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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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SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, JUNE 24, 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, FOR TRUCKS AND TRUCK TRACTORS and for speed ←—  
15 timing devices; providing for accidents involving death or  
16 personal injury in work zone and for accidents involving  
17 certain vehicles; further providing for unlawful activities;  
18 providing for lighted head lamps in work zones; further  
19 providing for ~~requirement for periodic inspection of~~ ←—  
20 ~~vehicles~~, for operation of vehicle without official

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

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

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

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

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

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

27 (c) Authority of court in sentencing.--There shall be no  
28 authority in any court to impose on an offender to which this  
29 section is applicable any lesser sentence that provided for in  
30 subsection (a) or to place such offender on probation or to  
31 suspend sentence. Nothing in this section shall prevent the  
32 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 SECTION 13. SECTIONS 1916(A)(1) AND 3326 OF TITLE 75 ARE <—

13 AMENDED TO READ:

14 § 1916. TRUCKS AND TRUCK TRACTORS.

15 (A) GENERAL RULE.--

16 (1) THE ANNUAL FEE FOR REGISTRATION OF A TRUCK OR TRUCK  
17 TRACTOR SHALL BE DETERMINED BY ITS REGISTERED GROSS WEIGHT OR  
18 COMBINATION WEIGHT IN POUNDS ACCORDING TO THE FOLLOWING  
19 TABLE:

	REGISTERED		
	GROSS OR COMBINATION		
22	CLASS	WEIGHT IN POUNDS	FEE
23	1	5,000 OR LESS	\$ 58.50
24	2	5,001 - 7,000	81.00
25	3	7,001 - 9,000	153.00
26	[4	9,001 - 11,000	198.00]
27	<u>4A</u>	<u>9,001 - 10,000</u>	<u>198.00</u>
28	<u>4B</u>	<u>10,001 - 11,000</u>	<u>198.00</u>
29	5	11,001 - 14,000	243.00
30	6	14,001 - 17,000	288.00

1	7	17,001 - 21,000	355.50
2	8	21,001 - 26,000	405.00
3	9	26,001 - 30,000	472.50
4	10	30,001 - 33,000	567.00
5	11	33,001 - 36,000	621.00
6	12	36,001 - 40,000	657.00
7	13	40,001 - 44,000	697.50
8	14	44,001 - 48,000	751.50
9	15	48,001 - 52,000	828.00
10	16	52,001 - 56,000	882.00
11	17	56,001 - 60,000	999.00
12	18	60,001 - 64,000	1,111.50
13	19	64,001 - 68,000	1,165.50
14	20	68,001 - 73,280	1,251.00
15	21	73,281 - 76,000	1,597.50
16	22	76,001 - 78,000	1,633.50
17	23	78,001 - 78,500	1,651.50
18	24	78,501 - 79,000	1,669.50
19	25	79,001 - 80,000	1,687.50

20 \* \* \*

21 § 3326. Duty of driver in construction and maintenance areas or  
22 on highway safety corridors.

23 (a) Areas indicated by traffic-control devices.--The driver  
24 of a vehicle shall yield the right-of-way to any authorized  
25 vehicle or pedestrian actually engaged in work upon a highway  
26 within any highway or utility construction or maintenance area  
27 indicated by official traffic-control devices placed in  
28 accordance with department regulations, including advanced  
29 warning signs or a vehicle having flashing or revolving yellow  
30 lights.

1 (b) Work vehicles displaying flashing lights.--The driver of  
2 a vehicle shall yield the right-of-way to any authorized vehicle  
3 obviously and actually engaged in work upon a highway whenever  
4 the vehicle displays flashing lights meeting the requirements  
5 and regulations promulgated by the department.

