

No. 1992-31

AN ACT

HB 1549

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing fines for fare evasions; further defining "emergency vehicle"; further providing for vehicles for which certificates of salvage have been issued, for the operation of certain vehicles by holders of Class C and Class M licenses, for disqualification for certain first offense violations, for third-party contracts to administer skills tests and for required financial responsibility; providing for civil immunity; providing an exclusion for motorcycle operators from the surcharges levied to support the Catastrophic Loss Benefits Continuation Fund; and further providing for certificates of salvage and for allocation and appropriation of proceeds from taxes for highway maintenance and construction.

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

Section 1. The definitions of "emergency vehicle" and "valueless except for junk" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes 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:

* * *

"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, 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.
- (8) *A rescue service chief and assistant chief.*

* * *

"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.

* * *

“Valueless except for **[junk] salvage**.” A vehicle which is inoperable or unable to meet the vehicle equipment and inspection standards under Part IV (relating to vehicle characteristics) to the extent that the cost of repairs would exceed the value of the repaired vehicle. The term does not include a vehicle which would qualify as an antique or classic vehicle except for its lack of restoration or maintenance.

* * *

Section 2. Sections 1117 and 1504(d)(3) and (4) of Title 75 are amended to read:

§ 1117. Vehicle destroyed **[or junked]**, *dismantled, salvaged or recycled*.

(a) Application for certificate of **[junk] salvage**.—Any owner who transfers a vehicle **[as scrap, or]** to be destroyed or **[junked,] dismantled, salvaged or recycled** shall assign the certificate of title to the person to whom the vehicle is transferred. 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 **[junk] 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 **[wrecked]** 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 **[junk] salvage**, the owner shall apply for a certificate of **[junk] salvage** immediately. In this case, an insurer shall not pay vehicle **[repayment] replacement** value until the owner produces evidence to the insurer that the certificate of **[junk] salvage** has been issued.

(b) Issuance and effect of certificate of **[junk] salvage**.—Upon proper application for a certificate of **[junk] salvage**, the department, or such agents as the department may designate, shall issue to the transferee a certificate of **[junk] salvage** which shall authorize the holder to possess, transport[, or,] by endorsement, transfer ownership in the **[junked] salvaged** vehicle, and a certificate of title shall not again be issued for the vehicle except upon application containing the information the department requires, accompanied by any necessary documents or articles.

(c) Vehicles with defective or lost title.—Any person on whose property is located a vehicle which is valueless except for **[junk] salvage** and which has a faulty, lost or destroyed title may transfer the vehicle to a salvor or to a salvage program operated by a political subdivision for removal to a suitable place of storage or for scrapping, provided the salvor or salvage program complies with the requirements of section 7309 (relating to **[junking] salvaging** of vehicles valueless except for **[junk] salvage**), except that the report to the department that the vehicle is valueless except for **[junk] salvage** shall be verified by the transferor of the vehicle instead of the police department. The transferee shall return the assigned certificate of title to the department immediately with an application for certificate of **[junk] salvage** upon a form furnished and prescribed by the department.

(d) Reconstructed [vehicle] and recovered theft vehicles.—

(1) If a vehicle, other than an antique or classic vehicle, for which a certificate of [junk] salvage has been issued is thereafter restored to operating condition, it shall be regarded as a reconstructed vehicle.

(2) *If a certificate of salvage has been issued for a vehicle, other than an antique or classic vehicle, which was reported as stolen and then recovered and restored to operating condition, the vehicle shall be regarded as a recovered theft vehicle, but only if the retail value of any repairs does not exceed \$1,000; otherwise, the vehicle shall be regarded as a reconstructed vehicle.*

(e) Transfer to scrap metal processor.—[When a scrap metal processor obtains a destroyed or junked vehicle from a licensed salvor, it shall be the duty of the salvor to obtain a certificate of junk therefor. When a scrap metal processor purchases a destroyed or junked vehicle from a person other than a salvor, it shall be the duty of the scrap metal processor to obtain the certificate of junk.]

