

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2410 Session of
2002

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MAHER, ALLEN, BEBKO-JONES, BLAUM, BOYES, BUXTON, CALTAGIRONE,
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WILT, WOJNAROSKI, M. WRIGHT, YOUNGBLOOD, YUDICHAK, ZUG,
McILHINNEY AND J. BAKER, MARCH 14, 2002

SENATOR BRIGHTBILL, RULES AND EXECUTIVE NOMINATIONS, IN SENATE,
RE-REPORTED AS AMENDED, OCTOBER 1, 2002

AN ACT

1 Amending ~~Titles 42 (Judiciary and Judicial Procedure) and TITLE~~ <—
2 75 (Vehicles) of the Pennsylvania Consolidated Statutes,
3 ~~providing for sentences for offenses committed with a vehicle~~ <—
4 ~~involved in accidents resulting in death or personal injury;~~
5 further providing for definitions, for grounds for refusing
6 registration and for renewal of registration; providing for
7 motor carrier vehicles; further providing for operation
8 following suspension of registration and for suspension of
9 registration; providing for suspension of motor carrier
10 vehicle registration; further providing for suspension of
11 operating privilege, for schedule of convictions and points,
12 for occupational limited license, for duty of driver in
13 construction and maintenance areas, for special speed
14 limitations, 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 SECTION 1. THE DEFINITION OF "MOTOR CARRIER VEHICLE" IN
15 SECTION 102 OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED
16 STATUTES IS AMENDED AND THE SECTION IS AMENDED BY ADDING
17 DEFINITIONS TO READ:

18 § 102. Definitions.

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

24 * * *

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

28 * * *

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

1 ~~weight in excess of 17,000 pounds] rating, gross combination~~
2 ~~weight rating, registered gross weight, registered combination~~
3 ~~weight or actual gross weight of 11,001 pounds or more.~~

4 ["MOTOR CARRIER VEHICLE." A TRUCK, TRUCK TRACTOR OR <—
5 COMBINATION HAVING A GROSS WEIGHT OR REGISTERED GROSS WEIGHT IN
6 EXCESS OF 17,000 POUNDS.]

7 "MOTOR CARRIER VEHICLE."

8 (1) A TRUCK, TRUCK TRACTOR OR COMBINATION HAVING A GROSS
9 VEHICLE WEIGHT RATING, GROSS COMBINATION WEIGHT RATING,
10 REGISTERED GROSS WEIGHT, REGISTERED COMBINATION WEIGHT OR
11 ACTUAL GROSS WEIGHT OF 17,001 POUNDS OR MORE.

12 (2) A TRUCK, TRUCK TRACTOR OR COMBINATION ENGAGED IN
13 INTERSTATE COMMERCE AND HAVING A GROSS VEHICLE WEIGHT RATING,
14 GROSS COMBINATION WEIGHT RATING, REGISTERED GROSS WEIGHT,
15 REGISTERED COMBINATION WEIGHT OR ACTUAL GROSS WEIGHT OF
16 10,001 POUNDS OR MORE.

17 * * *

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

22 * * *

23 Section 3 2. Section 1306 of Title 75 is amended by adding a <—
24 paragraph to read:

25 § 1306. Grounds for refusing registration.

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

28 * * *

29 (11) Self-certification of current safety inspection for
30 a motor carrier vehicle, as required by section 1309

1 (relating to renewal of registration), is not filed with the
2 application for renewal of registration.

3 Section 4 3. Section 1309 of Title 75 is amended to read: <—
4 § 1309. Renewal of registration.

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

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

18 § 1319. Duties of motor carrier vehicle owners.

19 (a) Currently valid certificate of inspection.--A motor
20 carrier vehicle is required to have a currently valid
21 certificate of inspection at the time that the department renews
22 the registration of the vehicle.

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

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

29 § 1371. Operation following suspension of registration.

30 * * *

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

7 § 1373. Suspension of registration.

8 * * *

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

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

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

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

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

22 Section 7 6. Title 75 is amended by adding a section to
23 read:

24 § 1378. Suspension of motor carrier vehicle registration.

25 (a) Suspension.--The department shall suspend the
26 registration of a motor carrier vehicle for three months if it
27 determines that at the time the registration was renewed by the
28 department the vehicle did not have a currently valid
29 certificate of inspection.

