

No. 1993-58

AN ACT

HB 986

Amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing designation of and regulating outdoor advertising along a scenic byway; further providing for definitions, for correcting certificates of title, for revocation or suspension of operating privilege, for judicial review of licensing, for required financial responsibility, for leaving an unattended child in a motor vehicle, for certification of mechanics, for vehicle widths and weights, for display of unauthorized indicators, for interference with traffic-control devices or signals, for court reports on transmission of funds, for snowmobile and all-terrain vehicle registration exemptions and reciprocity, for snowmobile and all-terrain vehicle penalties and for the allocation of oil company franchise tax revenues to the Pennsylvania Turnpike Commission; regulating certain motor license fund expenditures; and making a repeal.

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

Section 1. Title 74 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 83
SCENIC HIGHWAYS

Sec.

8301. Designation of State Route 476 as scenic byway.

§ 8301. Designation of State Route 476 as scenic byway.

(a) General rule.—Because of its outstanding scenic, historic, recreational, cultural and archeological characteristics, State Route 476, commonly known as the Blue Route, is designated as a scenic byway.

(b) Effect of designation.—No outdoor advertising device, as defined in section 3 of the act of December 15, 1971 (P.L.596, No.160), known as the Outdoor Advertising Control Act of 1971, may be erected:

(1) within 660 feet of the nearest edge of the right-of-way; or

(2) more than 660 feet from the nearest edge of the right-of-way, outside of urban areas, if the sign is visible from the main-traveled way of the scenic byway and the purpose of the sign is that its message be read from the main-traveled way of the scenic byway, except:

(i) the official signs and notices which are required or authorized by law and which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131 (relating to control of outdoor advertising);

(ii) outdoor advertising devices advertising the sale or lease of the real property upon which they are located;

(iii) outdoor advertising devices advertising activities conducted on

the property on which they are located, including devices which display a message that may be changed at reasonable intervals by electronic process or remote control; and

(iv) directional signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions and other points of interest to the traveling public which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131.

Section 2. The definitions of “passenger car” and “school bus” in section 102 of Title 75, amended May 20, 1993 (P.L.30, No.10), 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:

* * *

“Passenger car.” A motor vehicle, except a motorcycle, designed for carrying no more than 15 passengers, including the driver, and primarily used for the transportation of persons. *The term includes motor vehicles which are designed with seats that may be readily removed and reinstalled, but does not include such vehicles if used or maintained primarily for the transportation of property.*

* * *

“School bus.” A motor vehicle which:

(1) is designed to carry 11 passengers or more, including the driver; and

(2) is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.

The term does not include a motor vehicle used to transport preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities, which is designed to carry 11 to 15 passengers, including the driver, and which is registered in this Commonwealth as a bus prior to March 1, 1993, or a motor vehicle which is designed to carry 11 to 15 passengers, including the driver, and which was titled to any public, private or parochial school on or before March 1, 1993, and which is registered to that public, private or parochial school in this Commonwealth as a bus prior to [July 1] *September 15*, 1993.

* * *

Section 3. Section 1115 of Title 75 is amended to read:

§ 1115. Correction of certificate of title.

(a) General rule.—When any certificate of title has been issued in error to a person not entitled to the certificate or contains incorrect information or information has been omitted from the certificate, the department shall notify

in writing the person to whom the certificate has been issued or delivered [and] *that the certificate has been recalled. Unless a departmental hearing is requested pursuant to subsection (b)*, such person shall immediately return the certificate of title within [48 hours] *ten days*, together with any other information necessary for the adjustment of [the department] *departmental* records, and, upon receipt of the certificate, the department shall cancel the certificate and issue a corrected certificate of title.

(a.1) Opportunity for hearing and appeal.—The department's notice of recall shall advise the person to whom the certificate has been issued that said person may request an informal departmental hearing within ten days of the date of said notice if said person wishes to contest the recall. If an informal departmental hearing is requested within ten days, said hearing shall be held within 15 days of said request. If, as a result of the hearing, the department determines that the recall was proper, the person to whom the certificate of title was issued or delivered shall return the certificate of title within ten days of the determination. Such person may appeal the informal departmental determination by requesting, within ten days of the date of the determination, a formal hearing as prescribed by departmental regulations (pertaining to administrative practice and procedure).

(b) Change in material information on certificate.—If any material information on the certificate of title is changed or different from the information originally set forth, the owner shall immediately inform the department and apply for a corrected certificate of title. For the purposes of this subsection, a change of address shall not be deemed material.

