

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1

Session of  
2013

INTRODUCED BY RAFFERTY, WOZNIAK, SCARNATI, PILEGGI, CORMAN,  
BROWNE, WAUGH, ROBBINS, GORDNER, ERICKSON, WHITE, STACK, YAW,  
VOGEL, VULAKOVICH, BRUBAKER, SMUCKER, SOLOBAY, TOMLINSON,  
ALLOWAY, VANCE, MENSCH, BLAKE, BREWSTER, TEPLITZ, DINNIMAN,  
SCHWANK, KITCHEN AND WASHINGTON, MAY 3, 2013

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 27, 2013

## AN ACT

1 ~~Amending Titles 20 (Decedents, Estates and Fiduciaries), 74~~ <--  
2 ~~(Transportation) and 75 (Vehicles) of the Pennsylvania~~  
3 ~~Consolidated Statutes, in anatomical gifts, further providing~~  
4 ~~for The Governor Robert P. Casey Memorial Organ and Tissue~~  
5 ~~Donation Awareness Trust Fund contributions; in~~  
6 ~~administrative practice and procedure, further providing for~~  
7 ~~minority and women owned business participation; in~~  
8 ~~sustainable mobility options, further providing for~~  
9 ~~definitions, for the Public Transportation Trust Fund, for~~  
10 ~~application and approval process, for executive and~~  
11 ~~legislative reports, for coordination, for asset improvement~~  
12 ~~program, for Statewide programs and for capital improvements~~  
13 ~~program; providing for Alternative Energy Capital Investment~~  
14 ~~Program and for multimodal transportation funding; in airport~~  
15 ~~operation and zoning, further providing for the imposition of~~  
16 ~~a rental car customer facility charge by a city of the first~~  
17 ~~class, for the collection of the customer facility charge on~~  
18 ~~behalf of the city by rental car companies leasing space or~~  
19 ~~obtaining customers at an international airport, for use of~~  
20 ~~the proceeds of the rental car customer facility charge for~~  
21 ~~the development, maintenance and operation of a consolidated~~  
22 ~~rental car facility to improve services to the public at the~~  
23 ~~airport; for an agreement between a city of the first class~~  
24 ~~and rental car companies relating to the development and use~~  
25 ~~of the consolidated car rental facility and for the~~  
26 ~~administration and enforcement of the rental car customer~~  
27 ~~facility charge; in the Pennsylvania Turnpike, further~~  
28 ~~providing for definitions, for commission and for electronic~~

~~toll collection; in public private transportation-  
partnerships, further providing for agreement; providing for  
traffic signals and for the Bridge Bundling Program; in-  
registration of vehicles, further providing for certain-  
special plates and providing for suspension of registration-  
upon unpaid tolls; in licensing of drivers, further providing  
for expiration and renewal of drivers' licenses, for-  
occupational limited license and for probationary license; in-  
commercial drivers, further providing for fees; in financial-  
responsibility, further providing for required financial-  
responsibility; in fees, further providing for collection and  
disposition of fees and money, for passenger cars, for motor-  
homes, for motorcycles, for motor driven cycles, for trucks-  
and truck tractors, for motor buses and limousines, for-  
school buses and school vehicles, for trailers, for special-  
mobile equipment, for implements of husbandry, for antique,-  
classic and collectible vehicles, for farm vehicles, for-  
ambulances, taxis and hearses, for dealers and miscellaneous-  
motor vehicle business, for farm equipment vehicle dealers,-  
for transfer of registration, for temporary and-  
electronically issued registration plates, for replacement-  
registration plates, for certain registration plates, for-  
duplicate registration cards, for commercial implements of-  
husbandry, for special hauling permits as to weight and size,-  
for annual hauling permits, for mobile homes, modular housing-  
units and modular housing undercarriages, for books of-  
permits, for refund of certain fees, for driver's license and  
learner's permit, for certificate of title, for security-  
interest, for information concerning drivers and vehicles,-  
for certified copies of records, for uncollectible checks,-  
for certificate of inspection, for messenger service, for-  
reinstatement of operating privilege or vehicle registration-  
and for secure power of attorney; in motor carriers road tax-  
identification markers, further providing for identification-  
markers and license or road tax registration card required;-  
in general provisions, further providing for obedience to-  
traffic control devices; in State and local powers, further-  
providing for regulation of traffic on Pennsylvania Turnpike;-  
in penalties and disposition of fines, further providing for  
surcharge; in snowmobiles and all terrain vehicles, further-  
providing for fees; in Pennsylvania Turnpike, further-  
providing for definitions and for deposit and distribution of-  
funds; in liquid fuels and fuels tax, further providing for-  
definitions and for imposition, tax, exemptions and-  
deductions; in State highway maintenance, further providing  
for dirt and gravel road maintenance; in taxes for highway-  
maintenance and construction, further providing for  
imposition and for allocation of proceeds; and directing the  
Joint State Government Commission to study replacement funds.~~

~~The General Assembly finds and declares as follows:~~

~~(1) It is the purpose of this act to ensure that a safe  
and reliable system of transportation is available to the  
residents of this Commonwealth.~~

~~(2) The Commonwealth's transportation system includes~~

1 ~~nearly 40,000 miles of roads and 25,000 bridges owned by the~~  
2 ~~Commonwealth, nearly 77,000 miles of roads and 12,000 bridges~~  
3 ~~owned by counties and municipal governments, 36 fixed route~~  
4 ~~public transportation agencies, 67 railroads, 133 public use~~  
5 ~~airports, the Ports of Erie, Philadelphia and Pittsburgh, and~~  
6 ~~numerous bicycle and pedestrian facilities.~~

7 ~~(3) The Commonwealth's transportation system provides~~  
8 ~~for access to employment, educational services, medical care~~  
9 ~~and other life sustaining services for all residents of this~~  
10 ~~Commonwealth, including senior citizens and people with~~  
11 ~~disabilities.~~

12 ~~(4) The Department of Transportation of the Commonwealth~~  
13 ~~has indicated that 9,000 miles of roads owned by the~~  
14 ~~Commonwealth are in poor condition and that 4,400 bridges~~  
15 ~~owned by the Commonwealth are rated structurally deficient.~~  
16 ~~The State Transportation Advisory Committee has indicated~~  
17 ~~that 2,189 bridges exceeding 20 feet in length owned by~~  
18 ~~counties and municipalities are rated structurally deficient.~~

19 ~~(5) There is urgent public need to reduce congestion,~~  
20 ~~increase capacity, improve safety and promote economic~~  
21 ~~efficiency of transportation facilities throughout this~~  
22 ~~Commonwealth.~~

23 ~~(6) The Commonwealth has limited resources to fund the~~  
24 ~~maintenance and expansion of its transportation facilities.~~

25 ~~(7) The State Transportation Advisory Committee reported~~  
26 ~~in 2010 that the Commonwealth's transportation system is~~  
27 ~~underfunded by \$3,500,000,000 and projected that amount will~~  
28 ~~grow to \$6,700,000,000 by 2020 without additional financial~~  
29 ~~investment by the Commonwealth.~~

30 ~~(8) To ensure the needs of the public are adequately~~

1 ~~addressed, funding mechanisms must be enhanced to sustain the~~  
2 ~~Commonwealth's transportation system in the future.~~

3 ~~(9) The utilization of user fees establishes a funding~~  
4 ~~source for transportation needs that spreads the costs across~~  
5 ~~those who benefit from the Commonwealth's transportation~~  
6 ~~system.~~

7 ~~(10) Pursuant to section 11 of Article VIII of the~~  
8 ~~Constitution of Pennsylvania, all highway and bridge user~~  
9 ~~fees must be used solely for construction, reconstruction,~~  
10 ~~maintenance and repair of and safety on public highways and~~  
11 ~~bridges and costs and expenses incident thereto.~~

12 ~~(11) In order to ensure a safe and reliable system of~~  
13 ~~public transportation, aviation, ports, rail and bicycle and~~  
14 ~~pedestrian facilities, other transportation related user fees~~  
15 ~~must be deposited in the Public Transportation Trust Fund and~~  
16 ~~the Multimodal Transportation Fund.~~

17 ~~(12) In furtherance of the Commonwealth's energy policy,~~  
18 ~~which includes becoming independent from overreliance on~~  
19 ~~foreign energy sources, programs must be established to~~  
20 ~~promote reliance on or conversion to alternative energy~~  
21 ~~sources, including the vast natural gas supply of this~~  
22 ~~Commonwealth.~~

23 ~~(13) Recognition and furtherance of all these elements~~  
24 ~~is essential to promoting the health, safety and welfare of~~  
25 ~~the citizens of this Commonwealth.~~

26 AMENDING TITLES 74 (TRANSPORTATION) AND 75 (VEHICLES) OF THE  
27 PENNSYLVANIA CONSOLIDATED STATUTES, IN TITLE 74, PROVIDING  
28 FOR ORGANIZATION; IN SUSTAINABLE MOBILITY OPTIONS, FURTHER  
29 PROVIDING FOR DEFINITIONS AND FOR DEPARTMENT AUTHORIZATION;  
30 PROVIDING FOR FEES AND TAXES; FURTHER PROVIDING FOR THE  
31 PUBLIC TRANSPORTATION TRUST FUND, FOR APPLICATION AND  
32 APPROVAL PROCESS, FOR REPORT TO GOVERNOR AND GENERAL  
33 ASSEMBLY, FOR COORDINATION AND CONSOLIDATION, FOR OPERATING  
34 PROGRAM, FOR ASSET IMPROVEMENT PROGRAM, FOR PROGRAMS OF  
35 STATEWIDE SIGNIFICANCE AND FOR CAPITAL IMPROVEMENTS PROGRAM;

<--

1 ESTABLISHING THE ALTERNATIVE ENERGY CAPITAL INVESTMENT  
2 PROGRAM; PROVIDING FOR LOCAL TAX FOR MASS TRANSPORTATION AND  
3 FOR MULTIMODAL TRANSPORTATION FUNDING; IN AIRPORT OPERATION  
4 AND ZONING, PROVIDING FOR FIRST CLASS CITY CONSOLIDATED CAR  
5 RENTAL FACILITY; IN AVIATION DEVELOPMENT, FURTHER PROVIDING  
6 FOR TAX ON JET FUELS; IN TURNPIKE, FURTHER PROVIDING FOR  
7 DEFINITIONS AND FOR ELECTRONIC TOLL COLLECTION; IN TURNPIKE  
8 COMMISSION STANDARDS OF CONDUCT, FURTHER PROVIDING FOR ANNUAL  
9 REPORT AND FOR CODE OF CONDUCT; IN PUBLIC-PRIVATE  
10 TRANSPORTATION PARTNERSHIPS, FURTHER PROVIDING FOR PUBLIC-  
11 PRIVATE TRANSPORTATION PARTNERSHIP AGREEMENT; PROVIDING FOR  
12 TRAFFIC SIGNALS, FOR THE BRIDGE BUNDLING PROGRAM, FOR LOCAL  
13 BRIDGE MAINTENANCE AND FOR PUBLIC UTILITY FACILITIES; IN  
14 TITLE 75, IN REGISTRATION OF VEHICLES, PROVIDING FOR  
15 SUSPENSION OF REGISTRATION UPON UNPAID TOLLS; IN FINANCIAL  
16 RESPONSIBILITY, FURTHER PROVIDING FOR REQUIRED FINANCIAL  
17 RESPONSIBILITY; IN FEES, FURTHER PROVIDING FOR LIMITATION ON  
18 LOCAL LICENSE FEES AND TAXES AND FOR COLLECTION AND  
19 DISPOSITION OF FEES AND MONEYS; PROVIDING FOR FEE FOR LOCAL  
20 USE; FURTHER PROVIDING FOR DRIVER'S LICENSE AND LEARNER'S  
21 PERMIT, FOR CERTIFICATE OF TITLE, FOR SECURITY INTEREST, FOR  
22 INFORMATION CONCERNING DRIVERS AND VEHICLES, FOR CERTIFIED  
23 COPIES OF RECORDS AND FOR CERTIFICATE OF INSPECTION; IN MOTOR  
24 CARRIERS ROAD TAX IDENTIFICATION MARKERS, FURTHER PROVIDING  
25 FOR DEFINITIONS, FOR IDENTIFICATION MARKERS AND LICENSE OR  
26 ROAD TAX REGISTRATION CARD REQUIRED, FOR FALSE STATEMENTS AND  
27 PENALTIES AND FOR EXEMPTIONS; PROVIDING FOR UNCOLLECTIBLE  
28 PAYMENTS AND FOR EMERGENCY PROCLAMATIONS; IN GENERAL  
29 PROVISIONS, FURTHER PROVIDING FOR OBEDIENCE TO TRAFFIC-  
30 CONTROL DEVICES; IN SIZE, WEIGHT AND LOAD, FURTHER PROVIDING  
31 FOR RESTRICTIONS ON USE OF HIGHWAYS AND BRIDGES AND FOR  
32 PERMIT FOR MOVEMENT DURING COURSE OF MANUFACTURE; IN POWERS  
33 OF DEPARTMENT AND LOCAL AUTHORITIES, FURTHER PROVIDING FOR  
34 REGULATION OF TRAFFIC ON PENNSYLVANIA TURNPIKE; IN  
35 PENNSYLVANIA TURNPIKE, FURTHER PROVIDING FOR DEFINITIONS, FOR  
36 LEASE OF INTERSTATE 80 AND RELATED AGREEMENTS AND FOR DEPOSIT  
37 AND DISTRIBUTION OF FUNDS; IN LIQUID FUELS AND FUELS TAX,  
38 MAKING EDITORIAL CHANGES, FURTHER PROVIDING FOR DEFINITIONS,  
39 FOR LIQUID FUELS AND FUELS PERMITS, BOND OR DEPOSIT OF  
40 SECURITIES, FOR IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS,  
41 FOR TAXPAYER, FOR DISTRIBUTOR'S REPORT AND PAYMENT OF TAX,  
42 FOR DETERMINATION AND REDETERMINATION OF TAX, PENALTIES AND  
43 INTEREST DUE, FOR EXAMINATION OF RECORDS AND EQUIPMENT, FOR  
44 RETENTION OF RECORDS BY DISTRIBUTORS AND DEALERS, FOR  
45 DISCONTINUANCE OR TRANSFER OF BUSINESS, FOR SUSPENSION OR  
46 REVOCATION OF PERMITS, FOR LIEN OF TAXES, PENALTIES AND  
47 INTEREST, FOR COLLECTION OF UNPAID TAXES, FOR REPORTS FROM  
48 COMMON CARRIERS, FOR REWARD FOR DETECTION OF VIOLATIONS, FOR  
49 REFUNDS, FOR VIOLATIONS AND FOR DIESEL FUEL IMPORTERS AND  
50 TRANSPORTERS; PROHIBITING USE OF DYED DIESEL FUEL ON  
51 HIGHWAYS; VIOLATIONS AND PENALTIES, FOR UNCOLLECTIBLE CHECKS;  
52 PROVIDING FOR EMERGENCY ASSISTANCE IN A TIMELY MANNER AND FOR  
53 AN ELECTRIC VEHICLE ROAD FEE; IN STATE HIGHWAY MAINTENANCE,  
54 FURTHER PROVIDING FOR DIRT AND GRAVEL ROAD MAINTENANCE; IN  
55 SUPPLEMENTAL FUNDING FOR MUNICIPAL HIGHWAY MAINTENANCE,  
56 FURTHER PROVIDING FOR SUPPLEMENTAL FUNDING FOR MUNICIPAL  
57 HIGHWAY MAINTENANCE; IN TAXES FOR HIGHWAY MAINTENANCE AND  
58 CONSTRUCTION, FURTHER PROVIDING FOR IMPOSITION OF TAX AND FOR  
59 ALLOCATION OF PROCEEDS; IN MOTOR CARRIERS ROAD TAX, FURTHER  
60 PROVIDING FOR DEFINITIONS AND FOR RECORDS; PROVIDING FOR

1 RECORDKEEPING; FURTHER PROVIDING FOR SURETY BOND FOR PAYMENT  
2 OF TAXES, FOR PENALTY AND INTEREST FOR FAILURE TO REPORT OR  
3 PAY TAX, FOR MANNER OF PAYMENT AND RECOVERY OF TAXES,  
4 PENALTIES AND INTEREST, FOR DETERMINATION, REDETERMINATION  
5 AND REVIEW, FOR TIMELY MAILING TREATED AS TIMELY FILING AND  
6 PAYMENT; PROVIDING FOR METHOD OF FILING AND TIMELINESS, FOR  
7 UNCOLLECTIBLE PAYMENTS, FOR EMERGENCY ASSISTANCE IN A TIMELY  
8 MANNER; PROVIDING FOR THE PERMIT FOR THE MOVEMENT OF RAW  
9 MILK; AND MAKING A RELATED REPEALS.

10 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

11 (1) IT IS THE PURPOSE OF THIS ACT TO ENSURE THAT A SAFE  
12 AND RELIABLE SYSTEM OF TRANSPORTATION IS AVAILABLE TO THE  
13 RESIDENTS OF THIS COMMONWEALTH.

14 (2) THE COMMONWEALTH'S TRANSPORTATION SYSTEM INCLUDES  
15 NEARLY 40,000 MILES OF ROADS AND 25,000 BRIDGES OWNED BY THE  
16 COMMONWEALTH, NEARLY 77,000 MILES OF ROADS AND 12,000 BRIDGES  
17 OWNED BY COUNTIES AND MUNICIPAL GOVERNMENTS, 36 FIXED-ROUTE  
18 PUBLIC TRANSPORTATION AGENCIES, 67 RAILROADS, 133 PUBLIC USE  
19 AIRPORTS, THE PORTS OF ERIE, PHILADELPHIA AND PITTSBURGH, AND  
20 NUMEROUS BICYCLE AND PEDESTRIAN FACILITIES.

21 (3) THE COMMONWEALTH'S TRANSPORTATION SYSTEM PROVIDES  
22 FOR ACCESS TO EMPLOYMENT, EDUCATIONAL SERVICES, MEDICAL CARE  
23 AND OTHER LIFE-SUSTAINING SERVICES FOR ALL RESIDENTS OF THIS  
24 COMMONWEALTH, INCLUDING SENIOR CITIZENS AND PEOPLE WITH  
25 DISABILITIES.

26 (4) THE DEPARTMENT OF TRANSPORTATION OF THE COMMONWEALTH  
27 HAS INDICATED THAT 9,000 MILES OF ROADS OWNED BY THE  
28 COMMONWEALTH ARE IN POOR CONDITION AND THAT 4,400 BRIDGES  
29 OWNED BY THE COMMONWEALTH ARE RATED STRUCTURALLY DEFICIENT.  
30 THE STATE TRANSPORTATION ADVISORY COMMITTEE HAS INDICATED  
31 THAT 2,189 BRIDGES EXCEEDING 20 FEET IN LENGTH OWNED BY  
32 COUNTIES AND MUNICIPALITIES ARE RATED STRUCTURALLY DEFICIENT.

33 (5) THERE IS URGENT PUBLIC NEED TO REDUCE CONGESTION,  
34 INCREASE CAPACITY, IMPROVE SAFETY AND PROMOTE ECONOMIC

1 EFFICIENCY OF TRANSPORTATION FACILITIES THROUGHOUT THIS  
2 COMMONWEALTH.

3 (6) THE COMMONWEALTH HAS LIMITED RESOURCES TO FUND THE  
4 MAINTENANCE AND EXPANSION OF ITS TRANSPORTATION FACILITIES.

5 (7) THE STATE TRANSPORTATION ADVISORY COMMITTEE REPORTED  
6 IN 2010 THAT THE COMMONWEALTH'S TRANSPORTATION SYSTEM IS  
7 UNDERFUNDED BY \$3,500,000,000 AND PROJECTED THAT AMOUNT WILL  
8 GROW TO \$6,700,000,000 BY 2020 WITHOUT ADDITIONAL FINANCIAL  
9 INVESTMENT BY THE COMMONWEALTH.

10 (8) TO ENSURE THE NEEDS OF THE PUBLIC ARE ADEQUATELY  
11 ADDRESSED, FUNDING MECHANISMS MUST BE ENHANCED TO SUSTAIN THE  
12 COMMONWEALTH'S TRANSPORTATION SYSTEM IN THE FUTURE.

13 (9) THE UTILIZATION OF USER FEES ESTABLISHES A FUNDING  
14 SOURCE FOR TRANSPORTATION NEEDS THAT SPREADS THE COSTS ACROSS  
15 THOSE WHO BENEFIT FROM THE COMMONWEALTH'S TRANSPORTATION  
16 SYSTEM.

17 (10) PURSUANT TO SECTION 11 OF ARTICLE VIII OF THE  
18 CONSTITUTION OF PENNSYLVANIA, ALL HIGHWAY AND BRIDGE USER  
19 FEES MUST BE USED SOLELY FOR CONSTRUCTION, RECONSTRUCTION,  
20 MAINTENANCE AND REPAIR OF AND SAFETY ON PUBLIC HIGHWAYS AND  
21 BRIDGES AND COSTS AND EXPENSES INCIDENT THERETO.

22 (11) IN ORDER TO ENSURE A SAFE AND RELIABLE SYSTEM OF  
23 PUBLIC TRANSPORTATION, AVIATION, PORTS, RAIL AND BICYCLE AND  
24 PEDESTRIAN FACILITIES, OTHER TRANSPORTATION-RELATED USER FEES  
25 MUST BE DEPOSITED IN THE PUBLIC TRANSPORTATION TRUST FUND AND  
26 THE MULTIMODAL TRANSPORTATION FUND.

27 (12) IN FURTHERANCE OF THE COMMONWEALTH'S ENERGY POLICY,  
28 WHICH INCLUDES BECOMING INDEPENDENT FROM OVERRELIANCE ON  
29 FOREIGN ENERGY SOURCES, PROGRAMS MUST BE ESTABLISHED TO  
30 PROMOTE RELIANCE ON OR CONVERSION TO ALTERNATIVE ENERGY

1 SOURCES, INCLUDING THE VAST NATURAL GAS SUPPLY OF THIS  
2 COMMONWEALTH.

3 (13) RECOGNITION AND FURTHERANCE OF ALL THESE ELEMENTS  
4 IS ESSENTIAL TO PROMOTING THE HEALTH, SAFETY AND WELFARE OF  
5 THE CITIZENS OF THIS COMMONWEALTH.

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

8 ~~Section 1. Section 8621 of Title 20 of the Pennsylvania~~ <--  
9 ~~Consolidated Statutes is amended to read:~~

10 ~~§ 8621. The Governor Robert P. Casey Memorial Organ and Tissue~~  
11 ~~Donation Awareness Trust Fund contributions.~~

12 ~~(a) Driver's license. Beginning as soon as practicable, but~~  
13 ~~no later than January 1, 1995, the Department of Transportation~~  
14 ~~shall provide an applicant for an original or renewal driver's~~  
15 ~~license or identification card the opportunity to make a~~  
16 ~~contribution of [\$1] \$3 to the fund. The contribution shall be~~  
17 ~~added to the regular fee for an original or renewal driver's~~  
18 ~~license or identification card. One contribution may be made for~~  
19 ~~each issuance or renewal of a license or identification card.~~  
20 ~~Contributions shall be used exclusively for the purposes set out~~  
21 ~~in section 8622 (relating to The Governor Robert P. Casey~~  
22 ~~Memorial Organ and Tissue Donation Awareness Trust Fund). The~~  
23 ~~Department of Transportation shall monthly determine the total~~  
24 ~~amount designated under this section and shall report that~~  
25 ~~amount to the State Treasurer, who shall transfer that amount to~~  
26 ~~The Governor Robert P. Casey Memorial Organ and Tissue Donation~~  
27 ~~Awareness Trust Fund.~~

28 ~~(b) Vehicle registration. The Department of Transportation~~  
29 ~~shall provide an applicant for a renewal vehicle registration~~  
30 ~~the opportunity to make a contribution of [\$1] \$3 to The~~



1 ~~Governor Robert P. Casey Memorial Organ and Tissue Donation~~  
2 ~~Awareness Trust Fund. The contribution shall be added to the~~  
3 ~~regular fee for a renewal of a vehicle registration. One~~  
4 ~~contribution may be made for each renewal vehicle registration.~~  
5 ~~Contributions shall be used exclusively for the purposes~~  
6 ~~described in section 8622. The Department of Transportation~~  
7 ~~shall monthly determine the total amount designated under this~~  
8 ~~section and shall report that amount to the State Treasurer, who~~  
9 ~~shall transfer that amount to The Governor Robert P. Casey~~  
10 ~~Memorial Organ and Tissue Donation Awareness Trust Fund. The~~  
11 ~~Governor Robert P. Casey Memorial Organ and Tissue Donation~~  
12 ~~Awareness Trust Fund shall reimburse the department for the~~  
13 ~~initial costs incurred in the development and implementation of~~  
14 ~~the contribution program under this subsection. The General Fund~~  
15 ~~shall reimburse the Department of Transportation for the actual~~  
16 ~~annual operating costs of the program for vehicle registrations~~  
17 ~~as described in this subsection subject to the following limits:~~  
18 ~~For the first fiscal year during which this subsection is~~  
19 ~~effective, the General Fund shall reimburse the Department of~~  
20 ~~Transportation for the actual operating costs of the program in~~  
21 ~~this subsection up to a maximum of \$100,000. For each fiscal~~  
22 ~~year thereafter, the General Fund shall reimburse the Department~~  
23 ~~of Transportation for the actual operating costs of the program~~  
24 ~~in this subsection in an amount not to exceed the prior year's~~  
25 ~~actual operating costs on a full fiscal year basis plus 3%. The~~  
26 ~~amounts approved by the Governor as necessary are hereby~~  
27 ~~appropriated from the General Fund for this purpose.~~

28       ~~Section 1.1. Section 303 of Title 74 is amended to read:~~  
29       ~~§ 303. [Minority and women owned] Diverse business~~  
30                 ~~participation.~~

1       ~~(a) General rule. In [administering] bidding and awarding~~  
2 ~~contracts for transportation projects funded pursuant to the~~  
3 ~~provisions of this title or Title 75 (relating to vehicles), the~~  
4 ~~department, the commission and any local transportation~~  
5 ~~organization shall:~~

6           ~~(1) Be responsible for ensuring that all competitive~~  
7 ~~contract opportunities issued by the department, the~~  
8 ~~commission or local transportation organization seek to~~  
9 ~~maximize participation by [minority owned and women owned~~  
10 ~~businesses and other disadvantaged] diverse businesses.~~

11           ~~(1.1) Include in information and bid documents released~~  
12 ~~for bidding or solicitation on all competitive contracting~~  
13 ~~opportunities notice to the bidder that:~~

14           ~~(i) A prime contractor is required to document and~~  
15 ~~submit all good faith efforts to solicit subcontractors~~  
16 ~~from diverse businesses during the prebid and bidding~~  
17 ~~process, which shall be evaluated by contracting~~  
18 ~~entities.~~

19           ~~(ii) The prime contractor must include in the bid~~  
20 ~~the name and business address of each subcontractor~~  
21 ~~certified as a diverse business that will perform work or~~  
22 ~~labor, or render services to the prime contractor in~~  
23 ~~connection with the performance of the contract.~~

24           ~~(2) [Give] Encourage contractors to utilize and give~~  
25 ~~consideration[, when possible and cost effective,] to~~  
26 ~~contractors offering to utilize [minority owned and women~~  
27 ~~owned businesses and disadvantaged] diverse businesses in the~~  
28 ~~selection and award of contracts.~~

29           ~~(3) Ensure that the department's, the commission's and~~  
30 ~~local transportation organizations' commitment to [the~~

1 ~~minority owned and women owned business program]~~  
2 ~~participation by diverse businesses is clearly understood and~~  
3 ~~appropriately implemented and enforced by all applicable~~  
4 ~~department, commission and local transportation organization~~  
5 ~~employees.~~

6 ~~(4) Designate a responsible official to supervise the~~  
7 ~~department, the commission and local transportation~~  
8 ~~organization [minority owned and women owned] diverse~~  
9 ~~business program and ensure compliance within the department,~~  
10 ~~the commission or local transportation organization.~~

11 ~~(5) [Furnish the Department of General Services, upon~~  
12 ~~request, all requested information or assistance.]~~

13 ~~(Reserved).~~

14 ~~(6) [Recommend sanctions to the Secretary of General~~  
15 ~~Services,] Impose sanctions as may be appropriate under 62~~  
16 ~~Pa.C.S. Pt. I (relating to Commonwealth Procurement Code),~~  
17 ~~against businesses that fail to comply with this section or~~  
18 ~~the policies of the Commonwealth [minority owned and women~~  
19 ~~owned] diverse business [program] programs. This paragraph~~  
20 ~~shall not apply to a local transportation organization.~~

21 ~~(a.1) Additional duties of department. The department, with~~  
22 ~~the assistance of the Disadvantage Business Enterprise~~  
23 ~~Supportive Services Center, shall have the following duties:~~

24 ~~(1) Conduct the necessary and appropriate outreach,~~  
25 ~~including using the database available on the Internet~~  
26 ~~website of the Department of General Services, for purposes~~  
27 ~~of identifying diverse businesses in general construction~~  
28 ~~capable of performing contracts subject to this section.~~

29 ~~(2) By October 1, 2014, and each October 1 thereafter,~~  
30 ~~submit a report to the chairman and minority chairman of the~~

~~Transportation Committee of the Senate and the chairman and  
minority chairman of the Transportation Committee of the  
House of Representatives summarizing the participation level  
of diverse businesses in all competitive contract  
opportunities issued by the department, the commission or  
local transportation organization. The commission or local  
transportation organization shall cooperate with the  
department to complete the report. The report shall include:~~

~~(i) The percentage of participation by diverse  
businesses.~~

~~(ii) The total value of all contracts or  
subcontracts or other procurement contracts executed by  
diverse businesses pursuant to this section in the prior  
year.~~

~~(iii) The number of businesses penalized for  
violating this section.~~

~~(3) Transmit the report under paragraph (2) to the  
Minority Business Development Authority, established under  
the act of July 22, 1974 (P.L.598, No.206), known as the  
"Pennsylvania Minority Business Development Authority Act."  
The authority shall review the report to assess the  
effectiveness in advancing this section and to make any  
recommendations for changes in this section deemed necessary  
or desirable to the secretary and the chairman and minority  
chairman of the Transportation Committee of the Senate and  
the chairman and minority chairman of the Transportation  
Committee of the House of Representatives.~~

~~(a.2) Applicability. The following shall apply to  
contractors and contracts subject to subsection (a):~~

~~(1) The provisions of 62 Pa.C.S. § 2108 (relating to~~

1 ~~compliance with Federal requirements).~~

2 ~~(2) Prompt payment policies between a contractor and~~  
3 ~~subcontractor adopted by the Department of General Services~~  
4 ~~pursuant to 62 Pa.C.S. Pt. I.~~

5 ~~(b) Definitions. As used in this section, the following~~  
6 ~~words and phrases shall have the meanings given to them in this~~  
7 ~~subsection:~~

8 ~~"Commission." As defined in section 8102 (relating to~~  
9 ~~definitions).~~

10 ~~"Disadvantaged business." A business that is owned or~~  
11 ~~controlled by a majority of persons, not limited to members of~~  
12 ~~minority groups, who are subject to racial or ethnic prejudice~~  
13 ~~or cultural bias.~~

14 ~~"Diverse business." A disadvantaged business, minority owned~~  
15 ~~or women owned business or service disabled veteran owned or~~  
16 ~~veteran owned small business.~~

17 ~~"Local transportation organization." Any of the following:~~

18 ~~(1) A political subdivision or a public transportation~~  
19 ~~authority, port authority or redevelopment authority~~  
20 ~~organized under the laws of this Commonwealth or pursuant to~~  
21 ~~an interstate compact or otherwise empowered to render,~~  
22 ~~contract for the rendering of or assist in the rendering of~~  
23 ~~transportation service in a limited area in this~~  
24 ~~Commonwealth, even though it may also render or assist in~~  
25 ~~rendering transportation service in adjacent states.~~

26 ~~(2) A nonprofit association that directly or indirectly~~  
27 ~~provides public transportation service.~~

28 ~~(3) A nonprofit association of public transportation~~  
29 ~~providers operating within this Commonwealth.~~

30 ~~"Minority owned business." A business owned and controlled~~

1 ~~by a majority of individuals who are African Americans, Hispanic~~  
2 ~~Americans, Native Americans, Asian Americans, Alaskans or~~  
3 ~~Pacific Islanders.~~

4 ~~"Service disabled veteran owned small business." As defined~~  
5 ~~in 51 Pa.C.S. § 9601 (relating to definitions).~~

6 ~~"Veteran owned small business." As defined in 51 Pa.C.S. §~~  
7 ~~9601 (relating to definitions).~~

8 ~~"Women owned business." A business owned and controlled by a~~  
9 ~~majority of individuals who are women.~~

10 ~~Section 2. The definitions of "base operating allocation"~~  
11 ~~and "capital expenditures" in section 1503 of Title 74 are~~  
12 ~~amended to read:~~

13 ~~§ 1503. Definitions.~~

14 ~~The following words and phrases when used in this chapter~~  
15 ~~shall have the meanings given to them in this section unless the~~  
16 ~~context clearly indicates otherwise:~~

17 ~~\* \* \*~~

18 ~~"Base operating allocation." The total amount of State~~  
19 ~~operating assistance, reimbursement in lieu of fares for senior~~  
20 ~~passengers and other assistance which was used for operating~~  
21 ~~assistance as determined by the department in [fiscal year 2005-~~  
22 ~~2006] the last full fiscal year that the qualifying local~~  
23 ~~transportation organization received the assistance, including~~  
24 ~~the funds received under section 1517.1 (relating to Alternative~~  
25 ~~Energy Capital Investment Program).~~

26 ~~"Capital expenditures." All costs of capital projects,~~  
27 ~~including, but not limited to, the costs of acquisition,~~  
28 ~~construction, installation, start up of operations, improvements~~  
29 ~~and all work and materials incident thereto. At the discretion~~  
30 ~~of the department, preventive maintenance expenses, as defined~~

1 ~~by the Federal Transit Administration, may be deemed eligible as~~  
2 ~~a capital expenditure based on written approval by the~~  
3 ~~department.~~

4 \* \* \*

5 Section 3. ~~Section 1506(b)(1), (c) and (e) of Title 74 are~~  
6 ~~amended to read:~~

7 ~~§ 1506. Fund.~~

8 \* \* \*

9 ~~(b) Deposits to fund by department.~~

10 ~~(1) The following apply:~~

11 ~~(i) [Except as provided under subparagraph (ii),~~  
12 ~~upon] Upon receipt, the department shall deposit into the~~  
13 ~~fund the revenues received by the department under 75-~~  
14 ~~Pa.C.S. Ch. 89 (relating to Pennsylvania Turnpike) and~~  
15 ~~the lease agreement executed between the department and~~  
16 ~~the Pennsylvania Turnpike Commission under 75 Pa.C.S. §~~  
17 ~~8915.3 (relating to lease of Interstate 80; related~~  
18 ~~agreements) [as follows:~~

19 ~~(A) For fiscal year 2007-2008, \$250,000,000.~~

20 ~~(B) For fiscal year 2008-2009, \$250,000,000.~~

21 ~~(C) For fiscal year 2009-2010, \$250,000,000.~~

22 ~~(D) For fiscal year 2010-2011 and each fiscal~~  
23 ~~year thereafter, the amount calculated for the~~  
24 ~~previous fiscal year, increased by 2.5%].~~

25 ~~(ii) The deposits made to the fund under this~~  
26 ~~subsection shall equal [\$250,000,000] \$305,000,000 for~~  
27 ~~fiscal years 2013-2014 and 2014-2015, \$360,000,000 for~~  
28 ~~fiscal years 2015-2016 and 2016-2017 and \$415,000,000~~  
29 ~~annually for each fiscal year commencing [after the~~  
30 ~~expiration of the conversion period if the conversion~~

1 ~~notice is not received by the secretary prior to~~  
2 ~~expiration of the conversion period as set forth under 75-~~  
3 ~~Pa.C.S. § 8915.3(3)] with fiscal year 2017-2018.~~

4 ~~\*\*\*~~

5 ~~(c) Other deposits. The following shall be deposited into~~  
6 ~~the fund annually:~~

7 ~~(1) 4.4% of the amount collected under Article II of the~~  
8 ~~Tax Reform Code. Revenues under this paragraph shall be~~  
9 ~~deposited into the fund by the 20th day of each month for the~~  
10 ~~preceding month. The amount deposited under this paragraph is~~  
11 ~~estimated to be equivalent to the money available to the~~  
12 ~~department from the following sources:~~

13 ~~(i) The Supplemental Public Transportation Account~~  
14 ~~established under former section 1310.1 (relating to~~  
15 ~~supplemental public transportation assistance funding).~~

16 ~~(ii) The amount appropriated annually by the~~  
17 ~~Commonwealth from the General Fund for mass transit~~  
18 ~~programs pursuant to a General Appropriations Act.~~

19 ~~(2) An amount of proceeds of Commonwealth capital bonds~~  
20 ~~as determined annually by the Secretary of the Budget.~~

21 ~~(3) Revenue in the Public Transportation Assistance Fund~~  
22 ~~established under Article XXIII of the Tax Reform Code not~~  
23 ~~otherwise dedicated pursuant to law.~~

24 ~~(4) The revenues from the surcharge imposed under 75-~~  
25 ~~Pa.C.S. § 6506(a.1) (relating to surcharge).~~

26 ~~(5) The revenues deposited in the fund in accordance~~  
27 ~~with 75 Pa.C.S. § 3111(a.1)(2)(ii) (relating to obedience to~~  
28 ~~traffic control devices).~~

29 ~~(5.1) If, by July 1, 2021, legislation is not enacted to~~  
30 ~~replace the revenue deposited in the fund under subsection~~



1 ~~(b) (1), in fiscal year 2021-2022 and in each fiscal year~~  
2 ~~thereafter, the following shall apply:~~

3 ~~(i) An amount equal to that revenue shall be~~  
4 ~~deposited in the fund.~~

5 ~~(ii) Notwithstanding any other provision of law,~~  
6 ~~the source of the revenue deposited in the fund under~~  
7 ~~this paragraph shall be the receipts from the tax~~  
8 ~~collected under section 238 of the Tax Reform Code on~~  
9 ~~motor vehicles, trailers and semi-trailers.~~

10 ~~(6) Other appropriations, deposits or transfers to the~~  
11 ~~fund.~~

12 \* \* \*

13 ~~(c) Program funding amounts. Subject to available funds,~~  
14 ~~the programs established under this chapter shall be funded~~  
15 ~~annually as follows:~~

16 ~~(1) For the program established under section 1513-~~  
17 ~~(relating to operating program), the following amounts shall~~  
18 ~~be allocated from the fund:~~

19 ~~(i) [All] From the revenues deposited in the fund~~  
20 ~~under subsection (b) (1) [.]:~~

21 ~~(A) For fiscal years 2013-2014 and 2014-2015,~~  
22 ~~\$162,000,000.~~

23 ~~(B) For fiscal years 2015-2016 and 2016-2017,~~  
24 ~~\$118,500,000.~~

25 ~~(C) For fiscal year 2017-2018 and each fiscal~~  
26 ~~year thereafter, \$75,000,000.~~

27 ~~(ii) All revenues deposited in the fund under~~  
28 ~~subsection (b) (2).~~

29 ~~(iii) [69.99%] 86.76% of the revenues deposited in~~  
30 ~~the fund under subsection (c) (1).~~

1           ~~(iv) All revenues deposited into the fund under~~  
2           ~~subsection (c)(3).~~

3           ~~(v) The following percentages of the revenues~~  
4           ~~deposited in the fund in accordance with 75 Pa.C.S. §~~  
5           ~~1904 (relating to collection and disposition of fees and~~  
6           ~~moneys):~~

7                   ~~(A) For fiscal years 2013-2014 and 2014-2015,~~  
8                   ~~10%.~~

9                   ~~(B) For fiscal years 2015-2016 and 2016-2017,~~  
10                   ~~43.6%.~~

11                   ~~(C) For fiscal year 2017-2018 and each fiscal~~  
12                   ~~year thereafter, 77%.~~

13           ~~(2) [(i) Except as provided under subparagraph (ii),~~  
14           ~~for] For the program established under section 1514 (relating~~  
15           ~~to asset improvement program):~~

16                   ~~(A) By the proceeds of Commonwealth capital~~  
17                   ~~bonds deposited into the fund under subsection (c)~~  
18                   ~~(2).~~

19                   ~~[(A.1) For fiscal year 2007-2008, \$50,000,000~~  
20                   ~~from the revenues received by the department under 75~~  
21                   ~~Pa.C.S. Ch. 89 and the lease agreement executed~~  
22                   ~~between the department and the Pennsylvania Turnpike~~  
23                   ~~Commission under 75 Pa.C.S. § 8915.3. The amount~~  
24                   ~~received by the department under this section shall~~  
25                   ~~be deposited into the fund prior to distribution and~~  
26                   ~~shall be in addition to the amounts received under~~  
27                   ~~subsection (b)(1).~~

28                   ~~(B) For fiscal year 2008-2009, \$100,000,000 from~~  
29                   ~~the revenues received by the department under 75~~  
30                   ~~Pa.C.S. Ch. 89 and the lease agreement executed~~

1           ~~between the department and the Pennsylvania Turnpike~~  
2           ~~Commission under 75 Pa.C.S. § 8915.3. The amount~~  
3           ~~received by the department under this section shall~~  
4           ~~be deposited into the fund prior to distribution and~~  
5           ~~shall be in addition to the amounts received under~~  
6           ~~subsection (b) (1).~~

7           ~~(C) For fiscal year 2009-2010, \$150,000,000 from~~  
8           ~~the revenues received by the department under 75~~  
9           ~~Pa.C.S. Ch. 89 and the lease agreement executed~~  
10          ~~between the department and the Pennsylvania Turnpike~~  
11          ~~Commission under 75 Pa.C.S. § 8915.3. The amount~~  
12          ~~received by the department under this section shall~~  
13          ~~be deposited into the fund prior to distribution and~~  
14          ~~shall be in addition to the amounts received under~~  
15          ~~subsection (b) (1).~~

16          ~~(D) For fiscal year 2010-2011 and each fiscal~~  
17          ~~year thereafter, the amount calculated for the prior~~  
18          ~~fiscal year increased by 2.5% from the revenues~~  
19          ~~received by the department under 75 Pa.C.S. Ch. 89~~  
20          ~~and the lease agreement executed between the~~  
21          ~~department and the Pennsylvania Turnpike Commission~~  
22          ~~under 75 Pa.C.S. § 8915.3. The amount received by the~~  
23          ~~department under this section shall be deposited into~~  
24          ~~the fund prior to distribution and shall be in~~  
25          ~~addition to the amounts received under subsection (b)~~  
26          ~~(1).]~~

27          ~~(E) Ninety five percent of the remaining revenue~~  
28          ~~deposited in the fund under subsection (b) (1), after~~  
29          ~~the allocation of \$30,000,000 to the Multimodal~~  
30          ~~Transportation Fund under section 2102 (relating to~~

1 ~~deposits to fund).~~

2 ~~(F) The revenues deposited in the fund under~~  
3 ~~subsection (c) (4) and (5).~~

4 ~~[(ii) If the conversion notice is not received by~~  
5 ~~the secretary prior to the end of the conversion period~~  
6 ~~as set forth in 75 Pa.C.S. § 8915.3(3), no additional~~  
7 ~~allocation shall be made under subparagraph (i).]~~

8 ~~(3) For the program established under section 1516~~  
9 ~~(relating to programs of Statewide significance), 13.24% of~~  
10 ~~the revenues deposited in the fund under subsection (c) (1)~~  
11 ~~shall be allocated from the fund in addition to the remaining~~  
12 ~~revenue deposited in the fund under subsection (b) (1).~~

13 ~~[(4) For the program established under section 1517~~  
14 ~~(relating to capital improvements program), 16.77% of the~~  
15 ~~revenues deposited in the fund under subsection (c) (1).~~  
16 ~~Additional funds for this program may be provided from the~~  
17 ~~funds allocated but not distributed based on the limitation~~  
18 ~~set forth under section 1513(c) (3).]~~

19 ~~(5) For the program established under section 1517.1~~  
20 ~~(relating to Alternative Energy Capital Investments Program),~~  
21 ~~no more than \$60 million of the revenues deposited in the~~  
22 ~~fund under subsection (c) may be allocated from the fund.~~

23 ~~Section 4. Section 1507(a) (6) and (c) of Title 74 are~~  
24 ~~amended and subsection (a) is amended by adding a paragraph to~~  
25 ~~read:~~

26 ~~§ 1507. Application and approval process.~~

27 ~~(a) Application. An eligible applicant that wishes to~~  
28 ~~receive financial assistance under this chapter shall submit a~~  
29 ~~written application to the department on a form developed by the~~  
30 ~~department, which shall include the following:~~

1           \* \* \*

2           ~~(6) Evidence satisfactory to the department of the~~  
3           ~~commitment for matching funds required under this chapter~~  
4           ~~sufficient to match the projected financial assistance~~  
5           ~~payments [at the same times that the financial assistance~~  
6           ~~payments are to be provided.], provided no later than June 30~~  
7           ~~of the applicable fiscal year. If the evidence required under~~  
8           ~~this paragraph is not provided to the satisfaction of the~~  
9           ~~department, subsequent funding under section 1513 (relating~~  
10           ~~to operating program) shall be withheld until the applicant~~  
11           ~~meets the requirements of this paragraph.~~

12           ~~(6.1) A statement of policy outlining the basic~~  
13           ~~principles for the adjustment of fare growth to meet the rate~~  
14           ~~of inflation.~~

15           \* \* \*

16           ~~(c) Restriction on use of funds. [Financial] Unless the~~  
17           ~~department grants the award recipient a waiver allowing the~~  
18           ~~funds to be used for a different purpose, financial assistance~~  
19           ~~under this chapter shall be used only for activities set forth~~  
20           ~~under the financial assistance agreement [unless the department~~  
21           ~~grants the award recipient a waiver allowing the funds to be~~  
22           ~~used for a different purpose]. The department's regulations~~  
23           ~~shall describe circumstances under which it will consider waiver~~  
24           ~~requests and shall set forth all information to be included in a~~  
25           ~~waiver request. The [maximum duration of a waiver shall be one~~  
26           ~~year, and a] waiver request shall include a plan of corrective~~  
27           ~~action to demonstrate that the award recipient does not have an~~  
28           ~~ongoing need to use financial assistance funds for activities~~  
29           ~~other than those for which funds were originally awarded. The~~  
30           ~~duration of the waiver may not exceed the duration of the plan~~

1 ~~of corrective action. The department shall monitor~~  
2 ~~implementation of the plan of corrective action. If the plan of~~  
3 ~~corrective action is not implemented by the local transportation~~  
4 ~~organization, the department shall rescind the waiver approval.~~

5 Section 5. Sections 1511 and 1512 of Title 74 are amended to  
6 read:

7 ~~§ 1511. Report to Governor and General Assembly.~~

8 ~~{The following shall apply:~~

9 ~~(1) Except as provided in paragraph (2), the] The~~  
10 ~~department shall submit a public passenger transportation~~  
11 ~~performance report to the Governor and the General Assembly~~  
12 ~~by April 30 of each year, covering the prior fiscal year.~~

13 ~~{(2) The report covering the 2005-2006 fiscal year shall~~  
14 ~~be submitted by July 31, 2007.}~~

15 ~~§ 1512. Coordination and consolidation.~~

16 ~~(a) Coordination. Coordination is required in regions where~~  
17 ~~two or more award recipients have services or activities for~~  
18 ~~which financial assistance is being provided under this chapter~~  
19 ~~to assure that the services or activities are provided~~  
20 ~~efficiently and effectively.~~

21 ~~(b) Consolidation.~~

22 ~~(1) The department shall study the consolidation of~~  
23 ~~local transportation organizations as a means of reducing~~  
24 ~~annual expenses incurred by local transportation~~  
25 ~~organizations. The study shall examine the creation of~~  
26 ~~service regions to determine whether consolidation would~~  
27 ~~result in reduced annual expenses for the local~~  
28 ~~transportation organizations proposed to be consolidated.~~

29 ~~(2) If the results of the study under paragraph (1)~~  
30 ~~conclude that consolidation will result in estimated annual~~

~~savings to one or more of the local transportation organizations of at least \$2,000,000 or 25% of the local match contribution under section 1513 (relating to operating program) at the time of completion of the study, the local transportation organization and municipality shall implement the recommended action or provide increased local matching funds equal to 25% of the transportation organization's and local government's financial assistance under section 1513.~~

~~(3) The department shall waive the match increase under paragraph (2) for a local transportation organization or municipality if the local transportation organization or municipality is the only entity willing to consolidate in accordance with paragraph (2) and no consolidation occurs.~~

~~(c) Funding for consolidation incentives. A capital project that is necessary to support a local transportation organization that has agreed to consolidate operations and administration to achieve cost and service efficiencies shall be eligible for financial assistance under this chapter. The application for financial assistance must:~~

~~(1) identify the efficiencies in a consolidation plan;~~

~~and~~

~~(2) include the expected dollar savings that will result from the consolidation.~~

~~Section 6. Section 1514 of Title 74 is amended by adding a subsection to read:~~

~~§ 1514. Asset improvement program.~~

~~\* \* \*~~

~~(e.1) Distribution. The department shall allocate financial assistance under this section on a percentage basis of available funds each fiscal year as follows:~~

1       ~~(1) The local transportation organization organized and~~  
2 ~~existing under Chapter 17 (relating to metropolitan~~  
3 ~~transportation authorities) as the primary provider of public~~  
4 ~~passenger transportation for the counties of Philadelphia,~~  
5 ~~Bucks, Chester, Delaware and Montgomery, shall receive 69.4%~~  
6 ~~of the funds available for distribution under this section.~~

7       ~~(2) The local transportation organization organized and~~  
8 ~~existing under the act of April 6, 1956 (1955 P.L.1414,~~  
9 ~~No.465), known as the Second Class County Port Authority Act,~~  
10 ~~as the primary provider of public transportation for the~~  
11 ~~county of Allegheny, shall receive 22.6% of the funds~~  
12 ~~available for distribution under this section.~~

13       ~~(3) Other local transportation organizations organized~~  
14 ~~and existing as the primary providers of public passenger~~  
15 ~~transportation for the counties of this Commonwealth not~~  
16 ~~identified under paragraph (1) or (2) shall receive 8% of the~~  
17 ~~funds available for distribution under this section. The~~  
18 ~~department shall allocate the funds under this paragraph~~  
19 ~~among the local transportation organizations.~~

20       ~~(4) Notwithstanding paragraphs (1), (2) and (3) and~~  
21 ~~before distributing the funds under paragraph (1), (2) or~~  
22 ~~(3), the department shall set aside 5% of the funds available~~  
23 ~~for distribution under this section for discretionary use and~~  
24 ~~distribution by the secretary.~~

25       \* \* \*

26       Section 7. Sections 1516(b) and (c) of Title 74 are amended  
27 to read:

28       § 1516. Programs of Statewide significance.

29       \* \* \*

30       (b) Persons with disabilities. The department shall



1 ~~establish and administer a program providing reduced fares to~~  
2 ~~persons with disabilities on community transportation services~~  
3 ~~and to provide financial assistance for start up, administrative~~  
4 ~~and capital expenses related to reduced fares for persons with~~  
5 ~~disabilities. All of the following shall apply:~~

6 ~~(1) A community transportation system operating in the~~  
7 ~~Commonwealth other than in [counties of the first and second~~  
8 ~~class] a county of the first class may apply for financial~~  
9 ~~assistance under this subsection.~~

10 ~~(2) The department may award financial assistance under~~  
11 ~~this subsection for program start up and for continuing~~  
12 ~~capital expenses to offset administrative and capital~~  
13 ~~expenses. For community transportation trips made by eligible~~  
14 ~~persons with disabilities, financial assistance may be~~  
15 ~~awarded to an eligible community transportation system to~~  
16 ~~reimburse the system for up to 85% of the fare established~~  
17 ~~for the general public for each trip which is outside of~~  
18 ~~fixed route and paratransit service areas and not eligible~~  
19 ~~for funding from any other program or funding source. The~~  
20 ~~person making the trip or an approved third party sponsor~~  
21 ~~shall contribute the greater of 15% of the fare established~~  
22 ~~for the general public or the Americans with Disabilities Act~~  
23 ~~complementary paratransit fare.~~

24 ~~\* \* \*~~

25 ~~(e) Technical assistance [and], demonstration and~~  
26 ~~emergency. The department is authorized to provide financial~~  
27 ~~assistance under this section for technical assistance, research~~  
28 ~~and short term demonstration or emergency projects. All of the~~  
29 ~~following shall apply:~~

30 ~~(1) A local transportation organization or an agency or~~

1 ~~instrumentality of the Commonwealth may apply to the~~  
2 ~~department for financial assistance under this subsection.~~

3 ~~(2) Financial assistance provided under this subsection~~  
4 ~~may be used for reimbursement for any approved operating or~~  
5 ~~capital costs related to technical assistance and~~  
6 ~~demonstration program projects. Financial assistance for~~  
7 ~~short term demonstration projects may be provided at the~~  
8 ~~department's discretion on an annual basis based on the level~~  
9 ~~of financial commitment provided by the award recipient to~~  
10 ~~provide ongoing future funding for the project as soon as the~~  
11 ~~project meets the criteria established by the department and~~  
12 ~~the award recipient. Financial assistance for this purpose~~  
13 ~~shall not be provided for more than three fiscal years.~~

14 ~~Financial assistance may be provided to meet any short term~~  
15 ~~emergency need that requires immediate attention and cannot~~  
16 ~~be funded through other sources.~~

17 ~~(3) Financial assistance under this subsection provided~~  
18 ~~to a local transportation organization shall be matched by~~  
19 ~~local or private cash funding in an amount not less than~~  
20 ~~3.33% of the amount of the financial assistance being~~  
21 ~~provided. The sources of funds for the local match shall be~~  
22 ~~subject to the requirements of section 1513(d) (3) (relating~~  
23 ~~to operating program).~~

24 ~~(4) As follows:~~

25 ~~(i) For short term demonstration projects awarded~~  
26 ~~financial assistance under this subsection, the~~  
27 ~~department shall determine if the demonstration project~~  
28 ~~was successful based upon the performance criteria~~  
29 ~~established prior to the commencement of the~~  
30 ~~demonstration project and approved by the department.~~

1           ~~(ii) If the department determines that the~~  
2           ~~demonstration project was successful, the local~~  
3           ~~transportation organization or agency or instrumentality~~  
4           ~~of the Commonwealth that conducted the demonstration~~  
5           ~~project shall be eligible to apply for and receive funds~~  
6           ~~under section 1513 to sustain and transition the~~  
7           ~~demonstration project into regular public passenger~~  
8           ~~transportation service.~~

9           ~~(iii) During the first year in which the~~  
10           ~~demonstration project is eligible for and applies for~~  
11           ~~financial assistance under section 1513, the local~~  
12           ~~transportation organization or agency or instrumentality~~  
13           ~~of the Commonwealth that conducted the demonstration~~  
14           ~~project and transitioned it to regular public passenger~~  
15           ~~transportation service shall be eligible to receive~~  
16           ~~financial assistance up to 65% of the transportation~~  
17           ~~service's prior fiscal year operating costs or expenses~~  
18           ~~for the service as an initial base operating allocation.~~

19           ~~(iv) The initial base operating allocation shall be~~  
20           ~~taken from the growth under section 1513 over the prior~~  
21           ~~year before distributing the remainder of the formula~~  
22           ~~described in section 1513.~~

23       Section 8. Section 1517 of Title 74 is repealed:

24    ~~§ 1517. Capital improvements program.~~

25       ~~(a) Eligibility. A local transportation organization may~~  
26    ~~apply for financial assistance under this section.~~

27       ~~(b) Applications. The department shall establish the~~  
28    ~~contents of the application for the program established under~~  
29    ~~this section. The information shall be in addition to~~  
30    ~~information required under section 1507 (relating to application~~

1 ~~and approval process).~~

2 ~~(c) Distribution formula. The department shall award~~  
3 ~~financial assistance under this section based on the number of~~  
4 ~~passengers. The actual amount awarded to a local transportation~~  
5 ~~organization under this subsection shall be calculated as~~  
6 ~~follows:~~

7 ~~(1) Multiply the local transportation organization's~~  
8 ~~passengers by the total amount of funding available under~~  
9 ~~this section.~~

10 ~~(2) Divide the product under paragraph (1) by the sum of~~  
11 ~~the passengers for all qualifying local transportation~~  
12 ~~organizations.~~

13 ~~(d) Payments. Financial assistance under this section shall~~  
14 ~~be paid to local transportation organizations at least~~  
15 ~~quarterly.~~

16 ~~(e) Reduction in financial assistance. Financial assistance~~  
17 ~~provided to a local transportation organization under this~~  
18 ~~section shall be reduced by any financial assistance received~~  
19 ~~previously under this section which has not been spent or~~  
20 ~~committed in a contract within three years of its receipt.]~~

21 ~~Section 8.1. Title 74 is amended by adding a section to~~  
22 ~~read:~~

23 ~~§ 1517.1. Alternative Energy Capital Investment Program.~~

24 ~~(a) Establishment. The department is authorized to~~  
25 ~~establish a competitive grant program to implement capital~~  
26 ~~improvements deemed necessary to support conversion of a local~~  
27 ~~transportation organization's fleet to an alternative energy~~  
28 ~~source, including compressed natural gas.~~

29 ~~(b) Criteria. The department shall establish criteria for~~  
30 ~~awarding grants under this section. Criteria shall, at a~~

1 ~~minimum, include feasibility, cost/benefit analysis and project~~  
2 ~~readiness.~~

3 ~~(c) Additional authorization. Notwithstanding any other~~  
4 ~~provisions of this section or other law, the department may use~~  
5 ~~funds designated for the program established under subsection~~  
6 ~~(a) to supplement a local transit organization's base operating~~  
7 ~~allocation under section 1513 (relating to operating program) if~~  
8 ~~necessary to stabilize an operating budget and ensure that~~  
9 ~~efficient services may be sustained to support economic~~  
10 ~~development and job creation and retention.~~

11 Section 9. Title 74 is amended by adding a chapter to read:

12 CHAPTER 21

13 MULTIMODAL TRANSPORTATION FUNDING

14 Sec.

15 2101. Multimodal Transportation Fund.

16 2102. Deposits to fund.

17 2103. Use of revenue.

18 2104. Distribution of revenue.

19 2105. Project selection criteria and agreement.

20 2106. Local match.

21 § 2101. Multimodal Transportation Fund.

22 ~~A special fund is established within the State Treasury to be~~  
23 ~~known as the Multimodal Transportation Fund. Money in the fund~~  
24 ~~is appropriated to the department for the purposes authorized~~  
25 ~~under this chapter.~~

26 § 2102. Deposits to fund.

27 ~~The following shall be deposited in the Multimodal~~  
28 ~~Transportation Fund:~~

29 ~~(1) Thirty million dollars of the revenue deposited in~~  
30 ~~the Public Transportation Trust Fund under section 1506(b)(1)~~

1 ~~(relating to fund).~~

2 ~~(2) Twenty three percent of the revenues deposited in~~  
3 ~~the fund in accordance with 75 Pa.C.S. § 1904 (b) (2)~~  
4 ~~(relating to collection and disposition of fees and moneys).~~

5 ~~(3) For fiscal year 2015-2016 and each fiscal year~~  
6 ~~thereafter, the amount allocated from the oil company~~  
7 ~~franchise tax imposed under 75 Pa.C.S. § 9502 (relating to~~  
8 ~~imposition of tax) to be expended in accordance with section~~  
9 ~~11 of Article VIII of the Constitution of Pennsylvania.~~

10 ~~(4) Other appropriations, deposits or transfers to the~~  
11 ~~fund.~~

12 ~~(5) The interest earned on money in the fund.~~

13 ~~§ 2103. Use of revenue.~~

14 ~~Upon agreement of a majority among the chairman and minority~~  
15 ~~chairman of the Transportation Committee of the Senate and of~~  
16 ~~the chairman and minority chairman of the Transportation~~  
17 ~~Committee of the House of Representatives, money in the fund~~  
18 ~~shall be used by the department as follows:~~

19 ~~(1) To provide grants through the department's programs~~  
20 ~~relating to aviation, rail freight, passenger rail, port and~~  
21 ~~waterway, bicycle and pedestrian facilities, road and bridge~~  
22 ~~and other transportation modes.~~

23 ~~(2) For costs incurred by the department in the~~  
24 ~~administration of a programs specified under paragraph (1).~~

25 ~~(3) To incur costs for activities initiated or~~  
26 ~~undertaken directly by the department related to the programs~~  
27 ~~under paragraph (1).~~

28 ~~§ 2104. Distribution of revenue.~~

29 ~~The revenue deposited in the fund shall be distributed~~  
30 ~~annually as follows:~~

1 ~~(1) Six million dollars shall be designated for programs~~  
2 ~~related to aviation.~~

3 ~~(2) Ten million dollars shall be designated for programs~~  
4 ~~related to rail freight.~~

5 ~~(3) Five and one half million dollars shall be~~  
6 ~~designated for programs related to rail passengers.~~

7 ~~(4) Eight million dollars shall be designated for~~  
8 ~~programs related to ports and waterways.~~

9 ~~(5) Two million dollars for programs related to bicycle~~  
10 ~~and pedestrian facilities.~~

11 ~~(6) The department may provide grants from money~~  
12 ~~available under paragraph (7) for the following:~~

13 ~~(i) Projects which coordinate local land use with~~  
14 ~~transportation assets to enhance existing communities.~~

15 ~~(ii) Streetscape, lighting, sidewalk enhancement,~~  
16 ~~pedestrian safety and related projects.~~

17 ~~(iii) Projects improving connectivity or utilization~~  
18 ~~of existing transportation assets.~~

19 ~~(7) The remaining revenues shall be designated for~~  
20 ~~eligible programs under this chapter.~~

21 ~~§ 2105. Project selection criteria and agreement.~~

22 ~~The department shall award grants under this chapter on a~~  
23 ~~competitive basis. The department may not reserve, designate or~~  
24 ~~set aside a specific level of funds or percentage of funds to an~~  
25 ~~applicant prior to the completion of the application process,~~  
26 ~~nor may the department designate a set percentage of funds to an~~  
27 ~~applicant.~~

28 ~~§ 2106. Local match.~~

29 ~~Financial assistance under this section shall be matched by~~  
30 ~~county, municipal or private funding in an amount not less than~~

~~1 30% of the non-Federal share of the project cost. Matching funds  
2 from a county or municipality shall only consist of cash  
3 contributions provided by one or more counties or  
4 municipalities.~~

~~5 Section 9.1. Chapter 59 of Title 74 is amended by adding a  
6 subchapter to read:~~

~~7 SUBCHAPTER C~~

~~8 FIRST CLASS CITY CONSOLIDATED CAR RENTAL FACILITY~~

~~9 Sec.~~

~~10 5931. Scope of subchapter.~~

~~11 5932. Definitions.~~

~~12 5933. Customer facility charge.~~

~~13 § 5931. Scope of subchapter.~~

~~14 This subchapter relates to first class city consolidated  
15 rental car facilities.~~

~~16 § 5932. Definitions.~~

~~17 The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:~~

~~20 "Airport." A public international airport located partially  
21 in a city of the first class and partially in an adjacent  
22 municipality.~~

~~23 "Airport owner." Any of the following:~~

~~24 (1) A city which owns and operates an airport.~~

~~25 (2) An authority created by a city of the first class to  
26 own and operate an airport or any portion or activities of  
27 the airport.~~

~~28 "Airport property." Property owned and operated by an  
29 airport owner, including property that is leased, licensed or  
30 available for use by the airport owner.~~



1 ~~"City." A city of the first class.~~

2 ~~"Concession agreement." A regulation, contract, permit,~~  
3 ~~license or other agreement entered into between an airport owner~~  
4 ~~and a vehicle rental company which includes the terms and~~  
5 ~~conditions under which the company may transact its rental~~  
6 ~~vehicle business at the airport or on airport property.~~

7 ~~"Customer facility charge." A fee assessed on each motor~~  
8 ~~vehicle rental fee under this subchapter for the purpose of~~  
9 ~~funding all or part of the cost of:~~

10 ~~(1) A rental facility.~~

11 ~~(2) A rental facility improvement.~~

12 ~~(3) The proportionate cost of a transportation system.~~

13 ~~(4) A rental facility operation and maintenance expense.~~

14 ~~"Motor vehicle." A private passenger motor vehicle that~~  
15 ~~meets all of the following:~~

16 ~~(1) Is designed to transport not more than 15-~~  
17 ~~passengers.~~

18 ~~(2) Is rented for not more than 30 days without a~~  
19 ~~driver.~~

20 ~~(3) Is part of a fleet of at least five passenger~~  
21 ~~vehicles used for the purpose under paragraph (2).~~

22 ~~(4) Is owned or leased by a vehicle rental company.~~

23 ~~"Rental facility." A consolidated facility for the use of a~~  
24 ~~vehicle rental company to conduct business on airport property.~~

25 ~~"Rental facility agreement." An agreement entered into~~  
26 ~~between an airport owner and a vehicle rental company which~~  
27 ~~includes the following:~~

28 ~~(1) Location, scope of operations and general design of~~  
29 ~~the rental facility, rental facility improvements and a~~  
30 ~~transportation system which connects to a terminal or related~~

1 ~~structure.~~

2 ~~(2) The manner in which the proceeds of the customer~~  
3 ~~facility charge are to be used for the development,~~  
4 ~~operation, maintenance and funding of a rental facility, a~~  
5 ~~rental facility improvement, the proportionate cost of a~~  
6 ~~transportation system and the cost of operations and~~  
7 ~~maintenance.~~

8 ~~(3) A procedure and requirement for a consultation~~  
9 ~~regarding the implementation of this subchapter and the~~  
10 ~~disclosure to vehicle rental companies of information~~  
11 ~~relating to the collection and use of the customer facility~~  
12 ~~charge.~~

13 ~~(4) A methodology and procedure by which the amount of~~  
14 ~~the customer facility charge will be calculated and adjusted.~~

15 ~~"Rental facility improvement." A facility or structure on~~  
16 ~~airport property that is for the common use of vehicle rental~~  
17 ~~companies. The term shall include planning, finance, design,~~  
18 ~~construction, equipping or furnishing of the facility or~~  
19 ~~structure.~~

20 ~~"Rental facility operations and maintenance." The cost of~~  
21 ~~operating and maintaining a rental facility, including the day~~  
22 ~~to day cost.~~

23 ~~"Transportation system." A system which transports an~~  
24 ~~arriving or departing vehicle rental customer between a terminal~~  
25 ~~and related structure and the rental facility.~~

26 ~~"Vehicle rental company." A business entity which meets all~~  
27 ~~of the following:~~

28 ~~(1) Is engaged in the business of renting a motor~~  
29 ~~vehicle in this Commonwealth to a customer using airport~~  
30 ~~property.~~

~~(2) Operates from an on airport or an off airport facility.~~

~~§ 5933. Customer facility charge.~~

~~(a) Imposition. A city may impose a customer facility charge of not more than \$8 per rental day on a customer renting a motor vehicle from a vehicle rental company doing business at an airport. A customer facility charge may:~~

~~(1) be imposed notwithstanding the absence of authority in a regulation, on airport concession agreement or off-airport concession agreement or permit; and~~

~~(2) not affect the validity or enforceability of a concession agreement or permit.~~

~~(b) Amendment. The following shall apply:~~

~~(1) After executing a rental facility agreement with each vehicle rental company, the following shall apply:~~

~~(i) A city may increase or decrease the customer facility charge in an amount necessary to fund the costs as authorized under the rental facility agreement.~~

~~(ii) The terms of the rental facility agreement may be amended upon agreement by the airport owner and each vehicle rental company no more than once per calendar year.~~

~~(2) An amended rental facility agreement may authorize the increase or decrease of the amount of the customer facility charge to fund the current costs authorized under the rental facility agreement.~~

~~(c) Enforcement. The terms of a rental facility agreement may be interpreted and enforced by a court of competent jurisdiction through the imposition of a mandatory or prohibitive injunction. Monetary damages may not be awarded to a~~

1 ~~vehicle rental company or to a person required to pay the~~  
2 ~~customer facility charge for a violation of the terms and~~  
3 ~~conditions of the rental facility agreement.~~

4 ~~(d) Time limitation. If a rental facility agreement is not~~  
5 ~~executed within two years of the effective date of the~~  
6 ~~implementation of the customer facility charge, a city may~~  
7 ~~continue to impose and collect the customer facility charge~~  
8 ~~authorized under subsection (a) or proceed, in consultation with~~  
9 ~~the vehicle rental companies, to plan, design, finance and~~  
10 ~~construct a facility to be used for the provision of vehicle~~  
11 ~~rental service on airport property. The cost to a rental vehicle~~  
12 ~~company of the facility and the proportionate cost of a~~  
13 ~~transportation system under this subsection may not exceed the~~  
14 ~~customer facility charge.~~

15 ~~(e) Additional cost. A customer facility charge shall be in~~  
16 ~~addition to other motor vehicle rental fees and taxes imposed~~  
17 ~~under law, except that the customer facility charge may not~~  
18 ~~constitute part of the purchase price of a motor vehicle rental~~  
19 ~~imposed under any of the following:~~

20 ~~(1) Article II of the act of March 4, 1971 (P.L.6,~~  
21 ~~No.2), known as the Tax Reform Code of 1971.~~

22 ~~(2) The act of June 5, 1991 (P.L.9, No.6), known as the~~  
23 ~~Pennsylvania Intergovernmental Cooperation Authority Act for~~  
24 ~~Cities of the First Class.~~

25 ~~(3) A law similar to the statutes under paragraphs (1)~~  
26 ~~and (2).~~

27 ~~(f) Collection. The following shall apply:~~

28 ~~(1) A customer facility charge shall be:~~

29 ~~(i) collected from a customer by a vehicle rental~~  
30 ~~company and held in a segregated trust fund for the~~

1 ~~benefit of the airport owner; and~~

2 ~~(ii) paid to an airport owner on or before the last~~  
3 ~~day of the month following the month in which the~~  
4 ~~customer facility charges are collected.~~

5 ~~(2) A customer facility charge may not constitute gross~~  
6 ~~receipts or income of a vehicle rental company for the~~  
7 ~~purpose of tax imposed by the Commonwealth, the city or a~~  
8 ~~municipality.~~

9 ~~(3) Funds in a segregated trust fund under subsection~~  
10 ~~(a) may not be pledged, subjected to a lien or encumbered by~~  
11 ~~a vehicle rental company.~~

12 ~~(g) Use. Proceeds of the customer facility charge shall be~~  
13 ~~deposited by the airport owner into a segregated account to be~~  
14 ~~used solely for:~~

15 ~~(1) The planning, development, financing, construction~~  
16 ~~and operation of a rental facility.~~

17 ~~(2) A rental facility improvement.~~

18 ~~(3) The proportionate cost of a transportation system.~~

19 ~~(4) A rental facility operation and maintenance.~~

20 ~~(h) Pledge. An airport owner may pledge customer facility~~  
21 ~~charge revenues for any of the following:~~

22 ~~(1) The planning and design of a rental facility.~~

23 ~~(2) The creation and maintenance of reasonable reserves~~  
24 ~~and for the payment of debt service for the planning and~~  
25 ~~design of a rental facility.~~

26 ~~(i) Administration. An airport owner may do any of the~~  
27 ~~following:~~

28 ~~(1) Require a vehicle rental company to provide periodic~~  
29 ~~statements of account, file returns, authorize payments and~~  
30 ~~maintain records, in accordance with the vehicle rental~~

1 ~~company's obligations under this subchapter.~~

2 ~~(2) Conduct an examination to ensure a vehicle rental~~  
3 ~~company's compliance with its obligations under this~~  
4 ~~subchapter and may do the following:~~

5 ~~(i) Collect an amount due.~~

6 ~~(ii) Impose a lien and file a suit to recover an~~  
7 ~~amount due.~~

8 ~~(iii) Grant a refund.~~

9 ~~(iv) Require the payment of an authorized addition~~  
10 ~~to a customer facility charge, interest and penalty.~~

11 ~~(v) Adopt rules and regulations to implement this~~  
12 ~~section.~~

13 ~~(vi) Seek criminal penalties, as provided for a city~~  
14 ~~of the first class for the collection of taxes, for~~  
15 ~~failure to comply with the requirements of this~~  
16 ~~subchapter.~~

17 Section 10. ~~The definitions of "electronic toll collection,"~~  
18 ~~"owner" and "violation enforcement system" in section 8102 of~~  
19 ~~Title 74 are amended and the section is amended by adding~~  
20 ~~definitions to read:~~

21 ~~§ 8102. Definitions.~~

22 ~~The following words and phrases when used in this chapter~~  
23 ~~shall have the meanings given to them in this section unless the~~  
24 ~~context clearly indicates otherwise:~~

25 ~~"Automated toll collection." A system of collecting tolls or~~  
26 ~~charges by a device that is capable of accepting coin, currency,~~  
27 ~~cards or tokens for payment of the prescribed toll or charge.~~

28 ~~"Certificate of passage." A document signed and certified by~~  
29 ~~a vehicle owner, operator or lessee evidencing his or her~~  
30 ~~agreement to pay the prescribed toll plus a processing fee to~~

1 ~~the commission within a prescribed period.~~

2 ~~"Certificate of passage toll collection." A system of~~  
3 ~~collecting a toll or charge by providing a vehicle owner,~~  
4 ~~operator or lessee with a certificate of passage at a toll~~  
5 ~~collection facility if the owner, operator or lessee does not~~  
6 ~~have sufficient funds to pay the prescribed toll at the time he~~  
7 ~~or she passes through the toll collection facility.~~

8 \* \* \*

9 ~~"Electronic toll collection." A system of collecting tolls~~  
10 ~~or charges [that is capable of charging an account holder for~~  
11 ~~the prescribed toll] by electronic transmission of information~~  
12 ~~[between], including by use of a device on a vehicle and a~~  
13 ~~device [in a toll lane] at a toll collection facility, open road~~  
14 ~~tolling, video tolling system or other similar structural or~~  
15 ~~technological enhancements related to tolling.~~

16 \* \* \*

17 ~~"Owner." Except as provided under section [8117(e)] 8117~~  
18 ~~(relating to [electronic] toll collection), [an individual] a~~  
19 ~~person, copartnership, association or corporation having title~~  
20 ~~or interest in a property right, easement or franchise~~  
21 ~~authorized to be acquired under this chapter.~~

22 \* \* \*

23 ~~"Toll collection." A system of collecting tolls or charges~~  
24 ~~that is capable of charging an account holder or vehicle owner,~~  
25 ~~operator or lessee for the prescribed toll by automated toll~~  
26 ~~collection, certificate of passage toll collection or electronic~~  
27 ~~toll collection.~~

28 \* \* \*

29 ~~"Video tolling system." As follows:~~

30 ~~(1) A vehicle sensor or other electronic toll collection~~

1 ~~device, placed in a location to work in conjunction with a~~  
2 ~~toll collection facility, which automatically produces a~~  
3 ~~videotape or photograph, microphotograph or other recorded~~  
4 ~~image of the vehicle or vehicle license plate at the time the~~  
5 ~~vehicle is used or operated on the tolled facility in order~~  
6 ~~to collect tolls or detect violations of the toll collection~~  
7 ~~regulations or rules.~~

8 ~~(2) The term includes technology other than identified~~  
9 ~~under paragraph (1) which identifies a vehicle by~~  
10 ~~photographic, electronic or other method.~~

11 ~~"Violation." The failure to pay the prescribed toll as~~  
12 ~~provided under section 8117 (a) (1) (relating to toll~~  
13 ~~collection).~~

14 ~~["Violation enforcement system." A vehicle sensor, placed in~~  
15 ~~a location to work in conjunction with a toll collection~~  
16 ~~facility, which automatically produces a videotape or~~  
17 ~~photograph, microphotograph or other recorded image of the rear~~  
18 ~~portion of each vehicle at the time the vehicle is used or~~  
19 ~~operated in violation of the toll collection regulations. The~~  
20 ~~term includes any other technology which identifies a vehicle by~~  
21 ~~photographic, electronic or other method.]~~

22 ~~Section 11. Sections 8105 (b), 8117 and 9110 (f) (5) of Title~~  
23 ~~74 are amended to read:~~

24 ~~§ 8105. Commission.~~

25 ~~\* \* \*~~

26 ~~(b) Vacancies and terms.—~~

27 ~~(1) Notwithstanding any other law, any vacancy in the~~  
28 ~~membership of the commission shall be filled by appointment~~  
29 ~~of the Governor by and with the advice and consent of two~~  
30 ~~thirds of the members elected to the Senate.~~



1           ~~(2) The appointed member shall serve for a term of four~~  
2 ~~years. Upon the expiration of this term, the appointed member~~  
3 ~~may continue to hold office for 90 days or until his~~  
4 ~~successor shall be duly appointed and qualified, whichever is~~  
5 ~~shorter. A member may not serve more than two terms.~~

6           ~~\* \* \*~~

7 ~~§ 8117. [Electronic toll] Toll collection.~~

8           ~~(a) Liability of owner.—~~

9           ~~[(1) If an operator of a vehicle fails to pay the~~  
10 ~~prescribed toll at any location where tolls are collected by~~  
11 ~~means of electronic toll collection, the owner of the vehicle~~  
12 ~~shall be liable to the commission for failure of the operator~~  
13 ~~of the vehicle to comply with this section if the violation~~  
14 ~~is evidenced by information obtained from a violation~~  
15 ~~enforcement system.~~

16           ~~(2) If a violation of this section is committed, the~~  
17 ~~registration plate number of the vehicle as recorded by a~~  
18 ~~violation enforcement system shall establish an inference~~  
19 ~~that the owner of the vehicle was then operating the vehicle.~~  
20 ~~The inference shall be overcome if the owner does all of the~~  
21 ~~following:~~

22           ~~(i) Testifies that the owner was not operating the~~  
23 ~~vehicle at the time of the violation.~~

24           ~~(ii) Submits to an examination as to who at the time~~  
25 ~~was operating the vehicle.~~

26           ~~(iii) Reveals the name and residence address, if~~  
27 ~~known, of the operator of the vehicle.~~

28           ~~(3) If an action or proceeding is commenced in a county~~  
29 ~~other than that of the residence of the owner, a verified~~  
30 ~~written statement setting forth the facts prescribed under~~

1 ~~paragraph (2) (i), (ii) and (iii) shall suffice to overcome~~  
2 ~~the inference.~~

3 ~~(4) If the inference is overcome, the operator of the~~  
4 ~~vehicle may be held liable under this section for failure to~~  
5 ~~pay the prescribed toll in the same manner as if the operator~~  
6 ~~were the owner of the vehicle.~~

7 ~~(b) Imposition of liability. Liability under this section~~  
8 ~~shall be imposed upon an owner for a violation of this section~~  
9 ~~or the regulations of the commission occurring within the~~  
10 ~~territorial limits of this Commonwealth. If a violation is~~  
11 ~~committed as evidenced by a violation enforcement system, the~~  
12 ~~following shall apply:~~

13 ~~(1) The commission or an authorized agent or employee~~  
14 ~~must prepare and mail a notice of violation as follows:~~

15 ~~(i) The notice of violation must be sent by first~~  
16 ~~class mail to each person alleged to be liable as an~~  
17 ~~owner for a violation of this section.~~

18 ~~(ii) The notice must be mailed at the address shown~~  
19 ~~on the vehicle registration or at the address of the~~  
20 ~~operator, as applicable. Notice must be mailed no later~~  
21 ~~than 60 days after:~~

22 ~~(A) the alleged conduct; or~~

23 ~~(B) the date the inference is overcome under~~  
24 ~~subsection (a) (2).~~

25 ~~(iii) Personal service is not required.~~

26 ~~(iv) The notice must contain all of the following:~~

27 ~~(A) Information advising the person charged of~~  
28 ~~the manner and time in which the liability alleged in~~  
29 ~~the notice may be contested.~~

30 ~~(B) A warning advising the person charged that~~

1 failure to contest in the manner and time provided  
2 shall be deemed an admission of liability and that a  
3 default judgment may be entered on the notice.]