6 (c) Fines to be doubled.--[The fine for] For any of the  
7 following violations, when committed in a [construction or  
8 maintenance area] active work zone manned by workers acting in  
9 their official capacity[, ] or on a highway safety corridor  
10 designated under section 6105.1 (relating to designation of  
11 highway safety corridors), the fine shall be double the usual  
12 amount:

13 Section 3102 (relating to obedience to authorized  
14 persons directing traffic).

15 Section 3111 (relating to obedience to traffic-  
16 control devices).

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

18 Section 3114 (relating to flashing signals).

19 Section 3302 (relating to meeting vehicle proceeding  
20 in opposite direction).

21 Section 3303 (relating to overtaking vehicle on the  
22 left).

23 Section 3304 (relating to overtaking vehicle on the  
24 right).

25 Section 3305 (relating to limitations on overtaking  
26 on the left).

27 Section 3306 (relating to limitations on driving on  
28 left side of roadway).

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

30 Section 3309 (relating to driving on roadways laned

1 for traffic).

2 Section 3310 (relating to following too closely).

3 Section 3323 (relating to stop signs and yield  
4 signs).

5 Section 3326 (relating to duty of driver in  
6 construction and maintenance areas).

7 Section 3361 (relating to driving vehicle at safe  
8 speed).

9 Section 3362 (relating to maximum speed limits).

10 Section 3702 (relating to limitations on backing).

11 Section 3714 (relating to careless driving).

12 Section 3715 (relating to restriction on alcoholic  
13 beverages).

14 Section 3731 (relating to driving under influence of  
15 alcohol or controlled substance).

16 Section 3736 (relating to reckless driving).

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

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

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

28 (2) Official traffic control devices shall be  
29 appropriately placed to notify motorists that increased  
30 penalties apply for moving violations in highway safety

1 corridors.

2 (e) Posting.--Official traffic-control devices shall be  
3 erected at the beginning of an active work zone with a white  
4 strobe light or other unique, illuminated light or device. The  
5 light or device shall indicate that workers are present in the  
6 active work zone. The light or device shall be turned off if no  
7 workers are present. An official traffic-control device shall be  
8 erected immediately at the end of the active work zone  
9 indicating that workers are no longer present.

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

12 § 3365. Special speed limitations.

13 \* \* \*

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

22 \* \* \*

23 (c.1) Active work zones.--When passing through an active  
24 work zone, no person shall drive a vehicle at a speed greater  
25 than the posted limit. An official traffic-control device shall  
26 indicate the beginning and end of each active work zone to  
27 traffic approaching in each direction.

28 \* \* \*

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



1 § 3368. Speed timing devices.

2 \* \* \*

3 (c) Mechanical, electrical and electronic devices  
4 authorized.--

5 \* \* \*

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

17 \* \* \*

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

19 § 3737. Accidents involving death or personal injury in work  
20 zone.

21 (a) Offense defined.--The driver of any vehicle who  
22 recklessly or with gross negligence causes an accident in a work  
23 zone which results in the injury or death of any person commits  
24 an offense under this section when the driver was engaged in the  
25 violation of any laws of this Commonwealth applying to the  
26 operation of a vehicle or to the regulation of traffic except  
27 section 3731 (relating to driving under influence of alcohol or  
28 controlled substance) or 3735 (relating to homicide by vehicle  
29 while driving under influence).

30 (b) Penalties.--

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

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

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

16           (c) Definitions.--As used in this section, the term "serious  
17 bodily injury" means any bodily injury which creates a  
18 substantial risk of death or which causes serious, permanent  
19 disfigurement or protracted loss or impairment of the function  
20 of any bodily member or organ.

21 § 3756. Accidents involving certain vehicles.

22           (a) Testing requirement.--A police officer investigating an  
23 accident involving a motor carrier vehicle, bus, school bus or a  
24 vehicle transporting hazardous materials required to be  
25 placarded by department regulations and required to be  
26 investigated under this subchapter shall ensure REQUEST that the <—  
27 driver of the vehicle is tested SUBMIT TO TESTING for alcohol <—  
28 and controlled substances. Costs for testing under this section  
29 shall be borne by the driver's employer.

