
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 873 Session of
2003

INTRODUCED BY GEIST, STERN, CAPPELLI, CIVERA, CREIGHTON,
FRANKEL, HARHAI, HERSHEY, HESS, HORSEY, LaGROTTA, MANN,
MARSICO, SATHER, E. Z. TAYLOR, THOMAS, WATSON, WOJNAROSKI,
MAHER, HARPER AND STABACK, MARCH 13, 2003

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, NOVEMBER 17, 2004

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for suspension of operating
3 privilege ~~and for careless driving.~~, FOR CARELESS DRIVING, <—
4 FOR PENALTIES FOR VIOLATION OF SCHOOL ZONE SPEED LIMITS, FOR <—
5 POWERS OF THE DEPARTMENT AND LOCAL AUTHORITIES AND FOR
6 SURCHARGES.

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

9 Section 1. Sections 1532(b), 1535(a), 3365(D) and 3714 of <—
10 Title 75 of the Pennsylvania Consolidated Statutes are amended
11 to read:

12 § 1532. Suspension of operating privilege.

13 * * *

14 (b) Suspension.--

15 (1) The department shall suspend the operating privilege
16 of any driver for six months upon receiving a certified
17 record of the driver's conviction of or an adjudication of

delinquency based on any offense under the following provisions:

Section 3367 (relating to racing on highways).

Section 3714(b) (relating to careless driving).

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

Section 3736 (relating to reckless driving).

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

(2) The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of the driver's conviction of a subsequent offense under section 1501(a) (relating to drivers required to be licensed) if the prior offense occurred within five years of the violation date of the subsequent offense.

(3) The department shall suspend the operating privilege of any driver for 12 months upon receiving a certified record of the driver's conviction of section 3733 (relating to fleeing or attempting to elude police officer) or a substantially similar offense reported to the department under Article III of section 1581 (relating to Driver's License Compact), or an adjudication of delinquency based on section 3733. The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of a consent decree granted under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) based on section 3733.

(4) The department shall suspend the operating privilege of any driver for three months upon receiving a certified record of the driver's conviction of section 1371 (relating to operation following suspension of registration) or 3718

(relating to minor prohibited from operating with any alcohol in system) or an adjudication of delinquency based on section 1371.

(5) The department shall suspend the operating privilege of any driver for three months upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on section 3714(c).

* * *

§ 1535. Schedule of convictions and points.

(a) General rule.--A point system for driver education and control is hereby established which is related to other provisions for use, suspension and revocation of the operating privilege as specified under this title. Every driver licensed in this Commonwealth who is convicted of any of the following offenses shall be assessed points as of the date of violation in accordance with the following schedule:

Section Number	Offense	Points
1512	Violation of restriction on driver's license.	2
1571	Violation concerning license.	3
3102	Failure to obey policeman or authorized person.	2
3112(a)(3)(i) or (ii)	Failure to stop for a red light.	3
3114(a)(1)	Failure to stop for a flashing red light.	3
3302	Failure to yield half of roadway to oncoming vehicle.	3
3303	Improper passing.	3
3304	Other improper passing.	3

1	3305	Other improper passing.	3
2	3306(a)(1)	Other improper passing.	4
3	3306(a)(2)	Other improper passing.	3
4	3306(a)(3)	Other improper passing.	3
5	3307	Other improper passing.	3
6	3310	Following too closely.	3
7	3321	Failure to yield to driver on the	
8		right at intersection.	3
9	3322	Failure to yield to oncoming	
10		driver when making left turn.	3
11	3323(b)	Failure to stop for stop sign.	3
12	3323(c)	Failure to yield at yield sign.	3
13	3324	Failure to yield when entering or	
14		crossing roadway between inter-	
15		sections.	3
16	3332	Improper turning around.	3
17	3341(a)	Failure to obey signal indicating	
18		approach of train.	2
19	3341(b)	Failure to comply with crossing	
20		gate or barrier.	4
21		(and 30 days' suspension)	
22	3342(b) or (e)	Failure to stop at railroad	
23		crossings.	4
24	3344	Failure to stop when entering from	
25		alley, driveway or building.	3
26	3345(a)	Failure to stop for school bus	
27		with flashing red lights.	5
28		(and 60 days' suspension)	
29	3361	Driving too fast for conditions.	2
30	3362	Exceeding maximum speed.--Over Limit:	

1		6-10	2
2		11-15	3
3		16-25	4
4		26-30	5
5		31-over	5
6		(and departmental hearing	
7		and sanctions provided	
8		under section 1538(d))	

