

## No. 1984-146

## AN ACT

## SB 6

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "bus" and "motor-driven cycle"; changing requirements for certificates of title, transfers of ownership, transfers between dealers and manufacturers; further providing for junked vehicles; providing for the duration of security interests; requiring registrations and certificates of title; exempting additional vehicles from registration; authorizing permanent fleet registration; changing the designation of certain plates; providing a penalty for leaving the scene of an accident involving an unattended vehicle or property; further providing for certain emergency equipment, ice grips and tire studs and window materials; further providing for certain school buses; providing penalties for violations of regulations; and providing a limited exemption from inspection for newly purchased vehicles.

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

Section 1. The definitions of "bus" and "motor-driven cycle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes are amended 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:

\* \* \*

"Bus." A motor vehicle designed for carrying more than ten **[passengers, exclusive of] persons, including** the driver, and used for the transportation of persons and a motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. *The term does not include a vehicle owned by a natural person which is used solely for noncommercial purposes, or a vehicle used in a ridesharing arrangement, as defined in the act of December 14, 1982 (P.L.1211, No.279), entitled "An act providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements."*

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"Motor-driven cycle." A motorcycle, including a motor scooter, with a motor which produces not to exceed five brake horsepower[, and every pedalcycle with motor attached].

\* \* \*

Section 2. Sections 1103(a), 1111(b) and 1113(c) of Title 75 are amended to read:

§ 1103. Application for certificate of title.

(a) Contents of application.—Application for a certificate of title shall be made upon a form prescribed and furnished by the department and shall

contain a full description of the vehicle, the vehicle identification number, odometer reading, date of purchase, the actual or bona fide name and address of the owner, a statement of the title of applicant, together with any other information or documents the department requires to identify the vehicle and to enable the department to determine whether the owner is entitled to a certificate of title and the **[amount and]** description of any security interests in the vehicle.

\* \* \*

§ 1111. Transfer of ownership of vehicle.

\* \* \*

(b) Duty of transferee.—Except as otherwise provided in section 1113 (relating to transfer to or from manufacturer or dealer), the transferee shall, within **[five] 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, and accompanied by such forms as the department may require.

\* \* \*

§ 1113. Transfer to or from manufacturer or dealer.

\* \* \*

(c) Transfer from manufacturer or dealer.—**[The manufacturer or dealer, upon transferring his interest in the vehicle, shall, except] 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 **[shall be forwarded by the dealer or manufacturer]** to the department within **[five] ten** days of the transfer.

\* \* \*

Section 3. Section 1117(a) and (b) of Title 75 are amended to read:

§ 1117. Vehicle destroyed or junked.

(a) Application for certificate of junk.—Any owner who transfers a vehicle as scrap, or to be destroyed or junked, shall assign the certificate of title to the person to whom the vehicle is transferred. The transferee shall **[return] immediately present** the assigned certificate of title to the department **[immediately] or an authorized agent of the department** with an application for a certificate of junk upon a form furnished and prescribed by the department. An insurer, as defined in section 1702 (relating to definitions), to which title to a vehicle is assigned upon payment to the insured of the replacement value of **[the] a wrecked** vehicle, shall be regarded as a transferee under this subsection.

(b) Issuance and effect of certificate of junk.—Upon proper application for a certificate of junk, the department, *or such agents as the department*

*may designate*, shall issue to the transferee a certificate of junk which shall authorize the holder to possess, transport, or by endorsement, transfer ownership in the junked vehicle, and a certificate of title shall not again be issued for the vehicle except upon application containing the information the department requires, accompanied by any necessary documents or articles.

\* \* \*

Section 4. Section 1138 of Title 75 is amended to read:

§ 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 [~~five years~~] *15 years in the case of a mobile home or emergency vehicle and six years in all other cases* dating from the time of perfection as provided for in this subchapter.

(b) Renewal of lien.—The effectiveness of a lien recorded on the certificate of title lapses on the expiration of the periods specified in subsection (a) unless a continuation statement is filed within the six months immediately preceding expiration. The lien may be renewed for as many [~~one-year~~] *three-year* periods as may be necessary by the holder of the security interest upon a form furnished by the department, signed by the secured party and accompanied by the fee provided in this title.

(c) Corrected certificate when lien expires.—A corrected certificate of title without a statement of liens or encumbrances shall be issued by the department, upon the request of the owner, when the security interests recorded on the certificate of title have expired.

