

No. 1993-10

AN ACT

SB 295

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "school bus"; and further providing for definitions, for implements of husbandry, for farm vehicles, for vehicles exempt from registration, for tire equipment and traction surfaces, for inspections, for width of vehicles, for certificate of salvage, for the transportation of school children on certain chartered buses, for use of hearing impairment devices and for the length of projecting loads.

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

Section 1. The definitions of "commercial implement of husbandry," "implement of husbandry," "recovered theft vehicle" and "school bus" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes, amended or added December 18, 1992 (P.L.1411, No.174), are amended and the section is amended by adding a definition 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:

* * *

"Commercial implement of husbandry." A self-propelled vehicle used *commercially* to apply nutrients, soil amendments or chemicals [**commercially**] for production agriculture and [**only occasionally**] operated or moved upon highways *for not more than 180 days in a calendar year*.

* * *

"*Farm vehicle.*" A truck or truck tractor determined by the Department of Transportation to be used exclusively for agricultural purposes.

* * *

"Implement of husbandry." A vehicle designed or adapted and determined by the department to be used exclusively for agricultural operations and [**only incidentally**] *infrequently* operated or moved upon highways.

* * *

"Recovered theft vehicle." A vehicle other than an antique or classic vehicle which was reported as stolen but subsequently recovered for which a certificate of salvage was issued and which would otherwise be regarded as a reconstructed vehicle, except that the retail value of any repairs to restore the vehicle to operating condition does not exceed [**\$1,000**] *50% of the actual cash value of the vehicle as determined by averaging the average retail values listed in the Official Used Car Guide for Domestic and Imported Cars published by the National Automobile Dealers Association*

and the Automobile Red Book Official Used Car Validations published by the Maclean Hunter Market Reports, Incorporated.

* * *

“School bus.” A motor vehicle which:

(1) is designed to carry 11 passengers or more, including the driver; and

(2) is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.

The term does not include a motor vehicle used to transport preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities, which is designed to carry 11 to 15 passengers, including the driver, and which is registered in this Commonwealth as a bus prior to March 1, 1993, **or a motor vehicle which is designed to carry 11 to 15 passengers, including the driver, and which was titled to any public, private or parochial school on or before March 1, 1993, and which is registered to that public, private or parochial school in this Commonwealth as a bus prior to July 1, 1993.**

* * *

Section 2. Section 1117(a) of Title 75, amended December 18, 1992 (P.L.1411, No.174), is amended to read:

§ 1117. Vehicle destroyed, dismantled, salvaged or recycled.

(a) Application for certificate of salvage.—Any owner who transfers a vehicle to be destroyed or dismantled, salvaged or recycled shall assign the certificate of title to the person to whom the vehicle is transferred. Except as provided in subsection (e), the transferee shall immediately present the assigned certificate of title to the department or an authorized agent of the department with an application for a certificate of salvage upon a form furnished and prescribed by the department. An insurer, as defined in section 1702 (relating to definitions), to which title to a vehicle is assigned upon payment to the insured of the replacement value of a vehicle, shall be regarded as a transferee under this subsection. If an owner retains possession of a vehicle which is damaged to the extent that it **[is valueless except for salvage,] qualifies for vehicle replacement payment**, the owner shall apply for a certificate of salvage immediately. In this case, an insurer shall not pay vehicle replacement value until the owner produces evidence to the insurer that the certificate of salvage has been issued.

* * *

Section 3. Sections 1302(2) and (10), 1344 heading and (a), 1606(b)(5), 1924 heading and (a) and 1943(e) of Title 75 are amended to read:

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

* * *

(2) Any implement of husbandry [or], trailer **or semitrailer** determined by the department to be used exclusively for agricultural operations and

only **[incidentally]** *infrequently* operated upon highways. Vehicles 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 such farm.

(ii) Such farms located not more than 25 miles apart.

(iii) Such farm or farms and a place of business located within a radius of 25 miles from **[the farm]** *such farm or farms* for the purpose of buying or selling agricultural commodities or supplies or for delivery, repair or servicing of the vehicle.

* * *

(10) Any farm truck used exclusively upon a farm or farms owned or operated by the owner of the vehicle.

(i) Such a farm truck may be driven upon highways only from sunrise to sunset and between:

(A) Parts of one such farm.

(B) Such farms located not more than ten miles apart.

