

## No. 275

## AN ACT

## HB 2073

Amending the act of April 29, 1959 (P.L.58, No.32), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," adding and incorporating, as to registrations, a definition of "implement of husbandry"; changing the definition of "motor home" and adding a definition of "truck camper"; providing for certain permits; further providing for exemption from registration, applications for registration and registration cards, temporary plates or markers, certain fee provisions, equipment leasing contracts, and making a repeal.

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

Section 1. The definition of "motor home" in section 102, act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle Code," added December 16, 1975 (P.L.497, No.149) is amended, and said section is also amended by adding definitions to read:

Section 102. Definitions.—The following words and phrases when used in this act shall, for the purpose of this act, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

\* \* \*

***"Implement of husbandry."***—*A vehicle designed or adapted and used exclusively for agricultural operations and only incidentally operated or moved upon the highway.*

\* \* \*

***"Motor home."***—*A motor vehicle designed [, used or maintained primarily] or adapted for use as a mobile dwelling or office [or commercial space.] , except a motor vehicle equipped with a truck-camper.*

\* \* \*

***"Truck-camper."***—*A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.*

\* \* \*

Section 1.1. The heading, subsection (f) and the penalty clause of section 401 of the act, subsection (f) amended October 13, 1965 (P.L.581, No.301), is amended to read:

Section 401. Registration of Motor Vehicles, Tractors, Trailers and Semi-Trailers Required; Special Permits for Nonresidents; ***Implements of Husbandry Excepted.***—

\* \* \*

(f) **[Motor vehicles, tractors, trailers and semi-trailers determined by the department to be used exclusively by any person, or his agents and**

employes, upon the farm or farms he owns or operates, or upon highways connecting by the most direct route any farms or portions of farms, all of which are situated in any one county or county next adjoining thereto (unless the same is a farm tractor in which event the limitation of county lines shall not be applicable) and under the single ownership or operation of such person, shall be exempt from registration. A certificate of exemption shall be required in the case of motor vehicles, trailers and semi-trailers: Provided, That vehicles exempt from registration under this act, which use the highways as above limited, may be operated upon highways connecting by the nearest route such farm or farms and the nearest official inspection station for purposes of inspection, as provided for in this act. Vehicles exempt from registration may also be operated on the highways between such farm or farms and any garage for the purpose of having the same repaired, or between such farm or farms and another farm for the purpose of exchanging farm work without remuneration: Provided, That the said garage or other farm is within eight miles of the farm or farms which the owner or operator of the vehicle owns or operates. Vehicles exempt from registration may also be operated on the highways between such farm or farms and any place or places for the buying or selling of farm products located within eight miles of the farm or farms which the owner or operator of the vehicle owns or operates.] *Implements of husbandry, farm tractors, trailers and semi-trailers determined by the department to be used exclusively for agricultural operations and only incidentally operated upon highways shall be exempt from registration.*

(1) *A certificate of exemption shall be required for trailers and semi-trailers.*

(2) *Implements of husbandry, farm tractors, trailers and semi-trailers exempt from registration under this paragraph shall be used exclusively upon a farm or farms owned or operated by the owner of the vehicle or upon highways between:*

(i) *Parts of one (1) farm.*

(ii) *Farms located not more than twenty-five (25) miles apart.*

(iii) *A farm and a dealer in implements of husbandry or other place of business located within a radius of fifty (50) miles from the farm for the purpose of:*

(A) *buying, selling, trading, lending, demonstrating, inspecting, repairing or servicing of the vehicle; or*

(B) *buying or selling agricultural commodities or supplies.*

\* \* \*

Penalty.—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of [ten dollars (\$10.00)] *twenty-five dollars (\$25.00)* and costs of prosecution [, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days].

Section 2. Subsection (a) of section 402 and subsection (a) of section 405 of the act, amended March 3, 1970 (P.L.88, No.39), are amended to read:

Section 402. Application for Registration.—

(a) Application for the registration of a vehicle or tractor shall be made to the department, upon a form furnished by the department. The application shall contain the full name and the actual or bona fide address of the owner or owners; the make, type and manufacturer's serial number of the vehicle or tractors; such other information as the secretary shall require; and if the type is one specified in any of the following clauses, the additional information prescribed in that clause:

(1) Commercial motor vehicle or truck tractor: The number of square inches of aggregate braking surface of the service brakes as certified by the manufacturer of the vehicle; the rated net brake horsepower of the vehicle's engine or motor and the governed speed at which such horsepower was determined; the type of tires of the vehicle; and a designation by the owner as to which one of the registered gross weights, shown in the table of subsection (a) of section 704, shall be the registered gross weight of the vehicle for the registration year. If the vehicle will be operated in combination with any trailer or semi-trailer having a gross weight exceeding ten thousand (10,000) pounds, the registered gross weight so designated shall be the gross weight of the heaviest combination in which the vehicle will be operated.

