

No. 81

AN ACT

HB 1817

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to vehicles and pedestrians.

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

Section 1. Title 75, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended by adding parts to read:

TITLE 75
VEHICLES

Part

- I. Preliminary Provisions
- II. Title, Registration and Licensing
- III. Operation of Vehicles
- IV. Vehicle Characteristics
- V. Administration and Enforcement
- VI. Miscellaneous Provisions

PART I
PRELIMINARY PROVISIONS

Chapter

- I. General Provisions

CHAPTER 1
GENERAL PROVISIONS

Sec.

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§ 101. Short title of title.

This title shall be known and may be cited as the "Vehicle Code."

§ 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:

"Abandoned vehicle."

- (1) A vehicle (other than a pedalcycle):

- (i) that is inoperable and is left unattended on public property for more than 48 hours;
- (ii) that has remained illegally on public property for a period of more than 48 hours;
- (iii) without a valid registration plate or certificate of inspection or title left unattended on or along a highway; or
- (iv) that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

- (2) Vehicles and equipment used or to be used in construction or in the operation or maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

“Alley.” A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

“Antique motor vehicle.” A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications.

“Authorized vehicle.” A vehicle or type of vehicle, other than an emergency vehicle, for which special operating or equipment privileges are given by law or regulation of the department based on design and utility for work within a highway.

“Bus.” A motor vehicle designed for carrying more than ten passengers, exclusive of the driver, and used for the transportation of persons and a motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

“Business district.” The territory contiguous to and including a highway when within any 600 feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

“Classic motor vehicle.” A self-propelled vehicle, but not a reproduction thereof, manufactured more than ten years prior to the current year and, because of discontinued production and limited availability, determined by the department to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance.

“Combination.” Two or more vehicles physically interconnected in tandem.

“Crosswalk.”

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and, in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

“Dealer.” A person engaged in the business of buying, selling or exchanging vehicles.

“Department.” The Department of Transportation of the Commonwealth.

“Divided highway.” A highway divided into two or more roadways and so constructed as to impede vehicular traffic between the roadways by providing an intervening space, physical barrier or clearly indicated dividing section.

“Driveaway-towaway operation.” Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, constitutes the commodity being transported, when one set or more of wheels of the vehicle are on the highway during the course of transportation, whether or not the vehicle furnished the motive power.

“Driver.” A person who drives or is in actual physical control of a vehicle.

“Driver’s license.” A license or permit to drive a motor vehicle issued under this title.

“Emergency vehicle.” A fire department vehicle, police vehicle, ambulance, blood-delivery vehicle, armed forces emergency vehicle, one private vehicle of a fire or police chief or assistant chief or ambulance corps commander or assistant commander or of a river rescue commander used for answering emergency calls or other vehicle designated by the State Police under section 6106 (relating to designation of emergency vehicles by Pennsylvania State Police).

“Engineering and traffic study.” An orderly examination or analysis of physical features and traffic conditions conducted in accordance with regulations of the department and conforming to generally accepted engineering standards and practices for the purpose of ascertaining the need or lack of need for a particular action by the department or local authorities.

“Essential parts.” All integral and body parts of a vehicle of a type required to be registered under this title, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

“Established place of business.” The place actually occupied either continuously or at regular periods by a dealer, manufacturer or other vehicle-related business where the books and records are kept and a large share of the business is transacted.

“Exhibit.” Surrender of a document into the temporary possession of a person for the purpose of examining the document.

“Farm truck.” A truck determined by the department to be used exclusively for agricultural purposes.

“Fleet owner.” A person, Federal, State or local government agency or authority owning or leasing 15 or more vehicles who or which provides servicing and repair of the vehicles.

“Foreign vehicle.” A vehicle of a type required to be registered under this title brought into this Commonwealth from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this Commonwealth.

“Freeway.” A limited access highway to which the only means of ingress and egress is by interchange ramps.

“Full trailer.” A trailer so constructed that no part of its weight rests upon the towing vehicle. A semitrailer attached to a towing vehicle by means of an auxiliary front axle or dolly shall be deemed to be a full trailer.

“Gross combination weight rating (GCWR).” The value specified by the manufacturer as the loaded weight of a combination.

“Gross vehicle weight rating (GVWR).” The value specified on the Federal weight certification label by the manufacturer as the loaded weight of a single vehicle.

“Gross weight.” The combined weight of a vehicle or combination of vehicles and its load and driver.

“Highway.” The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historical park.

“House trailer.”

(1) A trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways.

(2) A trailer containing a chassis and exterior shell designed and constructed for use as a house trailer, as defined in paragraph (1), but which is used permanently or temporarily for advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property.

“Implement of husbandry.” A vehicle designed or adapted and determined by the department to be used exclusively for agricultural operations and only incidentally operated or moved upon highways.

“Intersection.”

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.

“Issuing authority.” A public official having the power and authority of a justice of the peace, magistrate or district justice.

“Laned roadway.” A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

“Learner’s permit.” A permit issued for the purpose of learning to operate a motor vehicle.

“Lienholder.” A person holding a security interest in a vehicle.

“Limited access highway.” A highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access except at points and in the manner determined by the authority having jurisdiction over the highway.

“Local authorities.” County, municipal and other local boards or bodies having authority to enact laws relating to traffic.

“Manufacturer.” A person engaged in the business of constructing or assembling vehicles or motors or bodies of vehicles.

“Manufacturer’s shipping weight.” The weight of a vehicle including all installed options as delivered for retail sale by the final stage manufacturer and as indicated on the manufacturer’s certificate of origin.

“Messenger service.” A person who, for a fee, advertises, offers or provides to the public the service of obtaining from the department vehicle titles, registrations, drivers’ licenses and similar documents. A dealer who obtains documents only for purchasers of vehicles from the dealer is not a messenger service.

“Mobile home.” A trailer designed and used exclusively for living quarters or commercial purposes which exceeds the maximum size limitations prescribed by this title for operation on a highway and is only incidentally operated on a highway, including a unit transported on a removable or nonremovable frame designed so as to be assembled together with another unit or units into a structure which is used exclusively for living quarters, commonly known as a “modular unit.”

“Motor home.” A motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck-camper.

“Motor vehicle.” A vehicle which is self-propelled except one which is propelled solely by human power or by electric power obtained from overhead trolley wires, but not operated upon rails.

“Motorcycle.” A motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

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

“Motorized pedalcycle.” A motor-driven cycle equipped with operable pedals, a motor rated no more than 1.5 brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission, and a maximum design speed of no more than 25 miles per hour.

“Nondivisible.” Incapable of being divided into parts or dismembered without substantially damaging its usefulness or value.

“Nonresident.” A person who is not a resident of this Commonwealth.

“Number.” When used in the context of identification means a series of numerals or letters or both, with or without a prefix or suffix.

“Official traffic-control devices.” Signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

“Operating privilege.” The privilege to apply for and obtain a license to use as well as the privilege to use a vehicle on a highway as authorized in this title, but not a contract, property right or civil right.

“Overtime parking.” The continuous parking of a vehicle for a period of time exceeding the maximum period established by law.

“Owner.” A person, other than a lienholder, having the property right in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

“Park” or “parking.”

(1) When permitted, means the temporary storing of a vehicle, whether occupied or not, off the roadway.

(2) When prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

“Passenger car.” A motor vehicle, except a motorcycle, designed for carrying ten passengers or less, and primarily used for the transportation of persons.

“Pedalcycle.” A vehicle propelled solely by human-powered pedals.

“Pedestrian.” A natural person afoot.

“Pennsylvania Turnpike.” The highway system owned and operated by the Pennsylvania Turnpike Commission.

“Person.” A natural person, firm, copartnership, association or corporation.

“Police officer.” A natural person authorized by law to make arrests for violations of law.

“Private road or driveway.” A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

“Proof of insurance.” A card issued by an insurance carrier in compliance with regulations of the Insurance Commissioner evidencing that the vehicle is covered by the insurance required in section 104(a) of the act of July 19, 1974 (P.L.489, No.176), known as the “Pennsylvania No-fault Motor Vehicle Insurance Act” and regulations issued thereunder, or a card evidencing that the vehicle is self-insured in compliance with that act and regulations.

“Railroad grade crossing.” One or more railroad tracks, but not streetcar tracks, which intersect or cross a highway at the same level or grade.

“Railroad sign or signal.” A sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

"Recall." To withdraw by formal action of the department for an indefinite period the operating privilege of a person for reasons of incompetency.

"Reconstructed vehicle." A vehicle materially altered from its original construction by the removal, addition or substitution of essential parts, new or used, or a vehicle, other than an antique or classic vehicle, for which a certificate of junk was issued and is thereafter restored to operating condition.

"Recreational trailer." A trailer designed or adapted and used exclusively for recreational purposes.

"Registered gross weight." The maximum gross weight at which a vehicle or combination is registered in this Commonwealth to operate upon a highway.

"Registration." The authority for a vehicle to operate on a highway as evidenced by the issuance of an identifying card and plate or plates.

"Residence district." The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

"Resident." A person dwelling permanently or continuously for a period exceeding 30 consecutive days within this Commonwealth, except that a person who regularly dwells in two or more states shall declare residence to be in any one of the states.

"Revoke." To terminate by formal action of the department any license, registration or privilege issued or granted by the department. Following a period of revocation, the license, registration or privilege may not be restored except upon submission and acceptance of a new application.

"Right-of-way." The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger or collision unless one grants precedence to the other.

"Roadway." That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by pedalcycles. In the event a highway includes two or more separate roadways the term "roadway" refers to each roadway separately but not to all such roadways collectively.

"Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians.

"Salvor." A person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, junking, selling, rebuilding or exchanging the vehicles or parts thereof.

"School bus." A motor vehicle which complies with the color and lighting identification requirements of section 4552 (relating to general requirements for school buses).

“Scrap metal processor.” A person whose principal business is the operation of an establishment having facilities for processing iron, steel or nonferrous scrap metals, and whose principal product is scrap iron, scrap steel or nonferrous scrap for resale for remelting purposes only.

“Secretary.” The Secretary of Transportation of the Commonwealth.

“Security interest.” An interest in a vehicle reserved or created by agreement which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is perfected when it is valid against third parties generally, subject only to specific statutory exceptions.

“Semitrailer.” A trailer so constructed that some part of its weight rests upon or is carried by the towing vehicle.

“Shall.” Indicates that an action is required or prohibited.

“Should.” Indicates that an action is advisable but not required.

“Sidewalk.” That portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

“Special mobile equipment.” Vehicles not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus; earth moving and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, finishing machines, road rollers, scarifiers, earth moving carryalls, scrapers, power shovels and drag lines; and self-propelled cranes and tractors, other than truck tractors. The term does not include house trailers; dump trucks; truck-mounted transit mixers, cranes or shovels; or other vehicles designed for the transportation of persons or property to which machinery has been attached.

“Specially constructed vehicle.” A vehicle not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles.

“Stand” or “standing.” When prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

“State.” A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.

“State designated highway.” A highway or bridge on the system of highways and bridges over which the department has assumed or has been legislatively given jurisdiction.

“Stop” or “stopping.”

(1) When required, means complete cessation from movement.

(2) When prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

“Streetcar.” A car other than a railroad train for transporting persons or property and operated upon rails.

“Suspend.” To withdraw temporarily by formal action of the department any license, registration or privilege issued or granted by the department. Following a period of suspension, the department shall restore the license, registration or privilege.

“Taxi.” A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, on a call and demand service, and used for the transportation of persons for compensation.

“Through highway.” A highway or portion of a highway on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on the through highway in obedience to a stop sign, yield sign or other official traffic-control device when the signs or devices are erected as provided in this title.

“Tire width.” The linear distance between the exteriors of the sidewalls of an uninflated tire, excluding elevations due to labeling, decoration or protective sidebands.

“Traffic.” Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, whether singly or together, using any highway for purposes of travel.

“Traffic-control signal.” A device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

“Trafficway.” The entire width between property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.

“Trailer.” A vehicle designed to be towed by a motor vehicle.

“Truck.” A motor vehicle designed, used or maintained primarily for the transportation of property.

“Truck-camper.” A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

“Truck tractor.” A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

“Urban district.” The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

“Urban mass transportation system.” A person holding a certificate of the Public Utility Commission or a municipality authority, port authority or transportation authority established under the laws of this Commonwealth that transports persons on schedule over fixed routes and derives over 80% of their intrastate scheduled revenue from scheduled operations within the county in which they have their principal place of business, or contiguous counties.

“Valueless except for junk.” A vehicle which is inoperable or unable to meet the vehicle equipment and inspection standards under Part IV (relating to vehicle characteristics) to the extent that the cost of repairs would exceed the value of the repaired vehicle. The term does not include a vehicle which would qualify as an antique or classic vehicle except for its lack of restoration or maintenance.

“Vehicle.” Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

“Vehicle identification number.” A combination of numerals or letters or both which the manufacturer assigns to a vehicle for identification purposes, or, in the absence of a manufacturer-assigned number, which the department assigns to a vehicle for identification purposes.

“Wrecker.” A motor vehicle designed or constructed and used for the towing of abandoned or disabled vehicles.

§ 103. Uniformity of interpretation.

This title shall be so interpreted and construed as to effectuate its general purpose to make uniform the law throughout this Commonwealth and all political subdivisions.

§ 104. Continuation of existing law.

The provisions of this title, so far as they are the same as those of existing law, are intended as a continuation of such laws and not as new enactments.

PART II TITLE, REGISTRATION AND LICENSING

Chapter

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CHAPTER 11 CERTIFICATE OF TITLE AND SECURITY INTERESTS

Subchapter

- A. Certificate of Title
- B. Security Interests

SUBCHAPTER A CERTIFICATE OF TITLE

Sec.

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- 1119. Application for certificate of title by agent.
- § 1101. Certificate of title required.

(a) General rule.—Except as provided in section 1102 (relating to vehicles not requiring certificate of title), every owner of a vehicle which is in this Commonwealth and for which no certificate of title has been issued by the department shall make application to the department for a certificate of title of the vehicle.

(b) Registration without certificate prohibited.—The department shall not register or renew the registration of a vehicle unless a certificate of title has been issued by the department to the owner or an application for a certificate of title has been delivered by the owner to the department.

(c) Penalty.—Failure to obtain a certificate of title as required by law is a summary offense.

§ 1102. Vehicles not requiring certificate of title.

No certificate of title shall be issued for:

- (1) A vehicle owned by the United States unless it is registered in this Commonwealth.
- (2) A golf cart, motor-driven cycle, go-cart or other similar vehicle unless it is registered in this Commonwealth.
- (3) A new vehicle owned by a manufacturer or registered dealer before and until sale.
- (4) A vehicle owned by a nonresident of this Commonwealth and not required by law to be registered in this Commonwealth.
- (5) A vehicle owned by a resident legally required to be registered in another state, based and used principally outside of this Commonwealth, and not required by law to be registered in this Commonwealth.
- (6) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state.
- (7) A vehicle moved solely by human or animal power.
- (8) An implement of husbandry unless required to be registered.
- (9) Special mobile equipment unless required to be registered.
- (10) A mobile home.

§ 1103. Application for certificate of title.

(a) Contents of application.—Application for a certificate of title shall be made upon a form prescribed and furnished by the department and shall contain a full description of the vehicle, the vehicle identification number, date of purchase, the actual or bona fide name and address of the owner, a statement of the title of applicant, together with any other information or documents the department requires to identify the vehicle and to enable the department to determine whether the owner is entitled to a certificate of title and the amount and description of any security interests in the vehicle.

(b) Signing and filing of application.—Application for a certificate of title shall be made within ten days of the sale or transfer of a vehicle or its entry into this Commonwealth from another jurisdiction, whichever is later. The application shall be accompanied by the fee prescribed in this title, and any tax payable by the applicant under the laws of this Commonwealth in connection with the acquisition or use of a vehicle or evidence to show that the tax has been collected. The application shall be signed and verified by oath or affirmation by the applicant if a natural person; in the case of an association or partnership, by a member or a partner; and in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application.

(c) Manufacturer's Statement of Origin for new vehicles.—If the application refers to a new vehicle, it shall be accompanied by the Manufacturer's Statement of Origin for the vehicle.

(d) Vehicles purchased from dealers.—If the application refers to a vehicle purchased from a dealer, the dealer shall mail or deliver the application to the department within ten days of the date of purchase. The application shall contain the names and addresses of any lienholders in order of priority, the amounts and the dates of the security agreements, and be assigned by the dealer to the owner and signed by the owner. Any dealer violating this subsection is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 for each violation. The requirement that the dealer mail or deliver the application to the department does not apply to vehicles purchased by fleet owners or governmental or quasi-governmental agencies.

(e) Out-of-state vehicles.—If the application refers to a vehicle last previously titled or registered in another state or country, the following information shall be contained in or accompany the application or be forwarded in support of the application as required by the department:

(1) Any certificate of title issued by the other state or country.

(2) A tracing of the vehicle identification number taken from the official number plate or, where it is impossible to secure a legible tracing, the verification of a person authorized by the department that the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application.

(3) Any other information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in the vehicle.

(f) Foreign vehicles owned by military personnel.—If the application refers to a vehicle last previously registered in another country by a person on active duty in the armed forces of the United States, the department may accept a complete form issued by the United States Department of Defense as evidence of ownership.

(g) Specially constructed or reconstructed vehicles.—If the vehicle to be titled is a specially constructed or reconstructed vehicle, that fact shall be stated in the application. The department may promulgate rules and regulations pertaining to the titling of specially constructed or reconstructed vehicles.

§ 1104. Examination of records upon receipt of application.

The department, upon receiving an application for a certificate of title, shall check the vehicle identification number shown in the application against the records of vehicles required to be maintained under section 1105 (relating to issuance of certificate of title) and against the record of stolen vehicles required to be maintained under section 7114 (relating to records of stolen vehicles). If the record indicates that the vehicle is stolen, the application and accompanying documents may be retained by the department pending investigation.

§ 1105. Issuance of certificate of title.

(a) General rule.—The department shall file each application received and, when satisfied as to the genuineness and regularity of the application and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title for the vehicle. The department shall use reasonable diligence in ascertaining whether or not the facts stated in the application are true.

(b) Maintenance of records.—The department shall maintain a record of all certificates of title issued by the department as follows:

- (1) Under a distinctive title number assigned to the vehicle.
- (2) Under the vehicle identification number.
- (3) Alphabetically, under the name of the owner.
- (4) In the discretion of the department, by any other method determined by the department.

§ 1106. Content and effect of certificate of title.

(a) Vehicle identification and encumbrances.—A certificate of title shall contain such description and other evidence of identification of the vehicle for which it is issued as the department may deem necessary, together with a statement of any liens or encumbrances including the names and addresses of the holder or holders of the liens or encumbrances.

(b) Indication of special prior use.—No person shall assign a certificate of title to any vehicle having seating capacity for nine or less occupants which has been used as a taxicab, for the carrying of passengers for hire or as a police car, unless the certificate clearly contains notice that the vehicle has been so used. Indication of such use shall be deemed part of the description of the vehicle. Any person violating this subsection is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

(c) Certificate as evidence and notice.—A certificate of title issued by the department is prima facie evidence of the facts appearing on the certificate. The certificate shall be adequate notice to the Commonwealth, creditors, subsequent lienholders and purchasers that a lien against the vehicle exists.

§ 1107. Delivery of certificate of title.

The certificate of title shall be mailed to the first lienholder or encumbrancer named in the certificate or, if there is no lienholder or encumbrancer, the title shall be mailed or delivered to the owner in accordance with the department regulations.

§ 1108. Registration without certificate of title.

If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in the vehicle, the department may register the vehicle but shall withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the ownership by the applicant of the vehicle and that there are no undisclosed security interests in the vehicle.

§ 1109. Refusing issuance of certificate of title.

The department may refuse issuance of a certificate of title when it has reasonable grounds to believe:

- (1) That any required fee has not been paid.
- (2) That any taxes payable under the laws of this Commonwealth on or in connection with, or resulting from, the acquisition or use of the vehicle have not been paid.
- (3) That the applicant is not the owner of the vehicle.
- (4) That the application contains a false or fraudulent statement.
- (5) That the applicant has failed to furnish required information or documents or any additional information the department reasonably requires.

§ 1110. Duplicate certificate of title to replace original.

(a) Application for duplicate.—In the event of a lost, destroyed, defaced, stolen or illegible certificate of title, application for a duplicate may be made by furnishing information satisfactory to the department upon a form prescribed and furnished by the department. The form shall be signed by the first lienholder or, if none, the owner or legal representative of the owner, verified by oath or affirmation of the applicant, accompanied by the fee provided in this title.

(b) Status of original and duplicate.—If the original certificate of title is found after the duplicate is issued, the original title shall be returned to the department with an explanation. Only the duplicate title is valid once issued. Subsequent transfer of ownership can be made only on the duplicate.

§ 1111. Transfer of ownership of vehicle.

(a) Duty of transferor.—In the event of the sale or transfer of the ownership of a vehicle within this Commonwealth, the owner shall execute an assignment and warranty of title to the transferee in the space provided

on the certificate or as the department prescribes, sworn to before a notary public or other officer empowered to administer oaths, and deliver the certificate to the transferee at the time of the delivery of the vehicle.

(b) Duty of transferee.—Except as otherwise provided in section 1113 (relating to transfer to or from manufacturer or dealer), the transferee shall, within five days of the assignment or reassignment of the certificate of title, apply for a new title by presenting to the department the properly completed certificate of title, sworn to before a notary public or other officer empowered to administer oaths, and accompanied by such forms as the department may require.

(c) Penalty.—Any person violating subsection (a) shall be guilty of a summary offense and shall, upon conviction, be sentenced:

(1) For a first offense, to pay a fine of \$100.

(2) For a subsequent offense, to pay a fine of not less than \$300 nor more than \$1,000.

§ 1112. Disclosure of odometer reading and tampering with odometer.

(a) Statement by transferor of odometer reading.—Each transferor of a motor vehicle shall furnish to the transferee at the time of transfer a written statement disclosing the odometer reading of the vehicle at the time of transfer and the date of the transfer. The statement shall be signed by the transferor on such form as the department may prescribe.

(b) Statement when actual mileage unknown.—If the transferor knows that the odometer reading differs from the number of miles the vehicle has actually traveled, and that the difference is greater than that caused by odometer calibration error, the transferor shall include a statement that the actual vehicle mileage is unknown.

(c) Tampering with odometer.—Except for purposes of repair or replacement, it is unlawful for any person to disconnect, turn back, tamper with or reset an odometer of any motor vehicle.

(d) Exceptions.—The transferor of the following types of motor vehicles need not disclose the odometer reading of the vehicle:

(1) A motor vehicle having a registered gross weight of more than 17,000 pounds.

(2) A motor vehicle 25 years or older.

(3) A motor vehicle transferred between dealers prior to first retail sale.

(e) Penalties.—Any person violating subsection (a) or (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. Any person violating subsection (c) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300.

§ 1113. Transfer to or from manufacturer or dealer.

(a) Transfer to manufacturer or dealer.—When the purchaser or transferee of a vehicle is a manufacturer or registered dealer who holds the vehicle for resale, a certificate of title need not be applied for as provided for in section 1111 (relating to transfer of ownership of vehicle) but the transferee shall, within seven days from the date of assignment of the

certificate of title to the manufacturer or dealer, forward to the department, upon a form prescribed and furnished by the department, notification of the acquisition of the vehicle. Notification as authorized in this section may not be used in excess of three consecutive transactions after which time an application shall be made for a certificate of title.

(b) Execution and display of notice of transfer.—The manufacturer or dealer making notification as to any vehicle acquired pursuant to subsection (a) shall execute at least three copies, the original of which shall be forwarded to the department, one copy to accompany the vehicle on any subsequent transfer and one copy to be retained by the manufacturer or dealer for at least one year after a subsequent transfer, to be exhibited, with the assigned certificate of title, upon request of any police officer or authorized department employee.

(c) Transfer from manufacturer or dealer.—The manufacturer or dealer, upon transferring his interest in the vehicle, shall, except as otherwise provided in this section when the transferee is another manufacturer or dealer, execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes. The transferee shall complete the application for certificate of title in the name of the transferee. The certificate of title and any other required forms shall be forwarded by the dealer or manufacturer to the department within five days of the transfer.

(d) Exception for repossessed vehicles.—This section does not apply to a vehicle repossessed upon default of performance of a lease, contract of conditional sale or similar agreement.

(e) Penalty.—Any manufacturer or dealer violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 for each violation.

§ 1114. Transfer of vehicle by operation of law.

(a) General rule.—If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as otherwise provided, promptly mail or deliver to the department the last certificate of title, if available, and shall apply for a new certificate of title on a form prescribed and furnished by the department. The application shall be accompanied by such instruments or documents of authority, or certified copies thereof, as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.

(b) Transfer to surviving spouse.—Transfer of a certificate of title to a surviving spouse, or any person designated by the spouse, may be made without the necessity of filing for letters of administration notwithstanding the fact that there are minor children surviving the decedent provided the surviving spouse files an affidavit that all the debts of the decedent have been paid.

(c) Surrender of certificate.—A person holding a certificate of title whose interest in a vehicle has been extinguished or transferred other than by voluntary transfer shall immediately surrender the certificate of title to

the person to whom the right to possession of the vehicle has passed. Upon request of the department, such person shall mail or deliver the certificate to the department. Delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate.

§ 1115. Correction of certificate of title.

(a) General rule.—When any certificate of title has been issued in error to a person not entitled to the certificate or contains incorrect information or information has been omitted from the certificate, the department shall notify in writing the person to whom the certificate has been issued or delivered and such person shall immediately return the certificate of title within 48 hours, together with any other information necessary for the adjustment of the department records, and, upon receipt of the certificate, the department shall cancel the certificate and issue a corrected certificate of title.

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

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

§ 1116. Issuance of new certificate following transfer.

(a) Voluntary transfer.—The department, upon receipt of a properly assigned certificate of title with an application for a new certificate of title, the required fee and any other required documents and articles, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in the certificate or, if none, to the owner.

(b) Involuntary transfer.—The department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, on a form prescribed and furnished by the department together with proper proof satisfactory to the department of the transfer, the required fee and any other required documents and articles, shall issue a new certificate of title in the name of the transferee as owner.

(c) Filing and retention of surrendered certificate.—The department shall file and retain for five years every surrendered certificate of title, or a copy, in such a manner as to permit the tracing of title of the vehicle.

§ 1117. Vehicle destroyed or junked.

(a) Application for certificate of junk.—Any owner who transfers a vehicle as scrap, or to be destroyed or junked, shall assign the certificate of title to the person to whom the vehicle is transferred. The transferee shall return the assigned certificate of title to the department immediately with an application for a certificate of junk upon a form furnished and prescribed by the department. An insurer, as defined in the act of July 19,

1974 (P.L.489, No.176), known as the "Pennsylvania No-fault Motor Vehicle Insurance Act," to which title to a vehicle is assigned upon payment to the insured of the replacement value of the vehicle, shall be regarded as a transferee under this subsection.

(b) Issuance and effect of certificate of junk.—Upon proper application for a certificate of junk, the department shall issue to the transferee a certificate of junk which shall authorize the holder to possess, transport, or by endorsement, transfer ownership in the junked vehicle, and a certificate of title shall not again be issued for the vehicle except upon application containing the information the department requires, accompanied by any necessary documents or articles.

(c) Vehicles with defective or lost title.—Any person on whose property is located a vehicle which is valueless except for junk and which has a faulty, lost or destroyed title may transfer the vehicle to a salvor or to a salvage program operated by a political subdivision for removal to a suitable place of storage or for scrapping, provided the salvor or salvage program complies with the requirements of section 7309 (relating to junking of vehicles valueless except for junk), except that the report to the department that the vehicle is valueless except for junk shall be verified by the transferor of the vehicle instead of the police department. The transferee shall return the assigned certificate of title to the department immediately with an application for certificate of junk upon a form furnished and prescribed by the department.

(d) Reconstructed vehicle.—If a vehicle, other than an antique or classic vehicle, for which a certificate of junk has been issued is thereafter restored to operating condition, it shall be regarded as a reconstructed vehicle.

(e) Transfer to scrap metal processor.—When a scrap metal processor obtains a destroyed or junked vehicle from a licensed salvor, it shall be the duty of the salvor to obtain a certificate of junk therefor. When a scrap metal processor purchases a destroyed or junked vehicle from a person other than a salvor, it shall be the duty of the scrap metal processor to obtain the certificate of junk.

(f) Penalty.—Any person violating the provisions of subsections (a) or (e) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200 for each violation.

§ 1118. Suspension and cancellation of certificate of title.

(a) Return of new vehicle.—The department may cancel the certificate of title issued for a new vehicle when it is shown by satisfactory evidence that the vehicle has been returned within the time specified in the department regulations to the manufacturer or dealer from whom obtained.

(b) Vehicles sold to nonresidents or junked.—The department may cancel certificates of title for vehicles sold to residents of other states or foreign countries when the vehicle is to be registered in the other jurisdiction, or for abandoned or destroyed vehicles authorized to be junked as provided in this subchapter.

(c) Surrender of Pennsylvania certificate in other jurisdiction.—The department, upon receipt of notification from another state or foreign country that a certificate of title issued by the department has been surrendered by the owner in conformity with the laws of the other state or foreign country, may cancel the certificate of title.

(d) Surrender of foreign certificate to department.—When an owner surrenders a certificate of title from another state or foreign country to the department, the department may notify the state or foreign country in order that the certificate of title may be cancelled or otherwise disposed of in accordance with the law of the other jurisdiction.

(e) Conviction for misstatement of facts.—The department, upon receipt of certification from the clerk of any court showing conviction for a misstatement of facts on any application for an original or duplicate certificate of title or any transfer of a certificate of title, shall suspend the certificate of title and require that the certificate be returned immediately to the department, whereupon the department may cancel the certificate.

(f) Nonpayment of fee.—The department may suspend a certificate of title when a check received in payment of the fee is not paid on demand or when the fee for the certificate is unpaid and owing.

(g) Security interest unaffected by suspension or cancellation.—Suspension or cancellation of a certificate of title does not, in itself, affect the validity of a security interest noted on the certificate.

(h) Surrender of certificate.—The department may request the return of certificates of title which have been suspended or cancelled. The owner or person in possession of the certification of title shall immediately mail or deliver the certificate to the department.

§ 1119. Application for certificate of title by agent.

(a) Authorization to make application.—No person shall make application for a certificate of title when acting for another person unless authorization to make the application is in effect and is verified by oath or affirmation of the other person, made, excepting as between lessors and fleet owners as lessees, not more than 15 days before the application is received by the department. Lessors may authorize fleet owners to make application for certificates of title for leased vehicles for periods of up to one year.

(b) Certificate not to be assigned in blank.—No person shall make application for, or assign or physically possess, a certificate of title, or direct or allow another person in his employ or control to make application for, or assign or physically possess, a certificate of title, unless the name of the transferee is placed on the assignment of certificate of title simultaneously with the name of the transferor and duly notarized.

(c) Persons authorized to hold certificate.—No person shall receive, obtain or hold a certificate of title recorded in the name of another person for the other person who is not in the regular employ of, or not a member of the family of, the other person, unless the person receiving, obtaining or holding the certificate of title has a valid undischarged lien recorded in the department against the vehicle represented by the certificate of title.

(d) **Penalty.**—Any person violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

SUBCHAPTER B SECURITY INTERESTS

Sec.

- 1131. Applicability of subchapter.
- 1132. Perfection of security interest.
- 1133. Creation of security interest for titled vehicle.
- 1134. Assignment by lienholder of security interest.
- 1135. Satisfaction of security interest.
- 1136. Duty of lienholder to disclose pertinent information.
- 1137. Subchapter exclusive for perfecting security interest.
- 1138. Duration of lien recorded on certificate of title.

§ 1131. Applicability of subchapter.

This subchapter does not apply to or affect:

- (1) A lien given by statute or rule of law to a supplier of services or materials for the vehicle.
- (2) A lien given by statute to the United States, the Commonwealth or any political subdivision.
- (3) A security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale.
- (4) Any vehicle for which a certificate of title is not required under this chapter.

§ 1132. Perfection of security interest.

(a) **Validity of unperfected interest.**—Unless perfected as provided in this subchapter or excepted by section 1131 (relating to applicability of subchapter), a security interest in a vehicle of a type for which a certificate of title is required is not valid against any person as to whose rights an unperfected security interest is subordinate under the provisions of the Pennsylvania Uniform Commercial Code.

(b) **Method of perfection.**—A security interest is perfected by notation thereof by the department on the certificate of title for the vehicle. In order to obtain such notation the lienholder shall deliver to the department the existing certificate of title, if any; an application for a certificate of title upon a form prescribed by the department containing the name and address of the lienholder; and any other information regarding the security interest as may be reasonably required and the required fee.

(c) **Prior security interest in vehicle from another jurisdiction.**—If a vehicle is subject to a security interest when brought into this Commonwealth, the validity of the security interest is determined by the law of the jurisdiction where the vehicle was located when the security interest attached subject to the following:

- (1) If the parties understood at the time the security interest attached that the vehicle would be kept in this Commonwealth and it was brought

into this Commonwealth within 30 days thereafter for purposes other than transportation through this Commonwealth, the validity of the security interest in this Commonwealth is determined by the law of this Commonwealth.

(2) If the security interest was perfected under the law of the jurisdiction where the vehicle was located when the security interest attached, the following rules apply:

(i) If the name of the lienholder is shown on an existing certificate of title issued by the jurisdiction, the security interest continues perfected in this Commonwealth.

(ii) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this Commonwealth for four months after a first certificate of title of the vehicle is issued in this Commonwealth, and, thereafter if, within the four-month period, it is perfected in this Commonwealth. The security interest may also be perfected in this Commonwealth after the expiration of the four-month period in which case perfection dates from the time of perfection in this Commonwealth.

(3) If the security interest was not perfected under the law of the jurisdiction where the vehicle was located when the security interest attached, it may be perfected in this Commonwealth in which case perfection dates from the time of perfection in this Commonwealth.

(4) A security interest may be perfected under paragraph (2)(ii) or paragraph (3) either as provided in subsection (b) or by the lienholder delivering to the department a notice of security interest in the form the department prescribes together with the required fee.

§ 1133. Creation of security interest for titled vehicle.

(a) Application by owner.—If an owner creates a security interest in a vehicle for which a certificate of title has been issued by the Commonwealth, the owner shall immediately execute an application on a form prescribed by the department, naming the lienholder on the certificate, showing the name and address of the lienholder and the date of the security agreement. The certificate of title, together with the application and the required fee, shall be mailed or delivered to the department.

(b) Where certificate is in possession of lienholder.—Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall mail or deliver the certificate to the department or, upon receipt from the subordinate lienholder of the application of the owner and the required fee, mail or deliver them to the department with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement.

(c) Endorsement and delivery of certificate.—Upon receipt of the certificate of title, application and the required fees, the department shall endorse on the existing certificate of title, or on a new certificate which it then issues, the name and address of all secured parties and shall mail the certificate of title to the first lienholder named in the certificate.

§ 1134. Assignment by lienholder of security interest.

(a) General rule.—A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate.

(b) Duty of assignee.—The assignee shall deliver to the department the certificate of title and an assignment by the lienholder named in the certificate of title on a form prescribed and furnished by the department and accompanied by the required fee.

§ 1135. Satisfaction of security interest.

(a) Absence of subsequent liens.—Where there are no subsequent liens upon a vehicle, the following rules apply upon the satisfaction of a security interest in the vehicle:

(1) The outstanding certificate of title shall be mailed or delivered immediately to the owner of the vehicle with proper evidence of satisfaction and release or the lienholder may apply for corrected title to be issued in the name of the owner.

(2) The owner may mail or deliver the certificate of title with proper evidence of satisfaction of the security interest to the department which shall issue a corrected certificate of title without a statement of liens or encumbrances. The corrected certificate of title may also be issued when the outstanding certificate cannot be returned and proper evidence is produced that all recorded security interests have been satisfied.

(b) Prior or subsequent liens.—Where there are subsequent liens upon a vehicle or the lien to be released is not a first lien, the following rules apply upon the satisfaction of a security interest in the vehicle:

(1) If the lienholder whose security interest is satisfied has possession of the certificate of title, the lienholder shall mail or deliver the certificate of title, immediately upon satisfaction, to the department with proper evidence of satisfaction and release of the security interest. A corrected certificate of title, containing a statement of the remaining security interests on record, shall be mailed by the department to the person holding the next lien upon the vehicle.

(2) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall, immediately upon satisfaction, mail or deliver to the owner proper evidence of the satisfaction and release of the security interest. Upon request of the owner and receipt of the release, the lienholder in possession of the certificate of title shall mail or deliver the certificate of title together with the release to the department. The department shall issue a corrected certificate of title which shall be mailed to the first lienholder.

(c) Penalties.—

(1) Any person failing to deliver upon demand a satisfied certificate of title as required by subsection (a)(1) is guilty of a summary offense and shall, upon conviction, for a first offense be sentenced to pay a fine of \$50 and for a subsequent offense be sentenced to pay a fine of \$100.

(2) Any person failing to return to the department a certificate of title where there are other liens, for correction and delivery, as required by subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

(3) No person shall be deemed guilty of a violation of this section if the person delivers the certificate of title to the department within five days of the satisfaction of the lien.

§ 1136. Duty of lienholder to disclose pertinent information.

A lienholder named in a certificate of title shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to the security agreement and the indebtedness secured by the agreement.

§ 1137. Subchapter exclusive for perfecting security interest.

The method provided in this subchapter for perfecting and giving notice of security interests is exclusive.

§ 1138. Duration of lien recorded on certificate of title.

(a) General rule.—A security interest recorded on a certificate of title is effective for a period of five years dating from the time of perfection as provided for in this subchapter.

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

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

CHAPTER 13 REGISTRATION OF VEHICLES

Subchapter

- A. General Provisions
- B. Registration Plates
- C. Violations and Suspensions

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 1301. Driving unregistered vehicle prohibited.
- 1302. Vehicles subject to registration.
- 1303. Vehicles of nonresidents exempt from registration.
- 1304. Registration criteria.
- 1305. Application for registration.
- 1306. Grounds for refusing registration.
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- 1310. Temporary registration cards.
- 1311. Registration card to be signed and exhibited on demand.
- 1312. Notice of change of name or address.
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§ 1301. Driving unregistered vehicle prohibited.

It is a summary offense for any person to drive or for an owner knowingly to permit to be driven upon any highway any vehicle of a type required to be registered under this chapter which is not registered or for which the appropriate fee has not been paid when and as required in this title.

§ 1302. Vehicles subject to registration.

(a) General rule.—No vehicle shall be operated upon any highway in this Commonwealth until the vehicle is properly registered with the department as provided in this chapter.

(b) Exceptions.—Subsection (a) does not apply to the following:

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

(2) Any implement of husbandry or trailer determined by the department to be used exclusively for agricultural operations and only incidentally operated upon highways.

(i) A certificate of exemption shall be required for trailers.

(ii) Vehicles exempt from registration under this paragraph shall be used exclusively upon a farm or farms owned or operated by the owner of the vehicle or upon highways between:

(A) Parts of one farm.

(B) Farms located not more than 25 miles apart.

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

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

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

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

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

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

(8) Any self-propelled invalid wheel chair.

(9) Any mobile home.

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

§ 1303. Vehicles of nonresidents exempt from registration.

(a) General rule.—A nonresident owner of any foreign vehicle may operate or permit the operation of the vehicle within this Commonwealth without registering the vehicle in this Commonwealth or paying any fees to the Commonwealth, provided the vehicle at all times when operated in this Commonwealth is duly registered and in full compliance with the registration requirements of the place of residence of the owner and further provided the vehicle is not:

(1) used for the transportation of persons for hire, compensation or profit;

(2) regularly operated in carrying on business within this Commonwealth;

(3) designed, used or maintained primarily for the transportation of property for hire, compensation or profit and not subject to reciprocity under section 6144 (relating to vehicle registration and licensing) or 6149 (relating to automatic reciprocity); or

(4) special mobile equipment if not also required to be and actually registered under the laws of the place of residence of the owner.

(b) Transportation of persons for hire, compensation or profit.—Every owner of a foreign vehicle operated within this Commonwealth for the transportation of persons for hire, compensation or profit either regularly according to schedule or for a period exceeding 30 days in the calendar year, unless exempted from registration under the terms of a reciprocity agreement or pursuant to Subchapter A of Chapter 81 (relating to bus taxation proration agreement) shall register the vehicle according to the laws of this Commonwealth.

(c) Carrying on business in this Commonwealth.—Every nonresident, including any foreign corporation, carrying on business within this Commonwealth and operating in the business any vehicle within this Commonwealth, unless exempted from registration under the terms of a reciprocity agreement, shall be required to register each such vehicle according to the laws of this Commonwealth.

(d) Members of armed forces.—A member of the armed forces of the United States who is serving on active duty in this Commonwealth need not register a personal passenger vehicle in this Commonwealth if the vehicle is registered in the state of his residence.

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

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

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

§ 1304. Registration criteria.

(a) General rule.—Except as otherwise provided in this section, vehicles shall be registered for a flat fee.

(b) Classification of vehicles.—The department may identify vehicles by type as to weight, design, loading, use, ownership or other significant characteristics for purposes of registration.

(c) Trucks, truck tractors and trailers.—The department shall register trucks, truck tractors and trailers at the gross weight requested by the applicant, provided that the weight is not greater than allowed in subsection (d) or less than allowed in subsection (e).

(d) Maximum registered gross weight.—No truck, truck tractor or trailer shall be registered at a gross weight in excess of the lowest of:

(1) the limiting weights established on the basis of axle load, tire load, horsepower or gross weight by type of vehicles;

(2) the gross vehicle weight rating assigned by the manufacturer; or

(3) a combination weight greater than the gross combination weight rating.

In the case of a vehicle in which no gross vehicle weight rating or gross combination weight rating is assigned by the manufacturer or where the vehicle has been altered subsequent to manufacture to change its weight bearing capacity, an equivalent rating shall be determined by the department on the basis of the vehicle's horsepower, braking ability, axle limitations and such other factors related to safe operation as may be established by regulations of the department.

(e) Minimum registered gross weight.—No truck, truck tractor or trailer shall be registered at less than the total of the weight of the unladen vehicle, the maximum weight of the proposed load, the equivalent weight of the fuel capacity, 150 pounds times the seating capacity, and the weight of any permanently or temporarily attached appurtenances.

(f) Registered gross weight of trucks and truck tractors.—Every truck shall have its own registered gross weight and may also be registered at a registered gross weight for a combination. Every truck tractor shall be registered at a registered gross weight for a combination.

(g) Buses other than school buses.—The department shall register buses, other than school buses, on the basis of passenger seating capacity. § 1305. Application for registration.

(a) General rule.—Application for the registration of a vehicle shall be made to the department upon the appropriate form or forms furnished by the department. The application shall contain the full name and address of the owner or owners; the make, model, year and vehicle identification number of the vehicle; and such other information as the department may require. Applicants for registration of a truck, truck tractor, trailer or bus shall provide the vehicle's Gross Vehicle Weight Rating (GVWR), or the Gross Combination Weight Rating (GCWR), as applicable. If the manufacturer's ratings are not available, the applicant shall provide sufficient information as to the horsepower, braking capacity and such other data as necessary for the department to determine an equivalent measure of the vehicle's hauling and stopping capability. If the applicant wishes to register a vehicle at a registered gross weight less than the gross vehicle weight rating, the application shall include information as to weight, load and any other such information as the department may require. The application shall be accompanied by proof of insurance and the applicable fee.

(b) Evidence of P.U.C. approval for buses and taxis.—Before registering any bus or taxi which is required under the laws of this Commonwealth to obtain a certificate of public convenience from the Pennsylvania Public Utility Commission, the department shall require evidence that the certificate has been issued and has not been revoked or has not expired.

(c) Designation of lessee as registrant.—The owner as lessor may designate the lessee as the registrant of the vehicle and the name and address of the lessee may be substituted on the registration card for the address of the lessor. The department shall designate the relationship upon the card in a manner it deems appropriate. This subsection is applicable only for the period during which the lease remains in effect.

§ 1306. Grounds for refusing registration.

The department shall refuse registration and transfer of registration when any of the following circumstances exists:

(1) The applicant is not entitled to registration under the provisions of this chapter.

(2) The applicant has at registration or titling neglected or refused to furnish the department with the information required on the appropriate official form, or any reasonable additional information required by the department.

(3) The department has reasonable grounds to believe that the application contains false or fraudulent information, or that the vehicle is stolen, which fact the department shall ascertain by reference to the stolen vehicle file required to be maintained under section 7114 (relating to records of stolen vehicles), or that the granting of registration would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle.

(4) The fees required by law have not been paid.

(5) The vehicle is not constructed or equipped as required by this title.

(6) The registration of the vehicle stands suspended for any reason as provided for in this title.

§ 1307. Period of registration.

(a) Staggered renewal system to be established.—The department shall establish a system of staggered registration renewal in a manner that some registrations will expire every month throughout the year. In order to implement and maintain the staggered registration system, the department may prorate annual registration fees over registration periods of from 6 to 18 months.

(b) New registration.—A new registration is effective on the date of issuance of a registration card by the department or the date of issuance of a temporary registration card by an authorized agent of the department under section 1310 (relating to temporary registration cards).

(c) Renewal of registration.—A renewed registration shall be effective on issuance by the department of a renewed registration card except that the department, by regulation, may establish a renewal system coordinated with the periodic inspection of vehicles as provided in section 4702 (relating to requirement for periodic inspection of vehicles).

(d) Expiration of registration.—A registration shall expire on the last day of the month designated on the registration card.

(e) Antique and classic vehicles.—Antique and classic motor vehicle registrations shall expire upon the junking, scrapping or transfer of ownership of the vehicle, except that if the transfer is between spouses or between parent and child the registration may be transferred upon payment of a transfer fee.