(C) Such farm or farms and a place of business located within a radius of ten miles from **[the]** *such farm or farms* for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of repair or servicing of the farm truck.

(ii) A biennial certificate of exemption shall be required for such a farm truck.

* * *

§ 1344. Use of farm **[truck]** *vehicle* plates.

(a) General rule.—A truck *or truck tractor* bearing farm **[truck]** *vehicle* registration plates shall be used exclusively upon a farm or farms owned or operated by the registrant of the vehicle or upon highways between:

(1) Parts of one such farm.

(2) Such farms.

(3) Such a farm or farms and a place of business for the purpose of buying or selling agricultural commodities or supplies[; for the examination of an applicant for a driver's license; or for the inspection, repair or servicing of the vehicle].

(4) *Such place of business, if transported to the place of business pursuant to paragraph (3) and the place of delivery of the agricultural commodities, provided that:*

(i) *delivery is made pursuant to the sale of the commodities by the registrant of the vehicle, by an employee of the vehicle registrant or by an auctioneer; and*

(ii) *if transported to the place of business pursuant to paragraph (3), delivery is made by the same vehicle of the registrant which transported the commodities to the place of business.*

(5) Such farm or farms and a department site for the examination of an applicant for a driver's license.

(6) Such farm or farms and a place of business for the inspection, repair or servicing of the vehicle.

* * *

§ 1606. Requirement for commercial driver's license.

* * *

(b) Exemptions.—The following persons are not required to obtain a commercial driver's license in order to drive the commercial motor vehicle specified:

* * *

(5) A driver with a Class C license operating a farm vehicle which is controlled and operated by a farmer and used exclusively to transport agricultural products, farm machinery or farm supplies to or from a farm [owned or operated by the owner of the farm vehicle]. The farm vehicle may not be used in the operations of a common or contract carrier and may be used only within a radius of 150 miles of the farm.

* * *

§ 1924. Farm [trucks] vehicles.

(a) General rule.—The annual fee for registration of a farm [truck] vehicle shall be \$51 or one-third of the regular fee, whichever is greater.

* * *

§ 1943. Annual hauling permits.

* * *

[(e) Vehicles with oversize wheels and tires.—The annual fee for movement of a vehicle with oversize wheels and tires, as provided for in section 4969 (relating to permit for movement of vehicles with oversize wheels and tires) shall be \$50.]

Section 4. Sections 1948 and 1950 of Title 75 are repealed.

Section 5. Sections 2105(a)(1), 3314, 3751 and 4525(a) of Title 75 are amended to read:

§ 2105. Exemptions.

(a) General rule.—The requirements of this chapter and Chapter 96 (relating to motor carriers road tax) do not apply to the following vehicles:

(1) A motor carrier vehicle bearing a Pennsylvania farm [truck] vehicle registration plate and operated in accordance with the restrictions of section 1344 (relating to use of farm [truck] vehicle plates) or a motor carrier vehicle registered and operated under provisions of another jurisdiction determined by the Department of Revenue and the Department of Transportation to be similar to those restrictions.

* * *

§ 3314. Prohibiting use of hearing impairment devices.

(a) General rule.—No driver shall operate a vehicle while wearing or using one or more headphones, earphones or any similar device which the department by regulation determines would impair the ability of the driver to

hear traffic sounds.

(b) Exception.—This section does not prohibit the use of hearing aids or other devices for improving the hearing of the driver nor does it prohibit the use of communication equipment *by the driver of a fire vehicle or by motorcycle operators complying with section 3525 (relating to protective equipment for motorcycle riders).*

§ 3751. Reports by police.

(a) General rule.—Every police department that investigates a vehicle accident for which a report must be made as required in this subchapter, or otherwise prepares a written report as a result of an investigation either at the time and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall promptly forward a written report of the accident to the department.

(b) Furnishing copies of report.—Police departments shall, upon request, furnish at a cost not to exceed ~~[\$5]~~ \$15 a certified copy of the full report of the police investigation of any vehicle accident to any person involved in the accident, his attorney or insurer, and to the Federal Government, branches of the military service, Commonwealth agencies, and to officials of political subdivisions and to agencies of other states and nations and their political subdivisions. The copy of the report shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident. Police departments may refuse to furnish the complete copy of investigation of the vehicle accident whenever there are criminal charges pending against any persons involved in the vehicle accident unless the Pennsylvania Rules of Criminal Procedure require the production of the documents.

