

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2410 Session of 2002

INTRODUCED BY GEIST, McCALL, PERZEL, HESS, MELIO, BARD, SANTONI, MAHER, ALLEN, BEBKO-JONES, BLAUM, BOYES, BUXTON, CALTAGIRONE, CAPPELLI, CASORIO, CIVERA, L. I. COHEN, CORNELL, CORRIGAN, COSTA, COY, CREIGHTON, DeLUCA, DERMODY, DONATUCCI, EGOLF, FICHTER, FLICK, FRANKEL, GEORGE, GRUCELA, HARHAI, HARHART, HARPER, HENNESSEY, HORSEY, KAISER, LAUGHLIN, LEH, LESCOVITZ, LEVDANSKY, LEWIS, MACKERETH, MARKOSEK, MARSICO, MICOZZIE, R. MILLER, MUNDY, NAILOR, PALLONE, PETRONE, PICKETT, PIPPY, PRESTON, RAYMOND, READSHAW, ROONEY, RUBLEY, SAYLOR, SEMMEL, B. SMITH, STAIRS, STETLER, STRITTMATTER, E. Z. TAYLOR, TIGUE, TRAVAGLIO, TULLI, TURZAI, VANCE, VEON, WASHINGTON, WATSON, WILT, WOJNAROSKI, M. WRIGHT, YOUNGBLOOD, YUDICHAK, ZUG, McILHINNEY AND J. BAKER, MARCH 14, 2002

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 9, 2002

AN ACT

1 Amending ~~Title~~ TITLES 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND <—
2 75 (Vehicles) of the Pennsylvania Consolidated Statutes,
3 PROVIDING FOR SENTENCES FOR OFFENSES COMMITTED WITH A VEHICLE <—
4 INVOLVED IN ACCIDENTS RESULTING IN DEATH OR PERSONAL INJURY;
5 further providing for definitions, for grounds for refusing
6 registration and for renewal of registration; providing for
7 motor carrier vehicles; further providing for operation
8 following suspension of registration and for suspension of
9 registration; providing for suspension of motor carrier
10 vehicle registration; further providing for suspension of
11 operating privilege, for schedule of convictions and points,
12 for occupational limited license, for duty of driver in
13 construction and maintenance areas, for special speed
14 limitations and for speed timing devices; providing for
15 accidents involving death or personal injury in work zone and
16 for accidents involving certain vehicles; further providing
17 for unlawful activities; providing for lighted head lamps in
18 work zones; further providing for requirement for periodic
19 inspection of vehicles, for operation of vehicle without
20 official certificate of inspection and for inspection by
21 police or Commonwealth personnel; providing for designation
22 of highway safety corridors; further providing for erection

1 of traffic-control devices while working; and requiring a
2 study by the Legislative Budget and Finance Committee.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 ~~Section 1. The definition of "motor carrier vehicle" in~~ <—
6 ~~section 102 of Title 75 of the Pennsylvania Consolidated~~
7 ~~Statutes is amended and the section is amended by adding~~
8 ~~definitions to read:~~

9 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED <—
10 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

11 § 9719.1. SENTENCES FOR OFFENSES COMMITTED WITH A VEHICLE
12 INVOLVED IN ACCIDENTS RESULTING IN DEATH OR PERSONAL
13 INJURY.

14 (A) MANDATORY SENTENCE.--A PERSON CONVICTED OF 75 PA.C.S. §
15 3737 (RELATING TO ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY
16 IN WORK ZONE) OR 3742 (RELATING TO ACCIDENTS INVOLVING DEATH OR
17 PERSONAL INJURY) SHALL BE SENTENCED TO A MINIMUM SENTENCE AS SET
18 FORTH IN 75 PA.C.S. § 3737 OR 3742 NOTWITHSTANDING ANY OTHER
19 PROVISION OF THIS TITLE OR OTHER STATUTE TO THE CONTRARY.

