

No. 1992-174

AN ACT

HB 355

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding a definition of "commercial implement of husbandry" and adding amending provisions relating thereto; providing for the standards for recovered theft vehicles, for fleet owner transporter registration plates and for a wild resource conservation plate; making unlawful certain agreements requiring retail motor vehicle fuel stations to be open during certain hours; further providing for the definition of "school bus," for vehicles exempt from registration and for permits for certain chemical and fertilizer vehicles; further providing for drivers required to be licensed, for the use of school bus plates, for the fee for registration of a school bus, for restrictions on use of handicapped parking areas, for use of multiple-beam road lighting equipment, for visual and audible signals on emergency vehicles and for driving under influence of alcohol or controlled substance; and providing for liquor or malt or brewed beverages.

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

Section 1. The definition of "school bus" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is 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 to apply nutrients, soil amendments or chemicals commercially for production agriculture and only occasionally operated or moved upon highways.

* * *

"School bus." A motor vehicle which:

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

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

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.

* * *

Section 2. Sections 1106(c), 1117(a) and (d) and 1302(11) of Title 75 are amended to read:

§ 1106. Content and effect of certificate of title.

* * *

(c) Certificate as evidence and notice.—A certificate of title issued by the department is prima facie evidence of the facts appearing on the certificate. The certificate shall be adequate notice to the Commonwealth, creditors, subsequent lienholders and purchasers that a lien against the vehicle exists. *The printed name of the secretary shall constitute a signature on the certificate.*

§ 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. **[The] 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, 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.**

* * *

(d) Reconstructed and recovered theft vehicles.—

(1) If a vehicle, other than an antique or classic vehicle, for which a certificate of 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] 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 Maclean Hunter Market Reports, Inc., as certified by the insurer or licensed physical damage appraiser on a form prescribed by the department;** otherwise, the vehicle shall be regarded as a reconstructed vehicle.

* * *

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

* * *

(11) Any trailer *or semitrailer*, including but not limited to non-self-propelled special mobile equipment, to be used primarily for off highway use and only operated incidentally upon the highway.

* * *

Section 3. Title 75 is amended by adding a section to read:

§ 1337.1. Fleet owner transporter registration plate.

(a) *General rule.*—*The department shall issue to fleet owners special registration plates which may be displayed on passenger cars, trucks, truck tractors and trailers owned or leased by the fleet owner in lieu of registering each vehicle individually.*

(b) *Limitations on use of plates.*—

(1) *A registration plate issued under this section may be displayed only on an unladen vehicle.*

(2) *A registration plate issued under this section may be displayed only on a vehicle type for which it was purchased, except that a plate issued for a truck or truck tractor may be displayed on an unladen passenger car or an unladen trailer. The weight limits for trucks, truck tractors and trailers must conform to the weight limit for which the registration plate was purchased.*

(3) *A vehicle bearing a registration plate issued under this section may be used for any of the following:*

(i) *For transit of the vehicle to or from the place where the vehicle is offered for sale.*

(ii) *For transit from the place where the vehicle was purchased.*

(iii) *For transit to and from a location where the vehicle is modified, completed or enhanced for a period of not more than 30 days after the date of purchase.*

(iv) *For testing of the vehicle for a period of not more than 30 days after the date of purchase.*

(v) *For repair, servicing or inspection of a vehicle which is not normally operated on a highway.*

(c) *Records.*—*Records shall be kept by the fleet owner in a manner prescribed by the department indicating the vehicles which displayed each registration plate issued under this section. The records shall be open to inspection by department representatives and any police officer.*

Section 4. Section 1343 of Title 75 is amended to read:

§ 1343. Use of school bus *or school vehicle* plates.

(a) *General rule.*—*A motor vehicle bearing school bus *or school vehicle* registration plates shall be used exclusively for the transportation of children and their chaperons to or from public, private, parochial or Sunday school or in connection with any public, private, parochial or Sunday school-related activity. Each school district shall adopt regulations regarding the number of chaperons to accompany students in connection with these activities. Except when transporting children to and from public, private, parochial or Sunday school or public, private, parochial or Sunday school-related activities, the words “school bus” on the front and rear of the vehicle shall be concealed and the red and amber visual signals shall not be operable.*

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25.