30 (b) Documentation.--In any proceeding under this section,

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

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

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

30 ~~Section 7. Section 1532(a)(3) of Title 75 is amended to~~

<—

1 read:

2 ~~§ 1532. Suspension of operating privilege.~~

3 ~~(a) One year suspension. The department shall suspend the~~
4 ~~operating privilege of any driver for one year upon receiving a~~
5 ~~certified record of the driver's conviction of or an~~
6 ~~adjudication of delinquency based on any of the following~~
7 ~~offenses:~~

8 * * *

9 ~~(3) Any violation of the following provisions:~~

10 ~~Section 3732 (relating to homicide by vehicle).~~

11 ~~Section 3735.1 (relating to aggravated assault by~~
12 ~~vehicle while driving under the influence).~~

13 ~~Section 3737 (relating to accidents involving death~~
14 ~~or personal injury in work zone).~~

15 ~~Section 3742 (relating to accidents involving death~~
16 ~~or personal injury).~~

17 ~~Section 3742.1 (relating to accidents involving death~~
18 ~~or personal injury while not properly licensed).~~

19 ~~Section 7102(b) (relating to removal or falsification~~
20 ~~of identification number).~~

21 ~~Section 7103(b) (relating to dealing in vehicles with~~
22 ~~removed or falsified numbers).~~

23 ~~Section 7111 (relating to dealing in titles and~~
24 ~~plates for stolen vehicles).~~

25 ~~Section 7121 (relating to false application for~~
26 ~~certificate of title or registration).~~

27 ~~Section 7122 (relating to altered, forged or~~
28 ~~counterfeit documents and plates).~~

29 * * *

30 Section 9 7. Section 1535 of Title 75 is amended by adding a <—

1 subsection to read:

2 § 1535. Schedule of convictions and points.

3 * * *

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

9 (1) section 3361 where the department has received an
10 accident report submitted pursuant to section 3751 (relating
11 to reports by police); or

12 (2) section 3362 (relating to maximum speed limits) by
13 exceeding the posted speed limit by 11 miles per hour or
14 more.

15 A conviction report received by the department which indicates
16 that the violation of section 3361 or 3362 occurred in an active
17 work zone shall create a presumption that the violation occurred
18 in an active work zone.

19 Section ~~10~~ 8. Section 1553(a) and (d)(11) of Title 75 are ←
20 amended to read:

21 § 1553. Occupational limited license.

22 (a) Issuance.--

23 (1) The department shall issue an occupational limited
24 license under the provisions of this section to a driver
25 whose operating privileges have been suspended and is not
26 prohibited under any other provision in this section. If the
27 underlying reason for the suspension was caused by violations
28 committed while the driver was operating a commercial motor
29 vehicle, the driver shall not be issued an occupational
30 limited license for the purpose of operating a commercial

1 motor vehicle. The department shall prohibit the issuance of
2 an occupational limited license when disqualified from doing
3 so under the Commercial Motor Vehicle Safety Act of 1986
4 (Title XII of Public Law 99-570, 49 U.S.C. App. § 2701 et
5 seq.) or the Motor Carrier Safety Improvement Act of 1999
6 (Public Law 106-159, 113 Stat. 1748).

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

10 * * *

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

13 * * *

14 (11) Any person whose operating privilege has been
15 suspended or revoked as the result of a conviction of or as a
16 result of a court order in conjunction with an adjudication
17 of delinquency or the granting of a consent decree for any
18 offense under the following provisions, unless the suspension
19 or revocation has been fully served:

20 Section 3345(a) (relating to meeting or overtaking
21 school bus).

22 Section 3367 (relating to racing on highways).

23 [Section 3733 (relating to fleeing or attempting to
24 elude police officer).

25 Section 3734 (relating to driving without lights to
26 avoid identification or arrest).

27 Section 3736 (relating to reckless driving).

28 Section 3742 (relating to accidents involving death
29 or personal injury).

30 Section 3743 (relating to accidents involving damage

1 to attended vehicle or property).]

2 Any violation of Ch. 37 Subch. B (relating to serious
3 traffic offenses) or Subch. C (relating to accidents and
4 accident reports).

5 * * *

6 Section ~~11~~ 9. Section 1554(f) of Title 75 is amended by ←
7 adding paragraphs to read:

8 § 1554. Probationary license.

9 * * *

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

12 * * *

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

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

22 * * *

23 Section ~~12~~ 10. The definition of "serious traffic violation" ←
24 in section 1603 of Title 75 is amended to read:

25 § 1603. Definitions.

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

29 * * *

30 "Serious traffic violation."

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

4 (2) Reckless driving.

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

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

12 (5) Any other offenses defined by the United States
13 Secretary of Transportation as serious traffic violations and
14 published by the department as a notice in the Pennsylvania
15 Bulletin.

