

No. 1994-115

AN ACT

HB 1313

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for application for certificate of title, for vehicles exempt from registration, for registration plates for manufacturers and dealers, for use of dealer registration plates, for wild resource conservation plates, for surrender of registration plates and cards upon suspension or revocation, for drivers' licenses and permits, for schedule of convictions and points, for suspension of operating privilege for failure to respond to citation, for revocation of habitual offender's license, for periods of driver's license revocation or suspension, for occupational limited license, for proof of financial responsibility, for farm vehicles and for information concerning drivers and vehicles; providing for secure power of attorney; further providing for requirement for periodic inspection of vehicles; providing for the institution of criminal proceedings by employees of the Department of Transportation and the Department of Revenue and for widths of motor homes and recreational trailers; further providing for odometer disclosure requirements; providing for payment to Department of Transportation by credit or debit card and electronic funds transfer; further providing for mobile homes, modular housing units and modular housing undercarriages; providing for permits for movement of a mobile home or a modular housing unit and modular housing undercarriage; adopting North Radcliffe Street in Bristol Township, Bucks County as a State highway; and making a repeal.

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

Section 1. The definition of "farm truck" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended and the section 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:

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["Farm truck." A truck determined by the department to be used exclusively for agricultural purposes.]

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"Secure power of attorney." A document printed with security features containing all information required by Federal law and regulations which a transferor may use when a vehicle is transferred to authorize a transferee to disclose odometer mileage in lieu of the transferor completing the odometer information on a certificate of title in the event that the transferor's certificate of title is encumbered by a lienholder.

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Section 2. Section 1103.1 of Title 75 is amended by adding a subsection to read:

§ 1103.1. Application for certificate of title.

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(d.1) Presumption of receipt and grace period prior to prosecution.—Within one business day of receiving an application referring to a vehicle purchased from a dealer, the department shall stamp the application with a work identification number, which shall include the year and day that the application was received at the department. In determining whether a dealer has submitted an application in accordance with subsection (d), an additional ten-day period shall be calculated and allotted to the dealer to account for any possible delay of the mail or by the department in timely stamping an application as to the year and day received. No issuing authority or court shall extend this period. An application, or copy thereof certified by the department, which displays the stamped work identification document number shall be accepted by any issuing authority or court in any proceeding as prima facie evidence of the date that the application was received by the department. If the displayed stamp is not legible, a certification by the department of the date that the application was received shall be accepted by the issuing authority or court as prima facie evidence of that date.

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Section 3. Sections 1302, 1335(a), 1336, 1352 and 1376 of Title 75 are amended to read:

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

(1) Any vehicle used 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, trailer or semitrailer determined by the department to be used exclusively for agricultural operations and only infrequently operated upon highways. 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:

(i) Parts of one such farm.

(ii) Such farms located not more than 25 miles apart.

(iii) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies or for delivery, 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(a) (relating to permit for movement of 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 or invalid motorized pedalcycle.

(9) Any mobile home or modular housing unit.

(10) Any farm **[truck] vehicle** used exclusively upon a farm or farms owned or operated by the owner of the vehicle.

(i) **[Such a farm truck may be driven upon highways only from sunrise to sunset and between:]** *Such a farm vehicle which does not qualify as a motor carrier vehicle may be driven upon highways only from sunrise to sunset. However, a farm vehicle which qualifies as a motor carrier vehicle and displays a currently valid certificate of inspection may be driven upon highways without any restriction as to time.*

(ii) *Such a farm vehicle may only be driven on highways between:*

(A) Parts of one such farm.

(B) Such farms located not more than **[ten] 25** miles apart.

(C) Such farm or farms and a place of business located within a radius of **[ten] 25** miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of **[25] 50** miles from such farm or farms for the purpose of repair or servicing of the farm **[truck.] vehicle**.

[(ii)] (iii) A biennial certificate of exemption shall be required for such a farm **[truck.] vehicle**.

(iv) *The owner of the farm vehicle shall maintain such minimum levels of liability insurance coverage on the vehicle as are required to be maintained under Chapter 17 (relating to financial responsibility) by owners of registered motor vehicles. The owner shall satisfy the requirements of this subparagraph if the minimum amounts of liability insurance coverage for the farm vehicle have been provided under farm liability insurance coverage maintained generally by the owner. Coverage prescribed in Subchapter B of Chapter 17 shall not be required to be maintained or provided for the farm vehicle.*

(11) Any trailer or semitrailer, including but not limited to non-self-propelled special mobile equipment, to be used primarily for off highway use and only operated incidentally upon the highway.

