AN ACT

Amending Titles 20 (Decedents, Estates and Fiduciaries), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in anatomical gifts, further providing for The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions; in administrative practice and procedure, further providing for minority and women owned business participation; in sustainable mobility options, further providing for definitions, for the Public Transportation Trust Fund, for application and approval process, for executive and legislative reports, for coordination, for asset improvement program, for Statewide programs and for capital improvements program, providing for Alternative Energy Capital Investment Program and for multimodal transportation funding; in airport operation and zoning, further providing for the imposition of a rental car customer facility charge by a city of the first class, for the collection of the customer facility charge on behalf of the city by rental car companies leasing space or obtaining customers at an international airport, for use of the proceeds of the rental car customer facility charge for the development, maintenance and operation of a consolidated rental car facility to improve services to the public at the airport; for an agreement between a city of the first class and rental car companies relating to the development and use of the consolidated car rental facility and for the administration and enforcement of the rental car customer facility charge, in the Pennsylvania Turnpike, further 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—
nearly 40,000 miles of roads and 25,000 bridges owned by the
Commonwealth, nearly 77,000 miles of roads and 12,000 bridges
owned by counties and municipal governments, 36 fixed-route
public transportation agencies, 67 railroads, 133 public use
airports, the Ports of Erie, Philadelphia and Pittsburgh, and
numerous bicycle and pedestrian facilities.

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

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

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

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

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

(8) To ensure the needs of the public are adequately
addressed, funding mechanisms must be enhanced to sustain the
Commonwealth's transportation system in the future.

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

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

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

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

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

AMENDING TITLES 74 (TRANSPORTATION) AND 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, IN TITLE 74, PROVIDING FOR ORGANIZATION; IN SUSTAINABLE MOBILITY OPTIONS, FURTHER PROVIDING FOR DEFINITIONS AND FOR DEPARTMENT AUTHORIZATION; PROVIDING FOR FEES AND TAXES; FURTHER PROVIDING FOR THE PUBLIC TRANSPORTATION TRUST FUND, FOR APPLICATION AND APPROVAL PROCESS, FOR REPORT TO GOVERNOR AND GENERAL ASSEMBLY, FOR COORDINATION AND CONSOLIDATION, FOR OPERATING PROGRAM, FOR ASSET IMPROVEMENT PROGRAM, FOR PROGRAMS OF STATEWIDE SIGNIFICANCE AND FOR CAPITAL IMPROVEMENTS PROGRAM;
ESTABLISHING THE ALTERNATIVE ENERGY CAPITAL INVESTMENT PROGRAM; PROVIDING FOR LOCAL TAX FOR MASS TRANSPORTATION AND FOR MULTIModal TRANSPORTATION FUNDING; IN AIRPORT OPERATION AND ZONING, PROVIDING FOR FIRST CLASS CITY CONSOLIDATED CAR RENTAL FACILITY; IN AVIATION DEVELOPMENT, FURTHER PROVIDING FOR TAX ON JET FUELS; IN TURNPIKE, FURTHER PROVIDING FOR DEFINITIONS AND FOR ELECTRONIC TOLL COLLECTION; IN TURNPIKE COMMISSION STANDARDS OF CONDUCT, FURTHER PROVIDING FOR ANNUAL REPORT AND FOR CODE OF CONDUCT; IN PUBLIC-PRIVATE TRANSPORTATION PARTNERSHIPS, FURTHER PROVIDING FOR PUBLIC-PRIVATE TRANSPORTATION PARTNERSHIP AGREEMENT; PROVIDING FOR TRAFFIC SIGNALS, FOR THE BRIDGE BUNDLING PROGRAM, FOR LOCAL BRIDGE MAINTENANCE AND FOR PUBLIC UTILITY FACILITIES; IN TITLE 75, IN REGISTRATION OF VEHICLES, PROVIDING FOR SUSPENSION OF REGISTRATION UPON UNPAID TOLLS; IN FINANCIAL RESPONSIBILITY, FURTHER PROVIDING FOR REQUIRED FINANCIAL RESPONSIBILITY; IN FEES, FURTHER PROVIDING FOR LIMITATION ON LOCAL LICENSE FEES AND TAXES AND FOR COLLECTION AND DISPOSITION OF FEES AND MONEYS; PROVIDING FOR FEE FOR LOCAL USE; FURTHER PROVIDING 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 AND FOR CERTIFICATE OF INSPECTION; IN MOTOR CARRIERS ROAD TAX IDENTIFICATION MARKERS, FURTHER PROVIDING FOR DEFINITIONS, FOR IDENTIFICATION MARKERS AND LICENSE OR ROAD TAX REGISTRATION CARD REQUIRED, FOR FALSE STATEMENTS AND PENALTIES AND FOR EXEMPTIONS; PROVIDING FOR UNCOLLECTIBLE PAYMENTS AND FOR EMERGENCY PROCLAMATIONS; IN GENERAL PROVISIONS, FURTHER PROVIDING FOR OBEDIENCE TO TRAFFIC-CONTROL DEVICES; IN SIZE, WEIGHT AND LOAD, FURTHER PROVIDING FOR RESTRICTIONS ON USE OF HIGHWAYS AND BRIDGES AND FOR PERMIT FOR MOVEMENT DURING COURSE OF MANUFACTURE; IN POWERS OF DEPARTMENT AND LOCAL AUTHORITIES, FURTHER PROVIDING FOR REGULATION OF TRAFFIC ON PENNSYLVANIA TURNPIKE; IN PENNSYLVANIA TURNPIKE, FURTHER PROVIDING FOR DEFINITIONS, FOR LEASE OF INTERSTATE 80 AND RELATED AGREEMENTS AND FOR DEPOSIT AND DISTRIBUTION OF FUNDS; IN LIQUID FUELS AND FUELS TAX, MAKING EDITORIAL CHANGES, FURTHER PROVIDING FOR DEFINITIONS, FOR LIQUID FUELS AND FUELS PERMITS, BOND OR DEPOSIT OF SECURITIES, FOR IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS, FOR TAXPAYER, FOR DISTRIBUTOR'S REPORT AND PAYMENT OF TAX, FOR DETERMINATION AND REDETERMINATION OF TAX, PENALTIES AND INTEREST DUE, FOR EXAMINATION OF RECORDS AND EQUIPMENT, FOR RETENTION OF RECORDS BY DISTRIBUTORS AND DEALERS, FOR DISCONTINUANCE OR TRANSFER OF BUSINESS, FOR SUSPENSION OR REVOCATION OF PERMITS, FOR LIEN OF TAXES, PENALTIES AND INTEREST, FOR COLLECTION OF UNPAID TAXES, FOR REPORTS FROM COMMON CARRIERS, FOR REWARD FOR DETECTION OF VIOLATIONS, FOR REFUNDS, FOR VIOLATIONS AND FOR DIESEL FUEL IMPORTERS AND TRANSPORTERS; PROHIBITING USE OF DYED DIESEL FUEL ON HIGHWAYS; VIOLATIONS AND PENALTIES, FOR UNCOLLECTIBLE CHECKS; PROVIDING FOR EMERGENCY ASSISTANCE IN A TIMELY MANNER AND FOR AN ELECTRIC VEHICLE ROAD FEE; IN STATE HIGHWAY MAINTENANCE, FURTHER PROVIDING FOR DIRT AND GRAVEL ROAD MAINTENANCE; IN SUPPLEMENTAL FUNDING FOR MUNICIPAL HIGHWAY MAINTENANCE, FURTHER PROVIDING FOR SUPPLEMENTAL FUNDING FOR MUNICIPAL HIGHWAY MAINTENANCE; IN TAXES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION, FURTHER PROVIDING FOR IMPOSITION OF TAX AND FOR ALLOCATION OF PROCEEDS; IN MOTOR CARRIERS ROAD TAX, FURTHER PROVIDING FOR DEFINITIONS AND FOR RECORDS; PROVIDING FOR
RECORDKEEPING; FURTHER PROVIDING FOR SURETY BOND FOR PAYMENT
OF TAXES, FOR PENALTY AND INTEREST FOR FAILURE TO REPORT OR
PAY TAX, FOR MANNER OF PAYMENT AND RECOVERY OF TAXES,
PENALTIES AND INTEREST, FOR DETERMINATION, REDETERMINATION
AND REVIEW, FOR TIMELY MAILING TREATED AS TIMELY FILING AND
PAYMENT; PROVIDING FOR METHOD OF FILING AND TIMELINESS, FOR
UNCOLLECTIBLE PAYMENTS, FOR EMERGENCY ASSISTANCE IN A TIMELY
MANNER; PROVIDING FOR THE PERMIT FOR THE MOVEMENT OF RAW
MILK; AND MAKING A RELATED REPEALS.

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
NEARLY 40,000 MILES OF ROADS AND 25,000 BRIDGES OWNED BY THE
COMMONWEALTH, NEARLY 77,000 MILES OF ROADS AND 12,000 BRIDGES
OWNED BY COUNTIES AND MUNICIPAL GOVERNMENTS, 36 FIXED-ROUTE
PUBLIC TRANSPORTATION AGENCIES, 67 RAILROADS, 133 PUBLIC USE
AIRPORTS, THE PORTS OF ERIE, PHILADELPHIA AND PITTSBURGH, AND
NUMEROUS BICYCLE AND PEDESTRIAN FACILITIES.

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

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

(5) THERE IS URGENT PUBLIC NEED TO REDUCE CONGESTION,
INCREASE CAPACITY, IMPROVE SAFETY AND PROMOTE ECONOMIC
EFFICIENCY OF TRANSPORTATION FACILITIES THROUGHOUT THIS COMMONWEALTH.

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

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

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

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

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

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

(12) IN FURTHERANCE OF THE COMMONWEALTH'S ENERGY POLICY, WHICH INCLUDES BECOMING INDEPENDENT FROM OVERRELIANCE ON FOREIGN ENERGY SOURCES, PROGRAMS MUST BE ESTABLISHED TO PROMOTE RELIANCE ON OR CONVERSION TO ALTERNATIVE ENERGY.
SOURCES, INCLUDING THE VAST NATURAL GAS SUPPLY OF THIS
COMMONWEALTH.

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

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

Section 1.  Section 8621 of Title 20 of the Pennsylvania
Consolidated Statutes is amended to read:

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

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

(b)  Vehicle registration.—The Department of Transportation
shall provide an applicant for a renewal vehicle registration
the opportunity to make a contribution of [$1] $3 to The
Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund. The contribution shall be added to the regular fee for a renewal of a vehicle registration. One contribution may be made for each renewal vehicle registration. Contributions shall be used exclusively for the purposes described in section 8622. The Department of Transportation shall monthly determine the total amount designated under this section and shall report that amount to the State Treasurer, who shall transfer that amount to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund. The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund shall reimburse the department for the initial costs incurred in the development and implementation of the contribution program under this subsection. The General Fund shall reimburse the Department of Transportation for the actual annual operating costs of the program for vehicle registrations as described in this subsection subject to the following limits:

For the first fiscal year during which this subsection is effective, the General Fund shall reimburse the Department of Transportation for the actual operating costs of the program in this subsection up to a maximum of $100,000. For each fiscal year thereafter, the General Fund shall reimburse the Department of Transportation for the actual operating costs of the program in this subsection in an amount not to exceed the prior year's actual operating costs on a full fiscal year basis plus 3%. The amounts approved by the Governor as necessary are hereby appropriated from the General Fund for this purpose.

Section 1.1. Section 303 of Title 74 is amended to read:

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

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

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

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

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

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

(3) Ensure that the department's, the commission's and local transportation organizations' commitment to [the
minority-owned and women-owned business program]—participation by diverse businesses is clearly understood and appropriately implemented and enforced by all applicable department, commission and local transportation organization employees.

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

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

(Reserved).

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

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

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

(2) By October 1, 2014, and each October 1 thereafter, 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
compliance with Federal requirements).

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

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

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

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

"Diverse business." A disadvantaged business, minority-owned or women-owned business or service-disabled veteran-owned or veteran-owned small business.

"Local transportation organization." Any of the following:

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

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

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

"Minority-owned business." A business owned and controlled
by a majority of individuals who are African Americans, Hispanic Americans, Native Americans, Asian Americans, Alaskans or Pacific Islanders.

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

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

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

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

§ 1503. Definitions.
The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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

"Capital expenditures." All costs of capital projects, including, but not limited to, the costs of acquisition, construction, installation, start-up of operations, improvements and all work and materials incident thereto. At the discretion of the department, preventive maintenance expenses, as defined.
by the Federal Transit Administration, may be deemed eligible as
a capital expenditure based on written approval by the
department.

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

§ 1506. Fund.

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(b) Deposits to fund by department.

(1) The following apply:

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

(A) For fiscal year 2007-2008, $250,000,000.
(B) For fiscal year 2008-2009, $250,000,000.
(C) For fiscal year 2009-2010, $250,000,000.
(D) For fiscal year 2010-2011 and each fiscal
year thereafter, the amount calculated for the
previous fiscal year, increased by 2.5%].

(ii) The deposits made to the fund under this
subsection shall equal [$250,000,000] $305,000,000 for
fiscal years 2013-2014 and 2014-2015, $360,000,000 for
fiscal years 2015-2016 and 2016-2017 and $415,000,000
annually for each fiscal year commencing [after the
expiration of the conversion period if the conversion]
notice is not received by the secretary prior to
expiration of the conversion period as set forth under 75-
Pa.C.S. § 8915.3(3)] with fiscal year 2017-2018.

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

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

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

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

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

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

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

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

(5.1) If, by July 1, 2021, legislation is not enacted to
    replace the revenue deposited in the fund under subsection
(b)(1), in fiscal year 2021-2022 and in each fiscal year thereafter, the following shall apply:

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

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

(c) Other appropriations, deposits or transfers to the fund.

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

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

(i) From the revenues deposited in the fund under subsection (b)(1):

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

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

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

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

(iii) 69.99% of the revenues deposited in the fund under subsection (c)(1).
(iv) All revenues deposited into the fund under subsection (c)(3).

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

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

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

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

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

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

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

(B) For fiscal year 2008-2009, $100,000,000 from the revenues received by the department under 75 Pa.C.S. Ch. 89 and the lease agreement executed—
between the department and the Pennsylvania Turnpike Commission under 75 Pa.C.S. § 8915.3. The amount received by the department under this section shall be deposited into the fund prior to distribution and shall be in addition to the amounts received under subsection (b)(1).

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

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

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

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

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

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

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

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

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

§ 1507. Application and approval process.

(a) Application.—An eligible applicant that wishes to receive financial assistance under this chapter shall submit a written application to the department on a form developed by the department, which shall include the following:
(6) Evidence satisfactory to the department of the commitment for matching funds required under this chapter sufficient to match the projected financial assistance payments [at the same times that the financial assistance payments are to be provided.], provided no later than June 30 of the applicable fiscal year. If the evidence required under this paragraph is not provided to the satisfaction of the department, subsequent funding under section 1512 (relating to operating program) shall be withheld until the applicant meets the requirements of this paragraph.

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

(c) Restriction on use of funds. [Financial] Unless the department grants the award recipient a waiver allowing the funds to be used for a different purpose, financial assistance under this chapter shall be used only for activities set forth under the financial assistance agreement [unless the department grants the award recipient a waiver allowing the funds to be used for a different purpose]. The department's regulations shall describe circumstances under which it will consider waiver requests and shall set forth all information to be included in a waiver request. The [maximum duration of a waiver shall be one year, and a] waiver request shall include a plan of corrective action to demonstrate that the award recipient does not have an ongoing need to use financial assistance funds for activities other than those for which funds were originally awarded. The duration of the waiver may not exceed the duration of the plan.
of corrective action. The department shall monitor implementation of the plan of corrective action. If the plan of corrective action is not implemented by the local transportation organization, the department shall rescind the waiver approval.

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

§ 1511. Report to Governor and General Assembly.

[The following shall apply:

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

[(2) The report covering the 2005-2006 fiscal year shall be submitted by July 31, 2007.]}

§ 1512. Coordination and consolidation.

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

(b) Consolidation.

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

(2) If the results of the study under paragraph (1) 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:

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

(2) The local transportation organization organized and existing under the act of April 6, 1956 (1955 P.L.1414, No.165), known as the Second Class County Port Authority Act, as the primary provider of public transportation for the county of Allegheny, shall receive 22.6% of the funds available for distribution under this section.

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

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

***

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

§ 1516. Programs of Statewide significance.

***

(b) Persons with disabilities. The department shall
establish and administer a program providing reduced fares to persons with disabilities on community transportation services and to provide financial assistance for start-up, administrative and capital expenses related to reduced fares for persons with disabilities. All of the following shall apply:

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

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

***

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

(1) A local transportation organization or an agency or
instrumentality of the Commonwealth may apply to the department for financial assistance under this subsection.

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

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

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

(4) As follows:

(i) For short-term demonstration projects awarded financial assistance under this subsection, the department shall determine if the demonstration project was successful based upon the performance criteria established prior to the commencement of the demonstration project and approved by the department.
(ii) If the department determines that the demonstration project was successful, the local transportation organization or agency or instrumentality of the Commonwealth that conducted the demonstration project shall be eligible to apply for and receive funds under section 1513 to sustain and transition the demonstration project into regular public passenger transportation service.

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

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

Section 8. Section 1517 of Title 74 is repealed:

§ 1517. Capital improvements program.

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

(b) Applications. The department shall establish the contents of the application for the program established under this section. The information shall be in addition to information required under section 1507 (relating to application...
and approval process).

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

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

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

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

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

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

§ 1517.1. Alternative Energy Capital Investment Program.

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

(b) Criteria. The department shall establish criteria for awarding grants under this section. Criteria shall, at a
minimum, include feasibility, cost/benefit analysis and project
readiness.

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

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

CHAPTER 21
MULTIMODAL TRANSPORTATION FUNDING

§ 2101. Multimodal Transportation Fund.

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

§ 2102. Deposits to fund.

The following shall be deposited in the Multimodal
Transportation Fund:

(1) Thirty million dollars of the revenue deposited in
the Public Transportation Trust Fund under section 1506(b)(1)
(2) Twenty-three percent of the revenues deposited in the fund in accordance with 75 Pa.C.S. § 1904 (b)(2) (relating to collection and disposition of fees and moneys).

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

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

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

§ 2103. Use of revenue.

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

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

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

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

§ 2104. Distribution of revenue.

The revenue deposited in the fund shall be distributed annually as follows:
(1) Six million dollars shall be designated for programs related to aviation.

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

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

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

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

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

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

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

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

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

§ 2105. Project selection criteria and agreement.

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

§ 2106. Local match.

Financial assistance under this section shall be matched by county, municipal or private funding in an amount not less than
30% of the non-Federal share of the project cost. Matching funds from a county or municipality shall only consist of cash contributions provided by one or more counties or municipalities.

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

SUBCHAPTER C
FIRST CLASS CITY CONSOLIDATED CAR RENTAL FACILITY

§ 5931. Scope of subchapter.

§ 5932. Definitions.

§ 5933. Customer facility charge.

§ 5931. Scope of subchapter.

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

§ 5932. Definitions.

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

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

"Airport owner." Any of the following:

1. A city which owns and operates an airport.

2. An authority created by a city of the first class to own and operate an airport or any portion or activities of the airport.

"Airport property." Property owned and operated by an airport owner, including property that is leased, licensed or available for use by the airport owner.
"City." A city of the first class.

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

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

1. A rental facility.
2. A rental facility improvement.
3. The proportionate cost of a transportation system.
4. A rental facility operation and maintenance expense.

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

1. Is designed to transport not more than 15 passengers.
2. Is rented for not more than 30 days without a driver.
3. Is part of a fleet of at least five passenger vehicles used for the purpose under paragraph (2).
4. Is owned or leased by a vehicle rental company.

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

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

1. Location, scope of operations and general design of the rental facility, rental facility improvements and a transportation system which connects to a terminal or related...
(2) The manner in which the proceeds of the customer facility charge are to be used for the development, operation, maintenance and funding of a rental facility, a rental facility improvement, the proportionate cost of a transportation system and the cost of operations and maintenance.

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

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

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

"Rental facility operations and maintenance." The cost of operating and maintaining a rental facility, including the day-to-day cost.

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

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

(1) Is engaged in the business of renting a motor vehicle in this Commonwealth to a customer using airport property.
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...
vehicle rental company or to a person required to pay the
customer facility charge for a violation of the terms and
conditions of the rental facility agreement.

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

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

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

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

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

(f) Collection.--The following shall apply:

(1) A customer facility charge shall be

(i) collected from a customer by a vehicle rental
company and held in a segregated trust fund for the
benefit of the airport owner; and

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

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

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

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

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

(2) A rental facility improvement.

(3) The proportionate cost of a transportation system.

(4) A rental facility operation and maintenance.

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

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

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

(i) Administration.—An airport owner may do any of the
following:

(1) Require a vehicle rental company to provide periodic
statements of account, file returns, authorize payments and
maintain records, in accordance with the vehicle rental
company's obligations under this subchapter.

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

(i) Collect an amount due.

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

(iii) Grant a refund.

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

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

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

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

§ 8102. Definitions.

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

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

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

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

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

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

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

"Video tolling system." As follows:

(1) A vehicle sensor or other electronic toll collection
device, placed in a location to work in conjunction with a
toll collection facility, which automatically produces a
videotape or photograph, microphotograph or other recorded
image of the vehicle or vehicle license plate at the time the
vehicle is used or operated on the tolled facility in order
to collect tolls or detect violations of the toll collection
regulations or rules.

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

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

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

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

§ 8105. Commission.

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(b) Vacancies and terms.

(1) Notwithstanding any other law, any vacancy in the
membership of the commission shall be filled by appointment
of the Governor by and with the advice and consent of two-
thirds of the members elected to the Senate.
The appointed member shall serve for a term of four years. Upon the expiration of this term, the appointed member may continue to hold office for 90 days or until his successor shall be duly appointed and qualified, whichever is shorter. A member may not serve more than two terms.


(a) Liability of owner.

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

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

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

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

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

(3) If an action or proceeding is commenced in a county other than that of the residence of the owner, a verified written statement setting forth the facts prescribed under...
paragraph (2)(i), (ii) and (iii) shall suffice to overcome

the inference.

(4) If the inference is overcome, 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.

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

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

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

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

(A) the alleged conduct; or

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

(iii) Personal service is not required.

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

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

(B) A warning advising the person charged that
failure to contest in the manner and time provided—
shall be deemed an admission of liability and that a
default judgment may be entered on the notice.)

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

(i) Information obtained from a video tolling
system.

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

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

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

(ii) Submits to an examination as to who was
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:
(i) The notice of violation shall be sent by first-class mail to each person alleged to be liable as an owner for a violation of this section.

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

(A) The date of the alleged conduct.

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

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

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

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

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

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

(C) A warning advising the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability, that a default judgment may be entered on the notice and that the failure to pay all unpaid tolls, 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
lessee clearly legible to the commission, 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 lessor liable for the penalty prescribed by this section. If the lessor complies with the provisions of this section, the lessee of the vehicle on the date of the violation shall be deemed to be the owner of the vehicle for purposes of this section and shall be subject to liability for the penalty under this section.

(4) A certified report or a facsimile report of an authorized agent or employee of the commission reporting a violation of this section or rules or regulations of the commission based upon any of the following shall be prima facie evidence of the facts contained in the report and shall be admissible as an official record of regularly conducted activity of the commission kept in the ordinary course of business in any proceeding charging a violation of this section or the toll collection rules or regulations of the commission:

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

   (ii) A certificate of passage.

(5) Notwithstanding any other provision of law, videotapes, photographs, microphotographs, other recorded images, written records, reports or facsimiles prepared pursuant to this section shall be for the exclusive use of the commission, its authorized agents, its employees and law enforcement officials for the purpose of discharging duties under this section and the rules or regulations of the commission.
commission. The information shall not be deemed a public record under the act of [June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law] February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise; nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section, the rules or regulations of the commission or indemnification for liability imposed pursuant to this section. The restrictions set forth in this paragraph:

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

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

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

(6) An imposition of liability under this section must be based upon a preponderance of evidence.
(7) An imposition of liability pursuant to this section shall not be deemed a conviction of an owner and shall not be made part of the motor vehicle operating record of the person upon whom the liability is imposed, nor shall it be considered in the provision of motor vehicle insurance coverage.

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

   (i) Either:

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

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

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

(8.1) The following shall apply:

   (i) Upon failure of an owner, operator or lessee to pay the amount, fee and cost imposed under paragraph (8), the commission or its authorized agent shall send to the
owner, operator or lessee a notice of any toll evasion violation setting forth the outstanding unpaid tolls and administrative fees and costs due to the commission and meeting the requirements of paragraph (1).

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

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

(iv) The following shall apply:

(A) No sooner than 30 days after mailing the notice required under subparagraph (iii), the commission or its authorized agent may notify the department electronically, in a format prescribed by the department, if a statutory owner or registrant fails to respond, fails to pay, defaults in payment of six or more violations issued under subsection (a)
(1) or incurs unpaid tolls or administrative fees or costs that total a minimum of $500.

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

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

(vi) The department shall impose an additional period of registration suspension if, subsequent to the issuance of a suspension under subparagraph (ii), and prior to the restoration of the registration, the department is notified by the commission or its authorized agent that the statutory owner or registrant has failed to respond, failed to pay or defaulted in the payment of an additional violation issued under
subsection (a)(1).

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

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

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

(d) Privacy of electronic toll collection account holder information.--

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

(i) The information shall be for the exclusive use of the commission, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties pursuant to this section and the rules or regulations of the commission. This subparagraph includes names, addresses, account numbers, account balances, personal financial information, credit card information, vehicle movement records and other
information compiled from transactions with the account holders.

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

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

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

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

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

(d.1) Temporary regulations. — Notwithstanding any other law, regulations promulgated by the commission during the two years following the effective date of this subsection shall be deemed temporary regulations which shall expire no later than three
years following the effective date of this subsection or upon
promulgation of final regulations. The temporary regulations
shall not be subject to any of the following:

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

(2) The act of June 25, 1982 (P.L.633, No.101), known as
the Regulatory Review Act.

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

(1) is the beneficial or equitable owner of the vehicle;
(2) has title to the vehicle; or
(3) is the registrant or coregistrant of the vehicle
registered with the department or a comparable agency of
another jurisdiction or uses the vehicle in its vehicle-
renting or leasing business. The term includes a person-
entitled to the use and possession of a vehicle subject to a
security interest in another person.] Definitions. -- As used
in this section, the following words and phrases shall have
the meanings given to them in this subsection unless the
context clearly indicates otherwise:

"Owner." As follows:

(1) A person, corporation, firm, partnership, agency,
association, organization, governmental entity or lessor
that, at the time a vehicle is operated in violation of this
section or rules or regulations of the commission, meets any
of the following:
(i) Is the beneficial or equitable owner of the vehicle.

(ii) Has title to the vehicle.

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

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

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

§ 9110. Public-private transportation partnership agreement.

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

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(5) In the event an operator of a vehicle fails to pay the prescribed toll or user fee at any location on a public-private transportation project where tolls or user fees are collected by means of an electronic or other automated or remote form of collection, the collection provisions of
section 8117 (relating to [electronic] toll collection) shall apply except that the development entity shall possess all of the rights, roles, limitations and responsibilities of the Pennsylvania Turnpike Commission.

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

CHAPTER 92

TRAFFIC SIGNALS

§ 9201. Definitions.

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

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

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

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

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

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

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

§ 9202. Maintenance agreement.

(a) Agreement. — A municipality may enter into an agreement—
with the department to replace, synchronize and time traffic
signals located within a designated traffic corridor. The terms
of the agreement may specify that the municipality provide
services to the department. The agreement shall not exceed the
time period of the useful life of the traffic signals. The
municipality shall, during the duration of the agreement,
properly maintain and time the traffic signals in accordance
with the agreement.

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

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

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

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

(3) A municipality that contests the deficiencies
specified in the written notice shall have 30 days to enter
into an agreement with the department related to the
deficiencies specified in the written notice.

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

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

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

CHAPTER 93

BRIDGE BUNDLING PROGRAM

Sec.

9301. Definitions.

9302. Bundling authorization.

9303. Bridge Bundling Program.

9304. Grant limitation exceptions.
§ 9301. Definitions.

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


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

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

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

"Program." The Bridge Bundling Program.

§ 9302. Bundling authorization.

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

§ 9303. Bridge Bundling Program.

(a) Establishment.—The Bridge Bundling Program is established within the department.

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

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

(1) Are within geographical proximity to each other.

(2) Are of similar size or design.
(3) Inclusion in the program will meet the purpose of the program.

(d) Implementation.--The department shall implement the program as follows:

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

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

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

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

(4.1) A determination shall not be:

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

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

(5) The following shall apply:

(i) A local government that agrees to participate in the program for one or more of its bridges that qualify for the program must enter into an agreement with the 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.

(f) 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:
§ 1307. Period of registration.

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

(a.1) Seasonal registration.--Upon application on a form prescribed by the department, the owner or lessee of a passenger car, recreational motor vehicle, motorcycle, truck or farm vehicle which does not have a gross vehicle weight rating of more than 10,000 pounds may register the vehicle with the department for a period of successive months of less than [one two years]. The applicant shall specify the period of months during which the vehicle shall be registered. Except when the department initially converts a currently valid [annual] registration to a seasonal registration, the [annual] fee prescribed for the vehicle by Chapter 19 (relating to fees) shall be paid in full by the applicant regardless of the number of months chosen for registration by the applicant. Upon receipt of the appropriate fee and the properly completed form, including all information required by this chapter, the department shall issue a seasonal registration that shall expire on the last day of the expiration month chosen by the registrant. No insurer of a vehicle belonging to any owner or lessee who obtains a seasonal registration and who applies for or receives a reduced automobile insurance premium on account thereof shall be required to provide any contractual coverage,
whether in the form of the provision of a defense or the payment
of first-party or third-party benefits or otherwise, to the
owner or lessee in connection with any event occurring during
that part of the [year] registration period in which the vehicle
is not registered; and such owner or lessee shall be treated for
all purposes, including, without limitation, ascertaining rights
to stack coverages and to uninsured and underinsured motorist
coverage, as a person who does not own that vehicle and has no
duty to carry financial responsibility on it for that part of
the [year] registration period.

(b) New registration.—A new registration is effective on
the date of issuance of a registration card by the department or
the date of issuance of a temporary registration card by an
authorized agent of the department under section 1310 (relating
to temporary registration cards). Except as otherwise provided
under this chapter, a new registration shall expire two years
after the last day of the month preceding either the date of
issuance of a registration card by the department or the date of
issuance of a temporary registration card by either the
department or an authorized agent of the department, whichever
occurs first.

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

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

(2) If a registration is renewed after two months have
elapsed since expiration, the renewed registration shall expire two years after the last day of the month preceding the date of issuance of the renewed registration.

* * *

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

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

§ 1353. Preserve our heritage registration plate.

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

Section 15. Section 1354 of Title 75 is repealed:

§ 1354. Flagship Niagara commemorative registration plate.

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

(b) Use of fee.--Of each fee paid under subsection (a), $15 shall be deposited into the Flagship Niagara Account, which is...
established as a special account in the Historical Preservation Fund of the Pennsylvania Historical and Museum Commission. The commission shall administer the account as follows:

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

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

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

§ 1355. Zoological plate.

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

§ 1358. DARE plate.

The department, in consultation with the Pennsylvania Commission on Crime and Delinquency, shall design a special drug abuse resistance education (DARE) registration plate which utilizes the DARE logo or slogan in the design. Upon application of any person, accompanied by a fee of $35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 10,000 pounds. The Drug Abuse Resistance Education Program shall
receive $15 of each additional fee for this plate.

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

§ 1380. Suspension of registration upon unpaid tolls.

(a) Suspension of registration.

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

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

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

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

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

(c) Notice to the department.--Not sooner than 30 days after
mailing the notice under subsection (b), the tolling entity,
provided it has entered into an agreement with the department to-
enforce the provisions of this section, may notify the
department electronically in a format prescribed by the
department whenever an owner or registrant meets the
requirements for suspension under subsection (a)(1). When a
tolling entity has provided notice under this subsection and all
of the violations are subsequently paid, dismissed, reversed on
appeal or canceled, the tolling entity shall notify the
department electronically in a format prescribed by the
department of the disposition of the violation and shall provide
the owner or registrant with a release from the suspension.

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

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

(f) Violations outside Commonwealth.—The department shall
suspend the registration of a vehicle upon the notification from
a tolling entity that has entered into an enforcement agreement
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with the department as authorized under section 6146 (relating
to enforcement agreements) for any toll violation of that state
or an authority or for failure to pay any fine or costs imposed
in accordance with the laws of the jurisdiction in which the
violation occurred. A person who provides proof satisfactory to
the department that the full amount of the fine and costs has
been forwarded to and received by the other state may not be
regarded as having failed to pay for the purposes of this
subsection.

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

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

(i) Collection of out-of-State tolls. The department or a
tolling agency may collect the civil penalties and tolls imposed
by an out-of-State tolling entity if the department or tolling entity has entered into a reciprocity agreement that confirms all of the following:

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

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

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

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

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

(j) Definition. As used in this section, the term "tolling
“entity” means the Pennsylvania Turnpike Commission, an entity authorized to impose and collect tolls in accordance with the laws of Pennsylvania, including 74 Pa.C.S. Ch. 91 (relating to public-private transportation partnerships) or the laws of another state or states and any authorized agent of such an entity.

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

§ 1514. Expiration and renewal of drivers’ licenses.

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

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

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

***

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(e) Noncitizen license expiration and renewal.——

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

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

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

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

(5) License renewals issued under this subsection shall
be for the length of time as set forth in paragraph (1) or—

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

§ 1553. Occupational limited license.

* * *

(e) Fee.—The fee for applying for an occupational limited
license shall be [$50] $75. This fee shall be nonrefundable and
no other fee shall be required.
§ 1554. Probationary license.
    (c) Fee. -- The fee for applying for a probationary license shall be $25. The fee shall be nonrefundable. The annual fee for issuance of a probationary license shall be $75, plus the cost of the photograph required in section 1510(a) (relating to issuance and content of driver's license), which shall be in addition to all other licensing fees.

§ 1617. Fees.
Fees relating to commercial drivers' licenses to be collected by the department under this chapter shall be in addition to any other fees imposed under the provisions of this title and are as follows:

(1) The annual fee for a commercial driver's license designation shall be $20.

(2) In addition to any other restoration fee required by this title, an additional restoration fee of $100 shall be assessed and collected before reinstating a commercial driver's operating privilege following a suspension or revocation under this title or disqualification under this chapter.

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

(4) An additional fee of $15 shall be imposed for the initial issuance or renewal of a commercial driver's
license with an "H" or "X" endorsement, in addition to the
cost of a criminal history background check as required by
the USA Patriot Act of 2001 (Public Law 107-56, 115 Stat.
272).

§ 1786. Required financial responsibility.

****

(d) Suspension of registration and operating privilege.

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

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

(2) Whenever the department revokes or suspends the
registration of any vehicle under this chapter, the
department shall not restore or transfer the registration
until the suspension has been served or the civil penalty has
been paid to the department and the vehicle owner furnishes
proof of financial responsibility in a manner determined by.
the department and submits an application for registration to
the department, accompanied by the fee for restoration of
registration provided by section 1960. This subsection shall
not apply in the following circumstances:

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

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

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

(3) An owner whose vehicle registration has been
suspended under this subsection shall have the same right of
appeal under section 1377 (relating to judicial review) as—
provided for in cases of the suspension of vehicle registration for other purposes. The filing of the appeal shall act as a supersedeas, and the suspension shall not be imposed until determination of the matter as provided in section 1377. The court's scope of review in an appeal from a vehicle registration suspension shall be limited to determining whether:

(i) the vehicle is registered or of a type that is required to be registered under this title, and

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

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

(i) the vehicle was registered or of a type required
to be registered under this title; and

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

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

§ 1904. Collection and disposition of fees and moneys.

(a) General rule. Except as provided under this section, the department shall collect all fees payable under this title and all other moneys received in connection with the
administration of this title and transmit them to the State Treasurer for deposit in the Motor License Fund. Moneys paid in error may be refunded by the department.

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

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

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

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

(c) Automatic three-year adjustment.--

(1) Except as provided under paragraph (2), for the 36-month period beginning July 1, 2016, through June 30, 2019, and for each like 36-month period thereafter, all fees charged under this title shall be increased by an amount calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the most recent 36-month period, calculated from March 1 through February 28, beginning on the date the fees charged under this title were last increased and for which figures have been published.
been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect, to the then current fee amounts authorized.

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

§ 1911. Annual registration fees.

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

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

§ 1912. Passenger cars.

The annual fee for registration of a passenger car shall be $36.

§ 1913. Motor homes.

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

<table>
<thead>
<tr>
<th>Class</th>
<th>Registered Gross Weight in Pounds</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>20130SB0001PN1308</td>
<td>- 78 -</td>
<td></td>
</tr>
</tbody>
</table>
§ 1914. Motorcycles.

The annual fee for registration of a motorcycle other than a motor driven cycle shall be [§18] §26.


The annual fee for registration of a motor driven cycle shall be [§9] §12.

§ 1916. Trucks and truck tractors.

(a) General rule. —

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

<table>
<thead>
<tr>
<th>Class</th>
<th>Weight in Pounds</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5,000 or less</td>
<td>$58.50</td>
</tr>
<tr>
<td>2</td>
<td>5,001 – 7,000</td>
<td>81.00</td>
</tr>
<tr>
<td>3</td>
<td>7,001 – 9,000</td>
<td>153.00</td>
</tr>
<tr>
<td>4A</td>
<td>9,001 – 10,000</td>
<td>198.00</td>
</tr>
<tr>
<td>4B</td>
<td>10,001 – 11,000</td>
<td>198.00</td>
</tr>
<tr>
<td>5</td>
<td>11,001 – 14,000</td>
<td>243.00</td>
</tr>
<tr>
<td>6</td>
<td>14,001 – 17,000</td>
<td>288.00</td>
</tr>
<tr>
<td>7</td>
<td>17,001 – 21,000</td>
<td>355.50</td>
</tr>
<tr>
<td>8</td>
<td>21,001 – 26,000</td>
<td>405.00</td>
</tr>
<tr>
<td>9</td>
<td>26,001 – 30,000</td>
<td>472.50</td>
</tr>
<tr>
<td>10</td>
<td>30,001 – 33,000</td>
<td>567.00</td>
</tr>
<tr>
<td>11</td>
<td>33,001 – 36,000</td>
<td>621.00</td>
</tr>
<tr>
<td>-------</td>
<td>------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>1</td>
<td>5,000 or less</td>
<td>$63</td>
</tr>
<tr>
<td>2</td>
<td>5,001 - 7,000</td>
<td>88</td>
</tr>
<tr>
<td>3</td>
<td>7,000</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>7,001 - 9,000</td>
<td>166</td>
</tr>
<tr>
<td>5</td>
<td>9,000</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>9,001 - 10,000</td>
<td>214</td>
</tr>
<tr>
<td>7</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>10,001 - 11,000</td>
<td>214</td>
</tr>
<tr>
<td>9</td>
<td>11,000</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>11,001 - 12,000</td>
<td>263</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>1</td>
<td>14,000</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>14,001-</td>
<td>312</td>
</tr>
<tr>
<td>3</td>
<td>17,000</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>17,001-</td>
<td>385</td>
</tr>
<tr>
<td>5</td>
<td>21,000</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>21,001-</td>
<td>438</td>
</tr>
<tr>
<td>7</td>
<td>26,000</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>26,001-</td>
<td>511</td>
</tr>
<tr>
<td>9</td>
<td>30,000</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>30,001-</td>
<td>614</td>
</tr>
<tr>
<td>11</td>
<td>33,000</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>33,001-</td>
<td>672</td>
</tr>
<tr>
<td>13</td>
<td>36,000</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>36,001-</td>
<td>711</td>
</tr>
<tr>
<td>15</td>
<td>40,000</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>40,001-</td>
<td>755</td>
</tr>
<tr>
<td>17</td>
<td>44,000</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>44,001-</td>
<td>813</td>
</tr>
<tr>
<td>19</td>
<td>48,000</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>48,001-</td>
<td>896</td>
</tr>
<tr>
<td>21</td>
<td>52,000</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>52,001-</td>
<td>955</td>
</tr>
<tr>
<td>23</td>
<td>56,000</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>56,001-</td>
<td>1,081</td>
</tr>
<tr>
<td>25</td>
<td>60,000</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>60,001-</td>
<td>1,203</td>
</tr>
<tr>
<td>27</td>
<td>64,000</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>64,001-</td>
<td>1,262</td>
</tr>
<tr>
<td>29</td>
<td>68,000</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>68,001-</td>
<td>1,354</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Classes</th>
<th>Amount Deposited in Highway Bridge Improvement Restricted Account</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-12</td>
<td>$72</td>
</tr>
<tr>
<td>13-17</td>
<td>108</td>
</tr>
<tr>
<td>18-20</td>
<td>144</td>
</tr>
<tr>
<td>21-25</td>
<td>180</td>
</tr>
</tbody>
</table>

§ 1917. Motor buses and limousines.

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

<table>
<thead>
<tr>
<th>Seating Capacity</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 or less</td>
<td>$[9] 12 per seat</td>
</tr>
</tbody>
</table>
§ 1918. School buses and school vehicles.

The annual fee for registration of a school bus or school vehicle shall be [§24] $91.

§ 1920. Trailers.

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

<table>
<thead>
<tr>
<th>Registered Gross Weight in Pounds</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,000 or less</td>
<td>$[6]23</td>
</tr>
<tr>
<td>3,001 - 10,000</td>
<td>[12]46</td>
</tr>
<tr>
<td>10,001 or more</td>
<td>[27]103</td>
</tr>
</tbody>
</table>

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

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

§ 1921. Special mobile equipment.

The annual fee for registration of special mobile equipment shall be [§36] $52.

§ 1922. Implements of husbandry.

The annual fee for registration of an implement of husbandry not exempt from registration under this title shall be [§18] $26.

§ 1923. Antique, classic and collectible vehicles.
The fee for registration of an antique, classic or collectible motor vehicle shall be $75.

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

§ 1924. Farm vehicles.

(a) General rule. The annual fee for registration of a farm vehicle shall be $76.50 or one third of the regular fee, whichever is greater.

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

<table>
<thead>
<tr>
<th>Certificate type</th>
<th>Weight in pounds</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A</td>
<td>10,000 or less</td>
<td>$24</td>
</tr>
<tr>
<td>Type B</td>
<td>greater than 10,000 and not exceeding 17,000</td>
<td>$24</td>
</tr>
<tr>
<td>Type C</td>
<td>greater than 17,000</td>
<td>$50</td>
</tr>
<tr>
<td>Type D</td>
<td>greater than 17,000</td>
<td>$100</td>
</tr>
</tbody>
</table>

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

§ 1925. Ambulances, taxis and hearses.

The annual fee for registration of an ambulance, taxi or hearse shall be $54.

§ 1926. Dealers and miscellaneous motor vehicle business.

(a) General rule. The annual fee for a dealer registration plate or miscellaneous motor vehicle business plate shall be $36.

(b) Motorcycle dealers. The annual fee for each dealer
registration plate issued to a motorcycle dealer other than a motor-driven cycle dealer shall be [$18] $26.

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

§ 1926.1. Farm equipment vehicle dealers.

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

§ 1927. Transfer of registration.


§ 1928. Temporary and electronically issued registration plates.

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

§ 1929. Replacement registration plates.

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

§ 1930. Legislative registration plates.

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

§ 1931. Personal registration plates.
The fee for issuance of a personal registration plate shall be [[$20]] which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each personal registration issued or replaced.

§ 1931.1. Street rod registration plates.

The fee for the issuance of a street rod registration plate shall be [[$20]] which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each street rod registration plate issued or replaced.

§ 1932. Duplicate registration cards.

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

§ 1933. Commercial implements of husbandry.

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

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

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

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

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

(3) Vehicle and load weighing in excess of legal weight...
limit, \( \frac{34}{4} \) per mile per ton by which the gross weight exceeds the registered gross weight.

* * *

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

§ 1943. Annual hauling permits.

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

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

(1) Oversized movements:

(i) Movements limited to daylight hours only —

\[ $100 \$, $130 \].

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

(2) Overweight movements:

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

(A) Not more than one mile in distance — \[ $50 \$, $69 \].

(B) More than one mile in distance — \[ $400 \$, $750 \].

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

(d) Multiple highway crossings. The annual fee for a single—
permit for multiple highway crossings, as provided for in section 4965 (relating to single permits for multiple highway crossings), shall be [$300] $415.

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

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

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

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

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

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

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

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

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

(h) Movement of wooden structures.--The annual fee for movement of wooden structures as provided for in section 4977.
(relating to permit for movement of wooden structures) shall be
[$1,000] $1,468.

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

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

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

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

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

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

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

(n) Waste coal and beneficial combustion ash.--The annual
fee for the movement of waste coal and beneficial combustion
ash, as provided for in section 4979.2 (relating to permit for
movement of waste coal and beneficial combustion ash), shall be
[$400] $565.


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

f) Self-propelled cranes. The annual permit fee for each
self-propelled crane, as provided for in section 4979.4
(relation to permit for movement of self-propelled cranes),
shall be as follows:

1. Cranes not exceeding 100,000 pounds gross weight,
   prorated up to a maximum of [$400] $553.

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

(g) Construction equipment. The annual fee for the movement
of construction equipment shall be [$400] $520.

(g.1) Nonhazardous liquid glue. The annual fee for the
movement of nonhazardous liquid glue, as provided for in section
4979.5 (relating to permit for movement of nonhazardous liquid
glue), shall be [$800] $1,000.

(g.2) Waste tires. The annual fee for the movement of waste
tires under section 4979.6 (relating to permit for movement of
waste tires) shall be [$800] $845.

(r) Excess damage permit. The annual fee for excess damage
permits, as provided for in section 4961(d) (relating to
authority to issue permits), shall be [$500] $640 to cover the
costs of administering the permit and inspections of the
involved highway.
Section 22. Sections 1944, 1945(b), 1947, 1951, 1952, 1953,
1955(a), 1956, 1957, 1958(a), 1959, 1960 and 1961 of Title 75
are amended to read:
§ 1944. Mobile homes, modular housing units and modular housing
undercarriages.
The fee for a special hauling permit for a mobile home,
modular housing unit or modular housing undercarriage which
exceeds the maximum size prescribed in this title but which does
not exceed 14 feet in body width shall be [§25] $39. The fee for
a special hauling permit for a mobile home or modular housing
unit, as provided in section 4973 (relating to permits for
movement of a mobile home or a modular housing unit and modular
housing undercarriage), shall be [§50] $76.
***
(b) Penalty.—Any person violating any of the provisions of
this section is guilty of a summary offense and shall, upon
conviction, be sentenced to pay a fine of [§500] $1,000.
§ 1947. Refund of certain fees.
The portion of the fee of an unused overweight permit based
on ten miles or the fee for an unused escort, or both, may be
refundable upon payment of a processing fee of [§10] $38.
§ 1951. Driver's license and learner's permit.
(a) Driver's license.—The driver's license fee [for each
year or partial year] shall be [§5.25] $7 plus the cost of the
photograph required in section 1510(a) (relating to issuance and
content of driver's license).
(a.1) Senior citizen.—The driver's license fee for each
year or partial year for a senior citizen 65 years of age and
older shall be $5.25 plus the cost of the photograph required.
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
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.


(a) General rule.--The fee for issuance of a certificate of-
11    title shall be [$22.50] $33.
12    (b) Manufacturer's or dealer's notification. The fee for a-
13    manufacturer's or dealer's notification of acquisition of a-
14    vehicle from another manufacturer or dealer for resale pursuant-
15    to section 1113 (relating to transfer to or from manufacturer or-

§ 1953. Security interest.

The fee for recording or changing the amount of security-


(a) Drivers, registrations, titles and security interests.—
24    The fee for a copy of written or electronic information relating-
25    to a driver, registration, title or security interest shall be-

§ 1956. Certified copies of records.

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

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supporting document comprising such record.

(b) State Police reports.--The fee for a certified Pennsylvania State Police record of investigation of a vehicle accident which the Pennsylvania State Police are authorized by this title to furnish to the public shall be [$5] $10 for each copy of the Pennsylvania State Police full report of investigation.

§ 1957. Uncollectible checks.

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


(a) General rule.--The department shall charge [$2] $5 for each annual certificate of inspection and [$1], $2 for each semiannual certificate of inspection and $2 for each certificate of exemption.

§ 1959. Messenger service.

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

(b) Additional places of business.--The annual fee for registration of additional place of business or branch office from which a messenger service may transact business shall be [$25] $95.
(e) Transfer of location.--The fee for the transfer of location of a registered place of business or branch office of a messenger service during a period of registration shall be $19.

§ 1960. Reinstatement of operating privilege or vehicle registration.

The department shall charge a fee of $23 or, if section 1379 (relating to suspension of registration upon sixth unpaid parking violation in cities of the first class) or 1786(d) (relating to required financial responsibility) applies, a fee of $88 to restore a person's operating privilege or the registration of a vehicle following a suspension or revocation.


The fee for processing a secure power of attorney submitted for the purpose of odometer disclosure when not accompanied by an application for title shall be $23.

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

***

(b) Fee.--The fee for issuance of identification markers shall be $12 per vehicle.

***

(d) Operation without identification markers unlawful.

Except as provided in paragraphs (2) and (3), it shall be unlawful to operate or to cause to be operated in this Commonwealth any qualified motor vehicle unless the vehicle bears the identification markers required by this section or valid and unrevoked IFTA identification markers issued by another IFTA jurisdiction.

(1) The Secretary of Revenue may by regulation exempt
from the requirement to display the identification markers—
those qualified motor vehicles which in his opinion are—
clearly identifiable such that effective enforcement of this—
chapter will not suffer thereby.

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

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

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

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

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

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

(3) A motor carrier may, in lieu of paying the tax—
imposed and filing the tax report required by Chapter 96 and—
in lieu of complying with any other provisions of this—
section that would otherwise be applicable as a result of the
operation of a particular qualified motor vehicle, obtain
from the Department of Revenue a trip permit authorizing the
carrier to operate the qualified motor vehicle for a period
of five consecutive days. The Department of Revenue shall
specify the beginning and ending days on the face of the
permit. The fee for a trip permit for each qualified motor
vehicle is [$50] $73 which shall be deposited in the Highway
Bridge Improvement Restricted Account within the Motor
License Fund. The report otherwise required under Chapter 96
is not required with respect to a vehicle for which a trip
permit has been issued under this subsection.

* * *
Section 23. Section 3111 of Title 75 is amended by adding a
subsection to read:
§ 3111. Obedience to traffic-control devices.

* * *
(a.1) Penalty.--
(1) A person who violates this section commits a summary
offense and shall, upon conviction, pay a fine of not less
than $100 nor more than $300.
(2) Notwithstanding 42 Pa.C.S. § 3733(a) (relating to
deposits into account), a fine under paragraph (1) shall be
distributed as follows:
   (i) Twenty-five dollars shall be deposited as
       provided under 42 Pa.C.S. § 3733(a).
   (ii) After deposit of the amount under subparagraph
       (i), the remaining portion of the fine shall be deposited
       into the Public Transportation Trust Fund.

* * *
Section 23.1. Section 6110(b) of Title 75 is amended to read:

§ 6110. Regulation of traffic on Pennsylvania Turnpike.

* * *

(b) Penalties.

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

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

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

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

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

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

(3.1) (i) A person who, while traveling upon the Pennsylvania Turnpike or a road under its control, takes an affirmative action in an attempt to evade tolls commits a misdemeanor of the third degree, and shall,
upon conviction, be sentenced to pay a fine of $6,500 and
to undergo imprisonment for not less than 60 days. For
the purposes of this subsection, affirmative action shall
include any of the following:

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

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

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

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

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

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

(ii) A violation of this paragraph may not preclude
prosecution under section 1332 (relating to display of
registration plate), section 7122 (relating to altered,
forged or counterfeit documents and plates) or section
7124 (relating to fraudulent use or removal of
registration plate).
Section 24. Section 6506(a) of Title 75 is amended by adding a paragraph and the section is amended by adding a subsection to read:
§ 6506. Surcharge.
  (a) Levy and imposition. In addition to any fines, fees or penalties levied or imposed as provided by law, under this title or any other statute, a surcharge shall be levied for disposition in accordance with subsection (b) as follows:

(10) Notwithstanding 42 Pa.C.S. § 3733(a) (relating to deposits into account), in addition to any other surcharge imposed under this section, upon conviction for a violation of Chapter 11 (relating to certificate of title and security interests), 13 (relating to registration of vehicles), 15 (relating to licensing of drivers), 16 (relating to commercial drivers), 17 (relating to financial responsibility), 19 (relating to fees), 21 (relating to motor carriers road tax identification markers), 31 (relating to general provisions), 33 (relating to rules of the road in general), 35 (relating to special vehicles and pedestrians), 37 (relating to miscellaneous provisions), 38 (relating to driving after imbibing alcohol or utilizing drugs), 41 (relating to equipment standards), 43 (relating to lighting equipment), 45 (relating to other required equipment), 47 (relating to inspection of vehicles), 49 (relating to size, weight and load), 61 (relating to powers of department and local authorities), 63 (relating to enforcement), 65 (relating to penalties and disposition of fines), 71 (relating to vehicle theft and related provisions), 73 (relating to abandoned vehicles and cargoes), 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-
contributions" in section 8901 of Title 75 are amended to read:

§ 8901. Definitions.

