

No. 1996-115

AN ACT

HB 1712

Amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for utility trailers and for the designation of certain scenic byways; further providing for application for certificate of title by agent, for vehicle registration periods of less than one year, for temporary registration cards, for duties of agents, for suspension or revocation of vehicle business registration plates, for financial responsibility, for a steelworker registration plate, for chemical testing to determine amount of alcohol or controlled substance, for commercial drivers' licenses, for annual hauling permit and¹ for exemptions from the motor carriers road tax; providing for prohibiting minors from operating with any alcohol in their systems; further providing for driving under influence of alcohol or controlled substance, for homicide by vehicle while driving under the influence, for accidents involving death or personal injury while not properly licensed, for semiannual vehicle inspections, for issuance of certificate of inspection and for conditions of permits and security for damages; providing for movement of wooden structures; further providing for authorization of salvors; providing for installing pilot programs for motor vehicle license transactions, for liability insurance and for penalties; further providing for securing loads in vehicles and for containerized cargo; and making a repeal.

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

Section 1. Section 8301 heading and (a) of Title 74 of the Pennsylvania Consolidated Statutes are amended to read:

§ 8301. Designation of [State Route 476 as scenic byway.

(a) **General rule.**—Because of its outstanding scenic, historic, recreational, cultural and archeological characteristics, State Route 476, commonly known as the Blue Route, is designated as a scenic byway.] *certain State routes as scenic byways.*

(a) *General rule.*—*Because of their outstanding scenic, historic, natural, recreational and archeological characteristics and qualities and because of opportunities for economic development and tourism and for conservation of the outstanding qualities, the following are designated as scenic byways:*

(1) *State Route 476, commonly known as the Blue Route.*

(2) *State Route 711 from the Conemaugh River to Jones Mills continuing along Routes 711/381 south to Normalville and along Route 381 to the State line of West Virginia, commonly referred to as the Laurel Highlands Scenic Byway.*

¹, " in enrolled bill.

(3) State Route 40 from the border of Pennsylvania and Maryland to the border of Pennsylvania and West Virginia, commonly referred to as the National Road.

* * *

Section 2. Section 102 of Title 75 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:

* * *

“Utility trailer.” A trailer, except a recreational trailer, which does not have air brakes.

* * *

Section 3. Section 1119(c) of Title 75 is amended to read:

§ 1119. Application for certificate of title by agent.

* * *

(c) Persons authorized to hold certificate.—

(1) No person shall receive, obtain or hold a certificate of title recorded in the name of another person for the other person who is not in the regular employ of, or not a member of the family of, the other person[, unless the person receiving, obtaining or holding the certificate of title has a valid undischarged lien recorded in the department against the vehicle represented by the certificate of title].

(2) The following persons are exempt from the limitations of paragraph (1):

(i) A lienholder who has a valid undischarged lien recorded in the department against the vehicle represented by the certificate of title.

(ii) A vehicle auction, licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, when offering vehicles for sale.

(iii) A vehicle dealer, licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, offering a vehicle for sale pursuant to a written consignment agreement with the transferor.

* * *

Section 4. Section 1307 of Title 75 is amended by adding a subsection to read:

§ 1307. Period of registration.

* * *

(a.1) Seasonal registration.—Upon application on a form prescribed by the department, the owner or lessee of a passenger car, motorcycle, truck or farm vehicle which does not have a gross vehicle weight rating of more than 9,000 pounds may register the vehicle with the department for a period of successive months of less than one year. The applicant shall specify the

period of months during which the vehicle shall be registered. Except when the department initially converts a currently valid annual registration to a seasonal registration, the annual fee prescribed for the vehicle by Chapter 19 (relating to fees) shall be paid in full by the applicant regardless of the number of months chosen for registration by the applicant. Upon receipt of the appropriate fee and the properly completed form, including all information required by this chapter, the department shall issue a seasonal registration that shall expire on the last day of the expiration month chosen by the registrant. No insurer of a vehicle belonging to any owner or lessee who obtains a seasonal registration and who applies for or receives a reduced automobile insurance premium on account thereof shall be required to provide any contractual coverage, whether in the form of the provision of a defense or the payment of first-party or third-party benefits or otherwise, to the owner or lessee in connection with any event occurring during that part of the year in which the vehicle is not registered; and such owner or lessee shall be treated for all purposes, including, without limitation, ascertaining rights to stack coverages and to uninsured and underinsured motorist coverage, as a person who does not own that vehicle and has no duty to carry financial responsibility on it for that part of the year.

