

No. 2006-113

AN ACT

HB 804

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for an electronic titling program, for suspension of registration upon sixth unpaid parking violation in cities of the first class, for unattended children in motor vehicles, for fleeing or attempting to elude police officer and for exemption from additional requirements for highway occupancy permits for agricultural purposes; and providing for levy and imposition of surcharge in cities of the first class.

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

Section 1. Section 1151 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1151. Electronic media system for vehicle titles.

(a) Initial responsibilities of department.—The department is authorized to form a task force for the purpose of developing a system which will permit the voluntary recording of vehicle title information for new, transferred and corrected certificates of title, including the perfection and release of security interests, through electronic media in a cost-effective manner in lieu of the submission and maintenance of paper documents otherwise required by this chapter. The members of the task force shall be appointed by the secretary and shall include representatives from the department, the commercial banking industry, sales finance companies, credit unions, savings institutions and the vehicle dealership industry.

(b) Task force responsibilities.—The task force shall research methods whereby the department, lending institutions and sales finance companies may exchange and maintain information concerning the perfection and release of vehicle security interests without submitting or receiving the paper title document. Further, the task force shall develop methods whereby lending institutions and sales finance companies may submit, through a variety of electronic media, updated information pertaining to the title record, including the addition, assignment or release of vehicle security interests.

(c) *Expiration.—This section expires January 1, 2007.*

Section 2. Title 75 is amended by adding a section to read:

§ 1151.1. *Program.*

(a) *General rule.—The department shall administer an electronic titling program that permits the recording of vehicle title information for new, transferred and corrected certificates of title through electronic media in a cost-effective manner in lieu of the submission and maintenance of paper documents otherwise required by this chapter.*

(b) *Description.—The electronic titling program shall include, but not be limited to, methods by which vehicle title information, including the*

perfection, release and assignment of vehicle security interests, may be submitted through electronic media.

(c) Mandatory participation.—Except for individuals and lienholders who are not normally engaged in the business or practice of financing vehicles, lienholders shall participate in the electronic titling program.

Section 3. Sections 1152, 1154, 1379(b.1), 3327 and 3701.1(b) of Title 75 are amended to read:

§ 1152. Development of pilot program.

*(a) Pilot program development.—*The task force appointed under section 1151 (relating to electronic media system for vehicle titles) shall develop a pilot program to implement voluntary electronic transactions in lieu of the paper documents required by this chapter. The department may limit the number of counties in which the pilot program will be in effect and may also limit the number of lending institutions and sales finance companies participating in the program, but shall encourage lending institutions and sales finance companies of various sizes to participate.

(b) Expiration.—This section expires January 1, 2007.

§ 1154. Expansion of pilot program.

*(a) Pilot program expansion.—*If, after 12 months of operation, the secretary certifies in the Pennsylvania Bulletin that the pilot program created under section 1152 (relating to development of pilot program) has been successful, the department shall promulgate regulations governing voluntary electronic media transactions in lieu of submission and maintenance of paper documents otherwise required by this chapter. Until the regulations are adopted, the department may maintain and expand the pilot program provided for in section 1152.

(b) Expiration.—This section expires January 1, 2007.

§ 1379. Suspension of registration upon sixth unpaid parking violation in cities of the first class.

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(b.1) Notice by the parking authority.—Prior to notifying the department under subsection (b), the parking authority shall provide the owner or registrant written notice by **[certified mail, return receipt requested,] first class mail** of its intent to seek suspension of the vehicle registration pursuant to this section.

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§ 3327. Duty of driver in emergency response areas.

(a) General rule.—When approaching or passing an emergency response area, **[no person shall drive a vehicle:**

(1) at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards then existing; or

(2) in disobedience of instructions or indications relating to traffic flow which are made, either verbally or through the use of signs, flares, signals, lights or other traffic control devices, by law

enforcement personnel or emergency service responders.] *a person, unless otherwise directed by an emergency service responder, shall:*

(1) pass in a lane not adjacent to that of the emergency response area, if possible; or

(2) if passing in a nonadjacent lane is impossible, illegal or unsafe, pass the emergency response area at a careful and prudent reduced speed reasonable for safely passing the emergency response area.

(b) Penalty.—Any person violating subsection (a) commits a summary offense and shall, upon conviction, pay a fine of ~~[\$85]~~ *not more than \$250.*

(b.1) Suspension of operating privilege.—The department shall suspend the operating privilege of any person for 90 days upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into a preadjudication program for a violation of subsection (a), if the certified conviction indicates the violation resulted in serious injury to another person. The license shall be surrendered in accordance with section 1540 (relating to surrender of license).

(c) Marking.—An emergency response area shall be clearly marked with road flares, caution signs or any other traffic-control device which law enforcement officials may have at their immediate disposal[.] *or visual signals on vehicles meeting the requirements of Subchapter D of Chapter 45 (relating to equipment of authorized and emergency vehicles).*

(d) Reports by emergency service responders.—

(1) An emergency service responder observing a violation of subsection (a) may prepare a written, signed report which indicates that a violation has occurred. To the extent possible, the report shall include the following information:

(i) Information pertaining to the identity of the alleged violator.

(ii) The license number and color of the vehicle involved in the violation.

(iii) The time and approximate location at which the violation occurred.

(iv) Identification of the vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.