4 ~~(1) Notwithstanding any other provision of law, if an~~  
5 ~~operator of a vehicle fails to pay the prescribed toll at a~~  
6 ~~prescribed location by means of toll collection or as~~  
7 ~~directed by official signs posted on the tolled facility in~~  
8 ~~accordance with the rules or regulations instituted for toll~~  
9 ~~collection by the commission, the owner of the vehicle shall~~  
10 ~~be liable to the commission or its authorized agent for~~  
11 ~~failure of the operator of the vehicle to comply with this~~  
12 ~~section if the violation is evidenced by any of the~~  
13 ~~following:~~

14 ~~(i) Information obtained from a video tolling~~  
15 ~~system.~~

16 ~~(ii) A certificate of passage that has not been paid~~  
17 ~~within the prescribed time period.~~

18 ~~(2) Except for an operator who utilizes certificates of~~  
19 ~~passage toll collection, if an operator of a vehicle fails to~~  
20 ~~pay the prescribed toll as provided under paragraph (1), the~~  
21 ~~registration plate number of the vehicle as recorded by a~~  
22 ~~video tolling system shall establish an inference that the~~  
23 ~~owner of the vehicle was operating the vehicle at the time of~~  
24 ~~the violation. The inference shall be overcome if the owner~~  
25 ~~does all of the following:~~

26 ~~(i) Testifies that the owner was not operating the~~  
27 ~~vehicle at the toll facility at the time of the~~  
28 ~~violation.~~

29 ~~(ii) Submits to an examination as to who was~~  
30 ~~operating the vehicle at the time of the violation.~~

~~(iii) Reveals the name and residence address, if known, of the operator of the vehicle or demonstrates to the reasonable satisfaction of the commission that the vehicle was misidentified.~~

~~(3) If an action or proceeding is commenced in a county other than that of the residence of the owner, a verified written statement under 18 Pa.C.S. § 4904 (relating to unsworn falsifications to authorities) setting forth the facts prescribed under paragraph (2) shall suffice to overcome the inference.~~

~~(4) A court of competent jurisdiction shall admit as prima facie evidence the verified statement relied upon under paragraph (3). The operator of the vehicle may be held liable under this section for failure to pay the prescribed toll in the same manner as if the operator were the owner of the vehicle if any of the following apply:~~

~~(i) The inference is overcome.~~

~~(ii) The operator of the vehicle utilized certificate of passage toll collection.~~

~~(b) Imposition of liability. Liability under this section shall be imposed upon an owner, including a person, lessee or operator who becomes liable in the same manner as if the person was an owner under this section, for a violation of this section or the regulations or rules of the commission occurring within the territorial limits of this Commonwealth. If a violation is committed as evidenced by information obtained from a video tolling system or certificate of passage, the following shall apply:~~

~~(1) The commission or an authorized agent or employee shall prepare and mail a notice of violation as follows:~~

1           ~~(i) The notice of violation shall be sent by first-~~  
2 ~~class mail to each person alleged to be liable as an~~  
3 ~~owner for a violation of this section.~~

4           ~~(ii) The notice shall be mailed to the address shown~~  
5 ~~on the vehicle registration or to the address of the~~  
6 ~~operator, as applicable. Notice shall be mailed no later~~  
7 ~~than 120 days after one of the following:~~

8                   ~~(A) The date of the alleged conduct.~~

9                   ~~(B) The date the inference is overcome in~~  
10 ~~subsection (a) (2).~~

11                   ~~(C) The date that a lessor provides the~~  
12 ~~information required under subsection (b) (3) in a~~  
13 ~~manner that the lessee of the vehicle on the date of~~  
14 ~~violation is deemed to be the owner of the vehicle~~  
15 ~~for purposes of this section.~~

16           ~~(iii) Personal service of the notice shall not be~~  
17 ~~required.~~

18           ~~(iv) The notice shall include all of the following:~~

19                   ~~(A) The date, time and location of the alleged~~  
20 ~~violation and, if available, the license plate number~~  
21 ~~of the vehicle.~~

22                   ~~(B) Information advising the person charged of~~  
23 ~~the manner and time in which the liability alleged in~~  
24 ~~the notice may be contested.~~

25                   ~~(C) A warning advising the person charged that~~  
26 ~~failure to contest in the manner and time provided~~  
27 ~~shall be deemed an admission of liability, that a~~  
28 ~~default judgment may be entered on the notice and~~  
29 ~~that the failure to pay all unpaid tolls,~~  
30 ~~administrative fees and costs may result in~~

~~suspension of registration of a vehicle registered to  
the person by the department.~~

~~(v) A single notice with respect to multiple  
violations may be sent if the notice meets the  
requirements of this paragraph.~~

~~(1.1) A manual or automatic record of mailing prepared  
in the ordinary course of business shall be prima facie  
evidence of the mailing of notice.~~

~~(2) If an owner of a vehicle or an owner that is a  
lessor of a vehicle receives a notice of violation under this  
section for any time period during which the vehicle was  
reported to a police department as having been stolen, it  
shall be a defense to the allegation of liability that the  
vehicle had been reported to the police as having been stolen  
prior to the time the violation occurred and that the vehicle  
had not been recovered by the time of the violation. For  
purposes of asserting the defense under this paragraph, it  
shall be sufficient that a certified copy of the police  
report on the stolen vehicle be sent by first class mail to  
the commission or its authorized agent within 30 days after  
receiving the original notice of violation. Failure to send  
the information within the time limit under this paragraph  
shall render the owner or lessor liable for the penalty  
prescribed by this section.~~

~~(3) An owner that is a lessor of a vehicle as to which a  
notice of violation was issued under paragraph (1) shall not  
be liable for a violation if the owner sends to the  
commission or its authorized agent a copy of the rental,  
lease or other contract document covering the vehicle on the  
date of the violation, with the name and address of the~~

1 ~~lessee clearly legible to the commission, within 30 days~~  
2 ~~after receiving the original notice of violation. Failure to~~  
3 ~~send the information within the time limit under this~~  
4 ~~paragraph shall render the lessor liable for the penalty~~  
5 ~~prescribed by this section. If the lessor complies with the~~  
6 ~~provisions of this section, the lessee of the vehicle on the~~  
7 ~~date of the violation shall be deemed to be the owner of the~~  
8 ~~vehicle for purposes of this section and shall be subject to~~  
9 ~~liability for the penalty under this section.~~

10 ~~(4) A certified report or a facsimile report of an~~  
11 ~~authorized agent or employee of the commission reporting a~~  
12 ~~violation of this section or rules or regulations of the~~  
13 ~~commission based upon [the recorded information obtained from~~  
14 ~~a violation enforcement system] any of the following shall be~~  
15 ~~prima facie evidence of the facts contained in the report and~~  
16 ~~shall be admissible as an official record of regularly~~  
17 ~~conducted activity of the commission kept in the ordinary~~  
18 ~~course of business in any proceeding charging a violation of~~  
19 ~~this section or the toll collection rules or regulations of~~  
20 ~~the commission.~~

21 ~~(i) The recorded information obtained from a video~~  
22 ~~tolling system.~~

23 ~~(ii) A certificate of passage.~~

24 ~~(5) Notwithstanding any other provision of law,~~  
25 ~~videotapes, photographs, microphotographs, other recorded~~  
26 ~~images, written records, reports or facsimiles prepared~~  
27 ~~pursuant to this section shall be for the exclusive use of~~  
28 ~~the commission, its authorized agents, its employees and law~~  
29 ~~enforcement officials for the purpose of discharging duties~~  
30 ~~under this section and the rules or regulations of the~~

1 ~~commission. The information shall not be deemed a public~~  
2 ~~record under the act of [June 21, 1957 (P.L.390, No.212),~~  
3 ~~referred to as the Right to Know Law] February 14, 2008~~  
4 ~~(P.L.6, No.3), known as the Right to Know Law. The~~  
5 ~~information shall not be discoverable by court order or~~  
6 ~~otherwise; nor shall it be offered in evidence in any action~~  
7 ~~or proceeding which is not directly related to a violation of~~  
8 ~~this section, the rules or regulations of the commission or~~  
9 ~~indemnification for liability imposed pursuant to this~~  
10 ~~section. The restrictions set forth in this paragraph:~~

11 ~~(i) shall not be deemed to preclude a court of~~  
12 ~~competent jurisdiction from issuing an order directing~~  
13 ~~that the information be provided to law enforcement~~  
14 ~~officials if the information is reasonably described and~~  
15 ~~is requested solely in connection with a criminal law~~  
16 ~~enforcement action;~~

17 ~~(ii) shall not be deemed to preclude the exchange of~~  
18 ~~the information between any entities with jurisdiction~~  
19 ~~over or which operate [an electronic] a toll collection~~  
20 ~~system in this Commonwealth or any other jurisdiction;~~  
21 ~~and~~

22 ~~(iii) shall not be deemed to prohibit the use of~~  
23 ~~information exclusively for the purpose of billing~~  
24 ~~electronic toll collection account holders and other~~  
25 ~~users of toll collection, deducting toll charges from the~~  
26 ~~account of an account holder, enforcing toll collection~~  
27 ~~laws and related rules and regulations or enforcing the~~  
28 ~~provisions of an account holder agreement.~~

29 ~~(6) An imposition of liability under this section must~~  
30 ~~be based upon a preponderance of evidence.~~



1           ~~(7) An imposition of liability pursuant to this section~~  
2 ~~shall not be deemed a conviction of an owner and shall not be~~  
3 ~~made part of the motor vehicle operating record of the person~~  
4 ~~upon whom the liability is imposed, nor shall it be~~  
5 ~~considered in the provision of motor vehicle insurance~~  
6 ~~coverage.~~

7           ~~(8) An owner that admits, is found liable or fails to~~  
8 ~~respond to the notice of violation for a violation of this~~  
9 ~~section shall be civilly liable to the commission or tolling~~  
10 ~~entity as defined in 75 Pa.C.S. § 1380(j) (relating to~~  
11 ~~suspension of registration upon unpaid tolls) for [all of]~~  
12 ~~the following:~~

13           ~~(i) Either:~~

14                   ~~(A) the amount of the toll evaded or attempted~~  
15 ~~to be evaded if the amount can be determined; or~~

16                   ~~(B) the maximum toll from the farthest point of~~  
17 ~~entry on the [Pennsylvania Turnpike] tolled facility~~  
18 ~~to the actual point of exit if the amount of the toll~~  
19 ~~evaded or attempted to be evaded cannot be~~  
20 ~~determined.~~

21           ~~(ii) [A reasonable administrative fee not to exceed~~  
22 ~~\$35 per notification.] Fees and costs in an amount~~  
23 ~~sufficient to cover the reasonable costs of collecting~~  
24 ~~the amounts under subparagraph (i) but no greater than an~~  
25 ~~amount set by the commission or its authorized agent or~~  
26 ~~tolling entity as defined in 75 Pa.C.S. § 1380(j).~~

27           ~~(8.1) The following shall apply:~~

28                   ~~(i) Upon failure of an owner, operator or lessee to~~  
29 ~~pay the amount, fee and cost imposed under paragraph (8),~~  
30 ~~the commission or its authorized agent shall send to the~~

1 ~~owner, operator or lessee a notice of any toll evasion~~  
2 ~~violation setting forth the outstanding unpaid tolls and~~  
3 ~~administrative fees and costs due to the commission and~~  
4 ~~meeting the requirements of paragraph (1).~~

5 ~~(ii) The department shall suspend the registration~~  
6 ~~of a vehicle upon the notification from the commission or~~  
7 ~~its authorized agent that the statutory owner or~~  
8 ~~registrant of the vehicle has failed to pay or defaulted~~  
9 ~~in the payment of six or more violations issued under~~  
10 ~~subsection (a) (1) or incurred unpaid tolls or~~  
11 ~~administrative fees or costs that total a minimum of~~  
12 ~~\$500. The suspension shall not be construed to limit the~~  
13 ~~commission's or its authorized agent's ability to recoup~~  
14 ~~tolls, administrative fees or costs.~~

15 ~~(iii) Prior to notifying the department under~~  
16 ~~subparagraph (iv), the commission or its authorized agent~~  
17 ~~shall provide the statutory owner or registrant written~~  
18 ~~notice by first class mail of its intent to seek~~  
19 ~~suspension of the vehicle registration under this section~~  
20 ~~and afford the statutory owner or registrant with the~~  
21 ~~opportunity to be heard during an administrative~~  
22 ~~proceeding.~~

23 ~~(iv) The following shall apply:~~

24 ~~(A) No sooner than 30 days after mailing the~~  
25 ~~notice required under subparagraph (iii), the~~  
26 ~~commission or its authorized agent may notify the~~  
27 ~~department electronically, in a format prescribed by~~  
28 ~~the department, if a statutory owner or registrant~~  
29 ~~fails to respond, fails to pay, defaults in payment~~  
30 ~~of six or more violations issued under subsection (a)~~

1 ~~(1) or incurs unpaid tolls or administrative fees or~~  
2 ~~costs that total a minimum of \$500.~~

3 ~~(B) If a notice has been provided under clause~~  
4 ~~(A) and all of the violations are subsequently paid,~~  
5 ~~dismissed, reversed on appeal or canceled, the~~  
6 ~~commission or its authorized agent shall notify the~~  
7 ~~department electronically, in a format prescribed by~~  
8 ~~the department, of the disposition of the violation~~  
9 ~~and shall provide the statutory owner or registrant~~  
10 ~~with a release from the suspension.~~

11 ~~(v) A suspension under subparagraph (ii) shall~~  
12 ~~continue until the department receives notice from the~~  
13 ~~commission or its authorized agent that all of the~~  
14 ~~violations are paid, dismissed, reversed on appeal or~~  
15 ~~canceled or the defendant enters into an agreement with~~  
16 ~~the commission or its authorized agent to make~~  
17 ~~installment payments for the tolls, administrative fees~~  
18 ~~and costs imposed and pays the fee prescribed under 75~~  
19 ~~Pa.C.S. § 1960 (relating to reinstatement of operating~~  
20 ~~privilege or vehicle registration), except that the~~  
21 ~~suspension may be reimposed by the department if the~~  
22 ~~defendant fails to make regular installment payments.~~

23 ~~(vi) The department shall impose an additional~~  
24 ~~period of registration suspension if, subsequent to the~~  
25 ~~issuance of a suspension under subparagraph (ii), and~~  
26 ~~prior to the restoration of the registration, the~~  
27 ~~department is notified by the commission or its~~  
28 ~~authorized agent that the statutory owner or registrant~~  
29 ~~has failed to respond, failed to pay or defaulted in the~~  
30 ~~payment of an additional violation issued under~~

1 ~~subsection (a) (1).~~

2 ~~(vii) A suspension may not be imposed based upon a~~  
3 ~~violation of subsection (a) (1) more than three years~~  
4 ~~after the violation is committed.~~

5 ~~(9) Nothing in this section shall be construed to limit~~  
6 ~~the liability of the operator of a vehicle for a violation of~~  
7 ~~this section or of the rules or regulations of the~~  
8 ~~commission.~~

9 ~~(c) Placement of electronic toll collection device. An~~  
10 ~~electronic toll collection device which is affixed to the front~~  
11 ~~windshield of a vehicle in accordance with the rules or~~  
12 ~~regulations of the commission shall not be deemed to constitute~~  
13 ~~a violation of 75 Pa.C.S. § 4524 (relating to windshield-~~  
14 ~~obstructions and wipers).~~

15 ~~(d) Privacy of electronic toll collection account holder~~  
16 ~~information.~~

17 ~~(1) Except as set forth under paragraph (2),~~  
18 ~~notwithstanding any other provision of law, all of the~~  
19 ~~following apply to information kept by the commission, its~~  
20 ~~authorized agents or its employees which is related to the~~  
21 ~~account of an electronic toll collection system account~~  
22 ~~holder:~~

23 ~~(i) The information shall be for the exclusive use~~  
24 ~~of the commission, its authorized agents, its employees~~  
25 ~~and law enforcement officials for the purpose of~~  
26 ~~discharging their duties pursuant to this section and the~~  
27 ~~rules or regulations of the commission. This subparagraph~~  
28 ~~includes names, addresses, account numbers, account~~  
29 ~~balances, personal financial information, credit card~~  
30 ~~information, vehicle movement records and other~~

1 ~~information compiled from transactions with the account~~  
2 ~~holders.~~

3 ~~(ii) The information shall not be deemed a public~~  
4 ~~record under the Right to Know Law, nor shall it be~~  
5 ~~discoverable by court order or otherwise or be offered in~~  
6 ~~evidence in any action or proceeding which is not~~  
7 ~~directly related to the discharge of duties under this~~  
8 ~~section, the rules or regulations of the commission or a~~  
9 ~~violation of an account holder agreement.~~

10 ~~(2) Paragraph (1) shall not be deemed to do any of the~~  
11 ~~following:~~

12 ~~(i) Preclude a court of competent jurisdiction from~~  
13 ~~issuing an order directing that the information be~~  
14 ~~provided to law enforcement officials if the information~~  
15 ~~is reasonably described and is requested solely in~~  
16 ~~connection with a criminal law enforcement action.~~

17 ~~(ii) Preclude the exchange of the information~~  
18 ~~between any entities with jurisdiction over or which~~  
19 ~~operate an electronic toll collection system in this~~  
20 ~~Commonwealth or any other jurisdiction.~~

21 ~~(iii) Prohibit the use of the information~~  
22 ~~exclusively for the purpose of billing electronic toll~~  
23 ~~collection account holders, deducting toll charges from~~  
24 ~~the account of an account holder, enforcing toll~~  
25 ~~collection laws and related rules or regulations or~~  
26 ~~enforcing the provisions of an account holder agreement.~~

27 ~~(d.1) Temporary regulations. Notwithstanding any other law,~~  
28 ~~regulations promulgated by the commission during the two years~~  
29 ~~following the effective date of this subsection shall be deemed~~  
30 ~~temporary regulations which shall expire no later than three~~

1 ~~years following the effective date of this subsection or upon~~  
2 ~~promulgation of final regulations. The temporary regulations~~  
3 ~~shall not be subject to any of the following:~~

4 ~~(1) Sections 201, 202 and 203 of the act of July 31,~~  
5 ~~1968 (P.L.769, No.240), referred to as the Commonwealth~~  
6 ~~Documents Law.~~

7 ~~(2) The act of June 25, 1982 (P.L.633, No.181), known as~~  
8 ~~the Regulatory Review Act.~~

9 ~~(e) [Definition. As used in this section, the term "owner"~~  
10 ~~means any person, corporation, firm, partnership, agency,~~  
11 ~~association, organization or lessor that, at the time a vehicle~~  
12 ~~is operated in violation of this section or regulations of the~~  
13 ~~commission:~~

14 ~~(1) is the beneficial or equitable owner of the vehicle;~~

15 ~~(2) has title to the vehicle; or~~

16 ~~(3) is the registrant or coregistrant of the vehicle~~  
17 ~~registered with the department or a comparable agency of~~  
18 ~~another jurisdiction or uses the vehicle in its vehicle~~  
19 ~~renting or leasing business. The term includes a person~~  
20 ~~entitled to the use and possession of a vehicle subject to a~~  
21 ~~security interest in another person.] Definitions. As used~~  
22 ~~in this section, the following words and phrases shall have~~  
23 ~~the meanings given to them in this subsection unless the~~  
24 ~~context clearly indicates otherwise:~~

25 ~~"Owner." As follows:~~

26 ~~(1) A person, corporation, firm, partnership, agency,~~  
27 ~~association, organization, governmental entity or lessor~~  
28 ~~that, at the time a vehicle is operated in violation of this~~  
29 ~~section or rules or regulations of the commission, meets any~~  
30 ~~of the following:~~

1           ~~(i) Is the beneficial or equitable owner of the~~  
2           ~~vehicle.~~

3           ~~(ii) Has title to the vehicle.~~

4           ~~(iii) Is the registrant or coregistrant of the~~  
5           ~~vehicle registered with the department or a comparable~~  
6           ~~agency of another jurisdiction or uses the vehicle in its~~  
7           ~~vehicle renting or leasing business.~~

8           ~~(2) The term includes a person entitled to the use and~~  
9           ~~possession of a vehicle subject to a security interest in~~  
10           ~~another person.~~

11           ~~"Statutory owner." The term shall have the same meaning as~~  
12           ~~given to the term "owner" in 75 Pa.C.S. § 102 (relating to~~  
13           ~~definitions).~~

14           ~~§ 9110. Public private transportation partnership agreement.~~

15           ~~\* \* \*~~

16           ~~(f) User fees. A provision establishing whether user fees~~  
17           ~~will be imposed for use of the public private transportation~~  
18           ~~project and the basis by which any user fees will be imposed and~~  
19           ~~collected shall be determined in the public private~~  
20           ~~transportation partnership agreement. If a user fee is proposed~~  
21           ~~as part of the public private transportation project, a~~  
22           ~~proprietary public entity shall include provisions in the~~  
23           ~~agreement that authorize the collection of user fees, tolls,~~  
24           ~~fares or similar charges, including provisions that:~~

25           ~~\* \* \*~~

26           ~~(5) In the event an operator of a vehicle fails to pay~~  
27           ~~the prescribed toll or user fee at any location on a public~~  
28           ~~private transportation project where tolls or user fees are~~  
29           ~~collected by means of an electronic or other automated or~~  
30           ~~remote form of collection, the collection provisions of~~

1 ~~section 8117 (relating to [electronic] toll collection) shall~~  
2 ~~apply except that the development entity shall possess all of~~  
3 ~~the rights, roles, limitations and responsibilities of the~~  
4 ~~Pennsylvania Turnpike Commission.~~

5 \* \* \*

6 Section 12. Title 74 is amended by adding chapters to read:

7 CHAPTER 92

8 TRAFFIC SIGNALS

9 Sec.

10 9201. Definitions.

11 9202. Maintenance agreement.

12 § 9201. Definitions.

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

16 "Department." The Department of Transportation of the  
17 Commonwealth.

18 "Municipality." A city, borough, town or township.

19 "Maintenance." The activity of keeping a traffic signal in  
20 proper working condition during the useful life of the traffic  
21 signal.

22 "Replace." The modernization of an existing traffic signal  
23 within a designated traffic corridor.

24 "Synchronize." The coordination of all traffic signals  
25 within a designated traffic corridor for the purpose of  
26 operating as a single system.

27 "Timing." The programming of traffic signals within a  
28 designated traffic corridor in order to synchronize the signals.

29 § 9202. Maintenance agreement.

30 (a) Agreement. A municipality may enter into an agreement



1 ~~with the department to replace, synchronize and time traffic~~  
2 ~~signals located within a designated traffic corridor. The terms~~  
3 ~~of the agreement may specify that the municipality provide~~  
4 ~~services to the department. The agreement shall not exceed the~~  
5 ~~time period of the useful life of the traffic signals. The~~  
6 ~~municipality shall, during the duration of the agreement,~~  
7 ~~properly maintain and time the traffic signals in accordance~~  
8 ~~with the agreement.~~

9 ~~(b) Intergovernmental cooperation. Two or more~~  
10 ~~municipalities may enter into an agreement with the department~~  
11 ~~if a designated corridor is located in two or more~~  
12 ~~municipalities.~~

13 ~~(c) Maintenance. If the department determines that one or~~  
14 ~~more traffic signals located in a traffic corridor is not being~~  
15 ~~maintained or timed in accordance with an agreement under~~  
16 ~~subsection (a), the department shall provide written notice to~~  
17 ~~all municipalities subject to the agreement no less than 60 days~~  
18 ~~prior to taking any action to correct the improper maintenance~~  
19 ~~and timing. The written notice shall specify the maintenance and~~  
20 ~~timing deficiencies that are to be corrected.~~

21 ~~(1) A municipality subject to the agreement under~~  
22 ~~subsection (a) shall have 60 days to correct the deficiencies~~  
23 ~~contained in the written notice or to contest, in writing,~~  
24 ~~the findings of the department within 30 days of receipt of~~  
25 ~~the written notice.~~

26 ~~(2) The requirement that the municipality correct the~~  
27 ~~deficiencies within 60 days of receipt of the written notice~~  
28 ~~shall be temporarily stayed.~~

29 ~~(3) A municipality that contests the deficiencies~~  
30 ~~specified in the written notice shall have 30 days to enter~~

1 ~~into an agreement with the department related to the~~  
2 ~~deficiencies specified in the written notice.~~

3 ~~(4) If the department and the municipality do not enter~~  
4 ~~into an agreement under paragraph (3), the department and the~~  
5 ~~municipality shall agree to binding arbitration with a civil~~  
6 ~~engineer licensed by the Commonwealth who has substantial~~  
7 ~~experience in traffic engineering. The engineer may not be~~  
8 ~~under contract with the department or municipality or~~  
9 ~~municipalities.~~

10 ~~(d) Failure of municipality to perform. If a municipality~~  
11 ~~that has entered into an agreement with the department under~~  
12 ~~subsection (a) fails to meet the requirements of subsection (c)~~  
13 ~~(1) or (2), the department may take action to correct the~~  
14 ~~deficiencies specified in the notice under subsection (c).~~

15 ~~(e) Payment for failure to correct deficiencies. If the~~  
16 ~~department takes action under subsection (c), the department may~~  
17 ~~deduct the actual costs of correcting the deficiencies in~~  
18 ~~maintenance and timing from the payments made to the~~  
19 ~~municipality under the act of June 1, 1956 (1955 P.L.1944,~~  
20 ~~No.655), referred to as the Liquid Fuels Tax Municipal~~  
21 ~~Allocation Law, and 75 Pa.C.S. Chs. 89 (relating to Pennsylvania~~  
22 ~~Turnpike) and 95 (relating to taxes for highway maintenance and~~  
23 ~~construction).~~

24 ~~CHAPTER 93~~

25 ~~BRIDGE BUNDLING PROGRAM~~

26 ~~Sec.~~

27 ~~9301. Definitions.~~

28 ~~9302. Bundling authorization.~~

29 ~~9303. Bridge Bundling Program.~~

30 ~~9304. Grant limitation exceptions.~~

1 ~~§ 9301. Definitions.~~

2 ~~The following words and phrases when used in this chapter~~  
3 ~~shall have the meanings given to them in this section unless the~~  
4 ~~context clearly indicates otherwise:~~

5 ~~"Bridge budget act." The act of December 8, 1982 (P.L.848,~~  
6 ~~No. 235), known as the Highway Railroad and Highway Bridge~~  
7 ~~Capital Budget Act for 1982-1983.~~

8 ~~"Department." The Department of Transportation of the~~  
9 ~~Commonwealth.~~

10 ~~"Determination." A decision by the department as to the~~  
11 ~~eligibility, recommendation and inclusion in the program.~~

12 ~~"Local government." A county, city, borough, town or~~  
13 ~~township.~~

14 ~~"Program." The Bridge Bundling Program.~~

15 ~~§ 9302. Bundling authorization.~~

16 ~~Notwithstanding any other law, the department is authorized~~  
17 ~~to bundle the design and construction of highway bridges owned~~  
18 ~~by the Commonwealth or local governments as provided under this~~  
19 ~~chapter.~~

20 ~~§ 9303. Bridge Bundling Program.~~

21 ~~(a) Establishment. The Bridge Bundling Program is~~  
22 ~~established within the department.~~

23 ~~(b) Purpose. The purpose of the program is to save costs~~  
24 ~~and time by allowing multiple highway bridges to be replaced or~~  
25 ~~rehabilitated as one project for design and construction~~  
26 ~~purposes.~~

27 ~~(c) Eligibility. Bridges shall be eligible for the program~~  
28 ~~if multiple bridges meet all of the following:~~

29 ~~(1) Are within geographical proximity to each other.~~

30 ~~(2) Are of similar size or design.~~

1 ~~(3) Inclusion in the program will meet the purpose of~~  
2 ~~the program.~~

3 ~~(d) Implementation. The department shall implement the~~  
4 ~~program as follows:~~

5 ~~(1) The department shall annually develop a preliminary~~  
6 ~~list from different regions of this Commonwealth, on a~~  
7 ~~rotating basis, of bridges meeting eligibility requirements.~~

8 ~~(2) The department shall notify local governments owning~~  
9 ~~bridges recommended for inclusion in that year's program.~~

10 ~~(3) Following receipt of notification from the~~  
11 ~~department, the governing body of a local government shall~~  
12 ~~have 60 days to agree or refuse participation in the program.~~  
13 ~~Failure to respond in writing within 60 days shall be~~  
14 ~~considered a refusal to participate in the program.~~

15 ~~(4) Based on the response from local governments under~~  
16 ~~paragraph (3), the department shall make a final~~  
17 ~~determination of bridges to be designed and constructed under~~  
18 ~~the program and provide a list to the appropriate planning~~  
19 ~~organizations for inclusion in lists of funded projects.~~

20 ~~(4.1) A determination shall not be:~~

21 ~~(i) considered to an adjudication under 2 Pa.C.S.~~  
22 ~~Chs. 5 Subch. A (relating to practice and procedure of~~  
23 ~~Commonwealth agencies) and 7 Subch. A (relating to~~  
24 ~~judicial review of Commonwealth agency action); and~~

25 ~~(ii) appealable to the department or a court of law.~~

26 ~~(5) The following shall apply:~~

27 ~~(i) A local government that agrees to participate in~~  
28 ~~the program for one or more of its bridges that qualify~~  
29 ~~for the program must enter into an agreement with the~~  
30 ~~department. The agreement shall define the department's~~

~~responsibility for the design and construction of the bridges and the continuing ownership and maintenance responsibilities of the local government for the local bridges replaced or rehabilitated under this program.~~

~~(ii) The local government shall have 90 days from receipt of the agreement to execute the agreement.~~

~~(iii) Failure to return an agreement executed by authorized local government officials shall be deemed a refusal to participate in the program.~~

~~(6) Upon full execution of an agreement under the program, the department shall manage the project design and construction in a manner consistent with the purpose of the program.~~

~~(f) Itemization. Notwithstanding any other law, bridges determined to be eligible and recommended for the program by the department shall not require specific itemization in a capital budget.~~

~~§ 9304. Grant limitation exceptions.~~

~~(a) Exceptions. Notwithstanding section 2(c) of the bridge budget act, a local government shall not be required to pay any local share of the costs associated with the design and construction of the bridge.~~

~~(b) Nonparticipation. Notwithstanding section 2(c) of the bridge budget act, a local government with bridges that are recommended for participation in the program which refuses to participate in the program shall be required to pay 30% of the non-Federal share of the costs for those local bridges.~~

~~Section 13. Section 1307(a), (a.1), (b) and (c) of Title 75 are amended and the section is amended by adding a subsection to read:~~

1 ~~§ 1307. Period of registration.~~

2 ~~(a) Staggered renewal system to be established. The~~  
3 ~~department shall establish a system of staggered registration~~  
4 ~~renewal in a manner that an approximately equal number of~~  
5 ~~registrations will expire every month throughout [the year] a~~  
6 ~~two year period. In order to implement and maintain the~~  
7 ~~staggered registration system, the department may prorate annual~~  
8 ~~registration fees over registration periods of from [6 to] 18 to~~  
9 ~~30 months.~~

10 ~~(a.1) Seasonal registration. Upon application on a form~~  
11 ~~prescribed by the department, the owner or lessee of a passenger~~  
12 ~~car, recreational motor vehicle, motorcycle, truck or farm~~  
13 ~~vehicle which does not have a gross vehicle weight rating of~~  
14 ~~more than 10,000 pounds may register the vehicle with the~~  
15 ~~department for a period of successive months of less than [one~~  
16 ~~year] two years. The applicant shall specify the period of~~  
17 ~~months during which the vehicle shall be registered. Except when~~  
18 ~~the department initially converts a currently valid [annual]~~  
19 ~~registration to a seasonal registration, the [annual] fee~~  
20 ~~prescribed for the vehicle by Chapter 19 (relating to fees)~~  
21 ~~shall be paid in full by the applicant regardless of the number~~  
22 ~~of months chosen for registration by the applicant. Upon receipt~~  
23 ~~of the appropriate fee and the properly completed form,~~  
24 ~~including all information required by this chapter, the~~  
25 ~~department shall issue a seasonal registration that shall expire~~  
26 ~~on the last day of the expiration month chosen by the~~  
27 ~~registrant. No insurer of a vehicle belonging to any owner or~~  
28 ~~lessee who obtains a seasonal registration and who applies for~~  
29 ~~or receives a reduced automobile insurance premium on account~~  
30 ~~thereof shall be required to provide any contractual coverage,~~

1 ~~whether in the form of the provision of a defense or the payment~~  
2 ~~of first party or third party benefits or otherwise, to the~~  
3 ~~owner or lessee in connection with any event occurring during~~  
4 ~~that part of the [year] registration period in which the vehicle~~  
5 ~~is not registered; and such owner or lessee shall be treated for~~  
6 ~~all purposes, including, without limitation, ascertaining rights~~  
7 ~~to stack coverages and to uninsured and underinsured motorist~~  
8 ~~coverage, as a person who does not own that vehicle and has no~~  
9 ~~duty to carry financial responsibility on it for that part of~~  
10 ~~the [year] registration period.~~

11 ~~(b) New registration. A new registration is effective on~~  
12 ~~the date of issuance of a registration card by the department or~~  
13 ~~the date of issuance of a temporary registration card by an~~  
14 ~~authorized agent of the department under section 1310 (relating~~  
15 ~~to temporary registration cards). Except as otherwise provided~~  
16 ~~under this chapter, a new registration shall expire two years~~  
17 ~~after the last day of the month preceding either the date of~~  
18 ~~issuance of a registration card by the department or the date of~~  
19 ~~issuance of a temporary registration card by either the~~  
20 ~~department or an authorized agent of the department, whichever~~  
21 ~~occurs first.~~

22 ~~(c) Renewal of registration. A renewed registration shall~~  
23 ~~be effective on issuance by the department of a renewed~~  
24 ~~registration card. Except as otherwise provided under this~~  
25 ~~chapter, a renewed registration shall expire as follows:~~

26 ~~(1) If a registration is renewed before two months have~~  
27 ~~elapsed since its scheduled expiration, the renewed~~  
28 ~~registration shall expire two years after the last day of the~~  
29 ~~month in which it had been scheduled to expire.~~

30 ~~(2) If a registration is renewed after two months have~~

~~1 elapsed since expiration, the renewed registration shall~~  
~~2 expire two years after the last day of the month preceding~~  
~~3 the date of issuance of the renewed registration.~~

~~4 \* \* \*~~

~~5 (g) International Registration Plan. Vehicles registered~~  
~~6 under the International Registration Plan shall be subject to~~  
~~7 annual registration renewal.~~

~~8 Section 14. Section 1353 of Title 75 is amended to read:~~

~~9 § 1353. Preserve our heritage registration plate.~~

~~10 The department, in consultation with the Pennsylvania~~  
~~11 Historical and Museum Commission, shall design a special~~  
~~12 preserve our heritage registration plate. Upon receipt of an~~  
~~13 application, accompanied by a fee of [~~\$35~~] ~~\$54~~ which shall be in~~  
~~14 addition to the annual registration fee, the department shall~~  
~~15 issue the plate for a passenger car, motor home, trailer or~~  
~~16 truck with a registered gross weight of not more than 10,000~~  
~~17 pounds. The Historical Preservation Fund shall receive \$15 of~~  
~~18 each additional fee for this plate.~~

~~19 Section 15. Section 1354 of Title 75 is repealed:~~

~~20 {§ 1354. Flagship Niagara commemorative registration plate.~~

~~21 (a) Plate. The department, in consultation with the~~  
~~22 Pennsylvania Historical and Museum Commission, shall design a~~  
~~23 Flagship Niagara commemorative registration plate. Upon~~  
~~24 application of any person, accompanied by a fee of \$35 which~~  
~~25 shall be in addition to the annual registration fee, the~~  
~~26 department shall issue the plate for a passenger car, motor~~  
~~27 home, trailer or truck with a registered gross weight of not~~  
~~28 more than 10,000 pounds.~~

~~29 (b) Use of fee. Of each fee paid under subsection (a), \$15~~  
~~30 shall be deposited into the Flagship Niagara Account, which is~~



1 ~~established as a special account in the Historical Preservation~~  
2 ~~Fund of the Pennsylvania Historical and Museum Commission. The~~  
3 ~~commission shall administer the account as follows:~~

4 ~~(1) To preserve, maintain and operate the Flagship~~  
5 ~~Niagara.~~

6 ~~(2) After making a determination that there has been~~  
7 ~~compliance with paragraph (1) for a fiscal year, to~~  
8 ~~contribute to the fund.]~~

9 ~~Section 16. Sections 1355 and 1358 of Title 75 are amended~~  
10 ~~to read:~~

11 ~~§ 1355. Zoological plate.~~

12 ~~The department, in consultation with the Pennsylvania~~  
13 ~~Zoological Council, shall design a special zoological~~  
14 ~~registration plate. Upon application of any person, accompanied~~  
15 ~~by a fee of [\$35] \$54 which shall be in addition to the annual~~  
16 ~~registration fee, the department shall issue the plate for a~~  
17 ~~passenger car, motor home, trailer or truck with a registered~~  
18 ~~gross weight of not more than 10,000 pounds. The Zoological~~  
19 ~~Enhancement Fund shall receive \$15 of the fee paid by the~~  
20 ~~applicant for the plate.~~

21 ~~§ 1358. DARE plate.~~

22 ~~The department, in consultation with the Pennsylvania~~  
23 ~~Commission on Crime and Delinquency, shall design a special drug~~  
24 ~~abuse resistance education (DARE) registration plate which~~  
25 ~~utilizes the DARE logo or slogan in the design. Upon application~~  
26 ~~of any person, accompanied by a fee of [\$35] \$53 which shall be~~  
27 ~~in addition to the annual registration fee, the department shall~~  
28 ~~issue the plate for a passenger car, motor home, trailer or~~  
29 ~~truck with a registered gross weight of not more than 10,000~~  
30 ~~pounds. The Drug Abuse Resistance Education Program shall~~

1 ~~receive \$15 of each additional fee for this plate.~~

2 ~~Section 16.1. Title 75 is amended by adding a section to~~  
3 ~~read:~~

4 ~~§ 1380. Suspension of registration upon unpaid tolls.~~

5 ~~(a) Suspension of registration.~~

6 ~~(1) The department shall suspend the registration of a~~  
7 ~~vehicle upon the notification from a tolling entity that the~~  
8 ~~owner or registrant of the vehicle has either:~~

9 ~~(i) failed to pay or defaulted in the payment of six~~  
10 ~~or more violations issued pursuant to 74 Pa.C.S. §~~  
11 ~~8117(a)(1) (relating to electronic toll collection) or~~  
12 ~~other laws, regulations, ordinances or other standards~~  
13 ~~applicable to the toll collection or payment requirements~~  
14 ~~for a tolling entity; or~~

15 ~~(ii) incurred unpaid tolls or administrative fees or~~  
16 ~~costs that collectively total a minimum of \$500,~~  
17 ~~regardless of the number of violations.~~

18 ~~(2) The suspension under paragraph (1) may not be~~  
19 ~~construed to limit the tolling entity's ability to recoup~~  
20 ~~tolls, administrative fees or costs by any other means~~  
21 ~~available under the law.~~

22 ~~(b) Notice. Prior to notifying the department under~~  
23 ~~subsection (c), the tolling entity shall provide the owner or~~  
24 ~~registrant written notice by first class mail of its intent to~~  
25 ~~seek suspension of the vehicle registration pursuant to this~~  
26 ~~section and afford the owner or registrant with the opportunity~~  
27 ~~to be heard during an administrative proceeding.~~

28 ~~(c) Notice to the department. Not sooner than 30 days after~~  
29 ~~mailing the notice under subsection (b), the tolling entity,~~  
30 ~~provided it has entered into an agreement with the department to~~

1 ~~enforce the provisions of this section, may notify the~~  
2 ~~department electronically in a format prescribed by the~~  
3 ~~department whenever an owner or registrant meets the~~  
4 ~~requirements for suspension under subsection (a) (1). When a~~  
5 ~~tolling entity has provided notice under this subsection and all~~  
6 ~~of the violations are subsequently paid, dismissed, reversed on~~  
7 ~~appeal or canceled, the tolling entity shall notify the~~  
8 ~~department electronically in a format prescribed by the~~  
9 ~~department of the disposition of the violation and shall provide~~  
10 ~~the owner or registrant with a release from the suspension.~~

11 ~~(d) Period of suspension. A suspension under subsection (a)~~  
12 ~~shall continue until the department receives notice from the~~  
13 ~~tolling entity that the violations are paid, dismissed, reversed~~  
14 ~~on appeal or canceled or the owner or registrant enters into an~~  
15 ~~agreement with the tolling entity to make installment payments~~  
16 ~~for tolls, administrative fees and costs imposed and pays the~~  
17 ~~fee prescribed in section 1960 (relating to reinstatement of~~  
18 ~~operating privilege or vehicle registration), provided that the~~  
19 ~~suspension may be reimposed by the department if the owner or~~  
20 ~~registrant fails to make regular installment payments.~~

21 ~~(e) Additional suspension. The department shall impose an~~  
22 ~~additional period of registration suspension if, subsequent to~~  
23 ~~the issuance of a suspension under subsection (a) but prior to~~  
24 ~~the restoration of the registration, the department is notified~~  
25 ~~by the tolling entity that the owner or registrant has failed to~~  
26 ~~pay, failed to respond or defaulted in the payment of an~~  
27 ~~additional violation issued pursuant to 74 Pa.C.S. § 8117(a) (1).~~

28 ~~(f) Violations outside Commonwealth. The department shall~~  
29 ~~suspend the registration of a vehicle upon the notification from~~  
30 ~~a tolling entity that has entered into an enforcement agreement~~

1 ~~with the department as authorized under section 6146 (relating~~  
2 ~~to enforcement agreements) for any toll violation of that state~~  
3 ~~or an authority or for failure to pay any fine or costs imposed~~  
4 ~~in accordance with the laws of the jurisdiction in which the~~  
5 ~~violation occurred. A person who provides proof satisfactory to~~  
6 ~~the department that the full amount of the fine and costs has~~  
7 ~~been forwarded to and received by the other state may not be~~  
8 ~~regarded as having failed to pay for the purposes of this~~  
9 ~~subsection.~~

10 ~~(g) Documentation. In any proceeding under this section,~~  
11 ~~documents obtained by the department from a tolling entity or~~  
12 ~~from the appropriate agency of the Commonwealth or another state~~  
13 ~~shall be admissible into evidence to support the department's~~  
14 ~~case. In addition, the department may treat the documents and~~  
15 ~~reports as documents of the department and use any of the~~  
16 ~~methods of storage permitted under the provisions of 42 Pa.C.S.~~  
17 ~~§ 6109 (relating to photographic copies of business and public~~  
18 ~~records) and may reproduce the documents in accordance with the~~  
19 ~~provisions of 42 Pa.C.S. § 6103 (relating to proof of official~~  
20 ~~records). The department may certify that it has received or~~  
21 ~~obtained documents and reports from a tolling entity, the~~  
22 ~~Commonwealth or other states, and the certification shall be~~  
23 ~~prima facie proof of the facts contained in the documents and~~  
24 ~~reports.~~

25 ~~(h) Three year statute of limitations. No suspension may be~~  
26 ~~imposed based upon a violation of 74 Pa.C.S. § 8117(a)(1) or~~  
27 ~~similar provision from another state more than three years after~~  
28 ~~the violation is committed.~~

29 ~~(i) Collection of out of State tolls. The department or a~~  
30 ~~tolling agency may collect the civil penalties and tolls imposed~~

1 ~~by an out of State tolling entity if the department or tolling~~  
2 ~~entity has entered into a reciprocity agreement that confirms~~  
3 ~~all of the following:~~

4 ~~(1) The other state or tolling entity has its own~~  
5 ~~effective reciprocal procedures for collecting penalties and~~  
6 ~~tolls imposed by a Commonwealth tolling entity and agrees to~~  
7 ~~collect penalties and tolls of the Commonwealth tolling~~  
8 ~~entity by employing sanctions that include denial of a~~  
9 ~~person's right to register or reregister a motor vehicle.~~

10 ~~(2) The penalties, exclusive of tolls, claimed by the~~  
11 ~~other state or tolling entity against an owner of a motor~~  
12 ~~vehicle registered in Pennsylvania do not exceed \$100 for a~~  
13 ~~first violation or \$600 for all pending violations.~~

14 ~~(3) The other state or tolling entity provides due~~  
15 ~~process and appeal protections to avoid the likelihood that a~~  
16 ~~false, mistaken or unjustified claim will be pursued against~~  
17 ~~an owner.~~

18 ~~(4) An owner of a motor vehicle registered in this~~  
19 ~~Commonwealth may present evidence to the other state or~~  
20 ~~tolling entity by mail, telephone, electronic means or other~~  
21 ~~means to invoke rights of due process, without having to~~  
22 ~~appear personally in the jurisdiction where the violation is~~  
23 ~~alleged to have occurred.~~

24 ~~(5) The reciprocal collection agreement between the~~  
25 ~~department or a tolling entity and the other state or tolling~~  
26 ~~entity provides that each party may charge the other a fee~~  
27 ~~sufficient to cover the costs of collection services,~~  
28 ~~including costs incurred by the agency that registers motor~~  
29 ~~vehicles.~~

30 ~~(j) Definition. As used in this section, the term "tolling~~

1 ~~entity" means the Pennsylvania Turnpike Commission, an entity~~  
2 ~~authorized to impose and collect tolls in accordance with the~~  
3 ~~laws of Pennsylvania, including 74 Pa.C.S. Ch. 91 (relating to~~  
4 ~~public private transportation partnerships) or the laws of~~  
5 ~~another state or states and any authorized agent of such an~~  
6 ~~entity.~~

7 Section 17. Section 1514(a) and (c) of Title 75 are amended  
8 and the section is amended by adding subsections to read:

9 § 1514. Expiration and renewal of drivers' licenses.

10 (a) General rule. Every driver's license shall expire on  
11 the day after the licensee's birthdate at intervals of not more  
12 than [four] six years as may be determined by the department.  
13 Every license shall be renewable on or before its expiration  
14 upon application, payment of the required fee, and satisfactory  
15 completion of any examination required or authorized by this  
16 chapter.

17 (a.1) ~~Hazardous materials endorsement. A driver's license~~  
18 ~~containing a hazardous materials endorsement shall expire on the~~  
19 ~~day after the licensee's birthday not less than 49 months nor~~  
20 ~~more than 60 months from the date of validation by the~~  
21 ~~department.~~

22 (a.2) ~~Staggered renewals. The department shall establish a~~  
23 ~~system of staggered driver's license renewal in a manner that an~~  
24 ~~approximately equal number of driver's licenses will expire~~  
25 ~~annually throughout a six year period. In order to implement and~~  
26 ~~maintain the staggered driver's license renewal system, the~~  
27 ~~department may issue driver's licenses for periods of 37 to 72~~  
28 ~~months. The department shall pro rate the fees imposed under~~  
29 ~~Chapter 19 (relating to fees) as appropriate.~~

30 \* \* \*

1 ~~(e) Noncitizen license expiration and renewal.~~

2 ~~(1) Except as otherwise provided, a license issued on~~  
3 ~~the basis of Immigration and Naturalization Service (INS)~~  
4 ~~credentials or documents shall expire on the date appearing~~  
5 ~~on the INS credentials or documents provided by the applicant~~  
6 ~~under section 1506(a.1) (relating to application for driver's~~  
7 ~~license or learner's permit).~~

8 ~~(2) If the expiration date of the INS credentials or~~  
9 ~~documents exceeds [four] six years, the license shall expire~~  
10 ~~one day after the applicant's date of birth but not more than~~  
11 ~~[four] six years from the date of issuance of the license.~~

12 ~~(3) Upon presenting INS credentials or documents~~  
13 ~~indicating continued legal presence in the United States, the~~  
14 ~~person may apply for a renewal of the license.~~

15 ~~(4) If a person has been granted permanent legal status~~  
16 ~~in the United States by the INS, the department may in its~~  
17 ~~discretion require the person to present his INS credentials~~  
18 ~~or documents for only the first license application or~~  
19 ~~renewal.~~

20 ~~(5) License renewals issued under this subsection shall~~  
21 ~~be for the length of time as set forth in paragraph (1) or~~  
22 ~~(2).~~

23 ~~Section 18. Sections 1553(c), 1554(c), 1617, 1786(d), 1904,~~  
24 ~~1911, 1912, 1913, 1914, 1915, 1916(a), 1917, 1918, 1920, 1921,~~  
25 ~~1922 and 1923 of Title 75 are amended to read:~~

26 ~~§ 1553. Occupational limited license.~~

27 ~~\* \* \*~~

28 ~~(c) Fee. The fee for applying for an occupational limited~~  
29 ~~license shall be [\$50] \$75. This fee shall be nonrefundable and~~  
30 ~~no other fee shall be required.~~

1       \* \* \*

2   ~~§ 1554. Probationary license.~~

3       \* \* \*

4       (c) ~~Fee. The fee for applying for a probationary license~~  
5 ~~shall be [\$25] \$35. The fee shall be nonrefundable. The annual~~  
6 ~~fee for issuance of a probationary license shall be [\$50] \$75,~~  
7 ~~plus the cost of the photograph required in section 1510(a)~~  
8 ~~(relating to issuance and content of driver's license), which~~  
9 ~~shall be in addition to all other licensing fees.~~

10       \* \* \*

11   ~~§ 1617. Fees.~~

12       ~~Fees relating to commercial drivers' licenses to be collected~~  
13 ~~by the department under this chapter shall be in addition to any~~  
14 ~~other fees imposed under the provisions of this title and are as~~  
15 ~~follows:~~

16           (1) ~~The annual fee for a commercial driver's license~~  
17 ~~designation shall be [\$10] \$20.~~

18           (2) ~~In addition to any other restoration fee required by~~  
19 ~~this title, an additional restoration fee of [\$50] \$100 shall~~  
20 ~~be assessed and collected before reinstating a commercial~~  
21 ~~driver's operating privilege following a suspension or~~  
22 ~~revocation under this title or disqualification under this~~  
23 ~~chapter.~~

24           (3) ~~If the commercial driving privilege of a driver is~~  
25 ~~disqualified, a Class C noncommercial or M license, if the~~  
26 ~~driver possesses the motorcycle qualification, may be~~  
27 ~~obtained upon payment of the fees associated with obtaining a~~  
28 ~~duplicate license.~~

29           (4) ~~An additional fee of [\$10] \$15 shall be imposed for~~  
30 ~~the initial issuance or renewal of a commercial driver's~~



1 ~~license with an "H" or "X" endorsement, in addition to the~~  
2 ~~cost of a criminal history background check as required by~~  
3 ~~the USA Patriot Act of 2001 (Public Law 107-56, 115 Stat.~~  
4 ~~272).~~

5 ~~§ 1786. Required financial responsibility.~~

6 \* \* \*

7 ~~(d) Suspension of registration and operating privilege.~~

8 ~~(1) The Department of Transportation shall suspend the~~  
9 ~~registration of a vehicle for a period of three months if it~~  
10 ~~determines the required financial responsibility was not~~  
11 ~~secured as required by this chapter and shall suspend the~~  
12 ~~operating privilege of the owner or registrant for a period~~  
13 ~~of three months if the department determines that the owner~~  
14 ~~or registrant has operated or permitted the operation of the~~  
15 ~~vehicle without the required financial responsibility. The~~  
16 ~~operating privilege shall not be restored until the~~  
17 ~~restoration fee for operating privilege provided by section~~  
18 ~~1960 (relating to reinstatement of operating privilege or~~  
19 ~~vehicle registration) is paid.~~

20 ~~(1.1) In lieu of serving a registration suspension~~  
21 ~~imposed under this section, an owner or registrant may pay to~~  
22 ~~the department a civil penalty of \$500, the restoration fee~~  
23 ~~prescribed under section 1960 and furnish proof of financial~~  
24 ~~responsibility in a manner determined by the department.~~

25 ~~(2) Whenever the department revokes or suspends the~~  
26 ~~registration of any vehicle under this chapter, the~~  
27 ~~department shall not restore or transfer the registration~~  
28 ~~until the suspension has been served or the civil penalty has~~  
29 ~~been paid to the department and the vehicle owner furnishes~~  
30 ~~proof of financial responsibility in a manner determined by~~

1 ~~the department and submits an application for registration to~~  
2 ~~the department, accompanied by the fee for restoration of~~  
3 ~~registration provided by section 1960. This subsection shall~~  
4 ~~not apply in the following circumstances:~~

5 ~~(i) The owner or registrant proves to the~~  
6 ~~satisfaction of the department that the lapse in~~  
7 ~~financial responsibility coverage was for a period of~~  
8 ~~less than 31 days and that the owner or registrant did~~  
9 ~~not operate or permit the operation of the vehicle during~~  
10 ~~the period of lapse in financial responsibility.~~

11 ~~(ii) The owner or registrant is a member of the~~  
12 ~~armed services of the United States, the owner or~~  
13 ~~registrant has previously had the financial~~  
14 ~~responsibility required by this chapter, financial~~  
15 ~~responsibility had lapsed while the owner or registrant~~  
16 ~~was on temporary, emergency duty and the vehicle was not~~  
17 ~~operated during the period of lapse in financial~~  
18 ~~responsibility. The exemption granted by this paragraph~~  
19 ~~shall continue for 30 days after the owner or registrant~~  
20 ~~returns from duty as long as the vehicle is not operated~~  
21 ~~until the required financial responsibility has been~~  
22 ~~established.~~

23 ~~(iii) The insurance coverage has terminated or~~  
24 ~~financial responsibility has lapsed simultaneously with~~  
25 ~~or subsequent to expiration of a seasonal registration,~~  
26 ~~as provided in section 1307(a.1) (relating to period of~~  
27 ~~registration).~~

28 ~~(3) An owner whose vehicle registration has been~~  
29 ~~suspended under this subsection shall have the same right of~~  
30 ~~appeal under section 1377 (relating to judicial review) as~~

1 ~~provided for in cases of the suspension of vehicle~~  
2 ~~registration for other purposes. The filing of the appeal~~  
3 ~~shall act as a supersedeas, and the suspension shall not be~~  
4 ~~imposed until determination of the matter as provided in~~  
5 ~~section 1377. The court's scope of review in an appeal from a~~  
6 ~~vehicle registration suspension shall be limited to~~  
7 ~~determining whether:~~

8 ~~(i) the vehicle is registered or of a type that is~~  
9 ~~required to be registered under this title; and~~

10 ~~(ii) there has been either notice to the department~~  
11 ~~of a lapse, termination or cancellation in the financial~~  
12 ~~responsibility coverage as required by law for that~~  
13 ~~vehicle or that the owner, registrant or driver was~~  
14 ~~requested to provide proof of financial responsibility to~~  
15 ~~the department, a police officer or another driver and~~  
16 ~~failed to do so. Notice to the department of the lapse,~~  
17 ~~termination or cancellation or the failure to provide the~~  
18 ~~requested proof of financial responsibility shall create~~  
19 ~~a presumption that the vehicle lacked the requisite~~  
20 ~~financial responsibility. This presumption may be~~  
21 ~~overcome by producing clear and convincing evidence that~~  
22 ~~the vehicle was insured at all relevant times.~~

23 ~~(4) Where an owner or registrant's operating privilege~~  
24 ~~has been suspended under this subsection, the owner or~~  
25 ~~registrant shall have the same right of appeal under section~~  
26 ~~1550 (relating to judicial review) as provided for in cases~~  
27 ~~of suspension for other reason. The court's scope of review~~  
28 ~~in an appeal from an operating privilege suspension shall be~~  
29 ~~limited to determining whether:~~

30 ~~(i) the vehicle was registered or of a type required~~

1 ~~to be registered under this title; and~~

2 ~~(ii) the owner or registrant operated or permitted~~  
3 ~~the operation of the same vehicle when it was not covered~~  
4 ~~by financial responsibility. The fact that an owner,~~  
5 ~~registrant or operator of the motor vehicle failed to~~  
6 ~~provide competent evidence of insurance or the fact that~~  
7 ~~the department received notice of a lapse, termination or~~  
8 ~~cancellation of insurance for the vehicle shall create a~~  
9 ~~presumption that the vehicle lacked the requisite~~  
10 ~~financial responsibility. This presumption may be~~  
11 ~~overcome by producing clear and convincing evidence that~~  
12 ~~the vehicle was insured at the time that it was driven.~~

13 ~~(5) An alleged lapse, cancellation or termination of a~~  
14 ~~policy of insurance by an insurer may only be challenged by~~  
15 ~~requesting review by the Insurance Commissioner pursuant to~~  
16 ~~Article XX of the act of May 17, 1921 (P.L.682, No.284),~~  
17 ~~known as The Insurance Company Law of 1921. Proof that a~~  
18 ~~timely request has been made to the Insurance Commissioner~~  
19 ~~for such a review shall act as a supersedeas, staying the~~  
20 ~~suspension of registration or operating privilege under this~~  
21 ~~section pending a determination pursuant to section 2009(a)~~  
22 ~~of The Insurance Company Law of 1921 or, in the event that~~  
23 ~~further review at a hearing is requested by either party, a~~  
24 ~~final order pursuant to section 2009(i) of The Insurance~~  
25 ~~Company Law of 1921.~~

26 ~~\* \* \*~~

27 ~~§ 1904. Collection and disposition of fees and moneys.~~

28 ~~[The] (a) General rule. Except as provided under this~~  
29 ~~section, the department shall collect all fees payable under~~  
30 ~~this title and all other moneys received in connection with the~~

1 ~~administration of this title and transmit them to the State~~  
2 ~~Treasurer for deposit in the Motor License Fund. Moneys paid in~~  
3 ~~error may be refunded by the department.~~

4 ~~(b) Disposition. Fees collected under sections 1951(c)~~  
5 ~~(relating to driver's license and learner's permit), 1952~~  
6 ~~(relating to certificate of title), 1953 (relating to security~~  
7 ~~interest), 1955 (relating to information concerning drivers and~~  
8 ~~vehicles), 1956 (relating to certified copies of records) and~~  
9 ~~1958 (relating to certificate of inspection) shall be~~  
10 ~~transmitted to the State Treasurer for deposit in the following~~  
11 ~~funds:~~

12 ~~(1) For fiscal years 2013-2014 and 2014-2015: 10% to the~~  
13 ~~Public Transportation Trust Fund, 23% to the Multimodal~~  
14 ~~Transportation Fund and 67% to the Motor License Fund.~~

15 ~~(2) For fiscal years 2015-2016 and 2016-2017: 43.6% to~~  
16 ~~the Public Transportation Trust Fund, 23% to the Multimodal~~  
17 ~~Transportation Fund and 33.4% to the Motor License Fund.~~

18 ~~(3) For fiscal year 2017-2018 and each fiscal year~~  
19 ~~thereafter: 77% to the Public Transportation Trust Fund and~~  
20 ~~23% to the Multimodal Fund.~~

21 ~~(c) Automatic three year adjustment.~~

22 ~~(1) Except as provided under paragraph (2), for the 36-~~  
23 ~~month period beginning July 1, 2016, through June 30, 2019,~~  
24 ~~and for each like 36 month period thereafter, all fees~~  
25 ~~charged under this title shall be increased by an amount~~  
26 ~~calculated by applying the percentage change in the Consumer~~  
27 ~~Price Index for All Urban Consumers (CPI-U) for the most~~  
28 ~~recent 36 month period, calculated from March 1 through~~  
29 ~~February 28, beginning on the date the fees charged under~~  
30 ~~this title were last increased and for which figures have~~

1 ~~been officially reported by the United States Department of~~  
2 ~~Labor, Bureau of Labor Statistics, immediately prior to the~~  
3 ~~date the adjustment is due to take effect, to the then~~  
4 ~~current fee amounts authorized.~~

5 ~~(2) Fees charged under section 1916 (relating to trucks~~  
6 ~~and truck tractors) shall be increased on July 1, 2017, for~~  
7 ~~the period beginning on July 1, 2017, through June 30, 2020,~~  
8 ~~and for each like 36 month period thereafter in the same~~  
9 ~~manner and with the same requirements prescribed under~~  
10 ~~paragraph (1).~~

11 ~~§ 1911. Annual registration fees.~~

12 ~~(a) General rule. [An annual] A fee for the registration of~~  
13 ~~vehicles as provided in Chapter 13 (relating to the registration~~  
14 ~~of vehicles) shall be charged by the department as provided in~~  
15 ~~this title.~~

16 ~~(b) Department to establish certain fees. If a vehicle to~~  
17 ~~be registered is of a type not specifically provided for by this~~  
18 ~~title and is otherwise eligible for registration, the department~~  
19 ~~shall determine the most appropriate fee or fee schedule for the~~  
20 ~~vehicle or type of vehicle based on such factors as design and~~  
21 ~~intended use.~~

22 ~~§ 1912. Passenger cars.~~

23 ~~The annual fee for registration of a passenger car shall be~~  
24 ~~[\$36] \$52.~~

25 ~~§ 1913. Motor homes.~~

26 ~~The annual fee for registration of a motor home shall be~~  
27 ~~determined by its registered gross weight in pounds according to~~  
28 ~~the following table:~~

	Registered Gross	
Class	Weight in Pounds	Fee

1	<del>1</del>	<del>8,000 or less</del>	<del>[\$45] \$65</del>
2	<del>2</del>	<del>8,001—11,000</del>	<del>—[63] 90</del>
3	<del>3</del>	<del>11,001 or more</del>	<del>—[81] 116</del>

4 ~~§ 1914. Motorcycles.~~

5 ~~The annual fee for registration of a motorcycle other than a~~  
6 ~~motor driven cycle shall be [\$18] \$26.~~

7 ~~§ 1915. Motor driven cycles.~~

8 ~~The annual fee for registration of a motor driven cycle shall~~  
9 ~~be [\$9] \$13.~~

10 ~~§ 1916. Trucks and truck tractors.~~

11 ~~(a) General rule.—~~

12 ~~(1) The annual fee for registration of a truck or truck~~  
13 ~~tractor shall be determined by its registered gross weight or~~  
14 ~~combination weight in pounds according to the following~~  
15 ~~table:~~

16		<del>{Registered</del>	
17		<del>Gross or Combination</del>	
18	<del>Class</del>	<del>Weight in Pounds</del>	<del>—————Fee</del>
19	<del>1</del>	<del>5,000 or less</del>	<del>\$ 58.50</del>
20	<del>2</del>	<del>5,001—7,000</del>	<del>81.00</del>
21	<del>3</del>	<del>7,001—9,000</del>	<del>153.00</del>
22	<del>4A</del>	<del>9,001—10,000</del>	<del>198.00</del>
23	<del>4B</del>	<del>10,001—11,000</del>	<del>198.00</del>
24	<del>5</del>	<del>11,001—14,000</del>	<del>243.00</del>
25	<del>6</del>	<del>14,001—17,000</del>	<del>288.00</del>
26	<del>7</del>	<del>17,001—21,000</del>	<del>355.50</del>
27	<del>8</del>	<del>21,001—26,000</del>	<del>405.00</del>
28	<del>9</del>	<del>26,001—30,000</del>	<del>472.50</del>
29	<del>10</del>	<del>30,001—33,000</del>	<del>567.00</del>
30	<del>11</del>	<del>33,001—36,000</del>	<del>621.00</del>

1	12	<del>36,001—40,000</del>	657.00
2	13	<del>40,001—44,000</del>	697.50
3	14	<del>44,001—48,000</del>	751.50
4	15	<del>48,001—52,000</del>	828.00
5	16	<del>52,001—56,000</del>	882.00
6	17	<del>56,001—60,000</del>	999.00
7	18	<del>60,001—64,000</del>	1,111.50
8	19	<del>64,001—68,000</del>	1,165.50
9	20	<del>68,001—73,280</del>	1,251.00
10	21	<del>73,281—76,000</del>	1,597.50
11	22	<del>76,001—78,000</del>	1,633.50
12	23	<del>78,001—78,500</del>	1,651.50
13	24	<del>78,501—79,000</del>	1,669.50
14	25	<del>79,001—80,000</del>	1,687.50

	<u>Registered</u>	<u>Fees</u>				
	<u>Gross or</u>	<u>Fiscal</u>	<u>Fiscal</u>	<u>Fiscal</u>	<u>Fiscal</u>	
	<u>Combination</u>	<u>year</u>	<u>year</u>	<u>year</u>	<u>year</u>	
	<u>Weight in</u>	<u>2013-2014</u>	<u>2014-2015</u>	<u>2015-2016</u>	<u>2016-2017</u>	
Class	<u>Pounds</u>					
20	<u>1</u>	<del>5,000 or</del>	<u>\$63</u>	<u>\$68</u>	<u>\$73</u>	<u>\$78</u>
21		<u>less</u>				
22	<u>2</u>	<del>5,001—</del>	<u>88</u>	<u>94</u>	<u>101</u>	<u>108</u>
23		<u>7,000</u>				
24	<u>3</u>	<del>7,001—</del>	<u>166</u>	<u>178</u>	<u>191</u>	<u>203</u>
25		<u>9,000</u>				
26	<u>4A</u>	<del>9,001—</del>	<u>214</u>	<u>231</u>	<u>247</u>	<u>263</u>
27		<u>10,000</u>				
28	<u>4B</u>	<del>10,001—</del>	<u>214</u>	<u>231</u>	<u>247</u>	<u>263</u>
29		<u>11,000</u>				
30	<u>5</u>	<del>11,001—</del>	<u>263</u>	<u>283</u>	<u>303</u>	<u>323</u>



1		<u>14,000</u>				
2	<u>6</u>	<u>14,001</u>	<u>312</u>	<u>336</u>	<u>359</u>	<u>383</u>
3		<u>17,000</u>				
4	<u>7</u>	<u>17,001</u>	<u>385</u>	<u>414</u>	<u>443</u>	<u>473</u>
5		<u>21,000</u>				
6	<u>8</u>	<u>21,001</u>	<u>438</u>	<u>472</u>	<u>505</u>	<u>539</u>
7		<u>26,000</u>				
8	<u>9</u>	<u>26,001</u>	<u>511</u>	<u>550</u>	<u>589</u>	<u>628</u>
9		<u>30,000</u>				
10	<u>10</u>	<u>30,001</u>	<u>614</u>	<u>661</u>	<u>707</u>	<u>754</u>
11		<u>33,000</u>				
12	<u>11</u>	<u>33,001</u>	<u>672</u>	<u>723</u>	<u>775</u>	<u>826</u>
13		<u>36,000</u>				
14	<u>12</u>	<u>36,001</u>	<u>711</u>	<u>765</u>	<u>820</u>	<u>874</u>
15		<u>40,000</u>				
16	<u>13</u>	<u>40,001</u>	<u>755</u>	<u>813</u>	<u>870</u>	<u>928</u>
17		<u>44,000</u>				
18	<u>14</u>	<u>44,001</u>	<u>813</u>	<u>875</u>	<u>937</u>	<u>999</u>
19		<u>48,000</u>				
20	<u>15</u>	<u>48,001</u>	<u>896</u>	<u>965</u>	<u>1,033</u>	<u>1,101</u>
21		<u>52,000</u>				
22	<u>16</u>	<u>52,001</u>	<u>955</u>	<u>1,028</u>	<u>1,100</u>	<u>1,173</u>
23		<u>56,000</u>				
24	<u>17</u>	<u>56,001</u>	<u>1,081</u>	<u>1,164</u>	<u>1,246</u>	<u>1,329</u>
25		<u>60,000</u>				
26	<u>18</u>	<u>60,001</u>	<u>1,203</u>	<u>1,295</u>	<u>1,387</u>	<u>1,487</u>
27		<u>64,000</u>				
28	<u>19</u>	<u>64,001</u>	<u>1,262</u>	<u>1,358</u>	<u>1,454</u>	<u>1,550</u>
29		<u>68,000</u>				
30	<u>20</u>	<u>68,001</u>	<u>1,354</u>	<u>1,457</u>	<u>1,561</u>	<u>1,664</u>

1		<u>73,280</u>				
2	<u>21</u>	<u>73,281</u>	<u>1,729</u>	<u>1,861</u>	<u>1,993</u>	<u>2,125</u>
3		<u>76,000</u>				
4	<u>22</u>	<u>76,001</u>	<u>1,768</u>	<u>1,903</u>	<u>2,038</u>	<u>2,173</u>
5		<u>78,000</u>				
6	<u>23</u>	<u>78,001</u>	<u>1,788</u>	<u>1,924</u>	<u>2,060</u>	<u>2,196</u>
7		<u>78,500</u>				
8	<u>24</u>	<u>78,501</u>	<u>1,807</u>	<u>1,945</u>	<u>2,083</u>	<u>2,220</u>
9		<u>79,000</u>				
10	<u>25</u>	<u>79,001</u>	<u>1,827</u>	<u>1,966</u>	<u>2,105</u>	<u>2,244</u>
11		<u>80,000</u>				

12       ~~(2) A portion of the registration fee for any truck or~~  
13 ~~truck tractor in Classes 9 through 25 shall be deposited in~~  
14 ~~the Highway Bridge Improvement Restricted Account within the~~  
15 ~~Motor License Fund according to the following table:~~

16		Amount Deposited in
17		Highway Bridge Improvement
18	Classes	Restricted Account
19	<del>9-12</del>	<del>\$ 72</del>
20	<del>13-17</del>	<del>108</del>
21	<del>18-20</del>	<del>144</del>
22	<del>21-25</del>	<del>180</del>

23       \* \* \*

24 ~~§ 1917. Motor buses and limousines.~~

25       ~~The annual fee for registration of a motor bus or a limousine~~  
26 ~~shall be determined by its seating capacity according to the~~  
27 ~~following table:~~

28	Seating Capacity	Fee
29	<del>26 or less</del>	<del>\$ [9] 12 per seat</del>
30	<del>27-51</del>	<del>-[234] 336 plus [\$11.25] \$16 per</del>

1 ~~seat in excess of 26~~

2 ~~52 or more~~ ~~-[540] 775~~

3 ~~§ 1918. School buses and school vehicles.~~

4 ~~The annual fee for registration of a school bus or school~~  
5 ~~vehicle shall be [\\$24] \$91.~~

6 ~~§ 1920. Trailers.~~

7 ~~(a) General rule. The annual fee for registration of a~~  
8 ~~trailer shall be determined by its registered gross weight~~  
9 ~~according to the following table:~~

10 Registered Gross	
11 Weight in Pounds	Fee
12 3,000 or less	\$ <del>[6] 23</del>
13 3,001 <del>10,000</del>	<del>-[12] 46</del>
14 10,001 or more	<del>-[27] 103</del>

15 ~~(b) Optional five year registration. A trailer with a~~  
16 ~~registered gross weight of 10,000 pounds or less may be~~  
17 ~~registered for a period of five years upon payment by the~~  
18 ~~registrant of the applicable fee for such period.~~

19 ~~(c) Optional permanent registration. A trailer with a~~  
20 ~~registered gross weight of 10,001 or more pounds may be~~  
21 ~~registered for a one time fee of [\\$135] \$194 in lieu of the~~  
22 ~~annual fee at the option of the registrant.~~

23 ~~§ 1921. Special mobile equipment.~~

24 ~~The annual fee for registration of special mobile equipment~~  
25 ~~shall be [\\$36] \$52.~~

26 ~~§ 1922. Implements of husbandry.~~

27 ~~The annual fee for registration of an implement of husbandry~~  
28 ~~not exempt from registration under this title shall be [\\$18]~~  
29 ~~\$26.~~

30 ~~§ 1923. Antique, classic and collectible vehicles.~~

1       ~~The fee for registration of an antique, classic or~~  
2 ~~collectible motor vehicle shall be [\$75] \$108.~~

3       ~~Section 19. Section 1924 of Title 75, amended October 24,~~  
4 ~~2012 (P.L.1407, No.174), is amended to read:~~

5 ~~§ 1924. Farm vehicles.~~

6       ~~(a) General rule. The annual fee for registration of a farm~~  
7 ~~vehicle shall be [\$76.50] \$110 or one third of the regular fee,~~  
8 ~~whichever is greater.~~

9       ~~(b) Certificate of exemption. The biennial processing fee~~  
10 ~~for a certificate of exemption issued in lieu of registration of~~  
11 ~~a farm vehicle shall be determined by the type of certificate~~  
12 ~~issued and the gross weight or combination weight or weight~~  
13 ~~rating according to the following table:~~

<del>Certificate type</del>	<del>Weight in pounds</del>	<del>Fee</del>
<del>Type A</del>	<del>10,000 or less</del>	<del>\$24</del>
<del>Type B</del>	<del>greater than 10,000 and not</del>	
<del>-</del>	<del>exceeding 17,000</del>	<del>-24</del>
<del>Type C</del>	<del>greater than 17,000</del>	<del>-50</del>
<del>Type D</del>	<del>greater than 17,000</del>	<del>100</del>

20       ~~Section 20. Sections 1925, 1926(a), (b) and (c), 1926.1,~~  
21 ~~1927, 1928, 1929, 1930, 1931, 1931.1, 1932, 1933 and 1942(a) of~~  
22 ~~Title 75 are amended to read:~~

23 ~~§ 1925. Ambulances, taxis and hearses.~~

24       ~~The annual fee for registration of an ambulance, taxi or~~  
25 ~~hearse shall be [\$54] \$77.~~

26 ~~§ 1926. Dealers and miscellaneous motor vehicle business.~~

27       ~~(a) General rule. The annual fee for a dealer registration~~  
28 ~~plate or miscellaneous motor vehicle business plate shall be~~  
29 ~~[\$36] \$52.~~

30       ~~(b) Motorcycle dealers. The annual fee for each dealer~~

1 ~~registration plate issued to a motorcycle dealer other than a~~  
2 ~~motor driven cycle dealer shall be [\$18] \$26.~~

3 ~~(c) Motor driven cycle dealers. The annual fee for each~~  
4 ~~dealer registration plate issued to a motor driven cycle dealer~~  
5 ~~shall be [\$9] \$13.~~

6 \* \* \*

7 ~~§ 1926.1. Farm equipment vehicle dealers.~~

8 ~~The annual fee for registration of a farm equipment dealer~~  
9 ~~truck or truck tractor shall be one half of the regular fee or~~  
10 ~~[\$243] \$349, whichever is greater.~~

11 ~~§ 1927. Transfer of registration.~~

12 ~~The fee for transfer of registration shall be [\$6] \$9.~~

13 ~~§ 1928. Temporary and electronically issued registration~~  
14 ~~plates.~~

15 ~~The fee payable by a dealer or other dispensing agent for a~~  
16 ~~temporary registration plate or for a registration plate to be~~  
17 ~~issued for new registration processed electronically with the~~  
18 ~~department shall be [\$5] \$14. The charge of the agent for~~  
19 ~~providing an applicant with a plate under this section shall not~~  
20 ~~exceed a total of [\$10] \$14.~~

21 ~~§ 1929. Replacement registration plates.~~

22 ~~The fee for a replacement registration plate other than a~~  
23 ~~legislative or personal plate shall be [\$7.50] \$11.~~

24 ~~§ 1930. Legislative registration plates.~~

25 ~~The fee for issuance of a legislative registration plate~~  
26 ~~shall be [\$20] \$76 which shall be in addition to the annual~~  
27 ~~registration fee. Only one payment of the issuance fee shall be~~  
28 ~~charged for each legislative registration plate issued or~~  
29 ~~replaced.~~

30 ~~§ 1931. Personal registration plates.~~

1       ~~The fee for issuance of a personal registration plate shall~~  
2 ~~be [\$20] \$76 which shall be in addition to the annual~~  
3 ~~registration fee. Only one payment of the issuance fee shall be~~  
4 ~~charged for each personal registration issued or replaced.~~

5 ~~§ 1931.1. Street rod registration plates.~~

6       ~~The fee for the issuance of a street rod registration plate~~  
7 ~~shall be [\$20] \$51 which shall be in addition to the annual~~  
8 ~~registration fee. Only one payment of the issuance fee shall be~~  
9 ~~charged for each street rod registration plate issued or~~  
10 ~~replaced.~~

11 ~~§ 1932. Duplicate registration cards.~~

12       ~~The fee for each duplicate registration card when ordered at~~  
13 ~~the time of vehicle registration, the transfer or renewal of~~  
14 ~~registration or the replacement of a registration plate shall be~~  
15 ~~[\$1.50] \$2. The fee for each duplicate registration card issued~~  
16 ~~at any other time shall be [\$4.50] \$6.~~

17 ~~§ 1933. Commercial implements of husbandry.~~

18       ~~The annual fee for registration of a commercial implement of~~  
19 ~~husbandry shall be [\$76.50] \$110 or one half of the regular fee,~~  
20 ~~whichever is greater.~~

21 ~~§ 1942. Special hauling permits as to weight and size.~~

22       ~~(a) Fee schedule. The fee for a special hauling permit for~~  
23 ~~each movement of an overweight or oversize vehicle or load, or~~  
24 ~~both, shall be as follows:~~

25           ~~(1) Oversize vehicle or load, or both, having a width up~~  
26 ~~to 14 feet and not exceeding legal weight limit, [\$25] \$35.~~

27           ~~(2) Oversize vehicle or load, or both, having a width~~  
28 ~~exceeding 14 feet and not exceeding any legal weight limit,~~  
29 ~~[\$50] \$71.~~

30           ~~(3) Vehicle and load weighing in excess of legal weight~~

1 limit, ~~[3¢] 4¢~~ per mile per ton by which the gross weight  
2 exceeds the registered gross weight.

3 \* \* \*

4 Section 21. ~~Section 1943 of Title 75, amended October 24,~~  
5 ~~2012 (P.L.1473, No.187), is amended to read:~~

6 § 1943. Annual hauling permits.

