

No. 1989-24

AN ACT

SB 274

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, creating the Catastrophic Loss Benefits Continuation Fund for payment of certain catastrophic loss benefits; providing for surcharges for certain offenses to provide moneys for the fund; and further providing for conditions of permits.

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

Section 1. Section 1798.2(a) of Title 75 of the Pennsylvania Consolidated Statutes, added April 26, 1989 (P.L.13, No.4), is amended to read:

§ 1798.2. Transition.

(a) Savings provision.—Notwithstanding the repeal of Subchapter F (relating to Catastrophic Loss Trust Fund) by the act of December 12, 1988 (P.L.1120, No.144), all natural persons who suffer or suffered a catastrophic loss prior to June 1, 1989, or who may suffer a catastrophic loss during the registration year for which payment was made in accordance with former section 1762 (relating to funding), *respectively*, shall continue to receive, or be eligible to receive, catastrophic loss benefits as if Subchapter F had not been repealed. To ensure the administration and delivery of catastrophic loss benefits to eligible claimants, all powers and duties previously imposed on the Catastrophic Loss Trust Fund Board under Subchapter F are hereby transferred to the Insurance Commissioner. [For the purposes of this section, the Catastrophic Loss Trust Fund shall continue to exist, notwithstanding the repeal of section 1764 (relating to Catastrophic Loss Trust Fund).]

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

§ 1798.4. *Catastrophic Loss Benefits Continuation Fund.*

(a) *Creation.—The Catastrophic Loss Benefits Continuation Fund is hereby created to provide funds necessary to pay catastrophic loss benefits under section 1798.2 (relating to transition).*

(b) *Composition.—The Catastrophic Loss Benefits Continuation Fund shall be composed of funds transferred from the Catastrophic Loss Trust Fund, funds contributed pursuant to section 6506 (relating to surcharge) and funds earned by the investment and reinvestment of such funds. The funds shall be held in trust, be deposited in a separate account and be the sole and exclusive source of funds for the payment of catastrophic loss benefits under section 1798.2 and the administration of the Catastrophic Loss Benefits Continuation Fund.*

(c) *Separation from General Fund and Motor License Fund.—The fund and all income earned by it shall not become part of the General Fund or Motor License Fund. No obligations or expenses of or claim against the Cat-*

astrophic Loss Trust Fund or the Catastrophic Loss Benefits Continuation Fund shall constitute a debt of the Commonwealth or a charge against the General Fund or Motor License Fund. Upon the expiration of section 6506, excess money in the Catastrophic Loss Benefits Continuation Fund, beyond the money needed to cover the unfunded liability of the Catastrophic Loss Trust Fund in accordance with section 6506, shall be deposited in the Motor License Fund.

Section 3. Sections 1945(a) and 4962(f) of Title 75 are amended to read:
 § 1945. Books of permits.

(a) General rule.—Upon request, permits for movement of oversize vehicles or loads, the dimensions of which do not exceed those specified by the department, will be issued in booklet form, containing a convenient number of permits. For each movement, one permit shall be removed from the booklet, dated, trip data entered and [securely affixed to the vehicle or load] *carried in the towing vehicle.*

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§ 4962. Conditions of permits and security for damages.

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(f) When loads permitted.—Only vehicles and combinations permitted under the following provisions shall be authorized to carry or haul loads while operating under the permit:

Section 4961(a)(6) (relating to authority to issue permits).

Section 4965(2) (relating to single permits for multiple highway crossings).

Section 4969 (relating to permit for movement of vehicles with oversize wheels and tires).

Section 4970(b) (relating to permit for movement of construction equipment).

Section 4971 (relating to permit for operation of chemical and fertilizer vehicles).

[Section 4972 (relating to permits for migrant farm vehicles).]

