

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2410 Session of
2002

INTRODUCED BY GEIST, McCALL, PERZEL, HESS, MELIO, BARD, SANTONI, MAHER, ALLEN, BEBKO-JONES, BLAUM, BOYES, BUXTON, CALTAGIRONE, CAPPELLI, CASORIO, CIVERA, L. I. COHEN, CORNELL, CORRIGAN, COSTA, COY, CREIGHTON, DeLUCA, DERMODY, DONATUCCI, EGOLF, FICHTER, FLICK, FRANKEL, GEORGE, GRUCELA, HARHAI, HARHART, HARPER, HENNESSEY, HORSEY, KAISER, LAUGHLIN, LEH, LESCOVITZ, LEVDANSKY, LEWIS, MACKERETH, MARKOSEK, MARSICO, MICOZZIE, R. MILLER, MUNDY, NAILOR, PALLONE, PETRONE, PICKETT, PIPPY, PRESTON, RAYMOND, READSHAW, ROONEY, RUBLEY, SAYLOR, SEMMEL, B. SMITH, STAIRS, STETLER, STRITTMATTER, E. Z. TAYLOR, TIGUE, TRAVAGLIO, TULLI, TURZAI, VANCE, VEON, WASHINGTON, WATSON, WILT, WOJNAROSKI, M. WRIGHT, YOUNGBLOOD, YUDICHAK, ZUG, McILHINNEY AND J. BAKER, MARCH 14, 2002

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 8, 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 AVAILABILITY OF BENEFITS, FOR TRUCKS AND <—
15 TRUCK TRACTORS and for speed timing devices; providing ~~for~~ <—
16 ~~accidents involving death or personal injury in work zone and~~
17 for accidents involving certain vehicles; further providing
18 for unlawful activities; providing for lighted head lamps in
19 work zones; further providing ~~for requirement for periodic~~ <—
20 ~~inspection of vehicles,~~ FOR RESTRAINT SYSTEMS, for operation <—
21 of vehicle without official certificate of inspection and for

1 inspection by police or Commonwealth personnel; providing for
2 designation of highway safety corridors; further providing
3 for erection of traffic-control devices while working;
4 REQUIRING CERTAIN TRAFFIC-CONTROL DEVICES IN HIGHWAY WORK ←
5 ZONES; and requiring a study by the Legislative Budget and
6 Finance Committee.

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

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

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

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

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

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

1 ~~sentencing court from imposing a sentence greater than that~~
2 ~~provided in this section. Sentencing guidelines promulgated by~~
3 ~~the Pennsylvania Commission on Sentencing shall not supersede~~
4 ~~the mandatory sentences provided in this section.~~

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

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

15 SECTION 1. THE DEFINITION OF "MOTOR CARRIER VEHICLE" IN <—
16 SECTION 102 OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED
17 STATUTES IS AMENDED AND THE SECTION IS AMENDED BY ADDING
18 DEFINITIONS TO READ:

19 § 102. Definitions.

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

25 * * *

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

29 * * *

30 ~~"Motor carrier vehicle." A truck, truck tractor or~~ <—

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

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

8 "MOTOR CARRIER VEHICLE."

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

13 (2) A TRUCK, TRUCK TRACTOR OR COMBINATION ENGAGED IN
14 INTERSTATE COMMERCE AND HAVING A GROSS VEHICLE WEIGHT RATING,
15 GROSS COMBINATION WEIGHT RATING, REGISTERED GROSS WEIGHT,
16 REGISTERED COMBINATION WEIGHT OR ACTUAL GROSS WEIGHT OF
17 10,001 POUNDS OR MORE.

18 * * *

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

23 * * *

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

26 § 1306. Grounds for refusing registration.

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

29 * * *

30 (11) Self-certification of current safety inspection for

1 a motor carrier vehicle, as required by section 1309
2 (relating to renewal of registration), is not filed with the
3 application for renewal of registration.

4 Section 4 3. Section 1309 of Title 75 is amended to read: <—
5 § 1309. Renewal of registration.

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

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

19 § 1319. Duties of motor carrier vehicle owners.

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

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

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

30 § 1371. Operation following suspension of registration.

1 * * *

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

8 § 1373. Suspension of registration.