**[(2) Trailer or semi-trailer (except a mobilehome, house trailer, office trailer or boat trailer): The type of tires and the number of square inches of aggregate braking surface of the vehicle; and if the vehicle will have a gross weight not exceeding ten thousand (10,000) pounds, a designation by the owner as to which one of the registered gross weights shown in the table of subsection (b) of section 707, shall be the registered gross weight of the vehicle for the registration year.]**

(3) Motor bus or motor omnibus: The type of tires and the seating capacity of the vehicle.

(4) Tractor: The number of axles, the gross weight, and whether of the first or second class specified in section 711 of this act.

The application shall be signed by the owner, if a natural person, and in cases where the owner is a corporation, copartnership or association, by an executive officer thereof or some person specifically authorized by said corporation, copartnership or association to sign the same, and shall be accompanied by the fee provided in this act.

\* \* \*

Section 405. Registration Cards.—

(a) The department, upon registering a vehicle or tractor, shall issue to the owner a registration card, which shall contain the registration number assigned to the owner and to the vehicle or tractor, the name and address of the owner, a description of the vehicle or tractor, including the manufacturer's serial number thereof, and such other statement of facts as may be determined by the department. If the vehicle is a commercial motor vehicle or truck tractor, the registration card shall also contain the registered gross weight designated by the owner. If the vehicle is a trailer or

semi-trailer, the registration card shall also contain the registered gross weight. **[if it is a mobilehome, house trailer, office trailer or boat trailer, the registration card shall show that the registered gross weight is "Zero."]** The department shall, if so requested, issue to the owner of any vehicle or tractor whose registration is not under suspension a duplicate registration card, or as many duplicate registration cards as the owner may request, upon payment of the fee provided in this act for each such card. Each duplicate card shall be clearly marked "Duplicate" and shall not be transferable. No signature or facsimile signature of the secretary shall be contained on any registration card or duplicate registration card issued for the registration year beginning April 1, 1964, nor any subsequent registration year, but each such registration card and duplicate registration card shall be sealed with the facsimile seal of the department.

\* \* \*

Section 3. Section 502.1 of the act, amended December 16, 1975 (P.L.497, No.149), is reenacted and amended to read:

Section 502.1. Use of Miscellaneous Motor Vehicle Business Registration Plates Limited.—Miscellaneous motor vehicle business plates may be used only when the vehicle is used for any of the following purposes:

(1) In the conduct of the miscellaneous motor vehicle business.

(2) For the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of their immediate family, or when the business is a corporation, for the pleasure or use of not more than three (3) officers or members of their immediate families, or for the personal use of the regular employes of business when operated by the employe.

***Penalty.—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.***

Section 4. Section 512 of the act, amended October 18, 1972 (P.L.945, No.228), subsections (d), (k) and the penalty clause amended July 18, 1974 (P.L.469, No.167), is amended to read:

Section 512. Temporary Registration Plates or Markers.—

(a) The secretary may, subject to the limitations and conditions hereinafter set forth, deliver temporary registration plates or markers to a person who has registered as a dealer when the application therefor is accompanied by the fee prescribed in this act. Such application shall be made upon a form prescribed and furnished by the department. Dealers subject to the limitations and conditions hereinafter set forth, may issue such temporary registration plates or markers to owners of vehicles, whether or not the vehicle is to be registered in Pennsylvania, provided that such owners shall comply with the pertinent provisions of this section.

(b) Every dealer who has made application for temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to him, and shall also

maintain in permanent form a record of all temporary registration plates or markers issued by him, and in addition thereto, shall maintain in permanent form a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers that the secretary may require. Each record shall be kept for a period of at least three (3) years from the date of entry of such record. Every dealer shall allow full and free access to such records, during regular business hours, to duly authorized representatives of the department and to peace officers.