§ 1308. Issuance of registration card.

(a) General rule.—The department, upon registering a vehicle, shall issue to the registrant a registration card which shall contain the registration number assigned to the vehicle, the name and address of the registrant and the name of the owner, if other than the registrant, a description of the vehicle including the vehicle identification number, the expiration date and such other information as may be determined by the department.

(b) Trucks.—The registration card for a truck shall indicate the registered gross weight of the truck, and the registered gross weight of the combination, if the truck is so registered, in addition to other information required.

(c) Truck tractors.—The registration card for a truck tractor shall indicate the registered gross weight of the combination in addition to other information required.

(d) Trailers.—The registration card for a trailer shall indicate the registered gross weight of the trailer in addition to other information required.

(e) Buses.—The registration card for a bus shall indicate the passenger seating capacity of the bus.

§ 1309. Renewal of registration.

Prior to the expiration of each registration, the department shall send to the registrant an application for renewal of registration. Upon return of the application, accompanied by proof of insurance and the applicable fee, the department shall send to the registrant a renewed registration card. Failure to receive a renewal application shall not relieve a registrant from the responsibility to renew the registration.

§ 1310. Temporary registration cards.

(a) General rule.—The department shall provide temporary registration cards for use pending issuance or transfer of permanent registration cards. Temporary registration cards may be delivered to designated agents who shall have the authority to issue them in accordance with regulations promulgated by the department.

(b) Duration.—Temporary registration cards shall be valid for such period as the department shall designate.

(c) Charges by designated agent.—A designated agent may not charge any fee for issuing a temporary registration card other than notary fees.

§ 1311. Registration card to be signed and exhibited on demand.

(a) Signing card.—Upon receiving the registration card or any duplicate, the registrant shall sign his name in the space provided.

(b) Carrying and exhibiting card.—Every registration card shall, at all times while the vehicle is being operated upon a highway, be in the possession of the person driving or in control of the vehicle or carried in the vehicle and shall be exhibited upon demand of any police officer.

(c) Production to avoid penalty.—No person shall be convicted of violating this section or section 1302 (relating to vehicles subject to registration) if the person produces at the office of the issuing authority or at the office of the arresting police officer within five days of the violation, a registration card valid in this Commonwealth at the time of the arrest.

§ 1312. Notice of change of name or address.

Any person whose address is changed from the address named in the application for registration or on the registration card or whose name is changed shall, within 15 days, notify the department in writing of the old and new address, or of such former and new names, and of the operator's number on any registration card then held by the person.

§ 1313. Duplicate registration cards.

(a) Additional cards upon request.—The department shall, if so requested, issue to the registrant of any vehicle whose registration is not

under suspension a duplicate registration card, or as many duplicate registration cards as requested, upon payment of the fee provided in this title for each card.

(b) Replacement of lost or illegible card.—In the event of a lost, stolen, destroyed or illegible registration card, the registrant shall apply to the department for a duplicate within 48 hours of discovery of the loss or defacement of such registration card, upon a form furnished by the department, and accompanied by the fee provided in this title.

(c) Affidavit to avoid penalty.—No owner or operator of a vehicle shall be subject to a fine for failure to have the registration card if the owner or operator makes affidavit that the card was lost or stolen within the period of 20 days preceding and that application for new registration card was made within 48 hours as required in this section.

§ 1314. Transfer of registration.

(a) General rule.—Registration and registration plates may be transferred to another vehicle owned or leased by the registrant, or to a vehicle owned or leased by the spouse, parent or child of the registrant.

(b) Procedure for transfer.—In order to transfer registration and registration plates, the transferee shall apply for a temporary registration card in accordance with section 1310 (relating to temporary registration cards) and simultaneously apply for transfer of registration under this section.

(c) Same vehicle type.—If the transfer is within the same vehicle type, the transferee shall retain the registration plate previously issued, unless lost or destroyed. A new registration card shall be issued by the department.

(d) Different vehicle type.—If the transfer is to another vehicle type, a new registration plate and card shall be issued to the transferee. The previously issued plate shall be returned to the department for cancellation immediately upon receipt of the new registration plate, unless lost or destroyed. In addition to the transfer fee, the transferee shall pay the difference in registration fees when transferring registration to a type or class of vehicle requiring a higher fee. No refund shall be payable on transferring to a type or class of vehicle requiring a lower fee.

§ 1315. Operation of vehicle following death of owner.

When the owner of a vehicle is deceased, the vehicle may be operated by or for any heir or personal representative of the decedent for the remainder of the current registration period and throughout the next following registration period, provided that the registration is renewed in the name of the decedent's estate as otherwise required by this chapter. Registration may continue to be renewed thereafter in the name of the decedent's estate by any person entitled to the family exemption until the final account is approved by the court.

§ 1316. Department records.

The department shall maintain suitable records in a manner permitting identification of vehicles and owners, including:

- (1) All registrations and transfers of registrations issued.
- (2) All registrations and transfers of registrations denied and reasons for denial. Registrations and transfers returned for correction of errors or omissions need not be recorded.

SUBCHAPTER B REGISTRATION PLATES

Sec.

1331. Issuance of registration plates.
1332. Display of registration plate.
1333. Lost, stolen, damaged or illegible registration plate.
1334. Return of registration plate.
1335. Registration plates for manufacturers and dealers.
1336. Use of dealer registration plates.
1337. Use of "Miscellaneous Motor Vehicle Business" registration plates.
1338. Handicapped plate.
1339. Legislative plate.
1340. Antique and classic plates.
1341. Personal plate.
1342. Disabled veteran plate.
1343. Use of school bus plates.
1344. Use of farm truck plates.

§ 1331. Issuance of registration plates.

(a) Department to provide plates.—Registration plates shall be provided by the department.

(b) Information on plate.—Every registration plate shall have displayed upon it the identifying numbers or letters assigned to the vehicle, the name of the Commonwealth, which may be abbreviated, and any other data the department may deem necessary.

(c) Temporary registration plates.—The department shall provide temporary registration plates for use on vehicles which are to be removed from this Commonwealth or for use as necessary pending issuance of permanent registration plates.

(d) Reflectorizing material on plate.—All registration plates, except temporary plates, shall be treated with reflectorizing material in accordance with standards approved by the department.

(e) Issuance of plates by agents.—The department may deliver registration plates, other than special plates, to designated agents, who shall have the authority to issue them in conjunction with the issuance of temporary registration cards.

§ 1332. Display of registration plate.

(a) General rule.—Every registration plate shall, at all times, be securely fastened to the vehicle to which it is assigned or on which its use is authorized in accordance with regulations promulgated by the department.

(b) Obscuring plate.—It is unlawful to display on any vehicle a registration plate which is so dirty as to prevent the reading of the number

or letters thereon at a reasonable distance or is otherwise illegible at a reasonable distance or is obscured in any manner.

§ 1333. Lost, stolen, damaged or illegible registration plate.

(a) Application for new plate.—The registrant of the vehicle shall within 48 hours of discovering the loss, theft or defacement apply to the department for a new plate and report the loss or theft of a plate to the police.

(b) Substitute registration.—Where the registration plate has been lost or stolen and in any other case in which the department may deem it advisable, the original registration shall be cancelled and substitute registration issued under a new registration number other than that originally issued. Upon receipt of substitute registration, it shall be the duty of the registrant to return the old registration plates and card to the department, unless lost or destroyed.

(c) Affidavit to avoid penalty.—No owner or operator of a vehicle shall be subject to a fine for the reason that the registration plate is missing if they have in their possession an affidavit that the plate was lost or stolen and that application for new plate or plates was made within 48 hours as required in this section.

§ 1334. Return of registration plate.

(a) General rule.—Registration plates shall be returned to the department under the following circumstances:

(1) A registration plate shall be returned if the registrant no longer has a vehicle titled in this Commonwealth.

(2) A legislative registration plate shall be returned on the expiration or termination of the term of office of the legislative member.

(3) A dealer or “Miscellaneous Motor Vehicle Business” registration plate shall be returned if the business is discontinued.

(4) A handicapped registration plate shall be returned if the person to whom it was issued no longer qualifies under section 1338 (relating to handicapped plate).

(b) Time for return of plate.—Each registration plate required to be returned under this section shall be returned to the department within five days of the occurrence requiring its return.

(c) Statement accompanying returned plate.—Each returned registration plate shall be accompanied by a statement of the reason for the return of the plate and the date of the occurrence requiring its return.

§ 1335. Registration plates for manufacturers and dealers.

(a) General rule.—The department shall issue to dealers and manufacturers licensed by the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen of the Department of State special registration plates which may be displayed on vehicles operating on highways in lieu of registering each vehicle individually in accordance with the requirements of section 1302(a) (relating to vehicles subject to registration).

(b) Application for plates.—Application for dealer registration plates shall be made by the dealer or manufacturer on a form provided by the department together with a copy of his license from the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen.

(c) Exemption from individual registration.—Vehicles displaying dealer registration plates may be operated on the highway without registering each vehicle individually, provided that the plates are used in accordance with the limitations of section 1336 (relating to use of dealer registration plates).

§ 1336. Use of dealer registration plates.

(a) General rule.—Dealer registration plates may be used on any vehicle owned or in possession of a dealer or manufacturer and operated by the dealer or manufacturer or their employees only when the vehicle is used for any of the following purposes:

- (1) In the business of the registrant as a dealer or manufacturer.
- (2) For the personal pleasure or use of the dealer or members of his immediate family, or when the dealer is a corporation, for the personal pleasure or use of the officers or members of their immediate families, or for the personal use of the regular employees of the dealer.
- (3) For teaching students enrolled in an approved driver education course how to operate a vehicle and for the new driver to take an examination for a driver's license.
- (4) For testing vehicles in the possession of the dealer or manufacturer.
- (5) For demonstrating vehicles in the possession of the dealer or manufacturer.
- (6) For loaning to customers whose vehicles are being repaired.
- (7) For loaning to prospective purchasers for a period not exceeding five days for the purpose of demonstrating vehicles.

(b) Records.—Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as provided in subsection (a)(3),(6) and (7). The records shall be open to inspection by representatives of the department and police officers.

§ 1337. Use of "Miscellaneous Motor Vehicle Business" registration plates.

(a) General rule.—The department shall issue to owners of miscellaneous motor vehicle businesses special registration plates which may be displayed on vehicles operated on highways in lieu of registering each vehicle individually in accordance with the requirements of section 1302(a) (relating to vehicles subject to registration). Registration plates issued under this section may be used only when the vehicle is used for any of the following purposes:

- (1) In the conduct of the miscellaneous motor vehicle business.
- (2) For the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of their immediate family, or when the business is a corporation, for the pleasure or use of

not more than three officers or members of their immediate families, or for the personal use of the regular employees of the business when operated by the employee.

(b) Application for registration.—Application for registration in any of the “Miscellaneous Motor Vehicle Business” classes shall be made upon a form provided by the department and shall set forth the full name and business address of the applicant and such other information as the department shall require. The application shall be verified by the oath or affirmation of the applicant or, if the applicant is a partnership or a corporation, by a partner or officer.

(c) Classes of “Miscellaneous Motor Vehicle Business”.—

(1) Repair, service and towing.—Any person engaged in the repair, service or towing of motor vehicles.

(2) Vehicle salvage dealer.—Any person who maintains an established place of business and who is engaged in the business of buying, selling or exchanging used, wrecked or abandoned vehicles and junkers for the purpose of remodeling, taking apart, or rebuilding the same, or buying or selling of parts.

(3) Transporter.—A person regularly engaged in the business of transporting new vehicles or new and used trailers on their own wheels, owned by or in possession of a registered dealer.

(4) Financier or collector-repossessor.—A person who is duly authorized to do business in this Commonwealth as a financier or collector-repossessor and who is regularly engaged in the business of financing sales, making loans on the security of vehicles or repossessing vehicles which are the subject of installment sales contracts as an independent contractor.

§ 1338. Handicapped plate.

On the application of any person who:

- (1) does not have full use of a leg or both legs or an arm or both arms;
- (2) is blind; or
- (3) is in loco parentis of a person specified in paragraph (1) or (2);

the department shall issue a special registration plate for one passenger car or other vehicle with a registered gross weight of not more than 9,000 pounds, designating the vehicle so licensed as being used by a handicapped person. Special plates for handicapped persons may also be issued for vehicles operated exclusively for the use and benefit of handicapped persons.

§ 1339. Legislative plate.

Upon application by a member of the General Assembly of the Commonwealth or the Congress of the United States, the department shall issue special registration plates indicating that the vehicle is owned by a member of the Pennsylvania or United States Senate or House of Representatives, as appropriate.

§ 1340. Antique and classic plates.

(a) General rule.—Upon submission by a vehicle owner of information satisfactory to the department that a motor vehicle is an antique motor vehicle or classic motor vehicle, accompanied by the appropriate fee, the department may issue special plates for the vehicle. No annual registration fee may be charged for antique or classic motor vehicles.

(b) Use of plates.—It is unlawful for any person to operate a vehicle with antique or classic registration plates for general daily transportation. Permitted use shall be limited to participation in club activities, exhibits, tours, parades, occasional transportation and similar uses.

§ 1341. Personal plate.

Upon request by the applicant, the department may issue registration plates consisting of any combination of numbers, letters or numbers and letters. These special plates may be issued for special groups or for special purposes and bear an appropriate designation. They shall have the same force and effect as regular registration plates. The department may refuse any combination of letters and numbers for cause and shall adopt reasonable rules and regulations for the issuance of the plates and for carrying out the provisions of this section. The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees.

§ 1342. Disabled veteran plate.

On the application of a totally disabled veteran, whose disability is certified by the United States Veterans' Administration as service-connected, the department shall issue a special registration plate designating the vehicle as belonging to a totally disabled veteran. The registration plate shall have a white background, shall have blue numbers or letters as the department may determine, and shall have the words, "disabled veteran," in at least ten-point bold type, inscribed in red at the bottom of the plate. The special registration plate may be used only on one passenger vehicle or one other vehicle with a registered gross weight of not more than 9,000 pounds.

§ 1343. Use of school bus plates.

(a) General rule.—A motor vehicle bearing school bus registration plates shall be used exclusively for the transportation of children and no more than five chaperons to or from public, private, parochial or Sunday school or in connection with any public, private, parochial or Sunday school-related activity. Except when transporting children to and from public, private, parochial or Sunday school or public, private, parochial or Sunday school-related activities, the words "school bus" on the front and rear of the vehicle shall be concealed and the red and amber visual signals shall not be operable.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25.

§ 1344. Use of farm truck plates.

(a) General rule.—A truck bearing farm truck registration plates shall be used exclusively upon a farm or farms owned or operated by the registrant of the vehicle or upon highways between:

- (1) Parts of one farm.
 - (2) Farms located not more than 25 miles apart.
 - (3) A farm and a place of business located within a radius of 50 miles from the farm or farms for the purpose of buying or selling agricultural commodities or supplies or for the inspection, repair or servicing of the vehicle.
- (b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25.

SUBCHAPTER C VIOLATIONS AND SUSPENSIONS

Sec.

1371. Operation following suspension of registration.
1372. Unauthorized transfer or use of registration.
1373. Suspension of registration.
1374. Suspension of vehicle business registration plates.
1375. Suspension of registration of unapproved carriers.
1376. Surrender of registration plates and cards upon suspension.
1377. Judicial review of denial or suspension of registration.

§ 1371. Operation following suspension of registration.

(a) General rule.—No person shall operate and no owner shall permit to be operated upon any highway a vehicle the registration of which has been suspended.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$500.

§ 1372. Unauthorized transfer or use of registration.

No person shall:

- (1) allow a registration card or plate or permit to be used by any person not authorized to use it or on any vehicle other than the vehicle for which it was issued;
- (2) use any registration card or plate or permit unless authorized to do so; or
- (3) display a registration card or plate in, on or in connection with any vehicle other than the vehicle for which it was issued.

§ 1373. Suspension of registration.

The department may suspend any registration after providing opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

- (1) The vehicle is unsafe or unfit for operation or is not equipped as required by this title.
- (2) The owner or registrant has made, or permitted to be made, any unlawful use of the vehicle or registration plate or plates, or registration card, or permitted the use by a person not entitled thereto.
- (3) The owner or registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in any application or form required to be filed by this title.

- (4) Upon the request or order of any court of record.
- (5) The required fee has not been paid.
- (6) The registrant or any agent or employee has repeatedly violated any of the provisions of this chapter or Chapter 11 (relating to certificate of title and security interests).

§ 1374. Suspension of vehicle business registration plates.

(a) General rule.—The department may suspend registration plates for dealers, manufacturers or members of the “Miscellaneous Motor Vehicle Business” class after providing opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

- (1) The registrant is no longer entitled to licensing as a dealer or manufacturer or to registration in the “Miscellaneous Motor Vehicle Business” class.
- (2) The registrant has made or permitted to be made any unlawful use of the vehicle or registration plate or plates or registration card or permitted the use by a person not entitled thereto.
- (3) The registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in any application.

(4) The registrant has failed to give notice of transfer of ownership or of the destruction or junking of any vehicle when and as required by this title.

(5) The registrant has failed to deliver to a transferee lawfully entitled thereto or to the department, when and as required by this title, a properly assigned certificate of title.

(6) The registrant has repeatedly violated any of the provisions of this title.

(7) Any fee payable to the Commonwealth in connection with the operation of the business of the registrant has not been paid.

(b) Recommended action by State licensing board.—The department may also audit and investigate dealers and manufacturers registered by the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen to determine whether any dealer or manufacturer has violated any provision of this title pertaining to dealers or manufacturers or any regulation promulgated by the department. The department may recommend that the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen suspend the license of any dealer or manufacturer which it finds has committed a violation and the board shall take prompt action on any such recommendations under the act of September 9, 1965 (P.L.499, No.254), known as the “Motor Vehicle Manufacturer’s, Dealer’s and Salesmen’s License Act.”

§ 1375. Suspension of registration of unapproved carriers.

(a) General rule.—The department shall suspend the registration of any vehicle upon the presentation to the department of a certificate of the Pennsylvania Public Utility Commission setting forth, after hearing and investigation, that the commission has found and determined that the

vehicle has been operated as a common carrier or contract carrier by motor vehicle within this Commonwealth without the approval of the commission and either that no appeal was filed from such determination in the manner and within the time provided by law or that the determination was affirmed on appeal.

(b) Rescission of suspension.—Any suspension of registration under this section may be rescinded by the department upon the petition of the owner of such vehicle or of the lessee provided the petition is accompanied by a certificate of the Pennsylvania Public Utility Commission setting forth that the commission does not object to the rescission.

§ 1376. Surrender of registration plates and cards upon suspension.

(a) General rule.—The department, upon suspending any registration, shall require the registration plate or plates and registration card to be surrendered immediately to the department and may delegate authority to any authorized department employee or police officer to seize the registration plate or plates and registration card or cards.

(b) Penalty.—Any person failing or refusing to surrender to the department, upon demand, any registration plate or card which has been suspended is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

§ 1377. Judicial review of denial or suspension of registration.

Any person whose registration has been denied or suspended by the department shall have the right to appeal by filing a petition within 30 days from the date notice is mailed for a hearing in the court of common pleas in the county in which the individual resides. The filing of the petition shall act as a supersedeas and the suspension of registration shall not be imposed until determination of the matter as provided in this section. The court is hereby vested with jurisdiction, and it shall be the duty of the court to set the matter down forthwith for hearing upon 30 days written notice to the department, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to registration or subject to suspension of registration under the provisions of this title.

CHAPTER 15 LICENSING OF DRIVERS

Subchapter

- A. General Provisions
- B. Comprehensive System For Driver Education and Control
- C. Violations

SUBCHAPTER A GENERAL PROVISIONS

Sec.

- 1501. Drivers required to be licensed.
- 1502. Persons exempt from licensing.
- 1503. Persons ineligible for licensing.

- 1504. Classes of licenses.
- 1505. Learners' permits.
- 1506. Application for driver's license or learner's permit.
- 1507. Application for driver's license or learner's permit by minor.
- 1508. Examination of applicant for driver's license.
- 1509. Qualifications for Class 4 license.
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- 1511. Carrying and exhibiting driver's license on demand.
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- 1515. Notice of change of name or address.
- 1516. Department records.
- 1517. Medical Advisory Board.
- 1518. Reports on mental or physical disabilities or disorders.
- 1519. Determination of incompetency.
- § 1501. Drivers required to be licensed.

(a) General rule.—No person, except those expressly exempted, shall drive any motor vehicle upon a highway in this Commonwealth unless the person has a driver's license valid under the provisions of this chapter.

(b) Persons in towed vehicles.—No person, except those expressly exempted, shall steer or, while within the passenger compartment of the vehicle, exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway in this Commonwealth unless the person has a valid driver's license under the provisions of this chapter for the type or class of vehicle being towed.

(c) Limitation on number of licenses.—No person shall receive a driver's license unless and until the person surrenders to the department all valid licenses in the person's possession issued by this or any other state. All surrendered licenses issued by another state shall be returned to that state, together with information that the person is licensed in this Commonwealth. No person shall be permitted to have more than one valid driver's license at any time.

(d) Penalty.—Any person violating subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200, except that, if the person charged furnishes satisfactory proof of having held a valid driver's license issued during the preceding driver's license period and no more than 30 days have elapsed from the last date for renewal, the fine shall be \$25. No person charged with violating subsections (a) or (b) shall be convicted if the person produces at the office of the issuing authority or the arresting police officer within five days a driver's license valid in this Commonwealth at the time of the arrest.

§ 1502. Persons exempt from licensing.

The following persons are not required to obtain a driver's license under this chapter:

(1) Any employee of the Federal Government while operating a motor vehicle owned by or leased to the Federal Government and being operated on official business unless the employee is required by the Federal Government or any agency thereof to have a state driver's license.

(2) Any person in the service of the armed forces of the United States, including the reserve components, when furnished with a valid military driver's license and operating an official vehicle on official business.

(3) Any nonresident who is at least 16 years of age and who has in possession a valid driver's license issued in the person's home state or country except that a person who has been issued a valid driver's license in a country other than the United States or Canada shall be exempt only upon showing a satisfactory understanding of official traffic-control devices. A nonresident may only drive the class or classes of vehicles in this Commonwealth for which the person is licensed to drive in the person's home state or country subject to all restrictions contained on the license.

(4) Any person on active duty in the armed forces of the United States who has in their immediate possession a valid driver's license issued in a foreign country by the armed forces of the United States may operate a motor vehicle in this Commonwealth for a period of not more than 45 days from the date of the person's return to the United States.

(5) Any person 14 years of age or older operating an implement of husbandry. Persons 14 or 15 years of age are restricted to the operation of implements of husbandry on one and two lane highways which bisect or immediately adjoin the premises upon which such person resides.

§ 1503. Persons ineligible for licensing.

(a) General rule.—The department shall not issue any driver's license to, or renew the driver's license of, any person:

(1) Whose operating privilege is suspended or revoked in this or any other state except as otherwise provided in this title.

(2) Whose operating privilege is suspended or revoked in any other state upon grounds which would authorize the suspension or revocation of the operating privilege under this title.

(3) Who is a user of alcohol or any controlled substance to a degree rendering the user incapable of safely driving a motor vehicle. This paragraph does not apply to any person who is enrolled or otherwise participating in a methadone or other controlled substance treatment program approved by the Governor's Council on Drug and Alcohol Abuse provided that the person is certified to be competent to drive by a physician designated by the Governor's Council on Drug and Alcohol Abuse.

(4) Who has been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law.

(5) Whose name has been submitted under the provisions of section 1518 (relating to reports on mental or physical disabilities or disorders).

(6) Who is required by the department to take an examination until the person has successfully passed the examination.

(7) Who is under 18 years of age except in accordance with subsections (b) and (c).

(8) Who has repeatedly violated any of the provisions of this chapter. The department shall provide an opportunity for a hearing upon invoking this paragraph.

(b) Minors completing training course.—The department shall issue a driver's license to a person 17 years of age who:

(1) has successfully completed a driver's training course approved by the department; and

(2) has not been involved in an accident for which they are partially or fully responsible in the opinion of the department or is convicted of any violation of this title.

(c) Junior driver's license.—The department may issue a junior driver's license to a person 16 or 17 years of age under rules and regulations adopted by the department and subject to the provisions of this section. A junior driver's license shall automatically become a regular driver's license when the licensee attains 18 years of age.

(1) Except as provided in paragraph (2), no licensed junior driver shall drive a vehicle upon a public highway between 12 midnight and 5 a.m. unless accompanied by a spouse 18 years of age or older, a parent or a person in loco parentis.

(2) A licensed junior driver conforming to the requirements of section 1507 (relating to application for driver's license or learner's permit by minor) may drive a vehicle upon a public highway between 12 midnight and 5 a.m. between their home and their activity or employment or in the course of their activity or employment if they are a member of a volunteer fire company authorized by the fire chief to engage in fighting fires, engaged in public or charitable service or employed and they are carrying an affidavit signed by their fire chief, supervisor or employer indicating the probable schedule of their activities. Upon termination of the junior driver's activity or employment, the junior licensee shall surrender the affidavit to the fire chief, supervisor or employer. If the junior licensee shall fail to surrender the affidavit, the employer, fire chief or supervisor shall immediately notify the Pennsylvania State Police.

(3) In addition to the other provisions of this title relating to the suspension or revocation of operating privileges, in the event that a licensed junior driver is involved in an accident for which they are partially or fully responsible in the opinion of the department or is convicted of any violation of this title, the department may suspend the operating privileges of such person until the person attains 18 years of age or for a period of time not exceeding 90 days.

(4) Any junior licensee or other person violating any provision of this subsection is guilty of a summary offense.

§ 1504. Classes of licenses.

(a) Proper class of license required.—No person shall drive any motor vehicle upon a highway in this Commonwealth unless the person has a valid driver's license for the type or class of vehicle being driven.

(b) Notation of class on license.—The department upon issuing a driver's license shall indicate on the license the type or general class or classes of vehicle or vehicles the licensee may operate in accordance with the provisions of subsection (c).

(c) Qualifications of applicants.—The department shall establish by regulation the qualifications necessary for the safe operation of the various types, sizes or combinations of vehicles and the manner of examining applicants to determine their qualifications for the type or general class of license applied for.

(d) Number and description of classes.—Licenses issued by the department shall be classified in the following manner:

(1) Class 1.—A Class 1 license shall be issued to those persons who have demonstrated their qualifications to operate a single vehicle not in excess of 30,000 pounds registered gross weight or any such vehicle towing a trailer not in excess of 10,000 pounds gross weight. The holder of a Class 1 license shall not be deemed qualified to operate buses, school buses or motorcycles unless the license is endorsed as provided in this section.

(2) Class 2.—A Class 2 license shall be issued to those persons over 18 years of age who have demonstrated their qualifications to operate a single vehicle of over 30,000 pounds registered gross weight or any bus or any such vehicle towing a trailer not in excess of 10,000 pounds gross weight. The holder of a Class 2 license shall be deemed qualified to operate those vehicles for which a Class 1 license is issued, but not school buses or motorcycles unless the license is endorsed as provided in this section.

(3) Class 3.—A Class 3 license shall be issued to those persons over 18 years of age who have demonstrated their qualifications to operate a vehicle while in combination with or towing a trailer in excess of 10,000 pounds gross weight. The holder of a Class 3 license shall be deemed qualified to operate those vehicles for which a Class 1 or Class 2 license is issued, but not school buses or motorcycles unless the license is endorsed as provided in this section.

(4) Class 4.—Persons who have qualified to operate school buses in accordance with this title and the rules and regulations promulgated and adopted by the department shall have the qualification endorsed on the license as provided in this section.

(5) Class 5.—Those persons who have demonstrated their qualifications to operate a motorcycle, shall have that qualification endorsed on one of the basic classes of license described in this section. If

a person is qualified only to operate a motorcycle he shall be issued a license with only that qualification endorsed on the license.

(6) Class 6.—Those persons who have demonstrated their qualifications to operate a motor-driven cycle or motorized pedalcycle shall have that qualification endorsed on one of the basic classes of license described in this section. If a person is qualified only to operate a motor-driven cycle or motorized pedalcycle he shall be issued a license with only that qualification endorsed on the license.

(e) Removal of class from license.—A person with a license endorsed for a class may, upon request, have the endorsement removed by the department without prejudice.

§ 1505. Learners' permits.

(a) General rule.—A person who desires to obtain a driver's license or who desires to be licensed in a class for which the person is not already licensed shall apply to the department for the class or classes of license in which the person desires to be licensed. The department shall issue to each applicant a learner's permit which shall clearly identify the class of license applied for as provided in section 1504 (relating to classes of licenses).

(b) Learner must be accompanied.—A learner's permit entitles the person to whom it was issued to drive vehicles and combinations of vehicles of the class or classes specified, but only while the holder of the learner's permit is accompanied by and under the immediate supervision of a person who:

(1) is licensed in this Commonwealth to drive vehicles of the class then being driven by the holder of the learner's permit; and

(2) is actually occupying a seat beside the holder of the learner's permit unless the vehicle is a motorcycle.

(c) Operation of motorcycle.—A motorcycle learner's permit entitles the person to whom it is issued to operate a motorcycle only between sunrise and sunset and, except for a driver licensed to drive another class of vehicle, only while under the instruction and immediate supervision of a licensed motorcycle operator. Motorcycle learners shall not carry any passenger other than an instructor properly licensed to operate a motorcycle.

(d) Duration of permit.—A learner's permit shall be valid for a period of 120 days after date of issue, or until the holder of the permit has failed the examination as authorized in section 1508 (relating to examination of applicant for driver's license) three times within the 120-day period.

§ 1506. Application for driver's license or learner's permit.

(a) Form and content.—Every application for a learner's permit or driver's license shall be made upon a form furnished by the department and shall contain such information as the department may require to determine the applicant's identity, competency and eligibility. The form may also provide for inclusion of personal medical information and other information of use in an emergency.

(b) Signature and certification.—The application shall be signed by the applicant who shall certify that the statements made are true and correct.

§ 1507. Application for driver's license or learner's permit by minor.

(a) Signature of parent or guardian.—The application of any person under the age of 18 years for a learner's permit or driver's license shall also be signed by the father, mother, guardian or person in loco parentis which signature shall be verified before a person authorized to administer oaths or before an authorized department employee.

(b) Signature of spouse of married minor.—The application of any married person under the age of 18 years may be signed by the spouse, if the spouse is at least 18 years of age, and verified before a person authorized to administer oaths.

(c) Certification of person signing.—Any person signing the application shall certify that the statements made thereon are true and correct to the best of the applicant's knowledge, information and belief and that the person consents to the issuance of the driver's license or learner's permit.

(d) Withdrawal of consent.—Any person who has signed the application of a person under the age of 18 years for a driver's license or learner's permit may thereafter file with the department a verified written request that the driver's license or learner's permit of the person be cancelled and the department shall cancel the driver's license or learner's permit.

§ 1508. Examination of applicant for driver's license.

(a) General rule.—Every applicant for a driver's license shall be examined for the type or class of vehicles that the applicant desires to drive. The examination shall include a physical examination, a screening test of the applicant's eyesight and a test of the applicant's ability to read and understand official traffic-control devices, knowledge of safe driving practices and the traffic laws of this Commonwealth, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicles for which the applicant desires a license to drive. If the department finds it necessary to further determine an applicant's fitness to operate a motor vehicle safely upon the highways the department may require one or more of the following types of examinations:

- (1) A vision examination by an optometrist or ophthalmologist.
- (2) A physical examination.
- (3) A mental examination.

(b) Issuance of license to licensed nonresident.—A driver's license may be issued to a person who has not had a learner's permit but who at the time of application is of sufficient age and has a valid driver's license issued by another state under a law requiring the examination and licensing of drivers, providing that the applicant demonstrates knowledge and understanding of rules of the road and official traffic-control devices and is visually, physically and mentally fit. Also, the department must be satisfied that the applicant's experience in driving vehicles which may be driven by holders of the classes of licenses sought by the applicant is sufficient to

justify the issuance of the license without further behind-the-wheel training.

§ 1509. Qualifications for Class 4 license.

(a) School bus driver requirements.—No person shall be issued a Class 4 license unless the person:

(1) has successfully completed a course of instruction as provided in subsection (c);

(2) has satisfactorily passed an annual physical examination to be given by the physician for the school district by which the person is employed; and

(3) is 18 years of age or older.

(b) Proof of annual physical and vision examination.—Every school bus driver shall carry a certificate issued by an examining physician indicating that the person has passed the prescribed physical examination, including an examination of the eyes, within the preceding 12 months. The vision examination may be made by an optometrist or ophthalmologist.

(c) School bus driver training program.—The department shall establish standards for a basic course and a refresher course for school bus drivers. The courses shall be conducted by school districts or groups of school districts or any State or Federal transportation association of school bus operators designated by the school district on a continuing basis, with the costs and responsibility for completion of the training to be borne by the school district or private or parochial school for which the drivers operate.

§ 1510. Issuance and content of driver's license.

(a) General rule.—The department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or general class of vehicles the licensee is authorized to drive, which license shall contain a distinguishing number identifying the licensee, the actual name, date of birth, residence address, a color photograph of the licensee, such other information as may be required by the department, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink. Personal medical data and other information for use in an emergency may be included as a part of the license. Information other than that required to identify the licensee, the distinguishing number and the class of license issued may be included in microdata form. No driver's license shall be valid until it has been signed by the licensee.

(b) Identification card.—The department shall, upon payment of the required fee, issue an identification card to any person who has made application therefor in such manner as the department shall prescribe. The identification card shall have substantially the same content as a driver's license but shall clearly indicate that it is not a driver's license. Upon failure of any person to pass any examination required under section 1514 (relating to expiration and renewal of drivers' licenses), the department shall, where appropriate, issue a complimentary identification card as an

expression of gratitude for years of safe driving. The card shall only be issued upon receipt of the person's driver's license.

(c) Anatomical donors.—Any person who is registered as an anatomical organ donor and who has in his possession a card issued by the recipient organization may attach the card to the reverse side of his driver's license or identification card in such a way as to permit the removal of this card should the person no longer desire to be designated as an anatomical donor. Information concerning registered donor status may be included as a part of the person's personal medical data.

(d) Medical history record.—Any person may attach to the reverse side of his driver's license or identification card information relating to his personal medical history.

§ 1511. Carrying and exhibiting driver's license on demand.

(a) General rule.—Every licensee shall possess a driver's license issued to the licensee at all times when driving a motor vehicle and shall exhibit the license upon demand by a police officer, and when requested by the police officer the licensee shall write the licensee's name in the presence of the officer in order to provide identity.

(b) Production to avoid penalty.—No person shall be convicted of violating this section or section 1501(a) (relating to drivers required to be licensed) if the person produces at the office of the issuing authority or the arresting officer within five days a driver's license valid in this Commonwealth at the time of the arrest.

§ 1512. Restrictions on drivers' licenses.

(a) General rule.—The department upon issuing a driver's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) Compliance with restrictions.—No person shall operate a motor vehicle in any manner in violation of the restrictions imposed.

§ 1513. Duplicate and substitute drivers' licenses and learners' permits.

(a) General rule.—If a learner's permit or driver's license issued under the provisions of this chapter is mutilated, lost, stolen, destroyed or becomes illegible, the person to whom it was issued, upon furnishing proof satisfactory to the department that the license or permit has been mutilated, lost, stolen, destroyed, or has become illegible, shall obtain a duplicate or substitute license or permit upon payment of the required fee.

(b) Return of original.—If a duplicate or substitute learner's permit or driver's license has been issued, any person who finds or otherwise obtains possession of the original shall return the original to the department.

§ 1514. Expiration and renewal of drivers' licenses.

(a) General rule.—Every driver's license shall expire in the month of the licensee's birthdate at intervals of not more than four years as may be

determined by the department. Every license shall be renewable on or before its expiration upon application, payment of the required fee, and satisfactory completion of any examination required or authorized by this chapter.

(b) Examination of applicants for renewal.—The department may require persons applying for renewal of a driver's license to take and successfully pass a physical examination or a vision examination by an optometrist or ophthalmologist, or both examinations, if the department has reason to believe, either based on knowledge of the person or on statistical inference, that the person may be a traffic safety hazard. The department may require the applicant to take and successfully pass such additional tests as the department may find reasonably necessary to determine the applicant's qualification according to the type or general class of license applied for and such examination may include any or all of the other tests required or authorized upon original application by section 1508 (relating to examination of applicant for driver's license). Upon refusal or neglect of the person to submit to the examination, the driver's license shall not be renewed until such time as the examination is successfully completed.

(c) Reexamination requested by court.—The department shall reexamine any person when requested to do so by a court. Upon the conclusion of such examination, the department may take any of the actions described in subsection (b) and shall report its findings and action to the court if such report is requested.

(d) Military personnel and dependents.—Notwithstanding subsection (a), a driver's license held by any person who enters or is on active service in the armed forces of the United States or the spouse or dependent child of the member of the armed forces who resides with such person shall continue in full force and effect so long as the active service continues and the person is absent from this Commonwealth, and for a further period of 45 days following the date of the person's discharge or separation from active service or return to this Commonwealth, unless the driver's license is sooner suspended, cancelled or revoked for cause according to law. A driver's license which otherwise would have expired under subsection (a) shall be valid only if the licensee has in immediate possession, together with the driver's license, papers indicating actual service outside this Commonwealth, or discharge or separation, as the case may be, or proof thereof if a spouse or child.

§ 1515. Notice of change of name or address.

Whenever any person after applying for or receiving a driver's license moves from the address named in the application or in the driver's license issued or when the name of a licensee is changed such person shall, within 15 days thereafter, notify the department in writing of the old and new addresses or of such former and new names and of the number of any license then held by the person.

§ 1516. Department records.

(a) Applications, suspensions and revocations.—The department shall file every application for a license received by it and shall maintain suitable records containing:

(1) All applications denied and the reasons for denial.

(2) All applications granted.

(3) The name of every licensee whose license has been suspended or revoked by the department and the reasons for such action.

(b) Accidents and convictions.—The department shall file all accident reports and abstracts of court records of convictions received by it under the laws of this Commonwealth and maintain actual or facsimile records or make suitable notations in order that the records of each licensee showing convictions of the licensee, any departmental action initiated against the licensee regarding a reportable accident in which the licensee was involved, and the traffic accidents shall be available for official use. These records shall also be made available to the courts for sentencing purposes.

(c) Dismissal of charges for violations.—If a charge for violation of any of the provisions of this title against any person is dismissed by any court of competent jurisdiction, no record of the charge and dismissal shall be included in the driving record of the person.

(d) Updating driving record.—Drivers wishing to have their record reviewed by the department may make such a request in order that the record be brought up to date.

§ 1517. Medical Advisory Board.

(a) Membership.—There shall be a Medical Advisory Board consisting of 13 members appointed by the secretary. The board shall be composed of an authorized representative from the Department of Transportation, Department of Justice, Governor's Council on Drug and Alcohol Abuse, Department of Health, Pennsylvania State Police and professionals as follows: One neurologist, one doctor of cardiovascular disease, one doctor of internal medicine, one general practitioner, one ophthalmologist, one psychiatrist, one orthopedic surgeon and one optometrist.

(b) Formulation of regulations.—The board shall formulate rules and regulations for adoption by the department on physical and mental criteria including vision standards relating to the licensing of drivers under the provisions of this chapter.

§ 1518. Reports on mental or physical disabilities or disorders.

(a) Definition of disorders and disabilities.—The Medical Advisory Board shall define disorders characterized by lapses of consciousness or other mental or physical disabilities affecting the ability of a person to drive safely for the purpose of the reports required by this section.

(b) Reports by medical personnel.—All physicians and other persons authorized to diagnose or treat disorders and disabilities defined by the Medical Advisory Board shall report to the department, in writing, the full

name, date of birth and address of every person over 15 years of age diagnosed as having any specified disorder or disability within ten days.

(c) Responsibility of institution heads.—The person in charge of every mental hospital, institution or clinic, or any alcohol or drug treatment facility, shall be responsible to assure that reports are filed in accordance with subsection (b).

(d) Confidentiality of reports.—The reports required by this section shall be confidential and shall be used solely for the purpose of determining the qualifications of any person to drive a motor vehicle on the highways of this Commonwealth.

(e) Use of report as evidence.—No report forwarded under the provisions of this section shall be used as evidence in any civil or criminal trial except in any proceeding under section 1519(c) (relating to determination of incompetency).

(f) Immunity from civil and criminal liability.—No civil or criminal action may be brought against any person or agency for providing the information required under this system.

§ 1519. Determination of incompetency.

(a) General rule.—The department, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may obtain the advice of a physician who shall cause an examination to be made or who shall designate any other qualified physician. The licensed driver or applicant may cause a written report to be forwarded to the department by a physician of the driver's or applicant's choice. Vision qualifications shall be determined by an optometrist or ophthalmologist. The department shall appoint one or more qualified persons who shall consider all medical reports and testimony and determine the competency of the driver or the applicant to drive.

(b) Confidentiality of reports and evidence.—Reports received by the department for the purpose of assisting the department in determining whether a person is qualified to be licensed are for the confidential use of the department and may not be divulged to any person or used as evidence in any trial except that the reports may be admitted in proceedings under subsection (c) and any physician or optometrist conducting an examination pursuant to subsection (a) may be compelled to testify concerning observations and findings in such proceedings. The party calling the physician or optometrist as an expert witness shall be obliged to pay the reasonable fee for such testimony.

(c) Recall of operating privilege.—The department shall recall the operating privilege of any person whose incompetency has been established under the provisions of this chapter. The recall shall be for an indefinite period until satisfactory evidence is presented to the department in accordance with regulations to establish that such person is competent to drive a motor vehicle. Any person aggrieved by recall of the operating privilege may appeal to the court of common pleas in the manner provided in section 1550 (relating to judicial review).

SUBCHAPTER B
 COMPREHENSIVE SYSTEM FOR DRIVER EDUCATION
 AND CONTROL

Sec.

- 1531. Administration of system by department.
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- 1551. Notice of suspension of licenses or permits.

§ 1531. Administration of system by department.

The department shall administer an integrated system limited to the authority granted to the department in this title for revocation and suspension of operating privileges and for driver education, testing and control and for this purpose shall maintain a record as to every driver of convictions of offenses set forth in this title and such other convictions and offenses as are punishable by suspension or revocation under this title.

§ 1532. Revocation or suspension of operating privilege.

(a) Revocation.—The department shall revoke the operating privilege of any driver for one year upon receiving a certified record of the driver's conviction of any of the following offenses:

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

(2) Any subsequent violation of section 3731 (relating to driving under influence of alcohol or controlled substance) within three years of a prior violation.

(3) Any violation of the following provisions:

Section 3732 (relating to homicide by vehicle).

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

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).

(b) Suspension.—

(1) The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of the driver's conviction of any offense under the following provisions:

Section 3367 (relating to racing on highways).

Section 3731 (relating to driving under influence of alcohol or controlled substance).

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

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

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

(2) The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of the driver's conviction of a subsequent offense under the following provisions:

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

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

(3) This subsection does not effect an additional period of revocation of the operating privileges of a driver who receives an additional period of revocation for a second or subsequent violation of section 1543.

§ 1533. Suspension of operating privilege for failure to respond to citation.

The department shall suspend the operating privilege of any person who has failed to respond to a citation to appear before a court of competent jurisdiction of this Commonwealth or of any state for violation of this title, other than parking, upon being duly notified in accordance with the Pennsylvania Rules of Civil and Criminal Procedure. There shall be 15 days to respond to such notification before suspension is imposed. The suspension shall be for an indefinite period until such person shall respond and pay any fines and penalties imposed. Such suspension shall be in addition to the requirement of withholding renewal or reinstatement of a violator's driver's license as prescribed in section 1503(c) (relating to persons ineligible for licensing).

§ 1534. Notice of acceptance of Accelerative Rehabilitative Disposition.

If a person is arrested for any offense enumerated in section 1532 (relating to revocation or suspension of operating privilege) and is offered and accepts Accelerative Rehabilitative Disposition under the Pennsylvania Rules of Criminal Procedure, the court shall promptly notify the department.

§ 1535. Schedule of convictions and points.

(a) General rule.—A point system for driver education and control is hereby established which is related to other provisions for use, suspension and revocation of the operating privilege as specified under this title. Every driver licensed in this Commonwealth who is convicted of any of the following offenses shall be assessed points as of the date of violation in accordance with the following schedule:

Section Number	Offense	Points
1512	Violation of restriction on driver's license.	2
1571	Violations concerning licenses.	3
3102	Failure to obey policeman or authorized person.	2
3112(a)(3)(i)	Failure to stop for a red light.	3
3114(a)(1)	Failure to stop for a flashing red light.	3
3302	Failure to yield half of roadway to oncoming vehicle.	3
3303	Improper passing.	3
3304	Other improper passing.	3
3305	Other improper passing.	3
3306(a)(1)	Other improper passing.	4
3306(a)(2)	Other improper passing.	3
3306(a)(3)	Other improper passing.	3
3307	Other improper passing.	3
3310	Following too closely.	3
3321	Failure to yield to driver on the right at intersection.	3
3322	Failure to yield to oncoming driver when making left turn.	3
3323(b)	Failure to stop for stop signs.	3
3324	Failure to yield when entering or crossing roadway between intersections.	3
3332	Improper turning around.	3
3341	Failure to stop for flashing red lights or gate at railroad crossing.	3
3344	Failure to stop when entering from alley, driveway or building.	3

3345(a)	Failure to stop for school bus with flashing red lights.	5 (and 30 days suspension)
3361	Driving too fast for conditions.	2
3362	Exceeding maximum speed.—Over Limit:	
	6 - 10	2
	11 - 15	3
	16 - 25	4
	26 - 30	5
	31 - over	5
	(and departmental hearing and sanctions provided under section 1538(d))	
3365(b)	Exceeding special speed limit in school zones.	3
3365(c)	Exceeding special speed limit for trucks on downgrades.	3
3542(a)	Failure to yield to pedestrians in crosswalk.	2
3547	Failure to yield to pedestrian on sidewalk.	3
3549(a)	Failure to yield to blind pedestrian.	3
3702	Improper backing.	3
3714	Reckless driving.	3
3745	Leaving scene of accident involving property damage only.	4

(b) Multiple offenses from same act.—If a driver is convicted of two or more offenses as a result of the same act, points shall be assessed only for the offense for which the greatest number of points may be assessed.

