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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2410 Session of  
2002

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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

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 8, 2002

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AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75  
2 (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

1 of highway safety corridors; further providing for erection  
2 of traffic-control devices while working; and requiring a  
3 study by the Legislative Budget and Finance Committee.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 9719.1. Sentences for offenses committed with a vehicle  
9 involved in accidents resulting in death or personal  
10 injury.

11 (a) Mandatory sentence.--A person convicted of 75 Pa.C.S. §  
12 3737 (relating to accidents involving death or personal injury  
13 in work zone) shall be sentenced to a minimum sentence as set  
14 forth in 75 Pa.C.S. § 3737 notwithstanding any other provision  
15 of this title or other statute to the contrary.

16 (b) Proof at sentencing.--Reasonable notice of the  
17 Commonwealth's intention to proceed under this section shall be  
18 provided after conviction and before sentencing. The  
19 applicability of this section shall be determined at sentencing.  
20 The sentencing court shall consider evidence presented at trial  
21 and shall afford the Commonwealth and the defendant an  
22 opportunity to present necessary additional evidence and shall  
23 determine, by a preponderance of the evidence, if this section  
24 is applicable.

25 (c) Authority of court in sentencing.--There shall be no  
26 authority in any court to impose on an offender to which this  
27 section is applicable any lesser sentence that provided for in  
28 subsection (a) or to place such offender on probation or to  
29 suspend sentence. Nothing in this section shall prevent the  
30 sentencing court from imposing a sentence greater than that  
31 provided in this section. Sentencing guidelines promulgated by

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

3 (d) Appeal by Commonwealth.--If a sentencing court refuses  
4 to apply this section where applicable, the Commonwealth shall  
5 have the right to appellate review of the action of the  
6 sentencing court. The appellate court shall vacate the sentence  
7 and remand the case to the sentencing court for imposition of a  
8 sentence in accordance with this section if it finds that the  
9 sentence was imposed in violation of this section.

10 Section 2. The definition of "motor carrier vehicle" in  
11 section 102 of Title 75 is amended and the section is amended by  
12 adding definitions to read:

13 § 102. Definitions.

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

19 \* \* \*

20 "Active work zone." The portion of a work zone where  
21 construction, maintenance or utility workers are located on the  
22 roadway, berm or shoulder.

23 \* \* \*

24 "Motor carrier vehicle." A truck, truck tractor or  
25 combination having a gross vehicle weight [or registered gross  
26 weight in excess of 17,000 pounds] rating, gross combination  
27 weight rating, registered gross weight, registered combination  
28 weight or actual gross weight of ~~10,001~~ 11,001 pounds or more. <—

29 \* \* \*

30 "Work zone." The area of a highway where construction,

1 maintenance or utility work activities are being conducted which  
2 is properly signed as a work zone in accordance with regulations  
3 of the Department of Transportation.

4 \* \* \*

5 Section 3. Section 1306 of Title 75 is amended by adding a  
6 paragraph to read:

7 § 1306. Grounds for refusing registration.

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

10 \* \* \*

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

15 Section 4. Section 1309 of Title 75 is amended to read:

16 § 1309. Renewal of registration.

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

28 Section 5. Title 75 is amended by adding a section to read:

29 § 1319. Duties of motor carrier vehicle owners.

30 (a) Currently valid certificate of inspection.--A motor

1 carrier vehicle is required to have a currently valid  
2 certificate of inspection at the time that the department renews  
3 the registration of the vehicle.

4 (b) Audit.--The department shall establish an audit  
5 procedure to monitor compliance with the requirement that motor  
6 carrier vehicles have a currently valid certificate of  
7 inspection at the time of registration renewal.

8 Section 6. Sections 1371(b) and 1373(b) of Title 75 are  
9 amended to read:

10 § 1371. Operation following suspension of registration.

11 \* \* \*

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

18 § 1373. Suspension of registration.

19 \* \* \*

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

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

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

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

30 (4) The vehicle is being operated in violation of

1 section 4704(b)(1) (relating to inspection by police or  
2 Commonwealth personnel).

3 Section 7. Title 75 is amended by adding a section to read:  
4 § 1378. Suspension of motor carrier vehicle registration.

5 (a) Suspension.--The department shall suspend the  
6 registration of a motor carrier vehicle for three months if it  
7 determines that at the time the registration was renewed by the  
8 department the vehicle did not have a currently valid  
9 certificate of inspection.

