

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 RE-REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 6, 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) SHALL BE SENTENCED TO A MINIMUM SENTENCE AS SET  
17 FORTH IN 75 PA.C.S. § 3737 NOTWITHSTANDING ANY OTHER PROVISION  
18 OF THIS TITLE OR OTHER STATUTE TO THE CONTRARY.

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

28 (C) AUTHORITY OF COURT IN SENTENCING.--THERE SHALL BE NO  
29 AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS  
30 SECTION IS APPLICABLE ANY LESSER SENTENCE THAT PROVIDED FOR IN

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

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

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

17 § 102. Definitions.

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

23 \* \* \*

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

27 \* \* \*

28 "Motor carrier vehicle." A truck, truck tractor or  
29 combination having a gross vehicle weight [or registered gross  
30 weight in excess of 17,000 pounds] RATING, gross combination

<—

1 weight rating, registered gross weight, registered combination  
2 weight or actual gross weight of 10,001 pounds or more.

3 \* \* \*

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

8 \* \* \*

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

11 § 1306. Grounds for refusing registration.

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

14 \* \* \*

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

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

21 At least 60 days prior to the expiration of each  
22 registration, the department shall send to the registrant an  
23 application for renewal of registration. Upon return of the  
24 application, accompanied by self-certification of financial  
25 responsibility and the applicable fee or fees, the department  
26 shall send to the registrant a renewed registration card. An  
27 application for renewal of registration for a motor carrier  
28 vehicle shall also be accompanied by self-certification of  
29 current safety inspection. Failure to receive a renewal  
30 application shall not relieve a registrant from the

1 responsibility to renew the registration.

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

4 § 1319. ~~Motor carrier vehicles~~ DUTIES OF MOTOR CARRIER VEHICLE <—  
5 OWNERS.

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

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

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

16 § 1371. Operation following suspension of registration.

17 \* \* \*

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

24 § 1373. Suspension of registration.

25 \* \* \*

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

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

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

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

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

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

11 § 1378. Suspension of motor carrier vehicle registration.

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

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

1 documents and reports from inspection stations, police officers,  
2 qualified Commonwealth employees and department designees and  
3 that certification shall be prima facie proof of the facts  
4 contained in the documents and reports.

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

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

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

19 § 1532. Suspension of operating privilege.

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

25 \* \* \*

26 (3) Any violation of the following provisions:

27 Section 3732 (relating to homicide by vehicle).

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

30 Section 3737 (relating to accidents involving death

1 or personal injury in work zone).

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

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

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

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

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

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

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

16 \* \* \*

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

19 § 1535. Schedule of convictions and points.

20 \* \* \*

21 (e) Suspension of operating privilege.--In addition to other  
22 provisions of this title relating to the suspension or

23 revocation of operating privileges, the department shall suspend  
24 for 30 days the operating privileges of any person who is <—

25 convicted of violating section 3362 (relating to maximum speed  
26 limits) by exceeding the posted speed limit by six miles per

27 hour or more or section 3361 following the completion of a  
28 police accident investigation where the violation occurred in an

29 active work zone. FOR 15 DAYS THE OPERATING PRIVILEGES OF ANY <—  
30 PERSON WHO FOR A VIOLATION IN AN ACTIVE WORK ZONE IS CONVICTED



1 UNDER:

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

5 (2) SECTION 3362 (RELATING TO MAXIMUM SPEED LIMITS) BY  
6 EXCEEDING THE POSTED SPEED LIMIT BY 11 MILES PER HOUR OR  
7 MORE.

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

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

14 § 1553. Occupational limited license.

15 (a) Issuance.--

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

30 (2) The department shall not issue an occupational

1 limited license to drivers whose operating privileges have  
2 been recalled, canceled or revoked.

3 \* \* \*

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

6 \* \* \*

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

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

15 Section 3367 (relating to racing on highways).

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

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

20 Section 3736 (relating to reckless driving).

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

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

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

28 \* \* \*

29 Section ~~10~~ 11. Section 1554(f) of Title 75 is amended by <—  
30 adding paragraphs to read:

1 § 1554. Probationary license.

2 \* \* \*

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

5 \* \* \*

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

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

15 \* \* \*

16 Section ~~11~~ 12. The definition of "serious traffic violation" ←  
17 in section 1603 of Title 75 is amended to read:

18 § 1603. Definitions.