20 (B) PROOF AT SENTENCING.--REASONABLE NOTICE OF THE
21 COMMONWEALTH'S INTENTION TO PROCEED UNDER THIS SECTION SHALL BE
22 PROVIDED AFTER CONVICTION AND BEFORE SENTENCING. THE
23 APPLICABILITY OF THIS SECTION SHALL BE DETERMINED AT SENTENCING.
24 THE SENTENCING COURT SHALL CONSIDER EVIDENCE PRESENTED AT TRIAL
25 AND SHALL AFFORD THE COMMONWEALTH AND THE DEFENDANT AN
26 OPPORTUNITY TO PRESENT NECESSARY ADDITIONAL EVIDENCE AND SHALL
27 DETERMINE, BY A PREPONDERANCE OF THE EVIDENCE, IF THIS SECTION
28 IS APPLICABLE.

29 (C) AUTHORITY OF COURT IN SENTENCING.--THERE SHALL BE NO
30 AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS

1 SECTION IS APPLICABLE ANY LESSER SENTENCE THAT PROVIDED FOR IN
2 SUBSECTION (A) OR TO PLACE SUCH OFFENDER ON PROBATION OR TO
3 SUSPEND SENTENCE. NOTHING IN THIS SECTION SHALL PREVENT THE
4 SENTENCING COURT FROM IMPOSING A SENTENCE GREATER THAN THAT
5 PROVIDED IN THIS SECTION. SENTENCING GUIDELINES PROMULGATED BY
6 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE
7 THE MANDATORY SENTENCES PROVIDED IN THIS SECTION.

8 (D) APPEAL BY COMMONWEALTH.--IF A SENTENCING COURT REFUSES
9 TO APPLY THIS SECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL
10 HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE
11 SENTENCING COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE
12 AND REMAND THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A
13 SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE
14 SENTENCE WAS IMPOSED IN VIOLATION OF THIS SECTION.

15 SECTION 2. THE DEFINITION OF "MOTOR CARRIER VEHICLE" IN
16 SECTION 102 OF TITLE 75 IS AMENDED AND THE SECTION IS AMENDED BY
17 ADDING DEFINITIONS TO READ:

18 § 102. Definitions.

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

24 * * *

25 "Active work zone." The portion of a work zone where
26 construction, maintenance or utility workers are located on the
27 roadway, berm or shoulder.

28 * * *

29 "Motor carrier vehicle." A truck, truck tractor or
30 combination having a gross vehicle weight [or registered gross

1 weight in excess of 17,000 pounds] RATING, gross combination ←
2 weight rating, registered gross weight, registered combination
3 weight or actual gross weight of 10,001 pounds or more.

4 * * *

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

9 * * *

10 Section 2 3. Section 1306 of Title 75 is amended by adding a ←
11 paragraph to read:

12 § 1306. Grounds for refusing registration.

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

15 * * *

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

20 Section 3 4. Section 1309 of Title 75 is amended to read: ←
21 § 1309. Renewal of registration.

22 At least 60 days prior to the expiration of each
23 registration, the department shall send to the registrant an
24 application for renewal of registration. Upon return of the
25 application, accompanied by self-certification of financial
26 responsibility and the applicable fee or fees, the department
27 shall send to the registrant a renewed registration card. An
28 application for renewal of registration for a motor carrier
29 vehicle shall also be accompanied by self-certification of
30 current safety inspection. Failure to receive a renewal

1 application shall not relieve a registrant from the
2 responsibility to renew the registration.

3 Section 4 5. Title 75 is amended by adding a section to <—
4 read:

5 § 1319. ~~Motor carrier vehicles~~ DUTIES OF MOTOR CARRIER VEHICLE <—
6 OWNERS.

7 (a) ~~Current safety~~ CURRENTLY VALID CERTIFICATE OF <—
8 inspection.--A motor carrier vehicle is required to have a
9 ~~current safety~~ CURRENTLY VALID CERTIFICATE OF inspection at the <—
10 time that the department renews the registration of the vehicle.

11 (b) Audit.--The department shall establish an audit
12 procedure to monitor compliance with the requirement that motor
13 carrier vehicles have a ~~current safety~~ CURRENTLY VALID <—
14 CERTIFICATE OF inspection at the time of registration renewal.

15 Section 5 6. Sections 1371(b) and 1373(b) of Title 75 are <—
16 amended to read:

17 § 1371. Operation following suspension of registration.

