

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 67 Session of
2009

INTRODUCED BY MARKOSEK, GEIST, BELFANTI, BOYD, BRENNAN, DALEY,
J. EVANS, HARPER, HESS, HICKERNELL, KORTZ, McCALL, MOUL,
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WATSON, PASHINSKI, SHAPIRO, LENTZ AND MURT, JANUARY 26, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 22, 2009

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, defining "interactive wireless communications
3 device"; further providing for junior driver's license, for
4 learners' permits and for suspension of operating privilege;
5 prohibiting interactive wireless communications devices; and
6 further providing for accident report forms, for department
7 to compile, tabulate and analyze accident reports, for
8 television equipment and, for restraint systems, FOR THE
9 OFFENSE OF CARELESS DRIVING, FOR APPLICABILITY AND UNIFORMITY
10 OF LAW AND FOR DISPOSITION AND USE OF LIQUID FUELS AND FUELS
11 TAX. ←

12 The General Assembly of the Commonwealth of Pennsylvania
13 declares that the part of this act that limits the number of
14 passengers a junior driver may transport in a motor vehicle at
15 one time may be referred to as Lacey's Law in honor of Lacey
16 Gallagher.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 102 of Title 75 of the Pennsylvania
20 Consolidated Statutes is amended by adding a definition to read:

1 § 102. Definitions.

2 Subject to additional definitions contained in subsequent
3 provisions of this title which are applicable to specific
4 provisions of this title, the following words and phrases when
5 used in this title shall have, unless the context clearly
6 indicates otherwise, the meanings given to them in this section:

7 * * *

8 "Interactive wireless communications device." Any wireless
9 electronic communications device that provides for voice or data
10 communication between two or more parties, including, but not
11 limited to, a mobile or cellular telephone, a text messaging
12 device, a personal digital assistant that sends or receives
13 messages or a laptop computer.

14 * * *

15 Section 2. Sections 1503(c), 1505(e) and 1538(e) of Title 75
16 are amended to read:

17 § 1503. Persons ineligible for licensing; license issuance to
18 minors; junior driver's license.

19 * * *

20 (c) Junior driver's license.--The department may issue a
21 junior driver's license to a person 16 or 17 years of age under
22 rules and regulations adopted by the department and subject to
23 the provisions of this section. A junior driver's license shall
24 automatically become a regular driver's license when the junior
25 driver attains 18 years of age.

26 (1) Except as provided in paragraph (2), no licensed
27 junior driver shall drive a vehicle upon a public highway
28 between 11 p.m. and 5 a.m. unless accompanied by a spouse 18
29 years of age or older, a parent or a person in loco parentis.

30 (2) A licensed junior driver conforming to the

1 requirements of section 1507 (relating to application for
2 driver's license or learner's permit by minor) may drive a
3 vehicle upon a public highway between 11 p.m. and 5 a.m.
4 between the junior driver's home and activity or employment
5 or in the course of the junior driver's activity or
6 employment if the junior driver is a member of a volunteer
7 fire company authorized by the fire chief to engage in
8 fighting fires, is engaged in public or charitable service or
9 is employed and is carrying an affidavit or certificate of
10 authorization signed by the junior driver's fire chief,
11 supervisor or employer indicating the probable schedule of
12 the junior driver's activities. Upon termination of the
13 junior driver's activity or employment, the junior driver
14 shall surrender the affidavit or certificate to the fire
15 chief, supervisor or employer. If the junior driver shall
16 fail to surrender the affidavit or certificate, the employer,
17 fire chief or supervisor shall immediately notify the
18 Pennsylvania State Police.

19 (2.1) Except as set forth in paragraph (2.2), a junior
20 driver may not drive a vehicle with more than one passenger
21 under 18 years of age.

22 (2.2) With parental or in loco parentis approval, a
23 junior driver may drive a vehicle with passengers UNDER 18
24 YEARS OF AGE who are siblings or relatives who live in the
25 same dwelling as the junior driver.