(12) Any military vehicle used for training by a private, nonprofit, tax exempt military educational institution when such vehicle does not travel

on public roads in excess of one mile and the property on both sides of the public road is owned by the institution.

(13) Any oversized or overweight vehicle which may be moved or operated only under a permit and without a load pursuant to section 4961(a) (relating to authority to issue permits) and 4962(f) (relating to when loads permitted).

(14) Any vehicle used for golf course or resort maintenance when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by said golf course or resort.

(15) Any motor vehicle being towed.

(16) Any trailer registered in another state towed by a motor vehicle registered in this Commonwealth provided:

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

(ii) the towing vehicle is being operated under a permanent lease to a person meeting the requirements of subparagraph (i).

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

(i) Parts of one such farm.

(ii) Such farms located not more than two miles apart.

(18) Any farm and garden vehicle under 16 horsepower driven incidentally upon a highway, as determined by the department.

(19) A tow dolly.

§ 1335. Registration plates for manufacturers and dealers.

(a) General rule.—***[The] Upon posting of a bond in the amount of \$20,000 and approval of an application in accordance with departmental regulations, the department shall issue to dealers and manufacturers who are licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons and to other dealers [governed by department] designated by departmental regulations, [upon posting of a bond in the amount of \$20,000,] special registration plates which may be displayed on vehicles [operating on highways] in lieu of registering each vehicle individually.***

* * *

§ 1336. Use of dealer registration plates.

(a) General rule.—

[(1) Dealer registration plates may be used on any vehicle owned or in possession of a dealer or manufacturer, but only if the vehicle is being held for sale. The vehicle shall be unladen except for safety equipment, jumper cables and similar items and used for either of the following purposes:

(i) for the personal use of the dealer or members of his immediate family, or when the dealer is a corporation, for the

personal use of the officers or members of their immediate families, or for the personal use of the regular employees of the dealer; or
 (ii) for transit to or from a location from which it is purchased or offered for sale or inspected.

(2)] Dealer registration plates may be [used] *displayed* on any [laden or unladen] vehicle *which is* owned or in *the* possession of a dealer or manufacturer *and such a vehicle may be operated upon the highway*, but only if the vehicle is being held for sale and is being used for any of the following purposes:

[(i)] (1) 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.

[(ii)] (2) For testing *or inspection of* vehicles in the possession of the dealer within a radius of 25 miles of the place of business of the dealer. Vehicles in the possession of the manufacturer may be tested within a radius of 50 miles of the place of business of the manufacturer.

[(iii)] (3) For demonstrating vehicles in the possession of the dealer or manufacturer at no cost to a prospective purchaser.

[(iv)] (4) For loaning to customers whose vehicles are being repaired *if the loan period does not exceed 30 days*.

[(v)] (5) For loaning to a prospective [purchasers] *purchaser* for a period not exceeding five days for the purpose of demonstrating *the* vehicles.

(6) *For loaning to charitable organizations as defined by departmental regulations for use in charitable activities authorized by departmental regulations.*

(7) *For transit to or from a show, exhibit or auction where the vehicle is purchased by the dealer or offered for sale to prospective purchasers.*

(b) *Personal use.*—A vehicle displaying dealer registration plates which is owned by a dealer or manufacturer, is held for sale and does not exceed a gross vehicle weight rating of 7,000 pounds may be operated upon the highways of this Commonwealth for the personal use of the following:

(1) *The dealer or members of his or her immediate family when the dealer is a sole proprietorship.*

(2) *The officers, partners or members of their immediate families when the dealer is a corporation or partnership.*

(3) *The regular employees of the dealer.*

(c) *Commercial use prohibited.*—Except as specifically authorized by subsections (a) and (b), dealer registration plates shall not be used on vehicles for a commercial purpose, including parts or delivery vehicles, courtesy shuttle vehicles, wreckers, roll backs, truck tractors and trucks.