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

22 \* \* \*

23 "Serious traffic violation."

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

27 (2) Reckless driving.

28 (3) Any offense under this title relating to motor  
29 vehicle traffic control arising in connection with an  
30 accident resulting in death to any person.

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

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

9 \* \* \*

10 Section ~~12~~ 13. Section 3326 of Title 75 is amended to read: <—

11 § 3326. Duty of driver in construction and maintenance areas or  
12 on highway safety corridors.

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

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

26 (c) Fines to be doubled.--[The fine for] For any of the  
27 following violations, when committed in a [construction or  
28 maintenance area] active work zone manned by workers acting in  
29 their official capacity[, ] or on a highway safety corridor  
30 designated under section 6105.1 (relating to designation of

1 highway safety corridors), the fine shall be double the usual  
2 amount:

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

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

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

8 Section 3114 (relating to flashing signals).

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

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

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

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

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

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

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

22 Section 3310 (relating to following too closely).

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

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

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

29 Section 3362 (relating to maximum speed limits).

30 Section 3702 (relating to limitations on backing).

1 Section 3714 (relating to careless driving).

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

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

6 Section 3736 (relating to reckless driving).

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

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

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

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

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

30 Section ~~13~~ 14. Section 3365(b) is amended and the section is ←

1 amended by adding a subsection to read:

2 § 3365. Special speed limitations.

3 \* \* \*

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

12 \* \* \*

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

19 \* \* \*

20 Section ~~14~~ 15. Section 3368(c)(4) of Title 75 is amended to <—  
21 read:

22 § 3368. Speed timing devices.

23 \* \* \*

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

26 \* \* \*

27 (4) No person may be convicted upon evidence obtained  
28 through the use of devices authorized by paragraphs (2) and  
29 (3) unless the speed recorded is six or more miles per hour  
30 in excess of the legal speed limit. Furthermore, no person

1 may be convicted upon evidence obtained through the use of  
2 devices authorized by paragraph (3) in an area where the  
3 legal speed limit is less than 55 miles per hour if the speed  
4 recorded is less than ten miles per hour in excess of the  
5 legal speed limit. This paragraph shall not apply to evidence  
6 obtained through the use of devices authorized by paragraph  
7 (2) OR (3) within a school zone or an active work zone. <—

8 \* \* \*

9 Section ~~15~~ 16. Title 75 is amended by adding sections to <—  
10 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 (A) OFFENSE DEFINED.--THE DRIVER OF ANY VEHICLE WHO <—  
21 RECKLESSLY OR WITH GROSS NEGLIGENCE CAUSES AN ACCIDENT IN A WORK  
22 ZONE WHICH RESULTS IN THE INJURY OR DEATH OF ANY PERSON COMMITS  
23 AN OFFENSE UNDER THIS SECTION WHEN THE DRIVER WAS ENGAGED IN THE  
24 VIOLATION OF ANY LAWS OF THIS COMMONWEALTH APPLYING TO THE  
25 OPERATION OF A VEHICLE OR TO THE REGULATION OF TRAFFIC EXCEPT  
26 SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
27 CONTROLLED SUBSTANCE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE  
28 WHILE DRIVING UNDER INFLUENCE).

29 (b) Penalties.--

30 (1) Except as otherwise provided in this section, a



1 person violating this section commits a misdemeanor of the  
2 first degree.

3 (2) If the victim suffers serious bodily injury, a  
4 person violating subsection (a) commits a felony of the  
5 second degree, and the sentencing court shall order the  
6 person to serve a minimum term of imprisonment of not less  
7 than nine months and a mandatory minimum fine of \$2,500,  
8 notwithstanding any other provision of law.