16 * * *

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

18 SECTION ~~13~~ 11. SECTIONS 1916(A)(1) AND 3326 OF TITLE 75 ARE <—

19 AMENDED TO READ:

20 § 1916. TRUCKS AND TRUCK TRACTORS.

21 (A) GENERAL RULE.--

22 (1) THE ANNUAL FEE FOR REGISTRATION OF A TRUCK OR TRUCK
23 TRACTOR SHALL BE DETERMINED BY ITS REGISTERED GROSS WEIGHT OR
24 COMBINATION WEIGHT IN POUNDS ACCORDING TO THE FOLLOWING

25 TABLE:

	REGISTERED		
	GROSS OR COMBINATION		
CLASS	WEIGHT IN POUNDS		FEE
1	5,000 OR LESS		\$ 58.50
2	5,001 - 7,000		81.00

1	3	7,001 - 9,000	153.00
2	[4	9,001 - 11,000	198.00]
3	<u>4A</u>	<u>9,001 - 10,000</u>	<u>198.00</u>
4	<u>4B</u>	<u>10,001 - 11,000</u>	<u>198.00</u>
5	5	11,001 - 14,000	243.00
6	6	14,001 - 17,000	288.00
7	7	17,001 - 21,000	355.50
8	8	21,001 - 26,000	405.00
9	9	26,001 - 30,000	472.50
10	10	30,001 - 33,000	567.00
11	11	33,001 - 36,000	621.00
12	12	36,001 - 40,000	657.00
13	13	40,001 - 44,000	697.50
14	14	44,001 - 48,000	751.50
15	15	48,001 - 52,000	828.00
16	16	52,001 - 56,000	882.00
17	17	56,001 - 60,000	999.00
18	18	60,001 - 64,000	1,111.50
19	19	64,001 - 68,000	1,165.50
20	20	68,001 - 73,280	1,251.00
21	21	73,281 - 76,000	1,597.50
22	22	76,001 - 78,000	1,633.50
23	23	78,001 - 78,500	1,651.50
24	24	78,501 - 79,000	1,669.50
25	25	79,001 - 80,000	1,687.50

26 * * *

27 § 3326. Duty of driver in construction and maintenance areas or
28 on highway safety corridors.

29 (a) Areas indicated by traffic-control devices.--The driver
30 of a vehicle shall yield the right-of-way to any authorized

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

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

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

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

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

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

24 Section 3114 (relating to flashing signals).

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

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

29 Section 3304 (relating to overtaking vehicle on the
30 right).

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

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

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

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

8 Section 3310 (relating to following too closely).

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

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

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

15 Section 3362 (relating to maximum speed limits).

16 Section 3702 (relating to limitations on backing).

17 Section 3714 (relating to careless driving).

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

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

22 Section 3736 (relating to reckless driving).

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

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

29 (1) Official traffic-control devices shall be
30 appropriately placed to notify motorists that increased

1 penalties apply for moving violations in [construction or
2 maintenance areas.] active work zones signed in compliance
3 with this subsection and subsection (e).

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

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

16 Section ~~14~~ 12. Section 3365(b) of Title 75 is amended and <—
17 the section is amended by adding a subsection to read:

18 § 3365. Special speed limitations.

19 * * *

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

28 * * *

29 (c.1) Active work zones.--When passing through an active
30 work zone, no person shall drive a vehicle at a speed greater

1 than the posted limit. An official traffic-control device shall
2 indicate the beginning and end of each active work zone to
3 traffic approaching in each direction.

4 * * *

5 ~~Section 15. Section 3368(c)(4) of Title 75 is amended to to~~ <—
6 ~~read:~~

7 SECTION 13. SECTIONS 3368(C)(4) AND 3732 OF TITLE 75 ARE <—
8 AMENDED TO READ:

9 § 3368. Speed timing devices.

10 * * *

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

13 * * *

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

25 * * *

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

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

29 ~~(a) Offense defined. The driver of any vehicle who~~
30 ~~recklessly or with gross negligence causes an accident in a work~~

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

8 ~~(b) Penalties.—~~

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

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

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

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

29 ~~§ 3732. HOMICIDE BY VEHICLE.~~

30 ~~(A) OFFENSE.—ANY PERSON WHO RECKLESSLY OR WITH GROSS~~

1 NEGLIGENCE CAUSES THE DEATH OF ANOTHER PERSON WHILE ENGAGED IN
2 THE VIOLATION OF ANY LAW OF THIS COMMONWEALTH OR MUNICIPAL
3 ORDINANCE APPLYING TO THE OPERATION OR USE OF A VEHICLE OR TO
4 THE REGULATION OF TRAFFIC EXCEPT SECTION 3731 (RELATING TO
5 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) IS
6 GUILTY OF HOMICIDE BY VEHICLE, A FELONY OF THE THIRD DEGREE,
7 WHEN THE VIOLATION IS THE CAUSE OF DEATH.

