVAGE OF A SALVAGE VEHICLE, THE
14 DEPARTMENT SHALL ISSUE A CERTIFICATE FOR SALVAGE WITHIN TEN
15 BUSINESS DAYS IF IT IS SATISFIED THAT THE VEHICLE IS A SALVAGE
16 VEHICLE AND WAS LAST TITLED IN THIS COMMONWEALTH.

17 (C) REIMBURSEMENT OF EXPENSES OF SALVOR.--[UPON] WITHIN 60
18 DAYS OF THE DEPARTMENT'S RECEIPT [WITHIN SIX MONTHS] OF EVIDENCE
19 THAT A SALVOR HAS REMOVED AN ABANDONED VEHICLE UPON THE REQUEST
20 OF A POLICE DEPARTMENT, THE DEPARTMENT SHALL PAY TO THE SALVOR
21 FROM THE MOTOR LICENSE FUND THE SUM OF \$15 FOR THE EXPENSES
22 INCURRED IN THE REMOVAL AND TOWING OF THE ABANDONED VEHICLE. NO
23 PORTION OF THE \$15 PAYMENT OR ANY SEPARATE CONSIDERATION SHALL
24 BE REIMBURSED OR PAID TO ANY GOVERNMENT AGENCY OR MUNICIPALITY
25 BY THE SALVOR.

26 (D) RIGHTS OF OWNERS AND LIENHOLDERS.--ISSUANCE BY THE
27 DEPARTMENT OF A CERTIFICATE OF SALVAGE, ABANDONED BRANDED TITLE
28 OR NONREPAIRABLE VEHICLE CERTIFICATE FOR A VEHICLE [SALVAGED]
29 PROCESSED UNDER THIS SECTION SHALL OPERATE AS A DIVESTITURE OF
30 ALL RIGHT, TITLE AND INTEREST IN THE VEHICLE OF THE OWNER AND

1 ALL LIENHOLDERS.

2 (E) POLICE OFFICERS AND AUTHORIZED PERSONNEL.--POLICE
3 OFFICERS, AUTHORIZED PERSONNEL, THEIR DEPARTMENTS OR ANY
4 GOVERNMENT AGENCY OR MUNICIPALITY SHALL NOT ASSESS OR ACCEPT
5 PAYMENT, CONSIDERATION OF ANY KIND OR PORTIONS OF FEES OUTLINED
6 IN THIS CHAPTER FROM ANY SALVOR OR PERSON FOR THE PROCESSING OF
7 ABANDONED VEHICLES.

8 SECTION 63. SECTION 7310 OF TITLE 75 IS AMENDED BY ADDING A
9 SUBSECTION TO READ:

10 § 7310. REMOVAL OF VEHICLES AND SPILLED CARGO FROM ROADWAY.

11 * * *

12 (D) REMOVAL FROM PENNSYLVANIA TURNPIKE SYSTEM.--
13 NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SECTION, ANY
14 VEHICLE ON THE PENNSYLVANIA TURNPIKE SYSTEM PRESUMED TO BE
15 ABANDONED AS DEFINED IN SECTION 102 (RELATING TO DEFINITIONS)
16 SHALL IMMEDIATELY BE REMOVED BY OR AT THE DIRECTION OF THE
17 PENNSYLVANIA STATE POLICE TO THE CONTRACT GARAGE PROVIDING
18 SERVICE FOR THAT AREA. IN ALL CASES, THE PENNSYLVANIA STATE
19 POLICE SHALL REMOVE OR DIRECT THE REMOVAL OF ANY SUCH VEHICLE
20 WITHIN 24 HOURS OF THE TIME OF THE VEHICLE'S PRESUMPTION OF
21 ABANDONMENT.

22 SECTION 64. SECTION 7311 OF TITLE 75 IS AMENDED TO READ:

23 § 7311. REPORTS BY GARAGE KEEPERS OF ABANDONED VEHICLES.

24 THE PERSON IN CHARGE OF ANY GARAGE OR REPAIR SHOP IN WHICH A
25 VEHICLE OF UNKNOWN OWNERSHIP, OR A VEHICLE OF KNOWN OWNERSHIP
26 WHICH IS BEING REPAIRED OR STORED, HAS BEEN LEFT FOR A PERIOD OF
27 15 CONSECUTIVE DAYS OR, IN THE CASE OF REPAIR OR STORAGE, 15
28 CONSECUTIVE DAYS FOLLOWING THE COMPLETION OF REPAIRS OR STORAGE
29 AGREEMENT WITHOUT BEING REMOVED BY THE OWNER OR ANY OTHER PERSON
30 DULY AUTHORIZED TO REMOVE THE VEHICLE SHALL REPORT TO THE

1 DEPARTMENT WITHIN 24 HOURS OF THE EXPIRATION OF THE 15-DAY
2 PERIOD GIVING THE MAKE, [ENGINE NUMBER,] VEHICLE IDENTIFICATION
3 NUMBER, REGISTRATION PLATE NUMBER AND THE NAME AND ADDRESS OF
4 THE PERSON ABANDONING THE VEHICLE IF KNOWN. UPON RECEIPT OF THE
5 REPORT THE DEPARTMENT SHALL MAKE A DISTINCTIVE RECORD OF THE
6 REPORT AND [FILE THE REPORT IN THE MANNER PROVIDED IN SECTION
7 7114 (RELATING TO RECORDS OF STOLEN VEHICLES).] ISSUE A PRIVATE
8 PROPERTY ABANDONED VEHICLE INFORMATION REPORT UNDER SECTION
9 7311.1 (RELATING TO REPORTS BY PRIVATE PROPERTY OWNERS OF
10 ABANDONED VEHICLES) TO THE GARAGE KEEPER TO COMPLETE AND FILE
11 WITH THE POLICE.

12 SECTION 65. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:
13 § 7311.1. REPORTS BY PRIVATE PROPERTY OWNERS OF ABANDONED
14 VEHICLES.

15 A PERSON ON WHOSE PRIVATE PROPERTY IS LOCATED A VEHICLE WHICH
16 HAS REMAINED ON THE PROPERTY WITHOUT THE CONSENT OF THE PROPERTY
17 OWNER OR HIS AGENT FOR MORE THAN 48 HOURS MAY AUTHORIZE THE
18 REMOVAL OR PROCESSING OF THE VEHICLE. PRIOR TO REMOVAL OR
19 PROCESSING OF THE VEHICLE, THAT PERSON SHALL FILE A REPORT, ON A
20 MULTIPART FORM PRESCRIBED BY THE DEPARTMENT, WITH THE LOCAL
21 POLICE DEPARTMENT DECLARING THAT AN UNAUTHORIZED VEHICLE HAS
22 BEEN LEFT UNATTENDED AND ON PRIVATE PROPERTY FOR AT LEAST 48
23 HOURS. ONE PART OF SUCH REPORT SHALL BE RETAINED BY THAT PERSON
24 AND THE OTHER PART SHALL BE FILED WITH THE POLICE DEPARTMENT.
25 THE POLICE DEPARTMENT SHALL PROCESS THE VEHICLE AS ABANDONED
26 UNDER THIS CHAPTER AND ATTACH A COPY OF THE REPORT TO THE
27 ABANDONED VEHICLE INFORMATION REPORT.

28 § 7311.2. SALVORS TO REMOVE ABANDONED VEHICLES IN GOOD FAITH.

29 WHEN REQUESTED TO REMOVE AN ABANDONED VEHICLE, NO SALVOR
30 SHALL RELOCATE AND SUBSEQUENTLY ABANDON THE VEHICLE. THE SALVOR

1 SHALL MOVE THE VEHICLE TO A FACILITY FOR THE PURPOSE OF STORAGE
2 OF ABANDONED VEHICLES OR ANOTHER PLACE AS DIRECTED BY THE POLICE
3 OR APPROVED BY THE DEPARTMENT.

4 SECTION 66. SECTIONS 7312, 7501 AND 7502 OF TITLE 75 ARE
5 AMENDED TO READ:

6 § 7312. PENALTY FOR VIOLATION OF CHAPTER.

7 (A) FINES AND IMPRISONMENT.--ANY PERSON VIOLATING ANY OF THE
8 PROVISIONS OF THIS CHAPTER IS GUILTY OF A SUMMARY OFFENSE,
9 PUNISHABLE:

10 (1) FOR A FIRST OFFENSE, BY A FINE OF \$100.

11 (2) FOR A SUBSEQUENT OFFENSE, BY A FINE OF NOT LESS THAN
12 \$200 NOR MORE THAN \$500 OR IMPRISONMENT FOR NOT MORE THAN 90
13 DAYS, OR BOTH.

14 (A.1) SPECIFIC VIOLATION.--IN ADDITION TO ANY OTHER CRIMINAL
15 OR CIVIL PENALTIES PROVIDED FOR IN THIS TITLE OR IN DEPARTMENT
16 REGULATIONS, ANY SALVOR WHO VIOLATES § 7311.2 (RELATING TO
17 SALVORS TO REMOVE ABANDONED VEHICLES IN GOOD FAITH) SHALL BE
18 FINED NOT LESS THAN \$1,000 NOR MORE THAN \$10,000, ONE-HALF TO BE
19 PAID TO THE DEPARTMENT AND THE OTHER ONE-HALF TO BE PAID TO THE
20 MUNICIPALITY WHERE THE VEHICLE WAS ABANDONED.

21 (B) SUSPENSION.--FOR VIOLATION OF ANY OF THE PROVISIONS OF
22 THIS CHAPTER, THE SALVOR SHALL BE SUBJECT TO SUSPENSION OF THE
23 PRIVILEGE TO RECEIVE ABANDONED VEHICLES UNDER THIS CHAPTER.

24 § 7501. AUTHORIZATION OF MESSENGER [SERVICE] AND AGENT
25 SERVICES.

26 (A) GENERAL RULE.--THE DEPARTMENT SHALL [AUTHORIZE AND SHALL
27 ISSUE A CERTIFICATE OF AUTHORIZATION TO EVERY] ENTER INTO
28 CONTRACTS FOR MESSENGER [SERVICE THAT COMPLIES WITH THE
29 REQUIREMENTS OF THIS CHAPTER AND REGULATIONS ADOPTED BY THE
30 DEPARTMENT.] AND AGENT SERVICES.

1 (B) UNAUTHORIZED OPERATION PROHIBITED.--NO PERSON SHALL
2 OPERATE A MESSENGER OR AGENT SERVICE [UNLESS AUTHORIZED] WITHOUT
3 A VALID CONTRACT.

4 (C) PENALTY.--ANY PERSON OPERATING A MESSENGER OR AGENT
5 SERVICE WITHOUT [AUTHORIZATION] A VALID CONTRACT IS GUILTY OF A
6 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
7 A FINE OF [\$200] \$500.

8 [§ 7502. CERTIFICATE OF AUTHORIZATION.

9 (A) APPLICATION AND ISSUANCE.--APPLICATION FOR A CERTIFICATE
10 OF AUTHORIZATION SHALL BE MADE ON A FORM PRESCRIBED BY THE
11 DEPARTMENT, ACCOMPANIED BY THE APPLICABLE FEE. THE DEPARTMENT
12 SHALL INVESTIGATE THE QUALIFICATIONS AND FITNESS OF THE
13 APPLICANT AND SHALL ISSUE A CERTIFICATE OF AUTHORIZATION IF IT
14 DETERMINES THAT THE APPLICANT IS CAPABLE OF PERFORMING THE
15 DUTIES OF A MESSENGER SERVICE IN A MANNER CONSISTENT WITH THE
16 PUBLIC INTEREST AND THE APPLICABLE FEES ARE PAID.

17 (B) PLACE OF BUSINESS.--EVERY APPLICANT SHALL HAVE AND
18 MAINTAIN AN ESTABLISHED PLACE OF BUSINESS. IF THE APPLICANT HAS
19 OR INTENDS TO HAVE ONE OR MORE PLACES OF BUSINESS OR BRANCH
20 OFFICES, THE APPLICATION SHALL CONTAIN COMPLETE INFORMATION FOR
21 EACH LOCATION.

22 (C) BOND REQUIRED.--BEFORE ISSUING A CERTIFICATE OF
23 AUTHORIZATION, THE DEPARTMENT SHALL REQUIRE THE APPLICANT TO
24 FURNISH AND MAINTAIN A BOND INDEMNIFYING THE PUBLIC AND THE
25 DEPARTMENT IN THE AMOUNT OF \$50,000. AN INDIVIDUAL BOND FOR EACH
26 PLACE OF BUSINESS IS NOT REQUIRED, BUT ALL PLACES OF BUSINESS
27 SHALL BE COVERED BY THE BOND.

28 (D) COMMONWEALTH EMPLOYEES INELIGIBLE.--NO OFFICIAL OR
29 EMPLOYEE OF THE COMMONWEALTH SHALL BE GIVEN AUTHORIZATION TO
30 OPERATE AS A MESSENGER SERVICE, NOR OWN, NOR BE EMPLOYED BY, A

1 MESSENGER SERVICE.

2 (E) DURATION AND RENEWAL.--CERTIFICATES OF AUTHORIZATION
3 SHALL BE GIVEN FOR A PERIOD OF ONE YEAR AND MAY BE RENEWED
4 ANNUALLY.]

5 SECTION 67. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
6 § 7502.1. SUPERSESSION.

7 (A) REGULATIONS.--REGULATIONS PERTAINING TO MESSENGERS AND
8 AGENTS REGARDING THE AMOUNT OF A BOND, HEARINGS, WRITTEN
9 WARNINGS, SUSPENSIONS, REVOCATIONS OR FINES SHALL NOT APPLY TO
10 MESSENGERS AND AGENTS WHO ENTER INTO CONTRACTS WITH THE
11 DEPARTMENT TO PROVIDE MESSENGER OR AGENT SERVICES.

12 (B) PREVIOUS AUTHORIZATION.--ANY CERTIFICATE OF
13 AUTHORIZATION PREVIOUSLY ISSUED TO A PERSON TO PROVIDE MESSENGER
14 OR AGENT SERVICES SHALL BE INVALID 30 DAYS AFTER THE EFFECTIVE
15 DATE OF THIS SECTION.

16 (C) COMMONWEALTH EMPLOYEES INELIGIBLE.--NO OFFICIAL OR
17 EMPLOYEE OF THE COMMONWEALTH SHALL BE ELIGIBLE TO ENTER INTO A
18 CONTRACT WITH THE DEPARTMENT TO OPERATE, OWN OR BE EMPLOYED BY A
19 MESSENGER OR AGENT SERVICE. NOTHING IN THIS SUBSECTION PROHIBITS
20 THE DEPARTMENT FROM ENTERING INTO AN AGREEMENT WITH ANOTHER
21 GOVERNMENT AGENCY TO ALLOW THE AGENCY TO PROVIDE AGENT SERVICES
22 FOR ITS OWN USE.

