

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 279 Session of  
2003

INTRODUCED BY ROBBINS, WOZNIAK, TOMLINSON, KITCHEN, FUMO,  
ERICKSON, MUSTO, WENGER, LOGAN, PILEGGI, C. WILLIAMS, ORIE,  
COSTA, LEMMOND, KASUNIC, RAFFERTY, SCARNATI, SCHWARTZ, STOUT,  
TARTAGLIONE, THOMPSON, STACK AND BOSCOLA, FEBRUARY 12, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JULY 7, 2003

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, FURTHER PROVIDING FOR DISPLAY OF REGISTRATION <—  
3 PLATE; providing for a special motorcycle registration plate  
4 for veterans; FURTHER PROVIDING FOR AUTOMATED RED LIGHT <—  
5 ENFORCEMENT SYSTEMS IN FIRST CLASS CITIES, FOR ENUMERATION OF  
6 POLICE POWERS AND FOR CERTAIN SURCHARGES; AND PRESCRIBING A  
7 PENALTY.

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

10 ~~Section 1. Title 75 of the Pennsylvania Consolidated <—~~  
11 ~~Statutes is amended by adding a section to read:~~

12 SECTION 1. SECTION 1332(B) OF TITLE 75 OF THE PENNSYLVANIA <—  
13 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY  
14 ADDING A SUBSECTION TO READ:

15 § 1332. DISPLAY OF REGISTRATION PLATE.

16 \* \* \*

17 (B) OBSCURING PLATE.--IT IS UNLAWFUL TO DISPLAY ON ANY  
18 VEHICLE A REGISTRATION PLATE WHICH:

1           (1) IS SO DIRTY AS TO PREVENT THE READING OF THE NUMBER  
2           OR LETTERS THEREON AT A REASONABLE DISTANCE [OR];

3           (2) IS OBSCURED IN ANY MANNER WHICH INHIBITS THE PROPER  
4           OPERATION OF AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM IN  
5           PLACE PURSUANT TO SECTION 3116 (RELATING TO AUTOMATED RED  
6           LIGHT ENFORCEMENT SYSTEM IN FIRST CLASS CITIES); OR

7           (3) IS OTHERWISE ILLEGIBLE AT A REASONABLE DISTANCE OR  
8           IS OBSCURED IN ANY MANNER.

9           (C) PENALTY. -- ANY PERSON WHO VIOLATES THIS SECTION PENALTY       <—  
10          FOR OBSCURED PLATE. -- ANY PERSON WHO VIOLATES SUBSECTION (B)(2)  
11          COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE  
12          SENTENCED TO PAY A FINE OF \$100. FOR THE FIRST OFFENSE AND \$200       <—  
13          FOR EACH SUBSEQUENT OFFENSE.

14          SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:  
15          § 1361. Special motorcycle plates for veterans.

16          Upon application of any person who is an honorably discharged  
17          veteran of the armed forces of the United States, or a reserve  
18          component of the armed forces as defined in 51 Pa.C.S. § 7301  
19          (relating to definitions), accompanied by a fee of \$20 which  
20          shall be in addition to the annual registration fee and by such  
21          documentation as the department shall require, the department  
22          shall issue to the person a special registration plate  
23          designating the vehicle as belonging to a person who is a  
24          veteran. The special registration plate may be used only on a  
25          motorcycle.

26          SECTION 3. SECTION 3116(L)(2) AND (Q) OF TITLE 75 ARE       <—  
27          AMENDED TO READ:  
28          § 3116. AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS  
29                  CITIES.

30                  \* \* \*

1 (L) PAYMENT OF FINE.--

2 \* \* \*

3 (2) PAYMENT MUST BE MADE PERSONALLY, THROUGH AN  
4 AUTHORIZED AGENT OR BY MAILING BOTH PAYMENT AND THE NOTICE OF  
5 VIOLATION TO THE SYSTEM ADMINISTRATOR. PAYMENT BY MAIL MUST  
6 BE MADE ONLY BY MONEY ORDER, CREDIT CARD OR CHECK MADE  
7 PAYABLE TO THE SYSTEM ADMINISTRATOR. THE SYSTEM ADMINISTRATOR  
8 SHALL REMIT THE FINE, LESS THE SYSTEM ADMINISTRATOR'S  
9 OPERATION AND MAINTENANCE COSTS NECESSITATED BY THIS SECTION,  
10 TO THE DEPARTMENT FOR DEPOSIT INTO THE MOTOR LICENSE FUND.  
11 FINES DEPOSITED IN THE FUND UNDER THIS PARAGRAPH SHALL BE  
12 USED BY THE DEPARTMENT [AS FOLLOWS:

13 (I) TO REIMBURSE THE SYSTEM ADMINISTRATOR FOR COSTS  
14 ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. THIS  
15 SUBPARAGRAPH INCLUDES COSTS FOR OPERATION AND  
16 MAINTENANCE.