8 (B) SENTENCING.--

9 (1) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A
10 PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) MAY BE
11 SENTENCED TO AN ADDITIONAL TERM NOT TO EXCEED FIVE YEARS'
12 CONFINEMENT IF AT TRIAL THE PROSECUTION PROVES BEYOND A
13 REASONABLE DOUBT THAT THE OFFENSE OCCURRED IN AN ACTIVE WORK
14 ZONE AS DEFINED IN SECTION 102 (RELATING TO DEFINITIONS).

15 (2) THE PROSECUTION MUST INDICATE INTENT TO PROCEED
16 UNDER THIS SECTION IN THE INDICTMENT OR INFORMATION WHICH
17 COMMENCES THE PROSECUTION.

18 (3) THE PENNSYLVANIA COMMISSION ON SENTENCING, PURSUANT
19 TO 42 PA.C.S. § 2154 (RELATING TO ADOPTION OF GUIDELINES FOR
20 SENTENCING), SHALL PROVIDE FOR A SENTENCING ENHANCEMENT FOR
21 AN OFFENSE UNDER THIS SECTION WHEN THE VIOLATION OCCURRED IN
22 AN ACTIVE WORK ZONE, AS DEFINED IN SECTION 102.

23 SECTION 14. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
24 § 3756. Accidents involving certain vehicles.

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

1 and controlled substances. Costs for testing under this section
2 shall be borne by the driver's employer.

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

7 Section ~~17~~ 15. Section 4107(b) and (d) of Title 75 are
8 amended to read:

<—

9 § 4107. Unlawful activities.

10 * * *

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

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

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

30 (2.1) Operate a motor carrier vehicle, bus or school bus

1 the brake system of which is in such condition that further
2 operation would be hazardous under section 4704(c)(1)
3 (relating to inspection by police or Commonwealth personnel).

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

6 * * *

7 (d) Penalty.--

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

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

25 (2) [A] (i) Except as provided in subparagraph (ii), a
26 person who causes, permits, requires or otherwise allows
27 another person to operate a motor carrier vehicle or a
28 bus in violation of subsection (b)(2) commits a summary
29 offense and, upon conviction, shall be sentenced to pay a
30 fine of \$50 per violation, except that the minimum fine

1 for a violation not related to driver's hours of service
2 which causes the driver or the vehicle to be placed out
3 of service under section 4704(c) shall be \$100 per
4 violation. The maximum fine which may be levied on the
5 basis of multiple charges filed together shall be \$1,000.

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

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

17 (4) The department shall coordinate with the commission
18 in the enforcement of this subsection and 66 Pa.C.S. §
19 3312(a).

20 * * *

21 Section ~~18~~ 16. Title 75 is amended by adding a section to ←
22 read:

23 § 4309. Lighted head lamps in work zones.

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

30 (b) Penalty.--A person who fails to comply with the

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

9 Section ~~19~~ 17. Sections 4702(b), 4703(h) and 4704(a) and <—
10 (e), (C), (E) AND (G) of Title 75 are amended to read: <—

11 ~~§ 4702. Requirement for periodic inspection of vehicles.~~ <—

12 * * *

13 ~~(b) Semiannual safety inspection of certain vehicles. The~~
14 ~~following vehicles shall be subject to semiannual safety~~
15 ~~inspection:~~

16 ~~(1) School buses.~~

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

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

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

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

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

28 ~~(7) Motor carrier vehicles [with a registered gross~~
29 ~~weight in excess of 17,000 pounds], other than farm vehicles~~
30 ~~for which a biennial certificate of exemption has been~~

1 ~~issued.~~

2 * * *

3 § 4703. Operation of vehicle without official certificate of
4 inspection.

5 * * *

6 (h) Penalty.--[Any]

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

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

20 § 4704. Inspection by police or Commonwealth personnel.

