

No. 1980-68

AN ACT

SB 10

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing certain fees; providing for identification markers; adding certain enforcement powers; providing for stationary scales and the weights of vehicles; changing certain penalties; providing for the distribution of certain funds; and making repeals.

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

Section 1. Section 102 of Title 75, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended by adding a definition to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

“Motor carrier vehicle.” A truck, truck tractor or combination having a gross weight or registered gross weight in excess of 17,000 pounds.

* * *

Section 2. Sections 1916, 1920, 1928, 1952(a), 1955(a) and 1958 of Title 75, section 1916 amended February 15, 1980 (No.8), are amended to read:

§ 1916. Trucks and truck tractors.

(a) General rule.—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] 54
3	7,001 - 9,000	[84] 102
4	9,001 - 11,000	[108] 132
5	11,001 - 14,000	[132] 162
6	14,001 - 17,000	[156] 192
7	17,001 - 21,000	[192] 237
8	21,001 - 26,000	[216] 270
9	26,001 - 30,000	[252] 315
10	30,001 - 33,000	[300] 378

11	33,001 - 36,000	[324]	414
12	36,001 - 40,000	[342]	438
13	40,001 - 44,000	[360]	465
14	44,001 - 48,000	[384]	501
15	48,001 - 52,000	[420]	552
16	52,001 - 56,000	[444]	588
17	56,001 - 60,000	[501]	666
18	60,001 - 64,000	[552]	741
19	64,001 - 68,000	[576]	777
20	68,001 - 73,280	[606]	834
21	73,281 - 76,000		1065
22	76,001 - 78,000		1089
23	78,001 - 78,500		1101
24	78,501 - 79,000		1113
25	79,001 - 80,000		1125

(b) **Optional registration.**—Any vehicle falling within the range of weights for Classes 1 through 4, inclusive, shall notwithstanding any gross vehicle weight stamped on the manufacturer's serial plate, be registered, upon request of the person making application for registration, at the maximum allowable gross or combination weight for the particular weight class within which the gross vehicle weight determined by the manufacturer causes such vehicle to fall.

§ 1920. Trailers.

(a) **General rule.**—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

(b) **Optional five-year registration.**—A trailer may be registered for a period of five years upon payment by the registrant of the applicable fee for such period.

§ 1928. Temporary registration plates.

The fee payable by a dealer or other dispensing agent for a temporary registration plate shall be [§1] \$5. The charge of the agent for providing an applicant with a temporary plate shall not exceed a total of [§5] \$10.

§ 1952. Certificate of title.

(a) **General rule.**—The fee for *issuance* of a certificate of title shall be [§5] \$15.

* * *

§ 1955. Information concerning drivers and vehicles.

(a) Registrations, titles and security interests.—The fee for copies of or *written* information relating to a registration, title or security interest shall be **[\$2.50] \$5**.

* * *

§ 1958. Certificate of inspection.

The department shall charge **[25¢] \$1** for each certificate of inspection.

Section 3. Title 75 is amended by adding a section to read:

§ 1960. *Reinstatement of operating privilege.*

The department shall charge a fee of \$25 to restore a person's operating privilege following a suspension or revocation.

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

CHAPTER 21
MOTOR CARRIERS ROAD TAX
IDENTIFICATION MARKERS

Sec.

2101. Construction.

2102. Identification markers required.

2103. False statements and penalties.

2104. Special investigators; powers.

§ 2101. Construction.

This chapter shall be construed in conjunction with the act of June 19, 1964 (P.L.7, No.1), known as the "Motor Carriers Road Tax Act" and any reference to the former section 11 thereof shall be deemed a reference to this chapter.

§ 2102. Identification markers required.

(a) General rule.—The Secretary of Revenue shall provide an identification marker for every motor carrier vehicle.

(1) The identification marker must be affixed to the vehicle in an easily visible position.

(2) The identification marker shall remain the property of the Commonwealth and may be recalled for any violation of the provisions of this chapter, the "Motor Carriers Road Tax Act" or the regulations promulgated thereunder.

(b) Fee.—The fee for issuance of an identification marker shall be \$25, except that for vehicles registered in this Commonwealth, the vehicle identification marker fee shall be deemed a part of and included in the vehicle registration fee.

(c) Issuance of markers.—Identification markers shall be issued on a 12-month basis, effective April 1 of each year, and shall be valid through the next succeeding March 31; however, enforcement of this section shall not become effective until April 15 of each year as to motor carrier vehicles displaying the previous year's identification marker.

(d) Operation without identification marker unlawful.—It shall be unlawful to operate or to cause to be operated in this Commonwealth any motor carrier vehicle unless the vehicle bears the identification marker required by this section.