26 (3) In addition to the other provisions of this title
27 relating to the suspension or revocation of operating
28 privileges, in the event that a licensed junior driver is
29 involved in an accident reportable under section 3746(a) for
30 which the junior driver is partially or fully responsible in



1 the opinion of the department or is convicted of any
2 violation of this title, the department may suspend the
3 operating privileges of the junior driver until the junior
4 driver attains 18 years of age or for a period of time not
5 exceeding 90 days.

6 (4) Any junior driver or other person violating any
7 provision of this subsection is guilty of a summary offense.

8 § 1505. Learners' permits.

9 * * *

10 (e) Authorization to test for driver's license and junior
11 driver's license.--A person with a learner's permit is
12 authorized to take the examination for a regular or junior
13 driver's license for the class of vehicle for which a permit is
14 held. Before a person under the age of 18 years may take the
15 examination for a junior driver's license, the minor must:

16 (1) Have held a learner's permit for that class of
17 vehicle for a period of six months.

18 (2) Present to the department a certification form
19 signed by the father, mother, guardian, person in loco
20 parentis or spouse of a married minor stating that the minor
21 applicant has completed [50] 65 hours of practical driving
22 experience, including no less than ten hours of nighttime
23 driving and five hours of inclement weather driving,
24 accompanied as required under subsection (b). Submission of a
25 certification shall not subject the parent, guardian, person
26 in loco parentis or spouse of a married minor to any
27 liability based upon the certification.

28 (3) Have the certification form completed when the minor
29 is ready for the licensing examination. The certification
30 form shall be developed by the department and will be

provided by the department when the original application for a learner's permit is processed. The department will make this form readily available through the mail or electronic means.

* * *

§ 1538. School, examination or hearing on accumulation of points or excessive speeding.

* * *

(e) Additional suspension of operating privilege.--

(1) In addition to any other provisions of law relating to the suspension or revocation of operating privileges, a person's operating privileges shall be suspended under any of the following circumstances:

(i) Prior to reaching age 18, the person violates section 3362 (relating to maximum speed limits) by traveling 26 miles per hour or more over the posted speed limit and the violation results in a conviction, guilty plea or plea of no contest before or after the person reaches age 18.

(ii) The person accumulates six or more points under the provisions of section 1535 (relating to schedule of convictions and points) and the violations resulting in points accumulation were committed before the person reached age 18.

(2) The first suspension under paragraph (1) shall be for a period of 90 days with every subsequent suspension under paragraph (1) to be for a period of 120 days. Suspensions under paragraph (1) shall be imposed consecutively to each other and to any other suspension. A suspension under paragraph (1) shall be considered a

1 subsequent suspension even if it is imposed contemporaneously
2 with a first suspension imposed under paragraph (1). A
3 suspension under this paragraph shall be in lieu of a
4 suspension under subsection (d)(1).

5 Section 3. Title 75 is amended by adding a section to read:

6 § 3316. Prohibiting interactive wireless communications
7 devices.

8 (a) Drivers subject to restriction.--No driver with a
9 learners' permit or junior driver's license shall drive a motor
10 vehicle on a highway or trafficway in this Commonwealth while
11 using an interactive wireless communications device.

12 (b) Exceptions.--This section shall not apply to persons who
13 use an interactive wireless communications device to contact a
14 511 service or 911 system for the purpose of reporting an
15 accident or an emergency or obtaining directions.

16 (c) Seizure.--The provisions of this section shall not be
17 construed as authorizing the seizure or forfeiture of an
18 interactive wireless communications device, unless otherwise
19 provided by law.

20 (d) Penalty.--A person who violates subsection (a) commits a
21 summary offense and shall, upon conviction, be sentenced to pay
22 a fine of \$100.

23 (e) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection:

26 "511" or "511 service." Three-digit telecommunications
27 dialing to access an intelligent transportation system traveler
28 information service provided in this Commonwealth in accordance
29 with the Federal Communications Commission and the United States
30 Department of Transportation.

