

No. 82

AN ACT

HB 943

Amending the act of November 9, 1965 (P.L.657), entitled "An act regulating the transportation of hazardous substances on highways and toll roads, including the Pennsylvania Turnpike; creating the Hazardous Substances Transportation Board, prescribing its powers, duties and procedures; providing for the imposition of duties upon the Department of Revenue, the State Police and other departments and commissions of the Commonwealth; prescribing penalties; repealing inconsistent acts and making an appropriation," changing the definition of the term "hazardous substance," clarifying the term "person," changing the membership of the board and the duties of its chairman, and reenacting the penalties.

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

Section 1. Clause (1) of section 2, act of November 9, 1965 (P.L.657), known as the "Hazardous Substances Transportation Act," is amended to read:

Section 2. Definitions.—The following words and phrases shall have the meanings ascribed to them in this section:

(1) "Hazardous substance." A flammable liquid, flammable solid, oxidizing substance, corrosive liquid, compressed gas, poisonous substance, radioactive substance, explosive, *molten metal*, or similar substance.

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Section 2. Section 2 of the act is amended by adding a clause to read:

Section 2. Definitions.—* * *

(7) "*Person.*" *Any natural person, firm, association, copartnership, joint venture or corporation.*

Section 3. Subsections (a) and (b) of section 4 of the act, amended May 6, 1970 (P.L.344), are amended to read:

Section 4. Creation of Board.—(a) There is hereby established within the Department of Transportation a Hazardous Substances Transportation Board, composed of [seven] *eight* ex officio members and seven appointed members.

(b) The [seven] *eight* ex officio members shall be the Secretary of Transportation, who shall be the chairman, the Attorney General, the Secretary of Commerce, the Secretary of Labor and Industry, the Secretary of Health, *the Secretary of Environmental Resources*, the Commissioner of the Pennsylvania State Police, and a member of Pennsylvania Public Utility Commission to be designated by the Governor. Any ex officio member may designate a representative of his department to serve in his stead [which representative shall be approved by the Governor]. Ex officio members, or their representatives, shall serve without pay.

The chairman shall preside at all meetings and, in his absence, shall designate his representative or other member of the board to act in his stead and so preside.

* * *

Section 4. Section 12 of the act is reenacted to read:

Section 12. Penalties.—(a) Any person who, as operator of a vehicle, shall knowingly or wilfully violate any regulation of the board pertaining to routing, parking or other act in the actual operation of a vehicle, shall be guilty of a misdemeanor, and, upon conviction thereof in the court of quarter sessions of the county in which the offense occurred, shall be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or to undergo imprisonment in the county jail for not more than thirty (30) days, or both. Any such person, having been convicted of a first offense under this subsection, who shall at a later time commit a second or subsequent offense and be convicted thereof, shall be sentenced to pay a fine as aforesaid, or to undergo imprisonment in the county jail for not less than sixty (60) days nor more than one (1) year, or both.

(b) Any person who, as shipper, carrier, consignee or user of a hazardous substance, shall knowingly or wilfully violate any regulation of the board, shall be guilty of a misdemeanor, and, upon conviction thereof in the court of quarter sessions of the county in which the offense occurred, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5000), or to undergo imprisonment in the county jail for not more than sixty (60) days, or both. Any person, having been convicted of a first offense under this subsection, who shall at a later time commit a second or subsequent offense and be convicted thereof, shall be sentenced to pay a fine as aforesaid, or to undergo imprisonment in the county jail for not less than sixty (60) days nor more than one (1) year, or both. If such person be a firm, partnership, joint venture or association, then the member thereof responsible for the violation, or if such person be a corporation, then the officer, agent or employe thereof responsible for the violation, shall have the sentence of imprisonment, herein prescribed, imposed upon him.

Section 5. This act shall take effect immediately.

APPROVED—The 26th day of May, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 82.

A handwritten signature in cursive script that reads "C. McLaughlin Tucker". The signature is written in black ink and is positioned above the printed name of the Secretary of the Commonwealth.

Secretary of the Commonwealth.