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

§ 1352. *Wild resource conservation plate.*

The department, in consultation with the Wild Resource Conservation Board, shall design a special wild resource conservation registration plate. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car or other vehicle with a registered gross weight of not more than 9,000 pounds. The Wild Resource Conservation Fund shall receive \$15 of each additional fee for this plate.

Section 6. Sections 1501(a), 1547(d), 1801, 1812 and 1817 of Title 75 are amended to read:

§ 1501. Drivers required to be licensed.

(a) General rule.—No person, except those expressly exempted, shall drive any motor vehicle upon a highway *or public property* in this Commonwealth unless the person has a driver's license valid under the provisions of this chapter. *As used in this subsection, the term "public property" includes, but is not limited to, driveways and parking lots owned or leased by the Commonwealth, a political subdivision or an agency or instrumentality of either.*

* * *

§ 1547. Chemical testing to determine amount of alcohol or controlled substance.

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(d) Presumptions from amount of alcohol.—If chemical testing of a person's breath, blood or urine shows:

(1) That the amount of alcohol by weight in the blood of the person tested is 0.05% or less, it shall be presumed that the person tested was not under influence of alcohol and the person shall not be charged with any violation under section 3731(a)(1) [or (4)], (4) or (5) (relating to driving under influence of alcohol or controlled substance), or, if the person was so charged prior to the test, the charge shall be void ab initio. This fact shall not give rise to any presumption concerning a violation of section 3731(a)(2) or (3) or (i).

(2) That the amount of alcohol by weight in the blood of the person tested is in excess of 0.05% but less than 0.10%, this fact shall not give rise to any presumption that the person tested was or was not under the influence of alcohol, but this fact may be considered with other competent evidence in determining whether the person was or was not under the influence of alcohol. This provision shall not negate the provisions of section 3731(i).

(3) That the amount of alcohol by weight in the blood of the person tested is 0.10% or more, this fact may be introduced into evidence if the person is charged with violating section 3731.

* * *

§ 1801. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

["Bureau" or "index bureau." The Motor Vehicle Insurance Fraud Index Bureau.]

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Comprehensive database system." A centralized organization or entity designed to collect and disseminate insurance claims information and data from and among its members or subscribers for, but not limited to, the prevention and suppression of fraud.

"Department." The Insurance Department of the Commonwealth.

"Motor vehicle insurer" or "insurer." An entity licensed to write motor vehicle insurance in the Commonwealth.

§ 1812. Content of plans.

The antifraud plans of each insurer shall establish specific procedures:

(1) To prevent insurance fraud, including internal fraud involving employees or company representatives, fraud resulting from misrepresentation on applications for insurance coverage, and claims fraud.

(2) To review claims in order to detect evidence of possible insurance fraud and to investigate claims where fraud is suspected.

(3) To report fraud to appropriate law enforcement agencies and to cooperate with such agencies in their prosecution of fraud cases.

(4) To undertake civil actions against persons who have engaged in fraudulent activities.

(5) To report fraud-related data to **[the index bureau] a comprehensive database system.**

(6) To ensure that costs incurred as a result of **[detected]** insurance fraud are not included in any rate base affecting the premiums of motor vehicle insurance consumers.

§ 1817. Reporting of insurance fraud.

Every insurer licensed to do business in this Commonwealth, and its employees, agents, brokers, motor vehicle physical damage appraisers and public adjusters, or public adjuster solicitors, who has a reasonable basis to believe insurance fraud has occurred shall be required to report the incidence of suspected insurance fraud to Federal, State or local criminal law enforcement authorities. Licensed insurance agents and physical damage appraisers may elect to report suspected fraud through the affected insurer with which they have a contractual relationship. All reports of insurance fraud to law enforcement authorities shall be made in writing, **and copies of the report shall be sent simultaneously to the index bureau].** Where insurance fraud involves agents, brokers, motor vehicle physical damage appraisers, public adjusters or public adjuster solicitors, a copy of the report shall also be sent to the department.