23 SECTION 68. SECTION 7503 OF TITLE 75 IS AMENDED TO READ:
24 [§ 7503. SUSPENSION OF AUTHORIZATION.

25 (A) GENERAL RULE.--THE DEPARTMENT SHALL SUPERVISE MESSENGER
26 SERVICES AND, AFTER PROVIDING AN OPPORTUNITY FOR A HEARING,
27 SHALL SUSPEND THE AUTHORIZATION OF ANY MESSENGER SERVICE WHICH
28 IT FINDS IS NOT PROPERLY OPERATED OR WHICH HAS VIOLATED OR
29 FAILED TO COMPLY WITH ANY OF THE PROVISIONS OF THIS CHAPTER OR
30 REGULATIONS ADOPTED BY THE DEPARTMENT. ANY SUSPENDED CERTIFICATE

1 OF AUTHORIZATION SHALL BE RETURNED TO THE DEPARTMENT
2 IMMEDIATELY. A SUSPENDED CERTIFICATE MAY BE RESTORED ON SUCH
3 TERMS AND CONDITIONS, INCLUDING THE POSTING OF ADDITIONAL BOND,
4 AS THE DEPARTMENT SHALL DEEM ADVISABLE.

5 (B) JUDICIAL REVIEW.--ANY PERSON WHOSE CERTIFICATE OF
6 AUTHORIZATION HAS BEEN DENIED OR SUSPENDED UNDER THIS CHAPTER
7 SHALL HAVE THE RIGHT TO APPEAL TO THE COURT VESTED WITH
8 JURISDICTION OF SUCH APPEALS BY OR PURSUANT TO TITLE 42
9 (RELATING TO JUDICIARY AND JUDICIAL PROCEDURE). THE COURT SHALL
10 SET THE MATTER FOR HEARING UPON 30 DAYS' WRITTEN NOTICE TO THE
11 DEPARTMENT AND TAKE TESTIMONY AND EXAMINE INTO THE FACTS OF THE
12 CASE AND DETERMINE WHETHER THE PETITIONER IS ENTITLED TO A
13 CERTIFICATE OF AUTHORIZATION OR IS SUBJECT TO SUSPENSION OF THE
14 CERTIFICATE OF AUTHORIZATION UNDER THE PROVISIONS OF THIS
15 CHAPTER.]

16 SECTION 69. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
17 § 7503.1. BOND REQUIRED.

18 BEFORE ENTERING INTO A CONTRACT WITH ANY PERSON TO ACT AS A
19 MESSENGER OR AGENT SERVICE, THE DEPARTMENT SHALL REQUIRE A
20 PERSON TO FURNISH AND MAINTAIN A BOND INDEMNIFYING THE PUBLIC
21 AND THE DEPARTMENT IN AN AMOUNT SPECIFIED BY THE DEPARTMENT.

22 SECTION 70. SECTION 7504 OF TITLE 75 IS AMENDED TO READ:
23 [§ 7504. PLACE OF BUSINESS.

24 (A) OPERATION WITH OTHER BUSINESS.--A MESSENGER SERVICE MAY
25 BE OPERATED IN CONJUNCTION WITH A CLOSELY ALLIED BUSINESS IN
26 ACCORDANCE WITH REGULATIONS OF THE DEPARTMENT.

27 (B) CHANGE OF LOCATION.--UPON NOTIFICATION IN WRITING TO THE
28 DEPARTMENT THAT THE LOCATION OF PLACE OF BUSINESS OR BRANCH WILL
29 BE CHANGED AND UPON PAYMENT OF THE APPLICABLE TRANSFER FEE, THE
30 DEPARTMENT SHALL ISSUE A CERTIFICATE OF AUTHORIZATION FOR THE

1 NEW LOCATION FOR THE UNEXPIRED PERIOD OF AUTHORIZATION IF THE
2 DEPARTMENT DETERMINES THAT THE NEW LOCATION CONFORMS TO
3 DEPARTMENT REGULATIONS.

4 (C) FAILURE TO REPORT CHANGES.--A CHANGE OF LOCATION OR
5 ADDITION OF A PLACE OF BUSINESS OR BRANCH OFFICE WITHOUT
6 NOTIFICATION TO THE DEPARTMENT SHALL RESULT IN SUSPENSION OF THE
7 CERTIFICATE OF AUTHORIZATION.

8 (D) DISPLAY OF SIGN AND CERTIFICATE.--EVERY MESSENGER
9 SERVICE SHALL DISPLAY ON THE OUTSIDE OF EACH PLACE OF BUSINESS
10 AN IDENTIFYING SIGN CONFORMING TO REGULATIONS OF THE DEPARTMENT
11 AND SHALL PROMINENTLY DISPLAY WITHIN EACH PLACE OF BUSINESS ITS
12 CERTIFICATE OF AUTHORIZATION. NO PERSON OTHER THAN AN AUTHORIZED
13 MESSENGER SERVICE SHALL DISPLAY A SIMILAR IDENTIFYING SIGN OR
14 CERTIFICATE.]

15 SECTION 71. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
16 § 7504.1. AGENT DUTIES AND RESPONSIBILITIES.

17 (A) GENERAL RULE.--AN AGENT SHALL FAITHFULLY ABIDE BY AND
18 COMPLY WITH ALL LAWS PERTAINING TO THE ISSUANCE OF TEMPORARY
19 REGISTRATION PLATES AND CARDS.

20 (B) RETURN OR SURRENDER OF TEMPORARY REGISTRATION CARDS AND
21 PLATES.--

22 (1) AN AGENT WHO DISCONTINUES THE BUSINESS SHALL, WITHIN
23 FIVE DAYS OF DISCONTINUANCE, RETURN TO THE DEPARTMENT ALL
24 TEMPORARY REGISTRATION CARDS AND PLATES IN THE AGENT'S
25 POSSESSION. THE DEPARTMENT WILL MAKE APPROPRIATE REFUNDS
26 UNDER PARAGRAPH (3).

27 (2) AN AGENT WHOSE CONTRACT HAS BEEN TERMINATED SHALL
28 SURRENDER ALL REGISTRATION CARDS AND PLATES IN THE AGENT'S
29 POSSESSION AS DIRECTED BY THE DEPARTMENT OR ITS DESIGNEE.

30 (3) THE FEE PAID BY AN AGENT FOR A TEMPORARY

1 REGISTRATION PLATE SHALL BE REFUNDED TO THE AGENT UPON THE
2 RETURN OF THE PLATE IF THE PLATE IS ACCOMPANIED BY THE
3 APPROPRIATE FORM PROVIDED BY THE DEPARTMENT EXCEPT WHEN THE
4 CONTRACT TO OPERATE AS AN AGENT IS TERMINATED. THE DEPARTMENT
5 WILL DEDUCT \$25 FROM THE REFUND TO COVER PROCESSING OF THE
6 REQUEST FOR REFUND.

7 (C) SEIZURE OF REGISTRATION PLATES.--DESIGNATED DEPARTMENT
8 EMPLOYEES AND DESIGNEES OF THE DEPARTMENT MAY SEIZE TEMPORARY
9 REGISTRATION PLATES AND RELATED DOCUMENTS FROM A MESSENGER OR
10 AGENT WHO DOES NOT HAVE A CONTRACT WITH THE DEPARTMENT TO
11 PROVIDE AGENT SERVICES.

12 (D) DISPLAY OF SIGN AND CERTIFICATE.--EVERY MESSENGER OR
13 AGENT SERVICE SHALL DISPLAY ON THE OUTSIDE OF EACH PLACE OF
14 BUSINESS AN IDENTIFYING SIGN CONFORMING TO REGULATIONS OF THE
15 DEPARTMENT AND SHALL PROMINENTLY DISPLAY WITHIN EACH PLACE OF
16 BUSINESS ITS CERTIFICATE OF AUTHORIZATION. NO PERSON OTHER THAN
17 AN AUTHORIZED MESSENGER OR AGENT SERVICE SHALL DISPLAY A SIMILAR
18 IDENTIFYING SIGN OR CERTIFICATE.

19 SECTION 72. SECTIONS 7505 AND 7506 OF TITLE 75 ARE AMENDED
20 TO READ:

21 § 7505. TRANSACTION OF BUSINESS WITH DEPARTMENT.

22 THE DEPARTMENT MAY DESIGNATE THOSE LOCATIONS, FACILITIES AND
23 HOURS OF OPERATION AT WHICH MESSENGER OR AGENT SERVICES MAY
24 TRANSACT BUSINESS WITH THE DEPARTMENT. EVERY MESSENGER OR AGENT
25 SERVICE [TO] WITH WHOM A [CERTIFICATE OF AUTHORIZATION] CONTRACT
26 HAS BEEN [ISSUED] SIGNED PURSUANT TO THIS CHAPTER SHALL BE
27 PERMITTED TO TRANSACT BUSINESS WITH THE DEPARTMENT AT THE
28 LOCATIONS AND FACILITIES AND DURING THE HOURS OF OPERATION
29 DESIGNATED BY THE DEPARTMENT. THE DEPARTMENT MAY PRESCRIBE SUCH
30 REGULATIONS AS MAY BE NECESSARY FOR THE ADMINISTRATION OF THIS

1 CHAPTER.

2 § 7506. VIOLATIONS AND PENALTIES.

3 [ANY] A PERSON VIOLATING ANY PROVISION OF THIS CHAPTER OR THE
4 RULES AND REGULATIONS PROMULGATED THEREUNDER FOR WHICH A
5 SPECIFIC PENALTY IS NOT PROVIDED IS GUILTY OF A SUMMARY OFFENSE
6 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$100.

7 SECTION 73. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

8 § 7507. CERTIFIED CHECKS MAY BE REQUIRED.

9 THE DEPARTMENT MAY, IN ITS DISCRETION, REQUIRE CERTIFIED
10 CHECKS, POSTAL OR OTHER MONEY ORDERS OR CASH FROM A MESSENGER OR
11 AGENT SERVICE AFTER A DEFAULT IN THE PAYMENT OF CHECKS OR DRAFTS
12 OF THE MESSENGER OR AGENT SERVICE.

13 SECTION 74. SECTIONS 7702, 7706, 7712, 7712.1, 7712.2,
14 7712.3, 7712.5, 7712.6, 7712.7, 7713, 7714, 7715(A), 7717,
15 7724(A), 7725(H), 7726, 7730 AND 7752(A) AND (D) OF TITLE 75 OF
16 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:
17 § 7702. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
19 SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
20 MEANINGS GIVEN TO THEM IN THIS SECTION:

21 "ALL-TERRAIN VEHICLE" OR "ATV."

22 (1) A MOTORIZED OFF-HIGHWAY VEHICLE, 50 INCHES OR LESS
23 IN WIDTH, HAVING A DRY WEIGHT OF [600] 750 POUNDS OR LESS,
24 TRAVELING ON THREE OR MORE LOW-PRESSURE TIRES AND HAVING A
25 SEAT DESIGNED TO BE STRADDLED BY THE OPERATOR IS DESIGNATED
26 AS A CLASS I ALL-TERRAIN VEHICLE.

27 (2) A MOTORIZED OFF-HIGHWAY VEHICLE, 58 INCHES OR LESS
28 IN WIDTH, HAVING A DRY WEIGHT OF [700] 1,200 POUNDS OR LESS,
29 TRAVELING ON FOUR OR MORE [LOW-PROFILE, LOW-PRESSURE]
30 INFLATABLE TIRES AND HAVING A BENCH SEAT IS DESIGNATED AS A

1 CLASS II ALL-TERRAIN VEHICLE.

2 (3) THIS TERM DOES NOT INCLUDE SNOWMOBILES, TRAIL BIKES,
3 MOTORBOATS, GOLF CARTS, AIRCRAFT, DUNE BUGGIES, AUTOMOBILES,
4 CONSTRUCTION MACHINES, TRUCKS OR HOME UTILITY MACHINES;
5 MILITARY, FIRE, EMERGENCY AND LAW ENFORCEMENT VEHICLES;
6 IMPLEMENTS OF HUSBANDRY; MULTIPURPOSE AGRICULTURAL VEHICLES;
7 VEHICLES USED BY THE DEPARTMENT; OR OFF-ROAD VEHICLES NOT
8 GENERALLY USED FOR OUTDOOR RECREATION.

9 "CERTIFICATE OF REGISTRATION." A CARD ISSUED BY THE
10 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES TO THE OWNER OF
11 A SNOWMOBILE OR ATV EVIDENCING REGISTRATION OF THE SNOWMOBILE OR
12 ATV AND CONTAINING SUCH INFORMATION AS THE DEPARTMENT MAY
13 PRESCRIBE.

14 "COWLING." THE FORWARD PORTION OF THE SNOWMOBILE, USUALLY OF
15 FIBERGLASS OR SIMILAR MATERIAL, SURROUNDING THE MOTOR AND CLUTCH
16 ASSEMBLY.

17 "DEALER." A PERSON ENGAGED IN THE BUSINESS OF SELLING
18 SNOWMOBILES OR ALL-TERRAIN VEHICLES AT WHOLESALE OR RETAIL.

19 "DEPARTMENT." THE DEPARTMENT OF [ENVIRONMENTAL] CONSERVATION
20 AND NATURAL RESOURCES OF THE COMMONWEALTH.

21 "EXPIRATION STICKER." THE STICKER ISSUED BY THE DEPARTMENT
22 TO THE OWNER OF A SNOWMOBILE OR ATV UPON INITIAL REGISTRATION
23 AND UPON EACH RENEWAL, SHOWING THE EXPIRATION DATE OF THE
24 CURRENT REGISTRATION.

25 "HEAD LAMP." A MAJOR LIGHTING DEVICE USED TO PROVIDE GENERAL
26 ILLUMINATION AHEAD OF A VEHICLE.

27 "HIGHWAY." THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES OF
28 EVERY WAY PUBLICLY MAINTAINED WHEN ANY PART THEREOF IS OPEN TO
29 THE USE OF THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL.

30 "LOW-PRESSURE TIRE." A PNEUMATIC TIRE, SIX INCHES OR MORE IN

1 WIDTH, DESIGNED FOR USE ON WHEELS WITH A RIM DIAMETER OF 12
2 INCHES OR LESS AND UTILIZING AN OPERATING PRESSURE OF TEN POUNDS
3 PER SQUARE INCH OR LESS, AS RECOMMENDED BY THE VEHICLE
4 MANUFACTURER.

5 "REGISTRATION DECAL" OR "DECAL." THE REGISTRATION NUMBER
6 DECAL ISSUED BY THE DEPARTMENT OF CONSERVATION AND NATURAL
7 RESOURCES TO THE OWNER OF A SNOWMOBILE UPON INITIAL REGISTRATION
8 OF THE SNOWMOBILE. THE TERM INCLUDES THE EXPIRATION STICKER.

9 "REGISTRATION PLATE." THE REGISTRATION NUMBER PLATE ISSUED
10 BY THE DEPARTMENT TO THE OWNER OF AN ATV UPON INITIAL
11 REGISTRATION OF THE VEHICLE. THE TERM INCLUDES THE EXPIRATION
12 STICKER.