* * *

Section 5. Sections 1310(a) and 1318 of Title 75 are amended to read:
 § 1310. Temporary registration cards.

(a) General rule.—The department shall provide temporary registration cards for use pending issuance or transfer of permanent registration cards. Temporary registration cards *and plates* may be delivered to designated agents who shall have the authority to issue them in accordance with regulations promulgated by the department. *When determining whether to suspend, revoke or impose a monetary penalty upon an agent, the department may consider relevant mitigating events.*

* * *

§ 1318. Duties of agents.

(a) Verification of financial responsibility.—An agent of the Department of Transportation who is authorized to issue on behalf of the department a vehicle registration renewal or temporary registration shall be required to verify financial responsibility prior to issuance.

(b) Proof.—Proof of financial responsibility shall be verified by examining one of the following documents:

- (1) An identification card as required by regulations promulgated by the Insurance Department.
- (2) The declaration page of an insurance policy.
- (3) A certificate of financial responsibility.
- (4) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in Pennsylvania.

(5) *A legible photocopy, facsimile or printout of an electronic transmission of a document listed in paragraphs (1) through (4), provided the agent receives the photocopy, facsimile or printout directly from a licensed insurance company or licensed insurance agency. The agent shall not accept a photocopy, facsimile or printout unless the licensed insurance company or licensed insurance agency provides it on the letterhead of the company or the agency, or with a letter written upon the company's or agency's letterhead, which specifically references the proof of financial responsibility by the insured's name and address and the make, model and vehicle identification number of the insured vehicle. An issuing agent of the department shall not accept a photocopy, facsimile or printout of an electronic transmission as proof of financial responsibility under this paragraph when the issuing agent is also acting as an insurance agent for the licensed insurance company or licensed insurance agency.*

(c) *Handwritten proof of financial responsibility.—If handwritten proof of financial responsibility is acceptable proof of insurance in the state where the vehicle is to be registered, the issuing agent is authorized to accept such handwritten proof, provided the issuing agent receives written confirmation from the applicable state, insurance company or insurance agency that handwritten proof is acceptable in that state. The agent shall retain a copy of the written confirmation along with the copy of the document provided as proof of financial responsibility.*

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

§ 1359. *Special plates for steelworkers.*

(a) *General rule.—Upon application of any person who is a steelworker, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require by regulation, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a steelworker. The special registration plate may be used only on a passenger car or a truck with a gross vehicle weight rating of not more than 9,000 pounds. The plate shall bear the likeness of the official emblem of the American Iron and Steel Institute.*

(b) *Definition.—As used in this section, the term "steelworker" means a person currently or formerly employed in the manufacture of steel or a surviving member of the steelworker's family.*

Section 7. Section 1374(d) of Title 75 is amended to read:

§ 1374. Suspension or revocation of vehicle business registration plates.

* * *

(d) *Schedule of sanctions.—The department shall impose the following sanctions for violations:*

(1) *If the department finds that the registrant has violated subsection*

(a)(5) or (7) as a second offense, the registrant may be sanctioned with a

monetary penalty of not less than \$50 and not more than \$100 per violation.

(2) If the department finds that the registrant has violated subsection (a)(5) or (7) as a third offense, the registrant may be sanctioned with a monetary penalty of not less than \$100 and not more than \$200 per violation.

