

No. 1998-151

AN ACT

HB 433

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for title applications, for vehicle ownership transfer, for transfer of vehicles to manufacturers or dealers, for title agents, for liens against title, for title registrations and certificates, for registration exemptions, for registration applications, for refusing registration, for issuing registration plates, for returning registration plates, for dealer registration plates, for disability plates and placards, for veterans' plates and placards, for various special plates and placards, for suspension of registration, for suspension of business registration plates, for surrender of registration plates and cards, for licensing, for licensing ineligibility, for driver's license examinations, for carrying driver's license, for driver's license expiration, for Department of Transportation records, for the Medical Advisory Board, for suspension of operating privilege, for schedule of points, for removal of points, for surrender of license, for revocation of habitual offender's license, for driving without valid license, for chemical testing, for notice, for occupational limited license, for probationary license and for cancellation of license; providing for administrative functions; further providing for fee exemption, for temporary and electronically issued registration plates and for duplicate registration cards; providing for reissuance; further providing for special hauling permits, for annual hauling permits, for special escort movements, for construction trucks, for driver and vehicle information, for the Motor Vehicle Transaction Recovery Fund, for disbursements, for scope, for traffic control signals, for stop signs and yield signs, for train signals, for railroad crossings and for school bus passing; providing for emergency vehicles accessing official garages; further providing for speed limits, for altering speed limits, for pedalcycles, for pedalcycle equipment, for warning signals, for the Pedalcycle and Pedestrian Advisory Committee, for driving on sidewalks, for serious accidents while unlicensed, for vehicular homicide while driving under influence, for accident reports, for unlawful activities, for lighting requirements and for multiple-beam lights; providing for passengers in open trucks and for pedalcycle carrying devices; further providing for school bus requirements, for inspection, for inspection station liability, for inspection sticker violations, for inspection records, for highway and bridge restrictions, for fire apparatus, for vehicle widths, for maximum gross weight, for registered gross weight, for maximum axle weight, for permit authority, conditions and security, for construction vehicle exemptions, for quarry equipment permits, for permits for movement during manufacture and for construction equipment movement permits; providing for live domestic animal permits; further providing for wooden structure movement permits; providing for building structural component movement permits, for furniture assembly component movement permits, for bulk refined oil movement permits and for waste coal and combustion ash movement permits; further providing for gubernatorial emergency powers, for administrative and local functions and for display of unauthorized signs; providing for dealing in traffic-control devices or bridge parts; further providing for automatic reciprocity and for police investigation; further providing for issuing authority reports; providing for admissibility of records; further providing for subsequent convictions of certain offenses; providing for habitual offenders; further providing for fraudulent documents and plates; providing for abandoned vehicles in first class cities and for a security wall pilot project; further providing for liquid fuel permits, bonds, deposits, refunds and violations; further providing for highway restoration and for motor fuel tax credits; and providing for corporate tax exemptions, for an appropriation and for the transfer of certain funds.

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

Section 1. The definitions of "maxi-cube vehicle," "modular housing unit," "motorized pedalcycle," "passenger car," "registered gross weight," "salvor," "special mobile equipment," "truck" and "vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding definitions 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:

* * *

"Cancel." To void or terminate by formal action of the department any license, registration or privilege issued or granted by the department to which the individual is no longer entitled.

* * *

"Manufactured construction unit." A building manufactured in sections in a production plant, transported to a site and set on a foundation to form a complete commercial or institutional noncombustible building.

* * *

"Maxi-cube vehicle." [A truck tractor combined with a semitrailer and a separable cargo-carrying unit which is designed to be loaded and unloaded through the semitrailer except that the entire combination shall not exceed 65 feet in length and the separable cargo-carrying unit shall not exceed 34 feet in length.] A combination. The truck may have either a detachable or permanently attached cargo box. The cargo box on the trailer shall be designed such that the truck may be loaded and unloaded through the trailer. Neither cargo box shall exceed 34 feet in length, and the overall length of the combination shall not exceed 65 feet.

* * *

"Modular housing unit." A unit transported on a removable or nonremovable frame designed for residential [or commercial] purposes which is wholly or in substantial part fabricated, formed or assembled in manufacturing facilities for assembly and installation on the building site.

* * *

"Motorized pedalcycle." A motor-driven cycle equipped with operable pedals, a motor rated no more than 1.5 brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission, and a maximum design speed of no more than 25 miles per hour or an electric motor-driven cycle equipped with operable pedals and an automatic transmission powered by an electric battery or battery pack-powered electric motor with a maximum design speed of no more than 25 miles per hour.

* * *

“Numbered traffic route.” A highway which has been assigned an interstate, United States or Pennsylvania route number, consisting of three or fewer digits, to aid motorists in their travels.

* * *

“Passenger car.” A motor vehicle, except a motorcycle, designed primarily for the transportation of persons and designed for carrying no more than 15 passengers, including the driver, and primarily used for the transportation of persons. The term includes motor vehicles which are designed with seats that may be readily removed and reinstalled, but does not include such vehicles if used [or maintained] primarily for the transportation of property.

* * *

“Registered gross weight.”

(1) The maximum gross weight at which a vehicle or combination is registered in this Commonwealth to operate upon a highway, which shall include the weight at which a vehicle or combination is registered for operation in this Commonwealth under any system of proportional registration pursuant to Subchapter C of Chapter 61 (relating to reciprocity).

(2) For the purposes of Chapter 49 (relating to size, weight and load)[, **Chapter 99 (relating to axle tax for highway bridge improvement)**] and the definition of “motor carrier vehicle,” if there is no registered gross weight as defined in paragraph (1), then the term shall mean the maximum gross weight at which a vehicle or combination registered in another state is registered or otherwise authorized to operate by such state.

* * *

“Salvor.” A person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, [**junking,**] **recycling,** selling, rebuilding or exchanging the vehicles or parts thereof.

* * *

“Special mobile equipment.”

(1) Vehicles not designed or used primarily for the transportation of persons or property, ***except for tools and parts necessary for the use and maintenance of the vehicle,*** and only incidentally operated or moved over a highway[, **including but not limited to:**].

(2) ***Vehicles which have machinery permanently attached shall not carry a load, except for tools and parts necessary for the use and maintenance of the permanently attached machinery and are only incidentally operated or moved over a highway.***

The term includes, but is not limited to, ditch digging apparatus, well boring apparatus; earth moving and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, finishing machines, road rollers, scarifiers, earth moving carryalls, scrapers, power shovels and drag lines; and self-propelled cranes and tractors, other than truck tractors. The term does not include house

trailers; dump trucks; *or* truck-mounted transit mixers, cranes or shovels[; *or* other vehicles designed for the transportation of persons or property to which machinery has been attached].

* * *

“Truck.” A motor vehicle designed[, used or maintained] primarily for the transportation of property. *The term includes motor vehicles designed with seats that may be readily removed and reinstalled if those vehicles are primarily used for the transportation of property.*

* * *

“Vehicle.” Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. *The term does not include a self-propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.*

* * *

Section 2. Section 1103.1(h) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1103.1. Application for certificate of title.

* * *

(g.1) Verification.—In lieu of notarization of any document required to be submitted with the application for certificate of title, the department shall accept the verification of a person’s signature by an issuing agent, who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee. The issuing agent’s name and identification number and the signature of the issuing agent or its employee shall be written in the space reserved for a notarization or verification. If an issuing agent or its employee falsely verifies a person’s signature, the department shall suspend the issuing agent’s authority to issue temporary registration plates and cards for not less than 30 days.

(h) Penalties.—Any person who falsely verifies *a signature under subsection (g.1) or* a vehicle identification number under subsection (e)(2) or who verifies a vehicle identification number without being authorized as provided in subsection (e)(2) commits a summary offense punishable by a fine of \$300.

Section 3. Sections 1111, 1113(a), (b) and (c), 1119(c)(2)(ii) and (iii) and 1138(a) of Title 75 are amended to read:

§ 1111. Transfer of ownership of vehicle.

(a) Duty of transferor.—In the event of the sale or transfer of the ownership of a vehicle within this Commonwealth, the owner shall execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes, sworn to before a notary public or other officer empowered to administer oaths[,] *or verified by an issuing agent, who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee,* and deliver the certificate to the transferee at the time of the delivery of the vehicle.

(a.1) Exception for dealers.—When a certificate of title for a vehicle acquired by a licensed dealer for the purpose of resale is encumbered by a lien, delivery of the certificate of title by the dealer as a transferor at the time of delivery of the vehicle upon resale shall not be required for a vehicle being titled in this Commonwealth if, prior to delivery of the vehicle, the dealer obtains the applicable powers of attorney to properly execute transfer of the title and the dealer requests and receives the departmental verification of any lienholders, ownership, odometer information, title brands and any other information that the department deems necessary to be verified. Upon payment of the established fee, the department shall provide the dealer or authorized messenger service with verification of the required information. The department may supply the verified information by either written or electronic means. The application and a properly assigned certificate of title shall be delivered to the department within the time period prescribed by section 1103.1 (relating to application for certificate of title). If a dealer sells a vehicle after verification of the required information for a certificate of title encumbered by a lien, but fails to satisfy the lien or deliver an assignment and warranty of title to the dealer's transferee within 90 days of the date of purchase, and this failure is the result of an act or omission by the dealer, the dealer shall accept return of the vehicle from the transferee and shall refund the purchase price less actual depreciation of the vehicle while it was within the possession of the transferee. In refunding the purchase price, the price shall include the listed dollar value of any trade-in vehicle as stated in the sales transaction document in lieu of returning the transferee's trade-in vehicle.

(a.2) Exception for sales at licensed wholesale auctions.—In the event of the offering for sale or transfer of a vehicle between automobile dealers licensed by this Commonwealth or another state at a wholesale vehicle auction which is licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons as a wholesale vehicle auction, the licensed dealer need not execute an assignment and warranty of title to the transferee at the time of the offering of the vehicle for sale if, prior to the offering of the sale of the vehicle, it is noted that the title is not present. The transferor shall deliver a properly assigned and warranted title to that transferee within ten days of the date that the vehicle was offered for sale, and the sale shall not be consummated until the transferor has delivered the title to the transferee.

(b) Duty of transferee.—Except as otherwise provided in section 1113 (relating to transfer to or from manufacturer or dealer), the transferee shall, within ten days of the assignment or reassignment of the certificate of title, apply for a new title by presenting to the department the properly completed certificate of title, sworn to before a notary public or other officer empowered to administer oaths[,] *or verified before an issuing agent, who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and*

Salespersons, or its employee, and accompanied by such forms as the department may require.

(b.1) Transfers relating to the RESET program.—A motor vehicle transferred to the Commonwealth or a political subdivision for use in the RESET program administered under section 405.1 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, shall not be subject to sales or use tax under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, upon the removal of the vehicle from inventory by any:

(1) motor vehicle dealer, importer or wholesaler; or

(2) “broker,” “dealer” or “distributor,” as defined in section 2 of the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.

(c) Penalty.—Any person violating subsection (a) shall be guilty of a summary offense and shall, upon conviction, be sentenced:

(1) For a first offense, to pay a fine of \$100.

(2) For a subsequent offense, to pay a fine of not less than \$300 nor more than \$1,000.

§ 1113. Transfer to or from manufacturer or dealer.

(a) Transfer to manufacturer or dealer.—When the purchaser or transferee of a vehicle is a manufacturer or registered dealer who holds the vehicle for resale, a certificate of title need not be applied for as provided for in section 1111 (relating to transfer of ownership of vehicle), but the transferee shall, within seven days from the date of assignment of the certificate of title to the manufacturer or dealer, forward to the department, upon a form prescribed and furnished by the department, notification of the acquisition of the vehicle. Notification *in lieu of applying for a certificate of title* as authorized in this section may not be used in excess of three consecutive transactions after which time an application shall be made for a certificate of title. Notwithstanding the foregoing, a transferee of a motor vehicle shall apply for a certificate of title no later than six months from the date of the assignment.

(b) Execution and display of notice of transfer.—The manufacturer or dealer making notification as to any vehicle acquired pursuant to subsection (a) shall execute at least ~~[three]~~ *two* copies, the original of which shall be forwarded to the department, ~~[one copy to accompany the vehicle on any subsequent transfer]~~ and one copy ~~[to]~~ *shall* be retained by the manufacturer or dealer for at least one year after a subsequent transfer, to be exhibited, with *a copy of* the assigned certificate of title, upon request of any police officer or authorized department employee.

(c) Transfer from manufacturer or dealer.—Except as otherwise provided in this section when the transferee is another manufacturer or dealer:

(1) The manufacturer or dealer, upon transferring their interest in the vehicle, shall execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes.

(2) The transferee shall complete the application for certificate of title in the name of the transferee.

(3) The manufacturer or dealer shall forward the certificate of title and any other required forms to the department within **[ten] 20** days of the transfer.

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§ 1119. Application for certificate of title by agent.

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(c) Persons authorized to hold certificate.—

* * *

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

* * *

(ii) A vehicle auction, licensed **[by the State Board of Vehicle Manufacturers, Dealers and Salespersons] pursuant to the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act**, when offering vehicles for sale.

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

* * *

§ 1138. Duration of lien recorded on certificate of title.

(a) General rule.—A security interest recorded on a certificate of title is effective for a period of 15 years in the case of a mobile home or emergency vehicle, ***eight years in the case of a truck tractor or trailer weighing in excess of 10,000 pounds*** and six years in all other cases dating from the time of perfection as provided for in this subchapter.

* * *

Section 4. Subchapter C heading of Chapter 11 of Title 75 is amended to read:

SUBCHAPTER C
ELECTRONIC [LIEN] TITLING PROGRAM

Section 5. Sections 1301(a) and (d), 1302(8) and (18) and 1305(c) of Title 75 are amended to read:

§ 1301. Registration and certificate of title required.

(a) Driving unregistered vehicle prohibited.—No person shall drive or move and no owner ***or motor carrier*** shall knowingly permit to be driven or moved upon any highway any vehicle which is not registered in this Commonwealth unless the vehicle is exempt from registration.