17 (II) TO DEVELOP, BY REGULATION, A TRANSPORTATION  
18 ENHANCEMENTS GRANT PROGRAM.] TO DEVELOP, BY REGULATION, A  
19 TRANSPORTATION ENHANCEMENTS GRANT PROGRAM.

20 \* \* \*

21 (Q) EXPIRATION.--THIS SECTION SHALL EXPIRE DECEMBER 31,  
22 [2006] 2007.

23 SECTION 4. SECTION 6109(A)(1) AND (F) OF TITLE 75 ARE  
24 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO  
25 READ:

26 § 6109. SPECIFIC POWERS OF DEPARTMENT AND LOCAL AUTHORITIES.

27 (A) ENUMERATION OF POLICE POWERS.--THE PROVISIONS OF THIS  
28 TITLE SHALL NOT BE DEEMED TO PREVENT THE DEPARTMENT ON STATE-  
29 DESIGNATED HIGHWAYS AND LOCAL AUTHORITIES ON STREETS OR HIGHWAYS  
30 WITHIN THEIR PHYSICAL BOUNDARIES FROM THE REASONABLE EXERCISE OF

1 THEIR POLICE POWERS. THE FOLLOWING ARE PRESUMED TO BE REASONABLE  
2 EXERCISES OF POLICE POWER:

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

5 \* \* \*

6 (F) DELEGATION OF POWERS AUTHORIZED.--[NOTHING] EXCEPT AS  
7 SET FORTH IN SUBSECTION (G), NOTHING CONTAINED IN THIS SECTION  
8 SHALL BE DEEMED TO PREVENT LOCAL AUTHORITIES BY ORDINANCE OR  
9 RESOLUTION OF THE LOCAL GOVERNING BODY FROM DELEGATING THEIR  
10 POWERS UNDER SUBSECTION (A)(1) OR (22) TO A PARKING AUTHORITY  
11 ESTABLISHED PURSUANT TO [THE ACT OF JUNE 5, 1947 (P.L.458,  
12 NO.208), KNOWN AS THE "PARKING AUTHORITY LAW." ] 53 PA.C.S. CH.  
13 55 (RELATING TO PARKING AUTHORITIES).

14 (G) DELEGATION OF POWERS IN CITIES OF THE FIRST CLASS.--

15 (1) NOTWITHSTANDING ANY CONTRARY PROVISION OF 53 PA.C.S.  
16 CH. 55 OR THIS TITLE, THE PARKING AUTHORITY OF A CITY OF THE  
17 FIRST CLASS SHALL ENFORCE AND ADMINISTER ALL ORDINANCES AND  
18 RESOLUTIONS ENACTED OR ADOPTED BY THE CITY OF THE FIRST CLASS  
19 PURSUANT TO THE POWERS SPECIFIED UNDER SUBSECTION (A)(1).

20 (2) BEGINNING IN 2004, UPON THE CONCLUSION OF EACH OF <—  
21 ITS FISCAL YEARS THE PARKING AUTHORITY SHALL TRANSFER THE  
22 MAXIMUM PORTION OF THE FINES, PENALTIES AND COSTS COLLECTED  
23 PURSUANT TO THIS SUBSECTION THAT ITS BOARD DEEMS AVAILABLE  
24 FOR SUCH PURPOSES TO THE GENERAL FUND OF A SCHOOL DISTRICT OF  
25 THE FIRST CLASS COTERMINOUS WITH THE PARENT MUNICIPALITY.

26 ~~(2)~~ (3) AS USED IN THIS SUBSECTION, THE FOLLOWING WORDS <—  
27 AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
28 PARAGRAPH:

29 "ADMINISTER." TO PROVIDE ANY SERVICES OR MATERIALS  
30 NECESSARY TO ENFORCE ANY ORDINANCE OR RESOLUTION ENACTED IN

1 ORDER TO REGULATE OR PROHIBIT THE STOPPING, STANDING OR  
2 PARKING OF MOTOR VEHICLES IN A CITY OF THE FIRST CLASS,  
3 INCLUDING, BUT NOT LIMITED TO:

4 (I) THE INSTALLATION AND MAINTENANCE OF ALL  
5 EQUIPMENT, INCLUDING PARKING METERS, ON AND ALONG  
6 HIGHWAYS, STREETS AND ROADWAYS.

7 (II) THE INSTALLATION AND MAINTENANCE OF ALL  
8 SIGNAGE, INCLUDING SIGNAGE FOR HANDICAPPED PARKING,  
9 RESIDENTIAL PERMIT PARKING AND LOADING AREAS, ON AND  
10 ALONG HIGHWAYS, STREETS AND ROADWAYS.

