

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2410 Session of
2002

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REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 14, 2002

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for definitions, for grounds for
3 refusing registration and for renewal of registration;
4 providing for motor carrier vehicles; further providing for
5 operation following suspension of registration and for
6 suspension of registration; providing for suspension of motor
7 carrier vehicle registration; further providing for
8 suspension of operating privilege, for schedule of
9 convictions and points, for occupational limited license, for
10 duty of driver in construction and maintenance areas, for
11 special speed limitations and for speed timing devices;
12 providing for accidents involving death or personal injury in
13 work zone and for accidents involving certain vehicles;
14 further providing for unlawful activities; providing for
15 lighted head lamps in work zones; further providing for
16 requirement for periodic inspection of vehicles, for
17 operation of vehicle without official certificate of
18 inspection and for inspection by police or Commonwealth
19 personnel; providing for designation of highway safety
20 corridors; further providing for erection of traffic-control
21 devices while working; and requiring a study by the
22 Legislative Budget and Finance Committee.

23 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The definition of "motor carrier vehicle" in
3 section 102 of Title 75 of the Pennsylvania Consolidated
4 Statutes is amended and the section is amended by adding
5 definitions to read:

6 § 102. Definitions.

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

12 * * *

13 "Active work zone." The portion of a work zone where
14 construction, maintenance or utility workers are located on the
15 roadway, berm or shoulder.

16 * * *

17 "Motor carrier vehicle." A truck, truck tractor or
18 combination having a gross vehicle weight [or registered gross
19 weight in excess of 17,000 pounds], gross combination weight
20 rating, registered gross weight, registered combination weight
21 or actual gross weight of 10,001 pounds or more.

22 * * *

23 "Work zone." The area of a highway where construction,
24 maintenance or utility work activities are being conducted which
25 is properly signed as a work zone in accordance with regulations
26 of the Department of Transportation.

27 * * *

28 Section 2. Section 1306 of Title 75 is amended by adding a
29 paragraph to read:

30 § 1306. Grounds for refusing registration.

1 The department shall refuse registration, renewal or transfer
2 of registration when any of the following circumstances exists:

3 * * *

4 (11) Self-certification of current safety inspection for
5 a motor carrier vehicle, as required by section 1309
6 (relating to renewal of registration), is not filed with the
7 application for renewal of registration.

8 Section 3. Section 1309 of Title 75 is amended to read:
9 § 1309. Renewal of registration.

10 At least 60 days prior to the expiration of each
11 registration, the department shall send to the registrant an
12 application for renewal of registration. Upon return of the
13 application, accompanied by self-certification of financial
14 responsibility and the applicable fee or fees, the department
15 shall send to the registrant a renewed registration card. An
16 application for renewal of registration for a motor carrier
17 vehicle shall also be accompanied by self-certification of
18 current safety inspection. Failure to receive a renewal
19 application shall not relieve a registrant from the
20 responsibility to renew the registration.

21 Section 4. Title 75 is amended by adding a section to read:
22 § 1319. Motor carrier vehicles.

23 (a) Current safety inspection.--A motor carrier vehicle is
24 required to have a current safety inspection at the time that
25 the department renews the registration of the vehicle.

26 (b) Audit.--The department shall establish an audit
27 procedure to monitor compliance with the requirement that motor
28 carrier vehicles have a current safety inspection at the time of
29 registration renewal.

30 Section 5. Sections 1371(b) and 1373(b) of Title 75 are

1 amended to read:

2 § 1371. Operation following suspension of registration.

3 * * *

4 (b) Penalty.--Any person violating this section is guilty of
5 a summary offense and shall, upon conviction, be sentenced to
6 pay a fine of not less than \$100 nor more than \$500. In the case
7 of a motor carrier vehicle other than a trailer, the fine shall
8 be double the registration fee for the maximum weight at which
9 the vehicle could have been registered in this Commonwealth.

10 § 1373. Suspension of registration.

11 * * *

12 (b) Suspension without hearing.--The department may suspend
13 [any] a registration without providing an opportunity for a
14 hearing in any of the following cases:

15 (1) Upon the request or order of any court of record.

16 (2) The required fees have not been paid.