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

"Annual additional payments." As follows:

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

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

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

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

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

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

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

* * *

"Scheduled annual commission contribution." The following amount:

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

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

§ 8915.6. Deposit and distribution of funds.
(a) Deposits.—Upon receipt by the department, the following amounts from the scheduled annual commission contribution shall be deposited in the Motor License Fund:
   (1) For fiscal year [2007-2008, $450,000,000] 2013-2014, $145,000,000.
   (2) For fiscal year [2008-2009, $500,000,000] 2014-2015, $145,000,000.
   (3) For fiscal year [2009-2010, $500,000,000] 2015-2016, $90,000,000.
   (3.1) For fiscal year 2016-2017, $90,000,000.
   (4) For fiscal year [2010-2011] 2017-2018 and each fiscal year thereafter, [the amount calculated for the previous year increased by 2.5%.] $35,000,000.
   (5) If, by July 1, 2021, legislation is not enacted to replace the revenue distributed from the fund under subsection (b)(2) and (3), in fiscal year 2021-2022 and in
each fiscal year thereafter, the following shall apply:

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

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

(b) Distribution. The following shall apply:

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

***

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

§ 9002. Definitions.

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

***

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

(1) For the period beginning July 1, 2013, and ending December 31, 2013, the average wholesale price shall be $1.87.
For the period beginning January 1, 2014, and ending December 31, 2014, the average wholesale price shall be $2.49.

For the period beginning January 1, 2015, and ending December 31, 2015, the average wholesale price shall be $3.11.

Beginning January 1, 2016, in no case shall the average wholesale price be less than $1.25 nor more than $1.42 per gallon.

* * *

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

§ 9004. Imposition of tax, exemptions and deductions.
(a) Liquid fuels and fuels tax.—A [permanent State tax of 12¢ a gallon or fractional part thereof] State tax is imposed and assessed upon all liquid fuels and fuels used or sold and delivered by distributors within this Commonwealth as follows:

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

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

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

* * *

§ 9106. Dirt and gravel road maintenance.

(b) General rule.—Of the funds available under section 9502(a)(1) (relating to imposition of tax), [$1,000,000]

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

***

§ 9502. Imposition of tax.

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

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

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

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

(ii) [Seventeen] Thirty percent for highway capital projects for fiscal year 2013-2014 and 40% for fiscal year 2014-2015 and each year thereafter.

(iii) Thirteen percent for bridges.

(iv) Two percent for bridges identified as county or forestry bridges.

(v) Twelve percent for local roads pursuant to section 9511(c) (relating to basic allocation to municipalities).

(vi) Fourteen percent for toll roads designated pursuant to the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, to be appropriated under section 9511(h).

(3) An additional 38.5 mills is hereby imposed upon all liquid fuels and fuels as defined and provided in Chapter 90, and such tax shall also be collected as provided in section
9004(b), the proceeds of which shall be deposited in The
Motor License Fund and distributed as follows:

(i) Twelve percent to municipalities on the basis of
and subject to the provisions of the act of June 1, 1956
(1955 P.L.1944, No.655), referred to as the Liquid Fuels-
Tax Municipal Allocation Law, is appropriated.

(ii) Eighty-eight percent to the department is
appropriated as follows:

(A) Forty-seven percent for distribution in
accordance with section 9102(b)(2) for fiscal year

(B) Fifty-three percent for a Statewide highway
restoration, betterment and resurfacing program for

(C) Fifty-seven percent for distribution in
accordance with section 9102(b)(2) for fiscal year

(D) Forty-three percent for a Statewide highway
restoration, betterment and resurfacing program for

(E) Sixty-seven percent for distribution in
accordance with section 9102(b)(2) for fiscal year

(F) Thirty-three percent for a Statewide highway
restoration, betterment and resurfacing program for

(G) Seventy-seven percent for distribution in
accordance with section 9201(b)(2) for fiscal year

(H) Twenty-three percent for a Statewide highway-

(I) One hundred percent for distribution in accordance with section 9102(b)(2) for fiscal year 2001-2002 and each year thereafter.

(J) For any fiscal year beginning with 1997-1998 through and including fiscal year 2000-2001, the department shall make supplemental maintenance program payments from the Statewide highway restoration betterment program to those county maintenance districts for which the total highway maintenance appropriations and executive authorizations in accordance with section 9102(b) would be less than the amount received in 1996-1997 from the highway maintenance appropriation, the Secondary Roads-Maintenance and Resurfacing Executive Authorization, the Highway Maintenance Excise Tax Executive Authorization and the Highway Maintenance Supplemental Appropriation.

The words and phrases used in this paragraph shall have the meanings given to them in section 9101 (relating to definitions). This one-time allocation shall be made in addition to and is not a replacement for amounts normally distributed to county maintenance districts under section 9102.

Fifty percent to the department for distribution in accordance with section 9102(b)(2) for fiscal year 2013-2014 and 40% for fiscal year 2014-2015 and each fiscal year thereafter.

(iii) Thirty-five percent to the department for expanded highway and bridge maintenance for fiscal year 2013-2015.
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:
(i) For fiscal years 2013–2014 through fiscal year 2016–2017, as follows:

(A) Twenty-seven million dollars shall be deposited in the State Highway Transfer Restoration Restricted Account within the Motor License Fund. The funds deposited in the State Highway Transfer Restoration Restricted Account shall be appropriated annually for expenditure as provided under subsection (g).

(B) All funds not deposited in accordance with clause (A) shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund for local bridges, notwithstanding if the project is administered by a county, municipality or the department.

(ii) For fiscal year 2017–2018 and each fiscal year thereafter, as follows:

(A) One and one-half mill shall be deposited in the State Highway Transfer Restoration Restricted Account within the Motor License Fund, which account is hereby created. The funds deposited in the State Highway Transfer Restoration Restricted Account are hereby annually appropriated out of the account upon authorization by the Governor for expenditure as provided in subsection (g).

(B) One and one-half mill shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund for local bridges, notwithstanding if the project is administered by a county, municipality or the department.
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.

* * *

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.
account and may be used on any streets and highways in the
municipality in the same manner and subject to the same
restrictions as liquid fuels tax funds paid under the Liquid
Fuels Tax Municipal Allocation Law or, in the case of a
county, under section 10 of the act of May 21, 1931 (P.L.149,
No.105), known as The Liquid Fuels Tax Act.
***

(i) Refund to Pennsylvania Fish and Boat Commission.

(1) When the tax imposed by this chapter has been paid
and the fuel on which the tax has been imposed has been
consumed in the operation of motorboats or watercraft upon
the waters of this Commonwealth, including waterways
bordering on this Commonwealth, the full amount of the tax
shall be refunded to the Boat Fund on petition to the board
in accordance with prescribed procedures.

(2) In accordance with such procedures, the Pennsylvania
Fish and Boat Commission shall biannually calculate the
amount of liquid fuels consumed by the motorcraft and furnish
the information relating to its calculations and data as
required by the board. The board shall review the petition
and motorboat fuel consumption calculations of the
commission, determine the amount of liquid fuels tax paid and
certify to the State Treasurer to refund annually to the Boat
Fund the amount so determined. The department shall be
accorded the right to appear at the proceedings and make its
views known.

(3) For the fiscal years commencing July 1, 2013, July
1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the
money under paragraph (2) shall be used by the commission
acting by itself or by agreement with other Federal and State-
agencies only for the improvement of hazardous dams

impounding waters of this Commonwealth on which boating is permitted, including the development and construction of boating areas and the dredging and clearing of water areas where boats can be used. For the fiscal year commencing July 1, 2018, and for each fiscal year thereafter, this money shall be used by the commission acting by itself or by agreement with other Federal and State agencies only for the improvement of the waters of this Commonwealth on which motorboats are permitted to operate and may be used for the development and construction of motorboat areas; the dredging and clearing of water areas where motorboats can be used; the placement and replacement of navigational aids; the purchase, development and maintenance of public access sites and facilities to and on waters where motorboating is permitted; the patrolling of motorboating waters; the publishing of nautical charts in those areas of this Commonwealth not covered by nautical charts published by the United States Coast and Geodetic Survey or the United States Army Corps of Engineers and the administrative expenses arising out of such activities; and other similar purposes.

Section 30. The following shall apply:

(1) No later than two years following the effective date of this section, the Joint State Government Commission shall conduct a study and submit a report to the Governor, 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 reviewing replacement funding for the revenues deposited in the Public Transportation Trust Fund.
under 74 Pa.C.S. § 1506 (b)(1) and the revenues deposited in the Motor License Fund under 75 Pa.C.S. § 8915.6 (b)(2) and (3). The report shall include:

(i) Identification of sources of recurring revenue that are estimated to generate no less than $450,000,000 on an annual basis.

(ii) Identification of specific legislative action necessary to generate the sources of recurring revenue identified under subparagraph (i).

(iii) A ranking in descending order of the sources of revenue identified under subparagraph (i), based upon the Joint State Government Commission's recommendation of which revenue sources are most viable.

(2) Entities affected by this section shall provide data to complete the report under paragraph (1). In its recommendations, the Joint State Government Commission may propose appropriate additional legislative changes to the Governor and the General Assembly.

Section 31. This act shall take effect as follows:

(1) The addition of 74 Pa.C.S. Ch. 59 Subch. C shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

SECTION 1. TITLE 74 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

CHAPTER 2

ORGANIZATION

SEC.

201. DEFINITIONS.
§ 201. Definitions.

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

"DEPARTMENT." The Department of Transportation of the Commonwealth.

"SECRETARY." The Secretary of Transportation of the Commonwealth.


(A) Appointment.--The Secretary shall appoint the following Deputy Secretaries:

(1) Deputy Secretary for Administration.

(2) Deputy Secretary for Driver and Vehicle Services.

(3) Deputy Secretary for Highway Administration.

(4) Deputy Secretary for Multimodal Transportation.

(5) Deputy Secretary for Planning.

(B) Administration.--The Deputy Secretary for Administration has the powers and duties of the Department under law relating to all of the following:

(1) Fiscal Affairs.

(2) Operations Analysis and Improvement.

(3) Information Services.

(4) Office Services.

(5) Human Resources.

(6) Equal Opportunity.

(C) Driver and Vehicle Services.--The Deputy Secretary for Driver and Vehicle Services has the powers and duties of the Department under law relating to all of the following:

(1) Drivers.
(2) VEHICLES.

(3) VEHICLE AND DRIVER SAFETY.

(4) SERVICES FOR OTHER MODES OF TRANSPORTATION.

(D) HIGHWAY ADMINISTRATION.--THE DEPUTY SECRETARY FOR
HIGHWAY ADMINISTRATION HAS THE POWERS AND DUTIES OF THE
DEPARTMENT UNDER LAW RELATING TO ALL OF THE FOLLOWING:

(1) DESIGN OF HIGHWAYS AND BRIDGES.

(2) LAND ACQUISITION FOR HIGHWAYS AND BRIDGES.

(3) CONSTRUCTION AND RECONSTRUCTION OF HIGHWAYS AND
BRIDGES.

(4) MAINTENANCE AND OPERATION OF HIGHWAYS AND BRIDGES.

(5) HIGHWAY AND BRIDGE SAFETY.

(E) MULTIMODAL TRANSPORTATION.--THE DEPUTY SECRETARY FOR
MULTIMODAL TRANSPORTATION HAS THE POWERS AND DUTIES OF THE
DEPARTMENT UNDER LAW RELATING TO MODES OF TRANSPORTATION OTHER
THAN HIGHWAYS, EXCEPT RECREATIONAL BOATING AND FERRY LICENSING,
INCLUDING ALL OF THE FOLLOWING:

(1) LOCAL AND PUBLIC TRANSPORTATION.

(2) RAIL FREIGHT.

(3) PORTS AND WATERWAYS.

(4) AVIATION AND AIRPORTS.

(F) PLANNING.--THE DEPUTY SECRETARY OF PLANNING HAS THE
POWERS AND DUTIES OF THE DEPARTMENT UNDER LAW RELATING TO ALL OF
THE FOLLOWING:

(1) PLANNING AND RESEARCH.

(2) PROGRAM DEVELOPMENT AND MANAGEMENT.

(3) SERVICES TO MUNICIPALITIES.

SECTION 2. (RESERVED.)

SECTION 3. THE DEFINITIONS OF "BASE OPERATING ALLOCATION"
AND "CAPITAL EXPENDITURES" IN SECTION 1503 OF TITLE 74 ARE
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AMENDED TO READ:

§ 1503. DEFINITIONS.

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

* * *

"BASE OPERATING ALLOCATION." THE TOTAL AMOUNT OF STATE
OPERATING ASSISTANCE, REIMBURSEMENT IN LIEU OF FARES FOR SENIOR
PASSENGERS AND OTHER ASSISTANCE WHICH WAS USED FOR OPERATING
ASSISTANCE AS DETERMINED BY THE DEPARTMENT IN [FISCAL YEAR 2005-
2006] THE LAST FULL FISCAL YEAR THAT THE QUALIFYING LOCAL
TRANSPORTATION ORGANIZATION RECEIVED THE ASSISTANCE, INCLUDING
THE FUNDS RECEIVED UNDER SECTION 1517.1 (RELATING TO ALTERNATIVE
ENERGY CAPITAL INVESTMENT PROGRAM).

"CAPITAL EXPENDITURES." ALL COSTS OF CAPITAL PROJECTS,
INCLUDING, BUT NOT LIMITED TO, THE COSTS OF ACQUISITION,
CONSTRUCTION, INSTALLATION, START-UP OF OPERATIONS, IMPROVEMENTS
AND ALL WORK AND MATERIALS INCIDENT THERETO. AT THE DISCRETION
OF THE DEPARTMENT, PREVENTIVE MAINTENANCE EXPENSES, AS DEFINED
BY THE FEDERAL TRANSIT ADMINISTRATION, MAY BE DEEMED ELIGIBLE AS
A CAPITAL EXPENDITURE BASED ON WRITTEN APPROVAL BY THE
DEPARTMENT.

* * *

SECTION 4. SECTION 1504(A) OF TITLE 74 IS AMENDED TO READ:
§ 1504. DEPARTMENT AUTHORIZATION.

(A) GENERAL.--

(1) THE DEPARTMENT MAY, WITHIN THE LIMITATIONS PROVIDED
IN THIS CHAPTER, INCUR COSTS DIRECTLY AND PROVIDE FINANCIAL
ASSISTANCE FOR THE PURPOSES AND ACTIVITIES ENUMERATED IN THIS
CHAPTER.
(2) THE DEPARTMENT MAY EITHER BY CONTRACT OR WITH ITS
OWN PERSONNEL, DIRECTLY PROVIDE THE PROGRAMS, ACTIVITIES AND
SERVICES ENUMERATED IN THIS CHAPTER. THE OPERATION OF THE
PROGRAMS, ACTIVITIES AND SERVICES BY THE DEPARTMENT IS NOT
SUBJECT TO THE JURISDICTION OF THE PENNSYLVANIA PUBLIC
UTILITY COMMISSION.

* * *

SECTION 4.1. TITLE 74 IS AMENDED BY ADDING A SECTION TO
READ:

§ 1505.1. FEES AND TAXES.

(A) DEPOSIT.--FUNDS RECEIVED UNDER THIS SECTION, AS
ESTIMATED AND CERTIFIED BY THE SECRETARY OF REVENUE, SHALL BE
DEPOSITED WITHIN FIVE DAYS OF THE END OF EACH MONTH INTO THE
FUND.

(B) APPLICABILITY.--EXCEPT AS SPECIFICALLY PROVIDED, THE
PROVISIONS OF ARTICLE II OF THE ACT OF MARCH 4, 1971 (P.L.6,
NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, SHALL APPLY TO THE
FEES AND TAXES IMPOSED UNDER SUBSECTIONS (C), (D) AND (E).

(C) TIRE FEE.--A FEE ON EACH SALE IN THIS COMMONWEALTH OF A
NEW TIRE FOR HIGHWAY USE IS IMPOSED AT THE RATE OF $2 PER TIRE.
The fee shall be collected by the seller from the purchaser and
remitted to the department of revenue.

(D) LEASE TAX.--THE FOLLOWING SHALL APPLY:

(1) AN ADDITIONAL TAX OF 6% OF THE TOTAL LEASE PRICE
CHARGED IS IMPOSED ON A LEASE OF A MOTOR VEHICLE WHICH IS
SUBJECT TO A TAX UNDER ARTICLE II OF THE TAX REFORM CODE.

(2) AS USED IN THIS SUBSECTION ON AND AFTER APRIL 1,
1995, THE TERM "MOTOR VEHICLE" SHALL NOT INCLUDE TRUCKS IN
CLASS 4 OR HIGHER AS DEFINED IN 75 PA.C.S. § 1916(A)(1)
(RELATING TO TRUCKS AND TRUCK TRACTORS).
(E) RENTAL TAX.--A FEE OF $2 FOR EACH DAY OR PART OF A DAY FOR WHICH A VEHICLE IS RENTED IS IMPOSED ON A RENTAL OF A MOTOR VEHICLE WHICH IS SUBJECT TO A TAX UNDER ARTICLE II OF THE TAX REFORM CODE.

(F) EXCLUSIONS OR EXEMPTIONS.--NO EXCLUSION OR EXEMPTION, EXCEPT FOR AN EXCLUSION OR EXEMPTION PROVIDED FOR A GOVERNMENTAL ENTITY UNDER ARTICLE II OF THE TAX REFORM CODE, SHALL APPLY TO THE FEES AND TAXES IMPOSED UNDER THIS SECTION.

SECTION 4.2. SECTION 1506(B)(1), (C) AND (E) OF TITLE 74 ARE AMENDED TO READ:

§ 1506. FUND.

* * *

(B) DEPOSITS TO FUND BY DEPARTMENT.--

(1) THE FOLLOWING APPLY:

   (I) [EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II), UPON RECEIPT, THE DEPARTMENT SHALL DEPOSIT INTO THE FUND THE REVENUES RECEIVED BY THE DEPARTMENT UNDER 75 PA.C.S. CH. 89 (RELATING TO PENNSYLVANIA TURNPIKE) AND THE LEASE AGREEMENT EXECUTED BETWEEN THE DEPARTMENT AND THE PENNSYLVANIA TURNPIKE COMMISSION UNDER 75 PA.C.S. § 8915.3 (RELATING TO LEASE OF INTERSTATE 80; RELATED AGREEMENTS) AS FOLLOWS:

       (A) FOR FISCAL YEAR 2007-2008, $250,000,000.

       (B) FOR FISCAL YEAR 2008-2009, $250,000,000.

       (C) FOR FISCAL YEAR 2009-2010, $250,000,000.

       (D) FOR FISCAL YEAR 2010-2011 AND EACH FISCAL YEAR THEREAFTER[, THE AMOUNT CALCULATED FOR THE PREVIOUS FISCAL YEAR, INCREASED BY 2.5%] THROUGH FISCAL YEAR 2020-2021, $250,000,000.

       (II) THE DEPOSITS MADE TO THE FUND UNDER THIS

* * *

(C) OTHER DEPOSITS.--THE FOLLOWING SHALL BE DEPOSITED INTO THE FUND ANNUALLY AT THE FOLLOWING RATES:

(1) 4.4% OF THE AMOUNT COLLECTED UNDER ARTICLE II OF THE TAX REFORM CODE. REVENUES UNDER THIS PARAGRAPH SHALL BE DEPOSITED INTO THE FUND BY THE 20TH DAY OF EACH MONTH FOR THE PRECEDING MONTH. THE AMOUNT DEPOSITED UNDER THIS PARAGRAPH IS ESTIMATED TO BE EQUIVALENT TO THE MONEY AVAILABLE TO THE DEPARTMENT FROM THE FOLLOWING SOURCES:

(I) THE SUPPLEMENTAL PUBLIC TRANSPORTATION ACCOUNT ESTABLISHED UNDER FORMER SECTION 1310.1 (RELATING TO SUPPLEMENTAL PUBLIC TRANSPORTATION ASSISTANCE FUNDING).

(II) THE AMOUNT APPROPRIATED ANNUALLY BY THE COMMONWEALTH FROM THE GENERAL FUND FOR MASS TRANSIT PROGRAMS PURSUANT TO A GENERAL APPROPRIATIONS ACT.

(2) AN AMOUNT OF PROCEEDS OF COMMONWEALTH CAPITAL BONDS AS DETERMINED ANNUALLY BY THE SECRETARY OF THE BUDGET.

(3) [REVENUE IN THE PUBLIC TRANSPORTATION ASSISTANCE FUND ESTABLISHED UNDER ARTICLE XXIII OF THE TAX REFORM CODE NOT OTHERWISE DEDICATED PURSUANT TO LAW.] FEES COLLECTED UNDER SECTION 1505.1 (RELATING TO FEES AND TAXES).

(3.1) IF, BY JULY 1, 2021, LEGISLATION IS NOT ENACTED TO
REPLACE THE REVENUE DEPOSITED IN THE FUND UNDER SUBSECTION (B)(1), IN FISCAL YEAR 2021-2022 AND IN EACH FISCAL YEAR THEREAFTER, THE FOLLOWING SHALL APPLY:

(I) AN AMOUNT EQUAL TO THAT REVENUE SHALL BE DEPOSITED IN THE FUND.

(II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SOURCE OF THE REVENUE DEPOSITED IN THE FUND UNDER THIS PARAGRAPH SHALL BE THE RECEIPTS FROM THE TAX COLLECTED UNDER SECTION 238 OF THE TAX REFORM CODE ON MOTOR VEHICLES, TRAILERS AND SEMI-TRAILERS.

(3.2) THE REVENUE DEPOSITED IN THE FUND IN ACCORDANCE WITH 75 PA.C.S. § 3111(A.1)(2)(II) (RELATING TO OBEDIENCE TO TRAFFIC CONTROL DEVICES).

(4) OTHER APPROPRIATIONS, DEPOSITS OR TRANSFERS TO THE FUND.

* * *

(E) PROGRAM FUNDING AMOUNTS.—SUBJECT TO AVAILABLE FUNDS, THE PROGRAMS ESTABLISHED UNDER THIS CHAPTER SHALL BE FUNDED ANNUALLY AS FOLLOWS:

(1) FOR THE PROGRAM ESTABLISHED UNDER SECTION 1513 (RELATING TO OPERATING PROGRAM), THE FOLLOWING AMOUNTS SHALL BE ALLOCATED FROM THE FUND:

(I) [ALL] FROM THE REVENUES DEPOSITED IN THE FUND UNDER SUBSECTION (B)(1).

(A) FOR FISCAL YEARS 2013-2014 AND 2014-2015, $121,000,000.

(B) FOR FISCAL YEARS 2015-2016 AND 2016-2017, $30,000,000.

(C) FOR EACH FISCAL YEAR BEGINNING AFTER JUNE 30, 2017, $0.00.
(II) ALL REVENUES DEPOSITED IN THE FUND UNDER SUBSECTION (B)(2).

(III) [69.99%] 86.76% OF THE REVENUES DEPOSITED IN THE FUND UNDER SUBSECTION (C)(1).

(IV) ALL REVENUES DEPOSITED INTO THE FUND UNDER SUBSECTION (C)(3).

(V) FROM THE REVENUES DEPOSITED IN THE FUND RECEIVED BY THE DEPARTMENT UNDER 75 PA.C.S. § 1904 (RELATING TO COLLECTION AND DISPOSITION OF FEES AND MONEYS) AFTER THE ALLOCATION OF 23% TO THE MULTIMODAL TRANSPORTATION FUND:


(B) FOR EACH FISCAL YEAR BEGINNING AFTER JUNE 30, 2017, TWO-THIRDS OF THE REVENUE.

(2) (I) [EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II), FOR] FOR THE PROGRAM ESTABLISHED UNDER SECTION 1514 (RELATING TO ASSET IMPROVEMENT PROGRAM):

(A) BY THE PROCEEDS OF COMMONWEALTH CAPITAL BONDS DEPOSITED INTO THE FUND UNDER SUBSECTION (C) (2).


(B) FOR FISCAL YEAR 2008-2009, $100,000,000 FROM 20130SB0001PN1308 - 122 -

(C) FOR FISCAL YEAR 2009-2010, $150,000,000 FROM THE REVENUES RECEIVED BY THE DEPARTMENT UNDER 75 PA.C.S. CH. 89 AND THE LEASE AGREEMENT EXECUTED BETWEEN THE DEPARTMENT AND THE PENNSYLVANIA TURNPIKE COMMISSION UNDER 75 PA.C.S. § 8915.3. THE AMOUNT RECEIVED BY THE DEPARTMENT UNDER THIS SECTION SHALL BE DEPOSITED INTO THE FUND PRIOR TO DISTRIBUTION AND SHALL BE IN ADDITION TO THE AMOUNTS RECEIVED UNDER SUBSECTION (B)(1).


(E) NINETY-FIVE PERCENT OF THE REMAINING REVENUE DEPOSITED IN THE FUND UNDER SUBSECTION (B)(1).
(F) THE REVENUE DEPOSITED IN THE FUND UNDER
SUBSECTION (C)(3.1) AND (3.2).

(G) FOR EACH FISCAL YEAR BEGINNING AFTER JUNE 30, 2017, FROM THE REVENUES DEPOSITED IN THE FUND RECEIVED BY THE DEPARTMENT UNDER 75 PA.C.S. § 1904 AFTER THE ALLOCATION OF 23% TO THE MULTIMODAL TRANSPORTATION FUND, ONE-THIRD OF THE REVENUE.

[(II) IF THE CONVERSION NOTICE IS NOT RECEIVED BY THE SECRETARY PRIOR TO THE END OF THE CONVERSION PERIOD AS SET FORTH IN 75 PA.C.S. § 8915.3(3), NO ADDITIONAL ALLOCATION SHALL BE MADE UNDER SUBPARAGRAPH (I).]

(3) FOR THE PROGRAM ESTABLISHED UNDER SECTION 1516 (RELATING TO PROGRAMS OF STATEWIDE SIGNIFICANCE), 13.24% OF THE REVENUES DEPOSITED IN THE FUND UNDER SUBSECTION (C)(1) SHALL BE ALLOCATED FROM THE FUND IN ADDITION TO THE REMAINING REVENUE DEPOSITED IN THE FUND UNDER SUBSECTION (B)(1).

[(4) FOR THE PROGRAM ESTABLISHED UNDER SECTION 1517 (RELATING TO CAPITAL IMPROVEMENTS PROGRAM), 16.77% OF THE REVENUES DEPOSITED IN THE FUND UNDER SUBSECTION (C)(1). ADDITIONAL FUNDS FOR THIS PROGRAM MAY BE PROVIDED FROM THE FUNDS ALLOCATED BUT NOT DISTRIBUTED BASED ON THE LIMITATION SET FORTH UNDER SECTION 1513(C)(3).]

(5) FOR THE PROGRAM ESTABLISHED UNDER SECTION 1517.1 (RELATING TO ALTERNATIVE ENERGY CAPITAL INVESTMENTS PROGRAM), NO MORE THAN $60,000,000 OF THE REVENUES DEPOSITED IN THE FUND UNDER SUBSECTION (C) MAY BE ALLOCATED FROM THE FUND.

SECTION 5. SECTION 1507(A)(6) AND (C) OF TITLE 74 ARE AMENDED AND SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH TO READ:

§ 1507. APPLICATION AND APPROVAL PROCESS.
(A) APPLICATION.--AN ELIGIBLE APPLICANT THAT WISHES TO RECEIVE FINANCIAL ASSISTANCE UNDER THIS CHAPTER SHALL SUBMIT A WRITTEN APPLICATION TO THE DEPARTMENT ON A FORM DEVELOPED BY THE DEPARTMENT, WHICH SHALL INCLUDE THE FOLLOWING:

* * *

(6) EVIDENCE SATISFACTORY TO THE DEPARTMENT OF THE COMMITMENT FOR MATCHING FUNDS REQUIRED UNDER THIS CHAPTER SUFFICIENT TO MATCH THE PROJECTED FINANCIAL ASSISTANCE PAYMENTS [AT THE SAME TIMES THAT THE FINANCIAL ASSISTANCE PAYMENTS ARE TO BE PROVIDED.], PROVIDED NO LATER THAN JUNE 30 OF THE APPLICABLE FISCAL YEAR. IF THE EVIDENCE REQUIRED UNDER THIS PARAGRAPH IS NOT PROVIDED TO THE SATISFACTION OF THE DEPARTMENT, SUBSEQUENT FUNDING UNDER SECTION 1513 (RELATING TO OPERATING PROGRAM) SHALL BE WITHHELD UNTIL THE APPLICANT MEETS THE REQUIREMENTS OF THIS PARAGRAPH.

(6.1) A STATEMENT OF POLICY OUTLINING THE BASIC PRINCIPLES FOR THE ADJUSTMENT OF FARE GROWTH TO MEET THE RATE OF INFLATION.

* * *

(C) RESTRICTION ON USE OF FUNDS.--[FINANCIAL] UNLESS THE DEPARTMENT GRANTS THE AWARD RECIPIENT A WAIVER ALLOWING THE FUNDS TO BE USED FOR A DIFFERENT PURPOSE, FINANCIAL ASSISTANCE UNDER THIS CHAPTER SHALL BE USED ONLY FOR ACTIVITIES SET FORTH UNDER THE FINANCIAL ASSISTANCE AGREEMENT [UNLESS THE DEPARTMENT GRANTS THE AWARD RECIPIENT A WAIVER ALLOWING THE FUNDS TO BE USED FOR A DIFFERENT PURPOSE]. THE DEPARTMENT'S REGULATIONS SHALL DESCRIBE CIRCUMSTANCES UNDER WHICH IT WILL CONSIDER WAIVER REQUESTS AND SHALL SET FORTH ALL INFORMATION TO BE INCLUDED IN A WAIVER REQUEST. THE MAXIMUM DURATION OF A WAIVER SHALL BE ONE YEAR, AND A WAIVER REQUEST SHALL INCLUDE A PLAN OF CORRECTIVE
ACTION TO DEMONSTRATE THAT THE AWARD RECIPIENT DOES NOT HAVE AN
ONGOING NEED TO USE FINANCIAL ASSISTANCE FUNDS FOR ACTIVITIES
OTHER THAN THOSE FOR WHICH FUNDS WERE ORIGINALY AWARDED. THE
DURATION OF THE WAIVER MAY NOT EXCEED THE DURATION OF THE PLAN
OF CORRECTIVE ACTION. THE DEPARTMENT SHALL MONITOR
IMPLEMENTATION OF THE PLAN OF CORRECTIVE ACTION. IF THE PLAN OF
CORRECTIVE ACTION IS NOT IMPLEMENTED BY THE LOCAL TRANSPORTATION
ORGANIZATION, THE DEPARTMENT SHALL RESCIND THE WAIVER APPROVAL.

SECTION 6. SECTIONS 1511, 1512 AND 1513(D)(1) AND (2) OF
TITLE 74 ARE AMENDED TO READ:

§ 1511. REPORT TO GOVERNOR AND GENERAL ASSEMBLY.

THE FOLLOWING SHALL APPLY:

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE DEPARTMENT SHALL SUBMIT A PUBLIC PASSENGER TRANSPORTATION PERFORMANCE REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY BY APRIL 30 OF EACH YEAR, COVERING THE PRIOR FISCAL YEAR.

[(2) THE REPORT COVERING THE 2005-2006 FISCAL YEAR SHALL BE SUBMITTED BY JULY 31, 2007.]

§ 1512. COORDINATION AND CONSOLIDATION.

(A) COORDINATION.--COORDINATION IS REQUIRED IN REGIONS WHERE TWO OR MORE AWARD RECIPIENTS HAVE SERVICES OR ACTIVITIES FOR WHICH FINANCIAL ASSISTANCE IS BEING PROVIDED UNDER THIS CHAPTER TO ASSURE THAT THE SERVICES OR ACTIVITIES ARE PROVIDED EFFICIENTLY AND EFFECTIVELY.

(B) CONSOLIDATION AND MUTUAL COOPERATION.--

(1) THE DEPARTMENT SHALL STUDY THE FEASIBILITY OF CONSOLIDATION AND MUTUAL COOPERATION OF LOCAL TRANSPORTATION ORGANIZATIONS AS A MEANS OF REDUCING ANNUAL EXPENSE WITHOUT LOSS OF SERVICE TO THE COMMUNITIES. THE STUDY SHALL EXAMINE THE CREATION OF SERVICE REGIONS OR MUTUAL COOPERATION PACTS
TO DETERMINE WHETHER EITHER METHOD WOULD REDUCE ANNUAL
EXPENSES. THE FEASIBILITY ANALYSIS IS TO INCLUDE A COST-
BENEFIT ANALYSIS AND OPERATIONAL ANALYSIS.

(2) IF THE RESULTS OF THE FEASIBILITY ANALYSIS BEGUN
AFTER THE EFFECTIVE DATE OF THIS SUBSECTION UNDER PARAGRAPH
(1) ESTIMATE A NET ANNUAL SAVINGS OF AT LEAST $2,000,000,
INCLUDING ALL COSTS ASSOCIATED WITH ANY MERGER, OR 25% OF THE
LOCAL MATCH CONTRIBUTION UNDER SECTION 1513 (RELATING TO
OPERATING PROGRAM) AT THE TIME OF COMPLETION OF THE STUDY,
THE TRANSPORTATION ORGANIZATION AND LOCAL GOVERNMENT MAY
IMPLEMENT THE RECOMMENDED ACTION.

(3) THE DEPARTMENT SHALL WAIVE THE MATCH INCREASE UNDER
SECTION 1513 FOR FIVE FISCAL YEARS FOR THE TRANSPORTATION
ORGANIZATION'S PARTICIPATION IN THE RECOMMENDED ACTION UNDER
PARAGRAPH (2).

(C) FUNDING FOR MERGER AND CONSOLIDATION INCENTIVES AND
MUTUAL COOPERATION PACTS.--A CAPITAL PROJECT THAT IS NEEDED TO
SUPPORT A LOCAL TRANSPORTATION ORGANIZATION THAT HAS AGREED TO
MERGE AND CONSOLIDATE OPERATIONS AND ADMINISTRATION OR SHARE
FACILITIES OR STAFF THROUGH A MUTUAL COOPERATION PACT 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 MERGER AND
CONSOLIDATION PLAN OR MUTUAL COOPERATION PACT; AND

(2) INCLUDE THE EXPECTED NET DOLLAR SAVINGS THAT WILL
RESULT FROM THE MERGER, CONSOLIDATION OR PACT.

§ 1513. OPERATING PROGRAM.

* * *

(D) LOCAL MATCH REQUIREMENTS.--
(1) FOR FISCAL YEAR 2007-2008 AND EACH FISCAL YEAR THEREAFTER, EXCEPT AS PROVIDED UNDER PARAGRAPH (2), FINANCIAL ASSISTANCE PROVIDED UNDER THIS SECTION SHALL BE MATCHED BY LOCAL OR PRIVATE CASH FUNDING IN AN AMOUNT NOT LESS THAN THE GREATER OF:

(I) [15%] 20% OF THE AMOUNT OF THE FINANCIAL ASSISTANCE BEING PROVIDED; OR

(II) THE AMOUNT REQUIRED UNDER FORMER SECTION 1311(D) (RELATING TO USE OF FUNDS DISTRIBUTED) FOR FISCAL YEAR 2006-2007.


* * *

SECTION 7. SECTION 1514(C) OF TITLE 74 IS AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

§ 1514. ASSET IMPROVEMENT PROGRAM.

* * *

(C) LOCAL MATCH REQUIREMENTS.--FINANCIAL ASSISTANCE UNDER THIS SECTION SHALL BE MATCHED BY LOCAL OR PRIVATE CASH FUNDING IN AN AMOUNT NOT LESS THAN 3.33% OF THE AMOUNT OF THE FINANCIAL ASSISTANCE BEING PROVIDED. THE LOCAL MATCH REQUIREMENT SHALL BE
INCREASED ANNUALLY BY A MINIMUM OF 5% ABOVE THE MATCH REQUIREMENT OF THE PREVIOUS YEAR TO A MAXIMUM OF 10% OF THE AMOUNT OF THE FINANCIAL ASSISTANCE BEING PROVIDED. THE SOURCE OF FUNDS FOR THE LOCAL MATCH SHALL BE SUBJECT TO THE REQUIREMENTS OF SECTION 1513(D)(3) (RELATING TO OPERATING 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) THE LOCAL TRANSPORTATION ORGANIZATION ORGANIZED AND EXISTING UNDER CHAPTER 17 (RELATING TO METROPOLITAN TRANSPORTATION AUTHORITIES) AS THE PRIMARY PROVIDER OF PUBLIC PASSENGER TRANSPORTATION FOR THE COUNTIES OF PHILADELPHIA, BUCKS, CHESTER, DELAWARE AND MONTGOMERY SHALL RECEIVE 69.4% OF THE FUNDS AVAILABLE FOR DISTRIBUTION UNDER THIS SECTION.

(2) THE LOCAL TRANSPORTATION ORGANIZATION ORGANIZED AND EXISTING UNDER THE ACT OF APRIL 6, 1956 (1955 P.L.1414, NO.465), KNOWN AS THE SECOND CLASS COUNTY PORT AUTHORITY ACT, AS THE PRIMARY PROVIDER OF PUBLIC TRANSPORTATION FOR THE COUNTY OF ALLEGHENY, SHALL RECEIVE 22.6% OF THE FUNDS AVAILABLE FOR DISTRIBUTION UNDER THIS SECTION.

(3) OTHER LOCAL TRANSPORTATION ORGANIZATIONS ORGANIZED AND EXISTING AS THE PRIMARY PROVIDERS OF PUBLIC PASSENGER TRANSPORTATION FOR THE COUNTIES OF THIS COMMONWEALTH NOT IDENTIFIED UNDER PARAGRAPH (1) OR (2) SHALL RECEIVE 8% OF THE FUNDS AVAILABLE FOR DISTRIBUTION UNDER THIS SECTION. THE DEPARTMENT SHALL ALLOCATE THE FUNDS UNDER THIS PARAGRAPH AMONG THE LOCAL TRANSPORTATION ORGANIZATIONS.

(4) NOTWITHSTANDING PARAGRAPHS (1), (2) AND (3) AND BEFORE DISTRIBUTING THE FUNDS UNDER PARAGRAPH (1), (2) OR
(3), the department shall set aside 5% of the funds available for distribution under this section for discretionary use and distribution by the secretary.

* * *

SECTION 8. SECTION 1516(B) AND (E) AND OF TITLE 74 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

§ 1516. PROGRAMS OF STATEWIDE SIGNIFICANCE.

* * *

(B) PERSONS WITH DISABILITIES.--THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A PROGRAM PROVIDING REDUCED FARES TO PERSONS WITH DISABILITIES ON COMMUNITY TRANSPORTATION SERVICES AND TO PROVIDE FINANCIAL ASSISTANCE FOR START-UP, ADMINISTRATIVE AND CAPITAL EXPENSES RELATED TO REDUCED FARES FOR PERSONS WITH DISABILITIES. ALL OF THE FOLLOWING SHALL APPLY:

(1) A COMMUNITY TRANSPORTATION SYSTEM OPERATING IN THE COMMONWEALTH OTHER THAN IN [COUNTIES OF THE FIRST AND SECOND CLASS] A COUNTY OF THE FIRST CLASS MAY APPLY FOR FINANCIAL ASSISTANCE UNDER THIS SUBSECTION.

(2) THE DEPARTMENT MAY AWARD FINANCIAL ASSISTANCE UNDER THIS SUBSECTION FOR PROGRAM START-UP AND FOR CONTINUING CAPITAL EXPENSES TO OFFSET ADMINISTRATIVE AND CAPITAL EXPENSES. FOR COMMUNITY TRANSPORTATION TRIPS MADE BY ELIGIBLE PERSONS WITH DISABILITIES, FINANCIAL ASSISTANCE MAY BE AWARDED TO AN ELIGIBLE COMMUNITY TRANSPORTATION SYSTEM TO REIMBURSE THE SYSTEM FOR UP TO 85% OF THE FARE ESTABLISHED FOR THE GENERAL PUBLIC FOR EACH TRIP WHICH IS OUTSIDE OF FIXED-ROUTE AND PARATRANSIT SERVICE AREAS AND NOT ELIGIBLE FOR FUNDING FROM ANY OTHER PROGRAM OR FUNDING SOURCE. THE PERSON MAKING THE TRIP OR AN APPROVED THIRD-PARTY SPONSOR
shall contribute the greater of 15% of the fare established for the general public or the americans with disabilities act complementary paratransit fare.

* * *

(e) technical assistance [and] demonstration and emergency.--the department is authorized to provide financial assistance under this section for technical assistance, research and short-term demonstration or emergency projects. all of the following shall apply:

1. a local transportation organization or an agency or instrumentality of the commonwealth may apply to the department for financial assistance under this subsection.

2. financial assistance provided under this subsection may be used for reimbursement for any approved operating or capital costs related to technical assistance and demonstration program projects. financial assistance for short-term demonstration projects may be provided at the department's discretion on an annual basis based on the level of financial commitment provided by the award recipient to provide ongoing future funding for the project as soon as the project meets the criteria established by the department and the award recipient. financial assistance for this purpose shall not be provided for more than three fiscal years. financial assistance may be provided to meet any short-term emergency need that requires immediate attention and cannot be funded through other sources.

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

(4) As follows:

(I) For short-term demonstration projects awarded financial assistance under this subsection, the department shall determine if the demonstration project was successful based upon the performance criteria established prior to the commencement of the demonstration project and approved by the department.

(II) If the department determines that the demonstration project was successful, the local transportation organization or agency or instrumentality of the commonwealth that conducted the demonstration project shall be eligible to apply for and receive funds under section 1513 to sustain and transition the demonstration project into regular public passenger transportation service.

(III) During the first year in which the demonstration project is eligible for and applies for financial assistance under section 1513, the local transportation organization or agency or instrumentality of the commonwealth that conducted the demonstration project and transitioned it to regular public passenger transportation service shall be eligible to receive financial assistance up to 65% of the transportation service's prior fiscal year operating costs or expenses for the service as an initial base operating allocation.

(IV) The initial base operating allocation shall be taken from the growth under section 1513 over the prior
YEAR BEFORE DISTRIBUTING THE REMAINDER OF THE FORMULA
DESCRIBED IN SECTION 1513.

(F) SHARED RIDE COMMUNITY TRANSPORTATION SERVICE DELIVERY
PILOT PROGRAM. --

(1) THE DEPARTMENT MAY DEVELOP AND IMPLEMENT A PILOT
PROGRAM TO TEST AND EVALUATE NEW MODELS OF PAYING FOR AND
DELIVERING SHARED RIDE AND COMMUNITY TRANSPORTATION. THE
GOALS OF THE PROGRAM ARE AS FOLLOWS:

(I) DEVELOP A COMMUNITY TRANSPORTATION DELIVERY
MODEL THAT CAN BE MANAGED TO STAY WITHIN BUDGET.

(II) DEVELOP COMMUNITY TRANSPORTATION SERVICE
STANDARDS WITH NEED BASED PRIORITIES.

(III) DEVELOP A BUSINESS MODEL AND FARE STRUCTURE
THAT WORK ACROSS FUNDING PROGRAMS.

(IV) MAXIMIZE EFFICIENCY AND EFFECTIVENESS OF THE
SERVICES.

(2) THE DEPARTMENT SHALL ESTABLISH A PILOT ADVISORY
COMMITTEE TO PROVIDE GUIDANCE AND INPUT FOR PILOT PLANNING,
START UP, OPERATIONS, DATA COLLECTION AND POST PILOT
EVALUATION. THE COMMITTEE SHALL BE COMPRISED OF THE
FOLLOWING:

(I) A MEMBER APPOINTED BY MAJORITY CHAIR OF THE
TRANSPORTATION COMMITTEE OF THE SENATE.

(II) A MEMBER APPOINTED BY MINORITY CHAIR OF THE
TRANSPORTATION COMMITTEE OF THE SENATE.

(III) A MEMBER APPOINTED BY MAJORITY CHAIR OF
THE TRANSPORTATION COMMITTEE OF THE HOUSE OF
REPRESENTATIVES.

(IV) A MEMBER APPOINTED BY MINORITY CHAIR OF THE
TRANSPORTATION COMMITTEE OF THE HOUSE OF
REPRESENTATIVES.

(V) TWO MEMBERS FROM THE PENNSYLVANIA PUBLIC TRANSIT ASSOCIATION APPOINTED BY THE SECRETARY.

(VI) A MEMBER APPOINTED BY THE SECRETARY TO REPRESENT PEOPLE WITH DISABILITIES.

(VII) A MEMBER APPOINTED BY THE SECRETARY OF AGING TO REPRESENT SENIOR CITIZENS.

(VIII) A MEMBER APPOINTED BY THE SECRETARY OF PUBLIC WELFARE TO REPRESENT PEOPLE USING MEDICAL ASSISTANCE TRANSPORTATION.

(IX) A MEMBER OF THE COUNTY COMMISSIONERS ASSOCIATION APPOINTED BY THE SECRETARY.

(X) THE SECRETARY OR A DESIGNEE.

(XI) THE SECRETARY OF AGING OR A DESIGNEE.

(XII) THE SECRETARY OF THE OFFICE OF THE BUDGET OR A DESIGNEE.

(XIII) THE SECRETARY OF PUBLIC WELFARE OR A DESIGNEE.

(3) THE DEPARTMENT SHALL WORK WITH THE COMMITTEE TO DEFINE POTENTIAL PILOT MODELS WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF THIS SUBSECTION.

(4) THE DEPARTMENT SHALL PUBLISH THE NOTICE OF AVAILABILITY OF THE PROGRAM MODELS AND FRAMEWORK IN THE PENNSYLVANIA BULLETIN AND RECEIVE APPLICATIONS FROM COUNTIES AND SHARED-RIDE COMMUNITY TRANSPORTATION SYSTEMS INTERESTED IN PARTICIPATING IN THE PROGRAM WITHIN THREE MONTHS OF THE DEFINING POTENTIAL PILOT MODELS.

(5) THE DEPARTMENT MAY WORK WITH THE COMMITTEE TO REDEFINE THE BASIS FOR PAYMENT USING LOTTERY AND OTHER STATE FUNDING SOURCES CURRENTLY USED TO SUPPORT COMMUNITY
TRANSPORTATION PROGRAMS FOR SELECTED PILOT COUNTIES AND
SHARED-RISE COMMUNITY TRANSPORTATION SYSTEMS TO TEST NEW
METHODS OF SERVICE DELIVERY AND PAYMENT. EACH PROJECT MUST
HAVE A BUSINESS PLAN WITH MANAGEMENT CONTROLS, SERVICE
STANDARDS AND BUDGET CONTROLS. THE BUSINESS PLAN SHALL BE
REVIEWED BY THE COMMITTEE PRIOR TO BEING IMPLEMENTED.

SECTION 9. SECTION 1517 OF TITLE 74 IS AMENDED TO READ:

§ 1517. CAPITAL IMPROVEMENTS PROGRAM.

(A) ELIGIBILITY.—A LOCAL TRANSPORTATION ORGANIZATION MAY
APPLY FOR FINANCIAL ASSISTANCE UNDER THIS SECTION.

(B) APPLICATIONS.—THE DEPARTMENT SHALL ESTABLISH THE
CONTENTS OF THE APPLICATION FOR THE PROGRAM ESTABLISHED UNDER
THIS SECTION. THE INFORMATION SHALL BE IN ADDITION TO
INFORMATION REQUIRED UNDER SECTION 1507 (RELATING TO APPLICATION
AND APPROVAL PROCESS).

(C) DISTRIBUTION FORMULA.—THE DEPARTMENT SHALL AWARD
FINANCIAL ASSISTANCE UNDER THIS SECTION BASED ON THE NUMBER OF
PASSENGERS. THE ACTUAL AMOUNT AWARDED TO A LOCAL TRANSPORTATION
ORGANIZATION UNDER THIS SUBSECTION SHALL BE CALCULATED AS
FOLLOWS:

(1) MULTIPLY THE LOCAL TRANSPORTATION ORGANIZATION'S
PASSENGERS BY THE TOTAL AMOUNT OF FUNDING AVAILABLE UNDER
THIS SECTION.

(2) DIVIDE THE PRODUCT UNDER PARAGRAPH (1) BY THE SUM OF
THE PASSENGERS FOR ALL QUALIFYING LOCAL TRANSPORTATION
ORGANIZATIONS.

(D) PAYMENTS.—FINANCIAL ASSISTANCE UNDER THIS SECTION SHALL
BE PAID TO LOCAL TRANSPORTATION ORGANIZATIONS AT LEAST
QUARTERLY.

(E) REDUCTION IN FINANCIAL ASSISTANCE.—FINANCIAL ASSISTANCE
PROVIDED TO A LOCAL TRANSPORTATION ORGANIZATION UNDER THIS
SECTION SHALL BE REDUCED BY ANY FINANCIAL ASSISTANCE RECEIVED
PREVIOUSLY UNDER THIS SECTION WHICH HAS NOT BEEN SPENT OR
COMMITTED IN A CONTRACT WITHIN THREE YEARS OF ITS RECEIPT.

(F) CERTIFICATION ENDS FUNDING.--FINANCIAL ASSISTANCE UNDER
THIS SECTION SHALL CEASE WHEN THE SECRETARY CERTIFIES THAT FUNDS
ARE NO LONGER AVAILABLE FOR THE PROGRAM ESTABLISHED UNDER THIS
SECTION.

SECTION 10. TITLE 74 IS AMENDED BY ADDING SECTIONS TO READ:
§ 1517.1. ALTERNATIVE ENERGY CAPITAL INVESTMENT PROGRAM.
(A) ESTABLISHMENT.--THE DEPARTMENT IS AUTHORIZED TO
ESTABLISH A COMPETITIVE GRANT PROGRAM TO IMPLEMENT CAPITAL
IMPROVEMENTS DEEMED NECESSARY TO SUPPORT CONVERSION OF A LOCAL
TRANSPORTATION ORGANIZATION'S FLEET TO AN ALTERNATIVE ENERGY
SOURCE, INCLUDING COMPRESSED NATURAL GAS.
(B) CRITERIA.--THE DEPARTMENT SHALL ESTABLISH CRITERIA FOR
AWARDING GRANTS UNDER THIS SECTION. CRITERIA SHALL, AT A
MINIMUM, INCLUDE FEASIBILITY, COST/BENEFIT ANALYSIS AND PROJECT
READINESS.
(C) ADDITIONAL AUTHORIZATION.--NOTWITHSTANDING ANY OTHER
PROVISIONS OF THIS SECTION OR OTHER LAW, THE DEPARTMENT MAY USE
FUNDS DESIGNATED FOR THE PROGRAM ESTABLISHED UNDER SUBSECTION
(A) TO SUPPLEMENT A LOCAL TRANSIT ORGANIZATION'S BASE OPERATING
ALLOCATION UNDER SECTION 1513 (RELATING TO OPERATING PROGRAM) IF
NECESSARY TO STABILIZE AN OPERATING BUDGET AND ENSURE THAT
EFFICIENT SERVICES MAY BE SUSTAINED TO SUPPORT ECONOMIC
DEVELOPMENT AND JOB CREATION AND RETENTION.
§ 1521.1. LOCAL TAX FOR MASS TRANSPORTATION.
(A) TAXES IMPOSED.--MUNICIPALITIES MAY, IN THEIR DISCRETION,
BY ORDINANCE OR RESOLUTION, FOR MASS TRANSPORTATION REVENUE
PURPOSES FOR LOCAL TRANSPORTATION ORGANIZATIONS, LEVY, ASSESS
AND COLLECT OR PROVIDE FOR THE LEVYING, ASSESSMENT AND
COLLECTION OF A TAX OR TAXES DESCRIBED AS FOLLOWS:

(1) UPON A TRANSFER OF REAL PROPERTY OR AN INTEREST IN
REAL PROPERTY WITHIN THE LIMITS OF THE MUNICIPALITY,
REGARDLESS OF WHERE THE INSTRUMENTS MAKING THE TRANSFERS ARE
MADE, EXECUTED OR DELIVERED OR WHERE THE ACTUAL SETTLEMENTS
ON THE TRANSFER TAKE PLACE, TO THE EXTENT THAT THE
TRANSACTIONS ARE SUBJECT TO THE TAX IMPOSED BY ARTICLE XI-C
OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX
REFORM CODE OF 1971. A TAX IMPOSED UNDER THIS PARAGRAPH SHALL
NOT EXCEED 0.5% OF RATE LIMITATIONS PROVIDED BY SECTIONS 307,
311 AND 320 OF THE ACT OF DECEMBER 31, 1965 (P.L.1257,
NO.511), KNOWN AS THE LOCAL TAX ENABLING ACT.

(2) IN ADDITION TO THE TAX IMPOSED UNDER ARTICLE III OF
THE TAX REFORM CODE OF 1971, A SURTAX NOT TO EXCEED 0.2% OF
THE TAX IMPOSED ON THE TAXABLE INCOME OF RESIDENT AND
NONRESIDENT INDIVIDUALS AS PROVIDED FOR UNDER ARTICLE III OF
THE TAX REFORM CODE OF 1971. THE SURTAX SHALL BE IN ADDITION
TO ANY TAX IMPOSED UNDER ARTICLE III OF THE TAX REFORM CODE
OF 1971.

(3) IN ADDITION TO THE TAX IMPOSED UNDER ARTICLE II OF
THE TAX REFORM CODE OF 1971, A SURTAX EQUAL TO 0.25% IMPOSED
ON THE PURCHASE PRICE OF TANGIBLE PERSONAL PROPERTY AND
SERVICES SUBJECT TO TAXATION UNDER ARTICLE II OF THE TAX
REFORM CODE OF 1971. THE SURTAX SHALL BE IN ADDITION TO ANY

(B) COMPUTATION OF SALES AND USE TAX.--WITHIN 30 DAYS OF THE
NOTIFICATION OF A MUNICIPALITY OF THE ADOPTION OF A TAX UNDER
SUBSECTION (A), THE DEPARTMENT OF REVENUE SHALL ESTABLISH A


(D) CONSTRUCTION.--THE PROVISIONS OF ARTICLES II, III AND XI-C OF THE TAX REFORM CODE OF 1971 SHALL APPLY TO THE TAXES IMPOSED UNDER SUBSECTION (A) EXCEPT AS INCONSISTENT WITH THIS SECTION.

