

No. 2002-123

AN ACT

SB 238

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for suspension of operating privileges, for driving with suspended or revoked licenses, for chemical testing to determine alcohol or controlled substance amounts, for occupational limited license, for probationary licenses, for alcohol restrictions for certain drivers and for insurance benefits; providing for automated red light enforcement systems in first class cities; further providing for meeting or overtaking school buses and for parking regulations; adding a penalty for violating provisions relating to blind pedestrians; further providing for violations by pedestrians and for driving under the influence of alcohol or a controlled substance; providing for operation of motor homes on certain highways; and further providing for length of vehicles, for moving wooden structures, for limitations on record disclosure, for vehicle impoundment, for vehicle immobilization, towing and storage, for disposition of impounded vehicles and loads and for recidivism.

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

Section 1. Section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding definitions 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:

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“Automated red light enforcement system.” A vehicle sensor installed to work in conjunction with a traffic-control signal which automatically produces one or more photographs of a vehicle at the time the vehicle is used or operated in a manner which is a violation under this title.

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“House coach.” A vehicle with an enclosed area which is designed, constructed or equipped for use, either permanently or temporarily, as a dwelling place, living abode, sleeping place or camping accommodation. A house coach includes motor homes, slide-in cabins and sleeping units specifically designed for mounting on a pickup truck and sleeping cabins designed for use on trucks and truck tractors operated for heavy-duty, long-distance hauling.

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“Recorded images.” Images recorded by an automated red light enforcement system on two or more photographs.

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Section 2. Section 1532(a) and (b)(4) of Title 75 are amended and the section is amended by adding a subsection to read:

§ 1532. Suspension of operating privilege.

(a) One-year suspension.—The department shall suspend the operating privilege of any driver for one year upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on any of the following offenses:

(1) Any felony in the commission of which a court determines that a vehicle was essentially involved.

[(2) Any violation of section 3735 (relating to homicide by vehicle while driving under influence).]

(3) Any violation of the following provisions:

[Section 3732 (relating to homicide by vehicle).]

Section 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

Section 3742 (relating to accidents involving death or personal injury).

Section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

[Section 7102(b) (relating to removal or falsification of identification number).

Section 7103(b) (relating to dealing in vehicles with removed or falsified numbers).]

Section 7111 (relating to dealing in titles and plates for stolen vehicles).

Section 7121 (relating to false application for certificate of title or registration).

Section 7122 (relating to altered, forged or counterfeit documents and plates).

(a.1) Three-year suspension.—The department shall suspend the operating privilege of any driver for three years upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on a violation of any of the following offenses:

(1) Any violation of section 3732 (relating to homicide by vehicle).

(2) Any violation of section 3735 (relating to homicide by vehicle while driving under influence).

(b) Suspension.—

(4) The department shall suspend the operating privilege of any driver for three months upon receiving a certified record of the driver's conviction of section 1371 (relating to operation following suspension of registration) *or 3718 (relating to minor prohibited from operating with any alcohol in system)* or an adjudication of delinquency based on section 1371.

Section 3. Sections 1541 heading and (a), 1543(b), 1547(c), 1553(b) and (d), 1554(d), (f)(2) and (g), 1612 and 1712(1) of Title 75 are amended to read:

§ 1541. Period of *disqualification*, revocation or suspension of operating privilege.

(a) Commencement of period.—The period of disqualification, revocation or suspension of the operating privilege or the disqualification of the commercial operating privilege shall commence as provided for in section 1540 (relating to surrender of license). No credit toward the revocation, suspension or disqualification shall be earned until the driver's license is surrendered to the department, [the] a court or [the] a district attorney, as the case may be. A nonresident licensed driver or an unlicensed [driver] *individual*, including a driver whose license has expired, shall submit an acknowledgment of suspension or revocation to the department in lieu of a driver's license, except for the suspension of the operating privilege of an unlicensed [driver] *individual* under 16 years of age, in which case the suspension shall commence automatically upon the individual's 16th birthday for the specified period if an acknowledgment is received any time prior to the individual's 16th birthday. If a licensed driver is not in possession of his driver's license, no credit toward the disqualification, revocation or suspension shall be earned until a sworn affidavit or a form prescribed by the department is surrendered to the department swearing that the driver is not in possession of his driver's license. Such credit shall be rescinded if it is later determined that the driver was untruthful in the affidavit. Credit shall also be revoked if a person surrenders a duplicate license and it is later determined that the person was still in possession of an earlier issued, unexpired license. The department may, upon request of the person whose license is suspended or disqualified, delay the commencement of the period of suspension or disqualification for a period not exceeding six months whenever the department determines that failure to grant the extension will result in hardship to the person whose license has been suspended or disqualified.

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§ 1543. Driving while operating privilege is suspended or revoked.

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(b) Certain offenses.—

(1) [Any person] A *person* who drives a motor vehicle on [any] a highway or trafficway of this Commonwealth at a time when [their] *the person's* operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) or because of a violation of section 1547(b)(1) (relating to suspension for refusal) or 3731 or *is* suspended under section 1581 (relating to Driver's License Compact) for an offense substantially similar to a violation of section 3731 shall, upon conviction, be guilty of

a summary offense and shall be sentenced to pay a fine of \$1,000 and to undergo imprisonment for a period of not less than 90 days.

(1.1) (i) A person who has an amount of alcohol by weight in his blood that is equal to or greater than .02% or is under the influence of a controlled substance as defined in section 1603 (relating to definitions) and who drives a motor vehicle on any highway or trafficway of this Commonwealth at a time when the person's operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3731 or because of a violation of section 1547(b)(1) or 3731 or is suspended under section 1581 for an offense substantially similar to a violation of section 3731 shall, upon a first conviction, be guilty of a summary offense and shall be sentenced to pay a fine of \$1,000 and to undergo imprisonment for a period of not less than 90 days.

(ii) A second violation of this paragraph shall constitute a misdemeanor of the third degree, and upon conviction thereof the person shall be sentenced to pay a fine of \$2,500 and to undergo imprisonment for not less than six months.

(iii) A third or subsequent violation of this paragraph shall constitute a misdemeanor of the first degree, and upon conviction thereof the person shall be sentenced to pay a fine of \$5,000 and to undergo imprisonment for not less than two years.

(2) This subsection shall apply to any person against whom one of these suspensions has been imposed whether the person is currently serving this suspension or whether the effective date of suspension has been deferred under any of the provisions of section 1544 (relating to additional period of revocation or suspension). This provision shall also apply until the person has had the operating privilege restored. This subsection shall also apply to any revocation imposed pursuant to section 1542 (relating to revocation of habitual offender's license) if any of the enumerated offenses was for a violation of section 3731 or for an out-of-State offense that is substantially similar to a violation of section 3731 for which a revocation is imposed under section 1581.