(1) The Secretary of Revenue may by regulation exempt from the requirement to display the identification marker motor carrier vehicles which in his opinion are clearly identifiable such that effective enforcement of this chapter will not suffer thereby.

(2) For a period not exceeding five days as to any one motor carrier, the Secretary of Revenue by letter or telegram may authorize the operation of a motor carrier vehicle or vehicles without the identification marker required when the enforcement of this section for that period would cause undue delay and hardship in the operation of such motor carrier vehicle or vehicles:

(i) The fee for such permits shall be \$5 for each motor carrier vehicle.

(ii) Conditions for the issuance of such permits shall be set forth in regulations promulgated by the Department of Revenue.

§ 2103. False statements and penalties.

(a) False statements.—Any person who willfully and knowingly makes, publishes, delivers or utters a false statement orally, or in writing, or in the form of a receipt for the sale of motor fuel, for the purpose of obtaining or attempting to obtain, or to assist any person to obtain or attempt to obtain, a credit or refund or reduction of liability for taxes under this chapter or under the “Motor Carriers Road Tax Act,” shall be guilty of a summary offense and, upon conviction thereof, for a first offense shall be sentenced to pay a fine of not less than \$100 nor more than \$500; and for each subsequent or additional offense, a fine of not less than \$200 nor more than \$500, or undergo imprisonment for a term not exceeding 90 days, or both.

(b) Other penalties.—Any person willfully violating any provision of this chapter or any provision of the “Motor Carriers Road Tax Act” not covered by any other penalty contained in this chapter, shall be guilty of a summary offense and, upon conviction thereof, for a first offense, shall be sentenced to pay a fine of not less than \$100 nor more than \$500; and, for each subsequent or additional offense, a fine of not less than \$200 nor more than \$500, or undergo imprisonment for a term not exceeding 90 days, or both. If the person convicted is a corporation, any imprisonment imposed shall be served by the responsible corporate employee.

§ 2104. Special investigators; powers.

Such employees of the Department of Revenue as are designated as special investigators, and who carry identification indicating such capacity, are hereby declared to be peace officers of the Commonwealth, are hereby given police power and authority throughout the Commonwealth to arrest on view without warrant any driver of a

motor carrier vehicle engaged in any operations in violation of any provision of this chapter or of the "Motor Carriers Road Tax Act" and shall have the power and authority upon probable cause that any such violation may have occurred to search and seize without warrant or process any motor vehicle so operated.

Section 5. Sections 4703(a), 4704, 4724, 4726, 4727(a), 4902, 4923, 4941(a), 4943, 4944, 4945(a), 4981 and 4983 of Title 75 are amended to read:

§ 4703. Operation of vehicle without official certificate of inspection.

(a) [General rule.—No registered] *General rule.—*

(1) *Except as otherwise provided in this section, no motor vehicle required to bear registration plates issued by this Commonwealth shall be driven and no [registered] trailer required to bear registration plates issued by this Commonwealth shall be moved on a highway unless the vehicle displays a currently valid certificate of inspection [and approval] issued under this chapter.*

(2) *No motor carrier vehicle shall be operated on a highway unless it displays a currently valid certificate of inspection issued under this chapter or by another state.*

* * *

§ 4704. [Notice by police officers of violation.] *Inspection by police or department personnel.*

(a) [General rule.] *Inspection in conjunction with vehicle weighing.—IEny police officer or department employee engaged in weighing vehicles as provided in Subchapter E of Chapter 49 (relating to measuring and adjusting vehicle size and weights) is authorized to inspect any items of a vehicle's equipment to determine whether they meet the standards established in department regulations.*

(b) *Inspection by police officer.—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)]~~ (c) 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)]~~ (b).

§ 4724. Suspension of certificates of appointment.

(a) General rule.—The department shall supervise and inspect official inspection stations and ~~[shall]~~ *may* 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 appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The court shall set the matter for hearing upon ~~[30]~~ 60 days' written notice to the department and take testimony and examine into the facts of the case and 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.

§ 4726. Certification of mechanics.

(a) *General rule.*—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.

(b) *Supervision and suspension.*—*The department shall supervise mechanics certified under this section and may suspend the certification issued to a mechanic if it finds that the mechanic has improperly conducted inspections or has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the depart-*

ment. The department shall maintain a list of all certified mechanics and of those whose certification has been suspended. Any suspended certificate shall be returned immediately to the department.

(c) Judicial review.—Any mechanic whose certificate has been denied or suspended under this chapter shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The court shall set the matter for hearing upon 60 days' written notice to the department and take testimony and examine into the facts of the case and determine whether the petitioner is entitled to certification or is subject to suspension of the certification under the provisions of this chapter.