21 (a) Authority to inspect.--

22 (1) Inspection in conjunction with vehicle weighing.--
23 [Any police officer or Commonwealth employee engaged in
24 weighing vehicles as provided in Subchapter E of Chapter 49
25 (relating to measuring and adjusting vehicle size and
26 weights) 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 (i) Any Pennsylvania State Police officer or
30 qualified Commonwealth employee engaged in weighing

1 vehicles as provided in Ch. 49 Subch. E (relating to
2 measuring and adjusting vehicle size and weight) is
3 authorized to inspect any item of the vehicle's
4 equipment, its load, driver and documents to determine
5 whether they meet standards established in department
6 regulations.

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

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

18 (3) Probable cause.--

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

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

30 (4) Testing in conjunction with vehicle emissions.--When

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

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

15 * * *

16 (c) Operation prohibited if hazardous.--

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

28 (2) In the event a motor carrier vehicle or mass transit
29 vehicle is involved in an accident that causes the death of
30 the vehicle operator or another person, the motor carrier

1 vehicle or mass transit vehicle, its equipment, load, driver
2 and documents shall be inspected by a qualified Commonwealth
3 employee as designated by the department in accordance with
4 subsection (f) before the vehicle or driver will be allowed
5 to continue operation.

6 * * *

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

20 * * *

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

26 * * *

27 Section ~~20~~ 18. Title 75 is amended by adding a section to ←
28 read:

29 § 6105.1. Designation of highway safety corridors.

30 The department, based upon a traffic and engineering

1 investigation, shall have the power to designate a segment of a
2 highway as a highway safety corridor.

3 Section ~~21~~ 19. Section 6123 of Title 75 is amended to read: ←
4 § 6123. Erection of traffic-control devices while working.

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

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

23 (c) Lane restrictions to be minimized.--To the extent
24 practical, lane restrictions in all work zones shall be
25 minimized to prevent traffic congestion and unsafe traffic
26 conditions.

27 (d) Responsibility of contractor.--If the department
28 determines that a contractor or any subcontractor has failed to
29 comply with specifications prescribed by the department for the
30 control of traffic within a work zone on a highway within this

1 Commonwealth, a sum of not less than \$1,000 per day shall be
2 assessed as liquidated damages from money due or to become due
3 to the contractor.

4 Section ~~22~~ 20. In order to facilitate the speedy ←
5 implementation of this act, the Department of Transportation
6 shall have the power and authority to promulgate, adopt and use
7 guidelines which shall be published in the Pennsylvania
8 Bulletin. The guidelines shall not be subject to review pursuant
9 to section 205 of the act of July 31, 1968 (P.L.769, No.240),
10 referred to as the Commonwealth Documents Law, sections 204(b)
11 and 301(10) of the act of October 15, 1980 (P.L.950, No.164),
12 known as the Commonwealth Attorneys Act, and the act of June 25,
13 1982 (P.L.633, No.181), known as the Regulatory Review Act, and
14 shall be effective for a period not to exceed two years from the
15 effective date of this act. After the expiration of the two-year
16 period, the guidelines shall expire and be replaced by
17 regulations which shall be promulgated, adopted and published as
18 provided by law.

19 Section ~~23~~ 21. (a) The Legislative Budget and Finance ←
20 Committee shall review accidents where a fire resulted that
21 involved a truck and occurred in this Commonwealth within the
22 preceding ten years.

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

1 Section 24 22. (a) ~~The sum of \$7,500,000 shall be allocated~~ <—
2 ~~from funds appropriated to the Department of Transportation for~~
3 ~~the fiscal year July 1, 2002, to June 30, 2003,~~ AN AMOUNT <—
4 TOTALING AT LEAST ONE HALF OF 1% OF THE TOTAL DOLLAR AMOUNT OF
5 PROJECTS LET ANNUALLY BY THE DEPARTMENT OF TRANSPORTATION SHALL
6 BE ALLOCATED for the purposes of management and oversight of
7 work zones in order to enhance work zone safety.

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

17 Section 25 23. This act shall take effect as follows: <—

18 (1) The following provisions shall take effect
19 immediately:

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

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

23 ~~(iii) Section 22.~~ <—

24 ~~(iv) Section 23.~~

25 ~~(v) Section 24.~~

26 (III) SECTION 20 OF THIS ACT. <—

27 (IV) SECTION 21 OF THIS ACT.

28 (V) SECTION 22 OF THIS ACT.

29 (vi) This section.

30 (2) The following provisions shall take effect in 60

1 days:

2 (i) The amendment of 75 Pa.C.S. § 1553(a) and

3 (d)(11).

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

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

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

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

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

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

10 (3) The remainder of this act shall take effect in six

11 months.