Section 7. Subchapter C of Chapter 18 of Title 75 is amended to read:

SUBCHAPTER C
[MOTOR VEHICLE INSURANCE FRAUD
INDEX BUREAU]
COMPREHENSIVE DATABASE SYSTEM

§ 1821. Designation.

The department shall, after consultation with insurers licensed to write motor vehicle insurance in this Commonwealth, designate a Motor Vehicle Insurance Fraud Index Bureau. The bureau shall, within 180 days of its designation, file with the department a plan of operation consistent with the provisions of this subchapter. The plan of operation shall include, but not be limited to, the following:

(1) A description of the bureau's organizational makeup, membership, staff complement, physical location and self-funding methodology.

(2) Detailed procedures for all members to regularly report fraud-related data to the bureau.

(3) Policies and procedures governing insurer and law enforcement agency access to bureau data, information and reports.

(4) A detailed accounting of how information on insurance fraud filed by insurers will be organized and maintained.

(5) Any other information, data, procedure or program relating to insurance fraud as may be required by the department or determined necessary to facilitate the reporting and use of information and data.

§ 1822. Reports.

(a) Requirement.—Each insurer licensed to write motor vehicle insurance in this Commonwealth shall, as a condition of authority to transact the business of insurance in this Commonwealth, report information on suspected fraudulent claims and applications for benefits arising out of the maintenance and use of a motor vehicle in this Commonwealth with the bureau within 45 days of receipt of such claim.

(b) Content.—The information filed by insurers pursuant to subsection (a) shall include, but not be limited to:

(1) Identification of claimants.

(2) Identification of medical providers.

(3) Identification of repair shops.

(4) Identification of insurance adjusters.

(5) Identification of attorneys representing claimants.

(6) Description of claims.

(7) Other information deemed relevant by the submitting insurer or bureau.

(8) Other information required by the Insurance Commissioner.

§ 1823. Membership in bureau.

Each insurer licensed to write motor vehicle insurance in this Commonwealth shall become members of the bureau. Such insurers shall report to the bureau all relevant information on suspected fraudulent claims as provided for in section 1822 (relating to reports).

§ 1824. Organization, reports and fees.

The bureau shall file with the Insurance Department an annual report listing all insurance companies which are members of the bureau for purposes of complying with this subchapter. The bureau shall be organized, maintained and funded by member insurers. Information reported to the bureau shall be made available to law enforcement officials, any insurer licensed to write motor vehicle insurance in this Commonwealth, the Insurance Department and any similar bureau upon request, provided that an appropriate fee may be charged if the request for such information is made by an insurer that is not a member of the bureau or the request is made by another index bureau.

§ 1825. Use of information.

Information collected pursuant to this chapter shall only be used by insurers and law enforcement officials for the detection and prosecution of fraud or abuse, and insurers may not use this information for underwriting purposes.

§ 1826. Annual reports.

On or before July 1, 1991, and on or before July 1 of each year thereafter, the bureau, on behalf of member insurers, shall file with the commissioner an annual report on the nature and effect of motor vehicle insurance fraud in this Commonwealth. The report shall present statistical data on fraud in this Commonwealth. The commissioner may prescribe by regulation the content of the report.]

§ 1821. Membership in system.

(a) *General rule.*—Each motor vehicle insurer shall, as a condition of authority to transact the business of insurance in this Commonwealth, obtain and maintain membership in one or more comprehensive database systems for the purpose of reporting and accessing motor vehicle insurance claims data and information.

(b) *Requirements for selection.*—Any comprehensive database system selected for membership by a motor vehicle insurer shall meet the following minimum qualifications:

(1) *Have and maintain a computerized database.*

(2) *Have and maintain the capacity to interact with other comprehensive database systems or have and maintain a substantial insurer membership.*

(3) *Have the ability to service the insurance industry, insurance regulators or law enforcement authorities on an interstate basis.*

(c) *Claims information.*—Each motor vehicle insurer shall report and access data and information relating to motor vehicle insurance claims to its comprehensive database systems in accordance with the systems' reporting procedures.