18 * * *

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

25 § 1373. Suspension of registration.

26 * * *

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

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

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

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

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

10 Section ~~6~~ 7. Title 75 is amended by adding a section to
11 read:

12 § 1378. Suspension of motor carrier vehicle registration.

13 (a) Suspension.--The department shall suspend the
14 registration of a motor carrier vehicle for three months if it
15 determines that at the time the registration was renewed by the
16 department the vehicle did not have a ~~current safety~~ CURRENTLY ←
17 VALID CERTIFICATE OF inspection.

18 (b) Documentation.--In any proceeding under this section,
19 documents obtained by the department from an official inspection
20 station shall be admissible into evidence to support the
21 department's case. In addition, reports received by the
22 department from police officers, qualified Commonwealth
23 employees or department designees shall be admissible into
24 evidence to support the department's case. In addition, the
25 department may treat the documents and reports as documents of
26 the department and use any of the methods of storage permitted
27 under the provisions of 42 Pa.C.S. § 6109 (relating to
28 photographic copies of business and public records) and may
29 reproduce such documents in accordance with the provisions of 42
30 Pa.C.S. § 6103 (relating to proof of official records). The

1 department may certify that it has received or obtained
2 documents and reports from inspection stations, police officers,
3 qualified Commonwealth employees and department designees and
4 that certification shall be prima facie proof of the facts
5 contained in the documents and reports.

6 (c) Presumption.--False, illegible or incomplete information
7 on a renewal application shall create a presumption that the
8 vehicle did not have a ~~current safety~~ CURRENTLY VALID ←
9 CERTIFICATE OF inspection at the time of renewal.

10 (d) Restoration.--Whenever the department suspends the
11 registration of a vehicle under this section, the department
12 shall not restore the registration until the registration card
13 and registration plate have been surrendered for three months,
14 the vehicle owner pays a \$50 restoration fee and the vehicle
15 owner furnishes proof, satisfactory to the department, that the
16 vehicle is covered by financial responsibility and has a ~~current~~ ←
17 ~~safety~~ CURRENTLY VALID CERTIFICATE OF inspection. ←

18 Section 7 8. Section 1532(a)(3) of Title 75 is amended to ←
19 read:

20 § 1532. Suspension of operating privilege.

21 (a) One-year suspension.--The department shall suspend the
22 operating privilege of any driver for one year upon receiving a
23 certified record of the driver's conviction of or an
24 adjudication of delinquency based on any of the following
25 offenses:

26 * * *.

27 (3) Any violation of the following provisions:

28 Section 3732 (relating to homicide by vehicle).

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

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

3 Section 3742 (relating to accidents involving death
4 or personal injury).

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

7 Section 7102(b) (relating to removal or falsification
8 of identification number).

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

11 Section 7111 (relating to dealing in titles and
12 plates for stolen vehicles).

13 Section 7121 (relating to false application for
14 certificate of title or registration).

15 Section 7122 (relating to altered, forged or
16 counterfeit documents and plates).

17 * * *

18 Section 9. Section 1535 of Title 75 is amended by adding a <—
19 subsection to read:

20 § 1535. Schedule of convictions and points.

21 * * *

22 (e) Suspension of operating privilege.--In addition to other
23 provisions of this title relating to the suspension or
24 revocation of operating privileges, the department shall suspend
25 for 30 days the operating privileges of any person who is <—
26 convicted of violating section 3362 (relating to maximum speed
27 limits) by exceeding the posted speed limit by six miles per
28 hour or more or section 3361 following the completion of a
29 police accident investigation where the violation occurred in an
30 active work zone. FOR 15 DAYS THE OPERATING PRIVILEGES OF ANY <—

1 PERSON WHO FOR A VIOLATION IN AN ACTIVE WORK ZONE IS CONVICTED
2 UNDER:

3 (1) SECTION 3361 WHERE THE DEPARTMENT HAS RECEIVED AN
4 ACCIDENT REPORT SUBMITTED PURSUANT TO SECTION 3751 (RELATING
5 TO REPORTS BY POLICE); OR

6 (2) SECTION 3362 (RELATING TO MAXIMUM SPEED LIMITS) BY
7 EXCEEDING THE POSTED SPEED LIMIT BY 16 MILES PER HOUR OR
8 MORE.

