

No. 1984-148

AN ACT

SB 1217

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the allocation of proceeds from the oil company franchise tax and for driving under the influence work release programs; and changing a penalty.

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

Section 1. Section 3731(e) of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph and a subsection is added to read: § 3731. Driving under influence of alcohol or controlled substance.

* * *

(e) Penalty.—

* * *

(7.1) In addition to the conditions set forth in paragraph (7) for Accelerated Rehabilitative Disposition of any charge brought under this section, the judge may impose, and the person shall accept, the condition that the person engage in a program of collecting litter from public and private property, especially property which is littered with alcoholic beverage containers. The duration of the person's participation in a litter collection program shall not exceed the duration of the probationary period imposed on the person under Accelerated Rehabilitative Disposition.

* * *

(h) Work release.—In any case in which a person is sentenced to a period of imprisonment as a result of a conviction for violating any provision of this section, the judicial officer imposing that sentence shall consider assigning that person to a daytime work release program pursuant to which the person would be required to collect litter from public and private property, especially property which is littered with alcoholic beverage containers.

Section 2. Section 9511(b) and (g) of Title 75 are amended to read: § 9511. Allocation of proceeds.

* * *

(b) State Highway Transfer Restoration Restricted Account.—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 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 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 [on functionally-local highways

transferred under Chapter 92 (relating to transfer of State highways) or under section 222 of the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law] as provided in subsection (g).

* * *

(g) Use of funds.—The funds appropriated in subsection (b) [for functionally-local highway transfer] shall be used to pay for the costs of restoration of such highways as provided in Chapter 92 and annual payments to the municipalities for *highway* maintenance [of the highways transferred under Chapter 92 or under section 222 of the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law,] in accordance with the following:

(1) Annual maintenance payments shall be at the rate of \$2,500 per mile *for each highway or portion of highway transferred under Chapter 92 (relating to transfer of State highways), 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.*

Section 3. This act shall take effect immediately.

APPROVED—The 10th day of July, A. D. 1984.

DICK THORNBURGH