* * *

(d) Penalty.—Any person violating the provisions of subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75 or double the registration fee, whichever is greater, except when

the vehicle was previously registered *in this Commonwealth* within 60 days of the commission of the offense whereupon the fine shall be \$25. In the case of a motor carrier vehicle other than a trailer, the fine shall be \$50 if the motor carrier vehicle was previously registered *in this Commonwealth* within 60 days of the commission of the offense or, if the registration occurs outside the 60-day period, the fine shall be double the registration fee for the maximum weight at which the vehicle could have been registered in this Commonwealth.

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

* * *

[(8) Any self-propelled invalid wheel chair or invalid motorized pedalcycle.]

* * *

(18) Any farm and garden vehicle under [16] 20 horsepower driven incidentally upon a highway, as determined by the department.

* * *

§ 1305. Application for registration.

* * *

(c) Designation of lessee as registrant.—The owner as lessor may designate the lessee as the registrant of the vehicle and the name and address of the lessee may be substituted on the registration card for the address of the lessor. *However, even if the lessor does not designate the lessee as the registrant of the vehicle, the lessor shall still provide the department with the name and address of the lessee.* The department shall designate the relationship upon the card in a manner it deems appropriate. This subsection is applicable only for the period during which the lease remains in effect.

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Section 6. Section 1306 of Title 75 is amended by adding a paragraph to read:

§ 1306. Grounds for refusing registration.

The department shall refuse registration or renewal or transfer of registration when any of the following circumstances exists:

* * *

(10) The registration would be issued for a vehicle that would be operated under a United States Department of Transportation operating authority if an out-of-service order has been issued for the vehicle, the owner or operator by the department or the United States Department of Transportation.

Section 7. The heading of section 1331 of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1331. Issuance *and reissuance* of registration plates.

* * *

(f) Periodic reissuance of registration plates.—The department shall develop, implement and administer a program to provide for the reissuance

of all current registration plates previously issued under this section. The program to be established under this subsection shall address all of the following criteria:

(1) Other than the annual registration fee required under sections 1305 (relating to application for registration) and 1309 (relating to renewal of registration) and Subchapter B of Chapter 19 (relating to registration fees), the reissued registration plate shall be issued under section 1934 (relating to general reissuance).

(2) The program shall provide that all current registration plates issued under this section be replaced. The program may provide that the department provide for reissuance of registration plates on a staggered basis which will replace all registration plates issued under this section.

(3) The program may provide for the return of and the recycling of the older registration plates.

(4) The program shall provide that at the end of a ten-year cycle no registration plate issued under this section be older than ten years.

(5) The program shall require annual reports to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives on the issue of registration avoidance.

(6) The program may contain any other conditions, limitations, contractual arrangements or other factors which the department deems necessary to implement this subsection.

Section 8. Section 1334(a)(4) of Title 75 is amended to read:

§ 1334. Return of registration plate.

(a) General rule.—Registration plates shall be returned to the department under the following circumstances:

* * *

(4) A [handicapped] *person with a disability* registration plate shall be returned if the person to whom it was issued no longer qualifies under section 1338 (relating to [handicapped] *person with disability* plate and placard).

* * *

Section 9. Section 1336(a)(2) and (7), (b) introductory paragraph and (e) of Title 75 are amended and subsection (a) is amended by adding paragraphs to read:

§ 1336. Use of dealer registration plates.

(a) General rule.—Dealer registration plates may be displayed on any vehicle which is owned or in the possession of a dealer or manufacturer and such a vehicle may be operated upon the highway, but only if the vehicle is being held for sale and is being used for any of the following purposes:

* * *

(2) For testing [or inspection of], *for safety inspection, repairing or transporting to or from a repair facility* vehicles in the possession of the dealer within a radius of 25 miles of the place of business of the dealer.

Vehicles in the possession of the manufacturer may be tested within a radius of 50 miles of the place of business of the manufacturer.

* * *

(7) For transit to or from a *dealer*, show, exhibit or auction where the vehicle is purchased by the dealer or offered for sale to prospective purchasers.

(8) *For delivery to or from a second-stage manufacturer for or upon completion. Vehicles operated pursuant to this paragraph must be unladen.*

(9) *For transit to or from a prospective purchaser or customer for the purpose of demonstrating or loaning as permitted by subsection (a).*

(10) *For use in the conduct of the dealer's administrative functions, such as attending meetings or events, transporting department-required paperwork or transporting financial paperwork.*

(11) *For a trailer being held for sale hauling other trailers being held for sale as long as the combined weight of all trailers does not exceed 3,000 pounds.*

(b) Personal use.—A vehicle displaying dealer registration plates which is owned by a dealer or manufacturer, is held for sale and does not exceed a gross vehicle weight rating of [7,000] 7,500 pounds may be operated upon the highways of this Commonwealth for the personal use of the following:

* * *

(e) Records.—Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as permitted by subsection (a)(1), (4), (5) and (6). *The records shall indicate the name of the person to whom the vehicle was loaned. If the vehicle was loaned to a business or an organization with more than one driver, it is sufficient to list only the name of the business or organization.* The records shall be open to inspection by representatives of the department and police officers.

* * *

Section 10. Sections 1338 heading, (a), (b), (c)(1) and (2) and (c.2), 1342(a), (b), (c) and (d), 1346, 1348, 1350, 1351, 1352, 1353, 1355, 1356, 1357, 1358 and 1359(a) of Title 75 are amended to read:

§ 1338. [**Handicapped**] *Person with disability* plate and placard.

(a) [**Handicapped**] *Person with disability* plate.—On the application of any person who:

- (1) is blind;
- (2) does not have full use of an arm or both arms;
- (3) cannot walk 200 feet without stopping to rest;
- (4) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (5) is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by

spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;

(6) uses portable oxygen;

(7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association;

(8) is severely limited in his or her ability to walk due to an arthritic, neurological or orthopedic condition; or

(9) is a person in loco parentis of a person specified in paragraph (1), (2), (3), (4), (5), (6), (7) or (8);

the department shall issue a special registration plate for one passenger car or **[other vehicle] truck** with a registered gross weight of not more than 9,000 pounds, designating the vehicle so licensed as being used by a **[handicapped]** person *with a disability*. Special plates for **[handicapped]** persons *with disabilities* may also be issued for vehicles operated exclusively for the use and benefit of **[handicapped]** persons *with disabilities*. In the case of a motorcycle, the department shall issue a decal containing the international symbol for **[handicapped]** access for *persons with disabilities* for display on the registration plate.

(b) **[Handicapped] Person with disability** parking placard.—On the initial application or renewal application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of **[a handicapped person] persons with disabilities**. When parking the designated vehicle, the **[handicapped] person with disability** parking placard shall be prominently displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be displayed on the dashboard. Placards may also be issued for use in vehicles when operated for the use and benefit of **[handicapped] persons with disabilities provided that a person with a disability is being transported in the vehicle**. Organizations **[which] that** transport persons **[in vehicles operated for the use and benefit of handicapped persons] with disabilities** shall *upon application* be issued not more than eight placards in the organization's name. *These placards may be used in a vehicle of the organization or the personal vehicle of an employee or volunteer of the organization when the employee or volunteer operates the vehicle for the benefit and use of persons with disabilities provided that a person with a disability is being transported in the vehicle.*

(c) Physician's statement.—

(1) Any person applying for a special plate or parking placard for **[handicapped] persons with disabilities** must present a statement, certified

by a physician licensed to practice in this Commonwealth or in a contiguous state, that the **[handicapped]** person *with a disability* is **[handicapped]** *disabled* as provided in subsection (a).

(2) Any person applying for a renewal of registration of a special plate for **[handicapped]** persons *with disabilities* must comply with this subsection. Once a **[handicapped]** person *with a disability* has been duly certified by a physician as being **[handicapped]** *disabled*, as provided in subsection (a), the applicant need not submit a certification for subsequent renewals of registration for a special plate for **[handicapped]** persons *with disabilities*. A person who was issued a **[handicapped]** *person with disability* plate under this section and no longer qualifies for one shall not be charged a replacement fee for a regular registration plate upon payment of the regular registration fee.

* * *

(c.2) Authorized use.—This section shall not preclude the operation of a vehicle which bears a **[handicapped]** *person with disability* plate when the vehicle is not being used for the benefit of the **[handicapped]** person *with a disability* or when the **[handicapped]** person *with a disability* is not present in the vehicle, provided the driver does not use or attempt to use any special privilege or benefit otherwise accorded to vehicles displaying the plate.

* * *

§ 1342. Veteran plates and placard.

(a) Severely disabled veteran plate.—On the application of a veteran whose service-connected disability is certified at 100% by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration or who has a service-connected disability of the type enumerated in section 1338 (relating to **[handicapped]** *person with disability* plate and placard), the department shall issue a special registration plate designating the vehicle as belonging to a severely disabled veteran. The registration plate shall have a white background, shall have blue numbers or letters as the department may determine, shall have the words, "disabled veteran," in at least ten-point bold type, inscribed in red at the bottom of the plate, and shall include the international symbol for **[handicapped]** *access for persons with disabilities*. Only one special registration plate shall be issued to a veteran under this section. It may be used only on **[one]** a passenger **[vehicle or one other vehicle]** *car or truck* with a registered gross weight of not more than 9,000 pounds. In the case of a motorcycle, the department shall issue a decal containing the international symbol for **[handicapped]** *access for persons with disabilities* and the words "disabled veteran" for display on the registration plate.

(b) Severely disabled veteran placard.—On the application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of a severely disabled veteran. **[Such]** *When parking the*

designated vehicle, the severely disabled veteran parking placard shall be prominently displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be prominently displayed on the [right front dash] dashboard of the vehicle when it is in use for the transportation of such severely disabled veteran. Placards may also be issued for use in vehicles when operated for the use and benefit of severely disabled veterans provided that a severely disabled veteran is being transported in the vehicle.

(c) Disabled veteran plates.—On the application of any veteran having a disability certified by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration as service-connected, the department shall issue a special registration plate designating the vehicle as belonging to a disabled veteran. The registration plate shall have a white background, shall have numbers or letters as the department may determine and shall have the words "disabled veteran" in at least ten-point bold type inscribed at the bottom of the plate. Only one special registration plate shall be issued to a veteran under this section. It may be used only on **[one] a passenger [vehicle or one other vehicle] car or truck** with a registered gross weight of not more than 9,000 pounds.

(d) Prisoner of war plate.—On the application of an ex-prisoner of war whose imprisonment while in the service of the armed forces of the United States is certified by the appropriate branch of the armed forces, the department shall issue a special registration plate designating the vehicle as belonging to an ex-prisoner of war. The registration plate shall contain the letters "POW" and such other numbers or letters as the department may determine and shall have the words "prisoner of war" in at least ten-point bold type inscribed at the bottom of the plate. *Only one special registration plate shall be issued to an ex-prisoner of war under this subsection.* The special registration plate may be used only on **[one] a passenger [vehicle or one other vehicle] car or truck** with a registered gross weight of not more than 9,000 pounds.

* * *

§ 1346. Special plates for recipients of Purple Heart.

Upon application of any person who is a recipient of the Purple Heart, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Purple Heart. A severely disabled veteran, as described in section 1342(a) (relating to veteran plates and placard), who is qualified to receive a plate under this section may also elect to receive a placard under section 1342(b). The special registration plate may be used only on **[one] a passenger [vehicle or one other vehicle] car or truck** with a registered gross weight of not more than 9,000 pounds.

§ 1348. Special plates for Pearl Harbor survivors.

Upon application of any person who is a survivor of Pearl Harbor, 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 survivor of Pearl Harbor. The special registration plate may be used only on [one] a passenger [vehicle or one other vehicle] car or truck with a registered gross weight of not more than 9,000 pounds.

§ 1350. Special plates for veterans of Korean War.

Upon application of any person who is a veteran of the Korean War, 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, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Korean War. The special registration plate may be used only on [one] a passenger [vehicle or one other vehicle] car or truck with a registered gross weight of not more than 9,000 pounds.

§ 1351. Special plates for veterans of Persian Gulf War.

Upon application of any person who is a veteran of the Persian Gulf War, 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, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Persian Gulf War. The special registration plate may be used only on [one] a passenger [vehicle or one other vehicle] car or truck with a registered gross weight of not more than 9,000 pounds.

§ 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, motor home, trailer or truck with a *registered* gross [vehicle] weight [rating] of not more than 9,000 pounds. The Wild Resource Conservation Fund shall receive \$15 of each additional fee for this plate.

§ 1353. Preserve our heritage registration plate.

The department, in consultation with the Pennsylvania Historical and Museum Commission, shall design a special preserve our heritage registration plate. Upon receipt of an application, 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, motor home, trailer or truck with a *registered* gross [vehicle] weight [rating] of not more than 9,000 pounds. The Historical Preservation Fund shall receive \$15 of each additional fee for this plate.

§ 1355. Zoological plate.

The department, in consultation with the Pennsylvania Zoological Council, shall design a special zoological 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, **motor home, trailer** or truck with a **registered** gross **[vehicle]** weight **[rating]** of not more than 9,000 pounds. The Zoological Enhancement Fund shall receive \$15 of the fee paid by the applicant for the plate.

§ 1356. Special plates for recipients of Expeditionary Forces Medal.

Upon application of any person who is a recipient of the Expeditionary Forces Medal, 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, the department shall issue to such person a special registration plate designating the vehicle so registered as belonging to a person who is a recipient of the Expeditionary Forces Medal. The special registration plate may be used only on **[one]** a passenger **[vehicle]** **car** or truck with a **registered** gross **[vehicle]** weight **[rating]** of not more than 9,000 pounds.

§ 1357. Special plates for World War II veterans.

Upon application of any person who is a veteran of World War II, 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, the department shall issue to such person a special registration plate carrying the symbol of a ruptured duck designating the vehicle so registered as belonging to a person who is a veteran of World War II. The special registration plate may be used only on **[one]** a passenger **[vehicle]** **car** or truck with a **registered** gross **[vehicle]** weight **[rating]** of not more than 9,000 pounds.

§ 1358. DARE plate.

The department, in consultation with the Pennsylvania Commission on Crime and Delinquency, shall design a special drug abuse resistance education (DARE) registration plate which utilizes the DARE logo or slogan in the design. 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, motor home, trailer or truck with a **registered** gross **[vehicle]** weight **[rating]** of not more than 9,000 pounds. The Drug Abuse Resistance Education Program shall receive \$15 of each additional fee for this plate.

§ 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 **registered** 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.