7 (a) ~~Quarry equipment and machinery. The annual fee for~~  
8 ~~operation or movement of each piece of heavy quarry equipment or~~  
9 ~~machinery, as provided for in section 4966 (relating to permit~~  
10 ~~for movement of quarry equipment), shall be ~~[\$500] \$706.~~~~

11 (c) ~~Course of manufacture. The annual fee for operation or~~  
12 ~~movement of loads or vehicles, as provided for in section 4968~~  
13 ~~(relating to permit for movement during course of manufacture),~~  
14 ~~shall be as follows:~~

15 (1) ~~Oversized movements:~~

16 (i) ~~Movements limited to daylight hours only~~  
17 ~~~~[\$100] \$130.~~~~

18 (ii) ~~Movements that can be conducted 24 hours per~~  
19 ~~day ~~[\$1,000] \$1,300.~~~~

20 (2) ~~Overweight movements:~~

21 (i) ~~Movements not exceeding 100,000 pounds gross~~  
22 ~~weight:~~

23 (A) ~~Not more than one mile in distance ~~[\$50]~~~~  
24 ~~\$69.~~

25 (B) ~~More than one mile in distance ~~[\$400]~~~~  
26 ~~\$750.~~

27 (ii) ~~Movements in excess of 100,000 pounds gross~~  
28 ~~weight ~~[\$500] \$756, plus ~~[\$100] \$152~~ for each mile of~~~~  
29 ~~highway authorized under the permit.~~

30 (d) ~~Multiple highway crossings. The annual fee for a single~~

1 ~~permit for multiple highway crossings, as provided for in~~  
2 ~~section 4965 (relating to single permits for multiple highway~~  
3 ~~crossings), shall be [\$300] \$415.~~

4 ~~(e.1) Special mobile equipment. The annual fee for hauling~~  
5 ~~or towing each piece of special mobile equipment, as provided~~  
6 ~~for in section 4975 (relating to permit for movement of special~~  
7 ~~mobile equipment), shall be [\$200] \$300.~~

8 ~~(f) Containerized cargo. The annual company fee for~~  
9 ~~movement of any combination with overweight containerized cargo~~  
10 ~~as provided for in section 4974 (relating to permit for movement~~  
11 ~~of containerized cargo) shall be:~~

12 ~~(1) [\$100] \$155 for a motor carrier requesting permits~~  
13 ~~for up to 15 truck tractors.~~

14 ~~(2) [\$150] \$233 for a motor carrier requesting permits~~  
15 ~~for 16 to 50 truck tractors.~~

16 ~~(3) [\$250] \$388 for a motor carrier requesting permits~~  
17 ~~for 51 to 100 truck tractors.~~

18 ~~(4) [\$350] \$544 for a motor carrier requesting permits~~  
19 ~~for 101 to 150 truck tractors.~~

20 ~~(5) [\$400] \$622 for a motor carrier requesting permits~~  
21 ~~for 151 or more truck tractors.~~

22 ~~(g) Domestic animal feed. The annual fee for movement of~~  
23 ~~each vehicle hauling domestic animal feed, in bulk, as provided~~  
24 ~~for in section 4976 (relating to permit for movement of domestic~~  
25 ~~animal feed) shall be [\$400] \$587.~~

26 ~~(g.1) Eggs. The annual fee for movement of each vehicle~~  
27 ~~hauling eggs as provided for in section 4976.2 (relating to~~  
28 ~~permit for movement of eggs) shall be \$400.~~

29 ~~(h) Movement of wooden structures. The annual fee for~~  
30 ~~movement of wooden structures as provided for in section 4977-~~



1 ~~(relating to permit for movement of wooden structures) shall be~~  
2 ~~[\$1,000] \$1,468.~~

3 ~~(i) Live domestic animals. The annual permit fee for each~~  
4 ~~truck tractor authorized to transport live domestic animals, as~~  
5 ~~provided in section 4976.1 (relating to permit for movement of~~  
6 ~~live domestic animals), shall be [\$400] \$520.~~

7 ~~(j) Building structural components. The permit fee for each~~  
8 ~~truck tractor authorized to transport building structural~~  
9 ~~components, as provided in section 4978 (relating to permit for~~  
10 ~~movement of building structural components), shall be [\$100]~~  
11 ~~\$141 for each month the permit is valid.~~

12 ~~(k) Utility construction equipment. The permit fee for~~  
13 ~~utility construction equipment, as provided for in section~~  
14 ~~4970(a) (relating to permit for movement of construction~~  
15 ~~equipment), shall be [\$100] \$141 for each month the permit is~~  
16 ~~valid.~~

17 ~~(l) Particleboard or fiberboard. The annual fee for~~  
18 ~~movement of particleboard or fiberboard, as provided for in~~  
19 ~~section 4979 (relating to permit for movement of particleboard~~  
20 ~~or fiberboard used for the manufacture of ready to assemble~~  
21 ~~furniture), shall be [\$800] \$1,130.~~

22 ~~(m) Bulk refined oil. The annual fee for movement of bulk~~  
23 ~~refined oil, as provided for in section 4979.1 (relating to~~  
24 ~~permit for movement of bulk refined oil), shall be:~~

25 ~~(1) [\$800] \$1,130 for a distance up to 50 miles.~~

26 ~~(2) [\$1,600] \$1,670 for a distance of more than 50 miles~~  
27 ~~up to 125 miles.~~

28 ~~(n) Waste coal and beneficial combustion ash. The annual~~  
29 ~~fee for the movement of waste coal and beneficial combustion~~  
30 ~~ash, as provided for in section 4979.2 (relating to permit for~~

1 ~~movement of waste coal and beneficial combustion ash), shall be~~  
2 ~~[\$400] \$565.~~

3 ~~(o) Float glass or flat glass. The annual fee for the~~  
4 ~~movement of float glass or flat glass, as provided for in~~  
5 ~~section 4979.3 (relating to permit for movement of float glass~~  
6 ~~or flat glass for use in construction and other end uses), shall~~  
7 ~~be [\$800] \$1,209.~~

8 ~~(p) Self propelled cranes. The annual permit fee for each~~  
9 ~~self propelled crane, as provided for in section 4979.4~~  
10 ~~(relating to permit for movement of self propelled cranes),~~  
11 ~~shall be as follows:~~

12 ~~(1) Cranes not exceeding 100,000 pounds gross weight,~~  
13 ~~prorated up to a maximum of [\$400] \$553.~~

14 ~~(2) Cranes in excess of 100,000 pounds gross weight,~~  
15 ~~prorated up to a maximum of [\$100] \$139 plus [\$50] \$69 for~~  
16 ~~each mile of highway authorized under the permit.~~

17 ~~(q) Construction equipment. The annual fee for the movement~~  
18 ~~of construction equipment shall be [\$400] \$520.~~

19 ~~(q.1) Nonhazardous liquid glue. The annual fee for the~~  
20 ~~movement of nonhazardous liquid glue, as provided for in section~~  
21 ~~4979.5 (relating to permit for movement of nonhazardous liquid~~  
22 ~~glue), shall be [\$800] \$1,000.~~

23 ~~(q.2) Waste tires. The annual fee for the movement of waste~~  
24 ~~tires under section 4979.6 (relating to permit for movement of~~  
25 ~~waste tires) shall be [\$800] \$845.~~

26 ~~(r) Excess damage permit. The annual fee for excess damage~~  
27 ~~permits, as provided for in section 4961(d) (relating to~~  
28 ~~authority to issue permits), shall be [\$500] \$640 to cover the~~  
29 ~~costs of administering the permit and inspections of the~~  
30 ~~involved highway.~~

1       ~~Section 22. Sections 1944, 1945(b), 1947, 1951, 1952, 1953,~~  
2 ~~1955(a), 1956, 1957, 1958(a), 1959, 1960 and 1961 of Title 75~~  
3 ~~are amended to read:~~

4       ~~§ 1944. Mobile homes, modular housing units and modular housing~~  
5               ~~undercarriages.~~

6       ~~The fee for a special hauling permit for a mobile home,~~  
7 ~~modular housing unit or modular housing undercarriage which~~  
8 ~~exceeds the maximum size prescribed in this title but which does~~  
9 ~~not exceed 14 feet in body width shall be [\$25] \$39. The fee for~~  
10 ~~a special hauling permit for a mobile home or modular housing~~  
11 ~~unit, as provided in section 4973 (relating to permits for~~  
12 ~~movement of a mobile home or a modular housing unit and modular~~  
13 ~~housing undercarriage), shall be [\$50] \$76.~~

14       ~~§ 1945. Books of permits.~~

15               ~~\* \* \*~~

16       ~~(b) Penalty. Any person violating any of the provisions of~~  
17 ~~this section is guilty of a summary offense and shall, upon~~  
18 ~~conviction, be sentenced to pay a fine of [\$500] \$1,000.~~

19       ~~§ 1947. Refund of certain fees.~~

20       ~~The portion of the fee of an unused overweight permit based~~  
21 ~~on ton miles or the fee for an unused escort, or both, may be~~  
22 ~~refunded upon payment of a processing fee of [\$10] \$38.~~

23       ~~§ 1951. Driver's license and learner's permit.~~

24       ~~(a) Driver's license. The driver's license fee [for each~~  
25 ~~year or partial year] shall be [\$5.25] \$7 plus the cost of the~~  
26 ~~photograph required in section 1510(a) (relating to issuance and~~  
27 ~~content of driver's license).~~

28       ~~(a.1) Senior citizen. The driver's license fee for each~~  
29 ~~year or partial year for a senior citizen 65 years of age and~~  
30 ~~older shall be \$5.25 plus the cost of the photograph required~~

1 ~~under section 1510(a) (relating to issuance and content of~~  
2 ~~driver's license).~~

3 ~~(b) Learner's permit. The fee for a learner's permit shall~~  
4 ~~be [\$5] \$19.~~

5 ~~(c) Identification card. The [fee for an] identification~~  
6 ~~card fee shall be [\$5] \$19 plus the cost of the photograph.~~

7 ~~(d) Replacement license or card. The fee for a replacement~~  
8 ~~driver's license or identification card shall be [\$5] \$19 plus~~  
9 ~~the cost of the photograph.~~

10 ~~§ 1952. Certificate of title.~~

11 ~~(a) General rule. The fee for issuance of a certificate of~~  
12 ~~title shall be [\$22.50] \$33.~~

13 ~~(b) Manufacturer's or dealer's notification. The fee for a~~  
14 ~~manufacturer's or dealer's notification of acquisition of a~~  
15 ~~vehicle from another manufacturer or dealer for resale pursuant~~  
16 ~~to section 1113 (relating to transfer to or from manufacturer or~~  
17 ~~dealer) shall be [\$3] \$4.~~

18 ~~§ 1953. Security interest.~~

19 ~~The fee for recording or changing the amount of security~~  
20 ~~interest on a certificate of title shall be [\$5] \$19.~~

21 ~~§ 1955. Information concerning drivers and vehicles.~~

22 ~~(a) Drivers, registrations, titles and security interests.~~  
23 ~~The fee for a copy of written or electronic information relating~~  
24 ~~to a driver, registration, title or security interest shall be~~  
25 ~~[\$5] \$14.~~

26 ~~\* \* \*~~

27 ~~§ 1956. Certified copies of records.~~

28 ~~(a) Department records. The fee for a certified copy of any~~  
29 ~~department record which the department is authorized by law to~~  
30 ~~furnish to the public shall be [\$5] \$19 for each form or~~

1 ~~supporting document comprising such record.~~

2 ~~(b) State Police reports. The fee for a certified~~  
3 ~~Pennsylvania State Police record of investigation of a vehicle~~  
4 ~~accident which the Pennsylvania State Police are authorized by~~  
5 ~~this title to furnish to the public shall be [\$5] \$19 for each~~  
6 ~~copy of the Pennsylvania State Police full report of~~  
7 ~~investigation.~~

8 ~~§ 1957. Uncollectible checks.~~

9 ~~Whenever any check issued in payment of any fee or for any~~  
10 ~~other purpose is returned to the department as uncollectible,~~  
11 ~~the department or municipality shall charge a fee of [\$10] \$38~~  
12 ~~for each driver's license, registration, replacement of tags,~~  
13 ~~transfer of registration, certificate of title, whether original~~  
14 ~~or duplicate, special hauling permit and each other unit of~~  
15 ~~issue by the department or municipality, plus all protest fees,~~  
16 ~~to the person presenting the check, to cover the cost of~~  
17 ~~collection.~~

18 ~~§ 1958. Certificate of inspection.~~

19 ~~(a) General rule. The department shall charge [\$2] \$5 for~~  
20 ~~each annual certificate of inspection [and \$1], \$2 for each~~  
21 ~~semiannual certificate of inspection and \$2 for each certificate~~  
22 ~~of exemption.~~

23 ~~§ 1959. Messenger service.~~

24 ~~(a) Annual registration. The annual fee for registration of~~  
25 ~~a messenger service as provided for in Chapter 75 (relating to~~  
26 ~~messenger service) shall be [\$50] \$192.~~

27 ~~(b) Additional places of business. The annual fee for~~  
28 ~~registration of additional place of business or branch office~~  
29 ~~from which a messenger service may transact business shall be~~  
30 ~~[\$25] \$95.~~

1 ~~(c) Transfer of location. The fee for the transfer of~~  
2 ~~location of a registered place of business or branch office of a~~  
3 ~~messenger service during a period of registration shall be [\$5]~~  
4 ~~\$19.~~

5 ~~§ 1960. Reinstatement of operating privilege or vehicle~~  
6 ~~registration.~~

7 ~~The department shall charge a fee of [\$25] \$70 or, if section~~  
8 ~~1379 (relating to suspension of registration upon sixth unpaid~~  
9 ~~parking violation in cities of the first class) or 1786(d)~~  
10 ~~(relating to required financial responsibility) applies, a fee~~  
11 ~~of [\$50] \$88 to restore a person's operating privilege or the~~  
12 ~~registration of a vehicle following a suspension or revocation.~~

13 ~~§ 1961. Secure power of attorney.~~

14 ~~The fee for processing a secure power of attorney submitted~~  
15 ~~for the purpose of odometer disclosure when not accompanied by~~  
16 ~~an application for title shall be [\$15] \$23.~~

17 ~~§ 2102. Identification markers and license or road tax~~  
18 ~~registration card required.~~

19 ~~\* \* \*~~

20 ~~(b) Fee. The fee for issuance of identification markers~~  
21 ~~shall be [\$5] \$12 per vehicle.~~

22 ~~\* \* \*~~

23 ~~(d) Operation without identification markers unlawful.~~  
24 ~~Except as provided in paragraphs (2) and (3), it shall be~~  
25 ~~unlawful to operate or to cause to be operated in this~~  
26 ~~Commonwealth any qualified motor vehicle unless the vehicle~~  
27 ~~bears the identification markers required by this section or~~  
28 ~~valid and unrevoked IFTA identification markers issued by~~  
29 ~~another IFTA jurisdiction.~~

30 ~~(1) The Secretary of Revenue may by regulation exempt~~

1 ~~from the requirement to display the identification markers~~  
2 ~~those qualified motor vehicles which in his opinion are~~  
3 ~~clearly identifiable such that effective enforcement of this~~  
4 ~~chapter will not suffer thereby.~~

5 ~~(2) For a period not exceeding 30 days as to any one~~  
6 ~~motor carrier, the Secretary of Revenue by letter or telegram~~  
7 ~~may authorize the operation of a qualified motor vehicle or~~  
8 ~~vehicles without the identification markers required when~~  
9 ~~both the following are applicable:~~

10 ~~(i) enforcement of this section for that period~~  
11 ~~would cause undue delay and hardship in the operation of~~  
12 ~~such qualified motor vehicle; and~~

13 ~~(ii) the motor carrier is registered and/or licensed~~  
14 ~~for the motor carriers road tax with the Department of~~  
15 ~~Revenue or has filed an application therefor with the~~  
16 ~~Department of Revenue:~~

17 ~~(A) The fee for such temporary permits shall be~~  
18 ~~[\$5] \$7 for each qualified motor vehicle which shall~~  
19 ~~be deposited in the Highway Bridge Improvement~~  
20 ~~Restricted Account within the Motor License Fund.~~

21 ~~(B) Conditions for the issuance of such permits~~  
22 ~~shall be set forth in regulations promulgated by the~~  
23 ~~Department of Revenue.~~

24 ~~(C) A temporary permit issued by another IFTA~~  
25 ~~jurisdiction under authority similar to this~~  
26 ~~paragraph shall be accorded the same effect as a~~  
27 ~~temporary permit issued under this paragraph.~~

28 ~~(3) A motor carrier may, in lieu of paying the tax~~  
29 ~~imposed and filing the tax report required by Chapter 96 and~~  
30 ~~in lieu of complying with any other provisions of this~~

1 ~~section that would otherwise be applicable as a result of the~~  
2 ~~operation of a particular qualified motor vehicle, obtain~~  
3 ~~from the Department of Revenue a trip permit authorizing the~~  
4 ~~carrier to operate the qualified motor vehicle for a period~~  
5 ~~of five consecutive days. The Department of Revenue shall~~  
6 ~~specify the beginning and ending days on the face of the~~  
7 ~~permit. The fee for a trip permit for each qualified motor~~  
8 ~~vehicle is [\$50] \$73 which shall be deposited in the Highway~~  
9 ~~Bridge Improvement Restricted Account within the Motor~~  
10 ~~License Fund. The report otherwise required under Chapter 96~~  
11 ~~is not required with respect to a vehicle for which a trip~~  
12 ~~permit has been issued under this subsection.~~

13 \* \* \*

14 Section 23. Section 3111 of Title 75 is amended by adding a  
15 subsection to read:

16 § 3111. ~~Obedience to traffic control devices.~~

17 \* \* \*

18 ~~(a.1) Penalty.~~

19 ~~(1) A person who violates this section commits a summary~~  
20 ~~offense and shall, upon conviction, pay a fine of not less~~  
21 ~~than \$100 nor more than \$300.~~

22 ~~(2) Notwithstanding 42 Pa.C.S. § 3733(a) (relating to~~  
23 ~~deposits into account), a fine under paragraph (1) shall be~~  
24 ~~distributed as follows:~~

25 ~~(i) Twenty five dollars shall be deposited as~~  
26 ~~provided under 42 Pa.C.S. § 3733(a).~~

27 ~~(ii) After deposit of the amount under subparagraph~~  
28 ~~(i), the remaining portion of the fine shall be deposited~~  
29 ~~into the Public Transportation Trust Fund.~~

30 \* \* \*



1     ~~Section 23.1. Section 6110(b) of Title 75 is amended to~~  
2 ~~read:~~

3 ~~§ 6110. Regulation of traffic on Pennsylvania Turnpike.~~

4     ~~\*\*\*~~

5     ~~(b) Penalties.~~

6         ~~(1) Except as otherwise provided in this subsection, any~~  
7 ~~person violating any of the rules and regulations of the~~  
8 ~~Pennsylvania Turnpike Commission for which no penalty has~~  
9 ~~otherwise been provided by statute commits a summary offense~~  
10 ~~and shall, upon conviction, be sentenced to pay a fine of~~  
11 ~~\$25.~~

12         ~~(2) Any person violating any of the rules and~~  
13 ~~regulations of the commission prohibiting fare evasion or~~  
14 ~~attempted fare evasion commits a summary offense and shall,~~  
15 ~~upon conviction for the first time, be sentenced to pay a~~  
16 ~~fine according to the classification by the commission of the~~  
17 ~~vehicle driven by that person at the time of violation as~~  
18 ~~follows:~~

19             ~~(i) Class 1 through 2: [\$100] \$200.~~

20             ~~(ii) Class 3 through 6: [\$500] \$2,500.~~

21             ~~(iii) Class 7 and higher: [\$1,000] \$5,000.~~

22         ~~(3) In addition to the fines imposed under this~~  
23 ~~subsection, restitution shall be made to the commission in an~~  
24 ~~amount equal to the full fare, for the appropriate vehicle~~  
25 ~~class, from the farthest point of entry on the turnpike to~~  
26 ~~the actual point of exit.~~

27         ~~(3.1) (i) A person who, while traveling upon the~~  
28 ~~Pennsylvania Turnpike or a road under its control, takes~~  
29 ~~an affirmative action in an attempt to evade tolls~~  
30 ~~commits a misdemeanor of the third degree, and shall,~~

1 ~~upon conviction, be sentenced to pay a fine of \$6,500 and~~  
2 ~~to undergo imprisonment for not less than 60 days. For~~  
3 ~~the purposes of this subsection, affirmative action shall~~  
4 ~~include any of the following:~~

5 ~~(A) Removal of license plates from the vehicle~~  
6 ~~to impede electronic toll collection.~~

7 ~~(B) Installation of a mechanism that rotates,~~  
8 ~~changes, blocks or otherwise mechanically alters the~~  
9 ~~ability of a license plate to be read by a violation~~  
10 ~~enforcement system as defined under 74 Pa.C.S. § 8102~~  
11 ~~(relating to definitions).~~

12 ~~(C) Installation of a mechanical apparatus upon~~  
13 ~~the vehicle that serves the sole purpose of masking,~~  
14 ~~hiding or manipulating the true weight of the vehicle~~  
15 ~~as it appears to a mechanical scale.~~

16 ~~(D) Conspiring with an individual or group of~~  
17 ~~individuals in an attempt to alter, lower or evade~~  
18 ~~payment of correct tolls.~~

19 ~~(E) Unauthorized use of Pennsylvania Turnpike~~  
20 ~~private gate access or otherwise unauthorized~~  
21 ~~movement entering or exiting the turnpike other than~~  
22 ~~at approved interchanges.~~

23 ~~(F) Any other action taken for the purpose of~~  
24 ~~evading the payment of a toll.~~

25 ~~(ii) A violation of this paragraph may not preclude~~  
26 ~~prosecution under section 1332 (relating to display of~~  
27 ~~registration plate), section 7122 (relating to altered,~~  
28 ~~forged or counterfeit documents and plates) or section~~  
29 ~~7124 (relating to fraudulent use or removal of~~  
30 ~~registration plate).~~

1 Section 24. Section 6506(a) of Title 75 is amended by adding  
2 a paragraph and the section is amended by adding a subsection to  
3 read:

4 § 6506. Surcharge.

5 (a) Levy and imposition. In addition to any fines, fees or  
6 penalties levied or imposed as provided by law, under this title  
7 or any other statute, a surcharge shall be levied for  
8 disposition in accordance with subsection (b) as follows:

9 \* \* \*

10 ~~(10) Notwithstanding 42 Pa.C.S. § 3733(a) (relating to~~  
11 ~~deposits into account), in addition to any other surcharge~~  
12 ~~imposed under this section, upon conviction for a violation~~  
13 ~~of Chapter 11 (relating to certificate of title and security~~  
14 ~~interests), 13 (relating to registration of vehicles), 15~~  
15 ~~(relating to licensing of drivers), 16 (relating to~~  
16 ~~commercial drivers), 17 (relating to financial~~  
17 ~~responsibility), 19 (relating to fees), 21 (relating to motor~~  
18 ~~carriers road tax identification markers), 31 (relating to~~  
19 ~~general provisions), 33 (relating to rules of the road in~~  
20 ~~general), 35 (relating to special vehicles and pedestrians),~~  
21 ~~37 (relating to miscellaneous provisions), 38 (relating to~~  
22 ~~driving after imbibing alcohol or utilizing drugs), 41~~  
23 ~~(relating to equipment standards), 43 (relating to lighting~~  
24 ~~equipment), 45 (relating to other required equipment), 47~~  
25 ~~(relating to inspection of vehicles), 49 (relating to size,~~  
26 ~~weight and load), 61 (relating to powers of department and~~  
27 ~~local authorities), 63 (relating to enforcement), 65~~  
28 ~~(relating to penalties and disposition of fines), 71~~  
29 ~~(relating to vehicle theft and related provisions), 73~~  
30 ~~(relating to abandoned vehicles and cargos), 75 (relating to~~

~~messenger service), 77 (relating to snowmobiles and all-terrain vehicles), 83 (relating to hazardous materials-transportation), 90 (relating to liquid fuels and fuels tax), 94 (relating to liquid fuels and fuel use tax enforcement) or 96 (relating to motor carriers road tax), a surcharge of \$100.~~

~~\* \* \*~~

~~(a.1) Deposit of surcharge. The surcharge levied and collected under subsection (a) (10) shall be deposited into the Public Transportation Trust Fund.~~

~~Section 25. Section 7715.2(a) of Title 75 is amended to read:~~

~~§ 7715.2. Fees.~~

~~(a) Fees. Except as provided in subsection (b), the department shall collect the following fees:~~

~~(1) Certificate of title, [\$22.50] \$29.~~

~~(2) Expiration sticker, [\$20] \$26.~~

~~(2.1) Vintage snowmobile permit, \$20.~~

~~(3) Dealer registration, \$25.~~

~~(4) Replacement, due to loss or damage, of registration certificate, limited registration certificate, registration decal, registration plate, expiration sticker or vintage snowmobile permit, [\$5] \$7.~~

~~(5) Transfer of registration pursuant to section 7711.1 (relating to registration of snowmobile or ATV), [\$5] \$7.~~

~~(6) Recording the name of a secured party on a certificate of title, [\$5] \$7.~~

~~\* \* \*~~

~~Section 26. The definition of "annual additional payments," "annual base payments" and "scheduled annual commission"~~

1 ~~contributions" in section 8901 of Title 75 are amended to read:~~

2 ~~§ 8901. Definitions.~~

3 ~~The following words and phrases when used in this chapter~~  
4 ~~shall have the meanings given to them in this section unless the~~  
5 ~~context clearly indicates otherwise:~~

6 ~~"Annual additional payments." As follows:~~

7 ~~(1) During the conversion period and after the~~  
8 ~~conversion date, an amount equal to the scheduled annual~~  
9 ~~commission contribution, minus the sum of:~~

10 ~~(i) \$200,000,000 paid as annual base payments;~~

11 ~~(ii) any Interstate 80 savings for that fiscal year.~~

12 ~~(2) If the conversion period has expired and a~~  
13 ~~conversion notice has not been received by the secretary, in~~  
14 ~~each subsequent fiscal year [until the end of the term of the~~  
15 ~~lease agreement] through fiscal year 2020 2021, the annual~~  
16 ~~additional payments shall be \$250,000,000. No annual~~  
17 ~~additional payments shall be due after fiscal year 2020 2021.~~

18 ~~"Annual base payments." An amount equal to the sum of the~~  
19 ~~following:~~

20 ~~(1) Annual debt service on outstanding bonds issued~~  
21 ~~under section 9511.2 (relating to special revenue bonds)~~  
22 ~~payable as required pursuant to the bonds.~~

23 ~~(2) Two hundred million dollars payable annually through~~  
24 ~~fiscal year 2020 2021 in four equal installments each due the~~  
25 ~~last business day of each July, October, January and April.~~  
26 ~~No annual base payments shall be due after fiscal year 2020~~  
27 ~~2021.~~

28 ~~\* \* \*~~

29 ~~"Scheduled annual commission contribution." The following~~  
30 ~~amounts:~~

1           ~~(1) \$750,000,000 in fiscal year 2007-2008.~~  
2           ~~(2) \$850,000,000 in fiscal year 2008-2009.~~  
3           ~~(3) \$900,000,000 in fiscal year 2009-2010.~~  
4           ~~(4) For fiscal year 2010-2011 and each fiscal year~~  
5 ~~thereafter through fiscal year 2020-2021, the amount shall be~~  
6 ~~the amount calculated for the previous year increased by~~  
7 ~~2.5%, except that the amount shall be equal to the annual~~  
8 ~~base payments plus \$250,000,000 if the conversion notice is~~  
9 ~~not received by the secretary prior to the expiration of the~~  
10 ~~conversion period. No scheduled annual commission~~  
11 ~~contribution shall be due after fiscal year 2020-2021.~~

12       Section 27. ~~Section 8915.6(a) and (b)(1) of Title 75 are~~  
13 ~~amended to read:~~

14 ~~§ 8915.6. Deposit and distribution of funds.~~

15       ~~(a) Deposits. Upon receipt by the department, the following~~  
16 ~~amounts from the scheduled annual commission contribution shall~~  
17 ~~be deposited in the Motor License Fund:~~

18           ~~(1) For fiscal year [2007-2008, \$450,000,000] 2013-2014,~~  
19 ~~\$145,000,000.~~

20           ~~(2) For fiscal year [2008-2009, \$500,000,000] 2014-2015,~~  
21 ~~\$145,000,000.~~

22           ~~(3) For fiscal year [2009-2010, \$500,000,000] 2015-2016,~~  
23 ~~\$90,000,000.~~

24           ~~(3.1) For fiscal year 2016-2017, \$90,000,000.~~

25           ~~(4) For fiscal year [2010-2011] 2017-2018 and each~~  
26 ~~fiscal year thereafter, [the amount calculated for the~~  
27 ~~previous year increased by 2.5%.] \$35,000,000.~~

28           ~~(5) If, by July 1, 2021, legislation is not enacted to~~  
29 ~~replace the revenue distributed from the fund under~~  
30 ~~subsection (b)(2) and (3), in fiscal year 2021-2022 and in~~

1 ~~each fiscal year thereafter, the following shall apply:~~

2 ~~(i) An amount equal to that revenue shall be~~  
3 ~~deposited in the fund.~~

4 ~~(ii) Notwithstanding any other provision of law,~~  
5 ~~the source of the revenue deposited in the fund under~~  
6 ~~this paragraph shall be the receipts from the tax~~  
7 ~~collected under section 238 of the act of March 4, 1971~~  
8 ~~(P.L.6, No.2), known as the Tax Reform Code of 1971, on~~  
9 ~~motor vehicles, trailers and semi-trailers.~~

10 ~~(b) Distribution. The following shall apply:~~

11 ~~[(1) Annually, 15% of the amount deposited in any fiscal~~  
12 ~~year under subsection (a) shall be distributed at the~~  
13 ~~discretion of the secretary.]~~

14 \* \* \*

15 Section 28. ~~The definition of "average wholesale price" in~~  
16 ~~section 9002 of Title 75 is amended to read:~~

17 ~~§ 9002. Definitions.~~

18 ~~The following words and phrases when used in this chapter~~  
19 ~~shall have the meanings given to them in this section unless the~~  
20 ~~context clearly indicates otherwise:~~

21 \* \* \*

22 ~~"Average wholesale price." The average wholesale price per~~  
23 ~~gallon of all taxable liquid fuels and fuels, excluding the~~  
24 ~~Federal excise tax and all liquid fuels taxes, as determined by~~  
25 ~~the Department of Revenue for the 12-month period ending on the~~  
26 ~~September 30 immediately prior to January 1 of the year for~~  
27 ~~which the rate is to be set[. In] except as follows:~~

28 ~~(1) For the period beginning July 1, 2013, and ending~~  
29 ~~December 31, 2013, the average wholesale price shall be~~  
30 ~~\$1.87.~~

1 ~~(2) For the period beginning January 1, 2014, and ending~~  
2 ~~December 31, 2014, the average wholesale price shall be~~  
3 ~~\$2.49.~~

4 ~~(3) For the period beginning January 1, 2015, and ending~~  
5 ~~December 31, 2015, the average wholesale price shall be~~  
6 ~~\$3.11.~~

7 ~~(4) Beginning January 1, 2016, in no case shall the~~  
8 ~~average wholesale price be less than [90¢ nor more than~~  
9 ~~\$1.25] \$2.49 per gallon.~~

10 \* \* \*

11 Section 29. Sections 9004(a), 9106(b) and 9502(a) of Title  
12 75 are amended to read:

13 § 9004. Imposition of tax, exemptions and deductions.

14 (a) Liquid fuels and fuels tax. A [permanent State tax of  
15 12¢ a gallon or fractional part thereof] State tax is imposed  
16 and assessed upon all liquid fuels and fuels used or sold and  
17 delivered by distributors within this Commonwealth[.] as  
18 follows:

19 ~~(1) Eleven cents a gallon or fractional part thereof~~  
20 ~~from July 1, 2013, until June 30, 2014.~~

21 ~~(2) Ten cents a gallon or fractional part thereof from~~  
22 ~~July 1, 2014, until June 30, 2015.~~

23 ~~(3) Twelve cents a gallon or fractional part thereof~~  
24 ~~beginning July 1, 2015, and thereafter.~~

25 \* \* \*

26 § 9106. Dirt and gravel road maintenance.

27 \* \* \*

28 (b) General rule. Of the funds available under section  
29 9502(a)(1) (relating to imposition of tax), [~~\$1,000,000~~]  
30 ~~\$7,000,000~~ shall be annually distributed to the Department of



1 ~~Conservation and Natural Resources for the maintenance and~~  
2 ~~mitigation of dust and sediment pollution from forestry roads.~~  
3 ~~Funds in the amount of [\$4,000,000] \$28,000,000 shall be~~  
4 ~~appropriated annually to the State Conservation Commission and~~  
5 ~~administered in a nonlapsing, nontransferable account restricted~~  
6 ~~to maintenance and improvement of dirt and gravel roads. The~~  
7 ~~State Conservation Commission shall apportion the funds based on~~  
8 ~~written criteria it develops to establish priorities based on~~  
9 ~~preventing dust and sediment pollution. In the first fiscal~~  
10 ~~year, top priority shall be given to specific trouble spot~~  
11 ~~locations already mapped by the Task Force on Dirt and Gravel~~  
12 ~~Roads and available from the department.~~

13 ~~\*\*\*~~

14 ~~§ 9502. Imposition of tax.~~

15 ~~(a) General rule.~~

16 ~~(1) An "oil company franchise tax for highway~~  
17 ~~maintenance and construction" which shall be an excise tax of~~  
18 ~~60 mills is hereby imposed upon all liquid fuels and fuels as~~  
19 ~~defined and provided in Chapter 90 (relating to liquid fuels~~  
20 ~~and fuels tax), and such tax shall be collected as provided~~  
21 ~~in section 9004(b) (relating to imposition of tax, exemptions~~  
22 ~~and deductions). Of the amount collected in fiscal year 2015~~  
23 ~~2016, and each fiscal year thereafter, at the discretion of~~  
24 ~~the secretary, a minimum of \$20,000,000 and a maximum of~~  
25 ~~\$35,000,000 shall be deposited in the Multimodal~~  
26 ~~Transportation Fund established under 74 Pa.C.S. § 2101~~  
27 ~~(relating to Multimodal Transportation Fund), to be expended~~  
28 ~~in accordance with section 11 of Article VIII of the~~  
29 ~~Constitution of Pennsylvania.~~

30 ~~(2) An additional 55 mills is hereby imposed on all~~

1 ~~liquid fuels and fuels as defined and provided in Chapter 90~~  
2 ~~and such tax shall also be collected as provided in section~~  
3 ~~9004(b), the proceeds of which shall be distributed as~~  
4 ~~follows:~~

5 ~~(i) [Forty two] Twenty nine percent to county~~  
6 ~~maintenance districts for highway maintenance for fiscal~~  
7 ~~year 2013 2014 and 19% for fiscal year 2014 2015 and each~~  
8 ~~year thereafter. This allocation shall be made according~~  
9 ~~to the formula provided in section 9102(b) (2) (relating~~  
10 ~~to distribution of State highway maintenance funds). This~~  
11 ~~allocation shall be made in addition to and not a~~  
12 ~~replacement for amounts normally distributed to county~~  
13 ~~maintenance districts under section 9102.~~

14 ~~(ii) [Seventeen] Thirty percent for highway capital~~  
15 ~~projects[.] for fiscal year 2013 2014 and 40% for fiscal~~  
16 ~~year 2014 2015 and each year thereafter.~~

17 ~~(iii) Thirteen percent for bridges.~~

18 ~~(iv) Two percent for bridges identified as county or~~  
19 ~~forestry bridges.~~

20 ~~(v) Twelve percent for local roads pursuant to~~  
21 ~~section 9511(c) (relating to basic allocation to~~  
22 ~~municipalities).~~

23 ~~(vi) Fourteen percent for toll roads designated~~  
24 ~~pursuant to the act of September 30, 1985 (P.L.240,~~  
25 ~~No.61), known as the Turnpike Organization, Extension and~~  
26 ~~Toll Road Conversion Act, to be appropriated under~~  
27 ~~section 9511(h).~~

28 ~~(3) An additional 38.5 mills is hereby imposed upon all~~  
29 ~~liquid fuels and fuels as defined and provided in Chapter 90,~~  
30 ~~and such tax shall also be collected as provided in section~~

1 ~~9004(b), the proceeds of which shall be deposited in The~~  
2 ~~Motor License Fund and distributed as follows:~~

3 ~~(i) Twelve percent to municipalities on the basis of~~  
4 ~~and subject to the provisions of the act of June 1, 1956~~  
5 ~~(1955 P.L.1944, No.655), referred to as the Liquid Fuels~~  
6 ~~Tax Municipal Allocation Law, is appropriated.~~

7 ~~(ii) [Eighty eight percent to the department is~~  
8 ~~appropriated as follows:~~

9 ~~(A) Forty seven percent for distribution in~~  
10 ~~accordance with section 9102(b)(2) for fiscal year~~  
11 ~~1997-1998.~~

12 ~~(B) Fifty three percent for a Statewide highway~~  
13 ~~restoration, betterment and resurfacing program for~~  
14 ~~fiscal year 1997-1998.~~

15 ~~(C) Fifty seven percent for distribution in~~  
16 ~~accordance with section 9102(b)(2) for fiscal year~~  
17 ~~1998-1999.~~

18 ~~(D) Forty three percent for a Statewide highway~~  
19 ~~restoration, betterment and resurfacing program for~~  
20 ~~fiscal year 1998-1999.~~

21 ~~(E) Sixty seven percent for distribution in~~  
22 ~~accordance with section 9102(b)(2) for fiscal year~~  
23 ~~1999-2000.~~

24 ~~(F) Thirty three percent for a Statewide highway~~  
25 ~~restoration, betterment and resurfacing program for~~  
26 ~~fiscal year 1999-2000.~~

27 ~~(G) Seventy seven percent for distribution in~~  
28 ~~accordance with section 9201(b)(2) for fiscal year~~  
29 ~~2000-2001.~~

30 ~~(H) Twenty three percent for a Statewide highway~~

1 ~~restoration, betterment and resurfacing program for~~  
2 ~~fiscal year 2000-2001.~~

3 ~~(I) One hundred percent for distribution in~~  
4 ~~accordance with section 9102(b)(2) for fiscal year~~  
5 ~~2001-2002 and each year thereafter.~~

6 ~~(J) For any fiscal year beginning with 1997-1998~~  
7 ~~through and including fiscal year 2000-2001, the~~  
8 ~~department shall make supplemental maintenance~~  
9 ~~program payments from the Statewide highway~~  
10 ~~restoration betterment program to those county~~  
11 ~~maintenance districts for which the total highway~~  
12 ~~maintenance appropriations and executive~~  
13 ~~authorizations in accordance with section 9102(b)~~  
14 ~~would be less than the amount received in 1996-1997~~  
15 ~~from the highway maintenance appropriation, the~~  
16 ~~Secondary Roads Maintenance and Resurfacing Executive~~  
17 ~~Authorization, the Highway Maintenance Excise Tax~~  
18 ~~Executive Authorization and the Highway Maintenance~~  
19 ~~Supplemental Appropriation.~~

20 ~~The words and phrases used in this paragraph shall have the~~  
21 ~~meanings given to them in section 9101 (relating to~~  
22 ~~definitions). This one time allocation shall be made in~~  
23 ~~addition to and is not a replacement for amounts normally~~  
24 ~~distributed to county maintenance districts under section~~  
25 ~~9102.] Fifty three percent to the department for distribution~~  
26 ~~in accordance with section 9102(b)(2) for fiscal year 2013-~~  
27 ~~2014 and 40% for fiscal year 2014-2015 and each fiscal year~~  
28 ~~thereafter.~~

29 ~~(iii) Thirty five percent to the department for~~  
30 ~~expanded highway and bridge maintenance for fiscal year~~

~~2013-2014 and 48% for fiscal year 2014-2015 and each  
fiscal year thereafter to be distributed as follows:~~

~~(A) Annually, 15% of the amount deposited in a  
fiscal year shall be distributed at the discretion of  
the secretary.~~

~~(B) Any funds deposited but not distributed  
under clause (A) shall be distributed in accordance  
with the formula under section 9102(b)(2).~~

~~(C) Temporary transfers of funds may be made  
between counties if required for project cash flow.~~

~~(4) An additional 55 mills is hereby imposed upon all  
fuels as defined and provided in chapter 90 and such tax  
shall also be collected as provided in section 9004(b) upon  
such fuels, the proceeds of which shall be deposited in The  
Highway Bridge Improvement Restricted Account within the  
Motor License Fund and is hereby appropriated.~~

~~Section 29.1. Section 9511(b) and (g) of Title 75 are  
amended and the section is amended by adding a subsection to  
read:~~

~~§ 9511. Allocation of proceeds.~~

~~\* \* \*~~

~~(b) State Highway Transfer Restoration Restricted Account  
and local bridges.~~

~~(1) The amount of the proceeds deposited in the Motor  
License Fund pursuant to this chapter which[, in fiscal year  
1983-1984,] is attributable to [two] three mills of the tax  
imposed under section 9502(a) (relating to imposition of tax)  
[and which, in fiscal year 1984-1985 and thereafter, is  
attributable to three mills of the tax,] shall be deposited  
as follows:~~

1           ~~(i) For fiscal years 2013-2014 through fiscal year~~  
2 ~~2016-2017, as follows:~~

3           ~~(A) Twenty seven million dollars shall be~~  
4 ~~deposited in the State Highway Transfer Restoration~~  
5 ~~Restricted Account within the Motor License Fund. The~~  
6 ~~funds deposited in the State Highway Transfer~~  
7 ~~Restoration Restricted Account shall be appropriated~~  
8 ~~annually for expenditure as provided under subsection~~  
9 ~~(g).~~

10          ~~(B) All funds not deposited in accordance with~~  
11 ~~clause (A) shall be deposited in the Highway Bridge~~  
12 ~~Improvement Restricted Account within the Motor~~  
13 ~~License Fund for local bridges, notwithstanding if~~  
14 ~~the project is administered by a county, municipality~~  
15 ~~or the department.~~

16          ~~(ii) For fiscal year 2017-2018 and each fiscal year~~  
17 ~~thereafter, as follows:~~

18          ~~(A) One and one half mill shall be deposited in~~  
19 ~~the State Highway Transfer Restoration Restricted~~  
20 ~~Account within the Motor License Fund, which account~~  
21 ~~is hereby created. The funds deposited in the State~~  
22 ~~Highway Transfer Restoration Restricted Account are~~  
23 ~~hereby annually appropriated out of the account upon~~  
24 ~~authorization by the Governor for expenditure as~~  
25 ~~provided in subsection (g).~~

26          ~~(B) One and one half mill shall be deposited in~~  
27 ~~the Highway Bridge Improvement Restricted Account~~  
28 ~~within the Motor License Fund for local bridges,~~  
29 ~~notwithstanding if the project is administered by a~~  
30 ~~county, municipality or the department.~~

~~(2) If funds are available to make payments under subsection (g) (1), the department may transfer funds deposited under subparagraphs (i) and (ii) between the State Highway Transfer Restoration Restricted Account and the Highway Bridge Improvement Restricted Account at the discretion of the secretary.~~

~~\* \* \*~~

~~(g) Use of funds in the State Highway Transfer Restoration Restricted Account. The funds appropriated in subsection (b) for deposit in the State Highway Transfer Restoration Restricted Account shall be used to pay for the costs of restoration of such highways as provided in Chapter 92 (relating to transfer of State highways) and annual payments to the municipalities for highway maintenance in accordance with the following:~~

~~(1) Annual maintenance payments shall be at the rate of \$4,000 per mile for each highway or portion of highway transferred under Chapter 92, section 222 of the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, or any statute enacted in 1981.~~

~~(2) Annual maintenance payments shall be paid at the same time as funds appropriated under the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, except that no maintenance payment shall be paid for a highway until after the year following its transfer to the municipality.~~

~~(3) Annual maintenance payments under this subsection shall be in lieu of annual payments under the Liquid Fuels Tax Municipal Allocation Law.~~

~~(4) Annual maintenance payments under this subsection shall be deposited into the municipality's liquid fuels tax~~

1 ~~account and may be used on any streets and highways in the~~  
2 ~~municipality in the same manner and subject to the same~~  
3 ~~restrictions as liquid fuels tax funds paid under the Liquid~~  
4 ~~Fuels Tax Municipal Allocation Law or, in the case of a~~  
5 ~~county, under section 10 of the act of May 21, 1931 (P.L.149,~~  
6 ~~No.105), known as The Liquid Fuels Tax Act.~~

7 \* \* \*

8 ~~(i) Refund to Pennsylvania Fish and Boat Commission.~~

9 ~~(1) When the tax imposed by this chapter has been paid~~  
10 ~~and the fuel on which the tax has been imposed has been~~  
11 ~~consumed in the operation of motorboats or watercraft upon~~  
12 ~~the waters of this Commonwealth, including waterways~~  
13 ~~bordering on this Commonwealth, the full amount of the tax~~  
14 ~~shall be refunded to the Boat Fund on petition to the board~~  
15 ~~in accordance with prescribed procedures.~~

16 ~~(2) In accordance with such procedures, the Pennsylvania~~  
17 ~~Fish and Boat Commission shall biannually calculate the~~  
18 ~~amount of liquid fuels consumed by the motorcraft and furnish~~  
19 ~~the information relating to its calculations and data as~~  
20 ~~required by the board. The board shall review the petition~~  
21 ~~and motorboat fuel consumption calculations of the~~  
22 ~~commission, determine the amount of liquid fuels tax paid and~~  
23 ~~certify to the State Treasurer to refund annually to the Boat~~  
24 ~~Fund the amount so determined. The department shall be~~  
25 ~~accorded the right to appear at the proceedings and make its~~  
26 ~~views known.~~

27 ~~(3) For the fiscal years commencing July 1, 2013, July~~  
28 ~~1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the~~  
29 ~~money under paragraph (2) shall be used by the commission~~  
30 ~~acting by itself or by agreement with other Federal and State~~



~~1 agencies only for the improvement of hazardous dams~~  
~~2 impounding waters of this Commonwealth on which boating is~~  
~~3 permitted, including the development and construction of~~  
~~4 boating areas and the dredging and clearing of water areas~~  
~~5 where boats can be used. For the fiscal year commencing July~~  
~~6 1, 2018, and for each fiscal year thereafter, this money~~  
~~7 shall be used by the commission acting by itself or by~~  
~~8 agreement with other Federal and State agencies only for the~~  
~~9 improvement of the waters of this Commonwealth on which~~  
~~10 motorboats are permitted to operate and may be used for the~~  
~~11 development and construction of motorboat areas; the dredging~~  
~~12 and clearing of water areas where motorboats can be used; the~~  
~~13 placement and replacement of navigational aids; the purchase,~~  
~~14 development and maintenance of public access sites and~~  
~~15 facilities to and on waters where motorboating is permitted;~~  
~~16 the patrolling of motorboating waters; the publishing of~~  
~~17 nautical charts in those areas of this Commonwealth not~~  
~~18 covered by nautical charts published by the United States~~  
~~19 Coast and Geodetic Survey or the United States Army Corps of~~  
~~20 Engineers and the administrative expenses arising out of such~~  
~~21 activities; and other similar purposes.~~

22 Section 30. The following shall apply:

23 (1) ~~No later than two years following the effective date~~  
24 ~~of this section, the Joint State Government Commission shall~~  
25 ~~conduct a study and submit a report to the Governor, the~~  
26 ~~chairman and minority chairman of the Transportation~~  
27 ~~Committee of the Senate and the chairman and minority~~  
28 ~~chairman of the Transportation Committee of the House of~~  
29 ~~Representatives reviewing replacement funding for the~~  
30 ~~revenues deposited in the Public Transportation Trust Fund~~

1 ~~under 74 Pa.C.S. § 1506 (b) (1) and the revenues deposited in~~  
2 ~~the Motor License Fund under 75 Pa.C.S. § 8915.6 (b) (2) and~~  
3 ~~(3). The report shall include:~~

4 ~~(i) Identification of sources of recurring revenue~~  
5 ~~that are estimated to generate no less than \$450,000,000~~  
6 ~~on an annual basis.~~

7 ~~(ii) Identification of specific legislative action~~  
8 ~~necessary to generate the sources of recurring revenue~~  
9 ~~identified under subparagraph (i).~~

10 ~~(iii) A ranking in descending order of the sources~~  
11 ~~of revenue identified under subparagraph (i), based upon~~  
12 ~~the Joint State Government Commission's recommendation of~~  
13 ~~which revenue sources are most viable.~~

14 ~~(2) Entities affected by this section shall provide data~~  
15 ~~to complete the report under paragraph (1). In its~~  
16 ~~recommendations, the Joint State Government Commission may~~  
17 ~~propose appropriate additional legislative changes to the~~  
18 ~~Governor and the General Assembly.~~

19 ~~Section 31. This act shall take effect as follows:~~

20 ~~(1) The addition of 74 Pa.C.S. Ch. 59 Subch. C shall~~  
21 ~~take effect immediately.~~

22 ~~(2) This section shall take effect immediately.~~

23 ~~(3) The remainder of this act shall take effect in 60~~  
24 ~~days.~~

25 SECTION 1. TITLE 74 OF THE PENNSYLVANIA CONSOLIDATED  
26 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

27 CHAPTER 2

28 ORGANIZATION

29 SEC.

30 201. DEFINITIONS.

1 202. DEPUTY SECRETARIES.

2 § 201. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
4 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 "DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE  
7 COMMONWEALTH.

8 "SECRETARY." THE SECRETARY OF TRANSPORTATION OF THE  
9 COMMONWEALTH.

10 § 202. DEPUTY SECRETARIES.

11 (A) APPOINTMENT.--THE SECRETARY SHALL APPOINT THE FOLLOWING  
12 DEPUTY SECRETARIES:

13 (1) DEPUTY SECRETARY FOR ADMINISTRATION.

14 (2) DEPUTY SECRETARY FOR DRIVER AND VEHICLE SERVICES.

15 (3) DEPUTY SECRETARY FOR HIGHWAY ADMINISTRATION.

16 (4) DEPUTY SECRETARY FOR MULTIMODAL TRANSPORTATION.

17 (5) DEPUTY SECRETARY FOR PLANNING.

18 (B) ADMINISTRATION.--THE DEPUTY SECRETARY FOR ADMINISTRATION  
19 HAS THE POWERS AND DUTIES OF THE DEPARTMENT UNDER LAW RELATING  
20 TO ALL OF THE FOLLOWING:

21 (1) FISCAL AFFAIRS.

22 (2) OPERATIONS ANALYSIS AND IMPROVEMENT.

23 (3) INFORMATION SERVICES.

24 (4) OFFICE SERVICES.

25 (5) HUMAN RESOURCES.

26 (6) EQUAL OPPORTUNITY.

27 (C) DRIVER AND VEHICLE SERVICES.--THE DEPUTY SECRETARY FOR  
28 DRIVER AND VEHICLE SERVICES HAS THE POWERS AND DUTIES OF THE  
29 DEPARTMENT UNDER LAW RELATING TO ALL OF THE FOLLOWING:

30 (1) DRIVERS.

1           (2) VEHICLES.

2           (3) VEHICLE AND DRIVER SAFETY.

3           (4) SERVICES FOR OTHER MODES OF TRANSPORTATION.

4           (D) HIGHWAY ADMINISTRATION.--THE DEPUTY SECRETARY FOR  
5 HIGHWAY ADMINISTRATION HAS THE POWERS AND DUTIES OF THE  
6 DEPARTMENT UNDER LAW RELATING TO ALL OF THE FOLLOWING:

7           (1) DESIGN OF HIGHWAYS AND BRIDGES.

8           (2) LAND ACQUISITION FOR HIGHWAYS AND BRIDGES.

9           (3) CONSTRUCTION AND RECONSTRUCTION OF HIGHWAYS AND  
10 BRIDGES.

11           (4) MAINTENANCE AND OPERATION OF HIGHWAYS AND BRIDGES.

12           (5) HIGHWAY AND BRIDGE SAFETY.

13           (E) MULTIMODAL TRANSPORTATION.--THE DEPUTY SECRETARY FOR

14 MULTIMODAL TRANSPORTATION HAS THE POWERS AND DUTIES OF THE  
15 DEPARTMENT UNDER LAW RELATING TO MODES OF TRANSPORTATION OTHER  
16 THAN HIGHWAYS, EXCEPT RECREATIONAL BOATING AND FERRY LICENSING,  
17 INCLUDING ALL OF THE FOLLOWING:

18           (1) LOCAL AND PUBLIC TRANSPORTATION.

19           (2) RAIL FREIGHT.

20           (3) PORTS AND WATERWAYS.

21           (4) AVIATION AND AIRPORTS.

22           (F) PLANNING.--THE DEPUTY SECRETARY OF PLANNING HAS THE

23 POWERS AND DUTIES OF THE DEPARTMENT UNDER LAW RELATING TO ALL OF  
24 THE FOLLOWING:

25           (1) PLANNING AND RESEARCH.

26           (2) PROGRAM DEVELOPMENT AND MANAGEMENT.

27           (3) SERVICES TO MUNICIPALITIES.

28       SECTION 2.    (REERVED.)

29       SECTION 3.    THE DEFINITIONS OF "BASE OPERATING ALLOCATION"  
30 AND "CAPITAL EXPENDITURES" IN SECTION 1503 OF TITLE 74 ARE

1 AMENDED TO READ:

2 § 1503. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
4 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 \* \* \*

7 "BASE OPERATING ALLOCATION." THE TOTAL AMOUNT OF STATE  
8 OPERATING ASSISTANCE, REIMBURSEMENT IN LIEU OF FARES FOR SENIOR  
9 PASSENGERS AND OTHER ASSISTANCE WHICH WAS USED FOR OPERATING  
10 ASSISTANCE AS DETERMINED BY THE DEPARTMENT IN [FISCAL YEAR 2005-  
11 2006] THE LAST FULL FISCAL YEAR THAT THE QUALIFYING LOCAL  
12 TRANSPORTATION ORGANIZATION RECEIVED THE ASSISTANCE, INCLUDING  
13 THE FUNDS RECEIVED UNDER SECTION 1517.1 (RELATING TO ALTERNATIVE  
14 ENERGY CAPITAL INVESTMENT PROGRAM).

15 "CAPITAL EXPENDITURES." ALL COSTS OF CAPITAL PROJECTS,  
16 INCLUDING, BUT NOT LIMITED TO, THE COSTS OF ACQUISITION,  
17 CONSTRUCTION, INSTALLATION, START-UP OF OPERATIONS, IMPROVEMENTS  
18 AND ALL WORK AND MATERIALS INCIDENT THERETO. AT THE DISCRETION  
19 OF THE DEPARTMENT, PREVENTIVE MAINTENANCE EXPENSES, AS DEFINED  
20 BY THE FEDERAL TRANSIT ADMINISTRATION, MAY BE DEEMED ELIGIBLE AS  
21 A CAPITAL EXPENDITURE BASED ON WRITTEN APPROVAL BY THE  
22 DEPARTMENT.

23 \* \* \*

24 SECTION 4. SECTION 1504(A) OF TITLE 74 IS AMENDED TO READ:

25 § 1504. DEPARTMENT AUTHORIZATION.

26 (A) GENERAL.--

27 (1) THE DEPARTMENT MAY, WITHIN THE LIMITATIONS PROVIDED  
28 IN THIS CHAPTER, INCUR COSTS DIRECTLY AND PROVIDE FINANCIAL  
29 ASSISTANCE FOR THE PURPOSES AND ACTIVITIES ENUMERATED IN THIS  
30 CHAPTER.

1           (2) THE DEPARTMENT MAY EITHER BY CONTRACT OR WITH ITS  
2 OWN PERSONNEL, DIRECTLY PROVIDE THE PROGRAMS, ACTIVITIES AND  
3 SERVICES ENUMERATED IN THIS CHAPTER. THE OPERATION OF THE  
4 PROGRAMS, ACTIVITIES AND SERVICES BY THE DEPARTMENT IS NOT  
5 SUBJECT TO THE JURISDICTION OF THE PENNSYLVANIA PUBLIC  
6 UTILITY COMMISSION.

7           \* \* \*

8           SECTION 4.1. TITLE 74 IS AMENDED BY ADDING A SECTION TO  
9 READ:

10 § 1505.1. FEES AND TAXES.

11 (A) DEPOSIT.--FUNDS RECEIVED UNDER THIS SECTION, AS  
12 ESTIMATED AND CERTIFIED BY THE SECRETARY OF REVENUE, SHALL BE  
13 DEPOSITED WITHIN FIVE DAYS OF THE END OF EACH MONTH INTO THE  
14 FUND.

15 (B) APPLICABILITY.--EXCEPT AS SPECIFICALLY PROVIDED, THE  
16 PROVISIONS OF ARTICLE II OF THE ACT OF MARCH 4, 1971 (P.L.6,  
17 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, SHALL APPLY TO THE  
18 FEES AND TAXES IMPOSED UNDER SUBSECTIONS (C), (D) AND (E).

19 (C) TIRE FEE.--A FEE ON EACH SALE IN THIS COMMONWEALTH OF A  
20 NEW TIRE FOR HIGHWAY USE IS IMPOSED AT THE RATE OF \$2 PER TIRE.  
21 THE FEE SHALL BE COLLECTED BY THE SELLER FROM THE PURCHASER AND  
22 REMITTED TO THE DEPARTMENT OF REVENUE.

23 (D) LEASE TAX.--THE FOLLOWING SHALL APPLY:

24 (1) AN ADDITIONAL TAX OF 6% OF THE TOTAL LEASE PRICE  
25 CHARGED IS IMPOSED ON A LEASE OF A MOTOR VEHICLE WHICH IS  
26 SUBJECT TO A TAX UNDER ARTICLE II OF THE TAX REFORM CODE.

27 (2) AS USED IN THIS SUBSECTION ON AND AFTER APRIL 1,  
28 1995, THE TERM "MOTOR VEHICLE" SHALL NOT INCLUDE TRUCKS IN  
29 CLASS 4 OR HIGHER AS DEFINED IN 75 PA.C.S. § 1916(A)(1)  
30 (RELATING TO TRUCKS AND TRUCK TRACTORS).

1     (E) RENTAL TAX.--A FEE OF \$2 FOR EACH DAY OR PART OF A DAY  
2 FOR WHICH A VEHICLE IS RENTED IS IMPOSED ON A RENTAL OF A MOTOR  
3 VEHICLE WHICH IS SUBJECT TO A TAX UNDER ARTICLE II OF THE TAX  
4 REFORM CODE.

5     (F) EXCLUSIONS OR EXEMPTIONS.--NO EXCLUSION OR EXEMPTION,  
6 EXCEPT FOR AN EXCLUSION OR EXEMPTION PROVIDED FOR A GOVERNMENTAL  
7 ENTITY UNDER ARTICLE II OF THE TAX REFORM CODE, SHALL APPLY TO  
8 THE FEES AND TAXES IMPOSED UNDER THIS SECTION.

9     SECTION 4.2. SECTION 1506(B) (1), (C) AND (E) OF TITLE 74 ARE  
10 AMENDED TO READ:

11 § 1506. FUND.

12 \* \* \*

13 (B) DEPOSITS TO FUND BY DEPARTMENT.--

14 (1) THE FOLLOWING APPLY:

15 (I) [EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II),  
16 UPON] UPON RECEIPT, THE DEPARTMENT SHALL DEPOSIT INTO THE  
17 FUND THE REVENUES RECEIVED BY THE DEPARTMENT UNDER 75  
18 PA.C.S. CH. 89 (RELATING TO PENNSYLVANIA TURNPIKE) AND  
19 THE LEASE AGREEMENT EXECUTED BETWEEN THE DEPARTMENT AND  
20 THE PENNSYLVANIA TURNPIKE COMMISSION UNDER 75 PA.C.S. §  
21 8915.3 (RELATING TO LEASE OF INTERSTATE 80; RELATED  
22 AGREEMENTS) AS FOLLOWS:

23 (A) FOR FISCAL YEAR 2007-2008, \$250,000,000.

24 (B) FOR FISCAL YEAR 2008-2009, \$250,000,000.

25 (C) FOR FISCAL YEAR 2009-2010, \$250,000,000.

26 (D) FOR FISCAL YEAR 2010-2011 AND EACH FISCAL  
27 YEAR THEREAFTER[, THE AMOUNT CALCULATED FOR THE  
28 PREVIOUS FISCAL YEAR, INCREASED BY 2.5%] THROUGH  
29 FISCAL YEAR 2020-2021, \$250,000,000.

30 (II) THE DEPOSITS MADE TO THE FUND UNDER THIS

1 SUBSECTION SHALL EQUAL \$250,000,000 [ANNUALLY FOR EACH  
2 FISCAL YEAR COMMENCING AFTER THE EXPIRATION OF THE  
3 CONVERSION PERIOD IF THE CONVERSION NOTICE IS NOT  
4 RECEIVED BY THE SECRETARY PRIOR TO EXPIRATION OF THE  
5 CONVERSION PERIOD AS SET FORTH UNDER 75 PA.C.S. §  
6 8915.3(3).] FOR FISCAL YEARS 2013-2014 THROUGH 2020-2021.  
7 NO ADDITIONAL PAYMENTS SHALL BE DUE FOLLOWING FISCAL YEAR  
8 2020-2021.

9 \* \* \*

10 (C) OTHER DEPOSITS.--THE FOLLOWING SHALL BE DEPOSITED INTO  
11 THE FUND ANNUALLY AT THE FOLLOWING RATES:

12 (1) 4.4% OF THE AMOUNT COLLECTED UNDER ARTICLE II OF THE  
13 TAX REFORM CODE. REVENUES UNDER THIS PARAGRAPH SHALL BE  
14 DEPOSITED INTO THE FUND BY THE 20TH DAY OF EACH MONTH FOR THE  
15 PRECEDING MONTH. THE AMOUNT DEPOSITED UNDER THIS PARAGRAPH IS  
16 ESTIMATED TO BE EQUIVALENT TO THE MONEY AVAILABLE TO THE  
17 DEPARTMENT FROM THE FOLLOWING SOURCES:

18 (I) THE SUPPLEMENTAL PUBLIC TRANSPORTATION ACCOUNT  
19 ESTABLISHED UNDER FORMER SECTION 1310.1 (RELATING TO  
20 SUPPLEMENTAL PUBLIC TRANSPORTATION ASSISTANCE FUNDING).

21 (II) THE AMOUNT APPROPRIATED ANNUALLY BY THE  
22 COMMONWEALTH FROM THE GENERAL FUND FOR MASS TRANSIT  
23 PROGRAMS PURSUANT TO A GENERAL APPROPRIATIONS ACT.

24 (2) AN AMOUNT OF PROCEEDS OF COMMONWEALTH CAPITAL BONDS  
25 AS DETERMINED ANNUALLY BY THE SECRETARY OF THE BUDGET.

26 (3) [REVENUE IN THE PUBLIC TRANSPORTATION ASSISTANCE  
27 FUND ESTABLISHED UNDER ARTICLE XXIII OF THE TAX REFORM CODE  
28 NOT OTHERWISE DEDICATED PURSUANT TO LAW.] FEES COLLECTED  
29 UNDER SECTION 1505.1 (RELATING TO FEES AND TAXES).

30 (3.1) IF, BY JULY 1, 2021, LEGISLATION IS NOT ENACTED TO



1 REPLACE THE REVENUE DEPOSITED IN THE FUND UNDER SUBSECTION  
2 (B) (1), IN FISCAL YEAR 2021-2022 AND IN EACH FISCAL YEAR  
3 THEREAFTER, THE FOLLOWING SHALL APPLY:

4 (I) AN AMOUNT EQUAL TO THAT REVENUE SHALL BE  
5 DEPOSITED IN THE FUND.

6 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
7 SOURCE OF THE REVENUE DEPOSITED IN THE FUND UNDER THIS  
8 PARAGRAPH SHALL BE THE RECEIPTS FROM THE TAX COLLECTED  
9 UNDER SECTION 238 OF THE TAX REFORM CODE ON MOTOR  
10 VEHICLES, TRAILERS AND SEMI-TRAILERS.

11 (3.2) THE REVENUE DEPOSITED IN THE FUND IN ACCORDANCE  
12 WITH 75 PA.C.S. § 3111(A.1)(2)(II) (RELATING TO OBEDIENCE TO  
13 TRAFFIC CONTROL DEVICES).

14 (4) OTHER APPROPRIATIONS, DEPOSITS OR TRANSFERS TO THE  
15 FUND.

16 \* \* \*

17 (E) PROGRAM FUNDING AMOUNTS.--SUBJECT TO AVAILABLE FUNDS,  
18 THE PROGRAMS ESTABLISHED UNDER THIS CHAPTER SHALL BE FUNDED  
19 ANNUALLY AS FOLLOWS:

20 (1) FOR THE PROGRAM ESTABLISHED UNDER SECTION 1513  
21 (RELATING TO OPERATING PROGRAM), THE FOLLOWING AMOUNTS SHALL  
22 BE ALLOCATED FROM THE FUND:

23 (I) [ALL] FROM THE REVENUES DEPOSITED IN THE FUND  
24 UNDER SUBSECTION (B) (1) [.]:

25 (A) FOR FISCAL YEARS 2013-2014 AND 2014-2015,  
26 \$121,000,000.

27 (B) FOR FISCAL YEARS 2015-2016 AND 2016-2017,  
28 \$30,000,000.

29 (C) FOR EACH FISCAL YEAR BEGINNING AFTER JUNE  
30 30, 2017, %0.00.

1 (II) ALL REVENUES DEPOSITED IN THE FUND UNDER  
2 SUBSECTION (B) (2) .

3 (III) [69.99%] 86.76% OF THE REVENUES DEPOSITED IN  
4 THE FUND UNDER SUBSECTION (C) (1) .

5 (IV) ALL REVENUES DEPOSITED INTO THE FUND UNDER  
6 SUBSECTION (C) (3) .

7 (V) FROM THE REVENUES DEPOSITED IN THE FUND RECEIVED  
8 BY THE DEPARTMENT UNDER 75 PA.C.S. § 1904 (RELATING TO  
9 COLLECTION AND DISPOSITION OF FEES AND MONEYS) AFTER THE  
10 ALLOCATION OF 23% TO THE MULTIMODAL TRANSPORTATION FUND:

11 (A) For fiscal years 2013-2014, 2014-2015, 2015-  
12 2016, and 2016-2017, all of the revenue.

13 (B) FOR EACH FISCAL YEAR BEGINNING AFTER JUNE  
14 30, 2017, TWO-THIRDS OF THE REVENUE.

15 (2) (I) [EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II),  
16 FOR] FOR THE PROGRAM ESTABLISHED UNDER SECTION 1514 (RELATING  
17 TO ASSET IMPROVEMENT PROGRAM) :

18 (A) BY THE PROCEEDS OF COMMONWEALTH CAPITAL  
19 BONDS DEPOSITED INTO THE FUND UNDER SUBSECTION (C)  
20 (2) .

21 [(A.1) FOR FISCAL YEAR 2007-2008, \$50,000,000  
22 FROM THE REVENUES RECEIVED BY THE DEPARTMENT UNDER 75  
23 PA.C.S. CH. 89 AND THE LEASE AGREEMENT EXECUTED  
24 BETWEEN THE DEPARTMENT AND THE PENNSYLVANIA TURNPIKE  
25 COMMISSION UNDER 75 PA.C.S. § 8915.3. THE AMOUNT  
26 RECEIVED BY THE DEPARTMENT UNDER THIS SECTION SHALL  
27 BE DEPOSITED INTO THE FUND PRIOR TO DISTRIBUTION AND  
28 SHALL BE IN ADDITION TO THE AMOUNTS RECEIVED UNDER  
29 SUBSECTION (B) (1) .

30 (B) FOR FISCAL YEAR 2008-2009, \$100,000,000 FROM

1 THE REVENUES RECEIVED BY THE DEPARTMENT UNDER 75  
2 PA.C.S. CH. 89 AND THE LEASE AGREEMENT EXECUTED  
3 BETWEEN THE DEPARTMENT AND THE PENNSYLVANIA TURNPIKE  
4 COMMISSION UNDER 75 PA.C.S. § 8915.3. THE AMOUNT  
5 RECEIVED BY THE DEPARTMENT UNDER THIS SECTION SHALL  
6 BE DEPOSITED INTO THE FUND PRIOR TO DISTRIBUTION AND  
7 SHALL BE IN ADDITION TO THE AMOUNTS RECEIVED UNDER  
8 SUBSECTION (B) (1) .

9 (C) FOR FISCAL YEAR 2009-2010, \$150,000,000 FROM  
10 THE REVENUES RECEIVED BY THE DEPARTMENT UNDER 75  
11 PA.C.S. CH. 89 AND THE LEASE AGREEMENT EXECUTED  
12 BETWEEN THE DEPARTMENT AND THE PENNSYLVANIA TURNPIKE  
13 COMMISSION UNDER 75 PA.C.S. § 8915.3. THE AMOUNT  
14 RECEIVED BY THE DEPARTMENT UNDER THIS SECTION SHALL  
15 BE DEPOSITED INTO THE FUND PRIOR TO DISTRIBUTION AND  
16 SHALL BE IN ADDITION TO THE AMOUNTS RECEIVED UNDER  
17 SUBSECTION (B) (1) .

18 (D) FOR FISCAL YEAR 2010-2011 AND EACH FISCAL  
19 YEAR THEREAFTER, THE AMOUNT CALCULATED FOR THE PRIOR  
20 FISCAL YEAR INCREASED BY 2.5% FROM THE REVENUES  
21 RECEIVED BY THE DEPARTMENT UNDER 75 PA.C.S. CH. 89  
22 AND THE LEASE AGREEMENT EXECUTED BETWEEN THE  
23 DEPARTMENT AND THE PENNSYLVANIA TURNPIKE COMMISSION  
24 UNDER 75 PA.C.S. § 8915.3. THE AMOUNT RECEIVED BY THE  
25 DEPARTMENT UNDER THIS SECTION SHALL BE DEPOSITED INTO  
26 THE FUND PRIOR TO DISTRIBUTION AND SHALL BE IN  
27 ADDITION TO THE AMOUNTS RECEIVED UNDER SUBSECTION (B)  
28 (1) .]

29 (E) NINETY-FIVE PERCENT OF THE REMAINING REVENUE  
30 DEPOSITED IN THE FUND UNDER SUBSECTION (B) (1) .

1                   (F) THE REVENUE DEPOSITED IN THE FUND UNDER  
2                   SUBSECTION (C) (3.1) AND (3.2).

3                   (G) FOR EACH FISCAL YEAR BEGINNING AFTER JUNE  
4                   30, 2017, FROM THE REVENUES DEPOSITED IN THE FUND  
5                   RECEIVED BY THE DEPARTMENT UNDER 75 PA.C.S. § 1904  
6                   AFTER THE ALLOCATION OF 23% TO THE MULTIMODAL  
7                   TRANSPORTATION FUND, ONE-THIRD OF THE REVENUE.

8                   [(II) IF THE CONVERSION NOTICE IS NOT RECEIVED BY  
9                   THE SECRETARY PRIOR TO THE END OF THE CONVERSION PERIOD  
10                  AS SET FORTH IN 75 PA.C.S. § 8915.3(3), NO ADDITIONAL  
11                  ALLOCATION SHALL BE MADE UNDER SUBPARAGRAPH (I).]

12                  (3) FOR THE PROGRAM ESTABLISHED UNDER SECTION 1516  
13                  (RELATING TO PROGRAMS OF STATEWIDE SIGNIFICANCE), 13.24% OF  
14                  THE REVENUES DEPOSITED IN THE FUND UNDER SUBSECTION (C) (1)  
15                  SHALL BE ALLOCATED FROM THE FUND IN ADDITION TO THE REMAINING  
16                  REVENUE DEPOSITED IN THE FUND UNDER SUBSECTION (B) (1).

17                  [(4) FOR THE PROGRAM ESTABLISHED UNDER SECTION 1517  
18                  (RELATING TO CAPITAL IMPROVEMENTS PROGRAM), 16.77% OF THE  
19                  REVENUES DEPOSITED IN THE FUND UNDER SUBSECTION (C) (1).  
20                  ADDITIONAL FUNDS FOR THIS PROGRAM MAY BE PROVIDED FROM THE  
21                  FUNDS ALLOCATED BUT NOT DISTRIBUTED BASED ON THE LIMITATION  
22                  SET FORTH UNDER SECTION 1513(C) (3).]

23                  (5) FOR THE PROGRAM ESTABLISHED UNDER SECTION 1517.1  
24                  (RELATING TO ALTERNATIVE ENERGY CAPITAL INVESTMENTS PROGRAM),  
25                  NO MORE THAN \$60,000,000 OF THE REVENUES DEPOSITED IN THE  
26                  FUND UNDER SUBSECTION (C) MAY BE ALLOCATED FROM THE FUND.

27                  SECTION 5. SECTION 1507(A) (6) AND (C) OF TITLE 74 ARE  
28                  AMENDED AND SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH TO  
29                  READ:

30                  § 1507. APPLICATION AND APPROVAL PROCESS.

1 (A) APPLICATION.--AN ELIGIBLE APPLICANT THAT WISHES TO  
2 RECEIVE FINANCIAL ASSISTANCE UNDER THIS CHAPTER SHALL SUBMIT A  
3 WRITTEN APPLICATION TO THE DEPARTMENT ON A FORM DEVELOPED BY THE  
4 DEPARTMENT, WHICH SHALL INCLUDE THE FOLLOWING:

5 \* \* \*

6 (6) EVIDENCE SATISFACTORY TO THE DEPARTMENT OF THE  
7 COMMITMENT FOR MATCHING FUNDS REQUIRED UNDER THIS CHAPTER  
8 SUFFICIENT TO MATCH THE PROJECTED FINANCIAL ASSISTANCE  
9 PAYMENTS [AT THE SAME TIMES THAT THE FINANCIAL ASSISTANCE  
10 PAYMENTS ARE TO BE PROVIDED.], PROVIDED NO LATER THAN JUNE 30  
11 OF THE APPLICABLE FISCAL YEAR. IF THE EVIDENCE REQUIRED UNDER  
12 THIS PARAGRAPH IS NOT PROVIDED TO THE SATISFACTION OF THE  
13 DEPARTMENT, SUBSEQUENT FUNDING UNDER SECTION 1513 (RELATING  
14 TO OPERATING PROGRAM) SHALL BE WITHHELD UNTIL THE APPLICANT  
15 MEETS THE REQUIREMENTS OF THIS PARAGRAPH.

16 (6.1) A STATEMENT OF POLICY OUTLINING THE BASIC  
17 PRINCIPLES FOR THE ADJUSTMENT OF FARE GROWTH TO MEET THE RATE  
18 OF INFLATION.

19 \* \* \*

20 (C) RESTRICTION ON USE OF FUNDS.--[FINANCIAL] UNLESS THE  
21 DEPARTMENT GRANTS THE AWARD RECIPIENT A WAIVER ALLOWING THE  
22 FUNDS TO BE USED FOR A DIFFERENT PURPOSE, FINANCIAL ASSISTANCE  
23 UNDER THIS CHAPTER SHALL BE USED ONLY FOR ACTIVITIES SET FORTH  
24 UNDER THE FINANCIAL ASSISTANCE AGREEMENT [UNLESS THE DEPARTMENT  
25 GRANTS THE AWARD RECIPIENT A WAIVER ALLOWING THE FUNDS TO BE  
26 USED FOR A DIFFERENT PURPOSE]. THE DEPARTMENT'S REGULATIONS  
27 SHALL DESCRIBE CIRCUMSTANCES UNDER WHICH IT WILL CONSIDER WAIVER  
28 REQUESTS AND SHALL SET FORTH ALL INFORMATION TO BE INCLUDED IN A  
29 WAIVER REQUEST. THE MAXIMUM DURATION OF A WAIVER SHALL BE ONE  
30 YEAR, AND A WAIVER REQUEST SHALL INCLUDE A PLAN OF CORRECTIVE

1 ACTION TO DEMONSTRATE THAT THE AWARD RECIPIENT DOES NOT HAVE AN  
2 ONGOING NEED TO USE FINANCIAL ASSISTANCE FUNDS FOR ACTIVITIES  
3 OTHER THAN THOSE FOR WHICH FUNDS WERE ORIGINALLY AWARDED. THE  
4 DURATION OF THE WAIVER MAY NOT EXCEED THE DURATION OF THE PLAN  
5 OF CORRECTIVE ACTION. THE DEPARTMENT SHALL MONITOR  
6 IMPLEMENTATION OF THE PLAN OF CORRECTIVE ACTION. IF THE PLAN OF  
7 CORRECTIVE ACTION IS NOT IMPLEMENTED BY THE LOCAL TRANSPORTATION  
8 ORGANIZATION, THE DEPARTMENT SHALL RESCIND THE WAIVER APPROVAL.

9 SECTION 6. SECTIONS 1511, 1512 AND 1513(D) (1) AND (2) OF  
10 TITLE 74 ARE AMENDED TO READ:

11 § 1511. REPORT TO GOVERNOR AND GENERAL ASSEMBLY.

12 [THE FOLLOWING SHALL APPLY:

13 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE] THE  
14 DEPARTMENT SHALL SUBMIT A PUBLIC PASSENGER TRANSPORTATION  
15 PERFORMANCE REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY  
16 BY APRIL 30 OF EACH YEAR, COVERING THE PRIOR FISCAL YEAR.

17 [(2) THE REPORT COVERING THE 2005-2006 FISCAL YEAR SHALL  
18 BE SUBMITTED BY JULY 31, 2007.]

19 § 1512. COORDINATION AND CONSOLIDATION.

20 (A) COORDINATION.--COORDINATION IS REQUIRED IN REGIONS WHERE  
21 TWO OR MORE AWARD RECIPIENTS HAVE SERVICES OR ACTIVITIES FOR  
22 WHICH FINANCIAL ASSISTANCE IS BEING PROVIDED UNDER THIS CHAPTER  
23 TO ASSURE THAT THE SERVICES OR ACTIVITIES ARE PROVIDED  
24 EFFICIENTLY AND EFFECTIVELY.

25 (B) CONSOLIDATION AND MUTUAL COOPERATION.--

26 (1) THE DEPARTMENT SHALL STUDY THE FEASIBILITY OF  
27 CONSOLIDATION AND MUTUAL COOPERATION OF LOCAL TRANSPORTATION  
28 ORGANIZATIONS AS A MEANS OF REDUCING ANNUAL EXPENSE WITHOUT  
29 LOSS OF SERVICE TO THE COMMUNITIES. THE STUDY SHALL EXAMINE  
30 THE CREATION OF SERVICE REGIONS OR MUTUAL COOPERATION PACTS

1 TO DETERMINE WHETHER EITHER METHOD WOULD REDUCE ANNUAL  
2 EXPENSES. THE FEASIBILITY ANALYSIS IS TO INCLUDE A COST-  
3 BENEFIT ANALYSIS AND OPERATIONAL ANALYSIS.

4 (2) IF THE RESULTS OF THE FEASIBILITY ANALYSIS BEGUN  
5 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION UNDER PARAGRAPH  
6 (1) ESTIMATE A NET ANNUAL SAVINGS OF AT LEAST \$2,000,000,  
7 INCLUDING ALL COSTS ASSOCIATED WITH ANY MERGER, OR 25% OF THE  
8 LOCAL MATCH CONTRIBUTION UNDER SECTION 1513 (RELATING TO  
9 OPERATING PROGRAM) AT THE TIME OF COMPLETION OF THE STUDY,  
10 THE TRANSPORTATION ORGANIZATION AND LOCAL GOVERNMENT MAY  
11 IMPLEMENT THE RECOMMENDED ACTION.

12 (3) THE DEPARTMENT SHALL WAIVE THE MATCH INCREASE UNDER  
13 SECTION 1513 FOR FIVE FISCAL YEARS FOR THE TRANSPORTATION  
14 ORGANIZATION'S PARTICIPATION IN THE RECOMMENDED ACTION UNDER  
15 PARAGRAPH (2).

16 (C) FUNDING FOR MERGER AND CONSOLIDATION INCENTIVES AND  
17 MUTUAL COOPERATION PACTS.--A CAPITAL PROJECT THAT IS NEEDED TO  
18 SUPPORT A LOCAL TRANSPORTATION ORGANIZATION THAT HAS AGREED TO  
19 MERGE AND CONSOLIDATE OPERATIONS AND ADMINISTRATION OR SHARE  
20 FACILITIES OR STAFF THROUGH A MUTUAL COOPERATION PACT TO ACHIEVE  
21 COST AND SERVICE EFFICIENCIES SHALL BE ELIGIBLE FOR FINANCIAL  
22 ASSISTANCE UNDER THIS CHAPTER. THE APPLICATION FOR FINANCIAL  
23 ASSISTANCE MUST:

24 (1) IDENTIFY THE EFFICIENCIES IN A MERGER AND  
25 CONSOLIDATION PLAN OR MUTUAL COOPERATION PACT; AND

26 (2) INCLUDE THE EXPECTED NET DOLLAR SAVINGS THAT WILL  
27 RESULT FROM THE MERGER, CONSOLIDATION OR PACT.

28 § 1513. OPERATING PROGRAM.

29 \* \* \*

30 (D) LOCAL MATCH REQUIREMENTS.--

1 (1) FOR FISCAL YEAR 2007-2008 AND EACH FISCAL YEAR  
2 THEREAFTER, EXCEPT AS PROVIDED UNDER PARAGRAPH (2), FINANCIAL  
3 ASSISTANCE PROVIDED UNDER THIS SECTION SHALL BE MATCHED BY  
4 LOCAL OR PRIVATE CASH FUNDING IN AN AMOUNT NOT LESS THAN THE  
5 GREATER OF:

6 (I) [15%] 20% OF THE AMOUNT OF THE FINANCIAL  
7 ASSISTANCE BEING PROVIDED; OR

8 (II) THE AMOUNT REQUIRED UNDER FORMER SECTION  
9 1311(D) (RELATING TO USE OF FUNDS DISTRIBUTED) FOR FISCAL  
10 YEAR 2006-2007.

11 (2) BEGINNING IN FISCAL YEAR [2007-2008] 2014-2015 AND  
12 EACH FISCAL YEAR THEREAFTER, IF THE LOCAL MATCHING FUNDS  
13 PROVIDED ARE LESS THAN [15%] 20% OF THE AMOUNT OF FINANCIAL  
14 ASSISTANCE RECEIVED, THE LOCAL TRANSPORTATION ORGANIZATION'S  
15 REQUIRED LOCAL MATCHING FUNDS SHALL INCREASE ANNUALLY IN  
16 ORDER TO MEET THE [15%] 20% REQUIREMENT SET FORTH UNDER  
17 PARAGRAPH (1) (I). THE LOCAL MATCHING FUNDS SHALL BE INCREASED  
18 ANNUALLY BY A MINIMUM OF 5% ABOVE THE AMOUNT OF LOCAL  
19 MATCHING FUNDS PROVIDED IN THE PREVIOUS FISCAL YEAR UNLESS A  
20 LESSER AMOUNT IS NECESSARY TO MEET THE [15%] 20% REQUIREMENT  
21 SET FORTH UNDER PARAGRAPH (1) (I).

22 \* \* \*

23 SECTION 7. SECTION 1514(C) OF TITLE 74 IS AMENDED AND THE  
24 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

25 § 1514. ASSET IMPROVEMENT PROGRAM.

26 \* \* \*

27 (C) LOCAL MATCH REQUIREMENTS.--FINANCIAL ASSISTANCE UNDER  
28 THIS SECTION SHALL BE MATCHED BY LOCAL OR PRIVATE CASH FUNDING  
29 IN AN AMOUNT NOT LESS THAN 3.33% OF THE AMOUNT OF THE FINANCIAL  
30 ASSISTANCE BEING PROVIDED. THE LOCAL MATCH REQUIREMENT SHALL BE



1 INCREASED ANNUALLY BY A MINIMUM OF 5% ABOVE THE MATCH  
2 REQUIREMENT OF THE PREVIOUS YEAR TO A MAXIMUM OF 10% OF THE  
3 AMOUNT OF THE FINANCIAL ASSISTANCE BEING PROVIDED. THE SOURCE OF  
4 FUNDS FOR THE LOCAL MATCH SHALL BE SUBJECT TO THE REQUIREMENTS  
5 OF SECTION 1513(D) (3) (RELATING TO OPERATING PROGRAM) .

6 \* \* \*

7 (E.1) DISTRIBUTION.--THE DEPARTMENT SHALL ALLOCATE FINANCIAL  
8 ASSISTANCE UNDER THIS SECTION ON A PERCENTAGE BASIS OF AVAILABLE  
9 FUNDS EACH FISCAL YEAR AS FOLLOWS:

10 (1) THE LOCAL TRANSPORTATION ORGANIZATION ORGANIZED AND  
11 EXISTING UNDER CHAPTER 17 (RELATING TO METROPOLITAN  
12 TRANSPORTATION AUTHORITIES) AS THE PRIMARY PROVIDER OF PUBLIC  
13 PASSENGER TRANSPORTATION FOR THE COUNTIES OF PHILADELPHIA,  
14 BUCKS, CHESTER, DELAWARE AND MONTGOMERY SHALL RECEIVE 69.4%  
15 OF THE FUNDS AVAILABLE FOR DISTRIBUTION UNDER THIS SECTION.

16 (2) THE LOCAL TRANSPORTATION ORGANIZATION ORGANIZED AND  
17 EXISTING UNDER THE ACT OF APRIL 6, 1956 (1955 P.L.1414,  
18 NO.465), KNOWN AS THE SECOND CLASS COUNTY PORT AUTHORITY ACT,  
19 AS THE PRIMARY PROVIDER OF PUBLIC TRANSPORTATION FOR THE  
20 COUNTY OF ALLEGHENY, SHALL RECEIVE 22.6% OF THE FUNDS  
21 AVAILABLE FOR DISTRIBUTION UNDER THIS SECTION.

22 (3) OTHER LOCAL TRANSPORTATION ORGANIZATIONS ORGANIZED  
23 AND EXISTING AS THE PRIMARY PROVIDERS OF PUBLIC PASSENGER  
24 TRANSPORTATION FOR THE COUNTIES OF THIS COMMONWEALTH NOT  
25 IDENTIFIED UNDER PARAGRAPH (1) OR (2) SHALL RECEIVE 8% OF THE  
26 FUNDS AVAILABLE FOR DISTRIBUTION UNDER THIS SECTION. THE  
27 DEPARTMENT SHALL ALLOCATE THE FUNDS UNDER THIS PARAGRAPH  
28 AMONG THE LOCAL TRANSPORTATION ORGANIZATIONS.

29 (4) NOTWITHSTANDING PARAGRAPHS (1), (2) AND (3) AND  
30 BEFORE DISTRIBUTING THE FUNDS UNDER PARAGRAPH (1), (2) OR

1 (3), THE DEPARTMENT SHALL SET ASIDE 5% OF THE FUNDS AVAILABLE  
2 FOR DISTRIBUTION UNDER THIS SECTION FOR DISCRETIONARY USE AND  
3 DISTRIBUTION BY THE SECRETARY.

4 \* \* \*

5 SECTION 8. SECTION 1516(B) AND (E) AND OF TITLE 74 ARE  
6 AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO  
7 READ:

8 § 1516. PROGRAMS OF STATEWIDE SIGNIFICANCE.

9 \* \* \*

10 (B) PERSONS WITH DISABILITIES.--THE DEPARTMENT SHALL  
11 ESTABLISH AND ADMINISTER A PROGRAM PROVIDING REDUCED FARES TO  
12 PERSONS WITH DISABILITIES ON COMMUNITY TRANSPORTATION SERVICES  
13 AND TO PROVIDE FINANCIAL ASSISTANCE FOR START-UP, ADMINISTRATIVE  
14 AND CAPITAL EXPENSES RELATED TO REDUCED FARES FOR PERSONS WITH  
15 DISABILITIES. ALL OF THE FOLLOWING SHALL APPLY:

16 (1) A COMMUNITY TRANSPORTATION SYSTEM OPERATING IN THE  
17 COMMONWEALTH OTHER THAN IN [COUNTIES OF THE FIRST AND SECOND  
18 CLASS] A COUNTY OF THE FIRST CLASS MAY APPLY FOR FINANCIAL  
19 ASSISTANCE UNDER THIS SUBSECTION.

20 (2) THE DEPARTMENT MAY AWARD FINANCIAL ASSISTANCE UNDER  
21 THIS SUBSECTION FOR PROGRAM START-UP AND FOR CONTINUING  
22 CAPITAL EXPENSES TO OFFSET ADMINISTRATIVE AND CAPITAL  
23 EXPENSES. FOR COMMUNITY TRANSPORTATION TRIPS MADE BY ELIGIBLE  
24 PERSONS WITH DISABILITIES, FINANCIAL ASSISTANCE MAY BE  
25 AWARDED TO AN ELIGIBLE COMMUNITY TRANSPORTATION SYSTEM TO  
26 REIMBURSE THE SYSTEM FOR UP TO 85% OF THE FARE ESTABLISHED  
27 FOR THE GENERAL PUBLIC FOR EACH TRIP WHICH IS OUTSIDE OF  
28 FIXED-ROUTE AND PARATRANSIT SERVICE AREAS AND NOT ELIGIBLE  
29 FOR FUNDING FROM ANY OTHER PROGRAM OR FUNDING SOURCE. THE  
30 PERSON MAKING THE TRIP OR AN APPROVED THIRD-PARTY SPONSOR

1 SHALL CONTRIBUTE THE GREATER OF 15% OF THE FARE ESTABLISHED  
2 FOR THE GENERAL PUBLIC OR THE AMERICANS WITH DISABILITIES ACT  
3 COMPLEMENTARY PARATRANSIT FARE.