13 "SNOWMOBILE." AN ENGINE-DRIVEN VEHICLE [OF A TYPE WHICH
14 UTILIZES SLED TYPE RUNNERS, OR SKIS, OR AN ENDLESS BELT TREAD OR
15 ANY COMBINATION OF THESE OR OTHER SIMILAR MEANS OF CONTACT WITH
16 THE SURFACE UPON WHICH IT IS OPERATED] DESIGNED TO TRAVEL OVER
17 SNOW OR ICE THAT HAS AN ENDLESS BELT TRACK OR TRACKS, STEERED BY
18 A SKI OR SKIS AND HAS AN OVERALL WIDTH OF 48 INCHES OR LESS. THE
19 TERM DOES NOT INCLUDE ANY FARM TRACTOR, [HIGHWAY OR OTHER]
20 CONSTRUCTION EQUIPMENT, [OR ANY] MILITARY [OR LAW ENFORCEMENT]
21 VEHICLE, VEHICLE WITH INFLATABLE TIRES OR MACHINERY USED
22 STRICTLY FOR THE GROOMING OF SNOWMOBILE TRAILS.

23 "STREET." A HIGHWAY, OTHER THAN AN ALLEY, WITHIN THE
24 CORPORATE LIMITS OF A POLITICAL SUBDIVISION.

25 "TAIL LAMP." A DEVICE TO DESIGNATE THE REAR OF A VEHICLE BY
26 A WARNING LIGHT.

27 § 7706. RESTRICTED [RECEIPTS FUND] ACCOUNT.

28 (A) DEPOSIT AND USE OF MONEYS.--THE DEPARTMENT SHALL DEPOSIT
29 ALL MONEYS RECEIVED FROM THE REGISTRATION [OF SNOWMOBILES AND
30 THE REGISTRATION] AND ISSUANCE OF CERTIFICATES OF TITLE FOR

1 SNOWMOBILES AND ATV'S, THE SALE OF SNOWMOBILE AND ATV
2 REGISTRATION INFORMATION, SNOWMOBILE AND ATV PUBLICATIONS AND
3 OTHER SERVICES PROVIDED BY THE DEPARTMENT, AND ALL FEES [AND],
4 FINES, PENALTIES AND COSTS ASSESSED AND COLLECTED AS A RESULT OF
5 ENFORCEMENT ACTIVITIES CONDUCTED BY THE DEPARTMENT LAW
6 ENFORCEMENT PERSONNEL UNDER THIS CHAPTER IN A RESTRICTED
7 [RECEIPTS FUND] ACCOUNT, FROM WHICH THE DEPARTMENT SHALL DRAW
8 MONEYS FOR USE IN [CARRYING OUT THE REGISTRATION AND THE
9 ISSUANCE OF CERTIFICATES OF TITLE, SAFETY EDUCATION AND
10 ENFORCEMENT REQUIREMENTS OF THIS CHAPTER AS WELL AS] PERFORMING
11 ANY ACTIVITIES NECESSARY TO CARRY OUT THE PURPOSES OF THIS
12 CHAPTER, INCLUDING REGISTRATION AND CERTIFICATE OF TITLE
13 ACTIVITIES, SAFETY EDUCATION, ENFORCEMENT ACTIVITIES, THE
14 ESTABLISHMENT, CONSTRUCTION AND MAINTENANCE OF SNOWMOBILE AND
15 ATV TRAILS AND ANY EQUIPMENT AND SUPPLIES NECESSARY TO CARRY OUT
16 THE PURPOSES OF THIS CHAPTER. ALL MONEYS IN [SAID FUND NOT
17 HERETOFORE PAID INTO THE GENERAL FUND] THE RESTRICTED ACCOUNT
18 SHALL REMAIN IN [SAID RESTRICTED RECEIPTS FUND] THE RESTRICTED
19 ACCOUNT TO BE USED AS SPECIFIED IN THIS [CHAPTER AND ANY
20 INCREASES IN MONEYS PREVIOUSLY PAID TO THE GENERAL FUND SHALL
21 REMAIN IN SAID RESTRICTED RECEIPTS FUND TO BE USED AS SPECIFIED
22 IN THIS CHAPTER.] SECTION. THE PROVISIONS OF 42 PA.C.S. §
23 3573(B)(2) (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES,
24 ETC.) NOTWITHSTANDING, WHEN PROSECUTION UNDER THIS CHAPTER IS
25 THE RESULT OF LOCAL POLICE ACTION, ALL FINES, PENALTIES, FEES
26 AND COSTS ASSESSED AS A RESULT OF SUCH PROSECUTION SHALL BE
27 PAYABLE TO THE MUNICIPAL CORPORATION UNDER WHICH THE LOCAL
28 POLICE ARE ORGANIZED.

29 (B) GRANT-IN-AID.--THE DEPARTMENT SHALL ALSO, UPON WRITTEN
30 APPLICATION AND SUBSEQUENT APPROVAL, [DISPERSE] DISBURSE MONEYS

1 TO MUNICIPALITIES, NONPROFIT [SNOWMOBILE CLUBS AND] AND FOR-
2 PROFIT ORGANIZATIONS FOR CONSTRUCTION, MAINTENANCE AND
3 REHABILITATION OF SNOWMOBILE OR ATV TRAILS OR ANY OTHER
4 FACILITIES ON LANDS NOT OWNED BY THE COMMONWEALTH FOR THE USE OF
5 SNOWMOBILES OR ATV'S, INCLUDING [PLANS]:

6 (1) PLANS AND SPECIFICATIONS, ENGINEERING SURVEYS AND
7 SUPERVISION AND LAND ACQUISITION WHERE NECESSARY.

8 (2) FEES AND COSTS FOR PREPARATION OR PERFORMANCE OF
9 RIGHT-OF-WAY LEASE AGREEMENTS.

10 (3) EDUCATION.

11 (4) SAFETY TRAINING AND EQUIPMENT.

12 (5) ANY OTHER ACTIVITIES TO CARRY OUT THE PURPOSES OF
13 THIS CHAPTER.

14 THE DEPARTMENT SHALL PROMULGATE SUCH RULES AND REGULATIONS IT
15 DEEMS NECESSARY FOR THE ADMINISTRATION OF THIS SUBSECTION.

16 (C) AUDIT OF MONEYS.--THE RESTRICTED RECEIPTS FUND SHALL BE
17 AUDITED EVERY TWO YEARS.

18 § 7712. REGISTRATION OF SNOWMOBILES AND REGISTRATION AND
19 ISSUANCE OF CERTIFICATES OF TITLE FOR ATV'S.

20 (A) GENERAL RULE.--UPON APPLICATION THEREFOR UPON A FORM
21 PRESCRIBED AND FURNISHED BY THE DEPARTMENT WHICH SHALL CONTAIN A
22 FULL DESCRIPTION OF THE SNOWMOBILE OR ATV, THE ACTUAL AND BONA
23 FIDE NAME AND ADDRESS OF THE OWNER, PROOF OF OWNERSHIP AND ANY
24 OTHER INFORMATION THE DEPARTMENT MAY REASONABLY REQUIRE, AND
25 WHICH SHALL BE ACCOMPANIED BY THE REQUIRED FEE, THE DEPARTMENT
26 SHALL ISSUE A CERTIFICATE OF REGISTRATION OF A SNOWMOBILE OR AN
27 ATV [AND A DECAL SHOWING THE EXPIRATION DATE] TO THE OWNER. IN
28 ADDITION, FOR A NEW REGISTRATION OF A SNOWMOBILE, THE DEPARTMENT
29 SHALL ISSUE A REGISTRATION DECAL; FOR A NEW REGISTRATION OF AN
30 ATV THE DEPARTMENT SHALL ISSUE A REGISTRATION PLATE; AND FOR A

1 RENEWAL OF REGISTRATION OF A SNOWMOBILE OR ATV THE DEPARTMENT
2 SHALL ISSUE AN EXPIRATION STICKER.

3 (B) TEMPORARY REGISTRATION.--TEMPORARY REGISTRATION FOR A
4 PERIOD NOT TO EXCEED 45 DAYS MAY BE ISSUED BY A REGISTERED
5 DEALER [PURSUANT TO RULES AND REGULATIONS PROMULGATED] AS
6 PRESCRIBED BY THE DEPARTMENT. PROOF OF TEMPORARY REGISTRATION
7 SHALL BE CARRIED AND DISPLAYED AS PRESCRIBED BY THE DEPARTMENT.

8 (C) FEES.--FEES FOR [REGISTRATION OF SNOWMOBILES AND]
9 REGISTRATION AND ISSUANCE OF CERTIFICATES OF TITLE FOR
10 SNOWMOBILES AND ATV'S TO BE COLLECTED BY THE DEPARTMENT UNDER
11 THIS CHAPTER ARE AS FOLLOWS:

12 (1) EACH INDIVIDUAL RESIDENT REGISTRATION FOR TWO YEARS,
13 \$20 FOR A SNOWMOBILE AND \$20 FOR AN ATV.

14 (2) EACH INDIVIDUAL NONRESIDENT REGISTRATION FOR TWO
15 YEARS, \$20 FOR A SNOWMOBILE AND \$20 FOR AN ATV.

16 (3) EACH DEALER REGISTRATION FOR ONE YEAR, \$25.

17 (4) REPLACEMENT OF A LOST, MUTILATED OR DESTROYED
18 CERTIFICATE [OR DECAL] OF REGISTRATION, REGISTRATION DECAL OR
19 REGISTRATION PLATE, \$1.

20 (5) TRANSFERS OF SNOWMOBILE AND ATV REGISTRATIONS AS
21 DESCRIBED IN SECTION 7713 (RELATING TO CERTIFICATES OF
22 REGISTRATION [AND DECALS], REGISTRATION DECALS AND
23 REGISTRATION PLATES), \$3.

24 (6) CERTIFICATE OF TITLE FOR [AN] A SNOWMOBILE OR ATV,
25 \$15.

26 (D) EXEMPTIONS FROM FEES.--NO FEE IS REQUIRED FOR THE
27 REGISTRATION OF SNOWMOBILES OR ATV'S OWNED BY:

28 (1) THE COMMONWEALTH.

29 (2) POLITICAL SUBDIVISIONS.

30 (3) VOLUNTEER ORGANIZATIONS AND USED EXCLUSIVELY FOR

1 EMERGENCY PURPOSES.

2 § 7712.1. CERTIFICATE OF TITLE FOR [ATV'S] SNOWMOBILE OR ATV
3 REQUIRED.

4 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS
5 SECTION, EVERY OWNER OF A [CLASS I OR CLASS II] SNOWMOBILE OR
6 ATV WHICH IS IN THIS COMMONWEALTH AND FOR WHICH NO CERTIFICATE
7 OF TITLE HAS BEEN ISSUED SHALL MAKE APPLICATION TO THE
8 DEPARTMENT FOR A CERTIFICATE OF TITLE TO THE SNOWMOBILE OR ATV.

9 (B) EXCEPTION.--THE PROVISIONS OF THIS SECTION WHICH REQUIRE
10 EVERY OWNER OF [AN] A SNOWMOBILE OR ATV TO MAKE APPLICATION FOR
11 AND RECEIVE A CERTIFICATE OF TITLE SHALL NOT APPLY TO ANY PERSON
12 WHO HAS REGISTERED [AN] A SNOWMOBILE OR ATV ON OR BEFORE THE
13 EFFECTIVE DATE OF THIS SECTION UNLESS THAT OWNER RESELLS THE
14 REGISTERED SNOWMOBILE OR ATV.

15 (C) CONTENTS OF APPLICATION.--APPLICATION FOR A CERTIFICATE
16 OF TITLE SHALL BE MADE UPON A FORM PRESCRIBED AND FURNISHED BY
17 THE DEPARTMENT AND SHALL CONTAIN A FULL DESCRIPTION OF THE
18 SNOWMOBILE OR ATV, DATE OF PURCHASE, THE ACTUAL OR BONA FIDE
19 NAME AND ADDRESS OF THE OWNER, A STATEMENT OF THE TITLE OF
20 APPLICANT, TOGETHER WITH ANY OTHER INFORMATION OR DOCUMENTS THE
21 DEPARTMENT REQUIRES TO IDENTIFY THE SNOWMOBILE OR ATV AND TO
22 ENABLE THE DEPARTMENT TO DETERMINE WHETHER THE OWNER IS ENTITLED
23 TO A CERTIFICATE OF TITLE.

24 (D) SIGNING AND FILING OF APPLICATION.--APPLICATION FOR A
25 CERTIFICATE OF TITLE SHALL BE MADE WITHIN 15 DAYS OF THE SALE OR
26 TRANSFER OF [AN] A SNOWMOBILE OR ATV OR ITS ENTRY INTO THIS
27 COMMONWEALTH FROM ANOTHER JURISDICTION, WHICHEVER IS LATER. THE
28 APPLICATION SHALL BE ACCOMPANIED BY THE FEE PRESCRIBED IN THIS
29 SUBCHAPTER, AND ANY TAX PAYABLE BY THE APPLICANT UNDER THE LAWS
30 OF THIS COMMONWEALTH IN CONNECTION WITH THE ACQUISITION OR USE

1 OF [AN] A SNOWMOBILE OR ATV OR EVIDENCE TO SHOW THAT THE TAX HAS
2 BEEN PAID OR COLLECTED. THE APPLICATION SHALL BE SIGNED AND
3 VERIFIED BY OATH OR AFFIRMATION BY THE APPLICANT IF A NATURAL
4 PERSON; IN THE CASE OF AN ASSOCIATION OR PARTNERSHIP, BY A
5 MEMBER OR A PARTNER; AND IN THE CASE OF A CORPORATION, BY AN
6 EXECUTIVE OFFICER OR SOME PERSON SPECIFICALLY AUTHORIZED BY THE
7 CORPORATION TO SIGN THE APPLICATION.

8 (E) SNOWMOBILES AND ATV'S PURCHASED FROM DEALERS OR
9 MANUFACTURERS.--IF THE APPLICATION REFERS TO [AN] A SNOWMOBILE
10 OR ATV PURCHASED FROM A DEALER OR MANUFACTURER, THE DEALER OR
11 MANUFACTURER SHALL MAIL OR DELIVER TO THE DEPARTMENT THE
12 CERTIFICATE OF TITLE AND ANY OTHER REQUIRED FORMS WITHIN 15 DAYS
13 OF THE DATE OF PURCHASE. ANY DEALER OR MANUFACTURER VIOLATING
14 THIS SUBSECTION IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON
15 CONVICTION, BE SENTENCED TO PAY A FINE OF \$50 FOR EACH
16 VIOLATION. IN ADDITION, IF A DEALER VIOLATES THIS SECTION, THE
17 DEPARTMENT MAY SUSPEND OR REVOKE THE REGISTRATION ISSUED UNDER
18 SECTION 7711 (RELATING TO REGISTRATION OF DEALERS). THE
19 REQUIREMENT THAT THE DEALER OR MANUFACTURER MAIL OR DELIVER THE
20 APPLICATION TO THE DEPARTMENT DOES NOT APPLY TO SNOWMOBILES OR
21 ATV'S PURCHASED BY GOVERNMENTAL AGENCIES.