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

28 (c) Presumption.--False, illegible or incomplete information  
29 on a renewal application shall create a presumption that the  
30 vehicle did not have a currently valid certificate of inspection

1 at the time of renewal.

2 (d) Restoration.--Whenever the department suspends the  
3 registration of a vehicle under this section, the department  
4 shall not restore the registration until the registration card  
5 and registration plate have been surrendered for three months,  
6 the vehicle owner pays a \$50 restoration fee and the vehicle  
7 owner furnishes proof, satisfactory to the department, that the  
8 vehicle is covered by financial responsibility and has a  
9 currently valid certificate of inspection.

10 Section 8. Section 1532(a)(3) of Title 75 is amended to  
11 read:

12 § 1532. Suspension of operating privilege.

13 (a) One-year suspension.--The department shall suspend the  
14 operating privilege of any driver for one year upon receiving a  
15 certified record of the driver's conviction of or an  
16 adjudication of delinquency based on any of the following  
17 offenses:

18 \* \* \*

19 (3) Any violation of the following provisions:

20 Section 3732 (relating to homicide by vehicle).

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

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

25 Section 3742 (relating to accidents involving death  
26 or personal injury).

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

29 Section 7102(b) (relating to removal or falsification  
30 of identification number).

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

3           Section 7111 (relating to dealing in titles and  
4 plates for stolen vehicles).

5           Section 7121 (relating to false application for  
6 certificate of title or registration).

7           Section 7122 (relating to altered, forged or  
8 counterfeit documents and plates).

9           \* \* \*

10          Section 9. Section 1535 of Title 75 is amended by adding a  
11 subsection to read:

12          § 1535. Schedule of convictions and points.

13          \* \* \*

14          (e) Suspension of operating privilege.--In addition to other  
15 provisions of this title relating to the suspension or  
16 revocation of operating privileges, the department shall suspend  
17 for 15 days the operating privileges of any person who for a  
18 violation in an active work zone is convicted under:

19           (1) section 3361 where the department has received an  
20 accident report submitted pursuant to section 3751 (relating  
21 to reports by police); or

22           (2) section 3362 (relating to maximum speed limits) by  
23 exceeding the posted speed limit by 11 miles per hour or  
24 more.

25 A conviction report received by the department which indicates  
26 that the violation of section 3361 or 3362 occurred in an active  
27 work zone shall create a presumption that the violation occurred  
28 in an active work zone.

29          Section 10. Section 1553(a) and (d)(11) of Title 75 are  
30 amended to read:



1 § 1553. Occupational limited license.

2 (a) Issuance.--

3 (1) The department shall issue an occupational limited  
4 license under the provisions of this section to a driver  
5 whose operating privileges have been suspended and is not  
6 prohibited under any other provision in this section. If the  
7 underlying reason for the suspension was caused by violations  
8 committed while the driver was operating a commercial motor  
9 vehicle, the driver shall not be issued an occupational  
10 limited license for the purpose of operating a commercial  
11 motor vehicle. The department shall prohibit the issuance of  
12 an occupational limited license when disqualified from doing  
13 so under the Commercial Motor Vehicle Safety Act of 1986  
14 (Title XII of Public Law 99-570, 49 U.S.C. App. § 2701 et  
15 seq.) or the Motor Carrier Safety Improvement Act of 1999  
16 (Public Law 106-159, 113 Stat. 1748).

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

20 \* \* \*

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

23 \* \* \*

24 (11) Any person whose operating privilege has been  
25 suspended or revoked as the result of a conviction of or as a  
26 result of a court order in conjunction with an adjudication  
27 of delinquency or the granting of a consent decree for any  
28 offense under the following provisions, unless the suspension  
29 or revocation has been fully served:

30 Section 3345(a) (relating to meeting or overtaking

1 school bus).

2 Section 3367 (relating to racing on highways).

3 [Section 3733 (relating to fleeing or attempting to  
4 elude police officer).

5 Section 3734 (relating to driving without lights to  
6 avoid identification or arrest).

7 Section 3736 (relating to reckless driving).

8 Section 3742 (relating to accidents involving death  
9 or personal injury).

10 Section 3743 (relating to accidents involving damage  
11 to attended vehicle or property).]

12 Any violation of Ch. 37 Subch. B (relating to serious  
13 traffic offenses) or Subch. C (relating to accidents and  
14 accident reports).

