

No. 1990-14

AN ACT

HB 331

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "emergency vehicle"; authorizing certain temporary labels or stickers on school buses; further providing for visible and audible signals on emergency vehicles and for securing loads in vehicles; providing for transporting foodstuffs; and imposing penalties.

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

Section 1. The definition of "emergency vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Emergency vehicle." A fire department vehicle, police vehicle, *sheriff vehicle*, ambulance, blood-delivery vehicle, armed forces emergency vehicle, one vehicle operated by a coroner or chief county medical examiner and one vehicle operated by a chief deputy coroner or deputy chief county medical examiner used for answering emergency calls, [~~one private vehicle of a fire or police chief or assistant chief or, when a fire company has three or more fire vehicles, a second assistant chief, or fire police captain and fire police lieutenant or ambulance corps commander or assistant commander or of a river rescue commander or assistant commander or emergency management coordinator or fire marshal used for answering emergency calls~~] or *any* other vehicle designated by the State Police under section 6106 (relating to designation of emergency vehicles by Pennsylvania State Police)[.], *or a privately owned vehicle used in answering an emergency call when used by any of the following:*

(1) *A police chief and assistant chief.*

(2) *A fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief.*

(3) *A fire police captain and fire police lieutenant.*

(4) *An ambulance corps commander and assistant commander.*

(5) *A river rescue commander and assistant commander.*

(6) *A county emergency management coordinator.*

(7) *A fire marshal.*

* * *

Section 2. Section 4552(a) of Title 75 is amended to read:

§ 4552. General requirements for school buses.

(a) Color and identification.—Every school bus shall be of a uniform color scheme and labeled “School Bus” on both front and rear as provided by regulation. Exterior labels and markings other than those specifically required or permitted by law or regulation shall be prohibited. *This subsection shall not be construed to prohibit the affixation of exterior labels or stickers of a temporary nature which have been approved by the school district as having educational value and which do not obscure the “School Bus” labels.*

* * *

Section 3. Section 4571(d) of Title 75 is amended to read:

§ 4571. Visual and audible signals on emergency vehicles.

* * *

(d) Vehicles prohibited from using signals.—Except as otherwise specifically provided in this part, no vehicle other than an emergency vehicle may be equipped with *revolving or flashing* lights or audible warning systems identical or similar to those specified in subsections (a) and (b).

* * *

Section 4. Section 4903 of Title 75 is amended by adding subsections to read:

§ 4903. Securing loads in vehicles.

* * *

(c.1) *Load of loose garbage.—Every load of loose, nonbaled garbage, waste, refuse or rubbish being transported through or within this Commonwealth shall be transported in a vehicle with four solid sides and with a cover or top of a type to prevent any of the load from escaping. The cover or top shall remain tightly in place going to a disposal site. The load shall be no higher than the solid sides of the vehicle. It is imperative that all garbage, waste, refuse or rubbish be removed from the vehicle at the disposal site to prevent any scattering of litter on the highway during the return trip. No truck, trailer or semitrailer with an open body or stake body shall be used for such purposes. This subsection shall not apply to vehicles engaged in the systematic collection of garbage or refuse and which are designed to be open in the rear for the loading of garbage or refuse.*

(c.2) *Load of baled garbage.—Garbage, waste, refuse or rubbish in a tightly compacted and baled form being transported through or within this Commonwealth shall be securely fastened to the vehicle and covered over all exposed areas with a canvas cover or cover of a comparable type which shall be securely attached to the underside of all sides of the truck, trailer or semitrailer to prevent any of the material from the bales from escaping. No part of any bale shall be uncovered, except for inspection, at any time during transportation within or through this Commonwealth until arrival at the disposal site.*

* * *

(f) *Penalty for violation of subsection (a), (b) or (c).—A person who owns or who operates a vehicle in violation of subsection (a), (b) or (c) and, as a result of the violation, any item, piece, fragment or part of the load*

escapes and causes injury to a person or damage to another vehicle or other property commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$300 nor more than \$1,000. A violation of subsection (a), (b) or (c) which does not result in injury to a person or damage to another vehicle or other property constitutes a summary offense, punishable by a fine of not less than \$100 nor more than \$300.