* * *

Section 11. Title 75 is amended by adding a section to read:

§ 1360. *Special plates for veterans of Vietnam Conflict.*

Upon application of any person who is a veteran of the Vietnam Conflict as that term is defined for the awarding of the Vietnam Service Medal, accompanied by a fee of \$20 in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Vietnam Conflict. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 9,000 pounds.

Section 12. Section 1373(b) of Title 75 is amended by adding a paragraph to read:

§ 1373. Suspension of registration.

* * *

(b) Suspension without hearing.—The department may suspend any registration without providing an opportunity for a hearing in any of the following cases:

* * *

(3) *The vehicle is being operated under a United States Department of Transportation operating authority if an out-of-service order has been issued for the vehicle, the owner or the operator by the department or by the United States Department of Transportation.*

Section 13. Sections 1374(d)(5) and (e), 1376(b.1)(2) and (c), 1501(c), 1503(a) introductory paragraph, (1) and (2), 1508(b), 1511(b), 1514(a), 1516(b) and (c) and 1517(b) of Title 75 are 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:

* * *

(5) A violation of subsection [(a)(5)] (a)(2) or (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)] (a)(2) or (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)] (a)(2) or (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)] (a)(2) or (5), in which case said subsequent violation shall be deemed a first offense.

* * *

(e) Hearing.—Until regulations are prescribed by the department as authorized by subsection (b), the hearing shall include the consideration of relevant mitigating events for a violation of subsection [(a)(5)] (a)(2), (5) or (7).

* * *

§ 1376. Surrender of registration plates and cards upon suspension or revocation.

* * *

(b.1) Immediate seizure of registration plates and cards.—The department may delegate authority to the persons described in this section to immediately seize registration plates and cards upon imposition of the following:

* * *

(2) a suspension or revocation imposed pursuant to section 1373(b)(3) (relating to suspension of registration) or 1374(g); or

* * *

(c) Regulations.—The department shall, by regulation, prescribe the manner of selecting those persons who are delegated authority under this section to seize the registration plates and registration cards. *This requirement does not apply to persons described in this section who have been trained pursuant to the provisions of section 6117 (relating to authority of qualified employees of department and Department of Revenue).*

* * *

§ 1501. Drivers required to be licensed.

* * *

(c) Limitation on number of licenses.—No person shall receive a driver's license unless and until the person surrenders to the department all valid licenses in the person's possession issued by this or any other state. **[All] The department shall either return** surrendered licenses issued by another state **[shall be returned]** to that state *or submit a list of the surrendered licenses to the state*, together with information that the person is licensed in this Commonwealth. No person shall be permitted to have more than one valid driver's license issued by this or any other state at any time. A nonresident who holds a nonresident commercial driver's license issued by the Commonwealth under Chapter 16 (relating to commercial drivers) shall be permitted to have a regular driver's license issued by the country of his residence.

* * *

§ 1503. Persons ineligible for licensing.

(a) General rule.—The department shall not issue **[any] a** driver's license to, or renew the driver's license of, any person:

(1) Whose operating privilege is suspended or revoked in this or any other state [except as otherwise provided in this title].

[(2) Whose operating privilege is suspended or revoked in any other state upon grounds which would authorize the suspension or revocation of the operating privilege under this title.]

* * *

§ 1508. Examination of applicant for driver's license.

* * *

(b) Issuance of license to licensed nonresident.—A driver's license may be issued to a person who has not had a learner's permit but who at the time of application is of sufficient age and has *either* a valid driver's license issued by another state *or a license issued by another state which has expired within six months of the date of application* under a law of that state requiring the examination and licensing of drivers, providing that the applicant demonstrates [knowledge and understanding of rules of the road and official traffic-control devices and is visually, physically and mentally fit] *visual fitness*. Also, the department must be satisfied that the applicant's experience in driving vehicles which may be driven by holders of the classes of licenses sought by the applicant is sufficient to justify the issuance of the license without further behind-the-wheel training.

* * *

§ 1511. Carrying and exhibiting driver's license on demand.

* * *

(b) Production to avoid penalty.—No person shall be convicted of violating this section or section 1501(a) (relating to drivers required to be licensed) if the person [produces at the office of the issuing authority or the arresting officer within 15 days a driver's license valid in this Commonwealth at the time of the arrest]:

(1) produces at the headquarters of the police officer who demanded to see the person's license, within 15 days of the demand, a driver's license valid in this Commonwealth at the time of the demand; or

(2) if a citation has been filed, produces at the office of the issuing authority, within 15 days of the filing of the citation, a driver's license valid in this Commonwealth on the date of the citation.

§ 1514. Expiration and renewal of drivers' licenses.

(a) General rule.—Every driver's license shall expire [in the month of] *on the day after* the licensee's birthdate at intervals of not more than four years as may be determined by the department. Every license shall be renewable on or before its expiration upon application, payment of the required fee, and satisfactory completion of any examination required or authorized by this chapter.

* * *

§ 1516. Department records.

* * *

(b) Accidents and convictions.—The department shall file all accident reports and abstracts of court records of convictions received by it under the laws of this Commonwealth and maintain actual or facsimile records or make suitable notations in order that the records of each licensee showing convictions of the licensee, any departmental action initiated against the licensee regarding a reportable accident in which the licensee was involved, and the traffic accidents shall be available for official use. *Court abstracts and certifications of conviction and accident reports submitted to the department under the laws of this Commonwealth shall be considered as records of the department, and the department may store such documents in accordance with the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may enter into evidence copies of such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). Such copies shall be admissible into evidence to support the department's case in an appeal of a department action taken under Chapter 13 (relating to registration of vehicles), 15 (relating to licensing of drivers), 16 (relating to commercial drivers) or 17 (relating to financial responsibility) of this title, and the certification shall constitute prima facie proof of the facts and information contained in the court abstract or certification of conviction or accident report.* These records shall also be made available to the courts for sentencing purposes.

(c) Dismissal of charges for violations.—If a charge for violation of any of the provisions of this title against any person is dismissed *where there have been no prior convictions* by any court of competent jurisdiction, no record of the charge and dismissal shall be included in the driving record of the person. *If the person has been previously convicted of the charge and suspension was imposed by the department, which suspension was either partially or fully served, the department may keep a record of the offense for the purpose of showing the suspension was imposed against the person. In addition, the department may keep records of charges that have been filed with the courts in order to determine a person's eligibility for a probationary license under the provisions of section 1554(b)(3) (relating to probationary license).*

* * *

§ 1517. Medical Advisory Board.

* * *

(b) [Formulation of regulations] *Duties.*—The board [shall formulate rules and regulations for adoption by the department on] *may advise the department and review regulations proposed by the department concerning physical and mental criteria including vision standards relating to the licensing of drivers under the provisions of this chapter.*

Section 14. Section 1532 heading and (a) introductory paragraph and (3) and (b)(3) of Title 75 are amended to read:

§ 1532. [Revocation or suspension] *Suspension* of operating privilege.

(a) [Revocation] *One-year suspension.*—The department shall [revoke] *suspend* the operating privilege of any driver for one year upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on any of the following offenses:

* * *

(3) Any violation of the following provisions:

Section 3732 (relating to homicide by vehicle).

Section 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

Section 3742 (relating to accidents involving death or personal injury).

Section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

Section 7102(b) (relating to removal or falsification of identification number).

Section 7103(b) (relating to dealing in vehicles with removed or falsified numbers).

Section 7111 (relating to dealing in titles and plates for stolen vehicles).

Section 7121 (relating to false application for certificate of title or registration).

Section 7122 (relating to altered, forged or counterfeit documents and plates).

* * *

(b) Suspension.—

* * *

(3) The department shall suspend the operating privilege of any driver for 12 months upon receiving a certified record of the driver's conviction of section 3731 (relating to driving under influence of alcohol or controlled substance) or 3733 (relating to fleeing or attempting to elude police officer), *or substantially similar offenses reported to the department under Article III of section 1581 (relating to Driver's License Compact)*, or an adjudication of delinquency based on section 3731 or 3733. The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of a consent decree granted under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) based on section 3731 or 3733.

* * *

Section 15. Sections 1535(a), 1537(a) and 1540(a) of Title 75 are amended to read:

§ 1535. Schedule of convictions and points.

(a) General rule.—A point system for driver education and control is hereby established which is related to other provisions for use, suspension and revocation of the operating privilege as specified under this title. Every driver licensed in this Commonwealth who is convicted of any of the

following offenses shall be assessed points as of the date of violation in accordance with the following schedule:

Section Number	Offense	Points
1512	Violation of restriction on driver's license.	2
1571	Violation concerning license.	3
3102	Failure to obey policeman or authorized person.	2
3112(a)(3)(i)	Failure to stop for a red light.	3
<i>or (ii)</i>		
3114(a)(1)	Failure to stop for a flashing red light.	3
3302	Failure to yield half of roadway to oncoming vehicle.	3
3303	Improper passing.	3
3304	Other improper passing.	3
3305	Other improper passing.	3
3306(a)(1)	Other improper passing.	4
3306(a)(2)	Other improper passing.	3
3306(a)(3)	Other improper passing.	3
3307	Other improper passing.	3
3310	Following too closely.	3
3321	Failure to yield to driver on the right at intersection.	3
3322	Failure to yield to oncoming driver when making left turn.	3
3323(b)	Failure to stop for stop sign.	3
3323(c)	Failure to yield at yield sign.	3
3324	Failure to yield when entering or crossing roadway between intersections.	3
3332	Improper turning around.	3
[3341	Failure to stop for flashing red lights or gate at railroad crossing.	3]
3341(a)	<i>Failure to obey signal indicating approach of train.</i>	2
3341(b)	<i>Failure to comply with crossing gate or barrier.</i>	4
	<i>(and 30 days' suspension)</i>	
3342(b) or (e)	<i>Failure to stop at railroad crossings.</i>	4
3344	Failure to stop when entering from alley, driveway or building.	3
3345(a)	Failure to stop for school bus	

	with flashing red lights.	5
	(and 60 days' suspension)	
3361	Driving too fast for conditions.	2
3362	Exceeding maximum speed.—Over Limit:	
	6-10	2
	11-15	3
	16-25	4
	26-30	5
	31-over	5
	(and departmental hearing and sanctions provided under section 1538(d))	
3365(b)	Exceeding special speed limit in school zone.	3
3365(c)	Exceeding special speed limit for trucks on downgrades.	3
3542(a)	Failure to yield to pedestrian in crosswalk.	2
3547	Failure to yield to pedestrian on sidewalk.	3
3549(a)	Failure to yield to blind pedestrian.	3
3702	Improper backing.	3
3714	Careless driving.	3
3745	Leaving scene of accident involving property damage only.	4

* * *

§ 1537. Removal of points.

(a) General rule.—Points recorded against any person shall be removed at the rate of three points for each 12 consecutive months in which such person *is not under suspension or revocation or* has not committed any violation which results in the assignment of points or in suspension or revocation under this chapter. **[Removal of points is governed by the date of violation.]**

* * *

§ 1540. Surrender of license.

(a) Conviction of offense.—Upon a conviction by a court of competent jurisdiction for any offense which calls for mandatory suspension in accordance with section 1532 (relating to **[revocation or]** suspension of operating privilege), the court or the district attorney shall require the surrender of any driver's license then held by the defendant and shall forward the driver's license together with a record of the conviction to the department. The suspension **[or revocation]** shall be effective upon a date determined by

the court or district attorney or upon the date of surrender of the license to the court or district attorney, whichever shall first occur.

* * *

Section 16. Section 1541 of Title 75 is amended by adding a subsection to read:

§ 1541. Period of revocation or suspension of operating privilege.

* * *

(a.1) Credit toward serving period of suspension for certain violations.—Credit toward serving the period of suspension or revocation imposed for sections 3731 (relating to driving under influence of alcohol or controlled substance), 3732 (relating to homicide by vehicle), 3735 (relating to homicide by vehicle while driving under the influence) and 3735.1 (relating to aggravated assault by vehicle while driving under the influence) shall not commence until the date of the person's release from prison.

* * *

Section 17. Section 1542(b) of Title 75 is amended by adding a paragraph to read:

§ 1542. Revocation of habitual offender's license.

* * *

(b) Offenses enumerated.—Three convictions arising from separate acts of any one or more of the following offenses committed by any person shall result in such person being designated as a habitual offender:

* * *

(3.1) Any violation of section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

* * *

Section 18. Sections 1543(b), 1547(c)(2) and 1551 of Title 75 are amended to read:

§ 1543. Driving while operating privilege is suspended or revoked.

* * *

(b) Certain offenses.—

(1) Any person who drives a motor vehicle on any highway or trafficway of this Commonwealth at a time when their operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) or because of a violation of section 1547(b)(1) (relating to suspension for refusal) or [section] 3731 or suspended under section 1581 (relating to Driver's License Compact) for an offense substantially similar to a violation of section 3731 shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay a fine of \$1,000 and to undergo imprisonment for a period of not less than 90 days.

(2) This subsection shall apply to any person against whom one of these suspensions has been imposed whether the person is currently

serving this suspension or whether the effective date of suspension has been deferred under any of the provisions of section 1544 (relating to additional period of revocation or suspension). This provision shall also apply until the person has had the operating privilege restored. This subsection shall also apply to any revocation imposed pursuant to section 1542 (relating to revocation of habitual offender's license) if any of the enumerated offenses was for a violation of section 3731 *or for an out-of-State offense that is substantially similar to a violation of section 3731 for which a revocation is imposed under section 1581.*

* * *

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

* * *

(c) Test results admissible in evidence.—In any summary proceeding or criminal proceeding in which the defendant is charged with a violation of section 3731 or any other violation of this title arising out of the same action, the amount of alcohol or controlled substance in the defendant's blood, as shown by chemical testing of the person's breath, blood or urine, which tests were conducted by qualified persons using approved equipment, shall be admissible in evidence.

* * *

(2) Chemical tests of blood or urine shall be performed by a clinical laboratory licensed and approved by the Department of Health for this purpose using procedures and equipment prescribed by the Department of Health *or by a Pennsylvania State Police criminal laboratory.* For purposes of blood and urine testing, qualified person means an individual who is authorized to perform those chemical tests under the act of September 26, 1951 (P.L.1539, No.389), known as [“]The Clinical Laboratory Act.[”]

* * *

§ 1551. Notice of department action.