17 (3) [The vehicle is being operated under a United States
18 Department of Transportation operating authority if an] An
19 out-of-service order has been issued for the vehicle, the
20 owner or the operator by the department or by the United
21 States Department of Transportation.

22 (4) The vehicle is being operated in violation of
23 section 4704(b)(1) (relating to inspection by police or
24 Commonwealth personnel).

25 Section 6. Title 75 is amended by adding a section to read:

26 § 1378. Suspension of motor carrier vehicle registration.

27 (a) Suspension.--The department shall suspend the
28 registration of a motor carrier vehicle for three months if it
29 determines that at the time the registration was renewed by the
30 department the vehicle did not have a current safety inspection.

1 (b) Documentation.--In any proceeding under this section,
2 documents obtained by the department from an official inspection
3 station shall be admissible into evidence to support the
4 department's case. In addition, reports received by the
5 department from police officers, qualified Commonwealth
6 employees or department designees shall be admissible into
7 evidence to support the department's case. In addition, the
8 department may treat the documents and reports as documents of
9 the department and use any of the methods of storage permitted
10 under the provisions of 42 Pa.C.S. § 6109 (relating to
11 photographic copies of business and public records) and may
12 reproduce such documents in accordance with the provisions of 42
13 Pa.C.S. § 6103 (relating to proof of official records). The
14 department may certify that it has received or obtained
15 documents and reports from inspection stations, police officers,
16 qualified Commonwealth employees and department designees and
17 that certification shall be prima facie proof of the facts
18 contained in the documents and reports.

19 (c) Presumption.--False, illegible or incomplete information
20 on a renewal application shall create a presumption that the
21 vehicle did not have a current safety inspection at the time of
22 renewal.

23 (d) Restoration.--Whenever the department suspends the
24 registration of a vehicle under this section, the department
25 shall not restore the registration until the registration card
26 and registration plate have been surrendered for three months,
27 the vehicle owner pays a \$50 restoration fee and the vehicle
28 owner furnishes proof, satisfactory to the department, that the
29 vehicle is covered by financial responsibility and has a current
30 safety inspection.

1 Section 7. Section 1532(a)(3) of Title 75 is amended to
2 read:

3 § 1532. Suspension of operating privilege.

4 (a) One-year suspension.--The department shall suspend the
5 operating privilege of any driver for one year upon receiving a
6 certified record of the driver's conviction of or an
7 adjudication of delinquency based on any of the following
8 offenses:

9 * * *.

10 (3) Any violation of the following provisions:

11 Section 3732 (relating to homicide by vehicle).

12 Section 3735.1 (relating to aggravated assault by
13 vehicle while driving under the influence).

14 Section 3737 (relating to accidents involving death
15 or personal injury in work zone).

16 Section 3742 (relating to accidents involving death
17 or personal injury).

18 Section 3742.1 (relating to accidents involving death
19 or personal injury while not properly licensed).

20 Section 7102(b) (relating to removal or falsification
21 of identification number).

22 Section 7103(b) (relating to dealing in vehicles with
23 removed or falsified numbers).

24 Section 7111 (relating to dealing in titles and
25 plates for stolen vehicles).

26 Section 7121 (relating to false application for
27 certificate of title or registration).

28 Section 7122 (relating to altered, forged or
29 counterfeit documents and plates).

30 * * *

1 Section 8. Section 1535 of Title 75 is amended by adding a
2 subsection to read:

3 § 1535. Schedule of convictions and points.

4 * * *

5 (e) Suspension of operating privilege.--In addition to other
6 provisions of this title relating to the suspension or
7 revocation of operating privileges, the department shall suspend
8 for 30 days the operating privileges of any person who is
9 convicted of violating section 3362 (relating to maximum speed
10 limits) by exceeding the posted speed limit by six miles per
11 hour or more or section 3361 following the completion of a
12 police accident investigation where the violation occurred in an
13 active work zone.

14 Section 9. Section 1553(a) and (d)(11) of Title 75 are
15 amended to read:

16 § 1553. Occupational limited license.