(d) *Limited use.*—Limited use of certain types of dealer plates shall be as follows:

(1) *A motor driven cycle or motorized pedalcycle dealer plate shall be used only on motor driven cycles and motorized pedalcycles.*

(2) *A motorcycle dealer plate shall be used only on motorcycles, motor driven cycles and motorized pedalcycles. In addition, a motorcycle dealer plate may be used on other vehicles owned or in possession of the motorcycle dealer only when the vehicle is being demonstrated for a prospective purchaser.*

(3) *A trailer dealer plate shall be used only on trailers.*

[(b)] (e) Records.—Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as [provided in] *permitted* by subsection [(a)(2)(i), (iv) and (v)] (a)(1), (4), (5) and (6). The records shall be open to inspection by representatives of the department and police officers.

(f) *Penalty.—Any person who violates this section, in addition to any penalty, suspension or revocation imposed by the department, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100.*

§ 1352. Wild resource conservation plate.

The department, in consultation with the Wild Resource Conservation Board, shall design a special wild resource conservation registration plate. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, *motor home, trailer* or [other vehicle] *truck* with a [registered] gross *vehicle weight rating* of not more than 9,000 pounds. The Wild Resource Conservation Fund shall receive \$15 of each additional fee for this plate.

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

(a) General rule.—The department, upon suspending or revoking any registration, shall require the registration plate or plates and registration card or cards to be surrendered immediately to the department.

(b) Delegation of authority.—If [within 35 days] *after 30 days from the mail date of a notice of suspension or revocation*, the registration plates and cards are not surrendered under subsection (a), the department may delegate authority to the following persons to seize a registration plate and registration card which are required to be surrendered under subsection (a):

(1) A designated department employee.

(2) Members of the Pennsylvania State Police.

(3) Local police officers.

(4) Sheriffs or deputy sheriffs.

(5) Constables or deputy constables. If constables and deputy constables are delegated authority to seize registration plates and registration cards under this section, they shall be compensated by the department at the rate of \$15 for each registration plate and card jointly seized, plus mileage. The department shall pay a constable or deputy

constable within 30 days after a documented request for payment is submitted to it.

(b.1) Immediate seizure of registration plates and cards.—*The department may delegate authority to the persons described in this section to immediately seize registration plates and cards upon imposition of the following:*

(1) a suspension imposed pursuant to section 1374(d)(3) or (4) (relating to suspension or revocation of vehicle business registration plates) until all fees, taxes and penalties have been paid;

(2) a suspension or revocation imposed pursuant to section 1374(g);
or

(3) a suspension or revocation is reinstated after determination of a matter as provided in section 1377 (relating to judicial review).

(c) Regulations.—The department shall, by regulation, prescribe the manner of selecting those persons who are delegated authority under this section to seize the registration plates and registration cards.

(d) Penalty.—Any person failing or refusing to surrender to the department or its authorized delegate, upon demand, any registration plate or card which has been suspended or revoked is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300, plus costs. Costs shall include a reasonable fee for official seizure of the unsurrendered items.

Section 4. Section 1510(b) of Title 75 is amended and the section is amended by adding a subsection to read:

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

* * *

(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 *or whose driver's license has been surrendered to the department because of a suspension or revocation of an operating privilege under this or any other title.* 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.

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(g) *Completion of process.*—

(1) For purposes of the National Voter Registration Act of 1993 (Public Law 103-31, 42 U.S.C. § 1973gg et seq.), this subsection applies to statutes requiring determination of completion of the licensing process.

(2) The process of issuing a driver's license is complete when a license bearing the licensee's photograph, photographic facsimile or image has been issued by the department.

Section 5. Sections 1533, 1535(b), 1541(a), 1542(b)(1), 1553(d), 1786(g) and (h), 1924, 1944, 1951 and 1955 of Title 75 are amended to read:

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

(a) Violations within Commonwealth.—The department shall suspend the operating privilege of any person who has failed to respond to a citation or summons to appear before an issuing authority or a court of competent jurisdiction of this Commonwealth [or of any state] for any violation of this title, other than parking, or who has failed to pay any fine or costs imposed by an issuing authority or such courts for violation of this title, other than parking, upon being duly notified [in accordance with general rules. 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).] by an issuing authority or a court of this Commonwealth.

(b) Violations outside Commonwealth.—The department shall suspend the operating privilege of any person who has failed to respond to a citation, summons or similar writ to appear before a court of competent jurisdiction of the United States or any state which has entered into an enforcement agreement with the department, as authorized under section 6146 (relating to enforcement agreements), for any violation of the motor vehicle laws of such state, other than parking, or who has failed to pay any fine or costs imposed by such court upon being duly notified in accordance with the laws of such jurisdiction in which the violation occurred. A person who provides proof, satisfactory to the department, that the full amount of the fine and costs has been forwarded to and received by the court shall not be regarded as having failed to respond for the purposes of this subsection.