§ 4727. Issuance of certificate of inspection.

(a) Requirements prior to inspection.—No vehicle except a vehicle owned by a dealer or manufacturer shall be inspected unless it is duly registered or titled in this Commonwealth or in any other jurisdiction. The owner or operator or an employee of the official inspection station shall examine the registration card or title in order to ascertain that the vehicle is registered or titled.

* * *

§ 4902. Restrictions on use of highways and bridges.

(a) [General rule.—The department] Restrictions based on condition of highway or bridge.—The Commonwealth 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 they determine that the highway or bridge[, by reason of deterioration or rain, snow or other climatic conditions,] may be damaged or destroyed unless [the] use [of] by vehicles is prohibited or the permissible [weights] size or weight of vehicles is reduced. School buses, emergency vehicles and vehicles making local deliveries or pickups may be exempted from restrictions on the use of highways imposed under this subsection.

[(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) [(b) Restrictions [from] based on traffic conditions.—The [department] Commonwealth 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] whenever they determine that hazardous traffic conditions or other safety factors require such a prohibition or restriction. School buses, emergency vehicles and vehicles making local deliveries or pickups may be

exempted from restrictions on the use of highways imposed under this subsection.

(c) Permits and security.—The Commonwealth and local authorities may issue permits for movement of vehicles of size and weight in excess of restrictions promulgated under subsections (a) and (b) with respect to highways and bridges under their jurisdiction and may require such undertaking or security as they deem necessary to cover the cost of repairs and restoration necessitated by the permitted movement of vehicles.

(d) Designation of alternate routes.—In conjunction with the exercise of the powers set forth in subsections (a) and (b), the Commonwealth may designate alternate routes for vehicles in excess of specified weights or sizes. Such alternate routes may utilize portions of the Pennsylvania Turnpike.

[(d)] (e) Erection of signs.—The [department] Commonwealth and [the] local authorities shall erect or cause to be erected and maintained restriction signs designating the restrictions at each end of [that portion of any highway or] a bridge or portion of highway 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.] or (b). In the case of a restriction on a bridge or on a highway which does not begin or end at an intersection with an unrestricted highway, the Commonwealth or local authorities shall also place an advance informational sign at the intersection nearest each end of the restricted bridge or portion of highway which would allow drivers to avoid the restricted bridge or portion of highway. No person shall be convicted of violating subsection (a) or (b) unless the restriction sign designating the restricted bridge or portion of highway to traffic moving in the direction the person was driving was posted as required in this subsection. However, failure to post the restriction sign designating the restricted bridge or portion of highway to traffic moving in the opposite direction or failure to post any advance informational sign shall not constitute a defense to a violation of this section.

(f) Actions to be in accordance with department regulations.—All actions taken under authority of this section shall be taken in accordance with department regulations.

[(e)] (g) Penalty.—

(1) 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, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

(2) Any person operating a vehicle or combination in violation of a prohibition or restriction imposed under subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$25 and not more than \$100.

§ 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~~ 60 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) (2) Any combination transporting articles which do not exceed 70 feet in length and are nondivisible as to length.

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

§ 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, *and no combination driven upon a highway shall have a gross weight exceeding the lesser of 80,000 pounds, including all enforcement tolerances, or the applicable weight set forth in subsection (b).*

* * *

§ 4943. Maximum axle weight of vehicles.

(a) General rule.—~~[No motor]~~ *Except as provided in subsection (b), no vehicle or combination [shall, when operated] driven upon a highway[,] shall have a weight upon [each of two adjacent axles] any axle in excess of the lesser of the manufacturer's rated axle capacity or the following applicable weight:*

Maximum Axle Weight in Pounds Upon:

If the Center-to-Center Distance Between ~~[Two]~~ *the Nearest*

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) Vehicles and combinations with five or more axles.—No vehicle or combination with five or more axles driven on a highway shall have a weight upon any axle in excess of the manufacturer's rated axle capacity, nor shall the overall gross weight on any group of two or more consecutive axles on combinations with an overall gross

weight in excess of 73,280 pounds exceed that produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + (12N + 36) \right)$$

Where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles and N = number of axles in group under consideration, except that two consecutive pairs of axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive pairs of axles is 36 feet or more.

(c) Gross weight.—No vehicle or combination shall be driven with a gross weight in excess of the sum of the allowable axle weights as set forth in this section, nor shall any vehicle or combination be driven with a gross weight in excess of the sum of the manufacturer's rated axle capacities.