(E) GRANTS BY MUNICIPALITIES.--A MUNICIPALITY IN ANY AREA WHICH IS A MEMBER OF A LOCAL TRANSPORTATION ORGANIZATION IS AUTHORIZED TO MAKE ANNUAL GRANTS FROM CURRENT REVENUES OR FROM REVENUE DERIVED FROM TAXES LEVIED UNDER THIS SECTION TO LOCAL TRANSPORTATION ORGANIZATIONS TO ASSIST IN DEFRAYING THE COSTS OF OPERATIONS, MAINTENANCE AND DEBT SERVICE OF A LOCAL TRANSPORTATION ORGANIZATION OR OF A PARTICULAR MASS TRANSPORTATION PROJECT OF A LOCAL TRANSPORTATION ORGANIZATION AND TO ENTER INTO LONG-TERM AGREEMENTS PROVIDING FOR THE PAYMENT OF THE SAME. THE OBLIGATION OF A MUNICIPALITY UNDER THE AGREEMENT SHALL NOT BE CONSIDERED TO BE A PART OF ITS
INDEBTEDNESS, NOR SHALL THE OBLIGATION BE DEEMED TO IMPAIR THE
STATUS OF ANY INDEBTEDNESS OF THE MUNICIPALITY WHICH WOULD
OTHERWISE BE CONSIDERED AS SELF-SUSTAINING.

SECTION 11. TITLE 74 IS AMENDED BY ADDING A CHAPTER TO READ:

CHAPTER 21

MULTIMODAL TRANSPORTATION FUNDING

SEC.

2101. MULTIMODAL TRANSPORTATION FUND.

2102. DEPOSITS TO FUND.

2103. USE OF REVENUE.

2104. DISTRIBUTION OF REVENUE.

2105. PROJECT SELECTION CRITERIA AND AGREEMENT.

2106. LOCAL MATCH.

§ 2101. MULTIMODAL TRANSPORTATION FUND.

A SPECIAL FUND IS ESTABLISHED WITHIN THE STATE TREASURY TO BE
KNOWN AS THE MULTIMODAL TRANSPORTATION FUND. MONEY IN THE FUND
IS APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES AUTHORIZED
UNDER THIS CHAPTER.

§ 2102. DEPOSITS TO FUND.

THE FOLLOWING SHALL BE DEPOSITED IN THE MULTIMODAL
TRANSPORTATION FUND:

(1) TEN MILLION DOLLARS OF THE REVENUE DEPOSITED IN THE
PUBLIC TRANSPORTATION TRUST FUND UNDER SECTION 1506(B)(1)
(RELATING TO FUND).

(2) TWENTY THREE PERCENT OF THE REVENUE DEPOSITED IN THE
FUND IN ACCORDANCE WITH 75 PA.C.S. § 1904 (B)(2) (RELATING TO
COLLECTION AND DISPOSITION OF FEES AND MONEYS).

(3) FOR FISCAL YEAR 2015-2016 AND EACH FISCAL YEAR
THEREAFTER, THE AMOUNT AUTHORIZED FROM THE OIL COMPANY
FRANCHISE TAX IMPOSED UNDER 75 PA.C.S. § 9502 (RELATING TO
IMPOSITION OF TAX) TO BE EXPENDED IN ACCORDANCE WITH SECTION 11 OF ARTICLE VIII OF THE CONSTITUTION OF PENNSYLVANIA.

(4) OTHER APPROPRIATIONS, DEPOSITS OR TRANSFERS TO THE FUND.

(5) THE INTEREST EARNED ON MONEY IN THE FUND.

§ 2103. USE OF REVENUE.

MONEY IN THE FUND SHALL BE USED BY THE DEPARTMENT AS FOLLOWS:

(1) TO PROVIDE GRANTS THROUGH THE DEPARTMENT'S PROGRAMS RELATING TO AVIATION, RAIL FREIGHT, PASSENGER RAIL, PORT AND WATERWAY, BICYCLE AND PEDESTRIAN FACILITIES, ROAD AND BRIDGE AND OTHER TRANSPORTATION MODES.

(2) FOR COSTS INCURRED BY THE DEPARTMENT IN THE ADMINISTRATION OF PROGRAMS SPECIFIED UNDER PARAGRAPH (1).

(3) TO INCUR COSTS FOR ACTIVITIES INITIATED OR UNDERTAKEN DIRECTLY BY THE DEPARTMENT RELATED TO THE PROGRAMS UNDER PARAGRAPH (1).

§ 2104. DISTRIBUTION OF REVENUE.

THE REVENUE DEPOSITED IN THE FUND SHALL BE DISTRIBUTED AS FOLLOWS:

(1) THREE MILLION DOLLARS SHALL BE DESIGNATED FOR PROGRAMS RELATED TO AVIATION.

(2) SIX MILLION DOLLARS SHALL BE DESIGNATED FOR PROGRAMS RELATED TO RAIL FREIGHT.

(3) SIX MILLION DOLLARS SHALL BE DESIGNATED FOR PROGRAMS RELATED TO RAIL PASSENGERS.

(4) EIGHT MILLION DOLLARS SHALL BE DESIGNATED FOR PROGRAMS RELATED TO PORTS AND WATERWAYS.

(5) TWO MILLION DOLLARS FOR PROGRAMS RELATED TO BICYCLE AND PEDESTRIAN FACILITIES.

(6) THE REMAINING REVENUES SHALL BE DESIGNATED FOR 20130SB0001PN1308 - 140 -

§ 2105. PROJECT SELECTION CRITERIA AND AGREEMENT.

THE DEPARTMENT SHALL AWARD GRANTS UNDER THIS CHAPTER ON A COMPETITIVE BASIS. THE DEPARTMENT MAY NOT RESERVE, DESIGNATE OR SET ASIDE A SPECIFIC LEVEL OF FUNDS OR PERCENTAGE OF FUNDS TO AN APPLICANT PRIOR TO THE COMPLETION OF THE APPLICATION PROCESS, NOR MAY THE DEPARTMENT DESIGNATE A SET PERCENTAGE OF FUNDS TO AN APPLICANT.

§ 2106. LOCAL MATCH.

FINANCIAL ASSISTANCE UNDER SECTION 2104(6) (RELATING TO DISTRIBUTION OF REVENUES) SHALL BE MATCHED BY COUNTY, MUNICIPAL OR PRIVATE FUNDING IN AN AMOUNT NOT LESS THAN 30% OF THE NON-FEDERAL SHARE OF THE PROJECT COST. MATCHING FUNDS FROM A COUNTY OR MUNICIPALITY SHALL ONLY CONSIST OF CASH CONTRIBUTIONS PROVIDED BY ONE OR MORE COUNTIES OR MUNICIPALITIES.

SECTION 12. CHAPTER 59 OF TITLE 74 IS AMENDED BY ADDING A SUBCHAPTER TO READ:

SUBCHAPTER C
FIRST CLASS CITY CONSOLIDATED CAR RENTAL FACILITY
SEC.

5931. SCOPE OF SUBCHAPTER.
5932. DEFINITIONS.
5933. CUSTOMER FACILITY CHARGE AND RENTAL FACILITY AGREEMENT.
§ 5931. SCOPE OF SUBCHAPTER.

THIS SUBCHAPTER RELATES TO FIRST CLASS CITY CONSOLIDATED
RENTAL CAR FACILITIES.

§ 5932.  DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"AIRPORT." A PUBLIC INTERNATIONAL AIRPORT LOCATED PARTIALLY IN A CITY OF THE FIRST CLASS AND PARTIALLY IN AN ADJACENT MUNICIPALITY.

"AIRPORT OWNER." ANY OF THE FOLLOWING:

(1) A CITY WHICH OWNS AND OPERATES AN AIRPORT.

(2) AN AUTHORITY CREATED BY A CITY OF THE FIRST CLASS TO OWN AND OPERATE AN AIRPORT OR ANY PORTION OR ACTIVITY OF THE AIRPORT.

"AIRPORT PROPERTY." PROPERTY OWNED AND OPERATED BY AN AIRPORT OWNER, INCLUDING PROPERTY THAT ISLEASED, LICENSED OR MADE AVAILABLE FOR USE BY THE AIRPORT OWNER.

"CITY." A CITY OF THE FIRST CLASS.

"CONCESSION AGREEMENT." A REGULATION, CONTRACT, PERMIT, LICENSE OR OTHER AGREEMENT ENTERED INTO BETWEEN AN AIRPORT OWNER AND A VEHICLE RENTAL COMPANY WHICH INCLUDES THE TERMS AND CONDITIONS UNDER WHICH THE COMPANY MAY CONDUCT ANY ASPECT OF ITS RENTAL VEHICLE BUSINESS AT THE AIRPORT OR THROUGH THE USE OF AIRPORT PROPERTY, INCLUDING A VEHICLE RENTAL COMPANY WHICH PROVIDES A CUSTOMER ACCESS TO A VEHICLE OR EXECUTES A RENTAL CONTRACT EITHER ON OR OFF OF AIRPORT PROPERTY.

"CUSTOMER FACILITY CHARGE." A FEE ASSESSED ON EACH MOTOR VEHICLE RENTAL UNDER THIS SUBCHAPTER USED FOR THE PURPOSES DESCRIBED UNDER SECTION 5933(I) (RELATING TO CUSTOMER FACILITY CHARGE AND RENTAL FACILITY AGREEMENT).

"MOTOR VEHICLE." A PRIVATE PASSENGER MOTOR VEHICLE THAT
MEETS ALL OF THE FOLLOWING:

(1) IS DESIGNED TO TRANSPORT NOT MORE THAN 15 PASSENGERS.

(2) IS RENTED FOR NOT MORE THAN 30 DAYS WITHOUT A DRIVER.

(3) IS PART OF A FLEET OF AT LEAST FIVE PASSENGER VEHICLES USED FOR THE PURPOSE UNDER PARAGRAPH (2).

"RENTAL FACILITY." A CONSOLIDATED FACILITY FOR THE USE OF A VEHICLE RENTAL COMPANY TO CONDUCT BUSINESS ON AIRPORT PROPERTY.

"RENTAL FACILITY AGREEMENT." A WRITTEN AGREEMENT ENTERED INTO BETWEEN AN AIRPORT OWNER AND A VEHICLE RENTAL COMPANY WHICH SHALL INCLUDE:

(1) THE LOCATION, SCOPE OF OPERATIONS AND GENERAL DESIGN OF THE RENTAL FACILITY, A RENTAL FACILITY IMPROVEMENT AND A TRANSPORTATION SYSTEM WHICH CONNECTS TO A TERMINAL OR RELATED STRUCTURE.

(2) THE MANNER IN WHICH THE PROCEEDS OF THE CUSTOMER FACILITY CHARGE ARE TO BE USED AS PROVIDED UNDER SECTION 5933(I).

(3) A PROCEDURE AND REQUIREMENT FOR A CONSULTATION REGARDING THE IMPLEMENTATION OF THIS CHAPTER FOR THE DISCLOSURE TO A VEHICLE RENTAL COMPANY OF INFORMATION RELATING TO THE COLLECTION AND USE OF THE CUSTOMER FACILITY CHARGE.

(4) A METHODOLOGY AND PROCEDURE BY WHICH THE AMOUNT OF THE CUSTOMER FACILITY CHARGE WILL BE CALCULATED AND ADJUSTED.

"RENTAL FACILITY IMPROVEMENT." A FACILITY OR STRUCTURE ON AIRPORT PROPERTY NEEDED FOR DEVELOPMENT OR USE OF THE RENTAL FACILITY. THE TERM SHALL INCLUDE A COST NEEDED FOR PLANNING, FINANCE, DESIGN, CONSTRUCTION, EQUIPPING OR FURNISHING OF A
RENTAL FACILITY IMPROVEMENT.

"RENTAL FACILITY OPERATIONS AND MAINTENANCE EXPENSES." THE COST OF OPERATING AND MAINTAINING THE RENTAL FACILITY, INCLUDING DAY-TO-DAY COSTS.

"TRANSPORTATION SYSTEM." A SYSTEM WHICH TRANSPORTS AN ARRIVING OR DEPARTING VEHICLE RENTAL CUSTOMER BETWEEN A TERMINAL OR RELATED STRUCTURE AND THE RENTAL FACILITY.

"TRANSPORTATION SYSTEM COSTS." THE PORTION OF TOTAL COST INCURRED TO DESIGN, FINANCE, CONSTRUCT, OPERATE AND MAINTAIN A TRANSPORTATION SYSTEM WHICH REFLECTS THE USAGE OR BENEFIT OF THE SYSTEM TO VEHICLE RENTAL COMPANIES AND THEIR CUSTOMERS.

"VEHICLE RENTAL COMPANY." A PERSON ENGAGED IN THE BUSINESS OF RENTING A MOTOR VEHICLE IN THIS COMMONWEALTH THAT PROVIDES A MOTOR VEHICLE RENTAL TO A CUSTOMER WHICH UTILIZES AIRPORT PROPERTY IN ANY ASPECT OF ITS BUSINESS, INCLUDING TO DO ANY OF THE FOLLOWING:

(1) CONTACT CUSTOMERS OR PICK UP OR DROP OFF CUSTOMERS ON AIRPORT PROPERTY.

(2) ADVERTISE THE AVAILABILITY OF A VEHICLE RENTAL SERVICE, NOTWITHSTANDING IF OTHER ASPECTS OF THE RENTAL COMPANY BUSINESS ARE NOT CONDUCTED ON AIRPORT PROPERTY.

§ 5933. CUSTOMER FACILITY CHARGE AND RENTAL FACILITY AGREEMENT.

(A) RENTAL FACILITY AGREEMENT.--A RENTAL FACILITY AGREEMENT SHALL BE ENFORCEABLE IF IT IS EXECUTED BY THE AIRPORT OWNER AND AT LEAST 80% OF THE VEHICLE RENTAL COMPANIES WHICH UTILIZED AIRPORT PROPERTY AND WHICH PROVIDED AT LEAST 90% OF THE MOTOR VEHICLE RENTALS CONDUCTED UTILIZING AIRPORT PROPERTY IN THE MOST RECENTLY COMPLETED CALENDAR YEAR.

(B) IMPOSITION OF CUSTOMER FACILITY CHARGE.--

(1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2), 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. THE CHARGE MAY:

(I) BE IMPOSED NOTWITHSTANDING THE ABSENCE OF AUTHORITY IN A REGULATION OR CONCESSION AGREEMENT; AND

(II) NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF A CONCESSION AGREEMENT.

(2) NOTWITHSTANDING PARAGRAPH (1), A RENTAL FACILITY AGREEMENT MAY PROVIDE FOR A CUSTOMER FACILITY CHARGE WHICH EXCEEDS $8 PER RENTAL DAY.

(3) A CITY MAY UNILATERALLY DECREASE THE CUSTOMER FACILITY CHARGE PROVIDED IN A RENTAL FACILITY AGREEMENT OR OTHERWISE PROVIDED. AN INCREASE IN THE CUSTOMER FACILITY CHARGE, DECREASED UNDER THIS PARAGRAPH, SHALL REQUIRE AN AMENDMENT OF THE RENTAL FACILITY AGREEMENT IF THE INCREASE WILL CAUSE THE CUSTOMER FACILITY CHARGE TO EXCEED THE ORIGINAL AMOUNT.

(C) AMENDMENT OF RENTAL FACILITY AGREEMENT.--THE FOLLOWING SHALL APPLY:

(1) AN AMENDMENT TO A RENTAL FACILITY AGREEMENT MUST BE EXECUTED BY THE VEHICLE RENTAL COMPANIES OR THEIR SUCCESSORS, WHICH ARE A PARTY TO THE ORIGINAL RENTAL FACILITY AGREEMENT.

(2) THE TERMS OF THE RENTAL FACILITY AGREEMENT MAY BE AMENDED NO MORE THAN ONE TIME PER CALENDAR YEAR TO AUTHORIZE THE INCREASE OF THE AMOUNT OF THE CUSTOMER FACILITY CHARGE TO FUND THE CURRENT COSTS AUTHORIZED UNDER THE RENTAL FACILITY AGREEMENT.

(D) 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. A MONETARY DAMAGE MAY NOT BE AWARDED TO
A VEHICLE RENTAL COMPANY OR TO A PERSON REQUIRED TO PAY THE
CUSTOMER FACILITY CHARGE FOR A VIOLATION OF THE TERMS AND
CONDITIONS OF THE RENTAL FACILITY AGREEMENT.

(E) LIMITATION ON USE.—NOTWITHSTANDING THE AUTHORIZATION
FOR THE USE OF THE PROCEEDS OF THE CUSTOMER FACILITY Charger
IMPOSED UNDER SUBSECTION (B)(1)(I) AND, EXCEPT AS PROVIDED UNDER
SUBSECTION (F), UNTIL A RENTAL FACILITY AGREEMENT IS EXECUTED,
THE PROCEEDS OF THE CUSTOMER FACILITY CHARGE MAY BE USED ONLY
FOR PLANNING, DESIGN, FEASIBILITY STUDIES AND OTHER PRELIMINARY
EXPENSES NECESSARY FOR THE USES AUTHORIZED UNDER SUBSECTION
(B)(1)(I).

(F) TIME LIMITATION.—IF A RENTAL FACILITY AGREEMENT IS NOT
EXECUTED WITHIN TWO YEARS OF THE DATE A VEHICLE RENTAL COMPANY
IS REQUIRED TO BEGIN COLLECTING THE CUSTOMER FACILITY CHARGE, A
CITY MAY CONTINUE TO IMPOSE AND COLLECT THE CUSTOMER FACILITY
CHARGE AUTHORIZED UNDER SUBSECTION (B)(1). AFTER NOTICE TO THE
VEHICLE RENTAL COMPANIES, THE CITY MAY USE THE PROCEEDS OF THE
CUSTOMER FACILITY CHARGE IN THE MANNER AUTHORIZED UNDER
SUBSECTION (B)(1)(I), EXCEPT THAT AN EXPENSE IMPOSED ON A
VEHICLE RENTAL COMPANY FOR THE PURPOSES UNDER SUBSECTION (E) MAY
NOT EXCEED THE PROCEEDS OF THE CUSTOMER FACILITY CHARGE.

(G) ADDITIONAL COST.—A CUSTOMER FACILITY CHARGE SHALL BE IN
ADDITION TO OTHER MOTOR VEHICLE RENTAL FEES AND TAXES IMPOSED BY
LAW, EXCEPT THAT THE CUSTOMER FACILITY CHARGE MAY NOT CONSTITUTE
PART OF THE PURCHASE PRICE OF A MOTOR VEHICLE RENTAL IMPOSED
UNDER ANY OF THE FOLLOWING:

(1) ARTICLE II OF THE ACT OF MARCH 4, 1971 (P.L.6,
(2) THE ACT OF JUNE 5, 1991 (P.L.9, NO.6), KNOWN AS THE
Pennsylvania Intergovernmental Cooperation Authority Act for
Cities of the First Class.

(3) A LAW SIMILAR TO THE STATUTES UNDER PARAGRAPHS (1)
AND (2).

(H) COLLECTION.--THE FOLLOWING SHALL APPLY:

(1) A CUSTOMER FACILITY CHARGE SHALL BE:

   (I) COLLECTED FROM A CUSTOMER BY A VEHICLE RENTAL
   COMPANY AND HELD IN A SEGREGATED TRUST FUND FOR THE
   BENEFIT OF THE AIRPORT OWNER; AND

   (II) PAID TO THE AIRPORT OWNER NO LATER THAN THE
   LAST DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH
   CUSTOMER FACILITY CHARGE REVENUES ARE COLLECTED, OR IF
   NECESSARY TO FACILITATE A PLEDGE OF CUSTOMER FACILITY
   CHARGE REVENUES UNDER SUBSECTION (J), AT AN EARLIER DATE
   AS DESIGNATED BY THE AIRPORT OWNER, BUT NOT SOONER THAN
   THE 15TH DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH
   THE CUSTOMER FACILITY CHARGES ARE COLLECTED.

(2) A CUSTOMER FACILITY CHARGE MAY NOT CONSTITUTE GROSS
RECEIPTS OR INCOME OF A VEHICLE RENTAL COMPANY FOR PURPOSES
OF A TAX IMPOSED BY THE COMMONWEALTH, THE CITY OR ANY OTHER
MUNICIPALITY.

(3) A VEHICLE RENTAL COMPANY MAY NOT PLEDGE, SUBJECT TO
A LIEN, OR ENCUMBER FUNDS IN A SEGREGATED TRUST FUND UNDER
PARAGRAPH (1)(I).

(I) USE.--THE PROCEEDS OF THE CUSTOMER FACILITY CHARGE SHALL
BE DEPOSITED BY THE AIRPORT OWNER INTO A SEGREGATED ACCOUNT TO
BE USED FOR THE PLANNING, DEVELOPMENT, FINANCING, CONSTRUCTION
AND OPERATION OF:

(1) A RENTAL FACILITY:
(2) A RENTAL FACILITY IMPROVEMENT;
(3) TRANSPORTATION SYSTEM COSTS; OR
(4) A RENTAL FACILITY OPERATION AND MAINTENANCE EXPENSE.

(J) PLEDGE.--AN AIRPORT OWNER MAY PLEDGE CUSTOMER FACILITY
CHARGE REVENUES FOR ANY OF THE FOLLOWING:

(1) ANY USE AUTHORIZED UNDER SUBSECTION (I).
(2) THE CREATION AND MAINTENANCE OF A REASONABLE RESERVE
AND FOR THE PAYMENT OF DEBT SERVICE FOR ANY USE AUTHORIZED
UNDER SUBSECTION (I).

(K) ADMINISTRATION.--AN AIRPORT OWNER MAY DO ANY OF THE
FOLLOWING:

(1) REQUIRE A VEHICLE RENTAL COMPANY TO PROVIDE IT WITH
PERIODIC STATEMENTS OF ACCOUNT, FILE RETURNS, AUTHORIZE
PAYMENTS AND MAINTAIN RECORDS, IN ACCORDANCE WITH ITS
OBLIGATIONS UNDER THIS SUBCHAPTER.

(2) CONDUCT AN EXAMINATION TO ENSURE A VEHICLE RENTAL
COMPANY'S COMPLIANCE WITH ITS OBLIGATIONS UNDER THIS
SUBCHAPTER AND MAY DO ANY OF THE FOLLOWING:

(I) COLLECT AN AMOUNT DUE.
(II) IMPOSE A LIEN AND FILE A SUIT TO RECOVER AN
AMOUNT DUE.
(III) GRANT A REFUND.
(IV) REQUIRE THE PAYMENT OF AN AUTHORIZED ADDITION
TO A CUSTOMER FACILITY CHARGE, INTEREST AND PENALTY.
(V) ADOPT REASONABLE RULES AND REGULATIONS TO
IMPLEMENT THIS SECTION.
(VI) SEEK CRIMINAL PENALTIES, AS PROVIDED FOR A CITY
OF THE FIRST CLASS FOR THE COLLECTION OF TAXES, FOR
FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS
SUBCHAPTER.
COMMONWEALTH PLEDGE.--THE COMMONWEALTH PLEDGES TO AND AGREES WITH:

(1) ANY PERSON, FIRM OR CORPORATION, GOVERNMENT AGENCY, WHETHER IN THIS COMMONWEALTH OR ELSEWHERE, OR FEDERAL AGENCY SUBSCRIBING TO OR ACQUIRING DEBT OBLIGATIONS SECURED BY CUSTOMER FACILITY CHARGES TO BE ISSUED BY AN AIRPORT THAT THE COMMONWEALTH WILL NOT LIMIT OR ALTER THE RIGHTS VESTED IN THE AIRPORT OWNER UNDER THIS SUBCHAPTER IN A MANNER INCONSISTENT WITH THE OBLIGATIONS OF THE AIRPORT OWNER TO THE OBLIGEES OF THE AIRPORT OWNER UNTIL ALL DEBT OBLIGATIONS SECURED BY CUSTOMER FACILITY CHARGES AND INTEREST ON THE DEBT OBLIGATIONS ARE FULLY PAID OR PROVIDED FOR.

(2) ANY FEDERAL AGENCY THAT, IF THE FEDERAL AGENCY CONtributes FUNDS FOR THE AIRPORT OWNER OR PROJECT, THE COMMONWEALTH WILL NOT ALTER OR LIMIT THE RIGHTS AND POWERS OF THE AIRPORT OWNER IN A MANNER WHICH WOULD BE INCONSISTENT WITH THE DUE PERFORMANCE OF AN AGREEMENT BETWEEN THE AIRPORT OWNER AND A FEDERAL AGENCY.

SECTION 13. SECTION 6131(A) AND (B) OF TITLE 74 ARE AMENDED TO READ:

§ 6131. TAX ON JET FUELS.

(A) IMPOSITION.--THERE IS HEREBY IMPOSED, EFFECTIVE [JULY 1, 1984] IMMEDIATELY, A STATE TAX OF [1.1¢] 3¢ PER GALLON, OR FRACTIONAL PART THEREOF, ON ALL FUELS USED OR SOLD AND DELIVERED BY DISTRIBUTORS WITHIN THIS COMMONWEALTH FOR USE AS FUEL IN TURBINE-PROPPELLER JET, TURBOJET AND JET-DRIVEN AIRCRAFT AND AIRCRAFT ENGINES. [THE TAX SHALL BE INCREASED BY 0.2¢ PER GALLON, OR FRACTIONAL PART THEREOF, EFFECTIVE JANUARY 1, 1985, AND BY 0.2¢ PER GALLON, OR FRACTIONAL PART THEREOF, EFFECTIVE JULY 1, 1985.] DISTRIBUTORS SHALL BE LIABLE TO THE COMMONWEALTH
FOR THE COLLECTION AND PAYMENT OF THE TAX IMPOSED BY THIS
SECTION. THE TAX SHALL BE COLLECTED BY THE DISTRIBUTOR AND SHALL
BE PAID TO THE COMMONWEALTH ONLY ONCE WITH RESPECT TO ANY FUELS.

[(B) ANNUAL ADJUSTMENT.--BEGINNING ON JANUARY 1, 1986, AND
EACH JANUARY 1 THEREAFTER, THE TAX IMPOSED UNDER THIS SECTION
SHALL BE ADJUSTED ANNUALLY AND SHALL BE SET FOR THAT CALENDAR
YEAR. THE ADJUSTMENT SHALL BE BASED UPON THE PERCENTAGE CHANGE
OF THE PRODUCER PRICE INDEX FOR JET FUEL, AS DETERMINED BY THE
BUREAU OF LABOR STATISTICS FOR THE UNITED STATES DEPARTMENT OF
LABOR, FOR THE MOST RECENT 12-MONTH PERIOD AVAILABLE AS OF THE
IMMEDIATELY PRECEDING NOVEMBER 1. FOR EVERY 10% INCREASE OR
DECREASE IN THE PRODUCER PRICE INDEX, AS DETERMINED BY COMPARING
THE INDEX FOR THE FIRST MONTH OF THE 12-MONTH PERIOD WITH THE
INDEX FOR THE LAST MONTH OF THE PERIOD, THERE SHALL BE A 0.1¢
PER GALLON, OR FRACTIONAL PART THEREOF, INCREASE OR DECREASE IN
THE RATE OF TAX. THE RATE OF TAX SHALL BE DETERMINED BY THE
SECRETARY OF REVENUE, WHO SHALL CAUSE SUCH RATE TO BE PUBLISHED
AS A NOTICE PURSUANT TO 45 PA.C.S. § 725(A)(3) (RELATING TO
ADDITIONAL CONTENTS OF PENNSYLVANIA BULLETIN) IN THE
PENNSYLVANIA BULLETIN ON OR BEFORE DECEMBER 15 OF EACH YEAR. THE
TAX, AS ADJUSTED, SHALL NEVER EXCEED 2¢ PER GALLON, OR
FRACTIONAL PART THEREOF, NOR SHALL IT BE LESS THAN 1.5¢ PER
GALLON, OR FRACTIONAL PART THEREOF.]

* * *

SECTION 14. THE DEFINITIONS OF "ELECTRONIC TOLL COLLECTION,"
"OWNER" AND "VIOLATION ENFORCEMENT SYSTEM" IN SECTION 8102 OF
TITLE 74 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING
DEFINITIONS TO READ:

§ 8102. DEFINITIONS.

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

"AUTOMATED TOLL COLLECTION." A SYSTEM OF COLLECTING TOLLS OR CHARGES BY A DEVICE THAT IS CAPABLE OF ACCEPTING COIN, CURRENCY, CARDS OR TOKENS FOR PAYMENT OF THE PRESCRIBED TOLL OR CHARGE.

"CERTIFICATE OF PASSAGE." A DOCUMENT SIGNED AND CERTIFIED BY A VEHICLE OWNER, OPERATOR OR LESSEE EVIDENCING HIS OR HER AGREEMENT TO PAY THE PRESCRIBED TOLL PLUS A PROCESSING FEE TO THE COMMISSION WITHIN A PRESCRIBED PERIOD.

"CERTIFICATE OF PASSAGE TOLL COLLECTION." A SYSTEM OF COLLECTING A TOLL OR CHARGE BY PROVIDING A VEHICLE OWNER, OPERATOR OR LESSEE WITH A CERTIFICATE OF PASSAGE AT A TOLL COLLECTION FACILITY IF THE OWNER, OPERATOR OR LESSEE DOES NOT HAVE SUFFICIENT FUNDS TO PAY THE PRESCRIBED TOLL AT THE TIME HE OR SHE PASSES THROUGH THE TOLL COLLECTION FACILITY.

* * *

"ELECTRONIC TOLL COLLECTION." A SYSTEM OF COLLECTING TOLLS OR CHARGES [THAT IS CAPABLE OF CHARGING AN ACCOUNT HOLDER FOR THE PRESCRIBED TOLL] BY ELECTRONIC TRANSMISSION OF INFORMATION [BETWEEN], INCLUDING BY USE OF A DEVICE ON A VEHICLE AND A DEVICE [IN A TOLL LANE] AT A TOLL COLLECTION FACILITY, OPEN ROAD TOLLING, VIDEO TOLLING SYSTEM OR OTHER SIMILAR STRUCTURAL OR TECHNOLOGICAL ENHANCEMENTS RELATED TO TOLLING.

* * *

"OWNER." EXCEPT AS PROVIDED UNDER SECTION [8117(E)] 8117 (RELATING TO [ELECTRONIC] TOLL COLLECTION), [AN INDIVIDUAL] A PERSON, COPARTNERSHIP, ASSOCIATION OR CORPORATION HAVING TITLE OR INTEREST IN A PROPERTY RIGHT, EASEMENT OR FRANCHISE AUTHORIZED TO BE ACQUIRED UNDER THIS CHAPTER.

* * *
"TOLL COLLECTION." A SYSTEM OF COLLECTING TOLLS OR CHARGES THAT IS CAPABLE OF CHARGING AN ACCOUNT HOLDER OR VEHICLE OWNER, OPERATOR OR LESSEE FOR THE PRESCRIBED TOLL BY AUTOMATED TOLL COLLECTION, CERTIFICATE OF PASSAGE TOLL COLLECTION OR ELECTRONIC TOLL COLLECTION.

* * *

"VIDEO TOLLING SYSTEM." AS FOLLOWS:

(1) A VEHICLE SENSOR OR OTHER ELECTRONIC TOLL COLLECTION DEVICE, PLACED IN A LOCATION TO WORK IN CONJUNCTION WITH A TOLL COLLECTION FACILITY, WHICH AUTOMATICALLY PRODUCES A VIDEOTAPE OR PHOTOGRAPH, MICROPHOTOGRAPH OR OTHER RECORDED IMAGE OF THE VEHICLE OR VEHICLE LICENSE PLATE AT THE TIME THE VEHICLE IS USED OR OPERATED ON THE TOLLED FACILITY IN ORDER TO COLLECT TOLLS OR DETECT VIOLATIONS OF THE TOLL COLLECTION REGULATIONS OR RULES.

(2) THE TERM INCLUDES TECHNOLOGY OTHER THAN IDENTIFIED UNDER PARAGRAPH (1) WHICH IDENTIFIES A VEHICLE BY PHOTOGRAPHIC, ELECTRONIC OR OTHER METHOD.

"VIOLATION." THE FAILURE TO PAY THE PRESCRIBED TOLL AS PROVIDED UNDER SECTION 8117 (A)(1) (RELATING TO TOLL COLLECTION).

"VIOLATION ENFORCEMENT SYSTEM." A VEHICLE SENSOR, PLACED IN A LOCATION TO WORK IN CONJUNCTION WITH A TOLL COLLECTION FACILITY, WHICH AUTOMATICALLY PRODUCES A VIDEOTAPE OR PHOTOGRAPH, MICROPHOTOGRAPH OR OTHER RECORDED IMAGE OF THE REAR PORTION OF EACH VEHICLE AT THE TIME THE VEHICLE IS USED OR OPERATED IN VIOLATION OF THE TOLL COLLECTION REGULATIONS. THE TERM INCLUDES ANY OTHER TECHNOLOGY WHICH IDENTIFIES A VEHICLE BY PHOTOGRAPHIC, ELECTRONIC OR OTHER METHOD.

SECTION 15. SECTIONS 8117 AND 8121 OF TITLE 74 ARE AMENDED
§ 8117. [ELECTRONIC TOLL] TOLL COLLECTION.

(A) LIABILITY OF OWNER.--

[(1) IF AN OPERATOR OF A VEHICLE FAILS TO PAY THE
PRESCRIBED TOLL AT ANY LOCATION WHERE TOLLS ARE COLLECTED BY
MEANS OF ELECTRONIC TOLL COLLECTION, THE OWNER OF THE VEHICLE
SHALL BE LIABLE TO THE COMMISSION FOR FAILURE OF THE OPERATOR
OF THE VEHICLE TO COMPLY WITH THIS SECTION IF THE VIOLATION
IS EVIDENCED BY INFORMATION OBTAINED FROM A VIOLATION
ENFORCEMENT SYSTEM.

(2) IF A VIOLATION OF THIS SECTION IS COMMITTED, THE
REGISTRATION PLATE NUMBER OF THE VEHICLE AS RECORDED BY A
VIOLATION ENFORCEMENT SYSTEM SHALL ESTABLISH AN INFERENCE
THAT THE OWNER OF THE VEHICLE WAS THEN OPERATING THE VEHICLE.
THE INFERENCE SHALL BE OVERCOME IF THE OWNER DOES ALL OF THE
FOLLOWING:

(I) TESTIFIES THAT THE OWNER WAS NOT OPERATING THE
VEHICLE AT THE TIME OF THE VIOLATION.

(II) SUBmits TO AN EXAMINATION AS TO WHO AT THE TIME
WAS OPERATING THE VEHICLE.

(III) REVEALS THE NAME AND RESIDENCE ADDRESS, IF
KNOWN, OF THE OPERATOR OF THE VEHICLE.

(3) IF AN ACTION OR PROCEEDING IS COMMENCED IN A COUNTY
OTHER THAN THAT OF THE RESIDENCE OF THE OWNER, A VERIFIED
WRITTEN STATEMENT SETTING FORTH THE FACTS PRESCRIBED UNDER
PARAGRAPH (2)(I), (II) AND (III) SHALL SUFFICE TO OVERCOME
THE INFERENCE.

(4) IF THE INFERENCE IS OVERCOME, 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

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WERE THE OWNER OF THE VEHICLE.

(B) IMPOSITION OF LIABILITY.--LIABILITY UNDER THIS SECTION SHALL BE IMPOSED UPON AN OWNER FOR A VIOLATION OF THIS SECTION OR THE REGULATIONS OF THE COMMISSION OCCURRING WITHIN THE TERRITORIAL LIMITS OF THIS COMMONWEALTH. IF A VIOLATION IS COMMITTED AS EVIDENCED BY A VIOLATION ENFORCEMENT SYSTEM, THE FOLLOWING SHALL APPLY:

(1) THE COMMISSION OR AN AUTHORIZED AGENT OR EMPLOYEE MUST PREPARE AND MAIL A NOTICE OF VIOLATION AS FOLLOWS:

(I) THE NOTICE OF VIOLATION MUST BE SENT BY FIRST CLASS MAIL TO EACH PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF THIS SECTION.

(II) THE NOTICE MUST BE MAILED AT THE ADDRESS SHOWN ON THE VEHICLE REGISTRATION OR AT THE ADDRESS OF THE OPERATOR, AS APPLICABLE. NOTICE MUST BE MAILED NO LATER THAN 60 DAYS AFTER:

(A) THE ALLEGED CONDUCT; OR

(B) THE DATE THE INFRINGEMENT IS OVERCOME UNDER SUBSECTION (A)(2).

(III) PERSONAL SERVICE IS NOT REQUIRED.

(IV) THE NOTICE MUST CONTAIN ALL OF THE FOLLOWING:

(A) INFORMATION ADVISING THE PERSON CHARGED OF THE MANNER AND TIME IN WHICH THE LIABILITY ALLEGED IN THE NOTICE MAY BE CONTESTED.

(B) A WARNING ADVISING THE PERSON CHARGED THAT FAILURE TO CONTEST IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABILITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED ON THE NOTICE.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF AN OPERATOR OF A VEHICLE FAILS TO PAY THE PRESCRIBED TOLL AT A
PRESCRIBED LOCATION BY MEANS OF TOLL COLLECTION OR AS DIRECTED BY OFFICIAL SIGNS POSTED ON THE TOLLED FACILITY IN ACCORDANCE WITH THE RULES OR REGULATIONS INSTITUTED FOR TOLL COLLECTION BY THE TOLLING ENTITY, THE OWNER OF THE VEHICLE SHALL BE LIABLE TO THE TOLLING ENTITY OR ITS AUTHORIZED AGENT FOR FAILURE OF THE OPERATOR OF THE VEHICLE TO COMPLY WITH THIS SECTION IF THE VIOLATION IS EVIDENCED BY ANY OF THE FOLLOWING:

(I) INFORMATION OBTAINED FROM A VIDEO TOLLING SYSTEM.

(II) A CERTIFICATE OF PASSAGE THAT HAS NOT BEEN PAID WITHIN THE PRESCRIBED TIME PERIOD.

(2) EXCEPT FOR AN OPERATOR WHO UTILIZES CERTIFICATES OF PASSAGE TOLL COLLECTION, IF AN OPERATOR OF A VEHICLE FAILS TO PAY THE PRESCRIBED TOLL AS PROVIDED UNDER PARAGRAPH (1), THE REGISTRATION PLATE NUMBER OF THE VEHICLE AS RECORDED BY A VIDEO TOLLING SYSTEM SHALL ESTABLISH AN INFRINGEMENT THAT THE OWNER OF THE VEHICLE WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION. THE INFRINGEMENT SHALL BE OVERCOME IF THE OWNER DOES ALL OF THE FOLLOWING:

(I) TESTIFIES THAT THE OWNER WAS NOT OPERATING THE VEHICLE AT THE TOLL COLLECTION FACILITY AT THE TIME OF THE VIOLATION.

(II) SUBMITS TO AN EXAMINATION AS TO WHO WAS 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 INFERENC.

(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 INFERENC 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:
(I) THE NOTICE OF VIOLATION SHALL BE SENT BY FIRST
CLASS MAIL TO EACH PERSON ALLEGED TO BE LIABLE AS AN
OWNER FOR A VIOLATION OF THIS SECTION.

(II) THE NOTICE SHALL BE MAILED TO THE ADDRESS SHOWN
ON THE VEHICLE REGISTRATION OR TO THE ADDRESS OF THE
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OPERATOR, AS APPLICABLE. NOTICE SHALL BE MAILED NO LATER THAN 120 DAYS AFTER ONE OF THE FOLLOWING:

(A) THE DATE OF THE ALLEGED CONDUCT.

(B) THE DATE THE INFERENCE IS OVERCOME IN SUBSECTION (A)(2).

(C) THE DATE THAT A LESSOR PROVIDES THE INFORMATION REQUIRED UNDER SUBSECTION (B)(3) IN A MANNER THAT THE LESSEE OF THE VEHICLE ON THE DATE OF VIOLATION IS DEEMED TO BE THE OWNER OF THE VEHICLE FOR PURPOSES OF THIS SECTION.

(III) PERSONAL SERVICE OF THE NOTICE SHALL NOT BE REQUIRED.

(IV) THE NOTICE SHALL INCLUDE ALL OF THE FOLLOWING:

(A) THE DATE, TIME AND LOCATION OF THE ALLEGED VIOLATION AND, IF AVAILABLE, THE LICENSE PLATE NUMBER OF THE VEHICLE.

(B) INFORMATION ADVISING THE OWNER CHARGED OF THE MANNER AND TIME IN WHICH THE LIABILITY ALLEGED IN THE NOTICE MAY BE CONTESTED.

(C) A WARNING ADVISING THE OWNER CHARGED THAT FAILURE TO CONTEST IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABILITY, THAT A DEFAULT JUDGMENT MAY BE ENTERED ON THE NOTICE AND THAT THE FAILURE TO PAY ALL UNPAID TOLLS, 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
LESSEE CLEARLY LEGIBLE TO THE COMMISSION, 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 LESSOR LIABLE FOR THE PENALTY
PRESCRIBED BY THIS SECTION. IF THE LESSOR COMPLIES WITH THE
PROVISIONS OF THIS SECTION, THE LESSEE OF THE VEHICLE ON THE
DATE OF THE VIOLATION SHALL BE DEEMED TO BE THE OWNER OF THE
VEHICLE FOR PURPOSES OF THIS SECTION AND SHALL BE SUBJECT TO
LIABILITY FOR THE PENALTY UNDER THIS SECTION.

(4) A CERTIFIED REPORT OR A FACSIMILE REPORT OF AN
AUTHORIZED AGENT OR EMPLOYEE OF THE COMMISSION REPORTING A
VIOLATION OF THIS SECTION OR RULES OR REGULATIONS OF THE
COMMISSION BASED UPON [THE RECORDED INFORMATION OBTAINED FROM
A VIOLATION ENFORCEMENT SYSTEM] ANY OF THE FOLLOWING SHALL BE
PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN THE REPORT AND
SHALL BE ADMISSIBLE AS AN OFFICIAL RECORD OF REGULARLY
CONDUCTED ACTIVITY OF THE COMMISSION KEPT IN THE ORDINARY
COURSE OF BUSINESS IN ANY PROCEEDING CHARGING A VIOLATION OF
THIS SECTION OR THE TOLL COLLECTION RULES OR REGULATIONS OF
THE COMMISSION:

(I) THE RECORDED INFORMATION OBTAINED FROM A VIDEO
TOLLING SYSTEM.

(II) A CERTIFICATE OF PASSAGE.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
VIDEOTAPES, PHOTOGRAPHS, MICROPHOTOGRAPHS, OTHER RECORDED
IMAGES, WRITTEN RECORDS, REPORTS OR FACSIMILES PREPARED
Pursuant to this section shall be for the exclusive use of
the commission, its authorized agents, its employees and law
enforcement officials for the purpose of discharging duties
under this section and the rules or regulations of the
commission. The information shall not be deemed a public
record under the act of [JUNE 21, 1957 (P.L.390, NO.212),
REFERRED TO AS THE RIGHT-TO-KNOW LAW] FEBRUARY 14, 2008
(P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW. THE
INFORMATION SHALL NOT BE DISCOVERABLE BY COURT ORDER OR
OTHERWISE; NOR SHALL IT BE OFFERED IN EVIDENCE IN ANY ACTION OR PROCEEDING WHICH IS NOT DIRECTLY RELATED TO A VIOLATION OF THIS SECTION, THE RULES OR REGULATIONS OF THE COMMISSION OR INDEMNIFICATION FOR LIABILITY IMPOSED PURSUANT TO THIS SECTION. THE RESTRICTIONS SET FORTH IN THIS PARAGRAPH:

(I) SHALL NOT BE DEEMED TO PRECLUDE A COURT OF COMPETENT JURISDICTION FROM ISSUING AN ORDER DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND IS REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW ENFORCEMENT ACTION;

(II) SHALL NOT BE DEEMED TO PRECLUDE THE EXCHANGE OF THE INFORMATION BETWEEN ANY ENTITIES WITH JURISDICTION OVER OR WHICH OPERATE [AN ELECTRONIC] A TOLL COLLECTION SYSTEM IN THIS COMMONWEALTH OR ANY OTHER JURISDICTION; AND

(III) SHALL NOT BE DEEMED TO PROHIBIT THE USE OF INFORMATION EXCLUSIVELY FOR THE PURPOSE OF BILLING ELECTRONIC TOLL COLLECTION ACCOUNT HOLDERS AND OTHER USERS OF TOLL COLLECTION, DEDUCTING TOLL CHARGES FROM THE ACCOUNT OF AN ACCOUNT HOLDER, ENFORCING TOLL COLLECTION LAWS AND RELATED RULES AND REGULATIONS OR ENFORCING THE PROVISIONS OF AN ACCOUNT HOLDER AGREEMENT.

(6) AN IMPOSITION OF LIABILITY UNDER THIS SECTION MUST BE BASED UPON A PREPONDERANCE OF EVIDENCE.

(7) AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL NOT BE DEEMED A CONVICTION OF AN OWNER AND SHALL NOT BE MADE PART OF THE MOTOR VEHICLE OPERATING RECORD OF THE PERSON UPON WHOM THE LIABILITY IS IMPOSED, NOR SHALL IT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE
(8) AN OWNER THAT ADMITS, IS FOUND LIABLE OR FAILS TO RESPOND TO THE NOTICE OF VIOLATION FOR A VIOLATION OF THIS SECTION SHALL BE CIVILLY LIABLE TO THE COMMISSION OR TOLLING ENTITY AS DEFINED IN 75 PA.C.S. § 1380(J) (RELATING TO SUSPENSION OF REGISTRATION UPON UNPAID TOLLS) FOR [ALL OF] THE FOLLOWING:

(I) EITHER:

(A) THE AMOUNT OF THE TOLL EVaded OR ATTEMPTED TO BE EVaded IF THE AMOUNT CAN BE DETERMINED; OR

(B) THE MAXIMUM TOLL FROM THE FARthest POINT OF ENTRY ON THE [PENNSYLVANIA TURNPIKE] TOLLED FACILITY TO THE ACTUAL POINT OF EXIT IF THE AMOUNT OF THE TOLL EVaded OR ATTEMPTED TO BE EVaded CANNOT BE DETERMINED.

(II) [A REASONABLE ADMINISTRATIVE FEE NOT TO EXCEED $35 PER NOTIFICATION.] FEES AND COSTS IN AN AMOUNT SUFFICIENT TO COVER THE REASONABLE COSTS OF COLLECTING THE AMOUNTS UNDER SUBPARAGRAPH (I) BUT NO GREATER THAN AN AMOUNT SET BY THE COMMISSION OR ITS AUTHORIZED AGENT OR TOLLING ENTITY AS DEFINED IN 75 PA.C.S. § 1380(J).

(8.1) THE FOLLOWING SHALL APPLY:

(I) UPON FAILURE OF AN OWNER, OPERATOR OR LESSEE TO PAY THE AMOUNT, FEE AND COST IMPOSED UNDER PARAGRAPH (8), THE COMMISSION OR ITS AUTHORIZED AGENT SHALL SEND TO THE OWNER, OPERATOR OR LESSEE A NOTICE OF ANY TOLL EVASION VIOLATION SETTING FORTH THE OUTSTANDING UNPAID TOLLS AND ADMINISTRATIVE FEES AND COSTS DUE TO THE COMMISSION AND MEETING THE REQUIREMENTS OF PARAGRAPH (1).

(II) THE DEPARTMENT SHALL SUSPEND THE REGISTRATION
OF A VEHICLE UPON THE NOTIFICATION FROM THE COMMISSION OR
ITS AUTHORIZED AGENT THAT THE STATUTORY OWNER OR
REGISTRANT OF THE VEHICLE HAS FAILED TO PAY OR DEFAULTED
IN THE PAYMENT OF SIX OR MORE VIOLATIONS ISSUED UNDER
SUBSECTION (A)(1) OR INCURRED UNPAID TOLLS OR
ADMINISTRATIVE FEES OR COSTS THAT TOTAL A MINIMUM OF
$500. THE SUSPENSION SHALL NOT BE CONSTRUED TO LIMIT THE
COMMISSION'S OR ITS AUTHORIZED AGENT'S ABILITY TO RECOUP
TOLLS, ADMINISTRATIVE FEES OR COSTS.

(III) PRIOR TO NOTIFYING THE DEPARTMENT UNDER
SUBPARAGRAPH (IV), THE COMMISSION OR ITS AUTHORIZED AGENT
SHALL PROVIDE THE STATUTORY OWNER OR REGISTRANT WRITTEN
NOTICE BY FIRST CLASS MAIL OF ITS INTENT TO SEEK
SUSPENSION OF THE VEHICLE REGISTRATION UNDER THIS SECTION
AND AFFORD THE STATUTORY OWNER OR REGISTRANT WITH THE
OPPORTUNITY TO BE HEARD DURING AN ADMINISTRATIVE
PROCEEDING.

(IV) THE FOLLOWING SHALL APPLY:

(A) NO SOONER THAN 30 DAYS AFTER MAILING THE
NOTICE REQUIRED UNDER SUBPARAGRAPH (III), THE
COMMISSION OR ITS AUTHORIZED AGENT MAY NOTIFY THE
DEPARTMENT ELECTRONICALLY, IN A FORMAT PRESCRIBED BY
THE DEPARTMENT, IF A STATUTORY OWNER OR REGISTRANT
FAILS TO RESPOND, FAILS TO PAY, DEFAULTS IN PAYMENT
OF SIX OR MORE VIOLATIONS ISSUED UNDER SUBSECTION (A)
(1) OR INCURS UNPAID TOLLS OR ADMINISTRATIVE FEES OR
COSTS THAT TOTAL A MINIMUM OF $500.

(B) IF A NOTICE HAS BEEN PROVIDED UNDER CLAUSE
(A) AND ALL OF THE VIOLATIONS ARE SUBSEQUENTLY PAID,
DISMISSED, REVERSED ON APPEAL OR CANCELED, THE
COMMISSION OR ITS AUTHORIZED AGENT SHALL NOTIFY THE
DEPARTMENT ELECTRONICALLY, IN A FORMAT PRESCRIBED BY
THE DEPARTMENT, OF THE DISPOSITION OF THE VIOLATIONS
AND SHALL PROVIDE THE STATUTORY OWNER OR REGISTRANT
WITH A RELEASE FROM THE SUSPENSION.

(V) A SUSPENSION UNDER SUBPARAGRAPH (II) SHALL
CONTINUE UNTIL THE DEPARTMENT RECEIVES NOTICE FROM THE
COMMISSION OR ITS AUTHORIZED AGENT THAT ALL OF THE
VIOLATIONS ARE PAID, DISMISSED, REVERSED ON APPEAL OR
CANCELED OR THE DEFENDANT ENTERS INTO AN AGREEMENT WITH
THE COMMISSION OR ITS AUTHORIZED AGENT TO MAKE
INSTALLMENT PAYMENTS FOR THE TOLLS, ADMINISTRATIVE FEES
AND COSTS IMPOSED AND PAYS THE FEE PRESCRIBED UNDER 75
PA.C.S. § 1960 (RELATING TO REINSTATEMENT OF OPERATING
PRIVILEGE OR VEHICLE REGISTRATION), EXCEPT THAT THE
SUSPENSION MAY BE REIMPOSED BY THE DEPARTMENT IF THE
DEFENDANT FAILS TO MAKE REGULAR INSTALLMENT PAYMENTS.

(VI) THE DEPARTMENT SHALL IMPOSE AN ADDITIONAL
PERIOD OF REGISTRATION SUSPENSION IF, SUBSEQUENT TO THE
ISSUANCE OF A SUSPENSION UNDER SUBPARAGRAPH (II), AND
PRIOR TO THE RESTORATION OF THE REGISTRATION, THE
DEPARTMENT IS NOTIFIED BY THE COMMISSION OR ITS
AUTHORIZED AGENT THAT THE STATUTORY OWNER OR REGISTRANT
HAS FAILED TO RESPOND, FAILED TO PAY OR DEFAULTED IN THE
PAYMENT OF AN ADDITIONAL VIOLATION ISSUED UNDER
SUBSECTION (A)(1).

(VII) A SUSPENSION MAY NOT BE IMPOSED BASED UPON A
VIOLATION OF SUBSECTION (A)(1) MORE THAN THREE YEARS
AFTER THE VIOLATION IS COMMITTED.

(9) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT
THE LIABILITY OF THE OPERATOR OF A VEHICLE FOR A VIOLATION OF
THIS SECTION OR OF THE RULES OR REGULATIONS OF THE
COMMISSION.

(C) PLACEMENT OF ELECTRONIC TOLL COLLECTION DEVICE.--AN
ELECTRONIC TOLL COLLECTION DEVICE WHICH IS AFFIXED TO THE FRONT
WINDSHIELD OF A VEHICLE IN ACCORDANCE WITH THE RULES OR
REGULATIONS OF THE COMMISSION SHALL NOT BE DEEMED TO CONSTITUTE
A VIOLATION OF 75 PA.C.S. § 4524 (RELATING TO WINDSHIELD
OBSTRUCTIONS AND WIPERS).