1 "911." The number used by a public agency located in whole
2 or in part within this Commonwealth authorized by law to provide
3 emergency telephone service to access firefighting, law
4 enforcement, ambulance, emergency medical or other emergency
5 services.

6 Section 4. ~~Section 3752(a) of Title 75 is~~ SECTIONS 3714 AND
7 3752(A) OF TITLE 75 ARE amended to read:

8 § 3714. CARELESS DRIVING.

9 (A) GENERAL RULE.--ANY PERSON WHO DRIVES A VEHICLE IN
10 CARELESS DISREGARD FOR THE SAFETY OF PERSONS OR PROPERTY IS
11 GUILTY OF CARELESS DRIVING, A SUMMARY OFFENSE.

12 (B) UNINTENTIONAL DEATH.--IF THE PERSON WHO VIOLATES THIS
13 SECTION UNINTENTIONALLY CAUSES THE DEATH OF ANOTHER PERSON AS A
14 RESULT OF THE VIOLATION, THE PERSON SHALL, UPON CONVICTION, BE
15 SENTENCED TO PAY A FINE OF \$500.

16 (C) SERIOUS BODILY INJURY.--IF THE PERSON WHO VIOLATES THIS
17 SECTION UNINTENTIONALLY CAUSES THE SERIOUS BODILY INJURY OF
18 ANOTHER PERSON AS A RESULT OF THE VIOLATION, THE PERSON SHALL,
19 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$250.

20 (C.1) ADDITIONAL PENALTY FOR DISTRACTED DRIVER.--

21 (1) ANY PERSON WHO VIOLATES THIS SECTION AND AT THE TIME
22 OF THE VIOLATION IS DISTRACTED BY THE USE OF ANY DEVICE,
23 INCLUDING, BUT NOT LIMITED TO, AN ELECTRONIC, ELECTRICAL,
24 MECHANICAL OR PERSONAL GROOMING DEVICE, FOOD, DRINK, BOOK OR
25 PRINTED MATERIAL SHALL, IN ADDITION TO ANY OTHER PENALTY
26 IMPOSED, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$50.

27 (2) NO PERSON SHALL BE CONVICTED UNDER PARAGRAPH (1)
28 UNLESS THE PERSON IS ALSO CONVICTED UNDER SUBSECTION (A) FOR
29 A VIOLATION WHICH OCCURRED AT THE SAME TIME. NO COSTS AS
30 DESCRIBED UNDER 42 PA.C.S. § 1725.1 (RELATING TO COSTS) SHALL

1 BE IMPOSED FOR A CONVICTION UNDER THIS SUBSECTION. CONVICTION
2 UNDER THIS SUBSECTION SHALL NOT CONSTITUTE A MOVING
3 VIOLATION.

4 (C.2) CIVIL ACTIONS.--

5 (1) IN NO EVENT SHALL A VIOLATION OR ALLEGED VIOLATION
6 UNDER SUBSECTION (C.1) BE:

7 (I) USED AS EVIDENCE IN A TRIAL OF ANY CIVIL ACTION,
8 NOR SHALL ANY JURY IN A CIVIL ACTION BE INSTRUCTED THAT
9 ANY CONDUCT CONSTITUTES OR MAY BE INTERPRETED BY THEM TO
10 CONSTITUTE A VIOLATION UNDER SUBSECTION (C.1);

11 (II) CONSIDERED AS CONTRIBUTORY NEGLIGENCE; OR

12 (III) ADMISSIBLE AS EVIDENCE IN THE TRIAL OF ANY
13 CIVIL ACTION.

14 (2) THIS SECTION SHALL NOT BE CONSTRUED TO IMPOSE ANY
15 LEGAL OBLIGATION UPON OR IMPUTE ANY CIVIL LIABILITY
16 WHATSOEVER TO AN OWNER, EMPLOYER, MANUFACTURER, DEALER OR
17 PERSON ENGAGED IN THE BUSINESS OF RENTING OR LEASING VEHICLES
18 TO THE PUBLIC TO INFORM THE PUBLIC ABOUT THE PROVISIONS OF
19 SUBSECTION (C.1).

