

No. 2001-37

AN ACT

SB 237

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for registration of vehicles, for registration violations and suspensions, for accidents involving overturned vehicles, for permits, for window obstruction and for vehicle size, weight and load; providing for nonreciprocity of operational limitations; and further providing for liquid fuels and fuels tax refunds.

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

Section 1. Section 1306 introductory paragraph and (10) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1306. Grounds for refusing registration.

The department shall refuse registration [or], renewal or transfer of registration when any of the following circumstances exists:

* * *

(10) [The registration would be issued for a vehicle that would be operated under a United States Department of Transportation operating authority if an] *An* out-of-service order has been issued for the vehicle, the owner or operator by the department or the United States Department of Transportation.

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

§ 1310.1. *Temporary registration permits.*

(a) *General rule.*—A registration permit shall be issued to the registrant concurrent with the issuance of a temporary registration card and plate.

(b) *Content of registration permit.*—Every registration permit shall contain the following information:

(1) *The term "Pennsylvania" preprinted on the permit.*

(2) *The term "temporary registration permit" preprinted on the permit.*

(3) *The sticker issued by the department which will contain the number of the temporary registration plate and the dealer identification number (DIN).*

(4) *The expiration date (month/day/year) of the temporary registration plate handprinted on the permit in permanent black marker.*

(5) *The control number preprinted on the permit.*

(c) *Location of registration permit.*—Except as otherwise provided, a registration permit shall be affixed to the extreme lower left-hand (driver side) inside corner of the rear window of a vehicle with the printed information visible from the outside. On trailers, motorcycles, mopeds, motor-driven cycles and convertibles, the registration permit shall be

carried with the vehicle at all times while the vehicle is being operated on the highway.

§ 1334.1. Seizure of registration plate.

A police officer or an employee of the department authorized to enforce the provisions of Chapter 49 (relating to size, weight and load) may seize a registration plate that appears in departmental records as suspended, revoked, canceled, stolen, inactive or issued to a vehicle other than the vehicle on which it is displayed. This provision shall not apply to a registration plate that has been legally transferred as provided for in section 1314 (relating to transfer of registration).

Section 3. Section 1943(c) and (i) of Title 75 are amended and the section is amended by adding a subsection to read:

§ 1943. Annual hauling permits.

* * *

(c) **[Equipment being manufactured] Course of manufacture.**—The annual fee for operation or movement of **[equipment being manufactured] loads or vehicles**, as provided for in section 4968 (relating to permit for movement during course of manufacture), shall be as follows:

(1) Oversized movements **[- \$100.]**:

(i) *Movements limited to daylight hours only - \$100.*

(ii) *Movements that can be conducted 24 hours per day - \$1,000.*

(2) Overweight movements:

(i) Movements not exceeding 100,000 pounds gross weight:

(A) Not more than one mile in distance - \$50.

(B) More than one mile in distance - \$400.

(ii) Movements in excess of 100,000 pounds gross weight - \$500, plus \$100 for each mile of highway authorized under the permit.

* * *

(i) **Live domestic animals.**—The annual permit fee for each truck tractor authorized to transport live domestic animals, as provided in section 4976.1 (relating to permit for movement of live domestic animals), shall be **[\$800] \$400.**

* * *

(q) **Construction equipment.**—*The annual fee for the movement of construction equipment shall be \$400.*

Section 4. Sections 3716(a) and 4524(b) of Title 75 are amended to read:

§ 3716. Accidents involving overturned vehicles.

(a) **Speeding, careless driving, etc.**—If a commercial motor vehicle overturns in an accident resulting from a violation of section 3361 (relating to driving vehicle at safe speed), 3362 (relating to maximum speed limits), 3714 (relating to careless driving) or 3731 (relating to driving under influence of alcohol or controlled substance), the operator of the vehicle shall, upon conviction of any of the aforementioned offenses, be sentenced

to pay a fine of [not less than \$500 nor more than \$1,500] \$2,000, in addition to any other penalty authorized by law.