(D) PRIVACY OF ELECTRONIC TOLL COLLECTION ACCOUNT HOLDER
INFORMATION.--

(1) EXCEPT AS SET FORTH UNDER PARAGRAPH (2),
NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL OF THE
FOLLOWING APPLY TO INFORMATION KEPT BY THE COMMISSION, ITS
AUTHORIZED AGENTS OR ITS EMPLOYEES WHICH IS RELATED TO THE
ACCOUNT OF AN ELECTRONIC TOLL COLLECTION SYSTEM ACCOUNT
HOLDER:

(I) THE INFORMATION SHALL BE FOR THE EXCLUSIVE USE
OF THE COMMISSION, ITS AUTHORIZED AGENTS, ITS EMPLOYEES
AND LAW ENFORCEMENT OFFICIALS FOR THE PURPOSE OF
DISCHARGING THEIR DUTIES PURSUANT TO THIS SECTION AND THE
RULES OR REGULATIONS OF THE COMMISSION. THIS SUBPARAGRAPH
INCLUDES NAMES, ADDRESSES, ACCOUNT NUMBERS, ACCOUNT
BALANCES, PERSONAL FINANCIAL INFORMATION, CREDIT CARD
INFORMATION, VEHICLE MOVEMENT RECORDS AND OTHER
INFORMATION COMPiled FROM TRANSACTIONS WITH THE ACCOUNT
HOLDERS.

(II) THE INFORMATION SHALL NOT BE DEEMED A PUBLIC
RECORD UNDER THE RIGHT-TO-KNOW LAW, NOR SHALL IT BE
DISCOVERABLE BY COURT ORDER OR OTHERWISE OR BE OFFERED IN
EVIDENCE IN ANY ACTION OR PROCEEDING WHICH IS NOT DIRECTLY RELATED TO THE DISCHARGE OF DUTIES UNDER THIS SECTION, THE RULES OR REGULATIONS OF THE COMMISSION OR A VIOLATION OF AN ACCOUNT HOLDER AGREEMENT.

(2) PARAGRAPH (1) SHALL NOT BE DEEMED TO DO ANY OF THE FOLLOWING:

(I) PRECLUDE A COURT OF COMPETENT JURISDICTION FROM ISSUING AN ORDER DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND IS REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW ENFORCEMENT ACTION.

(II) PRECLUDE THE EXCHANGE OF THE INFORMATION BETWEEN ANY ENTITIES WITH JURISDICTION OVER OR WHICH OPERATE AN ELECTRONIC TOLL COLLECTION SYSTEM IN THIS COMMONWEALTH OR ANY OTHER JURISDICTION.

(III) PROHIBIT THE USE OF THE INFORMATION EXCLUSIVELY FOR THE PURPOSE OF BILLING ELECTRONIC TOLL COLLECTION ACCOUNT HOLDERS, DEDUCTING TOLL CHARGES FROM THE ACCOUNT OF AN ACCOUNT HOLDER, ENFORCING TOLL COLLECTION LAWS AND RELATED RULES OR REGULATIONS OR ENFORCING THE PROVISIONS OF AN ACCOUNT HOLDER AGREEMENT.

(D.1) TEMPORARY REGULATIONS.--NOTWITHSTANDING ANY OTHER LAW, REGULATIONS PROMULGATED BY THE COMMISSION DURING THE TWO YEARS FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION SHALL BE DEEMED TEMPORARY REGULATIONS WHICH SHALL EXPIRE NO LATER THAN THREE YEARS FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION OR UPON PROMULGATION OF FINAL REGULATIONS. THE TEMPORARY REGULATIONS SHALL NOT BE SUBJECT TO ANY OF THE FOLLOWING:

(1) SECTIONS 201, 202 AND 203 OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH
DOCUMENTS LAW.

(2) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS 
THE REGULATORY REVIEW ACT.

(E) [DEFINITION.--AS USED IN THIS SECTION, THE TERM "OWNER"
MEANS ANY PERSON, CORPORATION, FIRM, PARTNERSHIP, AGENCY,
ASSOCIATION, ORGANIZATION OR LESSOR THAT, AT THE TIME A VEHICLE
IS OPERATED IN VIOLATION OF THIS SECTION OR REGULATIONS OF THE
COMMISSION:

(1) IS THE BENEFICIAL OR EQUITABLE OWNER OF THE VEHICLE;
(2) HAS TITLE TO THE VEHICLE; OR
(3) IS THE REGISTRANT OR COREGISTRANT OF THE VEHICLE
REGISTERED WITH THE DEPARTMENT OR A COMPARABLE AGENCY OF
ANOTHER JURISDICTION OR USES THE VEHICLE IN ITS VEHICLE
RENTING OR LEASING BUSINESS. THE TERM INCLUDES A PERSON
ENTITLED TO THE USE AND POSSESSION OF A VEHICLE SUBJECT TO A
SECURITY INTEREST IN ANOTHER PERSON.] DEFINITIONS.--AS USED
IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE
THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS THE
CONTEXT CLEARLY INDICATES OTHERWISE:
"OWNER." AS FOLLOWS:

(1) A PERSON, CORPORATION, FIRM, PARTNERSHIP, AGENCY,
ASSOCIATION, ORGANIZATION, GOVERNMENTAL ENTITY OR LESSOR
THAT, AT THE TIME A VEHICLE IS OPERATED IN VIOLATION OF THIS
SECTION OR RULES OR REGULATIONS OF THE COMMISSION, MEETS ANY
OF THE FOLLOWING:

(I) IS THE BENEFICIAL OR EQUITABLE OWNER OF THE
VEHICLE.

(II) HAS TITLE TO THE VEHICLE.

(III) IS THE REGISTRANT OR COREGISTRANT OF THE
VEHICLE REGISTERED WITH THE DEPARTMENT OR A COMPARABLE
AGENCY OF ANOTHER JURISDICTION OR USES THE VEHICLE IN ITS
VEHICLE RENTING OR LEASING BUSINESS.

(2) THE TERM INCLUDES A PERSON ENTITLED TO THE USE AND
POSSESSION OF A VEHICLE SUBJECT TO A SECURITY INTEREST IN
ANOTHER PERSON.
"STATUTORY OWNER." THE TERM SHALL HAVE THE SAME MEANING AS
GIVEN TO THE TERM "OWNER" IN 75 PA.C.S. § 102 (RELATING TO
DEFINITIONS).

§ 8121. [(RESERVED).] ANNUAL REPORT.
AT LEAST ONE COMMISSION MEMBER SHALL TESTIFY AT A PUBLIC
HEARING BEFORE THE APPROPRIATIONS COMMITTEE OF THE SENATE AND
THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES IN
JUNE OF EACH YEAR TO PRESENT INFORMATION ON TURNPIKE OPERATIONS
AND COORDINATION WITH OTHER STATE AGENCIES.

SECTION 16. (RESERVED).
SECTION 17. SECTIONS 8204(B)(1) AND 9110(F)(5) OF TITLE 74
ARE AMENDED TO READ:

§ 8204. CODE OF CONDUCT.
* * *
(B) AUDIT.--
(1) AT LEAST ONCE EVERY [FOUR] TWO YEARS, THE DEPARTMENT
OF THE AUDITOR GENERAL SHALL REVIEW THE PERFORMANCE,
PROCEDURES, OPERATING BUDGET, CAPITAL BUDGET AND DEBT OF THE
COMMISSION AND SHALL AUDIT THE ACCOUNTS OF THE COMMISSION.
* * *

§ 9110. PUBLIC-PRIVATE TRANSPORTATION PARTNERSHIP AGREEMENT.
* * *
(F) USER FEES.--A PROVISION ESTABLISHING WHETHER USER FEES
WILL BE IMPOSED FOR USE OF THE PUBLIC-PRIVATE TRANSPORTATION
PROJECT AND THE BASIS BY WHICH ANY USER FEES WILL BE IMPOSED AND
COLLECTED SHALL BE DETERMINED IN THE PUBLIC-PRIVATE TRANSPORTATION PARTNERSHIP AGREEMENT. IF A USER FEE IS PROPOSED AS PART OF THE PUBLIC-PRIVATE TRANSPORTATION PROJECT, A PROPRIETARY PUBLIC ENTITY SHALL INCLUDE PROVISIONS IN THE AGREEMENT THAT AUTHORIZE THE COLLECTION OF USER FEES, TOLLS, FARES OR SIMILAR CHARGES, INCLUDING PROVISIONS THAT:

* * *

(5) IN THE EVENT AN OPERATOR OF A VEHICLE FAILS TO PAY THE PRESCRIBED TOLL OR USER FEE AT ANY LOCATION ON A PUBLIC-PRIVATE TRANSPORTATION PROJECT WHERE TOLLS OR USER FEES ARE COLLECTED BY MEANS OF AN ELECTRONIC OR OTHER AUTOMATED OR REMOTE FORM OF COLLECTION, THE COLLECTION PROVISIONS OF SECTION 8117 (RELATING TO [ELECTRONIC] TOLL COLLECTION) SHALL APPLY EXCEPT THAT THE DEVELOPMENT ENTITY SHALL POSSESS ALL OF THE RIGHTS, ROLES, LIMITATIONS AND RESPONSIBILITIES OF THE PENNSYLVANIA TURNPIKE COMMISSION.

* * *

SECTION 18. TITLE 74 IS AMENDED BY ADDING CHAPTERS TO READ:

CHAPTER 92

TRAFFIC SIGNALS

SEC.

9201. DEFINITIONS.

9202. MAINTENANCE AGREEMENT.

§ 9201. DEFINITIONS.

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

"CRITICAL CORRIDOR." A STATE HIGHWAY SEGMENT INTERSECTING WITH A LIMITED ACCESS RAMP OR WITH BI-DIRECTIONAL AVERAGE ANNUAL DAILY TRAFFIC GREATER THAN 10,000 VEHICLES PER DAY.
DEPARTMENT'S ROADWAY MANAGEMENT SYSTEM SHALL IDENTIFY THE CURRENT AVERAGE ANNUAL DAILY TRAFFIC.

"DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE COMMONWEALTH.

"EXISTING AGREEMENT." AN AGREEMENT BETWEEN THE DEPARTMENT AND A MUNICIPALITY ON THE MAINTENANCE OF A TRAFFIC SIGNAL EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

"MUNICIPALITY." A CITY, BOROUGH, TOWN OR TOWNSHIP.

"MAINTENANCE." THE ACTIVITY OF KEEPING A TRAFFIC SIGNAL IN PROPER WORKING CONDITION DURING THE USEFUL LIFE OF THE TRAFFIC SIGNAL.

"REPLACE." THE MODERNIZATION OF AN EXISTING TRAFFIC SIGNAL WITHIN A DESIGNATED TRAFFIC CORRIDOR.

"Synchronize." THE COORDINATION OF ALL TRAFFIC SIGNALS WITHIN A DESIGNATED TRAFFIC CORRIDOR FOR THE PURPOSE OF OPERATING AS A SINGLE SYSTEM.

"Timing." THE PROGRAMMING OF TRAFFIC SIGNALS WITHIN A DESIGNATED TRAFFIC CORRIDOR IN ORDER TO SYNCHRONIZE THE SIGNALS.

§ 9202. MAINTENANCE AGREEMENT.

(A) AGREEMENT.--A MUNICIPALITY MAY ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO REPLACE, SYNCHRONIZE AND TIME TRAFFIC SIGNALS LOCATED WITHIN A DESIGNATED TRAFFIC CORRIDOR. THE TERMS OF THE AGREEMENT MAY SPECIFY THAT THE MUNICIPALITY PROVIDE SERVICES TO THE DEPARTMENT. THE AGREEMENT SHALL NOT EXCEED THE TIME PERIOD OF THE USEFUL LIFE OF THE TRAFFIC SIGNALS. THE MUNICIPALITY SHALL, DURING THE DURATION OF THE AGREEMENT, PROPERLY MAINTAIN AND TIME THE TRAFFIC SIGNALS IN ACCORDANCE WITH THE AGREEMENT.

(B) CRITICAL CORRIDORS.--A MUNICIPALITY SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT UNDER TERMS SPECIFIED UNDER
SUBSECTION (A) FOR CRITICAL CORRIDORS. A MUNICIPALITY SHALL PROVIDE TO THE DEPARTMENT IN A TIMELY MANNER ALL TRAFFIC AND INTERSECTION DATA THAT THE MUNICIPALITY MAINTAINS FOR CRITICAL CORRIDORS AND ESTABLISH AND AGREE TO AN OPERATIONS PLAN WITH THE DEPARTMENT ON CRITICAL CORRIDORS.

(C) PRIORITIZATION.--THE DEPARTMENT SHALL PRIORITIZE CORRIDORS WHERE PROPER SIGNALIZATION WILL PROVIDE THE MOST BENEFIT TO THE TRAVELING PUBLIC AND REDUCE CONGESTION. PRIORITIES SHALL BE REEVALUATED AND UPDATED AS PART OF THE PLANNING PARTNER TRANSPORTATION IMPROVEMENT PLAN CYCLE.

(D) INTERGOVERNMENTAL COOPERATION.--TWO OR MORE MUNICIPALITIES MAY ENTER INTO AN AGREEMENT WITH THE DEPARTMENT IF A DESIGNATED CORRIDOR IS LOCATED IN TWO OR MORE MUNICIPALITIES.

(E) MAINTENANCE.--IF THE DEPARTMENT DETERMINES THAT ONE OR MORE TRAFFIC SIGNALS IS NOT BEING MAINTAINED OR TIMED IN ACCORDANCE WITH AN AGREEMENT UNDER SUBSECTION (A) OR AN EXISTING AGREEMENT, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO ALL MUNICIPALITIES SUBJECT TO THE AGREEMENT NO LESS THAN 60 DAYS PRIOR TO TAKING ANY ACTION TO CORRECT THE IMPROPER MAINTENANCE AND TIMING. THE WRITTEN NOTICE SHALL SPECIFY THE MAINTENANCE AND TIMING DEFICIENCIES THAT ARE TO BE CORRECTED.

(1) A MUNICIPALITY SUBJECT TO THE AGREEMENT UNDER SUBSECTION (A) SHALL HAVE 60 DAYS TO CORRECT THE DEFICIENCIES CONTAINED IN THE WRITTEN NOTICE OR TO CONTEST, IN WRITING, THE FINDINGS OF THE DEPARTMENT WITHIN 30 DAYS OF RECEIPT OF THE WRITTEN NOTICE.

(2) THE REQUIREMENT THAT THE MUNICIPALITY CORRECT THE DEFICIENCIES WITHIN 60 DAYS OF RECEIPT OF THE WRITTEN NOTICE SHALL BE TEMPORARILY STAYED, IF THE MUNICIPALITY TIMELY
CONTESTS THE DEPARTMENT'S FINDINGS IN WRITING.

(3) A MUNICIPALITY THAT CONTESTS THE DEFICIENCIES SPECIFIED IN THE WRITTEN NOTICE SHALL HAVE 30 DAYS TO REACH A WRITTEN UNDERSTANDING WITH THE DEPARTMENT RELATED TO THE DEFICIENCIES SPECIFIED IN THE WRITTEN NOTICE.

(4) IF THE DEPARTMENT AND THE MUNICIPALITY DO NOT REACH A WRITTEN UNDERSTANDING UNDER PARAGRAPH (3), THE DEPARTMENT AND THE MUNICIPALITY SHALL SELECT A CIVIL ENGINEER LICENSED BY THE COMMONWEALTH WHO HAS SUBSTANTIAL EXPERIENCE IN TRAFFIC ENGINEERING TO MEDIATE THE DISPUTE. THE ENGINEER MAY NOT BE UNDER CONTRACT WITH THE DEPARTMENT OR MUNICIPALITY OR MUNICIPALITIES UNLESS THE CONTRACT IS SPECIFICALLY RELATED TO TRAFFIC SIGNAL MEDIATION.

(F) FAILURE OF MUNICIPALITY TO PERFORM.--IF A MUNICIPALITY THAT HAS ENTERED INTO AN AGREEMENT WITH THE DEPARTMENT UNDER SUBSECTION (A) FAILS TO MEET THE REQUIREMENTS OF SUBSECTION (C) (1) OR (2), THE DEPARTMENT MAY TAKE ACTION TO CORRECT THE DEFICIENCIES SPECIFIED IN THE NOTICE UNDER SUBSECTION (C).

(G) PAYMENT FOR FAILURE TO CORRECT DEFICIENCIES.--IF THE DEPARTMENT TAKES ACTION UNDER SUBSECTION (C), THE DEPARTMENT MAY DEDUCT THE ACTUAL COSTS OF CORRECTING THE DEFICIENCIES IN MAINTENANCE AND TIMING FROM THE PAYMENTS MADE TO THE MUNICIPALITY UNDER THE ACT OF JUNE 1, 1956 (1955 P.L.1944, NO.655), REFERRED TO AS THE LIQUID FUELS TAX MUNICIPAL ALLOCATION LAW, AND 75 PA.C.S. CHS. 89 (RELATING TO PENNSYLVANIA TURNPIKE) AND 95 (RELATING TO TAXES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION).

CHAPTER 93

BRIDGE BUNDLING PROGRAM

SEC.

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§ 9301. DEFINITIONS.

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


"DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE COMMONWEALTH.

"DETERMINATION." A DECISION BY THE DEPARTMENT AS TO THE ELIGIBILITY, RECOMMENDATION AND INCLUSION IN THE PROGRAM.

"LOCAL GOVERNMENT." A COUNTY, CITY, BOROUGH, TOWN OR TOWNSHIP.

"PROGRAM." THE BRIDGE BUNDLING PROGRAM.

§ 9302. BUNDLING AUTHORIZATION.

NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT IS AUTHORIZED TO BUNDLE THE DESIGN AND CONSTRUCTION OF HIGHWAY BRIDGES OWNED BY THE COMMONWEALTH OR LOCAL GOVERNMENTS AS PROVIDED UNDER THIS CHAPTER.

§ 9303. BRIDGE BUNDLING PROGRAM.

(A) ESTABLISHMENT.--THE BRIDGE BUNDLING PROGRAM IS ESTABLISHED WITHIN THE DEPARTMENT.

(B) PURPOSE.--THE PURPOSE OF THE PROGRAM IS TO SAVE COSTS AND TIME BY ALLOWING MULTIPLE HIGHWAY BRIDGES TO BE REPLACED OR REHABILITATED AS ONE PROJECT FOR DESIGN AND CONSTRUCTION PURPOSES.
(C) ELIGIBILITY.--BRIDGES SHALL BE ELIGIBLE FOR THE PROGRAM IF MULTIPLE BRIDGES MEET ALL OF THE FOLLOWING:

1. ARE WITHIN GEOGRAPHICAL PROXIMITY TO EACH OTHER.
2. ARE OF SIMILAR SIZE OR DESIGN.
3. INCLUSION IN THE PROGRAM WILL MEET THE PURPOSE OF THE PROGRAM.

(D) IMPLEMENTATION.--THE DEPARTMENT SHALL IMPLEMENT THE PROGRAM AS FOLLOWS:

1. THE DEPARTMENT SHALL ANNUALLY DEVELOP A PRELIMINARY LIST FROM DIFFERENT REGIONS OF THIS COMMONWEALTH, ON A ROTATING BASIS, OF BRIDGES MEETING ELIGIBILITY REQUIREMENTS.
2. THE DEPARTMENT SHALL NOTIFY LOCAL GOVERNMENTS OWNING BRIDGES RECOMMENDED FOR INCLUSION IN THAT YEAR'S PROGRAM.
3. FOLLOWING RECEIPT OF NOTIFICATION FROM THE DEPARTMENT, THE GOVERNING BODY OF A LOCAL GOVERNMENT SHALL HAVE 60 DAYS TO AGREE OR REFUSE PARTICIPATION IN THE PROGRAM. FAILURE TO RESPOND IN WRITING WITHIN 60 DAYS SHALL BE CONSIDERED A REFUSAL TO PARTICIPATE IN THE PROGRAM.
4. BASED ON THE RESPONSE FROM LOCAL GOVERNMENTS UNDER PARAGRAPH (3), THE DEPARTMENT SHALL MAKE A FINAL DETERMINATION OF BRIDGES TO BE DESIGNED AND CONSTRUCTED UNDER THE PROGRAM AND PROVIDE A LIST TO THE APPROPRIATE PLANNING ORGANIZATIONS FOR INCLUSION IN LISTS OF FUNDED PROJECTS.

4.1 A DETERMINATION SHALL NOT BE:

(I) CONSIDERED TO AN ADJUDICATION UNDER 2 PA.C.S. CHS. 5 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES) AND 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION); AND

(II) APPEALABLE TO THE DEPARTMENT OR A COURT OF LAW.

(5) THE FOLLOWING SHALL APPLY:
(I) A LOCAL GOVERNMENT THAT AGREES TO PARTICIPATE IN
THE PROGRAM FOR ONE OR MORE OF ITS BRIDGES THAT QUALIFY
FOR THE PROGRAM MUST ENTER INTO AN AGREEMENT WITH THE
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, THE DEPARTMENT SHALL AGREE TO A REDUCTION OF THE
LOCAL SHARE OF COSTS ASSOCIATED WITH THE DESIGN AND CONSTRUCTION
OF THE BRIDGE OF UP TO 100% FOR A LOCAL GOVERNMENT THAT
PARTICIPATES IN THE PROGRAM.

(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.

CHAPTER 94
LOCAL BRIDGE MAINTENANCE

SEC.
9401. DEFINITIONS.
9402. MAINTENANCE OF BRIDGES UNDER JURISDICTION OF MUNICIPALITY ON STATE DESIGNATED HIGHWAY.

§ 9401. DEFINITIONS.
THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:
"DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE COMMONWEALTH.
"MUNICIPALITY." A COUNTY, CITY, BOROUGH, TOWN OR TOWNSHIP.
"MAINTENANCE." THE ACTIVITY OF KEEPING A BRIDGE IN PROPER WORKING CONDITION DURING THE USEFUL LIFE OF THE BRIDGE.
"STATE DESIGNATED HIGHWAY." A HIGHWAY ON THE SYSTEM OF HIGHWAYS OVER WHICH THE DEPARTMENT HAS ASSUMED OR HAS BEEN LEGISLATIVELY GIVEN JURISDICTION.

§ 9402. MAINTENANCE OF BRIDGES UNDER JURISDICTION OF MUNICIPALITY ON STATE DESIGNATED HIGHWAY.

(A) MAINTENANCE.--IF THE DEPARTMENT DETERMINES THAT A BRIDGE ON A STATE DESIGNATED HIGHWAY AND UNDER THE JURISDICTION OF A MUNICIPALITY BY AGREEMENT, COURT ORDER OR OPERATION OF LAW IS NOT BEING MAINTAINED IN ACCORDANCE WITH THE APPLICABLE AGREEMENT, ORDER OR LAW, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO EACH MUNICIPALITY SUBJECT TO THE MAINTENANCE RESPONSIBILITY NO LESS THAN 60 DAYS PRIOR TO TAKING ACTION TO CORRECT THE IMPROPER MAINTENANCE. THE WRITTEN NOTICE SHALL
SPECIFY THE MAINTENANCE DEFICIENCIES THAT ARE TO BE CORRECTED.

THE FOLLOWING SHALL APPLY:

(1) A MUNICIPALITY WITH MAINTENANCE RESPONSIBILITY FOR A
BRIDGE ON A STATE HIGHWAY SHALL HAVE 60 DAYS TO CORRECT THE
DEFICIENCIES CONTAINED IN THE WRITTEN NOTICE OR TO CONTEST,
IN WRITING, THE FINDINGS OF THE DEPARTMENT WITHIN 30 DAYS OF
RECEIPT OF THE WRITTEN NOTICE.

(2) THE REQUIREMENT THAT THE MUNICIPALITY CORRECT THE
DEFICIENCIES WITHIN 60 DAYS OF RECEIPT OF THE WRITTEN NOTICE
SHALL BE TEMPORARILY STAYED IF THE MUNICIPALITY TIMELY
CONTESTS THE DEPARTMENT'S FINDINGS IN WRITING.

(3) A MUNICIPALITY THAT CONTESTS THE DEFICIENCIES
SPECIFIED IN THE WRITTEN NOTICE SHALL HAVE 30 DAYS TO REACH A
RESOLUTION WITH THE DEPARTMENT RELATED TO THE DEFICIENCIES
SPECIFIED IN THE WRITTEN NOTICE.

(4) IF THE DEPARTMENT AND THE MUNICIPALITY DO NOT REACH
A RESOLUTION UNDER PARAGRAPH (3), THE DEPARTMENT AND THE
MUNICIPALITY SHALL SELECT A CIVIL ENGINEER LICENSED BY THE
COMMONWEALTH WHO HAS SUBSTANTIAL EXPERIENCE IN BRIDGE
ENGINEERING TO MEDIATE THE DISPUTE. THE ENGINEER MAY NOT BE
UNDER CONTRACT WITH THE DEPARTMENT OR MUNICIPALITY OR
MUNICIPALITIES UNLESS THAT CONTRACT IS SPECIFICALLY RELATED
TO BRIDGE MAINTENANCE MEDIATION.

(B) FAILURE OF MUNICIPALITY TO PERFORM.--IF A MUNICIPALITY
WITH MAINTENANCE RESPONSIBILITY FOR A BRIDGE ON A STATE HIGHWAY
FAILS TO MEET THE REQUIREMENTS OF SUBSECTION (A)(1) OR (2), THE
DEPARTMENT MAY TAKE ACTION TO CORRECT THE DEFICIENCIES SPECIFIED
IN THE NOTICE UNDER SUBSECTION (A).

(C) PAYMENT FOR FAILURE TO CORRECT DEFICIENCIES.--IF THE
DEPARTMENT TAKES ACTION UNDER SUBSECTION (A), THE DEPARTMENT MAY
DEDUCT THE ACTUAL COSTS OF CORRECTING THE DEFICIENCIES IN
MAINTENANCE FROM THE PAYMENTS MADE TO THE MUNICIPALITY UNDER THE
ACT OF JUNE 1, 1956 (1955 P.L.1944, NO.655), REFERRED TO AS THE
LIQUID FUELS TAX MUNICIPAL ALLOCATION LAW, AND 75 PA.C.S. CHS.
89 (RELATING TO PENNSYLVANIA TURNPIKE) AND 95 (RELATING TO TAXES
FOR HIGHWAY MAINTENANCE AND CONSTRUCTION), IF THE PAYMENTS MADE
TO THE MUNICIPALITY FOR A FISCAL YEAR IS NOT LESS THAN THE
PAYMENTS MADE TO THE MUNICIPALITY FOR FISCAL YEAR 2012-2013.

CHAPTER 95
PUBLIC UTILITY FACILITIES

SEC.
9501. ADJUSTMENT.

§ 9501. ADJUSTMENT

(A) GENERAL RULE.--THE FOLLOWING SHALL APPLY:

(1) IF, IN THE CONSTRUCTION, RECONSTRUCTION, WIDENING OR
RELOCATION OF A STATE HIGHWAY, BRIDGE OR TUNNEL OR A PART OF
A STATE HIGHWAY, BRIDGE OR TUNNEL, IT BECOMES NECESSARY, IN
THE OPINION OF THE DEPARTMENT, TO CHANGE, ALTER, ADJUST OR
RELOCATE A WATER LINE OR SANITARY SEWER OWNED AND OPERATED BY
A PUBLIC UTILITY, AS DEFINED IN 66 PA.C.S. § 102 (RELATING TO
DEFINITIONS), THE DEPARTMENT MAY MAKE THE CHANGE, ALTERATION,
ADJUSTMENT OR RELOCATION AS MAY BE REQUIRED AS A PART OF THE
CONSTRUCTION, RECONSTRUCTION, WIDENING OR RELOCATION.

(2) IN ADDITION TO PARAGRAPH (1), THE DEPARTMENT MAY
ALSO ENTER INTO AGREEMENTS WITH THE PUBLIC UTILITY FOR THE
SHARING OF COSTS OF THE CHANGE, ALTERATION, ADJUSTMENT OR
RELOCATION. IF, IN THE OPINION OF THE DEPARTMENT, THE COSTS
SHOULD BE SHARED BY THE DEPARTMENT AND A PUBLIC UTILITY AND
THE DEPARTMENT IS UNABLE TO AGREE WITH THE PUBLIC UTILITY TO
A DIVISION OF COSTS, THE DEPARTMENT MAY PROCEED WITH THE WORK
AND PETITION THE PENNSYLVANIA PUBLIC UTILITY COMMISSION FOR A
DETERMINATION OF THE COSTS TO BE BORNE BY EACH PARTY.

(B) DECLARATION OF POLICY.--A PUBLIC UTILITY UNDER
SUBSECTION (A) SHALL BE ENTITLED TO A REIMBURSEMENT IN A SIMILAR
MANNER AND SHALL BE SUBJECT TO THE SAME STANDARDS AND METHODS OF
REIMBURSEMENT AS A CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP
AND MUNICIPAL AUTHORITY UNDER SECTION 412.1 OF THE ACT OF JUNE
1, 1945 (P.L.1242, NO.428), KNOWN AS THE STATE HIGHWAY LAW.

SECTION 19. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

§ 1380. SUSPENSION OF REGISTRATION UPON UNPAID TOLLS.

(A) SUSPENSION OF REGISTRATION.--

(1) THE DEPARTMENT SHALL SUSPEND THE REGISTRATION OF A
VEHICLE UPON THE NOTIFICATION FROM A TOLLING ENTITY THAT THE
OWNER OR REGISTRANT OF THE VEHICLE HAS EITHER:

   (I) FAILED TO PAY OR DEFAULTED IN THE PAYMENT OF SIX
OR MORE VIOLATIONS ISSUED PURSUANT TO 74 PA.C.S. §
8117(A)(1) (RELATING TO ELECTRONIC TOLL COLLECTION) OR
OTHER LAWS, REGULATIONS, ORDINANCES OR OTHER STANDARDS
APPLICABLE TO THE TOLL COLLECTION OR PAYMENT REQUIREMENTS
FOR A TOLLING ENTITY; OR

   (II) INCURRED UNPAID TOLLS OR ADMINISTRATIVE FEES OR
COSTS THAT COLLECTIVELY TOTAL A MINIMUM OF $500,
REGARDLESS OF THE NUMBER OF VIOLATIONS.

(2) THE SUSPENSION UNDER PARAGRAPH (1) MAY NOT BE
CONSTRUED TO LIMIT THE TOLLING ENTITY'S ABILITY TO RECOUP
TOLLS, ADMINISTRATIVE FEES OR COSTS BY ANY OTHER MEANS
AVAILABLE UNDER THE LAW.

(B) NOTICE.--PRIOR TO NOTIFYING THE DEPARTMENT UNDER
SUBSECTION (C), THE TOLLING ENTITY SHALL PROVIDE THE OWNER OR
REGISTRANT WRITTEN NOTICE BY FIRST CLASS MAIL OF ITS INTENT TO
SEEK SUSPENSION OF THE VEHICLE REGISTRATION PURSUANT TO THIS
SECTION AND AFFORD THE OWNER OR REGISTRANT WITH THE OPPORTUNITY
TO BE HEARD DURING AN ADMINISTRATIVE PROCEEDING.

(C) NOTICE TO THE DEPARTMENT.--NOT SOONER THAN 30 DAYS AFTER
MAILING THE NOTICE UNDER SUBSECTION (B), THE TOLLING ENTITY,
PROVIDED IT HAS ENTERED INTO AN AGREEMENT WITH THE DEPARTMENT TO
ENFORCE THE PROVISIONS OF THIS SECTION, MAY NOTIFY THE
DEPARTMENT ELECTRONICALLY IN A FORMAT PRESCRIBED BY THE
DEPARTMENT WHENEVER AN OWNER OR REGISTRANT MEETS THE
REQUIREMENTS FOR SUSPENSION UNDER SUBSECTION (A)(1). WHEN A
TOLLING ENTITY HAS PROVIDED NOTICE UNDER THIS SUBSECTION AND ALL
OF THE VIOLATIONS ARE SUBSEQUENTLY PAID, DISMISSED, REVERSED ON
APPEAL OR CANCELED, THE TOLLING ENTITY SHALL NOTIFY THE
DEPARTMENT ELECTRONICALLY IN A FORMAT PRESCRIBED BY THE
DEPARTMENT OF THE DISPOSITION OF THE VIOLATION AND SHALL PROVIDE
THE OWNER OR REGISTRANT WITH A RELEASE FROM THE SUSPENSION.

(D) PERIOD OF SUSPENSION.--A SUSPENSION UNDER SUBSECTION (A)
SHALL CONTINUE UNTIL THE DEPARTMENT RECEIVES NOTICE FROM THE
TOLLING ENTITY THAT THE VIOLATIONS ARE PAID, DISMISSED, REVERSED
ON APPEAL OR CANCELED OR THE OWNER OR REGISTRANT ENTERS INTO AN
AGREEMENT WITH THE TOLLING ENTITY TO MAKE INSTALLMENT PAYMENTS
FOR TOLLS, ADMINISTRATIVE FEES AND COSTS IMPOSED AND PAYS THE
FEE PRESCRIBED IN SECTION 1960 (RELATING TO REINSTATEMENT OF
OPERATING PRIVILEGE OR VEHICLE REGISTRATION), PROVIDED THAT THE
SUSPENSION MAY BE REIMPOSED BY THE DEPARTMENT IF THE OWNER OR
REGISTRANT FAILS TO MAKE REGULAR INSTALLMENT PAYMENTS.

(E) ADDITIONAL SUSPENSION.--THE DEPARTMENT SHALL IMPOSE AN
ADDITIONAL PERIOD OF REGISTRATION SUSPENSION IF, SUBSEQUENT TO
THE ISSUANCE OF A SUSPENSION UNDER SUBSECTION (A) BUT PRIOR TO
THE RESTORATION OF THE REGISTRATION, THE DEPARTMENT IS NOTIFIED
BY THE TOLLING ENTITY THAT THE OWNER OR REGISTRANT HAS FAILED TO
PAY, FAILED TO RESPOND OR DEFAULTED IN THE PAYMENT OF AN
ADDITIONAL VIOLATION ISSUED PURSUANT TO 74 PA.C.S. § 8117(A)(1).

(F) VIOLATIONS OUTSIDE COMMONWEALTH.--THE DEPARTMENT SHALL
SUSPEND THE REGISTRATION OF A VEHICLE UPON THE NOTIFICATION FROM
A TOLLING ENTITY THAT HAS ENTERED INTO AN ENFORCEMENT AGREEMENT
WITH THE DEPARTMENT AS AUTHORIZED UNDER SECTION 6146 (RELATING
TO ENFORCEMENT AGREEMENTS) FOR ANY TOLL VIOLATION OF THAT STATE
OR AN AUTHORITY OR FOR FAILURE TO PAY ANY FINE OR COSTS IMPOSED
IN ACCORDANCE WITH THE LAWS OF THE JURISDICTION IN WHICH THE
VIOLATION OCCURRED. A PERSON WHO PROVIDES PROOF SATISFACTORY TO
THE DEPARTMENT THAT THE FULL AMOUNT OF THE FINE AND COSTS HAS
BEEN FORWARDED TO AND RECEIVED BY THE OTHER STATE MAY NOT BE
REGARDED AS HAVING FAILED TO PAY FOR THE PURPOSES OF THIS
SUBSECTION.

(G) DOCUMENTATION.--IN ANY PROCEEDING UNDER THIS SECTION,
DOCUMENTS OBTAINED BY THE DEPARTMENT FROM A TOLLING ENTITY OR
FROM THE APPROPRIATE AGENCY OF THE COMMONWEALTH OR ANOTHER STATE
SHALL BE ADMISSIBLE INTO EVIDENCE TO SUPPORT THE DEPARTMENT'S
CASE. IN ADDITION, THE DEPARTMENT MAY TREAT THE DOCUMENTS AND
REPORTS AS DOCUMENTS OF THE DEPARTMENT AND USE ANY OF THE
METHODS OF STORAGE PERMITTED UNDER THE PROVISIONS OF 42 PA.C.S.
§ 6109 (RELATING TO PHOTOGRAPHIC COPIES OF BUSINESS AND PUBLIC
RECORDS) AND MAY REPRODUCE THE DOCUMENTS IN ACCORDANCE WITH THE
PROVISIONS OF 42 PA.C.S. § 6103 (RELATING TO PROOF OF OFFICIAL
RECORDS). THE DEPARTMENT MAY CERTIFY THAT IT HAS RECEIVED OR
OBTAINED DOCUMENTS AND REPORTS FROM A TOLLING ENTITY, THE
COMMONWEALTH OR OTHER STATES, AND THE CERTIFICATION SHALL BE
PRIMA FACIE PROOF OF THE FACTS CONTAINED IN THE DOCUMENTS AND
REPORTS.
(H) THREE-YEAR STATUTE OF LIMITATIONS.--NO SUSPENSION MAY BE IMPOSED BASED UPON A VIOLATION OF 74 PA.C.S. § 8117(A)(1) OR SIMILAR PROVISION FROM ANOTHER STATE MORE THAN THREE YEARS AFTER THE VIOLATION IS COMMITTED.

(I) COLLECTION OF OUT-OF-STATE TOLLS.--THE DEPARTMENT OR A TOLLING ENTITY MAY COLLECT THE CIVIL PENALTIES AND TOLLS IMPOSED BY AN OUT-OF-STATE TOLLING ENTITY IF THE DEPARTMENT OR TOLLING ENTITY HAS ENTERED INTO A RECIPROCITY AGREEMENT THAT CONFIRMS ALL OF THE FOLLOWING:

1. THE OTHER STATE OR TOLLING ENTITY HAS ITS OWN EFFECTIVE RECIPROCAL PROCEDURES FOR COLLECTING PENALTIES AND TOLLS IMPOSED BY A COMMONWEALTH TOLLING ENTITY AND AGREES TO COLLECT PENALTIES AND TOLLS OF THE COMMONWEALTH TOLLING ENTITY BY EMPLOYING SANCTIONS THAT INCLUDE DENIAL OF A PERSON'S RIGHT TO REGISTER OR REREGISTER A MOTOR VEHICLE.

2. THE PENALTIES, EXCLUSIVE OF TOLLS, CLAIMED BY THE OTHER STATE OR TOLLING ENTITY AGAINST AN OWNER OF A MOTOR VEHICLE REGISTERED IN PENNSYLVANIA DO NOT EXCEED $100 FOR A FIRST VIOLATION OR $600 FOR ALL PENDING VIOLATIONS.

3. THE OTHER STATE OR TOLLING ENTITY PROVIDES DUE PROCESS AND APPEAL PROTECTIONS TO AVOID THE LIKELIHOOD THAT A FALSE, MISTAKEN OR UNJUSTIFIED CLAIM WILL BE PURSUED AGAINST AN OWNER.

4. AN OWNER OF A MOTOR VEHICLE REGISTERED IN THIS COMMONWEALTH MAY PRESENT EVIDENCE TO THE OTHER STATE OR TOLLING ENTITY BY MAIL, TELEPHONE, ELECTRONIC MEANS OR OTHER MEANS TO INVOKE RIGHTS OF DUE PROCESS, WITHOUT HAVING TO APPEAR PERSONALLY IN THE JURISDICTION WHERE THE VIOLATION IS ALLEGED TO HAVE OCCURRED.

5. THE RECIPROCAL COLLECTION AGREEMENT BETWEEN THE
DEPARTMENT OR A TOLLING ENTITY AND THE OTHER STATE OR TOLLING ENTITY PROVIDES THAT EACH PARTY MAY CHARGE THE OTHER A FEE SUFFICIENT TO COVER THE COSTS OF COLLECTION SERVICES, INCLUDING COSTS INCURRED BY THE AGENCY THAT Registers MOTOR VEHICLES.

(J) DEFINITION.--AS USED IN THIS SECTION, THE TERM "TOLLING ENTITY" MEANS THE PENNSYLVANIA TURNPIKE COMMISSION, AN ENTITY AUTHORIZED TO IMPOSE AND COLLECT TOLLS IN ACCORDANCE WITH THE LAWS OF PENNSYLVANIA, INCLUDING 74 PA.C.S. CH. 91 (RELATING TO PUBLIC-PRIVATE TRANSPORTATION PARTNERSHIPS) OR THE LAWS OF ANOTHER STATE OR STATES AND ANY AUTHORIZED AGENT OF SUCH AN ENTITY.

SECTION 20. SECTIONS 1786(D), 1903 AND 1904(A) OF TITLE 75 ARE AMENDED TO READ:

§ 1786. REQUIRED FINANCIAL RESPONSIBILITY.

* * *

(D) SUSPENSION OF REGISTRATION AND OPERATING PRIVILEGE.--


(1.1) IN LIEU OF SERVING A REGISTRATION SUSPENSION
IMPOSED UNDER THIS SECTION, AN OWNER OR REGISTRANT MAY PAY TO THE DEPARTMENT A CIVIL PENALTY OF $500, THE RESTORATION FEE PRESCRIBED UNDER SECTION 1960 AND FURNISH PROOF OF FINANCIAL RESPONSIBILITY IN A MANNER DETERMINED BY THE DEPARTMENT. AN OWNER OR REGISTRANT MAY EXERCISE THIS OPTION NO MORE THAN ONCE IN A 12-MONTH PERIOD.

(2) WHENEVER THE DEPARTMENT REVOKES OR SUSPENDS THE REGISTRATION OF ANY VEHICLE UNDER THIS CHAPTER, THE DEPARTMENT SHALL NOT RESTORE OR TRANSFER THE REGISTRATION UNTIL THE SUSPENSION HAS BEEN SERVED OR THE CIVIL PENALTY HAS BEEN PAID TO THE DEPARTMENT AND THE VEHICLE OWNER FURNISHES PROOF OF FINANCIAL RESPONSIBILITY IN A MANNER DETERMINED BY THE DEPARTMENT AND SUBMITS AN APPLICATION FOR REGISTRATION TO THE DEPARTMENT, ACCOMPANIED BY THE FEE FOR RESTORATION OF REGISTRATION PROVIDED BY SECTION 1960. THIS SUBSECTION SHALL NOT APPLY IN THE FOLLOWING CIRCUMSTANCES:

(I) THE OWNER OR REGISTRANT PROVES TO THE SATISFACTION OF THE DEPARTMENT THAT THE LAPSE IN FINANCIAL RESPONSIBILITY COVERAGE WAS FOR A PERIOD OF LESS THAN 31 DAYS AND THAT THE OWNER OR REGISTRANT DID NOT OPERATE OR PERMIT THE OPERATION OF THE VEHICLE DURING THE PERIOD OF LAPSE IN FINANCIAL RESPONSIBILITY.

(II) THE OWNER OR REGISTRANT IS A MEMBER OF THE ARMED SERVICES OF THE UNITED STATES, THE OWNER OR REGISTRANT HAS PREVIOUSLY HAD THE FINANCIAL RESPONSIBILITY REQUIRED BY THIS CHAPTER, FINANCIAL RESPONSIBILITY HAD LAPSED WHILE THE OWNER OR REGISTRANT WAS ON TEMPORARY, EMERGENCY DUTY AND THE VEHICLE WAS NOT OPERATED DURING THE PERIOD OF LAPSE IN FINANCIAL RESPONSIBILITY. THE EXEMPTION GRANTED BY THIS PARAGRAPH
SHALL CONTINUE FOR 30 DAYS AFTER THE OWNER OR REGISTRANT
RETURNS FROM DUTY AS LONG AS THE VEHICLE IS NOT OPERATED
UNTIL THE REQUIRED FINANCIAL RESPONSIBILITY HAS BEEN
ESTABLISHED.

(III) THE INSURANCE COVERAGE HAS TERMINATED OR
FINANCIAL RESPONSIBILITY HAS LAPSED SIMULTANEOUSLY WITH
OR SUBSEQUENT TO EXPIRATION OF A SEASONAL REGISTRATION,
AS PROVIDED IN SECTION 1307(A.1) (RELATING TO PERIOD OF
REGISTRATION).

(3) AN OWNER WHOSE VEHICLE REGISTRATION HAS BEEN
SUSPENDED UNDER THIS SUBSECTION SHALL HAVE THE SAME RIGHT OF
APPEAL UNDER SECTION 1377 (RELATING TO JUDICIAL REVIEW) AS
PROVIDED FOR IN CASES OF THE SUSPENSION OF VEHICLE
REGISTRATION FOR OTHER PURPOSES. THE FILING OF THE APPEAL
SHALL ACT AS A SUPERSEDEAS, AND THE SUSPENSION SHALL NOT BE
IMPOSED UNTIL DETERMINATION OF THE MATTER AS PROVIDED IN
SECTION 1377. THE COURT'S SCOPE OF REVIEW IN AN APPEAL FROM A
VEHICLE REGISTRATION SUSPENSION SHALL BE LIMITED TO
DETERMINING WHETHER:

(I) THE VEHICLE IS REGISTERED OR OF A TYPE THAT IS
REQUIRED TO BE REGISTERED UNDER THIS TITLE; AND

(II) THERE HAS BEEN EITHER NOTICE TO THE DEPARTMENT
OF A LAPSE, TERMINATION OR CANCELLATION IN THE FINANCIAL
RESPONSIBILITY COVERAGE AS REQUIRED BY LAW FOR THAT
VEHICLE OR THAT THE OWNER, REGISTRANT OR DRIVER WAS
REQUESTED TO PROVIDE PROOF OF FINANCIAL RESPONSIBILITY TO
THE DEPARTMENT, A POLICE OFFICER OR ANOTHER DRIVER AND
FAILED TO DO SO. NOTICE TO THE DEPARTMENT OF THE LAPSE,
TERMINATION OR CANCELLATION OR THE FAILURE TO PROVIDE THE
REQUESTED PROOF OF FINANCIAL RESPONSIBILITY SHALL CREATE
A presumption that the vehicle lacked the requisite financial responsibility. This presumption may be overcome by producing clear and convincing evidence that the vehicle was insured at all relevant times.

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

(I) The vehicle was registered or of a type required to be registered under this title; and

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

(5) An alleged lapse, cancellation or termination of a policy of insurance by an insurer may only be challenged by requesting review by the insurance commissioner pursuant to Article XX of the Act of May 17, 1921 (P.L.682, No.284), known as the insurance company law of 1921. Proof that a timely request has been made to the insurance commissioner...
FOR SUCH A REVIEW SHALL ACT AS A SUPERSEDEAS, STAYING THE
SUSPENSION OF REGISTRATION OR OPERATING PRIVILEGE UNDER THIS
SECTION PENDING A DETERMINATION PURSUANT TO SECTION 2009(A)
OF THE INSURANCE COMPANY LAW OF 1921 OR, IN THE EVENT THAT
FURTHER REVIEW AT A HEARING IS REQUESTED BY EITHER PARTY, A
FINAL ORDER PURSUANT TO SECTION 2009(I) OF THE INSURANCE
COMPANY LAW OF 1921.

(6) THE CIVIL PENALTY UNDER PARAGRAPH (1.1) SHALL BE
DEPOSITED INTO THE PUBLIC TRANSPORTATION TRUST FUND.

§ 1903. LIMITATION ON LOCAL LICENSE FEES AND TAXES.

[NO] EXCEPT AS SET FORTH IN SECTION 1935 (RELATING TO FEE FOR
LOCAL USE), NO MUNICIPALITY SHALL REQUIRE OR COLLECT ANY
REGISTRATION OR LICENSE FEE OR TAX FOR ANY VEHICLE OR DRIVER'S
LICENSE FROM ANY PERSON.

§ 1904. COLLECTION AND DISPOSITION OF FEES AND MONEYS.

[THE] (A) GENERAL RULE.—EXCEPT AS PROVIDED UNDER
SUBSECTION (B), THE DEPARTMENT SHALL COLLECT ALL FEES PAYABLE
UNDER THIS TITLE AND ALL OTHER MONEYS RECEIVED IN CONNECTION
WITH THE ADMINISTRATION OF THIS TITLE AND TRANSMIT THEM TO THE
STATE TREASURER FOR DEPOSIT IN THE MOTOR LICENSE FUND. MONEYS
PAID IN ERROR MAY BE REFUNDED BY THE DEPARTMENT.

(B) DISPOSITION.—FEES COLLECTED UNDER SECTIONS 1951(C)
(RELATING TO DRIVER'S LICENSE AND LEARNER'S PERMIT), 1952
(RELATING TO CERTIFICATE OF TITLE), 1953 (RELATING TO SECURITY
INTEREST), 1955 (RELATING TO INFORMATION CONCERNING DRIVERS AND
VEHICLES), 1956 (RELATING TO CERTIFIED COPIES OF RECORDS) AND
1958 (RELATING TO CERTIFICATE OF INSPECTION) SHALL BE
TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT AS FOLLOWS:

(1) FOR FISCAL YEARS 2013–2014 AND 2014–2015:
(I) 10% TO THE PUBLIC TRANSPORTATION TRUST FUND;
(II) 23% TO THE MULTIMODAL TRANSPORTATION FUND; AND
(III) 67% TO THE MOTOR LICENSE FUND.

(2) FOR FISCAL YEARS 2015-2016 AND 2016-2017:
(I) 43.6% TO THE PUBLIC TRANSPORTATION TRUST FUND;
(II) 23% TO THE MULTIMODAL TRANSPORTATION FUND; AND
(III) 33.4% TO THE MOTOR LICENSE FUND.

(3) FOR EACH FISCAL YEAR BEGINNING AFTER JUNE 30, 2017:
(I) 77% TO THE PUBLIC TRANSPORTATION TRUST FUND; AND
(II) 23% TO THE MULTIMODAL TRANSPORTATION FUND.

(C) AUTOMATIC FOUR-YEAR ADJUSTMENT.--FOR THE 48-MONTH PERIOD
BEGINNING JULY 1, 2017, THROUGH JUNE 30, 2021 AND FOR EACH LIKE
48-MONTH PERIOD THEREAFTER, FEES COLLECTED UNDER SECTIONS
1951(C) (RELATING TO DRIVER'S LICENSE AND LEARNER'S PERMIT),
1952 (RELATING TO CERTIFICATE OF TITLE), 1953 (RELATING TO
SECURITY INTEREST), 1955 (RELATING TO INFORMATION CONCERNING
DRIVERS AND VEHICLES), 1956 (RELATING TO CERTIFIED COPIES OF
RECORDS) AND 1958 (RELATING TO CERTIFICATE OF INSPECTION) SHALL
BE INCREASED BY AN AMOUNT CALCULATED BY APPLYING THE PERCENTAGE
CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-
U) FOR THE MOST RECENT 48-MONTH PERIOD, CALCULATED FROM MARCH 1
THROUGH FEBRUARY 28, BEGINNING ON THE DATE THE FEES CHARGED
UNDER THIS TITLE WERE LAST INCREASED AND FOR WHICH FIGURES HAVE
BEEN OFFICIALLY REPORTED BY THE UNITED STATES DEPARTMENT OF
LABOR, BUREAU OF LABOR STATISTICS, IMMEDIATELY PRIOR TO THE DATE
THE ADJUSTMENT IS DUE TO TAKE EFFECT, TO THE THEN CURRENT FEE
AMOUNTS AUTHORIZED.

SECTION 20.1. TITLE 75 IS AMENDED BY ADDING A SECTION TO
READ:

§ 1935. FEE FOR LOCAL USE.
A COUNTY, BY ORDINANCE, MAY IMPOSE A FEE OF $5 FOR EACH VEHICLE REGISTERED TO AN ADDRESS LOCATED IN THE COUNTY. A COUNTY SHALL NOTIFY THE DEPARTMENT OF THE PASSAGE OF THE ORDINANCE 90 DAYS PRIOR TO THE EFFECTIVE DATE OF THE ORDINANCE.

THE DEPARTMENT SHALL COLLECT FEES IMPOSED UNDER SUBSECTION (A) AT THE TIME A VEHICLE IS REGISTERED AND SHALL DEPOSIT THE MONEY IN THE FEE FOR LOCAL USE FUND.

MONEY PAID INTO THE FEE FOR LOCAL USE FUND SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE AMOUNTS COLLECTED FOR EACH PARTICIPATING COUNTY. FUNDS RECEIVED BY THE COUNTY SHALL BE ADDED TO FUNDS RECEIVED UNDER SECTION 9010(B) (RELATING TO DISPOSITION AND USE OF TAX) AND SHALL BE DISTRIBUTED IN ACCORDANCE WITH SECTION 9010(C).

SECTIONS 1951(C), 1952, 1953, 1955, 1956(A) AND 1958(A) OF TITLE 75 ARE AMENDED TO READ:

§ 1951. DRIVER'S LICENSE AND LEARNER'S PERMIT.

IDENTIFICATION CARD. -- THE IDENTIFICATION CARD FEE SHALL BE $5 PLUS THE COST OF THE PHOTOGRAPH.

§ 1952. CERTIFICATE OF TITLE.

A GENERAL RULE. -- THE FEE FOR ISSUANCE OF A CERTIFICATE OF TITLE SHALL BE $45.

MANUFACTURER'S OR DEALER'S NOTIFICATION. -- THE FEE FOR A MANUFACTURER'S OR DEALER'S NOTIFICATION OF ACQUISITION OF A VEHICLE FROM ANOTHER MANUFACTURER OR DEALER FOR RESALE PURSUANT TO SECTION 1113 (RELATING TO TRANSFER TO OR FROM MANUFACTURER OR DEALER) SHALL BE $5.

§ 1953. SECURITY INTEREST.

THE FEE FOR RECORDING OR CHANGING THE AMOUNT OF SECURITY

§ 1955. INFORMATION CONCERNING DRIVERS AND VEHICLES.