4 \* \* \*

5 (E) TECHNICAL ASSISTANCE [AND], DEMONSTRATION AND  
6 EMERGENCY.--THE DEPARTMENT IS AUTHORIZED TO PROVIDE FINANCIAL  
7 ASSISTANCE UNDER THIS SECTION FOR TECHNICAL ASSISTANCE, RESEARCH  
8 AND SHORT-TERM DEMONSTRATION OR EMERGENCY PROJECTS. ALL OF THE  
9 FOLLOWING SHALL APPLY:

10 (1) A LOCAL TRANSPORTATION ORGANIZATION OR AN AGENCY OR  
11 INSTRUMENTALITY OF THE COMMONWEALTH MAY APPLY TO THE  
12 DEPARTMENT FOR FINANCIAL ASSISTANCE UNDER THIS SUBSECTION.

13 (2) FINANCIAL ASSISTANCE PROVIDED UNDER THIS SUBSECTION  
14 MAY BE USED FOR REIMBURSEMENT FOR ANY APPROVED OPERATING OR  
15 CAPITAL COSTS RELATED TO TECHNICAL ASSISTANCE AND  
16 DEMONSTRATION PROGRAM PROJECTS. FINANCIAL ASSISTANCE FOR  
17 SHORT-TERM DEMONSTRATION PROJECTS MAY BE PROVIDED AT THE  
18 DEPARTMENT'S DISCRETION ON AN ANNUAL BASIS BASED ON THE LEVEL  
19 OF FINANCIAL COMMITMENT PROVIDED BY THE AWARD RECIPIENT TO  
20 PROVIDE ONGOING FUTURE FUNDING FOR THE PROJECT AS SOON AS THE  
21 PROJECT MEETS THE CRITERIA ESTABLISHED BY THE DEPARTMENT AND  
22 THE AWARD RECIPIENT. FINANCIAL ASSISTANCE FOR THIS PURPOSE  
23 SHALL NOT BE PROVIDED FOR MORE THAN THREE FISCAL YEARS.  
24 FINANCIAL ASSISTANCE MAY BE PROVIDED TO MEET ANY SHORT-TERM  
25 EMERGENCY NEED THAT REQUIRES IMMEDIATE ATTENTION AND CANNOT  
26 BE FUNDED THROUGH OTHER SOURCES.

27 (3) FINANCIAL ASSISTANCE UNDER THIS SUBSECTION PROVIDED  
28 TO A LOCAL TRANSPORTATION ORGANIZATION SHALL BE MATCHED BY  
29 LOCAL OR PRIVATE CASH FUNDING IN AN AMOUNT NOT LESS THAN  
30 3.33% OF THE AMOUNT OF THE FINANCIAL ASSISTANCE BEING

1 PROVIDED. THE SOURCES OF FUNDS FOR THE LOCAL MATCH SHALL BE  
2 SUBJECT TO THE REQUIREMENTS OF SECTION 1513(D) (3) (RELATING  
3 TO OPERATING PROGRAM) .

4 (4) AS FOLLOWS:

5 (I) FOR SHORT-TERM DEMONSTRATION PROJECTS AWARDED  
6 FINANCIAL ASSISTANCE UNDER THIS SUBSECTION, THE  
7 DEPARTMENT SHALL DETERMINE IF THE DEMONSTRATION PROJECT  
8 WAS SUCCESSFUL BASED UPON THE PERFORMANCE CRITERIA  
9 ESTABLISHED PRIOR TO THE COMMENCEMENT OF THE  
10 DEMONSTRATION PROJECT AND APPROVED BY THE DEPARTMENT.

11 (II) IF THE DEPARTMENT DETERMINES THAT THE  
12 DEMONSTRATION PROJECT WAS SUCCESSFUL, THE LOCAL  
13 TRANSPORTATION ORGANIZATION OR AGENCY OR INSTRUMENTALITY  
14 OF THE COMMONWEALTH THAT CONDUCTED THE DEMONSTRATION  
15 PROJECT SHALL BE ELIGIBLE TO APPLY FOR AND RECEIVE FUNDS  
16 UNDER SECTION 1513 TO SUSTAIN AND TRANSITION THE  
17 DEMONSTRATION PROJECT INTO REGULAR PUBLIC PASSENGER  
18 TRANSPORTATION SERVICE.

19 (III) DURING THE FIRST YEAR IN WHICH THE  
20 DEMONSTRATION PROJECT IS ELIGIBLE FOR AND APPLIES FOR  
21 FINANCIAL ASSISTANCE UNDER SECTION 1513, THE LOCAL  
22 TRANSPORTATION ORGANIZATION OR AGENCY OR INSTRUMENTALITY  
23 OF THE COMMONWEALTH THAT CONDUCTED THE DEMONSTRATION  
24 PROJECT AND TRANSITIONED IT TO REGULAR PUBLIC PASSENGER  
25 TRANSPORTATION SERVICE SHALL BE ELIGIBLE TO RECEIVE  
26 FINANCIAL ASSISTANCE UP TO 65% OF THE TRANSPORTATION  
27 SERVICE'S PRIOR FISCAL YEAR OPERATING COSTS OR EXPENSES  
28 FOR THE SERVICE AS AN INITIAL BASE OPERATING ALLOCATION.

29 (IV) THE INITIAL BASE OPERATING ALLOCATION SHALL BE  
30 TAKEN FROM THE GROWTH UNDER SECTION 1513 OVER THE PRIOR

1 YEAR BEFORE DISTRIBUTING THE REMAINDER OF THE FORMULA  
2 DESCRIBED IN SECTION 1513.

3 (F) SHARED RIDE COMMUNITY TRANSPORTATION SERVICE DELIVERY  
4 PILOT PROGRAM.--

5 (1) THE DEPARTMENT MAY DEVELOP AND IMPLEMENT A PILOT  
6 PROGRAM TO TEST AND EVALUATE NEW MODELS OF PAYING FOR AND  
7 DELIVERING SHARED RIDE AND COMMUNITY TRANSPORTATION. THE  
8 GOALS OF THE PROGRAM ARE AS FOLLOWS:

9 (I) DEVELOP A COMMUNITY TRANSPORTATION DELIVERY  
10 MODEL THAT CAN BE MANAGED TO STAY WITHIN BUDGET.

11 (II) DEVELOP COMMUNITY TRANSPORTATION SERVICE  
12 STANDARDS WITH NEED BASED PRIORITIES.

13 (III) DEVELOP A BUSINESS MODEL AND FARE STRUCTURE  
14 THAT WORK ACROSS FUNDING PROGRAMS.

15 (IV) MAXIMIZE EFFICIENCY AND EFFECTIVENESS OF THE  
16 SERVICES.

17 (2) THE DEPARTMENT SHALL ESTABLISH A PILOT ADVISORY  
18 COMMITTEE TO PROVIDE GUIDANCE AND INPUT FOR PILOT PLANNING,  
19 START UP, OPERATIONS, DATA COLLECTION AND POST PILOT  
20 EVALUATION. THE COMMITTEE SHALL BE COMPRISED OF THE  
21 FOLLOWING:

22 (I) A MEMBER APPOINTED BY MAJORITY CHAIR OF THE  
23 TRANSPORTATION COMMITTEE OF THE SENATE.

24 (II) A MEMBER APPOINTED BY MINORITY CHAIR OF THE  
25 TRANSPORTATION COMMITTEE OF THE SENATE.

26 (III) A MEMBER APPOINTED BY MAJORITY CHAIR OF  
27 THE TRANSPORTATION COMMITTEE OF THE HOUSE OF  
28 REPRESENTATIVES.

29 (IV) A MEMBER APPOINTED BY MINORITY CHAIR OF THE  
30 TRANSPORTATION COMMITTEE OF THE HOUSE OF

1           REPRESENTATIVES.

2           (V) TWO MEMBERS FROM THE PENNSYLVANIA PUBLIC  
3           TRANSIT ASSOCIATION APPOINTED BY THE SECRETARY.

4           (VI) A MEMBER APPOINTED BY THE SECRETARY TO  
5           REPRESENT PEOPLE WITH DISABILITIES .

6           (VII) A MEMBER APPOINTED BY THE SECRETARY OF  
7           AGING TO REPRESENT SENIOR CITIZENS.

8           (VIII) A MEMBER APPOINTED BY THE SECRETARY OF  
9           PUBLIC WELFARE TO REPRESENT PEOPLE USING MEDICAL  
10          ASSISTANCE TRANSPORTATION.

11          (IX) A MEMBER OF THE COUNTY COMMISSIONERS  
12          ASSOCIATION APPOINTED BY THE SECRETARY.

13          (X) THE SECRETARY OR A DESIGNEE.

14          (XI) THE SECRETARY OF AGING OR A DESIGNEE.

15          (XII) THE SECRETARY OF THE OFFICE OF THE BUDGET  
16          OR A DESIGNEE.

17          (XIII) THE SECRETARY OF PUBLIC WELFARE OR A  
18          DESIGNEE.

19          (3) THE DEPARTMENT SHALL WORK WITH THE COMMITTEE TO  
20          DEFINE POTENTIAL PILOT MODELS WITHIN 12 MONTHS OF THE  
21          EFFECTIVE DATE OF THIS SUBSECTION.

22          (4) THE DEPARTMENT SHALL PUBLISH THE NOTICE OF  
23          AVAILABILITY OF THE PROGRAM MODELS AND FRAMEWORK IN THE  
24          PENNSYLVANIA BULLETIN AND RECEIVE APPLICATIONS FROM COUNTIES  
25          AND SHARED-RIDE COMMUNITY TRANSPORTATION SYSTEMS INTERESTED  
26          IN PARTICIPATING IN THE PROGRAM WITHIN THREE MONTHS OF THE  
27          DEFINING POTENTIAL PILOT MODELS.

28          (5) THE DEPARTMENT MAY WORK WITH THE COMMITTEE TO  
29          REDEFINE THE BASIS FOR PAYMENT USING LOTTERY AND OTHER STATE  
30          FUNDING SOURCES CURRENTLY USED TO SUPPORT COMMUNITY

1 TRANSPORTATION PROGRAMS FOR SELECTED PILOT COUNTIES AND  
2 SHARED-RIDE COMMUNITY TRANSPORTATION SYSTEMS TO TEST NEW  
3 METHODS OF SERVICE DELIVERY AND PAYMENT. EACH PROJECT MUST  
4 HAVE A BUSINESS PLAN WITH MANAGEMENT CONTROLS, SERVICE  
5 STANDARDS AND BUDGET CONTROLS. THE BUSINESS PLAN SHALL BE  
6 REVIEWED BY THE COMMITTEE PRIOR TO BEING IMPLEMENTED.

7 SECTION 9. SECTION 1517 OF TITLE 74 IS AMENDED TO READ:

8 § 1517. CAPITAL IMPROVEMENTS PROGRAM.

9 (A) ELIGIBILITY.--A LOCAL TRANSPORTATION ORGANIZATION MAY  
10 APPLY FOR FINANCIAL ASSISTANCE UNDER THIS SECTION.

11 (B) APPLICATIONS.--THE DEPARTMENT SHALL ESTABLISH THE  
12 CONTENTS OF THE APPLICATION FOR THE PROGRAM ESTABLISHED UNDER  
13 THIS SECTION. THE INFORMATION SHALL BE IN ADDITION TO  
14 INFORMATION REQUIRED UNDER SECTION 1507 (RELATING TO APPLICATION  
15 AND APPROVAL PROCESS).

16 (C) DISTRIBUTION FORMULA.--THE DEPARTMENT SHALL AWARD  
17 FINANCIAL ASSISTANCE UNDER THIS SECTION BASED ON THE NUMBER OF  
18 PASSENGERS. THE ACTUAL AMOUNT AWARDED TO A LOCAL TRANSPORTATION  
19 ORGANIZATION UNDER THIS SUBSECTION SHALL BE CALCULATED AS  
20 FOLLOWS:

21 (1) MULTIPLY THE LOCAL TRANSPORTATION ORGANIZATION'S  
22 PASSENGERS BY THE TOTAL AMOUNT OF FUNDING AVAILABLE UNDER  
23 THIS SECTION.

24 (2) DIVIDE THE PRODUCT UNDER PARAGRAPH (1) BY THE SUM OF  
25 THE PASSENGERS FOR ALL QUALIFYING LOCAL TRANSPORTATION  
26 ORGANIZATIONS.

27 (D) PAYMENTS.--FINANCIAL ASSISTANCE UNDER THIS SECTION SHALL  
28 BE PAID TO LOCAL TRANSPORTATION ORGANIZATIONS AT LEAST  
29 QUARTERLY.

30 (E) REDUCTION IN FINANCIAL ASSISTANCE.--FINANCIAL ASSISTANCE

1 PROVIDED TO A LOCAL TRANSPORTATION ORGANIZATION UNDER THIS  
2 SECTION SHALL BE REDUCED BY ANY FINANCIAL ASSISTANCE RECEIVED  
3 PREVIOUSLY UNDER THIS SECTION WHICH HAS NOT BEEN SPENT OR  
4 COMMITTED IN A CONTRACT WITHIN THREE YEARS OF ITS RECEIPT.

5 (F) CERTIFICATION ENDS FUNDING.--FINANCIAL ASSISTANCE UNDER  
6 THIS SECTION SHALL CEASE WHEN THE SECRETARY CERTIFIES THAT FUNDS  
7 ARE NO LONGER AVAILABLE FOR THE PROGRAM ESTABLISHED UNDER THIS  
8 SECTION.

9 SECTION 10. TITLE 74 IS AMENDED BY ADDING SECTIONS TO READ:  
10 § 1517.1. ALTERNATIVE ENERGY CAPITAL INVESTMENT PROGRAM.

11 (A) ESTABLISHMENT.--THE DEPARTMENT IS AUTHORIZED TO  
12 ESTABLISH A COMPETITIVE GRANT PROGRAM TO IMPLEMENT CAPITAL  
13 IMPROVEMENTS DEEMED NECESSARY TO SUPPORT CONVERSION OF A LOCAL  
14 TRANSPORTATION ORGANIZATION'S FLEET TO AN ALTERNATIVE ENERGY  
15 SOURCE, INCLUDING COMPRESSED NATURAL GAS.

16 (B) CRITERIA.--THE DEPARTMENT SHALL ESTABLISH CRITERIA FOR  
17 AWARDING GRANTS UNDER THIS SECTION. CRITERIA SHALL, AT A  
18 MINIMUM, INCLUDE FEASIBILITY, COST/BENEFIT ANALYSIS AND PROJECT  
19 READINESS.

20 (C) ADDITIONAL AUTHORIZATION.--NOTWITHSTANDING ANY OTHER  
21 PROVISIONS OF THIS SECTION OR OTHER LAW, THE DEPARTMENT MAY USE  
22 FUNDS DESIGNATED FOR THE PROGRAM ESTABLISHED UNDER SUBSECTION  
23 (A) TO SUPPLEMENT A LOCAL TRANSIT ORGANIZATION'S BASE OPERATING  
24 ALLOCATION UNDER SECTION 1513 (RELATING TO OPERATING PROGRAM) IF  
25 NECESSARY TO STABILIZE AN OPERATING BUDGET AND ENSURE THAT  
26 EFFICIENT SERVICES MAY BE SUSTAINED TO SUPPORT ECONOMIC  
27 DEVELOPMENT AND JOB CREATION AND RETENTION.

28 § 1521.1. LOCAL TAX FOR MASS TRANSPORTATION.

29 (A) TAXES IMPOSED.--MUNICIPALITIES MAY, IN THEIR DISCRETION,  
30 BY ORDINANCE OR RESOLUTION, FOR MASS TRANSPORTATION REVENUE



1 PURPOSES FOR LOCAL TRANSPORTATION ORGANIZATIONS, LEVY, ASSESS  
2 AND COLLECT OR PROVIDE FOR THE LEVYING, ASSESSMENT AND  
3 COLLECTION OF A TAX OR TAXES DESCRIBED AS FOLLOWS:

4 (1) UPON A TRANSFER OF REAL PROPERTY OR AN INTEREST IN  
5 REAL PROPERTY WITHIN THE LIMITS OF THE MUNICIPALITY,  
6 REGARDLESS OF WHERE THE INSTRUMENTS MAKING THE TRANSFERS ARE  
7 MADE, EXECUTED OR DELIVERED OR WHERE THE ACTUAL SETTLEMENTS  
8 ON THE TRANSFER TAKE PLACE, TO THE EXTENT THAT THE  
9 TRANSACTIONS ARE SUBJECT TO THE TAX IMPOSED BY ARTICLE XI-C  
10 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX  
11 REFORM CODE OF 1971. A TAX IMPOSED UNDER THIS PARAGRAPH SHALL  
12 NOT EXCEED 0.5% OF RATE LIMITATIONS PROVIDED BY SECTIONS 307,  
13 311 AND 320 OF THE ACT OF DECEMBER 31, 1965 (P.L.1257,  
14 NO.511), KNOWN AS THE LOCAL TAX ENABLING ACT.

15 (2) IN ADDITION TO THE TAX IMPOSED UNDER ARTICLE III OF  
16 THE TAX REFORM CODE OF 1971, A SURTAX NOT TO EXCEED 0.2% OF  
17 THE TAX IMPOSED ON THE TAXABLE INCOME OF RESIDENT AND  
18 NONRESIDENT INDIVIDUALS AS PROVIDED FOR UNDER ARTICLE III OF  
19 THE TAX REFORM CODE OF 1971. THE SURTAX SHALL BE IN ADDITION  
20 TO ANY TAX IMPOSED UNDER ARTICLE III OF THE TAX REFORM CODE  
21 OF 1971.

22 (3) IN ADDITION TO THE TAX IMPOSED UNDER ARTICLE II OF  
23 THE TAX REFORM CODE OF 1971, A SURTAX EQUAL TO 0.25% IMPOSED  
24 ON THE PURCHASE PRICE OF TANGIBLE PERSONAL PROPERTY AND  
25 SERVICES SUBJECT TO TAXATION UNDER ARTICLE II OF THE TAX  
26 REFORM CODE OF 1971. THE SURTAX SHALL BE IN ADDITION TO ANY  
27 TAX IMPOSED UNDER ARTICLE II OF THE TAX REFORM CODE OF 1971.

28 (B) COMPUTATION OF SALES AND USE TAX.--WITHIN 30 DAYS OF THE  
29 NOTIFICATION OF A MUNICIPALITY OF THE ADOPTION OF A TAX UNDER  
30 SUBSECTION (A), THE DEPARTMENT OF REVENUE SHALL ESTABLISH A

1 COMBINED SCHEDULE FOR THE COMPUTATION OF THE STATE SALES AND USE  
2 TAX AND THE STATE SALES AND USE SURTAX AS ESTABLISHED UNDER THIS  
3 SECTION. THE DEPARTMENT OF REVENUE SHALL COLLECT THE SURTAX AND  
4 REMIT THE SURTAX PROCEEDS QUARTERLY TO THE APPROPRIATE TAXING  
5 AUTHORITY. THE DEPARTMENT OF REVENUE SHALL PUBLISH THE SCHEDULE  
6 PROVIDING FOR THE COMBINED COMPUTATION OF THE STATE SALES AND  
7 USE TAX AND THE STATE SALES AND USE SURTAX IN THE NEXT  
8 SUCCEEDING PUBLICATION OF THE PENNSYLVANIA BULLETIN.

9 (C) ADMINISTRATION.--THE TAXES AUTHORIZED UNDER SUBSECTION  
10 (A) (1) AND (2) SHALL BE ADMINISTERED, COLLECTED AND ENFORCED  
11 UNDER THE LOCAL TAX ENABLING ACT. THE TAXES AUTHORIZED UNDER  
12 SUBSECTION (A) (3) SHALL BE ADMINISTERED, COLLECTED AND ENFORCED  
13 UNDER THE TAX REFORM CODE OF 1971. THE DEPARTMENT OF REVENUE MAY  
14 PROMULGATE AND ENFORCE REGULATIONS NOT INCONSISTENT WITH THE  
15 PROVISIONS OF THIS SECTION.

16 (D) CONSTRUCTION.--THE PROVISIONS OF ARTICLES II, III AND  
17 XI-C OF THE TAX REFORM CODE OF 1971 SHALL APPLY TO THE TAXES  
18 IMPOSED UNDER SUBSECTION (A) EXCEPT AS INCONSISTENT WITH THIS  
19 SECTION.

20 (E) GRANTS BY MUNICIPALITIES.--A MUNICIPALITY IN ANY AREA  
21 WHICH IS A MEMBER OF A LOCAL TRANSPORTATION ORGANIZATION IS  
22 AUTHORIZED TO MAKE ANNUAL GRANTS FROM CURRENT REVENUES OR FROM  
23 REVENUE DERIVED FROM TAXES LEVIED UNDER THIS SECTION TO LOCAL  
24 TRANSPORTATION ORGANIZATIONS TO ASSIST IN DEFRAYING THE COSTS OF  
25 OPERATIONS, MAINTENANCE AND DEBT SERVICE OF A LOCAL  
26 TRANSPORTATION ORGANIZATION OR OF A PARTICULAR MASS  
27 TRANSPORTATION PROJECT OF A LOCAL TRANSPORTATION ORGANIZATION  
28 AND TO ENTER INTO LONG-TERM AGREEMENTS PROVIDING FOR THE PAYMENT  
29 OF THE SAME. THE OBLIGATION OF A MUNICIPALITY UNDER THE  
30 AGREEMENT SHALL NOT BE CONSIDERED TO BE A PART OF ITS

1 INDEBTEDNESS, NOR SHALL THE OBLIGATION BE DEEMED TO IMPAIR THE  
2 STATUS OF ANY INDEBTEDNESS OF THE MUNICIPALITY WHICH WOULD  
3 OTHERWISE BE CONSIDERED AS SELF-SUSTAINING.

4 SECTION 11. TITLE 74 IS AMENDED BY ADDING A CHAPTER TO READ:

5 CHAPTER 21  
6 MULTIMODAL TRANSPORTATION FUNDING

7 SEC.

8 2101. MULTIMODAL TRANSPORTATION FUND.

9 2102. DEPOSITS TO FUND.

10 2103. USE OF REVENUE.

11 2104. DISTRIBUTION OF REVENUE.

12 2105. PROJECT SELECTION CRITERIA AND AGREEMENT.

13 2106. LOCAL MATCH.

14 § 2101. MULTIMODAL TRANSPORTATION FUND.

15 A SPECIAL FUND IS ESTABLISHED WITHIN THE STATE TREASURY TO BE  
16 KNOWN AS THE MULTIMODAL TRANSPORTATION FUND. MONEY IN THE FUND  
17 IS APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES AUTHORIZED  
18 UNDER THIS CHAPTER.

19 § 2102. DEPOSITS TO FUND.

20 THE FOLLOWING SHALL BE DEPOSITED IN THE MULTIMODAL  
21 TRANSPORTATION FUND:

22 (1) TEN MILLION DOLLARS OF THE REVENUE DEPOSITED IN THE  
23 PUBLIC TRANSPORTATION TRUST FUND UNDER SECTION 1506(B)(1)  
24 (RELATING TO FUND).

25 (2) TWENTY THREE PERCENT OF THE REVENUE DEPOSITED IN THE  
26 FUND IN ACCORDANCE WITH 75 PA.C.S. § 1904 (B)(2) (RELATING TO  
27 COLLECTION AND DISPOSITION OF FEES AND MONEYS).

28 (3) FOR FISCAL YEAR 2015-2016 AND EACH FISCAL YEAR  
29 THEREAFTER, THE AMOUNT AUTHORIZED FROM THE OIL COMPANY  
30 FRANCHISE TAX IMPOSED UNDER 75 PA.C.S. § 9502 (RELATING TO

1 IMPOSITION OF TAX) TO BE EXPENDED IN ACCORDANCE WITH SECTION  
2 11 OF ARTICLE VIII OF THE CONSTITUTION OF PENNSYLVANIA.

3 (4) OTHER APPROPRIATIONS, DEPOSITS OR TRANSFERS TO THE  
4 FUND.

5 (5) THE INTEREST EARNED ON MONEY IN THE FUND.

6 § 2103. USE OF REVENUE.

7 MONEY IN THE FUND SHALL BE USED BY THE DEPARTMENT AS FOLLOWS:

8 (1) TO PROVIDE GRANTS THROUGH THE DEPARTMENT'S PROGRAMS  
9 RELATING TO AVIATION, RAIL FREIGHT, PASSENGER RAIL, PORT AND  
10 WATERWAY, BICYCLE AND PEDESTRIAN FACILITIES, ROAD AND BRIDGE  
11 AND OTHER TRANSPORTATION MODES.

12 (2) FOR COSTS INCURRED BY THE DEPARTMENT IN THE  
13 ADMINISTRATION OF PROGRAMS SPECIFIED UNDER PARAGRAPH (1).

14 (3) TO INCUR COSTS FOR ACTIVITIES INITIATED OR  
15 UNDERTAKEN DIRECTLY BY THE DEPARTMENT RELATED TO THE PROGRAMS  
16 UNDER PARAGRAPH (1).

17 § 2104. DISTRIBUTION OF REVENUE.

18 THE REVENUE DEPOSITED IN THE FUND SHALL BE DISTRIBUTED AS  
19 FOLLOWS:

20 (1) THREE MILLION DOLLARS SHALL BE DESIGNATED FOR  
21 PROGRAMS RELATED TO AVIATION.

22 (2) SIX MILLION DOLLARS SHALL BE DESIGNATED FOR PROGRAMS  
23 RELATED TO RAIL FREIGHT.

24 (3) SIX MILLION DOLLARS SHALL BE DESIGNATED FOR PROGRAMS  
25 RELATED TO RAIL PASSENGERS.

26 (4) EIGHT MILLION DOLLARS SHALL BE DESIGNATED FOR  
27 PROGRAMS RELATED TO PORTS AND WATERWAYS.

28 (5) TWO MILLION DOLLARS FOR PROGRAMS RELATED TO BICYCLE  
29 AND PEDESTRIAN FACILITIES.

30 (6) THE REMAINING REVENUES SHALL BE DESIGNATED FOR

1 ELIGIBLE PROGRAMS UNDER THIS CHAPTER UPON AGREEMENT OF A  
2 MAJORITY AMONG THE CHAIRMAN AND MINORITY CHAIRMAN OF THE  
3 TRANSPORTATION COMMITTEE OF THE SENATE AND OF THE CHAIRMAN  
4 AND MINORITY CHAIRMAN OF THE TRANSPORTATION COMMITTEE OF THE  
5 HOUSE OF REPRESENTATIVES.

6 § 2105. PROJECT SELECTION CRITERIA AND AGREEMENT.

7 THE DEPARTMENT SHALL AWARD GRANTS UNDER THIS CHAPTER ON A  
8 COMPETITIVE BASIS. THE DEPARTMENT MAY NOT RESERVE, DESIGNATE OR  
9 SET ASIDE A SPECIFIC LEVEL OF FUNDS OR PERCENTAGE OF FUNDS TO AN  
10 APPLICANT PRIOR TO THE COMPLETION OF THE APPLICATION PROCESS,  
11 NOR MAY THE DEPARTMENT DESIGNATE A SET PERCENTAGE OF FUNDS TO AN  
12 APPLICANT.

13 § 2106. LOCAL MATCH.

14 FINANCIAL ASSISTANCE UNDER SECTION 2104(6) (RELATING TO  
15 DISTRIBUTION OF REVENUES) SHALL BE MATCHED BY COUNTY, MUNICIPAL  
16 OR PRIVATE FUNDING IN AN AMOUNT NOT LESS THAN 30% OF THE NON-  
17 FEDERAL SHARE OF THE PROJECT COST. MATCHING FUNDS FROM A COUNTY  
18 OR MUNICIPALITY SHALL ONLY CONSIST OF CASH CONTRIBUTIONS  
19 PROVIDED BY ONE OR MORE COUNTIES OR MUNICIPALITIES.

20 SECTION 12. CHAPTER 59 OF TITLE 74 IS AMENDED BY ADDING A  
21 SUBCHAPTER TO READ:

22 SUBCHAPTER C  
23 FIRST CLASS CITY CONSOLIDATED  
24 CAR RENTAL FACILITY  
25 SEC.

26 5931. SCOPE OF SUBCHAPTER.

27 5932. DEFINITIONS.

28 5933. CUSTOMER FACILITY CHARGE AND RENTAL FACILITY AGREEMENT.

29 § 5931. SCOPE OF SUBCHAPTER.

30 THIS SUBCHAPTER RELATES TO FIRST CLASS CITY CONSOLIDATED

1 RENTAL CAR FACILITIES.

2 § 5932. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
4 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 "AIRPORT." A PUBLIC INTERNATIONAL AIRPORT LOCATED PARTIALLY  
7 IN A CITY OF THE FIRST CLASS AND PARTIALLY IN AN ADJACENT  
8 MUNICIPALITY.

9 "AIRPORT OWNER." ANY OF THE FOLLOWING:

10 (1) A CITY WHICH OWNS AND OPERATES AN AIRPORT.

11 (2) AN AUTHORITY CREATED BY A CITY OF THE FIRST CLASS TO  
12 OWN AND OPERATE AN AIRPORT OR ANY PORTION OR ACTIVITY OF THE  
13 AIRPORT.

14 "AIRPORT PROPERTY." PROPERTY OWNED AND OPERATED BY AN  
15 AIRPORT OWNER, INCLUDING PROPERTY THAT IS LEASED, LICENSED OR  
16 MADE AVAILABLE FOR USE BY THE AIRPORT OWNER.

17 "CITY." A CITY OF THE FIRST CLASS.

18 "CONCESSION AGREEMENT." A REGULATION, CONTRACT, PERMIT,  
19 LICENSE OR OTHER AGREEMENT ENTERED INTO BETWEEN AN AIRPORT OWNER  
20 AND A VEHICLE RENTAL COMPANY WHICH INCLUDES THE TERMS AND  
21 CONDITIONS UNDER WHICH THE COMPANY MAY CONDUCT ANY ASPECT OF ITS  
22 RENTAL VEHICLE BUSINESS AT THE AIRPORT OR THROUGH THE USE OF  
23 AIRPORT PROPERTY, INCLUDING A VEHICLE RENTAL COMPANY WHICH  
24 PROVIDES A CUSTOMER ACCESS TO A VEHICLE OR EXECUTES A RENTAL  
25 CONTRACT EITHER ON OR OFF OF AIRPORT PROPERTY.

26 "CUSTOMER FACILITY CHARGE." A FEE ASSESSED ON EACH MOTOR  
27 VEHICLE RENTAL UNDER THIS SUBCHAPTER USED FOR THE PURPOSES  
28 DESCRIBED UNDER SECTION 5933(I) (RELATING TO CUSTOMER FACILITY  
29 CHARGE AND RENTAL FACILITY AGREEMENT).

30 "MOTOR VEHICLE." A PRIVATE PASSENGER MOTOR VEHICLE THAT

1 MEETS ALL OF THE FOLLOWING:

2 (1) IS DESIGNED TO TRANSPORT NOT MORE THAN 15  
3 PASSENGERS.

4 (2) IS RENTED FOR NOT MORE THAN 30 DAYS WITHOUT A  
5 DRIVER.

6 (3) IS PART OF A FLEET OF AT LEAST FIVE PASSENGER  
7 VEHICLES USED FOR THE PURPOSE UNDER PARAGRAPH (2).

8 "RENTAL FACILITY." A CONSOLIDATED FACILITY FOR THE USE OF A  
9 VEHICLE RENTAL COMPANY TO CONDUCT BUSINESS ON AIRPORT PROPERTY.

10 "RENTAL FACILITY AGREEMENT." A WRITTEN AGREEMENT ENTERED  
11 INTO BETWEEN AN AIRPORT OWNER AND A VEHICLE RENTAL COMPANY WHICH  
12 SHALL INCLUDE:

13 (1) THE LOCATION, SCOPE OF OPERATIONS AND GENERAL DESIGN  
14 OF THE RENTAL FACILITY, A RENTAL FACILITY IMPROVEMENT AND A  
15 TRANSPORTATION SYSTEM WHICH CONNECTS TO A TERMINAL OR RELATED  
16 STRUCTURE.

17 (2) THE MANNER IN WHICH THE PROCEEDS OF THE CUSTOMER  
18 FACILITY CHARGE ARE TO BE USED AS PROVIDED UNDER SECTION  
19 5933(I).

20 (3) A PROCEDURE AND REQUIREMENT FOR A CONSULTATION  
21 REGARDING THE IMPLEMENTATION OF THIS CHAPTER FOR THE  
22 DISCLOSURE TO A VEHICLE RENTAL COMPANY OF INFORMATION  
23 RELATING TO THE COLLECTION AND USE OF THE CUSTOMER FACILITY  
24 CHARGE.

25 (4) A METHODOLOGY AND PROCEDURE BY WHICH THE AMOUNT OF  
26 THE CUSTOMER FACILITY CHARGE WILL BE CALCULATED AND ADJUSTED.

27 "RENTAL FACILITY IMPROVEMENT." A FACILITY OR STRUCTURE ON  
28 AIRPORT PROPERTY NEEDED FOR DEVELOPMENT OR USE OF THE RENTAL  
29 FACILITY. THE TERM SHALL INCLUDE A COST NECESSARY FOR PLANNING,  
30 FINANCE, DESIGN, CONSTRUCTION, EQUIPPING OR FURNISHING OF A

1 RENTAL FACILITY IMPROVEMENT.

2 "RENTAL FACILITY OPERATIONS AND MAINTENANCE EXPENSES." THE  
3 COST OF OPERATING AND MAINTAINING THE RENTAL FACILITY, INCLUDING  
4 DAY-TO-DAY COSTS.

5 "TRANSPORTATION SYSTEM." A SYSTEM WHICH TRANSPORTS AN  
6 ARRIVING OR DEPARTING VEHICLE RENTAL CUSTOMER BETWEEN A TERMINAL  
7 OR RELATED STRUCTURE AND THE RENTAL FACILITY.

8 "TRANSPORTATION SYSTEM COSTS." THE PORTION OF TOTAL COST  
9 INCURRED TO DESIGN, FINANCE, CONSTRUCT, OPERATE AND MAINTAIN A  
10 TRANSPORTATION SYSTEM WHICH REFLECTS THE USAGE OR BENEFIT OF THE  
11 SYSTEM TO VEHICLE RENTAL COMPANIES AND THEIR CUSTOMERS.

12 "VEHICLE RENTAL COMPANY." A PERSON ENGAGED IN THE BUSINESS  
13 OF RENTING A MOTOR VEHICLE IN THIS COMMONWEALTH THAT PROVIDES A  
14 MOTOR VEHICLE RENTAL TO A CUSTOMER WHICH UTILIZES AIRPORT  
15 PROPERTY IN ANY ASPECT OF ITS BUSINESS, INCLUDING TO DO ANY OF  
16 THE FOLLOWING:

17 (1) CONTACT CUSTOMERS OR PICK UP OR DROP OFF CUSTOMERS  
18 ON AIRPORT PROPERTY.

19 (2) ADVERTISE THE AVAILABILITY OF A VEHICLE RENTAL  
20 SERVICE, NOTWITHSTANDING IF OTHER ASPECTS OF THE RENTAL  
21 COMPANY BUSINESS ARE NOT CONDUCTED ON AIRPORT PROPERTY.

22 § 5933. CUSTOMER FACILITY CHARGE AND RENTAL FACILITY AGREEMENT.

23 (A) RENTAL FACILITY AGREEMENT.--A RENTAL FACILITY AGREEMENT  
24 SHALL BE ENFORCEABLE IF IT IS EXECUTED BY THE AIRPORT OWNER AND  
25 AT LEAST 80% OF THE VEHICLE RENTAL COMPANIES WHICH UTILIZED  
26 AIRPORT PROPERTY AND WHICH PROVIDED AT LEAST 90% OF THE MOTOR  
27 VEHICLE RENTALS CONDUCTED UTILIZING AIRPORT PROPERTY IN THE MOST  
28 RECENTLY COMPLETED CALENDAR YEAR.

29 (B) IMPOSITION OF CUSTOMER FACILITY CHARGE.--

30 (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2), A CITY MAY



1 IMPOSE A CUSTOMER FACILITY CHARGE OF NOT MORE THAN \$8 PER  
2 RENTAL DAY ON A CUSTOMER RENTING A MOTOR VEHICLE FROM A  
3 VEHICLE RENTAL COMPANY DOING BUSINESS AT AN AIRPORT. THE  
4 CHARGE MAY:

5 (I) BE IMPOSED NOTWITHSTANDING THE ABSENCE OF  
6 AUTHORITY IN A REGULATION OR CONCESSION AGREEMENT; AND

7 (II) NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF A  
8 CONCESSION AGREEMENT.

9 (2) NOTWITHSTANDING PARAGRAPH (1), A RENTAL FACILITY  
10 AGREEMENT MAY PROVIDE FOR A CUSTOMER FACILITY CHARGE WHICH  
11 EXCEEDS \$8 PER RENTAL DAY.

12 (3) A CITY MAY UNILATERALLY DECREASE THE CUSTOMER  
13 FACILITY CHARGE PROVIDED IN A RENTAL FACILITY AGREEMENT OR  
14 OTHERWISE PROVIDED. AN INCREASE IN THE CUSTOMER FACILITY  
15 CHARGE, DECREASED UNDER THIS PARAGRAPH, SHALL REQUIRE AN  
16 AMENDMENT OF THE RENTAL FACILITY AGREEMENT IF THE INCREASE  
17 WILL CAUSE THE CUSTOMER FACILITY CHARGE TO EXCEED THE  
18 ORIGINAL AMOUNT.

19 (C) AMENDMENT OF RENTAL FACILITY AGREEMENT.--THE FOLLOWING  
20 SHALL APPLY:

21 (1) AN AMENDMENT TO A RENTAL FACILITY AGREEMENT MUST BE  
22 EXECUTED BY THE VEHICLE RENTAL COMPANIES OR THEIR SUCCESSORS,  
23 WHICH ARE A PARTY TO THE ORIGINAL RENTAL FACILITY AGREEMENT.

24 (2) THE TERMS OF THE RENTAL FACILITY AGREEMENT MAY BE  
25 AMENDED NO MORE THAN ONE TIME PER CALENDAR YEAR TO AUTHORIZE  
26 THE INCREASE OF THE AMOUNT OF THE CUSTOMER FACILITY CHARGE TO  
27 FUND THE CURRENT COSTS AUTHORIZED UNDER THE RENTAL FACILITY  
28 AGREEMENT.

29 (D) ENFORCEMENT.--THE TERMS OF A RENTAL FACILITY AGREEMENT  
30 MAY BE INTERPRETED AND ENFORCED BY A COURT OF COMPETENT

1 JURISDICTION THROUGH THE IMPOSITION OF A MANDATORY OR  
2 PROHIBITIVE INJUNCTION. A MONETARY DAMAGE MAY NOT BE AWARDED TO  
3 A VEHICLE RENTAL COMPANY OR TO A PERSON REQUIRED TO PAY THE  
4 CUSTOMER FACILITY CHARGE FOR A VIOLATION OF THE TERMS AND  
5 CONDITIONS OF THE RENTAL FACILITY AGREEMENT.

6 (E) LIMITATION ON USE.--NOTWITHSTANDING THE AUTHORIZATION  
7 FOR THE USE OF THE PROCEEDS OF THE CUSTOMER FACILITY CHARGE  
8 IMPOSED UNDER SUBSECTION (B) (1) (I) AND, EXCEPT AS PROVIDED UNDER  
9 SUBSECTION (F), UNTIL A RENTAL FACILITY AGREEMENT IS EXECUTED,  
10 THE PROCEEDS OF THE CUSTOMER FACILITY CHARGE MAY BE USED ONLY  
11 FOR PLANNING, DESIGN, FEASIBILITY STUDIES AND OTHER PRELIMINARY  
12 EXPENSES NECESSARY FOR THE USES AUTHORIZED UNDER SUBSECTION  
13 (B) (1) (I).

14 (F) TIME LIMITATION.--IF A RENTAL FACILITY AGREEMENT IS NOT  
15 EXECUTED WITHIN TWO YEARS OF THE DATE A VEHICLE RENTAL COMPANY  
16 IS REQUIRED TO BEGIN COLLECTING THE CUSTOMER FACILITY CHARGE, A  
17 CITY MAY CONTINUE TO IMPOSE AND COLLECT THE CUSTOMER FACILITY  
18 CHARGE AUTHORIZED UNDER SUBSECTION (B) (1). AFTER NOTICE TO THE  
19 VEHICLE RENTAL COMPANIES, THE CITY MAY USE THE PROCEEDS OF THE  
20 CUSTOMER FACILITY CHARGE IN THE MANNER AUTHORIZED UNDER  
21 SUBSECTION (B) (1) (I), EXCEPT THAT AN EXPENSE IMPOSED ON A  
22 VEHICLE RENTAL COMPANY FOR THE PURPOSES UNDER SUBSECTION (E) MAY  
23 NOT EXCEED THE PROCEEDS OF THE CUSTOMER FACILITY CHARGE.

24 (G) ADDITIONAL COST.--A CUSTOMER FACILITY CHARGE SHALL BE IN  
25 ADDITION TO OTHER MOTOR VEHICLE RENTAL FEES AND TAXES IMPOSED BY  
26 LAW, EXCEPT THAT THE CUSTOMER FACILITY CHARGE MAY NOT CONSTITUTE  
27 PART OF THE PURCHASE PRICE OF A MOTOR VEHICLE RENTAL IMPOSED  
28 UNDER ANY OF THE FOLLOWING:

29 (1) ARTICLE II OF THE ACT OF MARCH 4, 1971 (P.L.6,  
30 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.

1           (2) THE ACT OF JUNE 5, 1991 (P.L.9, NO.6), KNOWN AS THE  
2 PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY ACT FOR  
3 CITIES OF THE FIRST CLASS.

4           (3) A LAW SIMILAR TO THE STATUTES UNDER PARAGRAPHS (1)  
5 AND (2).

6 (H) COLLECTION.--THE FOLLOWING SHALL APPLY:

7           (1) A CUSTOMER FACILITY CHARGE SHALL BE:

8               (I) COLLECTED FROM A CUSTOMER BY A VEHICLE RENTAL  
9 COMPANY AND HELD IN A SEGREGATED TRUST FUND FOR THE  
10 BENEFIT OF THE AIRPORT OWNER; AND

11               (II) PAID TO THE AIRPORT OWNER NO LATER THAN THE  
12 LAST DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH  
13 CUSTOMER FACILITY CHARGE REVENUES ARE COLLECTED, OR IF  
14 NECESSARY TO FACILITATE A PLEDGE OF CUSTOMER FACILITY  
15 CHARGE REVENUES UNDER SUBSECTION (J), AT AN EARLIER DATE  
16 AS DESIGNATED BY THE AIRPORT OWNER, BUT NOT SOONER THAN  
17 THE 15TH DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH  
18 THE CUSTOMER FACILITY CHARGES ARE COLLECTED.

19           (2) A CUSTOMER FACILITY CHARGE MAY NOT CONSTITUTE GROSS  
20 RECEIPTS OR INCOME OF A VEHICLE RENTAL COMPANY FOR PURPOSES  
21 OF A TAX IMPOSED BY THE COMMONWEALTH, THE CITY OR ANY OTHER  
22 MUNICIPALITY.

23           (3) A VEHICLE RENTAL COMPANY MAY NOT PLEDGE, SUBJECT TO  
24 A LIEN, OR ENCUMBER FUNDS IN A SEGREGATED TRUST FUND UNDER  
25 PARAGRAPH (1) (I).

26           (I) USE.--THE PROCEEDS OF THE CUSTOMER FACILITY CHARGE SHALL  
27 BE DEPOSITED BY THE AIRPORT OWNER INTO A SEGREGATED ACCOUNT TO  
28 BE USED FOR THE PLANNING, DEVELOPMENT, FINANCING, CONSTRUCTION  
29 AND OPERATION OF:

30           (1) A RENTAL FACILITY;

- 1           (2) A RENTAL FACILITY IMPROVEMENT;  
2           (3) TRANSPORTATION SYSTEM COSTS; OR  
3           (4) A RENTAL FACILITY OPERATION AND MAINTENANCE EXPENSE.

4           (J) PLEDGE.--AN AIRPORT OWNER MAY PLEDGE CUSTOMER FACILITY  
5 CHARGE REVENUES FOR ANY OF THE FOLLOWING:

- 6           (1) ANY USE AUTHORIZED UNDER SUBSECTION (I).  
7           (2) THE CREATION AND MAINTENANCE OF A REASONABLE RESERVE  
8 AND FOR THE PAYMENT OF DEBT SERVICE FOR ANY USE AUTHORIZED  
9 UNDER SUBSECTION (I).

10          (K) ADMINISTRATION.--AN AIRPORT OWNER MAY DO ANY OF THE  
11 FOLLOWING:

12           (1) REQUIRE A VEHICLE RENTAL COMPANY TO PROVIDE IT WITH  
13 PERIODIC STATEMENTS OF ACCOUNT, FILE RETURNS, AUTHORIZE  
14 PAYMENTS AND MAINTAIN RECORDS, IN ACCORDANCE WITH ITS  
15 OBLIGATIONS UNDER THIS SUBCHAPTER.

16           (2) CONDUCT AN EXAMINATION TO ENSURE A VEHICLE RENTAL  
17 COMPANY'S COMPLIANCE WITH ITS OBLIGATIONS UNDER THIS  
18 SUBCHAPTER AND MAY DO ANY OF THE FOLLOWING:

19           (I) COLLECT AN AMOUNT DUE.

20           (II) IMPOSE A LIEN AND FILE A SUIT TO RECOVER AN  
21 AMOUNT DUE.

22           (III) GRANT A REFUND.

23           (IV) REQUIRE THE PAYMENT OF AN AUTHORIZED ADDITION  
24 TO A CUSTOMER FACILITY CHARGE, INTEREST AND PENALTY.

25           (V) ADOPT REASONABLE RULES AND REGULATIONS TO  
26 IMPLEMENT THIS SECTION.

27           (VI) SEEK CRIMINAL PENALTIES, AS PROVIDED FOR A CITY  
28 OF THE FIRST CLASS FOR THE COLLECTION OF TAXES, FOR  
29 FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS  
30 SUBCHAPTER.

1 (L) COMMONWEALTH PLEDGE.--THE COMMONWEALTH PLEDGES TO AND  
2 AGREES WITH:

3 (1) ANY PERSON, FIRM OR CORPORATION, GOVERNMENT AGENCY,  
4 WHETHER IN THIS COMMONWEALTH OR ELSEWHERE, OR FEDERAL AGENCY  
5 SUBSCRIBING TO OR ACQUIRING DEBT OBLIGATIONS SECURED BY  
6 CUSTOMER FACILITY CHARGES TO BE ISSUED BY AN AIRPORT THAT THE  
7 COMMONWEALTH WILL NOT LIMIT OR ALTER THE RIGHTS VESTED IN THE  
8 AIRPORT OWNER UNDER THIS SUBCHAPTER IN A MANNER INCONSISTENT  
9 WITH THE OBLIGATIONS OF THE AIRPORT OWNER TO THE OBLIGEEES OF  
10 THE AIRPORT OWNER UNTIL ALL DEBT OBLIGATIONS SECURED BY  
11 CUSTOMER FACILITY CHARGES AND INTEREST ON THE DEBT  
12 OBLIGATIONS ARE FULLY PAID OR PROVIDED FOR.

13 (2) ANY FEDERAL AGENCY THAT, IF THE FEDERAL AGENCY  
14 CONTRIBUTES FUNDS FOR THE AIRPORT OWNER OR PROJECT, THE  
15 COMMONWEALTH WILL NOT ALTER OR LIMIT THE RIGHTS AND POWERS OF  
16 THE AIRPORT OWNER IN A MANNER WHICH WOULD BE INCONSISTENT  
17 WITH THE DUE PERFORMANCE OF AN AGREEMENT BETWEEN THE AIRPORT  
18 OWNER AND A FEDERAL AGENCY.

19 SECTION 13. SECTION 6131(A) AND (B) OF TITLE 74 ARE AMENDED  
20 TO READ:

21 § 6131. TAX ON JET FUELS.

22 (A) IMPOSITION.--THERE IS HEREBY IMPOSED, EFFECTIVE [JULY 1,  
23 1984] IMMEDIATELY, A STATE TAX OF [1.1¢] 3¢ PER GALLON, OR  
24 FRACTIONAL PART THEREOF, ON ALL FUELS USED OR SOLD AND DELIVERED  
25 BY DISTRIBUTORS WITHIN THIS COMMONWEALTH FOR USE AS FUEL IN  
26 TURBINE-PROPELLER JET, TURBOJET AND JET-DRIVEN AIRCRAFT AND  
27 AIRCRAFT ENGINES. [THE TAX SHALL BE INCREASED BY 0.2¢ PER  
28 GALLON, OR FRACTIONAL PART THEREOF, EFFECTIVE JANUARY 1, 1985,  
29 AND BY 0.2¢ PER GALLON, OR FRACTIONAL PART THEREOF, EFFECTIVE  
30 JULY 1, 1985.] DISTRIBUTORS SHALL BE LIABLE TO THE COMMONWEALTH

1 FOR THE COLLECTION AND PAYMENT OF THE TAX IMPOSED BY THIS  
2 SECTION. THE TAX SHALL BE COLLECTED BY THE DISTRIBUTOR AND SHALL  
3 BE PAID TO THE COMMONWEALTH ONLY ONCE WITH RESPECT TO ANY FUELS.

4 [(B) ANNUAL ADJUSTMENT.--BEGINNING ON JANUARY 1, 1986, AND  
5 EACH JANUARY 1 THEREAFTER, THE TAX IMPOSED UNDER THIS SECTION  
6 SHALL BE ADJUSTED ANNUALLY AND SHALL BE SET FOR THAT CALENDAR  
7 YEAR. THE ADJUSTMENT SHALL BE BASED UPON THE PERCENTAGE CHANGE  
8 OF THE PRODUCER PRICE INDEX FOR JET FUEL, AS DETERMINED BY THE  
9 BUREAU OF LABOR STATISTICS FOR THE UNITED STATES DEPARTMENT OF  
10 LABOR, FOR THE MOST RECENT 12-MONTH PERIOD AVAILABLE AS OF THE  
11 IMMEDIATELY PRECEDING NOVEMBER 1. FOR EVERY 10% INCREASE OR  
12 DECREASE IN THE PRODUCER PRICE INDEX, AS DETERMINED BY COMPARING  
13 THE INDEX FOR THE FIRST MONTH OF THE 12-MONTH PERIOD WITH THE  
14 INDEX FOR THE LAST MONTH OF THE PERIOD, THERE SHALL BE A 0.1¢  
15 PER GALLON, OR FRACTIONAL PART THEREOF, INCREASE OR DECREASE IN  
16 THE RATE OF TAX. THE RATE OF TAX SHALL BE DETERMINED BY THE  
17 SECRETARY OF REVENUE, WHO SHALL CAUSE SUCH RATE TO BE PUBLISHED  
18 AS A NOTICE PURSUANT TO 45 PA.C.S. § 725(A)(3) (RELATING TO  
19 ADDITIONAL CONTENTS OF PENNSYLVANIA BULLETIN) IN THE  
20 PENNSYLVANIA BULLETIN ON OR BEFORE DECEMBER 15 OF EACH YEAR. THE  
21 TAX, AS ADJUSTED, SHALL NEVER EXCEED 2¢ PER GALLON, OR  
22 FRACTIONAL PART THEREOF, NOR SHALL IT BE LESS THAN 1.5¢ PER  
23 GALLON, OR FRACTIONAL PART THEREOF.]

24 \* \* \*

25 SECTION 14. THE DEFINITIONS OF "ELECTRONIC TOLL COLLECTION,"  
26 "OWNER" AND "VIOLATION ENFORCEMENT SYSTEM" IN SECTION 8102 OF  
27 TITLE 74 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING  
28 DEFINITIONS TO READ:  
29 § 8102. DEFINITIONS.

30 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER

1 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 "AUTOMATED TOLL COLLECTION." A SYSTEM OF COLLECTING TOLLS OR  
4 CHARGES BY A DEVICE THAT IS CAPABLE OF ACCEPTING COIN, CURRENCY,  
5 CARDS OR TOKENS FOR PAYMENT OF THE PRESCRIBED TOLL OR CHARGE.

6 "CERTIFICATE OF PASSAGE." A DOCUMENT SIGNED AND CERTIFIED BY  
7 A VEHICLE OWNER, OPERATOR OR LESSEE EVIDENCING HIS OR HER  
8 AGREEMENT TO PAY THE PRESCRIBED TOLL PLUS A PROCESSING FEE TO  
9 THE COMMISSION WITHIN A PRESCRIBED PERIOD.

10 "CERTIFICATE OF PASSAGE TOLL COLLECTION." A SYSTEM OF  
11 COLLECTING A TOLL OR CHARGE BY PROVIDING A VEHICLE OWNER,  
12 OPERATOR OR LESSEE WITH A CERTIFICATE OF PASSAGE AT A TOLL  
13 COLLECTION FACILITY IF THE OWNER, OPERATOR OR LESSEE DOES NOT  
14 HAVE SUFFICIENT FUNDS TO PAY THE PRESCRIBED TOLL AT THE TIME HE  
15 OR SHE PASSES THROUGH THE TOLL COLLECTION FACILITY.

16 \* \* \*

17 "ELECTRONIC TOLL COLLECTION." A SYSTEM OF COLLECTING TOLLS  
18 OR CHARGES [THAT IS CAPABLE OF CHARGING AN ACCOUNT HOLDER FOR  
19 THE PRESCRIBED TOLL] BY ELECTRONIC TRANSMISSION OF INFORMATION  
20 [BETWEEN], INCLUDING BY USE OF A DEVICE ON A VEHICLE AND A  
21 DEVICE [IN A TOLL LANE] AT A TOLL COLLECTION FACILITY, OPEN ROAD  
22 TOLLING, VIDEO TOLLING SYSTEM OR OTHER SIMILAR STRUCTURAL OR  
23 TECHNOLOGICAL ENHANCEMENTS RELATED TO TOLLING.

24 \* \* \*

25 "OWNER." EXCEPT AS PROVIDED UNDER SECTION [8117(E)] 8117  
26 (RELATING TO [ELECTRONIC] TOLL COLLECTION), [AN INDIVIDUAL] A  
27 PERSON, COPARTNERSHIP, ASSOCIATION OR CORPORATION HAVING TITLE  
28 OR INTEREST IN A PROPERTY RIGHT, EASEMENT OR FRANCHISE  
29 AUTHORIZED TO BE ACQUIRED UNDER THIS CHAPTER.

30 \* \* \*

1 "TOLL COLLECTION." A SYSTEM OF COLLECTING TOLLS OR CHARGES  
2 THAT IS CAPABLE OF CHARGING AN ACCOUNT HOLDER OR VEHICLE OWNER,  
3 OPERATOR OR LESSEE FOR THE PRESCRIBED TOLL BY AUTOMATED TOLL  
4 COLLECTION, CERTIFICATE OF PASSAGE TOLL COLLECTION OR ELECTRONIC  
5 TOLL COLLECTION.

6 \* \* \*

7 "VIDEO TOLLING SYSTEM." AS FOLLOWS:

8 (1) A VEHICLE SENSOR OR OTHER ELECTRONIC TOLL COLLECTION  
9 DEVICE, PLACED IN A LOCATION TO WORK IN CONJUNCTION WITH A  
10 TOLL COLLECTION FACILITY, WHICH AUTOMATICALLY PRODUCES A  
11 VIDEOTAPE OR PHOTOGRAPH, MICROPHOTOGRAPH OR OTHER RECORDED  
12 IMAGE OF THE VEHICLE OR VEHICLE LICENSE PLATE AT THE TIME THE  
13 VEHICLE IS USED OR OPERATED ON THE TOLLED FACILITY IN ORDER  
14 TO COLLECT TOLLS OR DETECT VIOLATIONS OF THE TOLL COLLECTION  
15 REGULATIONS OR RULES.

16 (2) THE TERM INCLUDES TECHNOLOGY OTHER THAN IDENTIFIED  
17 UNDER PARAGRAPH (1) WHICH IDENTIFIES A VEHICLE BY  
18 PHOTOGRAPHIC, ELECTRONIC OR OTHER METHOD.

19 "VIOLATION." THE FAILURE TO PAY THE PRESCRIBED TOLL AS  
20 PROVIDED UNDER SECTION 8117 (A) (1) (RELATING TO TOLL  
21 COLLECTION).

22 ["VIOLATION ENFORCEMENT SYSTEM." A VEHICLE SENSOR, PLACED IN  
23 A LOCATION TO WORK IN CONJUNCTION WITH A TOLL COLLECTION  
24 FACILITY, WHICH AUTOMATICALLY PRODUCES A VIDEOTAPE OR  
25 PHOTOGRAPH, MICROPHOTOGRAPH OR OTHER RECORDED IMAGE OF THE REAR  
26 PORTION OF EACH VEHICLE AT THE TIME THE VEHICLE IS USED OR  
27 OPERATED IN VIOLATION OF THE TOLL COLLECTION REGULATIONS. THE  
28 TERM INCLUDES ANY OTHER TECHNOLOGY WHICH IDENTIFIES A VEHICLE BY  
29 PHOTOGRAPHIC, ELECTRONIC OR OTHER METHOD.]

30 SECTION 15. SECTIONS 8117 AND 8121 OF TITLE 74 ARE AMENDED



1 TO READ:

2 § 8117. [ELECTRONIC TOLL] TOLL COLLECTION.

3 (A) LIABILITY OF OWNER.--

4 [(1) IF AN OPERATOR OF A VEHICLE FAILS TO PAY THE  
5 PRESCRIBED TOLL AT ANY LOCATION WHERE TOLLS ARE COLLECTED BY  
6 MEANS OF ELECTRONIC TOLL COLLECTION, THE OWNER OF THE VEHICLE  
7 SHALL BE LIABLE TO THE COMMISSION FOR FAILURE OF THE OPERATOR  
8 OF THE VEHICLE TO COMPLY WITH THIS SECTION IF THE VIOLATION  
9 IS EVIDENCED BY INFORMATION OBTAINED FROM A VIOLATION  
10 ENFORCEMENT SYSTEM.

11 (2) IF A VIOLATION OF THIS SECTION IS COMMITTED, THE  
12 REGISTRATION PLATE NUMBER OF THE VEHICLE AS RECORDED BY A  
13 VIOLATION ENFORCEMENT SYSTEM SHALL ESTABLISH AN INFERENCE  
14 THAT THE OWNER OF THE VEHICLE WAS THEN OPERATING THE VEHICLE.  
15 THE INFERENCE SHALL BE OVERCOME IF THE OWNER DOES ALL OF THE  
16 FOLLOWING:

17 (I) TESTIFIES THAT THE OWNER WAS NOT OPERATING THE  
18 VEHICLE AT THE TIME OF THE VIOLATION.

19 (II) SUBMITS TO AN EXAMINATION AS TO WHO AT THE TIME  
20 WAS OPERATING THE VEHICLE.

21 (III) REVEALS THE NAME AND RESIDENCE ADDRESS, IF  
22 KNOWN, OF THE OPERATOR OF THE VEHICLE.

23 (3) IF AN ACTION OR PROCEEDING IS COMMENCED IN A COUNTY  
24 OTHER THAN THAT OF THE RESIDENCE OF THE OWNER, A VERIFIED  
25 WRITTEN STATEMENT SETTING FORTH THE FACTS PRESCRIBED UNDER  
26 PARAGRAPH (2) (I), (II) AND (III) SHALL SUFFICE TO OVERCOME  
27 THE INFERENCE.

28 (4) IF THE INFERENCE IS OVERCOME, THE OPERATOR OF THE  
29 VEHICLE MAY BE HELD LIABLE UNDER THIS SECTION FOR FAILURE TO  
30 PAY THE PRESCRIBED TOLL IN THE SAME MANNER AS IF THE OPERATOR

1 WERE THE OWNER OF THE VEHICLE.

2 (B) IMPOSITION OF LIABILITY.--LIABILITY UNDER THIS SECTION  
3 SHALL BE IMPOSED UPON AN OWNER FOR A VIOLATION OF THIS SECTION  
4 OR THE REGULATIONS OF THE COMMISSION OCCURRING WITHIN THE  
5 TERRITORIAL LIMITS OF THIS COMMONWEALTH. IF A VIOLATION IS  
6 COMMITTED AS EVIDENCED BY A VIOLATION ENFORCEMENT SYSTEM, THE  
7 FOLLOWING SHALL APPLY:

8 (1) THE COMMISSION OR AN AUTHORIZED AGENT OR EMPLOYEE  
9 MUST PREPARE AND MAIL A NOTICE OF VIOLATION AS FOLLOWS:

10 (I) THE NOTICE OF VIOLATION MUST BE SENT BY FIRST  
11 CLASS MAIL TO EACH PERSON ALLEGED TO BE LIABLE AS AN  
12 OWNER FOR A VIOLATION OF THIS SECTION.

13 (II) THE NOTICE MUST BE MAILED AT THE ADDRESS SHOWN  
14 ON THE VEHICLE REGISTRATION OR AT THE ADDRESS OF THE  
15 OPERATOR, AS APPLICABLE. NOTICE MUST BE MAILED NO LATER  
16 THAN 60 DAYS AFTER:

17 (A) THE ALLEGED CONDUCT; OR

18 (B) THE DATE THE INFERENCE IS OVERCOME UNDER  
19 SUBSECTION (A) (2) .

20 (III) PERSONAL SERVICE IS NOT REQUIRED.

21 (IV) THE NOTICE MUST CONTAIN ALL OF THE FOLLOWING:

22 (A) INFORMATION ADVISING THE PERSON CHARGED OF  
23 THE MANNER AND TIME IN WHICH THE LIABILITY ALLEGED IN  
24 THE NOTICE MAY BE CONTESTED.

25 (B) A WARNING ADVISING THE PERSON CHARGED THAT  
26 FAILURE TO CONTEST IN THE MANNER AND TIME PROVIDED  
27 SHALL BE DEEMED AN ADMISSION OF LIABILITY AND THAT A  
28 DEFAULT JUDGMENT MAY BE ENTERED ON THE NOTICE.]

29 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF AN  
30 OPERATOR OF A VEHICLE FAILS TO PAY THE PRESCRIBED TOLL AT A

1 PRESCRIBED LOCATION BY MEANS OF TOLL COLLECTION OR AS  
2 DIRECTED BY OFFICIAL SIGNS POSTED ON THE TOLLED FACILITY IN  
3 ACCORDANCE WITH THE RULES OR REGULATIONS INSTITUTED FOR TOLL  
4 COLLECTION BY THE TOLLING ENTITY, THE OWNER OF THE VEHICLE  
5 SHALL BE LIABLE TO THE TOLLING ENTITY OR ITS AUTHORIZED AGENT  
6 FOR FAILURE OF THE OPERATOR OF THE VEHICLE TO COMPLY WITH  
7 THIS SECTION IF THE VIOLATION IS EVIDENCED BY ANY OF THE  
8 FOLLOWING:

9 (I) INFORMATION OBTAINED FROM A VIDEO TOLLING  
10 SYSTEM.

11 (II) A CERTIFICATE OF PASSAGE THAT HAS NOT BEEN PAID  
12 WITHIN THE PRESCRIBED TIME PERIOD.

13 (2) EXCEPT FOR AN OPERATOR WHO UTILIZES CERTIFICATES OF  
14 PASSAGE TOLL COLLECTION, IF AN OPERATOR OF A VEHICLE FAILS TO  
15 PAY THE PRESCRIBED TOLL AS PROVIDED UNDER PARAGRAPH (1), THE  
16 REGISTRATION PLATE NUMBER OF THE VEHICLE AS RECORDED BY A  
17 VIDEO TOLLING SYSTEM SHALL ESTABLISH AN INFERENCE THAT THE  
18 OWNER OF THE VEHICLE WAS OPERATING THE VEHICLE AT THE TIME OF  
19 THE VIOLATION. THE INFERENCE SHALL BE OVERCOME IF THE OWNER  
20 DOES ALL OF THE FOLLOWING:

21 (I) TESTIFIES THAT THE OWNER WAS NOT OPERATING THE  
22 VEHICLE AT THE TOLL COLLECTION FACILITY AT THE TIME OF  
23 THE VIOLATION.

24 (II) SUBMITS TO AN EXAMINATION AS TO WHO WAS  
25 OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

26 (III) REVEALS THE NAME AND RESIDENCE ADDRESS, IF  
27 KNOWN, OF THE OPERATOR OF THE VEHICLE OR DEMONSTRATES TO  
28 THE REASONABLE SATISFACTION OF THE COMMISSION THAT THE  
29 VEHICLE WAS MISIDENTIFIED.

30 (3) IF AN ACTION OR PROCEEDING IS COMMENCED IN A COUNTY

1 OTHER THAN THAT OF THE RESIDENCE OF THE OWNER, A VERIFIED  
2 WRITTEN STATEMENT UNDER 18 PA.C.S. § 4904 (RELATING TO  
3 UNSWORN FALSIFICATIONS TO AUTHORITIES) SETTING FORTH THE  
4 FACTS PRESCRIBED UNDER PARAGRAPH (2) SHALL SUFFICE TO  
5 OVERCOME THE INFERENCE.

6 (4) A COURT OF COMPETENT JURISDICTION SHALL ADMIT AS  
7 PRIMA FACIE EVIDENCE THE VERIFIED STATEMENT RELIED UPON UNDER  
8 PARAGRAPH (3). THE OPERATOR OF THE VEHICLE MAY BE HELD LIABLE  
9 UNDER THIS SECTION FOR FAILURE TO PAY THE PRESCRIBED TOLL IN  
10 THE SAME MANNER AS IF THE OPERATOR WERE THE OWNER OF THE  
11 VEHICLE IF ANY OF THE FOLLOWING APPLY:

12 (I) THE INFERENCE IS OVERCOME.

13 (II) THE OPERATOR OF THE VEHICLE UTILIZED  
14 CERTIFICATE OF PASSAGE TOLL COLLECTION.

15 (B) IMPOSITION OF LIABILITY.--LIABILITY UNDER THIS SECTION  
16 SHALL BE IMPOSED UPON AN OWNER, INCLUDING A PERSON, LESSEE OR  
17 OPERATOR WHO BECOMES LIABLE IN THE SAME MANNER AS IF THE PERSON  
18 WAS AN OWNER UNDER THIS SECTION, FOR A VIOLATION OF THIS SECTION  
19 OR THE REGULATIONS OR RULES OF THE COMMISSION OCCURRING WITHIN  
20 THE TERRITORIAL LIMITS OF THIS COMMONWEALTH. IF A VIOLATION IS  
21 COMMITTED AS EVIDENCED BY INFORMATION OBTAINED FROM A VIDEO  
22 TOLLING SYSTEM OR CERTIFICATE OF PASSAGE, THE FOLLOWING SHALL  
23 APPLY:

24 (1) THE COMMISSION OR AN AUTHORIZED AGENT OR EMPLOYEE  
25 SHALL PREPARE AND MAIL A NOTICE OF VIOLATION AS FOLLOWS:

26 (I) THE NOTICE OF VIOLATION SHALL BE SENT BY FIRST  
27 CLASS MAIL TO EACH PERSON ALLEGED TO BE LIABLE AS AN  
28 OWNER FOR A VIOLATION OF THIS SECTION.

29 (II) THE NOTICE SHALL BE MAILED TO THE ADDRESS SHOWN  
30 ON THE VEHICLE REGISTRATION OR TO THE ADDRESS OF THE

1 OPERATOR, AS APPLICABLE. NOTICE SHALL BE MAILED NO LATER  
2 THAN 120 DAYS AFTER ONE OF THE FOLLOWING:

3 (A) THE DATE OF THE ALLEGED CONDUCT.

4 (B) THE DATE THE INFERENCE IS OVERCOME IN  
5 SUBSECTION (A) (2) .

6 (C) THE DATE THAT A LESSOR PROVIDES THE  
7 INFORMATION REQUIRED UNDER SUBSECTION (B) (3) IN A  
8 MANNER THAT THE LESSEE OF THE VEHICLE ON THE DATE OF  
9 VIOLATION IS DEEMED TO BE THE OWNER OF THE VEHICLE  
10 FOR PURPOSES OF THIS SECTION.

11 (III) PERSONAL SERVICE OF THE NOTICE SHALL NOT BE  
12 REQUIRED.

13 (IV) THE NOTICE SHALL INCLUDE ALL OF THE FOLLOWING:

14 (A) THE DATE, TIME AND LOCATION OF THE ALLEGED  
15 VIOLATION AND, IF AVAILABLE, THE LICENSE PLATE NUMBER  
16 OF THE VEHICLE.

17 (B) INFORMATION ADVISING THE OWNER CHARGED OF  
18 THE MANNER AND TIME IN WHICH THE LIABILITY ALLEGED IN  
19 THE NOTICE MAY BE CONTESTED.

20 (C) A WARNING ADVISING THE OWNER CHARGED THAT  
21 FAILURE TO CONTEST IN THE MANNER AND TIME PROVIDED  
22 SHALL BE DEEMED AN ADMISSION OF LIABILITY, THAT A  
23 DEFAULT JUDGMENT MAY BE ENTERED ON THE NOTICE AND  
24 THAT THE FAILURE TO PAY ALL UNPAID TOLLS,  
25 ADMINISTRATIVE FEES AND COSTS MAY RESULT IN  
26 SUSPENSION OF REGISTRATION OF A VEHICLE REGISTERED TO  
27 THE PERSON BY THE DEPARTMENT.

28 (V) A SINGLE NOTICE WITH RESPECT TO MULTIPLE  
29 VIOLATIONS MAY BE SENT IF THE NOTICE MEETS THE  
30 REQUIREMENTS OF THIS PARAGRAPH.

1 (1.1) A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED  
2 IN THE ORDINARY COURSE OF BUSINESS SHALL BE PRIMA FACIE  
3 EVIDENCE OF THE MAILING OF NOTICE.

4 (2) IF AN OWNER OF A VEHICLE OR AN OWNER THAT IS A  
5 LESSOR OF A VEHICLE RECEIVES A NOTICE OF VIOLATION UNDER THIS  
6 SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE WAS  
7 REPORTED TO A POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT  
8 SHALL BE A DEFENSE TO THE ALLEGATION OF LIABILITY THAT THE  
9 VEHICLE HAD BEEN REPORTED TO THE POLICE AS HAVING BEEN STOLEN  
10 PRIOR TO THE TIME THE VIOLATION OCCURRED AND THAT THE VEHICLE  
11 HAD NOT BEEN RECOVERED BY THE TIME OF THE VIOLATION. FOR  
12 PURPOSES OF ASSERTING THE DEFENSE UNDER THIS PARAGRAPH, IT  
13 SHALL BE SUFFICIENT THAT A CERTIFIED COPY OF THE POLICE  
14 REPORT ON THE STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL TO  
15 THE COMMISSION OR ITS AUTHORIZED AGENT WITHIN 30 DAYS AFTER  
16 RECEIVING THE ORIGINAL NOTICE OF VIOLATION. FAILURE TO SEND  
17 THE INFORMATION WITHIN THE TIME LIMIT UNDER THIS PARAGRAPH  
18 SHALL RENDER THE OWNER OR LESSOR LIABLE FOR THE PENALTY  
19 PRESCRIBED BY THIS SECTION.

20 (3) AN OWNER THAT IS A LESSOR OF A VEHICLE AS TO WHICH A  
21 NOTICE OF VIOLATION WAS ISSUED UNDER PARAGRAPH (1) SHALL NOT  
22 BE LIABLE FOR A VIOLATION IF THE OWNER SENDS TO THE  
23 COMMISSION OR ITS AUTHORIZED AGENT A COPY OF THE RENTAL,  
24 LEASE OR OTHER CONTRACT DOCUMENT COVERING THE VEHICLE ON THE  
25 DATE OF THE VIOLATION, WITH THE NAME AND ADDRESS OF THE  
26 LESSEE CLEARLY LEGIBLE TO THE COMMISSION, WITHIN 30 DAYS  
27 AFTER RECEIVING THE ORIGINAL NOTICE OF VIOLATION. FAILURE TO  
28 SEND THE INFORMATION WITHIN THE TIME LIMIT UNDER THIS  
29 PARAGRAPH SHALL RENDER THE LESSOR LIABLE FOR THE PENALTY  
30 PRESCRIBED BY THIS SECTION. IF THE LESSOR COMPLIES WITH THE

1 PROVISIONS OF THIS SECTION, THE LESSEE OF THE VEHICLE ON THE  
2 DATE OF THE VIOLATION SHALL BE DEEMED TO BE THE OWNER OF THE  
3 VEHICLE FOR PURPOSES OF THIS SECTION AND SHALL BE SUBJECT TO  
4 LIABILITY FOR THE PENALTY UNDER THIS SECTION.

5 (4) A CERTIFIED REPORT OR A FACSIMILE REPORT OF AN  
6 AUTHORIZED AGENT OR EMPLOYEE OF THE COMMISSION REPORTING A  
7 VIOLATION OF THIS SECTION OR RULES OR REGULATIONS OF THE  
8 COMMISSION BASED UPON [THE RECORDED INFORMATION OBTAINED FROM  
9 A VIOLATION ENFORCEMENT SYSTEM] ANY OF THE FOLLOWING SHALL BE  
10 PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN THE REPORT AND  
11 SHALL BE ADMISSIBLE AS AN OFFICIAL RECORD OF REGULARLY  
12 CONDUCTED ACTIVITY OF THE COMMISSION KEPT IN THE ORDINARY  
13 COURSE OF BUSINESS IN ANY PROCEEDING CHARGING A VIOLATION OF  
14 THIS SECTION OR THE TOLL COLLECTION RULES OR REGULATIONS OF  
15 THE COMMISSION:

16 (I) THE RECORDED INFORMATION OBTAINED FROM A VIDEO  
17 TOLLING SYSTEM.

18 (II) A CERTIFICATE OF PASSAGE.

19 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
20 VIDEOTAPES, PHOTOGRAPHS, MICROPHOTOGRAPHS, OTHER RECORDED  
21 IMAGES, WRITTEN RECORDS, REPORTS OR FACSIMILES PREPARED  
22 PURSUANT TO THIS SECTION SHALL BE FOR THE EXCLUSIVE USE OF  
23 THE COMMISSION, ITS AUTHORIZED AGENTS, ITS EMPLOYEES AND LAW  
24 ENFORCEMENT OFFICIALS FOR THE PURPOSE OF DISCHARGING DUTIES  
25 UNDER THIS SECTION AND THE RULES OR REGULATIONS OF THE  
26 COMMISSION. THE INFORMATION SHALL NOT BE DEEMED A PUBLIC  
27 RECORD UNDER THE ACT OF [JUNE 21, 1957 (P.L.390, NO.212),  
28 REFERRED TO AS THE RIGHT-TO-KNOW LAW] FEBRUARY 14, 2008  
29 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW. THE  
30 INFORMATION SHALL NOT BE DISCOVERABLE BY COURT ORDER OR

1 OTHERWISE; NOR SHALL IT BE OFFERED IN EVIDENCE IN ANY ACTION  
2 OR PROCEEDING WHICH IS NOT DIRECTLY RELATED TO A VIOLATION OF  
3 THIS SECTION, THE RULES OR REGULATIONS OF THE COMMISSION OR  
4 INDEMNIFICATION FOR LIABILITY IMPOSED PURSUANT TO THIS  
5 SECTION. THE RESTRICTIONS SET FORTH IN THIS PARAGRAPH:

6 (I) SHALL NOT BE DEEMED TO PRECLUDE A COURT OF  
7 COMPETENT JURISDICTION FROM ISSUING AN ORDER DIRECTING  
8 THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT  
9 OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND  
10 IS REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW  
11 ENFORCEMENT ACTION;

12 (II) SHALL NOT BE DEEMED TO PRECLUDE THE EXCHANGE OF  
13 THE INFORMATION BETWEEN ANY ENTITIES WITH JURISDICTION  
14 OVER OR WHICH OPERATE [AN ELECTRONIC] A TOLL COLLECTION  
15 SYSTEM IN THIS COMMONWEALTH OR ANY OTHER JURISDICTION;  
16 AND

17 (III) SHALL NOT BE DEEMED TO PROHIBIT THE USE OF  
18 INFORMATION EXCLUSIVELY FOR THE PURPOSE OF BILLING  
19 ELECTRONIC TOLL COLLECTION ACCOUNT HOLDERS AND OTHER  
20 USERS OF TOLL COLLECTION, DEDUCTING TOLL CHARGES FROM THE  
21 ACCOUNT OF AN ACCOUNT HOLDER, ENFORCING TOLL COLLECTION  
22 LAWS AND RELATED RULES AND REGULATIONS OR ENFORCING THE  
23 PROVISIONS OF AN ACCOUNT HOLDER AGREEMENT.

24 (6) AN IMPOSITION OF LIABILITY UNDER THIS SECTION MUST  
25 BE BASED UPON A PREPONDERANCE OF EVIDENCE.

26 (7) AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION  
27 SHALL NOT BE DEEMED A CONVICTION OF AN OWNER AND SHALL NOT BE  
28 MADE PART OF THE MOTOR VEHICLE OPERATING RECORD OF THE PERSON  
29 UPON WHOM THE LIABILITY IS IMPOSED, NOR SHALL IT BE  
30 CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE



1 COVERAGE.

2 (8) AN OWNER THAT ADMITS, IS FOUND LIABLE OR FAILS TO  
3 RESPOND TO THE NOTICE OF VIOLATION FOR A VIOLATION OF THIS  
4 SECTION SHALL BE CIVILLY LIABLE TO THE COMMISSION OR TOLLING  
5 ENTITY AS DEFINED IN 75 PA.C.S. § 1380(J) (RELATING TO  
6 SUSPENSION OF REGISTRATION UPON UNPAID TOLLS) FOR [ALL OF]  
7 THE FOLLOWING:

8 (I) EITHER:

9 (A) THE AMOUNT OF THE TOLL EVADED OR ATTEMPTED  
10 TO BE EVADED IF THE AMOUNT CAN BE DETERMINED; OR

11 (B) THE MAXIMUM TOLL FROM THE FARTHEST POINT OF  
12 ENTRY ON THE [PENNSYLVANIA TURNPIKE] TOLLED FACILITY  
13 TO THE ACTUAL POINT OF EXIT IF THE AMOUNT OF THE TOLL  
14 EVADED OR ATTEMPTED TO BE EVADED CANNOT BE  
15 DETERMINED.

16 (II) [A REASONABLE ADMINISTRATIVE FEE NOT TO EXCEED  
17 \$35 PER NOTIFICATION.] FEES AND COSTS IN AN AMOUNT  
18 SUFFICIENT TO COVER THE REASONABLE COSTS OF COLLECTING  
19 THE AMOUNTS UNDER SUBPARAGRAPH (I) BUT NO GREATER THAN AN  
20 AMOUNT SET BY THE COMMISSION OR ITS AUTHORIZED AGENT OR  
21 TOLLING ENTITY AS DEFINED IN 75 PA.C.S. § 1380(J).

22 (8.1) THE FOLLOWING SHALL APPLY:

23 (I) UPON FAILURE OF AN OWNER, OPERATOR OR LESSEE TO  
24 PAY THE AMOUNT, FEE AND COST IMPOSED UNDER PARAGRAPH (8),  
25 THE COMMISSION OR ITS AUTHORIZED AGENT SHALL SEND TO THE  
26 OWNER, OPERATOR OR LESSEE A NOTICE OF ANY TOLL EVASION  
27 VIOLATION SETTING FORTH THE OUTSTANDING UNPAID TOLLS AND  
28 ADMINISTRATIVE FEES AND COSTS DUE TO THE COMMISSION AND  
29 MEETING THE REQUIREMENTS OF PARAGRAPH (1).

30 (II) THE DEPARTMENT SHALL SUSPEND THE REGISTRATION

1 OF A VEHICLE UPON THE NOTIFICATION FROM THE COMMISSION OR  
2 ITS AUTHORIZED AGENT THAT THE STATUTORY OWNER OR  
3 REGISTRANT OF THE VEHICLE HAS FAILED TO PAY OR DEFAULTED  
4 IN THE PAYMENT OF SIX OR MORE VIOLATIONS ISSUED UNDER  
5 SUBSECTION (A) (1) OR INCURRED UNPAID TOLLS OR  
6 ADMINISTRATIVE FEES OR COSTS THAT TOTAL A MINIMUM OF  
7 \$500. THE SUSPENSION SHALL NOT BE CONSTRUED TO LIMIT THE  
8 COMMISSION'S OR ITS AUTHORIZED AGENT'S ABILITY TO RECOUP  
9 TOLLS, ADMINISTRATIVE FEES OR COSTS.

10 (III) PRIOR TO NOTIFYING THE DEPARTMENT UNDER  
11 SUBPARAGRAPH (IV), THE COMMISSION OR ITS AUTHORIZED AGENT  
12 SHALL PROVIDE THE STATUTORY OWNER OR REGISTRANT WRITTEN  
13 NOTICE BY FIRST CLASS MAIL OF ITS INTENT TO SEEK  
14 SUSPENSION OF THE VEHICLE REGISTRATION UNDER THIS SECTION  
15 AND AFFORD THE STATUTORY OWNER OR REGISTRANT WITH THE  
16 OPPORTUNITY TO BE HEARD DURING AN ADMINISTRATIVE  
17 PROCEEDING.

18 (IV) THE FOLLOWING SHALL APPLY:

19 (A) NO SOONER THAN 30 DAYS AFTER MAILING THE  
20 NOTICE REQUIRED UNDER SUBPARAGRAPH (III), THE  
21 COMMISSION OR ITS AUTHORIZED AGENT MAY NOTIFY THE  
22 DEPARTMENT ELECTRONICALLY, IN A FORMAT PRESCRIBED BY  
23 THE DEPARTMENT, IF A STATUTORY OWNER OR REGISTRANT  
24 FAILS TO RESPOND, FAILS TO PAY, DEFAULTS IN PAYMENT  
25 OF SIX OR MORE VIOLATIONS ISSUED UNDER SUBSECTION (A)  
26 (1) OR INCURS UNPAID TOLLS OR ADMINISTRATIVE FEES OR  
27 COSTS THAT TOTAL A MINIMUM OF \$500.