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

15 ~~(c) Proof at sentencing. Provisions of this section shall~~ <—  
16 ~~not be an element of the crime and notice thereof to the~~  
17 ~~defendant shall not be required prior to conviction, but~~  
18 ~~reasonable notice of the Commonwealth's intention to proceed~~  
19 ~~under this section shall be provided after conviction and before~~  
20 ~~sentencing. The applicability of this section shall be~~  
21 ~~determined at sentencing. The court shall consider any evidence~~  
22 ~~presented at trial and shall afford the Commonwealth and the~~  
23 ~~defendant an opportunity to present any necessary additional~~  
24 ~~evidence and shall determine, by a preponderance of the~~  
25 ~~evidence, if this section is applicable.~~

26 ~~(d) Authority of sentencing court. There shall be no~~  
27 ~~authority in any court to impose on an offender to which this~~  
28 ~~section is applicable any lesser sentence than provided for in~~  
29 ~~subsection (b)(2) or (3) or to place such offender or to suspend~~  
30 ~~sentence. Sentencing guidelines promulgated by the Pennsylvania~~

1 ~~Commission on Sentencing shall not supersede the mandatory~~  
2 ~~minimum sentences provided in this section.~~

3 ~~(e) (C) Definitions.--As used in this section, the term~~ <—  
4 ~~"serious bodily injury" means any bodily injury which creates a~~  
5 ~~substantial risk of death or which causes serious, permanent~~  
6 ~~disfigurement or protracted loss or impairment of the function~~  
7 ~~of any bodily member or organ.~~

8 § 3756. Accidents involving certain vehicles.

9 (A) TESTING REQUIREMENT.--A police officer investigating an <—  
10 accident involving a motor carrier vehicle, bus, school bus or a  
11 vehicle transporting hazardous materials required to be  
12 placarded by department regulations and required to be  
13 investigated under this subchapter shall ensure that the driver  
14 of the vehicle is tested for alcohol and controlled substances.  
15 Costs for testing under this section shall be borne by the  
16 driver or the driver's employer. <—

17 (B) PENALTY.--A DRIVER WHO REFUSES TO SUBMIT TO ALCOHOL OR <—  
18 CONTROLLED SUBSTANCES TESTING UNDER THIS SECTION COMMITS A  
19 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY  
20 A FINE OF UP TO \$200.

21 Section ~~16~~ 17. Section 4107(b) and (d) of Title 75 are <—  
22 amended to read:

23 § 4107. Unlawful activities.

24 \* \* \*

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

27 (1) Willfully or intentionally remove (other than for  
28 purposes of repair and replacement) or render inoperative, in  
29 whole or in part, any item of vehicle equipment which was  
30 required to be installed at the time of manufacture or

1 thereafter upon any vehicle, by any law, rule, regulation or  
2 requirement of any officer or agency of the United States or  
3 of the Commonwealth, if it is intended that the vehicle be  
4 operated upon the highways of this Commonwealth unless the  
5 removal or alteration is specifically permitted by this title  
6 or by regulations promulgated by the department.

7 (2) Operate, or cause or permit another person to  
8 operate, on any highway in this Commonwealth any vehicle or  
9 combination which is not equipped as required under this part  
10 or under department regulations or [which] when the driver is <—  
11 not qualified IS IN VIOLATION OF DEPARTMENT REGULATIONS or <—  
12 the vehicle or combination is otherwise in an unsafe  
13 condition or in violation of department regulations.

14 (2.1) Operate a motor carrier vehicle or a bus, BUS OR <—  
15 SCHOOL BUS the brake system of which is in such condition  
16 that further operation would be hazardous under section  
17 4704(c)(1) (relating to inspection by police or Commonwealth  
18 personnel).

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

21 \* \* \*

22 (d) Penalty.--

23 (1) [A] (i) Except as provided in subparagraph (ii), a  
24 person who operates a motor carrier vehicle or a bus in  
25 violation of subsection (b)(2) commits a summary offense  
26 and, upon conviction, shall be sentenced to pay a fine of  
27 \$25 per violation, except that the minimum fine for a  
28 violation not related to driver's hours of service which  
29 causes the driver or the vehicle to be placed out of  
30 service under section 4704(c) (relating to inspection by

1 police or Commonwealth personnel) shall be \$50 per  
2 violation. The maximum fine which may be levied on the  
3 basis of multiple charges filed together shall be \$500.

4 (ii) A person who operates a motor carrier vehicle  
5 ~~or bus~~, BUS OR SCHOOL BUS in violation of subsection <—  
6 (b)(2.1) commits a summary offense and shall, upon  
7 conviction, be sentenced to pay a fine of \$150 ~~per~~ <—  
8 violation, except that if multiple charges are filed  
9 together, the fine shall be \$300 per violation.