17 (a) Issuance.--

18 (1) The department shall issue an occupational limited
19 license under the provisions of this section to a driver
20 whose operating privileges have been suspended and is not
21 prohibited under any other provision in this section. If the
22 underlying reason for the suspension was caused by violations
23 committed while the driver was operating a commercial motor
24 vehicle, the driver shall not be issued an occupational
25 limited license for the purpose of operating a commercial
26 motor vehicle. The department shall prohibit the issuance of
27 an occupational limited license when disqualified from doing
28 so under the Commercial Motor Vehicle Safety Act of 1986
29 (Title XII of Public Law 99-570, 49 U.S.C. App. § 2701 et
30 seq.) or the Motor Carrier Safety Improvement Act of 1999

1 (Public Law 106-159, 113 Stat. 1748).

2 (2) The department shall not issue an occupational
3 limited license to drivers whose operating privileges have
4 been recalled, canceled or revoked.

5 * * *

6 (d) Unauthorized issuance.--The department shall prohibit
7 issuance of an occupational limited license to:

8 * * *

9 (11) Any person whose operating privilege has been
10 suspended or revoked as the result of a conviction of or as a
11 result of a court order in conjunction with an adjudication
12 of delinquency or the granting of a consent decree for any
13 offense under the following provisions, unless the suspension
14 or revocation has been fully served:

15 Section 3345(a) (relating to meeting or overtaking
16 school bus).

17 Section 3367 (relating to racing on highways).

18 [Section 3733 (relating to fleeing or attempting to
19 elude police officer).

20 Section 3734 (relating to driving without lights to
21 avoid identification or arrest).

22 Section 3736 (relating to reckless driving).

23 Section 3742 (relating to accidents involving death
24 or personal injury).

25 Section 3743 (relating to accidents involving damage
26 to attended vehicle or property).]

27 Any violation of Ch. 37 Subch. B (relating to serious
28 traffic offenses).

29 * * *

30 Section 10. Section 1554(f) of Title 75 is amended by adding

1 paragraphs to read:

2 § 1554. Probationary license.

3 * * *

4 (f) Unauthorized issuance.--The department shall not issue a
5 probationary license to:

6 * * *

7 (13) A person who has been convicted of a violation of
8 section 3742.1 (relating to accidents involving death or
9 personal injury while not properly licensed) or 3737
10 (relating to accidents involving death or personal injury in
11 work zone) within the preceding seven years.

12 (14) A person who has been convicted of a violation of
13 section 3735.1 (relating to aggravated assault by vehicle
14 while driving under the influence) within the preceding seven
15 years.

16 * * *

17 Section 11. The definition of "serious traffic violation" in
18 section 1603 of Title 75 is amended to read:

19 § 1603. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 * * *

24 "Serious traffic violation."

25 (1) Excessive speeding as defined by the United States
26 Secretary of Transportation by regulation and published by
27 the department as a notice in the Pennsylvania Bulletin.

28 (2) Reckless driving.

29 (3) Any offense under this title relating to motor
30 vehicle traffic control arising in connection with an

1 accident resulting in death to any person.

2 (4) Any violation of section 3326 (relating to duty of
3 driver in construction and maintenance areas or on highway
4 safety corridors) or 3365(c) (relating to special speed
5 limitations).

6 (5) Any other offenses defined by the United States
7 Secretary of Transportation as serious traffic violations and
8 published by the department as a notice in the Pennsylvania
9 Bulletin.

10 * * *

11 Section 12. Section 3326 of Title 75 is amended to read:

12 § 3326. Duty of driver in construction and maintenance areas or
13 on highway safety corridors.

14 (a) Areas indicated by traffic-control devices.--The driver
15 of a vehicle shall yield the right-of-way to any authorized
16 vehicle or pedestrian actually engaged in work upon a highway
17 within any highway or utility construction or maintenance area
18 indicated by official traffic-control devices placed in
19 accordance with department regulations, including advanced
20 warning signs or a vehicle having flashing or revolving yellow
21 lights.

22 (b) Work vehicles displaying flashing lights.--The driver of
23 a vehicle shall yield the right-of-way to any authorized vehicle
24 obviously and actually engaged in work upon a highway whenever
25 the vehicle displays flashing lights meeting the requirements
26 and regulations promulgated by the department.