(g) Penalty for violation of subsection (c.1) or (c.2).—A person who owns or who operates a vehicle in violation of subsection (c.1) or (c.2) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$300 nor more than \$1,000. 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.), disposition of any fine collected for a violation of subsection (c.1) or (c.2) shall be as follows:

(1) Unless paragraph (2) applies, the fine collected shall be paid to the Commonwealth for deposit into the Motor License Fund.

(2) If the county where the offense was committed has a litter control program approved by the department, 50% of the fine collected shall be paid to the county for expenditure in the approved litter control program; and 50% of the fine collected shall be paid to the Commonwealth for deposit into the Motor License Fund.

Section 5. Title 75 is amended by adding a section to read:

§ 4909. *Transporting foodstuffs in vehicles used to transport waste.*

(a) Offense defined.—

(1) A person commits a violation of this section if he transports or knowingly provides a vehicle for the transportation of any food-product or produce intended for human consumption in a vehicle which has been used to transport any municipal, residual or hazardous waste or any chemical or liquid, in bulk, which is not a food product or produce.

(2) A person commits a violation of this section if he knowingly accepts any food product or produce from, or provides any food product or produce to, a vehicle used to transport any municipal, residual or hazardous waste or any chemical or liquid, in bulk, which is not a food product or produce.

(b) Penalties.—

(1) A person who violates subsection (a)(1) shall, upon conviction for the first offense, pay a fine of not less than \$1,000 nor more than \$10,000. Upon the second or subsequent conviction of subsection (a)(1), a person shall pay a fine of not less than \$5,000 nor more than \$25,000, or the court shall order the operating privilege of the vehicle operator suspended for a period of up to one year, or both. A copy of the order shall be transmitted to the department.

(2) A person who violates subsection (a)(2) shall, upon conviction for the first offense, pay a fine of not less than \$1,000 nor more than \$10,000. A person who violates subsection (a)(2) shall, upon the second or subsequent conviction, pay a fine of not less than \$5,000 nor more than \$25,000.

(c) Vehicle forfeiture.—*Any vehicle or conveyance used in the commission of an offense under this section shall be deemed contraband and forfeited to the Department of Environmental Resources. The provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of intoxicating liquor shall apply to seizures and forfeitures under this section. Proceeds from the sale of forfeited vehicles or conveyances shall be deposited in the Solid Waste Abatement Fund.*

(d) Responsibility for cost.—*The owner of any vehicle or conveyance forfeited under subsection (c) shall be responsible for any costs incurred in properly disposing of waste in the vehicle or conveyance.*

(e) Environmental Quality Board.—*The Environmental Quality Board shall have the power and its duty shall be to adopt regulations, if necessary, to carry out the requirements of this section. Regulations, if necessary, shall be proposed within 90 days.*

(f) Emergency telephone number.—*The Pennsylvania State Police shall establish or designate a toll-free telephone number to report violations of illegal hauling.*

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

“Food product or produce.” *Any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale, in whole or in part, for human consumption.*

“In bulk.” *Not divided into parts or packaged in separate units.*

“Municipal waste,” “residual waste” or “hazardous waste.” *The terms shall have the meanings given to them under the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, and the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.*

Section 6. This act shall be construed in pari materia with the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, the act of July 13, 1988 (P.L.525, No.93), referred to as the Infectious and Chemotherapeutic Waste Law, and the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act. Nothing in this act shall be construed to repeal the provisions of those acts or the regulations promulgated thereunder.

Section 7. This act shall take effect as follows:

- (1) Section 3 (section 4571(d)) shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 13th day of March, A. D. 1990.

ROBERT P. CASEY