9	3365(b)	Exceeding special speed limit	
10		in school zone.	3

11		<u>(AND 60 DAYS' SUSPENSION</u>	<—
12		<u>FOR A SECOND OR</u>	
13		<u>SUBSEQUENT OFFENSE)</u>	

14	3365(c)	Exceeding special speed limit	
15		for trucks on downgrades.	3

16	3542(a)	Failure to yield to pedestrian in	
17		crosswalk.	2

18	3547	Failure to yield to pedestrian on	
19		sidewalk.	3

20	3549(a)	Failure to yield to blind	
21		pedestrian.	3

22	3702	Improper backing.	3
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23	[3714] <u>3714(a)</u>	Careless driving.	3
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24	3745	Leaving scene of accident	
25		involving property damage only.	4

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27	§ 3365.	SPECIAL SPEED LIMITATIONS.	<—
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29 (D) PENALTY.--

30 (1) ANY PERSON VIOLATING ANY PROVISION OF THIS SECTION

[IS GUILTY OF] COMMITTS A SUMMARY OFFENSE AND SHALL, UPON
CONVICTION, BE SENTENCED TO PAY:

(I) EXCEPT AS SET FORTH UNDER SUBPARAGRAPH (II), A
FINE OF \$35.

(II) FOR A VIOLATION OF SUBSECTION (B), A FINE OF
NOT MORE THAN \$500 IF THE PERSON EXCEEDS THE MAXIMUM
SPEED LIMIT BY MORE THAN 11 MILES PER HOUR.

(2) ANY PERSON EXCEEDING A MAXIMUM SPEED LIMIT
ESTABLISHED UNDER THIS SECTION BY MORE THAN FIVE MILES PER
HOUR SHALL PAY AN ADDITIONAL FINE OF \$2 PER MILE FOR EACH
MILE IN EXCESS OF FIVE MILES PER HOUR IN EXCESS OF THE
MAXIMUM SPEED LIMIT.

§ 3714. Careless driving.

(a) General rule.--Any person who drives a vehicle in
careless disregard for the safety of persons or property is
guilty of careless driving, a summary offense.

(b) Unintentional death.--If the person who violates this
section unintentionally causes the death of another person as a
result of the violation, the person shall, upon conviction, be
sentenced to pay a fine of \$500.

(c) Serious bodily injury.--If the person who violates this
section unintentionally causes the serious bodily injury of
another person as a result of the violation, the person shall,
upon conviction, be sentenced to pay a fine of \$250.

(d) Definition.--As used in this section, "serious bodily
injury" means any bodily injury which creates a substantial risk
of death or which causes serious, permanent disfigurement or
protracted loss or impairment of the function of any bodily
member or organ.

SECTION 2. SECTION 6109(A)(1) AND (F) OF TITLE 75, AMENDED

<—

FEBRUARY 9, 2004 (P.L.65, NO.8), ARE AMENDED AND THE SECTION IS
AMENDED BY ADDING A SUBSECTION TO READ:

§ 6109. SPECIFIC POWERS OF DEPARTMENT AND LOCAL AUTHORITIES.

(A) ENUMERATION OF POLICE POWERS.--THE PROVISIONS OF THIS
TITLE SHALL NOT BE DEEMED TO PREVENT THE DEPARTMENT ON STATE-
DESIGNATED HIGHWAYS AND LOCAL AUTHORITIES ON STREETS OR HIGHWAYS
WITHIN THEIR PHYSICAL BOUNDARIES FROM THE REASONABLE EXERCISE OF
THEIR POLICE POWERS. THE FOLLOWING ARE PRESUMED TO BE REASONABLE
EXERCISES OF POLICE POWER:

(1) EXCEPT AS LIMITED BY SUBSECTION [(G)] (H),
REGULATING OR PROHIBITING STOPPING, STANDING OR PARKING.

* * *

(F) DELEGATION OF POWERS AUTHORIZED.--EXCEPT AS SET FORTH IN
SUBSECTION [(G)] (H), NOTHING CONTAINED IN THIS SECTION SHALL BE
DEEMED TO PREVENT LOCAL AUTHORITIES BY ORDINANCE OR RESOLUTION
OF THE LOCAL GOVERNING BODY FROM DELEGATING THEIR POWERS UNDER
SUBSECTION (A)(1) OR (22) TO A PARKING AUTHORITY ESTABLISHED
PURSUANT TO 53 PA.C.S. CH. 55 (RELATING TO PARKING AUTHORITIES).