28 (B) IF A NOTICE HAS BEEN PROVIDED UNDER CLAUSE  
29 (A) AND ALL OF THE VIOLATIONS ARE SUBSEQUENTLY PAID,  
30 DISMISSED, REVERSED ON APPEAL OR CANCELED, THE

1           COMMISSION OR ITS AUTHORIZED AGENT SHALL NOTIFY THE  
2           DEPARTMENT ELECTRONICALLY, IN A FORMAT PRESCRIBED BY  
3           THE DEPARTMENT, OF THE DISPOSITION OF THE VIOLATIONS  
4           AND SHALL PROVIDE THE STATUTORY OWNER OR REGISTRANT  
5           WITH A RELEASE FROM THE SUSPENSION.

6           (V) A SUSPENSION UNDER SUBPARAGRAPH (II) SHALL  
7           CONTINUE UNTIL THE DEPARTMENT RECEIVES NOTICE FROM THE  
8           COMMISSION OR ITS AUTHORIZED AGENT THAT ALL OF THE  
9           VIOLATIONS ARE PAID, DISMISSED, REVERSED ON APPEAL OR  
10           CANCELED OR THE DEFENDANT ENTERS INTO AN AGREEMENT WITH  
11           THE COMMISSION OR ITS AUTHORIZED AGENT TO MAKE  
12           INSTALLMENT PAYMENTS FOR THE TOLLS, ADMINISTRATIVE FEES  
13           AND COSTS IMPOSED AND PAYS THE FEE PRESCRIBED UNDER 75  
14           PA.C.S. § 1960 (RELATING TO REINSTATEMENT OF OPERATING  
15           PRIVILEGE OR VEHICLE REGISTRATION), EXCEPT THAT THE  
16           SUSPENSION MAY BE REIMPOSED BY THE DEPARTMENT IF THE  
17           DEFENDANT FAILS TO MAKE REGULAR INSTALLMENT PAYMENTS.

18           (VI) THE DEPARTMENT SHALL IMPOSE AN ADDITIONAL  
19           PERIOD OF REGISTRATION SUSPENSION IF, SUBSEQUENT TO THE  
20           ISSUANCE OF A SUSPENSION UNDER SUBPARAGRAPH (II), AND  
21           PRIOR TO THE RESTORATION OF THE REGISTRATION, THE  
22           DEPARTMENT IS NOTIFIED BY THE COMMISSION OR ITS  
23           AUTHORIZED AGENT THAT THE STATUTORY OWNER OR REGISTRANT  
24           HAS FAILED TO RESPOND, FAILED TO PAY OR DEFAULTED IN THE  
25           PAYMENT OF AN ADDITIONAL VIOLATION ISSUED UNDER  
26           SUBSECTION (A) (1).

27           (VII) A SUSPENSION MAY NOT BE IMPOSED BASED UPON A  
28           VIOLATION OF SUBSECTION (A) (1) MORE THAN THREE YEARS  
29           AFTER THE VIOLATION IS COMMITTED.

30           (9) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT

1 THE LIABILITY OF THE OPERATOR OF A VEHICLE FOR A VIOLATION OF  
2 THIS SECTION OR OF THE RULES OR REGULATIONS OF THE  
3 COMMISSION.

4 (C) PLACEMENT OF ELECTRONIC TOLL COLLECTION DEVICE.--AN  
5 ELECTRONIC TOLL COLLECTION DEVICE WHICH IS AFFIXED TO THE FRONT  
6 WINDSHIELD OF A VEHICLE IN ACCORDANCE WITH THE RULES OR  
7 REGULATIONS OF THE COMMISSION SHALL NOT BE DEEMED TO CONSTITUTE  
8 A VIOLATION OF 75 PA.C.S. § 4524 (RELATING TO WINDSHIELD  
9 OBSTRUCTIONS AND WIPERS).

10 (D) PRIVACY OF ELECTRONIC TOLL COLLECTION ACCOUNT HOLDER  
11 INFORMATION.--

12 (1) EXCEPT AS SET FORTH UNDER PARAGRAPH (2),  
13 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL OF THE  
14 FOLLOWING APPLY TO INFORMATION KEPT BY THE COMMISSION, ITS  
15 AUTHORIZED AGENTS OR ITS EMPLOYEES WHICH IS RELATED TO THE  
16 ACCOUNT OF AN ELECTRONIC TOLL COLLECTION SYSTEM ACCOUNT  
17 HOLDER:

18 (I) THE INFORMATION SHALL BE FOR THE EXCLUSIVE USE  
19 OF THE COMMISSION, ITS AUTHORIZED AGENTS, ITS EMPLOYEES  
20 AND LAW ENFORCEMENT OFFICIALS FOR THE PURPOSE OF  
21 DISCHARGING THEIR DUTIES PURSUANT TO THIS SECTION AND THE  
22 RULES OR REGULATIONS OF THE COMMISSION. THIS SUBPARAGRAPH  
23 INCLUDES NAMES, ADDRESSES, ACCOUNT NUMBERS, ACCOUNT  
24 BALANCES, PERSONAL FINANCIAL INFORMATION, CREDIT CARD  
25 INFORMATION, VEHICLE MOVEMENT RECORDS AND OTHER  
26 INFORMATION COMPILED FROM TRANSACTIONS WITH THE ACCOUNT  
27 HOLDERS.

28 (II) THE INFORMATION SHALL NOT BE DEEMED A PUBLIC  
29 RECORD UNDER THE RIGHT-TO-KNOW LAW, NOR SHALL IT BE  
30 DISCOVERABLE BY COURT ORDER OR OTHERWISE OR BE OFFERED IN

1 EVIDENCE IN ANY ACTION OR PROCEEDING WHICH IS NOT  
2 DIRECTLY RELATED TO THE DISCHARGE OF DUTIES UNDER THIS  
3 SECTION, THE RULES OR REGULATIONS OF THE COMMISSION OR A  
4 VIOLATION OF AN ACCOUNT HOLDER AGREEMENT.

5 (2) PARAGRAPH (1) SHALL NOT BE DEEMED TO DO ANY OF THE  
6 FOLLOWING:

7 (I) PRECLUDE A COURT OF COMPETENT JURISDICTION FROM  
8 ISSUING AN ORDER DIRECTING THAT THE INFORMATION BE  
9 PROVIDED TO LAW ENFORCEMENT OFFICIALS IF THE INFORMATION  
10 IS REASONABLY DESCRIBED AND IS REQUESTED SOLELY IN  
11 CONNECTION WITH A CRIMINAL LAW ENFORCEMENT ACTION.

12 (II) PRECLUDE THE EXCHANGE OF THE INFORMATION  
13 BETWEEN ANY ENTITIES WITH JURISDICTION OVER OR WHICH  
14 OPERATE AN ELECTRONIC TOLL COLLECTION SYSTEM IN THIS  
15 COMMONWEALTH OR ANY OTHER JURISDICTION.

16 (III) PROHIBIT THE USE OF THE INFORMATION  
17 EXCLUSIVELY FOR THE PURPOSE OF BILLING ELECTRONIC TOLL  
18 COLLECTION ACCOUNT HOLDERS, DEDUCTING TOLL CHARGES FROM  
19 THE ACCOUNT OF AN ACCOUNT HOLDER, ENFORCING TOLL  
20 COLLECTION LAWS AND RELATED RULES OR REGULATIONS OR  
21 ENFORCING THE PROVISIONS OF AN ACCOUNT HOLDER AGREEMENT.

22 (D.1) TEMPORARY REGULATIONS.--NOTWITHSTANDING ANY OTHER LAW,  
23 REGULATIONS PROMULGATED BY THE COMMISSION DURING THE TWO YEARS  
24 FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION SHALL BE DEEMED  
25 TEMPORARY REGULATIONS WHICH SHALL EXPIRE NO LATER THAN THREE  
26 YEARS FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION OR UPON  
27 PROMULGATION OF FINAL REGULATIONS. THE TEMPORARY REGULATIONS  
28 SHALL NOT BE SUBJECT TO ANY OF THE FOLLOWING:

29 (1) SECTIONS 201, 202 AND 203 OF THE ACT OF JULY 31,  
30 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH

1 DOCUMENTS LAW.

2 (2) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS  
3 THE REGULATORY REVIEW ACT.

4 (E) [DEFINITION.--AS USED IN THIS SECTION, THE TERM "OWNER"  
5 MEANS ANY PERSON, CORPORATION, FIRM, PARTNERSHIP, AGENCY,  
6 ASSOCIATION, ORGANIZATION OR LESSOR THAT, AT THE TIME A VEHICLE  
7 IS OPERATED IN VIOLATION OF THIS SECTION OR REGULATIONS OF THE  
8 COMMISSION:

9 (1) IS THE BENEFICIAL OR EQUITABLE OWNER OF THE VEHICLE;

10 (2) HAS TITLE TO THE VEHICLE; OR

11 (3) IS THE REGISTRANT OR COREGISTRANT OF THE VEHICLE  
12 REGISTERED WITH THE DEPARTMENT OR A COMPARABLE AGENCY OF  
13 ANOTHER JURISDICTION OR USES THE VEHICLE IN ITS VEHICLE  
14 RENTING OR LEASING BUSINESS. THE TERM INCLUDES A PERSON  
15 ENTITLED TO THE USE AND POSSESSION OF A VEHICLE SUBJECT TO A  
16 SECURITY INTEREST IN ANOTHER PERSON.] DEFINITIONS.--AS USED  
17 IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE  
18 THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS THE  
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "OWNER." AS FOLLOWS:

21 (1) A PERSON, CORPORATION, FIRM, PARTNERSHIP, AGENCY,  
22 ASSOCIATION, ORGANIZATION, GOVERNMENTAL ENTITY OR LESSOR  
23 THAT, AT THE TIME A VEHICLE IS OPERATED IN VIOLATION OF THIS  
24 SECTION OR RULES OR REGULATIONS OF THE COMMISSION, MEETS ANY  
25 OF THE FOLLOWING:

26 (I) IS THE BENEFICIAL OR EQUITABLE OWNER OF THE  
27 VEHICLE.

28 (II) HAS TITLE TO THE VEHICLE.

29 (III) IS THE REGISTRANT OR COREGISTRANT OF THE  
30 VEHICLE REGISTERED WITH THE DEPARTMENT OR A COMPARABLE

1           AGENCY OF ANOTHER JURISDICTION OR USES THE VEHICLE IN ITS  
2           VEHICLE RENTING OR LEASING BUSINESS.

3           (2) THE TERM INCLUDES A PERSON ENTITLED TO THE USE AND  
4           POSSESSION OF A VEHICLE SUBJECT TO A SECURITY INTEREST IN  
5           ANOTHER PERSON.

6           "STATUTORY OWNER." THE TERM SHALL HAVE THE SAME MEANING AS  
7           GIVEN TO THE TERM "OWNER" IN 75 PA.C.S. § 102 (RELATING TO  
8           DEFINITIONS).

9           § 8121. [(RESERVED).] ANNUAL REPORT.

10          AT LEAST ONE COMMISSION MEMBER SHALL TESTIFY AT A PUBLIC  
11          HEARING BEFORE THE APPROPRIATIONS COMMITTEE OF THE SENATE AND  
12          THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES IN  
13          JUNE OF EACH YEAR TO PRESENT INFORMATION ON TURNPIKE OPERATIONS  
14          AND COORDINATION WITH OTHER STATE AGENCIES.

15          SECTION 16. (RESERVED).

16          SECTION 17. SECTIONS 8204(B)(1) AND 9110(F)(5) OF TITLE 74  
17          ARE AMENDED TO READ:

18          § 8204. CODE OF CONDUCT.

19           \* \* \*

20           (B) AUDIT.--

21           (1) AT LEAST ONCE EVERY [FOUR] TWO YEARS, THE DEPARTMENT  
22           OF THE AUDITOR GENERAL SHALL REVIEW THE PERFORMANCE,  
23           PROCEDURES, OPERATING BUDGET, CAPITAL BUDGET AND DEBT OF THE  
24           COMMISSION AND SHALL AUDIT THE ACCOUNTS OF THE COMMISSION.

25           \* \* \*

26          § 9110. PUBLIC-PRIVATE TRANSPORTATION PARTNERSHIP AGREEMENT.

27           \* \* \*

28           (F) USER FEES.--A PROVISION ESTABLISHING WHETHER USER FEES  
29           WILL BE IMPOSED FOR USE OF THE PUBLIC-PRIVATE TRANSPORTATION  
30           PROJECT AND THE BASIS BY WHICH ANY USER FEES WILL BE IMPOSED AND

1 COLLECTED SHALL BE DETERMINED IN THE PUBLIC-PRIVATE  
2 TRANSPORTATION PARTNERSHIP AGREEMENT. IF A USER FEE IS PROPOSED  
3 AS PART OF THE PUBLIC-PRIVATE TRANSPORTATION PROJECT, A  
4 PROPRIETARY PUBLIC ENTITY SHALL INCLUDE PROVISIONS IN THE  
5 AGREEMENT THAT AUTHORIZE THE COLLECTION OF USER FEES, TOLLS,  
6 FARES OR SIMILAR CHARGES, INCLUDING PROVISIONS THAT:

7 \* \* \*

8 (5) IN THE EVENT AN OPERATOR OF A VEHICLE FAILS TO PAY  
9 THE PRESCRIBED TOLL OR USER FEE AT ANY LOCATION ON A PUBLIC-  
10 PRIVATE TRANSPORTATION PROJECT WHERE TOLLS OR USER FEES ARE  
11 COLLECTED BY MEANS OF AN ELECTRONIC OR OTHER AUTOMATED OR  
12 REMOTE FORM OF COLLECTION, THE COLLECTION PROVISIONS OF  
13 SECTION 8117 (RELATING TO [ELECTRONIC] TOLL COLLECTION) SHALL  
14 APPLY EXCEPT THAT THE DEVELOPMENT ENTITY SHALL POSSESS ALL OF  
15 THE RIGHTS, ROLES, LIMITATIONS AND RESPONSIBILITIES OF THE  
16 PENNSYLVANIA TURNPIKE COMMISSION.

17 \* \* \*

18 SECTION 18. TITLE 74 IS AMENDED BY ADDING CHAPTERS TO READ:

19 CHAPTER 92

20 TRAFFIC SIGNALS

21 SEC.

22 9201. DEFINITIONS.

23 9202. MAINTENANCE AGREEMENT.

24 § 9201. DEFINITIONS.

25 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
26 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
27 CONTEXT CLEARLY INDICATES OTHERWISE:

28 "CRITICAL CORRIDOR." A STATE HIGHWAY SEGMENT INTERSECTING  
29 WITH A LIMITED ACCESS RAMP OR WITH BI-DIRECTIONAL AVERAGE ANNUAL  
30 DAILY TRAFFIC GREATER THAN 10,000 VEHICLES PER DAY. THE



1 DEPARTMENT'S ROADWAY MANAGEMENT SYSTEM SHALL IDENTIFY THE  
2 CURRENT AVERAGE ANNUAL DAILY TRAFFIC.

3 "DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE  
4 COMMONWEALTH.

5 "EXISTING AGREEMENT." AN AGREEMENT BETWEEN THE DEPARTMENT  
6 AND A MUNICIPALITY ON THE MAINTENANCE OF A TRAFFIC SIGNAL  
7 EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

8 "MUNICIPALITY." A CITY, BOROUGH, TOWN OR TOWNSHIP.

9 "MAINTENANCE." THE ACTIVITY OF KEEPING A TRAFFIC SIGNAL IN  
10 PROPER WORKING CONDITION DURING THE USEFUL LIFE OF THE TRAFFIC  
11 SIGNAL.

12 "REPLACE." THE MODERNIZATION OF AN EXISTING TRAFFIC SIGNAL  
13 WITHIN A DESIGNATED TRAFFIC CORRIDOR.

14 "SYNCHRONIZE." THE COORDINATION OF ALL TRAFFIC SIGNALS  
15 WITHIN A DESIGNATED TRAFFIC CORRIDOR FOR THE PURPOSE OF  
16 OPERATING AS A SINGLE SYSTEM.

17 "TIMING." THE PROGRAMMING OF TRAFFIC SIGNALS WITHIN A  
18 DESIGNATED TRAFFIC CORRIDOR IN ORDER TO SYNCHRONIZE THE SIGNALS.

19 § 9202. MAINTENANCE AGREEMENT.

20 (A) AGREEMENT.--A MUNICIPALITY MAY ENTER INTO AN AGREEMENT  
21 WITH THE DEPARTMENT TO REPLACE, SYNCHRONIZE AND TIME TRAFFIC  
22 SIGNALS LOCATED WITHIN A DESIGNATED TRAFFIC CORRIDOR. THE TERMS  
23 OF THE AGREEMENT MAY SPECIFY THAT THE MUNICIPALITY PROVIDE  
24 SERVICES TO THE DEPARTMENT. THE AGREEMENT SHALL NOT EXCEED THE  
25 TIME PERIOD OF THE USEFUL LIFE OF THE TRAFFIC SIGNALS. THE  
26 MUNICIPALITY SHALL, DURING THE DURATION OF THE AGREEMENT,  
27 PROPERLY MAINTAIN AND TIME THE TRAFFIC SIGNALS IN ACCORDANCE  
28 WITH THE AGREEMENT.

29 (B) CRITICAL CORRIDORS.--A MUNICIPALITY SHALL ENTER INTO AN  
30 AGREEMENT WITH THE DEPARTMENT UNDER TERMS SPECIFIED UNDER

1 SUBSECTION (A) FOR CRITICAL CORRIDORS. A MUNICIPALITY SHALL  
2 PROVIDE TO THE DEPARTMENT IN A TIMELY MANNER ALL TRAFFIC AND  
3 INTERSECTION DATA THAT THE MUNICIPALITY MAINTAINS FOR CRITICAL  
4 CORRIDORS AND ESTABLISH AND AGREE TO AN OPERATIONS PLAN WITH THE  
5 DEPARTMENT ON CRITICAL CORRIDORS.

6 (C) PRIORITIZATION.--THE DEPARTMENT SHALL PRIORITIZE  
7 CORRIDORS WHERE PROPER SIGNALIZATION WILL PROVIDE THE MOST  
8 BENEFIT TO THE TRAVELING PUBLIC AND REDUCE CONGESTION.  
9 PRIORITIES SHALL BE REEVALUATED AND UPDATED AS PART OF THE  
10 PLANNING PARTNER TRANSPORTATION IMPROVEMENT PLAN CYCLE.

11 (D) INTERGOVERNMENTAL COOPERATION.--TWO OR MORE  
12 MUNICIPALITIES MAY ENTER INTO AN AGREEMENT WITH THE DEPARTMENT  
13 IF A DESIGNATED CORRIDOR IS LOCATED IN TWO OR MORE  
14 MUNICIPALITIES.

15 (E) MAINTENANCE.--IF THE DEPARTMENT DETERMINES THAT ONE OR  
16 MORE TRAFFIC SIGNALS IS NOT BEING MAINTAINED OR TIMED IN  
17 ACCORDANCE WITH AN AGREEMENT UNDER SUBSECTION (A) OR AN EXISTING  
18 AGREEMENT, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO ALL  
19 MUNICIPALITIES SUBJECT TO THE AGREEMENT NO LESS THAN 60 DAYS  
20 PRIOR TO TAKING ANY ACTION TO CORRECT THE IMPROPER MAINTENANCE  
21 AND TIMING. THE WRITTEN NOTICE SHALL SPECIFY THE MAINTENANCE AND  
22 TIMING DEFICIENCIES THAT ARE TO BE CORRECTED.

23 (1) A MUNICIPALITY SUBJECT TO THE AGREEMENT UNDER  
24 SUBSECTION (A) SHALL HAVE 60 DAYS TO CORRECT THE DEFICIENCIES  
25 CONTAINED IN THE WRITTEN NOTICE OR TO CONTEST, IN WRITING,  
26 THE FINDINGS OF THE DEPARTMENT WITHIN 30 DAYS OF RECEIPT OF  
27 THE WRITTEN NOTICE.

28 (2) THE REQUIREMENT THAT THE MUNICIPALITY CORRECT THE  
29 DEFICIENCIES WITHIN 60 DAYS OF RECEIPT OF THE WRITTEN NOTICE  
30 SHALL BE TEMPORARILY STAYED, IF THE MUNICIPALITY TIMELY

1 CONTESTS THE DEPARTMENT'S FINDINGS IN WRITING.

2 (3) A MUNICIPALITY THAT CONTESTS THE DEFICIENCIES  
3 SPECIFIED IN THE WRITTEN NOTICE SHALL HAVE 30 DAYS TO REACH A  
4 WRITTEN UNDERSTANDING WITH THE DEPARTMENT RELATED TO THE  
5 DEFICIENCIES SPECIFIED IN THE WRITTEN NOTICE.

6 (4) IF THE DEPARTMENT AND THE MUNICIPALITY DO NOT REACH  
7 A WRITTEN UNDERSTANDING UNDER PARAGRAPH (3), THE DEPARTMENT  
8 AND THE MUNICIPALITY SHALL SELECT A CIVIL ENGINEER LICENSED  
9 BY THE COMMONWEALTH WHO HAS SUBSTANTIAL EXPERIENCE IN TRAFFIC  
10 ENGINEERING TO MEDIATE THE DISPUTE. THE ENGINEER MAY NOT BE  
11 UNDER CONTRACT WITH THE DEPARTMENT OR MUNICIPALITY OR  
12 MUNICIPALITIES UNLESS THE CONTRACT IS SPECIFICALLY RELATED TO  
13 TRAFFIC SIGNAL MEDIATION.

14 (F) FAILURE OF MUNICIPALITY TO PERFORM.--IF A MUNICIPALITY  
15 THAT HAS ENTERED INTO AN AGREEMENT WITH THE DEPARTMENT UNDER  
16 SUBSECTION (A) FAILS TO MEET THE REQUIREMENTS OF SUBSECTION (C)  
17 (1) OR (2), THE DEPARTMENT MAY TAKE ACTION TO CORRECT THE  
18 DEFICIENCIES SPECIFIED IN THE NOTICE UNDER SUBSECTION (C).

19 (G) PAYMENT FOR FAILURE TO CORRECT DEFICIENCIES.--IF THE  
20 DEPARTMENT TAKES ACTION UNDER SUBSECTION (C), THE DEPARTMENT MAY  
21 DEDUCT THE ACTUAL COSTS OF CORRECTING THE DEFICIENCIES IN  
22 MAINTENANCE AND TIMING FROM THE PAYMENTS MADE TO THE  
23 MUNICIPALITY UNDER THE ACT OF JUNE 1, 1956 (1955 P.L.1944,  
24 NO.655), REFERRED TO AS THE LIQUID FUELS TAX MUNICIPAL  
25 ALLOCATION LAW, AND 75 PA.C.S. CHS. 89 (RELATING TO PENNSYLVANIA  
26 TURNPIKE) AND 95 (RELATING TO TAXES FOR HIGHWAY MAINTENANCE AND  
27 CONSTRUCTION).

28 CHAPTER 93

29 BRIDGE BUNDLING PROGRAM

30 SEC.

1 9301. DEFINITIONS.

2 9302. BUNDLING AUTHORIZATION.

3 9303. BRIDGE BUNDLING PROGRAM.

4 9304. GRANT LIMITATION EXCEPTIONS.

5 § 9301. DEFINITIONS.

6 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
7 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
8 CONTEXT CLEARLY INDICATES OTHERWISE:

9 "BRIDGE BUDGET ACT." THE ACT OF DECEMBER 8, 1982 (P.L.848,  
10 NO. 235), KNOWN AS THE HIGHWAY-RAILROAD AND HIGHWAY BRIDGE  
11 CAPITAL BUDGET ACT FOR 1982-1983.

12 "DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE  
13 COMMONWEALTH.

14 "DETERMINATION." A DECISION BY THE DEPARTMENT AS TO THE  
15 ELIGIBILITY, RECOMMENDATION AND INCLUSION IN THE PROGRAM.

16 "LOCAL GOVERNMENT." A COUNTY, CITY, BOROUGH, TOWN OR  
17 TOWNSHIP.

18 "PROGRAM." THE BRIDGE BUNDLING PROGRAM.

19 § 9302. BUNDLING AUTHORIZATION.

20 NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT IS AUTHORIZED  
21 TO BUNDLE THE DESIGN AND CONSTRUCTION OF HIGHWAY BRIDGES OWNED  
22 BY THE COMMONWEALTH OR LOCAL GOVERNMENTS AS PROVIDED UNDER THIS  
23 CHAPTER.

24 § 9303. BRIDGE BUNDLING PROGRAM.

25 (A) ESTABLISHMENT.--THE BRIDGE BUNDLING PROGRAM IS  
26 ESTABLISHED WITHIN THE DEPARTMENT.

27 (B) PURPOSE.--THE PURPOSE OF THE PROGRAM IS TO SAVE COSTS  
28 AND TIME BY ALLOWING MULTIPLE HIGHWAY BRIDGES TO BE REPLACED OR  
29 REHABILITATED AS ONE PROJECT FOR DESIGN AND CONSTRUCTION  
30 PURPOSES.

1 (C) ELIGIBILITY.--BRIDGES SHALL BE ELIGIBLE FOR THE PROGRAM  
2 IF MULTIPLE BRIDGES MEET ALL OF THE FOLLOWING:

- 3 (1) ARE WITHIN GEOGRAPHICAL PROXIMITY TO EACH OTHER.  
4 (2) ARE OF SIMILAR SIZE OR DESIGN.  
5 (3) INCLUSION IN THE PROGRAM WILL MEET THE PURPOSE OF  
6 THE PROGRAM.

7 (D) IMPLEMENTATION.--THE DEPARTMENT SHALL IMPLEMENT THE  
8 PROGRAM AS FOLLOWS:

9 (1) THE DEPARTMENT SHALL ANNUALLY DEVELOP A PRELIMINARY  
10 LIST FROM DIFFERENT REGIONS OF THIS COMMONWEALTH, ON A  
11 ROTATING BASIS, OF BRIDGES MEETING ELIGIBILITY REQUIREMENTS.

12 (2) THE DEPARTMENT SHALL NOTIFY LOCAL GOVERNMENTS OWNING  
13 BRIDGES RECOMMENDED FOR INCLUSION IN THAT YEAR'S PROGRAM.

14 (3) FOLLOWING RECEIPT OF NOTIFICATION FROM THE  
15 DEPARTMENT, THE GOVERNING BODY OF A LOCAL GOVERNMENT SHALL  
16 HAVE 60 DAYS TO AGREE OR REFUSE PARTICIPATION IN THE PROGRAM.  
17 FAILURE TO RESPOND IN WRITING WITHIN 60 DAYS SHALL BE  
18 CONSIDERED A REFUSAL TO PARTICIPATE IN THE PROGRAM.

19 (4) BASED ON THE RESPONSE FROM LOCAL GOVERNMENTS UNDER  
20 PARAGRAPH (3), THE DEPARTMENT SHALL MAKE A FINAL  
21 DETERMINATION OF BRIDGES TO BE DESIGNED AND CONSTRUCTED UNDER  
22 THE PROGRAM AND PROVIDE A LIST TO THE APPROPRIATE PLANNING  
23 ORGANIZATIONS FOR INCLUSION IN LISTS OF FUNDED PROJECTS.

24 (4.1) A DETERMINATION SHALL NOT BE:

25 (I) CONSIDERED TO AN ADJUDICATION UNDER 2 PA.C.S.  
26 CHS. 5 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF  
27 COMMONWEALTH AGENCIES) AND 7 SUBCH. A (RELATING TO  
28 JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION); AND

29 (II) APPEALABLE TO THE DEPARTMENT OR A COURT OF LAW.

30 (5) THE FOLLOWING SHALL APPLY:

1           (I) A LOCAL GOVERNMENT THAT AGREES TO PARTICIPATE IN  
2           THE PROGRAM FOR ONE OR MORE OF ITS BRIDGES THAT QUALIFY  
3           FOR THE PROGRAM MUST ENTER INTO AN AGREEMENT WITH THE  
4           DEPARTMENT. THE AGREEMENT SHALL DEFINE THE DEPARTMENT'S  
5           RESPONSIBILITY FOR THE DESIGN AND CONSTRUCTION OF THE  
6           BRIDGES AND THE CONTINUING OWNERSHIP AND MAINTENANCE  
7           RESPONSIBILITIES OF THE LOCAL GOVERNMENT FOR THE LOCAL  
8           BRIDGES REPLACED OR REHABILITATED UNDER THIS PROGRAM.

9           (II) THE LOCAL GOVERNMENT SHALL HAVE 90 DAYS FROM  
10           RECEIPT OF THE AGREEMENT TO EXECUTE THE AGREEMENT.

11           (III) FAILURE TO RETURN AN AGREEMENT EXECUTED BY  
12           AUTHORIZED LOCAL GOVERNMENT OFFICIALS SHALL BE DEEMED A  
13           REFUSAL TO PARTICIPATE IN THE PROGRAM.

14           (6) UPON FULL EXECUTION OF AN AGREEMENT UNDER THE  
15           PROGRAM, THE DEPARTMENT SHALL MANAGE THE PROJECT DESIGN AND  
16           CONSTRUCTION IN A MANNER CONSISTENT WITH THE PURPOSE OF THE  
17           PROGRAM.

18           (F) ITEMIZATION.--NOTWITHSTANDING ANY OTHER LAW, BRIDGES  
19           DETERMINED TO BE ELIGIBLE AND RECOMMENDED FOR THE PROGRAM BY THE  
20           DEPARTMENT SHALL NOT REQUIRE SPECIFIC ITEMIZATION IN A CAPITAL  
21           BUDGET.

22           § 9304. GRANT LIMITATION EXCEPTIONS.

23           (A) EXCEPTIONS.--NOTWITHSTANDING SECTION 2(C) OF THE BRIDGE  
24           BUDGET ACT, THE DEPARTMENT SHALL AGREE TO A REDUCTION OF THE  
25           LOCAL SHARE OF COSTS ASSOCIATED WITH THE DESIGN AND CONSTRUCTION  
26           OF THE BRIDGE OF UP TO 100% FOR A LOCAL GOVERNMENT THAT  
27           PARTICIPATES IN THE PROGRAM.

28           (B) NONPARTICIPATION.--NOTWITHSTANDING SECTION 2(C) OF THE  
29           BRIDGE BUDGET ACT, A LOCAL GOVERNMENT WITH BRIDGES THAT ARE  
30           RECOMMENDED FOR PARTICIPATION IN THE PROGRAM WHICH REFUSES TO

1 PARTICIPATE IN THE PROGRAM SHALL BE REQUIRED TO PAY 30% OF THE  
2 NON-FEDERAL SHARE OF THE COSTS FOR THOSE LOCAL BRIDGES.

3 CHAPTER 94

4 LOCAL BRIDGE MAINTENANCE

5 SEC.

6 9401. DEFINITIONS.

7 9402. MAINTENANCE OF BRIDGES UNDER JURISDICTION OF MUNICIPALITY  
8 ON STATE DESIGNATED HIGHWAY.

9 § 9401. DEFINITIONS.

10 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
11 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
12 CONTEXT CLEARLY INDICATES OTHERWISE:

13 "DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE  
14 COMMONWEALTH.

15 "MUNICIPALITY." A COUNTY, CITY, BOROUGH, TOWN OR TOWNSHIP.

16 "MAINTENANCE." THE ACTIVITY OF KEEPING A BRIDGE IN PROPER  
17 WORKING CONDITION DURING THE USEFUL LIFE OF THE BRIDGE.

18 "STATE DESIGNATED HIGHWAY." A HIGHWAY ON THE SYSTEM OF  
19 HIGHWAYS OVER WHICH THE DEPARTMENT HAS ASSUMED OR HAS BEEN  
20 LEGISLATIVELY GIVEN JURISDICTION.

21 § 9402. MAINTENANCE OF BRIDGES UNDER JURISDICTION OF  
22 MUNICIPALITY ON STATE DESIGNATED HIGHWAY.

23 (A) MAINTENANCE.--IF THE DEPARTMENT DETERMINES THAT A BRIDGE  
24 ON A STATE DESIGNATED HIGHWAY AND UNDER THE JURISDICTION OF A  
25 MUNICIPALITY BY AGREEMENT, COURT ORDER OR OPERATION OF LAW IS  
26 NOT BEING MAINTAINED IN ACCORDANCE WITH THE APPLICABLE  
27 AGREEMENT, ORDER OR LAW, THE DEPARTMENT SHALL PROVIDE WRITTEN  
28 NOTICE TO EACH MUNICIPALITY SUBJECT TO THE MAINTENANCE  
29 RESPONSIBILITY NO LESS THAN 60 DAYS PRIOR TO TAKING ACTION TO  
30 CORRECT THE IMPROPER MAINTENANCE. THE WRITTEN NOTICE SHALL

1 SPECIFY THE MAINTENANCE DEFICIENCIES THAT ARE TO BE CORRECTED.

2 THE FOLLOWING SHALL APPLY:

3 (1) A MUNICIPALITY WITH MAINTENANCE RESPONSIBILITY FOR A  
4 BRIDGE ON A STATE HIGHWAY SHALL HAVE 60 DAYS TO CORRECT THE  
5 DEFICIENCIES CONTAINED IN THE WRITTEN NOTICE OR TO CONTEST,  
6 IN WRITING, THE FINDINGS OF THE DEPARTMENT WITHIN 30 DAYS OF  
7 RECEIPT OF THE WRITTEN NOTICE.

8 (2) THE REQUIREMENT THAT THE MUNICIPALITY CORRECT THE  
9 DEFICIENCIES WITHIN 60 DAYS OF RECEIPT OF THE WRITTEN NOTICE  
10 SHALL BE TEMPORARILY STAYED IF THE MUNICIPALITY TIMELY  
11 CONTESTS THE DEPARTMENT'S FINDINGS IN WRITING.

12 (3) A MUNICIPALITY THAT CONTESTS THE DEFICIENCIES  
13 SPECIFIED IN THE WRITTEN NOTICE SHALL HAVE 30 DAYS TO REACH A  
14 RESOLUTION WITH THE DEPARTMENT RELATED TO THE DEFICIENCIES  
15 SPECIFIED IN THE WRITTEN NOTICE.

16 (4) IF THE DEPARTMENT AND THE MUNICIPALITY DO NOT REACH  
17 A RESOLUTION UNDER PARAGRAPH (3), THE DEPARTMENT AND THE  
18 MUNICIPALITY SHALL SELECT A CIVIL ENGINEER LICENSED BY THE  
19 COMMONWEALTH WHO HAS SUBSTANTIAL EXPERIENCE IN BRIDGE  
20 ENGINEERING TO MEDIATE THE DISPUTE. THE ENGINEER MAY NOT BE  
21 UNDER CONTRACT WITH THE DEPARTMENT OR MUNICIPALITY OR  
22 MUNICIPALITIES UNLESS THAT CONTRACT IS SPECIFICALLY RELATED  
23 TO BRIDGE MAINTENANCE MEDIATION.

24 (B) FAILURE OF MUNICIPALITY TO PERFORM.--IF A MUNICIPALITY  
25 WITH MAINTENANCE RESPONSIBILITY FOR A BRIDGE ON A STATE HIGHWAY  
26 FAILS TO MEET THE REQUIREMENTS OF SUBSECTION (A) (1) OR (2), THE  
27 DEPARTMENT MAY TAKE ACTION TO CORRECT THE DEFICIENCIES SPECIFIED  
28 IN THE NOTICE UNDER SUBSECTION (A).

29 (C) PAYMENT FOR FAILURE TO CORRECT DEFICIENCIES.--IF THE  
30 DEPARTMENT TAKES ACTION UNDER SUBSECTION (A), THE DEPARTMENT MAY



1 DEDUCT THE ACTUAL COSTS OF CORRECTING THE DEFICIENCIES IN  
2 MAINTENANCE FROM THE PAYMENTS MADE TO THE MUNICIPALITY UNDER THE  
3 ACT OF JUNE 1, 1956 (1955 P.L.1944, NO.655), REFERRED TO AS THE  
4 LIQUID FUELS TAX MUNICIPAL ALLOCATION LAW, AND 75 PA.C.S. CHS.  
5 89 (RELATING TO PENNSYLVANIA TURNPIKE) AND 95 (RELATING TO TAXES  
6 FOR HIGHWAY MAINTENANCE AND CONSTRUCTION), IF THE PAYMENTS MADE  
7 TO THE MUNICIPALITY FOR A FISCAL YEAR IS NOT LESS THAN THE  
8 PAYMENTS MADE TO THE MUNICIPALITY FOR FISCAL YEAR 2012-2013.

9 CHAPTER 95

10 PUBLIC UTILITY FACILITIES

11 SEC.

12 9501. ADJUSTMENT.

13 § 9501. ADJUSTMENT

14 (A) GENERAL RULE.--THE FOLLOWING SHALL APPLY:

15 (1) IF, IN THE CONSTRUCTION, RECONSTRUCTION, WIDENING OR  
16 RELOCATION OF A STATE HIGHWAY, BRIDGE OR TUNNEL OR A PART OF  
17 A STATE HIGHWAY, BRIDGE OR TUNNEL, IT BECOMES NECESSARY, IN  
18 THE OPINION OF THE DEPARTMENT, TO CHANGE, ALTER, ADJUST OR  
19 RELOCATE A WATER LINE OR SANITARY SEWER OWNED AND OPERATED BY  
20 A PUBLIC UTILITY, AS DEFINED IN 66 PA.C.S. § 102 (RELATING TO  
21 DEFINITIONS), THE DEPARTMENT MAY MAKE THE CHANGE, ALTERATION,  
22 ADJUSTMENT OR RELOCATION AS MAY BE REQUIRED AS A PART OF THE  
23 CONSTRUCTION, RECONSTRUCTION, WIDENING OR RELOCATION.

24 (2) IN ADDITION TO PARAGRAPH (1), THE DEPARTMENT MAY  
25 ALSO ENTER INTO AGREEMENTS WITH THE PUBLIC UTILITY FOR THE  
26 SHARING OF COSTS OF THE CHANGE, ALTERATION, ADJUSTMENT OR  
27 RELOCATION. IF, IN THE OPINION OF THE DEPARTMENT, THE COSTS  
28 SHOULD BE SHARED BY THE DEPARTMENT AND A PUBLIC UTILITY AND  
29 THE DEPARTMENT IS UNABLE TO AGREE WITH THE PUBLIC UTILITY TO  
30 A DIVISION OF COSTS, THE DEPARTMENT MAY PROCEED WITH THE WORK

1 AND PETITION THE PENNSYLVANIA PUBLIC UTILITY COMMISSION FOR A  
2 DETERMINATION OF THE COSTS TO BE BORNE BY EACH PARTY.

3 (B) DECLARATION OF POLICY.--A PUBLIC UTILITY UNDER  
4 SUBSECTION (A) SHALL BE ENTITLED TO A REIMBURSEMENT IN A SIMILAR  
5 MANNER AND SHALL BE SUBJECT TO THE SAME STANDARDS AND METHODS OF  
6 REIMBURSEMENT AS A CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP  
7 AND MUNICIPAL AUTHORITY UNDER SECTION 412.1 OF THE ACT OF JUNE  
8 1, 1945 (P.L.1242, NO.428), KNOWN AS THE STATE HIGHWAY LAW.

9 SECTION 19. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:  
10 § 1380. SUSPENSION OF REGISTRATION UPON UNPAID TOLLS.

11 (A) SUSPENSION OF REGISTRATION.--

12 (1) THE DEPARTMENT SHALL SUSPEND THE REGISTRATION OF A  
13 VEHICLE UPON THE NOTIFICATION FROM A TOLLING ENTITY THAT THE  
14 OWNER OR REGISTRANT OF THE VEHICLE HAS EITHER:

15 (I) FAILED TO PAY OR DEFAULTED IN THE PAYMENT OF SIX  
16 OR MORE VIOLATIONS ISSUED PURSUANT TO 74 PA.C.S. §  
17 8117(A) (1) (RELATING TO ELECTRONIC TOLL COLLECTION) OR  
18 OTHER LAWS, REGULATIONS, ORDINANCES OR OTHER STANDARDS  
19 APPLICABLE TO THE TOLL COLLECTION OR PAYMENT REQUIREMENTS  
20 FOR A TOLLING ENTITY; OR

21 (II) INCURRED UNPAID TOLLS OR ADMINISTRATIVE FEES OR  
22 COSTS THAT COLLECTIVELY TOTAL A MINIMUM OF \$500,  
23 REGARDLESS OF THE NUMBER OF VIOLATIONS.

24 (2) THE SUSPENSION UNDER PARAGRAPH (1) MAY NOT BE  
25 CONSTRUED TO LIMIT THE TOLLING ENTITY'S ABILITY TO RECOUP  
26 TOLLS, ADMINISTRATIVE FEES OR COSTS BY ANY OTHER MEANS  
27 AVAILABLE UNDER THE LAW.

28 (B) NOTICE.--PRIOR TO NOTIFYING THE DEPARTMENT UNDER  
29 SUBSECTION (C), THE TOLLING ENTITY SHALL PROVIDE THE OWNER OR  
30 REGISTRANT WRITTEN NOTICE BY FIRST CLASS MAIL OF ITS INTENT TO

1 SEEK SUSPENSION OF THE VEHICLE REGISTRATION PURSUANT TO THIS  
2 SECTION AND AFFORD THE OWNER OR REGISTRANT WITH THE OPPORTUNITY  
3 TO BE HEARD DURING AN ADMINISTRATIVE PROCEEDING.

4 (C) NOTICE TO THE DEPARTMENT.--NOT SOONER THAN 30 DAYS AFTER  
5 MAILING THE NOTICE UNDER SUBSECTION (B), THE TOLLING ENTITY,  
6 PROVIDED IT HAS ENTERED INTO AN AGREEMENT WITH THE DEPARTMENT TO  
7 ENFORCE THE PROVISIONS OF THIS SECTION, MAY NOTIFY THE  
8 DEPARTMENT ELECTRONICALLY IN A FORMAT PRESCRIBED BY THE  
9 DEPARTMENT WHENEVER AN OWNER OR REGISTRANT MEETS THE  
10 REQUIREMENTS FOR SUSPENSION UNDER SUBSECTION (A) (1). WHEN A  
11 TOLLING ENTITY HAS PROVIDED NOTICE UNDER THIS SUBSECTION AND ALL  
12 OF THE VIOLATIONS ARE SUBSEQUENTLY PAID, DISMISSED, REVERSED ON  
13 APPEAL OR CANCELED, THE TOLLING ENTITY SHALL NOTIFY THE  
14 DEPARTMENT ELECTRONICALLY IN A FORMAT PRESCRIBED BY THE  
15 DEPARTMENT OF THE DISPOSITION OF THE VIOLATION AND SHALL PROVIDE  
16 THE OWNER OR REGISTRANT WITH A RELEASE FROM THE SUSPENSION.

17 (D) PERIOD OF SUSPENSION.--A SUSPENSION UNDER SUBSECTION (A)  
18 SHALL CONTINUE UNTIL THE DEPARTMENT RECEIVES NOTICE FROM THE  
19 TOLLING ENTITY THAT THE VIOLATIONS ARE PAID, DISMISSED, REVERSED  
20 ON APPEAL OR CANCELED OR THE OWNER OR REGISTRANT ENTERS INTO AN  
21 AGREEMENT WITH THE TOLLING ENTITY TO MAKE INSTALLMENT PAYMENTS  
22 FOR TOLLS, ADMINISTRATIVE FEES AND COSTS IMPOSED AND PAYS THE  
23 FEE PRESCRIBED IN SECTION 1960 (RELATING TO REINSTATEMENT OF  
24 OPERATING PRIVILEGE OR VEHICLE REGISTRATION), PROVIDED THAT THE  
25 SUSPENSION MAY BE REIMPOSED BY THE DEPARTMENT IF THE OWNER OR  
26 REGISTRANT FAILS TO MAKE REGULAR INSTALLMENT PAYMENTS.

27 (E) ADDITIONAL SUSPENSION.--THE DEPARTMENT SHALL IMPOSE AN  
28 ADDITIONAL PERIOD OF REGISTRATION SUSPENSION IF, SUBSEQUENT TO  
29 THE ISSUANCE OF A SUSPENSION UNDER SUBSECTION (A) BUT PRIOR TO  
30 THE RESTORATION OF THE REGISTRATION, THE DEPARTMENT IS NOTIFIED

1 BY THE TOLLING ENTITY THAT THE OWNER OR REGISTRANT HAS FAILED TO  
2 PAY, FAILED TO RESPOND OR DEFAULTED IN THE PAYMENT OF AN  
3 ADDITIONAL VIOLATION ISSUED PURSUANT TO 74 PA.C.S. § 8117(A)(1).  
4 (F) VIOLATIONS OUTSIDE COMMONWEALTH.--THE DEPARTMENT SHALL  
5 SUSPEND THE REGISTRATION OF A VEHICLE UPON THE NOTIFICATION FROM  
6 A TOLLING ENTITY THAT HAS ENTERED INTO AN ENFORCEMENT AGREEMENT  
7 WITH THE DEPARTMENT AS AUTHORIZED UNDER SECTION 6146 (RELATING  
8 TO ENFORCEMENT AGREEMENTS) FOR ANY TOLL VIOLATION OF THAT STATE  
9 OR AN AUTHORITY OR FOR FAILURE TO PAY ANY FINE OR COSTS IMPOSED  
10 IN ACCORDANCE WITH THE LAWS OF THE JURISDICTION IN WHICH THE  
11 VIOLATION OCCURRED. A PERSON WHO PROVIDES PROOF SATISFACTORY TO  
12 THE DEPARTMENT THAT THE FULL AMOUNT OF THE FINE AND COSTS HAS  
13 BEEN FORWARDED TO AND RECEIVED BY THE OTHER STATE MAY NOT BE  
14 REGARDED AS HAVING FAILED TO PAY FOR THE PURPOSES OF THIS  
15 SUBSECTION.

16 (G) DOCUMENTATION.--IN ANY PROCEEDING UNDER THIS SECTION,  
17 DOCUMENTS OBTAINED BY THE DEPARTMENT FROM A TOLLING ENTITY OR  
18 FROM THE APPROPRIATE AGENCY OF THE COMMONWEALTH OR ANOTHER STATE  
19 SHALL BE ADMISSIBLE INTO EVIDENCE TO SUPPORT THE DEPARTMENT'S  
20 CASE. IN ADDITION, THE DEPARTMENT MAY TREAT THE DOCUMENTS AND  
21 REPORTS AS DOCUMENTS OF THE DEPARTMENT AND USE ANY OF THE  
22 METHODS OF STORAGE PERMITTED UNDER THE PROVISIONS OF 42 PA.C.S.  
23 § 6109 (RELATING TO PHOTOGRAPHIC COPIES OF BUSINESS AND PUBLIC  
24 RECORDS) AND MAY REPRODUCE THE DOCUMENTS IN ACCORDANCE WITH THE  
25 PROVISIONS OF 42 PA.C.S. § 6103 (RELATING TO PROOF OF OFFICIAL  
26 RECORDS). THE DEPARTMENT MAY CERTIFY THAT IT HAS RECEIVED OR  
27 OBTAINED DOCUMENTS AND REPORTS FROM A TOLLING ENTITY, THE  
28 COMMONWEALTH OR OTHER STATES, AND THE CERTIFICATION SHALL BE  
29 PRIMA FACIE PROOF OF THE FACTS CONTAINED IN THE DOCUMENTS AND  
30 REPORTS.

1 (H) THREE-YEAR STATUTE OF LIMITATIONS.--NO SUSPENSION MAY BE  
2 IMPOSED BASED UPON A VIOLATION OF 74 PA.C.S. § 8117(A) (1) OR  
3 SIMILAR PROVISION FROM ANOTHER STATE MORE THAN THREE YEARS AFTER  
4 THE VIOLATION IS COMMITTED.

5 (I) COLLECTION OF OUT-OF-STATE TOLLS.--THE DEPARTMENT OR A  
6 TOLLING ENTITY MAY COLLECT THE CIVIL PENALTIES AND TOLLS IMPOSED  
7 BY AN OUT-OF-STATE TOLLING ENTITY IF THE DEPARTMENT OR TOLLING  
8 ENTITY HAS ENTERED INTO A RECIPROCITY AGREEMENT THAT CONFIRMS  
9 ALL OF THE FOLLOWING:

10 (1) THE OTHER STATE OR TOLLING ENTITY HAS ITS OWN  
11 EFFECTIVE RECIPROCAL PROCEDURES FOR COLLECTING PENALTIES AND  
12 TOLLS IMPOSED BY A COMMONWEALTH TOLLING ENTITY AND AGREES TO  
13 COLLECT PENALTIES AND TOLLS OF THE COMMONWEALTH TOLLING  
14 ENTITY BY EMPLOYING SANCTIONS THAT INCLUDE DENIAL OF A  
15 PERSON'S RIGHT TO REGISTER OR REREGISTER A MOTOR VEHICLE.

16 (2) THE PENALTIES, EXCLUSIVE OF TOLLS, CLAIMED BY THE  
17 OTHER STATE OR TOLLING ENTITY AGAINST AN OWNER OF A MOTOR  
18 VEHICLE REGISTERED IN PENNSYLVANIA DO NOT EXCEED \$100 FOR A  
19 FIRST VIOLATION OR \$600 FOR ALL PENDING VIOLATIONS.

20 (3) THE OTHER STATE OR TOLLING ENTITY PROVIDES DUE  
21 PROCESS AND APPEAL PROTECTIONS TO AVOID THE LIKELIHOOD THAT A  
22 FALSE, MISTAKEN OR UNJUSTIFIED CLAIM WILL BE PURSUED AGAINST  
23 AN OWNER.

24 (4) AN OWNER OF A MOTOR VEHICLE REGISTERED IN THIS  
25 COMMONWEALTH MAY PRESENT EVIDENCE TO THE OTHER STATE OR  
26 TOLLING ENTITY BY MAIL, TELEPHONE, ELECTRONIC MEANS OR OTHER  
27 MEANS TO INVOKE RIGHTS OF DUE PROCESS, WITHOUT HAVING TO  
28 APPEAR PERSONALLY IN THE JURISDICTION WHERE THE VIOLATION IS  
29 ALLEGED TO HAVE OCCURRED.

30 (5) THE RECIPROCAL COLLECTION AGREEMENT BETWEEN THE

1 DEPARTMENT OR A TOLLING ENTITY AND THE OTHER STATE OR TOLLING  
2 ENTITY PROVIDES THAT EACH PARTY MAY CHARGE THE OTHER A FEE  
3 SUFFICIENT TO COVER THE COSTS OF COLLECTION SERVICES,  
4 INCLUDING COSTS INCURRED BY THE AGENCY THAT REGISTERS MOTOR  
5 VEHICLES.

6 (J) DEFINITION.--AS USED IN THIS SECTION, THE TERM "TOLLING  
7 ENTITY" MEANS THE PENNSYLVANIA TURNPIKE COMMISSION, AN ENTITY  
8 AUTHORIZED TO IMPOSE AND COLLECT TOLLS IN ACCORDANCE WITH THE  
9 LAWS OF PENNSYLVANIA, INCLUDING 74 PA.C.S. CH. 91 (RELATING TO  
10 PUBLIC-PRIVATE TRANSPORTATION PARTNERSHIPS) OR THE LAWS OF  
11 ANOTHER STATE OR STATES AND ANY AUTHORIZED AGENT OF SUCH AN  
12 ENTITY.

13 SECTION 20. SECTIONS 1786(D), 1903 AND 1904(A) OF TITLE 75  
14 ARE AMENDED TO READ:

15 § 1786. REQUIRED FINANCIAL RESPONSIBILITY.

16 \* \* \*

17 (D) SUSPENSION OF REGISTRATION AND OPERATING PRIVILEGE.--

18 (1) THE DEPARTMENT OF TRANSPORTATION SHALL SUSPEND THE  
19 REGISTRATION OF A VEHICLE FOR A PERIOD OF THREE MONTHS IF IT  
20 DETERMINES THE REQUIRED FINANCIAL RESPONSIBILITY WAS NOT  
21 SECURED AS REQUIRED BY THIS CHAPTER AND SHALL SUSPEND THE  
22 OPERATING PRIVILEGE OF THE OWNER OR REGISTRANT FOR A PERIOD  
23 OF THREE MONTHS IF THE DEPARTMENT DETERMINES THAT THE OWNER  
24 OR REGISTRANT HAS OPERATED OR PERMITTED THE OPERATION OF THE  
25 VEHICLE WITHOUT THE REQUIRED FINANCIAL RESPONSIBILITY. THE  
26 OPERATING PRIVILEGE SHALL NOT BE RESTORED UNTIL THE  
27 RESTORATION FEE FOR OPERATING PRIVILEGE PROVIDED BY SECTION  
28 1960 (RELATING TO REINSTATEMENT OF OPERATING PRIVILEGE OR  
29 VEHICLE REGISTRATION) IS PAID.

30 (1.1) IN LIEU OF SERVING A REGISTRATION SUSPENSION

1 IMPOSED UNDER THIS SECTION, AN OWNER OR REGISTRANT MAY PAY TO  
2 THE DEPARTMENT A CIVIL PENALTY OF \$500, THE RESTORATION FEE  
3 PRESCRIBED UNDER SECTION 1960 AND FURNISH PROOF OF FINANCIAL  
4 RESPONSIBILITY IN A MANNER DETERMINED BY THE DEPARTMENT. AN  
5 OWNER OR REGISTRANT MAY EXERCISE THIS OPTION NO MORE THAN  
6 ONCE IN A 12-MONTH PERIOD.

7 (2) WHENEVER THE DEPARTMENT REVOKES OR SUSPENDS THE  
8 REGISTRATION OF ANY VEHICLE UNDER THIS CHAPTER, THE  
9 DEPARTMENT SHALL NOT RESTORE OR TRANSFER THE REGISTRATION  
10 UNTIL THE SUSPENSION HAS BEEN SERVED OR THE CIVIL PENALTY HAS  
11 BEEN PAID TO THE DEPARTMENT AND THE VEHICLE OWNER FURNISHES  
12 PROOF OF FINANCIAL RESPONSIBILITY IN A MANNER DETERMINED BY  
13 THE DEPARTMENT AND SUBMITS AN APPLICATION FOR REGISTRATION TO  
14 THE DEPARTMENT, ACCOMPANIED BY THE FEE FOR RESTORATION OF  
15 REGISTRATION PROVIDED BY SECTION 1960. THIS SUBSECTION SHALL  
16 NOT APPLY IN THE FOLLOWING CIRCUMSTANCES:

17 (I) THE OWNER OR REGISTRANT PROVES TO THE  
18 SATISFACTION OF THE DEPARTMENT THAT THE LAPSE IN  
19 FINANCIAL RESPONSIBILITY COVERAGE WAS FOR A PERIOD OF  
20 LESS THAN 31 DAYS AND THAT THE OWNER OR REGISTRANT DID  
21 NOT OPERATE OR PERMIT THE OPERATION OF THE VEHICLE DURING  
22 THE PERIOD OF LAPSE IN FINANCIAL RESPONSIBILITY.

23 (II) THE OWNER OR REGISTRANT IS A MEMBER OF THE  
24 ARMED SERVICES OF THE UNITED STATES, THE OWNER OR  
25 REGISTRANT HAS PREVIOUSLY HAD THE FINANCIAL  
26 RESPONSIBILITY REQUIRED BY THIS CHAPTER, FINANCIAL  
27 RESPONSIBILITY HAD LAPSED WHILE THE OWNER OR REGISTRANT  
28 WAS ON TEMPORARY, EMERGENCY DUTY AND THE VEHICLE WAS NOT  
29 OPERATED DURING THE PERIOD OF LAPSE IN FINANCIAL  
30 RESPONSIBILITY. THE EXEMPTION GRANTED BY THIS PARAGRAPH

1 SHALL CONTINUE FOR 30 DAYS AFTER THE OWNER OR REGISTRANT  
2 RETURNS FROM DUTY AS LONG AS THE VEHICLE IS NOT OPERATED  
3 UNTIL THE REQUIRED FINANCIAL RESPONSIBILITY HAS BEEN  
4 ESTABLISHED.

5 (III) THE INSURANCE COVERAGE HAS TERMINATED OR  
6 FINANCIAL RESPONSIBILITY HAS LAPSED SIMULTANEOUSLY WITH  
7 OR SUBSEQUENT TO EXPIRATION OF A SEASONAL REGISTRATION,  
8 AS PROVIDED IN SECTION 1307(A.1) (RELATING TO PERIOD OF  
9 REGISTRATION) .

10 (3) AN OWNER WHOSE VEHICLE REGISTRATION HAS BEEN  
11 SUSPENDED UNDER THIS SUBSECTION SHALL HAVE THE SAME RIGHT OF  
12 APPEAL UNDER SECTION 1377 (RELATING TO JUDICIAL REVIEW) AS  
13 PROVIDED FOR IN CASES OF THE SUSPENSION OF VEHICLE  
14 REGISTRATION FOR OTHER PURPOSES. THE FILING OF THE APPEAL  
15 SHALL ACT AS A SUPERSEDEAS, AND THE SUSPENSION SHALL NOT BE  
16 IMPOSED UNTIL DETERMINATION OF THE MATTER AS PROVIDED IN  
17 SECTION 1377. THE COURT'S SCOPE OF REVIEW IN AN APPEAL FROM A  
18 VEHICLE REGISTRATION SUSPENSION SHALL BE LIMITED TO  
19 DETERMINING WHETHER:

20 (I) THE VEHICLE IS REGISTERED OR OF A TYPE THAT IS  
21 REQUIRED TO BE REGISTERED UNDER THIS TITLE; AND

22 (II) THERE HAS BEEN EITHER NOTICE TO THE DEPARTMENT  
23 OF A LAPSE, TERMINATION OR CANCELLATION IN THE FINANCIAL  
24 RESPONSIBILITY COVERAGE AS REQUIRED BY LAW FOR THAT  
25 VEHICLE OR THAT THE OWNER, REGISTRANT OR DRIVER WAS  
26 REQUESTED TO PROVIDE PROOF OF FINANCIAL RESPONSIBILITY TO  
27 THE DEPARTMENT, A POLICE OFFICER OR ANOTHER DRIVER AND  
28 FAILED TO DO SO. NOTICE TO THE DEPARTMENT OF THE LAPSE,  
29 TERMINATION OR CANCELLATION OR THE FAILURE TO PROVIDE THE  
30 REQUESTED PROOF OF FINANCIAL RESPONSIBILITY SHALL CREATE



1 A PRESUMPTION THAT THE VEHICLE LACKED THE REQUISITE  
2 FINANCIAL RESPONSIBILITY. THIS PRESUMPTION MAY BE  
3 OVERCOME BY PRODUCING CLEAR AND CONVINCING EVIDENCE THAT  
4 THE VEHICLE WAS INSURED AT ALL RELEVANT TIMES.

5 (4) WHERE AN OWNER OR REGISTRANT'S OPERATING PRIVILEGE  
6 HAS BEEN SUSPENDED UNDER THIS SUBSECTION, THE OWNER OR  
7 REGISTRANT SHALL HAVE THE SAME RIGHT OF APPEAL UNDER SECTION  
8 1550 (RELATING TO JUDICIAL REVIEW) AS PROVIDED FOR IN CASES  
9 OF SUSPENSION FOR OTHER REASON. THE COURT'S SCOPE OF REVIEW  
10 IN AN APPEAL FROM AN OPERATING PRIVILEGE SUSPENSION SHALL BE  
11 LIMITED TO DETERMINING WHETHER:

12 (I) THE VEHICLE WAS REGISTERED OR OF A TYPE REQUIRED  
13 TO BE REGISTERED UNDER THIS TITLE; AND

14 (II) THE OWNER OR REGISTRANT OPERATED OR PERMITTED  
15 THE OPERATION OF THE SAME VEHICLE WHEN IT WAS NOT COVERED  
16 BY FINANCIAL RESPONSIBILITY. THE FACT THAT AN OWNER,  
17 REGISTRANT OR OPERATOR OF THE MOTOR VEHICLE FAILED TO  
18 PROVIDE COMPETENT EVIDENCE OF INSURANCE OR THE FACT THAT  
19 THE DEPARTMENT RECEIVED NOTICE OF A LAPSE, TERMINATION OR  
20 CANCELLATION OF INSURANCE FOR THE VEHICLE SHALL CREATE A  
21 PRESUMPTION THAT THE VEHICLE LACKED THE REQUISITE  
22 FINANCIAL RESPONSIBILITY. THIS PRESUMPTION MAY BE  
23 OVERCOME BY PRODUCING CLEAR AND CONVINCING EVIDENCE THAT  
24 THE VEHICLE WAS INSURED AT THE TIME THAT IT WAS DRIVEN.

25 (5) AN ALLEGED LAPSE, CANCELLATION OR TERMINATION OF A  
26 POLICY OF INSURANCE BY AN INSURER MAY ONLY BE CHALLENGED BY  
27 REQUESTING REVIEW BY THE INSURANCE COMMISSIONER PURSUANT TO  
28 ARTICLE XX OF THE ACT OF MAY 17, 1921 (P.L.682, NO.284),  
29 KNOWN AS THE INSURANCE COMPANY LAW OF 1921. PROOF THAT A  
30 TIMELY REQUEST HAS BEEN MADE TO THE INSURANCE COMMISSIONER

1 FOR SUCH A REVIEW SHALL ACT AS A SUPERSEDEAS, STAYING THE  
2 SUSPENSION OF REGISTRATION OR OPERATING PRIVILEGE UNDER THIS  
3 SECTION PENDING A DETERMINATION PURSUANT TO SECTION 2009(A)  
4 OF THE INSURANCE COMPANY LAW OF 1921 OR, IN THE EVENT THAT  
5 FURTHER REVIEW AT A HEARING IS REQUESTED BY EITHER PARTY, A  
6 FINAL ORDER PURSUANT TO SECTION 2009(I) OF THE INSURANCE  
7 COMPANY LAW OF 1921.

8 (6) THE CIVIL PENALTY UNDER PARAGRAPH (1.1) SHALL BE  
9 DEPOSITED INTO THE PUBLIC TRANSPORTATION TRUST FUND.

10 \* \* \*

11 § 1903. LIMITATION ON LOCAL LICENSE FEES AND TAXES.

12 [NO] EXCEPT AS SET FORTH IN SECTION 1935 (RELATING TO FEE FOR  
13 LOCAL USE), NO MUNICIPALITY SHALL REQUIRE OR COLLECT ANY  
14 REGISTRATION OR LICENSE FEE OR TAX FOR ANY VEHICLE OR DRIVER'S  
15 LICENSE FROM ANY PERSON.

16 § 1904. COLLECTION AND DISPOSITION OF FEES AND MONEYS.

17 [THE] (A) GENERAL RULE.-- EXCEPT AS PROVIDED UNDER  
18 SUBSECTION (B), THE DEPARTMENT SHALL COLLECT ALL FEES PAYABLE  
19 UNDER THIS TITLE AND ALL OTHER MONEYS RECEIVED IN CONNECTION  
20 WITH THE ADMINISTRATION OF THIS TITLE AND TRANSMIT THEM TO THE  
21 STATE TREASURER FOR DEPOSIT IN THE MOTOR LICENSE FUND. MONEYS  
22 PAID IN ERROR MAY BE REFUNDED BY THE DEPARTMENT.

23 (B) DISPOSITION.--FEES COLLECTED UNDER SECTIONS 1951(C)  
24 (RELATING TO DRIVER'S LICENSE AND LEARNER'S PERMIT), 1952  
25 (RELATING TO CERTIFICATE OF TITLE), 1953 (RELATING TO SECURITY  
26 INTEREST), 1955 (RELATING TO INFORMATION CONCERNING DRIVERS AND  
27 VEHICLES), 1956 (RELATING TO CERTIFIED COPIES OF RECORDS) AND  
28 1958 (RELATING TO CERTIFICATE OF INSPECTION) SHALL BE  
29 TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT AS FOLLOWS:

30 (1) FOR FISCAL YEARS 2013-2014 AND 2014-2015:

1           (I) 10% TO THE PUBLIC TRANSPORTATION TRUST FUND;  
2           (II) 23% TO THE MULTIMODAL TRANSPORTATION FUND; AND  
3           (III) 67% TO THE MOTOR LICENSE FUND.

4           (2) FOR FISCAL YEARS 2015-2016 AND 2016-2017:

5           (I) 43.6% TO THE PUBLIC TRANSPORTATION TRUST FUND;  
6           (II) 23% TO THE MULTIMODAL TRANSPORTATION FUND; AND  
7           (III) 33.4% TO THE MOTOR LICENSE FUND.

8           (3) FOR EACH FISCAL YEAR BEGINNING AFTER JUNE 30, 2017:

9           (I) 77% TO THE PUBLIC TRANSPORTATION TRUST FUND; AND  
10          (II) 23% TO THE MULTIMODAL TRANSPORTATION FUND.

11          (C) AUTOMATIC FOUR-YEAR ADJUSTMENT.--FOR THE 48-MONTH PERIOD  
12 BEGINNING JULY 1, 2017, THROUGH JUNE 30, 2021 AND FOR EACH LIKE  
13 48-MONTH PERIOD THEREAFTER, FEES COLLECTED UNDER SECTIONS  
14 1951(C) (RELATING TO DRIVER'S LICENSE AND LEARNER'S PERMIT),  
15 1952 (RELATING TO CERTIFICATE OF TITLE), 1953 (RELATING TO  
16 SECURITY INTEREST), 1955 (RELATING TO INFORMATION CONCERNING  
17 DRIVERS AND VEHICLES), 1956 (RELATING TO CERTIFIED COPIES OF  
18 RECORDS) AND 1958 (RELATING TO CERTIFICATE OF INSPECTION) SHALL  
19 BE INCREASED BY AN AMOUNT CALCULATED BY APPLYING THE PERCENTAGE  
20 CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-  
21 U) FOR THE MOST RECENT 48-MONTH PERIOD, CALCULATED FROM MARCH 1  
22 THROUGH FEBRUARY 28, BEGINNING ON THE DATE THE FEES CHARGED  
23 UNDER THIS TITLE WERE LAST INCREASED AND FOR WHICH FIGURES HAVE  
24 BEEN OFFICIALLY REPORTED BY THE UNITED STATES DEPARTMENT OF  
25 LABOR, BUREAU OF LABOR STATISTICS, IMMEDIATELY PRIOR TO THE DATE  
26 THE ADJUSTMENT IS DUE TO TAKE EFFECT, TO THE THEN CURRENT FEE  
27 AMOUNTS AUTHORIZED.

28          SECTION 20.1. TITLE 75 IS AMENDED BY ADDING A SECTION TO  
29 READ:  
30 § 1935. FEE FOR LOCAL USE.

1 (A) LEVY.--A COUNTY, BY ORDINANCE, MAY IMPOSE A FEE OF \$5  
2 FOR EACH VEHICLE REGISTERED TO AN ADDRESS LOCATED IN THE COUNTY.  
3 A COUNTY SHALL NOTIFY THE DEPARTMENT OF THE PASSAGE OF THE  
4 ORDINANCE 90 DAYS PRIOR TO THE EFFECTIVE DATE OF THE ORDINANCE.

5 (B) COLLECTION.--THE DEPARTMENT SHALL COLLECT FEES IMPOSED  
6 UNDER SUBSECTION (A) AT THE TIME A VEHICLE IS REGISTERED AND  
7 SHALL DEPOSIT THE MONEY IN THE FEE FOR LOCAL USE FUND.

8 (C) DISTRIBUTION.--MONEY PAID INTO THE FEE FOR LOCAL USE  
9 FUND SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE AMOUNTS  
10 COLLECTED FOR EACH PARTICIPATING COUNTY. FUNDS RECEIVED BY THE  
11 COUNTY SHALL BE ADDED TO FUNDS RECEIVED UNDER SECTION 9010(B)  
12 (RELATING TO DISPOSITION AND USE OF TAX) AND SHALL BE  
13 DISTRIBUTED IN ACCORDANCE WITH SECTION 9010(C).

14 SECTION 21. SECTIONS 1951(C), 1952, 1953, 1955, 1956(A) AND  
15 1958(A) OF TITLE 75 ARE AMENDED TO READ:

16 § 1951. DRIVER'S LICENSE AND LEARNER'S PERMIT.

17 \* \* \*

18 (C) IDENTIFICATION CARD.--THE [FEE FOR AN] IDENTIFICATION  
19 CARD ~~FEE~~ SHALL BE [\$5] \$19 PLUS THE COST OF THE PHOTOGRAPH.

20 \* \* \*

21 § 1952. CERTIFICATE OF TITLE.

22 (A) GENERAL RULE.--THE FEE FOR ISSUANCE OF A CERTIFICATE OF  
23 TITLE SHALL BE [\$22.50] \$45.

24 (B) MANUFACTURER'S OR DEALER'S NOTIFICATION.--THE FEE FOR A  
25 MANUFACTURER'S OR DEALER'S NOTIFICATION OF ACQUISITION OF A  
26 VEHICLE FROM ANOTHER MANUFACTURER OR DEALER FOR RESALE PURSUANT  
27 TO SECTION 1113 (RELATING TO TRANSFER TO OR FROM MANUFACTURER OR  
28 DEALER) SHALL BE [\$3] \$5.

29 § 1953. SECURITY INTEREST.

30 THE FEE FOR RECORDING OR CHANGING THE AMOUNT OF SECURITY

1 INTEREST ON A CERTIFICATE OF TITLE SHALL BE [\$5] \$23.

2 § 1955. INFORMATION CONCERNING DRIVERS AND VEHICLES.

3 (A) DRIVERS, REGISTRATIONS, TITLES AND SECURITY INTERESTS.--  
4 THE FEE FOR A COPY OF WRITTEN OR ELECTRONIC INFORMATION RELATING  
5 TO A DRIVER, REGISTRATION, TITLE OR SECURITY INTEREST SHALL BE  
6 [\$5.] \$6. IF IT HAS ENTERED INTO A CONTRACT WITH A THIRD PARTY  
7 TO HANDLE THE DELIVERY OF DRIVER INFORMATION TO WHOLESALE  
8 DISTRIBUTORS, THE DEPARTMENT MAY IMPOSE A COST OF UP TO \$2 PER  
9 RECORD IN ADDITION TO THE STATUTORY FEE. A WHOLESALE DISTRIBUTOR  
10 OF DRIVER INFORMATION MAY RESELL OR REDISCLOSE THE INFORMATION  
11 FOR LAWFUL PURPOSES WITHOUT ANOTHER PAYMENT OF THE STATUTORY FEE  
12 UPON APPROVAL FROM THE DEPARTMENT.

13 (B) OTHER DATA AND INFORMATION.--THE DEPARTMENT MAY CHARGE  
14 TO ANY PERSON OR GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY A  
15 REASONABLE FEE BASED ON THE COST TO THE DEPARTMENT OF COMPILING  
16 DATA AND STATISTICAL INFORMATION UPON REQUEST. THE DEPARTMENT  
17 MAY ALSO SELL STATEWIDE BASIC DRIVER INFORMATION FOR LAWFUL  
18 PURPOSES AT A REASONABLE FEE TO BE PUBLISHED BY THE DEPARTMENT  
19 IN THE PENNSYLVANIA BULLETIN. BASIC DRIVER INFORMATION SHALL BE  
20 FIRST AND LAST NAME, ADDRESS, DRIVER LICENSE NUMBER, DATE OF  
21 BIRTH, LICENSE ISSUE DATE, LICENSE EXPIRATION DATE, ORIGINAL  
22 DATE OF ISSUE AND LICENSE CLASS AND TYPE.

23 § 1956. CERTIFIED COPIES OF RECORDS.

24 (A) DEPARTMENT RECORDS.--THE FEE FOR A CERTIFIED COPY OF ANY  
25 DEPARTMENT RECORD WHICH THE DEPARTMENT IS AUTHORIZED BY LAW TO  
26 FURNISH TO THE PUBLIC SHALL BE [\$5] \$20 FOR EACH FORM OR  
27 SUPPORTING DOCUMENT COMPRISING SUCH RECORD.

28 \* \* \*

29 § 1958. CERTIFICATE OF INSPECTION.

30 (A) GENERAL RULE.--THE DEPARTMENT SHALL CHARGE [\$2] \$5 FOR

1 EACH ANNUAL CERTIFICATE OF INSPECTION [AND \$1], \$3 FOR EACH  
2 SEMIANNUAL CERTIFICATE OF INSPECTION AND \$2 FOR EACH CERTIFICATE  
3 OF EXEMPTION.

4 \* \* \*

5 SECTION 21.1. THE DEFINITION OF "QUALIFIED MOTOR VEHICLE" IN  
6 SECTION 2101.1 OF TITLE 75 IS AMENDED AND THE SECTION IS AMENDED  
7 BY ADDING DEFINITIONS TO READ:

8 § 2101.1. DEFINITIONS.

9 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER AND  
10 IN CHAPTER 96 (RELATING TO MOTOR CARRIERS ROAD TAX) SHALL HAVE  
11 THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT  
12 CLEARLY INDICATES OTHERWISE:

13 "DEPARTMENT." THE DEPARTMENT OF REVENUE OF THE COMMONWEALTH.

14 \* \* \*

15 "IFTA VEHICLE." A VEHICLE SUBJECT TO THE INTERNATIONAL FUEL  
16 TAX AGREEMENT, NOTWITHSTANDING AN EXEMPTION FOR THE VEHICLE  
17 PROVIDED BY THE LAW OF AN IFTA JURISDICTION, INCLUDING THIS  
18 COMMONWEALTH.

19 \* \* \*

20 "QUALIFIED MOTOR VEHICLE." A MOTOR VEHICLE, OTHER THAN A  
21 RECREATIONAL VEHICLE, WHICH IS USED, DESIGNED OR MAINTAINED FOR  
22 TRANSPORTATION OF PERSONS OR PROPERTY AND:

23 (1) HAVING TWO AXLES AND A GROSS WEIGHT OR REGISTERED  
24 GROSS WEIGHT EXCEEDING 26,000 POUNDS.

25 (2) HAVING THREE OR MORE AXLES REGARDLESS OF WEIGHT.

26 (3) USED IN COMBINATION, WHEN THE GROSS WEIGHT OR  
27 REGISTERED GROSS WEIGHT OF THE COMBINATION EXCEEDS 26,000  
28 POUNDS.

29 IF THERE IS NO REGISTERED GROSS WEIGHT, THEN THE GROSS VEHICLE  
30 WEIGHT RATING (GVWR) OR GROSS COMBINATION WEIGHT RATING (GCWR)

1 OF THE MOTOR VEHICLE SHALL BE USED. SPECIAL MOBILE EQUIPMENT  
2 THAT WOULD OTHERWISE QUALIFY UNDER ONLY PARAGRAPH (1), (2) OR  
3 (3) IS CONSIDERED A QUALIFIED MOTOR VEHICLE. THE TERM INCLUDES A  
4 VEHICLE EXEMPT FROM THE MOTOR CARRIER ROAD TAX UNDER SECTION  
5 2105 (RELATING TO EXEMPTIONS) AND A VEHICLE EXEMPT FROM MOTOR  
6 FUEL TAXES UNDER CHAPTER 90 (RELATING TO LIQUID FUELS, FUELS TAX  
7 AND ELECTRIC VEHICLE ROAD FEE).

8 "SPECIAL MOBILE EQUIPMENT." THE TERM INCLUDES THE SPECIAL  
9 MOBILE EQUIPMENT REGISTERED AND PLATED AS SUCH BY THE DEPARTMENT  
10 OF TRANSPORTATION UNDER CHAPTER 13 (RELATING TO REGISTRATION OF  
11 VEHICLES).

12 SECTION 21.2. SECTIONS 2102(B) AND (D)(2) AND 2103(A) AND  
13 (A.1) OF TITLE 75 ARE AMENDED AND THE SECTIONS ARE AMENDED BY  
14 ADDING SUBSECTIONS TO READ:

15 § 2102. IDENTIFICATION MARKERS AND LICENSE OR ROAD TAX  
16 REGISTRATION CARD REQUIRED.

17 \* \* \*

18 (A.1) IFTA DECALS, CHANGES IN DISPOSITION, TAX LIABILITY AND  
19 RECORDKEEPING.--

20 (1) AN IFTA LICENSEE IS RESPONSIBLE FOR NOTIFYING THE  
21 DEPARTMENT IN WRITING OF A CHANGE TO THE LICENSEE'S IFTA  
22 ACCOUNT INCLUDING, BUT NOT LIMITED TO, AN ACCOUNT  
23 CANCELLATION, ADDRESS CHANGE AND CHANGE TO THE USE OF ISSUED  
24 DECALS.

25 (I) WHEN A VEHICLE TO WHICH IFTA DECALS HAVE BEEN  
26 AFFIXED IS SOLD, TRADED OR OTHERWISE DISPOSED OF BY THE  
27 OPERATOR OR PASSES FROM CONTROL OF THE OPERATOR THROUGH  
28 LEASE OR OTHERWISE, THE MOTOR CARRIER MUST NOTIFY THE  
29 DEPARTMENT WITHIN 30 DAYS AFTER THE VEHICLE LEAVES THE  
30 LICENSEE'S SERVICE. PROPER NOTIFICATION MUST INCLUDE THE

1 TAXPAYER'S OR CARRIER'S ACCOUNT NUMBER, TRACTOR  
2 REGISTRATION PLATE NUMBER, THE DATE OF DISPOSITION CHANGE  
3 AND THE NAME AND ADDRESS OF THE PERSON IN POSSESSION OF  
4 THE VEHICLE. THIS NOTIFICATION MUST BE MAILED, FAXED OR  
5 E-MAILED TO THE DEPARTMENT.

6 (II) CANCELED DECALS, IF RECOVERABLE, MUST REMAIN IN  
7 THE LICENSEE'S FILES FOR AT LEAST FOUR YEARS FOR AUDITING  
8 PURPOSES.

9 (2) A LICENSEE TO WHOM AN IDENTIFICATION CARD AND DECALS  
10 WERE ISSUED SHALL BE LIABLE FOR TAXES APPLICABLE TO THE  
11 OPERATIONS OF THE VEHICLES LICENSED UNTIL THE DATE THE  
12 DEPARTMENT RECEIVES PROPER NOTIFICATION OF DISPOSITION OR  
13 LOSS OF CONTROL OF THE VEHICLES LICENSED. THE LICENSEE'S  
14 LIABILITY FOR SUCH VEHICLES WILL TERMINATE UPON THE DATE OF  
15 DISPOSITION OR LOSS OF CONTROL IF THE CARRIER PROVIDES THE  
16 DEPARTMENT NOTIFICATION OF VEHICLE DISPOSITION OR LOSS OF  
17 CONTROL OF THE LICENSED VEHICLES WITHIN 30 DAYS OF  
18 DISPOSITION OR LOSS OF CONTROL.

19 (3) FOR CARRIERS USING INDEPENDENT CONTRACTORS UNDER  
20 LONG-TERM LEASES THAT ARE 30 DAYS OR LONGER, THE LESSOR AND  
21 LESSEE MAY DESIGNATE WHICH PARTY WILL REPORT AND PAY FUEL USE  
22 TAX. IN THE ABSENCE OF A WRITTEN AGREEMENT OR CONTRACT OR IF  
23 THE DOCUMENT IS SILENT REGARDING RESPONSIBILITY FOR REPORTING  
24 AND PAYING FUEL USE TAX, THE LESSEE WILL BE RESPONSIBLE FOR  
25 REPORTING AND PAYING FUEL USE TAX.

26 (4) DECALS CANNOT BE TRANSFERRED FROM ONE VEHICLE TO  
27 ANOTHER OR FROM ONE COMPANY TO ANOTHER.

28 (5) UNLESS OTHERWISE PROVIDED FOR BY STATUTE, ONCE A  
29 DECALED OR LICENSED VEHICLE PASSES CONTROL FROM A TAXPAYER TO  
30 ANOTHER, THE DECAL AND LICENSE ARE VOID IMMEDIATELY.



1           (6) A DECAL PURCHASED BUT UNUSED DURING A REGISTRATION  
2 YEAR MUST BE KEPT IN THE LICENSEE'S FILES FOR FOUR YEARS FOR  
3 AUDITING PURPOSES.

4           (7) IF THE CARRIER FAILS TO NOTIFY THE DEPARTMENT OF  
5 CHANGES IN DISPOSITION OF DECALS, THE CARRIER MAY PROVIDE THE  
6 DEPARTMENT WITH:

7                 (I) EVIDENCE OF THE CARRIER'S WRITTEN POLICY  
8 REQUIRING CANCELED DECALS TO BE RETURNED; AND

9                 (II) PHYSICAL EVIDENCE THAT THE DECALS WERE REMOVED.  
10 THE DEPARTMENT MAY CONSIDER THE EVIDENCE IN LIEU OF TIMELY  
11 NOTIFICATION AS REQUIRED IN THIS SECTION.

12           (7.1) A VEHICLE BEARING AN IFTA DECAL IS CONSIDERED AN  
13 IFTA VEHICLE.

14           (8) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY IF  
15 THE VEHICLE HAS BEEN STOLEN AND A REPORT OF THE THEFT HAS  
16 BEEN MADE TO AN APPROPRIATE LAW ENFORCEMENT AGENCY.

17           (A.2) APPLICATION.--THE APPLICATION MUST SET FORTH THE NAMES  
18 AND ADDRESSES OF THE PRINCIPAL OFFICERS OR OWNERS OF THE ENTITY  
19 AND OTHER INFORMATION PRESCRIBED BY THE DEPARTMENT FOR PURPOSES  
20 OF IDENTIFICATION. THE APPLICATION MUST BE SIGNED AND VERIFIED  
21 BY OATH OR AFFIRMATION BY:

22                 (1) THE OWNER, IF THE APPLICANT IS AN INDIVIDUAL;

23                 (2) A MEMBER OR PARTNER, IF THE APPLICANT IS AN  
24 ASSOCIATION; OR

25                 (3) AN OFFICER OR AN INDIVIDUAL AUTHORIZED IN WRITING  
26 ATTACHED TO THE APPLICATION, IF THE APPLICANT IS A  
27 CORPORATION.

