
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 347 Session of
2007

INTRODUCED BY COSTA, BELFANTI, BIANCUCCI, CALTAGIRONE, CAPPELLI,
CARROLL, CREIGHTON, ELLIS, FABRIZIO, GERGELY, GOODMAN,
GRUCELA, HUTCHINSON, JAMES, KOTIK, MAHONEY, McILHATTAN,
M. O'BRIEN, PETRONE, RAPP, RAYMOND, SCAVELLO, SOLOBAY,
YOUNGBLOOD, YUDICHAK, BARRAR, PICKETT, GEIST, SIPTROTH,
HORNAMAN, MURT, LONGIETTI, HARPER, KORTZ AND PALLONE,
FEBRUARY 9, 2007

SENATOR MADIGAN, TRANSPORTATION, IN SENATE, AS AMENDED,
SEPTEMBER 23, 2008

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, IN REGISTRATION OF VEHICLES, FURTHER PROVIDING FOR <—
3 ISSUANCE AND REISSUANCE OF REGISTRATION PLATES AND FOR LOST,
4 STOLEN, DAMAGED OR ILLEGIBLE REGISTRATION PLATE; IN
5 COMMERCIAL DRIVERS, further providing for commercial driver's
6 license qualification standards; IN FEES, FURTHER PROVIDING <—
7 FOR EXEMPTIONS FROM OTHER FEES; IN RULES OF THE ROAD IN
8 GENERAL, FURTHER PROVIDING FOR SPEED TIMING DEVICES; IN
9 INSPECTION OF VEHICLES, FURTHER PROVIDING FOR INSPECTION BY
10 POLICE OR COMMONWEALTH PERSONNEL; IN POWERS OF DEPARTMENT AND
11 LOCAL AUTHORITIES, FURTHER PROVIDING FOR PROMULGATION OF
12 RULES AND REGULATIONS BY DEPARTMENT; AND IN SNOWMOBILES AND
13 ALL-TERRAIN VEHICLES, FURTHER PROVIDING FOR DEFINITIONS.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 ~~Section 1. Section 1607(b) of Title 75 of the Pennsylvania~~ <—
17 ~~Consolidated Statutes is amended to read:~~

18 SECTION 1. SECTION 1331(F) OF TITLE 75 OF THE PENNSYLVANIA <—
19 CONSOLIDATED STATUTES IS AMENDED TO READ:

20 § 1331. ISSUANCE AND REISSUANCE OF REGISTRATION PLATES.

1 * * *

2 (F) PERIODIC REISSUANCE OF REGISTRATION PLATES.--THE
3 DEPARTMENT SHALL DEVELOP, IMPLEMENT AND ADMINISTER A PROGRAM TO
4 PROVIDE FOR THE REISSUANCE OF [ALL] CURRENT REGISTRATION PLATES
5 PREVIOUSLY ISSUED UNDER THIS SECTION. THE PROGRAM TO BE
6 ESTABLISHED UNDER THIS SUBSECTION SHALL ADDRESS [ALL OF] THE
7 FOLLOWING CRITERIA:

8 (1) OTHER THAN THE ANNUAL REGISTRATION FEE REQUIRED
9 UNDER SECTIONS 1305 (RELATING TO APPLICATION FOR
10 REGISTRATION) AND 1309 (RELATING TO RENEWAL OF REGISTRATION)
11 AND SUBCHAPTER B OF CHAPTER 19 (RELATING TO REGISTRATION
12 FEES), THE REISSUED REGISTRATION PLATE SHALL BE ISSUED UNDER
13 SECTION 1934 (RELATING TO GENERAL REISSUANCE).

14 (2) THE PROGRAM SHALL PROVIDE THAT [ALL] CURRENT
15 REGISTRATION PLATES ISSUED UNDER THIS SECTION BE REPLACED.
16 THE PROGRAM MAY PROVIDE THAT THE DEPARTMENT PROVIDE FOR
17 REISSUANCE OF REGISTRATION PLATES ON A STAGGERED BASIS WHICH
18 WILL REPLACE [ALL] REGISTRATION PLATES ISSUED UNDER THIS
19 SECTION.

20 (3) THE PROGRAM MAY PROVIDE FOR THE RETURN OF AND THE
21 RECYCLING OF THE OLDER REGISTRATION PLATES.

22 [(4) THE PROGRAM SHALL PROVIDE THAT AT THE END OF A TEN-
23 YEAR CYCLE NO REGISTRATION PLATE ISSUED UNDER THIS SECTION BE
24 OLDER THAN TEN YEARS.