27 (c) Fines to be doubled.--[The fine for] For any of the
28 following violations, when committed in a [construction or
29 maintenance area] active work zone manned by workers acting in
30 their official capacity[,] or on a highway safety corridor

1 designated under section 6105.1 (relating to designation of
2 highway safety corridors), the fine shall be double the usual
3 amount:

4 Section 3102 (relating to obedience to authorized
5 persons directing traffic).

6 Section 3111 (relating to obedience to traffic-
7 control devices).

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

9 Section 3114 (relating to flashing signals).

10 Section 3302 (relating to meeting vehicle proceeding
11 in opposite direction).

12 Section 3303 (relating to overtaking vehicle on the
13 left).

14 Section 3304 (relating to overtaking vehicle on the
15 right).

16 Section 3305 (relating to limitations on overtaking
17 on the left).

18 Section 3306 (relating to limitations on driving on
19 left side of roadway).

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

21 Section 3309 (relating to driving on roadways laned
22 for traffic).

23 Section 3310 (relating to following too closely).

24 Section 3323 (relating to stop signs and yield
25 signs).

26 Section 3326 (relating to duty of driver in
27 construction and maintenance areas).

28 Section 3361 (relating to driving vehicle at safe
29 speed).

30 Section 3362 (relating to maximum speed limits).

1 Section 3702 (relating to limitations on backing).

2 Section 3714 (relating to careless driving).

3 Section 3715 (relating to restriction on alcoholic
4 beverages).

5 Section 3731 (relating to driving under influence of
6 alcohol or controlled substance).

7 Section 3736 (relating to reckless driving).

8 (c.1) Applicability of subsection (c).--Fines under
9 subsection (c) shall be doubled only if the active work zone or
10 highway safety corridor where the violation occurred is posted
11 with an official sign in accordance with this section.

12 (d) Notice.--[Whenever practical, signs designed in
13 compliance with regulations of the department]

14 (1) Official traffic-control devices shall be
15 appropriately placed to notify motorists that increased
16 penalties apply for moving violations in [construction or
17 maintenance areas.] active work zones signed in compliance
18 with this subsection and subsection (e).

19 (2) Official traffic control devices shall be
20 appropriately placed to notify motorists that increased
21 penalties apply for moving violations in highway safety
22 corridors.

23 (e) Posting.--Official traffic-control devices shall be
24 erected at the beginning of an active work zone with a white
25 strobe light or other unique, illuminated light or device. The
26 light or device shall indicate that workers are present in the
27 active work zone. The light or device shall be turned off if no
28 workers are present. An official traffic-control device shall be
29 erected immediately at the end of the active work zone
30 indicating that workers are no longer present.

1 Section 13. Section 3365(b) is amended and the section is
2 amended by adding a subsection to read:

3 § 3365. Special speed limitations.

4 * * *

5 (b) School zones.--When passing through a school zone as
6 defined and established under regulations of the department, no
7 person shall drive a vehicle at a speed greater than 15 miles
8 per hour. An official traffic-control device shall indicate the
9 beginning and end of each school zone to traffic approaching in
10 each direction. Establishment of a school zone, including its
11 location and hours of operation, shall be approved by the
12 department.

13 * * *

14 (c.1) Active work zones and highway safety corridors.--When
15 passing through an active work zone or highway safety corridor,
16 no person shall drive a vehicle at a speed greater than the
17 posted limit. An official traffic-control device shall indicate
18 the beginning and end of each active work zone or highway safety
19 corridor to traffic approaching in each direction.

20 * * *

21 Section 14. Section 3368(c)(4) of Title 75 is amended to
22 read:

23 § 3368. Speed timing devices.

24 * * *

25 (c) Mechanical, electrical and electronic devices
26 authorized.--

27 * * *

28 (4) No person may be convicted upon evidence obtained
29 through the use of devices authorized by paragraphs (2) and
30 (3) unless the speed recorded is six or more miles per hour

1 in excess of the legal speed limit. Furthermore, no person
2 may be convicted upon evidence obtained through the use of
3 devices authorized by paragraph (3) in an area where the
4 legal speed limit is less than 55 miles per hour if the speed
5 recorded is less than ten miles per hour in excess of the
6 legal speed limit. This paragraph shall not apply to evidence
7 obtained through the use of devices authorized by paragraph
8 (3) within a school zone or an active work zone.