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

21 (ii) A person who causes, permits, requires or  
22 otherwise allows another person to operate a motor  
23 carrier vehicle ~~or bus~~, BUS OR SCHOOL BUS in violation of <—  
24 subsection (b)(2.1) commits a summary offense and shall,  
25 upon conviction, be sentenced to pay a fine of \$300 ~~per~~ <—  
26 violation, except that if multiple charges are filed  
27 together, the fine shall be \$600 per violation.

28 (3) Any person who violates subsection (b.1) as it  
29 relates to driver's hours of service commits a summary  
30 offense and shall, upon conviction, be sentenced to pay a

1 fine of \$500 per violation.

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

5 \* \* \*

6 Section ~~17~~ 18. Title 75 is amended by adding a section to <—  
7 read:

8 § 4309. Lighted head lamps in work zones.

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

16 (b) Penalty.--A person who fails to comply with the  
17 requirements of subsection (a) commits a summary offense and  
18 shall, upon conviction, be sentenced to pay a fine of \$25. No  
19 person shall be convicted of a violation of subsection (a)  
20 unless the person is also convicted of another violation of this  
21 title which occurred at the same time. No costs as described in  
22 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for  
23 summary conviction of subsection (a). Conviction under this  
24 subsection shall not constitute a moving violation.

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

27 § 4702. Requirement for periodic inspection of vehicles.

28 \* \* \*

29 (b) Semiannual safety inspection of certain vehicles.--The  
30 following vehicles shall be subject to semiannual safety

1 inspection:

2 (1) School buses.

3 (2) Vehicles which are:

4 (i) under contract with or owned by a school  
5 district or private or parochial school, including  
6 vehicles having chartered group and party rights under  
7 the Pennsylvania Public Utility Commission; and

8 (ii) used to transport school students.

9 (3) Passenger vans used to transport persons for hire or  
10 owned by a commercial enterprise and used for the  
11 transportation of employees to or from their place of  
12 employment.

13 (6) Mass transit vehicles.

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

18 \* \* \*

19 § 4703. Operation of vehicle without official certificate of  
20 inspection.

21 \* \* \*

22 (h) Penalty.--[Any]

23 (1) Except as provided in paragraph (2), a person  
24 violating this section is guilty of a summary offense and  
25 shall, upon conviction, be sentenced to pay a fine of up to  
26 \$25.

27 (2) Where the subject vehicle is a motor carrier vehicle  
28 ~~or bus~~, BUS OR SCHOOL BUS, the police officer or qualified ←  
29 Commonwealth employee shall place the vehicle out of service  
30 and require that the vehicle not be operated under its own

1 power until such time as the vehicle is issued a valid  
2 official certificate of inspection. In addition, the person  
3 violating this section commits a summary offense and shall,  
4 upon conviction, be sentenced to pay a fine of not less than  
5 \$100 nor more than \$500.

6 § 4704. Inspection by police or Commonwealth personnel.

7 (a) Authority to inspect.--

8 (1) Inspection in conjunction with vehicle weighing.--  
9 [Any police officer or Commonwealth employee engaged in  
10 weighing vehicles as provided in Subchapter E of Chapter 49  
11 (relating to measuring and adjusting vehicle size and  
12 weights) is authorized to inspect any items of a vehicle's  
13 equipment to determine whether they meet the standards  
14 established in department regulations.]

15 (i) Any Pennsylvania State Police officer or  
16 qualified Commonwealth employee engaged in weighing  
17 vehicles as provided in Ch. 49 Subch. E (relating to  
18 measuring and adjusting vehicle size and weight) is  
19 authorized to inspect any item of the vehicle's  
20 equipment, its load, driver and documents to determine  
21 whether they meet standards established in department  
22 regulations.

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

28 (2) Systematic vehicle inspection programs.--Any  
29 Pennsylvania State Police officer or qualified Commonwealth  
30 employee engaged in a systematic vehicle inspection program

1 may inspect any vehicle, driver, documents, equipment and  
2 load to determine whether they meet standards established in  
3 department regulations.

4 (3) Probable cause.--

5 (i) Any State Police officer or qualified  
6 Commonwealth employee having probable cause to believe  
7 that a vehicle, driver, documents, equipment or load are  
8 unsafe, not equipped as required or otherwise not in  
9 compliance with the law or regulations may inspect the  
10 vehicle, driver, documents, equipment or load.