(2.1) If the department finds that the registrant has violated subsection (a)(5) as a fourth or subsequent offense, the department may suspend for not less than three months or revoke the registration plates and cards of the registrant.

(3) A monetary penalty imposed for a violation of subsection (a)(5) shall be in addition to the requirement that the registrant deliver a properly assigned certificate of title. **[If] Unless extended by the department, if** the registrant fails to pay the monetary penalty or to deliver the certificate of title within 45 days after notice was sent by the department, except as otherwise provided by section 1377 (relating to judicial review), the department shall suspend the registrant's registration plates until the monetary penalty has been paid and the title delivered.

(4) A monetary penalty imposed for a violation of subsection (a)(7) shall be in addition to payment of the original amount due for taxes and fees and any other penalty provided by law for submission of an uncollectible or dishonored check. **[If] Unless extended by the department, if** the registrant fails to pay the monetary penalty, the original amount due or any other penalty within 45 days after notice was sent by the department, except as otherwise provided by section 1377, the department shall suspend the registrant's registration plates until all fees, taxes and penalties have been paid.

(5) A violation of subsection (a)(5) shall remain on the registrant's record for a period of 18 months from the date that the violation was sanctioned by the department. If the registrant does not commit another violation of subsection (a)(5) within that 18-month period, the department shall rescind from the registrant's record the prior sanction that was imposed. After rescission of the prior sanction, if the registrant thereafter commits a subsequent violation of subsection (a)(5), that violation shall be considered the same degree of offense as was previously imposed, unless more than three years have elapsed since the last date that the registrant was sanctioned for a violation of subsection (a)(5), in which case said subsequent violation shall be deemed a first offense.

(6) If the department has previously given notice of, and considered at a departmental hearing, violations of subsection (a)(5), no sanction shall be imposed for an alleged violation of subsection (a)(5) which was not included within said notice if said violation occurred prior to the date of the notice, the department's records reflected that the violation existed and the violation could have been included in the notice as an additional subject of the departmental hearing.

(7) If a registrant is sanctioned pursuant to subsection (c) or paragraph (1) or (2) or the corresponding provisions of departmental regulations, 67 Pa. Code Ch. 53 (relating to manufacturers, dealers and miscellaneous motor vehicle businesses registration plates), and the department also sanctions the registrant for corresponding violations as an issuing agent pursuant to departmental regulations, 67 Pa. Code Ch. 43 (relating to temporary registration cards and plates), the department shall only impose the sanction prescribed by this section or the corresponding section of 67 Pa. Code Ch. 53. Notwithstanding, the department shall note the offense pertaining to the registrant and the offense pertaining to the issuing agent upon each record, and the department shall consider each record when calculating second, third or subsequent offenses by the registrant and the issuing agent.

* * *

Section 8. Section 1547(d) of Title 75 is amended and the section is amended by adding a subsection to read:

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

* * *

(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**] *an adult* is 0.05% or less, it shall be presumed that the [**person tested**] *adult* was not under *the* influence of alcohol and the [**person**] *adult* shall not be charged with any violation under section 3731(a)(1), (4) or (5) (relating to driving under influence of alcohol or controlled substance), or, if the [**person**] *adult* 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**] *an adult* is in excess of 0.05% but less than 0.10%, this fact shall not give rise to any presumption that the [**person tested**] *adult* was or was not under the influence of alcohol, but this fact may be considered with other competent evidence in determining whether the [**person**] *adult* 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]:

(i) *of an adult is 0.10% or more; or*

(ii) *of a minor is 0.02% or more,*

this fact may be introduced into evidence if the person is charged with violating section 3731.

* * *

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

“Adult.” *A person 21 years of age or older.*

“Minor.” *A person under 21 years of age.*

Section 9. Section 1607(a) of Title 75 is amended to read:

§ 1607. Commercial driver's license qualification standards.

