

## No. 1995-48

## AN ACT

## SB 800

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for terminal rental adjustment clauses, for delay of suspension, revocation or disqualification and for funds; and further providing for the powers and duties of the State Treasurer, for annual hauling permits, for prohibiting use of hearing impairment devices, for fines for reckless driving and for permit for movement during course of manufacture.

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

Section 1. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

**§ 1139. Terminal rental adjustment clauses.**

*Notwithstanding any other provision of law, a lease agreement which pertains to the commercial use of a motor vehicle or trailer and which includes a terminal rental adjustment clause does not create a sale or security interest merely because the terminal rental adjustment clause provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the actual value of the motor vehicle or trailer upon lease termination or sale or other disposition of the motor vehicle or trailer. Actual value shall be determined as agreed upon by the parties. This section is not applicable to a consumer lease agreement pertaining to a motor vehicle or trailer leased or used primarily for personal, family or household purposes.*

**§ 1555. Delay of suspension, revocation or disqualification.**

*(a) General rule.—Upon receiving certification that a person has filed a timely appeal from a criminal conviction that has caused the department to issue a notice of suspension, revocation or disqualification, the department may delay commencement of the suspension, revocation or disqualification for a period of up to six months. It shall be the responsibility of the person to obtain from the court in which the appeal was filed a statement which certifies that the person filed a timely appeal from the conviction and to forward the certification to the department, accompanied by a request for the six-month delay from the department.*

*(b) Additional delay.—A person may obtain an additional six-month delay if the person obtains and forwards to the department an additional certification from the court that the appeal is still pending before the court.*

*(c) Period of delay.—An initial or additional six-month period of delay shall be measured from the date on which the court certifies that the appeal is pending before it.*

**§ 1905. Payments to special funds.**

**(a) Power and duty of State Treasurer.**—In accordance with the act of April 9, 1929 (P.L.343, No.176), known as *The Fiscal Code*, the State Treasurer shall administer the designated funds of the department.

**(b) Zoological Enhancement Fund.**—Fifteen dollars of each fee received under section 1355 (relating to zoological plates) shall be credited to the Zoological Enhancement Fund, created as follows:

**(1) There is hereby established a special account in the Treasury Department which shall be known as the Zoological Enhancement Fund. The purpose of the Zoological Enhancement Fund is to assist Commonwealth nonprofit zoological institutions accredited by the American Zoo and Aquarium Association and licensed by the United States Department of Agriculture to fulfill their conservation, education and recreation missions to the citizens of this Commonwealth.**

**(2) All moneys in the Zoological Enhancement Fund are hereby annually appropriated to the Department of Commerce and may be expended for the purposes authorized under this subsection.**

**(3) Estimates of amounts to be expended under this subsection shall be submitted to the Governor by the Department of Commerce for his approval.**

**(4) The State Treasurer shall not honor any requisition for expenditures by the Department of Commerce in excess of estimates approved by the Governor or in excess of the amount available for the purposes for which the requisition was made, whichever is the lesser amount.**

Section 2. Sections 1943(c), 3314, 3326(c), 4962(f) and 4968 of Title 75 are amended to read:

**§ 1943. Annual hauling permits.**

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**(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 during course of manufacture), shall be [\$50 for oversized movements and \$400 for overweight movements.] as follows:

**(1) Oversized movements - \$100.**

**(2) Overweight movements:**

**(i) Movements not exceeding 100,000 pounds gross weight - \$400.**

**(ii) Movements in excess of 100,000 pounds gross weight - \$500, plus \$100 for each mile of highway authorized under the permit.**

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**§ 3314. Prohibiting use of hearing impairment devices.**

**(a) General rule.**—No driver shall operate a vehicle while wearing or using one or more headphones[,] or 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, *nor does it prohibit the use of a headset in conjunction with a cellular telephone that only provides sound through one ear and allows surrounding sounds to be heard with the other ear*, nor does it prohibit the use of communication equipment by the driver of [a fire] *an emergency* vehicle or by motorcycle operators complying with section 3525 (relating to protective equipment for motorcycle riders).

§ 3326. Duty of driver in construction and maintenance areas.