[(b)] (d) Location of front axle of semitrailer.—No semitrailer, originally in this Commonwealth on or after September 1, [1973] 1963, 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 of *tire* on the wheel.

§ 4945. Penalties for exceeding maximum weights.

(a) Gross weight violations.—

(1) Any person [operating] driving 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] *gross weight or the* registered gross weight [allowed].

(2) If the gross weight of any vehicle or combination exceeds [73,280 pounds] *the applicable gross weight allowed under section 4941(a)*, the fine imposed under this subsection shall be [double the amount for other weight violations] *doubled*.

* * *

§ 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] Scales** on freeways.—The Department of Transportation, in cooperation with the Pennsylvania State Police, shall **[maintain] operate** 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 *persons or* 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%] 3%** 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] certified** by the Department of Agriculture. The lower reading of the two scales shall determine whether charges shall be filed under this section.

§ 4983. Penalty for **[violation of subchapter] failure to obey police officer.**

[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.] *If a driver shall fail or refuse to comply with the requirements of a police officer given pursuant to this subchapter, the police officer shall have authority to take the vehicle into temporary custody and have the vehicle weighed. In addition to any fine or penalty assessable for being overweight, any driver who fails or refuses to comply as aforesaid shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500. Any costs incurred in weighing the vehicle shall be paid by the driver to the person incurring the costs or to the issuing authority for payment to the person incurring the costs.*

Section 6. Title 75 is amended by adding chapters to read:

CHAPTER 91
STATE HIGHWAY MAINTENANCE

Sec.

- 9101. Definitions.
- 9102. Distribution of State highway maintenance funds.
- 9103. Transfers for emergency or equipment needs.
- 9104. Standards and methodology for data collection.
- 9105. Nonlapse of allocated funds for advertised projects.

§ 9101. 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:

"ASHMA." One hundred percent of all additional State highway maintenance appropriations and executive authorizations in excess of 95% of the total of all counties' base allocations.

"Base allocation." The total highway maintenance appropriations and executive authorizations received by a county maintenance district for either fiscal year 1978-1979 or, based on the best current information available to the department and certified by the Governor as of May 21, 1980, fiscal year 1979-1980, whichever is greater.

"BD." The number of square feet of State highway bridge deck in each county as a proportion of the total amount of square feet of State highway bridge deck in this Commonwealth.

"c." When used alone or in conjunction with any formula part, any given county.

"Highway maintenance." A program to preserve, repair and restore a system of existing State roadways with its elements to its designed or accepted configuration. System elements include but are not limited to travelway surfaces, shoulders, roadsides, drainage facilities, bridges, tunnels, signs, markings, lighting and fixtures. Included in the program are such traffic services as lighting and signal operation, snow and ice removal and operation of roadside rest areas. Highway maintenance programs are developed to offset the effects of weather, organic growth, deterioration, traffic wear, damage and vandalism. Deterioration would include effects of aging, material failures and design and construction faults to existing State highways.

"LM." The number of actual State highway lane miles in each county as a proportion of the total number of State highway lane miles in this Commonwealth.

"RPQ." The Relative Pavement Quality Index which shall be based upon a Road Quality Report which entails the use of trained professionals to physically evaluate the conditions of the highways in each county on a periodic basis. The criteria for determining any road deficiencies shall include but not be limited to road surface, foundation, drainage, shoulders and other safety features such as road striping, guardrails, median barriers and signs. The index shall provide a reasonable comparison of highway quality and conditions between all counties. The report shall be submitted annually to the Transportation Committees of the Senate and House of Representatives for their review.

"SI." The snow index for each county is the product of an average of the immediately preceding four calendar years snow days for each county times the number of State highway lane miles in each county as a proportion of the sum of the products (snow days times lane miles) for every county in this Commonwealth.

“Snow day.” Any day in which the snow fall reached or exceeded one inch in depth.

“Vehicle miles.” The total number of miles traveled by all vehicles on State maintained roads within a county as determined by the department.

“VM.” The number of vehicle miles traveled in each county as a proportion of the total vehicle miles traveled in this Commonwealth.

§ 9102. Distribution of State highway maintenance funds.

(a) General rule.—The department shall distribute all highway appropriations and executive authorizations for State highway maintenance in the various county maintenance districts in the following manner:

(1) For any fiscal year in which the total highway maintenance appropriations and executive authorizations are equal to the combined total base allocations for all the county maintenance districts, each maintenance district shall receive its base allocation.

(2) For any fiscal year in which the total highway maintenance appropriations and executive authorizations are less than the combined total base allocations of all the county maintenance districts, each maintenance district's share shall be reduced, to the extent necessary to bring the total allocation within the funding limits, in the same proportion that each county's base allocations bears to the combined total of all counties' base allocations.

