
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

SENATOR MADIGAN, TRANSPORTATION, IN SENATE, AS AMENDED,
JUNE 4, 2002

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

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

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

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

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

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

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

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

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

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

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

14 § 102. Definitions.

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

20 * * *

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

24 * * *

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

30 ["MOTOR CARRIER VEHICLE." A TRUCK, TRUCK TRACTOR OR <—

1 COMBINATION HAVING A GROSS WEIGHT OR REGISTERED GROSS WEIGHT IN
2 EXCESS OF 17,000 POUNDS.]

3 "MOTOR CARRIER VEHICLE."

4 (1) A TRUCK, TRUCK TRACTOR OR COMBINATION HAVING A GROSS
5 VEHICLE WEIGHT RATING, GROSS COMBINATION WEIGHT RATING,
6 REGISTERED GROSS WEIGHT, REGISTERED COMBINATION WEIGHT OR
7 ACTUAL GROSS WEIGHT OF 17,001 POUNDS OR MORE.

8 (2) A TRUCK, TRUCK TRACTOR OR COMBINATION ENGAGED IN
9 INTERSTATE COMMERCE AND HAVING A GROSS VEHICLE WEIGHT RATING,
10 GROSS COMBINATION WEIGHT RATING, REGISTERED GROSS WEIGHT,
11 REGISTERED COMBINATION WEIGHT OR ACTUAL GROSS WEIGHT OF
12 10,001 POUNDS OR MORE.

13 * * *

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

18 * * *

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

21 § 1306. Grounds for refusing registration.

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

24 * * *

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

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

30 § 1309. Renewal of registration.

1 At least 60 days prior to the expiration of each
2 registration, the department shall send to the registrant an
3 application for renewal of registration. Upon return of the
4 application, accompanied by self-certification of financial
5 responsibility and the applicable fee or fees, the department
6 shall send to the registrant a renewed registration card. An
7 application for renewal of registration for a motor carrier
8 vehicle shall also be accompanied by self-certification of
9 current safety inspection. Failure to receive a renewal
10 application shall not relieve a registrant from the
11 responsibility to renew the registration.

12 Section 5. Title 75 is amended by adding a section to read:
13 § 1319. Duties of motor carrier vehicle owners.

14 (a) Currently valid certificate of inspection.--A motor
15 carrier vehicle is required to have a currently valid
16 certificate of inspection at the time that the department renews
17 the registration of the vehicle.

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

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

24 § 1371. Operation following suspension of registration.

25 * * *

26 (b) Penalty.--Any person violating this section is guilty of
27 a summary offense and shall, upon conviction, be sentenced to
28 pay a fine of not less than \$100 nor more than \$500. In the case
29 of a motor carrier vehicle other than a trailer, the fine shall
30 be double the registration fee for the maximum weight at which

1 the vehicle could have been registered in this Commonwealth.

2 § 1373. Suspension of registration.

3 * * *

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

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

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

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

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

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

18 § 1378. Suspension of motor carrier vehicle registration.

19 (a) Suspension.--The department shall suspend the
20 registration of a motor carrier vehicle for three months if it
21 determines that at the time the registration was renewed by the
22 department the vehicle did not have a currently valid
23 certificate of inspection.

24 (b) Documentation.--In any proceeding under this section,
25 documents obtained by the department from an official inspection
26 station shall be admissible into evidence to support the
27 department's case. In addition, reports received by the
28 department from police officers, qualified Commonwealth
29 employees or department designees shall be admissible into
30 evidence to support the department's case. In addition, the

1 department may treat the documents and reports as documents of
2 the department and use any of the methods of storage permitted
3 under the provisions of 42 Pa.C.S. § 6109 (relating to
4 photographic copies of business and public records) and may
5 reproduce such documents in accordance with the provisions of 42
6 Pa.C.S. § 6103 (relating to proof of official records). The
7 department may certify that it has received or obtained
8 documents and reports from inspection stations, police officers,
9 qualified Commonwealth employees and department designees and
10 that certification shall be prima facie proof of the facts
11 contained in the documents and reports.

12 (c) Presumption.--False, illegible or incomplete information
13 on a renewal application shall create a presumption that the
14 vehicle did not have a currently valid certificate of inspection
15 at the time of renewal.

16 (d) Restoration.--Whenever the department suspends the
17 registration of a vehicle under this section, the department
18 shall not restore the registration until the registration card
19 and registration plate have been surrendered for three months,
20 the vehicle owner pays a \$50 restoration fee and the vehicle
21 owner furnishes proof, satisfactory to the department, that the
22 vehicle is covered by financial responsibility and has a
23 currently valid certificate of inspection.