20 (C.3) CRIMINAL PROCEEDINGS.--EVIDENCE OF A VIOLATION UNDER
21 SUBSECTION (C.1) IS NOT ADMISSIBLE AS EVIDENCE IN A CRIMINAL
22 PROCEEDING EXCEPT IN A PROCEEDING FOR A VIOLATION OF SUBSECTION
23 (C.1). NO CRIMINAL PROCEEDING FOR THE CRIME OF HOMICIDE BY
24 VEHICLE SHALL BE BROUGHT ON THE BASIS OF A VIOLATION UNDER
25 SUBSECTION (C.1).

26 (C.4) INSURANCE.--AN INSURER MAY NOT CHARGE AN INSURED WHO
27 HAS BEEN CONVICTED UNDER SUBSECTION (C.1) A HIGHER PREMIUM FOR A
28 POLICY OF INSURANCE IN WHOLE OR IN PART BY REASON OF THAT
29 CONVICTION.

30 (D) [DEFINITION.--AS USED IN THIS SECTION, "SERIOUS BODILY

1 INJURY" MEANS ANY] DEFINITIONS.--AS USED IN THIS SECTION, THE
2 FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO
3 THEM IN THIS SUBSECTION:

4 "DISTRACTED." HAVING A PERSON'S ATTENTION DIVERTED FROM
5 OPERATING A VEHICLE BY THE USE OF ANY DEVICE, INCLUDING, BUT NOT
6 LIMITED TO, AN ELECTRONIC, ELECTRICAL, MECHANICAL OR PERSONAL
7 GROOMING DEVICE, FOOD, DRINK, BOOK OR PRINTED MATERIAL.

8 "SERIOUS BODILY INJURY." ANY BODILY INJURY WHICH CREATES A
9 SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS, PERMANENT
10 DISFIGUREMENT OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION
11 OF ANY BODILY MEMBER OR ORGAN.

12 § 3752. Accident report forms.

13 (a) Form and content.--The department shall prepare and upon
14 request supply to all law enforcement agencies and other
15 appropriate agencies or individuals, forms for written accident
16 reports as required in this subchapter suitable with respect to
17 the persons required to make the reports and the purposes to be
18 served. The written report forms shall call for sufficiently
19 detailed information to disclose with reference to a vehicle
20 accident the cause, conditions then existing and the persons and
21 vehicles involved[.], including whether the driver of the
22 vehicle was using an interactive wireless communications device
23 when the accident occurred, and such other information as the
24 department may require. Reports for use by the drivers and
25 owners shall also provide for information relating to financial
26 responsibility.

27 * * *

28 Section 5. Section 3753 of Title 75 is amended by adding a
29 subsection to read:

30 § 3753. Department to compile, tabulate and analyze accident

reports.

* * *

(b.1) Report on interactive wireless communications devices.--The department shall annually compile and make available to the public information submitted on an accident report concerning interactive wireless communications devices in motor vehicles involved in traffic accidents. The report shall note whether the driver of the motor vehicle was using an interactive wireless communications device when the accident occurred. The data shall be included in a report submitted to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives.

* * *

Section 6. Sections 4527 ~~and~~, 4581(a) and (b) AND 6101 of Title 75 are amended to read:

§ 4527. [Television] Video receiving equipment.

(a) General rule.--[No] Except as provided in subsection (c), no person shall drive a motor vehicle [operated on a highway shall be] equipped with [television-type] any image display device, video receiving equipment, including a receiver, a video monitor or a television or video screen capable of displaying a television broadcast or video signal that produces entertainment or business applications or similar equipment which is located in the motor vehicle at any point forward of the back of the driver's seat [or otherwise], or which is visible, directly or indirectly, to the driver while operating the motor vehicle.