9 * * *

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

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

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

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

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

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

25 § 1378. Suspension of motor carrier vehicle registration.

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

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

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

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

1 Section 7. ~~Section 1532(a)(3) of Title 75 is amended to~~
2 read:

3 ~~§ 1532. Suspension of operating privilege.~~

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

9 * * *

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

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

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

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

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

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

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

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

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

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

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

30 * * *

1 Section 9 7. Section 1535 of Title 75 is amended by adding a ←
2 subsection to read:

3 § 1535. Schedule of convictions and points.

4 * * *

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

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

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

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

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

22 § 1553. Occupational limited license.

23 (a) Issuance.--

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

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

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

11 * * *

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

14 * * *

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

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

23 Section 3367 (relating to racing on highways).

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

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

28 Section 3736 (relating to reckless driving).

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

1 Section 3743 (relating to accidents involving damage
2 to attended vehicle or property).]

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

6 * * *

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

9 § 1554. Probationary license.

10 * * *

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

13 * * *

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

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

23 * * *

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

26 § 1603. Definitions.

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

30 * * *

1 "Serious traffic violation."

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

5 (2) Reckless driving.

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

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

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

17 * * *

18 SECTION 10.1. SECTION 1712(1) OF TITLE 75, AMENDED OCTOBER
19 4, 2002 (P.L.845, NO.123), IS AMENDED TO READ:

<—

20 § 1712. AVAILABILITY OF BENEFITS.

21 AN INSURER ISSUING OR DELIVERING LIABILITY INSURANCE POLICIES
22 COVERING ANY MOTOR VEHICLE OF THE TYPE REQUIRED TO BE REGISTERED
23 UNDER THIS TITLE, EXCEPT RECREATIONAL VEHICLES NOT INTENDED FOR
24 HIGHWAY USE, MOTORCYCLES, MOTOR-DRIVEN CYCLES OR MOTORIZED
25 PEDALCYCLES OR LIKE TYPE VEHICLES, REGISTERED AND OPERATED IN
26 THIS COMMONWEALTH, SHALL MAKE AVAILABLE FOR PURCHASE FIRST PARTY
27 BENEFITS WITH RESPECT TO INJURY ARISING OUT OF THE MAINTENANCE
28 OR USE OF A MOTOR VEHICLE AS FOLLOWS:

29 (1) MEDICAL BENEFIT.--SUBJECT TO THE LIMITATIONS OF
30 SECTION 1797 (RELATING TO CUSTOMARY CHARGES FOR TREATMENT),

1 COVERAGE TO PROVIDE FOR REASONABLE AND NECESSARY MEDICAL
2 TREATMENT[, PHYSICAL MEDICINE] AND REHABILITATIVE SERVICES,
3 INCLUDING, BUT NOT LIMITED TO, HOSPITAL, DENTAL, SURGICAL,
4 PSYCHIATRIC, PSYCHOLOGICAL, OSTEOPATHIC, AMBULANCE,
5 CHIROPRACTIC, LICENSED PHYSICAL THERAPY, NURSING SERVICES,
6 VOCATIONAL REHABILITATION AND OCCUPATIONAL THERAPY, SPEECH
7 PATHOLOGY AND AUDIOLOGY, [PHYSICAL THERAPY,] OPTOMETRIC
8 SERVICES, MEDICATIONS, MEDICAL SUPPLIES AND PROSTHETIC
9 DEVICES, ALL WITHOUT LIMITATION AS TO TIME, PROVIDED THAT,
10 WITHIN 18 MONTHS FROM THE DATE OF THE ACCIDENT CAUSING
11 INJURY, IT IS ASCERTAINABLE WITH REASONABLE MEDICAL
12 PROBABILITY THAT FURTHER EXPENSES MAY BE INCURRED AS A RESULT
13 OF THE INJURY. BENEFITS UNDER THIS PARAGRAPH MAY INCLUDE ANY
14 NONMEDICAL REMEDIAL CARE AND TREATMENT RENDERED IN ACCORDANCE
15 WITH A RECOGNIZED RELIGIOUS METHOD OF HEALING.