9 * * *

10 Section 15. Title 75 is amended by adding sections to read:

11 § 3737. Accidents involving death or personal injury in work
12 zone.

13 (a) Offense defined.--A person who recklessly or with gross
14 negligence causes the death or injury of a worker acting in his
15 official capacity in a work zone while engaged in the violation
16 of any law of this Commonwealth applying to the operation of a
17 vehicle or to the regulation of traffic except section 3731
18 (relating to driving under influence of alcohol or controlled
19 substance) commits an offense under this section.

20 (b) Penalties.--

21 (1) Except as otherwise provided in this section, a
22 person violating this section commits a misdemeanor of the
23 first degree.

24 (2) If the victim suffers serious bodily injury, a
25 person violating subsection (a) commits a felony of the
26 second degree, and the sentencing court shall order the
27 person to serve a minimum term of imprisonment of not less
28 than nine months and a mandatory minimum fine of \$2,500,
29 notwithstanding any other provision of law.

30 (3) If the victim dies, a person violating subsection

1 (a) commits a felony of the second degree, and the sentencing
2 court shall order the person to serve a minimum term of
3 imprisonment of not less than 16 months and a mandatory
4 minimum fine of \$5,000, notwithstanding any other provision
5 of law.

6 (c) Proof at sentencing.--Provisions of this section shall
7 not be an element of the crime and notice thereof to the
8 defendant shall not be required prior to conviction, but
9 reasonable notice of the Commonwealth's intention to proceed
10 under this section shall be provided after conviction and before
11 sentencing. The applicability of this section shall be
12 determined at sentencing. The court shall consider any evidence
13 presented at trial and shall afford the Commonwealth and the
14 defendant an opportunity to present any necessary additional
15 evidence and shall determine, by a preponderance of the
16 evidence, if this section is applicable.

17 (d) Authority of sentencing court.--There shall be no
18 authority in any court to impose on an offender to which this
19 section is applicable any lesser sentence than provided for in
20 subsection (b)(2) or (3) or to place such offender or to suspend
21 sentence. Sentencing guidelines promulgated by the Pennsylvania
22 Commission on Sentencing shall not supersede the mandatory
23 minimum sentences provided in this section.

24 (e) Definitions.--As used in this section, the term "serious
25 bodily injury" means any bodily injury which creates a
26 substantial risk of death or which causes serious, permanent
27 disfigurement or protracted loss or impairment of the function
28 of any bodily member or organ.

29 § 3756. Accidents involving certain vehicles.

30 A police officer investigating an accident involving a motor

1 carrier vehicle, bus, school bus or a vehicle transporting
2 hazardous materials required to be placarded by department
3 regulations and required to be investigated under this
4 subchapter shall ensure that the driver of the vehicle is tested
5 for alcohol and controlled substances. Costs for testing under
6 this section shall be borne by the driver or the driver's
7 employer.

8 Section 16. Section 4107(b) and (d) of Title 75 are amended
9 to read:

10 § 4107. Unlawful activities.

11 * * *

12 (b) Other violations.--It is unlawful for any person to do
13 any of the following:

14 (1) Willfully or intentionally remove (other than for
15 purposes of repair and replacement) or render inoperative, in
16 whole or in part, any item of vehicle equipment which was
17 required to be installed at the time of manufacture or
18 thereafter upon any vehicle, by any law, rule, regulation or
19 requirement of any officer or agency of the United States or
20 of the Commonwealth, if it is intended that the vehicle be
21 operated upon the highways of this Commonwealth unless the
22 removal or alteration is specifically permitted by this title
23 or by regulations promulgated by the department.

24 (2) Operate, or cause or permit another person to
25 operate, on any highway in this Commonwealth any vehicle or
26 combination which is not equipped as required under this part
27 or under department regulations or [which] when the driver is
28 not qualified or the vehicle or combination is otherwise in
29 an unsafe condition or in violation of department
30 regulations.