Section 5. Section 1301 of Title 75, amended March 29, 1984 (P.L.155, No.30), is amended to read:

§ 1301. [~~Driving unregistered vehicle prohibited~~] *Registration and certificate of title required.*

(a) [~~General rule.—It is a summary offense for any person to drive or for an owner knowingly to~~] *Driving unregistered vehicle prohibited.—No person shall drive or move and no owner shall knowingly permit to be driven or moved upon any highway any vehicle [of a type required to be registered under this chapter] which is not registered [or for which the appropriate fee has not been paid when and as required in this title] unless the vehicle is exempt from registration.*

(b) Proof of residency.—A person charged under this section has the burden of proving that he is a nonresident whenever he asserts a defense based on section 1303 (relating to vehicles of nonresidents exempt from registration). If he produces at the office of the issuing authority satisfactory proof that he is a nonresident *and is in compliance with section 1303* within five days after being charged with a violation of this section, the issuing authority shall dismiss the charge.

(c) *Certificate of title prerequisite to registration.—No vehicle shall be registered unless a certificate of title has been applied for or issued if one is required by Chapter 11 (relating to certificate of title and security interests).*

[(c)] (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 **[duly]** *previously* registered within 60 days of the commission of the offense whereupon the fine shall be \$25. In the case of a **[truck or truck tractor]** *motor carrier vehicle other than a trailer*, the fine shall be double the registration fee for the maximum weight at which the vehicle could have been registered in this Commonwealth.

Section 6. Sections 1302 and 1303(e) of Title 75 are amended to read:

§ 1302. Vehicles exempt from registration.

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

(1) Any vehicle used in conformance with the provisions of this chapter relating to dealers, persons registered under any of the miscellaneous motor vehicle business classes or nonresidents.

(2) Any implement of husbandry or trailer determined by the department to be used exclusively for agricultural operations and only incidentally operated upon highways. Vehicles exempt from registration under this paragraph shall be used exclusively upon a farm or farms owned or operated by the owner of the vehicle or upon highways between:

(i) Parts of one such farm.

(ii) Such farms located not more than 25 miles apart.

(iii) Such farm or farms and a place of business located within a radius of 25 miles from the farm for the purpose of buying or selling agricultural commodities or supplies or for delivery, repair or servicing of the vehicle.

(3) Any self-propelled golf cart used for the transportation of persons engaged in the game of golf while crossing any public highway during any game of golf.

(4) Any vehicle moved by special permit as provided for in sections 4965 (relating to single permits for multiple highway crossings), 4966 (relating to permit for movement of quarry equipment), and 4970(a) (relating to permit for movement of construction equipment).

(5) Any vehicle registered and displaying plates issued in a foreign country by the armed forces of the United States for a period of 45 days from the date of the return of the owner to the United States.

(6) Any vehicle owned by a resident legally required to be registered in another state based and used principally outside of this Commonwealth.

(7) Any vehicle moved solely by human or animal power.

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

(9) Any mobile home or modular housing unit.

(10) Any farm truck used exclusively upon a farm or farms owned or operated by the owner of the vehicle.

(i) Such a farm truck may be driven upon highways only from sunrise to sunset and between:

(A) Parts of one such farm.

(B) Such farms located not more than ten miles apart.

(C) Such farm or farms and a place of business located within a radius of ten miles from the farm or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of repair or servicing of the farm truck.

(ii) A biennial certificate of exemption shall be required for such a farm truck.

(11) Any trailer, including but not limited to non-self-propelled special mobile equipment, to be used primarily for off highway use and only operated incidentally upon the highway.

(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.

(13) Any oversized or overweight vehicles exclusive of load and only moved or operated under a permit issued pursuant to section 4961(a) (relating to authority to issue permits).

(14) Any vehicle used for golf course or resort maintenance 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 said golf course or resort.

*(15) Any motor vehicle being towed.*

*(16) Any trailer registered in another state towed by a motor vehicle registered in this Commonwealth provided:*

*(i) the owner has as many trailers registered in this Commonwealth as combinations so registered; or*

*(ii) the towing vehicle is being operated under a permanent lease to a person meeting the requirements of subparagraph (i).*

**[(b) Certificate of title required.—No vehicle shall be registered unless a certificate of title has been obtained, if one is required by Chapter 11 (relating to certificate of title and security interests).]**

§ 1303. Vehicles of nonresidents exempt from registration.