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		
28	CLASS	WEIGHT IN POUNDS	FEE
29	1	5,000 OR LESS	\$ 58.50
30	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), 4581, 4703(h) and 4704(a) <—
10 and (c), (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 § 4581. RESTRAINT SYSTEMS. ←

4 (A) OCCUPANT PROTECTION.--

5 (1) ANY PERSON WHO IS OPERATING A PASSENGER CAR, CLASS I
6 TRUCK, CLASS II TRUCK, CLASSIC MOTOR VEHICLE, ANTIQUE MOTOR
7 VEHICLE OR MOTOR HOME AND WHO TRANSPORTS A CHILD UNDER FOUR
8 YEARS OF AGE ANYWHERE IN THE MOTOR VEHICLE, INCLUDING THE
9 CARGO AREA, SHALL FASTEN SUCH CHILD SECURELY IN A CHILD
10 PASSENGER RESTRAINT SYSTEM, AS DEFINED IN SUBSECTION (D).

11 THIS SUBSECTION SHALL APPLY TO ALL PERSONS WHILE THEY ARE
12 OPERATORS OF MOTOR VEHICLES WHERE A SEATING POSITION IS
13 AVAILABLE WHICH IS EQUIPPED WITH A SEAT SAFETY BELT OR OTHER
14 MEANS TO SECURE THE SYSTEMS OR WHERE THE SEATING POSITION WAS
15 ORIGINALLY EQUIPPED WITH SEAT SAFETY BELTS.

16 (1.1) ANY PERSON WHO IS OPERATING A PASSENGER CAR, CLASS
17 I TRUCK, CLASS II TRUCK, CLASSIC MOTOR VEHICLE, ANTIQUE MOTOR
18 VEHICLE OR MOTOR HOME AND WHO TRANSPORTS A CHILD FOUR YEARS
19 OF AGE OR OLDER BUT UNDER EIGHT YEARS OF AGE ANYWHERE IN THE
20 MOTOR VEHICLE, INCLUDING THE CARGO AREA, SHALL FASTEN SUCH
21 CHILD SECURELY IN A FASTENED SAFETY SEAT BELT SYSTEM AND IN
22 AN APPROPRIATELY FITTING CHILD BOOSTER SEAT, AS DEFINED IN
23 SUBSECTION (D). THIS PARAGRAPH SHALL APPLY TO ALL PERSONS
24 WHILE THEY ARE OPERATORS OF MOTOR VEHICLES WHERE A SEATING
25 POSITION IS AVAILABLE WHICH IS EQUIPPED WITH A SEAT SAFETY
26 BELT OR OTHER MEANS TO SECURE THE SYSTEMS OR WHERE THE
27 SEATING POSITION WAS ORIGINALLY EQUIPPED WITH SEAT SAFETY
28 BELTS. A CONVICTION UNDER THIS PARAGRAPH BY STATE OR LOCAL
29 LAW ENFORCEMENT AGENCIES SHALL OCCUR ONLY AS A SECONDARY
30 ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN CONVICTED OF

1 VIOLATING ANY OTHER PROVISION OF THIS TITLE.

2 (2) EXCEPT FOR CHILDREN UNDER [FOUR] EIGHT YEARS OF AGE
3 AND EXCEPT AS PROVIDED IN [PARAGRAPH (1)] PARAGRAPHS (1) AND
4 (1.1), EACH DRIVER AND FRONT SEAT OCCUPANT OF A PASSENGER
5 CAR, CLASS I TRUCK, CLASS II TRUCK OR MOTOR HOME OPERATED IN
6 THIS COMMONWEALTH SHALL WEAR A PROPERLY ADJUSTED AND FASTENED
7 SAFETY SEAT BELT SYSTEM. A CONVICTION UNDER THIS PARAGRAPH BY
8 STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL OCCUR ONLY AS A
9 SECONDARY ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN
10 CONVICTED OF ANY OTHER PROVISION OF THIS TITLE. THE DRIVER OF
11 A PASSENGER AUTOMOBILE SHALL SECURE OR CAUSE TO BE SECURED IN
12 A PROPERLY ADJUSTED AND FASTENED SAFETY SEAT BELT SYSTEM ANY
13 OCCUPANT [IN THE FRONT SEAT] WHO IS [FOUR] EIGHT YEARS OF AGE
14 OR OLDER AND LESS THAN 18 YEARS OF AGE. THIS PARAGRAPH SHALL
15 NOT APPLY TO:

16 (I) A DRIVER OR FRONT SEAT OCCUPANT OF ANY VEHICLE
17 MANUFACTURED BEFORE JULY 1, 1966.