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§ 1547. Chemical testing to determine amount of alcohol or controlled substance.

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(c) Test results admissible in evidence.—In any summary proceeding or criminal proceeding in which the defendant is charged with a violation of section 3731 or any other violation of this title arising out of the same action, the amount of alcohol or controlled substance in the defendant's blood, as shown by chemical testing of the person's breath, blood or urine, which tests were conducted by qualified persons using approved equipment, shall be admissible in evidence.

(1) Chemical tests of breath shall be performed on devices approved by the Department of Health using procedures prescribed jointly by regulations of the Departments of Health and Transportation. Devices shall have been calibrated and tested for accuracy within a period of time and in a manner specified by regulations of the Departments of Health and Transportation. For purposes of breath testing, a qualified person means a person who has fulfilled the training requirement in the use of the equipment in a training program approved by the Departments of Health and Transportation. A certificate or log showing that a device was calibrated and tested for accuracy and that the device was accurate shall be presumptive evidence of those facts in every proceeding in which a violation of this title is charged.

(2) Chemical tests of blood or urine, *if conducted by a facility located in this Commonwealth*, shall be performed by a clinical laboratory licensed and approved by the Department of Health for this purpose using procedures and equipment prescribed by the Department of Health or by a Pennsylvania State Police criminal laboratory. For purposes of blood and urine testing, qualified person means an individual who is authorized to perform those chemical tests under the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act.

(3) *Chemical tests of blood or urine, if conducted by a facility located outside this Commonwealth, shall be performed:*

- (i) by a facility licensed by the Department of Health; or*
- (ii) by a facility licensed to conduct the tests by the state in which the facility is located and licensed pursuant to the Clinical Laboratory Improvement Amendments of 1988¹ (Public Law 100-578, 102 Stat. 2903).*

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§ 1553. Occupational limited license.

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(b) Petition.—

(1) The applicant for an occupational limited license must file a petition with the department, by certified mail, setting forth in detail the need for operating a motor vehicle. The petition shall be on a form prescribed by the department and shall identify the specific motor vehicle or vehicles the petitioner seeks permission to operate. The petition shall include an explanation as to why the operation of a motor vehicle is essential to the petitioner's occupation, work, trade or study. The petition shall identify the petitioner's employer and shall include proof of financial responsibility covering all vehicles which the petitioner requests to be allowed to operate. The department may require additional

¹"1998" in enrolled bill.

information as well as additional evidence to verify the information contained in the petition.

(2) The petitioner shall surrender his driver's license in accordance with section 1540 (relating to surrender of license). If the petitioner's driver's license has been lost or stolen, the petitioner shall submit an application for a replacement license, along with the proper fee. If the petitioner is a nonresident licensed driver, the petitioner shall submit an acknowledgment of suspension in lieu of a driver's license. If the petitioner's license has expired, the petitioner shall submit an application for renewal, along with the appropriate fee. All fines, costs and restoration fees must be paid at the time of petition.

(3) Consistent with the provisions of this section, the department shall issue an occupational limited license to the applicant within 20 days of receipt of the petition.

(4) (i) A person whose operating privilege has been suspended for a conviction of section 1543 (relating to driving while operating privilege is suspended or revoked) may not petition for an occupational limited license unless department records show that the suspension for a conviction of section 1543 occurred only as the result of:

(A) a suspension for failure to respond to a citation imposed under the authority of section 1533 (relating to suspension of operating privilege for failure to respond to citation) or 6146 (relating to enforcement agreements);

(B) a suspension for failure to undergo a special examination imposed under the authority of section 1538(a) (relating to school, examination or hearing on accumulation of points or excessive speeding); [or]

(C) a suspension for failure to attend a departmental hearing imposed under the authority of section 1538(b)[.]; or

(D) a suspension that occurred as a result of a violation of section 1772(b) (relating to suspension for nonpayment of judgments), 1774 (relating to payments sufficient to satisfy judgments) or 1775 (relating to installment payment of judgments).

(ii) The petition may not be filed until three months have been served for the suspension under section 1543(a).

* * *

(d) Unauthorized issuance.—The department shall prohibit issuance of an occupational limited license to:

(1) A driver who is not licensed to drive by this or any other state.

(2) Any person who is required by this title to take an examination and who has failed to take and pass such an examination.

(3) Any person who has an unsatisfied judgment against him as the result of a motor vehicle operation, until such judgment has been

satisfied under the provisions of section 1774 (relating to payments sufficient to satisfy judgments) or an installment agreement has been entered into to satisfy the judgment as permitted under section 1772(b) (relating to suspension for nonpayment of judgments) or 1775 (relating to installment payment of judgments) and the financial responsibility of such person has been established.

(4) Any person applying for an occupational limited license to operate a commercial motor vehicle whose commercial driver's license privilege is disqualified under the provisions of section 1611 (relating to disqualification).

(5) Any person who, at the time he applies for an occupational limited license, has previously been granted such a privilege within the period of five years next preceding such application.

(6) Any person who has been adjudicated delinquent or convicted of driving under the influence of alcohol or controlled substance unless the suspension or revocation imposed for that conviction has been fully served.

(7) Any person whose operating privilege has been suspended for refusal to submit to chemical testing to determine the amount of alcohol or controlled substance unless that suspension has been fully served.

(8) Any person who has been granted a consent decree or Accelerated Rehabilitative Disposition for driving under the influence of alcohol or controlled substance and whose license has been suspended by the department unless the suspension imposed has been fully served.

(9) Any person whose operating privilege has been suspended for a violation of 18 Pa.C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) unless the suspension imposed has been fully served.

(10) Any person whose operating privilege has been suspended pursuant to either 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, or section 1532(c) (relating to [revocation or] suspension of operating privilege) unless the suspension imposed has been fully served.

(11) Any person whose operating privilege has been suspended or revoked as the result of a conviction of or as a result of a court order in conjunction with an adjudication of delinquency or the granting of a consent decree for any offense under the following provisions, unless the suspension or revocation has been fully served:

Section 3345(a) (relating to meeting or overtaking school bus).

Section 3367 (relating to racing on highways).

Section 3733 (relating to fleeing or attempting to elude police officer).

Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3736 (relating to reckless driving).

Section 3742 (relating to accidents involving death or personal injury).

Section 3743 (relating to accidents involving damage to attended vehicle or property).

(12) Any person whose operating privilege is currently suspended for failure to respond to a citation pursuant to section 1533 or 6146.

(13) Any person whose operating privilege is currently suspended pursuant to section 1784 (relating to proof of financial responsibility following violation), 1785 (relating to proof of financial responsibility following accident) or 1786 (relating to required financial responsibility).