(H) DELEGATION OF POWERS IN CITIES OF THE SECOND CLASS.--

(1) NOTWITHSTANDING ANY CONTRARY PROVISION OF 53 PA.C.S.
CH. 55 OR THIS TITLE, BEGINNING ON JANUARY 1, 2005, THE
PARKING AUTHORITY OF A CITY OF THE SECOND CLASS SHALL ENFORCE
AND ADMINISTER ALL ORDINANCES AND RESOLUTIONS ENACTED OR
ADOPTED BY THE CITY OF THE SECOND CLASS PURSUANT TO THE
POWERS SPECIFIED UNDER SUBSECTION (A)(1) AND THOSE CERTAIN
STOPPING, STANDING AND PARKING PROVISIONS PROVIDED IN
SECTIONS 3351 (RELATING TO STOPPING, STANDING AND PARKING
OUTSIDE OF BUSINESS AND RESIDENCE DISTRICTS), 3353 (RELATING
TO PROHIBITIONS IN SPECIFIED PLACES) AND 3354 (RELATING TO
ADDITIONAL PARKING REGULATIONS).

1 (2) BEGINNING ON MARCH 1, 2005, THE PARKING AUTHORITY OF
2 A CITY OF THE SECOND CLASS SHALL ENTER INTO AN AGREEMENT WITH
3 THE CITY OF THE SECOND CLASS FOR THE TRANSFER OF A PORTION OF
4 THE FINES, PENALTIES AND COSTS COLLECTED PURSUANT TO THIS
5 SUBSECTION, WHICH THE PARKING AUTHORITY BOARD DEEMS
6 REASONABLE, TO THE CITY OF THE SECOND CLASS.

7 (3) AS USED IN THIS SUBSECTION, THE FOLLOWING WORDS AND
8 PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
9 PARAGRAPH:

10 "ADMINISTER." TO PROVIDE ANY SERVICES OR MATERIALS
11 NECESSARY TO ENFORCE ANY ORDINANCE OR RESOLUTION ENACTED IN
12 ORDER TO REGULATE OR PROHIBIT THE STOPPING, STANDING OR
13 PARKING OF MOTOR VEHICLES IN A CITY OF THE SECOND CLASS OR
14 THOSE CERTAIN STOPPING, STANDING AND PARKING PROVISIONS
15 PROVIDED IN SECTIONS 3351, 3353 AND 3354 INCLUDING, BUT NOT
16 LIMITED TO:

17 (I) THE INSTALLATION AND MAINTENANCE OF ALL
18 EQUIPMENT, INCLUDING PARKING METERS, ON AND ALONG
19 HIGHWAYS, STREETS AND ROADWAYS.

20 (II) THE INSTALLATION AND MAINTENANCE OF ALL
21 SIGNAGE, INCLUDING SIGNAGE FOR HANDICAPPED PARKING,
22 RESIDENTIAL PERMIT PARKING AND LOADING AREAS, ON AND
23 ALONG HIGHWAYS, STREETS AND ROADWAYS.

24 (III) THE OPERATION AND MANAGEMENT OF ANY
25 HANDICAPPED PARKING, RESIDENTIAL PARKING AND LOADING AREA
26 PERMIT PROGRAMS.

27 (IV) THE ADJUDICATION OF ALL DISPUTED PARKING
28 VIOLATION NOTICES OR CITATIONS ISSUED THROUGH ENFORCEMENT
29 BY THE PARKING AUTHORITY IN A CITY OF THE SECOND CLASS.

30 "ENFORCE." THE ISSUANCE OF PARKING VIOLATION NOTICES OR

1 CITATIONS, THE IMMOBILIZATION, TOWING AND IMPOUNDMENT OF
2 MOTOR VEHICLES AND THE COLLECTION OF FINES, PENALTIES AND
3 COSTS, INCLUDING INDEPENDENT COLLECTION AGENCY FEES, FOR
4 VIOLATIONS OF ANY ORDINANCE OR RESOLUTION ENACTED IN ORDER TO
5 REGULATE OR PROHIBIT THE STOPPING, STANDING OR PARKING OF
6 MOTOR VEHICLES IN A CITY OF THE SECOND CLASS AND THOSE
7 CERTAIN STOPPING, STANDING AND PARKING PROVISIONS PROVIDED IN
8 SECTIONS 3351, 3353 AND 3354.