(a) Testing.—

(1) The Commonwealth shall offer one knowledge test to all commercial driver's license holders until April 1, 1992, for each class and for each endorsement for driving a commercial motor vehicle which complies with minimum standards established by Federal regulation and all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. App. § 2701 et seq.). This subsection shall not apply to an applicant for a commercial driver learner's permit.

(2) No person shall be issued a commercial driver's license unless the person is a resident of this Commonwealth and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum standards established by Federal regulation, all other requirements of the Commercial Motor Vehicle Safety Act of 1986 and other requirements imposed under Federal regulation which are published by the department as a notice in the Pennsylvania Bulletin[, as well as all requirements of this title or State regulation]. *The department shall publish the content of the driving examination for the commercial driver's license as a notice in the Pennsylvania Bulletin.* The tests shall be offered by the department or its agents.

(3) The department may authorize a person, including an agency of this or another state, an employer, a private institution, association or driver training school, or a department, agency or instrumentality of local government to administer the skills test specified by this section, provided:

(i) The test is the same as that which would otherwise be administered by the department.

(ii) The third party has entered into an agreement with the department.

(4) (Repealed).

(5) As a result of this section, no layoffs shall occur in the classification known as Driver's License Examiner.

(6) The department shall provide applicants for commercial driver's licenses with the choice of selecting a knowledge test administered in either a written or an oral format:

(i) The department shall administer the knowledge tests in both the English and Spanish languages.

(ii) An applicant requesting the oral or Spanish version of the knowledge test must schedule for the examination at a testing site authorized by the department.

(iii) The department shall offer alternate testing formats to avoid discrimination against drivers with limited literacy or verbal comprehension skills.

(iv) The alternative of an oral version of the knowledge test shall not be available to persons seeking a hazardous materials endorsement on a commercial driver's license.

* * *

Section 10. Section 1786(g)(2) of Title 75 is amended and subsection (d) is amended by adding a paragraph to read:

§ 1786. Required financial responsibility.

* * *

(d) Suspension of registration and operating privilege.—The Department of Transportation shall suspend the registration of a vehicle for a period of three months if it determines the required financial responsibility was not secured as required by this chapter and shall suspend the operating privilege of the owner or registrant for a period of three months if the department determines that the owner or registrant has operated or permitted the operation of the vehicle without the required financial responsibility. The operating privilege shall not be restored until the restoration fee for operating privilege provided by section 1960 (relating to reinstatement of operating privilege or vehicle registration) is paid. Whenever the department revokes or suspends the registration of any vehicle under this chapter, the department shall not restore the registration until the vehicle owner furnishes proof of financial responsibility in a manner determined by the department and submits an application for registration to the department, accompanied by the fee for restoration of registration provided by section 1960. This subsection shall not apply in the following circumstances:

* * *

(3) The insurance coverage has terminated or financial responsibility has lapsed simultaneously with or subsequent to expiration of a seasonal registration, as provided in section 1307(a.1) (relating to period of registration).

* * *

(g) Defenses.—

* * *

(2) No person shall be penalized for maintaining a registered motor vehicle without financial responsibility under subsection (d) if, at the time insurance coverage terminated or financial responsibility lapsed, the registration plate and card were voluntarily surrendered to the department, a full agent designated by the department to accept voluntarily surrendered registration plates and cards pursuant to regulations promulgated by the department or a decentralized service agent appointed by the department. ***If a seasonal registration, as provided in section 1307(a.1), has been issued for the vehicle, return of the registration plate and card shall be required only if the insurance coverage terminates or financial responsibility lapses prior to the expiration of the seasonal registration.*** The department, a full agent or the decentralized service agent, as the case may be, shall issue a receipt showing the date that the registration plate

and card were received. The designated full agent or the decentralized service agent shall return the registration plate and card to the department accompanied by a copy of the receipt.

* * *

Section 11. Section 1943 of Title 75 is amended by adding subsections to read:

§ 1943. Annual hauling permits.