(14) Any person whose operating privilege is currently suspended for failure to attend and satisfactorily complete a driver improvement course or failure to attend a hearing required under section 1538.

(15) Any person whose operating privilege has been suspended for a conviction of section 1543 unless department records show that the suspension for a conviction of section 1543 occurred only as a result of:

(i) a suspension for failure to respond to a citation imposed under the authority of section 1533 or 6146;

(ii) a suspension for failure to undergo a special examination imposed under the authority of section 1538(a); or

(iii) a suspension for failure to attend a departmental hearing imposed under the authority of section 1538(b).

(16) Any person whose operating privilege has been suspended under an interjurisdictional agreement as provided for in section 6146 as the result of a conviction or adjudication if the conviction or adjudication for an equivalent offense in this Commonwealth would have prohibited the issuance of an occupational limited license.

(17) Any person whose operating privilege has been suspended as the result of a conviction of a violation of section 7102(b) (relating to removal or falsification of identification number), 7103(b) (relating to dealing in vehicles with removed or falsified numbers), 7111 (relating to dealing in titles and plates for stolen vehicles), 7121 (relating to false application for certificate of title or registration) or 7122 (relating to altered, forged or counterfeit documents and plates) unless the suspension has been fully served.

(18) Any person whose operating privilege has been suspended under section 1532 (a.1) for conviction or adjudication of delinquency based on a violation of section 3732 (relating to homicide by vehicle) or 3735 (relating to homicide by vehicle while driving under influence).

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§ 1554. Probationary license.

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(d) Initial issuance.—

(1) Prior to issuance of a probationary license, the petitioner must be interviewed at a departmental review session.

(2) The department may require the petitioner to satisfactorily complete one or more of the following:

(i) A driver improvement program, the cost of the program to be borne by the petitioner.

(ii) Any examination as provided for in section 1508 (relating to examination of applicant for driver's license).

(iii) A special examination that addresses knowledge of safe driving practices, departmental sanctions and related safety issues.

(3) The probationary license shall be issued only upon recommendation of the department.

(4) If the applicant recommended for a probationary license is not licensed to drive in this or any other state, the licensee shall not immediately be issued a probationary license. The applicant shall be permitted to apply for a Class C learner's permit under the provisions of section 1505(a) (relating to learners' permits). Thirty days after the issuance of the learner's permit, the applicant shall be eligible to test for a driver's license under the provisions of section 1508(a). If the applicant successfully passes all the required examinations, the department then may issue a probationary license to the applicant.

(f) Unauthorized issuance.—The department shall not issue a probationary license to:

(2) [A] ***Except as provided in subsection (d)(4), a person who is not licensed to drive by this or any other state.***

(g) Offenses ***or violations*** committed during a period for which a probationary license has been issued.—

(1) If a person who has been issued a probationary license is convicted of any of the offenses enumerated in section 1535 (relating to schedule of convictions and points), the probationary license shall be recalled for 30 days for each point accumulated, and the person shall surrender the probationary license to the department or its agents designated under the authority of section 1540 (relating to surrender of license).

(2) If a person who has been issued a probationary license is convicted, adjudicated delinquent or admitted to any preadjudication program for an offense for which the penalty is suspension, cancellation, disqualification or revocation of the operating privilege ***or if the department receives a report that the person has refused to submit to chemical testing as required by section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) or a report that the driver has been granted a consent decree or Accelerated***

Rehabilitative Disposition, the probationary license shall be canceled, and the person shall surrender the probationary license to the department or its agents designated under the authority of section 1540.

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§ 1612. Commercial **and school vehicle** drivers prohibited from operating with any alcohol in system.

(a) Offense defined.—Notwithstanding any other provision of this title, a person shall not drive, operate or be in physical control of **a school vehicle or** a commercial motor vehicle while having any alcohol in his system.

(b) Penalty.—A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. A person who drives, operates or is in physical control of **a school vehicle or** a commercial motor vehicle while having alcohol in his system or who refuses to take a test to determine his alcohol content as provided by section 1613 (relating to implied consent requirements for commercial motor vehicle drivers) shall be placed out of service for 24 hours.

§ 1712. Availability of benefits.

An insurer issuing or delivering liability insurance policies covering any motor vehicle of the type required to be registered under this title, except recreational vehicles not intended for highway use, motorcycles, motor-driven cycles or motorized pedalcycles or like type vehicles, registered and operated in this Commonwealth, shall make available for purchase first party benefits with respect to injury arising out of the maintenance or use of a motor vehicle as follows:

(1) Medical benefit.—Subject to the limitations of section 1797 (relating to customary charges for treatment), coverage to provide for reasonable and necessary medical treatment, **physical medicine** and rehabilitative services, including, but not limited to, hospital, dental, surgical, psychiatric, psychological, osteopathic, ambulance, chiropractic, licensed physical therapy, nursing services, vocational rehabilitation and occupational therapy, speech pathology and audiology, **physical therapy**, optometric services, medications, medical supplies and prosthetic devices, all without limitation as to time, provided that, within 18 months from the date of the accident causing injury, it is ascertainable with reasonable medical probability that further expenses may be incurred as a result of the injury. Benefits under this paragraph may include any nonmedical remedial care and treatment rendered in accordance with a recognized religious method of healing.

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Section 4. Title 75 is amended by adding a section to read:

§ 3116. **Automated red light enforcement systems in first class cities.**

(a) **General rule.**—

(1) **A city of the first class, upon passage of an ordinance, is authorized to enforce section 3112(a)(3) (relating to traffic-control**

signals) by recording violations using an automated red light enforcement system approved by the department.

(2) This section shall only be applicable at intersections in the city of the first class agreed upon by the system administrator and the Secretary of Transportation who shall consider using the automated red light enforcement system at the following intersections:

(i) U.S. Route 1 (Roosevelt Boulevard) at Grant Avenue, at Red Lion Road and at Cottman Street.

(ii) Kensington Avenue at Clearfield Street.

(iii) Richmond Street at Allegheny Avenue and at Castor Avenue.

(iv) Aramingo Avenue at York Street.

(v) Thompson Street at Lehigh Avenue.

(vi) Broad Street at Washington Avenue.

(b) *Owner liability.*—For each violation pursuant to this section, the owner of the vehicle shall be liable for the penalty imposed unless the owner is convicted of the same violation under another section of this title or has a defense under subsection (f).

(c) *Certificate as evidence.*—A certificate, or a facsimile of a certificate, based upon inspection of photographs produced by an automated red light enforcement system and sworn to or affirmed by a police officer employed by the city of the first class shall be prima facie evidence of the facts contained in it. The city must include written documentation that the automated red light enforcement system was operating correctly at the time of the alleged violation. A photograph evidencing a violation of section 3112(a)(3) shall be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation.