9 SECTION 3. SECTION 6506 OF TITLE 75, AMENDED FEBRUARY 9,
10 2004 (P.L.65, NO.8), IS AMENDED TO READ:

11 § 6506. SURCHARGE.

12 (A) LEVY AND IMPOSITION.--IN ADDITION TO ANY FINES, FEES OR
13 PENALTIES LEVIED OR IMPOSED AS PROVIDED BY LAW, UNDER THIS TITLE
14 OR ANY OTHER STATUTE, A SURCHARGE SHALL BE LEVIED FOR
15 DISPOSITION IN ACCORDANCE WITH SUBSECTION (B) AS FOLLOWS:

16 (1) UPON CONVICTION FOR ANY VIOLATION OF THE PROVISIONS
17 OF THIS TITLE OR OTHER STATUTE OF THE COMMONWEALTH, OR
18 REGULATIONS PROMULGATED UNDER THIS TITLE, WHICH IS A TRAFFIC
19 VIOLATION AND WHICH IS NOT INCLUDED WITHIN THE PROVISIONS OF
20 PARAGRAPHS (2) THROUGH (7), EXCLUSIVE OF PARKING OFFENSES, A
21 SURCHARGE OF \$30.

22 (2) UPON CONVICTION FOR A VIOLATION OF THE FOLLOWING
23 PROVISIONS OF THIS TITLE, A SURCHARGE OF \$40:

24 (I) SECTION 3306(A)(1) (RELATING TO LIMITATIONS ON
25 DRIVING ON LEFT SIDE OF ROADWAY).

26 (II) SECTION 3745 (RELATING TO ACCIDENTS INVOLVING
27 DAMAGE TO UNATTENDED VEHICLE OR PROPERTY).

28 (3) UPON CONVICTION FOR A VIOLATION OF SECTION 3345(A)
29 (RELATING TO MEETING OR OVERTAKING SCHOOL BUS), A SURCHARGE
30 OF \$50.

1 (4) UPON CONVICTION FOR A VIOLATION OF SECTION 3362
2 (RELATING TO MAXIMUM SPEED LIMITS), THE FOLLOWING APPLICABLE
3 SURCHARGE:

4 (I) \$30 FOR EXCEEDING THE MAXIMUM SPEED LIMIT BY 6
5 TO 10 MILES PER HOUR OR 11 TO 15 MILES PER HOUR.

6 (II) \$40 FOR EXCEEDING THE MAXIMUM SPEED LIMIT BY 16
7 TO 25 MILES PER HOUR.

8 (III) \$50 FOR EXCEEDING THE MAXIMUM SPEED LIMIT BY
9 AT LEAST 26 MILES PER HOUR.

10 (5) UPON CONVICTION FOR VIOLATION OF SECTION 4902
11 (RELATING TO RESTRICTIONS ON USE OF HIGHWAYS AND BRIDGES),
12 SUBCHAPTER C OF CHAPTER 49 (RELATING TO MAXIMUM WEIGHTS OF
13 VEHICLES) OR SUBCHAPTER E OF CHAPTER 49 (RELATING TO
14 MEASURING AND ADJUSTING VEHICLE SIZE AND WEIGHT), A SURCHARGE
15 OF \$150.

16 (6) UPON CONVICTION FOR VIOLATION OF CHAPTER 47
17 (RELATING TO INSPECTION OF VEHICLES), BY THE OWNER OR
18 OPERATOR OR DRIVER OF A VEHICLE WHICH IS SUBJECT TO THE
19 PROVISIONS OF CHAPTER 49 (RELATING TO SIZE, WEIGHT AND LOAD),
20 A SURCHARGE OF \$30.

21 (7) UPON CONVICTION OF OFFENSES UNDER SECTION
22 1543(B)(1.1) (RELATING TO DRIVING WHILE OPERATING PRIVILEGE
23 IS SUSPENDED OR REVOKED), 3802 (RELATING TO DRIVING UNDER
24 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) OR 3808(A)(2)
25 (RELATING TO ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED
26 WITH IGNITION INTERLOCK), OR UPON ADMISSION TO PROGRAMS FOR
27 ACCELERATED REHABILITATIVE DISPOSITION FOR OFFENSES
28 ENUMERATED IN SECTION 1543(B)(1.1), 3802 OR 3808(A)(2), A
29 SURCHARGE, RESPECTIVELY, OF:

30 (I) \$50 FOR THE FIRST OFFENSE.