The department shall promptly [notify] *mail a notice to* each person whose license [or permit] is suspended as a result of the accumulation of points *under section 1539 (relating to suspension of operating privilege on accumulation of points).* The [notification that the license or permit is suspended] *notice* shall be [made] *mailed to the address of record* within six months following the conviction of a violation of this title that resulted in the addition of sufficient points to cause the suspension. Failure of the department to [give prompt] *mail* notice of suspension as required by this section shall prohibit the department from suspending the license [or permit] of such person. *This section shall not apply to any suspension which would have been imposed as the result of points which have been assigned to a person's record after the person has filed an appeal under section 1550 (relating to judicial review) until the appeal has been finally determined*

and for six months after the department is notified of the determination. This section shall not apply to a suspension imposed as the result of the determination of the appeal whether it be the reimposition of the suspension originally ordered or the imposition of a different suspension required because the department must recalculate the record due to a court order.

Section 19. Section 1553(d) of Title 75 is amended by adding a paragraph to read:

§ 1553. Occupational limited license.

* * *

(d) Unauthorized issuance.—The department shall prohibit issuance of an occupational limited license to:

* * *

(17) Any person whose operating privilege has been suspended as the result of a conviction of a violation of section 7102(b) (relating to removal or falsification of identification number), 7103(b) (relating to dealing in vehicles with removed or falsified numbers), 7111 (relating to dealing in titles and plates for stolen vehicles), 7121 (relating to false application for certificate of title or registration) or 7122 (relating to altered, forged or counterfeit documents and plates) unless the suspension has been fully served.

* * *

Section 20. Sections 1554(a) and (f)(4) and (6), 1572(b) and 1584 of Title 75 are amended to read:

§ 1554. Probationary license.

(a) Issuance.—Unless otherwise prohibited under any other provision in this section, the department may issue a probationary license under this section to:

(1) a person who has been designated as a habitual offender under section 1542 (relating to revocation of habitual offender's license) and whose operating privilege has been revoked [or to]; or

(2) a person with an accumulation of suspensions or revocations wherein the cumulative term of suspension or revocation is five or more years.

The department may issue a probationary license for the operation of only a Class C noncommercial motor vehicle.

* * *

(f) Unauthorized issuance.—The department shall not issue a probationary license to:

* * *

(4) A person [whose operating privilege is currently suspended for failure to attend and] who has not satisfactorily [complete] completed a driver improvement course or special examination or [failure to attend] who has not attended a hearing required under section 1538 (relating to

school, examination or hearing on accumulation of points or excessive speeding).

* * *

[(6) A person whose operating privilege is currently suspended under section 1784 (relating to proof of financial responsibility following violation), 1785 (relating to proof of financial responsibility following accident) or 1786 (relating to required financial responsibility).]

* * *

§ 1572. Cancellation of driver’s license.

* * *

(b) Other states.—The department shall cancel a driver’s license issued [during the period of another state’s suspension or revocation following an offense which resulted in an out-of-State suspension or revocation if the offense would result in suspension or revocation under this title.] *to an individual who has applied for a Pennsylvania driver’s license after the commission of an offense in another state which later resulted in suspension, revocation or disqualification in the other state if the offense would have resulted in the suspension, revocation or disqualification under this title or where the offense was substantially similar to offenses which in this State would have caused a suspension, revocation or disqualification.*

§ 1584. Furnishing of information to other states.

The Department of Transportation of the Commonwealth shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact. *The omission from any report received by the department from a party state of any information required by Article III of the compact shall not excuse or prevent the department from complying with its duties under Articles IV and V of the compact.*

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

§ 1586. *Duties of department.*

The department shall, for purposes of imposing a suspension or revocation under Article IV of the compact, treat reports of convictions received from party states that relate to driving, operating or being in actual physical control of a vehicle while impaired by or under the influence of alcohol, intoxicating liquor, drugs, narcotics, controlled substances or other impairing or intoxicating substance as being substantially similar to section 3731 (relating to driving under the influence of alcohol or controlled substance). The fact that the offense reported to the department by a party state may require a different degree of impairment of a person’s ability to operate, drive or control a vehicle than that required to support a conviction for a violation of section 3731 shall not be a basis for determining that the party state’s offense is not substantially similar to section 3731 for purposes of Article IV of the compact.

Section 22. Section 1901 heading, (c)(16) and (d)(2) of Title 75 are amended and subsection (c) is amended by adding a paragraph to read:
 § 1901. Exemption of *persons*, entities and vehicles from fees.

* * *

(c) Processing fee in lieu of registration fee.—No registration fee shall be charged for vehicles registered by any of the following but the department shall charge a fee of \$10 to cover the costs of processing for issuing or renewing the registration:

* * *

(16) Any person who is retired and receiving social security or other pension and whose total *annual* income does not exceed [**\$14,999 per year**] **\$19,200**. Unless the retired person is physically or mentally incapable of driving the vehicle, the retired person shall be the principal driver of the vehicle but may from time to time authorize another person to drive the vehicle in his or her stead.

* * *

(23) *Nonprofit corporations that provide ambulance or emergency medical services.*

(d) Limitations.—

* * *

(2) Only one passenger [**vehicle or one other vehicle**] *car or truck* with a [**gross weight or**] registered gross weight of not more than 9,000 pounds may be registered to any person under the provisions of subsection (b)(4) and subsection (c)(16), (17), (18) and (19).

* * *

Section 23. Section 1902(5) of Title 75 is amended to read:
 § 1902. Exemptions from other fees.

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

* * *

(5) A special hauling permit issued to any person:

(i) hauling equipment or materials for use on a Federal or State emergency relief project[.]; *or*

(ii) *hauling a holiday tree for a governmental entity at no charge.*

* * *

Section 24. Sections 1928 and 1932 of Title 75 are amended to read:
 § 1928. Temporary *and electronically issued* registration plates.

The fee payable by a dealer or other dispensing agent for a temporary registration plate *or for a registration plate to be issued for new registration processed electronically with the department* shall be \$5. The charge of the agent for providing an applicant with a [**temporary**] plate *under this section* shall not exceed a total of \$10.

§ 1932. Duplicate registration cards.

The fee for each duplicate registration card when ordered at the time of vehicle registration [**or**], *the* transfer or renewal of registration *or the*

replacement of a registration plate shall be \$1.50. The fee for each duplicate registration card issued at any other time shall be \$4.50.

Section 25. Title 75 is amended by adding a section to read:

§ 1934. General reissuance.

No fee shall be charged under this title for any registration plate issued as a result of the department's order of a general reissuance of registration plates provided the registration plate is issued at the time designated by the department. This section shall supersede any other provision in this title which prescribes a fee for the issuance of a registration plate.

Section 26. Section 1942 of Title 75 is amended to read:

§ 1942. Special hauling permits as to weight and size.

(a) *Fee schedule.*—The fee for a special hauling permit for each movement of an overweight or oversize vehicle or load, or both, shall be [\$15. An overweight vehicle shall be charged an additional 3¢ per ton-mile for the number of tons by which the gross weight exceeds the registered gross weight.] as follows:

(1) *Oversize vehicle or load, or both, having a width up to 14 feet and not exceeding legal weight limit, \$25.*

(2) *Oversize vehicle or load, or both, having a width exceeding 14 feet and not exceeding any legal weight limit, \$50.*

(3) *Vehicle and load weighing in excess of legal weight limit, 3¢ per mile per ton by which the gross weight exceeds the registered gross weight.*

(b) *Cumulative fees.*—*Fees under subsection (a) are cumulative so that a vehicle and load which are both oversize and overweight would be subject to a fee under subsection (a)(1) or (2) and subsection (a)(3).*

Section 27. Section 1943(a), (c)(2)(i) and (d) of Title 75 are amended and the section is amended by adding subsections to read:

§ 1943. Annual hauling permits.

(a) *Quarry equipment and machinery.*—The annual fee for operation or movement of each piece of heavy quarry equipment or machinery, as provided for in section 4966 (relating to permit for movement of quarry equipment), shall be [\$25] **\$500**.

* * *

(c) *Equipment being manufactured.*—The annual fee for operation or movement of equipment being manufactured, as provided for in section 4968 (relating to permit for movement during course of manufacture), shall be as follows:

* * *

(2) *Overweight movements:*

(i) *Movements not exceeding 100,000 pounds gross weight:*

(A) *Not more than one mile in distance - \$50.*

(B) *More than one mile in distance - \$400.*

* * *

(d) Multiple highway crossings.—The annual fee for a single permit for multiple highway crossings, as provided for in section 4965 (relating to single permits for multiple highway crossings), shall be [~~\$25~~] **\$300**.

* * *

(i) *Live domestic animals.*—*The annual permit fee for each truck tractor authorized to transport live domestic animals, as provided in section 4976.1 (relating to permit for movement of live domestic animals), shall be \$800.*

(j) *Building structural components.*—*The permit fee for each truck tractor authorized to transport building structural components, as provided in section 4978 (relating to permit for movement of building structural components), shall be \$100 for each month the permit is valid.*

(k) *Utility construction equipment.*—*The permit fee for utility construction equipment, as provided for in section 4970(a) (relating to permit for movement of construction equipment), shall be \$100 for each month the permit is valid.*

(l) *Particleboard or fiberboard.*—*The annual fee for movement of particleboard or fiberboard, as provided for in section 4979 (relating to permit for movement of particleboard or fiberboard used for the manufacture of ready-to-assemble furniture), shall be \$800.*

(m) *Bulk refined oil.*—*The annual fee for movement of bulk refined oil, as provided for in section 4979.1 (relating to permit for movement of bulk refined oil), shall be \$800.*

(n) *Waste coal and beneficial combustion ash.*—*The annual fee for the movement of waste coal and beneficial combustion ash, as provided for in section 4979.2 (relating to permit for movement of waste coal and beneficial combustion ash), shall be \$400.*

Section 28. Sections 1946, 1949, 1955(a), 2302(b), 2303(a), 3101(b), 3112(a)(3) and 3323(b) of Title 75 are amended to read:
§ 1946. Movements requiring special escort.

When a special escort is required, as provided for in section 4962 (relating to conditions of permits and security for damages), the cost of the escort shall be [~~added to the permit fee~~] **paid by the permittee**. The department, the Pennsylvania State Police and local authorities may establish schedules of fees for escort costs based on mileage or otherwise.

[§ 1949. Construction trucks.

The fee for movement of construction trucks in section 4970(b) (relating to permit for movement of construction equipment) shall be \$50.]

§ 1955. Information concerning drivers and vehicles.

(a) [~~Registrations,~~] **Drivers, registrations,** titles and security interests.—The fee for [~~copies~~] **a copy** of written or electronic information relating to a *driver*, registration, title or security interest shall be \$5.

* * *

§ 2302. Establishment and maintenance of fund.

* * *

(b) Assessments.—

[(1)] Every applicant for motor vehicle dealer registration plates or for the authority to act as an agent for the department with respect to vehicle titling and registration shall pay, in addition to any other license fees and bonds, an assessment of \$60 to the fund.

[(2) No current holder of motor vehicle dealer registration plates or person having the authority to act as an agent of the department may continue to operate without paying the assessment within 120 days of the effective date of this act.]

* * *

§ 2303. Disbursements.

(a) Authorization.—The secretary, or his designee, may, in his discretion, authorize a disbursement from the fund to cover the amount of any fees and taxes pertaining to an application for titling or registration of a vehicle which a member failed to forward to the department *or the department's contracted agent or third-party representative*. The disbursement may not exceed the amount paid to the member for the fees and taxes associated with the titling and registration.

* * *

§ 3101. Application of part.

* * *

(b) Serious traffic offenses.—The provisions of *section 3345 (relating to meeting or overtaking school bus) and Subchapter B of Chapter 37* (relating to serious traffic offenses) shall apply upon highways and trafficways throughout this Commonwealth.

§ 3112. Traffic-control signals.

(a) General rule.—Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

* * *

(3) Steady red indication.—

(i) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, or if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subparagraph (ii).

(ii) Unless [a sign] *signing* is in place prohibiting a turn, vehicular traffic facing a steady red signal may enter the intersection to turn right, or to turn left from a one-way [roadway] *highway* onto a one-way [roadway] *highway* after stopping as required by subparagraph (i).

Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113, pedestrians facing a steady red signal alone shall not enter the roadway.

* * *

§ 3323. Stop signs and yield signs.

* * *

(b) Duties at stop signs.—Except when directed to proceed by a police officer or appropriately attired persons authorized to direct, control or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line or, if **[none,] no stop line is present**, before entering a crosswalk on the near side of the intersection or, if **[none,] no crosswalk is present**, then at the point nearest the intersecting roadway where the driver has a *clear* view of approaching traffic on the intersecting roadway before entering. **[After having stopped,] If, after stopping at a crosswalk or clearly marked stop line, a driver does not have a clear view of approaching traffic, the driver shall after yielding the right-of-way to any pedestrian in the crosswalk slowly pull forward from the stopped position to a point where the driver has a clear view of approaching traffic.** **[the] The** driver shall yield the right-of-way to **[any pedestrian in a crosswalk or to]** any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time when the driver is moving across or within the intersection or junction of roadways~~.]~~ **and enter the intersection when it is safe to do so.**

* * *

Section 29. Section 3341 of Title 75 is amended by adding a subsection to read:

§ 3341. Obedience to signal indicating approach of train.

* * *

(c) Penalties.—A violation of subsection (a) constitutes a summary offense punishable by a fine of from \$50 to \$200. A violation of subsection (b) constitutes a summary offense punishable by a fine of from \$200 to \$500.

Section 30. Sections 3342 and 3345(a), (c), (f.1), (g), (h) and (i) of Title 75 are amended to read:

§ 3342. Vehicles required to stop at railroad crossings.

(a) General rule.—Except as provided in subsection (c), the driver of any vehicle described in **[regulations issued pursuant to subsection (d) or described in]** subsection **[(e)] (b)**, before crossing at grade any track or tracks of a railroad, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad *crossing* and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train~~], and shall not proceed~~

until it can be done safely. After stopping and upon proceeding when]. When it is safe to do so, the driver of the vehicle shall **[cross] drive the vehicle across the tracks** only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing the crossing **[and the]**. The driver shall not manually shift gears while crossing the track or tracks.