[(c) Seizure of certificate on conviction.—Upon summary conviction for violation of the provisions of this section, the department may delegate authority to any department employee or police officer to seize the certificate of title.]

(d) Issuance of corrected certificate after seizure or cancellation.—Upon failure of a person to return a certificate of title as required by the provisions of this section, the department may delegate authority to any department employee or police officer to seize the certificate of title. Upon failure of the department to receive, as required by this section, the certificate of title to which a person is not entitled or which contains incorrect or omitted information, the department may proceed to cancel the certificate of title issued in error and, upon receipt of sufficient evidence that the vehicle is within the possession of the proper owner or lienholder, may issue to the proper owner or lienholder a correct certificate of title.

(e) Penalty.—Any person violating this section shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$300.

Section 4. Sections 1532 and 1550 of Title 75 are amended by adding subsections to read:

§ 1532. Revocation or suspension of operating privilege.

* * *

(c) Suspension.—*The department shall suspend the operating privilege of any person upon receiving a certified record of the person's conviction of any offense involving the possession, sale, delivery, offering for sale, holding for sale or giving away of any controlled substance under the laws of the United States, this Commonwealth or any other state.*

(1) The period of suspension shall be as follows:

(i) For a first offense, a period of six months from the date of the suspension.

(ii) For a second offense, a period of one year from the date of the suspension.

(iii) For a third and any subsequent offense thereafter, a period of two years from the date of the suspension.

(2) For the purposes of this subsection, the term "conviction" shall include any conviction or adjudication of delinquency for any of the offenses listed in paragraph (1), whether in this Commonwealth or any other Federal or state court.

§ 1550. Judicial review.

* * *

(d) Out-of-State documentation.—*In any proceeding under this section, documents received by the department from the courts or administrative bodies of other states or the Federal Government shall be admissible into evidence to support the department's case. In addition, the department may treat the received documents as documents of the department and use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). In addition, if the department receives information from courts or administrative bodies of other states or the Federal Government by means of electronic transmission, it may certify that it has received the information by means of electronic transmission and that certification shall be prima facie proof of the adjudication and facts contained in such an electronic transmission.*

Section 5. Section 1786(g) and (h) of Title 75, amended December 16, 1992 (P.L.1247, No.165), are amended to read:

§ 1786. Required financial responsibility.

* * *

(g) Defenses.—

(1) No person shall be convicted of failing to produce proof of financial responsibility under this subchapter or section 3743 (relating to accidents involving damage to attended vehicle or property) or 6308 (relating to investigation by police officers) if the person produces, at the office of the issuing authority within five days of the date of the violation, proof that he possessed the required financial responsibility at the time of the violation.

(2) No person shall be penalized for maintaining a registered motor

vehicle without financial responsibility under subsection (d) if the registration plate and card were voluntarily surrendered to the department or [an] *a decentralized* agent appointed by the department to issue temporary registration cards and plates pursuant to regulations promulgated by the department at the time insurance coverage terminated or financial responsibility lapsed. The department or the *decentralized* agent, as the case may be, shall issue a receipt showing the date that the registration plate and card were received. The *decentralized* agent shall return the registration plate and card to the department accompanied by a copy of the receipt.

(h) Reinstatement of voluntarily surrendered registration plate and card.—

(1) Except as provided in paragraph (2), the original registration plate and card shall be canceled by the department and destroyed. Any person who voluntarily surrendered a registration plate and card pursuant to the provisions of subsection (g)(2) may obtain a substitute registration plate and card bearing a registration number other than that originally issued from the department or [an] *a decentralized* agent, as the case may be. Proof of financial responsibility in a form approved by the department shall be submitted.

(2) Any registration plate issued under sections 1340 (relating to antique and classic plates) and 1341 (relating to personal plate) shall be returned by the department to the owner of the motor vehicle upon receipt of proof of financial responsibility.

(3) [An] *A decentralized* agent appointed by the department to issue temporary registration cards and plates pursuant to regulations promulgated by the department shall be authorized to issue substitute temporary registration plates provided proof of financial responsibility is furnished. The fees provided pursuant to sections 1929 (relating to replacement registration plates) and 1932 (relating to duplicate registration cards) shall not be charged if the original registration plate and card were canceled pursuant to paragraph (1).

Section 6. Section 3701.1 of Title 75 is amended by adding a subsection to read:

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

* * *

(a.1) Applicability.—This section shall apply to the highways and trafficways of this Commonwealth and, for the purposes of this section only, the term “trafficways” shall include, but not be limited to, parking lots.

