

No. 1982-49

AN ACT

HB 230

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, repealing provisions prohibiting the transfer of registration to evade certain financial responsibility requirements, further providing for registration, further providing for suspension for nonpayment of judgments, further providing for financial responsibility and further providing for mobile and modular housing.

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

Section 1. The definition of "mobile home" in section 102 of Title 75, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended and definitions are added 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:

* * *

"Mobile home." A trailer designed and used exclusively for living quarters or commercial purposes which exceeds the maximum size limitations prescribed by this title for operation on a highway and is only incidentally operated on a highway. [, including a unit transported on a removable or nonremovable frame designed so as to be assembled together with another unit or units into a structure which is used exclusively for living quarters, commonly known as a "modular unit."]

"Modular housing undercarriage." A trailer which is used to transport a modular housing unit.

"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.

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Section 2. The introductory paragraph and paragraph (10) of section 1102 of Title 75 are amended to read:

§ 1102. Vehicles not requiring certificate of title.

No certificate of title [shall be issued] *is required* for:

* * *

[(10) A mobile home.]

Section 3. Paragraph (9) of subsection (a) of section 1302 of Title 75 is amended and a paragraph is added to read:

§ 1302. Vehicles exempt from registration.

(a) General rule.—The following types of vehicles are exempt from registration:

* * *

(9) Any mobile home *or modular housing unit*.

* * *

(12) *Any military vehicle used for training by a private, nonprofit, tax exempt military educational institution when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by the institution.*

* * *

Section 4. Section 1303(c) of Title 75 is amended to read:

§ 1303. Vehicles of nonresidents exempt from registration.

* * *

(c) Carrying on business in this Commonwealth.—Every nonresident, including any foreign corporation, carrying on business within this Commonwealth and operating in the business any vehicle within this Commonwealth, unless exempted from registration under the terms of a reciprocity agreement, shall be required to register each such vehicle according to the laws of this Commonwealth. *A foreign corporation having its principal place of business in this Commonwealth is regarded as a resident of this Commonwealth for the purposes of this section.*

* * *

Section 5. Section 1335 of Title 75 is amended by adding a subsection to read:

§ 1335. Registration plates for manufacturers and dealers.

* * *

(d) *Modular housing manufacturers.—For the purposes of this section, no modular housing manufacturer shall be required to be licensed by the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen of the Department of State in order to receive registration plates.*

Section 6. Section 1704 of Title 75 is repealed.

Section 7. Section 1742, section 1743, subsections (b) and (c) of section 1745, section 1746 and subsections (a) and (b) of section 1747 of Title 75 are amended to read:

§ 1742. Suspension for nonpayment of judgments.

(a) General rule.—The department, upon receipt of a certified copy of a judgment, shall suspend the operating privilege of each **[driver and registration of each owner]** *person* against whom the judgment was rendered except as otherwise provided in this section and in section 1745 (relating to installment payment of judgments).

(b) Nonsuspension with consent of judgment creditor.—If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor's operating privilege **[and registrations]** be retained or restored, the department shall not suspend or shall restore until the consent is revoked in writing, notwithstanding

default in the payment of the judgment, or of any installment thereof prescribed in section 1745, provided the judgment debtor furnishes proof of financial responsibility.

(c) Insurance in effect at time of accident.—Any person whose operating privilege **[or registrations have]** has been suspended, or **[are]** is about to be suspended or become subject to suspension, under the provisions of this chapter, shall be relieved from the effect of the judgment as prescribed in this chapter if the person files evidence satisfactory to the department that the insurance required by section 104(a) of the "Pennsylvania No-fault Motor Vehicle Insurance Act," was in force and effect at the time of the accident resulting in the judgment and is or should be available for the satisfaction of the judgment. If the required insurance is not available because the insurance company has gone into receivership or bankruptcy, the person shall only be required to present to or file with the department proper evidence that an insurance policy was in force and effect at the time of the accident.

§ 1743. Continuation of suspension until judgments paid and proof given.

A person's operating privilege **[and all registrations]** shall remain suspended and shall not be renewed **[nor shall any registration be thereafter issued]** in the name of such person unless and until every such judgment is stayed, satisfied in full or to the extent provided in this subchapter, and until the person furnishes proof of financial responsibility as required.

§ 1745. Installment payment of judgments.

* * *

(b) Suspension prohibited during compliance with order.—The department shall not suspend a driver's operating privilege **[or registrations]** and shall restore any operating privilege **[or registration]** suspended following nonpayment of a judgment when the judgment debtor obtains an order permitting payment of the judgment in installments and while the payment of any installment is not in default, provided that the judgment debtor furnishes proof of financial responsibility.