(c) No points after six months.—The department shall assign points to the record of any person within six months from the date of a conviction. Any points assigned after such six-month period shall be null and void. § 1536. Notice of assignment of points.

Whenever points are assigned to a driver's record, the department shall send to that person at his last known address a letter of notice pointing out the fact and emphasizing the nature and effects of the point system. Failure to receive such letter shall not prevent the suspension of the operating privilege pursuant to this subchapter.

§ 1537. Removal of points.

(a) General rule.—Points recorded against any person shall be removed at the rate of three points for each 12 consecutive months in which such person has not committed any violation which results in the assignment of points or in suspension or revocation under this chapter. Removal of points is governed by the date of violation.

(b) Subsequent accumulation of points.—When a driver's record is reduced to zero points and is maintained at zero points for 12 consecutive months, any accumulation of points thereafter shall be regarded as an initial accumulation of points.

§ 1538. School, examination or hearing on accumulation of points or excessive speeding.

(a) Initial accumulation of six points.—When any person's record for the first time shows as many as six points, the department shall require the person to attend an approved driver improvement school or undergo a special examination and shall so notify the person in writing. Upon satisfactory attendance and completion of the course or upon passing the special examination, two points shall be removed from the person's record. Failure to attend and satisfactorily complete the requirements of driver improvement school shall result in the suspension of such person's operating privilege for 60 days. Failure to pass the examination shall result in the suspension of the operating privilege until the examination has been satisfactorily completed.

(b) Second accumulation of six points.—

(1) When any person's record has been reduced below six points and for the second time shows as many as six points, the department shall require the person to attend a departmental hearing. The hearing examiner may recommend one or more of the following:

(i) That the person be required to attend a driver improvement school.

(ii) That the person undergo an examination as provided for in section 1508 (relating to examination of applicant for driver's license).

(iii) That the person's driver's license be suspended for a period not exceeding 15 days.

(2) The department may effect or modify the recommendations of the hearing examiner but may not impose any sanction not recommended by the hearing examiner.

(3) Upon completion of the sanction or sanctions imposed by the department, two points shall be removed from the person's record.

(4) Failure to attend the hearing or to attend and satisfactorily complete the requirements of a driver improvement school shall result in the suspension of such person's operating privilege for 60 days. Failure to pass an examination shall result in the suspension of such person's operating privilege until the examination has been satisfactorily completed.

(c) Subsequent accumulations of six points.—When any person's record has been reduced below six points and for the third or subsequent time shows as many as six points, the department shall require the driver to attend a departmental hearing to determine whether the person's operating privilege should be suspended for a period not to exceed 30 days. Failure to attend the hearing or to comply with the requirements of the findings of the department shall result in the suspension of the operating privilege until the person has complied.

(d) Conviction for excessive speeding.—

(1) When any person is convicted of driving 31 miles per hour or more in excess of the speed limit, the department shall require the person to attend a departmental hearing. The hearing examiner may recommend one or more of the following:

(i) That the person be required to attend a driver improvement school.

(ii) That the person undergo an examination as provided for in section 1508.

(iii) That the person have his driver's license suspended for a period not exceeding 15 days.

(2) The department shall effect at least one of the sanctions but may not increase any suspension beyond 15 days.

(3) Failure to attend the hearing or to attend and satisfactorily complete the requirements of a driver improvement school shall result in the suspension of such person's operating privilege for 60 days. Failure to pass an examination shall result in the suspension of such person's operating privilege until the examination has been satisfactorily completed.

§ 1539. Suspension of operating privilege on accumulation of points.

(a) General rule.—When any person's record shows an accumulation of 11 points or more, the department shall suspend the operating privilege of the person as provided in subsection (b).

(b) Duration of suspension.—The first suspension shall be for a period of 5 days for each point, the second suspension shall be for a period of 10 days for each point, the third suspension shall be for a period of 15 days for each point and any subsequent suspension shall be for a period of one year.

(c) Determination of subsequent suspensions.—Every suspension and revocation under any provision of this subchapter shall be counted in determining whether a suspension is a second, third or subsequent suspension. Acceptance of Accelerative Rehabilitative Disposition for an offense enumerated in section 1532 (relating to revocation or suspension of operating privilege) shall be considered a suspension in making such determination.

(d) Section not exclusive.—Suspension under this section is in addition to any suspension mandated under section 1535 (relating to schedule of convictions and points).

§ 1540. Surrender of license.

(a) Conviction of offense.—Upon a conviction for any offense which calls for mandatory revocation in accordance with section 1532 (relating to revocation or suspension of operating privilege), the court or the district attorney shall require the surrender of any driver's license then held by the defendant and shall forward the driver's license together with a record of the conviction to the department.

(b) Suspension of operating privilege.—Upon the suspension of the operating privilege of any person by the department, the department shall

forthwith notify the person in writing to surrender his driver's license to the department for the term of suspension.

§ 1541. Period of revocation or suspension of operating privilege.

(a) Commencement of period.—The period of revocation or suspension of the operating privilege shall commence on the date on which the driver's license was surrendered to and received by the court or the department, as the case may be. The period of revocation or suspension of a nonresident licensed driver or an unlicensed driver shall commence on the date of conviction, or in the case of a revocation or suspension without a conviction, on a date determined by the department in accordance with its regulations. The department may, upon request of the person whose license is suspended, delay the commencement of the period of suspension 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.

(b) Eligibility for restoration of operating privilege.—Any person whose operating privilege has been revoked or suspended shall not be eligible for the restoration of the operating privilege until the expiration of the period of revocation or suspension.

(c) Restoration of revoked operating privilege.—Any person whose operating privilege has been revoked is not entitled to automatic restoration of the operating privilege. Such person may apply for a license if permitted under the provisions of this chapter and shall be issued a learner's permit under section 1505 (relating to learners' permits) upon expiration of the revocation.

§ 1542. Revocation of habitual offender's license.

(a) General rule.—The department shall revoke the operating privilege of any person found to be a habitual offender pursuant to the provisions of this section. A "habitual offender" shall be any person whose driving record, as maintained in the department, shows that such person has accumulated the requisite number of convictions for the separate and distinct offenses described and enumerated in subsection (b) committed after the effective date of this title and within any period of five years thereafter.

(b) Offenses enumerated.—Three convictions arising from separate acts of any one or more of the following offenses committed either singularly or in combination by any person shall result in such person being designated as a habitual offender:

- (1) Any offense set forth in section 1532 (relating to revocation or suspension of operating privilege).
- (2) Operation following suspension of registration as defined in section 1371 (relating to operation following suspension of registration).
- (3) Making use of or operating any vehicle without the knowledge or consent of the owner or custodian thereof.
- (4) Utilizing a vehicle in the unlawful transportation or unlawful sale of alcohol or any controlled substance.

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

(c) Accelerative Rehabilitative Disposition as an offense.—Acceptance of Accelerative Rehabilitative Disposition for any offense enumerated in subsection (b) shall be considered an offense for the purposes of this section.

(d) Period of revocation.—The operating privilege of any person found to be a habitual offender under the provisions of this section shall be revoked by the department for a period of five years.

(e) Additional offenses.—Any additional offense committed within a period of five years shall result in a revocation for an additional period of two years.

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

(a) Offense defined.—Any person who drives a motor vehicle on any highway of this Commonwealth at a time when the operating privilege is suspended, revoked or recalled is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

(b) Extending existing suspension or revocation.—The department, upon receiving a certified record of the conviction of any person under this section upon a charge of driving a vehicle while the operating privilege was suspended, shall revoke such privilege for an additional period of six months. If the conviction was upon a charge of driving while the operating privilege was revoked, the department shall revoke the operating privilege for an additional period of one year.

§ 1544. Additional period of revocation or suspension.

(a) Additional point accumulation.—When any person's record shows an accumulation of additional points during a period of suspension or revocation, the department shall extend the existing period of suspension or revocation at the rate of five days for each additional point and the person shall be so notified in writing.

(b) Additional suspension.—When any person's record shows an additional suspension of the operating privilege assessed during a period of suspension or revocation, the department shall extend the existing period of suspension or revocation for the appropriate period and the person shall be so notified in writing.

(c) Revocation during suspension.—When any person's record shows an additional conviction calling for revocation of the operating privilege during a period of suspension, the department shall add the appropriate revocation onto the period of suspension and the person shall be so notified in writing.

(d) Revocation during revocation.—When any person's record shows a conviction calling for revocation of the operating privilege during a period of revocation, the department shall extend the existing period of revocation for the appropriate period and the person shall be so notified in writing.

§ 1545. Restoration of operating privilege.

Upon the restoration of any person's operating privilege which has been suspended or revoked pursuant to this subchapter, such person's record shall show five points, except that any additional points assessed against the person since the date of the last violation resulting in the suspension or revocation shall be added to such five points unless the person has served an additional period of suspension or revocation pursuant to section 1544(a) (relating to additional period of revocation or suspension).

§ 1546. Suspension or revocation of nonresident's operating privilege.

(a) General rule.—The privilege of driving a motor vehicle on the highways of this Commonwealth given to a nonresident shall be subject to suspension or revocation by the department in like manner and for like cause as a resident's operating privilege.

(b) Transmitting department action to state of residence.—When a nonresident's operating privilege is suspended or revoked, the department shall forward a certified copy of the record of such action to the motor vehicle administrator in the state wherein such person resides if there is a reciprocity agreement with the other state.

§ 1547. Chemical test to determine amount of alcohol.

(a) General rule.—Any person who operates a motor vehicle in this Commonwealth shall be deemed to have given consent to a chemical test of breath or blood for the purpose of determining the alcoholic content of blood if a police officer shall have reasonable grounds to believe the person to have been driving a motor vehicle while under the influence of alcohol. The test shall be administered by qualified personnel and with equipment approved by the department. Qualified personnel means a physician or a technician acting under the physician's direction or a police officer who has fulfilled the training requirements in the use of such equipment in a training program approved by the department.

(b) Suspension for refusal.—

(1) If any person placed under arrest for driving under the influence of alcohol is requested to submit to a chemical test and refuses to do so, the test shall not be given but upon notice by the police officer, the department shall:

(i) suspend the operating privilege of the person for a period of six months; or

(ii) revoke the operating privilege of the person for a period of one year for a second or subsequent refusal within a period of three years.

(2) It shall be the duty of the police officer to inform the person that the person's operating privilege will be suspended or revoked upon refusal to submit to a chemical test.

(3) Any person whose operating privilege is suspended under the provisions of this section shall have the same right of appeal as provided for in cases of suspension or revocation for other reasons.

(c) Test results admissible in evidence.—In any summary proceeding or criminal proceeding in which the defendant is charged with driving a

motor vehicle while under the influence of alcohol, the amount of alcohol in the defendant's blood, as shown by a chemical analysis of his breath or blood, which analysis was conducted with equipment of a type approved by the Department of Health and operated by qualified personnel, shall be admissible in evidence.

(d) Presumptions from amount of alcohol.—If chemical analysis of a person's breath or blood shows:

(1) That the amount of alcohol by weight in the blood of the person tested is 0.05% or less, it shall be presumed that the person tested was not under influence of alcohol and the person shall not be charged with any violation under section 3731(a)(1)¹ (relating to driving under influence of alcohol or controlled substance), or if the person was so charged prior to the test, the charge shall be void ab initio.

(2) That the amount of alcohol by weight in the blood of the person tested is in excess of 0.05% but less than 0.10%, this fact shall not give rise to any presumption that the person tested was or was not under the influence of alcohol, but this fact may be considered with other competent evidence in determining whether the person was or was not under the influence of alcohol.

(3) That the amount of alcohol by weight in the blood of the person tested is 0.10% or more, it shall be presumed that the defendant was under the influence of alcohol.

(e) Other evidence admissible.—Subsections (a) through (d) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of alcohol.

(f) Test results available to defendant.—Upon the request of the person tested, the results of any chemical test shall be made available to him or his attorney.

(g) Blood test in lieu of breath test.—If for any reason a person is physically unable to supply enough breath to complete a chemical test, a physician or nurse or a technician acting under a physician's direction may withdraw blood for the purpose of determining its alcoholic content. The chemical analysis of the blood taken under these circumstances shall be admissible in evidence in the same manner as are the results of the breath chemical test. The operating privilege of any person who refuses to allow a blood test under the above circumstances shall be suspended pursuant to subsection (b).

(h) Test by personal physician.—The person tested shall be permitted to have a physician of his own choosing administer an additional breath or blood chemical test and the results of the test shall also be admissible in evidence. The chemical test given at the direction of the police officer shall not be delayed by a person's attempt to obtain an additional test.

(i) Request by driver for test.—Any person involved in an accident or placed under arrest for driving a motor vehicle while under the influence of

¹"3732(a)(1) or (2)" in original.

alcohol may request that he be given a chemical test of his breath. Such requests shall be honored when it is reasonably practicable to do so.

(j) Immunity from civil liability and reports.—No physician, nurse or technician or hospital employing such physician, nurse or technician, and no other employer of such physician, nurse or technician shall be civilly liable for the withdrawing of blood and reporting of test results to the police at the request of a police officer pursuant to this section.

§ 1548. Post conviction examination for driving under influence.

(a) Presentencing examination.—Before sentencing any person convicted for a second or subsequent offense of violating section 3731 (relating to driving under influence of alcohol or controlled substance), committed within five years of a prior offense of section 3731, the court shall conduct or order an appropriate examination or examinations under the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the “Mental Health and Mental Retardation Act of 1966,” to determine whether the person needs or would benefit from treatment for alcohol or drug abuse.

(b) Order for treatment.—After the examination, the court may, upon a hearing and determination that the person is a chronic abuser of alcohol or drugs, order supervised treatment on an outpatient basis, or upon additional determinations that the person is a severely debilitated drug or alcohol abuser who represents a demonstrated and serious public threat and that adequate treatment facilities are available, the court may order him committed for treatment at a facility or institution approved by the Governor’s Council on Drug and Alcohol Abuse.

(c) Examination by own physician.—Any person subject to this section may be examined by a physician of his own choosing and the results of the examination shall be considered by the court.

(d) Review of order.—Upon motion duly made by the convicted person, an attorney, a relative or an attending physician, the court at any time after an order of commitment shall review the order. After determining the progress of treatment, the court may order its continuation, the person’s release or supervised treatment on an outpatient basis.

§ 1549. Establishment of schools.

(a) Driver improvement schools.—The department is authorized to establish and maintain driver improvement schools throughout this Commonwealth. The department may approve and conduct an annual review of the course material for the schools. The curriculum to be presented must be uniform throughout this Commonwealth. All instructors shall be properly certified by the department after the completion of a course of instruction approved by the department.

(b) Course of instruction on alcohol and driving.—The department in conjunction with the Governor’s Council on Drug and Alcohol Abuse shall establish and maintain a course of instruction on the problems of alcohol and driving. The curriculum of the course of instruction established by the

department and the Governor's Council on Drug and Alcohol Abuse shall be uniform throughout this Commonwealth and shall be reviewed by the department and the Governor's Council on Drug and Alcohol Abuse on an annual basis.

§ 1550. Judicial review.

(a) General rule.—Any person denied a driver's license or whose operating privilege has been recalled, canceled, suspended or revoked by the department shall have the right to appeal by filing a petition within 30 days from the date notice is mailed for a hearing in the court of common pleas of the county in which the driver resides or, in the case of cancellation, suspension or revocation of a nonresident's operating privilege, in the county in which the offense giving rise to the recall, cancellation, suspension or revocation occurred.

(b) Supersedes.—The filing of the petition shall operate as a supersedeas and no recall, suspension, cancellation or revocation shall be imposed against such person until final determination of the matter.

(c) Jurisdiction and proceedings of court.—The court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing forthwith upon 30 days written notice to the department and to determine whether the petitioner is in fact the person whose operating privilege is subject to the recall, suspension, cancellation or revocation.

§ 1551. Notice of suspension of licenses or permits.

The department shall promptly notify each person whose license or permit is suspended as a result of the accumulation of points. The notification that the license or permit is suspended shall be made within six months following the conviction of a violation of this title that resulted in the addition of sufficient points to cause the suspension. Failure of the department to give prompt notice of suspension as required by this section shall prohibit the department from suspending the license or permit of such person.

SUBCHAPTER C VIOLATIONS

Sec.

1571. Violations concerning licenses.

1572. Cancellation of driver's license.

1573. Driving under foreign license during suspension or revocation.

1574. Permitting unauthorized person to drive.

1575. Permitting violation of title.

1576. Local authorities liable for negligence of their employees.

§ 1571. Violations concerning licenses.

(a) Offenses defined.—It is unlawful for any person:

(1) To exhibit or cause or permit to be exhibited or have in possession any recalled, canceled, suspended, revoked, fictitious or fraudulently altered driver's license.

(2) To lend a driver's license to any other person or permit the use thereof by another.

(3) To exhibit or represent as one's own any driver's license not issued to the person.

(4) To fail or refuse to surrender to the department upon lawful demand a recalled, canceled, suspended, revoked, fictitious or fraudulently altered driver's license.

(b) Penalty.—Any person violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

§ 1572. Cancellation of driver's license.

The department may cancel any driver's license upon determining that the licensee was not entitled to the issuance or that the person failed to give the required or correct information or committed fraud in making the application or in obtaining the license or the fee has not been paid. Upon the cancellation, the licensee shall immediately surrender the canceled license to the department.

§ 1573. Driving under foreign license during suspension or revocation.

Any resident or nonresident whose operating privilege to drive a motor vehicle in this Commonwealth has been recalled, canceled, suspended or revoked as provided in this title shall not drive a motor vehicle in this Commonwealth under a license or permit issued by any other jurisdiction or otherwise during the suspension or after the recall, cancellation or revocation until a new driver's license is obtained when and as permitted under this chapter.

§ 1574. Permitting unauthorized person to drive.

(a) General rule.—No person shall authorize or permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under this chapter or who is not licensed for the type or class of vehicle to be driven.

(b) Penalty.—Any person violating the provisions of subsection (a) is guilty of a summary offense and shall be jointly and severally liable with the driver for any damages caused by the negligence of such driver in operating the vehicle.

§ 1575. Permitting violation of title.

(a) General rule.—No person shall authorize or permit a motor vehicle owned by him or under his control to be driven in violation of any of the provisions of this title.

(b) Penalty.—Any person violating the provisions of subsection (a) is guilty of the same offense as the driver of such vehicle and subject to the same penalties including any suspension or revocation of the operating privilege or the assessment of points.

§ 1576. Local authorities liable for negligence of their employees.

Every local authority within this Commonwealth shall be jointly and severally liable with any employee for damages caused by the negligence of the employee while operating a motor vehicle or fire department equipment upon a highway in the course of his employment. Every local authority shall also be jointly and severally liable with any member of a

volunteer fire company for any damage caused by the negligence of the member while operating a motor vehicle or fire department equipment used by or belonging to the volunteer fire company while going to, attending or returning from a fire or while engaged in any other proper use of the motor vehicle or fire department equipment for the volunteer fire company.

CHAPTER 17 FINANCIAL RESPONSIBILITY

Subchapter

- A. General Provisions
- B. Nonpayment of Judgments

SUBCHAPTER A GENERAL PROVISIONS

Sec.

- 1701. Application of chapter.
- 1702. Administration of chapter.
- 1703. Availability of other remedies.
- 1704. Transfer of suspended registration to evade chapter.

§ 1701. Application of chapter.

This chapter does not apply with respect to any motor vehicle owned by the United States, the Commonwealth or any political subdivision.

§ 1702. Administration of chapter.

The department shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for the administration of this chapter.

§ 1703. Availability of other remedies.

This chapter shall not be construed as preventing the plaintiff in any action at law from relying for relief upon other remedies provided by law.

§ 1704. Transfer of suspended registration to evade chapter.

(a) General rule.—If the registrations of any vehicles are suspended under this chapter, the registrations shall not be transferred, nor the vehicles registered in any other name, until the department is satisfied that the transfer of registrations is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this chapter.

(b) Sale of repossessed vehicle.—This section does not apply to or affect the registration of any motor vehicle sold by a person who, pursuant to the terms or conditions of any written instrument giving a right of repossession, has exercised such right and has repossessed the motor vehicle from a person whose registration has been suspended under the provisions of this chapter.

(c) Rights of lienholders and lessors.—This chapter does not in any way affect the rights of any conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another person who becomes subject to the provisions of this chapter.

SUBCHAPTER B
NONPAYMENT OF JUDGMENTS

Sec.

- 1741. Court reports on nonpayment of judgments.
- 1742. Suspension for nonpayment of judgments.
- 1743. Continuation of suspension until judgments paid and proof given.
- 1744. Payments sufficient to satisfy judgments.
- 1745. Installment payment of judgments.
- 1746. Proof of financial responsibility after suspension or revocation.
- 1747. Providing financial responsibility.

§ 1741. Court reports on nonpayment of judgments.

(a) General rule.—Whenever any person fails within 60 days to satisfy any judgment arising from a motor vehicle accident, the judgment creditor may forward to the department a certified copy of the judgment.

(b) Notice to state of nonresident defendant.—If the defendant named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

§ 1742. Suspension for nonpayment of judgments.

(a) General rule.—The department, upon receipt of a certified copy of a judgment, shall suspend the operating privilege of each driver and registration of each owner against whom the judgment was rendered except as otherwise provided in this section and in section 1745 (relating to installment payment of judgments).

(b) Nonsuspension with consent of judgment creditor.—If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor's operating privilege and registrations be retained or restored, the department shall not suspend or shall restore until the consent is revoked in writing, notwithstanding default in the payment of the judgment, or of any installment thereof prescribed in section 1745, provided the judgment debtor furnishes proof of financial responsibility.

(c) Insurance in effect at time of accident.—Any person whose operating privilege or registrations have been suspended, or are about to be suspended or become subject to suspension, under the provisions of this chapter, shall be relieved from the effect of the judgment as prescribed in this chapter if the person files evidence satisfactory to the department that the insurance required by section 104(a) of the "Pennsylvania No-fault Motor Vehicle Insurance Act," was in force and effect at the time of the accident resulting in the judgment and is or should be available for the satisfaction of the judgment. If the required insurance is not available because the insurance company has gone into receivership or bankruptcy, the person shall only be required to present to or file with the department proper evidence that an insurance policy was in force and effect at the time of the accident.

§ 1743. Continuation of suspension until judgments paid and proof given.

A person's operating privilege and all registrations shall remain suspended and shall not be renewed nor shall any registration be thereafter issued in the name of such person unless and until every such judgment is stayed, satisfied in full or to the extent provided in this subchapter, and until the person furnishes proof of financial responsibility as required.

§ 1744. Payments sufficient to satisfy judgments.

(a) General rule.—Judgments shall for the purpose of this chapter only be deemed satisfied upon occurrence of one of the following:

(1) When \$15,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident.

(2) When \$30,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident.

(3) When \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as the result of any one accident.

(b) Credit for payment under settlement.—Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

(c) Escrow deposit by judgment debtor.—When the judgment creditor cannot be found, the judgment debtor may deposit in escrow with the prothonotary of the court where the judgment was entered an amount equal to the amount of the judgment, subject to the limits set forth in subsection (a), interest to date and record costs, whereupon the prothonotary shall notify the department and the judgment shall be deemed satisfied. The amount deposited shall be retained by the prothonotary for a period of five years from the date of the deposit, after which, if it has not been claimed by the judgment creditor, it shall be returned to the judgment debtor. When the deposit is made, the prothonotary shall notify the judgment creditor and his counsel, if any, by certified or registered mail at his last known address. No interest shall run on any judgment with respect to the amount deposited with the prothonotary under the terms of this subsection.

§ 1745. Installment payment of judgments.

(a) Order authorizing installment payment.—A judgment debtor, upon due notice to the judgment creditor, may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) Suspension prohibited during compliance with order.—The department shall not suspend a driver's operating privilege or registrations

and shall restore any operating privilege or registration suspended following nonpayment of a judgment when the judgment debtor obtains an order permitting payment of the judgment in installments and while the payment of any installment is not in default, provided that the judgment debtor furnishes proof of financial responsibility.

(c) Suspension for default in payment.—In the event the judgment debtor fails to pay any installment as specified by the order, then, upon notice of the default, the department shall suspend the operating privilege and all registrations of the judgment debtor until the judgment is satisfied as provided in this chapter.

§ 1746. Proof of financial responsibility after suspension or revocation.

Whenever the department suspends or revokes the operating privilege of any person upon receiving record of a conviction or forfeiture of bail, the department shall not restore the operating privilege until the person furnishes proof of financial responsibility.

§ 1747. Providing financial responsibility.

(a) General rule.—Proof of financial responsibility may be furnished by filing evidence satisfactory to the department that all motor vehicles registered in a person's name are covered by the insurance required in section 104 of the act of July 19, 1974 (P.L.489, No.176), known as the "Pennsylvania No-fault Motor Vehicle Insurance Act," or, if the person has no motor vehicle, that the person is covered by a nonowner's policy having the same limits of liability as are required in section 104 of that act.

(b) Nonresident.—The nonresident owner of a motor vehicle not registered in this Commonwealth may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in the certificate is registered or, if the nonresident does not own a motor vehicle, then in the state in which the insured resides, provided the certificate otherwise conforms to the provisions of this chapter, and the department shall accept the certificate upon condition that the insurance carrier complies with the following provisions with respect to the policies so certified:

(1) The insurance carrier shall execute a power of attorney authorizing the department to accept service on its behalf or process in any action arising out of a motor vehicle accident in this Commonwealth.

(2) The insurance carrier shall agree in writing that the policies shall be deemed to conform with the laws of this Commonwealth relating to the terms of motor vehicle liability policies issued in this Commonwealth.

(c) Default by foreign insurance carrier.—If any insurance carrier not authorized to transact business in this Commonwealth, which has qualified to furnish proof of financial responsibility, defaults in any undertakings or agreements, the department shall not thereafter accept as proof any certificate of the carrier whether theretofore filed or thereafter tendered as proof as long as the default continues.

CHAPTER 19
FEES

Subchapter

- A. General Provisions
- B. Registration Fees
- C. Permits
- D. Miscellaneous Fees

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

1901. Exemption of entities and vehicles from fees.

1902. Exemptions from other fees.

1903. Limitation on local license fees and taxes.

1904. Collection and disposition of fees and moneys.

§ 1901. Exemption of entities and vehicles from fees.

(a) Governmental and quasi-governmental entities.—Except as otherwise specifically provided in this title, no fees shall be charged under this title to any of the following:

- (1) The Commonwealth.
- (2) Political subdivisions.
- (3) State and local authorities.
- (4) The Federal Government.
- (5) Other states.

(b) Title and registration fees.—No fee shall be charged for titling or registration of any of the following:

(1) Buses registered by urban mass transportation systems except that this paragraph shall cover only the number of buses which the department determines are required to provide scheduled service within the county in which they have their principal place of business or contiguous counties.

(2) Vehicles registered by volunteer fire, rescue and ambulance associations.

(3) Vehicles registered by foreign nationals with the rank of vice consul or higher assigned to a consulate in this Commonwealth provided that citizens of the United States are granted reciprocal exemptions.

(4) Vehicles of totally disabled veterans whose disability is certified by the United States Veterans' Administration as service-connected.

(c) Processing fee in lieu of registration fee.—No registration fee shall be charged for vehicles registered by any of the following but the department shall charge a fee of \$10 to cover the costs of processing for issuing or renewing the registration:

- (1) Hospital.
- (2) Humane society.
- (3) Nonprofit youth center.

- (4) American Red Cross.
- (5) Church.
- (6) Girl Scouts of America.
- (7) Boy Scouts of America.
- (8) Salvation Army.
- (9) Duly chartered posts of national veterans' organizations.
- (10) Young Men's Christian Association.
- (11) Young Men's Hebrew Association.
- (12) Young Women's Christian Association.
- (13) Young Women's Hebrew Association.
- (14) Jewish Community Center.
- (15) Nonprofit corporations of musical marching groups of youths.
- (16) Any person who is retired and receiving social security or other pension and whose total income does not exceed \$7,500 per year. Unless the retired person is physically or mentally incapable of driving the vehicle, the retired person shall be the principal driver of the vehicle but may from time to time authorize another person to drive the vehicle in his or her stead.
- (17) Any veteran who lost a limb or eye or who became partially paralyzed while serving in the armed forces of the United States.

(d) Limitations.—

(1) Vehicles titled and registered under the provisions of this section shall be operated and used exclusively for the purpose for which the vehicles were entitled to the exemptions from fees.

(2) Only one passenger vehicle or one other vehicle with a gross weight or registered gross weight of not more than 9,000 pounds may be registered to any person under the provisions of subsection (b)(4) and subsection (c)(16) and (17).

(e) Penalty.—Any person violating the provisions of this section is guilty of a summary offense.

§ 1902. Exemptions from other fees.

No fee shall be charged under this title for or to any of the following:

- (1) A certificate of title returned to the department for cancellation.
- (2) The replacement of a registration card or plate, driver's license, learner's permit or certificate of title lost in the mail if the applicant files an affidavit of nonreceipt within 45 days of the date of original issuance.
- (3) A certificate of junk.
- (4) A certificate of rejection.
- (5) A special hauling permit issued to any person hauling equipment or materials for use on a Federal or State emergency relief project.
- (6) A manufacturer, jobber or dealer for a certificate of title to a motor vehicle, trailer or semitrailer when assignment of certificate of title accompanies the application for certificate of title, and when the dealer, manufacturer or jobber is possessed of current manufacturer's, dealer's or jobber's registration plates.

§ 1903. Limitation on local license fees and taxes.

No municipality shall require or collect any registration or license fee or tax for any vehicle or driver's license from any person.

§ 1904. Collection and disposition of fees and moneys.

The department shall collect all fees payable under this title and all other moneys received in connection with the administration of this title and transmit them to the State Treasurer for deposit in the Motor License Fund. Moneys paid in error may be refunded by the department.

SUBCHAPTER B REGISTRATION FEES

Sec.

- 1911. Annual registration fees.
- 1912. Passenger cars.
- 1913. Motor homes.
- 1914. Motorcycles.
- 1915. Motor-driven cycles.
- 1916. Trucks and truck tractors.
- 1917. Motor buses.
- 1918. School buses.
- 1919. Electric vehicles.
- 1920. Trailers.
- 1921. Special mobile equipment.
- 1922. Implements of husbandry.
- 1923. Antique and classic vehicles.
- 1924. Farm trucks.
- 1925. Ambulances, taxis and hearses.
- 1926. Dealers and miscellaneous motor vehicle business.
- 1927. Transfer of registration.
- 1928. Temporary registration plates.
- 1929. Replacement registration plates.
- 1930. Legislative registration plates.
- 1931. Personal registration plates.
- 1932. Duplicate registration cards.

§ 1911. Annual registration fees.

(a) General rule.—An annual fee for the registration of vehicles as provided in Chapter 13 (relating to the registration of vehicles) shall be charged by the department as provided in this title.

(b) Department to establish certain fees.—If a vehicle to be registered is of a type not specifically provided for by this title and is otherwise eligible for registration, the department shall determine the most appropriate fee or fee schedule for the vehicle or type of vehicle based on such factors as design and intended use.

§ 1912. Passenger cars.

The annual fee for registration of a passenger car shall be \$24.

§ 1913. Motor homes.

The annual fee for registration of a motor home shall be determined by its registered gross weight in pounds according to the following table:

Class	Registered Gross Weight in Pounds	Fee
1	8,000 or less	\$30
2	8,001 - 11,000	42
3	11,001 or more	54

§ 1914. Motorcycles.

The annual fee for registration of a motorcycle other than a motor-driven cycle shall be \$12.

§ 1915. Motor-driven cycles.

The annual fee for registration of a motor-driven cycle shall be \$6.

§ 1916. Trucks and truck tractors.

The annual fee for registration of a truck or truck tractor shall be determined by its registered gross weight or combination weight in pounds according to the following table:

Class	Registered Gross or Combination Weight in Pounds	Fee
1	5,000 or less	\$ 39
2	5,001 - 7,000	52
3	7,001 - 9,000	84
4	9,001 - 11,000	108
5	11,001 - 14,000	132
6	14,001 - 17,000	156
7	17,001 - 21,000	192
8	21,001 - 26,000	216
9	26,001 - 30,000	252
10	30,001 - 33,000	300
11	33,001 - 36,000	324
12	36,001 - 40,000	342
13	40,001 - 44,000	360
14	44,001 - 48,000	384
15	48,001 - 52,000	420
16	52,001 - 56,000	444
17	56,001 - 60,000	501
18	60,001 - 64,000	552
19	64,001 - 68,000	576
20	68,001 - 73,280	606

§ 1917. Motor buses.

The annual fee for registration of a motor bus shall be determined by its seating capacity according to the following table:

Seating Capacity

Fee

26 or less

\$ 6 per seat

27 - 51

156 plus \$7.50 per seat
in excess of 26

52 or more

360

§ 1918. School buses.

The annual fee for registration of a school bus shall be \$24.

§ 1919. Electric vehicles.

The annual fee for registration of a vehicle which is propelled by electric power shall be \$12.

§ 1920. Trailers.

The annual fee for registration of a trailer shall be determined by its registered gross weight according to the following table:

Registered Gross Weight in Pounds	Fee
3,000 or less	\$ 6
3,001 - 10,000	12
10,001 or more	27

§ 1921. Special mobile equipment.

The annual fee for registration of special mobile equipment shall be \$24.

§ 1922. Implements of husbandry.

The annual fee for registration of an implement of husbandry not exempt from registration under this title shall be \$12.

§ 1923. Antique and classic vehicles.

The fee for registration of an antique or classic motor vehicle shall be \$50.

§ 1924. Farm trucks.

The annual fee for registration of a farm truck shall be \$27.

§ 1925. Ambulances, taxis and hearses.

The annual fee for registration of an ambulance, taxi or hearse shall be \$36.

§ 1926. Dealers and miscellaneous motor vehicle business.

(a) General rule.—The annual fee for a dealer registration plate or miscellaneous motor vehicle business plate shall be \$24.

(b) Motorcycle dealers.—The annual fee for each dealer registration plate issued to a motorcycle dealer other than a motor-driven cycle dealer shall be \$12.

(c) Motor-driven cycle dealers.—The annual fee for each dealer registration plate issued to a motor-driven cycle dealer shall be \$6.

§ 1927. Transfer of registration.

The fee for transfer of registration shall be \$4.

§ 1928. Temporary registration plates.

The fee payable by a dealer or other dispensing agent for a temporary registration plate shall be \$1. The charge of the agent for providing an applicant with a temporary plate shall not exceed a total of \$5.

§ 1929. Replacement registration plates.

The fee for a replacement registration plate other than a legislative or personal plate shall be \$5.

§ 1930. Legislative registration plates.

The fee for issuance of a legislative registration plate shall be \$20 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each legislative registration plate issued or replaced.

§ 1931. Personal registration plates.

The fee for issuance of a personal registration plate shall be \$20 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each personal registration issued or replaced.

§ 1932. Duplicate registration cards.

The fee for each duplicate registration card when ordered at the time of vehicle registration or transfer or renewal of registration shall be \$1. The fee for each duplicate registration card issued at any other time shall be \$3.

SUBCHAPTER C PERMITS

Sec.

1941. Scope of subchapter.

1942. Special hauling permits as to weight and size.

1943. Annual hauling permits.

1944. Mobile homes and similar trailers.

1945. Books of permits.

1946. Movements requiring special escort.

1947. Refund of certain fees.

§ 1941. Scope of subchapter.

This subchapter prescribes fees payable to the department for permits covering movements on State highways and does not limit the right of local authorities to prescribe fees for permits for movements on streets and highways under their jurisdiction.

§ 1942. Special hauling permits as to weight and size.

The fee for a special hauling permit for each movement of an overweight or oversize vehicle or load, or both, shall be \$15. An overweight vehicle shall be charged an additional 3¢ per ton-mile for the number of tons by which the gross weight exceeds the registered gross weight.

§ 1943. Annual hauling permits.

(a) Quarry equipment and machinery.—The annual fee for operation or movement of each piece of heavy quarry equipment or machinery, as provided for in section 4966 (relating to permit for movement of quarry equipment), shall be \$25.

(b) Implements of husbandry.—The annual fee for operation or movement of oversize self-propelled implements of husbandry, as provided for in section 4967 (relating to permit for movement of implements of

husbandry), shall be \$20 for the first implement and \$5 for each additional implement.

(c) Equipment being manufactured.—The annual fee for operation or movement of equipment being manufactured, as provided for in section 4968 (relating to permit for movement of equipment being manufactured), shall be \$50.

(d) Multiple highway crossings.—The annual fee for a single permit for multiple highway crossings, as provided for in section 4965 (relating to single permits for multiple highway crossings), shall be \$25.

(e) Vehicles with oversize wheels and tires.—The annual fee for movement of a vehicle with oversize wheels and ¹ tires, as provided for in section 4969 (relating to permit for movement of vehicles with oversize wheels and tires) shall be \$50.

§ 1944. Mobile homes and similar trailers.

The fee for a special hauling permit for a mobile home or similar trailer which exceeds the maximum size prescribed in this title shall be \$20.

§ 1945. Books of permits.

(a) General rule.—Upon request, permits for movement of oversize vehicles or loads, the dimensions of which do not exceed those specified by the department, will be issued in booklet form, containing a convenient number of permits. For each movement, one permit shall be removed from the booklet, dated, trip data entered and securely affixed to the vehicle or load.

(b) Penalty.—Any person violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500.

§ 1946. Movements requiring special escort.

When a special escort is required, as provided for in section 4962 (relating to conditions of permits and security for damages), the cost of the escort shall be added to the permit fee. The department, the Pennsylvania State Police and local authorities may establish schedules of fees for escort costs based on mileage or otherwise.

§ 1947. Refund of certain fees.

The portion of the fee of an unused overweight permit based on ton-miles or the fee for an unused escort, or both, may be refunded upon payment of a processing fee of \$10.

SUBCHAPTER D MISCELLANEOUS FEES

Sec.

1951. Driver's license and learner's permit.

1952. Certificate of title.

1953. Security interest.

1954. Approval of vehicle equipment and testing devices.

1955. Information concerning drivers and vehicles.

¹"wheels and" omitted in original.

1956. Certified copies of records.

1957. Uncollectible checks.

1958. Certificate of inspection.

1959. Messenger service.

§ 1951. Driver's license and learner's permit.

(a) Driver's license.—The annual fee for a driver's license shall be \$5 plus the cost of the photograph required in section 1510(a) (relating to issuance and content of driver's license).

(b) Learner's permit.—The fee for a learner's permit shall be \$5.

(c) Identification card.—The fee for an identification card shall be \$5.

(d) Replacement license or card.—The fee for a replacement driver's license or identification card shall be \$5.

§ 1952. Certificate of title.

(a) General rule.—The fee for a certificate of title shall be \$5.

(b) Duplicate certificate.—The fee for a duplicate certificate of title shall be \$5.

(c) Manufacturer's or dealer's notification.—The fee for a manufacturer's or dealer's notification of acquisition of a vehicle from another manufacturer or dealer for resale pursuant to section 1113 (relating to transfer to or from manufacturer or dealer) shall be \$2.

§ 1953. Security interest.

The fee for recording or changing the amount of security interest on a certificate of title shall be \$5.

§ 1954. Approval of vehicle equipment and testing devices.

The department is authorized to charge reasonable fees for the approval of vehicle equipment and testing devices under the provisions of section 4104 (relating to testing and approval of equipment) except that:

(1) fees for other testing shall be based on the cost of operating the department equipment approval program and shall not exceed similar fees charged by the American Association of Motor Vehicle Administrators; and

(2) no fee shall be charged for a approval based on certifications of the American Association of Motor Vehicle Administrators.

§ 1955. Information concerning drivers and vehicles.

(a) Registrations, titles and security interests.—The fee for copies of or information relating to a registration, title or security interest shall be \$2.50.

(b) Other data and information.—The department may charge to any person or governmental or quasi-governmental entity a reasonable fee based on the cost to the department of compiling data and statistical information upon request.

§ 1956. Certified copies of records.

(a) Department records.—The fee for a certified copy of any department record which the department is authorized by law to furnish to the public shall be \$5 for each form or supporting document comprising such record.

(b) State Police reports.—The fee for a certified Pennsylvania State Police record of investigation of a vehicle accident which the Pennsylvania State Police are authorized by this title to furnish to the public shall be \$5 for each copy of the Pennsylvania State Police full report of investigation.

§ 1957. Uncollectible checks.

Whenever any check issued in payment of any fee or for any other purpose is returned to the department as uncollectible, the department or municipality shall charge a fee of \$10 for each driver's license, registration, replacement of tags, transfer of registration, certificate of title, whether original or duplicate, special hauling permit and each other unit of issue by the department or municipality, plus all protest fees, to the person presenting the check, to cover the cost of collection.

§ 1958. Certificate of inspection.

The department shall charge 25¢ for each certificate of inspection.

§ 1959. Messenger service.

(a) Annual registration.—The annual fee for registration of a messenger service as provided for in Chapter 75 (relating to messenger service) shall be \$50.

(b) Additional places of business.—The annual fee for registration of additional place of business or branch office from which a messenger service may transact business shall be \$25.

(c) Transfer of location.—The fee for the transfer of location of a registered place of business or branch office of a messenger service during a period of registration shall be \$5.

PART III OPERATION OF VEHICLES

Chapter

- 31. General Provisions
- 33. Rules of the Road in General
- 35. Special Vehicles and Pedestrians
- 37. Miscellaneous Provisions

CHAPTER 31 GENERAL PROVISIONS

Subchapter

- A. Obedience To and Effect of Traffic Laws
- B. Traffic-control Devices

SUBCHAPTER A OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

Sec.

- 3101. Application of part.
- 3102. Obedience to authorized persons directing traffic.
- 3103. Persons riding animals or driving animal-drawn vehicles.
- 3104. Persons working on highways.

3105. Drivers of emergency vehicles.

3106. Operators of streetcars.

§ 3101. Application of part.

(a) General rule.—Except as provided in subsection (b), the provisions of this part relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a particular provision.

(b) Serious traffic offenses.—The provisions of Subchapter B of Chapter 37 (relating to serious traffic offenses) shall apply upon highways and trafficways throughout this Commonwealth.

§ 3102. Obedience to authorized persons directing traffic.

No person shall willfully fail or refuse to comply with any lawful order or direction of any uniformed police officer, sheriff or constable or any appropriately attired person authorized to direct, control or regulate traffic.

§ 3103. Persons riding animals or driving animal-drawn vehicles.

(a) General rule.—Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this part, except those provisions of this part which by their very nature can have no application or where specifically provided otherwise.

(b) Limited access highways.—No person shall ride an animal or drive any animal-drawn vehicle upon a limited access highway.

§ 3104. Persons working on highways.

Unless specifically made applicable, the provisions of this part, except those contained in Subchapter B of Chapter 37 (relating to serious traffic offenses), shall not apply to persons, motor vehicles, and equipment while actually engaged in work upon a highway but shall apply to such persons and vehicles when traveling to or from such work.

§ 3105. Drivers of emergency vehicles.

(a) General rule.—The driver of an emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

(b) Exercise of special privileges.—The driver of an emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this part.
- (2) Proceed past a red signal indication or stop sign, but only after slowing down as may be necessary for safe operation, except as provided in subsection (d).
- (3) Exceed the maximum speed limits so long as the driver does not endanger life or property, except as provided in subsection (d).
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(c) Audible and visual signals required.—The privileges granted in this section to an emergency vehicle shall apply only when the vehicle is making use of an audible signal and visual signals meeting the requirements and standards set forth in regulations adopted by the department, except that an emergency vehicle operated as a police vehicle need not be equipped with or display the visual signals.

(d) Ambulances and blood-delivery vehicles.—The driver of an ambulance or blood-delivery vehicle shall comply with maximum speed limits, red signal indications and stop signs. After ascertaining that the ambulance or blood-delivery vehicle will be given the right-of-way, the driver may proceed through a red signal indication or stop sign.

(e) Exercise of care.—This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

§ 3106. Operators of streetcars.

Every operator of a streetcar upon any roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title except those provisions which by their nature can have no application.

SUBCHAPTER B TRAFFIC-CONTROL DEVICES

Sec.

3111. Obedience to traffic-control devices.

3112. Traffic-control signals.

3113. Pedestrian-control signals.

3114. Flashing signals.

3115. Lane-direction-control signals.

§ 3111. Obedience to traffic-control devices.

(a) General rule.—Unless otherwise directed by a uniformed police officer or any appropriately attired person authorized to direct, control or regulate traffic, the driver of any vehicle shall obey the instructions of any applicable official traffic-control device placed or held in accordance with the provisions of this title, subject to the privileges granted the driver of an authorized emergency vehicle in this title.

(b) Proper position and legibility of device.—No provision of this title for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, the section shall be effective even though no devices are erected or in place.

(c) Presumption of authorized placement.—Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this title, the devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) **Presumption of proper devices.**—Any official traffic-control device placed or held pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary shall be established by competent evidence.

§ 3112. Traffic-control signals.

(a) **General rule.**—Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) **Green indication.**—

(i) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn except that vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113 (relating to pedestrian-control signals), pedestrians facing any green signal may proceed across the roadway within a crosswalk.