* * *

(g) *Domestic animal feed.*—*The annual fee for movement of each vehicle hauling domestic animal feed, in bulk, as provided for in section 4976 (relating to permit for movement of domestic animal feed) shall be \$400.*

(h) *Movement of wooden structures.*—*The annual fee for movement of wooden structures as provided for in section 4977 (relating to permit for movement of wooden structures) shall be \$1,000.*

Section 12. 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:

* * *

(5.1) *A motorbus owned by and registered to a church.*

* * *

Section 13. Title 75 is amended by adding a section to read:

§ 3718. *Minor prohibited from operating with any alcohol in system.*

(a) *Offense defined.*—*Notwithstanding any other provision of this title, a minor shall not drive, operate or be in physical control of a motor vehicle while having any alcohol in his system.*

(b) *Penalty.*—*A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.*

(c) *Definition.*—*As used in this section, the term "minor" means a person under 21 years of age.*

Section 14. Section 3731(a) and (a.1) are 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] a vehicle in any of the following circumstances:*

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

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

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

(i) *of an adult is 0.10% or greater; or*

(ii) *of a minor is 0.02% or more.*

(5) [if] (i) *If* the amount of alcohol by weight in the blood [of the person is 0.10% or greater]:

(A) *of an adult is 0.10% or greater; or*

(B) *of a minor is 0.02% or greater, at the time of a chemical test of a sample of the person's breath, blood or urine[, which]; and* (ii) *the sample is:*

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

[(ii)] (B) *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]:

(1) *in an adult's blood would not have exceeded 0.10%; or*

(2) *in a minor's blood would not have exceeded 0.02%,*

at the time of the test but for such consumption.

* * *

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

“Adult.” A person 21 years of age or older.

“Minor.” A person under 21 years of age.

Section 15. Section 3735 of Title 75 is amended to read:

§ 3735. Homicide by vehicle while driving under influence.

(a) *Offense defined.—Any person who unintentionally causes the death of another person as the direct result of a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) and who is convicted of violating section 3731 is guilty of a felony of the third degree when the violation is the cause of death and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than three years. A separate three-year term of imprisonment shall be imposed for each victim whose death is the direct result of the violation of section 3731.*

(b) *Applicability of sentencing guidelines.—The sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory penalty of this section.*

Section 16. Section 3742.1 of Title 75, added February 23, 1996 (P.L.21, No.8), is amended to read:

§ 3742.1. Accidents involving death or personal injury while not properly licensed.

(a) Offense defined.—A person commits an offense under this section if the person was the driver of any vehicle and caused an accident resulting in injury or death of any person and whose operating privilege at the time of the accident is canceled, recalled, revoked or suspended [**pursuant to section 1532 (relating to revocation or suspension of operating privilege)**]-and not restored or who at the time of the accident had not been issued a valid driver's license.

(b) Penalties.—

(1) Except as otherwise provided in this section, any person violating subsection (a) commits a misdemeanor of the second degree if at the time of the accident the person's operating privilege is canceled, recalled, revoked or suspended [**pursuant to section 1532**] and not restored. If the person had not been issued a valid driver's license, the offense is a misdemeanor of the third degree.

(2) If the victim suffers serious bodily injury or death, any person violating subsection (a) commits a felony of the third degree if at the time of the accident the person's operating privilege is canceled, recalled, revoked or suspended [**pursuant to section 1532**] and not restored. If the person had not been issued a valid driver's license, the offense is a misdemeanor of the first degree.

(3) Any motor vehicle, as defined in section 102 (relating to definitions), used in the commission of an offense under this section may be deemed contraband and forfeited in accordance with the provisions set forth in 18 Pa.C.S. § 6501(d) (relating to scattering rubbish) if the driver's operating privilege is canceled, recalled, revoked or suspended [**pursuant to section 1532**] and not restored at the time of the accident.

(c) Definitions.—As used in this section, the term "serious bodily injury" means any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Section 17. Sections 4702(b), 4727(d) and 4903(c) of Title 75 are amended to read:

§ 4702. Requirement for periodic inspection of vehicles.