* * *

§ 4524. Windshield obstructions and wipers.

* * *

(b) Obstruction on side and rear windows.—No person shall drive [any] a 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. *The placement of a registration permit upon the side or rear window of a vehicle shall not be considered a material obstruction.*

* * *

Section 4.1. Sections 4923, 4941(a) and (c), 4963 and 4968(a) introductory paragraph, (2) and (3) of Title 75 are amended to read:

§ 4923. Length of vehicles.

(a) [General rule] *Motor vehicles*.—

(1) Except as provided in [subsection (b)] *paragraph (2)*, no motor vehicle, including any load and bumpers, shall exceed an overall length of 40 feet.

[(b) Exceptions.—The limitations of (a) do not apply to the following:

(1) Any motor vehicle equipped with a boom or boom-like device if the vehicle does not exceed 55 feet.

(2) Any combination transporting articles which do not exceed 70 feet in length and are nondivisible as to length.

(3) Any bus of an articulated design which does not exceed 60 feet.

(4) Any motor vehicle towing a disabled motor vehicle to a location for repair or to some other place of safety.

(5) A combination other than a stinger-steered automobile or boat transporter designed and used exclusively for carrying motor vehicles if the overall length of the combination and load does not exceed 65 feet. When driven as described in section 4908 (relating to operation of certain combinations on interstate and certain other highways), the load may extend beyond the 65-foot limit of such a combination by no more than three feet in the front and no more than four feet to the rear. Saddle-mount, including those combinations not in excess of 75 feet in length as described in section 4904(d) (relating to limits on number of towed vehicles), and full-mount mechanisms shall qualify under this exception.

(6) Any combination consisting of a truck tractor and one or two trailers. The length of a single trailer shall not exceed 53 feet, provided the distance between the kingpin of the trailer and the center line of the rear axle or rear axle group does not exceed 41 feet

or, in the case of a trailer used exclusively or primarily to transport vehicles in connection with motor sports competition events, does not exceed 46 feet; and the length of each double trailer shall not exceed 28 1/2 feet.

(7) Any maxi-cube vehicle when driven as described in section 4908.

(8) Any stinger-steered automobile or boat transporter.]

(2) Paragraph (1) does not apply to the following:

(i) A motor vehicle equipped with a boom or boomlike device if the vehicle does not exceed 55 feet.

(ii) A bus which does not exceed 45 feet.

(iii) An articulated bus which does not exceed 60 feet.

(b.1) Combinations.—

(1) The length of a single trailer being towed by a truck tractor shall not exceed 53 feet provided the distance between the kingpin and the center line of the rear axle or rear axle group does not exceed 41 feet or, in the case of a trailer used exclusively or primarily to transport vehicles in connection with motor sports competition events, does not exceed 46 feet.

(2) For a double trailer, the length of each trailer being towed in combination by a truck tractor shall not exceed 28 1/2 feet.

(3) The overall length of the combination of a truck tractor with a conventional fifth wheel and an auto or boat transporter shall not exceed 65 feet, exclusive of an overhang of not more than three feet on the front and four feet on the rear of the combination.

(4) The overall length of a stinger-steered auto or boat transporter combination shall not exceed 75 feet, exclusive of an overhang of not more than three feet on the front and four feet on the rear of the combination.

(5) The overall length of a saddle-mount combination shall not exceed 75 feet.

(6) The overall length of a maxi-cube combination shall not exceed 65 feet.

(7) A combination consisting of any tow truck towing a disabled motor vehicle to a place of repairs or other place of safety.

(8) A combination transporting articles that, themselves, do not exceed 70 feet in length and are nondivisible as to length.

§ 4941. Maximum gross weight of vehicles.

(a) General rule.—No vehicle shall, when operated upon a highway, have a gross weight exceeding [73,280] 80,000 pounds, and no combination driven upon a highway shall have a gross weight exceeding 80,000 pounds, or the applicable weight as set forth in subsection (b) or (c), whichever is less.