(1) *When a vehicle has been flattened, crushed or processed to the extent that it is no longer identifiable as a vehicle, its certificate of title or salvage shall be attached to a form provided by the department and immediately sent to the department. The form shall include such information as the owner's name, date processed, vehicle make, model, year and VIN number. A copy of the form shall be retained for record in accordance with section 6308(d) (relating to investigation by police officers). The vehicle scrap material shall no longer be considered a vehicle and shall be removed from department records and shall not be retitled or reconstructed.*

(2) *Any owner who transfers a vehicle to a scrap metal processor shall assign the certificate of title or salvage to the processor. The processor shall attach the certificate to the proper department form, immediately send it to the department and retain a copy in accordance with the provisions of paragraph (1).*

(f) Penalty.—Any person violating the provisions of subsections (a) or (e) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200 for each violation.

§ 1504. Classes of licenses.

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(d) Number and description of classes.—Licenses issued by the department shall be classified in the following manner:

* * *

(3) Class C.—A Class C license shall be issued to those persons 18 years of age or older, except as provided in section 1503 (relating to persons ineligible for licensing), who have demonstrated their qualifications to operate any single vehicle, *except those vehicles requiring a Class M qualification*, with a gross vehicle weight rating of not more than 26,000 pounds or any [such vehicle towing a vehicle if the gross combination vehicle weight rating is not more than 26,000 pounds] *combination of vehicles, except combination vehicles involving motorcycles, that does not meet the definition of either Class A or Class B of this section.*

(i) Where required under this title, appropriate endorsements must be obtained.

(ii) Any firefighter who is the holder of a Class C license and who has a certificate of authorization from his fire chief shall be authorized to operate any fire or emergency vehicle registered to the fire department, regardless of the other requirements of this section as to the class of license required. No fire chief, fire department, including any volunteer fire company, or municipality shall be liable for any civil damages as a result of the issuance of a certificate authorized under this paragraph unless such act constituted a crime, actual fraud, actual malice or willful misconduct.

(iii) The holder of a Class C license shall also be authorized to drive a **[motorized pedalcycle] motor-driven cycle with an automatic transmission and cylinder capacity not exceeding 50 cubic centimeters** or a three-wheeled motorcycle equipped with an enclosed cab, but not a motorcycle unless the license is endorsed, as provided in this title.

(4) Class M.—A Class M license shall be issued to those persons who have demonstrated their qualifications to operate a motorcycle **[or motor-driven cycle]**. *A Class M license accompanied by an endorsement shall be issued to those persons who have demonstrated their qualifications to operate a motor-driven cycle.* If a person is qualified to operate only a motorcycle or motor-driven cycle, he shall be issued **[a Class M license only] only a Class M license or a Class M license with an endorsement, as applicable.**

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Section 3. Section 1607(a)(4) of Title 75 is repealed.

Section 4. Section 1611(a)(1) of Title 75 is amended to read:

§ 1611. Disqualification.

(a) Disqualification for first violation of certain offenses.—Upon receipt of a certified copy of conviction, the department shall, in addition to any other penalties imposed under this title, disqualify any person from driving a commercial motor vehicle for a period of one year for the first violation of:

(1) section **[3731(i)] 3731** (relating to driving under the influence of alcohol or controlled substance), *where the violation occurred while the person was operating a commercial motor vehicle;*

* * *

Section 5. Section 1786(g)(2) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1786. Required financial responsibility.

* * *

(g) Defenses.—

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(2) No person shall be penalized for maintaining a registered motor vehicle without financial responsibility under subsection (d) if the registration **[and license plates were surrendered to the Department of Transportation] plate and card were voluntarily surrendered to the department or an agent appointed by the department to issue temporary registration cards**

and plates pursuant to regulations promulgated by the department at the time insurance coverage terminated or financial responsibility lapsed. The department or the agent, as the case may be, shall issue a receipt showing the date that the registration plate and card were received. The agent shall return the registration plate and card to the department accompanied by a copy of the receipt.