Section 4. Title 75 is amended by adding a section 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:*

(1) *Upon conviction for any violation of the provisions of this title or other statute of the Commonwealth, or regulations promulgated under this title, which is a traffic violation and which is not included within the provisions of paragraphs (2) through (7), exclusive of parking offenses, a surcharge of \$30.*

(2) *Upon conviction for a violation of the following provisions of this title, a surcharge of \$40:*

(i) *Section 3306(a)(1) (relating to limitations on driving on left side of roadway).*

(ii) *Section 3745 (relating to accidents involving damage to unattended vehicle or property).*

(3) *Upon conviction for a violation of section 3345(a) (relating to meeting or overtaking school bus), a surcharge of \$50.*

(4) *Upon conviction for a violation of section 3362 (relating to maximum speed limits), the following applicable surcharge:*

(i) *\$30 for exceeding the maximum speed limit by 6 to 10 miles per hour or 11 to 15 miles per hour.*

(ii) *\$40 for exceeding the maximum speed limit by 16 to 25 miles per hour.*

(iii) *\$50 for exceeding the maximum speed limit by at least 26 miles per hour.*

(5) *Upon conviction for violation of section 4902 (relating to restrictions on use of highways and bridges), Subchapter C of Chapter 49 (relating to maximum weights of vehicles) or Subchapter E of Chapter 49 (relating to measuring and adjusting vehicle size and weight), a surcharge of \$150.*

(6) *Upon conviction for violation of Chapter 47 (relating to inspection of vehicles), by the owner or operator or driver of a vehicle which is subject to the provisions of Chapter 49 (relating to size, weight and load), a surcharge of \$30.*

(7) *Upon conviction of offenses under section 3731 (relating to driving under influence of alcohol or controlled substance), or upon admission to programs for Accelerated Rehabilitative Disposition for offenses enumerated in section 3731, a surcharge, respectively, of:*

(i) *\$50 for the first offense.*

(ii) *\$100 for the second offense.*

(iii) *\$200 for the third offense.*

(iv) *\$300 for the fourth and subsequent offenses.*

(b) *Disposition.—Notwithstanding the provisions of 42 Pa. C.S. §§ 3571 (relating to Commonwealth portion of fines, etc.) and 3573 (relating to municipal corporation portion of fines, etc.), all surcharges levied and collected under subsection (a) by any division of the unified judicial system existing under section 1 of Article V of the Constitution of Pennsylvania and 42 Pa. C.S. § 301 (relating to unified judicial system) shall be remitted to the Commonwealth for deposit in the Catastrophic Loss Benefits Continuation Fund for the purpose of funding catastrophic loss benefits in accordance with section 1798.2 (relating to transition). If the surcharge is being paid in installments, the surcharge shall be remitted on each installment. The surcharges levied and collected under subsection (a) shall not be deposited for the credit or use of, or otherwise allocated, directed or paid to, counties or municipalities under the provisions of 42 Pa. C.S. Ch. 35 Subch. E (relating to fines, etc.), or any other statute, the Crime Victim's Compensation Board under section 477.15(b) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the Commission on Crime and Delinquency for victim-witness services grants under section 477.15(c) of The Administrative Code of 1929, rape crisis centers, the Emergency Medical*

Services Operating Fund, domestic violence shelters, the Judicial Computer System Augmentation Account established under 42 Pa.C.S. Ch. 37 Subch. C (relating to judicial computer system) or under any other statute.

(c) Expiration.—This section shall expire upon the publication in the Pennsylvania Bulletin of the Insurance Commissioner's certification that the Catastrophic Loss Benefits Continuation Fund has sufficient money in it to cover unfunded liability of the Catastrophic Loss Trust Fund existing on December 31, 1991.

Section 5. All funds in the Catastrophic Loss Trust Fund repealed by the act of December 12, 1988 (P.L.1120, No.144), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, abolishing the Catastrophic Loss Trust Fund," are hereby transferred to the Catastrophic Loss Benefits Continuation Fund created by this act.

Section 6. When the amount of money in the Catastrophic Loss Benefits Continuation Fund is sufficient to cover the unfunded liability of the Catastrophic Loss Trust Fund existing on December 31, 1991, the Insurance Commissioner shall certify that fact and publish the certification in the Pennsylvania Bulletin.

Section 7. The Insurance Commissioner shall submit to the General Assembly, by January 31 of each year, a report on the status of the Catastrophic Loss Benefits Continuation Fund and the unfunded liability of the Catastrophic Loss Trust Fund.

Section 8. This act shall take effect as follows:

- (1) Section 3 (sections 1945(a) and 4962(f)) shall take effect in 60 days.
- (2) Section 4 (section 6506) shall take effect July 1, 1989.
- (3) The remainder of this act shall take effect immediately.

APPROVED—The 1st day of July, A. D. 1989.

ROBERT P. CASEY