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

26 § 1532. Suspension of operating privilege.

27 (a) One-year suspension.--The department shall suspend the
28 operating privilege of any driver for one year upon receiving a
29 certified record of the driver's conviction of or an
30 adjudication of delinquency based on any of the following

1 offenses:

2 * * *

3 (3) Any violation of the following provisions:

4 Section 3732 (relating to homicide by vehicle).

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

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

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

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

13 Section 7102(b) (relating to removal or falsification
14 of identification number).

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

17 Section 7111 (relating to dealing in titles and
18 plates for stolen vehicles).

19 Section 7121 (relating to false application for
20 certificate of title or registration).

21 Section 7122 (relating to altered, forged or
22 counterfeit documents and plates).

23 * * *

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

26 § 1535. Schedule of convictions and points.

27 * * *

28 (e) Suspension of operating privilege.--In addition to other
29 provisions of this title relating to the suspension or
30 revocation of operating privileges, the department shall suspend

1 for 15 days the operating privileges of any person who for a
2 violation in an active work zone is convicted 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 11 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 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 11. Section 1554(f) of Title 75 is amended by adding

1 paragraphs to read:

2 § 1554. Probationary license.

3 * * *

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

6 * * *

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

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

16 * * *

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

19 § 1603. Definitions.

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

23 * * *

24 "Serious traffic violation."

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

28 (2) Reckless driving.

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

1 accident resulting in death to any person.

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

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

10 * * *

11 Section 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 14. Section 3365(b) of Title 75 is amended and the
2 section is 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.--When passing through an active
15 work zone, no person shall drive a vehicle at a speed greater
16 than the posted limit. An official traffic-control device shall
17 indicate the beginning and end of each active work zone to
18 traffic approaching in each direction.

19 * * *

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

10 § 3737. Accidents involving death or personal injury in work
11 zone.

12 (a) Offense defined.--The driver of any vehicle who
13 recklessly or with gross negligence causes an accident in a work
14 zone which results in the injury or death of any person commits
15 an offense under this section when the driver was engaged in the
16 violation of any laws of this Commonwealth applying to the
17 operation of a vehicle or to the regulation of traffic except
18 section 3731 (relating to driving under influence of alcohol or
19 controlled substance) or 3735 (relating to homicide by vehicle
20 while driving under influence).

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) Definitions.--As used in this section, the term "serious
8 bodily injury" means any bodily injury which creates a
9 substantial risk of death or which causes serious, permanent
10 disfigurement or protracted loss or impairment of the function
11 of any bodily member or organ.

12 § 3756. Accidents involving certain vehicles.

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

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

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

27 § 4107. Unlawful activities.

28 * * *

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

1 (1) Willfully or intentionally remove (other than for
2 purposes of repair and replacement) or render inoperative, in
3 whole or in part, any item of vehicle equipment which was
4 required to be installed at the time of manufacture or
5 thereafter upon any vehicle, by any law, rule, regulation or
6 requirement of any officer or agency of the United States or
7 of the Commonwealth, if it is intended that the vehicle be
8 operated upon the highways of this Commonwealth unless the
9 removal or alteration is specifically permitted by this title
10 or by regulations promulgated by the department.

11 (2) Operate, or cause or permit another person to
12 operate, on any highway in this Commonwealth any vehicle or
13 combination which is not equipped as required under this part
14 or under department regulations or [which] when the driver is
15 in violation of department regulations or the vehicle or
16 combination is otherwise in an unsafe condition or in
17 violation of department regulations.

18 (2.1) Operate a motor carrier vehicle, bus or school bus
19 the brake system of which is in such condition that further
20 operation would be hazardous under section 4704(c)(1)
21 (relating to inspection by police or Commonwealth personnel).

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

24 * * *

25 (d) Penalty.--

26 (1) [A] (i) Except as provided in subparagraph (ii), a
27 person who operates a motor carrier vehicle or a bus in
28 violation of subsection (b)(2) commits a summary offense
29 and, upon conviction, shall be sentenced to pay a fine of
30 \$25 per violation, except that the minimum fine for a

1 violation not related to driver's hours of service which
2 causes the driver or the vehicle to be placed out of
3 service under section 4704(c) (relating to inspection by
4 police or Commonwealth personnel) shall be \$50 per
5 violation. The maximum fine which may be levied on the
6 basis of multiple charges filed together shall be \$500.