(d) *Penalty.*—

(1) The penalty for a violation under subsection (a) shall be a fine of \$100 unless a lesser amount is set by ordinance.

(2) A fine is not authorized for a violation of this section if any of the following apply:

(i) The intersection is being manually controlled.

(ii) The signal is in the mode described in section 3114 (relating to flashing signals).

(3) A fine is not authorized during the first 120 days of operation of the automated system. During the time period under this paragraph, a warning may be sent to the violator.

(4) A penalty imposed under this section shall not be deemed a criminal conviction and shall not be made part of the operating record under section 1535 (relating to schedule of convictions and points) of the individual upon whom the penalty is imposed, nor may the imposition of the penalty be subject to merit rating for insurance purposes.

(5) No surcharge points may be imposed in the provision of motor vehicle insurance coverage. Fines collected under this section shall not be subject to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of fines, etc.) or 3573 (relating to municipal corporation portion of fines, etc.).

(e) Limitations.—

(1) No automated red light enforcement system shall be utilized in such a manner as to take a frontal view photograph of the vehicle as evidence of having committed a violation.

(2) Notwithstanding any other provision of law, camera equipment deployed as part of an automated red light enforcement system as provided in this section must be incapable of automated or user-controlled remote intersection surveillance by means of recorded video images. Photographs collected as part of the automated red light enforcement system must be 35-millimeter film only, must only record traffic violations and may not be used for any other surveillance purposes. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(3) Notwithstanding any other provision of law, information prepared under this section and information relating to violations under this section which is kept by the city of the first class, its authorized agents or its employees, including photographs, written records, reports or facsimiles, names, addresses and the number of violations under this section, shall be for the exclusive use of the city, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties under this section and under any ordinances and resolutions of the city. The information shall not be deemed a public record under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise, nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section or any ordinance or resolution of the city. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(4) Photographic evidence obtained through the use of automated red light enforcement systems deployed as a means of promoting traffic safety in a city of the first class shall be destroyed within one year of final disposition of any recorded event. The city shall file

notice with the Department of State that the records have been destroyed in accordance with this section.

(5) Notwithstanding any other provision of law, registered vehicle owner information obtained as a result of the operation of an automated red light enforcement system under this section shall not be the property of the manufacturer or vendor of the automated red light enforcement system and may not be used for any purpose other than prescribed in this section.

(f) Defenses.—

(1) It shall be a defense to a violation under this section that the person named in the notice of the violation was not operating the vehicle at the time of the violation. The owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation. The city of the first class may not require the owner of the vehicle to disclose the identity of the operator of the vehicle at the time of the violation.

(2) If an owner receives a notice of violation pursuant to this section of a time period during which the vehicle was reported to a police department of any state or municipality as having been stolen, it shall be a defense to a violation pursuant to this section that the vehicle has been reported to a police department as stolen prior to the time the violation occurred and had not been recovered prior to that time.

(3) It shall be a defense to a violation under this section that the person receiving the notice of violation was not the owner of the vehicle at the time of the offense.

(g) Department approval.—No automated red light enforcement system may be used without the approval of the department, which shall have the authority to promulgate regulations for the certification and use of such systems.

(h) Duty of city.—If a city of the first class elects to implement this section, the following provisions shall apply:

(1) The city may not use an automated red light enforcement system unless there is posted an appropriate sign in a conspicuous place before the area in which the automated red light enforcement device is to be used notifying the public that an automated red light enforcement device is in use immediately ahead.

(2) The city shall designate or appoint the Philadelphia Parking Authority as the system administrator to supervise and coordinate the administration of notices of violation issued under this section.

(3) The system administrator shall prepare a notice of violation to the registered owner of a vehicle identified in a photograph produced by an automated red light enforcement system as evidence of a violation of section 3112(a)(3). The issuance of the notice of violation must be done by a police officer employed by the police department

with primary jurisdiction over the area where the violation occurred. The notice of violation shall have attached to it a copy of the recorded image showing the vehicle; the registration number and state of issuance of the vehicle registration; the date, time and place of the alleged violation; that the violation charged is under section 3112(a)(3); and instructions for return of the notice of violation. The text of the notice must be as follows:

This notice shall be returned personally, by mail or by an agent duly authorized in writing, within 30 days of issuance. A hearing may be obtained upon the written request of the registered owner.

(i) System administrator.—

(1) The system administrator may hire and designate personnel as necessary or contract for services to implement this section.

(2) The system administrator shall process fines under subsection (1).

(3) The system administrator shall file an annual report to the chairman and the minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives. The report shall include for the prior year:

(i) The number of violations and fines issued.

(ii) A compilation of fines paid and outstanding.

(iii) The amount of money paid to a vendor or manufacturer under this section.

(j) Notice to owner.—In the case of a violation involving a motor vehicle registered under the laws of this Commonwealth, the notice of violation must be mailed within 14 days of the violation, exclusive of Sundays and holidays, to the address of the registered owner as listed in the records of the department. In the case of motor vehicles registered in jurisdictions other than this Commonwealth, the notice of violation must be mailed within 21 days of the violation, exclusive of Sundays and holidays, to the address of the registered owner as listed in the records of the official in the jurisdiction having charge of the registration of the vehicle.

(k) Mailing of notice and records.—Notice of violation must be sent by first class mail. A manual or automatic record of mailing prepared by the system administrator in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in any judicial or administrative proceeding as to the facts contained in it.

(l) Payment of fine.—

(1) An owner to whom a notice of violation has been issued may admit responsibility for the violation and pay the fine provided in the notice.

(2) Payment must be made personally, through an authorized agent or by mailing both payment and the notice of violation to the system

administrator. Payment by mail must be made only by money order, credit card or check made payable to the system administrator. The system administrator shall remit the fine to the department for deposit into the Motor License Fund. Fines deposited in the fund under this paragraph shall be used by the department as follows:

(i) To reimburse the system administrator for costs associated with the implementation of this section. This subparagraph includes costs for operation and maintenance.

(ii) To develop, by regulation, a Transportation Enhancements Grant Program.

(3) Payment of the established fine and applicable penalties shall operate as a final disposition of the case.

(m) Hearing.—

(1) An owner to whom a notice of violation has been issued may, within 30 days of the mailing of the notice, request a hearing to contest the liability alleged in the notice. A hearing request must be made by appearing before the system administrator during regular office hours either personally or by an authorized agent or by mailing a request in writing.

(2) Upon receipt of a hearing request, the system administrator shall in a timely manner schedule the matter before a hearing officer. The hearing officer shall be designated by the city of the first class. Written notice of the date, time and place of hearing must be sent by first class mail to the owner.

(3) The hearing shall be informal; the rules of evidence shall not apply; and the decision of the hearing officer shall be final, subject to the right of the owner to appeal the decision to the traffic court.