(2) **Steady yellow indication.**—

(i) Vehicular traffic facing a steady yellow signal is thereby warned that the related green indication is being terminated or that a red indication will be exhibited immediately thereafter.

(ii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113, pedestrians facing a steady yellow signal are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) **Steady red indication.**—

(i) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, or if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subparagraph (ii).

(ii) Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may enter the intersection to turn right, or to turn left from a one-way roadway onto a one-way roadway after stopping as required by subparagraph (i). Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113, pedestrians facing a steady red signal alone shall not enter the roadway.

(b) Places other than intersections.—In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(c) Inoperable or malfunctioning signal.—If a traffic-control signal is out of operation or is not functioning properly, vehicular traffic facing a:

(1) Green or yellow signal may proceed with caution as indicated in subsection (a)(1) and (2).

(2) Red or completely unlighted signal shall stop in the same manner as at a stop sign, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign as provided in section 3323 (relating to stop signs and yield signs).

§ 3113. Pedestrian-control signals.

(a) General rule.—Whenever special pedestrian-control signals exhibiting the words “Walk” or “Don’t Walk” are in place, the signals shall indicate as follows:

(1) “Walk”.—Pedestrians facing the signal should proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) “Don’t Walk”.—Pedestrians should not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the “Walk” signal should proceed to a sidewalk or safety zone while the “Don’t Walk” signal is showing.

(3) Flashing “Walk”.—Whenever the “Walk” indication is flashing, pedestrians facing the signal are cautioned that there is possible hazard from turning vehicles, but pedestrians may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.

(4) Flashing “Don’t Walk”.—Whenever the “Don’t Walk” indication is flashing, pedestrians should not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the “Walk” indication should proceed to a sidewalk or safety zone, and all drivers of vehicles shall yield to the pedestrian.

(b) Local regulation.—This section does not prohibit a municipality from establishing a summary offense for violation of subsection (a)(2) or (4).

§ 3114. Flashing signals.

(a) General rule.—Whenever a flashing red or yellow signal is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:

(1) Flashing red.—When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop in the same manner as at a stop sign, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign as provided in section 3323 (relating to stop signs and yield signs).

(2) Flashing yellow.—When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) Railroad grade crossings.—This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 3341 (relating to obedience to signal indicating approach of train).

§ 3115. Lane-direction-control signals.

When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

CHAPTER 33 RULES OF THE ROAD IN GENERAL

Subchapter

- A. General Provisions
- B. Right-of-way
- C. Turning, Starting and Signals
- D. Special Stops Required
- E. Stopping, Standing and Parking
- F. Speed Restrictions

SUBCHAPTER A GENERAL PROVISIONS

Sec.

- 3301. Driving on right side of roadway.
- 3302. Meeting vehicle proceeding in opposite direction.
- 3303. Overtaking vehicle on the left.
- 3304. Overtaking vehicle on the right.
- 3305. Limitations on overtaking on the left.
- 3306. Limitations on driving on left side of roadway.
- 3307. No-passing zones.
- 3308. One-way roadways and rotary traffic islands.

- 3309. Driving on roadways laned for traffic.
- 3310. Following too closely.
- 3311. Driving on divided highways.
- 3312. Limited access highway entrances and exits.
- 3313. Restrictions on use of limited access highways.
- 3314. Prohibiting use of hearing impairment devices.

§ 3301. Driving on right side of roadway.

(a) General rule.—Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction where permitted by the rules governing such movement.

(2) When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided the driver yields the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute a hazard.

(3) When and where official traffic-control devices are in place designating a lane or lanes to the left side of the center of the roadway for the movement indicated by the devices.

(4) Upon a roadway restricted to one-way traffic.

(5) When making a left turn as provided in sections 3322 (relating to vehicle turning left) and 3331 (relating to required position and method of turning).

(b) Vehicle proceeding at less than normal speed.—Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into an alley, private road or driveway. This subsection does not apply to a driver who must necessarily drive in a lane other than the right-hand lane to continue on his intended route.

§ 3302. Meeting vehicle proceeding in opposite direction.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

§ 3303. Overtaking vehicle on the left.

(a) General rule.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions and special rules stated in this chapter:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and shall stay to the left of the other vehicle until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle and shall give way to the right in favor of the overtaking vehicle on suitable signal.

(b) Suitable signal defined.—Suitable signal for purposes of subsection (a)(2) shall be as follows:

(1) At all times when head lamps are required to be lighted according to section 4302 (relating to the period for requiring lighted lamps), an audible signal or the intermittent flashing of low and high beams except that the use of high beams shall not be permitted when a vehicle is approaching from the opposite direction within 500 feet.

(2) At all other times, an audible signal.

§ 3304. Overtaking vehicle on the right.

(a) General rule.—The driver of a vehicle may overtake and pass upon the right of another vehicle only under one of the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn, except that such movement shall not be made by driving off the berm or shoulder of the highway.

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaken vehicle, except that such movement shall not be made by driving off the roadway.

(b) Limitation.—No passing movement under this section shall be made unless the movement can be made in safety.

§ 3305. Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center or marked center line of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

§ 3306. Limitations on driving on left side of roadway.

(a) General rule.—No vehicle shall be driven on the left side of the roadway under any of the following conditions:

(1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing, unless otherwise indicated by official traffic-control devices.

(3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) Application of section.—This section does not apply under the conditions described in section 3301(a)(2),(3),(4) and (5) (relating to driving on right side of roadway).

§ 3307. No-passing zones.

(a) Establishment and marking.—The department and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and shall by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when the signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions of the signs or markings. Signs shall be placed to indicate the beginning and end of each no-passing zone.

(b) Compliance by drivers.—Where signs and markings are in place to define a no-passing zone as set forth in subsection (a), no driver shall at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark a no-passing zone throughout its length.

(c) Application of section.—This section does not apply under the conditions described in section 3301(a)(2) and (5) (relating to driving on right side of roadway).

§ 3308. One-way roadways and rotary traffic islands.

(a) Establishment and marking.—The department and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.

(b) Driving on one-way roadway.—Upon a roadway designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

(c) Driving around rotary traffic island.—A vehicle passing around a rotary traffic island shall be driven only to the right of the island.

§ 3309. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others not inconsistent therewith shall apply:

(1) Driving within single lane.—A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety.

(2) Three lane roadways.—Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing

another vehicle traveling in the same direction when the center lane is clear of traffic within a safe distance, or in preparation for making a left turn, or where the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and the allocation is designated by official traffic-control devices.

(3) Lanes limited to specific use.—Official traffic-control devices may be erected to restrict the use of specified lanes to specified classes or types of traffic or vehicles, including multioccupant vehicles or car pools, and drivers of vehicles shall obey the directions of every such device.

(4) Prohibitions against changing lanes.—Official traffic-control devices may be installed prohibiting the changing of lanes on a section of roadway and drivers of vehicles shall obey the directions of every such device.

§ 3310. Following too closely.

(a) General rule.—The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

(b) Combinations of vehicles and trucks.—The driver of any motor vehicle drawing another vehicle or of any truck when traveling upon a roadway outside of an urban district and following a motor vehicle drawing another vehicle or following a truck shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space without danger, except that this subsection does not prevent a motor vehicle drawing another vehicle or prevent a truck from overtaking and passing any vehicle or combination of vehicles.

(c) Caravans and motorcades.—Upon any roadway outside of an urban district, motor vehicles being driven in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy space without danger. This subsection does not apply to funeral processions.

§ 3311. Driving on divided highways.

(a) General rule.—Whenever any highway has been divided into two or more roadways by leaving an intervening space, physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices, police officers or appropriately attired persons authorized to direct, control or regulate traffic. No vehicle shall be driven over, across or within any such dividing space, barrier or section except through an opening in the physical barrier or dividing section or space or at a crossover or intersection as established.

(b) Traffic-control devices regulating turns.—Whenever necessary for the protection and safety of traffic, official traffic-control devices may be installed at an opening in the physical barrier or dividing section or space or

at a crossover or intersection prohibiting or regulating a turn or turns as may be necessary pursuant to the authority of this title.

§ 3312. Limited access highway entrances and exits.

No person shall drive a vehicle onto or from any limited access highway except at such entrances and exits as are established by public authority.

§ 3313. Restrictions on use of limited access highways.

(a) General rule.—The department may regulate or prohibit the use of any limited access highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) Traffic-control devices at entrances.—The department, when adopting any prohibition under this section, shall erect and maintain official traffic-control devices at the entrances to the limited access highway on which the prohibitions are applicable and when in place no person shall disobey the restrictions stated on the devices.

§ 3314. Prohibiting use of hearing impairment devices.

(a) General rule.—No driver shall operate a vehicle while wearing or using one or more headphones, earphones or any similar device which the department by regulation determines would impair the ability of the driver to hear traffic sounds.

(b) Exception.—This section does not prohibit the use of hearing aids or other devices for improving the hearing of the driver.

SUBCHAPTER B RIGHT-OF-WAY

Sec.

3321. Vehicle approaching or entering intersection.

3322. Vehicle turning left.

3323. Stop signs and yield signs.

3324. Vehicle entering or crossing roadway.

3325. Duty of driver on approach of emergency vehicle.

3326. Duty of driver in construction and maintenance areas.

§ 3321. Vehicle approaching or entering intersection.

(a) General rule.—When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) Exception.—The right-of-way rule declared in subsection (a) is modified at through highways and otherwise as stated in this part.

§ 3322. Vehicle turning left.

The driver of a vehicle intending to turn left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute a hazard.

§ 3323. Stop signs and yield signs.

(a) Intersections controlled by signs.—Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in section 6124 (relating to erection of traffic-control devices at intersections).

(b) Duties at stop signs.—Except when directed to proceed by a police officer or appropriately attired persons authorized to direct, control or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line or, if none, before entering a crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering. After having stopped, the driver shall yield the right-of-way to any pedestrian in a crosswalk or to any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time when the driver is moving across or within the intersection or junction of roadways.

(c) Duties at yield signs.—The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop before entering a crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering. After slowing down or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time the driver is moving across or within the intersection of roadways. If a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign, the collision shall be deemed prima facie evidence of failure of the driver to yield the right-of-way.

§ 3324. Vehicle entering or crossing roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

§ 3325. Duty of driver on approach of emergency vehicle.

(a) General rule.—Upon the immediate approach of an emergency vehicle making use of an audible signal and visual signals meeting the requirements and standards set forth in regulations adopted by the department, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer. On one-way roadways a driver may comply by driving to the edge or curb which is nearest to the lane in which he is traveling.

(b) Duty of operator of streetcar.—Upon the approach of an emergency vehicle, the operator of every streetcar shall immediately stop the streetcar clear of any intersection and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer.

§ 3326. Duty of driver in construction and maintenance areas.

(a) Areas indicated by traffic-control devices.—The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway or utility construction or maintenance area indicated by official traffic-control devices.

(b) Work vehicles displaying flashing lights.—The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever the vehicle displays flashing lights meeting the requirements and regulations promulgated by the department.

SUBCHAPTER C TURNING, STARTING AND SIGNALS

Sec.

3331. Required position and method of turning.

3332. Limitations on turning around.

3333. Moving stopped or parked vehicle.

3334. Turning movements and required signals.

3335. Signals by hand and arm or signal lamps.

3336. Method of giving hand and arm signals.

§ 3331. Required position and method of turning.

(a) Right turn.—The driver of a vehicle intending to turn right shall approach the turn and make the turn as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turn.—The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(c) Compliance with traffic-control devices.—The department and local authorities on highways under their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when the devices are so placed no driver shall turn a vehicle other than as directed and required by the devices.

(d) Two-way left turn lanes.—Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

(1) A left turn shall not be made from any other lane.

(2) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

§ 3332. Limitations on turning around.

(a) General rule.—The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made in safety and without interfering with other traffic.

(b) Turns on curves or grades.—No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

§ 3333. Moving stopped or parked vehicle.

No person shall move a vehicle which is stopped, standing or parked unless and until the movement can be made with safety.

§ 3334. Turning movements and required signals.

(a) General rule.—Upon a roadway no person shall turn a vehicle or move from one traffic lane to another or enter the traffic stream from a parked position unless and until the movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided in this section.

(b) Signals on turning and starting.—At speeds of less than 35 miles per hour, an appropriate signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. The signal shall be given during not less than the last 300 feet at speeds in excess of 35 miles per hour. The signal shall also be given prior to entry of the vehicle into the traffic stream from a parked position.

(c) Limitations on use of certain signals.—The signals required on vehicles by section 3335(b) (relating to signals by hand and arm or signal lamps) shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or “do pass” signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(d) Discontinuing turn signals.—Turn signals shall be discontinued immediately after completing the turn or movement from one traffic lane to another traffic lane.

§ 3335. Signals by hand and arm or signal lamps.

(a) General rule.—Any stop or turn signal shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (b).

(b) Required signals by signal lamps.—Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load exceeds 14 feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

(c) Exception.—This section does not apply to a motor vehicle registered as an antique or classic vehicle which was not originally equipped with signal lamps.

§ 3336. Method of giving hand and arm signals.

All signals given by hand and arm shall be given from the left side of the vehicle in the following manner and the signals shall indicate as follows:

- (1) For a left turn, the hand and arm shall be extended horizontally.
- (2) For a right turn, the hand and arm shall be extended upward.
- (3) To stop or decrease speed, the hand and arm shall be extended downward.

SUBCHAPTER D SPECIAL STOPS REQUIRED

Sec.

3341. Obedience to signal indicating approach of train.

3342. Vehicles required to stop at railroad crossings.

3343. Moving heavy equipment at railroad grade crossings.

3344. Emerging from alley, driveway or building.

3345. Meeting or overtaking school bus.

§ 3341. Obedience to signal indicating approach of train.

(a) General rule.—Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until it can be done safely. The foregoing requirements shall apply upon the occurrence of any of the following circumstances:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.

(2) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train.

(3) A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from that distance and the railroad train, by reason of its speed or nearness to the crossing, is a hazard.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(b) Compliance with crossing gate or barrier.—

(1) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed.

(2) No person shall start to drive a vehicle through, around or under a gate or barrier at the entrance to a railroad crossing while the gate or barrier is being opened or closed.

§ 3342. Vehicles required to stop at railroad crossings.

(a) General rule.—Except as provided in subsection (b), the driver of any vehicle described in regulations issued pursuant to subsection (c),

before crossing at grade any track or tracks of a railroad, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until it can be done safely. After stopping and upon proceeding when it is safe to do so the driver of the vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing the crossing and the driver shall not manually shift gears while crossing the track or tracks.

(b) Exceptions.—This section does not apply at any of the following:

(1) Any railroad grade crossing at which traffic is controlled by a police officer or flagman.

(2) Any railroad grade crossing at which traffic is regulated by a traffic control signal.

(3) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train.

(4) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(c) Regulations defining vehicles subject to section.—The department shall adopt such regulations as may be necessary describing the vehicles which must comply with the stopping requirements of this section. In formulating the regulations, the department shall give consideration to the hazardous nature of any substance carried by the vehicle as determined by the Hazardous Substances Transportation Board and to the number of passengers carried by the vehicle in determining whether the vehicle shall be required to stop. These regulations shall be developed in conjunction with the Pennsylvania Public Utility Commission and the Urban Mass Transportation Authority and shall correlate with and so far as possible conform to the current regulations of the United States Department of Transportation.

§ 3343. Moving heavy equipment at railroad grade crossings.

(a) General rule.—No person shall operate or move any crawler-type tractor, power shovel, derrick, roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of intended crossing.—Notice of any intended crossing shall be given to an authorized representative of the railroad and a reasonable time be given to the railroad to provide proper protection at the crossing.

(c) Stopping at crossing.—Before making any crossing, the person operating or moving the vehicle or equipment shall first stop the vehicle or equipment not less than 15 feet nor more than 50 feet from the nearest rail

of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) Movement over crossing.—No crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. Movement over a crossing shall be under the direction of any flagman provided by the railroad.

§ 3344. Emerging from alley, driveway or building.

Unless otherwise directed by official traffic-control devices erected in accordance with provisions of Subchapter B of Chapter 31 (relating to traffic-control devices), the driver of a vehicle emerging from an alley, building, private road or driveway within an urban district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, private road or driveway or, in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic.

§ 3345. Meeting or overtaking school bus.

(a) Duty of approaching driver when red signals are flashing.—Except as provided in subsection (g), the driver of a vehicle meeting or overtaking any school bus stopped on the highway shall stop at least ten feet before reaching the school bus when the red signal lights on the school bus are flashing. The driver shall not proceed until the flashing red signal lights are no longer actuated. In no event shall a driver of a vehicle resume motion of the vehicle until the school children who may have alighted from the school bus have reached a place of safety.

(b) Duty of approaching driver when amber signals are flashing.—The driver of a vehicle meeting or overtaking any school bus shall proceed past the school bus with caution and shall be prepared to stop when the amber signal lights are flashing.

(c) Use of red signals.—The red visual signals shall be actuated by the driver of every school bus whenever the vehicle is stopped on the highway for the purpose of receiving or discharging school children, except as provided in subsections (e) and (f). The signals shall not be terminated until the school children who may have alighted from the school bus have reached a place of safety or until boarding school children have completed boarding the bus.

(d) Use of amber signals.—The amber visual signals shall be actuated by the driver of every school bus not more than 300 feet nor less than 150 feet prior to making a stop for the purpose of receiving or discharging school children and shall remain in operation until the red visual signals are actuated. Amber signals shall not be used unless the red visual signals are to be actuated immediately following.

(e) Limitations on use of signals.—The visual signals required in the regulations shall not be actuated on streets in urban districts designated by

the department or local authorities, at intersections or other places where traffic is controlled by uniformed police officers or appropriately attired persons authorized to direct, control or regulate traffic, or in school bus loading areas designated by the department or local authorities when the bus is entirely off the roadway.

(f) Operation for nonschool purposes.—When a school bus is being operated upon a highway for purposes other than the actual transportation of school children to or from school or in connection with school activities, all markings indicating “SCHOOL BUS” shall be covered or concealed. During such operation, the flashing visual signals shall not be actuated.

(g) Exceptions from stopping requirements.—The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus with actuated red signal lights which is on a different roadway.

(h) Loading zones for school children.—Every school district transporting school children by school bus shall establish and maintain school bus loading zones at or near all schools to or from which school children are transported and shall establish school bus loading zones along the highways traversed by school buses in accordance with regulations promulgated by the department.

(i) Mandatory use of loading zones.—Whenever school bus loading zones have been established at or near a school or along a highway, it is unlawful for a school bus operator to stop the bus to pick up or discharge school children at any location other than at the loading zones. A list of approved loading zones for the route of the bus shall be carried by the operator.

(j) Penalty.—Any person violating subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

SUBCHAPTER E STOPPING, STANDING AND PARKING

Sec.

3351. Stopping, standing and parking outside business and residence districts.

3352. Removal of vehicle by or at direction of police.

3353. Prohibitions in specified places.

3354. Additional parking regulations.

§ 3351. Stopping, standing and parking outside business and residence districts.

(a) General rule.—Outside a business or residence district, no person shall stop, park or stand any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or stand the vehicle off the roadway. In the event it is necessary to stop, park or stand the vehicle on the roadway or any part of the roadway, an unobstructed width of the highway opposite the vehicle shall be left for the free passage of other

vehicles and the vehicle shall be visible from a distance of 500 feet in each direction upon the highway.

(b) Exception for disabled vehicles.—This section and sections 3353 (relating to prohibitions in specified places) and 3354 (relating to additional parking regulations) do not apply to the driver of any vehicle which is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position.

§ 3352. Removal of vehicle by or at direction of police.

(a) Outside business and residence districts.—Whenever any police officer finds a vehicle in violation of any of the provisions of section 3351 (relating to stopping, standing and parking outside business and residence districts), the officer may move the vehicle, or cause the vehicle to be moved, or require the driver or other person in charge of the vehicle to move the vehicle, to a position off the roadway where the vehicle will not interfere unduly with the normal movement of traffic or constitute a safety hazard.

(b) Unattended vehicle obstructing traffic.—Any police officer may remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel, in such position or under such circumstances as to interfere unduly with the normal movement of traffic or constitute a safety hazard.

(c) Removal to garage or place of safety.—Any police officer may remove or cause to be removed to a nearby garage or other place of safety any vehicle found upon a highway under any of the following circumstances:

(1) Report has been made that the vehicle has been stolen or taken without the consent of its owner.

(2) The person or persons in charge of the vehicle are physically unable to provide for the custody or removal of the vehicle.

(3) The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before an issuing authority without unnecessary delay.

(4) The vehicle is in violation of section 3353 (relating to prohibitions in specified places) except for overtime parking.

(5) The vehicle has been abandoned as defined in this title. The officer shall comply with the provisions of subsection (d) and Chapter 73 (relating to abandoned vehicles and cargos).

(d) Notice to owner prior to removal.—

(1) Prior to removal of an abandoned vehicle bearing a registration plate by which the last registered owner of the vehicle can be determined, notice shall be sent by certified mail to the last registered owner of the vehicle informing the owner that unless the vehicle is moved to a suitable location within five days of the date notice is mailed, the vehicle will be removed under this section and held at a suitable facility where it may be reclaimed by the owner in accordance with the provisions of section 7306

(relating to payment of costs upon reclaiming vehicle). If the abandoned motor vehicle does not bear an identifiable registration plate, the notice may be secured to the vehicle.

(2) If, within the five-day period, the owner so requests, the owner shall be given an opportunity to explain to the police officer or department why the owner believes the vehicle should not be moved. If the police officer or department determines that the vehicle shall, nonetheless, be moved, the owner shall be given an additional 48 hours to move the vehicle or have it moved.

(3) The provision for notice set forth in this subsection is in addition to any other notice requirements provided in Chapter 73.

§ 3353. Prohibitions in specified places.

(a) General rule.—Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(1) Stop, stand or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street except that a pedalcycle may be parked as provided in section 3509(b)(2) (relating to parking).

(ii) On a sidewalk except that a pedalcycle may be parked as provided in section 3509(b)(2).

(iii) Within an intersection.

(iv) On a crosswalk.

(v) Between a safety zone and the adjacent curb within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official traffic-control devices.

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(viii) On any railroad tracks.

(ix) In the area between roadways of a divided highway, including crossovers.

(x) At any place where official signs prohibit stopping.

(2) Stand or park a vehicle:

(i) In front of a public or private driveway.

(ii) Within 15 feet of a fire hydrant.

(iii) Within 20 feet of a crosswalk at an intersection.

(iv) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the site of a roadway.

(v) Within 20 feet of the driveway entrance to any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within 75 feet of the entrance.

(vi) Where the vehicle would prevent the free movement of a streetcar.

(vii) On a limited access highway unless authorized by official traffic-control devices.

(viii) At any place where official signs prohibit standing.

(3) Park a vehicle:

(i) Within 50 feet of the nearest rail of a railroad crossing.

(ii) At any place where official signs prohibit parking.

(b) Unattended vehicle on private property.—No person shall park or leave unattended a vehicle on private property without the consent of the owner or other person in control or possession of the property except in the case of emergency or disablement of the vehicle, in which case the operator shall arrange for the removal of the vehicle as soon as possible.

(c) Property owner may remove vehicle.—The owner or other person in charge or possession of any property on which a vehicle is parked or left unattended in violation of the provisions of subsection (b) may remove or have removed the vehicle at the reasonable expense of the owner of the vehicle.

(d) Restrictions by appropriate authorities.—The department on State-designated highways and local authorities on any highway within their boundaries may by erection of official traffic-control devices prohibit, limit or restrict stopping, standing or parking of vehicles on any highway where engineering and traffic studies indicate that stopping, standing or parking would constitute a safety hazard or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic.

(e) Penalty.—Any person violating any provision of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$15.

§ 3354. Additional parking regulations.

(a) Two-way highways.—Except as otherwise provided in this section, every vehicle standing or parked upon a two-way highway shall be positioned parallel to and with the right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder.

(b) One-way highways.—Except as otherwise provided in this section, every vehicle standing or parked upon a one-way highway shall be positioned parallel to the curb or edge of the highway in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or, in the absence of a curb, as close as practicable to the left edge of the left-hand shoulder.

(c) Angle parking.—Local authorities may permit angle parking on any highway after an engineering and traffic study has determined that the highway is of sufficient width to permit angle parking without interfering with the free movement of traffic, except that on a State-designated highway prior approval of the department shall also be obtained.

(d) Handicapped persons and disabled veterans.—

(1) When a motor vehicle bearing registration plates issued to handicapped persons or disabled veterans as prescribed in this title is being operated by or for the transportation of the handicapped person or 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 or disabled veteran, local authorities may erect on the highway as close as possible to their place of residence a sign or signs indicating that that place is reserved for a handicapped person or disabled veteran, that no parking is allowed there by others, and that any unauthorized person parking there shall be subject to a fine.

(e) Penalty.—Any person violating subsection (a), (b) or (d) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$15.

SUBCHAPTER F SPEED RESTRICTIONS

Sec.

3361. Driving vehicle at safe speed.

3362. Maximum speed limits.

3363. Alteration of maximum limits.

3364. Minimum speed regulation.

3365. Special speed limitations.

3366. Charging speed violations.

3367. Racing on highways.

3368. Speed timing devices.

§ 3361. Driving vehicle at safe speed.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

§ 3362. Maximum speed limits.

(a) General rule.—Except when a special hazard exists that requires lower speed for compliance with section 3361 (relating to driving vehicle at safe speed), the limits specified in this subsection or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:

- (1) 35 miles per hour in any urban district.
- (2) 55 miles per hour in other locations.
- (3) Any other maximum speed limit established under this subchapter.

(b) Posting of speed limit.—No maximum speed limit established under subsection (a)(1) or (3) shall be effective unless posted on fixed or variable official traffic-control devices erected in accordance with regulations adopted by the department which regulations shall require posting at the beginning and end of each speed zone and at intervals not greater than one-half mile.

(c) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 3363. Alteration of maximum limits.

The department or local authorities on highways under their respective jurisdictions, upon the basis of an engineering and traffic investigation, may determine that the maximum speed permitted under this subchapter is greater or less than is reasonable and safe under the conditions found to exist upon any such highway or part thereof and establish a reasonable and safe maximum limit. The maximum speed limit may be made effective at all times or at times indicated and may vary for different weather conditions and other factors bearing on safe speeds. No maximum speed greater than 55 miles per hour shall be established under this section.

§ 3364. Minimum speed regulation.

(a) Impeding movement of traffic prohibited.—Except when reduced speed is necessary for safe operation or in compliance with law, no person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.

(b) Slow moving vehicle to drive off roadway.—Except when reduced speed is necessary for safe operation or in compliance with law, whenever any person drives a vehicle upon a roadway having width for not more than one lane of traffic in each direction at less than the maximum posted speed and at such a slow speed as to impede the normal and reasonable movement of traffic, the driver shall, at the first opportunity when and where it is reasonable and safe to do so and after giving appropriate signal, drive completely off the roadway and onto the berm or shoulder of the highway. The driver may return to the roadway after giving appropriate signal only when the movement can be made in safety and so as not to impede the normal and reasonable movement of traffic.

(c) Establishment of minimum speed limits.—At any other time when the department or local authorities under their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department or such local authority

may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. The minimum limit shall be effective when posted upon appropriate fixed or variable signs.

§ 3365. Special speed limitations.

(a) Bridges and elevated structures.—

(1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure when the structure is posted with signs as provided in this subsection.

(2) The department and local authorities on highways under their respective jurisdictions may conduct a traffic and engineering investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that the structure cannot safely withstand vehicles traveling at the speed otherwise permissible under this title, the department or local authority shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit official traffic-control devices stating the maximum speed to be erected and maintained before each end of the structure.

(3) Upon the trial of any person charged with a violation of this subsection, proof of the determination of the maximum speed by the department and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

(b) School zones.—When passing a school zone as defined and established under regulations of the department, no person shall drive a vehicle at a speed greater than that established for the particular school zone. An official traffic-control device shall indicate the beginning and end of each school zone to traffic approaching in each direction. Establishment of a school zone, including its location, hours of operation and speed limit, shall be approved by the department.

(c) Hazardous grades.—The department and local authorities on highways under their respective jurisdictions may conduct traffic and engineering investigations on grades which are considered hazardous. If the grade is determined to be hazardous, vehicles having a gross weight in excess of a determined safe weight may be further limited as to maximum speed and may be required to stop before proceeding downhill. The restrictions shall be indicated by official traffic-control devices erected and maintained according to regulations established by the department.

(d) Penalty.—Any person violating any provision of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding a maximum speed limit established under this section by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour in excess of the maximum speed limit.

§ 3366. Charging speed violations.

In every charge of violation of a speed provision in this subchapter, except for a violation of section 3361 (relating to driving vehicle at safe speed), the citation or complaint shall specify the speed at which the defendant is alleged to have driven and the applicable speed limit.

§ 3367. Racing on highways.

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

“Drag race.” The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles within a certain distance or time limit.

“Race.” The use of one or more vehicles in an attempt to outgain, outdistance or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(b) General rule.—No person shall drive a vehicle on a highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

(c) Permits for special activities.—The department or local authorities within their jurisdiction may issue permits for special activities which would otherwise be prohibited by this section.

(d) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

§ 3368. Speed timing devices.

(a) Speedometers authorized.—The rate of speed of any vehicle may be timed on any highway by a police officer using a motor vehicle equipped with a speedometer. In ascertaining the speed of a vehicle by the use of a speedometer, the speed shall be timed for a distance of not less than three-tenths of a mile.

(b) Testing of speedometers.—The department may appoint stations for testing speedometers and may prescribe regulations as to the manner in which the test shall be made. Speedometers shall have been tested for accuracy within a period of 60 days prior to the alleged violation. A certificate from the station showing that the test was made, the date of the test and the degree of accuracy of the speedometer shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

(c) Mechanical, electrical and electronic devices authorized.—

(1) The rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device.

(2) Electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used only by members of the Pennsylvania State Police. No person may be convicted upon evidence obtained through the use of such devices unless the speed recorded is six or more miles per hour in excess of the legal speed limit.

(d) Approval and testing of mechanical, electrical and electronic devices.—All mechanical, electrical or electronic devices shall be of a type approved by the department, which shall appoint stations for calibrating and testing the devices and may prescribe regulations as to the manner in which calibrations and tests shall be made. The devices shall have been tested for accuracy within a period of 60 days prior to the alleged violation. A certificate from the station showing that the calibration and test were made within the required period, and that the device was accurate, shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

CHAPTER 35 SPECIAL VEHICLES AND PEDESTRIANS

Subchapter

- A. Operation of Pedalcycles
- B. Special Rules for Motorcycles
- C. Rights and Duties of Pedestrians

SUBCHAPTER A OPERATION OF PEDALCYCLES

Sec.

- 3501. Applicability of traffic laws to pedalcycles.
- 3502. Penalty for violation of subchapter.
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- 3507. Lamps and other equipment on pedalcycles.
- 3508. Pedalcycles on sidewalks and pedalcycle paths.
- 3509. Parking.

§ 3501. Applicability of traffic laws to pedalcycles.

(a) General rule.—Every person riding a pedalcycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special provisions in this subchapter and except as to those provisions of this title which by their nature can have no application.

(b) Application of subchapter.—The provisions of this subchapter apply whenever a pedalcycle is operated upon any highway or upon any path set aside for the exclusive use of pedalcycles subject to the exceptions stated in subsection (a).

§ 3502. Penalty for violation of subchapter.

Any person violating any provision of this subchapter is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10.

§ 3503. Responsibility of parent or guardian.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of this title relating to the operation of pedalcycles.

§ 3504. Riding on pedalcycles.

(a) Use of seat by operator.—A person propelling a pedalcycle shall not ride other than upon or astride a permanent and regular seat attached to the pedalcycle.

(b) Number of riders.—No pedalcycle shall be used to carry more persons at one time than the number for which the pedalcycle is designed and equipped except that an adult rider may carry a child securely attached to the rider in a back pack or sling.

§ 3505. Riding on roadways and pedalcycle paths.

(a) General rule.—Except as provided in subsection (b), every person operating a pedalcycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) One-way highways.—Any person operating a pedalcycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(c) Limitation on riding abreast.—Persons riding pedalcycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of pedalcycles.

(d) Use of available pedalcycle paths.—Whenever a lane or path for pedalcycles has been provided as part of a highway, pedalcycle riders shall use the lane or path and shall not use any other part of the highway. This subsection does not apply when use of the pedalcycle lane or path is not possible, safe or reasonable.

§ 3506. Articles carried by operator.

No person operating a pedalcycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

§ 3507. Lamps and other equipment on pedalcycles.

(a) Lamps and reflectors.—Every pedalcycle when in use between sunset and sunrise shall be equipped on the front with a lamp which emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from 100 feet to 600 feet to the rear and with an amber reflector on each side. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

A lamp worn by the operator of a pedalcycle shall comply with the requirements of this subsection if the lamp can be seen at the distances specified. All lamps and reflectors shall be of a type approved by the department.

(b) Audible signal devices.—A pedalcycle may be equipped with a device capable of giving a signal audible for a distance of at least 100 feet except that a pedalcycle shall not be equipped with nor shall any person use upon a pedalcycle any siren.

(c) Brakes.—Every pedalcycle shall be equipped with a braking system which will stop the pedalcycle in 15 feet from an initial speed of 15 miles per hour on a dry, level and clean pavement.

§ 3508. Pedalcycles on sidewalks and pedalcycle paths.

(a) Right-of-way to pedestrians.—A person riding a pedalcycle upon a sidewalk or pedalcycle path used by pedestrians shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing a pedestrian.

(b) Business districts.—A person shall not ride a pedalcycle upon a sidewalk in a business district unless permitted by official traffic-control devices, nor when a usable pedalcycle-only lane has been provided adjacent to the sidewalk.

§ 3509. Parking.

(a) Sidewalks.—

(1) A person may park a pedalcycle on a sidewalk unless prohibited or restricted by an official traffic-control device.

(2) A pedalcycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(b) Roadways.—

(1) A pedalcycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

(2) A pedalcycle may be parked on the roadway abreast of another pedalcycle or pedalcycles near the side of the roadway at any location where parking is allowed.

(3) A person shall not park a pedalcycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

(4) In all other respects, pedalcycles parked anywhere on a highway shall conform with the provisions of Subchapter E of Chapter 33 (relating to stopping, standing and parking).

SUBCHAPTER B SPECIAL RULES FOR MOTORCYCLES

Sec.

3521. Applicability of traffic laws to motorcycles.

3522. Riding on motorcycles.

3523. Operating motorcycles on roadways laned for traffic.

3524. Footrests and handlebars.

3525. Protective equipment for motorcycle riders.

§ 3521. Applicability of traffic laws to motorcycles.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special provisions in this subchapter and except as to those provisions of this title which by their nature can have no application.

§ 3522. Riding on motorcycles.

(a) Use of seat by operator and passengers.—A person operating a motorcycle shall ride only upon the permanent and regular seat attached to the motorcycle, and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator. In no event shall a passenger sit in front of the operator of the motorcycle.

(b) Method of seating.—Unless in a sidecar, a person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) Articles carried by operator.—No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

(d) Interference with operation.—No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

§ 3523. Operating motorcycles on roadways laned for traffic.

(a) Right to use of lane.—All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane.

(b) Overtaking and passing.—The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) Operation between lanes or vehicles.—No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Limitation on operating abreast.—Motorcycles shall not be operated more than two abreast in a single lane.

(e) Limited access highways.—No motorized pedalcycle shall be operated on any limited access highway.

(f) Exception for police officers.—Subsections (b) and (c) do not apply to police officers in the performance of their official duties.

§ 3524. Footrests and handlebars.

(a) Passengers.—Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests and handhold for the passenger.

(b) Height of handlebars.—No person shall operate any motorcycle with handlebars above shoulder-height of the operator while properly seated upon the motorcycle.

§ 3525. Protective equipment for motorcycle riders.

(a) Protective headgear.—No person shall operate or ride upon a motorcycle or a motor-driven cycle (other than a motorized pedalcycle) unless he is wearing protective headgear which complies with standards established by the department.

(b) Eye-protective devices.—No person shall operate or ride upon a motorcycle unless he is wearing an eye-protective device of a type approved by the department.

(c) Approval of equipment.—The department may approve or disapprove protective headgear and eye-protective devices required under this section and may issue and enforce regulations establishing standards and specifications for the approval of the headgear and devices. The department shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved.

SUBCHAPTER C RIGHTS AND DUTIES OF PEDESTRIANS

Sec.

3541. Obedience of pedestrians to traffic-control devices and regulations.

3542. Right-of-way of pedestrians in crosswalks.

3543. Pedestrians crossing at other than crosswalks.

3544. Pedestrians walking along or on highway.

3545. Pedestrians soliciting rides or business.

3546. Driving through or around safety zone.

3547. Right-of-way of pedestrians on sidewalks.

3548. Pedestrians to yield to authorized emergency vehicles.

3549. Blind pedestrians.

3550. Pedestrians under influence of alcohol or controlled substance.

3551. Compliance with bridge and railroad warning signals.

3552. Penalty for violation of subchapter.

§ 3541. Obedience of pedestrians to traffic-control devices and regulations.

(a) Traffic-control devices.—A pedestrian shall obey the instructions of a police officer or other appropriately attired person authorized to direct, control or regulate traffic.

(b) Traffic and pedestrian-control signals.—Local authorities by ordinance may require pedestrians to obey traffic and pedestrian-control signals as provided in sections 3112 (relating to traffic-control signals) and 3113 (relating to pedestrian-control signals).

§ 3542. Right-of-way of pedestrians in crosswalks.

(a) General rule.—When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(b) Exercise of care by pedestrian.—No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute a hazard.

(c) Limitation on vehicles passing.—Whenever any vehicle is stopped at any crosswalk at an intersection or at any marked crosswalk to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(d) Application of section.—Subsection (a) does not apply under the conditions stated in section 3543(b) (relating to pedestrians crossing at other than crosswalks).

§ 3543. Pedestrians crossing at other than crosswalks.

(a) General rule.—Every pedestrian crossing a roadway at any point other than within a crosswalk at an intersection or any marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.

(b) At pedestrian tunnel or overhead crossing.—Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between controlled intersections in urban district.—Between adjacent intersections in urban districts at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) Crossing intersection diagonally.—No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices or at the direction of a police officer or other appropriately attired person authorized to direct, control or regulate traffic. When authorized to cross diagonally, pedestrians shall cross only in accordance with the signal pertaining to the crossing movements.

§ 3544. Pedestrians walking along or on highway.

(a) Mandatory use of available sidewalk.—Where a sidewalk is provided and its use is practicable, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Absence of sidewalk.—Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder as far as practicable from the edge of the roadway.

(c) Absence of sidewalk and shoulder.—Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Right-of-way to vehicles.—Except as otherwise provided in this subchapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

§ 3545. Pedestrians soliciting rides or business.

No person shall:

(1) Stand on a roadway for the purpose of soliciting a ride.

(2) Stand on a roadway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(3) Stand on or in proximity to a highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

§ 3546. Driving through or around safety zone.

(a) Through zones.—No vehicle shall at any time be driven through or within a safety zone.

(b) Around zones.—Traffic may move on either side of a safety zone unless prohibited from driving to the left of the zone by the installation of an official traffic-control device as provided in this title.

§ 3547. Right-of-way of pedestrians on sidewalks.

The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across the alley, building entrance, road or driveway.

§ 3548. Pedestrians to yield to authorized emergency vehicles.

(a) General rule.—Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this title, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.

(b) Exercise of care by driver.—This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

§ 3549. Blind pedestrians.

(a) General rule.—The driver of a vehicle shall yield the right-of-way to any totally or partially blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog and shall take such precautions as may be necessary to avoid injuring or endangering the pedestrian and, if necessary, shall stop the vehicle in order to prevent injury or danger to the pedestrian.

(b) Effect of absence of cane or dog.—This section shall not be construed to deprive a totally or partially blind pedestrian not carrying a cane or not being guided by a dog of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of a totally or partially blind pedestrian to carry a cane or to be guided by a guide dog upon the streets, highways or sidewalks of this Commonwealth be held to constitute contributory negligence in and of itself.

§ 3550. Pedestrians under influence of alcohol or controlled substance.

A pedestrian who is under the influence of alcohol or any controlled substance to a degree which renders the pedestrian a hazard shall not walk or be upon a highway except on a sidewalk.

§ 3551. Compliance with bridge and railroad warning signals.

(a) Bridges.—No pedestrian shall enter or remain upon any bridge or approach to any bridge beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) Railroad crossings.—No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

§ 3552. Penalty for violation of 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.

CHAPTER 37 MISCELLANEOUS PROVISIONS

Subchapter

- A. Offenses in General
- B. Serious Traffic Offenses
- C. Accidents and Accident Reports

SUBCHAPTER A OFFENSES IN GENERAL

Sec.

- 3701. Unattended motor vehicle.
- 3702. Limitations on backing.
- 3703. Driving upon sidewalk.
- 3704. Obstruction to driving view or mechanism.
- 3705. Opening and closing vehicle doors.
- 3706. Riding in house trailers, mobile homes or boats on trailers.
- 3707. Driving or stopping close to fire apparatus.
- 3708. Unauthorized driving over fire hose.
- 3709. Depositing waste and other material on highway.
- 3710. Stopping at intersection or crossing to prevent obstruction.
- 3711. Unauthorized persons and devices hanging on vehicles.
- 3712. Abandonment and stripping of vehicles.
- 3713. Railroad trains not to block crossings.
- 3714. Reckless driving.

§ 3701. Unattended motor vehicle.

(a) General rule.—No person driving or in charge of a motor vehicle shall permit the vehicle to stand unattended without placing the gear shift lever in a position which under the circumstances impedes the movement of the vehicle, stopping the engine, locking the ignition in vehicles so equipped, removing the key from the ignition and, when standing upon any grade, turning the front wheels to the curb or side of the highway and effectively setting the brake.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$5.

§ 3702. Limitations on backing.

(a) General rule.—No driver shall back a vehicle unless the movement can be made with safety and without interfering with other traffic and then only after yielding the right-of-way to moving traffic and pedestrians.

(b) Limited access highways.—No driver shall back a vehicle upon any shoulder or roadway of any limited access highway.

§ 3703. Driving upon sidewalk.

No person shall drive any vehicle except a human-powered vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

§ 3704. Obstruction to driving view or mechanism.

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle or whenever any person in the front seat is not seated.

§ 3705. Opening and closing vehicle doors.

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

§ 3706. Riding in house trailers, mobile homes or boats on trailers.

(a) General rule.—No person or persons shall occupy a house trailer, mobile home or boat on a trailer while it is being moved upon a highway.

(b) Towing prohibited.—No person shall tow on a highway a house trailer, mobile home or boat on a trailer occupied by a passenger or passengers.

(c) Exception for certain semitrailers.—A semitrailer which is attached to a truck in an articulating manner by means of a fifth wheel semitrailer coupling device attached to the carrying compartment of the truck may be occupied by a passenger or passengers. The coupling device shall have a two-inch or larger kingpin. All windows shall have safety glass. Some means of electrical or electronic communications approved by the department is required between the cab of the truck and the semitrailer.

§ 3707. Driving or stopping close to fire apparatus.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop the vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm.

§ 3708. Unauthorized driving over fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any highway, private road or driveway, for use at any fire or alarm of fire, without the consent of a fire department officer, a police officer or other appropriately attired person authorized to direct, control or regulate traffic at the scene.

§ 3709. Depositing waste and other material on highway.

(a) General rule.—No person shall throw or deposit upon any highway any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance.

(b) Removal of deposited material.—Any person who drops, or permits to be dropped or thrown, upon any highway any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance shall immediately remove the same or cause it to be removed.

(c) Removal of material following accident.—Any person removing a wrecked, damaged or disabled vehicle from a highway shall remove from the highway or neutralize any glass, oil or other injurious substance resulting from the accident or disablement.

(d) Penalty.—Any person violating any of the provisions of subsection (a) or (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$300.

§ 3710. Stopping at intersection or crossing to prevent obstruction.

No driver shall enter an intersection or a crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle operated without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed.

§ 3711. Unauthorized persons and devices hanging on vehicles.

(a) General rule.—No person shall hang onto or ride on the outside or the rear end of any vehicle and no person on a pedalcycle, motorcycle, roller skates, sled or any similar device, shall hold fast to or attach the device to any moving vehicle or streetcar, and no operator of a vehicle or streetcar shall knowingly permit any person to hang onto or ride on the outside or rear end of the vehicle or streetcar operated, or allow any person on a pedalcycle, motorcycle, roller skates, sled or any similar device to hold fast or attach the device to the vehicle or streetcar operated on any highway.

(b) Exceptions.—This section is not applicable to firemen or garbage collectors or operators of fire trucks or garbage trucks or employees of public utility companies acting pursuant to and during the course of their duties or to other persons exempted by department regulations from the application of this section. This section does not prohibit attaching a trailer or semitrailer to a pedalcycle.

§ 3712. Abandonment and stripping of vehicles.

(a) Abandonment on highway.—No person shall abandon a vehicle upon any highway.

(b) Abandonment on public or private property.—No person shall abandon a vehicle upon any public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(c) Stripping abandoned vehicle.—It is unlawful for any person, except the owner or his agent or as otherwise provided in this title, to remove any part of an abandoned vehicle.

(d) Penalties.—

(1) Any person violating subsection (a) or (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 plus all costs of disposing of the vehicle under the provisions of Chapter 73 (relating to abandoned vehicles and cargos).

(2) Any person violating subsection (c):

(i) For a first offense, is guilty of a summary offense punishable by a fine of not less than \$100 nor more than \$500.

(ii) For a subsequent offense, is guilty of a misdemeanor of the third degree.