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

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

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

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

5 (4) The department shall coordinate with the commission
6 in the enforcement of this subsection and 66 Pa.C.S. §
7 3312(a).

8 * * *

9 Section 18. Title 75 is amended by adding a section to read:
10 § 4309. Lighted head lamps in work zones.

11 (a) Lighted head lamps required.--Head lamps shall be
12 lighted on every vehicle driving through a signed work zone. The
13 department, local authorities or utilities, as the case may be,
14 shall post, or require its contractor to post, in advance of
15 every work zone, an official sign warning drivers to light their
16 vehicles' head lamps for an upcoming work zone.

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

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

28 ~~§ 4702. Requirement for periodic inspection of vehicles.~~ <—

29 * * *

30 ~~(b) Semiannual safety inspection of certain vehicles. The~~

1 ~~following vehicles shall be subject to semiannual safety~~
2 ~~inspection:~~

3 ~~(1) School buses.~~

4 ~~(2) Vehicles which are:~~

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

9 ~~(ii) used to transport school students.~~

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

14 ~~(6) Mass transit vehicles.~~

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

19 * * *

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

22 * * *

23 (h) Penalty.--[Any]

24 (1) Except as provided in paragraph (2), a person
25 violating this section is guilty of a summary offense and
26 shall, upon conviction, be sentenced to pay a fine of up to
27 \$25.

28 (2) Where the subject vehicle is a motor carrier
29 vehicle, bus or school bus, the police officer or qualified
30 Commonwealth employee shall place the vehicle out of service

1 and require that the vehicle not be operated under its own
2 power until such time as the vehicle is issued a valid
3 official certificate of inspection. In addition, the person
4 violating this section commits a summary offense and shall,
5 upon conviction, be sentenced to pay a fine of not less than
6 \$100 nor more than \$500.

7 § 4704. Inspection by police or Commonwealth personnel.

8 (a) Authority to inspect.--

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

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

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

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

29 (2) Systematic vehicle inspection programs.--Any

30 Pennsylvania State Police officer or qualified Commonwealth

1 employee engaged in a systematic vehicle inspection program
2 may inspect any vehicle, driver, documents, equipment and
3 load to determine whether they meet standards established in
4 department regulations.

5 (3) Probable cause.--

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

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

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

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

1 standards established in department regulations.

2 * * *

3 (c) Operation prohibited if hazardous.--

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

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

23 * * *

24 Section 20. Title 75 is amended by adding a section to 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 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) 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 sum of not less than \$1,000 per day shall be
28 assessed as liquidated damages from money due or to become due
29 to the contractor.

30 Section 22. In order to facilitate the speedy implementation

1 of this act, the Department of Transportation shall have the
2 power and authority to promulgate, adopt and use guidelines
3 which shall be published in the Pennsylvania Bulletin. The
4 guidelines shall not be subject to review pursuant to section
5 205 of the act of July 31, 1968 (P.L.769, No.240), referred to
6 as the Commonwealth Documents Law, sections 204(b) and 301(10)
7 of the act of October 15, 1980 (P.L.950, No.164), known as the
8 Commonwealth Attorneys Act, and the act of June 25, 1982
9 (P.L.633, No.181), known as the Regulatory Review Act, and shall
10 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 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 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, AN AMOUNT~~ <—
30 TOTALING AT LEAST ONE HALF OF 1% OF THE TOTAL DOLLAR AMOUNT OF

1 PROJECTS LET ANNUALLY BY THE DEPARTMENT OF TRANSPORTATION SHALL
2 BE ALLOCATED for the purposes of management and oversight of
3 work zones in order to enhance work zone safety.

4 (b) ~~The sum of \$2,000,000 shall be allocated~~ AN AMOUNT ←
5 TOTALING AT LEAST ONE HALF OF 1% OF THE TOTAL DOLLAR AMOUNT
6 ALLOCATED ANNUALLY from funds available to the Pennsylvania
7 Turnpike Commission under the act of September 30, 1985
8 (P.L.240, No.61), known as the Turnpike Organization, Extension
9 and Toll Road Conversion Act, SHALL BE ALLOCATED for the ←
10 purposes of management and oversight of work zones in order to
11 enhance work zone safety.

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

13 (1) The following provisions shall take effect
14 immediately:

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

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

18 (iii) Section 22.

19 (iv) Section 23.

20 (v) Section 24.

21 (vi) This section.

22 (2) The following provisions shall take effect in 60
23 days:

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

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

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

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

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

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

1 (vii) The addition of 75 Pa.C.S. § 6123(b) and (c).
2 (3) The remainder of this act shall take effect in six
3 months.