\* \* \*

**[(e) Trailer as part of registered combination.—Any motor vehicle registered as a combination in this Commonwealth may tow a trailer registered in another state provided:**

**(1) the owner has as many trailers registered in this Commonwealth as combinations so registered; or**

**(2) the towing vehicle is being operated under a permanent lease to a person meeting the requirements of paragraph (1).]**

Section 7. Title 75 is amended by adding a section to read:

**§ 1307.1. Permanent fleet registration.**

*The department may establish a system for issuing permanent registration cards and plates to the owner or lessee of a fleet of vehicles and may promulgate rules and regulations to implement the permanent registration system. The department may authorize permanently registered vehicles to be exempt from such requirements of this chapter as it deems necessary and may charge, in addition to any other fees due for registration of vehicles, a reasonable service fee for each fleet vehicle at the time of initial application for permanent registration.*

Section 8. Section 1335(a) of Title 75 is amended to read:  
§ 1335. Registration plates for manufacturers and dealers.

(a) General rule.—The department shall issue to dealers and manufacturers licensed by the State Board of [Motor] Vehicle Manufacturers, Dealers and [Salesmen of the Department of State] *Salespersons and other dealers governed by department regulations* special registration plates which may be displayed on vehicles operating on highways in lieu of registering each vehicle individually.

\* \* \*

Section 9. Section 3745 of Title 75 is amended to read:  
§ 3745. Accidents involving damage to unattended vehicle or property.

(a) *General rule.*—The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to the other vehicle or property shall immediately stop the vehicle at the scene of the accident or as close thereto as possible and shall then and there either locate and notify the operator or owner of the damaged vehicle or other property of his name, address, information relating to financial responsibility and the registration number of the vehicle being driven or shall attach securely in a conspicuous place in or on the damaged vehicle or other property a written notice giving his name, address, information relating to financial responsibility and the registration number of the vehicle being driven and shall without unnecessary delay notify the nearest office of a duly authorized police department. Every stop shall be made without obstructing traffic more than is necessary.

(b) *Penalty.*—*A violation of this section is a summary offense, punishable by a fine of not less than \$50 nor more than \$300 or imprisonment for not more than 90 days, or both.*

Section 10. Sections 4524, 4525(c) and (e), 4530, 4553(a) and 4703(a) and (d) of Title 75 are amended to read:

§ 4524. Windshield obstructions and wipers.

(a) Obstruction on front windshield.—No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway except an inspection certificate, sticker identification sign on a mass transit vehicle or other officially required sticker and no person shall drive any motor vehicle with any ice or snow on the front windshield which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.

(b) Obstruction on side and rear windows.—No person shall drive any motor vehicle with any sign, poster or other nontransparent material, including ice or snow, upon the side wings or side or rear windows of the vehicle which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.

(c) Other obstruction.—No person shall drive any motor vehicle with any object or material hung from the inside rearview mirror or otherwise hung, placed or attached in such a position as to materially obstruct, obscure or impair the driver's vision through the front windshield or any manner as to constitute a safety hazard.

(d) Windshield wiper systems.—The windshield on every motor vehicle other than a motorcycle or special mobile equipment shall be equipped with a wiper system capable of cleaning rain, snow or other moisture from the windshield, and so constructed as to be controlled or operated by the driver of the vehicle.

*(e) Sun screening and other materials prohibited.—*

*(1) No person shall drive any motor vehicle with any sun screening device or other material which does not permit a person to see or view the inside of the vehicle through the windshield, side wing or side window of the vehicle.*

*(2) This subsection does not apply to any vehicle which is equipped with tinted windows of the type and specification that were installed by the manufacturer of the vehicle or to any hearse, ambulance, government vehicle or any other vehicle to which a currently valid certificate of exemption is affixed as specified by regulation adopted by the department. A certificate of exemption shall be issued by the department for a vehicle which is registered in this Commonwealth on the effective date of this subsection and is equipped with a sun screening device or other material prohibited under paragraph (1) on the effective date.*

§ 4525. Tire equipment and traction surfaces.

\* \* \*

(c) Ice grips and tire studs.—Tires in which ice grips or tire studs of wear resisting material have been installed which provide resiliency upon contact with the road and which have projections not exceeding two thirty-seconds of an inch beyond the tread of the traction surface of the tire shall be permitted between November 1 of each year and April **[1] 15** of the following year. The Governor may by executive order extend the time tires with ice grips or tire studs may be used when highway conditions are such that such tires would be a safety factor in traveling Commonwealth highways. The use of tires with ice grips or tire studs contrary to the provisions of this subsection shall be unlawful.

\* \* \*

*(e) Penalty.—*

(1) Any person violating the provisions of subsection (c) shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine as indicated in paragraph (2) and, in default of payment thereof, shall undergo imprisonment for not more than 30 days.