28           (B) FEE.--[THE FEE FOR ISSUANCE OF IDENTIFICATION MARKERS  
29 SHALL BE \$5 PER VEHICLE.] THE DEPARTMENT MAY CHARGE AN  
30 ADMINISTRATIVE FEE FOR ISSUANCE OF IDENTIFICATION MARKERS FOR

1 EACH QUALIFIED MOTOR VEHICLE.

2 \* \* \*

3 (D) OPERATION WITHOUT IDENTIFICATION MARKERS UNLAWFUL.--  
4 EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3), IT SHALL BE  
5 UNLAWFUL TO OPERATE OR TO CAUSE TO BE OPERATED IN THIS  
6 COMMONWEALTH ANY QUALIFIED MOTOR VEHICLE UNLESS THE VEHICLE  
7 BEARS THE IDENTIFICATION MARKERS REQUIRED BY THIS SECTION OR  
8 VALID AND UNREVOKED IFTA IDENTIFICATION MARKERS ISSUED BY  
9 ANOTHER IFTA JURISDICTION.

10 \* \* \*

11 (2) FOR A PERIOD NOT EXCEEDING 30 DAYS AS TO ANY ONE  
12 MOTOR CARRIER, THE SECRETARY OF REVENUE BY LETTER OR TELEGRAM  
13 MAY AUTHORIZE THE OPERATION OF A QUALIFIED MOTOR VEHICLE OR  
14 VEHICLES WITHOUT THE IDENTIFICATION MARKERS REQUIRED WHEN  
15 BOTH THE FOLLOWING ARE APPLICABLE:

16 (I) ENFORCEMENT OF THIS SECTION FOR THAT PERIOD  
17 WOULD CAUSE UNDUE DELAY AND HARDSHIP IN THE OPERATION OF  
18 SUCH QUALIFIED MOTOR VEHICLE; AND

19 (II) THE MOTOR CARRIER IS REGISTERED AND/OR LICENSED  
20 FOR THE MOTOR CARRIERS ROAD TAX WITH THE DEPARTMENT OF  
21 REVENUE OR HAS FILED AN APPLICATION THEREFOR WITH THE  
22 DEPARTMENT OF REVENUE:

23 (A) THE DEPARTMENT MAY CHARGE AN ADMINISTRATIVE  
24 FEE FOR SUCH TEMPORARY PERMITS [SHALL BE \$5] FOR EACH  
25 QUALIFIED MOTOR VEHICLE WHICH SHALL BE DEPOSITED IN  
26 THE HIGHWAY BRIDGE IMPROVEMENT RESTRICTED ACCOUNT  
27 WITHIN THE MOTOR LICENSE FUND.

28 (B) CONDITIONS FOR THE ISSUANCE OF SUCH PERMITS  
29 SHALL BE SET FORTH IN REGULATIONS PROMULGATED BY THE  
30 DEPARTMENT OF REVENUE.

1 (C) A TEMPORARY PERMIT ISSUED BY ANOTHER IFTA  
2 JURISDICTION UNDER AUTHORITY SIMILAR TO THIS  
3 PARAGRAPH SHALL BE ACCORDED THE SAME EFFECT AS A  
4 TEMPORARY PERMIT ISSUED UNDER THIS PARAGRAPH.

5 \* \* \*

6 § 2103. FALSE STATEMENTS AND PENALTIES.

7 (A) FALSE STATEMENTS.--ANY PERSON WHO WILLFULLY AND  
8 KNOWINGLY MAKES, PUBLISHES, DELIVERS OR UTTERS A FALSE STATEMENT  
9 ORALLY, OR IN WRITING, OR IN THE FORM OF A RECEIPT FOR THE SALE  
10 OF MOTOR FUEL, FOR THE PURPOSE OF OBTAINING OR ATTEMPTING TO  
11 OBTAIN, OR TO ASSIST ANY PERSON TO OBTAIN OR ATTEMPT TO OBTAIN,  
12 A CREDIT OR REFUND OR REDUCTION OF LIABILITY FOR TAXES UNDER  
13 THIS CHAPTER OR CHAPTER 96 (RELATING TO MOTOR CARRIERS ROAD TAX)  
14 SHALL BE GUILTY OF A SUMMARY OFFENSE AND, UPON CONVICTION  
15 THEREOF, FOR A FIRST OFFENSE SHALL BE SENTENCED TO PAY A FINE OF  
16 NOT LESS THAN \$100 NOR MORE THAN [\$500] \$1,000; AND FOR EACH  
17 SUBSEQUENT OR ADDITIONAL OFFENSE, A FINE OF NOT LESS THAN \$200  
18 NOR MORE THAN [\$500] \$2,000, OR UNDERGO IMPRISONMENT FOR A TERM  
19 NOT EXCEEDING 90 DAYS, OR BOTH.

20 (A.1) OPERATION WITHOUT IDENTIFICATION MARKER.--  
21 NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B), ANY PERSON WHO  
22 VIOLATES SECTION 2102(D) (RELATING TO IDENTIFICATION MARKERS  
23 REQUIRED) AND WHO CAN ADEQUATELY ESTABLISH AN ABSENCE OF KNOWING  
24 AND WILLFUL INTENT SHALL BE GUILTY OF A SUMMARY OFFENSE [AND  
25 SHALL BE SENTENCED TO PAY A FINE OF \$25].

26 (A.2) ACCOUNTABILITY FOR DECALS.--NOTWITHSTANDING THE  
27 PROVISIONS OF SUBSECTION (B), A PERSON WHO, UPON INSPECTION,  
28 EXAMINATION OR AUDIT BY THE DEPARTMENT, CANNOT ACCOUNT FOR THE  
29 IFTA DECALS ISSUED TO THE PERSON COMMITS A SUMMARY OFFENSE AND  
30 SHALL BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$500 NOR MORE

1 THAN \$1,000 PER EACH UNACCOUNTED DECAL.

2 \* \* \*

3 SECTION 21.3. SECTION 2105 OF TITLE 75 IS AMENDED TO READ:  
4 § 2105. EXEMPTIONS.

5 [(A) GENERAL RULE.--THE REQUIREMENTS OF THIS CHAPTER AND  
6 CHAPTER 96 (RELATING TO MOTOR CARRIERS ROAD TAX) DO NOT APPLY TO  
7 THE FOLLOWING VEHICLES:

8 (1) A QUALIFIED MOTOR VEHICLE BEARING A PENNSYLVANIA  
9 FARM VEHICLE REGISTRATION PLATE AND OPERATED IN ACCORDANCE  
10 WITH THE RESTRICTIONS OF SECTION 1344 (RELATING TO USE OF  
11 FARM VEHICLE PLATES) OR A QUALIFIED MOTOR VEHICLE REGISTERED  
12 AND OPERATED UNDER PROVISIONS OF ANOTHER JURISDICTION  
13 DETERMINED BY THE DEPARTMENT OF REVENUE TO BE SIMILAR TO  
14 THOSE RESTRICTIONS.

15 (2) A QUALIFIED MOTOR VEHICLE EXEMPT FROM REGISTRATION  
16 AS A FARM VEHICLE AND OPERATED IN ACCORDANCE WITH THE  
17 RESTRICTIONS OF SECTION 1302(10) (RELATING TO VEHICLES EXEMPT  
18 FROM REGISTRATION) OR A QUALIFIED MOTOR VEHICLE OPERATED  
19 UNDER PROVISIONS OF ANOTHER JURISDICTION DETERMINED BY THE  
20 DEPARTMENT OF REVENUE TO BE SIMILAR TO THOSE RESTRICTIONS.

21 (3) AN EMERGENCY VEHICLE AS DEFINED BY SECTION 102  
22 (RELATING TO DEFINITIONS).

23 (4) A QUALIFIED MOTOR VEHICLE OPERATED BY OR ON BEHALF  
24 OF ANY DEPARTMENT, BOARD OR COMMISSION OF THE COMMONWEALTH,  
25 OR ANY POLITICAL SUBDIVISION THEREOF, OR ANY QUASI-  
26 GOVERNMENTAL AUTHORITY OF WHICH THIS COMMONWEALTH IS A  
27 PARTICIPATING MEMBER, OR ANY AGENCY OF THE FEDERAL GOVERNMENT  
28 OR THE DISTRICT OF COLUMBIA, ANY FOREIGN COUNTRY, OR OF ANY  
29 STATE OR ANY POLITICAL SUBDIVISION THEREOF WHICH GRANTS  
30 SIMILAR EXEMPTIONS TO PUBLICLY OWNED VEHICLES REGISTERED IN

1 THIS COMMONWEALTH.

2 (5) A SCHOOL BUS.

3 (5.1) A MOTORBUS OWNED BY AND REGISTERED TO A CHURCH.

4 (6) AN IMPLEMENT OF HUSBANDRY AS DEFINED BY SECTION 102.

5 (7) SPECIAL MOBILE EQUIPMENT AS DEFINED BY SECTION 102.

6 (8) AN UNLADEN OR TOWED MOTOR VEHICLE OR UNLADEN TRAILER  
7 WHICH ENTERS THIS COMMONWEALTH SOLELY FOR THE PURPOSE OF  
8 SECURING REPAIRS OR RECONDITIONING. THE REPAIR FACILITY SHALL  
9 FURNISH TO THE MOTOR CARRIER A CERTIFICATE TO BE CARRIED BY  
10 THE QUALIFIED MOTOR VEHICLE OPERATOR WHILE THE VEHICLE IS IN  
11 THIS COMMONWEALTH FOR THE PURPOSES OF THIS PARAGRAPH.

12 (9) A QUALIFIED MOTOR VEHICLE NEEDING EMERGENCY REPAIRS  
13 WHICH SECURES AUTHORIZATION FROM THE PENNSYLVANIA STATE  
14 POLICE TO ENTER THIS COMMONWEALTH UNDER THIS SECTION.

15 (10) A COMMERCIAL IMPLEMENT OF HUSBANDRY.]

16 (A) EXEMPT ENTITIES.--ANY MOTOR CARRIER THAT IS EXEMPT FROM  
17 MOTOR FUELS TAXES UNDER SECTION 9004(E) (RELATING TO IMPOSITION  
18 OF TAX, EXEMPTIONS AND DEDUCTIONS) SHALL BE EXEMPT FROM THE  
19 MOTOR CARRIERS ROAD TAX IMPOSED UNDER CHAPTER 96 (RELATING TO  
20 MOTOR CARRIERS ROAD TAX). THE MOTOR CARRIER IS NOT REQUIRED TO  
21 DO ANY OF THE FOLLOWING:

22 (1) DISPLAY ANY ROAD TAX IDENTIFICATION MARKERS.

23 (2) CARRY A CAB CARD.

24 (3) FILE MOTOR CARRIER ROAD TAX REPORT.

25 (B) VEHICLE EXEMPTIONS.--THE FOLLOWING PENNSYLVANIA-LICENSED  
26 AND REGISTERED VEHICLES, IF TRAVELING ONLY WITHIN THIS  
27 COMMONWEALTH AND NO OTHER JURISDICTIONS, ARE EXEMPT FROM THE  
28 MOTOR CARRIERS ROAD TAX IMPOSED UNDER CHAPTER 96 AND ARE NOT  
29 REQUIRED TO REPORT OR DISPLAY ROAD TAX IDENTIFICATION MARKERS:

30 (1) A QUALIFIED MOTOR VEHICLE BEARING A PENNSYLVANIA

1 FARM VEHICLE REGISTRATION PLATE AND OPERATED IN ACCORDANCE  
2 WITH THE RESTRICTIONS UNDER SECTION 1344 (RELATING TO USE OF  
3 FARM VEHICLE PLATES) OR A QUALIFIED MOTOR VEHICLE REGISTERED  
4 AND OPERATED UNDER PROVISIONS OF ANOTHER JURISDICTION  
5 DETERMINED BY THE DEPARTMENT OF REVENUE TO BE SIMILAR TO THE  
6 RESTRICTIONS UNDER SECTION 1344.

7 (2) A QUALIFIED MOTOR VEHICLE EXEMPT FROM REGISTRATION  
8 AS A FARM VEHICLE AND OPERATED IN ACCORDANCE WITH THE  
9 RESTRICTIONS UNDER SECTION 1302(10) (RELATING TO VEHICLES  
10 EXEMPT FROM REGISTRATION) OR A QUALIFIED MOTOR VEHICLE  
11 OPERATED UNDER PROVISIONS OF ANOTHER JURISDICTION DETERMINED  
12 BY THE DEPARTMENT OF REVENUE TO BE SIMILAR TO THE  
13 RESTRICTIONS UNDER SECTION 1302(10).

14 (3) AN EMERGENCY VEHICLE.

15 (4) A QUALIFIED MOTOR VEHICLE OPERATED BY OR ON BEHALF  
16 OF ANY DEPARTMENT, BOARD OR COMMISSION OF THE COMMONWEALTH,  
17 OR ANY POLITICAL SUBDIVISION THEREOF, OR ANY QUASI-  
18 GOVERNMENTAL AUTHORITY OF WHICH THE COMMONWEALTH IS A  
19 PARTICIPATING MEMBER, OR ANY AGENCY OF THE FEDERAL GOVERNMENT  
20 OR THE DISTRICT OF COLUMBIA, ANY FOREIGN COUNTRY OR OF ANY  
21 STATE OR ANY POLITICAL SUBDIVISION THEREOF WHICH GRANTS  
22 SIMILAR EXEMPTIONS TO PUBLICLY OWNED VEHICLES REGISTERED IN  
23 THIS COMMONWEALTH.

24 (5) A SCHOOL BUS QUALIFYING FOR EXEMPTION UNDER SECTION  
25 9004(E) (5) (RELATING TO IMPOSITION OF TAX, EXEMPTIONS AND  
26 DEDUCTIONS).

27 (5.1) A MOTORBUS OWNED BY AND REGISTERED TO A CHURCH.

28 (6) AN IMPLEMENT OF HUSBANDRY.

29 (7) SPECIAL MOBILE EQUIPMENT.

30 (8) A COMMERCIAL IMPLEMENT OF HUSBANDRY.

1 (C) SPECIAL VEHICLE EXEMPTIONS.--THE FOLLOWING TYPES OF  
2 VEHICLES ENTERING THIS COMMONWEALTH ARE EXEMPT FROM THE MOTOR  
3 CARRIERS ROAD TAX IMPOSED UNDER CHAPTER 96 AND ARE NOT REQUIRED  
4 TO REPORT OR DISPLAY ROAD TAX IDENTIFICATION MARKERS:

5 (1) AN UNLADEN OR TOWED MOTOR VEHICLE OR UNLADEN TRAILER  
6 WHICH ENTERS THIS COMMONWEALTH SOLELY FOR THE PURPOSE OF  
7 SECURING REPAIRS OR RECONDITIONING. THE REPAIR FACILITY SHALL  
8 FURNISH TO THE MOTOR CARRIER A CERTIFICATE TO BE CARRIED BY  
9 THE QUALIFIED MOTOR VEHICLE OPERATOR WHILE THE VEHICLE IS IN  
10 THIS COMMONWEALTH.

11 (2) A QUALIFIED MOTOR VEHICLE NEEDING EMERGENCY REPAIRS  
12 WHICH SECURES AUTHORIZATION FROM THE PENNSYLVANIA STATE  
13 POLICE TO ENTER THIS COMMONWEALTH.

14 (D) RECORDKEEPING REQUIREMENTS.--ALL QUALIFIED MOTOR  
15 VEHICLES, REGARDLESS WHETHER OR NOT THE VEHICLE IS EXEMPT FROM  
16 THE MOTOR CARRIER ROAD TAX UNDER THIS SECTION, MUST MAINTAIN  
17 PROPER RECORDS OF TRAVEL ROUTES, FUEL AND MILES, IN ACCORDANCE  
18 WITH THE RECORDKEEPING PROVISIONS OF SECTION 9610 (RELATING TO  
19 RECORDS).

20 (E) MOTOR CARRIER ROAD TAX IMPOSED.--NOTWITHSTANDING  
21 SUBSECTIONS (A) AND (B), THE DEPARTMENT MAY IMPOSE THE MOTOR  
22 CARRIER ROAD TAX IMPOSED UNDER CHAPTER 96 ON ANY QUALIFIED MOTOR  
23 VEHICLE FOR WHICH PROPER RECORDS ARE NOT AVAILABLE TO  
24 SUBSTANTIATE TRAVEL ROUTES, FUEL AND MILES, IN ACCORDANCE WITH  
25 THE RECORDKEEPING PROVISIONS OF SECTION 9610.

26 (F) IFTA REPORTING REQUIRED FOR INTERSTATE TRAVEL.--THE  
27 FOLLOWING SHALL APPLY:

28 (1) NOTWITHSTANDING THE EXEMPTIONS UNDER SUBSECTIONS (A)  
29 AND (B), ANY QUALIFIED MOTOR VEHICLE REGISTERED IN THIS  
30 COMMONWEALTH THAT TRAVELS IN ANY IFTA JURISDICTION REQUIRING

1 THE PAYMENT OF MOTOR CARRIER ROAD TAX OR ITS EQUIVALENT MAY  
2 BE LICENSED AS AN IFTA VEHICLE BY THE COMMONWEALTH IN  
3 ACCORDANCE WITH IFTA LICENSING PROVISIONS. ANY VEHICLE  
4 HOLDING OR DISPLAYING IFTA CREDENTIALS MUST FILE IFTA REPORTS  
5 AND CORRESPONDING PAYMENTS TO A BASE JURISDICTION, EVEN IF  
6 THE VEHICLE IS EXEMPT FROM MOTOR CARRIER ROAD TAXES IN THIS  
7 COMMONWEALTH.

8 (2) A VEHICLE OBTAINING TRIP PERMITS UNDER SECTION  
9 2102(D)(3) (RELATING TO IDENTIFICATION MARKERS AND LICENSE OR  
10 ROAD TAX REGISTRATION CARD REQUIRED) FOR EACH TRIP WITHIN  
11 THIS COMMONWEALTH IS EXEMPT FROM IFTA LICENSING AND REPORTING  
12 FOR THE PERMITTED TRIPS.

13 [(B)] (G) REGULATIONS.--THE DEPARTMENT OF REVENUE MAY  
14 PROMULGATE REGULATIONS TO IMPLEMENT THIS SECTION.

15 SECTION 21.4. TITLE 75 IS AMENDED BY ADDING SECTIONS TO  
16 READ:

17 § 2106. UNCOLLECTIBLE PAYMENTS.

18 IF THE PAYMENT OF A TAX, PENALTY OR INTEREST IMPOSED BY THIS  
19 CHAPTER IS RETURNED TO THE DEPARTMENT AS UNCOLLECTIBLE, THE  
20 DEPARTMENT SHALL FOLLOW SECTION 3003.9 OF THE ACT OF MARCH 4,  
21 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.

22 § 2107. EMERGENCY PROCLAMATIONS.

23 (A) EMERGENCIES DECLARED WITHIN THIS COMMONWEALTH.--UPON THE  
24 GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY FOR THIS  
25 COMMONWEALTH, THE SECRETARY OF REVENUE MAY WAIVE, SUSPEND OR  
26 OTHERWISE MODIFY ANY PROVISIONS OF THIS CHAPTER FOR THE PURPOSE  
27 OF ENABLING MOTOR CARRIERS TO RESPOND TO EMERGENCY CONDITIONS  
28 AND TO CONDUCT TIMELY EMERGENCY RELIEF EFFORTS. THE WAIVERS,  
29 SUSPENSIONS OR MODIFICATIONS SHALL BE EFFECTIVE FOR A SPECIFIC  
30 PERIOD OF TIME AS DETERMINED BY THE SECRETARY OF REVENUE AND



1 SHALL NOT EXCEED THE TERMINATION OF THE STATE OF EMERGENCY  
2 DECLARED BY THE GOVERNOR.

3 (B) EMERGENCIES DECLARED OUTSIDE THIS COMMONWEALTH.--THE  
4 SECRETARY OF REVENUE, WITH PRIOR AUTHORIZATION FROM THE  
5 GOVERNOR, MAY WAIVE, SUSPEND OR OTHERWISE MODIFY ANY PROVISIONS  
6 OF THIS CHAPTER ON A TEMPORARY AND INDEFINITE BASIS TO  
7 FACILITATE THE TIMELY MOVEMENT OF VEHICLES OR FUEL FROM AND  
8 THROUGH THIS COMMONWEALTH TO OTHER JURISDICTIONS REQUESTING  
9 ASSISTANCE FROM THE COMMONWEALTH.

10 (C) RECORDKEEPING.--NOTWITHSTANDING SUBSECTIONS (A) AND (B),  
11 EACH DISTRIBUTOR, EXEMPT ENTITY OR OTHER PERSON WHO BUYS, SELLS  
12 OR USES LIQUID FUELS, FUELS OR ALTERNATIVE FUELS UNDER THE TERMS  
13 OF AN EMERGENCY DECLARATION MUST MAINTAIN RECORDS TO  
14 SUBSTANTIATE PARTICIPATION IN EMERGENCY RELIEF EFFORTS. MOTOR  
15 CARRIERS SHALL MAINTAIN RECORDS SUBSTANTIATING THE PURCHASE AND  
16 USE OF TAX-FREE FUELS IN THIS COMMONWEALTH DURING THE PERIOD OF  
17 THE DECLARED EMERGENCY.

18 (D) TAXES NOT WAIVED.--UNLESS SPECIFICALLY SUSPENDED BY THE  
19 SECRETARY OF REVENUE, LIQUID FUELS, FUELS AND ALTERNATIVE FUELS  
20 TAXES ARE NOT WAIVED FOR EMERGENCIES DETERMINED UNDER SUBSECTION  
21 (A) OR (B).

22 SECTION 21.5. SECTION 3111 OF TITLE 75 IS AMENDED BY ADDING  
23 A SUBSECTION TO READ:

24 § 3111. OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

25 \* \* \*

26 (A.1) PENALTY.--

27 (1) A PERSON WHO VIOLATES THIS SECTION COMMITS A SUMMARY  
28 OFFENSE AND SHALL, UPON CONVICTION, PAY A FINE OF \$75.

29 (2) NOTWITHSTANDING 42 PA.C.S. § 3733(A) (RELATING TO  
30 DEPOSITS INTO ACCOUNT), A FINE UNDER PARAGRAPH (1) SHALL BE

1 DISTRIBUTED AS FOLLOWS:

2 (I) TWENTY-FIVE DOLLARS SHALL BE DEPOSITED AS  
3 PROVIDED UNDER 42 PA.C.S. § 3733(A).

4 (II) AFTER DEPOSIT OF THE AMOUNT UNDER SUBPARAGRAPH  
5 (I), THE REMAINING PORTION OF THE FINE SHALL BE DEPOSITED  
6 INTO THE PUBLIC TRANSPORTATION TRUST FUND.

7 \* \* \*

8 SECTION 22. SECTION 4902(A) AND (C) OF TITLE 75 ARE AMENDED  
9 AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

10 § 4902. RESTRICTIONS ON USE OF HIGHWAYS AND BRIDGES.

11 (A) RESTRICTIONS BASED ON CONDITION OF HIGHWAY OR BRIDGE.--  
12 THE FOLLOWING SHALL APPLY

13 (1) THE COMMONWEALTH AND LOCAL AUTHORITIES WITH RESPECT  
14 TO HIGHWAYS AND BRIDGES UNDER THEIR JURISDICTIONS MAY  
15 PROHIBIT THE OPERATION OF VEHICLES AND MAY IMPOSE  
16 RESTRICTIONS AS TO THE WEIGHT OR SIZE OF VEHICLES OPERATED  
17 UPON A HIGHWAY OR BRIDGE ONLY WHEN THEY DETERMINE BY  
18 CONDUCTING AN ENGINEERING AND TRAFFIC STUDY AS PROVIDED FOR  
19 IN DEPARTMENT REGULATIONS THAT THE HIGHWAY OR BRIDGE MAY BE  
20 DAMAGED OR DESTROYED UNLESS USE BY VEHICLES IS PROHIBITED OR  
21 THE PERMISSIBLE SIZE OR WEIGHT OF VEHICLES IS REDUCED.

22 (2) THE FOLLOWING SHALL APPLY:

23 (I) SCHOOL BUSES, EMERGENCY VEHICLES AND VEHICLES  
24 MAKING LOCAL DELIVERIES OR PICKUPS MAY BE EXEMPTED FROM  
25 RESTRICTIONS ON THE USE OF HIGHWAYS IMPOSED UNDER THIS  
26 SUBSECTION.

27 (II) THE DEPARTMENT MAY ISSUE A STATEMENT OF POLICY,  
28 WHICH SHALL TAKE EFFECT UPON PUBLICATION IN THE  
29 PENNSYLVANIA BULLETIN, ADOPTING AN APPROPRIATE  
30 METHODOLOGY TO PROVIDE LETTERS OF LOCAL DETERMINATION

1 THAT IDENTIFY PARTICULAR VEHICLES, ROUTES OR USES AS  
2 LOCAL IN NATURE.

3 (III) THE METHODOLOGY UNDER SUBPARAGRAPH (II) MAY  
4 ALLOW FOR EXEMPTIONS FROM 67 PA. CODE CH. 189 (RELATING  
5 TO HAULING IN EXCESS OF POSTED WEIGHT LIMIT) RELATED TO  
6 AT-RISK INDUSTRY SECTORS EXPERIENCING A 20% DECLINE IN  
7 STATEWIDE EMPLOYMENT BETWEEN MARCH 2002 AND MARCH 2011.

8 (IV) THE EXEMPTIONS AND RELATED REQUIREMENTS UNDER  
9 SUBPARAGRAPH (III) MAY REMAIN IN EXISTENCE UNTIL DECEMBER  
10 31, 2018. EXEMPTIONS FOR LOCAL DELIVERY OR PICKUP MAY NOT  
11 INCLUDE TRAFFIC GOING TO OR COMING FROM A SITE AT WHICH  
12 MINERALS, GAS OR NATURAL RESOURCES ARE DEVELOPED,  
13 HARVESTED OR EXTRACTED, NOTWITHSTANDING WHETHER THE SITE  
14 IS LOCATED AT A RESIDENCE, A COMMERCIAL SITE OR ON  
15 FARMLAND.

16 \* \* \*

17 (C) PERMITS AND SECURITY.--THE COMMONWEALTH AND LOCAL  
18 AUTHORITIES MAY ISSUE PERMITS FOR MOVEMENT OF VEHICLES OF SIZE  
19 AND WEIGHT IN EXCESS OF RESTRICTIONS PROMULGATED UNDER  
20 SUBSECTIONS (A) AND (B) WITH RESPECT TO HIGHWAYS AND BRIDGES  
21 UNDER THEIR JURISDICTION AND MAY REQUIRE SUCH UNDERTAKING OR  
22 SECURITY AS THEY DEEM NECESSARY TO COVER THE COST OF REPAIRS AND  
23 RESTORATION NECESSITATED BY THE PERMITTED MOVEMENT OF VEHICLES.  
24 IN REFERENCE TO SUBSECTION (A), THE COMMONWEALTH AND LOCAL  
25 AUTHORITIES SHALL NOT REFUSE TO ISSUE A PERMIT WITH RESPECT TO A  
26 HIGHWAY UNDER THEIR JURISDICTION IF THERE IS NO REASONABLE  
27 ALTERNATE ROUTE AVAILABLE. FOR PURPOSES OF THIS SECTION,  
28 "REASONABLE ALTERNATE ROUTE" SHALL MEAN A ROUTE MEETING THE  
29 CRITERIA SET FORTH IN DEPARTMENT REGULATIONS RELATING TO TRAFFIC  
30 AND ENGINEERING STUDIES. THE DEPARTMENT MAY ESTABLISH THE TYPES

1 OF PERMITS AND AGREEMENTS THAT MAY BE ISSUED. THE FOLLOWING  
2 SHALL APPLY:

3 (1) PERMITS MAY BE FOR LONG-TERM OR SHORT-TERM USE OF  
4 THE POSTED HIGHWAYS.

5 (2) THE DEPARTMENT MAY REQUIRE MULTIPLE VEHICLES  
6 TRAVELING TO OR FROM A SINGLE DESTINATION TO OPERATE PURSUANT  
7 TO A SINGLE PERMIT.

8 (3) THE DEPARTMENT MAY ESTABLISH A PERMIT TYPE ALLOWING  
9 THE POSTING AUTHORITY TO DETERMINE THAT DAMAGE TO THE POSTED  
10 HIGHWAY COVERED BY THE PERMIT WILL BE MINIMAL. THIS TYPE OF  
11 PERMIT MAY INCLUDE CATEGORIES BASED ON THE NUMBER AND KINDS  
12 OF LOADS EXPECTED, INCLUDING A CATEGORY PROVIDING THAT USE OF  
13 THE POSTED HIGHWAY UNDER A SINGLE MINIMUM USE PERMIT OF LESS  
14 THAN 700 LOADS PER YEAR SHALL NOT REQUIRE AN AGREEMENT OR  
15 SECURITY. THE DEPARTMENT MAY ALTER THE 700 LOADS PER YEAR  
16 MINIMUM USE THRESHOLD IF IT DETERMINES THE STRUCTURAL  
17 CAPACITY OF THE STATE HIGHWAYS CAN ACCEPT A HIGHER OR LOWER  
18 AMOUNT OF OVER-POSTED WEIGHT TRAFFIC. THE DEPARTMENT MAY  
19 EXPRESS THE THRESHOLD AS A LOADS-PER-DAY, LOADS-PER-WEEK, OR  
20 LOADS-PER-MONTH NUMBER.

21 (4) THE DEPARTMENT MAY RESTRICT USE OF PERMITS DURING  
22 THAW PERIODS AS DETERMINED BY THE DEPARTMENT.

23 (5) THE DEPARTMENT MAY DETERMINE THAT HAULING RELATED TO  
24 UNCONVENTIONAL OIL AND GAS DEVELOPMENT IS EXCLUDED FROM  
25 MINIMUM USE STATUS BASED ON ITS DISPROPORTIONATE AND  
26 QUALITATIVELY DIFFERENT IMPACT UPON HIGHWAYS AND BRIDGES.

27 (6) THE DEPARTMENT SHALL PROMULGATE REGULATIONS TO  
28 IMPLEMENT THIS SECTION. REGULATIONS PROMULGATED BY THE  
29 DEPARTMENT UNDER THIS SECTION SHALL NOT BE SUBJECT TO THE  
30 PROPOSED RULEMAKING PROVISIONS OF THE ACT OF JULY 31, 1968

1 (P.L.769, NO.240) REFERRED TO AS THE COMMONWEALTH DOCUMENTS  
2 LAW, OR THE ACT OF JUNE 25, 1982 (P.L.633, NO.181) KNOWN AS  
3 THE REGULATORY REVIEW ACT.

4 \* \* \*

5 (H) (RESERVED).

6 (I) AUTHORITY TO CONDUCT INVESTIGATIONS AND AUDITS.--THE  
7 COMMONWEALTH AND LOCAL AUTHORITIES MAY CONDUCT OR CAUSE TO BE  
8 CONDUCTED INVESTIGATIONS AND AUDITS OF A PERSON OR ENTITY TO  
9 DETERMINE IF THERE HAS BEEN A VIOLATION OF THIS SECTION,  
10 PERTINENT REGULATIONS OR AGREEMENTS.

11 (J) AUTHORITY TO SUSPEND, REVOKE OR DENY PERMITS.--THE  
12 COMMONWEALTH AND LOCAL AUTHORITIES MAY SUSPEND, REVOKE OR DENY  
13 PERMITS AND AGREEMENTS IF IT IS DETERMINED BY THE COMMONWEALTH  
14 OR A LOCAL AUTHORITY THAT THERE HAS BEEN A VIOLATION OF THIS  
15 SECTION, PERTINENT REGULATIONS OR AGREEMENTS, NOTWITHSTANDING  
16 ANY OTHER PROVISION OF THIS SECTION.

17 SECTION 22.1. SECTION 4968 (A.1) (3), (A.2) (4) AND (B) OF  
18 TITLE 75, AMENDED OCTOBER 24, 2012 (P.L.1473, NO.187), ARE  
19 AMENDED TO READ:

20 § 4968. PERMIT FOR MOVEMENT DURING COURSE OF MANUFACTURE.

21 (A.1) GENERAL RULE.--AN ANNUAL PERMIT MAY BE ISSUED  
22 AUTHORIZING MOVEMENT ON SPECIFIED HIGHWAYS OF:

23 \* \* \*

24 (3) AIRCRAFT REFUELING VEHICLES OR VEHICLES AND  
25 COMBINATIONS CARRYING [RAW] MILK, RAW COAL, FLAT-ROLLED STEEL  
26 COILS, STEEL SLABS, HOT INGOTS, A HOT BOX, PULPWOOD AND WOOD  
27 CHIPS, RAW WATER OR CRYOGENIC LIQUID WHICH EXCEED THE MAXIMUM  
28 WEIGHT SPECIFIED IN SUBCHAPTER C WHILE THEY ARE IN THE COURSE  
29 OF MANUFACTURE AND UNDER CONTRACT WITH OR UNDER THE DIRECT  
30 CONTROL OF THE MANUFACTURER, PROVIDED THAT THEY DO NOT EXCEED

1 THE MAXIMUM HEIGHT, WIDTH OR LENGTH SPECIFIED IN SUBCHAPTER B  
2 UNLESS THEY ALSO QUALIFY UNDER PARAGRAPH (1), SUBJECT TO THE  
3 PROVISIONS IN SUBSECTION (A.2).

4 (A.2) SPECIFICATIONS.--

5 \* \* \*

6 (4) A COMBINATION OF VEHICLES WHICH IS HAULING [RAW]  
7 MILK TO OR FROM A MANUFACTURER MAY BE PERMITTED BY THE  
8 DEPARTMENT AND LOCAL AUTHORITIES TO MOVE UPON HIGHWAYS WITHIN  
9 THEIR RESPECTIVE JURISDICTIONS 24 HOURS A DAY, SEVEN DAYS A  
10 WEEK, EXCEPT DURING INCLEMENT WEATHER AS DEFINED IN  
11 DEPARTMENT REGULATIONS, IF THE GROSS WEIGHT DOES NOT EXCEED  
12 95,000 POUNDS AND THE WEIGHT OF ANY NONSTEERING AXLE DOES NOT  
13 EXCEED 21,000 POUNDS. NO PERMIT MAY BE ISSUED FOR THIS TYPE  
14 OF MOVEMENT UPON AN INTERSTATE HIGHWAY. AN APPLICATION TO THE  
15 DEPARTMENT FOR THE MOVEMENT OF MILK, EXCEPT FOR RAW MILK,  
16 MUST DESIGNATE THE ROUTE THE APPLICANT REQUESTS TO USE.

17 \* \* \*

18 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
19 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
20 SUBSECTION:

21 "BULK MILK." THE TERM SHALL MEAN MILK, AS DEFINED IN SECTION  
22 1 OF THE ACT OF JULY 2, 1935 (P.L.589, NO.210), REFERRED TO AS  
23 THE MILK SANITATION LAW, WHICH IS NOT TRANSPORTED IN PACKAGES.

24 "CONDENSED MILK" AND "EVAPORATED MILK." THE TERM SHALL MEAN  
25 MANUFACTURED DAIRY PRODUCTS AS DEFINED IN SECTION 1 OF THE MILK  
26 SANITATION LAW, WHICH IS NOT TRANSPORTED IN PACKAGES.

27 "HOT BOX." CONSISTS OF AN ENCLOSURE CONSISTING OF WELDED  
28 STEEL PLATE CHAINED TO A SEMITRAILER WITH A REMOVABLE LID LINED  
29 WITH REFRACTION FOR PURPOSES OF INSULATION AND RETENTION OF  
30 HEAT.

1 "MILK." ANY OF THE FOLLOWING:

2 (1) BULK MILK.

3 (2) CREAM.

4 (3) PLAIN OR SWEETENED EVAPORATED MILK.

5 (4) RAW MILK.

6 (5) SKIM OR WHOLE CONDENSED MILK.

7 (6) SKIMMED MILK.

8 "RAW MILK." HAS THE MEANING GIVEN TO IT IN THE [ACT OF JULY  
9 2, 1935 (P.L.589, NO.210), REFERRED TO AS THE] MILK SANITATION  
10 LAW.

11 SECTION 23. SECTION 6110(B) OF TITLE 75 IS AMENDED TO READ:  
12 § 6110. REGULATION OF TRAFFIC ON PENNSYLVANIA TURNPIKE.

13 \* \* \*

14 (B) PENALTIES.--

15 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, ANY  
16 PERSON VIOLATING ANY OF THE RULES AND REGULATIONS OF THE  
17 PENNSYLVANIA TURNPIKE COMMISSION FOR WHICH NO PENALTY HAS  
18 OTHERWISE BEEN PROVIDED BY STATUTE COMMITS A SUMMARY OFFENSE  
19 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF  
20 \$25.

21 (2) ANY PERSON VIOLATING ANY OF THE RULES AND  
22 REGULATIONS OF THE COMMISSION PROHIBITING FARE EVASION OR  
23 ATTEMPTED FARE EVASION COMMITS A SUMMARY OFFENSE AND SHALL,  
24 UPON CONVICTION FOR THE FIRST TIME, BE SENTENCED TO PAY A  
25 FINE ACCORDING TO THE CLASSIFICATION BY THE COMMISSION OF THE  
26 VEHICLE DRIVEN BY THAT PERSON AT THE TIME OF VIOLATION AS  
27 FOLLOWS:

28 (I) CLASS 1 THROUGH 2: \$100.

29 (II) CLASS 3 THROUGH 6: \$500.

30 (III) CLASS 7 AND HIGHER: \$1,000.

1           (3) IN ADDITION TO THE FINES IMPOSED UNDER THIS  
2 SUBSECTION, RESTITUTION SHALL BE MADE TO THE COMMISSION IN AN  
3 AMOUNT EQUAL TO THE FULL FARE, FOR THE APPROPRIATE VEHICLE  
4 CLASS, FROM THE FARTHEST POINT OF ENTRY ON THE TURNPIKE TO  
5 THE ACTUAL POINT OF EXIT.

6           (3.1) (I) A PERSON WHO, WHILE TRAVELING UPON THE  
7 PENNSYLVANIA TURNPIKE OR A ROAD UNDER ITS CONTROL, TAKES  
8 AN AFFIRMATIVE ACTION IN AN ATTEMPT TO EVADE TOLLS  
9 COMMITTS A MISDEMEANOR OF THE THIRD DEGREE, AND SHALL,  
10 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$6,500 AND  
11 TO UNDERGO IMPRISONMENT FOR NOT LESS THAN 60 DAYS. FOR  
12 THE PURPOSES OF THIS SUBSECTION, AFFIRMATIVE ACTION SHALL  
13 INCLUDE ANY OF THE FOLLOWING:

14                   (A) REMOVAL OF LICENSE PLATES FROM THE VEHICLE  
15 TO IMPEDE ELECTRONIC TOLL COLLECTION.

16                   (B) INSTALLATION OF A MECHANISM THAT ROTATES,  
17 CHANGES, BLOCKS OR OTHERWISE MECHANICALLY ALTERS THE  
18 ABILITY OF A LICENSE PLATE TO BE READ BY A VIOLATION  
19 ENFORCEMENT SYSTEM AS DEFINED UNDER 74 PA.C.S. § 8102  
20 (RELATING TO DEFINITIONS).

21                   (C) INSTALLATION OF A MECHANICAL APPARATUS UPON  
22 THE VEHICLE THAT SERVES THE SOLE PURPOSE OF MASKING,  
23 HIDING OR MANIPULATING THE TRUE WEIGHT OF THE VEHICLE  
24 AS IT APPEARS TO A MECHANICAL SCALE.

25                   (D) CONSPIRING WITH AN INDIVIDUAL OR GROUP OF  
26 INDIVIDUALS IN AN ATTEMPT TO ALTER, LOWER OR EVADE  
27 PAYMENT OF CORRECT TOLLS.

28                   (E) UNAUTHORIZED USE OF PENNSYLVANIA TURNPIKE  
29 PRIVATE GATE ACCESS OR OTHERWISE UNAUTHORIZED  
30 MOVEMENT ENTERING OR EXITING THE TURNPIKE OTHER THAN



1           AT APPROVED INTERCHANGES.

2           (F) ANY OTHER ACTION TAKEN FOR THE PURPOSE OF  
3           EVADING THE PAYMENT OF A TOLL.

4           (II) A VIOLATION OF THIS PARAGRAPH MAY NOT PRECLUDE  
5           PROSECUTION UNDER SECTION 1332 (RELATING TO DISPLAY OF  
6           REGISTRATION PLATE), SECTION 7122 (RELATING TO ALTERED,  
7           FORGED OR COUNTERFEIT DOCUMENTS AND PLATES) OR SECTION  
8           7124 (RELATING TO FRAUDULENT USE OR REMOVAL OF  
9           REGISTRATION PLATE).

10          SECTION 24. THE DEFINITIONS OF "ANNUAL ADDITIONAL PAYMENTS,"  
11 "ANNUAL BASE PAYMENTS" AND "SCHEDULED ANNUAL COMMISSION  
12 CONTRIBUTIONS" IN SECTION 8901 OF TITLE 75 ARE AMENDED TO READ:  
13 § 8901. DEFINITIONS.

14          THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
15 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
16 CONTEXT CLEARLY INDICATES OTHERWISE:

17          "ANNUAL ADDITIONAL PAYMENTS." AS FOLLOWS:

18           (1) DURING THE CONVERSION PERIOD AND AFTER THE  
19 CONVERSION DATE, AN AMOUNT EQUAL TO THE SCHEDULED ANNUAL  
20 COMMISSION CONTRIBUTION, MINUS THE SUM OF:

21           [(I) \$200,000,000 PAID AS ANNUAL BASE PAYMENTS;]

22           (II) ANY INTERSTATE 80 SAVINGS FOR THAT FISCAL YEAR.

23           (2) IF THE CONVERSION PERIOD HAS EXPIRED AND A  
24 CONVERSION NOTICE HAS NOT BEEN RECEIVED BY THE SECRETARY, IN  
25 EACH SUBSEQUENT FISCAL YEAR [UNTIL THE END OF THE TERM OF THE  
26 LEASE AGREEMENT] THROUGH FISCAL YEAR 2020-2021, THE ANNUAL  
27 ADDITIONAL PAYMENTS SHALL BE \$250,000,000. NO ANNUAL  
28 ADDITIONAL PAYMENTS SHALL BE DUE AFTER FISCAL YEAR 2020-2021.

29          "ANNUAL BASE PAYMENTS." AN AMOUNT EQUAL TO THE SUM OF THE  
30 FOLLOWING:

1 (1) ANNUAL DEBT SERVICE ON OUTSTANDING BONDS ISSUED  
2 UNDER SECTION 9511.2 (RELATING TO SPECIAL REVENUE BONDS)  
3 PAYABLE AS REQUIRED PURSUANT TO THE BONDS.

4 [(2) TWO HUNDRED MILLION DOLLARS PAYABLE ANNUALLY IN  
5 FOUR EQUAL INSTALLMENTS EACH DUE THE LAST BUSINESS DAY OF  
6 EACH JULY, OCTOBER, JANUARY AND APRIL.] NO ANNUAL BASE  
7 PAYMENTS SHALL BE DUE AFTER FISCAL YEAR 2012-2013.

8 \* \* \*

9 "SCHEDULED ANNUAL COMMISSION CONTRIBUTION." THE FOLLOWING  
10 AMOUNTS:

11 (1) \$750,000,000 IN FISCAL YEAR 2007-2008.

12 (2) \$850,000,000 IN FISCAL YEAR 2008-2009.

13 (3) \$900,000,000 IN FISCAL YEAR 2009-2010.

14 (4) FOR FISCAL YEAR 2010-2011 AND EACH FISCAL YEAR  
15 THEREAFTER, THE AMOUNT SHALL BE THE AMOUNT CALCULATED FOR THE  
16 PREVIOUS YEAR INCREASED BY 2.5%, EXCEPT THAT THE AMOUNT SHALL  
17 BE EQUAL TO THE ANNUAL BASE PAYMENTS PLUS \$250,000,000 IF THE  
18 CONVERSION NOTICE IS NOT RECEIVED BY THE SECRETARY PRIOR TO  
19 THE EXPIRATION OF THE CONVERSION PERIOD. NO SCHEDULED ANNUAL  
20 COMMISSION CONTRIBUTION SHALL BE DUE AFTER FISCAL YEAR 2020-  
21 2021.

22 SECTION 25. SECTIONS 8915.3(1) AND 8815.6(B)(1) OF TITLE 75  
23 ARE AMENDED TO READ:

24 § 8915.3. LEASE OF INTERSTATE 80; RELATED AGREEMENTS.

25 THE DEPARTMENT AND THE COMMISSION SHALL ENTER INTO A LEASE  
26 AGREEMENT RELATING TO INTERSTATE 80 PRIOR TO OCTOBER 15, 2007.  
27 THE LEASE AGREEMENT SHALL INCLUDE PROVISIONS SETTING FORTH THE  
28 TERMS AND CONDITIONS OF THE CONVERSION OF INTERSTATE 80 TO A  
29 TOLL ROAD. THE LEASE AGREEMENT AND ANY RELATED AGREEMENT, AT A  
30 MINIMUM, SHALL INCLUDE THE FOLLOWING:

1 (1) A PROVISION THAT THE TERM OF THE LEASE AGREEMENT  
2 SHALL BE 50 YEARS, UNLESS:

3 (I) EXTENDED UPON MUTUAL AGREEMENT OF THE PARTIES TO  
4 THE LEASE AGREEMENT AND UPON APPROVAL OF THE GENERAL  
5 ASSEMBLY[.]; OR

6 (II) REDUCED OR TERMINATED UPON MUTUAL AGREEMENT OF  
7 THE PARTIES TO THE LEASE AGREEMENT.

8 \* \* \*

9 § 8915.6. DEPOSIT AND DISTRIBUTION OF FUNDS.

10 \* \* \*

11 (B) DISTRIBUTION.--THE FOLLOWING SHALL APPLY:

12 [(1) ANNUALLY, 15% OF THE AMOUNT DEPOSITED IN ANY FISCAL  
13 YEAR UNDER SUBSECTION (A) SHALL BE DISTRIBUTED AT THE  
14 DISCRETION OF THE SECRETARY.]

15 \* \* \*

16 SECTION 25.1. CHAPTER 90 HEADING OF TITLE 75 IS AMENDED TO  
17 READ:

18 CHAPTER 90

19 LIQUID FUELS [AND] FUELS TAX

20 AND ELECTRIC VEHICLE ROAD FEE

21 SECTION 25.2. CHAPTER 90 OF TITLE 75 IS AMENDED BY ADDING A  
22 SUBCHAPTER HEADING TO READ:

23 SUBCHAPTER A

24 PRELIMINARY PROVISIONS

25 SECTION 26. SECTION 9002 OF TITLE 75 IS AMENDED TO READ:

26 § 9002. 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 "ALTERNATIVE FUELS." NATURAL GAS, COMPRESSED NATURAL GAS

1 (CNG), LIQUIFIED NATURAL GAS (LNG), LIQUID PROPANE GAS AND  
2 LIQUIFIED PETROLEUM GAS (LPG), ALCOHOLS, E85 GASOLINE-ALCOHOL  
3 MIXTURES CONTAINING [AT LEAST] GREATER THAN 85% ALCOHOL BY  
4 VOLUME, HYDROGEN, HYTHANE [, ELECTRICITY] AND ANY OTHER FUEL  
5 USED TO PROPEL MOTOR VEHICLES ON THE PUBLIC HIGHWAYS WHICH IS  
6 NOT TAXABLE AS FUELS OR LIQUID FUELS UNDER THIS CHAPTER. THE  
7 FOREGOING LIQUIDS OR GASES THAT WILL NOT BE USED TO PROPEL A  
8 MOTOR VEHICLE ON THE PUBLIC HIGHWAYS AND ARE NOT TAXABLE AS  
9 FUELS OR LIQUID FUELS UNDER THIS CHAPTER MAY NOT BE CONSIDERED  
10 MOTOR FUELS FOR PURPOSES OF THIS CHAPTER. THE TERM DOES NOT  
11 INCLUDE ELECTRICITY.

12 ["ALTERNATIVE FUEL DEALER-USER." ANY PERSON WHO DELIVERS OR  
13 PLACES ALTERNATIVE FUELS INTO THE FUEL SUPPLY TANK OR OTHER  
14 DEVICE OF A VEHICLE FOR USE ON THE PUBLIC HIGHWAYS.]

15 "ASSOCIATION." A PARTNERSHIP, LIMITED PARTNERSHIP OR ANY  
16 OTHER FORM OF UNINCORPORATED ENTERPRISE OWNED BY TWO OR MORE  
17 PERSONS.

18 "AVERAGE ANNUAL VEHICLE FUEL TAX." THE AVERAGE ANNUAL AMOUNT  
19 OF MOTOR FUEL TAXES PAID BY A PENNSYLVANIA-REGISTERED VEHICLE.

20 "AVERAGE WHOLESALE PRICE." [THE AVERAGE WHOLESALE PRICE PER  
21 GALLON OF ALL TAXABLE LIQUID FUELS AND FUELS, EXCLUDING THE  
22 FEDERAL EXCISE TAX AND ALL LIQUID FUELS TAXES, AS DETERMINED BY  
23 THE DEPARTMENT OF REVENUE FOR THE 12-MONTH PERIOD ENDING ON THE  
24 SEPTEMBER 30 IMMEDIATELY PRIOR TO JANUARY 1 OF THE YEAR FOR  
25 WHICH THE RATE IS TO BE SET. IN NO CASE SHALL THE AVERAGE  
26 WHOLESALE PRICE BE LESS THAN 90¢ NOR MORE THAN \$1.25 PER  
27 GALLON.] THE AVERAGE WHOLESALE PRICE PER GALLON OF ALL TAXABLE  
28 LIQUID FUELS AND FUELS, EXCLUDING THE FEDERAL EXCISE TAX AND ALL  
29 LIQUID FUELS TAXES SHALL BE AS FOLLOWS:

30 (1) FOR FISCAL YEAR 2013-2014 AND FOR JULY 1, 2014, TO

1 DECEMBER 31, 2014, THE AVERAGE WHOLESALE PRICE SHALL BE  
2 \$1.87.

3 (2) FOR CALENDAR YEARS 2015 AND 2016, THE AVERAGE  
4 WHOLESALE PRICE SHALL BE \$2.49 PER GALLON.

5 (3) FOR CALENDAR YEAR 2017 AND EACH CALENDAR YEAR  
6 THEREAFTER, THE AVERAGE WHOLESALE PRICE SHALL BE AS DETERMINED  
7 BY THE DEPARTMENT OF REVENUE FOR THE 12-MONTH PERIOD ENDING ON  
8 THE SEPTEMBER 30 IMMEDIATELY PRIOR TO JANUARY 1 OF THE YEAR FOR  
9 WHICH THE RATE IS TO BE SET. IN NO CASE SHALL THE AVERAGE  
10 WHOLESALE PRICE BE LESS THAN \$2.49.

11 "BLENDED FUEL." A MIXTURE COMPOSED OF MOTOR FUELS AND  
12 ANOTHER LIQUID, OTHER THAN AN ADDITIVE, THAT MAY BE USED AS A  
13 MOTOR FUEL IN A HIGHWAY VEHICLE.

14 "BLENDER." A PERSON WHO PRODUCES BLENDED FUEL OUTSIDE THE  
15 TERMINAL TRANSFER SYSTEM.

16 "BLENDER PERMIT." A CLASS OF DISTRIBUTOR PERMIT AUTHORIZING  
17 THE USE OF MOTOR FUELS UPON WHICH THE TAX HAS NOT BEEN PAID FOR  
18 BLENDING.

19 "CAFE STANDARDS." THE CORPORATE AVERAGE FUEL ECONOMY, AS  
20 ESTABLISHED BY THE FEDERAL GOVERNMENT.

21 "CENTS-PER-GALLON EQUIVALENT BASIS." THE AVERAGE WHOLESALE  
22 PRICE PER GALLON MULTIPLIED BY THE DECIMAL EQUIVALENT OF ANY TAX  
23 IMPOSED BY SECTION 9502 (RELATING TO IMPOSITION OF TAX), THE  
24 PRODUCT OF WHICH IS ROUNDED TO THE NEXT HIGHEST TENTH OF A CENT  
25 PER GALLON. THE RATE OF TAX SHALL BE DETERMINED BY THE  
26 DEPARTMENT OF REVENUE ON AN ANNUAL BASIS BEGINNING EVERY JANUARY  
27 1 AND SHALL BE PUBLISHED AS A NOTICE IN THE PENNSYLVANIA  
28 BULLETIN NO LATER THAN THE PRECEDING DECEMBER 15. IN THE EVENT  
29 OF A CHANGE IN THE RATE OF TAX IMPOSED BY SECTION 9502, THE  
30 DEPARTMENT SHALL REDETERMINE THE RATE OF TAX AS OF THE EFFECTIVE

1 DATE OF SUCH CHANGE AND GIVE NOTICE AS SOON AS POSSIBLE.

2 "CORPORATION." A CORPORATION OR JOINT STOCK ASSOCIATION  
3 ORGANIZED UNDER THE LAWS OF THIS COMMONWEALTH, THE UNITED STATES  
4 OR ANY OTHER STATE, TERRITORY OR FOREIGN COUNTRY OR DEPENDENCY.

5 "DEALER." ANY PERSON ENGAGED IN THE RETAIL SALE OF [LIQUID  
6 FUELS OR FUELS] MOTOR FUELS.

7 "DEPARTMENT." THE DEPARTMENT OF REVENUE OF THE COMMONWEALTH.

8 "DIESEL FUEL." ANY LIQUID, OTHER THAN LIQUID FUELS, WHICH IS  
9 SUITABLE FOR USE AS A FUEL IN A DIESEL-POWERED HIGHWAY VEHICLE.  
10 THE TERM INCLUDES KEROSENE AND BIODIESEL.

11 "DISTRIBUTOR." ANY PERSON THAT:

12 (1) PRODUCES, REFINES, PREPARES, BLENDS, DISTILLS,  
13 MANUFACTURES OR COMPOUNDS [LIQUID FUELS OR FUELS] MOTOR FUELS  
14 IN THIS COMMONWEALTH FOR THE PERSON'S USE OR FOR SALE AND  
15 DELIVERY IN THIS COMMONWEALTH.

16 (2) IMPORTS OR CAUSES TO BE IMPORTED FROM ANY OTHER  
17 STATE OR TERRITORY OF THE UNITED STATES OR FROM A FOREIGN  
18 COUNTRY [LIQUID FUELS OR FUELS] MOTOR FUELS FOR THE PERSON'S  
19 USE IN THIS COMMONWEALTH OR FOR SALE AND DELIVERY IN AND  
20 AFTER REACHING THIS COMMONWEALTH, OTHER THAN IN THE ORIGINAL  
21 PACKAGE, RECEPTACLE OR CONTAINER.

22 (3) IMPORTS OR CAUSES TO BE IMPORTED FROM ANY OTHER  
23 STATE OR TERRITORY OF THE UNITED STATES [LIQUID FUELS OR  
24 FUELS] MOTOR FUELS FOR THE PERSON'S USE IN THIS COMMONWEALTH  
25 OR FOR SALE AND DELIVERY IN THIS COMMONWEALTH AFTER THEY HAVE  
26 COME TO REST OR STORAGE IN THE OTHER STATE OR TERRITORY,  
27 WHETHER OR NOT IN THE ORIGINAL PACKAGE, RECEPTACLE OR  
28 CONTAINER.

29 (4) PURCHASES OR RECEIVES [LIQUID FUELS OR FUELS] MOTOR  
30 FUELS IN THE ORIGINAL PACKAGE, RECEPTACLE OR CONTAINER IN

1 THIS COMMONWEALTH FOR THE PERSON'S USE OR FOR SALE AND  
2 DELIVERY IN THIS COMMONWEALTH FROM ANY PERSON WHO HAS  
3 IMPORTED THEM FROM A FOREIGN COUNTRY.

4 (5) PURCHASES OR RECEIVES [LIQUID FUELS OR FUELS] MOTOR  
5 FUELS IN THE ORIGINAL PACKAGE, RECEPTACLE OR CONTAINER IN  
6 THIS COMMONWEALTH FOR THE PERSON'S USE IN THIS COMMONWEALTH  
7 OR FOR SALE AND DELIVERY IN THIS COMMONWEALTH FROM ANY PERSON  
8 WHO HAS IMPORTED THEM FROM ANY OTHER STATE OR TERRITORY OF  
9 THE UNITED STATES IF THE [LIQUID FUELS OR FUELS] MOTOR FUELS  
10 HAVE NOT, PRIOR TO PURCHASE OR RECEIPT, COME TO REST OR  
11 STORAGE IN THIS COMMONWEALTH.

12 (6) RECEIVES AND USES OR DISTRIBUTES [LIQUID FUELS OR  
13 FUELS] MOTOR FUELS IN THIS COMMONWEALTH ON WHICH THE TAX  
14 PROVIDED FOR IN THIS CHAPTER HAS NOT BEEN PREVIOUSLY PAID.

15 (7) OWNS OR OPERATES AIRCRAFT, AIRCRAFT ENGINES OR  
16 FACILITIES FOR DELIVERY OF [LIQUID FUELS] MOTOR FUELS TO  
17 AIRCRAFT OR AIRCRAFT ENGINES AND ELECTS, WITH THE PERMISSION  
18 OF THE SECRETARY OF REVENUE, TO QUALIFY AND OBTAIN A PERMIT  
19 AS A DISTRIBUTOR.

20 (8) EXPORTS [LIQUID FUELS OR FUELS] MOTOR FUELS OTHER  
21 THAN IN THE FUEL SUPPLY TANKS OF MOTOR VEHICLES.

22 "DYED DIESEL FUEL." ANY LIQUID, OTHER THAN LIQUID FUELS,  
23 WHICH IS SUITABLE FOR USE AS A FUEL IN A DIESEL-POWERED HIGHWAY  
24 VEHICLE AND WHICH IS DYED PURSUANT TO FEDERAL REGULATIONS ISSUED  
25 UNDER SECTION 4082 OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC  
26 LAW 99-514, 26 U.S.C. § 4082) OR WHICH IS A DYED FUEL FOR  
27 PURPOSES OF SECTION 6715 OF THE INTERNAL REVENUE CODE OF 1986  
28 (26 U.S.C. § 6715).

29 "E85." FUEL ETHANOL CONFORMING TO ASTM D5798-11 STANDARDS,  
30 AS AMENDED, OR SUCCESSOR STANDARDS.

1 "ELECTRIC VEHICLE." THE TERM INCLUDES ELECTRIC VEHICLES AND  
2 HYBRID ELECTRIC VEHICLES.

3 "ELECTRIC VEHICLE ROAD FEE." THE ANNUAL FEE IMPOSED UNDER  
4 SUBCHAPTER C (RELATING TO ELECTRIC VEHICLE ROAD FEE), IN PLACE  
5 OF A MOTOR FUEL TAX ASSESSED UPON ELECTRICITY USED IN HIGHWAY  
6 VEHICLES.

7 "EXEMPT ENTITY." A PERSON EXEMPT UNDER SECTION 9004(E)  
8 (RELATING TO IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS) FROM  
9 REPORTING AND PAYING A MOTOR FUELS TAX.

10 "EXPORT." ACCOUNTABLE LIQUID FUELS OR FUELS DELIVERED OUT OF  
11 STATE BY OR FOR THE SELLER CONSTITUTES AN EXPORT BY THE SELLER.  
12 ACCOUNTABLE LIQUID FUELS OR FUELS DELIVERED OUT OF STATE BY OR  
13 FOR THE PURCHASER CONSTITUTES AN EXPORT BY THE PURCHASER.

14 "FUELS." INCLUDES DIESEL FUEL AND ALL COMBUSTIBLE GASES AND  
15 LIQUIDS USED FOR THE GENERATION OF POWER IN AIRCRAFT OR AIRCRAFT  
16 ENGINES OR USED IN AN INTERNAL COMBUSTION ENGINE FOR THE  
17 GENERATION OF POWER TO PROPEL VEHICLES ON THE PUBLIC HIGHWAYS.  
18 THE TERM DOES NOT INCLUDE LIQUID FUELS OR DYED DIESEL FUEL.

19 "GALLON EQUIVALENT BASIS." THE AMOUNT OF ANY ALTERNATIVE  
20 FUEL AS DETERMINED BY THE DEPARTMENT TO [CONTAIN 114,500 BTU'S]  
21 EQUAL THE ENERGY CONTENT OF ONE GALLON OF LIQUID FUELS OR FUELS.  
22 THE RATE OF TAX ON THE AMOUNT OF EACH ALTERNATIVE FUEL AS  
23 DETERMINED BY THE DEPARTMENT UNDER THE PREVIOUS SENTENCE SHALL  
24 BE THE CURRENT LIQUID FUELS TAX AND OIL COMPANY FRANCHISE TAX  
25 APPLICABLE TO ONE GALLON OF GASOLINE.

26 "GASOLINE GALLON EQUIVALENT" OR "GGE." THE AMOUNT OF  
27 ALTERNATIVE FUEL IT TAKES TO EQUAL THE ENERGY CONTENT OF ONE  
28 GALLON OF GASOLINE.

29 "HIGHWAY." EVERY WAY OR PLACE OPEN TO THE USE OF THE PUBLIC,  
30 AS A MATTER OF RIGHT, FOR PURPOSES OF VEHICULAR TRAVEL.



1 "IMPORT." ACCOUNTABLE [LIQUID] MOTOR FUELS OR FUELS  
2 DELIVERED INTO THIS COMMONWEALTH FROM OUT OF STATE BY OR FOR THE  
3 SELLER CONSTITUTES AN IMPORT BY THE SELLER. ACCOUNTABLE [LIQUID]  
4 MOTOR FUELS OR FUELS DELIVERED INTO THIS COMMONWEALTH FROM OUT  
5 OF STATE BY OR FOR THE PURCHASER CONSTITUTES AN IMPORT BY THE  
6 PURCHASER.

7 "LIQUID FUELS." ALL PRODUCTS DERIVED FROM PETROLEUM, NATURAL  
8 GAS, COAL, COAL TAR, VEGETABLE FERMENTS AND OTHER OILS. THE TERM  
9 INCLUDES GASOLINE, NAPHTHA, BENZOL, BENZINE OR ALCOHOLS, EITHER  
10 ALONE OR WHEN BLENDED OR COMPOUNDED, WHICH ARE PRACTICALLY AND  
11 COMMERCIALY SUITABLE FOR USE IN INTERNAL COMBUSTION ENGINES FOR  
12 THE GENERATION OF POWER OR WHICH ARE PREPARED, ADVERTISED,  
13 OFFERED FOR SALE OR SOLD FOR USE FOR THAT PURPOSE. THE TERM DOES  
14 NOT INCLUDE KEROSENE, FUEL OIL, GAS OIL, E85, GASOLINE-ALCOHOL  
15 MIXTURES OTHER THAN E85 CONTAINING GREATER THAN 85% ALCOHOL BY  
16 VOLUME, DIESEL FUEL, TRACTOR FUEL BY WHATEVER TRADE NAME OR  
17 TECHNICAL NAME KNOWN HAVING AN INITIAL BOILING POINT OF NOT LESS  
18 THAN 200 DEGREES FAHRENHEIT AND OF WHICH NOT MORE THAN 95% HAS  
19 BEEN RECOVERED AT 464 DEGREES FAHRENHEIT (ASTM METHOD D-86),  
20 LIQUIFIED GASES WHICH WOULD NOT EXIST AS LIQUIDS AT A  
21 TEMPERATURE OF 60 DEGREES FAHRENHEIT AND PRESSURE OF 14.7 POUNDS  
22 PER SQUARE INCH ABSOLUTE OR NAPHTHAS AND BENZOLS AND SOLVENTS  
23 SOLD FOR USE FOR INDUSTRIAL PURPOSES.

24 "MAGISTRATE." AN OFFICER OF THE MINOR JUDICIARY. THE TERM  
25 INCLUDES A MAGISTERIAL DISTRICT JUDGE.

26 "MAJOR VEHICLE CLASS." THE TERM INCLUDES PASSENGER VEHICLES,  
27 LIGHT DUTY TRUCKS AND ANY OTHER CLASS AS DEFINED BY THE CAFE  
28 STANDARDS.

29 "MASS TRANSPORTATION SYSTEMS." PERSONS SUBJECT TO THE  
30 JURISDICTION OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION AND

1 MUNICIPALITY AUTHORITIES THAT TRANSPORT PERSONS ON SCHEDULE OVER  
2 FIXED ROUTES AND DERIVE 90% OF THEIR INTRASTATE SCHEDULED  
3 REVENUE FROM SCHEDULED OPERATIONS WITHIN THE COUNTY IN WHICH  
4 THEY HAVE THEIR PRINCIPAL PLACE OF BUSINESS OR WITH CONTIGUOUS  
5 COUNTIES.

6 "MOTOR FUELS." INCLUDES LIQUID FUELS, FUELS, ALTERNATIVE  
7 FUELS, AVIATION GASOLINE AND JET FUELS.

8 "MOTOR FUELS TAX." ANY OF THE FOLLOWING TAXES IMPOSED UNDER  
9 SECTION 9004 (RELATING TO IMPOSITION OF TAX, EXEMPTIONS AND  
10 DEDUCTIONS):

11 (1) THE LIQUID FUELS TAX.

12 (2) THE OIL COMPANY FRANCHISE TAX.

13 (3) THE AVIATION GASOLINE AND JET FUEL TAXES.

14 (4) THE ALTERNATIVE FUELS TAX.

15 "MOTOR FUELS TAX EXEMPTION CERTIFICATE." A CERTIFICATE  
16 ISSUED BY THE DEPARTMENT OF REVENUE TO A PERSON REQUESTING  
17 EXEMPTION FROM MOTOR FUELS TAXES ACCORDING TO THE EXEMPTION  
18 PROVISIONS UNDER SECTION 9004(E) (RELATING TO IMPOSITION OF TAX,  
19 EXEMPTIONS AND DEDUCTIONS).

20 "NONHIGHWAY APPLICATIONS." THE USE OF FUELS OR ALTERNATIVE  
21 FUELS FOR PURPOSES NOT RELATED TO PROPULSION OF A VEHICLE ON THE  
22 PUBLIC HIGHWAYS OF THIS COMMONWEALTH.

23 "NONPUBLIC SCHOOLS NOT OPERATED FOR PROFIT." A SCHOOL, OTHER  
24 THAN A PUBLIC SCHOOL, WITHIN THIS COMMONWEALTH WHEREIN A  
25 RESIDENT OF THIS COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY  
26 SCHOOL ATTENDANCE REQUIREMENTS OF THE LAWS OF THIS COMMONWEALTH,  
27 AND IN THE OPERATION OF WHICH THERE IS NO CONTRIBUTION OF  
28 PECUNIARY GAIN OR PROFIT, NO DIVIDENDS OR DISTRIBUTION OR INCOME  
29 TO ITS OWNERS, OFFICERS OR DIRECTORS AND NO INCIDENTAL PROFITS  
30 ARE DISTRIBUTED TO ITS OWNER. THE TERM DOES NOT INCLUDE

1 INSTITUTIONS OF HIGHER LEARNING.

2 "PERMIT." A LIQUID FUELS PERMIT [OR A] FUELS PERMIT OR  
3 ALTERNATIVE FUELS PERMIT. THE TERM INCLUDES A BLENDER PERMIT.

4 "PERSON." [EVERY NATURAL PERSON, ASSOCIATION OR  
5 CORPORATION.] ANY INDIVIDUAL, FIRM, COOPERATIVE, ASSOCIATION,  
6 CORPORATION, LIMITED LIABILITY CORPORATION, TRUST, BUSINESS  
7 TRUST, SYNDICATE, PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP,  
8 JOINT VENTURE, RECEIVER, TRUSTEE IN BANKRUPTCY, CLUB SOCIETY OR  
9 OTHER GROUP OR COMBINATION ACTING AS A UNIT. THE TERM INCLUDES A  
10 PUBLIC BODY, INCLUDING, BUT NOT LIMITED TO, THE COMMONWEALTH,  
11 ANY OTHER STATE, AN AGENCY, COMMISSION, INSTITUTION, POLITICAL  
12 SUBDIVISION OR INSTRUMENTALITY OF THE COMMONWEALTH OR ANY OTHER  
13 STATE. WHENEVER USED IN ANY PROVISION PRESCRIBING AND IMPOSING A  
14 FINE OR IMPRISONMENT, THE TERM AS APPLIED TO ASSOCIATIONS MEANS  
15 THE PARTNERS OR MEMBERS AND AS APPLIED TO CORPORATIONS MEANS THE  
16 OFFICERS THEREOF.

17 "POLITICAL SUBDIVISION." A COUNTY, CITY, BOROUGH,  
18 INCORPORATED TOWN, TOWNSHIP, SCHOOL DISTRICT, VOCATIONAL SCHOOL  
19 DISTRICT OR COUNTY INSTITUTION DISTRICT. FOR EXEMPTION PURPOSES,  
20 THE TERM INCLUDES:

21 (1) AUTHORITIES FORMED UNDER ENABLING LEGISLATION.

22 (2) INSTRUMENTALITIES OR AGENCIES OF THE COMMONWEALTH,  
23 UNLESS OTHERWISE PROVIDED.

24 "REGISTERED DISTRIBUTOR." A DISTRIBUTOR HOLDING A PERMIT  
25 ISSUED BY THE COMMONWEALTH UNDER THE PROVISIONS OF THIS CHAPTER.

26 "SALE" AND "SALE AND DELIVERY." INCLUDES THE INVOICING OR  
27 BILLING OF [LIQUID FUELS OR FUELS] MOTOR FUELS FREE OF TAX AS  
28 PROVIDED IN SECTION 9005 (RELATING TO TAXPAYER) FROM ONE  
29 DISTRIBUTOR TO ANOTHER REGARDLESS OF WHETHER THE PURCHASING  
30 DISTRIBUTOR IS AN ACCOMMODATION PARTY FOR PURPOSES OF TAKING

1 TITLE OR TAKES ACTUAL PHYSICAL POSSESSION OF THE [LIQUID FUELS  
2 OR FUELS] MOTOR FUELS.

3 "SECRETARY." THE SECRETARY OF REVENUE OF THE COMMONWEALTH.

4 "TERMINAL TRANSFER SYSTEM." THE MOTOR FUELS DISTRIBUTION  
5 SYSTEM CONSISTING OF REFINERIES, PIPELINES, MARINE VESSELS AND  
6 TERMINALS.

7 "USE." INCLUDES ANY OF THE FOLLOWING:

8 (1) THE IMPORTATION INTO THIS COMMONWEALTH OF MOTOR  
9 FUELS FOR THE SUPPLY TANKS OR OTHER FUELING RECEPTACLES OR  
10 DEVICES OF A MOTOR VEHICLE IN EXCESS OF 50 GALLONS.

11 (2) THE DELIVERY OR PLACING OF MOTOR FUELS INTO THE FUEL  
12 SUPPLY TANKS OR OTHER FUELING RECEPTACLES OR DEVICES OF AN  
13 AIRCRAFT OR AIRCRAFT ENGINE OR OF A MOTOR VEHICLE IN THIS  
14 COMMONWEALTH FOR USE IN A COMBUSTION ENGINE OR DIESEL ENGINE.

15 "VEHICLE AVERAGE MILES DRIVEN." THE AVERAGE NUMBER OF MILES  
16 DRIVEN BY A PARTICULAR VEHICLE TYPE, AS DETERMINED BY THE  
17 FEDERAL HIGHWAY ADMINISTRATION.

18 "VOLUNTEER AMBULANCE SERVICE." ANY NONPROFIT CHARTERED  
19 CORPORATION, ASSOCIATION OR ORGANIZATION LOCATED IN THIS  
20 COMMONWEALTH WHICH IS REGULARLY ENGAGED IN THE SERVICE OF  
21 PROVIDING EMERGENCY MEDICAL CARE AND TRANSPORTATION OF PATIENTS.

22 "VOLUNTEER FIRE COMPANY." ANY NONPROFIT CHARTERED  
23 CORPORATION, ASSOCIATION OR ORGANIZATION LOCATED IN THIS  
24 COMMONWEALTH WHICH PROVIDES FIRE PROTECTION SERVICES AND OTHER  
25 VOLUNTARY EMERGENCY SERVICES WITHIN THIS COMMONWEALTH, WHICH MAY  
26 INCLUDE VOLUNTARY AMBULANCE SERVICES AND VOLUNTARY RESCUE  
27 SERVICES.

28 "VOLUNTEER RESCUE SERVICE." ANY NONPROFIT CHARTERED  
29 CORPORATION, ASSOCIATION OR ORGANIZATION LOCATED IN THIS  
30 COMMONWEALTH WHICH PROVIDES RESCUE SERVICES IN THIS

1 COMMONWEALTH.

2 "VOLUNTEER SERVICES." INCLUDES VOLUNTEER AMBULANCE SERVICES,  
3 VOLUNTEER FIRE COMPANIES AND VOLUNTEER RESCUE SERVICES.

4 SECTION 26.1. CHAPTER 90 OF TITLE 75 IS AMENDED BY ADDING A  
5 SUBCHAPTER HEADING TO READ:

6 SUBCHAPTER B

7 LIQUID FUELS AND FUELS TAX

8 SECTION 26.2. SECTIONS 9003(A), (B), (D) AND (G) AND  
9 9004(A), (B), (D), (E), (G) AND (H) OF TITLE 75 ARE AMENDED AND  
10 THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO READ:

11 § 9003. LIQUID FUELS AND FUELS PERMITS; BOND OR DEPOSIT OF  
12 SECURITIES.

13 (A) PERMIT REQUIRED; VIOLATION.--A DISTRIBUTOR MAY NOT  
14 ENGAGE IN THE USE OR SALE AND DELIVERY OF LIQUID FUELS WITHIN  
15 THIS COMMONWEALTH WITHOUT A LIQUID FUELS PERMIT [OR] ENGAGE IN  
16 THE USE OR SALE AND DELIVERY OF FUELS WITHIN THIS COMMONWEALTH  
17 WITHOUT A FUELS PERMIT OR ENGAGE IN THE USE OR SALE AND DELIVERY  
18 OF ALTERNATIVE FUELS WITHIN THIS COMMONWEALTH WITHOUT AN  
19 ALTERNATIVE FUELS PERMIT. EACH DAY IN WHICH A DISTRIBUTOR  
20 ENGAGES IN THE USE OR SALE AND DELIVERY OF LIQUID FUELS WITHIN  
21 THIS COMMONWEALTH WITHOUT A LIQUID FUELS PERMIT [OR] FUELS  
22 WITHOUT A FUELS PERMIT OR ALTERNATIVE FUELS WITHOUT AN  
23 ALTERNATIVE FUELS PERMIT SHALL CONSTITUTE A SEPARATE OFFENSE.  
24 FOR EACH SUCH OFFENSE, THE DISTRIBUTOR COMMITS A MISDEMEANOR OF  
25 THE THIRD DEGREE.

26 (A.1) SPECIAL PERMIT FOR BLENDERS.--DISTRIBUTORS WHO  
27 PURCHASE ANY LIQUID FUELS, FUELS OR ALTERNATIVE FUELS SUBJECT TO  
28 TAX UNDER THIS CHAPTER FOR USE IN THE BLENDING OF LIQUID FUELS  
29 OR ALTERNATIVE FUELS SHALL OBTAIN A BLENDER PERMIT FROM THE  
30 DEPARTMENT. A DISTRIBUTOR HOLDING A BLENDER'S PERMIT MAY

1 PURCHASE MOTOR FUELS TAX FREE FROM OTHER DISTRIBUTORS HOLDING A  
2 PERMIT WHEN THE MOTOR FUELS ARE PURCHASED FOR USE EXCLUSIVELY IN  
3 BLENDING. BLENDERS SHALL ACCOUNT SEPARATELY FOR ALL PURCHASES OF  
4 MOTOR FUELS USED IN BLENDING. THE DEPARTMENT MAY PRESCRIBE THE  
5 FORM OF SUCH NECESSARY INFORMATION.

6 (A.2) PROHIBITIONS.--THE FOLLOWING SHALL APPLY:

7 (1) A SUSPENDED, REVOKED OR CANCELED PERMIT IS NOT A  
8 VALID PERMIT AND MAY NOT BE USED TO MAKE TAX-FREE SALES,  
9 DELIVERIES OR PURCHASES OF MOTOR VEHICLES SPECIFICALLY LISTED  
10 ON THE PERMIT.

11 (2) AN EXEMPT ENTITY MAY NOT APPLY FOR A MOTOR FUELS  
12 PERMIT AND MAY NOT RESELL MOTOR FUELS.

13 (B) APPLICATION.--A PERSON DESIRING TO OPERATE AS A  
14 DISTRIBUTOR SHALL FILE AN APPLICATION FOR [A LIQUID FUELS PERMIT  
15 OR A FUELS PERMIT, OR BOTH,] AN ALTERNATIVE FUELS PERMIT, A  
16 LIQUID FUELS PERMIT OR A FUELS PERMIT WITH THE DEPARTMENT. A  
17 DISTRIBUTOR MAY APPLY FOR MORE THAN ONE CLASS OF PERMIT. THE  
18 APPLICATION FOR A PERMIT MUST BE MADE UPON A FORM PRESCRIBED BY  
19 THE DEPARTMENT AND MUST SET FORTH THE NAME UNDER WHICH THE  
20 APPLICANT TRANSACTS OR INTENDS TO TRANSACT BUSINESS, THE  
21 LOCATION OF THE PLACE OF BUSINESS WITHIN THIS COMMONWEALTH AND  
22 SUCH OTHER INFORMATION AS THE DEPARTMENT MAY REQUIRE. THE  
23 DEPARTMENT MAY, BY WRITTEN NOTICE, REQUIRE ANY APPLICANT TO  
24 FURNISH A FINANCIAL STATEMENT IN SUCH FORM AS IT MAY PRESCRIBE.  
25 THE DEPARTMENT MAY CHARGE AN ADMINISTRATIVE APPLICATION FEE FOR  
26 EACH PERMIT. IF THE APPLICANT HAS OR INTENDS TO HAVE MORE THAN  
27 ONE PLACE OF BUSINESS WITHIN THIS COMMONWEALTH, THE APPLICATION  
28 SHALL STATE THE LOCATION OF EACH PLACE OF BUSINESS. IF THE  
29 APPLICANT IS AN ASSOCIATION, THE APPLICATION SHALL SET FORTH THE  
30 NAMES AND ADDRESSES OF THE PERSONS CONSTITUTING THE ASSOCIATION.

1 IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL SET  
2 FORTH THE NAMES AND ADDRESSES OF THE PRINCIPAL OFFICERS OF THE  
3 CORPORATION AND ANY OTHER INFORMATION PRESCRIBED BY THE  
4 DEPARTMENT FOR PURPOSES OF IDENTIFICATION. THE APPLICATION SHALL  
5 BE SIGNED AND VERIFIED BY OATH OR AFFIRMATION BY:

6 (1) THE OWNER, IF THE APPLICANT IS AN INDIVIDUAL;

7 (2) A MEMBER OR PARTNER, IF THE APPLICANT IS AN  
8 ASSOCIATION; OR

9 (3) AN OFFICER OR AN INDIVIDUAL AUTHORIZED IN A WRITING  
10 ATTACHED TO THE APPLICATION, IF THE APPLICANT IS A  
11 CORPORATION.

12 \* \* \*

13 (C.1) PERMIT CLASS.--THE DEPARTMENT MAY ESTABLISH CLASSES OF  
14 DISTRIBUTORS. EACH CLASS MAY HAVE SPECIAL BONDING REQUIREMENTS.

15 (D) SURETY BOND.--A PERMIT SHALL NOT BE GRANTED UNTIL THE  
16 APPLICANT HAS FILED WITH THE DEPARTMENT A SURETY BOND PAYABLE TO  
17 THE COMMONWEALTH IN AN AMOUNT FIXED BY THE DEPARTMENT OF AT  
18 LEAST \$2,500. EVERY BOND MUST HAVE AS SURETY AN AUTHORIZED  
19 SURETY COMPANY APPROVED BY THE DEPARTMENT. THE BOND MUST STATE  
20 THAT THE DISTRIBUTOR WILL FAITHFULLY COMPLY WITH THE PROVISIONS  
21 OF THIS CHAPTER DURING THE EFFECTIVE PERIOD OF HIS PERMIT. THE  
22 DEPARTMENT MAY REQUIRE ANY DISTRIBUTOR TO FURNISH SUCH  
23 ADDITIONAL, ACCEPTABLE CORPORATE SURETY BOND AS NECESSARY TO  
24 SECURE AT ALL TIMES THE PAYMENT TO THE COMMONWEALTH OF ALL  
25 TAXES, PENALTIES AND INTEREST DUE UNDER THE PROVISIONS OF THIS  
26 CHAPTER AND SECTION 9502 (RELATING TO IMPOSITION OF TAX). THE  
27 DEPARTMENT MAY SET A DISTRIBUTOR'S BOND AMOUNT IN A MANNER  
28 SUFFICIENT TO PROTECT THE REVENUES OF THE COMMONWEALTH. IF A  
29 DISTRIBUTOR FAILS TO FILE THE ADDITIONAL BOND WITHIN TEN DAYS  
30 AFTER WRITTEN NOTICE FROM THE DEPARTMENT, THE DEPARTMENT MAY

1 SUSPEND OR REVOKE THE PERMIT AND COLLECT ALL TAXES, PENALTIES  
2 AND INTEREST DUE. FOR THE PURPOSE OF DETERMINING WHETHER AN  
3 EXISTING BOND IS SUFFICIENT, THE DEPARTMENT MAY BY WRITTEN  
4 NOTICE REQUIRE A DISTRIBUTOR TO FURNISH A FINANCIAL STATEMENT IN  
5 SUCH FORM AS IT MAY PRESCRIBE. UPON FAILURE OF ANY DISTRIBUTOR  
6 TO FURNISH A FINANCIAL STATEMENT WITHIN 30 DAYS OF WRITTEN  
7 NOTICE, THE DEPARTMENT MAY SUSPEND OR REVOKE THE PERMIT AND  
8 SHALL COLLECT ALL TAXES, PENALTIES AND INTEREST DUE BY HIM.

9 \* \* \*

10 (G) INTERSTATE OR FOREIGN COMMERCE.--NOTHING CONTAINED IN  
11 THIS CHAPTER SHALL REQUIRE THE FILING OF ANY APPLICATION OR BOND  
12 OR THE POSSESSION AND DISPLAY OF A [LIQUID] MOTOR FUELS PERMIT  
13 FOR THE USE OR SALE AND DELIVERY OF [LIQUID] MOTOR FUELS IN  
14 INTERSTATE OR FOREIGN COMMERCE NOT WITHIN THE TAXING POWER OF  
15 THE COMMONWEALTH OR FOR THE USE OF LIQUID FUELS BY THE FEDERAL  
16 GOVERNMENT.