30           (b) Penalty.--A driver who refuses to submit to alcohol or

1 controlled substances testing under this section commits a  
2 summary offense and shall, upon conviction, be sentenced to pay  
3 a fine of up to \$200.

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

6 § 4107. Unlawful activities.

7 \* \* \*

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

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

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

27 (2.1) Operate a motor carrier vehicle, bus or school bus  
28 the brake system of which is in such condition that further  
29 operation would be hazardous under section 4704(c)(1)  
30 (relating to inspection by police or Commonwealth personnel).

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

3 \* \* \*

4 (d) Penalty.--

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

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

22 (2) [A] (i) Except as provided in subparagraph (ii), a  
23 person who causes, permits, requires or otherwise allows  
24 another person to operate a motor carrier vehicle or a  
25 bus in violation of subsection (b)(2) commits a summary  
26 offense and, upon conviction, shall be sentenced to pay a  
27 fine of \$50 per violation, except that the minimum fine  
28 for a violation not related to driver's hours of service  
29 which causes the driver or the vehicle to be placed out  
30 of service under section 4704(c) shall be \$100 per

1 violation. The maximum fine which may be levied on the  
2 basis of multiple charges filed together shall be \$1,000.

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

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

14 (4) The department shall coordinate with the commission  
15 in the enforcement of this subsection and 66 Pa.C.S. §  
16 3312(a).

17 \* \* \*

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

19 § 4309. Lighted head lamps in work zones.

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

26 (b) Penalty.--A person who fails to comply with the  
27 requirements of subsection (a) commits a summary offense and  
28 shall, upon conviction, be sentenced to pay a fine of \$25. No  
29 person shall be convicted of a violation of subsection (a)  
30 unless the person is also convicted of another violation of this

1 title which occurred at the same time. No costs as described in  
2 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for  
3 summary conviction of subsection (a). Conviction under this  
4 subsection shall not constitute a moving violation.

5 Section 19. Sections 4702(b), 4703(h) and 4704(a) and (c), <—  
6 (C), (E) AND (G) of Title 75 are amended to read:

7 ~~§ 4702. Requirement for periodic inspection of vehicles.~~ <—

8 \* \* \*

9 ~~(b) Semiannual safety inspection of certain vehicles. The~~  
10 ~~following vehicles shall be subject to semiannual safety~~  
11 ~~inspection:~~

12 ~~(1) School buses.~~

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

14 ~~(i) under contract with or owned by a school~~  
15 ~~district or private or parochial school, including~~  
16 ~~vehicles having chartered group and party rights under~~  
17 ~~the Pennsylvania Public Utility Commission; and~~

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

19 ~~(3) Passenger vans used to transport persons for hire or~~  
20 ~~owned by a commercial enterprise and used for the~~  
21 ~~transportation of employees to or from their place of~~  
22 ~~employment.~~

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

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

28 \* \* \*

29 § 4703. Operation of vehicle without official certificate of  
30 inspection.

1 \* \* \*

2 (h) Penalty.--[Any]

3 (1) Except as provided in paragraph (2), a person  
4 violating this section is guilty of a summary offense and  
5 shall, upon conviction, be sentenced to pay a fine of up to  
6 \$25.

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

16 § 4704. Inspection by police or Commonwealth personnel.

17 (a) Authority to inspect.--

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

25 (i) Any Pennsylvania State Police officer or  
26 qualified Commonwealth employee engaged in weighing  
27 vehicles as provided in Ch. 49 Subch. E (relating to  
28 measuring and adjusting vehicle size and weight) is  
29 authorized to inspect any item of the vehicle's  
30 equipment, its load, driver and documents to determine

1 whether they meet standards established in department  
2 regulations.