15 \* \* \*

16 Section 11. Section 1554(f) of Title 75 is amended by adding  
17 paragraphs to read:

18 § 1554. Probationary license.

19 \* \* \*

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

22 \* \* \*

23 (13) A person who has been convicted of a violation of  
24 section 3742.1 (relating to accidents involving death or  
25 personal injury while not properly licensed) or 3737  
26 (relating to accidents involving death or personal injury in  
27 work zone) within the preceding seven years.

28 (14) A person who has been convicted of a violation of  
29 section 3735.1 (relating to aggravated assault by vehicle  
30 while driving under the influence) within the preceding seven

1 years.

2 \* \* \*

3 Section 12. The definition of "serious traffic violation" in  
4 section 1603 of Title 75 is amended to read:

5 § 1603. Definitions.

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

9 \* \* \*

10 "Serious traffic violation."

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

14 (2) Reckless driving.

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

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

22 (5) Any other offenses defined by the United States  
23 Secretary of Transportation as serious traffic violations and  
24 published by the department as a notice in the Pennsylvania  
25 Bulletin.

26 \* \* \*

27 Section 13. Section 3326 of Title 75 is amended to read:

28 § 3326. Duty of driver in construction and maintenance areas or  
29 on highway safety corridors.

30 (a) Areas indicated by traffic-control devices.--The driver

1 of a vehicle shall yield the right-of-way to any authorized  
2 vehicle or pedestrian actually engaged in work upon a highway  
3 within any highway or utility construction or maintenance area  
4 indicated by official traffic-control devices placed in  
5 accordance with department regulations, including advanced  
6 warning signs or a vehicle having flashing or revolving yellow  
7 lights.

8 (b) Work vehicles displaying flashing lights.--The driver of  
9 a vehicle shall yield the right-of-way to any authorized vehicle  
10 obviously and actually engaged in work upon a highway whenever  
11 the vehicle displays flashing lights meeting the requirements  
12 and regulations promulgated by the department.

13 (c) Fines to be doubled.--[The fine for] For any of the  
14 following violations, when committed in a [construction or  
15 maintenance area] active work zone manned by workers acting in  
16 their official capacity[, ] or on a highway safety corridor  
17 designated under section 6105.1 (relating to designation of  
18 highway safety corridors), the fine shall be double the usual  
19 amount:

20 Section 3102 (relating to obedience to authorized  
21 persons directing traffic).

22 Section 3111 (relating to obedience to traffic-  
23 control devices).

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

25 Section 3114 (relating to flashing signals).

26 Section 3302 (relating to meeting vehicle proceeding  
27 in opposite direction).

28 Section 3303 (relating to overtaking vehicle on the  
29 left).

30 Section 3304 (relating to overtaking vehicle on the

1 right).

2 Section 3305 (relating to limitations on overtaking  
3 on the left).

4 Section 3306 (relating to limitations on driving on  
5 left side of roadway).

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

7 Section 3309 (relating to driving on roadways laned  
8 for traffic).

9 Section 3310 (relating to following too closely).

10 Section 3323 (relating to stop signs and yield  
11 signs).

12 Section 3326 (relating to duty of driver in  
13 construction and maintenance areas).

14 Section 3361 (relating to driving vehicle at safe  
15 speed).

16 Section 3362 (relating to maximum speed limits).

17 Section 3702 (relating to limitations on backing).

18 Section 3714 (relating to careless driving).

19 Section 3715 (relating to restriction on alcoholic  
20 beverages).

21 Section 3731 (relating to driving under influence of  
22 alcohol or controlled substance).

23 Section 3736 (relating to reckless driving).

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

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

30 (1) Official traffic-control devices shall be

1 appropriately placed to notify motorists that increased  
2 penalties apply for moving violations in [construction or  
3 maintenance areas.] active work zones signed in compliance  
4 with this subsection and subsection (e).

5 (2) Official traffic control devices shall be  
6 appropriately placed to notify motorists that increased  
7 penalties apply for moving violations in highway safety  
8 corridors.