25 (5) THE PROGRAM SHALL REQUIRE ANNUAL REPORTS TO THE
26 TRANSPORTATION COMMITTEE OF THE SENATE AND THE TRANSPORTATION
27 COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON THE ISSUE OF
28 REGISTRATION AVOIDANCE.]

29 (6) THE PROGRAM MAY CONTAIN ANY OTHER CONDITIONS,
30 LIMITATIONS, CONTRACTUAL ARRANGEMENTS OR OTHER FACTORS WHICH

1 THE DEPARTMENT DEEMS NECESSARY TO IMPLEMENT THIS SUBSECTION.
2 SECTION 2. SECTION 1333 OF TITLE 75 IS AMENDED BY ADDING A
3 SUBSECTION TO READ:

4 § 1333. LOST, STOLEN, DAMAGED OR ILLEGIBLE REGISTRATION PLATE.

5 * * *

6 (B.1) ILLEGIBLE REGISTRATION PLATE.--THE DEPARTMENT MAY
7 REISSUE A REGISTRATION PLATE UPON REQUEST BY A REGISTRANT WHEN
8 IT IS DETERMINED BY AN AUTHORIZED REPRESENTATIVE OF THE
9 DEPARTMENT OR LAW ENFORCEMENT THAT THE REGISTRATION PLATE IS
10 ILLEGIBLE FROM A REASONABLE DISTANCE. THE DEPARTMENT MAY SELECT
11 THE STYLE OF THE REISSUED REGISTRATION PLATE AND, EXCEPT IN THE
12 CASE OF PERSONAL REGISTRATION PLATES ISSUED UNDER SECTION
13 1341(RELATING TO SPECIAL REGISTRATION PLATES GENERALLY), THE
14 REGISTRATION PLATE NUMBER.

15 * * *

16 SECTION 3. SECTION 1607(B) OF TITLE 75 IS AMENDED TO READ:

17 § 1607. Commercial driver's license qualification standards.

18 * * *

19 (b) Waiver of test.--The department shall waive the skills
20 test specified in this section for a commercial driver's license
21 applicant [holding]:

22 (1) Holding a valid Class 2, 3 or 4 license who meets
23 the requirements of Federal regulations. If permitted by
24 Federal regulation, the department may waive the written test
25 requirement for a commercial driver's license applicant
26 holding a valid Class 2, 3 or 4 license.

27 (2) Who, subject to the limitations and requirements of
28 49 CFR 383.77 (relating to substitute for driving skills
29 tests), meets all certifications required for waiver under 49
30 CFR 383.77 and who certifies all of the following:

1 (i) That the applicant is a member of the active or
2 reserve components of any branch or unit of the armed
3 forces of the United States or a veteran who received an
4 honorable discharge from any branch or unit of the active
5 or reserve components of the armed forces of the United
6 States.

7 (ii) That the applicant is or was regularly employed
8 in a position in the armed forces of the United States
9 requiring operation of a commercial motor vehicle.

10 (iii) That the applicant has legally operated, for
11 at least two years immediately preceding application for
12 a commercial driver's license, a vehicle representative
13 of the commercial motor vehicle the driver applicant
14 operates or expects to operate, either under the
15 exemption from this Commonwealth's commercial driver's
16 license requirement provided by section 1606(b)(2)
17 (relating to requirement for commercial driver's license)
18 or the equivalent exemption of another state or while on
19 active duty in a foreign jurisdiction.

20 * * *

21 SECTION 4. SECTION 1902 OF TITLE 75 IS AMENDED BY ADDING A <—
22 PARAGRAPH TO READ:

23 § 1902. EXEMPTIONS FROM OTHER FEES.

24 NO FEE SHALL BE CHARGED UNDER THIS TITLE FOR OR TO ANY OF THE
25 FOLLOWING:

26 * * *

27 (10) THE REISSUANCE OF A REGISTRATION PLATE, WHERE THE
28 REGISTRATION PLATE HAS BEEN DETERMINED BY AN AUTHORIZED
29 REPRESENTATIVE OF THE DEPARTMENT OR LAW ENFORCEMENT TO BE
30 ILLEGIBLE FROM A REASONABLE DISTANCE.

1 SECTION 5. SECTIONS 3368(B) AND (D), 4704(G) AND 6103(C) OF
2 TITLE 75 ARE AMENDED TO READ:

3 § 3368. SPEED TIMING DEVICES.