* * *

Section 7. Sections 4726(a) and 4921(e) and (f) of Title 75 are amended to read:

§ 4726. Certification of mechanics.

(a) General rule.—No mechanic shall conduct motor vehicle inspections or mass transit vehicle inspections at an official inspection station unless

certified as to training, qualifications and competence by the department or the department's designate according to department regulations. The regulations relating to mass transit vehicle inspections shall require that any mechanic conducting such inspections shall possess proven competence in the area of mass transit vehicle operation and maintenance. The provisions of this title or regulations adopted thereunder shall not be construed or applied in a manner which would preclude or impair the right of a person who is a resident of another state, and who is in possession of a valid driver's license issued by such state, to be certified to conduct motor vehicle inspections or mass transit vehicle inspections at an official inspection station in this Commonwealth. ***A certified official inspection mechanic performing a road test on a vehicle for the purpose of conducting a motor vehicle inspection is not required to hold a commercial driver's license if the entire road test is performed on private property, provided the mechanic holds a valid Class C driver's license and the road test area is of adequate space and size to perform a complete and proper road test as specified in department regulations.*** No official inspection station appointment shall be issued or renewed unless a certified official inspection mechanic is employed there.

* * *

§ 4921. Width of vehicles.

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(e) Mirrors [and], sunshades ***and tarpaulins.***—Mirrors [and], sunshades ***and tarpaulins*** may extend beyond the maximum width of a vehicle as follows:

(1) Mirrors may extend on each side a maximum of six inches beyond the width of the vehicle, trailer or load, whichever is greater.

(2) Sunshades may extend a maximum of six inches on each side of the vehicle.

(3) ***Tarpaulins and the mechanical components of the devices used to secure tarpaulins may extend no more than six inches on each side of a vehicle or trailer.***

* * *

(f) Exceptions.—The provisions of this subchapter governing the width of vehicles do not apply to street sweepers [and], snow removal equipment, ***truck-mounted line-painting equipment and recycling equipment used under the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.***

Section 8. Section 6125 of Title 75 is amended by adding a subsection to read:

§ 6125. Display of unauthorized signs, signals or markings.

* * *

(d) ***Tourist-oriented directional signs.—The department on State-designated highways, including intersections with local highways, may erect and maintain or provide for the erection and maintenance of tourist-oriented directional signs. Prior to the promulgation of regulations, the***

administration of the department's program for the erection and maintenance of tourist-oriented directional signs shall be pursuant to a policy consistent with Federal Highway Administration Tourist-Oriented Directional Sign guidelines.

Section 9. Sections 6126, 6323(1), 7714, 7715, 7752 and 9511(h) of Title 75 are amended to read:

§ 6126. Interference with devices, signs or signals.

(a) **General rule.**—No person shall, without lawful authority, attempt to or in fact, alter, twist, obstruct, deface, injure, knock down, remove or interfere with the effective operation of any official traffic-control device, or any railroad sign or signal, or any inscription, shield or insignia thereon or any other part thereof. *A person shall not intentionally destroy, remove, injure or deface a temporary traffic-control device erected for the purpose of enhancing traffic safety or worker safety in a construction or maintenance workzone. For purposes of this subsection, a traffic-control device includes a cone, tubular marker, delineator, warning light, drum, barricade, sign, sign truck, arrow board or other device specified in an approved traffic-control plan or by department regulations.*

(b) **Penalty.**—*A person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 for each traffic-control device that was destroyed, removed, injured or defaced and to make restitution under 18 Pa.C.S. § 1106 (relating to restitution for injuries to person or property).*

§ 6323. Reports by courts.

Subject to any inconsistent procedures and standards relating to reports and transmission of funds prescribed pursuant to Title 42 (relating to judiciary and judicial procedure):

(1) The clerk of any court of this Commonwealth, within ten days after final judgment of conviction or acquittal or other disposition of charges under any of the provisions of this title *or under section 13 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act*, including an adjudication of delinquency or the granting of a consent decree, shall send to the department a record of the judgment of conviction, acquittal or other disposition.

* * *

§ 7714. Exemptions from registration.

[(a) **General rule.**—]No certificate of registration or decal shall be required for a snowmobile or an ATV:

(1) Owned and used by the United States or another state, or a political subdivision thereof, but such snowmobile shall display the name of the owner on the cowling thereof, and such ATV shall display the name of the owner in a manner prescribed by regulation of the department.

[(2) Covered by a valid registration or license of another state, province or country.

