

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1086 Session of
2015INTRODUCED BY RAFFERTY, COSTA, EICHELBERGER, TEPLITZ, FONTANA,
RESCHENTHALER, WHITE AND VULAKOVICH, DECEMBER 11, 2015

SENATOR RAFFERTY, TRANSPORTATION, AS AMENDED, JANUARY 20, 2016

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in registration of vehicles, FURTHER PROVIDING FOR <--
3 DISPLAY OF REGISTRATION PLATE AND FOR SURRENDER OF
4 REGISTRATION PLATES AND CARDS UPON SUSPENSION OR REVOCATION
5 AND providing for suspension of registration upon unpaid
6 tolls; AND, IN FEES, FURTHER PROVIDING FOR REINSTATEMENT OF <--
7 OPERATING PRIVILEGE OR VEHICLE REGISTRATION.

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

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

12 SECTION 1. SECTIONS 1332(B) AND (C) AND 1376(B.1) OF TITLE <--
13 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO
14 READ:

15 § 1332. DISPLAY OF REGISTRATION PLATE.

16 * * *

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

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

1 (2) IS OBSCURED IN ANY MANNER WHICH INHIBITS THE PROPER
2 OPERATION OF AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM IN
3 PLACE PURSUANT TO SECTION 3116 (RELATING TO AUTOMATED RED
4 LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS CITIES) OR 3117
5 (RELATING TO AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN
6 CERTAIN MUNICIPALITIES) OR ANY OTHER AUTOMATED ENFORCEMENT
7 SYSTEM AUTHORIZED BY THIS TITLE OR AN ELECTRONIC TOLL
8 COLLECTION SYSTEM AS AUTHORIZED UNDER 74 PA.C.S. § 8117
9 (RELATING TO TOLL COLLECTION); [OR]

10 (3) IS OTHERWISE ILLEGIBLE AT A REASONABLE DISTANCE OR
11 IS OBSCURED IN ANY MANNER[.]; OR

12 (4) IS OBSCURED, COVERED OR OTHERWISE OBSTRUCTED IN A
13 MANNER WHICH INHIBITS THE VISIBILITY OF THE ISSUING
14 JURISDICTION AT A REASONABLE DISTANCE.

15 (C) PENALTY FOR OBSCURED PLATE.--ANY PERSON WHO VIOLATES
16 SUBSECTION (B) (2) OR (4) COMMITS A SUMMARY OFFENSE AND SHALL,
17 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$100.

18 * * *

19 § 1376. SURRENDER OF REGISTRATION PLATES AND CARDS UPON
20 SUSPENSION OR REVOCATION.

21 * * *

22 (B.1) IMMEDIATE SEIZURE OF REGISTRATION PLATES AND CARDS.--
23 THE DEPARTMENT MAY DELEGATE AUTHORITY TO THE PERSONS DESCRIBED
24 IN THIS SECTION TO IMMEDIATELY SEIZE REGISTRATION PLATES AND
25 CARDS UPON IMPOSITION OF THE FOLLOWING:

26 (1) A SUSPENSION IMPOSED PURSUANT TO SECTION 1374(D) (3)
27 OR (4) (RELATING TO SUSPENSION OR REVOCATION OF VEHICLE
28 BUSINESS REGISTRATION PLATES) UNTIL ALL FEES, TAXES AND
29 PENALTIES HAVE BEEN PAID;

30 (2) A SUSPENSION OR REVOCATION IMPOSED PURSUANT TO

SECTION 1373(B) (3) (RELATING TO SUSPENSION OF REGISTRATION)
OR 1374(G);

(3) A SUSPENSION OR REVOCATION IS REINSTATED AFTER
DETERMINATION OF A MATTER AS PROVIDED IN SECTION 1377
(RELATING TO JUDICIAL REVIEW); [OR]

(4) A SUSPENSION IMPOSED PURSUANT TO SECTION 1379
(RELATING TO SUSPENSION OF REGISTRATION UPON SIXTH UNPAID
PARKING VIOLATION IN CITIES OF THE FIRST CLASS) UNTIL ALL
FINES, PENALTIES AND COSTS HAVE BEEN PAID[.]; OR

(5) A SUSPENSION IMPOSED PURSUANT TO SECTION 1380
(RELATING TO SUSPENSION OF REGISTRATION UPON UNPAID TOLLS)
UNTIL ALL TOLLS, ADMINISTRATIVE FEES AND COSTS HAVE BEEN
PAID, DISMISSED, REVERSED ON APPEAL OR CANCELED OR IF THE
OWNER OR REGISTRANT ENTERS INTO AN AGREEMENT WITH THE TOLLING
ENTITY TO MAKE INSTALLMENT PAYMENTS.