§ 3713. Railroad trains not to block crossings.

No person or government agency shall operate any train in such a manner as to prevent vehicular use of any roadway for a period of time in excess of five consecutive minutes except under any of the following circumstances:

(1) When necessary to comply with signals affecting the safety of the movement of trains.

(2) When necessary to avoid striking any object or person on the track.

(3) When the train is disabled.

(4) When the train is in motion except while engaged in switching operations.

(5) When there is no vehicular traffic waiting to use the crossings.

(6) When necessary to comply with a governmental safety regulation.

§ 3714. Reckless driving.

Any person who drives a vehicle in careless disregard for the safety of persons or property is guilty of reckless driving, a summary offense.

SUBCHAPTER B SERIOUS TRAFFIC OFFENSES

Sec.

3731. Driving under influence of alcohol or controlled substance.

3732. Homicide by vehicle.

3733. Fleeing or attempting to elude police officer.

3734. Driving without lights to avoid identification or arrest.

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

(a) Offense defined.—A person shall not drive any vehicle while:

(1) under the influence of alcohol to a degree which renders the person incapable of safe driving;

(2) under the influence of any controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as “The Controlled Substance, Drug, Device and Cosmetic Act,” to a degree which renders the person incapable of safe driving; or

(3) under the combined influence of alcohol and a controlled substance to a degree which renders the person incapable of safe driving.

(b) Authorized use not a defense.—The fact that any person charged with violating this section is or has been legally entitled to use alcohol or controlled substances is not a defense to any charge of violating this section.

(c) Certain arrests authorized.—In addition to any other powers of arrest, a police officer is hereby authorized to arrest without a warrant any person who the officer has probable cause to believe has violated the provisions of this section, regardless of whether the alleged violation was committed in the presence of such officer.

(d) Penalty.—Any person violating any of the provisions of this section is guilty of a misdemeanor of the third degree.

§ 3732. Homicide by vehicle.

Any person who unintentionally causes the death of another person while engaged in the violation of any law of this Commonwealth or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic is guilty of homicide by vehicle, a misdemeanor of the first degree, when the violation is the cause of death.

§ 3733. Fleeing or attempting to elude police officer.

(a) Offense defined.—Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

(b) Signal by police officer.—The signal given by the police officer may be by hand, voice, emergency lights or siren.

(c) Defenses.—It is a defense to a prosecution under this section that the pursuing police vehicle was not clearly identifiable by its markings or, if unmarked, was not occupied by a police officer who was in uniform and displaying a badge or other sign of authority.

§ 3734. Driving without lights to avoid identification or arrest.

Any person who drives without lights or turns off any or all the lights on a motor vehicle for the purpose of avoiding identification or arrest is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

SUBCHAPTER C ACCIDENTS AND ACCIDENT REPORTS

Sec.

3741. Application of subchapter.

3742. Accidents involving death or personal injury.

3743. Accidents involving damage to attended vehicle or property.

3744. Duty to give information and render aid.

3745. Accidents involving damage to unattended vehicle or property.

3746. Immediate notice of accident to police department.

3747. Written report of accident by driver or owner.

3748. False reports.

- 3749. Reports by coroners and medical examiners.
- 3750. Reports by garages.
- 3751. Reports by police.
- 3752. Accident report forms.
- 3753. Department to tabulate and analyze accident reports.
- 3754. Accident prevention investigations.
- § 3741. Application of subchapter.

The provisions of this subchapter shall apply upon highways and trafficways throughout this Commonwealth.

- § 3742. Accidents involving death or personal injury.

(a) General rule.—The driver of any vehicle involved in an accident resulting in injury or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744 (relating to duty to give information and render aid). Every stop shall be made without obstructing traffic more than is necessary.

(b) Penalty.—Any person violating this section is guilty of a misdemeanor of the third degree.

- § 3743. Accidents involving damage to attended vehicle or property.

(a) General rule.—The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744 (relating to duty to give information and render aid). Every stop shall be made without obstructing traffic more than is necessary.

(b) Penalty.—Any person violating this section is guilty of a summary offense, punishable by a fine of \$300 or imprisonment for not more than 90 days, or both.

- § 3744. Duty to give information and render aid.

(a) General rule.—The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving, and shall upon request exhibit his driver's license and proof of insurance to any person injured in the accident or to the driver or occupant of or person attending any vehicle or other property damaged in the accident and shall give the information and upon request exhibit the license and proof of insurance to any police officer at the scene of the accident or who is investigating the accident and shall render to any person injured in the accident reasonable assistance, including the making of arrangements for the carrying of the injured person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if requested by the injured person.

(b) Report of accident to police.—In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (a) and no police officer is present, the driver of any vehicle involved in the accident after fulfilling all other requirements of section 3742 (relating to accidents involving death or personal injury) and subsection (a), insofar as possible on his part to be performed, shall forthwith report the accident to the nearest office of a duly authorized police department and submit to the police department the information specified in subsection (a).

(c) Duty of occupants if driver disabled.—Whenever the driver of a vehicle is physically unable to give the information or assistance required in this section and there are other occupants in the vehicle at the time of the accident who are physically able to give the information or assistance required in this section, each of the other occupants shall fully reveal the identity of himself and the identity of the driver of the vehicle and of the owner of the vehicle of which they are occupants and shall otherwise perform the duties of the driver as set forth in subsection (a).

§ 3745. Accidents involving damage to unattended vehicle or property.

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

§ 3746. Immediate notice of accident to police department.

(a) General rule.—The driver of a vehicle involved in an accident shall immediately by the quickest means of communication give notice to the nearest office of a duly authorized police department if the accident involves:

- (1) injury to or death of any person; or
- (2) damage to any vehicle involved to the extent that it cannot be driven under its own power in its customary manner without further damage or hazard to the vehicle, other traffic elements, or the roadway, and therefore requires towing.

(b) Duty of occupant if driver disabled.—Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there is another occupant in the vehicle at the time of the accident capable of doing so, the occupant shall make or cause to be given the notice not given by the driver.

(c) Investigation by police officer.—Every accident reported to a police department required in this section shall be investigated by a police officer who shall provide each driver a signed statement that the accident was reported.

§ 3747. Written report of accident by driver or owner.

(a) General rule.—If a police officer does not investigate an accident required to be investigated by section 3746 (relating to immediate notice of accident to police department), the driver of a vehicle which is in any manner involved in the accident shall, within five days of the accident, forward a written report of the accident to the department.

(b) Supplemental reports.—The department may require any driver of a vehicle involved in an accident of which written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department.

(c) Exception for disabled persons.—A written accident report is not required under this subchapter from any person who is physically incapable of making a report during the period of incapacity.

(d) Duty of owner if driver disabled.—Whenever the driver is physically incapable of making a written report of an accident as required in this section and the driver is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall, within five days after the accident, make the report not made by the driver.

(e) Confidentiality of reports.—All written reports required in this section to be forwarded to the department by drivers or owners of vehicles involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or any other governmental agency or their representatives having use for the records for accident prevention purposes, except that the department shall disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies his presence at the accident and shall disclose whether any person or vehicle was covered by a vehicle insurance policy and the name of the insurer.

(f) Use of reports as evidence.—No accident reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the department shall furnish upon demand of any party to the trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with the law and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers and the owners of the vehicles involved. The reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of section 3748 (relating to false reports).

(g) Compliance with other laws required.—This section does not affect the duty of filing accident reports required by any other statute or regulations made thereunder.

§ 3748. False reports.

Any person who gives information in oral or written reports required by this subchapter knowing or having reason to believe that the information is false is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

§ 3749. Reports by coroners and medical examiners.

(a) General rule.—Every coroner or medical examiner in this Commonwealth shall report in writing to the department within five days of certification the death of any person resulting from a vehicle accident, giving the time and place of accident and the circumstances relating thereto. These reports shall be made on forms prepared by the department. Every coroner or medical examiner shall retain a copy of the reports in his office for a period of two years.

(b) Blood and urine samples.—The coroners or medical examiners of each county in this Commonwealth shall take blood or urine samples or both from the bodies of all drivers and of all pedestrians over 15 years of age who die within four hours following an accident and shall, within ten days of the accident, transmit the samples to the Governor's Council on Drug and Alcohol Abuse. This subsection shall be applicable to all occupants over 15 years of age if the driver of the vehicle cannot be determined.

(c) Regulations for testing samples.—The Governor's Council on Drug and Alcohol Abuse shall establish and promulgate rules and regulations for the testing of the blood and urine samples authorized to be taken from dead bodies under this section.

§ 3750. Reports by garages.

The person in charge of any garage or repair shop to which is brought a vehicle which shows evidence of having been struck by any bullet shall report to the nearest office of a duly authorized police department within 24 hours after the vehicle is received by the garage or repair shop, giving the year, make and model name of the vehicle, the vehicle identification number, the registration plate number and address of the owner or driver of the vehicle.

§ 3751. Reports by police.

(a) General rule.—Every police department that investigates a vehicle accident for which a report must be made as required in this subchapter, or otherwise prepares a written report as a result of an investigation either at the time and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall promptly forward a written report of the accident to the department.

(b) Furnishing copies of report.—Police departments shall, upon request, furnish at a cost not to exceed \$5 a certified copy of the full report of the police investigation of any vehicle accident to any person involved in the accident, his attorney or insurer, and to the Federal Government, branches of the military service, Commonwealth agencies, and to officials of political subdivisions and to agencies of other states and nations and

their political subdivisions. The copy of the report shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident. Police departments may refuse to furnish the complete copy of investigation of the vehicle accident whenever there are criminal charges pending against any persons involved in the vehicle accident unless the Pennsylvania Rules of Criminal Procedure require the production of the documents.

§ 3752. Accident report forms.

(a) Form and content.—The department shall prepare and upon request supply to all law enforcement agencies and other appropriate agencies or individuals, forms for written accident reports as required in this subchapter suitable with respect to the persons required to make the reports and the purposes to be served. The written report forms shall call for sufficiently detailed information to disclose with reference to a vehicle accident the cause, conditions then existing and the persons and vehicles involved. Reports for use by the drivers and owners shall also provide for information relating to financial responsibility.

(b) Use.—Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all the information required therein unless not available.

§ 3753. Department to tabulate and analyze accident reports.

(a) Central accident records agency.—The department shall establish a central accident records agency which shall be the repository for all reportable traffic accidents as defined in this subchapter. The agency will have primary responsibility for the administration and supervision of storing, processing and providing the informational needs to all official agencies having responsibility in the highway transportation system.

(b) Central accident analysis system.—The department shall provide accident data for analysis in selecting accident prevention programs and in evaluating the effectiveness of those programs implemented. The system shall provide:

(1) An annual report to the General Assembly comparing traffic safety in Pennsylvania and other states which have a point system with traffic safety in states which do not have a point system, including, but not limited to, the number and percentage of accidents, serious accidents and total accidents caused by point and nonpoint violations.

(2) An annual statistical summary of motor vehicle accidents including multidimensional distribution for such factors as type, time and location of accident, road and weather conditions, type of traffic control, and condition and actions of operators and type and condition of the vehicles.

(3) Identification of hazardous road locations.

(4) Information on which police duty assignment may be more effective in order to prevent accidents.

(5) Evaluation of speed regulations or other provisions of this title to aid the department and the General Assembly in determining when changes are desirable.

(6) Statistical analyses of the relationship between nonaccident traffic violations of operators and accident involvement. These analyses shall include such factors as the type, location, and severity of violations, the type, location, and severity of the accidents and the responsibility of the operators involved.

(7) An evaluation of legal or departmental actions as related to driver improvement and accident reduction.

(c) Highway safety statistics.—The department may compile such other statistics for such purposes as it might deem helpful in advancing highway safety.

§ 3754. Accident prevention investigations.

(a) General rule.—The department, in association with the Pennsylvania State Police, may conduct in-depth accident investigations into the human, vehicle and environmental aspects of traffic accidents for the purpose of determining the causes of traffic accidents and factors which may help prevent similar types of accidents.

(b) Confidentiality of reports.—Information, records and reports associated with in-depth accident investigations shall not be admissible as evidence in any legal action or other proceeding, nor shall officers or employees or the agencies charged with the procurement or custody of in-depth accident investigation records and reports be required to give evidence pertaining to anything contained in such in-depth accident investigation records or reports in any legal action or other proceeding.

PART IV VEHICLE CHARACTERISTICS

Chapter

- 41. Equipment Standards
- 43. Lighting Equipment
- 45. Other Required Equipment
- 47. Inspection of Vehicles
- 49. Size, Weight and Load

CHAPTER 41 EQUIPMENT STANDARDS

Sec.

- 4101. Purpose of part.
- 4102. Definitions.
- 4103. Promulgation of vehicle equipment standards.
- 4104. Testing and approval of equipment.
- 4105. Revocation and renewal of certificates of approval.
- 4106. Market surveillance program.
- 4107. Unlawful activities.
- 4108. Injunctive relief.

§ 4101. Purpose of part.

The purpose of this chapter and Chapters 43 (relating to lighting equipment) and 45 (relating to other required equipment) is to establish minimum standards for vehicle equipment the performance of which is related to vehicle safety, noise control and air quality and to make unlawful the sale and use of items which do not comply with the requirements of this part or with the standards and regulations promulgated by the department.

§ 4102. Definitions.

The following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

“Federal standard”. A minimum standard of vehicle or vehicle equipment performance issued under the National Traffic and Motor Vehicle Safety Act (80 Stat. 718, 15 U.S.C. § 1381), the Motor Vehicle Information and Cost Savings Act (86 Stat. 947, 15 U.S.C. § 1901) or the Clean Air Act (81 Stat. 485, 42 U.S.C. § 1857).

“Vehicle equipment standard”. A minimum standard for vehicle performance or vehicle equipment performance which meets the needs of vehicle safety, noise control or air quality control, which is practicable and which provides objective criteria.

§ 4103. Promulgation of vehicle equipment standards.

(a) General rule.—The department shall promulgate vehicle equipment standards for vehicles, equipment and devices required under this part. To the maximum extent possible, consistent with safety, the standards shall be expressed in terms of minimum acceptable performance levels, measured against objective testing parameters.

(b) Applicability of Federal standards.—Federal standards promulgated with respect to the performance of any vehicle or item of equipment shall have the same force and effect as if promulgated by the department under subsection (a) and shall supersede any Commonwealth standard applicable to the same aspect of performance for the vehicle or item of equipment.

(c) Incorporation of standards by reference.—Subject to the provisions of subsections (a) and (b), applicable standards or recommended practices issued by the National Highway Traffic Safety Administration, U.S. Department of Transportation, the Vehicle Equipment Safety Commission, the American National Standards Institute, the Society of Automotive Engineers or any other generally recognized standards setting body may be adopted by reference, provided that copies of the standards are incorporated in the notice of proposed rule making.

(d) Applicability to certain vehicles.—Vehicle equipment standards contained in this part or promulgated by the department under the authority given in this part shall not apply to a motor vehicle registered as an antique or classic vehicle containing equipment which meets the original manufacturer’s specifications.

(e) Extension of standards prohibited.—Vehicle equipment standards promulgated by the department shall not be extended to any vehicle which, because of its date of manufacture, is not required by Federal standards to have the equipment.

§ 4104. Testing and approval of equipment.

(a) Authority of department.—The department may require new vehicles and equipment to be tested and approved for compliance with the requirements of this part or any vehicle equipment standard adopted pursuant to section 4103(a) (relating to promulgation of vehicle equipment standards).

(b) Basis of approval.—Approvals may be based on certification furnished to the department by the American Association of Motor Vehicle Administrators, or if the American Association of Motor Vehicle Administrators certification program does not cover the type of vehicle or equipment, the department shall determine approval on test reports prepared by such testing laboratories as the department may designate.

(c) Procedure for approval.—The department shall establish by regulation the procedure to be followed when request for approval of any item of equipment is submitted under this section. The department shall not unreasonably withhold designation of any laboratory which meets the minimum criteria established by the department as an approved laboratory for equipment testing. Where a regulated manufacturer has its own in-house testing facilities which meet the minimum criteria, the department may accept test reports from the manufacturer for the purpose of granting equipment approvals.

(d) Markings on approved equipment.—Each item of equipment requiring approval by the department shall bear the trademark, name or code symbol under which it is approved. If practicable, the markings shall be legible after installation. For the purposes of this subsection, code symbol means one assigned and approved by the department in the absence of a name or trademark.

(e) Lists of approved equipment.—The department shall maintain lists of all items of equipment which have been approved under authority of this part. Copies of the lists or portions of the lists shall be made available at cost upon request.

§ 4105. Revocation and renewal of certificates of approval.

(a) Hearing to review approved devices.—When the department has reason to believe that an approved device being sold commercially does not comply with the requirements of this part, it may, after giving 30 days' notice to the person holding the certificate of approval for the device, conduct a hearing upon the question of compliance of the approved device. After the hearing, the department shall determine whether the approved device meets the requirements of this part and shall notify the person holding the certificate of approval of the determination.

(b) Devices determined to be in violation.—If the department determines as a result of the hearing that the device does not meet the

requirements of this part, the person holding the certificate of approval shall have a period of 90 days to resubmit a request for approval. In the event the device is determined to be hazardous, the department may take immediate action through injunctive relief pursuant to section 4108 (relating to injunctive relief). If the person holding the certificate of approval fails to satisfy the department that the resubmitted device as thereafter to be sold meets the requirements of this part, the department shall revoke the approval issued unless the device is resubmitted to and retested by an authorized testing laboratory and is found to meet the requirements of this part. The department may require that all devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this part.

(c) Expiration of certificate.—Certificates of approval issued for items of equipment required to be approved under this part will not expire except as provided by regulation or until revoked by the department.

(d) Renewal of certificate.—Certificates of approval which expire pursuant to regulation shall be void after the period stated from the date of issue unless application is made for renewal of the certificates in accordance with the procedure established by the department, together with the applicable fee, and a new certificate of approval is issued.

(e) Promulgation of regulations.—The department shall promulgate rules and regulations to effectuate the provisions of this section.

§ 4106. Market surveillance program.

(a) General rule.—The department shall maintain a continuing program of market surveillance to insure that any items of vehicle equipment offered for sale in this Commonwealth and for which approvals are required are in compliance with the law.

(b) Purchase and testing of samples.—The department may undertake at State expense random retail purchase and compliance testing of samples of equipment which is covered by a valid certificate of approval or which has been certified by its manufacturer as being in compliance with an applicable Federal motor vehicle safety standard. If the samples, upon testing, fail to meet the applicable performance requirements, the department may commence revocation proceedings pursuant to section 4105 (relating to revocation and renewal of certificates of approval).

(c) Notice of violations.—If the market surveillance program reveals instances of items of equipment being offered for sale which have not been submitted for approval as required by State law or regulation or have been disapproved or have not been certified as being in compliance with an applicable Federal standard, immediate written notice of that fact shall be furnished the dealer, distributor, wholesaler or manufacturer. The dealer shall not thereafter sell the equipment and the distributor, wholesaler or manufacturer shall recall all the equipment from all dealers.

§ 4107. Unlawful activities.

(a) Violation of vehicle equipment standards.—

(1) It is unlawful for any person to sell, offer for sale, lease, install or replace, either separately or as part of the equipment of a vehicle, any item of vehicle equipment affecting the operation of the vehicle which does not comply with this title or regulations promulgated thereunder, or which does not comply with an applicable Federal motor vehicle safety standard adopted by regulation by the department.

(2) Any person convicted of violating this subsection shall be subject to a civil penalty of not more than \$100 for each violation. Each violation of the provisions of this subsection shall constitute a separate violation with respect to each motor vehicle or item of motor vehicle equipment or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty shall not exceed \$10,000 for any related series of violations.

(b) Other violations.—It is unlawful for any person to do any of the following:

(1) Willfully or intentionally remove (other than for purposes of repair and replacement) or render inoperative, in whole or in part, any item of vehicle equipment which was required to be installed at the time of manufacture or thereafter upon any vehicle, by any law, rule, regulation or requirement of any officer or agency of the United States or of the Commonwealth, if it is intended that the vehicle be operated upon the highways of this Commonwealth unless the removal or alteration is specifically permitted by this title or by regulations promulgated by the department.

(2) Operate, or cause or permit another person to operate, on any highway in this Commonwealth any vehicle or combination which is not equipped as required under this part or which is otherwise in an unsafe condition.

(3) Do any act forbidden by this part or fail to perform any act required under this part.

(c) Use of certain equipment unaffected.—This part shall not be construed to:

(1) Prohibit the use of parts or equipment required by the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718, 15 U.S.C. § 1381) or the use of any other parts or accessories on any vehicle not inconsistent with the provisions of this title or regulations promulgated thereunder.

(2) Limit the use of independent after market repair and service parts in the repair of vehicles and items of vehicle equipment unless in violation of the provisions of this title or regulations promulgated thereunder.

§ 4108. Injunctive relief.

(a) General rule.—Upon petition by the department, the Commonwealth Court shall have jurisdiction, for cause shown, to restrain violations of this part or to restrain the sale, offer for sale or use of any item of vehicle equipment which is determined to be in violation of this part or regulations promulgated pursuant thereto.

(b) Notice of contemplated action.—Whenever practicable, the department shall give notice to any person against whom an action for injunctive relief is contemplated and afford an opportunity to present views and, except in the case of a knowing and willful violation, shall afford reasonable opportunity to achieve compliance. The failure to give notice and afford such opportunity shall not preclude the granting of appropriate relief.

(c) Nonjury criminal contempt proceedings.—In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, the court shall sit without intervention of a jury.

CHAPTER 43 LIGHTING EQUIPMENT

Sec.

4301. Promulgation of regulations by department.

4302. Period for requiring lighted lamps.

4303. General lighting requirements.

4304. Obstructed lights not required.

4305. Vehicular hazard signal lamps.

4306. Use of multiple-beam road lighting equipment.

4307. Use and display of illuminated signs.

§ 4301. Promulgation of regulations by department.

The department shall promulgate regulations governing the number, visibility, color, size, type, construction, location and use of lamps, other lighting equipment and any retroreflective surfaces on vehicles.

§ 4302. Period for requiring lighted lamps.

Every vehicle upon a highway at any time between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible from a distance of 1000 feet ahead shall display lighted head and other lamps and illuminating devices as required under this chapter for different classes of vehicles, subject to exceptions with respect to parked vehicles. Stop lights, turn signals and other signaling devices shall be lighted as prescribed in this title.

§ 4303. General lighting requirements.

(a) Head lamps.—Every vehicle, except trailers, operated on a highway shall be equipped with a head lamp system in conformance with regulations of the department.

(b) Rear lighting.—Every vehicle operated on a highway shall be equipped with a rear lighting system including, but not limited to, rear lamps, rear reflectors, stop lamps and license plate light, in conformance with regulations of the department.

(c) Turn signals and hazard warning lights.—Every motor vehicle, except motorcycles and pedalcycles, and every trailer operated on a highway shall be equipped with a system of turn signal lights and hazard warning lights in conformance with regulations of the department.

(d) Identification, clearance and side marker lights.—Every motor vehicle, trailer and combination operated on a highway shall be equipped with a system of lights which may include retroreflective reflectors, identification, clearance and side marker lights in conformance with regulations of the department.

(e) Equipment exempted by regulation.—Antique motor vehicles, animal-drawn vehicles, implements of husbandry and special mobile equipment, if operated exclusively between the hours of sunrise and sunset and not during periods of reduced visibility or insufficient illumination, may be exempted from certain lighting equipment requirements of this part by regulations of the department.

§ 4304. Obstructed lights not required.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except a tail lamp) need not be lighted which, by reason of its location on a vehicle of the combination, is obscured by another vehicle of the combination, but this does not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

§ 4305. Vehicular hazard signal lamps.

(a) General rule.—Simultaneous flashing of the two front and two rear signal lamps shall indicate a vehicular traffic hazard. The driver of a motor vehicle equipped with simultaneous flashing signals shall use the signals when the vehicle is stopped or disabled on a highway, except when the vehicle is stopped in compliance with a traffic-control device or when legally parked. Drivers of other vehicles shall exercise extraordinary care in approaching, overtaking and passing a vehicle displaying vehicular hazard warning signals.

(b) Use outside business and residence districts.—Outside of a business or residence district:

(1) The driver of a vehicle equipped with simultaneous flashing signals shall use the signals when the vehicle is unable to maintain a speed of at least 25 miles per hour because of weather, grade or other similar factors or is unable to maintain a speed consistent with the normal flow of traffic.

(2) The driver of a bus equipped with simultaneous flashing signals shall use the signals when the bus is stopped with one or more wheels on the roadway between dusk and dawn for the purpose of receiving or discharging passengers.

(c) Use below minimum speed limit.—The driver of a vehicle equipped with simultaneous flashing signals shall use the signals when the vehicle is not maintaining at least the minimum speed established in accordance with the provisions of section 3364 (relating to minimum speed regulation).

§ 4306. Use of multiple-beam road lighting equipment.

(a) Approaching an oncoming vehicle.—Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use the low beam of light.

(b) Approaching a vehicle from rear.—Whenever the driver of a vehicle approaches another vehicle from the rear within 300 feet, the driver shall use the low beam of light.

§ 4307. Use and display of illuminated signs.

(a) General rule.—Except as otherwise provided in this section, no vehicle shall bear or display any illuminated signs, letters, numerals or figures of any kind whatsoever.

(b) Buses.—A bus or school bus may bear an illuminated sign stating its use or destination.

(c) Taxicabs.—A taxicab may carry on the rear or the top of the vehicle illuminated signs placed so as not to interfere with the vision of the driver through the rear window of the vehicle. The size and placement of the sign must receive approval of the department or be a type approved by the department prior to use on the vehicle.

CHAPTER 45 OTHER REQUIRED EQUIPMENT

Subchapter

- A. Brake Equipment
- B. Safety and Anti-pollution Equipment
- C. Vehicles for Transportation of School Children
- D. Equipment of Authorized and Emergency Vehicles

SUBCHAPTER A BRAKE EQUIPMENT

Sec.

4501. Promulgation of regulations by department.

4502. General requirements for braking systems.

§ 4501. Promulgation of regulations by department.

The department shall promulgate regulations governing the type, size, construction, location and use of brake equipment taking into consideration different requirements for different classes or types of vehicles. The authority granted in this section includes the power to regulate the performance of the brake system on a vehicle.

§ 4502. General requirements for braking systems.

(a) Parking brakes.—Every vehicle or combination, except a motorcycle, operated on a highway shall be equipped with a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated, under all conditions of loading, on a surface free of ice or snow. The system shall not be designed to require a continuous or intermittent source of energy for full effectiveness after initial application.

(b) Service brakes.—Every vehicle and combination operated on a highway shall be equipped with a service brake system adequate to control the movement of and to stop and hold the vehicle or combination on any grade on which it is operated, under all conditions of loading, and adequate to meet the braking performance standards established by regulation of the department.

(c) Breakaway systems.—Every combination operated on a highway, the towed vehicle of which is equipped with brakes or which has a gross weight in excess of 3,000 pounds, shall be so equipped that, upon breakaway of the towed vehicle, the towed vehicle shall be stopped and held automatically, and the towing vehicle shall be capable of being stopped and held by use of its own service braking system.

(d) Exceptions.—This section does not apply to towed instruments of husbandry and such items or types of special mobile equipment as are specifically exempted from compliance by regulations promulgated by the department.

SUBCHAPTER B SAFETY AND ANTI-POLLUTION EQUIPMENT

Sec.

- 4521. Promulgation of regulations by department.
- 4522. Violation of Federal statute or regulation.
- 4523. Exhaust systems, mufflers and noise control.
- 4524. Windshield obstructions and wipers.
- 4525. Tire equipment and traction surfaces.
- 4526. Safety glass.
- 4527. Television equipment.
- 4528. Fire extinguishers.
- 4529. Slow moving vehicle emblem.
- 4530. Portable emergency warning devices.
- 4531. Emission control systems.
- 4532. Smoke control for diesel-powered motor vehicles.
- 4533. Rear wheel shields.
- 4534. Rearview mirrors.
- 4535. Audible warning devices.
- 4536. Bumpers.

§ 4521. Promulgation of regulations by department.

The department shall promulgate regulations governing the number, size, color, type, construction, location and use of other equipment on vehicles consistent with but not limited by the provisions of this subchapter and taking into consideration different requirements for different classes or types of vehicles.

§ 4522. Violation of Federal statute or regulation.

(a) General rule.—No person shall drive a vehicle on any highway in violation of any provision of a Federal statute or regulation relating to any type of equipment or documents used in the vehicle while engaged in interstate commerce.

(b) **Penalty.**—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. § 4523. Exhaust systems, mufflers and noise control.

(a) **Compliance with established sound levels.**—Every motor vehicle operated on a highway shall be constructed, equipped, maintained and operated so as not to exceed the sound level for the vehicle as prescribed in regulations promulgated by the department. The test procedures and instrumentation to be utilized shall also be established by regulation.

(b) **Compliance with exhaust requirements.**—In addition to any requirements established under sections 4531 (relating to emission control systems) and 4532 (relating to smoke control for diesel-powered motor vehicles), every motor vehicle shall be constructed, equipped, maintained and operated so as to prevent engine exhaust gases from penetrating and collecting in any part of the vehicle occupied by the driver or passengers.

(c) **Mufflers and related equipment.**—Every motor vehicle shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation and no muffler or exhaust system shall be equipped with a cutout, bypass or similar device.

(d) **Unauthorized modification of equipment.**—No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of the vehicle above the maximum levels permitted under subsection (a) or violate the provisions of subsection (b). Headers and side exhausts are permitted provided the vehicle meets all the requirements of this section.

(e) **Fire equipment and racing vehicles.**—This section does not apply to fire equipment or to racing vehicles being operated in an organized racing or competitive event conducted under a permit issued by local authorities. § 4524. Windshield obstructions and wipers.

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

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

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

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

§ 4525. Tire equipment and traction surfaces.

(a) General rule.—No vehicle shall be operated on the highway unless the vehicle is equipped with tires of a type, size and construction approved by the department for the vehicle and unless the tires are in a safe operating condition as determined in accordance with regulations of the department.

(b) Vehicles not equipped with pneumatic tires.—It is unlawful for any person to operate or move, or cause or permit to be moved, in contact with any highway any vehicle equipped with traction or road contact surfaces other than pneumatic tires unless of a type, size and construction permitted by regulations of the department and unless the movement is made under specific conditions allowed by regulations of the department.

(c) Tire studs.—No vehicle having tires containing studs shall be driven on any highway.

(d) Tire chains.—Tire chains may be temporarily used on vehicles during periods of snow and ice emergency if they are in conformance with regulations promulgated by the department.

§ 4526. Safety glass.

(a) Safety glass required.—It is unlawful to sell or to operate on any highway in this Commonwealth any vehicle manufactured or assembled after January 1, 1934, and registered in this Commonwealth unless the vehicle is equipped with safety glass or similar material, which is in compliance with regulations promulgated by the department, wherever transparent or translucent material is used in the vehicle in doors, windows, windshields and wings.

(b) Replacement of glass.—It is unlawful for the owner of any vehicle to have safety glass, broken or otherwise, in the windshields, doors, windows or wings of the vehicle replaced with any glass other than safety glass. It is unlawful for any person to install in the windshields, doors, windows or wings of any vehicle any glass other than safety glass.

(c) Violation by common carrier or public utility.—In case of any violation of any provision of this section by any common carrier or person operating under a certificate of authority issued by the Pennsylvania Public Utility Commission, the certificate shall either be revoked or, in the discretion of the commission, suspended until the provision or provisions are complied with to the satisfaction of the commission.

(d) Exception.—This section does not apply to house trailers.

§ 4527. Television equipment.

No motor vehicle operated on a highway shall be equipped with television-type receiving equipment forward of the back of the driver's seat or otherwise visible to the driver. This section does not prevent the use of television-type receiving equipment in a vehicle used exclusively for safety

or law enforcement purposes as approved by the Pennsylvania State Police.

§ 4528. Fire extinguishers.

Every vehicle towing a house trailer, every motor home and every motor vehicle with a mounted truck-camper shall be equipped with at least one fire extinguisher of a type and size approved by the department.

§ 4529. Slow moving vehicle emblem.

(a) General rule.—All implements of husbandry and special mobile equipment designed to operate at 25 miles per hour or less and all animal-drawn vehicles shall, when traveling on a highway, display on the rear of the vehicle a reflective slow moving vehicle emblem as specified in regulations of the department. The use of the slow moving vehicle emblem shall be in addition to any other lighting devices or equipment required by this title.

(b) Limitations on use or display.—No person shall use or display the slow moving vehicle emblem except as provided in this section nor shall any person display the emblem on a vehicle traveling at a speed in excess of 25 miles per hour.

(c) Towed vehicles.—The emblem shall be required to be displayed on a slow moving vehicle which is being towed on a highway unless the towing vehicle displays the emblem in such a manner as to be clearly visible from the rear.

§ 4530. Portable emergency warning devices.

(a) General rule.—Every truck, truck tractor and bus and any motor vehicle towing a trailer shall carry at least three portable emergency warning devices of a type specified by regulations promulgated by the department. The regulations shall be consistent with Motor Carrier Safety Regulations, Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, section 393.95.

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

§ 4531. Emission control systems.

(a) Compliance with established maximum levels.—No vehicle manufactured in compliance with the requirements of the Clean Air Act (77 Stat. 392, 42 U.S.C. § 1857), or any amendments or supplements thereto, shall have emissions exceeding the maximum permissible levels prescribed by law.

(b) Limitation on alteration of system.—No person shall change or alter the emission control system of a vehicle in such a manner that it fails to comply with the prescribed emissions criteria. It is unlawful for the vehicle to be operated under its own power until a reinspection at an official inspection station establishes its full compliance.

§ 4532. Smoke control for diesel-powered motor vehicles.

(a) Standards and inspection.—The department shall promulgate regulations for the control of smoke from diesel-powered motor vehicles prescribing standards, inspection procedures and inspection equipment.

(b) Compliance with standards.—No person shall operate a diesel-powered motor vehicle on a highway in such a manner that the smoke emitted exceeds the standards established under this section. Each day of operation in violation shall constitute a separate offense under this subsection.

(c) Correction to avoid prosecution.—Any person arrested in violation of this section shall, upon written notice, be given the opportunity to correct the violation within 48 hours. If sufficient proof of correction is furnished to the arresting officer or his representative within 48 hours of the delivery of the written notice, no prosecution of the violation shall be brought.

(d) Limitation on alteration of system.—No person shall intentionally change or alter a factory installed smoke control system on any diesel-powered vehicle or its fuel system so as to limit the ability of the system to control smoke, and no person shall remove the smoke control system except for repair or installation of a proper replacement.

§ 4533. Rear wheel shields.

Every truck, trailer and truck tractor (without a semitrailer) driven on a highway shall be so constructed or equipped as to bar water or other road surface substances thrown from the rear wheels of such vehicle or combination at tangents exceeding 22 ½ degrees, measured from the road surface, from passing in a straight line to the rear of such vehicle or combination.

§ 4534. Rearview mirrors.

No person shall operate a motor vehicle or combination on a highway unless the vehicle or combination is equipped with at least one mirror, or similar device, which provides the driver an unobstructed view of the highway to the rear of the vehicle or combination.

§ 4535. Audible warning devices.

(a) General rule.—Every motor vehicle operated on a highway shall be equipped with a horn or other audible warning device of a type approved in regulations of the department.

(b) Certain sound devices prohibited.—Except as specifically provided in this part or by regulations of the department, no vehicle operated on a highway shall be equipped with a siren, bell, whistle or any device emitting a similar sound or any unreasonably loud or harsh sound.

§ 4536. Bumpers.

No person shall operate any vehicle upon a highway without bumpers of a type specified by regulations of the department in both the front and rear unless the vehicle was originally designed and manufactured to be used without bumpers.

SUBCHAPTER C
VEHICLES FOR TRANSPORTATION OF SCHOOL CHILDREN

Sec.

4551. Safety regulations.

4552. General requirements for school buses.

4553. General requirements for other vehicles transporting school children.

§ 4551. Safety regulations.

(a) General rule.—All school buses and all other vehicles used in the transportation of school children, owned by or under contract with any school district or parochial or private school, shall conform to standards prescribed by the department. Regulations shall be promulgated by the department governing the safe design, construction, equipment and operation of vehicles engaged in the transportation of school children.

(b) Violation and penalty.—No person shall operate or permit the operation of a vehicle of a type specified in this subchapter which is not in compliance with the requirements of this subchapter or applicable regulations issued under this subchapter. Violation of this section constitutes a summary offense punishable by a fine of not less than \$50 nor more than \$100.

§ 4552. General requirements for school buses.

(a) Color and identification.—Every school bus shall be of a uniform color scheme and labeled “School Bus” on both front and rear as provided by regulation. Exterior labels and markings other than those specifically required or permitted by law or regulation shall be prohibited.

(b) Visual signals.—In addition to the applicable lighting requirements of Chapter 43 (relating to lighting equipment) every school bus shall be equipped with a uniform front and rear system of red and amber visual signals for the warning and control of traffic during route operations as provided in section 3345 (relating to meeting or overtaking school bus) and in regulations of the department.

(c) Body construction.—Every school bus shall be designed and constructed to provide a single, closed metal body with adequate ventilation and an entrance door of adequate clearance and safe design visible to and controlled only by the driver. At least one emergency exit door of safe design and construction and adequate labeling shall be located in or near the rear of the school bus. All side windows shall be of a safe design which will provide emergency egress for passengers.

(d) Seating.—Adequate seating space of safe design and construction shall be provided for each passenger and no passenger shall be carried for which adequate seating space is not available and used.

(e) Visibility.—Every school bus shall be designed and equipped so as to provide the driver with an unobstructed view of any pedestrian in proximity to the vehicle.

(f) Emergency equipment.—Every school bus shall carry, in good and usable condition, at least one fire extinguisher of adequate size and type and such other emergency equipment as regulations may prescribe.

(g) Emergency drills.—Each school district and the administration of every private school within this Commonwealth shall ensure, through adequate instruction and a minimum of two actual drills each year, that every student is familiar with school bus emergency procedures and equipment and safe loading and unloading operations.

(h) Duty of department.—The department shall by regulation adopt specific requirements implementing this section and any additional requirements, not inconsistent with this section, which will ensure the maximum safety of school children furnished transportation. Unless required by Federal law or regulation, the regulations established by the department shall not require vehicles which pick up and discharge school children only at locations off the highway to be of any particular color or to display flashing red and amber lights.

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

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

(b) Other vehicles.—A motor vehicle used to transport children to or from school or in connection with school activities, which is not a school bus because of its limited seating capacity, shall comply with regulations established by the department for such vehicles. Unless required by Federal law or regulation, the regulations established by the department shall not require vehicles which pick up and discharge school children only at locations off the highway to be of any particular color or to display flashing red and amber lights.

SUBCHAPTER D

EQUIPMENT OF AUTHORIZED AND EMERGENCY VEHICLES

Sec.

4571. Visual and audible signals on emergency vehicles.

4572. Visual signals on authorized vehicles.

§ 4571. Visual and audible signals on emergency vehicles.

(a) General rule.—Every emergency vehicle shall be equipped with one or more revolving or flashing red lights and an audible warning system.

(b) Police and fire vehicles.—

(1) Police vehicles may in addition to the requirements of subsection

(a) be equipped with revolving or flashing blue lights. The combination of red and blue lights may be used only on police vehicles.

(2) Spotlights with adjustable sockets may be attached to or mounted on police vehicles.

(3) Unmarked police vehicles, used as emergency vehicles and equipped with audible warning systems, may be equipped with the lights described in this section.

(4) Police and fire vehicles may be equipped with a mounted rack containing one or more emergency warning lights or side mounted adjustable floodlights, or both.

(c) Game Commission vehicles.—Vehicles owned and operated by the Pennsylvania Game Commission may be equipped with revolving or flashing red lights in accordance with subsection (a).

(d) Vehicles prohibited from using signals.—Except as otherwise specifically provided in this part, no vehicle other than an emergency vehicle may be equipped with lights or audible warning systems identical or similar to those specified in subsections (a) and (b).

(e) Authorized period of use.—The lights and warning systems specified by this section may be used only during an emergency or in the interest of public safety and by police officers in enforcement of the law.

(f) Conformity with department regulations.—All equipment authorized or required by this section shall conform to department regulations.

§ 4572. Visual signals on authorized vehicles.

(a) Flashing or revolving blue lights.—Ambulance personnel, volunteer firefighters and owners and handlers of dogs used in tracking humans may each equip one motor vehicle with no more than two flashing or revolving blue lights.

(1) In order to be eligible to display lights on their vehicles under this subsection, the names of the ambulance personnel and volunteer firefighters shall be submitted to the nearest station of the Pennsylvania State Police on a list signed by the chief of the ambulance or fire department or company and each dog owner and handler shall register at the nearest Pennsylvania State Police station.

(2) The manner in which the lights are displayed and their intensity shall be determined by regulation of the department.

(3) The lights shall be operable by the driver from inside the vehicle.

(4) The lights may be used only while en route to or at the scene of a fire or emergency call.

(5) The lights shall be removed from the vehicle within ten days of receipt of notice from the chief of the ambulance or fire department or company to remove the lights upon termination of the person's status as an active volunteer firefighter or ambulance person or upon termination of the person's active status as a dog owner or handler, or when the vehicle is no longer used in connection with the person's duties as a volunteer firefighter or ambulance person or dog owner or handler.

(6) This subsection does not relieve the driver from the duty to drive with due regard for the safety of all persons nor exempt the driver from complying with all provisions of this title.

(b) Flashing or revolving yellow lights.—Vehicles authorized pursuant to the provisions of section 6107 (relating to designation of authorized vehicles by department) may be equipped with no more than two flashing or revolving yellow lights. The manner in which the light shall be displayed and the intensity shall be determined by regulation of the department.

(c) Vehicles prohibited from using lights.—No vehicle other than a duly authorized vehicle may be equipped with lights identical or similar to those specified in subsections (a) and (b).

CHAPTER 47 INSPECTION OF VEHICLES

Subchapter

- A. Inspection Requirements
- B. Official Inspection Stations

SUBCHAPTER A INSPECTION REQUIREMENTS

Sec.

4701. Duty to comply with inspection laws.

4702. Requirement for periodic inspection of vehicles.

4703. Operation of vehicle without official certificate of inspection.

4704. Notice by police officers of violation.

4705. Inspection of vehicles for transportation of school children.

§ 4701. Duty to comply with inspection laws.

No owner or driver shall refuse to submit a vehicle to any inspection and test that is authorized or required by the provisions of this chapter.

§ 4702. Requirement for periodic inspection of vehicles.

(a) General rule.—The department shall establish a system of semiannual inspection of vehicles registered in this Commonwealth.

(b) Annual inspection of certain vehicles.—Recreational trailers, vehicles registered as antique and classic vehicles, firefighting vehicles and motorcycles shall be subject to annual inspection.

(c) Inspection of vehicles reentering this Commonwealth.—Owners of Pennsylvania registered vehicles which have been outside of this Commonwealth continuously for 30 days or more and which at the time of reentering this Commonwealth do not bear a currently valid certificate of inspection and approval shall, within five days of reentering this Commonwealth, proceed to an official inspection station for an inspection of the vehicle.

(d) Extension of inspection period.—The department may, by regulation, extend the time for any of the inspections required by this chapter for not more than 30 days due to weather conditions or other causes which render compliance with the provisions of this chapter within the prescribed time difficult or impossible.

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

(a) General rule.—No registered motor vehicle shall be driven and no registered trailer shall be moved on a highway unless the vehicle displays a currently valid certificate of inspection and approval.

(b) Exceptions.—Subsection (a) does not apply to:

- (1) Special mobile equipment.
- (2) Implements of husbandry.
- (3) Motor vehicles being towed.
- (4) Motor vehicles being operated or trailers being towed by an official inspection station owner or employee for the purpose of inspection.

(c) Display of unauthorized certificate of inspection.—No certificate of inspection and approval shall be displayed unless an official inspection has been made and the vehicle is in conformance with the provisions of this chapter.

(d) Authority of police.—Any police officer may stop any motor vehicle or trailer and require the owner or operator to display an official certificate of inspection and approval for the vehicle being operated. A police officer may summarily remove an unlawfully issued certificate of inspection from any vehicle.

§ 4704. Notice by police officers of violation.

(a) General rule.—Any police officer having probable cause to believe that any vehicle, regardless of whether it is being operated, is unsafe or not equipped as required by law may at any time submit a written notice of the condition to the driver of the vehicle or to the owner, or if neither is present, to an adult occupant of the vehicle, or if the vehicle is unoccupied, the notice shall be attached to the vehicle in a conspicuous place.

(1) If an item of equipment is broken or missing, the notice shall specify the particulars of the condition and require that the equipment be adjusted or repaired. Within five days evidence must be submitted to the police that the requirements for repair have been satisfied.

(2) If the police officer has probable cause to believe that a vehicle is unsafe or not in proper repair, he may require in the written notice that the car be inspected. The owner or driver shall submit to the police within five days of the date of notification certification from an official inspection station that the vehicle has been restored to safe operating condition in relation to the particulars specified on the notice.

(3) After the expiration of the five-day period specified in paragraphs (1) and (2), the vehicle shall not be operated upon the highways of this Commonwealth until the owner or driver has submitted to the police evidence of compliance with the requirements of paragraph (1) or (2), whichever is applicable.

(b) Operation prohibited if hazardous.—In the event a vehicle, in the reasonable judgment of the officer, is in such condition that further operation would be hazardous, the officer may require that the vehicle not be operated under its own power and may so stipulate in the notice given under subsection (a).

§ 4705. Inspection of vehicles for transportation of school children.