(c) Time for responding to notice.—At least 15 days before an issuing authority or court notifies the department to impose a suspension pursuant to subsection (a), the issuing authority or court shall notify the person in writing of the requirement to respond to the citation and pay all fines and penalties imposed by the issuing authority or court.

(d) Period of suspension.—The suspension shall continue until such person shall respond to the citation, summons or writ, as the case may be, and pay all fines and penalties imposed or enter into an agreement to make installment payments for the fines and penalties imposed provided that the suspension may be reimposed by the department if the defendant fails to make regular installment payments and, if applicable, pay the fee prescribed in section 1960 (relating to reinstatement of operating privilege or vehicle registration).

(e) Remedy cumulative.—A suspension under this section shall be in addition to the requirement of withholding renewal or reinstatement of a violator's driver's license as prescribed in section 1503(a) (relating to persons ineligible for licensing).

§ 1535. Schedule of convictions and points.

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(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] an offense under section 3361 (relating to driving vehicle at safe speed) or 3714 (relating to careless driving), in addition to being convicted of another offense committed at the same time and place, no points shall be assigned for violation of section 3361 or 3714 if points are assigned for the other offense.

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

(a) Commencement of period.—The period of revocation or suspension of the operating privilege or the disqualification of the commercial operating privilege shall commence as provided for in section 1540 (relating to surrender of license). No credit toward the revocation [or], suspension or disqualification shall be earned until the driver's license is surrendered to the department, the court or the district attorney, as the case may be. A nonresident licensed driver or an unlicensed driver shall submit an acknowledgment of suspension or revocation to the department in lieu of a driver's license. The department may, upon request of the person whose license is suspended or disqualified, delay the commencement of the period of suspension or disqualification for a period not exceeding six months whenever the department determines that failure to grant the extension will result in hardship to the person whose license has been suspended or disqualified.

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§ 1542. Revocation of habitual offender's license.

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(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(a) and (b) (relating to revocation or suspension of operating privilege).

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§ 1553. Occupational limited license.

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

* * *

(10) Any person whose [license] *operating privilege* has been suspended pursuant to *either* section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, *or section 1532(c) (relating to revocation or suspension of operating privilege) unless the suspension has been fully served.*

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§ 1786. Required financial responsibility.

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(g) Defenses.—

(1) No person shall be convicted of failing to produce proof of financial responsibility under this subchapter or section 3743 (relating to accidents involving damage to attended vehicle or property) or 6308 (relating to investigation by police officers) if the person produces, at the office of the issuing authority within five days of the date of the violation, proof that he possessed the required financial responsibility at the time of the violation.

(2) No person shall be penalized for maintaining a registered motor vehicle without financial responsibility under subsection (d) if, *at the time insurance coverage terminated or financial responsibility lapsed*, the registration plate and card were voluntarily surrendered to the department, *a full agent designated by the department to accept voluntarily surrendered registration plates and cards pursuant to regulations promulgated by the department* or a decentralized *service* agent appointed by the department [to issue temporary registration cards and plates pursuant to regulations promulgated by the department at the time insurance coverage terminated or financial responsibility lapsed]. The department, *a full agent* or the decentralized *service* agent, as the case may be, shall issue a receipt showing the date that the registration plate and card were received. The *designated full agent or the decentralized service* agent shall return the registration plate and card to the department accompanied by a copy of the receipt.

(h) Reinstatement of voluntarily surrendered registration plate and card.—

(1) Except as provided in paragraph (2), the original registration plate and card shall be canceled by the department and destroyed. Any person who voluntarily surrendered a registration plate and card pursuant to the provisions of subsection (g)(2) may obtain a substitute registration plate and card bearing a registration number other than that originally issued from the department, *a designated full agent* or a decentralized *service* agent, as the case may be. Proof of financial responsibility in a form approved by the department shall be submitted *together with the receipt showing the registration plate and card were voluntarily surrendered.*

(2) Any registration plate issued under sections 1340 (relating to antique and classic plates) and 1341 (relating to personal plate) shall be returned by the department to the owner of the motor vehicle upon receipt of proof of financial responsibility.