22 (F) SNOWMOBILES AND ATV'S NOT REQUIRING CERTIFICATE OF
23 TITLE.--NO CERTIFICATE OF TITLE IS REQUIRED FOR:

24 (1) [AN] A SNOWMOBILE OR ATV OWNED BY THE UNITED STATES
25 UNLESS IT IS REGISTERED IN THIS COMMONWEALTH.

26 (2) A NEW SNOWMOBILE OR ATV OWNED BY A MANUFACTURER OR
27 REGISTERED DEALER BEFORE AND UNTIL SALE.

28 (3) ANY SNOWMOBILE OR ATV WHICH MEETS THE REQUIREMENTS
29 OF SUBSECTION (B) PRIOR TO ANY RESALE.

30 (G) REGISTRATION WITHOUT CERTIFICATE PROHIBITED.--EXCEPT AS

1 PROVIDED IN SUBSECTION (B), THE DEPARTMENT SHALL NOT REGISTER OR
2 RENEW THE REGISTRATION OF [AN] A SNOWMOBILE OR ATV UNLESS A
3 CERTIFICATE OF TITLE HAS BEEN ISSUED BY THE DEPARTMENT TO THE
4 OWNER OR AN APPLICATION FOR A CERTIFICATE OF TITLE HAS BEEN
5 DELIVERED BY THE OWNER TO THE DEPARTMENT.

6 (H) REFUSING ISSUANCE OF CERTIFICATE OF TITLE.--THE
7 DEPARTMENT MAY REFUSE ISSUANCE OF A CERTIFICATE OF TITLE WHEN IT
8 HAS REASONABLE GROUNDS TO BELIEVE ANY OF THE FOLLOWING:

9 (1) THAT ANY REQUIRED FEE HAS NOT BEEN PAID.

10 (2) THAT ANY TAXES PAYABLE UNDER THE LAWS OF THIS
11 COMMONWEALTH ON OR IN CONNECTION WITH, OR RESULTING FROM THE
12 ACQUISITION OR USE OF, THE SNOWMOBILE OR ATV HAVE NOT BEEN
13 PAID.

14 (3) THAT THE APPLICANT IS NOT THE OWNER OF THE
15 SNOWMOBILE OR ATV.

16 (4) THAT THE APPLICATION CONTAINS A FALSE OR FRAUDULENT
17 STATEMENT.

18 (5) THAT THE APPLICANT HAS FAILED TO FURNISH REQUIRED
19 INFORMATION OR DOCUMENTS OR ANY ADDITIONAL INFORMATION THE
20 DEPARTMENT REASONABLY REQUIRES.

21 [(I) SUSPENSION AND CANCELLATION OF CERTIFICATE OF TITLE.--

22 (1) THE DEPARTMENT MAY CANCEL THE CERTIFICATE OF TITLE
23 ISSUED FOR A NEW ATV WHEN IT IS SHOWN BY SATISFACTORY
24 EVIDENCE THAT THE ATV HAS BEEN RETURNED WITHIN 45 DAYS TO THE
25 MANUFACTURER OR DEALER FROM WHOM OBTAINED.

26 (2) THE DEPARTMENT, UPON RECEIPT OF CERTIFICATION FROM
27 THE CLERK OF ANY COURT SHOWING CONVICTION FOR A MISSTATEMENT
28 OF FACTS ON ANY APPLICATION FOR A CERTIFICATE OF TITLE OR ANY
29 TRANSFER OF A CERTIFICATE OF TITLE, SHALL SUSPEND THE
30 CERTIFICATE OF TITLE AND REQUIRE THAT THE CERTIFICATE BE

1 RETURNED IMMEDIATELY TO THE DEPARTMENT, WHEREUPON THE
2 DEPARTMENT MAY CANCEL THE CERTIFICATE.

3 (3) THE DEPARTMENT MAY SUSPEND A CERTIFICATE OF TITLE
4 WHEN A CHECK RECEIVED IN PAYMENT OF THE FEE IS NOT PAID ON
5 DEMAND OR WHEN THE FEE FOR THE CERTIFICATE IS UNPAID AND
6 OWING.]

7 (J) TRANSFER OF OWNERSHIP OF SNOWMOBILE OR ATV.--

8 (1) IN THE EVENT OF THE SALE OR TRANSFER OF THE
9 OWNERSHIP OF [AN] A SNOWMOBILE OR ATV WITHIN THIS
10 COMMONWEALTH, THE OWNER SHALL EXECUTE AN ASSIGNMENT AND
11 WARRANTY OF TITLE TO THE TRANSFEREE IN THE SPACE PROVIDED ON
12 THE CERTIFICATE OR AS THE DEPARTMENT PRESCRIBES, SWORN TO
13 BEFORE A NOTARY PUBLIC OR OTHER OFFICER EMPOWERED TO
14 ADMINISTER OATHS, AND DELIVER THE CERTIFICATE TO THE
15 TRANSFEREE AT THE TIME OF THE DELIVERY OF THE SNOWMOBILE OR
16 ATV.

17 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 7712.2
18 (RELATING TO TRANSFER TO OR FROM MANUFACTURER OR DEALER), THE
19 TRANSFEREE SHALL, WITHIN 15 DAYS OF THE ASSIGNMENT OR
20 REASSIGNMENT OF THE CERTIFICATE OF TITLE, APPLY FOR A NEW
21 TITLE BY PRESENTING TO THE DEPARTMENT THE PROPERLY COMPLETED
22 CERTIFICATE OF TITLE, SWORN TO BEFORE A NOTARY PUBLIC OR
23 OTHER OFFICER EMPOWERED TO ADMINISTER OATHS, AND ACCOMPANIED
24 BY SUCH FORMS AS THE DEPARTMENT MAY REQUIRE.

25 (3) ANY PERSON VIOLATING SUBSECTION (A) SHALL BE GUILTY
26 OF A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
27 SENTENCED:

28 (I) FOR A FIRST OFFENSE, TO PAY A FINE OF \$100.

29 (II) FOR A SUBSEQUENT OFFENSE, TO PAY A FINE OF NOT
30 LESS THAN \$300 NOR MORE THAN \$1,000.

§ 7712.2. TRANSFER TO OR FROM MANUFACTURER OR DEALER.

(A) TRANSFER TO MANUFACTURER OR DEALER.--WHEN THE PURCHASER OR TRANSFEREE OF [AN] A SNOWMOBILE OR ATV IS A MANUFACTURER OR REGISTERED DEALER WHO HOLDS THE SNOWMOBILE OR ATV FOR RESALE, A CERTIFICATE OF TITLE NEED NOT BE APPLIED FOR AS PROVIDED FOR IN SECTION 7712.1 (RELATING TO CERTIFICATE OF TITLE FOR [ATV'S] SNOWMOBILE OR ATV REQUIRED), BUT THE TRANSFEREE SHALL, WITHIN SEVEN DAYS FROM THE DATE OF ASSIGNMENT OF THE CERTIFICATE OF TITLE TO THE MANUFACTURER OR DEALER, FORWARD TO THE DEPARTMENT, UPON A FORM PRESCRIBED AND FURNISHED BY THE DEPARTMENT, NOTIFICATION OF THE ACQUISITION OF THE SNOWMOBILE OR ATV. NOTIFICATION AS AUTHORIZED IN THIS SECTION MAY NOT BE USED IN EXCESS OF THREE CONSECUTIVE TRANSACTIONS AFTER WHICH TIME AN APPLICATION SHALL BE MADE FOR A CERTIFICATE OF TITLE.

(B) EXECUTION AND DISPLAY OF NOTICE OF TRANSFER.--THE MANUFACTURER OR DEALER MAKING NOTIFICATION AS TO ANY SNOWMOBILE OR ATV ACQUIRED PURSUANT TO SUBSECTION (A) SHALL EXECUTE AT LEAST THREE COPIES, THE ORIGINAL OF WHICH SHALL BE FORWARDED TO THE DEPARTMENT, ONE COPY TO ACCOMPANY THE SNOWMOBILE OR ATV ON ANY SUBSEQUENT TRANSFER AND ONE COPY TO BE RETAINED BY THE MANUFACTURER OR DEALER FOR AT LEAST ONE YEAR AFTER A SUBSEQUENT TRANSFER, TO BE EXHIBITED, WITH THE ASSIGNED CERTIFICATE OF TITLE, UPON REQUEST OF ANY POLICE OFFICER OR AUTHORIZED DEPARTMENT EMPLOYEE.

(C) TRANSFER FROM MANUFACTURER OR DEALER.--EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION WHEN THE TRANSFEREE IS ANOTHER MANUFACTURER OR DEALER:

(1) THE MANUFACTURER OR DEALER, UPON TRANSFERRING THEIR INTEREST IN THE SNOWMOBILE OR ATV, SHALL EXECUTE AN ASSIGNMENT AND WARRANTY OF TITLE TO THE TRANSFEREE IN THE

SPACE PROVIDED ON THE CERTIFICATE OR AS THE DEPARTMENT
PRESCRIBES.

(2) THE TRANSFEREE SHALL COMPLETE THE APPLICATION FOR
CERTIFICATE OF TITLE IN THE NAME OF THE TRANSFEREE.

(3) THE MANUFACTURER OR DEALER SHALL FORWARD THE
CERTIFICATE OF TITLE AND ANY OTHER REQUIRED FORMS TO THE
DEPARTMENT WITHIN 15 DAYS OF THE TRANSFER.

(D) EXCEPTION FOR REPOSSESSED SNOWMOBILES OR ATV'S.--THIS
SECTION DOES NOT APPLY TO [AN] A SNOWMOBILE OR ATV REPOSSESSED
UPON DEFAULT OF PERFORMANCE OF A LEASE, CONTRACT OF CONDITIONAL
SALE OR SIMILAR AGREEMENT.

(E) PENALTY.--ANY MANUFACTURER OR DEALER VIOLATING ANY OF
THE PROVISIONS OF THIS SECTION IS GUILTY OF A SUMMARY OFFENSE
AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$50
FOR EACH VIOLATION. IN ADDITION, IF A DEALER VIOLATES THIS
SECTION, THE DEPARTMENT MAY SUSPEND OR REVOKE THE REGISTRATION
ISSUED UNDER SECTION 7711 (RELATING TO REGISTRATION OF DEALERS).

§ 7712.3. TRANSFER OF SNOWMOBILE OR ATV BY OPERATION OF LAW.

(A) GENERAL RULE.--IF THE INTEREST OF AN OWNER IN [AN] A
SNOWMOBILE OR ATV PASSES TO ANOTHER OTHER THAN BY VOLUNTARY
TRANSFER, THE TRANSFEREE SHALL, EXCEPT AS OTHERWISE PROVIDED,
PROMPTLY MAIL OR DELIVER TO THE DEPARTMENT THE LAST CERTIFICATE
OF TITLE, IF AVAILABLE, AND SHALL APPLY FOR A NEW CERTIFICATE OF
TITLE ON A FORM PRESCRIBED AND FURNISHED BY THE DEPARTMENT. THE
APPLICATION SHALL BE ACCOMPANIED BY SUCH INSTRUMENTS OR
DOCUMENTS OF AUTHORITY, OR CERTIFIED COPIES THEREOF, AS MAY BE
SUFFICIENT OR REQUIRED BY LAW TO EVIDENCE OR EFFECT A TRANSFER
OF TITLE OR INTEREST IN OR TO CHATTELS IN SUCH CASE.

(B) TRANSFER TO SURVIVING SPOUSE.--TRANSFER OF A CERTIFICATE
OF TITLE TO A SURVIVING SPOUSE, OR ANY PERSON DESIGNATED BY THE

1 SPOUSE, MAY BE MADE WITHOUT THE NECESSITY OF FILING FOR LETTERS
2 OF ADMINISTRATION NOTWITHSTANDING THE FACT THAT THERE ARE MINOR
3 CHILDREN SURVIVING THE DECEDENT PROVIDED THE SURVIVING SPOUSE
4 FILES AN AFFIDAVIT THAT ALL THE DEBTS OF THE DECEDENT HAVE BEEN
5 PAID.

6 (C) SURRENDER OF CERTIFICATE.--A PERSON HOLDING A
7 CERTIFICATE OF TITLE, WHOSE INTEREST IN [AN] A SNOWMOBILE OR ATV
8 HAS BEEN EXTINGUISHED OR TRANSFERRED OTHER THAN BY VOLUNTARY
9 TRANSFER, SHALL IMMEDIATELY SURRENDER THE CERTIFICATE OF TITLE
10 TO THE PERSON TO WHOM THE RIGHT TO POSSESSION OF THE SNOWMOBILE
11 OR ATV HAS PASSED. UPON REQUEST OF THE DEPARTMENT, SUCH PERSON
12 SHALL MAIL OR DELIVER THE CERTIFICATE TO THE DEPARTMENT.
13 DELIVERY OF THE CERTIFICATE PURSUANT TO THE REQUEST OF THE
14 DEPARTMENT DOES NOT AFFECT THE RIGHTS OF THE PERSON SURRENDERING
15 THE CERTIFICATE.

16 § 7712.5. ISSUANCE OF NEW CERTIFICATE FOLLOWING TRANSFER.

17 (A) VOLUNTARY TRANSFER.--THE DEPARTMENT, UPON RECEIPT OF A
18 PROPERLY ASSIGNED CERTIFICATE OF TITLE WITH AN APPLICATION FOR A
19 NEW CERTIFICATE OF TITLE, THE REQUIRED FEE AND ANY OTHER
20 REQUIRED DOCUMENTS AND ARTICLES, SHALL ISSUE A NEW CERTIFICATE
21 OF TITLE IN THE NAME OF THE TRANSFEREE AS OWNER AND MAIL IT TO
22 THE FIRST LIENHOLDER NAMED IN THE CERTIFICATE OR, IF NONE, TO
23 THE OWNER.

24 (B) INVOLUNTARY TRANSFER.--THE DEPARTMENT, UPON RECEIPT OF
25 AN APPLICATION FOR A NEW CERTIFICATE OF TITLE BY A TRANSFEREE
26 OTHER THAN BY VOLUNTARY TRANSFER, ON A FORM PRESCRIBED AND
27 FURNISHED BY THE DEPARTMENT TOGETHER WITH PROPER PROOF
28 SATISFACTORY TO THE DEPARTMENT OF THE TRANSFER, THE REQUIRED FEE
29 AND ANY OTHER REQUIRED DOCUMENTS AND ARTICLES, SHALL ISSUE A NEW
30 CERTIFICATE OF TITLE IN THE NAME OF THE TRANSFEREE AS OWNER.