(a) State Police inspection.—The owner of every school bus shall, in addition to any other inspection required by this chapter, submit the vehicle to the Pennsylvania State Police annually prior to operating the vehicle for the transportation of school children during the school year, to determine whether the vehicle conforms with the provisions of this chapter including regulations promulgated by the department. If the vehicle is in conformance, a certificate of inspection and approval shall be issued by the Pennsylvania State Police.

(b) Display of certificate.—No vehicle requiring a certificate of inspection under the provisions of this section shall be operated without prominently displaying the certificate, in the manner directed by the department, in addition to any other certificate required by law, on any of the highways of this Commonwealth.

SUBCHAPTER B OFFICIAL INSPECTION STATIONS

Sec.

- 4721. Appointment of official inspection stations.
- 4722. Certificate of appointment.
- 4723. Certificate of appointment for inspecting fleet vehicles.
- 4724. Suspension of certificates of appointment.
- 4725. Use of certificate of appointment at official inspection stations.
- 4726. Certification of mechanics.
- 4727. Issuance of certificate of inspection.
- 4728. Display of certificate of inspection.
- 4729. Removal of certificate of inspection.
- 4730. Violations of use of certificate of inspection.
- 4731. Records of inspections and certificates issued.
- 4732. Inspection Advisory Board.

§ 4721. Appointment of official inspection stations.

For the purpose of establishing a system of official inspection stations, the department shall issue certificates of appointment to privately owned facilities within this Commonwealth that comply with the requirements of this chapter and regulations adopted by the department. The department shall issue instructions and all necessary forms to such facilities. Official inspection stations are authorized to inspect vehicles and issue official certificates of inspection.

§ 4722. Certificate of appointment.

(a) Application and issuance.—Application for a certificate of appointment shall be made upon an official form. The certificate of appointment shall be issued only when the department is satisfied that the station is equipped properly and has competent personnel to make inspections and adjustments and that inspections will be conducted properly. Only those stations fulfilling department requirements and complying with department regulations shall be issued a certificate of appointment.

(b) Separate application for each place of business.—If the applicant has or intends to have more than one place of business within this Commonwealth, a separate application shall be made for each place of business.

(c) Bond or proof of insurance.—Before issuing a certificate of appointment the department shall require a bond or proof of insurance to provide compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of the applicant or its employees in such amount as is deemed adequate by the department pursuant to department regulations.

§ 4723. Certificate of appointment for inspecting fleet vehicles.

The department may issue a certificate of appointment under the provisions of this chapter to any person who owns or leases 15 or more vehicles and who meets the requirements of this chapter and regulations adopted by the department. The certificate of appointment may authorize inspection of only those vehicles owned or leased by such person.

§ 4724. Suspension of certificates of appointment.

(a) General rule.—The department shall supervise and inspect official inspection stations and shall suspend the certificate of appointment issued to a station which it finds is not properly equipped or conducted or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. The department shall maintain a list of all stations holding certificates of appointment and of those whose certificates of appointment have been suspended. Any suspended certificate of appointment and all unused certificates of inspection shall be returned immediately to the department.

(b) Judicial review.—Any person whose certificate of appointment has been denied or suspended under this chapter shall have the right to file a petition within 30 days for a hearing on the matter in the court of common pleas of the county in which the inspection station is located. The court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 30 days' written notice to the department and to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a certificate of appointment or is subject to suspension of the certificate of appointment under the provisions of this chapter.

§ 4725. Use of certificate of appointment at official inspection stations.

(a) General rule.—No person shall in any manner represent any place as an official inspection station unless the station is operating under a valid certificate of appointment issued by the department.

(b) Transfer, use and posting.—No certificate of appointment for any official inspection station shall be assigned or transferred or used at any location other than the one designated in the certificate. The certificate of appointment shall be posted in a conspicuous place at such location.

(c) Penalty.—Any person violating this section is guilty of a summary offense punishable:

(1) For a first offense, by a fine of \$100.

(2) For a subsequent offense, by a fine of not less than \$200 nor more than \$500 or imprisonment for not more than 90 days, or both.

§ 4726. Certification of mechanics.

No mechanic shall conduct motor vehicle inspections at an official inspection station unless certified as to training, qualifications and competence by the department according to department regulations. The provisions of this title or regulations adopted thereunder shall not be construed or applied in a manner which would preclude or impair the right of a person who is a resident of another state, and who is in possession of a valid driver's license issued by such state, to be certified to conduct motor vehicle inspections at an official inspection station in this Commonwealth. No official inspection station appointment shall be issued or renewed unless a certified official inspection mechanic is there employed.

§ 4727. Issuance of certificate of inspection.

(a) Requirements prior to inspection.—No vehicle shall be inspected unless it is duly registered. The owner or operator or an employee of the official inspection station shall examine the registration card in order to ascertain that the vehicle is registered.

(b) Requirements for issuance of certificate.—An official certificate of inspection shall not be issued unless the vehicle is inspected and found to be in compliance with the provisions of this chapter including any regulations promulgated by the department. Notation of the odometer reading shall be included on the certificate of inspection.

§ 4728. Display of certificate of inspection.

The appropriate certificate of inspection shall be affixed to the vehicle as specified in regulations adopted by the department.

§ 4729. Removal of certificate of inspection.

No certificate of inspection shall be removed from a vehicle for which the certificate was issued except to replace it with a new certificate of inspection issued in accordance with the provisions of this chapter or as follows:

(1) The police officer may remove a certificate of inspection in accordance with the provisions of section 4703(d) (relating to operation of vehicle without official certificate of inspection).

(2) A person replacing a windshield or repairing a windshield in such a manner as to require removal of a certificate of inspection shall at the option of the registrant of the vehicle cut out the portion of the windshield containing the certificate and deliver it to the registrant of the vehicle or destroy the certificate. The vehicle may be driven for up to five days if it displays the portion of the old windshield containing the certificate as prescribed in department regulations. Within the five day period an official inspection station may affix to the vehicle another certificate of inspection for the same inspection period without reinspecting the vehicle in exchange for the portion of the old windshield containing the certificate of inspection. A fee of no more than \$1 may be charged for the exchanged certificate of inspection.

(3) A salvor shall remove and destroy the certificate of inspection on every vehicle in his possession except vehicles used in the operation of the business of the salvor.

§ 4730. Violations of use of certificate of inspection.

(a) General rule.—No person shall:

(1) make, issue, transfer or possess any imitation or counterfeit of an official certificate of inspection; or

(2) display or cause to be displayed on any vehicle or have in possession any certificate of inspection knowing the same to be fictitious or stolen or issued for another vehicle or issued without an inspection having been made.

(b) Unauthorized use by official inspection station.—No official inspection station shall furnish, loan, give or sell certificates of inspection and approval to any other official inspection station or any other person except upon an inspection made in accordance with the requirements of this chapter.

(c) Penalty.—A violation of the provisions of this section constitutes a summary offense punishable:

(1) For a first offense, by a fine of \$100.

(2) For a subsequent offense, by a fine of not less than \$200 nor more than \$500 or imprisonment for not more than 90 days, or both.

§ 4731. Records of inspections and certificates issued.

A record shall be made of every inspection and every certificate issued and the record shall be forwarded to the department in the manner and at the time the department shall specify by regulation. An official inspection station and its records shall be open for inspection by any police officer or authorized department employee.

§ 4732. Inspection Advisory Board.

(a) Membership.—There shall be an Inspection Advisory Board consisting of 11 members appointed by the secretary. The board shall be composed of an authorized representative of the department and of the Pennsylvania State Police and representatives of the automotive industry and the public, as follows: a new car dealer, a used car dealer, a fleet owner, a certified mechanic, a service station operator, a parts and equipment wholesaler, an independent repair shop operator and two members of the general public who are licensed drivers.

(b) Duties.—The board shall advise the department and review regulations proposed by the department concerning inspection requirements and operation of official inspection stations.

CHAPTER 49 SIZE, WEIGHT AND LOAD

Subchapter

- A. General Provisions
- B. Width, Height and Length
- C. Maximum Weights of Vehicles

- D. Special Permits for Excessive Size and Weight
- E. Measuring and Adjusting Vehicle Size and Weight

**SUBCHAPTER A
GENERAL PROVISIONS**

Sec.

- 4901. Scope and application of chapter.
- 4902. Restrictions on use of highways and bridges.
- 4903. Securing loads in vehicles.
- 4904. Limits on number of towed vehicles.
- 4905. Safety requirements for towed vehicles.
- 4906. Fire apparatus.
- 4907. Penalty for violation of chapter.

§ 4901. Scope and application of chapter.

(a) General rule.—It is unlawful for any person to drive or move, or for the owner to cause or permit to be driven or moved, on any highway any vehicle or vehicles of a size or weight exceeding the limitations provided in this chapter or any vehicle or vehicles which are not so constructed or equipped as required in this title or the regulations of the department.

(b) Limitations on local regulation.—The maximum size and weight of vehicles specified in this chapter shall govern throughout this Commonwealth and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in this title.

(c) Permit authorizing prohibited movement.—If an overweight or oversize movement cannot be made in any other feasible manner, the permit may authorize the movement to be made in contravention to any provision of this title provided that:

- (1) the department or local authority determines that the movement is in the public interest; and
- (2) the movement is escorted by the Pennsylvania State Police or department personnel while any provision of this title is being contravened.

§ 4902. Restrictions on use of highways and bridges.

(a) General rule.—The department and local authorities with respect to highways and bridges under their jurisdictions may prohibit the operation of vehicles and may impose restrictions as to the weight or size of vehicles operated upon a highway or bridge whenever the highway or bridge, by reason of deterioration or rain, snow or other climatic conditions, may be damaged or destroyed unless the use of vehicles is prohibited or the permissible weights reduced.

(b) Permit with bond.—The department and local authorities may issue permits for movement of vehicles of size and weight in excess of the restrictions promulgated under subsection (a) with respect to highways and bridges under their jurisdiction, conditioned upon the execution of a surety bond by the user in favor of the department or local authorities to cover the cost of repairs necessitated by the movement.

(c) Restrictions from traffic conditions.—The department and local authorities with respect to highways and bridges under their jurisdictions may prohibit the operation of vehicles and may impose restrictions as to the weight or size of vehicles operated upon a highway or bridge by reason of hazardous traffic conditions or other safety factors.

(d) Erection of signs.—The department and the local authorities shall erect or cause to be erected and maintained signs designating the restrictions at each end of that portion of any highway or bridge restricted as provided in subsections (a) and (c). The restrictions shall not be effective unless signs are erected and maintained in accordance with this subsection.

(e) Penalty.—Any person operating a vehicle or combination upon a highway or bridge in violation of a prohibition or restriction imposed under subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

§ 4903. Securing loads in vehicles.

(a) General rule.—No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping.

(b) Fastening load.—Every load on a vehicle shall be fastened so as to prevent the load or covering from becoming loose, detached or in any manner a hazard to other users of the highway.

(c) Load of logs.—Every load of logs on a vehicle shall be securely fastened with at least three binders, chains or straps and, in the case of an open-body or stake-body vehicle, trailer or semitrailer there shall be a sufficient number of vertical metal stakes or posts securely attached on each side of the vehicle, trailer or semitrailer at least as high as the top of the load to secure such load in the event of a failure of the binders, chains or straps.

(d) Establishment of standards for fastening devices.—The department may promulgate regulations establishing minimum standards governing types and numbers of devices to be used in securing loads to prevent spillage and leakage of a load while in transit.

(e) Exceptions.—This section does not prohibit:

(1) the necessary spreading of any substance in highway maintenance or construction operations; or

(2) the shedding or dropping of feathers or other matter from vehicles hauling live or slaughtered birds or animals.

§ 4904. Limits on number of towed vehicles.

(a) General rule.—No motor vehicle shall be operated upon a highway towing more than one other vehicle except as otherwise provided in this section.

(b) Farm tractors.—Farm tractors may tow no more than two other vehicles when engaged in agricultural operations.

(c) Towing vehicles requiring service.—A dolly not exceeding ten feet in length may be towed by a motor vehicle for the purpose of towing another vehicle requiring service.

(d) Driveaway-towaway operations.—Not more than three truck tractors, empty trucks or chassis therefor, may be towed by a truck tractor, truck or the chassis thereof, provided that only the rear wheels of the drawn vehicles shall touch the road surface.

§ 4905. Safety requirements for towed vehicles.

(a) Connecting devices and distances.—When one vehicle is towing another, the connection shall be of sufficient strength to pull all weight towed. The distance between the vehicles shall not exceed 15 feet except between any two vehicles transporting poles, pipes, machinery or other objects of a structural nature such that they cannot readily be dismembered.

(b) Red flags and lights.—If the distance between the vehicles exceeds five feet, a red flag or cloth not less than 12 inches square shall be displayed upon the connection centered between the vehicles. During hours of darkness a red light shall be displayed at the same position in lieu of the flag or cloth.

(c) Deflection of trailer wheels.—Every trailer shall be attached to the vehicle drawing it so as to prevent the wheels of the trailer from deflecting more than six inches from the path of the drawing vehicle's wheels.

(d) Safety chains.—Whenever two vehicles are connected by a ball-and-socket type hitch, or pintle hook without a locking device, they shall also be connected by two safety chains of equal length, each safety chain having an ultimate strength at least equal to the gross weight of the towed vehicles. The safety chains shall be crossed and connected to the towed and towing vehicle and to the tow bar so as to prevent the tow bar from dropping to the ground in the event the tow bar fails or becomes disconnected. The safety chains shall have no more slack than is necessary to permit proper turning.

(e) Obstructed lighting equipment.—Whenever the rear running lights, stop lights, turn signals or hazard warning lights required by the provisions of Chapter 43 (relating to lighting equipment) are obstructed by the load on a vehicle or by a towed vehicle or its load, lighting equipment shall be displayed on the rear of the towed vehicle or load equivalent to the obstructed lights or signals.

§ 4906. Fire apparatus.

This chapter does not apply to fire apparatus unless specifically provided otherwise.

§ 4907. Penalty for violation of chapter.

Any person violating any provision of this chapter for which a penalty is not otherwise provided is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$100.

SUBCHAPTER B
WIDTH, HEIGHT AND LENGTH

Sec.

4921. Width of vehicles.

4922. Height of vehicles.

4923. Length of vehicles.

4924. Limitations on length of projecting loads.

4925. Width of projecting loads on passenger vehicles.

§ 4921. Width of vehicles.

(a) General rule.—The total outside width of a vehicle, including any load, shall not exceed eight feet except as otherwise provided in this section.

(b) Farm vehicles.—Any implement of husbandry or vehicle loaded with vegetable produce or forage crops and not exceeding ten feet in width may operate between sunrise and sunset on highways other than freeways.

(c) Buses.—Any bus operated wholly within a municipality, where permitted by the municipality, or in more than one municipality, where approved by the Public Utility Commission, may have a total outside width not to exceed eight feet six inches when operated upon a highway having traffic-lane widths of not less than ten feet.

(d) Nondivisible loads.—Vehicles carrying nondivisible loads not exceeding eight feet six inches in width may operate on any highway having a roadway width of 20 feet or more. This subsection does not apply on the National System of Interstate and Defense Highways.

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

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

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

(f) Exceptions.—The provisions of this subchapter governing the width of vehicles do not apply to street sweepers and snow removal equipment.

§ 4922. Height of vehicles.

(a) General rule.—No vehicle, including any load, shall exceed a height of 13 feet 6 inches. This provision shall not be construed to require public authorities to provide sufficient vertical clearance to permit the operation of such vehicles.

(b) Buses.—Any bus operated wholly within a municipality, where permitted by the municipality, or in more than one municipality, where approved by the Public Utility Commission, may be of a total height, including load, not to exceed 14 feet 6 inches.

(c) Exceptions.—The provisions of this subchapter governing the height of vehicles do not apply to fire apparatus or to vehicles used exclusively to repair overhead lights and wires.

§ 4923. Length of vehicles.

(a) General rule.—No motor vehicle, including any load and bumpers, shall exceed an overall length of 40 feet, and no combination, including any load and bumpers, shall exceed an overall length of 55 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) The load on a combination designed exclusively for carrying motor vehicles if the overall length of the combination and load does not exceed 60 feet.

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

§ 4924. Limitations on length of projecting loads.

(a) General rule.—Subject to the provisions of this subchapter limiting the length of vehicles and loads, the load upon any vehicle or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load, other than a nondivisible load, upon the rear vehicle of a combination shall not extend more than six feet beyond the rear of the bed or body of such vehicle.

(b) Red flags and lights.—If the load on any vehicle extends more than four feet beyond the rear of the vehicle, a red flag or cloth not less than 12 inches square shall be displayed at the end of the load. During hours of darkness, a red light shall be displayed in the same position in lieu of the flag or cloth.

(c) Compliance with maximum length limitations.—Subsection (a) does not permit loads to exceed the maximum limits set forth in section 4923 (relating to length of vehicles).

§ 4925. Width of projecting loads on passenger vehicles.

(a) General rule.—No passenger-type vehicle shall be operated on any highway with a load extending beyond the left side of the vehicle nor extending more than 12 inches beyond the right side of the vehicle.

(b) Exception.—This section does not apply to emergency vehicles.

SUBCHAPTER C MAXIMUM WEIGHTS OF VEHICLES

Sec.

4941. Maximum gross weight of vehicles.

4942. Registered gross weight.

4943. Maximum axle weight of vehicles.

4944. Maximum wheel load.

4945. Penalties for exceeding maximum weights.

4946. Impoundment of vehicles for nonpayment of overweight fines.

4947. Disposition of impounded vehicles and loads.

4948. Maximum weight and seating capacity of buses.

§ 4941. Maximum gross weight of vehicles.

(a) General rule.—No vehicle or combination shall, when operated upon a highway, have a gross weight exceeding 73,280 pounds.

(b) Combination of vehicles.—No combination shall, when operated upon a highway, have a gross weight exceeding the following:

Combination of Vehicles	Maximum Gross Weight In Pounds
Two-axle truck tractor & single-axle semitrailer	50,000
Two-axle truck tractor & two-axle semitrailer	60,000
Three-axle truck tractor & single-axle semitrailer	60,000
Two-axle truck & two-axle trailer	62,000

§ 4942. Registered gross weight.

(a) Single vehicle limits.—No vehicle registered as a truck, a combination or a trailer shall be operated with a gross weight in excess of its registered gross weight.

(b) Truck towing trailer.—No vehicle registered as a truck shall be operated with a gross weight, exclusive of any trailer being towed, in excess of its registered gross weight as a truck.

(c) Combination.—No combination containing a trailer having a registered gross weight in excess of 10,000 pounds shall be operated with a gross weight in excess of the registered gross weight of the truck or truck tractor for a combination.

§ 4943. Maximum axle weight of vehicles.

(a) General rule.—No motor vehicle or combination shall, when operated upon a highway, have a weight upon each of two adjacent axles in excess of the following:

Maximum Axle Weight in Pounds Upon:		
If the Center-to-Center Distance Between Two Adjacent Axles is:	One of Two Adjacent Axles	Other of Two Adjacent Axles
Under 6 feet	18,000	18,000
6 to 8 feet	18,000	22,400
Over 8 feet	22,400	22,400

(b) Location of front axle of semitrailer.—No semitrailer, originally in this Commonwealth on or after September 1, 1973, and having two or more axles, shall be operated upon a highway unless the foremost axle of the semitrailer is at least 12 feet from the rearmost axle of the towing vehicle.

§ 4944. Maximum wheel load.

No motor vehicle or combination shall, when operated upon a highway, have a weight upon any one wheel in excess of 800 pounds for each nominal inch of width on the wheel.

§ 4945. Penalties for exceeding maximum weights.

(a) Gross weight violations.—Any person operating a vehicle or combination upon a highway exceeding the maximum gross weight allowed by section 4941 (relating to maximum gross weight of vehicles) or the registered gross weight allowed by section 4942 (relating to registered gross weight), whichever is less, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75 plus \$75 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum or registered gross weight allowed. If the gross weight of any vehicle or combination exceeds 73,280 pounds, the fine shall be double the amount for other weight violations.

(b) Axle weight violation.—Subject to the provisions of section 4982(c) (relating to reducing or readjusting loads of vehicles), any person operating a vehicle or combination with a weight on an axle or pair of axles exceeding the maximum axle weights allowed by section 4943 (relating to maximum axle weight of vehicles) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100 plus \$100 for each 500 pounds, or part thereof, in excess of 2,000 pounds over the maximum axle weight allowed.

(c) Wheel weight violation.—Any person operating a vehicle or combination upon a highway exceeding the maximum wheel weight allowed by section 4944 (relating to maximum wheel load) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100 plus \$100 for each 200 pounds, or part thereof, in excess of 200 pounds over the maximum wheel weight allowed.

(d) Concurrent violations.—In any case in which there are concurrent violations of more than one of the sections or subsections of this subchapter prescribing maximum weights, the only penalty imposed shall be for violation of that section or subsection which produces the greatest fine.

§ 4946. Impoundment of vehicles for nonpayment of overweight fines.

(a) General rule.—Upon imposition of any fine and costs of prosecution imposed pursuant to section 4945 (relating to penalties for exceeding maximum weights), the driver shall be allowed 24 hours to obtain the funds and pay the fine and costs of prosecution, during which time the vehicle or combination shall be rendered temporarily inoperative by such police officer as the issuing authority shall designate. On default of payment within the 24-hour period, the issuing authority shall impound the vehicle or combination and order a police officer to seize them.

(b) Storage.—Upon impoundment, the issuing authority shall forthwith notify the sheriff of the county in which the violation occurred, who shall store the impounded vehicle or combination.

(c) Notice of impoundment.—The sheriff 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 to the owner of the load if

the names and addresses of the owner are known or can be ascertained by the sheriff.

(d) **Costs.**—The police officer's and sheriff's costs, 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.

§ 4947. **Disposition of impounded vehicles 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 and costs, and secondly, to the payment of the encumbrances. The balance shall be remitted to the owner.

§ 4948. **Maximum weight and seating capacity of buses.**

(a) **Gross, axle and wheel weights.**—No bus shall be operated upon any highway with a gross weight in excess of 40,000 pounds, or in excess of 20,000 pounds on any axle, or in excess of 800 pounds on any one wheel for each nominal inch of width of tire on the wheel.

(b) **Seating capacity load.**—A bus shall not be operated on a highway with a load exceeding by more than 25% its registered seating capacity except when operated within a business or residence district. A child under the age of six years shall not be counted when computing the load on the bus.

(c) **Penalties.**—Any person owning or operating a bus with a gross weight or with weight on any axle or wheel exceeding by more than 5% the maximum allowed in subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. If the excess weight is more than 10% above the maximum weight allowed, the fine shall be \$300. Any person in violation of subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$100.

SUBCHAPTER D
SPECIAL PERMITS FOR EXCESSIVE SIZE AND WEIGHT

Sec.

- 4961. Authority to issue permits.
- 4962. Conditions of permits and security for damages.
- 4963. Exemptions for vehicles used in State highway construction.
- 4964. Oral authorization following emergency or accident.
- 4965. Single permits for multiple highway crossings.
- 4966. Permit for movement of quarry equipment.
- 4967. Permit for movement of implements of husbandry.
- 4968. Permit for movement of equipment being manufactured.
- 4969. Permit for movement of vehicles with oversize wheels and tires.
- 4970. Permit for movement of utility construction equipment.

§ 4961. Authority to issue permits.

(a) General rule.—The department and local authorities with respect to highways under their respective jurisdictions may, upon application in writing showing good cause, issue special permits in writing authorizing the applicant to operate or move on specified highways any of the following:

(1) A vehicle which when unloaded exceeds the maximum size specified in Subchapter B (relating to width, height and length) or the maximum weights specified in Subchapter C (relating to maximum weights of vehicles).

(2) A combination carrying a nondivisible load and exceeding the maximum size specified in Subchapter B or the maximum weights specified in Subchapter C.

(3) A vehicle containing a nondivisible load which exceeds the maximum width specified in section 4921(a) (relating to width of vehicles).

(4) A mobile home.

(b) Limitation for truck tractors.—Permits to exceed the maximum weight limit shall be issued only for truck tractors registered at the maximum weight permitted under section 4941 (relating to maximum gross weight of vehicles).

(c) County offices for issuing permits.—The department shall empower an authorized representative or employee in each county to issue permits as provided in subsection (a) and shall provide a place within each county where the permits may be issued.

§ 4962. Conditions of permits and security for damages.

(a) General rule.—Permits may be conditioned by limiting the number of trips or by establishing seasonal or other time limitations or geographic limitations including limitations as to prescribed highways or by otherwise limiting or prescribing conditions of operation under the permit as the department or local authorities shall deem necessary to protect the safety of highway users, to promote the efficient movement of traffic or to protect the highways. The department or local authorities may require such

undertaking or security as they deem necessary to compensate for any damage to any highway or structure or appurtenance.

(b) Display of permit.—Every permit shall be carried in the towing vehicle and shall be open to inspection by any police officer or authorized agent of the issuing agency or any person having an accident involving a permitted vehicle or combination.

(c) Revocation of permit.—A permit shall be revocable for cause.

(d) Special escort services.—The department or local authorities shall specify what movements require special escort services of the Pennsylvania State Police or department personnel.

(e) Liability of permittee for damage.—The permittee shall be liable for all damage to any highway structure or appurtenance sustained as a result of operating or moving under the permit.

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

No special permit shall be required for movement across, upon or along State or State-aid highways for oversize or overweight vehicles of a contractor used for the construction or improvement of such highways.

§ 4964. Oral authorization following emergency or accident.

In the event of an emergency or accident affecting the public safety or convenience, the department and local authorities may orally authorize the operation or movement of a vehicle or combination which exceeds the maximum size or weight specified in this chapter provided a permit is applied for within 72 hours of the operation or movement.

§ 4965. Single permits for multiple highway crossings.

A single permit may be issued for a number of movements across the highway at specified locations within a fixed period of time of vehicles or combinations:

(1) exceeding the maximum size or weight specified in this chapter; or

(2) used to cross a highway to get from one commercial industrial facility to another commercial industrial facility under the same operation.

Whenever a permit is issued for crossing the highway, it is unlawful to move the vehicles along the highway.

§ 4966. Permit for movement of quarry equipment.

An annual permit may be issued for the movement of a piece of quarry equipment or machinery exceeding the maximum size or weight specified in this chapter across any highway from one part of a quarry to another, or upon the highways connecting by the most direct route any quarries or portions of quarries under single ownership or operation, but no permit shall be issued for the movement of equipment or machinery for a distance greater than one-half mile.

§ 4967. Permit for movement of implements of husbandry.

An annual permit may be issued for the operation or movement between sunrise and sunset of one or more oversized implements of husbandry which do not exceed 14 feet 6 inches in width if the movement is limited to a

radius of 25 miles from the dealer's place of business or owner's home or farm. No permit shall be issued for the movement of any implement of husbandry with a width in excess of eight feet upon a freeway.

§ 4968. Permit for movement of equipment being manufactured.

An annual permit may be issued authorizing the manufacturer of boats, mobile homes, helicopters, railway equipment and rails or other articles or combinations not normally used on highways to move articles which exceed the maximum height, width or length specified in Subchapter B (relating to width, height and length) while they are in the course of manufacture and while they are entirely within the control of the manufacturer and not in transit from the manufacturer to a purchaser or dealer. A permit shall not be issued for the movement of articles upon a freeway. Articles not in excess of ten feet in width may be moved up to 50 miles on a permit. Larger articles may be moved no farther than ten miles on a permit.

§ 4969. Permit for movement of vehicles with oversize wheels and tires.

An annual permit may be issued for the operation or movement between sunrise and sunset of a vehicle containing wheels and tires extending beyond the maximum width allowed in section 4921 (a) (relating to width of vehicles) if the department determines that such wheels and tires are essential to the function for which the vehicle is designed or adapted and used. The overall width of any vehicle permitted under this section, including wheels and tires, shall not exceed ten feet.

§ 4970. Permit for movement of utility construction equipment.

A permit may be issued for the duration of a single construction project, but not exceeding one year, authorizing a public utility or its contractors or subcontractors to move oversized or overweight construction equipment across or upon highways immediately adjacent to the construction site and between the construction site and the base of operations of the utility company, contractor or subcontractor.

SUBCHAPTER E

MEASURING AND ADJUSTING VEHICLE SIZE AND WEIGHT

Sec.

4981. Weighing and measurement of vehicles.

4982. Reducing or readjusting loads of vehicles.

4983. Penalty for violation of subchapter.

§ 4981. Weighing and measurement of vehicles.

(a) Authority of police officer.—Any police officer is authorized to require the driver of any 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. The measurement and weighing shall be conducted by qualified personnel who have been trained in the use of weighing and measuring equipment in a training program approved by the Department of Agriculture. A police officer may require that a vehicle or combination be driven to the nearest stationary scales if the scales are within two miles.

(b) Stationary scales on freeways.—The Department of Transportation, in cooperation with the Pennsylvania State Police, shall maintain on freeways at points which it deems necessary stationary scales and other equipment for detecting violations of the size and weight limitations prescribed by this chapter. The department may also contract with local authorities to use their stationary scales.

(c) Weighing of wheels or axles.—If a vehicle is weighed in multiple drafts, or if only a single wheel or axle or pair of axles is weighed, a tolerance of 1% shall be allowed.

(d) Reweighing at request of driver or owner.—Whenever scales operated by other than the department indicate that a vehicle, wheel, axle or pair of axles is overweight, the driver or owner may elect to have the vehicle reweighed on the nearest available official scales which have been sealed by the Department of Agriculture. The lower reading of the two scales shall determine whether charges shall be filed under this section.

§ 4982. Reducing or readjusting loads of vehicles.

(a) Violation of weight limitations.—If the gross weight or the weight upon any wheel, tire, axle or group of axles of a vehicle or combination exceeds the maximum allowed, the driver shall reduce or readjust the load so that the gross weight and the weight upon each wheel, tire, axle or group of axles will not exceed the maximum weights permitted under this chapter.

(b) Violation of size limitations.—If the load upon any vehicle or combination is such that the size limitations of this chapter are exceeded, the driver shall reduce or reposition the load so that it does not exceed the size limitations.

(c) Load adjustment to avoid prosecution.—If the gross weight of the vehicle or combination does not exceed the maximum allowable gross weight and the weight upon any axle or group of axles is not more than 3% in excess of the maximum allowable axle weight, the operator shall be allowed four hours to adjust the position of the load so that the weight upon all wheels, tires, axles and groups of axles does not exceed the maximum allowable weights. If the load is so rearranged no arrest shall be made or prosecution brought for violation of Subchapter C (relating to maximum weights of vehicles).

(d) Load incapable of reduction.—If the load on any vehicle or combination is such that it is incapable of reduction or dismemberment and is otherwise eligible to move under permit as provided in Subchapter D (relating to special permits for excessive size and weight), a valid permit shall be obtained before any further movement of a vehicle or combination in violation of the limitations of this chapter.

(e) Responsibility of owner or driver.—All material unloaded and any vehicle or combination parked awaiting a permit shall be cared for by the owner or driver at the risk of the owner or driver.

§ 4983. Penalty for violation of subchapter.

Any driver who fails or refuses to comply with the requirements of a police officer given pursuant to this subchapter is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

PART V
ADMINISTRATION AND ENFORCEMENT

Chapter

- 61. Powers of Department and Local Authorities
- 63. Enforcement
- 65. Penalties and Disposition of Fines
- 67. Service of Process on Nonresidents

CHAPTER 61
POWERS OF DEPARTMENT AND LOCAL AUTHORITIES

Subchapter

- A. General Provisions
- B. Traffic-control Devices
- C. Reciprocity

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 6101. Applicability and uniformity of title.
- 6102. Powers and duties of department and local authorities.
- 6103. Promulgation of rules and regulations by department.
- 6104. Administrative duties of department.
- 6105. Department to prescribe traffic and engineering investigations.
- 6106. Designation of emergency vehicles by Pennsylvania State Police.
- 6107. Designation of authorized vehicles by department.
- 6108. Power of Governor during emergency.
- 6109. Specific powers of department and local authorities.
- 6110. Regulation of traffic on Pennsylvania Turnpike.
- 6111. Regulation of traffic on bridges under authority of interstate commissions.
- 6112. Removal of traffic hazards by property owner.
- 6113. Control of public travel on private property by owner.
- 6114. Limitation on sale, publication and disclosure of records.
- § 6101. Applicability and uniformity of title.

The provisions of this title shall be applicable and uniform throughout this Commonwealth and in all political subdivisions in this Commonwealth, and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of this title unless expressly authorized.

§ 6102. Powers and duties of department and local authorities.

(a) Department.—The department is charged with the duty of administering the provisions of this title and of all laws the administration of which is now or hereafter vested in the department.

(b) Local authorities.—Local authorities may exercise the powers granted in this chapter only by duly enacted ordinances of their governing bodies.

§ 6103. Promulgation of rules and regulations by department.

In addition to the specific powers granted to the department by this title to promulgate rules and regulations, the department shall have the power in accordance with the provisions of the act of July 31, 1968 (P.L.769, No.240), known as the "Commonwealth Documents Law," to promulgate, consistent with and in furtherance of this title, rules and regulations in accordance with which the department shall carry out its responsibilities and duties under this title.

§ 6104. Administrative duties of department.

(a) Forms.—The department shall prescribe and provide suitable forms of applications, certificates of title, registration cards, drivers' licenses and all other forms requisite or deemed necessary to carry out the provisions of this title and any other laws the administration of which is vested in the department.

(b) Review of applications.—The department shall examine and determine the genuineness, regularity and legality of every application for registration of a vehicle, for a certificate of title, and for a driver's license and of any other application lawfully made to the department, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any application if not satisfied of the genuineness, regularity or legality of the application or the truth of any statement contained in the application, or for any other reason when authorized by law.

(c) Investigations.—The department may make necessary and reasonable investigations to procure information required to enforce the provisions of this title and department regulations.

(d) Retention of records.—The department shall promulgate rules setting forth the minimum amount of time that must elapse before the department may destroy records acquired, established or maintained under this title.

(e) Furnishing documents and information.—The department may supply copies of and information concerning registrations, titles and security interests of vehicles and such statistical data as it may deem to be in the public interest.

§ 6105. Department to prescribe traffic and engineering investigations.

The department may establish by regulation the manner in which traffic and engineering investigations shall be carried out. The department may specify particular actions which require traffic and engineering investigations. No action shall become effective until the investigation has been properly completed.

§ 6106. Designation of emergency vehicles by Pennsylvania State Police.

(a) General rule.—The Pennsylvania State Police may designate any vehicle or group of vehicles as emergency vehicles upon a finding that the designation is necessary to the preservation of life or property or to the execution of emergency governmental functions.

(b) Manner and carrying of designation.—The designation shall be in writing and the written designation shall be carried in the vehicle at all times, but failure to carry the written designation shall not affect the status of the vehicle as an emergency vehicle.

§ 6107. Designation of authorized vehicles by department.

The department may designate any vehicle or group of vehicles as authorized vehicles upon a finding that the vehicle is used in the performance of public service or governmental functions. Duly authorized vehicles shall be exempted from certain provisions of this title as specified in regulations promulgated by the department.

§ 6108. Power of Governor during emergency.

In the event of a declared National, State or local emergency when the Governor of this Commonwealth has made a specific determination that modification of any of the provisions of this title will aid in the alleviation of the stated emergency conditions, the Governor shall have the power to so modify the provisions on any or all highways in this Commonwealth to be effective at any or all hours of the day or night with respect to any or all types or classes of vehicles. Such modifications shall expire at the end of the emergency period.

§ 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 or prohibiting stopping, standing or parking.
- (2) Regulating traffic by means of police officers or official traffic-control devices.
- (3) Regulating or prohibiting processions or assemblages on highways.
- (4) Designating particular highways or roadways for use by traffic moving in one direction as authorized in section 3308 (relating to one-way roadways and rotary traffic islands).
- (5) Establishing speed limits for vehicles in public parks.
- (6) Designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction.
- (7) Prohibiting or restricting the use of highways at particular places or by particular classes of vehicles whenever the highway or portion of the highway may be seriously damaged by the use or the movement of the vehicles would constitute a safety hazard.

(8) Regulating the operation of pedalcycles¹ and requiring their registration and inspection, and the payment of a reasonable registration fee.

¹ "bicycle" in original.

(9) Regulating or prohibiting the turning of vehicles or specified types of vehicles as authorized in section 3331 (relating to required position and method of turning).

(10) Altering or establishing speed limits as authorized in Subchapter F of Chapter 33 (relating to speed restrictions).

(11) Enforcement of speed restrictions authorized under Subchapter F of Chapter 33, except that speed restrictions may be enforced by local police on a limited access or divided highway only if it is patrolled by the local police force under the terms of an agreement with the Pennsylvania State Police.

(12) Designating no-passing zones as authorized in section 3307 (relating to no-passing zones).

(13) Prohibiting or regulating the use of designated streets by any class or kind of traffic.

(14) Establishing minimum speed limits as authorized in section 3364 (relating to minimum speed regulation).

(15) Regulating and temporarily prohibiting traffic on streets closed or restricted for construction, maintenance or special events.

(16) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk.

(17) Restricting pedestrian crossings at unmarked crosswalks.

(18) Regulating persons propelling push carts.

(19) Regulating persons upon skates, coasters, sleds and other toy vehicles.

(20) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.

(21) Regulating the operation of streetcars, the passing of streetcars by other vehicles and the driving upon streetcar tracks by other vehicles.

(22) Providing for and establishing procedures governing the removal and impounding of any vehicle parked on the highways or public property of the local authority in violation of any local ordinance adopted pursuant to the authority of this title or of any of the provisions of this title.

(23) Adopting such other traffic regulations as are specifically authorized by this title.

(b) Action by local authorities.—Action taken by local authorities under this section shall be:

(1) by ordinance of the local governing body; or

(2) by a commission or public official authorized to act on specified matters.

(c) When traffic-control devices required.—No regulation or ordinance enacted under subsection (a)(1), (4), (5), (6), (7), (9), (10), (11), (12), (13), (14), (15), (16) or (21) shall be effective until official traffic-control devices giving notice of the traffic regulations or ordinances are erected upon or at the entrances to the highway or part thereof affected as may be most appropriate.

(d) Prior approval by department.—Notwithstanding the provisions of subsection (a), the department may require local authorities to obtain department approval in advance of regulating traffic on State-designated highways within their physical boundaries.

(e) Engineering and traffic investigation required.—Action by local authorities under this section shall be taken only after completing an engineering and traffic investigation when and in such manner as required by regulations promulgated by the department.

§ 6110. Regulation of traffic on Pennsylvania Turnpike.

(a) General rule.—The provisions of this title apply upon any turnpike or highway under the supervision and control of the Pennsylvania Turnpike Commission unless specifically modified by rules and regulations promulgated by the commission which shall become effective only upon publication in accordance with law. A copy of the rules and regulations, so long as they are effective, shall be posted at all entrances to the turnpike or highway for the inspection of persons using the turnpike or highway. This section does not authorize the establishment of a maximum speed limit greater than 55 miles per hour.

(b) Penalty.—Any person violating any of the rules and regulations of the Pennsylvania Turnpike Commission for which no penalty has otherwise been provided by statute is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25.

§ 6111. Regulation of traffic on bridges under authority of interstate commissions.

(a) General rule.—The provisions of this title apply to any bridge under the supervision and control of the Delaware River Joint Toll Bridge Commission, the Delaware River Port Authority and the New York-Pennsylvania Joint Commission on Bridges over the Delaware River unless specifically modified by rules and regulations which shall become effective only upon publication in accordance with law. Rules and regulations, so long as they are effective, shall be posted at all entrances to the bridges.

(b) Penalty.—Any person violating any of the rules and regulations of the Delaware River Joint Toll Bridge Commission, the Delaware River Port Authority or the New York-Pennsylvania Joint Commission on Bridges over the Delaware River for which no penalty has otherwise been provided by statute is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25.

§ 6112. Removal of traffic hazards by property owner.

(a) General rule.—It is the duty of the owner of real property to remove from the property any tree, plant, shrub or other similar obstruction, or part thereof, which by obstructing the view of any driver constitutes a traffic hazard.

(b) Notice of hazard.—When the department or any local authority determines on the basis of an engineering and traffic investigation that a traffic hazard exists, it shall notify the owner and order the hazard removed within ten days.

(c) Penalty.—The failure of the owner to remove the traffic hazard within ten days after notice under subsection (b) is a summary offense and every day the owner fails to remove it shall be a separate and distinct offense. The offense is punishable by a fine of \$10.

§ 6113. Control of public travel on private property by owner.

Nothing in this title shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this title, or otherwise regulating such use as may seem best to such owner.

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

(a) Offenses defined.—It is unlawful for:

(1) Any police officer, or any officer, employee or agent of any Commonwealth agency or local authority which makes or receives records or reports required to be filed under this title to sell, publish or disclose or offer to sell, publish or disclose records or reports which relate to the driving record of any person.

(2) Any person to purchase, secure or procure or offer to purchase, secure or procure records or reports described in paragraph (1).

(b) Exceptions.—This section does not apply to records or reports:

(1) Required or authorized under this title to be sold, published or disclosed.

(2) Authorized in writing by the person who is the subject of the record or report to be sold, published or disclosed. A police officer, or officer, employee or agent of a Commonwealth agency or local authority may rely on a certification from a person requesting a record or report under this paragraph that its sale, publication or disclosure has been authorized by the person who is the subject of the record or report. In the event such sale, publication or disclosure shall not have been authorized, the person who made the false certification, rather than the police officer or officer, employee or agent of the Commonwealth agency or local authority, shall be guilty of the offense defined by this section.

(3) Required to be released by order of court.

(4) Authorized by departmental regulation to be sold, published or disclosed to any Federal, State or local governmental agency for the sole purpose of exercising a legitimate governmental function or duty. Such records or reports shall not be resold, published or disclosed by the receiving agency for any commercial purpose nor without prior departmental approval.

(5) Purchased by a person who, in compliance with the Fair Credit Reporting Act (84 Stat. 1127-1136, 15 U.S.C. § 1601 et seq.), has filed with the department an affidavit, in form acceptable to the department, certifying the intended use of said record or reports.

(c) Penalty.—Any offense under this section is a summary offense punishable by a fine of \$100.

SUBCHAPTER B
TRAFFIC-CONTROL DEVICES

Sec.

- 6121. Uniform system of traffic-control devices.
- 6122. Authority to erect traffic-control devices.
- 6123. Erection of traffic-control devices while working.
- 6124. Erection of traffic-control devices at intersections.
- 6125. Display of unauthorized signs, signals or markings.
- 6126. Interference with devices, signs or signals.
- 6127. Dealing in nonconforming traffic-control devices.

§ 6121. Uniform system of traffic-control devices.

The department shall publish a manual for a uniform system of traffic-control devices consistent with the provisions of this title for use upon highways within this Commonwealth. The uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the Manual on Uniform Traffic-Control Devices for Streets and Highways and other standards issued or endorsed by the Federal Highway Administrator, United States Department of Transportation.

§ 6122. Authority to erect traffic-control devices.

(a) General rule.—The department on State-designated highways and local authorities on any highway within their boundaries may erect official traffic-control devices, which shall be installed and maintained in conformance with the manual and regulations published by the department upon all highways as required to carry out the provisions of this title or to regulate, restrict, direct, warn, prohibit or guide traffic.

(1) Local authorities shall obtain approval of the department prior to erecting an official traffic-control device on a State-designated highway except where department regulations provide otherwise.

(2) Local authorities shall obtain approval of the department prior to erecting any traffic signal except in a municipality with a traffic engineer qualified in accordance with department regulations.

(b) Standards for department approval.—The department shall promulgate rules and regulations setting forth minimum standards and factors to be considered in determining whether a approval shall be given by the department for the installation and maintenance of official traffic-control devices. The factors shall include, but not be limited to, the volume of traffic and the number of accidents that occurred in each of the three preceding years.

(c) Agreements to waive department approval.—The department may enter into agreements with local authorities transferring to them the authority to install official traffic-control devices without specific State approval provided they conduct traffic and engineering investigations which conform with the rules and regulations promulgated by the department.

(d) Signals on municipal boundaries.—Whenever the need arises for the installation of a traffic-control signal on or near the boundary of two political subdivisions adjoining each other so as to be beneficial to both, either may petition the department for authority to install the signal. If the political subdivisions cannot amicably agree upon an allocation of the costs of installation and maintenance of the signal, either may petition the court of common pleas of the county in which the traffic-control signal is to be installed within 90 days after receiving the approval of the department and the court shall determine the proper allocation of the expenses to be incurred. The political subdivision that originated the request to the department shall install the traffic-control signal within 90 days of the date of the court order or of an amicable agreement between the political subdivisions.

§ 6123. Erection of traffic-control devices while working.

Any person performing any work on or near the roadway which may create hazards shall erect traffic-control devices in accordance with the rules and regulations of the department for the maintenance and protection of traffic.

§ 6124. Erection of traffic-control devices at intersections.

The department on State-designated highways, including intersections with local highways, and local authorities on intersections of highways under their jurisdiction may erect and maintain stop signs, yield signs or other official traffic-control devices to designate through highways or to designate intersections at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection.

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

(a) General rule.—No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device.

(b) Commercial advertising on signs or signals.—No person shall place or maintain nor shall any public authority permit upon any highway any official traffic-control device containing any commercial advertising except for business signs included as a part of official motorist service panels or roadside area information panels approved by the department.

(c) Removal as public nuisance.—Every prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the highway may remove the same or cause it to be removed immediately at the reasonable expense of the person placing, maintaining or displaying the sign, signal or marking.

§ 6126. Interference with devices, signs or signals.

No person shall, without lawful authority, attempt to or in fact, alter, twist, obstruct, deface, injure, knock down, remove or interfere with the effective operation of any official traffic-control device, or any railroad

sign or signal, or any inscription, shield or insignia thereon or any other part thereof.

§ 6127. Dealing in nonconforming traffic-control devices.