(h) Reinstatement of voluntarily surrendered registration plate and card.—

(1) Except as provided in paragraph (2), the original registration plate and card shall be canceled by the department and destroyed. Any person who voluntarily surrendered a registration plate and card pursuant to the provisions of subsection (g)(2) may obtain a substitute registration plate and card bearing a registration number other than that originally issued from the department or an agent, as the case may be. Proof of financial responsibility in a form approved by the department shall be submitted.

(2) Any registration plate issued under sections 1340 (relating to antique and classic plates) and 1341 (relating to personal plate) shall be returned by the department to the owner of the motor vehicle upon receipt of proof of financial responsibility.

(3) An agent appointed by the department to issue temporary registration cards and plates pursuant to regulations promulgated by the department shall be authorized to issue substitute temporary registration plates provided proof of financial responsibility is furnished. The fees provided pursuant to sections 1929 (relating to replacement registration plates) and 1932 (relating to duplicate registration cards) shall not be charged if the original registration plate and card were canceled pursuant to paragraph (1).

Section 6. Title 75 is amended by adding a section to read:

§ 1829. Civil immunity.

No person shall be subject to civil liability for libel, violation of privacy or otherwise by virtue of the filing of reports or furnishing of other information in good faith and without malice required by this subchapter.

Section 7. Sections 1902, 4729, 6110(b)(2), 6506(a), 7102, 7103, 7304, 7305 and 7309 of Title 75 are amended to read:

§ 1902. Exemptions from other fees.

No fee shall be charged under this title for or to any of the following:

- (1) A certificate of title returned to the department for cancellation.
- (2) The replacement of a registration card or plate, driver's license, learner's permit or certificate of title lost in the mail if the applicant files an affidavit of nonreceipt within 90 days of the date of original issuance.
- (3) A certificate of **[junk] salvage**.
- (4) A certificate of rejection.
- (5) A special hauling permit issued to any person hauling equipment or materials for use on a Federal or State emergency relief project.
- (6) A manufacturer, jobber or dealer for a certificate of title to a motor vehicle, trailer or semitrailer 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.

(7) The transfer of title to a surviving spouse pursuant to section 1114 (relating to transfer of vehicle by operation of law).

§ 4729. Removal of certificate of inspection.

No certificate of inspection shall be removed from a vehicle or a mass transit vehicle for which the certificate was issued except to replace it with a new certificate of inspection issued in accordance with the provisions of this chapter or as follows:

(1) The police officer may remove a certificate of inspection in accordance with the provisions of section 4703(f) (relating to operation of vehicle without official certificate of inspection).

(2) A person replacing a windshield or repairing a windshield in such a manner as to require removal of a certificate of inspection shall at the option of the registrant of the vehicle or the owner of a mass transit vehicle cut out the portion of the windshield containing the certificate and deliver it to the registrant of the vehicle or the owner of the mass transit vehicle or destroy the certificate. The vehicle or the mass transit vehicle may be driven for up to five days if it displays the portion of the old windshield containing the certificate as prescribed in department regulations. Within the five day period an official inspection station may affix to the vehicle or mass transit vehicle another certificate of inspection for the same inspection period without reinspecting the vehicle or mass transit vehicle in exchange for the portion of the old windshield containing the certificate of inspection. A fee of no more than \$2 plus the fee paid to the department may be charged for exchanging the certificate of inspection.

(3) A salvor shall remove and destroy the certificate of inspection on every vehicle or mass transit vehicle in his possession except vehicles used in the operation of the business of the salvor.

(4) Every applicant for a certificate of **[junk] salvage** pursuant to section 1117(a) (relating to vehicle destroyed **[or junked]**, **dismantled, salvaged or recycled**) shall remove and destroy the valid certificate of inspection.

§ 6110. Regulation of traffic on Pennsylvania Turnpike.