4 * * *

5 (B) TESTING OF SPEEDOMETERS.--THE DEPARTMENT MAY APPOINT
6 STATIONS FOR TESTING SPEEDOMETERS AND MAY PRESCRIBE REGULATIONS
7 AS TO THE MANNER IN WHICH THE TEST SHALL BE MADE. SPEEDOMETERS
8 SHALL HAVE BEEN TESTED FOR ACCURACY WITHIN A PERIOD OF [60 DAYS]
9 ONE YEAR PRIOR TO THE ALLEGED VIOLATION AND IMMEDIATELY UPON
10 CHANGE OF TIRE SIZE. A CERTIFICATE FROM THE STATION SHOWING THAT
11 THE TEST WAS MADE, THE DATE OF THE TEST AND THE DEGREE OF
12 ACCURACY OF THE SPEEDOMETER SHALL BE COMPETENT AND PRIMA FACIE
13 EVIDENCE OF THOSE FACTS IN EVERY PROCEEDING IN WHICH A VIOLATION
14 OF THIS TITLE IS CHARGED.

15 * * *

16 (D) CLASSIFICATION, APPROVAL AND TESTING OF MECHANICAL,
17 ELECTRICAL AND ELECTRONIC DEVICES.--THE DEPARTMENT MAY, BY
18 REGULATION, CLASSIFY SPECIFIC DEVICES AS BEING MECHANICAL,
19 ELECTRICAL OR ELECTRONIC. ALL MECHANICAL, ELECTRICAL OR
20 ELECTRONIC DEVICES SHALL BE OF A TYPE APPROVED BY THE
21 DEPARTMENT, WHICH SHALL APPOINT STATIONS FOR CALIBRATING AND
22 TESTING THE DEVICES AND MAY PRESCRIBE REGULATIONS AS TO THE
23 MANNER IN WHICH CALIBRATIONS AND TESTS SHALL BE MADE. THE
24 CERTIFICATION AND CALIBRATION OF ELECTRONIC DEVICES UNDER
25 SUBSECTION (C)(3) SHALL ALSO INCLUDE THE CERTIFICATION AND
26 CALIBRATION OF ALL EQUIPMENT, TIMING STRIPS AND OTHER DEVICES
27 WHICH ARE ACTUALLY USED WITH THE PARTICULAR ELECTRONIC DEVICE
28 BEING CERTIFIED AND CALIBRATED. [THE] ELECTRONIC DEVICES
29 COMMONLY REFERRED TO AS ELECTRONIC SPEED METERS OR RADAR SHALL
30 HAVE BEEN TESTED FOR ACCURACY WITHIN A PERIOD OF ONE YEAR PRIOR

1 TO THE ALLEGED VIOLATION. OTHER DEVICES SHALL HAVE BEEN TESTED
2 FOR ACCURACY WITHIN A PERIOD OF 60 DAYS PRIOR TO THE ALLEGED
3 VIOLATION. A CERTIFICATE FROM THE STATION SHOWING THAT THE
4 CALIBRATION AND TEST WERE MADE WITHIN THE REQUIRED PERIOD[,] AND
5 THAT THE DEVICE WAS ACCURATE[,] SHALL BE COMPETENT AND PRIMA
6 FACIE EVIDENCE OF THOSE FACTS IN EVERY PROCEEDING IN WHICH A
7 VIOLATION OF THIS TITLE IS CHARGED.

8 * * *

9 § 4704. INSPECTION BY POLICE OR COMMONWEALTH PERSONNEL.

10 * * *

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

16 * * *

17 § 6103. PROMULGATION OF RULES AND REGULATIONS BY DEPARTMENT.

18 * * *

19 (C) ADOPTION OF FEDERAL STATUTE, REGULATION, STANDARD OR
20 CRITERIA.--THE DEPARTMENT SHALL BE AUTHORIZED TO ADOPT BY
21 REFERENCE ANY FEDERAL STATUTE, REGULATION, STANDARD OR CRITERIA
22 OR PROVISION THEREOF RELATING TO VEHICLES OR DRIVERS, INCLUDING,
23 BUT NOT LIMITED TO, MINIMUM DRIVER QUALIFICATIONS, MAXIMUM HOURS
24 OF SERVICE, LOADING, UNLOADING, HAZARDOUS MATERIALS, OPERATION,
25 EQUIPMENT, RECORDS AND INSPECTION.