(a.1) Except as provided in subsection (b), no person may install in a motor vehicle an image display device intended to be visible to a driver in the normal driving position when the



1 vehicle is in motion and when restrained by the safety seat belt
2 system adjusted in accordance with the manufacturer's
3 recommendations.

4 (b) Exception.--This section shall not apply to the
5 following:

6 (1) [Television-type receiving equipment] Image display
7 devices in a vehicle used exclusively for safety or law
8 enforcement purposes as approved by the Pennsylvania State
9 Police.

10 (2) [Electronic displays] Image display devices used in
11 conjunction with in-vehicle navigation systems, related
12 traffic, road and weather information.

13 (3) Image display devices that provide vehicle
14 information related to the driving task or to enhance or
15 supplement the driver's view forward, behind or to the sides
16 of the motor vehicle or permit the driver to monitor vehicle
17 occupants behind the driver.

18 (4) Image display devices that do not display images to
19 the driver while the vehicle is in motion.

20 (5) Image display devices which display an image while a
21 vehicle is parked.

22 (c) Definitions.--As used in this section, the term "image
23 display device" means equipment capable of displaying to the
24 driver of the motor vehicle:

25 (1) a broadcast television image; or

26 (2) a visual image, other than text, from a digital
27 video disc or other storage device.

28 § 4581. Restraint systems.

29 (a) Occupant protection.--

30 (1) Any person who is operating a passenger car, Class I

1 truck, Class II truck, classic motor vehicle, antique motor
2 vehicle or motor home and who transports a child under four
3 years of age anywhere in the motor vehicle, including the
4 cargo area, shall fasten such child securely in a child
5 passenger restraint system, as defined in subsection (d).
6 This subsection shall apply to all persons while they are
7 operators of motor vehicles where a seating position is
8 available which is equipped with a seat safety belt or other
9 means to secure the systems or where the seating position was
10 originally equipped with seat safety belts.

11 (1.1) Any person who is operating a passenger car, Class
12 I truck, Class II truck, classic motor vehicle, antique motor
13 vehicle or motor home and who transports a child four years
14 of age or older but under eight years of age anywhere in the
15 motor vehicle, including the cargo area, shall fasten such
16 child securely in a fastened safety seat belt system and in
17 an appropriately fitting child booster seat, as defined in
18 subsection (d). This paragraph shall apply to all persons
19 while they are operators of motor vehicles where a seating
20 position is available which is equipped with a seat safety
21 belt or other means to secure the systems or where the
22 seating position was originally equipped with seat safety
23 belts. [A conviction under this paragraph by State or local
24 law enforcement agencies shall occur only as a secondary
25 action when a driver of a motor vehicle has been convicted of
26 violating any other provision of this title.]

27 (2) [Except for children under eight years of age and
28 except as provided in paragraphs (1) and (1.1), each]

29 (i) The driver [and front seat occupant] of a
30 passenger car, Class I truck, Class II truck or motor

1 home operated in this Commonwealth shall [wear] secure or
2 cause to be secured in a properly adjusted and fastened
3 safety seat belt system the driver and every vehicle
4 occupant ~~between~~ OLDER THAN eight years of age and UNDER ←
5 18 years of age. [A conviction under this paragraph by
6 State or local law enforcement agencies shall occur only
7 as a secondary action when a driver of a motor vehicle
8 has been convicted of any other provision of this title.
9 The driver of a passenger automobile shall secure or
10 cause to be secured in a properly adjusted and fastened
11 safety seat belt system any occupant who is eight years
12 of age or older and less than 18 years of age.]

13 (ii) Except for children under 18 years of age and
14 except as provided in paragraphs (1) and (1.1) and
15 subparagraph (i), each driver and front seat occupant of
16 a passenger car, Class I truck, Class II truck, classic
17 motor vehicle, antique motor vehicle or motor home
18 operated in this Commonwealth shall wear a properly
19 adjusted and fastened safety seat belt system.