(II) \$100 FOR THE SECOND OFFENSE.

(III) \$200 FOR THE THIRD OFFENSE.

(IV) \$300 FOR THE FOURTH AND SUBSEQUENT OFFENSES.

(8) UPON CONVICTION, IN A CITY OF THE FIRST CLASS, OF ANY VIOLATION OF THIS TITLE, A SURCHARGE OF \$10.

(9) UPON CONVICTION OF ANY VIOLATION OF THIS TITLE IN A CITY OF THE SECOND CLASS, A SURCHARGE OF \$10.

THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO ANY VIOLATION COMMITTED BY THE OPERATOR OF A MOTORCYCLE, MOTOR-DRIVEN CYCLE, PEDALCYCLE, MOTORIZED PEDALCYCLE OR RECREATIONAL VEHICLE NOT INTENDED FOR HIGHWAY USE.

(B) DISPOSITION.--

(1) NOTWITHSTANDING THE PROVISIONS OF 42 PA.C.S. §§ 3571 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) AND 3573 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.):

(I) ALL SURCHARGES LEVIED AND COLLECTED UNDER SUBSECTION (A)(1) THROUGH (7) BY ANY DIVISION OF THE UNIFIED JUDICIAL SYSTEM EXISTING UNDER SECTION 1 OF ARTICLE V OF THE CONSTITUTION OF PENNSYLVANIA AND 42 PA.C.S. § 301 (RELATING TO UNIFIED JUDICIAL SYSTEM) SHALL BE REMITTED TO THE COMMONWEALTH FOR DEPOSIT IN THE CATASTROPHIC LOSS BENEFITS CONTINUATION FUND FOR THE PURPOSE OF FUNDING CATASTROPHIC LOSS BENEFITS IN ACCORDANCE WITH SECTION 1798.2 (RELATING TO TRANSITION).

(II) ALL SURCHARGES LEVIED AND COLLECTED UNDER SUBSECTION (A)(8) AND (9) BY SUCH DIVISION OF THE UNIFIED JUDICIAL SYSTEM SHALL BE REMITTED TO THE APPROPRIATE TOWING AND STORAGE AGENT AS SET FORTH IN SECTION 6309.2(E) (RELATING TO IMMOBILIZATION, TOWING AND STORAGE OF VEHICLE FOR DRIVING WITHOUT OPERATING PRIVILEGES OR

REGISTRATION) FOR PURPOSES OF FUNDING ITS COSTS
ASSOCIATED WITH SUBCHAPTER A OF CHAPTER 63 (RELATING TO
GENERAL PROVISIONS).

(III) IF THE SURCHARGE IS BEING PAID IN
INSTALLMENTS, THE SURCHARGE SHALL BE REMITTED ON EACH
INSTALLMENT.

(2) THE SURCHARGES LEVIED AND COLLECTED UNDER SUBSECTION
[(A)] (A)(8) AND (9) SHALL NOT BE DEPOSITED FOR THE CREDIT OR
USE OF, OR OTHERWISE ALLOCATED, DIRECTED OR PAID TO, COUNTIES
OR MUNICIPALITIES UNDER THE PROVISIONS OF 42 PA.C.S. CH. 35
SUBCH. E (RELATING TO FINES, ETC.), OR ANY OTHER STATUTE, THE
CRIME VICTIM'S COMPENSATION BOARD UNDER SECTION 477.15(B) OF
THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE
ADMINISTRATIVE CODE OF 1929, THE COMMISSION ON CRIME AND
DELINQUENCY FOR VICTIM-WITNESS SERVICES GRANTS UNDER SECTION
477.15(C) OF THE ADMINISTRATIVE CODE OF 1929, RAPE CRISIS
CENTERS, THE EMERGENCY MEDICAL SERVICES OPERATING FUND,
DOMESTIC VIOLENCE SHELTERS, THE JUDICIAL COMPUTER SYSTEM
AUGMENTATION ACCOUNT ESTABLISHED UNDER 42 PA.C.S. CH. 37
SUBCH. C (RELATING TO JUDICIAL COMPUTER SYSTEM) OR UNDER ANY
OTHER STATUTE.

~~Section 2 4. This act shall take effect in 60 150 days.~~ <—

SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

(1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

(2) THE AMENDMENT OR ADDITION OF 75 PA.C.S. §§
6109(A)(1) AND (F) AND 6506 SHALL TAKE EFFECT IN 60 DAYS.

(3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 150
DAYS.