17 \* \* \*

18 (J) TAX COMPLIANCE.--NO DISTRIBUTOR MAY BE ISSUED A MOTOR  
19 FUELS PERMIT UNDER THIS CHAPTER UNLESS THE DISTRIBUTOR IS IN  
20 FULL COMPLIANCE WITH ALL OTHER STATE TAXES ADMINISTERED BY THE  
21 DEPARTMENT.

22 § 9004. IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS.

23 (A) LIQUID FUELS AND FUELS TAX.--A PERMANENT STATE TAX OF  
24 12¢ A GALLON OR FRACTIONAL PART THEREOF IS IMPOSED AND ASSESSED  
25 UPON ALL [LIQUID FUELS AND] MOTOR FUELS USED OR SOLD AND  
26 DELIVERED BY DISTRIBUTORS WITHIN THIS COMMONWEALTH.

27 (B) OIL COMPANY FRANCHISE TAX FOR HIGHWAY MAINTENANCE AND  
28 CONSTRUCTION.--IN ADDITION TO THE TAX IMPOSED BY SUBSECTION (A),  
29 THE TAX IMPOSED BY CHAPTER 95 (RELATING TO TAXES FOR HIGHWAY  
30 MAINTENANCE AND CONSTRUCTION) SHALL ALSO BE IMPOSED AND



1 COLLECTED ON [LIQUID FUELS AND] MOTOR FUELS, ON A CENTS-PER-  
2 GALLON EQUIVALENT BASIS, UPON ALL GALLONS OF [LIQUID FUELS AND]  
3 MOTOR FUELS AS ARE TAXABLE UNDER SUBSECTION (A).

4 \* \* \*

5 (D) ALTERNATIVE FUELS TAX.--

6 (1) A TAX IS HEREBY IMPOSED UPON ALTERNATIVE FUELS USED  
7 TO PROPEL VEHICLES OF ANY KIND OR CHARACTER ON THE PUBLIC  
8 HIGHWAYS. THE RATE OF TAX APPLICABLE TO EACH ALTERNATIVE FUEL  
9 SHALL BE COMPUTED BY THE DEPARTMENT ON A GALLON EQUIVALENT  
10 BASIS AND SHALL BE PUBLISHED AS NECESSARY BY NOTICE IN THE  
11 PENNSYLVANIA BULLETIN. THE TAX IMPOSED SHALL APPLY TO THE  
12 ENTIRE AMOUNT OF FUEL USED OR SOLD AND DELIVERED. THE  
13 DEPARTMENT SHALL STATE SEPARATELY BOTH THE LIQUID FUELS TAX  
14 AND THE OIL COMPANY FRANCHISE TAX APPLICABLE TO EACH  
15 ALTERNATIVE FUEL.

16 (2) THE TAX IMPOSED IN THIS SECTION UPON ALTERNATIVE  
17 FUELS SHALL BE REPORTED AND PAID TO THE DEPARTMENT BY EACH  
18 ALTERNATIVE FUEL [DEALER-USER RATHER THAN BY DISTRIBUTORS  
19 UNDER THIS CHAPTER SIMILAR TO THE MANNER IN WHICH  
20 DISTRIBUTORS ARE REQUIRED TO REPORT AND PAY THE TAX ON LIQUID  
21 FUELS AND FUELS, AND THE LICENSING AND BONDING PROVISIONS OF  
22 THIS CHAPTER SHALL BE APPLICABLE TO ALTERNATIVE FUEL DEALER-  
23 USERS. THE DEPARTMENT MAY PERMIT ALTERNATIVE FUEL DEALER-  
24 USERS TO REPORT THE TAX DUE FOR REPORTING PERIODS GREATER  
25 THAN ONE MONTH UP TO AN ANNUAL BASIS PROVIDED THE TAX IS  
26 PREPAID ON THE ESTIMATED AMOUNT OF ALTERNATIVE FUEL TO BE  
27 USED IN SUCH EXTENDED PERIOD. THE BONDING REQUIREMENTS MAY BE  
28 WAIVED BY THE DEPARTMENT WHERE THE TAX HAS BEEN PREPAID.]  
29 DISTRIBUTOR HOLDING A PERMIT WHEN:

30 (I) SOLD TO A PERSON FOR THE PERSON'S USE IN THE

1           PROPULSION OF A MOTOR VEHICLE ON THE PUBLIC HIGHWAYS OF  
2           THIS COMMONWEALTH; OR

3           (II) A PERSON USES ALTERNATIVE FUELS SUBJECT TO TAX  
4           UNDER PARAGRAPH (1) FOR WHICH THE ALTERNATIVE FUELS TAX  
5           HAS NEVER BEEN PAID.

6           (3) THE FOLLOWING SHALL APPLY TO THE REPORTING AND  
7           PAYMENT OF THE ALTERNATIVE FUELS TAX BY A DISTRIBUTOR:

8           (I) ONLY DISTRIBUTORS HOLDING AN ALTERNATIVE FUELS  
9           DISTRIBUTOR PERMIT ISSUED BY THE DEPARTMENT MAY REPORT  
10           AND PAY THE ALTERNATIVE FUELS TAX TO THE COMMONWEALTH.

11           (II) ALTERNATIVE FUELS TAX MUST BE REPORTED AND PAID  
12           TO THE DEPARTMENT IN THE SAME FASHION AS REQUIRED FOR  
13           LIQUID FUELS AND FUELS. THE TAX IMPOSED UNDER PARAGRAPH  
14           (2) SHALL BE COLLECTED BY THE DISTRIBUTOR AND SHALL BE  
15           BORNE BY THE CONSUMER.

16           (III) THE DEPARTMENT MAY PERMIT ALTERNATIVE FUELS  
17           DISTRIBUTORS TO REPORT THE TAX DUE FOR REPORTING PERIODS  
18           ON AN ANNUAL BASIS PROVIDED THE TAX IS PREPAID ON THE  
19           ESTIMATED AMOUNT OF ALTERNATIVE FUELS TO BE USED IN SUCH  
20           EXTENDED PERIOD. THE BONDING REQUIREMENTS MAY BE WAIVED  
21           BY THE DEPARTMENT WHERE THE TAX HAS BEEN PREPAID.

22           (4) A PURCHASER OF ALTERNATIVE FUELS WHO HAS PAID THE  
23           ALTERNATIVE FUELS TAX MAY REQUEST A REFUND OF THE TAX, IF  
24           ELIGIBLE, IN ACCORDANCE WITH THE REFUND QUALIFICATIONS FOR  
25           LIQUID FUELS AND FUELS UNDER SECTION 9017 (RELATING TO  
26           REFUNDS).

27           (5) AN EXEMPT ENTITY WHO USES ALTERNATIVE FUELS IN  
28           ACCORDANCE WITH SUBSECTIONS (E.1) AND (L) MAY APPLY FOR  
29           REFUNDS OF ALTERNATIVE FUELS TAX PAID ON THE ALTERNATIVE  
30           FUELS.

1           (6) ALTERNATIVE FUELS DISTRIBUTORS SHALL FOLLOW ALL  
2 PROVISIONS OF THIS CHAPTER APPLYING TO LIQUID FUELS AND FUELS  
3 DISTRIBUTORS, EXCEPT WHEN SUCH PROVISIONS ARE IN CONFLICT OR  
4 OTHERWISE INCONSISTENT WITH THE SPECIFIC ALTERNATIVE FUELS  
5 DISTRIBUTOR PROVISIONS OF THIS SUBSECTION, IN WHICH CASE THE  
6 PROVISIONS OF THIS SUBSECTION SHALL CONTROL.

7           (E) EXCEPTIONS.--THE TAX IMPOSED UNDER SUBSECTIONS (A), (B),  
8 (C) AND (D) SHALL NOT APPLY TO LIQUID FUELS, FUELS OR  
9 ALTERNATIVE FUELS:

10           (1) DELIVERED TO THE FEDERAL GOVERNMENT ON PRESENTATION  
11 OF AN AUTHORIZED FEDERAL GOVERNMENT EXEMPTION CERTIFICATE OR  
12 OTHER EVIDENCE SATISFACTORY TO THE DEPARTMENT.

13           (2) USED OR SOLD AND DELIVERED WHICH ARE NOT WITHIN THE  
14 TAXING POWER OF THE COMMONWEALTH UNDER THE COMMERCE CLAUSE OF  
15 THE CONSTITUTION OF THE UNITED STATES.

16           (3) USED AS FUEL IN AIRCRAFT OR AIRCRAFT ENGINES, EXCEPT  
17 FOR THE TAX IMPOSED UNDER SUBSECTION (C).

18           (4) DELIVERED TO THIS COMMONWEALTH, A POLITICAL  
19 SUBDIVISION, A VOLUNTEER FIRE COMPANY, A VOLUNTEER AMBULANCE  
20 SERVICE, A VOLUNTEER RESCUE SQUAD, A SECOND CLASS COUNTY PORT  
21 AUTHORITY OR A NONPUBLIC SCHOOL NOT OPERATED FOR PROFIT ON  
22 PRESENTATION OF EVIDENCE SATISFACTORY TO THE DEPARTMENT.

23           (5) USED IN SCHOOL BUSES FOR THE EXCLUSIVE PURPOSE OF  
24 TRANSPORTING STUDENTS IN GRADES K THROUGH 12 FOR OFFICIAL  
25 SCHOOL PURPOSES, SUBJECT TO ALL OF THE FOLLOWING:

26           (I) SCHOOL DISTRICTS ARE EXEMPT FROM THE TAX ON  
27 MOTOR FUELS, BUT MAY NOT ASSIGN THAT EXEMPTION TO A  
28 SCHOOL BUS CONTRACTOR.

29           (II) A SCHOOL DISTRICT MAY APPLY TO THE BOARD OF  
30 FINANCE AND REVENUE FOR REFUNDS OF TAXES PAID BY THE

1 SCHOOL DISTRICT'S SCHOOL BUS CONTRACTORS WHO PURCHASED  
2 TAX-PAID MOTOR FUELS FOR USE IN TRANSPORTING STUDENTS FOR  
3 OFFICIAL SCHOOL PURPOSES.

4 (III) SCHOOL BUS CONTRACTORS MAY FUEL FROM A SCHOOL  
5 DISTRICT'S TAX-FREE BULK STORAGE FOR THE SOLE PURPOSE OF  
6 TRANSPORTING STUDENTS UNDER A CONTRACT.

7 (6) SOLD TO A VOLUNTEER SERVICE, PROVIDED THAT THE  
8 VOLUNTEER SERVICE COMPLIES WITH THE FOLLOWING:

9 (I) THE MOTOR FUELS SHALL BE PURCHASED FROM A  
10 REGISTERED DISTRIBUTOR, AND THE MOTOR FUELS SHALL BE  
11 PLACED IN BULK STORAGE FACILITIES ON LAND OWNED OR  
12 LEASED, WITH FULL CONTROL THEREOVER, BY THE VOLUNTEER  
13 SERVICE. THE PURCHASER SHALL FURNISH A MOTOR FUELS TAX  
14 EXEMPTION CERTIFICATE ISSUED BY THE DEPARTMENT TO THE  
15 REGISTERED DISTRIBUTOR CERTIFYING THAT IT IS A VOLUNTEER  
16 SERVICE AND THE FUEL WILL BE USED SOLELY FOR  
17 FIREFIGHTING, EMERGENCY MEDICAL OR RESCUE PURPOSES AND  
18 ONLY IN OFFICIAL EQUIPMENT OWNED BY THE THE VOLUNTEER  
19 SERVICE.

20 (II) IF A VOLUNTEER SERVICE PURCHASES MOTOR FUELS  
21 FROM A DEALER OR A NONREGISTERED COMMONWEALTH DISTRIBUTOR  
22 AND PAYS THE FULL PRICE FOR THE FUELS, INCLUDING THE TAX,  
23 AND IF THE VOLUNTEER SERVICE USES THE MOTOR FUELS SOLELY  
24 FOR FIREFIGHTING, EMERGENCY MEDICAL OR RESCUE PURPOSES  
25 AND ONLY IN EQUIPMENT PURCHASED BY IT, THE VOLUNTEER  
26 SERVICE MAY REQUEST A REFUND OF THE TAX PAID BY APPLYING  
27 TO THE BOARD OF FINANCE AND REVENUE ON FORMS SUPPLIED BY  
28 THE BOARD OF FINANCE AND REVENUE.

29 (E.1) USE OF MOTOR FUELS BY EXEMPT ENTITIES.--THE FOLLOWING  
30 SHALL APPLY:

1           (1) AN EXEMPT ENTITY MAY ONLY USE MOTOR FUELS FOR ITS  
2           OFFICIAL BUSINESS PURPOSES. THE EXEMPT ENTITY SHALL KEEP  
3           RECORDS OF PURCHASES AND DISBURSEMENTS OF MOTOR VEHICLES  
4           SUFFICIENT TO PROVE THE OFFICIAL BUSINESS USE OF THE MOTOR  
5           FUELS. SUCH RECORDKEEPING SHOULD BE SIMILAR TO THE  
6           REQUIREMENTS FOR DISTRIBUTOR AND DEALER RECORDKEEPING UNDER  
7           SECTION 9009 (RELATING TO RETENTION OF RECORDS BY  
8           DISTRIBUTORS AND DEALERS).

9           (2) AN EXEMPT ENTITY MAY NOT RESELL MOTOR FUELS.

10           (3) AN EXEMPT ENTITY THAT VIOLATES PARAGRAPH (1) OR (2)  
11           COMMITTS A SUMMARY OFFENSE AND MAY BE ASSESSED TAX, INTEREST  
12           AND PENALTIES DUE ON ANY MOTOR FUELS IMPROPERLY USED OR  
13           RESOLD.

14           \* \* \*

15           (G) DISTRIBUTORS TO PAY TAX.--[DISTRIBUTORS] MOTOR FUELS  
16           DISTRIBUTORS SHALL BE LIABLE TO THE COMMONWEALTH FOR THE  
17           COLLECTION AND PAYMENT OF THE TAX IMPOSED BY THIS CHAPTER. THE  
18           TAX IMPOSED BY THIS CHAPTER SHALL BE COLLECTED BY THE  
19           DISTRIBUTOR AT THE TIME THE [LIQUID FUELS AND] MOTOR FUELS ARE  
20           USED OR SOLD AND DELIVERED BY THE DISTRIBUTOR AND SHALL BE BORNE  
21           BY THE CONSUMER.

22           (H) LOSSES TO BE ALLOWED.--THE DEPARTMENT SHALL ALLOW FOR  
23           HANDLING AND STORAGE LOSSES OF [LIQUID FUELS AND] MOTOR FUELS  
24           THAT ARE SUBSTANTIATED TO THE SATISFACTION OF THE DEPARTMENT.

25           (I) LIABILITY FOR USE OF DYED DIESEL FUEL OR OTHER LIQUIDS  
26           NOT SUBJECT TO MOTOR FUELS TAXES.--THE FOLLOWING SHALL APPLY TO  
27           LIABILITY FOR THE TAX PROVIDED UNDER SUBSECTIONS (A) AND (B):

28           (1) THE TAX IMPOSED UNDER SECTION 9004(A) AND (B)  
29           (RELATING TO IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS) IS  
30           IMPOSED ON THE DELIVERY OR PLACING OF DYED DIESEL FUEL OR ANY

1 LIQUID NOT OTHERWISE SUBJECT TO TAX INTO THE FUEL SUPPLY  
2 TANKS OR OTHER FUELING RECEPTACLES OR DEVICES OF A MOTOR  
3 VEHICLE IN THIS COMMONWEALTH FOR USE, IN WHOLE OR IN PART,  
4 FOR THE GENERATION OF POWER TO PROPEL THE MOTOR VEHICLE ON  
5 THE PUBLIC HIGHWAYS OF THIS COMMONWEALTH.

6 (2) THE FOLLOWING SHALL APPLY TO PARTIES LIABLE UNDER  
7 THIS SUBSECTION:

8 (I) THE PERSON WHO CAUSES TO BE OPERATED OR THE  
9 OPERATOR OF A HIGHWAY VEHICLE INTO WHICH THE DYED DIESEL  
10 FUEL OR THE OTHER LIQUID IS DELIVERED SHALL BE LIABLE FOR  
11 THE TAX IMPOSED UNDER PARAGRAPH (1).

12 (II) THE SELLER OF THE DYED DIESEL FUEL OR OTHER  
13 LIQUID IS JOINTLY AND SEVERALLY LIABLE FOR THE TAX UNDER  
14 PARAGRAPH (1) IF THE SELLER KNOWS OR HAS REASON TO KNOW  
15 THAT THE DYED DIESEL FUEL OR OTHER LIQUID WILL NOT BE  
16 USED IN A NONTAXABLE USE.

17 (3) THE EXEMPTIONS PROVIDED UNDER SUBSECTION (E) SHALL  
18 APPLY TO THE TAX IMPOSED BY THIS SUBSECTION.

19 (J) BLENDING NOT SUBJECT TO TAX.--A DISTRIBUTOR HOLDING A  
20 BLENDING PERMIT WHO BLENDS MOTOR FUELS SHALL BE EXEMPT FROM THE  
21 PAYMENT OF THE TAX WHICH WOULD OTHERWISE BE IMPOSED UPON ANY  
22 MOTOR FUELS PURCHASED FROM REGISTERED DISTRIBUTORS AND USED  
23 EXCLUSIVELY FOR BLENDING. THE DEPARTMENT SHALL ESTABLISH  
24 NECESSARY RECORDKEEPING STANDARDS FOR BLENDERS.

25 (K) SALES WITHOUT PERMITS.--SALES OF MOTOR FUELS BETWEEN A  
26 REGISTERED DISTRIBUTOR AND ANY PERSON NOT HOLDING A PERMIT OF  
27 THE PROPER CLASS SHALL ALWAYS BE SUBJECT TO TAX, UNLESS THE  
28 SALES ARE ENTITLED TO AN EXEMPTION EXPRESSLY PROVIDED FOR UNDER  
29 THIS CHAPTER.

30 (L) EXEMPTION CERTIFICATES.--AN EXEMPT ENTITY MUST PROVIDE A

1 MOTOR FUELS TAX EXEMPTION CERTIFICATE PRESCRIBED BY THE  
2 DEPARTMENT TO THE REGISTERED DISTRIBUTOR FROM WHOM THE EXEMPT  
3 ENTITY PLANS TO PURCHASE TAX-FREE MOTOR FUELS.

4 (M) NONPERMITTED PERSONS ACTING AS PERMITTED DISTRIBUTORS.--  
5 THE FOLLOWING SHALL APPLY:

6 (1) ANY PERSON NOT HOLDING A LIQUID FUELS, FUELS OR  
7 ALTERNATIVE FUELS PERMIT WHO ENGAGES IN THE USE OR SALE AND  
8 DELIVERY OF LIQUID FUELS, FUEL OR ALTERNATIVE FUELS UPON  
9 WHICH THE TAX IMPOSED UNDER THIS CHAPTER HAS NOT BEEN  
10 PREVIOUSLY PAID SHALL BE SUBJECT TO ALL RECORDKEEPING,  
11 REPORTING AND PAYMENT PROVISIONS PROVIDED FOR PERMITTED  
12 DISTRIBUTORS.

13 (2) A PERSON WHO DOES NOT HOLD THE PROPER CLASS OF  
14 PERMIT TO ENGAGE IN THE TAX-FREE USE OR SALE AND DELIVERY OF  
15 MOTOR FUELS WITH ANOTHER DISTRIBUTOR HOLDING THE PROPER CLASS  
16 OF PERMIT SHALL PAY A SUM EQUIVALENT TO 20% OF THE MOTOR  
17 FUELS TAX THAT WOULD OTHERWISE BE DUE. THIS PENALTY SHALL BE  
18 IN ADDITION TO ANY OTHER APPLICABLE TAX, INTEREST OR PENALTY  
19 PROVIDED FOR UNDER THIS CHAPTER. A PROPERLY PERMITTED  
20 DISTRIBUTOR WHO KNOWINGLY ENGAGES IN THE TAX-FREE USE OR SALE  
21 AND DELIVERY OF MOTOR FUELS WITH AN IMPROPERLY PERMITTED  
22 DISTRIBUTOR SHALL ALSO PAY A SUM EQUIVALENT TO 20% OF THE  
23 MOTOR FUELS TAX THAT WOULD OTHERWISE BE DUE. THIS PENALTY  
24 SHALL BE IN ADDITION TO ANY OTHER APPLICABLE TAX, INTEREST OR  
25 PENALTY PROVIDED FOR UNDER THIS CHAPTER. THE PENALTIES  
26 IMPOSED BY THIS SUBSECTION SHALL NOT BE CONSIDERED PART OF A  
27 TAX ASSESSMENT.

28 (3) A NONPERMITTED DISTRIBUTOR SHALL NOT BE ELIGIBLE FOR  
29 ANY OF THE DISCOUNTS PROVIDED UNDER SECTION 9006(B) (RELATING  
30 TO DISTRIBUTOR'S REPORT AND PAYMENT OF TAX).

1 SECTION 26.3. SECTION 9005 OF TITLE 75 IS AMENDED TO READ:  
2 § 9005. TAXPAYER.

3 (A) DUTY OF DISTRIBUTOR.--EVERY DISTRIBUTOR USING OR  
4 DELIVERING [LIQUID FUELS AND] MOTOR FUELS UPON WHICH A TAX IS  
5 IMPOSED BY THIS CHAPTER SHALL PAY THE TAX INTO THE STATE  
6 TREASURY THROUGH THE DEPARTMENT.

7 (B) DELIVERY BETWEEN DISTRIBUTORS.--

8 (1) WHENEVER [LIQUID FUELS AND] MOTOR FUELS ARE  
9 DELIVERED WITHIN THIS COMMONWEALTH BY ONE DISTRIBUTOR TO  
10 ANOTHER DISTRIBUTOR HOLDING A PERMIT UNDER THIS CHAPTER, THE  
11 DISTRIBUTOR RECEIVING THE [LIQUID FUELS AND] MOTOR FUELS  
12 SHALL SEPARATELY SHOW, IN THAT DISTRIBUTOR'S MONTHLY REPORTS  
13 TO THE DEPARTMENT, ALL SUCH DELIVERIES FROM EACH DISTRIBUTOR  
14 AND SHALL PAY THE LIQUID FUELS AND FUELS TAX PROVIDED FOR BY  
15 THIS CHAPTER UPON ALL SUCH [LIQUID FUELS AND] MOTOR FUELS  
16 USED OR SOLD AND DELIVERED WITHIN THIS COMMONWEALTH.

17 (2) THE DISTRIBUTOR MAKING DELIVERIES UNDER PARAGRAPH  
18 (1) SHALL SEPARATELY SHOW THOSE DELIVERIES IN THAT  
19 DISTRIBUTOR'S MONTHLY REPORTS TO THE DEPARTMENT AND SHALL  
20 THEN BE EXEMPT FROM THE PAYMENT OF THE TAX WHICH WOULD  
21 OTHERWISE BE IMPOSED UPON THE [LIQUID FUELS AND] MOTOR FUELS  
22 SO DELIVERED. THIS EXEMPTION SHALL APPLY ONLY IF BOTH  
23 DISTRIBUTORS UNDER PARAGRAPH (1) HOLD VALID PERMITS OF A  
24 CLASS AUTHORIZING TAX-FREE USE OR SALE AND DELIVERY OF THE  
25 SAME SPECIFIC MOTOR FUELS.

26 (3) THE DISTRIBUTOR SHALL FURNISH TO THE DEPARTMENT SUCH  
27 INFORMATION CONCERNING SUCH DELIVERIES AS THE DEPARTMENT MAY  
28 REQUIRE.

29 (4) THE DEPARTMENT SHALL FURNISH TO ANY DISTRIBUTOR,  
30 UPON REQUEST, A LIST OF DISTRIBUTORS HOLDING PERMITS UNDER



1 THIS CHAPTER AND THEIR ADDRESSES.

2 (5) A DISTRIBUTOR HOLDING A PERMIT IS THE ONLY PERSON  
3 ENTITLED TO SELL MOTOR FUELS TAX FREE TO ANOTHER DISTRIBUTOR  
4 HOLDING A PERMIT OR TO AN EXEMPT ENTITY.

5 (6) BOTH THE SELLER AND THE BUYER OF ANY MOTOR FUELS  
6 SOLD UPON WHICH MOTOR FUELS TAX IS IMPOSED BUT NOT REPORTED  
7 AND PAID TO THE COMMONWEALTH SHALL BE JOINTLY AND SEVERALLY  
8 LIABLE FOR THE PAYMENT OF TAX DUE IF EITHER DISTRIBUTOR DOES  
9 NOT HOLD A VALID PERMIT OF THE CLASS NECESSARY TO MAKE A TAX-  
10 FREE SALE UNDER PARAGRAPHS (1) AND (2).

11 (C) RECOVERY OF TAX PAYMENT.--DISTRIBUTORS MAY ADD THE  
12 AMOUNT OF THE TAX TO THE PRICE OF [LIQUID FUELS AND] MOTOR FUELS  
13 SOLD BY THEM AND SHALL STATE THE RATE OF THE TAX SEPARATELY FROM  
14 THE PRICE OF THE [LIQUID FUELS AND] MOTOR FUELS ON ALL PRICE  
15 DISPLAY SIGNS, SALES OR DELIVERY SLIPS, BILLS AND STATEMENTS  
16 WHICH ADVERTISE OR INDICATE THE PRICE OF [LIQUID FUELS AND]  
17 MOTOR FUELS.

18 (D) PENALTY.--A PERSON WHO VIOLATES THIS SECTION COMMITS A  
19 SUMMARY OFFENSE.

20 SECTION 26.4. SECTION 9006(A) AND (D) OF TITLE 75 ARE  
21 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO  
22 READ:

23 § 9006. DISTRIBUTOR'S REPORT AND PAYMENT OF TAX.

24 (A) MONTHLY REPORT.--FOR THE PURPOSE OF ASCERTAINING THE  
25 AMOUNT OF TAX PAYABLE UNDER THIS CHAPTER, THE DISTRIBUTOR, ON OR  
26 BEFORE THE 20TH DAY OF EACH MONTH, SHALL TRANSMIT TO THE  
27 DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT A REPORT,  
28 UNDER OATH OR AFFIRMATION, OF THE [LIQUID FUELS AND] MOTOR FUELS  
29 USED OR DELIVERED BY THAT DISTRIBUTOR WITHIN THIS COMMONWEALTH  
30 DURING THE PRECEDING MONTH. THE REPORT SHALL SHOW THE NUMBER OF

1 GALLONS OR GGES OF [LIQUID FUELS AND] MOTOR FUELS USED OR  
2 DELIVERED WITHIN THIS COMMONWEALTH DURING THE PERIOD FOR WHICH  
3 THAT REPORT IS MADE AND ANY FURTHER INFORMATION THAT THE  
4 DEPARTMENT PRESCRIBES. A DISTRIBUTOR HAVING MORE THAN ONE PLACE  
5 OF BUSINESS WITHIN THIS COMMONWEALTH SHALL COMBINE IN EACH  
6 REPORT THE USE OR DELIVERY OF [LIQUID FUELS AND] MOTOR FUELS AT  
7 ALL SUCH SEPARATE PLACES OF BUSINESS.

8 \* \* \*

9 (D) ADDITIONAL PENALTY.--IF A DISTRIBUTOR NEGLECTS OR  
10 REFUSES TO MAKE ANY REPORT [AND] OR PAYMENT AS REQUIRED, AN  
11 ADDITIONAL 10% OF THE AMOUNT OF THE TAX DUE OR \$50, WHICHEVER IS  
12 GREATER, SHALL BE ADDED BY THE DEPARTMENT AND COLLECTED AS  
13 PROVIDED. IN ADDITION TO THE ADDED PENALTY, THE PERMIT OF THE  
14 DISTRIBUTOR MAY BE SUSPENDED OR REVOKED BY THE DEPARTMENT.

15 (E) METHOD OF FILING AND TIMELINESS.--THE FOLLOWING SHALL  
16 APPLY:

17 (1) UNLESS SPECIFICALLY OTHERWISE PROVIDED FOR BY LAW,  
18 ALL REPORTS, PAYMENTS AND PETITIONS MUST BE FILED  
19 ELECTRONICALLY WITH THE DEPARTMENT. UPON RECEIPT OF AN  
20 ELECTRONIC FILING BY THE DEPARTMENT, THE FILING IS DEEMED TO  
21 HAVE OCCURRED ON THE SPECIFIC DATE AND TIME INDICATED BY THE  
22 COMPUTERS OR SYSTEMS OF THE DEPARTMENT.

23 (2) THE FOLLOWING EXCEPTIONS SHALL APPLY:

24 (I) ELECTRONIC PAYMENT IS NOT REQUIRED FOR ANY  
25 PAYMENT AMOUNT LESS THAN \$1,000.

26 (II) A DISTRIBUTOR MAY BE EXCUSED FROM ELECTRONIC  
27 FILING THAT IS OTHERWISE REQUIRED BY LAW UPON  
28 PRESENTATION TO THE DEPARTMENT OF EVIDENCE OF HARDSHIP IN  
29 FILING ELECTRONICALLY. THE EVIDENCE MUST BE PROVIDED TO  
30 AND ACCEPTED BY THE DEPARTMENT PRIOR TO THE DUE DATE FOR

1           THE REPORT, PAYMENT OR PETITION.

2           (III) ELECTRONIC FILING MAY NOT BE ACCEPTED BY THE  
3           DEPARTMENT FOR CERTAIN REQUIRED FILINGS UNDER THIS  
4           CHAPTER WHERE THE DEPARTMENT DOES NOT HAVE THE TECHNICAL  
5           CAPABILITY TO PROCESS SUCH AN ELECTRONIC FILING.

6           (3) WHENEVER A REPORT, PAYMENT OR PETITION IS REQUIRED  
7           BY LAW TO BE FILED WITH THE DEPARTMENT BY THE UNITED STATES  
8           POSTAL SERVICE, THE FOLLOWING APPLY:

9           (I) IF THE REPORT, PAYMENT OR PETITION MUST BE  
10           RECEIVED BY THE DEPARTMENT ON OR BEFORE A DAY CERTAIN,  
11           THE TAXPAYER SHALL BE DEEMED TO HAVE COMPLIED WITH THE  
12           LAW IF THE CORRECTLY ADDRESSED ENVELOPE TRANSMITTING THE  
13           REPORT, PAYMENT OR PETITION RECEIVED BY THE DEPARTMENT IS  
14           POSTMARKED BY UNITED STATES POSTAL SERVICE ON OR PRIOR TO  
15           THE FINAL DAY ON WHICH THE REPORT, PAYMENT OR PETITION IS  
16           REQUIRED TO BE RECEIVED.

17           (II) FOR PURPOSES OF THIS PARAGRAPH, PRESENTATION OF  
18           A RECEIPT FROM UNITED STATES POSTAL SERVICE INDICATING  
19           THAT THE CORRECTLY ADDRESSED ENVELOPE TRANSMITTING THE  
20           REPORT, PAYMENT OR PETITION RECEIVED BY THE DEPARTMENT  
21           WAS MAILED ON OR BEFORE THE DUE DATE SHALL BE EVIDENCE OF  
22           TIMELY FILING AND PAYMENT.

23           (III) THIS PARAGRAPH SHALL NOT APPLY TO ANY REPORT,  
24           PAYMENT OR PETITION THAT IS REQUIRED BY LAW TO BE  
25           DELIVERED BY ANY METHOD OTHER THAN MAILING.

26           (4) TO BE CONSIDERED TIMELY, BOTH A REPORT AND ANY  
27           PAYMENT DUE, IF APPLICABLE, INCLUDING ANY INTEREST OR  
28           PENALTY, MUST BE FILED BEFORE THE DUE DATE.

29           SECTION 26.5. SECTIONS 9007, 9008 AND 9009 OF TITLE 75 ARE  
30           AMENDED TO READ:

1 § 9007. [DETERMINATION AND REDETERMINATION] ASSESSMENT AND  
2 REASSESSMENT OF TAX, PENALTIES AND INTEREST DUE.

3 (A) [DETERMINATION] ASSESSMENT.--IF THE DEPARTMENT IS NOT  
4 SATISFIED WITH THE REPORT AND PAYMENT OF TAX MADE BY ANY  
5 DISTRIBUTOR UNDER THE PROVISIONS OF THIS CHAPTER, IT IS  
6 AUTHORIZED TO MAKE [A DETERMINATION] AN ASSESSMENT OF THE TAX  
7 DUE BY THE DISTRIBUTOR BASED UPON THE FACTS CONTAINED IN THE  
8 REPORT OR UPON ANY INFORMATION WITHIN ITS POSSESSION.

9 (B) NOTICE.--PROMPTLY AFTER THE DATE OF [DETERMINATION]  
10 ASSESSMENT, THE DEPARTMENT SHALL SEND BY REGISTERED MAIL A COPY  
11 TO THE DISTRIBUTOR. WITHIN 90 DAYS AFTER THE DATE UPON WHICH THE  
12 COPY OF THE [DETERMINATION] ASSESSMENT WAS MAILED, THE  
13 DISTRIBUTOR MAY FILE WITH THE DEPARTMENT A PETITION FOR  
14 [REDETERMINATION] REASSESSMENT OF SUCH TAX. A PETITION FOR  
15 [REDETERMINATION] REASSESSMENT MUST STATE SPECIFICALLY THE  
16 REASONS WHICH THE PETITIONER BELIEVES ALLOW THE  
17 [REDETERMINATION] REASSESSMENT AND MUST BE SUPPORTED BY  
18 AFFIDAVIT THAT IT IS NOT MADE FOR THE PURPOSE OF DELAY AND THAT  
19 THE FACTS SET FORTH ARE TRUE. THE DEPARTMENT SHALL, WITHIN SIX  
20 MONTHS AFTER THE DATE OF [A DETERMINATION] AN ASSESSMENT,  
21 DISPOSE OF A PETITION FOR [REDETERMINATION] REASSESSMENT. NOTICE  
22 OF THE ACTION TAKEN UPON ANY PETITION FOR [REDETERMINATION]  
23 REASSESSMENT SHALL BE GIVEN TO THE PETITIONER PROMPTLY AFTER THE  
24 DATE OF [REDETERMINATION] REASSESSMENT BY THE DEPARTMENT.

25 (C) ADMINISTRATIVE APPEAL.--[WITHIN 60 DAYS AFTER THE DATE  
26 OF MAILING OF NOTICE BY THE DEPARTMENT OF THE ACTION TAKEN ON  
27 ANY PETITION FOR REDETERMINATION FILED WITH IT, THE DISTRIBUTOR  
28 AGAINST WHOM THE DETERMINATION WAS MADE MAY BY PETITION REQUEST  
29 THE BOARD OF FINANCE AND REVENUE TO REVIEW THE ACTION. A  
30 PETITION FOR REVIEW MUST STATE SPECIFICALLY THE REASON UPON

1 WHICH THE PETITIONER RELIES OR MUST INCORPORATE BY REFERENCE THE  
2 PETITION FOR REDETERMINATION IN WHICH THE REASONS HAVE BEEN  
3 STATED. THE PETITION MUST BE SUPPORTED BY AFFIDAVIT THAT IT IS  
4 NOT MADE FOR THE PURPOSE OF DELAY AND THAT THE FACTS SET FORTH  
5 ARE TRUE. IF THE PETITIONER IS A CORPORATION OR ASSOCIATION, THE  
6 AFFIDAVIT MUST BE MADE BY ONE OF ITS PRINCIPAL OFFICERS. A  
7 PETITION FOR REVIEW MAY BE AMENDED BY THE PETITIONER AT ANY TIME  
8 PRIOR TO THE HEARING. THE BOARD SHALL ACT FINALLY IN DISPOSITION  
9 OF PETITIONS FILED WITH IT WITHIN SIX MONTHS AFTER THEY HAVE  
10 BEEN RECEIVED. IN THE EVENT OF THE FAILURE TO DISPOSE OF A  
11 PETITION WITHIN SIX MONTHS, THE ACTION TAKEN BY THE DEPARTMENT  
12 UPON THE PETITION FOR REDETERMINATION SHALL BE DEEMED SUSTAINED.  
13 THE BOARD MAY SUSTAIN THE ACTION TAKEN ON THE PETITION FOR  
14 REDETERMINATION OR IT MAY REDETERMINE THE TAX DUE UPON SUCH  
15 BASIS AS IT DEEMS ACCORDING TO LAW AND EQUITY. NOTICE OF THE  
16 ACTION OF THE BOARD SHALL BE GIVEN TO THE DEPARTMENT AND TO THE  
17 PETITIONER.] A PERSON DISSATISFIED WITH THE DECISION OF THE  
18 DEPARTMENT UNDER SUBSECTION (B) SHALL HAVE THE RIGHT TO PETITION  
19 FOR REVIEW BY THE BOARD OF FINANCE AND REVENUE IN ACCORDANCE  
20 WITH ARTICLE XXVII OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2),  
21 KNOWN AS THE TAX REFORM CODE OF 1971.

22 (D) SANCTIONS.--IF A DISTRIBUTOR NEGLECTS OR REFUSES TO MAKE  
23 A REPORT [AND] OR PAYMENT OF TAX REQUIRED BY THIS CHAPTER, THE  
24 DEPARTMENT SHALL ESTIMATE THE TAX DUE BY SUCH DISTRIBUTOR AND  
25 [DETERMINE] ASSESS THE AMOUNT DUE FOR TAXES, PENALTIES AND  
26 INTEREST. THERE SHALL BE NO RIGHT OF REVIEW OR APPEAL FROM THIS  
27 [DETERMINATION] ASSESSMENT. UPON NEGLECT OR REFUSAL, PERMITS  
28 ISSUED TO THE DISTRIBUTOR MAY BE SUSPENDED OR REVOKED BY THE  
29 DEPARTMENT AND REQUIRED TO BE SURRENDERED TO THE DEPARTMENT.  
30 § 9008. EXAMINATION OF RECORDS AND EQUIPMENT.

1 (A) GENERAL RULE.--THE DEPARTMENT OR ANY AGENT APPOINTED IN  
2 WRITING BY THE DEPARTMENT IS AUTHORIZED TO EXAMINE THE BOOKS,  
3 PAPERS, RECORDS, METERS, STORAGE TANKS AND CONTENTS, AND ANY  
4 OTHER EQUIPMENT OF ANY DISTRIBUTOR, DEALER OR ANY OTHER PERSON  
5 PERTAINING TO THE USE OR SALE AND DELIVERY OF LIQUID FUELS AND  
6 FUELS TAXABLE UNDER THIS CHAPTER TO VERIFY THE ACCURACY OF ANY  
7 REPORT OR PAYMENT MADE UNDER THE PROVISIONS OF THIS CHAPTER OR  
8 TO ASCERTAIN WHETHER OR NOT THE TAX IMPOSED BY THIS CHAPTER HAS  
9 BEEN PAID. ANY INFORMATION GAINED BY THE DEPARTMENT AS THE  
10 RESULT OF THE REPORTS, INVESTIGATIONS OR VERIFICATIONS REQUIRED  
11 TO BE MADE SHALL BE CONFIDENTIAL.

12 (B) PENALTY.--A PERSON DIVULGING CONFIDENTIAL INFORMATION  
13 UNDER SUBSECTION (A) COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

14 (C) CONSUMER PROTECTION.--NOTWITHSTANDING SUBSECTION (A) OR  
15 (B) OR SECTION 731 OF THE ACT OF APRIL 9, 1929 (P.L.343,  
16 NO.176), KNOWN AS THE FISCAL CODE, ANY INCORRECT MOTOR FUEL  
17 COMPOSITION INFORMATION, INCLUDING OCTANE VALUES, DISCOVERED BY  
18 THE DEPARTMENT UPON EXAMINATION OF STORAGE TANK CONTENTS OR  
19 RELATED RECORDS MAY BE DISCLOSED TO THE ATTORNEY GENERAL'S  
20 OFFICE FOR INVESTIGATION.

21 (D) PUBLIC SAFETY.--NOTWITHSTANDING SUBSECTION (A) OR (B) OR  
22 SECTION 731 OF THE FISCAL CODE, ANY SUSPECTED VIOLATION THAT  
23 COULD POSE A THREAT TO PUBLIC SAFETY DISCOVERED BY THE  
24 DEPARTMENT DURING AN EXAMINATION AUTHORIZED BY THIS SECTION MAY  
25 BE DISCLOSED TO THE APPROPRIATE ENFORCEMENT AUTHORITY FOR  
26 INVESTIGATION.

27 § 9009. RETENTION OF RECORDS BY DISTRIBUTORS AND DEALERS.

28 (A) RECORD RETENTION PERIOD.--

29 (1) THE DISTRIBUTOR AND DEALER SHALL MAINTAIN AND KEEP,  
30 FOR A PERIOD [OF TWO YEARS] CONSISTING OF THE CURRENT

1 CALENDAR YEAR PLUS THE PREVIOUS TWO YEARS, A RECORD OF  
2 [LIQUID FUELS AND] MOTOR FUELS USED OR SOLD AND DELIVERED  
3 WITHIN THIS COMMONWEALTH BY THE DISTRIBUTOR, TOGETHER WITH  
4 INVOICES, BILLS OF LADING AND OTHER PERTINENT PAPERS AS  
5 REQUIRED BY THE DEPARTMENT. THE AMOUNT OF TAX IMPOSED ON EACH  
6 SALE OF MOTOR FUELS SHALL BE STATED SEPARATELY.

7 (2) A PERSON PURCHASING [LIQUID FUELS AND] MOTOR FUELS  
8 TAXABLE UNDER THIS CHAPTER FROM A DISTRIBUTOR FOR THE PURPOSE  
9 OF RESALE SHALL MAINTAIN, FOR A PERIOD [OF TWO YEARS]  
10 CONSISTING OF THE CURRENT CALENDAR YEAR PLUS THE PREVIOUS TWO  
11 YEARS, A RECORD OF [LIQUID FUELS AND] MOTOR FUELS RECEIVED,  
12 THE AMOUNT OF TAX PAID TO THE DISTRIBUTOR AS PART OF THE  
13 PURCHASE PRICE, DELIVERY TICKETS, INVOICES AND BILLS OF  
14 LADING AND SUCH OTHER RECORDS AS THE DEPARTMENT REQUIRES.

15 (3) ADDITIONAL RECORDS INCLUDE:

16 (I) A DISTRIBUTOR SHALL KEEP A RECORD SHOWING THE  
17 NUMBER OF GALLONS, GGES OR STANDARD CUBIC FEET OF:

18 (A) ALL [DIESEL] MOTOR FUEL INVENTORIES ON HAND  
19 AT THE FIRST OF EACH MONTH;

20 (B) ALL [DIESEL] MOTOR FUEL REFINED, COMPOUNDED  
21 OR BLENDED;

22 (C) ALL [DIESEL] MOTOR FUEL PURCHASED OR  
23 RECEIVED, SHOWING THE NAME OF THE SELLER AND THE DATE  
24 OF EACH PURCHASE OR RECEIPT;

25 (D) ALL [DIESEL] MOTOR FUEL SOLD, DISTRIBUTED OR  
26 USED, SHOWING THE NAME OF THE PURCHASER AND THE DATE  
27 OF SALE, DISTRIBUTION OR USE; AND

28 (E) ALL [DIESEL] MOTOR FUEL LOST BY FIRE OR  
29 OTHER ACCIDENT.

30 (II) A DISTRIBUTOR SHALL KEEP A RECORD SHOWING THE

1 OCTANE VALUE OF EACH MOTOR FUEL PURCHASED, SOLD OR  
2 BLENDED.

3 [(II)] (III) A DEALER SHALL KEEP A RECORD SHOWING  
4 THE NUMBER OF GALLONS, GGES OR STANDARD CUBIC FEET OF:

5 (A) ALL [DIESEL] MOTOR FUEL INVENTORIES ON HAND  
6 AT THE FIRST OF EACH MONTH;

7 (B) ALL [DIESEL] MOTOR FUEL PURCHASED OR  
8 RECEIVED, SHOWING THE NAME OF THE SELLER, THE DATE OF  
9 EACH PURCHASE OR RECEIPT;

10 (C) ALL [DIESEL] MOTOR FUEL SOLD, DISTRIBUTED OR  
11 USED; AND

12 (D) ALL [DIESEL] MOTOR FUEL LOST BY FIRE OR  
13 OTHER ACCIDENT.

14 (IV) A DEALER SHALL KEEP A RECORD SHOWING THE OCTANE  
15 VALUE OF EACH MOTOR FUEL PURCHASED, SOLD OR BLENDED.

16 (B) PENALTY.--ANY PERSON VIOLATING ANY OF THE PROVISIONS OF  
17 THIS SECTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

18 (C) MAINTENANCE OF RECORDKEEPING EQUIPMENT.--THE FOLLOWING  
19 SHALL APPLY:

20 (1) DISTRIBUTORS AND DEALERS ARE RESPONSIBLE FOR  
21 ENSURING THAT ALL MEASURING EQUIPMENT USED FOR RECORDKEEPING,  
22 INCLUDING, BUT NOT LIMITED TO, METERS, GAUGES AND ELECTRONIC  
23 SENSORS, ARE MAINTAINED IN GOOD WORKING ORDER SO THAT THE  
24 DEPARTMENT, UPON INSPECTION OF RECORDS AND EQUIPMENT PROVIDED  
25 FOR IN THIS CHAPTER, IS ABLE TO DETERMINE THE PROPER TAX THAT  
26 THE DISTRIBUTOR OR DEALER SHOULD HAVE REPORTED OR PAID TO THE  
27 COMMONWEALTH.

28 (2) ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS  
29 SUBSECTION COMMITS A SUMMARY OFFENSE.

30 SECTION 26.6. SECTION 9011 OF TITLE 75 IS AMENDED BY ADDING



1 A SUBSECTION TO READ:

2 § 9011. DISCONTINUANCE OR TRANSFER OF BUSINESS.

3 \* \* \*

4 (B.1) NEW PERMIT PROHIBITED.--ANY NATURAL PERSON WHO  
5 PARTICIPATED AS AN OWNER OR OFFICER OF A DISTRIBUTOR REQUIRED TO  
6 PROVIDE NOTICE UNDER SUBSECTION (A) IS PROHIBITED FROM APPLYING  
7 FOR A NEW PERMIT UNTIL THE UNDERLYING LIABILITIES TO THE  
8 COMMONWEALTH FROM THE DISCONTINUED OR TRANSFERRED DISTRIBUTOR  
9 ARE SATISFIED.

10 SECTION 26.7. SECTION 9012(A) OF TITLE 75 IS AMENDED AND THE  
11 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

12 § 9012. SUSPENSION OR REVOCATION OF PERMITS.

13 (A) NOTICE AND HEARINGS.--IF THE DEPARTMENT FINDS THAT THE  
14 HOLDER OF A PERMIT HAS FAILED TO COMPLY WITH THE PROVISIONS OF  
15 THIS CHAPTER, THE DEPARTMENT SHALL NOTIFY THE PERMIT HOLDER AND  
16 AFFORD THE PERMIT HOLDER A HEARING ON [FIVE] SEVEN DAYS' WRITTEN  
17 NOTICE. A HEARING WILL BE SCHEDULED BY THE DEPARTMENT ONLY UPON  
18 REQUEST BY THE PERMIT HOLDER.

19 \* \* \*

20 (B.1) IMMEDIATE SUSPENSION OR REVOCATION.--NOTWITHSTANDING  
21 SUBSECTION (A), THE DEPARTMENT MAY IMMEDIATELY SUSPEND OR REVOKE  
22 A PERMIT FOR FAILURE TO TIMELY REPORT OR PAY ANY TAX DUE UNDER  
23 SECTION 9006 (RELATING TO DISTRIBUTOR'S REPORT AND PAYMENT OF  
24 TAX).

25 (B.2) DEMAND ON SURETY BOND.--NOTWITHSTANDING SUBSECTION  
26 (A), THE DEPARTMENT MAY MAKE DEMAND UPON A DISTRIBUTOR'S SURETY  
27 BOND WHERE THE DISTRIBUTOR HAS FAILED TO TIMELY REPORT OR PAY  
28 ANY TAX DUE UNDER SECTION 9006.

29 \* \* \*

30 SECTION 26.8. SECTIONS 9013, 9014(A)(1)(I) AND (II), 9015,

1 9016, 9017(A.1), (B), (E.1), (E.2) AND (F), 9018(A) AND (C),  
2 9019 HEADING, (A), (C), (D) (1) AND (2) AND (G) AND 9022 OF TITLE  
3 75 ARE AMENDED TO READ:

4 § 9013. LIEN OF TAXES, PENALTIES AND INTEREST.

5 [(A) GENERAL RULE.--] ALL UNPAID TAXES IMPOSED BY THIS  
6 CHAPTER AND SECTION 9502 (RELATING TO IMPOSITION OF TAX) AND  
7 PENALTIES AND INTEREST DUE SHALL BE A LIEN [UPON THE FRANCHISES  
8 AND PROPERTY OF THE TAXPAYER AFTER THE LIEN HAS BEEN ENTERED AND  
9 DOCKETED OF RECORD BY THE PROTHONOTARY OR SIMILAR OFFICER OF THE  
10 COUNTY WHERE THE PROPERTY IS SITUATED], AS PROVIDED IN ARTICLE  
11 XIV OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE  
12 FISCAL CODE.

13 [(B) PRIORITY OF LIEN.--THE LIEN UNDER SUBSECTION (A) SHALL  
14 HAVE PRIORITY FROM THE DATE OF ITS ENTRY OF RECORD AND SHALL BE  
15 FULLY PAID AND SATISFIED OUT OF THE PROCEEDS OF A JUDICIAL SALE  
16 OF PROPERTY SUBJECT TO THE LIEN BEFORE ANY OTHER OBLIGATION,  
17 JUDGMENT, CLAIM, LIEN OR ESTATE TO WHICH THE PROPERTY MAY  
18 SUBSEQUENTLY BECOME SUBJECT, EXCEPT COSTS OF THE SALE AND OF THE  
19 WRIT UPON WHICH THE SALE WAS MADE AND REAL ESTATE TAXES AND  
20 MUNICIPAL CLAIMS AGAINST THE PROPERTY. THE LIEN UNDER SUBSECTION  
21 (A) SHALL BE SUBORDINATE TO MORTGAGES AND OTHER LIENS EXISTING  
22 AND RECORDED OR ENTERED OF RECORD PRIOR TO THE RECORDING OF THE  
23 TAX LIEN.

24 (C) DISCHARGE OF LIEN.--IN THE CASE OF A JUDICIAL SALE OF  
25 PROPERTY SUBJECT TO A LIEN IMPOSED UNDER THIS SECTION, THE SALE  
26 SHALL DISCHARGE THE LIEN IMPOSED UNDER THIS SECTION TO THE  
27 EXTENT ONLY THAT THE PROCEEDS ARE APPLIED TO ITS PAYMENT, AND  
28 THE LIEN SHALL CONTINUE IN FULL FORCE AND EFFECT AS TO THE  
29 BALANCE REMAINING UNPAID.

30 (D) PROCEDURE.--

1           (1) STATEMENTS OF ALL TAXES IMPOSED UNDER THIS CHAPTER  
2 AND SECTION 9502, TOGETHER WITH PENALTIES AND INTEREST,  
3 CERTIFIED BY THE SECRETARY, MAY BE TRANSMITTED TO THE  
4 PROTHONOTARIES OR SIMILAR OFFICERS OF THE RESPECTIVE COUNTIES  
5 OF THIS COMMONWEALTH TO BE ENTERED OF RECORD AND INDEXED AS  
6 JUDGMENTS ARE NOW INDEXED.

7           (2) A WRIT OF EXECUTION MAY DIRECTLY ISSUE UPON THE LIEN  
8 WITHOUT THE ISSUANCE AND PROSECUTION TO JUDGMENT OF A WRIT OF  
9 SCIRE FACIAS.

10           (3) NOT LESS THAN TEN DAYS BEFORE ISSUANCE OF EXECUTION  
11 ON A LIEN, NOTICE OF THE FILING AND THE EFFECT OF THE LIEN  
12 SHALL BE SENT BY REGISTERED MAIL TO THE TAXPAYER AT THE  
13 TAXPAYER'S LAST KNOWN POST OFFICE ADDRESS.

14           (4) A PROTHONOTARY OR SIMILAR OFFICER MAY NOT REQUIRE,  
15 AS A CONDITION PRECEDENT TO THE ENTRY OF A LIEN UNDER THIS  
16 SECTION, THE PAYMENT OF COSTS INCIDENT TO ENTRY OF THE LIEN.

17           (5) A LIEN UNDER THIS SECTION SHALL CONTINUE FOR FIVE  
18 YEARS FROM THE DATE OF ENTRY AND MAY BE REVIVED AND CONTINUED  
19 UNDER THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS  
20 THE FISCAL CODE.

21           (E) STATEMENT TO DEPARTMENT.--A SHERIFF, RECEIVER, TRUSTEE,  
22 ASSIGNEE, MASTER OR OTHER OFFICER MAY NOT SELL THE PROPERTY OR  
23 FRANCHISES OF A DISTRIBUTOR WITHOUT FIRST FILING WITH THE  
24 DEPARTMENT A STATEMENT CONTAINING ALL OF THE FOLLOWING  
25 INFORMATION:

26           (1) NAME OR NAMES OF THE PLAINTIFF OR PARTY AT WHOSE  
27 INSTANCE OR UPON WHOSE ACCOUNT THE SALE IS MADE.

28           (2) NAME OF THE PERSON WHOSE PROPERTY OR FRANCHISE IS TO  
29 BE SOLD.

30           (3) THE TIME AND PLACE OF SALE.

1 (4) THE NATURE AND LOCATION OF THE PROPERTY.

2 (F) NOTICE CONCERNING LIEN.--THE DEPARTMENT, AFTER RECEIVING  
3 NOTICE UNDER SUBSECTION (E), SHALL FURNISH TO THE SHERIFF,  
4 RECEIVER, TRUSTEE, ASSIGNEE, MASTER OR OTHER OFFICER HAVING  
5 CHARGE OF THE SALE A CERTIFIED COPY OR COPIES OF ALL LIQUID  
6 FUELS TAX, FUELS TAX AND OIL COMPANY FRANCHISE TAX PENALTIES AND  
7 INTEREST ON FILE IN THE DEPARTMENT AS LIENS AGAINST THE PERSON  
8 OR, IF THERE ARE NO SUCH LIENS, A CERTIFICATE SHOWING THAT FACT.  
9 THE CERTIFIED COPY OR COPIES OR CERTIFICATE SHALL BE PUBLICLY  
10 READ BY THE OFFICER IN CHARGE OF THE SALE AT AND IMMEDIATELY  
11 BEFORE THE SALE OF THE PROPERTY OR FRANCHISE OF THE PERSON.

12 (G) LIEN CERTIFICATE.--THE DEPARTMENT SHALL FURNISH TO A  
13 PERSON MAKING APPLICATION, UPON PAYMENT OF THE PRESCRIBED FEE, A  
14 CERTIFICATE SHOWING THE AMOUNT OF ALL LIENS FOR LIQUID FUELS  
15 TAX, FUELS TAX OR OIL COMPANY FRANCHISE TAX, PENALTIES AND  
16 INTEREST UNDER THE PROVISIONS OF THIS CHAPTER ON RECORD IN THE  
17 DEPARTMENT AGAINST ANY PERSON.]

18 § 9014. COLLECTION OF UNPAID TAXES.

19 (A) WHEN COLLECTION COMMENCES.--

20 (1) THE DEPARTMENT SHALL CALL UPON THE OFFICE OF  
21 ATTORNEY GENERAL TO COLLECT TAXES, PENALTIES OR INTEREST  
22 IMPOSED BY THIS CHAPTER OR SECTION 9502 (RELATING TO  
23 IMPOSITION OF TAX) AT THE FOLLOWING TIMES:

24 (I) WHEN PAYMENT IS NOT MADE WITHIN 30 DAYS OF  
25 [DETERMINATION] ASSESSMENT UNLESS A PETITION FOR  
26 REDETERMINATION HAS BEEN FILED.

27 (II) WHEN PAYMENT IS NOT MADE WITHIN 30 DAYS OF THE  
28 DATE OF [REDETERMINATION] REASSESSMENT UNLESS A PETITION  
29 FOR REVIEW HAS BEEN FILED.

30 \* \* \*

1 § 9015. [REPORTS FROM COMMON CARRIERS.

2 (A) DUTY.--A PERSON TRANSPORTING LIQUID FUELS EITHER IN  
3 INTERSTATE OR INTRASTATE COMMERCE TO A POINT WITHIN THIS  
4 COMMONWEALTH FROM A POINT WITHIN OR WITHOUT THIS COMMONWEALTH  
5 SHALL REPORT UNDER OATH OR AFFIRMATION TO THE DEPARTMENT ON OR  
6 BEFORE THE LAST DAY OF EACH MONTH FOR THE PRECEDING MONTH ALL  
7 DELIVERIES OF LIQUID FUELS MADE TO POINTS WITHIN THIS  
8 COMMONWEALTH.

9 (B) FORMS.--THE REPORT SHALL BE ON A FORM PRESCRIBED BY THE  
10 DEPARTMENT AND SHALL STATE THE NAMES AND ADDRESSES OF THE  
11 CONSIGNOR AND CONSIGNEE, THE NUMBER OF GALLONS OF LIQUID FUELS  
12 TRANSPORTED AND ANY OTHER INFORMATION WHICH THE DEPARTMENT MAY  
13 REQUIRE.

14 (C) PENALTY.--ANY PERSON VIOLATING ANY OF THE PROVISIONS OF  
15 THIS SECTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE.]

16 (RESERVED).

17 § 9016. [REWARD FOR DETECTION OF VIOLATIONS.

18 THE SECRETARY IS AUTHORIZED TO PAY A REWARD, OUT OF MONEY  
19 APPROPRIATED FROM THE MOTOR LICENSE FUND FOR THE PURPOSE, TO ANY  
20 PERSON, OTHER THAN A STATE OFFICER OR EMPLOYEE, WHO REPORTS A  
21 DISTRIBUTOR WHO HAS FAILED TO FILE THE REPORTS REQUIRED AND PAY  
22 THE TAX IMPOSED BY THIS CHAPTER. THE REWARD SHALL BE IN AN  
23 AMOUNT THE SECRETARY DEEMS PROPER, NOT EXCEEDING 10% OF THE  
24 AMOUNT OF THE TAX, PENALTY AND INTEREST DUE. A REWARD SHALL NOT  
25 BE PAID UNLESS COLLECTION OF THE DELINQUENT TAX HAS BEEN MADE OR  
26 THE DISTRIBUTOR HAS BEEN CONVICTED FOR VIOLATING THIS CHAPTER.]

27 (RESERVED).

28 § 9017. REFUNDS.

29 \* \* \*

30 (A.1) BOARD OF FINANCE AND REVENUE.--THE BOARD OF FINANCE

1 AND REVENUE MAY MAKE REIMBURSEMENTS AND REFUNDS OF TAX IMPOSED  
2 AND COLLECTED UPON ALTERNATIVE FUELS, LIQUID FUELS OR FUELS AS  
3 PROVIDED UNDER SUBSECTIONS (B), (C) OR (E). IN ADDITION, THE  
4 BOARD MAY REFUND ON AN ANNUAL BASIS ANY TAX IMPOSED BY THIS  
5 CHAPTER AND COLLECTED BY THE DEPARTMENT UPON ALTERNATIVE FUELS,  
6 LIQUID FUELS OR FUELS DELIVERED TO ANY ENTITY EXEMPT FROM TAX  
7 UNDER SECTION 9004(E) (RELATING TO IMPOSITION OF TAX, EXEMPTIONS  
8 AND DEDUCTIONS) WHICH HAS NOT BEEN CLAIMED AS EXEMPT BY THE  
9 DISTRIBUTOR OR OTHERWISE REFUNDED. THE BOARD MAY ADOPT  
10 REGULATIONS RELATING TO PROCEDURES FOR THE ADMINISTRATION OF ITS  
11 DUTIES UNDER THIS SUBSECTION.

12 (B) FARM TRACTORS AND VOLUNTEER FIRE RESCUE AND AMBULANCE  
13 SERVICES.--A PERSON SHALL BE REIMBURSED THE FULL AMOUNT OF THE  
14 TAX IMPOSED BY THIS CHAPTER IF THE PERSON USES OR BUYS  
15 ALTERNATIVE FUELS, LIQUID FUELS OR FUELS ON WHICH THE TAX  
16 IMPOSED BY THIS CHAPTER HAS BEEN PAID AND CONSUMES THEM:

17 (1) IN THE OPERATION OF ANY NONLICENSED FARM TRACTOR OR  
18 LICENSED FARM TRACTOR WHEN USED OFF THE HIGHWAYS FOR  
19 AGRICULTURAL PURPOSES RELATING TO THE ACTUAL PRODUCTION OF  
20 FARM PRODUCTS; OR

21 (2) IN THE OPERATION OF A VEHICLE OF A VOLUNTEER FIRE  
22 COMPANY, VOLUNTEER AMBULANCE SERVICE OR VOLUNTEER RESCUE  
23 SQUAD.

24 \* \* \*

25 (E.1) TRUCK REFRIGERATION UNITS.--

26 (1) A PROGRAM SHALL BE IMPLEMENTED TO PROVIDE  
27 REIMBURSEMENT FOR TAX PAID ON UNDYED DIESEL FUEL USED IN  
28 TRUCK REFRIGERATION UNITS.

29 (2) A PERSON SHALL BE REIMBURSED THE AMOUNT OF TAX PAID  
30 PURSUANT TO SECTION 9004 ON ANY PURCHASE OF UNDYED DIESEL

1 FUEL WHICH IS NOT MORE THAN [75] 100 GALLONS OR GASOLINE  
2 GALLON EQUIVALENTS PER PURCHASE AND IS DELIVERED INTO A FUEL  
3 TANK WHICH IS DESIGNED TO SUPPLY ONLY AN INTERNAL COMBUSTION  
4 ENGINE MOUNTED ON A REGISTERED VEHICLE USED EXCLUSIVELY FOR  
5 TRUCK REFRIGERATION.

6 (3) FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH SEPTEMBER  
7 30, 1998, CLAIMS FOR REIMBURSEMENT OF TAXES PAID SHALL BE  
8 FILED BY MARCH 1, 1999, WITH THE DEPARTMENT OF REVENUE. FOR  
9 THE PERIOD OF OCTOBER 1, 1998, THROUGH SEPTEMBER 30, 1999,  
10 CLAIMS FOR REIMBURSEMENT UNDER THIS SUBSECTION SHALL BE FILED  
11 BY OCTOBER 31, 1999, WITH THE DEPARTMENT. FOR THE PERIOD FROM  
12 OCTOBER 1, 1999, THROUGH SEPTEMBER 30, 2000, INCLUSIVE,  
13 CLAIMS FOR REIMBURSEMENT UNDER THIS SUBSECTION SHALL BE FILED  
14 WITH THE DEPARTMENT BY OCTOBER 31, 2000. FOR THE QUARTER  
15 BEGINNING OCTOBER 1, 2000, AND EACH QUARTER THEREAFTER,  
16 CLAIMS FOR REIMBURSEMENT SHALL BE FILED WITH THE DEPARTMENT  
17 ON A QUARTERLY BASIS AND MUST BE FILED WITHIN 60 DAYS  
18 FOLLOWING THE END OF THE QUARTER FOR WHICH REIMBURSEMENT IS  
19 BEING CLAIMED.

20 (4) THE DEPARTMENT MAY REQUIRE A CLAIMANT TO SATISFY ANY  
21 SALES OR USE TAX LIABILITY ON THE UNDYED DIESEL FUEL OR  
22 ALTERNATIVE FUELS FOR WHICH THE REIMBURSEMENT IS CLAIMED.

23 (5) A CLAIM FOR REIMBURSEMENT MUST BE SUPPORTED BY SALES  
24 RECEIPTS WITH THE WORD "REEFER" NOTED ON THE CLAIM AND THE  
25 DATE OF PURCHASE, SELLER'S NAME AND ADDRESS, NUMBER OF  
26 GALLONS OR GASOLINE GALLON EQUIVALENTS PURCHASED, FUEL TYPE,  
27 PRICE PER GALLON OR GGE OR TOTAL AMOUNT OF SALE, UNIT NUMBERS  
28 AND THE PURCHASER'S NAME. THE DEPARTMENT MAY SPECIFY OTHER  
29 DOCUMENTATION WHICH IT WILL ACCEPT IN LIEU OF SALES RECEIPTS.  
30 IN THE CASE OF WITHDRAWALS FROM CLAIMANT-OWNED TAX-PAID BULK

1 STORAGE, THE CLAIM MUST BE SUPPORTED BY DETAILED RECORDS OF  
2 THE DATE OF WITHDRAWAL, NUMBER OF GALLONS, OR GASOLINE GALLON  
3 EQUIVALENTS, FUEL TYPE, UNIT NUMBER AND PURCHASE AND  
4 INVENTORY RECORDS TO SUBSTANTIATE THAT THE TAX WAS PAID ON  
5 ALL BULK PURCHASES. NOTWITHSTANDING THE PROVISIONS OF SECTION  
6 9009 (RELATING TO RETENTION OF RECORDS BY DISTRIBUTORS AND  
7 DEALERS), ALL REQUIRED DOCUMENTATION SHALL BE RETAINED FOR A  
8 PERIOD OF THREE YEARS FOLLOWING THE FILING DATE OF THE CLAIM  
9 FOR REIMBURSEMENT UNDER THIS SUBSECTION. IF THE CLAIMANT  
10 FAILS TO RETAIN DOCUMENTATION AS REQUIRED BY THIS PARAGRAPH,  
11 THE DEPARTMENT MAY DENY THE REIMBURSEMENT OR ISSUE AN  
12 ASSESSMENT FOR ANY REFUND GRANTED PLUS INTEREST UNDER SECTION  
13 9007 (RELATING TO [DETERMINATION AND REDETERMINATION]  
14 ASSESSMENT AND REASSESSMENT OF TAX, PENALTIES AND INTEREST  
15 DUE).

16 (E.2) AGRICULTURAL POWER TAKEOFF.--A PERSON SHALL BE  
17 REIMBURSED THE FULL AMOUNT OF THE TAX IMPOSED BY THIS CHAPTER IF  
18 THE PERSON USES OR BUYS [LIQUID FUELS OR FUELS] MOTOR FUELS ON  
19 WHICH THE TAX IMPOSED BY THIS CHAPTER HAS BEEN PAID AND CONSUMES  
20 THEM TO LOAD FOR DELIVERY OR TO UNLOAD AT A FARM FEED, FEED  
21 PRODUCTS, LIME OR LIMESTONE PRODUCTS FOR AGRICULTURAL USE FROM A  
22 VEHICLE BY MEANS OF A POWER TAKEOFF, PROVIDED THE FUEL USAGE IS  
23 DOCUMENTED ONLY BY AN ELECTRONIC MONITORING DEVICE USED IN  
24 CONJUNCTION WITH AN ELECTRONICALLY CONTROLLED ENGINE.  
25 REIMBURSEMENTS SHALL BE DOCUMENTED ONLY AS PROVIDED IN THIS  
26 SUBSECTION, AND NO REIMBURSEMENT SHALL BE BASED UPON ANY FORM OF  
27 ALTERNATIVE DOCUMENTATION. CLAIMS FOR REIMBURSEMENT SHALL BE  
28 FILED WITH THE DEPARTMENT ON A QUARTERLY BASIS AND MUST BE FILED  
29 WITHIN 60 DAYS FOLLOWING THE END OF THE QUARTER FOR WHICH  
30 REIMBURSEMENT IS BEING CLAIMED. THE PROVISIONS OF SUBSECTION (F)



1 EXCEPT FOR THE FILING FEE PROVISION SHALL APPLY TO CLAIMS FOR  
2 REIMBURSEMENT UNDER THIS SUBSECTION TO THE EXTENT THEY ARE NOT  
3 INCONSISTENT WITH THIS SUBSECTION.

4 (F) CLAIMS, FORMS, CONTENTS, PENALTIES.--

5 (1) A CLAIM FOR REIMBURSEMENT OR REFUND UNDER SUBSECTION  
6 (B), (C) OR (E) SHALL BE MADE UPON A FORM TO BE FURNISHED BY  
7 THE BOARD AND MUST INCLUDE, IN ADDITION TO SUCH OTHER  
8 INFORMATION AS THE BOARD MAY BY REGULATION PRESCRIBE, THE  
9 NAME AND ADDRESS OF THE CLAIMANT; THE PERIOD OF TIME AND THE  
10 NUMBER OF GALLONS OR GASOLINE GALLON EQUIVALENTS OF [LIQUID]  
11 MOTOR FUELS USED FOR WHICH REIMBURSEMENT IS CLAIMED; A  
12 DESCRIPTION OF THE FARM MACHINERY, AIRCRAFT OR AIRCRAFT  
13 ENGINE IN WHICH [LIQUID] MOTOR FUELS HAVE BEEN USED; THE  
14 PURPOSES FOR WHICH THE MACHINERY, AIRCRAFT OR AIRCRAFT ENGINE  
15 HAS BEEN USED; AND THE SIZE OF THE FARM AND PART IN  
16 CULTIVATION ON WHICH SUCH [LIQUID] MOTOR FUELS HAVE BEEN  
17 USED.

18 (2) A CLAIM MUST CONTAIN STATEMENTS THAT THE [LIQUID]  
19 MOTOR FUELS FOR WHICH REIMBURSEMENT IS CLAIMED HAVE BEEN USED  
20 ONLY FOR PURPOSES FOR WHICH REIMBURSEMENTS ARE PERMITTED;  
21 THAT RECORDS OF THE AMOUNTS OF SUCH FUELS USED IN EACH PIECE  
22 OF FARM MACHINERY, AIRCRAFT OR AIRCRAFT ENGINE HAVE BEEN  
23 KEPT; AND THAT NO PART OF THE CLAIM HAS BEEN PAID EXCEPT AS  
24 STATED. A CLAIM MUST CONTAIN A DECLARATION THAT IT AND  
25 ACCOMPANYING RECEIPTS ARE TRUE AND CORRECT TO THE BEST OF THE  
26 CLAIMANT'S KNOWLEDGE AND MUST BE SIGNED BY THE CLAIMANT OR  
27 THE PERSON CLAIMING ON THE CLAIMANT'S BEHALF. A CLAIM MUST BE  
28 ACCOMPANIED BY RECEIPTS INDICATING THAT THE LIQUID FUELS,     
29 FUELS OR ALTERNATIVE FUELS TAX WAS PAID ON THE LIQUID FUELS,     
30 FUELS OR ALTERNATIVE FUELS OR THAT THE EXCESS LIQUID FUELS,

1 FUELS OR ALTERNATIVE FUELS TAX WAS PAID ON THE LIQUID FUELS,  
2 FUELS OR ALTERNATIVE FUELS FOR WHICH REIMBURSEMENT IS  
3 CLAIMED. RECORDS OF PURCHASES OF [LIQUID] MOTOR FUELS AND USE  
4 IN EACH TRACTOR OR POWERED MACHINERY, AIRCRAFT OR AIRCRAFT  
5 ENGINE SHALL BE KEPT FOR A PERIOD [OF TWO YEARS] CONSISTING  
6 OF THE CURRENT YEAR PLUS TWO PREVIOUS YEARS. A CLAIM MUST BE  
7 MADE ANNUALLY FOR THE PRECEDING YEAR ENDING ON JUNE 30. A  
8 CLAIM MUST BE SUBMITTED TO THE BOARD BY SEPTEMBER 30.

9 (3) THE BOARD SHALL REFUSE TO CONSIDER ANY CLAIM  
10 RECEIVED OR POSTMARKED LATER THAN THAT DATE. THE CLAIMANT  
11 MUST SATISFY THE BOARD THAT THE TAX HAS BEEN PAID AND THAT  
12 THE [LIQUID] MOTOR FUELS HAVE BEEN CONSUMED BY THE CLAIMANT  
13 FOR PURPOSES FOR WHICH REIMBURSEMENTS ARE PERMITTED UNDER  
14 THIS SECTION. THE ACTION OF THE BOARD IN GRANTING OR REFUSING  
15 REIMBURSEMENT SHALL BE FINAL. THE BOARD SHALL DEDUCT THE SUM  
16 OF \$1.50, WHICH SHALL BE CONSIDERED A FILING FEE, FROM EVERY  
17 CLAIM FOR REIMBURSEMENT GRANTED. FILING FEES ARE SPECIFICALLY  
18 APPROPRIATED TO THE BOARD AND TO THE DEPARTMENT FOR EXPENSES  
19 INCURRED IN THE ADMINISTRATION OF THE REIMBURSEMENT  
20 PROVISIONS OF THIS CHAPTER. THE BOARD HAS THE POWER TO REFER  
21 TO THE DEPARTMENT FOR INVESTIGATION ANY CLAIM FOR  
22 REIMBURSEMENT FILED UNDER THE PROVISIONS OF THIS CHAPTER.

23 (4) THE DEPARTMENT SHALL INVESTIGATE THE APPLICATION AND  
24 REPORT TO THE BOARD.

25 (5) A PERSON MAKING ANY FALSE OR FRAUDULENT STATEMENT  
26 FOR THE PURPOSE OF OBTAINING REIMBURSEMENT COMMITS A  
27 MISDEMEANOR OF THE THIRD DEGREE.

28 \* \* \*

29 § 9018. VIOLATIONS.

30 (A) FAILURE TO REPORT AND PAY; EXAMINATIONS; UNLAWFUL

1 ACTS.--

2 (1) A PERSON COMMITS A [MISDEMEANOR OF THE THIRD DEGREE]  
3 SUMMARY OFFENSE IF THE PERSON DOES ANY OF THE FOLLOWING:

4 (I) FAILS, NEGLECTS OR REFUSES TO MAKE THE REPORT  
5 AND PAY THE TAX, PENALTIES AND INTEREST IMPOSED BY THIS  
6 CHAPTER.

7 (II) REFUSES TO PERMIT THE DEPARTMENT OR ANY AGENT  
8 APPOINTED BY IT IN WRITING TO EXAMINE BOOKS, RECORDS,  
9 PAPERS, STORAGE TANKS OR OTHER EQUIPMENT PERTAINING TO  
10 THE USE OR SALE AND DELIVERY OF LIQUID FUELS WITHIN THIS  
11 COMMONWEALTH.

12 (III) MAKES ANY INCOMPLETE, FALSE OR FRAUDULENT  
13 REPORT OR CLAIM.

14 (IV) ATTEMPTS TO DO ANYTHING TO AVOID A FULL  
15 DISCLOSURE OF THE AMOUNT OF [LIQUID] MOTOR FUELS USED OR  
16 SOLD AND DELIVERED OR TO AVOID THE PAYMENT OF THE TAX,  
17 PENALTIES AND INTEREST DUE.

18 (V) FINES IMPOSED FOR SUMMARY OFFENSES UNDER  
19 PARAGRAPH (1) SHALL BE IN ADDITION TO ANY PENALTY IMPOSED  
20 BY ANY OTHER SECTION OR SUBSECTION OF THIS CHAPTER.

21 (2) ANY PARTNER OR MEMBER OF AN ASSOCIATION AND ANY  
22 OFFICER OF A CORPORATION WHOSE DUTY IT WAS TO MAKE THE REPORT  
23 REQUIRED BY THIS CHAPTER [SHALL BE SUBJECT TO IMPRISONMENT  
24 UNDER PARAGRAPH (1)] COMMITTS A MISDEMEANOR OF THE THIRD  
25 DEGREE FOR FAILING TO MAKE THE REPORT REQUIRED AND ATTEND TO  
26 THE PAYMENT OF THE TAX IMPOSED BY THIS CHAPTER.

27 (3) [THE FINE UNDER PARAGRAPH (1) SHALL BE IN ADDITION  
28 TO ANY PENALTY IMPOSED BY ANY OTHER SECTION OR SUBSECTION OF  
29 THIS CHAPTER.] (RESERVED).

30 (4) UPON CONVICTION UNDER PARAGRAPH (1) OR (2), ALL OF

1 THE CONVICTED DISTRIBUTOR'S PERMITS SHALL BE REVOKED.

2 \* \* \*

3 (C) PENALTY.--A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF  
4 SUBSECTION (A) (1) COMMITS A SUMMARY OFFENSE. A PERSON WHO  
5 VIOLATES ANY OF THE PROVISIONS OF [THIS SECTION] SUBSECTION (A)  
6 (2) OR (B) COMMITS A MISDEMEANOR OF THE THIRD DEGREE. THE [FINE]  
7 FINES SHALL BE IN ADDITION TO ANY PENALTY IMPOSED BY ANY OTHER  
8 SECTION OR SUBSECTION OF THIS CHAPTER. UPON CONVICTION, ALL OF  
9 THE CONVICTED PERSON'S PERMITS SHALL BE REVOKED.

10 § 9019. [DIESEL] MOTOR FUEL IMPORTERS AND TRANSPORTERS;

11 PROHIBITING USE OF DYED DIESEL FUEL ON HIGHWAYS;

12 VIOLATIONS AND PENALTIES.

13 (A) [DIESEL] MOTOR FUEL TRANSPORTERS.--

14 (1) A PERSON MUST OBTAIN A [DIESEL] MOTOR FUEL  
15 TRANSPORTER'S PERMIT IN ORDER TO IMPORT, EXPORT OR TRANSPORT  
16 WITHIN THIS COMMONWEALTH DIESEL FUEL, OTHER THAN DYED DIESEL  
17 FUEL, VIA A PIPELINE OR BY MEANS OF A TANK-TRUCK VEHICLE,  
18 RAILROAD TANK CAR OR VESSEL WITH A CAPACITY OF 2,000 GALLONS  
19 OR MORE. THE PERMIT APPLICATION MUST BE FILED WITH THE  
20 DEPARTMENT UPON A FORM PRESCRIBED BY THE DEPARTMENT. THE  
21 PERMIT REQUIREMENT DOES NOT APPLY TO IMPORT, EXPORT OR  
22 TRANSPORT OF NATURAL GAS VIA PIPELINE.

23 (2) A [FEE OF \$5] PER VEHICLE FEE SHALL BE CHARGED BY  
24 THE DEPARTMENT FOR THE ISSUANCE OF A TRANSPORTER'S PERMIT.

25 (3) EVERY PERSON REQUIRED TO OBTAIN A PERMIT UNDER  
26 PARAGRAPH (1) SHALL REPORT UNDER OATH OR AFFIRMATION TO THE  
27 DEPARTMENT ON OR BEFORE THE LAST DAY OF EACH MONTH FOR THE  
28 PRECEDING MONTH ALL DELIVERIES OF [DIESEL] MOTOR FUEL, OTHER  
29 THAN DYED DIESEL FUEL, AND RETAIL DELIVERIES OF KEROSENE IN  
30 QUANTITIES OF LESS THAN 300 GALLONS PER DELIVERY TO ANY POINT

1        WITHIN THIS COMMONWEALTH, INCLUDING ANY INTERSTATE OR  
2        INTRASTATE MOVEMENTS OF [DIESEL] MOTOR FUEL AND ANY EXPORTS.  
3        THE FORM SHALL BE PRESCRIBED BY THE DEPARTMENT AND MAY  
4        REQUIRE ANY OF THE FOLLOWING:

5                (I)    THE NAMES AND ADDRESSES OF THE COSIGNER AND  
6                COSIGNEE, THE SELLER OR OTHER PARTY FROM WHOM THE  
7                [DIESEL] MOTOR FUEL WAS RECEIVED, THE BUYER OR OTHER  
8                PARTY TO WHOM THE [DIESEL] MOTOR FUEL WAS DELIVERED AND  
9                POINTS TO AND FROM WHICH THE [DIESEL] MOTOR FUEL WAS  
10               SHIPPED OR DELIVERED.

11               (II)   THE METHOD OF SHIPMENT OR DELIVERY.

12               (III)  THE NUMBER OF GALLONS.

13               (4)    ALL SHIPMENTS OF [DIESEL] MOTOR FUEL, INCLUDING DYED  
14        DIESEL FUEL, SHALL BE ACCOMPANIED BY SALES DELIVERY TICKETS  
15        OR BILLS OF LADING. SHIPMENTS FOR WHICH THE REQUIRED  
16        DOCUMENTATION DOES NOT ACCOMPANY THE SHIPMENT OR FOR WHICH  
17        THE NOTICE REQUIRED WITH RESPECT TO DYED DIESEL FUEL DOES NOT  
18        COMPLY WITH THE REQUIREMENTS OF SUBSECTION (B) SHALL BE  
19        PRESUMED TO NOT BE SHIPMENTS OF DYED DIESEL FUEL.

20               (5)    A TRANSPORTER REPORT MUST BE ELECTRONICALLY FILED IN  
21        ACCORDANCE WITH THE METHODS OF FILING PRESCRIBED FOR  
22        DISTRIBUTORS UNDER SECTION 9006(E) (RELATING TO DISTRIBUTOR'S  
23        REPORT AND PAYMENT OF TAX) .

24               (6)    (I)    A TRANSPORTER HOLDING A DISTRIBUTOR PERMIT IS  
25        NOT REQUIRED TO FILE A TRANSPORTER REPORT BUT MUST  
26        POSSESS A TRANSPORTER PERMIT UNDER THIS SECTION.

27               (II)   TRANSPORT OF CERTAIN ALTERNATIVE FUELS MAY NOT  
28        BE SUBJECT TO THE PERMIT AND REPORTING REQUIREMENTS OF  
29        THIS SECTION. THE DEPARTMENT SHALL PUBLISH AN ANNUAL  
30        NOTICE INDICATING WHICH TYPES OF ALTERNATIVE FUELS

1           QUALIFY FOR THE TRANSPORTER PERMIT AND REPORTING  
2           REQUIREMENTS UNDER IN THIS SECTION.

3           \* \* \*

4           (C) DYED DIESEL FUEL NOT TO BE USED ON PUBLIC HIGHWAYS.--

5           (1) A PERSON MAY NOT OPERATE A MOTOR VEHICLE ON THE  
6 PUBLIC HIGHWAYS OF THIS COMMONWEALTH IF THE FUEL SUPPLY TANKS  
7 OF THE VEHICLE CONTAIN DYED DIESEL FUEL UNLESS PERMITTED TO  
8 DO SO UNDER A FEDERAL LAW OR REGULATION RELATING TO THE USE  
9 OF DYED DIESEL FUEL ON THE HIGHWAYS.