(A) DRIVERS, REGISTRATIONS, TITLES AND SECURITY INTERESTS.--

THE FEE FOR A COPY OF WRITTEN OR ELECTRONIC INFORMATION RELATING

TO A DRIVER, REGISTRATION, TITLE OR SECURITY INTEREST SHALL BE

[$5.]. $6. IF IT HAS ENTERED INTO A CONTRACT WITH A THIRD PARTY

TO HANDLE THE DELIVERY OF DRIVER INFORMATION TO WHOLESALE

DISTRIBUTORS, THE DEPARTMENT MAY IMPOSE A COST OF UP TO $2 PER

RECORD IN ADDITION TO THE STATUTORY FEE. A WHOLESALE DISTRIBUTOR

OF DRIVER INFORMATION MAY RESELL OR REDISCLOSE THE INFORMATION

FOR LAWFUL PURPOSES WITHOUT ANOTHER PAYMENT OF THE STATUTORY FEE

UPON APPROVAL FROM THE DEPARTMENT.

(B) OTHER DATA AND INFORMATION.--THE DEPARTMENT MAY CHARGE

TO ANY PERSON OR GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY A

REASONABLE FEE BASED ON THE COST TO THE DEPARTMENT OF COMPILING

DATA AND STATISTICAL INFORMATION UPON REQUEST. THE DEPARTMENT

MAY ALSO SELL STATEWIDE BASIC DRIVER INFORMATION FOR LAWFUL

PURPOSES AT A REASONABLE FEE TO BE PUBLISHED BY THE DEPARTMENT

IN THE PENNSYLVANIA BULLETIN. BASIC DRIVER INFORMATION SHALL BE

FIRST AND LAST NAME, ADDRESS, DRIVER LICENSE NUMBER, DATE OF

BIRTH, LICENSE ISSUE DATE, LICENSE EXPIRATION DATE, ORIGINAL

DATE OF ISSUE AND LICENSE CLASS AND TYPE.

§ 1956. CERTIFIED COPIES OF RECORDS.

(A) DEPARTMENT RECORDS.--THE FEE FOR A CERTIFIED COPY OF ANY

DEPARTMENT RECORD WHICH THE DEPARTMENT IS AUTHORIZED BY LAW TO

FURNISH TO THE PUBLIC SHALL BE [$5] $20 FOR EACH FORM OR

SUPPORTING DOCUMENT COMPRISING SUCH RECORD.

* * *

§ 1958. CERTIFICATE OF INSPECTION.

(A) GENERAL RULE.--THE DEPARTMENT SHALL CHARGE [$2] $5 FOR
EACH ANNUAL CERTIFICATE OF INSPECTION [AND $1], $3 FOR EACH SEMIANNUAL CERTIFICATE OF INSPECTION AND $2 FOR EACH CERTIFICATE OF EXEMPTION.

* * *

SECTION 21.1. THE DEFINITION OF "QUALIFIED MOTOR VEHICLE" IN SECTION 2101.1 OF TITLE 75 IS AMENDED AND THE SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

§ 2101.1. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER AND IN CHAPTER 96 (RELATING TO MOTOR CARRIERS ROAD TAX) SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"DEPARTMENT." THE DEPARTMENT OF REVENUE OF THE COMMONWEALTH.

* * *

"IFTA VEHICLE." A VEHICLE SUBJECT TO THE INTERNATIONAL FUEL TAX AGREEMENT, NOTWITHSTANDING AN EXEMPTION FOR THE VEHICLE PROVIDED BY THE LAW OF AN IFTA JURISDICTION, INCLUDING THIS COMMONWEALTH.

* * *

"QUALIFIED MOTOR VEHICLE." A MOTOR VEHICLE, OTHER THAN A RECREATIONAL VEHICLE, WHICH IS USED, DESIGNED OR MAINTAINED FOR TRANSPORTATION OF PERSONS OR PROPERTY AND:

(1) HAVING TWO AXLES AND A GROSS WEIGHT OR REGISTERED GROSS WEIGHT EXCEEDING 26,000 POUNDS.

(2) HAVING THREE OR MORE AXLES REGARDLESS OF WEIGHT.

(3) USED IN COMBINATION, WHEN THE GROSS WEIGHT OR REGISTERED GROSS WEIGHT OF THE COMBINATION EXCEEDS 26,000 POUNDS.

IF THERE IS NO REGISTERED GROSS WEIGHT, THEN THE GROSS VEHICLE WEIGHT RATING (GVWR) OR GROSS COMBINATION WEIGHT RATING (GCWR)
OF THE MOTOR VEHICLE SHALL BE USED. SPECIAL MOBILE EQUIPMENT THAT WOULD OTHERWISE QUALIFY UNDER ONLY PARAGRAPH (1), (2) OR (3) IS CONSIDERED A QUALIFIED MOTOR VEHICLE. THE TERM INCLUDES A VEHICLE EXEMPT FROM THE MOTOR CARRIER ROAD TAX UNDER SECTION 2105 (RELATING TO EXEMPTIONS) AND A VEHICLE EXEMPT FROM MOTOR FUEL TAXES UNDER CHAPTER 90 (RELATING TO LIQUID FUELS, FUELS TAX AND ELECTRIC VEHICLE ROAD FEE).

"SPECIAL MOBILE EQUIPMENT." THE TERM INCLUDES THE SPECIAL MOBILE EQUIPMENT REGISTERED AND PLATED AS SUCH BY THE DEPARTMENT OF TRANSPORTATION UNDER CHAPTER 13 (RELATING TO REGISTRATION OF VEHICLES).

SECTION 21.2. SECTIONS 2102(B) AND (D)(2) AND 2103(A) AND (A.1) OF TITLE 75 ARE AMENDED AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO READ:

§ 2102. IDENTIFICATION MARKERS AND LICENSE OR ROAD TAX REGISTRATION CARD REQUIRED.

* * *

(A.1) IFTA DECALS, CHANGES IN DISPOSITION, TAX LIABILITY AND RECORDKEEPING.--

(1) AN IFTA LICENSEE IS RESPONSIBLE FOR NOTIFYING THE DEPARTMENT IN WRITING OF A CHANGE TO THE LICENSEE'S IFTA ACCOUNT INCLUDING, BUT NOT LIMITED TO, AN ACCOUNT CANCELLATION, ADDRESS CHANGE AND CHANGE TO THE USE OF ISSUED DECALS.

(I) WHEN A VEHICLE TO WHICH IFTA DECALS HAVE BEEN AFFIXED IS SOLD, TRADED OR OTHERWISE DISPOSED OF BY THE OPERATOR OR PASSES FROM CONTROL OF THE OPERATOR THROUGH LEASE OR OTHERWISE, THE MOTOR CARRIER MUST NOTIFY THE DEPARTMENT WITHIN 30 DAYS AFTER THE VEHICLE LEAVES THE LICENSEE'S SERVICE. PROPER NOTIFICATION MUST INCLUDE THE
TAXPAYER'S OR CARRIER'S ACCOUNT NUMBER, TRACTOR
REGISTRATION PLATE NUMBER, THE DATE OF DISPOSITION CHANGE
AND THE NAME AND ADDRESS OF THE PERSON IN POSSESSION OF
THE VEHICLE. THIS NOTIFICATION MUST BE MAILED, FAXED OR
E-MAILED TO THE DEPARTMENT.

(II) CANCELED DECALS, IF RECOVERABLE, MUST REMAIN IN
THE LICENSEE'S FILES FOR AT LEAST FOUR YEARS FOR AUDITING
PURPOSES.

(2) A LICENSEE TO WHOM AN IDENTIFICATION CARD AND DECALS
WERE ISSUED SHALL BE LIABLE FOR TAXES APPLICABLE TO THE
OPERATIONS OF THE VEHICLES LICENSED UNTIL THE DATE THE
DEPARTMENT RECEIVES PROPER NOTIFICATION OF DISPOSITION OR
LOSS OF CONTROL OF THE VEHICLES LICENSED. THE LICENSEE'S
LIABILITY FOR SUCH VEHICLES WILL TERMINATE UPON THE DATE OF
DISPOSITION OR LOSS OF CONTROL IF THE CARRIER PROVIDES THE
DEPARTMENT NOTIFICATION OF VEHICLE DISPOSITION OR LOSS OF
CONTROL OF THE LICENSED VEHICLES WITHIN 30 DAYS OF
DISPOSITION OR LOSS OF CONTROL.

(3) FOR CARRIERS USING INDEPENDENT CONTRACTORS UNDER
LONG-TERM LEASES THAT ARE 30 DAYS OR LONGER, THE LESSOR AND
LESSEE MAY DESIGNATE WHICH PARTY WILL REPORT AND PAY FUEL USE
TAX. IN THE ABSENCE OF A WRITTEN AGREEMENT OR CONTRACT OR IF
THE DOCUMENT IS SILENT REGARDING RESPONSIBILITY FOR REPORTING
AND PAYING FUEL USE TAX, THE LESSEE WILL BE RESPONSIBLE FOR
REPORTING AND PAYING FUEL USE TAX.

(4) DECALS CANNOT BE TRANSFERRED FROM ONE VEHICLE TO
ANOTHER OR FROM ONE COMPANY TO ANOTHER.

(5) UNLESS OTHERWISE PROVIDED FOR BY STATUTE, ONCE A
DECALED OR LICENSED VEHICLE PASSES CONTROL FROM A TAXPAYER TO
ANOTHER, THE DECAL AND LICENSE ARE VOID IMMEDIATELY.
(6) A DECAL PURCHASED BUT UNUSED DURING A REGISTRATION YEAR MUST BE KEPT IN THE LICENSEE'S FILES FOR FOUR YEARS FOR AUDITING PURPOSES.

(7) IF THE CARRIER FAILS TO NOTIFY THE DEPARTMENT OF CHANGES IN DISPOSITION OF DECALS, THE CARRIER MAY PROVIDE THE DEPARTMENT WITH:

(I) EVIDENCE OF THE CARRIER'S WRITTEN POLICY REQUIRING CANCELED DECALS TO BE RETURNED; AND

(II) PHYSICAL EVIDENCE THAT THE DECALS WERE REMOVED.

THE DEPARTMENT MAY CONSIDER THE EVIDENCE IN LIEU OF TIMELY NOTIFICATION AS REQUIRED IN THIS SECTION.

(7.1) A VEHICLE BEARING AN IFTA DECAL IS CONSIDERED AN IFTA VEHICLE.

(8) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY IF THE VEHICLE HAS BEEN STOLEN AND A REPORT OF THE THEFT HAS BEEN MADE TO AN APPROPRIATE LAW ENFORCEMENT AGENCY.

(A.2) APPLICATION.--THE APPLICATION MUST SET FORTH THE NAMES AND ADDRESSES OF THE PRINCIPAL OFFICERS OR OWNERS OF THE ENTITY AND OTHER INFORMATION PRESCRIBED BY THE DEPARTMENT FOR PURPOSES OF IDENTIFICATION. THE APPLICATION MUST BE SIGNED AND VERIFIED BY OATH OR AFFIRMATION BY:

(1) THE OWNER, IF THE APPLICANT IS AN INDIVIDUAL;

(2) A MEMBER OR PARTNER, IF THE APPLICANT IS AN ASSOCIATION; OR

(3) AN OFFICER OR AN INDIVIDUAL AUTHORIZED IN WRITING ATTACHED TO THE APPLICATION, IF THE APPLICANT IS A CORPORATION.

(B) FEE.--[THE FEE FOR ISSUANCE OF IDENTIFICATION MARKERS SHALL BE $5 PER VEHICLE.] THE DEPARTMENT MAY CHARGE AN ADMINISTRATIVE FEE FOR ISSUANCE OF IDENTIFICATION MARKERS FOR 20130SB0001PN1308
EACH QUALIFIED MOTOR VEHICLE.

* * *

(D) OPERATION WITHOUT IDENTIFICATION MARKERS UNLAWFUL.--

EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3), IT SHALL BE

UNLAWFUL TO OPERATE OR TO CAUSE TO BE OPERATED IN THIS

COMMONWEALTH ANY QUALIFIED MOTOR VEHICLE UNLESS THE VEHICLE

BEARS THE IDENTIFICATION MARKERS REQUIRED BY THIS SECTION OR

VALID AND UNREVOKED IFTA IDENTIFICATION MARKERS ISSUED BY

ANOTHER IFTA JURISDICTION.

* * *

(2) FOR A PERIOD NOT EXCEEDING 30 DAYS AS TO ANY ONE

MOTOR CARRIER, THE SECRETARY OF REVENUE BY LETTER OR TELEGRAM

MAY AUTHORIZE THE OPERATION OF A QUALIFIED MOTOR VEHICLE OR

VEHICLES WITHOUT THE IDENTIFICATION MARKERS REQUIRED WHEN

BOTH THE FOLLOWING ARE APPLICABLE:

(I) ENFORCEMENT OF THIS SECTION FOR THAT PERIOD

WOULD CAUSE UNDUE DELAY AND HARDSHIP IN THE OPERATION OF

SUCH QUALIFIED MOTOR VEHICLE; AND

(II) THE MOTOR CARRIER IS REGISTERED AND/OR LICENSED

FOR THE MOTOR CARRIERS ROAD TAX WITH THE DEPARTMENT OF

REVENUE OR HAS FILED AN APPLICATION THEREFOR WITH THE

DEPARTMENT OF REVENUE:

(A) THE DEPARTMENT MAY CHARGE AN ADMINISTRATIVE

FEE FOR SUCH TEMPORARY PERMITS [SHALL BE $5] FOR EACH

QUALIFIED MOTOR VEHICLE WHICH SHALL BE DEPOSITED IN

THE HIGHWAY BRIDGE IMPROVEMENT RESTRICTED ACCOUNT

WITHIN THE MOTOR LICENSE FUND.

(B) CONDITIONS FOR THE ISSUANCE OF SUCH PERMITS

SHALL BE SET FORTH IN REGULATIONS PROMULGATED BY THE

DEPARTMENT OF REVENUE.

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(C) A TEMPORARY PERMIT ISSUED BY ANOTHER IFTA JURISDICTION UNDER AUTHORITY SIMILAR TO THIS PARAGRAPH SHALL BE ACCORDED THE SAME EFFECT AS A TEMPORARY PERMIT ISSUED UNDER THIS PARAGRAPH.

* * *

§ 2103. FALSE STATEMENTS AND PENALTIES.

(A) FALSE STATEMENTS.--ANY PERSON WHO WILLFULLY AND KNOWINGLY MAKES, PUBLISHES, DELIVERS OR UTTERS A FALSE STATEMENT ORALLY, OR IN WRITING, OR IN THE FORM OF A RECEIPT FOR THE SALE OF MOTOR FUEL, FOR THE PURPOSE OF OBTAINING OR ATTEMPTING TO OBTAIN, OR TO ASSIST ANY PERSON TO OBTAIN OR ATTEMPT TO OBTAIN, A CREDIT OR REFUND OR REDUCTION OF LIABILITY FOR TAXES UNDER THIS CHAPTER OR CHAPTER 96 (RELATING TO MOTOR CARRIERS ROAD TAX) SHALL BE GUILTY OF A SUMMARY OFFENSE AND, UPON CONVICTION THEREOF, FOR A FIRST OFFENSE SHALL BE SENTENCED TO PAY A FINE OF NOT LESS THAN $100 NOR MORE THAN $1,000; AND FOR EACH SUBSEQUENT OR ADDITIONAL OFFENSE, A FINE OF NOT LESS THAN $200 NOR MORE THAN $2,000, OR UNDERGO IMPRISONMENT FOR A TERM NOT EXCEEDING 90 DAYS, OR BOTH.

(A.1) OPERATION WITHOUT IDENTIFICATION MARKER.--NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B), ANY PERSON WHO VIOLATES SECTION 2102(D) (RELATING TO IDENTIFICATION MARKERS REQUIRED) AND WHO CAN ADEQUATELY ESTABLISH AN ABSENCE OF KNOWING AND WILLFUL INTENT SHALL BE GUILTY OF A SUMMARY OFFENSE AND SHALL BE SENTENCED TO PAY A FINE OF $25.

(A.2) ACCOUNTABILITY FOR DECALS.--NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B), A PERSON WHO, UPON INSPECTION, EXAMINATION OR AUDIT BY THE DEPARTMENT, CANNOT ACCOUNT FOR THE IFTA DECALS ISSUED TO THE PERSON COMMITS A SUMMARY OFFENSE AND SHALL BE SENTENCED TO PAY A FINE OF NOT LESS THAN $500 NOR MORE
THAN $1,000 PER EACH UNACCOUNTED DECAL.

* * *

SECTION 21.3. SECTION 2105 OF TITLE 75 IS AMENDED TO READ:

§ 2105. EXEMPTIONS.

(A) GENERAL RULE.--THE REQUIREMENTS OF THIS CHAPTER AND CHAPTER 96 (RELATING TO MOTOR CARRIERS ROAD TAX) DO NOT APPLY TO THE FOLLOWING VEHICLES:

(1) A QUALIFIED MOTOR VEHICLE BEARING A PENNSYLVANIA FARM VEHICLE REGISTRATION PLATE AND OPERATED IN ACCORDANCE WITH THE RESTRICTIONS OF SECTION 1344 (RELATING TO USE OF FARM VEHICLE PLATES) OR A QUALIFIED MOTOR VEHICLE REGISTERED AND OPERATED UNDER PROVISIONS OF ANOTHER JURISDICTION DETERMINED BY THE DEPARTMENT OF REVENUE TO BE SIMILAR TO THOSE RESTRICTIONS.

(2) A QUALIFIED MOTOR VEHICLE EXEMPT FROM REGISTRATION AS A FARM VEHICLE AND OPERATED IN ACCORDANCE WITH THE RESTRICTIONS OF SECTION 1302(10) (RELATING TO VEHICLES EXEMPT FROM REGISTRATION) OR A QUALIFIED MOTOR VEHICLE OPERATED UNDER PROVISIONS OF ANOTHER JURISDICTION DETERMINED BY THE DEPARTMENT OF REVENUE TO BE SIMILAR TO THOSE RESTRICTIONS.

(3) AN EMERGENCY VEHICLE AS DEFINED BY SECTION 102 (RELATING TO DEFINITIONS).

(4) A QUALIFIED MOTOR VEHICLE OPERATED BY OR ON BEHALF OF ANY DEPARTMENT, BOARD OR COMMISSION OF THE COMMONWEALTH, OR ANY POLITICAL SUBDIVISION THEREOF, OR ANY QUASI-GOVERNMENTAL AUTHORITY OF WHICH THIS COMMONWEALTH IS A PARTICIPATING MEMBER, OR ANY AGENCY OF THE FEDERAL GOVERNMENT OR THE DISTRICT OF COLUMBIA, ANY FOREIGN COUNTRY, OR OF ANY STATE OR ANY POLITICAL SUBDIVISION THEREOF WHICH GRANTS SIMILAR EXEMPTIONS TO PUBLICLY OWNED VEHICLES REGISTERED IN 20130SB0001PN1308
THIS COMMONWEALTH.

(5) A SCHOOL BUS.

(5.1) A MOTORBUS OWNED BY AND REGISTERED TO A CHURCH.

(6) AN IMPLEMENT OF HUSBANDRY AS DEFINED BY SECTION 102.

(7) SPECIAL MOBILE EQUIPMENT AS DEFINED BY SECTION 102.

(8) AN UNLADEN OR TOWED MOTOR VEHICLE OR UNLADEN TRAILER

WHICH ENTERS THIS COMMONWEALTH SOLELY FOR THE PURPOSE OF
SECURING REPAIRS OR RECONDITIONING. THE REPAIR FACILITY SHALL
FURNISH TO THE MOTOR CARRIER A CERTIFICATE TO BE CARRIED BY
THE QUALIFIED MOTOR VEHICLE OPERATOR WHILE THE VEHICLE IS IN
THIS COMMONWEALTH FOR THE PURPOSES OF THIS PARAGRAPH.

(9) A QUALIFIED MOTOR VEHICLE NEEDING EMERGENCY REPAIRS

WHICH SECURES AUTHORIZATION FROM THE PENNSYLVANIA STATE
POLICE TO ENTER THIS COMMONWEALTH UNDER THIS SECTION.

(10) A COMMERCIAL IMPLEMENT OF HUSBANDRY.

(A) EXEMPT ENTITIES.--ANY MOTOR CARRIER THAT IS EXEMPT FROM
MOTOR FUELS TAXES UNDER SECTION 9004(E) (RELATING TO IMPOSITION
OF TAX, EXEMPTIONS AND DEDUCTIONS) SHALL BE EXEMPT FROM THE
MOTOR CARRIERS ROAD TAX IMPOSED UNDER CHAPTER 96 (RELATING TO
MOTOR CARRIERS ROAD TAX). THE MOTOR CARRIER IS NOT REQUIRED TO
DO ANY OF THE FOLLOWING:

(1) DISPLAY ANY ROAD TAX IDENTIFICATION MARKERS.

(2) CARRY A CAB CARD.

(3) FILE MOTOR CARRIER ROAD TAX REPORT.

(B) VEHICLE EXEMPTIONS.--THE FOLLOWING PENNSYLVANIA-LICENSED
AND REGISTERED VEHICLES, IF TRAVELING ONLY WITHIN THIS
COMMONWEALTH AND NO OTHER JURISDICTIONS, ARE EXEMPT FROM THE
MOTOR CARRIERS ROAD TAX IMPOSED UNDER CHAPTER 96 AND ARE NOT
REQUIRED TO REPORT OR DISPLAY ROAD TAX IDENTIFICATION MARKERS:

(1) A QUALIFIED MOTOR VEHICLE BEARING A PENNSYLVANIA
FARM VEHICLE REGISTRATION PLATE AND OPERATED IN ACCORDANCE
WITH THE RESTRICTIONS UNDER SECTION 1344 (RELATING TO USE OF
FARM VEHICLE PLATES) OR A QUALIFIED MOTOR VEHICLE REGISTERED
AND OPERATED UNDER PROVISIONS OF ANOTHER JURISDICTION
DETERMINED BY THE DEPARTMENT OF REVENUE TO BE SIMILAR TO THE
RESTRICTIONS UNDER SECTION 1344.

(2) A QUALIFIED MOTOR VEHICLE EXEMPT FROM REGISTRATION
AS A FARM VEHICLE AND OPERATED IN ACCORDANCE WITH THE
RESTRICTIONS UNDER SECTION 1302(10) (RELATING TO VEHICLES
EXEMPT FROM REGISTRATION) OR A QUALIFIED MOTOR VEHICLE
OPERATED UNDER PROVISIONS OF ANOTHER JURISDICTION DETERMINED
BY THE DEPARTMENT OF REVENUE TO BE SIMILAR TO THE
RESTRICTIONS UNDER SECTION 1302(10).

(3) AN EMERGENCY VEHICLE.

(4) A QUALIFIED MOTOR VEHICLE OPERATED BY OR ON BEHALF
OF ANY DEPARTMENT, BOARD OR COMMISSION OF THE COMMONWEALTH,
OR ANY POLITICAL SUBDIVISION THEREOF, OR ANY QUASI-
GOVERNMENTAL AUTHORITY OF WHICH THE COMMONWEALTH IS A
PARTICIPATING MEMBER, OR ANY AGENCY OF THE FEDERAL GOVERNMENT
OR THE DISTRICT OF COLUMBIA, ANY FOREIGN COUNTRY OR OF ANY
STATE OR ANY POLITICAL SUBDIVISION THEREOF WHICH GRANTS
SIMILAR EXEMPTIONS TO PUBLICLY OWNED VEHICLES REGISTERED IN
THIS COMMONWEALTH.

(5) A SCHOOL BUS QUALIFYING FOR EXEMPTION UNDER SECTION
9004(E)(5) (RELATING TO IMPOSITION OF TAX, EXEMPTIONS AND
DEDUCTIONS).

(5.1) A MOTORBUS OWNED BY AND REGISTERED TO A CHURCH.

(6) AN IMPLEMENT OF HUSBANDRY.

(7) SPECIAL MOBILE EQUIPMENT.

(8) A COMMERCIAL IMPLEMENT OF HUSBANDRY.
(C) SPECIAL VEHICLE EXEMPTIONS.--THE FOLLOWING TYPES OF VEHICLES ENTERING THIS COMMONWEALTH ARE EXEMPT FROM THE MOTOR CARRIERS ROAD TAX IMPOSED UNDER CHAPTER 96 AND ARE NOT REQUIRED TO REPORT OR DISPLAY ROAD TAX IDENTIFICATION MARKERS:

(1) AN UNLADEN OR TOWED MOTOR VEHICLE OR UNLADEN TRAILER WHICH ENTERS THIS COMMONWEALTH SOLELY FOR THE PURPOSE OF SECURING REPAIRS OR RECONDITIONING. THE REPAIR FACILITY SHALL FURNISH TO THE MOTOR CARRIER A CERTIFICATE TO BE CARRIED BY THE QUALIFIED MOTOR VEHICLE OPERATOR WHILE THE VEHICLE IS IN THIS COMMONWEALTH.

(2) A QUALIFIED MOTOR VEHICLE NEEDING EMERGENCY REPAIRS WHICH SECURES AUTHORIZATION FROM THE PENNSYLVANIA STATE POLICE TO ENTER THIS COMMONWEALTH.

(D) RECORDKEEPING REQUIREMENTS.--ALL QUALIFIED MOTOR VEHICLES, REGARDLESS WHETHER OR NOT THE VEHICLE IS EXEMPT FROM THE MOTOR CARRIER ROAD TAX UNDER THIS SECTION, MUST MAINTAIN PROPER RECORDS OF TRAVEL ROUTES, FUEL AND MILES, IN ACCORDANCE WITH THE RECORDKEEPING PROVISIONS OF SECTION 9610 (RELATING TO RECORDS).

(E) MOTOR CARRIER ROAD TAX IMPOSED.--NOTWITHSTANDING SUBSECTIONS (A) AND (B), THE DEPARTMENT MAY IMPOSE THE MOTOR CARRIER ROAD TAX IMPOSED UNDER CHAPTER 96 ON ANY QUALIFIED MOTOR VEHICLE FOR WHICH PROPER RECORDS ARE NOT AVAILABLE TO SUBSTANTIATE TRAVEL ROUTES, FUEL AND MILES, IN ACCORDANCE WITH THE RECORDKEEPING PROVISIONS OF SECTION 9610.

(F) IFTA REPORTING REQUIRED FOR INTERSTATE TRAVEL.--THE FOLLOWING SHALL APPLY:

(1) NOTWITHSTANDING THE EXEMPTIONS UNDER SUBSECTIONS (A) AND (B), ANY QUALIFIED MOTOR VEHICLE REGISTERED IN THIS COMMONWEALTH THAT TRAVELS IN ANY IFTA JURISDICTION REQUIRING 20130SB0001PN1308
THE PAYMENT OF MOTOR CARRIER ROAD TAX OR ITS EQUIVALENT MAY
BE LICENSED AS AN IFTA VEHICLE BY THE COMMONWEALTH IN
ACCORDANCE WITH IFTA LICENSING PROVISIONS. ANY VEHICLE
HOLDING OR DISPLAYING IFTA CREDENTIALS MUST FILE IFTA REPORTS
AND CORRESPONDING PAYMENTS TO A BASE JURISDICTION, EVEN IF
THE VEHICLE IS EXEMPT FROM MOTOR CARRIER ROAD TAXES IN THIS
COMMONWEALTH.

(2) A VEHICLE OBTAINING TRIP PERMITS UNDER SECTION
2102(D)(3) (RELATING TO IDENTIFICATION MARKERS AND LICENSE OR
ROAD TAX REGISTRATION CARD REQUIRED) FOR EACH TRIP WITHIN
THIS COMMONWEALTH IS EXEMPT FROM IFTA LICENSING AND REPORTING
FOR THE PERMITTED TRIPS.

(B) REGULATIONS.--THE DEPARTMENT OF REVENUE MAY
PROMULGATE REGULATIONS TO IMPLEMENT THIS SECTION.

SECTION 21.4. TITLE 75 IS AMENDED BY ADDING SECTIONS TO
READ:

§ 2106. UNCOLLECTIBLE PAYMENTS.

IF THE PAYMENT OF A TAX, PENALTY OR INTEREST IMPOSED BY THIS
CHAPTER IS RETURNED TO THE DEPARTMENT AS UNCOLLECTIBLE, THE
DEPARTMENT SHALL FOLLOW SECTION 3003.9 OF THE ACT OF MARCH 4,

§ 2107. EMERGENCY PROCLAMATIONS.

(A) EMERGENCIES DECLARED WITHIN THIS COMMONWEALTH.--UPON THE
GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY FOR THIS
COMMONWEALTH, THE SECRETARY OF REVENUE MAY WAIVE, SUSPEND OR
OTHERWISE MODIFY ANY PROVISIONS OF THIS CHAPTER FOR THE PURPOSE
OF ENABLING MOTOR CARRIERS TO RESPOND TO EMERGENCY CONDITIONS
AND TO CONDUCT TIMELY EMERGENCY RELIEF EFFORTS. THE WAIVERS,
SUSPENSIONS OR MODIFICATIONS SHALL BE EFFECTIVE FOR A SPECIFIC
PERIOD OF TIME AS DETERMINED BY THE SECRETARY OF REVENUE AND
SHALL NOT EXCEED THE TERMINATION OF THE STATE OF EMERGENCY DECLARED BY THE GOVERNOR.

(B) EMERGENCIES DECLARED OUTSIDE THIS COMMONWEALTH.—THE SECRETARY OF REVENUE, WITH PRIOR AUTHORIZATION FROM THE GOVERNOR, MAY WAIVE, SUSPEND OR OTHERWISE MODIFY ANY PROVISIONS OF THIS CHAPTER ON A TEMPORARY AND INDEFINITE BASIS TO FACILITATE THE TIMELY MOVEMENT OF VEHICLES OR FUEL FROM AND THROUGH THIS COMMONWEALTH TO OTHER JURISDICTIONS REQUESTING ASSISTANCE FROM THE COMMONWEALTH.

(C) RECORDKEEPING.—NOTWITHSTANDING SUBSECTIONS (A) AND (B), EACH DISTRIBUTOR, EXEMPT ENTITY OR OTHER PERSON WHO BUYS, Sells OR USES LIQUID FUELS, FUELS OR ALTERNATIVE FUELS UNDER THE TERMS OF AN EMERGENCY DECLARATION MUST MAINTAIN RECORDS TO SUBSTANTIATE PARTICIPATION IN EMERGENCY RELIEF EFFORTS. MOTOR CARRIERS SHALL MAINTAIN RECORDS SUBSTANTIATING THE PURCHASE AND USE OF TAX-FREE FUELS IN THIS COMMONWEALTH DURING THE PERIOD OF THE DECLARED EMERGENCY.

(D) TAXES NOT WAIVED.—UNLESS SPECIFICALLY SUSPENDED BY THE SECRETARY OF REVENUE, LIQUID FUELS, FUELS AND ALTERNATIVE FUELS TAXES ARE NOT WAIVED FOR EMERGENCIES DETERMINED UNDER SUBSECTION (A) OR (B).

SECTION 21.5. SECTION 3111 OF TITLE 75 IS AMENDED BY ADDING A SUBSECTION TO READ:

§ 3111. OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

* * *

(A.1) PENALTY.—

(1) A PERSON WHO VIOLATES THIS SECTION COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, PAY A FINE OF $75.

(2) NOTWITHSTANDING 42 PA.C.S. § 3733(A) (RELATING TO DEPOSITS INTO ACCOUNT), A FINE UNDER PARAGRAPH (1) SHALL BE
DISTRIBUTED AS FOLLOWS:

(I) TWENTY-FIVE DOLLARS SHALL BE DEPOSITED AS PROVIDED UNDER 42 PA.C.S. § 3733(A).

(II) AFTER DEPOSIT OF THE AMOUNT UNDER SUBPARAGRAPH (I), THE REMAINING PORTION OF THE FINE SHALL BE DEPOSITED INTO THE PUBLIC TRANSPORTATION TRUST FUND.

* * *

SECTION 22. SECTION 4902(A) AND (C) OF TITLE 75 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

§ 4902. RESTRICTIONS ON USE OF HIGHWAYS AND BRIDGES.

(A) RESTRICTIONS BASED ON CONDITION OF HIGHWAY OR BRIDGE.--

THE FOLLOWING SHALL APPLY

(1) THE COMMONWEALTH AND LOCAL AUTHORITIES WITH RESPECT TO HIGHWAYS AND BRIDGES UNDER THEIR JURISDICTIONS MAY PROHIBIT THE OPERATION OF VEHICLES AND MAY IMPOSE RESTRICTIONS AS TO THE WEIGHT OR SIZE OF VEHICLES OPERATED UPON A HIGHWAY OR BRIDGE ONLY WHEN THEY DETERMINE BY CONDUCTING AN ENGINEERING AND TRAFFIC STUDY AS PROVIDED FOR IN DEPARTMENT REGULATIONS THAT THE HIGHWAY OR BRIDGE MAY BE DAMAGED OR DESTROYED UNLESS USE BY VEHICLES IS PROHIBITED OR THE PERMISSIBLE SIZE OR WEIGHT OF VEHICLES IS REDUCED.

(2) THE FOLLOWING SHALL APPLY:

(I) SCHOOL BUSES, EMERGENCY VEHICLES AND VEHICLES MAKING LOCAL DELIVERIES OR PICKUPS MAY BE EXEMPTED FROM RESTRICTIONS ON THE USE OF HIGHWAYS IMPOSED UNDER THIS SUBSECTION.

(II) THE DEPARTMENT MAY ISSUE A STATEMENT OF POLICY, WHICH SHALL TAKE EFFECT UPON PUBLICATION IN THE PENNSYLVANIA BULLETIN, ADOPTING AN APPROPRIATE METHODOLOGY TO PROVIDE LETTERS OF LOCAL DETERMINATION.
THAT IDENTIFY PARTICULAR VEHICLES, ROUTES OR USES AS
LOCAL IN NATURE.

(III) THE METHODOLOGY UNDER SUBPARAGRAPH (II) MAY
ALLOW FOR EXEMPTIONS FROM 67 PA. CODE CH. 189 (RELATING
TO HAULING IN EXCESS OF POSTED WEIGHT LIMIT) RELATED TO
AT-RISK INDUSTRY SECTORS EXPERIENCING A 20% DECLINE IN
STATEWIDE EMPLOYMENT BETWEEN MARCH 2002 AND MARCH 2011.

(IV) THE EXEMPTIONS AND RELATED REQUIREMENTS UNDER
SUBPARAGRAPH (III) MAY REMAIN IN EXISTENCE UNTIL DECEMBER
31, 2018. EXEMPTIONS FOR LOCAL DELIVERY OR PICKUP MAY NOT
INCLUDE TRAFFIC GOING TO OR COMING FROM A SITE AT WHICH
MINERALS, GAS OR NATURAL RESOURCES ARE DEVELOPED,
HARVESTED OR EXTRACTED, NOTWITHSTANDING WHETHER THE SITE
IS LOCATED AT A RESIDENCE, A COMMERCIAL SITE OR ON
FARMLAND.

* * *

(C) PERMITS AND SECURITY.--THE COMMONWEALTH AND LOCAL
AUTHORITIES MAY ISSUE PERMITS FOR MOVEMENT OF VEHICLES OF SIZE
AND WEIGHT IN EXCESS OF RESTRICTIONS PROMULGATED UNDER
SUBSECTIONS (A) AND (B) WITH RESPECT TO HIGHWAYS AND BRIDGES
UNDER THEIR JURISDICTION AND MAY REQUIRE SUCH UNDERTAKING OR
SECURITY AS THEY DEEM NECESSARY TO COVER THE COST OF REPAIRS AND
RESTORATION NECESSITATED BY THE PERMITTED MOVEMENT OF VEHICLES.
IN REFERENCE TO SUBSECTION (A), THE COMMONWEALTH AND LOCAL
AUTHORITIES SHALL NOT REFUSE TO ISSUE A PERMIT WITH RESPECT TO A
HIGHWAY UNDER THEIR JURISDICTION IF THERE IS NO REASONABLE
ALTERNATE ROUTE AVAILABLE. FOR PURPOSES OF THIS SECTION,
"REASONABLE ALTERNATE ROUTE" SHALL MEAN A ROUTE MEETING THE
CRITERIA SET FORTH IN DEPARTMENT REGULATIONS RELATING TO TRAFFIC
AND ENGINEERING STUDIES. THE DEPARTMENT MAY ESTABLISH THE TYPES
OF PERMITS AND AGREEMENTS THAT MAY BE ISSUED. THE FOLLOWING
SHALL APPLY:

(1) PERMITS MAY BE FOR LONG-TERM OR SHORT-TERM USE OF
THE POSTED HIGHWAYS.

(2) THE DEPARTMENT MAY REQUIRE MULTIPLE VEHICLES
TRAVELING TO OR FROM A SINGLE DESTINATION TO OPERATE PURSUANT
TO A SINGLE PERMIT.

(3) THE DEPARTMENT MAY ESTABLISH A PERMIT TYPE ALLOWING
THE POSTING AUTHORITY TO DETERMINE THAT DAMAGE TO THE POSTED
HIGHWAY COVERED BY THE PERMIT WILL BE MINIMAL. THIS TYPE OF
PERMIT MAY INCLUDE CATEGORIES BASED ON THE NUMBER AND KINDS
OF LOADS EXPECTED, INCLUDING A CATEGORY PROVIDING THAT USE OF
THE POSTED HIGHWAY UNDER A SINGLE MINIMUM USE PERMIT OF LESS
THAN 700 LOADS PER YEAR SHALL NOT REQUIRE AN AGREEMENT OR
SECURITY. THE DEPARTMENT MAY ALTER THE 700 LOADS PER YEAR
MINIMUM USE THRESHOLD IF IT DETERMINES THE STRUCTURAL
CAPACITY OF THE STATE HIGHWAYS CAN ACCEPT A HIGHER OR LOWER
AMOUNT OF OVER-POSTED WEIGHT TRAFFIC. THE DEPARTMENT MAY
EXPRESS THE THRESHOLD AS A LOADS-PER-DAY, LOADS-PER-WEEK, OR
LOADS-PER-MONTH NUMBER.

(4) THE DEPARTMENT MAY RESTRICT USE OF PERMITS DURING
THAW PERIODS AS DETERMINED BY THE DEPARTMENT.

(5) THE DEPARTMENT MAY DETERMINE THAT HAULING RELATED TO
UNCONVENTIONAL OIL AND GAS DEVELOPMENT IS EXCLUDED FROM
MINIMUM USE STATUS BASED ON ITS DISPROPORTIONATE AND
QUALITATIVELY DIFFERENT IMPACT UPON HIGHWAYS AND BRIDGES.

(6) THE DEPARTMENT SHALL PROMULGATE REGULATIONS TO
IMPLEMENT THIS SECTION. REGULATIONS PROMULGATED BY THE
DEPARTMENT UNDER THIS SECTION SHALL NOT BE SUBJECT TO THE
PROPOSED RULEMAKING PROVISIONS OF THE ACT OF JULY 31, 1968
(P.L.769, NO.240) REFERRED TO AS THE COMMONWEALTH DOCUMENTS
LAW, OR THE ACT OF JUNE 25, 1982 (P.L.633, NO.181) KNOWN AS
THE REGULATORY REVIEW ACT.
* * *
(H) (RESERVED).

(I) AUTHORITY TO CONDUCT INVESTIGATIONS AND AUDITS.--THE
COMMONWEALTH AND LOCAL AUTHORITIES MAY CONDUCT OR CAUSE TO BE
CONDUCTED INVESTIGATIONS AND AUDITS OF A PERSON OR ENTITY TO
DETERMINE IF THERE HAS BEEN A VIOLATION OF THIS SECTION,
PERTINENT REGULATIONS OR AGREEMENTS.

(J) AUTHORITY TO SUSPEND, REVOKE OR DENY PERMITS.--THE
COMMONWEALTH AND LOCAL AUTHORITIES MAY SUSPEND, REVOKE OR DENY
PERMITS AND AGREEMENTS IF IT IS DETERMINED BY THE COMMONWEALTH
OR A LOCAL AUTHORITY THAT THERE HAS BEEN A VIOLATION OF THIS
SECTION, PERTINENT REGULATIONS OR AGREEMENTS, NOTWITHSTANDING
ANY OTHER PROVISION OF THIS SECTION.

SECTION 22.1. SECTION 4968(A.1)(3), (A.2)(4) AND (B) OF
TITLE 75, AMENDED OCTOBER 24, 2012 (P.L.1473, NO.187), ARE
AMENDED TO READ:

§ 4968. PERMIT FOR MOVEMENT DURING COURSE OF MANUFACTURE.

(A.1) GENERAL RULE.--AN ANNUAL PERMIT MAY BE ISSUED
AUTHORIZING MOVEMENT ON SPECIFIED HIGHWAYS OF:
* * *

(3) AIRCRAFT REFUELING VEHICLES OR VEHICLES AND
COMBINATIONS CARRYING [RAW] MILK, RAW COAL, FLAT-ROLLED STEEL
COILS, STEEL SLABS, HOT INGOTS, A HOT BOX, PULPWOOD AND WOOD
CHIPS, RAW WATER OR CRYOGENIC LIQUID WHICH EXCEED THE MAXIMUM
WEIGHT SPECIFIED IN SUBCHAPTER C WHILE THEY ARE IN THE COURSE
OF MANUFACTURE AND UNDER CONTRACT WITH OR UNDER THE DIRECT
CONTROL OF THE MANUFACTURER, PROVIDED THAT THEY DO NOT EXCEED
THE MAXIMUM HEIGHT, WIDTH OR LENGTH SPECIFIED IN SUBCHAPTER B UNLESS THEY ALSO QUALIFY UNDER PARAGRAPH (1), SUBJECT TO THE PROVISIONS IN SUBSECTION (A.2).

(A.2) SPECIFICATIONS.--

* * *

(4) A COMBINATION OF VEHICLES WHICH IS HAULING [RAW] MILK TO OR FROM A MANUFACTURER MAY BE PERMITTED BY THE DEPARTMENT AND LOCAL AUTHORITIES TO MOVE UPON HIGHWAYS WITHIN THEIR RESPECTIVE JURISDICTIONS 24 HOURS A DAY, SEVEN DAYS A WEEK, EXCEPT DURING INCLEMENT WEATHER AS DEFINED IN DEPARTMENT REGULATIONS, IF THE GROSS WEIGHT DOES NOT EXCEED 95,000 POUNDS AND THE WEIGHT OF ANY NONSTEERING AXLE DOES NOT EXCEED 21,000 POUNDS. NO PERMIT MAY BE ISSUED FOR THIS TYPE OF MOVEMENT UPON AN INTERSTATE HIGHWAY. AN APPLICATION TO THE DEPARTMENT FOR THE MOVEMENT OF MILK, EXCEPT FOR RAW MILK, MUST DESIGNATE THE ROUTE THE APPLICANT REQUESTS TO USE.

* * *

(B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

"BULK MILK." THE TERM SHALL MEAN MILK, AS DEFINED IN SECTION 1 OF THE ACT OF JULY 2, 1935 (P.L.589, NO.210), REFERRED TO AS THE MILK SANITATION LAW, WHICH IS NOT TRANSPORTED IN PACKAGES.

"CONDENSED MILK" AND "EVAPORATED MILK." THE TERM SHALL MEAN MANUFACTURED DAIRY PRODUCTS AS DEFINED IN SECTION 1 OF THE MILK SANITATION LAW, WHICH IS NOT TRANSPORTED IN PACKAGES.

"HOT BOX." CONSISTS OF AN ENCLOSURE CONSISTING OF WELDED STEEL PLATE CHAINED TO A SEMITRAILER WITH A REMOVABLE LID LINED WITH REFRACTION FOR PURPOSES OF INSULATION AND RETENTION OF HEAT.
"MILK." ANY OF THE FOLLOWING:

(1) BULK MILK.

(2) CREAM.

(3) PLAIN OR SWEETENED EVAPORATED MILK.

(4) RAW MILK.

(5) SKIM OR WHOLE CONDENSED MILK.

(6) SKIMMED MILK.

"RAW MILK." HAS THE MEANING GIVEN TO IT IN THE [ACT OF JULY 2, 1935 (P.L.589, NO.210), REFERRED TO AS THE] MILK SANITATION LAW.

SECTION 23. SECTION 6110(B) OF TITLE 75 IS AMENDED TO READ:

§ 6110. REGULATION OF TRAFFIC ON PENNSYLVANIA TURNPIKE.

* * *

(B) PENALTIES.--

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, ANY PERSON VIOLATING ANY OF THE RULES AND REGULATIONS OF THE PENNSYLVANIA TURNPIKE COMMISSION FOR WHICH NO PENALTY HAS OTHERWISE BEEN PROVIDED BY STATUTE COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF $25.

(2) ANY PERSON VIOLATING ANY OF THE RULES AND REGULATIONS OF THE COMMISSION PROHIBITING FARE EVASION OR ATTEMPTED FARE EVASION COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION FOR THE FIRST TIME, BE SENTENCED TO PAY A FINE ACCORDING TO THE CLASSIFICATION BY THE COMMISSION OF THE VEHICLE DRIVEN BY THAT PERSON AT THE TIME OF VIOLATION AS FOLLOWS:

(I) CLASS 1 THROUGH 2: $100.

(II) CLASS 3 THROUGH 6: $500.

(III) CLASS 7 AND HIGHER: $1,000.
3) IN ADDITION TO THE FINES IMPOSED UNDER THIS SUBSECTION, RESTITUTION SHALL BE MADE TO THE COMMISSION IN AN AMOUNT EQUAL TO THE FULL FARE, FOR THE APPROPRIATE VEHICLE CLASS, FROM THE FARDEST POINT OF ENTRY ON THE TURNPIKE TO THE ACTUAL POINT OF EXIT.

3.1 (i) A PERSON WHO, WHILE TRAVELING UPON THE PENNSYLVANIA TURNPIKE OR A ROAD UNDER ITS CONTROL, TAKES AN AFFIRMATIVE ACTION IN AN ATTEMPT TO EVADE TOLLS COMMITS A MISDEMEANOR OF THE THIRD DEGREE, AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF $6,500 AND TO UNDERGO IMPRISONMENT FOR NOT LESS THAN 60 DAYS. FOR THE PURPOSES OF THIS SUBSECTION, AFFIRMATIVE ACTION SHALL INCLUDE ANY OF THE FOLLOWING:

(A) REMOVAL OF LICENSE PLATES FROM THE VEHICLE TO IMPEDE ELECTRONIC TOLL COLLECTION.

(B) INSTALLATION OF A MECHANISM THAT ROTATES, CHANGES, BLOCKS OR OTHERWISE MECHANICALLY ALTERS THE ABILITY OF A LICENSE PLATE TO BE READ BY A VIOLATION ENFORCEMENT SYSTEM AS DEFINED UNDER 74 PA.C.S. § 8102 (RELATING TO DEFINITIONS).

(C) INSTALLATION OF A MECHANICAL APPARATUS UPON THE VEHICLE THAT SERVES THE SOLE PURPOSE OF MASKING, HIDING OR MANIPULATING THE TRUE WEIGHT OF THE VEHICLE AS IT APPEARS TO A MECHANICAL SCALE.

(D) CONSPIRING WITH AN INDIVIDUAL OR GROUP OF INDIVIDUALS IN AN ATTEMPT TO ALTER, LOWER OR EVADE PAYMENT OF CORRECT TOLLS.

(E) UNAUTHORIZED USE OF PENNSYLVANIA TURNPIKE PRIVATE GATE ACCESS OR OTHERWISE UNAUTHORIZED MOVEMENT ENTERING OR EXITING THE TURNPIKE OTHER THAN
AT APPROVED INTERCHANGES.

(F) ANY OTHER ACTION TAKEN FOR THE PURPOSE OF
EVADING THE PAYMENT OF A TOLL.

(II) A VIOLATION OF THIS PARAGRAPH MAY NOT PRECLUDE
PROSECUTION UNDER SECTION 1332 (RELATING TO DISPLAY OF
REGISTRATION PLATE), SECTION 7122 (RELATING TO ALTERED,
FORGED OR COUNTERFEIT DOCUMENTS AND PLATES) OR SECTION
7124 (RELATING TO FRAUDULENT USE OR REMOVAL OF
REGISTRATION PLATE).

SECTION 24. THE DEFINITIONS OF "ANNUAL ADDITIONAL PAYMENTS,"
"ANNUAL BASE PAYMENTS" AND "SCHEDULED ANNUAL COMMISSION
CONTRIBUTIONS" IN SECTION 8901 OF TITLE 75 ARE AMENDED TO READ:

§ 8901. DEFINITIONS.

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

"ANNUAL ADDITIONAL PAYMENTS." AS FOLLOWS:

(1) DURING THE CONVERSION PERIOD AND AFTER THE
CONVERSION DATE, AN AMOUNT EQUAL TO THE SCHEDULED ANNUAL
COMMISSION CONTRIBUTION, MINUS THE SUM OF:

[(I) $200,000,000 PAID AS ANNUAL BASE PAYMENTS;]

(II) ANY INTERSTATE 80 SAVINGS FOR THAT FISCAL YEAR.

(2) IF THE CONVERSION PERIOD HAS EXPIRED AND A
CONVERSION NOTICE HAS NOT BEEN RECEIVED BY THE SECRETARY, IN
EACH SUBSEQUENT FISCAL YEAR [UNTIL THE END OF THE TERM OF THE
LEASE AGREEMENT] THROUGH FISCAL YEAR 2020-2021, THE ANNUAL
ADDITIONAL PAYMENTS SHALL BE $250,000,000. 
ADDITIONAL PAYMENTS SHALL BE DUE AFTER FISCAL YEAR 2020-2021.

"ANNUAL BASE PAYMENTS." AN AMOUNT EQUAL TO THE SUM OF THE
FOLLOWING:
(1) ANNUAL DEBT SERVICE ON OUTSTANDING BONDS ISSUED UNDER SECTION 9511.2 (RELATING TO SPECIAL REVENUE BONDS) PAYABLE AS REQUIRED PURSUANT TO THE BONDS.

[(2) TWO HUNDRED MILLION DOLLARS PAYABLE ANNUALLY IN FOUR EQUAL INSTALLMENTS EACH DUE THE LAST BUSINESS DAY OF EACH JULY, OCTOBER, JANUARY AND APRIL.] NO ANNUAL BASE PAYMENTS SHALL BE DUE AFTER FISCAL YEAR 2012-2013.

* * *

"SCHEDULED ANNUAL COMMISSION CONTRIBUTION." THE FOLLOWING AMOUNTS:

(1) $750,000,000 IN FISCAL YEAR 2007-2008.
(2) $850,000,000 IN FISCAL YEAR 2008-2009.
(3) $900,000,000 IN FISCAL YEAR 2009-2010.
(4) FOR FISCAL YEAR 2010-2011 AND EACH FISCAL YEAR THEREAFTER, THE AMOUNT SHALL BE THE AMOUNT CALCULATED FOR THE PREVIOUS YEAR INCREASED BY 2.5%, EXCEPT THAT THE AMOUNT SHALL BE EQUAL TO THE ANNUAL BASE PAYMENTS PLUS $250,000,000 IF THE CONVERSION NOTICE IS NOT RECEIVED BY THE SECRETARY PRIOR TO THE EXPIRATION OF THE CONVERSION PERIOD. NO SCHEDULED ANNUAL COMMISSION CONTRIBUTION SHALL BE DUE AFTER FISCAL YEAR 2020-2021.

SECTION 25. SECTIONS 8915.3(1) AND 8815.6(B)(1) OF TITLE 75 ARE AMENDED TO READ:

§ 8915.3. LEASE OF INTERSTATE 80; RELATED AGREEMENTS.

THE DEPARTMENT AND THE COMMISSION SHALL ENTER INTO A LEASE AGREEMENT RELATING TO INTERSTATE 80 PRIOR TO OCTOBER 15, 2007. THE LEASE AGREEMENT SHALL INCLUDE PROVISIONS SETTING FORTH THE TERMS AND CONDITIONS OF THE CONVERSION OF INTERSTATE 80 TO A TOLL ROAD. THE LEASE AGREEMENT AND ANY RELATED AGREEMENT, AT A MINIMUM, SHALL INCLUDE THE FOLLOWING:
(1) A provision that the term of the lease agreement shall be 50 years, unless:

(1) Extended upon mutual agreement of the parties to the lease agreement and upon approval of the General Assembly; or

(II) Reduced or terminated upon mutual agreement of the parties to the lease agreement.

§ 8915.6. Deposit and distribution of funds.

* * *

(B) Distribution.--The following shall apply:

[(1) Annually, 15% of the amount deposited in any fiscal year under subsection (A) shall be distributed at the discretion of the Secretary.]

* * *

SECTION 25.1. Chapter 90 heading of Title 75 is amended to read:

CHAPTER 90

LIQUID FUELS [AND] FUELS TAX

AND ELECTRIC VEHICLE ROAD FEE

SECTION 25.2. Chapter 90 of Title 75 is amended by adding a subchapter heading to read:

SUBCHAPTER A

PRELIMINARY PROVISIONS

SECTION 26. Section 9002 of Title 75 is amended to read:

§ 9002. Definitions.

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

"ALTERNATIVE FUELS." NATURAL GAS, COMPRESSED NATURAL GAS
(CNG), LIQUIFIED NATURAL GAS (LNG), LIQUID PROPANE GAS AND
LIQUIFIED PETROLEUM GAS (LPG), ALCOHOLS, E85 GASOLINE-ALCOHOL
MIXTURES CONTAINING [AT LEAST] GREATER THAN 85% ALCOHOL BY
VOLUME, HYDROGEN, HYTHANE [ , ELECTRICITY] AND ANY OTHER FUEL
USED TO PROPEL MOTOR VEHICLES ON THE PUBLIC HIGHWAYS WHICH IS
NOT TAXABLE AS FUELS OR LIQUID FUELS UNDER THIS CHAPTER. THE
FOREGOING LIQUIDS OR GASES THAT WILL NOT BE USED TO PROPEL A
MOTOR VEHICLE ON THE PUBLIC HIGHWAYS AND ARE NOT TAXABLE AS
FUELS OR LIQUID FUELS UNDER THIS CHAPTER MAY NOT BE CONSIDERED
MOTOR FUELS FOR PURPOSES OF THIS CHAPTER. THE TERM DOES NOT
INCLUDE ELECTRICITY.