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

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

14 (3) Probable cause.--

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

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

26 (4) Testing in conjunction with vehicle emissions.--When  
27 testing for vehicle emissions, testing may include remote  
28 sensing devices or systematic roadside checks with tailpipe  
29 tests, emission control device checks and a check of the  
30 subject vehicle's emission control system including all of



1 the components to determine if any part of the system has  
2 been disabled, changed or altered. The systematic testing may  
3 be conducted by police officers or qualified Commonwealth  
4 employees.

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

11 \* \* \*

12 (c) Operation prohibited if hazardous.--

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

24 (2) In the event a motor carrier vehicle or mass transit  
25 vehicle is involved in an accident that causes the death of  
26 the vehicle operator or another person, the motor carrier  
27 vehicle or mass transit vehicle, its equipment, load, driver  
28 and documents shall be inspected by a qualified Commonwealth  
29 employee as designated by the department in accordance with  
30 subsection (f) before the vehicle or driver will be allowed

1 to continue operation.

2 \* \* \*

3 (E) LIMITATION OF AUTHORITY OF QUALIFIED COMMONWEALTH ←  
4 EMPLOYEES.--THE AUTHORITY GRANTED TO QUALIFIED COMMONWEALTH  
5 EMPLOYEES UNDER THIS SECTION SHALL BE EXERCISED ONLY WHEN THE  
6 EMPLOYEE IS IN UNIFORM AND SHALL APPLY ONLY TO [VEHICLES SUBJECT  
7 TO EMISSION INSPECTION,] MOTOR CARRIER VEHICLES, BUSES AND ALL  
8 VEHICLES AND COMBINATIONS CARRYING HAZARDOUS MATERIALS IN AN  
9 AMOUNT AND TYPE WHICH REQUIRE THE VEHICLE TO BE PLACARDED UNDER  
10 CHAPTER 83 (RELATING TO HAZARDOUS MATERIALS TRANSPORTATION) AND  
11 TO THE DRIVERS OF ALL SUCH VEHICLES. QUALIFIED COMMONWEALTH  
12 EMPLOYEES WHO ARE NOT POLICE OFFICERS SHALL BE REGARDED AS  
13 POLICE OFFICERS UNDER THIS PART FOR THE PURPOSE OF INSTITUTING  
14 CRIMINAL PROCEEDINGS BY CITATION UNDER CHAPTER 50 OF THE  
15 PENNSYLVANIA RULES OF CRIMINAL PROCEDURE.

16 \* \* \*

17 (G) LIMITATIONS.--FARM TRUCKS NOT REQUIRED TO BE REGISTERED,  
18 IMPLEMENTS OF HUSBANDRY [AND], SPECIAL MOBILE EQUIPMENT AND  
19 TRUCKS AND TRUCK TRACTORS REGISTERED IN CLASS 4A OR LOWER SHALL  
20 NOT BE SUBJECT TO THE SYSTEMATIC VEHICLE INSPECTIONS AUTHORIZED  
21 UNDER SUBSECTION (A).

22 \* \* \*

23 Section 20. Title 75 is amended by adding a section to read:  
24 § 6105.1. Designation of highway safety corridors.

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

28 Section 21. Section 6123 of Title 75 is amended to read:  
29 § 6123. Erection of traffic-control devices while working.

30 (a) General rule.--Any person performing any work on or near

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

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

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

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

29 Section 22. In order to facilitate the speedy implementation  
30 of this act, the Department of Transportation shall have the

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

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

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

26 Section 24. (a) ~~The sum of \$7,500,000 shall be allocated~~ <—  
27 ~~from funds appropriated to the Department of Transportation for~~  
28 ~~the fiscal year July 1, 2002, to June 30, 2003, AN AMOUNT~~ <—  
29 TOTALING AT LEAST ONE HALF OF 1% OF THE TOTAL DOLLAR AMOUNT OF  
30 PROJECTS LET ANNUALLY BY THE DEPARTMENT OF TRANSPORTATION SHALL

1 BE ALLOCATED for the purposes of management and oversight of  
2 work zones in order to enhance work zone safety.

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