* * *

(c) Motor vehicles.—No motor vehicle when operated upon a highway shall have a gross weight exceeding the following *specified maximum gross weight for the following described motor vehicles*:

	Maximum Gross Weight In Pounds
Two-axle motor vehicle	38,000
Three-axle motor vehicle	58,400
Four-axle motor vehicle	73,280
<i>Five-axle motor vehicle</i>	<i>73,280</i>
<i>Six-axle motor vehicle</i>	<i>77,000</i>
<i>Seven-axle motor vehicle</i>	<i>80,000</i>

§ 4963. Exemptions for vehicles used in State highway construction or maintenance.

When operating within the established construction or maintenance project limits *as specified in the highway construction plans or contract documents*, no permit shall be required for movement across, upon or along any highway of oversize or overweight vehicles of the department or a contractor or other person currently involved in the authorized construction or maintenance of the highway. Movement under this section is not authorized upon a bridge posted under section 4902 (relating to restrictions on use of highways and bridges) unless the posted bridge is currently being reconstructed or maintained.

§ 4968. Permit for movement during course of manufacture.

(a) Annual permit.—An annual permit may be issued authorizing movement on specified highways of boats, trailers, mobile homes, modular housing units and undercarriages, helicopters, hot ingots, [raw coal,] basic oxygen furnace lances, railway equipment and rails or other articles, vehicles or combinations which exceed the maximum height, width or length specified in Subchapter B (relating to width, height and length) or self-propelled cranes or combinations carrying raw milk [or], *raw coal*, flat-rolled steel coils, *steel slabs*, hot ingots, pulpwood and wood chips for paper manufacture or raw water which exceed the maximum weight specified in Subchapter C (relating to maximum weights of vehicles) while they are in the course of manufacture and under contract with or under the direct control of the manufacturer, subject to the following provisions:

* * *

(2) *Overwidth articles and vehicles*:

(i) Articles and vehicles not wider than 102 inches may be moved any distance on a permit.

(ii) *Articles and vehicles wider than 102 inches but not wider than 108 inches may be moved up to seven miles on a permit 24 hours per day, seven days a week.*

(iii) Articles and vehicles wider than 102 inches but not in excess of [ten] 12 feet in width may be moved up to 50 miles on a permit.

(iv) Wider articles and vehicles may be moved no farther than ten miles on a permit.

(3) A combination of vehicles which is hauling flat-rolled steel coils *or steel slabs* may be permitted by the department and local authorities to move upon highways within their respective jurisdiction a distance not exceeding 50 miles if the gross weight does not exceed 100,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

* * *

Section 5. Section 4970 of Title 75 is amended by adding subsections to read:

§ 4970. Permit for movement of construction equipment.

* * *

(c) *Combinations.*—A combination transporting construction equipment under a single trip permit may be driven 24 hours per day, seven days a week outside of the designated urbanized areas, subject to the following conditions:

(1) *The equipment being transported is used exclusively for highway construction.*

(2) *The maximum width of the load and vehicle does not exceed ten feet.*

(3) *The maximum gross weight of the vehicle and load does not exceed 135,000 pounds.*

(4) *The vehicle with load must be capable of operating at prevailing speeds.*

(5) *The outermost limits of the load must be marked with lights as specified by the department.*

(6) *The permitted vehicle must be followed by a pilot car in accordance with department regulations.*

(7) *Movement under this subsection is not authorized during any of the following:*

(i) *A holiday period specified in department regulations or in the permit.*

(ii) *Inclement weather as defined in department regulations.*

(d) *Construction equipment.*—An annual permit may be issued for the movement of certain types of construction equipment which exceed the maximum width specified in Subchapter B (relating to width, height and length), subject to the following conditions:

(1) *The equipment being transported is used for excavating, land clearing, paving or roadbuilding activities.*

(2) *The maximum width of the load and the vehicle does not exceed 11 feet.*

(3) *The maximum travel distance does not exceed 125 miles from the place of origin as shown on the permit.*

Section 6. Sections 4978, 4979, 4979.3(b), 4979.4 and 4981(a) and (e) of Title 75 are amended to read:

§ 4978. Permit for movement of building structural components.