9 A CONVICTION REPORT RECEIVED BY THE DEPARTMENT WHICH INDICATES
10 THAT THE VIOLATION OF SECTION 3361 OR 3362 OCCURRED IN AN ACTIVE
11 WORK ZONE SHALL CREATE A PRESUMPTION THAT THE VIOLATION OCCURRED
12 IN AN ACTIVE WORK ZONE.

13 Section 9 10. Section 1553(a) and (d)(11) of Title 75 are <—
14 amended to read:

15 § 1553. Occupational limited license.

16 (a) Issuance.--

17 (1) The department shall issue an occupational limited
18 license under the provisions of this section to a driver
19 whose operating privileges have been suspended and is not
20 prohibited under any other provision in this section. If the
21 underlying reason for the suspension was caused by violations
22 committed while the driver was operating a commercial motor
23 vehicle, the driver shall not be issued an occupational
24 limited license for the purpose of operating a commercial
25 motor vehicle. The department shall prohibit the issuance of
26 an occupational limited license when disqualified from doing
27 so under the Commercial Motor Vehicle Safety Act of 1986
28 (Title XII of Public Law 99-570, 49 U.S.C. App. § 2701 et
29 seq.) or the Motor Carrier Safety Improvement Act of 1999
30 (Public Law 106-159, 113 Stat. 1748).

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

4 * * *

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

7 * * *

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

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

16 Section 3367 (relating to racing on highways).

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

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

21 Section 3736 (relating to reckless driving).

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

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

26 Any violation of Ch. 37 Subch. B (relating to serious
27 traffic offenses) OR SUBCH. C (RELATING TO ACCIDENTS AND <—
28 ACCIDENT REPORTS).

29 * * *

30 Section ~~10~~ 11. Section 1554(f) of Title 75 is amended by <—

1 adding 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~~ 12. The definition of "serious traffic violation" ←
18 in 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~~ 13. 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~~ 14. 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~~ 15. 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 (2) OR (3) within a school zone or an active work zone. <—

9 * * *

10 Section ~~15~~ 16. Title 75 is amended by adding sections to <—
11 read:

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

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

21 (b) Penalties.--

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

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

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

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

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

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

30 § 3756. Accidents involving certain vehicles.

1 (A) TESTING REQUIREMENT.--A police officer investigating an ←
2 accident involving a motor carrier vehicle, bus, school bus or a
3 vehicle transporting hazardous materials required to be
4 placarded by department regulations and required to be
5 investigated under this subchapter shall ensure that the driver
6 of the vehicle is tested for alcohol and controlled substances.
7 Costs for testing under this section shall be borne by the
8 driver or the driver's employer. ←

9 (B) PENALTY.--A DRIVER WHO REFUSES TO SUBMIT TO ALCOHOL OR ←
10 CONTROLLED SUBSTANCES TESTING UNDER THIS SECTION COMMITS A
11 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
12 A FINE OF UP TO \$200.

13 Section ~~16~~ 17. Section 4107(b) and (d) of Title 75 are ←
14 amended to read:

15 § 4107. Unlawful activities.

16 * * *

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

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

29 (2) Operate, or cause or permit another person to
30 operate, on any highway in this Commonwealth any vehicle or

1 combination which is not equipped as required under this part
2 or under department regulations or [which] when the driver is <—
3 not qualified IS IN VIOLATION OF DEPARTMENT REGULATIONS or <—
4 the vehicle or combination is otherwise in an unsafe
5 condition or in violation of department regulations.

6 (2.1) Operate a motor carrier vehicle or a bus, BUS OR <—
7 SCHOOL BUS the brake system of which is in such condition
8 that further operation would be hazardous under section
9 4704(c)(1) (relating to inspection by police or Commonwealth
10 personnel).

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

13 * * *

14 (d) Penalty.--

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

26 (ii) A person who operates a motor carrier vehicle
27 or bus, BUS OR SCHOOL BUS in violation of subsection <—
28 (b)(2.1) commits a summary offense and shall, upon
29 conviction, be sentenced to pay a fine of \$150 per <—
30 violation, except that if multiple charges are filed

1 together, the fine shall be \$300 per violation.