(c) Every dealer who issues temporary registration plates or markers shall, within five (5) days of the day that he issues such plates or markers, send to the department a copy of the temporary registration plate or marker certificate, properly executed by such dealer and the owner, together with the application for certificate of title and the annual registration plates when the vehicle is to be registered in Pennsylvania. If the vehicle is not to be registered in Pennsylvania, a statement setting forth such fact shall accompany the copy of the temporary registration plate or marker certificate.

(d) Every dealer shall issue to the owner of a motor vehicle, upon proper application, temporary registration plates regardless whether the vehicle was purchased from said dealer. In addition to the normal fees prescribed by law, an additional fee may be charged by the dealer providing said service, the amount of such fee to be disclosed by the dealer to the applicant prior to the execution of the application forms and shall not exceed five dollars (\$5.00). No dealer by himself, agent, servant or employe, shall issue, assign, transfer or deliver temporary registration plates or markers to any one possessed of annual registration plates for a vehicle that has been sold or exchanged; nor shall temporary registration plates or markers be loaned or used on any vehicle which the dealer may own nor shall any temporary registration plates or markers be issued containing any misstatement of fact, or any false information upon the face thereof. Any dealer who has committed three (3) or more violations of the provisions of this section shall not make application for or issue any temporary registration plates or markers.

**[(e) Every person who issues temporary plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance and expiration, and the make and serial number of the vehicle for which issued.]**

(f) If the secretary finds that the provisions of this section or any directions of the secretary are not being complied with by the dealer, he may suspend, after a hearing, the right of a dealer to issue temporary registration plates or markers.

(g) Every person who makes application for temporary registration plates or markers shall execute the temporary registration plate or marker application.

(h) Every purchaser who makes application for temporary registration plates or markers shall execute and send an application for annual

registration plates to the department, accompanied by a copy of the temporary registration certificate prepared by the dealer. In no event shall such application for annual registration plates be made later than five (5) days from the day on which the temporary registration plates or markers are issued to such owner. This subsection (h) shall only be applicable, when the vehicle is to be registered in Pennsylvania.

**[(i) Every person to whom temporary registration plates or markers have been issued shall permanently destroy such temporary registration plates or markers immediately upon receiving the annual registration plates from the department. If the annual registration plates are not received within forty-five (45) days of the issuance of the temporary registration plates or markers, the owner shall, notwithstanding immediately upon the expiration of such forty-five day period, permanently destroy the temporary registration plates or markers.]**

**(j) Temporary registration plates or markers shall expire and become void [upon the receipt of the annual registration plates from the department, or] upon the rescission of a contract to purchase a vehicle[, or upon the expiration of forty-five (45) days from the date of issuance, depending upon whichever event shall first occur].** No refund or credit for fees paid by dealers to the department for temporary registration plates or markers shall be allowed, except that in the event that the secretary discontinues the issuance of temporary registration plates or markers, dealers returning temporary registration plates or markers to the department may petition for refund or a credit thereof.

**(k) The secretary shall have the power to designate certain other agents to issue temporary registration plates or markers and make such rules and regulations not inconsistent herewith as he shall deem necessary for the purpose of carrying out the provisions of this section. Upon request of any county treasurer, or in cities of the first class, the city treasurer, the secretary shall designate him as a special qualified agent to issue temporary registration plates or markers. To qualify, agents shall:**

**(1) Fill out and submit to the Secretary of Transportation an appropriate application to be prepared by the department.**

**(2) Post a bond of ten thousand dollars (\$10,000.00).**

**(3) Be licensed by the Department of Transportation and, except for county or city treasurers, pay an annual fee of twenty-five dollars (\$25.00) for such license.**

**(4) Agents shall maintain such records as the secretary may require in accordance with the provisions of this section.**

**(5) Keep his office open and operate on a regular schedule which shall be posted for public view on the premises. In addition to the cost of the temporary registration plates charged by the Commonwealth, the fees charged by the agent for issuing the temporary registration plates shall not exceed five dollars (\$5.00).**

**Penalty.—Any person violating any of the provisions of subsection (b), (c) [(d), or (e)] or (d) of this section, shall, upon summary conviction before**

a magistrate, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution for the first offense; fifty dollars (\$50.00) and costs of prosecution for any subsequent offense, and in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days; and upon conviction of a third offense, no temporary registration plates or markers shall thereafter be delivered to such person for the purpose of issuing such plates or markers to any owner, nor shall such person thereafter issue any temporary registration plates or markers. Any person violating any of the provisions of subsection (g), (h) or [(i)] (j) of this section, or any rule or regulation made by the secretary as hereinbefore provided, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution for the first offense, and twenty-five dollars (\$25.00) and costs of prosecution for any subsequent offense, and in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

**Penalty.**—Any person violating any of the provisions of subsection (k) of this section, shall be guilty of a misdemeanor and, on conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) and not to exceed one thousand dollars (\$1,000.00) for each separate offense and in addition thereto his license to act as agent for the issuance of temporary plates or markers under subsection (k) shall be revoked for one (1) year.