* * *

(b) Semiannual safety inspection of certain vehicles.—[**School buses, passenger vans under contract with or owned by a school district or private or parochial school, including vehicles having chartered, group and party rights under the Public Utility Commission and used to transport school students, passenger vans used to transport persons for hire or owned by a commercial enterprise and used for the transportation of employees to or from their place of employment,**

trailers having a registered gross weight in excess of 10,000 pounds, construction trucks for which annual permits are issued pursuant to section 4970(b) (relating to permit for movement of construction equipment), mass transit vehicles and motor carrier vehicles, other than farm vehicles for which a biennial certificate of exemption has been issued.] *The following vehicles shall be subject to semiannual safety inspection[.]:*

(1) *School buses.*

(2) *Passenger vans under contract with or owned by a school district or private or parochial school, including vehicles having chartered group and party rights under the Pennsylvania Public Utility Commission and used to transport school students.*

(3) *Passenger vans used to transport persons for hire or owned by a commercial enterprise and used for the transportation of employees to or from their place of employment.*

(4) *Trailers, other than recreational trailers, having a registered gross weight in excess of 10,000 pounds. Recreational trailers shall be subject to annual safety inspection.*

(5) *Construction trucks for which annual permits are issued pursuant to section 4970(b) (relating to permit for movement of construction equipment).*

(6) *Mass transit vehicles.*

(7) *Motor carrier vehicles, other than farm vehicles for which a biennial certificate of exemption has been issued.*

* * *

§ 4727. Issuance of certificate of inspection.

* * *

(d) Proof of insurance.—

(1) No certificate of inspection shall be issued unless proof of financial responsibility is submitted to the inspection official, who shall, on the official State Inspection record provided by the department, record the name of the insured, the vehicle tag number, the issuing company, the policy number and the expiration date. The requirement that the inspection official record financial responsibility information shall not be construed to require the inspection official to verify the information submitted.

(2) In those cases where the insured fails to present proof of financial responsibility to the inspection official, the inspection official, in addition to denying a certificate of inspection, may provide notification to the department, on the form provided by the department, within 30 days of the insured's failure to present proof of financial responsibility. Failure of the inspection official to make notification under this subsection shall not impose any duty or liability on the mechanic or station owner.

(3) Financial responsibility may be proven by showing one of the following documents:

(i) An identification card as required by regulations promulgated by the Insurance Department.

(ii) The declaration page of an insurance policy.

(iii) A certificate of financial responsibility.

(iv) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in Pennsylvania.

(v) A legible photocopy, facsimile or printout of an electronic transmission of a document listed in subparagraphs (i) through (iv), provided the certified inspection mechanic receives the photocopy, facsimile or printout directly from a licensed insurance company or licensed insurance agency. The certified inspection mechanic shall not accept a photocopy, facsimile or printout unless it is provided on the letterhead of the licensed insurance company or licensed insurance agency, or is provided with a letter written upon the company's or agency's letterhead, which specifically references the document provided as proof of financial responsibility by describing the insured's name and address and the make, model and vehicle identification number of the insured vehicle.

(4) If handwritten proof of financial responsibility is acceptable proof of insurance in the state where the vehicle is registered, the certified inspection mechanic may accept such handwritten proof, provided the certified inspection mechanic receives written confirmation from the applicable state, insurance company or insurance agency that handwritten proof is acceptable in that state. This paragraph is applicable only to vehicles registered in a state other than this Commonwealth.

* * *

§ 4903. Securing loads in vehicles.

* * *

(c) Load of logs.—

(1) Every load of logs on a vehicle shall be securely fastened with [at least three] binders, chains or straps and, in the case of an open-body or stake-body vehicle, trailer or semitrailer there shall be a sufficient number of vertical metal stakes or posts securely attached on each side of the vehicle, trailer or semitrailer at least as high as the top of the load to secure such load in the event of a failure of the binders, chains or straps.