18 (II) A DRIVER OR FRONT SEAT OCCUPANT WHO POSSESSES A
19 WRITTEN VERIFICATION FROM A PHYSICIAN THAT HE IS UNABLE
20 TO WEAR A SAFETY SEAT BELT SYSTEM FOR PHYSICAL OR MEDICAL
21 REASONS, OR FROM A PSYCHIATRIST OR OTHER SPECIALIST
22 QUALIFIED TO MAKE AN INFORMED JUDGMENT THAT HE IS UNABLE
23 TO WEAR A SAFETY SEAT BELT SYSTEM FOR PSYCHOLOGICAL
24 REASONS.

25 (III) A RURAL LETTER CARRIER WHILE OPERATING ANY
26 MOTOR VEHICLE DURING THE PERFORMANCE OF HIS DUTIES AS A
27 UNITED STATES POSTAL SERVICE RURAL LETTER CARRIER ONLY
28 BETWEEN THE FIRST AND LAST DELIVERY POINTS.

29 (IV) A DRIVER WHO MAKES FREQUENT STOPS AND IS
30 TRAVELING LESS THAN 15 MILES PER HOUR FOR THE PURPOSE OF

1 DELIVERING GOODS OR SERVICES WHILE IN THE PERFORMANCE OF
2 HIS DUTIES AND ONLY BETWEEN THE FIRST AND LAST DELIVERY
3 POINTS.

4 A VIOLATION OF THIS PARAGRAPH SHALL NOT BE SUBJECT TO THE
5 ASSESSMENT OF ANY POINTS UNDER SECTION 1535 (RELATING TO
6 SCHEDULE OF CONVICTIONS AND POINTS).

7 (3) A DRIVER WHO IS UNDER 18 YEARS OF AGE MAY NOT
8 OPERATE A MOTOR VEHICLE IN WHICH THE NUMBER OF PASSENGERS
9 EXCEEDS THE NUMBER OF AVAILABLE SAFETY SEAT BELTS IN THE
10 VEHICLE.

11 (B) OFFENSE.--ANYONE WHO FAILS TO COMPLY WITH THE PROVISIONS
12 OF SUBSECTION (A)(1) OR (1.1) SHALL BE GUILTY OF A SUMMARY
13 OFFENSE WITH A MAXIMUM FINE OF [\$25] \$100. THE COURT IMPOSING
14 AND COLLECTING ANY SUCH FINES SHALL TRANSFER THE FINES THUS
15 COLLECTED TO THE STATE TREASURER FOR DEPOSIT IN THE CHILD
16 PASSENGER RESTRAINT FUND, PURSUANT TO SECTION 4582 (RELATING TO
17 CHILD PASSENGER RESTRAINT FUND). ANYONE WHO VIOLATES SUBSECTION
18 (A)(2) OR (3) COMMITS A SUMMARY OFFENSE AND SHALL, UPON
19 CONVICTION, BE SENTENCED TO PAY A FINE OF \$10. NO PERSON SHALL
20 BE CONVICTED OF A VIOLATION OF SUBSECTION (A)(2) UNLESS THE
21 PERSON IS ALSO CONVICTED OF ANOTHER VIOLATION OF THIS TITLE
22 WHICH OCCURRED AT THE SAME TIME. NO COSTS AS DESCRIBED IN 42
23 PA.C.S. § 1725.1 (RELATING TO COSTS) SHALL BE IMPOSED FOR
24 SUMMARY CONVICTION OF SUBSECTION (A)(2) OR (3). CONVICTION UNDER
25 THIS SUBSECTION SHALL NOT CONSTITUTE A MOVING VIOLATION.