(a) General rule.—It is unlawful for any person to manufacture, sell, offer for sale or to lease for use on the highway any traffic-control device unless it has been approved and is in accordance with department rules and regulations.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$500.

SUBCHAPTER C RECIPROCITY

Sec.

6141. Declaration of policy.

6142. Reciprocity agreements, arrangements and declarations authorized.

6143. Benefits, privileges and exemptions from taxes and fees.

6144. Vehicle registration and licensing.

6145. Proportional registration of fleet vehicles.

6146. Enforcement agreements.

6147. Declaration of reciprocity in absence of agreement.

6148. Applicability to leased vehicles.

6149. Automatic reciprocity.

6150. Proportional registration not exclusive.

6151. Suspension of reciprocity benefits.

6152. Form, publication and distribution of documents.

6153. Existing reciprocity agreements unaffected.

§ 6141. Declaration of policy.

It is the policy of this Commonwealth to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of reciprocal agreements, arrangements and declarations with other states, provinces, territories and countries with respect to drivers, licensed and vehicles registered in this and other states, provinces, territories and countries, thus contributing to the economic and social development and growth of this Commonwealth.

§ 6142. Reciprocity agreements, arrangements and declarations authorized.

The secretary may execute or make agreements, arrangements and declarations to carry out the provisions of this subchapter and may amend and terminate the agreements, arrangements and declarations.

§ 6143. Benefits, privileges and exemptions from taxes and fees.

The secretary may enter into an agreement or arrangement with the duly authorized representatives of other jurisdictions, granting to drivers or vehicles or owners of vehicles properly licensed or registered in those jurisdictions, and for which evidence of compliance is supplied, benefits,

privileges and exemptions from the payment, wholly or partially, of any taxes, fees or other charges imposed upon the drivers, vehicles or owners with respect to the operation or ownership of the vehicles under the laws of this Commonwealth. The agreement or arrangement shall provide that drivers or vehicles properly licensed or registered in this Commonwealth, when operating upon highways of the other jurisdiction, shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as are extended to drivers or vehicles properly licensed or registered in the jurisdiction when operating in this Commonwealth. Each agreement or arrangement shall, in the judgment of the secretary, be in the best interest of this Commonwealth and the citizens thereof and shall be fair and equitable to this Commonwealth and the citizens thereof, and shall be determined on the basis and recognition of the benefits which accrue to the economy of this Commonwealth from the uninterrupted flow of commerce.

§ 6144. Vehicle registration and licensing.

An agreement or arrangement entered into, or a declaration issued, under this subchapter may contain provisions authorizing the registration or licensing in another jurisdiction of vehicles located in or operated from a base in the other jurisdiction which vehicles otherwise would be required to be registered or licensed in this Commonwealth. In such event, the exemptions, benefits and privileges extended by the agreement or declaration shall apply to the vehicles when properly licensed or registered in the base jurisdiction.

§ 6145. Proportional registration of fleet vehicles.

If any jurisdiction permits or requires the licensing of fleets of vehicles in interstate or combined interstate and intrastate commerce and payment of registration fees, license taxes or other fixed fees on an apportionment basis commensurate with and determined by the miles traveled on and the use made of the jurisdiction's highways, as compared with the miles traveled on and the use made of another jurisdiction's highways or any other equitable basis of apportionment, and exempts vehicles registered in other jurisdictions under such apportionment basis from the requirements of full payment of its own registration, license or other fixed fees, then the secretary may, by agreement, adopt the exemption with respect to vehicles of such fleets, whether owned by residents or nonresidents of this Commonwealth and regardless of where based. The agreements, under such terms, conditions or restrictions as the secretary deems proper, may provide that owners of vehicles operated in interstate or combined interstate and intrastate commerce in this Commonwealth shall be permitted to pay registration, license or other fixed fees on an apportionment basis, commensurate with and determined by the miles traveled or the use made of the highways of this Commonwealth as compared with the use made of the highways of other jurisdictions or any other equitable basis of apportionment. No agreement shall authorize, or be construed as authorizing, any vehicle so registered to be operated in intrastate commerce in this Commonwealth unless the owner has been

granted intrastate authority or rights by the Pennsylvania Public Utility Commission if such grant is otherwise required by law. The secretary may adopt and promulgate such rules and regulations as deemed necessary to effectuate and administer the provisions of this section, and the registration of fleet vehicles under this subchapter shall be subject to the rights, terms and conditions granted by or contained in any applicable agreement, arrangement or declaration made by the secretary.

§ 6146. Enforcement agreements.

The secretary may enter into agreements relating to enforcement of this title including, but not limited to, agreements to notify any state of violations incurred by residents of that state and to take measures to assure payment of fines or attendance at hearings by persons charged with violations.

§ 6147. Declaration of reciprocity in absence of agreement.

In the absence of an agreement or arrangement with another jurisdiction, the secretary may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in the other jurisdiction, or to the owners of the vehicles, which shall, in the judgment of the secretary, be in the best interest of this Commonwealth and the citizens thereof, and which shall be fair and equitable to this Commonwealth and the citizens thereof, and shall be determined on the basis and recognition of the benefits which accrue to the economy of this Commonwealth from the uninterrupted flow of commerce.

§ 6148. Applicability to leased vehicles.

An agreement or arrangement entered into, or a declaration issued, under the authority of this subchapter may contain provisions under which a leased vehicle properly registered by the lessor may be entitled, subject to terms and conditions stated therein, to the exemptions, benefits and privileges extended by such agreement, arrangement or declaration.

§ 6149. Automatic reciprocity.

If no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this subchapter, any vehicle properly registered or licensed in the other jurisdiction, and for which evidence of compliance is supplied, shall receive, when operated in this Commonwealth, the same exemptions, benefits and privileges granted by the other jurisdiction to vehicles properly registered in this Commonwealth.

§ 6150. Proportional registration not exclusive.

Nothing contained in this subchapter relating to proportional registration of fleet vehicles shall be construed as requiring any vehicle to be proportionally registered if the vehicle is otherwise registered in this Commonwealth for the operation in which it is engaged including, but not by way of limitation, regular registration, temporary registration, or trip permit or registration.

§ 6151. Suspension of reciprocity benefits.

Agreements, arrangements or declarations made under authority of this subchapter may include provisions authorizing the department to suspend or cancel the exemptions, benefits or privileges granted to a person who violates any of the conditions or terms of such agreements, arrangements or declarations or who violates the laws or regulations of this Commonwealth related to motor vehicles.

§ 6152. Form, publication and distribution of documents.

All agreements, arrangements and declarations, and amendments thereto, shall be in writing and shall be published in compliance with the act of July 31, 1968 (P.L.769, No.240), known as the "Commonwealth Documents Law." The department shall provide copies for public distribution upon request.

§ 6153. Existing reciprocity agreements unaffected.

All reciprocity and proportional registration agreements, arrangements and declarations relating to vehicles, in force and effect at the time this subchapter becomes effective, shall continue in full force and effect until specifically amended or revoked by the secretary.

CHAPTER 63 ENFORCEMENT

Subchapter

- A. General Provisions
- B. Records of Traffic Cases
- C. Evidentiary Matters

SUBCHAPTER A GENERAL PROVISIONS

Sec.

- 6301. Prosecutions under local ordinances superseded by title.
- 6302. Limitation of actions for summary offenses.
- 6303. Rights and liabilities of minors.
- 6304. Authority to arrest without warrant.
- 6305. Arrest of nonresident.
- 6306. Costs for summary offenses.
- 6307. Liability for costs not paid by defendant.
- 6308. Investigation by police officers.

§ 6301. Prosecutions under local ordinances superseded by title.

When the same conduct is prescribed under this title and a local ordinance, the charge shall be brought under this title and not under the local ordinance. Prosecutions brought under any local ordinance, rule or regulation, which are based on a violation for which there is a specific penalty provided in this title, except for overtime parking, shall be deemed as having been brought under this title and the assessment disposition of the fines and forfeitures shall be so governed. Local ordinances regulating overtime parking shall prescribe fines for violations.

§ 6302. Limitation of actions for summary offenses.

(a) General rule.—Except as provided in subsection (b) or (c), proceedings for summary offenses under this title shall be instituted within 30 days after the commission of the alleged offense or within 30 days after the discovery of the commission of the offense or the identity of the offender, whichever is later, and not thereafter.

(b) Minor offenses.—Except as provided in subsection (c), proceedings for summary offenses under the following provisions shall be instituted within 15 days after the commission of the alleged offense or within 15 days after the discovery of the commission of the offense or the identity of the offender, whichever is later, and not thereafter:

Chapter 31 (relating to general provisions)

Chapter 33 (relating to rules of the road in general)

Chapter 35 (relating to special vehicles and pedestrians)

Subchapters A (relating to offenses in general) and C (relating to accidents and accident reports) of Chapter 37

(c) Exception.—Where proceedings are timely instituted against a person reasonably believed to have committed the offense charged and it subsequently appears that a person other than the person charged is the offender, proceedings may be instituted against the other person within 30 or 15 days, whichever is applicable, after the identity of the person is discovered and not thereafter.

(d) Local ordinances on overtime parking.—Local ordinances pertaining to overtime parking shall be subject to the provisions of this section.

(e) Disposition of proceedings within two years.—In no event shall any proceedings be held or action taken pursuant to a summary offense under this title subsequent to two years after the commission of the offense.

§ 6303. Rights and liabilities of minors.

Any person over the age of 16 years charged with the violation of any provisions of this title constituting a summary offense shall have all the rights of an adult and may be prosecuted under the provisions of this title in the same manner as an adult.

§ 6304. Authority to arrest without warrant.

(a) Pennsylvania State Police.—A member of the Pennsylvania State Police who is in uniform may arrest without a warrant any person who violates any provision of this title in the presence of the police officer making the arrest.

(b) Other police officers.—Any police officer who is in uniform may arrest without a warrant any nonresident who violates any provision of this title in the presence of the police officer making the arrest.

(c) Other powers preserved.—The powers of arrest conferred by this section are in addition to any other powers of arrest conferred by law.

§ 6305. Arrest of nonresident.

(a) General rule.—Upon arrest of a nonresident for any violation of this title, a police officer shall escort the defendant to the appropriate

issuing authority for a hearing, posting of bond or payment of the applicable fine and costs, unless the defendant chooses to place the amount of the applicable fine (or the maximum fine in the case of a variable fine) and costs in a stamped envelope addressed to the appropriate issuing authority and mails the envelope in the presence of the police officer.

(b) Procedure upon payment by mail.—If the defendant mails the amount of the fine prescribed in subsection (a), the defendant shall indicate on an accompanying form whether the payment constitutes a fine based on a plea of guilty or a bond for a hearing based on a plea of not guilty. If the plea is not guilty, the police officer shall notify the issuing authority by telephone and the issuing authority shall schedule a hearing for the following day (excluding Saturdays, Sundays and legal holidays), unless the defendant requests a continuance, in which case a hearing shall be scheduled to accommodate the defendant, the police officer and the issuing authority.

(c) Form of payment.—The amount of the fine and costs may be paid in cash, personal or other check, credit card or guaranteed arrest bond, except that the Court Administrator of Pennsylvania may enlarge or restrict the types of payment which may be made by mail.

(d) Receipt for payment.—The police officer shall give the defendant a receipt for the payment, a copy of which shall be mailed with the payment and a copy retained by the police officer.

§ 6306. Costs for summary offenses.

(a) General rule.—Except as provided in subsection (b), any person convicted of a summary offense under this title shall, in addition to the fine imposed, be sentenced to pay \$10 as costs of the issuing authority which costs shall include all charges including, when called for, the costs of postage and registered or certified mail and the costs of giving a transcript to the prosecutor or defendant, or both, if requested.

(b) Conviction after hearing.—Where the person charged with a summary offense under this title demands a hearing, the costs of the issuing authority shall be \$15, which costs shall include all charges including the charges specified in subsection (a).

§ 6307. Liability for costs not paid by defendant.

In any case of prosecution under the provisions of this title in which the defendant is found not guilty or for any other reason costs are not recovered from the defendant, all costs of prosecution shall be paid by the county.

§ 6308. Investigation by police officers.

(a) Duty of operator or pedestrian.—The operator of any vehicle or any pedestrian reasonably believed to have violated any provision of this title shall stop upon request or signal of any police officer and shall, upon request, exhibit a registration card, driver's license and proof of insurance, or other means of identification if a pedestrian or driver of a pedalcycle¹, and shall write their name in the presence of the police officer if so required for the purpose of establishing identity.

¹ "bicycle" in original.

(b) Authority of police officer.—Any police officer may stop a vehicle, upon request or signal, for the purpose of inspecting the vehicle as to its equipment and operation, or vehicle identification number or engine number, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

(c) Inspection of garages and dealer premises.—Any police officer or authorized department employee may inspect any vehicle in any public garage or repair shop or on the premises of any dealer, salvor, scrap metal processor, or other public place of business for the purpose of locating stolen vehicles or parts. The owner of the garage or repair shop or the dealer or other person shall permit any police officer or authorized department employee to make investigations under this subsection.

SUBCHAPTER B RECORDS OF TRAFFIC CASES

Sec.

6321. Records of issuing authorities.

6322. Reports by issuing authorities.

6323. Reports by courts of record.

6324. Failure to comply with provisions of subchapter.

6325. Department records.

6326. Traffic citation forms.

6327. Inspection of records.

§ 6321. Records of issuing authorities.

(a) General rule.—Every issuing authority shall keep or cause to be kept for a period of three years a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to the issuing authority.

(b) Contents of record.—The record of the issuing authority shall include, but not be limited to, an exact record of the proceedings, the section and subsection violated, the conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every traffic complaint or citation deposited with or presented to the issuing authority.

(c) Receipt for payment of fine.—The issuing authority shall deliver, without charge, to the defendant a receipt showing in detail the section and subsection violated and the amount of fine and costs imposed and paid.

§ 6322. Reports by issuing authorities.

(a) General rule.—Following the fifteenth and last days of each month, every issuing authority shall prepare a statement, upon forms prescribed and furnished by the department, of all fines collected, bail forfeited, sentence imposed and final disposition for all cases on violations of any provisions of this title decided by the issuing authority in the semimonthly reporting period just concluded. The statement shall be certified by the issuing authority to be true and correct and shall be forwarded to the department within the following week, with a copy sent to the police department which filed the charge. The fines and bail forfeited shall accompany the report to the department.

(b) Contents of report.—The report shall include the identifying number of the citation, the name and residence address of the party charged, the driver's license number, the registration number of the vehicle involved, a description of the offense, the section and subsection of the statute or ordinance violated, the date of hearing, the plea, the judgment or whether bail was forfeited, clear and concise reasons supporting the adjudication, the sentence or amount of forfeiture and such other information as the department may require.

(c) Use of reports by department.—The department shall promptly enter the information contained in the reports in the records of the persons involved in order to effect swift execution of the provisions of Subchapter B of Chapter 15 (relating to a comprehensive system for driver education and control).

§ 6323. Reports by courts of record.

The clerk of any court of record of this Commonwealth, within ten days after final judgment of conviction or acquittal or other disposition of charges under any of the provisions of this title, shall send to the department a record of the judgment of conviction, acquittal or other disposition. A record of the judgment shall also be forwarded to the department upon conviction or acquittal of a person of a felony in the commission of which the judge determines that a motor vehicle was essentially involved. The fines and bail forfeited shall accompany the record sent to the department.

§ 6324. Failure to comply with provisions of subchapter.

(a) General rule.—Failure, refusal or neglect of any issuing authority or clerk of court to comply with any of the requirements of this subchapter is a summary offense punishable:

(1) For a first offense, by a fine of \$100.

(2) For a subsequent offense, by a fine of not less than \$200 nor more than \$500.

(b) Removal from office.—Conviction shall be grounds for removal from office.

§ 6325. Department records.

The department shall file all reports and records received under the provisions of this subchapter and shall maintain suitable records or facsimiles of the records.

§ 6326. Traffic citation forms.

(a) Issuance by department.—The department shall be responsible for the issuance of traffic citation forms in conformance with the Pennsylvania Rules of Criminal Procedure. The citation form shall indicate, as additional information the number of points, if any, to be assessed by the department upon a plea of guilty or conviction. Failure of any person to provide and complete such additional information shall not affect the validity of the citation or a prosecution commenced thereby. The department shall maintain a record of all citations issued and shall require and retain a receipt.

(b) Use of department forms mandatory.—All traffic citations issued in this Commonwealth, except for overtime parking, shall be upon forms issued by the department under subsection (a). The department shall provide the forms to local police departments at cost.

(c) Accounting for forms.—The chief administrative officer of every police department or traffic enforcement agency shall require the return of a copy of every traffic citation issued by every officer under their supervision to an alleged violator and of all copies spoiled.

§ 6327. Inspection of records.

The records of the issuing authority, department and each police department required under this subchapter shall be open for inspection by any police officer or authorized employee of the department, the Department of Justice, the Department of Revenue, the Auditor General and the Court Administrator of the Supreme Court.

SUBCHAPTER C EVIDENTIARY MATTERS

Sec.

6341. Admissibility of copies of records as evidence.

6342. Registration number as prima facie evidence of operation.

§ 6341. Admissibility of copies of records as evidence.

All copies, including photostatic copies and microfilm reproductions, of records, books, papers, documents and rulings of the department, when certified under and bearing the seal of the department by its duly authorized agent, shall be acceptable as evidence in the courts of this Commonwealth with the same force and effect as the originals in all cases where the original records, books, papers, documents and ruling would be admitted in evidence.

§ 6342. Registration number as prima facie evidence of operation.

(a) General rule.—In any proceeding for a violation of the provisions of this title or any local ordinance, rule or regulation, the registration plate displayed on a vehicle shall be prima facie evidence that the owner of the vehicle was then operating the vehicle.

(b) Burden shifted by testimony of owner.—If at any hearing or proceeding the owner testifies under oath or affirmation that the owner was not operating the vehicle at the time of the alleged violation and submits to an examination as to who at the time was operating the vehicle and reveals the name of the person, if known, then the prima facie evidence arising from the registration plate shall be overcome and removed and the burden of proof shifted.

(c) Burden shifted by affidavit of owner.—If the information is made in a county other than that of the owner's own residence and an affidavit setting forth these facts is forwarded to the issuing authority, the prima facie evidence arising from the registration plate shall be overcome and the burden of proof shifted.

CHAPTER 65
PENALTIES AND DISPOSITION OF FINES

Sec.

6501. Definition of conviction.

6502. Summary offenses.

6503. Subsequent convictions of certain offenses.

6504. Inability to pay fine and costs.

6505. Disposition of fines and forfeitures.

§ 6501. Definition of conviction.

(a) General rule.—For the purposes of this title a conviction includes a plea of guilty, a plea of nolo contendere, a finding of guilty by a court or an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court.

(b) Payment of fine as guilty plea.—A payment by any person charged with a violation of this title of the fine prescribed for the violation is a plea of guilty.

§ 6502. Summary offenses.

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

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

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

§ 6503. Subsequent convictions of certain 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 one year, or both:

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

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

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).

§ 6504. Inability to pay fine and costs.

(a) Order for installment payments.—Upon plea and proof that a person is unable to pay any fine and costs imposed under this title, a court may, in accordance with the Pennsylvania Rules of Criminal Procedure, order payment of the fine and costs in installments and shall fix the amounts, times and manner of payment.

(b) Imprisonment for nonpayment.—Any person who does not comply with an order entered under this section may be imprisoned for a number of days equal to one day for each \$10 of the unpaid balance of the fine and costs.

§ 6505. Disposition of fines and forfeitures.

(a) State Police enforcement.—When prosecution under the provisions of this title is the result of State Police action, all fines and penalties and all bail forfeited shall be paid to the Department of Revenue, transmitted to the State Treasury and credited to the Motor License Fund. One-half of the revenue shall be paid to municipalities in the same ratio provided in section 4 of the act of June 1, 1956 (P.L.1944, No.655), relating to partial allocation of liquid fuels and fuel use tax proceeds.

(b) Local police enforcement in general.—When prosecution under the provisions of this title, except for parking, is the result of local police action, one-half of all fines and penalties and all bail forfeited shall be paid to the political subdivision under which the local police are organized and one-half to the Department of Revenue, transmitted to the State Treasury and credited to the Motor License Fund.

(c) Local police enforcement of parking.—When prosecution under the provisions of this title for parking is the result of local police action, all fines and penalties and all bail forfeited shall be paid to the political subdivision under which the local police are organized.

CHAPTER 67 SERVICE OF PROCESS ON NONRESIDENTS

Sec.

6701. Service of process on nonresident.

6702. Residents who depart Commonwealth or whose whereabouts are unknown.

6703. Personal representatives of nonresidents.

6704. Manner of service of process.

6705. Record of service of process.

§ 6701. Service of process on nonresident.

(a) Secretary of Commonwealth as agent.—The acceptance by a nonresident of any right or privilege conferred upon him by the laws of this Commonwealth to title, register or operate a motor vehicle within this Commonwealth, or the titling, registration or operation by a nonresident or duly authorized agent or employee of a motor vehicle within this Commonwealth, or in the event the nonresident is the owner of a motor vehicle, then also the titling, registration or operation of the vehicle within this Commonwealth by any person with the express or implied permission of the owner, shall be deemed equivalent to an appointment by the nonresident of the Secretary of the Commonwealth to be the true and lawful attorney upon whom may be served all lawful process in any action or proceeding against the nonresident growing out of any accident or collision resulting from the operation of a motor vehicle upon any highway or elsewhere throughout this Commonwealth.

(b) Implied consent of nonresident.—The titling, registration or operation of a motor vehicle within this Commonwealth shall be deemed consent by a nonresident that any process served in the manner provided in this chapter shall be of the same legal force and validity as if served personally on the nonresident.

§ 6702. Residents who depart Commonwealth or whose whereabouts are unknown.

The provisions of this chapter apply to any resident who departs from this Commonwealth subsequent to an accident or collision or to any resident whose whereabouts are unknown.

§ 6703. Personal representatives of nonresidents.

The appointment of the Secretary of the Commonwealth as the attorney for service of process on nonresidents is irrevocable and binding upon the personal representative, executor or administrator of the nonresident, and the provisions of this chapter shall apply in an action or proceeding against the personal representative, executor or administrator of a nonresident when the action or proceeding arises out of any accident or collision in which the nonresident may have been involved.

§ 6704. Manner of service of process.

Service of process shall be made in compliance with the applicable Pennsylvania Rules of Civil and Criminal Procedure. When service upon the Secretary of the Commonwealth is required, a true and attested copy of the process shall be sent to the Secretary of the Commonwealth by registered mail at least 15 days before the return day of the process.

§ 6705. Record of service of process.

The Secretary of the Commonwealth shall keep a record of each process served and the day and hour of the service.

PART VI MISCELLANEOUS PROVISIONS

Chapter

- 71. Vehicle Theft and Related Provisions
- 73. Abandoned Vehicles and Cargos
- 75. Messenger Service
- 77. Snowmobiles
- 81. Interstate Compacts and Agreements

CHAPTER 71 VEHICLE THEFT AND RELATED PROVISIONS

Subchapter

- A. Identification Number
- B. Stolen Vehicles
- C. Misuse of Documents and Plates

SUBCHAPTER A
IDENTIFICATION NUMBER

Sec.

7101. Requirement for identification number.

7102. Removal or falsification of identification number.

7103. Dealing in vehicles with removed or falsified numbers.

7104. State replacement vehicle identification number plate.

7105. Seizure of vehicles with removed or falsified numbers.

§ 7101. Requirement for identification number.

Every vehicle other than a pedalcycle shall contain a vehicle identification number which shall be placed upon or incorporated into the vehicle in such manner as to be a permanent part of the vehicle.

§ 7102. Removal or falsification of identification number.

(a) Offense defined.—A person who willfully removes or falsifies an identification number of a vehicle, engine or transmission is guilty of a misdemeanor of the third degree.

(b) Fraudulent intent.—A person who willfully and with intent to conceal or misrepresent the identity of a vehicle, engine or transmission, removes or falsifies an identification number thereof, is guilty of a misdemeanor of the first degree.

(c) Exception.—This section does not apply to the removal of an identification number from a vehicle for which a certificate of junk has been obtained in accordance with section 1117 (relating to vehicle destroyed or junked).

§ 7103. Dealing in vehicles with removed or falsified numbers.

(a) Offense defined.—A person who buys, receives, possesses, sells or disposes of a vehicle, engine or transmission, knowing that an identification number has been removed or falsified, is guilty of a misdemeanor of the third degree.

(b) Knowledge of fraudulent intent.—A person who buys, receives, possesses, sells or disposes of a vehicle, engine or transmission with knowledge that an identification number has been removed or falsified with intent to conceal or misrepresent the identity thereof, is guilty of a felony of the third degree.

(c) Exception.—This section does not apply to the removal of an identification number from a vehicle for which a certificate of junk has been obtained in accordance with section 1117 (relating to vehicle destroyed or junked).

§ 7104. State replacement vehicle identification number plate.

(a) General rule.—No vehicle on which the vehicle identification number has been removed or falsified shall be titled or registered without a special permit from the department.

(b) Application for plate.—Before a certificate of title or registration for the vehicle can be obtained, the owner shall apply to the department for a State replacement vehicle identification number plate on a form furnished by the department which shall contain the full name and address

of the owner and any other information the department may deem necessary, sworn to before an official empowered to administer oaths.

(c) Designation on plate.—The State replacement vehicle identification number plate shall contain:

(1) Official department identification.

(2) The manufacturer's vehicle identification number, if known, or a number assigned by the department.

(d) Issuance and display of plate.—The department shall furnish a State replacement vehicle identification number plate which shall be immediately placed in a uniform manner as designated by the department on the vehicle.

(e) Reconstructed or specially constructed vehicle.—The department may assign a State replacement vehicle identification number plate for a reconstructed or specially constructed vehicle.

§ 7105. Seizure of vehicles with removed or falsified numbers.

(a) Duty of police.—Every police officer having knowledge of a vehicle on which the vehicle identification number has been removed or falsified shall immediately seize and take possession of the vehicle and arrest or file a complaint for the arrest of the suspected owner or custodian. In all actions involving seizure or possession of such vehicles, vehicle identification information shall be transmitted to the Federal or other agencies involved in recovery of stolen vehicles.

(b) Proceedings if owner known.—The court, upon petition of the owner or of the person entitled to possession of a seized vehicle, may relinquish custody of the vehicle to the person legally entitled to the vehicle upon presentation of proof that a State replacement vehicle identification number plate has been issued by the department under section 7104 (relating to State replacement vehicle identification number plate). Except as otherwise provided in this section, the court shall retain in custody the seized vehicle pending prosecution of the person arrested. In case the person is found guilty, the vehicle shall remain in the custody of the court until the fine and costs of prosecution are paid, except that if 90 days have elapsed after the verdict has been rendered and the fine and costs have not been paid, the court shall proceed to advertise and sell the vehicle in the manner provided by law for the sale of personal property under execution. The proceeds from the sale shall be used to pay the fine and costs of prosecution and the balance, if any, shall be forwarded to the department to be transmitted to the State Treasurer for deposit in the Motor License Fund.

(c) Proceedings if owner unknown.—If ownership of the vehicle is not established to the satisfaction of the court, the vehicle shall be confiscated by the court and sold immediately, and the proceeds shall be used to pay the costs of proceedings and the balance, if any, shall be forwarded to the department to be transmitted to the State Treasurer for deposit in the Motor License Fund.

SUBCHAPTER B
STOLEN VEHICLES

Sec.

7111. Dealing in titles and plates for stolen vehicles.

7112. False report of theft or conversion of vehicle.

7113. Reporting stolen and recovered vehicles.

7114. Records of stolen vehicles.

7115. Application for certificate of title of a stolen vehicle.

7116. Fraudulent removal of vehicle from garage.

§ 7111. Dealing in titles and plates for stolen vehicles.

A person is guilty of a misdemeanor of the first degree if the person with fraudulent intent procures or attempts to procure a certificate of title or registration plate for a vehicle, or passes or attempts to pass a certificate of title or an assignment to a vehicle, knowing or having reason to believe that the vehicle has been stolen.

§ 7112. False report of theft or conversion of vehicle.

A person is guilty of a misdemeanor of the third degree if the person knowingly makes a false report of the theft or conversion of a vehicle to a police officer or to the department.

§ 7113. Reporting stolen and recovered vehicles.

(a) Stolen vehicle.—Every police department or police office, having knowledge of a stolen vehicle, shall immediately furnish the State Police with full information about the stolen vehicle. The State Police shall forward the stolen vehicle information to the department.

(b) Recovered stolen vehicle.—Within 48 hours of the recovery of a stolen vehicle, the police shall notify the owner of the vehicle. If the vehicle was recovered without their knowledge, the owner shall notify the same police department to which the theft was originally reported. On recovering or receiving and verifying the report of recovery of a stolen vehicle, the police shall notify the State Police. The State Police shall notify the department of the recovery.

§ 7114. Records of stolen vehicles.

(a) General rule.—The department shall, upon receiving a report of the theft of a vehicle, make an entry onto the vehicle's record that it has been reported as stolen, which entry shall remain until a report of recovery has been received as provided in section 7113(b) (relating to reporting stolen and recovered vehicles). If the vehicle is not reported as recovered within five years, the department may remove the record from its files.

(b) List of stolen and recovered vehicles.—The department shall prepare periodic reports listing vehicles, stolen and recovered, as disclosed by the reports submitted, to be distributed as provided in regulations promulgated by the department.

§ 7115. Application for certificate of title of a stolen vehicle.

Upon receipt of an application for a certificate of title of a stolen vehicle, the department shall notify the State Police and the rightful owner and shall withhold the issuing of the certificate of title until the proper investigation is made.

§ 7116. Fraudulent removal of vehicle from garage.

No person shall remove or cause to be removed, by any false pretension or with intent to defraud, any vehicle that has been placed in a garage or automobile shop for storage, repair or garage service.

SUBCHAPTER C
MISUSE OF DOCUMENTS AND PLATES

Sec.

7121. False application for certificate of title or registration.

7122. Altered, forged or counterfeit documents and plates.

7123. Sale or purchase of certificate or other document.

7124. Fraudulent use or removal of registration plate.

§ 7121. False application for certificate of title or registration.

A person is guilty of a misdemeanor of the first degree if the person uses a false or fictitious name or address or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact in an application for a certificate of title or for registration.

§ 7122. Altered, forged or counterfeit documents and plates.

A person is guilty of a misdemeanor of the first degree if the person, with fraudulent intent:

(1) alters, forges or counterfeits a certificate of title, registration card or plate, inspection certificate or proof of insurance;

(2) alters or forges an assignment of a certificate of title, or an assignment or release of a security interest on a certificate of title or any other document issued or prepared for issue by the department; or

(3) has possession of, sells or attempts to sell, uses or displays a certificate of title, registration card or plate, driver's license, inspection certificate proof of insurance or any other document issued by the department, knowing it to have been altered, forged or counterfeited.

§ 7123. Sale or purchase of certificate or other document.

It is unlawful to purchase or sell a certificate or any other document issued by the department. Police officers or department representatives may confiscate the documents when unlawfully possessed or used.

§ 7124. Fraudulent use or removal of registration plate.

A person who either removes a registration plate from a vehicle or affixes to a vehicle a registration plate not authorized by law for use on the vehicle, with intent to conceal or misrepresent the identity of the vehicle or its owner, is guilty of a summary offense punishable by a fine of not less than \$100 nor more than \$500 or imprisonment for not more than 90 days, or both.

CHAPTER 73
ABANDONED VEHICLES AND CARGOS

Sec.

7301. Authorization of salvors.

7302. Certificate of authorization.

- 7303. Suspension of authorization.
- 7304. Reports to department of possession of abandoned vehicles.
- 7305. Notice to owner and lienholders of abandoned vehicles.
- 7306. Payment of costs upon reclaiming vehicle.
- 7307. Authorization for disposal of unclaimed vehicles.
- 7308. Public sale of unclaimed vehicles with value.
- 7309. Junking of vehicles valueless except for junk.
- 7310. Removal of vehicles and spilled cargo from roadway.
- 7311. Reports by garage keepers of abandoned vehicles.
- 7312. Penalty for violation of chapter.

§ 7301. Authorization of salvors.

(a) General rule.—The department shall authorize and shall issue a certificate of authorization to every salvor that complies with the requirements of this chapter and regulations adopted by the department and is a vehicle salvage dealer as defined in section 1337(c)(2) (relating to use of “Miscellaneous Motor Vehicle Business” registration plates).

(b) Unauthorized operation prohibited.—No person shall operate as a salvor unless authorized.

(c) Duty of salvor.—Upon written request of a police department, a salvor shall take possession of and remove to the storage facility of the salvor any abandoned vehicle located within 30 miles of the place of business of the salvor.

(d) Storage facility.—A salvor may rent or own a storage facility, which shall comply with the act of December 15, 1971 (P.L.596, No.160), known as the “Outdoor Advertising Control Act of 1971,” where applicable, and with regulations promulgated by the department.

§ 7302. Certificate of authorization.

(a) Application and issuance.—Application for a certificate of authorization shall be made on a form prescribed by the department. The department shall investigate the qualifications and fitness of the applicant and shall issue a certificate of authorization if it determines that the applicant is capable of performing the duties of a salvor in a manner consistent with the public interest.

(b) Place of business.—Every applicant shall have and maintain an established place of business. If the applicant has or intends to have one or more places of business or branch offices, the application shall contain complete information for each location.

(c) Bonding required.—Before issuing a certificate of authorization, the department shall require the applicant to furnish and maintain a bond indemnifying the public and the department in the amount of \$10,000. An individual bond for each place of business is not required, but all places of business shall be covered by the bond.

(d) Duration and renewal.—Certificates of authorization shall be issued for a period of one year and shall be subject to annual renewal.

§ 7303. Suspension of authorization.

(a) General rule.—The department shall supervise salvors and, after providing an opportunity for a hearing, shall suspend the authorization of

any salvor which the department finds is not properly operated or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. A suspended certificate of authorization shall be returned to the department immediately except an appeal from suspension as provided in subsection (b) shall operate as a supersedeas of any suspension by the department.

(b) **Judicial review.**—Any person whose certificate of authorization has been denied or suspended under this chapter shall have the right to file a petition within 30 days thereafter for a hearing on the matter in the court of common pleas of the county in which the principal place of business of the salvor is located. The court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 30 days' written notice to the department and to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a certificate of authorization or is subject to suspension of the certificate of authorization under the provisions of this chapter.

§ 7304. **Reports to department of possession of abandoned vehicles.**

Any salvor taking possession of an abandoned vehicle pursuant to section 7301(c) (relating to authorization of salvors) shall within 48 hours after taking possession report to the department the make, model, vehicle identification number and registration plate number of the abandoned vehicle, and the name and address of the owner or person who abandoned the vehicle, if known, together with any other information or documents which the department may by regulation require. The report shall include a statement whether the vehicle is valueless except for junk. Where the report indicates the vehicle is valueless except for junk, the salvor shall include a photograph of the vehicle to be prepared in a manner prescribed by the department. A report by a salvor that a vehicle is valueless except for junk shall be verified by the police department which authorized transfer of the vehicle to the salvor.

§ 7305. **Notice to owner and lienholders of abandoned vehicles.**

(a) **General rule.**—Except as provided in section 7309 (relating to junking of vehicles valueless except for junk), the department, upon receipt of notice that an abandoned vehicle has been taken into possession pursuant to this chapter, shall notify by certified mail, return receipt requested, the last known registered owner of the vehicle and all lienholders of record that the vehicle is abandoned.

(b) **Contents of notice.**—The notice shall:

(1) Describe the make, model, title number, vehicle identification number and registration plate number of the abandoned vehicle, if known.

(2) State the location where the vehicle is being held.

(3) Inform the owner and any lienholders of their right to reclaim the vehicle within 30 days after the date of the notice at the place where the vehicle is being held by the salvor, upon payment of all towing and storage charges and the fee authorized in section 7306 (relating to payment of costs upon reclaiming vehicle).

(4) State that the failure of the owner or lienholder to reclaim the vehicle is deemed consent by the owner to the destruction, sale or other disposition of the abandoned vehicle and of all lienholders to dissolution of their liens.

(c) Notice by publication.—If the identity of the last registered owner and of all lienholders cannot be determined with reasonable certainty, the contents of the notice set forth in subsection (b) shall be published one time in one newspaper of general circulation in the area where the vehicle was abandoned. The notice may contain multiple listings of abandoned vehicles. Notice by publication locally shall be the responsibility of the salvor. The notice shall have the same effect as notice sent by certified mail.

§ 7306. Payment of costs upon reclaiming vehicle.

In the event the owner or lienholder of an abandoned vehicle reclaims the vehicle, the reclaiming party shall pay the costs for towing and storage, plus a fee of \$25 of which \$10 shall be transmitted to the department by the salvor.

§ 7307. Authorization for disposal of unclaimed vehicles.

The department shall, after the expiration of 30 days from the date of notice sent by certified mail to the registered owner and all lienholders of record or 30 days after publication of notice, where applicable, and upon receipt of a written statement from the holder of the vehicle that the abandoned vehicle has not been reclaimed by the owner or lienholder within the 30-day period, authorize the disposal of the abandoned vehicle in accordance with the provisions of this chapter.

§ 7308. Public sale of unclaimed vehicles with value.

(a) General rule.—If an abandoned vehicle having value has not been reclaimed as provided in this chapter, the vehicle shall be sold at a public auction.

(b) Title of purchaser.—The salvor shall give the purchaser a sales receipt and shall apply to the department for a title which shall be free and clear of all previous liens and claims of ownership.

(c) Disposition of proceeds.—From the proceeds of the sale of the abandoned vehicle, the salvor shall be reimbursed for the costs of towing, storage, notice and publication costs and expenses of auction. The remainder of the proceeds of a sale shall be held for the owner of the vehicle or record lienholder for 60 days from the date of sale and if not properly claimed shall then be paid to the department and transmitted to the State Treasurer for deposit in the Motor License Fund.

§ 7309. Junking of vehicles valueless except for junk.

(a) Application for certificate of junk.—If an abandoned vehicle is valueless except for junk, the salvor shall note that fact in the report to the department required in section 7304 (relating to reports to department of possession of abandoned vehicles) and shall apply for issuance of a certificate of junk as provided for in section 1117 (relating to vehicle destroyed or junked).

(b) Notice and issuance of certificate.—If the identity of the last registered owner cannot be determined with reasonable certainty and it is

impossible to determine with reasonable certainty the identity and addresses of any lienholder, no notice shall be required. Under such circumstances, the department shall upon receipt of the report by the salvor pursuant to section 7304 issue a certificate of junk as provided in section 1117.

(c) Reimbursement of expenses of salvor.—Upon receipt within six months of evidence that a salvor has removed an abandoned vehicle upon the request of a police department, the department shall pay to the salvor from the Motor License Fund the sum of \$15 for the expenses incurred in the removal and towing of the abandoned vehicle. No portion of \$15 payment or any separate consideration shall be reimbursed or paid to any government agency or municipality by the salvor.

(d) Rights of owners and lienholders.—Issuance by the department of a certificate of junk for a vehicle junked under this section shall operate as a divestiture of all right, title and interest in the vehicle of the owner and all lienholders.

§ 7310. Removal of vehicles and spilled cargo from roadway.

(a) General rule.—Police officers may remove or direct removal of abandoned or wrecked vehicles and spilled cargo from any roadway to the nearest point off the roadway where the vehicle or spilled cargo will not interfere with or obstruct traffic. Immediately following an accident, the wrecked vehicle or spilled cargo shall be removed or directed to be removed from the roadway by a police officer if the owner or operator cannot remove the wrecked vehicle or refuses or fails to have the vehicle removed within a reasonable time.

(b) Storage of cargo.—When, in the opinion of a police officer, it is deemed necessary for the protection of the contents or load of a wrecked vehicle or spilled cargo from the elements, spoilage or theft, the police officer may remove or direct to be removed and have stored at the expense of the owner the contents or load or spilled cargo at the nearest practical place of storage.

(c) Liability for damage or loss.—In carrying out the provisions of this section, no liability shall attach to the police officer or, absent a showing of gross negligence, to any person acting under the direction of the police officer for damage to a vehicle or damage to or loss of any portion of the contents or load or spilled cargo.

§ 7311. Reports by garage keepers of abandoned vehicles.

The person in charge of any garage or repair shop in which a vehicle of unknown ownership has been left for a period of 15 consecutive days without being removed by the owner or any other person duly authorized to remove the vehicle shall report to the department within 24 hours of the expiration of the 15-day period giving the make, engine number, vehicle identification number, registration plate number and the name and address of the person abandoning the vehicle if known. Upon receipt of the report the department shall make a distinctive record of the report and file the report in the manner provided in section 7114 (relating to records of stolen vehicles).

§ 7312. Penalty for violation of chapter.

(a) Fines and imprisonment.—Any person violating any of the provisions of this chapter is guilty of a summary offense, punishable:

(1) For a first offense, by a fine of \$100.

(2) For a subsequent offense, by a fine of not less than \$200 nor more than \$500 or imprisonment for not more than 90 days, or both.

(b) Suspension.—For violation of any of the provisions of this chapter, the salvor shall be subject to suspension of the privilege to receive abandoned vehicles under this chapter.

CHAPTER 75 MESSENGER SERVICE

Sec.

7501. Authorization of messenger service.

7502. Certificate of authorization.

7503. Suspension of authorization.

7504. Place of business.

7505. Transaction of business with department.

7506. Violations and penalties.

§ 7501. Authorization of messenger service.

(a) General rule.—The department shall authorize and shall issue a certificate of authorization to every messenger service that complies with the requirements of this chapter and regulations adopted by the department.

(b) Unauthorized operation prohibited.—No person shall operate a messenger service unless authorized.

(c) Penalty.—Any person operating a messenger service without authorization is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of¹ \$200.

§ 7502. Certificate of authorization.

(a) Application and issuance.—Application for a certificate of authorization shall be made on a form prescribed by the department, accompanied by the applicable fee. The department shall investigate the qualifications and fitness of the applicant and shall issue a certificate of authorization if it determines that the applicant is capable of performing the duties of a messenger service in a manner consistent with the public interest and the applicable fees are paid.

(b) Place of business.—Every applicant shall have and maintain an established place of business. If the applicant has or intends to have one or more places of business or branch offices, the application shall contain complete information for each location.

(c) Bond required.—Before issuing a certificate of authorization, the department shall require the applicant to furnish and maintain a bond indemnifying the public and the department in the amount of \$50,000. An individual bond for each place of business is not required, but all places of business shall be covered by the bond.

¹ "not less than" in original.

(d) Commonwealth employees ineligible.—No official or employee of the Commonwealth shall be given authorization to operate as a messenger service, nor own, nor be employed by, a messenger service.

(e) Duration and renewal.—Certificates of authorization shall be given for a period of one year and may be renewed annually.

§ 7503. Suspension of authorization.

(a) General rule.—The department shall supervise messenger services and, after providing an opportunity for a hearing, shall suspend the authorization of any messenger service which it finds is not properly operated or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. Any suspended certificate of authorization shall be returned to the department immediately. A suspended certificate may be restored on such terms and conditions, including the posting of additional bond, as the department shall deem advisable.

(b) Judicial review.—Any person whose certificate of authorization has been denied or suspended under this chapter shall have the right to file a petition within 30 days thereafter for a hearing on the matter in the court of common pleas of the county in which the principal place of business of the person is located. The court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 30 days' written notice to the department and to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a certificate of authorization or is subject to suspension of the certificate of authorization under the provisions of this chapter.

§ 7504. Place of business.

(a) Operation with other business.—A messenger service may be operated in conjunction with a closely allied business in accordance with regulations of the department.

(b) Change of location.—Upon notification in writing to the department that the location of place of business or branch will be changed and upon payment of the applicable transfer fee, the department shall issue a certificate of authorization for the new location for the unexpired period of authorization if the department determines that the new location conforms to department regulations.

(c) Failure to report changes.—A change of location or addition of a place of business or branch office without notification to the department shall result in suspension of the certificate of authorization.

(d) Display of sign and certificate.—Every messenger service shall display on the outside of each place of business an identifying sign conforming to regulations of the department and shall prominently display within each place of business its certificate of authorization. No person other than an authorized messenger service shall display a similar identifying sign or certificate.

§ 7505. Transaction of business with department.

The department may designate those locations, facilities and hours of operation at which messenger services may transact business with the

department. Every messenger service to whom a certificate of authorization has been issued pursuant to this chapter shall be permitted to transact business with the department at the locations and facilities and during the hours of operation designated by the department. The department may prescribe such regulations as may be necessary for the administration of this chapter.

§ 7506. Violations and penalties.

Any person violating any provision of this chapter or the rules and regulations promulgated thereunder for which a specific penalty is not provided is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of¹ \$100.

CHAPTER 77 SNOWMOBILES

Subchapter

- A. General Provisions
- B. Registration
- C. Operation
- D. Equipment
- E. Miscellaneous Provisions

SUBCHAPTER A GENERAL PROVISIONS

Sec.

- 7701. Short title of chapter.
- 7702. Definitions.
- 7703. Applicability of chapter.
- 7704. Rules and regulations.
- 7705. Disposition of fines and penalties.
- 7706. Restricted receipts fund.

§ 7701. Short title of chapter.

This chapter shall be known and may be cited as the "Snowmobile Law."

§ 7702. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Cowling." The forward portion of the snowmobile, usually of fiberglass or similar material, surrounding the motor and clutch assembly.

"Dealer." A person engaged in the business of selling snowmobiles at wholesale or retail.

"Department." The Department of Environmental Resources of the Commonwealth.

"Head lamp." A major lighting device used to provide general illumination ahead of a vehicle.

¹ "not less than" in original.

“Highway.” The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

“Snowmobile.” An engine-driven vehicle of a type which utilizes sled type runners, or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated. The term does not include any farm tractor, highway or other construction equipment, or any military or law enforcement vehicle.