10          (2) A PERSON MAY NOT SELL OR DELIVER ANY DYED DIESEL  
11 FUEL KNOWING OR HAVING REASON TO KNOW THAT THE FUEL WILL BE  
12 CONSUMED IN A HIGHWAY USE. A PERSON WHO DISPENSES DYED DIESEL  
13 FUEL FROM A RETAIL PUMP THAT IS NOT PROPERLY LABELED WITH THE  
14 NOTICE REQUIRED BY SUBSECTION (B) OR WHO KNOWINGLY DELIVERS  
15 DYED DIESEL FUEL INTO THE STORAGE TANK OF SUCH A PUMP SHALL  
16 BE PRESUMED TO KNOW THE FUEL WILL BE CONSUMED ON THE HIGHWAY.

17          (3) THERE IS A REBUTTABLE PRESUMPTION THAT A VEHICLE  
18 REGISTERED FOR USE ON THE PUBLIC HIGHWAYS IS USED ON THE  
19 PUBLIC HIGHWAYS.

20          (4) NOTWITHSTANDING PARAGRAPH (1) OR (2), DYED DIESEL  
21 FUEL MAY BE USED IN A SCHOOL BUS, PROVIDED THE BUS IS USED  
22 EXCLUSIVELY FOR THE TRANSPORTATION OF SCHOOL DISTRICT  
23 STUDENTS IN GRADES K THROUGH 12, PROVIDED THE USAGE DOES NOT  
24 CONFLICT WITH THE EXEMPTIONS PROVIDED IN SECTION 4082 OF THE  
25 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §  
26 4082).

27          (D) VIOLATIONS.--A PERSON MAY NOT DO ANY OF THE FOLLOWING:

28          (1) IMPORT, EXPORT OR TRANSPORT WITHIN THIS COMMONWEALTH  
29 DIESEL FUEL, OTHER THAN DYED [DIESEL] MOTOR FUEL, WITHOUT THE  
30 PERMIT REQUIRED UNDER SUBSECTION (A) (1).

1           (2)    TRANSPORT [DIESEL] MOTOR FUEL IN THIS COMMONWEALTH  
2    WITHOUT THE PERMIT REQUIRED UNDER SUBSECTION (A) (1) .

3           \* \* \*

4    (G)    ENFORCEMENT.--

5           (1)    ANY REVENUE ENFORCEMENT AGENT OR OTHER PERSON  
6    AUTHORIZED BY THE DEPARTMENT MAY ENTER ANY PLACE WHERE MOTOR  
7    FUELS ARE PRODUCED OR STORED AND MAY PHYSICALLY INSPECT ANY  
8    TANK, RESERVOIR OR OTHER CONTAINER THAT CAN BE USED FOR THE  
9    PRODUCTION, STORAGE OR TRANSPORTATION OF [DIESEL] MOTOR  
10   FUEL, DIESEL FUEL DYES OR DIESEL FUEL MARKERS. INSPECTION MAY  
11   ALSO BE MADE OF ANY EQUIPMENT USED FOR OR IN CONNECTION WITH  
12   THE PRODUCTION, STORAGE OR TRANSPORTATION OF DIESEL FUEL,  
13   DIESEL FUEL DYES OR DIESEL FUEL MARKERS. THIS INCLUDES ANY  
14   EQUIPMENT USED FOR THE DYEING OR MARKING OF DIESEL FUEL.  
15   BOOKS, RECORDS AND OTHER DOCUMENTS MAY BE INSPECTED TO  
16   DETERMINE TAX LIABILITY. AN AGENT MAY DETAIN A VEHICLE,  
17   VESSEL OR RAILROAD TANK CAR PLACED ON A CUSTOMER'S SIDING FOR  
18   USE OR STORAGE FOR THE PURPOSE OF INSPECTING FUEL TANKS OR  
19   FUEL STORAGE TANKS AS NECESSARY TO DETERMINE THE AMOUNT AND  
20   COMPOSITION OF THE FUEL. AN AGENT MAY TAKE AND REMOVE SAMPLES  
21   OF [DIESEL] MOTOR FUEL IN REASONABLE QUANTITIES NECESSARY TO  
22   DETERMINE THE COMPOSITION OF THE FUEL.

23           (2)    A PERSON THAT REFUSES TO ALLOW AN INSPECTION AS  
24    PROVIDED IN THIS SUBSECTION COMMITS A SUMMARY OFFENSE AND  
25    SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT  
26    LESS THAN \$1,000 NOR MORE THAN \$2,000 FOR EACH REFUSAL.

27   § 9022. UNCOLLECTIBLE [CHECKS] PAYMENTS.

28           IF THE PAYMENT OF A TAX, PENALTY OR INTEREST IMPOSED BY THIS  
29    CHAPTER IS RETURNED TO THE DEPARTMENT AS UNCOLLECTIBLE, THE  
30    DEPARTMENT SHALL [CHARGE A FEE OF \$5 PER HUNDRED DOLLARS OR

1 FRACTIONAL PART THEREOF, PLUS ALL PROTEST FEES, TO THE PERSON  
2 PRESENTING THE CHECK TO THE DEPARTMENT] APPLY SECTION 3003.9 OF  
3 THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM  
4 CODE OF 1971.

5 SECTION 26.9. TITLE 75 IS AMENDED BY ADDING A SECTION TO  
6 READ:

7 § 9023. EMERGENCY ASSISTANCE IN A TIMELY MANNER.

8 (A) WITHIN THIS COMMONWEALTH.--UPON THE GOVERNOR'S  
9 DECLARATION OF A STATE OF EMERGENCY IN THIS COMMONWEALTH, THE  
10 SECRETARY OF REVENUE MAY WAIVE, SUSPEND OR OTHERWISE MODIFY ANY  
11 PROVISIONS OF THIS CHAPTER FOR THE SOLE PURPOSE OF ENABLING  
12 MOTOR CARRIERS TO RESPOND TO EMERGENCY CONDITIONS AND CONDUCT  
13 EMERGENCY RELIEF EFFORTS IN A TIMELY MANNER. SUCH WAIVERS,  
14 SUSPENSIONS OR MODIFICATIONS SHALL BE EFFECTIVE FOR A SPECIFIC  
15 PERIOD OF TIME AS DETERMINED BY THE SECRETARY AND SHALL NOT  
16 EXCEED THE TERMINATION OF THE STATE OF EMERGENCY DECLARED BY THE  
17 GOVERNOR.

18 (B) OUTSIDE THIS COMMONWEALTH.--THE SECRETARY OF REVENUE,  
19 WITH PRIOR AUTHORIZATION FROM THE GOVERNOR, MAY WAIVE, SUSPEND  
20 OR OTHERWISE MODIFY ANY PROVISIONS OF THIS CHAPTER ON A  
21 TEMPORARY AND DEFINITE BASIS IN ORDER TO FACILITATE THE TIMELY  
22 MOVEMENT OF VEHICLES OR FUEL FROM AND THROUGH THIS COMMONWEALTH  
23 TO OTHER JURISDICTIONS REQUESTING EMERGENCY ASSISTANCE FROM THIS  
24 COMMONWEALTH.

25 (C) RECORDKEEPING.--NOTWITHSTANDING SUBSECTIONS (A) AND (B),  
26 EACH DISTRIBUTOR, EXEMPT ENTITY OR OTHER PERSON WHO BUYS, SELLS  
27 OR USES LIQUID FUELS, FUELS OR ALTERNATIVE FUELS PURSUANT TO THE  
28 TERMS OF AN EMERGENCY DECLARATION SHALL MAINTAIN RECORDS TO  
29 SUBSTANTIATE PARTICIPATION IN THE EMERGENCY RELIEF EFFORTS. ANY  
30 VEHICLE, OTHER THAN A QUALIFIED MOTOR VEHICLE AS DEFINED UNDER



1 SECTION 2101.1 (RELATING TO DEFINITIONS) OR A VEHICLE OPERATED  
2 BY AN EXEMPT ENTITY TRAVELING ON THE PUBLIC HIGHWAYS OF THIS  
3 COMMONWEALTH DURING THE EMERGENCY PERIOD UNDER SUBSECTION (A) OR  
4 (B) SHALL MAINTAIN RECORDS OF PURCHASES OF TAX-EXEMPT FUEL.

5 (D) TAXES NOT WAIVED.--UNLESS SPECIFICALLY SUSPENDED BY THE  
6 SECRETARY OF REVENUE, LIQUID FUELS, FUELS AND ALTERNATIVE FUEL  
7 TAXES IMPOSED UNDER SECTION 9004 (RELATING TO IMPOSITION OF TAX,  
8 EXEMPTIONS AND DEDUCTIONS) SHALL NOT BE WAIVED FOR AN EMERGENCY  
9 PERIOD UNDER SUBSECTION (A) OR (B).

10 SECTION 26.10. CHAPTER 90 OF TITLE 75 IS AMENDED BY ADDING A  
11 SUBCHAPTER TO READ:

12 SUBCHAPTER C

13 ELECTRIC VEHICLE ROAD FEE

14 SEC.

15 9031. SHORT TITLE OF SUBCHAPTER.

16 9032. ROAD USE FEE IMPOSED ON ELECTRIC VEHICLES.

17 9033. ELECTRICITY NOT MOTOR FUEL.

18 9034. FEES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.

19 9035. EXEMPT ENTITIES.

20 9036. REFUNDS.

21 9037. MOTOR CARRIERS ROAD TAX AND THE INTERNATIONAL FUEL TAX

22 AGREEMENT.

23 § 9031. SHORT TITLE OF SUBCHAPTER.

24 THIS SUBCHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE  
25 ELECTRIC VEHICLE ROAD FEE ACT.

26 § 9032. ROAD USE FEE IMPOSED ON ELECTRIC VEHICLES.

27 (A) FEE REQUIRED FOR REGISTRATION.--CONCURRENT WITH  
28 SUBMITTING AN ANNUAL VEHICLE REGISTRATION APPLICATION AND FEE TO  
29 THE DEPARTMENT OF TRANSPORTATION UNDER SECTION 1301 (RELATING TO  
30 REGISTRATION AND CERTIFICATE OF TITLE REQUIRED), AN OWNER OF AN

1 ELECTRIC VEHICLE SHALL SUBMIT THE ELECTRIC VEHICLE ROAD FEE. THE  
2 FOLLOWING SHALL APPLY:

3 (1) NORMAL VEHICLE REGISTRATION SHALL NOT BE CONSIDERED  
4 COMPLETE WITHOUT PAYMENT IN FULL OF THE ELECTRIC VEHICLE ROAD  
5 FEE.

6 (2) THE ELECTRIC VEHICLE ROAD FEE SHALL BE PAID BY EACH  
7 NEW OWNER REGISTERING THE VEHICLE WITH THE COMMONWEALTH.

8 (B) COMPUTATION OF ELECTRIC VEHICLE ROAD USE FEE.--

9 (1) THE DEPARTMENT OF REVENUE SHALL COMPUTE THE ELECTRIC  
10 VEHICLE ROAD FEE FOR EACH MAJOR VEHICLE CLASS DEFINED IN THE  
11 CAFE STANDARDS.

12 (2) THE ELECTRIC VEHICLE ROAD FEE SHALL EQUAL THE  
13 AVERAGE ANNUAL VEHICLE FUEL TAX WITHIN EACH VEHICLE CLASS.

14 (3) THE AVERAGE ANNUAL VEHICLE FUEL FEE COMPUTATION  
15 SHALL BE AS FOLLOWS:

16 (I) THE VEHICLE AVERAGE MILES DRIVEN DIVIDED BY THE  
17 MILES PER GALLON EQUIVALENT PER VEHICLE AS DETERMINED BY  
18 THE DEPARTMENT.

19 (II) THE QUOTIENT UNDER SUBPARAGRAPH (I) SHALL BE  
20 MULTIPLIED BY THE SUM OF LIQUID FUELS AND OIL COMPANY  
21 FRANCHISE TAX RATES FOR GASOLINE AND THE PRODUCT SHALL BE  
22 THE AVERAGE ANNUAL VEHICLE FUEL FEE.

23 (4) THE DEPARTMENT SHALL ANNUALLY DETERMINE THE ELECTRIC  
24 VEHICLE ROAD FEE FOR EACH VEHICLE CLASS, TO BE PUBLISHED IN  
25 THE PENNSYLVANIA BULLETIN ON OR BEFORE DECEMBER 15 OF EACH  
26 YEAR.

27 (C) REGULATIONS.--THE DEPARTMENT SHALL PROMULGATE  
28 REGULATIONS TO ADDRESS NEW VEHICLE TECHNOLOGY.

29 § 9033. ELECTRICITY NOT MOTOR FUEL.

30 (A) GENERAL RULE.--ELECTRICITY USED IN AN ELECTRIC MOTOR

1 THAT PROPELS A VEHICLE ON THE HIGHWAYS OF THIS COMMONWEALTH IS  
2 NOT CONSIDERED A MOTOR FUEL AS DEFINED UNDER THIS CHAPTER.

3 (B) ELECTRIC VEHICLES EXEMPT FROM MOTOR FUEL TAXES.--AN  
4 ELECTRIC VEHICLE SHALL NOT PAY A MOTOR FUEL TAX UNDER THIS  
5 CHAPTER UNLESS THE TAX IS ASSESSED UPON MOTOR FUEL THAT MAY ALSO  
6 BE USED IN THE VEHICLE.

7 § 9034. FEES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.

8 A FEE COLLECTED UNDER THIS SUBCHAPTER MUST BE ALLOCATED TO  
9 THE MOTOR LICENSE FUND IN ACCORDANCE WITH THE ALLOCATIONS UNDER  
10 CHAPTER 95 (RELATING TO TAXES FOR HIGHWAY MAINTENANCE AND  
11 CONSTRUCTION). FOR PURPOSES OF ALIGNING THE ELECTRIC VEHICLE  
12 ROAD FEE WITH THE ALLOCATIONS OF TAXES PROVIDED FOR IN CHAPTER  
13 95, THE ELECTRIC VEHICLE ROAD FEE MUST BE ALLOCATED IN THE SAME  
14 FASHION AS THE OIL COMPANY FRANCHISE TAX IN CHAPTER 95.

15 § 9035. EXEMPT ENTITIES.

16 AN ELECTRIC VEHICLE REGISTERED TO AN EXEMPT ENTITY IS EXEMPT  
17 FROM PAYING THE THE ELECTRIC VEHICLE ROAD FEE. AN EXEMPT ENTITY  
18 SHALL COMPLY WITH THE FOLLOWING USAGE AND RECORDKEEPING  
19 REQUIREMENTS:

20 (1) IF AN ELECTRIC VEHICLE REGISTERED TO AN EXEMPT  
21 ENTITY IS USED FOR A NONEXEMPT PURPOSE DURING THE  
22 REGISTRATION YEAR, THE EXEMPT ENTITY SHALL PAY A FINE TO THE  
23 DEPARTMENT OF \$500. THE VEHICLE OWNER IS NOT ELIGIBLE FOR A  
24 REFUND OF A REGISTRATION FEE THAT MAY HAVE BEEN PAID FOR THE  
25 VEHICLE.

26 (2) AN EXEMPT ENTITY APPLYING FOR A REFUND UNDER SECTION  
27 9007 (RELATING TO ASSESSMENT AND REASSESSMENT OF TAX,  
28 PENALTIES AND INTEREST DUE) SHALL MAINTAIN RECORDS OF VEHICLE  
29 USAGE, CERTIFYING THAT AN INDIVIDUAL TRIP MADE BY THE VEHICLE  
30 WAS FOR A QUALIFIED EXEMPT USE. INDIVIDUAL TRIP LOGS,

1 ODOMETER READINGS AND DRIVER SIGNATURES SHALL BE AMONG THE  
2 RECORDS REQUIRED TO SUBSTANTIATE EXEMPT USE.

3 (3) THE DEPARTMENT MAY INSPECT THE SUBSTANTIATING  
4 RECORDS FOR AN EXEMPT ENTITY AT ANY TIME.

5 (4) THE EXEMPT ENTITY SHALL COOPERATE WITH AN AGENT OF  
6 THE DEPARTMENT IN AN INSPECTION.

7 (5) AN EXEMPT ENTITY THAT REFUSES TO PERMIT THE  
8 DEPARTMENT OR AN AGENT APPOINTED BY IT IN WRITING TO EXAMINE  
9 THE BOOKS, RECORDS, PAPERS OR OTHER EQUIPMENT ASSOCIATED WITH  
10 THE OPERATION OF AN ELECTRIC VEHICLE COMMITS A SUMMARY  
11 OFFENSE AND SHALL PAY A FINE OF \$500 FOR EACH ELECTRIC  
12 VEHICLE OWNED OR OPERATED BY THE EXEMPT ENTITY.

13 § 9036. REFUNDS.

14 A PERSON MAY BE ENTITLED TO A REFUND OF THE ELECTRIC VEHICLE  
15 ROAD FEE PAID FOR A VEHICLE THAT WOULD OTHERWISE HAVE BEEN  
16 EXEMPT UNDER SECTION 9006 (RELATING TO DISTRIBUTOR'S REPORT AND  
17 PAYMENT OF TAX). A PERSON ENTITLED TO A REFUND OF THE ELECTRIC  
18 VEHICLE ROAD FEE SHALL APPLY FOR AN ANNUAL REFUND IN A MANNER  
19 SIMILAR TO THE REFUND PROCESS USED FOR MOTOR FUELS UNDER SECTION  
20 9017 (RELATING TO REFUNDS).

21 § 9037. MOTOR CARRIERS ROAD TAX AND THE INTERNATIONAL FUEL TAX  
22 AGREEMENT.

23 THE DEPARTMENT SHALL PROMULGATE REGULATIONS AS NECESSARY FOR  
24 COMPLIANCE WITH THE MOTOR CARRIERS ROAD TAX AND INTERNATIONAL  
25 FUEL TAX AGREEMENT.

26 SECTION 27. SECTION 9106 HEADING, (A) AND (B) OF TITLE 75  
27 ARE AMENDED TO READ:

28 § 9106. DIRT [AND], GRAVEL AND LOW VOLUME ROAD MAINTENANCE.

29 (A) STATEMENT OF PURPOSE.--IT IS THE INTENT AND PURPOSE OF  
30 THIS SECTION:

1 (1) TO FUND SAFE, EFFICIENT AND ENVIRONMENTALLY SOUND  
2 MAINTENANCE OF SECTIONS OF DIRT AND GRAVEL ROADS WHICH HAVE  
3 BEEN IDENTIFIED AS SOURCES OF DUST AND SEDIMENT POLLUTION.

4 (2) TO ESTABLISH A DEDICATED AND EARMARKED FUNDING  
5 MECHANISM THAT PROVIDES STREAMLINED APPROPRIATION TO THE  
6 COUNTY LEVEL AND ENABLES LOCAL OFFICIALS TO ESTABLISH FISCAL  
7 AND ENVIRONMENTAL CONTROLS.

8 (3) TO FUND SAFE, EFFICIENT AND ENVIRONMENTALLY SOUND  
9 MAINTENANCE OF SECTIONS OF LOW VOLUME ROADS THAT ARE SEALED  
10 OR PAVED WITH AN AVERAGE DAILY TRAFFIC COUNT OF 500 VEHICLES  
11 OR LESS.

12 (B) GENERAL RULE.--OF THE FUNDS AVAILABLE UNDER SECTION  
13 9502(A)(1) (RELATING TO IMPOSITION OF TAX), [\$1,000,000]  
14 \$7,000,000 SHALL BE ANNUALLY DISTRIBUTED TO THE DEPARTMENT OF  
15 CONSERVATION AND NATURAL RESOURCES FOR THE MAINTENANCE AND  
16 MITIGATION OF DUST AND SEDIMENT POLLUTION FROM PARKS AND  
17 FORESTRY ROADS. FUNDS IN THE AMOUNT OF [\$4,000,000] \$28,000,000  
18 SHALL BE APPROPRIATED ANNUALLY TO THE STATE CONSERVATION  
19 COMMISSION AND ADMINISTERED IN A NONLAPSING, NONTRANSFERABLE  
20 ACCOUNT RESTRICTED TO MAINTENANCE AND IMPROVEMENT OF DIRT [AND],  
21 GRAVEL AND LOW VOLUME STATE AND MUNICIPAL ROADS. THE STATE  
22 CONSERVATION COMMISSION SHALL APPORTION THE FUNDS BASED ON  
23 WRITTEN CRITERIA IT DEVELOPS TO ESTABLISH PRIORITIES BASED ON  
24 PREVENTING DUST AND SEDIMENT POLLUTION. IN THE FIRST FISCAL  
25 YEAR, TOP PRIORITY SHALL BE GIVEN TO SPECIFIC TROUBLE SPOT  
26 LOCATIONS ALREADY MAPPED BY THE TASK FORCE ON DIRT AND GRAVEL  
27 ROADS AND AVAILABLE FROM THE DEPARTMENT. A MINIMUM OF \$8,000,000  
28 OF THE TOTAL APPROPRIATED ANNUALLY SHALL BE FOR MAINTENANCE AND  
29 IMPROVEMENT OF LOW VOLUME ROADS.

30 \* \* \*

1 SECTION 27.1. (RESERVED).

2 SECTION 27.2. SECTIONS 9301 AND 9502(A) OF TITLE 75 ARE  
3 AMENDED TO READ:

4 § 9301. SUPPLEMENTAL FUNDING FOR MUNICIPAL HIGHWAY MAINTENANCE.

5 (A) ANNUAL APPROPRIATION.--THE GENERAL ASSEMBLY SHALL  
6 ANNUALLY APPROPRIATE, BEGINNING WITH THE 1980-1981 FISCAL YEAR,  
7 THE SUM OF \$5,000,000 FOR SUPPLEMENTAL PAYMENTS TO  
8 MUNICIPALITIES TO ASSIST IN THE MAINTENANCE AND CONSTRUCTION  
9 COSTS OF MUNICIPAL ROADS. THE MONEYS APPROPRIATED BY AUTHORITY  
10 OF THIS SECTION SHALL BE DISTRIBUTED TO MUNICIPALITIES IN  
11 ACCORDANCE WITH THE PROVISIONS OF THE ACT OF JUNE 1, 1956 (1955  
12 P.L.1944, NO.655), ENTITLED "AN ACT PROVIDING A PERMANENT  
13 ALLOCATION OF A PART OF THE FUELS AND LIQUIDS FUELS TAX PROCEEDS  
14 TO CITIES, BOROUGHs, INCORPORATED TOWNS AND TOWNSHIPS, FOR THEIR  
15 ROAD, STREET AND BRIDGE PURPOSES; CONFERRING POWERS AND IMPOSING  
16 DUTIES ON LOCAL OFFICERS AND THE DEPARTMENT OF HIGHWAYS; AND  
17 MAKING AN APPROPRIATION OUT OF THE MOTOR LICENSE FUND; AND  
18 REPEALING EXISTING LEGISLATION."

19 (B) COUNTY ALLOCATION SUPPLEMENT.--THE AMOUNT OF \$5,000,000  
20 IS HEREBY APPROPRIATED OUT OF THE MOTOR LICENSE FUND TO COUNTIES  
21 ANNUALLY. THE FOLLOWING SHALL APPLY:

22 (1) THE DISTRIBUTION SHALL BE IN THE RATIO OF:

23 (I) THE SQUARE FOOTAGE OF DECK AREA OF A COUNTY'S  
24 COUNTY-OWNED BRIDGES; TO

25 (II) THE TOTAL SQUARE FOOTAGE OF DECK AREA OF  
26 COUNTY-OWNED BRIDGES THROUGHOUT THIS COMMONWEALTH.

27 (2) THE AMOUNT OF SQUARE FOOTAGE UNDER SUBPARAGRAPH (I)  
28 SHALL BE THAT REPORTED AS PART OF THE NATIONAL BRIDGE  
29 INSPECTION STANDARDS PROGRAM.

30 (C) ADDITIONAL ALLOCATION TO MUNICIPALITIES.--AN AMOUNT OF

1 \$30,000,000 IS HEREBY APPROPRIATED OUT OF THE MOTOR LICENSE FUND  
2 AND SHALL BE DISTRIBUTED TO MUNICIPALITIES PURSUANT TO THE ACT  
3 OF JUNE 1, 1956 (1955 P.L.1944, NO.655), REFERRED TO AS THE  
4 LIQUID FUELS TAX MUNICIPAL ALLOCATION LAW.

5 § 9502. IMPOSITION OF TAX.

6 (A) GENERAL RULE.--

7 (1) AN "OIL COMPANY FRANCHISE TAX FOR HIGHWAY  
8 MAINTENANCE AND CONSTRUCTION" WHICH SHALL BE AN EXCISE TAX OF  
9 60 MILLS IS HEREBY IMPOSED UPON ALL LIQUID FUELS AND FUELS AS  
10 DEFINED AND PROVIDED IN CHAPTER 90 (RELATING TO LIQUID FUELS  
11 AND FUELS TAX), AND SUCH TAX SHALL BE COLLECTED AS PROVIDED  
12 IN SECTION 9004(B) (RELATING TO IMPOSITION OF TAX, EXEMPTIONS  
13 AND DEDUCTIONS). OF THE AMOUNT COLLECTED IN FISCAL YEAR 2015-  
14 2016, AND EACH FISCAL YEAR THEREAFTER, AT THE DISCRETION OF  
15 THE SECRETARY, A MINIMUM OF \$20,000,000 AND A MAXIMUM OF  
16 \$35,000,000 SHALL BE DEPOSITED IN THE MULTIMODAL  
17 TRANSPORTATION FUND ESTABLISHED UNDER 74 PA.C.S. § 2101  
18 (RELATING TO MULTIMODAL TRANSPORTATION FUND), TO BE EXPENDED  
19 IN ACCORDANCE WITH SECTION 11 OF ARTICLE VIII OF THE  
20 CONSTITUTION OF PENNSYLVANIA.

21 (2) AN ADDITIONAL 55 MILLS IS HEREBY IMPOSED ON ALL  
22 LIQUID FUELS AND FUELS AS DEFINED AND PROVIDED IN CHAPTER 90  
23 AND SUCH TAX SHALL ALSO BE COLLECTED AS PROVIDED IN SECTION  
24 9004(B), THE PROCEEDS OF WHICH SHALL BE DISTRIBUTED AS  
25 FOLLOWS:

26 (I) [FORTY-TWO] TWENTY-NINE PERCENT TO COUNTY  
27 MAINTENANCE DISTRICTS FOR HIGHWAY MAINTENANCE FOR FISCAL  
28 YEAR 2013-2014 AND 19% FOR FISCAL YEAR 2014-2015 AND EACH  
29 YEAR THEREAFTER. THIS ALLOCATION SHALL BE MADE ACCORDING  
30 TO THE FORMULA PROVIDED IN SECTION 9102(B) (2) (RELATING

1 TO DISTRIBUTION OF STATE HIGHWAY MAINTENANCE FUNDS). THIS  
2 ALLOCATION SHALL BE MADE IN ADDITION TO AND NOT A  
3 REPLACEMENT FOR AMOUNTS NORMALLY DISTRIBUTED TO COUNTY  
4 MAINTENANCE DISTRICTS UNDER SECTION 9102.

5 (II) [SEVENTEEN] THIRTY PERCENT FOR HIGHWAY CAPITAL  
6 PROJECTS[.] FOR FISCAL YEAR 2013-2014 AND 40% FOR FISCAL  
7 YEAR 2014-2015 AND EACH YEAR THEREAFTER. ANNUALLY, UNTIL  
8 FISCAL YEAR 2023-2024, AN AMOUNT EQUAL TO 15% OF ALL  
9 APPROPRIATIONS TO THE DEPARTMENT FOR HIGHWAY AND BRIDGE  
10 CAPITAL PROGRAMS SHALL BE DISTRIBUTED AT THE DISCRETION  
11 OF THE SECRETARY FROM THE AMOUNT DISTRIBUTED UNDER THIS  
12 SUBPARAGRAPH.

13 (III) THIRTEEN PERCENT FOR BRIDGES.

14 (IV) TWO PERCENT FOR BRIDGES IDENTIFIED AS COUNTY  
15 [OR FORESTRY] BRIDGES. DISTRIBUTION UNDER THIS  
16 SUBPARAGRAPH SHALL BE IN THE RATIO OF:

17 (A) THE SQUARE FOOTAGE OF DECK AREAS, AS  
18 REPORTED AS PART OF THE NATIONAL BRIDGE INSPECTION  
19 STANDARDS PROGRAM, OF A COUNTY'S COUNTY-OWNED  
20 BRIDGES; TO

21 (B) THE TOTAL SQUARE FOOTAGE OF DECK AREA, AS  
22 REPORTED AS PART OF THE NATIONAL BRIDGE INSPECTION  
23 STANDARDS PROGRAM, OF ALL COUNTY-OWNED BRIDGES IN  
24 THIS COMMONWEALTH.

25 (V) TWELVE PERCENT FOR LOCAL ROADS PURSUANT TO  
26 SECTION 9511(C) (RELATING TO BASIC ALLOCATION TO  
27 MUNICIPALITIES).

28 (VI) FOURTEEN PERCENT FOR TOLL ROADS DESIGNATED  
29 PURSUANT TO THE ACT OF SEPTEMBER 30, 1985 (P.L.240,  
30 NO.61), KNOWN AS THE TURNPIKE ORGANIZATION, EXTENSION AND



1 TOLL ROAD CONVERSION ACT, TO BE APPROPRIATED UNDER  
2 SECTION 9511(H).

3 (3) AN ADDITIONAL 38.5 MILLS IS HEREBY IMPOSED UPON ALL  
4 LIQUID FUELS AND FUELS AS DEFINED AND PROVIDED IN CHAPTER 90,  
5 AND SUCH TAX SHALL ALSO BE COLLECTED AS PROVIDED IN SECTION  
6 9004(B), THE PROCEEDS OF WHICH SHALL BE DEPOSITED IN THE  
7 MOTOR LICENSE FUND AND DISTRIBUTED AS FOLLOWS:

8 (I) TWELVE PERCENT TO MUNICIPALITIES ON THE BASIS OF  
9 AND SUBJECT TO THE PROVISIONS OF THE ACT OF JUNE 1, 1956  
10 (1955 P.L.1944, NO.655), REFERRED TO AS THE LIQUID FUELS  
11 TAX MUNICIPAL ALLOCATION LAW, IS APPROPRIATED.

12 (II) [EIGHTY-EIGHT PERCENT TO THE DEPARTMENT IS  
13 APPROPRIATED AS FOLLOWS:

14 (A) FORTY-SEVEN PERCENT FOR DISTRIBUTION IN  
15 ACCORDANCE WITH SECTION 9102(B) (2) FOR FISCAL YEAR  
16 1997-1998.

17 (B) FIFTY-THREE PERCENT FOR A STATEWIDE HIGHWAY  
18 RESTORATION, BETTERMENT AND RESURFACING PROGRAM FOR  
19 FISCAL YEAR 1997-1998.

20 (C) FIFTY-SEVEN PERCENT FOR DISTRIBUTION IN  
21 ACCORDANCE WITH SECTION 9102(B) (2) FOR FISCAL YEAR  
22 1998-1999.

23 (D) FORTY-THREE PERCENT FOR A STATEWIDE HIGHWAY  
24 RESTORATION, BETTERMENT AND RESURFACING PROGRAM FOR  
25 FISCAL YEAR 1998-1999.

26 (E) SIXTY-SEVEN PERCENT FOR DISTRIBUTION IN  
27 ACCORDANCE WITH SECTION 9102(B) (2) FOR FISCAL YEAR  
28 1999-2000.

29 (F) THIRTY-THREE PERCENT FOR A STATEWIDE HIGHWAY  
30 RESTORATION, BETTERMENT AND RESURFACING PROGRAM FOR

1 FISCAL YEAR 1999-2000.

2 (G) SEVENTY-SEVEN PERCENT FOR DISTRIBUTION IN  
3 ACCORDANCE WITH SECTION 9201(B) (2) FOR FISCAL YEAR  
4 2000-2001.

5 (H) TWENTY-THREE PERCENT FOR A STATEWIDE HIGHWAY  
6 RESTORATION, BETTERMENT AND RESURFACING PROGRAM FOR  
7 FISCAL YEAR 2000-2001.

8 (I) ONE HUNDRED PERCENT FOR DISTRIBUTION IN  
9 ACCORDANCE WITH SECTION 9102(B) (2) FOR FISCAL YEAR  
10 2001-2002 AND EACH YEAR THEREAFTER.

11 (J) FOR ANY FISCAL YEAR BEGINNING WITH 1997-1998  
12 THROUGH AND INCLUDING FISCAL YEAR 2000-2001, THE  
13 DEPARTMENT SHALL MAKE SUPPLEMENTAL MAINTENANCE  
14 PROGRAM PAYMENTS FROM THE STATEWIDE HIGHWAY  
15 RESTORATION BETTERMENT PROGRAM TO THOSE COUNTY  
16 MAINTENANCE DISTRICTS FOR WHICH THE TOTAL HIGHWAY  
17 MAINTENANCE APPROPRIATIONS AND EXECUTIVE  
18 AUTHORIZATIONS IN ACCORDANCE WITH SECTION 9102(B)  
19 WOULD BE LESS THAN THE AMOUNT RECEIVED IN 1996-1997  
20 FROM THE HIGHWAY MAINTENANCE APPROPRIATION, THE  
21 SECONDARY ROADS-MAINTENANCE AND RESURFACING EXECUTIVE  
22 AUTHORIZATION, THE HIGHWAY MAINTENANCE EXCISE TAX  
23 EXECUTIVE AUTHORIZATION AND THE HIGHWAY MAINTENANCE  
24 SUPPLEMENTAL APPROPRIATION.

25 THE WORDS AND PHRASES USED IN THIS PARAGRAPH SHALL HAVE THE  
26 MEANINGS GIVEN TO THEM IN SECTION 9101 (RELATING TO  
27 DEFINITIONS). THIS ONE-TIME ALLOCATION SHALL BE MADE IN  
28 ADDITION TO AND IS NOT A REPLACEMENT FOR AMOUNTS NORMALLY  
29 DISTRIBUTED TO COUNTY MAINTENANCE DISTRICTS UNDER SECTION  
30 9102.] FIFTY-THREE PERCENT TO THE DEPARTMENT FOR DISTRIBUTION

1 IN ACCORDANCE WITH SECTION 9102(B) (2) FOR FISCAL YEAR 2013-  
2 2014 AND 40% FOR FISCAL YEAR 2014-2015 AND EACH FISCAL YEAR  
3 THEREAFTER.

4 (III) THIRTY-FIVE PERCENT TO THE DEPARTMENT FOR  
5 EXPANDED HIGHWAY AND BRIDGE MAINTENANCE FOR FISCAL YEAR  
6 2013-2014 AND 48% FOR FISCAL YEAR 2014-2015 AND EACH  
7 FISCAL YEAR THEREAFTER TO BE DISTRIBUTED AS FOLLOWS:

8 (A) ANNUALLY, 15% OF THE AMOUNT DEPOSITED IN A  
9 FISCAL YEAR SHALL BE DISTRIBUTED AT THE DISCRETION OF  
10 THE SECRETARY.

11 (B) ANY FUNDS DEPOSITED BUT NOT DISTRIBUTED  
12 UNDER CLAUSE (A) SHALL BE DISTRIBUTED IN ACCORDANCE  
13 WITH THE FORMULA UNDER SECTION 9102(B) (2) .

14 (C) TEMPORARY TRANSFERS OF FUNDS MAY BE MADE  
15 BETWEEN COUNTIES IF REQUIRED FOR PROJECT CASH FLOW.

16 (4) AN ADDITIONAL 55 MILLS IS HEREBY IMPOSED UPON ALL  
17 FUELS AS DEFINED AND PROVIDED IN CHAPTER 90 AND SUCH TAX  
18 SHALL ALSO BE COLLECTED AS PROVIDED IN SECTION 9004(B) UPON  
19 SUCH FUELS, THE PROCEEDS OF WHICH SHALL BE DEPOSITED IN THE  
20 HIGHWAY BRIDGE IMPROVEMENT RESTRICTED ACCOUNT WITHIN THE  
21 MOTOR LICENSE FUND AND IS HEREBY APPROPRIATED.

22 SECTION 28. SECTION 9511(B) AND (G) OF TITLE 75 ARE AMENDED  
23 AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

24 § 9511. ALLOCATION OF PROCEEDS.

25 \* \* \*

26 (B) STATE HIGHWAY TRANSFER RESTORATION RESTRICTED ACCOUNT  
27 AND LOCAL BRIDGES.--

28 (1) THE AMOUNT OF THE PROCEEDS DEPOSITED IN THE MOTOR  
29 LICENSE FUND PURSUANT TO THIS CHAPTER WHICH[, IN FISCAL YEAR  
30 1983-1984,] IS ATTRIBUTABLE TO [TWO] THREE MILLS OF THE TAX

1 IMPOSED UNDER SECTION 9502 (A) (RELATING TO IMPOSITION OF TAX)  
2 [AND WHICH, IN FISCAL YEAR 1984-1985 AND THEREAFTER, IS  
3 ATTRIBUTABLE TO THREE MILLS OF THE TAX,] SHALL BE DEPOSITED  
4 AS FOLLOWS:

5 (I) FOR FISCAL YEARS 2013-2014 THROUGH FISCAL YEAR  
6 2016-2017, AS FOLLOWS:

7 (A) TWENTY-SEVEN MILLION DOLLARS SHALL BE  
8 DEPOSITED IN THE STATE HIGHWAY TRANSFER RESTORATION  
9 RESTRICTED ACCOUNT WITHIN THE MOTOR LICENSE FUND. THE  
10 FUNDS DEPOSITED IN THE STATE HIGHWAY TRANSFER  
11 RESTORATION RESTRICTED ACCOUNT SHALL BE APPROPRIATED  
12 ANNUALLY FOR EXPENDITURE AS PROVIDED UNDER SUBSECTION  
13 (G).

14 (B) ALL FUNDS NOT DEPOSITED IN ACCORDANCE WITH  
15 CLAUSE (A) SHALL BE DEPOSITED IN THE HIGHWAY BRIDGE  
16 IMPROVEMENT RESTRICTED ACCOUNT WITHIN THE MOTOR  
17 LICENSE FUND FOR LOCAL BRIDGES, NOTWITHSTANDING IF  
18 THE PROJECT IS ADMINISTERED BY A COUNTY, MUNICIPALITY  
19 OR THE DEPARTMENT.

20 (II) FOR FISCAL YEAR 2017-2018 AND EACH FISCAL YEAR  
21 THEREAFTER, AS FOLLOWS:

22 (A) ONE AND ONE-HALF MILL SHALL BE DEPOSITED IN  
23 THE STATE HIGHWAY TRANSFER RESTORATION RESTRICTED  
24 ACCOUNT WITHIN THE MOTOR LICENSE FUND, WHICH ACCOUNT  
25 IS HEREBY CREATED. THE FUNDS DEPOSITED IN THE STATE  
26 HIGHWAY TRANSFER RESTORATION RESTRICTED ACCOUNT ARE  
27 HEREBY ANNUALLY APPROPRIATED OUT OF THE ACCOUNT UPON  
28 AUTHORIZATION BY THE GOVERNOR FOR EXPENDITURE AS  
29 PROVIDED IN SUBSECTION (G).

30 (B) ONE AND ONE-HALF MILL SHALL BE DEPOSITED IN

1           THE HIGHWAY BRIDGE IMPROVEMENT RESTRICTED ACCOUNT  
2           WITHIN THE MOTOR LICENSE FUND FOR LOCAL BRIDGES,  
3           NOTWITHSTANDING IF THE PROJECT IS ADMINISTERED BY A  
4           COUNTY, MUNICIPALITY OR THE DEPARTMENT.

5           (2) IF FUNDS ARE AVAILABLE TO MAKE PAYMENTS UNDER  
6           SUBSECTION (G) (1), THE DEPARTMENT MAY TRANSFER FUNDS  
7           DEPOSITED UNDER SUBPARAGRAPHS (I) AND (II) BETWEEN THE STATE  
8           HIGHWAY TRANSFER RESTORATION RESTRICTED ACCOUNT AND THE  
9           HIGHWAY BRIDGE IMPROVEMENT RESTRICTED ACCOUNT AT THE  
10          DISCRETION OF THE SECRETARY.

11          \* \* \*

12          (G) USE OF FUNDS IN THE STATE HIGHWAY TRANSFER RESTORATION  
13 RESTRICTED ACCOUNT.--THE FUNDS APPROPRIATED IN SUBSECTION (B)  
14 FOR DEPOSIT IN THE STATE HIGHWAY TRANSFER RESTORATION RESTRICTED  
15 ACCOUNT SHALL BE USED TO PAY FOR THE COSTS OF RESTORATION OF  
16 SUCH HIGHWAYS AS PROVIDED IN CHAPTER 92 (RELATING TO TRANSFER OF  
17 STATE HIGHWAYS) AND ANNUAL PAYMENTS TO THE MUNICIPALITIES FOR  
18 HIGHWAY MAINTENANCE IN ACCORDANCE WITH THE FOLLOWING:

19           (1) ANNUAL MAINTENANCE PAYMENTS SHALL BE AT THE RATE OF  
20           \$4,000 PER MILE FOR EACH HIGHWAY OR PORTION OF HIGHWAY  
21           TRANSFERRED UNDER CHAPTER 92, SECTION 222 OF THE ACT OF JUNE  
22           1, 1945 (P.L.1242, NO.428), KNOWN AS THE STATE HIGHWAY LAW,  
23           OR ANY STATUTE ENACTED IN 1981.

24           (2) ANNUAL MAINTENANCE PAYMENTS SHALL BE PAID AT THE  
25           SAME TIME AS FUNDS APPROPRIATED UNDER THE ACT OF JUNE 1, 1956  
26           (1955 P.L.1944, NO.655), REFERRED TO AS THE LIQUID FUELS TAX  
27           MUNICIPAL ALLOCATION LAW, EXCEPT THAT NO MAINTENANCE PAYMENT  
28           SHALL BE PAID FOR A HIGHWAY UNTIL AFTER THE YEAR FOLLOWING  
29           ITS TRANSFER TO THE MUNICIPALITY.

30           (3) ANNUAL MAINTENANCE PAYMENTS UNDER THIS SUBSECTION

1 SHALL BE IN LIEU OF ANNUAL PAYMENTS UNDER THE LIQUID FUELS  
2 TAX MUNICIPAL ALLOCATION LAW.

3 (4) ANNUAL MAINTENANCE PAYMENTS UNDER THIS SUBSECTION  
4 SHALL BE DEPOSITED INTO THE MUNICIPALITY'S LIQUID FUELS TAX  
5 ACCOUNT AND MAY BE USED ON ANY STREETS AND HIGHWAYS IN THE  
6 MUNICIPALITY IN THE SAME MANNER AND SUBJECT TO THE SAME  
7 RESTRICTIONS AS LIQUID FUELS TAX FUNDS PAID UNDER THE LIQUID  
8 FUELS TAX MUNICIPAL ALLOCATION LAW OR, IN THE CASE OF A  
9 COUNTY, UNDER SECTION 10 OF THE ACT OF MAY 21, 1931 (P.L.149,  
10 NO.105), KNOWN AS THE LIQUID FUELS TAX ACT.

11 \* \* \*

12 (I) REFUND TO PENNSYLVANIA FISH AND BOAT COMMISSION.--

13 (1) WHEN THE TAX IMPOSED BY THIS CHAPTER HAS BEEN PAID  
14 AND THE FUEL ON WHICH THE TAX HAS BEEN IMPOSED HAS BEEN  
15 CONSUMED IN THE OPERATION OF MOTORBOATS OR WATERCRAFT UPON  
16 THE WATERS OF THIS COMMONWEALTH, INCLUDING WATERWAYS  
17 BORDERING ON THIS COMMONWEALTH, THE FULL AMOUNT OF THE TAX  
18 SHALL BE REFUNDED TO THE BOAT FUND ON PETITION TO THE BOARD  
19 IN ACCORDANCE WITH PRESCRIBED PROCEDURES.

20 (2) IN ACCORDANCE WITH SUCH PROCEDURES, THE PENNSYLVANIA  
21 FISH AND BOAT COMMISSION SHALL BIANNUALLY CALCULATE THE  
22 AMOUNT OF LIQUID FUELS CONSUMED BY THE MOTORCRAFT AND FURNISH  
23 THE INFORMATION RELATING TO ITS CALCULATIONS AND DATA AS  
24 REQUIRED BY THE BOARD. THE BOARD SHALL REVIEW THE PETITION  
25 AND MOTORBOAT FUEL CONSUMPTION CALCULATIONS OF THE  
26 COMMISSION, DETERMINE THE AMOUNT OF THE OIL COMPANY FRANCHISE  
27 TAX PAID AND CERTIFY TO THE STATE TREASURER TO REFUND  
28 ANNUALLY TO THE BOAT FUND THE AMOUNT SO DETERMINED. THE  
29 DEPARTMENT SHALL BE ACCORDED THE RIGHT TO APPEAR AT THE  
30 PROCEEDINGS AND MAKE ITS VIEWS KNOWN.

1           (3) FOR THE FISCAL YEARS COMMENCING JULY 1, 2013, JULY  
2 1, 2014, JULY 1, 2015, JULY 1, 2016, AND JULY 1, 2017, THE  
3 MONEY UNDER PARAGRAPH (2) SHALL BE USED BY THE COMMISSION  
4 ACTING BY ITSELF OR BY AGREEMENT WITH OTHER FEDERAL AND STATE  
5 AGENCIES ONLY FOR THE IMPROVEMENT OF HAZARDOUS DAMS  
6 IMPOUNDING WATERS OF THIS COMMONWEALTH ON WHICH BOATING IS  
7 PERMITTED, INCLUDING THE DEVELOPMENT AND CONSTRUCTION OF  
8 BOATING AREAS AND THE DREDGING AND CLEARING OF WATER AREAS  
9 WHERE BOATS CAN BE USED. THE COMMISSION SHALL PRESENT ITS  
10 PLAN NO LATER THAN SEPTEMBER 30 OF EACH YEAR THROUGH  
11 SEPTEMBER 30, 2017, TO THE CHAIRMAN AND MINORITY CHAIRMAN OF  
12 THE TRANSPORTATION AND GAME AND FISHERIES COMMITTEES OF THE  
13 SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE  
14 TRANSPORTATION AND GAME AND FISHERIES COMMITTEES OF THE HOUSE  
15 OF REPRESENTATIVES REGARDING THE USE OF THE FUNDS. FOR THE  
16 FISCAL YEAR COMMENCING JULY 1, 2018, AND FOR EACH FISCAL YEAR  
17 THEREAFTER, THIS MONEY SHALL BE USED BY THE COMMISSION ACTING  
18 BY ITSELF OR BY AGREEMENT WITH OTHER FEDERAL AND STATE  
19 AGENCIES ONLY FOR THE IMPROVEMENT OF THE WATERS OF THIS  
20 COMMONWEALTH ON WHICH MOTORBOATS ARE PERMITTED TO OPERATE AND  
21 MAY BE USED FOR THE DEVELOPMENT AND CONSTRUCTION OF MOTORBOAT  
22 AREAS; THE DREDGING AND CLEARING OF WATER AREAS WHERE  
23 MOTORBOATS CAN BE USED; THE PLACEMENT AND REPLACEMENT OF  
24 NAVIGATIONAL AIDS; THE PURCHASE, DEVELOPMENT AND MAINTENANCE  
25 OF PUBLIC ACCESS SITES AND FACILITIES TO AND ON WATERS WHERE  
26 MOTORBOATING IS PERMITTED; THE PATROLLING OF MOTORBOATING  
27 WATERS; THE PUBLISHING OF NAUTICAL CHARTS IN THOSE AREAS OF  
28 THIS COMMONWEALTH NOT COVERED BY NAUTICAL CHARTS PUBLISHED BY  
29 THE UNITED STATES COAST AND GEODETIC SURVEY OR THE UNITED  
30 STATES ARMY CORPS OF ENGINEERS AND THE ADMINISTRATIVE

1       EXPENSES ARISING OUT OF SUCH ACTIVITIES; AND OTHER SIMILAR  
2       PURPOSES.

3       SECTION 28.1. SECTION 9602 OF TITLE 75 IS AMENDED BY ADDING  
4 A DEFINITION TO READ:

5       § 9602. DEFINITIONS.

6       THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER AND  
7 IN CHAPTER 21 (RELATING TO MOTOR CARRIERS ROAD TAX  
8 IDENTIFICATION MARKERS) SHALL HAVE THE MEANINGS GIVEN TO THEM IN  
9 THIS SECTION AND IN SECTION 2101.1 (RELATING TO DEFINITIONS)  
10 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

11       \* \* \*

12       "PERMIT." A PERMIT AUTHORIZING TRAVEL OF A QUALIFIED  
13 MOTOR VEHICLE IN THIS COMMONWEALTH WHICH IS NOT SUSPENDED,  
14 REVOKED OR CANCELED.

15       \* \* \*

16       SECTION 28.2. SECTION 9610 OF TITLE 75 IS AMENDED TO READ:  
17 § 9610. [RECORDS.

18 EVERY MOTOR CARRIER SHALL KEEP SUCH RECORDS, IN SUCH FORM AS THE  
19 DEPARTMENT REASONABLY MAY PRESCRIBE, AS WILL ENABLE THE CARRIER  
20 TO REPORT AND ENABLE THE DEPARTMENT TO DETERMINE THE TOTAL  
21 NUMBER OF MILES TRAVELED BY ITS ENTIRE FLEET OF QUALIFIED MOTOR  
22 VEHICLES, THE TOTAL NUMBER OF MILES TRAVELED IN THIS  
23 COMMONWEALTH BY THE ENTIRE FLEET, THE TOTAL NUMBER OF GALLONS OF  
24 MOTOR FUEL USED BY THE ENTIRE FLEET AND THE TOTAL NUMBER OF  
25 GALLONS OF MOTOR FUEL PURCHASED IN THIS COMMONWEALTH FOR THE  
26 ENTIRE FLEET. ALL SUCH RECORDS SHALL BE SAFELY PRESERVED FOR A  
27 PERIOD OF FOUR YEARS IN SUCH MANNER AS TO INSURE THEIR SECURITY  
28 AND AVAILABILITY FOR INSPECTION BY THE SECRETARY OR ANY  
29 AUTHORIZED EMPLOYEE ENGAGED IN THE ADMINISTRATION OF THIS  
30 CHAPTER. UPON APPLICATION IN WRITING, STATING THE REASONS



1 THEREFOR, THE DEPARTMENT MAY, IN ITS DISCRETION, CONSENT TO THE  
2 DESTRUCTION OF ANY SUCH RECORDS AT ANY TIME WITHIN THAT PERIOD  
3 IF THE RECORDS PERTAIN TO A PERIOD WHICH HAS BEEN AUDITED BY THE  
4 DEPARTMENT. EVERY TAXPAYER SHALL RETAIN RECORDS REQUIRED BY THIS  
5 CHAPTER AT A PLACE WITHIN THIS COMMONWEALTH, BUT A TAXPAYER WHO  
6 ELECTS TO RETAIN RECORDS OUTSIDE OF THIS COMMONWEALTH SHALL  
7 ASSUME REASONABLE OUT-OF-STATE AUDIT EXPENSES.] (RESERVED).

8 SECTION 28.3. TITLE 75 IS AMENDED BY ADDING A SECTION TO  
9 READ:

10 § 9610.1 RECORDKEEPING.

11 (A) RECORDS.--EVERY MOTOR CARRIER SHALL KEEP RECORDS, IN A  
12 FORM AS THE DEPARTMENT MAY REASONABLY PRESCRIBE, AS WILL ENABLE  
13 THE CARRIER TO REPORT AND ENABLE THE DEPARTMENT TO DETERMINE ALL  
14 OF THE FOLLOWING:

15 (1) THE TOTAL NUMBER OF MILES TRAVELED BY ITS ENTIRE  
16 FLEET OF QUALIFIED MOTOR VEHICLES.

17 (2) THE TOTAL NUMBER OF MILES TRAVELED IN THIS  
18 COMMONWEALTH BY THE ENTIRE FLEET.

19 (3) THE TOTAL NUMBER OF GALLONS OF MOTOR FUEL USED BY  
20 THE ENTIRE FLEET.

21 (4) THE TOTAL NUMBER OF GALLONS OF MOTOR FUEL PURCHASED  
22 IN THIS COMMONWEALTH FOR THE ENTIRE FLEET.

23 (B) RECORD LOCATION.--EVERY TAXPAYER SHALL RETAIN RECORDS  
24 REQUIRED BY THIS CHAPTER AT A PLACE WITHIN THIS COMMONWEALTH.  
25 A TAXPAYER WHO ELECTS TO RETAIN RECORDS OUTSIDE THIS  
26 COMMONWEALTH SHALL ASSUME REASONABLE OUT-OF-STATE AUDIT  
27 EXPENSES.

28 (C) RECORD PRESERVATION.--RECORDS SHALL BE PRESERVED FOR A  
29 PERIOD OF FOUR YEARS FROM THE DUE DATE OF THE RETURN OR THE DATE  
30 FILED, WHICHEVER IS LATER. THE PRESERVATION SHALL ENSURE THEIR

1 SECURITY AND AVAILABILITY FOR INSPECTION BY THE SECRETARY OR ANY  
2 AUTHORIZED EMPLOYEE ENGAGED IN THE ADMINISTRATION OF THIS  
3 CHAPTER. RECORDS MAY BE KEPT ON MICROFILM, MICROFICHE OR OTHER  
4 COMPUTERIZED OR CONDENSED RECORD STORAGE SYSTEM. UPON  
5 APPLICATION IN WRITING, STATING THE REASONS THEREFOR, THE  
6 DEPARTMENT MAY, IN ITS DISCRETION, CONSENT TO THE DESTRUCTION OF  
7 ANY SUCH RECORDS AT ANY TIME WITHIN THAT PERIOD IF THE RECORDS  
8 PERTAIN TO A PERIOD WHICH HAS BEEN AUDITED BY THE DEPARTMENT.

9 (D) RECORD AVAILABILITY.--RECORDS FOR INTERNATIONAL FUEL TAX  
10 AGREEMENT LICENSEES MUST BE MADE AVAILABLE UPON REQUEST OF A  
11 MEMBER JURISDICTION.

12 (E) STATUTE OF LIMITATIONS.--FAILURE TO PROVIDE RECORDS  
13 DEMANDED FOR THE PURPOSE OF AUDIT SHALL EXTEND THE STATUTE OF  
14 LIMITATIONS UNTIL THE RECORDS ARE PROVIDED.

15 (F) SEPARATE ACCOUNTING.--BULK STORAGE FUEL PURCHASES AND  
16 WITHDRAWALS AND OVER-THE-ROAD PURCHASES SHALL BE ACCOUNTED FOR  
17 SEPARATELY.

18 (G) INTERNATIONAL FUEL TAX AGREEMENT VEHICLES.--THE  
19 INTERNATIONAL FUEL TAX AGREEMENT VEHICLES WHOSE BASE  
20 JURISDICTION IS THIS COMMONWEALTH SHALL FOLLOW THE INTERNATIONAL  
21 FUEL TAX AGREEMENT PROCEDURES MANUAL FOR THE FOLLOWING  
22 RECORDKEEPING STANDARDS:

23 (1) OVER-THE-ROAD FUEL PURCHASES.

24 (2) BULK FUEL PURCHASES.

25 (3) DISTANCE RECORDS.

26 (4) ACCEPTABLE SOURCE RECORDS FOR RECORDING VEHICLE

27 DISTANCE INFORMATION THAT SHALL INCLUDE ALL OF THE FOLLOWING:

28 (I) THE INDIVIDUAL VEHICLE MILEAGE RECORD REQUIRED  
29 BY THE INTERNATIONAL REGISTRATION PLAN.

30 (II) A TRIP REPORT THAT INCLUDES THE INFORMATION IN

1 PARAGRAPHS (1) THROUGH (3), THE STARTING AND ENDING DATE  
2 OF THE TRIP, THE TRIP'S ORIGIN AND DESTINATION, INCLUDING  
3 CITY AND STATE, ROUTES OF TRAVEL, STARTING AND ENDING  
4 ODOMETER READINGS, VEHICLE UNIT NUMBER, VEHICLE FLEET  
5 NUMBER AND LICENSEE'S NAME.

6 (III) AT THE OPTION OF THE CARRIER, ON-BOARD  
7 RECORDING DEVICES THAT MAY BE USED IN LIEU OF OR IN  
8 ADDITION TO HANDWRITTEN TRIP REPORTS FOR FUEL TAX  
9 REPORTING. ON-BOARD RECORDING DEVICES MAY BE USED ALONE  
10 OR IN CONJUNCTION WITH AN ELECTRONIC COMPUTER SYSTEM, OR  
11 IN CONJUNCTION WITH MANUAL SYSTEMS.

12 (5) DATA COLLECTION TO OBTAIN THE INFORMATION NEEDED TO  
13 VERIFY FLEET DISTANCE, TO PREPARE THE INDIVIDUAL VEHICLE  
14 DISTANCE RECORD AND FOR FUEL TAX PURPOSES, THE CARRIER SHALL  
15 MAINTAIN ALL MANDATORY AND OPTIONAL RECORDS AS SPECIFIED IN  
16 THE INTERNATIONAL FUEL TAX AGREEMENT PROCEDURES MANUAL.

17 (6) INTERNATIONAL FUEL TAX AGREEMENT DECALS SHALL BE  
18 CONSIDERED RECORDS UNDER THIS SECTION. INTERNATIONAL FUEL TAX  
19 AGREEMENT MOTOR CARRIERS SHALL BE RESPONSIBLE FOR MAINTAINING  
20 THE DECALS FOR PERIODS SUFFICIENT TO MEET THE RECORD  
21 PRESERVATION RULES UNDER SUBSECTION (C). IF A MOTOR CARRIER  
22 LOSES CONTROL OF A DECAL FOR WHICH IT IS RESPONSIBLE UNDER  
23 CHAPTER 21 (RELATING TO MOTOR CARRIERS ROAD TAX  
24 IDENTIFICATION MARKERS), THE MOTOR CARRIER SHALL NOTIFY THE  
25 DEPARTMENT IN WRITING OF THE LOSS WITHIN TEN DAYS. AN OWNER-  
26 OPERATOR TO WHOM A LICENSED CARRIER HAS PROVIDED DECALS SHALL  
27 REMAIN RESPONSIBLE FOR THE DISPOSITION OF THE OWNER-  
28 OPERATOR'S DECALS.

29 (H) QUALIFIED MOTOR VEHICLES.--A QUALIFIED MOTOR VEHICLE NOT  
30 SUBJECT TO INTERNATIONAL FUEL TAX AGREEMENT AND HOLDING A MOTOR

1 CARRIER ROAD TAX LICENSE UNDER CHAPTER 21 (RELATING TO MOTOR  
2 CARRIERS ROAD TAX IDENTIFICATION Markers) SHALL COMPLY WITH  
3 SUBSECTIONS (A) THROUGH (F). THE QUALIFIED MOTOR VEHICLE HOLDING  
4 THE PERMIT SHALL MAINTAIN RESPONSIBILITY FOR PA-MCRT DECALS IN A  
5 MANNER SIMILAR TO THAT AS PROVIDED FOR INTERNATIONAL FUEL TAX  
6 AGREEMENT DECALS IN SUBSECTION (G) (6).

7 (I) COMPLIANCE.--NONCOMPLIANCE WITH ANY RECORDKEEPING  
8 REQUIREMENT UNDER THIS SECTION MAY CAUSE REVOCATION OF THE  
9 LICENSE.

10 (J) DEFINITION.--FOR PURPOSES OF THIS SECTION, THE TERM  
11 "RECORD," WHEREVER APPLICABLE AND PRACTICAL, SHALL INCLUDE  
12 ACTUAL INDIVIDUAL RECORDS OF MILEAGE TRAVELED OR RECEIPTS OF  
13 FUEL PURCHASED.

14 SECTION 28.4. SECTIONS 9611 AND 9613 OF TITLE 75 ARE AMENDED  
15 TO READ:

16 § 9611. SURETY BOND FOR PAYMENT OF TAXES.

17 (A) GENERAL.--A MOTOR CARRIER MAY GIVE A SURETY COMPANY BOND  
18 IN AN AMOUNT DEEMED NECESSARY BY THE DEPARTMENT TO PROTECT THE  
19 REVENUES OF THE COMMONWEALTH, PAYABLE TO THE COMMONWEALTH OF  
20 PENNSYLVANIA AND CONDITIONED THAT THE CARRIER WILL PAY ALL TAXES  
21 DUE AND TO BECOME DUE UNDER THIS CHAPTER FROM THE DATE OF THE  
22 BOND TO THE DATE WHEN EITHER THE CARRIER OR THE BONDING COMPANY  
23 NOTIFIES THE DEPARTMENT THAT THE BOND HAS BEEN CANCELED. THE  
24 SURETY SHALL BE A CORPORATION AUTHORIZED TO WRITE SURETY BONDS  
25 IN THIS COMMONWEALTH. AS LONG AS THE BOND REMAINS IN FORCE, THE  
26 BOARD OF FINANCE AND REVENUE MAY ORDER REFUNDS TO THE MOTOR  
27 CARRIER IN THE AMOUNTS APPEARING TO BE DUE ON APPLICATIONS DULY  
28 FILED BY THE MOTOR CARRIER UNDER SECTION 9604 (RELATING TO  
29 CREDIT FOR MOTOR FUEL TAX PAYMENT), WITHOUT FIRST AUDITING THE  
30 RECORDS OF THE CARRIER. THE BOND SHALL COVER TAXES AND INTEREST

1 DUE THEREON EVEN THOUGH THE ASSESSMENT IS MADE AFTER  
2 CANCELLATION OF THE BOND, BUT ONLY FOR TAXES DUE AND PAYABLE  
3 WHILE THE BOND WAS IN FORCE AND PENALTIES AND INTEREST ON SUCH  
4 TAXES.

5 (B) CONDITIONS FOR BONDING.--THE DEPARTMENT MAY REQUIRE A  
6 LICENSEE TO POST A BOND IF ANY OF THE FOLLOWING CONDITIONS  
7 EXIST:

8 (1) THE LICENSEE FAILS TO TIMELY FILE TAX RETURNS OR  
9 REMIT TAXES.

10 (2) WHEN AN AUDIT, EXAMINATION OR INSPECTION OF RECORDS  
11 INDICATES PROBLEMS SEVERE ENOUGH THAT, IN THE DEPARTMENT'S  
12 DISCRETION, A BOND IS REQUIRED TO PROTECT THE INTERESTS OF  
13 THE COMMONWEALTH OR MEMBER JURISDICTIONS.

14 (3) AS MAY BE REQUIRED UNDER THE INTERNATIONAL FUEL TAX  
15 AGREEMENT.

16 (C) SURETY AMOUNT.--THE TOTAL AMOUNT OF THE BOND SHALL BE  
17 DETERMINED BY THE DEPARTMENT AND SHALL BE EQUIVALENT TO AT LEAST  
18 TWICE THE AMOUNT OF THE ESTIMATED AVERAGE TAX LIABILITY FOR THE  
19 TAX REPORTING PERIOD FOR WHICH THE LICENSEE SHALL BE REQUIRED TO  
20 FILE A TAX RETURN.

21 (D) SURETY SUBSTITUTE.--UPON APPROVAL BY THE DEPARTMENT, IN  
22 LIEU OF A SURETY BOND, AN INTERNATIONAL FUEL TAX AGREEMENT  
23 LICENSEE OR APPLICANT FOR A NEW INTERNATIONAL FUEL TAX AGREEMENT  
24 LICENSEE MAY DEPOSIT A SUBSTITUTE TYPE OF SURETY AS PROVIDED FOR  
25 IN THE INTERNATIONAL FUEL TAX AGREEMENT ARTICLES OF AGREEMENT  
26 AND PROCEDURES MANUAL.

27 (E) DEMAND ON BOND.--IN ORDER TO SECURE THE REVENUES OF THE  
28 COMMONWEALTH OR MEMBER JURISDICTIONS, THE DEPARTMENT SHALL HAVE  
29 THE DISCRETION TO MAKE DEMAND ON A TAXPAYER'S SURETY BOND UPON  
30 DISCOVERING A FAILURE TO TIMELY FILE A REPORT OR PAYMENT AS

1 REQUIRED UNDER SECTION 9605 (RELATING TO TAX DUE DATE).

2 (F) APPLICABILITY.--BOND REQUIREMENTS UNDER THIS SECTION MAY  
3 APPLY TO NEW INTERNATIONAL FUEL TAX AGREEMENT LICENSE APPLICANTS  
4 AND EXISTING INTERNATIONAL FUEL TAX AGREEMENT LICENSEES.

5 § 9613. PENALTY AND INTEREST FOR FAILURE TO REPORT OR PAY TAX.

6 WHEN ANY MOTOR CARRIER FAILS TO FILE A REPORT [AND] OR PAY  
7 THE TAX WITHIN THE TIME PRESCRIBED BY THIS CHAPTER FOR THE  
8 FILING [AND] OR PAYMENT THEREOF, HE SHALL PAY AS A PENALTY FOR  
9 EACH FAILURE TO FILE OR TO PAY ON OR BEFORE THE PRESCRIBED DATE  
10 A SUM EQUIVALENT TO 10% OF THE TAX OR \$50, WHICHEVER IS GREATER.  
11 IN ADDITION TO THIS PENALTY, ANY UNPAID TAX SHALL BEAR INTEREST  
12 AT THE CURRENT RATE [OF 1% PER MONTH OR FRACTION THEREOF]  
13 IMPOSED BY THE INTERNATIONAL FUEL TAX AGREEMENT UNTIL THE TAX IS  
14 PAID. IF THE COMMONWEALTH CEASES TO PARTICIPATE IN THE  
15 INTERNATIONAL FUEL TAX AGREEMENT, THE RATE SHALL BE 1% PER MONTH  
16 OR FRACTION THEREOF UNTIL THE TAX IS PAID. THE PENALTIES AND  
17 INTEREST CHARGES IMPOSED SHALL BE PAID TO THE DEPARTMENT IN  
18 ADDITION TO THE TAX DUE. THIS SECTION SHALL APPLY TO ANY  
19 QUALIFIED MOTOR VEHICLE, INCLUDING A QUALIFIED MOTOR VEHICLE  
20 BEARING AN INTERNATIONAL FUEL TAX AGREEMENT OR MOTOR CARRIER  
21 ROAD TAX LICENSE AND DECAL IN ACCORDANCE WITH CHAPTER 21  
22 (RELATING TO MOTOR VEHICLE ROAD TAX CARRIERS IDENTIFICATION  
23 MARKERS).

24 SECTION 28.5. SECTION 9615(E) OF TITLE 75 IS AMENDED AND THE  
25 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

26 § 9615. MANNER OF PAYMENT AND RECOVERY OF TAXES, PENALTIES AND  
27 INTEREST.

28 \* \* \*

29 [(E) RENEWAL OF LIEN.--THE LIEN IMPOSED UNDER THIS SECTION  
30 SHALL CONTINUE FOR FIVE YEARS FROM THE DATE OF ITS ENTRY OF

1 RECORD AND MAY BE RENEWED AND CONTINUED IN THE MANNER PROVIDED  
2 FOR THE RENEWAL OF JUDGMENTS.]

3 (E.1) RENEWAL OF LIEN.--A LIEN UNDER THIS SECTION SHALL  
4 CONTINUE AS SPECIFIED UNDER SECTION 1401 OF THE ACT OF APRIL 9,  
5 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE.

6 SECTION 28.6. SECTIONS 9616(A), (E) AND (F) AND 9617 ARE  
7 AMENDED TO READ:

8 § 9616. [DETERMINATION, REDETERMINATION] ASSESSMENT,  
9 REASSESSMENT AND REVIEW.

10 (A) FAILURE TO PAY TAX.--IF ANY PERSON FAILS TO PAY ANY TAX  
11 IMPOSED BY THIS CHAPTER FOR WHICH HE IS LIABLE, THE DEPARTMENT  
12 MAY MAKE [A DETERMINATION] AN ASSESSMENT OF ADDITIONAL TAX AND  
13 INTEREST DUE BY SUCH PERSON BASED UPON ANY INFORMATION WITHIN  
14 ITS POSSESSION OR THAT SHALL COME INTO ITS POSSESSION. ALL  
15 [DETERMINATIONS] ASSESSMENTS SHALL BE MADE SO THAT NOTICE  
16 THEREOF SHALL REACH THE PARTIES AGAINST WHOM MADE WITHIN FIVE  
17 YEARS AFTER THE DUE DATE OF THE TAX. ANY ASSESSMENT MAY BE MADE  
18 AT ANY TIME DURING THAT PERIOD NOTWITHSTANDING THAT THE  
19 DEPARTMENT MAY HAVE MADE ONE OR MORE PREVIOUS ASSESSMENTS  
20 AGAINST THE TAXPAYER FOR THE YEAR IN QUESTION OR FOR ANY PART OF  
21 THAT YEAR. IN ANY CASE, NO CREDIT SHALL BE GIVEN FOR ANY PENALTY  
22 PREVIOUSLY ASSESSED OR PAID.

23 \* \* \*

24 (E) PETITION FOR [REDETERMINATION] REASSESSMENT.--PROMPTLY  
25 AFTER THE DATE OF THE [DETERMINATION] ASSESSMENT, THE DEPARTMENT  
26 SHALL SEND, BY FIRST CLASS MAIL, A COPY THEREOF TO THE PERSON  
27 AGAINST WHOM IT WAS MADE. WITHIN 90 DAYS AFTER THE DATE UPON  
28 WHICH THE COPY OF ANY SUCH [DETERMINATION] ASSESSMENT WAS  
29 MAILED, SUCH PERSON MAY FILE WITH THE DEPARTMENT A PETITION FOR  
30 [REDETERMINATION] REASSESSMENT OF THE TAXES. THE PETITION FOR

1 [REDETERMINATION] REASSESSMENT SHALL STATE SPECIFICALLY THE  
2 REASONS WHICH THE PETITIONER BELIEVES ENTITLE HIM TO THE  
3 [REDETERMINATION] REASSESSMENT, AND IT SHALL BE SUPPORTED BY  
4 AFFIRMATION THAT IT IS NOT MADE FOR THE PURPOSE OF DELAY AND  
5 THAT THE FACTS SET FORTH THEREIN ARE TRUE. IT SHALL BE THE DUTY  
6 OF THE DEPARTMENT, WITHIN SIX MONTHS AFTER THE DATE OF ANY  
7 DETERMINATION, TO DISPOSE OF ANY PETITION FOR REDETERMINATION.  
8 NOTICE OF THE ACTION TAKEN UPON ANY PETITION FOR REDETERMINATION  
9 SHALL BE GIVEN TO THE PETITIONER PROMPTLY AFTER THE DATE OF  
10 REDETERMINATION BY THE DEPARTMENT.

11 (F) [REVIEW AND APPEAL.--ANY PERSON SHALL HAVE THE RIGHT TO  
12 REVIEW BY THE BOARD OF FINANCE AND REVENUE AND APPEAL IN THE  
13 SAME MANNER AND WITHIN THE SAME TIME AS PROVIDED BY LAW IN THE  
14 CASE OF CAPITAL STOCK AND FRANCHISE TAXES IMPOSED UPON  
15 CORPORATIONS.] A PERSON DISSATISFIED WITH THE DECISION OF THE  
16 DEPARTMENT UNDER SUBSECTION (B) SHALL HAVE THE RIGHT TO PETITION  
17 FOR REVIEW BY THE BOARD OF FINANCE AND REVENUE IN ACCORDANCE  
18 WITH ARTICLE XXVII OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2),  
19 KNOWN AS THE TAX REFORM CODE OF 1971.

20 § 9617. [TIMELY MAILING TREATED AS TIMELY FILING AND PAYMENT.

21 WITH RESPECT TO ALL REPORTS, CLAIMS, STATEMENTS AND OTHER  
22 DOCUMENTS REQUIRED TO BE FILED AND ALL PAYMENTS REQUIRED TO BE  
23 MADE UNDER THIS CHAPTER, ANY SUCH REPORT, CLAIM, STATEMENT AND  
24 OTHER DOCUMENT OR PAYMENT OF TAX WITHHELD SHALL BE CONSIDERED AS  
25 TIMELY FILED IF THE REPORT, CLAIM, STATEMENT OR OTHER DOCUMENT  
26 OR PAYMENT WHICH HAS BEEN RECEIVED BY THE DEPARTMENT IS  
27 POSTMARKED BY THE UNITED STATES POSTAL SERVICE ON OR PRIOR TO  
28 THE FINAL DAY ON WHICH PAYMENT IS TO BE RECEIVED. FOR THE  
29 PURPOSES OF THIS CHAPTER, THE PRESENTATION OF A RECEIPT  
30 INDICATING THAT THE REPORT, CLAIM, STATEMENT OR OTHER DOCUMENT



1 OR PAYMENT WAS MAILED BY REGISTERED OR CERTIFIED MAIL ON OR  
2 BEFORE THE DUE DATE SHALL BE PRIMA FACIE EVIDENCE OF TIMELY  
3 FILING OF THE REPORT, CLAIM, STATEMENT OR OTHER DOCUMENT OR  
4 PAYMENT.] (RESERVED).

5 SECTION 28.6. TITLE 75 IS AMENDED BY ADDING SECTIONS TO  
6 READ:

7 § 9617.1. METHOD OF FILING AND TIMELINESS.

8 (A) ELECTRONIC FILING.--EXCEPT AS PROVIDED FOR UNDER  
9 SUBSECTION (B), UNLESS SPECIFICALLY PROVIDED FOR BY LAW, ALL  
10 REPORTS, PAYMENTS AND PETITIONS SHALL BE FILED ELECTRONICALLY  
11 WITH THE DEPARTMENT. UPON RECEIPT OF AN ELECTRONIC FILING BY THE  
12 DEPARTMENT, THE FILING SHALL BE DEEMED TO HAVE OCCURRED ON THE  
13 SPECIFIC DATE AND TIME INDICATED BY THE DEPARTMENT'S COMPUTERS  
14 OR SYSTEMS.

15 (B) EXCEPTIONS.--

16 (1) ELECTRONIC FILING SHALL NOT BE REQUIRED FOR ANY  
17 PAYMENT AMOUNTS LESS THAN \$1,000.

18 (2) A MOTOR CARRIER MAY BE EXCUSED FROM ELECTRONIC  
19 FILING THAT IS OTHERWISE REQUIRED BY LAW UPON PRESENTING TO  
20 THE DEPARTMENT EVIDENCE OF HARDSHIP IN FILING ELECTRONICALLY.  
21 SUCH EVIDENCE SHALL BE PROVIDED TO AND ACCEPTED BY THE  
22 DEPARTMENT BEFORE THE DUE DATE FOR THE REPORT, PAYMENT OR  
23 PETITION.

24 (3) ELECTRONIC FILING SHALL NOT BE ACCEPTED BY THE  
25 DEPARTMENT FOR CERTAIN REQUIRED FILINGS UNDER THIS CHAPTER  
26 WHERE THE DEPARTMENT DOES NOT HAVE THE TECHNICAL CAPABILITY  
27 TO PROCESS SUCH AN ELECTRONIC FILING.

28 (C) UNITED STATES POSTAL SERVICE FILING.--

29 (1) WHENEVER A REPORT, PAYMENT OR PETITION IS REQUIRED  
30 OR ALLOWED BY LAW TO BE FILED WITH THE DEPARTMENT BY UNITED

1 STATES POSTAL SERVICE, ALL OF THE FOLLOWING SHALL APPLY:

2 (I) IF THE REPORT MUST BE RECEIVED BY THE DEPARTMENT  
3 ON OR BEFORE A DAY CERTAIN, THE TAXPAYER SHALL BE DEEMED  
4 TO HAVE COMPLIED WITH THE LAW IF THE CORRECTLY ADDRESSED  
5 ENVELOPE TRANSMITTING THE REPORT, PAYMENT OR PETITION  
6 RECEIVED BY THE DEPARTMENT IS POSTMARKED BY UNITED STATES  
7 POSTAL SERVICE ON OR BEFORE THE FINAL DAY ON WHICH THE  
8 REPORT, PAYMENT OR PETITION IS REQUIRED TO BE RECEIVED.

9 (II) FOR THE PURPOSES OF THIS SUBSECTION,  
10 PRESENTATION OF A RECEIPT FROM UNITED STATES POSTAL  
11 SERVICE INDICATING THAT THE CORRECTLY ADDRESSED ENVELOPE  
12 TRANSMITTING THE REPORT, PAYMENT OR PETITION RECEIVED BY  
13 THE DEPARTMENT WAS MAILED ON OR BEFORE THE DUE DATE SHALL  
14 BE EVIDENCE OF TIMELY FILING AND PAYMENT.

15 (D) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO ANY  
16 REPORT, PAYMENT OR PETITION THAT IS REQUIRED BY LAW TO BE  
17 DELIVERED BY ANY METHOD OTHER THAN MAILING.

18 § 9623. UNCOLLECTIBLE PAYMENTS.

19 IF THE PAYMENT OF A TAX, PENALTY OR INTEREST IMPOSED BY THIS  
20 CHAPTER IS RETURNED TO THE DEPARTMENT AS UNCOLLECTIBLE, THE  
21 DEPARTMENT SHALL FOLLOW SECTION 3003.9 OF THE ACT OF MARCH 4,  
22 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.

23 § 9624. EMERGENCY ASSISTANCE IN A TIMELY MANNER.

24 (A) WITHIN THIS COMMONWEALTH.--UPON THE GOVERNOR'S  
25 DECLARATION OF A STATE OF EMERGENCY IN THIS COMMONWEALTH, THE  
26 SECRETARY OF REVENUE MAY WAIVE, SUSPEND OR OTHERWISE MODIFY ANY  
27 PROVISIONS OF THIS CHAPTER FOR THE SOLE PURPOSE OF ENABLING  
28 MOTOR CARRIERS TO RESPOND TO EMERGENCY CONDITIONS AND CONDUCT  
29 EMERGENCY RELIEF EFFORTS IN A TIMELY MANNER. THE WAIVERS,  
30 SUSPENSIONS OR MODIFICATIONS SHALL BE EFFECTIVE FOR A SPECIFIC

1 PERIOD OF TIME AS DETERMINED BY THE SECRETARY OF REVENUE AND  
2 SHALL NOT EXCEED THE TERMINATION OF THE STATE OF EMERGENCY  
3 DECLARED BY THE GOVERNOR.

4 (B) OUTSIDE THIS COMMONWEALTH.--THE SECRETARY OF REVENUE,  
5 WITH PRIOR AUTHORIZATION FROM THE GOVERNOR, MAY WAIVE, SUSPEND  
6 OR OTHERWISE MODIFY ANY PROVISIONS OF THIS CHAPTER ON A  
7 TEMPORARY AND DEFINITE BASIS IN ORDER TO FACILITATE THE TIMELY  
8 MOVEMENT OF VEHICLES OR FUEL FROM AND THROUGH THIS COMMONWEALTH  
9 TO OTHER JURISDICTIONS REQUESTING EMERGENCY ASSISTANCE FROM THIS  
10 COMMONWEALTH.

11 (C) RECORDKEEPING.--NOTWITHSTANDING SUBSECTIONS (A) AND (B),  
12 EACH DISTRIBUTOR, EXEMPT ENTITY OR OTHER PERSON WHO BUYS, SELLS  
13 OR USES LIQUID FUELS, FUELS OR ALTERNATIVE FUELS PURSUANT TO THE  
14 TERMS OF AN EMERGENCY DECLARATION SHALL MAINTAIN RECORDS TO  
15 SUBSTANTIATE PARTICIPATION IN EMERGENCY RELIEF EFFORTS. A  
16 VEHICLE, OTHER THAN A QUALIFIED MOTOR VEHICLE AS DEFINED UNDER  
17 SECTION 2101.1 (RELATING TO DEFINITIONS) OR A VEHICLE OPERATED  
18 BY AN EXEMPT ENTITY TRAVELING ON THE PUBLIC HIGHWAYS OF THIS  
19 COMMONWEALTH DURING THE EMERGENCY PERIOD UNDER SUBSECTION (A) OR  
20 (B) MUST MAINTAIN RECORDS OF PURCHASES OF TAX-EXEMPT FUEL.

21 (D) TAXES NOT WAIVED.--UNLESS SUSPENDED BY THE SECRETARY OF  
22 REVENUE, LIQUID FUELS, FUELS AND ALTERNATIVE FUEL TAXES IMPOSED  
23 UNDER SECTION 9004 MAY NOT BE WAIVED FOR AN EMERGENCY PERIOD  
24 UNDER SUBSECTION (A) OR (B).

25 SECTION 29. (RESERVED).

26 SECTION 30. THE ADDITION OF 74 PA.C.S. § 9202 SHALL APPLY TO  
27 CONTRACTS ENTERED INTO ON OR AFTER THE EFFECTIVE DATE OF THIS  
28 SECTION.

29 SECTION 31. THE GENERAL ASSEMBLY DECLARES THAT THE AMENDMENT  
30 OF 75 PA.C.S. § 4968 (A.2) (4) SHALL NOT AFFECT THE DEPARTMENT OF

1 TRANSPORTATION'S REQUIREMENTS REGARDING THE PERMIT FOR THE  
2 MOVEMENT OF RAW MILK FOUND AT 50A ON PAGES 83 AND 84 OF THE  
3 DEPARTMENT OF TRANSPORTATION'S PUBLICATION 31.

4 SECTION 32. REPEALS ARE AS FOLLOWS:

5 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER  
6 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE FOLLOWING:

7 (I) THE ADDITION OF 74 PA.C.S. § 1505.1.

8 (II) THE AMENDMENT OF 74 PA.C.S. § 1506(C) (3).

9 (2) SECTIONS 281.2(B), (D) AND (E) AND 1110-A(C) AND  
10 ARTICLE XXIII OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2),  
11 KNOWN AS THE TAX REFORM CODE OF 1971, ARE REPEALED.

12 SECTION 33. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

13 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
14 IMMEDIATELY:

15 (I) THIS SECTION.

16 (II) THE ADDITION OF 74 PA.C.S. CH. 59 SUBCH. C.

17 (III) THE ADDITION OF 75 PA.C.S. § 4968(A.1) (3),  
18 (A.2) (4) AND (B).

19 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
20 DAYS.