2 (2) [A] (i) Except as provided in subparagraph (ii), a
3 person who causes, permits, requires or otherwise allows
4 another person to operate a motor carrier vehicle or a
5 bus in violation of subsection (b)(2) commits a summary
6 offense and, upon conviction, shall be sentenced to pay a
7 fine of \$50 per violation, except that the minimum fine
8 for a violation not related to driver's hours of service
9 which causes the driver or the vehicle to be placed out
10 of service under section 4704(c) shall be \$100 per
11 violation. The maximum fine which may be levied on the
12 basis of multiple charges filed together shall be \$1,000.

13 (ii) A person who causes, permits, requires or
14 otherwise allows another person to operate a motor
15 carrier vehicle ~~or bus~~, BUS OR SCHOOL BUS in violation of ←
16 subsection (b)(2.1) commits a summary offense and shall,
17 upon conviction, be sentenced to pay a fine of \$300 ~~per~~ ←
18 violation, except that if multiple charges are filed
19 together, the fine shall be \$600 per violation.

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 ~~17~~ 18. Title 75 is amended by adding a section to ←
29 read:

30 § 4309. Lighted head lamps in work zones.

1 (a) Lighted head lamps required.--Head lamps shall be
2 lighted on every vehicle driving through ~~or past~~ a A SIGNED work <—
3 zone. The department, LOCAL AUTHORITIES OR UTILITIES, AS THE <—
4 CASE MAY BE, shall post, or require its contractor to post, at <—
5 least 1,000 feet in advance of every work zone, a AN OFFICIAL <—
6 sign warning drivers to light their vehicles' head lamps for an
7 upcoming work zone.

8 (b) Penalty.--A person who fails to comply with the
9 requirements of subsection (a) commits a summary offense and
10 shall, upon conviction, be sentenced to pay a fine of \$25. No
11 person shall be convicted of a violation of subsection (a)
12 unless the person is also convicted of another violation of this
13 title which occurred at the same time. No costs as described in
14 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
15 summary conviction of subsection (a). Conviction under this
16 subsection shall not constitute a moving violation.

17 Section ~~18~~ 19. Sections 4702(b), 4703(h) and 4704(a) and (c) <—
18 of Title 75 are amended to read:

19 § 4702. Requirement for periodic inspection of vehicles.

20 * * *

21 (b) Semiannual safety inspection of certain vehicles.--The
22 following vehicles shall be subject to semiannual safety
23 inspection:

24 (1) School buses.

25 (2) Vehicles which are:

26 (i) under contract with or owned by a school
27 district or private or parochial school, including
28 vehicles having chartered group and party rights under
29 the Pennsylvania Public Utility Commission; and

30 (ii) used to transport school students.

1 (3) Passenger vans used to transport persons for hire or
2 owned by a commercial enterprise and used for the
3 transportation of employees to or from their place of
4 employment.

5 (6) Mass transit vehicles.

6 (7) Motor carrier vehicles [with a registered gross
7 weight in excess of 17,000 pounds], other than farm vehicles
8 for which a biennial certificate of exemption has been
9 issued.

10 * * *

11 § 4703. Operation of vehicle without official certificate of
12 inspection.

13 * * *

14 (h) Penalty.--[Any]

15 (1) Except as provided in paragraph (2), a person
16 violating this section is guilty of a summary offense and
17 shall, upon conviction, be sentenced to pay a fine of up to
18 \$25.

19 (2) Where the subject vehicle is a motor carrier vehicle
20 ~~or bus~~, BUS OR SCHOOL BUS, the police officer or qualified ←
21 Commonwealth employee shall place the vehicle out of service
22 and require that the vehicle not be operated under its own
23 power until such time as the vehicle is issued a valid
24 official certificate of inspection. In addition, the person
25 violating this section commits a summary offense and shall,
26 upon conviction, be sentenced to pay a fine of not less than
27 \$100 nor more than \$500.

28 § 4704. Inspection by police or Commonwealth personnel.