A permit may be issued for the duration of a single building construction project, but not exceeding one year, authorizing the movement upon specified highways of nondivisible building structural components, such as precast concrete, roof trusses or wall panels, which exceed the maximum width, height or length specified in Subchapter B (relating to width, height and length) *or the maximum gross weight specified in Subchapter C (relating to maximum weights of vehicles)*. Combinations permitted under this section may not exceed 90 feet in length, 13 feet in width [or], 14 feet 6 inches in height *or 116,000 pounds gross vehicle weight*.

§ 4979. Permit for movement of particleboard or fiberboard used in the manufacture of ready-to-assemble furniture.

An annual permit may be issued authorizing the movement on specified highways of particleboard or fiberboard for use in the manufacture of ready-to-assemble household or office furniture which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles). Permits issued under this section shall not exceed a distance of [50] 70 miles. The weight of any vehicle permitted under this section may not exceed 107,000 pounds overall gross weight and shall have the following maximum axle weight limits for all nonsteering axles:

- Single axle 21,000 pounds
- Tandem axles 42,000 pounds
- Tridem axles 53,000 pounds
- Quad axles 63,000 pounds

No permit may be issued for this type of movement upon an interstate highway.

§ 4979.3. Permit for movement of float glass or flat glass for use in construction and other end uses.

* * *

(b) Specifications.—

(1) The weight of any vehicle permitted under this section may not exceed [99,500] 100,000 pounds overall gross weight, shall be a five axle combination - three axle truck tractor and shall have the following maximum axle weight limits for all axles:

- Steering axles [9,000] 12,000 pounds
- Truck tractor tandem axles 44,000 pounds with a maximum of 22,500 pounds on either axle in the group
- Semitrailer tandem axles [46,500] 44,000 pounds

with a maximum of
[23,750] 22,500
pounds on either
axle in the group

(2) The spacing between axle 1 and axle 2 must be a minimum of [14] 15 feet.

(3) The center-to-center distance between the last drive axle of the truck tractor [(axle 3)] and the first axle of the semitrailer [(axle 4)] must be a minimum of 31 feet 6 inches.

(4) The spacing between tandem axles must be a minimum of 4 feet 4 inches *for the truck tractor and 5 feet 2 inches for the semitrailer.*

* * *

§ 4979.4. Permit for movement of self-propelled cranes.

An annual permit may be issued authorizing the movement on specified highways of self-propelled cranes which exceed the maximum *width, height or length specified in Subchapter B (relating to width, height and length) or the maximum* vehicle gross or maximum axle weights specified in Subchapter C (relating to maximum weights of vehicles).

§ 4981. Weighing and measurement of vehicles.

(a) Authority of police officers and qualified department employees.—[Any] A police officer or qualified department employee is authorized to require the driver of [any] a vehicle or combination to stop and submit the vehicle or combination to be measured and weighed. Weighing may be done by using either portable or stationary scales, provided that when portable scales more than one inch in height are used, sufficient ramp blocks shall be made available to allow the vehicle or combination to mount the scales safely. The weighing shall be conducted by qualified personnel who have been trained in the use of weighing equipment in a training program approved by an agency of the Commonwealth. The personnel performing the weighing on all highways and interstates in this Commonwealth shall inform the drivers of the vehicle of the right to readjust or rearrange the load under section 4982(c) (relating to reducing or readjusting loads of vehicles). The driver or owner, if present, of [any] a vehicle or combination may, at the time of weighing, witness in an orderly fashion the weighing procedure. If the driver wishes to witness the procedure from outside the cab of the vehicle, he shall be required to turn off the engine, put the transmission in gear and set the emergency brake before leaving the cab. A police officer or qualified department employee may require that a vehicle or combination be driven to the nearest stationary scales if the scales are within two miles.