[(b) School buses.—A school bus, whether or not carrying passengers, shall stop at all railroad crossings designated by appropriate signs, signals or markers except those crossings at which traffic is controlled by a police officer or flagman and those crossings located on a limited access highway.]

(b) Vehicles subject to stopping requirement.—This section shall apply to the following vehicles:

(1) Any vehicle designated by the department in accordance with the provisions of subsection (d).

(2) A school bus, whether or not carrying passengers.

(3) Every truck and tractor combination which carries gasoline, diesel fuel, fuel oil, explosives or radioactive materials.

(c) Exceptions.—[Except as provided in subsection (b), this] This section does not apply at any of the following:

(1) Any railroad grade crossing at which traffic is controlled by a police officer or flagman.

(2) Any railroad grade crossing at which traffic is regulated by a functioning highway traffic-control signal transmitting a green indication for the direction of travel of the vehicle.

(3) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(4) Any abandoned railroad grade crossing which is marked by the former rail operator with a sign prescribed by the department indicating that the rail line is abandoned.

(5) An industrial or spur line railroad grade crossing marked with a sign reading "exempt." Such a sign shall be erected only by or with the consent of the Pennsylvania Public Utility Commission.

(d) [Regulations defining] Notice of vehicles subject to section.—The department shall [adopt such regulations as may be necessary] publish in the Pennsylvania Bulletin a notice describing the vehicles which must comply with the stopping requirements of this section. In [formulating the regulations] developing the list of vehicles, the department shall give consideration to the hazardous nature of any substance carried by the vehicle as determined by the department and to the number of passengers carried by the vehicle in determining whether the vehicle shall be required to stop. [These regulations shall be developed in conjunction with the Pennsylvania Public Utility Commission and the Urban Mass Transportation Authority and] This list of vehicles shall correlate with and

so far as possible conform to the [current] regulations of the United States Department of Transportation *as amended from time to time*.

(e) **[Mandatory requirement to stop.—Every truck and truck tractor combination which carries gasoline, diesel fuel, fuel oil, explosives or radioactive materials designated in department regulations shall stop at every railroad crossing as required by this section. The driver of the truck and truck tractor combination]** *Use of vehicle hazard lights.—The driver of any vehicle mentioned in subsection (b)(2) and (3) shall activate the vehicle hazard lights when stopping at the railroad crossing.*

(f) **Penalty.—A violation of this section constitutes a summary offense punishable by a fine of from [\$50] \$100 to [\$100] \$150, except that a violation of subsection (b) or (e) shall be punishable by a fine of from [\$100] \$200 to [\$300] \$500.**

§ 3345. Meeting or overtaking school bus.

(a) **Duty of approaching driver when red signals are flashing.—**Except as provided in subsection (g), the driver of a vehicle meeting or overtaking any school bus stopped on **[the highway] a highway or trafficway** shall stop at least ten feet before reaching the school bus when the red signal lights on the school bus are flashing and the side stop signal arms are activated under section 4552(b.1) (relating to general requirements for school buses). The driver shall not proceed until the flashing red signal lights are no longer actuated. In no event shall a driver of a vehicle resume motion of the vehicle until the school children who may have alighted from the school bus have reached a place of safety. *The driver of a vehicle approaching an intersection at which a school bus is stopped shall stop his vehicle at that intersection until the flashing red signal lights are no longer actuated.*

* * *

(c) **Use of red signals.—**The red visual signals shall be actuated by the driver of every school bus whenever the vehicle is stopped on **[the highway] a highway or trafficway** for the purpose of receiving or discharging school children, except as provided in subsections (e) and (f). The signals shall not be terminated until the school children who may have alighted from the school bus have reached a place of safety or until boarding school children have completed boarding the bus.

* * *

(f.1) **Use of school buses for transportation of disabled persons.—**Whenever a school bus is being used upon **[the highway] a highway or trafficway** for the transportation of disabled persons exclusively and the school bus is equipped with red signal lights, the driver of the school bus may actuate the signal lights in the same manner as set forth in this section regarding the transportation of school children. The driver of a vehicle approaching the school bus shall have the same duties regarding stopping, passing and overtaking as he does with respect to a school bus carrying school children.

(g) Exceptions from stopping requirements.—The driver of a vehicle upon a highway *or trafficway* with separate roadways need not stop upon meeting or passing a school bus with actuated red signal lights which is on a different roadway.

(h) Loading zones for school children.—Every school district transporting school children by school bus shall establish and maintain school bus loading zones at or near all schools to or from which school children are transported and shall establish school bus loading zones along the highways *and trafficways* traversed by school buses in accordance with regulations promulgated by the department.

(i) Mandatory use of loading zones.—Whenever school bus loading zones have been established at or near a school or along a highway *or trafficway*, it is unlawful for a school bus operator to stop the bus to pick up or discharge school children at any location other than at the loading zones. A list of approved loading zones for the route of the bus shall be carried by the operator.

* * *

Section 31. Title 75 is amended by adding a section to read:

§ 3346. *Emergency vehicles entering or leaving official garage.*

If an emergency vehicle is leaving or returning to its garage and the emergency lights of the emergency vehicle are engaged, the driver of an approaching vehicle shall stop and give the emergency vehicle the right-of-way to leave or enter the garage and may not proceed until the emergency vehicle is safely out of the driver's path.

Section 32. Section 3362(b)(1) of Title 75 is amended and subsection (a) is amended by adding a paragraph to read:

§ 3362. Maximum speed limits.

(a) General rule.—Except when a special hazard exists that requires lower speed for compliance with section 3361 (relating to driving vehicle at safe speed), the limits specified in this section or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:

* * *

(1.2) *25 miles per hour in a residence district if the highway:*

(i) *is not a numbered traffic route; and*

(ii) *is functionally classified by the department as a local highway.*

* * *

(b) Posting of speed limit.—

(1) No maximum speed limit established under subsection (a)(1), (1.2) or (3) shall be effective unless posted on fixed or variable official traffic-control devices erected in accordance with regulations adopted by the department which regulations shall require posting at the beginning and end of each speed zone and at intervals not greater than one-half mile.

* * *

Section 33. Sections 3363, 3505(b) and (f) and 3507(a) of Title 75 are amended to read:

§ 3363. Alteration of maximum limits.

[The department or local authorities on] On highways under their respective jurisdictions, **[upon the basis of an engineering and traffic investigation,] local authorities subject to section 6109(e) (relating to specific powers of department and local authorities) or the department, upon the basis of an engineering and traffic investigation,** may determine that the maximum speed permitted under this subchapter is greater or less than is reasonable and safe under the conditions found to exist upon any such highway or part thereof and establish a reasonable and safe maximum limit. The maximum speed limit may be made effective at all times or at times indicated and may vary for different weather conditions and other factors bearing on safe speeds. No maximum speed greater than 55 miles per hour shall be established under this section except on highways listed in section 3362(a)(1.1) (relating to maximum speed limits), where the maximum speed for all vehicles shall not be greater than 65 miles per hour.

§ 3505. Riding on roadways and pedalcycle paths.

* * *

(b) Operation on shoulder.—A pedalcycle may be operated on the shoulder of a highway and shall be operated in the same direction as required of vehicles operated on the roadway. *All turns shall be made in accordance with section 3331 (relating to required position and method of turning).*

* * *

[(f) Mandatory use of available pedalcycle path.—Whenever a lane or path for pedalcycles has been provided as a part of a highway and mandatory use of the lane or path has been indicated by official traffic-control devices, pedalcycle riders shall use the lane or path and shall not use any other part of the highway. This subsection does not apply when use of the pedalcycle lane or path is not possible, safe or reasonable.]

§ 3507. Lamps and other equipment on pedalcycles.

(a) Lamps and reflectors.—Every pedalcycle when in use between sunset and sunrise shall be equipped on the front with a lamp which emits a beam of white light intended to illuminate the pedalcycle operator's path and visible from a distance of at least 500 feet to the front, *a red reflector facing to the rear which shall be visible at least 500 feet to the rear and an amber reflector on each side.* Operators of pedalcycles may supplement the required front lamp with a white flashing lamp, light-emitting diode or similar device to enhance their visibility to other traffic and with a **[red reflector on the rear which shall be visible from all distances from 500 feet to the rear and with an amber reflector on each side. A] lamp emitting a red flashing lamp, light-emitting diode or similar device visible from a distance of 500 feet to the rear [may be used in addition to the red reflector]. A lamp or lamps worn by the operator of a pedalcycle shall comply with the**

requirements of this subsection if the lamp *or lamps* can be seen at the distances specified.

* * *

Section 34. Section 3551 of Title 75 is amended by adding a subsection to read:

§ 3551. Compliance with bridge and railroad warning signals.

* * *

(c) *Penalty.*—*A violation of this section constitutes a summary offense punishable by a fine of not less than \$50 nor more than \$150.*

Section 35. Sections 3571(b) and 3703(b) of Title 75 are amended to read:

§ 3571. Pedalcycle and Pedestrian Advisory Committee.

* * *

(b) *Composition.*—The committee shall consist of [12] 14 members. The members shall be as follows:

(1) The Secretary of Transportation, ex officio.

(2) The Secretary of Conservation and Natural Resources, ex officio.

(3) The chairman and minority chairman of the Transportation Committee of the Senate.

(4) The chairman and minority chairman of the Transportation Committee of the House of Representatives.

(5) Six members of the public representing areas of concern specified who shall have extensive experience and knowledge of bicycle, pedalcycle, pedestrian and human power issues throughout this Commonwealth, to be appointed by the Governor as follows:

(i) One member from a list of at least three representatives submitted by the Bicycling Federation of Pennsylvania.

(ii) One member from a list of at least three representatives submitted by the League of American Bicyclists.

(iii) One member from a list of at least three representatives submitted by the United States Cycling Federation.

(iv) One member from a list of at least three representatives submitted by the Pennsylvania Chapter of the Rails-to-Trails Conservancy.

(v) One member from a list of at least three representatives submitted by the Eastern Paralyzed Veterans Association.

(vi) One member from the general public.

(vii) *One member from a list of three representatives submitted by the Western Pennsylvania Wheelmen.*

(viii) *One member from a list of three representatives submitted by the Bicycle Coalition of the Delaware Valley.*

Each member may designate an alternate to serve in his stead. A member shall notify the chairman in writing of this designation.

* * *

§ 3703. Driving upon sidewalk.

* * *

(b) Certain [**handicapped vehicles**] *mobility-related devices for persons with disabilities*.—Any municipality may permit the operation of *a self-propelled wheelchair or an electrical mobility [devices] device* on a sidewalk or sidewalk area for the specific purpose of giving [**physically handicapped**] persons *with mobility-related disabilities* the capability of transporting themselves. The municipality may impose such restrictions as are necessary to protect the interests of pedestrians and others using the sidewalk or sidewalk area.

Section 36. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 3719. *Passengers in open trucks.*

(a) *General rule.*—*An open-bed pickup truck or open flatbed truck may not be driven at a speed of more than 35 miles per hour if any person is occupying the bed of the truck.*

(b) *Children.*—

(1) *Such a truck may not be driven at any speed if a child less than 18 years of age is occupying the bed of the truck or trailer.*

(2) *This subsection shall not apply to:*

(i) *a child of a farmer who is being transported between parts of a farm or farms owned or operated by the farmer in order to perform work on the farm or farms;*

(ii) *a child possessing a valid hunting license who is being transported between a hunting camp and a hunting site or between hunting sites during hunting season;*

(iii) *a child who is a participant in an officially sanctioned parade, only during the course of the parade; or*

(iv) *a child employed to perform farm labor who is being transported between parts of a farm or farms owned or operated by the child's employer or employers.*

Section 37. Sections 3735(a), 3742.1 and 3753 heading and (a) of Title 75 are 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 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 second 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**] *consecutive* three-year term of imprisonment shall be imposed for each victim whose death is the [**direct**] result of the violation of section 3731.

* * *

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

(a) *Offense defined.*—A person *whose operating privilege was canceled, recalled, revoked or suspended and not restored or who does not hold a valid driver's license* 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 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 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 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 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.

§ 3753. Department to *compile*, tabulate and analyze accident reports.

(a) *Central accident records agency.*—The department shall establish a central accident records agency which shall be the repository for all reportable traffic accidents as defined in this subchapter. The agency will have primary responsibility for the administration and supervision of storing, processing and providing the informational needs to all official agencies having responsibility in the highway transportation system. *Accident reports submitted to the department under this subchapter shall be considered as records of the department, and the department may use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). Such reports shall be admissible into*

evidence to support the department's case in an appeal of a department action that a licensee or registrant has taken under section 1377 (relating to judicial review) or 1550 (relating to judicial review), and the certification shall constitute prima facie proof of the facts and information contained in the accident report.

* * *

Section 38. Section 4107 of Title 75 is amended by adding a subsection to read:

§ 4107. Unlawful activities.

* * *

(e) Exception for certain frozen dessert trucks.—Any frozen dessert truck which is equipped with a side stop signal arm and flashing or revolving red or amber lights may be operated within this Commonwealth without violating the provisions of this part and sections 4552 (relating to general requirements for school buses), 4571 (relating to visual and audible signals on emergency vehicles) and 4572 (relating to visual signals on authorized vehicles) so long as the side stop signal arm and the flashing or revolving red or amber lights are not utilized or activated within this Commonwealth.

Section 39. Sections 4303(a) and 4306(c) of Title 75 are amended to read:
§ 4303. General lighting requirements.

(a) Head lamps.—Every vehicle, except trailers, operated on a highway shall be equipped with a head lamp system in conformance with regulations of the department. ***The regulations shall not prohibit a bus from being equipped with devices used to carry pedalcycles on the front of the bus.***

* * *

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

* * *

(c) Exception.—

(1) 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).

(2) ***Nothing in this section shall limit drivers from flashing high beams at oncoming vehicles as a warning of roadway emergencies or other dangerous or hazardous conditions ahead.***

Section 40. Title 75 is amended by adding a section to read:

§ 4537. ***Device used to carry pedalcycles.***

Notwithstanding any other provision of this title to the contrary, a bus used for public transportation shall be permitted to operate with a device used to carry pedalcycles mounted on the front of the bus if the device, including the pedalcycles, does not extend more than 36 inches.