(2) Fines for violation of subsection (c) relating to the period of use of ice grips or tire studs shall be determined from the following chart based on the period of unauthorized use:

April <b>[1] 16</b> to May 31	\$35
June 1 to June 30	45
July 1 to July 31	55
August 1 to August 31	55
September 1 to September 30	55
October 1 to October 31	55

(3) Fines for any other violation of subsection (c) shall be determined according to the chart in paragraph (2) except that fines for violations occurring between November 1 to April [1] 15 shall be \$10.

§ 4530. Portable emergency warning devices.

(a) General rule.—Every truck, *other than a truck registered as either a Class I or Class II having a gross weight of 7,000 pounds or less*, truck tractor and bus and any motor vehicle towing a trailer shall carry at least three portable emergency warning devices of a type specified by regulations promulgated by the department. The regulations shall be consistent with Motor Carrier Safety Regulations, Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, section 393.95.

(b) When display required.—Whenever any vehicle of a type referred to in subsection (a) is disabled or stopped for more than ten minutes upon a roadway or shoulder outside of an urban district, or upon any divided highway, the driver of the vehicle shall display the portable warning devices of the type required under subsection (a) in such manner as the department shall direct by regulations.

§ 4553. General requirements for other vehicles transporting school children.

(a) Buses operated by urban mass transportation systems.—

(1) Buses, other than school buses, operated by urban mass transportation systems for the exclusive transportation of school children shall comply with Federal safety standards and such other safety regulations as the Pennsylvania Public Utility Commission and the department shall provide for such buses.

(2) *Buses, other than school buses, operated by urban mass transportation systems for the exclusive or nonexclusive transportation of school children may, at the option of the urban mass transportation system, be equipped with flashing red and amber lights and may be identified by appropriate labeling as carrying school children. This equipment and identifying labels shall conform to those regulations which may be issued by the department under this paragraph. Notwithstanding any other provision of law, buses which are operated by urban mass transportation systems and which are equipped and identified in accordance with this paragraph, shall be considered school buses for purposes of section 3345(a), (b), (c), (d), (e), (f), (g) and (j) (relating to meeting or overtaking school bus). The department may issue those regulations it deems appropriate to implement this paragraph.*

\* \* \*

§ 4703. Operation of vehicle without official certificate of inspection.

(a) General rule.—

[(1)] Except as otherwise provided in this section, no motor vehicle required to bear current registration plates issued by this Commonwealth shall be driven and no trailer required to bear current registration plates issued by this Commonwealth shall be moved on a highway and no mass transit vehicle shall be operated unless the vehicle displays a currently valid certificate of inspection issued under this chapter.



**[(2) No motor carrier vehicle shall be operated on a highway unless it displays a currently valid certificate of inspection issued under this chapter or by another state.]**

**\* \* \***

**(d) Newly-purchased vehicles.—**

**[(1) Except as provided in paragraph (2), vehicles shall be inspected within ten days of] *Newly-purchased vehicles may be driven without a current inspection certificate for five days after sale or resale or [three days of] entry into this Commonwealth, whichever occurs later. [The inspection shall be coordinated with the staggered registration system regardless of the date of any previous inspection in this or any other jurisdiction.***

**(2) Vehicles subject to semiannual inspection and mass transit vehicles which display currently valid official certificates of inspection are exempt from the provisions of paragraph (1).**

**(3) A vehicle held by a dealer or manufacturer and operated with a registration plate issued under section 1335 (relating to registration plates for manufacturers and dealers) and operated or used under the provisions of section 1336(a)(4), (5) or (7) (relating to use of dealer registration plates) is exempt from the provisions of paragraph (1).]**

**\* \* \***

Section 11. Section 6502 of Title 75 is amended to read:

§ 6502. Summary offenses.

**(a) [Designation] *Violations of this title.*—**It is a summary offense for any person to violate any of the provisions of this title unless the violation is by this title or other statute of this Commonwealth declared to be a misdemeanor or felony.

**[(b) Penalty.—]**Every person convicted of a summary offense for a violation of any of the provisions of this title for which another penalty is not provided shall be sentenced to pay a fine of \$25.

**(b) *Violations of regulations.*—***It is a summary offense for a person to violate any provision of any regulation promulgated under the authority of this title. A person convicted of violating any provision of a regulation promulgated under the authority of this title shall pay the fine established in the section of this title on which the regulation is based or, if no fine is established in that section of this title, the fine shall be \$25.*

**(c) Title 18 inapplicable.—**Title 18 (relating to crimes and offenses), insofar as it relates to fines and imprisonment for convictions of summary offenses, is not applicable to this title.

Section 12. This act shall take effect in 60 days.

APPROVED—The 10th day of July, A. D. 1984.

DICK THORNBURGH