* * *

(e) Certification of accuracy of portable scales.—Portable scales shall be calibrated every [30] 90 days for the purpose of certification of accuracy by the Department of General Services. A certificate from the Department of General Services showing that portable scales were calibrated and found to

be accurate shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this chapter is charged.

* * *

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

§ 6154. Nonreciprocity of operational limitations.

If any other state with which the department has entered into a reciprocity agreement, including the International Registration Plan, imposes an operational limitation, burden or prohibition upon vehicles with a base jurisdiction of Pennsylvania but not upon vehicles with a base jurisdiction of the other state, the Commonwealth shall impose a like operational limitation, burden or prohibition upon the same class of vehicles that are operating in this Commonwealth but based in the other state. Operational limitations shall include the maximum weight, width, length or height of a vehicle.

Section 8. Section 9017(e.1) of Title 75 is amended to read:

§ 9017. Refunds.

* * *

(e.1) Truck refrigeration units.—

(1) **[During the transition to the use of dyed diesel fuel in truck refrigeration units, a]** A program shall be implemented to provide reimbursement for tax paid on undyed diesel fuel used in truck refrigeration units.

(2) **[During the transition, a]** A person shall be reimbursed the amount of tax paid pursuant to section 9004 on any purchase of undyed diesel fuel which is not more than **[100] 75** gallons per purchase and is delivered into a fuel tank which is designed to supply only an internal combustion engine mounted on a registered vehicle used exclusively for truck refrigeration.

(3) For the period of October 1, 1997, through September 30, 1998, claims for reimbursement of taxes paid shall be filed by March 1, 1999, with the Department of Revenue. For the period of October 1, 1998, through September 30, 1999, claims for reimbursement under this subsection shall be filed by October 31, 1999, with the department. For the period from October 1, 1999, through September 30, 2000, inclusive, claims for reimbursement under this subsection shall be filed with the department by October 31, 2000. *For the quarter beginning October 1, 2000, and each quarter thereafter, claims for reimbursement shall be filed with the department on a quarterly basis and must be filed within 60 days following the end of the quarter for which reimbursement is being claimed.*

(4) The department may require a claimant to satisfy any sales or use tax liability on the undyed diesel fuel for which the reimbursement is claimed.

(5) A claim for reimbursement must be supported by sales receipts with the word “reefer” noted on the claim and the date of purchase,

seller's name and address, number of gallons purchased, fuel type, price per gallon or total amount of sale, unit numbers and the purchaser's name. The department may specify other documentation which it will accept in lieu of sales receipts. In the case of withdrawals from claimant-owned tax-paid bulk storage, the claim must be supported by detailed records of the date of withdrawal, number of gallons, fuel type, unit number and purchase and inventory records to substantiate that the tax was paid on all bulk purchases. Notwithstanding the provisions of section 9009 (relating to retention of records by distributors and dealers), all required documentation shall be retained for a period of three years following the filing date of the claim for reimbursement under this subsection. If the claimant fails to retain documentation as required by this paragraph, the department may deny the reimbursement or issue an assessment for any refund granted plus interest under section 9007 (relating to determination and redetermination of tax, penalties and interest due).

[(6) For purposes of this subsection, the term "transition" means the period of time between October 1, 1997, through September 30, 2000.]

*** * ***

Section 9. The amendment of 75 Pa.C.S. § 9017(e.1) shall apply to reimbursements of fuel taxes paid on fuel delivered into the fuel tanks of truck refrigeration units on or after October 1, 2000. The 60-day period for the filing of claims for reimbursement for the quarter beginning October 1, 2000, and for any quarter thereafter shall be extended to 60 days following the effective date of this act in the event the effective date is after the last day of the quarter.

Section 10. This act shall take effect as follows:

- (1) The addition or amendment of 75 Pa.C.S. §§ 4923, 4979, 6154 and 9017 shall take effect immediately.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

APPROVED—The 22nd day of June, A.D. 2001.

THOMAS J. RIDGE