* * *

SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
§ 1380. Suspension of registration upon unpaid tolls.

(a) General rule.--

(1) The department shall suspend the registration of a
vehicle upon 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 under 74 Pa.C.S. § 8116(a)
(relating to collection and disposition of tolls and
other revenue) or 8117(a)(1) (relating to electronic toll
collection) or other law, regulation, ordinance or
standard 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) Nothing in paragraph (1) shall be construed to limit
a tolling entity's ability to recoup unpaid tolls or
administrative fees or costs by any 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 under this section
and afford the owner or registrant with the opportunity to be
heard during an administrative proceeding.

(c) Notice to department.--

(1) 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).

(2) 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

1 on appeal or canceled or the owner or registrant enters into an
2 agreement with the tolling entity to make installment payments
3 for tolls, administrative fees and costs imposed and pays the
4 fee prescribed in section 1960 (relating to reinstatement of
5 operating privilege or vehicle registration), provided that the
6 suspension may be reimposed by the department if the owner or
7 registrant fails to make regular installment payments.

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

15 (f) Violations outside Commonwealth.--

16 (1) The department shall suspend the registration of a
17 vehicle upon the notification from a tolling entity that has
18 entered into an enforcement agreement with the department as
19 authorized under section 6146 (relating to enforcement
20 agreements) for any toll violation of that state or an
21 authority or for failure to pay any fine or costs imposed in
22 accordance with the laws of the jurisdiction in which the
23 violation occurred.

24 (2) A person who provides proof satisfactory to the
25 department that the full amount of the fine and costs has
26 been forwarded to and received by the other state may not be
27 regarded as having failed to pay for the purposes of this
28 subsection.

29 (g) Documentation.--

30 (1) In any proceeding under this section, documents

1 obtained by the department from a tolling entity or from the
2 appropriate agency of the Commonwealth or another state shall
3 be admissible into evidence to support the department's case.

4 (2) The department may treat the documents and reports
5 as documents of the department and use any of the methods of
6 storage permitted under the provisions of 42 Pa.C.S. § 6109
7 (relating to photographic copies of business and public
8 records) and may reproduce the documents in accordance with
9 the provisions of 42 Pa.C.S. § 6103 (relating to proof of
10 official records).

11 (3) The department may certify that it has received or
12 obtained documents and reports from a tolling entity, the
13 Commonwealth or other states, and the certification shall be
14 prima facie proof of the facts contained in the documents and
15 reports.

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

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

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

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

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

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

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

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

28 (J) DEFINITION.--AS USED IN THIS SECTION, THE TERM "TOLLING <--
29 ENTITY" MEANS ANY OF THE FOLLOWING:

30 (1) THE PENNSYLVANIA TURNPIKE COMMISSION.

1 (2) AN ENTITY AUTHORIZED TO IMPOSE AND COLLECT TOLLS IN
2 ACCORDANCE WITH ANY OF THE FOLLOWING:

3 (I) THE LAWS OF THIS COMMONWEALTH.

4 (II) THE LAWS OF ANOTHER STATE.

5 (III) THE TERMS OF AN INTERSTATE COMPACT OR
6 AGREEMENT.

7 (3) AN AUTHORIZED AGENT OF AN ENTITY UNDER PARAGRAPH
8 (2).

9 SECTION 3. SECTION 1960 OF TITLE 75 IS AMENDED TO READ:

10 § 1960. REINSTATEMENT OF OPERATING PRIVILEGE OR VEHICLE
11 REGISTRATION.

12 THE DEPARTMENT SHALL CHARGE A FEE OF \$70 OR, IF SECTION 1379
13 (RELATING TO SUSPENSION OF REGISTRATION UPON SIXTH UNPAID
14 PARKING VIOLATION IN CITIES OF THE FIRST CLASS), 1380 (RELATING
15 TO SUSPENSION OF REGISTRATION UPON UNPAID TOLLS) OR 1786(D)
16 (RELATING TO REQUIRED FINANCIAL RESPONSIBILITY) APPLIES, A FEE
17 OF \$88 TO RESTORE A PERSON'S OPERATING PRIVILEGE OR THE
18 REGISTRATION OF A VEHICLE FOLLOWING A SUSPENSION OR REVOCATION.

19 Section ~~2~~ 4. This act shall take effect in ~~60 days~~ NINE
20 MONTHS.

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