1 (C) FILING AND RETENTION OF SURRENDERED CERTIFICATE.--THE
2 DEPARTMENT SHALL FILE AND RETAIN FOR FIVE YEARS EVERY
3 SURRENDERED CERTIFICATE OF TITLE, OR A COPY, IN SUCH A MANNER AS
4 TO PERMIT THE TRACING OF TITLE OF THE SNOWMOBILE OR ATV.

5 § 7712.6. SUSPENSION AND CANCELLATION OF CERTIFICATE OF TITLE.

6 (A) RETURN OF NEW SNOWMOBILE OR ATV.--THE DEPARTMENT MAY
7 CANCEL THE CERTIFICATE OF TITLE ISSUED FOR A NEW SNOWMOBILE OR
8 ATV WHEN IT IS SHOWN BY SATISFACTORY EVIDENCE THAT THE
9 SNOWMOBILE OR ATV HAS BEEN RETURNED WITHIN THE TIME SPECIFIED IN
10 THE DEPARTMENT REGULATIONS TO THE MANUFACTURER OR DEALER FROM
11 WHOM OBTAINED.

12 (B) SNOWMOBILES OR ATV'S SOLD TO NONRESIDENTS.--THE
13 DEPARTMENT MAY CANCEL CERTIFICATES OF TITLE FOR SNOWMOBILES OR
14 ATV'S SOLD TO RESIDENTS OF OTHER STATES OR FOREIGN COUNTRIES
15 WHEN THE SNOWMOBILE OR ATV IS TO BE REGISTERED IN THE OTHER
16 JURISDICTION.

17 (C) SURRENDER OF PENNSYLVANIA CERTIFICATE IN OTHER
18 JURISDICTION.--THE DEPARTMENT, UPON RECEIPT OF NOTIFICATION FROM
19 ANOTHER STATE OR FOREIGN COUNTRY THAT A CERTIFICATE OF TITLE
20 ISSUED BY THE DEPARTMENT HAS BEEN SURRENDERED BY THE OWNER IN
21 CONFORMITY WITH THE LAWS OF THE OTHER STATE OR FOREIGN COUNTRY,
22 MAY CANCEL THE CERTIFICATE OF TITLE.

23 (D) SURRENDER OF FOREIGN CERTIFICATE TO DEPARTMENT.--WHEN AN
24 OWNER SURRENDERS A CERTIFICATE OF TITLE FROM ANOTHER STATE OR
25 FOREIGN COUNTRY TO THE DEPARTMENT, THE DEPARTMENT MAY NOTIFY THE
26 STATE OR FOREIGN COUNTRY IN ORDER THAT THE CERTIFICATE OF TITLE
27 MAY BE CANCELED OR OTHERWISE DISPOSED OF IN ACCORDANCE WITH THE
28 LAW OF THE OTHER JURISDICTION.

29 (E) CONVICTION FOR MISSTATEMENT OF FACTS.--THE DEPARTMENT,
30 UPON RECEIPT OF CERTIFICATION FROM THE CLERK OF ANY COURT

1 SHOWING CONVICTION FOR A MISSTATEMENT OF FACTS ON ANY
2 APPLICATION FOR AN ORIGINAL OR DUPLICATE CERTIFICATE OF TITLE OR
3 ANY TRANSFER OF A CERTIFICATE OF TITLE, SHALL SUSPEND THE
4 CERTIFICATE OF TITLE AND REQUIRE THAT THE CERTIFICATE BE
5 RETURNED IMMEDIATELY TO THE DEPARTMENT, WHEREUPON THE DEPARTMENT
6 MAY CANCEL THE CERTIFICATE.

7 (F) NONPAYMENT OF FEE.--THE DEPARTMENT MAY SUSPEND OR CANCEL
8 A CERTIFICATE OF TITLE WHEN A CHECK RECEIVED IN PAYMENT OF THE
9 FEE IS NOT PAID ON DEMAND OR WHEN THE FEE FOR THE CERTIFICATE IS
10 UNPAID AND OWING.

11 (G) SECURITY INTEREST UNAFFECTED BY SUSPENSION OR
12 CANCELLATION.--SUSPENSION OR CANCELLATION OF A CERTIFICATE OF
13 TITLE DOES NOT, IN ITSELF, AFFECT THE VALIDITY OF A SECURITY
14 INTEREST NOTED ON THE CERTIFICATE.

15 (H) SURRENDER OF CERTIFICATE.--THE DEPARTMENT MAY REQUEST
16 THE RETURN OF CERTIFICATES OF TITLE WHICH HAVE BEEN SUSPENDED OR
17 CANCELED. THE OWNER OR PERSON IN POSSESSION OF THE CERTIFICATION
18 OF TITLE SHALL IMMEDIATELY MAIL OR DELIVER THE CERTIFICATE TO
19 THE DEPARTMENT.

20 § 7712.7. APPLICATION FOR CERTIFICATE OF TITLE BY AGENT.

21 (A) AUTHORIZATION TO MAKE APPLICATION.--NO PERSON SHALL MAKE
22 APPLICATION FOR A CERTIFICATE OF TITLE WHEN ACTING FOR ANOTHER
23 PERSON UNLESS AUTHORIZATION TO MAKE THE APPLICATION IS IN EFFECT
24 AND IS VERIFIED BY OATH OR AFFIRMATION OF THE OTHER PERSON,
25 MADE, EXCEPTING AS BETWEEN LESSORS AND FLEET OWNERS AS LESSEES,
26 NOT MORE THAN 15 DAYS BEFORE THE APPLICATION IS RECEIVED BY THE
27 DEPARTMENT. LESSORS MAY AUTHORIZE FLEET OWNERS TO MAKE
28 APPLICATION FOR CERTIFICATES OF TITLE FOR LEASED SNOWMOBILES OR
29 ATV'S FOR PERIODS OF UP TO ONE YEAR.

30 (B) CERTIFICATE NOT TO BE ASSIGNED IN BLANK.--NO PERSON

1 SHALL MAKE APPLICATION FOR, OR ASSIGN OR PHYSICALLY POSSESS, A
2 CERTIFICATE OF TITLE, OR DIRECT OR ALLOW ANOTHER PERSON IN HIS
3 EMPLOY OR CONTROL TO MAKE APPLICATION FOR, OR ASSIGN OR
4 PHYSICALLY POSSESS, A CERTIFICATE OF TITLE, UNLESS THE NAME OF
5 THE TRANSFEREE IS PLACED ON THE ASSIGNMENT OF CERTIFICATE OF
6 TITLE SIMULTANEOUSLY WITH THE NAME OF THE TRANSFEROR AND DULY
7 NOTARIZED.

8 (C) PERSONS AUTHORIZED TO HOLD CERTIFICATE.--NO PERSON SHALL
9 RECEIVE, OBTAIN OR HOLD A CERTIFICATE OF TITLE RECORDED IN THE
10 NAME OF ANOTHER PERSON FOR THE OTHER PERSON WHO IS NOT IN THE
11 REGULAR EMPLOY OF, OR NOT A MEMBER OF THE FAMILY OF, THE OTHER
12 PERSON, UNLESS THE PERSON RECEIVING, OBTAINING OR HOLDING THE
13 CERTIFICATE OF TITLE HAS A VALID UNDISCHARGED LIEN RECORDED IN
14 THE DEPARTMENT AGAINST THE SNOWMOBILE OR ATV REPRESENTED BY THE
15 CERTIFICATE OF TITLE.

16 (D) PENALTY.--ANY PERSON VIOLATING ANY OF THE PROVISIONS OF
17 THIS SECTION IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON
18 CONVICTION, BE SENTENCED TO PAY A FINE OF \$100.

19 § 7713. CERTIFICATES OF REGISTRATION [AND DECALS], REGISTRATION
20 DECALS AND REGISTRATION PLATES.

21 [(A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS
22 CHAPTER, IT IS UNLAWFUL TO OPERATE A SNOWMOBILE OR AN ATV UNLESS
23 A CERTIFICATE OF REGISTRATION HAS BEEN ISSUED THEREFOR AND
24 UNLESS THERE IS DISPLAYED THEREON THE PERMANENT OR TEMPORARY
25 REGISTRATION DECAL.]

26 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS
27 CHAPTER, IT IS UNLAWFUL TO OPERATE, OR KNOWINGLY PERMIT TO BE
28 OPERATED, A SNOWMOBILE OR AN ATV FOR RECREATIONAL PURPOSES OR
29 FOR ANY ACTIVITIES OTHER THAN FARMING OR BUSINESS OPERATIONS
30 UNLESS:

1 (1) A CERTIFICATE OF REGISTRATION HAS BEEN ISSUED
2 THEREFOR.

3 (2) THERE IS DISPLAYED ON THE SNOWMOBILE THE
4 REGISTRATION DECAL OR THERE IS DISPLAYED ON THE ATV THE
5 REGISTRATION PLATE.

6 (3) THERE IS CARRIED ON THE SNOWMOBILE OR ATV THE
7 CERTIFICATE OF REGISTRATION.

8 (4) FOR A SNOWMOBILE OR ATV WITH TEMPORARY REGISTRATION
9 UNDER SECTION 7712(B) (RELATING TO REGISTRATION AND ISSUANCE
10 OF CERTIFICATES OF TITLE FOR SNOWMOBILES AND ATV'S) THERE IS
11 CARRIED AND DISPLAYED PROOF OF TEMPORARY REGISTRATION AS
12 PRESCRIBED BY THE DEPARTMENT.

13 (B) SNOWMOBILES OR ATV'S PURCHASED FROM DEALERS OR
14 MANUFACTURERS.--IF A SNOWMOBILE OR ATV IS PURCHASED FROM A
15 DEALER OR MANUFACTURER, THE DEALER OR MANUFACTURER SHALL MAIL OR
16 DELIVER TO THE DEPARTMENT THE APPLICATION FOR THE CERTIFICATE OF
17 REGISTRATION AND ANY OTHER REQUIRED FORMS WITHIN 15 DAYS OF THE
18 DATE OF PURCHASE. INDIVIDUALS SEEKING EXEMPTION UNDER SECTION
19 7714 (RELATING TO EXEMPTIONS FROM REGISTRATION) SHALL SIGN AN
20 AFFIDAVIT WHICH WILL BE SUBMITTED TO THE DEPARTMENT IN LIEU OF
21 THE APPLICATION FOR [CERTIFICATION] THE CERTIFICATE OF
22 REGISTRATION. ANY DEALER OR MANUFACTURER VIOLATING THE
23 REQUIREMENTS OF THIS SUBSECTION COMMITS A SUMMARY OFFENSE AND
24 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$300 OR 90
25 DAYS IMPRISONMENT, OR BOTH. IN ADDITION, IF A DEALER VIOLATES
26 THIS SUBSECTION, THE DEPARTMENT MAY SUSPEND OR REVOKE THE
27 REGISTRATION ISSUED UNDER SECTION 7711 (RELATING TO REGISTRATION
28 OF DEALERS).

29 (C) DISPLAY OF REGISTRATION DECAL.--[THE DEPARTMENT SHALL
30 ISSUE REGISTRATION DECALS NO LARGER THAN 3 1/2 BY 6 INCHES THAT

1 SHALL BE DISPLAYED ON BOTH SIDES OF THE COWLING OF THE
2 SNOWMOBILE FOR WHICH ISSUED.] THE DEPARTMENT SHALL [BY
3 REGULATION] PRESCRIBE THE TYPE OF REGISTRATION DECALS AND
4 REGISTRATION PLATES AND THE MANNER IN WHICH [THE REGISTRATION
5 DECALS] THEY SHALL BE DISPLAYED ON VARIOUS TYPES OF SNOWMOBILES
6 AND ATV'S.

7 (D) EXPIRATION ON TRANSFER.--THE CERTIFICATE OF REGISTRATION
8 ISSUED TO THE OWNER OF A SNOWMOBILE OR AN ATV SHALL EXPIRE AND
9 THE REGISTRATION DECAL AND REGISTRATION PLATE SHALL BECOME
10 INVALID WHEN OWNERSHIP OF THE SNOWMOBILE OR ATV IS TRANSFERRED.
11 UPON ANY TRANSFER, THE SELLER (AND FORMER OWNER) SHALL, WITHIN
12 15 DAYS FROM THE DATE OF SALE, RETURN TO THE DEPARTMENT THE
13 CERTIFICATE OF REGISTRATION PREVIOUSLY ISSUED TO HIM WITH THE
14 DATE OF SALE, NAME AND RESIDENCE OF THE NEW OWNER ENDORSED ON
15 THE BACK. IF THE FORMER OWNER APPLIES FOR REGISTRATION OF A
16 DIFFERENT SNOWMOBILE OR ATV AND PAYS A TRANSFER FEE, HE MAY BE
17 ISSUED, IN HIS NAME, A CERTIFICATE OF REGISTRATION FOR THAT
18 SNOWMOBILE OR ATV FOR THE REMAINDER OF THE REGISTRATION PERIOD
19 WITHOUT PAYMENT OF A REGISTRATION FEE.

20 (E) SUSPENSION OR REVOCATION.--THE DEPARTMENT MAY SUSPEND OR
21 REVOKE THE [CERTIFICATION] CERTIFICATE OF REGISTRATION FOR A
22 SNOWMOBILE OR AN ATV UPON CONVICTION OF THE OWNER OF ANY OFFENSE
23 UNDER THIS CHAPTER.

24 § 7714. EXEMPTIONS FROM REGISTRATION.

25 NO CERTIFICATE OF REGISTRATION [OR], REGISTRATION DECAL OR
26 REGISTRATION PLATE SHALL BE REQUIRED FOR A SNOWMOBILE OR AN ATV:

27 (1) OWNED AND USED BY THE UNITED STATES OR ANOTHER
28 STATE, OR A POLITICAL SUBDIVISION THEREOF, BUT SUCH
29 SNOWMOBILE [SHALL DISPLAY THE NAME OF THE OWNER ON THE
30 COWLING THEREOF, AND SUCH] OR ATV SHALL DISPLAY THE NAME OF

1 THE OWNER IN A MANNER PRESCRIBED BY [REGULATION OF] THE
2 DEPARTMENT.

3 (2) [OWNED AND OPERATED ON LANDS OWNED BY THE OWNER OR
4 OPERATOR OF THE SNOWMOBILE OR ATV OR ON LANDS TO WHICH HE HAS
5 A CONTRACTUAL RIGHT OTHER THAN AS A MEMBER OF A CLUB OR
6 ASSOCIATION, PROVIDED THE SNOWMOBILE OR ATV IS NOT OPERATED
7 ELSEWHERE WITHIN THIS COMMONWEALTH.] THAT WILL BE USED SOLELY
8 FOR FARMING OR BUSINESS PURPOSES AND NOT AT ANY TIME FOR
9 RECREATION.

10 § 7715. RECIPROCITY.