(2) A load of logs which are greater than six feet in length must be secured by three binders for each stack of logs, except that, if the stacks are tiered so that one stack rests upon the bottom stack or stacks, a total of three binders is necessary for that tiered combination.

(3) A load of logs which are six feet or less in length must be secured by two binders for each stack of logs, except that, if the stacks are tiered so that one stack rests upon the bottom stack or stacks, a total of three binders is necessary for that tiered combination.

(4) A tiered combination which includes logs which are greater than six feet and logs which are six feet or less shall be governed by paragraph (2).

* * *

Section 18. Section 4921 of Title 75 is amended by adding a subsection to read:

§ 4921. Width of vehicles.

* * *

(c.2) Utility trailers.—A utility trailer with a registered gross weight not to exceed 10,000 pounds may have a total outside width not to exceed eight feet six inches.

* * *

Section 19. Section 4962(f) of Title 75, amended December 20, 1995 (P.L.669, No.75), is amended to read:

§ 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)(2), (3) and (6) (relating to authority to issue permits).

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

Section 4968 (relating to permit for movement during course of manufacture).

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

Section 4974 (relating to permit for movement of containerized cargo).

Section 4975 (relating to permit for movement of special mobile equipment).

Section 4976 (relating to permit for movement of domestic animal feed).

Section 4977 (relating to permit for movement of wooden structures).

* * *

Section 20. Section 4974 of Title 75, amended February 23, 1996 (P.L.21, No.8), is amended to read:

§ 4974. Permit for movement of containerized cargo.

An annual permit may be issued authorizing the movement on highways of containerized cargo which exceeds the maximum vehicle gross or maximum axle weights specified in Subchapter C (relating to maximum weights of vehicles). The weight of any combination permitted under this section shall not exceed 90,000 pounds overall gross weight and 21,000 pounds on any axle. A brake retarder is not required on a combination permitted under this section while the combination is operated within the counties which comprise the district of a port of a city of the first class. *A vehicle operating under a permit authorized under this section may be*

driven 24 hours a day, seven days a week, except on holidays and in inclement weather.

Section 21. Title 75 is amended by adding a section to read:

§ 4977. Permit for movement of wooden structures.

An annual permit may be issued for the movement of certain wooden structures which exceed the maximum length and width specified in Subchapter B (relating to width, height and length), subject to the following conditions:

(1) The overall width, including all appurtenances and overhangs, may not exceed 13 feet.

(2) The overall length may not exceed 90 feet.

(3) The wooden structure or structures must be transported on a trailer designed solely for the transportation of such structures and not used for the transportation of any other type of load.

(4) Movement under this section is limited to wooden utility sheds, gazebos, garages and play equipment.

Section 22. Section 7301(d) of Title 75 is amended to read:

§ 7301. Authorization of salvors.

* * *

(d) Storage facility.—A salvor may rent or own a storage facility, which shall comply with the act of [December 15, 1971 (P.L.596, No.160), known as the “Outdoor Advertising Control Act of 1971,”] July 28, 1966 (3rd Sp.Sess., P.L.91, No.4), referred to as the *Junkyard and Automotive Recycler Screening Law*, where applicable, and with regulations promulgated by the department.

Section 23. Title 75 is amended by adding a section to read:

§ 7730. Liability insurance.

(a) Requirement.—*Any snowmobile required to be registered pursuant to this chapter shall have liability insurance coverage issued by an insurance carrier authorized to do business in this Commonwealth.*

(b) Proof of insurance.—*Proof of insurance as required by this section shall be produced and displayed by the owner or operator of such snowmobile upon the request of any magistrate or any person having authority to enforce the provisions of this chapter or to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of such snowmobile. It shall be an affirmative defense to any prosecution for a violation of this section that such proof was so produced within 24 hours of receiving notice of such violation, injury or damage or the claim of such injury or damage.*

(c) Owner's responsibility.—*No owner of a snowmobile shall operate or permit the same to be operated without having in full force and effect liability insurance coverage required by this section. The operator of a snowmobile shall carry proof of insurance on their person or on the snowmobile when it is in operation.*

Section 24. Section 7752 of Title 75 is amended to read:

§ 7752. Penalties for violation of chapter.