1 (2.1) Operate a motor carrier vehicle or a bus the brake
2 system of which is in such condition that further operation
3 would be hazardous under section 4704(c)(1) (relating to
4 inspection by police or Commonwealth personnel).

5 (3) Do any act forbidden by this part or fail to perform
6 any act required under this part.

7 * * *

8 (d) Penalty.--

9 (1) [A] (i) Except as provided in subparagraph (ii), a
10 person who operates a motor carrier vehicle or a bus in
11 violation of subsection (b)(2) commits a summary offense
12 and, upon conviction, shall be sentenced to pay a fine of
13 \$25 per violation, except that the minimum fine for a
14 violation not related to driver's hours of service which
15 causes the driver or the vehicle to be placed out of
16 service under section 4704(c) (relating to inspection by
17 police or Commonwealth personnel) shall be \$50 per
18 violation. The maximum fine which may be levied on the
19 basis of multiple charges filed together shall be \$500.

20 (ii) A person who operates a motor carrier vehicle
21 or bus in violation of subsection (b)(2.1) commits a
22 summary offense and shall, upon conviction, be sentenced
23 to pay a fine of \$150 per violation, except that if
24 multiple charges are filed together, the fine shall be
25 \$300 per violation.

26 (2) [A] (i) Except as provided in subparagraph (ii), a
27 person who causes, permits, requires or otherwise allows
28 another person to operate a motor carrier vehicle or a
29 bus in violation of subsection (b)(2) commits a summary
30 offense and, upon conviction, shall be sentenced to pay a

1 fine of \$50 per violation, except that the minimum fine
2 for a violation not related to driver's hours of service
3 which causes the driver or the vehicle to be placed out
4 of service under section 4704(c) shall be \$100 per
5 violation. The maximum fine which may be levied on the
6 basis of multiple charges filed together shall be \$1,000.

7 (ii) A person who causes, permits, requires or
8 otherwise allows another person to operate a motor
9 carrier vehicle or bus in violation of subsection
10 (b)(2.1) commits a summary offense and shall, upon
11 conviction, be sentenced to pay a fine of \$300 per
12 violation, except that if multiple charges are filed
13 together, the fine shall be \$600 per violation.

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

18 (4) The department shall coordinate with the commission
19 in the enforcement of this subsection and 66 Pa.C.S. §
20 3312(a).

21 * * *

22 Section 17. Title 75 is amended by adding a section to read:

23 § 4309. Lighted head lamps in work zones.

24 (a) Lighted head lamps required.--Head lamps shall be
25 lighted on every vehicle driving through or past a work zone.
26 The department shall post, or require its contractor to post, at
27 least 1,000 feet in advance of every work zone, a sign warning
28 drivers to light their vehicles' head lamps for an upcoming work
29 zone.

30 (b) Penalty.--A person who fails to comply with the

1 requirements of subsection (a) commits a summary offense and
2 shall, upon conviction, be sentenced to pay a fine of \$25. No
3 person shall be convicted of a violation of subsection (a)
4 unless the person is also convicted of another violation of this
5 title which occurred at the same time. No costs as described in
6 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
7 summary conviction of subsection (a). Conviction under this
8 subsection shall not constitute a moving violation.

9 Section 18. Sections 4702(b), 4703(h) and 4704(a) and (c) of
10 Title 75 are amended to read:

11 § 4702. Requirement for periodic inspection of vehicles.

12 * * *

13 (b) Semiannual safety inspection of certain vehicles.--The
14 following vehicles shall be subject to semiannual safety
15 inspection:

16 (1) School buses.

17 (2) Vehicles which are:

18 (i) under contract with or owned by a school
19 district or private or parochial school, including
20 vehicles having chartered group and party rights under
21 the Pennsylvania Public Utility Commission; and

22 (ii) used to transport school students.

23 (3) Passenger vans used to transport persons for hire or
24 owned by a commercial enterprise and used for the
25 transportation of employees to or from their place of
26 employment.

27 (6) Mass transit vehicles.

28 (7) Motor carrier vehicles [with a registered gross
29 weight in excess of 17,000 pounds], other than farm vehicles
30 for which a biennial certificate of exemption has been

1 issued.