20 (iii) This paragraph shall not apply to:

21 [(i)] (A) A driver or front seat occupant of any
22 vehicle manufactured before July 1, 1966.

23 [(ii)] (B) A driver or front seat occupant who
24 possesses a written verification from a physician
25 that he is unable to wear a safety seat belt system
26 for physical or medical reasons, or from a
27 psychiatrist or other specialist qualified to make an
28 informed judgment that he is unable to wear a safety
29 seat belt system for psychological reasons.

30 [(iii)] (C) A rural letter carrier while

1 operating any motor vehicle during the performance of
2 his duties as a United States postal service rural
3 letter carrier only between the first and last
4 delivery points.

5 [(iv)] (D) A driver who makes frequent stops and
6 is traveling less than 15 miles per hour for the
7 purpose of delivering goods or services while in the
8 performance of his duties and only between the first
9 and last delivery points.

10 A violation of this paragraph shall not be subject to the
11 assessment of any points under section 1535 (relating to
12 schedule of convictions and points).

13 (3) A driver who is under 18 years of age may not
14 operate a motor vehicle in which the number of passengers
15 exceeds the number of available safety seat belts in the
16 vehicle.

17 (b) Offense.--Anyone who fails to comply with the provisions
18 of subsection (a)(1) or (1.1) shall be guilty of a summary
19 offense with a maximum fine of \$100. The court imposing and
20 collecting any such fines shall transfer the fines thus
21 collected to the State Treasurer for deposit in the Child
22 Passenger Restraint Fund, pursuant to section 4582 (relating to
23 Child Passenger Restraint Fund). Anyone who violates subsection
24 (a)(2) or (3) commits a summary offense and shall, upon
25 conviction, be sentenced to pay a fine of \$10. No person shall
26 be convicted of a violation of subsection [(a)(2)] (a)(2) or (3)
27 unless the person is also convicted of another violation of this
28 title which occurred at the same time. No costs as described in
29 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
30 summary conviction of subsection (a)(2) or (3). Conviction under

1 this subsection shall not constitute a moving violation.

2 * * *

3 § 6101. APPLICABILITY AND UNIFORMITY OF TITLE. 

4 (A) REQUIREMENT.--THE PROVISIONS OF THIS TITLE SHALL BE
5 APPLICABLE AND UNIFORM THROUGHOUT THIS COMMONWEALTH AND IN ALL
6 POLITICAL SUBDIVISIONS IN THIS COMMONWEALTH, AND NO LOCAL
7 AUTHORITY SHALL ENACT OR ENFORCE ANY ORDINANCE ON A MATTER
8 COVERED BY THE PROVISIONS OF THIS TITLE UNLESS EXPRESSLY
9 AUTHORIZED.

10 (B) SANCTIONS.--WHEN A COURT OF COMPETENT JURISDICTION
11 DETERMINES THAT AN ORDINANCE ADOPTED BY A LOCAL AUTHORITY IS IN
12 VIOLATION OF SUBSECTION (A), THE LOCAL AUTHORITY IS SUBJECT TO
13 THE FOLLOWING SANCTIONS UNTIL THE LOCAL AUTHORITY REPEALS OR
14 SUBSTANTIALLY AMENDS THE ORDINANCE TO REMOVE THE LANGUAGE THAT
15 WAS FOUND TO BE IN VIOLATION OF SUBSECTION (A):

16 (1) SUSPENSION OF CAPITAL EXPENDITURES FOR BRIDGES AND
17 HIGHWAYS.

18 (2) SUSPENSION OF ALLOCATION UNDER THE ACT OF JUNE 1,
19 1956 (1955 P.L.1944, NO.655), REFERRED TO AS THE LIQUID FUELS
20 TAX MUNICIPAL ALLOCATION LAW.

21 (3) SUSPENSION OF ALLOCATION AND APPORTIONMENT UNDER
22 SECTION 9010(C.1) (RELATING TO DISPOSITION AND USE OF TAX).