Section 41. Section 4552 of Title 75 is amended by adding subsections to read:

§ 4552. General requirements for school buses.

* * *

(b.2) Use of front crossing control arm.—Every school bus shall be equipped with a crossing control arm on the front of the vehicle. The crossing control arm shall be automatically activated whenever the bus is stopped with the red visual signals in use. The crossing control arm is mandated according to the following schedule:

(1) School buses may be equipped with and use a crossing control arm on January 1, 1999.

(2) Every school bus purchased and manufactured after July 1, 1999, shall be equipped with a crossing control arm.

(3) By July 1, 2001, every school bus shall be equipped with a crossing control arm.

(b.3) Strobe light.—School buses may be equipped with a bright white strobe light affixed to the roof.

* * *

Section 42. Sections 4702(b)(2) and (5) and 4702.1(a) of Title 75 are amended to read:

§ 4702. Requirement for periodic inspection of vehicles.

* * *

(b) Semiannual safety inspection of certain vehicles.—The following vehicles shall be subject to semiannual safety inspection:

* * *

(2) [Passenger vans] Vehicles which are:

(i) 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

(ii) used to transport school students.

* * *

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

* * *

§ 4702.1. Limited liability of inspection station or mechanic.

*(a) General rule.—An inspection conducted pursuant to section 4702(a) (relating to annual inspection) shall not be construed as a guaranty of the safety of any vehicle and neither the official inspection station issuing the certificate of inspection nor the official inspection mechanic performing the inspection shall be liable to the owner or occupants of any inspected vehicle for any damages caused by the failure or malfunction of that vehicle or to the owner or occupants of any vehicle involved in an accident with that inspected vehicle or to any pedestrian injured in the accident unless it can be shown by a preponderance of the evidence that the failure was caused by the negligence of the inspection station or mechanic. *An official inspection mechanic in the course of his duties relating to the road test portion of an official vehicle**

safety inspection shall not be cited by law enforcement personnel for any violation relating to vehicle equipment. This provision does not preclude an official inspection mechanic from being cited by law enforcement personnel for moving violations committed during the road test portion of an official vehicle safety inspection.

* * *

Section 43. Section 4703(b)(10) and (f) of Title 75 are amended and subsection (b) 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:

* * *

(10) [Antique vehicles.] ***A motor vehicle registered as an antique pursuant to section 1340 (relating to antique, classic and collectible plates).***

* * *

(13) ***New vehicles in the possession of a second-stage manufacturer which are in transit:***

(i) ***from a dealer or distributor for completion; or***

(ii) ***to a dealer or distributor upon completion.***

* * *

(f) Authority of police.—Any police officer may stop any motor vehicle, mass transit vehicle or trailer and require the owner or operator to display an official certificate of inspection for the vehicle being operated. A police officer may summarily remove an unauthorized, expired or unlawfully issued certificate of inspection from any vehicle or mass transit vehicle. ***For the purposes of administering the requirements of regulations promulgated by the department, a qualified Commonwealth employee or an authorized department representative may remove an unauthorized, expired or unlawfully issued certificate of inspection from any vehicle.***

* * *

Section 44. Sections 4731, 4902(e), 4906, 4921(b)(2)(ii), 4941(c), 4942(c) and 4943(b)(3), (4) and (6) and (d) of Title 75 are amended to read:

§ 4731. Records of inspections and certificates issued.

A record shall be made of every inspection and every certificate issued and the record shall be forwarded to the department in the manner and at the time the department shall specify by regulation. An official inspection station and its records shall be open for inspection by any police officer [or], authorized department employee ***or any designee of the department.***

§ 4902. Restrictions on use of highways and bridges.

* * *

(e) Erection of signs.—The Commonwealth and local authorities shall erect or cause to be erected and maintained restriction signs designating the restrictions [at] ***within 25 feet of*** each end of a bridge or portion of highway restricted as provided in subsection (a) or (b). In the case of a restriction on

a bridge or on a highway which does not begin or end at an intersection with an unrestricted highway, the Commonwealth or local authorities shall also place an advance informational sign at the intersection nearest each end of the restricted bridge or portion of highway which would allow drivers to avoid the restricted bridge or portion of highway. No person shall be convicted of violating subsection (a) or (b) unless the restriction sign designating the restricted bridge or portion of highway to traffic moving in the direction the person was driving was posted as required in this subsection. However, failure to post the restriction sign designating the restricted bridge or portion of highway to traffic moving in the opposite direction or failure to post any advance informational sign shall not constitute a defense to a violation of this section.

* * *

§ 4906. Fire apparatus.

This chapter does not apply to fire apparatus *being operated on the highway* unless specifically provided otherwise.

§ 4921. Width of vehicles.

* * *

(b) Special vehicles.—

* * *

(2) Any implement of husbandry not exceeding 14 feet 6 inches in width may be driven, hauled or towed between sunrise and sunset on highways other than freeways between:

* * *

(ii) Farms owned or operated by the owner of the implement of husbandry located not more than [25] 50 miles apart.

* * *

§ 4941. Maximum gross weight of vehicles.

* * *

(c) [Trucks] *Motor vehicles*.—No [truck] *motor vehicle* when operated upon a highway shall have a gross weight exceeding the following:

	Maximum Gross Weight In Pounds
Two-axle [truck] <i>motor vehicle</i>	38,000
Three-axle [truck] <i>motor vehicle</i>	58,400
Four-axle [truck] <i>motor vehicle</i>	73,280

§ 4942. Registered gross weight.

* * *

(c) Combination.—No combination containing a trailer having a *gross weight or* registered gross weight in excess of 10,000 pounds shall be operated with a gross weight in excess of the registered gross weight of the truck or truck tractor for a combination.

§ 4943. Maximum axle weight of vehicles.

* * *

(b) Exceptions and special applications.—

* * *

(3) No trucks registered in Classes 17 and 20 shall have an overall gross weight in excess of 21,400 pounds on any tandem axle. In addition, a group of three tandem axles shall not have an overall gross weight in excess of 60,000 pounds. This paragraph shall not be applicable to interstate highways *except for a highway added to the interstate system under the National Highway System Designation Act of 1995 (Public Law 104-59, 109 Stat. 568)*.

(4) [Except on interstate highways, subsection] *Subsection (a)(1) and (2) [does] do not apply to a vehicle or combination operating under the terms of an agreement established under section 4902(c) (relating to restrictions on use of highways and bridges). This paragraph shall not be applicable to interstate highways except for a highway added to the interstate system under the National Highway System Designation Act of 1995.*

* * *

[**(6) Paragraph (3) and the exception in paragraph (4) shall not apply on a highway added to the interstate system under the National Highway System Designation Act of 1995 (Public Law 104-59, 109 Stat. 568).**]

* * *

[**(d) Location of front axle of semitrailer.—No semitrailer, originally in this Commonwealth on or after September 1, 1963, and having two or more axles, shall be operated upon a highway unless the foremost axle of the semitrailer is at least 12 feet from the rearmost axle of the towing vehicle.**]

* * *

Section 45. Section 4961(a)(5) and (6) of Title 75 are amended and the subsection is amended by adding a paragraph to read:

§ 4961. Authority to issue permits.

(a) General rule.—The department and local authorities with respect to highways under their respective jurisdictions may, upon application in writing showing good cause, issue special permits in writing authorizing the applicant to operate or move on specified highways any of the following:

* * *

(5) A modular housing *or manufactured construction* unit which exceeds the maximum size prescribed in this title.

(5.1) A manufactured construction unit which exceeds the maximum size and weight prescribed in this title.

(6) A modular housing *or manufactured construction* unit undercarriage which exceeds the maximum size prescribed in this title.

* * *

Section 46. Sections 4962(d), (f) and (f.1), 4963 and 4966 of Title 75 are amended to read:

§ 4962. Conditions of permits and security for damages.

* * *

(d) Special escort services.—The department or local authorities shall specify what movements require special escort services of the Pennsylvania State Police, *local police* or department personnel.

* * *

(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 4976.1 (relating to permit for movement of live domestic animals).

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

Section 4978 (relating to permit for movement of building structural components).

Section 4979 (relating to permit for movement of particleboard or fiberboard used in the manufacture of ready-to-assemble furniture).

Section 4979.1 (relating to permit for movement of bulk refined oil).

Section 4979.2 (relating to permit for movement of waste coal and beneficial combustion ash).

(f.1) Authorized travel periods.—A permitted vehicle, combination or load which does not exceed [100,000] 107,000 pounds gross weight and which does not exceed a size limitation under Subchapter B (relating to width, height and length) may be driven, hauled or towed 24 hours a day, seven days a week, if the vehicle or combination is operated at prevailing speeds. Movement under this subsection is not authorized during any of the following:

(1) A holiday period specified in department regulations or in the permit.

(2) Inclement weather, as defined in department regulations.

* * *

§ 4963. Exemptions for vehicles used in State highway construction *or maintenance.*

[No special] *When operating within the established construction or maintenance project limits, no permit shall be required for movement across, upon or along [State or State-aid highways for] any highway of oversize or overweight vehicles of the department or a contractor [used for the] or other person currently involved in the authorized construction or [improvement of such highways.] maintenance of the highway. Movement under this section is not authorized upon a bridge posted under section 4902 (relating to restrictions on use of highways and bridges) unless the posted bridge is currently being reconstructed or maintained.*

§ 4966. Permit for movement of quarry equipment.

An annual permit may be issued for the movement of a piece of quarry equipment or machinery exceeding the maximum size or weight specified in this chapter across any highway *other than a freeway* from one part of a quarry to another, or upon the highways *other than freeways* connecting by the most direct route any quarries or portions of quarries under single ownership or operation, but no permit shall be issued for the movement of equipment or machinery for a distance greater than **[one-half] one** mile.

Section 47. Section 4968(a) introductory paragraph, (3), (3.1), (3.2) and (3.3) of Title 75 are amended and the subsection is amended by adding paragraphs to read:

§ 4968. Permit for movement during course of manufacture.

(a) Annual permit.—An annual permit may be issued authorizing movement on *specified* highways of boats, trailers, mobile homes, modular housing units and undercarriages, helicopters, hot ingots, *raw coal*, basic oxygen furnace lances, railway equipment and rails or other articles, vehicles or combinations which exceed the maximum height, width or length specified in Subchapter B (relating to width, height and length) *or self-propelled cranes* or combinations carrying raw milk or flat-rolled steel coils or hot ingots which exceed the maximum weight specified in Subchapter C (relating to maximum weights of vehicles) while they are in the course of manufacture and **[entirely within the]** *under contract with or under the direct* control of the manufacturer, subject to the following provisions:

* * *

(3) A combination of vehicles which is hauling flat-rolled steel coils may be permitted by the department and local authorities to move upon **[specified]** highways within their respective jurisdiction a distance not exceeding **[25] 50** miles if the gross weight does not exceed 100,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(3.1) A combination of vehicles which is hauling raw milk to *or from* a manufacturer may be permitted by the department and local authorities to move upon **[specified]** highways within their respective jurisdiction 24 hours a day, seven days a week, except during inclement weather as defined in department regulations, if the gross weight does not exceed

95,000 pounds and if the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(3.2) A combination of vehicles which is hauling a hot ingot may be permitted by the department and local authorities to move upon [specified] highways within their respective jurisdiction a distance not exceeding 25 miles if the gross weight does not exceed 150,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds.

(3.3) A combination of vehicles which is hauling basic oxygen furnace lances may be permitted by the department and local authorities to move upon [specified] highways within their respective jurisdictions if the overall length does not exceed 90 feet. A vehicle operating under a permit authorized under this section may be driven 24 hours a day, seven days a week, if the vehicle or combination is operated at prevailing speeds. Movement under this paragraph is not authorized during any of the following:

(i) A holiday period specified in department regulations or in the permit.

(ii) Inclement weather, as defined in department regulations.

(3.4) A self-propelled crane which is being road tested may be permitted by the department and local authorities to move upon highways within their respective jurisdictions a distance not exceeding 15 miles if the gross weight does not exceed 150,000 pounds and the weight on any axle does not exceed 27,000 pounds.

(3.5) A combination of vehicles which is hauling raw coal from a mine to a processing or preparation facility may be permitted by the department and local authorities to move upon highways within their respective jurisdictions a distance not exceeding 30 miles if the gross weight does not exceed 95,000 pounds and if the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

* * *

Section 48. Section 4970(b) and (b.1) of Title 75 are amended to read:
§ 4970. Permit for movement of construction equipment.

* * *

[(b) Construction trucks.—An annual permit may be issued for a construction truck to exceed the registered gross weight permitted in section 4941(c) (relating to maximum gross weight of vehicles) and the maximum allowable axle weight permitted in section 4943(a) (relating to maximum axle weight of vehicles) on highways and bridges designated by the department. This subsection shall:

(1) only apply to trucks registered at the time of enactment of this subsection; and

(2) expire on May 31, 1998.

(b.1) **Construction trucks.**—An annual permit may be issued for a construction truck to exceed the registered gross weight permitted in section 4941(c) and the maximum allowable axle weight permitted in section 4943(a) on highways and bridges designated by the department. This subsection shall:

- (1) only apply to trucks registered prior to October 10, 1980; and
- (2) expire on May 31, 1998.]

Section 49. Title 75 is amended by adding a section to read:

§ 4976.1. *Permit for movement of live domestic animals.*

(a) *Authorization.*—An annual permit may be issued authorizing the movement on highways of live domestic animals which exceeds the maximum gross weight specified in Subchapter C (relating to maximum weights of vehicles). The weight of any combination permitted under this section shall not exceed 95,000 pounds gross weight, and the weight on any nonsteering axle shall not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(b) *Definition.*—As used in this section, the term “domestic animal” shall have the meaning given to it in 3 Pa.C.S. Ch. 23 (relating to domestic animals).

Section 50. Section 4977 of Title 75 is amended to read:

§ 4977. *Permit for movement of wooden structures.*

An annual permit may be issued for the movement *on highways* of certain wooden structures which exceed the maximum length [and], width *and height* 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.
 - (2.1) *The overall height may not exceed 13 feet 10 inches.*
- (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 [roof trusses,] wooden utility sheds, gazebos, garages and play equipment.