(3)] (2) Owned and operated on lands owned by the owner or operator

of the snowmobile or ATV or on lands to which he has a contractual right other than as a member of a club or association, provided the snowmobile or ATV is not operated elsewhere within this Commonwealth.

[(b) Penalty.—Any person violating the provisions of subsection (a)(3) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 or 90 days imprisonment, or both.]

§ 7715. Reciprocity.

[The provisions of this chapter relating to certificates of registration and decals shall not apply to nonresident owners who have complied with the registration and licensing laws of the state, province, district or country of residence, provided that the snowmobile or ATV is appropriately identified in accordance with the laws of the state of residence.]

(a) General rule.—Nonresident owners of a snowmobile or an ATV covered by a valid registration of the state, province, district or country of residence are required to pay a registration fee and to display a current validation decal.

(b) Exception.—Subsection (a) does not apply to nonresident owners if the State, province, district or country of residence similarly recognizes a properly registered snowmobile or ATV of Pennsylvania resident owners.

(c) Penalty.—Any person violating this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 or to 90 days imprisonment, or both.

§ 7752. Penalties for violation of chapter.

(a) General rule.—Except as provided in [subsection (b)] subsections (b) and (c), any person violating any of the provisions of this chapter is guilty of a summary offense and shall, upon conviction:

(1) For a first offense, be sentenced to pay a fine of not less than \$25 nor more than \$100 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than ten days.

(2) For a second offense, be sentenced to pay a fine of not less than \$50 nor more than \$200 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than 30 days.

(b) Unauthorized disposition of forms.—Any person who disposes of any summons or complaint issued pursuant to this chapter in any other manner than that prescribed by law, rule or regulation is guilty of a misdemeanor of the third degree.

(c) Registration and decals.—Any person violating section 7713(a) (relating to certificates of registration and decals) by failing to obtain a certificate of registration commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 or to 90 days imprisonment, or both. Any person violating section 7713(a) by failing to properly display a registration number or the validation decal commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

§ 9511. Allocation of proceeds.

* * *

(h) Allocation to Pennsylvania Turnpike Commission.—An amount equal to 14% of the proceeds deposited in the Motor License Fund pursuant to the “oil company franchise tax for highway maintenance and construction” imposed under section 9502(a)(2), which amount is to be distributed under section 9502(a)(2)(vi) for toll roads designated under the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, is hereby appropriated monthly to the Pennsylvania Turnpike Commission. *The Commonwealth does hereby pledge to and agree with any person, firm or corporation acquiring any bonds to be issued by the Pennsylvania Turnpike Commission and secured in whole or in part by a pledge of the portion of the tax known as the “oil company franchise tax for highway maintenance and construction” which is imposed by section 9502(a)(2) and distributed in the manner indicated in that section, including 14% for toll roads designated under the Turnpike Organization, Extension and Toll Road Conversion Act, that the Commonwealth will not limit or alter the rights vested in the Pennsylvania Turnpike Commission to the appropriation and distribution of such tax revenues.*

Section 10. Of those total funds appropriated to the Department of Transportation from Motor License Fund appropriations by section 901 of the act of May 28, 1993 (P.L.589, No.1A), known as the General Appropriation Act of 1993, for the administration and operation of the highway and safety improvement and maintenance programs for State roads, bridges, tunnels and structures, at least \$3,000,000 shall be used for the installation of raised reflective markers between lanes of traffic on interstate highways and State highways at locations determined by the Department of Transportation. The \$15,000,000 earmarked for survey and upgrade of signing may be drawn from both the highway and safety improvement and the maintenance appropriations.

Section 11. Section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, is repealed.

Section 12. The provisions of 75 Pa.C.S. §§ 1532(c) and 1550(d) and the repeal of the provisions of section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, by the act shall not affect any act done, liability incurred or right accrued or vested or affect any suit or prosecution pending or be instituted to enforce any right or penalty or to punish any offense under the authority of any statute repealed by this act.

Section 13. This act shall take effect as follows:

(1) The addition of 74 Pa.C.S. Ch. 83 and the amendment of 75 Pa.C.S. §§ 1532, 1550, 3701.1, 4921(e) and (f), 6126, 6323(1), 7714, 7715 and 7752 shall take effect in 60 days.

- (2) Sections 11 and 12 of this act shall take effect in 60 days.
- (3) The remainder of this act shall take effect immediately.

APPROVED—The 2nd day of July, A.D. 1993.

MARK S. SINGEL
ACTING GOVERNOR