(4) If the owner requests in writing that the decision of the hearing officer be appealed to the traffic court, the system administrator shall file the notice of violation and supporting documents with the traffic court, which shall hear and decide the matter de novo.

(n) Compensation to manufacturer or vendor.—If a city of the first class has established an automated red light enforcement system deployed as a means of promoting traffic safety and the enforcement of the traffic laws of this Commonwealth or the city, the compensation paid to the manufacturer or vendor of the automated red light enforcement system may not be based upon the number of traffic citations issued or a portion or percentage of the fine generated by the citations. The compensation paid to the manufacturer or vendor of the equipment shall be based upon the value of the equipment and the services provided or rendered in support of the automated red light enforcement system.

(o) Duration of yellow light change interval.—The duration of the yellow light change interval at intersections where automated red light enforcement systems are in use shall conform to the yellow light change

interval duration specified on the traffic signal permit issued by the department or the first class city.

(p) Revenue limitation.—*A city of the first class may not collect an amount equal to or greater than 5% of its annual budget from the collection of revenue from the issuance and payment of violations under this section.*

(q) This section shall expire December 31, 2005.

Section 5. Section 3345(j) of Title 75 is amended to read:

§ 3345. Meeting or overtaking school bus.

* * *

(j) Penalty.—**[Any person violating]** *A person who violates* subsection (a) or (f.1) **[is guilty of]** *commits* a summary offense and shall, upon conviction, be sentenced to pay a fine of **[\$100] \$250.**

Section 6. Section 3354(d), (e), (f) and (g) of Title 75 are amended and the section is amended by adding a subsection to read:

§ 3354. Additional parking regulations.

* * *

(d) [Handicapped persons] Person with a disability and disabled veterans.—

(1) When a motor vehicle bearing a **[handicapped] person with a disability** or severely disabled veteran plate or displaying a **[handicapped] person with a disability** or severely disabled veteran parking placard as prescribed in this title is being operated by or for the transportation of the **[handicapped] person with a disability** or severely disabled veteran, the driver shall be relieved of any liability for parking for a period of 60 minutes in excess of the legal parking period permitted by local authorities except where local ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours.

(2) At the request of **[any handicapped person] a person with a disability** or severely disabled veteran, local authorities may erect on the highway as close as possible to **[their] the person's or veteran's** place of residence a sign or signs indicating that that place is reserved for **[the handicapped person] a person with a disability** or severely disabled veteran, that no parking is allowed there by others, and that any unauthorized person parking there shall be subject to a fine[.] **and may be towed. The absence of a sign stating the penalty amount indicated in subsection (f) at parking spaces designated with an international symbol for access for persons with disabilities on a sign shall not preclude the enforcement of this subsection. A vehicle may only be towed under this paragraph if the parking space is posted with a sign indicating that vehicles in violation of this section may be towed.**

(3) (i) Except for persons parking vehicles lawfully bearing a **[handicapped] person with a disability** or severely disabled veteran registration plate or displaying a **[handicapped] person with a**

disability or severely disabled veteran parking placard when such vehicles are being operated by or for the transportation of a [handicapped] person *with a disability* or a severely disabled veteran, no person shall park a vehicle on public or private property reserved for a [handicapped] person *with a disability* or severely disabled veteran which property has been so posted in accordance with departmental regulations. [which] *Regulations* shall require *that parking spaces designated with an international symbol for access for persons with disabilities on a sign are posted with a sign stating the penalty amount indicated in subsection (f)[, a sign indicating] and that vehicles in violation of the subsection may be towed and require that signs be replaced when they become either obsolete or missing with all costs to replace the necessary signs to be borne by the persons responsible for signing the particular location. [Any] The absence of a sign stating the penalty amount at parking spaces designated with an international symbol for access for persons with disabilities shall not preclude the enforcement of this subsection. A vehicle which is unlawfully parked in a designated [handicapped] person with a disability parking area may be removed from that area by towing and may be reclaimed by the vehicle owner upon payment of the towing costs. A vehicle may only be towed under this paragraph if the parking space is posted with a sign indicating that vehicles in violation of this section may be towed.*

(ii) Local authorities shall have the power and may, by ordinance or resolution, authorize [handicapped persons] *a person with a disability* and severely disabled veterans to issue statements to violators or violating vehicles for violation of subparagraph (i). The form of the statement shall be as prescribed by the local authorities.

(iii) *No occupancy or driveway permit may be issued to a person whose property is reserved for a person with a disability or a severely disabled veteran if the property is not posted with a sign stating the penalty amount indicated in subsection (f).*

(e) Unauthorized use.—An operator of a vehicle bearing a [handicapped] *person with a disability* or severely disabled veteran plate or displaying a [handicapped] *person with a disability* or severely disabled veteran parking placard shall not make use of the parking privileges accorded to [handicapped persons] *a person with a disability* and severely disabled veterans under subsection (d)(3) unless the operator is [handicapped] *a person with a disability* or a severely disabled veteran or unless the vehicle is being operated for the transportation of a [handicapped] *person with a disability* or severely disabled veteran.

(e.1) *Motorcycle parking.—Notwithstanding the provisions of section 6301 (relating to prosecutions under local ordinances superseded by title) regarding parking violations, a local ordinance may not prohibit nor cite as a violation the parallel or angle occupancy by one or more motorcycles*

in any parking space on any highway otherwise available for parking for other individual vehicles, provided that the space occupied by one or more motorcycles does not exceed the space within which a single vehicle must park. In the instance of a violation applicable to any single vehicle, each motorcycle so parked shall be individually liable for any violation as if the motorcycle were the sole occupant of the parking space.

(f) Penalty.—[Any] A person violating subsection (a), (b) or (d)(1) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$15. [Any] A person violating subsection (d)(2) or (3) or (e) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$200. *If a person is convicted under subsection (d)(2) or (3) in the absence of a sign stating the penalty amount, the fine imposed may not exceed \$50.*

(g) Special penalty; disposition.—

(1) In addition to any other penalty imposed under this section, [any] a person who is convicted of violating subsection (d)(2) or (3) shall be sentenced to pay a fine of \$50.

(2) All fines collected under this subsection shall be disposed of as follows:

(i) Ninety-five percent shall be paid to the Department of Revenue, transmitted to the Treasury Department and credited to the Department of Public Welfare for use for the Attendant Care Program.

(ii) Five percent shall be paid to the municipality in which the offense occurred.

Section 7. Section 3549 of Title 75 is amended by adding a subsection to read:

§ 3549. Blind pedestrians.

* * *

(c) *Penalty.—A violation of subsection (a) constitutes a summary offense punishable by a fine of not less than \$50 nor more than \$150.*

Section 8. Section 3552 of Title 75 is amended to read:

§ 3552. Penalty for violation of subchapter.