"ALTERNATIVE FUEL DEALER-USER." ANY PERSON WHO DELIVERS OR
PLACES ALTERNATIVE FUELS INTO THE FUEL SUPPLY TANK OR OTHER
DEVICE OF A VEHICLE FOR USE ON THE PUBLIC HIGHWAYS.]
"ASSOCIATION." A PARTNERSHIP, LIMITED PARTNERSHIP OR ANY
OTHER FORM OF UNINCORPORATED ENTERPRISE OWNED BY TWO OR MORE
PERSONS.

"AVERAGE ANNUAL VEHICLE FUEL TAX." THE AVERAGE ANNUAL AMOUNT
OF MOTOR FUEL TAXES PAID BY A PENNSYLVANIA-REGISTERED VEHICLE.
"AVERAGE WHOLESALE PRICE." [THE AVERAGE WHOLESALE PRICE PER
GALLON OF ALL TAXABLE LIQUID FUELS AND FUELS, EXCLUDING THE
FEDERAL EXCISE TAX AND ALL LIQUID FUELS TAXES, AS DETERMINED BY
THE DEPARTMENT OF REVENUE FOR THE 12-MONTH PERIOD ENDING ON THE
SEPTEMBER 30 IMMEDIATELY PRIOR TO JANUARY 1 OF THE YEAR FOR
WHICH THE RATE IS TO BE SET. IN NO CASE SHALL THE AVERAGE
WHOLESALE PRICE BE LESS THAN 90¢ NOR MORE THAN $1.25 PER
GALLON.] THE AVERAGE WHOLESALE PRICE PER GALLON OF ALL TAXABLE
LIQUID FUELS AND FUELS, EXCLUDING THE FEDERAL EXCISE TAX AND ALL
LIQUID FUELS TAXES SHALL BE AS FOLLOWS:

(1) FOR FISCAL YEAR 2013-2014 AND FOR JULY 1, 2014, TO

(2) FOR CALENDAR YEARS 2015 AND 2016, THE AVERAGE WHOLESALE PRICE SHALL BE $2.49 PER GALLON.

(3) FOR CALENDAR YEAR 2017 AND EACH CALENDAR YEAR THEREAFTER, THE AVERAGE WHOLESALE PRICE SHALL BE AS DETERMINED BY THE DEPARTMENT OF REVENUE FOR THE 12-MONTH PERIOD ENDING ON THE SEPTEMBER 30 IMMEDIATELY PRIOR TO JANUARY 1 OF THE YEAR FOR WHICH THE RATE IS TO BE SET. IN NO CASE SHALL THE AVERAGE WHOLESALE PRICE BE LESS THAN $2.49.

"BLENDED FUEL." A MIXTURE COMPOSED OF MOTOR FUELS AND ANOTHER LIQUID, OTHER THAN AN ADDITIVE, THAT MAY BE USED AS A MOTOR FUEL IN A HIGHWAY VEHICLE.

"BLENDER." A PERSON WHO PRODUCES BLENDED FUEL OUTSIDE THE TERMINAL TRANSFER SYSTEM.

"BLENDER PERMIT." A CLASS OF DISTRIBUTOR PERMIT AUTHORIZING THE USE OF MOTOR FUELS UPON WHICH THE TAX HAS NOT BEEN PAID FOR BLENDING.

"CAFE STANDARDS." THE CORPORATE AVERAGE FUEL ECONOMY, AS ESTABLISHED BY THE FEDERAL GOVERNMENT.

"CENTS-PER-GALLON EQUIVALENT BASIS." THE AVERAGE WHOLESALE PRICE PER GALLON MULTIPLIED BY THE DECIMAL EQUIVALENT OF ANY TAX IMPOSED BY SECTION 9502 (RELATING TO IMPOSITION OF TAX), THE PRODUCT OF WHICH IS ROUNDED TO THE NEXT HIGHEST TENTH OF A CENT PER GALLON. THE RATE OF TAX SHALL BE DETERMINED BY THE DEPARTMENT OF REVENUE ON AN ANNUAL BASIS BEGINNING EVERY JANUARY 1 AND SHALL BE PUBLISHED AS A NOTICE IN THE PENNSYLVANIA BULLETIN NO LATER THAN THE PRECEDING DECEMBER 15. IN THE EVENT OF A CHANGE IN THE RATE OF TAX IMPOSED BY SECTION 9502, THE DEPARTMENT SHALL REDETERMINE THE RATE OF TAX AS OF THE EFFECTIVE DATE.
DATE OF SUCH CHANGE AND GIVE NOTICE AS SOON AS POSSIBLE.
"CORPORATION." A CORPORATION OR JOINT STOCK ASSOCIATION
ORGANIZED UNDER THE LAWS OF THIS COMMONWEALTH, THE UNITED STATES
OR ANY OTHER STATE, TERRITORY OR FOREIGN COUNTRY OR DEPENDENCY.
"DEALER." ANY PERSON ENGAGED IN THE RETAIL SALE OF [LIQUID
FUELS OR FUELS] MOTOR FUELS.
"DEPARTMENT." THE DEPARTMENT OF REVENUE OF THE COMMONWEALTH.
"DIESEL FUEL." ANY LIQUID, OTHER THAN LIQUID FUELS, WHICH IS
SUITABLE FOR USE AS A FUEL IN A DIESEL-POWERED HIGHWAY VEHICLE.
THE TERM INCLUDES KEROSENE AND BIODIESEL.
"DISTRIBUTOR." ANY PERSON THAT:
(1) PRODUCES, REFINES, PREPARES, BLENDS, DISTILLS,
MANUFACTURES OR COMPOUNDS [LIQUID FUELS OR FUELS] MOTOR FUELS
IN THIS COMMONWEALTH FOR THE PERSON'S USE OR FOR SALE AND
DELIVERY IN THIS COMMONWEALTH.
(2) IMPORTS OR CAUSES TO BE IMPORTED FROM ANY OTHER
STATE OR TERRITORY OF THE UNITED STATES OR FROM A FOREIGN
COUNTRY [LIQUID FUELS OR FUELS] MOTOR FUELS FOR THE PERSON'S
USE IN THIS COMMONWEALTH OR FOR SALE AND DELIVERY IN AND
AFTER REACHING THIS COMMONWEALTH, OTHER THAN IN THE ORIGINAL
PACKAGE, RECEPTACLE OR CONTAINER.
(3) IMPORTS OR CAUSES TO BE IMPORTED FROM ANY OTHER
STATE OR TERRITORY OF THE UNITED STATES [LIQUID FUELS OR
FUELS] MOTOR FUELS FOR THE PERSON'S USE IN THIS COMMONWEALTH
OR FOR SALE AND DELIVERY IN THIS COMMONWEALTH AFTER THEY HAVE
COME TO REST OR STORAGE IN THE OTHER STATE OR TERRITORY,
WHETHER OR NOT IN THE ORIGINAL PACKAGE, RECEPTACLE OR
CONTAINER.
(4) PURCHASES OR RECEIVES [LIQUID FUELS OR FUELS] MOTOR
FUELS IN THE ORIGINAL PACKAGE, RECEPTACLE OR CONTAINER IN
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THIS COMMONWEALTH FOR THE PERSON'S USE OR FOR SALE AND
DELIVERY IN THIS COMMONWEALTH FROM ANY PERSON WHO HAS
IMPORTED THEM FROM A FOREIGN COUNTRY.

(5) PURCHASES OR RECEIVES [LIQUID FUELS OR FUELS] MOTOR
FUELS IN THE ORIGINAL PACKAGE, RECEPTACLE OR CONTAINER IN
THIS COMMONWEALTH FOR THE PERSON'S USE IN THIS COMMONWEALTH
OR FOR SALE AND DELIVERY IN THIS COMMONWEALTH FROM ANY PERSON
WHO HAS IMPORTED THEM FROM ANY OTHER STATE OR TERRITORY OF
THE UNITED STATES IF THE [LIQUID FUELS OR FUELS] MOTOR FUELS
HAVE NOT, PRIOR TO PURCHASE OR RECEIPT, COME TO REST OR
STORAGE IN THIS COMMONWEALTH.

(6) RECEIVES AND USES OR DISTRIBUTES [LIQUID FUELS OR
FUELS] MOTOR FUELS IN THIS COMMONWEALTH ON WHICH THE TAX
PROVIDED FOR IN THIS CHAPTER HAS NOT BEEN PREVIOUSLY PAID.

(7) OWNS OR OPERATES AIRCRAFT, AIRCRAFT ENGINES OR
FACILITIES FOR DELIVERY OF [LIQUID FUELS] MOTOR FUELS TO
AIRCRAFT OR AIRCRAFT ENGINES AND ELECTS, WITH THE PERMISSION
OF THE SECRETARY OF REVENUE, TO QUALIFY AND OBTAIN A PERMIT
AS A DISTRIBUTOR.

(8) EXPORTS [LIQUID FUELS OR FUELS] MOTOR FUELS OTHER
THAN IN THE FUEL SUPPLY TANKS OF MOTOR VEHICLES.

"DYED DIESEL FUEL." ANY LIQUID, OTHER THAN LIQUID FUELS,
WHICH IS SUITABLE FOR USE AS A FUEL IN A DIESEL-POWERED HIGHWAY
VEHICLE AND WHICH IS DYED PURSUANT TO FEDERAL REGULATIONS ISSUED
UNDER SECTION 4082 OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC
LAW 99-514, 26 U.S.C. § 4082) OR WHICH IS A DYED FUEL FOR
PURPOSES OF SECTION 6715 OF THE INTERNAL REVENUE CODE OF 1986

"E85." FUEL ETHANOL CONFORMING TO ASTM D5798-11 STANDARDS,
AS AMENDED, OR SUCCESSOR STANDARDS.
"ELECTRIC VEHICLE." THE TERM INCLUDES ELECTRIC VEHICLES AND
HYBRID ELECTRIC VEHICLES.

"ELECTRIC VEHICLE ROAD FEE." THE ANNUAL FEE IMPOSED UNDER
SUBCHAPTER C (RELATING TO ELECTRIC VEHICLE ROAD FEE), IN PLACE
OF A MOTOR FUEL TAX ASSESSED UPON ELECTRICITY USED IN HIGHWAY
VEHICLES.

"EXEMPT ENTITY." A PERSON EXEMPT UNDER SECTION 9004(E)
(RELATING TO IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS) FROM
REPORTING AND PAYING A MOTOR FUELS TAX.

"EXPORT." ACCOUNTABLE LIQUID FUELS OR FUELS DELIVERED OUT OF
STATE BY OR FOR THE SELLER CONSTITUTES AN EXPORT BY THE SELLER.
ACCOUNTABLE LIQUID FUELS OR FUELS DELIVERED OUT OF STATE BY OR
FOR THE PURCHASER CONSTITUTES AN EXPORT BY THE PURCHASER.

"FUELS." INCLUDES DIESEL FUEL AND ALL COMBUSTIBLE GASES AND
LIQUIDS USED FOR THE GENERATION OF POWER IN AIRCRAFT OR AIRCRAFT
ENGINES OR USED IN AN INTERNAL COMBUSTION ENGINE FOR THE
GENERATION OF POWER TO PROPEL VEHICLES ON THE PUBLIC HIGHWAYS.
THE TERM DOES NOT INCLUDE LIQUID FUELS OR DYED DIESEL FUEL.

"GALLON EQUIVALENT BASIS." THE AMOUNT OF ANY ALTERNATIVE
FUEL AS DETERMINED BY THE DEPARTMENT TO [CONTAIN 114,500 BTU'S]
EQUAL THE ENERGY CONTENT OF ONE GALLON OF LIQUID FUELS OR FUELS.
The rate of tax on the amount of each alternative fuel as
determined by the department under the previous sentence shall
be the current liquid fuels tax and oil company franchise tax
applicable to one gallon of gasoline.

"GASOLINE GALLON EQUIVALENT" OR "GGE." THE AMOUNT OF
ALTERNATIVE FUEL IT TAKES TO EQUAL THE ENERGY CONTENT OF ONE
GALLON OF GASOLINE.

"HIGHWAY." EVERY WAY OR PLACE OPEN TO THE USE OF THE PUBLIC,
AS A MATTER OF RIGHT, FOR PURPOSES OF VEHICULAR TRAVEL.
"IMPORT." ACCOUNTABLE [LIQUID] MOTOR FUELS OR FUELS DELIVERED INTO THIS COMMONWEALTH FROM OUT OF STATE BY OR FOR THE SELLER CONSTITUTES AN IMPORT BY THE SELLER. ACCOUNTABLE [LIQUID] MOTOR FUELS OR FUELS DELIVERED INTO THIS COMMONWEALTH FROM OUT OF STATE BY OR FOR THE PURCHASER CONSTITUTES AN IMPORT BY THE PURCHASER.

"LIQUID FUELS." ALL PRODUCTS DERIVED FROM PETROLEUM, NATURAL GAS, COAL, COAL TAR, VEGETABLE FERMENTS AND OTHER OILS. THE TERM INCLUDES GASOLINE, NAPHTHA, BENZOL, BENZINE OR ALCOHOLS, EITHER ALONE OR WHEN BLENDED OR COMPOUNDED, WHICH ARE PRACTICALLY AND COMMERCIALLY SUITABLE FOR USE IN INTERNAL COMBUSTION ENGINES FOR THE GENERATION OF POWER OR WHICH ARE PREPARED, ADVERTISED, OFFERED FOR SALE OR SOLD FOR USE FOR THAT PURPOSE. THE TERM DOES NOT INCLUDE KEROSENE, FUEL OIL, GAS OIL, E85, GASOLINE-ALCOHOL MIXTURES OTHER THAN E85 CONTAINING GREATER THAN 85% ALCOHOL BY VOLUME, DIESEL FUEL, TRACTOR FUEL BY WHATEVER TRADE NAME OR TECHNICAL NAME KNOWN HAVING AN INITIAL BOILING POINT OF NOT LESS THAN 200 DEGREES FAHRENHEIT AND OF WHICH NOT MORE THAN 95% HAS BEEN RECOVERED AT 464 DEGREES FAHRENHEIT (ASTM METHOD D-86), LIQUIFIED GASES WHICH WOULD NOT EXIST AS LIQUIDS AT A TEMPERATURE OF 60 DEGREES FAHRENHEIT AND PRESSURE OF 14.7 POUNDS PER SQUARE INCH ABSOLUTE OR NAPHTHAS AND BENZOLS AND SOLVENTS SOLD FOR USE FOR INDUSTRIAL PURPOSES.

"MAGISTRATE." AN OFFICER OF THE MINOR JUDICARY. THE TERM INCLUDES A MAGISTERIAL DISTRICT JUDGE.

"MAJOR VEHICLE CLASS." THE TERM INCLUDES PASSENGER VEHICLES, LIGHT DUTY TRUCKS AND ANY OTHER CLASS AS DEFINED BY THE CAFE STANDARDS.

"MASS TRANSPORTATION SYSTEMS." PERSONS SUBJECT TO THE JURISDICTION OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION AND
MUNICIPALITY AUTHORITIES THAT TRANSPORT PERSONS ON SCHEDULE OVER FIXED ROUTES AND DERIVE 90% OF THEIR INTRASTATE SCHEDULED REVENUE FROM SCHEDULED OPERATIONS WITHIN THE COUNTY IN WHICH THEY HAVE THEIR PRINCIPAL PLACE OF BUSINESS OR WITH CONTIGUOUS COUNTIES.

"MOTOR FUELS." INCLUDES LIQUID FUELS, FUELS, ALTERNATIVE FUELS, AVIATION GASOLINE AND JET FUELS.

"MOTOR FUELS TAX." ANY OF THE FOLLOWING TAXES IMPOSED UNDER SECTION 9004 (RELATING TO IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS):

(1) THE LIQUID FUELS TAX.
(2) THE OIL COMPANY FRANCHISE TAX.
(3) THE AVIATION GASOLINE AND JET FUEL TAXES.
(4) THE ALTERNATIVE FUELS TAX.

"MOTOR FUELS TAX EXEMPTION CERTIFICATE." A CERTIFICATE ISSUED BY THE DEPARTMENT OF REVENUE TO A PERSON REQUESTING EXEMPTION FROM MOTOR FUELS TAXES ACCORDING TO THE EXEMPTION PROVISIONS UNDER SECTION 9004(E) (RELATING TO IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS).

"NONHIGHWAY APPLICATIONS." THE USE OF FUELS OR ALTERNATIVE FUELS FOR PURPOSES NOT RELATED TO PROPULSION OF A VEHICLE ON THE PUBLIC HIGHWAYS OF THIS COMMONWEALTH.

"NONPUBLIC SCHOOLS NOT OPERATED FOR PROFIT." A SCHOOL, OTHER THAN A PUBLIC SCHOOL, WITHIN THIS COMMONWEALTH WHEREIN A RESIDENT OF THIS COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS OF THE LAWS OF THIS COMMONWEALTH, AND IN THE OPERATION OF WHICH THERE IS NO CONTRIBUTION OF PECUNIARY GAIN OR PROFIT, NO DIVIDENDS OR DISTRIBUTION OR INCOME TO ITS OWNERS, OFFICERS OR DIRECTORS AND NO INCIDENTAL PROFITS ARE DISTRIBUTED TO ITS OWNER. THE TERM DOES NOT INCLUDE
INSTITUTIONS OF HIGHER LEARNING.

"PERMIT." A LIQUID FUELS PERMIT [OR A] FUELS PERMIT OR ALTERNATIVE FUELS PERMIT. THE TERM INCLUDES A BLENDER PERMIT.

"PERSON." [EVERY NATURAL PERSON, ASSOCIATION OR CORPORATION.] ANY INDIVIDUAL, FIRM, COOPERATIVE, ASSOCIATION, CORPORATION, LIMITED LIABILITY CORPORATION, TRUST, BUSINESS TRUST, SYNDICATE, PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, JOINT VENTURE, RECEIVER, TRUSTEE IN BANKRUPTCY, CLUB SOCIETY OR OTHER GROUP OR COMBINATION ACTING AS A UNIT. THE TERM INCLUDES A PUBLIC BODY, INCLUDING, BUT NOT LIMITED TO, THE COMMONWEALTH, ANY OTHER STATE, AN AGENCY, COMMISSION, INSTITUTION, POLITICAL SUBDIVISION OR INSTRUMENTALITY OF THE COMMONWEALTH OR ANY OTHER STATE. WHENEVER USED IN ANY PROVISION PRESCRIBING AND IMPOSING A FINE OR IMPRISONMENT, THE TERM AS APPLIED TO ASSOCIATIONS MEANS THE PARTNERS OR MEMBERS AND AS APPLIED TO CORPORATIONS MEANS THE OFFICERS THEREOF.

"POLITICAL SUBDIVISION." A COUNTY, CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP, SCHOOL DISTRICT, VOCATIONAL SCHOOL DISTRICT OR COUNTY INSTITUTION DISTRICT. FOR EXEMPTION PURPOSES, THE TERM INCLUDES:

(1) AUTHORITIES FORMED UNDER ENABLING LEGISLATION.

(2) INSTRUMENTALITIES OR AGENCIES OF THE COMMONWEALTH,

UNLESS OTHERWISE PROVIDED.

"REGISTERED DISTRIBUTOR." A DISTRIBUTOR HOLDING A PERMIT ISSUED BY THE COMMONWEALTH UNDER THE PROVISIONS OF THIS CHAPTER.

"SALE" AND "SALE AND DELIVERY." INCLUDES THE INVOICING OR BILLING OF [LIQUID FUELS OR FUELS] MOTOR FUELS FREE OF TAX AS PROVIDED IN SECTION 9005 (RELATING TO TAXPAYER) FROM ONE DISTRIBUTOR TO ANOTHER REGARDLESS OF WHETHER THE PURCHASING DISTRIBUTOR IS AN ACCOMMODATION PARTY FOR PURPOSES OF TAKING

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TITLE OR TAKES ACTUAL PHYSICAL POSSESSION OF THE [LIQUID FUELS OR FUELS] MOTOR FUELS.

"SECRETARY." THE SECRETARY OF REVENUE OF THE COMMONWEALTH.

"TERMINAL TRANSFER SYSTEM." THE MOTOR FUELS DISTRIBUTION SYSTEM CONSISTING OF REFINERIES, PIPELINES, MARINE VESSELS AND TERMINALS.

"USE." INCLUDES ANY OF THE FOLLOWING:

(1) THE IMPORTATION INTO THIS COMMONWEALTH OF MOTOR FUELS FOR THE SUPPLY TANKS OR OTHER FUELING RECEPTACLES OR DEVICES OF A MOTOR VEHICLE IN EXCESS OF 50 GALLONS.

(2) THE DELIVERY OR PLACING OF MOTOR FUELS INTO THE FUEL SUPPLY TANKS OR OTHER FUELING RECEPTACLES OR DEVICES OF AN AIRCRAFT OR AIRCRAFT ENGINE OR OF A MOTOR VEHICLE IN THIS COMMONWEALTH FOR USE IN A COMBUSTION ENGINE OR DIESEL ENGINE.

"VEHICLE AVERAGE MILES DRIVEN." THE AVERAGE NUMBER OF MILES DRIVEN BY A PARTICULAR VEHICLE TYPE, AS DETERMINED BY THE FEDERAL HIGHWAY ADMINISTRATION.

"VOLUNTEER AMBULANCE SERVICE." ANY NONPROFIT CHARTERED CORPORATION, ASSOCIATION OR ORGANIZATION LOCATED IN THIS COMMONWEALTH WHICH IS REGULARLY ENGAGED IN THE SERVICE OF PROVIDING EMERGENCY MEDICAL CARE AND TRANSPORTATION OF PATIENTS.

"VOLUNTEER FIRE COMPANY." ANY NONPROFIT CHARTERED CORPORATION, ASSOCIATION OR ORGANIZATION LOCATED IN THIS COMMONWEALTH WHICH PROVIDES FIRE PROTECTION SERVICES AND OTHER VOLUNTARY EMERGENCY SERVICES WITHIN THIS COMMONWEALTH, WHICH MAY INCLUDE VOLUNTARY AMBULANCE SERVICES AND VOLUNTARY RESCUE SERVICES.

"VOLUNTEER RESCUE SERVICE." ANY NONPROFIT CHARtered CORPORATION, ASSOCIATION OR ORGANIZATION LOCATED IN THIS COMMONWEALTH WHICH PROVIDES RESCUE SERVICES IN THIS
COMMONWEALTH.

"VOLUNTEER SERVICES." INCLUDES VOLUNTEER AMBULANCE SERVICES, VOLUNTEER FIRE COMPANIES AND VOLUNTEER RESCUE SERVICES.

SECTION 26.1. CHAPTER 90 OF TITLE 75 IS AMENDED BY ADDING A SUBCHAPTER HEADING TO READ:

SUBCHAPTER B

LIQUID FUELS AND FUELS TAX

SECTION 26.2. SECTIONS 9003(A), (B), (D) AND (G) AND 9004(A), (B), (D), (E), (G) AND (H) OF TITLE 75 ARE AMENDED AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO READ:

§ 9003. LIQUID FUELS AND FUELS PERMITS; BOND OR DEPOSIT OF SECURITIES.

(A) PERMIT REQUIRED; VIOLATION.--A DISTRIBUTOR MAY NOT ENGAGE IN THE USE OR SALE AND DELIVERY OF LIQUID FUELS WITHIN THIS COMMONWEALTH WITHOUT A LIQUID FUELS PERMIT [OR] ENGAGE IN THE USE OR SALE AND DELIVERY OF FUELS WITHIN THIS COMMONWEALTH WITHOUT A FUELS PERMIT OR ENGAGE IN THE USE OR SALE AND DELIVERY OF ALTERNATIVE FUELS WITHIN THIS COMMONWEALTH WITHOUT AN ALTERNATIVE FUELS PERMIT. EACH DAY IN WHICH A DISTRIBUTOR ENGAGES IN THE USE OR SALE AND DELIVERY OF LIQUID FUELS WITHIN THIS COMMONWEALTH WITHOUT A LIQUID FUELS PERMIT [OR] FUELS WITHOUT A FUELS PERMIT OR ALTERNATIVE FUELS WITHOUT AN ALTERNATIVE FUELS PERMIT SHALL CONSTITUTE A SEPARATE OFFENSE. FOR EACH SUCH OFFENSE, THE DISTRIBUTOR COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

(A.1) SPECIAL PERMIT FOR BLENDERS.--DISTRIBUTORS WHO PURCHASE ANY LIQUID FUELS, FUELS OR ALTERNATIVE FUELS SUBJECT TO TAX UNDER THIS CHAPTER FOR USE IN THE BLENDING OF LIQUID FUELS OR ALTERNATIVE FUELS SHALL OBTAIN A BLENDER PERMIT FROM THE DEPARTMENT. A DISTRIBUTOR HOLDING A BLENDER'S PERMIT MAY
PURCHASE MOTOR FUELS TAX FREE FROM OTHER DISTRIBUTORS HOLDING A
PERMIT WHEN THE MOTOR FUELS ARE PURCHASED FOR USE EXCLUSIVELY IN
BLENDING. BLENDERS SHALL ACCOUNT SEPARATELY FOR ALL PURCHASES OF
MOTOR FUELS USED IN BLENDING. THE DEPARTMENT MAY PRESCRIBE THE
FORM OF SUCH NECESSARY INFORMATION.

(A.2) PROHIBITIONS.--THE FOLLOWING SHALL APPLY:

(1) A SUSPENDED, REVOKED OR CANCELED PERMIT IS NOT A
VALID PERMIT AND MAY NOT BE USED TO MAKE TAX-FREE SALES,
DELIVERIES OR PURCHASES OF MOTOR VEHICLES SPECIFICALLY LISTED
ON THE PERMIT.

(2) AN EXEMPT ENTITY MAY NOT APPLY FOR A MOTOR FUELS
PERMIT AND MAY NOT RESELL MOTOR FUELS.

(B) APPLICATION.--A PERSON DESIRING TO OPERATE AS A
DISTRIBUTOR SHALL FILE AN APPLICATION FOR [A LIQUID FUELS PERMIT
OR A FUELS PERMIT, OR BOTH,] AN ALTERNATIVE FUELS PERMIT, A
LIQUID FUELS PERMIT OR A FUELS PERMIT WITH THE DEPARTMENT. A
DISTRIBUTOR MAY APPLY FOR MORE THAN ONE CLASS OF PERMIT. THE
APPLICATION FOR A PERMIT MUST BE MADE UPON A FORM PRESCRIBED BY
THE DEPARTMENT AND MUST SET FORTH THE NAME UNDER WHICH THE
APPLICANT TRANSACTS OR INTENDS TO TRANSACT BUSINESS, THE
LOCATION OF THE PLACE OF BUSINESS WITHIN THIS COMMONWEALTH AND
SUCH OTHER INFORMATION AS THE DEPARTMENT MAY REQUIRE. THE
DEPARTMENT MAY, BY WRITTEN NOTICE, REQUIRE ANY APPLICANT TO
FURNISH A FINANCIAL STATEMENT IN SUCH FORM AS IT MAY PRESCRIBE.
THE DEPARTMENT MAY CHARGE AN ADMINISTRATIVE APPLICATION FEE FOR
EACH PERMIT. IF THE APPLICANT HAS OR INTENDS TO HAVE MORE THAN
ONE PLACE OF BUSINESS WITHIN THIS COMMONWEALTH, THE APPLICATION
SHALL STATE THE LOCATION OF EACH PLACE OF BUSINESS. IF THE
APPLICANT IS AN ASSOCIATION, THE APPLICATION SHALL SET FORTH THE
NAMES AND ADDRESSES OF THE PERSONS CONSTITUTING THE ASSOCIATION.
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IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL SET
FORTH THE NAMES AND ADDRESSES OF THE PRINCIPAL OFFICERS OF THE
CORPORATION AND ANY OTHER INFORMATION PRESCRIBED BY THE
DEPARTMENT FOR PURPOSES OF IDENTIFICATION. THE APPLICATION SHALL
BE SIGNED AND VERIFIED BY OATH OR AFFIRMATION BY:
(1) THE OWNER, IF THE APPLICANT IS AN INDIVIDUAL;
(2) A MEMBER OR PARTNER, IF THE APPLICANT IS AN
ASSOCIATION; OR
(3) AN OFFICER OR AN INDIVIDUAL AUTHORIZED IN A WRITING
ATTACHED TO THE APPLICATION, IF THE APPLICANT IS A
CORPORATION.

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(C.1) PERMIT CLASS.--THE DEPARTMENT MAY ESTABLISH CLASSES OF
DISTRIBUTORS. EACH CLASS MAY HAVE SPECIAL BONDING REQUIREMENTS.

(D) SURETY BOND.--A PERMIT SHALL NOT BE GRANTED UNTIL THE
APPLICANT HAS FILED WITH THE DEPARTMENT A SURETY BOND PAYABLE TO
THE COMMONWEALTH IN AN AMOUNT FIXED BY THE DEPARTMENT OF AT
LEAST $2,500. EVERY BOND MUST HAVE AS SURETY AN AUTHORIZED
SURETY COMPANY APPROVED BY THE DEPARTMENT. THE BOND MUST STATE
 THAT THE DISTRIBUTOR WILL FAITHFULLY COMPLY WITH THE PROVISIONS
OF THIS CHAPTER DURING THE EFFECTIVE PERIOD OF HIS PERMIT. THE
DEPARTMENT MAY REQUIRE ANY DISTRIBUTOR TO FURNISH SUCH
ADDITIONAL, ACCEPTABLE CORPORATE SURETY BOND AS NECESSARY TO
SECURE AT ALL TIMES THE PAYMENT TO THE COMMONWEALTH OF ALL
TAXES, PENALTIES AND INTEREST DUE UNDER THE PROVISIONS OF THIS
CHAPTER AND SECTION 9502 (RELATING TO IMPOSITION OF TAX). THE
DEPARTMENT MAY SET A DISTRIBUTOR'S BOND AMOUNT IN A MANNER
SUFFICIENT TO PROTECT THE REVENUES OF THE COMMONWEALTH. IF A
DISTRIBUTOR FAILS TO FILE THE ADDITIONAL BOND WITHIN TEN DAYS
AFTER WRITTEN NOTICE FROM THE DEPARTMENT, THE DEPARTMENT MAY
SUSPEND OR REVOKE THE PERMIT AND COLLECT ALL TAXES, PENALTIES
AND INTEREST DUE. FOR THE PURPOSE OF DETERMINING WHETHER AN
EXISTING BOND IS SUFFICIENT, THE DEPARTMENT MAY BY WRITTEN
NOTICE REQUIRE A DISTRIBUTOR TO FURNISH A FINANCIAL STATEMENT IN
SUCH FORM AS IT MAY PRESCRIBE. UPON FAILURE OF ANY DISTRIBUTOR
TO FURNISH A FINANCIAL STATEMENT WITHIN 30 DAYS OF WRITTEN
NOTICE, THE DEPARTMENT MAY SUSPEND OR REVOKE THE PERMIT AND
SHALL COLLECT ALL TAXES, PENALTIES AND INTEREST DUE BY HIM.

* * *

(G) INTERSTATE OR FOREIGN COMMERCE.--NOTHING CONTAINED IN
THIS CHAPTER SHALL REQUIRE THE FILING OF ANY APPLICATION OR BOND
OR THE POSSESSION AND DISPLAY OF A [LIQUID] MOTOR FUELS PERMIT
FOR THE USE OR SALE AND DELIVERY OF [LIQUID] MOTOR FUELS IN
INTERSTATE OR FOREIGN COMMERCE NOT WITHIN THE TAXING POWER OF
THE COMMONWEALTH OR FOR THE USE OF LIQUID FUELS BY THE FEDERAL
GOVERNMENT.

* * *

(J) TAX COMPLIANCE.--NO DISTRIBUTOR MAY BE ISSUED A MOTOR
FUELS PERMIT UNDER THIS CHAPTER UNLESS THE DISTRIBUTOR IS IN
FULL COMPLIANCE WITH ALL OTHER STATE TAXES ADMINISTERED BY THE
DEPARTMENT.

§ 9004. IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS.

(A) LIQUID FUELS AND FUELS TAX.--A PERMANENT STATE TAX OF
12¢ A GALLON OR FRACTIONAL PART THEREOF IS IMPOSED AND ASSESSED
UPON ALL [LIQUID FUELS AND] MOTOR FUELS USED OR SOLD AND
DELIVERED BY DISTRIBUTORS WITHIN THIS COMMONWEALTH.

(B) OIL COMPANY FRANCHISE TAX FOR HIGHWAY MAINTENANCE AND
CONSTRUCTION.--IN ADDITION TO THE TAX IMPOSED BY SUBSECTION (A),
THE TAX IMPOSED BY CHAPTER 95 (RELATING TO TAXES FOR HIGHWAY
MAINTENANCE AND CONSTRUCTION) SHALL ALSO BE IMPOSED AND

* * *

(D) ALTERNATIVE FUELS TAX.--

(1) A TAX IS HEREBY IMPOSED UPON ALTERNATIVE FUELS USED TO PROPEL VEHICLES OF ANY KIND OR CHARACTER ON THE PUBLIC HIGHWAYS. THE RATE OF TAX APPLICABLE TO EACH ALTERNATIVE FUEL SHALL BE COMPUTED BY THE DEPARTMENT ON A GALLON EQUIVALENT BASIS AND SHALL BE PUBLISHED AS NECESSARY BY NOTICE IN THE PENNSYLVANIA BULLETIN. THE TAX IMPOSED SHALL APPLY TO THE ENTIRE AMOUNT OF FUEL USED OR SOLD AND DELIVERED. THE DEPARTMENT SHALL STATE SEPARATELY BOTH THE LIQUID FUELS TAX AND THE OIL COMPANY FRANCHISE TAX APPLICABLE TO EACH ALTERNATIVE FUEL.

(2) THE TAX IMPOSED IN THIS SECTION UPON ALTERNATIVE FUELS SHALL BE REPORTED AND PAID TO THE DEPARTMENT BY EACH ALTERNATIVE FUEL [ DEALER-USER RATHER THAN BY DISTRIBUTORS UNDER THIS CHAPTER SIMILAR TO THE MANNER IN WHICH DISTRIBUTORS ARE REQUIRED TO REPORT AND PAY THE TAX ON LIQUID FUELS AND FUELS, AND THE LICENSING AND BONDING PROVISIONS OF THIS CHAPTER SHALL BE APPLICABLE TO ALTERNATIVE FUEL DEALER-USERS. THE DEPARTMENT MAY PERMIT ALTERNATIVE FUEL DEALER-USERS TO REPORT THE TAX DUE FOR REPORTING PERIODS GREATER THAN ONE MONTH UP TO AN ANNUAL BASIS PROVIDED THE TAX IS PREPAID ON THE ESTIMATED AMOUNT OF ALTERNATIVE FUEL TO BE USED IN SUCH EXTENDED PERIOD. THE BONDING REQUIREMENTS MAY BE WAIVED BY THE DEPARTMENT WHERE THE TAX HAS BEEN PREPAID.]

DISTRIBUTOR HOLDING A PERMIT WHEN:

(I) SOLD TO A PERSON FOR THE PERSON'S USE IN THE 20130SB0001PN1308 - 225 -
PROPULSION OF A MOTOR VEHICLE ON THE PUBLIC HIGHWAYS OF THIS COMMONWEALTH; OR

(II) A PERSON USES ALTERNATIVE FUELS SUBJECT TO TAX UNDER PARAGRAPH (1) FOR WHICH THE ALTERNATIVE FUELS TAX HAS NEVER BEEN PAID.

(3) THE FOLLOWING SHALL APPLY TO THE REPORTING AND PAYMENT OF THE ALTERNATIVE FUELS TAX BY A DISTRIBUTOR:

(I) ONLY DISTRIBUTORS HOLDING AN ALTERNATIVE FUELS DISTRIBUTOR PERMIT ISSUED BY THE DEPARTMENT MAY REPORT AND PAY THE ALTERNATIVE FUELS TAX TO THE COMMONWEALTH.

(II) ALTERNATIVE FUELS TAX MUST BE REPORTED AND PAID TO THE DEPARTMENT IN THE SAME FASHION AS REQUIRED FOR LIQUID FUELS AND FUELS. THE TAX IMPOSED UNDER PARAGRAPH (2) SHALL BE COLLECTED BY THE DISTRIBUTOR AND SHALL BE BORNE BY THE CONSUMER.

(III) THE DEPARTMENT MAY PERMIT ALTERNATIVE FUELS DISTRIBUTORS TO REPORT THE TAX DUE FOR REPORTING PERIODS ON AN ANNUAL BASIS PROVIDED THE TAX IS PREPAID ON THE ESTIMATED AMOUNT OF ALTERNATIVE FUELS TO BE USED IN SUCH EXTENDED PERIOD. THE BONDING REQUIREMENTS MAY BE WAIVED BY THE DEPARTMENT WHERE THE TAX HAS BEEN PREPAID.

(4) A PURCHASER OF ALTERNATIVE FUELS WHO HAS PAID THE ALTERNATIVE FUELS TAX MAY REQUEST A REFUND OF THE TAX, IF ELIGIBLE, IN ACCORDANCE WITH THE REFUND QUALIFICATIONS FOR LIQUID FUELS AND FUELS UNDER SECTION 9017 (RELATING TO REFUNDS).

(5) AN EXEMPT ENTITY WHO USES ALTERNATIVE FUELS IN ACCORDANCE WITH SUBSECTIONS (E.1) AND (L) MAY APPLY FOR REFUNDS OF ALTERNATIVE FUELS TAX PAID ON THE ALTERNATIVE FUELS.
(6) ALTERNATIVE FUELS DISTRIBUTORS SHALL FOLLOW ALL
PROVISIONS OF THIS CHAPTER APPLYING TO LIQUID FUELS AND FUELS
DISTRIBUTORS, EXCEPT WHEN SUCH PROVISIONS ARE IN CONFLICT OR
OTHERWISE INCONSISTENT WITH THE SPECIFIC ALTERNATIVE FUELS
DISTRIBUTOR PROVISIONS OF THIS SUBSECTION, IN WHICH CASE THE
PROVISIONS OF THIS SUBSECTION SHALL CONTROL.

(E) EXCEPTIONS.--THE TAX IMPOSED UNDER SUBSECTIONS (A), (B),
(C) AND (D) SHALL NOT APPLY TO LIQUID FUELS, FUELS OR
ALTERNATIVE FUELS:

(1) DELIVERED TO THE FEDERAL GOVERNMENT ON PRESENTATION
OF AN AUTHORIZED FEDERAL GOVERNMENT EXEMPTION CERTIFICATE OR
OTHER EVIDENCE SATISFACTORY TO THE DEPARTMENT.

(2) USED OR SOLD AND DELIVERED WHICH ARE NOT WITHIN THE
TAXING POWER OF THE COMMONWEALTH UNDER THE COMMERCE CLAUSE OF
THE CONSTITUTION OF THE UNITED STATES.

(3) USED AS FUEL IN AIRCRAFT OR AIRCRAFT ENGINES, EXCEPT
FOR THE TAX IMPOSED UNDER SUBSECTION (C).

(4) DELIVERED TO THIS COMMONWEALTH, A POLITICAL
SUBDIVISION, A VOLUNTEER FIRE COMPANY, A VOLUNTEER AMBULANCE
SERVICE, A VOLUNTEER RESCUE SQUAD, A SECOND CLASS COUNTY PORT
AUTHORITY OR A NONPUBLIC SCHOOL NOT OPERATED FOR PROFIT ON
PRESENTATION OF EVIDENCE SATISFACTORY TO THE DEPARTMENT.

(5) USED IN SCHOOL BUSES FOR THE EXCLUSIVE PURPOSE OF
TRANSPORTING STUDENTS IN GRADES K THROUGH 12 FOR OFFICIAL
SCHOOL PURPOSES, SUBJECT TO ALL OF THE FOLLOWING:

(I) SCHOOL DISTRICTS ARE EXEMPT FROM THE TAX ON
MOTOR FUELS, BUT MAY NOT ASSIGN THAT EXEMPTION TO A
SCHOOL BUS CONTRACTOR.

(II) A SCHOOL DISTRICT MAY APPLY TO THE BOARD OF
FINANCE AND REVENUE FOR REFUNDS OF TAXES PAID BY THE
SCHOOL DISTRICT'S SCHOOL BUS CONTRACTORS WHO PURCHASED
TAX-PAID MOTOR FUELS FOR USE IN TRANSPORTING STUDENTS FOR
OFFICIAL SCHOOL PURPOSES.

(III) SCHOOL BUS CONTRACTORS MAY FUEL FROM A SCHOOL
DISTRICT'S TAX-FREE BULK STORAGE FOR THE SOLE PURPOSE OF
TRANSPORTING STUDENTS UNDER A CONTRACT.

(6) SOLD TO A VOLUNTEER SERVICE, PROVIDED THAT THE
VOLUNTEER SERVICE COMPLIES WITH THE FOLLOWING:

(I) THE MOTOR FUELS SHALL BE PURCHASED FROM A
REGISTERED DISTRIBUTOR, AND THE MOTOR FUELS SHALL BE
PLACED IN BULK STORAGE FACILITIES ON LAND OWNED OR
LEASED, WITH FULL CONTROL THEREOVER, BY THE VOLUNTEER
SERVICE. THE PURCHASER SHALL FURNISH A MOTOR FUELS TAX
EXEMPTION CERTIFICATE ISSUED BY THE DEPARTMENT TO THE
REGISTERED DISTRIBUTOR CERTIFYING THAT IT IS A VOLUNTEER
SERVICE AND THE FUEL WILL BE USED SOLELY FOR
FIREFIGHTING, EMERGENCY MEDICAL OR RESCUE PURPOSES AND
ONLY IN OFFICIAL EQUIPMENT OWNED BY THE THE VOLUNTEER
SERVICE.

(II) IF A VOLUNTEER SERVICE PURCHASES MOTOR FUELS
FROM A DEALER OR A NONREGISTERED COMMONWEALTH DISTRIBUTOR
AND PAYS THE FULL PRICE FOR THE FUELS, INCLUDING THE TAX,
AND IF THE VOLUNTEER SERVICE USES THE MOTOR FUELS SOLELY
FOR FIREFIGHTING, EMERGENCY MEDICAL OR RESCUE PURPOSES
AND ONLY IN EQUIPMENT PURCHASED BY IT, THE VOLUNTEER
SERVICE MAY REQUEST A REFUND OF THE TAX PAID BY APPLYING
TO THE BOARD OF FINANCE AND REVENUE ON FORMS SUPPLIED BY
THE BOARD OF FINANCE AND REVENUE.

(E.1) USE OF MOTOR FUELS BY EXEMPT ENTITIES.--THE FOLLOWING
SHALL APPLY:
(1) AN EXEMPT ENTITY MAY ONLY USE MOTOR FUELS FOR ITS OFFICIAL BUSINESS PURPOSES. THE EXEMPT ENTITY SHALL KEEP RECORDS OF PURCHASES AND DISBURSEMENTS OF MOTOR VEHICLES SUFFICIENT TO PROVE THE OFFICIAL BUSINESS USE OF THE MOTOR FUELS. SUCH RECORDKEEPING SHOULD BE SIMILAR TO THE REQUIREMENTS FOR DISTRIBUTOR AND DEALER RECORDKEEPING UNDER SECTION 9009 (RELATING TO RETENTION OF RECORDS BY DISTRIBUTORS AND DEALERS).

(2) AN EXEMPT ENTITY MAY NOT RESELL MOTOR FUELS.

(3) AN EXEMPT ENTITY THAT VIOLATES PARAGRAPH (1) OR (2) COMMITS A SUMMARY OFFENSE AND MAY BE ASSESSED TAX, INTEREST AND PENALTIES DUE ON ANY MOTOR FUELS IMPROPERLY USED OR RESOLD.

* * *

(G) DISTRIBUTORS TO PAY TAX.--MOTOR FUELS DISTRIBUTORS SHALL BE LIABLE TO THE COMMONWEALTH FOR THE COLLECTION AND PAYMENT OF THE TAX IMPOSED BY THIS CHAPTER. THE TAX IMPOSED BY THIS CHAPTER SHALL BE COLLECTED BY THE DISTRIBUTOR AT THE TIME THE LIQUID FUELS AND MOTOR FUELS ARE USED OR SOLD AND DELIVERED BY THE DISTRIBUTOR AND SHALL BE BORNE BY THE CONSUMER.

(H) LOSSES TO BE ALLOWED.--THE DEPARTMENT SHALL ALLOW FOR HANDLING AND STORAGE LOSSES OF LIQUID FUELS AND MOTOR FUELS THAT ARE SUBSTANTIATED TO THE SATISFACTION OF THE DEPARTMENT.

(I) LIABILITY FOR USE OF DYED DIESEL FUEL OR OTHER LIQUIDS NOT SUBJECT TO MOTOR FUELS TAXES.--THE FOLLOWING SHALL APPLY TO LIABILITY FOR THE TAX PROVIDED UNDER SUBSECTIONS (A) AND (B):

(1) THE TAX IMPOSED UNDER SECTION 9004(A) AND (B) (RELATING TO IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS) IS IMPOSED ON THE DELIVERY OR PLACING OF DYED DIESEL FUEL OR ANY
LIQUID NOT OTHERWISE SUBJECT TO TAX INTO THE FUEL SUPPLY TANKS OR OTHER FUELING RECEPTACLES OR DEVICES OF A MOTOR VEHICLE IN THIS COMMONWEALTH FOR USE, IN WHOLE OR IN PART, FOR THE GENERATION OF POWER TO PROPEL THE MOTOR VEHICLE ON THE PUBLIC HIGHWAYS OF THIS COMMONWEALTH.

(2) THE FOLLOWING SHALL APPLY TO PARTIES LIABLE UNDER THIS SUBSECTION:

(I) THE PERSON WHO CAUSES TO BE OPERATED OR THE OPERATOR OF A HIGHWAY VEHICLE INTO WHICH THE DYED DIESEL FUEL OR THE OTHER LIQUID IS DELIVERED SHALL BE LIABLE FOR THE TAX IMPOSED UNDER PARAGRAPH (1).

(II) THE SELLER OF THE DYED DIESEL FUEL OR OTHER LIQUID IS JOINTLY AND SEVERALLY LIABLE FOR THE TAX UNDER PARAGRAPH (1) IF THE SELLER KNOWS OR HAS REASON TO KNOW THAT THE DYED DIESEL FUEL OR OTHER LIQUID WILL NOT BE USED IN A NONTAXABLE USE.

(3) THE EXEMPTIONS PROVIDED UNDER SUBSECTION (E) SHALL APPLY TO THE TAX IMPOSED BY THIS SUBSECTION.

(J) BLENDING NOT SUBJECT TO TAX.--A DISTRIBUTOR HOLDING A BLENDING PERMIT WHO BLENDS MOTOR FUELS SHALL BE EXEMPT FROM THE PAYMENT OF THE TAX WHICH WOULD OTHERWISE BE IMPOSED UPON ANY MOTOR FUELS PURCHASED FROM REGISTERED DISTRIBUTORS AND USED EXCLUSIVELY FOR BLENDING. THE DEPARTMENT SHALL ESTABLISH NECESSARY RECORDKEEPING STANDARDS FOR BLENDERS.

(K) SALES WITHOUT PERMITS.--SALES OF MOTOR FUELS BETWEEN A REGISTERED DISTRIBUTOR AND ANY PERSON NOT HOLDING A PERMIT OF THE PROPER CLASS SHALL ALWAYS BE SUBJECT TO TAX, UNLESS THE SALES ARE ENTITLED TO AN EXEMPTION EXPRESSLY PROVIDED FOR UNDER THIS CHAPTER.

(L) EXEMPTION CERTIFICATES.--AN EXEMPT ENTITY MUST PROVIDE A
MOTOR FUELS TAX EXEMPTION CERTIFICATE PRESCRIBED BY THE
DEPARTMENT TO THE REGISTERED DISTRIBUTOR FROM WHOM THE EXEMPT
ENTITY PLANS TO PURCHASE TAX-FREE MOTOR FUELS.

(M) NONPERMITTED PERSONS ACTING AS PERMITTED DISTRIBUTORS.--

THE FOLLOWING SHALL APPLY:

(1) ANY PERSON NOT HOLDING A LIQUID FUELS, FUELS OR
ALTERNATIVE FUELS PERMIT WHO ENGAGES IN THE USE OR SALE AND
DELIVERY OF LIQUID FUELS, FUEL OR ALTERNATIVE FUELS UPON
WHICH THE TAX IMPOSED UNDER THIS CHAPTER HAS NOT BEEN
PREVIOUSLY PAID SHALL BE SUBJECT TO ALL RECORDKEEPING,
REPORTING AND PAYMENT PROVISIONS PROVIDED FOR PERMITTED
DISTRIBUTORS.

(2) A PERSON WHO DOES NOT HOLD THE PROPER CLASS OF
PERMIT TO ENGAGE IN THE TAX-FREE USE OR SALE AND DELIVERY OF
MOTOR FUELS WITH ANOTHER DISTRIBUTOR HOLDING THE PROPER CLASS
OF PERMIT SHALL PAY A SUM EQUIVALENT TO 20% OF THE MOTOR
FUELS TAX THAT WOULD OTHERWISE BE DUE. THIS PENALTY SHALL BE
IN ADDITION TO ANY OTHER APPLICABLE TAX, INTEREST OR PENALTY
PROVIDED FOR UNDER THIS CHAPTER. A PROPERLY PERMITTED
DISTRIBUTOR WHO KNOWINGLY ENGAGES IN THE TAX-FREE USE OR SALE
AND DELIVERY OF MOTOR FUELS WITH AN IMPROPERLY PERMITTED
DISTRIBUTOR SHALL ALSO PAY A SUM EQUIVALENT TO 20% OF THE
MOTOR FUELS TAX THAT WOULD OTHERWISE BE DUE. THIS PENALTY
SHALL BE IN ADDITION TO ANY OTHER APPLICABLE TAX, INTEREST OR
PENALTY PROVIDED FOR UNDER THIS CHAPTER. THE PENALTIES
IMPOSED BY THIS SUBSECTION SHALL NOT BE CONSIDERED PART OF A
TAX ASSESSMENT.

(3) A NONPERMITTED DISTRIBUTOR SHALL NOT BE ELIGIBLE FOR
ANY OF THE DISCOUNTS PROVIDED UNDER SECTION 9006(B)(RELATING
TO DISTRIBUTOR'S REPORT AND PAYMENT OF TAX).

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SECTION 26.3. SECTION 9005 OF TITLE 75 IS AMENDED TO READ:

§ 9005. TAXPAYER.

(A) DUTY OF DISTRIBUTOR.--EVERY DISTRIBUTOR USING OR DELIVERING [LIQUID FUELS AND] MOTOR FUELS UPON WHICH A TAX IS IMPOSED BY THIS CHAPTER SHALL PAY THE TAX INTO THE STATE TREASURY THROUGH THE DEPARTMENT.

(B) DELIVERY BETWEEN DISTRIBUTORS.--

(1) WHENEVER [LIQUID FUELS AND] MOTOR FUELS ARE DELIVERED WITHIN THIS COMMONWEALTH BY ONE DISTRIBUTOR TO ANOTHER DISTRIBUTOR HOLDING A PERMIT UNDER THIS CHAPTER, THE DISTRIBUTOR RECEIVING THE [LIQUID FUELS AND] MOTOR FUELS SHALL SEPARATELY SHOW, IN THAT DISTRIBUTOR'S MONTHLY REPORTS TO THE DEPARTMENT, ALL SUCH DELIVERIES FROM EACH DISTRIBUTOR AND SHALL PAY THE LIQUID FUELS AND FUELS TAX PROVIDED FOR BY THIS CHAPTER UPON ALL SUCH [LIQUID FUELS AND] MOTOR FUELS USED OR SOLD AND DELIVERED WITHIN THIS COMMONWEALTH.

(2) THE DISTRIBUTOR MAKING DELIVERIES UNDER PARAGRAPH (1) SHALL SEPARATELY SHOW THOSE DELIVERIES IN THAT DISTRIBUTOR'S MONTHLY REPORTS TO THE DEPARTMENT AND SHALL THEN BE EXEMPT FROM THE PAYMENT OF THE TAX WHICH WOULD OTHERWISE BE IMPOSED UPON THE [LIQUID FUELS AND] MOTOR FUELS SO DELIVERED. THIS EXEMPTION SHALL APPLY ONLY IF BOTH DISTRIBUTORS UNDER PARAGRAPH (1) HOLD VALID PERMITS OF A CLASS AUTHORIZING TAX-FREE USE OR SALE AND DELIVERY OF THE SAME SPECIFIC MOTOR FUELS.

(3) THE DISTRIBUTOR SHALL FURNISH TO THE DEPARTMENT SUCH INFORMATION CONCERNING SUCH DELIVERIES AS THE DEPARTMENT MAY REQUIRE.

(4) THE DEPARTMENT SHALL FURNISH TO ANY DISTRIBUTOR, UPON REQUEST, A LIST OF DISTRIBUTORS HOLDING PERMITS UNDER
THIS CHAPTER AND THEIR ADDRESSES.

(5) A DISTRIBUTOR HOLDING A PERMIT IS THE ONLY PERSON ENTITLED TO SELL MOTOR FUELS TAX FREE TO ANOTHER DISTRIBUTOR HOLDING A PERMIT OR TO AN EXEMPT ENTITY.