“Street.” A highway, other than an alley, within the corporate limits of a political subdivision.

“Tail lamp.” A device to designate the rear of a vehicle by a warning light.

§ 7703. Applicability of chapter.

This chapter does not apply to law enforcement officers while engaged in the performance of their official duties.

§ 7704. Rules and regulations.

The department may promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter.

§ 7705. Disposition of fines and penalties.

On the first day of each month or within ten days thereafter, all fines and penalties collected for violations of this chapter shall be paid over to the department, accompanied by a statement setting forth the action or proceeding in which the moneys were collected, the name and residence of the defendant, the nature of the offense and the fines and penalties imposed.

§ 7706. Restricted receipts fund.

(a) Deposit and use of moneys.—The department shall deposit all moneys received from the registration of snowmobiles, the sale of snowmobile registration information, snowmobile publications and other services provided by the department, all fines and penalties resulting from violations of this chapter, and all fees collected under this chapter in a restricted receipts fund, from which the department shall draw moneys for use in carrying out the registration, safety education and enforcement requirements of this chapter as well as the establishment, construction and maintenance of trails and any equipment and supplies necessary to carry out the purposes of this chapter.

(b) Audit and lapse of moneys.—The restricted receipts fund shall be audited every two years with any residue appearing in the fund at the end of each auditing period to be deposited in the General Fund.

SUBCHAPTER B REGISTRATION

Sec.

7711. Registration of dealers.

7712. Registration of snowmobiles.

7713. Certificates of registration and decals.

7714. Exemptions from registration.

7715. Reciprocity.

7716. Central registration file.

§ 7711. Registration of dealers.

Any person who is in the business of selling snowmobiles shall register as a dealer. The department, upon receipt of an application and the required fee, shall assign a distinguishing dealer registration number to the registrant and issue appropriate registration certificate to him. Dealer registrations are not transferable.

§ 7712. Registration of snowmobiles.

(a) General rule.—Upon application therefor upon a form prescribed and furnished by the department which shall contain a full description of the snowmobile, the actual and bona fide name and address of the owner, proof of ownership and any other information the department may reasonably require, and which shall be accompanied by the required fee, the department shall issue a certificate of registration of a snowmobile and a decal showing the expiration date to the owner.

(b) Temporary registration.—Temporary registration for a period not to exceed 45 days may be issued by a registered dealer pursuant to rules and regulations promulgated by the department.

(c) Fees.—Fees for registration of snowmobiles to be collected by the department under this chapter are as follows:

- (1) Each individual resident registration for two years, \$10.
- (2) Each individual nonresident registration for two years, \$10.
- (3) Each dealer registration for one year, \$25.
- (4) Replacement of a lost, mutilated or destroyed certificate or decal, \$1.

(d) Exemptions from fees.—No fee is required for the registration of snowmobiles owned by:

- (1) The Commonwealth.
- (2) Political subdivisions.
- (3) Volunteer organizations and used exclusively for emergency purposes.

§ 7713. Certificates of registration and decals.

(a) General rule.—Except as otherwise provided in this chapter, it is unlawful to operate a snowmobile unless a certificate of registration has been issued therefor and unless there is displayed thereon the permanent or temporary registration number and a valid decal.

(b) Registration number requirements.—Numbers corresponding to the permanent registration number of the snowmobile, shown on the certificate of registration, shall be obtained by the applicant and affixed to the snowmobile. The permanent registration number displayed on the snowmobile shall be of a color which will contrast with the surface to which applied, shall be reflective and shall be at least three inches high.

(c) Display of number and decal.—The decal and the permanent registration number shall be displayed on both sides of the cowling of the

snowmobile for which issued. No number other than the number assigned to a snowmobile by the department or the identification number of the registration in another state shall be attached to or displayed on the cowling.

(d) Expiration on transfer.—The certificate of registration issued for a snowmobile shall expire and the decal shall become invalid when title to the snowmobile is transferred.

(e) Suspension or revocation.—The department may suspend or revoke the certification of registration for a snowmobile upon conviction of the owner of any offense under this chapter.

§ 7714. Exemptions from registration.

No certificate of registration or decal shall be required for a snowmobile:

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

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

(3) Owned and operated on lands owned by the owner or operator of the snowmobile or on lands to which he has a contractual right other than as a member of a club or association, provided the snowmobile is not operated elsewhere within this Commonwealth.

§ 7715. Reciprocity.

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

§ 7716. Central registration file.

The department shall maintain a central file of the certificate of registration number, name and address of the owner of each snowmobile for which a certificate of registration is issued and such information shall be made available to all enforcement agencies.

SUBCHAPTER C OPERATION

Sec.

- 7721. Operation on streets and highways.
- 7722. Designation of snowmobile roads.
- 7723. Special snowmobile events.
- 7724. Operation on private or State property.
- 7725. Operation by persons under age sixteen.
- 7726. Operation in safe manner.
- 7727. Additional limitations on operation.
- 7728. Accidents and accident reports.
- 7729. Liability of owner for negligence.

§ 7721. Operation on streets and highways.

(a) General rule.—Except as otherwise provided in this chapter, it is unlawful to operate a snowmobile on any street or highway which is not designated and posted as a snowmobile road by the governmental agency having jurisdiction.

(b) Emergency and bridge crossings.—A snowmobile may be operated on highways and streets:

(1) During periods of emergency when so declared by a policy agency having jurisdiction.

(2) When necessary to cross a bridge or culvert.

(c) Crossing street or highway.—A snowmobile may make a direct crossing of a street or two-lane highway upon compliance with the following requirements:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

(2) The snowmobile is brought to a complete stop before crossing the shoulder or main-traveled way of the highway.

(3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

(4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

§ 7722. Designation of snowmobile roads.

(a) General rule.—The Department of Transportation on State-designated highways and local authorities on any highway, road or street within its jurisdiction may designate any highway, road or street within its jurisdiction as a snowmobile road and may, in its discretion, determine whether such road shall be closed to vehicular traffic or whether snowmobiles may share this designated road with vehicular traffic.

(b) Posting notices.—Adequate notices of such designation and determination shall be sufficiently and prominently displayed.

§ 7723. Special snowmobile events.

(a) General rule.—Snowmobiles may be operated on highways and streets for special snowmobile events of limited duration which are conducted according to a prearranged schedule under permit from the governmental agency having jurisdiction.

(b) Authority of local authorities.—A local authority may block off highways and streets within its jurisdiction for the purpose of allowing snowmobile races, rallies or derbies. No State trunk highway or connecting street, or part thereof, shall be blocked off by any local authority for any snowmobile race, rally or derby.

(c) Notification and duty of police.—A local authority shall notify the local police department and the county sheriff's office at least one week in advance of the time and place of any snowmobile race, rally or derby which may result in any highway or street, or part thereof, being blocked off. Upon such notice, the local police department shall take such measures as it

deems appropriate to protect persons and property and to regulate traffic in the designated area and its vicinity on the day of such race, rally or derby.

(d) **Liability of local authorities.**—A local authority shall not be responsible for any injury suffered by anyone in connection with, or arising out of, any snowmobile race, rally or derby unless the injury is caused by the negligence of the local authority.

§ 7724. **Operation on private or State property.**

(a) **Private property.**—No person shall operate a snowmobile on private property without the consent of the owner of or lessor thereof. Any person operating a snowmobile upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representatives and, if requested to do so by the landowner, shall promptly remove the snowmobile from the premises.

(b) **State property.**—No person shall operate a snowmobile on State-owned property except on clearly marked and previously designated snowmobile routes. The department may designate any road within a State Park or State Forest over which the department has jurisdiction as a snowmobile road and may, in its discretion, determine whether the road shall be closed to vehicular traffic or whether snowmobiles may share the designated road with vehicular traffic. Adequate notices of such designation and determination shall be sufficiently and prominently displayed.

§ 7725. **Operation by persons under age sixteen.**

(a) **Snowmobile safety certification.**—Except as otherwise provided in this section, no person ten years of age and over who has not reached 16 years of age shall operate a snowmobile in this Commonwealth, except upon lands of his parent or guardian, unless and until he has received safety training as prescribed by the department and has received the appropriate snowmobile safety certificate issued by the department. The department may authorize sanctioned snowmobile clubs to act as agents in conducting classes and examinations and issuing snowmobile safety certificates in the name of the department.

(b) **Failure to exhibit certificate.**—The failure of an operator to exhibit a snowmobile safety certificate upon demand to any police officer having authority to enforce the provisions of this chapter shall be presumptive evidence that such person is not the holder of such certificate.

(c) **Permitting unauthorized operation.**—No owner of a snowmobile shall authorize or permit the operation thereof within this Commonwealth by any person under the age of 16 years unless the operator is the holder of a valid snowmobile safety certificate or except as authorized by subsection (a).

(d) **Limitations on operation.**—No person:

(1) Under the age of 16 years shall drive a snowmobile across any highway or connecting street thereto.

(2) Under the age of ten years shall operate a snowmobile without the knowledge and express consent of the landowner unless he is

accompanied by a person over 18 years of age or a person over 14 years of age who holds a snowmobile safety certificate.

§ 7726. Operation in safe manner.

(a) General rule.—No person shall operate a snowmobile in any of the following ways:

(1) At a rate of speed that is unreasonable or improper under existing conditions.

(2) In any careless way so as to endanger the person or property of another.

(3) While under the influence of alcohol or any controlled substance.

(b) Permitting unsafe operation.—No owner or other person having charge or control of a snowmobile shall knowingly authorize or permit the operation of the snowmobile by any person who is incapable to do so by reason of age, physical or mental disability, or who is under the influence of alcohol or any controlled substance.

§ 7727. Additional limitations on operation.

Except as otherwise permitted under the act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," no person shall:

(1) Operate or ride in any snowmobile with any bow and arrows or with any firearm in his possession unless it is unloaded.

(2) Drive or pursue any wildlife with a snowmobile.

§ 7728. Accidents and accident reports.

(a) Duty to stop and provide information.—Whenever any snowmobile is involved in an accident resulting in loss of life, personal injury or damage to property and the operator thereof has knowledge of such accident, he shall stop and give his name and address, the name and address of the owner thereof and the registration number of the snowmobile to the injured person or the person sustaining the damage or to a police officer. In case no police officer nor the person sustaining the damage is present at the place where the damage occurred, then the operator shall immediately report, as soon as he is physically able, the accident to the nearest law enforcement agency.

(b) Report of accident to department.—The operator of any snowmobile involved in any accident resulting in injuries to or death of any person or resulting in property damage to the estimated amount of \$100 or more shall, within seven days after such accident, report the matter in writing to the department. If the operator is physically incapable of making the report and there is another participant in the accident not so incapacitated, the participant shall make the report within the prescribed period of time after the accident. In the event that there is no other participant and the operator is other than the owner, then the owner shall within the prescribed period of time, after learning of the facts of such accident, report the matter to the department, together with such information as may have come to his knowledge relating to such accident. Every operator or owner of a snowmobile in an accident, or surviving participant of any such accident, shall make such other and additional reports as the department shall require.

(c) Report by law enforcement officer.—A law enforcement officer who investigates or receives information of an accident involving a snowmobile shall make a written report of the investigation or information received, and such additional facts relating to the accident as may come to his knowledge, and mail the same within 48 hours to the department and keep a record thereof in his office.

(d) Exception.—This section does not apply when property damage is sustained in sanctioned snowmobile races, derbies and rallies.

§ 7729. Liability of owner for negligence.

(a) General rule.—Negligence in the use or operation of a snowmobile is attributable to the owner. Every owner of a snowmobile used or operated in this Commonwealth shall be liable and responsible for death or injury to person or damage to property resulting from negligence in the use or operation of such snowmobile by any person using or operating the snowmobile with the permission, express or implied, of such owner.

(b) Exception.—The negligence of the operator shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such injuries or death.

SUBCHAPTER D EQUIPMENT

Sec.

7741. Head lamps and tail lamps.

7742. Brakes.

7743. Mufflers and noise control.

§ 7741. Head lamps and tail lamps.

(a) Time of operation.—Every snowmobile operated during hours of darkness shall display a lighted head lamp and tail lamp. The lights shall be in operation during the period of from one-half hour after sunset to one-half hour before sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet ahead.

(b) Head lamp requirements.—The head lamp shall display white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of 100 feet ahead.

(1) If the snowmobile is equipped with a multiple beam head lamp, the upper beam shall meet the minimum requirements set forth in this section and the lowermost beam shall be so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 50 feet ahead.

(2) If the snowmobile is equipped with a single beam head lamp, the lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 75 feet ahead, projects higher than the level of the center of the lamp from which it comes.

(c) Tail lamp requirements.—The tail lamp shall display a red light plainly visible during darkness from a distance of 500 feet.

§ 7742. Brakes.

It is unlawful to operate a snowmobile which is not equipped with at least one brake of a design approved by the department operated either by hand or by foot, capable of bringing the snowmobile to a stop, under normal conditions, within 40 feet when traveling at a speed of 20 miles per hour with a 150 pound driver and on hard packed snow, or locking its traction belt or belts. The design shall permit simple and easy adjustment to compensate for wear.

§ 7743. Mufflers and noise control.

(a) General rule.—It is unlawful to operate a snowmobile which is not equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. The sound intensity produced by a snowmobile shall not exceed 82dbA when measured in accordance with SAE Recommended Practice J 192 Exterior Sound Level for Snowmobiles, as amended. The department may by regulation adopt more stringent noise requirements.

(b) Modified mufflers prohibited.—It is unlawful to modify a muffler or to operate a snowmobile with a modified muffler.

(c) Exception.—This section does not apply to organized races or similar competitive events.

SUBCHAPTER E MISCELLANEOUS PROVISIONS

Sec.

7751. Enforcement personnel and procedures.

7752. Penalties for violation of chapter.

7753. Actions for collection of penalties.

§ 7751. Enforcement personnel and procedures.

(a) Duty of enforcement.—Every law enforcement officer in this Commonwealth and designated officers and employees of the department shall enforce the provisions of this chapter.

(b) Forms and procedures.—The department may prescribe the form of summons or complaint, or both, in all cases involving a violation of any provision of this chapter or of any ordinance, rule or regulation relating to snowmobiles, or of any class or category of such cases, and may establish procedures for proper administrative controls over the disposition thereof.

(c) Records and reports.—The chief executive officer of each local police force, sheriffs and the Commissioner of the Pennsylvania State Police shall prepare or cause to be prepared such records and reports as may be prescribed under this section.

(d) Rules and regulations.—The department may promulgate such rules and regulations as may be deemed necessary to accomplish the purposes and enforce the provisions of this section including requirements for reporting by trial courts having jurisdiction over snowmobile violations.

§ 7752. Penalties for violation of chapter.

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

(1) For a first offense, be sentenced to pay a fine of not less than \$10 nor more than \$50 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than ten days.

(2) For a second offense, be sentenced to pay a fine of not less than \$25 nor more than \$100 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than 30 days.

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

§ 7753. Actions for collection of penalties.

(a) General rule.—An action to recover any penalty imposed under the provisions of this chapter may be brought in any court of competent jurisdiction in this Commonwealth on order of the department and in the name of the Commonwealth. In any such action all penalties incurred up to the time of commencing the action may be sued for and recovered therein and the commencement of an action to recover any such penalty shall not be, or be held to be, a waiver of the right to recover any other penalty. In case of recovery of any amount in an action brought to recover any such penalty the Commonwealth shall be entitled to recover full costs and at the rates provided for civil actions.

(b) Duty and liability of witnesses.—No person shall be excused from testifying or producing any books, papers or other documents in any civil action to recover any such penalty, upon the ground that his testimony might tend to convict him of an offense or subject him to a penalty or forfeiture. No person shall be prosecuted, punished or subjected to any penalty of forfeiture for or on account of any such act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. This subsection is not intended to give, and shall not be construed as in any manner giving, unto any corporation immunity of any kind.

(c) Plea of guilty.—A defendant charged with a violation of any provision of this chapter may himself plead guilty to the charge in open court. He may also submit to the judge having jurisdiction, in person, by duly authorized agent, or by registered mail, a statement setting forth the following:

- (1) That he waives arraignment in open court and the aid of counsel.
- (2) That he pleads guilty to the offense as charged.

(3) That he elects and requests that the charge be disposed of and the fine or penalty fixed by the court.

(4) Any explanation that he desires to make concerning the offense charged.

(5) That he makes all statements under penalty of perjury.

Thereupon the judge may proceed as though the defendant had been convicted upon a plea of guilty in open court. Any imposition of fine or penalty under this section shall be deemed tentative until the fine or penalty has been paid and discharged in full. If, upon receipt of the aforesaid statement, the judge shall deny the same, he shall thereupon notify the defendant of this fact and that he is required to appear before the said judge at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.

(d) Statement of disposition of case.—The court or justice of the peace before whom any person shall be tried, or the clerk of the court, shall, at the termination of the trial or proceeding, forthwith mail or deliver to the department at Harrisburg a certified statement of the disposition of the case or proceeding giving the date thereof, the name of the defendant, the date and place of the violation, the name of each witness sworn in support of the charges and the amount of the fine or penalty paid.

(e) Section not exclusive.—This section does not prohibit the prosecution of violations of this chapter in any court of competent jurisdiction in the same manner as other offenses.

CHAPTER 81 INTERSTATE COMPACTS AND AGREEMENTS

Subchapter

- A. Bus Taxation Proration Agreement
- B. Vehicle Equipment Safety Compact

SUBCHAPTER A BUS TAXATION PRORATION AGREEMENT

Sec.

- 8101. Bus taxation proration agreement enacted.
- 8102. Secretary of Transportation to be administrator.
- 8103. Exemptions from agreement and changes in reporting.
- 8104. Governor to give notice of withdrawal from agreement.
- 8105. Applicability of other provisions of title.
- § 8101. Bus taxation proration agreement enacted.

The Bus Taxation Proration Agreement is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

Article I Purposes and Principles

Section I. Purposes of Agreement.—It is the purpose of this agreement to set up a system whereby any contracting State may permit owners of

fleets of buses operating in two or more States to prorate the registration of the buses in such fleets in each State in which the fleets operate on the basis of the proportion of miles operated within such State to total fleet miles, as defined herein.

Section 2. Principle of Proration of Registration.—It is hereby declared that in making this agreement the contracting States adhere to the principle that each State should have the freedom to develop the kind of highway user tax structure that it determines to be most appropriate to itself, that the method of taxation of interstate buses should not be a determining factor in developing its user tax structure, and that annual taxes or other taxes of the fixed fee type upon buses which are not imposed on a basis that reflects the amount of highway use should be apportioned among the States, within the limits of practicality, on the basis of vehicle miles traveled within each of the States.

Article II Definitions

(a) State.—State shall include the States of the United States, the District of Columbia, the territories of the United States, the Provinces of Canada, and the States, Territories and Federal District of Mexico.

(b) Contracting State.—Contracting State shall mean a State which is a party to this agreement.

(c) Administrator.—Administrator shall mean the official or agency of a State administering the fee involved, or, in the case of proration of registration, the official or agency of a State administering the proration of registration in that State.

(d) Person.—Person shall include any individual, firm, copartnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

(e) Base State.—Base State shall mean the State from or in which the bus is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled, or also in the case of a fleet bus the State to which it is allocated for registration under statutory requirements. In order that this section may not be used for the purpose of evasion of registration fees, the administrators of the contracting States may make the final decision as to the proper base State, in accordance with Article III (h) hereof, to prevent, or avoid such evasion.

(f) Bus.—Bus shall mean any motor vehicle of a bus type engaged in the interstate transportation of passengers and subject to the jurisdiction of the Interstate Commerce Commission or any agency successor thereto, or one or more State regulatory agencies concerned with the regulation of passenger transport.

(g) Fleet.—As to each contracting State, fleet shall include only those buses which actually travel a portion of their total miles in such State. A fleet must include three or more buses.

(h) Registration.—Registration shall mean the registration of a bus and the payment of annual fees and taxes as set forth in or pursuant to the laws of the respective contracting States.

(i) Proration of Registration.—Proration of registration shall mean registration of fleets of buses in accordance with Article IV of this agreement.

(j) Reciprocity.—Reciprocity shall mean that each contracting State, to the extent provided in this agreement, exempts a bus from registration and registration fees.

Article III General Provisions

(a) Effect on Other Agreements, Arrangements and Understandings.—On and after its effective date, this agreement shall supersede any reciprocal or other agreement, arrangement, or understanding between any two or more of the contracting States covering, in whole or in part, any of the matters covered by this agreement; but this agreement shall not affect any reciprocal or other agreement, arrangement, or understanding between a contracting State and a State or States not a party to this agreement.

(b) Applicability to Exempt Vehicles.—This agreement shall not require registration in a contracting State of any vehicles which are in whole or part exempt from registration under the laws or regulations of such State without respect to this agreement.

(c) Inapplicability of Caravanned Vehicle.—The benefits and privileges of this agreement shall not be extended to a vehicle operated on its own wheels, or in tow of a motor vehicle, transported for the purpose of selling or offering the same for sale to or by any agent, dealer, purchaser, or prospective purchaser.

(d) Other Fees and Taxes.—This agreement does not waive any fees or taxes charged or levied by any State in connection with the ownership or operation of vehicles other than registration fees as defined herein. All other fees and taxes shall be paid to each State in accordance with the laws thereof.

(e) Statutory Vehicle Regulations.—This agreement shall not authorize the operation of a vehicle in any contracting State contrary to the laws or regulations thereof, except those pertaining to registration and payment of fees; and with respect to such laws or regulations only to the extent provided in this agreement.

(f) Violations.—Each contracting State reserves the right to withdraw, by order of the administrator thereof, all or any part of the benefits or privileges granted pursuant to this agreement from the owner of any vehicle or fleet of vehicles operated in violation of any provision of this agreement. The administrator shall immediately give notice of any such violation and withdrawal of any such benefits or privileges to the administrator of each other contracting State in which vehicles of such owner are operated.

(g) Cooperation.—The administrator of each of the contracting States shall cooperate with the administrators of the others and each contracting State hereby agrees to furnish such aid and assistance to each other within its statutory authority as will aid in the proper enforcement of this agreement.

(h) Interpretation.—In any dispute between or among contracting States arising under this agreement, the final decision regarding interpretation of questions at issue relating to this agreement shall be reached by joint action of the contracting States, acting through the administrator thereof, and shall upon determination be placed in writing.

(i) Effect of Headings.—Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or part hereof.

(j) Entry into Force.—This agreement shall enter into force and become binding between and among the contracting States when enacted or otherwise entered into by any two States. Thereafter, it shall enter into force and become binding with respect to any State when enacted into law by such State. If the statutes of any State so authorize or provide, such State may become party to this agreement upon the execution thereof by an executive or administrative official thereof acting on behalf of and for such State.

Article IV Proration of Registration

(a) Applicability.—Any owner of a fleet may register the buses of said fleet in any contracting State by paying to said State total registration fees in an amount equal to that obtained by applying the proportion of in-state fleet miles divided by the total fleet miles, to the total fees which would otherwise be required for regular registration of each and all of such vehicles in such contracting State.

All fleet pro rata registration fees shall be based upon the mileage proportions of the fleet during the period of 12 months ending on August 31 next preceding the commencement of the registration year for which registration is sought: Except, that mileage proportions for a fleet not operated during such period in the State where application for registration is made will be determined by the administrator upon the sworn application of the applicant showing the operations during such period in other States and the estimated operations during the registration year for which registration is sought, in the State in which application is being made; or if no operations were conducted during such period, a full statement of the proposed method of operation.

If any buses operate in two or more States which permit the proration of registration on the basis of a fleet of buses consisting of a lesser number of vehicles than provided in Article II (g), such fleet may be prorated as to registration in such States, in which event the buses in such fleet shall not be required to register in any other contracting States if each such vehicle is

registered in some contracting State, except to the extent it is exempt from registration as provided in Article III (b).

If the administrator of any State determines, based on his method of the operation thereof, that the inclusion of a bus or buses as a part of a fleet would adversely affect the proper fleet fee which should be paid to his State, having due regard for fairness and equity, he may refuse to permit any or all of such buses to be included in his State as a part of such fleet.

(b) Total Fleet Miles.—Total fleet miles, with respect to each contracting State, shall mean the total miles operated by the fleet (1) in such State, (2) in all other contracting States, (3) in other States having proportional registration provisions, (4) in States with which such contracting State has reciprocity, and (5) in such other States as the administrator determines should be included under the circumstances in order to protect or promote the interest of his State; except that in States having laws requiring proration on the bases of a different determination of total fleet miles, total fleet miles shall be determined on such basis.

(c) Leased Vehicles.—If a bus is operated by a person other than the owner as a part of a fleet which is subject to the provisions of this article, then the operator of such fleet shall be deemed to be the owner of said bus for the purposes of this article.

(d) Extent of Privileges.—Upon the registration of a fleet in a contracting State pursuant to this article, each bus in the fleet may be operated in both interstate and intrastate operations in such State, except as provided in Article III (e).

(e) Application for Proration.—The application for proration of registration shall be made in each contracting State upon substantially the application forms and supplements authorized by joint action of the administrators of the contracting States.

(f) Issuance of Identification.—Upon registration of a fleet, the State which is the base State of a particular bus of the fleet, shall issue the required license plates and registration card for such bus and each contracting State in which the fleet of which such bus is a part operates shall issue a special identification identifying such bus as a part of a fleet which has fully complied with the registration requirements of such State. The required license plates, registration cards and identification shall be appropriately displayed in the manner required by or pursuant to the laws of each respective State.

(g) Additions to Fleet.—If any bus is added to a prorated fleet after the filing of the original application, the owner shall file a supplemental application. The owner shall register such bus in each contracting State in like manner as provided for buses listed in an original application and the registration fee payable shall be determined on the mileage proportion used to determine the registration fees payable for buses registered under the original application.

(h) Withdrawals from Fleet.—If any bus is withdrawn from a prorated fleet during the period for which it is registered or identified, the owner

shall notify the administrator of each State in which it is registered or identified of such withdrawal and shall return the plates, and registration card or identification as may be required by or pursuant to the laws of the respective States.

(i) **Audits.**—The administrator of each contracting State shall, within the statutory authority of such administrator, make any information obtained upon an audit of records of any applicant for proration of registration available to the administrators of the other contracting States.

(j) **Errors in Registration.**—If it is determined by the administrator of a contracting State, as a result of such audits or otherwise, that an improper fee has been paid his State, or errors in registration found, the administrator may require the fleet owner to make the necessary corrections in the registration of his fleet and payment of fees.

Article V Reciprocity

(a) **Grant of Reciprocity.**—Each of the contracting States grants reciprocity as provided in this article.

(b) **Applicability.**—The provisions of this agreement with respect to reciprocity shall apply only to a bus properly registered in the base State of the bus, which State must be a contracting State.

(c) **Nonapplicability to Fleet Buses.**—The reciprocity granted pursuant to this article shall not apply to a bus which is entitled to be registered or identified as part of a prorated fleet.

(d) **Extent of Reciprocity.**—The reciprocity granted pursuant to this article shall permit the interstate operation of a bus and intrastate operation which is incidental to a trip of such bus involving interstate operation.

(e) **Other Agreements.**—Nothing in this agreement shall be construed to prohibit any of the contracting States from entering into separate agreements with each other for the granting of temporary permits for the intrastate operation of vehicles registered in the other State; nor to prevent any of the contracting States from entering into agreements to grant reciprocity for intrastate operation within any zone or zones agreed upon by the States.

Article VI Withdrawal or Revocation

Any contracting State may withdraw from this agreement upon 30 days written notice to each other contracting State, which notice shall be given only after the repeal of this agreement by the legislature of such State, if adoption was by legislative act, or after renunciation by the appropriate administrative official of such contracting State if the laws thereof empower him so to renounce.

Article VII
Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating herein, the compact shall remain in full force and effect as to the remaining party States and in full force and effect as to the State affected as to all severable matters.

§ 8102. Secretary of Transportation to be administrator.

As used in the agreement, with reference to this State, the term "administrator" shall mean the Secretary of Transportation.

§ 8103. Exemptions from agreement and changes in reporting.

(a) General rule.—The Secretary of Transportation shall have the power to make such exemptions from the coverage of the agreement as may be appropriate and to make such changes in methods for the reporting of any information required to be furnished to this State pursuant to the agreement as, in his judgment, shall be suitable.

(b) Limitations.—Any such exemptions or changes shall not be contrary to the purposes set forth in Article I of the agreement and shall be made in order to permit the continuance of uniformity of practice among the contracting states with respect to buses.

(c) Authority exercised by rule or regulation.—Any such exemptions or changes shall be made by rule or regulation and shall not be effective unless made in accordance with the act of July 31, 1968 (P.L. 769, No. 240), known as the "Commonwealth Documents Law."

§ 8104. Governor to give notice of withdrawal from agreement.

Unless otherwise provided in any statute withdrawing this State from participation in the agreement, the Governor shall be the officer to give notice of withdrawal therefrom.

§ 8105. Applicability of other provisions of title.

The other provisions of this title shall, to the extent that they are inconsistent with the compact, be inapplicable to the registration of buses as the term is defined in the compact.

SUBCHAPTER B
VEHICLE EQUIPMENT SAFETY COMPACT

Sec.

8111. Vehicle equipment safety compact enacted.

8112. Legislative findings.

8113. Applicability of other provisions of title.

- 8114. Statutory approval of commission rule, regulation or code.
- 8115. Secretary of Transportation to be commissioner.
- 8116. State employees retirement coverage for commission employees.
- 8117. Cooperation of State agencies with commission.
- 8118. Document filings and notices under bylaws.
- 8119. Submission of commission budgets.
- 8120. Inspection of commission accounts by Auditor General.
- 8121. Governor as executive head.
- 8122. Penalty for violation of compact.
- § 8111. Vehicle equipment safety compact enacted.

The Vehicle Equipment Safety Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article I Findings and Purposes

- (a) The party states find that:
 - (1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.
 - (2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.
- (b) The purposes of this compact are to:
 - (1) Promote uniformity in regulation of and standards for equipment.
 - (2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.
 - (3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this article.
- (c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

Article II Definitions

As used in this compact:

- (a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which effects the safety of operation of such vehicle or the safety of the occupants.

Article III The Commission

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the commission. The commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission.

(b) The commissioners shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission may appoint an Executive Director and fix his duties and compensation. Such Executive Director shall serve at the pleasure of the commission, and together with the treasurer shall be bonded in such amount as the commission shall determine. The Executive Director also shall serve as secretary. If there be no Executive Director, the commission shall elect a secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director with the approval of the commission, or the commission if there be no Executive Director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

(f) The commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement

system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize, and dispose of the same.

(i) The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(j) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The commission annually shall make the Governor and Legislature of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable.

Article IV Research and Testing

The commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the

commission: Provided, That such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

Article V Vehicular Equipment

(a) In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this article. No less than 60 days after the publication of a report containing the results of such study, the commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the Legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any commission rule, regulation or code to the Legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the

notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the commission pursuant to this article, if such agency specifically finds after public hearing on due notice, that a variation from the commission's rule, regulation or code is necessary to the public safety and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

Article VI Finance

(a) The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the Legislature thereof.

(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of this compact: Provided, That the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under Article III (h) hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

Article VII Conflict of Interest

(a) The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the commission and contractors with the commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the commission or on its behalf for testing, conduct of investigation or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a commission rule or regulation adopted pursuant to this article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the commission subject to cancellation by the commission.

(b) Nothing contained in this article shall be deemed to prevent a contractor for the commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

Article VIII Advisory and Technical Committees

The commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

Article IX Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until

one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article X
Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

§ 8112. Legislative findings.

The General Assembly finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment in accordance with expert knowledge and opinion.

(2) The public safety further required that such standards and requirements be uniform from jurisdiction to jurisdiction except to the extent that specific and compelling evidence supports variation.

(3) The Department of Transportation, acting upon recommendations of the Vehicle Equipment Safety Commission and pursuant to the Vehicle Equipment Safety Compact, provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this subchapter.

§ 8113. Applicability of other provisions of title.

Any other provision of this title shall continue to be of force and effect only until superseded by a rule, regulation or code adopted by the Department of Transportation pursuant to the Vehicle Equipment Safety Compact. Any such rule, regulation or code shall specify the provision or provisions of existing statute being superseded in accordance with and as required by this subchapter. Any such provision or provisions are hereby repealed, effective on the date when the rule, regulation or code superseding such provision or provisions becomes effective pursuant to the Vehicle Equipment Safety Compact, but any violations occurring before the said date shall be prosecuted under the other provisions of this title.

§ 8114. Statutory approval of commission rule, regulation or code.

Pursuant to Article V (e) of the Vehicle Equipment Safety Compact, it is the intention of the General Assembly and it is hereby provided that no

rule, regulation or code issued by the Vehicle Equipment Safety Commission in accordance with Article V of the compact shall take effect until approved by statute.

§ 8115. Secretary of Transportation to be commissioner.

(a) General rule.— The commissioner of this State on the Vehicle Equipment Safety Commission shall be the Secretary of Transportation who shall serve during his continuance as the secretary.

(b) Appointment and authority of alternate.—The commissioner of this State appointed pursuant to this section may designate an alternate from among the officers and employees of the department to serve in his place and stead on the Vehicle Equipment Safety Commission. Subject to the provisions of the compact and bylaws of the Vehicle Equipment Safety Commission, the authority and responsibilities of such alternate shall be as determined by the commissioner designating such alternate.

§ 8116. State employees retirement coverage for commission employees.

The State Employees' Retirement System may make an agreement with the Vehicle Equipment Safety Commission for the coverage of the commission's employees pursuant to Article III (f) of the compact. Any such agreement, as nearly as may be, shall provide for arrangements similar to those available to the employees of this State and shall be subject to amendment or termination in accordance with its terms.

§ 8117. Cooperation of State agencies with commission.

Within appropriations available therefor, the departments, agencies and officers of the government of this State may cooperate with and assist the Vehicle Equipment Safety Commission within the scope contemplated by Article III (h) of the compact. The departments, agencies and officers of the government of this State are authorized generally to cooperate with said commission.

§ 8118. Document filings and notices under bylaws.

Filing of documents as required by Article III (j) of the compact shall be with the Department of Transportation. Any and all notices required by commission bylaws to be given pursuant to Article III (j) of the compact shall be given to the commissioner of this State or his alternate, if any.

§ 8119. Submission of commission budgets.

Pursuant to Article VI (a) of the compact, the Vehicle Equipment Safety Commission shall submit its budgets to the Department of Transportation.

§ 8120. Inspection of commission accounts by Auditor General.

Pursuant to Article VI (e) of the compact, the Auditor General is hereby empowered and authorized to inspect the accounts of the Vehicle Equipment Safety Commission.

§ 8121. Governor as executive head.

The term "executive head" as used in Article IX (b) of the compact shall, with reference to this State, mean the Governor.

§ 8122. Penalty for violation of compact.

Any person violating the provisions of Article VII of the compact and rules made pursuant thereto is guilty of a misdemeanor of the third degree.

Section 2. Transition Provisions.

(a) Suspensions.—All suspensions ordered by the Secretary of Transportation under former section 618(b)(2) of the act of April 29, 1959 (P.L.58, No.32), known as “The Vehicle Code,” are rescinded as of the effective date of the point system as set forth in section 8 of this act and the secretary shall not order any further suspensions under former section 618(b)(2) for violations committed prior to such effective date.

(b) Points.—All points assigned to the records of licensed persons under former section 619.1 of “The Vehicle Code” shall be deleted from the records of the licensees and thereafter may not be used as a basis for suspension of operating privileges and no points shall be added to the records of any licensees on account of any violations committed prior to the effective date of the point system as set forth in section 8 of this act.

(c) Return of suspended licenses.—The department shall return the licenses of all drivers who are serving suspensions under former sections 618(b)(2) or 619.1 of “The Vehicle Code.” Such drivers shall not drive until they have received their licenses.

(d) Purge of records.—

(1) All suspensions and convictions under former sections 618(b)(2) and 619.1 of “The Vehicle Code” which occurred prior to July 1, 1973, shall be purged from the records of licensees on June 30, 1976.

(2) All other suspensions and convictions under former sections 618(b)(2) and 619.1 of “The Vehicle Code” shall be purged from the records of licensees on June 30, 1979.

(3) No suspensions and convictions under former sections 618(b)(2) and 619.1 of “The Vehicle Code” shall constitute prior suspensions for the purpose of determining the length of suspensions under 75 Pa.C.S. § 1539 (relating to suspension of operating privilege on accumulation of points).

(e) Implementing regulations.—Immediately upon the final enactment of this act, the Department of Transportation shall promulgate regulations to implement the provisions of 75 Pa.C.S. §§ 1535 (relating to schedule of convictions and points) through 1539 (relating to suspension of operating privilege on accumulation of points) by assigning points as prescribed in 75 Pa.C.S. § 1535(a) for similar violations occurring prior to the effective date of this act under the act of April 29, 1959 (P.L.58, No.32), known as “The Vehicle Code.” The regulations may be promulgated without compliance with statutory requirements relating to notice of proposed rule making and public hearings, may be made effective immediately upon publication in the Pennsylvania Bulletin and may be made retroactive to the date of final enactment of this act.

(f) Staggered registration renewal system.—The system of staggered registration renewal provided for in 75 Pa.C.S. § 1307 (relating to period of registration) as added by this act shall be implemented no later than July 1, 1978, in coordination with the expiration of registration periods for various types of vehicles under existing law.

(g) Colored photo on driver's license.—The requirement for a color photograph on a driver's license provided for in 75 Pa. C.S. § 1510 (relating to issuance and content of driver's license) as added by this act shall be implemented no later than July 1, 1978.

(h) Exemption of existing drivers from examination.—At the time of the first renewal following the effective date of this act, a driver holding a valid driver's license issued by the department may have the renewed driver's license endorsed with one or more classes of vehicles based on experience in driving the classes of vehicles without undergoing an examination.

Section 3. Fines and Penalties under Vehicle Code of 1959.

(a) Grading of offenses and amount of fines.—

(1) Any person convicted of violating section 1022 (unattended motor vehicle) of the act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle Code," shall be sentenced to pay a fine of \$5.

(2) Any person convicted of violating section 1021 (parking in prohibited places) or 1021.1 (parking on private property) of "The Vehicle Code" shall be sentenced to pay a fine of \$15.

(3) Any person convicted of violating any of the following sections of "The Vehicle Code" shall be sentenced to pay a fine of \$25:¹

Section	Subject
1001	Reckless driving
1003	Obedience railroad warning signs
1004	Driving on right side of highway
1005	Intersection and railway grade crossings
1006	Meeting of vehicles
1007	Overtaking a vehicle
1008	Limitations on overtaking and passing
1009	Giving way to overtaking vehicle
1010	Following too closely
1010.1	Motorcycles abreast of each other
1011	Turning at intersection
1012	Signals for certain movements
1013	Right-of-way
1014	Exceptions to right-of-way rule
1015	Actions on approach of emergency vehicles
1016	Stopping at highways and intersections
1016.1	Yielding right-of-way
1017	Passing streetcars
1019	Safety zone and medial strip violations
1020	Stopping on highway
1024	Tampering with vehicles
1027(c)	Duty to stop in event of accident
1027(d)	Duty to stop in event of accident
1028	Traffic signal interpretations

¹ "1018 Passing school buses" in original.

1029	Stopping at railway grade crossings
1030	Driving over fire hose
1031	Speed on bridges
1032	Soliciting business along highway
1033	Pedestrians soliciting rides
1034	Multiple-beam road lighting equipment
1036	Driving on Pennsylvania Turnpike
1039	Protection of blind pedestrians
1040	Passengers in trailers

(4) Any person convicted of violating section 1002 (restrictions as to speed) of "The Vehicle Code" shall be sentenced to pay a fine of \$35 and, if convicted of exceeding the maximum speed limit by more than five miles per hour, an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(5) Any person convicted of violating section 1043(a) (abandonment of motor vehicle) of "The Vehicle Code" shall be sentenced to pay a fine of \$50 and costs of disposing of the vehicle under sections 1222 through 1222.6.

(6) Any person convicted of violating section 1018 (passing school buses) of "The Vehicle Code" shall be sentenced to pay a fine of \$100.

(7) Any person violating section 1038 (driving without lights to avoid identification or arrest), 1041 (speed contests and drag races) or 1043(b) (stripping of motor vehicle) of "The Vehicle Code" is guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of \$200.

(8) Any person convicted of violating section 1025 (throwing or dumping material from vehicle) of "The Vehicle Code" shall be sentenced to pay a fine not exceeding \$300.

(9) Any person violating section 1027(a),(b) or (e)¹ (duty to stop in event of accident) or 1037 (driving under influence of liquor or drugs) of "The Vehicle Code" is guilty of a misdemeanor of the third degree and subject to the penalties prescribed by law.

(b) Disposition of fines, penalties and forfeitures.—

(1) State Police enforcement.—When prosecution under the provisions of "The Vehicle Code" is the result of State Police action, all fines and penalties and all bail forfeited shall be paid to the Department of Revenue, transmitted to the State Treasury and credited to the Motor License Fund. One-half of the revenue shall be paid to municipalities in the same ratio provided in section 4 of the act of June 1, 1956 (P.L.1944, No.655), relating to partial allocation of liquid fuels and fuel use tax proceeds.

(2) Local police enforcement except for parking.—When prosecution under the provisions of "The Vehicle Code," except for parking, is the result of local police action, one-half of all fines and penalties and all bail forfeited shall be paid to the political subdivision

¹ "(c)" in original.

under which the local police are organized and one-half to the Department of Revenue, transmitted to the State Treasury and credited to the Motor License Fund.

(3) Local police enforcement of parking.—When prosecution under the provisions of “The Vehicle Code” for parking is the result of local police action, all fines and penalties and all bail forfeited shall be paid to the political subdivision under which the local police are organized.

(c) Costs.—

(1) Except as provided in paragraph (2), any person convicted of a summary offense under “The Vehicle Code” shall, in addition to the fine imposed, be sentenced to pay \$10 as costs of the issuing authority which costs shall include all charges including, when called for, the costs of postage and registered or certified mail and the costs of giving a transcript to the prosecutor or defendant, or both, if requested.

(2) Where the person charged with a summary offense under “The Vehicle Code” demands a hearing, the costs of the issuing authority shall be \$15, which costs shall include all charges including the charges specified in paragraph (1).

(d) Expiration of section.—This section shall expire upon the effective date of this act as set forth in section 8(a) of this act.

Section 4. Saving Provision.—The provisions of Title 75 of the Pennsylvania Consolidated Statutes as added by this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty, or punish any offense, under the authority of any statute repealed by this act.

Section 5. Severability.—If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 6. Applicability of Statutory Construction Act.—The provisions of 1 Pa.C.S. §§ 1952 (relating to effect of separate amendments on code provisions enacted by same General Assembly) and 1974 (relating to effect of separate repeals on code provisions by same General Assembly) shall not be applicable to any provisions of Title 75 of the Pennsylvania Consolidated Statutes as added by this act or any act repealed by this act.

Section 7. Repeals.

(a) Specific repeals.—The following acts are repealed:

Act of April 23, 1889 (P.L.44, No.43), entitled “An act defining the rights and regulating the use of bicycles and tricycles.”

Act of April 1, 1925 (P.L.100, No.71), entitled “An act making it unlawful to drive over certain inter-state bridges with loads of excessive weight; and inflicting penalties.”

Act of May 14, 1929 (P.L.1721, No.563), entitled, as amended, “An act providing for the service of process in civil suits on nonresident operators,

nonresident owners or nonresident persons in whose behalf a motor vehicle or motor boat is being operated or motor vehicles or motor boats operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle or motor boat on the public highways or on inland or tidal waters of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of the Commonwealth of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit."

Act of May 10, 1951 (P.L.275, No.48), entitled "An act authorizing, in certain cases, the renewal of motor vehicle operators' licenses for persons honorably discharged from the armed forces of the United States or from any women's organization officially connected therewith, without a learner's permit, examination or additional fee; and while in such service, the operation of motor vehicles without renewal of operator's license; and the temporary suspension of existing laws requiring the same."

Act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle Code."

Act of August 1, 1963 (P.L.479, No.250), entitled "An act providing for a system of registration of motor buses and omnibuses on a proration basis among States adopting the same procedure."

Act of August 6, 1963 (P.L.536, No.286), entitled "An act providing for the entry of the Commonwealth into a compact with other states relating to vehicle safety equipment and imposing powers and duties on the Department of Revenue, the Auditor General and the Governor in relation thereto."

Act of August 12, 1971 (P.L.299, No.75), entitled "An act regulating snowmobiles, providing for registrations and fees, and providing penalties."

(b) General repeal.—All other acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 8. Effective Date.

(a) General rule.—Except as otherwise provided in this section, this act shall take effect July 1, 1977.

(b) Point system.—Sections 1535 (relating to schedule of convictions and points) through 1539 (relating to suspension of operating privilege on accumulation of points) and sections 1541 (relating to period of revocation or suspension of operating privilege) through 1545 (relating to restoration of operating privilege) of Title 75 as added by this act shall take effect immediately.

(c) Removal of vehicles.—Section 3352 of Title 75 (relating to removal of vehicle by or at direction of police) as added by this act shall take effect immediately.

(d) Tire studs.—Section 4525(c) of Title 75 (relating to tire studs) as added by this act shall take effect May 1, 1978.

(e) Sale, publication and disclosure of records.—Section 6114 of Title 75 (relating to limitation on sale, publication and disclosure of records) as added by this act shall take effect immediately.

(f) Fines and penalties under Vehicle Code of 1959.—Section 3 of this act shall take effect July 1, 1976, or immediately, whichever is later.

APPROVED—The 17th day of June, A. D. 1976.

MILTON J. SHAPP