29 (a) Authority to inspect.--

30 (1) Inspection in conjunction with vehicle weighing.--

1 [Any police officer or Commonwealth employee engaged in
2 weighing vehicles as provided in Subchapter E of Chapter 49
3 (relating to measuring and adjusting vehicle size and
4 weights) is authorized to inspect any items of a vehicle's
5 equipment to determine whether they meet the standards
6 established in department regulations.]

7 (i) Any Pennsylvania State Police officer or
8 qualified Commonwealth employee engaged in weighing
9 vehicles as provided in Ch. 49 Subch. E (relating to
10 measuring and adjusting vehicle size and weight) is
11 authorized to inspect any item of the vehicle's
12 equipment, its load, driver and documents to determine
13 whether they meet standards established in department
14 regulations.

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

20 (2) Systematic vehicle inspection programs.--Any
21 Pennsylvania State Police officer or qualified Commonwealth
22 employee engaged in a systematic vehicle inspection program
23 may inspect any vehicle, driver, documents, equipment and
24 load to determine whether they meet standards established in
25 department regulations.

26 (3) Probable cause.--

27 (i) Any State Police officer or qualified
28 Commonwealth employee having probable cause to believe
29 that a vehicle, driver, documents, equipment or load are
30 unsafe, not equipped as required or otherwise not in

1 compliance with the law or regulations may inspect the
2 vehicle, driver, documents, equipment or load.

3 (ii) Any police officer having probable cause to
4 believe that a vehicle or its equipment is unsafe, not
5 equipped as required or otherwise not in compliance with
6 the law or regulations may inspect the vehicle or its
7 equipment.

8 (4) Testing in conjunction with vehicle emissions.--When
9 testing for vehicle emissions, testing may include remote
10 sensing devices or systematic roadside checks with tailpipe
11 tests, emission control device checks and a check of the
12 subject vehicle's emission control system including all of
13 the components to determine if any part of the system has
14 been disabled, changed or altered. The systematic testing may
15 be conducted by police officers or qualified Commonwealth
16 employees.

17 (5) Inspection of a vehicle involved in an accident.--
18 Any Pennsylvania State Police officer or qualified
19 Commonwealth employee is authorized to inspect any item of
20 equipment, the load, driver and documents of any vehicle
21 involved in an accident to determine whether they meet
22 standards established in department regulations.

23 * * *

24 (c) Operation prohibited if hazardous.--

25 (1) In the event a vehicle or a mass transit vehicle, or
26 its equipment, load or driver, in the reasonable judgment of
27 the officer or qualified Commonwealth employee, is in such
28 condition that further operation would be hazardous, the
29 officer or qualified Commonwealth employee may require that
30 the vehicle or the mass transit vehicle not be operated under

1 its own power or that the driver discontinue driving, or
2 both, and may so stipulate in the notice given under
3 subsection (b). In the case of motor carrier vehicles or
4 their drivers, all such determinations shall be based on out-
5 of-service criteria established in department regulations.

6 (2) In the event a motor carrier vehicle or mass transit
7 vehicle is involved in an accident that causes the death of
8 the vehicle operator or another person, the motor carrier
9 vehicle or mass transit vehicle, its equipment, load, driver
10 and documents shall be inspected by a qualified Commonwealth
11 employee as designated by the department in accordance with
12 subsection (f) before the vehicle or driver will be allowed
13 to continue operation.

14 * * *

15 Section ~~19~~ 20. Title 75 is amended by adding a section to <—
16 read:

17 § 6105.1. Designation of highway safety corridors.

18 The department, based upon a traffic and engineering
19 investigation, shall have the power to designate a segment of a
20 highway as a highway safety corridor.

21 Section ~~20~~ 21. Section 6123 of Title 75 is amended to read: <—

22 § 6123. Erection of traffic-control devices while working.

23 (a) General rule.--Any person performing any work on or near
24 the roadway which may create hazards shall erect traffic-control
25 devices in accordance with the rules and regulations of the
26 department for the maintenance and protection of traffic. The
27 regulations of the department shall address the control of road
28 users through a work zone and shall be an essential part of
29 highway construction, utility work, maintenance operations and
30 incident management. All official traffic-control devices

1 erected for maintenance and protection of traffic shall be
2 removed as soon as practical when they are no longer needed.
3 When work is suspended for short periods of time, official
4 traffic-control devices erected for the maintenance and
5 protection of traffic shall be removed or covered when they are
6 no longer appropriate.