**Limitation.**—The provisions of this section are subject to the limitation of actions as set forth in section 1201 of this act.

Section 5. Section 707 and subsection (a) of section 724 of the act, amended December 16, 1975 (P.L.497, No.149), are amended to read:

Section 707. **[Trailers and Semi-Trailers.—(a) The fee for annual registration of any trailer or semi-trailer with a registered gross weight of three thousand (3,000) pounds or less shall be six dollars (\$6.00) and for a trailer with a registered gross weight of three thousand one (3,001) pounds or more shall be twenty-five dollars (\$25.00).**

**(d) The fee for annual registration of a trailer or semi-trailer (other than a mobilehome, house trailer, office trailer, boat trailer or fertilizer trailer), as to which no designation of registered gross weight is required by clause (2), subsection (a) of section 402, shall be twenty-five dollars (\$25.00).] Trailers.—The annual fee for registration of a trailer shall be determined by its gross weight or registered gross weight according to the following table:**

<i>Weight in Pounds</i>	<i>Fee</i>
<i>3,000 or less</i>	<i>\$ 6</i>
<i>3,001 - 10,000</i>	<i>12</i>
<i>10,001 or more</i>	<i>27</i>

Section 724. Special Hauling Permits as to Weight and Size.—(a) The fee for a special hauling permit for each movement of an

overweight load shall be fifteen dollars (\$15.00) plus three cents (3¢) for each ton-mile computed by multiplying the number of tons by which the actual gross weight exceeds the registered gross weight times the length of the haul in miles. The fee for a special hauling permit for each movement of an oversize load shall be fifteen dollars (\$15.00). When a vehicle is both oversize and overweight, **[both fees] only the larger fee** shall be paid.

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Section 6. The act is amended by adding sections to read:

**Section 727.1. Oversize Wheels and Tires.—The fee for an annual permit for a vehicle with oversize wheels and tires as provided for in section 911, shall be fifty dollars (\$50.00).**

**Section 728.1. Implement of Husbandry.—The fee for annual registration of an implement of husbandry not exempt from registration under section 401(f) shall be ten dollars (\$10.00).**

Section 7. Section 729 of the act, amended December 16, 1975 (P.L.497, No.149), is reenacted and amended to read:

Section 729. Exemptions from Fees.—

(a) No fee shall be paid under this act by the Commonwealth, the Federal Government, any political subdivision, **[or] another state, or any municipal or other authority**; and no fee shall be charged for title or registration of:

(1) Any vehicle **[owned] registered** by a foreign national with the rank of vice consul or higher assigned to a consulate in this Commonwealth provided that citizens of the United States are granted reciprocal exemptions.

(2) Any vehicle **[owned] registered** by a volunteer fire, rescue or ambulance association.

(3) Any motor bus or motor omnibus **[owned] registered** by a mass transportation system.

(b) No registration fee shall be charged for vehicles **[owned] registered** by any of the following but the department shall charge a fee of ten dollars (\$10.00) to cover the costs of processing for issuing or renewing the registration:

(1) Any person who is retired and receiving social security or other pension and whose total income does not exceed seven thousand five hundred dollars (\$7,500.00) per year. **[Said] Unless the retired person is physically or mentally incapable of operating the vehicle, the retired person shall be the principal operator of the vehicle but may from time to time authorize another person to operate the vehicle in his or her stead. Only one (1) passenger vehicle, [weighing] or one (1) other vehicle with a gross weight or registered gross weight of not more than nine thousand (~~9,000~~) pounds,** may be registered to any person under this paragraph.

(2) Humane society.

(3) Nonprofit youth center.

(4) American Red Cross.

(5) Church.