(d) *Availability to law enforcement officials.*—Any data and information reported to a comprehensive database system may be made available to law enforcement officials.

(e) *Payment of expenses.*—Each motor vehicle insurer shall be liable for its share of expenses incurred by any Pennsylvania-specific data index of which the insurer was a member prior to the effective date of this act.

[§ 1827] § 1822. Warning notice on application for insurance and claim forms.

Not later than May 1, 1990, all applications for insurance, renewals and claim forms shall contain a statement that clearly states in substance the following:

Any person who knowingly and with intent to injure or defraud any insurer files an application or claim containing any false, incomplete or misleading information shall, upon conviction, be subject to imprisonment for up to seven years and payment of a fine of up to \$15,000.

[§ 1828] § 1823. Rules and regulations.

The department may promulgate such rules and regulations as may be necessary to carry out this chapter.

[§ 1829] § 1824. 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 8. Section 1918 of Title 75 is amended to read:

§ 1918. School buses *and school vehicles*.

The annual fee for registration of a school bus *or school vehicle* shall be \$24.

Section 9. Title 75 is amended by adding sections to read:

§ 1926.2. *Fleet owner transporter plate.*

The annual fee for a fleet owner transporter plate shall be the appropriate fee specified in section 1912 (relating to passenger cars), 1916 (relating to trucks and truck tractors) or 1920(a) (relating to trailers).

§ 1933. *Commercial implements of husbandry.*

The annual fee for registration of a commercial implement of husbandry shall be \$51 or one-half of the regular fee, whichever is greater.

Section 10. Section 2105(a) of Title 75 is amended by adding a paragraph 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:

* * *

(10) *A commercial implement of husbandry.*

* * *

Section 11. Section 3354(d)(3) of Title 75 is amended to read:

§ 3354. Additional parking regulations.

* * *

(d) Handicapped persons and disabled veterans.—

* * *

(3) (i) Except for persons parking vehicles lawfully bearing a handicapped or severely disabled veteran registration plate or displaying a handicapped or severely disabled veteran parking placard when such vehicles are being operated by or for the transportation of a handicapped person or a severely disabled veteran, no person shall park a vehicle on public or private property reserved for a handicapped person

or severely disabled veteran which property has been so posted in accordance with departmental regulations[.] *which shall require a sign stating the penalty amount indicated in subsection (f), a sign indicating that vehicles in violation of the subsection may be towed and require that signs be replaced when they become either obsolete or missing with all costs to replace the necessary signs to be borne by the persons responsible for signing the particular location. Any vehicle which is unlawfully parked in a designated handicapped parking area may be removed from that area by towing and may be reclaimed by the vehicle owner upon payment of the towing costs.*

(ii) Local authorities shall have the power and may, by ordinance or resolution, authorize handicapped persons and severely disabled veterans to issue statements to violators or violating vehicles for violation of subparagraph (i). The form of the statement shall be as prescribed by the local authorities.

* * *

Section 12. Section 3731(a) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 3731. Driving under influence of alcohol or controlled substance.

(a) Offense defined.—A person shall not drive, operate or be in actual physical control of the movement of any vehicle [while]:

(1) *while* under the influence of alcohol to a degree which renders the person incapable of safe driving;

(2) *while* under the influence of any controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as [“]The Controlled Substance, Drug, Device and Cosmetic Act,[”] to a degree which renders the person incapable of safe driving;

(3) *while* under the combined influence of alcohol and any controlled substance to a degree which renders the person incapable of safe driving; [or]

(4) *while* the amount of alcohol by weight in the blood of the person is 0.10% or greater[.]; or

(5) *if the amount of alcohol by weight in the blood of the person is 0.10% or greater at the time of a chemical test of a sample of the person’s breath, blood or urine, which sample is:*

(i) *obtained within three hours after the person drove, operated or was in actual physical control of the vehicle; or*