(2) Within 48 hours after the violation occurs, the emergency service responder shall deliver a copy of the report to a police officer having authority to exercise police power in the area where the violation occurred. If the police officer believes that the report established a sufficient basis for the issuance of a citation, the officer shall file a citation and a copy of the report with the issuing authority. If the issuing authority determines that the report and citation establish a sufficient basis for the issuance of a summons, a summons shall be issued in accordance with general rules governing the institution of proceedings in summary traffic offense cases. The issuing authority shall send the defendant a copy of the citation, together with a statement that it was filed by the police officer named in the citation on the basis of information received.

(3) A person may institute a proceeding pursuant to this subsection or in accordance with any means authorized by the Pennsylvania Rules of Criminal Procedure.

(e) Fines to be doubled.—In addition to any penalty as provided in subsection (b), the fine for any of the following violations when committed in an emergency response area manned by emergency service responders shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3114 (relating to flashing signals).

Section 3302 (relating to meeting vehicle proceeding in opposite direction).

Section 3303 (relating to overtaking vehicle on the left).

Section 3304 (relating to overtaking vehicle on the right).

Section 3305 (relating to limitations on overtaking on the left).

Section 3306 (relating to limitations on driving on left side of roadway).

Section 3307 (relating to no-passing zones).

Section 3310 (relating to following too closely).

Section 3312 (relating to limited access highway entrances and exits).

Section 3323 (relating to stop signs and yield signs).

Section 3325 (relating to duty of driver on approach of emergency vehicle).

Section 3361 (relating to driving vehicle at safe speed).

Section 3707 (relating to driving or stopping close to fire apparatus).

Section 3710 (relating to stopping at intersection or crossing to prevent obstruction).

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

Section 3802 (relating to driving under influence of alcohol or controlled substance).

(e.1) Public awareness.—The department shall educate the public of the provisions of this section as it deems appropriate.

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

“Emergency response area.” The area in which emergency service responders render emergency assistance to individuals on or near a roadway[.] ***or a police officer is conducting a traffic stop or systematic check of vehicles as long as the emergency vehicle is making use of visual signals meeting the requirements of Subchapter D of Chapter 45.***

“Emergency service responder.” An individual acting in an official capacity as police officer, sheriff, deputy sheriff, coroner, deputy coroner, firefighter, fire police, fire marshal, medical examiner, deputy medical examiner, rescue personnel, ambulance personnel, ***towing and recovery***

personnel, highway maintenance and construction personnel, hazardous material response team member or emergency medical service personnel.

“Serious injury.” A personal injury resulting in death, serious impairment of body function or permanent serious disfigurement.

§ 3701.1. Leaving an unattended child in a motor vehicle.

* * *

(b) Penalty.—A person who violates this section commits a summary offense. *It is a separate offense for each child left unattended.*

Section 4. Section 3733(a) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 3733. Fleeing or attempting to elude police officer.

(a) Offense defined.—Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police officer, when given visual or audible signal to bring the vehicle to a stop, commits [a misdemeanor of the second degree. Any driver upon conviction shall pay an additional fine of \$500. This fine shall be in addition to and not in lieu of all other fines, court expenses, jail sentences or penalties] *an offense as graded in subsection (a.2).*

* * *

(a.2) Grading.—

(1) Except as provided in paragraph (2), an offense under subsection (a) constitutes a misdemeanor of the second degree. Any driver upon conviction shall pay an additional fine of \$500. This fine shall be in addition to and not in lieu of all other fines, court expenses, jail sentences or penalties.

(2) An offense under subsection (a) constitutes a felony of the third degree if the driver while fleeing or attempting to elude a police officer does any of the following:

(i) commits a violation of section 3802 (relating to driving under influence of alcohol or controlled substance);

(ii) crosses a State line; or

(iii) endangers a law enforcement officer or member of the general public due to the driver engaging in a high-speed chase.

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Section 5. Section 6103.1 of Title 75 is amended to read:

§ 6103.1. Exemption from additional requirements for highway occupancy permits for agricultural purposes.

The department shall waive all additional requirements for a highway occupancy permit in a fifth through eighth class county when all of the following conditions exist:

(1) The State highway has an overall width of at least 33 feet.

(2) Not more than [five] 25 combination vehicles per week will access the highway.

(3) The lack of sufficient land is not the result of a subdivision within ten years by the applicant.

(4) The waiver is necessary for the expansion or creation of an agricultural operation which lacks other highway access points that could be permitted without waiver.

(5) The applicant does not hold fee simple title to land necessary to provide access without this waiver.

(6) The State highway has an average daily travel of less than 6,500 vehicles per day.

(7) The highway access point has a sight distance of at least 500 feet.

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

§ 6507. Levy and imposition of surcharge in cities of the first class.

In addition to any fines, fees or penalties levied or imposed as provided by law, under any statute or local ordinance, and upon finding or admission of liability, a surcharge shall be levied on any parking violation notice or citation issued in a city of the first class pursuant to the enforcement and administration of a system of on-street parking in the amount of \$1 for disposition to an account created pursuant to 53 Pa.C.S. § 5708(a) (relating to fund) for purposes of funding costs of a parking authority of a city of the first class associated with 53 Pa.C.S. Ch. 57 (relating to taxicabs and limousines in first class cities).

Section 7. This act shall take effect as follows:

(1) The addition of 75 Pa.C.S. § 1151.1(c) shall take effect in two years.

(2) The addition or amendment of 75 Pa.C.S. §§ 1379 and 6507 shall take effect immediately.

(3) This section shall take effect immediately.

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

APPROVED—The 10th day of July, A.D. 2006.

EDWARD G. RENDELL