26 (C) WAIVER OF FINE.--IF A PERSON RECEIVES A CITATION ISSUED
27 BY THE PROPER AUTHORITY FOR VIOLATION OF SUBSECTION (A)(1) OR
28 (1.1), A DISTRICT JUSTICE, MAGISTRATE OR JUDGE SHALL DISMISS THE
29 CHARGES IF THE PERSON PRIOR TO OR AT HIS HEARING DISPLAYS
30 EVIDENCE OF ACQUISITION OF A CHILD PASSENGER RESTRAINT SYSTEM OR

1 CHILD BOOSTER SEAT TO SUCH DISTRICT JUSTICE, MAGISTRATE OR
2 JUDGE. SUFFICIENT EVIDENCE SHALL INCLUDE A RECEIPT MAILED TO THE
3 APPROPRIATE COURT OFFICER WHICH EVIDENCES PURCHASE, RENTAL,
4 TRANSFERAL FROM ANOTHER CHILD SEAT OWNER (EVIDENCED BY NOTARIZED
5 LETTER) OR BAILMENT FROM A BONA FIDE LOANER PROGRAM OF A CHILD
6 PASSENGER RESTRAINT SYSTEM OR CHILD BOOSTER SEAT.

7 (D) STANDARDS.--

8 (1) A CHILD PASSENGER RESTRAINT SYSTEM SHALL BE USED AS
9 DESIGNATED BY THE MANUFACTURER OF THE SYSTEM IN MOTOR
10 VEHICLES EQUIPPED WITH SEAT SAFETY BELTS AND SHALL MEET THE
11 FEDERAL MOTOR VEHICLE SAFETY STANDARD (49 C.F.R. § 571.213).

12 (2) A CHILD BOOSTER SEAT SHALL BE USED AS DESIGNATED BY
13 THE MANUFACTURER OF THE SYSTEM IN MOTOR VEHICLES EQUIPPED
14 WITH SEAT SAFETY BELTS AND SHALL MEET THE FEDERAL MOTOR
15 VEHICLE SAFETY STANDARD (49 CFR § 571.213) THAT IS DESIGNED
16 TO ELEVATE A CHILD TO PROPERLY SIT IN A FEDERALLY APPROVED
17 SAFETY SEAT BELT SYSTEM.

18 (E) CIVIL ACTIONS.--IN NO EVENT SHALL A VIOLATION OR ALLEGED
19 VIOLATION OF THIS SUBCHAPTER BE USED AS EVIDENCE IN A TRIAL OF
20 ANY CIVIL ACTION; NOR SHALL ANY JURY IN A CIVIL ACTION BE
21 INSTRUCTED THAT ANY CONDUCT DID CONSTITUTE OR COULD BE
22 INTERPRETED BY THEM TO CONSTITUTE A VIOLATION OF THIS
23 SUBCHAPTER; NOR SHALL FAILURE TO USE A CHILD PASSENGER RESTRAINT
24 SYSTEM, CHILD BOOSTER SEAT OR SAFETY SEAT BELT SYSTEM BE
25 CONSIDERED AS CONTRIBUTORY NEGLIGENCE NOR SHALL FAILURE TO USE
26 SUCH A SYSTEM BE ADMISSIBLE AS EVIDENCE IN THE TRIAL OF ANY
27 CIVIL ACTION; NOR SHALL THIS SUBCHAPTER IMPOSE ANY LEGAL
28 OBLIGATION UPON OR IMPUTE ANY CIVIL LIABILITY WHATSOEVER TO AN
29 OWNER, EMPLOYER, MANUFACTURER, DEALER OR PERSON ENGAGED IN THE
30 BUSINESS OF RENTING OR LEASING VEHICLES TO THE PUBLIC TO EQUIP A

1 VEHICLE WITH A CHILD PASSENGER RESTRAINT SYSTEM OR CHILD BOOSTER
2 SEAT OR TO HAVE SUCH CHILD PASSENGER RESTRAINT SYSTEM OR CHILD
3 BOOSTER SEAT AVAILABLE WHENEVER THEIR VEHICLE MAY BE USED TO
4 TRANSPORT A CHILD.

5 (F) CRIMINAL PROCEEDINGS.--THE REQUIREMENTS OF THIS
6 SUBCHAPTER OR EVIDENCE OF A VIOLATION OF THIS SUBCHAPTER ARE NOT
7 ADMISSIBLE AS EVIDENCE IN A CRIMINAL PROCEEDING EXCEPT IN A
8 PROCEEDING FOR A VIOLATION OF THIS SUBCHAPTER. NO CRIMINAL
9 PROCEEDING FOR THE CRIME OF HOMICIDE BY VEHICLE SHALL BE BROUGHT
10 ON THE BASIS OF NONCOMPLIANCE WITH THIS SUBCHAPTER.