(a) General rule.—Except as provided in subsections (b) and (c), any person violating any of the provisions of this chapter is guilty of a summary offense and shall, upon conviction:

(1) For a first offense, be sentenced to pay a fine of not less than \$25 nor more than \$100 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than ten days.

(2) For a second offense, be sentenced to pay a fine of not less than \$50 nor more than \$200 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than 30 days.

(b) Failure to obtain liability insurance.—Any person who fails to obtain liability insurance required pursuant to this chapter commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 which shall be returned to the restricted receipts account created pursuant to this chapter.

[(b)] (c) Unauthorized disposition of forms.—Any person who disposes of any summons or complaint issued pursuant to this chapter in any other manner than that prescribed by law, rule or regulation is guilty of a misdemeanor of the third degree.

[(c)] (d) Registration and decals.—Any person violating section 7713(a) (relating to certificates of registration and decals) by failing to obtain a certificate of registration commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 or to 90 days imprisonment, or both. Any person violating section 7713(a) by failing to properly display a registration number or the validation decal commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

Section 25. The Department of Transportation shall install at least three pilot programs of private sector, decentralized services for motor vehicle and driver license transactions, including, but not limited to, at least three vehicle dealerships, decentralized agents or other private business entities who, notwithstanding any other provision of 75 Pa.C.S. or departmental regulations, shall be temporarily authorized to obtain real time or on-line access to the department's data bases to read motor vehicle records and information and driver license records after first obtaining the written consent of the person who is the subject of the record as provided under 75 Pa.C.S. § 6114. Computerized and electronically recorded data may be submitted to the department for the purpose of updating records. The department shall permit temporarily authorized dealerships, decentralized agents or business entities to issue accountable documents which, as determined by the department, may include certificates of title, certificates of salvage, registration plates, cards and stickers and driver licenses. The temporarily authorized dealerships, decentralized agents or private business entities shall not have been previously sanctioned by the department for violations of 75 Pa.C.S. or departmental regulations within the past three years. Temporarily authorized dealerships, decentralized agents or private business entities shall

be permitted to charge a reasonable fee to customers for providing these services.

Section 26. Section 8(a)(4) of the act of December 16, 1992 (P.L.1250, No.166), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the implementation and administration of an enhanced vehicle emission inspection program; further providing for administrative duties of the Department of Transportation for certain services and the Department of Environmental Resources; providing for an alternative fuels grant program; establishing the Alternative Fuels Incentive Grant Fund; and making an appropriation," is repealed.

Section 27. The provisions of 67 Pa. Code §§ 75.25, 75.26, 75.27 and 75.28 are repealed upon the publication of testing procedures as set forth in 75 Pa.C.S. § 1607(a) in the Pennsylvania Bulletin.

Section 28. (a) The amendment of 74 Pa.C.S. § 8301 shall be retroactive to January 1, 1996.

(b) The amendment of 75 Pa.C.S. § 2105 shall be retroactive to August 10, 1992.

Section 29. This act shall take effect as follows:

(1) The amendment or addition of 75 Pa.C.S. §§ 1547, 3718 and 3731 shall take effect July 30, 1996, or in 30 days, whichever occurs later.

(2) The amendment or addition of 75 Pa.C.S. §§ 1943(g), 3742.1, 4962(f) (which adds § 4976) and 7301(d) shall take effect immediately.

(3) The amendment or addition of 75 Pa.C.S. §§ 1943(h), 4962(f) (which adds § 4977) and 4977 shall take effect in 60 days.

(4) The amendment of 75 Pa.C.S. § 2105 shall take effect immediately.

(5) This section shall take effect immediately.

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

APPROVED—The 11th day of July, A.D. 1996.

THOMAS J. RIDGE