(3) *A full agent designated by the department to issue substitute temporary registration cards and plates following a voluntary surrender of registration cards and plates pursuant to regulations promulgated by the department or a decentralized service agent appointed by the department [to issue temporary registration cards and plates pursuant to regulations promulgated by the department shall] may be authorized to issue substitute temporary registration plates provided proof of financial responsibility [is] and a copy of the receipt showing the original registration plate and card were voluntarily surrendered are furnished. The fees provided pursuant to sections 1929 (relating to replacement registration plates) and 1932 (relating to duplicate registration cards) shall not be charged if the original registration plate and card were canceled pursuant to paragraph (1).*

§ 1924. Farm vehicles.

(a) General rule.—The annual fee for registration of a farm vehicle shall be \$51 or one-third of the regular fee, whichever is greater.

(b) Certificate of exemption.—The biennial processing fee for a certificate of exemption issued in lieu of registration of a farm **[truck shall be \$12.] vehicle with a gross weight or gross vehicle weight rating of 17,000 pounds or less shall be \$24.**

(c) *Certificate of exemption for farm vehicle qualifying as a motor carrier vehicle.—The biennial processing fee for a certificate of exemption issued in lieu of registration of a farm vehicle with a gross weight or gross vehicle weight rating greater than 17,000 pounds shall be \$100.*

§ 1944. Mobile homes, modular housing units and modular housing undercarriages.

The fee for a special hauling permit for a mobile home, modular housing unit or modular housing **[unit] undercarriage** which exceeds the maximum size prescribed in this title *but which does not exceed 14 feet in body width shall be [\$20.] \$25. The fee for a special hauling permit for a mobile home or modular housing unit, as provided in section 4973 (relating to permits for movement of a mobile home or a modular housing unit and modular housing undercarriage), shall be \$50.*

§ 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 *plus the cost of the photograph.*

(d) Replacement license or card.—The fee for a replacement driver's license or identification card shall be \$5 *plus the cost of the photograph.*

§ 1955. Information concerning drivers and vehicles.

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

(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.

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

§ 1961. *Secure power of attorney.*

The fee for processing a secure power of attorney submitted for the purpose of odometer disclosure when not accompanied by an application for title shall be \$15.

Section 7. Sections 4702(a) and (b), 4703(a), 4901(a) and 4907 of Title 75 are amended to read:

§ 4702. Requirement for periodic inspection of vehicles.

(a) Annual safety inspection.—Except as provided in subsection (b), the department shall establish a system of annual safety inspection of vehicles, including emergency vehicles, *farm vehicles with a gross weight or gross vehicle weight rating of greater than 17,000 pounds for which a biennial certificate of exemption has been issued* and private noncommercial vehicles used to transport students.

(b) Semiannual safety inspection of certain vehicles.—School buses, passenger vans under contract with or owned by a school district or private or parochial school, including vehicles having chartered, group and party rights under the Public Utility Commission and used to transport school students, passenger vans used to transport persons for hire or owned by a commercial enterprise and used for the transportation of employees to or from their place of employment, trailers having a registered gross weight in excess of 10,000 pounds, construction trucks for which annual permits are issued pursuant to section 4970(b) (relating to permit for movement of construction equipment), mass transit vehicles and motor carrier vehicles, *other than farm vehicles for which a biennial certificate of exemption has been issued*, shall be subject to semiannual safety inspection.

* * *

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

(a) General rule.—Except as otherwise provided in this section, no motor vehicle required to bear current registration plates issued by this Commonwealth *and no farm vehicle with a gross weight or gross vehicle weight rating of greater than 17,000 pounds for which a biennial certificate of exemption has been issued* shall be driven and no trailer required to bear current registration plates issued by this Commonwealth shall be moved on a highway and no mass transit vehicle shall be operated unless the vehicle displays a currently valid certificate of inspection issued under this 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] No vehicle [or vehicles of], combination or load which has a size or weight exceeding the limitations provided in this chapter [or any] and no vehicle [or vehicles], combination or load which [are] is not so constructed or equipped as required in this title or the regulations of the department[.] shall be operated or moved upon any highway of this Commonwealth, unless permitted as provided in this title by the department or local authority with respect to highways and bridges under their respective jurisdictions. Failure to obtain a permit prior to the operation or movement of such a vehicle, combination or load shall subject the owner, lessee and operator of the vehicle or combination to the institution of summary criminal proceedings by citation for any violations of this part.**

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§ 4907. Penalty for violation of chapter.