11 (G) EXEMPTIONS.--EXEMPTIONS WILL BE ALLOWED IF IT IS
12 DETERMINED, ACCORDING TO THE RULES AND REGULATIONS OF THE
13 DEPARTMENT, THAT THE USE OF A CHILD PASSENGER RESTRAINT SYSTEM
14 OR CHILD BOOSTER SEAT WOULD BE IMPRACTICAL FOR PHYSICAL REASONS
15 INCLUDING, BUT NOT LIMITED TO, MEDICAL REASONS OR SIZE OF THE
16 CHILD.

17 (H) INSURANCE.--AN INSURER MAY NOT CHARGE AN INSURED WHO HAS
18 BEEN CONVICTED OF A VIOLATION OF THIS SECTION A HIGHER PREMIUM
19 FOR A POLICY OF INSURANCE IN WHOLE OR IN PART BY REASON OF THAT
20 CONVICTION.

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

23 * * *

24 (h) Penalty.--[Any]

25 (1) Except as provided in paragraph (2), a person
26 violating this section is guilty of a summary offense and
27 shall, upon conviction, be sentenced to pay a fine of up to
28 \$25.

29 (2) Where the subject vehicle is a motor carrier
30 vehicle, bus or school bus, the police officer or qualified

1 Commonwealth employee shall place the vehicle out of service
2 and require that the vehicle not be operated under its own
3 power until such time as the vehicle is issued a valid
4 official certificate of inspection. In addition, the person
5 violating this section commits a summary offense and shall,
6 upon conviction, be sentenced to pay a fine of not less than
7 \$100 nor more than \$500.

8 § 4704. Inspection by police or Commonwealth personnel.

9 (a) Authority to inspect.--

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

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

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

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

1 Pennsylvania State Police officer or qualified Commonwealth
2 employee engaged in a systematic vehicle inspection program
3 may inspect any vehicle, driver, documents, equipment and
4 load to determine whether they meet standards established in
5 department regulations.

6 (3) Probable cause.--

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

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

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

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

1 involved in an accident to determine whether they meet
2 standards established in department regulations.

3 * * *

4 (c) Operation prohibited if hazardous.--

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

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

24 * * *

25 (E) LIMITATION OF AUTHORITY OF QUALIFIED COMMONWEALTH
26 EMPLOYEES.--THE AUTHORITY GRANTED TO QUALIFIED COMMONWEALTH
27 EMPLOYEES UNDER THIS SECTION SHALL BE EXERCISED ONLY WHEN THE
28 EMPLOYEE IS IN UNIFORM AND SHALL APPLY ONLY TO [VEHICLES SUBJECT
29 TO EMISSION INSPECTION,] MOTOR CARRIER VEHICLES, BUSES AND ALL
30 VEHICLES AND COMBINATIONS CARRYING HAZARDOUS MATERIALS IN AN

←

1 AMOUNT AND TYPE WHICH REQUIRE THE VEHICLE TO BE PLACARDED UNDER
2 CHAPTER 83 (RELATING TO HAZARDOUS MATERIALS TRANSPORTATION) AND
3 TO THE DRIVERS OF ALL SUCH VEHICLES. QUALIFIED COMMONWEALTH
4 EMPLOYEES WHO ARE NOT POLICE OFFICERS SHALL BE REGARDED AS
5 POLICE OFFICERS UNDER THIS PART FOR THE PURPOSE OF INSTITUTING
6 CRIMINAL PROCEEDINGS BY CITATION UNDER CHAPTER 50 OF THE
7 PENNSYLVANIA RULES OF CRIMINAL PROCEDURE.

8 * * *

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

14 * * *

15 Section ~~20~~ 18. Title 75 is amended by adding a section to <—
16 read:

17 § 6105.1. Designation of highway safety corridors.

18 The department, based upon a traffic and engineering
19 investigation, shall have the power to designate a segment of a
20 highway as a highway safety corridor.