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(b) Penalties.—

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(2) Any person violating any of the rules and regulations of the commission prohibiting fare evasion or attempted fare evasion commits a summary offense and shall, upon conviction, be sentenced to pay a fine according to the classification by the commission of the vehicle driven by that person at the time of violation as follows:

(i) Class 1 through 2: **[\$25] \$100.**

(ii) Class 3 through 6: **[\$200] \$500.**

(iii) Class 7 and higher: **[\$300] \$1,000.**

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§ 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.

The provisions of this subsection shall not apply to any violation committed by the operator of a motorcycle, motor-driven cycle, motorized pedalcycle or recreational vehicle not intended for highway use.

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§ 7102. Removal or falsification of identification number.

(a) Offense defined.—A person who willfully places a false identification number on or removes, sells or falsifies an existing identification number of a vehicle, engine, transmission or any other vehicle part bearing an identification number is guilty of a misdemeanor of the third degree.

(b) Fraudulent intent.—A person who willfully and with intent to conceal or misrepresent the identity of a vehicle, engine, transmission or any other vehicle part bearing an identification number, places a false identification number thereon or removes, sells or falsifies an existing identification number thereof, is guilty of a misdemeanor of the first degree.

(c) Exception.—This section does not apply to the removal of a metal vehicle identification number plate from a vehicle for which a certificate of **[junk] salvage** has been obtained in accordance with section 1117 (relating to vehicle destroyed **[or junked]**, *dismantled*, *salvaged or recycled*). Neither does this section prohibit the removal of a metal vehicle identification number plate from a vehicle part that is damaged when such removal is necessary for proper repair or matching identification of a replacement vehicle part, but such removal is only allowed if the proper matching metal vehicle identification number plate is immediately and properly secured to the repaired or replacement part.

§ 7103. Dealing in vehicles with removed or falsified numbers.

(a) Offense defined.—A person who buys, receives, possesses, sells or disposes of a vehicle, engine, transmission or any other vehicle part bearing an identification number, knowing that an identification number has been removed, a false identification number has been placed thereon or an existing identification number has been falsified, is guilty of a misdemeanor of the third degree.

(b) Knowledge of fraudulent intent.—A person who buys, receives, possesses, sells or disposes of a vehicle, engine, transmission or any other vehicle part bearing an identification number with knowledge that an identification number has been removed, a false identification number has been placed thereon or an existing identification number has been falsified, with intent to conceal or misrepresent the identity thereof, is guilty of a felony of the third degree.

(c) Exception.—This section does not apply to the removal of a metal vehicle identification number plate from a vehicle for which a certificate of **[junk] salvage** has been obtained in accordance with section 1117 (relating to vehicle destroyed **[or junked]**, *dismantled*, *salvaged or recycled*). Neither does this section prohibit the removal of a metal vehicle identification number plate from a vehicle part that is damaged when such removal is necessary for proper repair or matching identification of a replacement vehicle part, but such removal is only allowed if the proper matching metal vehicle identification number plate is immediately and properly secured to the repaired or replacement part.

§ 7304. Reports to department of possession of abandoned vehicles.

Any salvor taking possession of an abandoned vehicle pursuant to section 7301(c) (relating to authorization of salvors) shall within 48 hours

after taking possession report to the department the make, model, vehicle identification number and registration plate number of the abandoned vehicle, and the name and address of the owner or person who abandoned the vehicle, if known, together with any other information or documents which the department may by regulation require. The report shall include a statement whether the vehicle is valueless except for **[junk] salvage**. Where the report indicates the vehicle is valueless except for **[junk] salvage**, the salvor shall include a photograph of the vehicle to be prepared in a manner prescribed by the department. A report by a salvor that a vehicle is valueless except for **[junk] salvage** shall be verified by the police department which authorized transfer of the vehicle to the salvor.

§ 7305. Notice to owner and lienholders of abandoned vehicles.

(a) General rule.—Except as provided in section 7309 (relating to **[junking] salvaging** of vehicles valueless except for **[junk] salvage**), the department, upon receipt of notice that an abandoned vehicle has been taken into possession pursuant to this chapter, shall notify by certified mail, return receipt requested, the last known registered owner of the vehicle and all lienholders of record that the vehicle is abandoned.