Section 51. Title 75 is amended by adding sections to read:

§ 4978. *Permit for movement of building structural components.*

A permit may be issued for the duration of a single building construction project, but not exceeding one year, authorizing the movement upon specified highways of nondivisible building structural components, such as precast concrete, roof trusses or wall panels, which exceed the maximum width, height or length specified in Subchapter B (relating to width, height and length). Combinations permitted under this section may not exceed 90 feet in length, 13 feet in width or 14 feet 6 inches in height.

§ 4979. *Permit for movement of particleboard or fiberboard used in the manufacture of ready-to-assemble furniture.*

An annual permit may be issued authorizing the movement on specified highways of particleboard or fiberboard for use in the manufacture of ready-to-assemble household or office furniture which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles). Permits issued under this section shall not exceed a distance of 50 miles. The weight of any vehicle permitted under this section may not exceed 107,000 pounds overall gross weight and shall have the following maximum axle weight limits for all nonsteering axles:

<i>Single axle</i>	<i>21,000 pounds</i>
<i>Tandem axles</i>	<i>42,000 pounds</i>
<i>Tridem axles</i>	<i>53,000 pounds</i>
<i>Quad axles</i>	<i>63,000 pounds</i>

No permit may be issued for this type of movement upon an interstate highway.

§ 4979.1. Permit for movement of bulk refined oil.

An annual permit may be issued authorizing the movement on specified highways of refined oil in bulk between a refinery and a distribution facility which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles). Permits issued under this section shall not exceed a distance of 50 miles. The weight of any vehicle permitted under this section may not exceed 107,000 pounds overall gross weight and shall have the following maximum axle weight limits for all nonsteering axles:

<i>Single axle</i>	<i>21,000 pounds</i>
<i>Tandem axles</i>	<i>42,000 pounds</i>
<i>Tridem axles</i>	<i>53,000 pounds</i>
<i>Quad axles</i>	<i>63,000 pounds</i>

No permit may be issued for this type of movement upon an interstate highway.

§ 4979.2. Permit for movement of waste coal and beneficial combustion ash.

An annual permit may be issued for the movement on specified highways of waste coal from a refuse pile to a preparation or power production facility or beneficial combustion ash from a power production facility to a reclamation area which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles). The weight of any vehicle permitted under this section may not exceed 95,000 pounds overall gross weight, and the weight on any nonsteering axle may not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

Section 52. Sections 6108, 6109(e) and 6125(d) of Title 75 are amended to read:

§ 6108. Power of Governor during emergency.

(a) General rule.—In the event of a declared National, State or local emergency when the Governor of this Commonwealth has made a specific

determination that modification of any of the provisions of this title will aid in the alleviation of the stated emergency conditions, the Governor shall have the power to so modify the provisions on any or all highways in this Commonwealth to be effective at any or all hours of the day or night with respect to any or all types or classes of vehicles. Such modifications shall expire at the end of the emergency period. *No person, unless specifically exempted by the terms of the declaration of emergency or by other provisions of the statute or other laws, shall violate any of the terms, conditions, provisions and modifications set forth by the Governor.*

(b) *Penalty.—Any person violating the provisions of this section, other than violations of section 3362(a)(3) (relating to maximum speed limits), commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300. This penalty shall be in addition to any other penalties imposed under this title.*

§ 6109. Specific powers of department and local authorities.

* * *

(e) *Engineering and traffic investigation required.—Action by local authorities under this section shall be taken only after completing an engineering and traffic investigation when and in such manner as required by regulations promulgated by the department. No engineering and traffic investigation is required to establish a speed limit under section 3362(a)(1.2) (relating to maximum speed limits).*

* * *

§ 6125. Display of unauthorized signs, signals or markings.

* * *

(d) *Tourist-oriented directional signs.—The department on State-designated highways, including intersections with local highways, may erect and maintain or provide for the erection and maintenance of tourist-oriented directional signs. [Prior to the promulgation of regulations, the] The administration of the department's program for the erection and maintenance of tourist-oriented directional signs shall be pursuant to a policy consistent with Federal Highway Administration Tourist-Oriented Directional Sign guidelines.*

Section 53. Title 75 is amended by adding a section to read:

§ 6128. *Dealing in official traffic-control devices or bridge parts.*

(a) *General rule.—A person commits a summary offense if he knowingly purchases, sells or offers for sale an official traffic-control device or an identifiable railing or other part of a public bridge.*

(b) *Presumption.—An official traffic-control device or an identifiable railing or other part of a public bridge found in the place of business of a person who deals in scrap metal shall be presumed to be offered for sale by the scrap metal dealer.*

(c) *Exception.—This section shall not apply to sales by or to:*

(1) *the Commonwealth or local authorities or their agents or contractors; or*

(2) *manufacturers or fabricators.*

(d) *Penalty.*—A person who violates the provisions of this section shall, upon conviction, be sentenced to pay a fine of \$100 for each official traffic-control device or identifiable piece of railing or other part of a public bridge he is convicted of purchasing, selling or offering for sale.

Section 54. Sections 6149 and 6308 of Title 75 are amended to read:
§ 6149. Automatic reciprocity.

If no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this subchapter, any vehicle properly registered or licensed in the other jurisdiction, and for which evidence of compliance is supplied, shall receive, when operated in this Commonwealth, the same exemptions, benefits and privileges granted by the other jurisdiction to vehicles properly registered in this Commonwealth *with the same type of registration.*

§ 6308. Investigation by police officers.

(a) *Duty of operator or pedestrian.*—The operator of any vehicle or any pedestrian reasonably believed to have violated any provision of this title shall stop upon request or signal of any police officer and shall, upon request, exhibit a registration card, driver's license and information relating to financial responsibility, or other means of identification if a pedestrian or driver of a pedalcycle, and shall write their name in the presence of the police officer if so required for the purpose of establishing identity.

(b) *Authority of police officer.*—Whenever a police officer is engaged in a systematic program of checking vehicles or drivers or has articulable and reasonable grounds to suspect a violation of this title, he may stop a vehicle, upon request or signal, for the purpose of checking the vehicle's registration, proof of financial responsibility, vehicle identification number or engine number or the driver's license, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

(c) *Inspection of garages and dealer premises.*—Any police officer or authorized department employee may inspect any vehicle in any garage or repair shop or on the premises of any dealer, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, salvor, scrap metal processor, or other public place of business for the purpose of locating stolen vehicles or parts or vehicles or vehicle parts with identification numbers removed or falsified. The owner of the garage or repair shop or the dealer or other person shall permit any police officer or authorized department employee to make investigations under this subsection.

(d) *Records.*—Every salvor, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, scrap metal processor and dealer shall keep accurate records of motor vehicle sales and dispositions. The records shall include the make, year and type of vehicle, from whom purchased or acquired and date, vehicle identification number and date of sale or disposition of vehicle. The records shall be available on the premises of the

salvor, miscellaneous motor vehicle business, salvage motor vehicle auction or pool operator, scrap metal processor and dealer and open to inspection by any police officer or authorized department employee. The records shall be maintained for three years from the date of disposition of the vehicle.

(d.1) Production to avoid penalty.—*No person shall be convicted of failing to have in his possession a driver's license required to be exhibited under subsection (a) or (b) if the person:*

(1) produces at the headquarters of the police officer who demanded to see the person's license, within 15 days of the demand, a driver's license valid in this Commonwealth at the time of the demand; or

(2) if a citation has been filed, produces at the office of the issuing authority, within 15 days of the filing of the citation, a driver's license valid in this Commonwealth on the date of the citation.

(e) Penalty.—Any person violating subsection (d) commits a misdemeanor of the third degree.

Section 55. Section 6322(a)(2) of Title 75 is amended to read:

§ 6322. Reports by issuing authorities.

(a) General rule.—Subject to any inconsistent procedures and standards relating to reports and transmission of funds prescribed pursuant to Title 42 (relating to judiciary and judicial procedure):

* * *

(2) The report shall include the identifying number of the citation, the name and residence address of the party charged, the driver's license number, the registration number of the vehicle involved, a description of the offense, the section and subsection of the statute or ordinance violated, the date of [hearing] conviction, the plea, the judgment or whether bail was forfeited, [clear and concise reasons supporting the adjudication,] the sentence or amount of forfeiture and such other information as the department may require.

* * *

Section 56. Section 6323 of Title 75 is amended by adding a paragraph to read:

§ 6323. Reports by courts.

Subject to any inconsistent procedures and standards relating to reports and transmission of funds prescribed pursuant to Title 42 (relating to judiciary and judicial procedure):

* * *

(5) The record of judgment required to be sent to the department by paragraphs (1) and (2) shall indicate if the court ordered the defendant to a term of prison.

Section 57. Title 75 is amended by adding a section to read:

§ 6328. Admissibility of department records.

The department may send to any authorized user by electronic transmission any certification of record or abstract of records maintained by the department. Permissible uses shall include, but not be limited to,

certifications of driving records and motor vehicle records. The department may also certify electronically any documents certified to it electronically. Authorized users include State and local police, district attorneys, employees of the department and the Office of Attorney General and other persons or entities as determined by the department and listed by notice in the Pennsylvania Bulletin. In any proceeding before the courts or administrative bodies of this Commonwealth, documents certified by the department under this section and offered into evidence by an authorized user shall be admissible into evidence.

Section 58. Section 6503 of Title 75 is amended to read:

§ 6503. Subsequent convictions of certain offenses.

(a) *General offenses.*—Every person convicted of a second or subsequent violation of any of the following provisions shall be sentenced to pay a fine of not less than \$200 nor more than \$1,000 or to imprisonment for not more than six months, or both:

[Section 1501(a) (relating to drivers required to be licensed).]

Section 1543 (relating to driving while operating privilege is suspended or revoked).

Section 3367 (relating to racing on highways).

Section 3733 (relating to fleeing or attempting to elude police officer).

Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3748 (relating to false reports).

(b) *Driving without a license.*—Every person convicted of a second or subsequent violation of section 1501(a) (relating to drivers required to be licensed) within seven years of the date of commission of the offense preceding the offense for which sentence is to be imposed shall be sentenced to pay a fine of not less than \$200 nor more than \$1,000 or to imprisonment for not more than six months, or both.

Section 59. Title 75 is amended by adding a section to read:

§ 6503.1. *Habitual offenders.*

A habitual offender under section 1542 (relating to revocation of habitual offender's license) who drives a motor vehicle on any highway or trafficway of this Commonwealth while the habitual offender's operating privilege is suspended, revoked or canceled commits a misdemeanor of the second degree.

Section 60. Section 7122(1), (3), (4) and (5) of Title 75 are amended to read:

§ 7122. Altered, forged or counterfeit documents and plates.

A person is guilty of a misdemeanor of the first degree if the person, with fraudulent intent:

(1) alters, forges or counterfeits a certificate of title, registration card or plate, inspection certificate or proof of [insurance] *financial responsibility*;

* * *

(3) has possession of, sells or attempts to sell, uses or displays a certificate of title, registration card or plate, driver's license, inspection certificate proof of [insurance] *financial responsibility* or any other document issued by the department, knowing it to have been altered, forged or counterfeited;

(4) obtains or attempts to obtain a certificate of inspection without valid proof of [insurance] *financial responsibility*; or

(5) provides a certificate of inspection where there is no valid proof of [insurance] *financial responsibility*.

Section 61. Title 75 is amended by adding sections to read:

§ 7304.1. Reports and removal of abandoned vehicles within the boundaries of a city of the first class.

(a) General rule.—Any and all vehicles reported abandoned to the police department and/or the appropriate designated municipal agency or department that handles the abandoned vehicle and cargo process shall be investigated within five business days to determine if the reported vehicle is abandoned as defined in section 102 (relating to definitions). Upon the completion of the investigation, any and all reported vehicles that satisfy the requirements of the definition of “abandoned vehicle” shall be officially declared abandoned and removed within ten business days by the police department or by an authorized salvor pursuant to police or municipality directions. Proper notification of the removal of the vehicle shall be sent pursuant to section 7305 (relating to notice to owner and lienholders of abandoned vehicles).

(b) Certain vehicles.—Any and all vehicles found to be abandoned vehicles pursuant to subsection (a) and found to have a vehicle registration and an inspection sticker, both of which are expired for a period exceeding 90 days, shall be removed immediately by the police department or by an authorized salvor pursuant to police or municipality directions. Proper notification of the removal of the vehicle shall be sent pursuant to section 7305.

§ 8914.1. Security wall pilot project.

The commission shall construct, maintain and assess the long-term effectiveness of a security wall pilot project from a point at or near milepost 1.8 on the Northeast Extension of the Pennsylvania Turnpike to a point at or near milepost 2.6. Such pilot project shall encompass the southbound lanes of the Northeast Extension between said mileposts. The commission shall commence the design and construction of the security wall pilot project authorized by this section immediately upon transfer of funds by the department.

Section 62. Section 9003 of Title 75 is amended by adding a subsection to read:

§ 9003. Liquid fuels and fuels permits; bond or deposit of securities.

* * *

(d.1) Waiver of surety bond.—

(1) The department shall waive the bond required by subsection (d) with respect to retail sales of kerosene sold for private household use.

(2) The department may waive the bond required by subsection (d) with respect to a class of distributors if the department finds that the cost of bonding to that class is excessive when compared to the risk of loss to the Commonwealth.

* * *

Section 63. Section 9017 of Title 75 is reenacted and amended to read:
§ 9017. Refunds.

[(a) Federal Government; errors.—The Board of Finance and Revenue may refund to distributors taxes, penalties and interest paid by them on liquid fuels and fuels delivered to the Federal Government or paid as the result of an error of law or of fact. Claims for refunds must be made under the procedure prescribed by the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.]

(a) Department of Revenue.—Except as provided in subsection (a.1), the Department of Revenue may refund taxes, penalties, interest, fines, additions and other money collected pursuant to this chapter in accordance with section 3003.1 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(a.1) Board of Finance and Revenue.—The Board of Finance and Revenue may make reimbursements and refunds of tax imposed and collected upon liquid fuels or fuels as provided under subsections (b), (c) or (e). In addition, the board may refund on an annual basis any tax imposed by this chapter and collected by the department upon liquid fuels or fuels delivered to any entity exempt from tax under section 9004(e) (relating to imposition of tax, exemptions and deductions) which has not been claimed as exempt by the distributor or otherwise refunded. The board may adopt regulations relating to procedures for the administration of its duties under this subsection.