(6) BOTH THE SELLER AND THE BUYER OF ANY MOTOR FUELS SOLD UPON WHICH MOTOR FUELS TAX IS IMPOSED BUT NOT REPORTED AND PAID TO THE COMMONWEALTH SHALL BE JOINTLY AND SEVERALLY LIABLE FOR THE PAYMENT OF TAX DUE IF EITHER DISTRIBUTOR DOES NOT HOLD A VALID PERMIT OF THE CLASS NECESSARY TO MAKE A TAX-FREE SALE UNDER PARAGRAPHS (1) AND (2).


(D) PENALTY.--A PERSON WHO VIOLATES THIS SECTION COMMITS A SUMMARY OFFENSE.

SECTION 26.4. SECTION 9006(A) AND (D) OF TITLE 75 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

§ 9006. DISTRIBUTOR'S REPORT AND PAYMENT OF TAX.

(A) MONTHLY REPORT.--FOR THE PURPOSE OF ASCERTAINING THE AMOUNT OF TAX PAYABLE UNDER THIS CHAPTER, THE DISTRIBUTOR, ON OR BEFORE THE 20TH DAY OF EACH MONTH, SHALL TRANSMIT TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT A REPORT, UNDER OATH OR AFFIRMATION, OF THE [LIQUID FUELS AND] MOTOR FUELS USED OR DELIVERED BY THAT DISTRIBUTOR WITHIN THIS COMMONWEALTH DURING THE PRECEDING MONTH. THE REPORT SHALL SHOW THE NUMBER OF
GALLONS OR GGEs OF [LIQUID FUELS AND] MOTOR FUELS USED OR DELIVERED WITHIN THIS COMMONWEALTH DURING THE PERIOD FOR WHICH THAT REPORT IS MADE AND ANY FURTHER INFORMATION THAT THE DEPARTMENT PRESCRIBES. A DISTRIBUTOR HAVING MORE THAN ONE PLACE OF BUSINESS WITHIN THIS COMMONWEALTH SHALL COMBINE IN EACH REPORT THE USE OR DELIVERY OF [LIQUID FUELS AND] MOTOR FUELS AT ALL SUCH SEPARATE PLACES OF BUSINESS.

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(D) ADDITIONAL PENALTY.--IF A DISTRIBUTOR NEGLECTS OR REFUSES TO MAKE ANY REPORT [AND] OR PAYMENT AS REQUIRED, AN ADDITIONAL 10% OF THE AMOUNT OF THE TAX DUE OR $50, WHICHEVER IS GREATER, SHALL BE ADDED BY THE DEPARTMENT AND COLLECTED AS PROVIDED. IN ADDITION TO THE ADDED PENALTY, THE PERMIT OF THE DISTRIBUTOR MAY BE SUSPENDED OR REVOKED BY THE DEPARTMENT.

(E) METHOD OF FILING AND TIMELINESS.--THE FOLLOWING SHALL APPLY:

(1) UNLESS SPECIFICALLY OTHERWISE PROVIDED FOR BY LAW, ALL REPORTS, PAYMENTS AND PETITIONS MUST BE FILED ELECTRONICALLY WITH THE DEPARTMENT. UPON RECEIPT OF AN ELECTRONIC FILING BY THE DEPARTMENT, THE FILING IS DEEMED TO HAVE OCCURRED ON THE SPECIFIC DATE AND TIME INDICATED BY THE COMPUTERS OR SYSTEMS OF THE DEPARTMENT.

(2) THE FOLLOWING EXCEPTIONS SHALL APPLY:

(I) ELECTRONIC PAYMENT IS NOT REQUIRED FOR ANY PAYMENT AMOUNT LESS THAN $1,000.

(II) A DISTRIBUTOR MAY BE EXCUSED FROM ELECTRONIC FILING THAT IS OTHERWISE REQUIRED BY LAW UPON PRESENTATION TO THE DEPARTMENT OF EVIDENCE OF HARDSHIP IN FILING ELECTRONICALLY. THE EVIDENCE MUST BE PROVIDED TO AND ACCEPTED BY THE DEPARTMENT PRIOR TO THE DUE DATE FOR
THE REPORT, PAYMENT OR PETITION.

(III) ELECTRONIC FILING MAY NOT BE ACCEPTED BY THE DEPARTMENT FOR CERTAIN REQUIRED FILINGS UNDER THIS CHAPTER WHERE THE DEPARTMENT DOES NOT HAVE THE TECHNICAL CAPABILITY TO PROCESS SUCH AN ELECTRONIC FILING.

(3) WHENEVER A REPORT, PAYMENT OR PETITION IS REQUIRED BY LAW TO BE FILED WITH THE DEPARTMENT BY THE UNITED STATES POSTAL SERVICE, THE FOLLOWING APPLY:

(I) IF THE REPORT, PAYMENT OR PETITION MUST BE RECEIVED BY THE DEPARTMENT ON OR BEFORE A DAY CERTAIN, THE TAXPAYER SHALL BE DEEMED TO HAVE COMPLIED WITH THE LAW IF THE CORRECTLY ADDRESSED ENVELOPE TRANSMITTING THE REPORT, PAYMENT OR PETITION RECEIVED BY THE DEPARTMENT IS POSTMARKED BY UNITED STATES POSTAL SERVICE ON OR PRIOR TO THE FINAL DAY ON WHICH THE REPORT, PAYMENT OR PETITION IS REQUIRED TO BE RECEIVED.

(II) FOR PURPOSES OF THIS PARAGRAPH, PRESENTATION OF A RECEIPT FROM UNITED STATES POSTAL SERVICE INDICATING THAT THE CORRECTLY ADDRESSED ENVELOPE TRANSMITTING THE REPORT, PAYMENT OR PETITION RECEIVED BY THE DEPARTMENT WAS MAILED ON OR BEFORE THE DUE DATE SHALL BE EVIDENCE OF TIMELY FILING AND PAYMENT.

(III) THIS PARAGRAPH SHALL NOT APPLY TO ANY REPORT, PAYMENT OR PETITION THAT IS REQUIRED BY LAW TO BE DELIVERED BY ANY METHOD OTHER THAN MAILING.

(4) TO BE CONSIDERED TIMELY, BOTH A REPORT AND ANY PAYMENT DUE, IF APPLICABLE, INCLUDING ANY INTEREST OR PENALTY, MUST BE FILED BEFORE THE DUE DATE.

SECTION 26.5. SECTIONS 9007, 9008 AND 9009 OF TITLE 75 ARE AMENDED TO READ:

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§ 9007. [DETERMINATION AND REDETERMINATION] ASSESSMENT AND REASSESSMENT OF TAX, PENALTIES AND INTEREST DUE.

(A) [DETERMINATION] ASSESSMENT.--IF THE DEPARTMENT IS NOT SATISFIED WITH THE REPORT AND PAYMENT OF TAX MADE BY ANY DISTRIBUTOR UNDER THE PROVISIONS OF THIS CHAPTER, IT IS AUTHORIZED TO MAKE [A DETERMINATION] AN ASSESSMENT OF THE TAX DUE BY THE DISTRIBUTOR BASED UPON THE FACTS CONTAINED IN THE REPORT OR UPON ANY INFORMATION WITHIN ITS POSSESSION.


(C) ADMINISTRATIVE APPEAL.--[WITHIN 60 DAYS AFTER THE DATE OF MAILING OF NOTICE BY THE DEPARTMENT OF THE ACTION TAKEN ON ANY PETITION FOR REDETERMINATION FILED WITH IT, THE DISTRIBUTOR AGAINST WHOM THE DETERMINATION WAS MADE MAY BY PETITION REQUEST THE BOARD OF FINANCE AND REVENUE TO REVIEW THE ACTION. A PETITION FOR REVIEW MUST STATE SPECIFICALLY THE REASON UPON
WHICH THE PETITIONER RELIES OR MUST INCORPORATE BY REFERENCE THE 
PETITION FOR REDETERMINATION IN WHICH THE REASONS HAVE BEEN 
STATED. THE PETITION MUST BE SUPPORTED BY AFFIDAVIT THAT IT IS 
NOT MADE FOR THE PURPOSE OF DELAY AND THAT THE FACTS SET FORTH 
ARE TRUE. IF THE PETITIONER IS A CORPORATION OR ASSOCIATION, THE 
AFFIDAVIT MUST BE MADE BY ONE OF ITS PRINCIPAL OFFICERS. A 
PETITION FOR REVIEW MAY BE AMENDED BY THE PETITIONER AT ANY TIME 
PRIOR TO THE HEARING. THE BOARD SHALL ACT FINALLY IN DISPOSITION 
OF PETITIONS FILED WITH IT WITHIN SIX MONTHS AFTER THEY HAVE 
BEEN RECEIVED. IN THE EVENT OF THE FAILURE TO DISPOSE OF A 
PETITION WITHIN SIX MONTHS, THE ACTION TAKEN BY THE DEPARTMENT 
UPON THE PETITION FOR REDETERMINATION SHALL BE DEEMED SUSTAINED. 
THE BOARD MAY SUSTAIN THE ACTION TAKEN ON THE PETITION FOR 
REDETERMINATION OR IT MAY REDETERMINE THE TAX DUE UPON SUCH 
BASIS AS IT DEEMS ACCORDING TO LAW AND EQUITY. NOTICE OF THE 
ACTION OF THE BOARD SHALL BE GIVEN TO THE DEPARTMENT AND TO THE 
PETITIONER.) A PERSON DISSATISFIED WITH THE DECISION OF THE 
DEPARTMENT UNDER SUBSECTION (B) SHALL HAVE THE RIGHT TO PETITION 
FOR REVIEW BY THE BOARD OF FINANCE AND REVENUE IN ACCORDANCE 
WITH ARTICLE XXVII OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), 
(D) SANCTIONS.—IF A DISTRIBUTOR NEGLECTS OR REFUSES TO MAKE 
A REPORT [AND] OR PAYMENT OF TAX REQUIRED BY THIS CHAPTER, THE 
DEPARTMENT SHALL ESTIMATE THE TAX DUE BY SUCH DISTRIBUTOR AND 
[DETERMINE] ASSESS THE AMOUNT DUE FOR TAXES, PENALTIES AND 
INTEREST. THERE SHALL BE NO RIGHT OF REVIEW OR APPEAL FROM THIS 
[DETERMINATION] ASSESSMENT. UPON NEGLECT OR REFUSAL, PERMITS 
ISSUED TO THE DISTRIBUTOR MAY BE SUSPENDED OR REVOKED BY THE 
DEPARTMENT AND REQUIRED TO BE SURRENDERED TO THE DEPARTMENT.

§ 9008. EXAMINATION OF RECORDS AND EQUIPMENT.

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(A) GENERAL RULE.--THE DEPARTMENT OR ANY AGENT APPOINTED IN WRITING BY THE DEPARTMENT IS AUTHORIZED TO EXAMINE THE BOOKS, PAPERS, RECORDS, METERS, STORAGE TANKS AND CONTENTS, AND ANY OTHER EQUIPMENT OF ANY DISTRIBUTOR, DEALER OR ANY OTHER PERSON PERTAINING TO THE USE OR SALE AND DELIVERY OF LIQUID FUELS AND FUELS TAXABLE UNDER THIS CHAPTER TO VERIFY THE ACCURACY OF ANY REPORT OR PAYMENT MADE UNDER THE PROVISIONS OF THIS CHAPTER OR TO ASCERTAIN WHETHER OR NOT THE TAX IMPOSED BY THIS CHAPTER HAS BEEN PAID. ANY INFORMATION GAINED BY THE DEPARTMENT AS THE RESULT OF THE REPORTS, INVESTIGATIONS OR VERIFICATIONS REQUIRED TO BE MADE SHALL BE CONFIDENTIAL.

(B) PENALTY.--A PERSON DIVULGING CONFIDENTIAL INFORMATION UNDER SUBSECTION (A) COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

(C) CONSUMER PROTECTION.--NOTWITHSTANDING SUBSECTION (A) OR (B) OR SECTION 731 OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, ANY INCORRECT MOTOR FUEL COMPOSITION INFORMATION, INCLUDING OCTANE VALUES, DISCOVERED BY THE DEPARTMENT UPON EXAMINATION OF STORAGE TANK CONTENTS OR RELATED RECORDS MAY BE DISCLOSED TO THE ATTORNEY GENERAL'S OFFICE FOR INVESTIGATION.

(D) PUBLIC SAFETY.--NOTWITHSTANDING SUBSECTION (A) OR (B) OR SECTION 731 OF THE FISCAL CODE, ANY SUSPECTED VIOLATION THAT COULD POSE A THREAT TO PUBLIC SAFETY DISCOVERED BY THE DEPARTMENT DURING AN EXAMINATION AUTHORIZED BY THIS SECTION MAY BE DISCLOSED TO THE APPROPRIATE ENFORCEMENT AUTHORITY FOR INVESTIGATION.

§ 9009. RETENTION OF RECORDS BY DISTRIBUTORS AND DEALERS.

(A) RECORD RETENTION PERIOD.--

(1) THE DISTRIBUTOR AND DEALER SHALL MAINTAIN AND KEEP, FOR A PERIOD [OF TWO YEARS] CONSISTING OF THE CURRENT
CALENDAR YEAR PLUS THE PREVIOUS TWO YEARS, A RECORD OF
LIQUID FUELS AND MOTOR FUELS USED OR SOLD AND DELIVERED
WITHIN THIS COMMONWEALTH BY THE DISTRIBUTOR, TOGETHER WITH
INVOICES, BILLS OF LADING AND OTHER PERTINENT PAPERS AS
REQUIRED BY THE DEPARTMENT. THE AMOUNT OF TAX IMPOSED ON EACH
SALE OF MOTOR FUELS SHALL BE STATED SEPARATELY.

(2) A PERSON PURCHASING LIQUID FUELS AND MOTOR FUELS
TAXABLE UNDER THIS CHAPTER FROM A DISTRIBUTOR FOR THE PURPOSE
OF RESALE SHALL MAINTAIN, FOR A PERIOD [OF TWO YEARS]
CONSISTING OF THE CURRENT CALENDAR YEAR PLUS THE PREVIOUS TWO
YEARS, A RECORD OF LIQUID FUELS AND MOTOR FUELS RECEIVED,
THE AMOUNT OF TAX PAID TO THE DISTRIBUTOR AS PART OF THE
PURCHASE PRICE, DELIVERY TICKETS, INVOICES AND BILLS OF
LADING AND SUCH OTHER RECORDS AS THE DEPARTMENT REQUIRES.

(3) ADDITIONAL RECORDS INCLUDE:

(I) A DISTRIBUTOR SHALL KEEP A RECORD SHOWING THE
NUMBER OF GALLONS, GGEs OR STANDARD CUBIC FEET OF:

(A) ALL DIESEL MOTOR FUEL INVENTORIES ON HAND
AT THE FIRST OF EACH MONTH;

(B) ALL DIESEL MOTOR FUEL REFINED, COMPOUNDED
OR BLENDED;

(C) ALL DIESEL MOTOR FUEL PURCHASED OR
RECEIVED, SHOWING THE NAME OF THE SELLER AND THE DATE
OF EACH PURCHASE OR RECEIPT;

(D) ALL DIESEL MOTOR FUEL SOLD, DISTRIBUTED OR
USED, SHOWING THE NAME OF THE PURCHASER AND THE DATE
OF SALE, DISTRIBUTION OR USE; AND

(E) ALL DIESEL MOTOR FUEL LOST BY FIRE OR
OTHER ACCIDENT.

(II) A DISTRIBUTOR SHALL KEEP A RECORD SHOWING THE
OCTANE VALUE OF EACH MOTOR FUEL PURCHASED, SOLD OR BLENDED.

[(II)] (III) A DEALER SHALL KEEP A RECORD SHOWING THE NUMBER OF GALLONS, GGEs OR STANDARD CUBIC FEET OF:

(A) ALL [DIESEL] MOTOR FUEL INVENTORIES ON HAND AT THE FIRST OF EACH MONTH;

(B) ALL [DIESEL] MOTOR FUEL PURCHASED OR RECEIVED, SHOWING THE NAME OF THE SELLER, THE DATE OF EACH PURCHASE OR RECEIPT;

(C) ALL [DIESEL] MOTOR FUEL SOLD, DISTRIBUTED OR USED; AND

(D) ALL [DIESEL] MOTOR FUEL LOST BY FIRE OR OTHER ACCIDENT.

(IV) A DEALER SHALL KEEP A RECORD SHOWING THE OCTANE VALUE OF EACH MOTOR FUEL PURCHASED, SOLD OR BLENDED.

(B) PENALTY.--ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS SECTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

(C) MAINTENANCE OF RECORDKEEPING EQUIPMENT.--THE FOLLOWING SHALL APPLY:

(1) DISTRIBUTORS AND DEALERS ARE RESPONSIBLE FOR ENSURING THAT ALL MEASURING EQUIPMENT USED FOR RECORDKEEPING, INCLUDING, BUT NOT LIMITED TO, METERS, GAUGES AND ELECTRONIC SENSORS, ARE MAINTAINED IN GOOD WORKING ORDER SO THAT THE DEPARTMENT, UPON INSPECTION OF RECORDS AND EQUIPMENT PROVIDED FOR IN THIS CHAPTER, IS ABLE TO DETERMINE THE PROPER TAX THAT THE DISTRIBUTOR OR DEALER SHOULD HAVE REPORTED OR PAID TO THE COMMONWEALTH.

(2) ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS SUBSECTION COMMITS A SUMMARY OFFENSE.

SECTION 26.6. SECTION 9011 OF TITLE 75 IS AMENDED BY ADDING 20130SB0001PN1308
A SUBSECTION TO READ:

§ 9011. DISCONTINUANCE OR TRANSFER OF BUSINESS.

* * *

(B.1) NEW PERMIT PROHIBITED.--ANY NATURAL PERSON WHO
PARTICIPATED AS AN OWNER OR OFFICER OF A DISTRIBUTOR REQUIRED TO
PROVIDE NOTICE UNDER SUBSECTION (A) IS PROHIBITED FROM APPLYING
FOR A NEW PERMIT UNTIL THE UNDERLYING LIABILITIES TO THE
COMMONWEALTH FROM THE DISCONTINUED OR TRANSFERRED DISTRIBUTOR
ARE SATISFIED.

SECTION 26.7. SECTION 9012(A) OF TITLE 75 IS AMENDED AND THE
SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

§ 9012. SUSPENSION OR REVOCATION OF PERMITS.

(A) NOTICE AND HEARINGS.--IF THE DEPARTMENT FINDS THAT THE
HOLDER OF A PERMIT HAS FAILED TO COMPLY WITH THE PROVISIONS OF
THIS CHAPTER, THE DEPARTMENT SHALL NOTIFY THE PERMIT HOLDER AND
AFFORD THE PERMIT HOLDER A HEARING ON [FIVE] SEVEN DAYS' WRITTEN
NOTICE. A HEARING WILL BE SCHEDULED BY THE DEPARTMENT ONLY UPON
REQUEST BY THE PERMIT HOLDER.

* * *

(B.1) IMMEDIATE SUSPENSION OR REVOCATION.--NOTWITHSTANDING
SUBSECTION (A), THE DEPARTMENT MAY IMMEDIATELY SUSPEND OR REVOKE
A PERMIT FOR FAILURE TO TIMELY REPORT OR PAY ANY TAX DUE UNDER
SECTION 9006 (RELATING TO DISTRIBUTOR'S REPORT AND PAYMENT OF
TAX).

(B.2) DEMAND ON SURETY BOND.--NOTWITHSTANDING SUBSECTION
(A), THE DEPARTMENT MAY MAKE DEMAND UPON A DISTRIBUTOR'S SURETY
BOND WHERE THE DISTRIBUTOR HAS FAILED TO TIMELY REPORT OR PAY
ANY TAX DUE UNDER SECTION 9006.

* * *

SECTION 26.8. SECTIONS 9013, 9014(A)(1)(I) AND (II), 9015,
§ 9013. LIEN OF TAXES, PENALTIES AND INTEREST.

[(A) GENERAL RULE.--] ALL UNPAID TAXES IMPOSED BY THIS
CHAPTER AND SECTION 9502 (RELATING TO IMPOSITION OF TAX) AND
PENALTIES AND INTEREST DUE SHALL BE A LIEN [UPON THE FRANCHISES
AND PROPERTY OF THE TAXPAYER AFTER THE LIEN HAS BEEN ENTERED AND
DOCKETED OF RECORD BY THE PROTHONOTARY OR SIMILAR OFFICER OF THE
COUNTY WHERE THE PROPERTY IS SITUATED], AS PROVIDED IN ARTICLE
XIV OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE
FISCAL CODE.

[(B) PRIORITY OF LIEN.--] THE LIEN UNDER SUBSECTION (A) SHALL
HAVE PRIORITY FROM THE DATE OF ITS ENTRY OF RECORD AND SHALL BE
FULLY PAID AND SATISFIED OUT OF THE PROCEEDS OF A JUDICIAL SALE
OF PROPERTY SUBJECT TO THE LIEN BEFORE ANY OTHER OBLIGATION,
JUDGMENT, CLAIM, LIEN OR ESTATE TO WHICH THE PROPERTY MAY
SUBSEQUENTLY BECOME SUBJECT, EXCEPT COSTS OF THE SALE AND OF THE
WRIT UPON WHICH THE SALE WAS MADE AND REAL ESTATE TAXES AND
MUNICIPAL CLAIMS AGAINST THE PROPERTY. THE LIEN UNDER SUBSECTION
(A) SHALL BE SUBORDINATE TO MORTGAGES AND OTHER LIENS EXISTING
AND RECORDED OR ENTERED OF RECORD PRIOR TO THE RECORDING OF THE
TAX LIEN.

[(C) DISCHARGE OF LIEN.--] IN THE CASE OF A JUDICIAL SALE OF
PROPERTY SUBJECT TO A LIEN IMPOSED UNDER THIS SECTION, THE SALE
SHALL DISCHARGE THE LIEN IMPOSED UNDER THIS SECTION TO THE
EXTENT ONLY THAT THE PROCEEDS ARE APPLIED TO ITS PAYMENT, AND
THE LIEN SHALL CONTINUE IN FULL FORCE AND EFFECT AS TO THE
BALANCE REMAINING UNPAID.

[(D) PROCEDURE.--]
(1) STATEMENTS OF ALL TAXES IMPOSED UNDER THIS CHAPTER AND SECTION 9502, TOGETHER WITH PENALTIES AND INTEREST, CERTIFIED BY THE SECRETARY, MAY BE TRANSMITTED TO THE PROTHONOTARIES OR SIMILAR OFFICERS OF THE RESPECTIVE COUNTIES OF THIS COMMONWEALTH TO BE ENTERED OF RECORD AND INDEXED AS JUDGMENTS ARE NOW INDEXED.

(2) A WRIT OF EXECUTION MAY DIRECTLY ISSUE UPON THE LIEN WITHOUT THE ISSUANCE AND PROSECUTION TO JUDGMENT OF A WRIT OF SCIRE FACIAS.

(3) NOT LESS THAN TEN DAYS BEFORE ISSUANCE OF EXECUTION ON A LIEN, NOTICE OF THE FILING AND THE EFFECT OF THE LIEN SHALL BE SENT BY REGISTERED MAIL TO THE TAXPAYER AT THE TAXPAYER'S LAST KNOWN POST OFFICE ADDRESS.

(4) A PROTHONOTARY OR SIMILAR OFFICER MAY NOT REQUIRE, AS A CONDITION PRECEDENT TO THE ENTRY OF A LIEN UNDER THIS SECTION, THE PAYMENT OF COSTS INCIDENT TO ENTRY OF THE LIEN.

(5) A LIEN UNDER THIS SECTION SHALL CONTINUE FOR FIVE YEARS FROM THE DATE OF ENTRY AND MAY BE REVIVED AND CONTINUED UNDER THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE.

(E) STATEMENT TO DEPARTMENT.--A SHERIFF, RECEIVER, TRUSTEE, ASSIGNEE, MASTER OR OTHER OFFICER MAY NOT SELL THE PROPERTY OR FRANCHISES OF A DISTRIBUTOR WITHOUT FIRST FILING WITH THE DEPARTMENT A STATEMENT CONTAINING ALL OF THE FOLLOWING INFORMATION:

(1) NAME OR NAMES OF THE PLAINTIFF OR PARTY AT WHOSE INSTANCE OR UPON WHOSE ACCOUNT THE SALE IS MADE.

(2) NAME OF THE PERSON Whose PROPERTY OR FRANCHISE IS TO BE SOLD.

(3) THE TIME AND PLACE OF SALE.
(4) THE NATURE AND LOCATION OF THE PROPERTY.

(F) NOTICE CONCERNING LIEN.--THE DEPARTMENT, AFTER RECEIVING
NOTICE UNDER SUBSECTION (E), SHALL FURNISH TO THE SHERIFF,
RECEIVER, TRUSTEE, ASSIGNEE, MASTER OR OTHER OFFICER HAVING
CHARGE OF THE SALE A CERTIFIED COPY OR COPIES OF ALL LIQUID
FUELS TAX, FUELS TAX AND OIL COMPANY FRANCHISE TAX PENALTIES AND
INTEREST ON FILE IN THE DEPARTMENT AS LIENS AGAINST THE PERSON
OR, IF THERE ARE NO SUCH LIENS, A CERTIFICATE SHOWING THAT FACT.
THE CERTIFIED COPY OR COPIES OR CERTIFICATE SHALL BE PUBLICLY
READ BY THE OFFICER IN CHARGE OF THE SALE AT AND IMMEDIATELY
BEFORE THE SALE OF THE PROPERTY OR FRANCHISE OF THE PERSON.

(G) LIEN CERTIFICATE.--THE DEPARTMENT SHALL FURNISH TO A
PERSON MAKING APPLICATION, UPON PAYMENT OF THE PRESCRIBED FEE, A
CERTIFICATE SHOWING THE AMOUNT OF ALL LIENS FOR LIQUID FUELS
TAX, FUELS TAX OR OIL COMPANY FRANCHISE TAX, PENALTIES AND
INTEREST UNDER THE PROVISIONS OF THIS CHAPTER ON RECORD IN THE
DEPARTMENT AGAINST ANY PERSON.]

§ 9014. COLLECTION OF UNPAID TAXES.

(A) WHEN COLLECTION COMMENCES.--

(1) THE DEPARTMENT SHALL CALL UPON THE OFFICE OF
ATTORNEY GENERAL TO COLLECT TAXES, PENALTIES OR INTEREST
IMPOSED BY THIS CHAPTER OR SECTION 9502 (RELATING TO
IMPOSITION OF TAX) AT THE FOLLOWING TIMES:

(I) WHEN PAYMENT IS NOT MADE WITHIN 30 DAYS OF
[DETERMINATION] ASSESSMENT UNLESS A PETITION FOR
REDETERMINATION HAS BEEN FILED.

(II) WHEN PAYMENT IS NOT MADE WITHIN 30 DAYS OF THE
DATE OF [REDETERMINATION] REASSESSMENT UNLESS A PETITION
FOR REVIEW HAS BEEN FILED.

* * *

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§ 9015. [REPORTS FROM COMMON CARRIERS.

(A) DUTY.--A PERSON TRANSPORTING LIQUID FUELS EITHER IN INTERSTATE OR INTRASTATE COMMERCE TO A POINT WITHIN THIS COMMONWEALTH FROM A POINT WITHIN OR WITHOUT THIS COMMONWEALTH SHALL REPORT UNDER OATH OR AFFIRMATION TO THE DEPARTMENT ON OR BEFORE THE LAST DAY OF EACH MONTH FOR THE PRECEDING MONTH ALL DELIVERIES OF LIQUID FUELS MADE TO POINTS WITHIN THIS COMMONWEALTH.

(B) FORMS.--THE REPORT SHALL BE ON A FORM PRESCRIBED BY THE DEPARTMENT AND SHALL STATE THE NAMES AND ADDRESSES OF THE CONSIGNOR AND CONSIGNEE, THE NUMBER OF GALLONS OF LIQUID FUELS TRANSPORTED AND ANY OTHER INFORMATION WHICH THE DEPARTMENT MAY REQUIRE.

(C) PENALTY.--ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS SECTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE.]

(RESERVED).

§ 9016. [REWARD FOR DETECTION OF VIOLATIONS.

THE SECRETARY IS AUTHORIZED TO PAY A REWARD, OUT OF MONEY APPROPRIATED FROM THE MOTOR LICENSE FUND FOR THE PURPOSE, TO ANY PERSON, OTHER THAN A STATE OFFICER OR EMPLOYEE, WHO REPORTS A DISTRIBUTOR WHO HAS FAILED TO FILE THE REPORTS REQUIRED AND PAY THE TAX IMPOSED BY THIS CHAPTER. THE REWARD SHALL BE IN AN AMOUNT THE SECRETARY DEEMS PROPER, NOT EXCEEDING 10% OF THE AMOUNT OF THE TAX, PENALTY AND INTEREST DUE. A REWARD SHALL NOT BE PAID UNLESS COLLECTION OF THE DELINQUENT TAX HAS BEEN MADE OR THE DISTRIBUTOR HAS BEEN CONVICTED FOR VIOLATING THIS CHAPTER.]

(RESERVED).

§ 9017. REFUNDS.

* * *

A.1) BOARD OF FINANCE AND REVENUE.--THE BOARD OF FINANCE
AND REVENUE MAY MAKE REIMBURSEMENTS AND REFUNDS OF TAX IMPOSED
AND COLLECTED UPON ALTERNATIVE FUELS, LIQUID FUELS OR FUELS AS
PROVIDED UNDER SUBSECTIONS (B), (C) OR (E). IN ADDITION, THE
BOARD MAY REFUND ON AN ANNUAL BASIS ANY TAX IMPOSED BY THIS
CHAPTER AND COLLECTED BY THE DEPARTMENT UPON ALTERNATIVE FUELS,
LIQUID FUELS OR FUELS DELIVERED TO ANY ENTITY EXEMPT FROM TAX
UNDER SECTION 9004(E) (RELATING TO IMPOSITION OF TAX, EXEMPTIONS
AND DEDUCTIONS) WHICH HAS NOT BEEN CLAIMED AS EXEMPT BY THE
DISTRIBUTOR OR OTHERWISE REFUNDED. THE BOARD MAY ADOPT
REGULATIONS RELATING TO PROCEDURES FOR THE ADMINISTRATION OF ITS
DUTIES UNDER THIS SUBSECTION.

(B) FARM TRACTORS AND VOLUNTEER FIRE RESCUE AND AMBULANCE
SERVICES.—A PERSON SHALL BE REIMBURSED THE FULL AMOUNT OF THE
TAX IMPOSED BY THIS CHAPTER IF THE PERSON USES OR BUYS
ALTERNATIVE FUELS, LIQUID FUELS OR FUELS ON WHICH THE TAX
IMPOSED BY THIS CHAPTER HAS BEEN PAID AND CONSUMES THEM:

(1) IN THE OPERATION OF ANY NONLICENSED FARM TRACTOR OR
LICENSED FARM TRACTOR WHEN USED OFF THE HIGHWAYS FOR
AGRICULTURAL PURPOSES RELATING TO THE ACTUAL PRODUCTION OF
FARM PRODUCTS; OR

(2) IN THE OPERATION OF A VEHICLE OF A VOLUNTEER FIRE
COMPANY, VOLUNTEER AMBULANCE SERVICE OR VOLUNTEER RESCUE
SQUAD.

* * *

(E.1) TRUCK REFRIGERATION UNITS.—

(1) A PROGRAM SHALL BE IMPLEMENTED TO PROVIDE
REIMBURSEMENT FOR TAX PAID ON UNDYED DIESEL FUEL USED IN
TRUCK REFRIGERATION UNITS.

(2) A PERSON SHALL BE REIMBURSED THE AMOUNT OF TAX PAID
PURSUANT TO SECTION 9004 ON ANY PURCHASE OF UNDYED DIESEL
FUEL WHICH IS NOT MORE THAN [75] 100 GALLONS OR GASOLINE GALLON EQUIVALENTS PER PURCHASE AND IS DELIVERED INTO A FUEL TANK WHICH IS DESIGNED TO SUPPLY ONLY AN INTERNAL COMBUSTION ENGINE MOUNTED ON A REGISTERED VEHICLE USED EXCLUSIVELY FOR TRUCK REFRIGERATION.


(4) THE DEPARTMENT MAY REQUIRE A CLAIMANT TO SATISFY ANY SALES OR USE TAX LIABILITY ON THE UNDYED DIESEL FUEL OR ALTERNATIVE FUELS FOR WHICH THE REIMBURSEMENT IS CLAIMED.

(5) A CLAIM FOR REIMBURSEMENT MUST BE SUPPORTED BY SALES RECEIPTS WITH THE WORD "REEFER" NOTED ON THE CLAIM AND THE DATE OF PURCHASE, SELLER'S NAME AND ADDRESS, NUMBER OF GALLONS OR GASOLINE GALLON EQUIVALENTS PURCHASED, FUEL TYPE, PRICE PER GALLON OR GGE OR TOTAL AMOUNT OF SALE, UNIT NUMBERS AND THE PURCHASER'S NAME. THE DEPARTMENT MAY SPECIFY OTHER DOCUMENTATION WHICH IT WILL ACCEPT IN LIEU OF SALES RECEIPTS.
STORAGE, THE CLAIM MUST BE SUPPORTED BY DETAILED RECORDS OF
THE DATE OF WITHDRAWAL, NUMBER OF GALLONS, OR GASOLINE GALLON
EQUIVALENTS, FUEL TYPE, UNIT NUMBER AND PURCHASE AND
INVENTORY RECORDS TO SUBSTANTIATE THAT THE TAX WAS PAID ON
ALL BULK PURCHASES. NOTWITHSTANDING THE PROVISIONS OF SECTION
9009 (RELATING TO RETENTION OF RECORDS BY DISTRIBUTORS AND
DEALERS), ALL REQUIRED DOCUMENTATION SHALL BE RETAINED FOR A
PERIOD OF THREE YEARS FOLLOWING THE FILING DATE OF THE CLAIM
FOR REIMBURSEMENT UNDER THIS SUBSECTION. IF THE CLAIMANT
FAILS TO RETAIN DOCUMENTATION AS REQUIRED BY THIS PARAGRAPH,
THE DEPARTMENT MAY DENY THE REIMBURSEMENT OR ISSUE AN
ASSESSMENT FOR ANY REFUND GRANTED PLUS INTEREST UNDER SECTION
9007 (RELATING TO [DETERMINATION AND REDETERMINATION]
ASSESSMENT AND REASSESSMENT OF TAX, PENALTIES AND INTEREST
DUE).

(E.2) AGRICULTURAL POWER TAKEOFF.--A PERSON SHALL BE
REIMBURSED THE FULL AMOUNT OF THE TAX IMPOSED BY THIS CHAPTER IF
THE PERSON USES OR BUYS [LIQUID FUELS OR FUELS] MOTOR FUELS ON
WHICH THE TAX IMPOSED BY THIS CHAPTER HAS BEEN PAID AND CONSUMES
THEM TO LOAD FOR DELIVERY OR TO UNLOAD AT A FARM FEED, FEED
PRODUCTS, LIME OR LIMESTONE PRODUCTS FOR AGRICULTURAL USE FROM A
VEHICLE BY MEANS OF A POWER TAKEOFF, PROVIDED THE FUEL USAGE IS
DOCUMENTED ONLY BY AN ELECTRONIC MONITORING DEVICE USED IN
CONJUNCTION WITH AN ELECTRONICALLY CONTROLLED ENGINE.
REIMBURSEMENTS SHALL BE DOCUMENTED ONLY AS PROVIDED IN THIS
SUBSECTION, AND NO REIMBURSEMENT SHALL BE BASED UPON ANY FORM OF
ALTERNATIVE DOCUMENTATION. CLAIMS FOR REIMBURSEMENT SHALL BE
FILED WITH THE DEPARTMENT ON A QUARTERLY BASIS AND MUST BE FILED
WITHIN 60 DAYS FOLLOWING THE END OF THE QUARTER FOR WHICH
REIMBURSEMENT IS BEING CLAIMED. THE PROVISIONS OF SUBSECTION (F)
EXCEPT FOR THE FILING FEE PROVISION SHALL APPLY TO CLAIMS FOR
REIMBURSEMENT UNDER THIS SUBSECTION TO THE EXTENT THEY ARE NOT
INCONSISTENT WITH THIS SUBSECTION.

(F) CLAIMS, FORMS, CONTENTS, PENALTIES.—

(1) A CLAIM FOR REIMBURSEMENT OR REFUND UNDER SUBSECTION
(B), (C) OR (E) SHALL BE MADE UPON A FORM TO BE FURNISHED BY
THE BOARD AND MUST INCLUDE, IN ADDITION TO SUCH OTHER
INFORMATION AS THE BOARD MAY BY REGULATION PRESCRIBE, THE
NAME AND ADDRESS OF THE CLAIMANT; THE PERIOD OF TIME AND THE
NUMBER OF GALLONS OR GASOLINE GALLON EQUIVALENTS OF [LIQUID]
MOTOR FUELS USED FOR WHICH REIMBURSEMENT IS CLAIMED; A
DESCRIPTION OF THE FARM MACHINERY, AIRCRAFT OR AIRCRAFT
ENGINE IN WHICH [LIQUID] MOTOR FUELS HAVE BEEN USED; THE
PURPOSES FOR WHICH THE MACHINERY, AIRCRAFT OR AIRCRAFT ENGINE
HAS BEEN USED; AND THE SIZE OF THE FARM AND PART IN
CULTIVATION ON WHICH SUCH [LIQUID] MOTOR FUELS HAVE BEEN
USED.

(2) A CLAIM MUST CONTAIN STATEMENTS THAT THE [LIQUID]
MOTOR FUELS FOR WHICH REIMBURSEMENT IS CLAIMED HAVE BEEN USED
ONLY FOR PURPOSES FOR WHICH REIMBURSEMENTS ARE PERMITTED;
THAT RECORDS OF THE AMOUNTS OF SUCH FUELS USED IN EACH PIECE
OF FARM MACHINERY, AIRCRAFT OR AIRCRAFT ENGINE HAVE BEEN
KEPT; AND THAT NO PART OF THE CLAIM HAS BEEN PAID EXCEPT AS
STATED. A CLAIM MUST CONTAIN A DECLARATION THAT IT AND
ACCOMPANYING RECEIPTS ARE TRUE AND CORRECT TO THE BEST OF THE
CLAIMANT'S KNOWLEDGE AND MUST BE SIGNED BY THE CLAIMANT OR
THE PERSON CLAIMING ON THE CLAIMANT'S BEHALF. A CLAIM MUST BE
ACCOMPANIED BY RECEIPTS INDICATING THAT THE LIQUID FUELS,
FUELS OR ALTERNATIVE FUELS TAX WAS PAID ON THE LIQUID FUELS,
FUELS OR ALTERNATIVE FUELS OR THAT THE EXCESS LIQUID FUELS,
FUELS OR ALTERNATIVE FUELS Tax was paid on the liquid fuels, for which reimbursement is claimed. Records of purchases of liquid motor fuels and use in each tractor or powered machinery, aircraft or aircraft engine shall be kept for a period of two years consisting of the current year plus two previous years. A claim must be made annually for the preceding year ending on June 30. A claim must be submitted to the board by September 30.

(3) The board shall refuse to consider any claim received or postmarked later than that date. The claimant must satisfy the board that the tax has been paid and that the liquid motor fuels have been consumed by the claimant for purposes for which reimbursements are permitted under this section. The action of the board in granting or refusing reimbursement shall be final. The board shall deduct the sum of $1.50, which shall be considered a filing fee, from every claim for reimbursement granted. Filing fees are specifically appropriated to the board and to the department for expenses incurred in the administration of the reimbursement provisions of this chapter. The board has the power to refer to the department for investigation any claim for reimbursement filed under the provisions of this chapter.

(4) The department shall investigate the application and report to the board.

(5) A person making any false or fraudulent statement for the purpose of obtaining reimbursement commits a misdemeanor of the third degree.

* * *

§ 9018. Violations.

(A) Failure to report and pay; examinations; unlawful
A PERSON COMMITS A SUMMARY OFFENSE IF THE PERSON DOES ANY OF THE FOLLOWING:

(I) FAILS, NEGLECTS OR REFUSES TO MAKE THE REPORT AND PAY THE TAX, PENALTIES AND INTEREST IMPOSED BY THIS CHAPTER.

(II) REFUSES TO PERMIT THE DEPARTMENT OR ANY AGENT APPOINTED BY IT IN WRITING TO EXAMINE BOOKS, RECORDS, PAPERS, STORAGE TANKS OR OTHER EQUIPMENT PERTAINING TO THE USE OR SALE AND DELIVERY OF LIQUID FUELS WITHIN THIS COMMONWEALTH.

(III) MAKES ANY INCOMPLETE, FALSE OR FRAUDULENT REPORT OR CLAIM.

(IV) ATTEMPTS TO DO ANYTHING TO AVOID A FULL DISCLOSURE OF THE AMOUNT OF LIQUID MOTOR FUELS USED ORSold and delivered OR TO AVOID THE PAYMENT OF THE TAX, PENALTIES AND INTEREST DUE.

(V) FINES IMPOSED FOR SUMMARY OFFENSES UNDER PARAGRAPH (1) SHALL BE IN ADDITION TO ANY PENALTY IMPOSED BY ANY OTHER SECTION OR SUBSECTION OF THIS CHAPTER.

(2) ANY PARTNER OR MEMBER OF AN ASSOCIATION AND ANY OFFICER OF A CORPORATION WHOSE DUTY IT WAS TO MAKE THE REPORT REQUIRED BY THIS CHAPTER [SHALL BE SUBJECT TO IMPRISONMENT UNDER PARAGRAPH (1)] COMMISSION OF A MISDEMEANOR OF THE THIRD DEGREE FOR FAILING TO MAKE THE REPORT REQUIRED AND ATTEND TO THE PAYMENT OF THE TAX IMPOSED BY THIS CHAPTER.

(3) [THE FINE UNDER PARAGRAPH (1) SHALL BE IN ADDITION TO ANY PENALTY IMPOSED BY ANY OTHER SECTION OR SUBSECTION OF THIS CHAPTER.] (RESERVED).

(4) UPON CONVICTION UNDER PARAGRAPH (1) OR (2), ALL OF
THE CONVICTED DISTRIBUTOR'S PERMITS SHALL BE REVOKED.

(C) PENALTY.--A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF SUBSECTION (A)(1) COMMITS A SUMMARY OFFENSE. A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF [THIS SECTION] SUBSECTION (A)(2) OR (B) COMMITS A MISDEMEANOR OF THE THIRD DEGREE. THE [FINE] FINE SHALL BE IN ADDITION TO ANY PENALTY IMPOSED BY ANY OTHER SECTION OR SUBSECTION OF THIS CHAPTER. UPON CONVICTION, ALL OF THE CONVICTED PERSON'S PERMITS SHALL BE REVOKED.

§ 9019. [DIESEL] MOTOR FUEL IMPORTERS AND TRANSPORTERS;

PROHIBITING USE OF DYED DIESEL FUEL ON HIGHWAYS;

VIOLATIONS AND PENALTIES.

(A) [DIESEL] MOTOR FUEL TRANSPORTERS.--

(1) A PERSON MUST OBTAIN A [DIESEL] MOTOR FUEL TRANSPORTER'S PERMIT IN ORDER TO IMPORT, EXPORT OR TRANSPORT WITHIN THIS COMMONWEALTH DIESEL FUEL, OTHER THAN DYED DIESEL FUEL, VIA A PIPELINE OR BY MEANS OF A TANK-TRUCK VEHICLE, RAILROAD TANK CAR OR VESSEL WITH A CAPACITY OF 2,000 GALLONS OR MORE. THE PERMIT APPLICATION MUST BE FILED WITH THE DEPARTMENT UPON A FORM PRESCRIBED BY THE DEPARTMENT. THE PERMIT REQUIREMENT DOES NOT APPLY TO IMPORT, EXPORT OR TRANSPORT OF NATURAL GAS VIA PIPELINE.

(2) A [FEE OF $5] PER VEHICLE FEE SHALL BE CHARGED BY THE DEPARTMENT FOR THE ISSUANCE OF A TRANSPORTER'S PERMIT.

(3) EVERY PERSON REQUIRED TO OBTAIN A PERMIT UNDER PARAGRAPH (1) SHALL REPORT UNDER OATH OR AFFIRMATION TO THE DEPARTMENT ON OR BEFORE THE LAST DAY OF EACH MONTH FOR THE PRECEDING MONTH ALL DELIVERIES OF [DIESEL] MOTOR FUEL, OTHER THAN DYED DIESEL FUEL, AND RETAIL DELIVERIES OF KEROSENE IN QUANTITIES OF LESS THAN 300 GALLONS PER DELIVERY TO ANY POINT
WITHIN THIS COMMONWEALTH, INCLUDING ANY INTERSTATE OR
INTRASTATE MOVEMENTS OF [DIESEL] MOTOR FUEL AND ANY EXPORTS.
The form shall be prescribed by the department and may
require any of the following:

(I) The names and addresses of the cosigner and
cosignee, the seller or other party from whom the
[DIESEL] MOTOR FUEL was received, the buyer or other
party to whom the [DIESEL] MOTOR FUEL was delivered and
points to and from which the [DIESEL] MOTOR FUEL was
shipped or delivered.

(II) The method of shipment or delivery.

(III) The number of gallons.

(IV) All shipments of [DIESEL] MOTOR FUEL, including dyed
diesel fuel, shall be accompanied by sales delivery tickets
or bills of lading. Shipments for which the required
documentation does not accompany the shipment or for which
the notice required with respect to dyed diesel fuel does not
comply with the requirements of subsection (B) shall be
presumed to not be shipments of dyed diesel fuel.

(V) A transporter report must be electronically filed in
accordance with the methods of filing prescribed for
distributors under section 9006(E) (relating to distributor's
report and payment of tax).

(VI) (I) A transporter holding a distributor permit is
not required to file a transporter report but must
possess a transporter permit under this section.

(II) Transport of certain alternative fuels may not
be subject to the permit and reporting requirements of
this section. The department shall publish an annual
notice indicating which types of alternative fuels
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QUALIFY FOR THE TRANSPORTER PERMIT AND REPORTING REQUIREMENTS UNDER IN THIS SECTION.

* * *

(C) DYED DIESEL FUEL NOT TO BE USED ON PUBLIC HIGHWAYS.--

(1) A PERSON MAY NOT OPERATE A MOTOR VEHICLE ON THE PUBLIC HIGHWAYS OF THIS COMMONWEALTH IF THE FUEL SUPPLY TANKS OF THE VEHICLE CONTAIN DYED DIESEL FUEL UNLESS PERMITTED TO DO SO UNDER A FEDERAL LAW OR REGULATION RELATING TO THE USE OF DYED DIESEL FUEL ON THE HIGHWAYS.

(2) A PERSON MAY NOT SELL OR DELIVER ANY DYED DIESEL FUEL KNOWING OR HAVING REASON TO KNOW THAT THE FUEL WILL BE CONSUMED IN A HIGHWAY USE. A PERSON WHO DISPENSES DYED DIESEL FUEL FROM A RETAIL PUMP THAT IS NOT PROPERLY LABELED WITH THE NOTICE REQUIRED BY SUBSECTION (B) OR WHO KNOWINGLY DELIVERS DYED DIESEL FUEL INTO THE STORAGE TANK OF SUCH A PUMP SHALL BE PRESUMED TO KNOW THE FUEL WILL BE CONSUMED ON THE HIGHWAY.

(3) THERE IS A REBUTTABLE PRESUMPTION THAT A VEHICLE REGISTERED FOR USE ON THE PUBLIC HIGHWAYS IS USED ON THE PUBLIC HIGHWAYS.

(4) NOTWITHSTANDING PARAGRAPH (1) OR (2), DYED DIESEL FUEL MAY BE USED IN A SCHOOL BUS, PROVIDED THE BUS IS USED EXCLUSIVELY FOR THE TRANSPORTATION OF SCHOOL DISTRICT STUDENTS IN GRADES K THROUGH 12, PROVIDED THE USAGE DOES NOT CONFLICT WITH THE EXEMPTIONS PROVIDED IN SECTION 4082 OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 4082).

(D) VIOLATIONS.--A PERSON MAY NOT DO ANY OF THE FOLLOWING:

(1) IMPORT, EXPORT OR TRANSPORT WITHIN THIS COMMONWEALTH DIESEL FUEL, OTHER THAN DYED [DIESEL] MOTOR FUEL, WITHOUT THE PERMIT REQUIRED UNDER SUBSECTION (A)(1).
TRANSPORT [DIESEL] MOTOR FUEL IN THIS COMMONWEALTH WITHOUT THE PERMIT REQUIRED UNDER SUBSECTION (A)(1).

* * *

(G) ENFORCEMENT.--

(1) ANY REVENUE ENFORCEMENT AGENT OR OTHER PERSON AUTHORIZED BY THE DEPARTMENT MAY ENTER ANY PLACE WHERE MOTOR FUELS ARE PRODUCED OR STORED AND MAY PHYSICALLY INSPECT ANY TANK, RESERVOIR OR OTHER CONTAINER THAT CAN BE USED FOR THE PRODUCTION, STORAGE OR TRANSPORTATION OF [DIESEL] MOTOR FUEL, DIESEL FUEL DYES OR DIESEL FUEL MARKERS. INSPECTION MAY ALSO BE MADE OF ANY EQUIPMENT USED FOR OR IN CONNECTION WITH THE PRODUCTION, STORAGE OR TRANSPORTATION OF DIESEL FUEL, DIESEL FUEL DYES OR DIESEL FUEL MARKERS. THIS INCLUDES ANY EQUIPMENT USED FOR THE DYEING OR MARKING OF DIESEL FUEL. BOOKS, RECORDS AND OTHER DOCUMENTS MAY BE INSPECTED TO DETERMINE TAX LIABILITY. AN AGENT MAY DETAIN A VEHICLE, VESSEL OR RAILROAD TANK CAR PLACED ON A CUSTOMER'S SIDING FOR USE OR STORAGE FOR THE PURPOSE OF INSPECTING FUEL TANKS OR FUEL STORAGE TANKS AS NECESSARY TO DETERMINE THE AMOUNT AND COMPOSITION OF THE FUEL. AN AGENT MAY TAKE AND REMOVE SAMPLES OF [DIESEL] MOTOR FUEL IN REASONABLE QUANTITIES NECESSARY TO DETERMINE THE COMPOSITION OF THE FUEL.

(2) A PERSON THAT REFUSES TO ALLOW AN INSPECTION AS PROVIDED IN THIS SUBSECTION COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS THAN $1,000 NOR MORE THAN $2,000 FOR EACH REFUSAL.

§ 9022. UNCOLLECTIBLE [CHECKS] PAYMENTS.

IF THE PAYMENT OF A TAX, PENALTY OR INTEREST IMPOSED BY THIS CHAPTER IS RETURNED TO THE DEPARTMENT AS UNCOLLECTIBLE, THE DEPARTMENT SHALL [CHARGE A FEE OF $5 PER HUNDRED DOLLARS OR

SECTION 26.9. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

§ 9023. EMERGENCY ASSISTANCE IN A TIMELY MANNER.

(A) WITHIN THIS COMMONWEALTH.--UPON THE GOVERNOR’S DECLARATION OF A STATE OF EMERGENCY IN THIS COMMONWEALTH, THE SECRETARY OF REVENUE MAY WAIVE, SUSPEND OR OTHERWISE MODIFY ANY PROVISIONS OF THIS CHAPTER FOR THE SOLE PURPOSE OF ENABLING MOTOR CARRIERS TO RESPOND TO EMERGENCY CONDITIONS AND CONDUCT EMERGENCY RELIEF EFFORTS IN A TIMELY MANNER. SUCH WAIVERS, SUSPENSIONS OR MODIFICATIONS SHALL BE EFFECTIVE FOR A SPECIFIC PERIOD OF TIME AS DETERMINED BY THE SECRETARY AND SHALL NOT EXCEED THE TERMINATION OF THE STATE OF EMERGENCY DECLARED BY THE GOVERNOR.

(B) OUTSIDE THIS COMMONWEALTH.--THE SECRETARY OF REVENUE, WITH PRIOR AUTHORIZATION FROM THE GOVERNOR, MAY WAIVE, SUSPEND OR OTHERWISE MODIFY ANY PROVISIONS OF THIS CHAPTER ON A TEMPORARY AND DEFINITE BASIS IN ORDER TO FACILITATE THE TIMELY MOVEMENT OF VEHICLES OR FUEL FROM AND THROUGH THIS COMMONWEALTH TO OTHER JURISDICTIONS REQUESTING EMERGENCY ASSISTANCE FROM THIS COMMONWEALTH.

(C) RECORDKEEPING.--NOTWITHSTANDING SUBSECTIONS (A) AND (B), EACH DISTRIBUTOR, EXEMPT ENTITY OR OTHER PERSON WHO BUYS, SELLS OR USES LIQUID FUELS, FUELS OR ALTERNATIVE FUELS PURSUANT TO THE TERMS OF AN EMERGENCY DECLARATION SHALL MAINTAIN RECORDS TO SUBSTANTIATE PARTICIPATION IN THE EMERGENCY RELIEF EFFORTS. ANY VEHICLE, OTHER THAN A QUALIFIED MOTOR VEHICLE AS DEFINED UNDER
SECTION 2101.1 (RELATING TO DEFINITIONS) OR A VEHICLE OPERATED BY AN EXEMPT ENTITY TRAVELING ON THE PUBLIC HIGHWAYS OF THIS COMMONWEALTH DURING THE EMERGENCY PERIOD UNDER SUBSECTION (A) OR (B) SHALL MAINTAIN RECORDS OF PURCHASES OF TAX-EXEMPT FUEL.