11 (ii) Any police officer having probable cause to  
12 believe that a vehicle or its equipment is unsafe, not  
13 equipped as required or otherwise not in compliance with  
14 the law or regulations may inspect the vehicle or its  
15 equipment.

16 (4) Testing in conjunction with vehicle emissions.--When  
17 testing for vehicle emissions, testing may include remote  
18 sensing devices or systematic roadside checks with tailpipe  
19 tests, emission control device checks and a check of the  
20 subject vehicle's emission control system including all of  
21 the components to determine if any part of the system has  
22 been disabled, changed or altered. The systematic testing may  
23 be conducted by police officers or qualified Commonwealth  
24 employees.

25 (5) Inspection of a vehicle involved in an accident.--  
26 Any Pennsylvania State Police officer or qualified  
27 Commonwealth employee is authorized to inspect any item of  
28 equipment, the load, driver and documents of any vehicle  
29 involved in an accident to determine whether they meet  
30 standards established in department regulations.



1 \* \* \*

2 (c) Operation prohibited if hazardous.--

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

14 (2) In the event a motor carrier vehicle or mass transit  
15 vehicle is involved in an accident that causes the death of  
16 the vehicle operator or another person, the motor carrier  
17 vehicle or mass transit vehicle, its equipment, load, driver  
18 and documents shall be inspected by a qualified Commonwealth  
19 employee as designated by the department in accordance with  
20 subsection (f) before the vehicle or driver will be allowed  
21 to continue operation.

22 \* \* \*

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

25 § 6105.1. Designation of highway safety corridors.

26 The department, based upon a traffic and engineering  
27 investigation, shall have the power to designate a segment of a  
28 highway as a highway safety corridor.

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

30 § 6123. Erection of traffic-control devices while working.

1       (a) General rule.--Any person performing any work on or near  
2 the roadway which may create hazards shall erect traffic-control  
3 devices in accordance with the rules and regulations of the  
4 department for the maintenance and protection of traffic. The  
5 regulations of the department shall address the control of road  
6 users through a work zone and shall be an essential part of  
7 highway construction, utility work, maintenance operations and  
8 incident management. All official traffic-control devices  
9 erected for maintenance and protection of traffic shall be  
10 removed as soon as practical when they are no longer needed.  
11 When work is suspended for short periods of time, official  
12 traffic-control devices erected for the maintenance and  
13 protection of traffic shall be removed or covered when they are  
14 no longer appropriate.

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

19       (c) Lane restrictions to be minimized.--To the extent  
20 practical, lane restrictions in all work zones shall be  
21 minimized to prevent traffic congestion and unsafe traffic  
22 conditions.

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

30       Section ~~21~~ 22. In order to facilitate the speedy <—

1 implementation of this act, the Department of Transportation  
2 shall have the power and authority to promulgate, adopt and use  
3 guidelines which shall be published in the Pennsylvania  
4 Bulletin. The guidelines shall not be subject to review pursuant  
5 to section 205 of the act of July 31, 1968 (P.L.769, No.240),  
6 referred to as the Commonwealth Documents Law, sections 204(b)  
7 and 301(10) of the act of October 15, 1980 (P.L.950, No.164),  
8 known as the Commonwealth Attorneys Act, and the act of June 25,  
9 1982 (P.L.633, No.181), known as the Regulatory Review Act, and  
10 shall be effective for a period not to exceed two years from the  
11 effective date of this act. After the expiration of the two-year  
12 period, the guidelines shall expire and be replaced by  
13 regulations which shall be promulgated, adopted and published as  
14 provided by law.

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

19 (b) The Legislative Budget and Finance Committee shall issue  
20 a report of its findings and recommendations for preventing such  
21 accidents to the General Assembly not later than six months  
22 following the date of enactment of this act. The committee may  
23 use the resources of and information available from the National  
24 Transportation Safety Board, the United States Department of  
25 Transportation, the Department of Transportation or other  
26 government agencies in preparing its report.

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

1 work zone safety.

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

8 ~~Section 24. This act shall take effect in six months.~~ <—

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

10 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
11 IMMEDIATELY:

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

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

15 (III) SECTION 22.

16 (IV) SECTION 23.

17 (V) SECTION 24.

18 (VI) THIS SECTION.

19 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN 60  
20 DAYS:

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

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

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

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

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

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

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

29 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN SIX  
30 MONTHS.