11 (III) THE OPERATION AND MANAGEMENT OF ANY  
12 HANDICAPPED PARKING, RESIDENTIAL PARKING AND LOADING AREA  
13 PERMIT PROGRAMS.

14 (IV) THE ADJUDICATION OF ALL DISPUTED PARKING  
15 VIOLATION NOTICES OR CITATIONS ISSUED THROUGH ENFORCEMENT  
16 BY THE PARKING AUTHORITY IN A CITY OF THE FIRST CLASS OR  
17 THE POLICE DEPARTMENT WITH JURISDICTION OVER THE CITY OF  
18 THE FIRST CLASS.

19 "ENFORCE." THE ISSUANCE OF PARKING VIOLATION NOTICES OR  
20 CITATIONS, THE IMMOBILIZATION, TOWING AND IMPOUNDMENT OF  
21 MOTOR VEHICLES AND THE COLLECTION OF FINES, PENALTIES AND  
22 COSTS FOR VIOLATIONS OF ANY ORDINANCE OR RESOLUTION ENACTED  
23 IN ORDER TO REGULATE OR PROHIBIT THE STOPPING, STANDING OR  
24 PARKING OF MOTOR VEHICLES IN A CITY OF THE FIRST CLASS.

25 SECTION 5. SECTION 6506(B) OF TITLE 75 IS AMENDED AND  
26 SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH TO READ:

27 § 6506. SURCHARGE.

28 (A) LEVY AND IMPOSITION.--IN ADDITION TO ANY FINES, FEES OR  
29 PENALTIES LEVIED OR IMPOSED AS PROVIDED BY LAW, UNDER THIS TITLE  
30 OR ANY OTHER STATUTE, A SURCHARGE SHALL BE LEVIED FOR

1 DISPOSITION IN ACCORDANCE WITH SUBSECTION (B) AS FOLLOWS:

2 \* \* \*

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

5 \* \* \*

6 (B) DISPOSITION.--

7 (1) NOTWITHSTANDING THE PROVISIONS OF 42 PA.C.S. §§ 3571  
8 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) AND 3573  
9 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.)[,  
10 ALL]:

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

20 (II) ALL SURCHARGES LEVIED AND COLLECTED UNDER  
21 SUBSECTION (A)(8) BY SUCH DIVISION OF THE UNIFIED  
22 JUDICIAL SYSTEM SHALL BE REMITTED TO THE APPROPRIATE  
23 TOWING AND STORAGE AGENT AS SET FORTH IN 75 PA.C.S. §  
24 6309.2(E) (RELATING TO IMMOBILIZATION, TOWING AND STORAGE  
25 OF VEHICLE FOR DRIVING WITHOUT OPERATING PRIVILEGES OR  
26 REGISTRATION) FOR PURPOSES OF FUNDING ITS COSTS  
27 ASSOCIATED WITH 75 PA.C.S. CH. 63 SUBCH. A (RELATING TO  
28 GENERAL PROVISIONS).

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

1           INSTALLMENT.

2           (2) THE SURCHARGES LEVIED AND COLLECTED UNDER SUBSECTION  
3           (A) SHALL NOT BE DEPOSITED FOR THE CREDIT OR USE OF, OR  
4           OTHERWISE ALLOCATED, DIRECTED OR PAID TO, COUNTIES OR  
5           MUNICIPALITIES UNDER THE PROVISIONS OF 42 PA.C.S. CH. 35  
6           SUBCH. E (RELATING TO FINES, ETC.), OR ANY OTHER STATUTE, THE  
7           CRIME VICTIM'S COMPENSATION BOARD UNDER SECTION 477.15(B) OF  
8           THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE  
9           ADMINISTRATIVE CODE OF 1929, THE COMMISSION ON CRIME AND  
10          DELINQUENCY FOR VICTIM-WITNESS SERVICES GRANTS UNDER SECTION  
11          477.15(C) OF THE ADMINISTRATIVE CODE OF 1929, RAPE CRISIS  
12          CENTERS, THE EMERGENCY MEDICAL SERVICES OPERATING FUND,  
13          DOMESTIC VIOLENCE SHELTERS, THE JUDICIAL COMPUTER SYSTEM  
14          AUGMENTATION ACCOUNT ESTABLISHED UNDER 42 PA.C.S. CH. 37  
15          SUBCH. C (RELATING TO JUDICIAL COMPUTER SYSTEM) OR UNDER ANY  
16          OTHER STATUTE.

17          \* \* \*

18          Section ~~2~~ 6. This act shall take effect in 60 days.

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