[Any] *Except as otherwise provided for in this subchapter, any pedestrian violating any provision of this subchapter is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$5.*

Section 9. Section 3731(i) of Title 75 is amended and subsection (e) is amended by adding a paragraph to read:

§ 3731. Driving under influence of alcohol or controlled substance.

* * *

(e) Penalty.—

* * *

(9) *Convictions for driving under the influence of alcohol or controlled substance or other substantially similar offenses in another*

state shall be considered for purposes of determining whether an offense is a misdemeanor of the first degree.

* * *

(i) Driving a commercial motor vehicle *or a school vehicle* while under the influence of alcohol or controlled substance.—A person shall not drive, operate or be in physical control of the movement of any commercial vehicle *or school vehicle* while:

- (1) under the influence of alcohol;
- (2) under the influence of any controlled substance as defined in section 1603 (relating to definitions);
- (3) under the combined influence of alcohol and any controlled substance; or
- (4) the amount of alcohol by weight in the person's blood is 0.04% or more.

* * *

Section 10. Title 75 is amended by adding a section to read:

§ 4908.1. Operation of motor homes on interstate and certain other highways.

(a) General rule.—Motor homes exceeding 40 feet in length but not exceeding 45 feet in length may be driven only on the types of highways and under the limitations set forth below:

(1) On a designated network consisting of all interstate highways and portions of Federal aid primary highways having at least a 48-foot-wide roadway or two 24-foot-wide roadways and designated by the department as capable of safely accommodating motor homes.

(2) Between the designated national network and:

(i) The location where the motor home is garaged.

(ii) A facility for food, fuel, repair, service or rest having an entrance within the access limitation prescribed under Federal Highway Administration regulation of the nearest ramp or intersection, but only on highways having lanes at least ten feet wide.

(3) On highways marked with traffic route signs having travel lanes at least ten feet in width unless prohibited by the department on State highways or the municipality on local highways based on safety reasons and marked with signs prohibiting such vehicles.

(4) Between the highways authorized under paragraph (3) and:

(i) The location where the recreational vehicle is garaged.

(ii) A terminal or facility for food, fuel, repair, service or rest having an entrance within two miles of the nearest ramp or intersection, but only on highways having lanes at least ten feet wide.

(5) Approval of a highway other than as designated under paragraphs (1) through (4) shall be obtained from the:

(i) City in the case of a highway in a city.

(ii) *Department in the case of a State highway not in a city, except that the department will, upon request, delegate authority to approve routes under this subsection to a municipality which has been delegated authority to issue permits under section 420 of the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law.*

(iii) *Municipality in the case of a local highway not in a city.*

(b) *Notice.—Notice regarding approval and revocation of routes shall be in conformance with section 4908 (relating to operation of certain combinations on interstate and certain other highways).*

Section 10.1. Sections 4923(a), 4977(3) and (4), 6114(c), 6309, 6309.1, 6309.2, 6310 and 6503 of Title 75 are amended to read:

§ 4923. Length of vehicles.

(a) Motor vehicles.—

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

(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 *or motor home* which does not exceed 45 feet.

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

* * *

§ 4977. Permit for movement of wooden structures.

An annual permit may be issued for the movement on highways of certain wooden structures which exceed the maximum length, width and height specified in Subchapter B (relating to width, height and length), subject to the following conditions:

* * *

(3) The wooden structure or structures must be transported on a trailer [**designed solely for**] *of a type approved by the department to accommodate* the transportation of [such] structures [**and not used for the transportation of any other type of load**] *which do not exceed the width, length or height specified in this section.*

(4) Movement under this section is limited to roof trusses, wooden utility sheds, gazebos, garages and play equipment. *Other components that do not exceed width, length or height specified in this section may be carried in conjunction with movements under this permit.*

§ 6114. Limitation on sale, publication and disclosure of records.

* * *

(c) **Penalty.**—Any offense under this section is a summary offense punishable by a fine of [**\$100**] *not less than \$500 nor more than \$1,000.*

* * *

§ 6309. Impoundment for nonpayment of fines; vehicles or combinations with a gross vehicle weight rating of 17,001 pounds or more.

(a) **General rule.**—Upon imposition of a fine in excess of \$250 imposed pursuant to section 1301 (relating to registration and certificate of title required), 1371 (relating to operation following suspension of registration), 4107(b) (relating to unlawful activities) or Chapter 49 (relating to size, weight and load), the defendant shall be allowed 24 hours either to obtain the funds and pay the fine and costs of prosecution or to make arrangements with the issuing authority to pay in installments as provided by the Pennsylvania Rules of Criminal Procedure, during which time the defendant's vehicle or combination shall be rendered temporarily inoperable by such police officer, sheriff or constable as the issuing authority shall designate. If the defendant neither makes payment nor makes arrangements for payment within the 24-hour period or defaults on such payment, the issuing authority may issue an impoundment order and direct enforcement of the order by a police officer, constable or an impoundment official as authorized by the issuing authority. *In cities of the first class, the issuing authority shall direct enforcement of the impoundment order by the Philadelphia Parking Authority.*

(b) **Storage.**—Upon impoundment, the issuing authority shall forthwith notify the appropriate law enforcement officer of the county in which the violation occurred, who shall store the impounded vehicle or combination. In cities of the first class, notification shall be made to the [appropriate law enforcement officer] *Philadelphia Parking Authority, which shall store the impounded vehicle or combination.*

(c) **Notice of impoundment.**—The appropriate law enforcement officer shall give immediate notice by the most expeditious means and by certified mail, return receipt requested, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and the owner of the load and any lienholders if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation. In cities of the first class, [notice shall be given in the same manner by the issuing authority.] *the Philadelphia Parking Authority shall give immediate notice by the most expeditious means and by first class mail, proof of service, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and the owner of the load and any lienholders if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation.*

(d) **[Cost] Costs.**—The [police officer's, constable's and appropriate law enforcement officer's costs,] *costs of the police officer, constable, impoundment official, appropriate law enforcement officer or the Philadelphia Parking Authority,* reasonable storage costs and all other reasonable costs incident to seizure and impounding under subsections (a) and (b) shall be recoverable in addition to costs of prosecution.

(e) **Recovery of impounded vehicle.**—

(1) The owner of any vehicle or combination which has been impounded under this section may obtain possession of the vehicle or combination by:

(i) furnishing proof of valid registration and financial responsibility; and

(ii) paying all fines and costs associated with the impoundment of the vehicle or making arrangements with the appropriate judicial authority to make payments of all fines and costs by installments as provided by the Pennsylvania Rules of Criminal Procedure.

(2) Any vehicle or combination not recovered under this subsection may be sold as an unclaimed vehicle, combination or load under section 6310 (relating to disposition of impounded vehicles, combinations and loads) or the applicable local ordinance.