(b) Farm tractors and volunteer fire rescue and ambulance services.—A person shall be reimbursed the full amount of the tax imposed by this chapter if the person uses or buys liquid fuels [and] or fuels on which the tax imposed by this chapter has been paid and consumes them:

(1) in the operation of any nonlicensed farm tractor or licensed farm tractor when used off the highways for agricultural purposes relating to the actual production of farm products; or

(2) in the operation of a vehicle of a volunteer fire company, volunteer ambulance service or volunteer rescue squad.

(c) Motorboats and watercraft.—

(1) When the tax imposed by this chapter has been paid and the fuel on which the tax has been imposed has been consumed in the operation of motorboats or watercraft upon the waters of this Commonwealth, including waterways bordering on this Commonwealth, the full amount of

the tax shall be refunded to the Boat Fund on petition to the board in accordance with prescribed procedures.

(2) In accordance with such procedures, the Pennsylvania Fish and Boat Commission shall biannually calculate the amount of liquid fuels consumed by the motorcraft and furnish the information relating to its calculations and data as required by the board. The board shall review the petition and motorboat fuel consumption calculations of the commission, determine the amount of liquid fuels tax paid and certify to the State Treasurer to refund annually to the Boat Fund the amount so determined. The department shall be accorded the right to appear at the proceedings and make its views known.

(3) This money shall be used by the commission acting by itself or by agreement with other Federal and State agencies only for the improvement of the waters of this Commonwealth on which motorboats are permitted to operate and may be used for the development and construction of motorboat areas; the dredging and clearing of water areas where motorboats can be used; the placement and replacement of navigational aids; the purchase, development and maintenance of public access sites and facilities to and on waters where motorboating is permitted; the patrolling of motorboating waters; the publishing of nautical charts in those areas of this Commonwealth not covered by nautical charts published by the United States Coast and Geodetic Survey or the United States Army Engineers and the administrative expenses arising out of such activities; and other similar purposes.

(d) Off-highway recreational vehicles.—

(1) When the tax imposed by this chapter has been paid on fuel used in off-highway recreational vehicles within this Commonwealth, an amount equal to the revenue generated by the tax, but not derived therefrom, may be appropriated through the General Fund to the Department of Conservation and Natural Resources. It is the intent of this chapter that all proceeds from the tax paid on fuel used in off-highway recreational vehicles within this Commonwealth be paid without diminution of the Motor License Fund.

(2) The Department of Conservation and Natural Resources shall biennially calculate the amount of liquid fuel consumed by off-highway recreational vehicles and furnish information relating to its calculations and data as may be required by the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.

(3) The General Assembly shall review the fuel consumption calculations of the Department of Conservation and Natural Resources to determine the amount of liquid fuels tax paid on liquid fuels consumed in the propulsion of off-highway recreational vehicles in this Commonwealth and may annually appropriate to the Department of Conservation and Natural Resources the amount so determined.

(4) Money appropriated under paragraph (3) shall be used for the benefit of motorized and nonmotorized recreational trails by the Department of Conservation and Natural Resources as provided in the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 1914).

(e) Aircraft.—A person shall be reimbursed in the amount of the excess if a person uses liquid fuel on which a tax imposed by this chapter in excess of 1 1/2¢ per gallon has been paid in:

- (1) a propeller-driven aircraft or aircraft engines; or
- (2) a jet or turbojet-propelled aircraft or aircraft engines.

(e.1) Truck refrigeration units.—

(1) During the transition to the use of dyed diesel fuel in truck refrigeration units, a program shall be implemented to provide reimbursement for tax paid on undyed diesel fuel used in truck refrigeration units.

(2) During the transition, a person shall be reimbursed the amount of tax paid pursuant to section 9004 on any purchase of undyed diesel fuel which is not more than 100 gallons per purchase and is delivered into a fuel tank which is designed to supply only an internal combustion engine mounted on a registered vehicle used exclusively for truck refrigeration.

(3) For the period of October 1, 1997, through September 30, 1998, claims for reimbursement of taxes paid shall be filed by March 1, 1999, with the Department of Revenue. For the period of October 1, 1998, through September 30, 1999, claims for reimbursement under this subsection shall be filed by October 31, 1999, with the department. For the period from October 1, 1999, through September 30, 2000, inclusive, claims for reimbursement under this subsection shall be filed with the department by October 31, 2000.

(4) The department may require a claimant to satisfy any sales or use tax liability on the undyed diesel fuel for which the reimbursement is claimed.

(5) A claim for reimbursement must be supported by sales receipts with the word "reefer" noted on the claim and the date of purchase, seller's name and address, number of gallons purchased, fuel type, price per gallon or total amount of sale, unit numbers and the purchaser's name. The department may specify other documentation which it will accept in lieu of sales receipts. In the case of withdrawals from claimant-owned tax-paid bulk storage, the claim must be supported by detailed records of the date of withdrawal, number of gallons, fuel type, unit number and purchase and inventory records to substantiate that the tax was paid on all bulk purchases. Notwithstanding the provisions of section 9009 (relating to retention of records by distributors and dealers), all required documentation shall be retained for a period of three years following the filing date of the claim for reimbursement under this

subsection. If the claimant fails to retain documentation as required by this paragraph, the department may deny the reimbursement or issue an assessment for any refund granted plus interest under section 9007 (relating to determination and redetermination of tax, penalties and interest due).

(6) For purposes of this subsection, the term "transition" means the period of time between October 1, 1997, through September 30, 2000.

(f) Claims, forms, contents, penalties.—A claim for reimbursement or refund under subsection (b), (c) or (e) shall be made upon a form to be furnished by the board and must include, in addition to such other information as the board may by regulation prescribe, the name and address of the claimant; the period of time and the number of gallons of liquid fuels used for which reimbursement is claimed; a description of the farm machinery, aircraft or aircraft engine in which liquid fuels have been used; the purposes for which the machinery, aircraft or aircraft engine has been used; and the size of the farm and part in cultivation on which such liquid fuels have been used. A claim must contain statements that the liquid fuels for which reimbursement is claimed have been used only for purposes for which reimbursements are permitted; that records of the amounts of such fuels used in each piece of farm machinery, aircraft or aircraft engine have been kept; and that no part of the claim has been paid except as stated. A claim must contain a declaration that it and accompanying receipts are true and correct to the best of the claimant's knowledge and must be signed by the claimant or the person claiming on the claimant's behalf. A claim must be accompanied by receipts indicating that the liquid fuels tax was paid on the liquid fuels or that the excess liquid fuels tax was paid on the liquid fuels for which reimbursement is claimed. Records of purchases of liquid fuels and use in each tractor or powered machinery, aircraft or aircraft engine shall be kept for a period of two years. A claim must be made annually for the preceding year ending on June 30. A claim must be submitted to the board by September 30. The board shall refuse to consider any claim received or postmarked later than that date. The claimant must satisfy the board that the tax has been paid and that the liquid fuels have been consumed by the claimant for purposes for which reimbursements are permitted under this section. The action of the board in granting or refusing reimbursement shall be final. The board shall deduct the sum of \$1.50, which shall be considered a filing fee, from every claim for reimbursement granted. Filing fees are specifically appropriated to the board and to the department for expenses incurred in the administration of the reimbursement provisions of this chapter. The board has the power to refer to the department for investigation any claim for reimbursement filed under the provisions of this chapter. The department shall investigate the application and report to the board. A person making any false or fraudulent statement for the purpose of obtaining reimbursement commits a misdemeanor of the third degree.

(g) Fund sources.—Refunds and reimbursements of money allowed under this section shall be paid from the Motor License Fund and the Liquid Fuels Tax Fund in amounts equal to the original distribution and payment of such money into those funds. Reimbursement for taxes paid on liquid fuels consumed in the operation of tractors and powered machinery for purposes relating to the actual production of farm products and reimbursement for taxes paid on liquid fuels used in aircraft or aircraft engines shall be paid out of the Motor License Fund.

(h) Appropriations; approval by Governor.—As much of the money in the Motor License Fund and the Liquid Fuels Tax Fund as may be necessary is appropriated to the board for the purpose of making refunds and reimbursements as authorized in this section. Estimates of the amounts to be expended from these funds for refunds and reimbursements by the board must be submitted to the Governor for approval or disapproval as in the case of other appropriations to administrative departments, boards and commissions. It is unlawful to honor any requisition of the board for the expenditure of money under this section in excess of the estimates approved by the Governor.

Section 64. Sections 9018(a)(1)(iii), 9207(b) and 9805 of Title 75 are amended to read:

§ 9018. Violations.

(a) Failure to report and pay; examinations; unlawful acts.—

(1) A person commits a misdemeanor of the third degree if the person does any of the following:

* * *

(iii) Makes any incomplete, false or fraudulent report *or claim*.

* * *

§ 9207. Restoration of highways.

* * *

(b) Funding.—All restoration work shall be paid from the State Highway Transfer Restoration Restricted Account within the Motor License Fund, *provided, however, that the department may in its discretion pay for any or all such work to be performed by the department or its contractors from funds made available to the county maintenance districts under section 9102 (relating to distribution of State highway maintenance funds)*. No funds shall be allocated to municipalities for the maintenance of highways transferred under this chapter out of section 4 of the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, nor shall highways transferred under the provisions of this chapter be used to compute or determine the allocations of municipalities under that section.

* * *

§ 9805. [**Credit or refund for additional**] *Bus company reimbursement for motor fuel tax [payment]*.

Every bus company shall be [entitled to a credit or refund] *reimbursed in an amount determined by the department to be* equivalent to the additional tax [of 6¢ per gallon] imposed by section [9603(a)] *9502(a)(4)* (relating to imposition of tax) *and paid directly or indirectly by the bus company* on [all gasoline or other motor] fuel consumed by the bus company in its operations *of motorbuses* within this Commonwealth. The bus company [shall] *must*, under regulations of the department, submit an application for [credit or refund of additional tax] *reimbursement* to the department on or before the last day of the month immediately following the close of each quarter. [For purposes of] *The reimbursements authorized by this section shall not include nor be subject to the* payment of interest [on refunds under section 806.1 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, the amount of the refund shall be considered an overpayment of tax made with the report on which credit is claimed] *by the Commonwealth.*

Section 65. Title 75 is amended by adding a chapter to read:

CHAPTER 99
TAX TREATMENT OF CERTAIN ORGANIZATIONS

Sec.

9901. Corporate tax treatment of certain corporations.

§ 9901. Corporate tax treatment of certain corporations.

(a) Corporate net income tax.—The term “taxable income” as used in Article IV of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall not include the Federal taxable income of an automobile club derived from automobile club activities.

(b) Capital stock franchise tax.—The term “capital stock value” as used in Article VI of the Tax Reform Code of 1971 shall not include the capital stock value of an automobile club attributed to automobile club activities.

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

“Automobile club.” A nonprofit corporation, trust or other entity whose membership is open to the general public that conducts all of the activities and services listed in paragraph (2).

“Automobile club activities.” The following activities and services conducted by an automobile club:

(1) Promoting the development and provision of safe and convenient motor vehicle travel conditions, services and facilities.

(2) Promoting the construction, maintenance and use of efficient, adequate and safe highway systems.

(3) Informing and educating motorists and the traveling public in the principles of traffic and motor vehicle safety and related matters.

(4) Providing motor vehicle registration, title transfer and license application and renewal services to its members.

(5) Providing motor vehicle travel assistance, including road maps, trip itineraries, tour guides and emergency roadside assistance to its members.

Section 66. (a) The sum of \$2,000,000 is hereby appropriated to the Department of Transportation from the Motor License Fund for the fiscal year July 1, 1998, to June 30, 1999, for security wall pilot projects. This appropriation is in addition to the sum appropriated for security wall pilot projects in section 801 of the act of April 22, 1998 (P.L.1341, No.6A), known as the General Appropriation Act of 1998.

(b) The Department of Transportation shall transfer the sum of \$2,000,000 of the amount appropriated for security wall pilot projects in section 801 of the act of April 22, 1998 (P.L.1341, No.6A), known as the General Appropriation Act of 1998, to the Pennsylvania Turnpike Commission to finance the security wall pilot project authorized under 75 Pa.C.S. § 8914.1. The transfer shall be made within 30 days of the effective date of this section.

Section 67. All acts and parts of acts are repealed insofar as they are inconsistent with the addition of 75 Pa.C.S. § 1111(b.1).

Section 68. This act shall apply as follows:

(1) The addition of 75 Pa.C.S. § 1111(b.1) shall apply retroactively to June 1, 1998.

(2) Except as provided in paragraph (3), the reenactment and amendment of 75 Pa.C.S. § 9017 shall apply retroactively to January 1, 1997.

(3) The addition of 75 Pa.C.S. § 9017(e.1) shall apply retroactively to October 1, 1997.

(4) The amendment of 75 Pa.C.S. § 9805 shall apply to tax on fuel consumed in operations of motorbuses on the highways of this Commonwealth after December 31, 1998.

(5) The addition of 75 Pa.C.S. § 9901 shall apply to taxable years beginning after December 31, 1997.

Section 69. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) The amendment or addition of 75 Pa.C.S. §§ 102, 1119(c)(2)(ii) and (iii), 1334(a)(4), 1516(b) and (c), 1517(b), 1532(b)(3), 1543(b), 1547(c)(2), 1572(b), 1584, 1586, 1902(5), 1946, 1949, 1955(a), 3753(a), 4107(e), 4306(c), 4552(b.2) and (b.3), 4702(b)(5), 4703(f), 4731, 4970(b) and (b.1), 6125(d), 6328, 7122(1), (3), (4) and (5), 8914.1, 9017, 9207(b) and 9901.

(ii) Section 66 of this act.

(iii) Section 68 of this act.

(iv) This section.

(2) The amendment of 75 Pa.C.S. § 9805 shall take effect January 1, 1999.

(3) The amendment or addition of 75 Pa.C.S. §§ 1331(f), 1535(a), 1537(a), 1551, 1554(f)(4), 1901(c)(16) and (23), 1934 and 4702(b)(2) shall take effect July 1, 1999.

(4) The amendment or addition of 75 Pa.C.S. §§ 1514(a), 1541(a.1) and 1554(a) shall take effect in one year.

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

APPROVED—The 21st day of December, A.D. 1998.

THOMAS J. RIDGE