23 (C) SUSPENDED FUNDS.--UPON NOTIFICATION THAT THE LOCAL
24 AUTHORITY HAS REPEALED OR SUBSTANTIALLY AMENDED THE ORDINANCE TO
25 REMOVE THE LANGUAGE THAT WAS FOUND TO BE IN VIOLATION OF
26 SUBSECTION (A), THE DEPARTMENT SHALL IMMEDIATELY END ALL
27 SANCTIONS AGAINST THE LOCAL AUTHORITY AND RETURN ALL SUSPENDED
28 FUNDS TO THE LOCAL AUTHORITY.

29 SECTION 7. SECTION 9010(C) INTRODUCTORY PARAGRAPH OF TITLE
30 75 IS AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS

1 TO READ:

2 § 9010. DISPOSITION AND USE OF TAX.

3 * * *

4 (C) ALLOCATION OF MONEY.--[THE] EXCEPT AS SET FORTH IN
5 SUBSECTION (C.1), THE COUNTY COMMISSIONERS MAY ALLOCATE AND
6 APPORTION MONEY FROM THE COUNTY LIQUID FUELS TAX FUND TO THE
7 POLITICAL SUBDIVISIONS WITHIN THE COUNTY IN THE RATIO AS
8 PROVIDED IN THIS SUBSECTION. WHEN THE UNENCUMBERED BALANCE IN
9 THE COUNTY LIQUID FUELS TAX FUND IS GREATER THAN THE RECEIPTS
10 FOR THE 12 MONTHS IMMEDIATELY PRECEDING THE DATE OF EITHER OF
11 THE REPORTS, THE COUNTY COMMISSIONERS SHALL NOTIFY THE POLITICAL
12 SUBDIVISIONS TO MAKE APPLICATION WITHIN 90 DAYS FOR
13 PARTICIPATION IN THE REDISTRIBUTION OF THE UNENCUMBERED BALANCE.
14 REDISTRIBUTION SHALL BE EFFECTED WITHIN 120 DAYS OF THE DATE OF
15 EITHER OF THE REPORTS. THE COUNTY COMMISSIONERS MAY DISTRIBUTE
16 THE UNENCUMBERED BALANCE IN EXCESS OF 50% OF THE RECEIPTS FOR
17 THE PREVIOUS 12 MONTHS TO THE POLITICAL SUBDIVISIONS MAKING
18 APPLICATION IN THE FOLLOWING MANNER:

19 * * *

20 (C.1) FORFEITURE.--ALL MONEY ALLOCATED UNDER SUBSECTION (C)
21 TO A POLITICAL SUBDIVISION WHICH, UNDER SECTION 6109(A)
22 (RELATING TO SPECIFIC POWERS OF DEPARTMENT AND LOCAL
23 AUTHORITIES), VIOLATES SECTION 6101(A) (RELATING TO
24 APPLICABILITY AND UNIFORMITY OF TITLE) SHALL BE WITHHELD BY THE
25 COUNTY DURING THE PERIOD OF TIME IN WHICH THE MUNICIPALITY IS IN
26 VIOLATION OF SECTION 6101(A).

27 (C.2) RELEASE FUNDS.--UPON NOTIFICATION THAT THE LOCAL
28 AUTHORITY HAS REPEALED OR SUBSTANTIALLY AMENDED THE ORDINANCE TO
29 REMOVE THE LANGUAGE THAT WAS FOUND TO BE IN VIOLATION OF SECTION
30 6101(A), THE COUNTY SHALL RELEASE THOSE FUNDS WITHHELD BY THE

1 COUNTY AND DUE THE LOCAL AGENCY.

2 * * *

3 ~~Section 7. This act shall take effect in 60 days.~~ ←

4 SECTION 8. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: ←

5 (1) THE AMENDMENT OR ADDITION OF 75 PA.C.S. § 9010 (C)

6 AND (C.1) SHALL TAKE EFFECT JANUARY 1, 2010.

7 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

8 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60

9 DAYS.