(D) TAXES NOT WAIVED.--UNLESS SPECIFICALLY SUSPENDED BY THE SECRETARY OF REVENUE, LIQUID FUELS, FUELS AND ALTERNATIVE FUEL TAXES IMPOSED UNDER SECTION 9004 (RELATING TO IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS) SHALL NOT BE WAIVED FOR AN EMERGENCY PERIOD UNDER SUBSECTION (A) OR (B).

SECTION 26.10. CHAPTER 90 OF TITLE 75 IS AMENDED BY ADDING A SUBCHAPTER TO READ:

SUBCHAPTER C

ELECTRIC VEHICLE ROAD FEE

SEC.

9031. SHORT TITLE OF SUBCHAPTER.

9032. ROAD USE FEE IMPOSED ON ELECTRIC VEHICLES.

9033. ELECTRICITY NOT MOTOR FUEL.

9034. FEES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.

9035. EXEMPT ENTITIES.

9036. REFUNDS.

9037. MOTOR CARRIERS ROAD TAX AND THE INTERNATIONAL FUEL TAX AGREEMENT.

§ 9031. SHORT TITLE OF SUBCHAPTER.

THIS SUBCHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE ELECTRIC VEHICLE ROAD FEE ACT.

§ 9032. ROAD USE FEE IMPOSED ON ELECTRIC VEHICLES.

(A) FEE REQUIRED FOR REGISTRATION.--CONCURRENT WITH SUBMITTING AN ANNUAL VEHICLE REGISTRATION APPLICATION AND FEE TO THE DEPARTMENT OF TRANSPORTATION UNDER SECTION 1301 (RELATING TO REGISTRATION AND CERTIFICATE OF TITLE REQUIRED), AN OWNER OF AN
ELECTRIC VEHICLE SHALL SUBMIT THE ELECTRIC VEHICLE ROAD FEE. THE FOLLOWING SHALL APPLY:

(1) NORMAL VEHICLE REGISTRATION SHALL NOT BE CONSIDERED COMPLETE WITHOUT PAYMENT IN FULL OF THE ELECTRIC VEHICLE ROAD FEE.

(2) THE ELECTRIC VEHICLE ROAD FEE SHALL BE PAID BY EACH NEW OWNER REGISTERING THE VEHICLE WITH THE COMMONWEALTH.

(B) COMPUTATION OF ELECTRIC VEHICLE ROAD USE FEE.--

(1) THE DEPARTMENT OF REVENUE SHALL COMPUTE THE ELECTRIC VEHICLE ROAD FEE FOR EACH MAJOR VEHICLE CLASS DEFINED IN THE CAFE STANDARDS.

(2) THE ELECTRIC VEHICLE ROAD FEE SHALL EQUAL THE AVERAGE ANNUAL VEHICLE FUEL TAX WITHIN EACH VEHICLE CLASS.

(3) THE AVERAGE ANNUAL VEHICLE FUEL FEE COMPUTATION SHALL BE AS FOLLOWS:

(I) THE VEHICLE AVERAGE MILES DRIVEN DIVIDED BY THE MILES PER GALLON EQUIVALENT PER VEHICLE AS DETERMINED BY THE DEPARTMENT.

(II) THE QUOTIENT UNDER SUBPARAGRAPH (I) SHALL BE MULTIPLIED BY THE SUM OF LIQUID FUELS AND OIL COMPANY FRANCHISE TAX RATES FOR GASOLINE AND THE PRODUCT SHALL BE THE AVERAGE ANNUAL VEHICLE FUEL FEE.

(4) THE DEPARTMENT SHALL ANNUALLY DETERMINE THE ELECTRIC VEHICLE ROAD FEE FOR EACH VEHICLE CLASS, TO BE PUBLISHED IN THE PENNSYLVANIA BULLETIN ON OR BEFORE DECEMBER 15 OF EACH YEAR.

(C) REGULATIONS.--THE DEPARTMENT SHALL PROMULGATE REGULATIONS TO ADDRESS NEW VEHICLE TECHNOLOGY.

§ 9033. ELECTRICITY NOT MOTOR FUEL.

(A) GENERAL RULE.--ELECTRICITY USED IN AN ELECTRIC MOTOR
THAT PROPELS A VEHICLE ON THE HIGHWAYS OF THIS COMMONWEALTH IS
NOT CONSIDERED A MOTOR FUEL AS DEFINED UNDER THIS CHAPTER.

(B) ELECTRIC VEHICLES EXEMPT FROM MOTOR FUEL TAXES.--AN
ELECTRIC VEHICLE SHALL NOT PAY A MOTOR FUEL TAX UNDER THIS
CHAPTER UNLESS THE TAX IS ASSESSED UPON MOTOR FUEL THAT MAY ALSO
BE USED IN THE VEHICLE.

§ 9034. FEES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.
A FEE COLLECTED UNDER THIS SUBCHAPTER MUST BE ALLOCATED TO
THE MOTOR LICENSE FUND IN ACCORDANCE WITH THE ALLOCATIONS UNDER
CHAPTER 95 (RELATING TO TAXES FOR HIGHWAY MAINTENANCE AND
CONSTRUCTION). FOR PURPOSES OF ALIGNING THE ELECTRIC VEHICLE
ROAD FEE WITH THE ALLOCATIONS OF TAXES PROVIDED FOR IN CHAPTER
95, THE ELECTRIC VEHICLE ROAD FEE MUST BE ALLOCATED IN THE SAME
FASHION AS THE OIL COMPANY FRANCHISE TAX IN CHAPTER 95.

§ 9035. EXEMPT ENTITIES.
AN ELECTRIC VEHICLE REGISTERED TO AN EXEMPT ENTITY IS EXEMPT
FROM PAYING THE ELECTRIC VEHICLE ROAD FEE. AN EXEMPT ENTITY SHALL COMPLY WITH THE FOLLOWING USAGE AND RECORDKEEPING REQUIREMENTS:

(1) IF AN ELECTRIC VEHICLE REGISTERED TO AN EXEMPT ENTITY IS USED FOR A NONEXEMPT PURPOSE DURING THE REGISTRATION YEAR, THE EXEMPT ENTITY SHALL PAY A FINE TO THE DEPARTMENT OF $500. THE VEHICLE OWNER IS NOT ELIGIBLE FOR A REFUND OF A REGISTRATION FEE THAT MAY HAVE BEEN PAID FOR THE VEHICLE.

(2) AN EXEMPT ENTITY APPLYING FOR A REFUND UNDER SECTION 9007 (RELATING TO ASSESSMENT AND REASSESSMENT OF TAX, PENALTIES AND INTEREST DUE) SHALL MAINTAIN RECORDS OF VEHICLE USAGE, CERTIFYING THAT AN INDIVIDUAL TRIP MADE BY THE VEHICLE WAS FOR A QUALIFIED EXEMPT USE. INDIVIDUAL TRIP LOGS,
ODOMETER READINGS AND DRIVER SIGNATURES SHALL BE AMONG THE
RECORDS REQUIRED TO SUBSTANTIATE EXEMPT USE.

(3) THE DEPARTMENT MAY INSPECT THE SUBSTANTIATING
RECORDS FOR AN EXEMPT ENTITY AT ANY TIME.

(4) THE EXEMPT ENTITY SHALL COOPERATE WITH AN AGENT OF
THE DEPARTMENT IN AN INSPECTION.

(5) AN EXEMPT ENTITY THAT REFUSES TO PERMIT THE
DEPARTMENT OR AN AGENT APPOINTED BY IT IN WRITING TO EXAMINE
THE BOOKS, RECORDS, PAPERS OR OTHER EQUIPMENT ASSOCIATED WITH
THE OPERATION OF AN ELECTRIC VEHICLE COMMITS A SUMMARY
OFFENSE AND SHALL PAY A FINE OF $500 FOR EACH ELECTRIC
VEHICLE OWNED OR OPERATED BY THE EXEMPT ENTITY.

§ 9036. REFUNDS.
A PERSON MAY BE ENTITLED TO A REFUND OF THE ELECTRIC VEHICLE
ROAD FEE PAID FOR A VEHICLE THAT WOULD OTHERWISE HAVE BEEN
EXEMPT UNDER SECTION 9006 (RELATING TO DISTRIBUTOR'S REPORT AND
PAYMENT OF TAX). A PERSON ENTITLED TO A REFUND OF THE ELECTRIC
VEHICLE ROAD FEE SHALL APPLY FOR AN ANNUAL REFUND IN A MANNER
SIMILAR TO THE REFUND PROCESS USED FOR MOTOR FUELS UNDER SECTION
9017 (RELATING TO REFUNDS).

§ 9037. MOTOR CARRIERS ROAD TAX AND THE INTERNATIONAL FUEL TAX
AGREEMENT.

THE DEPARTMENT SHALL PROMULGATE REGULATIONS AS NECESSARY FOR
COMPLIANCE WITH THE MOTOR CARRIERS ROAD TAX AND INTERNATIONAL
FUEL TAX AGREEMENT.

SECTION 27. SECTION 9106 HEADING, (A) AND (B) OF TITLE 75
ARE AMENDED TO READ:

§ 9106. DIRT [AND] GRAVEL AND LOW VOLUME ROAD MAINTENANCE.

(A) STATEMENT OF PURPOSE.--IT IS THE INTENT AND PURPOSE OF
THIS SECTION:
(1) TO FUND SAFE, EFFICIENT AND ENVIRONMENTALLY SOUND MAINTENANCE OF SECTIONS OF DIRT AND GRAVEL ROADS WHICH HAVE BEEN IDENTIFIED AS SOURCES OF DUST AND SEDIMENT POLLUTION.

(2) TO ESTABLISH A DEDICATED AND EARMARKED FUNDING MECHANISM THAT PROVIDES STREAMLINED APPROPRIATION TO THE COUNTY LEVEL AND ENABLES LOCAL OFFICIALS TO ESTABLISH FISCAL AND ENVIRONMENTAL CONTROLS.

(3) TO FUND SAFE, EFFICIENT AND ENVIRONMENTALLY SOUND MAINTENANCE OF SECTIONS OF LOW VOLUME ROADS THAT ARE SEALED OR PAVED WITH AN AVERAGE DAILY TRAFFIC COUNT OF 500 VEHICLES OR LESS.

(B) GENERAL RULE.--OF THE FUNDS AVAILABLE UNDER SECTION 9502(A)(1) (RELATING TO IMPOSITION OF TAX), [$1,000,000] $7,000,000 SHALL BE ANNUALLY DISTRIBUTED TO THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR THE MAINTENANCE AND MITIGATION OF DUST AND SEDIMENT POLLUTION FROM PARKS AND FORESTRY ROADS. FUNDS IN THE AMOUNT OF [$4,000,000] $28,000,000 SHALL BE APPROPRIATED ANNUALLY TO THE STATE CONSERVATION COMMISSION AND ADMINISTERED IN A NONLAPSING, NONTRANSFERABLE ACCOUNT RESTRICTED TO MAINTENANCE AND IMPROVEMENT OF DIRT [AND] GRAVEL AND LOW VOLUME STATE AND MUNICIPAL ROADS. THE STATE CONSERVATION COMMISSION SHALL APPORTION THE FUNDS BASED ON WRITTEN CRITERIA IT DEVELOPS TO ESTABLISH PRIORITIES BASED ON PREVENTING DUST AND SEDIMENT POLLUTION. IN THE FIRST FISCAL YEAR, TOP PRIORITY SHALL BE GIVEN TO SPECIFIC TROUBLE SPOT LOCATIONS ALREADY MAPPED BY THE TASK FORCE ON DIRT AND GRAVEL ROADS AND AVAILABLE FROM THE DEPARTMENT. A MINIMUM OF $8,000,000 OF THE TOTAL APPROPRIATED ANNUALLY SHALL BE FOR MAINTENANCE AND IMPROVEMENT OF LOW VOLUME ROADS.

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SECTION 27.1. (RESERVED).

SECTION 27.2. SECTIONS 9301 AND 9502(A) OF TITLE 75 ARE AMENDED TO READ:

§ 9301. SUPPLEMENTAL FUNDING FOR MUNICIPAL HIGHWAY MAINTENANCE.

(A) ANNUAL APPROPRIATION.--THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE, BEGINNING WITH THE 1980-1981 FISCAL YEAR, THE SUM OF $5,000,000 FOR SUPPLEMENTAL PAYMENTS TO MUNICIPALITIES TO ASSIST IN THE MAINTENANCE AND CONSTRUCTION COSTS OF MUNICIPAL ROADS. THE MONEYS APPROPRIATED BY AUTHORITY OF THIS SECTION SHALL BE DISTRIBUTED TO MUNICIPALITIES IN ACCORDANCE WITH THE PROVISIONS OF THE ACT OF JUNE 1, 1956 (1955 P.L.1944, NO.655), ENTITLED "AN ACT PROVIDING A PERMANENT ALLOCATION OF A PART OF THE FUELS AND LIQUIDS FUELS TAX PROCEEDS TO CITIES, BOROUGHS, INCORPORATED TOWNS AND TOWNSHIPS, FOR THEIR ROAD, STREET AND BRIDGE PURPOSES; CONFERRING POWERS AND IMPOSING DUTIES ON LOCAL OFFICERS AND THE DEPARTMENT OF HIGHWAYS; AND MAKING AN APPROPRIATION OUT OF THE MOTOR LICENSE FUND; AND REPEALING EXISTING LEGISLATION."

(B) COUNTY ALLOCATION SUPPLEMENT.--THE AMOUNT OF $5,000,000 IS HEREBY APPROPRIATED OUT OF THE MOTOR LICENSE FUND TO COUNTIES ANNUALLY. THE FOLLOWING SHALL APPLY:

(1) THE DISTRIBUTION SHALL BE IN THE RATIO OF:

(I) THE SQUARE FOOTAGE OF DECK AREA OF A COUNTY'S COUNTY-OWNED BRIDGES; TO

(II) THE TOTAL SQUARE FOOTAGE OF DECK AREA OF COUNTY-OWNED BRIDGES THROUGHOUT THIS COMMONWEALTH.

(2) THE AMOUNT OF SQUARE FOOTAGE UNDER SUBPARAGRAPH (I) SHALL BE THAT REPORTED AS PART OF THE NATIONAL BRIDGE INSPECTION STANDARDS PROGRAM.

(C) ADDITIONAL ALLOCATION TO MUNICIPALITIES.--AN AMOUNT OF
$30,000,000 is hereby appropriated out of the Motor License Fund and shall be distributed to municipalities pursuant to the Act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law.

§ 9502. Imposition of Tax.

(A) General Rule.--

(1) An "Oil Company Franchise Tax for Highway Maintenance and Construction" which shall be an excise tax of 60 mills is hereby imposed upon all liquid fuels and fuels as defined and provided in Chapter 90 (Relating to Liquid Fuels and Fuels Tax), and such tax shall be collected as provided in Section 9004(B) (Relating to imposition of tax, exemptions and deductions). Of the amount collected in Fiscal Year 2015-2016, and each Fiscal Year thereafter, at the discretion of the Secretary, a minimum of $20,000,000 and a maximum of $35,000,000 shall be deposited in the Multimodal Transportation Fund established under 74 Pa.C.S. § 2101 (Relating to Multimodal Transportation Fund), to be expended in accordance with Section 11 of Article VIII of the Constitution of Pennsylvania.

(2) An additional 55 mills is hereby imposed on all liquid fuels and fuels as defined and provided in Chapter 90 and such tax shall also be collected as provided in Section 9004(B), the proceeds of which shall be distributed as follows:

(I) [Forty-Two] Twenty-Nine percent to County Maintenance Districts for Highway Maintenance for Fiscal Year 2013-2014 and 19% for Fiscal Year 2014-2015 and each year thereafter. This allocation shall be made according to the formula provided in Section 9102(B)(2) (Relating
TO DISTRIBUTION OF STATE HIGHWAY MAINTENANCE FUNDS). THIS
ALLOCATION SHALL BE MADE IN ADDITION TO AND NOT A
REPLACEMENT FOR AMOUNTS NORMALLY DISTRIBUTED TO COUNTY
MAINTENANCE DISTRICTS UNDER SECTION 9102.

(II) [SEVENTEEN] THIRTY PERCENT FOR HIGHWAY CAPITAL
PROJECTS[.] FOR FISCAL YEAR 2013-2014 AND 40% FOR FISCAL
YEAR 2014-2015 AND EACH YEAR THEREAFTER. ANNUALLY, UNTIL
FISCAL YEAR 2023-2024, AN AMOUNT EQUAL TO 15% OF ALL
APPROPRIATIONS TO THE DEPARTMENT FOR HIGHWAY AND BRIDGE
CAPITAL PROGRAMS SHALL BE DISTRIBUTED AT THE DISCRETION
OF THE SECRETARY FROM THE AMOUNT DISTRIBUTED UNDER THIS
SUBPARAGRAPH.

(III) THIRTEEN PERCENT FOR BRIDGES.

(IV) TWO PERCENT FOR BRIDGES IDENTIFIED AS COUNTY
[OR FORESTRY] BRIDGES. DISTRIBUTION UNDER THIS
SUBPARAGRAPH SHALL BE IN THE RATIO OF:

(A) THE SQUARE FOOTAGE OF DECK AREAS, AS
REPORTED AS PART OF THE NATIONAL BRIDGE INSPECTION
STANDARDS PROGRAM, OF A COUNTY'S COUNTY-OWNED
BRIDGES; TO

(B) THE TOTAL SQUARE FOOTAGE OF DECK AREA, AS
REPORTED AS PART OF THE NATIONAL BRIDGE INSPECTION
STANDARDS PROGRAM, OF ALL COUNTY-OWNED BRIDGES IN
THIS COMMONWEALTH.

(V) TWELVE PERCENT FOR LOCAL ROADS PURSUANT TO
SECTION 9511(C) (RELATING TO BASIC ALLOCATION TO
MUNICIPALITIES).

(VI) FOURTEEN PERCENT FOR TOLL ROADS DESIGNATED
PURSUANT TO THE ACT OF SEPTEMBER 30, 1985 (P.L.240,
NO.61), KNOWN AS THE TURNPIKE ORGANIZATION, EXTENSION AND
TOLL ROAD CONVERSION ACT, TO BE APPROPRIATED UNDER
SECTION 9511(H).

(3) AN ADDITIONAL 38.5 MILLS IS HEREBY IMPOSED UPON ALL
LIQUID FUELS AND FUELS AS DEFINED AND PROVIDED IN CHAPTER 90,
AND SUCH TAX SHALL ALSO BE COLLECTED AS PROVIDED IN SECTION
9004(B), THE PROCEEDS OF WHICH SHALL BE DEPOSITED IN THE
MOTOR LICENSE FUND AND DISTRIBUTED AS FOLLOWS:

(I) TWELVE PERCENT TO MUNICIPALITIES ON THE BASIS OF
AND SUBJECT TO THE PROVISIONS OF THE ACT OF JUNE 1, 1956
(1955 P.L.1944, NO.655), REFERRED TO AS THE LIQUID FUELS
TAX MUNICIPAL ALLOCATION LAW, IS APPROPRIATED.

(II) [EIGHTY-EIGHT PERCENT TO THE DEPARTMENT IS
APPROPRIATED AS FOLLOWS:

(A) FORTY-SEVEN PERCENT FOR DISTRIBUTION IN
ACCORDANCE WITH SECTION 9102(B)(2) FOR FISCAL YEAR

(B) FIFTY-THREE PERCENT FOR A STATEWIDE HIGHWAY
RESTORATION, BETTERMENT AND RESURFACING PROGRAM FOR

(C) FIFTY-SEVEN PERCENT FOR DISTRIBUTION IN
ACCORDANCE WITH SECTION 9102(B)(2) FOR FISCAL YEAR

(D) FORTY-THREE PERCENT FOR A STATEWIDE HIGHWAY
RESTORATION, BETTERMENT AND RESURFACING PROGRAM FOR

(E) SIXTY-SEVEN PERCENT FOR DISTRIBUTION IN
ACCORDANCE WITH SECTION 9102(B)(2) FOR FISCAL YEAR

(F) THIRTY-THREE PERCENT FOR A STATEWIDE HIGHWAY
RESTORATION, BETTERMENT AND RESURFACING PROGRAM FOR

(G) SEVENTY-SEVEN PERCENT FOR DISTRIBUTION IN
ACCORDANCE WITH SECTION 9201(B)(2) FOR FISCAL YEAR

(H) TWENTY-THREE PERCENT FOR A STATEWIDE HIGHWAY
RESTORATION, BETTERMENT AND RESURFACING PROGRAM FOR

(I) ONE HUNDRED PERCENT FOR DISTRIBUTION IN
ACCORDANCE WITH SECTION 9102(B)(2) FOR FISCAL YEAR
2001-2002 AND EACH YEAR THEREAFTER.

(J) FOR ANY FISCAL YEAR BEGINNING WITH 1997-1998
DEPARTMENT SHALL MAKE SUPPLEMENTAL MAINTENANCE
PROGRAM PAYMENTS FROM THE STATEWIDE HIGHWAY
RESTORATION BETTERMENT PROGRAM TO THOSE COUNTY
MAINTENANCE DISTRICTS FOR WHICH THE TOTAL HIGHWAY
MAINTENANCE APPROPRIATIONS AND EXECUTIVE
AUTHORIZATIONS IN ACCORDANCE WITH SECTION 9102(B)
WOULD BE LESS THAN THE AMOUNT RECEIVED IN 1996-1997
FROM THE HIGHWAY MAINTENANCE APPROPRIATION, THE
SECONDARY ROADS-MAINTENANCE AND RESURFACING EXECUTIVE
AUTHORIZATION, THE HIGHWAY MAINTENANCE EXCISE TAX
EXECUTIVE AUTHORIZATION AND THE HIGHWAY MAINTENANCE
SUPPLEMENTAL APPROPRIATION.

THE WORDS AND PHRASES USED IN THIS PARAGRAPH SHALL HAVE THE
MEANINGS GIVEN TO THEM IN SECTION 9101 (RELATING TO
DEFINITIONS). THIS ONE-TIME ALLOCATION SHALL BE MADE IN
ADDITION TO AND IS NOT A REPLACEMENT FOR AMOUNTS NORMALLY
DISTRIBUTED TO COUNTY MAINTENANCE DISTRICTS UNDER SECTION
9102.] FIFTY-THREE PERCENT TO THE DEPARTMENT FOR DISTRIBUTION
IN ACCORDANCE WITH SECTION 9102(B)(2) FOR FISCAL YEAR 2013-2014 AND 40% FOR FISCAL YEAR 2014-2015 AND EACH FISCAL YEAR THEREAFTER.

(III) THIRTY-FIVE PERCENT TO THE DEPARTMENT FOR 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 28. 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:

(I) FOR FISCAL YEARS 2013-2014 THROUGH FISCAL YEAR 2016-2017, AS FOLLOWS:

(A) TWENTY-SEVEN MILLION DOLLARS SHALL BE DEPOSITED IN THE STATE HIGHWAY TRANSFER RESTORATION RESTRICTED ACCOUNT WITHIN THE MOTOR LICENSE FUND. THE FUNDS DEPOSITED IN THE STATE HIGHWAY TRANSFER RESTORATION RESTRICTED ACCOUNT SHALL BE APPROPRIATED ANNUALLY FOR EXPENDITURE AS PROVIDED UNDER SUBSECTION (G).

(B) ALL FUNDS NOT DEPOSITED IN ACCORDANCE WITH CLAUSE (A) SHALL BE DEPOSITED IN THE HIGHWAY BRIDGE IMPROVEMENT RESTRICTED ACCOUNT WITHIN THE MOTOR LICENSE FUND FOR LOCAL BRIDGES, NOTWITHSTANDING IF THE PROJECT IS ADMINISTERED BY A COUNTY, MUNICIPALITY OR THE DEPARTMENT.

(II) FOR FISCAL YEAR 2017-2018 AND EACH FISCAL YEAR THEREAFTER, AS FOLLOWS:

(A) ONE AND ONE-HALF MILL SHALL BE DEPOSITED IN THE STATE HIGHWAY TRANSFER RESTORATION RESTRICTED ACCOUNT WITHIN THE MOTOR LICENSE FUND, WHICH ACCOUNT IS HEREBY CREATED. THE FUNDS DEPOSITED IN THE STATE HIGHWAY TRANSFER RESTORATION RESTRICTED ACCOUNT ARE HEREBY ANNUALLY APPROPRIATED OUT OF THE ACCOUNT UPON AUTHORIZATION BY THE GOVERNOR FOR EXPENDITURE AS PROVIDED IN SUBSECTION (G).

(B) ONE AND ONE-HALF MILL SHALL BE DEPOSITED IN
THE HIGHWAY BRIDGE IMPROVEMENT RESTRICTED ACCOUNT
WITHIN THE MOTOR LICENSE FUND FOR LOCAL BRIDGES,
NOTWITHSTANDING IF THE PROJECT IS ADMINISTERED BY A
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 ACCOUNT AND MAY BE USED ON ANY STREETS AND HIGHWAYS IN THE MUNICIPALITY IN THE SAME MANNER AND SUBJECT TO THE SAME RESTRICTIONS AS LIQUID FUELS TAX FUNDS PAID UNDER THE LIQUID FUELS TAX MUNICIPAL ALLOCATION LAW OR, IN THE CASE OF A COUNTY, UNDER SECTION 10 OF THE ACT OF MAY 21, 1931 (P.L.149, NO.105), KNOWN AS THE LIQUID FUELS TAX ACT.

* * *

(I) REFUND TO PENNSYLVANIA FISH AND BOAT COMMISSION.--

(1) WHEN THE TAX IMPOSED BY THIS CHAPTER HAS BEEN PAID AND THE FUEL ON WHICH THE TAX HAS BEEN IMPOSED HAS BEEN CONSUMED IN THE OPERATION OF MOTORBOATS OR WATERCRAFT UPON THE WATERS OF THIS COMMONWEALTH, INCLUDING WATERWAYS BORDERING ON THIS COMMONWEALTH, THE FULL AMOUNT OF THE TAX SHALL BE REFUNDED TO THE BOAT FUND ON PETITION TO THE BOARD IN ACCORDANCE WITH PRESCRIBED PROCEDURES.

EXPENSES ARISING OUT OF SUCH ACTIVITIES; AND OTHER SIMILAR
PURPOSES.

SECTION 28.1. SECTION 9602 OF TITLE 75 IS AMENDED BY ADDING
A DEFINITION TO READ:

§ 9602. DEFINITIONS.
THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER AND
IN CHAPTER 21 (RELATING TO MOTOR CARRIERS ROAD TAX
IDENTIFICATION MARKERS) SHALL HAVE THE MEANINGS GIVEN TO THEM IN
THIS SECTION AND IN SECTION 2101.1 (RELATING TO DEFINITIONS)
UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

* * *
"PERMIT." A PERMIT AUTHORIZING TRAVEL OF A QUALIFIED
MOTOR VEHICLE IN THIS COMMONWEALTH WHICH IS NOT SUSPENDED,
REVOKED OR CANCELED.

* * *

SECTION 28.2. SECTION 9610 OF TITLE 75 IS AMENDED TO READ:

§ 9610. [RECORDS.
EVERY MOTOR CARRIER SHALL KEEP SUCH RECORDS, IN SUCH FORM AS THE
DEPARTMENT REASONABLY MAY PRESCRIBE, AS WILL ENABLE THE CARRIER
TO REPORT AND ENABLE THE DEPARTMENT TO DETERMINE THE TOTAL
NUMBER OF MILES TRAVELED BY ITS ENTIRE FLEET OF QUALIFIED MOTOR
VEHICLES, THE TOTAL NUMBER OF MILES TRAVELED IN THIS
COMMONWEALTH BY THE ENTIRE FLEET, THE TOTAL NUMBER OF GALLONS OF
MOTOR FUEL USED BY THE ENTIRE FLEET AND THE TOTAL NUMBER OF
GALLONS OF MOTOR FUEL PURCHASED IN THIS COMMONWEALTH FOR THE
ENTIRE FLEET. ALL SUCH RECORDS SHALL BE SAFELY PRESERVED FOR A
PERIOD OF FOUR YEARS IN SUCH MANNER AS TO INSURE THEIR SECURITY
AND AVAILABILITY FOR INSPECTION BY THE SECRETARY OR ANY
AUTHORIZED EMPLOYEE ENGAGED IN THE ADMINISTRATION OF THIS
CHAPTER. UPON APPLICATION IN WRITING, STATING THE REASONS
THEREFOR, THE DEPARTMENT MAY, IN ITS DISCRETION, CONSENT TO THE 
DESTRUCTION OF ANY SUCH RECORDS AT ANY TIME WITHIN THAT PERIOD 
IF THE RECORDS PERTAIN TO A PERIOD WHICH HAS BEEN AUDITED BY THE 
DEPARTMENT. EVERY TAXPAYER SHALL RETAIN RECORDS REQUIRED BY THIS 
CHAPTER AT A PLACE WITHIN THIS COMMONWEALTH, BUT A TAXPAYER WHO 
ELECTS TO RETAIN RECORDS OUTSIDE OF THIS COMMONWEALTH SHALL 
ASSUME REASONABLE OUT-OF-STATE AUDIT EXPENSES.] (RESERVED).

SECTION 28.3. TITLE 75 IS AMENDED BY ADDING A SECTION TO 
READ:

§ 9610.1 RECORDKEEPING.

(A) RECORDS.--EVERY MOTOR CARRIER SHALL KEEP RECORDS, IN A 
FORM AS THE DEPARTMENT MAY REASONABLY PRESCRIBE, AS WILL ENABLE 
THE CARRIER TO REPORT AND ENABLE THE DEPARTMENT TO DETERMINE ALL 
OF THE FOLLOWING:

(1) THE TOTAL NUMBER OF MILES TRAVELED BY ITS ENTIRE 
FLEET OF QUALIFIED MOTOR VEHICLES.

(2) THE TOTAL NUMBER OF MILES TRAVELED IN THIS 
COMMONWEALTH BY THE ENTIRE FLEET.

(3) THE TOTAL NUMBER OF GALLONS OF MOTOR FUEL USED BY 
THE ENTIRE FLEET.

(4) THE TOTAL NUMBER OF GALLONS OF MOTOR FUEL PURCHASED 
IN THIS COMMONWEALTH FOR THE ENTIRE FLEET.

(B) RECORD LOCATION.--EVERY TAXPAYER SHALL RETAIN RECORDS 
REQUIRED BY THIS CHAPTER AT A PLACE WITHIN THIS COMMONWEALTH. 
A TAXPAYER WHO ELECTS TO RETAIN RECORDS OUTSIDE THIS 
COMMONWEALTH SHALL ASSUME REASONABLE OUT-OF-STATE AUDIT 
EXPENSES.

(C) RECORD PRESERVATION.--RECORDS SHALL BE PRESERVED FOR A 
PERIOD OF FOUR YEARS FROM THE DUE DATE OF THE RETURN OR THE DATE 
 FILED, WHICHEVER IS LATER. THE PRESERVATION SHALL ENSURE THEIR 

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SECURITY AND AVAILABILITY FOR INSPECTION BY THE SECRETARY OR ANY AUTHORIZED EMPLOYEE ENGAGED IN THE ADMINISTRATION OF THIS CHAPTER. RECORDS MAY BE KEPT ON MICROFILM, MICROFICHE OR OTHER COMPUTERIZED OR CONDENSED RECORD STORAGE SYSTEM. UPON APPLICATION IN WRITING, STATING THE REASONS THEREFOR, THE DEPARTMENT MAY, IN ITS DISCRETION, CONSENT TO THE DESTRUCTION OF ANY SUCH RECORDS AT ANY TIME WITHIN THAT PERIOD IF THE RECORDS PERTAIN TO A PERIOD WHICH HAS BEEN AUDITED BY THE DEPARTMENT.

(D) RECORD AVAILABILITY.--RECORDS FOR INTERNATIONAL FUEL TAX AGREEMENT LICENSEES MUST BE MADE AVAILABLE UPON REQUEST OF A MEMBER JURISDICTION.

(E) STATUTE OF LIMITATIONS.--FAILURE TO PROVIDE RECORDS DEMANDED FOR THE PURPOSE OF AUDIT SHALL EXTEND THE STATUTE OF LIMITATIONS UNTIL THE RECORDS ARE PROVIDED.

(F) SEPARATE ACCOUNTING.--BULK STORAGE FUEL PURCHASES AND WITHDRAWALS AND OVER-THE-ROAD PURCHASES SHALL BE ACCOUNTED FOR SEPARATELY.

(G) INTERNATIONAL FUEL TAX AGREEMENT VEHICLES.--THE INTERNATIONAL FUEL TAX AGREEMENT VEHICLES WHOSE BASE JURISDICTION IS THIS COMMONWEALTH SHALL FOLLOW THE INTERNATIONAL FUEL TAX AGREEMENT PROCEDURES MANUAL FOR THE FOLLOWING RECORDKEEPING STANDARDS:

(1) OVER-THE-ROAD FUEL PURCHASES.

(2) BULK FUEL PURCHASES.

(3) DISTANCE RECORDS.

(4) ACCEPTABLE SOURCE RECORDS FOR RECORDING VEHICLE DISTANCE INFORMATION THAT SHALL INCLUDE ALL OF THE FOLLOWING:

(I) THE INDIVIDUAL VEHICLE MILEAGE RECORD REQUIRED BY THE INTERNATIONAL REGISTRATION PLAN.

(II) A TRIP REPORT THAT INCLUDES THE INFORMATION IN
Paragraphs (1) through (3), the starting and ending date of the trip, the trip's origin and destination, including city and state, routes of travel, starting and ending odometer readings, vehicle unit number, vehicle fleet number and licensee's name.

(iii) At the option of the carrier, on-board recording devices that may be used in lieu of or in addition to handwritten trip reports for fuel tax reporting. On-board recording devices may be used alone or in conjunction with an electronic computer system, or in conjunction with manual systems.

(5) Data collection to obtain the information needed to verify fleet distance, to prepare the individual vehicle distance record and for fuel tax purposes, the carrier shall maintain all mandatory and optional records as specified in the International Fuel Tax Agreement Procedures Manual.

(6) International Fuel Tax Agreement decals shall be considered records under this section. International Fuel Tax Agreement motor carriers shall be responsible for maintaining the decals for periods sufficient to meet the record preservation rules under Subsection (c). If a motor carrier loses control of a decal for which it is responsible under Chapter 21 (Relating to Motor Carriers Road Tax Identification Markers), the motor carrier shall notify the department in writing of the loss within ten days. An owner-operator to whom a licensed carrier has provided decals shall remain responsible for the disposition of the owner-operator's decals.

(H) Qualified motor vehicles.--A qualified motor vehicle not subject to international fuel tax agreement and holding a motor vehicle...
CARRIER ROAD TAX LICENSE UNDER CHAPTER 21 (RELATING TO MOTOR CARRIERS ROAD TAX IDENTIFICATION MARKERS) SHALL COMPLY WITH SUBSECTIONS (A) THROUGH (F). THE QUALIFIED MOTOR VEHICLE HOLDING THE PERMIT SHALL MAINTAIN RESPONSIBILITY FOR PA-MCRT DECALS IN A MANNER SIMILAR TO THAT AS PROVIDED FOR INTERNATIONAL FUEL TAX AGREEMENT DECALS IN SUBSECTION (G) (6).

(I) COMPLIANCE.--NONCOMPLIANCE WITH ANY RECORDKEEPING REQUIREMENT UNDER THIS SECTION MAY CAUSE REVOCATION OF THE LICENSE.

(J) DEFINITION.--FOR PURPOSES OF THIS SECTION, THE TERM "RECORD," WHEREVER APPLICABLE AND PRACTICAL, SHALL INCLUDE ACTUAL INDIVIDUAL RECORDS OF MILEAGE TRAVELED OR RECEIPTS OF FUEL PURCHASED.

SECTION 28.4. SECTIONS 9611 AND 9613 OF TITLE 75 ARE AMENDED TO READ:

§ 9611. SURETY BOND FOR PAYMENT OF TAXES.

(A) GENERAL.--A MOTOR CARRIER MAY GIVE A SURETY COMPANY BOND IN AN AMOUNT DEEMED NECESSARY BY THE DEPARTMENT TO PROTECT THE REVENUES OF THE COMMONWEALTH, PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA AND CONDITIONED THAT THE CARRIER WILL PAY ALL TAXES DUE AND TO BECOME DUE UNDER THIS CHAPTER FROM THE DATE OF THE BOND TO THE DATE WHEN EITHER THE CARRIER OR THE BONDING COMPANY NOTIFIES THE DEPARTMENT THAT THE BOND HAS BEEN CANCELED. THE SURETY SHALL BE A CORPORATION AUTHORIZED TO WRITE SURETY BONDS IN THIS COMMONWEALTH. AS LONG AS THE BOND REMAINS IN FORCE, THE BOARD OF FINANCE AND REVENUE MAY ORDER REFUNDS TO THE MOTOR CARRIER IN THE AMOUNTS APPEARING TO BE DUE ON APPLICATIONS DULY FILED BY THE MOTOR CARRIER UNDER SECTION 9604 (RELATING TO CREDIT FOR MOTOR FUEL TAX PAYMENT), WITHOUT FIRST AUDITING THE RECORDS OF THE CARRIER. THE BOND SHALL COVER TAXES AND INTEREST
DUE THEREON EVEN THOUGH THE ASSESSMENT IS MADE AFTER CANCELLATION OF THE BOND, BUT ONLY FOR TAXES DUE AND PAYABLE WHILE THE BOND WAS IN FORCE AND PENALTIES AND INTEREST ON SUCH TAXES.

(B) CONDITIONS FOR BONDING.--THE DEPARTMENT MAY REQUIRE A LICENSEE TO POST A BOND IF ANY OF THE FOLLOWING CONDITIONS EXIST:

(1) THE LICENSEE FAILS TO TIMELY FILE TAX RETURNS OR REMIT TAXES.

(2) WHEN AN AUDIT, EXAMINATION OR INSPECTION OF RECORDS INDICATES PROBLEMS SEVERE ENOUGH THAT, IN THE DEPARTMENT'S DISCRETION, A BOND IS REQUIRED TO PROTECT THE INTERESTS OF THE COMMONWEALTH OR MEMBER JURISDICTIONS.

(3) AS MAY BE REQUIRED UNDER THE INTERNATIONAL FUEL TAX AGREEMENT.

(C) SURETY AMOUNT.--THE TOTAL AMOUNT OF THE BOND SHALL BE DETERMINED BY THE DEPARTMENT AND SHALL BE EQUIVALENT TO AT LEAST TWICE THE AMOUNT OF THE ESTIMATED AVERAGE TAX LIABILITY FOR THE TAX REPORTING PERIOD FOR WHICH THE LICENSEE SHALL BE REQUIRED TO FILE A TAX RETURN.

(D) SURETY SUBSTITUTE.--UPON APPROVAL BY THE DEPARTMENT, IN LIEU OF A SURETY BOND, AN INTERNATIONAL FUEL TAX AGREEMENT LICENSEE OR APPLICANT FOR A NEW INTERNATIONAL FUEL TAX AGREEMENT LICENSE MAY DEPOSIT A SUBSTITUTE TYPE OF SURETY AS PROVIDED FOR IN THE INTERNATIONAL FUEL TAX AGREEMENT ARTICLES OF AGREEMENT AND PROCEDURES MANUAL.

(E) DEMAND ON BOND.--IN ORDER TO SECURE THE REVENUES OF THE COMMONWEALTH OR MEMBER JURISDICTIONS, THE DEPARTMENT SHALL HAVE THE DISCRETION TO MAKE DEMAND ON A TAXPAYER'S SURETY BOND UPON DISCOVERING A FAILURE TO TIMELY FILE A REPORT OR PAYMENT AS

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REQUIRED UNDER SECTION 9605 (RELATING TO TAX DUE DATE).

(F) APPLICABILITY.--BOND REQUIREMENTS UNDER THIS SECTION MAY APPLY TO NEW INTERNATIONAL FUEL TAX AGREEMENT LICENSE APPLICANTS AND EXISTING INTERNATIONAL FUEL TAX AGREEMENT LICENSEES.

§ 9613. PENALTY AND INTEREST FOR FAILURE TO REPORT OR PAY TAX.

WHEN ANY MOTOR CARRIER FAILS TO FILE A REPORT [AND] OR PAY THE TAX WITHIN THE TIME PRESCRIBED BY THIS CHAPTER FOR THE FILING [AND] OR PAYMENT THEREOF, HE SHALL PAY AS A PENALTY FOR EACH FAILURE TO FILE OR TO PAY ON OR BEFORE THE PRESCRIBED DATE A SUM EQUIVALENT TO 10% OF THE TAX OR $50, WHICHEVER IS GREATER. IN ADDITION TO THIS PENALTY, ANY UNPAID TAX SHALL BEAR INTEREST AT THE CURRENT RATE [OF 1% PER MONTH OR FRACTION THEREOF] IMPOSED BY THE INTERNATIONAL FUEL TAX AGREEMENT UNTIL THE TAX IS PAID. IF THE COMMONWEALTH CEASES TO PARTICIPATE IN THE INTERNATIONAL FUEL TAX AGREEMENT, THE RATE SHALL BE 1% PER MONTH OR FRACTION THEREOF UNTIL THE TAX IS PAID. THE PENALTIES AND INTEREST CHARGES IMPOSED SHALL BE PAID TO THE DEPARTMENT IN ADDITION TO THE TAX DUE. THIS SECTION SHALL APPLY TO ANY QUALIFIED MOTOR VEHICLE, INCLUDING A QUALIFIED MOTOR VEHICLE BEARING AN INTERNATIONAL FUEL TAX AGREEMENT OR MOTOR CARRIER ROAD TAX LICENSE AND DECAL IN ACCORDANCE WITH CHAPTER 21 (RELATING TO MOTOR VEHICLE ROAD TAX CARRIERS IDENTIFICATION MARKERS).

SECTION 28.5. SECTION 9615(E) OF TITLE 75 IS AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

§ 9615. MANNER OF PAYMENT AND RECOVERY OF TAXES, PENALTIES AND INTEREST.

* * *

(E) RENEWAL OF LIEN.--THE LIEN IMPOSED UNDER THIS SECTION SHALL CONTINUE FOR FIVE YEARS FROM THE DATE OF ITS ENTRY OF 20130SB0001PN1308
RECORD AND MAY BE RENEWED AND CONTINUED IN THE MANNER PROVIDED FOR THE RENEWAL OF JUDGMENTS.]

(E.1) RENEWAL OF LIEN.--A LIEN UNDER THIS SECTION SHALL CONTINUE AS SPECIFIED UNDER SECTION 1401 OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE.

SECTION 28.6. SECTIONS 9616(A), (E) AND (F) AND 9617 ARE AMENDED TO READ:

§ 9616. [DETERMINATION, REDETERMINATION] ASSESSMENT, REASSESSMENT AND REVIEW.

(A) FAILURE TO PAY TAX.--IF ANY PERSON FAILS TO PAY ANY TAX IMPOSED BY THIS CHAPTER FOR WHICH HE IS LIABLE, THE DEPARTMENT MAY MAKE [A DETERMINATION] AN ASSESSMENT OF ADDITIONAL TAX AND INTEREST DUE BY SUCH PERSON BASED UPON ANY INFORMATION WITHIN ITS POSSESSION OR THAT SHALL COME INTO ITS POSSESSION. ALL [DETERMINATIONS] ASSESSMENTS SHALL BE MADE SO THAT NOTICE THEREOF SHALL REACH THE PARTIES AGAINST WHOM MADE WITHIN FIVE YEARS AFTER THE DUE DATE OF THE TAX. ANY ASSESSMENT MAY BE MADE AT ANY TIME DURING THAT PERIOD NOTWITHSTANDING THAT THE DEPARTMENT MAY HAVE MADE ONE OR MORE PREVIOUS ASSESSMENTS AGAINST THE TAXPAYER FOR THE YEAR IN QUESTION OR FOR ANY PART OF THAT YEAR. IN ANY CASE, NO CREDIT SHALL BE GIVEN FOR ANY PENALTY PREVIOUSLY ASSESSED OR PAID.

* * *

REDETERMINATION] REASSESSMENT SHALL STATE SPECIFICALLY THE REASSESSMENT, AND IT SHALL BE SUPPORTED BY AFFIRMATION THAT IT IS NOT MADE FOR THE PURPOSE OF DELAY AND THAT THE FACTS SET FORTH THEREIN ARE TRUE. IT SHALL BE THE DUTY OF THE DEPARTMENT, WITHIN SIX MONTHS AFTER THE DATE OF ANY DETERMINATION, TO DISPOSE OF ANY PETITION FOR REDETERMINATION. NOTICE OF THE ACTION TAKEN UPON ANY PETITION FOR REDETERMINATION SHALL BE GIVEN TO THE PETITIONER PROMPTLY AFTER THE DATE OF REDETERMINATION BY THE DEPARTMENT.


§ 9617. TIMELY MAILING TREATED AS TIMELY FILING AND PAYMENT. WITH RESPECT TO ALL REPORTS, CLAIMS, STATEMENTS AND OTHER DOCUMENTS REQUIRED TO BE FILED AND ALL PAYMENTS REQUIRED TO BE MADE UNDER THIS CHAPTER, ANY SUCH REPORT, CLAIM, STATEMENT AND OTHER DOCUMENT OR PAYMENT OF TAX WITHHELD SHALL BE CONSIDERED AS TIMELY FILED IF THE REPORT, CLAIM, STATEMENT OR OTHER DOCUMENT OR PAYMENT WHICH HAS BEEN RECEIVED BY THE DEPARTMENT IS POSTMARKED BY THE UNITED STATES POSTAL SERVICE ON OR PRIOR TO THE FINAL DAY ON WHICH PAYMENT IS TO BE RECEIVED. FOR THE PURPOSES OF THIS CHAPTER, THE PRESENTATION OF A RECEIPT INDICATING THAT THE REPORT, CLAIM, STATEMENT OR OTHER DOCUMENT
OR PAYMENT WAS MAILED BY REGISTERED OR CERTIFIED MAIL ON OR BEFORE THE DUE DATE SHALL BE PRIMA FACIE EVIDENCE OF TIMELY FILING OF THE REPORT, CLAIM, STATEMENT OR OTHER DOCUMENT OR PAYMENT.] (RESERVED).

SECTION 28.6. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

§ 9617.1. METHOD OF FILING AND TIMELINESS.

(A) ELECTRONIC FILING.--EXCEPT AS PROVIDED FOR UNDER SUBSECTION (B), UNLESS SPECIFICALLY PROVIDED FOR BY LAW, ALL REPORTS, PAYMENTS AND PETITIONS SHALL BE FILED ELECTRONICALLY WITH THE DEPARTMENT. UPON RECEIPT OF AN ELECTRONIC FILING BY THE DEPARTMENT, THE FILING SHALL BE DEEMED TO HAVE OCCURRED ON THE SPECIFIC DATE AND TIME INDICATED BY THE DEPARTMENT'S COMPUTERS OR SYSTEMS.

(B) EXCEPTIONS.--

(1) ELECTRONIC FILING SHALL NOT BE REQUIRED FOR ANY PAYMENT AMOUNTS LESS THAN $1,000.

(2) A MOTOR CARRIER MAY BE EXCUSED FROM ELECTRONIC FILING THAT IS OTHERWISE REQUIRED BY LAW UPON PRESENTING TO THE DEPARTMENT EVIDENCE OF HARDSHIP IN FILING ELECTRONICALLY. SUCH EVIDENCE SHALL BE PROVIDED TO AND ACCEPTED BY THE DEPARTMENT BEFORE THE DUE DATE FOR THE REPORT, PAYMENT OR PETITION.

(3) ELECTRONIC FILING SHALL NOT BE ACCEPTED BY THE DEPARTMENT FOR CERTAIN REQUIRED FILINGS UNDER THIS CHAPTER WHERE THE DEPARTMENT DOES NOT HAVE THE TECHNICAL CAPABILITY TO PROCESS SUCH AN ELECTRONIC FILING.

(C) UNITED STATES POSTAL SERVICE FILING.--

(1) WHenever a report, payment or petition is required or allowed by law to be filed with the Department by United States Postal Service filing.
STATES POSTAL SERVICE, ALL OF THE FOLLOWING SHALL APPLY:

(I) IF THE REPORT MUST BE RECEIVED BY THE DEPARTMENT ON OR BEFORE A DAY CERTAIN, THE TAXPAYER SHALL BE DEEMED TO HAVE COMPLIED WITH THE LAW IF THE CORRECTLY ADDRESSED ENVELOPE TRANSMITTING THE REPORT, PAYMENT OR PETITION RECEIVED BY THE DEPARTMENT IS POSTMARKED BY UNITED STATES POSTAL SERVICE ON OR BEFORE THE FINAL DAY ON WHICH THE REPORT, PAYMENT OR PETITION IS REQUIRED TO BE RECEIVED.

(II) FOR THE PURPOSES OF THIS SUBSECTION, PRESENTATION OF A RECEIPT FROM UNITED STATES POSTAL SERVICE INDICATING THAT THE CORRECTLY ADDRESSED ENVELOPE TRANSMITTING THE REPORT, PAYMENT OR PETITION RECEIVED BY THE DEPARTMENT WAS MAILED ON OR BEFORE THE DUE DATE SHALL BE EVIDENCE OF TIMELY FILING AND PAYMENT.

(D) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO ANY REPORT, PAYMENT OR PETITION THAT IS REQUIRED BY LAW TO BE DELIVERED BY ANY METHOD OTHER THAN MAILING.

§ 9623. UNCOLLECTIBLE PAYMENTS.


§ 9624. EMERGENCY ASSISTANCE IN A TIMELY MANNER.

(A) WITHIN THIS COMMONWEALTH.--UPON THE GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY IN THIS COMMONWEALTH, THE SECRETARY OF REVENUE MAY WAIVE, SUSPEND OR OTHERWISE MODIFY ANY PROVISIONS OF THIS CHAPTER FOR THE SOLE PURPOSE OF ENABLING MOTOR CARRIERS TO RESPOND TO EMERGENCY CONDITIONS AND CONDUCT EMERGENCY RELIEF EFFORTS IN A TIMELY MANNER. THE WAIVERS, SUSPENSIONS OR MODIFICATIONS SHALL BE EFFECTIVE FOR A SPECIFIC
PERIOD OF TIME AS DETERMINED BY THE SECRETARY OF REVENUE AND
SHALL NOT EXCEED THE TERMINATION OF THE STATE OF EMERGENCY
DECLARED BY THE GOVERNOR.

(B) OUTSIDE THIS COMMONWEALTH.--THE SECRETARY OF REVENUE,
WITH PRIOR AUTHORIZATION FROM THE GOVERNOR, MAY WAIVE, SUSPEND
OR OTHERWISE MODIFY ANY PROVISIONS OF THIS CHAPTER ON A
TEMPORARY AND DEFINITE BASIS IN ORDER TO FACILITATE THE TIMELY
MOVEMENT OF VEHICLES OR FUEL FROM AND THROUGH THIS COMMONWEALTH
TO OTHER JURISDICTIONS REQUESTING EMERGENCY ASSISTANCE FROM THIS
COMMONWEALTH.

(C) RECORDKEEPING.--NOTWITHSTANDING SUBSECTIONS (A) AND (B),
each distributor, exempt entity or other person who buys, sells
or uses liquid fuels, fuels or alternative fuels pursuant to the
terms of an emergency declaration shall maintain records to
substantiate participation in emergency relief efforts. A
vehicle, other than a qualified motor vehicle as defined under
section 2101.1 (relating to definitions) or a vehicle operated
by an exempt entity traveling on the public highways of this
commonwealth during the emergency period under subsection (A) or
(B) must maintain records of purchases of tax-exempt fuel.

(D) TAXES NOT WAIVED.--UNLESS SUSPENDED BY THE SECRETARY OF
REVENUE, LIQUID FUELS, FUELS AND ALTERNATIVE FUEL TAXES IMPOSED
UNDER SECTION 9004 MAY NOT BE WAIVED FOR AN EMERGENCY PERIOD
UNDER SUBSECTION (A) OR (B).

SECTION 29. (RESERVED).

SECTION 30. THE ADDITION OF 74 PA.C.S. § 9202 SHALL APPLY TO
CONTRACTS ENTERED INTO ON OR AFTER THE EFFECTIVE DATE OF THIS
SECTION.

SECTION 31. THE GENERAL ASSEMBLY DECLARES THAT THE AMENDMENT
OF 75 PA.C.S. § 4968(A.2)(4) SHALL NOT AFFECT THE DEPARTMENT OF
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TRANSPORTATION'S REQUIREMENTS REGARDING THE PERMIT FOR THE
MOVEMENT OF RAW MILK FOUND AT 50A ON PAGES 83 AND 84 OF THE
DEPARTMENT OF TRANSPORTATION'S PUBLICATION 31.

SECTION 32. REPEALS ARE AS FOLLOWS:
(1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE FOLLOWING:
(I) THE ADDITION OF 74 PA.C.S. § 1505.1.
(II) THE AMENDMENT OF 74 PA.C.S. § 1506(C)(3).
(2) SECTIONS 281.2(B), (D) AND (E) AND 1110-A(C) AND
ARTICLE XXIII OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2),
KNOWN AS THE TAX REFORM CODE OF 1971, ARE REPEALED.

SECTION 33. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:
(1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
IMMEDIATELY:
(I) THIS SECTION.
(II) THE ADDITION OF 74 PA.C.S. CH. 59 SUBCH. C.
(III) THE ADDITION OF 75 PA.C.S. § 4968(A.1)(3),
(A.2)(4) AND (B).
(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
DAYS.