9 (e) Posting.--Official traffic-control devices shall be  
10 erected at the beginning of an active work zone with a white  
11 strobe light or other unique, illuminated light or device. The  
12 light or device shall indicate that workers are present in the  
13 active work zone. The light or device shall be turned off if no  
14 workers are present. An official traffic-control device shall be  
15 erected immediately at the end of the active work zone  
16 indicating that workers are no longer present.

17 Section 14. Section 3365(b) of Title 75 is amended and the  
18 section is amended by adding a subsection to read:

19 § 3365. Special speed limitations.

20 \* \* \*

21 (b) School zones.--When passing through a school zone as  
22 defined and established under regulations of the department, no  
23 person shall drive a vehicle at a speed greater than 15 miles  
24 per hour. An official traffic-control device shall indicate the  
25 beginning and end of each school zone to traffic approaching in  
26 each direction. Establishment of a school zone, including its  
27 location and hours of operation, shall be approved by the  
28 department.

29 \* \* \*

30 (c.1) Active work zones.--When passing through an active

1 work zone, no person shall drive a vehicle at a speed greater  
2 than the posted limit. An official traffic-control device shall  
3 indicate the beginning and end of each active work zone to  
4 traffic approaching in each direction.

5 \* \* \*

6 Section 15. Section 3368(c)(4) of Title 75 is amended to  
7 read:

8 § 3368. Speed timing devices.

9 \* \* \*

10 (c) Mechanical, electrical and electronic devices  
11 authorized.--

12 \* \* \*

13 (4) No person may be convicted upon evidence obtained  
14 through the use of devices authorized by paragraphs (2) and  
15 (3) unless the speed recorded is six or more miles per hour  
16 in excess of the legal speed limit. Furthermore, no person  
17 may be convicted upon evidence obtained through the use of  
18 devices authorized by paragraph (3) in an area where the  
19 legal speed limit is less than 55 miles per hour if the speed  
20 recorded is less than ten miles per hour in excess of the  
21 legal speed limit. This paragraph shall not apply to evidence  
22 obtained through the use of devices authorized by paragraph  
23 (2) or (3) within a school zone or an active work zone.

24 \* \* \*

25 Section 16. Title 75 is amended by adding sections to read:

26 § 3737. Accidents involving death or personal injury in work  
27 zone.

28 (a) Offense defined.--The driver of any vehicle who  
29 recklessly or with gross negligence causes an accident in a work  
30 zone which results in the injury or death of any person commits

1 an offense under this section when the driver was engaged in the  
2 violation of any laws of this Commonwealth applying to the  
3 operation of a vehicle or to the regulation of traffic except  
4 section 3731 (relating to driving under influence of alcohol or  
5 controlled substance) or 3735 (relating to homicide by vehicle  
6 while driving under influence).

7 (b) Penalties.--

8 (1) Except as otherwise provided in this section, a  
9 person violating this section commits a misdemeanor of the  
10 first degree.

11 (2) If the victim suffers serious bodily injury, a  
12 person violating subsection (a) commits a felony of the  
13 second degree, and the sentencing court shall order the  
14 person to serve a minimum term of imprisonment of not less  
15 than nine months and a mandatory minimum fine of \$2,500,  
16 notwithstanding any other provision of law.

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

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

28 § 3756. Accidents involving certain vehicles.

29 (a) Testing requirement.--A police officer investigating an  
30 accident involving a motor carrier vehicle, bus, school bus or a



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

7 (b) Penalty.--A driver who refuses to submit to alcohol or  
8 controlled substances testing under this section commits a  
9 summary offense and shall, upon conviction, be sentenced to pay  
10 a fine of up to \$200.

11 Section 17. Section 4107(b) and (d) of Title 75 are amended  
12 to read:

13 § 4107. Unlawful activities.

14 \* \* \*

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

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

27 (2) Operate, or cause or permit another person to  
28 operate, on any highway in this Commonwealth any vehicle or  
29 combination which is not equipped as required under this part  
30 or under department regulations or [which] when the driver is

1 in violation of department regulations or the vehicle or  
2 combination is otherwise in an unsafe condition or in  
3 violation of department regulations.

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

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

10 \* \* \*

11 (d) Penalty.--

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

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

29 (2) [A] (i) Except as provided in subparagraph (ii), a  
30 person who causes, permits, requires or otherwise allows

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

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

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

21 (4) The department shall coordinate with the commission  
22 in the enforcement of this subsection and 66 Pa.C.S. §  
23 3312(a).