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(c) Fines to be doubled.—The fine for any of the following violations, when committed in a construction or maintenance area manned by workers acting in their official capacity, shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3112 (relating to traffic-control signals).

Section 3114 (relating to flashing signals).

Section 3302 (relating to meeting vehicle proceeding in opposite direction).

Section 3303 (relating to overtaking vehicle on the left).

Section 3304 (relating to overtaking vehicle on the right).

Section 3305 (relating to limitations on overtaking on the left).

Section 3306 (relating to limitations on driving on left side of roadway).

Section 3307 (relating to no-passing zones).

Section 3309 (relating to driving on roadways laned for traffic).

Section 3310 (relating to following too closely).

Section 3323 (relating to stop signs and yield signs).

Section 3326 (relating to duty of driver in construction and maintenance areas).

Section 3361 (relating to driving vehicle at safe speed).

Section 3362 (relating to maximum speed limits).

Section 3702 (relating to limitations on backing).

Section 3714 (relating to [reckless] *careless* driving).

Section 3715 (relating to restriction on alcoholic beverages).

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

*Section 3736 (relating to reckless driving).*

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§ 4962. Conditions of permits and security for damages.

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(f) When loads permitted.—Only vehicles and combinations permitted under the following provisions shall be authorized to carry or haul loads while operating under the permit:

Section [4961(a)(6)] *4961(a)(2), (3) and (6)* (relating to authority to issue permits).

Section [4965(2)] *4965* (relating to single permits for multiple-highway crossings).

*Section 4968 (relating to permit for movement during course of manufacture).*

Section 4970(b) (relating to permit for movement of construction equipment).

*Section 4974 (relating to permit for movement of containerized cargo).*

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§ 4968. Permit for movement during course of manufacture.

(a) *Annual permit.*—An annual permit may be issued authorizing movement on highways of boats, trailers, mobile homes, modular housing units and undercarriages, helicopters, *hot ingots*, railway equipment and rails or other articles, vehicles or combinations which exceed the maximum height, width or length specified in Subchapter B (relating to width, height and length) or combinations carrying *raw milk or flat-rolled* steel coils *or hot ingots* which exceed the maximum weight specified in Subchapter C (relating to maximum weights of vehicles) while they are in the course of manufacture and entirely within the control of the manufacturer, subject to the following provisions:

(1) Except for articles and vehicles not exceeding 102 inches in width, no permit shall be issued under this section for movement of articles or vehicles while they are in transit from the manufacturer to a purchaser or dealer or for the movement of articles or vehicles upon a freeway.

(2) Articles and vehicles not wider than 102 inches may be moved any distance on a permit. Articles and vehicles wider than 102 inches but not in excess of ten feet in width may be moved up to 50 miles on a permit. Wider articles and vehicles may be moved no farther than ten miles on a permit.

(3) A combination of vehicles which is hauling *flat-rolled* steel coils may be permitted by the department *and local authorities* to move upon specified [State] highways *within their respective jurisdiction* a distance not exceeding [ten] 25 miles[, provided, however, that] *if* the gross weight [shall] *does* not exceed 100,000 pounds [nor shall] *and* the weight of any *nonsteering* axle *does not* exceed 21,000 pounds. No permit may be issued for this type of movement upon [a freeway] *an interstate highway*.

(3.1) *A combination of vehicles which is hauling raw milk to a manufacturer in this Commonwealth may be permitted by the department and local authorities to move upon specified highways within their respective jurisdiction if the gross weight does not exceed 95,000 pounds and if the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.*

*(3.2) A combination of vehicles which is hauling a hot ingot may be permitted by the department and local authorities to move upon specified highways within their respective jurisdiction a distance not exceeding 25 miles if the gross weight does not exceed 150,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds.*

(4) A permit may be denied *or revoked* in order to preserve the safety of highway users or to protect the structural integrity of highways or bridges or as otherwise authorized by department regulations.

*(b) Definition.—As used in this section, the term “raw milk” shall have the meaning given to it in the act of July 2, 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law.*

Section 3. This act shall take effect in 60 days.

APPROVED—The 6th day of July, A.D. 1995.

THOMAS J. RIDGE