(f) Definition.—As used in this section, the term “costs” shall include reasonable fees.

§ 6309.1. Impoundment for nonpayment of fines; vehicles or combinations with a gross vehicle weight rating of 17,000 pounds or less.

(a) Applicability.—

(1) This section shall be mandatory in cities of the first class.

(2) This section shall be applicable in municipalities other than counties, and other than cities of the first class, within which the governing body has adopted an ordinance electing to be subject to the provisions of this section.

(b) General rule.—Upon conviction of or entry of a plea of guilty or nolo contendere for one or more of the following offenses and upon imposition of a fine or fines which, separately or together with any other outstanding or unpaid fines imposed for the following offenses, total in excess of \$250, the defendant shall be allowed 24 hours either to obtain the funds and pay the fine or fines and costs of prosecution or to make arrangements with the issuing authority to pay in installments as provided by the Pennsylvania Rules of Criminal Procedure, during which time the defendant’s vehicle or combination may be rendered temporarily inoperable by such police officer, sheriff or constable as the issuing authority shall designate:

Section 1301 (relating to registration and certificate of title required).

Section 1332 (relating to display of registration plate).

Section 1371 (relating to operation following suspension of registration).

Section 1501 (relating to drivers required to be licensed).

Section 1543 (relating to driving while operating privilege is suspended or revoked).

Section 1786 (relating to required financial responsibility).

Section 7124 (relating to fraudulent use or removal of registration plate).

If the defendant neither makes payment nor makes arrangements for payment within the 24-hour period or defaults upon such payment, the

issuing authority may issue an impoundment order for the defendant's vehicle and direct enforcement of the order by a police officer, constable or an impoundment official as authorized by the issuing authority. *In cities of the first class, the issuing authority shall direct enforcement of the impoundment order by the Philadelphia Parking Authority.*

(c) Storage.—Upon impoundment, the issuing authority shall forthwith notify the appropriate law enforcement officer of the county in which the violation occurred, who shall store the impounded vehicle or combination. In cities of the first class, such notification shall be made to the [appropriate law enforcement officer] *Philadelphia Parking Authority, which shall store the impounded vehicle or combination.*

(d) Notice of impoundment.—The appropriate law enforcement officer shall give immediate notice by the most expeditious means and by certified mail, return receipt requested, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and any lienholder and, if applicable, [the] *any* owner of the load, if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation. In cities of the first class, [such notice shall be given in the same manner by the issuing authority.] *the Philadelphia Parking Authority shall give immediate notice by the most expeditious means and by first class mail, proof of service, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and any lienholder and, if applicable, the owner of the load, if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation.*

(e) [Cost] *Costs.*—The [police officer's, constable's and sheriff's costs,] *costs of the police officer, constable, impoundment official, appropriate law enforcement officer or Philadelphia Parking Authority,* reasonable storage costs and all other reasonable costs incident to seizure and impounding under subsections (b) and (c) shall be recoverable in addition to costs of prosecution.

(f) *Recovery of impounded vehicle.*—

(1) *The owner of any vehicle or combination which has been impounded under this section may obtain possession of the vehicle or combination by:*

(i) *furnishing proof of valid registration and financial responsibility; and*

(ii) *paying all fines and costs associated with the impoundment of the vehicle or making arrangements with the appropriate judicial authority to make payments of all fines and costs by installments as provided by the Pennsylvania Rules of Criminal Procedure.*

(2) *Any vehicle or combination not recovered under this subsection may be sold as an unclaimed vehicle, combination or load under section 6310 (relating to disposition of impounded vehicles, combinations and loads) or the applicable local ordinance.*

(g) Definition.—As used in this section, the term “costs” shall include reasonable fees.

§ 6309.2. Immobilization, towing and storage of vehicle for driving without operating privileges or registration.

(a) General rule.—Subject to subsection (d), the following shall apply:

(1) If a person operates a motor vehicle or combination on a highway or trafficway of this Commonwealth while the person’s operating privilege is suspended, revoked, canceled, recalled or disqualified or where the person is unlicensed, as verified by an appropriate law enforcement officer in cooperation with the department, the law enforcement officer shall immobilize the vehicle, and the appropriate judicial authority shall be so notified.

(2) If a motor vehicle or combination for which there is no valid registration or for which the registration is suspended for failing to maintain financial responsibility, as verified by an appropriate law enforcement officer, is operated on a highway or trafficway of this Commonwealth, the motor vehicle or combination shall be immobilized by the law enforcement authority, and the appropriate judicial authority shall be so notified.

(b) Procedure upon immobilization.—

(1) When a vehicle is immobilized pursuant to subsection (a)(1), the operator of the vehicle may appear before the appropriate judicial authority within 24 hours from the time the vehicle was immobilized. The *appropriate* judicial authority may issue a certificate of release upon:

- (i) the furnishing of proof of registration and financial responsibility by the owner of the vehicle; and
- (ii) receipt of evidence that the operator of the vehicle has complied with the pertinent provisions of Title 42 (relating to judiciary and judicial procedure) and this title.

(2) When a vehicle is immobilized pursuant to subsection (a)(2), the owner of the vehicle may appear before the appropriate judicial authority within 24 hours from the time the vehicle was immobilized. The appropriate judicial authority may issue a certificate of release upon:

- (i) the furnishing of proof of registration and financial responsibility by the owner of the vehicle; and
- (ii) receipt of evidence that the operator of the vehicle has complied with the pertinent provisions of Title 42 and this title.

(3) If a certification of release is not obtained within 24 hours from the time the vehicle was immobilized, the vehicle shall be towed and stored by the appropriate [impounding] *towing and storage* agent under subsection (c).

(c) Procedure upon towing and storage.—

(1) Except as provided in paragraph (2), the following steps shall be taken:

(i) The appropriate judicial authority shall notify the appropriate law enforcement officer of the county in which the violation occurred.

(ii) The officer notified under subparagraph (i) shall notify the appropriate **[impounding] towing and storage** agent to tow and store the vehicle or combination and provide notice by the most expeditious means and by first class mail, proof of service, of the towing, storage and location of the vehicle or combination to **[any owner whose name and address is known or can be ascertained by investigation, or any lienholder whose name and address is known or can be ascertained by investigation and to the owner of a load being carried.] the owner of the vehicle or combination and any lienholder and, if applicable, the owner of the load, if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation.**

(2) In a city of the first class, the following steps shall be taken:

(i) The appropriate judicial authority shall notify the appropriate towing **and storage** agent.