26 (1) THE DEPARTMENT SHALL BE AUTHORIZED TO EXTEND THE
27 COVERAGE OF ANY FEDERAL STATUTE, REGULATION, STANDARD OR
28 CRITERIA ADOPTED UNDER THIS SUBSECTION TO VEHICLES AND
29 DRIVERS OPERATING ONLY IN INTRASTATE COMMERCE, EXCEPT AS
30 FOLLOWS:

1 [(I) NO FEDERAL STATUTE, REGULATION, STANDARD OR
2 CRITERIA SHALL BE EXTENDED TO COVER FARM TRUCKS NOT
3 REQUIRED TO BE REGISTERED, SPECIAL MOBILE EQUIPMENT OR
4 IMPLEMENTS OF HUSBANDRY.]

5 (II) NO FEDERAL STATUTE, REGULATION, STANDARD OR
6 CRITERIA PERTAINING TO DRIVERS, INCLUDING, BUT NOT
7 LIMITED TO, MINIMUM DRIVER QUALIFICATIONS, MAXIMUM HOURS
8 OF SERVICE OR DRIVER RECORDS, SHALL BE EXTENDED TO COVER
9 FARM TRUCKS, EXCEPT FARM TRUCKS CARRYING HAZARDOUS
10 MATERIALS IN AN AMOUNT AND TYPE WHICH REQUIRE THE VEHICLE
11 TO BE PLACARDED UNDER CHAPTER 83 (RELATING TO HAZARDOUS
12 MATERIALS TRANSPORTATION).

13 (2) THE REGULATIONS PROMULGATED BY THE DEPARTMENT UNDER
14 PARAGRAPH (1) MAY BE MODIFIED, BUT SHALL, TO THE MAXIMUM
15 EXTENT POSSIBLE, BE CONSISTENT WITH SAFETY AND CORRESPOND TO
16 FEDERAL REGULATIONS, STANDARDS OR CRITERIA.

17 * * *

18 SECTION 6. THE DEFINITION OF "ALL-TERRAIN VEHICLE" OR "ATV"
19 IN SECTION 7702 OF TITLE 75 IS AMENDED TO READ:

20 § 7702. DEFINITIONS.

21 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
22 SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
23 MEANINGS GIVEN TO THEM IN THIS SECTION:

24 "ALL-TERRAIN VEHICLE" OR "ATV." A MOTORIZED OFF-HIGHWAY
25 VEHICLE WHICH TRAVELS ON THREE OR MORE INFLATABLE TIRES AND
26 WHICH HAS:

27 (1) A MAXIMUM WIDTH OF 50 INCHES AND A MAXIMUM DRY
28 WEIGHT OF [800] 1,000 POUNDS; OR

29 (2) A WIDTH WHICH EXCEEDS 50 INCHES OR A DRY WEIGHT
30 WHICH EXCEEDS [800] 1,000 POUNDS.

1 ATV'S DESCRIBED IN PARAGRAPH (1) MAY BE REFERRED TO AS CLASS I
2 ATV'S, AND ATV'S DESCRIBED IN PARAGRAPH (2) MAY BE REFERRED TO
3 AS CLASS II ATV'S. THIS TERM DOES NOT INCLUDE SNOWMOBILES, TRAIL
4 BIKES, MOTORBOATS, GOLF CARTS, AIRCRAFT, DUNE BUGGIES,
5 AUTOMOBILES, CONSTRUCTION MACHINES, TRUCKS OR HOME UTILITY
6 MACHINES; MILITARY, FIRE, EMERGENCY AND LAW ENFORCEMENT
7 VEHICLES; IMPLEMENTS OF HUSBANDRY; MULTIPURPOSE AGRICULTURAL
8 VEHICLES; VEHICLES USED BY THE DEPARTMENT; OR ANY VEHICLE THAT
9 IS OR IS REQUIRED TO BE REGISTERED UNDER CHAPTER 13 (RELATING TO
10 REGISTRATION OF VEHICLES). IN ADDITION, THIS TERM DOES NOT
11 INCLUDE OFF-ROAD MOTOR VEHICLES USED EXCLUSIVELY AS UTILITY
12 VEHICLES FOR AGRICULTURAL OR BUSINESS OPERATIONS AND
13 INCIDENTALLY OPERATED OR MOVED UPON THE HIGHWAY.

14 * * *

15 Section ~~2~~ 7. This act shall take effect in 60 days.

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