7 (b) Length of work zone.--To the extent practicable, the
8 length of the work zone shall be appropriate to the work in
9 progress so that motorists do not increase speed after passing
10 through a long stretch with no sign of work activity.

11 (c) Lane restrictions to be minimized.--To the extent
12 practical, lane restrictions in all work zones shall be
13 minimized to prevent traffic congestion and unsafe traffic
14 conditions.

15 (d) ~~Penalty~~ RESPONSIBILITY OF CONTRACTOR.--If the department <—
16 determines that a contractor or any subcontractor has failed to
17 comply with specifications prescribed by the department for the
18 control of traffic within a work zone on a highway within this
19 Commonwealth, a ~~penalty~~ SUM of not less than \$1,000 per day <—
20 shall be assessed as liquidated damages from money due or to
21 become due to the contractor.

22 Section ~~21~~ 22. In order to facilitate the speedy <—
23 implementation of this act, the Department of Transportation
24 shall have the power and authority to promulgate, adopt and use
25 guidelines which shall be published in the Pennsylvania
26 Bulletin. The guidelines shall not be subject to review pursuant
27 to section 205 of the act of July 31, 1968 (P.L.769, No.240),
28 referred to as the Commonwealth Documents Law, sections 204(b)
29 and 301(10) of the act of October 15, 1980 (P.L.950, No.164),
30 known as the Commonwealth Attorneys Act, and the act of June 25,

1 1982 (P.L.633, No.181), known as the Regulatory Review Act, and
2 shall be effective for a period not to exceed two years from the
3 effective date of this act. After the expiration of the two-year
4 period, the guidelines shall expire and be replaced by
5 regulations which shall be promulgated, adopted and published as
6 provided by law.

7 Section ~~22~~ 23. (a) The Legislative Budget and Finance ←
8 Committee shall review accidents where a fire resulted that
9 involved a truck and occurred in this Commonwealth within the
10 preceding ten years.

11 (b) The Legislative Budget and Finance Committee shall issue
12 a report of its findings and recommendations for preventing such
13 accidents to the General Assembly not later than six months
14 following the date of enactment of this act. The committee may
15 use the resources of and information available from the National
16 Transportation Safety Board, the United States Department of
17 Transportation, the Department of Transportation or other
18 government agencies in preparing its report.

19 Section ~~23~~ 24. (a) The sum of \$7,500,000 shall be allocated ←
20 from funds appropriated to the Department of Transportation for
21 the fiscal year July 1, 2002, to June 30, 2003, for the purposes
22 of management and oversight of work zones in order to enhance
23 work zone safety.

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

30 ~~Section 24. This act shall take effect in six months.~~ ←

1 SECTION 25. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

2 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
3 IMMEDIATELY:

4 (I) THE ADDITION OF THE DEFINITIONS OF "ACTIVE WORK
5 ZONE" AND "WORK ZONE" IN 75 PA.C.S. § 102.

6 (II) THE AMENDMENT OF 75 PA.C.S. § 1371(B).

7 (III) SECTION 22.

8 (IV) SECTION 23.

9 (V) SECTION 24.

10 (VI) THIS SECTION.

11 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN 60
12 DAYS:

13 (I) THE AMENDMENT OF 75 PA.C.S. § 1553(A) AND
14 (D)(11).

15 (II) THE AMENDMENT OF 75 PA.C.S. § 1554(F).

16 (III) THE AMENDMENT OF 75 PA.C.S. § 3365(B).

17 (IV) THE ADDITION OF 75 PA.C.S. § 3756.

18 (V) THE ADDITION OF 75 PA.C.S. § 4309.

19 (VI) THE AMENDMENT OF 75 PA.C.S. § 4704(A) AND (C).

20 (VII) THE ADDITION OF 75 PA.C.S. § 6123(B) AND (C).

21 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN SIX
22 MONTHS.