11 (A) GENERAL RULE.--NONRESIDENT OWNERS OF A SNOWMOBILE OR AN
12 ATV COVERED BY A VALID REGISTRATION OF THE STATE, PROVINCE,
13 DISTRICT OR COUNTRY OF RESIDENCE ARE REQUIRED TO PAY A
14 REGISTRATION FEE AND TO DISPLAY A CURRENT [VALIDATION DECAL]
15 EXPIRATION STICKER.

16 * * *

17 § 7717. [SNOWMOBILE] TRAIL ADVISORY [COMMITTEE] COMMITTEES.

18 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED UNDER THE
19 JURISDICTION OF THE DEPARTMENT [A BOARD KNOWN AS THE] THE
20 FOLLOWING BOARDS:

21 (1) THE SNOWMOBILE TRAIL ADVISORY COMMITTEE.

22 (2) THE ATV TRAIL ADVISORY COMMITTEE.

23 (B) COMPOSITION.--[THE SNOWMOBILE TRAIL ADVISORY COMMITTEE
24 SHALL BE APPOINTED WITHIN THREE MONTHS OF THE EFFECTIVE DATE OF
25 THIS SECTION AND BIANNUALLY THEREAFTER. THE MEMBERSHIP SHALL BE
26 COMPOSED OF THREE MEMBERS FROM THE PENNSYLVANIA STATE SNOWMOBILE
27 ASSOCIATION, ONE OF WHOM SHALL HAVE EXPERIENCE IN TRAIL CREATION
28 ON PUBLIC LAND, ONE OF WHOM SHALL HAVE EXPERIENCE IN TRAIL
29 CREATION ON PRIVATE LAND AND ONE OF WHOM SHALL BE A MEMBER AT
30 LARGE. IN ADDITION, ONE MEMBER SHALL BE APPOINTED FROM EACH OF

1 THE FOLLOWING ORGANIZATIONS: PENNSYLVANIA TRAVEL COUNCIL,
2 PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS,
3 PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS,
4 PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES, PENNSYLVANIA STATE
5 ASSOCIATION OF COUNTY COMMISSIONERS, PENNSYLVANIA ASSOCIATION OF
6 REALTORS, PENNSYLVANIA LANDOWNERS ASSOCIATION, PENNSYLVANIA
7 VACATION LAND DEVELOPERS ASSOCIATION, PENNSYLVANIA CHAPTER OF
8 RAILS TO TRAILS CONSERVANCY, DEPARTMENT OF COMMERCE AND
9 DEPARTMENT OF COMMUNITY AFFAIRS. THE NAME OF THE REPRESENTATIVES
10 SHALL BE SUBMITTED TO THE SECRETARY WITHIN TEN DAYS OF THE
11 RECEIPT OF THE REQUEST FOR THEM.] COMMITTEE MEMBERS SHALL BE
12 APPOINTED BY THE SECRETARY TO SERVE STAGGERED, THREE-YEAR TERMS.
13 MEMBERS OF THE SNOWMOBILE TRAIL ADVISORY COMMITTEE SHALL
14 REPRESENT THE VARIOUS INTERESTS ASSOCIATED WITH ACQUISITION,
15 DEVELOPMENT, MAINTENANCE AND USE OF SNOWMOBILE TRAILS. MEMBERS
16 OF THE ATV TRAIL ADVISORY COMMITTEE SHALL REPRESENT THE VARIOUS
17 INTERESTS ASSOCIATED WITH ACQUISITION, DEVELOPMENT, MAINTENANCE
18 AND USE OF ATV TRAILS.

19 (C) RESPONSIBILITIES.--THE [COMMITTEE] SNOWMOBILE TRAIL
20 ADVISORY COMMITTEE SHALL REVIEW EXISTING AND PROPOSED
21 REGULATIONS, STANDARDS AND PROCEDURES FOR ALL SNOWMOBILE TRAIL
22 ACQUISITION, CONSTRUCTION, DEVELOPMENT AND MAINTENANCE. [THE
23 COMMITTEE] IT MAY ALSO MAKE RECOMMENDATIONS ON SNOWMOBILE TRAIL
24 SITES, TRAIL SITE ACQUISITION AND THE ALLOCATION OF FEES
25 COLLECTED PURSUANT TO THIS CHAPTER REGARDING ACQUISITION,
26 CONSTRUCTION AND MAINTENANCE OF TRAILS FOR SNOWMOBILE USE. THE
27 ATV TRAIL ADVISORY COMMITTEE SHALL HAVE THE SAME
28 RESPONSIBILITIES WITH REGARD TO ATV TRAILS.

29 (D) ADVISORY COMMITTEE ACTIONS.--THE RECOMMENDATIONS OF THE
30 ADVISORY [COMMITTEE] COMMITTEES SHALL BE SUBMITTED TO THE

1 SECRETARY WHO SHALL GIVE DUE CONSIDERATION TO THEM.

2 § 7724. OPERATION ON PRIVATE OR STATE PROPERTY.

3 (A) PRIVATE REAL PROPERTY.--

4 (1) NO PERSON SHALL OPERATE A SNOWMOBILE OR AN ATV ON
5 ANY PRIVATE REAL PROPERTY WITHOUT THE WRITTEN CONSENT OF THE
6 OWNER OR LESSOR THEREOF. ANY PERSON OPERATING A SNOWMOBILE OR
7 AN ATV UPON [LANDS] LAND OF ANOTHER SHALL STOP AND IDENTIFY
8 HIMSELF UPON THE REQUEST OF THE LANDOWNER OR HIS DULY
9 AUTHORIZED REPRESENTATIVES AND, IF REQUESTED TO DO SO BY THE
10 LANDOWNER, SHALL PROMPTLY REMOVE THE SNOWMOBILE OR ATV FROM
11 THE PREMISES.

12 * * *

13 § 7725. OPERATION BY PERSONS UNDER AGE SIXTEEN.

14 * * *

15 (H) SNOWMOBILE AND ATV SAFETY PROGRAM.--THE DEPARTMENT SHALL
16 IMPLEMENT A COMPREHENSIVE SNOWMOBILE AND ATV INFORMATION, SAFETY
17 EDUCATION AND TRAINING PROGRAM WHICH SHALL INCLUDE THE
18 PREPARATION AND DISSEMINATION OF INFORMATION AND SAFETY ADVICE
19 TO THE PUBLIC AND TRAINING OF OPERATORS. THE PROGRAM SHALL
20 PROVIDE FOR THE TRAINING OF YOUTHFUL OPERATORS AND FOR THE
21 ISSUANCE OF SNOWMOBILE OR ATV SAFETY CERTIFICATES TO THOSE WHO
22 SUCCESSFULLY COMPLETE THE TRAINING PROVIDED UNDER THE PROGRAM.

23 * * *

24 § 7726. OPERATION IN SAFE MANNER.

25 (A) GENERAL RULE.--NO PERSON SHALL OPERATE A SNOWMOBILE OR
26 AN ATV IN ANY OF THE FOLLOWING WAYS:

27 (1) AT A RATE OF SPEED THAT IS UNREASONABLE OR IMPROPER
28 UNDER EXISTING CONDITIONS OR IN EXCESS OF THE MAXIMUM LIMITS
29 POSTED FOR VEHICULAR TRAFFIC.

30 (2) IN ANY CARELESS WAY SO AS TO ENDANGER THE PERSON OR

1 PROPERTY OF ANOTHER.

2 (3) WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANY
3 CONTROLLED SUBSTANCE.

4 (B) PERMITTING UNSAFE OPERATION.--NO OWNER OR OTHER PERSON
5 HAVING CHARGE OR CONTROL OF A SNOWMOBILE OR AN ATV SHALL
6 KNOWINGLY AUTHORIZE OR PERMIT THE OPERATION OF THE SNOWMOBILE OR
7 ATV BY ANY PERSON WHO IS INCAPABLE TO DO SO BY REASON OF AGE,
8 PHYSICAL OR MENTAL DISABILITY, OR WHO IS UNDER THE INFLUENCE OF
9 ALCOHOL OR ANY CONTROLLED SUBSTANCE.

10 (C) OPERATION ON HIGHWAYS AND STREETS OPEN TO SNOWMOBILES OR
11 ATV'S AND VEHICULAR TRAFFIC.--NO PERSON SHALL OPERATE A
12 SNOWMOBILE OR ATV IN ANY OF THE FOLLOWING WAYS ON HIGHWAYS AND
13 STREETS OPEN TO SNOWMOBILES OR ATV'S AND VEHICULAR TRAFFIC:

14 (1) UPON THE LEFT SIDE OF HIGHWAYS OR STREETS, EXCEPT
15 ONE-WAY STREETS, OR AS SPECIFIED IN PARAGRAPH (2).

16 (2) RIDE TWO SNOWMOBILES OR ATV'S ABREAST. SNOWMOBILES
17 AND ATV'S SHALL BE OPERATED IN SINGLE FILE EXCEPT WHEN
18 OVERTAKING ANOTHER VEHICLE. THE DRIVER OF ANY VEHICLE
19 OVERTAKING ANOTHER VEHICLE PROCEEDING IN THE SAME DIRECTION
20 SHALL PASS AT A SAFE DISTANCE TO THE LEFT THEREOF, UNTIL
21 SAFELY CLEAR OF SUCH OVERTAKEN VEHICLE. NOTHING IN THIS
22 SECTION SHALL BE CONSTRUED TO PROHIBIT A DRIVER OVERTAKING
23 THE PASSING UPON THE RIGHT OF ANOTHER VEHICLE WHICH IS MAKING
24 OR ABOUT TO MAKE A LEFT TURN. THE DRIVER OF A VEHICLE SHALL
25 NOT DRIVE TO THE LEFT SIDE OF THE CENTER OF A HIGHWAY IN
26 OVERTAKING OR PASSING ANOTHER VEHICLE PROCEEDING IN THE SAME
27 DIRECTION, UNLESS THE LEFT SIDE IS CLEARLY VISIBLE AND IS
28 FREE OF ONCOMING TRAFFIC FOR A SUFFICIENT DISTANCE AHEAD TO
29 PERMIT THE OVERTAKING OR PASSING TO BE MADE IN SAFETY.

30 (3) TURN TO THE RIGHT OR LEFT AT AN INTERSECTION OR STOP

OR DECREASE SPEED AT AN INTERSECTION WITHOUT SIGNALING AS
STATED IN THIS PARAGRAPH. THE DRIVER SHALL EXTEND HIS HAND
AND ARM FROM THE LEFT SIDE OF THE VEHICLE IN THE FOLLOWING
MANNER TO INDICATE AS STATED:

(I) LEFT TURN OR OTHER VEHICLE MOVEMENT TOWARD LEFT,
HAND AND ARM EXTENDED HORIZONTALLY.

(II) RIGHT TURN OR OTHER VEHICLE MOVEMENT TOWARD
RIGHT, LEFT HAND AND ARM EXTENDED OUTWARD AND POINTED
UPWARD FROM THE ELBOW.

(III) STOP OR DECREASE SPEED, EITHER THE LEFT OR
RIGHT HAND AND ARM EXTENDED UPWARD.

(4) DISOBEY ANY TRAFFIC SIGNAL OR SIGNS PLACED IN
ACCORDANCE WITH THIS TITLE UNLESS OTHERWISE DIRECTED BY A
PEACE OFFICER.

(5) WITHOUT A SECURELY FASTENED HELMET ON THE HEAD OF AN
INDIVIDUAL WHO OPERATES OR IS A PASSENGER ON A SNOWMOBILE OR
ATV OR WHO IS BEING TOWED OR OTHERWISE PROPELLED BY A
SNOWMOBILE. THE DEPARTMENT SHALL SPECIFY THE TYPES OF HELMETS
ALLOWED THROUGH RULES AND REGULATIONS.

(D) UNSAFE CARRYING OF PASSENGERS.--NO PERSON SHALL OPERATE
AN ATV WITH A PASSENGER UNLESS THE ATV IS DESIGNED TO CARRY A
PASSENGER. A PERSON VIOLATING THIS SUBSECTION COMMITS A SUMMARY
OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE
OF \$100.

§ 7730. LIABILITY INSURANCE.

(A) REQUIREMENT.--ANY SNOWMOBILE OR ATV REQUIRED TO BE
REGISTERED PURSUANT TO THIS CHAPTER SHALL HAVE LIABILITY
INSURANCE COVERAGE ISSUED BY AN INSURANCE CARRIER AUTHORIZED TO
DO BUSINESS IN THIS COMMONWEALTH.

(B) PROOF OF INSURANCE.--PROOF OF INSURANCE AS REQUIRED BY

1 THIS SECTION SHALL BE PRODUCED AND DISPLAYED BY THE OWNER OR
2 OPERATOR OF SUCH SNOWMOBILE OR ATV UPON THE REQUEST OF ANY
3 MAGISTRATE OR ANY PERSON HAVING AUTHORITY TO ENFORCE THE
4 PROVISIONS OF THIS CHAPTER OR TO ANY PERSON WHO HAS SUFFERED OR
5 CLAIMS TO HAVE SUFFERED EITHER PERSONAL INJURY OR PROPERTY
6 DAMAGE AS A RESULT OF THE OPERATION OF SUCH SNOWMOBILE OR ATV.
7 IT SHALL BE AN AFFIRMATIVE DEFENSE TO ANY PROSECUTION FOR A
8 VIOLATION OF THIS SECTION THAT SUCH PROOF WAS SO PRODUCED WITHIN
9 24 HOURS OF RECEIVING NOTICE OF SUCH VIOLATION, INJURY OR DAMAGE
10 OR THE CLAIM OF SUCH INJURY OR DAMAGE.

11 (C) OWNER'S RESPONSIBILITY.--NO OWNER OF A SNOWMOBILE OR ATV
12 SHALL OPERATE OR PERMIT THE SAME TO BE OPERATED WITHOUT HAVING
13 IN FULL FORCE AND EFFECT LIABILITY INSURANCE COVERAGE REQUIRED
14 BY THIS SECTION. THE OPERATOR OF A SNOWMOBILE OR ATV SHALL CARRY
15 PROOF OF INSURANCE ON THEIR PERSON OR ON THE SNOWMOBILE OR ATV
16 WHEN IT IS IN OPERATION.

17 § 7752. PENALTIES FOR VIOLATION OF CHAPTER.

18 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTIONS (B)
19 [AND (C)], (C) AND (D) AND UNLESS OTHERWISE PROVIDED IN THIS
20 CHAPTER, ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS
21 CHAPTER IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON
22 CONVICTION:

23 (1) FOR A FIRST OFFENSE, BE SENTENCED TO PAY A FINE OF
24 NOT LESS THAN [\$25] \$50 NOR MORE THAN [\$100] \$200 AND COSTS
25 OF PROSECUTION AND, IN DEFAULT OF THE PAYMENT THEREOF, SHALL
26 UNDERGO IMPRISONMENT FOR NOT MORE THAN TEN DAYS.