(ii) *if the circumstances of the incident prevent collecting the sample within three hours, obtained within a reasonable additional time after the person drove, operated or was in actual physical control of the vehicle.*

(a.1) *Defense.—It shall be a defense to a prosecution under subsection (a)(5) if the person proves by a preponderance of evidence that the person consumed alcohol after the last instance in which he drove, operated or was in actual physical control of the vehicle and that the amount of alcohol by weight in his blood would not have exceeded 0.10% at the time of the test but for such consumption.*

* * *

Section 13. Sections 4303(e), 4306, 4502(d), 4529(a), 4534, 4535(c), 4536 and 4571(b) and (e) of Title 75 are amended to read:

§ 4303. General lighting requirements.

* * *

(e) Equipment exempted by regulation.—Antique motor vehicles, animal-drawn vehicles, implements of husbandry, *commercial implements of husbandry* and special mobile equipment, if operated exclusively between the hours of sunrise and sunset and not during periods of reduced visibility or insufficient illumination, may be exempted from certain lighting equipment requirements of this part by regulations of the department.

* * *

§ 4306. Use of multiple-beam road lighting equipment.

(a) Approaching an oncoming vehicle.—Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use the low beam of light.

(b) Approaching a vehicle from rear.—Whenever the driver of a vehicle approaches another vehicle from the rear within 300 feet, the driver shall use the low beam of light.

(c) *Exception.*—*A police or sheriff vehicle which is equipped with a flashing headlamp system that conforms to regulations promulgated by the department shall be exempt from the provisions of this section only when the vehicle is being used pursuant to the provisions of section 4571(e) (relating to visual and audible signals on emergency vehicles).*

§ 4502. General requirements for braking systems.

* * *

(d) Exceptions.—This section does not apply to towed instruments of husbandry and such items or types of special mobile equipment *or commercial implements of husbandry* as are specifically exempted from compliance by regulations promulgated by the department.

§ 4529. Slow moving vehicle emblem.

(a) General rule.—All implements of husbandry, *commercial implements of husbandry* and special mobile equipment designed to operate at 25 miles per hour or less and all animal-drawn vehicles shall, when traveling on a highway, display on the rear of the vehicle a reflective slow moving vehicle emblem as specified in regulations of the department. The use of the slow moving vehicle emblem shall be in addition to any other lighting devices or equipment required by this title.

* * *

§ 4534. Rearview mirrors.

No person shall operate a motor vehicle or combination on a highway unless the vehicle or combination is equipped with at least one mirror, or similar device, which provides the driver an unobstructed view of the highway to the rear of the vehicle or combination. 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.

§ 4535. Audible warning devices.

* * *

(c) Exceptions.—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.

§ 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.

§ 4571. Visual and audible signals on emergency vehicles.

* * *

(b) Police, *sheriff*, fire and coroner or medical examiner vehicles.—

(1) Police, *sheriff*, coroner, medical examiner or fire police vehicles may in addition to the requirements of subsection (a) be equipped with revolving or flashing blue lights. The combination of red and blue lights may be used only on police, *sheriff*, coroner, medical examiner or fire police vehicles.

(2) Unmarked police and *sheriff* vehicles, used as emergency vehicles and equipped with audible warning systems, may be equipped with the lights described in this section.

(3) Police, *sheriff* and fire vehicles may be equipped with a mounted rack containing one or more emergency warning lights or side mounted floodlights or alley lights or all such lights.

* * *

(e) Authorized period of use.—The lights and warning systems specified by this section may be used only during an emergency or in the interest of public safety and by police officers, *sheriffs and deputy sheriffs* in enforcement of the law. An ambulance which is transporting a patient may use either the lights or the audible warning system, or both, as determined by the driver of the ambulance.

* * *

Section 14. Section 4703(b) of Title 75 is amended by adding a paragraph to read:

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

* * *

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

* * *

(12) *Commercial implements of husbandry.*

* * *

Section 15. Section 4704(g) of Title 75 is amended to read:

§ 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).

Section 16. Title 75 is amended by adding a section to read:

§ 4733. Prohibited provision.