2 * * *

3 § 4703. Operation of vehicle without official certificate of
4 inspection.

5 * * *

6 (h) Penalty.--[Any]

7 (1) Except as provided in paragraph (2), a person
8 violating this section is guilty of a summary offense and
9 shall, upon conviction, be sentenced to pay a fine of up to
10 \$25.

11 (2) Where the subject vehicle is a motor carrier vehicle
12 or bus, the police officer or qualified Commonwealth employee
13 shall place the vehicle out of service and require that the
14 vehicle not be operated under its own power until such time
15 as the vehicle is issued a valid official certificate of
16 inspection. In addition, the person violating this section
17 commits a summary offense and shall, upon conviction, be
18 sentenced to pay a fine of not less than \$100 nor more than
19 \$500.

20 § 4704. Inspection by police or Commonwealth personnel.

21 (a) Authority to inspect.--

22 (1) Inspection in conjunction with vehicle weighing.--
23 [Any police officer or Commonwealth employee engaged in
24 weighing vehicles as provided in Subchapter E of Chapter 49
25 (relating to measuring and adjusting vehicle size and
26 weights) is authorized to inspect any items of a vehicle's
27 equipment to determine whether they meet the standards
28 established in department regulations.]

29 (i) Any Pennsylvania State Police officer or
30 qualified Commonwealth employee engaged in weighing

1 vehicles as provided in Ch. 49 Subch. E (relating to
2 measuring and adjusting vehicle size and weight) is
3 authorized to inspect any item of the vehicle's
4 equipment, its load, driver and documents to determine
5 whether they meet standards established in department
6 regulations.

7 (ii) Any police officer or Commonwealth employee
8 engaged in weighing vehicles as provided in Ch. 49 Subch.
9 E is authorized to inspect any items of a vehicle's
10 equipment to determine whether they meet the standards
11 established in department regulations.

12 (2) Systematic vehicle inspection programs.--Any
13 Pennsylvania State Police officer or qualified Commonwealth
14 employee engaged in a systematic vehicle inspection program
15 may inspect any vehicle, driver, documents, equipment and
16 load to determine whether they meet standards established in
17 department regulations.

18 (3) Probable cause.--

19 (i) Any State Police officer or qualified
20 Commonwealth employee having probable cause to believe
21 that a vehicle, driver, documents, equipment or load are
22 unsafe, not equipped as required or otherwise not in
23 compliance with the law or regulations may inspect the
24 vehicle, driver, documents, equipment or load.

25 (ii) Any police officer having probable cause to
26 believe that a vehicle or its equipment is unsafe, not
27 equipped as required or otherwise not in compliance with
28 the law or regulations may inspect the vehicle or its
29 equipment.

30 (4) Testing in conjunction with vehicle emissions.--When

1 testing for vehicle emissions, testing may include remote
2 sensing devices or systematic roadside checks with tailpipe
3 tests, emission control device checks and a check of the
4 subject vehicle's emission control system including all of
5 the components to determine if any part of the system has
6 been disabled, changed or altered. The systematic testing may
7 be conducted by police officers or qualified Commonwealth
8 employees.

9 (5) Inspection of a vehicle involved in an accident.--
10 Any Pennsylvania State Police officer or qualified
11 Commonwealth employee is authorized to inspect any item of
12 equipment, the load, driver and documents of any vehicle
13 involved in an accident to determine whether they meet
14 standards established in department regulations.

15 * * *

16 (c) Operation prohibited if hazardous.--

17 (1) In the event a vehicle or a mass transit vehicle, or
18 its equipment, load or driver, in the reasonable judgment of
19 the officer or qualified Commonwealth employee, is in such
20 condition that further operation would be hazardous, the
21 officer or qualified Commonwealth employee may require that
22 the vehicle or the mass transit vehicle not be operated under
23 its own power or that the driver discontinue driving, or
24 both, and may so stipulate in the notice given under
25 subsection (b). In the case of motor carrier vehicles or
26 their drivers, all such determinations shall be based on out-
27 of-service criteria established in department regulations.