(3) For any fiscal year in which the total highway maintenance appropriations and executive authorizations are greater than the combined total base allocations of all the county maintenance districts, the funds shall be distributed based upon the formula in subsection (b), but notwithstanding the formula calculation for any particular county, no county shall receive less than its base allocation in any year.

(b) Formula for distribution.—The department shall distribute to each county maintenance district:

(1) an amount equal to 95% of the county's base allocation; plus

(2) an amount based on the following incremented formula in which each county shall receive a portion of 100% of all State highway maintenance appropriations and executive authorizations in excess of 95% of the total of all counties' base allocations, expressed in the following manner:

ASHMA (40% RPQc + 15% BDc + 15% LMc + 15% VMc + 15% S1c)

(c) Establishment of applicable data.—The applicable data for all counties corresponding to each individual factor in the incremental formula in subsection (b) shall be established and certified by the Governor based on the best current information available as of May 21, 1980, and such data shall be updated and recertified on May 1 of each year thereafter based on the best information available at that time for the immediately preceding 12-month period.

(d) Effect of insufficient funds.—In the event sufficient funds are not available to fully fund all county maintenance districts under the formula in subsection (b) due to the hold harmless provision in subsection (a), each county maintenance district receiving an increase above its base allocation shall have its share reduced in the proportion that the increase over its base allocation bears to the total increases over the base allocation of all counties entitled to an increase, to the extent necessary to bring the total allocations within the funding limit. § 9103. Transfers for emergency or equipment needs.

(a) General rule.—If the need arises for transfers to counties because of emergency or equipment needs, the department shall draw from the allocations of all counties in a manner such that the proportion of the transfer for any given county equals the proportion of the total allocation for that county to the total highway maintenance appropriations and executive authorizations.

(b) Effect on subsequent allocation.—Expenditures from transfers made to or from any county for emergency or equipment needs shall not become a part of the computation for such county for the subsequent years' maintenance allocation.

§ 9104. Standards and methodology for data collection.

The department shall initially determine the standards and methodology for data collection and shall, within ten days of the effective date of this chapter, promulgate them in the form of regulations and publish them in the Pennsylvania Bulletin as a basis for making such determinations in subsequent years.

§ 9105. Nonlapse of allocated funds for advertised projects.

Where bids have been advertised for projects that would use funds allocated to any county maintenance district for a particular fiscal year but because of the bidding process the contract or contracts were not awarded before the close of that fiscal year, the county's allocation for that fiscal year shall not lapse but may be allocated to the particular contract that was not awarded because of the incompleteness of the bidding process. Any additional allocation remaining after all such contracts are let shall lapse as of the date of the awarding of the last of the contracts.

CHAPTER 93 SUPPLEMENTAL FUNDING FOR MUNICIPAL HIGHWAY MAINTENANCE

Sec.

9301. Supplemental funding for municipal highway maintenance.

§ 9301. Supplemental funding for municipal highway maintenance.

The General Assembly shall annually appropriate, beginning with the 1980-1981 fiscal year, the sum of \$5,000,000 for supplemental payments to municipalities to assist in the maintenance and construction costs of municipal roads. The moneys appropriated by authority of this section shall be distributed to municipalities in accordance with

the provisions of the act of June 1, 1956 (1955 P.L.1944, No.655), entitled "An act providing a permanent allocation of a part of the fuels and liquids fuels tax proceeds to cities, boroughs, incorporated towns and townships, for their road, street and bridge purposes; conferring powers and imposing duties on local officers and the Department of Highways; and making an appropriation out of the Motor License Fund; and repealing existing legislation."

Section 7. Sections 11, 13, 15, 21 and 25, act of June 19, 1964 (P.L.7, No.1), known as the "Motor Carriers Road Tax Act," are repealed.

Section 8. This act shall take effect as follows:

(1) The provisions of 75 Pa.C.S. Ch. 91 (relating to State highway maintenance) shall take effect immediately.

(2) The provisions of 75 Pa.C.S. Ch. 93 (relating to supplemental funding for municipal highway maintenance) shall take effect July 1, 1980.

(3) The remaining provisions of this act shall take effect in 60 days. However, the provisions of 75 Pa.C.S. § 2102 (relating to identification markers required) insofar as it provides an increase in the annual fee for identification markers shall be applicable only to those markers acquired after the effective date of this act and shall not affect any valid current identification markers for the remainder of the period for which they were issued.

APPROVED—The 18th day of June, A. D. 1980.

DICK THORNBURGH