(c) Suspension for default in payment.—In the event the judgment debtor fails to pay any installment as specified by the order, then, upon notice of the default, the department shall suspend the operating privilege **[and all registrations]** of the judgment debtor until the judgment is satisfied as provided in this chapter.

§ 1746. Proof of financial responsibility after suspension or revocation.

Whenever the department suspends or revokes the operating privilege of any person **[upon receiving record of a conviction or forfeiture of bail]** pursuant to section 1532(a) or (b) (relating to revocation or suspension of operating privilege), 1542 (relating to revocation of habitual offender's license) or 1742 (relating to suspension for nonpayment of judgments), the department shall not restore the operating privilege until the person furnishes proof of financial responsibility.

§ 1747. Providing financial responsibility.

(a) General rule.—Proof of financial responsibility may be furnished by filing evidence satisfactory to the department that all motor vehicles registered in a person's name are covered by the insurance required in section 104 of the act of July 19, 1974 (P.L.489, No.176), known as the "Pennsylvania No-fault Motor Vehicle Insurance Act," or, **if the person has no motor vehicle, that the person is covered by a nonowner's policy having the same limits of liability as are required in section 104 of that act.] that a person does not own a motor vehicle.**

(b) Nonresident.—The nonresident owner of a motor vehicle not registered in this Commonwealth may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in the certificate is registered or, if the nonresident does not own a motor vehicle, then **[in the state in which the insured resides, provided the certificate otherwise conforms to the provisions of this chapter, and the] evidence satisfactory to the department that the person does not own a motor vehicle.** The department shall accept the certificate upon condition that the insurance carrier complies with the following provisions with respect to the policies so certified:

(1) The insurance carrier shall execute a power of attorney authorizing the department to accept service on its behalf or process in any action arising out of a motor vehicle accident in this Commonwealth.

(2) The insurance carrier shall agree in writing that the policies shall be deemed to conform with the laws of this Commonwealth relating to the terms of motor vehicle liability policies issued in this Commonwealth.

* * *

Section 8. Paragraph (2) of section 1902 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:

* * *

(2) The replacement of a registration card or plate, driver's license, learner's permit or certificate of title lost in the mail if the applicant files an affidavit of nonreceipt within **[45] 90** days of the date of original issuance.

* * *

Section 9. Section 1944 of Title 75 is amended to read:

§ 1944. Mobile homes, **modular housing units** and **[similar trailers] modular housing undercarriages.**

The fee for a special hauling permit for a mobile home **[or similar trailer], modular housing unit or modular housing unit undercarriage** which exceeds the maximum size prescribed in this title shall be \$20.

Section 10. Subsection (b) of section 4703 of Title 75 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:

* * *

(9) *Any military vehicle used for training by a private, nonprofit, tax exempt military educational institution when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by the institution.*

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Section 11. Section 4921(b)(2) of Title 75 is amended to read:

§ 4921. Width of vehicles.

* * *

(b) Special vehicles.

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(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:

(i) Parts of one farm owned or operated by the owner of the implement of husbandry.

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

(iii) (A) Farms; or

(B) a farm and a place of business of a mechanic or dealer in implements of husbandry;

located not more than **[50] 100 miles [apart] away** for the purpose of buying, selling, trading, loaning and leasing, demonstrating, repairing or servicing the implement of husbandry.

* * *

Section 12. Subsection (a) of section 4961 of Title 75 is amended by adding paragraphs 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 unit which exceeds the maximum size prescribed in this title.*

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

* * *

Section 13. Section 4968 of Title 75 is amended to read:

§ 4968. Permit for movement of equipment being manufactured.

An annual permit may be issued authorizing the manufacturer of boats, mobile homes, *modular housing units and undercarriages*, helicopters, railway equipment and rails or other articles or combinations

not normally used on highways to move articles which exceed the maximum height, width or length specified in Subchapter B (relating to width, height and length) while they are in the course of manufacture and while they are entirely within the control of the manufacturer and not in transit from the manufacturer to a purchaser or dealer. A permit shall not be issued for the movement of articles upon a freeway. Articles not in excess of ten feet in width may be moved up to 50 miles on a permit. Larger articles may be moved no farther than ten miles on a permit.

Section 14. This act shall take effect immediately.

APPROVED—The 7th day of March, A. D. 1982.

DICK THORNBURGH