27 (2) FOR A [SECOND] SUBSEQUENT OFFENSE, BE SENTENCED TO
28 PAY A FINE OF NOT LESS THAN [\$50] \$100 NOR MORE THAN [\$200]
29 \$300 AND COSTS OF PROSECUTION AND, IN DEFAULT OF THE PAYMENT
30 THEREOF, SHALL UNDERGO IMPRISONMENT FOR NOT MORE THAN 30

1 DAYS.

2 * * *

3 (D) REGISTRATION [AND DECALS].--ANY PERSON VIOLATING SECTION
4 7713(A) (RELATING TO CERTIFICATES OF REGISTRATION [AND],
5 REGISTRATION DECALS AND REGISTRATION PLATES) BY FAILING TO
6 OBTAIN A CERTIFICATE OF REGISTRATION COMMITS A SUMMARY OFFENSE
7 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$300
8 OR TO 90 DAYS IMPRISONMENT, OR BOTH. PROCEEDINGS FOR A SUMMARY
9 OFFENSE UNDER THIS SECTION MUST BE COMMENCED WITHIN 60 DAYS
10 AFTER COMMISSION OF THE ALLEGED OFFENSE OR WITHIN 60 DAYS AFTER
11 DISCOVERY OF THE COMMISSION OF THE OFFENSE OR THE IDENTITY OF
12 THE OFFENDER, WHICHEVER IS LATER. ANY PERSON VIOLATING SECTION
13 7713(A) BY FAILING TO PROPERLY DISPLAY A REGISTRATION [NUMBER OR
14 THE VALIDATION] DECAL OR REGISTRATION PLATE OR BY FAILING TO
15 CARRY A CERTIFICATE OF REGISTRATION, COMMITS A SUMMARY OFFENSE
16 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$50.

17 Section 4 75. Title 75 is amended by adding a chapter to
18 read:

<—

19 CHAPTER 78

20 MOTOR CARRIER SAFETY

21 Sec.

22 7801. Short title of chapter.

23 7802. Findings and declaration of policy.

24 7803. Definitions.

25 7804. Motor Carrier Safety Advisory Committee.

26 § 7801. Short title of chapter.

27 This chapter shall be known and may be cited as the Motor
28 Carrier Safety Advisory Committee Act.

29 § 7802. Findings and declaration of policy.

30 (a) Findings.--It is hereby determined and declared as a

1 matter of legislative findings that:

2 (1) The operation of the motor carrier industry is a
3 vital part of the economic health of this Commonwealth, by
4 providing needed goods and services as well as job
5 opportunities for many Pennsylvanians.

6 (2) As more and more motor carriers share the road with
7 other vehicles, public safety concerns continue to rise. The
8 latest statistics from the National Highway Traffic Safety
9 Administration indicate that, on a national level, while
10 trucks represent only 3% of vehicles on the road, they were
11 involved in 13% of highway deaths in 1997 alone and, in the
12 same year, 444,000 large trucks were involved in crashes,
13 killing 5,355 persons and injuring 133,000 more.

14 (3) In order to promote the safety of this
15 Commonwealth's highways, and to best safeguard Pennsylvania
16 residents and their property, it is essential to provide
17 guidelines to ensure that motor carriers conduct their
18 operations in a safe, responsible and professional manner.

19 (b) Declaration of policy.--The purpose of this chapter is
20 to promote the safe, responsible and professional operation of
21 motor carriers within this Commonwealth.

22 § 7803. Definitions.

23 The following words and phrases when used in this chapter
24 shall have the meanings given to them in this section unless the
25 context clearly indicates otherwise:

26 "Committee." The Motor Carrier Safety Advisory Committee
27 created by this chapter.

28 "Department." The Department of Transportation of the
29 Commonwealth.

30 § 7804. Motor Carrier Safety Advisory Committee.

1 (a) Creation.--There is hereby created a Motor Carrier
2 Safety Advisory Committee which shall consist of the following
3 26 members:

4 (1) The Secretary of Transportation.

5 (2) The Chairman of the Pennsylvania Public Utility
6 Commission.

7 (3) The Chairman of the Pennsylvania Turnpike
8 Commission.

9 (4) The Commissioner of the Pennsylvania State Police.

10 (5) The Chairman and Minority Chairman of the
11 Transportation Committee of the Senate.

12 (6) The Chairman and Minority Chairman of the
13 Transportation Committee of the House of Representatives.

14 (7) ~~Eighteen~~ NINETEEN members of the public representing <—
15 the areas of concern specified who shall have extensive
16 experience and knowledge of motor carrier transportation
17 activities throughout this Commonwealth, to be appointed by
18 the Governor as follows:

19 (i) One representative from the Pennsylvania Chamber
20 of Business and Industry.

21 (ii) One representative from the Pennsylvania Chiefs
22 of Police Association.

23 (iii) One representative from the Special Court
24 Judges Association of Pennsylvania.

25 (iv) Two persons representing the interests of
26 independent truckers.

27 (v) Two representatives from the Pennsylvania Motor
28 Truck Association.

29 (vi) Two representatives from the Pennsylvania Truck
30 Transportation Alliance.

(vii) One representative from the Pennsylvania AAA Federation.

(viii) One representative from the Pennsylvania Public Transportation Association.

(ix) One representative from the Pennsylvania Bus Association.

(x) One representative from the Pennsylvania School Bus Association.

(xi) One representative from the Hardwood Lumber Manufacturers Association of Pennsylvania.

(xii) One person representing the interests of motor carrier drivers.

(xiii) One person representing the interests of bulk haulers.

(xiv) One representative from the moving and storage industry in Pennsylvania.

(xv) One representative from the petroleum industry in Pennsylvania.

(XVI) ONE REPRESENTATIVE FROM A CLASS I RAILROAD.

<—

(b) Chairperson.--The Governor shall appoint one member of the committee as chairperson. The members of the committee shall annually elect a vice chairperson, a secretary and a treasurer from among the public members appointed to the committee.

(c) Designees.--Each member may designate a representative to serve in his or her stead. A member who designates a representative shall notify the chairperson, in writing, of the designation.

(d) Terms of appointees.--The terms of all members of the committee appointed by the Governor shall be for three years. Any member of the committee may be reappointed for an additional

1 term or terms. Any person appointed to fill a vacancy shall
2 serve only for the unexpired term. Each member shall serve until
3 the appointment of a successor.

4 (e) Meetings and expenses.--

5 (1) The committee shall meet at least four times every
6 12 months, but may hold such additional meetings as are
7 called by the chairperson or by petition of at least six
8 committee members. The chairperson shall provide notice at
9 least 14 days in advance for regular meetings and shall
10 provide a minimum of three days' notice for special meetings.
11 A majority of the appointed members shall constitute a quorum
12 for the conduct of business. The secretary shall maintain a
13 record of meeting attendance by members and shall provide
14 written notice to members who miss two consecutive meetings.
15 Three consecutive committee meeting absences by a member
16 shall be grounds for removal if affirmed by a majority vote
17 of the committee.

18 (2) Minutes of meetings shall be prepared by the
19 secretary and filed with the committee and distributed to all
20 members. All records shall be a matter of public record.

21 (3) The public members of the committee shall be allowed
22 reasonable per diem expenses to be set by the committee. The
23 department shall provide appropriate staff support to enable
24 the committee to properly carry out its function.

25 (f) Powers and duties.--The committee shall have the power
26 and duty to assess, evaluate and recommend standards for the
27 safe operation of motor carriers in this Commonwealth,
28 including, but not limited to the following objectives:

29 (1) Develop continuing education programs for first-year
30 and second-year CDL drivers and consider incentive programs

1 for drivers who undergo incremental safety training and
2 testing throughout their driving careers.

3 (2) Examine ways in which to increase and document motor
4 carrier use of the Pennsylvania Turnpike, including the
5 possibility of a fuel tax rebate or other incentives.

6 (3) Study the feasibility of utilizing existing and
7 developing technology relative to the electronic control
8 mechanisms of motor carriers to aid in the enforcement of
9 speed limits.

10 (4) Develop a policy to address the dissemination of
11 information among employers of CDL drivers relative to
12 employee job performance and conduct, in order to best
13 protect the public from unsafe drivers.

14 (5) Analyze the feasibility of instituting enhanced
15 penalties for motor carrier moving violations and of
16 utilizing the amount of the increase as a dedicated source of
17 funding for the construction of security walls.

18 (6) Provide a forum for the exchange of information on
19 the problems associated with travel as passenger vehicles,
20 motorcycles and motor carriers share the road systems and
21 consider education initiatives aimed at the motoring public
22 as well as the motor carrier industry.

23 (7) Consider any other issue raised in relation to motor
24 carrier operation and road safety that may arise from time to
25 time.

26 (g) Reports.--The committee shall submit quarterly reports
27 of its deliberations, conclusions and suggestions to the
28 Governor and members of the General Assembly.

29 ~~Section 5. This act shall take effect as follows:~~

30 ~~(1) The following provisions shall take effect~~

<—

1 ~~immediately:~~

2 ~~(i) The addition of 75 Pa.C.S. Ch. 78.~~

3 ~~(ii) This section.~~

4 ~~(2) The remainder of this act shall take effect in 60~~
5 ~~days.~~

6 Section 76. Section 9017 of Title 75 is amended to read: <—

7 § 9017. Refunds.

8 (a) Department of Revenue.--Except as provided in subsection
9 (a.1), the Department of Revenue may refund taxes, penalties,
10 interest, fines, additions and other money collected pursuant to
11 this chapter in accordance with section 3003.1 of the act of
12 March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
13 1971.

14 (a.1) Board of Finance and Revenue.--The Board of Finance
15 and Revenue may make reimbursements and refunds of tax imposed
16 and collected upon liquid fuels or fuels as provided under
17 subsections (b), (c) or (e). In addition, the board may refund
18 on an annual basis any tax imposed by this chapter and collected
19 by the department upon liquid fuels or fuels delivered to any
20 entity exempt from tax under section 9004(e) (relating to
21 imposition of tax, exemptions and deductions) which has not been
22 claimed as exempt by the distributor or otherwise refunded. The
23 board may adopt regulations relating to procedures for the
24 administration of its duties under this subsection.

25 (b) Farm tractors and volunteer fire rescue and ambulance
26 services.--A person shall be reimbursed the full amount of the
27 tax imposed by this chapter if the person uses or buys liquid
28 fuels or fuels on which the tax imposed by this chapter has been
29 paid and consumes them:

30 (1) in the operation of any nonlicensed farm tractor or

1 licensed farm tractor when used off the highways for
2 agricultural purposes relating to the actual production of
3 farm products; or

4 (2) in the operation of a vehicle of a volunteer fire
5 company, volunteer ambulance service or volunteer rescue
6 squad.

7 (c) Motorboats and watercraft.--

8 (1) When the tax imposed by this chapter has been paid
9 and the fuel on which the tax has been imposed has been
10 consumed in the operation of motorboats or watercraft upon
11 the waters of this Commonwealth, including waterways
12 bordering on this Commonwealth, the full amount of the tax
13 shall be refunded to the Boat Fund on petition to the board
14 in accordance with prescribed procedures.

15 (2) In accordance with such procedures, the Pennsylvania
16 Fish and Boat Commission shall biannually calculate the
17 amount of liquid fuels consumed by the motorcraft and furnish
18 the information relating to its calculations and data as
19 required by the board. The board shall review the petition
20 and motorboat fuel consumption calculations of the
21 commission, determine the amount of liquid fuels tax paid and
22 certify to the State Treasurer to refund annually to the Boat
23 Fund the amount so determined. The department shall be
24 accorded the right to appear at the proceedings and make its
25 views known.

26 (3) This money shall be used by the commission acting by
27 itself or by agreement with other Federal and State agencies
28 only for the improvement of the waters of this Commonwealth
29 on which motorboats are permitted to operate and may be used
30 for the development and construction of motorboat areas; the

1 dredging and clearing of water areas where motorboats can be
2 used; the placement and replacement of navigational aids; the
3 purchase, development and maintenance of public access sites
4 and facilities to and on waters where motorboating is
5 permitted; the patrolling of motorboating waters; the
6 publishing of nautical charts in those areas of this
7 Commonwealth not covered by nautical charts published by the
8 United States Coast and Geodetic Survey or the United States
9 Army Engineers and the administrative expenses arising out of
10 such activities; and other similar purposes.

11 (d) Off-highway recreational vehicles.--

12 (1) When the tax imposed by this chapter has been paid
13 on fuel used in off-highway recreational vehicles within this
14 Commonwealth, an amount equal to the revenue generated by the
15 tax, but not derived therefrom, may be appropriated through
16 the General Fund to the Department of Conservation and
17 Natural Resources. It is the intent of this chapter that all
18 proceeds from the tax paid on fuel used in off-highway
19 recreational vehicles within this Commonwealth be paid
20 without diminution of the Motor License Fund.

21 (2) The Department of Conservation and Natural Resources
22 shall biennially calculate the amount of liquid fuel consumed
23 by off-highway recreational vehicles and furnish information
24 relating to its calculations and data as may be required by
25 the Appropriations Committee of the Senate and the
26 Appropriations Committee of the House of Representatives.

27 (3) The General Assembly shall review the fuel
28 consumption calculations of the Department of Conservation
29 and Natural Resources to determine the amount of liquid fuels
30 tax paid on liquid fuels consumed in the propulsion of off-

1 highway recreational vehicles in this Commonwealth and may
2 annually appropriate to the Department of Conservation and
3 Natural Resources the amount so determined.

4 (4) Money appropriated under paragraph (3) shall be used
5 for the benefit of motorized and nonmotorized recreational
6 trails by the Department of Conservation and Natural
7 Resources as provided in the Intermodal Surface
8 Transportation Efficiency Act of 1991 (Public Law 102-240,
9 105 Stat. 1914).

10 (e) Aircraft.--A person shall be reimbursed in the amount of
11 the excess if a person uses liquid fuel on which a tax imposed
12 by this chapter in excess of 1 1/2¢ per gallon has been paid in:

13 (1) a propeller-driven aircraft or aircraft engines; or

14 (2) a jet or turbojet-propelled aircraft or aircraft
15 engines.

16 (e.1) Truck refrigeration units.--

17 (1) [During the transition to the use of dyed diesel
18 fuel in truck refrigeration units, a] A program shall be
19 implemented to provide reimbursement for tax paid on undyed
20 diesel fuel used in truck refrigeration units.

21 (2) [During the transition, a] A person shall be
22 reimbursed the amount of tax paid pursuant to section 9004 on
23 any purchase of undyed diesel fuel which is not more than
24 [100] 75 gallons per purchase and is delivered into a fuel
25 tank which is designed to supply only an internal combustion
26 engine mounted on a registered vehicle used exclusively for
27 truck refrigeration.

28 (3) For the period of October 1, 1997, through September
29 30, 1998, claims for reimbursement of taxes paid shall be
30 filed by March 1, 1999, with the Department of Revenue. For

1 the period of October 1, 1998, through September 30, 1999,
2 claims for reimbursement under this subsection shall be filed
3 by October 31, 1999, with the department. For the period from
4 October 1, 1999, through September 30, 2000, inclusive,
5 claims for reimbursement under this subsection shall be filed
6 with the department by October 31, 2000. For the quarter
7 beginning October 1, 2000, and each quarter thereafter,
8 claims for reimbursement shall be filed with the department
9 on a quarterly basis and must be filed within 60 days
10 following the end of the quarter for which reimbursement is
11 being claimed.