- (6) Girl Scouts of America.
- (7) Boy Scouts of America.
- (8) Salvation Army.
- (9) Duly chartered posts of national veterans' organizations.
- (10) Young Men's Christian Association.
- (11) Young Men's Hebrew Association.
- (12) Young Women's Christian Association.
- (13) Young Women's Hebrew Association.
- (14) Jewish Community Center.
- (15) Nonprofit corporations of musical marching groups of youths.
- (16) Veterans who lost a limb or eye or who became partially paralyzed while serving in the armed forces of the United States [**during any period of war or armed conflict**]. Only one (1) *passenger* vehicle, [**weighing**] or **one (1) other vehicle with a gross weight or registered gross weight of** not more than nine thousand (9,000) pounds, shall be registered for any veteran.

**(17) Hospital.**

(c) No fee shall be required when a certificate of title or assigned certificate of title is returned to the department for cancellation.

(d) No fee shall be charged for replacement of a registration, registration plate, operator's license, learner's permit or certificate of title lost in the mail if the applicant files an affidavit of non-receipt within forty-five (45) days of the date of original issuance.

(e) No fee shall be charged for special hauling permits issued to anyone hauling equipment or materials for use on a Federal or State emergency relief project.

(f) No fee shall be charged for transfer of registration for the succeeding year, when such transfer has been received and completed by the department prior to the first day of such succeeding registration year; provided, that when such transfer of registration for the succeeding year is made prior to the fifteenth day of the month preceding the beginning of the succeeding registration year, any difference in registration fees for the succeeding registration year and also a proportionate difference in registration fees for the current registration year shall be due, if the vehicle or tractor to which the registration plates are transferred is properly registered in a higher class.

(g) No fee shall be charged for a certificate of junk issued to any person.

(h) No fee shall be charged to a manufacturer, jobber or dealer for a certificate of title to a motor vehicle, trailer or semi-trailer when assignment of certificate of title accompanies the application for certificate of title, and when the dealer, manufacturer or jobber is possessed of current manufacturer's, dealer's or jobber's registration plates.

(i) No fee shall be charged for inspection certificates issued to any official inspection station of, and when used on vehicles owned by and engaged exclusively in the performance of the official duties of, (1) the Federal Government, (2) the Commonwealth of Pennsylvania, (3) any city, borough, incorporated town, township, county, county institution district

or school district of this Commonwealth, or (4) any duly authorized volunteer fire force.

*(j) All vehicles titled and registered under the provisions of this section shall be operated and used exclusively for the purpose for which the vehicles were entitled to the exemptions from fees.*

*Penalty.—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.*

Section 8. The act is amended by adding a section to read:

*Section 911. Permit for Movement of Vehicles with Oversize Wheels and Tires.—An annual permit may be issued for the operation or movement between sunrise and sunset of a vehicle containing wheels and tires extending beyond the maximum width allowed in subsection (a) of section 902 (relating to width of vehicles) if the department determines that such tires are essential to the function for which the vehicle is designed or adapted and used. The overall width of any vehicle permitted under this section, including wheels and tires, shall not exceed ten (10) feet.*

Section 9. Section 1309 of the act, added December 16, 1975 (P.L.497, No.149), is amended to read:

Section 1309. Awarding Contracts for Equipment Leases.—(a) In awarding any contract for the leasing of equipment, the work shall be given to the lowest responsible bidder, with the option on the part of the secretary to reject any or all bids, if the prices named for equipment to be used are higher than the estimated cost, or for any other reason appearing to the secretary.

(b) Advertisement for proposals for the leasing of equipment shall be made by the secretary, at least three (3) weeks before the contract may be awarded, by public notices inserted at least twice in one (1) or more newspapers of general circulation in the county in which the equipment is to be used and where the equipment is to be used in more than one (1) county, then in at least two (2) newspapers in at least two (2) of such counties. Such advertisements shall designate where the plans and specifications may be had, and the time and place of the reception of bids and letting of the leasing contract. The secretary may, at his discretion, insert the same advertisement in other newspapers or engineering periodicals.

(c) Every contract for the lease of equipment shall be made in the name of the Commonwealth of Pennsylvania, and shall be signed by the secretary, and shall be approved as to form and legality by the Department of Justice.

(d) The provisions of this section shall not apply to *emergency cases nor to* equipment leasing agreements with local municipalities and/or other governmental agencies, including snow and ice control removal done under such agreements [**and emergency cases**].

Section 10. Section 6326 (relating to traffic citation forms) of Title 75, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is repealed.

Section 11. This act shall take effect immediately except that the amendments to section 401 shall be effective in 60 days and the amendments to section 707 shall be applicable to registration years for trailers beginning on or after the effective date of this act.

APPROVED—The 2nd day of December, A. D. 1976.

MILTON J. SHAPP