28 (2) In the event a motor carrier vehicle or mass transit
29 vehicle is involved in an accident that causes the death of
30 the vehicle operator or another person, the motor carrier

1 vehicle or mass transit vehicle, its equipment, load, driver
2 and documents shall be inspected by a qualified Commonwealth
3 employee as designated by the department in accordance with
4 subsection (f) before the vehicle or driver will be allowed
5 to continue operation.

6 * * *

7 Section 19. Title 75 is amended by adding a section to read:

8 § 6105.1. Designation of highway safety corridors.

9 The department, based upon a traffic and engineering
10 investigation, shall have the power to designate a segment of a
11 highway as a highway safety corridor.

12 Section 20. Section 6123 of Title 75 is amended to read:

13 § 6123. Erection of traffic-control devices while working.

14 (a) General rule.--Any person performing any work on or near
15 the roadway which may create hazards shall erect traffic-control
16 devices in accordance with the rules and regulations of the
17 department for the maintenance and protection of traffic. The
18 regulations of the department shall address the control of road
19 users through a work zone and shall be an essential part of
20 highway construction, utility work, maintenance operations and
21 incident management. All official traffic-control devices
22 erected for maintenance and protection of traffic shall be
23 removed as soon as practical when they are no longer needed.
24 When work is suspended for short periods of time, official
25 traffic-control devices erected for the maintenance and
26 protection of traffic shall be removed or covered when they are
27 no longer appropriate.

28 (b) Length of work zone.--To the extent practicable, the
29 length of the work zone shall be appropriate to the work in
30 progress so that motorists do not increase speed after passing

1 through a long stretch with no sign of work activity.

2 (c) Lane restrictions to be minimized.--To the extent
3 practical, lane restrictions in all work zones shall be
4 minimized to prevent traffic congestion and unsafe traffic
5 conditions.

6 (d) Penalty.--If the department determines that a contractor
7 or any subcontractor has failed to comply with specifications
8 prescribed by the department for the control of traffic within a
9 work zone on a highway within this Commonwealth, a penalty of
10 not less than \$1,000 per day shall be assessed as liquidated
11 damages from money due or to become due to the contractor.

12 Section 21. In order to facilitate the speedy implementation
13 of this act, the Department of Transportation shall have the
14 power and authority to promulgate, adopt and use guidelines
15 which shall be published in the Pennsylvania Bulletin. The
16 guidelines shall not be subject to review pursuant to section
17 205 of the act of July 31, 1968 (P.L.769, No.240), referred to
18 as the Commonwealth Documents Law, sections 204(b) and 301(10)
19 of the act of October 15, 1980 (P.L.950, No.164), known as the
20 Commonwealth Attorneys Act, and the act of June 25, 1982
21 (P.L.633, No.181), known as the Regulatory Review Act, and shall
22 be effective for a period not to exceed two years from the
23 effective date of this act. After the expiration of the two-year
24 period, the guidelines shall expire and be replaced by
25 regulations which shall be promulgated, adopted and published as
26 provided by law.

27 Section 22. (a) The Legislative Budget and Finance
28 Committee shall review accidents where a fire resulted that
29 involved a truck and occurred in this Commonwealth within the
30 preceding ten years.

1 (b) The Legislative Budget and Finance Committee shall issue
2 a report of its findings and recommendations for preventing such
3 accidents to the General Assembly not later than six months
4 following the date of enactment of this act. The committee may
5 use the resources of and information available from the National
6 Transportation Safety Board, the United States Department of
7 Transportation, the Department of Transportation or other
8 government agencies in preparing its report.

9 Section 23. (a) The sum of \$7,500,000 shall be allocated
10 from funds appropriated to the Department of Transportation for
11 the fiscal year July 1, 2002, to June 30, 2003, for the purposes
12 of management and oversight of work zones in order to enhance
13 work zone safety.

14 (b) The sum of \$2,000,000 shall be allocated from funds
15 available to the Pennsylvania Turnpike Commission under the act
16 of September 30, 1985 (P.L.240, No.61), known as the Turnpike
17 Organization, Extension and Toll Road Conversion Act, for the
18 purposes of management and oversight of work zones in order to
19 enhance work zone safety.

20 Section 24. This act shall take effect in six months.