§ 4525. Tire equipment and traction surfaces.

(a) General rule.—No vehicle shall be operated on the highway unless the vehicle is equipped with tires of a type, size and construction approved by the department for the vehicle and unless the tires are in a safe operating condition as determined in accordance with regulations of the department, *except that commercial implements of husbandry may be equipped with tires marked for nonhighway use.*

* * *

Section 6. Section 4536 of Title 75, amended December 18, 1992 (P.L.1411, No.174), is amended to read:

§ 4536. Bumpers.

No person shall operate any vehicle upon a highway without bumpers of a type specified by regulations of the department in both the front and rear unless the vehicle was originally designed and manufactured to be used without bumpers. This section shall not apply to any special mobile equipment, commercial implement of husbandry or implement of husbandry that is not so equipped by the original manufacturer. *The driver of a commercial implement of husbandry equipped with vehicular hazard signal lamps shall use the signals when the vehicle is traveling below the speed*

limit on any highway if the vehicle is not equipped with a rear bumper.

Section 7. Section 4553(b) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 4553. General requirements for other vehicles transporting school children.

* * *

(b) School-chartered bus.—In addition to school buses, school-chartered buses, which are designed to transport 16 or more passengers, including the driver, and which are operated by a person holding a certificate of the Pennsylvania Public Utility Commission or the Interstate Commerce Commission, may be used under a short-term contract with a school which has acquired the exclusive use of the vehicle at a fixed charge to provide transportation of school children to a special school-related event. A school-chartered vehicle may be used without restriction for the transportation of school children with special needs as may be necessary to make reasonable accommodations pursuant to the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

[(b)] (c) Other vehicles.—A motor vehicle used to transport children to or from school or in connection with school activities, which is not a school bus because of its limited seating capacity, shall comply with regulations established by the department for such vehicles. Unless required by Federal law or regulation, the regulations established by the department shall not require vehicles which pick up and discharge school children only at locations off the highway to be of any particular color or to display flashing red and amber lights.

Section 8. Sections 4703(b)(12), 4704(g) and 4921(b)(5) and (6) and (d) of Title 75, amended December 18, 1992 (P.L.1411, No.174), are amended to read:

§ 4703. Operation of vehicle without official certificate of inspection.

* * *

(b) Exceptions.—Subsection (a) does not apply to:

* * *

[(12) Commercial implements of husbandry.]

* * *

§ 4704. Inspection by police or Commonwealth personnel.

* * *

(g) Limitations.—Farm trucks not required to be registered, implements of husbandry[, commercial implements of husbandry] and special mobile equipment shall not be subject to the systematic vehicle inspections authorized under subsection (a).

§ 4921. Width of vehicles.

* * *

(b) Special vehicles.—

* * *

(5) An [owner or operator of any] implement of husbandry or vehicle used exclusively for highly perishable crops for processing and not

exceeding 14 feet 6 inches in width may [operate] *be operated* on highways other than freeways [only during the time of May 20 to October 15, operating] between sunset and sunrise *only during the period of May 20 to October 15. The implement or vehicle, when used at this time,* shall have two rotating yellow beacons and [four-way flashers] *vehicular hazard signal lamps* operating.

(6) Commercial implements of husbandry not exceeding [10 feet 8 inches] *12 feet* in width, *including wheels and tires,* may be driven, hauled or towed between sunrise and sunset on highways other than freeways.

* * *

(d) Nondivisible loads.—Vehicles carrying nondivisible loads not exceeding eight feet six inches in width may operate on any highway having a roadway width of 20 feet or more. [This subsection does not apply on the National System of Interstate and Defense Highways.]

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Section 9. Sections 4924(d) and 4962(f) of Title 75 are amended to read: § 4924. Limitations on length of projecting loads.

* * *

(d) Exceptions.—[This] *Except for subsection (b), this* section does not apply to a motor vehicle specifically designed and being used to:

- (1) transport roof trusses; or
- (2) *transport live trees for transplanting.*

§ 4962. Conditions of permits and security for damages.

* * *

(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 10. Sections 4969 and 4972 of Title 75 are repealed.

Section 11. This act shall take effect as follows:

- (1) The amendment of the definitions of “recovered theft vehicle” and “school bus” in 75 Pa.C.S. § 102 and of 75 Pa.C.S. § 4553 shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

APPROVED—The 20th day of May, A.D. 1993.

ROBERT P. CASEY