(ii) The **[agent notified under subparagraph (i)] appropriate towing and storage agent** shall tow and store the vehicle or combination and provide notice by the most expeditious means and by first class mail, proof of service, of the towing, storage and location of the vehicle or combination to **[any owner whose name and address is known or can be ascertained by investigation or any lienholder whose name and address is known or can be ascertained by investigation and to the owner of a load being carried.] the owner of the vehicle or combination and any lienholder and, if applicable, the owner of the load, if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation.**

(d) Recovery of towed and stored vehicle.—

(1) The owner of any vehicle or combination which has been towed and stored under this section may obtain possession of the vehicle or combination by **[doing all of the following]:**

(i) **[Furnish] furnishing** proof of valid registration and financial responsibility[.]; **and**

(ii) **[Pay] paying** all fines[, together with costs as provided by local ordinance,] **and costs** associated with the towing and storage of the vehicle or **[make] making** arrangements with the appropriate judicial authority to make payments of all fines and costs by installments as provided by the Pennsylvania Rules of Criminal Procedure.

(2) Any vehicle not recovered under this subsection may be sold as **an** unclaimed vehicle, **combination** or load under section 6310 (relating to disposition of impounded vehicles, **combinations** and loads) or the applicable local ordinance. The proceeds of the sale shall be applied to

the payment of the fines and costs associated with the towing and storage of the vehicle.

(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Appropriate judicial authority.” In counties of the first class, the Philadelphia Traffic Court. In all other counties, the district justice in whose district the violation occurred.

“Appropriate towing and storage agent.” In counties of the first class, the Philadelphia [Traffic Court or any agency appointed by the traffic court] *Parking Authority or its authorized agent*. In other municipalities, a towing and storage agent designated by local ordinance.

“Costs.” *The term shall include reasonable fees.*

§ 6310. Disposition of impounded vehicles, *combinations* and loads.

(a) Rights of owner of load.—The title to the load on an impounded vehicle or combination remains in the owner who may repossess the load at any time upon presentation of proof of ownership to the sheriff. If the load spoils during impoundment, the loss shall be on the owner subject to any right of recovery of damages that the owner may have against the owner of the vehicle or combination or against any other party, and the costs of disposition of the load shall be recoverable in addition to the costs of prosecution.

(b) Sale of unclaimed vehicle or load.—In case any impounded vehicle or combination is unredeemed, or the load is unclaimed, for a period of 60 days after notice of impoundment is given, it shall be sold at a public sale by the sheriff upon order of the issuing authority and after ten days' notice of sale to the owners, lienholders or secured parties of the vehicle or load except that, if the sheriff determines it to be necessary to preserve their value, goods which may spoil may be sold in any commercially reasonable manner prior to expiration of the 60-day period and, if impractical to do so, without giving notice to the owners, lienholders or secured parties.

(c) Disposition of proceeds of sale.—The proceeds of sale shall first be applied to the payment of [the fine] *all fines* and costs and, secondly, to the payment of the encumbrances. The balance, *if any*, shall be remitted to the owner.

(d) *Sale of unclaimed vehicle or load in cities of the first class.—In case any impounded vehicle or combination is unredeemed, or the load is unclaimed, for a period of 15 days after notice of impoundment is given, it shall be sold at a public sale by the Philadelphia Parking Authority upon order of the issuing authority and after ten days' notice of the sale to the owners, lienholders or secured parties of the vehicle or load except that, if the Philadelphia Parking Authority determines it to be necessary to preserve their value, goods which may spoil may be sold in any commercially reasonable manner prior to expiration of the 15-day period and, if impractical to do so, without giving notice to the owners, lienholders or secured parties.*

(e) Disposition of proceeds of sale in cities of the first class.—The proceeds of sale shall first be applied to the payment of all fines and costs and secondly to the payment of the encumbrances. The balance, if any, shall be remitted to the owner.

(f) Definition.—As used in this section, the term “costs” shall include reasonable fees.

§ 6503. Subsequent convictions of certain offenses.

(a) General offenses.—Every person convicted of a second or subsequent violation of any of the following provisions shall be sentenced to pay a fine of not less than \$200 nor more than \$1,000 or to imprisonment for not more than six months, or both:

Section 1543(a) (relating to driving while operating privilege is suspended or revoked) *except as set forth in subsection (a.1).*

Section 3367 (relating to racing on highways).

Section 3733 (relating to fleeing or attempting to elude police officer).

Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3748 (relating to false reports).

(a.1) Certain repeat offenses.—A person convicted of a sixth or subsequent offense under section 1543(a) shall be sentenced to pay a fine of not less than \$1,000 and to imprisonment for not less than 30 days but not more than six months.

(b) Driving without a license.—Every person convicted of a second or subsequent violation of section 1501(a) (relating to drivers required to be licensed) within seven years of the date of commission of the offense preceding the offense for which sentence is to be imposed shall be sentenced to pay a fine of not less than \$200 nor more than \$1,000 or to imprisonment for not more than six months, or both.

Section 11. Drivers whose operating privileges were suspended or revoked prior to the effective date of this section may petition the Department of Transportation to remove from the record the suspensions which had previously been imposed for violations of 75 Pa.C.S. §§ 7102(b) and 7103(b). Upon receipt of the petition, the department shall examine the driving record of the petitioner and shall remove from the record suspensions or revocations caused by convictions of violations of 75 Pa.C.S. § 7102(b) or 7103(b). If there are other offenses on the record, if the driver is entitled to credit, credit shall be given for the other offenses for the periods of times where the driver's operating privileges were suspended or revoked for violations of 75 Pa.C.S. §§ 7102(b) and 7103(b). If the driver was properly serving the suspension, then the driver is entitled to credit. If, after recalculating the record, the driver is eligible for restoration of privileges, the department shall so inform the driver and permit the driver's operating privileges to be restored so long as the driver meets all the other requirements for restoration.

Section 12. The provisions of 75 Pa.C.S. § 3116 are severable. If any provision of section 3116 or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application.

Section 13. The amendment of 75 Pa.C.S. § 3345(j) shall apply to offenses committed on or after the effective date of this section.

Section 14. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

- (i) The amendment of 75 Pa.C.S. § 1532(a)(3) relating to sections 7102(b) and 7103(b).
- (ii) The amendment of 75 Pa.C.S. § 6309.
- (iii) The amendment of 75 Pa.C.S. § 6309.1.
- (iv) The amendment of 75 Pa.C.S. § 6309.2.
- (v) The amendment of 75 Pa.C.S. § 6310.
- (vi) Section 11 of this act.
- (vii) Section 13 of this act.
- (viii) This section.

(2) Except as provided in paragraph (1)(i), the amendment or addition of 75 Pa.C.S. § 1532(a)(3), (a.1) and (b)(4) shall take effect in six months.

(3) The remainder of this act shall take effect in 60 days.

APPROVED—The 4th day of October, A.D. 2002.

MARK S. SCHWEIKER