

No. 2004-8

AN ACT

SB 279

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for display of registration plate; providing for a special motorcycle registration plate for veterans; further providing for automated red light enforcement systems in first class cities, for enumeration of police powers and for certain surcharges; and prescribing a penalty.

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

Section 1. Section 1332(b) of Title 75 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 1332. Display of registration plate.

* * *

(b) Obscuring plate.—It is unlawful to display on any vehicle a registration plate which:

(1) is so dirty as to prevent the reading of the number or letters thereon at a reasonable distance [or];

(2) *is obscured in any manner which inhibits the proper operation of an automated red light enforcement system in place pursuant to section 3116 (relating to automated red light enforcement system in first class cities); or*

(3) is otherwise illegible at a reasonable distance or is obscured in any manner.

(c) *Penalty for obscured plate.—Any person who violates subsection (b)(2) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.*

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

§ 1361. *Special motorcycle plates for veterans.*

Upon application of any person who is an honorably discharged veteran of the armed forces of the United States, or a reserve component of the armed forces as defined in 51 Pa.C.S. § 7301 (relating to definitions), accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is a veteran. The special registration plate may be used only on a motorcycle.

Section 3. Section 3116(l)(2) and (q) of Title 75 are amended to read:

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

* * *

(l) Payment of fine.—

* * *

(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, *less the system administrator's operation and maintenance costs necessitated by this section*, 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.] to develop, by regulation, a Transportation Enhancements Grant Program.**

* * *

(q) Expiration.—This section shall expire December 31, [2006] 2007.

Section 4. Section 6109(a)(1) and (f) of Title 75 are amended and the section is amended by adding a subsection to read:

§ 6109. Specific powers of department and local authorities.

(a) Enumeration of police powers.—The provisions of this title shall not be deemed to prevent the department on State-designated highways and local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers. The following are presumed to be reasonable exercises of police power:

(1) **[Regulating] Except as limited by subsection (g), regulating or prohibiting stopping, standing or parking.**

* * *

(f) Delegation of powers authorized.—**[Nothing] Except as set forth in subsection (g), nothing** contained in this section shall be deemed to prevent local authorities by ordinance or resolution of the local governing body from delegating their powers under subsection (a)(1) or (22) to a parking authority established pursuant to [the act of June 5, 1947 (P.L.458, No.208), known as the "Parking Authority Law."] *53 Pa.C.S. Ch. 55 (relating to parking authorities).*

(g) **Delegation of powers in cities of the first class.—**

(1) **Notwithstanding any contrary provision of 53 Pa.C.S. Ch. 55 or this title, the parking authority of a city of the first class shall enforce and administer all ordinances and resolutions enacted or adopted by the city of the first class pursuant to the powers specified under subsection (a)(1).**

(2) **Beginning in 2004, upon the conclusion of each of its fiscal years the parking authority shall transfer the maximum portion of the fines, penalties and costs collected pursuant to this subsection that its board deems available for such purposes to the General Fund of a**

school district of the first class coterminous with the parent municipality.

(3) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph:

“Administer.” To provide any services or materials necessary to enforce any ordinance or resolution enacted in order to regulate or prohibit the stopping, standing or parking of motor vehicles in a city of the first class, including, but not limited to:

(i) The installation and maintenance of all equipment, including parking meters, on and along highways, streets and roadways.

(ii) The installation and maintenance of all signage, including signage for handicapped parking, residential permit parking and loading areas, on and along highways, streets and roadways.

(iii) The operation and management of any handicapped parking, residential parking and loading area permit programs.

(iv) The adjudication of all disputed parking violation notices or citations issued through enforcement by the parking authority in a city of the first class or the police department with jurisdiction over the city of the first class.

“Enforce.” The issuance of parking violation notices or citations, the immobilization, towing and impoundment of motor vehicles and the collection of fines, penalties and costs for violations of any ordinance or resolution enacted in order to regulate or prohibit the stopping, standing or parking of motor vehicles in a city of the first class.

Section 5. Section 6506(b) of Title 75 is amended and subsection (a) is amended by adding a paragraph to read:

§ 6506. Surcharge.

(a) Levy and imposition.—In addition to any fines, fees or penalties levied or imposed as provided by law, under this title or any other statute, a surcharge shall be levied for disposition in accordance with subsection (b) as follows:

* * *

(8) Upon conviction, in a city of the first class, of any violation of this title, a surcharge of \$10.

* * *

(b) Disposition.—

(1) Notwithstanding the provisions of 42 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines, etc.) and 3573 (relating to municipal corporation portion of fines, etc.)[, all]:

(i) All surcharges levied and collected under subsection (a)(1) through (7) by any division of the unified judicial system existing under section 1 of Article V of the Constitution of Pennsylvania and 42 Pa.C.S. § 301 (relating to unified judicial system) shall be remitted to the Commonwealth for deposit in the Catastrophic Loss Benefits

Continuation Fund for the purpose of funding catastrophic loss benefits in accordance with section 1798.2 (relating to transition).

(ii) All surcharges levied and collected under subsection (a)(8) by such division of the unified judicial system shall be remitted to the appropriate towing and storage agent as set forth in section 6309.2(e) (relating to immobilization, towing and storage of vehicle for driving without operating privileges or registration) for purposes of funding its costs associated with Subchapter A of Chapter 63 (relating to general provisions).

(iii) If the surcharge is being paid in installments, the surcharge shall be remitted on each installment.

(2) The surcharges levied and collected under subsection (a) shall not be deposited for the credit or use of, or otherwise allocated, directed or paid to, counties or municipalities under the provisions of 42 Pa.C.S. Ch. 35 Subch. E (relating to fines, etc.), or any other statute, the Crime Victim's Compensation Board under section 477.15(b) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the Commission on Crime and Delinquency for victim-witness services grants under section 477.15(c) of The Administrative Code of 1929, rape crisis centers, the Emergency Medical Services Operating Fund, domestic violence shelters, the Judicial Computer System Augmentation Account established under 42 Pa.C.S. Ch. 37 Subch. C (relating to judicial computer system) or under any other statute.

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Section 6. This act shall take effect in 60 days.

APPROVED—The 9th day of February, A.D. 2004.

EDWARD G. RENDELL