(a) **General rule.**—Any person violating any provision of this chapter for which a penalty is not otherwise provided **[is guilty of] commits** a summary offense and shall, upon conviction, be sentenced to pay a fine of **[not less than \$50 nor more than \$100.] \$300 for each violation.**

(b) **Penalty for violation of permit.**—Any person whose vehicle, combination or load is in violation of or not in compliance with any condition of a permit and any person who violates or fails to comply with any condition of a permit while operating or transporting a vehicle, combination or load, in addition to any other violation prohibited by this chapter, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500 for each violation.

(c) **Penalty for violation of multijurisdictional permit.**—Any person who violates or fails to comply with any provision of a permit issued under section 6146.1 (relating to multijurisdictional permit agreement), in addition to any other violation prohibited by this title, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500 for each violation.

(d) **Penalty for operation with an invalid permit.**—Any person who operates or moves an oversize or overweight vehicle, combination or load with an expired, void or invalidated permit, in addition to any other violation prohibited by this chapter, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000 for each violation.

Section 8. Section 4921 of Title 75 is amended by adding a subsection to read:

§ 4921. Width of vehicles.

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(c.1) Motor homes or recreational trailers.—Any motor home or recreational trailer may have a total outside width not to exceed eight feet six inches.

* * *

Section 9. Section 4962(c) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 4962. Conditions of permits and security for damages.

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(c) Revocation of permit.—A permit shall be revocable for cause and shall be subject to summary confiscation or invalidation as provided by departmental regulations.

* * *

(g) Penalty.—Any person who operates or moves or attempts to operate or move an oversize or overweight vehicle, combination or load under an altered, forged or counterfeited permit, in addition to any other violation prohibited by this title, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$5,000 for each violation.

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

§ 4973. *Permits for movement of a mobile home or a modular housing unit and modular housing undercarriage.*

(a) General rule.—A permit may be issued under this section for movement of a mobile home or a modular housing unit that exceeds 14 feet in body width but which does not exceed 16 feet in width.

(b) Conditions.—A vehicle, combination or load permitted under this section shall be operated under such conditions as specified by the department pursuant to section 4962 (relating to conditions of permits and security for damages). A mobile home or modular housing unit which exceeds 14 feet in body width may not exceed 80 feet, including hitch, in home unit length or 14 feet 6 inches in height.

(c) Equipment.—In addition to the requirements of this title and departmental regulations, a mobile home that is wider than 14 feet in body width or a modular housing undercarriage which is carrying a modular housing unit that is wider than 14 feet in body width shall be equipped as follows:

(1) the mobile home or modular housing undercarriage shall have at least four axles;

(2) each wheel on a mobile home or modular housing undercarriage shall be equipped with operable brakes; and

(3) the tires on a mobile home or modular housing undercarriage may not carry a weight in excess of the tire manufacturer's rating as marked on the sidewall of the tire.

(d) Pilot cars.—In addition to the conditions of this title and departmental regulations, a vehicle, combination or load permitted under this section that is wider than 14 feet in body width shall be accompanied by two pilot cars on all highways, with one pilot car leading the permitted

motor vehicle and one pilot car following the permitted vehicle or combination.

(e) Restricted travel periods.—A vehicle, combination or load permitted under this section that is wider than 14 feet in body width shall be moved only from 9:00 a.m. to sunset on Monday, Tuesday, Wednesday and Thursday and from 9:00 a.m. to 12 noon on Friday. Movement under this section is not authorized at any time on Saturday or Sunday or during any holiday period specified in departmental regulations or the permit.

§ 6117. Authority of qualified employees of department and Department of Revenue.

Employees of the department, the Department of Revenue and the Pennsylvania Public Utility Commission who have completed a training program approved by the respective secretaries of both departments shall be authorized to institute criminal proceedings by citation under the Pennsylvania Rules of Criminal Procedure for violations of the provisions of Chapters 13 (relating to registration of vehicles), 21 (relating to motor carriers road tax identification markers), 96 (relating to motor carriers road tax) and 98 (relating to motorbus road tax).

Section 11. Section 7134(d) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 7134. Odometer disclosure requirements.

