

No. 1986-90

AN ACT

SB 670

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for penalties for failure to register certain vehicles, for weighing of vehicles and for the operation and equipment of certain motorcycles.

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

Section 1. The definition of "gross weight" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 102. Definitions.

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

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"Gross weight." The combined weight of a vehicle or combination of vehicles and its load [and driver] *excluding the driver's weight*.

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Section 2. Sections 1301(a) and (d), 1504(d)(1), 3525, 4981(a) and 4982(c) of Title 75 are amended to read:

§ 1301. Registration and certificate of title required.

(a) Driving unregistered vehicle prohibited.—No person shall drive or move and no owner shall knowingly permit to be driven or moved upon any highway any vehicle which is not registered *in this Commonwealth* unless the vehicle is exempt from registration.

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(d) Penalty.—Any person violating the provisions of subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75 or double the registration fee, whichever is greater, except when the vehicle was previously registered within 60 days of the commission of the offense whereupon the fine shall be \$25. In the case of a motor carrier vehicle other than a trailer, the fine *shall be \$50 if the motor carrier vehicle was previously registered within 60 days of the commission of the offense or, if the registration occurs outside the 60-day period, the fine* shall be double the registration fee for the maximum weight at which the vehicle could have been registered in this Commonwealth.

§ 1504. Classes of licenses.

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(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. Any fireman who is the holder of a Class 1 license and who has a certificate of authorization from his fire chief shall be authorized to operate any vehicle registered to the fire department regardless of the other requirements of this section as to the class of license required. The holder of a Class 1 license shall also be authorized to drive a motorized pedalcycle *or a three-wheeled motorcycle equipped with an enclosed cab*. 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.

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§ 3525. Protective equipment for motorcycle riders.

(a) Protective headgear.—[No] *Except as provided in subsection (d), 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] *Except as provided in subsection (d), no person shall operate or ride upon a motorcycle (other than a motorized pedalcycle) 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.

(d) *Exception.—The provisions of subsections (a) and (b) shall not apply to the operator or any occupant of a three-wheeled motorcycle equipped with an enclosed cab.*

§ 4981. Weighing and measurement of vehicles.

(a) Authority of police officers and qualified department employees.—Any police officer or qualified department employee 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, *provided that when portable scales more than one inch in height are used, sufficient ramp blocks shall be made available to allow the vehicle or combination to mount the scales safely*. The weighing shall be conducted by qualified personnel who have been trained in the use of weighing equipment in a training program approved by the Department of Agriculture. *The personnel performing the weighing on all highways and interstates in this Commonwealth shall inform the drivers of the vehicle of the right to readjust or rearrange the load under section 4982(c) (relating to reducing or readjusting loads of vehicles). The driver or owner, if present, of any vehicle or combination may, at the time of weighing, witness in an orderly fashion the weighing procedure. If the driver wishes to witness the procedure from outside the cab of the vehicle, he shall be required to turn off the engine, put the transmission in gear and set the*

emergency brake before leaving the cab. A police officer or qualified department employee may require that a vehicle or combination be driven to the nearest stationary scales if the scales are within two miles.

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§ 4982. Reducing or readjusting loads of vehicles.

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(c) Load adjustment to avoid prosecution.—If the gross weight of the vehicle or combination does not exceed the maximum allowable gross weight *plus 3% tolerance for scale error* 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 *plus 3% tolerance for scale error as authorized in section 4981(c) (relating to weighing and measurement of vehicles)*. 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). *The provisions of this subsection shall not apply to any loads which exceed the amount of weight for which a permit was issued.*

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Section 3. (a) The amendments to sections 1301 and 4982 shall take effect immediately.

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

APPROVED—The 8th day of July, A. D. 1986.

DICK THORNBURGH