24 \* \* \*

25 Section 18. Title 75 is amended by adding a section to read:

26 § 4309. Lighted head lamps in work zones.

27 (a) Lighted head lamps required.--Head lamps shall be  
28 lighted on every vehicle driving through a signed work zone. The  
29 department, local authorities or utilities, as the case may be,  
30 shall post, or require its contractor to post, in advance of

1 every work zone, an official sign warning drivers to light their  
2 vehicles' head lamps for an upcoming work zone.

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

12 Section 19. Sections 4702(b), 4703(h) and 4704(a) and (c) of  
13 Title 75 are amended to read:

14 § 4702. Requirement for periodic inspection of vehicles.

15 \* \* \*

16 (b) Semiannual safety inspection of certain vehicles.--The  
17 following vehicles shall be subject to semiannual safety  
18 inspection:

19 (1) School buses.

20 (2) Vehicles which are:

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

25 (ii) used to transport school students.

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

30 (6) Mass transit vehicles.

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

5 \* \* \*

6 § 4703. Operation of vehicle without official certificate of  
7 inspection.

8 \* \* \*

9 (h) Penalty.--[Any]

10 (1) Except as provided in paragraph (2), a person  
11 violating this section is guilty of a summary offense and  
12 shall, upon conviction, be sentenced to pay a fine of up to  
13 \$25.

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

23 § 4704. Inspection by police or Commonwealth personnel.

24 (a) Authority to inspect.--

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

1 established in department regulations.]

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

10 (ii) Any police officer or Commonwealth employee  
11 engaged in weighing vehicles as provided in Ch. 49 Subch.  
12 E 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 (2) Systematic vehicle inspection programs.--Any  
16 Pennsylvania State Police officer or qualified Commonwealth  
17 employee engaged in a systematic vehicle inspection program  
18 may inspect any vehicle, driver, documents, equipment and  
19 load to determine whether they meet standards established in  
20 department regulations.

21 (3) Probable cause.--

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

28 (ii) Any police officer having probable cause to  
29 believe that a vehicle or its equipment is unsafe, not  
30 equipped as required or otherwise not in compliance with

1 the law or regulations may inspect the vehicle or its  
2 equipment.

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

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

18 \* \* \*

19 (c) Operation prohibited if hazardous.--

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

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

9 \* \* \*

10 Section 20. Title 75 is amended by adding a section to read:

11 § 6105.1. Designation of highway safety corridors.

12 The department, based upon a traffic and engineering  
13 investigation, shall have the power to designate a segment of a  
14 highway as a highway safety corridor.

15 Section 21. Section 6123 of Title 75 is amended to read:

16 § 6123. Erection of traffic-control devices while working.

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



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

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

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

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

1 Section 23. (a) The Legislative Budget and Finance  
2 Committee shall review accidents where a fire resulted that  
3 involved a truck and occurred in this Commonwealth within the  
4 preceding ten years.

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

13 Section 24. (a) The sum of \$7,500,000 shall be allocated  
14 from funds appropriated to the Department of Transportation for  
15 the fiscal year July 1, 2002, to June 30, 2003, for the purposes  
16 of management and oversight of work zones in order to enhance  
17 work zone safety.

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

24 Section 25. This act shall take effect as follows:

25 (1) The following provisions shall take effect  
26 immediately:

27 (i) The addition of the definitions of "active work  
28 zone" and "work zone" in 75 Pa.C.S. § 102.

29 (ii) The amendment of 75 Pa.C.S. § 1371(b).

30 (iii) Section 22.

1 (iv) Section 23.

2 (v) Section 24.

3 (vi) This section.

4 (2) The following provisions shall take effect in 60  
5 days:

6 (i) The amendment of 75 Pa.C.S. § 1553(a) and  
7 (d)(11).

8 (ii) The amendment of 75 Pa.C.S. § 1554(f).

9 (iii) The amendment of 75 Pa.C.S. § 3365(b).

10 (iv) The addition of 75 Pa.C.S. § 3756.

11 (v) The addition of 75 Pa.C.S. § 4309.

12 (vi) The amendment of 75 Pa.C.S. § 4704(a) and (c).

13 (vii) The addition of 75 Pa.C.S. § 6123(b) and (c).

14 (3) The remainder of this act shall take effect in six  
15 months.