

No. 2004-9

AN ACT

HB 1785

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the governing body of the authorities and for special provisions for parking authorities in cities of the first class; and making a related repeal.

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

Section 1. Section 5508(b)(1) of Title 53 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5508. Governing body.

* * *

(b) Board.—

(1) The powers of an authority shall be exercised by a board composed of five members. The majority of the members must be residents of the municipality where the authority is located. **[All members] Each member** must be **[residents] a resident** of the county in which the municipality is located *or maintain a business in the municipality served by the authority.*

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Section 2. Section 5508.1 of Title 53 is amended by adding a subsection to read:

§ 5508.1. Special provisions for authorities in cities of the first class.

* * *

(q.1) Delegation of powers and funding.—

(1) Notwithstanding any contrary provision of Title 75 (relating to vehicles) or this chapter, the authority shall enforce and administer a system of on-street parking regulation in a city of the first class on behalf of the city. The system of on-street parking regulation shall function and be administered pursuant to section 5505(d)(21)(relating to purposes and powers) and the city's ordinances as in effect January 1, 2004, as implemented pursuant to an agreement between the authority and the city as in effect on January 1, 2004. In administering the system of on-street parking regulation, the authority shall have the same powers and be subject to the same restrictions as were in effect on January 1, 2004, under the ordinances and agreement. The procedures to be followed in operating the system of on-street parking regulation include the budgetary procedures and the allocation of responsibility between the authority and the city existing on January 1, 2004, under the ordinances and agreement. The authority and the city, by mutual consent, may modify the system of on-street parking regulation to the extent permitted by applicable law. The authority and city are

authorized to do all acts and things necessary or convenient to implement the provisions of this subsection.

(2) Any revenues generated pursuant to the system of on-street parking regulation authorized by this subsection shall be collected by the authority on behalf of the city of the first class and disbursed as provided in this paragraph, subject to adjustment under paragraph (3). Such revenues shall not be deemed to constitute revenues or receipts of the authority, or, except for agreements with the city in place on the effective date of this subsection to use on-street parking revenues to pay or secure obligations of the authority and in any other similar situation which may arise in the future to which the city consents, such revenue shall not be subject to any debt or obligation of the authority. Beginning with its fiscal year ending in 2004, upon the conclusion of each of its fiscal years, the authority shall transfer the revenues of the system of on-street parking regulation net of the operating and administrative expenses of the system of on-street parking regulation as follows:

(i) Up to \$25,000,000 in the aggregate after taking into account monthly remittances required pursuant to paragraph (1) to the city in which it is located.

(ii) In the event the net annual revenue of the system of on-street parking regulation exceeds \$25,000,000, the authority shall transfer all of the excess to the general fund of a school district of the first class coterminous with the city.

(3) The amount set forth in paragraph (2)(i) shall be adjusted each fiscal year beginning with the fiscal year ending in 2005 by increasing the \$25,000,000 aggregate amount by an amount equal to \$25,000,000 multiplied by the percentage increase, if any, in the gross revenue generated by the system of on-street parking regulation. No adjustment shall be made if the gross revenue generated by the system of on-street parking regulation did not increase over the prior fiscal year.

(4) The provisions of section 696(h)(1) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall not apply to amounts transferred to a school district of the first class under this subsection. Any portion of the excess net revenue of the system of on-street parking regulation not transferred to a school district of the first class must be transferred to the city of the first class in which the authority is located.

(5) If a dispute arises between the city and the authority concerning the administration of the system of on-street parking regulation as provided for in this subsection or in the event of a breach or threatened breach of the provisions of this subsection, either the city or the authority may, in the Commonwealth Court, by mandamus or other proceeding at law or in equity:

(i) enforce the proper manner of administration of the system of on-street parking regulation as provided for in this subsection;

(ii) compel the other party and the officers, employees and agents thereof to carry out the provisions of this subsection; or

(iii) require the other party to account, as if it were the trustee of an express trust for the other party, for any revenues received that are required to be paid to the other party.

The party intending to initiate an action under this subsection shall give each party against which an action is proposed to be brought notice of the other party's intention to initiate an action under this paragraph and such an action shall not be initiated earlier than ten days after the giving of such notice.

(6) This subsection shall expire March 31, 2014.

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Section 3. The provisions of 75 Pa.C.S. § 6109(g), added February 9, 2004 (P.L.65, No.8), are repealed.

Section 4. Notwithstanding section 6 of the act of February 9, 2004 (P.L.65, No.8), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for display of registration plate; providing for a special motorcycle registration plate for veterans; further providing for automated red light enforcement systems in first class cities, for enumeration of police powers and for certain surcharges; and prescribing a penalty," the following provisions of Title 75 as amended or added by that act shall take effect on the effective date of this section:

- (1) Section 1332(b) and (c).
- (2) Section 3116(l)(2) and (q).
- (3) Section 6109(a)(1) and (f).

Section 5. This act shall take effect as follows:

- (1) The amendment of 53 Pa.C.S. § 5508(b)(1) shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 10th day of February, A.D. 2004.

EDWARD G. RENDELL