(a) General rule.—It shall be unlawful for any agreement to contain a provision requiring the operation of a retail motor vehicle fuel station during those hours that are proven by a retail motor vehicle fuel station owner or operator to be unprofitable to such owner or operator.

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

“Agreement.” A contract or lease, or combination of both, or other terminology used to describe a contractual relationship between any or all of the following parties: a refiner, a distributor and a retail motor vehicle fuel station owner or operator.

“Distributor.” A person who purchases motor vehicle fuel from a refiner for the purpose of resale to a retail motor vehicle fuel station.

“Refiner.” A manufacturer of motor vehicle fuel.

“Retail motor vehicle fuel station.” A place of business where motor vehicle fuel is sold and dispensed into the tanks of motor vehicles, either by means of a self-service or full-service pump.

Section 17. Section 4905(e) of Title 75 is amended to read:

§ 4905. Safety requirements for towed vehicles.

* * *

*(e) Obstructed lighting equipment.—Whenever the rear running lights, stop lights, turn signals or hazard warning lights required by the provisions of Chapter 43 (relating to lighting equipment) are obstructed by the load on a vehicle or by a towed vehicle or its load, lighting equipment shall be displayed on the rear of the towed vehicle or load equivalent to the obstructed lights or signals, except in the case of implements of husbandry *or commercial implements of husbandry* displaying the slow-moving vehicle emblem and operating between sunrise and sunset.*

Section 18. Section 4921(b) of Title 75 is amended by adding a paragraph to read:

§ 4921. Width of vehicles.

* * *

(b) Special vehicles.—

* * *

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

* * *

Section 19. Section 4971 of Title 75 is amended to read:

[§ 4971. Permit for operation of chemical and fertilizer vehicles.

A permit may be issued for a period of 45 consecutive days authorizing the operation in the Commonwealth of any vehicle registered in another state which is used for the transportation and application of chemicals and fertilizer.]

Section 20. Title 75 is amended by adding a section to read:

§ 6312. *Liquor or malt or brewed beverages.*

(a) *General rule.*—*In an action or proceeding under this title or as provided in subsection (b) in which a material element of the offense is that a substance is liquor or a malt or brewed beverage, all of the following apply:*

(1) *Chemical analysis is not required to prove that the substance is liquor or a malt or brewed beverage.*

(2) *Circumstantial evidence is sufficient to prove that the substance is liquor or a malt or brewed beverage.*

(b) *Evidence presented by defendant.*—*Notwithstanding subsection (a), nothing shall prevent a defendant from presenting evidence that the substance is not liquor or a malt or brewed beverage.*

(c) *Applicability.*—*The provisions of subsection (a) shall apply to proceedings under Titles 18 (relating to crimes and offenses) and 42 (relating to judiciary and judicial procedure) and under the act of April 12, 1951 (P.L. 90, No. 21), known as the Liquor Code.*

Section 21. Sections 7134(e) and 7309(a) of Title 75 are amended to read:

§ 7134. Odometer disclosure requirements.

* * *

(e) *Exemptions.*—*A transfer of any of the following types of motor vehicles is exempt from the requirements of this section:*

(1) *A motor vehicle having a registered gross weight of more than 16,000 pounds.*

(2) *A motor vehicle [25] 10 years or older.*

(3) *An implement of husbandry.*

(4) *Special mobile equipment.*

(5) *A commercial implement of husbandry.*

§ 7309. Salvaging of vehicles valueless except for salvage.

(a) *Application for certificate of salvage.*—*If an abandoned vehicle is valueless except for 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] salvage as provided for in section 1117 (relating to vehicle destroyed, dismantled, salvaged or recycled).*

* * *

Section 22. This act shall take effect as follows:

(1) *The amendment or addition of 75 Pa.C.S. §§ 1801, 1812, 1817, 1821, 1822, 1823, 1824, 1825, 1826 and 1933 shall take effect immediately.*

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

APPROVED—The 18th day of December, A. D. 1992.

ROBERT P. CASEY