12 (4) The department may require a claimant to satisfy any
13 sales or use tax liability on the undyed diesel fuel for
14 which the reimbursement is claimed.

15 (5) A claim for reimbursement must be supported by sales
16 receipts with the word "reefer" noted on the claim and the
17 date of purchase, seller's name and address, number of
18 gallons purchased, fuel type, price per gallon or total
19 amount of sale, unit numbers and the purchaser's name. The
20 department may specify other documentation which it will
21 accept in lieu of sales receipts. In the case of withdrawals
22 from claimant-owned tax-paid bulk storage, the claim must be
23 supported by detailed records of the date of withdrawal,
24 number of gallons, fuel type, unit number and purchase and
25 inventory records to substantiate that the tax was paid on
26 all bulk purchases. Notwithstanding the provisions of section
27 9009 (relating to retention of records by distributors and
28 dealers), all required documentation shall be retained for a
29 period of three years following the filing date of the claim
30 for reimbursement under this subsection. If the claimant

1 fails to retain documentation as required by this paragraph,
2 the department may deny the reimbursement or issue an
3 assessment for any refund granted plus interest under section
4 9007 (relating to determination and redetermination of tax,
5 penalties and interest due).

6 [(6) For purposes of this subsection, the term
7 "transition" means the period of time between October 1,
8 1997, through September 30, 2000.]

9 (e.2) Agricultural power takeoff.--A person shall be
10 reimbursed the full amount of the tax imposed by this chapter if
11 the person uses or buys liquid fuels or fuels on which the tax
12 imposed by this chapter has been paid and consumes them to load
13 for delivery or to unload at a farm feed, feed products, lime or
14 limestone products for agricultural use from a vehicle by means
15 of a power takeoff, provided the fuel usage is documented only
16 by an electronic monitoring device used in conjunction with an
17 electronically controlled engine. Reimbursements shall be
18 documented only as provided in this subsection and no
19 reimbursement shall be based upon any form of alternative
20 documentation. Claims for reimbursement shall be filed with the
21 department on a quarterly basis and must be filed within 60 days
22 following the end of the quarter for which reimbursement is
23 being claimed. The provisions of subsection (f), except for the
24 filing fee provision, shall apply to claims for reimbursement
25 under this subsection to the extent they are not inconsistent
26 with this subsection.

27 (f) Claims, forms, contents, penalties.--A claim for
28 reimbursement or refund under subsection (b), (c) or (e) shall
29 be made upon a form to be furnished by the board and must
30 include, in addition to such other information as the board may

1 by regulation prescribe, the name and address of the claimant;
2 the period of time and the number of gallons of liquid fuels
3 used for which reimbursement is claimed; a description of the
4 farm machinery, aircraft or aircraft engine in which liquid
5 fuels have been used; the purposes for which the machinery,
6 aircraft or aircraft engine has been used; and the size of the
7 farm and part in cultivation on which such liquid fuels have
8 been used. A claim must contain statements that the liquid fuels
9 for which reimbursement is claimed have been used only for
10 purposes for which reimbursements are permitted; that records of
11 the amounts of such fuels used in each piece of farm machinery,
12 aircraft or aircraft engine have been kept; and that no part of
13 the claim has been paid except as stated. A claim must contain a
14 declaration that it and accompanying receipts are true and
15 correct to the best of the claimant's knowledge and must be
16 signed by the claimant or the person claiming on the claimant's
17 behalf. A claim must be accompanied by receipts indicating that
18 the liquid fuels tax was paid on the liquid fuels or that the
19 excess liquid fuels tax was paid on the liquid fuels for which
20 reimbursement is claimed. Records of purchases of liquid fuels
21 and use in each tractor or powered machinery, aircraft or
22 aircraft engine shall be kept for a period of two years. A claim
23 must be made annually for the preceding year ending on June 30.
24 A claim must be submitted to the board by September 30. The
25 board shall refuse to consider any claim received or postmarked
26 later than that date. The claimant must satisfy the board that
27 the tax has been paid and that the liquid fuels have been
28 consumed by the claimant for purposes for which reimbursements
29 are permitted under this section. The action of the board in
30 granting or refusing reimbursement shall be final. The board

1 shall deduct the sum of \$1.50, which shall be considered a
2 filing fee, from every claim for reimbursement granted. Filing
3 fees are specifically appropriated to the board and to the
4 department for expenses incurred in the administration of the
5 reimbursement provisions of this chapter. The board has the
6 power to refer to the department for investigation any claim for
7 reimbursement filed under the provisions of this chapter. The
8 department shall investigate the application and report to the
9 board. A person making any false or fraudulent statement for the
10 purpose of obtaining reimbursement commits a misdemeanor of the
11 third degree.

12 (g) Fund sources.--Refunds and reimbursements of money
13 allowed under this section shall be paid from the Motor License
14 Fund and the Liquid Fuels Tax Fund in amounts equal to the
15 original distribution and payment of such money into those
16 funds. Reimbursement for taxes paid on liquid fuels consumed in
17 the operation of tractors and powered machinery for purposes
18 relating to the actual production of farm products and
19 reimbursement for taxes paid on liquid fuels used in aircraft or
20 aircraft engines shall be paid out of the Motor License Fund.

21 (h) Appropriations; approval by Governor.--As much of the
22 money in the Motor License Fund and the Liquid Fuels Tax Fund as
23 may be necessary is appropriated to the board for the purpose of
24 making refunds and reimbursements as authorized in this section.
25 Estimates of the amounts to be expended from these funds for
26 refunds and reimbursements by the board must be submitted to the
27 Governor for approval or disapproval as in the case of other
28 appropriations to administrative departments, boards and
29 commissions. It is unlawful to honor any requisition of the
30 board for the expenditure of money under this section in excess

1 of the estimates approved by the Governor.

2 Section 77. (a) Pending promulgation of the regulations
3 required by 75 Pa.C.S. § 4722, the Department of Transportation
4 is authorized to issue and revoke waivers of the hour
5 requirements for official inspection stations as follows:

6 (1) A request for a waiver of business hours shall be
7 submitted to the Bureau of Motor Vehicles of the Department
8 of Transportation on a form provided by the department. The
9 form shall require the following information:

10 (i) All relevant station and ownership information.

11 (ii) The reason for the request.

12 (iii) A listing of requested days/hours of
13 operation. An inspection station shall be open a minimum
14 of 20 hours per week and a minimum of ten of those hours
15 shall be during Monday through Friday between 7:00 a.m.
16 and 8:00 p.m.

17 (iv) A detailed explanation of security measures
18 relating to inspection stickers and inspection records
19 which will be in place during the requested hours of
20 operation.

21 (v) An estimate of the number and type of
22 inspections to be performed.

23 (vi) If applicable, a copy of any contract or
24 arrangement made with other business concerns for which
25 inspections will be performed documenting the need for
26 the waiver of hours.

27 (vii) Any other documentation or information
28 requested by the department.

29 (2) A waiver of hours may be denied or revoked for any
30 of the following reasons:

1 (i) If a violation of the inspection regulations was
2 committed by the inspection station owner, manager,
3 certified inspector or other employee at the station
4 within three years immediately preceding a request for
5 waiver of hours.

6 (ii) If the station owner, manager, a certified
7 inspector or other employee at an inspection station that
8 has been granted a waiver of hours commits a violation of
9 the inspection regulations after the waiver has been
10 granted.

11 (iii) If any station personnel currently employed or
12 hired have been, or are currently, suspended for
13 inspection violations.

14 (iv) If the department or its designate is unable,
15 on two attempts on two different business days, to
16 perform any official visit, including a periodic records
17 audit, during the hours specified in the approved waiver.

18 (v) If a station fails to be in operation during the
19 hours specified in the waiver.

20 (vi) If a station fails to comply with any of the
21 provisions of this section.

22 Section 78. Drivers whose operating privileges were
23 suspended or revoked prior to the effective date of this section
24 may petition the Department of Transportation to remove from the
25 record the suspensions which had previously been imposed for
26 violations of 75 Pa.C.S. §§ 7102(b) and 7103(b). Upon receipt of
27 the petition the department shall examine the driving record of
28 the petitioner and shall remove from the record suspensions or
29 revocations caused by convictions of violations of 75 Pa.C.S. §§
30 7102(b) or 7103(b). If there are other offenses on the record,

1 if the driver is entitled to credit, credit shall be given for
2 the other offenses for the periods of times where the driver's
3 operating privileges were suspended or revoked for violations of
4 75 Pa.C.S. §§ 7102(b) and 7103(b). If the driver was properly
5 serving the suspension, then the driver is entitled to credit.
6 If after recalculating the record the driver is eligible for
7 restoration of privileges, the department shall so inform the
8 driver and permit the driver's operating privileges to be
9 restored so long as the driver meets all the other requirements
10 for restoration.

11 Section 79. The following acts and parts of acts are
12 repealed:

13 18 Pa.C.S. § 7513.

14 18 Pa.C.S. § 7514.

15 42 Pa.C.S. Ch. 70.

16 Section 12 of the act of December 15, 1995 (P.L. 655,
17 No.72), entitled, "An act amending Title 75 (Vehicles) of the
18 Pennsylvania Consolidated Statutes, further defining
19 "pedalcycles"; further providing for handicapped plate and
20 placard, for veteran plates and placard, for the operation of
21 pedalcycles on Commonwealth highways, for pedalcycle helmets,
22 for the use of hearing impairment devices and for hand and
23 arm signals; repealing the Pedalcycle Helmet Fund; providing
24 for the establishment of the Pennsylvania Pedalcycle and
25 Pedestrian Advisory Committee; further providing for
26 exemption from surcharge; providing for authorization for the
27 Governor to transfer funds from the Catastrophic Loss
28 Benefits Continuation Fund and funds from continuing
29 appropriations for hazardous waste control to satisfy
30 litigation awards and all costs associated with litigation

1 involving a centralized emission inspection contract; and
2 deleting authority for centralized emission inspections."

3 Section 80. (a) The amendment of 75 Pa.C.S. § 3345(j) shall
4 apply to offenses committed on or after the effective date of
5 this section.

6 (b) The amendment of 75 Pa.C.S. § 9017 shall apply to
7 reimbursements of fuel taxes paid on fuel delivered into the
8 fuel tanks of truck refrigeration units on or after October 1,
9 2000.

10 Section 81. The addition of 75 Pa.C.S. §§ 3715.1 and
11 3731(e)(9) through (11) shall be deemed a continuation of 18
12 Pa.C.S. §§ 7513 and 7514 and 42 Pa.C.S. Ch. 70:

13 (1) The repeal of 18 Pa.C.S. §§ 7513 and 7514 and 42
14 Pa.C.S. Ch. 70 shall have no effect on the legality of
15 actions committed prior to the effective date of the repeal
16 of 18 Pa.C.S. §§ 7513 and 7514 and 42 Pa.C.S. Ch. 70.

17 (2) A prosecution for violation of 18 Pa.C.S. §§ 7513
18 and 7514 and 42 Pa.C.S. Ch. 70 which (violation) occurred
19 prior to the effective date of the repeal of 18 Pa.C.S. §§
20 7513 and 7514 and 42 Pa.C.S. Ch. 70 may proceed
21 notwithstanding the repeal.

22 (3) Actions committed on or after the effective date of
23 the addition of 75 Pa.C.S. §§ 3715.1 and 3731(e)(9) through
24 (11) shall be subject to 75 Pa.C.S. §§ 3715.1 and 3731(e)(9)
25 through (11).

26 Section 82. This act shall take effect as follows:

27 (1) The following provisions shall take effect
28 immediately:

29 (i) The repeal of 18 Pa.C.S. §§ 7513 and 7514.

30 (ii) The repeal of 42 Pa.C.S. Ch. 70.

(iii) The addition of 75 Pa.C.S. §§ 3715.1 and 3731(e)(9) through (11).

(iv) The addition of the definition of "flood vehicle," "ignition interlock system" and "nonrepairable vehicle" in 75 Pa.C.S. § 102.

(v) The amendment or addition of 75 Pa.C.S. §§ 1548, 1550, 1584, 1586, 3715.1, 4722(d), 4923, 4979.3(b), 6154, Chapter 78 and § 9017.

(vi) Section 78 of this act.

(vii) Section 80 of this act.

(viii) Section 81 of this act.

(ix) This section.

(2) The addition of 75 Pa.C.S. § 1905(d) and (e) shall take effect in 30 days.

(3) The amendment or addition of 75 Pa.C.S. §§ 1317 and 1532(a)(3) and (a.1) shall take effect in six months.

(4) The amendment of 75 Pa.C.S. § 1138(a) shall take effect in 120 days.

(5) The repeal of section 12 of the act of December 15, 1995 (P.L.655, No.72), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "pedalcycles"; further providing for handicapped plate and placard, for veteran plates and placard, for the operation of pedalcycles on Commonwealth highways, for pedalcycle helmets, for the use of hearing impairment devices and for hand and arm signals; repealing the Pedalcycle Helmet Fund; providing for the establishment of the Pennsylvania Pedalcycle and Pedestrian Advisory Committee; further providing for exemption from surcharge; providing for authorization for the Governor to transfer funds from the

1 Catastrophic Loss Benefits Continuation Fund and funds from
2 continuing appropriations for hazardous waste control to
3 satisfy litigation awards and all costs associated with
4 litigation involving a centralized emission inspection
5 contract; and deleting authority for centralized emission
6 inspections," shall take effect December 31, 2000.

7 (6) The following provisions shall take effect in one
8 year:

9 (i) The amendment or addition of the definitions of
10 "abandoned vehicle," "essential parts," "major component
11 parts," "modified vehicles," "reconstructed vehicle,"
12 "recovered theft vehicle," "replacement value of a
13 vehicle," "salvage vehicle," "status," "theft vehicle,"
14 "valueless except for salvage" and "vehicle
15 identification number" in 75 Pa.C.S. § 102.

16 (ii) The amendment or addition of 75 Pa.C.S. §§
17 1103.1(e) and (g), 1106, 1118(b), Ch. 11 Subch. D, §§
18 1301(c.1), 1361, 1362, 3352(c) and (d), 3353(c), 3712,
19 3712.1, 3712.2, 4729, 7301, 7302, 7303.1, 7304, 7305,
20 7306, 7308, 7309, 7310(d), 7311, 7311.1, 7311.2 and 7312.

21 (7) The amendment or addition of 75 Pa.C.S. §§ 7501,
22 7502, 7502.1, 7503, 7503.1, 7504, 7504.1, 7505, 7506 and 7507
23 shall take effect in two years.

24 (8) The remainder of this act shall take effect in 60
25 days.