* * *

(d) Other acceptable disclosure forms.—Either an odometer mileage statement, approved by the United States Secretary of Transportation pursuant to [Public Law 94-364, Title IV, § 406, July 14, 1976 (90 Stat. 983, 15 U.S.C. 1988(a))] section 1988 of the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, 15 U.S.C. § 1988), or a Pennsylvania ownership transfer document, approved by the department, which includes the odometer disclosure information as prescribed in subsection (a) shall be deemed to satisfy all the requirements for the content and form of odometer mileage statements. Nothing in this subsection shall exempt a dealer or motor vehicle auction company from the provisions of section 7135 (relating to odometer mileage statement retention).

(d.1) Secure power of attorney.—The department shall permit a licensed dealer to use a secure power of attorney to transfer a vehicle when the certificate of title is encumbered with a lien. Prior to transferring the vehicle, the dealer shall obtain from the transferor a secure power of attorney authorizing the dealer to transfer to the title all information pertaining to odometers that is required to be disclosed by this title and Federal law, in lieu of the transferor providing such information on the certificate of title. In addition to any other documents required by the department, the dealer shall submit to the department the following:

(1) If the transferred vehicle is a retail sale and is to be titled in this Commonwealth, the dealer shall submit the secure power of attorney

attached to the application for title, along with the certificate of title and the established fee.

(2) If the transferred vehicle is to be titled outside of this Commonwealth, the dealer shall submit to the department the secure copy of the secure power of attorney attached to a copy of the certificate of title and the established fee.

(3) If the transferred vehicle is to be transferred to another licensed dealer, the first transferor dealer shall submit to the department the secure copy of the secure power of attorney attached to a copy of the certificate of title and the established fee.

Additional transfers between licensed dealers shall be permitted in accordance with section 1113 (relating to transfer to or from manufacturer or dealer). No more than one secure power of attorney shall be utilized with the certificate of title during this authorized transfer process. Upon application for certificate of title, the secure power of attorney utilized to verify odometer information when the vehicle was encumbered with a lien shall be submitted with the certificate of title.

** * **

Section 12. In pursuing the directives of section 8(a) of the act of December 16, 1992 (P.L.1250, No.166), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the implementation and administration of an enhanced vehicle emission inspection program; further providing for administrative duties of the Department of Transportation for certain services and the Department of Environmental Resources; providing for an alternative fuels grant program; establishing the Alternative Fuels Incentive Grant Fund; and making an appropriation," the Department of Transportation is authorized to contract with private entities for the purpose of development, administration and operation of a system which will permit electronic transactions, payment by credit or debit card and electronic funds transfer. Contracted private entities shall be permitted to charge a reasonable fee to customers for providing these services. A third party operating a secured-host computer system interfacing with the computer system of the Department of Transportation must be bonded in an amount specified by the Department of Transportation and shall maintain transaction audit trails for a period of time specified by the Department of Transportation. The Department of Transportation shall provide a written report of its activities relating to decentralized motor vehicle and driver's license transaction services to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives by January 10, 1995.

Section 13. (a) North Radcliffe Street in Bristol Township, Bucks County from the boundary of Bristol Township and Bristol Borough on the south to the boundary of Bristol Township and Tullytown Borough on the north is hereby adopted as a State highway.

(b) The Township of Bristol is hereby relieved of all responsibility for maintenance of North Radcliffe Street as described in subsection (a).

Section 14. Section 8(a)(5) and (b)(1) of the act of December 16, 1992 (P.L.1250, No.166), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the implementation and administration of an enhanced vehicle emission inspection program; further providing for administrative duties of the Department of Transportation for certain services and the Department of Environmental Resources; providing for an alternative fuels grant program; establishing the Alternative Fuels Incentive Grant Fund; and making an appropriation," is repealed.

Section 15. This act shall take effect as follows:

(1) The amendment or addition of 75 Pa.C.S. §§ 102, 1103.1, 1302, 1335(a), 1336, 1352, 1376, 1510(b) and (g), 1535(b), 1924, 1951, 1955, 1961, 4702(a) and (b), 4703(a), 6117 and 7134 shall take effect in 60 days.

(2) The amendment of 75 Pa.C.S. § 1533 shall take effect in 120 days.

(3) The remainder of this act shall take effect immediately.

APPROVED—The 7th day of December, A.D. 1994.

ROBERT P. CASEY