(b) Contents of notice.—The notice shall:

(1) Describe the make, model, title number, vehicle identification number and registration plate number of the abandoned vehicle, if known.

(2) State the location where the vehicle is being held.

(3) Inform the owner and any lienholders of their right to reclaim the vehicle within 30 days after the date of the notice at the place where the vehicle is being held by the salvor, upon payment of all towing and storage charges and the fee authorized in section 7306 (relating to payment of costs upon reclaiming vehicle).

(4) State that the failure of the owner or lienholder to reclaim the vehicle is deemed consent by the owner to the destruction, sale or other disposition of the abandoned vehicle and of all lienholders to dissolution of their liens.

(c) Notice by publication.—If the identity of the last registered owner and of all lienholders cannot be determined with reasonable certainty, the contents of the notice set forth in subsection (b) shall be published one time in one newspaper of general circulation in the area where the vehicle was abandoned. The notice may contain multiple listings of abandoned vehicles. Notice by publication locally shall be the responsibility of the salvor. The notice shall have the same effect as notice sent by certified mail.

§ 7309. **[Junking] Salvaging** of vehicles valueless except for **[junk] salvage**.

(a) Application for certificate of **[junk] salvage**.—If an abandoned vehicle is valueless except for **[junk] salvage**, the salvor shall note that fact in the report to the department required in section 7304 (relating to reports to department of possession of abandoned vehicles) and shall apply for issuance of a certificate of junk as provided for in section 1117 (relating to vehicle destroyed **[or junked], dismantled, salvaged or recycled**).

(b) Notice and issuance of certificate.—If the identity of the last registered owner cannot be determined with reasonable certainty and it is impossi-

ble to determine with reasonable certainty the identity and addresses of any lienholder, no notice shall be required. Under such circumstances, the department shall upon receipt of the report by the salvor pursuant to section 7304 issue a certificate of **[junk] salvage** as provided in section 1117.

(c) Reimbursement of expenses of salvor.—Upon receipt within six months of evidence that a salvor has removed an abandoned vehicle upon the request of a police department, the department shall pay to the salvor from the Motor License Fund the sum of \$15 for the expenses incurred in the removal and towing of the abandoned vehicle. No portion of \$15 payment or any separate consideration shall be reimbursed or paid to any government agency or municipality by the salvor.

(d) Rights of owners and lienholders.—Issuance by the department of a certificate of **[junk] salvage** for a vehicle **[junked] salvaged** under this section shall operate as a divestiture of all right, title and interest in the vehicle of the owner and all lienholders.

Section 8. Section 9502(a)(2)(vi) of Title 75 is amended to read:

§ 9502. Imposition of tax.

(a) General rule.—

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(2) An additional 55 mills is hereby imposed on each dollar of petroleum revenues the proceeds of which shall be distributed as follows:

* * *

(vi) Fourteen percent for toll roads designated pursuant to the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, *to be appropriated under section 9511(h).*

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Section 9. Section 9511(a) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 9511. Allocation of proceeds.

(a) Deposit in Motor License Fund.—**[All] Unless otherwise provided in this title, all taxes, interest and penalties imposed by this chapter shall be deposited in the Motor License Fund.**

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(h) Allocation to Pennsylvania Turnpike Commission.—An amount equal to 14% of the proceeds deposited in the Motor License Fund pursuant to the "oil company franchise tax for highway maintenance and construction" imposed under section 9502(a)(2), which amount is to be distributed under section 9502(a)(2)(vi) for toll roads designated under the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, is hereby appropriated monthly to the Pennsylvania Turnpike Commission.

Section 10. This act shall take effect as follows:

(1) The amendment or addition of 75 Pa.C.S. § 1786(g)(2) and (h) shall take effect in 120 days.

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

APPROVED—The 16th day of April, A. D. 1992.

ROBERT P. CASEY