21 Section ~~21~~ 19. Section 6123 of Title 75 is amended to read: <—

22 § 6123. Erection of traffic-control devices while working.

23 (a) General rule.--Any person performing any work on or near
24 the roadway which may create hazards shall erect traffic-control
25 devices in accordance with the rules and regulations of the
26 department for the maintenance and protection of traffic. The
27 regulations of the department shall address the control of road
28 users through a work zone and shall be an essential part of
29 highway construction, utility work, maintenance operations and
30 incident management. All official traffic-control devices

1 erected for maintenance and protection of traffic shall be
2 removed as soon as practical when they are no longer needed.
3 When work is suspended for short periods of time, official
4 traffic-control devices erected for the maintenance and
5 protection of traffic shall be removed or covered when they are
6 no longer appropriate.

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

11 (c) Lane restrictions to be minimized.--To the extent
12 practical, lane restrictions in all work zones shall be
13 minimized to prevent traffic congestion and unsafe traffic
14 conditions.

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

22 SECTION 20. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: <—

23 § 6123.1. MANDATORY TRAFFIC-CONTROL DEVICES IN HIGHWAY WORK
24 ZONES.

25 EACH INTERSTATE HIGHWAY WORK ZONE, INCLUDING A WORK ZONE ON
26 THE PENNSYLVANIA TURNPIKE, WITH A PROJECT COST EXCEEDING
27 \$300,000, SHALL BE EQUIPPED WITH SPEED-MONITORING DEVICES FOR
28 PURPOSES OF ADVISING THE OPERATOR OF A VEHICLE OF THE VEHICLE'S
29 RATE OF SPEED. THE SPEED-MONITORING DEVICE SHALL BE LOCATED AT
30 LEAST 500 FEET PRIOR TO ENTERING THE WORK ZONE. THE ENTITY

1 RESPONSIBLE FOR PERFORMING THE CONSTRUCTION OR MAINTENANCE WORK
2 SHALL ERECT THE SPEED-MONITORING DEVICES IN THE WORK ZONE IN
3 ACCORDANCE WITH THE DEPARTMENT'S REGULATIONS.

4 Section ~~22-20~~ 21. 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~~ 22. (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~~ 23. (a) ~~The sum of \$7,500,000 shall be~~ <—
2 allocated from funds appropriated to the Department of
3 Transportation for the fiscal year July 1, 2002, to June 30,
4 2003, AN AMOUNT TOTALING AT LEAST ONE HALF OF 1% OF THE TOTAL <—
5 DOLLAR AMOUNT OF PROJECTS LET ANNUALLY BY THE DEPARTMENT OF
6 TRANSPORTATION SHALL BE ALLOCATED for the purposes of management
7 and oversight of work zones in order to enhance work zone
8 safety.

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

18 Section ~~25-23~~ 24. This act shall take effect as follows: <—

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

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

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

24 ~~(iii) Section 22.~~ <—

25 ~~(iv) Section 23.~~

26 ~~(v) Section 24.~~

27 (III) SECTION ~~20~~ 21 OF THIS ACT. <—

28 (IV) SECTION ~~21~~ 22 OF THIS ACT. <—

29 (V) SECTION ~~22~~ 23 OF THIS ACT. <—

30 (vi) This section.

1 (1.1) THE AMENDMENT OF SECTION 1712(1) SHALL TAKE EFFECT <—
2 DECEMBER 3, 2002.

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

- 5 (i) The amendment of 75 Pa.C.S. § 1553(a) and
- 6 (d)(11).
- 7 (ii) The amendment of 75 Pa.C.S. § 1554(f).
- 8 (iii) The amendment of 75 Pa.C.S. § 3365(b).
- 9 (iv) The addition of 75 Pa.C.S. § 3756.
- 10 (v) The addition of 75 Pa.C.S. § 4309.
- 11 (vi) The amendment of 75 Pa.C.S. § 4704(a) and (c).

12 (VII) THE AMENDMENT OF 75 PA.C.S. § 4581. <—

13 ~~(vii)~~ (VIII) The addition of 75 Pa.C.S. § 6123(b) <—

14 and (c).

15 (IX) THE ADDITION OF 75 PA.C.S. § 6123.1. <—

16 (3) The remainder of this act shall take effect in six
17 months.